CITY COUNCIL ZONING AGENDA
Monday, November 17, 2014

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

6:00PM – Zoning Meeting
         Meeting Chamber

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org
1. **Agenda Review – Tammie Keplinger**

## DEFERRAL / WITHDRAWAL REQUESTS

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<th>Item #</th>
<th>Petition #</th>
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<tr>
<td>4</td>
<td>2014-021</td>
<td><strong>Charlotte-Mecklenburg Planning Department</strong> for a Text Amendment related to mobile farmer’s markets</td>
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<td><strong>Wilkison Partners, LLC</strong> - southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive</td>
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<tr>
<td>6</td>
<td>2014-043</td>
<td><strong>Mark Patterson</strong> - west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane</td>
<td><strong>Decision - Defer to December</strong> <strong>Protest sufficient</strong></td>
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<tr>
<td>10</td>
<td>2014-071</td>
<td><strong>Charlotte-Mecklenburg Planning Department &amp; Police Department</strong> for a Text Amendment related to animal fostering and rescue groups</td>
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<td>2014-092</td>
<td><strong>Pavilion Development Company</strong> - northeast corner at the intersection of Nations Ford Road and Tyvola Road</td>
<td><strong>Decision - Defer to December</strong> <strong>Protest insufficient</strong></td>
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<td>2014-049</td>
<td><strong>SBBH, LLC</strong> - South side of Morrison Boulevard between South Park Drive and Sharon Road</td>
<td><strong>Hearing – Defer to March</strong> <strong>Protest TBD</strong></td>
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## MISCELLANEOUS REQUESTS AND INFORMATION

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<td>2</td>
<td>2013-094</td>
<td><strong>Halvorsen Development</strong> – Prosperity Church Road at Ridge Road</td>
<td><strong>Decision - Protest Petition sufficient</strong></td>
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<td>3</td>
<td>2014-003</td>
<td><strong>George M. Macon</strong> - southeast corner at the intersection of Ardrey Kell Road and Marvin Road</td>
<td><strong>Decision - Protest Petition insufficient</strong></td>
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<td>14</td>
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<td><strong>7th Street Progression Partners, LLC</strong> – East 7th Street at Clement Avenue</td>
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<td>15</td>
<td>2014-085</td>
<td><strong>New Carolina Income Properties, LLC</strong> – East Tremont Avenue and Euclid Avenue</td>
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<td><strong>Midtown Area Partners II, LLC</strong> - northeast corner of Baxter Street and South Kings Drive</td>
<td><strong>Hearing - Protest Petition TBD</strong></td>
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2. **Follow-Up Report – Tammie Keplinger**  
3. **Rezoning Cases of Special Interest – Tammie Keplinger**  
4. **Area Plan Status and Text Amendment Update – Ed McKinney**
### ACRONYMS

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<td>• B-1 – neighborhood business district</td>
<td>• CR/LWW – Catawba River / Lake Wylie watershed</td>
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<tr>
<td>• B-2 – general business district</td>
<td>• CR/LWWCA – Catawba River / Lake Wylie watershed – critical area</td>
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<tr>
<td>• B-1SCD – business shopping center district (old district)</td>
<td>• CR/LWWPA – Catawba River / Lake Wylie watershed – protected area</td>
</tr>
<tr>
<td>• BD – distributive business district</td>
<td>• HD-O – historic district overlay</td>
</tr>
<tr>
<td>• BP – business park district</td>
<td>• LNW – Lake Norman watershed overlay</td>
</tr>
<tr>
<td>• CC – commercial center district</td>
<td>• LNWCA – Lake Norman watershed – overlay, critical area</td>
</tr>
<tr>
<td>• HW – hazardous waste</td>
<td>• LNWPA – Lake Norman watershed – overlay, protected area</td>
</tr>
<tr>
<td>• I-1 – light industrial district</td>
<td>• LLWW – Lower Lake Wylie watershed overlay</td>
</tr>
<tr>
<td>• I-2 – general industrial district</td>
<td>• LLWWCA – Lower Lake Wylie watershed – overlay, critical area</td>
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<tr>
<td>• INST – institutional district</td>
<td>• LLWWPA – Lower Lake Wylie watershed – overlay, protected area</td>
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<tr>
<td>• MUDD – mixed use development district</td>
<td>• MILW – Mountain Island Lake watershed overlay</td>
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<tr>
<td>• MX-1 – mixed use district</td>
<td>• MILWCA – Mountain Island Lake watershed – overlay, critical area</td>
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<tr>
<td>• MX-2 – mixed use district</td>
<td>• MILWPA – Mountain Island Lake watershed – overlay, protected area</td>
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<td>• MX-3 – mixed use district</td>
<td>• MH – manufactured home overlay</td>
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<td>• NS – neighborhood services district</td>
<td>• PED – pedestrian overlay district</td>
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<td>• O-1 – office district</td>
<td>• TS – transit supportive overlay district</td>
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<tr>
<td>• O-2 – office district</td>
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<td>• O-3 – office district</td>
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<tr>
<td>• R-3 – single-family residential – up to 3 dwelling units per acre (dua)</td>
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<td>• R-4 – single-family residential – up to 4 dua</td>
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<td>• R-5 – single-family residential – up to 5 dua</td>
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<td>• R-6 – single-family residential – up to 6 dua</td>
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<tr>
<td>• R-8 – single-family residential – up to 8 dua</td>
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<tr>
<td>• R-8MF – multi-family residential – up to 8 dua</td>
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<td>• R-12MF – multi-family residential – up to 12 dua</td>
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<td>• R-17MF – multi-family residential – up to 17 dua</td>
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<td>• R-22MF – multi-family residential – up to 22 dua</td>
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<tr>
<td>• R-43MF – multi-family residential – up to 43 dua</td>
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<td>• R-MH – residential manufactured housing</td>
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<tr>
<td>• RE-1 – research district</td>
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<td>• RE-2 – research district</td>
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<td>• RE-3 – research district</td>
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<td>• TOD – transit oriented development</td>
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<td>• TOD-E – transit oriented development – employment</td>
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<tr>
<td>• TOD-M – transit oriented development – mixed use</td>
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<tr>
<td>• TOD-R – transit oriented development – residential</td>
<td></td>
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<tr>
<td>• U-I – urban industrial district</td>
<td></td>
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<tr>
<td>• UMUD – uptown mixed use district</td>
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<tr>
<td>• UR-1 – urban residential</td>
<td></td>
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<td>• UR-2 – urban residential</td>
<td></td>
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<tr>
<td>• UR-3 – urban residential</td>
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<tr>
<td>• UR-C – urban residential – commercial</td>
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### Miscellaneous Zoning Acronyms

- CD – conditional district
- INNOV – innovative standards
- SPA – site plan amendment
- O – optional provisions

### Miscellaneous Other Acronyms

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

Decision

1. A Resolution of the City Council of the City of Charlotte calling for a Decision to be held by the City Council on the question of adopting an ordinance for the Historic Landmark known as the “James A. Blakeney House” to de-designate 7.829 acres of land in tax parcel 22922212, and de-designate 2.244 acres of land in tax parcel 22908334 as shown on the attached plans. The property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Meritage Homes of the Carolinas Inc. The property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Classica Homes LLC.

Attachment 1

ZONING DECISIONS

Protest Petition Sufficient

2. Petition No. 2013-094 (Council District 4 – Phipps) by Halvorsen Development for a change in zoning for approximately 33.85 acres located on the west side of Prosperity Church Road across from Ridge Road from CC (commercial center) and R-3 (single family residential) to CC (commercial center) and CC SPA (commercial center site plan amendment), with five-year vested rights.

The Zoning Committee found this petition to be consistent with the Prosperity Church Road Villages Plan and the draft Prosperity Hucks Area Plan, based on information from the staff analysis and the public hearing, and because:

- the proposed development decreases the number of residential units while allowing a slight increase in nonresidential development; and
- provides an activity center with a mix of uses.

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 Prosperity Church Road Villages Plan recommends a pedestrian-oriented mixed use activity center with residential, office, retail and/or institutional uses; and
- The draft Prosperity Hucks Area Plan identifies this area as a pedestrian-oriented mixed use Activity Center intended to create highly integrated and walkable places, with a mix of uses to include retail/service, office, institutional and residential; and
- The petition proposes a mix of retail and residential uses consistent with the current and draft plans.

