City of Charlotte

Charlotte-Mecklenburg Government Center
600 East 4th Street
Charlotte, NC 28202

Zoning Agenda

Monday, May 16, 2016

Council Chambers

City Council Zoning Meeting

- Mayor Jennifer W. Roberts -
- Mayor Pro-Tem Vi Lyles -
Al Austin - John Autry
Ed Driggs - Julie Eiselt
Claire Fallon - Patsy Kinsey
LaWana Mayfield - James Mitchell
Greg Phipps - Kenny Smith
# ACRONYMS

## Zoning District Acronyms
- **B-1** – neighborhood business
- **B-2** – general business
- **B-15SCD** – business shopping center (old district)
- **BD** – distributive business
- **BP** – business park
- **CC** – commercial center
- **HW** – hazardous waste
- **I-1** – light industrial
- **I-2** – general industrial
- **INST** – institutional
- **MUD** – mixed use development
- **MX-1** – mixed use
- **MX-2** – mixed use
- **MX-3** – mixed use
- **NS** – neighborhood services
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential – up to 4 dua
- **R-5** – single-family residential – up to 5 dua
- **R-6** – single-family residential – up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential – up to 12 dua
- **R-17MF** – multi-family residential – up to 17 dua
- **R-22MF** – multi-family residential – up to 22 dua
- **R-43MF** – multi-family residential – up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research
- **RE-2** – research
- **RE-3** – research
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-M** – transit oriented development – mixed use
- **TOD-R** – transit oriented development – residential
- **U-I** – urban industrial
- **UMUD** – uptown mixed use
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential – commercial

## Zoning Overlay District Acronyms
- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **LNW** – Lake Norman watershed overlay
- **LNWCA** – Lake Norman watershed – overlay, critical area
- **LNWPA** – Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed – overlay, protected area
- **LWPA** – Lake Wylie 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
- **TS** – transit supportive overlay

## Miscellaneous Zoning Acronyms
- **CD** – conditional
- **INNOV** – innovative standards
- **SPA** – site plan amendment
- **O** – optional provisions

## Miscellaneous Other Acronyms
- **CAG** – citizen advisory group
- **CDOT** – Charlotte Department of Transportation
- **FEMA** – Federal Emergency Management Agency
- **LED** – light emitting diode
- **NCDOT** – North Carolina Department of Transportation
- **PCCO** – Post Construction Control Ordinance
5:00 P.M. DINNER MEETING, CH-14

1. Dinner Meeting Agenda
   1. Agenda Review - Tammie Keplinger

2. Follow Up Report
5:30 P.M. ZONING MEETING, COUNCIL CHAMBERS

ZONING DECISIONS

3. Rezoning Petition: 2016-004 by Selwyn Property Group Investments, LLC

   Update: Petitioner is Requesting to withdraw this petition.

   Location: Approximately 2.23 acres located on the west side of Park Road between Wyndcrofte Place and Hillside Avenue. (Council District 1 - Kinsey)

   Current Zoning: R-4 (single family residential)
   Proposed Zoning: UR-2 (CD) urban residential, conditional

4. Rezoning Petition: 2015-037 by Dominick Ristaino

   Update: Requesting Deferral (to June 20, 2016)

   Location: Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place. (Council District 3 - Mayfield)

   Current Zoning: R-5 (HD) (single family residential, historic district overlay)
   Proposed Zoning: O-1(CD) (HD) (office, conditional, historic district overlay)

   Zoning Committee Recommendation:
   The Zoning Committee voted 6-0 to DEFER this petition to the May 25, 2016 Zoning Committee Work Session.

5. Rezoning Petition: 2016-015 by FCD-Development, LLC

   Update: Requesting Deferral (to June 20, 2016)

   Location: Approximately 1.68 acres located on the northwest corner at the intersection of East 7th Street and North Caswell Road. (Council District 1 - Kinsey)

   Current Zoning: NS (neighborhood services)
   Proposed Zoning: MUDD (O) (mixed use development, optional) with 5-year vested rights

   Zoning Committee Recommendation:
   The Zoning Committee voted 6-0 to DEFER this petition until their May 25th, 2016 meeting.
6. **Rezoning Petition: 2016-024 by Greystar GP II, LLC**

*Update: Requesting Deferral (to June 20, 2016)*

**Location:** Approximately 6.01 acres located on the west side of Randolph Road between Sloane Square Way and Rutledge Avenue. (Council District 6 - Smith)

**Current Zoning:** R-3 (single-family residential) and R-8MF (CD) (multi-family residential, conditional)

**Proposed Zoning:** UR-2(CD) 5-Year Vested Rights (urban residential, conditional)

**Zoning Committee Recommendation:**
The Zoning Committee voted 6-0 to DEFER this petition to their May 25, 2016 Zoning Committee Work Session.

7. **Rezoning Petition: 2016-049 by Loves Travel Stop & Country Store**

*Update: Requesting Deferral (to June 20, 2016)*

**Location:** Approximately 10.22 acres located on the southeast corner at the intersection of Sam Wilson Road and West Pointe Drive. (Outside City Limits)

**Current Zoning:** B-2 (LLWPA) & CC (LLWPA) (general business, Lower Lake Wylie Protected Area) & (commercial center, Lower Lake Wylie Protected Area)

**Proposed Zoning:** I-2(CD) (LLWPA) (general industrial, conditional Lower Lake Wylie Protected Area)

**Zoning Committee Recommendation:**
The Zoning Committee voted 6-0 to DEFER this petition to their May 25, 2016 Zoning Committee Work Session.
8. **Rezoning Petition: 2015-093 by 1351 Woodlawn (Melrose), LLC**

*Update: Protest Petition Sufficient*

**Location:** Approximately 2.9 acres located on the south side of Drexel Place and north side of Woodlawn Road near the intersection of Park Road and Drexel Place and Park Road and Woodlawn Road. (Council District 1 - Kinsey)

**Current Zoning:** R-4 (single family residential) and UR-3(CD) (urban residential, conditional)

**Proposed Zoning:** MUDD-O (mixed use development, conditional)

**Zoning Committee Recommendation:**
The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition as modified.

**Staff recommendation:**
Staff disagrees with the recommendation of the Zoning Committee as the scale, mass and encroachment into the single-family area is inconsistent with the adopted area plan.

**Statement of Consistency:**
Due to an incomplete consistency statement provided to and passed by the Zoning Committee, staff recommends that Council adopt an updated version of the consistency statement if voting to approve this petition. The updated version corrects the portion of the statement by the Zoning Committee that addresses consistency with the *Park Woodlawn Area Plan* but does not change their rationale for recommending approval.

Below is the updated consistency statement for approving the petition (in green), as recommended by the Zoning Committee. Also provided is a consistency statement for denying the petition (in red), as recommended by staff.

(Consistency Statements on following page)

**Update: Protest Petition Sufficient**

**Location:** Approximately 2.48 acres located on the southwest corner at the intersection of North Wendover Road and Melchor Avenue. (Council District 1 - Kinsey)

**Current Zoning:** R-3 (single family residential)

**Proposed Zoning:** UR-2(CD) (urban residential, conditional)

**Zoning Committee Recommendation:**
The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition as modified.

**Staff Recommendation:**
Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee found this petition to be consistent with the *South District Plan*, based on information from the staff analysis and the public hearing, and because:
  - The petition is consistent with the residential use recommended by the *South District Plan*. In addition, the site meets the criteria set forth in the *General Development Policies* for consideration of an increase in density up to 17 dwelling units per acre.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The property is located on a segment of Wendover with multi-family, office, and government uses. Immediately east of the site is an existing multi-family development that also has access from Wendover Road; and
    - The site is separated from existing single family residential units by a stream and a fairly significant grade change; and
    - The proposed driveway location aligns with a potential future extension of Cascade Circle from Billingsley Road to Wendover Road; and
    - Access to the site is limited to the single driveway reducing the number of potential driveways along this heavily traveled portion of Wendover Road.
10. **Rezoning Petition: 2016-025 by BNA Homes, LLC**

**Location:** Approximately 9.52 acres located on the east side of Wright's Ferry Road near the intersection of South Tryon Street and Wright's Ferry Road. (Council District 3 - Mayfield)

**Current Zoning:** R-3 (single family residential)

**Proposed Zoning:** R-12MF (CD) (multi-family residential, conditional) & BD (CD) (distributive business, conditional)

**Zoning Committee Recommendation:**
The Zoning Committee voted 5-0 to recommend APPROVAL of this petition as modified.

**Staff Recommendation:**
Staff disagrees with the recommendation of the Zoning Committee because the request is inconsistent with the adopted plan and the proposed climate controlled storage use is out of character with the immediately surrounding residential development.

**Statement of Consistency:**
- The Zoning Committee found this petition to be inconsistent with the *Steele Creek Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential up to four dwelling units per acre for this site, as well as the properties to the north and south of this site.
- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The proposed development serves as a transition between the higher density residential development and lower density single family residential neighborhoods;
  - The BD (CD) portion of the property is a small portion of the site and will be used for circulation, buffers and storm water.

**Location:** Approximately 4.09 acres located on the north side of South Tryon Street between Wright’s Ferry Road and Grandiflora Drive. (Council District 3 - Mayfield)

**Current Zoning:** R-3 (single family residential)

**Proposed Zoning:** BD (CD) (distributive business, conditional) 5-year Vested Rights

**Zoning Committee Recommendation:**
The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition as modified.

**Staff Recommendation:**
Staff disagrees with the recommendation of the Zoning Committee for the following reasons:

- The proposed climate controlled storage facility is inconsistent with the recommended residential land use for the site.
- The proposed use will be located on a site at an entrance to a future residential neighborhood, and also surrounded by residential development.
- The climate controlled storage is out of character with the surrounding residential development which primarily consists of single family detached homes, apartments, and an assisted living facility.
- The proposal does not meet a number of Area Plan design policies that address building transparency, pedestrian access and connections, building massing and residential design character.

**Statement of Consistency:**
- The Zoning Committee found this petition to be inconsistent with the **Steele Creek Area Plan**, based on information from the staff analysis and the public hearing, and because:
  - The Plan recommends residential up to four dwelling units per acre.
- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The proposed climate controlled storage facility is designed to support residential uses in the general area.
  - The climate controlled storage facility is accessible indoors.
  - The site is located on a major road with commercial activities.
  - The petitioner has committed to architectural treatments that further enhance the structure.
12. **Rezoning Petition: 2016-029 by White Point Paces Properties, LLC**

*Update: The recommendation on 2016-029 will be distributed through the Council Manager Memo on Friday, May 13, 2016.*

**Location:** Approximately 11.85 acres located on the east and west side of North Brevard Street and generally surrounded by Parkwood Avenue, Belmont Avenue, East 16th Street, and North Brevard Street. (Council District 1 - Kinsey)

**Current Zoning:** R-8 (single-family residential), R-22MF (multi-family residential), and I-2 (general industrial)

**Proposed Zoning:** TOD-M (O) (transit oriented development-mixed use, optional) 5-Year Vested Rights

13. **Rezoning Petition: 2016-039 by MPV Properties, LLC**

**Location:** Approximately 3.48 acres located on the east side of South Tryon Street between Wright’s Ferry Road and Grandiflora Drive. (Council District 3 - Mayfield)

**Current Zoning:** R-3 (single-family residential)

**Proposed Zoning:** O-1(CD) (office, conditional) 5-Year Vested Rights

**Zoning Committee Recommendation:**
The Zoning Committee voted 6-0 to recommend APPROVAL of this petition as modified.

**Staff Recommendation:**
Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee found this petition to be inconsistent with the Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential at up to four dwelling units per acre.
  - However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The subject property is located on South Tryon Street, between a religious institution and Carolinas Medical Center.; and
    - While the proposed office and child care facility is not consistent with the residential land use recommended by the plan, smaller office and institutional uses are compatible with the abutting hospital and religious institution; and
    - In addition, the subject parcel is cut off from larger tracts of land proposed for single family residential development by land owned by the church, thus limiting the potential for single family residential development on this site.
14. Rezoning Petition: 2016-040 by Providence Road Farms, LLC

Location: Approximately 47.55 acres located on the east side of Providence Road between Providence Country Club Drive and Allison Woods Drive and across from Ardrey Kell Road. (Council District 7 - Driggs)

Current Zoning: MUDD-O (mixed use development, optional)
Proposed Zoning: MUDD-O SPA (mixed use development, optional site plan amendment)

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

Staff Recommendation:
Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:
- The Zoning Committee found this petition to be consistent with the Providence Road/I-485 Area Plan as amended by previous rezoning, based on information from the staff analysis and the public hearing, and because:
  - The site is recommended for residential, office, and retail uses.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The site is located in the Providence Road/I-485 Mixed Use Activity Center, which is a priority area to accommodate future growth; and
    - The proposed site plan amendment provides for additional flexibility for the location of drive-through uses on the site, as well as a minor change to the signs allowed on Providence Road as proposed in the original approved plan; and
    - The rezoning for the Waverly development was initially approved in 2014 to allow a mixed use development permitting up to 560,000 square feet of office and commercial land uses, 150-room hotel and 561 dwelling units; and
    - The requested changes will not impact the overall goals and design for the development.
15. **Rezoning Petition: 2016-044 by W. Holt Parham**

**Location:** Approximately 0.9 acres located on the northeast corner at the intersection of South Tyron Street and West Kingston Avenue. (Council District 3 - Mayfield)

**Current Zoning:** B-1 (neighborhood business)
**Proposed Zoning:** TOD-MO (transit oriented development-mixed use, optional)

**Zoning Committee Recommendation:**
The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition as modified.

**Staff Recommendation:**
Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee found this petition to be consistent with the *South End Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends mixed-use transit supportive development for the area in which the site is located.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The subject site is within a 1/4 mile walk of the East/West Boulevard Transit Station on the LYNX Blue Line; and
    - The proposed development will provide a mix of transit supportive non-residential uses, including hotel and commercial uses, which are appropriate for a transit station area; and
    - The petition provides a corner open space that encourages pedestrian activity and complements the pedestrian environment; and
    - The proposed site plan includes active ground floor uses along South Tryon Street and Kingston Street. These uses will support a walkable environment; and
    - The 75-foot building height optional request is only 15 feet greater in height than what is allowed by the ordinance standards. The additional height will not have a negative impact on the Wilmore neighborhood, which is separated from this site by commercial development.

16. **Rezoning Petition: 2016-045 by Pamlico Investments, Inc.**

**Update:** The recommendation on 2016-045 will be distributed through the Council Manager Memo on Friday, May 13, 2016.

**Location:** Approximately 1.37 acres located on the southwest corner at the intersection of East 10th Street and Seigle Avenue. (Council District 1 - Kinsey)

**Current Zoning:** B-1 & R-22MF (neighborhood business) & (multi-family, residential)
**Proposed Zoning:** MUDD-O (mixed use development, optional)
17. Rezoning Petition: 2016-055 by Real Estate Investment Fund

**Location:** Approximately 2.52 acres located on the west side of Prosperity Church Road between Johnston Oehler Road and Interstate 485. (Council District 4 - Phipps)

**Current Zoning:** R-3 (single-family residential)

**Proposed Zoning:** MUDD-O (mixed used development, optional)

**Zoning Committee Recommendation:**
The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition as modified.

**Staff Recommendation:**
Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee found this petition to be consistent with the *Prosperity Hucks Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends a mix of uses at this site.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The subject site is located along Robert Helms Road and Docia Crossing Road, fronting on I-485; and
    - The site is located within the growing Prosperity Church Road Activity Center, and the proposal supports the adopted Plan’s policies regarding development that should be compact, pedestrian oriented and well-connected internally, and to surrounding development; and
    - This site’s location within a Mixed Use Activity Center, will provide a mixture of uses that yield shorter vehicle trip lengths that are less impactful than accommodating the same uses spread over greater distances; and
    - The proposed rezoning of the site to MUDD-O (mixed use development, optional) to allow for a climate controlled storage facility and ground floor accessory retail uses is in a format that is consistent with the design policies detailed in the *Prosperity Hucks Area Plan*. 
18. **Rezoning Petition: 2016-058 by Collin Brown**

**Location:** Approximately 0.81 acres located on the west side of South Church Street between Interstate 277 and West Stonewall Street. (Council District 2 - Austin)

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

**Proposed Zoning:** UMUD (uptown mixed use)

**Zoning Committee Recommendation:**
The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition.

**Staff Recommendation:**
Staff agrees with the recommendation of this Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee found this petition to be consistent with the *Charlotte Center City 2020 Vision Plan*, based on information from the staff analysis and the public hearing, and because:
  - While this plan does not make a specific land use recommendation for the site, it encourages future development that will contribute to the overall viability and livability of Center City.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - This conventional rezoning request allows a site currently used for a distribution warehouse, associated parking and maneuvering, to be developed with any use allowed in UMUD (uptown mixed use) zoning.
    - Use of conventional UMUD (uptown mixed use) zoning applies standards and regulations to create the desired form and intensity of development in Uptown and a conditional rezoning is not necessary.
    - UMUD (uptown mixed use) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.
    - The UMUD standards and allowed uses will promote development that supports the *Charlotte Center City 2020 Vision Plan’s* goal of creating a viable and livable Center City.
19. **Rezoning Petition: 2016-060 by Triple C Brewing Company, LLC**

   **Location:** Approximately 1.5 acres located on the west side of Griffith Street between Poindexter Drive and Youngblood Street. (Council District 3 - Mayfield)

   **Current Zoning:** I-2 (general industrial)
   **Proposed Zoning:** TOD-M (transit oriented development - mixed use)

   **Zoning Committee Recommendation:**
   The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition.

   **Staff Recommendation:**
   Staff agrees with the recommendation of the Zoning Committee.

   **Statement of Consistency:**
   - The Zoning Committee found this petition to be consistent with the *New Bern Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:
     - The plan recommends mixed-use transit supportive development for this site.
     - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
       - The subject site is within a 1/2 mile walk of the New Bern Transit Station on the LYNX Blue Line; and
       - The proposal allows a site previously used for industrial/office to convert to transit supportive land uses; and
       - Use of conventional TOD-M (transit oriented development - mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and
       - TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

**ZONING HEARINGS**

20. **Rezoning Petition: 2016-016 by Clarke Allen**

   *Update: Community Meeting Report was not submitted. Defer (to June 20, 2016)*

   **Location:** Approximately 4.3 acres located on the northwest corner at the intersection of North Davidson and East 26th Street. (Council District 1 - Kinsey)

   **Current Zoning:** I-2 (general industrial)
   **Proposed Zoning:** TOD-M (O) (transit oriented development, residential, optional) & TOD-M (transit oriented development, residential)
21. **Rezoning Petition: 2016-037 by Dr. Michael Berglass, DDS**

   **Location:** Approximately 0.44 acres located on the south side of Central Avenue between Crystal Road and Cyrus Drive. (Council District 1 - Kinsey)

   **Current Zoning:** UR-C (CD) (urban residential-commercial, conditional)
   **Proposed Zoning:** UR-C (CD) SPA (urban residential-commercial, conditional, site plan amendment)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of requested technical revision.

22. **Rezoning Petition: 2016-041 by Horizons at Steele Creek, LLC**

   **Location:** Approximately 3.2 acres located at the end of Calawood Way near the intersection of Steele Creek Road and Calawood Way. (Council District 3 - Mayfield)

   **Current Zoning:** R-3 (LLWPA) (single family residential, Lower Lake Wylie Protected Area)
   **Proposed Zoning:** R-17MF (CD) (LLWPA) (MultiFamily residential, conditional, Lower Lake Wylie Protected Area)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to technical and site issues.

23. **Rezoning Petition: 2016-046 by 1101 Central Group LLC**

   **Location:** Approximately 1.24 acres located on the north side of Central Avenue between Heath Court and Hawthorne Lane. (Council District 1 - Kinsey)

   **Current Zoning:** B-2 (PED)
   **Proposed Zoning:** MUDD-O (PED)

   **Staff Recommendation:**
   Staff recommends approval upon resolution of a minor site design issue and requested technical revisions.

24. **Rezoning Petition: 2016-050 by Marnicaly at UNCC, LLC**

   **Location:** Approximately 2.59 acres located on the west side of Old Concord Road between Suther Road and John Kirk Drive. (Council District 4 - Phipps)

   **Current Zoning:** INST (institutional)
   **Proposed Zoning:** UR-2(CD) (urban residential, conditional)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to the curb line location on Old Concord Road and the site’s vehicular circulation.

**Location:** Approximately 16.5 acres located on the west side of Toddville Road between Freedom Drive and CSX Way. (Council District 3 - Mayfield)

**Current Zoning:** R-17MF (LLWPA) (multi-family residential, Lower Lake Wylie protected area)

**Proposed Zoning:** I-2(CD) (LLWPA) (general industrial, conditional, Lower Lake Wylie Protected Area, 5-Year Vested Rights)

**Staff Recommendation:**
Staff recommends approval of this petition upon resolution of outstanding issues related to land use, transportation, environment and requested technical revisions.

26. **Rezoning Petition: 2016-059 by Renaissance West Community Initiative**

**Location:** Approximately 1.25 acres located on the north side of West Boulevard between Billy Graham Parkway and Leake Street. (Council District 3 - Mayfield)

**Current Zoning:** MUDD-O

**Proposed Zoning:** MUDD-O SPA (mixed use development, optional, site plan amendment)

**Staff Recommendation:**
Staff recommends approval of this petition upon resolution of outstanding issues related to vehicular stacking for the proposed use, streetscape and bus waiting pad.

27. **Rezoning Petition: 2016-062 by Benson Ejindu**

**Location:** Approximately 1.23 acres located on the north side of The Plaza near the intersection of East W.T. Harris Boulevard and The Plaza. (Council District 4 - Phipps)

**Current Zoning:** R-3 (single-family residential)

**Proposed Zoning:** O-1 (CD) (office district, conditional)

**Staff Recommendation:**
Staff recommends approval of this petition.

28. **Rezoning Petition: 2016-063 by Imprint Properties, LLC**

**Location:** Approximately 1.18 acres located on the north side of North Davidson Street between Donatello Avenue and Anderson Street. (Council District 1 - Kinsey)

**Current Zoning:** I-2 (general industrial)

**Proposed Zoning:** MUDD-O (mixed used development, optional)

**Staff Recommendation:**
Staff recommends approval of this petition upon resolution of outstanding issues pertaining to the sidewalk design, placement of windows and doors, and requested technical revisions.
29. **Rezoning Petition: 2016-066 by JWM Family Enterprises, Inc.**

   **Location:** Approximately 5.32 acres located on the southwest corner at the intersection of Roxborough Road and Rexford Road. (Council District 6 - Smith)

   **Current Zoning:** O-1 (office district) & O-15 (CD) (office district, conditional)
   **Proposed Zoning:** MUDD-O (mixed use development, optional)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to landscaping along the streets, sidewalks, and transportation improvements.

30. **Rezoning Petition: 2016-068 by YMCA of Greater Charlotte, Inc.**

   **Location:** Approximately 1.03 acres located on the east side of South Caldwell Street between Templeton Avenue and Lexington Avenue. (Council District 1 - Kinsey)

   **Current Zoning:** O-2 (office district)
   **Proposed Zoning:** TOD-MO (transit oriented development, mixed use, optional)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to site design.

31. **Rezoning Petition: 2016-069 by White Point Paces Properties, LLC**

   **Location:** Approximately 0.83 acres located on the southeast corner at the intersection of Belmont Avenue and North Caldwell Street. (Council District 1 - Kinsey)

   **Current Zoning:** I-2 (general industrial)
   **Proposed Zoning:** TOD-M (transit oriented development, mixed use)

   **Staff Recommendation:**
   Staff recommends approval of this petition.

32. **Rezoning Petition: 2016-070 by Woodfield Acquisitions, LLC**

   **Location:** Approximately 21.68 acres located north of Madison Square Place and near the intersection of Madison Square Place and Northlake Centre Parkway. (Council District 2 - Austin)

   **Current Zoning:** R-3 (single family residential) & CC (commercial center)
   **Proposed Zoning:** UR-3(CD) (urban residential, conditional)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of an outstanding issue related to building height.
33. **Rezoning Petition: 2016-071 by Aston Properties, Inc.**

   **Location:** Approximately 3.28 acres located on the north side of West Tyvola Road between City Park Drive and Speer Boulevard from MUDD-O to MUDD-O SPA 5-Year Vested Rights. (Council District 3 - Mayfield)

   **Current Zoning:** MUDD-O (mixed use development, optional)
   **Proposed Zoning:** MUDD-O SPA 5-Year Vested Rights (mixed use development, optional, site plan amendment, 5-Year Vested Rights)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to vehicular access, screening and requested technical revisions.

34. **Rezoning Petition: 2016-072 by DV XV, LLC**

   **Location:** Approximately 0.43 acres located on the north side of South Colonial Avenue between Queens Road and Providence Road. (Council District 1 - Kinsey)

   **Current Zoning:** O-1 (office)
   **Proposed Zoning:** O-2 (office)

   **Staff Recommendation:**
   Staff recommends approval of this petition.

35. **Rezoning Petition: 2016-078 by South End Gold, LLC**

   **Location:** Approximately 0.14 acres located on the north side of West Palmer Street between South Graham Street and South Mint Street. (Council District 1 - Kinsey)

   **Current Zoning:** I-2 (general industrial)
   **Proposed Zoning:** TOD-M (transit oriented development, mixed use)

   **Staff Recommendation:**
   Staff recommends approval of this petition.
May 2016 Rezonings

City Council
- May Rezonings
- District 4
- District 1
- District 2
- District 5
- District 6
- District 3
- District 7

May 6, 2016
City of Charlotte

Agenda Date: 5/16/2016

Agenda #: 1. File #: 15-3172 Type: Dinner Briefing

Dinner Meeting Agenda

1. Agenda Review - Tammie Keplinger
1. Agenda Review – Tammie Keplinger

**DEFERRAL / WITHDRAWAL REQUESTS**

<table>
<thead>
<tr>
<th>Item #</th>
<th>Petition #</th>
<th>Petitioner/Description</th>
<th>Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>2016-004</td>
<td>Selwyn Property Group Investments, LLC – West side of Park Road between Wyndcrofte Place and Hillside Avenue.</td>
<td>Decision – • Petitioner has requested a withdrawal of this petition.</td>
</tr>
<tr>
<td>4</td>
<td>2015-037</td>
<td>Dominick Ristaino – West Boulevard between South Tryon Street and Wickford Place.</td>
<td>Decision – • Defer to June 20, 2016 as requested by the petitioner.</td>
</tr>
<tr>
<td>5</td>
<td>2016-015</td>
<td>FCD-Development, LLC – Northwest corner at the intersection of East 7th Street and North Caswell Road.</td>
<td>Decision – • Defer to June 20, 2016 as requested by the petitioner.</td>
</tr>
<tr>
<td>6</td>
<td>2016-024</td>
<td>Greystar GP II, LLC – West side of Randolph Road between Sloane Square Way and Rutledge Avenue.</td>
<td>Decision – • Defer to June 20, 2016 as requested by the petitioner.</td>
</tr>
<tr>
<td>7</td>
<td>2016-049</td>
<td>Loves Travel Stop &amp; Country Store – Southeast corner at the intersection of Sam Wilson Road and West Pointe Drive.</td>
<td>Decision – • Defer to June 20, 2016 as requested by the petitioner.</td>
</tr>
<tr>
<td>20</td>
<td>2016-016</td>
<td>FCD – Development, LLC – Northwest corner at the intersection of North Davidson and East 26th Street.</td>
<td>Hearing – • Defer to June 20, 2016 as the Community Meeting Report was not submitted.</td>
</tr>
</tbody>
</table>

**MISCELLANEOUS REQUESTS AND INFORMATION**

<table>
<thead>
<tr>
<th>Item #</th>
<th>Petition #</th>
<th>Petitioner/Description</th>
<th>Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>2015-093</td>
<td>1351 Woodlawn (Melrose) – South side of Drexel Place and north side of Woodlawn Road near the intersection of Park Road and Drexel Place.</td>
<td>Decision – • Protest Petition - Sufficient</td>
</tr>
<tr>
<td>9</td>
<td>2015-111</td>
<td>North Wendover Partners, LLC – North Wendover Road and Melchor Avenue.</td>
<td>Decision – • Protest Petition - Sufficient</td>
</tr>
<tr>
<td>11</td>
<td>2016-028</td>
<td>Stor-All Properties, Inc. – North side of South Tryon Street between Wright’s Ferry Road and Grandiflora Drive.</td>
<td>Decision – • Council will have to vote whether or not to send back to Zoning Committee due to the changes indicated in Note 11 below.</td>
</tr>
</tbody>
</table>
11. Petition No. 2016-028 (Council District 3 – Mayfield) by Stor-All Properties, Inc. for a change in zoning for approximately 3.65 acres located on the north side of South Tryon Street between Wrights Ferry Road and Grandiflora Drive from R-3 (single family, residential) to BD(CD) (distributive business, conditional with five-year vested rights.

The petitioner made the following changes to the petition after the Zoning Committee vote. Therefore, the City Council must determine if the changes are substantial and if the petition should be referred back to the Zoning Committee for review.

The petitioner provided new building elevations and perspectives with the following changes:

- Included the awnings over the entrances that were not clearly visible in the earlier drawings.
- Accentuated the offset in the building façade as was discussed at the Zoning Committee meeting to break up the mass of the walls.
- Eliminated the ‘mansard’ type roof element in favor of a more formal cornice line that is used in other buildings in the commercial areas nearby.

Staff Recommendation: The noted changes are improvements to the architecture and are not significant enough to require additional review by the Zoning Committee.
Follow Up Report
2016-024 Greystar GP II, LLC – located on the west side of Randolph Road between Sloane Square Way and Rutledge Avenue.

What is the highest density of the closest residential project nearby?

Staff Response: The density of nearby residential developments is as follows:
- Sloan Square townhomes abutting north of the site is developed at approximately 7.25 DUA and entitled for 7.25 DUA.
- Randolph Park Apartment north and west of Sloan Square is developed at approximately 13.5 DUA and entitled for 17 DUA.
- Rosewood Condos northwest of the site at the intersection of Providence Road and S Sharon Amity is developed at approximately 13 DUA and entitled for 17 DUA.

Provide a comparison of the traffic coming in and out of town on Providence between Sharon and Fairview Road and on Randolph between Sharon and Fairview, and describe how they differ or are the same.

Staff Response: Mike Davis, Charlotte Department of Transportation provided the following response: Providence Road and Randolph Road are both classified as Major Thoroughfares on the CRTPO Thoroughfare Plan. Traffic volumes are significantly higher on this segment of Providence Road (34,000 vehicles per day) compared to Randolph Road (24,000 vehicles per day). The land use patterns are similar; however the access is more restrictive on Providence Road with the use of medians to control left-turns. Operating speeds are very similar during uncongested times of day. Both Randolph Road and Providence Road serve a large role for commuters commuting to and from Center City on weekdays. Since Randolph Road terminates at Sardis Road, it will likely always carry lower volumes than Providence Road.

Clarify what acreage is being rezoned.

Staff Response: The correct acreage is 6.01 acres as listed on the rezoning application and site plan.
Provide detailed elevations of the buildings.

**Staff Response:** The petitioner’s PowerPoint presentation from the City Council Public Hearing included conceptual renderings of the proposed buildings. However, the elevations have not been submitted as part of the rezoning.

Provide several scenarios of the projected traffic impacts for the residential development at a density of 22 and 23 dwelling units per acre.

**Staff Response:** Below is a table with six different scenarios of projected traffic impacts for differing densities, and development for seniors and non-seniors.

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Units</th>
<th>Daily</th>
<th>AM Peak</th>
<th>PM Peak</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Attached</td>
<td>180</td>
<td>620</td>
<td>36</td>
<td>45</td>
</tr>
<tr>
<td>Senior Attached</td>
<td>158</td>
<td>544</td>
<td>32</td>
<td>40</td>
</tr>
<tr>
<td>R-17 Multi-Family</td>
<td>102</td>
<td>720</td>
<td>60</td>
<td>70</td>
</tr>
<tr>
<td>R-22 Multi-Family</td>
<td>132</td>
<td>930</td>
<td>70</td>
<td>90</td>
</tr>
<tr>
<td>R-23 Multi-Family</td>
<td>138</td>
<td>970</td>
<td>80</td>
<td>90</td>
</tr>
<tr>
<td>R-29 Multi-Family</td>
<td>174</td>
<td>1220</td>
<td>90</td>
<td>110</td>
</tr>
</tbody>
</table>

2016-049 Loves Travel Stop & Country Store – located on the southeast corner at the intersection of Sam Wilson Road and West Pointe Drive.

Ms. Rae Corless, 3216 Sam Wilson Road, spoke at the public hearing and stated she did not receive a letter about the rezoning until the morning of the hearing. She asked how this happened.

**Staff Response:** Ms. Corless lives outside of the 300-foot notification buffer and is not registered on the Neighborhood Organization List. Therefore, she did not receive City notification of the rezoning and public hearing, and staff believes the notification she received was from another party. The rezoning signs are posted on the property and the legal ad was placed in the newspaper.

Provide an accident report for the intersection of Sam Wilson Road and Performance Road over the past five years.

**Staff Response:** This intersection has experienced five reported crashes within a five-year period and zero within the past 18 months. There is no discernible pattern and all of the crashes were low in severity.

Does the City have any ordinances regarding parking of trucks?

**Staff Response:** The Zoning Ordinance includes restrictions related to parking of commercial vehicles in residential districts. However, the Ordinance does not regulate parking of individual commercial vehicles on commercial property for short periods of time, such as overnight.
Rezoning Petition: 2016-004 by Selwyn Property Group Investments, LLC

Update: Petitioner is Requesting to withdraw this petition.

Location: Approximately 2.23 acres located on the west side of Park Road between Wyndcrofte Place and Hillside Avenue. (Council District 1 - Kinsey)

Current Zoning: R-4 (single family residential)
Proposed Zoning: UR-2 (CD) urban residential, conditional)
Petition Number
2016-004

For Selwyn Property Group Investments, LLC located on the west side of Park Road between Wyndcrofte Place and Hillside Avenue.

The petitioner has requested a withdrawal of this petition.
Rezoning Petition: 2015-037 by Dominick Ristaino

**Update: Requesting Deferral (to June 20, 2016)**

**Location:** Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place. (Council District 3 - Mayfield)

**Current Zoning:** R-5 (HD) (single family residential, historic district overlay)
**Proposed Zoning:** O-1(CD) (HD) (office, conditional, historic district overlay)

**Zoning Committee Recommendation**
The Zoning Committee voted 6-0 to DEFER this petition to the May 25, 2016 Zoning Committee Work Session.

**Attachments:**
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
REQUEST

Current Zoning: R-5 (HD) (single family residential, historic district overlay)
Proposed Zoning: O-1(CD) (HD) (office, conditional, historic district overlay)

LOCATION

Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place. (Council District 3 – Mayfield)

SUMMARY OF PETITION

The petition proposes to reuse an existing structure built in 1929 on one lot and to construct a new building on the second lot to accommodate office uses, with the exception of retail uses. The site is located in the Wilmore Historic District Overlay.

PROPERTY OWNER

Dominick Ristaino

PETITIONER

Dominick Ristaino

AGENT/REPRESENTATIVE

Craig W. Isaac

COMMUNITY MEETING

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

ZONING COMMITTEE ACTION

The Zoning Committee voted 6-0 to DEFER this petition to the May 25, 2016 Zoning Committee Work Session.

VOTE

Motion/Second: Sullivan / Majeed
Yeas: Eschert, Labovitz, Lathrop, Majeed, Sullivan, and Wiggins
Nays: None
Absent: Dodson
Recused: None

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

• Background
  • At its meeting on March 16, 2015, the City Council held a public hearing on a conventional request to rezone the subject site from R-5 (HD) (single family residential, historic district overlay) to B-1 (HD) (neighborhood business, historic district overlay). At that meeting some Council members expressed concerns about the absence of a site plan and permitting all uses in the B-1 (neighborhood business) district.
  • At the March 25, 2015 Zoning Committee Work Session, the Committee discussed this request, with some members expressing concerns about its conventional status and echoed the City Council’s concerns regarding the absence of a site plan. The Zoning Committee unanimously voted 5-0 to defer this petition so that staff could ask the petitioner if there was a willingness to convert the request to a conditional rezoning petition with a site plan.
  • At the April 29, 2015 Zoning Committee Work Session, staff informed the Committee that the petitioner had submitted an amended application and site plan converting the request from a conventional to a conditional rezoning petition. The Zoning Committee unanimously voted 6-0 to send the petition back to City Council for a new public hearing. At its May 18, 2015 meeting, the City Council voted to set a new public hearing date for July 20, 2015. A new public hearing was held on July 20, 2015 and the petitioner requested a deferral at the Zoning Committee on July 29 and September 30.
  • The Zoning Board of Adjustment (ZBA), at its meeting on May 26, 2015, granted a variance from the ten-foot “Class C” buffer and ten-foot required side yard to allow the existing principal structure and accessory structure on the subject site to remain as shown on the site plan subject to the following conditions: 1) the variance is subject to the installation of the fence and planting requirements indicated on the proposed site plan presented to the Board; and, 2) the
Zoning Committee Recommendation

variance is contingent on Historic District Commission’s approved application. The variance was granted for both parcels (316 and 320 West Boulevard).

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Convert existing residential structure to accommodate non-residential use with new parking area in the rear. Existing garage to remain.
  - New structure on second lot with parking in the rear.
  - Allow all uses in the O-1 (office) district, and prohibit retail uses.
  - Parking areas behind buildings will connect and have a shared access onto West Boulevard via an existing concrete driveway.
  - New six-foot high privacy fence along a portion of the west property line.
  - Existing seven-foot planting strip and five-foot sidewalk along West Boulevard to remain to match existing conditions along West Boulevard.
  - Proposes tree mitigation in lieu of 15% tree save area via additional plantings on site or within setback areas.
  - Detached lighting limited to 20 feet in height.

