CITY COUNCIL ZONING AGENDA
Monday, July 21, 2014

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

6:00PM – Zoning Meeting
Meeting Chamber

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT www.rezoning.org
DINNER MEETING AGENDA
Monday, July 21, 2014

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>2</td>
<td>2014-019 (Decision)</td>
<td>Charlotte-Mecklenburg Planning Department – Corrective rezoning on Salome Church Rd</td>
<td>Deferral 2–months (to September 15, 2014) Protest - Sufficient</td>
</tr>
<tr>
<td>3</td>
<td>2014-021 (Decision)</td>
<td>Charlotte-Mecklenburg Planning Department – Text amendment for Mobile farmer’s markets</td>
<td>Deferral 2–month (to September 15, 2014)</td>
</tr>
<tr>
<td>4</td>
<td>2014-027 (Decision)</td>
<td>Charlotte-Mecklenburg Planning Department – Dunavant Street between Remount Road and Merve Place</td>
<td>Deferral 1 month (to September 15, 2014)</td>
</tr>
<tr>
<td>17</td>
<td>2013-094</td>
<td>Halvorsen Development Corporation – Prosperity Church Road and Ridge Road</td>
<td>Deferral 3 months (to October 20, 2014) Protest - TBD</td>
</tr>
<tr>
<td>18</td>
<td>2014-003 (Hearing)</td>
<td>George M. Macon – Southeast corner at the intersection of Ardrey Kell Road and Marvin Road</td>
<td>Deferral 2 month (to September 15, 2014) Protest - Insufficient</td>
</tr>
<tr>
<td>19</td>
<td>2014-044</td>
<td>C. Grey Poole – Park Road at Woodlawn and Montford Drive</td>
<td>Withdrawal</td>
</tr>
<tr>
<td>20</td>
<td>2014-049</td>
<td>SBBH, LLC – Morrison Boulevard at SouthPark Drive and Sharon Road</td>
<td>Deferral 2 months (to September 15, 2014)</td>
</tr>
<tr>
<td>33</td>
<td>2012-090</td>
<td>Charlotte-Mecklenburg Planning Department – Text amendment for Board of Adjustment</td>
<td>Withdrawal</td>
</tr>
</tbody>
</table>

MISCELLANIOUS REQUESTS AND INFORMATION

<table>
<thead>
<tr>
<th>Item #</th>
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<th>Petitioner/Description</th>
<th>Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>2014-031 (Decision)</td>
<td>Wilkison Partners, LLC – Southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive</td>
<td>New Public Hearing in September Protest - Sufficient</td>
</tr>
<tr>
<td>15</td>
<td>2014-050</td>
<td>Copper Builders, Inc and Cambridge Properties, Inc. – Carmel Road and Colony Road</td>
<td>Protest - Insufficient</td>
</tr>
<tr>
<td>27</td>
<td>2014-063</td>
<td>Pulte Home Corporation – Atherton at Euclid and Marshall Place</td>
<td>Protest - TBD</td>
</tr>
</tbody>
</table>

2. Follow-Up Report – Tammie Keplinger

3. Rezoning Cases of Special Interest – Tammie Keplinger

4. Area plan status and text amendment Update – Debra Campbell
### Zoning District Acronyms

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district (old district)
- **BD** – business park district
- **CC** – commercial center district
- **HW** – hazardous waste
- **I-1** – light industrial district
- **I-2** – general industrial district
- **INST** – institutional district
- **MUDP** – mixed use development district
- **MX-1** – mixed use district
- **MX-2** – mixed use district
- **MX-3** – mixed use district
- **NS** – neighborhood services district
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-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 district
- **RE-2** – research district
- **RE-3** – research district
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-M** – transit oriented development – mixed use
- **TOD-R** – transit oriented development – residential
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential – commercial

### Zoning Overlay District Acronyms

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **LNW** – Lake Norman watershed overlay
- **LNWCA** – Lake Norman watershed – overlay, critical area
- **LNWWPA** – Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed – overlay, protected area
- **MILW** – Mountain Island Lake watershed overlay
- **MILWCA** – Mountain Island Lake watershed – overlay, critical area
- **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 district
- **INNOV** – innovative standards
- **SPA** – site plan amendment
- **O** – optional provisions

### Miscellaneous Other Acronyms

- **CAG** – citizen advisory group
- **CDOT** – Charlotte Department of Transportation
- **FEMA** – Federal Emergency Management Agency
- **LED** – light emitting diode
- **NCDOT** – North Carolina Department of Transportation
- **PCCO** – Post Construction Control Ordinance
## ZONING DECISIONS

### 1. Petition No. 2013-090 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to create new definitions and regulations for eating, drinking and entertainment establishments by replacing definitions and regulations for restaurants, nightclubs, bars and lounges. Allows eating, drinking and entertainment establishments by right or with prescribed conditions in the following zoning districts: multi-family, UR-2 (urban residential), UR-3 (urban residential), UR-C (urban residential, commercial), institutional, research, office, business, MX-1 (mixed use), MX-2 (mixed use), MX-3 (mixed use), MUDD (mixed use development), UMUD (uptown mixed use), CC (commercial center), NS (neighborhood services), TOD (transit oriented development), U-I (urban industrial), industrial, PED (pedestrian overlay) and TS (transit supportive overlay). An exemption process is added, including criteria to be eligible to apply for a Certificate of Exemption when an existing eating, drinking, and entertainment establishment cannot meet the proposed separation distance requirements.

This petition is found to be consistent with the Centers, Corridors and Wedges Growth Framework Plan goals and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a vote of 6-0 of the Zoning Committee. The Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:

1. Modify Section 12.546(2)(a) by allowing the minimum separation distance in the MUDD (mixed use development), UMUD (uptown mixed use), TOD (transit oriented development) and TS (transit supportive) zoning districts to be reduced as an optional provision if three conditions are met. The new subsection shall read as follows:

   Minimum 100 foot separation distance in the MUDD, UMUD, TOD and TS zoning districts. The minimum required separation distance cannot be reduced as an optional provision unless the following conditions are met:

   i. There are no principal residential structures within 225 feet of the portion of the property line along which the reduction is being requested;
   
   ii. The optional request includes zoning conditions to mitigate the impact of a reduction in the separation distance including but not limited to: elevation changes, structures located between the outdoor use and the property line, enhanced screening and buffering, and noise reduction features; and
   
   iii. The optional request does not reduce the separation distance requirement by more than 50%.

Staff recommends approval of this petition.

Attachment 1

### 2. Petition No. 2014-019 (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for two parcels approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road from CC (commercial center) to R-4 (single family residential).

The Zoning Committee voted 6-0 to defer this petition to the July 30, 2014 meeting.

Staff is requesting this petition be deferred to September 15, 2014.

Attachment 2
| Defer to September | 3. **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 6-0 to **DEFER** this petition to their July 30, 2014 meeting.  

Staff is requesting a two-month deferral to allow time to consider modifications to the text amendment.  

Attachment 3 |
| Defer to September | 4. **Petition No. 2014-027** (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for two parcels approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place from I-2 (general industrial) to TOD-M (transit oriented development, mixed).  

Note: The petitioner has requested a deferral of this decision until September 15, 2014.  

This petition is found to be consistent with the *New Bern Transit Station Area Plan* and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee.  

Staff recommends approval of this petition.  

Attachment 4 |
| 5. **Petition No. 2014-029** (Council District 6 - Smith) by Kyle Short for a change in zoning for approximately 1.58 acres located on the south side of East Woodlawn Road between Old Woods Road and Fairbluff Place from R-4 (single family residential) to UR-2(CD) (urban residential, conditional).  

This petition is found to be consistent with the *Park Woodlawn Area Plan* and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:  

1. Specified maximum building height as three stories.  
2. Specified permitted uses as multi-family residential.  
3. Showed and labeled Class “C” buffer. Specified that buffer will be developed per Class “C” buffer standards.  
4. Amended Development Summary to reflect a 14-foot setback.  
5. Amended the sidewalk along the internal street to six feet.  
6. Labeled and indicated the dimensions of the area between the private internal street and the sidewalk as a two-foot planting strip.  
7. Provided a note that the curb along the internal private street will be standard curb (not roll curb).  
8. Provided a six-foot planting strip between the sidewalk and the private street the full length of the area beside unit 1.  
9. Indicated the maximum height of the retaining wall will be eight feet.  
10. Correctly measured and labeled the 14-foot setback along E. Woodlawn Road as being measured from the back of the future curb.  
11. Revised General Provisions Note #1, last sentence, as follows: “Where specified conditions on this plan differ from ordinance, standards, in existence at the time of formal engineering plan review submission, the more restrictive shall apply.”  
12. Eliminated the following sentence in General Provisions Note #2: “The Site Plan is schematic in nature and represents a firm concept of development with regard to the arrangement of buildings, parking and circulation patterns.”  
13. Noted that the finished side of the proposed privacy fence will face the adjacent
properties.
14. Noted that the stucco or masonry wall along the rear of the buildings backing up to Woodlawn Road will contain gated openings for private access from the street, will be 60 inches in height above grade, and will feature decorative pilasters every 20 feet maximum on center.
15. Provided the following renderings as viewed from E. Woodlawn Road: typical image of exterior, typical image of end unit, and views from adjacent yards with and without tree plantings.
16. Removed tree save area that was located in the right-of-way along E. Woodlawn Road.
17. Submitted plan to Fire Marshall for review as the fire access as shown may be an issue that would dramatically alter the site plan. Fire Department commented that additional information will be needed and possible tweaking may be warranted.
18. Specified two-car garages for the two single family detached dwellings, with a shared driveway.
19. Labeled right-of-way along E. Woodlawn Road to be dedicated.
20. Correctly labeled five-foot side yard at rear of property as a 10-foot rear yard.
21. Addressed CDOT comment by adding by dedicating 50 feet of right-of-way measured from the existing centerline along the site’s public frontage on Woodlawn Road. The additional 16-foot right-of-way on E. Woodlawn Road will be dedicated and conveyed to CDOT.
22. Addressed Engineering and Property Management comments by providing a minimum 15-foot wide drainage easement clear of required buffers and structures.
23. Labeled all tree save areas to ensure compliance with the minimum 15 percent tree save requirement.
24. Removed guest parking from location on proposed private street as it violates Fire Code.

Staff recommends approval of this petition.

Attachment 5

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<tr>
<th>New Public Hearing</th>
<th>Protest Sufficient</th>
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<tr>
<td><strong>6.</strong> Petition No. 2014-031 (Outside City Limits) by Wilkison Partners, LLC for a change in zoning for approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie Critical Area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie Critical Area).</td>
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Note: 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.

The Zoning Committee voted 6-0 to recommend to City Council that the changes to this petition are significant and that a new public hearing should be held.

Staff recommends that a new public hearing should be held.

Attachment 6

| **7.** Petition No. 2014-035 (Council District 4 - Phipps) by Electrolux North America, Inc. for a change in zoning for approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive from RE-2 (research) to RE-3-O (research, optional) and O-1(CD) (office, conditional), with five-year vested rights. |

This petition is found to be consistent with the University Research Park Area Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:

1. Provided clarity on the proposed amount and type of retail by limiting retail sales to 70,000 square feet of uses allowed in the B-1 district, and prohibiting a single retail
2. Provided a six-foot sidewalk along David Taylor Drive approximately 525 feet from proposed Street #1 (Electrolux Way) to the eastern property line. Staff has rescinded this request due to topographical issues.

3. Complied with transportation requirements resulting from the review of the traffic impact study by listing the improvements by phase:
   a) Phase I
      i) Construction of Electrolux Way;
      ii) Improvements at the intersection of W. T. Harris Boulevard and Research/IBM Drive;
      iii) Improvements at the intersection of Mallard Creek Road and Governor Hunt Road;
      iv) Improvements at the intersection of Mallard Creek Church Road and Claude Freeman Drive;
      v) Improvements at the intersection of Research Drive and David Taylor Drive; and
      vi) Improvements at the intersection of Electrolux Way and David Taylor Drive.
   b) Phase II
      i) Construction of Public Street #2;
      ii) Improvements at the intersection of Mallard Creek Road and Governor Hunt Road;
      iii) Improvements at the intersection of Mallard Creek Church Road and Claude Freeman Drive;
      iv) Improvements at the intersection of Mallard Creek Church Road and Senator Royall Place; and
      v) Improvements at the intersection of David Taylor Drive and Governor Hunt Drive/Existing Access “B.”

4. Provided clarity on the optional request for detached directional signs by specifying two detached identification signs up to 50 square feet of sign area and seven feet in height, and two detached directory signs up to 24 square feet and up to five feet in height.

5. Provided clarity on the width of the existing sidewalk connections to the site from Claude Freeman Drive by showing and labeling four-foot and six-foot proposed additions to an existing four-foot sidewalk, and noted that an on-site walking trail/sidewalk for use of the employees will be provided that runs between Claude Freeman Drive and David Taylor Drive. There is no existing sidewalk along the site’s frontage on Claude Freeman Drive.

6. Refer to Public Street #1 as Electrolux Way.

7. Delineated and labeled Development Area 2A.

8. Amended optional provisions as follows:
   a) Added 2(a)(iv) to specify that retail sales uses and restaurants located in Development Area 2A will not be allowed to provide parking between the building and public street #2.
   b) Amended 2(c) to state that public urban open space requirements will not be met with private urban open space if retail sales and restaurant uses are located in Development Area 2A.
   c) Amended Note 2(e) to request a 24-foot setback along Public Street #2.
   d) Amended Note 2(f) to not require a six-foot sidewalk along the majority of David Taylor Drive, and to allow a sidewalk to be provided along portions of David Taylor Drive and Claude Freeman Drive; this sidewalk will be connected to the existing pedestrian trail along Claude Freeman Drive.
   e) Amended Note 2(g) to exempt retail sales and restaurant uses located within Development Area 2A from the request to not require doorways to be recessed into the face of buildings.
   f) Amended Note 2(h) to exempt retail sales and restaurant uses located within Development Area 2A from the request to not require each building façade oriented to a street to have an operable pedestrian entrance.

9. Improvements to existing on-site pedestrian tunnel include repair of bridge, provision of eight-foot wide concrete sidewalk on each side, and repair of lighting inside tunnel. Existing on-site pedestrian trail will be maintained by Electrolux.
10. Providing a CATS waiting pad on David Taylor Drive and Claude Freeman Drive.
11. Limited to only one accessory drive-through window on the site.
12. Amended phasing requirements to allow a certificate of occupancy for up to 390,000
    square feet to be allowed upon substantial completion of Phase I transportation
    improvements.
13. Amended phasing requirements to allow a certificate of occupancy for up to 968,874
    square feet upon substantial completion of Phase II transportation improvements.
14. Limited building height within Development Areas 1 and 2 to 150 feet exclusive of roof
    top mechanical equipment and screens or devices to screen roof top structures or
    equipment.

Staff recommends approval of this petition.

Attachment 7

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8. **Petition No. 2014-039** (Council District 1 - Kinsey) by John M. Meyer for a change in
   zoning for approximately 0.145 acres located along North Davidson Street between East
   35th Street and East 36th Street from B-1 (neighborhood business) to MUDD-O (mixed use
   development, optional).

   This petition is found to be consistent with the Blue Line Extension Station Area Plan and
to be reasonable and in the public interest, based on information from the staff analysis
and the public hearing by a 6–0 vote of the Zoning Committee. The Committee voted 6-0
to recommend **APPROVAL** of this petition with the following modifications:

   1. Specified that an eight-foot sidewalk is to be provided as shown on the site plan.
   2. Decreased the amount of exterior seating from 3,100- square feet to 1,578-square
      feet, thus reducing the area of expansion.
   3. Amended the wording for note III a. 2. to say "14’ setback reduced from 16’ setback
      as specified in the MUDD district.”
   4. Removed the label and line for the existing 20-foot setback from sheet 2 Site Layout.

Staff recommends approval of this petition

Attachment 8

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9. **Petition No. 2014-040** (Council District 6 - Smith) by Sardis Road Land Co., LLC for a
   change in zoning for approximately 5.05 acres located on the east side of Sardis Road
   between Waverly Hall Road and Chevron Road from INST(CD) (institutional, conditional) to
UR-1(CD) (urban residential, conditional).

   This petition is found to be inconsistent with the South District Plan but to be reasonable and
in the public interest, based on information from the staff analysis and the public hearing by a
5-1 vote of the Zoning Committee. The Committee voted 5-1 to recommend **APPROVAL**
of this petition with the following modifications:

   1. Note number four under "Access and Transportation” has been removed.
   2. Eight-foot planting strips and six-foot sidewalks have been provided along all public
      street frontages.
   3. Lots have been modified to show that storm water detention facilities will be placed
      in common areas and not on private lots.
   4. Sidewalks connections for lots 8, 9, have been shown to comply with Section
   5. A Wetlands Letter has been provided to Engineering and Property Management.
   6. A minimum spacing distance and number of pedestrian lights has been provided.
   7. A detail of the brick wall showing the height of the retaining walls along the site’s
      frontage has been provided.
   8. The request for on-street parking has been rescinded by staff.

Staff recommends approval of this petition.

Attachment 9
10. **Petition No. 2014-041** (Council District 2 - Austin) by Dominion Investments Properties, LLC for a change in zoning for approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road from I-1 (light industrial) to I-2(CD) (general industrial, conditional).

   This petition is found to be consistent with the *Northeast District Plan* and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

   1. A note has been added that all uses in the I-1 district along with contractor’s office with outdoor storage shall be allowed.
   2. All the allowed uses have been placed in one section on the site plan.
   3. A note has been added that “freestanding light will be fully shielded and downwardly directed.”
   4. Detached lighting has been limited to 20 feet in height.
   5. Transportation issue has been addressed with a note that CDOT will review the proposed location of the second proposed driveway along Pete Brown Road.

   Staff recommends approval of this petition.

   Attachment 10

11. **Petition No. 2014-045** (Council District 7 - Driggs) by Parag Patel for a change in zoning for approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).

   This petition is found to be consistent with the *South District Plan* and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

   1. Amended legend and site development data to reflect the rezone area as 5.5 acres and delineated the 1.35 acre area of proposed expansion.
   2. Amended boundaries of development to reflect entire 5.5 acres. Delineated area of proposed expansion with the boundary.
   3. Addressed Charlotte-Mecklenburg Storm Water Services comments by removing Note 7B and replacing it with the following "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance." Removed the note stating "area subject to PCCO storm water regulations" on sheet RZ-3.

   Staff recommends approval of this petition.

   Attachment 11

12. **Petition No. 2014-046** (Council District 2 - Austin) by The Housing Partnership for a change in zoning for approximately 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place from R-22MF (multi-family residential) to UR-2(CD) (urban residential, conditional).

   This petition is found to be consistent with the *Central District Plan* and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

   1. Added notes committing to the following design standards:
      a. Buildings along public and private streets shall have clear glass windows, glass and doors that face these respective streets. The walls of the buildings facing
these streets shall be varied with a frequency of windows, doors and other architectural treatments. Long expanses of blank walls with no openings and minimal changes in material or architectural treatment over 20’ long will not be allowed. Blank walls shall be treated with some combination of landscaping, building articulation, varied building façade planes, canopies, pedestrian oriented lights, public art or other similar treatment.

b. The principal buildings constructed on the site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.

c. Residential buildings that front on a public or private street will be designed with buildings entrances that face the abutting public or private street, except that buildings with frontage on two streets (either public or private or two legs of a roundabout) may have an entrance to only one street.

d. Meter banks, BFP’s and other similar utilities will be screened where visible from public view at grade level.

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

2. Included the conceptual renderings provided with the 2008 rezoning.
3. Removed UR-2(CD) from Developments Note 1c (Existing and Proposed Zoning).
4. Corrected the label in Development Area 11, which refers to Development Area 9.
5. Addressed CATS comments adding a note that states the petitioner will retain existing bus stop location and that new pad detail 60.01B will be coordinated during the review and permit process.
6. Addressed Neighborhood and Business Services comments by noting setbacks on site plan.
7. Addressed Transportation comments by providing the following:
   a) Removed the "Proposed Right-In/Right-Out" note from the site plan, allowing for the final access management treatment of this intersection to be determined by CDOT and NCDOT during the driveway permit process.
   b) Incorporated the public street alignment as per May 21, 2014 meeting with CDOT.
8. Removed all references to UR-2 (CD) as existing zoning from the site plan.

Staff recommends approval of this petition

Attachment 12

13. **Petition No. 2014-047** (Council District 3 - Mayfield) by Hopper Communities for a change in zoning for approximately 3.21 acres located on the west side of Youngblood Street between Remount Road and Griffith Street and across from Poindexter Drive from I-2 (general industrial) and TOD-M(CD) (transit oriented development mixed use, conditional) to TOD-MO (transit oriented development, mixed use, optional).

This petition is found to be consistent with the New Bern Transit Station Area Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-1 vote of the Zoning Committee. The Committee voted 5-1 to recommend **APPROVAL** of this petition with the following modifications:

1. Removed optional provision (b), which is not needed because the driveways and garages shown on the site plan open onto alleys and not public or private streets.
2. Removed optional provision (c), as it is not needed with this request. TOD allows 1.6 parking spaces per unit plus a 25% bonus for structured parking, which equals 2 spaces per unit. Garage parking has been determined to be structured parking, so the option is not needed.
3. Installed eight-foot planting strip with trees and eight-foot sidewalk along Youngblood Street frontage and both sides of proposed public street.
4. Added a note stating that windows will be provided on all levels of the end units visible from Youngblood Street and the proposed public street.
5. Noted that garages will be 5 feet to 7 feet deep from the edge of the alley.
6. Screened the ends of alleys from Youngblood Street with architectural and/or landscape screening.
7. Provide typical building elevations for front, back and sides. **Staff has rescinded this comment as the petitioner has provided additional architectural standards and the project will undergo TOD review.**
8. Provided a note that states that the proposed six-foot high fence will be opaque and made of wood or vinyl material, or a composite. In addition, brick or stone columns will be inserted at approximately 60’ on center along the fence line.
9. Noted the common open areas on the site plan.

Staff recommends approval of this petition.

Attachment 13

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<tr>
<th>14. Petition No. 2014-048</th>
<th>by Marsh Euclid Apartments, LLC</th>
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<tbody>
<tr>
<td>(Council District 1 - Kinsey) for a change in zoning for approximately 2.99 acres generally surrounded by South Caldwell Street, Lexington Avenue, Euclid Avenue, and Templeton Avenue from O-2 (office) and TOD-MO (transit oriented development-mixed use, optional) to TOD-MO (transit oriented development-mixed use, optional) and TOD-MO SPA (transit oriented development-mixed use, optional, site plan amendment).</td>
<td></td>
</tr>
</tbody>
</table>

This petition is found to be consistent with the **South End Transit Station Area Plan** and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Addressed CDOT issue by reducing the curb extensions to five-feet allowing two 10-foot traffic lanes and 5-foot wide on-street parking on both sides of Lexington Avenue.
2. Revised note 3.d. to say 68 linear feet.

Staff recommends approval of this petition.

Attachment 14

<table>
<thead>
<tr>
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<tr>
<td>(Council District 6 - Smith) for a change in zoning for approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road from R-3 (single family residential) and UR-2(CD) (urban residential, conditional) to UR-2(CD) (urban residential, conditional) and UR-2(CD)SPA (urban residential, conditional, site plan amendment).</td>
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</table>

This petition is found to be consistent with the **South District Plan** and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Enhanced drawings of typical courtyard and typical drive to better reflect layout of screen wall with pedestrian gates. Deleted proposed screen walls with gated pedestrian street access that were previously shown on Carmel Road and Colony Road.
2. Showed and labeled proposed tree save areas in Phase I and Phase II that meets the 15 percent requirement. Noted that identified tree save areas where tree canopy does not exist will be replanted at a rate of 36 trees per acre. Specified undisturbed and proposed tree save areas.
3. Showed building and parking footprint for Phase 2 as a separate inset on Sheet RZ-2.

Protest Insufficient
<p>| | |</p>
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<tbody>
<tr>
<td>4.</td>
<td>Provided a typical front, side, and rear elevation for any façade that will be oriented toward a public or private street on Sheet RZ-4.</td>
</tr>
<tr>
<td>5.</td>
<td>Designed elevations for end units that front Colony Road with architectural details that create a sense of entry and develop a pedestrian scale orientation towards Colony Road.</td>
</tr>
<tr>
<td>6.</td>
<td>Amended Sheet RZ-1 to state that existing residential structure is to remain in Phase 1.</td>
</tr>
<tr>
<td>7.</td>
<td>Relabeled &quot;screen wall&quot; along Colony Road and Carmel Road as &quot;proposed site retaining wall.&quot;</td>
</tr>
<tr>
<td>8.</td>
<td>Specified acreage of Tract A and Tract B in the development data.</td>
</tr>
<tr>
<td>9.</td>
<td>Amended development data to indicate that all units in Phase I and Phase 2 shall be provided a minimum 400 square feet of private open space.</td>
</tr>
<tr>
<td>10.</td>
<td>Clarified that each single family attached unit will have a two-car garage.</td>
</tr>
<tr>
<td>11.</td>
<td>Added a note that the internal private street shall not be required to connect to Carmel Road, per determination of the Subdivision Administrator.</td>
</tr>
<tr>
<td>12.</td>
<td>Added a note that the petitioners shall install a northbound left turn lane on Colony Road prior to the issuance of the first certificate of occupancy for any single family attached dwelling unit constructed on the site.</td>
</tr>
<tr>
<td>13.</td>
<td>Added a note that a door shall not be required on the side elevation of Units 3-6, 31-32, and 34.</td>
</tr>
<tr>
<td>14.</td>
<td>Noted that the finished grade of each single family attached unit located with frontage on Carmel Road shall be a minimum of three feet below the elevation of the sidewalk located on Carmel Road.</td>
</tr>
<tr>
<td>15.</td>
<td>Added a note that any railings required to be installed on top of retaining walls along the site’s frontage on Colony Road and Carmel Road will be constructed of decorative metal.</td>
</tr>
<tr>
<td>16.</td>
<td>Provided a streetscape elevation of the proposed residential community along Colony Road.</td>
</tr>
<tr>
<td>17.</td>
<td>Provided a conceptual landscaping plan.</td>
</tr>
<tr>
<td>18.</td>
<td>Added a note that the shrubs to be located between the retaining walls and the sidewalks along the site’s frontage on Colony Road and Carmel Road will be installed during the first available planting season.</td>
</tr>
<tr>
<td>19.</td>
<td>Noted that the on-site pond will be preserved.</td>
</tr>
<tr>
<td>20.</td>
<td>Showed location of solid waste and recycling facilities.</td>
</tr>
<tr>
<td>21.</td>
<td>Relocated proposed retaining wall at the intersection of Carmel and Colony Roads out of the 35’ x 35’ sight distance triangle.</td>
</tr>
</tbody>
</table>

Staff recommends approval of this petition.

Attachment 15

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<p>| | |</p>
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This petition is found to be consistent with the **Central District Plan** and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

Attachment 16
| Defer to October | 17. **Petition No. 2013-094** (Council District 4 - Phipps) **Halvorsen Development Corporation** for a change in zoning for approximately 33.60 acres located on the west side of Prosperity Church Road across from Ridge Road from R-3 (single family residential) and CC (commercial center) to CC (commercial center) and CC SPA (commercial center, site plan amendment), with five year vested rights.  
Note: The petitioner agrees to staff’s recommendation for a deferral to October 20, 2014.  
Staff recommends a three-month deferral to October for a public hearing.  
Attachment 17 |
| Protest Sufficiency TBD |  |
| Defer to September | 18. **Petition No. 2014-003** (Council District 7 - Driggs) **by George M. Macon** for a change in zoning for approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road from R-3 (single family residential) to O-1(CD) (office, conditional).  
A community Meeting Report has not been submitted for this petition; therefore, a public hearing may not be held and the petition is automatically deferred to the September 15, 2014 meeting.  
Attachment 18 |
| Protest Insufficient |  |
| Withdraw | 19. **Petition No. 2014-044** (Council District 6 - Smith) **by C. Grey Poole** for a change in zoning for approximately 1.31 acres located on the west side of Park Road between Woodlawn Road and Montford Drive from R-4 (single family residential) & O-2 (office) to MUDD-O (mixed use development, optional).  
Note: The petitioner is requesting a withdrawal of this petition.  
Attachment 19 |
| Defer to September | 20. **Petition No. 2014-049** (Council District 6 - Smith) **by SBBH, LLC** for a change in zoning for approximately 1.53 acres located on the south side of Morrison Boulevard between South Park Drive and Sharon Road from CC (commercial center) to MUDD-O (mixed use development, optional).  
Note: The petitioner has requested a deferral of this petition to September 15, 2014.  
Staff recommends approval of the petition upon resolution of outstanding issues.  
Attachment 20 |
| 21. **Petition No. 2014-054** (Council District 5 - Autry) **by QuikTrip** for a change in zoning for approximately 2.40 acres located on the northeast corner at the intersection of North Sharon Amity Road and Central Ave from B-1 (neighborhood business) & B-1SCD (business shopping center) to B-1(CD) (neighborhood business, conditional).  
Staff recommends approval of this petition upon resolution of outstanding issues.  
Attachment 21 |
| 22. **Petition No. 2014-056** (Council District 1 - Kinsey) by Central Piedmont Community College for a change in zoning for approximately 4.19 acres generally surrounded by East 4th Street, Charlottetowne Avenue, South Torrence Street, and 3rd-4th Connector Street from B-2 (general business) to MUDD-O (mixed use development, optional) with five-year vested rights.  

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

Attachment 22 |
| --- |
| 23. **Petition No. 2014-057** (Outside City Limits) by Craig & Amy Faile for a change in zoning for approximately 0.229 acres located on the south side of York Road at the intersection of Langston Drive and York Road from R-3 LLWCA (single family residential, Lower Lake Wylie, critical area) to O-2 LLWCA (office, Lower Lake Wylie, critical area).  

Staff recommends approval of this petition.  

Attachment 23 |
| 24. **Petition No. 2014-059** (Council District 6 - Smith) by Crosland LLC & Allen Tate for a change in zoning for approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive from R-17MF (multi-family residential) to MUDD-O (mixed use development, optional).  

Staff recommends approval upon resolution of outstanding issues.  

Attachment 24 |
| 25. **Petition No. 2014-060** (Council District 1 - Kinsey) by Day Hixson for a change in zoning for approximately 0.46 acres located on the east side of North McDowell Street between East 35th Street and East 36th Street from R-5 (single family residential) to UR-1(CD) (urban residential, conditional).  

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

Attachment 25 |
| 26. **Petition No. 2014-061** (Council District 4 - Phipps) by Roman Catholic Diocese of Charlotte for a change in zoning for approximately 10.0 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).  

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

Attachment 26 |
| 27. **Petition No. 2014-063** (Council District 1 - Kinsey) by Pulte Home Corporation for a change in zoning for approximately 2.68 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place from R-5 (single family residential) and B-2 (general business) to UR-2(CD) (urban residential, conditional).  

Staff does not support this petition in its current form.  

Attachment 27 |

<p>| Protest Sufficiency | TBD |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Petition No.</th>
<th>(Council District)</th>
<th>by</th>
<th>for a change in zoning for approximately</th>
<th>Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>28.</td>
<td>2014-065</td>
<td>4 - Phipps</td>
<td>Nasir Ahmad</td>
<td>2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road from RE-3 (research) to RE-3 SPA (research, site plan amendment).</td>
<td>28</td>
</tr>
<tr>
<td>29.</td>
<td>2014-066</td>
<td>1 - Kinsey</td>
<td>Levine Properties, Inc.</td>
<td>0.094 acres of existing right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard from R-5 (single family residential) to B-1(PED) (neighborhood business, pedestrian overlay).</td>
<td>29</td>
</tr>
<tr>
<td>30.</td>
<td>2014-067</td>
<td>Kinsey</td>
<td>Aldersgate United Methodist Retirement Community, Inc.</td>
<td>91.31 acres located on the south side of Shamrock Drive across from Glenville Avenue and the east side of Eastway Drive across from Dunlavin Way from R-17MF (multi-family residential) and INST(CD) (institutional, conditional) to INST(CD) (institutional, conditional) and INST(CD) SPA (institutional, conditional, site plan amendment).</td>
<td>30</td>
</tr>
<tr>
<td>31.</td>
<td>2014-069</td>
<td>Outside City Limits</td>
<td>Novant Health</td>
<td>81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and I-485 from INST(CD) (institutional, conditional) and B-1(CD) (neighborhood business, conditional) to O-2(CD) (office, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment).</td>
<td>31</td>
</tr>
<tr>
<td>32.</td>
<td>2014-070</td>
<td>3 - Mayfield</td>
<td>Charlotte-Mecklenburg Planning Department</td>
<td>0.63 acres located on the east side of South Church Street between West Summit Avenue and West Bland Street from I-2 (general industrial) to TOD-M (transit oriented development-mixed).</td>
<td>32</td>
</tr>
<tr>
<td>33.</td>
<td>2012-090</td>
<td>Outside City Limits</td>
<td>Charlotte-Mecklenburg Planning Department</td>
<td>A Text Amendment to the City of Charlotte Zoning Ordinance to 1) allow the Board of Adjustment to have jurisdiction to hear and decide variances from specific standards of the MUDD (mixed use development), UMUD (uptown mixed use), PED (pedestrian overlay) and TS (transit supportive overlay) zoning districts; 2) remove restrictions that prohibit the Board of Adjustment from hearing an appeal with respect to an interpretation of, or decision made by, the Zoning Administrator regarding the TOD (transit oriented development) or PED (pedestrian overlay) development and urban design standards; and 3) allow the Board of Adjustment to have the authority to consider variances related to the number and size of permissible signs in a conditional district.</td>
<td>33</td>
</tr>
</tbody>
</table>

Withdraw
REQUEST

SUMMARY OF PETITION
1. The petition updates current definitions and regulations for nightclubs, bars, restaurants, and lounges which were established in 1981.
2. Recommends consolidating the names of nightclubs, bars, restaurants, and lounges into one name “Eating, Drinking and Entertainment Establishments”.
3. Creates new definitions of eating, drinking, and entertainment establishments:
   a. Type I-establishment where food and beverages (excluding alcohol) are served and indoor or outdoor entertainment are allowed.
   b. Type II-establishment where food and beverages are served (including alcohol) and indoor or outdoor entertainment are allowed.
4. Eliminates separation requirements when all activities of the eating, drinking and entertainment establishment are totally enclosed within the building.
5. Establishes separation requirements from a single family use (single family, duplex, triplex or quadraplex) or vacant lot when located in a single family zoning district when the use has an outdoor eating/activity area, where food and alcoholic beverages are consumed between the hours of 11:00 p.m. and 8:00 a.m., and there is no outdoor entertainment.
6. Creates additional separation requirements based on zoning when the use has outdoor entertainment that occurs between the hours of 11:00 p.m. and 8:00 a.m.
7. Creates a Certificate of Exemption process to minimize impacts on existing nightclubs, bars, restaurants, and lounges that cannot meet the proposed separation standards from a residential use (single family, duplex, triplex or quadraplex) or a vacant lot when located in a single family zoning district. The process includes a notification process of property owners within the separation distance, a written comment period, and an appeals process.

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING
Meeting is not required.

STATEMENT OF CONSISTENCY
This petition is found to be consistent with the Centers, Corridors and Wedges Growth Framework Plan goals and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a vote of 6-0 of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Allen).

ZONING COMMITTEE ACTION
The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modification:
1. Modify Section 12.546(2)(a) by allowing the minimum separation distance in the MUDD (mixed use development), UMUD (uptown mixed use), TOD (transit oriented development) and TS (transit supportive) zoning districts to be reduced as an optional provision if three conditions are met. The new subsection shall read as
Minimum 100-foot separation distance in the MUDD, UMUD, TOD and TS zoning districts. The minimum required separation distance cannot be reduced as an optional provision unless the following conditions are met:

i. There are no principal residential structures within 225 feet of the portion of the property line along which the reduction is being requested;

ii. The optional request includes zoning conditions to mitigate the impact of a reduction in the separation distance including but not limited to: elevation changes, structures located between the outdoor use and the property line, enhanced screening and buffering, and noise reduction features; and

iii. The optional request does not reduce the separation distance requirement by more than 50%.

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

ZONING COMMITTEE DISCUSSION
Staff provided a summary of the text amendment, noting changes made to the text since the public hearing.

A question was asked about the proposed separation distances and the fact that the 100-foot separation distance in the MUDD (mixed use development), UMUD (uptown mixed use), TOD (transit oriented development) and TS (transit supportive) zoning districts could not be reduced through an optional provision. A Commissioner pointed out that without a change in the proposed text amendment, the separation distance would stand. Staff confirmed that this was correct.

Several Commissioners asked about the Certificate of Exemption process. If a property was sold, does the exemption run with the current use? If the ownership changes, does the exemption go away? What if the use goes out of business? Staff responded that a use that receives a Certificate of Exemption may not move, expand, enlarge or change the outdoor seating/activity area or building(s), as either existed as of January 1, 2013. A new owner would be able to continue the business in the same fashion as it was established on January 1, 2013. Staff added that if the use is visibly discontinued for more than 12 months, the exemption would be revoked.

A Commissioner voiced concern about not being able to reduce the separation distance requirement. Staff responded that if there were very specific recommendations that would protect single family neighborhoods, staff would be comfortable with adding a provision to allow a reduction in the separation distance requirement through an optional rezoning process. This would allow dialogue with adjacent neighborhoods.

A Commissioner asked if draft language had been presented to staff. Staff responded that the person who introduced the modification is present in the audience. Staff also stated that the community advisory group was notified about the concern voiced by one person at the public hearing, and the proposed modification was provided for their review and response back to staff. Only one response was received that recommended staying with the staff version, as the respondent felt the modification was too complex.

The Commission suspended its rules to ask Collin Brown to introduce his proposed modification, which includes three conditions that would allow a rezoning with an optional provision in MUDD (mixed use development).
development), UMUD (uptown mixed use), TOD (transit oriented development) and TS (transit supportive) zoning districts. Mr. Brown noted that this modification would give Council the option to consider a rezoning with a reduction in the separation distance.

Staff is comfortable with the proposed change, because it narrows down the possible locations to only a few. Staff noted that this modification would not apply in the PED (pedestrian overlay) zoning district.

A question was asked about the 225-foot separation distance to a residential structure. Staff said 225 feet is a larger separation than the 100 feet proposed. A Commissioner asked if the 225-foot separation distance requirement could be removed. Staff replied that the 225-foot separation distance requirement should be part of the recommendation.