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

1. Staff rescinded the request to provide a phasing plan that ties the certificates of occupancy for the large box retail to the street-front retail, and the certificate of occupancy for the multi-family units to the large box retail as the existing note is sufficient (Note 2H under Permitted Uses/Development Area Limitation/Transfer and Conversion Rights/and Certain Building Edge Treatment).
2. Removed all proposed signs, as they will be permitted separately.
3. Amended Note 5(O) to state the following: “Petitioner reserves the right to reduce the CC district setback from 35 feet to 14 feet as allowed by the ordinance.”
4. Staff rescinded the request to amend Note 2B to state “Development Areas A, C, D, F, and H may be developed with up to 100,000 square feet of gross floor area of uses permitted by right and under prescribed conditions, office, retail, restaurant eating, drinking and entertainment establishments, and personal service uses, together with accessory uses as allowed in the CC zoning district” due to the addition of prohibited uses.
5. Amended development notes to change “restaurants” to “eating, drinking, and
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<tr>
<td><strong>2013-094</strong>&lt;br&gt;Contd.</td>
<td>entertainment establishments.”</td>
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<tr>
<td>6.</td>
<td>Amended Note 5H to read “Charlotte-Mecklenburg Planning Department.”</td>
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<td>7.</td>
<td>Amended Note 5I to remove the unnecessary “s” from Development Areas A.</td>
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<td>8.</td>
<td>Provided a set of typical elevation drawings for each residential building type (multi-family, townhomes, and carriage units over garages) and the clubhouse building.</td>
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<tr>
<td>9.</td>
<td>Amended Note 2E as follows: “...vehicular parking and maneuvering may not be located between the proposed building edge(s) and the street where the building edge(s) is indicated.”</td>
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<tr>
<td>10.</td>
<td>Amended Note 5C as follows: “At least one building within Development C will include a prominent architectural feature oriented toward the intersection of Ridge Road and Benfield Road. An entrance to the building will be provided from either Ridge Road, Benfield Road or at the corner of the building to complement the prominent architectural feature.”</td>
</tr>
<tr>
<td>11.</td>
<td>Added a note under Architectural Standards as follows: “Any permitted drive-through feature located in Development Area A and Development Area C will be incorporated into the building’s design using the same architectural style, detailing, and materials palette as the primary building it serves.”</td>
</tr>
<tr>
<td>12.</td>
<td>Modified Note 5D to state “Retail buildings B and C shall have their primary exterior facades oriented toward proposed Public Street #1. The facades of these buildings facing proposed Public Street #1 must contain a total area of transparency of 60 percent or more of the wall area of the ground floor, measured between two to ten feet above the adjacent grade. The transparency area shall be composed of clear glass windows and doors, which may not be screened by films, decals or opaque materials, glazing finishes, or window treatments for the purpose of screening service area, merchandise, or secondary operational functions to the primary business. Each individual business within Retail Buildings B and C shall have an operable door facing proposed Public Street #1 and this door shall be treated equally as a public entrance of the business.”</td>
</tr>
<tr>
<td>13.</td>
<td>Amended Note 5G and building elevations to specify that Buildings #1, #2 and the townhome buildings within Development Area E will be designed so that the units on the ground floor facing Ridge Road and Public Street #1 will have: a. an entrance from each unit to the abutting street; and b. Vertical shaped windows with a height greater than their width.</td>
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<tr>
<td>14.</td>
<td>Added Note 5R as follows: “The orientation of the building constructed in Development Area H may be adjusted to match the realignment of Prosperity Church Road. The new orientation must be submitted to the Planning Department staff for approval.”</td>
</tr>
<tr>
<td>15.</td>
<td>Added Note 6F stipulating that parking areas between Cardinal Point Road and Ridge Road may not occupy more than 35 percent of the total street frontage along each side of proposed Public Street #1 (on-street parking will not be calculated into this percentage).</td>
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<tr>
<td>16.</td>
<td>Amended Note 8A to specify that the community green space shall contain a minimum area of 20,000 square feet of surface area.</td>
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<tr>
<td>17.</td>
<td>Amended Note 11B to specify that the information on how much square footage has been constructed will be provided with each permitting submittal for any of the buildings located within Development Areas C, D, F, and H.</td>
</tr>
<tr>
<td>18.</td>
<td>Deleted reference and label for “New Prosperity Church Road” and retained label as “Benfield Road.”</td>
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<td>19.</td>
<td>Reflected on-street parking along the frontage on Prosperity Church Road.</td>
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<td>20.</td>
<td>Revised notes to provide a consistent reference to Proposed Public Street #1.</td>
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<td>21.</td>
<td>Specified that the community green space will be completed prior to the issuance of a final certificate of occupancy for any tenant located within Retail Building A, B, or C.</td>
</tr>
<tr>
<td>22.</td>
<td>Amended Note 8C to delete the following verbiage: “The community green space will be located within the right-of-way of Public Street #1. The petitioner will enter into an agreement with the City of Charlotte to maintain the improved open space area once it has been constructed.”</td>
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<td>23.</td>
<td>Staff rescinded the request to remove the last paragraph under Note 2B.</td>
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<tr>
<td>24.</td>
<td>Amended note 2G to read as follows: “Prior to the issuance of a final certificate of occupancy for the building labeled &quot;Major #1&quot; on Sheet RZ-2, the three buildings labeled &quot;Retail A, B and C&quot; on sheet RZ-2 must have received a certificate of completion.”</td>
</tr>
<tr>
<td>2013-094 Contd.</td>
<td>25. Staff rescinded the request to submit an administrative approval to reduce the development rights for the portion of the property that was included in rezoning 2001-070 but not included in this rezoning request.</td>
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<td>26. Amended Note 4(Ib) as follows: “Petitioner will install pedestrian refuge islands along the site’s frontage on Ridge Road. The pedestrian refuge islands will include landscaping if the median in Ridge Road is of sufficient width.”</td>
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<td>27. The minimum driveway throat lengths have been modified to be 50 feet behind the stop line for minor street connections. Major street connections have 100 to 120-foot driveway throat lengths.</td>
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<td>28. Amended Note 10B to delete the word “site.”</td>
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<td>29. Amended Note 2D to replace “restaurant” with “eating, drinking and entertainment establishment.”</td>
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<td>30. Added a note that the petitioner will be responsible for any traffic signal modification costs and necessary signal equipment easements on Ridge Road at Prosperity Church Road and Benfield Road when the subject site’s final construction plan is approved by the City. Traffic signal modification costs and easements will be determined during the construction plan review process.</td>
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<td>31. Amended Note 4(Ia) to add the following: “The petitioner shall complete the following improvements along the site’s frontage along Ridge Road: a. curb and gutter; and b. 31 feet of base course and surface course for additional improvements (the configuration of the on-street parking and pedestrian refuge islands to be determined in conjunction with CDOT during the Land Development approval process).”</td>
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<td>32. Amended Note 2E to include the following as prohibited uses: Civic/social service and fraternal facilities, equipment rental and leasing, funeral homes/embalming, gas stations with our without convenience stores, government buildings, hotels and motels, gunsmiths, nurseries/greenhouses, outdoor recreation, religious institutions, repair or servicing of any article the sale of which is permitted in the district except that shoe repair and tailoring will be allowed, telephone booths, vocational schools, adult care centers, child care centers, donation drop-off facility, public utility structures, and land clearing and inert landfills on-site.</td>
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<td>33. Added Note 5B as follows: “The residential buildings constructed within Development Area E will be constructed with at least 35 percent of the exterior of each building, exclusive of windows, doors and roofs, with brick, stone, precast stone or precast concrete.”</td>
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<td>34. Added new note 3B per staff’s request as follows: “The determination of public/private street designation and the location of the proposed right-of-way if a public street, for Public/Private Street # 1 adjacent to the Community Green Space may be made during the subdivision review and approval process for this Street/right of way.”</td>
</tr>
<tr>
<td>Staff recommends approval of this petition.</td>
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<td>Attachment 2</td>
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</table>

| Protest Petition Insufficient | 3. **Petition No. 2014-003** (Council District 7 - Driggs) by George M. Macon for a change in zoning for approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road from R-3 (single family residential) and MX-2 (mixed use) to O-1(CD) (office, conditional). |
| | The Zoning Committee found this petition to be inconsistent with the South District Plan, based on information from the staff analysis and the public hearing, and because: |
| | • The Plan recommends single family residential uses for the site. |
| | However, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: |
| | • The size of the site, orientation towards thoroughfares and isolation from adjoining parcels make developing stand-alone single family homes difficult; and |
| | • The proposed office use serves as a transition from the commercial uses. |
### 2014-003 Contd.

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

1. Note D3 has been modified to read, “No parking will be allowed between the building and the public streets.”
2. Staff has rescinded the request to modify and relocate proposed dumpster location to the rear of the site near the proposed tree save area.
3. The proposed uses have been modified to include “clinics, financial institutions, medical, dental and optical laboratories, child care centers, barber and beauty shops, and studios. Restaurants have been modified to “Eating, Drinking, and Entertainment Establishments (Type 1).”
4. Building elevations for the proposed office buildings and childcare center have been provided.
5. The proposed three building footprints have been shown within the building envelope.
6. Note H.2 has been modified to indicate that the dumpster location shown on the plan has been agreed upon with the Southampton Home Owners Association. If there is any modification of the dumpster location, the petitioner will submit and provide to staff a letter from the Southampton HOA agreeing to the changes.
7. Development Conditions have been amended to include the MX-2 district under proposed zoning and the accompanying parcel number.
8. The Class “C” buffer has been shown on the plan and the alternative buffer request has been submitted to the City of Charlotte Zoning Administrator.
9. Sidewalk connections from the proposed buildings to Marvin Road along both sides of the proposed driveway have been shown on the plan.
10. Clarified that street trees will be provided along Marvin Road and Ardrey Kell Road.

Staff recommends approval of this petition.

Attachment 3

### Deferral (to December)

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

Staff recommends a one-month deferral of this text amendment to the December 1, 2014 Zoning Committee meeting.

Attachment 4

### Deferral (to January) Protest Petition Sufficient

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

The petitioner has requested a two-month deferral to the January 5, 2014 Zoning Committee Meeting.

Attachment 5

### Deferral (to December) Protest Petition Sufficient

6. **Petition No. 2014-043** (Council District 4 - Phipps) by Mark Patterson for a change in zoning for approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane from R-3 (single family residential) to INST(CD) (institutional, conditional).

The petitioner has requested a one-month deferral to the December 1, 2014 Zoning Committee Meeting.

Attachment 6
7. **Petition No. 2014-051** (outside city limits) by Eastgroup Properties, LP for a change in zoning for approximately 20.3 acres generally located on the west side of Gable Road between Shopton Road and Interstate 485 from R-3 (single family residential), I-2 (general industrial), and I-2(CD) (general industrial, conditional) to I-2(CD) (general industrial, conditional) and I-2(CD) SPA (general industrial, conditional, site plan amendment).

This petition is found to be consistent with the *Steele Creek Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The proposal is a second phase of an industrial park; and
- The property is within close proximity to I-485, the airport, and the intermodal yard.

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 proposed use is compatible with the surrounding industrial uses; and
- All outstanding issues have been addressed.

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

1. Amended Site Development Data to delete “this site may be developed with 1,400,000 square feet of gross floor area.” Noted maximum square footage as 310,000 square feet.
2. Deleted Note C under Architectural Standards.
3. Limited maximum building height to 40 feet.
4. Staff has rescinded the request to address Engineering and Property Management comments as the affected portions of the site have been removed from the rezoning.
5. Amended Note C under General Provisions to state that the administrative amendment will be submitted prior to a decision being made on Petition 2014-51.
6. Amended site plan to remove references to reduction of required buffers with a fence. Site plan correctly reflects a Class “A” buffer along the site’s frontage on Gable Road and I-485. Notes specify existing portions that will remain; a 50-foot portion that will remain wooded and undisturbed; and, portions that will be reduced to 37.5 feet in width with a berm.
7. Amended site development data to reflect a reduction in acreage from 43.26 acres to 20.316 acres.
8. Amended Note B under General Provisions to eliminate tax parcels no longer included in the rezoning.
9. Amended Note C under General Provisions to specify that a 7.03-acre portion of the existing I-2(CD) zoned area is included in the I-2(CD) site plan amendment.
10. Amended Note D under General Provisions to clarify that the development proposed under the site plan for this rezoning petition and rezoning plan will be a portion of Phase 1 and Phase 2 of Steele Creek Commerce Park.
11. Amended Note A under Architectural Standards to correctly specify that Sheet RZ-3 reflects a schematic architectural rendering of the rear elevation of the building facing Gable Road identified as Building 6.
12. Correctly labeled building elevations on Sheet RZ-3.
13. Added Note B under Architectural Standards to specify that a front elevation for Building 7 is included with the site plan.
14. Added Note C under Architectural Standards regarding elevations for Building 6 to provide an alternative elevation for Gable Road, which will be provided in the event that vehicular parking and circulation (excluding truck parking and/or circulation) is located between Building 6 and Gable Road.
15. Amended Note D under Streetscape/Landscaping/Buffers to specify that the undisturbed 50-foot Class “A” buffer may be eliminated or reduced if an adjacent land use is changed to a land use or zoning that eliminates or reduces the buffer requirement.
16. Amended Note B under Streetscape/Landscaping/Buffers to delete “walls and fence.”

Staff recommends approval of this petition.

**Attachment 7**
Petition No. 2014-055 (Council District 1- Kinsey) by Andrew Klenk for a change in zoning for approximately 0.23 acres located on the east side of North Davidson Street between East 33rd Street and East 34th Street from R-5 (single family residential) to MUDD-O (mixed use development, optional).