- **Public Plans and Policies**
  - The Central District Plan (1993) recommends retail uses on this site.
  - The petition is inconsistent with the Central District Plan, which recommends retail uses. However, the proposed office use is less intense than the retail use recommended by the plan and is therefore appropriate.

**TRANSPORTATION CONSIDERATIONS**

- **Vehicle Trip Generation:**
  - Current Zoning: 20 trips per day.
  - Proposed Zoning: 230 trips per day.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

**Site and Building Design**

1. Remove "Setback, Side Yards and Rear Yards" and associated note, and under heading Development Data, note that setback and yards will be provided per ordinance. Reference variance (case number 2015-026) granted by Zoning Board of Adjustment.
2. Ensure the "Class C" buffer and fence treatment along the west property line shows conditions approved by the Zoning Board of Adjustment. New parking area must provide minimum five-foot side yard.
3. Building setback should be 20 feet, not 37 feet.
4. Show and label required ten-foot wide "Class C" buffer along the north property line.
5. Remove Parking Space Table and Parking heading and associated notes from the site plan. Add a note under Development Data Table stating that parking will be provided per ordinance.
6. Provide detail of proposed privacy fence.
7. Add a note under Permitted Uses heading to state that this is a unified development and the lots will be combined prior to building permit.
REQUESTED TECHNICAL REVISIONS

Other Minor Issues

1. Label site plan “rezoning petition 2015-037.”
2. Remove floorplan and existing conditions exhibit from the site plan.
3. Rename heading Zoning/Development Data to Development Data Table.
4. Under Development Data, remove the word “primarily” from proposed use information.
5. Under Development Data Table, note property addresses.
6. Remove General Notes and remove heading statements with respect to the Graphics and associated language, and under heading General Provisions reference Section 6.207 of the ordinance.
7. Remove Perimeter Buffer Requirements and Interior Landscaping headings and language from site plan.
8. Remove “No wall pak lighting shall be used” from the Lighting development note.
9. Remove variance box on site plan pertaining to sidewalk, planting strip, and garage.
10. Remove reference to variance under Streetscape heading.
11. Remove “Statements with respect to the graphics which are set forth on exhibits accompanying the rezoning plan” as this is covered by changes along in Section 6.207.
12. Amend Note 11.1 to reference Section 6.207.

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326
Acreage & Location: Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place.

Rezoning Petition: 2015-037

February 28, 2015
Petition #: 2015-037  
Petitioner: Dominick Ristaino

Zoning Classification (Existing): R-5 (HD)  
(Residential, Single Family, Historic District Overlay)

Zoning Classification (Requested): O-1(CD) (HD)  
(Office, Conditional, Historic District Overlay)

Acreage & Location: Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place.
Rezoning Petition: 2016-015 by FCD-Development, LLC

Update: Requesting Deferral (to June 20, 2016)

Location: Approximately 1.68 acres located on the northwest corner at the intersection of East 7th Street and North Caswell Road. (Council District 1 - Kinsey)

Current Zoning: NS (neighborhood services)
Proposed Zoning: MUDD (O) (mixed use development, optional) with 5-year vested rights

Zoning Committee Recommendation:
The Zoning Committee voted 6-0 to DEFER this petition until their May 25th, 2016 meeting.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
REQUEST
Current Zoning: NS (neighborhood services)
Proposed Zoning: MUDD-O (mixed use development, optional) with five-year vested rights

LOCATION
Approximately 1.68 acres located on the northwest corner at the intersection of East Seventh Street and North Caswell Road. (Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to allow the redevelopment of a site in the Elizabeth neighborhood with a mixed use development to include residential, retail, eating/drinking/entertainment establishments (EDEEs), and office uses.

PROPERTY OWNER
Redan Boulevard East Seventh Street LLC c/o College Street Partners, LLC

PETITIONER
FCD-Development, LLC

AGENT/REPRESENTATIVE
John Carmichael/ Robinson Bradshaw & Henson

COMMUNITY MEETING
Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 59

ZONING COMMITTEE ACTION
The Zoning Committee voted 6-0 to DEFER this petition until their May 25th, 2016 meeting.

VOTE
Motion/Second: Sullivan / Majeed
Yeas: Eschert, Labovitz, Lathrop, Majeed, Sullivan, and Wiggins
Nays: None
Absent: Dodson
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:
  - Allowance for up to 125 multi-family residential units, 30,000 square feet of non-residential uses of which up to 15,000 square feet may be devoted to retail and eating/drinking/entertainment establishments (EDEEs).
  - 21-foot setback along Seventh Street, which includes a 13-foot sidewalk and eight-foot planting strip.
  - 14-foot setback along Caswell Road, which includes eight-foot planting strip and eight-foot sidewalk.
  - Five-foot pedestrian connection along the northern edge of the building.
  - Maximum building height of 60 feet along Seventh Street façade and 65 feet along the proposed alley façade.
  - Building elevations labeled with proposed building materials.
  - Prohibition on the use of thin brick, vinyl except for soffits and window trim and non-architectural concrete masonry units.
  - Two proposed vehicular access points along Seventh Street and Caswell Road.
  - Proposed open space area with public art at the intersection of Caswell Road and Seventh Street.
  - One parking space per 250 square feet of non-residential uses and 1.25 spaces per each dwelling unit.
  - Requested optional provisions:
    - Upper level balconies may encroach up to five feet into the setbacks along all public streets.
• The proposed open space/plaza area may encroach into the setbacks along Seventh Street and Caswell Road.

• **Public Plans and Policies**
  • The *Elizabeth Area Plan (2011)* recommends a mix of residential, office and retail uses for the area in which the site is located. Single use residential development may have densities greater than 22 dwelling units per acre. In general, buildings in this area should not exceed 40 feet in height. However, the intersection at East Seventh Street and North Caswell Road is identified as a location appropriate for increased height, up to 60 feet, at the corner.
  • The petition supports the *General Development Policies-Environment* by redeveloping an existing site in a developed area, thereby minimizing further environmental impacts while accommodating growth.

• **TRANSPORTATION CONSIDERATIONS**
  • This site is at the intersection of Seventh Street and North Caswell Road. The area plan calls for the Seventh Street cross-section to remain the same. The petitioner completed a traffic analysis at CDOT's request to ensure the site access worked with the reversible lane conditions on Seventh Street. The access proposed for the site allows for internal circulation inside the parking deck between the residential and retail uses and enables access from both Seventh Street and Caswell Road. The rezoning will improve the pedestrian environment by implementing streetscape improvements on the frontage. Although the existing intersection of Seventh Street and Caswell Road will need improvements over time, the physical constraints on this intersection are not located on this corner, and therefore there are no opportunities to make intersection improvements with this project and CDOT has no outstanding concerns.
  • **Vehicle Trip Generation:**
    Current Zoning: 630 trips per day (based on 7,000 square feet of restaurant use).
    Proposed Zoning: 2,650 trips per day (based on 125 apartment units, 15,000 square feet of office uses and 15,000 square feet of retail uses).

**DEPARTMENT COMMENTS** (see full department reports online)
• **Charlotte Area Transit System:** No issues.
• **Charlotte Department of Neighborhood & Business Services:** No issues.
• **Charlotte Fire Department:** No issues.
• **Charlotte-Mecklenburg Schools:** No comments received.
• **Charlotte-Mecklenburg Storm Water Services:** No issues.
• **Charlotte Water:** See Advisory Comments, Note 6.
• **Engineering and Property Management:** See Advisory Comments, Note 7.
• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
• **Mecklenburg County Parks and Recreation Department:** No issues.

**REQUESTED TECHNICAL REVISIONS**

  **Site and Building Design**
  1. Add a sentence to optional request A stating “that the requested encroachment along Seventh Street will be allowed per NCDOT’s approval.”
  2. Modify Note 5-C to state that the building will be constructed using materials, colors, window and door configurations, architectural features, etc. shown in the attached elevations.
  3. Provide lobby entrance from Seventh Street for all apartment floors to provide pedestrian access to Seventh Street retail.
  4. Increase pedestrian connection to eight feet along the northern edge of the development.
  5. Modify required setback along North Caswell Road to 16 feet.

**ADVISORY COMMENTS**
• The site has water and sewer system availability for the rezoning boundary via an existing six and eight-inch water main along Seventh Street and North Caswell Road and eight-inch sewer main located along Seventh Street.
• Site shall comply with the City of Charlotte Tree Ordinance.
Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 1.68 acres located on the northwest corner at the intersection of East 7th Street and North Caswell Road.
Petition #: 2016-015
Petitioner: FCD - Development, LLC

Zoning Classification (Existing): NS
(neighborhood Services)

Zoning Classification (Requested): MUDD-O 5-Year Vested Rights
(Mixed Use Development District, Optional, Five Year Vested Rights)

Acreage & Location: Approximately 1.68 acres located on the northwest corner at the intersection of East 7th Street and North Caswell Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 1-30-2016.
Rezoning Petition: 2016-024 by Greystar GP II, LLC

Update: Requesting Deferral (to June 20, 2016)

Location: Approximately 6.01 acres located on the west side of Randolph Road between Sloane Square Way and Rutledge Avenue. (Council District 6 - Smith)

Current Zoning: R-3 (single-family residential) and R-8MF (CD) (multi-family residential, conditional)

Proposed Zoning: UR-2(CD) 5-Year Vested Rights (urban residential, conditional)

Zoning Committee Recommendation:
The Zoning Committee voted 6-0 to DEFER this petition to their May 25, 2016 Zoning Committee Work Session.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
REQUEST

Current Zoning: R-3 (single family residential) and R-8MF(CD)
(multi-family residential, conditional)
Proposed Zoning: UR-2(CD) (urban residential, conditional) with
five-year vested rights

LOCATION

Approximately 6.01 acres located on the west side of Randolph Road
between Sloane Square Way and Rutledge Avenue.
(Council District 6 - Smith)

SUMMARY OF PETITION

This petition proposes the redevelopment of two parcels, one
developed with an existing institutional use and the other a single
family home, located in the Cotswold area for 180 age-restricted,
multi-family units in three buildings at a density of 29.9 dwelling units
per acre.

PROPERTY OWNER

Trustees for the Scottish Rite Bodies of Charlotte and A. Ray Mathis
Revocable Living Trust U/W/A dated April 18, 2012

PETITIONER

Greystar GP II, LLC.

AGENT/REPRESENTATIVE

Jeff Brown and Keith MacVean

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 74.

VOTE

Motion/Second: Sullivan / Majeed
Yeas: Eschert, Labovitz, Lathrop, Majeed, Sullivan, and
Wiggins
Nays: None
Absent: Dodson
Recused: None

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

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows the construction of up to 180 age-restricted multi-family dwelling units at a density of
    29.9 units per acre.
  - Limits the maximum height of the buildings to 50 feet for the four-story portions and 40 feet for
    the three-story portions. Limits the total number of buildings on the site to three.
  - Specifies that 100% of the units shall have at least one occupant who is 55 years of age or
    older. Commits to the community publishing and adhering to policies and procedures that
    demonstrate intent to operate as “55 or older” housing and compliance with HUD’s
    requirements for age verification.
  - Specifies building materials and provides a number of building design and architectural
    standards.
  - Provides access through two driveways to Randolph Road. The access points may be gated at
    locations to be determined during the permitting process. Parking is located behind the
    proposed buildings.
  - Provides a 38-foot setback from the existing back of curb along Randolph Road where minimum
    required for the proposed district is 14 feet. The inner 20 feet of the setback may be utilized for
    private open space courtyards for ground floor units. A low decorative fence located at least two
    feet from the back of the sidewalk and not to exceed four feet may be used to enclose the
    courtyards.
• Specifies that balconies located on second and third floors may extend up to two feet into the 38-foot setback.
• Provides an eight-foot planting strip and 10-foot multi-use trail along the site’s frontage on Randolph Road.
• Provides the following buffer and yards along the northern property line (abutting townhomes):
  • Buffer – 15-foot “Class C” buffer with an eight-foot tall decorative opaque fence, utilizing existing trees and new trees. Buffers are not required by the Ordinance between multi-family developments.
  • Yard – 50-foot side yard, with parking and maneuvering between the building and the buffer. Minimum Ordinance standard for UR-2 (urban residential) is five-foot side yard, equivalent multi-family zoning would require a ten-foot side yard.
• Provides the following buffer and yards along the southern property line (abutting Randolph Oaks Ct, single family):
  • Buffer – 26-foot “Class C” buffer with an eight-foot tall decorative opaque fence extending along a portion of the buffer and utilizes existing trees and new trees. Buffers are not required in the UR (urban residential) districts, equivalent multi-family zoning would require a 25.5-foot wide “Class C” buffer with a fence.
  • Yard – 26 foot side yard. Minimum Ordinance standard for UR-2 (urban residential) is five-foot side yard, equivalent multi-family zoning would require a ten-foot side yard.
• Provides the following buffer and yards along the eastern property line (abutting single family homes):
  • Buffer – 26-foot “Class C” buffer with an eight-foot tall decorative opaque fence, utilizing existing trees and new trees. Buffers are not required in the UR (urban residential) districts, equivalent multi-family zoning would require a 25.5-foot wide “Class C” buffer with a fence.
  • Yard – 125-foot rear yard, with parking and maneuvering between the building and the buffer. Minimum Ordinance standard for UR-2 (urban residential) is ten-foot rear yard, equivalent multi-family zoning would require a 40-foot rear yard.
• Specifies that retaining walls may be located within the proposed landscaped buffers.
• Specifies that accessory structures and uses such as parking areas, detached garages, dumpsters, and water quality facilities may be located within the established rear and side yards but outside of the buffers.
• Commits to an internal sidewalk network connecting the parking and buildings on the site to the multi-use trail along Randolph Road.
• Commits to a ground level amenity courtyard as usable open space for the residents with an area of at least 5,000 square feet.
• Restricts location of staging and timing of construction.

**Public Plans and Policies**
- The *South District Plan* (1993) shows the majority of the subject property as institutional. The plan shows the northern portion of the site as multi-family residential at eight units per acre, as amended by rezoning petition 1995-024.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of over 17 dwellings per acre as illustrated in the table below.
- The General Development Policies also provide for consideration of additional factors when evaluating a higher density residential proposal. In this case, the provision of age-restricted senior living is considered to be an additional benefit.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category - over 17 dua</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting with Staff</td>
<td>1 (Yes)</td>
</tr>
<tr>
<td>Sewer and Water Availability</td>
<td>2 (CMUD)</td>
</tr>
<tr>
<td>Land Use Accessibility</td>
<td>3 (High)</td>
</tr>
<tr>
<td>Connectivity Analysis</td>
<td>3 (Medium)</td>
</tr>
<tr>
<td>Road Network Evaluation</td>
<td>1 (Yes)</td>
</tr>
<tr>
<td>Design Guidelines</td>
<td>4 (Yes)</td>
</tr>
<tr>
<td>Other Opportunities or Constraints</td>
<td>Yes – age restricted housing</td>
</tr>
<tr>
<td><strong>Minimum Points Needed:</strong> 14</td>
<td><strong>Total Points:</strong> 14</td>
</tr>
</tbody>
</table>

- The petition supports the *General Development Policies-Environment* by redeveloping an existing site in a developed area identified as a Mixed Use Activity Center, thereby minimizing further environmental impacts while accommodating growth.

**TRANSPORTATION CONSIDERATIONS**
- The primary transportation goal for this site is to improve walkability and bicycle accommodations, which is achieved by providing a 10-foot multi-use path along the property...
frontage. There will not be significant traffic impacts based on the expected vehicle trip generation. The trips associated with the proposed use typically do not occur during peak hours. The trip generation estimate for the existing fraternal lodge is based on very limited data.

- **Vehicle Trip Generation:**
  - Existing Uses: 200 trips per day (based on a single family home and fraternal lodge).
  - Current Zoning Entitlements: 210 trips per day (based on nine townhomes and 13 single family homes).
  - Proposed Zoning: 620 trips per day (based on 180 age-restricted dwellings).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The proposed multi-family units are age-restricted and not projected to generate any students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** See Advisory Comments, Note 13.
- **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.

**OUTSTANDING ISSUES**

**Site and Building Design**

1. Amend the proposed fence location to be along the inside edge of the buffers to reduce impacts to existing trees within the buffers.
2. Amend Note 5.d to specify that the fence will be located along the inner edge of the buffer along the western property line and amend the language to specify a 13-foot undisturbed tree save area within the buffer as indicated on the site plan and site cross-sections.

**REQUESTED TECHNICAL REVISIONS**

**Site and Building Design**

3. Amend note 5.a to specify that the inner 20 feet of the setback is a transition zone and specify elements such as patios, private open space, low walls and above ground backflow preventers, are allowed within that transition zone.
4. Amend Note 5.a to change “sidewalk” to “multi-use trail.”
5. Amend Note 5.b to say “may extend up to two feet into the transition zone described in Note 5.a.”
6. Amend Note 5.c to specify that the multi-use trail will be paved.
7. Amend Note 5.d to remove the following, “the fence will not extend along the portion of the southern property boundary where the building abuts the landscape buffer.”
8. Amend Note 5.f to prohibit retaining walls within the buffers.
9. Amend Note 5.o to state “Above ground backflow preventers will be screened from public view and will be located outside of the proposed buffers and outside of required setbacks except that they may be located within the transition zone described in Note 5.a.”
10. Revise Note 6.i to include “and provide pedestrian connection to the multi-use trail along Randolph Road.”
11. Amend the site plan to remove the southernmost sidewalk connection so that it is located outside of the buffer.
12. Amend the site plan to show the fence extending the entire length of the buffer along the southern property line.

**ADVISORY COMMENTS**

13. Charlotte Water has water system availability via the existing eight-inch water main located along Randolph Road and the two-inch water main located on Randolph Oaks Court and sewer system availability via the existing eight-inch gravity sewer mains located along Randolph Road and Randolph Oaks Court.
Attachments Online at [www.rezoning.org](http://www.rezoning.org)

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

**Planner:** John Kinley  (704) 336-8311
Petition #: 2016-024

Acreage & Location: Approximately 6.01 acres located on the west side of Randolph Road between Sloane Square Way and Rutledge Avenue.
Petition #: 2016-024

Petitioner: Greystar GP II, LLC

Zoning Classification (Existing): R-3 & R-8MF(CD)

(Single Family, Residential and Multi-Family, Residential, Conditional)

Zoning Classification (Requested): UR-2(CD) 5-Year Vested Rights

(Urban Residential, Conditional, Five Year Vested Rights)

Acreage & Location: Approximately 6.01 acres located on the west side of Randolph Road between Sloane Square Way and Rutledge Avenue.
Rezoning Petition: 2016-049 by Loves Travel Stop & Country Store

**Update:** Requesting Deferral (to June 20, 2016)

**Location:** Approximately 10.22 acres located on the southeast corner at the intersection of Sam Wilson Road and West Pointe Drive. (Outside City Limits)

**Current Zoning:** B-2 (LLWPA) & CC (LLWPA) (general business, Lower Lake Wylie Protected Area) & (commercial center, Lower Lake Wylie Protected Area)

**Proposed Zoning:** I-2(CD) (LLWPA) (general industrial, conditional Lower Lake Wylie Protected Area)

**Zoning Committee Recommendation:**
The Zoning Committee voted 6-0 to **DEFER** this petition to their May 25, 2016 Zoning Committee Work Session.

**Attachments:**
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
REQUEST

Current Zoning: B-2 LLWPA (general business, Lower Lake Wylie Protected Area) and CC LLWPA (commercial center, Lower Lake Wylie Protected Area)

Proposed Zoning: I-2(CD) LLWPA (general industrial, conditional, Lower Lake Wylie Protected Area)

LOCATION

Approximately 10.22 acres located on the southeast corner at the intersection of Sam Wilson Road and West Pointe Drive. (Outside City Limits)

SUMMARY OF PETITION

The petition proposes to allow the construction of a truck stop facility which includes a convenience store, attached restaurant drive through service window, and a tire shop. The rezoning site is primarily vacant, with a small portion developed with an eating/drinking/entertainment establishment built in 1970 that will be demolished as part of this project.

PROPERTY OWNER

Jordan Sam Wilson Properties LLC

PETITIONER

Loves Travel Stop and Country Store

AGENT/REPRESENTATIVE

N/A

COMMUNITY MEETING

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

ZONING COMMITTEE ACTION

The Zoning Committee voted 6-0 to DEFER this petition to the May 25 Zoning Committee Work Session.

VOTE

Motion/Second: Sullivan / Majeed

Yea's: Eschert, Labovitz, Lathrop, Majeed, Sullivan, and Wiggins

Nay's: None

Absent: Dodson

Recused: None

FINIAL 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:
  • Truck stop facility consisting of a 7,589-square foot retail convenience store, attached 3,253-square foot eating establishment with drive-through service, and a 4,760-square foot tire service shop.
  • Prohibits the following uses: airports, amusement, heliports, tattoo establishments, abattoirs, adult establishments, jails and prisons, and junkyards.
  • Removes existing structure, pavement, and driveway entrances onto Sam Wilson Road on southwest corner of the site. No development will occur within this portion of the site to allow project to meet Lower Lake Wylie Protected Area impervious surface criteria.
  • Limits access to two points on West Pointe Drive.
  • Provides new curb 31.5 feet from center line along the entire north bound frontage of Sam Wilson Road to accommodate two 11-foot wide travel lanes, a 6-foot bike lane, and 2.5-foot curb and gutter section. Improvements will extend from west bound Interstate 85 exit ramp to West Pointe Drive. Curb line will terminate at West Pointe Drive as a right-turn lane only lane.
  • Improves pedestrian crossing at the existing southbound Interstate 85 exit ramp, which may include pedestrian refuge islands to make the crossing/area ADA compliant.
  • Extends northbound Interstate 85 exit ramp to provide 200 feet of storage. The single lane will end as the right-turn lane.
  • Extends the southbound Interstate 85 exit ramp to provide 200 feet of storage. The single lane ramp will end as the left-turn lane.
• Proposes parking lot fixtures to be a maximum height of 42 feet.

**Public Plans and Policies**
• The Catawba Area Plan (adopted 2010) recommends retail land uses for this site, specifying that retail land uses such as restaurants and gas stations are appropriate at this interstate interchange area.
• The site lies within the West Growth Corridor, per the Centers, Corridors and Wedges Growth Framework, and is surrounded by properties recommended in the Catawba Area Plan for industrial and office/industrial land uses.
• *General Development Policies-Environment* - The site lies within the Lower Lake Wyline Protected Area watershed zoning overlay district, and will be required to adhere to the impervious surface development regulations under that zoning overlay district.

**TRANSPORTATION CONSIDERATIONS**
• This petition is in the ETJ (extraterritorial jurisdiction) and access is provided from two NCDOT maintained roadways. A Traffic Impact Study (TIS) was conducted and reviewed/approved by both NCDOT and CDOT. The petitioner is making substantial off-site transportation improvements including: providing turn lanes on both I-85 exit ramps, widening Sam Wilson Rd. providing a thru/right turn lane, and a 6-foot bike lane improvement. The petitioner agreed to fund a wooden pole traffic signal if justified during the first five years after rezoning approval. The petitioner has verbally agreed to address all outstanding transportation issues as noted below before the Zoning Committee Meeting.
• See Outstanding Issues, Notes 1-5, and Requested Technical Revisions, Note 9.

**Vehicle Trip Generation:**
Current Zoning: 1,800 trips per day (based on 5,600 square feet of restaurant use and 7,830 square feet of retail uses).
Proposed Zoning: 7,900 trips per day (based on 7,400 square feet of gas station/convenience store use and 3,300 square feet of restaurant use.)

**DEPARTMENT COMMENTS** (see full department reports online)
• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: 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: See Requested Technical Revisions, Note 11.
• Charlotte Water: See Advisory Comments, Note 12.
• Engineering and Property Management: See Advisory Comments, Note 13.
• Mecklenburg County Land Use and Environmental Services Agency: See Advisory Comments, Notes 14 and 15.
• Mecklenburg County Parks and Recreation Department: No issues.

**OUTSTANDING ISSUES**

**Transportation**
1. The petitioner has provided a dimension of 30.5 feet from the existing Sam Wilson Road centerline (see resolved comments #1 above) to accommodate a “typical mid-block pavement cross-section.” However the petitioner needs to further revise the site plan to locate the future back of curb for the northbound approach of Sam Wilson Road at West Pointe Drive needs to be located 41.5’ from the existing double yellow marking to accommodate three 11-foot travel lanes (a left-turn storage lane, thru lane, and a right-turn only lane) and a 6-foot wide bike lane. If one included the existing 12-foot wide departure lane, the full Sam Wilson Road pavement widening 150 feet south of West Pointe Drive needs to be 53.5 feet from edge of pavement on the west side to the future back of curb on the east (site) side.
2. Revise the site plan to dedicate additional right-of-way in fee simple or place the future six-foot sidewalk in a permanent Sidewalk Utility Easement (SUE) along the site’s Sam Wilson Road frontage. The site plan also needs to be revised to depict a 70-foot by 70-foot SUE on the southeast quadrant of Sam Wilson Road and West Pointe Drive to provide for possible future traffic signal hardware or a future roundabout.
3. Add a conditional note to the revised site plan stating: “All transportation improvements must
be completed and approved before the site’s first building certificate of occupancy is issued.”

4. Revise the site to “reverse” the truck fueling stations so that the internal (inbound) storage for trucks waiting to fuel can be substantially increased. This increased storage should prevent trucks queuing into the public street which is a zoning violation. CDOT received a letter from Mr. Chad Bruner with Love’s, dated March 16, 2016 and understand the site has been designed to accommodate approximately 18 large trucks waiting to fuel should the fueling configuration stay as shown on the current site plan. Please provide written documentation that trucks will not back into the public right-of-way.

5. The Traffic Impact Study indicated a future traffic signal is needed at the intersection of Sam Wilson Road/Performance Road/West Pointe Drive. The petitioner needs to add a conditional note to the site plan the states the following: The petitioner agrees to contribute $85,000.00 (i.e. estimated costs of a wooden pole traffic signal) for the design and implementation of a future transportation improvements at the subject intersection when warranted by NCDOT and CDOT. If Sam Wilson Road/West Pointe Drive intersection transportation improvements are not determined necessary five (5) years after City Council approval, funding will be returned to the petitioner at his request.

Land Use
6. Clarify the uses allowed on the site. The “Development Data Table” and the “Permitted Uses” are not consistent. Specify if fuel sales are proposed.

REQUESTED TECHNICAL REVISIONS
7. Indicate the percentage of impervious surface as the property is located in the Lower Lake Wylie Protected Area. Clarify this compliance with respect to Tract B.
8. Under Development Data Table, specify existing zoning of Tract B is B-2 LLWPA.
9. Delete the following language from General Provisions Note 2: “…regulate streets, sidewalks, tees, bicycle parking, and site development, may apply to the development of this site. These are not zoning regulations, are not administered by the zoning administrator,”
10. Correct typo to indicate rezoning petition 2016-049.
11. Include the following note on the plan sheet under “Environmental Features”: The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

ADVISORY COMMENTS
12. Charlotte Water currently has water system availability for the rezoning boundary via an existing 12-inch water main located along West Pointe Drive and sewer system availability for the rezoning boundary via an existing 8-inch sewer main located along West Pointe Drive.
13. Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance.
14. The proposed project may be subject to certain air quality permit requirements in accordance with Mecklenburg County Air Pollution Control Ordinance Section 1.5200 - “Air Quality Permits.” A letter of notification and copy of the regulations will be mailed directly to the petitioner by Mecklenburg County Air Quality.
15. Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.

Attachments Online at www.rezoning.org

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

Planner: Claire Lyte-Graham (704) 336-3782
Acreage & Location: Approximately 10.22 acres located on the southeast corner at the intersection of Sam Wilson Road and West Pointe Drive.
Petition #: 2016-049
Petitioner: Loves Travel Stop and Country Store

Zoning Classification (Existing): B-2 (LLWPA) & CC (LLWPA)
(General Business, Lower Lake Wylie Protected Area and Commercial Center, Lower Lake Wylie Protected Area)

Zoning Classification (Requested): I-2(CD) (LLWPA)
(General Industrial, Conditional, Lower Lake Wylie Protected Area)

Acreage & Location: Approximately 10.22 acres located on the southeast corner at the intersection of Sam Wilson Road and West Pointe Drive.
Agenda #: 8. File #: 15-3176 Type: Zoning Decision

Rezoning Petition: 2015-093 by 1351 Woodlawn (Melrose), LLC

Update: Protest Petition Sufficient

Location: Approximately 2.9 acres located on the south side of Drexel Place and north side of Woodlawn Road near the intersection of Park Road and Drexel Place and Park Road and Woodlawn Road. (Council District 1 - Kinsey)

Current Zoning: R-4 (single family residential) and UR-3(CD) (urban residential, conditional)
Proposed Zoning: MUDD-O (mixed use development, conditional)

Zoning Committee Recommendation:
The Zoning Committee voted 5-0 to recommend APPROVAL of this petition as modified.

Staff recommendation:
Staff disagrees with the recommendation of the Zoning Committee as the scale, mass and encroachment into the single-family area is inconsistent with the adopted area plan.

Statement of Consistency:
Due to an incomplete consistency statement provided to and passed by the Zoning Committee, staff recommends that Council adopt an updated version of the consistency statement if voting to approve this petition. The updated version corrects the portion of the statement by the Zoning Committee that addresses consistency with the Park Woodlawn Area Plan but does not change their rationale for recommending approval.

Below is the updated consistency statement for approving the petition (in green), as recommended by the Zoning Committee. Also provided is a consistency statement for denying the petition (in red), as recommended by staff.

(Consistency Statements on following page)

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
Site Plan
Consistency Statements: Petition 2015-093

To Approve (As recommended by Zoning Committee):

- I move that the City Council finds a portion of this petition to be **inconsistent** with the *Park Woodlawn Area Plan* and a portion of this petition to be **consistent** with the *Park Woodlawn Area Plan* based on information from the staff analysis and the public hearing, and because:
  - The plan recommends single family residential at R-4 for the lots along Drexel Place.
  - The plan recommends multi-family residential for the portion of the site along Woodlawn Road.
- Therefore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:
  - The development will provide a transition to the single family homes across Drexel Place; and
  - At grade entrances along Drexel Place will enhance the pedestrian environment along the site frontage; and
  - New rental product will replace the old existing stock.

To Deny (As recommended by staff):

- I move that the City Council finds a portion of this petition to be **inconsistent** with the *Park Woodlawn Area Plan* and a portion of this petition to be **consistent** with the *Park Woodlawn Area Plan* based on information from the staff analysis and the public hearing, and because:
  - The plan recommends single family residential at R-4 for the lots along Drexel Place.
  - The plan recommends multi-family residential for the portion of the site along Woodlawn Road.
- However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:
  - Drexel Place is part of Madison Park, an established single family neighborhood, and is the entrance into this part of the neighborhood; and
  - The plan supports higher density residential for the area within the Park Woodlawn Activity Center but recommends maintaining the single family character on Drexel Place; and
  - Approval of this development will result in two remaining single family homes, on the south side of Drexel Place.
REQUEST

Current Zoning: R-4 (single family residential) and UR-3(CD) (urban residential, conditional)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION

Approximately 2.9 acres located on the south side of Drexel Place and north side of Woodlawn Road near the intersection of Park Road and Drexel Place and Woodlawn Road.
(Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to allow the redevelopment of four single family homes and an existing multi-family development to allow up to 265 multi-family dwelling units at 91.37 units per acre in the Madison Park neighborhood.

PROPERTY OWNER

1351 Woodlawn (Melrose), LLC

PETITIONER

1351 Woodlawn (Melrose), LLC

AGENT/REPRESENTATIVE

Jeff Brown & Keith MacVean/ Moore & Van Allen, PLLC

COMMUNITY MEETING

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

Number of people attending the Community Meeting: 29

STATEMENT OF CONSISTENCY

• The Zoning Committee found this petition to be inconsistent with the Park Woodlawn Area Plan, based on information from the staff analysis and the public hearing, and because:
  • The plan recommends residential for the portion of the site along Woodlawn Road and single-family residential at R-4 for the lots along Drexel Place.
  • However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    • The development will provide a transition to the single family homes across Drexel Place; and
    • At grade entrances along Drexel Place will enhance the pedestrian environment along the site frontage; and
    • New rental product will replace the old existing stock;

By a 5-0 vote of the Zoning Committee (motion by Wiggins seconded by Labovitz).

ZONING COMMITTEE ACTION

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

1. The building height along Drexel Place has been lowered to 40 feet.
2. A note has been added that the petitioner agrees to install a pedestrian refuge island.
3. Note 5G under Streetscape, Landscaping and Open space has been removed.
4. Increased the building façade setback along Drexel Place to 46 feet.
5. Limited to only eight townhomes units allowed along Drexel Place.
6. Indicated a five-story building will be allowed along the Woodlawn Road frontage.

VOTE

Motion/Second: Eschert / Majeed
Yeas: Eschert, Labovitz, Majeed, Sullivan, and Wiggins
Nays: None
Absent: Dodson
Recused: Lathrop

ZONING COMMITTEE

Staff noted that this petition is inconsistent with the Park Woodlawn Area Plan.
DISCUSSION

*Area Plan* and that the proposal had several outstanding issues that had not been addressed. Staff noted the mass and scale was still inconsistent with the single family homes across Drexel Place and elevations had not been provided for the portion of the building along Woodlawn Road.

Several Commissioners noted that the development was a nice transition to the single family homes and felt it was reasonable to recommend approval. Another Commissioner asked about the multi-family residential adjacent to the site. Staff responded that the development at one time was managed by the Charlotte Housing Partnership or Charlotte Housing Authority. There was no further discussion of this petition.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee as the scale, mass and encroachment into the single-family area is inconsistent with the adopted area plan.

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**FINAL STAFF ANALYSIS**

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Up to 265 multi-family dwelling units at a maximum density of 91.37 dwelling units per acre.
  - 25-foot setback from the back of curb along Drexel Place.
  - 46 building façade setback along Drexel Place.
  - No more than eight units facing Drexel Place.
  - Maximum height of 40 feet and three stories along Drexel Place.
  - Design standards for the building frontage along Drexel Place. The frontage will include a plaza area, a pitched roof, and townhouse style design along the ground level.
  - Eight-foot planting strip along Woodlawn Road and Drexel Place.
  - 24-foot setback from the back of curb along Woodlawn Road.
  - Building elevations along Drexel Place with proposed materials to be stucco, hardi-plank, brick veneer, and metal accents. Vinyl as a building material is prohibited, and EIFS as a material along Drexel Place is also prohibited.
  - Pedestrian refuge island along Woodlawn Road within the left turn lane but exact location will be determined during permitting with NCDOT and CDOT.
  - Requests the following optional provision:
    - A five-foot tall, 30-square foot identification sign along Woodlawn Road.

- **Public Plans and Policies**
  - The *Park Woodlawn Area Plan* (2013) recommends residential land uses up to four dwelling units per acre for the parcels zoned R-4 (single family residential), with the intent of preserving the character of the existing single family neighborhood.
  - The *Park Woodlawn Area Plan* (2013) recommends residential land uses up to or greater than 22 dwelling units per acre for the parcel fronting along Woodlawn Road.
  - The petition supports the *General Development Policies-Environment* by redeveloping an infill site, thereby minimizing further environmental impacts while accommodating growth.

- **TRANSPORTATION CONSIDERATIONS**
  - A portion of this site is located within a Mixed Use Activity Center as identified in the *Centers, Corridors and Wedges Growth Framework*. Generally, CDOT supports greater density in Mixed Use Activity Centers since the mixture of uses yields shorter vehicle trip lengths that are less impactful than accommodating the same uses spread over greater distances. Further, if the design of the development sites can be done with safe, comfortable, and convenient facilities for pedestrians and cyclists, the rate of automobile usage per square foot of development can be reduced.
  - This petition will implement improvements along Woodlawn Road that will include a left-turn lane for the development access, extending the left-turn lane storage for the left-turn lanes from Woodlawn onto northbound Park Road. These improvements are being done in coordination with other planned improvements associated with other rezoning petitions in the area.
• **Vehicle Trip Generation:**
  Current Zoning: 400 trips per day (existing single family and multi-family units).
  Proposed Zoning: 1,850 trips per day.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Department of Solid Waste Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 29 students, while the development allowed under the proposed zoning will produce 25 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Selwyn Elementary (189%), Alexander Graham Middle (115%), Myers Park (115%).
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

- **Land Use**
  1. Remove the lots along Drexel Place from the petition. The mass and scale is inconsistent with the existing single-family neighborhood along and across Drexel Place. Staff could support this petition if the lots along Drexel Place are removed.

- **Site and Building Design**
  2. Provide building elevations along Woodlawn Avenue.

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

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

**Planner:** Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 2.9 acres located on the south side of Drexel Place and north side of Woodlawn Road near the intersection of Park Road and Drexel Place and Park Road and Woodlawn Road.
Petition #: 2015-093
Petitioner: 1351 Woodlawn (Melrose), LLC

Zoning Classification (Existing): R-4 & UR-3(CD)
(Single Family, Residential and Urban Residential, Conditional)

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

Acreage & Location: Approximately 2.9 acres located on the south side of Drexel Place and north side of Woodlawn Road near the intersection of Park Road and Drexel Place and Park Road and Woodlawn Road.
Rezoning Petition: 2015-111 by North Wendover Partners, LLC

**Update: Protest Petition Sufficient**

**Location:** Approximately 2.48 acres located on the southwest corner at the intersection of North Wendover Road and Melchor Avenue. (Council District 1 - Kinsey)

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

**Zoning Committee Recommendation:**
The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition as modified.

**Staff Recommendation:**
Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee found this petition to be consistent with the *South District Plan*, based on information from the staff analysis and the public hearing, and because:
  - The petition is consistent with the residential use recommended by the *South District Plan*. In addition, the site meets the criteria set forth in the *General Development Policies* for consideration of an increase in density up to 17 dwelling units per acre.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The property is located on a segment of Wendover with multi-family, office, and government uses. Immediately east of the site is an existing multi-family development that also has access from Wendover Road; and
    - The site is separated from existing single family residential units by a stream and a fairly significant grade change; and
    - The proposed driveway location aligns with a potential future extension of Cascade Circle from Billingsley Road to Wendover Road; and
    - Access to the site is limited to the single driveway reducing the number of potential driveways along this heavily traveled portion of Wendover Road.