A Commissioner stated that she was uncomfortable with the modifications being suggested this late, and with one person at the public hearing changing the amendment in the eleventh hour. She stated she supports the staff version without the change.

Another Commissioner noted this is what the Commission and Council do. There sometimes are eleventh hour changes that are reasonable. The Commission should consider recommending approval of the text amendment with the recommended change, and sending it to Council for action.

Another Commissioner asked if the vote on this text amendment can be delayed. Staff responded that Council wants the amendment to move forward, but the Commission could hold a special meeting. Otherwise, Council action would be delayed until the end of September.

A Commissioner stated she was uncomfortable with a text amendment that was not in the final form, but trusted the Director to add the correct modifications. Another Commissioner added that the minutes could be included in the motion.

There were no further questions.

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**FINAL STAFF ANALYSIS**

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

**PLANNING STAFF REVIEW**

- **Background**
  - It has become increasingly difficult to determine differences between nightclubs, bars, restaurants, and lounges. Uses that once primarily served food, i.e. restaurants, now offer in addition to food, alcoholic beverages and provide forms of entertainment both inside and outside of the establishment. In contrast, uses that once provided mostly entertainment now serve food.
  - For example, the current definition in the Zoning Ordinance of a "restaurant" does not include the word "entertainment" nor does the ordinance include a definition of the word "entertainment."
  - The lack of clarity as to whether a restaurant can have any amount of entertainment could make restaurants in Charlotte that provide entertainment indoors or outside illegal.
  - To address the ambiguity in the definitions, in 2011, a Community Advisory Group (CAG) was charged with reviewing the issues associated with nightclubs, bars, restaurants, and lounges in terms of the definitions of these uses, and associated prescribed conditions. The group met four times then stopped due to revisions being made to the Noise Ordinance and confusion caused by the two efforts being undertaken simultaneously.
In 2013, the Community Advisory Group was reconvened and six meetings were held beginning in January. Participants consisted of restaurant, bar and nightclub operators and owners, entertainment group representatives, residents, neighborhood and business association members, attorneys, musicians, and other interested parties.

Staff also held 11 additional public outreach meetings specifically directed at neighborhood associations to present the text amendment and receive feedback on the proposed changes. Staff has held two additional public outreach meetings for Dilworth and Elizabeth, after the public hearing.

A public hearing was held on February 17, 2014. Text amendment changes made since the public hearing are considered substantial. A second public hearing was held on June 16, 2014.

This text amendment proposes to:
1) adequately define the uses;
2) develop standards to allow these uses to exist near residential areas in a way that minimizes adverse impacts; and
3) provide flexibility to business establishments.

**Proposed Request Details**

The text amendment contains the following provisions:

- Replaces references to “restaurants”, “cafés”, “outdoor cafés”, “nightclubs”, and “bars and lounges”, with “Eating, Drinking and Entertainment Establishments.”

- Adds new definitions for two types of Eating, Drinking and Entertainment Establishments:
  - **Type 1 Eating, Drinking and Entertainment Establishment:** An establishment where food is prepared and beverages may be provided, excluding alcohol. Indoor and outdoor entertainment may be provided.
  - **Type 2 Eating, Drinking and Entertainment Establishment:** An establishment where any alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment. [Excluded are adult establishments, athletic and sports facilities, conference centers, cultural facilities, hotels and motels, and recreational facilities approved as part of a residential development plan, and similar uses, and uses exempt in accordance with the Alcohol Beverage Commission standards.]

- Adds definitions for Entertainment, Outdoor Entertainment and Outdoor Seating/Activity areas.

- Allows Eating, Drinking and Entertainment Establishments in most zoning districts by-right or under prescribed conditions.

- Adds new prescribed conditions for Type 2 Eating, Drinking and Entertainment Establishments:
  - **If food and beverages are consumed in an outdoor seating/activity area at any time between the hours of 11 p.m. and 8 a.m.:**
    - Minimum 100-foot separation distance is required between the outdoor seating/activity area and the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district.
    - If the separation distance cannot be met, a Class “A” buffer shall be provided along all corresponding property line(s).
  - **If outdoor entertainment occurs at any time between the hours of 11 p.m. and 8 a.m.:**
    - Minimum 100-foot separation distance in the mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development – mixed-use (TOD-M); and transit supportive overlay (TS) districts. The minimum separation distance cannot be reduced as an optional provision unless the following conditions are met:
      - There are no principal residential structures within 225 feet of the portion of the property line along which the reduction is being requested.
      - The optional request includes zoning conditions to mitigate the impact of a reduction in the separation distance including, but not limited to: elevation changes, structures located between the outdoor use and the property line, enhanced screening and buffering, and noise reduction features; and
      - The optional request does not reduce the separation distance requirement by more than 50%.
    - Minimum 250-foot separation distance in the pedestrian overlay district (PED). The minimum separation distance cannot be reduced as an optional provision. Nightclub, bar, lounge and Type 2 Eating, Drinking and Entertainment Establishments located in a pedestrian overlay district shall meet the separation
distance standards established in an approved Pedscape Plan.

- Minimum 400-foot separation distance in the urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); office (O-1, O-2, and O-3); neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood services (NS); mixed use (MX-2 and MX-3); light industrial (I-1); and general industrial (I-2) districts.
- Adds a Certificate of Exemption application process for eligible establishments that cannot meet the separation distance requirements:
  - The establishment must meet criteria to be eligible to apply for a Certificate of Exemption.
  - A written notification of an application for a Certificate of Exemption shall be sent to property owners located within the designated separation distance. These owners may submit written comments to the Planning Director within 15 days of the date of notification.
  - The Planning Director, or designee, is authorized to issue a Certificate of Exemption and establish administrative processes for such issuance.
  - A written notice about the decision on the Certificate of Exemption shall be sent to the property owners within the separation distance.
  - An appeal process is established for land owners or property owners of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located within the specified separation distances.
  - Establishments that receive a Certificate of Exemption shall maintain compliance with applicable land use and development laws, including, zoning laws and urban design standards for the district in which the use is located.
  - Certificate of Exemptions may be revoked only after written notice and a reasonable opportunity to remedy the violation.

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

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Pre-Hearing Staff Analysis
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Charlotte Fire Department 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:** Eating, Drinking and Entertainment Establishments 7-2-14 2013-90

**Purpose/Background:** The purpose of this text amendment is to create new definitions and regulations for Eating, Drinking and Entertainment Establishments by replacing definitions and regulations for restaurants, nightclubs, bars and lounges, and allowing Eating, Drinking and Entertainment Establishments in a number of zoning districts. In some instances they will be allowed by-right, and in others they will be allowed under prescribed conditions. The districts where these uses will be allowed are multi-family (R-8MF, R-12MF, R-17MF, R-22MF and R-43MF); urban residential (UR-2 and UR-3); urban residential – commercial (UR-C); institutional (INST); research (RE-1, RE-2, and RE-3); office (O-1, O-2, and O-3); business (B-1, B-2, BD and BP); mixed use (MX-1, MX-2 and MX-3); mixed use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); urban industrial (I-1); light industrial (I-2); and in the pedestrian overlay district (PED); and transit supportive overlay district (TS). In addition, this text amendment creates new prescribed conditions for certain Eating, Drinking and Entertainment Establishments where alcohol is consumed and creates a Certificate of Exemption process, including criteria to be eligible to apply for a Certificate of Exemption when an existing Eating, Drinking and Entertainment Establishment cannot meet the separation distance requirements.

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Definitions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td>Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets.</td>
<td>Adds new definitions to replace “restaurants” and “nightclubs”: • <strong>Eating, Drinking and Entertainment Establishment, Type 1</strong> - An establishment where food is prepared and beverages may be provided, excluding alcohol. Indoor and outdoor entertainment may be provided. • <strong>Eating, Drinking and Entertainment Establishment, Type 2</strong> - An establishment where any alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment. Excluded from the Type 2 Eating, Drinking and Entertainment Establishment are adult establishments, athletic and sports facilities, conference centers, cultural facilities, hotels and motels, and recreational facilities approved as part of a residential development plan, and similar uses, and uses exempt in accordance with the Alcohol Beverage Commission standards.</td>
</tr>
<tr>
<td>Restaurant</td>
<td>An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages</td>
<td>Adds additional definitions to clarify terms: • <strong>Entertainment</strong> - Entertainment means any activity or game that is live, broadcast, or recorded, including, but not limited to, dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance. • <strong>Outdoor Entertainment</strong> - Outdoor entertainment means any activity or game that is live, broadcast, or recorded, including dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance which occurs on the premises of, but outside, an Eating, Drinking and Entertainment Establishment. Entertainment occurs outdoors when it is outside a permanent enclosed area, contained by permanent walls and a permanent roof of the establishment.</td>
</tr>
<tr>
<td>Other Definitions</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>
**Districts Allowed**

**Restaurants:**
- Allowed by-right in urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); business (B-1, B-2, BD and BP); mixed-use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); urban industrial (U-I); light industrial (I-1); general industrial (I-2) zoning districts.
- Allowed with prescribed conditions in multi-family (R-8MF, R-12MF, R-17MF, R-22MF and R-43MF); institutional (INST); research (RE-1 and RE-2); office (O-1, O-2 and O-3); and mixed use (MX-1, MX-2 and MX-3) zoning districts.
- Allowed in the pedestrian overlay district (PED) and transit supportive overlay district (TS) when allowed in the underlying district.

**Nightclubs:**
- Allowed with prescribed conditions in the research (RE-3); neighborhood business (B-1); general business (B-2); mixed use (MX-2 and MX-3); mixed use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); light industrial (I-1); and general industrial (I-2) zoning districts.
- Allowed in the pedestrian overlay district (PED) and transit supportive overlay district (TS) when allowed in the underlying district.

**Outdoor Seating/Activity Area** - Outdoor seating/activity area means any area outside the permanent building, including without limitation, patios, decks, rooftops, open areas, or parking lots where food or beverages are consumed or entertainment takes place.

**Changes the terminology from “restaurants” and “nightclubs” to “Eating, Drinking and Entertainment Establishments”. Type 1 and 2 are differentiated.**

**Expands the zoning districts where Type 2 Eating, Drinking and Entertainment Establishments are allowed:**

**Eating, drinking and entertainment establishments - Type 1**
- Allowed by-right in the urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); mixed use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); urban industrial (U-I); light industrial (I-1); and general industrial (I-2) zoning districts.

**Eating, drinking and entertainment establishments - Type 2**
- Allowed under prescribed conditions in the urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); office (O-1, O-2 and O-3); neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); mixed use (MX-2 and MX-3); mixed use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development – residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); light industrial (I-1); and general industrial (I-2) zoning districts.

- Allows Type 1 Eating, Drinking and Entertainment Establishments in the same zoning districts as restaurants are allowed.
- Expands the districts [office (O-1, O-2 and O-3)] where Type 2 Eating, Drinking and Entertainment Establishments are allowed only when the use is located in a hotel/motel or office building.
- Adds two business districts [distributive business (BD) and business park (BP)] where Type 2 Eating, Drinking and Entertainment Establishments are allowed under prescribed conditions.
- Clarifies that Type 2 Eating, Drinking and Entertainment Establishments are allowed in the mixed use (MX-2 and MX-3) zoning districts.
## Prescribed Conditions for Restaurants/Eating, Drinking and Entertainment Establishments – Type 1

<table>
<thead>
<tr>
<th>Prescribed Conditions for Restaurants/Eating, Drinking and Entertainment Establishments - Type 1</th>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
</table>
| Restaurants are allowed in the following zoning districts, subject to the following prescribed conditions: | Multi-family (R-8MF, R-12MF, R-17MF, R-22MF and R-43MF) and Mixed Use (MX-1, MX-2 and MX-3) districts:  
- Located in a multi-family building with at least 50 units.  
- No more than 25 square feet per dwelling unit allowed, up to a maximum of 10,000 square feet.  
- No public entrance from outside the building.  
- No display of merchandise visible from outside the building. | • Changes the terminology from “restaurants” to “Eating, Drinking and Entertainment Establishments - Type 1”.  
• No changes to prescribed conditions for Eating, Drinking and Entertainment Establishments - Type 1. | • Creates updated definitions  
• Maintains existing prescribed conditions for Type 1 Eating, Drinking and Entertainment Establishments. |
| Institutional (INST) district:  
- Principal use of the lot is institutional of at least 30,000 square feet.  
- Restaurant no more than 10% of the gross floor area of all buildings on the lot, and not more than 25% of the ground floor area.  
- Restaurant located in the same building as the principal use.  
- No display of merchandise shall be visible from outside the building.  
- One wall sign: 16 square feet maximum. | | |
| Research (RE-1 and RE-2) districts:  
- Principal use of the lot is office, distributive business, research laboratories, pilot plants, prototype production plants or other production facilities of at least 30,000 square feet.  
- Restaurant no more than 10% of the gross floor area of all buildings on the lot, and not more than 50% of the ground floor area.  
- Restaurant located in the same building as the principal use or if located in a separate building, the use will be designed and intended for the primary use of persons employed by the principal use.  
- No display of merchandise permitted outside the building.  
- One wall sign: 16 square feet maximum. | | |
| Office (O-1, O-2 and O-3) districts:  
- Restaurants allowed in a multi-family building with at least 50 units: | | |
- No more than 25 square feet per dwelling unit allowed, up to a maximum of 10,000 square feet.
- No public entrance from outside the building.
- Restaurants allowed in Hotels/Motels with at least 75 rental units Limited to 75 sq. ft. per rental unit.
- No display of merchandise shall be visible from outside the building
- Restaurants allowed in office buildings:
  - Principal use of the lot is office uses with at least 30,000 square feet.
  - Restaurant occupies no more than 10% of the gross floor area of all buildings on the lot, and not more than 50% of the ground floor area. Restaurants located in the pedestrian overlay (PED) zoning district shall occupy no more than 20% of the gross floor area and only locate on the ground floor.
  - Restaurant must be in the same building as the principal use [except in the pedestrian overlay development (PED) zoning district].
  - No display of merchandise shall be visible from outside the building housing the use.
  - One wall sign: 16 square feet maximum.

Business Districts:
- Restaurants with drive-in service allowed only in the general business (B-2) zoning district.

<table>
<thead>
<tr>
<th>Prescribed Conditions for Nightclubs, Bars and Lounges/Eating, Drinking and Entertainment Establishments – Type 2</th>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prescribed Conditions for Nightclubs, bars and lounges/Eating, Drinking and Entertainment Establishments - Type 2</td>
<td>Nightclubs, bars and lounges are allowed in the following zoning districts, subject to the following prescribed conditions:</td>
<td>• Modifies, and in some cases reduces the separation distance for Eating, Drinking and Entertainment Establishments – Type 2, and makes them consistent across all zoning districts.</td>
<td>• Sets one set of separation distance standards for all Type 2 Eating, Drinking and Entertainment Establishments in all zoning districts.</td>
</tr>
<tr>
<td></td>
<td>• Neighborhood business (B-1); general business (B-2); and neighborhood services (NS): The use shall be located at least 400’ from any residential use or residential district.</td>
<td>• Adds new prescribed conditions.</td>
<td>• Separation distances are based on the provision of food</td>
</tr>
<tr>
<td></td>
<td>• Research (RE-3): The use shall be at least 400’ from any residential district.</td>
<td>• Clarifies that Eating, Drinking and Entertainment Establishments – Type 2 with an accessory drive-in service window and/or outdoor service window having indoor seating for fewer than 50 patrons are not permitted in the commercial center (CC) zoning district. This aligns with current regulations in Section 12.413.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Commercial center (CC): The use shall be at least 400’ from any residential structure or residential district external</td>
<td>• Adds an exemption/certification process for existing uses.</td>
<td></td>
</tr>
</tbody>
</table>

The proposed prescribed conditions are as follows:
to the commercial center (CC) district.

- Mixed use development (MUDD) and uptown mixed use (UMUD): The establishment shall be at least 100’ from any residential structure located in a residential district.

- Pedestrian overlay district (PED): The use shall be at least 400’ from any residential use in a residential district or from a residential district. The distance may be reduced in a streetscape plan approved by City Council.

- Transit oriented development (TOD): The use shall be located at least 200’ from any residential structure in a residential district.

- Transit supportive overlay (TS): As per underlying district.

- Light industrial (I-1): Establishment limited to 70,000 sq. ft.

- General industrial (I-2): Establishment limited to 25,000 sq. ft.

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**Eating, Drinking and Entertainment Establishments - Type 2**

(1) If food or beverages are consumed in an outdoor seating/activity area at any time between the hours of 11:00 p.m. and 8:00 a.m., the use is subject to one of the following prescribed conditions:

(a) The outdoor seating/activity area shall be separated by a distance of at least 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district; or

(b) If the outdoor seating/activity area is less than 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district, then the outdoor seating/activity area shall be separated by a Class A buffer along all corresponding side and rear property line(s).

(2) If outdoor entertainment occurs at any time between the hours of 11:00 p.m. and 8:00 a.m., then the following minimum separation distances from a single family use (single family, duplex, triplex or quadraplex) or vacant lot when located in a single family zoning district shall be met, based on the zoning district in which the use is located:

(a) Minimum 100-foot separation distance in the mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); and transit supportive overlay (TS) zoning districts. The minimum required separation distance cannot be reduced as an optional provision through the rezoning process unless the following conditions are met:

i. There are no principal residential structures within 225 feet of the portion of the property line along which the reduction is being requested;

ii. The optional request includes zoning conditions to mitigate the impact of a reduction in the separation distance including but not limited to: elevation changes, structures located between the outdoor use and the property line, enhanced screening and buffering, and noise reduction features; and

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and beverages in an outdoor seating/activity area and/or the provision of outdoor entertainment, when either occurs between 11 p.m. and 8 a.m.

- Prescribed conditions protect residential uses in single family districts, including vacant lots.

- An exemption/certification process adds flexibility for existing uses.
iii. The optional request does not reduce the separation distance requirement by more than 50%.

(b) Minimum 250-foot separation distance in the pedestrian overlay district (PED). The minimum required separation distance cannot be reduced as an optional provision through the rezoning process. Nightclub, bar, lounge and Type 2 Eating, Drinking and Entertainment Establishments located in a PED zoning district shall meet the separation distance standards established in an approved Pedscape Plan.

(c) Minimum 400-foot separation distance in the urban residential (UR-2 and UR-3); urban residential-commercial (UR-C); research (RE-3); office (O-1, O-2 and O-3); neighborhood business (B-1); general business (B-2); distributive business (BD); business park (BP); commercial center (CC); neighborhood services (NS); mixed-use (MX-2 and MX-3); light industrial (I-1); and general industrial (I-2) zoning districts.

Distances shall be measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district.

(3) Certificate of Exemption

(a) Business establishments that would have met each of the following criteria as of January 1, 2013 are eligible to apply for a Certificate of Exemption, the issuance of such Certificate shall constitute an exemption from the separation distance requirements:
1. Met the definition of a Type 2 Eating, Drinking and Entertainment Establishment;
2. Had an outdoor seating/activity area located within the required separation distances; and
3. Provided outdoor entertainment between the hours of 11:00 p.m. and 8:00 a.m.

(b) The Planning Director, or designee, is authorized to issue a Certificate of Exemption and to establish administrative processes for such issuance.

(c) Notification of Application for Certificate of Exemption.
1. The Planning Director, or designee, shall mail a written
notice and a copy of the submitted Certificate of Exemption application to property owners located within the designated separation distance. Written comments may be submitted to the Planning Director, or designee, within 15 days of the date of notification.

2. The Planning Director, or designee, shall mail a written notice informing property owners within the designated separation distance of the decision (approval or denial) of the Certificate of Exemption.

(d) A Certificate of Exemption shall be issued if the following criteria apply:

1. A Type 2 Eating, Drinking and Entertainment Establishment is, as of the date of application, in compliance with all applicable land use and development laws, including without limitation, zoning laws and urban design standards for the district in which the use is located; and

2. Either of the following applied to the Type 2 Eating, Drinking and Entertainment Establishment, on or after January 1, 2013:

   i. The Type 2 Eating, Drinking and Entertainment Establishment abuts a public right-of-way that is 60 feet or greater in width; or

   ii. A building of at least 1,900 square feet (excluding single-family, duplex, triplex, and quadraplex buildings) is located between the outdoor seating/activity area of the Type 2 Eating, Drinking and Entertainment Establishment, and a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district. The building can be located either on- or off-premise.

(e) A Type 2 Eating, Drinking and Entertainment Establishment must apply for a Certificate of Exemption within ninety (90) days from the date the Planning Director provides written notice to a Type 2 Eating, Drinking and Entertainment Establishment affected by the separation distances or within one (1) year from the date this ordinance becomes law, whichever first occurs. A pending variance petition shall stay enforcement of the application limitation period. The Planning Department shall make reasonable efforts to notify
directly affected businesses of the enactment of this ordinance.

(f) For a Type 2 Eating, Drinking and Entertainment Establishment that receives a Certificate of Exemption, the outdoor seating/activity area or building(s), as either existed as of January 1, 2013, may not be moved, expanded, enlarged, or changed. Routine repair and maintenance is permitted.

(g) If a Type 2 Eating, Drinking and Entertainment Establishment receiving a Certificate of Exemption fails to maintain compliance with the requirements for the Certificate or the conditions represented or specified in its application for exemption, the Planning Director may revoke the Certificate of Exemption. Such revocation shall occur only after written notice and a reasonable opportunity to remedy the violation.

(h) Any Type 2 Eating, Drinking and Entertainment Establishment building or outdoor seating/activity area exempted that is destroyed or damaged by fire, flood, wind, other acts of God, may be repaired or restored to its original dimensions and conditions as they existed on January 1, 2013 if a building permit for the repair or restoration is issued within 12 months of the date of damage.

(i) The Certificate of Exemption shall be revoked for any Type 2 Eating, Drinking and Entertainment Establishment that has visibly discontinued use as a Type 2 Eating, Drinking and Entertainment Establishment for 12 consecutive months or obtains an approved change of use.

(j) The issuance of a Certificate of Exemption shall not otherwise excuse a violation of federal, state, or local laws and regulations, including the development and urban design standards of the zoning district in which the use is located.

(k) The land owner where the Certificate of Exemption is being requested, or a property owner of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) located within the specified separation distance, may appeal a denial, approval or revocation of a Certificate of Exemption. Such appeal must be filed with the Zoning Board of Adjustment within thirty (30) days from the date of such action.
<table>
<thead>
<tr>
<th>Watershed Overlay Districts</th>
<th>The discharge of industrial process treated wastewater does not include wastewater from restaurants.</th>
<th>Replaces the term “restaurants” with “eating, drinking and entertainment establishments”.</th>
<th>Updates terminology.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parking</strong></td>
<td><strong>Existing parking requirements by zoning district:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Transit oriented development (TOD):</strong></td>
<td>Replaces the term “restaurants/nightclub” with “eating, drinking and entertainment establishments”.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minimum of 1 parking space per 150 sq. ft. of restaurant/nightclub for sites within 800’ of single family zoning. For all other sites: No minimum, but a maximum of 1 space per 75 sq. ft.</td>
<td>No changes to the vehicular parking requirements. No changes to the short-term bike parking requirements. Modifies the long-term bike parking requirements to include Type 2 Eating, Drinking and Entertainment Establishments at a requirement of 2 spaces or 1 per 10,000 square feet.</td>
<td></td>
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<tr>
<td></td>
<td><strong>Pedestrian overlay district (PED) and research (RE-3):</strong></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Minimum of 1 parking space per 125 sq. ft. for restaurants, nightclubs, bars and lounges.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td><strong>All Other Districts:</strong></td>
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<tr>
<td></td>
<td>Minimum of 1 space per 75 sq. ft. for restaurants, nightclubs, bars and lounges.</td>
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<tr>
<td></td>
<td>Minimum of 2 long-term bike parking spaces or 1 per 10,000 sq. ft. for restaurants. None required for nightclubs.</td>
<td></td>
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<tr>
<td></td>
<td>Minimum of 5% of auto parking for short-term bike parking spaces for restaurants, nightclubs, bars and lounges.</td>
<td></td>
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</tr>
<tr>
<td>Location of required parking</td>
<td>Restaurants located within the area bounded by Route 4 and I-85 and which do not include a drive-in service window shall provide minimum required parking spaces within 800’ of the restaurant site.</td>
<td>Removes the 800’ requirement.</td>
<td>Adds flexibility.</td>
</tr>
<tr>
<td>Buffers – Restaurants/ Eating, Drinking and Entertainment Establishments - Type 1</td>
<td><strong>Buffer standards for Restaurants:</strong></td>
<td>No changes to the buffer requirements for Eating, Drinking and Entertainment Establishments – Type 1, except terminology.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Class B buffer required when a restaurant (up to 50,000 sq. ft.) abuts a single family or multi-family use or zoning district.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Class C buffer required when a restaurant (up to 50,000 sq. ft.) abuts a low intensity institutional use (examples: elementary school, day care, nursing home, civic, social and fraternal organizations), institutional zoning district, or park and greenway.</strong></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td><strong>Class C buffer required when a restaurant (over 50,000 sq. ft.) abuts a medium or high intensity institutional use</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Updates terminology.
Buffers – Nightclubs, Bars and Lounges/Eating, Drinking and Entertainment Establishments - Type 2

<table>
<thead>
<tr>
<th><strong>Buffer standards for Nightclubs, Bars and Lounges:</strong></th>
<th><strong>Miscellaneous</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• <strong>Class B buffer</strong> required when the use abuts a single family or multi-family use or zoning district or abuts a low intensity institutional use.</td>
<td>• References to “restaurants”, “nightclubs”, and “nightclubs, bars and lounges” “café’s”, and “outdoor café’s”.</td>
</tr>
<tr>
<td>• <strong>Class C buffer</strong> required when the use abuts a medium to high intensity institutional use or zoning district or parks and greenways (ex: Middle school, government buildings, hospitals, religious institutions, stadiums).</td>
<td>• Replaces references to “restaurants”, “café’s”, “outdoor café’s” and “nightclubs, bars and lounges”, with “Eating, Drinking and Entertainment Establishments”. In some instances, Type 1 and Type 2 are noted.</td>
</tr>
</tbody>
</table>

• No changes to the buffer requirements for Eating, Drinking and Entertainment Establishments – Type 2, except terminology.

• Updates terminology and provides clarity by identifying the use in the table, rather than categorizing it under “Other business uses”.

• Updates terminology.
AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE – ZONING ORDINANCE

ORDINANCE NO.

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

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

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

   a. Amend Section 2.201, “Definitions” by removing the definition for “nightclubs”, “restaurants” and replacing them with two new definitions for “Eating, Drinking and Entertainment Establishments”. Add new definitions for “outdoor entertainment”, “outdoor seating/activity area”, and “entertainment”. Modify the definition for “shopping center” and “restaurant, drive-in” by replacing the term “restaurant” with “Eating, Drinking and Entertainment Establishment”. Also remove the term, “in whole, or in part” from the definition of “restaurant – drive in”. All other definitions remain unchanged. The amended and new definitions shall read as follows:

   Drive-in Restaurant. Eating, Drinking and Entertainment Establishment. (See Restaurant Eating, Drinking and Entertainment Establishment, drive-in.)

   Nightclubs:

   Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets.

   Eating, Drinking and Entertainment Establishment, Type 1.

   An establishment where food is prepared and beverages may be provided, excluding alcohol. Indoor and outdoor entertainment may be provided.

   Eating, Drinking and Entertainment Establishment, Type 2.

   An establishment where any alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment. Excluded from the Type 2 Eating, Drinking and Entertainment Establishment are adult establishments, athletic

   Revised 7-8-14 with Zoning Committee recommendation

Petition No. 2013-90
Petitioner: Charlotte-Mecklenburg Planning Department

Revised 7-8-14 with Zoning Committee recommendation
and sports facilities, conference centers, cultural facilities, hotels and motels, and recreational facilities approved as part of a residential development plan, and similar uses, and uses exempt in accordance with the Alcohol Beverage Commission standards.

Entertainment.

Entertainment means any activity or game that is live, broadcast, or recorded, including, but not limited to, dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance.

Outdoor Entertainment.

Outdoor entertainment means any activity or game that is live, broadcast, or recorded, including dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance which occurs on the premises of, but outside, an Eating, Drinking and Entertainment Establishment. Entertainment occurs outdoors when it is outside a permanent enclosed area, contained by permanent walls and a permanent roof of the establishment.

Outdoor Seating/Activity Area.

Outdoor seating/activity area means any area outside the permanent building, including without limitation, patios, decks, rooftops, open areas, or parking lots where food or beverages are consumed or entertainment takes place.

Restaurant.

An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages.

Restaurant, Eating, Drinking and Entertainment Establishment, - drive-in.

An establishment designed, in whole or part, to accommodate the consumption of food and/or beverages in motor vehicles on the premises of such establishment, or a restaurant Eating, Drinking and Entertainment Establishment with a drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons.

Shopping center.

A group of two or more retail establishments or restaurants Eating, Drinking and
Entertainment Establishments, constructed and planned and developed with a unified design of buildings with associated out parcels and coordinated parking and service areas.

B. CHAPTER 9: GENERAL DISTRICTS

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

   a. Amend Section 9.101, “Table of Uses”, by amending Table 9.101 to replace the term “restaurant” and “nightclub, bar and lounge” with “Eating, Drinking and Entertainment Establishments”. Add “Type 1” and “Type 2” as shown. Other changes include adding “PC” to the listing under the urban residential districts. The revised table entries shall read as follows:

<table>
<thead>
<tr>
<th>MULTI-FAMILY</th>
<th>R-8MF</th>
<th>R-12MF</th>
<th>R-17MF</th>
<th>R-22MF</th>
<th>R-43MF</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFFICE &amp; BUSINESS USES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants Eating, Drinking and Entertainment Establishments (Type 1) with up to 10,000 square feet.</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>URBAN RESIDENTIAL</th>
<th>UR-1</th>
<th>UR-2</th>
<th>UR-3</th>
<th>UR-C</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFFICE &amp; BUSINESS USES</td>
<td></td>
<td>X/PC</td>
<td>X/PC</td>
<td>X/PC</td>
</tr>
<tr>
<td>Business and office uses permitted in B-1, except no drive-in windows or automotive sale, service, or repair. Maximum GFA is 50% of the ground floor area of the building in which located; each tenant or use is limited to a maximum of 3,000 square feet.</td>
<td></td>
<td>X/PC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business and office uses permitted in B-1, except no drive-in windows or automotive sale, service, or repair. Commercial uses are limited in floor area to two times the size of the building footprint. Business or office uses cannot be free-standing uses, but may be combined with residential uses in the same structure.</td>
<td></td>
<td>X/PC</td>
<td></td>
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<tr>
<td>Business and office uses (including free-standing structures, and uses located within multi-family structures) permitted in B-1, except no drive-in windows or automotive sale, service, or repair.</td>
<td></td>
<td>X/PC</td>
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<tr>
<td>INSTITUTIONAL</td>
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<tr>
<td>OFFICE &amp; BUSINESS USES</td>
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</tr>
<tr>
<td>Restaurants: Eating, Drinking and Entertainment Establishments (Type 1)</td>
<td>PC</td>
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<table>
<thead>
<tr>
<th>RESEARCH</th>
<th>RE-1</th>
<th>RE-2</th>
<th>RE-3</th>
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<td>OFFICE &amp; BUSINESS USES</td>
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<tr>
<td>Restaurants: Eating, Drinking and Entertainment Establishments (Type 1)</td>
<td>PC</td>
<td>PC</td>
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<tr>
<td>Nightclubs, bars and lounges: Eating, Drinking and Entertainment Establishments (Type 2)</td>
<td>PC</td>
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<thead>
<tr>
<th>OFFICE BUSINESS</th>
<th>O-1</th>
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<th>O-3</th>
<th>B-1</th>
<th>B-2</th>
<th>B-D</th>
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<tbody>
<tr>
<td>OFFICE &amp; BUSINESS USES</td>
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<tr>
<td>Restaurants: Eating, Drinking and Entertainment Establishments (Type 1), except for drive-in services as a principal use</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Nightclubs, bars and lounges: Eating, Drinking and Entertainment Establishments (Type 2)</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
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<tr>
<td>Restaurants in multi-family buildings</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td></td>
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<td></td>
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<tr>
<td>Restaurants in office buildings</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
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<tr>
<td>Eating, Drinking and Entertainment Establishments (Type 1) with drive-in service as a</td>
<td>X</td>
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### MIXED USE

<table>
<thead>
<tr>
<th>OFFICE &amp; BUSINESS USES</th>
<th>MX-1</th>
<th>MX-2</th>
<th>MX-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail and office establishments and restaurants, Eating, Drinking and Entertainment Establishments (Type 1) in multi-family buildings and attached buildings</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
</tr>
<tr>
<td>Eating, Drinking and Entertainment Establishments (Type 2)</td>
<td>PC</td>
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</table>

### MUDD & UMUD COMMERCIAL CENTER TRANSIT ORIENTED DEVELOPMENT

<table>
<thead>
<tr>
<th>OFFICE &amp; BUSINESS USES</th>
<th>MUDD</th>
<th>UMUD</th>
<th>CC</th>
<th>TOD-R</th>
<th>TOD-E</th>
<th>TOD-M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurants, including open air or sidewalk cafes, Eating, Drinking and Entertainment Establishments (Type 1)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants, including open air or sidewalk cafes, Eating, Drinking and Entertainment Establishments (Type 1), with no drive-through windows.</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Nightclubs, bars and lounges, Eating, Drinking and Entertainment Establishments (Type 2)</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eating, Drinking and Entertainment Establishments (Type 2), with no drive-through windows</td>
<td></td>
<td></td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
</tr>
<tr>
<td>OFFICE &amp; BUSINESS USES</td>
<td>U-1</td>
<td>I-1</td>
<td>I-2</td>
<td></td>
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</tr>
<tr>
<td>Nightclubs, bars and lounges, up to 25,000 square feet</td>
<td></td>
<td></td>
<td>PC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nightclubs, bars and lounges, up to 70,000 square feet</td>
<td></td>
<td>PC</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eating, Drinking and Entertainment Establishments (Type 1) operated by an employer on the site for the convenience of his employees only</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal services, such as banks, restaurants, or day care centers operated by an employer on the site for the convenience of his employees only</td>
<td>X</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Restaurants—Eating, Drinking and Entertainment Establishments (Type 1), with or without drive-in service as a principal use</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Restaurants—Eating, Drinking and Entertainment Establishment (Type 2), with or without drive-in service as a principal use</td>
<td>☒ PC</td>
<td>☒ PC</td>
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</table>

2. PART 3: MULTI-FAMILY DISTRICTS

a. Amend Section 9.303, “Uses permitted under prescribed conditions”, item (25) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entry shall read as follows:

(25) Retail and office establishments, restaurants—Eating, Drinking and Entertainment Establishments (Type 1), and indoor recreation, provided that:

(a) The establishment will be located within a building that contains at least 50 dwelling units;

(b) The establishment will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet;

(c) The establishment will have no direct public entrance from
3. **PART 5: INSTITUTIONAL DISTRICT**

   a. Amend Section 9.503, “Uses permitted under prescribed conditions”, item (19) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1).” In subsections (c) and (d) replace the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entry shall read as follows:

   (19) Retail establishments, offices, and restaurants and Eating, Drinking and Entertainment Establishments (Type 1) provided that:

   (a) The principal use of the lot is institutional;

   (b) The principal use of the lot occupies at least 30,000 square feet of floor area;

   (c) Retail establishments, and restaurants Eating, Drinking and Entertainment Establishments, will occupy no more than 10 percent of the gross floor area of all buildings on the lot, and under no circumstances will such uses exceed 25% of the ground floor area;

   (d) The proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for a restaurant use an Eating, Drinking and Entertainment Establishment;

   (e) No merchandise or display of merchandise will be visible from outside the building housing the proposed use; and

   (f) One wall sign is permitted to identify all internal uses provided that it is no larger than 16 square feet.

4. **PART 6: RESEARCH DISTRICTS**

   a. Amend Section 9.603, “Uses permitted under prescribed conditions”, item (22) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1).” In subsections (c) and (d) replace the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entry shall read as follows:
(22) Retail establishments and restaurants Eating, Drinking and Entertainment Establishments (Type 1) that:

(a) The principal use of the lot is for offices, distributive businesses, research laboratories, pilot plants, prototype production plants, or other production facilities;

(b) The principal use of the lot occupies at least 30,000 square feet of floor area;

(c) Retail establishments and restaurants Eating, Drinking and Entertainment Establishments will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances exceed 25 percent of the ground floor area, except a restaurant use an Eating, Drinking and Entertainment Establishment may occupy up to 50 percent of the ground floor;

(d) If the proposed use is to be located within the same building as the principal use, then there will be no direct public entrance to the proposed use from outside the building except for a restaurant use an Eating, Drinking and Entertainment Establishment;

(e) If the proposed use is to be located in a building separate from the principal use, then the proposed use will be designed and intended primarily for the use of persons who are employed by the principal use;

(f) No display of merchandise shall be permitted outside the building; and

(g) One wall sign is permitted to identify all internal commercial uses, provided that it is no larger than 16 square feet.

5. PART 7: OFFICE DISTRICTS

a. Amend Section 9.703, “Uses permitted under prescribed conditions”, items (12), subsection (b) by replacing the term “nightclubs, bars, lounges and restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1 and Type 2)”. In item (12), subsection (c), replace the term “entertainment and restaurant purposes” with “Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) and other entertainment”. Amend item (27) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. 
Amend item (28) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1 and Type 2)”. Amend item (28), subsection (c) and (d) by replacing the term “restaurants” or “a restaurant use” with “Eating, Drinking and Entertainment Establishments” in four places. Add a new subsection (g) for “Type 2 Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entries shall read as follows:

(12) **Hotels and motels**, provided that:

(a) All buildings, off-street parking and service areas will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low intensity institutional use (See Section 12.302);

(b) Retail, nightclubs, bars, lounges and restaurants and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) as accessory uses may be located in a hotel or motel having a minimum of 75 rental units.

(c) Gross floor area for retail, entertainment and restaurant purposes Eating, Drinking and Entertainment Establishments (Type 1 and Type 2), and other entertainment activities will be limited to 75 square feet per rental unit. Ballrooms, conference rooms, meeting rooms and similar assembly facilities will not be included in determining gross floor area used for commercial purposes;

(d) No merchandise or merchandise display window may be visible from outside the building;

(e) No outside storage or display of merchandise will be permitted; and

(f) One wall sign is permitted to identify all internal commercial uses, provided that the sign is no larger than 16 square feet.