The Zoning Committee found this petition to be consistent with the Blue Line Extension 36th Street Station Area Plan, based on information from the staff analysis and the public hearing, and because:

- The proposed use is suitable for the area; and
- It provides for the reuse of an existing building.

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 located within a ¼ mile walk of the 36th Street transit station; and
- There have been several rezonings in the area to MUDD (mixed use development) and TOD-M (transit oriented development - mixed-use) in order to accommodate retail, office, and mixed use developments.

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

1. The petitioner has modified Permitted Uses Note C to state that outdoor eating/activity areas will not be in use after 11:00 p.m.
2. The petitioner has amended the Optional Provision pertaining to streetscape by requesting a minimum four-foot wide planting strip to match the existing planting strip, and a minimum five-foot wide sidewalk along North Davidson Street frontage, with any sidewalk outside the right-of-way placed within a sidewalk easement.
3. Information under Development Site Data has been modified to specify the existing building square footage (approximately 1,580 square feet) and proposed building square footage (4,400 square feet, including the courtyard area).
4. The width of the planting strip (four feet) is now labeled on the site plan.
5. Development Data Table Note I has been modified to identify three spaces for on-street parking.
6. The site plan has been corrected to acknowledge that abutting Parcel Number 08307113 is now zoned TOD-MO (transit oriented development - mixed-use, optional).
7. The petitioner will provide a copy of the draft parking lease agreement prior to City Council decision on the rezoning request. The lease agreement must be recorded with the Register of Deeds upon submittal of plans through the plan review process.
8. Notes on the site plan have been amended to replace "restaurant" with "eating, drinking, and entertainment establishment."
9. Removed Note A under General Provisions as it is covered by Note B.
10. Added language stating that any additions to the existing structure will be similar in character to the existing residential structure.
11. Renamed "shade garden" to "entry garden" to provide clarity that Note D (formerly Note C) under Architectural Standards is referring to the "shade garden" shown on the site plan and noting that it is not enclosed or covered.
12. Noted on site plan that the material of the trash area enclosure will be a minimum six-foot high wood fence that will complement the character of the building.
13. Noted on site plan that the surface material of the path for roll-out dumpsters will be concrete or pavers.
14. The petitioner has added language to state that at least two long-term bike parking spaces will be provided either under a roof or in bike lockers.
15. A note has been added on the site plan stipulating that trash/recycling will be removed on a daily basis or be stored in a refrigerated enclosure to reduce odors. The note also states that waste pickup service will be limited to normal business hours (8 a.m. through 6 p.m.).

Staff recommends approval of this petition.

Attachment 8
9. **Petition No. 2014-064** (Council District 1 - Kinsey) by Marsh Properties, LLC for a change in zoning for approximately 59.4 acres generally located on the east side of South Boulevard on both sides of Poindexter Drive and Elmhurst Road from B-1 (neighborhood business), B-2 (general business), O-2 (office), R-17MF (multi-family residential) and R-8 (single family residential) to MUDD-O (mixed use development, optional) and UR-2(CD) (urban residential, conditional) with five-year vested rights.

This petition is found to be consistent with the New Bern Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because:

- The proposed development provides elements of a mixed transit supportive development; and
- The proposed density is consistent with the Plan’s recommendations.

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:

- A portion of the site is located within ½ mile of the New Bern Street transit station; and
- Usable park/open space is provided; and
- The petition provides a mixture of housing types; and
- Existing mature trees are to be preserved; and
- The petition provides site design guidelines and meets the General Development Policies.

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

1. CDOT clarified that the Subdivision Ordinance would require street D to be public. Subdivision staff has confirmed that the street can be private provided it is built to public street standards with a public access easement. The petitioner provided a note stating that the private street would be constructed to public street standards and a public access easement would be provided.

2. Provided a public street extension of Iverson Way from Poindexter Drive to the edge of the conservation easement. The remaining unopened right-of-way will not be abandoned but the petitioner will not be required to improve it.

3. Provided development phasing in the Development Standards to better match infrastructure mitigation to the construction of the proposed entitlements.

4. CDOT rescinded the request to design the proposed southbound right-turn lane on South Boulevard and Remount to be channelized with a raised concrete median to provide better pedestrian accessibility and refuge. The intersection capacity is being improved by extending the existing southbound left-turn storage instead adding a right-turn lane.

5. Increased the storage for the "back to back" left-turn lanes on South Boulevard between Poindexter Drive and Ideal Way by reconstructing the monolithic median to compress the bay taper length in Phase I. The petitioner will extend the existing storage on the southbound left-turn lane from 80 feet to 150 feet.

6. Provided a dedicated left-turn lane with a minimum 100 feet of storage on South Boulevard at Elmhurst Road in Phase I.

7. Provided a minimum six-foot wide pedestrian refuge island on the southbound side of the South Boulevard/Elmhurst Road intersection in Phase I.

8. Committed to constructing the "Potential New Public Street" located in the rear of Development Area B during Phase II as a public street.

9. Provided a pedestrian refuge island and crossing midblock between Poindexter Drive and Elmhurst Road. The final location will be determined during permitting.

10. Cross referenced the proposed street cross sections shown on RZ-3.0 with the site plan (RZ-1.1).

11. Provided more detail on the site plan so that CDOT can better understand the individual access scenarios for each development area, and the overall internal vehicular and pedestrian circulation route.

12. The petitioner held a meeting with CMS staff on October 23, 2014 to discuss the student yield calculations. The petitioner shared with CMS staff that the unit count had been reduced to 980. The petitioner also explained that based on their research they feel the total number of students the redevelopment of the site
would generate would be closer to 75 students and not 780 predicted by CMS. The petitioner indicated that a yield ratio of .03 to .13 students would be more accurate based on similar developments in CMS Planning Area Three. CMS staff indicated they would review the information and consider creating a revised memo that at a minimum took into account the reduced allowed units. A revised memo from CMS has not been received by Planning Department to date.

13. Altered the language of Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to reflect that City Urban Forestry staff will determine the health and condition of City trees and will also determine whether City trees can be removed. A City tree is defined as being wholly or partly within the City right-of-way.

14. Clarified all language of Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to differentiate between City trees and private trees.

15. Revised Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to remove the 50% reference to street trees. The notes now read that a minimum of 50% of all trees along each block face located on private property and within 15 feet of the right-of-way of existing public streets will be preserved.

16. Amended Note 7. c., to explain that parts of the easement may be used for tree save if available as a tree save option and conditions of easement area meet minimum tree save standards.

17. Completed Note 4. I. to provide Transportation improvement details.

18. Changed all references to restaurants to Eating, Drinking, and Entertainment Establishments (EDEE).

19. Staff rescinded the request to remove the language in Note 1.c. and replace with the following: "Minor modifications to the plans are allowed per Section 6.207 of the Zoning Ordinance."

20. Amended Note 2.f. to limit the number of rotating signs to two wall signs and one detached sign.


22. Staff rescinded the request to modify Note 5.i. on RZ-2.0 and Note d.i. on RZ 3.2, 3.3 and 3.4 which restricts parking and maneuvering between the buildings and public streets to include development areas C and D because the MUDD (mixed use development) standards do not allow this for areas C and D.

23. Specified that the minimum two acres of open space is in addition to the open space required in each development area.

24. Labeled the adjacent zoning of neighboring parcels on RZ-2.11.2.

25. Amended Note 3. d. that says "Any additional residential units constructed within development Area B as a result of converting allowed non-residential square footage into residential units will not be counted toward the 1,050 residential dwelling unit limit" to include areas A, C and D.

26. Changed the word "homes" to "zoning" in Note 6.i.

27. Provided a statement of Overall Design Intent.

28. Revised the Poindexter Drive elevation with a combination of landscaping and architectural features to break up blank walls.

29. Replaced Note 2.l. with two notes allowing specific windows of the building located at the corner of Poindexter Drive and South Boulevard to be covered 100% with non-product, non-tenant specific or tenant identifying graphics. Other windows on the building shall be clear glass.

30. Eliminated the optional provision to allow detached signs for each building in Development Areas A and B.

31. Staff rescinded the request to eliminate the optional provision to allow detached signs for each use within Development Areas C and D because MUDD (mixed use development) allows detached signs.

32. Clarified that the optional request for signs is to allow an increased sign area in C and D from 20 square feet to 25 square feet.

33. Staff rescinded the request to reduce the size of a wall mounted neighborhood identification sign to 32 square feet.

34. Removed Note 10.b regarding "sign flex."

35. Amended Note 1.d. to indicate a total of 12 principle buildings allowed in the MUDD zoning.

36. Amended Note 2.o. to only allow doors to not be recessed when the sidewalk is 12 feet wide or greater.

37. Described phasing in Note 4.b.

38. Staff rescinded the request to specify building materials for structured parking.
facilities because the MUDD (mixed use development) standards address this issue.

Provided the following General Design Guidelines:

a) The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, monumentation, water feature, seating areas and/or art work features.

b) Streetscape treatment will be a unifying element through the use of complimentary landscaping and hardscaping materials throughout the Site.

c) Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.

d) Windows and doors shall be provided for at least 40% of the total facade area along public streets with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length in the UR-2 (urban residential) areas.

e) Ground floor elevations shall be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building step backs, art work and landscaping in the UR-2 (urban residential) areas. Blank walls cannot be addressed with landscape elements only in the UR-2 (urban residential) areas.

f) The petitioner addressed the request for development areas C-I to include a mix of building massing and building heights by indicating in the statement of overall design intent that a variety of residential building styles, types, and materials would be used throughout the site.

g) Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total facade length in the UR-2 (urban residential) areas.

h) End fronting facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets in the UR-2 (urban residential) areas.

i) Facades shall provide visual divisions between the first and second stories through architectural means such as courses, awnings, or a change in primary façade materials or colors in the UR-2 (urban residential) areas.

j) Facades above the first story shall incorporate windows, arches, balconies, or other architectural details in the UR-2 (urban residential) areas.

40. Provided a note stating, "Buildings constructed within Development Area G, that are located within 150 feet of the northeastern property boundary of Development Area G (the common property line with the four lots fronting on Poindexter Drive between Lawndale Road and Elmhurst Road (500, 510, 516 and 520 Poindexter Drive) the 'Northeastern Property Boundary') may not have balconies or decks above the first floor that are oriented toward the "Northeastern Property Boundary."

41. Provided multi-family design guidelines.

42. Decreased the maximum building height in Parcel J from 50 feet and 40 feet within 100 feet of the adjacent single family residential to 40 feet for the entire development parcel.

Staff recommends approval of this petition

Attachment 9

10. Petition No. 2014-071 by Charlotte-Mecklenburg Planning Department and Charlotte-Mecklenburg Police Department for a Text Amendment to the City of Charlotte Zoning Ordinance to:

a. Add new definitions for "animal care and control division", "animal care and control fosterer", "animal rescue group" and "animal rescue group fosterer";

b. Modify the definitions for "commercial kennel" and "private kennel";

c. Modify the prohibited customary home occupation list; and

d. Modify the prescribed conditions for private kennels.

