City of Charlotte

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

Meeting Agenda

Monday, November 16, 2015

Council Chambers

City Council Zoning Meeting

- Mayor Daniel Clodfelter -
- Mayor Pro-Tem Michael D. Barnes -
  Al Austin       -       John Autry
  Ed Driggs       -       Claire Fallon
  David Howard    -       Patsy Kinsey
  Vi Alexander Lyles - LaWana Mayfield
  Greg Phipps    -       Kenny Smith

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org
5:00 P.M. DINNER MEETING, CH-14

6:00 P.M. ZONING MEETING, COUNCIL CHAMBERS

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

2. Follow Up Report

3. Upcoming Cases of Special Interest
ZONING DECISIONS

4. **Rezoning Petition: 2015-037 by Dominick Ristaino**

*Update: Requesting Deferral (to February 15, 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-O) (single family residential, historic district overlay)

**Proposed Zoning:** O-1(CD) (HD-O) (office, historic district overlay)

**Zoning Committee Recommendation**
The Zoning Committee voted 6-0 to **DEFER** this petition to their January 27, 2016 meeting.

5. **Rezoning Petition: 2015-054 by PMT Partners V, LLC**

*Update: Requesting Deferral (to December 14, 2015)*

**Location:** Approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)

**Current Zoning:** B-1SC (business shopping center)

**Proposed Zoning:** B-1 (CD) (neighborhood business, conditional)

**Zoning Committee Recommendation**
The Zoning Committee voted 6-0 to **DEFER** this petition to their November 18, 2015 meeting.

6. **Rezoning Petition: 2015-084 by StorCon Development, LLC**

*UPDATE: The City Council must determine by a ¾ vote if the following changes to the text amendment after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review.*

**The petitioner:**
- Restricted convenience stores and check cashing establishments from locating on the ground floor of warehousing buildings that contain an enclosed self-storage facility.
- Eliminated beauty and barber shops from the list of uses that can wrap the warehousing building on the ground floor.
- Restricted the height of a building containing a self-storage facility to 90 feet.
- Restricts signage from being installed or maintained above the third floor of a building containing a self-storage facility.
- Added urban design standards above what is required in the MUDD (mixed use development) district.

**Request:** A Text Amendment to the City of Charlotte Zoning Ordinances adding warehousing within an enclosed building, for a self-storage facility, as a use allowed in MUDD with prescribed conditions.

**Zoning Committee Recommendation**
The Zoning Committee voted 7-0 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 *Centers, Corridors and Wedges Growth Framework*, based on information from the staff analysis and the public hearing, and because:

- It meets the plan goal to provide a greater mix of commercial uses and a range of choices for employment opportunities.

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

- Provides an alternative urban zoning district, MUDD (mixed use development), in which to locate these facilities when designed to meet prescribed conditions, and
- Ensures that these facilities located in MUDD zoning will be designed to fit into an urban context by requiring pedestrian friendly design with ground floor commercial uses along the street.

7. **Rezoning Petition: 2015-103 by David Powlen**

**Location:** Approximately 2.85 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Berkley Place Drive. (Council District 4 - Phipps)

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

**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 *Northeast District Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mix of office and retail uses for the site.

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

- When the site and surrounding properties were rezoned in 2008, the site was within a half mile of a transit station proposed as part of the *2025 Integrated Transit/Land Use Plan*; and
- The LYNX Blue Line Extension is now designed to terminate at UNC Charlotte’s main campus and will not extend to Mallard Creek Church Road; and
- Absent a transit station, the importance of denser two-story buildings is decreased, and well-designed retail uses are appropriate; and
- The proposed building is located to allow pedestrian access from surrounding buildings in Pinnacle Point and other nearby developments, and pedestrian connectivity within the development will be improved by the extension of the sidewalk along Pinnacle Drive and provision of a connection from Mallard Creek Church Road and Berkeley Place Drive; and
- The additional retail proposed for the site will provide neighborhood goods and services to nearby residents and employees, as there are several multi-family developments and businesses within a half mile that are accessible to this site.

   **Location:** Approximately 1.7 acres located on the southeast corner at the intersection of West Summit Avenue and South Church Street. (Council District 3 - Mayfield)

   **Current Zoning:** I-1 (light industrial)
   **Proposed Zoning:** TOD-R (transit oriented development - residential)

   **Zoning Committee Recommendation**
   The Zoning Committee voted 6-0 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 *South End Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:
   
   - The plan recommends residential transit supportive development for the site.
   
   Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
   
   - The subject site is within a 1/4 mile walk of the Bland Street Transit Station on the LYNX Blue Line; and
   - The proposal allows a site previously used for an industrial office to convert to more transit supportive land uses; and
   - The request for residential and/or more transit supportive development will complement the recently constructed condos on an adjacent site, as well as the adjoining Wilmore neighborhood; and
   - Use of conventional TOD-R (transit oriented development -residential) zoning applies all the standards and regulations to create the desired form and intensity of transit supportive development; and
   - The TOD (transit oriented development) height limitations will insure that adjacent single family neighborhoods are not adversely impacted by tall buildings in close proximity.


   **Update: Requesting Deferral (to December 14, 2015)**

   **Location:** Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive. (Council District 4 - Phipps)

   **Current Zoning:** O-2 (CD) (office district, conditional)
   **Proposed Zoning:** MUDD-O (mixed use development district, optional)

   **Zoning Committee Recommendation**
   The Zoning Committee voted 6-0 to **DEFER** this petition to their November 18, 2015 meeting.

10. **Rezoning Petition: 2015-110 by Katarzyna Dec**

    **Location:** Approximately 2.8 acres located on the west side of Old Statesville Road and at the end of Burch Shire Road near the intersection of Holly Vista Avenue and Burch Shire Road. (Council District 2 - Austin)
Current Zoning: R-MH (residential manufacturing housing), B-2 (general business), and I-1 (CD) (light industrial, conditional)

Proposed Zoning: B-2 (CD) (general business, conditional)

Zoning Committee Recommendation
The Zoning Committee voted 6-0 to recommend to 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 Northeast District Plan based on information from the staff analysis and the public hearing, and because:

- The plan recommends office/industrial on the acreage zoned R-MH (single family, manufactured housing) and B-2 (general business), and light industrial on the portion zoned I-1(CD) (light industrial, conditional), as amended by rezoning petition 2001-056.

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

- The site is located in an area along Old Statesville Road that houses a concentration of uses that are related to motor vehicle service and sales; and  
- The proposed rezoning will allow the expansion of an existing truck cab detailing business; and  
- A 38-foot wide buffer is being provided along the western property lines adjacent to residential zoning, which is greater than the 20-foot Type "B" buffer provided with the approval of rezoning petition 2001-056.

11. Rezoning Petition: 2015-112 by Tate Pappas SC Investors, LLC

Location: Approximately 0.55 acres located on the east of Sharon Road between Ashley Park Lane and Louisburg Square Lane. (Council District 6 - Smith)

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

Zoning Committee Recommendation
The Zoning Committee voted 5-0 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 SouthPark Small Area Plan, based on information from the staff analysis and the public hearing, and because:

- The plan, as amended by a previous rezoning, recommends a mix of uses, including eating/drinking/entertainment establishments (EDEEs), office, retail, personal service and other non-residential uses.

Therefore, this petition is found to be reasonable and in the public interest based on the information from
the staff analysis and the public hearing, and because:
- The property is part of a unified mixed use development located in an area that is transforming into the walkable, multi-story mixed use development recommended in the adopted plan; and
- The proposed rezoning will allow development of the site with a two-story building located directly at the corner of Sharon Road and Ashley Park Lane. The site and building design, with street front primary entrances, clear glass windows, and outdoor seating, will encourage pedestrian activity along these streets; and
- The drive-through service window is in a similar location as previously approved on the current zoning, with parking and maneuvering generally placed behind the building fronting Ashley Park Lane and behind the required building setback along Sharon Road, with a substantial landscaped buffer; and
- The proposed site plan eliminates a previously approved curb cut from Sharon Road into the site, which further enhances the pedestrian environment;


Location: Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9th Street. (Council District 2 - Austin)

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

Zoning Committee Recommendation
The Zoning Committee voted 5-0 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 Charlotte Center City 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because:

- While the plan does not make a specific land use recommendation for this site, it encourages active uses at the ground floor of buildings.

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

- The Center City Transportation Plan identifies the section of West 9th Street that abuts the site as a location where on-street parking is desired, and the proposed development will provide on-street parking along West 9th Street; and
- The provision of the on-street parking pushes the building setback further into the subject site. The allowance for the encroachment of the balconies into the setback helps to mitigate the increased setback required to accommodate the on-street parking; and
- The proposed balconies will not interfere with the street or sidewalk activity; and
- The proposed balcony encroachment is a site specific solution based on site constraints and is not intended to set a precedent for other projects; and
- If the proposed development includes ground floor retail, the inclusion of on-street parking will be especially valuable.


Location: Approximately 0.52 acres located on the southeast corner at the intersection of South Boulevard and South Caldwell Street. (Council District 1 - Kinsey)
Current Zoning: R22MF (multi-family residential)
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 a mix of residential, office, retail and civic transit supportive uses in the area in which the site is located.

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

- This proposal will allow the reuse of the building that most recently housed the City of Charlotte’s Fire Investigation Unit; and
- The building was constructed in 1958 and is a significant landmark along South Boulevard; and
- The petition will allow the reuse of the existing building for all TOD-M (transit oriented development - mixed-use) uses; and
- The building is within a 1/4 mile walk of the Carson Boulevard Transit Station; and
- The pedestrian activation of South Boulevard, as shown on the conditional site plan, will be achieved through the addition of an outdoor seating area between the building and the street.
ZONING HEARINGS


UPDATE: Staff has requested a deferral of this petition until (January 19, 2016)

Location: A Text Amendment to the City of Charlotte Zoning Ordinance to 1) extend the validity period for a Historic District certificate of appropriateness from six months to twelve months from the date of issuance; and 2) modify the certificate of appropriateness renewal process.

15. Rezoning Petition: 2015-119 by Mary Cuthbertson

Location: Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane. (Council District 3 - Mayfield)

Current Zoning: R-4 (single-family residential)
Proposed Zoning: R-8 (single-family residential)

Staff Recommendation
Staff recommends approval of this petition.


Location: Approximately 0.17 acres located on the northwest corner at the intersection of Winnifred Street and West Bland Street. (Council District 3 - Mayfield)

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

Staff Recommendation
Staff recommends approval of this petition.
Agenda #: 1. File #: 15-1796 Type: Dinner Briefing

Dinner Meeting Agenda

1. Agenda Review - Tammie Keplinger
DINNER MEETING AGENDA
Monday, November 16, 2015

1. Agenda Review – Tammie Keplinger

DEFERRAL / WITHDRAWAL REQUESTS

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<tr>
<td>4</td>
<td>2015-037</td>
<td>Dominick Ristaino – North side of West Boulevard between South Tryon Street and Wickford Place</td>
<td>Decision – • Defer to February 15, 2016</td>
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<tr>
<td>5</td>
<td>2015-054</td>
<td>PMT Partners V, LLC – Northeast corner at the intersection of South Tryon Street and Moss Road</td>
<td>Decision – • Defer to December 14, 2015</td>
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<tr>
<td>9</td>
<td>2015-109</td>
<td>WaterWalk Redevelopment – West side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive</td>
<td>Decision – • Defer to December 14, 2015</td>
</tr>
<tr>
<td>14</td>
<td>2015-094</td>
<td>Charlotte-Mecklenburg Planning Department – A Text Amendment to to 1) extend the validity period for a Historic District certificate of appropriateness from six months to twelve months from the date of issuance; and 2) modify the certificate of appropriateness renewal process.</td>
<td>Hearing – • Defer to January 19, 2016</td>
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MISCELLANEOUS REQUESTS AND INFORMATION

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<td>6</td>
<td>2015-084</td>
<td>StorCon Development, LLC – A Text Amendment to add warehousing within an enclosed building for a self-storage facility as a use allowed in MUDD with prescribed conditions.</td>
<td>Decision – • Council will have to vote whether or not to send back to Zoning Committee due to the changes referenced in Item 6.</td>
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November 2015 Rezonings

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

November 6, 2015
Follow Up Report
City Council Follow-Up Report
From the October 19, 2015 Zoning Meeting

2015-110  Katarzyna Dec – located on the west side of Old Statesville Road and at the end of Burch Shire Road near the intersection of Holly Vista Avenue and Burch Shire Road

Why did the Northeast District Plan recommend office/industrial for the portion of the rezoning site zoned R-MH (residential manufactured housing), thereby eliminating housing?