(27) **Retail and office establishments**, restaurants Eating, Drinking and Entertainment Establishments (Type 1) and indoor recreation in multi-family buildings, subject to the regulations of subsection 9.303(25).

(28) **Retail establishments and restaurants** Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings, provided that:
(a) The principal use of the lot is for offices;

(b) The principal use of the lot occupies at least 30,000 square feet of floor area;

(c) Retail establishments and restaurants Eating, Drinking and Entertainment Establishments, will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances shall exceed 25% of the gross floor area except a restaurant use an Eating, Drinking and Entertainment Establishment may occupy up to 50% of the ground floor area;

Retail establishments and restaurants Eating, Drinking and Entertainment Establishments located in a Pedestrian Overlay District (PED) will occupy no more than 20% of the gross floor area and shall only be located on the ground floor.

(d) In all zoning districts, except PED, the proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for a restaurant use an Eating, Drinking and Entertainment Establishment. In the PED zoning district, ground floor retail establishments may have entrances external to the building.

(e) No merchandise or display of merchandise will be visible from outside the building housing the proposed use; and

(f) One wall sign is permitted to identify internal commercial uses, provided that the sign is no larger than 16 square feet.

(g) Type 2 Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

6. PART 8: BUSINESS DISTRICTS

a. Amend Section 9.802, “Uses permitted by right”, item (77) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. Amend item (78) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. Other items remain unchanged. The revised entries shall read as follows:

(77) Restaurants. Eating, Drinking and Entertainment Establishments (Type 1).
b. Amend Section 9.803, “Uses permitted under prescribed conditions” by adding a new item (12.5) for “Eating, Drinking and Entertainment Establishments (Type 2)”, with prescribed conditions. Amend item (19) by deleting the text and replacing with “Reserved”. All other items remain unchanged. The revised item shall read as follows:

(12.5) Eating, Drinking and Entertainment Establishments (Type 2) provided that:

(a) Eating, Drinking and Entertainment Establishments with drive-in service are allowed in B-2 only.

(b) Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

(19) Nightclubs, bars and lounges (B-1 and B-2 only), provided that: Reserved.

Any structure in which a nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential use or residential district.

7. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

a. Amend Section 9.8502, “Mixed Use Development District; uses permitted by right” by deleting the entry for “Restaurants” and replacing it with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entries shall read as follows:

Restaurants; including open air or sidewalk cafes. Eating, Drinking and Entertainment Establishments (Type 1).

b. Amend Section 9.8503, “Mixed Use Development District; uses permitted under prescribed conditions by adding an entry for “Eating, Drinking and Entertainment Establishments (Type 2)” in alphabetical order. Also delete the entry for “Entertainment establishments”. All other entries remain unchanged. The new and deleted entry shall read as follows:

Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546.
Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets, provided they are located at least 100 feet from any residential structure located in a residential district.

8. PART 9: UPTOWN MIXED USE DISTRICT

a. Amend Section 9.902, “Uptown Mixed Use District; uses permitted by right” by amending the entry (13) by replacing “Restaurants; including open air or sidewalk cafes” with “Eating, Drinking and Entertainment Establishments (Type 1).” All other entries remain unchanged. The deleted entry shall read as follows:

   (13) Restaurants; including open air or sidewalk cafes Eating, Drinking and Entertainment Establishments (Type 1).

b. Amend Section 9.903, “Uptown Mixed Use District; uses permitted under prescribed conditions” by replacing item (10), “Entertainment establishments” with “Eating, Drinking and Entertainment Establishments (Type 2)”, with conditions. All other entries remain unchanged. The new entry shall read as follows:

   (10) Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets, provided they are located at least 100 feet from any residential structure located in a residential district. Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546.


   (f) Food. The provision of food facilities is encouraged. Food kiosks can count as open space provided they do not exceed 150 square feet in area. No more than one-half of the open space may be used for an open-air cafe Eating, Drinking and Entertainment Establishment. Litter receptacles must be provided at a minimum of 4 cubic feet of receptacle capacity for each 800 square feet of open space.

d. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards, subsection (2), “Streetscape design standards”, subsection (d), “Special regulations for Tryon Street and Brevard Street Area”, subsection (6), “First Floor Retail Required”, by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. The revised entry shall
read as follows:

(6) **First Floor Retail Required.** In order to stimulate pedestrian activity at the street level, the first floor (street level) of any new building over 100,000 square feet must devote a minimum of 50% of the net first floor area to retail activities, which promote a visual relationship to the street and encourage movement and activity at street level with the exception of the Brevard Street area (see Section 9.906(2)(d)(2)(a) and (b)). Retail activity refers to any use, which encourages street level activity in the building beyond the normal business day and is in addition to the daily work activities of the building tenants.

Any expansion of an existing building which results in more than 100,000 square feet of new floor area must also comply with this requirement unless the new floor area is all in a vertical expansion which results in no new street level floor area. The minimum 50% area will be computed on the new street level floor area only.

The term retail includes not only sales of merchandise at retail but will also be construed to mean personal and business services, restaurants, Eating, Drinking and Entertainment Establishments, galleries, and similar uses but not financial institutions except 25% of the total square footage of required retail space may be utilized by retail banking, stock brokerage offices and other financial services.

Fifty percent of the square footage of a hotel lobby may be counted towards the required retail space.

For the purpose of this subsection, net floor area does not include stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas, or service areas. It is strongly encouraged but not mandated that all street level retail tenants which have sidewalk frontage be furnished with direct access to the sidewalk in addition to any other access that may be provided. If individual entrances are provided to street level retail tenants, which have sidewalk frontage, the required retail floor area may be reduced by 5% of the net floor area for each separate entrance up to a maximum of 5 entrances. This standard applies to all new development, which occurs in the area bounded by or along either side of College Street, 8th Street, Church Street, and Stonewall Street. This standard does not apply to any building with a street frontage of less than 24 feet. This first floor retail standard is also not applicable to convention centers and halls, conference centers, exhibition halls, merchandise marts, and similar uses.
9. PART 10: URBAN INDUSTRIAL DISTRICT

a. Amend Section 9.1002, “Urban Industrial District; uses permitted by right”, by adding a new item (2.5) titled, “Eating, Drinking and Entertainment Establishments (Type 1)”. Also amend item (3) by deleting the terms “restaurants”, “such as” and “his” in the sentence. The revised entry shall read as follows:

(2.5) Eating, Drinking and Entertainment Establishments (Type 1) operated by an employer on the site for the convenience and use of employees only

(3) Personal services, such as banks, restaurants or day care centers operated by an employer on the site for the convenience and use of his employees only.

10. PART 11: INDUSTRIAL DISTRICTS

a. Amend Section 9.1102, “Uses permitted by right”, by replacing the term “Restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)” in item (61) and in item (62), replacing “Restaurant, drive-in services” with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entries shall read as follows

(61) Restaurants. Eating, Drinking and Entertainment Establishments (Type 1)

(62) Restaurants, Eating, Drinking and Entertainment Establishments (Type 1), drive-in services

b. Amend Section 9.1103, “Uses permitted under prescribed conditions” by amending item (30) by replacing the entry for “Nightclubs, bars and lounges” with the term “Reserved”; and adding a new item (16.5) titled “Eating, Drinking and Entertainment Establishments (Type 2)”, with conditions. Add another item (16.6), titled, “Eating, Drinking and Entertainment Establishments (Type 2), drive-in services”, with conditions. All other entries remain unchanged. The new and revised entries shall read as follows:

(16.5) Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546.

(16.6) Eating, Drinking and Entertainment Establishments (Type 2), drive-in services, subject to the regulations of Section 12.546.

(30) Nightclubs, bars and lounges, up to 70,000 square feet in I-1 and up to 25,000 square feet in I-2, provided that: Reserved.
Any structure in which a nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential use or residential district.

11. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

a. Amend Section 9.1202, “Establishment of Transit Oriented Development Districts”, subsection (1), “Residentially Oriented (TOD-R)”, by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. The revised subsection shall read as follows:

   (1) Residentially Oriented (TOD-R)
   This transit oriented residential district is established to support high-density residential communities that also accommodate a limited amount of retail, institutional, civic, restaurant Eating, Drinking and Entertainment Establishments, service, and small employment uses within a pedestrian friendly area.

   Residential developments and residential components of multi-use developments shall have a minimum density of twenty (20) dwelling units per acre within ¼ mile walking distance from a transit station or a minimum density of fifteen (15) dwelling units per acre between ¼ mile and ½ mile walking distance from a transit station. The density shall be based on the residential portion of the site. The approved station area plan classifies parcels according to whether they are within the ¼ mile walking distance or between the ¼ mile to ½ mile walking distance.

   Retail, institutional, civic, and office uses are permitted. Only up to 20% of the total development gross square footage that is composed of these uses may be credited toward meeting the minimum residential densities at a ratio of one (1) dwelling unit to 2,000 square feet of development.

b. Amend Section 9.1205, “Uses Permitted by Right”, by replacing item (20) “Restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entry shall read as follows:

   (20) Restaurants, including open-air or sidewalk cafes, Eating, Drinking and Entertainment Establishments (Type 1). No drive-through service windows permitted.

c. Amend Section 9.1206, “Uses Permitted Under Prescribed Conditions”, by changing the number of item (6) to (5.5) and replacing the term “Entertainment establishments” with “Eating, drinking, and entertainment establishments” with
conditions. All other entries remain unchanged. The revised entry shall read as follows:

(65.5) Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets, provided they are located at least 200 feet from any residential structure located in a residential district. Eating, Drinking and Entertainment Establishments (Type 2) provided that:

(a) No drive-through service windows are permitted.

(b) Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

d. Amend Section 9.1208, “Development Standards”, subsection (5), “Floor Area Ratio (FAR)”, subsection (c) by replacing the term “outdoor café” with “open air Eating, Drinking and Entertainment Establishments”. All remaining sections remain unchanged. The revised subsection shall read as follows:

(c) Plazas, arcades, courtyards, outdoor cafes open air Eating, Drinking and Entertainment Establishments, rooftop gardens, and widened public sidewalks that enhance pedestrian spaces and amenities can be credited toward meeting the minimum required FAR. If the pedestrian spaces/amenities are available to the public then the square footage shall be credited at 100%; if private, then the square footage shall be credited at 50%. In no instance shall more than 20% of the pedestrian area be credited toward the required FAR.

e. Amend Section 9.1208, “Development Standards”, subsection (6), “Parking Standards” by replacing the term “restaurants/nightclubs” with “Eating, Drinking and Entertainment Establishments” in two places in the table. All remaining sections remain unchanged. The revised subsection shall read as follows:

(6) Parking Standards

(a) New permitted uses within this zoning district shall be required to meet the minimum/maximum number of off-street parking spaces as follows. All square footage is measured as “gross footage.”
C. CHAPTER 10: OVERLAY DISTRICTS

1. PART 5: MOUNTAIN ISLAND LAKE WATERSHED OVERLAY

   a. Amend Section 10.502, “General Definitions” by amending the definition for “Industrial Discharge” and “Water Dependent Structures” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other definitions remain unchanged. The revised definitions shall read as follows:

   The revised definitions shall read as follows:

   **Industrial Discharge.** The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

   1. wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;

   2. wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants Eating, Drinking and Entertainment Establishments;

   3. storm water will not be considered to be an industrial wastewater unless it is contaminated with industrial

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<table>
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<tr>
<th>USE</th>
<th>MINIMUM/MAXIMUM NUMBER OF PARKING SPACES</th>
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</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Minimum of 1 space per dwelling unit for properties on blocks with single family zoning, no parking minimum for all other properties and a maximum of 1.6 parking spaces per dwelling unit.</td>
</tr>
<tr>
<td>Office</td>
<td>Maximum of one (1) parking space per 300 square feet of office space. Mixed-use developments and multi-use developments of residential and office uses may share parking spaces as per Section 12.203.</td>
</tr>
<tr>
<td>Restaurants/Nightclubs Eating, Drinking and Entertainment Establishments</td>
<td>For all sites within 800’ of single family zoning, minimum of one (1) parking space per 150 square feet of restaurant/nightclub Eating, Drinking and Entertainment Establishment space. For all other sites, no minimum. Maximum of one (1) space per 75 square feet.</td>
</tr>
<tr>
<td>Retail</td>
<td>Maximum of one (1) space per 250 square feet.</td>
</tr>
<tr>
<td>All Other Non-Residential Uses</td>
<td>The maximum number of parking spaces permitted is listed as the minimum amount required in the Table 12.202, per non-residential use.</td>
</tr>
</tbody>
</table>
wastewater; or

4. wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

**Water Dependent Structures.** Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, Drinking and Entertainment Establishments, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

2. **PART 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY**

   a. Amend Section 10.602, “General Definitions” by amending the definition for “Industrial Discharge” and “Water Dependent Structures” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other definitions remain unchanged. The revised definitions shall read as follows:

   **Industrial Discharge.** The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

   (1) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;

   (2) wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants Eating, Drinking and Entertainment Establishments;

   (3) storm water will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or

   (4) wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

   **Water Dependent Structures.** Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, Drinking and Entertainment Establishments, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.
3. **PART 7: LOWER LAKE WYLIE WATERSHED OVERLAY**

   a. Amend Section 10.702, “General Definitions” by amending the definition for “Industrial Discharge” and “Water Dependent Structures” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other definitions remain unchanged. The revised definitions shall read as follows:

   **Industrial Discharge.** The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

   (1) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;

   (2) wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants Eating, Drinking and Entertainment Establishments;

   (3) stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or

   (4) wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

   **Water Dependent Structures.** Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants Eating, Drinking and Entertainment Establishments, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

4. **PART 8: PEDESTRIAN OVERLAY DISTRICT**

   a. Amend Section 10.811, “Uses” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments” in two places. Also in item (3), “Nightclubs, bars and lounges”, replace the term “nightclubs, bars and lounges” with “Eating, Drinking and Entertainment Establishments (Type 2). The revised section shall read as follows:

   **Section 10.811. Uses**

   The uses permitted in the PED shall include those permitted by right and
under prescribed conditions in the underlying district, except outdoor storage, outdoor advertising signs, and drive-through service windows for restaurants Eating, Drinking and Entertainment Establishments, or retail uses. All permitted accessory uses will also be allowed except drive-thru windows for restaurants Eating, Drinking and Entertainment Establishments, and retail establishments and outdoor advertising signs. (Petition No. 2009-011, § 10.802, 02/16/09)

In addition the following uses shall be permitted subject to the following requirements:

1. Dwellings, mixed use, subject to the standards of PED.

2. Drive-through service windows for offices must be located to the rear of the building, and are limited to no more than four (4) drive-through stations, including lanes servicing Automatic Teller Machines (ATM’s). (Petition No. 2002-147, § 10.802(2), 01-21-03)

3. Nightclubs, bars and lounges as a principal use shall be subject to the standards of this overlay district, and be at least 400 feet from any residential use in a residential district or from a residential district. This separation distance may be reduced by a streetscape plan approved by the City Council. Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546.

4. Off street parking lots, that are not an accessory use, with 5 or more spaces shall be subject to the PED streetscape and screening standards.

The following use, which is not permitted in the underlying district, shall be permitted:

1. Residential uses in an underlying industrial district, subject to the standards of this overlay district.

b. Amend Section 10.812, “Development standards”, subsection (2), “Parking standards”, Table 10.812(3), “Number of Parking Spaces”, by replacing the term “restaurants/nightclubs” with “Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised table shall read as follows:
Table 10.812(3) Number of Parking Spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum/Maximum Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotels and motels</td>
<td>Minimum 0.5 spaces per room</td>
</tr>
<tr>
<td>Religious institutions</td>
<td>Maximum One (1) space per 8 seats</td>
</tr>
<tr>
<td>(Petition No. 2002-147, § 10.803(6)(a), 01-21-03)</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>Minimum One (1) space per dwelling unit.</td>
</tr>
<tr>
<td></td>
<td>Minimum .25 spaces per unit for Multi-Family Elderly or Disabled</td>
</tr>
<tr>
<td>Restaurants/Nightclubs Eating, Drinking and Entertainment Establishments</td>
<td>Minimum One (1) space per 125 square feet</td>
</tr>
<tr>
<td>All Other Non-Residential Uses</td>
<td>Minimum One (1) space per 600 square feet</td>
</tr>
</tbody>
</table>

5. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

a. Amend Section 10.907, “Development Standards, subsection (5), “Floor Area Ratio”, subsection (c), by replacing the term “outdoor café” with “open air Eating, Drinking and Entertainment Establishment”. All other subsections remain unchanged. The revised subsection shall read as follows:

   (c) Plazas, arcades, courtyards, galleries, outdoor cafes open air Eating, Drinking and Entertainment Establishments, rooftop gardens, and widened public sidewalks that enhance pedestrian spaces and amenities can be credited toward meeting the minimum required FAR. If the pedestrian spaces/amenities are available to the public then the square footage shall be credited at 100%; if private, then the square footage shall be credited at 50%. In no instance shall more than 20% of the pedestrian area be credited toward the required FAR.

b. Amend Section 10.907, “Development Standards”, subsection (6), “Parking standards” by replacing the term “restaurants/nightclubs” in the table with “Eating, Drinking and Entertainment Establishments” in two places. All other subsections remain unchanged. The revised subsection and table shall read as follows:

   (6) Parking standards

      (a) New permitted uses within this zoning overlay district shall be required to meet the minimum/maximum number of off-street parking spaces as follows: All square footage is measured as “gross footage”.

   21
c. Amend Section 10.909, “Exceptions”, subsection (3), “Expansions of Existing Uses”, subsection (b), subsection (3), subsection (b), by replacing the term “outdoor cafes” with “open air Eating, Drinking and Entertainment Establishments”. All other subsections remain unchanged. The revised subsection shall read as follows:

(b) Building expansions (for both conforming and non-conforming uses) are permitted for between 10% to 20% (total) of the gross floor area in existence at the effective date of the reclassification of the property. Expansions shall be subject to the following:

1. The building expansion shall meet the minimum setback, yard, and height requirements of Section 10.907(1), (2), and (3).

2. The urban design standards of Section 10.908 (1) through (4) shall apply to the new facade.

3. The expansion shall be located between the existing building and the street, but shall not encroach into the required setback. If the expansion cannot be made without encroachment into the required setback, then the portion of the expansion that would encroach into the setback can be located elsewhere on the site.

A waiver of the location of the building expansion may be granted by the Planning Director if the expansion meets the

<table>
<thead>
<tr>
<th>USE</th>
<th>MINIMUM/MAXIMUM NUMBER OF PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Minimum of 1 space per dwelling unit for properties on blocks with single family zoning, no parking minimum for all other properties and a maximum of 1.6 parking spaces per dwelling unit.</td>
</tr>
<tr>
<td>Office</td>
<td>Maximum of one (1) parking space per 300 square feet of office space. Mixed-use developments and multi-use developments of residential and office uses may share parking spaces as per Section 12.203.</td>
</tr>
<tr>
<td>Restaurants/Nightclubs Eating, Drinking and Entertainment Establishments</td>
<td>For all sites within 800’ of single family zoning, minimum of one (1) parking space per 150 square feet of restaurants/Nightclubs Eating, Drinking and Entertainment Establishments space. For all other sites, no minimum. Maximum of one (1) space per 75 square feet.</td>
</tr>
<tr>
<td>Retail</td>
<td>Maximum of one (1) space per 250 square feet.</td>
</tr>
<tr>
<td>All Other Non-Residential Uses</td>
<td>The maximum number of parking spaces permitted is listed as the minimum amount required in the Table 12.202, per non-residential use.</td>
</tr>
</tbody>
</table>
intent of the TS district and the following conditions are both met:

a. Any non-conforming parking located between the building and the setback shall be eliminated. Any such elimination shall not require additional parking even if the site is rendered non-conforming with regard to parking, and

b. There will be an addition of outdoor cafes, open air Eating, Drinking and Entertainment Establishments, patios, plazas, courtyards, open space, pedestrian seating areas, or other pedestrian oriented amenities on the site.

D. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED USE DISTRICTS (MX-1, MX-2, and MX-3)

   a. Amend Section 11.203, “Uses permitted under prescribed conditions”, item (18) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. Add a new item (8.5) titled, “Eating, Drinking and Entertainment Establishments (Type 2), with conditions. All other items remain unchanged. The revised and new entry shall read as follows:

      (8.5) Eating, Drinking and Entertainment Establishments, (Type 2), (MX-2 and MX-3 only), subject to the regulations of Section 12.546.

      (18) Retail and office establishments and restaurants Eating, Drinking and Entertainment Establishments (Type 1 only) in multi-family and attached buildings, provided that:

      (a) The establishment will be located within a building that contains at least 50 dwelling units;

      (b) Such establishments will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet;

      (c) The establishment will have no direct public entrance from the outside of the building except for restaurants Eating, Drinking and Entertainment Establishments, and

      (d) No merchandise or display of merchandise will be visible from outside the building.
2. PART 4: COMMERCIAL CENTER DISTRICT

   a. Amend Section 11.402, “Uses permitted by right”, item (26), “Restaurants” by replacing “Restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entry shall read as follows:

   (26) Restaurants. Eating, Drinking and Entertainment Establishments (Type 1).

   b. Amend Section 11.403, “Uses permitted under prescribed conditions”, item (7) by replacing “Nightclubs, bars and lounges” with the term, “Reserved”. Also add a new item (6.05), “Eating, Drinking and Entertainment Establishments” with conditions. All other entries remain unchanged. The revised items shall read as follows:

   (7) Nightclubs, bars and lounges, provided that: Reserved.

   Any structure in which the nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential structure or residential district external to the CC district.

   (6.05) Eating, Drinking and Entertainment Establishments (Type 2), provided that:

   (a) Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

   (b) Principal use establishments with an accessory drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons are not permitted in CC.

3. PART 7: RESEARCH DISTRICT

   a. Amend Section 11.702, “Uses permitted by right”, item (17), “Restaurants” by replacing the entry with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other items remain unchanged. The revised item shall read as follows:

   (17) Restaurants Eating, Drinking and Entertainment Establishments (Type 1)

   b. Amend Section 11.703, “ Uses permitted under prescribed conditions” by replacing subsection (2) “Nightclubs, bars and lounges” under the second
paragraph with “Eating, Drinking and Entertainment Establishments (Type 2)”, and adding prescribed conditions. All other subsections remain unchanged. The revised subsection shall read as follows:

**Section 11.703. Uses permitted under prescribed conditions.**

_(Petition No. 2011-018, § 11.703, 05/23/11)_

The same uses permitted under prescribed conditions in the RE-1 and RE-2 districts (Section 9.603) shall be permitted under prescribed conditions in the RE-3 district except for the following uses which are not permitted in RE-3:

1. Vehicle leasing offices and associated automobile parking.

The following additional uses shall be permitted provided they meet all requirements of this Part and all other requirements established in these regulations:

1. Childcare centers in a residence, subject to the regulations of Section 12.502.

2. Nightclubs, bars and lounges, provided such uses are at least 400 feet from any residential district. Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546.

3. Retail sales permitted in B-1, up to 10,000 square feet.

4. Retail sales permitted in B-1, over 10,000 square feet (RE-3 – Optional only).

5. Structured parking decks, subject to the regulations of 11.706(10).

c. Amend Section 11.705, “Development standards”, subsection (9), “Parking and Loading”, subsection (a), “Parking Standards”, subsection 1, by deleting the entry for “Nightclubs, bars and lounges” and changing the entry for “Restaurants” to “Eating, Drinking and Entertainment Establishments”. The remaining items are unchanged. The revised section shall read as follows:

(a) Parking Standards.

1. The minimum parking requirements for the RE-3 District are as follows:

   Residential – 1.5 space per dwelling unit
Hotels/Motels – 1.0 space per room

Nightclubs, Bars and Lounges – 1 space per 125 gross square feet

Restaurant Eating, Drinking and Entertainment Establishments – 1 space per 125 gross square feet
Retail – 1 space per 250 gross square feet

All Other Uses - 1 space per 400 gross square feet

E. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 2: OFF-STREET PARKING AND LOADING

a. Amend Section 12.202, “Required number of off-street parking and bicycle spaces”, Table 12.202, “Minimum required off-street parking spaces by use”, under the “Office and Business Uses” heading, under the “Hotels/motels” entry, replace the term “Restaurant/entertainment facility” with “Eating, Drinking and Entertainment Establishments”. Delete the row for “Nightclubs, lounges and bars” in its entirety. In the row “Restaurants”, replace the term “Restaurants” with “Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entries shall read as follows:

Table 12.202

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>Number of Auto Parking Spaces Required</th>
<th>Long-term Bicycle Parking Spaces Required</th>
<th>Short-term Bicycle Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OFFICE AND BUSINESS USES:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotels/motels (a) Per room for rent</td>
<td>1 space per room or suite, plus 1 space per 4 seats, plus 1 space per 250 square feet</td>
<td>1 space per 20 rentable rooms</td>
<td>None</td>
</tr>
<tr>
<td>(b) Per meeting room capacity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Restaurant/entertainment facility Eating, Drinking and Entertainment Establishment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nightclubs, lounges and bars</td>
<td>1 space per 75 square feet</td>
<td>None</td>
<td>5% of auto parking</td>
</tr>
<tr>
<td>Restaurants Eating, Drinking and Entertainment Establishments</td>
<td>1 space per 75 square feet</td>
<td>2, or 1 per 10,000 square feet</td>
<td>5% of auto parking</td>
</tr>
</tbody>
</table>
b. Amend Section 12.206, “Location of required parking”, subsection (2) by deleting the section in its entirety, and adding the term, “Reserved”. All other subsections remain unchanged. The revised subsection shall read as follows:

(2) **Reserved.** Restaurants located within the area bounded by Route 4 and I-85 and which do not include a drive-in service window shall provide minimum required parking spaces within 800 feet of the restaurant site.

c. Amend Section 12.214, “Number, size and location of loading spaces”, Table 12.214, by replacing the term “Restaurant” with “Eating, Drinking and Entertainment Establishments”. The revised entry shall read as follows:

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>GROSS FLOOR AREA (Square Feet)</th>
<th>LOADING AND UNLOADING SPACES REQUIRED</th>
<th>10 feet X 25 feet</th>
<th>10 feet X 50 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office, Restaurant</td>
<td>10,000 – 99,999</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Eating, Drinking and Entertainment Establishments, Hotel or Motel:</td>
<td>100,000 – 149,999</td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>150,000 and over</td>
<td>0</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Retail establishment, Shopping center, or any Industrial use:</td>
<td>0 – 4,999</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5,000 – 19,999</td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>20,000 – 49,999</td>
<td>0</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>50,000 – 79,999</td>
<td>0</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>80,000 – 99,999</td>
<td>0</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>100,000 – 149,999</td>
<td>0</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>150,000 and over</td>
<td>0</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

d. Amend Section 12.302, “Buffer requirements”, Table 12.302(a), “Minimum buffer requirements by use and district categories”, under category “6. BUSINESS”, by amending the two entries titled “Retail, Shopping Centers and
Restaurants” by deleting the term “and Restaurants” in two rows. Also add three new rows titled “Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entries shall read as follows:

Table 12.302(a)
MINIMUM BUFFER REQUIREMENTS BY USE AND DISTRICT CATEGORIES

<table>
<thead>
<tr>
<th>DEVELOPING USES</th>
<th>SINGLE FAMILY USE OR ZONING</th>
<th>MULTI FAMILY USE OR ZONING</th>
<th>INSTITUTIONAL USE INTENSITY OR ZONING</th>
<th>PARKS AND GREENWAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Low</td>
<td>Medium</td>
</tr>
<tr>
<td>6. BUSINESS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail, Shopping Centers, and Restaurants, up to 50,000 sq. ft.</td>
<td>B</td>
<td>B</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Retail, Shopping Centers, and Restaurants, more than 50,000 sq. ft.</td>
<td>B</td>
<td>B</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Eating, Drinking and Entertainment Establishments (Type 1) under 50,000 sq. ft.</td>
<td>B</td>
<td>B</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Eating, Drinking and Entertainment Establishments (Type 1) with more than 50,000 sq. ft.</td>
<td>B</td>
<td>B</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Eating, Drinking and Entertainment Establishments (Type 2)</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>C</td>
</tr>
</tbody>
</table>

e. Amend Section 12.413, “Drive-in and drive-through service lanes/windows”, Table 12.413 by converting information and footnotes into a table format and by replacing the term “Restaurants” with “Eating, Drinking and Entertainment Establishments”.

Table 12.413
MINIMUM VEHICLE STORAGE REQUIREMENTS*

<table>
<thead>
<tr>
<th>TYPE OF FACILITY</th>
<th>VEHICLE STORAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank</td>
<td>6 spaces per window</td>
</tr>
<tr>
<td>Restaurant</td>
<td>8 spaces per window</td>
</tr>
<tr>
<td>Single Vehicle Automatic</td>
<td>4 spaces per wash line</td>
</tr>
<tr>
<td>Accessory Use Car Wash</td>
<td></td>
</tr>
<tr>
<td>Automatic Car Wash</td>
<td>10 spaces per wash line</td>
</tr>
<tr>
<td>Self-service Car Wash</td>
<td>3 spaces per wash line</td>
</tr>
</tbody>
</table>
Drive-in Theater                      15% of the total parking capacity
Service Stations                     4 spaces per service pump island
Dry Cleaners                          3 spaces per window (2)
Other Uses                           5 spaces per window

*(1 vehicle space equals 20 feet)

FOOTNOTES TO TABLE:  12.413

(1) This requirement will be reduced to 3 spaces per window for savings and loan institutions and credit unions. For banks with more than 5 drive-up windows, the storage requirements shall not exceed a total of 20 vehicles.

(2) As measured from the pick-up window.

Table 12.413
MINIMUM VEHICLE STORAGE REQUIREMENTS

<table>
<thead>
<tr>
<th>TYPE OF FACILITY</th>
<th>VEHICLE STORAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank</td>
<td>6 spaces per window</td>
</tr>
<tr>
<td>Restaurant Eating, Drinking and Entertainment Establishment (Type 1)</td>
<td>8 spaces per window</td>
</tr>
<tr>
<td>Single vehicle automatic accessory use car wash</td>
<td>4 spaces per wash line</td>
</tr>
<tr>
<td>Automatic car wash</td>
<td>10 spaces per wash line</td>
</tr>
<tr>
<td>Self-service car wash</td>
<td>3 spacers per wash line</td>
</tr>
<tr>
<td>Drive-in theater</td>
<td>15% of the total parking capacity</td>
</tr>
<tr>
<td>Service stations</td>
<td>4 spaces per service pump island</td>
</tr>
<tr>
<td>Dry cleaners</td>
<td>3 spaces per window</td>
</tr>
<tr>
<td>Other uses</td>
<td>5 spaces per window</td>
</tr>
</tbody>
</table>

1. One vehicle space equals 20 feet.
2. This requirement will be reduced to 3 spaces per window for savings and loan institutions and credit unions. For banks with more than 5 drive-up windows, the storage requirements shall not exceed a total of 20 vehicles.
3. As measured from the pick-up window.

f. Amend Section 12.544, “Breweries” by modifying subsection (1), subsection (a) by replacing the text, “at least one of the following uses associated with the brewery, and” with “an Eating, Drinking and Entertainment Establishment”. Also
replace the text, “restaurant, nightclub, bar or lounge” with “Eating, Drinking and Entertainment Establishment”. Amend subsection (1)(a)(1) by replacing the text “restaurant, nightclub, bar or lounge use” with “Eating, Drinking and Entertainment Establishment”. In the same subsection, replace the text, “to residential uses and districts” with “required in Section 12.546”. In subsection (1)(a)(2) delete the text, “For breweries and all associated uses”, and “associated restaurant, nightclub, bar or lounge”, and “all associated uses”. The revised entry shall read, “The minimum size of the Eating, Drinking and Entertainment Establishment shall be 20% of the total square footage for the brewery and the Eating, Drinking and Entertainment Establishment, or 1,500 square feet, whichever is less”. In subsection (1)(b), replace “all associated uses” and “associated restaurant, nightclub, bar or lounge” with “the Eating, Drinking and Entertainment Establishment”. In subsection (1)(c), delete the words, “associated” and “restaurant, nightclub, bar or lounge use” and replace with “Eating, Drinking and Entertainment Establishment. In subsection (2)(a), delete the words, “one of the following uses associated with the brewery and”. In the same subsection, delete the words “a restaurant, nightclub, bar, or lounge”. In the same subsection, replace “restaurant, nightclub, bar, or lounge with “Eating, Drinking and Entertainment Establishment”. In subsection (2)(a)(1) replace “restaurant, nightclub, bar or lounge use” with “Eating, Drinking and Entertainment Establishment”. Add to sentence, “in accordance with the zoning district in which they are located”. Delete the phrase, “to residential uses and districts”. In subsection (2)(a)(2), delete the phrase, “For breweries and all associated uses” and “all associated uses”. In the same subsection replace the term “restaurant, nightclub, bar, or lounge” with “Eating, Drinking and Entertainment Establishment”. In subsection (2)(b) and (2)(c) delete the phrases, “all associated uses” and “for all uses” and “associated restaurant, nightclub, bar or lounge”. All other subsections remain unchanged. The revised section shall read as follows:

Section 12.544 Breweries.

In TOD-M, TOD-E, MUDD and UMUD, breweries are subject to the following prescribed conditions:

(a) The brewery shall include an Eating, Drinking and Entertainment Establishment at least one of the following uses associated with the brewery, and located in the same building: a restaurant, nightclub, bar, or lounge. The restaurant, nightclub, bar or lounge Eating, Drinking and Entertainment Establishment shall meet the following conditions:

1. All prescribed conditions associated with the restaurant, nightclub, bar or lounge use Eating, Drinking and Entertainment Establishment shall be met in accordance with the zoning district in which they are located, including any separation distances to residential uses and
districts, required in Section 12.546.

2. For breweries and all associated uses, the minimum size of the Eating, Drinking and Entertainment Establishment associated restaurant, nightclub, bar or lounge shall be 20% of the total square footage for the brewery and the Eating, Drinking and Entertainment Establishment, all associated uses, or 1,500 square feet, whichever is less.

(b) Maximum size for the brewery and all associated Eating, Drinking and Entertainment Establishment uses: 15,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, the maximum size for all uses shall be increased to 25,000 square feet, if the brewery and associated restaurant, nightclub, bar or lounge Eating, Drinking and Entertainment Establishment locate in a building constructed prior to 1980.

(c) If the brewery is located on a public right-of-way, private street, or rapid transit line, the associated Eating, Drinking and Entertainment Establishment restaurant, nightclub, bar, or lounge use shall have fenestration through vision glass, doors or active outdoor spaces along 30% of the length of the building side that fronts the public right-of-way, private street, or rapid transit line. If the building architecture or site prohibits meeting the above condition, the Planning Director, or designee, may approve alternative approaches.

(d) Off-site distribution of manufactured beer is permitted if vehicular access is from a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

(e) All development and urban design standards of the district shall apply.

(2) In PED and TS, breweries shall only be permitted when the underlying zoning district is B-1, B-2, I-1 or I-2, and the following prescribed conditions are met:

(a) The brewery shall include an Eating, Drinking and Entertainment Establishment one of the following uses associated with the brewery, and located in the same building: a restaurant, nightclub, bar, or lounge. The restaurant, nightclub, bar or lounge Eating, Drinking and Entertainment Establishment shall meet the following conditions:
1. All prescribed conditions associated with the restaurant, nightclub, bar or lounge use Eating, Drinking and Entertainment Establishment shall be met in accordance with the zoning district in which they are located, including any separation distances required in Section 12.546 to residential uses and districts.

2. For breweries and all associated uses, the minimum size of the restaurant, nightclub, bar or lounge Eating, Drinking and Entertainment Establishment shall be 20% of the total square footage for the brewery and the Eating, Drinking and Entertainment Establishment, all associated uses, or 15,000 square feet, whichever is less.

   (b) Maximum size for the brewery and all associated Eating, Drinking and Entertainment Establishment uses: 15,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, the maximum size for all uses shall be increased to 25,000 square feet, if the brewery and associated restaurant, nightclub, bar or lounge Eating, Drinking and Entertainment Establishment locate in a building constructed prior to 1980.

   (c) If the brewery is located on a public right-of-way, private street, or rapid transit line, the associated Eating, Drinking and Entertainment Establishment restaurant, nightclub, bar, or lounge use shall have fenestration through vision glass, doors or active outdoor spaces along 30% of the length of the building side that fronts the public right-of-way, private street, or rapid transit line. If the building architecture or site prohibits meeting the above condition, the Planning Director, or designee, may approve alternative approaches.

   (d) Off-site distribution of manufactured beer is permitted if vehicular access is from a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

   (e) All development and urban design standards of the district and underlying district, shall apply.

   g. Add a new section 12.546, titled, “Eating, Drinking, and Entertainment Establishments (Type 2 only)”, with prescribed conditions and an exemption process that reads as follows:
Section 12.546. Eating, Drinking, and Entertainment Establishments (Type 2 only).

Type 2 Eating, Drinking and Entertainment Establishments are subject to the following prescribed conditions:

(1) If food or beverages are consumed in an outdoor seating/activity area at any time between the hours of 11:00 p.m. and 8:00 a.m., the use is subject to one of the following prescribed conditions:

(a) The outdoor seating/activity area shall be separated by a distance of at least 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district; or

(b) If the outdoor seating/activity area is less than 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district, then the outdoor seating/activity area shall be separated by a Class A buffer along all corresponding side and rear property line(s).

Distances shall be measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.

(2) If outdoor entertainment occurs at any time between the hours of 11:00 p.m. and 8:00 a.m., then the following minimum separation distances shall be met, based on the zoning district in which the use is located:

(a) Minimum 100-foot separation distance in the MUDD, UMUD, TOD and TS zoning districts. The minimum required separation distance cannot be reduced as an optional provision unless the following conditions are met:

i. There are no principal residential structures within 225 feet of the portion of the property line along which the reduction is being requested;

ii. The optional request includes zoning conditions to mitigate the impact of a reduction in the separation
distance including but not limited to: elevation changes, structures located between the outdoor use and the property line, enhanced screening and buffering, and noise reduction features; and

iii. The optional request does not reduce the separation distance requirement by more than 50%.

(b) Minimum 250-foot separation distance in the PED zoning district. The minimum required separation distance cannot be reduced as an optional provision through the rezoning process. Nightclub, bar, lounge and Type 2 Eating, Drinking and Entertainment Establishments located in a PED zoning district, shall meet the separation distance standards established in an approved Pedscape Plan.