Staff recommends a two month-deferral of this text amendment to the January 5, 2015 Zoning Committee meeting.

Attachment 10
11. **Petition No. 2014-073** (Council District 6 - Smith) by Brazwells Premium Pub for a Text Amendment to the City of Charlotte Zoning Ordinance to allow outdoor dining in the setback or yards in a variety of zoning districts as an accessory use when associated with an eating, drinking and entertainment establishment, with prescribed conditions.

The Zoning Committee found this text amendment 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 broadens the choices for entertainment.

Therefore, this petition is reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:
- Outdoor dining encourages a more pedestrian-oriented form of development.

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

Staff recommends approval of this petition.

Attachment 11

12. **Petition No. 2014-080** (Council District 1 - Kinsey) by Campus Works/Mallie Colavita for a change in zoning for approximately 0.50 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad from I-2 (general industrial) to B-2(PED) (general business, pedestrian overlay).

The Zoning Committee found this petition to be inconsistent with the *Belmont Revitalization Plan*, based on information from the staff analysis and the public hearing, and because:
- Industrial land uses are recommended for this site.

However, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:
- The property is separated from the existing industrial land uses by the railroad tracks; and
- The requested district is consistent with the zoning and development pattern of the abutting property to the south.

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

Staff recommends approval of this petition.

Attachment 12

13. **Petition No. 2014-081** (Outside City Limits) by Provident Land Services for a change in zoning for approximately 391 acres generally located on the east and west side of Amos Smith Road, south of Old Dowd Road and south of the Southern Railroad in this area from MX-2(INNOV)(LWCA) (mixed use, innovative, Lake Wylie Critical Area), MX-2(INNOV)(LLWCA) (mixed use, innovative, Lower Lake Wylie Critical Area), and NS(LLWCA) (neighborhood services, Lower Lake Wylie Critical Area) TO MX-2(INNOV)(LWCA) SPA (mixed use, innovative, Lake Wylie Critical Area, site plan amendment), MX-2 (INNOV)(LLWCA) SPA (mixed use, innovative, Lower Lake Wylie Critical Area, site plan amendment), and NS(LLWCA) SPA (neighborhood services, Lower Lake Wylie Critical Area, site plan amendment).

The Zoning Committee found this petition to be consistent with the *Dixie Berryhill Strategic Plan*, based on information from the staff analysis and the public hearing, and because:
- The proposed use is suitable for the area; and
- The Plan recommends a mix of uses including residential and retail.

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

• It eliminates the office/school component; and
• The request allows minor changes to the site plan approved by petition 2005-014.

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

1. The number of residential units for the overall site has been provided. The site will be allowed to have 658 dwelling units.
2. A detail of the typical lot has been provided.
3. A note has been added that commits to 6/12 roof pitches.
4. Added a note which requires foundations to be masonry under “Architectural restrictions.”
5. A note has been added for Parcel K specifying the spacing of the proposed pedestrian lighting.
6. Proposed open space areas have been show on the plan for the overall site.
7. In lieu of eliminating the note regarding mass grading, the petitioner has agreed to the following:
   a. To increase the minimum lot width as follows:
      i. Parcel D minimum lot width will be increased from 65 feet to 70 feet;
      ii. Parcel G-1 minimum lot width will be increased from 80 feet to 90 feet;
      iii. Parcel G-2 minimum lot width will be increased from 65 feet to 80 feet;
   b. To amend note 9.d as follows: Within Parcels G-1, G-2, D and H, grading and clearing will be limited and regulated by the City of Charlotte and Mecklenburg County Enhanced Erosion Control Policy for Sites located in critical watershed areas, with the additional enhancement that the amount of uncovered area at any one time shall be limited to no more than 12 acres, unless approved by City/County Engineer. Enhanced Erosion Control Policy requirements such as but not limited to the following will be utilized as specified in the Enhanced Erosion Control Policy: (i) surface water draw down devices (risers or skimmers); (ii) Polyacrylamides (PAM) to reduce turbidity; (iii) double silt fences; (iv) the amount of uncovered area at any one time shall be limited to no more than 12 acres (as enhanced by the Petitioner), unless approved by City/County Engineer; and (v) other measures as specified by the Enhanced Erosion Control Policy requirements.
8. A note has been added that “play areas and amenity areas will be provided once 480 homes have been permitted.”
9. A note has been added: “For Parcels G-1 and H, each individual lot with private lake frontage will have a 100-foot undisturbed buffer and the deeds to purchasers of these lots will contain restrictions which require that this buffer remain undisturbed in accordance with the Ordinance’s watershed regulations. This 100-foot buffer will be increased in width to 150 feet in those areas where slopes adjacent to the lake are greater than 50 percent.”
10. Clarified that the open space in Development Area A is private open space for the overall development.
11. A wetlands letter for the subject property has been submitted.
12. A note has been modified to state that one member from the Catawba Community Association will serve in an advisory capacity to the Architectural Review Board of the Vineyards at Lake Wylie.
13. Modified the new note for the possible emergency at grade crossing across the Norfolk Southern line by removing the following condition: “If the right to provide the emergency at grade crossing is not granted to the Petitioner before the 481st lot is platted the Petitioner will no longer be obligated to construct the emergency at grade crossing.”

**Staff recommends approval of this petition.**

**Attachment 13**
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<td>14.</td>
<td><strong>Petition No. 2014-084</strong> (Council District 1 - Kinsey) by 7th Street Progression Partners, LLC for a change in zoning for approximately 1.5 acres located on the north side of East 7th Street between Clement Avenue and Pecan Avenue from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).</td>
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The Zoning Committee found this petition be consistent with the *Elizabeth Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The single use multi-family development is a well-suited land use for the area.

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 site is located in a primarily single family residential neighborhood but on a street with a mix of uses that includes entertainment, retail, office and multi-family residential; and
- The site plan is designed to be compatible with the abutting single family residential through limitations on density, height, location of buildings and screening.

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

1. Reference to courtyard walls has been removed from Optional Provision B (Optional Provision A on revised site plan). The modified note now specifies how far decorative paving, steps, and stoops are proposed to encroach into the setback, as well as the maximum amount of the setback area impacted by the encroachment (up to three feet into the 21-foot zoning setback).
2. Petitioner has moved Option C to Option B, removed the reference to dining and providing new language that proposes an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk along the Site’s frontage on East 7th Street. The new language further states that the improvements will not obstruct the sidewalk such that an eight-foot wide clear sidewalk zone will be maintained.
3. Removed Architectural Standards Note D as the zoning standards allow balconies to project up to two feet with a minimum clearance of ten feet from grade.
4. Removed references to adopted area plans on Sheet RZ-1.0 of the site plan.
5. Confirmed type of residential product proposed as multi-family under Development Information on Sheet RZ-2.0.
6. Moved the proposed buffer and screening materials out of the abutting alleyway and onto the rezoning site.
7. Addressed Urban Forestry’s comments by adding Environmental Features Note D that states tree preservation will be coordinated during land development with City Engineering and Urban Forestry.
8. Under Lighting Note B, maximum height of freestanding lighting is now noted as 25 feet.
9. Note C from the “General Provisions” has been removed from the site plan.
10. The number of proposed units has been reduced from 95 to 91.
11. Reference to Deed Restriction Setback has been removed from Sheets RZ-2.0 and RZ-2.3.
12. Sheet RZ-2.0 has been revised to show planting area in front of eight-foot screen wall along portions of property lines.
13. Sheet RZ-2.0 has been revised to show proposed bicycle parking locations.
14. Sheet RZ-2.0 has been revised to show proposed seat height freestanding walls, potential drinking fountain locations, and potential tree in grate.
15. Sheet RZ-2.0 has been revised to show a new planting area to be extended along a portion of the driveway accessing East 7th Street.
16. Sheet RZ-2.0 has been revised to show a 25-foot deed restriction setback along East 7th Street.
17. Sheet RZ-2.1 has been modified to note opaque screen wall (final height to be determined), include the 21-foot Zoning Setback and 25-foot Deed Restriction Setback, and reference development notes for installation, maintenance, and removal responsibilities with respect to proposed landscaping materials.
18. Sheet RZ-2.1 has been modified to identify “3 story portion of building with maximum 40 feet as measured from average final grade” on “Fourth Level Schematic
19. Sheet RZ-2.1 has been modified to identify “4 story portion of building with maximum 52 feet as measured from average final grade” on “Fourth Level Schematic Architecture” detail.

20. Sheet RZ-2.20 has been modified to note locations of proposed building materials on all elevations.

21. A note has been added to Sheet RZ2.2 that states certain designated windows will have translucent glass in window units (50%).

22. New Sheet RZ-2.3 labeled “Schematic Required Planting Plan” identifies proposed plantings to screen new building from adjacent residential development.

23. New General Provisions Note C provides language regarding the zoning setback along 7th Street, and permissible encroachments up to 3 feet into the zoning setback. No portion of the building to be constructed on the site may encroach into the zoning setback.

24. The Optional Provisions being requested have been renumbered and the wording of some have been modified as follows:
   a. Optional Provision B is now Optional Provision A and the language regarding building entrances and entry features has been revised to remove “courtyards and courtyard walls,” and add that “patios and upper level balconies and architectural features may encroach up to 3 feet into the Zoning Setback.”
   b. Optional Provision C for the width of the sidewalk is now Optional Provision B.
   c. Optional Provision D regarding outdoor tables, chairs and dining is now Optional Provision C. Language has been modified with the removal of reference to “dining.” Language now proposes “an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain, and possibly tables to be located on the 13-foot wide portion of the sidewalk to be installed along the Site’s frontage on East 7th Street. The new language further states that these improvements will not obstruct the sidewalk such that an 8-foot wide clear sidewalk zone will be maintained.
   d. Optional Provision E pertaining to on-street parking and reduction in the width of the planting strip is now Optional Provision D.
   e. New Optional Provision E provides language proposing that a free standing seat wall may be constructed on the 13-foot wide portion of the sidewalk located along the Site’s frontage on East 7th Street within the Zoning Setback.

25. The Permitted Uses development note has been amended to reflect a decrease in the number of units from 95 to 91.

26. Transportation Note B has been modified to state a minimum of one parking space per bedroom will be provided on the site.

27. Transportation Note C has been modified to note that the location of the bicycle parking is depicted on the Rezoning Plan.

28. Architectural Standards Note B has been modified to reference the 4-story components of the building and the site adjacent to the relevant portion of the building.

