CITY COUNCIL ZONING AGENDA
Monday, June 16, 2014

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

6:00PM – Zoning Meeting
   Meeting Chamber

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

**DEFERRAL / WITHDRAWAL REQUESTS**

<table>
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<tr>
<th>Item #</th>
<th>Petition #</th>
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<tbody>
<tr>
<td>4</td>
<td>2014-027 (Decision)</td>
<td>Planning Department – West Side of Dunavant Street between Remount Road and Merve Place</td>
<td>Deferral 1-month - (to July 21, 2014)</td>
</tr>
<tr>
<td>5</td>
<td>2014-029 (Decision)</td>
<td>Kyle Short – South side of East Woodlawn Road between Old Woods Road and Fairbluff Place</td>
<td>Deferral 1-month - (to July 21, 2014)</td>
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<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>
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<tr>
<td>12</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 1-month - (to July 21, 2014)</td>
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**MISCELLANIOUS REQUESTS AND INFORMATION**

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<tbody>
<tr>
<td>2</td>
<td>2013-102 (Decision)</td>
<td>Wajahat and Ferah Syed – South side of North Davidson Street between East 33rd Street</td>
<td>Council will have to vote whether or not to send back to Zoning Committee due to the change referenced on page 4.</td>
</tr>
<tr>
<td>8</td>
<td>2014-034 (Decision)</td>
<td>Mason Kazel – East side of Seigle Avenue between East 10th Street and Otts Street from Green Trail Lane</td>
<td>Update on the June 16, 2014 Special Called Zoning Committee Meeting.</td>
</tr>
<tr>
<td>15</td>
<td>2014-040 (Hearing)</td>
<td>Sardis Road Land Co., LLC – East side of Sardis Road between Waverly Hall Road and Chevron Road</td>
<td>Protest - Sufficient</td>
</tr>
</tbody>
</table>

2. Follow-Up Report – Laura Harmon

3. Rezoning Cases of Special Interest – Laura Harmon

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** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **HW** – hazardous waste
- **I-1** – light industrial district
- **I-2** – general industrial district
- **INST** – institutional district
- **MUDS** – 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
- **LNWWA** – 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. 2013-026** by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to: 1) create new definitions; 2) clarify that there is no maximum residential density in the PED (pedestrian overlay) zoning district; 3) modify the parking space requirements for multi-family units located in the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District; and 4) create new supplemental design standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District.  
This petition is found to be consistent with the Centers, Corridors and Wedges Growth Framework Plan goal to preserve and enhance existing neighborhoods; create a vibrant economy; support a more urban and pedestrian-oriented form of development; and develop neighborhood-scale commercial uses 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 1 |
|---|---|---|
| 2. **Petition No. 2013-102** (Council District 1 – Kinsey) by Wajahat and Ferah Syed for a change in zoning for approximately 0.40 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street from R-5 (single family residential) and MUDD-O (mixed use development, optional) to TOD-MO (transit oriented development, mixed-use optional) and MUDD-O SPA (mixed use development, optional, site plan amendment).  
Note: The City Council must determine by a ¾ vote if the following change to the site plan after the Zoning Committee vote, is substantial and if the petition should be referred back to the Zoning Committee for review:  
* A six-foot sidewalk connection from the structure to the sidewalk on both streets has been added to the site plan.  
This petition is found to be consistent with the Blue Line Extension 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 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend **APPROVAL** of this petition with the following modifications:  
Area A:  
1. Labeled the possible future expansion area on the plan.  
2. Added the words “Area A” under the Petition # in the title block.  
3. Removed the two labels stating “14-foot setback not feasible...”  
4. Amended Note 6 under General Notes to read: “Possible expansion on the side and behind the existing building will meet setback and yard requirements.”  
5. Addressed the following CDOT issues:  
   a. Removed proposed parallel parking cutout on 34th street to allow the use of the existing curbline for on-street parking.  
6. Revised site plan so that all elements are to scale. |

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4 of 11
| 2013-102 continued | 7. Revised the plan so that all parking, including handicap, is the rear of the building which satisfies our request for the following note. "Provided there is not enough space between the house and the west property line for the accessible parking and accessible ramp, all parking shall be located on the portion of the site with direct access to 34th Street. No access will be allowed on Davidson Street."
8. Specified that trash and recycling would be roll-out only. Moved the location of the trash and recycling area which demonstrates how trash collection will be handled.
9. Amended Note 6 to specify the total maximum square footage as 2,200 square feet.
10. Specified new 26 foot wide curb cuts.
11. A label that the old driveway on Area A will be closed.

Area B:
1. Added the words "Area B" under the Petition # in the title block.
2. Changed the label for the planting strip from three feet to four feet.
3. Amended Note 6 under General Notes to read: “Possible expansion behind the existing building will meet setback and yard requirements.”
4. Amended the word “TOD” in Note 5 under General Notes to “TOD-M.”
5. Revised site plan so that all elements are to scale.
6. Amended Note 6 to specify the total maximum square footage as 2,200 square feet.
7. Specified the location of the dumpster and parking.
8. Specified new 26 foot wide curb cuts.

Staff recommends approval of this petition.
Attachment 2

| Deferral (to July) | 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 5-0 to DEFER this petition to their June 25, 2014 meeting.
Attachment 3

| Deferral (to July) | 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).

The petitioner is requesting a one-month deferral of this petition to the July 21, 2014 meeting.

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

Staff recommends approval of this petition.
Attachment 4

5 of 11
| Deferral (to July) | 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).

   The Zoning Committee voted 5-0 to **DEFER** this petition to their June 25, 2014 meeting.

   Attachment 5 |
|---|---|
| Deferral (to July) | 6. **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).

   The Zoning Committee voted 5-0 to **DEFER** this petition to their June 25, 2014 meeting.

   Attachment 6 |
| Deferral (to July) | 7. **Petition No. 2014-033** (Council District 7 - Driggs) by Colony at Piper Glen for a change in zoning for approximately 1.72 acres located on the east side of Rea Road between Piper Station Drive and Ballantyne Commons Parkway from NS (neighborhood services) to NS SPA (neighborhood services, 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 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend **APPROVAL** of this petition with the following modifications:

   1. A building material legend for the proposed elevations has been provided on the site plan.
   2. Signage has been removed from the site plan. Signage will be allowed per the NS (neighborhood service) standards.
   3. Elevations of the building and parking deck have been provided.
   4. A note has been added that the parking structure has been limited to two floors.
   5. Transportation department comments in regards to the truck turnaround have been addressed through an easement.
   6. A note has been added that the lighting for the parking structure will comply with Illuminating Engineering Society of North America (IESNA) standards as requested by the Charlotte-Mecklenburg Police Department.

   Staff recommends approval of this petition.

   Attachment 7 |
| Deferral (to July) | 8. **Petition No. 2014-034** (Council District 1 - Kinsey) by Mason Kazel for a change in zoning for approximately 0.61 acres located on the east side of Seigle Avenue between East 10th Street and Otts Street across from Green Trail Lane from I-2 (general industrial) to MUDD(CD) (mixed use development, conditional).

   This petition was automatically **DEFERRED** to the Zoning Committee’s next meeting due to a lack of a quorum. The Committee voted 5-0 to hold a Special Meeting on June 2, 2014 to review this petition. Due to an advertising error, the June 2, 2014 meeting did not occur. Therefore, the Zoning Committee will convene and deliberate on June 16, 2014 for this petition and staff will update the City Council on their recommendation at the Dinner Meeting.

   Staff recommends approval of this petition.

   Attachment 8 |
9. **Petition No. 2014-036** (Council District 3 - Mayfield) **by City of Charlotte** for a change in zoning for approximately 5.18 acres located on the north side of West Boulevard and generally surrounded by Old Steele Creek Road, Elmin Street, Walter Street and West Boulevard from O-1(CD), (office, conditional) and R-5 (single family residential) to NS (neighborhood services).

A portion of this petition is found to be inconsistent with the *Central District Plan* and a portion is found to be consistent with the *Central District Plan* but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Clarified that the height of the black aluminum security fence proposed around the secured parking area and open space/landscape area is eight feet.
2. The petitioner has moved the proposed security fence to enclose the portion of the site near Elmin Street. This acreage will be open space/landscape area for use by the employees.
3. The security fence along Elmin Street will be screened by additional landscaping via a 14-foot wide landscape strip and a new sidewalk will be provided along Elmin Street.
4. A note has been added that states parking/maneuvering will not be allowed between the building and the street.
5. Staff recommended that the parking area be situated so as to be consistent with the proposed building line (of the main structure). Staff is rescinding this request as the parking area meets the minimum requirement.
6. Trees are now shown in the islands around the perimeter of the parking area and in the islands in order to meet the requirement that each parking space be within 40 feet of a tree.
7. The size of the primary building has increased from 16,000 square feet to 17,500 square feet.
8. Added a sidewalk with pedestrian security access gates to connect the rear of the proposed building to the new sidewalk along Elmin Street.

Staff recommends approval of this petition.

Attachment 9

10. **Petition No. 2014-037** by Charlotte-Mecklenburg Planning Department **for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify the screening and buffer requirements for outdoor recreation uses.**

This petition is found to be consistent with the *Centers, Corridors, and Wedges Growth Framework Plan* goal of preserving and enhancing existing neighborhoods, 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 10
### ZONING HEARINGS

<table>
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<tr>
<th></th>
<th><strong>Petition No. 2013-090</strong> 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), MUD (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.</th>
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<td>Staff recommends approval of this petition.</td>
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<td>Attachment 11</td>
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<th><strong>Petition No. 2014-003</strong> (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).</th>
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<td>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 July 21, 2014 meeting.</td>
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<td>Attachment 12</td>
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<th><strong>Petition No. 2014-035</strong> (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.</th>
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<td>Staff recommends approval of this petition upon resolution of outstanding issues.</td>
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<td>Attachment 13</td>
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<th><strong>Petition No. 2014-039</strong> (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 MUD-O (mixed use development, optional).</th>
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<td>Attachment 14</td>
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<th><strong>Petition No. 2014-040</strong> (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).</th>
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<td>Number</td>
<td>Petition No. 2014-041</td>
<td>(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).</td>
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<td>16.</td>
<td>Staff recommends approval of this petition upon resolution of outstanding issues.</td>
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<td>Attachment 16</td>
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<td>Number</td>
<td>Petition No. 2014-045</td>
<td>(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).</td>
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<td>17.</td>
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<td>Number</td>
<td>Petition No. 2014-046</td>
<td>(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).</td>
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<td>18.</td>
<td>Staff recommends approval of this petition upon resolution of outstanding issues.</td>
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<td>Attachment 18</td>
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<td>Number</td>
<td>Petition No. 2014-047</td>
<td>(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-M O (transit oriented development, mixed use, optional).</td>
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<td>19.</td>
<td>Staff recommends approval of this petition upon resolution of outstanding issues.</td>
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<td>Attachment 19</td>
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<td>Number</td>
<td>Petition No. 2014-048</td>
<td>(Council District 1 - Kinsey) by Marsh Euclid Apartments, LLC 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>
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<td>20.</td>
<td>Staff recommends approval of this petition upon resolution of outstanding issues.</td>
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<td>Attachment 20</td>
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<td>Number</td>
<td>Petition No. 2014-050</td>
<td>(Council District 6 - Smith) by Copper Builders, Inc. and Cambridge Properties, Inc. 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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<td>21.</td>
<td>Staff recommends approval of this petition upon resolution of outstanding issues.</td>
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Protest Sufficiency TBD
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<td>Staff recommends approval of this petition.</td>
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REQUEST

Text amendment to Sections 2.201, 10.812, and 10.813 of the Zoning Ordinance

SUMMARY OF PETITION

The petition proposes to:
1) create new definitions for building length and façade modulation;
2) clarify that there is no maximum density for residential dwellings in the pedestrian overlay (PED) district;
3) modify the parking space requirements for multi-family units located in the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district; and
4) create new supplemental design standards for the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district.

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING
Meeting is not required. Staff held six meetings to discuss this text amendment with PED (pedestrian overlay) property owners, neighborhood leaders, and other interested parties, as well as architects and engineers.

STATEMENT OF CONSISTENCY
This petition is found to be consistent with the Centers, Corridors and Wedges Growth Framework Plan goal to preserve and enhance existing neighborhoods; create a vibrant economy; support a more urban and pedestrian-oriented form of development; and develop neighborhood-scale commercial uses 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 Walker seconded by Commissioner Sullivan).

ZONING COMMITTEE

ACTION
The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.

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

ZONING COMMITTEE DISCUSSION
Staff provided a summary of the text amendment. A question was asked if the design regulations would apply to just the Midtown, Morehead, Cherry pedestrian overlay district. Staff responded that the design regulations would apply to both the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district. A follow-up question was asked: if this is a good approach, why are the design regulations not applied to all the pedestrian overlay districts? Staff responded that the design regulations were developed to address specific concerns raised by the Dilworth community.

A Commissioner expressed concern that the design regulations should be applied to all pedestrian overlay districts. Staff should not wait until these areas want them. Another Commissioner agreed, but said each pedestrian overlay district was different, and it is hard to get pedestrian overlay district buy-in from the community in the first place. Staff should not force the design regulations onto additional pedestrian overlay districts, but rather work to include those that would like the added regulations. The reason staff has not gone to other pedestrian overlay district communities is that this text amendment originated to clarify density, and the additional
regulations for design were needed pieces to move forward with the density text amendment. Staff added that, during the Zoning Ordinance Update, these design regulations would be considered not only for other pedestrian overlay districts, but for the urban districts, as well.

A Commissioner asked if this text amendment passes, then staff will pursue adding this to the Zoning Ordinance update process. Staff responded that each pedestrian overlay district is different, and staff will look at the right standards for each area, and work with the other districts to see if these would work, or if there are other issues to address. The standards would be tailored to each pedestrian overlay district. There were no further questions.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

---

**FINAL STAFF ANALYSIS**

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

**PLANNING STAFF REVIEW**

- **Background**
  - A public hearing was held on this text amendment on March 19, 2013, to clarify that there is no maximum density for residential dwelling in the pedestrian overlay (PED) district.
  - Citizen comments received at the public hearing led staff to host a series of meetings with pedestrian overlay district property owners, neighborhood leaders, and other interested parties, as well as architects and engineers. The purpose of these meetings was to discuss outstanding issues and to discuss possible modifications to the text amendment to address neighborhood concerns. Staff presented proposed modifications to the parking standards and new supplemental design standards to Dilworth and Cherry neighborhood leaders, property owners, and other interested parties related to the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district. These have been incorporated into the text amendment.
  - Resulting modifications to the text amendment were considered significant enough to warrant a new public hearing.