**Attachments:**
- Zoning Committee Recommendation
- Vicinity Map
- Rezoning Map
- Site Plan
REQUEST
Current Zoning: R-3 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION
Approximately 2.48 acres located on the southwest corner at the intersection of North Wendover Road and Melchor Avenue.
(Council District 1 – Kinsey)

SUMMARY OF PETITION
The petition proposes to allow up to 38 single family attached dwelling units, at a density of 15.3 units per acre, and related accessory uses, on a vacant parcel in the Wendover/Sedgewood neighborhood.

PROPERTY OWNER
South State Bank, et al

PETITIONER
North Wendover Partners, LLC

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: 6

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

- The petition is consistent with the residential use recommended by the South District Plan. In addition, the site meets the criteria set forth in the General Development Policies for consideration of an increase in density up to 17 dwelling units per acre.

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

- The property is located on a segment of Wendover with multi-family, office, and government uses. Immediately east of the site is an existing multi-family development that also has access from Wendover Road; and

- The site is separated from existing single family residential units by a stream and a fairly significant grade change; and

- The proposed driveway location aligns with a potential future extension of Cascade Circle from Billingsley Road to Wendover Road; and

- Access to the site is limited to the single driveway reducing the number of potential driveways along this heavily traveled portion of Wendover Road;

By a 6-0 vote of the Zoning Committee (motion by Wiggins seconded by Majeed).

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

Site and Building Design
1. The fencing along Wendover Road has been removed from the site plan and the fencing along the property boundary will be 50% transparent.
2. The fencing along Wendover Road has been removed; therefore, the request to add a note that the fence will not be a solid wall but will have openings such as gates/entries is no longer needed.
3. Staff has rescinded the request to add a note that there will be no blank walls over 20 feet vertically or horizontally as the petitioner has submitted building elevations.
4. Staff has rescinded the request for the facades fronting Wendover Road to not have a private elevated deck as building elevations
have been provided.

Other Minor Issues
5. Specified the maximum building height as 40 feet and not to exceed three stories.

Infrastructure
6. Added a tree protection fence to protect existing right-of-way trees, and labeled potential tree protection area at rear of site.
7. Added a note stating that petitioner acknowledges that there is no water system availability to the site and that development cannot occur until there is availability.

Requested Technical Revisions
8. Labeled the private open space on the Private Street Section provided on Sheet RZ-2.
9. Deleted Note 4 under General Provisions, Note 3 under Transportation, Note 1 under Streetscape and Landscaping, Note 3 under Environmental Features, Note 1 under Signage and Note 3 under Binding Effect of the Rezoning Documents and Definitions.

The following items have been added or modified since the public hearing:
1. Amended Note B1 under Permitted Uses to specify 38 for sale single family attached dwelling units.
2. Amended Note C1 under Transportation to replaced “access points” with “access point.”
3. Added the following note under Transportation: “each single family attached dwelling unit shall have a minimum two car garage.”
4. Added the following note under Transportation: “A minimum of six surface parking spaces shall be installed on the site.”
5. Added conceptual architectural renderings (Note 3) under Architectural Standards that are intended to depict the general conceptual architectural style and character of these elevations. Accordingly, the conceptual architectural renderings set out on Sheet RZ5.0 of the rezoning plan shall be designed and constructed so that such elevations are substantially similar in appearance to the relevant conceptual architectural renderings set out on Sheet RZ5.0 of the rezoning plan with respect to architectural style, character and primary building materials. Notwithstanding the foregoing changes and alterations which do not materially change the overall conceptual architectural style and character shall be permitted. The conceptual architectural renderings depict the following:
   I. “The front or north Wendover Road facing elevations of the single family attached dwelling units that will be located adjacent to North Wendover Road,”
   II. The rear elevations of the single family attached dwelling units that will be located adjacent to North Wendover Road,
   III. The front or private drive facing elevations of the single family attached dwelling units that will be located adjacent to the rear boundary line of the site,
   IV. The rear elevations of the single family attached dwelling units that will be located adjacent to the rear boundary line of the site, and
   V. The end or side elevations of the single family attached dwelling units that are intended to depict the general conceptual architectural style and character of these elevations.
6. Added Note 4 under Architectural Standards as follows: “Although not depicted on the conceptual architectural renderings, exterior decks may be constructed on the second floor of the rear elevations of the townhome units.”
7. Added Note 5 under Architectural Standards as follows: “The permitted exterior building materials for the single family attached dwelling units shall be brick veneer and cementitious siding. Vinyl and aluminum shall not be permitted exterior building materials provided, however, that vinyl and/or aluminum may be utilized on
the soffits and trim, and vinyl windows, shutters, doors and garage doors and railings may be installed on the single family attached units. Additionally, in the event that a deck is constructed at the rear of a single family dwelling unit, the deck shall be constructed of pressure treated wood or a composite material.”

8. Added Note 6 under Architectural Standards as follows: “Brick veneer shall be utilized on those portions of the building elevations that are depicted and described on the attached conceptual architectural renderings.”

9. Added Note 7 under Architectural Standards as follows: “As generally depicted on the conceptual architectural renderings, a combination of vertical and horizontal cementitious siding shall be installed on the exterior of the single family attached dwelling units, and a variety of colors shall be utilized as well. The same color cementitious siding may not be utilized on single family attached dwelling units that share a common building wall. The colors actually utilized on the single family attached dwelling units may vary from the colors set out on the conceptual architectural renderings.”

10. Added Note E4 under Streetscape and Landscaping as follows: “A fence shall be installed along the western, southern and northern boundary lines of the Site as depicted on the Fencing Exhibit set out on Sheet RZ - 4 of the Rezoning Plan. Those portions of the fence designated with a green line shall have a minimum height of 4 feet and shall be an aluminum black fence that is substantially similar in appearance to the black aluminum fence depicted on the Fencing Exhibit. Those portions of the fence designated with a purple line shall have a minimum height of 6 feet and shall be a wood shadowbox fence that is substantially similar in appearance to the wood shadow box fence depicted on the Fencing Exhibit.”

11. Added Note E5 under Streetscape and Landscaping as follows: “As depicted on the rezoning plan, a retaining wall shall be constructed along the southern boundary of the site. The exterior building materials for the retaining wall shall be modular block.”

12. Added Note E6 under Streetscape and Landscaping as follows: “To soften the appearance of the retaining wall as viewed from the adjacent parcels of land located to the south of the site, petitioner shall plant junipers or other cascading plant materials on top of the wall that will grow over and onto the southern side of the retaining wall. A picture of the plant materials at maturity is set out on the Fencing Exhibit.”

13. Added Note F3 under Environmental Features as follows: “All solid waste and recycling collection services are to be provided by private collection service. Roll-out bins will be provided for each unit and located internally within the unit’s footprint except when rolled out of the unit for pick-up.”

14. Amended Note G2 under Lighting as follows: “The maximum height of any freestanding lighting fixture installed on the site, including base, shall not exceed 15 feet.”

15. Labeled 50 feet from the center line along Wendover Road.

16. Identified the tree save area on the site plan.

17. Amended the density to 15.3 units per acre.

18. Identified the location of the required solid waste containers.

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**VOTE**

Motion/Second: Eschert / Dodson
Yeas: Dodson, Eschert, Lathrop, Majeed, Sullivan, and Wiggins
Nays: None
Absent: Labovitz
Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition and explained that there are no outstanding issues. A committee member asked if the proposed retaining wall complies with the zoning ordinance requirements. Staff responded that there are no requirements for retaining walls in the
zoning ordinance pertaining to the distance from property lines. The site plan reflects that the proposed retaining wall is quite a distance from the exterior property line. It was added that there is a large area of SWIM buffer along the rear and the site, which does comply the zoning ordinance requirements for buffers.

Staff noted that this petition is consistent with the South District Plan’s recommendation for residential use, and that the site meets the criteria set forth in the General Development Policies for consideration of an increase in density up to 17 dwelling units per acre.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Maximum of 38 single family attached dwelling units not to exceed three stories and 40 feet in height.
  - Private open space for each unit.
  - Each unit will have a minimum two-car garage, and a minimum of six spaces parking spaces will be installed on the site.
  - Units fronting Wendover Road will have doors along the street side of the building to access the private open space associated with each unit.
  - A 15-foot wide “Class C” buffer abutting residential zoning and uses located west of the site and abutting a portion of the rear of the site. A 20-foot wide “Class C” buffer will be provided along the remainder of the rear of the site.
  - A fence shall be installed along the western, southern and northern site boundary lines. Fencing will consist of an aluminum black fence limited to four feet in height and a minimum six-foot tall wood shadowbox fence. The location and type of fencing is depicted on the site plan.
  - Access to the site via one driveway off Wendover Road.
  - Units will be accessed by an internal private drive.
  - Front, side and rear building elevations provided.
  - Exterior decks may be constructed on the second floor of the rear elevations of town home units.
  - Exterior building materials shall be brick veneer and cementitious siding. Vinyl and aluminum are not permitted as an exterior building material, and any rear deck will be constructed of pressure treated wood or composite material.
  - A modular brick retaining wall will be constructed along the southern boundary of the site. Junipers and other cascading plant materials that will grow over and onto the southern side of the retaining wall will be planted to soften the appearance of the retaining wall as viewed from adjacent properties located south of the site.
  - Detached lighting will be limited to 15 feet in height.

- **Public Plans and Policies**
  - The South District Plan (1992) recommends single family land uses.
  - General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 17 dwellings per acre as illustrated in the table below.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category - up to 17 dua</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting with Staff</td>
<td>1 (Yes)</td>
</tr>
<tr>
<td>Sewer and Water Availability</td>
<td>2 (CMUD)</td>
</tr>
<tr>
<td>Land Use Accessibility</td>
<td>3 (High)</td>
</tr>
<tr>
<td>Connectivity Analysis</td>
<td>3 (Medium)</td>
</tr>
<tr>
<td>Road Network Evaluation</td>
<td>0 (No)</td>
</tr>
<tr>
<td>Design Guidelines</td>
<td>4 (Yes)</td>
</tr>
<tr>
<td>Other Opportunities or Constraints</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Minimum Points Needed: 13</strong></td>
<td><strong>Total Points: 13</strong></td>
</tr>
</tbody>
</table>

- The petition supports the General Development Policies-Environment by developing an existing
site in a developed area, thereby minimizing further environmental impacts while accommodating growth.

- **TRANSPORTATION CONSIDERATIONS**
  - The vehicular access for the development has been sited to create a potential four-legged intersection if Cascade Circle is extended to Wendover Road through future development. The future cross-section of Wendover Road will include bike lanes and a left-turn lane to serve the site. The site plan correctly locates the building setback to allow for the future cross-section to be implemented. NCDOT may require construction of a left-turn lane as part of the access permit to Wendover Road. The rezoning also improves the streetscape, which will include a wide planting strip and sidewalk.
  - **Vehicle Trip Generation:**
    - Current Zoning: 80 trips per day (based on single family dwellings).
    - Proposed Zoning: 280 trips per day (based on townhomes).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** See Advisory Comment, Note 1
- **Charlotte Department of Solid Waste Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate seven students, while the development allowed under the proposed zoning will produce four students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Cotswold Elementary (144%), Alexander Graham Middle (114%) or Myers Park High (115%).
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**ADVISORY COMMENTS**

1. Developer must comply with the City’s Housing Policies if seeking public funding.

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

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

**Planner:** Sonja Strayhorn Sanders (704) 336-8327
Rezoning Petition: 2015-111

Petition #: 2015-111

Acreage & Location: Approximately 2.48 acres located on the southwest corner at the intersection of North Wendover Road and Melchor Avenue.
Petition #: 2015-111

Petitioner: North Wendover Partners, LLC

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

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

Acreage & Location: Approximately 2.48 acres located on the southwest corner at the intersection of North Wendover Road and Melchor Avenue.

Map Produced by the Charlotte-Mecklenburg Planning Department, 7-31-2015.
Rezoning Petition: 2016-025 by BNA Homes, LLC

Location: Approximately 9.52 acres located on the east side of Wright’s Ferry Road near the intersection of South Tryon Street and Wright’s Ferry Road. (Council District 3 - Mayfield)

Current Zoning: R-3 (single family residential)
Proposed Zoning: R-12MF (CD) (multi-family residential, conditional) & BD (CD) (distributive business, conditional)

Zoning Committee Recommendation: The Zoning Committee voted 5-0 to recommend APPROVAL of this petition as modified.

Staff Recommendation:
Staff disagrees with the recommendation of the Zoning Committee because the request is inconsistent with the adopted plan and the proposed climate controlled storage use is out of character with the immediately surrounding residential development.

Statement of Consistency:
- The Zoning Committee found this petition to be inconsistent with the Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential up to four dwelling units per acre for this site, as well as the properties to the north and south of this site.
  - However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The proposed development serves as a transition between the higher density residential development and lower density single family residential neighborhoods;
    - The BD (CD) portion of the property is a small portion of the site and will be used for circulation, buffers and storm water.

Attachments:
- Zoning Committee Recommendation
- Vicinity Map
- Rezoning Map
- Site Plan
REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: R-12MF(CD) (multi-family residential, conditional) and BD(CD) (distributive business, conditional)

LOCATION

Approximately 9.52 acres located on the north side of South Tryon Street, east of Wrights Ferry Road and west of Steelecroft Parkway. (Council District 3 - Mayfield)

SUMMARY OF PETITION

The petition proposes to allow up to 74 attached dwelling units (townhomes for sale) with a maximum height of 38 feet on a vacant parcel near RiverGate Shopping Center. The BD (CD) (distributive business, conditional) portion will allow a new public street to serve the townhouse community, or accessory uses associated with a climate controlled storage facility. The potential accessory uses could include but are not limited to buffers, screening, storm water and water quality structures, emergency vehicle turn around areas, and parking area and or maneuvering areas for parking.

PROPERTY OWNER

Compton Contracting Co.

PETITIONER

BNA Homes, LLC

AGENT/REPRESENTATIVE

Jeff Brown and Keith MacVean

COMMUNITY MEETING

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

STATEMENT OF CONSISTENCY

• The Zoning Committee found this petition to be inconsistent with the Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because:
  • The plan recommends residential up to four dwelling units per acre for this site, as well as the properties to the north and south of this site.
  • However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    • The proposed development serves as a transition between the higher density residential development and lower density single family residential neighborhoods;
    • The BD (CD) portion of the property is a small portion of the site and will be used for circulation, buffers and storm water.

By a 5-0 vote of the Zoning Committee (motion by Wiggins seconded by Majeed).

ZONING COMMITTEE ACTION

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

1. Deleted Note 4(a) that states the building materials used on the principal buildings constructed on site will be one or more of the following materials: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, vinyl, aluminum, stucco, EIF, decorative block and/or wood.
2. Revised Note 4(f) to include wording "behind the front most building face, excluding porches...”
3. Removed reference to building height for portion of site zoned BD (CD).
4. Corrected acreage for Development Areas A and B to add up to 9.52 acres.
5. Modified the fence detail on Sheet RZ-1 to specify vinyl as proposed material.
6. Amended note on Sheet RZ-1 by removing under Site Data stating...
parking will comply with the minimum requirements of the zoning ordinance.

7. The petitioner will include a sidewalk connection along the proposed private street from the intersection of the public streets to the first intersection of the private streets.

8. The petitioner will amend General Provisions Note 1c (Graphics and Alterations) to reflect only the first paragraph.

9. The petitioner modified the site plan to ensure that language on the site plan reflects that no buildings will be constructed on the BD (CD) (distributive business, conditional) portion of the site.

**VOTE**

Motion/Second: Majeed / Wiggins

Yeas: Dodson, Eschert, Majeed, Sullivan, and Wiggins

Nays: None

Absent: Labovitz

Recused: Lathrop

**ZONING COMMITTEE DISCUSSION**

Staff reviewed this petition the Committee, noting that this site is linked to an abutting property also under consideration for rezoning (petition 2016-028). Staff noted both sites are inconsistent with the adopted Plan, which calls for residential up to four dwelling units. It was stated that staff typically does not support alternate plans but that these petitions were unique because the alternate plans address infrastructure needs. Staff expressed concerns about how the note pertaining to the BD(CD) (distributive business, conditional) portion was written, requesting that the language ensure that no buildings will be constructed on that portion of the site and that it be only used for fire turnaround, storm water purposes and buffers. A Commissioner inquired if this petition serves as a transition for residential, and staff confirmed yes. The Committee suspended the rules to allow the agent, Keith MacVean, to speak. Mr. MacVean committed to addressing all outstanding issues. The Committee asked if staff would support the request since the petitioner had agreed to all of the changes. Staff responded there would still be a recommendation of non-support due to density.

At the end of the Zoning Committee Work Session, Tammie Keplinger addressed the Committee and explained that she failed to mention something during the presentation on Petition 2016-025. Earlier in the day she had a conversation with Marissa Harris representing the Walker’s Ferry Neighborhood. Although they had been informed of the Zoning Committee meeting, they were not in attendance and Ms. Keplinger promised that if Ms. Harris would send a letter regarding the petition, it would be put in front of the Committee.

The letter was distributed to the Committee and Ms. Keplinger explained this neighborhood did speak in opposition to the rezoning at the public hearing.

The Committee members reviewed the letter and Ms. Keplinger noted that if they wished to reconsider their motion on the petition based on this information they would need to do so at this meeting. One Commissioner stated that the letter did not change their view on the rezoning and others agreed.

There was no further discussion of this petition.

**STAFF OPINION**

Staff disagrees with the recommendation of the Zoning Committee because the request is inconsistent with the adopted plan and the proposed climate controlled storage use is out of character with the immediately surrounding residential development.
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Proposes the development of an 8.47-acre portion of the site (Development Area A) with up to 74 for sale townhouse units under R-12MF (CD) (multi-family residential, conditional) zoning.
  - Proposes rezoning a 1.05-acre portion of the site (Development Area B) to BD (CD) (distributive business, conditional). This area will be developed with a public street to serve the proposed townhouse community in Development Area A, or, as an Alternative Plan, will be used for accessory uses associated with a climate controlled storage facility such as, but not limited to, buffers, screening, storm water and water quality structures, emergency vehicle turn around areas and parking and/or maneuvering areas.
  - Limits number of principal townhouse buildings to be built on portion of site to be rezoned to R-12MF (CD) (multi-family residential, conditional) to 18, and per ordinance on the portion to be rezoned to BD (CD) (distributive business, conditional).
  - Allows a maximum building height of 38 feet or two stories for townhouse buildings.
  - Dedicates to NCDOT (North Carolina Department of Transportation) a minimum of 67 feet of right-of-way from the existing center line of South Tryon Street.
  - Provides an internal network of private streets to access townhouse units, with five-foot wide sidewalks on one side.
  - Provides a 48-foot wide Class “C” buffer (reduced to 36 feet with a fence) along the property line abutting parcels zoned R-3 (single family residential), with buffer fence (vinyl) detail shown on the plan.
  - Provides a Class “B” Buffer within Development Area B, as required per ordinance, if Development Area B is developed as part of the climate controlled storage facility as proposed by rezoning petition 2016-028 for the adjoining parcel.
  - Proposes building materials used on principal buildings will be one or more of the following materials: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, vinyl, aluminum, stucco, EIFS, decorative block and/or wood.
  - Proposes front door entrances for townhomes located within 15 feet of a sidewalk will be raised 24 inches above the average grade of the sidewalk.
  - Proposes porches will form a predominate building element of the building design. Each unit will be constructed with a front porch with a minimum depth of six feet as generally indicated on the site plan.
  - Proposes that units located on the interior of the site with end elevations directly across the proposed private street from units that front the same private street will be constructed with corner porches. Corner porches will extend a minimum of six feet from the front elevation and will have a minimum depth of six feet.
  - Proposes that the interior of the site end units that abut the internal private streets will have windows located on the end facades to avoid a blank street wall.
  - Proposes that garage doors visible from the public or private streets will be recessed at least one foot behind the front building line to minimize the visual impact of the garage doors on the public and private streets.
  - Identifies possible tree save/reforestation area.

- **Public Plans and Policies**
  - The *Steele Creek Area Plan* (2012) recommends residential up to four dwelling units per acre for this site, as well as the properties to the north and south of this site.

- **TRANSPORTATION CONSIDERATIONS**
  - The site will be accessed by a proposed road connecting to South Tryon Street. The primary transportation goal for this site is to preserve the future expansion of South Tryon Street from four to six lanes with protected bike lanes, which is achieved through right-of-way dedication. This petition will not significantly increase the amount of traffic compared to what can be built under the existing entitlements.
  - **Vehicle Trip Generation:**
    Current Zoning: 330 trips per day (based on 28 single family dwelling units).
    Proposed Zoning: 500 trips per day (based on 74 townhomes).
DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate 19 students, while the development allowed under the proposed zoning will produce 21 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is two students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
  - Palisades Park Elementary from 97% to 99%
  - Southwest Middle to remain at 127%
  - Olympic High from 152% to 153%
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte Water: No issues.
- Engineering and Property Management: See Advisory Comment, Note 2.
- Mecklenburg County Land Use and Environmental Services Agency: No comments received.
- Mecklenburg County Parks and Recreation Department: No issues.

OUTSTANDING ISSUES

Land Use
1. The accessory uses associated with the climate controlled storage are inconsistent with the residential use recommended in the area plan and should be removed from the site plan.

ADVISORY COMMENT
2. Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance. The property is located in the Wedge, therefore tree save shall be provided on site.

Attachments Online at www.rezoning.org

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  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

Planner: Claire Lyte-Graham (704) 336-3782
Acreage & Location: Approximately 9.52 acres located on the east side of Wright's Ferry Road near the intersection of South Tryon Street and Wright's Ferry Road.
**Petition #**: 2016-025

**Petitioner**: BNA Homes, LLC

**Zoning Classification (Existing)**: R-3

(Single Family, Residential)

**Zoning Classification (Requested)**: R-12MF(CD) & BD(CD)

(Multi-Family, Residential, Conditional and Distributive Business, Conditional)

**Acreage & Location**: Approximately 9.52 acres located on the east side of Wright's Ferry Road near the intersection of South Tryon Street and Wright's Ferry Road.
DEVELOPMENT STANDARDS

- **Environmental Features:**
  - The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submitted and must be approved by the City prior to development. Adjustments may be necessary in order to meet the requirements of the storm water management system.

- **Lighting:**
  - All exterior lighting shall be full cutoff type lighting fixtures excluding lenses. Decorative lighting may be installed along the common area walks and parking areas.

- **Detached Lighting on the Site:**
  - Detached lighting on the Site will be limited to 21 feet in height.

- **Coordinating the Rezoning Plan:**
  - Timing considerations for the Rezoning Plan (which includes the Complete Development Plan) may be applied for by the Petitioner in accordance with the provisions of Chapter 6 of the Ordinance.

**Binding Effect of the Rezoning Application:**
- If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan shall, unless amended in the manner provided under the Ordinance, be binding upon and may be enforced by the City, in whole or in part.

**Elevations, Driveways, Sidewalks, Landscaping:**
- All driveways, sidewalks, and other development and construction plans and to any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Detention Area:**
  - The detention area shall be 5' by 10' and shall be driven on the Site as indicated on the Rezoning Plan.

- **Permitted Uses & Development Area Limitation:**
  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Proposed Zoning:**
  - BNAHomes, LLC. ("Petitioner") hereby requests a rezoning of a 46.35 acre tract for use as a proposed private street, a public street to serve the townhome community, or any accessory uses associated with a private street to be constructed on the property under the proposed zoning classification.

- **Permitted Elevations:**
  - The proposed units located on the interior of the Site that have end elevations directly across the proposed private street from units that front the same private street will be constructed with corner porches. Corner porches will extend a minimum of six (6) feet from the first story elevation and will have a minimum depth of six (6) feet. These units are indicated on the Rezoning Plan with the Interior Unit Symbol.

- **Residential Units:**
  - The total number of principal residential buildings on the Site shall not exceed twenty (20) as generally depicted on the Rezoning Plan.

- **Parking Area:**
  - The development of the Site shall be provided with twenty (20) parking spaces as generally depicted on the Rezoning Plan.

- **Buffers:**
  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Development/Site Elements:**
  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Utilities:**
  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Structural Elements:**
  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Environmental Features:**
  - The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submitted and must be approved by the City prior to development. Adjustments may be necessary in order to meet the requirements of the storm water management system.

- **Lighting:**
  - All exterior lighting shall be full cutoff type lighting fixtures excluding lenses. Decorative lighting may be installed along the common area walks and parking areas.

- **Detached Lighting on the Site:**
  - Detached lighting on the Site will be limited to 21 feet in height.

- **Coordinating the Rezoning Plan:**
  - Timing considerations for the Rezoning Plan (which includes the Complete Development Plan) may be applied for by the Petitioner in accordance with the provisions of Chapter 6 of the Ordinance.

**Elevations, Driveways, Sidewalks, Landscaping:**
- All driveways, sidewalks, and other development and construction plans and to any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Detention Area:**
  - The detention area shall be 5' by 10' and shall be driven on the Site as indicated on the Rezoning Plan.

- **Permitted Uses & Development Area Limitation:**
  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Proposed Zoning:**
  - BNAHomes, LLC. ("Petitioner") hereby requests a rezoning of a 46.35 acre tract for use as a proposed private street, a public street to serve the townhome community, or any accessory uses associated with a private street to be constructed on the property under the proposed zoning classification.

- **Permitted Elevations:**
  - The proposed units located on the interior of the Site that have end elevations directly across the proposed private street from units that front the same private street will be constructed with corner porches. Corner porches will extend a minimum of six (6) feet from the first story elevation and will have a minimum depth of six (6) feet. These units are indicated on the Rezoning Plan with the Interior Unit Symbol.

- **Residential Units:**
  - The total number of principal residential buildings on the Site shall not exceed twenty (20) as generally depicted on the Rezoning Plan.

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  - The development of the Site shall be provided with twenty (20) parking spaces as generally depicted on the Rezoning Plan.

- **Buffers:**
  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

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  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Utilities:**
  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Structural Elements:**
  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Environmental Features:**
  - The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submitted and must be approved by the City prior to development. Adjustments may be necessary in order to meet the requirements of the storm water management system.

- **Lighting:**
  - All exterior lighting shall be full cutoff type lighting fixtures excluding lenses. Decorative lighting may be installed along the common area walks and parking areas.

- **Detached Lighting on the Site:**
  - Detached lighting on the Site will be limited to 21 feet in height.

- **Coordinating the Rezoning Plan:**
  - Timing considerations for the Rezoning Plan (which includes the Complete Development Plan) may be applied for by the Petitioner in accordance with the provisions of Chapter 6 of the Ordinance.

**Elevations, Driveways, Sidewalks, Landscaping:**
- All driveways, sidewalks, and other development and construction plans and to any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Detention Area:**
  - The detention area shall be 5' by 10' and shall be driven on the Site as indicated on the Rezoning Plan.

- **Permitted Uses & Development Area Limitation:**
  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Proposed Zoning:**
  - BNAHomes, LLC. ("Petitioner") hereby requests a rezoning of a 46.35 acre tract for use as a proposed private street, a public street to serve the townhome community, or any accessory uses associated with a private street to be constructed on the property under the proposed zoning classification.

- **Permitted Elevations:**
  - The proposed units located on the interior of the Site that have end elevations directly across the proposed private street from units that front the same private street will be constructed with corner porches. Corner porches will extend a minimum of six (6) feet from the first story elevation and will have a minimum depth of six (6) feet. These units are indicated on the Rezoning Plan with the Interior Unit Symbol.

- **Residential Units:**
  - The total number of principal residential buildings on the Site shall not exceed twenty (20) as generally depicted on the Rezoning Plan.

- **Parking Area:**
  - The development of the Site shall be provided with twenty (20) parking spaces as generally depicted on the Rezoning Plan.

- **Buffers:**
  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

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  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Utilities:**
  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.

- **Structural Elements:**
  - The Petitioner shall provide a complete set of plans, elevations, and construction details of the Petitioner’s development, the proposed development at the Site, and any adjustments required for approval by the CDOT and NCDOT in accordance with the provisions of Chapter 6 of the Ordinance.
Agenda #: 11. File #: 15-3212 Type: Zoning Decision

Rezoning Petition: 2016-028 by Stor-All Properties, Inc.

Location: Approximately 4.09 acres located on the north side of South Tryon Street between Wright’s Ferry Road and Grandiflora Drive. (Council District 3 - Mayfield)

Current Zoning: R-3 (single family residential)
Proposed Zoning: BD (CD) (distributive business, conditional) 5-year Vested Rights

Zoning Committee Recommendation:
The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition as modified.

Staff Recommendation:
Staff disagrees with the recommendation of the Zoning Committee for the following reasons:

- The proposed climate controlled storage facility is inconsistent with the recommended residential land use for the site.
- The proposed use will be located on a site at an entrance to a future residential neighborhood, and also surrounded by residential development.
- The climate controlled storage is out of character with the surrounding residential development which primarily consists of single family detached homes, apartments, and an assisted living facility.
- The proposal does not meet a number of Area Plan design policies that address building transparency, pedestrian access and connections, building massing and residential design character.

Statement of Consistency:
- The Zoning Committee found this petition to be inconsistent with the **Steele Creek Area Plan**, based on information from the staff analysis and the public hearing, and because:
  - The Plan recommends residential up to four dwelling units per acre.

- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The proposed climate controlled storage facility is designed to support residential uses in the general area.
  - The climate controlled storage facility is accessible indoors.
  - The site is located on a major road with commercial activities.
  - The petitioner has committed to architectural treatments that further enhance the structure.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
Site Plan
Rezoning Petition 2016-028
Zoning Committee Recommendation
March 30, 2016

REQUEST
Current Zoning: R-3 (single family, residential)
Proposed Zoning: BD(CD) (distributive business, conditional), with five-year vested rights

LOCATION
Approximately 3.65 acres located on the north side of South Tryon Street between Wrightsville Ferry Road and Grandiflora Drive. (Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes the construction of up to 100,000 square feet of climate controlled storage space on a vacant parcel south of the RiverGate area.

PROPERTY OWNER
Bill Parks Compton

PETITIONER
Stor-All Properties, Inc.

AGENT/REPRESENTATIVE
Walter Fields

COMMUNITY MEETING
Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3

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

- The Plan recommends residential up to four dwelling units per acre.

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

- The proposed climate controlled storage facility is designed to support residential uses in the general area.
- The climate controlled storage facility is accessible indoors.
- The site is located on a major road with commercial activities.
- The petitioner has committed to architectural treatments that further enhance the structure.

By a 6-0 vote of the Zoning Committee (motion by Majeed and Lathrop supplemented, seconded by Wiggins).

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

1. Relocated possible water quality/detention areas to avoid encroachment into existing water quality buffers on the site.
2. Provided building elevations and architectural standards per the policies contained in the adopted area plan, and an architectural standards note identifying building materials (brick, precast architectural panels, metal panels and banding, clear glass); use of awnings as part of building exterior design; change in materials and panel orientation to break up building walls; pedestrian accessibility; and use of ornamental tree plantings to further screen building. Revised site plan further addresses adopted plan policies by enhancing safe pedestrian connectivity.
3. Provided note stating area for water quality and detention BMPs will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens or other like forms.
4. Identifies sidewalk and planting strip along South Tryon Street, and new right-of-way to be dedicated 67 feet from existing center line of Hwy 49.
5. Petitioner has agreed to the request that corner elements and central architectural elements will extend beyond the wall plane of the east and south elevations.
6. Petitioner has agreed to design building so architectural panels will be recessed from the wall plane and vertical elements on the east and south elevations to vary the horizontal and vertical plane of the building.
7. Per the request of the petitioner, and as agreed by the Committee, the columns will be extended out.

VOTE

Motion/Second: Wiggins / Sullivan
Yeas: Dodson, Eschert, Lathrop, Majeed, Sullivan, and Wiggins
Nays: None
Absent: Labovitz
Recused: None

ZONING COMMITTEE DISCUSSION
Staff presented this item to the Committee, stating that new outstanding issues were due to submittal of the revised site plan. Staff indicated that the petitioner agreed to address the outstanding issues.

A Committee member asked if the petitioner had agreed to the item pertaining to recessing of the architectural panels, and staff responded yes. A Committee member inquired about the uses in the general area, and staff described the broad range of residential and non-residential uses in the area. Some Committee members discussed the configuration and location of the lot, and the convenience of an (indoor) self-storage facility in an area where there exists a great deal of residential developments.

A Committee member also mentioned the number of self-storage facility requests being received by the City, and pondered reuse of such big boxes for uses such as an office. Staff noted that request is inconsistent with the adopted Plan and that staff does not support this proposed project.

STAFF OPINION
Staff disagrees with the recommendation of the Zoning Committee for the following reasons:

- The proposed climate controlled storage facility is inconsistent with the recommended residential land use for the site.
- The proposed use will be located on a site at an entrance to a future residential neighborhood, and also surrounded by residential development.
- The climate controlled storage is out of character with the surrounding residential development which primarily consists of single family detached homes, apartments, and an assisted living facility.
- The proposal does not meet a number of Area Plan design policies that address building transparency, pedestrian access and connections, building massing and residential design character.

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

PLANNING STAFF REVIEW
- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 100,000 square feet of climate controlled, enclosed storage facility.
  - Limits building height to two stories.
  - Proposes a new public street providing access for the proposed climate control, enclosed storage facility. This street will also provide a connection from South Tryon Street to the proposed townhouse community north of the site (rezoning petition 2016-025).
  - Proposes an alternate plan showing that in the event the townhouse community is not approved, access to the climate controlled storage facility will be provided via a private drive connecting to South Tryon Street.
• Provides internal pedestrian and vehicular circulation via private drive and limited sidewalks that connect parking areas with proposed internal public streets, South Tryon Street, and associated sidewalks.
• Identifies possible water quality detention areas and tree save areas, with variations in location between alternate plans.
• Provides building elevations and architectural standards per the policies contained in the adopted area plan, and an architectural standards note identifying building materials (brick, precast architectural panels, metal panels and banding, clear glass); use of awnings as part of building exterior design; change in materials and panel orientation to break up building walls; pedestrian accessibility; and, use of ornamental tree plantings to further screen building.
• Site plan further addresses adopted plan policies by enhancing safe pedestrian connectivity via sidewalks connecting the building to parking areas, and new sidewalks along proposed streets and along South Tryon Street.
• Provides note stating area for water quality and detention BMPs will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens or other like forms.
• Identifies a 35-foot SWIM, post construction buffer, and 30-foot stream buffer.
• Limits detached lighting installed on site to a maximum height of 20 feet.

• Public Plans and Policies
  • The Steele Creek Area Plan (2012) recommends residential up to four dwelling units per acre for this site, as well as the properties to the north and south of this site.
  • The following Steele Creek Area Plan (2012) Non-Residential Design Policies are particularly applicable to this proposal:
    • 17A- Design buildings with transparent openings;
    • 17B- Establish entrances with pedestrian interest;
    • 17H- Locate dumpsters and service areas away from residential areas;
    • 17J- Vary horizontal and vertical plan of elevations;
    • 17J- Break down the mass of the building;
    • 17K- Blend the scale and height of development with respect to single family homes;
    • 19A- Create an interconnected sidewalk system;
    • 19G- Provide safe pedestrian circulation; and
    • 19J- Design access from surrounding neighborhood so that the appearance is residential in character.

• TRANSPORTATION CONSIDERATIONS
  • The site will be accessed by a proposed road connecting the site to South Tryon Street. The primary transportation goal for this site is to ensure the future expansion of South Tryon Street from four to six lanes with protected bike lanes. This petition will not significantly increase the traffic on the site compared to what can be built under the existing zoning.
  • Vehicle Trip Generation:
    Current Zoning: 150 trips per day (based on 12 single family dwelling units).
    Proposed Zoning: 250 trips per day (based on 100,000 square feet of self-storage uses).

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Charlotte Fire Department: No comments received.
• Charlotte-Mecklenburg Schools: No comments received.
• Charlotte-Mecklenburg Storm Water Services: None.
• Charlotte Water: See Advisory Comments, Note 2.
• Engineering and Property Management: See Advisory Comments, Note 3.
• Mecklenburg County Land Use and Environmental Services Agency: No comments received.
• Mecklenburg County Parks and Recreation Department: No issues.

OUTSTANDING ISSUES
Land Use
1. The proposed use is inconsistent with the Steele Creek Area Plan recommendation for residential
up to four dwelling units per acre.

**ADVISORY COMMENTS**

2. The closest existing water main is located approximately 250 feet southwest of the southern corner of the property.

3. Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance. Property is located in the Wedge; therefore, tree save shall be provided on site.

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

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

**Planner:** Claire Lyte-Graham (704) 336-3782
Acreage & Location: Approximately 4.09 acres located on the north side of South Tryon Street between Wright's Ferry Road and Grandiflora Drive.

Rezoning Petition: 2016-028

 petition
definition

Approximately 4.09 acres located on the north side of South Tryon Street between Wright's Ferry Road and Grandiflora Drive.

Rezoning Petition: 2016-028
**Petition #:** 2016-028

**Petitioner:** Stor-All Properties, Inc.

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

**Zoning Classification (Requested):** BD(CD) 5-year Vested Rights  
(Distributive Business, Conditional, Five Year Vested Rights)

**Acreage & Location:** Approximately 4.09 acres located on the north side of South Tryon Street between Wright's Ferry Road and Grandiflora Drive.
NOTE:
THE PETITIONER PREFERENCES TO COORDINATE THE DEVELOPMENT OF THIS SITE WITH THE DEVELOPMENT OF THE ADJACENT PROPERTY AS CONTEMPLATED PER PETITION 2016-023. TO THAT END, IF PETITION 2016-023 AND THIS PETITION ARE BOTH APPROVED, THIS PETITION WILL BE DEVELOPED AS SHOWN ON ALTERNATE PLAN (RZ-1A), AND PART OF ADJACENT PROPERTY (PROPOSED AS BRDO) AND TO THE SOUTHWEST OF THIS PETITION WILL BE DEVELOPED AS SHOWN ON ALTERNATE PLAN (RZ-1A).