(c) Minimum 400-foot separation distance in the UR-2, UR-3, UR-C, RE-3, O-1, O-2, O-3, B-1, B-2, BD, BP, CC, NS, MX-2, MX-3, I-1 and I-2 zoning districts.

Distances shall be measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.

(3) Certificate of Exemption

(a) Business establishments that would have met each of the following criteria as of January 1, 2013 are eligible to apply for a Certificate of Exemption, the issuance of such Certificate shall constitute an exemption from the separation distance requirements of Section 12.546:

1. Met the definition of a Type 2 Eating, Drinking and Entertainment Establishment;

2. Had an outdoor seating/activity area located within the separation distances required in Section 12.546; and

3. Provided outdoor entertainment between the hours of 11:00 p.m. and 8:00 a.m.

(b) The Planning Director, or her or his designee, is authorized to issue a Certificate of Exemption and to establish administrative processes for such issuance.
(c) **Notification of Application for Certificate of Exemption.**

1. The Planning Director, or her or his designee, shall mail a written notice and a copy of the submitted Certificate of Exemption application to property owners located within the designated separation distance required in Section 12.546(2). Written comments may be submitted to the Planning Director, or her or his designee, within fifteen (15) days of the date of notification.

2. The Planning Director, or her or his designee, shall mail a written notice informing property owners within the designated separation distance of the decision (approval or denial) of the Certificate of Exemption.

(d) **A Certificate of Exemption shall be issued if the following criteria apply:**

1. A Type 2 Eating, Drinking and Entertainment Establishment is, as of the date of application, in compliance with all applicable land use and development laws, including without limitation, zoning laws and urban design standards for the district in which the use is located; and

2. Either of the following applied to the Type 2 Eating, Drinking and Entertainment Establishment, on or after January 1, 2013:

   i. The Type 2 Eating, Drinking and Entertainment Establishment abuts a public right-of-way that is 60 feet or greater in width; or

   ii. A building of at least 1,900 square feet (excluding single-family, duplex, triplex and quadraplex buildings) is located between the outdoor seating/activity area of the Type 2 Eating, Drinking and Entertainment Establishment, and a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district. The building can be located either on- or off-premise.
(e) A Type 2 Eating, Drinking and Entertainment Establishment must apply for a Certificate of Exemption within ninety (90) days from the date the Planning Director provides written notice to a Type 2 Eating, Drinking and Entertainment Establishment affected by the separation distances or within one (1) year from the date this ordinance becomes law, whichever first occurs. A pending variance petition shall stay enforcement of the application limitation period. The Planning Department shall make reasonable efforts to notify directly affected businesses of the enactment of this ordinance.

(f) For a Type 2 Eating, Drinking and Entertainment Establishment that receives a Certificate of Exemption, the outdoor seating/activity area or building(s), as either existed as of January 1, 2013, may not be moved, expanded, enlarged, or changed. Routine repair and maintenance is permitted.

(g) If a Type 2 Eating, Drinking and Entertainment Establishment receiving a Certificate of Exemption fails to maintain compliance with the requirements of Section 12.546(3) or the conditions represented or specified in its application for exemption, the Planning Director may revoke the Certificate of Exemption. Such revocation shall occur only after written notice and a reasonable opportunity to remedy the violation.

(h) Any Type 2 Eating, Drinking and Entertainment Establishment building or outdoor seating/activity area exempted under Section 12.546(3) that is destroyed or damaged by fire, flood, wind, other acts of God, may be repaired or restored to its original dimensions and conditions as they existed on January 1, 2013 if a building permit for the repair or restoration is issued within twelve (12) months of the date of damage.

(i) The exemption provided under Section 12.546(3) shall be revoked for any Type 2 Eating, Drinking and Entertainment Establishment that has visibly discontinued use as a Type 2 Eating, Drinking and Entertainment Establishment for twelve (12) consecutive months or obtains an approved change of use.

(j) The issuance of a Certificate of Exemption shall not otherwise excuse a violation of federal, state, or local laws.
and regulations, including the development and urban design standards of the zoning district in which the use is located.

(k) The land owner where the Certificate of Exemption is being requested, or a property owner of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) located within the specified separation distance, may appeal a denial, approval, or revocation of a Certificate of Exemption. Such appeal must be filed with the Zoning Board of Adjustment within thirty (30) days from the date of such action.

F. CHAPTER 13: SIGNS

1. Amend Section 13.102, “Definitions”, item (O1), “Outparcel” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other definitions remain unchanged. The revised definition shall read as follows:

(O1) Outparcel.

A parcel of land associated with a shopping center or multi-tenant property development, which is designated on an approved site plan as a location for a free standing structure with an intended use such as, but not limited to banks, saving and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, Eating, Drinking and Entertainment Establishments, retail establishments, or combination of uses thereof and adjoins the shopping center or multi-tenant property development or the parking and service drives associated with it on any side, other than the side fronting the public right-of-way.

2. Amend Section 13.102, “Definitions”, item (S7), “Sign types”, item (ap), “Marquee Sign”, by removing the term “nightclub”. All other definitions remain unchanged. The revised subsection shall read as follows:

(ap) Marquee Sign

A structure, bearing a sign, projecting over an entrance to a motion picture theater, museum, art gallery, hotel, motel, convention center or hall, conference center, exhibition hall, merchandise mart, building for dramatical, musical, or cultural activity, stadium, coliseum, nightclub, cabaret, or adult entertainment providing changeable copy that relates to the principal use on the premises.

3. Amend Section 13.106, “Signs not requiring a permit”, item (15), “Signs not requiring a permit”, by replacing the term, “restaurant” with “business. All other
items remain unchanged. The item shall read as follows:

(15) **Signs not requiring a permit.** The street address of the premise is not a sign or a part of a sign for the purposes of this code, except where the name and address are identical. Where the name and address are identical (e.g., a restaurant business named “Bay Street”), the name/address shall be considered a Business Sign, except as required by Section 13.101 (5).

*(Petition No. 2003-009, §13.106(16), 2-17-03)*

G. **SUBJECT INDEX**

1. Amend the Subject Index by replacing “Restaurants” with “Eating, Drinking and Entertainment Establishments”. The revised entry shall read as follows:

   **Restaurants - Eating, Drinking and Entertainment Establishments**
   Where permitted..................................................9.101
   Prescribed conditions...........................................12.546

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

Approved as to form:

______________________________
City Attorney

I, __________________________, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____day of _____, 2013, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)___________.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this _____ day of ________________, 2013.
REQUEST  
Current Zoning: CC, commercial center  
Proposed Zoning: R-4, single family residential

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

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

PROPERTY OWNER  
Craft Holdings, LLC

PETITIONER  
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE  
N/A

COMMUNITY MEETING  
Meeting is not required.

ZONING COMMITTEE ACTION  
The Zoning Committee voted 5-0 to DEFER this petition to the April 2014 meeting to be held on May 5, 2014.

VOTE  
Motion/Second: Allen/Ryan  
Yees: Allen, Dodson, Eschert, Labovitz, and Ryan  
Nays: None  
Absent: Low and Walker  
Recused: Zoutewelle

ZONING COMMITTEE DISCUSSION  
Staff noted that this petition is being deferred to the April meeting in order staff to work with the property owner to resolve community design issues. There was no further discussion of this petition.

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

PLANNING STAFF REVIEW

- **Background**
  - In June 2011, Council requested an assessment of multi-family development within Council District 4 in response to a recent increase in multi-family development activity in this district. Staff completed a report in April 2013 that summarized the amount of existing multi-family development, future projections and market demand for multi-family residential development in District 4.
  - At their May 2013 dinner briefing, Council directed staff to move forward with the recommendations within the report to:
    - Align existing and undeveloped multi-family developments with current zoning, recommended land use and community design policy for the six properties listed in the report;
    - Develop Community Design Guidelines for future multi-family housing developments that are consistent with recent City policy guidance; and
    - Assess appropriate locations and density of existing and proposed multi-family in future area planning initiative(s).
  - This site was selected for a corrective rezoning to implement the Council District 4 Multi-family Assessment due to the site’s lack of updated community design guidelines associated with the conditional rezoning plan for the property.
  - The selection of the proposed zoning district, R-4 (single family residential), was based on the density of four dwelling units per acre, which is the base residential density recommended for the Northeast Area Plan. Greater densities of six or eight dwelling units per acre are not supported by the General Development Policies (2003) due to lack of interconnected road.
network and design guidelines for the site.

<table>
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<tr>
<th>Assessment Criteria</th>
<th>Base Density – up to 4 dua</th>
<th>Density Category – &gt;4 dua up to 6 dua</th>
<th>Density Category – &gt; 6 dua up to 8 dua</th>
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<td>Meeting with Staff</td>
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<td>Sewer and Water Availability</td>
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<tr>
<td>Design Guidelines</td>
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<tr>
<td>Other Opportunities or Constraints</td>
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<td>NA</td>
<td>NA</td>
</tr>
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</table>

Total Points: 4
Minimum Points Needed: 10

Minimum Points Needed: 11

- Prior to staff submitting an application for rezoning this site to R-4 (single family residential), staff sent two letters, one a certified letter, to the property owner to explain the report and to request a meeting to share Planning staff's desire to work with the property owner to update design guidelines for the property. However, the property owner did not follow-up.

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

- **Public Plans and Policies**
  - The petition is consistent with the *Northeast Area Plan* (2000), which recommends residential and retail land uses for this parcel. More specifically, the Plan recommends that residential on the site be developed at a density up to eight dwelling units per acre.
  - While the *Northeast Area Plan* recommended a higher density, the *General Development Policies* (2007) supports a lesser density of four dwelling units per acre for the rezoning site.
  - The petition is consistent with the *Northeast Area Plan* and the *General Development Policies*.

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

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

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

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

- No issues.

Attachments Online at www.rezoning.org

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

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

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

Petitioner: Charlotte-Mecklenburg Planning Department

Zoning Classification (Existing): CC (Commercial Center)

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

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

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

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
Charlotte-Mecklenburg Planning Department

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

ZONING COMMITTEE ACTION
The Zoning Committee voted 6-0 to DEFER this petition to their July 30, 2014 meeting.

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

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

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

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

In January 2014, a Citizen Advisory Group was formed and charged with providing staff input on: 1) the issues and opportunities associated with mobile farmer's markets, 2) a draft definition for mobile farmer's markets, and 3) associated prescribed conditions. The group included representatives from the Charlotte-Mecklenburg Food Policy Council, Friendship Gardens, an outdoor fresh produce stand operator, and a mobile market operator. Four stakeholders met on January 29, 2014 to review and discuss the proposed regulations. 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 mobile farmer’s markets as a principal use and/or accessory use in all zoning districts under prescribed conditions:
  - A mobile farmer’s market shall be allowed as a principal use or as an accessory use in the following zoning districts, under prescribed conditions: urban residential - commercial (UR-C); research (RE-3 only); neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood service (NS); mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development - employment (TOD-E); transit oriented development - mixed-use (TOD-M); urban industrial (U-I) district; light industrial (I-1); and general industrial (I-2).
  - A mobile farmer’s market shall be allowed as an accessory use to a religious institution, school, college, university, hospital or office in the following zoning districts, under prescribed conditions: single family residential (R-1, R-2, R-5, and R-8); multi-family residential (R-8MF, R-12MF, R-7MF, R-22MF, and R-43MF); manufactured housing (R-MH); urban residential (UR-1, UR-2, and UR-3); mixed use (MX-1, MX-2, and MX-3); institutional (INST); research (RE-1 and RE-2); office (O-1, O-2, and O-3); and transit oriented development - residential (TOD-R).

- Adds new prescribed conditions for mobile farmer’s markets:
  - The mobile farmer’s market shall not be located in any required setback, any sight distance triangle, or required buffer.
  - The operator must receive a zoning use permit and display a placard from Neighborhood & Business Services. The maximum duration of a mobile farmer's market permit is 365 consecutive days. There is a maximum of three (3) locations that can be listed for each permit.
  - The operator shall submit proof that the property owner or designated agent (lessee) grants his/her permission to locate the mobile farmer's market on each property.
  - A mobile farmer’s market shall not sell food and/or drink processed or prepared on-site. Mobile food vending is not allowed as part of the use.
  - The operator is responsible for removing all trash, litter, and refuse generated by the use from the site at the end of each visit.
  - The hours of operation shall be between 8:00 a.m. and 9:00 p.m. The mobile farmer’s market shall only be located on the site between these hours. No overnight parking is allowed.
  - The mobile farmer’s market shall provide five off-street parking spaces for customers. Parking spaces may be shared with other uses on the site. The mobile farmer’s market shall not locate in any minimum required parking spaces for other uses on the site.
  - One table and one fabric covered tent (maximum size of 12 feet 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
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.

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

- A mobile farmer’s market shall not sell food and/or drink processed or prepared on-site. A mobile food truck is not allowed as part of the use.
- The operator of a mobile farmer’s market is responsible for removing all trash, litter, and refuse generated by the use from the site at the end of each visit.
- The hours of operation shall be between 8:00 a.m. and 9:00 p.m. The mobile farmer’s market shall only be located on the site between these hours. No overnight parking is allowed.
- The mobile farmer’s market shall provide five off-street parking spaces and shall not locate in any minimum required parking spaces for other uses on the site. Parking spaces may be shared with other uses on the site, unless the Zoning Administrator determines that parking congestion problems will be present on the site.
- One table and one fabric covered tent (maximum size of 12 feet x 12 feet) for shelter only are permitted in association with the use, and shall be removed daily.
- No products shall be displayed or stored off the vehicle or trailer.
- All applicable local and state codes shall be met.
- A mobile farmer’s market and an outdoors fresh produce stand shall not occupy the same lot at the same time.
- Signs must be in compliance with Chapter 13. No portable signs are allowed.
- Violations are subject to Section 8.105, “Citations”. Violations may result in the revocation of the zoning use permit.
- Allows a mobile farmer’s market as an accessory use to a religious institution, school, college, university, hospital or office in the R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, R-MH, UR-1, UR-2, UR-3, MX-1, MX-2, MX-3, Institutional, O-1, O-2, O-3, RE-1, RE-2 and TOD-R zoning districts, subject to the prescribed conditions listed above and the following additional prescribed condition:
  - If the mobile farmer’s market utilizes a large commercial vehicle, it is exempt from meeting the requirements of Section 12.218(4) and may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital.
• In the residential districts, only one mobile farmer’s market shall be allowed per location at any one time.
REQUEST
Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-M (transit oriented development - mixed-use)

LOCATION
Approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place.
(Council District 3 - Mayfield)

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

PROPERTY OWNER
Dunavant Development, LLC

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
Argos Real Estate Advisors, Inc.

COMMUNITY MEETING
Meeting is not required.

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

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

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

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

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

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

PLANNING STAFF REVIEW
- Proposed Request Details
  - This is a conventional rezoning petition with no associated site plan.
- Public Plans and Policies
  - The New Bern Transit Station Area Plan (2005) recommends mixed transit supportive development for the property. The site is approximately a ½ mile walk from the New Bern Street Station.
  - The petition is consistent with the New Bern Transit Station Area Plan.
DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311
Rezoning Petition: 2014-027

Petition #: 2014-027

Acreage & Location: Approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place.
Petition #: 2014-027
Petitioner: Charlotte-Mecklenburg Planning Department

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

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

Acreage & Location: Approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place.

Map Produced by the Charlotte-Mecklenburg Planning Department, 12-27-13.
**REQUEST**
Current Zoning: R-4, single family residential
Proposed Zoning: UR-2(CD), urban residential, conditional

**LOCATION**
Approximately 1.58 acres located on the south side of Woodlawn Road between Old Woods Road and Fairbluff Place.
(Council District 6 - Smith)

**SUMMARY OF PETITION**
The petition proposes a residential development consisting of 14 units: 12 multi-family units and two single family detached units. The density is 8.89 units per acre.

**PROPERTY OWNER**
Kyle Short

**PETITIONER**
Kyle Short

**AGENT/REPRESENTATIVE**
Stephen Overcash

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

**STATEMENT OF CONSISTENCY**
This petition is found to be consistent with the Park Woodlawn Area Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Eschert).

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

1. Specified maximum building height as three stories.
2. Specified permitted uses as multi-family residential.
3. Showed and labeled Class "C" buffer. Specified that buffer will be developed per Class "C" buffer standards.
4. Amended Development Summary to reflect a 14-foot setback.
5. Amended the sidewalk along the internal street to six feet.
6. Labeled and indicated the dimensions of the area between the private internal street and the sidewalk as a two-foot planting strip.
7. Provided a note that the curb along the internal private street will be standard curb (not roll curb).
8. Provided a six-foot planting strip between the sidewalk and the private street the full length of the area beside unit 1.
9. Indicated the maximum height of the retaining wall will be eight feet.
10. Correctly measured and labeled the 14-foot setback along E. Woodlawn Road as being measured from the back of the future curb.
11. Revised General Provisions Note #1, last sentence, as follows: "Where specified conditions on this plan differ from ordinance, standards, in existence at the time of formal engineering plan review submission, the more restrictive shall apply."
12. Eliminated the following sentence in General Provisions Note #2: "The Site Plan is schematic in nature and represents a firm concept of development with regard to the arrangement of buildings, parking and circulation patterns."
13. Noted that the finished side of the proposed privacy fence will face the adjacent properties.
14. Noted that the stucco or masonry wall along the rear of the buildings backing up to Woodlawn Road will contain gated openings for private access from the street, will be 60 inches in height above grade, and will feature decorative pilasters every 20 feet maximum on center.
15. Provided the following renderings as viewed from E. Woodlawn Road: typical image of exterior, typical image of end unit, and
views from adjacent yards with and without tree plantings.

16. Removed tree save area that was located in the right-of-way along E. Woodlawn Road.

17. Submitted plan to Fire Marshall for review as the fire access as shown may be an issue that would dramatically alter the site plan. Fire Department commented that additional information will be needed and possible tweaking may be warranted.

18. Specified two-car garages for the two single family detached dwellings, with a shared driveway.

19. Labeled right-of-way along E. Woodlawn Road to be dedicated.

20. Correctly labeled five-foot side yard at rear of property as a 10-foot rear yard.

21. Addressed CDOT comment by adding by dedicating 50 feet of right-of-way measured from the existing centerline along the site’s public frontage on Woodlawn Road. The additional 16-foot right-of-way on E. Woodlawn Road will be dedicated and conveyed to CDOT.

22. Addressed Engineering and Property Management comments by providing a minimum 15-foot wide drainage easement clear of required buffers and structures.

23. Labeled all tree save areas to ensure compliance with the minimum 15 percent tree save requirement.

24. Removed guest parking from location on proposed private street as it violates Fire Code.

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

ZONING COMMITTEE DISCUSSION
Staff provided an overview of the petition, noting that the outstanding issues had been addressed and that the petition is consistent with the Park Woodlawn Area Plan. There was no further discussion of this petition.

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

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

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Maximum of 12 multi-family residential dwelling units and two single family detached units.
  - Individual and shared entrances that front public and private streets.
  - A 10-foot wide buffer around exterior property boundary abutting residential uses and zoning.
  - Building materials include wood or synthetic wood, brick or stone, stucco or synthetic stucco, and metal panels.
  - Providing 400 square feet of private open space per unit.
  - Detached lighting limited to 20 feet in height.
  - An eight-foot tall wooden privacy fence will be installed along the side and rear property lines.
  - A stucco or masonry wall will be provided along the front of the development.

- Public Plans and Policies
  The Park Woodlawn Area Plan (2013) recommends residential uses at four units per acre but supports an increase in density up to 12 dwelling units per acre for large parcels subject to certain parameters and design guidelines. These include:
  - relation to the surrounding context along E. Woodlawn Road,
  - provision of a pedestrian scale street presence, and
  - building heights limited to 40 feet adjacent to single family properties.
The proposed development is consistent with the Park Woodlawn Area Plan. The abutting properties generally have rear yards abutting the subject site, which is larger in acreage than surrounding parcels. The proposed single family attached style of development is oriented to E. Woodlawn Road, with front entrances onto the public street, rear loaded parking and the maximum 40-foot height limit which is compatible with the surrounding single family homes.

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**: The development allowed under the existing zoning would generate one student, while the development allowed under the proposed zoning will produce two students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is one student.
- **Charlotte-Mecklenburg Storm Water Services**: No issues.
- **Charlotte-Mecklenburg Utilities**: No issues.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No issues.
- **Mecklenburg County Parks and Recreation Department**: No issues.
- **Urban Forestry**: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.

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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- 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**: Sonja Sanders  (704) 336-8327
Acreage & Location: Approximately 1.58 acres located on the south side of East Woodlawn Road between Old Woods Road and Fairbluff Place.
Petition #: 2014-029
Petitioner: Kyle Short

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

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

Acreage & Location: Approximately 1.58 acres located on the south side of East Woodlawn Road between Old Woods Road and Fairbluff Place.

Map Produced by the Charlotte-Mecklenburg Planning Department, 4-28-14.

Requested UR-2(CD) from R-4

Map Produced by the Charlotte-Mecklenburg Planning Department, 4-28-14.
G. Petitioner’s Plan

1. The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those include, but are not limited to, use of setbacks, lot sizes, building heights, site plans, storm water management, and landscape design. The petitioner agrees to comply with all applicable requirements to the City of Raleigh. These requirements will apply to the development site. This includes Chapters 8.01 to 17, 19 to 21 of the Zoning Ordinance. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards. Where specific standards on this plan differ from ordinances, standards, and design manuals, the petitioner agrees to comply with the standards set forth on this plan.

2. Minor changes of detail which do not alter the basic layout and relationships to adjoining sites are permitted as a matter of right for the petitioner / developer and shall be handled in accordance with the Zoning Ordinance. Section 6.3.2.

3. The maximum base height of any building is 40 feet in accordance to the Zoning Ordinance. Section 9.3.2. One additional foot is allowed for each additional one foot in distance of the building from the required side yard line.

4. Subsites will include a minimum of 400 square feet of private open space per unit. A minimum of 300 square foot of private open space will be provided for each lot in the subsites as shown on the site plan.

5. Vehicular access points shall be limited to those shown on the site plan. The exact location may vary from that depicted, but shall comply with all applicable design requirements of the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.

6. Exterior building materials shall include wood or synthetic wood, brick or stone, stucco or synthetic stucco, and metal panel. A masonry privacy wall shall be constructed along the sidewalk adjacent to the existing single family dwellings. The wall shall be a minimum of 8 feet in height and will feature decorative elements placed every 20 maximum on center.

7. An 8’ wooden privacy fence shall be constructed where an adjacent property abuts the proposed site development. The finished side of the proposed property fence will face the adjacent property.

8. A masonry privacy wall will be constructed along the sidewalks adjacent to Woodlawn Road. The wall will contain several openings for private access from the streets. The wall will be to 60” (60 inches) in height and will feature decorative elements placed every 20 maximum on center.

9. A new 6’ sidewalk will be provided along Woodlawn Road. The width below each sidewalk will be 33.98’ (33.98 feet). This includes a 2’ sidewalk in the single family area and a 6’ sidewalk in the subsites.

10. Unit driveways shall be less than 7’ or more than 20’ from the back of sidewalk, and shall not interfere with the 6’ sidewalk.

11. Unit driveways shall be less than 7’ or more than 20’ from the back of sidewalk, and shall not interfere with the 6’ sidewalk.

12. A retaining wall shall be provided along the internal private road where necessary. The retaining wall will have a maximum height of 8’.

13. The retained 10’ buffer will meet the standards of a Class C buffer.

14. The petitioner will dedicate 50 feet of right-of-way measured from the existing sidewalk along the former public right-of-way on Woodlawn Road. The adjacent 10’ right-of-way on Woodlawn Road will be dedicated and conveyed to CDOT.

15. Tree save areas on site will occur within the setback areas. Tree relocation in lieu of tree save areas of 15% may be accomplished with additional plantings on site or within setback areas. All landscaping will meet the Landscape Ordinance requirements.

16. Stormwater: The proposed site development will comply with the City of Raleigh Water Quality and Stormwater Management Ordinance requirements. This includes Chapters 6, 9, 12, 17, 18, 19, 20, 21 of the Zoning Ordinance. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards.

17. The petitioner will submit detailed Stormwater Management Plans as required by the City of Raleigh Department of Transportation for review and approval. This includes Chapters 6, 9, 12, 17, 18, 19, 20, 21 of the Zoning Ordinance. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards.

18. The maximum height of any freestanding light fixture shall not exceed 20 feet including its base. All direct lighting within the site shall be designed and shielded such that direct illumination does not exceed past any property line and shields into abutting property.

19. The location, size, and type of storm water management systems depicted on the plan shall be subject to review and approval by the City of Raleigh Department of Transportation and shall be consistent with the zoning ordinance requirements. Furthermore, no ‘like for like’ lighting shall be permitted.

20. LED backlit lighting shall be provided along the proposed private road.
01 | VIEW FROM ADJACENT YARDS - WITHOUT TREES (FOR ILLUSTRATIVE PURPOSES)

02 | VIEW FROM ADJACENT YARDS - WITH TREE PLANTINGS

03 | TYPICAL IMAGE OF END UNIT

04 | TYPICAL IMAGE OF EXTERIOR

05 | VIEW FROM WOODLAWN
REQUEST

Current Zoning: MX-3 (LLWCA) (mixed use, Lower Lake Wylie Critical Area)

Proposed Zoning: MX-3 SPA (LLWCA) (mixed use, site plan amendment, Lower Lake Wylie Critical Area)

LOCATION

Approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive.

(Outside City Limits)

SUMMARY OF PETITION

The petition proposes a site plan amendment to increase the single family density for a portion of the original Palisades rezoning from 3.9 dwelling units per acre to 4.91 dwelling units per acre for a total of 29 attached dwelling units. The overall density of the original Palisades rezoning increases from 3.87 to 3.89 dwelling units per acre.

PROPERTY OWNER

Wilkison Partners Palisades, LLC

PETITIONER

Wilkison Partners, LLC

AGENT/REPRESENTATIVE

Michael L. Boston

COMMUNITY MEETING

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

Number of people attending the Community Meeting: 14

ZONING COMMITTEE ACTION

The Zoning Committee voted 6-0 to recommend to City Council that the changes to this petition are significant and that a new public hearing should be held.

VOTE

Motion/Second: Allen/Sullivan

Yeas: Allen, Dodson, Eschert, Nelson, Ryan, and Sullivan

Nays: None

Absent: Labovitz and Walker

Recused: None

ZONING COMMITTEE DISCUSSION

Staff noted that the petitioner had made major changes to the petition since the public hearing and recommended that another public hearing be held. The changes related to street connectivity required by the subdivision ordinance, which changed the layout of the proposed development. There was no further discussion of this petition.

LATEST STAFF ANALYSIS

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

PLANNING STAFF REVIEW

• Background
  • The subject parcel was rezoned under petition 2001-016C 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 acres.
  • The approved site plan allowed for several “village residential” components which allowed up 5.1 dwelling units per acre.
  • The site plan called for single family development up to 3.9 dwelling units per acre on the subject site.

• Proposed Request Details
  The site plan amendment contains the following changes:
  • Maximum of 29 attached single family townhomes for a density of 4.91 units per acre.
  • A 17-foot planting strip and six-foot sidewalk along Shelburne Farms Drive and Youngblood Road.
• A four-foot tall berm or wall/fence with trees and/or plantings along the project frontage on Shelburne Farms Drive and Youngblood Road West.
• Eight-foot planting strip and six-foot sidewalk along the internal private streets.
• Building elevations for the proposed structures.
• Pedestrian connection to the existing amenity area south of the subject site.
• A 25.5-foot Class “C” buffer with a fence along the east property edge abutting the existing single family homes in R-3 (single family residential) zoning.
• Off-street guest parking internal to the site.
• Freestanding lighting limited to 20 feet in height.
• Innovative provision requests (which are considered for approval by the Zoning Committee) include:
  • Allowing minimum lot area to be 4,000 square feet.
  • Allowing minimum side yards to be five feet.
  • Allowing the minimum 32-foot front setback to be measured from the back of curb.
  • Allowing the minimum side yard at the right-of-way to be ten feet.
  • Allowing minimum rear yard to be ten feet.

• **Public Plans and Policies**
  • The *Steele Creek Area Plan* (2012) recommends residential at up to four units per acre for the subject site.
  • The petition is consistent with the *Steele Creek Area Plan* recommendation of up to four dwelling units per acre. While the density of the property included in the site plan amendment is approximately 4.91 dwelling units per acre, the overall density of the original rezoning for the overall Palisades development, of which this petition was a part, will remain below four dwelling units per acre 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:** The petitioner should provide a public street connection to the eastern edge of the property to comply with the City of Charlotte Subdivision Ordinance.
• **Charlotte Fire Department:** No issues.
• **Charlotte-Mecklenburg Schools:** 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. Provide a public street stub to the eastern edge of the property to comply with the Subdivision Ordinance.
  2. Change the first private street cross section to a public street cross section.
  3. Modify and only list the innovative standards that are changes from minimum zoning standards.
ordinance standards.
4. Label and note that an eight-foot planting strip and six-foot sidewalk will be provided on both sides of the street for all private streets.
5. Show the number of off-street guest parking spaces which will be provided.
6. Modify the area shown for guest parking and label it as a parking envelope and not common open space.
7. Provide a note and show that the off-street guest parking area will be screened with five-foot tall shrubs on all three sides.
8. Label the elevations and add a note identifying the proposed building materials.
9. Provide a detail of the proposed ornamental fence.
10. Label and note the proposed percentage of tree save area for the areas shown on the site plan.
11. Modify the note under streetscape and landscaping to read, “The petitioner reserves the right to install an entrance feature at the driveway connection to Shelburne Farms Drive subject to approval by North Carolina and Charlotte Departments of Transportation.”
12. Submit an administrative request for Petition 2001-016C and reduce the number of “village residential” units by 30 units prior to the City Council decision.

Attachments Online at www.rezoning.org
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte 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

Rezoning Petition: 2014-031

- Major Roads
- Collector Roads
- Charlotte City Limits
- Protected Area
- Lakes and Ponds
- Creeks and Streams

INSIDE CHARLOTTE CITY LIMITS

April 9, 2014
### 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: RE-2 (research)
Proposed Zoning: RE-3(O) (research, optional) and O-1(CD) (office, conditional) with five-year vested rights

LOCATION
Approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive. (Council District 4 - Phipps)

SUMMARY OF PETITION
The petition proposes expansion of office, research and laboratory facilities for an existing business in the University Research Park.

PROPERTY OWNER
Electrolux North America, Inc.

PETITIONER
Electrolux North America, Inc.

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: None

STATEMENT OF CONSISTENCY
This petition is found to be consistent with the University Research Park Area Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Nelson).

ZONING COMMITTEE ACTION
The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:

1. Provided clarity on the proposed amount and type of retail by limiting retail sales to 70,000 square feet of uses allowed in the B-1 district, and prohibiting a single retail tenant with more than 35,000 square feet of gross floor area.
2. Staff has rescinded the request to provide a six-foot sidewalk along David Taylor Drive approximately 525 feet from proposed Street #1 (Electrolux Way) to the eastern property line, due to topographical issues.
3. Complied with transportation requirements resulting from the review of the traffic impact study by listing the improvements by phase:
   a) Phase I
      (i) Construction of Electrolux Way;
      (ii) Improvements at the intersection of W. T. Harris Boulevard and Research/IBM Drive;
      (iii) Improvements at the intersection of Mallard Creek Road and Governor Hunt Road;
      (iv) Improvements at the intersection of Mallard Creek Church Road and Claude Freeman Drive;
      (v) Improvements at the intersection of Research Drive and David Taylor Drive; and
      (vi) Improvements at the intersection of Electrolux Way and David Taylor Drive.
   b) Phase II
      (i) Construction of Public Street #2;
      (ii) Improvements at the intersection of Mallard Creek Road and Governor Hunt Road;
      (iii) Improvements at the intersection of Mallard Creek Church Road and Claude Freeman Drive;
      (iv) Improvements at the intersection of Mallard Creek Church Road and Senator Royall Place; and
      (v) Improvements at the intersection of David Taylor Drive and Governor Hunt Drive/Existing Access "B."
4. Provided clarity on the optional request for detached directional signs by specifying two detached identification signs up to 50 square feet of sign area and seven feet in height, and two detached directory signs up to 24 square feet and up to five feet in height.

5. Provided clarity on the width of the existing sidewalk connections to the site from Claude Freeman Drive by showing and labeling four-foot and six-foot proposed additions to an existing four-foot sidewalk, and noted that an on-site walking trail/sidewalk for use of the employees will be provided that runs between Claude Freeman Drive and David Taylor Drive. There is no existing sidewalk along the site’s frontage on Claude Freeman Drive.

6. Referred to Public Street #1 as Electrolux Way.

7. Delineated and labeled Development Area 2A.

8. Amended optional provisions as follows:
   a) Added 2(a) (iv) to specify that retail sales uses and restaurants located in Development Area 2A will not be allowed to provide parking between the building and Public Street #2.
   b) Amended 2(c) to state that public urban open space requirements will not be met with private urban open space if retail sales and restaurant uses are located in Development Area 2A.
   c) Amended Note 2(e) to request a 24-foot setback along Public Street #2.
   d) Amended Note 2(f) to not require a six-foot sidewalk along the majority of David Taylor Drive, and to allow a sidewalk to be provided along portions of David Taylor Drive and Claude Freeman Drive; this sidewalk will be connected to the existing pedestrian trail along Claude Freeman Drive.
   e) Amended Note 2(g) to eliminate retail sales and restaurant uses located within Development Area 2A from the optional request to not require doorways to be recessed into the face of buildings.
   f) Amended Note 2(h) to eliminate retail sales and restaurant uses located within Development Area 2A from the optional request to not require each building façade oriented to a street to have an operable pedestrian entrance.

9. Improvements to existing on-site pedestrian tunnel including repair of bridge, provision of eight-foot wide concrete sidewalk on each side, and repair of lighting inside tunnel. Existing on-site pedestrian trail will be maintained by Electrolux.

10. Providing a CATS waiting pad on David Taylor Drive and Claude Freeman Drive.

11. Limited to only one accessory drive-through window on the site.

12. Amended phasing requirements to allow a certificate of occupancy for up to 390,000 square feet to be allowed upon substantial completion of Phase I transportation improvements.

13. Amended phasing requirements to allow a certificate of occupancy for up to 968,874 square feet upon substantial completion of Phase II transportation improvements.

14. Limited building height within Development Areas 1 and 2 to 150 feet exclusive of roof top mechanical equipment and screens or devices to screen roof top structures or equipment.

VOTE

Motion/Second: Sullivan/Eschert

Yeas: Allen, Eschert, Nelson, Ryan, and Sullivan

Nays: None

Absent: Labovitz and Walker

Recused: Dodson
ZONING COMMITTEE

DISCUSSION

Staff provided an overview of the petition, noting that the outstanding issues had been resolved and that the petition is consistent with the University Research Park Area Plan. There was no further discussion of this request.

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:
  • Five-year vested rights.
  • Retains the existing 276,126-square foot building in Development Area 1.
  • Proposes up to 893,874 square feet of expansion area in Development Area 2.
  • Of the total allowed square footage permitted in Development Areas 1 and 2, only up to 70,000 square feet may be used for retail sales allowed in the B-1 (neighborhood business) zoning district, and a single retail sales tenant with more than 35,000 square feet of gross floor area is prohibited.
  • Proposes up to 75,000 square feet of gross floor area for uses allowed in the O-1 (office) district in Development Area 3.
  • Prohibited uses include but are not limited to residential dwelling units, family childcare homes, nursing homes, religious institutions, motion picture theaters, bed and breakfasts, jails and prisons, orphanages/children’s homes.
  • The total number of principal buildings on the site shall not exceed ten.
  • Two new public streets and transportation requirements resulting from the review of the traffic impact study listed by phase.
  • Issuance of certificates of occupancy conditioned upon completion of proposed public streets.
  • Access to site provided via David Taylor Drive, Claude Freeman Drive and proposed public streets.
  • New building and parking setbacks adhere to a 100-foot setback along Claude Freeman Drive and David Taylor Drive, a 30-foot setback along Electrolux Way, and a 24-foot setback on proposed Public Street #2.
  • On-site walking trail/sidewalks for use of the employees of the site.
  • Detached lighting limited to 25 feet in height.
  • Optional provisions include:
    • Allow vehicular parking, maneuvering, and service between the proposed buildings and public streets, except retail sales uses and restaurant uses located in Development Area 2A will not be allowed to provide parking between the building and Public Street #2.
    • Building height of 150 feet exclusive of roof top mechanical equipment and screens or devices used to screen roof top structures or equipment for Development Areas 1 and 2.
    • Allow public urban open space requirements within Development Areas 1, 2 and 3 to be met with private urban open space, except for retail sales and restaurant uses in Development Area 2A.
    • Allow parking for “All Other Uses” to be at the rate of one space per 450 gross square feet instead of one space per 400 gross square feet.
    • To not require a six-foot sidewalk along the majority of David Taylor Drive and Claude Freeman Drive due to the location of the existing street trees and the severe changes in topography located directly behind the existing street trees. A sidewalk will be provided along portions of David Taylor Drive and Claude Freeman Drive, which will be connected to the existing pedestrian trail along Claude Freeman Drive.
    • Elimination of doorways required to be recessed into the face of buildings in Development Areas 1, 2 and 3, except for retail sales and restaurant uses in Development Area 2A.
    • Removal of the requirement that each building façade oriented to a street must have an operable pedestrian entrance in Development Areas 1, 2 and 3, except for retail sales and restaurant uses in Development Area 2A.
    • Allowing the buildings on the site to provide at least one loading dock space for each 200,000 square feet of building area, instead of one loading dock space per each additional 100,000 square feet beyond 150,000 square feet of gross floor area.
• Allowing detached lights to be up to 30 feet high and to allow the existing site lighting to remain, instead of the maximum height of 20 feet.
• Elimination of requirement that buildings with more than six stories comply with the base of high rise requirements.
• Allowing two detached identification signs and two detached directory signs per street front. Detached identification signs may have up to 50 square feet of sign area and be seven feet in height. The detached directory signs may have up to 24 square feet of sign area and be up to five feet in height.
• Allowing the existing four-foot sidewalk connection to Claude Freeman Drive to be extended at the same width. In locations where the existing grade can accommodate a wider sidewalk the width may be increased to six feet.
• Allowing retail sales permitted the B-1 (neighborhood business) district over 10,000 square feet. The total amount of retail sales that can be constructed on the site will be limited to 70,000 square feet of gross floor area and the maximum size of a single retail sales tenant will be limited to 35,000 square feet of gross floor area.