- **Proposed Request Details**
  - The text amendment contains the following provisions:
    - Adds new definitions for building length and façade modulation.
    - Adds language to Table 10.812(1) to clarify that there is no maximum density for residential dwellings in the pedestrian overlay (PED) district. This addition clarifies that underlying zoning district regulations for density do not apply.
    - Modifies the minimum parking requirements for multi-family units from 1.0 parking space per dwelling unit to 1.25 parking spaces per dwelling unit.
    - Adds the following new supplemental design standards for properties within the boundaries of the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district:
      - Building facades greater than 250 feet in length along a street shall include one of the following features to achieve pedestrian scale and break up the building mass and bulk:
        - **Facade modulation:** The minimum amount of façade modulation shall be five (5) square feet per each linear foot of building length fronting a street. Each modulation shall be open to the sky with a minimum width of ten (10) feet and a minimum depth of ten (10) feet, as measured from the front building line. Modulation may be distributed along the building length within multiple modulations. Modulations shall occur at intervals no greater than 200 feet in length.
• **Building mass separation**: Building mass separation shall be provided at a depth of at least 25 feet from the front building line and a width of at least 25 feet, open to the sky, for at least every 200 feet of total building length fronting a street.

• **Architectural variation**: The Planning Director, or designee, shall have the authority to approve an alternative design that incorporates architectural variations along public rights-of-way. The alternative design shall utilize a combination of the following, at increments no greater than 100 feet: varied roof pitches, building heights, architectural styles, window arrangement and size variations, external building material changes, and offset wall planes.

• All buildings over five (5) stories in height shall be designed with an architectural base distinguishable from the remainder of the building to enhance the pedestrian environment. The base shall not be more than two stories in height and shall utilize a combination of the following: cornices, belt courses, molding, stringcourses, ornamentation, changes in color and material, or other sculpting of the base.
• **Public Plans and Policies**
  • The petition is consistent with *Centers, Corridors and Wedges Growth Framework* goals to preserve and enhance existing neighborhoods; to create a vibrant economy; to support a more urban and pedestrian-oriented form of development; and to develop neighborhood-scale commercial uses.

---

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

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

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

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

---

**OUTSTANDING ISSUES**

• No issues.

---

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

• Application
• Pre-Hearing Staff Analysis
• Charlotte Department of Neighborhood & Business Services Review
• Transportation Review
• Charlotte-Mecklenburg Storm Water Services Review
• Charlotte-Mecklenburg Utilities Review
• Mecklenburg County Parks and Recreation Review

**Planner:** Sandra Montgomery  (704) 336-5722
Purpose/Background: The purpose of this text amendment is to 1) add new definitions for “building length” and “façade modulation”; 2) clarify residential density in the PED Overlay district; 3) add new parking space requirements for multi-family units located in the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District; and 4) add new supplemental design standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District.

<table>
<thead>
<tr>
<th>Item</th>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definitions</td>
<td>None</td>
<td>Add new definitions and illustrations for “building length” and “façade modulation:</td>
<td>Add definitions and illustrations to explain new terms.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Building length: That dimension of a building extending between the established yards and/or established setbacks along a street.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Façade Modulation: Variations in the plane of a building wall that break up the mass and bulk of a building. Façade modulation is calculated as the area created between the front building line and the recessed building façade.</td>
<td></td>
</tr>
<tr>
<td>Maximum Residential Density</td>
<td>A number of PED (pedestrian overlay district) standards and requirements have precedence over the underlying zoning district standards and requirements. Table 10.812(1) lists the following standards that apply to PED (pedestrian overlay district) for area, yard and bulk regulations: (See table on next page)</td>
<td>Add a new row to Table 10.8123(1) titled, “Maximum Residential Density” and “None” to show that there is no maximum density in the PED (pedestrian overlay district). (See table on next page)</td>
<td>The intent of PED (pedestrian overlay district) has always been that there is no maximum density. This clarifies the intent.</td>
</tr>
</tbody>
</table>
### Table 10.812(1)

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Minimum Lot Area</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Floor Area Ratio (FAR)</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Minimum Setback (feet) (^{1/6a})</td>
<td>Varies</td>
<td></td>
</tr>
<tr>
<td>Minimum Side Yard (feet)</td>
<td>5 feet</td>
<td></td>
</tr>
<tr>
<td>- Abutting residential use or zoning</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>- All other conditions</td>
<td>5 feet</td>
<td></td>
</tr>
<tr>
<td>Minimum Rear Yard (feet)</td>
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<td></td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td>- All other conditions</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Base Height</td>
<td>40 feet</td>
<td></td>
</tr>
<tr>
<td>Maximum Height (feet) (^{1/9})</td>
<td>100 feet</td>
<td></td>
</tr>
</tbody>
</table>

### Table 10.812(1)

<table>
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<tr>
<th>Parameter</th>
<th>Minimum Lot Area</th>
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<td></td>
</tr>
<tr>
<td><strong>Maximum Residential Density</strong></td>
<td>None</td>
<td></td>
</tr>
<tr>
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</tr>
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</tr>
<tr>
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<td></td>
</tr>
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<td></td>
</tr>
<tr>
<td>Maximum Height (feet) (^{1/9})</td>
<td>100 feet</td>
<td></td>
</tr>
</tbody>
</table>

### Supplemental Design Standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District

<table>
<thead>
<tr>
<th>Multi-Family Parking Requirements</th>
<th>Minimum one (1) parking space per dwelling unit</th>
<th>Modify to minimum of 1.25 parking spaces per dwelling unit.</th>
<th>Helps to prevent over-flow parking in single family residential areas by guests.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplemental Design Standards</td>
<td>None</td>
<td>Adds new requirements for all new buildings and uses:</td>
<td>Helps protect the character of the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Large scale building facades where the total building length is greater than two-hundred fifty (250) feet shall include one or more of the following features to achieve pedestrian scale and break down the building mass and bulk:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• <strong>Façade Modulation</strong> is intended to create variations in the façade to break up large building masses. The minimum amount of</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2
façade modulation shall be 5 square feet per each linear foot of building length fronting a street. Each modulation shall be open to the sky with a minimum width of 10 feet and minimum depth of 10 feet, as measured from the front building line. This calculated amount of modulation may be distributed along the building length within multiple modulations. Modulations shall occur at intervals no greater than 200’ in length.

- **Building Mass Separation** is intended to break up long, continuous building walls and create the appearance of multiple buildings. Building mass separation shall be provided at a depth of at least 25 feet from the front building line and a width of at least 25 feet, open to the sky, for at least every 200 feet of total building length fronting a street.

- **Architectural Variation** is intended to create the appearance of smaller, attached buildings to reduce the apparent size of a building. The Planning Director, or his or her authorized designee, shall have the authority to approve an alternative design that incorporates architectural variations along public rights-of-way. The alternative design shall utilize a combination of the following, at increments no greater than 100’, to break up the building mass: varied roof pitches, building heights, architectural styles, window arrangement and size variations, external building material changes, offset wall planes.

- All buildings over five stories shall be designed with an architectural base distinguishable from the remainder of the building to enhance the pedestrian environment. The base shall not be more than two stories in height and shall utilize a combination of the following: cornices, belt courses, molding, stringcourses, ornamentation, changes in color and material, or other sculpting of the base.
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 adding a new definition for “building length” and “façade modulation” in alphabetical order, that reads as follows:

   **Building length.**

   That dimension of a building extending between the established yards and/or established setbacks along a street.
**Façade Modulation.**

Variations in the plane of a building wall that break up the mass and bulk of a building. Façade modulation is calculated as the area created between the front building line and the recessed building façade.

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

   a. Amend Section 10.812, “Development Standards”, subsection (1), “Areas, yard and bulk regulations”, Table 10.812(1) by adding a new row for “maximum residential density” to the table. All remaining sections and subsections remain unchanged. The revised subsection shall read as follows:
b. Amend Section 10.812, “Development Standards”, subsection (2), “Parking standards”, by modifying table 10.812(3), “Number of Parking Spaces” to add new regulations for multi-family units located in the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District. The revised table shall read as follows:

<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>Residential</td>
<td>Minimum One (1) space per dwelling unit, except in the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District: Minimum 1.25 spaces per dwelling unit for multi-family units. Minimum .25 spaces per unit for Multi-Family Elderly or Disabled</td>
</tr>
<tr>
<td>Restaurants/Nightclubs</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>

Table 10.812(1)

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>None</th>
</tr>
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<tr>
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<td>5 feet</td>
</tr>
<tr>
<td>Base Height</td>
<td>40 feet</td>
</tr>
<tr>
<td>Maximum Height (feet) (^{7-9})</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

c. Amend Section 10.813, “Urban Design Standards”, by adding a new subsection (2), titled, “Supplemental Design Standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District”, with new supplemental design standards for development within these specific zoning districts. The new subsection shall read as follows:
(2) Supplemental Design Standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District.

All new buildings and uses located within these boundaries of the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District shall be subject to the requirements of Section 10.813(1) plus the following minimum standards:

(a) Large scale building facades where the total building length is greater than two-hundred fifty (250) feet shall include one or more of the following features to achieve pedestrian scale and break down the building mass and bulk:

1. **Façade Modulation** is intended to create variations in the façade to break up large building masses. The minimum amount of façade modulation shall be 5 square feet per each linear foot of building length fronting a street. Each modulation shall be open to the sky with a minimum width of 10 feet and minimum depth of 10 feet, as measured from the front building line. This calculated amount of modulation may be distributed along the building length within multiple modulations. Modulations shall occur at intervals no greater than 200’ in length.

![Diagram of Façade Modulation](image)
2. **Building Mass Separation** is intended to break up long, continuous building walls and create the appearance of multiple buildings. Building mass separation shall be provided at a depth of at least 25 feet from the front building line and a width of at least 25 feet, open to the sky, for at least every 200 feet of total building length fronting a street.

3. **Architectural Variation** is intended to create the appearance of smaller, attached buildings to reduce the apparent size of a building. The Planning Director, or his or her authorized designee, shall have the authority to approve an alternative design that incorporates architectural variations along public rights-of-way. The alternative design shall utilize a combination of the following, at increments no greater than 100’, to break up the building mass: varied roof pitches, building heights, architectural styles, window arrangement and size variations, external building material changes, offset wall planes.

(b) All buildings over five stories shall be designed with an architectural base distinguishable from the remainder of the building to enhance the pedestrian environment. The base shall not be more than two stories in height and shall utilize a combination of the following: cornices, belt courses, molding, stringcourses, ornamentation, changes in color.
and material, or other sculpting of the base.

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 _____, 2014, 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 ________________, 2014.

________________________
# Zoning Committee Recommendation

## Request

<table>
<thead>
<tr>
<th>Area A</th>
<th>Current Zoning: MUDD-O (mixed use development, optional)</th>
<th>Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)</th>
</tr>
</thead>
</table>

## Location

- **Area A**: Approximately 0.18 acres located on the south side of North Davidson Street at the southeast corner of the intersection of 34th Street and North Davidson Street.
- **Area B**: Approximately 0.22 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street. (Council District 1 - Kinsey)

## Summary of Petition

This petition proposes the following:

- **Area A**: Reuse an existing building to allow all uses permitted in the MUDD (mixed use development) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.
- **Area B**: Reuse an existing building to allow all uses permitted in the TOD-MO (transit oriented development - mixed use, optional) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.

## Property Owner

<table>
<thead>
<tr>
<th>Wajahat Syed &amp; Ferah Syed</th>
</tr>
</thead>
</table>

## Petitioner

<table>
<thead>
<tr>
<th>Wajahat &amp; Ferah Syed</th>
</tr>
</thead>
</table>

## Agent/Representative

<table>
<thead>
<tr>
<th>N/A</th>
</tr>
</thead>
</table>

## Community Meeting

- **Area A and B**: 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 Blue Line Extension 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 5-0 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Walker).

## Zoning Committee Action

The Zoning Committee voted 5-0 to recommend **Approval** this petition with the following modifications:

1. Labeled the possible future expansion area on the plan.
2. Added the words “Area A” under the Petition # in the title block.
3. Removed the two labels stating “14-foot setback not feasible....”
4. Amended Note 6 under General Notes to read: “Possible expansion on the side and behind the existing building will meet setback and yard requirements.”
5. Addressed the following CDOT issues:
   - Removed proposed parallel parking cutout on 34th street to allow the use of the existing curb line for on-street parking.
   - Revised site plan so that all elements are to scale.
   - Revised the plan so that all parking, including handicap, is to the rear of the building.
   - Specified that trash and recycling would be rollout only. Moved the location of the trash and recycling area which demonstrates how trash collection will be handled.
9. Amended Note 6 to specify the total maximum square footage as 2,200 square feet.
10. Specified new 26-foot wide curb cuts.
11. Added a label that the old driveway on Area A will be closed.

Area B:
1. Added the words “Area B” under the Petition # in the title block.
2. Changed the label for the planting strip from three feet to four feet.
3. Amended Note 6 under General Notes to read: “Possible expansion behind the existing building will meet setback and yard requirements.”
4. Amended the word “TOD” in Note 5 under General Notes to “TOD-M.”
5. Revised site plan so that all elements are to scale.
6. Amended Note 6 to specify the total maximum square footage as 2,200 square feet.
7. Specified the location of the dumpster and parking.
8. Specified new 26-foot wide curb cuts.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff reviewed the petition and noted that all of the outstanding issues had been addressed. In addition, the petitioner made the following additional changes to the site plan:

- Amended Note 6 for both areas to specify the total maximum square footage.
- Specified dumpster and parking location for Area B.
- Specified new curb cuts for both areas.
- Noted that old driveway for Area A would be removed.

Staff noted that the petition is consistent with the Blue Line Extension Transit Station Area Plan recommendation for transit oriented mixed-use development.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

---

**FINAL STAFF ANALYSIS**

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

**PLANNING STAFF REVIEW**

- **Background**
  Petition 2003-066 rezoned Area A from R-5 (single family residential) to MUDD-O (mixed use development, optional) to allow for a pottery studio and residence.

- **Proposed Request Details**
  This petition contains two areas.