PETITION NUMBER: 2016-028

STOR-ALL STORAGE ON TRYON

1340 SOUTH TRYON STREET
CHARLOTTE, NORTH CAROLINA
NOTE: PETITIONERS FOR CASES 2016-025 AND 2016-028 WISH TO COORDINATE THE DEVELOPMENT OF THEIR PROPERTIES AS SHOWN ON THIS ALTERNATE PLAN. THE USES SHOWN ON THIS PLAN WILL GOVERN DEVELOPMENT OF THE PROPERTY IF BOTH PETITIONS 2016-025 AND 2016-028 ARE APPROVED.

PETITION NUMBER: 2016-028
ALTERNATE PLAN
STOR-ALL STORAGE ON TRYON
13400 SOUTH TRYON STREET
CHARLOTTE, NORTH CAROLINA
Rezoning Petition: 2016-029 by White Point Paces Properties, LLC

Update: The recommendation on 2016-029 will be distributed through the Council Manager Memo on Friday, May 13, 2016.

Location: Approximately 11.85 acres located on the east and west side of North Brevard Street and generally surrounded by Parkwood Avenue, Belmont Avenue, East 16th Street, and North Brevard Street. (Council District 1 - Kinsey)

Current Zoning: R-8 (single-family residential), R-22MF (multi-family residential), and I-2 (general industrial)

Proposed Zoning: TOD-M (O) (transit oriented development-mixed use, optional) 5-Year Vested Rights
Agenda #: 13. File #: 15-3184 Type: Zoning Decision

Rezoning Petition: 2016-039 by MPV Properties, LLC

Location: Approximately 3.48 acres located on the east side of South Tryon Street between Wright’s Ferry Road and Grandiflora Drive. (Council District 3 - Mayfield)

Current Zoning: R-3 (single-family residential)
Proposed Zoning: O-1(CD) (office, conditional) 5-Year Vested Rights

Zoning Committee Recommendation:
The Zoning Committee voted 6-0 to recommend APPROVAL of this petition as modified.

Staff Recommendation:
Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:
- The Zoning Committee found this petition to be inconsistent with the Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential at up to four dwelling units per acre.
  - However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The subject property is located on South Tryon Street, between a religious institution and Carolinas Medical Center.; and
    - While the proposed office and child care facility is not consistent with the residential land use recommended by the plan, smaller office and institutional uses are compatible with the abutting hospital and religious institution; and
    - In addition, the subject parcel is cut off from larger tracts of land proposed for single family residential development by land owned by the church, thus limiting the potential for single family residential development on this site.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning: R-3 (single family residential)
Proposed Zoning: O-1(CD) (office, conditional) with five-year vested rights

LOCATION
Approximately 3.48 acres located on the east side of South Tryon Street between Wright’s Ferry Road and Grandiflora Drive.
(Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to allow up to 45,000 square feet of office and/or other uses allowed in the O-1 (office) district, including a child care facility. The vacant property is located south of the RiverGate Shopping Center, Carolinas Medical Center, and Steele Creek Volunteer Fire Department on South Tryon Street.

PROPERTY OWNER
Rees G. (Jr) and Retha (wife) Russell

PETITIONER
MVP Properties, LLC

AGENT/REPRESENTATIVE
James “Chip” Cannon

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

STATEMENT OF CONSISTENCY
• The Zoning Committee found this petition to be inconsistent with the Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because:
  • The plan recommends residential at up to four dwelling units per acre.
  • However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    • The subject property is located on South Tryon Street, between a religious institution and Carolinas Medical Center.; and
    • While the proposed office and child care facility is not consistent with the residential land use recommended by the plan, smaller office and institutional uses are compatible with the abutting hospital and religious institution; and
    • In addition, the subject parcel is cut off from larger tracts of land proposed for single family residential development by land owned by the church, thus limiting the potential for single family residential development on this site;

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

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

1. Amended note in the Development Summary that the proposed zoning is O-1(CD) with five-year vested rights.
2. Removed reference to “no wall pak” from the Lighting Note on Rezoning Sheet 1.0.
3. Modified Architectural Standards Note 4.e. to specify architectural treatments to ensure blank wall provisions do not exceed 20 feet horizontally or 10 feet vertically, transparent windows are used on elevations visible from the public right-of-way for a minimum 50% of the façade and the pedestrian entrances feature prominent architectural elements, including, but not limited to canopies.
4. Modified Environmental Features Note 6.a to state that the site will comply with the City of Charlotte Tree Ordinance. Tree save area
shall be provided on the site, primarily on the northern boundary where trees and vegetation exist. The exact location will be determined during the construction document review and permitting phase.

5. Modified Environmental Features Note 6.b to state that the site will comply with the Post Construction Controls Ordinance for storm water. Above ground Water Quality and Detention BMP's will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens, or other like forms. The BMP's may be provided above ground or underground. If above ground, the BMP will be located in the northeast portion of the site.

VOTE

Motion/Second: Wiggins / Sullivan
Yeas: Eschert, Labovitz, Lathrop, Majeed, Sullivan, and Wiggins
Nays: None
Absent: Dodson
Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and the changes since the public hearing. Staff noted that this petition is inconsistent with the Steele Creek Area Plan, which recommends residential at up to four dwelling units per acre. However, staff is recommending approval based on the reasons stated in the staff analysis and public hearing presentation.

There was no additional discussion.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Proposes construction of two buildings.
  • Allows Building 1 to have a maximum of 33,500 square feet of office and/or other uses allowed in the O-1 (office) district.
  • Allows Building 2 to be a child care facility consisting of up to 11,500 square feet and limited to 180 children, or other uses allowed in the O-1 (office) district.
  • Proposes buildings constructed on site may be one, two, or three floors, with a maximum building height of 50 feet.
  • Illustrates building and parking envelopes, building footprints, and possible play area for proposed child care facility.
  • Provides a 30-foot setback from future right-of-way to be consistent with setback requirement for abutting properties zoned R-3 (single family residential) as per Section 12.102(1) of the zoning ordinance. The office zoning districts require a 20-foot setback.
  • Provides pedestrian and vehicular access via proposed driveway connection to South Tryon Street, and internal sidewalks connecting proposed buildings to new sidewalk along the abutting right-of-way.
  • Proposes a ten-foot wide sidewalk and eight-foot planting strip along South Tryon Street. Sidewalk will fulfill requirement as well as provide an overland connector for the Walker Branch Tributary Greenway as requested by Mecklenburg County Park and Recreation Department.
  • Provides, at a minimum, a permanent 20-foot wide access easement through a portion of the 35-foot SWIM buffer along the entire length of the site’s northern boundary for future greenway use.
  • Dedicates and conveys additional right-of-way along the site’s frontage measuring 67 feet from the centerline for the future expansion of South Tryon Street from four to six lanes with protected bike lanes. Requires dedication and conveyance to be recorded prior to the issuance of the first certificate of occupancy.
  • Proposes four-sided architecture consistent with design guidelines outlined in the Steele Creek
Area Plan.

- **Public Plans and Policies**
  - The *Steele Creek Area Plan* (2012) recommends residential up to four dwelling units per acre for this site.

- **Transportation Considerations**
  - The site will be accessed by a proposed road connecting the site to South Tryon Street. The primary transportation goal for this site is to ensure the future expansion of South Tryon Street from four to six lanes with protected bike lanes.

- **Vehicle Trip Generation:**
  - **Current Zoning:** 10 trips per day (based on the existing single family home).
  - 130 trips per day (based on the entitlement for 10 single family homes).
  - **Proposed Zoning:** 1,450 trips per day (based on 33,000 square feet of office uses and 12,000 square feet of day care uses).

**Department Comments** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** See Advisory Comments, Note 1.
- **Engineering and Property Management:** See Advisory Comments, Note 2.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**Advisory Comments**

1. Charlotte Water currently does not have water system availability for the parcel under review. The closest available water main is approximately 200 feet west of the property at the intersection of South Tryon Street and Wright’s Ferry Road. The applicant should contact Charlotte Water’s New Services at (704) 432-5801 for more information regarding accessibility to the water system.

2. Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance. The tree save shall be provided on site as the project is located in the Wedge.

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

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

**Planner:** Claire Lyte-Graham  (704) 336-3782
Acreage & Location: Approximately 3.48 acres located on the east side of South Tryon Street between Wright's Ferry Road and Grandiflora Drive.
Petition #: 2016-039
Petitioner: MPV Properties, LLC
Zoning Classification (Existing): R-3
(Single Family, Residential)
Zoning Classification (Requested): O-1(CD) 5-Year Vested Rights
(Office, Conditional, Five Year Vested Rights)
Acreage & Location: Approximately 3.48 acres located on the south side of South Tryon Street between Wright's Ferry Road and Grandiflora Drive.
**13425 SOUTH TRYON**

**Technical Data Sheet**

**DEVELOPMENT SUMMARY**

- **Tax Parcel ID:** 21912112
- **Total Site Area:** 20,000 square feet
- **Existing Zoned:** O-1
- **Proposed Zoned:** O-1
- **Proposed Uses:** Office, childcare
- **Normal Parking:** 150 spaces
- **Special Parking:** 20 spaces

**DEVELOPMENT STANDARDS**

- **Building 1 Envelope:**
  - Vehicular access to the site will be provided by a driveway connection to South Tryon Street as generally depicted on the Rezoning Plan. The exact location of the driveway to be determined.
  - Vehicular parking provided on site shall comply with the minimum requirements of the Ordinance.
  - The Petitioner shall install a minimum 8 foot wide planting strip and 10 foot wide sidewalk along the Site's frontage on South Tryon Street. The sidewalk will fulfill the required sidewalk requirement as well as provide an overland connector for the Walker Branch Tributary Greenway as requested.
  - Vehicular parking provided on site shall comply with the minimum requirements of the Ordinance.

- **Building 1 Envelope:**
  - In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements for this site, the Petitioner may reduce or eliminate, as the case may be, the buffer areas accordingly.

- **Building 2, Play Area & Parking Envelope:**
  - The Petitioner shall dedicate and convey additional Right of Way along the site's frontage measuring sixty seven (67) feet from the centerline of the right-of-way.
  - The Petitioner shall install and convey an additional 50 feet wide street side storm water management system.

- **Environmental Standards:**
  - The Petitioner shall comply with all applicable federal, state, and local environmental regulations.
  - The Petitioner shall comply with all applicable federal, state, and local environmental regulations.

- **Transportation:**
  - The Site will comply with the City of Charlotte Post Construction Ordinance for stormwater. Above ground Water Quality and Detention BMPs will be depicted on the Technical Data Sheet.
  - Freestanding lighting fixture, including the base, shall not exceed 25 feet in height. Fixtures shall utilize full cut-off luminaries. Architectural lighting such as sconces and other decorative fixtures on the exterior of buildings will be permitted.

- **Stormwater Management:**
  - The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approvals as part of the full development and construction phases. The Petitioner shall ensure that the design is compliant with the requirements of the Charlotte Post Construction Ordinance.

- **Bicycling:**
  - Any portion of the 10 foot wide sidewalk that is located on the Site and not within the public Right of Way will be within a sidewalk easement.

- **Sidewalks:**
  - Any portion of the 10 foot wide sidewalk that is located on the Site and not within the public Right of Way will be within a sidewalk easement.

- **Parking:**
  - The proposed childcare facility is limited to a maximum of 180 children.

- **Streetscape and Landscaping:**
  - Building architecture will comply with architectural guidelines as established and outlined in the Steele Creek Area Plan. Blank walls will not exceed 20 feet in height.
  - The Petitioner shall install a minimum 8 foot wide planting strip.

- **Rezoning Petition:**
  - This Rezoning Petition is a part of the Rezoning Plan associated with the Planning Petition dated by MP Properties (the "Petitioner") to rezone the Site from the O-1 zoning district to the O-1 zoning district for the purpose of allowing office and childcare uses. The Petitioner has completed the Rezoning Plan and the Rezoning Plan, along with the Development Standards, as generally described in the Rezoning Petition is subject to review and approval by the City of Charlotte. Upon approval, the Rezoning Plan and Development Standards will be recorded in the City's land records and become part of the City's zoning regulations. The Development Plan and Rezoning Plan are intended to provide a general framework for the development of the Site and shall be subject to the review and approval of the City of Charlotte. Any deviations from the Development Plan and Rezoning Plan shall be subject to the review and approval of the City of Charlotte. The Development Plan and Rezoning Plan are intended to provide a general framework for the development of the Site and shall be subject to the review and approval of the City of Charlotte. Any deviations from the Development Plan and Rezoning Plan shall be subject to the review and approval of the City of Charlotte.

George Mason  
May Properties  
1318-e6 central ave.  
704.334.3303  
Charlotte, NC 28205

Urban Design Partners  
1325 SOUTH TRYON  
Technical Data Sheet  
Charlotte, NC 28202

Urbandesignpartners.com  
charlotte, nc 28205  
704.334.3303

RZ-1.0
Rezoning Petition: 2016-040 by Providence Road Farms, LLC

Location: Approximately 47.55 acres located on the east side of Providence Road between Providence Country Club Drive and Allison Woods Drive and across from Ardrey Kell Road. (Council District 7 - Driggs)

Current Zoning: MUDD-O (mixed use development, optional)
Proposed Zoning: MUDD-O SPA (mixed use development, optional site plan amendment)

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

Staff Recommendation:
Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:
- The Zoning Committee found this petition to be consistent with the Providence Road/I-485 Area Plan as amended by previous rezoning, based on information from the staff analysis and the public hearing, and because:
  - The site is recommended for residential, office, and retail uses.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The site is located in the Providence Road/I-485 Mixed Use Activity Center, which is a priority area to accommodate future growth; and
    - The proposed site plan amendment provides for additional flexibility for the location of drive-through uses on the site, as well as a minor change to the signs allowed on Providence Road as proposed in the original approved plan; and
    - The rezoning for the Waverly development was initially approved in 2014 to allow a mixed use development permitting up to 560,000 square feet of office and commercial land uses, 150-room hotel and 561 dwelling units; and
    - The requested changes will not impact the overall goals and design for the development.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
Site Plan
REQUEST

Current Zoning: MUDD-O (mixed use development, optional) with five-year vested rights

Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment) with five-year vested rights

LOCATION

Approximately 47.55 acres located on the east side of Providence Road between Providence Country Club Drive and Allison Woods Drive and across from Ardrey Kell Road.

(Council District 7 - Driggs)

SUMMARY OF PETITION

The petition proposes to modify the development standards for a portion of the Waverly Development to: 1) allow one additional location for an accessory drive-through window while maintaining the total number of uses with drive-through windows, and 2) increase the height for ground mounted detached signs located along Providence Road and building L located within Development Area F to be six feet high instead of five feet.

PROPERTY OWNER

Providence Road Farms, LLC; Waverly MOB, LLC; Waverly Retail LLC

PETITIONER

Providence Road Farms, LLC

AGENT/REPRESENTATIVE

Jeff Brown and Keith MacVean

COMMUNITY MEETING

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

Number of people attending the Community Meeting: None.

STATEMENT OF CONSISTENCY

• The Zoning Committee found this petition to be consistent with the Providence Road/I-485 Area Plan as amended by previous rezoning, based on information from the staff analysis and the public hearing, and because:

  • The site is recommended for residential, office, and retail uses.

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

  • The site is located in the Providence Road/I-485 Mixed Use Activity Center, which is a priority area to accommodate future growth; and

  • The proposed site plan amendment provides for additional flexibility for the location of drive-through uses on the site, as well as a minor change to the signs allowed on Providence Road as proposed in the original approved plan; and

  • The rezoning for the Waverly development was initially approved in 2014 to allow a mixed use development permitting up to 560,000 square feet of office and commercial land uses, 150-room hotel and 561 dwelling units; and

  • The requested changes will not impact the overall goals and design for the development;

By a 5-0 vote of the Zoning Committee (motion by Labovitz seconded by Majeed).

ZONING COMMITTEE ACTION

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

VOTE

Motion/Second: Labovitz / Eschert

Yeas: Eschert, Labovitz, Majeed, Sullivan, and Wiggins

Nays: None

Absent: Dodson

Recused: Lathrop

ZONING COMMITTEE

Staff provided a brief summary of the petition and indicated there were
DISCUSSION

no outstanding issues and no changes had been made since the public hearing. The petition is consistent with the adopted area plan as amended by the previous rezonings.

There was no further discussion.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan amendment contains the following changes:
  - Allows an additional location for an accessory drive-through window associated with a financial institution for Building L located within Development Area F (located along the extension of Ardrey Kell Road at the corner of the proposed street “Village Walk Drive”) without increasing the overall total number of drive-through windows allowed.
  - Provides site and design standards if Building L contains a financial institution or a limited service restaurant with a drive-through window.
  - Provides two site layout options for Building L located within Development Area F.
  - Increases the maximum height of ground mounted, detached signs for Building L within Development Area F and ground mounted, detached signs for buildings within Development Area B, C, D and E located along Providence Road from five feet to six feet.
  - Removes two notes under “General Provisions” that allowed administrative changes related to graphics, alterations, and modifications.

- Public Plans and Policies

- TRANSPORTATION CONSIDERATIONS
  - This rezoning will not affect the amount of traffic generated by the site and the approved road infrastructure and access points will not change. CDOT has no concerns with this petition.
  - Vehicle Trip Generation:
    - Current Zoning: 19,400 trips per day based on previously approved uses.
    - Proposed Zoning: The proposal does not change the uses permitted, therefore there is no change in the vehicle trip generation.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: This site plan amendment will not impact the number of students attending local schools.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte Water: See Advisory Comments, Notes 1 and 2.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.

ADVISORY COMMENTS

1. In relation to the parcels under review, Charlotte Water has water system availability via existing eight-inch water mains located along Providence Country Club Drive and Golf Links Drive. An existing 12-inch water main is located along Providence Road that extends approximately 300 feet north of the intersection at Providence Road and Providence Country Club Drive.

2. In relation to the parcels under review, Charlotte Water has sewer system availability via existing eight-inch gravity sewer mains located along Providence Country Club Drive and Providence Road. It should be noted there are no existing sewer mains between Development Areas 'C' and 'E' (as shown on Technical Data Sheet – RZ-1) along Providence Road.
Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311
Petition #: 2016-040

Acreage & Location: Approximately 47.55 acres located on the east side of Providence Road between Providence Country Club Drive and Allison Woods Drive and across from Ardrey Kell Road.
Petition #: 2016-040
Petitioner: Providence Road Farms, LLC

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

Zoning Classification (Requested): MUDD-O SPA
(Mixed Use Development District, Optional, Site Plan Amendment)

Acreage & Location: Approximately 47.55 acres located on the east side of Providence Road between Providence Country Club Drive and Allison Woods Drive and across from Ardrey Kell Road.
SITE DEVELOPMENT DATA

Site Acresage: 4.67-0.50
Tax Parcels: 231-131-10 and a portion of 231-131-01, and 18
Existing Zoning: MUDD-O by Rezoning Petition No. 2013-085
Proposed Zoning: MUDD-O SPA

Proposed Uses:
- Uses permitted by right and under prescribed conditions together with accessory uses allowed in the MUDD-O zoning district are more specifically described in Section 3 of the Development Standards.

Maximum Gross Square Feet of Development:
- Up to 900,000 square feet of gross floor area of office, retail, EDEE (e.g., educational), personal services, and other commercial uses (as more specifically described below in Section 3), hotels for up to 100 rooms, and up to 96 residential dwelling units of all types.

Maximum Building Height:
- Building height shall be limited to 95 feet (30 meters) for the purposes of the height limit, rooftop mechanical equipment, and smoke or devices used to screen roof structures or equipment will not be considered for the calculation of allowed building height when located on a multi-story office building; otherwise, building height shall be measured as defined by the Ordinance.

Parking:
- As specified in Table 12.202* Minimum Required Off-Street Parking Spaces by Use of the Off-Street Parking and Loading Section of the Ordinance.

Urban Character Guidebook:
- The Petitioner has created an Urban Character Guidebook for Waverly. This Urban Character Guidebook creates a set of common guidelines for various site elements, such as benches, tables & chairs, planters & rainboxes, bike racks, solar panels, tree glasses, parking materials, lighting and signage, for different areas within Waverly. This Urban Character Guidebook is to be used as a reference for the vehicular elements used throughout the site and to have a uniform and coordinated appearance. The Petitioner may update and modify the Urban Character Guidebook as needed to change and define the site elements proposed within each of the areas. Any proposed changes will be submitted to the Planning Department when updated or modified.

Providence Road Farms, LLC
Site Plan Amendment to Rezoning Petition No. 2013-085 (Amended: 2015-055)
Technical Data Sheet - RZ-1

Waverly
March 2016
d. Additional hotel rooms may be developed within the area of the Site zoned MUDD-O by converting residential dwelling units from one to a maximum of 25 residential dwelling units created by such conversion.

f. To allow along Providence Road ground mounted shopping center/development identification signs up to 20

g. To allow special event signs and banners along Private Streets #1, 3, and 4 and at the intersection of Providence Road and Ardrey Kell Road. The banners located at the intersection of Providence Road and Ardrey Kell Road will be constructed, well-designed, preferably in landscaped areas. The total size per banner shall not exceed 40 square feet, and no more than four (4) banners will be allowed at the intersection at any one time.

j. To allow a digital wall sign within Development Area A and along Private Street #1 with up to 250 square feet of gross sign area; however, the total sign area may not exceed the building area of the principal building constructed within such Development Area.

k. To allow a digital wall sign within Development Area F and along Private Street #4 with no more than 120 square feet of gross sign area and/or banners may be erected at the sign and generally located along the sign on Providence Road.

m. To allow signage for off-site parking spaces up to the limit described in Development Area A, F and/or G to be located and/or erected only within Development Areas A, F and/or G.

n. To allow any of the planned signs described in the Optimal Plans to be placed within the landscape without providing a parking lot for the landscape area noted on the Optimal Plans.

o. To allow Temporary Planning Designated sign and signs in balance with Providence Road up to 150 square feet of gross sign area providing a sign area; however, the sign type shall be limited to the types noted for the applicable Development Area.

p. To allow a digital wall sign within Development Area A, F and/or G and along Private Street #1 with no more than 120 square feet of gross sign area. This sign is to be added to the allowed floor area and not counting in the provision for total building area. The digital wall sign shall be used for advertising management related to the building.

q. To allow Temporary Planning Designated sign and signs in balance with Providence Road up to 150 square feet of gross sign area and/or banners may be erected at the sign and generally located along the sign on Providence Road.

r. To allow a digital wall sign within Development Area A, F and/or G and along Private Street #1 with no more than 120 square feet of gross sign area. This sign is to be added to the allowed floor area and not counting in the provision for total building area. The digital wall sign shall be used for advertising management related to the building.

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tt. To allow a digital wall sign within Development Area A, F and/or G and along Private Street #1 with no more than 120 square feet of gross sign area. This sign is to be added to the allowed floor area and not counting in the provision for total building area. The digital wall sign shall be used for advertising management related to the building.
4. Buildings, accent walls, landscaping, hardscape elements and/or similar site furnishings will be developed within Kell Road, except that, drive thru lanes will be allowed between the building constructed in Development Area D abutting Kell Road and the side or behind the buildings and behind the established setback of the buildings constructed along Ardrey Kell Road.

5. No setbacks shall be required for the buildings standing on the Public Plan and on the ground floor of buildings constructed to a first story of height. At least one principal entrance to each building shall be provided to the street for each building shown on the Rezoning Plan and on the ground floor of buildings constructed to a first story of height. No setback shall be required for said principal entrance to said building on the Rezoning Plan.

6. Buildings greater than 100' in length and that abut Private Street 1 and Ardrey Kell Road shall incorporate at the ground level a minimum of 30% of the total building facade area along the primary and secondary stories of said building with three-dimensional architectural elements. Said facade shall incorporate at least 30% of the building facade area along the primary and secondary stories of said building with three-dimensional architectural elements. Said facade shall be a minimum of 20% of the total building facade area along the primary and secondary stories of said building with three-dimensional architectural elements.

7. Buildings shall incorporate a minimum of 20% of the building facade area along the primary and secondary stories of said building with three-dimensional architectural elements. Said facade shall be a minimum of 20% of the total building facade area along the primary and secondary stories of said building with three-dimensional architectural elements.

8. Buildings greater than 100' in length and that abut Private Street 1 and Ardrey Kell Road shall incorporate at the ground level a minimum of 30% of the total building facade area along the primary and secondary stories of said building with three-dimensional architectural elements. Said facade shall incorporate at least 30% of the building facade area along the primary and secondary stories of said building with three-dimensional architectural elements. Said facade shall be a minimum of 20% of the total building facade area along the primary and secondary stories of said building with three-dimensional architectural elements.
**Fenestration Area**

The fenestration area is calculated as a percentage of the wall area zone from 3 feet above finish floor to 8 feet above finish floor for the length of the building / aggregate edge.

**Primary Frontage**
- 60% Minimum fenestration (Area) required, measured as an aggregate edge (not per tenant or building)
- Door Entry for Each Tenant

**Secondary Frontage**
- 30% Minimum fenestration (Area) required (1/2 of which to be unobstructed views), measured as an aggregate edge (not per tenant or building)
- Alternate Entry Permitted

**Critical Corridor**
- 45% Minimum fenestration (Area) required, measured as an aggregate edge (not per tenant or building)
- Alternate Entry Permitted

**Ardrey Kell (Limited Access + Out Parcel)**
- 60% Minimum fenestration (Area) required, measured as an aggregate edge (not per tenant or building)
- Alternate Entry Permitted

**MUDD Min. Requirement**

**Non-Residential Key**

- Fenestration Area
- Hardscape
- Greenspace

**Note:**
A fenestration is an opening in the exterior building wall with transparent glazing, allowing light and views between the interior and exterior. Glazing of windows shall be transparent under all lighting conditions, however, spandrel or colored glass may be used in the area above the height of the door head. The fenestration areas shall extend from a height of no more than three feet from the exterior average grade at the base of the building to at least the height of the door head. This requirement for fenestration will be applied to the noted Percentage of fenestration areas as noted above.

**Hardscape**

**Greenspace**

**Note:**
Loading areas along critical corridor will be screened from view by a wall with a similar materiality as the architecture. This frontage will not contribute to the required fenestration.

Please see Development Standards for provisions allowing alterations or modifications of these graphic depictions.

**Multi-Family Street Frontage Key**

**Primary Frontage**
- 60% Building Frontage

**Secondary Frontage**
- 30% Building Frontage

**Pedestrian Connections**

**Focal Point**
- Architectural Feature
- Green Space
- Plaza Entry

**Open Space One**

**Potential Loading / Service Area**

**Public Plaza**

**Menu of Options**
- Pedestrian Seating
- Pedestrian Scaled Lighting
- Enhanced Hardscape
- Specialty Landscape

**Private Streets**

**Public Street 5**

**Public Street 6**

**Pocket Park**

**Menu of Options**
- Pedestrian Seating
- Pedestrian Scaled Lighting
- Enhanced Hardscape
- Specialty Landscape

**Critical Corners**

**Menu of Options**
- Focal Point
- Walking Trails/Sidewalk
- Pedestrian Seating
- Pedestrian Scaled Lighting
- Enhanced Hardscape
- Specialty Landscape

**Open Space One**

**Menu of Options**
- Pedestrian Seating
- Pedestrian Scaled Lighting
- Enhanced Hardscape
- Specialty Landscape

**BMP Location**

**Corner**

**Private Street 2**

**Private Street 3**

**Private Street 4**

**Private Street I**

**PROPOSED SIGNAL**

**ARDREY KELL ROAD**

**Activated Building Edge**
- No Blank Walls Adjacent to Plaza
- Pedestrian Connection from Parking Garage to Ardrey Kell Road
- Plaza Space Between Parking Space and Ardrey Kell

**Menu of Options**
- Pedestrian Seating
- Pedestrian Scaled Lighting
- Enhanced Hardscape
- Specialty Landscape

**Public Plaza**

**Menu of Options**
- Pedestrian Seating
- Pedestrian Scaled Lighting
- Enhanced Hardscape
- Specialty Landscape

**Private Street 6**

**Enhanced Landscape**

**BMP Location**

**Amenitized Pond**

**Critical Corners**

**Menu of Options**
- Focal Point
- Walking Trails/Sidewalk
- Pedestrian Seating
- Pedestrian Scaled Lighting
- Enhanced Hardscape
- Specialty Landscape

**Open Space One**

**Menu of Options**
- Pedestrian Seating
- Pedestrian Scaled Lighting
- Enhanced Hardscape
- Specialty Landscape

**Providence Road Farms, LLC**

**Site Plan Amendment to Rezoning Petition No. 2013-085 (Amended: 2015-055)**

**Orientation Fenestration Diagram - RZ-4**
Building L Option 1: Looped Drive Through on West Side of Building

Building L Option 2: Drive Through Around Building with Enclosure (See Development Standards for building edge requirement along Ardry Kell Road)
Rezoning Petition: 2016-044 by W. Holt Parham

Location: Approximately 0.9 acres located on the northeast corner at the intersection of South Tyron Street and West Kingston Avenue. (Council District 3 - Mayfield)

Current Zoning: B-1 (neighborhood business)
Proposed Zoning: TOD-MO (transit oriented development-mixed use, optional)

Zoning Committee Recommendation:
The Zoning Committee voted 6-0 to recommend APPROVAL of this petition as modified.

Staff Recommendation:
Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:
- The Zoning Committee found this petition to be consistent with the South End Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends mixed-use transit supportive development for the area in which the site is located.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The subject site is within a 1/4 mile walk of the East/West Boulevard Transit Station on the LYNX Blue Line; and
    - The proposed development will provide a mix of transit supportive non-residential uses, including hotel and commercial uses, which are appropriate for a transit station area; and
    - The petition provides a corner open space that encourages pedestrian activity and complements the pedestrian environment; and
    - The proposed site plan includes active ground floor uses along South Tryon Street and Kingston Street. These uses will support a walkable environment; and
    - The 75-foot building height optional request is only 15 feet greater in height than what is allowed by the ordinance standards. The additional height will not have a negative impact on the Wilmore neighborhood, which is separated from this site by commercial development.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning: B-1 (neighborhood business)
Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional)

LOCATION
Approximately 0.9 acres located on the northeast corner at the intersection of South Tryon Street and West Kingston Avenue. (Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes the redevelopment of two single story residential structures and vacant property for a hotel with up to 130 rooms with office and ground floor commercial/retail designed to be transit supportive in the South End area.

PROPERTY OWNER
Various

PETITIONER
W. Holt Parham

AGENT/REPRESENTATIVE
Collin Brown and Bailey Patrick/ K&L Gates, LLP

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

STATEMENT OF CONSISTENCY
- The Zoning Committee found this petition to be consistent with the *South End Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends mixed-use transit supportive development for the area in which the site is located.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The subject site is within a 1/4 mile walk of the East/West Boulevard Transit Station on the LYNX Blue Line; and
    - The proposed development will provide a mix of transit supportive non-residential uses, including hotel and commercial uses, which are appropriate for a transit station area; and
    - The petition provides a corner open space that encourages pedestrian activity and complements the pedestrian environment; and
    - The proposed site plan includes active ground floor uses along South Tryon Street and Kingston Street. These uses will support a walkable environment; and
    - The 75-foot building height optional request is only 15 feet greater in height than what is allowed by the ordinance standards. The additional height will not have a negative impact on the Wilmore neighborhood, which is separated from this site by commercial development;

By a 6-0 vote of the Zoning Committee (motion by Majeed seconded by Sullivan).

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

1. The optional request for deviation from the active street requirement has been removed.
2. The required streetscape on South Tryon Street has been labeled and shown on the plan.
3. An eight-foot planting strip and eight-foot amenity zoned has been shown on the plan.
4. 30 feet from the centerline of South Tryon Street has been shown on the plan as requested by Charlotte Department of Transportation.
5. New curb and gutter along South Tryon Street has been shown on the plan.
6. The petitioner has committed to dedicate 30 feet of right-of-way to the back of the proposed sidewalk.

VOTE
Motion/Second: Wiggins / Sullivan
Yeas: Eschert, Labovitz, Lathrop, Majeed, Sullivan, and Wiggins
Nays: None
Absent: Dodson
Recused: None

ZONING COMMITTEE DISCUSSION
Staff reviewed the petition and noted that all the outstanding issues had been addressed. One Commissioner wanted to know why right-of-way is needed to the back of the sidewalk. Staff responded that the right-of-way dedication to the back of the sidewalk is needed for maintenance of the sidewalk. Another Commissioner asked if there were any traffic concerns with this petition. Staff responded and stated that there were no traffic concerns with this request. There was no further discussion of this petition.

Staff noted that this petition is consistent with the South End Transit Station Area Plan.

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

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

PLANNING STAFF REVIEW
- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Hotel use with up to 130 rooms and associated ground floor commercial uses along South Tryon Street and West Kingston Avenue.
  - 16-foot setback from the future back of curb along South Tryon Street and West Kingston Avenue with sidewalk and trees in grates.
  - New streetscape improvements on all adjacent streets, including on-street parking on South Tryon Street and West Kingston Avenue.
  - Minimum 1,500 square feet for outdoor seating and plazas areas.
  - Building elevations with proposed building materials, such as brick, stucco, black aluminum, and faux wood accents.
  - Optional Provisions for the following allowances:
    - Additional building height in excess of the TOD (transit oriented development) height plane. The primary building will be approximately 75 feet tall and the allowable TOD height for this property is 60 feet due to the proximity of single family zoning across South Tryon Street in the nearby Wilmore neighborhood. This represents a height optional request of 15 feet.

- Public Plans and Policies
  - The South End Transit Station Area Plan (2005) recommends transit supportive mixed uses for the subject site and surrounding properties.
  - The petition supports the General Development Policies-Environment by redeveloping an infill site near a rapid transit station, thereby minimizing further environmental impacts while accommodating growth.

- TRANSPORTATION CONSIDERATIONS
  - The proposed project is located in South End along a major thoroughfare. On this type of facility, CDOT’s primary goal is to protect the future right-of-way and setback needs to help achieve the goals of the area plan and multi-modal transportation needs, including activating parallel on-street parking now, reserving space for future bike lane, and implementing walkable streetscapes.
  - Vehicle Trip Generation:
    Current Zoning: 1420 trips per day (based on 9,000 square feet of retail uses).
    Proposed Zoning: 800 trips per day.
DEPARTMENT COMMENTS (see full department reports online)

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

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

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

**Planner:** Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 0.9 acres located on the northeast corner at the intersection of South Tyron Street and West Kingston Avenue.
Petition #: 2016-044
Petitioner: W. Holt Parham

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

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

Acreage & Location: Approximately 0.9 acres located on the northeast corner at the intersection of South Tyron Street and West Kingston Avenue.

Map Produced by the Charlotte-Mecklenburg Planning Department, 2-24-2016.
Agenda #: 16. File #: 15-3181 Type: Zoning Decision

Rezoning Petition: 2016-045 by Pamlico Investments, Inc.

Update: The recommendation on 2016-045 will be distributed through the Council Manager Memo on Friday, May 13, 2016.

Location: Approximately 1.37 acres located on the southwest corner at the intersection of East 10th Street and Seigle Avenue. (Council District 1 - Kinsey)

Current Zoning: B-1 & R-22MF (neighborhood business) & (multi-family, residential)

Proposed Zoning: MUDD-O (mixed use development, optional)
Rezoning Petition: 2016-055 by Real Estate Investment Fund

Location: Approximately 2.52 acres located on the west side of Prosperity Church Road between Johnston Oehler Road and Interstate 485. (Council District 4 - Phipps)

Current Zoning: R-3 (single-family residential)
Proposed Zoning: MUDD-O (mixed used development, optional)

Zoning Committee Recommendation:
The Zoning Committee voted 6-0 to recommend APPROVAL of this petition as modified.

Staff Recommendation:
Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:
- The Zoning Committee found this petition to be consistent with the Prosperity Hucks Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends a mix of uses at this site.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The subject site is located along Robert Helms Road and Docia Crossing Road, fronting on I-485; and
    - The site is located within the growing Prosperity Church Road Activity Center, and the proposal supports the adopted Plan’s policies regarding development that should be compact, pedestrian oriented and well-connected internally, and to surrounding development; and
    - This site’s location within a Mixed Use Activity Center, will provide a mixture of uses that yield shorter vehicle trip lengths that are less impactful than accommodating the same uses spread over greater distances; and
    - The proposed rezoning of the site to MUDD-O (mixed use development, optional) to allow for a climate controlled storage facility and ground floor accessory retail uses is in a format that is consistent with the design policies detailed in the Prosperity Hucks Area Plan.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning: R-3 (single family residential)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION
Approximately 2.52 acres located on the west side of Prosperity Church Road between Johnston Oehler Road and Interstate 485. (Council District 4 - Phipps)

SUMMARY OF PETITION
The petition proposes to allow a mixture of street front retail and office uses, with self-storage uses located on the interior of the site. The subject site is located in the Prosperity Church Road Activity Center and is currently vacant.

PROPERTY OWNER
Bonnie J. Dobbs et al.

PETITIONER
Real Estate Investment Fund, LLC

AGENT/REPRESENTATIVE
Collin Brown/Bailey Patrick, Jr.