• Public Plans and Policies
  • The University Research Park Area Plan (2010) recommends a mixture of office and residential for the majority of the site, and office, retail and residential uses for a smaller part of the site. Building height should not exceed eight stories. However, staff is supportive of the proposed height for the building because the site is identified as an activity center intended to become the heart of the University Research Park, and the proposed building is located in the center of a large site.
  • The proposed development is consistent with the University Research Park Area Plan.

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

• Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  • Facilitates the use of alternative modes of transportation by providing pedestrian facilities beyond those required.

OUTSTANDING ISSUES

• No issues.
Attachments Online at www.rezoning.org

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

Planner: Sonja Sanders  (704) 336-8327
Vicinity Map

Rezoning Petition: 2014-035

Petition # 2014-035

Acreage & Location: Approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive.

May 29, 2014
Petition #: 2014-035
Petitioner: Electrolux North America, Inc.

Zoning Classification (Existing): RE-2 (Research)

Zoning Classification (Requested): RE-3(O) 5-Year Vested Rights & O-1(CD) 5-Year Vested Rights (Research, Optional, 5-Year Vested Rights and Office, Conditional, 5-Year Vested Rights)

Acreage & Location: Approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive.
On Research side of W.T. Harris add a left turn lane with 420’ of storage (by removal of tree save area provided meets the requirements of the Tree Ordinance (e.g. the tree save areas to be left in place). The roadway cross-section for Proposed Public Street # 2 should include three lanes; one northbound lane for through traffic and two southbound lanes (one lane that terminates as a left turn lane and the other that terminates as right turn lane); with a maximum width of 20 feet on the north side or 11 feet on the south side, including a center line gutter. The roadway shall be paved with asphalt and the roadway shall be divided by a center line barrier. Exits of proposed public streets shall be designed to be connected to the existing roadway network. The roadway shall be designed to accommodate the movement of all vehicles. The roadway shall be designed to accommodate the movement of all vehicles.

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This elevation is provided to reflect the architectural style and quality of the building that may be constructed on the Site (the actual building constructed may vary from this illustration as long as the general architectural concepts and intent illustrated is maintained).
This elevation is provided to reflect the architectural style and quality of the building that may be constructed on the Site (the actual building constructed may vary from this illustration as long as the general architectural concepts and mass illustrated is maintained).
REQUEST

Current Zoning:  B-1 (neighborhood business)
Proposed Zoning:  MUDD-O (mixed use development – optional)

LOCATION

Approximately 0.145 acres located along North Davidson Street between East 35th Street and East 36th Street.
(Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to renovate the existing building for use as a restaurant with outdoor seating.

PROPERTY OWNER

G.W. McCullough, III

PETITIONER

John M. Meyer

AGENT/REPRESENTATIVE

Robert Hess

COMMUNITY MEETING

Meeting is required and has been held.  Report available online.
Number of people attending the Community Meeting:  1st meeting 51  2nd meeting 46

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the Blue Line Extension Station Area Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6–0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Nelson).

ZONING COMMITTEE ACTION

The Zoning Committee voted 6–0 to recommend APPROVAL of this petition with the following modifications:
1. Specified that an eight-foot sidewalk is to be provided as shown on the site plan.
2. Decreased the amount of exterior seating from 3,100- square feet to 1,578-square feet, thus reducing the area of expansion.
3. Amended the wording for note III a. 2. to say “14’ setback reduced from 16’ setback as specified in the MUDD district.”
4. Removed the label and line for the existing 20-foot setback from sheet 2 Site Layout.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented the petition to the Zoning Committee noting that all outstanding issues had been addressed and that the petition is consistent with the Blue Line Extension Station Area Plan. There was no further discussion.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Permitted use as a restaurant/bar.
  • Total 6,300 square feet consisting of renovation of the existing 3,200-square foot building and creation of 1,578 square feet of open space in the form of exterior seating and landscaped area in the front and rear.
• Maximum building height of 40 feet.
• Creation of a curb at the former drive along the street frontage in order to restrict parking on the sidewalk.
• Construction of a permanent overhang along the front to cover exterior seating. Overhead doors provided at the front and rear to open up the interior to the exterior as weather permits.
• Construction of a landscape island with a combination of evergreens, shrubs, annuals and possible local artwork between the sidewalk and front seating area.
• Garbage and recycling area located to the rear and limited to roll-out service.
• Limits exterior lighting to full cut-off, downwardly shielded fixtures and freestanding lighting that is a maximum of 25 feet in height.
• Optional requests include:
  • Waive the six required spaces and provide no parking.
  • Provide a 14-foot setback as opposed to the 16-foot setback as specified in the adopted area plan.
  • 8-foot sidewalk at the back of curb with landscaped island added between the sidewalk and exterior seating.

• **Public Plans and Policies**
  • The *Blue Line Extension Station Area Plan* (2013) recommends transit supportive uses. The site is located within a ¼ mile walk of the proposed 36th Street Station.
  • The petition is consistent with the *Blue Line Extension Station Area Plan*.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg 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*.
  - Minimizes impacts to the natural environment by reusing the existing building.

**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
• Urban Forestry Review

**Planner:** John Kinley  (704) 336-8311
Acreage & Location: Approximately 0.145 acres located along North Davidson Street between East 35th Street and East 36th Street.
Petition #: 2014-039
Petitioner: John M. Meyer

Zoning Classification (Existing): B-1
( Neighborhood Business )

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

Acreage & Location: Approximately 0.145 acres located along North Davidson Street between East 35th Street and East 36th Street.
Existing Site Survey – 3219 North Davidson Street

"RESIZING REQUEST: R-1 TO MUCC-5/7."
REQUEST
Current Zoning: INST(CD) (institutional, conditional)
Proposed Zoning: UR-1(CD) (urban residential, conditional)

LOCATION
Approximately 5.05 acres located on the east side of Sardis Road between Waverly Hall Road and Chevron Road.
(Council District 6 - Smith)

SUMMARY OF PETITION
The petition proposes the development of 15 single family detached dwelling units at a density of three units per acre.

PROPERTY OWNER
Sardis Road Land Company, LLC

PETITIONER
Sardis Road Land Company, LLC

AGENT/REPRESENTATIVE
David Booth, Land Design, Inc.

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

STATEMENT OF CONSISTENCY
This petition is found to be inconsistent with the South District Plan but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-1 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Allen).

ZONING COMMITTEE ACTION
The Zoning Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications:
1. Note number four under "Access and Transportation" has been removed.
2. Eight-foot planting strips and six-foot sidewalks have been provided along all public street frontages.
3. Lots have been modified to show that storm water detention facilities will be placed in common areas and not on private lots.
4. Sidewalks connections for lots 8, 9, have been shown to comply with Section 9.406(8)(d)(v).
5. A Wetlands Letter has been provided to Engineering and Property Management.
6. A minimum spacing distance and number of pedestrian lights has been provided.
7. A detail of the brick wall showing the height of the retaining walls along the site's frontage has been provided.
8. The request for on-street parking has been rescinded by staff.

VOTE
Motion/Second: Nelson/Eschert
Yea: Allen, Dodson, Eschert, Nelson, and Sullivan
Nay: Ryan
Absent: Labovitz and Walker
Recused: None

ZONING COMMITTEE DISCUSSION
Staff presented the petition to the Zoning Committee and indicated that all the outstanding issues had been addressed. A Commissioner asked staff about the changes in the elevations and why the development was not designed to front along Sardis Road. Staff responded that the petitioner provided conditional notes to require 30 percent masonry material and that the conditional notes provided some flexibility and variations of materials. The site was designed to face the internal private street since the required retaining wall and grade change made it difficult to front along Sardis Road. Proposed lots eight and nine will have sidewalk connections to Chevron Drive per the Ordinance requirements for urban residential districts. There was no further discussion of this petition.
MINORITY OPINION

One Commissioner felt that the development should front along Sardis Road and provide more "eyes on the street." The Commissioner believes that the proposed development will not relate to the surrounding properties and that is not in the public’s best interest.

STAFF OPINION

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

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

- **Background**
  - Approval of petition 2011-033 rezoned the subject property from R-3 (single family residential) to INST(CD) (institutional, conditional) to allow the development of 54 senior independent living units consisting of duplexes, multi-family style buildings and two condominium units. The approved plan included amenity areas, tree save areas, and proposed building elevations.

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - Up to 14 new single family detached dwellings and one existing single family detached dwelling for a density of three units per acre.
    - Building elevations for the proposed structures.
    - Building materials consisting of brick, hardi-plank, cementitous board, architectural shingles, and stone veneer.
    - Proposed structures will have at least 30 percent masonry material.
    - Vinyl may not be a permitted as an exterior material expect for soffits and window trim.
    - Maximum building height of 48 feet.
    - Pedestrian scale lighting along internal private street. Detached lighting not to exceed 20 feet in height.
    - Internal private street with eight-foot planting strips and five-foot sidewalks.
    - Eight-foot planting strip and six-foot sidewalk provide along all public street frontages.
    - Eight-foot planting strip and five-foot sidewalk along the site’s internal private street.
    - A note that pedestrian scale lighting will be placed no greater than 25 feet apart.
    - A gated vehicle entry from Sardis Road and Chevron Drive.
    - 30-foot class "C" buffer abutting R-3 (single-family) property.
    - 33 percent tree save for the entire site.
    - Tree save areas along the site’s Sardis Road frontage.
    - Possible rain gardens for storm water detention.
    - A brick wall not to exceed five feet in height will be provided along the site’s frontage on Chevron Drive.

- **Public Plans and Policies**
  - The *South District Plan* (1993), as modified by petition 2011-033, recommends institutional for the subject property.
  - Prior to the previous rezoning in 2011, the *South District Plan* recommended single family residential at up to 3 dwelling units per acre for the subject property.
  - The petition is inconsistent with the *South District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

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

Planner: Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 5.05 acres located on the east side of Sardis Road between Waverly Hall Drive and Chevron Drive.
Petition #: 2014-040
Petitioner: Sardis Road Land Company, LLC

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

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

Acreage & Location: Approximately 5.05 acres located on the east side of Sardis Road between Waverly Hall Drive and Chevron Drive.
DEVELOPMENT DATA

TAX PARCEL ID #’s: 10914222, 10914224, 10914225, 10914226, 10914227, 10914228, & 10914229, 10914230, & 10914231

ZONING JURISDICTION: MECKLENBURG COUNTY

TOTAL SITE ACREAGE: 5.05 ACRES

PROPOSED UNITS: 15 UNITS

PROPOSED DENSITY: 3 UNITS/ACRE

ZONING:

EXISTING ZONING: INSTITUTIONAL (CO)

EXISTING USE: SINGLE FAMILY RESIDENCE (EMPT) & VACANT LAND

PROPOSED ZONING: UR-1 (CD)

PROPOSED USE: SINGLE FAMILY DETACHED

UR-1 DATA:

MIN. LOT SQ. FT.: 3,000

MIN. SETBACK : 14’**

MIN. SIDEYARD: 5’

MIN. REAR YARD: 10’

MAX. BLDG HEIGHT: 48’

MIN. LOT WIDTH: 20’

**14’ FROM BACK OF EXISTING OR PROPOSED CURB WHICH IS GREATER

OPEN SPACE:

OPEN SPACE: 50 PERCENT

TREE SAVE AREA: 32 PERCENT

TOTAL TREE SAVE AREA: 71,600 SQ.FT.

TOTAL SITE AREA: 219,978 SQ.FT.

LEGEND:

Proposed street trees

Existing trees to be saved

Proposed tree save area

Proposed water quality

PETITION #: 2014-040

CITY OF CHARLOTTE
Proposed Architectural Elevations

Existing Retaining Wall - N.T.S.

Proposed Architectural Elevations

Proposed & Existing Perimeter Wall Elevations

Architectural Standards Cont:

3. Each residential unit being constructed on the Site shall be comparable in appearance and quality through the use of same building materials, architectural features and styling. Specifically, each such building shall be constructed of brick or stone (50% minimum masonry), and window, doors, and exterior finishes shall be selected to be consistent with the conceptual architectural designs. Roofs shall be architectural grade fiberglass shingles or a combination of hipped and gable roof. Vinyl siding or fiber cement shall be utilized on the front facing elevations of the buildings. The departures from these standards shall be approved by the Architectural Review Board.

4. The maximum height of the architecture shall not exceed the set requirements set forth by the Ordinance of 48 feet in height.

Environmental Features:

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

2. In addition to the trees located within the tree save areas, the Petitioner shall preserve those trees designated on the Rezoning Plan for preservation. With respect to those trees located outside of the tree save areas and designated for preservation, the Petitioner shall engage a certified arborist to prepare and implement a tree protection and preservation plan for those trees, and a copy of the tree protection and preservation plan shall be submitted to the Charlotte-Mecklenburg Planning Department prior to commencing any grading activities on the Site.

3. No denudation areas will be allowed within any required buffer.

4. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the architectural development plan submission and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water management requirements and advance site development phases.

Fencing, Grounds, and Open Space:

Lighting:

Picket fence scale. Fencing and lighting fixtures will be alternated throughout the Site along the internal private street and drive. The picket fence scale, fencing and lighting fixtures will be uniform in design, and the final spacing of such lighting fixtures shall be determined by the Petitioner. All such fencing lighting fixtures shall be fully caged and shielded and the illumination does not extend past any property line of the Site. Minimum spacing for light fixtures shall be not less than 20 feet on the Site. All final lighting design & spacing shall be in accordance with the City of Charlotte lighting standards.

The maximum height of any pole structure lighting fixtures installed on the Site, including in bases, shall not exceed 24 feet.

Any detached and attached lighting will be fully shielded and downward directed.

Briefing Effects of the Rezoning, Definitions and Requirements:

1. If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and insure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

2. Throughout these Development Standards, the term, “Petitioner” and “owner” or “owners” shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

Existing Retaining Wall - N.T.S.
REQUEST

Current Zoning:  I-1 (light industrial)
Proposed Zoning:  I-2(CD) (general industrial, conditional)

LOCATION

Approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road. (Council District 2 - Austin)

SUMMARY OF PETITION

The petition proposes an expansion of an existing building to allow a contractor’s office and storage yard and all I-1 (light industrial) uses that are permitted in the I-2 (general industrial) district.

PROPERTY OWNER

Dominion Investments Properties, LLC

PETITIONER

Dominion Investments Properties, LLC

AGENT/REPRESENTATIVE

Walter Fields

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting:  None

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the Northeast District Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Allen).

ZONING COMMITTEE ACTION

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

1. A note has been added that all uses in the I-1 district along with contractor’s office with outdoor storage shall be allowed.
2. All the allowed uses have been placed in one section on the site plan.
3. A note has been added that “freestanding light will be fully shielded and downwardly directed.”
4. Detached lighting has been limited to 20 feet in height.
5. Transportation issue has been addressed with a note that CDOT will review the proposed location of the second proposed driveway along Pete Brown Road.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented the petition to the Zoning Committee and indicated that all the outstanding issues had been addressed. A Commissioner asked staff about where the parking would be located on site and would it relieve the on-street parking. Staff stated that the petitioner provided an area on the site plan where off-street parking and outdoor storage will be allowed. Another Commissioner asked what type of screening would be required for the proposed outdoor storage area. Staff responded that the petitioner was providing a 58-foot buffer along the northern edge of the property as shown on the site plan. The petitioner also added a note that “the outdoor storage area would be screened with existing trees and shrubs and meet the Zoning Ordinance requirement for screening of outdoor storage area”. There was no further discussion of this petition.
STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Existing 3,600-square foot, two-story commercial structure and associated parking to remain.
  - Possible area for future building expansion, outdoor storage, and parking.
  - Landscaping and tree plantings to screen possible outdoor storage area.
  - 58-foot Class "A" buffer along the northern property line.
  - Allows a contractor's office and storage yard, and all I-1 (light industrial) uses permitted in the I-2 (general industrial) district.
  - Detached lighting limited to 20 feet in height.
  - A note that "freestanding lighting will be fully shielded and downwardly directed."
  - Possible additional access point along the proposed Pete Brown Road realignment.

- Public Plans and Policies
  - The Northeast District Plan (1996) recommends industrial uses at this location.
  - The petition is consistent with the Northeast Area Plan.

DEPARTMENT COMMENTS (see full department reports online)

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

- No issues.
Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg 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 #: 2014-041

Acreage & Location: Approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road.

May 29, 2014
Petition #: 2014-041
Petitioner: Dominion Investments Properties, LLC

Zoning Classification (Existing): I-1
(Light Industrial)

Zoning Classification (Requested): I-2(CD)
(General Industrial, Conditional)

Acreage & Location: Approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.
REQUEST

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

LOCATION

Approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road.
(Council District 7 - Driggs)

SUMMARY OF PETITION

The petition proposes a 40-room expansion to an existing hotel, for a total of 164 hotel rooms.

PROPERTY OWNER
SREE Hotels, LLC

PETITIONER
Parag Patel, CFO

AGENT/REPRESENTATIVE
Peter Tatge, ESP Associates

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

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the South District Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Allen).

ZONING COMMITTEE ACTION

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

1. Amended legend and site development data to reflect the rezone area as 5.5 acres and delineated the 1.35 acre area of proposed expansion.
2. Amended boundaries of development to reflect entire 5.5 acres. Delineated area of proposed expansion with the boundary.
3. Addressed Charlotte-Mecklenburg Storm Water Services comments by removing Note 7B and replacing it with the following "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance." Removed the note stating "area subject to PCCO storm water regulations" on sheet RZ-3.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an update of the petition and noted that the outstanding issues had been resolved and the petition was consistent with the South District Plan. There was no further discussion of this request.

STAFF OPINION

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

- **Background**
  - The subject property was part of a larger rezoning in 1999 for the Toringdon development, Petition 1999-88, that rezoned 172 acres on the east and west corners of the intersection of Johnston Road and Interstate 485 from R-3 (single family residential) to CC (commercial center). The rezoning allowed a mixed use development with office, retail, a 120-room hotel and residential uses, and provided a 75-foot Class “B” buffer abutting all residential zoning and/or use.

- **Proposed Request Details**
  The site plan amendment contains the following changes:
  - A five-story building addition to allow 40 hotel rooms, for a total of 164 hotel rooms.
  - Relocation of the existing driveway on Johnston Road.
  - A 51-foot Class “B” buffer reduced by 25 percent to 38.25 feet, with the installation of a six-foot tall wooden fence, as allowed per the Ordinance.
  - Architecture to match that of the existing 124-room, five-story hotel facility.

- **Public Plans and Policies**
  - The **South District Plan** (1993), as amended by the previous rezoning, recommends mixed use residential, office, and retail uses on the subject property.
  - The petition is consistent with the **South District Plan**.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No 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

- **No issues.**
Attachments Online at www.rezoning.org

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

Planner: Sonja Sanders  (704) 336-8327
Acreage & Location: Approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road.
Petition #: 2014-045
Petitioner: Parag Patel, CFO

Zoning Classification (Existing): CC
(Commercial Center)

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

Acreage & Location: Approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road.

Approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.
**List of Adjacent Property Owners:**

1. EXECUTIVE SOUTH
2. PROPERTIES LLC
3. Pinnacle Properties
4. CLAIRE COTTAGES, LLC
5. U.S. TITLE & ESCROW
6. PREMOTION
7. CHELSEA MANAGEMENT, LLC
8. JEREMIAH CHARLES
9. SHELBY CONSERVATION BOARD
10. SPRING HILL SUITES HOTEL SITE

**Index of Sheets:**

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>Sheet No:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cover Sheet</td>
<td>RZ.1</td>
</tr>
<tr>
<td>Schematic Site Plan</td>
<td>RZ.2</td>
</tr>
<tr>
<td>Technical Data &amp; Development Standards</td>
<td>RZ.3</td>
</tr>
<tr>
<td>Diagrammatic Rendering</td>
<td>RZ.4</td>
</tr>
<tr>
<td>Proposed Building Elevations (East/West)</td>
<td>RZ.5</td>
</tr>
</tbody>
</table>

Petition 2014-045 "For Public Hearing"
### REQUEST
- **Current Zoning:** R-22MF (multi-family residential)
- **Proposed Zoning:** UR-2(CD) (urban residential, conditional)

### LOCATION
- Approximately 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place.
  - (Council District 2 - Austin)

### SUMMARY OF PETITION
The petition proposes a residential development with 118 units at 34.9 dwelling units per acre. The properties will be incorporated into the Double Oaks/Brightwalk development, which will result in an overall density of 18.9 units per acre for that development.

### PROPERTY OWNER
- Double Oaks Development, LLC

### AGENT/REPRESENTATIVE
- Fred Dodson, Jr., The Housing Partnership
- Frank Quattrocchi, Shook Kelley

### 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** and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Sullivan).

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

1. Added notes committing to the following design standards:
   a. Buildings along public and private streets shall have clear glass windows, glass and doors that face these respective streets. The walls of the buildings facing these streets shall be varied with a frequency of windows, doors and other architectural treatments. Long expanses of blank walls with no openings and minimal changes in material or architectural treatment over 20’ long will not be allowed. Blank walls shall be treated with some combination of landscaping, building articulation, varied building façade planes, canopies, pedestrian oriented lights, public art or other similar treatment.
   b. The principal buildings constructed on the site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
   c. Residential buildings that front on a public or private street will be designed with buildings entrances that face the abutting public or private street, except that buildings with frontage on two streets (either public or private or two legs of a roundabout) may have an entrance to only one street.
   d. Meter banks, BFP’s and other similar utilities will be screened where visible from public view at grade level.
   e. Roof top HVAC and related mechanical equipment will be screened from public view at grade level.

2. Included the conceptual renderings provided with the 2008 rezoning.

3. Removed UR-2(CD) from Developments Note 1c (Existing and Proposed Zoning).
4. Corrected the label in Development Area 11, which refers to Development Area 9.
5. Addressed CATS comments adding a note that states the petitioner will retain existing bus stop location and that new pad detail 60.01B will be coordinated during the review and permit process.
6. Addressed Neighborhood and Business Services comments by noting setbacks on site plan.
7. Addressed Transportation comments by providing the following:
   a. Removed the “Proposed Right-In/Right-Out” note from the site plan, allowing for the final access management treatment of this intersection to be determined by CDOT and NCDOT during the driveway permit process.
   b. Incorporated the public street alignment as per May 21, 2014 meeting with CDOT.
8. Removed all references to UR-2(CD) as existing zoning from the site plan.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Zoning Committee, noting that all outstanding issues had been addressed with the revised site plan. A Commissioner expressed concern that the elevations had not been part of the package provided at the City Council public hearing. Staff responded that submittal of elevations was an outstanding issue in the staff analysis and they were provided as a part of the revised site plan. The elevations shown generally reflect what has been developed thus far in Double Oaks/Brightwalk. Staff further noted that the elevations were placed on the web for viewing on June 20, 2014. There was no further discussion of this item.

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
  - Approximately 64.5 acres south of the rezoning site were rezoned under petition 2008-073 from a variety of zoning districts in order to allow the redevelopment of the Double Oaks/Brightwalk area with up to 1,082 residential units, and 35,000 square feet of retail, office and day care. The overall density of the project was approximately 16.78 dwelling units per acre.
  - Rezoning petitions 2013-031 and 2013-032 added eight (8) acres to the development and increased the overall density of the Double Oaks/Brightwalk development to 18.2 dwelling units per acre.
- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Adds 3.38 acres to the overall Double Oaks/Brightwalk development.
  - Allows up to 118 single family attached, detached, and multi-family residential dwelling units at 34.9 dwelling units per acre. The result is an increase in the density of the overall Double Oaks/Brightwalk development from 18.20 dwelling units per acre to 18.94 dwelling units per acre.
  - Maximum building height of 55 feet.
  - Depicts building and parking envelopes.
  - Provides internal alleyway system to support new development/circulation.
  - Provides new sidewalk and landscape strips on new internal streets and along Statesville Avenue.
• Buildings to be designed as four-sided architecture with no long blank walls of 20 feet or more.
• Buildings will be broken up by different material types, windows, and paint to avoid large expanses of blank walls.
• Limits freestanding lighting to 20 feet.
• Building elevations.

Public Plans and Policies
• The proposed rezoning is consistent with the multi-family use recommended in the Central District Plan, but the site does not meet the criteria set forth in the General Development Policies for an increase in density to 18.94.
• However, the proposed density increase from 18.2 to 18.94 is a slight increase for the overall Double Oaks/Genesis neighborhood and meets the Central District Plan goals for the revitalization of the Double Oaks/Genesis neighborhood.

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

OUTSTANDING ISSUES
• No issues.

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

Planner: Claire Lyte-Graham (704) 336-3782
Petition #  2014-046

Acreage & Location: Approximately 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place.
Petition #: 2014-046
Petitioner: The Housing Partnership

Zoning Classification (Existing): R-22MF
(Multi-Family, Residential)

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

Acreage & Location: Approximately 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place.

Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.
Double Oaks - Brightwalk Phase 3 Rezoning Petition
Statesville Ave - Double Oaks Rd. - Moss St. & Tranquil Oak Lane

06/20/2014

Shook/Kelley
SP002

The Housing Partnership, 4601 Charlotte Park Dr., STE 350. Charlotte, NC, 28217
704.342.0933 p / 704. 342.2745 f, EMAIL - fdodson@cmhp.org

Rezoning Submittal - Petition
Rezoning Revisions #2FSQ

View - Double Oaks Road Bridge
Intersection of Anita Stroud Park

View - Kohler Avenue towards The McNeil Apartments
at the Stateville Avenue Intersection

View - Woodward Ave. at Anita Stroud Park

View - Future Norris St. & Double Oaks Road
at the Stateville Avenue Intersection

2014-046 PHASE 3 - DOUBLE OAKS / BRIGHTWALK
2008-073 APPROVED CONCEPT RENDERINGS
REQUEST

Current Zoning:  I-2 (heavy industrial) and TOD-M(CD) (transit oriented development - mixed-use, conditional)
Proposed Zoning:  TOD-MO (transit oriented development - mixed-use, optional)

LOCATION

Approximately 3.21 acres located on the west side of Youngblood Street between Remount Road and Griffith Street and across from Poindexter Drive.
(Council District 3 - Mayfield)

SUMMARY OF PETITION

The petition proposes to allow the construction of a minimum of 37 and a maximum of 54 for-sale single family attached dwelling units at a minimum density of 11.5 units per acre and maximum of 16.8 units per acre.

PROPERTY OWNER

The Charlotte Housing Authority

PETITIONER

Hopper Communities

AGENT/REPRESENTATIVE

Matt Langston, Landworks Design Group

COMMUNITY MEETING

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

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the New Bern Transit Station Area Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-1 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Eschert).

ZONING COMMITTEE ACTION

The Zoning Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications:

1. Removed optional provision (b), which is not needed because the driveways and garages shown on the site plan open onto alleys and not public or private streets.
2. Removed optional provision (c), as it is not needed with this request.  TOD allows 1.6 parking spaces per unit plus a 25% bonus for structured parking, which equals 2 spaces per unit.  Garage parking has been determined to be structured parking, so the option is not needed.
3. Installed eight-foot planting strip with trees and eight-foot sidewalk along Youngblood Street frontage and both sides of proposed public street.
4. Added a note stating that windows will be provided on all levels of the end units visible from Youngblood Street and the proposed public street.
5. Noted that garages will be 5 feet to-7 feet deep from the edge of the alley.
6. Screened the ends of alleys from Youngblood Street with architectural and/or landscape screening.
7. Provide typical building elevations for front, back and sides.  Staff has rescinded this comment as the petitioner has provided additional architectural standards and the project will undergo TOD review.
8. Provided a note that states that the proposed six-foot high fence will be opaque and made of wood or vinyl material, or a composite.  In addition, brick or stone columns will be inserted at approximately 60’ on center along the fence line.
9. Noted the common open areas on the site plan.
VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Zoning Committee, noting that all outstanding issues had been addressed with the revised site plan. A Commissioner inquired about the status of the proposed public street (as discussed at the June 16, 2014 City Council rezoning meeting) and financial responsibility for its continuation beyond the rezoning site.

Planning staff responded by stating the design as currently proposed allows for a variety of alignments in its ultimate connection to South Tryon Street. CDOT staff noted that developers involved in future redevelopment of abutting parcels might pay for construction of portions of the street (as is the case with the subject rezoning petition). It was also noted CDOT may share costs associated with continued construction in the future, if the street is not required by the Subdivision Ordinance.

A Commissioner expressed concerns with the potential for a lower density than typical for transit station areas, building orientation, and inability for some vehicles to access the garages for the end units.

Staff noted that the lower density is related to the type development. Townhomes cannot typically reach the same density levels as other multi-family developments. As a variety of residential housing types are encouraged in transit areas, staff is comfortable with the optional to reduce the minimum density from 15 units per acre to 11.5 units per acre. CDOT staff noted that driveway design would be reviewed during plan review, and that maneuverability would also be assessed during this process.

MINORITY OPINION

A Commissioner had concerns about the overall project design, including the potential for a lower density than typical for transit station areas, building orientation, and ability for vehicles to maneuver in and out of garages/driveways.

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**
  - Approval of rezoning petition 2009-053 rezoned approximately 1.84 acres of the subject parcel from I-2 (general industrial) to TOD-M(CD) (transit oriented development – mixed-use, conditional), in order to allow the construction of a 40,000-square foot building.

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - Construct a minimum of 37 and a maximum of 54 for-sale single family attached dwelling units at a minimum density of 11.5 units per acre and maximum density of 16.8 units per acre.
    - Maximum building height of 50 feet.
    - Freestanding lighting limited to 20 feet in height.
    - Exterior finishes of buildings will be composed of a combination of brick, stone or similar masonry products and/or hardi-plank/fiber cement board.
    - No vinyl, EIFS or Masonite may be used for siding materials, but vinyl may be used for soffits and trim, including window and door trim.
    - Balcony railings, if appropriate to the design, will be of durable prefinished material and will not be painted pressure treated lumber.
    - Access to the site via a public street that aligns with Poindexter Drive.
The following optional provisions are being requested:

- Allow a minimum density of 11.5 dwelling units per acre. The TOD-M (transit oriented development – mixed-use) district requires a minimum density of 15 units per acre when properties are located within ½ mile of a transit station. The rezoning site is located within ½ mile of the New Bern transit station.

**Public Plans and Policies**

- The New Bern Transit Station Area Plan (2008) recommends mixed use transit supportive development for the rezoning site. The rezoning site is located within ½ mile of the New Bern transit station.
- The petition is consistent with the New Bern Transit Station Area Plan.

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.

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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools 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:** Claire Lyte-Graham (704) 336-3782
**Acreage & Location:** Approximately 3.21 acres located on the west side of Youngblood Street between Remount Road and Griffith Street and across from Poindexter Drive.
Petition #: 2014-047
Petitioner: Hopper Communities

Zoning Classification (Existing): I-2 and TOD-M(CD)
(General Industrial and Transit Oriented Development, Mixed Use, Conditional)

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

Acreage & Location: Approximately 3.21 acres located on the west side of Youngblood Street between Remount Road and Griffith Street and across from Poindexter Drive.
REQUEST
Current Zoning:  O-2 (office) and TOD-MO (transit oriented – mixed-use, optional)
Proposed Zoning:  TOD-MO (transit oriented – mixed-use, optional) and TOD-MO SPA (transit oriented – mixed-use, optional, site plan amendment)

LOCATION
Approximately 2.99 acres generally surrounded by South Caldwell Street, Lexington Avenue, Euclid Avenue, and Templeton Avenue. (Council District 1 - Kinsey)

SUMMARY OF PETITION
A site plan amendment is being requested for a 2.47-acre parcel that was previously rezoned to TOD-MO (transit oriented development – mixed-use, optional). The site plan amendment will make changes to several of the previously approved optional requests and the street cross section for Lexington Avenue. In addition, the petition proposes to rezone the adjacent 0.52 acre parcel from O-2 (office) to TOD-MO (transit oriented development - mixed-use, optional) and to incorporate the site into the redevelopment of the larger adjacent property.

PROPERTY OWNER
Marsh Euclid Apartments, LLC and White Bay Ventures, LLC

PETITIONER
Marsh Euclid apartments, 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: None

STATEMENT OF CONSISTENCY
This petition is found to be consistent with the South End Transit Station Area Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Allen).

ZONING COMMITTEE ACTION
The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:
1. Addressed CDOT issue by reducing the curb extensions to five-feet allowing two 10-foot traffic lanes and 5-foot wide on-street parking on both sides of Lexington Avenue.
2. Revised note 3.d. to say 68 linear feet.

VOTE
Motion/Second:  Sullivan/Ryan
Yea:  Allen, Dodson, Eschert, Nelson, Ryan, and Sullivan
Nay:  None
Absent:  Labovitz and Walker
Recused:  None

ZONING COMMITTEE DISCUSSION
The planning staff presented the petition and noted that all outstanding issues had been resolved and that the petition was consistent with the South End Transit Station Area Plan. There was no further discussion.

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

- **Background**
  - Petition 2013-055 approved in October 2013 rezoned a 2.47-acre portion of the site from O-2 (office) to TOD-MO (transit oriented development – mixed-use, optional) to allow for uses permitted in the TOD-M (transit oriented development - mixed-use) district. The approved site plan specified setbacks and the location of a pool area and allowed options for the pool area, screen wall and architectural building elements to encroach into the setback, and an increase in height. Now there is additional, adjacent land being added to the area that was previously rezoned.

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions carried over from Petition 2013-055:
    - Development of any transit supportive use permitted within the TOD-M (transit oriented development - mixed-use) zoning district.
    - Minimum parking ratio of 1.3 parking spaces per residential dwelling unit.
    - Nonresidential development must comply with the TOD-M (transit oriented development - mixed-use) standards.
    - Optional provisions that apply only to residential uses include:
      - Allow encroachments of building elements/architectural treatments up to four feet into the 20-foot building setback along Lexington and Templeton Avenues. These encroachments are in addition to other encroachments allowed by the Ordinance. All elements will be located behind the required sidewalk.
      - Increase the maximum allowed building height by five feet starting 50 feet from the required 30-foot setback along Euclid Avenue. The increase in building height may only be used for certain architectural elements (i.e. parapets, screening elements for mechanical equipment and screening elements for parking located in a parking structure) and not conditioned space or structured parking levels.
  - The site plan amendment contains the following changes:
    - Proposes to reduce the 15-foot, 6-inch drive aisles to 10 feet by extending the curb line along the southern side of Lexington Avenue from the intersection with Euclid Avenue to the northern end of the site in order to provide 5-foot wide, recessed on-street parking and relocate the overhead utility lines into the proposed planting strip bulb outs. The 5-foot extension of the curb allows on-street parking on the northern side of the street from the intersection of Euclid Avenue to the northern end of the site to remain.
    - Increases the contribution to implement traffic calming measures, approved in accordance with City policies, along portions of Lexington and Templeton Avenues located between Euclid and Myrtle Avenues from $7,500 to $10,000.
    - Optional provision changes that apply only to the residential uses include:
      - Amends the optional provisions to increase the encroachment of a pool deck, associated amenity areas, and 60-inch high decorative wall/fence to enclose the pool amenity area into the 30-foot building setback along the Euclid Avenue street frontage from 60 linear feet to 68 linear feet.

- **Public Plans and Policies**
  - The *South End Transit Station Area* (2005) recommends mixed use transit supportive development for the property. The site is located within the ½ mile walk distance from the Carson Boulevard transit station.
  - The petition is consistent with the *South End Transit Station Area*.

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

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: John Kinley (704) 336-8311
Acreage & Location: Approximately 2.99 acres generally surrounded by South Caldwell Street, Lexington Avenue, Euclid Avenue, and Templeton Avenue.
Petition #: 2014-048

Petitioner: Marsh Euclid Apartments, LLC

Zoning Classification (Existing): O-2 & TOD-MO

(Office and Transit Oriented Development, Mixed Use, Optional)

Zoning Classification (Requested): TOD-MO & TOD-MO(SPA)

(Transit Oriented Development, Mixed Use, Optional and Transit Oriented Development, Mixed Use, Optional,
Site Plan Amendment)

Acreage & Location: Approximately 2.99 acres generally surrounded by South Caldwell Street, Lexington Avenue, Euclid Avenue, and Templeton Avenue.

Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.
REQUEST

Current Zoning:  R-3 (single family residential), UR-2(CD) (urban residential, conditional)
Proposed Zoning: UR-2(CD) (urban residential, conditional) and UR-2(CD) SPA (urban residential, conditional, site plan amendment)

LOCATION

Approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road.
(Council District 6 - Smith)

SUMMARY OF PETITION

The petition proposes to develop up to 43 single family attached dwelling units, in two phases, at a maximum density of 4.73 dwelling units per acre.

PROPERTY OWNER

Colony Carmel Investors, LLC and W.W. Hagood, Jr. Trust

PETITIONER

Copper Builders, Inc. and Cambridge Properties, Inc.

AGENT/REPRESENTATIVE

John Carmichael, Robinson Bradshaw & Hinson

COMMUNITY MEETING

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

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the South District Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Eschert).

ZONING COMMITTEE ACTION

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

1. Enhanced drawings of typical courtyard and typical drive to better reflect layout of screen wall with pedestrian gates. Deleted proposed screen walls with gated pedestrian street access that were previously shown on Carmel Road and Colony Road.
2. Showed and labeled proposed tree save areas in Phase I and Phase II that meets the 15 percent requirement. Noted that identified tree save areas where tree canopy does not exist will be replanted at a rate of 36 trees per acre. Specified undisturbed and proposed tree save areas.
3. Showed building and parking footprint for Phase 2 as a separate inset on Sheet RZ-2.
4. Provided a typical front, side, and rear elevation for any façade that will be oriented toward a public or private street on Sheet RZ-4.
5. Designed elevations for end units that front Colony Road with architectural details that create a sense of entry and develop a pedestrian scale orientation towards Colony Road.
6. Amended Sheet RZ-1 to state that existing residential structure is to remain in Phase 1.
7. Relabeled “screen wall” along Colony Road and Carmel Road as “proposed site retaining wall.”
8. Specified acreage of Tract A and Tract B in the development data.
9. Amended development data to indicate that all units in Phase I and Phase 2 shall be provided a minimum 400 square feet of private open space.
10. Clarified that each single family attached unit will have a two-car garage.
11. Added a note that the internal private street shall not be required to connect to Carmel Road, per determination of the Subdivision Administrator.
12. Added a note that the petitioners shall install a northbound left turn lane on Colony Road prior to the issuance of the first
13. Added a note that a door shall not be required on the side elevation of Units 3-6, 31-32, and 34.
14. Noted that the finished grade of each single family attached unit located with frontage on Carmel Road shall be a minimum of three feet below the elevation of the sidewalk located on Carmel Road.
15. Added a note that any railings required to be installed on top of retaining walls along the site’s frontage on Colony Road and Carmel Road will be constructed of decorative metal.
16. Provided a streetscape elevation of the proposed residential community along Colony Road.
17. Provided a conceptual landscaping plan.
18. Added a note that the shrubs to be located between the retaining walls and the sidewalks along the site’s frontage on Colony Road and Carmel Road will be installed during the first available planting season.
19. Noted that the on-site pond will be preserved.
20. Showed location of solid waste and recycling facilities.
21. Relocated proposed retaining wall at the intersection of Carmel and Colony Roads out of the 35’ x 35’ sight distance triangle.