Staff Response: The Northeast District Plan, adopted in 1995, has an overall vision for the area that among other goals, seeks to “...provide opportunities for a variety of job types in the area, and to retain a strong employment base in Mecklenburg County.” Specifically, the plan supports the continued development of the I-77/NC115 corridor as an industrial/business park concentration and the ideal use of the land between I-77 and NC 115 for industrial or business park use, since it has great access to the interstates and is in close proximity to an established rail line.

Under the section of the plan titled ‘Employment Growth and Opportunities”, there is a description of the recommended future land use for the area surrounding rezoning petition 2015-110, which contains the residential manufactured housing:

“Land south of Harris Boulevard has also developed with industrial and business park uses; however, the opportunity exists for even more. A large, older mobile home park and several smaller businesses are located between NC 115 and Statesville Road. The long term future of these uses remaining is questionable. This plan supports redevelopment of these areas for light industrial and/or business park development.”

2015-112  Tate Pappas SC Investors, LLC – located on the east side of Sharon Road between Ashley Park Lane and Louisburg Square Lane

What alternatives are there to allow pedestrians to cross Sharon Road if you can’t widen the street on both sides? Can the signal at Sharon and Fairview be modified to better accommodate pedestrians?

Staff Response: The existing signal operations for the Sharon Road and Ashley Park Lane intersection accommodate pedestrian crossings on all four corners of the intersection. The crossing of Sharon Road currently relies on actuation by a pedestrian through a pole mounted button to provide adequate time to cross. Although the intersection design does not include a pedestrian refuge median, all of the design features are suitable for pedestrian use. The existing driveway on the western approach to the Sharon Road/Ashley Park Lane intersection will soon be reconstructed as part of a different development project. This new construction will improve the crosswalk on the western side of the intersection by shortening the crossing distance for pedestrians.

Is there adequate on-site queuing of vehicles waiting for the drive-through that won’t result in spill-over onto the public streets?

Staff Response: CDOT expects the vehicle queues could exceed the number of vehicles depicted on the site plan, but the site provides adequate internal storage to prevent the queue from backing into Ashley Park Lane.
City of Charlotte

Agenda Date: 11/16/2015

Agenda #: 3. File #: 15-1798 Type: Dinner Briefing

Upcoming Cases of Special Interest
## December Hearings (24 scheduled)

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<tr>
<td>2014-019</td>
<td>Carolina Development Services, LLC</td>
<td>4 – Phipps</td>
<td>West corner of the intersection at Mallard Creek Road and Salome Church Road.</td>
<td>CC SPA (commercial center, site plan amendment) to allow up to 380 multi-family residential dwelling units at a density of 14.34 units per acre. This request was a staff initiated rezoning to implement recommendations within the Council District 4 Multi-family Assessment Report. The petition was presented as a conventional rezoning request at the February 17, 2014 City Council meeting. The Planning Department was originally the applicant, and staff has been working with the property owner to develop a site plan for the property. The property owner has taken on the role of applicant and converting the rezoning to a conditional request, resulting in a new public hearing.</td>
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<tr>
<td>2015-058</td>
<td>Childress Klein</td>
<td>6 – Smith</td>
<td>Southwest corner at the intersection of Morrison Boulevard and Sharon Road.</td>
<td>Rezoning from R-3 (single family residential) and B-1SCD (neighborhood shopping center) to MUDD-O (mixed use development, optional) with five year vested rights, in order to allow up to 170,000 square feet of gross floor area of office, retail, restaurant, personal services and other commercial uses; hotel uses for up to 175 rooms; up to 450 residential dwelling units of all types; indoor recreation uses of up to 20,000 square feet of gross floor area; and religious institutions on Development Areas A, B, and C. Requested Optional provisions pertain to loading access; parking; signage; recessed doors; bike parking; location of certain accessory uses; private street cross-section; gross floor area; and cell tower.</td>
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<tr>
<td>2015-092</td>
<td>QuikTrip Corporation</td>
<td>5 – Autry</td>
<td>Northwest corner at the intersection of East W.T. Harris Boulevard and The Plaza.</td>
<td>Rezoning from R-4 (single family residential) and B-1(CD) (neighborhood business, conditional) to B-1(CD) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment) to allow a convenience store with gasoline sales and accessory uses.</td>
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<tr>
<td>2015-093</td>
<td>1531 Woodlawn (Melrose)</td>
<td>1 – Kinsey</td>
<td>South side of Drexel Place and north side of Woodlawn Road</td>
<td>Rezoning from UR-3(CD) (urban residential, conditional) and R-4 (single family residential) to MUDD-O (mixed use development, optional) to allow up to 265 multifamily residential dwelling units. With a maximum building height of 60 feet and three (3) stories. Requested optional provision pertains to signage.</td>
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<tr>
<td>2015-107</td>
<td>D.R. Horton</td>
<td>2 – Austin</td>
<td>South side of David Cox Road near the intersection of David Cox Road and Davis Lake Parkway.</td>
<td>Rezoning from INST(CD) (institutional, conditional) and MX-2 (Innov) (mixed use, innovative) to MX-2(Innov) (mixed use, innovative) and MX-2 (Innov) SPA (mixed use, innovative, site plan amendment) to allow up to 92 townhome units.</td>
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<td>2015-118</td>
<td>Pavilion Development Co.</td>
<td>3 – Mayfield</td>
<td>Northeast corner at the intersection of Nations Ford Road and Tyvola Road.</td>
<td>CC SPA (commercial center, site plan amendment) to allow a 3,010 square-foot convenience store with fuel sales, and a 2,500 square-foot commercial building.</td>
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<td>2015-120</td>
<td>Grubb Properties</td>
<td>6 - Smith</td>
<td>Bounded by Park Road, Abbey Place, Hedgemore Drive</td>
<td>Rezoning from O-1 (office) to MUDD-O (mixed use development district, optional) with five (5) year vested rights, to allow up to 600,000 square feet of commercial uses (inclusive of 228,324 square feet of existing office uses) and up to 450 residential units,</td>
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<td>Case Number</td>
<td>Applicant</td>
<td>Address or Location</td>
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<td>2015-122</td>
<td>David Weekley Homes</td>
<td>West side of North Community House Road, north of Bryant Farms Road and south of Briarwick Lane.</td>
<td>Rezoning from R-3 (single family residential) to MX-2 (mixed use) with five (5) year vested rights to allow 95 residential units (68 townhomes, 27 single family detached lots) at a density of 6.25 dwelling units per acre. Requested optional provision pertains to parking, signage, recessed doorways, streetscape requirements, location of water quality and stormwater detention facilities, location of backflow prevention devices, and definition of the “base” of the building.</td>
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<tr>
<td>2015-123</td>
<td>Bainbridge Communities Acquisition I, LLC</td>
<td>West side of South Boulevard, north of Poindexter Drive.</td>
<td>Rezoning from I-2 (general industrial) and TOD-M (transit oriented development-mixed use) to TOD-R-O (transit oriented development, residential, optional) to allow up to 200 multifamily dwelling units and accessory uses. Proposed maximum building height is seven (7) stories. Requested optional provisions pertain to maximum building height.</td>
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<tr>
<td>2015-128</td>
<td>Cousins Acquisition Entity, LLC</td>
<td>Bounded by South Tryon Street, Camden Road, and West Park Avenue.</td>
<td>Rezoning from TOD-M (transit oriented development-mixed use), B-1 (neighborhood business), and MUD-O (mixed use development, optional) to TOD-M-O (transit oriented development, mixed use, optional) with five year vested rights to allow up to 285,000 square feet of gross floor area of office uses, which will include vertically integrated ground floor retail, restaurant, and/or personal services uses in an amount not to exceed 25,000 square feet of gross floor area of the total 285,000 square feet of uses, and other accessory uses. Proposed maximum building will be of up to 37 feet higher than the building height allowed in the TOD-M-O (transit oriented-mixed use, optional) district. Requested optional provisions pertain to maximum building height; mechanical equipment screening; non-structured parking uses; signage; and gross floor area.</td>
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<tr>
<td>2015-131</td>
<td>Synco Properties</td>
<td>Southwest corner at the intersection of Colony and Sharon Roads.</td>
<td>Rezoning from R-17MF(CD) (multi-family residential) to MUD-O (mixed use development district, optional) to allow up to 1,100 residential units, 250,000 square feet of office uses, 225 hotel rooms, and 300,000 square feet of retail. Proposed maximum building height of 160 feet within certain areas of development. Requested optional provisions pertain to parking; building height; Streetscape; location of water quality and stormwater detention facilities, recessed entrances; innovative street designs; definition of the “base” of the building; drive-through service to an accessory to a bank or financial institution; and signage.</td>
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<td>2015-133</td>
<td>BRC Salome Church LLC</td>
<td>West side of Salome Church Road, north of North Tryon Street and east of I-485.</td>
<td>Rezoning from R-3 (single family residential) and R-22MF (multi-family residential) to R-12MF(CD) to allow up to 228 residential dwelling units (multi-family, duplex, triplex, and quadruplex) at a density of 11.07 units per acre. Maximum building height will not exceed three (3) stories or 48 feet.</td>
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<td>2015-054</td>
<td>PMT Partners V, LLC</td>
<td>3 – Mayfield</td>
<td>Northeast corner at the intersection of South Tryon Street and Moss Road.</td>
<td>Rezoning from B-1SCD (business shopping center) to B-1(CD) (neighborhood business, conditional) to allow up to 10,000 square feet of uses permitted in the B-1 (neighborhood business) district, including personal uses and one accessory drive-through.</td>
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<td>2015-078</td>
<td>Taylor/Theus Development Holdings, LLC</td>
<td>7 – Driggs</td>
<td>Northwest corner at the intersection of Ardrey Kell Road and Community House Road.</td>
<td>Rezoning from R-3 (single family residential) to BD(CD) (distributive business, conditional) to allow up to 32,500 square feet of general and medical office uses; and up to 105,000 square feet of climate control storage. Building height will not exceed 40 feet.</td>
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<tr>
<td>2015-116</td>
<td>Hwy. 521 Partners, LLC</td>
<td>7 – Driggs</td>
<td>Southwest corner at the intersection of Providence Road West and Johnston Road.</td>
<td>Rezoning from O-1(CD) (office, conditional) to CC (commercial center) to allow bank office, retail, grocery store, restaurant uses and a hotel with up to 123 rooms.</td>
</tr>
<tr>
<td>2015-121</td>
<td>CitiSculpt</td>
<td>6 – Smith</td>
<td>Sharon Road, west of Sharon Hills Road and east of Sharon Acres Road.</td>
<td>Rezoning from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) with five year vested rights, to allow up to 160 age restricted dependent and/or independent living units/beds (nursing home, rest home, home for the aged, elderly, and disabled) together with accessory uses, as allowed in the UR-2 (urban residential) zoning district.</td>
</tr>
<tr>
<td>2015-126</td>
<td>Parkwood Residences, LLC</td>
<td>1 – Kinsey</td>
<td>North side of Parkwood Avenue bounded by North Caldwell Street, East 21st Street and North Brevard Street</td>
<td>Rezoning from I-1 (light industrial) and I-2 (general industrial) to TOD-R(CD) (transit oriented development, residential, conditional) to allow up to 351 multi-family dwelling units at a density of 101.74 units per acre with a proposed building height of 85 feet (120 feet maximum).</td>
</tr>
<tr>
<td>2016-002</td>
<td>Mosaic Village Holdings, LLC</td>
<td>2 – Austin</td>
<td>West side of West Trade Street and south of South Bruns Avenue</td>
<td>Rezoning from R-8 (single family residential) and B-1 PED (neighborhood business, pedestrian overlay) to R-8(CD) (single family residential, conditional) and B-1 PED(O) (neighborhood business, pedestrian overlay, optional) to allow an additional 13 feet of height in order to enclose a portion of the existing roof terrace on top of the parking deck. Requested optional provision pertains to height.</td>
</tr>
<tr>
<td>2016-003</td>
<td>Eastern Hospitality</td>
<td>3 – Mayfield</td>
<td>East side of Nations Ford Road, north of Tyvola Road, and west of I-77.</td>
<td>CC SPA (commercial, site plan amendment) to allow office or a hotel on Parcels 1 and 2. Approved site plan restricts uses on Parcels 1 and 2 to office only.</td>
</tr>
<tr>
<td>Rezoning Cases of Special Interest – November 2015</td>
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<tr>
<td><strong>2016-005</strong></td>
<td>WP Acquisitions, LLC</td>
<td>East side of North Brevard Street between East 24th and East 25th Streets.</td>
<td>Rezoning from I-2 (general industrial) to TOD-M(CD) (transit oriented-mixed, conditional) to allow up to 280 multi-family dwelling units and accessory uses, with a maximum building height of 120 feet.</td>
<td></td>
</tr>
<tr>
<td><strong>2016-007</strong></td>
<td>City of Charlotte</td>
<td>West side of Wilora Lake Road, north of Hollyfield Drive on property what used to be the old Eastland Mall Site.</td>
<td>Rezoning from B-1SCD (business shopping center), O-15 (office, conditional), and MUDD-O (mixed use development, optional) to R-4 (single family residential) to allow all uses in the R-4 (single family residential) district.</td>
<td></td>
</tr>
<tr>
<td><strong>2016-008</strong></td>
<td>City Center Hotel, Inc.</td>
<td>West side of Collins-Aikman Drive, east of Brentmoor Drive.</td>
<td>Rezoning from B-2(CD) (general business, conditional) and O-2 (office, conditional) to B-2(CD) (general business, conditional) and B-2(CD) SPA (general business, conditional) to allow up to 392 residential units and 15,000 square feet of retail and/or restaurant space in Area A; and up to 100 residential units, up to 75,000 square feet of retail and/or restaurant space up to 200,000 square feet of office space, and two (2) limited service hotels with up to 300 rooms in Area B. Development standards for conversion rates with respect to office and hotel rooms; and provisions for mix of uses in buildings.</td>
<td></td>
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<tr>
<td><strong>2016-009</strong></td>
<td>Eastgroup Properties, LP</td>
<td>West side of Sandy Porter Road, north of I-485 and east of Gable Road.</td>
<td>Rezoning from R-3 (single family residential) to I-1(CD) (light industrial, conditional) to allow up to 525,000 square feet of industrial/office/distribution uses, with a maximum building height of 40 feet.</td>
<td></td>
</tr>
<tr>
<td><strong>2016-014</strong></td>
<td>Blanchard Family (NC) LLC</td>
<td>East side of Carmel Road, south of Carmel Hills Drive and north of Shadowlake Drive.</td>
<td>Rezoning from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow up to 40 attached dwelling units and one (1) detached dwelling unit together with accessory uses.</td>
<td></td>
</tr>
<tr>
<td><strong>2016-015</strong></td>
<td>FCD-Development, LLC</td>
<td>Northwest corner at the intersection of North Caswell Road and East 7th Street.</td>
<td>Rezoning from NS (neighborhood services) to MUDD(CD) (mixed use development, conditional) to allow up to 150 multifamily residential units, with maximum building height of 60 feet.</td>
<td></td>
</tr>
<tr>
<td><strong>2016-016</strong></td>
<td>FCD-Development, LLC</td>
<td>West side of North Davidson Street and north of East 26th Street.</td>
<td>Rezoning from I-2 (general industrial) to TOD-M(CD) (transit oriented development-mixed, conditional) and TOD-M (transit oriented development-mixed) to allow all uses permitted in the TOD-M (transit oriented development-mixed) district together with any incidental or accessory uses. Building height not to exceed 60 feet.</td>
<td></td>
</tr>
</tbody>
</table>
Rezoning Petition: 2015-037 by Dominick Ristaino