  Area A is a site plan amendment which contains the following changes:
  - Expands the list of permitted uses from pottery studio and residence to allow all uses permitted in the MUDD (mixed use development) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.
  - Existing building to remain and retain residential character, including any expansions.
  - Provides an area for future expansion to the sides of the existing building.
  - Provides off-street parking to the rear of the building accessed from 34th Street.
  - Optional requests include:
    - Reduce the required 14-foot setback along 34th Street to nine feet.
    - Allow the existing streetscape along 34th Street to remain. There are currently two trees along the street and no sidewalk.
• Optional requests carried over from Petition 2003-066
  • Reduce the required 14-foot setback along North Davidson Street to 12 feet.
  • Allow the existing four-foot sidewalk and four-foot planting strip along North Davidson Street to remain.

Area B’s site plan accompanying this petition contains the following provisions:
• Allows all uses in the TOD-M (transit oriented development - mixed-use) district, except automotive service stations, adult establishments, car washes, restaurants with drive-through windows, bars and nightclubs.
• Provides an area for future expansion behind the existing building.
• Existing building to remain and retain residential character, including any expansions.
• Provides an area for off-street parking to the rear of the existing building.
• Optional requests include:
  • Reduce the required 14-foot setback along North Davidson Street to 12 feet.
  • Allow existing four-foot sidewalk and four-foot planting strip along North Davidson Street to remain.

• Public Plans and Policies
  • The Blue Line Extension Transit Station Area Plan (2013) recommends transit oriented mixed-use. The subject property is located within the ½ mile walk distance of the proposed 36th Street Station.
  • The petition is consistent with the Blue Line Extension Transit Station Area Plan.

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System: No comments received.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Transportation: No issues.
• Charlotte Fire Department: No comments received.
• Charlotte-Mecklenburg Schools: Not applicable.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte-Mecklenburg Utilities: No issues.
• Engineering and Property Management: No issues.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.
• 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.
  • Area A – Minimizes impacts to the natural environment by reusing the existing building.
  • Area B – 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
- Site Plan
- Rezoning Locator Map
- Community Meeting Report
- Pre-Hearing Staff Analysis
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** John Kinley (704) 336-8311
Acreage & Location: Approximately 0.40 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street.

Rezoning Petition: 2013-102
Petition #: 2013-102
Petitioner: Wajahat & Ferah Syed

Zoning Classification (Existing): MUDD-O & R-5
(Mixed Use Development District, Optional and Single Family, Residential)

Zoning Classification (Requested): MUDD-O S.P.A. & TOD-MO
(Mixed Use Development District, Optional, Site Plan Amendment and Transit Oriented Development, Mixed Use, Optional)

Acreage & Location: Approximately 0.40 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street.
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. A citizen’s advisory group meeting was held on January 29, 2014.

ZONING COMMITTEE ACTION

The Zoning Committee voted 5-0 to DEFER this petition to their June 25, 2014 meeting.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff is requesting a one-month deferral to allow time to consider modifications to the text amendment and to hold an additional citizen advisory group meeting.

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.

**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-1) 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-3, R-4, R-5, R-6, 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 X 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 and dairy products in all zoning districts.

<table>
<thead>
<tr>
<th>Definitions</th>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
<td>Adds a new definition:</td>
<td>• Creates a new definition for a new use.</td>
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<td>• <strong>Mobile Farmer’s Market:</strong> 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).</td>
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<tr>
<td>Items Sold</td>
<td>None</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, plus dairy products.</td>
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<td>• Mobile farmer’s market operator(s) may sell dairy products, 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>
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</tbody>
</table>
| Districts Allowed and Prescribed Conditions | None | Allows a mobile farmer’s market as a **principal use or an accessory use** in the following districts: urban residential - commercial (UR-C); research (RE-3 only), neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood service (NS); mixed use development (MUD); uptown mixed use (UMUD); transit oriented development – employment (TOD-E); transit oriented development – mixed use (TOD-M); urban industrial (U-I); light industrial (I-1) and heavy industrial (I-2), subject to the following prescribed conditions: | • Allows the use in all zoning districts, including residential districts.  
• Establishes prescribed conditions to regulate the use. |
|             |                     | • The mobile farmer’s market shall not be located in any required setback, any sight distance triangle, or required buffer. | |
|             |                     | • Any operator of a mobile farmer’s market must receive a zoning use permit and display placard from Neighborhood & 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. | |
|             |                     | • The operator of a mobile farmer’s market 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. 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. Mobile food trucks are 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
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.
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

ZONING COMMITTEE ACTION
The Zoning Committee voted 5-0 to DEFER this petition to their June 25, 2014 meeting.

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

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

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Maximum of 12 multi-family residential dwelling units and two (2) single family detached units.
  - Individual and shared entrances that front public and private streets.
  - A 10-foot wide buffer around the 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 petition 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 multi-family 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: Dedicate 50 feet of right-of-way measured from the existing centerline along the site’s public frontage on E. Woodlawn Road.
- 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.

OUTSTANDING ISSUES

- The petitioner should:
  1. Specify maximum building height in stories.
  2. Specify permitted uses.
  3. Specify buffer will be developed per Class C buffer standards.
  4. Provide and label guest parking.
  5. Show and label a 13-foot wide planting strip and six-foot wide sidewalk along Woodlawn Road per the Park Woodlawn Area Plan instead of the 18-foot wide planting strip and sidewalk of undetermined width currently shown on the site plan.
  6. Amend Development Summary to reflect a 14-foot setback.
  7. Amend the sidewalk along the internal street to six feet.
  8. Label and indicate the dimensions of the area between the private internal street and the sidewalk.
  9. Provide a note that the curb along the internal private street will be standard curb (not roll curb).
  10. Provide a planting strip between the sidewalk and the private street the full length of the area beside unit 1.
  11. Indicate maximum height of the retaining wall.
  12. Correctly measure and label the 14-foot setback along E. Woodlawn Road, which should be measured from the back of the future curb.
  13. Revise General Provisions Note #1, last sentence, as follows: "Where specified conditions on this plan differ from ordinance, standards, policies and approaches in existence at the time of formal engineering plan review submission, the more restrictive shall apply."
  14. Eliminate 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.”

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.
15. Note that the finished side of the proposed privacy fence will face the adjacent properties.
16. Provide details on the stucco or masonry wall along the rear of the buildings backing up to Woodlawn Road.
17. Provide elevations along Woodlawn Road.
18. Remove tree save area that is located in the right-of-way along E. Woodlawn Road.
19. Submit plan to Fire Marshall for review as the fire access as shown may be an issue that would dramatically alter the site plan.
20. Specify parking area for Units 13 and 14.
21. Label right-of-way along E. Woodlawn Road to be dedicated.
22. Correctly label five-foot side yard at rear of property as a 10-foot rear yard.
23. Address CDOT comment.

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
- 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.
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 5-0 to DEFER this petition to their June 25, 2014 meeting.

VOTE

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

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

• Background
  • The subject parcel was rezoned under petition 2001-016(C) for the Palisades Development.
  • The approved site plan rezoned 1,068.9 acres to MX-3 (mixed use) to allow the development of 4,145 residential single family and multi-family units with an overall residential density of 3.9 dwelling units per 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 accompanying this petition 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 tree 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 yard 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.

**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:**
• **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 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 29 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
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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

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

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

Acreage & Location: Approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive.
REQUEST

Current Zoning: NS, neighborhood services
Proposed Zoning: NS SPA, neighborhood services, site plan amendment

LOCATION

Approximately 1.72 acres located on the east side of Rea Road between Piper Station Drive and Ballantyne Commons Parkway. (Council District 7 - Driggs)

SUMMARY OF PETITION

The petition proposes a site plan amendment to a previously approved commercial development to allow a 1,000-square foot increase and the development of a structured parking facility.

PROPERTY OWNER

Colony at Piper Glen LLC

PETITIONER

Colony at Piper Glen 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 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 5-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION

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

1. A building material legend for the proposed elevations has been provided on the site plan.
2. Signage has been removed from the site plan. Signage will be allowed per the NS (neighborhood service) standards.
3. Elevations of the building and parking deck have been provided.
4. A note has been added that the parking structure has been limited to two floors.
5. Transportation department comments in regards to the truck turnaround have been addressed through an easement.
6. A note has been added that the lighting for the parking structure will comply with Illuminating Engineering Society of North America (IESNA) standards as requested by the Charlotte-Mecklenburg Police Department.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented the petition to the Zoning Committee and indicated that all outstanding issues had been addressed. There was no further discussion of this petition.

STAFF OPINION

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

• Background
  • The subject site was rezoned under petition 2012-068 with the following conditions:
    • A maximum of 8,000 square feet of retail and office uses were allowed.
    • Four-sided architectural elevations were provided.
    • Prohibition of drive-through service windows for any use on the subject parcel.
    • Existing sidewalks to remain along Rea Road and Piper Station Drive.
    • Possible tree save areas were identified on the site plan.
    • The site plan included a note stating, “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, different colors of paint, glass windows, water table, and/or soldier course”.
    • Building materials for the proposed structure were included on the site plan.

• Proposed Request Details
  The site plan amendment contains the following changes:
  • Maximum 9,000 square feet of retail and office uses, which is a 1,000-square foot increase in square footage.
  • Proposed structured parking facility limited to two floors.
  • Elevations of the proposed building and parking deck.
  • A building material legend for the proposed elevations.
  • A 25-foot setback from Rea Road and Piper Station Drive.
  • Proposed screening trees and shrubs along the eastern edge of the property to screen the loading space from the existing residential units.
  • A hardscape plaza area at the corner of Piper Station Drive and the site’s access drive.
  • Detached lighting limited to 25 feet in height.

• Public Plans and Policies
  • The South District Plan (1993) recommends office, retail and residential for the subject parcel.
  • This petition is consistent with the South District Plan.

DEPARTMENT COMMENTS (see full department reports online)

• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Transportation: No issues.
• Charlotte Fire Department: No issues.
• Charlotte-Mecklenburg Police Department: No issues.
• Charlotte-Mecklenburg Schools: Not applicable.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte-Mecklenburg Utilities: No issues.
• Engineering and Property Management: No issues.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.
• Urban Forestry: No issues.
ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.

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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Police 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:** Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 1.72 acres located on the east side of Rea Road between Piper Station Drive and Ballantyne Commons Parkway.

Vicinity Map

Rezoning Petition: 2014-033

Petition #: 2014-033

May 7, 2014
Petition #: 2014-033
Petitioner: Colony At Piper Glen, LLC

Zoning Classification (Existing): NS
(Neighborhood Services)

Zoning Classification (Requested): NS (S.P.A.)
(Neighborhood Services, Site Plan Amendment)

Acreage & Location: Approximately 1.72 acres located on the east side of Rea Road between Piper Station Drive and Ballantyne Commons Parkway.
Rezoning Petition 2014-034
Zoning Committee Recommendation
May 28, 2014

REQUEST
Current Zoning: I-2, general industrial
Proposed Zoning: MUDD(CD), mixed use development, conditional

LOCATION
Approximately 0.61 acres located on the east side of Seigle Avenue between East 10th Street and Otts Street across from Green Trail Lane. (Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to allow a change of use for an existing building from a church fellowship hall to a restaurant.

PROPERTY OWNER
Mason Kazel

PETITIONER
Mason Kazel

AGENT/REPRESENTATIVE
N/A

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

ZONING COMMITTEE ACTION
This petition was automatically DEFERRED to the Zoning Committee’s next meeting due to a lack of a quorum. The Committee voted 5-0 to hold a Special Meeting on June 2, 2014 to review this petition.

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

ZONING COMMITTEE DISCUSSION
The Zoning Committee noted that one member needed to be recused due to a conflict of interest. This resulted in the lack of a quorum for petition 2014-034.

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:
    - Intended use is a restaurant; however, all nonresidential uses allowed within the MUDD (mixed use development) district will be permitted.
    - Maintains the existing 3,782-square foot structure and allows an expansion to an overall building size of 5,000 square feet.
    - Exceeds parking requirement by providing 21 spaces, which is 11 more than required. Access to site is from Seigle Avenue.
    - Limits outdoor lighting to full cut-off design and detached lighting to 25 feet in height.
    - Restricts garbage collection to non-business hours.
    - Provides an area for outdoor seating with a decorative gated four-foot wall in front of the building.
    - Limits building height to 40 feet.
    - Removes some existing asphalt to the left of the building and replaces with vegetation along the top of the stream bank where asphalt is removed.
    - New brick on the addition is to match existing brick.
    - Creates a storefront, with the addition of a front door and clear glass windows along the ground floor of building.
    - Adds a second story with windows, and a covered roof top deck/terrace accessed by new exterior stairs.
• **Public Plans and Policies**
  - The *Belmont Area Revitalization Plan* (2003) recognizes the existing land use and recommends institutional uses for this site.
  - The petition is inconsistent with the *Belmont Area Revitalization Plan*; however, it adds an amenity that will complement the redevelopment in the area, allows the reuse of an existing building, and is consistent with the Plan’s recommendation for “...improvements to the façade of the existing structures that would promote a neighborhood-oriented character that will blend into the neighborhood.”

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

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

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

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

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**OUTSTANDING ISSUES**

- No issues.

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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
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- 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:** John Kinley  (704) 336-8311
Acreage & Location: Approximately 0.61 acres located on the east side of Seigle Avenue between East 10th Street and Otts Street across from Green Trail Lane.
Petition #: 2014-034
Petitioner: Mason Kazel

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

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

Acreage & Location: Approximately 0.61 acres located on the east side of Seigle Avenue between East 10th Street and Otts Street across from Green Trail Lane.

Map Produced by the Charlotte-Mecklenburg Planning Department, 2-28-14.
REQUEST
Current Zoning: R-5, single family residential and O-1(CD), office, conditional
Proposed Zoning: NS, neighborhood services

LOCATION
Approximately 5.18 acres located on the north side of West Boulevard and generally surrounded by Old Steele Creek Road, Elmin Street, Walter Street, and West Boulevard.
(Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to allow for the development of a 16,000-square foot government building to be used for a police facility and other government office space.

PROPERTY OWNER
Habitat for Humanity and Imani, Inc.

PETITIONER
City of Charlotte

AGENT/REPRESENTATIVE
Monifa Hendrickson-Woodside

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

STATEMENT OF CONSISTENCY
A portion of this petition is found to be inconsistent with the Central District Plan and a portion is found to be consistent with the Central District Plan. The request is found 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 Walker seconded by Commissioner Allen).