29. Petitioner has added new Architectural Standards notes regarding the following:
   a. Front corner of the building adjacent to the driveway into the site may be a chamfered corner, or the corner of the building may be at a 90 degree angle at the option of the Petitioner.
   b. Permitted exterior building materials are designated and labelled on architectural renderings provided. Permitted exterior buildings will include brick, stone and similar architectural masonry products, stucco and hardi-panel (cementitious siding) or a combination thereof.
   c. Brick to be installed on the exterior of the building will be full-body cavity wall masonry. Use of thin brick or exposed non-architectural CMU masonry will not be allowed.
   d. Vinyl will not be a permitted exterior cladding material, provided, however, that vinyl may be utilized on the soffits of the building and vinyl windows may be installed on the building.
   e. EIFS (synthetic stucco), aluminum siding, corrugated metal and CMU block (concrete block) will not be permitted exterior materials for the building to be constructed on the site.
   f. Translucent windows must be utilized on the third and fourth floors of the portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the
| 2014-084 Contd. | building, with clear windows being allowed on all other portions of the proposed building.
g. Installation of balconies limited to only those portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building. Balconies may be installed on any portions of the side and front elevations of the building to be constructed on the Site.
h. In the event a waiver of the Deed Restriction Setback is obtained, each ground floor dwelling unit facing East 7th Street will have steps and a stoop or patio located at the front entrance into the dwelling unit from East 7th Street, and the entry to the stoop or patio from East 7th Street will not be gated or locked. Each such stoop or patio will have a minimum size of 75 square feet.

30. Modified notes under Setback and Yards/Street scape and Landscaping/Screening as follow:
a. Note A has been modified to state that subject to the Optional Provisions, development of the Site will comply with the 21-foot Zoning Setback and the side yard rear requirements of the MUDD zoning district.
b. New Note D proposes installation and maintenance of an 8-foot tall brick screen along the rear property line of the Site adjacent to the alley, and along portions of the Site’s western property line.
c. New Note E provides language regarding the installation of a gate in the 8-foot tall brick screen wall.
d. New Note F identifies the conceptual landscaping plan as provided on Sheet RZ-2.3, providing information regarding locations, types, quantities, and minimum height at the time of installation of the trees and shrubs.
e. New Note G includes language regarding placement of landscape materials within the alley and approval by Duke Energy. The note states that in the event Duke Energy or the City of Charlotte prohibits the installation of trees, shrubs and landscape materials in the 25-foot alley, the petitioner will not be required to install any trees, shrubs, and landscape materials within the 25-foot alley. Note further states that petitioner will remove any landscape materials it installs in the 25-foot alley in the event that any property owner with a right to use the 25-foot alley for vehicular and pedestrian access seeks to enforce such right and requires the removal of the materials.
f. New Note H states petitioner will maintain, at their cost and expense, the perimeter landscaped areas (including landscaping in the alley).
g. New Note I provides language stating that prior to issuance of a certificate of occupancy, the petitioner will install irrigation for the perimeter landscaping for the Site pursuant to the conceptual perimeter plan. Irrigation will not be required to be installed within the alley located to the rear of the Site.
h. New Note J proposes an outdoor amenity area consisting of landscaping, hardscape, seating elements, an outdoor water drinking fountain, and possibly tables to be located on the 13-foot wide portion of the sidewalk to be installed along the Site’s frontage.

31. Provided new language under Urban Open Space heading that states Urban Open Space will be located on the site as shown on the site plan. The Urban Open Space will be a passive area with no programed space, and no outdoor amenities, such as a grill, may be installed within the Urban Open Space.

32. Modified Lighting Note A to state that all freestanding lighting fixtures installed on the Site (excluding street lights, lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas and landscaping lights) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.

33. Added Lighting Note D that states that the lighting to be installed on the Site to illuminate the parking lot located to the rear of the building shall be soft light in the warm spectrum.

34. Added new heading titled “Construction Activities” with following notes:
a. Note A states that construction activities may only be conducted on the Site from 7 a.m. to 6 p.m., and that construction activities conducted entirely within the enclosed building may occur at any time.
b. Note B states the contractor(s) will keep the construction site in a clean and orderly condition and will promptly clean the adjacent roads and sidewalks as needed or as otherwise required by applicable regulations.
35. Added new heading “Trash and Recycling Removal” with language that states in the event that a private trash service is utilized to empty trash and recycling containers located on the Site, such containers may be emptied only between the hours of 7 a.m. and 6 p.m.

36. Removed all references to deed restrictions and waivers on all sheets of the site plan.

37. Removed “deed restriction setback” on all applicable sheets of the site plan.

38. Corrected details on Sheet RZ-2.1 to reflect the proposed screen wall is out of the alley.

39. Clouded all new notes and revised notes.

40. Provided details of the proposed seat wall.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 14

15. **Petition No. 2014-085** (Council District 1 – Kinsey) by New Carolina Income Properties, LLC for a change in zoning for approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue from UR-2(CD) HD (urban residential, conditional, historic overlay) to TOD-RO HD (transit oriented development – residential, optional, historic overlay).

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

- The proposed development provides a multi-family residential use at a density of 16 units per acre.

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

- A portion of the site is located with ½ mile of the East/West Boulevard transit station; and
- The proposed density is less than what is called for by the updated plan, but meets the minimum density requirement for TOD (transit oriented development); and
- The proposed use is consistent and compatible with the surrounding land use types.

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

1. The petitioner revised the plan to show the five-foot side yard adjacent to the TOD-RO (transit oriented development – residential, optional) zoned parcel to the northwest and the 20-foot rear yard adjacent to the R-22MF (multi-family residential) zoned parcel to the northeast.

2. Clarified under “Optional Provisions” Note a. as follows: “Buffer requirements of 6 trees and 20 shrubs per 100’ will be maintained with the addition of a 6’ high privacy fence rather than a masonry wall.”

3. Extended the five-foot wide buffer along the entire boundary with the adjacent R-22MF (multi-family residential) property. Included a note stating that: “The buffer area within the proposed tree save will be supplemented with additional plantings as necessary to meet the requirements of the Zoning Ordinance.”


5. Labeled open space and provided a note specifying improvements/amenities.

6. Under “Parks Greenways and Open Space” deleted Notes a., b., and c.

7. Under “Environmental Features” deleted Note c.

8. Under “Transportation” deleted Notes b., d., and e.

9. Under “Permitted Uses” deleted Note c.

10. Under “Development Data Table” deleted Note h

Staff recommends approval of this petition.

Attachment 15
16. **Petition No. 2014-089** (Council District 2 – Austin) by Hopper Communities for a change in zoning for approximately 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue from R-8MF(HD) (multi-family residential, historic overlay) and R-22MF(HD)(PED) (multi-family residential, historic overlay, pedestrian overlay) to UR-2(CD)(HD) (urban residential, historic overlay) and UR-2(CD)(HD)(PED) (urban residential, historic overlay, pedestrian overlay).

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

- The proposed development provides a multi-family residential use at a density of 17.89 units per acre.

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

- The site is located entirely within the Wesley Heights Historic District; and
- A portion of the site is located within the pedestrian Overlay District; and
- The proposed use is consistent and compatible with the surrounding land use types; and
- The petition protects the character of the neighborhood by preserving existing large, mature street trees.

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

1. Revised the existing zoning in the Rezoning Summary to include (HD) for the historic district overlay.
2. Corrected the unit count in the Rezoning Summary and the Permitted Uses Notes 1. and 2.
3. Amended the proposed density and floor area ratio in the Rezoning Summary to reflect the revised unit count.
4. Amended the site plan to show dimensions for the width of the tree save/screening area.
5. Provided a conditional note describing the tree save/screening area with a proposed percentage for the area.
6. Clarified where changes to the sidewalks and planting strips are proposed on the site plan. Provided labels showing and a note describing the existing sidewalk and planting strip widths versus the proposed widths along each public street. Clearly identified on the site plan where the provisions in Note 4. under Streetscape and Landscaping are permitted.
7. Amended Note 1. under Architectural Standards to replace ”and/or hardiplank/fiber cement board” with ”and wood or other material approved by the Historic District Commission.”
8. Eliminated the following from Note 2. under Architectural Standards, ”however, vinyl may be used on the soffits and trim, including window and door trim and vinyl windows may be installed.”
9. Amended Note 8. under Architectural Standards to say, ”A minimum of two windows or other architectural details shall...”
10. Staff rescinded the request to provide building elevations.
11. Amended Note 4. under Streetscape and Landscaping to only apply to West 4th Street and Summit Avenue.

Staff recommends approval of this petition.

Attachment 16

17. **Petition No. 2014-090** (Outside the City Limits) by HSREI, LLC for a change in zoning for approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road from R-3 (single family residential) and I-1(CD) (light industrial, conditional) to I-1(CD) (light industrial, conditional) and I-1(CD) SPA (light industrial, conditional, site plan amendment), with five-year vested rights.
The Zoning Committee found this petition to be consistent with the *Northeast Area Plan*, with the exception of the portion of the site zoned R-3 (single family residential), based on information from the staff analysis and the public hearing, and because:

- Rezoning the entire site will allow for a more cohesive site plan and organization of space for the expansion of the Hendricks Motorsports complex.

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

- The proposal will continue to provide a substantial buffer along property lines abutting acreage that is zoned and/or in use for residential purposes; and
- The use and its expansion will continue to provide a valuable regional community resource with respect to employment and recreational opportunities.

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

1. The language under heading Permitted Uses has been clarified to state “other related accessory uses and parking.”
2. A note has been added to the site plan as follows: "If the determination is made prior to the vote of the City Council on this Petition that the City of Charlotte has the legal authority and has properly adopted an ordinance pursuant to that authority for a tree ordinance that would be applicable in the City’s Extraterritorial Jurisdiction, then the Petitioner will comply with that ordinance when the site development occurs.”
3. The petitioner added a Community Gathering Space on the property at the corner of Morehead Road and Stowe Lane. Language has been added to state, “This space will include landscaping and seating so that members of the community may have a space to gather or visit in the area where they have lived and/or owned property.”

Staff recommends approval of this petition.

Attachment 17

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**Petition No. 2014-091** (Council District 3 - Mayfield) by Time Warner Cable for a change in zoning for approximately 85.3 acres located on the north side of West Arrowood Road between Woodknoll Drive and Red Oak Boulevard from B-1(CD) (neighborhood business, conditional) and O-1(CD) (office, conditional) to O-1(CD) SPA (office, conditional, site plan amendment).

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

- The area plan acknowledges the existing land use as amended by rezoning petition 1993-009, and recommends continued suburban employment land uses.

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

- The proposal confines expansion of the existing facility within the southern portion of the site and closer to West Arrowood Road; and
- The proposal maintains previously approved substantial buffers along property lines abutting acreage that is zoned and/or in use for residential purposes; and
- The proposal supports environmental policies and recreational opportunities through development notes committing to air quality initiatives; establishment of a proposed satellite dish farm within a proposed parking structure; and provision of an access easement for the future Sugar Creek Greenway.