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

STATEMENT OF CONSISTENCY
• The Zoning Committee found this petition to be consistent with the Prosperity Hucks Area Plan, based on information from the staff analysis and the public hearing, and because:
  • The plan recommends a mix of uses at this site.
  • Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    • The subject site is located along Robert Helms Road and Docia Crossing Road, fronting on I-485; and
    • The site is located within the growing Prosperity Church Road Activity Center, and the proposal supports the adopted Plan’s policies regarding development that should be compact, pedestrian oriented and well-connected internally, and to surrounding development; and
    • This site’s location within a Mixed Use Activity Center, will provide a mixture of uses that yield shorter vehicle trip lengths that are less impactful than accommodating the same uses spread over greater distances; and
    • The proposed rezoning of the site to MUDD-O (mixed use development, optional) to allow for a climate controlled storage facility and ground floor accessory retail uses is in a format that is consistent with the design policies detailed in the Prosperity Hucks Area Plan;

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

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

Transportation
1. The petitioner has amended the site plan to widen Prosperity Crossing Road to a local collector street typical section requiring a minimum 51 feet of right-of-way; this street section allows recessed on-street parallel parking on both sides of the street. The future back of curb along the site’s Prosperity Crossing Drive’s frontage will be located 37 feet from the existing back of curb on the south side Prosperity Crossing Drive.
2. The petitioner shows 51 feet of total right-of-way as measured from Prosperity Crossing Road’s exiting “southern” right-of-way line. The public sidewalk along the site’s Prosperity Crossing Road frontage can be placed in a permanent Sidewalk Utility Easement.
or additional right-of-way. The petitioner has revised the site plan to depict and label future right-of-way and/or permanent Sidewalk Utility Easements along the site’s Prosperity Crossing Road frontage.

3. The petitioner has revised the site plan to depict and label a permanent Sidewalk Utility Easement or additional right-of-way to include the entire six-foot public sidewalk along the site’s Docia Crossing Road frontage.

4. The petitioner has agreed to work with CDOT on how the existing curbline of Prosperity Crossing Road, west of Docia Crossing Road, will properly align with the new curbline proposed east of Docia Crossing Road.

Site and Building Design

5. The petitioner has deleted the third optional request because it does not match the site plan drawing. The petitioner has provided a minimum 16-foot setback from back of curb in order to accommodate required street trees.

Requested Technical Revisions

6. The petitioner has removed the third paragraph under General Provisions heading that read “The technical data sheet…”

7. The petitioner has moved Architectural Standards/Streetscape and Landscaping Note 7j under Permitted Uses heading where language lists prohibited uses.

8. The petitioner has revised site plan to show paved surface next to on-street parking with trees in grates or planters.

9. Architectural Standards/Streetscape and Landscaping Note 7.c. regarding dumpster areas has been modified by adding language that states: “…gates or doors shall be opaque and shall lock in order to limit access during non-business hours.”

10. Lighting Note 11.c. has been modified to read: “All decorative exterior, building-mounted lighting shall incorporate globe lanterns or other similar style that adequately illuminate pedestrian areas and reduce shadows along building frontages.”

11. Parking Note 13.b. has been added that states: “Petitioner will provide a minimum of one (1) conveniently-located parking space reserved for ‘clean commuters’ (which shall include carpool, vanpool, hybrid vehicles and electric vehicles), otherwise, parking will meet all ordinance standards.

**VOTE**

Motion/Second: Wiggins / Majeed

Yeas: Eschert, Labovitz, Lathrop, Majeed, Sullivan, and Wiggins

Nays: None

Absent: Dodson

Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff reviewed the request noting that the property is located in the Prosperity Church Road Mixed Use Activity Center. The changes since the public hearing were reviewed. Staff noted the one outstanding issues related to the existing curbline of Prosperity Crossing Road, properly aligning with the new curbline proposed east of Docia Crossing Road.

One Commissioner noted that the map in the notebook showed the old alignment for Prosperity Church Road. Another Commissioner stated that staff did not recommend approval of another climate controlled storage facility. In this case, the neighbors to the right of the property were very opposed to the storage facility. The Commissions asked if staff knew why. Staff responded that the lady that spoke at the public hearing said they have been involved area plan development, the storage would be detrimental to their property values and this is not what was envisioned for the area. The Commissioner noted that the storage facility was going to be camouflaged.

Another Commissioner noted that it is a good use of the land because of the amount of noise from Interstate 485. Another asked about the
comments made at the hearing regarding the police officers concerns about security. Staff noted that the petitioner reached out to the officer and was working through the concerns. These types of concerns are too detailed for the rezoning process and are not land use issues so they are worked out individually with the developer.

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

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  
  The site plan accompanying this petition contains the following provisions:
  - Proposes a development project which incorporates street front retail and office uses designed to be pedestrian friendly, with climate controlled self-storage on the interior of the site.
  - Allows up to 17,400 square feet of commercial uses including office, retail, eating/drinking/entertainment establishments, brewery, or personal services uses.
  - Allows 101,000 square feet of self-storage uses.
  - Prohibits car washes, automobile services stations, drive-through service windows, and eating/drinking/entertainment establishments with drive-through service windows.
  - Proposes a maximum building height of two stories (45 feet).
  - The following optional provisions are being requested:
    - Allow up to 150 square feet of wall-mounted signage on each building façade facing Robert Helms Road and Docia Crossing Road. Ordinance allows signs located on any building wall of a structure to have a maximum sign surface of all signs on one wall not to exceed 5% of building wall to which the sign is attached up to a maximum of 100 square feet.
    - Allow a five-foot rear yard due to the fact that the adopted land use plan does not recommend residential uses on the adjacent property. Ordinance requires a 10-foot building separation adjacent to a residential use.
    - Provides access via proposed driveway connections onto Robert Helms Road, Docia Crossing Road, and Prosperity Crossing Road.
    - Includes a note that a minimum of one (1) conveniently-located parking space reserved for "clean commuters" (which shall include carpool, vanpool, hybrid vehicles and electric vehicles), will be provided.
    - Provides a conceptual rendering of the development proposal and architectural standards as follow:
      - Exterior building materials to consist of primarily glass, brick, stucco, metal and composite panels, and/or cementitious siding.
      - Design elements to be incorporated for certain street front building facades within the site include those that seek to create a traditional “Town Center” concept to the site and buildings.
      - There will be a mix of transparent and solid materials to provide visual interest for the community and durability to serve building occupants. Primary among these elements include expanses of street front glass and access doors.
      - The building façade will consist of brick veneer in a variety of colors with accent masonry banding at mid-height, and include canvas awnings, tenant signage, and decorative accent lighting.
      - Second floor windows will have spandrel glass, and be designed in a traditional configuration.
      - The building top will be defined by cornice molding and stepped parapet heights to enhance the differentiation among the retail bays.
      - The ground floors of building facades facing Docia Crossing Road and Prosperity Crossing Road will be designed to encourage and complement pedestrian interest and activity. Any exterior doors in those locations shall remain open during business hours.
      - Transparent glass shall be used on ground floor windows so that the uses are visible from the street.
      - At the building occupying the Docia Crossing/Prosperity Crossing Corner, the extent of storefront glass and doors to access tenants shall constitute a minimum of 60% of first floor frontage along Docia Crossing Road.
      - Each business will have a minimum one three (3) foot by seven (7) foot entry door. In addition, each storefront window/door shall have a transparent glass transom above of at least one foot in height.
• The Docia Crossing Street elevation will also be enhanced with colored canvas awnings for at least 25% of the storefront bays.
• Tenant signage will be incorporated into a band above the glazing, suspended above the awning, or be applied directly to the glazing or awnings.
• The Prosperity Crossing elevation will include more traditional windows for viewing access from the office activities within. It will have two sets of doors to access offices and back-of-house retail functions.
• Provides approximately 1,200 square feet of amenitized urban open space adjacent to the intersection of Docia Crossing Road and Prosperity Crossing Road. Open space area will include planter areas with landscaping and trees, as well as public seating. The walking surface of the designated open space along Docia Crossing in front of the building will incorporate a different color and/or texture to differentiate it from the public sidewalk.
• Pedestrian scale lighting will be decoratively configured, with a widened base, fluted shaft, and ornamental top with a matching light housing. On Docia Crossing Road, the shaft will include brackets to mount elements such as flower pots or banners. Light poles will be a maximum 18 feet in height, and will be spaced at a maximum area.

• **Public Plans and Policies**
  - The Prosperity Hucks Area Plan (2015) recommends a mix of uses (retail/service, office, hotel and institutional) for the area in which this site is located.
  - The plan calls for development that is compact, pedestrian oriented and well-connected internally and to surrounding development.
  - The plan also calls for the ground floor of buildings to be designed to activate streets and open space through a combination of design techniques that include: non-residential ground floor uses with clear glass windows and prominent entrances with operable doors allowing access from the sidewalk; building corners that features prominent entrances; and distinctive architectural design.

• **TRANSPORTATION CONSIDERATIONS**
  - This site is located within a Mixed Use Activity Center. Generally CDOT supports greater density in Mixed Use Activity Centers since the mixture of uses yields shorter vehicle trip lengths that are less impactful than accommodating the same uses spread over greater distances. Further, if the design of the development sites can be done with safe, comfortable, and convenient facilities for pedestrians and cyclists, the rate of automobile usage per square foot of development can be reduced.
  - This petition improves the walkability of this site by implementing on-street parking and planting strips and sidewalks along the property frontages, consistent with the adopted area plan.
  - **Vehicle Trip Generation:**
    - Current Zoning: 90 trips per day (based on seven single family homes).
    - Proposed Zoning: 1,920 trips per day.

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

• **Charlotte Area Transit System:** No issues.
• **Charlotte Department of Neighborhood & Business Services:** No issues.
• **Charlotte Fire Department:** No comments received.
• **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
• **Charlotte-Mecklenburg Storm Water Services:** No issues.
• **Charlotte Water:** See Advisory Comments, Note 9.
• **Engineering and Property Management:** See Advisory Comments, Note 10.
• **Mecklenburg County Land Use and Environmental Services Agency:** See Advisory Comments, Note 11.
• **Mecklenburg County Parks and Recreation Department:** No issues.

**ADVISORY COMMENTS**
1. Charlotte Water does not currently have sewer system availability for the parcel under review. The closest sewer main is approximately 150 feet west of the southwest corner of the property
on Prosperity Crossing Drive. The applicant should contact Charlotte Water’s New Services at (704) 432-5801 for more information regarding accessibility to sewer system connections.

2. Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance.

3. Because the proposed development will likely attract commuter trips, Mecklenburg County Air Quality recommends that the petitioner be required to provide “preferred” (attractive, conveniently located, or reduced cost) parking for “Clean Commuters” (carpool, vanpool, hybrid vehicles and/or electric vehicles).

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

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

Planner: Claire Lyte-Graham  (704) 336-3782
Petition #: 2016-055

Acreage & Location: Approximately 2.52 acres located on the west side of Prosperity Church Road between Johnston Oehler Road and Interstate 485.
Petition #: 2016-055
Petitioner: Real Estate Investment Fund, LLC

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

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

Acreage & Location: Approximately 2.52 acres located on the west side of Prosperity Church Road between Johnston Oehler Road and Interstate 485.
Rezoning Petition: 2016-058 by Collin Brown

Location: Approximately 0.81 acres located on the west side of South Church Street between Interstate 277 and West Stonewall Street. (Council District 2 - Austin)

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

Zoning Committee Recommendation:
The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

Staff Recommendation:
Staff agrees with the recommendation of this Zoning Committee.

Statement of Consistency:
- The Zoning Committee found this petition to be consistent with the Charlotte Center City 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because:
  - While this plan does not make a specific land use recommendation for the site, it encourages future development that will contribute to the overall viability and livability of Center City.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - This conventional rezoning request allows a site currently used for a distribution warehouse, associated parking and maneuvering, to be developed with any use allowed in UMUD (uptown mixed use) zoning.
    - Use of conventional UMUD (uptown mixed use) zoning applies standards and regulations to create the desired form and intensity of development in Uptown and a conditional rezoning is not necessary.
    - UMUD (uptown mixed use) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.
    - The UMUD standards and allowed uses will promote development that supports the Charlotte Center City 2020 Vision Plan’s goal of creating a viable and livable Center City.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
REQUEST
Current Zoning: UMUD-O (uptown mixed use, optional)
Proposed Zoning: UMUD (uptown mixed use)

LOCATION
Approximately 0.81 acres located on the west side of South Church Street between Interstate 277 and West Stonewall Street.
(Council District 2 - Austin)

SUMMARY OF PETITION
The petition proposes to allow the redevelopment of an existing site in Uptown with any use allowed in the UMUD (uptown mixed use) district. Uses allowed in the UMUD (uptown mixed use) district include residential, office, retail, institutional and civic uses.

PROPERTY OWNER
600 Charlotte, MRP, LLC

PETITIONER
Collin Brown

AGENT/REPRESENTATIVE
None

COMMUNITY MEETING
Meeting is not required.

STATEMENT OF CONSISTENCY
• The Zoning Committee found this petition to be consistent with the Charlotte Center City 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because:
  • While this plan does not make a specific land use recommendation for the site, it encourages future development that will contribute to the overall viability and livability of Center City.
  • Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    • This conventional rezoning request allows a site currently used for a distribution warehouse, associated parking and maneuvering, to be developed with any use allowed in UMUD (uptown mixed use) zoning.
    • Use of conventional UMUD (uptown mixed use) zoning applies standards and regulations to create the desired form and intensity of development in Uptown and a conditional rezoning is not necessary.
    • UMUD (uptown mixed use) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.
    • The UMUD standards and allowed uses will promote development that supports the Charlotte Center City 2020 Vision Plan’s goal of creating a viable and livable Center City;

By a 6-0 vote of the Zoning Committee (motion by Majeed seconded by Wiggins).

ZONING COMMITTEE ACTION
The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

VOTE
Motion/Second: Sullivan / Eschert
Yeas: Eschert, Labovitz, Lathrop, Majeed, Sullivan, and Wiggins
Nays: None
Absent: Dodson
Recused: None

ZONING COMMITTEE DISCUSSION
Staff noted that this is a conventional request with no associated site plan that allows all uses in the ordinance for this district. Staff also stated that this petition is consistent with the Charlotte Center City 2020 Vision Plan. There was no further discussion of this request.
STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

- Proposed Request Details
  - This conventional rezoning petition applies all the standards, regulations, and uses in the UMUD (uptown mixed use) zoning district. Uses allowed in the UMUD (uptown mixed use) district include residential, office, retail, institutional and civic uses.
  - The proposed rezoning will eliminate the optional provisions and other conditions associated with the current UMUD-O (uptown mixed use, optional) zoning.

- Public Plans and Policies
  - The Charlotte Center City 2020 Vision Plan (2011) does not make a specific land use recommendation for this site. However, the plan encourages future development that will contribute to the overall viability and livability of Center City.
  - The petition supports the General Development Policies-Environment by allowing redevelopment of an infill site, thereby minimizing further environmental impacts while accommodating growth.

- TRANSPORTATION CONSIDERATIONS
  - Due to the small size of this site, CDOT is not concerned about any traffic impacts. The access design and streetscape goals will be addressed during the permitting stage. CDOT does not have any concerns or outstanding issues with this petition.
  - Vehicle Trip Generation:
    - Current Zoning: 0 trips per day.
    - Proposed Zoning: Allows for a wide variety of uses.

DEPARTMENT COMMENTS (see full department reports online)

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

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte-Mecklenburg Historic Landmarks Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

Planner: Solomon Fortune  (704) 336-8326
Rezoning Petition: 2016-058

Petition #: 2016-058

Acreage & Location: Approximately 0.81 acres located on the west side of South Church Street between Interstate 277 and West Stonewall Street.
Petition #: 2016-058
Petitioner: Collin Brown

Zoning Classification (Existing): UMUD-O
(Uptown Mixed Use Development, Optional)

Zoning Classification (Requested): UMUD
(Uptown Mixed Use Development)

Acreage & Location: Approximately 0.81 acres located on the west side of South Church Street between Interstate 277 and West Stonewall Street.
Rezoning Petition: 2016-060 by Triple C Brewing Company, LLC

Location: Approximately 1.5 acres located on the west side of Griffith Street between Poindexter Drive and Youngblood Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-M (transit oriented development - mixed use)

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

Staff Recommendation:
Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:
- The Zoning Committee found this petition to be consistent with the New Bern Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends mixed-use transit supportive development for this site.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The subject site is within a 1/2 mile walk of the New Bern Transit Station on the LYNX Blue Line; and
    - The proposal allows a site previously used for industrial/office to convert to transit supportive land uses; and
    - Use of conventional TOD-M (transit oriented development - mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and
    - TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
REQUEST
Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-M (transit oriented development – mixed-use)

LOCATION
Approximately 1.5 acres located on the west side of Griffith Street between Poindexter Drive and Youngblood Street. (Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to allow all transit supportive uses per conventional TOD-M (transit oriented development – mixed-use) zoning for a 1.5 acre site that is within a 1/2 mile walk of the New Bern Transit Station on the LYNX Blue Line. Uses allowed in the TOD-M (transit oriented development – mixed-use) district include office, residential, retail, and civic uses.

PROPERTY OWNER
James A. and Norva Fagan & Sterling Development Company

PETITIONER
Triple C Brewing Company, LLC

AGENT/REPRESENTATIVE
Jeff Brown & Keith MacVeana/ Moore & Van Allen, PLLC

COMMUNITY MEETING
Meeting is not required.

STATEMENT OF CONSISTENCY
- The Zoning Committee found this petition to be consistent with the New Bern Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends mixed-use transit supportive development for this site.
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The subject site is within a 1/2 mile walk of the New Bern Transit Station on the LYNX Blue Line; and
  - The proposal allows a site previously used for industrial/office to convert to transit supportive land uses; and
  - Use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and
  - TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening;

By a 5-0 vote of the Zoning Committee (motion by Eschert seconded by Majeed).

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

VOTE
Motion/Second: Eschert / Wiggins
Yees: Eschert, Labovitz, Majeed, Sullivan, and Wiggins
Nays: None
Absent: Dodson
Recused: Lathrop

ZONING COMMITTEE DISCUSSION
Staff noted that this was a conventional request with no associated site plan that allows all uses in the ordinance for this district. Staff also stated that this petition is consistent with the New Bern Transit Station Area Plan. There was no further discussion of this petition.

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

PLANNING STAFF REVIEW

- **Proposed Request Details**
  - This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-M (transit oriented development – mixed-use) zoning district. Uses allowed in the TOD-M district include office, residential, retail, and civic uses.

- **Public Plans and Policies**
  - The *New Bern Transit Station Area Plan* (2008) recommends transit supportive uses for the subject site and surrounding properties.
  - The petition supports the *General Development Policies-Environment* by redeveloping an infill site, thereby minimizing further environmental impacts while accommodating growth.

- **TRANSPORTATION CONSIDERATIONS**
  - CDOT supports intensification around light rail transit stations. This site is in close proximity to the New Bern light rail transit station. This site will be required to install sidewalks along its property frontage; however, there will be gaps in the sidewalk system between this site and the light rail platform until additional redevelopment occurs. CDOT does not have any concerns or outstanding issues with this petition.

  - **Vehicle Trip Generation:**
    - Current Zoning: 230 trips per day (based on 29,500 square feet of industrial uses).
    - Proposed Zoning: Allows for a wide variety of uses.

DEPARTMENT COMMENTS (see full department reports online)

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

REQUESTED TECHNICAL REVISIONS

Attachments Online at www.rezoning.org

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

**Planner:** Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 1.5 acres located on the west side of Griffith Street between Poindexter Drive and Youngblood Street.

Rezoning Petition: 2016-060

March 28, 2016
Petition #: 2016-060
Petitioner: Triple C Brewing Company, LLC
Zoning Classification (Existing): I-2
(General Industrial)
Zoning Classification (Requested): TOD-M
(Transit Oriented Development, Mixed Use)
Acreage & Location: Approximately 1.5 acres located on the west side of Griffith Street between Poindexter Drive and Youngblood Street.
Rezoning Petition: 2016-016 by Clarke Allen

Update: Community Meeting Report was not submitted. Defer (to June 20, 2016)

Location: Approximately 4.3 acres located on the northwest corner at the intersection of North Davidson and East 26th Street. (Council District 1 - Kinsey)

Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-M (O) (transit oriented development, residential, optional) & TOD-M (transit oriented development, residential)
Petition Number

2016-016

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 June 20, 2016 public hearing.
Rezoning Petition: 2016-037 by Dr. Michael Berglass, DDS

**Location:** Approximately 0.44 acres located on the south side of Central Avenue between Crystal Road and Cyrus Drive. (Council District 1 - Kinsey)

**Current Zoning:** UR-C (CD) (urban residential-commercial, conditional)

**Proposed Zoning:** UR-C (CD) SPA (urban residential-commercial, conditional, site plan amendment)

**Staff Recommendation:**
Staff recommends approval of this petition upon resolution of requested technical revision.

**Attachments:**
Staff Recommendation
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
REQUEST

Current Zoning: UR-C(CD) (urban residential - commercial, conditional)
Proposed Zoning: NS (neighborhood services)

LOCATION

Approximately 0.44 acres located on the south side of Central Avenue between Crystal Road and Cyrus Drive.
(Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to allow a 1,100-square foot addition and possible 340 square-foot renovation of the existing basement and attic space of an existing 1,390-square foot dental office located in a former single family residential structure in the Briar Creek/Woodland neighborhood.

PROPERTY OWNER

3410 Central Avenue LLC

PETITIONER

Dr. Michael Berglass, DDS

AGENT/REPRESENTATIVE

Darrel Williams, Neighboring Concepts

COMMUNITY MEETING

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

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of requested technical revision.

Plan Consistency

The petition is consistent with the Briar Creek/Woodland/Merry Oaks Small Area Plan, as amended by rezoning petition 2008-157, which approved the use of the site for dental office uses in the existing residential structure.

Rationale for Recommendation

• The site directly fronts Central Avenue and is currently used as a dental office.
• Proposed building expansion and additional parking will be located behind the existing structure and will not change the character of the development as seen from Central Avenue.
• Building expansion is designed to blend with the architectural style and residential character of the existing structure.
• The dental office will continue to serve the surrounding neighborhood.
• Brick monument style sign will be compatible in scale and material with the surrounding residential structures.

PLANNING STAFF REVIEW

• A second public hearing is being held for Petition 2016-37 due to a change in the proposed zoning from UR-C(CD) (urban residential - commercial, conditional) to NS (neighborhood services) for the purpose of allowing a larger detached sign. The initial public hearing was held March 21, 2016.

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Permitted uses limited to dental office or a reuse of the site as a single family residence only in the case of discontinuing the dental office use.
  • Reflects existing building square footage as 1,390 square feet, and proposes an 1,100-square foot addition located at the rear of the existing dental office, in addition to potential renovation of up to 340 square feet of the existing basement and attic spaces, for a maximum building area of 2,830 square feet.
  • Removal of an existing 560-square foot accessory storage building to allow for additional required parking spaces.
  • Parking layout may be modified to save existing trees.
  • Vinyl or aluminum as a building material may only be used on windows, soffits and handrails/ railings.
  • Provision of illustrative building elevations, which reflect a style that is residential in character,
with a pitched roof.

• Building addition not to exceed one story and will have a pitched roof.
• No expanse of blank wall will exceed 20 feet in length.
• Detached signage not to exceed seven feet in height and 21 square feet in area.
• Rendering of proposed detached sign.
• Existing six-foot sidewalk and eight-foot planting strip to remain.
• Property owner required to notify the Merry Oaks and Commonwealth Park neighborhood associations prior to submittal of any request for an administrative amendment.
• Property owner may not utilize lighting fixtures on an adjacent parcel or on a public right-of-way to illuminate the site. No flood lights are permitted either within the site or elsewhere to illuminate the property.
• All attached and detached lighting fixtures within the site will be full cut-off fixtures as defined by Illuminating Engineering Society of North America (IESNA), shielded, capped and downwardly directed. Any current nonconforming fixtures will be removed when construction on the addition is complete.
• An existing planted area with trees is reflected on Sheet RZ-2.

Existing Zoning and Land Use
• Petition 2008-157 rezoned the subject property to UR-C(CD) (urban residential - commercial, conditional) to allow a professional dental office in the existing 1,390-square foot structure, with no expansions.
• The subject property is currently developed with a dental office.
• Surrounding properties fronting on both sides of Central Avenue are zoned R-22MF (multi-family, residential), NS (neighborhood services) and O-2 (office), and developed with single family, and multi-family residential dwellings, child care centers, a nursing home, a religious institution, office uses, and a government office building/ police facility.
• Properties south of the subject property are zoned R-4 (single family residential) and contain single family residential uses located in the Briar Creek/Woodland neighborhood. North of Central Avenue exists R-4 zoning developed primarily with single family residential uses in the Merry Oaks neighborhood.
• See "Rezoning Map" for existing zoning in the area.

Rezoning History in Area
• Petition 2012-65 rezoned property located on the north side of Central Avenue between Merry Oaks Road and Saint Andrews Home Place to NS (neighborhood services) to allow the development of a 16,500-square foot government building to be used for a police facility and other government office space.

Public Plans and Policies
• The Briar Creek/Woodland/Merry Oaks Small Area Plan (1998) was updated by rezoning petition 2008-157, which approved the use of the site for dental office uses in the existing single family residential structure.

TRANSPORTATION CONSIDERATIONS
• This petition will not significantly increase the amount of traffic generated by the site. CDOT does not have any concerns or outstanding issues with this petition. This site has direct access to an existing major thoroughfare. CDOT has not identified any negative impacts to the transportation facilities in the area.

Vehicle Trip Generation:
Current Zoning: 65 trips per day (based on 1,730 square feet of dental office use).
Proposed Zoning: 90 trips per day (based on 2,830 square feet of dental office use).

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Charlotte Fire Department: No comments received.
• Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte Water: Charlotte Water has water system availability via the existing six-inch water main located along Central Avenue and sewer system availability via the existing eight-inch gravity sewer main located along Central Avenue.
• **Engineering and Property Management:** Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance. Trees greater than two (2) inches diameter as measured 4.5' above ground and in the street right of way are protected by law; authorization for their removal is to be coordinated through the City Arborist office. Show all right of way trees protected.

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

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

**REQUESTED TECHNICAL REVISIONS**

**Land Use**

1. Amend Note A under Permitted Uses to reflect NS (neighborhood services) instead of UR-C (urban residential - commercial) district.

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

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

**Planner:** Sonja Strayhorn Sanders (704) 336-8327
Acreage & Location: Approximately 0.44 acres located on the south side of Central Avenue between Crystal Road and Cyrus Drive.
Petition #: 2016-037
Petitioner: Dr. Michael Berglass, DDS

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

Zoning Classification (Requested): UR-C(CD) SPA  
(Urban Residential, Commercial, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 0.44 acres located on the south side of Central Avenue between Crystal Road and Cyrus Drive.

Map Produced by the Charlotte-Mecklenburg Planning Department, 1-20-2016.
**TECHNICAL NOTES**

**DEVELOPMENT DATA TABLE**
- SITE ACREAGE: 0.436 ACRES
- TAX ID: 120642-15
- E. LISTING ZONING: UR-C (CD)
- PROPOSED ZONING: NS
- PROPOSED USES: OFFICE ADDITION
- HOUSING: 0 S.F.
- PROPOSED: 5,290 S.F.
- DT: DENTAL OFFICE
- UR-C (CD) DISTRICT

**GENERAL PROVISIONS**
- UNLESS OTHER STANDARDS ARE ESTABLISHED BY THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS, ALL DEVELOPMENT PERMITS REQUIRED ESTABLISHED UNDER THE CITY OF CHARLOTTE ZONING ORDINANCE ("THE ORDNANCE") FOR THE UR-C (CD) DISTRICT SHALL BE FOLLOWED IN CONJUNCTION WITH THE DEVELOPMENT TAXING AS A PLAN ON THE SITE DEPICTED ON THIS REZONING PLAN.

**ARCHITECTURAL STANDARDS**
- VINYL OR ALUMINUM AS A BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, DOORS, AND SIDEYARDS.
- THE ILLUSTRATIVE BUILDING ELEVATIONS ARE INCLUDED TO REFLECT AN ARCHITECTURAL STYLE AND A QUALITY OF THE BUILDING THAT MAY BE CONSTRUCTED USING MATERIALS AS PRESCRIBED BY THE ORDNANCE.
- ALL ATTACHED AND DETACHED LIGHT FIXTURES ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDNANCE.
- A MAXIMUM HEIGHT OF ANY NEW FREE-STANDING LIGHT FIXTURES ON THE SITE SHALL NOT EXCEED FIFTEEN (15) FEET.
- LIGHT FIXTURES AS DEFINED BY IESNA (ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA), SHIELDED, CAPPED AND DOWNWARDLY DIRECTED. ANY CURRENT NONCONFORMING FIXTURES WILL BE REMOVED WHEN CONSTRUCTION ON THE ADDITION IS COMPLETE.

**STREETSCAPE AND LANDSCAPING**
- SIDEWALKS AND PLANTING STRIPS WILL BE AS PRESCRIBED BY THE ORDNANCE IN COORDINATION WITH THE CITY ANCHOR OFFICE.
- SCREENING WILL CONFORM TO THE APPLICABLE STANDARDS OF BOC. 12.303 OF THE ZONING ORDNANCE.
- ON-SITE PARKING AND LOADING AREAS WILL BE SCREENED IN CONFORMANCE WITH BOC. 12.303.
- PLANTINGS IN EIGHT TRIANGLES WILL BE LOW MAINTENANCE AND WILL NOT OBTAIN VISIBILITY.
- DEVELOPMENT ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE TRUNK ORNAMENT TUBES GREATER THAN TWO (2) INCHES DIAMETER AS MEASURED AT ABOVE GRADE OR THE STREET RIGHT-OF-WAY NEARBY AND PROTECTED BY LAW. AUTHORIZATION PERMIT FOR THEIR REMOVAL IS TO BE COORDINATED THROUGH THE CITY ANCHOR OFFICE.

**ENVIRONMENTAL FEATURES**
- THE RETAILER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADJUSTED POST CONSTRUCTION CONTROLS ORDNANCE.

**PARKS, GREENWAYS & OPEN SPACE**
- ADDITIONAL TO PARK OR GREENWAYS ARE NOT APPLICABLE.
- OPEN SPACE SHALL COMPLY WITH ORDNANCE.

**SIGNAGE**
- ANY ADDED COMPLETE SIGNAGE ON THE SITE WILL NOT EXCEED SEVEN FEET (7'-0") IN HEIGHT NO. 21 SQUARE FEET IN SIGN FACE AREA AND SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDNANCE.
- COLUMNS AND BASE OF THE SIGN STRUCTURE TO MATCH THE RED BRICK OF THE EXISTING BUILDING AS ILLUSTRATED IN THE PROPOSED DETACHED SIGN GRAPHIC ON THIS SITE PLAN.

**PERMITTED USES**
- OFFICE ADDITION CONFORM TO UR-C (CD) DISTRICT UNLESS MORE STRINGENT CONDITIONS ARE SHOWN ON THE SITE PLAN.
- THE PROPOSED BUILDINGS ON THE SITE WILL SATISFY OR EXCEED THE SETBACK, SIDEWALK ALIGNED AND WILL NOT OBSTRUCT VISIBILITY.

**OPTIONAL PROVISIONS**
- NOT APPLICABLE.

**SITE PLAN - GROUND LEVEL**
- OFFICE ADDITION - WEST ELEVATION FROM CRYSTAL RD.
Previously Approved Site Plan
Rezoning Petition: 2016-041 by Horizons at Steele Creek, LLC

Location: Approximately 3.2 acres located at the end of Calawood Way near the intersection of Steele Creek Road and Calawood Way. (Council District 3 - Mayfield)

Current Zoning: R-3 (LLWPA) (single family residential, Lower Lake Wylie Protected Area)
Proposed Zoning: R-17MF (CD) (LLWPA) (Multi Family residential, conditional, Lower Lake Wylie Protected Area)

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues related to technical and site issues.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning: R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area)
Proposed Zoning: R-17MF(CD) LLWPA (multi-family residential, conditional, Lower Lake Wylie Protected Area)

LOCATION
Approximately 3.22 acres located at the end of Calawood Way near the intersection of Steele Creek Road and Calawood Way. (Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to develop an additional phase of an approved multi-family residential community Horizons at Steele Creek that is located in the Steele Creek area and is currently under construction. The proposed addition will contain a maximum of 48 multi-family dwelling units.

PROPERTY OWNER
Various

PETITIONER
Horizons at Steele Creek, LLC

AGENT/REPRESENTATIVE
John Carmichael

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 3

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues related to technical and site issues.

Plan Consistency
The petition is inconsistent with the Steele Creek Area Plan, which recommends residential development up to four dwelling units per acre.

Rationale for Recommendation
• The subject property is located directly west of the Horizons at Steele Creek multi-family project, which includes 288 units and is under construction.
• This proposal is for a minor addition of 48 units to the existing multi-family development, resulting in a total of 336 units.
• Because the subject property abuts the Horizons at Steele Creek multi-family complex on one side, is bounded by streets on two other sides, and is only 3.22 acres, single family residential development on this site would be challenging and the proposed expansion of the Horizons at Steele Creek multi-family project is a reasonable use of this property.
• The proposed R-17MF (CD) (multi-family residential, conditional) zoning will be consistent with the zoning of the existing Horizons at Steele Creek development.
• The proposed expansion of the Horizons at Steele Creek complex will provide for an additional vehicular access point to the site via the extension of Calawood Way.
• Over 40% of the site will be preserved for tree save, and the tree save area will buffer the three existing single family parcels from the site.

PLANNING STAFF REVIEW

• Proposed Request Details
The site plan accompanying this petition contains the following provisions:
• Proposes an additional phase to the Horizons at Steele Creek multi-family community and allows an additional 48 units in two buildings. This will allow for an overall development of 22 acres with a total of 336 dwelling units in Phase I and Phase II.
• Proposes a maximum height of 45 feet and three stories.
• Provides extension of Calawood Way to access new phase that will have a gated entrance.
• Accommodates a minimum 27-foot building setback along southwestern property line in the
Petition 2016-041 (Page 2 of 3) Pre-Hearing Staff Analysis

event Stone Meadow Road located in the adjacent Stowe Creek neighborhood is ever extended north.

- Provides a “Class C” buffer along all property lines abutting lots in residential use and/or zoned R-3 (single family residential). Specifies that the buffer may not be reduced or eliminated.
- Provides building elevations (front, right side, and rear) with information regarding materials (brick, glass windows and doors, fiber cement siding and trim, standing seam metal roof), along with details illustrating architectural treatments.
- Identifies possible tree save area.

Existing Zoning and Land Use
- The rezoning site is largely undeveloped; a portion of the site was previously developed with a single family house.
- North of the site is undeveloped acreage, vacant land, and single family neighborhoods zoned R-3 (single family residential) and MX-1 (mixed use district).
- East of the rezoning site is the first phase of Horizons at Steele Creek Apartment community (288 apartment units) under construction.
- To the south and west are a senior living facility, apartments, and a single family residential community zoned R-17MF (multi-family residential) and R-4 (single family residential).
- See “Rezoning Map” for existing zoning in the area.

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

Public Plans and Policies
- The Steele Creek Area Plan (2012) recommends single family residential development up to four dwelling units per acre.

TRANSPORTATION CONSIDERATIONS
- This site plan extends Calawood Way (a local street approved as part of Horizons at Steele Creek Phase 1) which connects to an existing major thoroughfare at an unsignalized intersection. The turn lane improvements implemented in Phase 1 of this development are sufficient for the additional trips generated by this Phase 2. This plan complies with the general transportation policy goals and applicable area plans. CDOT has not identified any negative impacts to the transportation facilities in the area.

Vehicle Trip Generation:
Current Zoning:
  - Existing Use: 0 (based on the property being vacant)
  - Entitlement: 115 trips per day (based on nine single family dwelling units).
  - Proposed Zoning: 420 trips per day (based on 48 apartments).

DEPARTMENT COMMENTS (see full department reports online)
- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: Developer must comply with the City’s Housing Policies if seeking public funding for multi-family housing developments.
- Charlotte Fire Department: No issues.
- Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate six students, while the development allowed under the proposed zoning will produce 5 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Berewick Elementary (82%), Kennedy Middle (99%) or Olympic High (152%).
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte Water: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.

REQUESTED TECHNICAL REVISIONS
1. Revise site plan to show proposed buildings out of the required buffer.
2. Show and label dimensions of the required buffer.
3. Remove open space calculation from site plan.
4. Label streetscape along extended Calawood Way, including widths of sidewalk(s) and planting strip(s).
5. Show how buildings will provide pedestrian access to the parking areas and proposed sidewalk along Calawood Way.
6. Amend Site Development Data to note existing zoning is R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area) and proposed zoning is R-17MF (CD) LLWPA (multi-family residential, conditional, Lower Lake Wylie Protected Area).
7. Amend Site Development Data by removing information provided regarding setbacks and yards and replacing with statement that setback and side and rear yards will be provided per ordinance.
8. Remove note VI.1 from site plan.
9. Remove note V.1 for site plan.

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

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

**Planner:** Solomon Fortune (704) 336-8326
Acreage & Location: Approximately 3.2 acres located at the end of Calawood Way near the intersection of Steele Creek Road and Calawood Way.
Petition #: 2016-041
Petitioner: Horizons at Steele Creek, LLC

Zoning Classification (Existing): R-3 (LLWPA) (Single Family, Residential, Lower Lake Wylie Protected Area)
Zoning Classification (Requested): R-17MF(LLWPA) (Multi-Family, Residential, Conditional, Lower Lake Wylie Protected Area)

Acreage & Location: Approximately 3.2 acres located at the end of Calawood Way near the intersection of Steele Creek Road and Calawood Way.

Map Produced by the Charlotte-Mecklenburg Planning Department, 1-4-2016.
1. SITE ACREAGE: APPROXIMATELY 3.22 ACS.


3. EXISTING ZONING: R-3 (LLWPA)

4. PROPOSED ZONING: R-17MF (CD) (LLWPA)

5. EXISTING USES: VACANT

6. PROPOSED USES: MULTI-FAMILY RESIDENTIAL
   MAXIMUM NUMBER OF RESIDENTIAL UNITS: UP TO 48 MULTI-FAMILY DWELLING UNITS
   MAXIMUM BUILDING HEIGHT: 3 STORIES 45 FEET (AS MEASURED UNDER THE ORDINANCE)

7. TREE SAVE AREA: 15% OF 3.22 ACS. = 0.48 ACS.

8. MAXIMUM NUMBER OF BUILDINGS: 2

9. NUMBER OF PARKING SPACES: 82 (SEE THE DEVELOPMENT STANDARDS)

10. OPEN SPACE: 1.67 ACS

11. SETBACKS AND YARD: PER THE ORDINANCE
   REQUIRED: 45% x 3.22 ACS. = 1.45 ACS.

DEVELOPMENT STANDARDS

1. Zoning Regulations:
   The parcel is located in a part of the rezoning plan approved by the Planning Commission. The parcel is designated for residential development. The proposed development is consistent with the general plan and the comprehensive plan for the area. The parcel is located in a neighborhood with existing residential development. The parcel is located in a part of the rezoning plan approved by the Planning Commission. The parcel is designated for residential development. The proposed development is consistent with the general plan and the comprehensive plan for the area. The parcel is located in a neighborhood with existing residential development.