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

1. Clarified that the height of the black aluminum security fence proposed around the secured parking area and open space/landscape area is eight feet.
2. The petitioner has moved the proposed security fence to enclose the portion of the site near Elmin Street. This acreage will be open space/landscape area for use by the employees.
3. The security fence along Elmin Street will be screened by additional landscaping via a 14-foot wide landscape strip and a new sidewalk will be provided along Elmin Street.
4. A note has been added that states parking/maneuvering will not be allowed between the building and the street.
5. Staff recommended that the parking area be situated so as to be consistent with the proposed building line (of the main structure). Staff is rescinding this request as the parking area meets the minimum requirement.
6. Trees are now shown in the islands around the perimeter of the parking area and in the islands in order to meet the requirement that each parking space be within 40 feet of a tree.
7. The size of the primary building has increased from 16,000 square feet to 17,500 square feet.
8. Added a sidewalk with pedestrian security access gates to connect the rear of the proposed building to the new sidewalk along Elmin Street.

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

Staff reviewed the petition and noted that the outstanding issues had been addressed. In addition, the petitioner made the following changes to the site plan:

- increased the square footage from 16,000 to 17,500 square feet;
- moved the security fence so that all of the open space/landscaping area is located within the fenced area; and
- provided a sidewalk with pedestrian security access gate from the building to Elmin Street.

The Committee questioned the route of the sidewalk from the building to Elmin Street. Staff indicated that there are notes on the site plan that allow adjustments to the sidewalk and driveway location during the permitting process.

A Committee member asked how the open space along Elmin Street that is not within the fence would be treated. Staff indicated that this area will remain open space.

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 petition 2005-097 rezoned a portion of the subject site from R-5 (single family residential) and I-1 (light industrial) to O-1(CD) (office, conditional) to allow the construction of a 15,400-square foot funeral home with associated parking, landscaping, and streetscape improvements. To date, this development has not been constructed.

- Proposed Request Details
  - The site plan accompanying this petition contains the following provisions:
    - A government building with up to 17,500 square feet of police and other government office uses and a 2,000-square foot accessory structure.
    - Visitor parking area accessible from West Boulevard and secured parking for police vehicles to the rear of the building.
    - A black aluminum fence is provided around the perimeter of the parking area and open space/landscape area.
    - Parking rate increased from the standard one parking space per 600 square feet within the NS (neighborhood services) district to one parking space per 300 square feet as typically required for government buildings.
    - A 20-foot class "C" buffer is provided along property lines abutting parcels with residential zoning and/or use(s).
    - Building elevations are provided, indicating the building will be constructed with predominantly masonry materials.
    - All freestanding lighting is limited to 25 feet in height and will be full cut-off type lighting fixtures.
    - Dedication of 10 feet of right-of-way along the property frontage on West Boulevard to achieve 40 feet of right-of-way as measured from centerline.

- Public Plans and Policies
  - The Central District Plan (1993), as amended by rezoning petition 2005-097, recommends institutional land uses for the O-1(CD) (office, conditional) portion of the rezoning site. The plan recommends single family residential up to five (5) dwelling units per acre on the portion of the rezoning site zoned R-5 (single family residential).
  - The portion of the rezoning site zoned O-1(CD) (office, conditional) is consistent with the institutional land use recommendation in the Central District Plan, as amended by a previous rezoning. The portion of the rezoning site zoned R-5 (single family residential) is inconsistent with the plan's recommendation for single family residential up to five (5) dwelling units per acre.
  - Area plans frequently do not specify locations for institutional uses. However, this type of use is appropriate at this location given its siting on a major thoroughfare, and its proximity to neighboring areas the proposed facility will support via its community safety services.
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: Not applicable.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte-Mecklenburg Utilities: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.
- Urban Forestry: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.

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

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

Planner: Claire Lyte-Graham (704) 336-3782
Acreage & Location: Approximately 5.18 acres located on the north side of West Boulevard and generally surrounded by Old Steele Creek Road, Elmin Street, Walter Street, and West Boulevard.
Petition #: **2014-036**

Petitioner: **City of Charlotte**

Zoning Classification (Existing): **O-1(CD) and R-5**
(Office, Conditional and Single Family, Residential)

Zoning Classification (Requested): **NS**
(Neighborhood Services)

Acreage & Location: Approximately 5.18 acres located on the north side of West Boulevard and generally surrounded by Old Steele Creek Road, Elmin Street, Walter Street, and West Boulevard.
Signage as allowed by the Ordinance will be provided.

Screening requirements of the Ordinance will be met.

Sidewalks generally depicted on the Rezoning Plan are intended to reflect:

- Streetscape, Buffers and Landscaping:
  - The site may be developed with police and neighborhood services offices
  - Boat slips at the existing harbor, if any, will be allowed between the building and the street.
  - The building will front West Boulevard and parking/maneuvering will not be allowed between the building and the street.

- Architectural Standards:
  - There will be a minimum 20 feet for setback from the street.
  - Above ground backflow preventers will be screened from public view and will not materially change the design intent generally depicted on the Rezoning Plan.
  - The site may be developed with police and neighborhood services offices.

- Environmental Features:
  - Location of trees shown on plan may be adjusted to accommodate site layout changes, utilities, etc.
  - The building will front West Boulevard and parking/maneuvering will not be allowed between the building and the street.

Amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners and/or Use Property as allowed by the Ordinance.

Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners and/or Use Property as allowed by the Ordinance.

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

Parking layouts for surface parking may be modified to accommodate final development proposed. They may, therefore, be altered or modified to the Rezoning Plan will be reviewed and approved as allowed by Section 6.207.(2).

The Site may be developed with police and neighborhood services offices.

The building will front West Boulevard and parking/maneuvering will not be allowed between the building and the street.

The schematic depictions of the types and quality of the depictions other site elements on the Rezoning Plan are preliminary graphic representations of the types and quality of the depictions other site elements on the Rezoning Plan.

Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the NS zoning district will be allowed between the building and the street.

Access to the Site will be from West Boulevard and Elmin Street.

Parking/maneuvering will not be allowed between the building and the street.

The Petitioner and subsequent owners of the Site will be bound by the Rezoning Plan in the manner provided under the Ordinance, be binding upon the City of Charlotte to accommodate development of a Charlotte Police Department facility on an approximately 5.18 acre site located between...
REQUEST
Text amendment to Table 12.540-1 of the Zoning Ordinance

SUMMARY OF PETITION
The petition proposes to clarify the screening and buffering requirements for outdoor recreation uses.

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 goal of preserving and enhancing existing neighborhoods, 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 Walker).

ZONING COMMITTEE ACTION
The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.

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

ZONING COMMITTEE DISCUSSION
Staff provided a summary of the text amendment. There were no questions.

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

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

PLANNING STAFF REVIEW

• Proposed Request Details
  The text amendment contains the following provisions:
  • Clarifies Table 12.540-1 that presents the screening, buffering and separation distance requirements for outdoor recreational uses by:
    • Modifying the table to improve user-friendliness by better defining whether the use abuts a lot in the same planned development or not, and if it abuts a residentially zoned or used lot.
    • Adding a section reference to parking lot screening requirements.
    • Adding a new footnote which describes how separation distance measurements are taken.

• Public Plans and Policies
  • The petition is consistent with Centers, Corridors and Wedges Growth Framework goal of preserving and enhancing existing neighborhoods.

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-Mecklenburg Schools: Not applicable.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte-Mecklenburg Utilities: No issues.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

• No issues.

Attachments Online at www.rezoning.org

• Application
• Pre-Hearing Staff Analysis
• Transportation Review
• Charlotte-Mecklenburg Storm Water Services Review
• Charlotte-Mecklenburg Utilities Review
• Mecklenburg County Land Use and Environmental Services Agency Review
• Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722
Purpose/Background: The purpose of this text amendment is to clarify the screening and buffering requirements for outdoor recreation uses.

<table>
<thead>
<tr>
<th>Current Table Regulations</th>
<th>Proposed Table Regulations</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PART OF A PLANNED DEVELOPMENT</strong></td>
<td><strong>OUTDOOR RECREATIONAL USES</strong></td>
<td>Improves the user-friendliness of the table by adding additional information.</td>
</tr>
<tr>
<td></td>
<td><strong>THAT ARE PART OF A PLANNED DEVELOPMENT</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Where Abutting A Lot In The Same Planned Development</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Where Abutting A Residentially Zoned Or Used Lot That Is Not Part Of A Planned Development</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Where Abutting A Lot That Is Residentially Zoned Or Used</strong></td>
<td></td>
</tr>
<tr>
<td><strong>OUTDOOR RECREATIONAL USES</strong></td>
<td><strong>Buffer and/or separation distance from internal lots in the same planned development</strong></td>
<td></td>
</tr>
<tr>
<td>Recreational Facilities¹</td>
<td>20’ separation</td>
<td>100’ separation and a Class C Buffer (see 12.302)</td>
</tr>
<tr>
<td>Parking Areas</td>
<td>5’ Parking Lot Screen (see 12.211)</td>
<td>Class C Buffer (see 12.302)</td>
</tr>
<tr>
<td>Service Areas and Facilities²</td>
<td>Class C Buffer (see 12.302)</td>
<td>100’ separation and a Class C Buffer (see 12.302)</td>
</tr>
<tr>
<td>Golf Courses³</td>
<td>20’ separation</td>
<td>Class C Buffer (see 12.302)</td>
</tr>
</tbody>
</table>

<p>| <strong>NOT PART OF A PLANNED DEVELOPMENT</strong> | <strong>OUTDOOR RECREATIONAL USES</strong> | |
| <strong>THAT ARE NOT PART OF A PLANNED DEVELOPMENT</strong> | <strong>Buffer and/or separation distance from external lots</strong> | |
| <strong>Buffer and/or separation distance from external lots</strong> | <strong>Buffer and/or separation distance</strong> from external lots outside the planned development that are residentially zoned or used | |
| Recreational Facilities¹ | 20’ separation | 100’ separation and a Class C Buffer (see 12.302) |
| Parking Areas | 5’ Parking Lot Screen (see 12.211 and 12.303) | Class C Buffer (see 12.302) |
| Service Areas and Facilities² | Class C Buffer (see 12.302) | 100’ separation and a Class C Buffer (see 12.302) |
| Golf Courses³ | 20’ separation | Class C Buffer (see 12.302) |</p>
<table>
<thead>
<tr>
<th>Topic</th>
<th>Current Table Regulations</th>
<th>Proposed Table Regulations</th>
<th>Rationale</th>
</tr>
</thead>
</table>
| Footnote describing how separation distances are measured | None                      | • Adds a footnote:  
  4 Measured from the closest edge of any recreational facility, service area, service facility or golf course to lot lines. | • Clarifies how measurements are taken |
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 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENT FOR CERTAIN USES

a. Amend Table 12.540-1, “Outdoor Recreation Screening and Buffering Requirements” by clarifying the buffer and/or separation distance requirements in the table and specifying how the separation distance is measured in a new footnote #4. In addition, add a reference to Section 12.303. The revised table shall read as follows:

<table>
<thead>
<tr>
<th>Outdoor Recreation Uses</th>
<th>OUTDOOR RECREATIONAL USES THAT ARE PART OF A PLANNED DEVELOPMENT</th>
<th>OUTDOOR RECREATIONAL USES THAT ARE NOT PART OF A PLANNED DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Where Abutting A Lot In The Same Planned Development</td>
<td>Where Abutting A Residentially Zoned Or Used Lot That Is Not Part Of A Planned Development</td>
</tr>
<tr>
<td></td>
<td>Buffer and/or separation distance&lt;sup&gt;4&lt;/sup&gt; from internal lots in the same planned development</td>
<td>Buffer and/or separation distance&lt;sup&gt;5&lt;/sup&gt; from external lots outside the planned development that are residentally zoned or used</td>
</tr>
<tr>
<td>Recreational Facilities&lt;sup&gt;1&lt;/sup&gt;</td>
<td>20’ separation</td>
<td>100’ separation and a Class C Buffer (see 12.302)</td>
</tr>
<tr>
<td>Parking Areas</td>
<td>5’ Parking Lot Screen (see 12.211 and 12.303) Class C Buffer (see 12.302)</td>
<td>Class C Buffer (see 12.302)</td>
</tr>
<tr>
<td>Service Areas and Facilities&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Class C Buffer (see 12.302)</td>
<td>100’ separation and a Class C Buffer (see 12.302)</td>
</tr>
<tr>
<td>Golf Courses&lt;sup&gt;3&lt;/sup&gt;</td>
<td>20’ separation</td>
<td>Class C Buffer (see 12.302)</td>
</tr>
</tbody>
</table>

<sup>1</sup> Recreational facilities include pools, tennis courts, baseball fields, soccer fields, picnic shelters, clubhouses, pro shops, exercise or fitness centers, snack bars, as well as other principal and accessory uses intended primarily for the use of patrons.
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 ____, 2014, 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 __________________, 2014.

______________________________
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 is allowed.
   b. Type II-establishment where food and beverages are served (including alcohol) and indoor or outdoor entertainment is 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 quadruplex) 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 from a single family use (single family, duplex, triplex or quadruplex) or vacant lot when located in a single family zoning district 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, including criteria to be eligible to apply for a Certificate of Exemption when an existing Type 2 Eating, Drinking and Entertainment Establishment cannot meet the proposed separation distance requirements.

STAFF RECOMMENDATION

Staff recommends approval of this petition. This petition is:
- Consistent with the Centers, Corridors and Wedges Growth Framework goal of providing a range of choices for entertainment, and
- Consistent with the guiding principles to:
  1) protect established neighborhoods, and
  2) revitalize economically challenged business areas.

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING
Meeting is not required.
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 Stakeholder Advisory Group 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 Stakeholder 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 held two additional public outreach meetings for Dilworth and Elizabeth, to address concerns expressed at the first public hearing on February 17, 2014. Additional changes to the text amendment were made as a result of those meetings.
  - The Zoning Committee met on May 5, 2014 and voted to recommend that a new public hearing be held on June 16, 2014, due to substantial changes in the text amendment since the public hearing.
  - 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;
    3) provide flexibility to business establishments; and
    4) establish a Certificate of Exemption process, including criteria to be eligible to apply for a Certificate of Exemption, when a business establishment cannot meet the proposed separation distance requirements.