Update: Requesting Deferral (to February 15, 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-O) (single family residential, historic district overlay)
Proposed Zoning: O-1(CD) (HD-O) (office, historic district overlay)

Zoning Committee Recommendation
The Zoning Committee voted 6-0 to DEFER this petition to their January 27, 2016 meeting.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
REQUEST
Current Zoning:  R-5 (HD-O) (single family residential, historic district overlay)
Proposed Zoning:  O-1(CD) (HD-O) (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 their January 27, 2016 meeting.

VOTE
Motion/Second:  Dodson/Sullivan
Yees:  Dodson, Lathrop, Majeed, McClung, Sullivan, and Wiggins
Nays:  None
Absent:  Eschert, Labovitz, and Nelson
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-O) (single family residential, historic district overlay) to B-1 (HD-O) (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 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.
  - Meets the intent of the General Development Policies-Environmental by minimizing the effect on the environment by reusing an existing structure and building on an infill lot.

**Transportation Considerations:** No issues.

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

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Label site plan “rezoning petition 2015-037.”
  2. Rename heading Zoning/Development Data to Development Data Table.
  3. Under Development Data, remove the word “primarily” from proposed use information.
  4. Under Development Data Table, note property addresses.
  5. Remove heading Setback, Side Yards and Rear Yards and development 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.
  6. Remove floorplan and existing conditions exhibit from the site plan.
  7. Remove General Notes from site plan.
  8. Remove heading statements with respect to the Graphics and associated language, and under heading General Provisions reference Section 6.207 of the ordinance.
  9. Building setback should be 20 feet, not 37 feet.
  10. Remove Perimeter Buffer Requirements and Interior Landscaping headings and language from site plan.
11. Show and label required ten-foot wide “Class C” buffer along the north property line.
12. 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.
13. 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.
14. Remove “No wall pak lighting shall be used” from the Lighting development note.
15. Provide detail of proposed privacy fence.
16. 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.
17. Remove variance box on site plan pertaining to sidewalk, planting strip, and garage.
18. Remove reference to variance under Streetscape heading.
19. 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.
20. 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
  - Transportation Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Urban Forestry Review

Planner: Claire Lyte-Graham (704) 336-3782
Petition #: 2015-037

Acreage & Location: Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place.
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.

Map Produced by the Charlotte-Mecklenburg Planning Department, 6-29-2015.
Agenda #: 5. File #: 15-1799 Type: Zoning Decision

Rezoning Petition: 2015-054 by PMT Partners V, LLC

**Update: Requesting Deferral (to December 14, 2015)**

**Location:** Approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)

**Current Zoning:** B-1SC (business shopping center)

**Proposed Zoning:** B-1 (CD) (neighborhood business, conditional)

**Zoning Committee Recommendation**
The Zoning Committee voted 6-0 to **DEFER** this petition to their November 18, 2015 meeting.

**Attachments:**
- Zoning Committee Recommendation
- Vicinity Map
- Rezoning Map
REQUEST
Current Zoning:  B-1SCD (business shopping center)
Proposed Zoning:  B-1(CD) (neighborhood business, conditional)

LOCATION
Approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road.
(Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to allow up 10,000 square feet of uses permitted in the B-1 (neighborhood business) district including personal service uses and one accessory drive-through window.

PROPERTY OWNER
PMT Partners V, LLC

PETITIONER
PMT Partners V, 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:   2

ZONING COMMITTEE
The Zoning Committee voted 6-0 to DEFER this petition to their November 18, 2015 meeting.

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

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

PLANNING STAFF REVIEW

- Background
  - Rezoning petition 1988-005C rezoned approximately 130 acres to allow a mix of single family and multi-family residential development, an institutional use, and up to 120,000 square feet of commercial uses. The subject property was included in the 13.9 acres that allowed commercial uses. The approved site plan for the commercial uses provides 50-foot landscaped buffers along Moss Road and South Tryon Street, a 50-foot landscaped buffer along the east property line, and a 25-foot landscaped buffer along the north property line. Subsequent administrative approvals for the site pertained to modifications to design to accommodate a new building on the outparcel, and a reduction in the 50-foot setback along South Tryon Street with the setback varying due to right-of-way required by NCDOT.
  - At its June 24, 2015 meeting, the Zoning Committee voted 6-0 to recommend approval of the subject rezoning petition subject to modifications. The petitioner name has since changed (formerly Childress Klein). The site plan has also been amended and convenience stores with gasoline sales or automobile service stations with gasoline sales have been eliminated as allowed uses on the site.

- Proposed Request Details
  - The site plan accompanying this petition contains the following provisions:
    - Allows up to 10,000 square feet of gross floor area of office, retail EDEE (restaurants), personal services and other commercial uses as allowed in the B-1 (neighborhood business) zoning district.
    - Prohibits a convenience store with gasoline sales use, an automobile service station, or an eating/drinking/entertainment establishment with drive-through facility.
    - Commits to acquiring an administrative approval request accurately reflecting uses, maximum square footage, and required parking for the overall shopping center prior to the issuance of
• Building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, metal panels, decorative block and/or wood.
• Buildings will be architecturally compatible with the existing shopping center.
• Allows only one use with an accessory drive-through window on the site.
• Maximum of two principal buildings.
• Modifications to existing shopping center parking lot to accommodate the new use and vehicular circulation.
• Modifications to an existing driveway on South Tryon Street.
• Provides a new sidewalk connecting the proposed parking area to the existing sidewalk along South Tryon Street.
• Provides a 35-foot building setback along South Tryon Street where 20 feet is required per the B-1 (neighborhood business) district. Current B-1SCD (business shopping center) zoning requires a 35-foot setback, and the proposed 35-foot setback will provide for uniformity with existing buildings.
• Maintains the existing 50-foot buffer along the eastern property boundary.
• Retains the existing sidewalk and planting strip along the project frontage on South Tryon Street.
• Detached lighting limited to 25 feet in height. All new lighting shall be full cut-off type fixtures.

Public Plans and Policies
• The Steele Creek Area Plan (2012) recommends retail uses for the northeast corner of South Tryon Street and Moss Road.
• The petition is consistent with the Steele Creek Area Plan.

Transportation Considerations: No issues.

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

OUTSTANDING ISSUES
• No issues.

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

Planner: Claire Lyte-Graham (704) 336-3782
Acreage & Location: Approximately 12.25 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road.
**Petition #:** 2015-054  
**Petitioner:** PMT Partners V, LLC  
**Zoning Classification (Existing):** B-1SCD  
(Business Shopping Center District)  
**Zoning Classification (Requested):** B-1(CD)  
(Neighborhood Business, Conditional)  
**Acreage & Location:** Approximately 1.56 acres located on the north side of South Tryon Street near the intersection of Moss Road and South Tryon Street.
Rezoning Petition: 2015-084 by StorCon Development, LLC

*UPDATE:* The City Council must determine by a ¾ vote if the following changes to the text amendment after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review.

The petitioner:

- Restricted convenience stores and check cashing establishments from locating on the ground floor of warehousing buildings that contain an enclosed self-storage facility.
- Eliminated beauty and barber shops from the list of uses that can wrap the warehousing building on the ground floor.
- Restricted the height of a building containing a self-storage facility to 90 feet.
- Restricts signage from being installed or maintained above the third floor of a building containing a self-storage facility.
- Added urban design standards above what is required in the MUDD (mixed use development) district.

Request: A Text Amendment to the City of Charlotte Zoning Ordinances adding warehousing within an enclosed building, for a self-storage facility, as a use allowed in MUDD with prescribed conditions.

Zoning Committee Recommendation
The Zoning Committee voted 7-0 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 *Centers, Corridors and Wedges Growth Framework*, based on information from the staff analysis and the public hearing, and because:

- It meets the plan goal to provide a greater mix of commercial uses and a range of choices for employment opportunities.

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

- Provides an alternative urban zoning district, MUDD (mixed use development), in which to locate these facilities when designed to meet prescribed conditions, and
- Ensures that these facilities located in MUDD zoning will be designed to fit into an urban context by requiring pedestrian friendly design with ground floor commercial uses along the street.
Agenda #: 6. File #: 15-1794 Type: Zoning Decision

Attachments:
Zoning Committee Recommendation
Matrix
Text Amendment
REQUEST
Text Amendment to Sections 9.8503 and 9.8507

SUMMARY OF PETITION
The petition proposes to:
1) allow warehousing within an enclosed building for a self-storage facility in the MUDD (mixed use development) zoning district, with prescribed conditions; and
2) add a new vehicular parking standard for self-storage facilities in the MUDD (mixed use development) zoning district.

PETITIONER
StorCon Development, LLC

AGENT/REPRESENTATIVE
John Carmichael, Robinson Bradshaw & Hinson, P.A.

COMMUNITY MEETING
Meeting is not required.

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

• It meets the plan goal to provide a greater mix of commercial uses and a range of choices for employment opportunities.

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

• Provides an alternative urban zoning district, MUDD (mixed use development), in which to locate these facilities when designed to meet prescribed conditions, and
• Ensures that these facilities located in MUDD zoning will be designed to fit into an urban context by requiring pedestrian friendly design with ground floor commercial uses along the street.