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

1. Added language in Environmental Features Note e that acknowledges the proposed development must comply with tree save requirements.
2. Labeled the width of the sidewalk and planting strip along West Arrowood Road to show 9 feet and 18 feet (east of Crescent Executive Drive, and 5 feet and 4 feet (existing conditions west of Crescent Executive Drive).
3. Amended Site Summary on Sheet RZ1.0 to note site area is 85.3 acres.
4. Removed Signage Note 8c regarding moving, rotating, or flashing signs from the site plan.
5. Amended Architectural Standards Note 4a to specify building materials will include but not be limited to the following: aluminum panels and soffits; painted aluminum fins and mullions; low E-Vision glass with ceramic frit; spandrel glass in various colors; and, stone panels in aluminum sub-frame.
6. Addressed CDOT and LUESA comments with the following:
   a. Languages describing proposed transportation improvements have been added to Sheet RZ-3.0 in lieu of a Transportation Plan.
   b. Petitioner will provide a 10-foot multi-use shared path and an 18-foot planting strip from Crescent Executive Drive to the westernmost property line.
   c. Re-worded conditional note i under the Access and Transportation section of the Development Standards to specifically include the proposed infrastructure phasing referenced in the last sentence of note i.
   d. Extended westbound dual left-turn lane storage on Arrowood Road at the intersection of Arrowood Road and South Tryon Street from 220 feet to approximately 345 feet each (within existing median).
   e. As per CDOT’s request, the petitioner will not restripe the existing through lanes on the northern and southern approaches of the Arrowood/Crescent Drive signalized intersection to through-right lanes. Current pavement markings will remain in place.
   f. As per CDOT’s request, the petitioner will not restripe the northernmost outside lane from gore striping to a dedicated right turn-lane on Arrowood Road at Altacrest Place along with the proposed restriping of the adjacent lane from a through-right lane to a through lane. The current pavement markings will remain in place.
   g. The petitioner will extend the existing dual right-turn lanes to a combined 1,500 feet or construct a third right-turn lane on southbound I-77 off-ramp onto Arrowood Road with a combined total storage of approximately 1,500 feet, whichever option is agreed to by both NCDOT and CDOT.
   h. The petitioner will extend the eastbound dual left-turn lane storage on Arrowood Road at the intersection of Arrowood Road and Crescent Executive Drive to 310 feet and 430 feet (within the existing median).

   LUESA
   a. A note has been added under Environmental Features stating that the project will comply with Mecklenburg County Air Quality Requirements. In addition, a note has been added under Architectural Standards that states: "New parking decks constructed as part of the project will be designed to complement the owner’s existing parking initiatives including preferred parking for “clean commuters” (carpool and vanpool spaces) as well as potential consideration for hybrid and electrical vehicle spaces.

   Staff recommends approval of this petition.

   Attachment 18

| 2014-091 Contd. | 2. Labeled the width of the sidewalk and planting strip along West Arrowood Road to show 9 feet and 18 feet (east of Crescent Executive Drive, and 5 feet and 4 feet (existing conditions west of Crescent Executive Drive).
3. Amended Site Summary on Sheet RZ1.0 to note site area is 85.3 acres.
4. Removed Signage Note 8c regarding moving, rotating, or flashing signs from the site plan.
5. Amended Architectural Standards Note 4a to specify building materials will include but not be limited to the following: aluminum panels and soffits; painted aluminum fins and mullions; low E-Vision glass with ceramic frit; spandrel glass in various colors; and, stone panels in aluminum sub-frame.
6. Addressed CDOT and LUESA comments with the following:
   a. Languages describing proposed transportation improvements have been added to Sheet RZ-3.0 in lieu of a Transportation Plan.
   b. Petitioner will provide a 10-foot multi-use shared path and an 18-foot planting strip from Crescent Executive Drive to the westernmost property line.
   c. Re-worded conditional note i under the Access and Transportation section of the Development Standards to specifically include the proposed infrastructure phasing referenced in the last sentence of note i.
   d. Extended westbound dual left-turn lane storage on Arrowood Road at the intersection of Arrowood Road and South Tryon Street from 220 feet to approximately 345 feet each (within existing median).
   e. As per CDOT’s request, the petitioner will not restripe the existing through lanes on the northern and southern approaches of the Arrowood/Crescent Drive signalized intersection to through-right lanes. Current pavement markings will remain in place.
   f. As per CDOT’s request, the petitioner will not restripe the northernmost outside lane from gore striping to a dedicated right turn-lane on Arrowood Road at Altacrest Place along with the proposed restriping of the adjacent lane from a through-right lane to a through lane. The current pavement markings will remain in place.
   g. The petitioner will extend the existing dual right-turn lanes to a combined 1,500 feet or construct a third right-turn lane on southbound I-77 off-ramp onto Arrowood Road with a combined total storage of approximately 1,500 feet, whichever option is agreed to by both NCDOT and CDOT.
   h. The petitioner will extend the eastbound dual left-turn lane storage on Arrowood Road at the intersection of Arrowood Road and Crescent Executive Drive to 310 feet and 430 feet (within the existing median).
   a. A note has been added under Environmental Features stating that the project will comply with Mecklenburg County Air Quality Requirements. In addition, a note has been added under Architectural Standards that states: "New parking decks constructed as part of the project will be designed to complement the owner’s existing parking initiatives including preferred parking for “clean commuters” (carpool and vanpool spaces) as well as potential consideration for hybrid and electrical vehicle spaces.
   b. Languages describing proposed transportation improvements have been added to Sheet RZ-3.0 in lieu of a Transportation Plan.
   c. Petitioner will provide a 10-foot multi-use shared path and an 18-foot planting strip from Crescent Executive Drive to the westernmost property line.
   d. Re-worded conditional note i under the Access and Transportation section of the Development Standards to specifically include the proposed infrastructure phasing referenced in the last sentence of note i.
   e. As per CDOT’s request, the petitioner will not restripe the existing through lanes on the northern and southern approaches of the Arrowood/Crescent Drive signalized intersection to through-right lanes. Current pavement markings will remain in place.
   f. As per CDOT’s request, the petitioner will not restripe the northernmost outside lane from gore striping to a dedicated right turn-lane on Arrowood Road at Altacrest Place along with the proposed restriping of the adjacent lane from a through-right lane to a through lane. The current pavement markings will remain in place.
   g. The petitioner will extend the existing dual right-turn lanes to a combined 1,500 feet or construct a third right-turn lane on southbound I-77 off-ramp onto Arrowood Road with a combined total storage of approximately 1,500 feet, whichever option is agreed to by both NCDOT and CDOT.
   h. The petitioner will extend the eastbound dual left-turn lane storage on Arrowood Road at the intersection of Arrowood Road and Crescent Executive Drive to 310 feet and 430 feet (within the existing median).

   LUESA
   a. A note has been added under Environmental Features stating that the project will comply with Mecklenburg County Air Quality Requirements. In addition, a note has been added under Architectural Standards that states: "New parking decks constructed as part of the project will be designed to complement the owner’s existing parking initiatives including preferred parking for “clean commuters” (carpool and vanpool spaces) as well as potential consideration for hybrid and electrical vehicle spaces.

   Staff recommends approval of this petition.

   Attachment 18

| Deferral (to December) | 19. Petition No. 2014-092 (Council District 3 - Mayfield) by Pavilion Development Company for a change in zoning for approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).
   The petitioner has requested a one-month deferral to the December 1, 2014 Zoning Committee meeting.

   Attachment 19 |
20. **Petition No. 2014-093** (Council District 6 - Smith) by Merrifield Patrick Vermillion, LLC for a change in zoning for approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road from O-15(CD) (office, conditional) to MUDD-O (mixed use development, optional).

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

- The petition is compatible with adjoining land uses.

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

- The proposal allows the redevelopment of an existing commercial site;
- It provides for a CATS park and ride facility; and
- The uses are compatible with adjoining uses.

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

1. Showed proposed dumpster and recycling location.
2. Provided detail of proposed five-foot masonry that will be used to screen along public streets, and indicated that a portion of the wall may be in a retaining condition. Provided that the wall will match exiting walls, and provided pictures of the existing walls along Sardis Road and Providence Road.
3. Changed “restaurant” to “eating, drinking, and entertainment establishment.”
4. Deleted Note 2(d).
5. Correctly numbered items under Note 2 and Note 4.
6. Deleted Note 12.
7. Amended Note 10 to state, “signage as allowed by the Ordinance will be provided.”
8. Addressed CATS comments by adding the following verbiage to the note under Old Sardis Road Right-of-Way/CATS Park-and-Ride Facility:
   (a) In order to accommodate the abandonment, it would be necessary for the petitioner to provide an alternate CATS park-and-ride facility within permanent easement to replace the one currently located within the Old Sardis Road Right-of-way.
   (b) It is understood that no development activity can take place within the Old Sardis Road right-of-way unless and until that, area is abandoned by the City of Charlotte, and a replacement park-and-ride facility is established for CATS.

Staff recommends approval of this petition.

Attachment 20

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

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

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

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

- The proposed retail uses have not be objected to by the neighborhood; and
It connects well to the existing retail development along Ardrey Kell Road.

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

1. Provided a cross-section and elevations for the proposed six-foot wooden fence to be located in a portion of the 44-foot Class "B" buffer.
2. Committed to a minimum office square footage of 25 percent.
3. Eliminated reductions to buffers abutting residential zoning and/or use.
4. Updated the site plan to reflect the approved variance for a 100-foot PCCO (Post Construction Controls Ordinance) buffer (approved October 16, 2014) and eliminated the architectural site plan page reflecting a 200-foot PCCO buffer.
5. Amended Note 2b under Permitted uses and Development Area Limitations to add the following as prohibited uses: animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes and embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites, boarding houses, car washes, cemeteries, child care center in a residence/family childcare homes, rooming houses, construction and demolition landfills, dormitories, dwellings mixed use, jails and prisons, land clearing and inert debris landfills onsite, nursing homes/rest homes/homes for the aged, off-street parking as a principal use, open space recreational uses, orphanages/children’s homes and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands, single room occupancy residences, eating/drinking/entertainment establishments Type 1 and Type 2 with more than 5,000 square feet of gross floor area, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materials/stocks/equipment, and satellite dish farm in conjunction with a telecommunications and data storage facility/radio station/television station.
6. Replaced “restaurants” with “eating, drinking, entertainment establishments Type 1 and Type 2.”
7. Amended Note 2b under Access and Transportation to state that a left-turn lane and right-turn lane along Ardrey Kell Road will be installed along Ardrey Kell Road to serve the site subject to CDOT and NCDOT requirements.
8. Amended Note 5a under Streetscape, Buffers, Yards, and Landscaping to specify the portion of the site’s frontage along Ardrey Kell road where the existing sidewalk and planting strip will be preserved.
9. Amended Note 5b under Streetscape, Buffers, Yards and Landscaping to specify three different treatments along portions of the 44-foot Class “B” buffer, which include the addition of a six-foot wooden fence, existing berm and new vegetation, and existing vegetation supplemented with trees.

The following issues are outstanding:

1. Limit permitted uses to “personal services” as listed in Note 2(a), and/or office uses.
2. Reduce overall square footage from 30,000 to 20,000 square feet.
3. Add note committing building design to be residential in character.