• **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.**:
      1) 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.
      2) If the separation distance cannot be met, a Class A buffer shall be provided along all corresponding side and rear 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 through the rezoning process.
  • Minimum 250-foot separation distance in the pedestrian overlay district (PED). The minimum separation distance cannot be reduced as an optional provision through the rezoning process. If, however, there is an approved Pedscapet Plan, Type 2 Eating, Drinking and Entertainment Establishments shall meet the separation distance standards established in the 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 process for eligible, existing Type 2 Eating, Drinking and Entertainment Establishments that cannot meet the separation distance requirements:
  • 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:
    • Met the definition of a Type 2 Eating, Drinking and Entertainment Establishment;
    • Had an outdoor seating/activity area located within the required separation distances; and
    • Provided outdoor entertainment between the hours of 11:00 p.m. and 8:00 a.m.
  • The establishment must apply for a Certificate of Exemption within 90 days from the date the Planning Director provides written notice to a Type 2 Eating, Drinking or Entertainment Establishment affected by the separation distances or within one year from the date this text amendment is adopted, whichever first occurs.
  • A written notice and a copy of the submitted application for a Certificate of Exemption shall be mailed to property owners located within the designated separation distance. These owners may submit written comments to the Planning Director, or designee, 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 if 1) the Type 2 Eating, Drinking and Entertainment Establishment is in compliance with all land use and development laws, including zoning and urban design standards for the district in which the use is located, and 2) the establishment met one of the following criteria on, or after, January 1, 2013:
    • The establishment abuts a public right-of-way that is 60 feet or greater in width; or
    • A building (on- or off-premise) of at least 1,900 square feet is located between the outdoor seating/activity area of the establishment and a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.
  • A written notice shall be mailed to property owners within the separation distance informing them of the decision on the Certificate of Exemption.
  • An appeal process is established for 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 distances.
  • Establishments that receive a Certificate of Exemption shall 1) maintain compliance with applicable land use and development laws, including zoning and urban design standards for the district in which the use is located, and 2) may not move, expand, enlarge, or change the outdoor seating/activity area or building(s) as either existed as of January 1, 2013. Routine maintenance and repair is permitted.
  • The issuance of a Certificate of Exemption constitutes an exemption from the separation distance requirements.
  • A Type 2 Eating, Drinking and Entertainment Establishment building or outdoor seating/activity area that receives a Certificate of Exemption and is destroyed or damaged by fire, flood, wind, or 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 is issued within 12 months of the date of damage.
  • The revocation of a Certificate of Exemption can occur in the following situations:
    • The Certificate can be revoked if the establishment fails to maintain compliance with applicable land use and development laws, including zoning and urban design standards of the district, and only after written notice is provided and the establishment has a reasonable opportunity to remedy a violation.
• The Certificate shall be revoked if the establishment has visibly discontinued use as a Type 2 Eating, Drinking and Entertainment Establishment for 12 consecutive months or obtains an approved change of use.

• **Public Plans and Policies**
  • The 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.

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

• **Charlotte Area Transit System:** No comments received.
• **Charlotte Department of Neighborhood & Business Services:** No issues.
• **Charlotte Department of Solid Waste Services:** No issues.
• **Transportation:** No comments received.
  • **Vehicle Trip Generation:** Not applicable.
  • **Connectivity:** Not applicable.
• **Charlotte Fire Department:** No issues.
• **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.

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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.

**OUTSTANDING ISSUES**

• No issues.

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

• Application
• 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**

**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 (MUDP); 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); heavy 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.

### Definitions

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Definitions</strong></td>
<td><strong>Definitions</strong></td>
<td></td>
</tr>
</tbody>
</table>
| **Nightclub** - Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets. | Adds new definitions to replace “restaurants” and “nightclubs”:  
- **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 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. | • Create updated definitions to address the way these establishments are functioning today. |
| **Restaurant** - An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages |  |  |

### Other Definitions

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
</table>
| **None**            | **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. | • Add additional definitions to clarify terms previously undefined. |
### 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.

### 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); and 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.

**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 - residential (TOD-R); 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.
- Allowed under prescribed conditions in the 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.

**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.
- Allowed in the pedestrian overlay district (PED) and transit supportive overlay district (TS) when allowed in the underlying district.

**Allows Type 1 Eating, Drinking and Entertainment Establishments**

- Expands the districts [office (O-1, O-2 and O-3)] where Type 2 Eating, Drinking and Entertainment Establishments are allowed.
- 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.
<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: | | • 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. |
| 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. | | |
| 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.

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### Prescribed Conditions for Nightclubs, Bars and Lounges/Eating, Drinking and Entertainment Establishments – Type 2

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prescribed Conditions for Nightclubs, bars and lounges/Eating, Drinking and Entertainment Establishments - Type 2</strong></td>
<td>• Nightclubs, bars and lounges are allowed in the following zoning districts, subject to the following prescribed conditions:</td>
<td></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>
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<tr>
<td></td>
<td>• Research (RE-3): The use shall be at least 400’ from any residential district.</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></td>
</tr>
<tr>
<td><strong>Proposed Regulations</strong></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></td>
</tr>
<tr>
<td></td>
<td>• Adds new prescribed conditions.</td>
<td></td>
</tr>
<tr>
<td></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>• Adds an exemption/certification process for existing uses.</td>
<td></td>
</tr>
<tr>
<td><strong>The proposed prescribed conditions are as follows:</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Sets one set of separation distance standards for all Type 2 Eating, Drinking and Entertainment Establishments in all zoning districts.
- Separation distances are based on the provision of food.
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.

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

1. If food and 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 quadruplex 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 quadruplex 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 quadruplex) 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.
   
   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>Parking</th>
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</thead>
<tbody>
<tr>
<td>• The discharge of industrial process treated wastewater does not include wastewater from restaurants.</td>
<td>• Replaces the term “restaurants” with “eating, drinking and entertainment establishments”.</td>
</tr>
<tr>
<td>• Replaces the term “restaurants/nightclub” with “eating, drinking and entertainment establishments”.</td>
<td></td>
</tr>
<tr>
<td>• No changes to the vehicular parking requirements.</td>
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<tr>
<td>• No changes to the short-term bike parking requirements.</td>
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<tr>
<td>• 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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</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
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<tbody>
<tr>
<td>Existing parking requirements by zoning district:</td>
</tr>
<tr>
<td>Transit oriented development (TOD):</td>
</tr>
<tr>
<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>
</tr>
<tr>
<td>Pedestrian overlay district (PED) and research (RE-3):</td>
</tr>
<tr>
<td>• Minimum of 1 parking space per 125 sq. ft. for restaurants, nightclubs, bars and lounges.</td>
</tr>
</tbody>
</table>

| All Other Districts: |
| Updates terminology. |
| Adds long-term bike parking for employees and customers of Type 2 Eating, Drinking and Entertainment Establishments. |
**Buffers – Restaurants/ Eating, Drinking and Entertainment Establishments - Type 1**

<table>
<thead>
<tr>
<th>Buffers standards for Restaurants:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Class B buffer required when a restaurant (up to 50,000 sq. ft.) abuts a single family or multi-family use or zoning district.</td>
</tr>
<tr>
<td>• 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.</td>
</tr>
<tr>
<td>• Class C buffer required when a restaurant (over 50,000 sq. ft.) abuts a medium or high intensity institutional use (examples: Middle school, government buildings, hospitals, religious institutions, stadiums), institutional zoning district, or park and greenway.</td>
</tr>
</tbody>
</table>

**Buffers – Nightclubs, Bars and Lounges/ Eating, Drinking and Entertainment Establishments - Type 2**

<table>
<thead>
<tr>
<th>Buffers standards for Nightclubs, Bars and Lounges:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Class B buffer required when the use abuts a single family or multi-family use or zoning district or abuts a low intensity institutional use.</td>
</tr>
<tr>
<td>• Class C buffer 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>
</tr>
</tbody>
</table>

**Miscellaneous**

<table>
<thead>
<tr>
<th>References to “restaurants”, “nightclubs”, and “nightclubs, bars and lounges” “café’s”, and “outdoor café’s”.</th>
</tr>
</thead>
</table>

**Location of required parking**

| 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. |

| Removes the 800’ requirement. |

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

**Updates terminology and 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.**

**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
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>
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<td><strong>OFFICE &amp; BUSINESS USES</strong></td>
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| URBAN RESIDENTIAL |       |        |        |        |
| **OFFICE & BUSINESS USES** | UR-1 | UR-2 | UR-3 | UR-C |
| 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. | X/PC |
| 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. | X/PC |
| 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. | X/PC |
### INSTITUTIONAL

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<td>Entertainment Establishments (Type 1)</td>
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<td>Entertainment Establishments (Type 1), except for drive-in services as a principal use</td>
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<td><strong>OFFICE &amp; BUSINESS USES</strong></td>
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<tr>
<td>Retail and office establishments and restaurants Eating, Drinking and Entertainment Establishments (Type 1) in multi-family buildings and attached buildings</td>
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<tr>
<td>Eating, Drinking and Entertainment Establishments (Type 2)</td>
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<thead>
<tr>
<th>MUDD &amp; UMUD COMMERCIAL CENTER TRANSIT ORIENTED DEVELOPMENT</th>
<th>MUDD</th>
<th>UMUD</th>
<th>CC</th>
<th>TOD-R</th>
<th>TOD-E</th>
<th>TOD-M</th>
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<td><strong>OFFICE &amp; BUSINESS USES</strong></td>
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<tr>
<td>Restaurants, including open air or sidewalk cafes Eating, Drinking and Entertainment Establishments (Type 1)</td>
<td>X</td>
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<tr>
<td>Restaurants, including open air or sidewalk cafes Eating, Drinking and Entertainment Establishments (Type 1), with no drive-through windows.</td>
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<tr>
<td>Nightclubs, bars and lounges Eating, Drinking and Entertainment Establishments (Type 2)</td>
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<td>Eating, Drinking and Entertainment Establishments (Type 2), with no drive-through windows</td>
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### URBAN INDUSTRIAL

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<tr>
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<th>U-1</th>
<th>I-1</th>
<th>I-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nightclubs, bars and lounges, up to 25,000 square feet</td>
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<tr>
<td>Nightclubs, bars and lounges, up to 70,000 square feet</td>
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<tr>
<td>Eating, Drinking and Entertainment Establishments (Type 1) operated by an employer on</td>
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<td>X</td>
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<td>the site for the convenience of his employees only</td>
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<tr>
<td>Personal services, such as banks, restaurants, or and day care centers operated by an</td>
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<tr>
<td>employer on the site for the convenience of his employees only</td>
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<tr>
<td>Restaurants—Eating, Drinking and Entertainment Establishments (Type 1), with or without</td>
<td></td>
<td>X</td>
<td>X</td>
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<tr>
<td>drive-in service as a principal use</td>
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<tr>
<td>Restaurants—Eating, Drinking and Entertainment Establishment (Type 2), with or without</td>
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<td>X</td>
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<tr>
<td>drive-in service as a principal use</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, 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
the outside of the building; and

(d) No merchandise or display of merchandise will be visible from outside the building.

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 (Type1). 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 ground 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)” and “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
(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 cafés, 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:

**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 Eating. 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 Eating. 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 <strong>(Petition No. 2002-147, § 10.803(6)(a), 01-21-03)</strong></td>
</tr>
<tr>
<td>Residential</td>
<td>Minimum One (1) space per dwelling unit. 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”.

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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 restaurant/nightclub 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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10 feet X 25 feet</td>
<td>10 feet X 50 feet</td>
</tr>
<tr>
<td>Office, Restaurant</td>
<td>10,000 – 99,999</td>
<td>1</td>
</tr>
<tr>
<td>Eating, Drinking and Entertainment Establishments, Hotel or Motel:</td>
<td>100,000 – 149,999</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>150,000 and over</td>
<td>0</td>
</tr>
<tr>
<td>Retail establishment, Shopping center, or any Industrial use:</td>
<td>0 – 4,999</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>5,000 – 19,999</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>20,000 – 49,999</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>50,000 – 79,999</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>80,000 – 99,999</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>100,000 – 149,999</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>150,000 and over</td>
<td>0</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 (1)</td>
</tr>
<tr>
<td>Restaurant</td>
<td>8 spaces per window (2)</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.

(1) 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 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 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 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 and 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 through the rezoning process.

(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 quadruplex 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.
Pet. No. 2014-003

(George Macon)

A Community Meeting Report has not been submitted for this petition; therefore, it cannot go to public hearing and will be DEFERRED to July 21, 2014
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.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the University Research Park Area Plan, which recommends a mixture of office and residential land uses for this site and the surrounding area.

PROPERTY OWNER

Electrolux North America, Inc.

PETITIONER

Electrolux North America, Inc.

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

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.
  - Proposes up to 75,000 square feet of gross floor area for uses allowed in the O-1 (CD) (office, conditional) district in Development Area 3.
  - Prohibited uses include but are not limited to residential dwelling units, nursing homes, religious institutions, motion picture theaters, jails and prisons, orphanages and children’s homes.
  - The total number of buildings on the site shall not exceed 10.
  - Two new public streets with six-foot sidewalk and eight-foot planting strip on both sides that create a supporting street network for the complex by providing connectivity to existing and future streets.
  - Completion of proposed public streets is required prior to the issuance of certificates of occupancy for the first and second buildings constructed in Development Area 2.
  - Access to site provided via David Taylor Drive, Claude Freeman Drive and proposed public streets.
  - New building and parking areas will adhere to a 100-foot setback along Claude Freeman Drive and David Taylor Drive. A 30-foot setback will be provided along the proposed public streets.
  - An on-site walking trail/sidewalk 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.
    - Building height of 150 feet exclusive of roof top mechanical equipment and screens or devices used to screen roof top structures or equipment.
    - Allow public urban open space requirements to be met with private urban open space.
    - 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.
    - Reduce the setbacks to 30 feet along Public Street #1 and #2.
    - Elimination of the required six-foot sidewalk along 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.
    - Elimination of doorways required to be recessed into the face of buildings.
• Removal of the requirement that each building façade oriented to a street must have an operable pedestrian entrance.
• Allowing the buildings on the site to provide at least one operable pedestrian entrance, instead of at least one entrance on each building façade fronting a street as required by the ordinance.
• 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, the size and height of the signs to be in compliance with the ordinance. The ordinance allows one detached identification sign per premise that is up to seven feet in height and 50 square feet in size. Detached directory signs up to nine square feet in size are allowed without permits.
• Allowing the existing four sidewalk connections to the site from Claude Freeman Drive to be extended at the same width. The width of the sidewalk may be increased to six feet in locations that can be accommodated by the existing grade.
• Allowing retail sales permitted in the B-1 (neighborhood business) district over 10,000 square feet, which may only be provided via an optional request.