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

ZONING COMMITTEE DISCUSSION
Staff provided a summary of the petition and noted that the outstanding issues have been addressed and that the petition is consistent with the South District Plan. A committee member asked if the units along Carmel Road will be visible from the road. The Zoning Committee suspended the rules and the petitioner’s agent responded that there will be a five-foot grade difference between Carmel Road and the development, and the wall will not go above street level. In addition, shrubs will be planted on top of the retaining wall.

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
  • Petition 2005-162 rezoned 7.64 acres of the total 9.09 acres included in the subject rezoning from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow 36 for-sale condominium units in three buildings. One attached residential dwelling was built in 2010.
  • Proposed Request Details
    The site plan amendment contains the following changes:
    • Up to 36 single family attached dwellings and one individual single family attached dwelling is proposed in Phase 1 of the development.
    • The individual single family attached unit shall be demolished and replaced with up to seven single family attached dwelling units in Phase 2 of the development.
    • Minimum setback of 14 feet along Colony Road and Carmel Road.
    • Maximum height of single family attached units is two stories. However, some units may have two stories above a basement.
    • Building materials consist of brick, stone, cementitious siding, miratec trim, and stucco. Vinyl shall not be a permitted exterior building material for the attached units but may be utilized on
the soffits and vinyl windows.

- A minimum 75 percent of each façade of the attached units shall be composed of brick, stone, or a combination thereof.
- Providing a retaining wall along Carmel Road and Colony Road.
- Minimum of two parking spaces provided for each attached dwelling unit and up to 22 on-street parking spaces provided on one side of the proposed private street.
- Walking trails to be installed on site.
- Detached lighting limited to 20 in height.
- No standards from the previous rezoning remain.

The proposed petition contains the following provisions for the entire site:

- A separate lot may be created for the individual attached dwelling unit.
- Vehicular access to the site off Colony Road via a proposed private internal street.
- A proposed pedestrian access point off Carmel Road that leads to community open space.
- Maximum height of the individual single family attached dwelling unit is 40 feet.
- No expanses of blank wall in excess of 20 feet on facades facing Colony Road and/or Carmel Road.
- Existing pond to remain.
- Walking trails to be installed on site.
- Private roll out trash and recycling containers to be utilized by the community and picked up by a private service.
- Schematic architectural rendering of front, rear and side elevation of the single family attached units provided.

**Public Plans and Policies**

- The **South District Plan** (1993) recommends residential development for the subject property.
- The **South District Plan** supports six units at a density of four units per acre for the 1.5-acre portion of the site that is currently zoned R-3 (single family residential). The plan, as amended by rezoning 2005-162, supports 36 multi-family units at a density of 4.7 units per acre for the portion of the site currently zoned UR-2(CD) (urban residential, conditional). The plan supports a total of 42 units at a density of 4.6 units per acre for the combined properties.
- The petition is consistent with the residential use recommended by the **South District Plan**, and the proposed density represents a minor increase from 4.62 units per acre, as supported by the plan, to 4.73 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-Mecklenburg Schools**: No issues.
- **Charlotte-Mecklenburg Storm Water Services**: No issues.
- **Charlotte-Mecklenburg Utilities**: No issues.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No issues.
- **Mecklenburg County Parks and Recreation Department**: No issues.
- **Urban Forestry**: No issues.

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

- **Site Design**: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  - Protects/restores environmentally sensitive areas by preserving an existing pond.
OUTSTANDING ISSUES

- No issues.

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

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

**Planner:** Sonja Sanders  (704) 336-8327
Acreage & Location: Approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road.
Petition #: 2014-050
Petitioner: Copper Builders, Inc. and Cambridge Properties, Inc.

Zoning Classification (Existing): R-3 & UR-2(CD) (Single Family, Residential and Urban Residential, Conditional)

Zoning Classification (Requested): UR-2(CD) & UR-2(CD)SPA (Urban Residential, Conditional and Urban Residential, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 6-2-14.
CONDITIONAL REZONING PLAN

PETITIONER: COPPER BUILDERS, INC.
1235 E-EAST BOULEVARD #155
CHARLOTTE, NC 28203

CAMBRIDGE PROPERTIES, INC.
521 East Morehead Street #245
Charlotte, North Carolina 28202

PROPERTY OWNER: COLONY CARMEL INVESTORS, LLC
521 EAST MOREHEAD STREET, SUITE 400
CHARLOTTE, NC 28202

SALLY H. JAMES & ADELE D. HAGOOD
5926 COLONY ROAD
CHARLOTTE, NC 28220

REZONING SITE AREA: TOTAL: 9.08 AC
TRACT A: 8.35 AC
TRACT B: 0.73 AC

TAX PARCEL #: 211-632-34
211-632-35
211-632-36
211-632-99
211-63C-99

EXISTING ZONING: UR-2 (CD)
R-3

PROPOSED ZONING: UR-2 (CD)
UR-2 (CD) S.P.A

EXISTING USE: SINGLE FAMILY ATTACHED
VACANT

PROPOSED USE: SINGLE FAMILY ATTACHED, SINGLE FAMILY DETACHED

NUMBER OF UNITS: PHASE 1: 36 NEW, 1 EXISTING
PHASE 2: UP TO 7 NEW

MINIMUM SETBACK: EXISTING RIGHT-OF-WAY OR 14' FROM BACK OF CURB, WHICH EVER IS GREATER.

OPEN SPACE: ALL UNITS IN PHASE 1 AND PHASE 2 SHALL BE PROVIDED A MINIMUM OF 400 SQUARE FEET OF PRIVATE OPEN SPACE PER THE CITY OF CHARLOTTE UR-2 ZONING ORDINANCE.

TREE SAVE: PHASE 1: 8.35 AC @ 15% = 1.25 AC OF TREE SAVE REQ.
1.31 AC TOTAL PROVIDED ON SITE
PHASE 2: 0.73 AC @ 15% = 0.11 ADDITIONAL AC OF TREE SAVE REQ.
1.36 AC TOTAL PROVIDED ON SITE

*ALL AREAS DEPICTED AS "TREE SAVE AREAS" WHERE EXISTING TREE CANOPY DOES NOT CURRENTLY EXIST SHALL BE REPLANTED AT A RATE OF 36 TREES PER ACRE.

NOTE: TYPICAL STREET CROSS-SECTION CONSTRUCTION METHODS TO BE DETERMINED BY THE CITY OF CHARLOTTE LAND DEVELOPMENT STANDARDS (CLDSM)

SCALE:
1" = 50'
50' 25' 100'
DEVELOPMENT STANDARDS

1. These Development Standards, which are associated with the Rezoning Petition filed by Copper Builders, Inc. and Cambridge Properties, Inc., are intended to accomplish the following:

   a. To establish a minimum 10' x 20' off-street parking for each single family attached dwelling unit.
   b. To establish a minimum of 10' x 20' off-street parking for each single-family detached dwelling unit.

2. Development of the Site will be proceed by the Rezoning Plan, these Development Standards and the applicable Ordinance.

3. The Rezoning Plan and these Development Standards are to be used as guidelines for development.

4. Prior to the issuance of the first certificate of occupancy for any single family detached dwelling unit or any detached dwelling unit, together with any incidental or accessory uses associated with such uses that are permitted under the Ordinance in the UR-2 zoning district, as described below.

5. Notwithstanding the terms of paragraph 3 above, a door shall not be required on the side elevation of any pedestrian scale, freestanding lighting fixture installed on the Site, provided, however, that the side elevation of such lighting fixture has been approved by the Architectural Review Board.

6. Attached hereto is a conceptual perimeter landscaping plan that specifies the locations, types, and character are permitted based upon the final design/construction drawings.

7. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general location of the single family detached dwelling units, as more particularly depicted on the Rezoning Plan.

8. As depicted in the Rezoning Plan, existing trees shall be protected from view at grade from adjoining streets and properties.

9. Attached hereto is a conceptual perimeter landscaping plan that specifies the locations, types, and character are permitted based upon the final design/construction drawings.

10. HVAC units shall be screened from view at grade from adjoining streets and properties.

11. Attached hereto is a schematic plan showing the proposed residential community, including Carmel Road and the pond located adjacent to the Site. This plan shall be submitted to the Architectural Review Board.

12. Attached hereto is a conceptual perimeter landscaping plan that specifies the locations, types, and character are permitted based upon the final design/construction drawings.

13. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general location of the single family detached dwelling units, as more particularly depicted on the Rezoning Plan.

14. Changes and alterations which do not materially change the overall conceptual architectural style and character of the single family attached dwelling units, the relationship of the single family attached dwelling unit to Carmel Road and the perimeter landscaping treatment are permitted based upon the final design/construction drawings.

15. Changes and alterations which do not materially change the overall conceptual architectural style and character of the single family attached dwelling units, the relationship of the single family attached dwelling unit to Carmel Road and the perimeter landscaping treatment are permitted based upon the final design/construction drawings.

16. Notwithstanding the terms of paragraph 3 above, a door shall not be required on the side elevation of any pedestrian scale, freestanding lighting fixture installed on the Site, provided, however, that the side elevation of such lighting fixture has been approved by the Architectural Review Board.

17. All signs installed on the Site shall comply with the Charlotte City Council approved and adopted Pertinent City Ordinance.

18. The Site will be developed in two separate phases as provided above.

NOTES

1. All signs installed on the Site shall comply with the Charlotte City Council approved and adopted Pertinent City Ordinance.

2. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general location of the single family detached dwelling units, as more particularly depicted on the Rezoning Plan.

3. The Site will be developed in two separate phases as provided above.

4. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general location of the single family detached dwelling units, as more particularly depicted on the Rezoning Plan.

5. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general location of the single family detached dwelling units, as more particularly depicted on the Rezoning Plan.

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11. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general location of the single family detached dwelling units, as more particularly depicted on the Rezoning Plan.

12. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general location of the single family detached dwelling units, as more particularly depicted on the Rezoning Plan.

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16. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general location of the single family detached dwelling units, as more particularly depicted on the Rezoning Plan.

17. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general location of the single family detached dwelling units, as more particularly depicted on the Rezoning Plan.

18. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general location of the single family detached dwelling units, as more particularly depicted on the Rezoning Plan.

19. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general location of the single family detached dwelling units, as more particularly depicted on the Rezoning Plan.

20. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general location of the single family detached dwelling units, as more particularly depicted on the Rezoning Plan.
**REQUEST**

Current Zoning:  I-2 (general industrial)
Proposed Zoning:  I-1 (light industrial)

**LOCATION**

Approximately 6.26 acres located on the east side of North Graham Street and generally surrounded by Interstate 85, Reagan Drive, and North Graham Street.
(Council District 1 - Kinsey)

**SUMMARY OF PETITION**

The petition proposes to allow all uses in the I-1 (light industrial) district.

**PROPERTY OWNER**

Graham Street Investments

**PETITIONER**

Snider Fleet Solutions

**AGENT/REPRESENTATIVE**
Snider Fleet Solutions/Matt Creswell and Marty Herndon

**COMMUNITY MEETING**

Meeting is not required.

**STATEMENT OF CONSISTENCY**

This petition is found to be consistent with the *Central District Plan* and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Nelson).

**ZONING COMMITTEE ACTION**

The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff reviewed this petition noting that it is a conventional rezoning request with no associated site plan and that the request is consistent with the *Central District Plan*.

**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**
  This is a conventional rezoning petition with no associated site plan.

- **Public Plans and Policies**
  - The *Central District Plan* (1993) recommends industrial land uses for the site.
  - The petition is consistent with the *Central District Plan*.

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**DEPARTMENT COMMENTS**

(see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No 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 comments received.
• Mecklenburg County Parks and Recreation Department: No comments received.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

• No issues.

Attachments Online at www.rezoning.org

• Application
• Pre-Hearing Staff Analysis
• Locator Map
• Charlotte Area Transit System Review
• Transportation Review
• Charlotte-Mecklenburg Storm Water Services Review
• Charlotte-Mecklenburg Utilities Review
• Engineering and Property Management Review

Planner: John Kinley (704) 336-8311
Petition # 2014-052

Acreage & Location: Approximately 6.26 acres located on the east side of North Graham Street and generally surrounded by Interstate 85, Reagan Drive, and North Graham Street.
Petition #: 2014-052
Petitioner: Snider Fleet Solutions

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

Zoning Classification (Requested): I-1
(Light Industrial)

Acreage & Location: Approximately 6.26 acres located on the east side of North Graham Street and generally surrounded by Interstate 85, Reagan Drive, and North Graham Street.

Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.
Note: The petitioner agrees to staff's request for a deferral of this petition to October 20, 2014.

**REQUEST**

<table>
<thead>
<tr>
<th>Current Zoning:</th>
<th>CC (commercial center) and R-3 (single family residential)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Zoning:</td>
<td>CC (commercial center) and CC, SPA (commercial center site plan amendment), with five-year vested rights</td>
</tr>
</tbody>
</table>

**LOCATION**

Approximately 33.60 acres located on the west side of Prosperity Church Road across from Ridge Road.

**SUMMARY OF PETITION**

The petition proposes a multi-use use development consisting of up to 100,000 square feet of office, retail/commercial/personal services, restaurant uses, and up to 292 multi-family units.

**STAFF RECOMMENDATION**

Staff recommends a three-month deferral (October public hearing) of this petition. The rezoning site is located within the boundaries of the Prosperity Hucks Area Plan. The planning process for this area plan is underway, and a revised draft of the plan is scheduled to be completed prior to the October rezoning public hearing. Staff’s practice has been to recommend deferrals for significant rezonings located in areas for which an area planning process is underway.

**PROPERTY OWNERS**

Eason Family Properties, LLC, Judy Reitzel Eason, and Ruth N. Tesh

**PETITIONER**

Halvorsen Development Corporation (Attention: Tom Vincent)

**AGENT/REPRESENTATIVE**

Keith MacVeans/Jeff Brown, Moore & Van Allen

**COMMUNITY MEETING**

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

Number of people attending the Community Meeting: 96

**PLANNING STAFF REVIEW**

- **Background**
  - The majority of the subject site was rezoned from R-3 (single family residential) to CC (commercial center) via petition 2001-070 as part of a larger 50.75 acre site. The petition allowed up to 50,700 square feet of retail, 33,300 square feet of office, 29,000 square feet of institutional uses, plus 204 apartment units, 16 second floor residential units over retail, 74 townhome units, 200 senior independent living units, and 22 single family detached dwellings, for a total of 522 dwelling units.

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - Maximum of 100,000 square feet of retail/commercial/personal services and restaurant uses.
    - Maximum of 292 residential dwelling units, which may be multi-family, detached, attached, duplex, triplex, or quadraplex units. The site plan shows these residential units as multi-family.
    - Site consists of eight "Development Areas", identified as Areas A through H.
    - The allowed 292 dwelling units are limited to Area E.
    - Proposed wet detention pond areas located in Area B and Area G.
    - Up to three accessory drive-through windows allowed in Development Areas A, C, D, F and H. Only one restaurant may have an accessory drive-through window and it may be located in Development Area F or H.
    - Gas station with or without a convenience store is prohibited.
    - Access provided from Ridge Road, Prosperity Church Road, Cardinal Point Road, and Benefield Road.
    - Total number of principal buildings developed for commercial uses not to exceed ten.
    - Total number of buildings developed for residential uses not to exceed 19.
    - Building materials include glass, brick, stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood. Vinyl as a building material is prohibited except on windows and soffits. The use of EIFS will be limited to commercial buildings.
    - Site designed to provide building edges within portions of Development Areas A, C, D, E, F and H such that vehicular parking and maneuvering may not be located between the proposed buildings and the building edges. Plaza/outdoor dining areas will be considered part of the
building for the purpose of complying with this provision.

- A prominent architectural feature that may include an entrance oriented toward the intersection of Ridge Road and Benfield Road will be provided on building constructed in Development Area C.
- Buildings located within Development Areas A and D that front on public/private street #1 will have a minimum of 40 percent of the street facing frontage composed of clear glass windows and/or doors.
- Building #1 in Development Area E will be designed so that ground floor units facing Ridge Road and Public/Private Street #1 will have: a) an entrance from each unit to the abutting street; and b) vertical shaped windows with a height greater than the width. Building façades facing these streets will provide windows and doors for a minimum of 25 percent of the total façade area. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length.
- Portion of the existing right-of-way along Prosperity Church Road will no longer be needed due to realignment of the road. Petitioner will seek to abandon this portion and incorporate it into Development Area H.
- Petitioner will provide curb and gutter, as well as base and surface course, for two additional lanes including a six-foot wide bicycle lane and on-street parking, eight-foot planting strip, and six-foot sidewalk along the site's frontage on Ridge Road. These improvements will be completed prior to the release of each building certificate of occupancy for buildings where sidewalk is proposed.
- Service areas in Development Area A will be screened from the extension of Cardinal Point Road with landscaping and walls or landscaping and berms designed to complement the building architecture of the adjacent buildings.
- A masonry wall a minimum of two feet and not to exceed two and a half feet in height, and low accent plantings will be provided in Development Areas C and D between Ridge Road and parking areas, and maneuvering for drive through lanes.
- A sidewalk and crosswalk network linking all buildings on the site with one another will be provided along the site's internal private streets.
- A pedestrian plaza designed as a pedestrian focal point and amenity for the overall development will be located within Development Area E.
- A portion of the area abutting the water quality/storm water detention pond located in Area G will be improved as an amenity area with landscaping and seating areas.
- Detached lighting limited to 20 feet in height.
- Construction of a CATS shelter pad along Ridge Road.

**Existing Zoning and Land Use**

- The subject property is developed with a single family detached dwelling and the majority of the site is vacant. Surrounding properties contain a mix of commercial, single family and multi-family land uses in R-3 (single family residential), R-4 (single family residential), UR-2(CD) (urban residential, conditional), NS (neighborhood services), MX-2 (mixed use) and CC (commercial center) districts.

**Rezoning History in Area**

- Petition 2008-081 rezoned 9.26 acres located on the northeast corner of Ridge Road and Prosperity Church Road from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow up to 19,320 square feet of retail and up to 43 townhomes dwelling units.
- Petition 2007-112 rezoned 9.39 acres located east of Prosperity Church Road and south of Ridge Road from R-22MF(CD) (multi-family residential) and B-1(CD) (neighborhood business, conditional) to UR-2(CD) (urban residential, conditional) to allow up to 128 multi-family residential units at a density of 13.63 units per acre.

**Public Plans and Policies**

- The *Prosperity Church Road Villages Plan* (1999) was amended by a prior rezoning for the property, rezoning petition 2001-070. The conditional plan called for a multi-use development including retail, office, institutional, and residential uses.
- Specifically, for the area north of Ridge Road and east of proposed Public Street #1, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for a mix of residential uses to consist of 204 multi-family units, approximately 35 townhome units, and between five and ten single family homes. The proposed rezoning site plan shows 292 multi-family units on this site. The rezoning site plan has also added a 1.4-acre tract to the area covered by the original rezoning.
- For the area north of Ridge Road and west of proposed Public Street #1, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for approximately 40 townhome units and 20 single family homes. The proposed rezoning site plan shows most of the
commercial square footage to be located in this area; the total commercial square footage
requested for the entire site is 100,000 square feet.

- For the area south of Ridge Road, the Prosperity Church Road Villages Plan, as amended by
  rezoning petition 2001-070, calls for a 29,000-square foot library/institutional use, 50,700
  square feet of retail, and 200 independent living/multi-family units. To date, approximately
  34,000 square feet of retail has been constructed. (Note: The library/institutional site,
  approximately half of the independent living/multi-family units and the existing 34,000 square
  foot of retail are outside of the area included in this rezoning.) For the part of this area that is
  included in the rezoning the site plan shows a small portion of the total 100,000 square feet of
  commercial uses requested for this site.
- The petition is inconsistent with the Prosperity Church Road Villages Plan as amended by the
  rezoning.
- Prosperity Hucks Area Plan is underway, but the plan is not yet adopted.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: CDOT has the following requests:
  - Add a note that the petitioner will be responsible for any traffic signal modification costs and
    necessary signal equipment easements on Ridge Road at Prosperity Church Road and Benfield
    Roads when the subject site’s final construction plan is approved by the city. Traffic signal
    modification costs and easements will be determined during the construction plan review
    process.
  - Add a note that where there is sufficient median width to support vegetation on Ridge Road, the
    petitioner will construct a “landscaped” pedestrian refuge median.
  - The minimum driveway throat lengths need to be 50 feet behind the stop line for minor street
    connections. Major street connections will need to have 100 to 120 feet driveway throat lengths.
  - Work with NCDOT regarding an anticipated request for a traffic impact study.
- Vehicle Trip Generation:
  - Current Zoning: 5,600 trips per day.
  - Proposed Zoning: 9,600 trips per day.
- Connectivity: No issues.
- Charlotte Fire Department: No issues.
- Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would
  generate 44 students while the development allowed under the proposed zoning will produce 32
  students. Therefore, the net increase in the number of students generated from existing zoning to
  proposed zoning is zero students.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte-Mecklenburg Utilities: No issues.
- Engineering and Property Management: Delete last sentence of Note 7B and delineate
  wetlands on 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.
  - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The proposed rezoning is inconsistent with the existing Prosperity Church Road Villages Plan. The
  rezoning petition does not include the mix of uses, particularly the mix of housing types that are
called for in the area plan. In addition, the retail has increased from approximately 16,000 square feet (the available square footage remaining from the 2001-070 rezoning) to 100,000 square feet.

- The petitioner should:
  1. Revise the site plan to include a mix of housing types, instead of only garden-style multi-family.
  2. Provide a phasing plan that ties the certificates of occupancy for the large box retail to the street-front retail, and that ties the certificate of occupancy for the multi-family units to the large box retail.
  3. Place a limit on the maximum square footage of any one building in Development Area E.
  4. Provide a commercial square footage allocation for each individual site or commit to developing a tracking system as commercial square footage is allocated during the development process.
  5. Show and label solid waste and recycling area for more than 30 units of attached, or multi-family residential, as required per Section 12.403 of the City of Charlotte Zoning Ordinance.
  6. Provide building elevations for proposed commercial development identified as Major #1 in Development Area A.
  7. Clarify that the area located north of Cardinal Point Road labeled “Unused Area “B” is correctly labeled?
  8. Specify buildings labeled A-G in Development Area E
  9. Remove all signs as they will be permitted separately.
  10. Address Transportation comments.
  11. Provide a note guaranteeing that the following criteria will be met for all buildings with a setback reduced from 35 feet to 14 feet:
      a) first floor of all buildings be designed to encourage and complement pedestrian-scale interest and activity;
      b) no blank walls in excess of 20 feet in length;
      c) doors may not swing into the 14-foot setback except emergency doors;
      d) no service or loading area oriented toward the street from which the setback will occur, nor be within the area between any building and the street;
      e) provide a six-foot sidewalk separated by a planting strip unless there is an adopted streetscape plan.
  12. Label setback for buildings that front on Ridge Road Connector and Ridge Road Extension.
  13. Remove the following portion of note 2(B) and indicate that 292 multi-family units are proposed: “Up to 292 residential dwelling units, (either attached; detached; duplex, triplex, quadraplex or multi-family or any combination of these).” Commit to a specific mix of housing types.
  14. Complete an administrative approval to reduce the development rights for the portion of the property that was included in rezoning 2001-070 but not included in this rezoning request.

Attachments Online at www.rezoning.org

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

Planner: Sonja Sanders  (704) 336-8327
Petition #: 2013-094

Acreage & Location: Approximately 33.6 acres located on the west side of Prosperity Church Road across from Ridge Road.
Petition #: 2013-094
Petitioner: Halvorsen Development Corporation

Zoning Classification (Existing): R-3 & CC
(Single Family Residential and Commercial Center)

Zoning Classification (Requested): CC & CC SPA (5-Year Vested Rights)
(Commercial Center and Commercial Center, Site Plan Amendment and Five Year Vested Rights)

Acreage & Location: Approximately 33.60 acres located on the west side of Prosperity Church Road across from Ridge Road.
HALVORSEN DEVELOPMENT CORPORATION

DEVELOPMENT PETITION NO. 2013-094 (PROSPERITY VILLAGE SQUARE)

SITE DEVELOPMENT DATA:

· ACREAGE: ± 33.60 Acres
· TAX PARCEL #S: 027-561-04, 06 AND 07
· EXISTING ZONING: CC AND CC-3 (COMMUNITY CORPORATION BY REZONING PETITION NO. 2001-070)
· PROPOSED ZONING: CC AND CC SPA; WITH FIVE (5) YEAR VESTED RIGHTS.
· EXISTING USES: VACANT AND A SINGLE-FAMILY HOME.
· PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE CC ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED BELOW).
· MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 100,000 SQUARE FEET OF GROSS FLOOR AREA OF OFFICE, RETAIL, RESTAURANT, PERSONAL SERVICES AND OTHER COMMERCIAL USES (AS MORE SPECIFICALLY DESCRIBED BELOW); AND UP TO 292 RESIDENTIAL DWELLING UNITS (EITHER: ATTACHED; DETACHED; DUPLEX; TRIPLEX; QUADRAPLEX; OR MULTI-FAMILY DWELLING UNITS OR ANY COMBINATION OF THESE).
· MAXIMUM BUILDING HEIGHT: AS ALLOWED BY THE ORDINANCE, BUILDING HEIGHT TO BE MEASURED AS DEFINED BY THE ORDINANCE.
· PARKING: AS REQUIRED BY THE ORDINANCE.
GENERAL PROVISIONS:

DEVELOPMENT

TRANSFER

BINDING EFFECT OF THE REZONING APPLICATION:

CONVERSION

USES,

"GROSS FLOOR AREA" OR "GFA" SHALL MEAN AND REFER TO THE SUM OF THE GROSS VESTIBULES, ROOF TOP EQUIPMENT ROOMS AND MAINTENANCE CRAWL SPACES), ALL LOADING MAXIMUM BUILDING HEIGHT:

MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:

PROPOSED USES:

PROPOSED ZONING:

ACREAGE:

BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREAS A, C, D, E, F, AND H ON THE SITE B. SUBJECT TO THE RESTRICTIONS, LIMITATIONS, LISTED BELOW, THE PRINCIPAL DWELLING UNITS (EITHER: ATTACHED; DETACHED; DUPLEX; TRIPLEX; QUADRAPLEX; OR

REQUIREMENTS AND FAR REQUIREMENTS, PROVIDED, HOWEVER, ALL SUCH SEPARATION REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS, PUBLIC/PRIVATE STREET

ARCHITECTURAL STANDARDS:

APPLICATIONS:

STREETS AND/OR OTHER PEDESTRIAN FEATURES.  THE MINIMUM WIDTH FOR THESE INTERNAL

BUILDING WALL VISIBLE FROM CARDINAL POINT ROAD WILL BE TREATED WITH ARCHITECTURAL

ACCESS DEVICES WITHIN DEVELOPMENT AREAS C AND D BETWEEN RIDGE ROAD AND: (I) PARKING AREAS

A. THE PETITIONER WILL PROVIDE FOR A "PEDESTRIAN PLAZA" TO BE LOCATED WITHIN

B. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS

D. BUILDING # 1 WITHIN DEVELOPMENT AREA E WILL BE DESIGNED SO THAT THE UNITS ON

C. ALONG THE SITE'S INTERNAL PRIVATE STREETS, THE PETITIONER WILL PROVIDE A

1. PROMINENT PARK DEVELOPMENT AREA LIMITATIONS: TRANSFER & CONFIRMATION

A. THE PETITIONER WILL PROVIDE (IN THE AGGREGATE) ARE COMPARABLE TRANSPORTATION NETWORK

ARCHITECTURAL STANDARDS:

ARCHITECTURAL STANDARDS:

ARCHITECTURAL STANDARDS:

ARCHITECTURAL STANDARDS:

ARCHITECTURAL STANDARDS:

ARCHITECTURAL STANDARDS:

ARCHITECTURAL STANDARDS:
This elevation is provided to reflect the architectural style and quality of the multi-family buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from this illustration as long as the general architectural concepts and intent are maintained.)
Prosperity Church Rd./Ridge Rd. Site Development Notes

1. Development of the site will be controlled by the standards depicted on this site plan and by the standards of the City of Charlotte Zoning Ordinance. The development depicted on this plan is intended to reflect the general arrangement of proposed uses on the site, but the actual details of construction placement and size of individual site elements may be altered or modified within the limits prescribed by the ordinance as specified in Section 6.20.3C of the design development and site construction phases. The proposal is intended to provide the necessary minimum design and construction elements as required for the currently approved uses of office, industrial, and related neighborhood retail and service uses.

2. The site may be developed for any use allowed in the GC district as allowed by the ordinance. Development shall be in accordance with setbacks, lot coverage, height, and shadow restrictions of this site plan as noted below. The petitioner will construct a road-use development in general conformity with the schematic plan, consistent with the concept established in the Ridge Ridge Road Space Plan. The petitioner will provide pedestrian connections from within the site to other site elements and uses and to public sidewalks, incorporating the design elements of the Ridge Ridge Road Space Plan. The pedestrian connections will provide direct access to the site.

3. Residential densities may vary in different portions of the site, with the highest densities being located in previously developed areas adjacent to the existing residential areas. The petitioner reserves the right to seek a variance from the standards noted in the site plan and within roadway structures. Parking areas to serve the site will be located generally toward the center of development areas so that buildings may relate to other internal of external streets.

4. Access to the site will be provided by connections to Prosperity Church Rd. and by connections to both the extension of Ridge Rd and the new minor thoroughfare as shown on the Technical Data Sheet. The petitioner reserves the right to seek a variance from the site plan and will seek an alternative design. The pipeline and alignment of the various connections is to be determined by the petitioner and the petitioner reserves the right to seek a variance from the standards of the GC district for the areas where surface parking may be allowed on the site.

5. Buffer areas will be developed in accordance with Sec. 12.20.2. Required buffers or no side may be eliminated if the adjoining parcels are seen such that no buffers are not longer required. Detailed buffer specifications will be submitted with individual site elements components of the site plan and approved by the City.

6. Stormwater detention facility will be designed to meet the applicable standards of the City of Charlotte Zoning Ordinance and as required by the NC Department of Environment and Natural Resources.

7. Development of the site may utilize public, private, or a combination of public and private streets within the site. Setbacks from public or private streets anywhere on the site may be reduced in accordance with the provisions of the GC district. Streets trees planted on the site will be a large varied variety. Streets will also be designed and constructed with sidewalks and pedestrian access lighting. No will "park" lighting will be permitted on the site.

8. Any detaining basins or ditches on the site will be limited to 20 feet in height.

9. Signage will be permitted in accordance with applicable Zoning standards for the type of use for which the signage is proposed. Detached signs will be ground mounted monument type signs limited to 16 square feet in area.

10. Parking will be provided which will meet the standards of the Zoning ordinance.

11. Screening will conform to the applicable standards of Sec. 12.20.9 of the Zoning ordinance.

12. All development on the site will be screened with a solid enclosure with gates.

13. All buildings on the site will be no further than 150' from a fire hydrant measured as the truck travel. Buildings will be designed to orient to the streets within and adjoining the site, including the provision of windows and doors that connect the buildings to the public sidewalk to enhance the pedestrian environment.

14. Buildings within the lot portion of the site will be one to three stories in height. Residential uses may be incorporated within retail buildings. Only one single tenant retail outlet on the site and no single retail use may exceed 25,000 sq. ft. in floor area.

15. The petitioner has consulted with the N.C. Department of Transportation for potential sites within the site plan. The petitioner will reserve a site for consideration by the Planning Board for a period of 3 years from the date of the approval of this site plan.

16. Areas on the site plan labeled "village green" including any existing pond that is intended to remain on the site and be used for stormwater detention, will remain as an open space element for the community, it may include pathways, sidewalks, possible and/or active recreation areas. In addition, the petitioner will provide for a fabric access to the adjoining church site.

17. The petitioner will install CMU retaining walls for future transit service that may serve the site.

18. The petitioner acknowledges that the abandonment of existing Prosperity Church Rd. will be shifted in conjunction with the construction of the "GC" interchange. In that context, the petitioner may shift the placement of buildings of other site features to relate those uses to the new alignment. In addition, the petitioner acknowledges that even though the site plan was drawn with the best information available by DOT for the alignment of thoroughfare with other thoroughfares as shown on the site plan the petitioner will shift the alignment and minor adjustments of the site plan may be appropriate. These changes will be subject to administrative approval by the Planning Staff, and will be focused on establishing appropriate building relationships on both sides of the reconstructed road. It is further acknowledged that the reconfiguration of the existing Prosperity Church Rd along the front of the site will involve another parcel that is covered by a conditional plan. All of the previously granted development rights of each site will be preserved and the apportionment of those rights will be included in the administrative approval for building relocation with the concurrence of the owner of the property.

20. Porous 01 on the site plan will not be developed with and structures or other uses. The petitioner reserves the right to construct barriers or other landscape improvements and storm water detention facilities within the area of the site. However, if required by the Planning Staff, the petitioner will construct an expansion of Cosmetic Pond Rd. to connect with the through traffic through Porous 01 on the development where the existing portion of the site, phased with other site development, on the west end of the site.

21. Roads within the site will be constructed by the petitioner as site development consistent with existing city policies. Nothing related to the petitioner will interfere with the petitioner to construct streets that are from the City of Charlotte or the petitioner to connect with the City of Charlotte or the petitioner to connect with the City of Charlotte. The petitioner reserves the right to seek a variance from the site plan and will seek an alternative design. In addition, nothing related to the petitioner will prevent the City, NCDD, or the petitioner from constructing any of these thoroughfares if any of those thoroughfares is one of those parties chooses to construct any of those roads, either individually or in concert with any other party.

22. The petitioner will construct a total of 1,000,000.00 for the City of Charlotte as follows:

- The petitioner will contribute a total of 1,000,000.00 to the City for the installation of northbound right turn lane on Prosperity Church Rd. at the intersection with Sunset Rd.

- This amount will be contributed on a phased basis as the site develops. For example, if development begins at 25% of the total traffic is approved for construction, then 25% of the total 1,000,000.00 is due from the developer. These funds will be transferred to the City prior to the issuance of a final certificate of occupancy for the development on the site.

- The City will place the programming for the Prosperity Church Rd./Sunset Rd. intersection improvements, for which these funds are committed, on its list of road or intersection projects in a timely fashion. If the City has not funded all or a portion of the intersection project by the adoption of the City's FY 2006 budget, then the petitioner may request, and if requested, the City will refund all money paid pursuant to the Petitioner to the City by the time.

Initial Submission 2/16/06
Revised per staff comment May, August, September
Revised per City Council approval
Petition Number: 2014-003

(George Macon – Located on the Southeast corner of the intersection of Ardrey Kell Road and Marvin Road)

A Community Meeting Report has not been submitted for this petition; therefore, it cannot go to public hearing and will be deferred to September 15, 2014
Petition Number: 2014-044

(C. Gray Poole – Located on the west side of Park Road between Woodlawn Road and Montford Drive)

The petitioner is requesting a WITHDRAWAL of this rezoning request.
Note: The petitioner is requesting a deferral of this petition to September 15, 2014.

REQUEST

Current Zoning: CC (commercial center)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION

Approximately 1.53 acres located on the south side of Morrison Boulevard between SouthPark Drive and Sharon Road.
(Council District 6 - Smith)

SUMMARY OF PETITION

The petition proposes up to 190,000 square feet of office uses and up to 12,500 square feet of retail and restaurant uses as part of the SouthPark Mall development.

STAFF RECOMMENDATION

Staff recommends approval of the petition upon resolution of outstanding issues. The proposed use is not consistent with the specific retail use recommended in the SouthPark Small Area Plan. However, it is consistent with the intent of the plan and its goal to promote the transition of the plan area and of the mall into a mixed use town center. In addition, the proposed building height (up to 200 feet) is consistent with other buildings already constructed in the area, and the site’s location at the center of the district is at a considerable distance from surrounding neighborhoods, which makes it an appropriate location for a high-rise building.

PROPERTY OWNER

Higbee LANCOMS, LP, a Delaware Limited Partnership

PETITIONER

SSBH, 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: No attendees

PLANNING STAFF REVIEW

• Background
  • The subject property was part of a larger site that was rezoned from R-12 (single family residential) and O-15 (office) to B-1SCD (business shopping center district) via petition 1965-045 for a 758,000-square foot regional shopping center, identified as SouthPark Mall, bounded by Morrison Boulevard, Sharon Road, Fairview Road and Barclay Downs Drive.
  • Subsequent rezoning petitions 1986-046, 2000-052 and 2005-113 incorporated additional parcels and increased square footage.
  • Current development rights for the overall mall site are approximately 1.2 million square feet of retail space.

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • A maximum of 190,000 square feet of office uses and up to 12,500 square feet of retail and restaurant uses, along with accessory uses permitted in the MUDD (mixed use development) district.
  • A financial institution with accessory drive-through windows may be located on the site.
  • Building height not to exceed 200 feet.
  • Vehicular and pedestrian access to the site via Morrison Boulevard, the internal private drives, and the parking areas of SouthPark Mall.
  • Parking provided in a new structured parking deck.
  • Building material to include brick, natural stone, architecturally finished precast concrete, decorative concrete masonry units, architectural metal panels, glazing, stucco, and tile cladding. Vinyl siding and unfinished concrete masonry units will be prohibited as exterior building materials.
  • A recognizable building base will be provided through material transitions and building articulation.
  • The portion of the building occupied by ground floor uses and facing Morrison Boulevard will be designed to create an interesting and activated building façade for pedestrians. A sense of entry
will be provided along Morrison Boulevard.