2. Taxes:
   The parcel is located in a part of the rezoning plan approved by the Planning Commission. The parcel is designated for residential development. The proposed development is consistent with the general plan and the comprehensive plan for the area. The parcel is located in a neighborhood with existing residential development. The parcel is located in a part of the rezoning plan approved by the Planning Commission. The parcel is designated for residential development. The proposed development is consistent with the general plan and the comprehensive plan for the area. The parcel is located in a neighborhood with existing residential development.

3. Utilities:
   The parcel is located in a part of the rezoning plan approved by the Planning Commission. The parcel is designated for residential development. The proposed development is consistent with the general plan and the comprehensive plan for the area. The parcel is located in a neighborhood with existing residential development. The parcel is located in a part of the rezoning plan approved by the Planning Commission. The parcel is designated for residential development. The proposed development is consistent with the general plan and the comprehensive plan for the area. The parcel is located in a neighborhood with existing residential development.

4. Access:
   The parcel is located in a part of the rezoning plan approved by the Planning Commission. The parcel is designated for residential development. The proposed development is consistent with the general plan and the comprehensive plan for the area. The parcel is located in a neighborhood with existing residential development. The parcel is located in a part of the rezoning plan approved by the Planning Commission. The parcel is designated for residential development. The proposed development is consistent with the general plan and the comprehensive plan for the area. The parcel is located in a neighborhood with existing residential development.

5. Criteria:
   The parcel is located in a part of the rezoning plan approved by the Planning Commission. The parcel is designated for residential development. The proposed development is consistent with the general plan and the comprehensive plan for the area. The parcel is located in a neighborhood with existing residential development. The parcel is located in a part of the rezoning plan approved by the Planning Commission. The parcel is designated for residential development. The proposed development is consistent with the general plan and the comprehensive plan for the area. The parcel is located in a neighborhood with existing residential development.

6. The parcel is located in a part of the rezoning plan approved by the Planning Commission. The parcel is designated for residential development. The proposed development is consistent with the general plan and the comprehensive plan for the area. The parcel is located in a neighborhood with existing residential development. The parcel is located in a part of the rezoning plan approved by the Planning Commission. The parcel is designated for residential development. The proposed development is consistent with the general plan and the comprehensive plan for the area. The parcel is located in a neighborhood with existing residential development.
Agenda #: 23. File #: 15-3218 Type: Zoning Hearing

Rezoning Petition: 2016-046 by 1101 Central Group LLC

Location: Approximately 1.24 acres located on the north side of Central Avenue between Heath Court and Hawthorne Lane. (Council District 1 - Kinsey)

Current Zoning: B-2 (PED)
Proposed Zoning: MUDD-O (PED)

Staff Recommendation:
Staff recommends approval upon resolution of a minor site design issue and requested technical revisions.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
REQUEST

Current Zoning:  B-2 PED (general business, pedestrian overlay)
Proposed Zoning:  MUDD-O PED (mixed use development, optional, pedestrian overlay), with five-year vested rights

LOCATION

Approximately 1.24 acres located on the north side of Central Avenue between Hawthorne Lane and Heath Court.
(Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes up to 166,000 square feet to include retail, office and warehousing within an enclosed building. This development will reuse an existing building along Central Avenue and the adjacent gravel parking lot to the rear and along the frontage of Hawthorne Lane. A structured parking deck to serve the subject site will be developed on the remainder of the property.

PROPERTY OWNER

1101 Central Group, LLC

PETITIONER

Michael Adams, Property Owner

AGENT/REPRESENTATIVE

Babak Emadi, Urbana Architecture

COMMUNITY MEETING

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

STAFF RECOMMENDATION

Staff recommends approval upon resolution of a minor site design issue and requested technical revisions.

Plan Consistency

The proposed retail uses along Central Avenue and Hawthorne Lane are consistent with the Plaza-Central Pedscape Plan recommendation for retail on this site. However, the proposed storage use is inconsistent with the plan.

Rationale for Recommendation

- The subject site is located in the Plaza Central commercial district.
- The proposed site plan commits to ground floor pedestrian-oriented uses along Central Avenue and Hawthorne Lane, meeting the intent of the adopted plan to establish pedestrian friendly retail streets in the Plaza Central area.
- The commitment to commercial uses along Hawthorne Lane will also complement the future streetcar alignment proposed along that street.
- The proposed parking structure will be developed on an underutilized space internal to the site and will not affect the pedestrian environment.
- The proposed indoor climate controlled storage units will be located above the structured parking deck. The storage will be designed to appear similar to an office building, and will have limited traffic and parking impacts.
- The petition also supports the expansion of the area’s street network by extending Heath Court to the north, setting this area up for future connectivity opportunities.

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Up to 166,000 square feet of nonresidential uses consisting of office, commercial, retail and warehousing within an enclosed building.
  - Development area consisting of Area A and Area B.
  - Area A:
    - Area A proposes one building containing up to 130,000 square feet of office, retail and warehousing uses within an enclosed building.
• Maximum building height of eight stories. Floors 5-8 to be stepped back a minimum of 20 feet from Hawthorne Lane to reduce perceived building height along this frontage.
• Location of parking within a parking deck for the existing and future buildings on the entire site (Areas A and B).
• Area B:
  • Area B has an option for either 30,000 square feet of existing and expanded commercial and office uses or 36,000 square feet of commercial and office uses in one building.
  • Maximum building height of three stories and 55 feet.
  • In Option 1, if the existing building remains as it currently exists, streetscape requirements would not be established in the area where the existing building is located. An additional two stories of office space may be developed over the existing building. Additionally, the area shown on the site plan as potential building envelope may be developed as a three-story building and the maximum height for all structures in this area is limited to 55 feet.
  • In Option 2, if the petitioner elects to remove the existing building, the new building envelope will comply with streetscape requirements as specified on the site plan. New buildings will be a maximum of three stories and 55 feet in height and shall comply with the PED overlay design standards.
• Building materials consisting of a combination or all brick, concrete, decorative concrete, masonry units, EIFS, EIFS brick, architectural metal, metal panels, storefront clear glass, spandrel glass, architectural metal and vinyl railings. Windows will be combination of clear vision glass, spandrel glass, and screened framed opening. Building entrances will have architectural metal or fabric canopies and awnings.
• Extension of Heath Court within the existing right-of-way up to the end of the project limits.
• Site access from Hawthorne Lane, Heath Court, and the existing public alley and a proposed alley widening. The proposed alley may be developed as a one-way or two-way alley.
• Optional Provisions:
  • Petitioner seeks to provide retail along 47% of the project frontage along Heath Court, which is less than the 50% required.
  • Streetscape requirements, including right-of-way dedication, planting strips, sidewalks, etc. along Heath Court would not be established in the area where the existing building is located.

• Existing Zoning and Land Use
  • The subject property was rezoned as part of 18 acres located on the north and south sides of Central Avenue, between Louise and Clement Avenues, west of Pecan Avenue from I-2 (general industrial) to B-2 (general business) and I-1 (light industrial) via Petition 2003-110. This rezoning reduced the potential for uses that are not pedestrian friendly and neighborhood oriented.
  • The portion of the subject property fronting Central Avenue is developed with an eating/drinking/entertainment establishment, and the rear of the site is used for parking.
  • Surrounding properties north of Central Avenue are zoned B-2 PED (general business, pedestrian overlay), MUDD-O PED (mixed use development, optional, pedestrian overlay), I-1 PED (light industrial, pedestrian overlay) and I-2 (general industrial) and contain office, retail and industrial warehouse uses.
  • Lots on the south side of Central Avenue are developed with business/warehouse uses and retail uses, as well as multi-family units under construction, in O-2 PED (office, pedestrian overlay) and B-2 PED (general business, pedestrian overlay) zoning, with single family detached and multi-family dwellings to the rear of these properties in R-8 PED (single family residential, pedestrian overlay) and R-22MF PED (multi-family residential, pedestrian overlay) zoning.
  • See “Rezoning Map” for existing zoning in the area.

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

• Public Plans and Policies
  • The Plaza–Central Pedscapes Plan (2003) was amended by rezoning petition 2003-110 to allow retail uses with a Pedestrian Overlay District.
  • The plan recommends that office and residential uses dominate this area, with retail and restaurant uses on the ground floors.
  • The LYNX Gold Line Streetcar Phase II will terminate at the intersection of Hawthorne Lane and Sunnyside Avenue, just south of the subject site. A future phase of the Gold Line Streetcar project extends the alignment down Hawthorne Lane with an additional proposed stop at the nearby Barnhardt site, on the other side of the railroad tracks from the subject site. Phase II of the Gold Line Streetcar project will include the installation of a substation on adjacent Parcel Number 08111101 with vehicular access provided from Heath Court.
TRANSPORTATION CONSIDERATIONS
- This site is bordered by an existing minor thoroughfare and an existing major thoroughfare near a signalized intersection. CDOT has not identified any negative impacts to the transportation facilities in the area. The site plan as presented complies with CDOT transportation goals to preserve right of way along Hawthorne Lane for the future streetcar alignment, protect the extension of Heath Court for future connectivity, and improve the east-west connectivity by widening the existing alley way.

Vehicle Trip Generation:
Current Zoning:
- Existing Use: 760 trips per day (based on an 8,400-square foot eating/drinking/entertainment establishment).
- Entitlement: 1,750 trips per day (based on 12,400 square feet of retail uses).
Proposed Zoning: 2,840 trips per day (based on 16,000 square feet of retail and 25,200 square feet of office, and 124,800 square feet of warehousing within an enclosed building).

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

OUTSTANDING ISSUES
Site and Building Design
1. Provide an eight-foot planting strip and eight-foot sidewalk along the site’s frontage on Hawthorne Lane.

REQUESTED TECHNICAL REVISIONS
Other Minor Issues
2. Amend Note 12B under Lighting to increase maximum height of detached lighting to 21 feet.
3. Amend Note 3A under Optional Provisions as follows: The petitioner will locate the sales office for the self-storage on either Hawthorne Lane or Heath Court within the retail space area, as generally indicated on the rezoning plan.
5. Delete note 11A under Signage, as the note is not needed.
6. Hawthorne Lane and Heath Court are identified as Cross Streets in the plan. Add a note that elements and dimensions should be coordinated with CAT’S plans for development of the Gold Line Streetcar and substation.
7. Delete the following from Note 3A under Optional Provisions: “Petitioner seeks to exceed the minimum requirements along the frontage on Hawthorne Street.”
9. Amend Note 3A under Optional Provisions to allow the minimum retail frontage requirement along Heath Court to be developed with professional business offices and/or retail sales uses, as permitted per Section 9.8503(b)(i) and (iii) of the zoning ordinance.

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

Planner:  Sonja Strayhorn Sanders (704) 336-8327
Acreage & Location: Approximately 1.24 acres located on the north side of Central Avenue between Heath Court and Hawthorne Lane.
Petition #: 2016-046
Petitioner: 1101 Central Group, LLC

Zoning Classification (Existing): B-2 (PED)
(General Business, Pedestrian Overlay District)

Zoning Classification (Requested): MUDD-O (PED) 5-Year Vested Rights
(Mixed Use Development District, Optional, Pedestrian Overlay District, Five Year Vested Rights)

Acreage & Location: Approximately 1.24 acres located on the north side of Central Avenue between Heath Court and Hawthorne Lane.
Rezoning Petition: 2016-050 by Marnicaly at UNCC, LLC

Location: Approximately 2.59 acres located on the west side of Old Concord Road between Suther Road and John Kirk Drive. (Council District 4 - Phipps)

Current Zoning: INST (institutional)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues related to the curb line location on Old Concord Road and the site's vehicular circulation.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
| REQUEST | Current Zoning: INST (Institutional)  
Proposed Zoning: UR-2(CD) (urban residential, conditional) |
| LOCATION | Approximately 2.59 acres located on the west side of Old Concord Road between Suther Road and John Kirk Drive in the University City area.  
(Council District 4 - Phipps) |
| SUMMARY OF PETITION | The petition proposes the redevelopment of two developed single family lots in the University City area for up to 26 duplex dwelling units in 13 buildings, at a density of 10 units per acre. |
| PROPERTY OWNER | Marnicaly at UNCC, LLC |
| PETITIONER | Marnicaly at UNCC, LLC |
| AGENT/REPRESENTATIVE | John Carmichael, Robinson Bradshaw |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 1 |

| STAFF RECOMMENDATION | Staff recommends approval of this petition upon resolution of outstanding issues related to the curb line location on Old Concord Road and the site’s vehicular circulation.  
Plan Consistency  
The petition is consistent with the Northeast District Plan, which recommends multi-family land uses for this site, and meets the General Development Policies locational criteria for consideration of up to 11 dwellings per acre.  
Rationale for Recommendation  
- The subject property is surrounded by multi-family housing on the west side of Old Concord Road.  
- The site is within close proximity to UNC Charlotte’s main campus and the Carolina’s Medical Center University Hospital and could offer a conveniently located housing choice for students and employees.  
- The design of the site respects the character of Old Concord Road, by providing generous setbacks.  
- The proposal also includes a 12-foot wide multi-use path along the Old Concord Road frontage intended for use by bicyclists and pedestrians.  
- The site plan proposes a new street off of Old Concord Road, setting up a future street network for an area, between Old Concord Road and University City Boulevard, that is generally lacking in connectivity. |

| PLANNING STAFF REVIEW | Proposed Request Details  
The site plan accompanying this petition contains the following provisions:  
- Proposes up to 26 duplex units in 13 buildings, at a density of 10 dwelling units per acre, with accessory uses such as a clubhouse and fitness center. Clubhouse building will not exceed 1,800 square feet.  
- Limits maximum building height to two stories and 40 feet.  
- Allows open space located adjacent to the clubhouse to be passive open space or be improved with active recreational uses such as a swimming pool, volleyball court and/or other active recreational uses that serve the residents.  
- Provides an internal system of sidewalks.  
- Proposes a 10-foot multi-use trail and six-foot planting strip along the frontage on Old Concord Road.  
- Proposes a public street (local residential street classification), with an eight-foot sidewalk and eight-foot planting strip along both sides to be installed and stubbed to abutting property to the
• Provides reverse angled on-street parking along the proposed public street.
• Provides building elevations reflecting views from the front, side and rear.
• Limits primary exterior building materials to brick and stone. Vinyl is not permitted as an exterior building material except it may be utilized on the soffits, trim and railings and vinyl windows may be installed.
• Proposes two vehicular access points on Old Concord Road.
• Provides an enclosure for dumpster and recycling.
• Requires a bus stop waiting pad for a future bus stop on Old Concord Road be constructed prior to the issuance of a certificate of occupancy for the first new building to be constructed.
• Provides that additional property needed to extend the existing right-of-way for Old Concord Road be dedicated and conveyed to the City of Charlotte prior to the issuance of a certificate of occupancy for the first new building to be constructed.
• Provides a minimum four-foot separation between the back of a sidewalk or a multi-use path and a building entrance.
• Provides that all entrances into duplex dwelling units be located a minimum of 12 inches above the grade of the adjacent sidewalk.
• Provides that the Petitioner will install large maturing evergreen trees on the site side of an existing fence on an abutting parcel immediately to the south of the site if the petitioner obtains written permission from the owner.

**Existing Zoning and Land Use**
- The subject property is developed with two single family detached dwellings.
- Surrounding properties between the west side of Old Concord Road and University City Boulevard are zoned INST (institutional), INST(CD) (institutional, conditional), R-9MF(CD) (multi-family residential, conditional), R-4 (single family residential), R-17MF (multi-family residential), R-12 MF (multi-family residential) and O-1(CD) (office, conditional).
- Land uses include single family dwellings, multi-family apartments and condominiums, a child care center and two religious institutions.
- A rail line runs parallel with Old Concord Road, and to the east of Old Concord Road exist single family residential dwellings in R-3 and R-5 (single family residential) zoning.
- See “Rezoning Map” for existing zoning in the area.

**Rezoning History in Area**
- Petition 2014-61 approved a site plan amendment for 10 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue to allow 70,888 square feet of building area through redevelopment of existing buildings, building additions and/or new buildings associated with a religious institution.

**Public Plans and Policies**
- The Northeast District Plan (1996) recommends multi-family residential uses for this site.
- The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 11 dwellings per acre as illustrated in the table below.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category – up to 11 DUA</th>
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<tbody>
<tr>
<td>Meeting with Staff</td>
<td>1 (Yes)</td>
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<tr>
<td>Sewer and Water Availability</td>
<td>2 (CMUD)</td>
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<tr>
<td>Land Use Accessibility</td>
<td>3 (High)</td>
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<tr>
<td>Connectivity Analysis</td>
<td>4 (Medium-High)</td>
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<td>Road Network Evaluation</td>
<td>0 (No)</td>
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<tr>
<td>Design Guidelines</td>
<td>4 (Yes)</td>
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<tr>
<td>Other Opportunities or Constraints</td>
<td>NA</td>
</tr>
<tr>
<td>Minimum Points Needed: 12</td>
<td>Total Points: 14</td>
</tr>
</tbody>
</table>

**TRANSPORTATION CONSIDERATIONS**
- This site has direct access to an existing minor thoroughfare that parallels the Norfolk-Southern Railroad. This plan complies with the general transportation policy goals, including creating a local street network and implementing bicycle and pedestrian facilities. CDOT has not identified any negative impacts to the transportation facilities in the area. However, CDOT and the petitioner have not yet come to an agreement on the proposed one-way circulation.
Vehicle Trip Generation:

Current Zoning:
- Existing Use: 29 trips per day (based on 2 single family dwellings).
- Entitlements: Too many uses to determine trips per day in the INST (institutional) district.
- Proposed Zoning: 200 trips per day (based on 26 duplex dwelling units).

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Charlotte Fire Department: No issues.
- Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate one student, while the development allowed under the proposed zoning will produce three students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is two students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Newell Elementary (131%), Martin Middle (87%) and Vance High (116%).
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte Water: Charlotte Water currently does not have water system availability via a water distribution main. The closest water distribution main is approximately 900 feet south of the property at the intersection of Old Concord Road and Suther Road. The applicant should contact Charlotte Water’s New Services at (704) 432-5801 for more information regarding accessibility to water system connections. Charlotte Water currently has sewer system availability for the rezoning boundary via an existing eight-inch sewer main located along Old Concord Road.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: Development of this site may require submission of an asbestos Notification of Demolition and Renovation to Mecklenburg County Air Quality (MCAQ) due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.

Ground Water Services records indicate a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In ARGU where municipally supplied water is available, water supply wells for water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.

- Mecklenburg County Parks and Recreation Department: No issues.

OUTSTANDING ISSUES

Transportation
1. The proposed zoning district has a setback measured from an existing or proposed future curbline. The location of the future back of curb along the site’s Old Concord Road frontage needs to be 35.5 feet as measured from the existing edge of pavement on the east side of Old Concord Road. This curbline should be constructed with the petition and right-of-way dedicated to include two feet behind the permanent sidewalk location.
2. CDOT does not support the proposed one-way circulation plan that requires drivers to use Old Concord Road to access the site’s parking from a certain driveway. The site plan needs to be revised so that the proposed surface parking aisles and angle parking spaces conform to a two-way traffic flow throughout the site.

Attachments Online at www.rezoning.org

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

**Planner:** Sonja Strayhorn Sanders  (704) 336-8327
Acreage & Location: Approximately 2.59 acres located on the west side of Old Concord Road between Suther Road and John Kirk Drive.
**Petition #:** 2016-050

**Petitioner:** Marnicaly at UNCC, LLC

**Zoning Classification (Existing):** INST (Institutional)

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

**Acreage & Location:** Approximately 2.59 acres located on the west side of Old Concord Road between Suther Road and John Kirk Drive.
1. The vehicular access points into the Site from the new local public street to be constructed and built to the local residential wide typical street section as specified in the Charlotte Land Regulations. Prior to the issuance of a certificate of occupancy for the first new building to be constructed on the Site, the petitioners shall provide proof of utility connections and provide utility easements for the necessary utility access and connections. Petitioner’s obligations are required to be completed within a reasonable time to be determined by the City, and they shall be required to refrain from the use of the Site prior to the issuance of the certificate of occupancy for the first new building to be constructed on the Site. Petitioner shall construct on the Site a turnaround for entry and exit, in accordance with the Charlotte Land Regulations and any other applicable regulations. The Petitioner shall provide on site all required site and construction plans and designs to the City and the City Planning Department. The Petitioner, after approval of the development plan, shall provide on site plans for streets, sidewalks, and stormwater management, in accordance with the Charlotte Land Regulations. The Petitioner shall provide all required site and construction plans and designs to the City and the City Planning Department.

2. The maximum number of parking spaces allowed on the Site in the UR-2 zoning district is 78 parking spaces. A minimum of 59 parking spaces shall be provided on the Site.

3. All entrances into duplex dwelling units shall be located above the grade of the adjacent sidewalk, and a building entrance. Windows may be installed on the duplex buildings.

4. The maximum height in stories of each duplex building shall be 2 stories.

5. As depicted on the attached conceptual architectural images, the primary exterior building materials shall be brick and stone. Vinyl shall not be a permitted exterior building material for the duplex buildings. As depicted on the attached conceptual architectural images, the primary exterior building materials shall be brick and stone. Vinyl shall not be a permitted exterior building material for the duplex buildings.

6. The open space area located on the Site adjacent to the clubhouse may remain passive open space, or, at the option of Petitioner, it may be improved with active recreational uses such as a swimming pool, a volleyball court and/or other active recreational uses that serve the residents.

7. Future amendments or modifications to the Rezoning Plan and/or these Development Standards shall be governed by the City of Charlotte’s Rezoning Plan Standard and Regulations, Development Standards, and the City’s Tree Ordinance, as amended from time to time as required by the City. The future amendments or modifications to the Rezoning Plan and/or these Development Standards shall be governed by the City of Charlotte’s Rezoning Plan Standard and Regulations, Development Standards, and the City’s Tree Ordinance, as amended from time to time as required by the City. The Site may be devoted only to a residential community containing a maximum of 26 duplex dwelling units located in 13 buildings and to any incidental and accessory uses relating thereto that are allowed in the UR-2 zoning district. Incidental and accessory uses may include, without limitation, parking spaces, driveways, garages, sidewalks, stormwater management systems, and on site storage.

8. Environmental Impact Statement. The development of the Site shall comply with the requirements of the City of Charlotte Tree Ordinance. The Site shall be equipped with a stormwater management system that complies with the requirements of the City of Charlotte Tree Ordinance. The stormwater management system shall be designed to minimize the impact of the Site on the adjacent properties and the environment.

9. The maximum number of parking spaces allowed on the Site in the UR-2 zoning district is 78 parking spaces. A minimum of 59 parking spaces shall be provided on the Site.

10. The maximum number of parking spaces allowed on the Site in the UR-2 zoning district is 78 parking spaces. A minimum of 59 parking spaces shall be provided on the Site.

11. The maximum number of parking spaces allowed on the Site in the UR-2 zoning district is 78 parking spaces. A minimum of 59 parking spaces shall be provided on the Site.
Rezoning Petition: 2016-057 by FedEx Ground Package System, Inc

Location: Approximately 16.5 acres located on the west side of Toddville Road between Freedom Drive and CSX Way. (Council District 3 - Mayfield)

Current Zoning: R-17MF (LLWPA) (multi-family residential, Lower Lake Wylie protected area)
Proposed Zoning: I-2(CD) (LLWPA) (general industrial, conditional, Lower Lake Wylie Protected Area, 5-Year Vested Rights.

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues related to land use, transportation, environment and requested technical revisions.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
REQUEST

Current Zoning: R-17MF LLWPA (multi-family residential, Lower Lake Wylie Protected Area)
Proposed Zoning: I-2(CD) LLWPA (general industrial, conditional, Lower Lake Wylie Protected Area), with five-year vested rights

LOCATION

Approximately 16.5 acres located on the west side of Toddville Road, north of Freedom Drive (Council District 3 - Mayfield)

SUMMARY OF PETITION

The petition proposes to allow an offsite parking lot expansion south of the existing FedEx ground facility located in an industrial area south of Rozzelles Ferry Road and north of Freedom Drive on primarily undeveloped acreage.

PROPERTY OWNER

Janet N. Hicks and Frances N. Jones

PETITIONER

FedEx Ground Package System, Inc.

AGENT/REPRESENTATIVE

M. Jay DeVaney

COMMUNITY MEETING

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

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to land use, transportation, environment and requested technical revisions.

Plan Consistency

The petition is inconsistent with the Northwest District Plan recommendation for single family residential uses up to four units per acre.

Rationale for Recommendation

- The proposed rezoning will allow a primarily vacant site to be used for employee and tractor trailer truck parking for the nearby FedEx facility.
- The subject property is located adjacent to industrial uses and the Mount Holly Road /Highway 16 Industrial Activity Center on the north and east, and residential development on the south and east.
- The site layout has been designed to minimize impacts on abutting residential development by locating the parking on the portion of the site furthest away from the nearby residential properties, and by providing significant natural buffers and screening between the parking and residential uses.
- The proposal will support the expansion of the existing FedEx facility, which is growing in part due to the improved access to I-85 via the recently widened Freedom Drive.
- In addition, the character of the area has changed since the plan was adopted in 1990, and the use is consistent and compatible with the existing development pattern which has a greater emphasis on industrial/warehouse uses in the area.

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Provides an offsite parking lot expansion of existing FedEx Ground facility with 247 tractor spaces, 80 employee auto spaces, and 60 future trailer parking spaces. There will be no customer parking.
  - Prohibits several uses permitted by right and under prescribed conditions in the I-2 (general industrial) district.
  - Provides 100-foot “Class A” buffers along all property lines abutting residential zoning and/or use, and a 50-foot (one-half) “Class A” buffer along the portion of the property line along
• Grants five feet of additional right-of-way along property line for Toddville Road.
• Proposes precast segmental block retaining walls (27 feet in height) where required to minimize site disturbance within the development.
• Proposes maximum height of freestanding light fixtures and poles installed on the site not to exceed 42 feet.

**Existing Zoning and Land Use**

• A single family home with associated accessory buildings is located on a portion of the subject property with the majority of the property being undeveloped.
• To the north are undeveloped acreage, the FedEx Ground facility, and Duke Power Operation Center and Asset Recovery on properties zoned I-2 LLWPA (general industrial, Lower Lake Wylie Protected Area).
• East are two single family homes, undeveloped acreage and office/industrial/warehouses uses zoned I-2 LLWPA (general industrial, Lower Lake Wylie Protected Area) and I-2(CD) LLWPA (general industrial, conditional, Lower Lake Wylie Protected Area).
• South are single family attached (townhomes) and detached residential homes, vacant land, and religious institutions zoned R-4 LLWPA (single family residential, Lower Lake Wylie Protected Area), R-5 LLWPA (single family residential, Lower Lake Wylie Protected Area), and R-17MF LLWPA (multi-family residential, Lower Lake Wylie Protected Area).
• To the west is a single family detached residential subdivision zoned R-4 LLWPA (single family residential, Lower Lake Wylie Protected Area).
• See “Rezoning Map” for existing zoning in the area.

**Public Plans and Policies**

• The adopted land use for this site is single family up to four dwelling units per acre, per the *Northwest District Plan* (1990).
• The site is bordered on the north and east by the Mount Holly Road/Highway 16 Industrial Activity Center, per the *Centers Corridors & Wedges Growth Framework*.

**TRANSPORTATION CONSIDERATIONS**

• This site has direct access to an existing minor thoroughfare with security gates at each driveway entrance. The primary concern for this site is the potential for large tractor-trailer vehicles to block southbound Toddville Road due to insufficient driveway stem length while waiting for gate access. If the outstanding issue is not resolved, this would likely negatively impact the operation of Toddville Road which provides north-south access to the adjacent Mount Holly/Highway 16 Industrial Activity Center. Additionally, this site is within the Northwest Wedge where CDOT’s transportation goals are to provide a multimodal transportation system to provide access to the adjacent activity center. The site plan does not indicate that these concerns and goals have been addressed.
• See Outstanding Issues, Notes 3-6.

**Vehicle Trip Generation:**

- Current Zoning:
  - Existing Use: 0 trips per day (based on a vacant single family structure).
  - Entitlement: 1,800 trips per day (based on 280 multi-family dwelling units allowed in the R-17MF (multi-family) zoning).
  - Proposed Zoning: 1,300 trips per day (based on 245 tractor trailer truck parking and 85 employee parking spaces).

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

• **Charlotte Area Transit System:** See Outstanding Issues, Note 7.
• **Charlotte Department of Neighborhood & Business Services:** No issues.
• **Charlotte Department of Solid Waste Services:** No comments received.
• **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:** See Outstanding Issues, Note 8.
• **Charlotte Water:** Charlotte Water does not currently have sewer system availability for the parcels under review. The closest sewer main is approximately 140 feet south of the southeast
corner of the property at the intersection of Toddville Road and Brooktree Drive. If the applicant
requires sewer service for the proposed parking, the applicant should contact Charlotte Water’s New
Services at (704) 432-5801 for more information regarding accessibility to sewer system
connections.

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

- **Mecklenburg County Land Use and Environmental Services Agency:** Because the proposed
development will likely attract commuter trips, MCAQ recommends that the petitioner provide
“preferred” (attractive, conveniently located, or reduced cost) parking for “Clean Commuters”
(carpool, vanpool, hybrid vehicles and/or electric vehicles).

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

**OUTSTANDING ISSUES**

**Land Use**
1. Amend Note 3 Permitted Uses to allow only parking for employees, tractor trailer trucks and
trailers.
2. Remove the list of prohibited uses from the site plan, as the only permitted use is the proposed
uses allowed in Note 3.

**Transportation**
3. Revise the site plan to indicate a future cross-connection between the tractor parking and future
tractor parking.
4. Revise the site plan to provide approximately 70 feet of truck storage length between the
proposed driveway security gates stop line and the building setback line, so vehicles waiting for
the gate to open do not maneuver within the site’s building setback, per the zoning ordinance
(i.e. both proposed site driveways).
5. Toddville Road is planned to be built as an USDG Avenue Typical Section with three 11-foot
travel lanes, five-foot bike lanes, two and one-half-foot curb and gutter, eight-foot planting strip,
and six-foot sidewalk plus two feet. Therefore, CDOT requires the petitioner to dimension and
label the proposed future back of curb to be located 24 feet as measured from Toddville Road’s
existing centerline and provide sidewalk easement for any portion of the described cross section
that falls outside of the public right of way (35 feet from existing centerline). Conditional
Transportation Note 4d is not acceptable and should be deleted. (This note states that the
petitioner declines to add a bike lane along Toddville Road for various reasons.) Bike lanes are
designated on all major and minor thoroughfares, including Toddville Road as approved by City
Council’s 2008 Bike Plan.
6. The petitioner needs to revise the site plan to add a conditional Transportation note stating: “All
proposed transportation improvements shall be implemented before the Phase 1 Parking Lot is
operational.”
7. Provide and construct a bus stop waiting pad for the existing bus stop on Toddville Road, per
image of standard detail (60.01E) for the requested bus stop pad. This site is located on an
existing bus route.

**Environment**
8. Show most restrictive buffer requirements per Lower Lake Wylie Watershed Overlay (Charlotte
Zoning Ordinance) and Post-Construction Stormwater Ordinance, and adjust
construction/disturbance limits accordingly. Perennial and intermittent streams delineated on the
rezoning plan are subject to stream buffer requirements.

**REQUESTED TECHNICAL REVISIONS**

**Other**
9. Amend the proposed zoning to reflect five-year vested rights as identified on the rezoning
application.

Attachments Online at www.rezoning.org

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

**Planner:** John Kinley  (704) 336-8311
Acreage & Location: Approximately 16.5 acres located on the west side of Toddville Road between Freedom Drive and CSX Way.
Petition #: 2016-057
Petitioner: FedEx Ground Package Systems, Inc.

Zoning Classification (Existing): R-17MF (LLWPA)
(Multi-Family, Residential, Lower Lake Wylie Protected Area)

Zoning Classification (Requested): I-2(CD) (LLWPA) 5-Year Vested Rights
(General Industrial, Conditional, Lower Lake Wylie Protected Area, Five Year Vested Rights)

Acreage & Location: Approximately 16.5 acres located on the west side of Toddville Road between Freedom Drive and CSX Way.
4. Transportation

a. The applicant is granting 5 feet of additional right-of-way along the western margin of the existing access road onto Federal Drive. The applicant will be required to provide access to the site by the following means:
   - The right-of-way will be extended to a point, which will be determined by the County Department of Transportation during the rezoning review process.
   - The extension will be maintained and kept in good condition.
   - Adequate and safe methods for the transportation of products will be provided.

5. Architectural Standards

a. The proposed building shall be designed to minimize disturbance and to be in keeping with the existing site.

6. Slope and Landscaping

a. Buffers shall be established on the site as depicted on the Existing Site Plan and required by the Ordinance. Before the start of construction, the developer shall develop a plan for each buffer strip (as required) to be maintained and kept in good condition.

7. Environmental Features

a. All landscaping, shrubbery, and ornamental features shall be in keeping with the existing site.

8. Trees and Vegetation

a. During the construction, all trees and shrubbery shall be protected from damage or disturbance.

9. Fire Protection

a. Fire Lanes will be provided as required by the Ordinance.

10. Signage

a. Signage will be in accordance with the Ordinance.

11. Lighting

a. Streetlights shall be installed and maintained in accordance with the Ordinance.

12. Phasing

a. The rezoning action is the first phase of a larger project to be developed in the future.

PETITIONER:
FEDEX GROUND PACKAGE SYSTEM, INC.
1000 FEDEx DRIVE
MOON TOWNSHIP, PA 15108
Rezoning Petition: 2016-059 by Renaissance West Community Initiative

Location: Approximately 1.25 acres located on the north side of West Boulevard between Billy Graham Parkway and Leake Street. (Council District 3 - Mayfield)

Current Zoning: MUDD-O (mixed use development, optional)
Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues related to vehicular stacking for the proposed use, streetscape and bus waiting pad.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
**REQUEST**

Current Zoning: MUDD-O (mixed use development, optional)

Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)

**LOCATION**

Approximately 1.25 acres located on the north side of West Boulevard between Billy Graham Parkway and Leake Street. (Council District 3 - Mayfield)

**SUMMARY OF PETITION**

The petition proposes to modify the development standards for a portion of the previously approved rezoning for the Renaissance West Development to allow an increase in square footage for a proposed child development center from 17,500 to 25,000 square feet.

**PROPERTY OWNER**

Charlotte Housing Authority

**PETITIONER**

Renaissance West Community Initiative

**AGENT/REPRESENTATIVE**

Neighboring Concepts

**COMMUNITY MEETING**

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

**STAFF RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to vehicular stacking for the proposed use, streetscape and bus waiting pad.

The petition is consistent with the Central District Plan recommendation for a mix of multi-family residential, institutional, and office uses for the Renaissance West development as amended by the previous rezoning for this development.

Rationale for Recommendation

- The proposal is a minor site plan amendment to allow the proposed child development center in the Renaissance West development to increase from 17,500 square feet to 25,000 square feet.
- The proposed square footage is compatible with surrounding institutional and residential land uses.
- The larger child development center is consistent with the initial multi-use concept for the Renaissance West development and does not change the character of the project.

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  
  The site plan amendment contains the following changes:
  
  - Allows for an increase in square footage from 17,500 to 25,000 square feet to allow the development of a child development center.
  
  - Modification of the proposed building location from the center of the site to the corner along West Boulevard.
  
  - Modification of the proposed open space along New Renaissance Way, Achievement Lane, and internal to the site.
  
  - Optional Provision:
    
    - To allow one space per 600 square feet for the child development center. This varies from the standard requirement for one space for every 10 children and one for every two employees.

- **Existing Zoning and Land Use**

  - The Boulevard Homes site was originally approved for MUDD-O (mixed use development, optional) zoning under petition 2009-043. The rezoning for the 40.66-acre site allows a multi-use development, with up to 460 residential units, 20,000 square feet for a community center, 180,000 square feet for a school and 17,500 for a child development center.
  
  - The subject property, which is part of the Renaissance West development, remains vacant.
  
  - The remainder of the Renaissance West development is located to the north and west of the
subject site. Within the larger project, development of multi-family residential units and a Charlotte-Mecklenburg School District elementary school are underway.

- East of the subject site, and also to the south across West Boulevard, are vacant parcels and single family homes, multi-family units and a school zoned R-22MF (multi-family residential).
- See “Rezoning Map” for existing zoning in the area.

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

- **Public Plans and Policies**
  - The *Central District Plan* (1993), as amended by Petition 2009-043, recommends a mix of residential, institutional, and office uses for the subject site and surrounding properties in the Renaissance West development.

- **TRANSPORTATION CONSIDERATIONS**
  - This site is on the corner of the un-signalized intersection of an existing major thoroughfare and a local street. The petitioner has provided a pick-up and drop-off concept that intends to mitigate CDOT’s concern about on-site stacking extending onto West Boulevard during peak times. CDOT does not have any further concern with this petition.

- **Vehicle Trip Generation:**
  - **Current Zoning:**
    - Existing Use: 0 (based on the property being vacant).
    - Entitlement: 1,480 trips per day (based on a 17,500-square foot child care center).
  - **Proposed Zoning:** 1,850 trips per day (based on a 25,000-square foot child care center).