• Existing Zoning and Land Use
  • The subject property is partially developed with a 276,126 square foot office, research and laboratory facility. Properties on the south side of West Mallard Creek Church Road are zoned RE-1 (research), RE-2 (research), RE-3(O) (research, optional), R-3 (single family residential) and R-4 (single family residential). Land uses include warehouse, business/office uses associated with the research park, vacant lots, single family residences, and a cemetery. Properties across West Mallard Creek Church Road are zoned R-3 (single family residential), R-12MF(CD) (multi-family residential, conditional), MX-1 Innovative (mixed use, innovative), MUDD-O (mixed use development, optional), RE-1 (research), and RE-3(CD) (research, conditional) and developed with a religious institution, commercial uses, single family residences, and vacant lots.

• Rezoning History in Area
  • Recent rezonings approved in the area include:
    • Petition 2011-036 rezoned approximately 62.7 acres located on the south side of West Mallard Creek Church Road between Claude Freeman Drive and Legranger Road to allow a mixed use development consisting of retail, restaurant, hotel, office, and multi-family residential uses.
    • Petition 2012-079 rezoned approximately 0.86 acres located on the north side of West Mallard Creek Church Road between Claude Freeman Drive and David Taylor Drive to allow a 6,000-square-foot retail dry cleaner with possible drive-through service.

• Public Plans and Policies
  • The University Research Park Area Plan (2010) recommends a mixture of office and residential uses for properties located in District C. The subject property is contained therein. District C consists of approximately 567 acres stretching from Mallard Creek Church Road to W. T. Harris Boulevard, and is identified as an activity center. 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: CATS encourages the petitioner to add sidewalks to the site’s street frontages to accommodate future bi-directional routing of bus service in this area.

• Charlotte Department of Neighborhood & Business Services: No issues.
Transportation: The petitioner submitted a traffic impact study (TIS) to CDOT and NCDOT on May 12, 2014. CDOT will provide an update on the proposed TIS mitigation requirements at the public hearing.

Vehicle Trip Generation:
- Current Zoning: 25,950 trips per day.
- Proposed Zoning: 8,700 trips per day.

Connectivity: No issues.

Charlotte Fire Department: No issues.

Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.

Charlotte-Mecklenburg Storm Water Services: No issues.

Charlotte-Mecklenburg Utilities: No issues.

Engineering and Property Management: No issues.

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

Mecklenburg County Parks and Recreation Department: No issues.

Urban Forestry: No 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

The petitioner should:
1. Provide clarity on the proposed amount and type of retail.
2. Provide a six-foot sidewalk along David Taylor Drive approximately 525 feet from proposed street #1 (Electrolux Way) to the eastern property line.
3. Comply with any future transportation requirements resulting from the review of the traffic impact study.
4. Provide clarity on the optional request for detached directional signs.
5. Provide clarity on the width of the existing sidewalk connections to the site from Claude Freeman Drive and commit that new sidewalks will be a minimum of five feet in width.

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

Planner: Sonja Sanders (704) 336-8327
Petition #: 2014-035

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

1. Zoning:

a. To not require each building to be provided at the minimum rate of one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

b. On premises directional and instructional signs may be located throughout the Site per the Signage:

c. To allow the Public Urban Open Space requirements to be met with Private Urban Open Space requirements for Development Areas 1 and 2 may be located on Development Area 3).

d. Private Urban Open Space will be provided on the portion of the Site zoned RE-3(O) at the rate of one private space per 2,000 gross square feet of floor area as described in the Optional Provisions below.

e. The Petitioner will provide an on-site walking trail/sidewalk for use of the employees of the Site.

f. To allow the existing four (4) foot sidewalk connection to Site from Claude Freeman Drive to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

2. Development Standards:

a. To allow the existing road (1) that accommodates the on-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

b. The Petitioner plans to provide or cause to be provided on its own or in cooperation with the Charlotte-Mecklenburg Metropolitan Planning Organization an off-street parking facility on the Site which is equal to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

c. To allow the existing road (1) that accommodates the on-the-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

3. Prohibited Uses:

a. The Petitioner is unable to acquire any land necessary to provide for any such additional right of way and/or access. The Petitioner is also required to acquire two (2) detached Identification signs and two (2) detached directory signs to provide for this on-site access.

b. To allow the existing four (4) foot sidewalk connection to Site from Claude Freeman Drive to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

c. To allow the existing road (1) that accommodates the on-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

4. Prohibited Uses: Development Area Limitations:

a. The Petitioner shall not be required to redesignate the Site as more than three (3) development areas as permitted in accordance with the Zoning Ordinances of Charlotte, Mecklenburg County, and Mecklenburg County to the extent that the provisions of the Ordinance are applicable within the Site as delineated below.

b. The Petitioner shall not be required to redesignate the Site as more than three (3) development areas as permitted in accordance with the Zoning Ordinances of Charlotte, Mecklenburg County, and Mecklenburg County to the extent that the provisions of the Ordinance are applicable within the Site as delineated below.

c. The Petitioner shall not be required to redesignate the Site as more than three (3) development areas as permitted in accordance with the Zoning Ordinances of Charlotte, Mecklenburg County, and Mecklenburg County to the extent that the provisions of the Ordinance are applicable within the Site as delineated below.

5. Construction Requirements:

a. To allow the existing four (4) foot sidewalk connection to Site from Claude Freeman Drive to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

b. To allow the existing road (1) that accommodates the on-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

c. To allow the existing road (1) that accommodates the on-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

6. Water Quality and Storm Water Management:

a. To allow the existing road (1) that accommodates the on-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

b. To allow the existing road (1) that accommodates the on-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

c. To allow the existing road (1) that accommodates the on-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

7. Building Height:

a. To allow the existing road (1) that accommodates the on-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

b. To allow the existing road (1) that accommodates the on-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

c. To allow the existing road (1) that accommodates the on-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

8. Land Use and Density:

a. To allow the existing road (1) that accommodates the on-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

b. To allow the existing road (1) that accommodates the on-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

c. To allow the existing road (1) that accommodates the on-site utility connections from Claude Freeman Drive and the Public Streets to be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.
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.

**STAFF RECOMMENDATION**

Staff recommends approval of this petition upon the resolution of the outstanding issue. The petition is consistent with the Blue Line Extension Station Area Plan.

**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

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**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 3,100 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.
    - Existing sidewalk to remain with landscaped island added between the sidewalk and exterior seating.

- **Existing Zoning and Land Use**

  The property is currently used for automotive repair. Surrounding properties on either side of North Davidson Street are zoned NS (neighborhood services), B-1 (neighborhood business), I-2 (general industrial), and MUDD-O (mixed use development, optional) and developed with office, commercial/retail, restaurant, warehouse, residential uses and a fire station.
• **Rezoning History in Area**
  - Petition 2009-055 rezoned 0.072 acres at 3213 North Davidson, located two properties south of the subject rezoning, from I-1(CD) (light industrial, conditional) to MUDD-O (mixed use development – optional) to allow for MUDD (mixed use development) uses including bars, nightclubs or lounges.
  - Petition 2012-01 located at the southeast corner of 36th Avenue and North Davidson rezoned 3.87 acres from MUDD-O (mixed use development, optional) to MUDD-O SPA (mixed use development, optional, site plan amendment) to allow for 250 residential units and 22,500 square feet of nonresidential in a transit supportive development.
  - Petition 2012-07 rezoned 0.628 acres located at the northeast corner of 35th Avenue and Yakin from R-5 (single family residential) and O-2 (office) to MUDD-O (mixed use development, optional) to allow 15 townhomes with an option to modify the streetscape in order to preserve existing trees.
  - Petition 2012-042 located at the northeast corner of 36th Avenue and North Davidson rezoned 10.30 acres from UR-3(CD) (urban residential, conditional) and I-2 (general industrial) to TOD-R (transit oriented development - residential) to allow for transit supportive development.

• **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.
  - **Vehicle Trip Generation:**
    - Current Zoning: 200 trips per day.
    - Proposed Zoning: 800 trips per day.
  - **Connectivity:** No issues.
• **Charlotte Fire Department:** No comments received.
• **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
• **Charlotte-Mecklenburg Storm Water Services:** No issues.
• **Charlotte-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

• The petitioner should:
  1. Specify the width of the existing sidewalk to remain and clarify if a proposed sidewalk of eight feet is to be provided as shown on the site plan.
  2. Decrease the amount of exterior seating to reduce the area of expansion.

Attachments Online at www.rezoning.org

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

Planner: 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.

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

Requested MUDD-O from B-1

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

Zoning Map #89

Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.
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 for a density of three units per acre.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. This petition is inconsistent with the South District Plan recommendation for institutional uses; as amended by the previous petition; however, it is consistent with the original recommendation of the South District Plan, which recommended single family at a density of up to three dwelling units per acre and is consistent with the surrounding land use patterns.

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

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 consist 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 except 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 five-foot sidewalk along the site’s frontage.
- 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.

Existing Zoning and Land Use

- The subject property is occupied with one single family dwelling. Surrounding properties on either side of Sardis Road are zoned R-3 (single family residential) and developed primarily with single family dwellings, a few offices, and a religious institution.
• Rezoning History in Area
  • There have been no rezonings in the immediate area in recent years.

• Public Plans and Policies
  • The South District Plan (1993), as 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: Petitioner should provide eight-foot planting strip and six-foot sidewalk along all public street frontages.
  • Vehicle Trip Generation:
    Current Zoning: 300 trips per day.
    Proposed Zoning: 180 trips per day.
• Connectivity: No issues.
• Charlotte Fire Department: No comments received.
• Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce eleven students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 11 students.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte-Mecklenburg Utilities: No issues.
• Engineering and Property Management: A wetlands letter has been submitted as requested by Engineering and Property Management.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.
• Urban Forestry: Petitioner should add a note that the large oak tree near the corner of Sardis Road and Chevron Drive will be saved and preserved during all phases of construction.

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 tree save requirement.

OUTSTANDING ISSUES
• The petitioner should:
  1. Remove note number four under “Access and Transportation.”
  2. Provide on-street parking along the internal private street.
  3. Provide an eight-foot planting strip and six-foot sidewalk along all public street frontages.
  4. Provide a note that storm water detention facilities will be placed in common areas and not on private lots.
  5. Provide elevations and sidewalks connections for lots 8, 9, and 10 to comply with Section 9.406(8)(d)(v).
  6. Provide a detail of the brick wall showing the height of the retaining walls along the site’s frontage.
  7. Provide a minimum spacing distance and minimum number of pedestrian lights to be installed along the internal private street.
  8. Address Transportations comment.
  9. Address Engineering and Property Managements comment.
Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood and 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.

Vicinity Map

Rezoning Petition: 2014-040
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.

Map Produced by the Charlotte-Mecklenburg Planning Department, 4-15-14.
1. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Subdivision Ordinance (the “Ordinance”). Unless the Rezoning Plan establishes more stringent standards, the regulations established outside the Ordinance in the UB-1 zoning district shall govern development until such time as the site becomes designated UB-1 on the Rezoning Plan.

2. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, and other site elements set forth on the Rezoning Plan shall be reviewed in conjunction with the provisions of those Development Standards. The ultimate location, location and size of the development and site elements depicted on the Rezoning Plan as well as schematic building elevations, if any, are graphic representations of the development and site elements proposed, and they may be altered or modified in accordance with the setback, yard and buffer requirements set forth in this Rezoning Plan and the Development Standards, provided, however, any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan. Changes to the Rezoning Plan not permitted by the Rezoning Plan will be reviewed and approved as allowed by Section 8.207 of the Ordinance.

3. The total number of principal buildings to be constructed on the Site shall not exceed 15. Accessory buildings and structures located on the Site shall not exceed 20 on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located on the same lot or parcel as the accessory buildings.

4. The proposed internal street network and external street connections are generally shown on the Rezoning Plan. To allow flexibility in the specific design of the Site, the extent of the internal street network and location of the external connections will be determined as part of the Subdivision review process at the time of the site development.

Permitted Uses:

This site may only be devoted to single family residential community comprised of only 15 for each single family detached units and related common areas and amenities, and no accessory uses that are permitted under the Ordinance in the UB-1 zoning district.

Access and transportation improvements:

1. Vehicular access to the Site shall be generally depicted on the Rezoning Plan. The placement and configuration of each vehicular access point are subject to any minor modifications required to accommodate final site and construction plans and design and to any adjustments required for approval by the Charlotte Department of Transportation and the North Carolina Department of Transportation.

2. As depicted on the Rezoning Plan, the internal street shall be a private street that meets the standards of a residential street for purposes of Sections 12.301-12.303 of the Ordinance. The alignment of the proposed internal street shall be controlled through the installation of gates at Sandl Road and Charlotte Drive entrances to the Site. The gates shall be equipped with a “suck to enter device” or similar approved by the City of Charlotte to ensure access for emergency vehicles and delivery vehicles. A turn around area for delivery vehicles is not provided since they will have the ability to drive through the street and into the site through the use of the clock in service doors or similar device.

3. The exact alignment of the proposed residential wide private street may be slightly altered during construction permitting process to maximize the preservation of trees and to improve the streets horizontal alignment.

4. Vehicular parkers will be the standards established under the Ordinance. Off-street parking shall be permitted in the individual unit garages as per building style and on the driveways associated with the detached residential units. Additionally, no on-street vehicular parking shall be permitted.

5. Pedestrian sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.

6. Note not used.

7. Sidewalk connections to Sandl Road and to Charlotte Drive shall be provided as generally depicted on the Rezoning Plan.

8. Prior to obtaining the approval for this Site Petitioner shall dedicate and convey by quitclaim deed and subject to reservation for any necessary utilities easements those portions of the Site immediately to Sandl Road as required to provide right of way measuring 50 feet from the existing centerline of Sandl Road at such right of way does not intersect with any other road.

Architectural Standards:

1. Set out on sheet RE-2 of the Rezoning Plan are schematic architectural renderings of the front elevations that are intended to depict the general conceptual architectural style and character of the front elevations of the site. Changes to the architectural Style depicted on the Rezoning Plan may be altered without the written consent of the Rezoning Petitioner.