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

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

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

ZONING COMMITTEE DISCUSSION
Staff presented a brief overview of the text amendment. A Commissioner stated that with greater density housing in urban areas it may be beneficial to have this use nearby. Another Commissioner stated that in Gastonia, older factories were repurposed for self-storage uses and it has been effective there. There was no further discussion.

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

- **Background**
  - Currently, the Zoning Ordinance allows warehousing as follows:
    - Warehousing within enclosed buildings is allowed by-right in the B-D (distributive business), UMUD (uptown mixed use), I-1 (light industrial) and I-2 (heavy industrial) zoning districts.
    - Warehousing, excluding mini-warehousing, is allowed by-right in the BP (business park) zoning district.
    - Warehousing, including mini-warehousing, is allowed by-right in the I-2 (heavy industrial) zoning district.
  - The vehicular parking requirements for warehouses currently is 0.25 spaces per 1,000 square feet for the warehousing portion plus one space per 400 square feet for any accessory office.
  - Long-term bicycle parking requirements for warehouses is two, or one per 40,000 square feet.
  - Short-term bicycle parking requirements for warehouses is one percent of the vehicular parking requirement.

- **Proposed Request Details**
  The text amendment contains the following provisions:
    - Adds warehousing within an enclosed building for a self-storage facility only, in the MUDD (mixed use development) district, with prescribed conditions:
      - All storage shall be located within the building, and outside storage of any type, including the outside storage of moving vans, trailers, vehicles and boats, shall not be permitted.
      - Any ground floor building facades that front a public street shall be wrapped with one or more of the following uses; however, no more than 50% of the ground floor building façade fronting a public street may be wrapped with the rental and management office associated with the self-storage facility:
        - Professional business and general offices as allowed in the MUDD (mixed use development) zoning district, which shall include the rental and management office associated with the self-storage facility;
        - Retail sales as allowed in the MUDD (mixed use development) zoning district;
        - Beauty or barber shops;
        - Eating/drinking/entertainment establishments (Type 1 and 2), subject to the regulations of Section 12.546; and
        - Breweries, subject to Section 12.544.
      - Direct access to the individual self-storage units located in the building shall not be provided from the exterior of the building. Access to the individual storage units shall be provided by internal hallways.
      - Adds a new parking standard for warehousing within an enclosed building for a self-storage facility only, in the MUDD (mixed use development) district: 0.25 parking spaces per 1,000 square feet of self-storage and parking for all other uses, including the rental and management office, shall be in accordance with the requirements of the MUDD (mixed use development) zoning district. Long- and short-term bicycle parking requirements remain unchanged.

- **Public Plans and Policies**
  - This petition is consistent with the Centers, Corridors and Wedges Growth Framework goal to provide a greater mix of commercial uses, and a range of choices for employment opportunities.

DEPARTMENT COMMENTS (see full department reports online)

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

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

OUTSTANDING ISSUES
• No issues.

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

Planner: Sandra Montgomery (704) 336-5722
TEXT AMENDMENT SUMMARY: Indoor Storage in MUDD
11-2-15

**Purpose/Background:** The purpose of this text amendment is to 1) allow warehousing within an enclosed building for a self-storage facility in the MUDD zoning district, with prescribed conditions and 2) add a parking standard for the use.

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning Districts</strong></td>
<td></td>
</tr>
<tr>
<td>Warehousing, within enclosed buildings is currently allowed in the following districts by-right:</td>
<td>• Remains unchanged</td>
</tr>
<tr>
<td>• UMUD (uptown mixed use)</td>
<td></td>
</tr>
<tr>
<td>• BD (distributive business)</td>
<td></td>
</tr>
<tr>
<td>• I-1 (light industrial)</td>
<td></td>
</tr>
<tr>
<td>• I-2 (heavy industrial)</td>
<td></td>
</tr>
<tr>
<td>Warehousing, excluding mini-warehousing is allowed in the following districts by-right:</td>
<td>• Remains unchanged</td>
</tr>
<tr>
<td>• BP (business park)</td>
<td></td>
</tr>
<tr>
<td>Warehousing is allowed by right in the I-2 (heavy industrial) zoning district.</td>
<td>• Remains unchanged</td>
</tr>
</tbody>
</table>

**New Zoning District and Prescribed Conditions**

• Add warehousing within an enclosed building for a self-storage facility only, with prescribed conditions to the MUDD (mixed use development) district:
  • All storage shall be located within the building, and outside storage of any type, including the outside storage of moving vans, trailers, vehicles and boats, shall **not** be permitted.
  • Any ground floor building facade that fronts a public street shall be wrapped with one or more of the following uses, however, no more than 50% of the ground floor building facade fronting a public street may be wrapped with the rental and management office associated with the self-storage facility:
    - Professional business and general offices as allowed in the MUDD zoning district, which shall include the rental and management office associated with the self-storage facility;
    - Retail sales as allowed in the MUDD zoning district, except convenience stores and check cashing stores are **not** a permitted use.
    - Eating, drinking and entertainment establishments (Type 1 and 2), subject to the regulations of Section 12.546; and
• Breweries, subject to Section 12.544.

• Direct access to the individual self-storage units located in the building shall not be provided from the exterior of the building. Access to the individual storage units shall be provided by internal hallways.

• The maximum height of a building containing a self-storage facility shall be 90 feet.

• Signs shall not be installed or maintained above the third story of a building containing a self-storage facility.

• In addition to the urban design standards of MUDD, the following design standards shall be met:
  • Façades of each floor above the ground floor that front a public street must have windows or glass that cover at least 25% of the length of the façade. The windows and glass may be spandrel glass provided the reflectivity does not exceed 36%. No spandrel glass is allowed on the ground floor.
  • Blank walls may not exceed 20 feet in length. Design elements may be utilized to break up the expanses of solid wall.
  • At least one entrance shall be provided on each building façade fronting a public or private street. If located on a corner lot, one main entrance oriented to the corner may be provided, or facing either of the streets.
  • The building shall incorporate architectural and design features common to commercial and multi-family development, including massing, proportion, façade modulation, exterior building materials and detailing, varied roof-line, pedestrian scale and fenestration.

**Parking Standards**

| Parking Standards | Warehousing: .25 spaces per 1,000 sq. ft. of warehouse, plus 1 space per 400 sq. ft. of accessory office. | Warehousing within an enclosed building for a self-storage facility: .25 parking spaces per 1,000 sq. ft. of self-storage and parking for all other uses, including the rental and management office shall be in accordance with the requirements of the MUDD zoning district. |
AN ORDINANCE AMENDING APPENDIX A
ORDINANCE NO.__________
OF THE CITY CODE – ZONING ORDINANCE

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

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

A. CHAPTER 9: GENERAL DISTRICTS

1. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

   a. Amend Section 9.8503, “Mixed Use Development District; uses permitted under prescribed conditions,” by adding a new listed use as follows:

   Warehousing within an enclosed building for a self-storage facility only, provided that:

   (a) All storage shall be located within the building, and outside storage of any type, including the outside storage of moving vans, trailers, vehicles and boats, shall not be permitted.

   (b) Any ground floor building facade that fronts a public street shall be wrapped with one or more of the uses set out below, however, no more than 50 percent of the ground floor building facade fronting a public street may be wrapped with the rental and management office associated with the self-storage facility:

   (i) professional business and general offices as allowed in the MUDD zoning district, which shall include the rental and management office associated with the self-storage facility;

   (ii) retail sales as allowed in the MUDD zoning district with the exception that convenience stores and check cashing establishments shall not be a permitted use;

   (iii) eating, drinking and entertainment establishments (Type 1), and eating, drinking and entertainment establishments (Type 2), subject to the regulations of Section 12.546; and

   (iv) breweries, subject to Section 12.544.
(c) Direct access to the individual self-storage units located in the building shall not be provided from the exterior of the building. Access to the individual self-storage storage units shall be provided by internal hallways.

(d) The maximum height of a building containing a self-storage facility shall be 90 feet.

(e) In addition to the urban design standards of the MUDD zoning district, a building containing a self-storage facility must meet the following design requirements:

(i) The facade of each floor of the building above the ground floor that fronts a public street (but not an alley) must have windows or glass that cover at least 25% of the length of such street facing facade. The windows and glass may be spandrel glass provided that the reflectivity value does not exceed 36 percent as measured under the applicable provisions of Federal Specifications DD-G-451d 1977. In no event may spandrel glass be utilized on the ground floor of the building.

(ii) Where expanses of solid wall are necessary on the facade of any floor of the building located above the ground floor (including a facade that does not front a public street), they may not exceed 20 feet in length. A blank wall is a facade that does not contain windows, glass or sufficient ornamentation, decoration or articulation. Design elements that may be utilized to break up expanses of solid wall include, without limitation, ornamentation, molding, string courses, belt courses and changes in material or color.

(iii) If the building is located on a lot that abuts a public or private street, at least one entrance shall be provided on each building facade fronting a street. If the building is located on a corner lot, the building may provide one main entrance oriented to the corner or facing either of the streets.

(iv) In order to promote visual compatibility with commercial and multi-family development allowed in commercial zones, the building shall incorporate architectural and design features common to commercial and multi-family development. Examples of such architectural and design features that may be utilized include: massing, proportion, facade modulation, exterior building materials and detailing, varied roof-line, pedestrian scale and fenestration.
(f) Signs may not be installed or maintained above the third floor of a building containing a self-storage facility.

b. Amend Section 9.8507, “Mixed Use Development District; parking and loading standards,” subsection (1) by adding a parking standard for warehousing within an enclosed building for self-storage facilities as follows:

| Warehousing within an enclosed building for self-storage only | .25 parking spaces per 1,000 gross square feet for the self-storage portion of the building and parking for all other uses, including the rental and management office shall be in accordance with the requirements of the MUDD zoning district. |

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

Approved as to form:

City Attorney

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

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of ____________, 20__.
Agenda # 7: File #: 15-1800 Type: Zoning Decision

Rezoning Petition: 2015-103 by David Powlen

Location: Approximately 2.85 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Berkley Place Drive. (Council District 4 - Phipps)

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

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 Northeast District Plan based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mix of office and retail uses for the site.

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

- When the site and surrounding properties were rezoned in 2008, the site was within a half mile of a transit station proposed as part of the 2025 Integrated Transit/Land Use Plan; and
- The LYNX Blue Line Extension is now designed to terminate at UNC Charlotte’s main campus and will not extend to Mallard Creek Church Road; and
- Absent a transit station, the importance of denser two-story buildings is decreased, and well-designed retail uses are appropriate; and
- The proposed building is located to allow pedestrian access from surrounding buildings in Pinnacle Point and other nearby developments, and pedestrian connectivity within the development will be improved by the extension of the sidewalk along Pinnacle Drive and provision of a connection from Mallard Creek Church Road and Berkeley Place Drive; and
- The additional retail proposed for the site will provide neighborhood goods and services to nearby residents and employees, as there are several multi-family developments and businesses within a half mile that are accessible to this site.

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

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

LOCATION

Approximately 2.85 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Berkeley Place Drive. (Council District 4 - Phipps)

SUMMARY OF PETITION

The petition proposes a site plan amendment to vacant property that is part of the Pinnacle Point development. Specifically, the amendment proposes to:

- allow an additional 31,000 square feet of retail square footage on the subject property,
- eliminate the limitation that no single retail use can exceed 25,000 square feet, and
- eliminate the requirement for buildings with a retail component to be a minimum of two stories, with retail uses limited to the ground floor.

PROPERTY OWNER

Meck-Pinnacle, LLC

PETITIONER

David Powlen

AGENT/REPRESENTATIVE

David Powlen

COMMUNITY MEETING

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

STATEMENT OF CONSISTENCY

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

- The plan recommends a mix of office and retail uses for the site.

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

- When the site and surrounding properties were rezoned in 2008, the site was within a half mile of a transit station proposed as part of the 2025 Integrated Transit/Land Use Plan; and
- The LYNX Blue Line Extension is now designed to terminate at UNC Charlotte’s main campus and will not extend to Mallard Creek Church Road; and
- Absent a transit station, the importance of denser two-story buildings is decreased, and well-designed retail uses are appropriate; and
- The proposed building is located to allow pedestrian access from surrounding buildings in Pinnacle Point and other nearby developments, and pedestrian connectivity within the development will be improved by the extension of the sidewalk along Pinnacle Drive and provision of a connection from Mallard Creek Church Road and Berkeley Place Drive; and
- The additional retail proposed for the site will provide neighborhood goods and services to nearby residents and employees, as there are several multi-family developments and businesses within a half mile that are accessible to this site;

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:

1. Specified the service area screen wall will not exceed 12 feet in height from the street it fronts and the materials will blend in with
2. *Staff has rescinded the following request as it has been addressed in Note C under Part VI:* Include language to ensure that the clerestory windows are on the Mallard Creek side to provide for appropriate street activation, and reflect additional landscaping along the streets fronting the development.