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

**Attachment 21**
<table>
<thead>
<tr>
<th>Petition No. 2014-098 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify the height limitations.</th>
</tr>
</thead>
</table>
| 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:
| • Creates a vibrant economy; and
| • Preserves and enhances existing neighborhoods; and
| • Provides clarifications to the existing regulations. |
| Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:
| • The petition clarifies the height limitations located in various parts of the Zoning Ordinance. |
| The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition. |
| Staff recommends approval of this petition. |
| Attachment 22 |

<table>
<thead>
<tr>
<th>Petition No. 2014-099 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to allow parking lot reconfiguration in the UMUD (Uptown Mixed Use) under limited circumstances.</th>
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</thead>
</table>
| 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:
| • Creates a vibrant economy. |
| Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:
| • Parking lot reconfiguration that doesn't increase the size or number of parking spaces by more than five percent and that meets ordinance requirements and benefits property owners should be allowed. |
| The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition. |
| Staff recommends approval of this petition. |
| Attachment 23 |
### ZONING HEARINGS

<table>
<thead>
<tr>
<th>Petition No.</th>
<th>Council District</th>
<th>Petitioner</th>
<th>Petition Details</th>
<th>Staff Recommendation</th>
<th>Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>24. 2012-102</td>
<td>4 – Phipps</td>
<td>Eastway Holdings</td>
<td>Change in zoning for approximately 26.32 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue from B-1SCD to B-1SCD SPA.</td>
<td>Approval upon resolution of outstanding issues.</td>
<td>24</td>
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<tr>
<td>25. 2014-042</td>
<td>3 - Mayfield</td>
<td>Moss Road Development Partners, LLC</td>
<td>Change in zoning for approximately 2.81 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road from NS to NS SPA.</td>
<td>Not support in current form.</td>
<td>25</td>
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<td>Deferral</td>
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<td>26. 2014-049</td>
<td>6 - Smith</td>
<td>SBBH, LLC</td>
<td>Change in zoning for approximately 1.53 acres located on the south side of Morrison Boulevard between South Park Drive and Sharon Road from CC to MUDD-O.</td>
<td>Approval upon resolution of outstanding issues.</td>
<td>26</td>
</tr>
<tr>
<td>27. 2014-068</td>
<td>2 - Austin</td>
<td>City of Charlotte</td>
<td>Change in zoning for approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive from I-I to MUDD-O.</td>
<td>Approval upon resolution of outstanding issues.</td>
<td>27</td>
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<tr>
<td>28. 2014-075</td>
<td>6 - Smith</td>
<td>Crossroads Realty Group, LLC</td>
<td>Change in zoning for approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive from R-3 to UR-2(CD).</td>
<td>Approval upon resolution of outstanding issues.</td>
<td>28</td>
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<tr>
<td>29. 2014-079</td>
<td>2 – Kinsey</td>
<td>Crescent Communities, LLC</td>
<td>Change in zoning for approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street from UMUD to UMUD-O.</td>
<td>Approval upon resolution of outstanding issues.</td>
<td>29</td>
</tr>
<tr>
<td>30. 2014-095</td>
<td>4 - Phipps</td>
<td>QuikTrip Corporation</td>
<td>Change in zoning for approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road from R-3 to B-1(CD).</td>
<td>Denial of this petition.</td>
<td>30</td>
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</tbody>
</table>
| 31. | **Petition No. 2014-100** (Council District 1 – Kinsey) **by Charlotte-Mecklenburg Planning Department** for a change in zoning for approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road from UR-3(CD) (urban residential, conditional) to TOD-M (transit oriented development – mixed use).

Staff recommends approval of this petition. |
|   | Attachment 30 |
| 32. | **Petition No. 2014-101** (Council District 2 - Austin) **by LGI Homes NC, LLC** for a change in zoning for approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive from UR-1(CD) (urban residential, conditional) to R-5 (single-family residential).

Staff recommends approval of this petition. |
|   | Attachment 31 |
| 33. | **Petition No. 2014-102** (Council District 1 – Kinsey) **by Charlotte-Mecklenburg Planning Department** to establish zoning for approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street from no current zoning to UMUD (uptown mixed use).

Staff recommends approval of this petition. |
|   | Attachment 32 |
| 34. | **Petition No. 2014-103** (Council District 7 – Driggs) **by Weekley Homes, LP** for a change in zoning for approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane from R-3 (single-family residential) to UR-2(CD) (urban residential, conditional).

Staff recommends approval of this petition upon resolution of outstanding issues. |
|   | Attachment 33 |
| 35. | **Petition No. 2014-106** (Council District 6 - Smith) **by Quail Hollow Village, c/o Harris Land Company** for a change in zoning for approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road from CC (commercial center district) to CC SPA (commercial center site plan amendment).

Staff recommends approval of this petition upon resolution of outstanding issues. |
|   | Attachment 34 |
| 36. | **Petition No. 2014-109** (Council District 1 - Kinsey) **by Midtown Area Partners II, LLC** for a change in zoning for approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street from R-8 (single-family residential), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay), and B-1(PED) (neighborhood business, pedestrian overlay) to MUDD-O (mixed use development, optional) and MUDD-O(PED) (mixed use development, optional pedestrian overlay).

Staff recommends approval of this petition upon resolution of outstanding issues. |
|   | Attachment 35 |

**Protest Petition TBD**

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| 36. | **Petition No. 2014-109** (Council District 1 - Kinsey) **by Midtown Area Partners II, LLC** for a change in zoning for approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street from R-8 (single-family residential), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay), and B-1(PED) (neighborhood business, pedestrian overlay) to MUDD-O (mixed use development, optional) and MUDD-O(PED) (mixed use development, optional pedestrian overlay).

Staff recommends approval of this petition upon resolution of outstanding issues. |
|   | Attachment 36 |
37. **Petition No. 2014-111** (Council District 3 - Mayfield) by Cambridge Properties, Inc. for a change in zoning for approximately 3.31 acres located on the north side of Albemarle Road between Hollrose Drive and Circumferential Road from R-3 (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).

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

Attachment 37

38. **Petition No. 2014-001 SUB** (Council District 6 - Smith) by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Subdivision Ordinance to 1) modify the definition of planned development; 2) clarify existing regulations and update references, formatting and tables; 3) relocate regulations into the proper section; 4) correct the dimension of the right-of-way requirements for local residential wide streets; 5) remove the requirement for delivery of final plats to the Planning Department and remove references to the County and Board of Commissioners; 6) clarify street spacing requirements; 7) clarify the standards for required streets when lots or building sites are part of a multi-family development; 8) update the notice and hearing requirements for variances and appeals; the standards for granting a variance; and the standards for making decisions; and 9) update the appeal regulations.

Staff recommends approval of this petition.

Attachment 38
A Decision of the City Council on the Question of adopting an ordinance for the Historic Landmark known as the “James A. Blakeney House” to de-designate 7.829 acres of land in tax parcel 22922212, and de-designate 2.244 acres of land in tax parcel 22908334 as shown on the proposed ordinance.
Ordinance – James A. Blakeney House

Ordinance to de-designate portions of the land associated with the Historic Landmark known as the “James A. Blakeney House.” The portions of the land to be de-designated are limited to 7.829 acres of land in tax parcel 22922212 (listed as of October 1, 2014 in the Mecklenburg County Tax Office, Charlotte, North Carolina), and 2.244 acres of land in tax parcel 22908334 (listed as of October 1, 2014 in the Mecklenburg County Tax Office, Charlotte, North Carolina) as shown on the attached plans. The property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Meritage Homes of the Carolinas Inc. The property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Classica Homes LLC.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 20th day of October, 2014, on the question of de-designating a portion of the land associated with the historic landmark known as the “James A. Blakeney House”; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 13th day of October, 2014, on the question of de-designating a portion of the land associated with the historic landmark known as the “James A. Blakeney House”; and
WHEREAS, on November 17, 1986, the Mecklenburg County Board of Commissioners adopted an ordinance designating the property known as the “James A. Blakeney House” as a Historic Landmark; and

WHEREAS, the property known as the “James A. Blakeney House” was annexed by the City of Charlotte on June 30, 1999, and the City of Charlotte now has historic landmarks jurisdiction over the property pursuant to Part 3C of Article 19 of Chapter 160A of the General Statutes; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that to de-designate 7.829 acres of land in tax parcel 22922212, and to de-designate 2.244 acres of land in tax parcel 22908334 is appropriate because portions of the property have been approved for new development under the Certificate of Appropriateness process.

WHEREAS, Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the James A. Blakeney House possesses special significance in terms of its history, and/or cultural importance; and

WHEREAS, the property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Meritage Homes of the Carolinas Inc., and the property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Classica Homes LLC.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That portions of the land associated with the Historic Landmarks known as the “James A. Blakeney House,” (limited to 7.829 acres of land in tax parcel 22922212, and 2.244 acres of land in tax parcel 22908334 as shown on the attached plans, and listed as of October 1, 2014,
Ordinance – James A. Blakeney House

the Mecklenburg County Tax Office, Charlotte, North Carolina) be de-designated pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and the property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina. Features of the property are more completely described in the “Survey and Research Report on the James A. Blakeney House” (1986).

2. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

3. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow The Secretary of the Interior’s Standards for Rehabilitation and
Guidelines for Rehabilitating Historic Buildings, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

4. That the owners of the historic landmark known as the “James A. Blakeney House” be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

5. That which is designated as an historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the _____ day of ______________________, 20____, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

______________________________________
Clerk to City Council

Approved as to form:

______________________________________
Senior Assistant City Attorney
Blakeney Property – Tax Parcel 22908334

Shown above is the highlighted (approximately 2.244 acres) portion of tax parcel 22908334 be de-designated, with the approximately 1.6 acre section of the property adjacent to Blake-Heath Road retaining historic landmark designation.
The map above shows the original 11.019 designated acres associated with tax parcel 22922212. Shown are the approximately 7.829 acres of the property be de-designated, along with the 3.19 acres labeled as “COMMON OPEN SPACE” which will retain historic landmark designation.
REQUEST
Current Zoning: CC (commercial center) and R-3 (single family residential)
Proposed Zoning: CC (commercial center) and CC SPA (commercial center, site plan amendment) with five-year vested rights

LOCATION
Approximately 33.84 acres located on the west side of Prosperity Church Road across from Ridge Road.
(Council District 4 - Phipps)

SUMMARY OF PETITION
The petition proposes a multi-use use development consisting of up to 100,000 square feet of office, retail/commercial/personal services, eating, drinking and entertainment establishment uses, and up to 292 multi-family units.

PROPERTY OWNER
Eason Family Properties, LLC, Judy Pretzel Eason, Ruth N. Tesh

PETITIONER
Halvorsen Development Corporation (Attention Tom Vincent)

AGENT/REPRESENTATIVE
Keith MacVeon/Jeff Brown, Moore & Van Allen

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 96

STATEMENT OF CONSISTENCY
This petition is found to be consistent with the Prosperity Church Road Villages Plan and the draft Prosperity Hucks Area Plan, based on information from the staff analysis and the public hearing, and because:

- The proposed development decreases the number of residential units while allowing a slight increase in nonresidential development; and
- The proposal provides an activity center with a mix of uses.