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

- **Charlotte Area Transit System:** See Outstanding Issues, Note 2.
- **Charlotte Department of Neighborhood & Business Services:** 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 Water:** The subject site has water availability via an existing 12-inch water main located along West Boulevard and existing six-inch main along the northwestern corner of the property. Sewer system availability is via an existing eight-inch main located along West Boulevard.
- **Engineering and Property Management:** Site shall comply with the City of Charlotte Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

- **Site and Building Design**
  1. Show and label existing planting strips and sidewalks. An eight-foot planting strip and six-foot sidewalk will be required for public street frontages.
  2. Provide a note to install a bus waiting pad along New Renaissance Place.

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 1.25 acres located on the north side of West Boulevard between Billy Graham Parkway and Leake Street.
Petition #: 2016-059
Petitioner: Renaissance West Community Initiative

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

Zoning Classification (Requested): MUDD-O SPA
(Mixed Use Development District, Optional, Site Plan Amendment)

Acreage & Location: Approximately 1.25 acres located on the north side of West Boulevard between Billy Graham Parkway and Leake Street.

Map Produced by the Charlotte-Mecklenburg Planning Department, 2-25-2016.
Previously Approved Site Plan
Agenda #: 27. File #: 15-3225 Type: Zoning Hearing

Rezoning Petition: 2016-062 by Benson Ejindu

Location: Approximately 1.23 acres located on the north side of The Plaza near the intersection of East W.T. Harris Boulevard and The Plaza. (Council District 4 - Phipps)

Current Zoning: R-3 (single-family residential)
Proposed Zoning: O-1 (CD) (office district, conditional)

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
REQUEST

Current Zoning:  R-3 (single family residential)
Proposed Zoning:  O-1(CD) (office, conditional)

LOCATION

Approximately 1.23 acres located on the north side of The Plaza near the intersection of East WT Harris Boulevard and The Plaza.
(Council District 4 - Phipps)

SUMMARY OF PETITION

The petition proposes to develop a vacant site in the northeast area with a 10,000-square foot building to allow general and medical office uses.

PROPERTY OWNER

Uwadiogbu Ejindu

PETITIONER

Benson Ejindu

AGENT/REPRESENTATIVE

Jay Henson

COMMUNITY MEETING

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

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is inconsistent with the Northeast District Plan, which recommends multi-family residential uses.

Rationale for Recommendation

- The plan identifies the intersection of The Plaza and East WT Harris Boulevard as a neighborhood center, which is a location for neighborhood-serving commercial uses.
- The size of the neighborhood center was effectively expanded from the original area plan recommendation through rezoning 2001-029 which approved the self-storage facility abutting this property along its west and north property lines.
- In addition, the site is directly across The Plaza from a shopping center zoned B-1(CD) (neighborhood business, conditional).
- The proposed use would allow additional nonresidential uses complementary to the expanded neighborhood center.
- The proposed office use will provide a buffer between the self-storage facility, which is located at the intersection of WT Harris and the Plaza, and potential future multi-family development located east of the site.
- The site design for the proposed office respects the “Avenue” street classification and brings the building toward the street and places parking to the side and rear to facilitate pedestrian connectivity along the corridor.

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Up to 10,000 square feet of general and medical office uses in a single building.
  - Maximum building height limited to 40 feet.
  - Site access via one commercial driveway off The Plaza.
  - No parking between the building and the street.
  - A 30-foot front setback that is consistent with the required setback on the abutting R-3 (single family residential) zoned parcel.
  - A 16-foot wide “Class C” buffer abutting R-3 (single family residential) zoned parcel to the east.
  - Building elevations reflecting views from the front and rear of the building, and specifying building materials, with a porch and prominent pedestrian entrances.
  - Replacement of the existing four-foot planting strip and five-foot sidewalk along The Plaza with an eight-foot planting strip and six-foot sidewalk.
• **Existing Zoning and Land Use**
  • The subject property is vacant.
  • Surrounding parcels on the north and south sides of The Plaza are zoned R-3 (single family residential) and MX-2 (mixed use) and are developed with single family residential uses, a post office, a middle school and vacant lots.
  • R-4 (single family residential) and R-12MF(CD) and R-15MF(CD) (multi-family residential, conditional) zoning exist across East WT Harris Boulevard and contain single family and multi-family dwellings, and a religious institution.
  • B-D(CD) (distributive business, conditional), B-1(neighborhood business) and B-1(CD) (neighborhood business, conditional) zoning is located near the four quadrants of the intersection of The Plaza and East WT Harris Boulevard, and these properties are developed with two automotive service stations, warehousing within an enclosed building, an eating/drinking/entertainment establishment, multi-family units and a shopping center.
  • See “Rezoning Map” for existing zoning in the area.

• **Rezoning History in Area**
  • Petition 2015-92 rezoned 5.11 acres located on the northwest corner at the intersection of East WT Harris Boulevard and The Plaza to allow up to 8,000 square feet of building area for a convenience store with fuel sales and associated incidental or accessory uses allowed in the B-1 (neighborhood business) district, which may include an eating/drinking/entertainment establishment. Accessory drive-through service windows are prohibited.

• **Public Plans and Policies**
  • The *Northeast District Plan* (1996) recommends multi-family residential uses.

• **TRANSPORTATION CONSIDERATIONS**
  • This site has direct access to an existing minor thoroughfare and is approximately 600 feet from a signalized intersection. CDOT has not identified any negative impacts to the transportation facilities in the area
  • **Vehicle Trip Generation:**
    Existing Use: 0 trips per day (based on the property being vacant).
    Current Use: 30 trips per day (based on three single family detached dwellings).
    Proposed Zoning: 230 trips per day (based on 10,000 square feet of office uses).

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

• **Charlotte Area Transit System:** No issues.
• **Charlotte Department of Neighborhood & Business Services:** 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 Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 16-inch water main located along The Plaza. Charlotte Water does not currently have sewer system availability for the parcel under review. The closest sewer main is approximately 260 feet east of the southeast corner of the property on The Plaza. The applicant should contact Charlotte Water’s New Services at (704) 432-5801 for more information regarding accessibility to the water and sewer systems connections.
• **Engineering and Property Management:** No issues.
• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
• **Mecklenburg County Parks and Recreation Department:** No issues.

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

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

Planner: Sonja Strayhorn Sanders  (704) 336-8327
Acreage & Location: Approximately 1.23 acres located on the north side of The Plaza near the intersection of East W.T. Harris Boulevard and The Plaza.
Petition #: 2016-062
Petitioner: Benson Ejindu

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

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

Acreage & Location: Approximately 1.23 acres located on the north side of The Plaza near the intersection of East W.T. Harris Boulevard and The Plaza.
Legal Description - Parcel ID #105-091-17

Beginning at an existing iron rebar #6 on the Northern right of way line of The Plaza (public right of way width varies), the Southeast corner of property conveyed to PS NC III, LP by deed recorded in book 29218 page 513 of the Mecklenburg County Registry, said beginning point also bearing S89°48'08"E 201.51 feet from the center of an existing storm drainage manhole; Thence with the Eastern line of PS NC III, LP, two (2) courses: 1) N04°39'00"E 275.01 feet to a 1 1/2 inch existing iron pipe; 2) S86°57'46"E 81.17 feet to an existing iron rebar #6 the Northwestern corner of property conveyed to Uwadiogbu Ejindu by deed recorded in book 29347 page 667 of the Mecklenburg County Registry; Thence with Uwadiogbu Ejindu Western line S04°38'49"W 272.06 feet to an existing iron rebar #5 on the Northern right of way line of The Plaza; Thence with said right of way line N89°02'48"W 81.33 feet to the point and place of beginning and containing 0.51 acres, all as shown on a survey by Jack R. Christian & Associates dated March 31, 2015 to which reference is hereby made.

Legal Description - Parcel ID #105-091-18

Beginning at an existing iron rebar #5 on the Northern right of way line of The Plaza (public right of way width varies), the Southeast corner of property conveyed to Uwadiogbu Ejindu by deed recorded in book 29355 page 386 of the Mecklenburg County Registry, said beginning point also bearing two (2) courses from the center of an existing storm drainage manhole: 1) S89°48'08"E 201.51 feet; 2) S89°02'48"E 81.33 feet to the True point of Beginning; Thence with the Eastern line of Uwadiogbu Ejindu N04°38'49"E 272.06 feet to an existing iron rebar #6 a point in the Southern line of property conveyed to PS NC III, LP by deed recorded in book 29218 page 513 of the Mecklenburg County Registry; Thence with PS NC III, LP line S86°57'46"E 127.88 feet to an existing 2 inch iron pipe a point in the Western line of property conveyed to Billy M. Stegall & Kay C. Stegall by deed recorded in book 7453 page 856 of the Mecklenburg Public Registry; Thence with Stegall's Western line S09°26'12"W 269.79 feet to an existing iron rebar #5 on the Northern right of way line of The Plaza; Thence with said right of way line S89°02'48"W 105.51 feet to the point and place of beginning and containing 0.72 acres, all as shown on a survey by Jack R. Christian & Associates dated March 31, 2015 to which reference is hereby made.

OTHER R/W'S OR EASEMENTS MAY EXIST WHICH MAY NOT BE SHOWN.

PROPERTY IS ZONED R-3

45' REAR YARD

30' SETBACK

5' SIDE YARD

4" OAK

9" OAK

8" OAK

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HensonFoley

Civil Engineering

Landscape Architecture

16740 Birkdale Commons Parkway Suite 200, Huntersville  NC 28078

p: 704.875.1615 f: 704.875.0959 www.hensonfoley.com

C-3781

C-399
STREET ELEVATION

1/8" = 1' - 0'
Rezoning Petition: 2016-063 by Imprint Properties, LLC

Location: Approximately 1.18 acres located on the north side of North Davidson Street between Donatello Avenue and Anderson Street. (Council District 1 - Kinsey)

Current Zoning: I-2 (general industrial)
Proposed Zoning: MUDD-O (mixed used development, optional)

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues pertaining to the sidewalk design, placement of windows and doors, and requested technical revisions.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning:  I-2 (general industrial)
Proposed Zoning:  MUDD-O (mixed use development, optional)

LOCATION
Approximately 1.18 acres located on the north side of North Davidson Street between Donatella Avenue and Anderson Street. (Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to allow for the adaptive reuse of existing buildings located in the historic North Charlotte neighborhood and located within a ½ walk distance of the Sugar Creek Transit Station on the LYNX Blue Line Extension. The proposal would allow any use permitted in the MUDD (mixed use development) district. Uses allowed in the MUDD (mixed use development) district include office, residential, retail and civic uses.

PROPERTY OWNER
Imprint Properties, LLC

PETITIONER
Imprint Properties, LLC

AGENT/REPRESENTATIVE
Russell W. Fergusson

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

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues pertaining to the sidewalk design, placement of windows and doors, and requested technical revisions.

Plan Consistency
The petition is consistent with the Blue Line Transit Station Area Plan, which recommends transit supportive uses.

Rationale for Recommendation
- The subject property is located within the historic North Charlotte neighborhood and is also within a ½ mile walk distance of the Sugar Creek Transit Station on the LYNX Blue Line Extension.
- The petition proposes to allow for the adaptive reuse of existing buildings located on the subject property.
- Preservation of the existing buildings will maintain the character of this part of the North Charlotte neighborhood.
- The proposed streetscape enhancements are consistent with the corridor construction plans for the Blue Line Extension project and the NCDOT Sugar Creek Grade Separation project which includes the streetscape project along North Davidson Street.
- These enhancements, which include a wider sidewalk and planting strip, will improve the pedestrian environment along the frontage of this site.

PLANNING STAFF REVIEW
- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Retains the existing 23,344-square foot buildings and allows a 5,200-square foot patio expansion to allow all uses permitted in the MUDD (mixed use development) district.
  - Site will require a rezoning if the existing building is demolished.
  - Existing buildings to retain the same height, with the exception of a rooftop patio. Overall building height not to exceed 50 feet.
  - Artwork and design components to be incorporated in outdoor spaces as part of patio and outdoor common areas.
  - An eight-foot planting strip and eight-foot sidewalk to be provided from the adjacent parcel to the northeast to the point of the street closure of Craighead Road.
  - Parking lot abutting Craighead Road to be screened with a wall that may incorporate art and sculptural elements.
- **Optional Provisions:**
  - Allow the one-way drive exiting onto Craighead Road to deviate from requirements of being perpendicular to the road and to exceed limitations of width, provided it does not exceed 38 feet in width.
  - To facilitate preservation of the existing buildings, parking requirements shall be reduced from 56 spaces to 36 spaces; allow the 36 spaces be the maximum required number of parking spaces, with no additional spaces required for the use of the 33,440 square feet.
  - Areas marked as "future patio expansion" and any future rooftop patio improvements may be used for expansion of the outdoor service, seating, consumption and/or entertainment space not to exceed the aggregate amount of patio square footage and future patio square footage set forth in the development summary. No additional parking spaces in excess of 36 spaces will be required if the patio expansion and/or rooftop patio is developed and used as outdoor service, seating, consumption and/or entertainment. In addition, any applicable parking requirements shall be waived.
  - Parking shall be permitted to extend past the building façade up to the setback and may be located between the existing building /permitted uses and the required setback as shown on the rezoning plan.
  - Existing buildings, entryways and doors, including roll-up doors, may be preserved and additional doorways may be constructed in the same or similar style to existing without requirement to meet MUDD design standards.
  - Unless additional off-site parking is provided sufficient to meet ordinance requirements, the total square footage of all the eating/drinking/entertainment Type 2 use shall not exceed the aggregate amount of 23,000 square feet. The amount of eating/drinking/entertainment Type 2 use square footage shall not include the common areas of the buildings or the production, storage, office and warehouse portions of any brewery use.
  - Petitioner shall meet the requirements of Section 12.544 of the ordinance for the arrangement of windows and doors on the building elevations for the building located at 3701 North Davidson Street.

- **Existing Zoning and Land Use**
  - The subject property is zoned I-2 (general industrial) and currently developed with two warehouse buildings which are connected by a fork lift tunnel.
  - Parcels located south of the Southern Railroad line on either side of Anderson Street and North Davidson Street are primarily zoned I-2 (general industrial) and developed with warehouse uses.
  - Properties south of the Southern Railroad line, east of Herrin Avenue, are zoned R-5 (single family residential), UR-3(CD) (urban residential, conditional), and UR-1(CD) (urban residential, conditional) and developed with single family detached dwellings, apartments and residential condominiums.
  - Lots located in the north side of North Davidson Street, on either side of East Craighead Road, are zoned UR-2(CD) (urban residential, conditional), I-1 (light industrial), I-2 (general industrial) and TOD-M (transit oriented development – mixed use) and developed with three single family dwellings, warehouse uses, and an asphalt manufacturing plant.
  - See "Rezoning Map" for existing zoning in the area.

- **Rezoning History in Area**
  - Petition 2014-04 rezoned 2.4 acres located on the south side of Raleigh Street between East Sugar Creek Road and Greensboro Street to TOD-M (transit oriented development – mixed-use) to allow all uses permitted in the district.

- **Public Plans and Policies**
  - The *Blue Line Extension Transit Station Area Plans* (2013) recommend transit supportive uses for the subject site.
  - The *BLE Transit Station Area Plans* recommends a 50-foot height limit for future buildings in this area.

- **TRANSPORTATION CONSIDERATIONS**
  - This site has direct access to an existing minor thoroughfare near an unsignalized intersection with a local street. The site is adjacent to the LYNX Blue Line Extension and within the project limits of an approved NCDOT project (U-5008, Sugar Creek Road Grade Separation). Additionally, the potential Cross Charlotte Trail alignment is within 1000 feet of this site. This plan complies with the general transportation policy goals and applicable area plans. CDOT has not identified any negative impacts to the transportation facilities in the area.
  - See Outstanding Transportation Issues, Notes 1 and 2.
• **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 80 trips per day (based on 23,300 square feet of warehouse uses).
  Entitlement: 80 trips per day (based on 23,300 square feet of warehouse uses).
  Proposed Zoning: Trips per day cannot be determined due to the number of uses permitted.

DEPARTMENT COMMENTS (see full department reports online)

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

OUTSTANDING ISSUES

Transportation
1. CDOT recommends the petitioner revise the site plan to provide additional hardscape pavement material between the back of the proposed eight-foot sidewalk and the building versus small intermittent grass strips and the internal sidewalks. Planning needs to be consulted to define the additional hardscape areas, behind the proposed public sidewalk.
2. The petitioner needs to revise the site plan to include a permanent Sidewalk Utility Easement between the proposed right-of-way line and back of the proposed eight-foot wide sidewalk along the site’s North Davidson Street frontage.

Site and Building Design
3. Clarify how the note related to the petitioner meeting the requirements of Section 12.544 of the ordinance for the arrangement of windows and doors on the building elevations for the building located at 3701 North Davidson Street is an optional request. As written, it is not an optional request.

REQUESTED TECHNICAL REVISIONS

Other
4. Correct “Craighead Street” to “Craighead Road” throughout the site plan.
5. Replace existing Note 1(d) under General Provisions with the following: “Existing buildings to remain.”
6. Delete the following verbiage under Note 2(f) under Optional Provisions and replace as a new note under Permitted Uses: “Unless additional off-site parking is provided sufficient to meet ordinance requirements, the total square footage of all the Eating Drinking and Entertainment Type 2 uses shall not exceed the aggregate amount of 23,000 square feet.
7. Delete all notes that state “per ordinance requirements.”
8. Replace existing Note 2(g) under Optional Provisions and replace as a new note under Architectural Standards.

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

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

**Planner:** Sonja Strayhorn Sanders (704) 336-8327
Acreage & Location: Approximately 1.18 acres located on the north side of North Davidson Street between Donatello Avenue and Anderson Street.
Petition #: 2016-063
Petitioner: Imprint Properties, LLC

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

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

Acreage & Location: Approximately 1.18 acres located on the north side of North Davidson Street between Donatello Avenue and Anderson Street.

Map Produced by the Charlotte-Mecklenburg Planning Department, 3-23-2016.
Agenda #: 29. File #: 15-3227 Type: Zoning Hearing

Rezoning Petition: 2016-066 by JWM Family Enterprises, Inc.

Location: Approximately 5.32 acres located on the southwest corner at the intersection of Roxborough Road and Rexford Road. (Council District 6 - Smith)

Current Zoning: O-1 (office district) & O-15 (CD) (office district, conditional)
Proposed Zoning: MUDD-O (mixed use development, optional)

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues related to landscaping along the streets, sidewalks, and transportation improvements.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
REQUEST

Current Zoning: O-1 (office) and O-15(CD) (office, conditional)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION

Approximately 5.32 acres located on the southwest corner at the intersection of Roxborough Road and Rexford Road. (Council District 6 - Smith)

SUMMARY OF PETITION

The petition proposes to allow the existing 200-room hotel to remain and the addition of a second hotel with 170 rooms and a parking structure on the underutilized portion of the larger site located in the SouthPark area.

PROPERTY OWNER

South Park Real Estate, LLC

PETITIONER

JWM Family Enterprises, Inc.

AGENT/REPRESENTATIVE

Jeff Brown and Keith MacVean

COMMUNITY MEETING

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

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to landscaping along the streets, sidewalks, and transportation improvements.

Plan Consistency

- The petition is consistent with the SouthPark Small Area Plan, which recommends office or a mixed of office and residential. A hotel, which is the use proposed for this site, is classified as an office/business use and allowed in office and business zoning districts.

Rationale for Recommendation

- The Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development.
- The more specific vision articulated in the SouthPark Small Area Plan calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses.
- The proposed site plan intensifies the subject site by redeveloping a surface parking lot located between an existing hotel and Rexford Road, with a second hotel and accessory structured parking.
- The new hotel will enhance the pedestrian environment by providing active, ground floor uses oriented to the public sidewalk on Roxborough Road.
- Where the proposed parking structure fronts Rexford Road, the site plan commits to architectural treatment to the structure and also provides a wide setback to allow tree preservation and additional landscaping to partially screen the parking deck from the public sidewalk.
- The site plan also provides wide setbacks along Roxborough Road to preserve existing mature trees and provide added green space consistent with other recently approved rezonings and to support the concept of a “green ribbon” along streets in the SouthPark area as discussed in the recent Urban Land Institute study of the SouthPark area.
- The maximum building height of 85 feet is consistent with the height of recently approved development on the “Colony Apartments” site to the east, and mid-rise building heights are appropriate in a Mixed-Use Activity Center.
PLANNING STAFF REVIEW

**Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows the existing 200-room hotel to remain and the redevelopment of a portion of the surface parking lot located at the northeast corner of the site for a new 170-room hotel and a two-level parking structure.
- Maximum building height of eight stories, not to exceed 85 feet except for the rooftop dining area which will be located on the southern portion of the building.
- Allows a maximum of two principal buildings on the site and an accessory two-story parking structure.
- Provides a 40-foot setback as measured from the back of existing curb along Roxborough Road and Rexford Road. First floor pedestrian-oriented architectural features may encroach 20 feet into the setback and balconies on upper floors may encroach 10 feet where there are no conflicts with trees identified for preservation. Outdoor seating and amenity areas are permitted within the 40-foot setback.
- Provides an eight-foot planting strip and eight-foot sidewalk along Roxborough Road and Rexford Road. Sidewalks may meander to preserve existing trees.
- Specifies the petitioner will work with the City Arborist to identify trees to be saved within the 40-foot setback, as well as additional trees outside of the 40-foot setback.
- Proposes a pedestrian-oriented public gathering area at the corner of Roxborough and Rexford Roads.
- Specifies building materials and provides conceptual building elevations.
- Commits to at least one architecturally prominent and publically accessible pedestrian entrance from Roxborough Road that will be open during regular business hours and provide access to the hotel’s ground floor lobby and other amenities. The entrance will be designed to be clearly identifiable with prominent elements within the building façade.
- Provides a number of architectural and building design standards to ensure creating highly visible, active uses on the ground floor; mitigating building mass and scale; breaking up expanses of blank walls and end walls; and screening the parking deck elevation along Rexford Road.
- Specifies that outdoor dining is permitted adjacent to the rooftop lounge/penthouse.
- Requests the following optional provisions:
  - Allow a three-sided sign located at the top of building as depicted on the elevations. The area of each of these walls signs will not exceed 200 square feet.
  - Allow wall signs, in addition to those permitted on the architectural feature at the top of the building, to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.
  - Allow one detached ground mounted sign per street front with a maximum height of six feet and containing up to 36 square feet of sign area.
  - Allow the existing ground mounted sign at the corner of Rexford and Roxborough to remain.
  - Allow a parking deck and access ramp to be located between the existing building and Rexford Road.
  - Allow the existing parking and maneuvering areas located between the existing building and the streets to remain.
  - Allow the existing building to not have to meet the street wall requirements of the MUDD (mixed use development) zoning district.

**Existing Zoning and Land Use**

- The subject property is zoned O-1 (office) and O-15(CD) (office, conditional), and is developed with a hotel built in approximately 1984. The building is set back from the street frontages with a parking lot at the front.
- Abutting to the south is the Specialty Shops on the Park shopping center, in B-1(CD) (neighborhood business conditional) zoning.
- Across Roxborough Road to the southeast are a series of individual retail and office properties fronting Morrison Boulevard, in B-1SCD (business shopping center), O-3(CD) (office, conditional), and MUDD-O (mixed use development, optional) zoning.
- To the east across Roxborough Road is the Colony Apartments site, recently rezoned for a major mixed use redevelopment, to include hotel, retail, office, and residential uses extending up to 160 feet in height. The site plan includes an extension of Rexford Road all the way through the site from Roxborough Road to Sharon Road.
- To the northeast across Rexford Road is the Trianon Condominium property with two-story residential buildings built about 1969 and zoned R-17MF (multi-family residential).
- To the west and northwest along both sides of Rexford Road are a number of office buildings
fronting Rexford Road (in various office zoning districts).

- See “Rezoning Map” for existing zoning in the area.

- **Rezoning History in Area**
  - There have been a number of rezonings to MUDD-O (mixed use development, optional) west, south and east of the site, within the SouthPark Mixed Use Activity Center, to allow residential and mixed use developments.

- **Public Plans and Policies**
  - The *SouthPark Small Area Plan* (2000) shows the property as office or a mix of office and residential.
  - The vision articulated in the *SouthPark Small Area Plan* calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses. This vision was recently reinforced through the work of a panel of experts from the Urban Land Institute studying the SouthPark area.

- **TRANSPORTATION CONSIDERATIONS**
  - Located in the SouthPark Mixed Use Activity Center, this site on the corner of the unsignalized intersection of an existing major collector street and a local street. Generally, CDOT supports greater density in Mixed Use Activity Centers since the mixture of uses yields shorter vehicle trip lengths that are less impactful than accommodating the same uses spread over greater distances. The additional trips generated by this petition along with new trips from nearby approved rezonings may require installation of a signal at the Roxborough Road and Rexford Road intersection. CDOT has requested a contribution for the partial cost of a signal at this intersection and dedication of needed signal utility easements. This signal will manage vehicular traffic and provide a safe pedestrian crossing.
  - See Outstanding Transportation Issues, Notes 10 through 12.

- **Vehicle Trip Generation:**
  - **Current Zoning:**
    - Existing Use: 1630 trips per day (based on 200 hotel rooms).
    - Entitlement: 1630 trips per day (based on 200 hotel rooms)
  - **Proposed Zoning:** 3020 trips per day (based on 370 hotel rooms).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** 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 Water**: Charlotte Water currently has water system availability via existing eight-inch water mains located along Rexford Road and Roxborough Road and system availability via existing eight and 10-inch sewer mains located along Roxborough Road.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

**Site and Building Design**

1. Provide a note under Streetscape, Buffer, Landscaping Open Space and Screening that specifies that the petitioner will provide additional landscape plantings along Roxborough and Rexford Roads as generally depicted on RZ-3.
2. Provide a note that a network of internal sidewalks with a minimum width of five feet will be provided as generally depicted on RZ-3.
3. Clarify what “first floor pedestrian-oriented architectural features” are as referred to in Note 5a.
4. Limit the total amount of encroachment allowed for outdoor seating and amenity area in the 40-foot setback specified in Note 5a along Roxborough Road.
5. Revise Note 5c to clarify commitment to preserving additional trees and remove the wording related to “intent.”
6. Indicate that in the area where additional trees will be preserved outside of the 40-foot setback,
the building setback will be greater than 40 feet as generally depicted on the site plan.

7. Define “prominent elements within the building façade” as referred to in Note 6c.

8. Reduce the size of the three-sided sign located on the top of the building to reflect what is shown on the building elevation.

9. Add a note stating that the existing monument sign located at the corner of Rexford Road and Roxborough Road shall not be increased in size and/or height.

Transportation

10. Add a note to the site plan stating that the petitioner agrees to dedicate any signal utility easements needed for the intersection of Roxborough Road and Rexford Road if signal equipment is needed on this corner of the intersection.

11. Commit to a contribution of $50,000 to the City of Charlotte prior to the issuance of a certificate of occupancy for the hotel. These funds will be used to help fund a future signal at Roxborough Road and Rexford Road.

12. Work with CDOT to determine appropriate pedestrian crossing provisions. CDOT does not agree with the proposed mid-block crossing included in the revised site plan. The proposed location is not appropriate (i.e. too close to a future signal) and will duplicate midblock crossing commitments already made by rezoning petition 2015-131 for Synco Properties (Colony apartments).

REQUESTED TECHNICAL REVISIONS

Site and Building Design

13. Amend the maximum building height in the site development data on RZ-1-3 to match the elevation on RZ-4; height shown on elevation is approximately 96 feet.

14. Amend the parcel number for the subject rezoning site to reflect the correct parcel.

15. Amend the elevations to remove “AC” from the architectural feature/sign at the top of the building.

Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311
Acreage & Location: Approximately 5.32 acres located on the southwest corner at the intersection of Roxborough Road and Rexford Road.
Petition #: 2016-066
Petitioner: JWM Family Enterprises, Inc.

Zoning Classification (Existing): O-1 & O-15(CD) (Office & Office, Conditional)

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

Acreage & Location: Approximately 5.32 acres located on the southwest corner at the intersection of Roxborough Road and Rexford Road.
PROPOSED 6' SIDEWALK AND 8' PLANTING STRIP.

EXISTING DRIVE ACCESS TO REMAIN.

NEW SURFACE PARKING.

PROPOSED NEW DRIVE ACCESS TO BE COORDINATED WITH SOUTHWICK DRIVE.

40' SETBACK MEASURED FROM BACK OF EXISTING CURBLINE.

NEW SURFACE PARKING.

PROPOSED TWO STORY PARKING STRUCTURE.

PROPOSED MID-BLOCK CROSSING.

PROPOSED PUBLIC GATHERING AREA.

ACCESS TO SPECIALTY SHOPS.

STAIRS.

8' PROPOSED OUTDOOR DINING AREA.

MARRIOTT SOUTHPARK REZONING PETITION #2016-066

NCC152128

DRAWN BY: SRF JG 02/22/16

CHECKED BY: SRF JG 02/22/16

DATE: 1"=30'

SCALE: CAD ID:

SHEET NUMBER: SHEET TITLE:

LOCATION OF SITE FOR PROJECT No.:

PROJECT:

SCHEDULE DATA:

--ACREAGE:

--TAX PARCEL #:

--EXISTING ZONING:

--PROPOSED ZONING:

--EXISTING USES:

--PROPOSED USES:

MAXIMUM BUILDING HEIGHT:

MAXIMUM BUILDING HEIGHT OF EIGHT (8) STORIES, NOT TO EXCEED 85 FEET.

BUILDING HEIGHT TO BE MEASURED PER THE ORDINANCE.

PARKING:

AS REQUIRED BY THE ORDINANCE.

PROPOSED TREES (TYP.)

EXISTING TREES TO REMAIN.

PER DEVELOPMENT STANDARDS.

PROPOSED 6' SIDEWALK AND 8' PLANTING STRIP. SIDEWALK TO MEANDER TO MAXIMIZE THE PRESERVATION OF EXISTING TREES.

PROPOSED HOTEL STREET ACCESS.

SUSTAINABLE DESIGN.

LANDSCAPE ARCHITECTURE.

SITE CIVIL AND CONSULTING ENGINEERING.

LAND SURVEYING.

PROGRAM MANAGEMENT.

PERMITTING SERVICES.

TRANSPORTATION SERVICES.

NEW ENGLAND

UPSTATE NEW YORK

NEW YORK METRO

LEHIGH VALLEY, PA

SOUTHEASTERN, PA

PHILADELPHIA, PA

SOUTHERN MARYLAND

BALTIMORE, MD

TAMPA, FL

CENTRAL VIRGINIA

CHARLOTTE, NC

RALEIGH, NC

NORTHERN VIRGINIA

NEW JERSEY

WASHINGTON, DC

REHOBOTH BEACH, DE

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City of Charlotte

Agenda Date: 5/16/2016

Rezoning Petition: 2016-068 by YMCA of Greater Charlotte, Inc.

Location: Approximately 1.03 acres located on the east side of South Caldwell Street between Templeton Avenue and Lexington Avenue. (Council District 1 - Kinsey)

Current Zoning: O-2 (office district)
Proposed Zoning: TOD-MO (transit oriented development, mixed use, optional)

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues related to site design.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
REQUEST  
Current Zoning: O-2 (office)  
Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional)

LOCATION  
Approximately 1.03 acres located on the east side of South Caldwell Street between Templeton Avenue and Lexington Avenue.  
(Council District 1 - Kinsey)

SUMMARY OF PETITION  
The petition proposes to allow the redevelopment of a surface parking lot for an existing institutional use (Pritchard Memorial Baptist Church) located in the Dilworth neighborhood to develop structured parking and 17,000 square feet of ground floor non-residential uses.

PROPERTY OWNER  
The Pritchard Memorial Baptist Church of Charlotte

PETITIONER  
YMCA of Greater Charlotte, Inc.

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

COMMUNITY MEETING  
Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 0

STAFF RECOMMENDATION  
Staff recommends approval of this petition upon resolution of outstanding issues related to site design.

Plan Consistency  
The petition is consistent with the South End Transit Station Area Plan recommendation for mixed-use transit supportive development for the area in which the site is located.

Rationale for Recommendation  
- The subject site is located across South Caldwell Street from Pritchard Memorial Baptist Church and the Dowd YMCA.
- The proposed deck will serve both of these institutional uses.
- The subject site is also located within a 1/4 mile walk of the Carson Boulevard Transit Station on the LYNX Blue Line.
- The proposal allows a site being used for surface parking to convert to structured parking. Structured parking is a more appropriate form of parking in a transit station area.
- The proposed parking structure will also include ground floor active uses along South Caldwell Street and Lexington Avenue. These uses will support the transition of the area into a more walkable urban environment.

PLANNING STAFF REVIEW  
- Proposed Request Details  
The site plan accompanying this petition contains the following provisions:
  - Proposes a structured parking deck wrapped with 17,000 square feet of ground floor commercial uses along South Caldwell Street and Lexington Avenue.
  - Minimum 1,400 square foot open space with walking trail along the site’s southern edge.
  - Eight-foot planting strip and eight-foot sidewalk along South Caldwell.
  - Eight-foot planting strip and six-foot sidewalk along Lexington and Templeton Avenue.
  - Maximum building height of 60 feet and four stories.
  - Building elevations of the proposed parking structure and ground floor active space.
  - Optional provision:
    - To eliminate the non-residential uses along Templeton Avenue. Current standards require a minimum of 50% active uses along the ground floor.

- Existing Zoning and Land Use  
The subject property is currently zoned O-2 (office) and is developed with a surface parking lot.  
The surrounding properties to the north and east are zoned R-22MF (multi-family residential), O-2 (office) and MUDD-O (mixed use development, optional) and developed with institutional uses (Dowd YMCA and Pritchard Memorial Baptist Church) and general office uses.
• The properties to the south and west are zoned TOD-MO (transit oriented development – mixed-use, optional) and TOD-RO (transit oriented development - residential, optional) and are developed with residential dwelling units or are currently under construction for residential uses.
• See “Rezoning Map” for existing zoning in the area.

**Rezoning History in Area**
• Petition 2015-076 rezoned the parcel northeast of the subject site (Dowd YMCA) to MUDD-O (mixed use development, optional) to allow the expansion of the existing use and structured parking deck with optional provisions related to signage, surface parking and phased development.
• Rezoning Petition 2014-048 rezoned 2.99 acres south of the site to TOD-MO (transit oriented development - mixed-use, optional) to allow all uses in the district and optional provisions for encroachment into the setback along Lexington Avenue.

**Public Plans and Policies**
• The *South End Transit Station Area Plan* (2005) recommends mixed-use transit supportive development for the subject site and surrounding properties.

**TRANSPORTATION CONSIDERATIONS**
• This site is bordered by local streets and is between un-signalized intersections. CDOT has not identified any negative impacts to the transportation facilities in the area. Located within the South End Transit Station Area, CDOT’s transportation goals are to promote walkability and ensure proper access. The sidewalks and crosswalks proposed by this plan help to accomplish these goals. In addition, the proposed parking deck will likely relieve some of the on-street parking demand in this area associated with the YMCA adjacent to this site.

**Vehicle Trip Generation:**
- Current Zoning:
  - Existing Use: 0 trips per day (based on a parking lot use)
  - Entitlements: 235 trips per day (based on 10,300 square feet of office).
  - Proposed Zoning: 2150 trips per day (based on 17,000 square feet of retail and structured parking).

**DEPARTMENT COMMENTS** (see full department reports online)
• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Charlotte Fire Department: No comments received.
• Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte Water: Water system has availability via existing six-inch main along Templeton Avenue, South Caldwell Street and Lexington Avenue. Sewer system availability via eight-inch mains along Templeton Avenue, South Caldwell Street and Lexington Avenue.
• Engineering and Property Management: No issues.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.

**OUTSTANDING ISSUES**

**Site and Building Design**
1. For ground floor active use space, provide a note committing to minimum 20-foot floor to ceiling height and 30-foot depth (distance from front street-facing facade to back of conditioned active use space for non-residential uses).
2. Add a note that active use spaces will be conditioned space and will have all appropriate utilities stubbed in (electric, water, sewer, HVAC, etc.).
3. Add a note that second floor of structured parking will be screened with decorative features and grill work.
4. Provide a note for a minimum square footage of active use space that corresponds to the amount represented in the renderings and elevations.
5. Provide a floor plan showing proposed layout of active use space.
6. Add a note that the proposed walkway through the open space will be a minimum of six feet wide.
7. Along Templeton Avenue elevation add a note to enhance blank wall area to provide visual interest.
8. Add a note to provide one storefront entrance door on Lexington Avenue.
9. Add a note that the active space will provide a minimum of five exterior doors on South Caldwell Street elevation. No fewer than two of these doors must be store-front type doors. The remainder may be either storefront or roll-up doors.

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

Planner: Solomon Fortune  (704) 336-8326
Petition #: 2016-068

Acreage & Location : Approximately 1.03 acres located on the east side of South Caldwell Street between Templeton Avenue and Lexington Avenue.
Petition #: 2016-068
Petitioner: YMCA of Greater Charlotte

Zoning Classification (Existing): O-2
(Office)

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

Acreage & Location: Approximately 1.03 acres located on the east side of South Caldwell Street between Templeton Avenue and Lexington Avenue.

Map Produced by the Charlotte-Mecklenburg Planning Department, 2-25-2016.
**SITE DEVELOPMENT DATA**

- **Acreage:** 1.03 acres
- **Tax Parcel #s:** 123-022-01
- **Existing Zoning:** O-2
- **Proposed Zoning:** TOD-MO
- **Existing Use:**
- **Proposed Uses:** A parking structure and up to 17,000 square feet of gross floor area devoted to non-residential uses as allowed by right and under prescribed conditions in the TOD-M zoning district. The allowed non-residential uses to be located on the ground floor of the parking deck.
- **Maximum Gross Square Feet of Development:**
  - A parking structure and non-residential uses as permitted by right, under prescribed conditions, or by the Planning Commission (subject to a minimum of 50% non-residential area) as allowed in the TOD-M zoning district (as more specifically described below in Section 4).
- **Maximum Building Height:**
  - Maximum building height of four (4) stories, not to exceed 60 feet. Building height to be measured per the Ordinance.