3. Amended Note C under Part VI as follows: “Buildings shall be designed so that the street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 20% of the length of the street frontage (applicable to Mallard Creek Church Road). When this approach is not feasible (on Berkeley Place and Pinnacle Drive), a combination of design elements may include but are not limited to the following: ornamentation, molding, string courses, changes in material or color, architectural lighting, works of art, fountains and pools, street furniture, landscaping and garden areas, and display areas.”

4. Added Note D under Part VI that design and architecture will match the character and materials of the existing buildings, with a clear base, middle and cap.

5. Added a note committing to provide a bench pad built to CATS standard detail 60.02A for a proposed new bus stop along Mallard Creek Church Road before the right-turn lane.

6. Showed and labeled six-foot sidewalk and eight-foot planting strip along all public streets.

7. Improved internal accessibility by adding an internal sidewalk from the parking area to the main building entrance.

8. Amended Note A under Part VII to specify that a five-foot sidewalk with five-foot planting strip will be provided along Pinnacle Drive.

9. Provided turn radius for delivery trucks entering the loading area from Pinnacle Drive.

10. Amended Part IV to reflect retail/grocery and office uses permitted under the ordinance in a CC zoning district.

11. Relocated the third paragraph under Part II and placed under Part VI.

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**VOTE**

Motion/Second: Wiggins/Sullivan

Yeas: Dodson, Lathrop, Majeed, McClung, Sullivan and Wiggins

Nays: None

Absent: Eschert, Labovitz and Nelson

Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition and noted that there are no outstanding issues. There was no additional 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**

- **Background**
  - Petition 2008-087 rezoned 27.2 acres, including the subject property, from CC (commercial center) to B-D(CD) (business distributive, conditional) and CC SPA (commercial center, site plan amendment) to allow for 58,000 square feet of retail, 200,000 square feet of office and a 130,000-square foot climate controlled self-storage facility. The petition limited the size of a single retail use in a building to 25,000 square feet and required buildings with a retail component to be a minimum of two stories, with retail uses limited to the ground floor.
• The subject property was approved for the development of a two-story office/retail building and a commercial building with an accessory drive-through window but remains vacant.

• **Proposed Request Details**  
The site plan amendment contains the following changes:  
  • Adds 31,000 square feet of retail use on this site while retaining the current retail development rights for the larger development which includes this site, resulting in a total 89,000 square feet of retail square footage allowed for the larger development.  
  • Increases maximum retail tenant size from 25,000 square feet to 31,000 square feet.  
  • Eliminates requirement for buildings that include a retail component to be a minimum of two stories with retail limited to the ground floor, but requires a minimum building height of 22 feet for this site.  
  • Provides one building with a main building entry along Mallard Creek Church Road. Approved site plan for Petition 2008-87 reflected two buildings on the site.  
  • Specifies that the proposed building will allow a retail use/grocery store and office uses permitted under the ordinance in a CC zoning district whereas one building on the approved site plan for Petition 2008-87 was labeled as a retail/office building.  
  • Eliminates the accessory drive-through lane reflected for one building on the previously approved petition 2008-87.  
  • Provides building transparency and articulation on Berkeley Place Drive street frontage and articulation along Mallard Creek Church Road to avoid blank walls. Design and architecture will match the character and materials of the existing buildings, with a clear base, middle and cap.  
  • Service areas will be screened from public right-of-way and adjacent properties with a screen wall that will not exceed 12 feet in height from the street it fronts, and built with materials that will blend in with the building.  
  • A five-foot sidewalk with a five-foot planting strip will be provided along Pinnacle Drive other than where the existing retaining wall will not allow.  
  • Provides a driveway to access the site from Pinnacle Drive.  
  • Notes that stairs may be required for the direct sidewalk connection to Mallard Creek Church Road.  
  • Reflects location of a proposed CATS bus stop.

• **Public Plans and Policies**  
  • The *Northeast District Plan* (1996), as amended by Petition 2008-087, recommends retail and/or office uses for the site as a part of a multi-use development.

**Transportation Considerations**: No issues.

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

**OUTSTANDING ISSUES**  
• No issues.
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
  - Transportation Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Urban Forestry Review

Planner: Sonja Strayhorn Sanders (704) 336-8327
Acreage & Location: Approximately 2.85 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Berkeley Place Drive.
Petition #: 2015-103
Petitioner: David Powlen

Zoning Classification (Existing): CC
(Commercial Center)

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

Acreage & Location: Approximately 2.85 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Berkeley Place Drive.

Map Produced by the Charlotte-Mecklenburg Planning Department, 6-26-2015.
City of Charlotte

Agenda Date: 11/16/2015

Agenda #8 File #: 15-1801 Type: Zoning Decision

Rezoning Petition: 2015-108 by Timothy Pratt, NVR, Inc

Location: Approximately 1.7 acres located on the southeast corner at the intersection of West Summit Avenue and South Church Street. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial)
Proposed Zoning: TOD-R (transit oriented development - residential)

Zoning Committee Recommendation
The Zoning Committee voted 6-0 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 South End Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential transit supportive development for the site.

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

- The subject site is within a 1/4 mile walk of the Bland Street Transit Station on the LYNX Blue Line; and
- The proposal allows a site previously used for an industrial office to convert to more transit supportive land uses; and
- The request for residential and/or more transit supportive development will complement the recently constructed condos on an adjacent site, as well as the adjoining Wilmore neighborhood; and
- Use of conventional TOD-R (transit oriented development -residential) zoning applies all the standards and regulations to create the desired form and intensity of transit supportive development; and
- The TOD (transit oriented development) height limitations will insure that adjacent single family neighborhoods are not adversely impacted by tall buildings in close proximity.

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

Current Zoning: I-1 (light industrial)
Proposed Zoning: TOD-R (transit oriented development - residential)

LOCATION

Approximately 1.7 acres located on the southeast corner at the intersection of West Summit Avenue and South Church Street.
(Council District 3 - Mayfield)

SUMMARY OF PETITION

The petition proposes to allow all transit supportive uses per conventional TOD-R (transit oriented development – residential) zoning on a 1.7 acre site located in South End near the Bland Street Light Rail Station. TOD-R requires residential development at a minimum density of 20 units per acre and also allows complimentary uses such as office and retail.

PROPERTY OWNER

CTS Properties C/O FADELS, INC

PETITIONER

Timothy Pratt, NVR, INC.

AGENT/REPRESENTATIVE

Mac McCarley / Parker Poe Adams & Berstein LLP

COMMUNITY MEETING

Meeting is not required.

STATEMENT OF CONSISTENCY

This petition is found 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 residential transit supportive development for the site.

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

- The subject site is within a 1/4 mile walk of the Bland Street Transit Station on the LYNX Blue Line; and
- The proposal allows a site previously used for an industrial office to convert to more transit supportive land uses; and
- The request for residential and/or more transit supportive development will complement the recently constructed condos on an adjacent site, as well as the adjoining Wilmore neighborhood; and
- Use of conventional TOD-R (transit oriented development – residential) zoning applies all the standards and regulations to create the desired form and intensity of transit supportive development; and
- The TOD (transit oriented development) height limitations will insure that adjacent single family neighborhoods are not adversely impacted by tall buildings in close proximity;

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

ZONING COMMITTEE ACTION

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

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item and noted that this was a conventional rezoning with no site plan and all uses in the TOD-R (transit oriented development - residential) district would be allowed. One
Commissioner asked why CMS could not provide a number of students generated for this request. Staff noted that due to the wide range of uses allowed in the proposed district, CMS cannot determine the impact of the development. There was no further discussion of the petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
  This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-R (transit oriented development – residential) zoning district.

- **Public Plans and Policies**  
  - The *South End Transit Station Area Plan (2005)* recommends residential transit supportive development.
  - The petition supports the *General Development Policies-Environment* by redeveloping an infill site at a transit station, thereby minimizing further environmental impacts while accommodating growth.

**Transportation Considerations**: No issues.

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

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**OUTSTANDING ISSUES**

- No issues.

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

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

**Planner**: Solomon Fortune  
(704) 336-8326
Petition #: 2015-108

Acreage & Location: Approximately 1.7 acres located on the southeast corner at the intersection of West Summit Avenue and South Church Street.

Rezoning Petition: 2015-108

October 12, 2015
Petition #: 2015-108
Petitioner: Timothy Pratt, NVR, Inc.

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

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

Acreage & Location: Approximately 1.7 acres located on the southeast corner at the intersection of West Summit Avenue and South Church Street.
Agenda #: 9. File #: 15-1802 Type: Zoning Decision

Rezoning Petition: 2015-109 by WaterWalk Redevelopment Services, LLC

Update: Requesting Deferral (to December 14, 2015)

Location: Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive. (Council District 4 - Phipps)

Current Zoning: O-2 (CD) (office district, conditional)
Proposed Zoning: MUDD-O (mixed use development district, optional)

Zoning Committee Recommendation
The Zoning Committee voted 6-0 to DEFER this petition to their November 18, 2015 meeting.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
REQUEST
Current Zoning: O-2(CD) (office, conditional)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION
Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W. T. Harris Boulevard and University Executive Park Drive.
(Council District 4 - Phipps)

SUMMARY OF PETITION
The petition proposes to develop a vacant site located within a half mile of the proposed McCullough Transit Station for up to 150 hotel rooms and residential dwelling units in a single building designed to serve as corporate housing units.

PROPERTY OWNER
Charlotte University Park, LLC

PETITIONER
WaterWalk RE Development Services, LLC

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

ZONING COMMITTEE ACTION
The Zoning Committee voted 6-0 to DEFER this petition to their November 18, 2015 meeting.

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

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

PLANNING STAFF REVIEW

• Background
  • Petition 1998-39 rezoned the subject property (identified as Area 2c) to O-2(CD) to allow two hotels with up to 384 rooms.

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • A mix of up to 150 hotel rooms and residential dwellings in one principal building designed to serve as corporate housing.
  • Building height limited to four stories and 60 feet.
  • Building materials to be a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material only to be used on windows, soffits and handrails/railings.
  • A minimum of 40% of the exterior of the building, exclusive of windows, doors and roofs to be constructed with masonry materials such as brick, stone, precast stone and precast concrete.
  • Building elevations have been provided.
  • The portion of the building facing University Executive Park Drive not to have expanses of blank walls that exceed 20 continuous feet in length.
  • A 16-foot setback to be provided along University Executive Park Drive and Collins Aikman Drive.
  • Parking limited to 1.6 spaces per hotel room or residential unit. This is an increase in parking from one space per residential unit and 0.5 per hotel as required in MUDD (mixed use development).
  • Petitioner to dedicate and convey a 25-foot wide area along the northern property boundary to provide a portion of the right-of-way that would allow for the construction, by the City, of a public street between Collins Aikman Drive and University Executive Drive.
- Site access proposed from University Executive Park Drive, with possible connection to Collins Aikman Drive or to a future street if such street is constructed along the site’s northern property line.
- Provision of an eight-foot planting strip and eight-foot sidewalk along the site’s frontage on University Executive Park Drive.
- A sidewalk and crosswalk network that links the buildings on the site to the sidewalks along University Executive Park Drive and Collins Aikman Drive to be provided along the site’s internal parking area.
- Optional Provisions:
  - Allow parking between the building and Collins Aikman Drive and University Executive Park Drive as generally depicted on the rezoning site plan. Parking between buildings and streets is disallowed in the MUDD (mixed use development) except through an optional provision.
  - Allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less. The sign area of the wall signs may be increased by 10% if individual letters are used. The MUDD (mixed use development) district allows signs located on any building wall to have a maximum sign surface not to exceed 5 percent of the building wall area to which the sign is attached up to a maximum of 100 square feet.

- Public Plans and Policies
  - The University City Area Plan (2015) recommends a mix of residential, office and/or retail uses in this area, with a series of specific Land Use, Community Design, and Mobility Policies appropriate for transit station proximity.
  - The plan calls for a new local street between Collins-Aikman Drive and University Executive Park Drive to provide a complete and connected street network with typical block lengths of 400 feet.
  - The plan calls for buildings placed at or near the back of the sidewalk, with surface parking located to the rear or sides of buildings, and not between buildings and the street.