2. The primary exterior building materials for each residential unit to be constructed on the Site will be brick, stone, or stucco. Additionally, brick or stucco shall be the foundation material for each building. Any exterior or interior walls of the exterior of the building, including the foundation, shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site. All driveways, sidewalks and streets shall be paved in accordance with the City of Charlotte standards.

3. The minimum height of the architecture shall not exceed the site requirement set forth by the Ordinance of 48 feet in height.

Streetscapes, Buffers and Landscaping:

4. Petitioner shall install a minimum 8 foot planting strip and a minimum 5 foot sidewalk along the Site frontages on Charlotte Drive as generally depicted on the Rezoning Plan.

5. The streets may be planted with 45 feet of center line on average.

6. Any front house C_EL_ Buffer shall be established along the Site’s northern and current boundary lines as depicted on the Rezoning Plan, which buffer shall conform to the standards of section 12.302 of the Ordinance. The width of the Site 30 feet of C_EL_Buffer may not be reduced.

7. The heights of the brick wall to be extended along the Site’s frontages on Charlotte Drive shall not exceed an average height of 5 feet.

Environmental Features:

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

2. In addition to the uses located within the tree save areas, the Petitioner shall preserve those trees designated on the Rezoning Plan for preservation. If such trees are located outside of the tree save areas and designated for preservation, the Petitioner shall engage a certified arborist to propose and implement a tree protection and preservation plan for those trees. A copy of the tree protection and preservation plan must be submitted to the City of Charlotte - Planning Division 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 SDP development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storms water treatment requirements and current site drainage patterns.

5. The exact alignment of the proposed residential wide private street may be slightly altered during construction permitting process to maximize the preservation of trees and to improve the streets horizontal alignment.

1. Pedestrian scale, furnishing lighting fixtures will be installed throughout the Site along the internal private street and driveways. The pedestrian scale, furnishing lighting fixtures will be uniform in design, and the finish and spacing of each lighting fixture will be determined by the Petitioner. All such furnishing lighting fixtures shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site. All driveway lighting design shall be in accordance with the City of Charlotte standards.

2. The maximum height of any pole lighting scale, furnishing lighting fixtures installed on the Site, including to bases, shall not exceed 25 feet.

3. Any detached and attached lighting shall be fully capped and shielded and downwardly directed.

Rezoning: Shady Knoll
SINGLE FAMILY RESIDENTIAL
BLACKSTONE DEVELOPMENT
CHARLOTTE, NC
1002-3080-R2

PETITION # 2014-040
CITY OF CHARLOTTE
Previously Approved Site Plan
Development Summary

Tax Parcel IDs: 18514420, 18514420, 18514420, 18514420, 18514420, 18514420, 18514420, 18514420, 18514420, 18514420, 18514420, 18514420, 18514420
Total Site Average: 5.5 acres
Existing Zoning: R-2
Existing Use: Single family residential (pumpkin & vacant land)

Proposed Zoning: Institutional (CD)
Proposed Use: Age restricted, senior living community, containing up to 56 independent living units

Maximum Building AFI Height:
- Max. Number of Stories: 4
- Max. number of levels: 2

Maximum 1 or 2 Story Building Height: 40'

Parking Spaces:
- 81 spaces

Parking Ratio:
1 space per unit

Setback Requirements:
- Front: 50'
- Side: 20'
- Rear: 20'

Development Totals:
- Multi-Unit: 52 units
- Public Space & 2 Condos

Percentage Space:
- Impervious Space: 26%

Open Space:
- 10%

Tree Save Areas:
- Total Tree Save Area: 30,800 sq ft
- Total Site Area: 78,960 sq ft

Tree Layers:
- Existing Trees
- Proposed Trees
- Tree Save Area

Site Plan

RZ-1 2014-033

Copyright 2006, Overcash-Demmitt Architects
 WebGL Units

APPROVED BY
CITY COUNCIL
OCT 17 2014

BLACKSTOWNE

SHADY KNOLL

SAROS RD.
CHARLOTTE, NC

PETITION # 2011-033
FOR PUBLIC HEARING

KEY PLAN

SITE PLAN
02 | BUILDING B FRONT ELEVATION

03 | BUILDING A FRONT ELEVATION

01 | NOTES
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.

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

PROPERTY OWNER
Dominion Investments Properties, LLC

PETITIONER
Dominion Investments Properties, LLC

AGENT/REPRESENTATIVE
Walter Fields

COMMUNITY MEETING
Meeting is required but has not been held.
Number of people attending the Community Meeting:  None

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.
  - Possible additional access point along the proposed Pete Brown Road realignment.

- Existing Zoning and Land Use
  - The subject property is currently zoned I-1 (light industrial) and is developed with an existing office/warehouse commercial structure. The surrounding properties are zoned B-2 (general business), MUDD-O (mixed-use development, optional), I-1(light industrial), and I-2(CD) (general industrial, conditional) and are developed with industrial and retail structures or are vacant.

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

- Public Plans and Policies
  - The Northeast District Plan (1996) recommends 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:** The petitioner should address the following comments:
  - Provide written documentation from the city staff indicating who will build or construct the proposed driveway shown as “By City” on the site plan.
  - Remove the “optional” driveway from the site plan and add a note that additional driveways will be reviewed and approved through the driveway permit process.
  - Show location of intended access to the site via the existing Pete Brown Road alignment.
- **Vehicle Trip Generation:**
  - Current Zoning: 330 trips per day.
  - Proposed Zoning: 40 trips per day.
- **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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

**OUTSTANDING ISSUES**
- The petitioner should:
  1. Add a note that all uses in the I-1 district allowed in the I-2 district shall be allowed along with contractor’s office with storage.
  2. Modify and place all the allowed uses in one section on the site plan.
  3. Remove the current note under lighting and use the following language: “freestanding light will be fully shielded and downwardly directed.”
  4. Limit detached lighting to 20 feet in height.
  5. 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
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road.
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.
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 site plan amendment seeks to allow a 40-room expansion to an existing hotel for a total of 164 hotel rooms.

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the South District Plan, as modified by a prior rezoning, which recommends a mix of multi-family, office, and retail uses.

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

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.

- Existing Zoning and Land Use
  - A portion of the subject property is developed with a 124-room, five-story hotel and the remainder is vacant. The remainder of the unified development located on both sides of Johnston Road is developed with multi-family residential, office, restaurants and retail uses in CC (commercial center) zoning. A private school and a public school exist across North Community House Road on either side of Endhaven Lane in property zoned MX-2 (mixed use) and R-3 (single family residential).

- Rezoning History in Area
  - Petition 2014-025 approved a CC (commercial center) site plan amendment for 8.5 acres located on the north side of Interstate 485 to allow an increase in office and retail square footage.
  - Petition 2013-098 rezoned 10.3 acres located on the south side of Endhaven Lane from R-3 (single family residential) to UR-3(CD) (urban residential, conditional) to allow 200 multi-family dwelling units at a density of 19.4 units per acre.
  - Petition 2012-081 approved a CC (commercial center) site plan amendment for 7.55 acres located on the west side of Johnston Road between North Community House Road and Porterfield Road to allow up to 8,000 square feet of uses permitted in the CC (commercial center).
center) district excluding restaurants with drive-through service and gasoline convenience facilities. This was in addition to a 120-room hotel previously allowed on the site.

- Petition 2010-035 approved a CC (commercial center) site plan amendment for 37.3 acres located at the intersection of Johnston Road and Torrington Way surrounded on the south side by I-485 to relocate 240 previously approved multi-family residential units, decrease the approved retail space by 52,000 square feet, increase office space by 38,000 square feet, and add a 120-room hotel.

- **Public Plans and Policies**
  - The *South District Plan* (1993), as amended by 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.
  - **Vehicle Trip Generation:**
    - Current Zoning: 1,000 trips per day.
    - Proposed Zoning: 1,340 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** This site plan amendment will not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** Remove Note 7B in its entirety and replace with the following: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance." Remove the note stating "area subject to PCCO storm water regulations" on sheet RZ-3.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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

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

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Amend acreage to reflect 5.5 acres.
  2. Amend boundaries of development to reflect entire 5.5 acres. Delineate area of proposed expansion within this boundary.
  3. Address Charlotte-Mecklenburg Storm Water Services comments.
Attachments Online at www.rezoning.org

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

Planner:  Sonja Sanders  (704) 336-8327
Petition #: 2014-045

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.
Spring Hill Suites Hotel Site
Charlotte, NC

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Previously Approved Site Plan
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.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. The proposed land use is consistent with the Central District Plan, which recommends multi-family residential uses without a specific density. When a plan does not specify a density, the Residential Location and Design criteria found in the General Development Policies are used to assess the appropriateness of higher density development.

The proposed rezoning density of 34.9 units per acre for the subject site exceeds the General Development Policies recommendation of density up to 17 dwelling units per acre. However, the existing zoning currently allows up to 22 dwelling units per acre. In addition, when the properties are combined with the remainder of the Double Oaks/Brightwalk development, the overall density is 18.9 units per acre. The slight increase in the total density from 18.2 to 18.9 is acceptable as the request is consistent with the multi-family land use recommended by the Central District Plan and supports the plan recommendation for revitalization/redevelopment of the Double Oaks/Genesis Park neighborhood.

PROPERTY OWNER

Double Oaks Development, LLC

PETITIONER

Fred Dodson, Jr., The Housing Partnership

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: 4

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.

• Existing Zoning and Land Use
  - The rezoning site is currently vacant and is surrounded by vacant, residential, institutional, educational, recreational, religious, and commercial uses and activities and properties zoned R-5 (single family residential), R-8 (single family residential), R-22MF (multi-family residential), UR-2(CD) (urban residential, conditional), INST(CD) (institutional, conditional), R-I (residential-institutional), and B-1 (neighborhood business).

• Rezoning History in Area
  - The most recent rezonings in the area are additions to the Double Oak/Brightwalk development as noted in the “Background” section.

• Public Plans and Policies
  - This petition is consistent with the Central District Plan.
  - The General Development Policies (GDP) (2003) provide density guidance when an area plan does not specify maximum dwelling units per acre. The General Development Policies support residential densities up to 17 units per acre.

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<td>Design Guidelines</td>
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<td>Other Opportunities or Constraints</td>
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<td><strong>Total Points Needed:</strong> 13</td>
<td><em>Total Points: 13</em></td>
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</table>

- 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 up to 18.94 dwelling units per acre.
- The site 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:** CATS requests that the petitioner retain the existing bus stop and waiting pad along Statesville Avenue. If new curb is installed along Statesville Avenue, then the petitioner is requested to upgrade the existing bus waiting pad to the standard detail (60.01B) for the requested bus stop pad. The site plan may either show the conceptual location of the improved bus stop on Statesville Avenue, or alternatively, include a development note to locate the bus stop pad during the development review and permitting process.

- **Charlotte Department of Neighborhood & Business Services (Code Enforcement):** Setbacks should be clearly noted on site plans.

- **Charlotte Department of Neighborhood & Business Services (Housing):** Housing Locational Policy will apply for multi-family over 25 units. Area is not permissible and would require waiver if development seeks public funds.
TRANSPORTATION: CDOT has the following comments:
- On May 21, 2014, CDOT met with the petitioner to discuss the design for the proposed “Right-In/Right-Out” street connection shown on SP0001 of the rezoning petition. Unless this requirement originates from the Double Oaks/Brightwalk Redevelopment TIA affiliated with the 2008-073 rezoning, CDOT requests the petitioner remove the “Proposed Right-In/Right-Out” note from the site plan and allow for the final access management treatment of this intersection to be determined by CDOT and NCDOT during the driveway permit process.
- Incorporate the public street alignment shown during the May 21, 2014 meeting with CDOT into the next rezoning site plan submittal.

VEHICLE TRIP GENERATION:
- Current Zoning: 710 trips per day.
- Proposed Zoning: 1,200 trips per day.

CONNECTIVITY: No issues.

Charlotte Fire Department: No comments received.

Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate 39 students, while the development allowed under the proposed zoning will produce 62 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 23 students.

Charlotte-Mecklenburg Storm Water Services: No issues.

Charlotte-Mecklenburg Utilities: No issues.

Engineering and Property Management: No issues.

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

Mecklenburg County Parks and Recreation Department: No issues.

Urban Forestry: No issues.

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

OUTSTANDING ISSUES
- The petitioner should:
  - Add notes committing to the following design standards:
    - Buildings along public and private streets shall have clear 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.
    - 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-blank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
    - 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.
    - Meter banks, BFP’s and other similar utilities will be screened where visible from public view at grade level.
    - Roof top HVAC and related mechanical equipment will be screened from public view at grade level.
- Include the conceptual renderings provided with the 2008 rezoning.
- Remove UR-2(CD) from Developments Note 1c (Existing and Proposed Zoning).
- Correct the label in Development Area 11, which refers to Development Area 9.
- Address CATS comments.
- Address Neighborhood and Business Services comments.
- 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 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
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.
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.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the New Bern Transit Station Area Plan, which recommends mixed use transit supportive development for the subject property.

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

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.
    - Allow front-loaded garages, parking pads, and driveways for individual residential units to be permitted along private streets.
    - Allow driveways located along private streets to cross the front setback to access residential garages.
    - Allow up to two parking spaces per unit on the site, which exceeds the maximum 1.6 spaces per unit allowed per the TOD-M (transit oriented development – mixed-use) district.
• **Existing Zoning and Land Use**
  - The site is currently developed with a parking lot and storage area and is surrounded by a mix of single family and multi-family residential development, industrial, warehouse, office, and commercial uses on properties in a variety of zoning districts from residential to industrial.

• **Rezoning History in Area**
  - Several recent rezonings have rezoned various properties to TOD-M (transit oriented development - mixed) to allow development consistent with the policies of the New Bern Transit Station Area Plan.
  - Rezoning petition 2013-041 rezoned approximately 1.02 acres located on the south corner at the intersection of Griffith Street and South Tryon Street from I-2 (general industrial) to I-2 TS-O (general industrial, transit supportive overlay-optional), in order to allow indoor storage with all I-2 TS uses allowed on the ground floor.

• **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.
  - **Vehicle Trip Generation**:
    - Current Zoning: 650 trips per day.
    - Proposed Zoning: 380 trips per day.
  - **Connectivity**: No issues.