- Pedestrian connections to the existing Pedestrian Promenade along Morrison Boulevard and to the sidewalk located along Morrison Boulevard will be provided.
- Any outdoor amenity/dining areas located along Morrison Boulevard will include seating areas, landscaping and decorative paving, and will be connected to the sidewalk along Morrison Boulevard via a sidewalk.
- Detached lighting will be limited to a maximum height of 15 feet.
- The existing bus waiting pad along Morrison Boulevard will be modified/replaced if the existing curb along Morrison Boulevard is reconstructed.
- Optional provisions requested include:
  - Building height to a maximum of 200 feet.
  - Wall signs up to 200 square feet of surface area per wall or 10 percent of the wall to which attached, whichever is least.
  - Ground floor tenants to have wall signs with up to 100 square feet of sign area on each wall.
  - Ground mounted identification signs to have up to 36 square feet of sign area and up to seven feet in height.
  - Allow the site to not have frontage on a public street.

**Existing Zoning and Land Use**

- The subject property is currently used as a surface parking lot associated with SouthPark Mall. It is part of a separate ownership parcel that includes the Dillard’s department store and the adjoining multi-level parking garage. The site is surrounded to the south and west by the remainder of SouthPark Mall. Immediately east is a seven-story, mixed use development that contains residential and retail uses, in CC (commercial center) zoning. Across Morrison Boulevard to the north exists office, retail and mixed use properties in MULD-O (mixed use development, optional), B-1SCD (business shopping center), O-3(CD) (office, conditional), and B-1(CD) (neighborhood business, conditional) districts.

**Rezoning History in Area**

- Petition 2010-054 rezoned 2.96 acres located along the east side of Sharon Road between Morrison Boulevard and Coltsgate Road from O-1(CD) (office, conditional) to MULD-O (mixed use development, optional) to allow up to 80,000 square feet of professional business, general and medical office uses, retail establishments, personal services uses and restaurants.
- Petition 2010-053 rezoned 2.27 acres located along the east side of Sharon Road between Morrison Boulevard and Coltsgate Road from O-2 (office) to MULD-O (mixed use development, optional), and proposed two development scenarios. The “Existing Development/Alteration” scenario will allow for the continued use of the six existing buildings with an allowance for up to 11,000 square feet to be converted to retail or restaurant uses and allow for building expansions of up to 2,500 square feet. The “Redevelopment” scenario will allow for a 105,000-square foot multi-story office building with retail and restaurant uses limited to the lesser of i) 20,000 square feet or ii) the ground floor of the principal building(s).

**Public Plans and Policies**

- The *SouthPark Small Area Plan* (2000) shows the subject property as commercial or a mixture of commercial and residential uses. At the time of the plan’s adoption, there was concern about the amount of office space that could be built within the plan area. As such, the plan refers to retail uses as distinct from office uses. However, in intervening years substantive areas of the plan area previously designated for office use have been rezoned or redeveloped for residential, retail and mixed use, reducing the potential amount of office development that could be constructed. Therefore, additional office development is appropriate.
- Plan implementation items note that office development as part of an integrated, mixed use development is appropriate, and that expansion of SouthPark Mall should further the vision of transitioning the plan area into a mixed use town center.
- The proposed petition is inconsistent with the specific mapped use in the *SouthPark Small Area Plan*. However, it is consistent with the intent of the plan and its implementation measures to promote a transition of the plan area and the mall into a mixed use town center. The building height proposed is consistent with other buildings already constructed in the SouthPark area such as South Park Towers at 207 feet and Piedmont Town Center at 140 feet. Further, the site’s location at the center of the district and at a distance from surrounding neighborhoods makes it an appropriate location for a high-rise building.

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

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

• **Transportation:** CDOT is currently reviewing a required traffic impact study that was submitted by the petitioner and will identify transportation mitigation requirements that may be needed. The petitioner should address the following comment:
  - Provide information for the remaining entitlements for the SouthPark site, in order to estimate trip generation for the existing zoning.

• **Vehicle Trip Generation:**
  - Current Zoning: Trips per day cannot be determined based on current information.
  - Proposed Zoning: 3,500 trips per day.

• **Connectivity:** No issues.

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

• **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.

• **Charlotte-Mecklenburg Storm Water Services:** Remove the following sentence in Note 7a under Environmental Features in its entirety: “Since the site is a redevelopment site it will be allowed to utilize the buy down or fee in lieu options of the PCCO regulations at the time the site is redeveloped.”

• **Charlotte-Mecklenburg Utilities:** The proposed project plans show construction in the location of an existing sewer main. The developer will need to work with CMUD to plan and design the relocation of the infrastructure.

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

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

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

• **Urban Forestry:** No issues.

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

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

**OUTSTANDING ISSUES**

• The petitioner should:
  1. Limit number of drive-through accessory windows to no more than two.
  2. Add a commitment to provide outdoor amenity areas.
  3. Amend Note 2D to delete request for maximum sign height of seven feet.
  4. Add a note that requires the drive-through windows including stacking and circulation to be totally located in the parking deck.
  5. Address Transportation comment.
  6. Address CMUD comment.
  7. Address Storm Water Services comment.

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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
• 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
• Urban Forestry Review

**Planner:** Sonja Sanders (704) 336-8327
Acreage & Location: Approximately 1.53 acres located on the south side of Morrison Boulevard between South Park Drive and Sharon Road.
Petition #: 2014-049
Petitioner: SBBH, LLC

Zoning Classification (Existing): CC
(Commercial Center)

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

Acreage & Location: Approximately 1.53 acres located on the south side of Morrison Boulevard between South Park Drive and Sharon Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 4-17-14.
Site Development Data:

- Acreage: ± 1.53 acres
- Tax Parcel #: A portion of 177-061-11
- Existing Zoning: CC by Rezoning Petition No. 2000-052
- Proposed Zoning: MUDD-(O)
- Existing Uses: Surface parking lot
- Proposed Uses: Up to 190,000 square feet of gross floor area of office uses and up to 12,500 square feet of gross floor area of retail and restaurant uses, together with accessory uses as allowed in the MUDD zoning district.
- Maximum Building Height: Not to exceed 200 feet (for the purposes of this height limit, roof top mechanical equipment, screens or devices used to screen roof top structures or equipment, parapet walls, spires, mansards, domes, dormers, or other architectural features will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by the Ordinance).
- Parking: Per the standards of the Zoning Regulations at minimum.
- Urban Open Space: Will be provided as required by the Ordinance.

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SPECTRUM PROPERTIES
LS3P ASSOCIATES LTD.
RZ-1.0

TECHNICAL DATA SHEET
SBBH, LLC
Development Standards
06/19/14
Rezoning Petition No. 2014-000

Site Development Data:

- Acreage: ± 1.53 acres
- Tax Parcel #: A portion of 177-061-11
- Existing Zoning: CC by Rezoning Petition No. 2000-052
- Proposed Zoning: MUDD-(O)
- Existing Uses: Surface parking lot.
- Proposed Uses: Up to 190,000 square feet of gross floor area of office uses and up to 12,500 square feet of gross floor area of retail and restaurant uses, together with accessory uses as allowed in the MUDD zoning district.
- Maximum Building Height: Not to exceed 200 feet (for the purposes of this height limit, roof top mechanical equipment, screens or devices used to screen roof top structures or equipment, parapet walls, spires, mansards, domes, dormers, or other architectural features will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by the Ordinance).
- Parking: Per the standards of the Zoning Regulations at minimum.
- Urban Open Space: Will be provided as required by the Ordinance.

1. General Provisions:
   a. Site Location. These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by SBBH, LLC to accommodate development of mixed use building containing office uses, retail and/or restaurant uses on an approximately ± 1.53 acre site located on the south side of Morrison Boulevard between Roxborough Road and Adair Court (a portion of the Dillard's property at SouthPark Mall) (the "Site").
   b. Zoning District/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD-O zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.

2. General Provisions:
   a. To allow the building constructed on the Site to have a building height of up to 200 feet (for the purposes of this height limit, roof top mechanical equipment, screens or devices used to screen roof top structures or equipment, parapet walls, spires, mansards, domes, dormers, or other architectural features will not be considered for the calculation of allowed building height).
   b. To allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is the least.
   c. To allow ground floor tenants to have wall signs with up to 100 square feet of sign area on each building wall.
   d. To allow detached ground mounted identification signs to have up to 36 square feet of sign area and up to seven (7) feet in height.
   e. To allow the Site to have frontage on a public street.

3. Permitted Uses & Development Limitations:
   a. Subject to the restrictions and limitations the building constructed on the Site may be developed with up to 190,000 square feet of gross square floor area of office uses and up to 12,500 square feet of gross floor area of retail and restaurant uses together with accessory uses allowed in the MUDD zoning district.
   b. A financial institution with accessory drive-through windows may be located on the Site.

For purposes of the development limitations set forth in these Development Standards and site elements collectively the "Development/Site Elements" set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. There may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process as set forth in Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:
   - express permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or,
   - minor and don't materially change the overall design intent depicted on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amendment process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process as set forth in Section 6.207 of the Ordinance.

These Development Standards replace and supersede the previous development standards approved as part of the prior Rezoning Petition for this Site.
with published standards.

5. Architectural Guidelines:
   a. The attached illustrative building elevation is included to reflect an architectural style and quality of the building that the Petitioner or developer of record, upon an election to proceed with development, will make a reasonable effort to construct on the Site as per the building elevation included in the Rezoning Plan, recognizing that the actual building constructed on the Site may vary from the attached elevation in non-material respects as long as the general design intent is retained.
   b. A recognizable building base shall be provided through material transitions and building articulation.
   c. The design of the building proposed for the Site will be designed to include a sense of entry along Morrison Boulevard. The portion of the building occupied by ground floor uses and facing Morrison Boulevard will be designed with a level of detail that creates an interesting and activated building façade for pedestrians.
   d. Building service areas will be located internally or screened from view with masonry walls a minimum of five feet in height.
   e. Allowable building materials will include: brick, natural stone, architecturally finished precast concrete, decorative concrete masonry units, architectural metal panels, glazing, stucco and tile cladding. The following exterior building materials are prohibited: vinyl siding, unfinished concrete masonry units.
   f. Meter banks will be internal to the building.
   g. Roof top HVAC and related mechanical equipment will be screened from public view at grade.
   h. Compactor/dumpster areas and recycling areas will be located within the building.

6. Streetscape, Buffers, Landscaping and Utility Structure Setbacks:
   a. The Site will provide pedestrian connections to the existing Pedestrian Promenade located along Morrison Boulevard and to the sidewalk located along Morrison Boulevard. An easement to allow this connection will be obtained from the owner of the property located between the Site and Morrison Boulevard.
   b. Any outdoor amenity/dining areas located along Morrison Boulevard will include seating areas, landscaping and decorative paving. These areas may also include water features. The outdoor amenity/dining areas will be connected via a sidewalk to the sidewalk along Morrison Boulevard.
   c. Screening requirements of the Ordinance will be met.
   d. Above ground backflow preventers will be screened from public view.

7. Environmental Features:
   a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. Since the Site is a redevelopment Site it will be allowed to utilize the buy down or fee in lieu options of the PCCO regulations at the time the Site is redeveloped.
   b. The Site will comply with the Tree Ordinance.

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

9. Lighting:
   a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
   b. The maximum height of the detached lights located on the top of the parking deck will be limited to 15 feet.
   c. No “wall pak” lighting will be allowed, however architectural lighting such as but not limited to, sconces, up lighting, accent lighting, including color accent lighting and decorative lighting on the building facades will be permitted.

10. CATS Bus Waiting Pad:
    a. The existing bus waiting pad located along Morrison Boulevard will be retained. However, if as part of the construction of the proposed building on the Site the existing sidewalk or curb along Morrison Boulevard is reconstructed the Petitioner will modify/replace the existing bus waiting pad with bus waiting pad standard 60.01B.

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

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

DILLARD'S

EXISTING 3 LEVEL DECK

PROPOSED DEVELOPMENT

POSSIBLE FIRST OFFICE LEVEL TERRACE

PARKING DECK BELOW

RESIDENCES AT SOUTH PARK

MORRISON BLVD

EXISTING DECK LIMIT

ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUDD REVIEW PROCESS.

RZ-3.0

PROPOSED ILLUSTRATIVE MASTER PLAN
ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUDD REVIEW PROCESS.
ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUDD REVIEW PROCESS.
POSSIBLE SIGN LOCATION

GRADE AT EXISTING PEDESTRIAN PROMENADE

ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUDD REVIEW PROCESS.

(NOT TO SCALE)
ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUDD REVIEW PROCESS.
ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUDD REVIEW PROCESS. (NOT TO SCALE)
Previously Approved Site Plan
TYPICAL 90-DEGREE PARKING DETAIL

PROJECT DATA

FLOOR AREAS
EXISTING 225,881 SF GBA EXPANSION 47,506 SF GBA
TOTAL 273,387 SF x 34 = 258,846 GLA

PARKING
45,988 GLA 1958 SPACES
PROVIDED 228 ON GRADE 744 ON DECK (NOT FOR DILLARD'S USE)
1943 SPACES

TOTAL SPACES ON PARKING DECK 3903 SPACES
DILLARD PARKING SPACES ON DECK 1958 SPACES
REMAINING DECK SPACES FOR DEVELOPER USE 244 SPACES

NOTES:
1. Redevelopment of the Site shall comply with the Standards for the Redevelopment and Expansion of the SouthPark Mall Site (Exhibit B) [Mall Design Guidelines] and the Architectural Design Guidelines (Exhibit C) [Mall Design Guidelines] hereof as a part of the Redevelopment Petition No. R-2527, which was approved by the City of Charlotte on October 10, 2000, and those Standards and Design Guidelines are incorporated herein by reference.

2. Upon completion of the Redevelopment of the Site, the Site shall be brought into compliance with the bicycle parking requirements of the City of Charlotte Zoning Ordinance.
NOTES:

1. Redevelopment of the Site shall comply with the Standards for the Redevelopment and Expansion of the SouthPark Mall Site (the "Standards") and the SouthPark Mall Design Guidelines (Exhibit B (the "Design Guidelines")) that are a part of Resolving Petition No. 2008-52 which was approved by City Council on October 14, 2008, and these Standards and Design Guidelines are incorporated herein by reference.

2. Upon the redevelopment of the Site, the Site shall be brought into compliance with the togate parking requirements of the City of Charlotte Zoning Ordinance."
**REQUEST**

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

**LOCATION**

- Approximately 2.40 acres located on the northeast corner at the intersection of North Sharon Amity Road and Central Avenue.
  (Council District 5 - Autry)

**SUMMARY OF PETITION**

The petition proposes to allow the development of a 9,000-square foot building for a gasoline service station and convenience store with accessory pumps, retail and restaurant uses.

**STAFF RECOMMENDATION**

Staff recommends approval of this petition upon resolution of the outstanding issues. This petition is consistent with the Eastland Area Plan.

**PROPERTY OWNER**

Morris Investment Company and Eastland, LTD and City of Charlotte

**PETITIONER**

QuikTrip

**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

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**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - A 9,000-square foot structure for a gasoline service station and convenience store, restaurant and retail uses.
    - Accessory service pumps and canopy to serve the convenience store use along Sharon Amity Road.
    - An eight-foot planting strip and six-foot sidewalk along Sharon Amity Road, Central Avenue, and private internal drive.
    - Detached lighting limited to 22 feet in height.
    - Elevations of the proposed structures.
    - A note that building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, stucco, metal panels and wood.
    - Rear solid wall enclosure of the proposed dumpster area will be screened with six-foot tree plantings.
    - Dedication of 50 feet of right-of-way from the centerline of Central Avenue and Sharon Amity Roads.
    - A 2.5-foot tall intermittent low screen wall along Central Avenue and Sharon Amity Road.
    - Proposed landscaping and tree planting detail has been provided along all public street frontages and the private drive.
    - Reservation of area at corner of North Sharon Amity Road and Central Avenue for a neighborhood monument sign.
    - No more than two principal buildings.
    - Site access from Central Avenue and Sharon Amity Road, along with internal access to the abutting property.

- **Existing Zoning and Land Use**
  - The subject property is currently zoned B-1 (neighborhood business) and B-1SCD (shopping center) and developed with a 2,200-square foot commercial structure which is vacant. The surrounding properties are zoned R-12MF (multi-family residential), O-2 (office), B-1 (neighborhood business), and B-1SCD (shopping center) and developed with residential and commercial structures.

- **Rezoning History in Area**
  - Petition 2013-100 rezoned 1.20 acres west of the site subject site to O-1(CD) (office, conditional) to allow the development of 9,000-square foot office building.
• **Public Plans and Policies**
  - This petition is consistent with the *Eastland 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**: CDOT has the following requests:
  - Remove the proposed driveway along Sharon Amity Road and shift access to the existing private driveway.
  - Shift the proposed driveway on Central Avenue 50 feet north of its current location.
  - Revise Note “d” under Streetscape, Buffers, and Landscaping to specify that any proposed decorative wall will be located outside of the public right-of-way, and will not interfere with any required sight triangles as determined by CDOT.
  - Revise Note “e” under Streetscape, Buffers, and Landscaping to the following: “The petitioner will provide at the intersection of North Sharon Amity and Central Avenue an area for the construction of a community identification sign that creates a focal point and identity marker for the area. The petitioner will work with Eastside Residents on the design of the proposed identification sign. The proposed identification sign will be located outside of the public right-of-way and not within any required sight triangles as determined by CDOT.”
  - Provide a conceptual drawing/schematic that represents the “alternative design” noted in the Miscellaneous: Alternative Design section located on Sheet RZ-2.
- **Vehicle Trip Generation**:
  - Current Zoning: 2,100 trips per day.
  - Proposed Zoning: 5,200 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.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No issues.
- **Mecklenburg County Parks and Recreation Department**: No issues.
- **Urban Forestry**: No issues.

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

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

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Add a note that the building for any uses other than a convenience store with accessory pumps will be placed along the minimum 20-foot setback along Central Avenue and a note that parking or circulation will not be allowed between the building and the street.
  2. Show the location of the second proposed principal structure on the site plan.
  3. Add a note that accessory service windows will not be allowed on the site.
  4. Add a note that the petitioner will install the community entrance sign.
  5. Add a note that large expanses of wall exceeding 20-feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course.
  6. Provide a detail of the proposed retaining wall.
7. Remove Note 8A from the site plan.
8. Add a note stating that pole signs will not be allowed on the site and that monument signs will be limited to five feet in height and width.
9. Address Transportation comments.

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

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- 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 2.4 acres located on the northeast corner at the intersection of North Sharon Amity Road and Central Avenue.
Petition #: 2014-054
Petitioner: QuikTrip

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

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

Acreage & Location: Approximately 2.4 acres located on the northeast corner at the intersection of North Sharon Amity Road and Central Avenue.
REQUEST
Current Zoning:  B-2 (general business)
Proposed Zoning:  MUDD-O (mixed use development, optional) with five-year vested rights

LOCATION
Approximately 4.19 acres generally surrounded by East 4th Street, Charlottetowne Avenue, South Torrence Street, and 3rd/4th Connector Street.
(Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes up to 909,000 square feet of institutional uses associated with Central Piedmont Community College, including classrooms, laboratories, a conference center, offices, and associated accessory uses. Existing buildings may be renovated or redeveloped.

STAFF RECOMMENDATION
Staff recommends approval of the petition upon resolution of outstanding issues. A portion of the petition is consistent with the Elizabeth Area Plan, which recommends institutional land uses. The remainder of the site is inconsistent with the Midtown Morehead Cherry Area Plan’s recommendation for a mixture of residential, office and retail uses but consistent with the plan’s land use goals and intent.

PROPERTY OWNER
Trustees of Central Piedmont Community College & Central Piedmont Community College Foundation, Inc.

PETITIONER
Central Piedmont Community College

AGENT/REPRESENTATIVE
Susanne Todd and Jim Allison, Johnston, Allison & Hord, P.A.

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 7

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - A maximum building area of 909,000 square feet for a community college campus.
  - Building materials for new buildings will consist of brick and cast stone elements.
  - Architectural styles for new building and/or any renovations to existing buildings on the site will harmonize with and be comparable to the materials and architectural styles of buildings located on the existing Central Piedmont Community College Central Campus. Vinyl or sheet metal siding will not be allowed as exterior building materials.
  - Building heights will not exceed 120 feet.
  - Detached lighting limited to 25 feet in height.
  - Optional provisions requested include:
    - Allow existing uses on the site to remain until new development commences.
    - Allow existing parking and or maneuvering to remain between buildings and public streets until new development commences.
    - Allow existing bicycle parking conditions to remain until new development commences.
    - Allow existing development conditions to remain until new development commences.
    - Allow alterations and renovations to existing structures without requiring removal of the structure and/or compliance with the MUDD (mixed use development) district as long as existing buildings that are renovated do not increase in nonconformance through such renovations.
    - Allow existing sidewalks, street trees, and landscaping areas to remain as is or allow sidewalks to meander to protect existing trees.
    - Allow existing signage to remain until new development commences.
    - Allow existing lighting conditions to remain until new development commences.

- Existing Zoning and Land Use
  - The subject properties are currently developed with structures used for office and retail uses and one lot is vacant. Surrounding parcels are zoned B-2 (general business), MUDD-O (mixed use...
development, optional), and MUDD (CD) (mixed use development, conditional) and developed with commercial, office and institutional land uses.

- **Rezoning History in Area**
  - Petition 2011-073 rezoned approximately 2.81 acres located on the south side of East Third Street and surrounded by South Kings Drive, Charlottetowne Avenue and Cherry Street from B-2 (general business) to MUDD-O (mixed use development, optional) to allow all uses permitted in the MUDD (mixed use development) district.
  - Petition 2011-070 rezoned approximately 0.10 acres located at the intersection of Fox Street and Charlottetowne Avenue from R-22MF (multi-family residential) to O-1 (office) to allow all uses permitted in the O-1 (office) district.

- **Public Plans and Policies**
  - The *Elizabeth Area Plan* (2011) recommends institutional land uses for a portion of the site. The plan recognized ownership by Central Piedmont Community College of some properties and the continued need for future expansion in the area.
  - The *Midtown Morehead Cherry Area Plan* (2012) recommends mixed use development, consisting of residential, office and retail land uses. Although the expansion of institutional uses is not specifically noted in the plan recommendations, the plan acknowledges the existence of uses related to Central Piedmont Community College in the area of the proposed rezoning. In addition, one of the Land Use Goals for the Midtown area is to capitalize on the proximity to the major institutional anchors.
  - The petition is consistent with the *Elizabeth Area Plan*.
  - The petition is consistent with the *Midtown Morehead Cherry Area Plan*.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** Add the following note to the site plan: “If required by CDOT during the permitting process, the petitioner will conduct a traffic impact study to determine traffic impacts and associated mitigations, if any, caused by the development of the site before the first building permit is issued for any parcel covered under the current rezoning petition.”
  - **Vehicle Trip Generation:**
    - Current Zoning: 4,250 trips per day.
    - Proposed Zoning: 25,000 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 comments received.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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

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

- The petitioner should:
  1. Add a note that any parking decks along public streets will be wrapped at the ground floor with active uses.
  2. Amend Note 6A to provide specifics about the style of proposed buildings.
  3. Delete all optional provisions except Notes E. Amend Note G to remove request to allow sidewalks, street trees, and landscaping areas to remain as is.
  4. Address Transportation comment.

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

Planner: Sonja Sanders (704) 336-8327
Acreage & Location: Approximately 4.19 acres generally surrounded by East 4th Street, Charlottetowne Avenue, South Torrence Street, and 3rd-4th Connector Street.
Petition #: 2014-056
Petitioner: Central Piedmont Community College
Zoning Classification (Existing): B-2
General Business
Zoning Classification (Requested): MUDD-O (5-Year Vested Rights)
(Mixed Use Development District, Optional, Five Year Vested Rights)
Acreage & Location: Approximately 4.19 acres generally surrounded by East 4th Street, Charlottetowne Avenue, South Torrence Street, and 3rd-4th Connector Street.

Map Produced by the Charlotte-Mecklenburg Planning Department, 5-19-2014.
1. SITE DEVELOPMENT DATA

SITE AREA: 114-116 Acres

PARCEL ID NUMBERS: 214-304-10, 214-304-12, 214-304-14, 214-304-20

EXISTING ZONING: R-2

2. GENERAL PROVISIONS:

a. The Development Conditions form a part of the recording plat filed by Central Piedmont Community College ("CPCC") in the Register of Deeds of Mecklenburg County, North Carolina, consisting of four (4) parcels located at the intersection of E. 4th Street and Charlottetown Avenue in Charlotte, Mecklenburg County, North Carolina. All Development Conditions, except those which are required to be attached to the plat of a new development, shall be held in trust for the community by CPCC until the Conditions are complied with by the Approved Plan.

b. Permittees desires to rezone the Site to a zoning classification compatible with the existing Central Campus Plan to allow for increased densities on the Existing Campus. The rezone will allow for the future development of the Site consistent with the following conditions.

3. OPTIMUM PROVISIONS

a. The Site Development Conditions for the Site shall be as follows:

4. PERMITTED USE

b. Any new development on the Site shall be permitted to use a Community College Campus, including, but not limited to, classroom buildings, administrative buildings, and maintenance facilities, together with pedestrian access and parking areas complying with the requirements of the Site Development Conditions for public use.

5. TRANSPORTATION:

a. The Site Development Conditions for the Site shall be as follows:

6. ARCHITECTURAL STANDARDS

a. The Site Development Conditions for the Site shall be as follows:

7. STREETPLAN AND LANDSCAPE

a. The Site Development Conditions for the Site shall be as follows:

8. SIGNS

a. The Site Development Conditions for the Site shall be as follows:

9. LIMITATIONS

a. The Site Development Conditions for the Site shall be as follows:

10. AMENDMENTS TO CONDITIONAL PLAN

a. The Site Development Conditions for the Site shall be as follows:

b. The Site Development Conditions for the Site shall be as follows:

11. EFFECT OF THE REZONING PETITION

a. The Site Development Conditions for the Site shall be as follows:
REQUEST
Current Zoning:  R-3 (LLWCA), single family residential, Lower Lake Wylie Critical Area
Proposed Zoning:  O-2 (LLWCA), office, Lower Lake Wylie Critical Area

LOCATION
 Approximately 0.23 acres located on the south side of York Road at the intersection of Langston Drive and York Road. (Outside City Limits)

SUMMARY OF PETITION
The petition proposes a change in zoning to allow all uses in the office district for the subject property.

STAFF RECOMMENDATION
Staff recommends approval of this petition. This petition is consistent with the Steele Creek Area Plan.

PROPERTY OWNER
Craig and Amy Faile

PETITIONER
Craig and Amy Faile

AGENT/REPRESENTATIVE
N/A

PLANNING STAFF REVIEW

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

- Existing Zoning and Land Use
  The subject property is currently zoned R-3, single-family residential, and developed with a residential structure. The surrounding properties are zoned R-3, single-family residential, and O-1(CD), office, conditional, and developed with residential structures or vacant.

- Rezoning History in Area
  Petition 2013-004 rezoned 2.63 acres west of the subject site to allow a maximum of 25,000 square feet of O-1 (office) uses.

- Public Plans and Policies
  The Steele Creek Area Plan (2012) recommends mixed use (residential, office and/or retail) for this site if part of a well-designed pedestrian oriented master plan. Buildings should be oriented toward the street, scale should be compatible with scale and character of adjacent Palisades neighborhood, and the number of free standing single tenant buildings should be kept to a minimum so as not to compromise walkability.
  The small size and character of the parcel will allow for compact office use consistent with the Steele Creek Area Plan.
  The petition is consistent with the Steele Creek Area Plan.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:  No issues.
- Charlotte Department of Neighborhood & Business Services:  No issues.
- Transportation:  No issues.
  - Vehicle Trip Generation:
    Current Zoning: 20 trips per day.
    Proposed Zoning: 150 trips per day.
  - Connectivity:  No issues.
- Charlotte Fire Department:  No comments received.
- Charlotte-Mecklenburg Schools:  The development under the existing zoning could generate one student while the proposed zoning could produce two students. The net change in the number of students from the existing zoning to proposed zoning is one.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Engineering and Property Management: No issues.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)
• Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  • There is no site plan associated with this conventional rezoning request.

OUTSTANDING ISSUES
• No issues.

Attachments Online at www.rezoning.org
• Application
• Site Plan
• 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

Planner: Sonja Sanders (704) 336-8327
Acreage & Location: Approximately 0.229 acres located on the south side of York Road at the intersection of Langston Drive and York Road.
Petition #: 2014-057
Petitioner: Craig & Amy Faile

Zoning Classification (Existing): R-3 (LLWCA)
(Single Family, Residential, Lower Lake Wylie Critical Area)

Zoning Classification (Requested): O-2 (LLWCA)
(Office, Lower Lake Wylie Critical Area)

Acreage & Location: Approximately 0.229 acres located on the south side of York Road at the intersection of Langston Drive and York Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 5-19-2014.
REQUEST  
Current Zoning:  R-17MF (multi-family residential)  
Proposed Zoning:  MUDD-O (mixed use development, optional)  

LOCATION  
Approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive  
(Council District 6 - Smith)  

SUMMARY OF PETITION  
The petition proposes to allow for the construction of a seven-story, 70-foot high building with two hotels containing a total of 285 rooms. Surface and structured parking will be provided as well as a street through the northern end of the site extending to the northwest corner of the property. The petitioner is requesting several optional provisions.  

STAFF RECOMMENDATION  
Staff recommends approval of the petition upon resolution of outstanding issues. The petition is inconsistent with the SouthPark Small Area Plan, which reflects the existing multi-family use with limited retail/services use, and also exceeds the plan’s height recommendation. However, the proposed use has some residential characteristics and is compatible with the surrounding development. The proposal also benefits connectivity by providing a street connection through the site.  

PROPERTY OWNER  
Old Towne Investments, LLC  

PETITIONER  
Crosland LLC and Allen Tate  

AGENT/REPRESENTATIVE  
Collin Brown & Bailey Patrick, Jr., K&L Gates, PA  

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

PLANNING STAFF REVIEW  

• Proposed Request Details  
The site plan accompanying this petition contains the following provisions:  
• Allows a single building with up to two hotels with a total of 285 rooms and accessory structures.  
• Provides surface and structured parking.  
• Limits the maximum square footage of the building to 170,000-square feet and parking structure to 72,000-square feet for a maximum floor area ratio of 1.52.  
• Limits the building height to seven-stories and 70-feet exclusive of architectural features.  
• Limits the parking structure to one above ground level and a maximum height of 25 feet.  
• Provides a proposed street through the site along the northern end of the property from Sharon Road to the northwestern corner of the site.  
• Reserves the right for the street to be private and converted to a public street at the petitioner’s option, provided it is designed to public street standards.  
• Provides a CATS waiting pad on the site adjacent to Sharon Road.  
• Specifies that buildings will be similar to the elevations shown on the “Conceptual Renderings” and states that exterior building materials may include brick, stone, cast stone, precast concrete, cementitious siding, stucco, EIFS, and metal panel.  
• Provides active ground floor uses along the site’s Sharon Road frontage.  
• Specifies that at least 50% of the building wall elevation facing Sharon Road shall include clear glass windows or operable doors.  
• Commits to designing and constructing parking areas so headlights are not directly visible from single family uses along Walden Court and Hazelton Drive to the extent reasonably possible.  
• Provides a 20-foot rear yard along the site’s western boundary and a ten-foot wide side yard along the site’s southern boundary with a ten-foot wide landscape buffer with eight-foot tall wood or PVC panel fence along the site’s western and southern boundaries.  
• Provides a six-foot sidewalk and eight-foot planting strip along the site’s frontage on Sharon Road, with a five-foot planting strip between the proposed structure and proposed sidewalk along Sharon Road.
• Commits to screening the portions of the parking structure located near the southwest corner of the site with a "green screen" as depicted on the Conceptual Site Plan.
• Commits to an eight-foot tall vertical wall along top level of the portion of the parking structure facing tax parcel 179-011-58.
• Provides open space with a courtyard and pool amenity area.
• Limits the height of building mounted signage to 20 feet for elevations facing Walden Court and Hazelton Drive.
• Limits height of freestanding lighting to 20 feet and lighting on the top level of the parking structure to 12 feet. Requires all lighting to be shielded with full cut-off fixtures. Provides capped, downwardly directed attached lighting.
• Optional requests:
  1. Water quality and stormwater facilities located within setbacks and beneath parking areas and sidewalks.
  2. Building access features extending into setback areas.
  3. Short-term surface level areas for: parking, drive, drop off areas, valet parking; and service areas for deliveries and loading between the building and streets.
  4. Innovative street design standards, provided that such designs are acceptable to CDOT.
  5. Detached ground mounted identification signage located at the intersection of the proposed street and Sharon Road.

• Existing Zoning and Land Use
• The property is currently used for multi-family residential with three buildings and total of 40 dwelling units.
• Properties to the west and south are zoned R-3 (single family residential) with single family uses. The property to the north is zoned B-2(CD) (general business, conditional) with a commercial shopping center. The property to the east, across Sharon Road, is zoned MUDD-O (mixed use development, optional) and MUDD(CD) (mixed use development, conditional) with commercial and multi-family uses.

• Rezoning History in Area
• A number of rezonings have taken place to accommodate high density residential, non-residential and institutional land uses.

• Public Plans and Policies
• The SouthPark Small Area Plan (2000) recommends multi-family with limited retail/service uses. The Plan also states that new development should be compatible with surrounding development and specifically recommends building heights, abutting single family neighborhoods be limited to 40 feet, with higher buildings permitted further from single family.
• The petition is inconsistent with the SouthPark Small Area Plan. However, the proposal has some residential characteristics and is compatible with surrounding development. The proposed height exceeds the plan recommendation of 40 feet abutting single family residential uses. However, the existing zoning would allow a base height of 40 feet with tiered or setback buildings up to 100 feet. In addition, approved plans across Sharon Road permitted heights up to 55 feet adjacent to residential uses. Based on these reasons, staff could support a tiered building with a height up to 55 feet adjacent to residential uses and increased up to 70 feet along the proposed internal street.

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System: Amend note 4. (d) to specify that the CATS waiting pad will be provided according to standard detail 60.01B.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Transportation: The petitioner should provide a street connection along the petitioner’s site running parallel to the northernmost property line.
  • Vehicle Trip Generation:
    Current Zoning: 500 trips per day.
    Proposed Zoning: 2,300 trips per day.
• Connectivity: See comments above.
• Charlotte Fire Department: No comments received.
• Charlotte-Mecklenburg Schools: No comments received.
Charlotte-Mecklenburg Storm Water Services: No issues.

Engineering and Property Management: No issues.

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

Mecklenburg County Parks and Recreation Department: No issues.

Urban Forestry: No 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.

- The project utilizes existing infrastructure through the redevelopment of the site.

OUTSTANDING ISSUES

The petitioner should:
1. Reduce the maximum height of the portions of the building adjacent to single family residential from 70 feet to 55 feet. This should be achieved by reducing the height to 55 feet for the two building wings extending towards the single family zoning to the south and a maximum of 70 feet for the main portion of the building along the proposed street.
2. Amend the maximum building height in the development data to reflect reduced height of 55 feet for the two building wings extending towards the single family zoning to the south and a maximum of 70 feet for the main portion of the building along the proposed street.
3. Revise the architectural perspectives to reflect the reduced height of the two building wings.
4. Address CDOT issue.
5. Address CATS issue.
6. Revise optional provision 2. (c) to clearly explain what is requested. If needed separate into individual optional provisions.
7. Remove optional provision 2. (d) or amend to clearly explain what is meant by “innovative street design.”
8. Amend optional provision 2. (e) to specify the maximum allowed number, size, and height of ground mounted signs to be allowed.
9. Amend note 2. (e) by replacing the words “access driveway” with the word “street.”
10. Provide eight-foot planting strips and six-foot sidewalks along both sides of the street extension.
11. Provide a 14-foot setback along the proposed back of curb for the proposed internal street.
12. Provide Type II modified driveways where drives intersect with the proposed internal street.
13. Stub the proposed street to the property line or provide a note committing to rights for future extension.
14. Specify on the conceptual site plan that an eight-foot planting strip and six-foot sidewalk will be provided along Sharon Road from the proposed street to the northern property line.
15. Remove note 4. (c) and provide a note that allows public access to the private street.
16. Amend note 6. (a) to specify how headlights will be screened from view of the single family homes.
17. Specify the minimum spacing from trees and shrubs located in the ten-foot wide buffer described in note 6. (d).
19. Provide a description of the open space to be provided.
20. Remove note 11. (d) as it is repeated.

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
- 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 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive.
Petition #: 2014-059
Petitioner: Crosland LLC and Allen Tate

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

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

Acreage & Location: Approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive.
REQUEST

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

LOCATION

Approximately 0.46 acres located on the east side of North McDowell Street between East 35th Street and East 36th Street.  (Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to rezone the subject site in order to subdivide two single family parcels into three lots.  One of the existing parcels is developed with two dwelling units, which is not in compliance with the current Ordinance. Creation of the third lot will allow all three dwellings to be located on individual parcels.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of the outstanding issue. The petition is consistent with the residential land use recommendation in the Blue Line Extension 36th Street Transit Station Area Plan, which recommends up to six dwelling units per acre. The proposal results in seven units per acre which is a slight increase from what is recommended in the plan. However, the existing single family dwellings will remain, and this land use pattern is consistent and in character with the surrounding neighborhood.

PROPERTY OWNERS

Day Hixson and Hilary K. Belcher

PETITIONER

Day Hixson

AGENT/REPRESENTATIVE

N/A

COMMUNITY MEETING

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

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Rezone the subject sites which consists of two lots developed with three single family homes in order to allow the creation of three lots with existing homes to remain.
  - Allow single family detached dwellings and related accessory uses as permitted in the UR-1 (urban residential) district.
  - Development note stating that in the event the residential dwellings on the subject parcels are demolished and redevelopment occurs, the sidewalks and planting strips will be installed along abutting streets per ordinance and/or streetscape plan.

- **Existing Zoning and Land Use**
  - The rezoning site consists of two lots developed with three detached single family homes, of which two are situated on the same lot. The homes on the same lot were built in 1914 and 1929, and the other dwelling was built in 1914. The rezoning site is immediately surrounded by primarily single family detached homes on properties zoned R-5 (single family residential), UR-1(CD) (urban residential, conditional), and R-8(CD) (single family residential, conditional).

- **Rezoning History in Area**
  - Approval of petition 2012-080 rezoned approximately 0.29 acres located along North Alexander Street between E. 34th Street and E. 35th Street from R-5 (single family residential) to R-8(CD) (single family residential, conditional), in order to subdivide a parcel into two lots, allowing the existing single family house to remain and a new single family home to be constructed on the other lot.
  - Approval of petition 2009-061 rezoned approximately 0.50 acres located on the east corner of E. 36th Street and N. McDowell Street from R-5 (single family residential) to UR-2(CD) (urban residential, conditional) in order to allow 16 multi-family units and one single family dwelling on a separate lot, at a density of 34 dwelling units per acre.