- Transportation Considerations: CDOT has the following comments:
  - Since this site is located in close proximity to a transit station, a key transportation consideration is to improve walkability. This site partially achieves that by providing sidewalks along University Executive Park Drive, but the building relationship to the sidewalk could be improved to enhance the pedestrian experience.
  - Extending Collins Aikman to connect with University Executive Park Drive is a key transportation goal for this area, consistent with the University City Area Plan. The site plan proposes dedicating 25’ of right-of-way; however, this is inadequate to ensure that a proper street connection could be made.
  - See outstanding issues, notes 8 and 9.

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 issues.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte Water: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.
- Urban Forestry: No comments received.

OUTSTANDING ISSUES
  Site and Building Design
  1. Delete optional request 2a, to allow parking between the building and streets as this is inconsistent with a pedestrian oriented environment.
  2. Reorient building or shift location of primary entrance toward University Executive Park Drive.
  3. Primary entrance should be prominent.
4. The petitioner should provide a 20-foot buffer to Class "A" standards along the property line with the existing multi-family use in O-3(CD) zoning as the proposed MUDD (mixed use development) does not require buffers.
5. Reduce parking to not exceed the ordinance requirement.
6. Amend Note 6a to state that a 16-foot setback measured from the future back of curb will be provided along University Executive Park Drive and Collins Aikman Drive.
7. Public open space should be oriented to be accessible from the street network.

Transportation
8. Provide the street connection from Collins Aikman Drive to University Executive Park Drive as depicted in the University City Area Plan, as this is a critical street connection between McCullough Drive and University Executive Park Drive. This street extension should be constructed as an office/commercial wide public street typical section as recommended per the University City Area Plan.
9. Reflect an eight-foot planting strip and an eight-foot sidewalk along the site's Collins Aikman Drive Extension, in addition to University Executive Park Drive, because the site is located within 1/2 mile of the McCullough BLE Transit Station.
10. Relocate the proposed detention area or commit to provide it underground, in order to allow the street connection of Collins Aikman Drive to University Executive Park Drive.

REQUESTED TECHNICAL REVISIONS
1. Delete Note 1(c)(i-iv) including the footnote.
2. Amend Note 4c to specify that the existing sidewalk and planting strip on portions of Executive Park Drive other than the site frontage will remain.
3. Delete Note 6c which indicates that screening will meet ordinance requirements.

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
  - Transportation Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review

Planner: Sonja Strayhorn Sanders (704) 336-8327
Rezoning Petition: 2015-109

Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive.
Petition #: 2015-109
Petitioner: WaterWalk Redevelopment Services, LLC

Zoning Classification (Existing): O-2(CD) (Office, Conditional)

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

Acreage & Location: Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive.
Rezoning Petition: 2015-110 by Katarzyna Dec

Location: Approximately 2.8 acres located on the west side of Old Statesville Road and at the end of Burch Shire Road near the intersection of Holly Vista Avenue and Burch Shire Road. (Council District 2 - Austin)

Current Zoning: R-MH (residential manufacturing housing), B-2 (general business), and I-1 (CD) (light industrial, conditional)

Proposed Zoning: B-2 (CD) (general business, conditional)

Zoning Committee Recommendation
The Zoning Committee voted 6-0 to recommend to 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 Northeast District Plan based on information from the staff analysis and the public hearing, and because:

- The plan recommends office/industrial on the acreage zoned R-MH (single family, manufactured housing) and B-2 (general business), and light industrial on the portion zoned I-1(CD) (light industrial, conditional), as amended by rezoning petition 2001-056.

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

- The site is located in an area along Old Statesville Road that houses a concentration of uses that are related to motor vehicle service and sales; and
- The proposed rezoning will allow the expansion of an existing truck cab detailing business; and
- The request will bring all properties associated with the business under one zoning district; and
- A 38-foot wide buffer is being provided along the western property lines adjacent to residential zoning, which is greater than the 20-foot Type "B" buffer provided with the approval of rezoning petition 2001-056.

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

Current Zoning: R-MH (manufactured housing), B-2 (general business), and I-1(CD) (light industrial, conditional)
Proposed Zoning: B-2(CD) (general business, conditional)

LOCATION

Approximately 2.8 acres located on the west side of Old Statesville Road and at the end of Burch Shire Road near the intersection of Holly Vista Avenue and Burch Shire Road.
(Council District 2 - Austin)

SUMMARY OF PETITION

The petition proposes to expand an existing truck cab detailing business, add automotive sales and service, automotive engine and body repair and cleaning and bring all properties associated with the business into one zoning category.

PROPERTY OWNER

Katarzyna Dec

PETITIONER

Katarzyna Dec

AGENT/REPRESENTATIVE

Wilber Associates

COMMUNITY MEETING

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

STATEMENT OF CONSISTENCY

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

- The plan recommends office/industrial on the acreage zoned R-MH (single family, manufactured housing) and B-2 (general business) and light industrial on the portion zoned I-1(CD) (light industrial, conditional), as amended by rezoning petition 2001-056.

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

- The site is located in an area along Old Statesville Road that houses a concentration of uses that are related to motor vehicle service and sales; and
- The proposed rezoning will allow the expansion of an existing truck cab detailing business; and
- The request will bring all properties associated with the business under one zoning district; and
- A 38-foot wide buffer is being provided along the western property lines adjacent to residential zoning, which is greater than the 20-foot Type “B” buffer provided with the approval of rezoning petition 2001-056;

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

ZONING COMMITTEE ACTION

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

1. Clarified that the use will be for a truck cab detailing business, automotive sales and service, automotive engine and body repair and cleaning.
2. Labeled five-foot existing sidewalk and five-foot planting strip along Old Statesville Road on the site plan.
3. Identified proposed buffer along Burch Shire Road frontage as 38’ Class “B” buffer.
4. Removed note “Internal parking trees and buffer trees to count toward tree save trees.” Required internal trees and buffer required trees cannot count for required tree save tree count.
5. Provided site plan on 24’ x 36’ sheet.
6. Noted existing property to the north is zoned I-1(CD).
7. Under Site Data, only listed tax parcel numbers and acres.
8. Under Site Notes, noted maximum 40-foot building height and two stories.
9. Removed notes on site plan within rezoning boundary, now only showing existing conditions and proposed improvements (i.e. building footprints, parking areas, buffer, and screening.)
10. Removed “setback” from side yard and rear yard labels on site plan.

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

ZONING COMMITTEE DISCUSSION
Planning staff presented this item to the petitioner, noting that the petitioner addressed all outstanding items. Staff indicated that as stated at the public hearing, the petitioner listed additional proposed uses on the site plan: automotive sales and service, and automotive engine and body repair and cleaning. There was no discussion of this request.

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

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

PLANNING STAFF REVIEW
• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Allows continued operation and expansion of an existing business involving cleaning and detailing tractor cabs (not trailers).
  • Proposes automotive sales and service, and automotive engine and body repair and cleaning as additional allowed uses on the site.
  • Provides additional parking for cabs, which will be temporary, with no parking of trailers.
  • Allows a future 2,400-square foot building in addition to the existing 2,400-square foot structure on the site. The new building will be located between the existing building and the adjoining property to the south along Old Statesville Road.
  • Provides a 38-foot Class “B” buffer along the western property line that abuts the unimproved portion of Burch Shire Road. This is an increase in width from the 20-foot wide Type “B” buffer currently required as per rezoning petition 2001-056.

• Public Plans and Policies
  • The Northeast District Plan (1996) recommends office/industrial for the portion of the rezoning site zoned R-MH (single family, manufactured housing) and B-2 (general business), and light industrial on the rear portion zoned I-1(CD) (light industrial, conditional), as amended by rezoning petition 2001-056.
  • The petition supports the General Development Policies - Environment by accommodating an expansion of an existing business on an underutilized site in a built up area, and by not increasing the impervious surface. The temporary parking areas will be earth lots and not asphalt or concrete.

TRANSPORTATION CONSIDERATIONS
• All streetscape and access conditions are unchanged under this proposal and since the rezoning will not increase traffic, CDOT has no concerns with this petition.
• Vehicle Trip Generation: There is no change in trip generation due to this being a parking lot expansion.
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 issues.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte Water: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.

OUTSTANDING ISSUES

- No issues.

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

Planner: Claire Lyte-Graham (704) 336-3782
Petition #: 2015-110

Acreage & Location: Approximately 2.8 acres located on the west side of Old Statesville Road and at the end of Burch Shire Road near the intersection of Holly Vista Avenue and Burch Shire Road.
Petition #: 2015-110
Petitioner: Katarzyna Dec
Zoning Classification (Existing): R-MH, B-2, & I-1(CD)
(Single Family, Manufactured Housing, General Business, and Light Industrial, Conditional)
Zoning Classification (Requested): B-2(CD)
(General Business, Conditional)
Acreage & Location: Approximately 2.8 acres located on the west side of Old Statesville Road and at
the end of Burch Shire Road near the intersection of Holly Vista Avenue
and Burch Shire Road.
Agenda #: 11.File #: 15-1804 Type: Zoning Decision

Rezoning Petition: 2015-112 by Tate Pappas SC Investors, LLC

Location: Approximately 0.55 acres located on the east of Sharon Road between Ashley Park Lane and Louisburg Square Lane. (Council District 6 - Smith)

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

Zoning Committee Recommendation
The Zoning Committee voted 5-0 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 SouthPark Small Area Plan, based on information from the staff analysis and the public hearing, and because:

- The plan, as amended by a previous rezoning, recommends a mix of uses, including eating/drinking/entertainment establishments (EDEEs), office, retail, personal service and other non-residential uses.

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

- The property is part of a unified mixed use development located in an area that is transforming into the walkable, multi-story mixed use development recommended in the adopted plan; and
- The proposed rezoning will allow development of the site with a two-story building located directly at the corner of Sharon Road and Ashley Park Lane. The site and building design, with street front primary entrances, clear glass windows, and outdoor seating, will encourage pedestrian activity along these streets; and
- The drive-through service window is in a similar location as previously approved on the current zoning, with parking and maneuvering generally placed behind the building fronting Ashley Park Lane and behind the required building setback along Sharon Road, with a substantial landscaped buffer; and
- The proposed site plan eliminates a previously approved curb cut from Sharon Road into the site, which further enhances the pedestrian environment;

Attachments:
Zoning Committee Recommendation
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)

LOCATION
Approximately 0.55 acres located on the east side of Sharon Road between Ashley Park Lane and Louisburg Square Lane.
(Council District 6 - Smith)

SUMMARY OF PETITION
The petition proposes to allow the addition of an eating/drinking/entertainment establishment (EDEE) with an accessory drive-through window to the currently approved uses for the site, which include retail, office, eating/drinking/entertainment establishment (EDEE) without drive-through service and a bank with one drive-through service window with one lane and one pass-by lane. The site is the final parcel to be developed as part of the Sharon Square, mixed use, pedestrian oriented development, located in SouthPark.

PROPERTY OWNER
Tate Pappas SC Investors, LLC

PETITIONER
Tate Pappas SC Investors, LLC

AGENT/REPRESENTATIVE
Jeff Brown & Keith MacVean

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

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

• The plan, as amended by a previous rezoning, recommends a mix of uses, including eating/drinking/entertainment establishments (EDEEs), office, retail, personal service and other non-residential uses.

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

• The property is part of a unified mixed use development located in an area that is transforming into the walkable, multi-story mixed use development recommended in the adopted plan; and
• The proposed rezoning will allow development of the site with a two-story building located directly at the corner of Sharon Road and Ashley Park Lane. The site and building design, with street front primary entrances, clear glass windows, and outdoor seating, will encourage pedestrian activity along these streets; and
• The drive-through service window is in a similar location as previously approved on the current zoning, with parking and maneuvering generally placed behind the building fronting Ashley Park Lane and behind the required building setback along Sharon Road, with a substantial landscaped buffer; and
• The proposed site plan eliminates a previously approved curb cut from Sharon Road into the site, which further enhances the pedestrian environment;

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

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

Land Use
1. Removed definition and reference to limited service restaurant and
replaced with eating/drinking/entertainment establishment (EDEEs) with an associated drive-through service window and limited to 4,000 square feet.

2. Staff rescinded the request to add specification that the maximum building footprint will be no more than 2,700 square feet to be constructed in the location generally depicted on the site plan because the petitioner has provided a note committing to a minimum two story building.

3. Amended optional provision Note C to allow, regardless of the use, a single-lane, drive-through service window with no pass-by lane, as generally depicted on the site plan.

Site and Architectural Design

4. Provided a building envelope with a build-to corner on Ashley Park Lane, directly beside the existing monument sign.

5. Showed landscaping commitments for the area between the drive-through service lane screen wall and the sidewalk on the landscape plan.