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**VICINITY MAP**

- **Property Line:** 5' setback from alley centerline
- **Public Alley:**
- **Parcel # 123-021-02:** ZONING: TOD-RO
- **Parcel # 123-022-12:** ZONING: TOD-MO
- **Parcel # 123-022-09:** ZONING: TOD-MO
- **Parcel # 123-024-02:** ZONING: B-1
- **Parcel # 123-023-12:** ZONING: O-2
- **Parcel # 123-023-01:** ZONING: O-2
- **Parcel # 123-025-02:** ZONING: O-2

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**TECHNICAL DATA SHEET**

- **RZ-1**
- **Rezoning Submittal**
- **Prichard Lot Parking Deck**
- **YMCA of Greater Charlotte**

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**GRAPHIC SCALE**

- **Graphic Scale:** 1:60
- **Project North True North**
- **Vicinity Map**
- **Petition # 2016-068**
- **No. Description Date**

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- **Page 1 of 1**

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**Technical Data Sheet**

- **Petition # 2016-068**
- **Date:** 2/27/2016
- **Drawn by:**
- **Checked by:**
- **Copyright 2013**
- **Tel.: 704.333.6686 Fax: 704.333.2926**
- **Charlotte, North Carolina 28202 227 West Trade Street Suite 700**
The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The Site will comply with the Tree Ordinance.

Environmental Features:
- The submitted Plan and Petition contains a Stormwater Drainage Plan, 10 µm Outfall Lining System, and a Permanent Stormwater Management System.
- The submitted Plan contains a Stormwater Infiltration System and a Permanent Stormwater Management System.
- The submitted Plan contains a Stormwater Infiltration System and a Permanent Stormwater Management System.

Amendments to the Rezoning Plan:
- The Petitioner may request amendments to the Plan eligible for revision as a normal amendment, provided the Petitioner has submitted a formal written request for an amendment to the Plan, the Petitioner has obtained the City's written consent to the amendment, and the amendment does not result in a change to the Plan.
- The Petitioner may request amendments to the Plan eligible for revision as a normal amendment, provided the Petitioner has submitted a formal written request for an amendment to the Plan, the Petitioner has obtained the City's written consent to the amendment, and the amendment does not result in a change to the Plan.

Petition # 2016-068

Maximum Gross Square feet of Development:

Architectural Design:
- The architectural style of the building(s) shall be consistent with the architectural style of the neighboring buildings.
- All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type.

Detached lighting on the Site, except street lights located along public streets, will be limited to 13 feet in height.

Parking Deck:
- A parking structure and up to 17,000 square feet of gross floor area devoted to non-residential uses as allowed by right, under prescribed conditions, and by the Optional Provisions provided below.

Proposed Zoning:
- Rezoning Petition No. 2016-068

Activated Space along S. Caldwell St.
PUBLIC ALLEY OPEN SPACE

CORNER OF S. CALDWELL & LEXINGTON

THESE ILLUSTRATIONS ARE PROVIDED TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE BUILDINGS THAT MAY BE CONSTRUCTED ON THE SITE. THE ACTUAL BUILDINGS CONSTRUCTED ON THE SITE MAY VARY FROM THESE ILLUSTRATIONS AS LONG AS THE GENERAL ARCHITECTURAL CONCEPTS AND INTENT ILLUSTRATED IS MAINTAINED.
Rezoning Petition: 2016-069 by White Point Paces Properties, LLC

Location: Approximately 0.83 acres located on the southeast corner at the intersection of Belmont Avenue and North Caldwell Street. (Council District 1 - Kinsey)

Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-M (transit oriented development, mixed use)

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
REQUEST
Current Zoning: I-2 (General Industrial)
Proposed Zoning: TOD-M (transit oriented development – mixed-use)

LOCATION
Approximately 0.83 acres located on the southeast corner at the intersection of Belmont Avenue and North Caldwell Street. (Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to allow all transit supportive uses per conventional TOD-M (transit oriented development – mixed-use) zoning for a 0.83 acre site that is located within a ½ mile walk of the Parkwood Transit Station on the LYNX Blue Line Extension. Uses allowed in the TOD-M (transit oriented development – mixed-use) district include office, residential, retail and civic uses.

PROPERTY OWNER
Thomas and Linda Hunter; Carroll and Barbara Hunter

PETITIONER
White Point Paces Properties, LLC (c/o Jay Levell)

AGENT/REPRESENTATIVE
John Carmichael

COMMUNITY MEETING
Meeting is not required.

STAFF RECOMMENDATION
Staff recommends approval of this petition.

Plan Consistency
The petition is consistent with the Blue Line Extension Transit Station Area Plan, which recommends transit supportive uses for this site.

Rationale for Recommendation
- The subject site is within a ½ mile walk of the Parkwood Transit Station on the Blue Line Extension.
- The proposed rezoning allows a vacant site zoned for industrial use to be developed with transit supportive uses.
- Use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances and screening.
- The plan for the area does not have a specific height limit and the TOD-M standards will provide a height transition between nearby single family homes and taller buildings.

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

- Existing Zoning and Land Use
- The subject property is zoned I-2 (general industrial) and is vacant.
- Surrounding properties west of Belmont Avenue are sparsely developed with warehouse uses, multi-family residential uses, a residential structure used as a beauty salon, and the CATS bus garage in I-2 (general industrial), MUDD-O (mixed use development, optional), B-2 (general business) and TOD-M (transit oriented development - mixed-use) districts.
- Properties located east of Belmont Avenue are zoned R-8 (single family residential), R-22MF (multi-family residential), B-2 (general business), I-2 (general industrial), UR-2(CD) (urban residential, conditional), MUDD (mixed use development) and MUDD(CD) (mixed use development, conditional) and developed with single family and multi-family residential dwellings, office and warehouse uses, and an automotive garage.
- See “Rezoning Map” for existing zoning in the area.

- Rezoning History in Area
- Petition 2015-125 rezoned 4.78 acres located east of 13th Street and west of Belmont Avenue, between North Brevard Street and North Davidson Street, to TOD-M (transit oriented development – mixed-use) to allow all transit supportive uses per conventional TOD-M (transit...
oriented development – mixed-use) zoning.
- Petition 2014-23 approved a MUDD(CD) SPA (mixed use development, conditional, site plan amendment) for 2.15 acres on the south corner of the intersection of North Caldwell Street and East 16th Street. The request allowed the reduction of the overall number of multi-family dwelling units from 150 to 120 and allowed a “for rent” option.

- Public Plans and Policies
  - The Blue Line Extension Transit Station Area Plan (2013) recommends a mix of transit supportive uses (residential, retail, civic and office) for this site and other properties in the Parkwood transit station area.
  - The Structure Map included in the Plan indicates that height should be governed by the zoning ordinance.

- TRANSPORTATION CONSIDERATIONS
  - This site is located at the un-signalized intersection of a minor thoroughfare and a major thoroughfare. North Caldwell Street, the site’s northern boundary, is within the Northeast Transit Corridor Infrastructure (NECI) Program boundary. CDOT supports intensification of development that accommodates multimodal transportation facilities within this transit station area and has not identified any negative impacts to the transportation facilities in the area.

- Vehicle Trip Generation:
  - Current Zoning: Existing Use: 0 trips per day (based on industrial storage uses)
  - Entitlements: 45 trips per day (based on 12,500 square feet of warehouse uses)
  - Proposed Zoning: Too many uses to determine trips per day.

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

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

Planner: Sonja Strayhorn Sanders (704) 336-8327
Acreage & Location: Approximately 0.83 acres located on the southeast corner at the intersection of Belmont Avenue and North Caldwell Street.
Petition #: 2016-069
Petitioner: White Point Paces Properties, LLC

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

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

Acreage & Location: Approximately 0.83 acres located on the southeast corner at the intersection of Belmont Avenue and North Caldwell Street.

Map Produced by the Charlotte-Mecklenburg Planning Department, 2-25-2016.

Map Produced by the Charlotte-Mecklenburg Planning Department, 2-25-2016.
Agenda #: 32  File #: 15-3231  Type: Zoning Hearing

Rezoning Petition: 2016-070 by Woodfield Acquisitions, LLC

Location: Approximately 21.68 acres located north of Madison Square Place and near the intersection of Madison Square Place and Northlake Centre Parkway. (Council District 2 - Austin)

Current Zoning: R-3 (single family residential) & CC (commercial center)

Proposed Zoning: UR-3(CD) (urban residential, conditional)

Staff Recommendation:
Staff recommends approval of this petition upon resolution of an outstanding issue related to building height.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning: R-3 (single family residential) and CC (commercial center)
Proposed Zoning: UR-3(CD) (urban residential, conditional)

LOCATION
Approximately 21.68 acres located north of Madison Square Place and near the intersection of Madison Square Place and Northlake Centre Parkway.
(Council District 2 - Austin)

SUMMARY OF PETITION
The petition proposes to allow up to 300 multi-family dwelling units at a density of 13.83 units per acre, and will be Phase 2 of an approved rezoning (2013-067) that allowed up to 416 multi-family units. The rezoning site is a single family subdivision in the Northlake area where all the homes have since been demolished with the exception of one home built in 2001.

PROPERTY OWNER
Ronald J. Withrow, and William R. Culp, Jr., Trustees

PETITIONER
Woodfield Acquisitions, 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: 0

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of an outstanding issue related to building height.

Plan Consistency
The petition is consistent with the Northlake Area Plan recommendation for residential, office and/or retail. The proposed density of 13.8 units per acre is consistent with the plan’s recommendation of a maximum density of 22 dwelling units per acre if the site is developed with residential as a single use.

Rationale for Recommendation
- The subject property is located within the Northlake Mixed Use Activity Center, which is a priority area to accommodate future growth and appropriate for new multi-family development.
- The proposed project will be Phase 2 of Woodfield Northlake apartments. Phase 1 of this project is underway.
- The development will maintain the site design characteristics of the first phase, by locating buildings along the street with parking to the side and rear, thus supporting walkability.
- In addition, the site design calls for the dedication of land along Dixon Branch for a future greenway and connection to the greenway.

PLANNING STAFF REVIEW
- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 300 multi-family residential units at a density of 13.28 dwelling units per acre.
  - This proposal will be a second phase of a multi-family residential development known as Woodfield Apartments at Northlake that was approved via rezoning petition 2013-067 to allow up to 416 multi-family units on abutting property located along Northlake Centre Parkway.
  - Proposes the total number of principal buildings to be developed on the site will not exceed 10.
  - Provides amenity area consisting of a pool, landscaping, seating areas, and hardscape elements and other open space areas.
  - Provides access to Northlake Center Parkway via extension of a public street (Tisbury Road) approved as part of Phase 1 development.
  - Proposes abandonment of rights-of-way to accommodate new construction.
  - Proposes a number of architectural and design standards related to building materials, roof design, blank walls and pedestrian connectivity.
Dedicates and conveys to Mecklenburg County the majority of the 100-foot FEMA floodplain and a portion of the SWIM buffer as generally depicted on the rezoning plan, including the existing bridge on parcel 052-291-15 prior to the issuance of the first certificate of occupancy.

Identifies location of pedestrian access to future greenway.

Existing Zoning and Land Use

The rezoning site is part of a larger single family subdivision divided by the construction of Interstate I-485. The rezoning site is comprised of several single family detached lots and streets. All of the lots are vacant with the exception of one single family home.

East is Phase I of Woodfield Apartments at Northlake (a 416-unit multi-family development approved via rezoning petition 2013-067 and currently under construction), and undeveloped acreage zoned UR-3(CD) (urban residential, conditional), BP (business park) and R-3 (single family residential).

South are the Madison Square Apartment community, Northlake Mall, Northcrest Shopping Center, scattered residential housing, vacant land, and undeveloped acreage zoned CC (commercial center), R-3 (single family residential), and R-17MF (multi-family residential).

Portions of the rezoning site are adjacent to the Dixon Creek Greenway corridor as indicated on the 2014 Greenway Master Plan.

See ”Rezoning Map” for existing zoning in the area.

Rezoning History in Area

Rezoning petition 2013-067 (Woodfield at Northlake Apartments, Phase 1) rezoned approximately 18.95 acres abutting the rezoning site to the north to allow up to 416 multi-family units at a density of 22 dwelling units per acre, with clubhouse/pool amenity.

Public Plans and Policies

The Northlake Area Plan (2008) recommends residential, office and/or retail for this site. The plan also allows for residential up to 22 dwelling units per acre as a single use.

The portion of the site under the FEMA Floodplain is recommended for park/open space to allow for a future greenway.

The plan stipulates that building heights should be limited to four stories along Dixon Branch Creek, and six stories elsewhere.

TRANSPORTATION CONSIDERATIONS

This site plan extends Tisbury Road (a local street approved as part of Woodfield Northlake Phase 1) and extends the transportation network with a pedestrian/bike path connection to a future Mecklenburg County greenway along I-485. This plan complies with the general transportation policy goals and applicable area plans.

Vehicle Trip Generation:

Current Zoning:
- Existing Use: 0 trips per day (based on vacant land)
- Entitlements: 710 trips per day (based on 65 single family dwellings).
- Proposed Zoning: 1,940 trips per day (based on 300 multi-family dwelling).

DEPARTMENT COMMENTS (see full department reports online)

Charlotte Area Transit System: No issues.

Charlotte Department of Neighborhood & Business Services: No issues.

Charlotte Fire Department: No comments received.

Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate 32 students, while the development allowed under the proposed zoning will produce 41 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is nine students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Bradley Middle Middle (106%) or Hopewell High (89%). The proposed development is projected to increase the school utilization (without mobile classroom units) at Long Creek Elementary from 72% to 75%.

Charlotte-Mecklenburg Storm Water Services: No issues.

Charlotte Water: Charlotte Water does not currently have water system availability for the parcels under review. The closest water distribution main is located approximately 350 feet southeast of the eastern corner of the property on Northlake Centre Parkway. Charlotte Water currently has sewer system availability via an existing 8-inch sewer main located along East I-485 Inner Highway and within the boundaries of parcel 025-105-09.
• **Engineering and Property Management:** No issues.
• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
• **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

**Site and Building Design**

1. Specify a maximum height of four stories for buildings located along Dixon Branch and six stories elsewhere on the site.

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

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

**Planner:** John Kinley  (704) 336-8311
Acreage & Location: Approximately 21.68 acres located north of Madison Square Place and near the intersection of Madison Square Place and Northlake Centre Parkway.
Petition #: 2016-070
Petitioner: Woodfield Acquisitions, LLC

Zoning Classification (Existing): R-3 & CC
(Single Family, Residential and Commercial Center)

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

Acreage & Location: Approximately 21.68 acres located north of Madison Square Place and near the intersection of Madison Square Place and Northlake Centre Parkway.
DEVELOPMENT STANDARDS


   a. The Land Use Development Standards for the site are incorporated by reference into the Planning Commission’s Zoning Ordinance and related land development regulations. These standards shall apply to the site and shall be reviewed and revised by the Planning Commission as necessary.

   b. The Land Use Development Standards include minimum lot size, building setback, and other design criteria that are necessary to ensure the safe and efficient development of the site.

   c. The Land Use Development Standards shall be reviewed and revised by the Planning Commission as necessary to ensure the safe and efficient development of the site.

   1. Site Development Data

      a. Site Address: 123 Site Address

      b. Site Size: 10 acres

      c. Lot Size: 0.2 acres

      d. Lot Area: 0.2 acres

      e. Lot Width: 200 feet

      f. Lot Depth: 300 feet

   2. Development Standards

      a. Land Use: Residential

      b. Zoning District: R-3

      c. Density: 5 units per acre

      d. Building Height: 3 stories

      e. Lot Coverage: 20%

      f. Site Development Plan: Required

   3. Site Development

      a. Site Development Plans shall be submitted to the Planning Commission for review and approval. Site Development Plans shall include a site plan, a site survey, and any other information necessary to ensure compliance with the Land Use Development Standards.

   4. Design Criteria

      a. Site Development Plans shall be designed in accordance with the Land Use Development Standards and the design criteria associated with the Zoning District.

      b. Site Development Plans shall be designed to ensure the safe and efficient development of the site.

   5. Site Improvement

      a. Site Improvement Plans shall be submitted to the Planning Commission for review and approval. Site Improvement Plans shall include a site plan, a site survey, and any other information necessary to ensure compliance with the Land Use Development Standards.

      b. Site Improvement Plans shall be designed in accordance with the Land Use Development Standards and the design criteria associated with the Zoning District.

   6. Site Development

      a. Site Development Plans shall be submitted to the Planning Commission for review and approval. Site Development Plans shall include a site plan, a site survey, and any other information necessary to ensure compliance with the Land Use Development Standards.

      b. Site Development Plans shall be designed in accordance with the Land Use Development Standards and the design criteria associated with the Zoning District.

   7. Design Criteria

      a. Site Development Plans shall be designed in accordance with the Land Use Development Standards and the design criteria associated with the Zoning District.

      b. Site Development Plans shall be designed to ensure the safe and efficient development of the site.

   8. Site Improvement

      a. Site Improvement Plans shall be submitted to the Planning Commission for review and approval. Site Improvement Plans shall include a site plan, a site survey, and any other information necessary to ensure compliance with the Land Use Development Standards.

      b. Site Improvement Plans shall be designed in accordance with the Land Use Development Standards and the design criteria associated with the Zoning District.

   9. Site Development

      a. Site Development Plans shall be submitted to the Planning Commission for review and approval. Site Development Plans shall include a site plan, a site survey, and any other information necessary to ensure compliance with the Land Use Development Standards.

      b. Site Development Plans shall be designed in accordance with the Land Use Development Standards and the design criteria associated with the Zoning District.

   10. Design Criteria

      a. Site Development Plans shall be designed in accordance with the Land Use Development Standards and the design criteria associated with the Zoning District.

      b. Site Development Plans shall be designed to ensure the safe and efficient development of the site.

   11. Site Improvement

      a. Site Improvement Plans shall be submitted to the Planning Commission for review and approval. Site Improvement Plans shall include a site plan, a site survey, and any other information necessary to ensure compliance with the Land Use Development Standards.

      b. Site Improvement Plans shall be designed in accordance with the Land Use Development Standards and the design criteria associated with the Zoning District.

   12. Site Development

      a. Site Development Plans shall be submitted to the Planning Commission for review and approval. Site Development Plans shall include a site plan, a site survey, and any other information necessary to ensure compliance with the Land Use Development Standards.

      b. Site Development Plans shall be designed in accordance with the Land Use Development Standards and the design criteria associated with the Zoning District.
Rezoning Petition: 2016-071 by Aston Properties, Inc.

Location: Approximately 3.28 acres located on the north side of West Tyvola Road between City Park Drive and Speer Boulevard from MUDD-O to MUDD-O SPA 5-Year Vested Rights. (Council District 3 - Mayfield)

Current Zoning: MUDD-O (mixed use development, optional)
Proposed Zoning: MUDD-O SPA 5-Year Vested Rights (mixed use development, optional, site plan amendment, 5-Year Vested Rights)

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues related to vehicular access, screening and requested technical revisions.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning: MUDD-O (mixed use development, optional)
Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment), with five-year vested rights

LOCATION
Approximately 3.28 acres located on the north side of West Tyvola Road and east of City Park Drive.
(Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to revise the previously approved site plan to allow up to 20,000 square feet of commercial uses on a vacant site located within the City Park development.

PROPERTY OWNER
P&L Coliseum LP

PETITIONER
Aston Properties, Inc.

AGENT/REPRESENTATIVE
Collin Brown and Bailey Patrick, Jr.

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

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues related to vehicular access, screening and requested technical revisions.

Plan Consistency
The petition is consistent with the Southwest District Plan recommendation for a mix of residential/office/retail uses for the overall City Park Development as amended by rezoning petition 2007-082. The petition is inconsistent with the specific limitation on uses with associated drive-through service windows, and design standards for drive-through service window and vehicular maneuvering locations established under the previous rezoning.

Rationale for Recommendation
- The subject property is located on West Tyvola Road, a major thoroughfare, and City Park Drive, at the entrance to the City Park development.
- The current zoning for the site allows commercial uses with drive-through accessory windows, but limits the specific types of uses with drive-through windows, and does not allow vehicular maneuvering between the uses and the streets.
- The proposed site plan amendment does not increase the number of uses with drive-through windows but simply expands the type of uses allowed to have drive-through windows to include two eating/drinking/entertainment establishments, one of which will have limited food preparation.
- The proposed site plan amendment also allows maneuvering for the drive-through service lane on the parcel located on West Tyvola Road and Potomac River Parkway, consistent with the highway oriented environment on West Tyvola Road.
- However, the pedestrian oriented design, with buildings along the street and parking to the side or rear, is maintained on City Park Drive and National Avenue, the priority pedestrian-oriented streets.
- The site plan also includes a rain garden, outdoor seating and multi-purpose path located on City Park Drive and National Avenue within Parcel 4, that further support the pedestrian environment.
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan amendment contains the following changes:
  - Divides the site into four (4) parcels with Parcels 1-3 depicting building and parking envelopes and Parcel 4 as a rain garden/amenity area with outdoor seating and a multi-purpose path around the perimeter and connecting to the existing public sidewalks.
  - Allows development of a maximum 20,000 square feet of commercial uses in up to three (3) buildings with two drive-through service windows; one each on Parcel 1 and 2.
  - Prohibits convenience stores with gasoline sales, car washes, and automotive service stations.
  - Proposes the following optional provisions:
    - Allows a drive-through service window as an accessory to an eating/ drinking/entertainment establishment use within Parcel 1. This drive-through window shall only be located on the same parcel as the principal use.
    - Allows a drive-through window and a related vehicular circulation lane to be located between a building constructed within Parcel 2 and Tyvola Road and Potomac River Parkway. This drive-through allowance shall be limited to uses similar to a neighborhood food and beverage service, which may serve ice cream, yogurt, coffee, juices, and similar items along with items such as bagels, muffins, sandwiches and pastries provided the following restriction applies: the use will be limited to 2,060 square feet and will provide for on premise cooking of food limited to those food preparation methods that do not require a hood ventilation system.
    - Allows a detached, monument sign up to 10 feet in height and up to 75 feet in sign area, in the location generally depicted on the site’s technical data sheet. This sign will serve tenants within the areas identified as Parcel 2 and Parcel 3. This sign shall be permitted in addition to a sign for Parcel 1 which provides for one monument sign for each building located within the City Park site, but limits their size to six feet in height and 36 square feet in sign area. The combined detached sign for Parcels 2 and 3 will be in lieu of a Parcel 3 detached sign.
    - Provides access to the site from City Park Drive, National Avenue, and Potomac River Parkway.
    - Provides and constructs a new waiting pad for a relocated bus stop on West Tyvola Road.
    - Provides architectural renderings with a perspective from the intersections of West Tyvola Road and City Park Drive, and West Tyvola Road and Potomac River Parkway and proposes the following architectural standards/treatments:
      - Specifies proposed building materials.
      - Screens the drive-through window area on Parcel 2 from street view utilizing a trellis structure integrated within a screen wall with a combined minimum height of seven feet.
      - Specifies that a drive-through service window located within Parcel 1 must be internally oriented to the rezoning site and circulation lanes must not be located between the Parcel 1 building and adjacent streets.
      - Provides additional commitments for building and site design to encourage pedestrian activity and reduce blank walls.

- **Existing Zoning and Land Use**
  - The site is currently vacant and part of the larger City Park mixed/multi-use development approved via rezoning petition 2007-082 for MUDD-O (mixed use development, optional), which allowed the redevelopment of approximately 160 acres occupied by the old Charlotte Coliseum. The approved plan provides for the following:
    - Allows up to 200,000 square feet of retail development; up to two hotels containing in aggregate no more than 350 rooms; up to 400,000 square feet of office development; up to 1,090 for sale residential units consisting of any combination of townhomes, condominiums, flats, and detached duplex or single family residences; and, up to 1,400 for rent multi-family homes.
    - Prohibits the following uses: fast food restaurants with drive through facilities; convenience stores with gasoline sales; car washes; and, automotive service stations.
    - Allows a total of four drive-through service windows and service lanes, one of each for the following uses: a coffee shop; a bank; a drug store; and, a dry cleaner.
    - Approves optional provisions pertaining to parking and maneuvering, open space, drop off areas in front of office buildings, service areas, height requirements, paving systems used on private plazas and walkways, and signage.
  - With respect to the subject site, the existing zoning allows for the development of retail with the ability to construct two uses with an associated drive-through service window. The existing zoning limited the uses with drive through service windows to a coffee shop, bank, drug store and dry cleaner. The existing zoning also specifies that drive-through windows shall be on the same parcel as the principal use, located to the rear or side of the use, and limited maneuvering
and stacking between the building and public and private streets.

- The site is immediately surrounded by acreage that is part of the City Park development that is primarily vacant with the exception of some multi-family buildings and street improvements on properties zoned MUDD-O (mixed use development district, optional).
- Further north is the Charlotte Regional Farmers Market zoned I-2(CD) (general industrial, conditional).
- East is undeveloped acreage and Renaissance Park zoned R-4 (single family residential).
- South and west, across West Tyvola Road, is undeveloped acreage associated with City Park, Renaissance Golf Course and Coffey Creek Business Park, as well as retail, hotel and office uses, zoned, R-3 (single family residential), R-4 (single family residential), O-15(CD) (office, conditional), and I-1(CD) (light industrial, conditional).
- See "Rezoning Map" for existing zoning in the area.

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

**Public Plans and Policies**
- Rezoning petition 2007-082 updated the Southwest District Plan (1991) recommendation for the overall area in which the site is located to residential/office/retail land uses.
- The adopted rezoning petition had specific design guidelines for this site which stipulated that drive-through windows would only be allowed for specific uses, and would be located to the rear or side of the principal use. Stacking and maneuvering for drive-through windows was also limited between the principal use and public or private streets.

**TRANSPORTATION CONSIDERATIONS**
- This site is bordered by local streets and an existing major thoroughfare. This site plan substantially complies with transportation facilities and approved driveways from the original rezoning. CDOT has not identified any negative impacts to the transportation facilities in the area.
- See Outstanding Issues, Note 1.

**Vehicle Trip Generation:**

Current Zoning:
- Existing Use: 0 trips per day (based on vacant site).
- Entitlement: 2400 trips per day (based on 20,000 square feet of commercial use with one drive through service window).
- Proposed Zoning: 2900 trips per day (based on 20,000 square feet of commercial use with two drive through service windows).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water currently has water system availability via existing 12-inch water mains located along West Tyvola Road and National Avenue and sewer system availability via an existing eight-inch sewer main located along National Avenue.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

**Transportation**
1. Remove "Full Access" label from Drive #1 and add "Right In/Right Out Only."

**Site and Building Design**
2. Provide commitment for screen wall and landscaping along all streets where drive-through services lanes and/or parking abut the street. Also, commit that all walls will be constructed of materials generally compatible with the buildings to which they relate.
REQUESTED TECHNICAL REVISIONS

3. Prior to approval of this petition, file an Administrative Amendment for the previously approved rezoning petition 2007-082 to reduce the commercial square footage by 20,000 square feet, to reduce the total number of drive-through windows by two, and to remove the possibility of additional drive-through service windows on “Area B.”

4. Amend the street names on Sheet RZ-2 legend map to reflect the correct names.

5. Delete the note restricting on premise cooking of food limited to those food preparation methods that do not require a hood ventilation system due to difficulty enforcing this provision.

Attachments Online at www.rezoning.org

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

Planner: John Kinley  (704) 336-8311
Acreage & Location: Approximately 3.28 acres located on the north side of West Tyvola Road between City Park Drive and Speer Boulevard.
Petition #: 2016-071
Petitioner: Aston Properties, Inc.

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

Zoning Classification (Requested): MUDD-O SPA 5-Year Vested Rights
(Mixed Use Development District, Optional, Site Plan Amendment, Five Year Vested Rights)

Acreage & Location: Approximately 3.28 acres located on the north side of West Tyvola Road between City Park Drive and Speer Boulevard.
2. PROPOSED USES:

- FOOD SERVICE
- RETAIL
- OFFICE
- MEDIUM DENSITY RESIDENTIAL

3. ARCHITECTURAL STANDARDS:

- Height: 22 feet
- Material: Opaque
- Wall: Enclosed Dumpster
- Style: Village

4. STREET FACING ENTRANCES:

- Will have a direct pedestrian throughling
- The pedestrian throughling will be screened from public view

5. VISTAS:

- Town Center View
- National Avenue View

6. AMENITIES:

- Picnic Area
- Park
- Rain Garden
- Screened from Public View

7. EXISTING USES:

- MUDD-O Towing
- Other

8. CHANGES TO EXISTING USES:

- No

9. PROPOSED DEVELOPMENT:

- Site Plan Amendment
- Lot 143-131-09
- Approximately 1 acre

10. ENVIRONMENTAL FEATURES:

- Storm Water Management
- Trees
- Existing
- Mulched

11. PARKING:

- Full Access Drive #2
- Full Access Drive #3
- Full Access Drive #4

12. DRIVE THROUGH:

- Proposed

13. ADJOINING AREAS:

- National Avenue, Potomac Parkway, City Park Way, Charlotte NC

14. LOCATION OF SITE:

- Parcels: PARCEL #1, PARCEL #2

15. ACCESS:

- Full Access Drive #1
- Right Out Only

16. HYDRANTS:

- PER DEVELOPMENT STANDARDS
Rezoning Petition: 2016-072 by DV XV, LLC

Location: Approximately 0.43 acres located on the north side of South Colonial Avenue between Queens Road and Providence Road. (Council District 1 - Kinsey)

Current Zoning: O-1 (office)
Proposed Zoning: O-2 (office)

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
**REQUEST**
Current Zoning: O-1 (office)
Proposed Zoning: O-2 (office)

**LOCATION**
Approximately 0.43 acres located on the north side of South Colonial Avenue between Queens Road and Providence Road.
(Council District 1 - Kinsey)

**SUMMARY OF PETITION**
The petition proposes to allow all office uses per conventional O-2 (office) zoning for a 0.43 acre site that is within the office and medical corridor along Providence Road near Presbyterian Hospital and Mercy Hospital. Uses allowed in the O-2 (office) district include office, residential, institutional and civic uses.

**PROPERTY OWNER**
DV XV, LLC

**PETITIONER**
DV XV, LLC

**AGENT/REPRESENTATIVE**
John Carmichael/ Robinson Bradshaw & Henson

**COMMUNITY MEETING**
Meeting is not required.

**STAFF RECOMMENDATION**
Staff recommends approval of this petition.

- **Plan Consistency**
The petition is consistent with the Central District Plan recommendation for a mix of residential and office uses in the area.

- **Rationale for Recommendation**
  - The subject property is located within 1/4 mile of Presbyterian Hospital and Mercy Hospital.
  - Conventional zoning is appropriate as the eastern portion of the parcel is zoned O-2 (office). Rezoning the subject property will create consistent zoning across the entire parcel.
  - The proposed request is consistent with the office zoning of the surrounding properties.
  - The proposed increase in development intensity is appropriate for this urban site located within 1/4 mile of two large hospitals.

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  - This is a conventional rezoning petition, which applies all the standards, regulations and uses in the O-2 (office) zoning district. Uses allowed in the O-2 district include office, residential, institutional and civic uses. The O-2 district allows an increased intensity from 0.6 FAR (floor area ratio) to 1.0 FAR.

- **Existing Zoning and Land Use**
  - The subject property is currently developed with an office building and is zoned O-1 (office).
  - The surrounding properties are zoned O-1 (office), O-2 (office), O-1(CD) (office, conditional), and O-6(CD) (office, conditional) and are developed with general and medical office uses.
  - See “Rezoning Map” for existing zoning in the area.

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

- **Public Plans and Policies**
  - The Central District Plan (1993) recommends a high density mix of residential and office uses for the area between Queens and Providence Road, south of East Third Street/Providence Road, and north of Colonial Circle.

- **TRANSPORTATION CONSIDERATIONS**
  - This site is on the corner of the un-signalized intersection of a local street and an existing major thoroughfare. CDOT has not identified any negative impacts to the transportation facilities in the area. If the existing building was proposed to be demolished, CDOT would request an additional 13 feet on Providence Road to provide setback for a future bike lane.
Vehicle Trip Generation:
- Current Zoning:
  - Existing Use: 0 (based on vacant property).
  - Entitlement: 120 trips per day (based on 4,200 square feet of office uses).
  - Proposed Zoning: 160 trips per day (based on 6,300 square feet of office uses).

DEPARTMENT COMMENTS (see full department reports online)
- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No comments received.
- Charlotte Fire Department: No issues.
- Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate two students, while the development allowed under the proposed zoning will produce four students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is two students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Eastover Elementary (92%), Alexander Graham Middle (112%), and Myers Park High (115%).
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte Water: Charlotte Water has water system availability for the rezoning boundary via an existing 6-inch water distribution main located along Providence Road and an existing 2 ½-inch water distribution main located along South Colonial Avenue. Sewer system availability for the rezoning boundary via existing 8-inch gravity sewer mains located along Providence Road and South Colonial Avenue.
- Engineering and Property Management: Site shall comply with the City of Charlotte Tree Ordinance.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.

Attachments Online at www.rezoning.org
- Application
- Locator Map
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

Planner: Solomon Fortune (704) 336-8326
Acreage & Location: Approximately 0.43 acres located on the north side of South Colonial Avenue between Queens Road and Providence Road.

Vicinity Map

Rezoning Petition: 2016-072

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

April 27, 2016
Petition #: 2016-072
Petitioner: DV XV, LLC

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

Zoning Classification (Requested):  O-2
    (Office)

Acreage & Location:  Approximately 0.43 acres located on the north side of South Colonial
    Avenue between Queens Road and Providence Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 3-31-2016.
Rezoning Petition: 2016-078 by South End Gold, LLC

Location: Approximately 0.14 acres located on the north side of West Palmer Street between South Graham Street and South Mint Street. (Council District 1 - Kinsey)

Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-M (transit oriented development, mixed use)

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
REQUEST
Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-M (transit oriented development – mixed-use)

LOCATION
Approximately 0.14 acres located on the north side of West Palmer Street between South Graham Street and South Mint Street. (Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to allow all transit supportive uses per conventional TOD-M (transit oriented development – mixed-use) zoning for a 0.14 acre site that is located in South End and is within a 1/2 mile walk of the Carson Boulevard Transit Station on the LYNX Blue Line. Uses allowed in the TOD-M (transit oriented development – mixed-use) district include office, residential, retail, and civic uses.

PROPERTY OWNER
South End Gold, LLC

PETITIONER
South End Gold, LLC

AGENT/REPRESENTATIVE
Brooks Whiteside

COMMUNITY MEETING
Meeting is not required.

STAFF RECOMMENDATION
Staff recommends approval of this petition.

Plan Consistency
The petition is consistent with the South End Transit Station Area Plan recommendation for mixed-use transit supportive development.

Rationale for Recommendation
- The subject site is within a 1/2 mile walk of the Carson Boulevard Transit Station on the LYNX Blue Line.
- The proposal allows a site being used for industrial/office use to convert to transit supportive land uses.
- Use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

PLANNING STAFF REVIEW

- Proposed Request Details
- This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-M (transit oriented development – mixed-use) zoning district. Uses allowed in the TOD-M district include office, residential, retail, and civic uses.

- Existing Zoning and Land Use
- The subject property is currently developed with an industrial /office building and is zoned I-2 (general industrial).
- The surrounding properties are zoned I-2 (general industrial) and are developed with office, retail and warehouse uses.
- See “Rezoning Map” for existing zoning in the area.

- Rezoning History in Area
- Since the construction of the LYNX Blue Line and the light rail station at the Carson Boulevard Station, there have been a number of rezonings to conventional TOD-M (transit oriented development – mixed-use), TOD-MO (transit oriented development – mixed-use, optional), MUDD-O (mixed use development, optional), and I-1(TS) (light industrial, transit supportive overlay) in the area between this site and the Carson Boulevard Station Area. These rezonings have supported the transition of the area from an industrial district to a walkable transit supportive district.
• **Public Plans and Policies**
  - The *South End Transit Station Area Plan* (2005) recommends mixed-use transit supportive development for the subject site located at the edge of the *South End Transit Station Area Plan* and for surrounding properties to the north, east and south.
  - Properties to the west are within the *Central District Plan* (1993) and recommended for industrial use.

• **TRANSPORTATION CONSIDERATIONS**
  - This site is on a local street near an existing signalized intersection with a minor thoroughfare. CDOT has not identified any negative impacts to the transportation facilities in the area. During the permitting process, general transportation policy goals, applicable area plans, and curbside location will be considered and the existing sidewalk along the property frontage will be discussed.
  - **Vehicle Trip Generation:**
    - Current Zoning: 20 trips per day (based on 5,500 square feet of warehouse uses).
    - Proposed Zoning: Allows for a wide variety of uses.

**DEPARTMENT COMMENTS** (see full department reports online)
- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Charlotte Fire Department:** No issues.
- **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:** Flooding and surface water quality impacts associated with impervious surfaces on this site are being addressed through compliance with the Post-Construction Stormwater Ordinance. Compliance may include installing devices that hold and slowly release runoff over time to reduce flooding potential, devices that filter pollutants from runoff before release to streams, preservation of vegetated stream buffer zones, preservation of upland trees and forested areas, or paying a mitigation fee in-lieu-of onsite stormwater control devices. Compliance with the Post-Construction Stormwater Ordinance addresses concerns related to flooding and surface water impacts and therefore staff has no further comments.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water distribution main located along West Palmer Street. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located along West Palmer Street.
- **Engineering and Property Management:** Site shall comply with the City of Charlotte Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

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

**Planner:** Solomon Fortune (704) 336-8326
Petition #: 2016-078

Acreage & Location: Approximately 0.14 acres located on the north side of West Palmer Street between South Graham Street and South Mint Street.
Petition #: 2016-078
Petitioner: South End Gold, LLC

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

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

Acreage & Location: Approximately 0.14 acres located on the north side of West Palmer Street between South Graham Street and South Mint Street.