- **Public Plans and Policies**
  - The Blue Line Extension 36th Street Transit Station Area Plan recommends low density
residential development up to six dwelling units per acre in this area.

- The proposed land use is consistent with the Blue Line Extension 36th Street Transit Station Area Plan. The proposal results in seven units per acre which is a slight increase in density (approximately 7 units per acre) over from what is recommended in the plan. However, the existing single family dwellings will remain, and this land use pattern is consistent and in character with the surrounding neighborhood.

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: 20 trips per day.
    - Proposed Zoning: 30 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 comments received.
- 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 scale to 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
- 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 #: 2014-060

Acreage & Location: Approximately 0.47 acres located on the east side of North McDowell Street and between East 35th Street and East 36th Street.
Petition #: 2014-060
Petitioner: Day Hixson

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

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

Acreage & Location: Approximately 0.47 acres located on the east side of North McDowell Street between East 35th Street and East 36th Street.
Rezoning Petition
2014-060

Developmental Data
Tax ID numbers: 083-123-01 and 083-123-02
Total Area: 19,485 sq.ft. or approximately .45 acres
Existing Zoning: R-5
Proposed Zoning: UR-1(CD)
Proposed use: to create three lots out of two lots to allow single family detached residence on each lot
Maximum building height: 40 feet

General Provisions
Alterations and modifications to the conditional plan are subject to Section 6.207 of the zoning ordinance

Permitted Uses
Single family detached residential dwelling and related residential accessory uses as permitted in the UR-1 district

Streetscape and Landscape
In the event the residential dwellings on the subject parcels are torn down or demolished and redevelopment occurs, then the required sidewalks and planting strips will be installed along the abutting streets per ordinance and or streetscape plan.
REQUEST
Current Zoning: INST(CD) (institutional, conditional)
Proposed Zoning: INST(CD) SPA (institutional, conditional, site plan amendment)

LOCATION
Approximately 10.0 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue. (Council District 4 - Phipps)

SUMMARY OF PETITION
The petition proposes to allow up to 70,888 square feet of building area through redevelop of existing buildings, building additions and/or new buildings.

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

PROPERTY OWNER
Roman Catholic Diocese of Charlotte

PETITIONER
Roman Catholic Diocese of Charlotte

AGENT/REPRESENTATIVE
David Powlen, Little Diversified Architectural Consulting

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

PLANNING STAFF REVIEW

- **Background**
  - The subject parcel was rezoned from R-3 (single family residential) to INST(CD) (institutional, conditional) under petition 1995-029 for Saint Thomas Aquinas Church, with the following conditions:
    - Up to 39,059 square feet of development for a religious institutional use.
    - Maximum number of proposed seats to be 1,116.
    - A conditional note prohibiting access to Milay Avenue.
    - Variance for 42-foot side yard buffer along the adjacent property line.
    - A front setback reduced to 30 feet by a variance of 10 feet.
    - Maximum building heights for the proposed and existing structures range from 28 feet to 61 feet.
    - A 75-foot Class “B” buffer abutting the existing residential structures.

- **Proposed Request Details**
The site plan amendment contains the following changes:
  - Up to 70,888 square feet of building area through redevelop of existing buildings, building additions and/or new buildings
  - 25% reduction of the side yard buffer along the west side where “existing building 3,455” is located. This reduction is only for 150 linear feet to allow a one-way drive connection.
  - A note limiting buildings to a height of two stories.
  - Eight-foot planting strip and six-foot sidewalk along Suther Road.
  - Proposed driveway and drop-off along the western edge.
  - Proposed covered drop-off area.
  - Allowance for existing buildings to be redeveloped.
  - A note prohibiting a school or general education use allowed on the site.

- **Existing Zoning and Land Use**
  - The subject property is currently zoned INST (CD) (institutional, conditional) and developed with several structures for a religious facility. The surrounding properties are zoned R-3, (single-family residential), R-17MF (multi-family residential) and INST (institutional) and developed with residential and institutional uses and structures.

- **Rezoning History in Area**
  - Petition 2012-010 rezoned 4.7 acres west of the subject site to MUDD-O, (mixed use development district, optional) to allow the development of 200 dwelling units and 5,000 square feet of commercial uses.
Public Plans and Policies
- The Northeast District Plan (1996) recommends institutional uses for the subject property.
- The petition is consistent with the Northeast District Plan.

DEPARTMENT COMMENTS (see full department reports online)
- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: No issues.
  - Vehicle Trip Generation: Current Zoning: 450 trips per day. Proposed Zoning: 650 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.
- 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 additional pedestrian facilities with a six-foot sidewalk.

OUTSTANDING ISSUES
- The petitioner should:
  1. Remove the first sentence under General Provisions Note 1.
  2. Place the existing height limits from the previously approved plan on the site plan.
  3. Limit the maximum height of any new building to two stories.
  4. Limit the total number of seats to 1,116 seats.
  5. Remove “approximate” from building square footages table.
  6. Remove the administrative approval letter from the site plan.
  7. Add a note referencing the approved variance including the file number and year approved.

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
- 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 #: 2014-061

Acreage & Location: Approximately 10 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue.
Petition #: 2014-061
Petitioner: Roman Catholic Diocese of Charlotte

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

Zoning Classification (Requested): INST(CD) S.P.A. (Institutional, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 10 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue.
Little 2014
PROJECT MANAGER
DESIGN TEAM
NO. REASON DATE
PRINCIPAL IN CHARGE
St. Thomas Aquinas
Site Plan Amendment
112.7614.01
Balke
04/28/14
MVS
SITE PLAN
C200
CITY OF CHARLOTTE
REVIEW COMMENTS 06/20/14

GENERAL PROVISIONS:
1. EXISTING APPROPRIATE APPROVALS PER DEPARTMENT OF CONSTRUCTION CODES AND DEPARTMENT OF ZONING REQUIREMENTS IN THE PROJECT.
2. ADDITIONAL INFORMATION ON THE PROJECT IS AVAILABLE AT THE CITY OF CHARLOTTE REGISTRATION OFFICE. SEE APPROPRIATE APPROVALS.
3. ADDITIONAL INFORMATION ON THE PROJECT IS AVAILABLE AT THE CITY OF CHARLOTTE REGISTRATION OFFICE. SEE APPROPRIATE APPROVALS.
4. ADDITIONAL INFORMATION ON THE PROJECT IS AVAILABLE AT THE CITY OF CHARLOTTE REGISTRATION OFFICE. SEE APPROPRIATE APPROVALS.
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8. ADDITIONAL INFORMATION ON THE PROJECT IS AVAILABLE AT THE CITY OF CHARLOTTE REGISTRATION OFFICE. SEE APPROPRIATE APPROVALS.
9. ADDITIONAL INFORMATION ON THE PROJECT IS AVAILABLE AT THE CITY OF CHARLOTTE REGISTRATION OFFICE. SEE APPROPRIATE APPROVALS.
10. ADDITIONAL INFORMATION ON THE PROJECT IS AVAILABLE AT THE CITY OF CHARLOTTE REGISTRATION OFFICE. SEE APPROPRIATE APPROVALS.

GENERAL PROVISIONS:
1. EXISTING APPROPRIATE APPROVALS PER DEPARTMENT OF CONSTRUCTION CODES AND DEPARTMENT OF ZONING REQUIREMENTS IN THE PROJECT.
2. ADDITIONAL INFORMATION ON THE PROJECT IS AVAILABLE AT THE CITY OF CHARLOTTE REGISTRATION OFFICE. SEE APPROPRIATE APPROVALS.
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10. ADDITIONAL INFORMATION ON THE PROJECT IS AVAILABLE AT THE CITY OF CHARLOTTE REGISTRATION OFFICE. SEE APPROPRIATE APPROVALS.
REQUEST

Current Zoning:  R-5 (single family residential) and B-2 (general business)
Proposed Zoning:  UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 2.68 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place. (Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to allow for the development of up to 37 single family attached units (for-sale) at density of 13.81 units per acre.

STAFF RECOMMENDATION

Staff does not support this petition in its current form. The parcels zoned R-5 (single family residential) are inconsistent with the Dilworth Land Use and Streetscape Plan, which calls for single family residential at a density of four units per acre. The lots zoned B-2 (general business) are consistent with the transit oriented development-mixed land use recommendation contained in the New Bern Transit Station Area Plan. However, this portion of the rezoning site is inconsistent with the Plan’s support for a minimum density of 15 units per acre.

In addition to the plan inconsistency, the petition has significant outstanding issues with respect to the overall site design. The proposed units are oriented inward, with the side and rear of units facing existing single family homes located across Marshall Place.

PROPERTY OWNER

Charles Stack, et al (see website)

PETITIONER

Pulte Home Corporation

AGENT/REPRESENTATIVE

Barry M. Fay, American Engineering

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting:  20

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Up to 37 single family (for-sale) attached homes with garages, at a density of 13.81 units per acre.
  - Maximum building height of 36 feet.
  - Internal residential alleyways providing three points of vehicular access onto Euclid Avenue. Access onto Marshall Place is not proposed with this design.
  - Six-foot sidewalks and eight-foot planting strips along Euclid Avenue, Marshall Place, and Atherton Street.
  - Proposed on-street parking along all abutting streets (four spaces on Euclid Avenue, nine spaces on Atherton Street, and 12 spaces on Marshall Place).
  - Note committing to manage construction parking so that no construction vehicles will be allowed to park on the east side of Marshall Place.
  - Minimum 15 percent tree save area provided onsite for the subject property located outside of the transit corridor.

- Existing Zoning and Land Use
  - The rezoning site is developed with a single family residential home and warehouse and is surrounded by a mix of single family and multi-family homes, retail, and office uses in various zoning districts.

- Rezoning History in Area
  - Approval of petition 2014-001 rezoned approximately 1.02 acres located on the northeast corner at the intersection of Ideal Way and Euclid Avenue from R-5 (single family residential) and MUDD (CD) (mixed use development, conditional) to UR-2(CD) (urban residential, conditional), in order to allow up to 21 single family attached units (for-sale), at a density of 20.4 dwelling units per acre.
• Approval of petition 2013-065 rezoned approximately 1.24 acres located on the south side of Iverson Way between South Boulevard and Lyndhurst Avenue from R-5 (single family residential), O-2 (office), and B-2 (general business) to UR-2(CD) (urban residential, conditional), in order to allow a for-sale multi-family development with up to 22 residential units.

• Approval of petition 2011-015 rezoned approximately 1.19 acres located on the east side of the intersection at South Boulevard, Ideal Way, and Remount Road from MUDD-O (mixed use development, optional) to MUDD-O (SPA) (mixed use development, optional, site plan amendment). The petition allows a 31,200-square foot veterinarian clinic/animal hospital and all other nonresidential uses permitted in MUDD (mixed use development).

• Several properties along South Boulevard have been rezoned to TOD (transit oriented development) to allow transit supportive development along the LYNX Blue Line.

• Public Plans and Policies
  • The Dilworth Land Use and Streetscape Plan (2006) recommends residential at up to four dwellings per acre for the parcels zoned R-5 (single family residential), with the intent of preserving the character of the existing single family neighborhood.
  • The New Bern Transit Station Area Plan (2008) recommends transit oriented development-mixed for the portion for the rezoning site that is zoned B-2 (general business) and supports a minimum density of 15 dwelling units per acre. The rezoning site is within ½ mile of the New Bern transit station.
  • The petition is inconsistent with the Dilworth Land Use and Streetscape Plan. The petition is consistent with the New Bern Transit Station Area Plan with respect to land use and inconsistent with respect to recommended density.

DEPARTMENT COMMENTS (see full department reports online)

• Charlotte Area Transit System: No issues.

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

• Transportation: CDOT has the following comments:
  • It appears that the minimum driveway dimensions proposed are 16 feet instead of the 20 feet minimum driveway width for one-way circulation as identified in the Charlotte Land Development Standards Manual.
  • It appears the petitioner is only creating the Local Residential Wide street cross section for a portion of the site’s property frontage on Euclid Avenue and Marshall Place.
  • CDOT requests that the petitioner provide recessed on-street parking along the site’s entire property frontage on Euclid Avenue and Marshall Place.

• Vehicle Trip Generation:
  Current Zoning: 650 trips per day.
  Proposed Zoning: 220 trips per day.

• Connectivity: No issues.

• Charlotte Fire Department: No comments received.

• Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate 17 students, while the development allowed under the proposed zoning will produce two students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.

• Charlotte-Mecklenburg Storm Water Services: No issues.

• Charlotte-Mecklenburg Utilities: No comments received.

• Engineering and Property Management: Tree save, as well as internal and perimeter trees, are required for the proposed development of this site per the Tree Ordinance. A note should be added to the site plan that states the petitioner will comply with the City of Charlotte Tree Ordinance.

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

• Mecklenburg County Parks and Recreation Department: No issues.

• Urban Forestry: No issues.
ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- **Land use:**
  1. The proposed density for the parcels zoned R-5 (single family residential) is inconsistent with the *Dilworth and Land Use Streetscape Plan*, which recommends up to four dwelling units per acre.

  The petitioner should:
  1. Remove the language under Development Data with respect to Proposed Zoning that states "Parcel 12107605 will remain R-5 zoning" as the petitioner has stated the intent is to rezone entire property to UR-2(CD), and to be consistent with the application.
  2. Add notes under Streetscape and Landscaping, committing to installation of planting strips and sidewalks along Euclid Avenue, Atherton Street, and Marshall Place (including required minimum widths).
  3. Specify in the development notes under Streetscape and Landscaping any intent to allow sidewalks to meander in order to preserve existing trees.
  4. Provide information under Development Data that notes the proposed units will have garages. Confirm that the development is able to meet the minimum 400-square foot sublot requirement for single family attached for-sale units. The typical detail shown on the site plan is unclear if the driveway or second story balcony is being counted as private open space, of which neither meets the requirement. The private open space should be provided at grade level. Add a note stating that the development will meet this requirement per the Ordinance.
  5. Realign units 10-16 to parallel Marshall Place to create a strong street edge.
  6. Screen ends of alleys from Marshall Place with a combination of masonry walls and landscaping.
  7. Reverse building orientations so that front elevations face streets and common yard areas and rear elevations face alleys.
  8. Move garage doors from front to rear elevation.
  9. Install windows on front elevations in place of previous garage doors.
  10. Provide entrance doorways with porches or stoops on end elevations that front onto Euclid Avenue and Marshall Place.
  11. Provide a regular pattern of windows on end elevations, including the ground floor. Windows should be aligned to building levels and not set at varying heights. Windows on end elevations should maintain consistency in size and style.
  12. Add a note that small horizontally-aligned windows on all elevations will not be allowed.
  13. Integrate rear porches into the building design instead of attaching them to the face of the building on stilt-like supports.
  15. Provide a minimum of 70% masonry (brick or stone) on all building faces.
  16. Provide development notes committing to materials (including building material and minimum percentage masonry product, building articulation and orientation).
  17. Add a note under Lighting regarding pedestrian scale, freestanding lighting fixtures to be installed throughout the Site. Freestanding lighting fixtures must be fully capped and shielded and the illumination downwardly directed. Specify a maximum height (including base).
  18. Label "Possible" tree save areas.
  19. Address all CDOT and Engineering and Property Management comments.
  20. Show location of solid waste and recycling facilities as required per Section 12.403 of the Zoning Ordinance.

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
• 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 2.91 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place.
Petition #: 2014-063
Petitioner: Pulte Home Corporation

Zoning Classification (Existing): R-5 and B-2
(Single Family, Residential and General Business)

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

Acreage & Location: Approximately 2.68 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place.
American Engineering Associates - Southeast, P.A.
8008 Corporate Center Dr - Suite 110
Charlotte, NC 28226 704-375-2438

*** 3 Days Before Digging ***
North Carolina 811
811 or 1-800-632-4949
Remote Ticket Entry
http://nc811.org/remoteticketentry.htm

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DEVELOPMENT DATA

Petition # 2014-063

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TECHNICAL DATA SHEET
REQUEST

Current Zoning: RE-3 (research)
Proposed Zoning: RE-3 SPA (research, site plan amendment)

LOCATION

Approximately 2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road.
(Council District 4 - Phipps)

SUMMARY OF PETITION

The petition proposes to allow the development of a 6,375-square foot banquet hall facility and retain an existing cell tower.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of the outstanding issues. This petition is consistent with the Northeast District Plan.

PROPERTY OWNER

Saha International Corporation

PETITIONER

Nasir Ahmad

AGENT/REPRESENTATIVE

James L. Walters

COMMUNITY MEETING

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

PLANNING STAFF REVIEW

- **Background**
  - The subject property was rezoned as part of 16 acres from R-3 (single family residential) to RE-3(CD) (research, conditional) via Petition 1998-021C.
  - Petition 2000-032 took the existing RE-3 (research) into the City limits but did not change any entitlements.
  - The approved site plan allowed up to 160,000 square feet of RE-1 (research) and RE-2 (research) uses and only hotels and restaurants in RE-3 (research) and included the following conditions:
    - A 100-foot undisturbed building setback along John Adams Road.
    - A 35-foot undisturbed rear yard.
    - An accessory service windows for restaurant uses were prohibited.
    - Provided for a five-foot sidewalk and eight-foot planting strip along public street frontages.

- **Proposed Request Details**
  The site plan amendment contains the following changes:
  - A maximum of 6,375 square feet for a 4,875-square foot banquet facility and a 1,500-square foot accessory storage building.
  - A 900-square foot open terrace abutting a garden area.
  - Existing wireless communication tower to remain.
  - Eight-foot planting strip and six-foot sidewalk along John Adams Road.
  - Building elevations and materials consisting of asphalt shingle, aluminum clad fascia, EIFS, and cultured stone wainscot.
  - Double row of tree plantings along John Adams Road.
  - Tree save area totaling 17 percent.
  - Maximum building height limited to two stories and 45 feet.
  - Prohibition of accessory service windows.
  - Detached lighting limited to 20 feet in height.
  - Setback of 24 feet along John Adams Road.

- **Existing Zoning and Land Use**
  - The subject property is currently zoned RE-3 (research) and is developed with a wireless communication tower. The surrounding properties are zoned RE-3 (research), R-8MF (multi-family residential) and are vacant or developed with residential structures.

- **Rezoning History in Area**
  - Petition 2012-074 south of the subject site is seeking to rezone 9.55 acres to B-1(CD) (neighborhood business, conditional) to allow 54,000 square feet for office and retail uses.

- **Public Plans and Policies**
This petition is consistent with the Northeast District Plan.

DEPARTMENT COMMENTS (see full department reports online)
- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: No issues.
  - Vehicle Trip Generation:
    Current Zoning: 2,100 trips per day.
    Proposed Zoning: 100 trips per day.
  - Connectivity: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- 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 City’s tree canopy by exceeding the minimum required tree save required by the Tree Ordinance.

OUTSTANDING ISSUES
- The petitioner should:
  1. Modified the proposed use to Eating, Drinking and Entertainment Establishment, Type 2.
  2. Add a note that vinyl siding will be prohibited as an exterior building material.
  3. Add a note that expanses of blank wall will not exceed 20 continuous feet in length.
  4. Label building elevations to correspond with the proposed building orientation.
  5. Remove note number "5" from the site data table.
  6. Show possible dumpster location and label on the site plan.
  7. Add a note in the development table that the existing cell tower will remain.
  8. Show and label the required yard as undisturbed area.
  9. Show and carry the required eight-foot planting strip and six-foot sidewalk to the property line.
  10. Remove the proposed street cross section detail from 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
- 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 #: 2014-065

Acreage & Location: Approximately 2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road.
Petition #: 2014-065
Petitioner: Nasir Ahmad

Zoning Classification (Existing): RE-3
(Research)

Zoning Classification (Requested): RE-3 (S.P.A.)
(Research, Site Plan Amendment)

Acreage & Location: Approximately 2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road.
Previously Approved Site Plan
ILLUSTRATIVE SITE PLAN
Rezoning Petition 2014-066  
Pre-Hearing Staff Analysis  
July 21, 2014

| REQUEST | Current Zoning:  R-5 (single family residential)  
Proposed Zoning:  B-1(PED) (neighborhood business, pedestrian overlay) |
|LOCATION | Approximately 0.094 acres of existing right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard.  
(Council District 1 - Kinsey) |
| SUMMARY OF PETITION | The petition proposes to rezone a portion of St. Julien Street, which is currently in the abandonment process, to allow all uses permitted in the B-1(PED) (neighborhood business, pedestrian overlay) district. |
| STAFF RECOMMENDATION | Staff recommends approval of this petition. The petition is consistent with the Plaza Central Pedscape Plan. |
| PROPERTY OWNER | City of Charlotte (as the owner of a public street right-of-way) |
| PETITIONER | Levine Properties, Inc. |
| AGENT/REPRESENTATIVE | Keith MacVean/ Jeff Brown, Moore & Van Allen |
| COMMUNITY MEETING | Meeting is not required. |

PLANNING STAFF REVIEW

- **Background**
  - Typically zoning boundaries are drawn to the center of street right-of-ways.  
  - St. Julien Street dead ends between Commonwealth Avenue and Independence Boulevard.  
  - In this dead end portion, the western half of the right-of-way is zoned B-1(PED) (neighborhood business, pedestrian overlay) and the eastern half is zoned R-5 (single family residential).  
  - The dead end street abuts one property to the west and one property to the east.  
  - The adjacent property owners have requested abandonment for the dead end portion of right-of-way according to City policies.  
  - Typically, when a right-of-way is abandoned, ownership of the property is divided between the property owners on either side.  
  - Completion of the abandonment is anticipated for the end of July 2014 and will leave one-half of the former right-of-way zoned B-1(PED) (neighborhood business, pedestrian overlay) and one half zoned R-5 (single family residential). The request will rezone the remaining portion to B-1(PED) (neighborhood business, pedestrian overlay) and the full right-of-way will be developed with the adjoining property to the west.  

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

- **Existing Zoning and Land Use**
  - The area to be rezoned is currently used as road right-of-way.  
  - Properties to the east are zoned R-5 (single family residential) with single family uses. Properties to the north are zoned R-5 (single family residential) and MUD-O (mixed use development, optional) with single family uses. Properties to the west are zoned B-1(PED) and used for a warehouse and office uses. Independence Boulevard is to the south.  

- **Rezoning History in Area**
  - Recent rezonings approved in the area include:
    - Petition 2011-046 rezoned property located on the southeast corner of the intersection of Central Avenue and The Plaza from B-2(PED) (general business, pedestrian overlay) to B-2(PED-O) (general business, pedestrian overlay, optional) for redevelopment of a grocery store.  
    - Petition 2011-069 established zoning to B-2(PED) (general business, pedestrian overlay) for a portion of right-of-way located near the southeast corner of the intersection of Pecan Avenue and Commonwealth Avenue.  
    - Petition 2011-078 rezoned property located on the south side of Central Avenue at Westover Street from R-5 (single family residential) and B-1 (neighborhood business) to NS
Petition 2014-066             (Page 2 of 2)                   Pre-Hearing Staff Analysis

(neighborhood services) for the remodeling and reconfiguring of an existing gas station/convenience store.

- Petition 2014-005, located on the north side of Central Avenue between St. Julien Street and Westover Street, rezoned property from B-1 (neighborhood business) to MUDD-O (mixed use development, optional) for the construction of a four-story building with 36 multi-family units and ground floor structured parking.

- **Public Plans and Policies**
  - The Central District Plan (1993) recommends single family residential at four dwelling units per acre for the parcel on the east side of the right-of-way.
  - The petition is consistent with the adopted land use in the Plaza Central Pedscape Plan for the adjoining parcel to the west, with which the site will be developed.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**
    - Current Zoning: NA
    - Proposed Zoning: NA
  - **Connectivity:** Not applicable.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Engineering and Property Management:** 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.
  - There is no site plan associated with this conventional rezoning request.

**OUTSTANDING ISSUES**

- No issues.

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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
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** John Kinley  (704) 336-8311
Petition #: 2014-066

Acreage & Location: Approximately 0.094 acres of right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard.
Petition #: 2014-066
Petitioner: Levine Properties, Inc.

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

Zoning Classification (Requested): B-1(PED)
(Neighborhood Business, Pedestrian Overlay)

Acreage & Location: Approximately 0.094 acres of right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard.

Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-2014.

Requested B-1(PED) from R-5

Existing Building Footprints
Existing Zoning Boundaries
Charlotte City Limits
FEMA flood plain
Watershed
Lakes and Ponds
Creeks and Streams
Pedestrian Overlay
Historic District
REQUEST
Current Zoning: R-17MF (multi-family residential) and INST(CD) (institutional, conditional)
Proposed Zoning: INST(CD) (institutional, conditional) and INST(CD) SPA (institutional, conditional, site plan amendment)

LOCATION
Approximately 91.31 acres located on the south side of Shamrock Drive across from Glenville Avenue and the east side of Eastway Drive across from Dunlavin Way. (Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes expansion of an existing continuing care retirement community with the addition of 125 independent living units, 150 dependent beds, and up to 14,000 square feet for an environmental services/maintenance facility.

STAFF RECOMMENDATION
Staff recommends approval of the petition upon resolution of outstanding issues. The petition is consistent with the Eastland Area Plan, which recommends institutional land uses.

PROPERTY OWNER
Aldersgate United Methodist Retirement Community, Inc.

PETITIONER
Aldersgate United Methodist Retirement Community, Inc.

AGENT/REPRESENTATIVE
Frank Quattrocchi, Shook Kelley

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 18

PLANNING STAFF REVIEW
• Background
  • Petition 1987-07 rezoned 80 acres of the subject property from R-9MF (multi-family residential) to INST(CD) (institutional, conditional) to allow 171 dependent living units, 185 independent living units, commercial uses associated with the nursing home and a bank, a 6,000-square foot indoor pool and locker room expansion, and 25,800 square feet of office space.
  • Petition 1999-116 approved an INST(CD) SPA (institutional, conditional, site plan amendment) for 80 acres of the subject property located on the south side of Shamrock Drive, east of Eastway Drive and north of Sudbury Road. This petition amended the previous rezoning to allow a total of 375 independent units and 150 dependent living units.
  • The subject property is partially developed with a continuing care retirement community consisting of 294 independent and dependent living units and 90,000 square feet of common facilities, office and operational facilities, and amenities associated with the community.

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Addition of 125 independent living units in up to 16 buildings not to exceed two stories. Units will be in the form of apartments, townhomes, and detached, duplex, triplex, quadraplex, or multi-family cottages.
  • Addition of 150 beds for dependent living units within a six-story skilled nursing facility consisting of memory care, assisted living, hospice, skilled nursing, and adult care facilities.
  • Addition of 23,000 square feet of dining facilities, office space, incidental commercial uses for residents, storage, and operational facilities, for an overall total of 113,000 square feet of amenity services.
  • Proposed development to be completed in two phases.
  • A 50-foot Class "C" buffer abutting residential zoning in northwestern area of the property (Area D).
  • Request for an alternate buffer.

• Existing Zoning and Land Use
  • The subject property is partially developed with a continuing care retirement community.
  Surrounding properties are zoned a combination of R-17MF (multi-family residential), R-4 (single family residential) and INST (institutional) and occupied by single family dwellings, multi-family
developments and institutional uses.

- **Rezoning History in Area**
  - Petition 2012-092 rezoned 1.93 acres on the east and west sides of Eastway Drive from R-17MF (multi-family residential) to O-1(CD) (office, conditional) to allow the conversion of existing single family residential structures for general and/or medical office use.

- **Public Plans and Policies**
  - The *Eastland Area Plan* (2003) recommends institutional uses for the subject properties.
  - The petition is consistent with the *Eastland 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:** No issues.
  - **Vehicle Trip Generation:**
    - Current Zoning: 2,100 trips per day.
    - Proposed Zoning: 3,200 trips per day.
  - **Connectivity:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No comments received.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** Requests petitioner to dedicate and convey the 100-foot SWIM buffer to Park and Recreation in fee simple or provide a greenway easement within the 100-foot SWIM buffer for the future Briar Creek Greenway.
- **Urban Forestry:** No issues.

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

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

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Amend Development Data Table to only include information on proposed uses.
  2. Amend development legend to reflect correct totals for proposed uses and delete reference to amenity services.
  3. Explain Note 1H under Development Area A.
  4. Amend Note 1J under Development Area A to reflect proposed maximum height of dependent and independent units.
  5. Specify alternate buffer request.
  6. Amend Note 7b to remove reference to Area B.
  7. Address Park and Recreation comment.

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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 Storm Water Services Review
• Engineering and Property Management Review
• Mecklenburg County Parks and Recreation Review
• Urban Forestry Review

Planner: Sonja Sanders (704) 336-8327
Approximately 91.31 acres located on the south side of Shamrock Drive across Glenville Avenue and east side of Eastway Drive across from Dunlavin Way.
Petition #: **2014-067**

Petitioner: Aldersgate United Methodist Retirement Community, Inc.

Zoning Classification (Existing): **R-17MF and INST(CD)**
(Multi-Family, Residential and Institutional, Conditional)

Zoning Classification (Requested): **INST(CD) and INST(CD)(S.P.A.)**
(Institutional, Conditional and Institutional, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 91.31 acres located on the south side of Shamrock Drive across from Glenville Avenue and east side of Eastway Drive across from Dunlavin Way.
Previously Approved Site Plan
REQUEST

Current Zoning: INST(CD) (institutional, conditional) and B-1(CD) (neighborhood business, conditional)
Proposed Zoning: O-2(CD) (office, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment)

LOCATION

Approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and I-485. (Outside City Limits)

SUMMARY OF PETITION

The petition proposes modifications to an approved planned development resulting in a 50-bed hospital, and up to 117,000 square feet of medical and general office, retail/commercial and personal services uses.

STAFF RECOMMENDATION

Staff does not recommend approval of the petition in its current form. The land use is consistent with the Albemarle Road/I-485 Interchange Study as amended by the previous petition. However, the proposed transportation infrastructure is inadequate for the amount of development proposed. A revised site plan, which adequately addresses the needed transportation improvements, could be considered for approval.

PROPERTY OWNER

Novant Health

PETITIONER

Novant Health

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: 6

PLANNING STAFF REVIEW

- Background
  - Petition 2008-052 rezoned the subject property from R-3 (single family residential) to B-1(CD) (neighborhood business, conditional) to allow a 100-bed hospital, up to 140,000 square feet of medical office space, and 20,000 square feet of retail/commercial space. The hospital was to be built in two 50-bed phases, and the medical offices in four buildings.
  - Proposed Request Details
    The site plan accompanying this petition contains the following provisions:
    - A hospital consisting of 50 beds.
    - Up to 80,000 square feet of medical and general office uses and dental, medical, and optical laboratory uses, and accessory uses including a helistop in the proposed O-2(CD) (office, conditional) zoning.
    - Up to 37,000 square feet of general and medical office, retail, restaurant and personal services uses in the proposed B-1(CD) (neighborhood business, conditional) zoning, of which no more than 25,000 square feet may be used for retail, restaurant, and personal services uses.
    - Total number of principal buildings will not exceed nine.
    - Up to 30,000 of the allowed square footage can be transferred from the O-2(CD) to the B-1(CD) (neighborhood business, conditional) area.
    - Up to 20,000 allowed square footage can be transferred from the B-1(CD) (neighborhood business, conditional) area to the O-2(CD) (office, conditional) area.
    - One accessory drive-through window is permitted in the B-1(CD) (neighborhood business, conditional) area but the accessory use may not be associated with a restaurant.
    - Surface parking and/or maneuvering areas, and drive-through window lanes will not be allowed between Albemarle Road and the proposed buildings.
    - Building material consisting of a combination of brick, stone, precast stone, precast concrete, synthetic stone, stucco, EIFS, decorative block and/or wood.
    - Building elevations for the health institution building that reflect the architectural style and quality.
    - A landscaped open space/court yard area that includes seating areas will be provided between
proposed buildings along Albemarle Road.

- A Class "C" buffer and undisturbed landscaping will be provided along Interstate 485.
- A 75-foot Class "B" buffer will be provided along the site’s other boundaries.
- Transportation improvements include:
  - An eastbound restrictive leftover on Albemarle Road into the site at Public Street #1.
  - Median break on Albemarle Road to the west will be closed upon installation of the restrictive leftover.
  - Extension of existing left turn lane on Albemarle Road.
  - A channelized westbound right turn lane into the proposed development on Albemarle Road.
  - A two–lane cross-section with an ingress and egress lane at the intersection of Public Street #1 and Albemarle Road, with a channelized southbound egress lane placed under stop-controlled conditions.
  - An exclusive westbound turn lane on Albemarle Road to accommodate U-turn movements, and an accompanying modification of the traffic signal to incorporate an additional left-turn phase, in addition to construction of a bulb-out to accommodate the U-turning movements.
  - Certificates of occupancy for proposed uses contingent upon phased completion of roadway improvements and either re-evaluation of the operation of the roadway improvements to show that additional capacity is available that will support additional development or the extension of Public Street #1 to the east and connection to a north/south road that will provide full movement access to Albemarle Road.

- **Existing Zoning and Land Use**
  - The subject property is currently vacant. Properties east of Interstate 485 are zoned R-3 (single family residential) and are developed with rural residences or are vacant. West of Interstate 485 is single family dwellings and vacant property in R-3 (single family residential) zoning. Mint Hill’s jurisdiction is located to the south across Albemarle Road.

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

- **Public Plans and Policies**
  - The *Albemarle Road/I-485 Interchange Study (2003)*, as modified by a previous rezoning, recommends an institutional use and supporting office and retail uses.
  - The petition is consistent with the *Albemarle Road/I-485 Interchange Study*.

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

- **Charlotte Area Transit System:** CATS requests the petitioner provide a public street turnaround, such as a cul-de-sac bulb, in order to facilitate transit service until adjoining development creates more street network. As an alternative, the petitioner may include a public easement across connecting private streets to provide a turnaround for a CATS fixed route.

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

- **Transportation:** As proposed, CDOT does not believe there is adequate transportation infrastructure to support the intensity of the proposed development in Phase I and Phase II. Vehicular queuing is anticipate and may occur on proposed Public Street #1 past the proposed Hospital’s access onto the subject street in Phase I under the proposed entitlements. The need for additional infrastructure is anticipated, ideally the construction of the East-West connector street in Phase I as identified on the existing conditional plan. CDOT is willing to work with the petitioner to identify infrastructure and/or reduced entitlement scenarios.

- **Vehicle Trip Generation:**
  - Current Zoning: 11,300 trips per day.
  - Proposed Zoning: 9,000 trips per day.

- **Connectivity:** No issues.

- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.

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

- **Charlotte-Mecklenburg Utilities:** No comments received.

- **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 comments received.

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

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

**OUTSTANDING ISSUES**

• The petitioner should:
  1. Define personal services.
  2. Remove the “Other TBD” under c. Graphics and Alterations.
  3. Add a note that allows changes to the phasing to be approved through the administrative approval process if the required transportation improvements are addressed in a manner acceptable to CDOT.
  4. A note should be added that all a minimum of 12,000 square feet of office uses will be within the B-1(CD) zoning area.
  5. Address Transportation comments.
  6. Address CATS comments.

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

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• Engineering and Property Management Review
• Mecklenburg County Parks and Recreation Review

**Planner:** Sonja Sanders  (704) 336-8327
Acreage & Location: Approximately 81.75 cres located on the northeast quadrant at the intersection of Albemarle Road and Interstate 485.
Petition #: 2014-069
Petitioner: Novant Health

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

Zoning Classification (Requested): O-2(CD) and B-1(CD)(S.P.A.)
(Office, Conditional and Neighborhood Business, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and Interstate 485.

Map Produced by the Charlotte-Mecklenburg Planning Department, 6-23-2014.
Elevations

Scale: NTS

South Elevation

North Elevation

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 may vary from this illustration as long as the general architectural concept and intent illustrated is maintained.
Previously Approved Site Plan
REQUEST

Current Zoning:  I-2 (general industrial)

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

LOCATION

Approximately 0.63 acres located on the east side of South Church Street between West Summit Avenue and West Bland Street. (Council District 3 - Mayfield)

SUMMARY OF PETITION

The petition proposes to rezone approximately 0.63 acres to allow for all uses in the TOD-M (transit oriented development - mixed-use) district.

STAFF RECOMMENDATION

Staff recommends approval of this petition. The petition is consistent with the South End Transit Station Area Plan.

PROPERTY OWNER

Bascom V Belk, Jr.

PETITIONER

Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE

N/A

COMMUNITY MEETING

Meeting is not required.

PLANNING STAFF REVIEW

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

- Existing Zoning and Land Use
  - The subject property is currently vacant and surrounded by a mix of industrial/warehouse uses, single family and multi-family development, and office and commercial activities on properties in various zoning districts.

- Rezoning History in Area
  - There have been several recent rezonings in order to allow development/redevelopment within the TOD (transit oriented development), MUDD (mixed use development), and the I-1(TS) (light industrial, transit supportive overlay) districts.

- Public Plans and Policies
  - The South End Transit Station Area Plan (2005) recommends mixed use transit supportive development for the property. The rezoning site is within ½ mile of the Bland Street Station on the LYNX Blue Line.
  - The petition is consistent with the South End Transit Station Area Plan.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:  No comments received.

- Charlotte Department of Neighborhood & Business Services:  No issues.

- Transportation:  The petition will allow a wide range of trip generation based on the proposed zoning classification. CDOT has indicated that a left-turn lane will be required as part of the driveway permit review process.

- Vehicle Trip Generation:
  - Current Zoning:  330 trips per day.

- Connectivity:  See comments above.

- Charlotte Fire Department:  No comments received.

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

- Charlotte-Mecklenburg Storm Water Services:  No issues.
- **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*.
  - There is no site plan associated with this conventional rezoning request.

**OUTSTANDING ISSUES**

- No issues.

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

- Application
- Locator Map
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** Claire Lyte-Graham (704) 336-3782
Petition #: 2014-070

**Acreage & Location:** Approximately 0.63 acres located on the west side of South Church Street between West Summit Avenue and West Bland Street.
Petition #: 2014-070
Petitioner: Charlotte-Mecklenburg Planning Department

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

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

Acreage & Location: Approximately 0.63 acres located on the west side of South Church Street between West Summit Avenue and West Bland Street.
Petition Number: 2012-090

(Charlotte-Mecklenburg Planning Department – Text Amendment related to Board of Adjustment)

Staff is requesting a WITHDRAWAL of this text amendment. The Zoning Ordinance update will address these issues.