6. Amended the building elevations to clearly depict a two-story condition.

Administrative

7. Filed an administrative amendment to the previously approved petition establishing the allotted square footage remaining for the overall development as a result of this proposal and reduced the allowed number uses with drive-through service windows from two to one.

Technical Revisions

1. Showed right-of-way trees to be protected.

2. Changed to engineering scale.

3. Enlarged site plan drawing to 24” x36”.

4. Provided response to outstanding issues showing how the petitioner is addressing them and indication of notes carried over and/or modified from the previously approved petition in a separate document.

5. Clouded individual changes not the entire block of notes so they will be easily identified.

6. Amended Note C related to allowable changes to the site plan and added that all changes will be in accordance with Section 6.207.

7. Corrected “Access” Note A that indicates access will be provided from Ashley Park Lane and Sharon Road. No access to Sharon Road is proposed on the site plan.

8. Clarified that the ordinance standard will be used for signage except for an optional provisions to allow wall signs up to 200 square feet or 10% of the wall area and to allow detached signs at the intersection of Sharon Road and Ashley Park Lane as approved by the approved administrative amendment on the previously approved rezoning.

9. Deleted sheet reference notes and provided labels within the site plan drawing.

10. Showed all setbacks measured from the future back of curb.

11. Deleted all minimum ordinance requirements.

12. Measured building height as defined by the Ordinance.

13. Amended the note related to how gross floor area will be calculated and used the zoning ordinance standard but stated the items that won’t be counted towards the gross floor area.


15. Corrected references to other sections under Proposed Uses and Planned Unit Development section.

16. Indicated the assigned petition number in the side bar and in Notes heading.

17. Removed repeated development data table.

18. Eliminated all notes, including optional provisions, which do not specifically apply to this site and the proposed site plan.

19. Corrected formatting of notes so that words are not split between
paragraphs.
20. Reduced the building square footage from 4,300 square feet to 4,000 square feet.
21. Added a landscape plan.
22. Provided a note stating the existing temporary monument sign along Sharon Road will be removed.

**VOTE**

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<td>Lathrop</td>
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**ZONING COMMITTEE DISCUSSION**

Staff provided a brief summary of the petition and the changes since the public hearing. 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](http://www.rezoning.org))*

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - **Land Use:**
    - Adds a eating, drinking, entertainment establishment (EDEE) with an accessory drive-through window to the currently approved uses for the site, which include retail, office, eating/drinking/entertainment establishment (EDEE) without drive-through service and a bank with one drive-through service window with one lane and one pass-by lane.
    - Specifies that the accessory drive-through window on the site can only be associated with a bank or an EDEE. Limits the number of lanes to a single lane with no pass-by lane.
    - Limits the services of an EDEE with a drive through to serving primarily items such as coffee, ice cream, yogurt, juices, bagels, muffins, pastries, sandwiches, and similar foods that do not require on premise cooking.
    - Prohibits gasoline sales.
  - **Site and Architectural Design:**
    - Limits the total number of buildings on the site to one, at a maximum size of 4,000 square feet, and a maximum height of 55 feet.
    - Commits to a minimum two-story building.
    - Provides a building envelope and build to line along Sharon Road and Ashley Park Lane.
    - Provides parking and maneuvering generally behind the building fronting Ashley Park Lane and behind the required building setback along Sharon Road with a substantial landscaped buffer as depicted on the site plan.
  - **Transportation and Access:**
    - Provides pedestrian access from Sharon Road and Ashley Park Lane with public entrances facing each street and outdoor patio space oriented to Sharon Road and Ashley Park Lane.
    - Provides vehicular access from Ashley Park Lane.
    - Provides access to the parking structure located east of the site and provides a cross-access connection to the adjacent property south of the site.
  - **General Commitments:**
    - Carries over a number of conditional notes from the previously approved rezoning.
    - The following optional provisions are being requested:
      - Allow reduction in the width of the required setback along interior or private streets from 14 feet to ten feet from the nearest face of building to either the back of curb or edge of tree grate or planting area, whichever is greater. Street trees are not required along the private street but if provided may be placed in tree wells.
      - Allow wall signs up to 200 square feet or 10% of the wall whichever is less. Sign area may be increased if individual letters are used.
      - Allow previously approved signs at the corner of Sharon Road and Ashley Park Lane.
      - Allow either a limited service restaurant or a bank with an accessory drive-through window to be located on the site. Drive-through facilities are limited to a single lane. Drive-through facilities are only allowed as an optional provision in the MUDD (mixed use development)
district.
  • Allow the definition of gross floor area as defined in the Ordinance to be applied in a manner described on the site plan.

• Public Plans and Policies
  • South Park Small Area Plan, as amended by petition 2006-042, recommends for the larger development in which this site is located a mix of uses, including eating/drinking/entertainment establishments (EDEEs), office, retail, personal service and other non-residential uses, with an emphasis on creating a pedestrian-friendly environment. The existing zoning prohibits accessory drive-through service windows associated with eating/drinking/entertainment establishments.
  • The petition supports the General Development Policies-Environment by developing an infill site, thereby minimizing further environmental impacts while accommodating growth.

TRANSPORTATION CONSIDERATIONS
  • The primary transportation concerns for this zoning proposal are to ensure that the internal storage of vehicles using the drive-through is adequate to ensure that vehicles do not queue into public streets. While we expect that the queuing could exceed what is depicted on the plan, there is adequate room on-site to handle the expected queuing. Similarly, the site plan does not provide many on-site parking spaces, but there appears to be adequate parking in the area and many of the trips are expected to be served internally to the larger development or as pass-by trips through the drive-through. Given that many of the trips will be “pass-by” trips, meaning trips from vehicles already passing by the site on Sharon Road, this rezoning is not expected to significantly impact the amount of traffic on the surrounding throughfares.
  • Vehicle Trip Generation:
    • Current Zoning: 6,700 trips per day
    • Proposed Zoning: 8,300 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: No issues.
  • Charlotte-Mecklenburg Storm Water Services: No issues.
  • Charlotte Water: No issues.
  • Engineering and Property Management: No issues.
  • Mecklenburg County Land Use and Environmental Services Agency: No issues.
  • Mecklenburg County Parks and Recreation Department: No issues.

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

Planner: John Kinley (704) 336-8311
Petition #: 2015-112

Acreage & Location: Approximately 0.55 acres located on the east of Sharon Road between Ashley Park Lane and Louisburg Square Lane.
Petition #: 2015-112
Petitioner: Tate Pappas SC Investors, 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 0.55 acres located on the east of Sharon Road between Ashley Park Lane and Louisburg Square Lane.
1. GENERAL PROVISIONS:

2. OPTIONAL PROVISIONS:

3. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:

4. ACCESS:

5. STREETSCAPE, LANDSCAPING OPEN SPACE AND SCREENING:

6. ENVIRONMENTAL FEATURES:

7. PARKING AND MANEUVERING RESTRICTIONS:

8. GENERAL DESIGN GUIDELINES:

9. STORAGE:

10. SITE ACCESS:

11. BONDING EFFECT OF THE REZONING APPLICATION:
 THESE ELEVATIONS ARE PROVIDED TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE BUILDING THAT MAY BE CONSTRUCTED ON THE SITE (THE ACTUAL BUILDING CONSTRUCTED ON THE SITE MAY VARY FROM THESE ILLUSTRATIONS AS LONG AS THE GENERAL ARCHITECTURAL CONCEPTS AND INTENT ILLUSTRATED IS MAINTAINED).
Rezoning Petition: 2015-115 by Skyhouse Charlotte II, LLC

Location: Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9th Street. (Council District 2 - Austin)

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

Zoning Committee Recommendation
The Zoning Committee voted 5-0 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 Charlotte Center City 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because:

- While the plan does not make a specific land use recommendation for this site, it encourages active uses at the ground floor of buildings.

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

- The Center City Transportation Plan identifies the section of West 9th Street that abuts the site as a location where on-street parking is desired, and the proposed development will provide on-street parking along West 9th Street; and
- The provision of the on-street parking pushes the building setback further into the subject site. The allowance for the encroachment of the balconies into the setback helps to mitigate the increased setback required to accommodate the on-street parking; and
- The proposed balconies will not interfere with the street or sidewalk activity; and
- The proposed balcony encroachment is a site specific solution based on site constraints and is not intended to set a precedent for other projects; and
- If the proposed development includes ground floor retail, the inclusion of on-street parking will be especially valuable.

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

LOCATION
Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9th Street.
(Council District 2 - Austin)

SUMMARY OF PETITION
The petition proposes to allow all uses permitted in the UMUD (uptown mixed use), including high intensity residential, office, and retail, and requests optional site modification for balconies extending into the building setback.

PROPERTY OWNER
Skyhouse Charlotte II, LLC

PETITIONER
Skyhouse Charlotte II, 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: 3

STATEMENT OF CONSISTENCY
This petition is found 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 the plan does not make a specific land use recommendation for this site, it encourages active uses at the ground floor of buildings.

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

• The Center City Transportation Plan identifies the section of West 9th Street that abuts the site as a location where on-street parking is desired, and the proposed development will provide on-street parking along West 9th Street; and

• The provision of the on-street parking pushes the building setback further into the subject site. The allowance for the encroachment of the balconies into the setback helps to mitigate the increased setback required to accommodate the on-street parking; and

• The proposed balconies will not interfere with the street or sidewalk activity; and

• The proposed balcony encroachment is a site specific solution based on site constraints and is not intended to set a precedent for other projects; and

• If the proposed development includes ground floor retail, the inclusion of on-street parking will be especially valuable;

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

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

1. A note has been added that “The Petitioner will work with the City Urban Forester and the Planning Department on the location and selection of the proposed street trees along W. 9th Street to minimize the potential conflict with the proposed balconies.”

2. Pages two, three and four have been removed from the submittal.
VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item and noted that all the outstanding issues had been addressed. There was no further discussion of the petition.

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:
  - A new 24-story building.
  - All uses permitted in the UMUD (uptown mixed use) district in the new building.
  - A 16-foot setback along West 9th Street and a 14-foot setback along North Church Street.
  - Recessed on-street parking on West 9th Street.
  - Site will comply with UMUD (uptown mixed use) requirements set forth in the Zoning Ordinance, with the exception of the following optional request:
    - To allow balconies to extend up to seven feet into the required setback along West 9th Street. The proposed balconies will maintain a minimum clearance of 15 feet between the bottom of the balconies and the sidewalk above West 9th Street, and will not encroach into the street right of way. This is a site-specific proposal which will allow the indicated addition of on-street parking along the West 9th Street frontage.

- **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 active uses at the ground floor of buildings.
  - The *Center City Transportation Plan* (2006) encourages recessed on-street parking on both the north and south sides of West 9th Street, although this has been foregone in some residential locations.
  - The petition supports the *General Development Policies – Environment* by redeveloping an infill site, thereby minimizing further environmental impacts while accommodating growth.

Transportation Considerations: No issues.

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 issues.
- **Charlotte-Mecklenburg Storm Water Services**: No issues.
- **Charlotte Water**: No issues.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No issues.
- **Mecklenburg County Parks and Recreation Department**: No comments received.
OUTSTANDING ISSUES
- No issues.

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

Planner: Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9th Street.
Petition #: 2015-115
Petitioner: Skyhouse Charlotte II, LLC

Zoning Classification (Existing): UMUD
(Uptown Mixed Use District

Zoning Classification (Requested): UMUD-O
(Uptown Mixed Use District, Optional)

Acreage & Location: Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9th Street.
Rezoning Petition: 2015-117 by SLT Commercial Properties, LLC

Location: Approximately 0.52 acres located on the southeast corner at the intersection of South Boulevard and South Caldwell Street. (Council District 1 - Kinsey)

Current Zoning: R22MF (multi-family residential)
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 a mix of residential, office, retail and civic transit supportive uses in the area in which the site is located.

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

- This proposal will allow the reuse of the building that most recently housed the City of Charlotte’s Fire Investigation Unit; and
- The building was constructed in 1958 and is a significant landmark along South Boulevard; and
- The petition will allow the reuse of the existing building for all TOD-M (transit oriented development - mixed-use) uses; and
- The building is within a 1/4 mile walk of the Carson Boulevard Transit Station; and
- The pedestrian activation of South Boulevard, as shown on the conditional site plan, will be achieved through the addition of an outdoor seating area between the building and the street.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning: R-22MF (multi-family residential)
Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional)

LOCATION
Approximately 0.52 acres located on the southeast corner at the intersection of South Boulevard and South Caldwell Street. (Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to reuse a former fire station located in South End for any use allowed in the TOD-M (transit oriented development – mixed-use) district. Potential uses include retail, office, residential and civic uses designed to support pedestrian activity.