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

• **Charlotte-Mecklenburg Schools**: The development allowed under the existing zoning would generate zero (0) students, while the development allowed under the proposed zoning will produce 4 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 4 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 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. Remove 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. Remove 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. Install eight-foot planting strip with trees and eight-foot sidewalk along Youngblood Street frontage and both sides of proposed public street.
  4. Add 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. Garages must be either a maximum seven feet from the edge of the alley or a full 20 feet. Clarify this on the site plan.
  6. Screen the ends of alleys from Youngblood Street with architectural and/or landscape screening.
  7. Provide typical building elevations for front, back and sides.
  8. Provide a detail of the proposed six-foot high fence.
  9. Label common open areas on the site plan.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Transportation Review
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services 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.
Previously Approved Site Plan
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.

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the South End Transit Station Area Plan.

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

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 location of a pool area and allowed options for the pool area, screen wall and architectural building elements to encroach into the setback, 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 11 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 recessed on-street parking and relocate the overhead utility lines into the proposed planting strip bulb outs. The extension of the curb eliminates on-street parking on the northern side of the street from the intersection of Euclid Avenue to the northern end of the site.
- 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.

**Existing Zoning and Land Use**

- The subject site is located just outside of the Dilworth Historic District Overlay and is currently occupied with office buildings and surface parking lots. Across Euclid Avenue, to the southeast, are single family homes in R-5 (single family residential) and R-8 (single family residential) zoning districts located within the Dilworth Historic District Overlay. The property to the southwest, across Templeton Avenue, is currently occupied with various residential units and was rezoned in 2010 to TOD-RO (transit oriented development - residential, optional) to allow for redevelopment of the site for transit oriented development. To the north are properties that are zoned O-2 (office) and are vacant or occupied with surface parking lots or office uses.

**Rezoning History in Area**

- There have been a number of rezonings north and west of the subject petition to allow for transit oriented developments within the South End transit station area. There have also been numerous rezonings east of the site along East Morehead Street to allow for various mixed use developments. In addition, a pedestrian overlay district was recently adopted along the East Morehead Street corridor as part of the Midtown Morehead Cherry Area Plan.

**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:** CDOT has the following comments:
  1. As proposed, the curb extension would reduce the effective travel land width(s) on Lexington Avenue. The petitioner should either eliminate the curb extensions and allow on-street parking to remain in its existing condition, or recess the on-street parking into the proposed development area. The petitioner has met with CDOT staff regarding this issue and an update will be provided.
- **Vehicle Trip Generation:** The petition will allow a wide range of trip generation based on the existing and proposed zoning classifications.
- **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The 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 issues.
- **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*.
  - Minimizes impacts to the natural environment by building on an infill lot.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Address CDOT issue.
  2. Revise note 3.d. to say 68 linear feet.

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

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

**Planner:** John Kinley (704) 336-8311
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.
Previously Approved Site Plan
The diagram illustrates a proposed building setback. The setback is marked as 50' from the required 30' setback, with a proposed 18' setback (per the Optional Provision) and 20' setback (no change). The diagram also includes annotations such as "Pool Area," "planting zone," "New f. sidewalk," "planning strip," "pavement," "No f. sidewalk," and "privacy wall." The text on the image appears to be related to urban planning and development regulations, possibly discussing setback requirements and other land use considerations.

Additional notes or specifications may be found in the surrounding text or annotations, which are not fully visible in the image. The diagram seems to be part of a larger planning or development document, possibly related to rezoning or land use regulations.
REQUEST  
Current Zoning:  R-3 (single family residential) and 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.  

STAFF RECOMMENDATION  
Staff recommends approval of this petition upon resolution of outstanding issues. The South District Plan recommends residential development for the subject property. The plan supports four units per acre for the 1.5-acre portion currently zoned R-3 (single family residential) for a total of 6 units. The South District Plan, as amended by a previous rezoning, supports 4.7 units per acre for the 7.59 acre portion currently zoned UR-2(CD) (urban residential, conditional) for a total of 36 units. The plan supports a total of 42 units at a density of 4.6 units per acre for the combined properties. The proposal for 43 single family attached units 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.  

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  

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 single family attached dwelling is proposed in Phase 1 of the development.  
• The 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.  
• Screen wall with gated pedestrian access along frontage of units that front on Carmel Road or 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 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 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.
• Screen wall with gated pedestrian access to units that front on Carmel Road or Colony Road.
• Gated pedestrian access points to Colony Road will be provided for units with sides along Colony Road. Each unit will have a decorative privacy wall enclosing private open space and a gate leading to a five-foot sidewalk that leads out to Colony 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 elevation of the single family attached units provided.

• Existing Zoning and Land Use
  • The subject property is developed with one attached residential structure. The surrounding properties are zoned R-3 (single family residential) and developed with single family attached dwelling units, a religious institution, a park, and a school.

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

• Public Plans and Policies
  • The South District Plan (1993) recommends 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:
  • Amend the site plan to reflect the street connection to Carmel Road as required per the Subdivision Ordinance.
  • Amend the site plan to reflect installation of a median along the access drive on Carmel Road to restrict the driveway to right-in/right-out movements. The design of the median will be detailed during the construction permitting process.
  • Relocate the proposed privacy wall at the intersection of Carmel Road and Colony Road out of the 35-foot by 35-foot site triangle.
• Vehicle Trip Generation:
  Current Zoning: 270 trips per day.
  Proposed Zoning: 320 trips per day.
• Connectivity: Proposed street should connect to Carmel Road as it is a network required street per the Subdivision Ordinance.
• Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate two students while the development allowed under the proposed zoning will produce two students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte-Mecklenburg Utilities: No issues.
• Engineering and Property Management: No issues.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.
• Urban Forestry: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)
• Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  • Protects/restores environmentally sensitive areas by preserving an existing pond.

OUTSTANDING ISSUES
• The petitioner should:
  1. Show location of solid waste and recycling facilities as required Per Section 12.403 of the City of Charlotte Zoning Ordinance.
  2. Provide cross-section of screen wall with pedestrian gates.
  3. Specify percentage of tree save provided.
  4. The Subdivision Ordinance requires a 30-foot wide internal street that connects to Colony Road and Carmel Road. Street must be 30 feet wide measured from face of curb and a local residential wide street type is required if on-street parking is provided.
  5. Show building and parking footprint for Phase 2 as a separate inset.
  6. Provide elevations for any façade that will be oriented toward a public or private street.
  7. Design 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.
  8. Amend Sheet RZ-1 to state that existing residential structure is to remain in Phase 1.
  9. Address CDOT comments.

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

Planner: 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.
CONDITIONAL REZONING PLAN

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

REVISED 4-20-2016

COPPER BUILDERS, INC.
1235 E-East Boulevard #155
Charlotte, North Carolina 28203

CARMEL & COLONY TOWNHOMES
5320 Colony Road
Charlotte, North Carolina 28226

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 SHALL BE PROVIDED A MINIMUM OF 400 SQUARE FEET OF PRIVATE OPEN SPACE PER THE CITY OF CHARLOTTE UR-2 ZONING ORDINANCE.

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

SCALE: 1" = 50'

PROJECT NO.
4016

ISSUED
200

REVISED
200

ISSUED
200

COOPER BUIILITERS, INC.
1235 E-East Boulevard #155
Charlotte, North Carolina 28203

CARMEL & COLONY TOWNHOMES
5320 Colony Road
Charlotte, North Carolina 28226

1" = 50'

CONDITIONAL REZONING PLAN

REZONING SITE AREA:
9.08 AC

TAX PARCEL #:
211-632-34
211-632-35
211-632-36
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 SHALL BE PROVIDED A MINIMUM OF 400 SQUARE FEET OF PRIVATE OPEN SPACE PER THE CITY OF CHARLOTTE UR-2 ZONING ORDINANCE.

NOTE: TYPICAL STREET CROSS-SECTION CONSTRUCTION METHODS TO BE DETERMINED BY THE CITY OF CHARLOTTE LAND DEVELOPMENT STANDARDS (CLDSM)
5. Unless the Rezoning Plan or these Development Standards establish more stringent standards, its regulations exceed those set for the U-2 zoning district of the Charlotte Zoning Ordinance, footprinting of Phase 2 may be done in any manner as allowed by the regulations of the U-2 zoning district of the Charlotte Zoning Ordinance.

6. The overall development depicted on the Rezoning Plan is schematic in nature and intended to depict general arrangements of uses and improvements on the Site. Accordingly, the configuration, placement, and size of the buildings (the "layout") of the site within the network depicted on the Rezoning Plan is not binding and may be adjusted during design development and construction document phases.

2. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. The maximum height of the single family detached dwelling unit located on Tract B shall be 40 feet. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. Upon the completion of Phase 2 of the development shall be 43 for sale single family attached dwelling units.

3. The Site's frontage on Colony Road as generally depicted on the Rezoning Plan.

4. The minimum height of the single family detached dwelling unit located on Tract B shall be 24 feet. Notwithstanding the foregoing, the minimum height of the single family detached dwelling unit shall be limited to 20 feet in any nature reserve or conservation area as depicted on the Rezoning Plan.

5. The maximum size of single family detached dwelling units may be adjusted during the design development and construction document phases.

6. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. These portions of the Site designated as two acre rear on the Rezoning Plan shall remain undeveloped, provided however that nothing may be installed within the two acre rear as more specifically depicted on the Rezoning Plan.

7. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. These portions of the Site designated as two acre rear on the Rezoning Plan shall remain undeveloped, provided however that nothing may be installed within the two acre rear as more specifically depicted on the Rezoning Plan.

8. The maximum height of the single family detached dwelling unit located on Tract B shall be 40 feet. As depicted on the Rezoning Plan, the internal street shall be a private street.

9. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. These portions of the Site designated as two acre rear on the Rezoning Plan shall remain undeveloped, provided however that nothing may be installed within the two acre rear as more specifically depicted on the Rezoning Plan.

10. As depicted on the Rezoning Plan, the internal street shall be a private street.

11. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. Notwithstanding the foregoing, the minimum height of the single family detached dwelling unit shall be limited to 20 feet in any nature reserve or conservation area as depicted on the Rezoning Plan.

12. As depicted on the Rezoning Plan, the internal street shall be a private street.

13. As illustrated on the Rezoning Plan, the internal sidewalks may meander to save existing trees.

14. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units.

15. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units.

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19. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units.

20. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units. The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units.
Previously Approved Site Plan
L. GENERAL PROVISIONS.
A. This development guidelines form part of the rezoning plan approved with the rezoning petition No. 2015-062. The development standards set forth herein are intended to ensure that new development in the City of Sarasota, Florida, will be consistent with the goals and objectives of the City's comprehensive plan.

M. PERMITTED USES.
A. There shall be one or more of the uses as follows:
- Commercial, industrial, or institutional use
- Residential, including multi-family and single-family use
- Public use
- Recreational use

N. SEVERANCE, SMALLER PARCELS, AND INCLUDED ENDS.
A. No parcel of land shall be divided into smaller parcels unless the proposed division is consistent with the City's comprehensive plan and zoning regulations.

V. ARCHITECTURAL STANDARDS.
A. The maximum height of buildings shall be:
- Residential buildings: 3 stories
- Commercial buildings: 4 stories
- Institutional buildings: 5 stories

B. In determining compliance with the height requirements, the total height of the building shall be determined by adding the height of the structure to the height of any roof or canopy. Canopies shall not exceed 10 feet in height.

C. The setback requirements shall be:
- Front setback: 25 feet
- Side setback: 10 feet
- Rear setback: 20 feet

D. All signs shall be limited to:
- Height: 10 feet
- Area: 5 square feet

E. All buildings shall be set back from the property lines as follows:
- Residential buildings: 20 feet
- Commercial buildings: 30 feet
- Institutional buildings: 40 feet

F. All buildings shall be designed to:
- Conform to the City's architectural guidelines
- Be compatible with the surrounding buildings

G. All building materials shall:
- Be of high-quality construction
- Be resistant to weathering

H. All roofs shall:
- Be pitched
- Be constructed of durable materials

I. All windows and doors shall:
- Be energy-efficient
- Be of high-quality construction

J. All plumbing and electrical systems shall:
- Be in compliance with local codes
- Be designed to meet the needs of the building

K. All mechanical systems shall:
- Be in compliance with local codes
- Be designed to meet the needs of the building

L. All landscaping shall:
- Conform to the City's landscaping guidelines
- Be in compliance with local codes

M. All signs shall:
- Be in compliance with the City's sign regulations
- Be of high-quality construction

N. All parking facilities shall:
- Be in compliance with the City's parking regulations
- Be designed to meet the needs of the building

O. All streets shall:
- Be in compliance with the City's street regulations
- Be designed to meet the needs of the traffic

P. All public utilities shall:
- Be in compliance with the City's public utility regulations
- Be designed to meet the needs of the building

Q. All public improvements shall:
- Be in compliance with the City's public improvement regulations
- Be designed to meet the needs of the building

R. All on-site facilities shall:
- Be in compliance with the City's on-site facility regulations
- Be designed to meet the needs of the building

S. All off-site facilities shall:
- Be in compliance with the City's off-site facility regulations
- Be designed to meet the needs of the building

T. All construction shall:
- Be in compliance with the City's construction regulations
- Be designed to meet the needs of the building

U. All demolition shall:
- Be in compliance with the City's demolition regulations
- Be designed to meet the needs of the building
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).

STAFF RECOMMENDATION
Staff recommends approval of this petition. The petition is consistent with the Central District Plan.

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.

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 developed with a 43,519-square foot truck maintenance and repair shop with a tire sales facility. Surrounding properties are zoned I-2 (general industrial) and developed with industrial buildings and a convenience store with gas sales to the south and restaurant and hotel to the east. North of the site is the I-85 corridor and additional I-1 (light industrial) and I-2 (general industrial) zoned land with industrial uses and commercial uses.

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

• 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.

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System:  No issues.
• Charlotte Department of Neighborhood & Business Services:  No comments received.
• Transportation:  The petition will allow a wide range of trip generation based on the existing and proposed zoning classifications.
  • Connectivity:  Not applicable.
• Charlotte Fire Department:  No comments received.
• Charlotte-Mecklenburg Schools:  Non-residential petitions do not impact the number of students attending local schools.
• Charlotte-Mecklenburg Storm Water Services:  No issues.
• Charlotte-Mecklenburg Utilities:  No issues.
• Engineering and Property Management:  No issues.
• Mecklenburg County Land Use and Environmental Services Agency:  No 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](http://www.rezoning.org)

- Application
- 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.

Rezoning Petition: 2014-052

May 29, 2014
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.