PROPERTY OWNER
City of Charlotte

PETITIONER
SLT Commercial Properties, LLC

AGENT/REPRESENTATIVE
Mark Miller

COMMUNITY MEETING
Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 7

STATEMENT OF CONSISTENCY
This petition is found 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 a mix of residential, office, retail and civic transit supportive uses in the area in which the site is located.

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

• This proposal will allow the reuse of the building that most recently housed the City of Charlotte’s Fire Investigation Unit; and
• The building was constructed in 1958 and is a significant landmark along South Boulevard; and
• The petition will allow the reuse of the existing building for all TOD-M (transit oriented development – mixed-use) uses; and
• The building is within a 1/4 mile walk of the Carson Boulevard Transit Station; and
• The pedestrian activation of South Boulevard, as shown on the conditional site plan, will be achieved through the addition of an outdoor seating area between the building and the street;

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

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

1. An optional request has been added to allow parking and maneuvering between the building and South Boulevard.
2. Petitioner has agreed to add a note that trees in the required setback will be required to be saved.

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

ZONING COMMITTEE
Staff presented this item and noted that all but two outstanding issues had been addressed. One Commissioner asked about the outstanding
DISCUSSION

issue in regards to the driveway being removed. Staff responded that the request to remove was to enhance and improve the pedestrian environment along South Boulevard. There was no further discussion of the petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

• Background
  • The subject property was constructed as a fire station in 1958 and has been used for the Fire Investigation Unit since a new fire station was built at 1819 South Boulevard. Fire Investigation staff moved from the building to the new Fire Administration campus in early 2015.
  • The property was marketed by the Engineering and Property Management Department and Council approved a sales contract on June 8, 2015.

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • The reuse of an existing 7,000-square foot fire station, with the addition of an outdoor terrace between the existing building and South Boulevard.
  • Allow all uses in the TOD-M (transit oriented development – mixed-use) district.
  • Eight-foot planting strip and eight-foot sidewalk will be provided along South Caldwell Street.
  • Eight-Foot planting strip, eight-foot sidewalk and eight-foot amenity zone will be provided along South Boulevard.
  • Parking will be located to the side and rear of the existing building, and will be screened with a three-foot masonry screen wall along all public streets.
  • The following optional provisions are being requested:
    • To allow a F.A.R. (floor area ratio) less than 0.75 as required in transit districts.
    • To allow parking between the existing building along South Boulevard and South Caldwell Street.
    • To allow parking to the side of the primary structure to exceed 35 percent of the lot width.
    • Existing trees in the setback will be preserved.
    • Allow parking and maneuvering between the building and South Boulevard.

• Public Plans and Policies
  • The South End Transit Station Area Plan (2005) recommends transit supportive - mixed uses for the subject site and surrounding properties. Appropriate uses include office, multi-family residential, retail and civic uses designed to support walkability and transit use.
  • The petition supports the General Development Policies-Environment by reusing an existing structure near a transit station, thereby minimizing further environmental impacts while accommodating growth.

Transportation Considerations: See outstanding issue, note 2.

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

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**OUTSTANDING ISSUES**

- The petitioner should:
  1. Show and label recessed parking along South Boulevard.
  2. Remove driveway along South Boulevard.

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

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

**Planner:** Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 0.52 acres located on the southeast corner at the intersection of South Boulevard and South Caldwell Street.
Petition #: 2015-117
Petitioner: SLT Commercial Properties, LLC
Zoning Classification (Existing): R-22MF (Multi-Family, Residential)
Zoning Classification (Requested): TOD-MO (Transit Oriented Development, Mixed Use, Optional)

Acreage & Location: Approximately 0.52 acres located on the southeast corner at the intersection of South Boulevard and South Caldwell Street.
General Previsions
1. The applicant acknowledges that other standard development requirements approved by other City of Charlotte, Planning and Zoning, and appropriate code enforcement officials must be met. These include, but are not limited to, the following: site plan approval, site plan review, and the enforcement of all applicable City code requirements. Conditions set forth in this resolution are supplementary to requirements imposed on the development. In addition to other standards, zoning, and specific conditions in this plan, there shall be adherence to the Development Plan and Zoning Code of the City of Charlotte, Planning and Zoning, and the applicable state and federal standards.

Options Requested
1. A variance for height, size, and parking, as well as changes to the setback and elevation to be consistent with the site plan.

Permitted Uses
1. Uses listed above in the property's existing use are those uses that are permitted by the TOD-DMO district.

Lighting
1. The establishment of any lighting fixture is in compliance with all applicable City code requirements. The establishment of lighting fixture standards and guidelines.
Agenda #: 14. File #: 15-1807 Type: Zoning Hearing

Rezoning Petition: 2015-094 by Charlotte-Mecklenburg Planning Department

UPDATE: Staff has requested a deferral of this petition until (January 19, 2016)

Location: A Text Amendment to the City of Charlotte Zoning Ordinance to 1) extend the validity period for a Historic District certificate of appropriateness from six months to twelve months from the date of issuance; and 2) modify the certificate of appropriateness renewal process.
Rezoning Petition: 2015-119 by Mary Cuthbertson

Location: Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane. (Council District 3 - Mayfield)

Current Zoning: R-4 (single-family residential)
Proposed Zoning: R-8 (single-family residential)

Staff Recommendation
Staff recommends approval of this petition.

Attachments:
- Staff Analysis
- Vicinity Map
- Rezoning Map
REQUEST
Current Zoning: R-4 (single family residential)
Proposed Zoning: R-8 (single family residential)

LOCATION
Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane.
(Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to allow all uses in the R-8 (single family residential) zoning district.

PROPERTY OWNER
Mary Cuthbertson Trust

PETITIONER
Mary Cuthbertson

AGENT/REPRESENTATIVE
Luella Hinson

COMMUNITY MEETING
Meeting is not required.

STAFF RECOMMENDATION
Staff recommends approval of this petition.

Plan Consistency
The petition is consistent with the Sharon & I-485 Transit Station Area Plan recommendation for residential use at eight dwelling units per acre.

Rationale for Recommendation
- Staff supports this petition because:
  - The subject site is within ¼ mile walk of the I-485 Transit Station on the LYNX Blue Line.
  - The subject site is divided into two parcels, one of which is unbuildable in its current configuration. A rezoning to R-8 would allow the parcels to be reconfigured into two buildable lots.
  - The proposed zoning is consistent with current zoning of most of the other residential parcels along and off China Grove Church Road.
  - The proposed zoning will help to maintain the low to moderate density residential character of the Sterling neighborhood.

PLANNING STAFF REVIEW
- Proposed Request Details
  This is a conventional rezoning petition with no associated site plan.
  - Allows all uses permitted in the R-8 (single family residential) zoning district. The uses allowed by right include single family dwellings, duplex, triplex and quadruplex units, farms and parks and greenways. Uses allowed with prescribed conditions include elementary and secondary schools, government buildings, and religious institutions.

- Existing Zoning and Land Use
  - The site is currently undeveloped and zoned R-4 (single family residential). It was occupied by two single family homes in years past.
  - The southern and western boundary of the site abuts Sterling Elementary School which is zoned R-4 (single family residential).
  - On the northern and eastern side of the site fronting China Grove Church Road property is zoned R-4 (single family residential) and R-8(CD) (single family residential, conditional) and developed with single family homes.
  - See “Rezoning Map” for existing zoning in the area.

- Rezoning History in Area
  - Petition 2010-005 rezoned approximately 7.95 acres located on the west side of China Grove Church Road, the south side of Ervin Lane, both sides of Dendy Lane, and both sides of Packard Street from R-17MF (multi-family residential) to R-8 (single family residential) to allow all uses in the R-8 (single family residential) district. This was a corrective rezoning in accordance with the Sharon & I-485 Transit Station Area Plan.
Public Plans and Policies
- The Sharon & I-485 Transit Station Area Plan recommends residential use at eight dwelling units per acre. The site is within a ¼ mile walk of the I-485/South Boulevard Transit Station, but is recommended for continued lower density residential to preserve the character of the Sterling neighborhood.

TRANSPORTATION CONSIDERATIONS
- As a small conventional district with low trip generation potential, CDOT does not have any concerns with this petition. CDOT will ensure proper site design during the subsequent permitting phase.
- Vehicle Trip Generation:
  - Current Zoning: 15 trips per day.
  - Proposed Zoning: 29 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-Mecklenburg Schools: The development allowed under the existing zoning would generate 1 student, while the development allowed under the proposed zoning will produce 1 student. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 0 students. Therefore, the schools are anticipated to remain at the current utilization shown below.
  - McAlpine Elementary at 87%
  - South Charlotte Middle at 100%
  - South Mecklenburg High at 138%
- Engineering and Property Management: The Engineering Department requested the petitioner show the tree save area on the site plan. As this is a conventional rezoning the information will be shown on the plan when the site plan is submitted for review. The petitioner has been made aware that this will be a requirement during permitting.
- Charlotte-Mecklenburg Storm Water: No issues.
- Charlotte Water: 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 Department of Solid Waste Services Review
  - Charlotte-Mecklenburg Schools
  - Charlotte-Mecklenburg Storm Water
  - Charlotte Water
  - Mecklenburg County Land Use and Environmental Services Agency
  - Mecklenburg County Parks and Recreation Department
  - Transportation Review
  - Engineering and Property Management Review

Planner: John Kinley (704) 336-8311
Acreage & Location: Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane.
Petition #: 2015-119
Petitioner: Mary Cuthbertson

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

Zoning Classification (Requested): R-8
(Single Family, Residential)

Acreage & Location: Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane.
Rezoning Petition: 2015-127 by Roger and Kathe Ball

Location: Approximately 0.17 acres located on the northwest corner at the intersection of Winnifred Street and West Bland Street. (Council District 3 - Mayfield)

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 0.17 acres located on the west corner at the intersection of Winnifred Street and West Bland 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 0.17 acre site that is located in South End and is within a ½ mile walk of the Bland Street light rail station. Uses allowed in the TOD-M district include office, residential, retail and civic uses.

### Property Owner

Roger D. and Kathe W. Ball

### Petitioner

Roger and Kathe Ball

### Agent/Representative

Not applicable

### 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**

- Staff supports this petition because:
  - The subject site is within a 1/2 mile walk of the Bland Street Transit Station on the LYNX Blue Line.
  - The proposal allows a site previously used for an industrial office 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.

- **Existing Zoning and Land Use**
  
  - The subject property is currently developed with an industrial office building and is zoned I-2 (general industrial).
  - The south and east boundary of the site abuts property which is zoned I-2 (general industrial) and is developed with industrial and office uses.
  - On the north side of the site across Bland Street property is zoned TOD-MO (transit oriented development – mixed-use, optional) and TOD-M (transit oriented development – mixed-use) and developed with residential townhomes and a commercial building.
  - On the west side of the site property is zoned MUDD-O (mixed use development, optional) and developed with commercial 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 Bland Street, there have been a number of rezonings to conventional TOD-M (transit oriented development –
mixed-use) and MUDD (mixed use development). 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 and surrounding properties.
  - The petition supports the *General Development Policies-Environment* by redeveloping an infill site near a transit station, thereby minimizing further environmental impacts while accommodating growth.

**TRANSPORTATION CONSIDERATIONS**

- This site is located a 1/2 mile from a light rail transit station. CDOT supports intensive transit oriented development adjacent to transit stations. Since this is a conventional rezoning, CDOT will address any transportation issues during the permitting phase of development.
- **Vehicle Trip Generation:** The existing and proposed zoning both allow a wide variety of uses.
  - Current Zoning: 10 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:** The Engineering Department requested the petitioner show the tree save area on the site plan. As this is a conventional rezoning the information will be shown on the plan when the site plan is submitted for review. The petitioner has been made aware that this will be a requirement during permitting.
- **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
- Locator Map
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Transportation Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review

**Planner:** Solomon Fortune  (704) 336-8326
Petition #: 2015-127

Acreage & Location: Approximately 0.17 acres located on the northwest corner at the intersection of Winnifred Street and West Bland Street.
Petition #: 2015-127
Petitioner: Roger and Kathe Ball

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

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

Acreage & Location: Approximately 0.17 acres located on the northwest corner at the intersection of Winnifred Street and West Bland Street.

Map Produced by the Charlotte-Mecklenburg Planning Department, 10-2-2015.