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 Prosperity Church Road Villages Plan recommends a pedestrian-oriented mixed use activity center with residential, office, retail and/or institutional uses; and
- The draft Prosperity Hucks Area Plan identifies this area as a pedestrian-oriented mixed use Activity Center intended to create highly integrated and walkable places, with a mix of uses to include retail/service, office, institutional and residential; and
- The petition proposes a mix of retail and residential uses consistent with the current and draft plans;

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

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

1. Staff rescinded the request to provide a phasing plan that ties the certificates of occupancy for the large box retail to the street-front retail, and the certificate of occupancy for the multi-family units to the large box retail as the existing note is sufficient (Note 2H under Permitted Uses/Development Area Limitation/Transfer & Conversion Rights/and Certain Building Edge Treatment).
2. Removed all proposed signs as they will be permitted separately.
3. Amended Note 5(O) to state the following: “Petitioner reserves the right to reduce the CC district setback from 35 feet to 14 feet as allowed by the ordinance.”
4. Staff rescinded the request to amend Note 2B to state “Development Areas A, C, D, F, and H may be developed with up to
100,000 square feet of gross floor area of uses permitted by right and under prescribed conditions, office, retail, restaurant eating, drinking and entertainment establishments, and personal service uses, together with accessory uses as allowed in the CC zoning district” due to the addition of prohibited uses.

5. Amended development notes to change “restaurants” to “eating, drinking and entertainment establishments”.

6. Amended Note 5H to read “Charlotte-Mecklenburg Planning Department.”

7. Amended Note 5I to remove the unnecessary “s” from Development Areas A.

8. Provided a set of typical elevation drawings for each residential building type (multi-family, townhomes, and carriage units over garages) and the clubhouse building.

9. Amended Note 2E as follows: “...vehicular parking and maneuvering may not be located between the proposed building edge(s) and the street where the building edge(s) is indicated.”

10. Amended Note 5C as follows: “At least one building within Development C will include a prominent architectural feature oriented toward the intersection of Ridge Road and Benfield Road. An entrance to the building will be provided from either Ridge Road, Benfield Road or at the corner of the building to complement the prominent architectural feature.”

11. Added a note under Architectural Standards as follows: “Any permitted drive-through feature located in Development Area A and Development Area C will be incorporated into the building’s design using the same architectural style, detailing, and materials palette as the primary building it serves.”

12. Modified Note 5D to state “Retail buildings B and C shall have their primary exterior facades oriented toward proposed Public Street #1. The facades of these buildings facing proposed Public Street #1 must contain a total area of transparency of 60 percent or more of the wall area of the ground floor, measured between two to ten feet above the adjacent grade. The transparency area shall be composed of clear glass windows and doors, which may not be screened by films, decals or opaque materials, glazing finishes, or window treatments for the purpose of screening service area, merchandise, or secondary operational functions to the primary business. Each individual business within Retail Buildings B & C shall have an operable door facing proposed Public Street #1 and this door shall be treated equally as a public entrance of the business.”

13. Amended Note 5G and building elevations to specify that Buildings #1, #2 and the townhome buildings within Development Area E will be designed so that the units on the ground floor facing Ridge Road and Public Street #1 will have:
   i. an entrance from each unit to the abutting street; and
   ii. vertical shaped windows with a height greater than their width.

14. Added Note 5R as follows: “The orientation of the building constructed in Development Area H may be adjusted to match the realignment of Prosperity Church Road. The new orientation must be submitted to the Planning Department staff for approval.”

15. Added Note 6F stipulating that parking areas between Cardinal Point Road and Ridge Road may not occupy more than 35 percent of the total street frontage along each side of proposed Public Street #1 (on-street parking will not be calculated into this percentage).

16. Amended Note 8A to specify that the community green space shall contain a minimum area of 20,000 square feet of surface area.

17. Amended Note 11B to specify that the information on how much square footage has been constructed will be provided with each permitting submittal for any of the buildings located within Development Areas C, D, F, and H.

18. Deleted reference and label for “New Prosperity Church Road” and retained label as “Benfield Road.”
19. Reflected on-street parking along the frontage on Prosperity Church Road.
20. Revised notes to provide a consistent reference to Proposed Public Street #1.
21. Specified that the community green space will be completed prior to the issuance of a final certificate of occupancy for any tenant located within Retail Building A, B, or C.
22. Amended Note 8C to delete the following verbiage: “The community green space will be located within the right-of-way of Public Street #1. The petitioner will enter into an agreement with the City of Charlotte to maintain the improved open space area once it has been constructed.”
23. Staff rescinded the request to remove the last paragraph under Note 2B.
24. Amended note 2G to read as follows: “Prior to the issuance of a final certificate of occupancy for the building labeled “Major #1” on Sheet RZ-2, the three buildings labeled “Retail A, B and C” on sheet RZ-2 must have received a certificate of completion.”
25. Staff rescinded the request to submit an administrative approval to reduce the development rights for the portion of the property that was included in rezoning 2001-070 but not included in this rezoning request.
26. Amended Note 4(Ib) as follows: “Petitioner will install pedestrian refuge islands along the site’s frontage on Ridge Road. The pedestrian refuge islands will include landscaping if the median in Ridge Road is of sufficient width.”
27. The minimum driveway throat lengths have been modified to be 50 feet behind the stop line for minor street connections. Major street connections have 100 to 120-foot driveway throat lengths.
28. Amended Note 10B to delete the word “site.”
29. Amended Note 2D to replace “restaurant” with “eating, drinking and entertainment establishment.”
30. Added a note that the petitioner will be responsible for any traffic signal modification costs and necessary signal equipment easements on Ridge Road at Prosperity Church Road and Benfield Road when the subject site’s final construction plan is approved by the City. Traffic signal modification costs and easements will be determined during the construction plan review process.
31. Amended Note 4(Ia) to add the following: “The petitioner shall complete the following improvements along the site’s frontage along Ridge Road:
   i. curb and gutter; and
   ii. 31 feet of base course and surface course for additional improvements (the configuration of the on-street parking and pedestrian refuge islands to be determined in conjunction with CDOT during the Land Development approval process).”
32. Amended Note 2E to include the following as prohibited uses: Civic/social service and fraternal facilities, equipment rental and leasing, funeral homes/embalming, gas stations with or without convenience stores, government buildings, hotels and motels, gunsmiths, nurseries/greenhouses, outdoor recreation, religious institutions, repair or servicing of any article the sale of which is permitted in the district except that shoe repair and tailoring will be allowed, telephone booths, vocational schools, adult care centers, child care centers, donation drop-off facility, public utility structures, and land clearing and inert landfills on-site.
33. Added Note 5B as follows: “The residential buildings constructed within Development Area E will be constructed with at least 35 percent of the exterior of each building, exclusive of windows, doors and roofs, with brick, stone, precast stone or precast concrete.”
34. Added new note 3B per staff’s request as follows: “The determination of public/private street designation and the location of the proposed right-of-way if a public street, for Public/Private Street # 1 adjacent to the Community Green Space may be made during
the subdivision review and approval process for this Street/right of way."

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**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the existing land use policies and explained that while the *Prosperity Hucks Area Plan* process is still underway, draft recommendations for the activity center have been confirmed. Staff pointed out the proposed rezoning offers a decrease in the overall number of residential units by 182 units and an increase by 36,700 square feet for the commercial uses. It was also noted that the plan offers a diversity of residential types consisting of four-story multi-family buildings, carriage units over garages, and townhomes. The drive-through for the grocery store anchor has been incorporated into the function of the building and shops have been oriented toward open space.

A committee member stated that the number of residential units has been reduced and the proposed residential units are similar to those in the approved site plan, in terms of style and the intent to offer variety. Another committee member recognized concerns from citizens regarding the fact that the area plan process has not been finalized and opposition to the proposed number of rental units. That member offered that the land use recommendations for the activity center have already been established, and indicated that the current market is geared toward rental units, adding that this project offers residential units that are well integrated with the retail. It was added that the proposed mix of housing types offers opportunities for place making and achieves the spirit and intent of the area plan recommendations.

**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**
  - The majority of the subject site was rezoned from R-3 (single family residential) to CC (commercial center) via petition 2001-070 as part of a larger 50.75-acre site. The petition allowed up to 50,700 square feet of retail, 33,300 square feet of office, 29,000 square feet of institutional uses, plus 204 apartment units, 16 second floor residential units over retail, 74 townhome units, 200 senior independent living units, and 22 single family detached dwellings, for a total of 522 dwelling units.

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - Maximum of 100,000 square feet of retail/commercial/personal services and eating/drinking/entertainment uses.
    - Maximum of 292 residential dwelling units, which may be detached, attached, duplex, triplex, or quadraplex units, or multi-family or any combination of these. The site plan shows these residential units as multi-family, townhomes and carriage units over garages.
    - A minimum of three building types must be constructed within Area E (i.e. multi-family buildings, townhome buildings, carriage house buildings).
    - Site consists of eight "Development Areas," identified as Areas A through H, and contains four outparcels located in Areas C, D, G, and H.
    - The allowed 292 residential dwelling units are limited to Area E.
    - Proposed wet detention pond areas located in Area B and Area G.
• Up to three accessory drive-through windows allowed in Development Areas A, C, D, F and H. Only one eating/drinking and entertainment use may have an accessory drive-through window and it may be located in Development Area F or H.
• Prohibited uses as follows: gas stations, with or without a convenience store, civic/social service and fraternal facilities, equipment rental and leasing, funeral homes/embalming, government buildings, hotels and motels, gunsmiths, nurseries/greenhouses, outdoor recreation, religious institutions, repair or servicing of any article the sale of which is permitted in the district except that shoe repair and tailoring will be allowed, telephone booths, vocational schools, adult care centers, child care centers, large child care centers, donation drop-off facility, public utility structures, and land clearing and inert landfills on-site.
• Access provided from Ridge Road, Prosperity Church Road, Cardinal Point Road, and Benfield Road.
• Total number of principal buildings developed for commercial uses not to exceed ten.
• Total number of buildings developed for residential uses not to exceed 19.

Architectural and Site Design Standards
• Building materials include glass, brick, stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood. Vinyl as a building material is prohibited except on windows, soffits and handrails/railings. The use of EIFS will be limited to commercial buildings.
• Site designed to provide building edges within portions of Development Areas A, C, D, E, F and H such that vehicular parking and maneuvering may not be located between the proposed buildings edge(s) and the street where the building edge(s) is indicated. Plaza/outdoor dining areas will be considered part of the building for the purpose of complying with this provision.
• A prominent architectural feature oriented toward the intersection of Ridge Road and Benfield Road will be provided on at least one building constructed in Development Area C. An entrance to the building will be provided from either Ridge Road, Benfield Road or at the corner of the building to complement the prominent architectural feature.
• Retail buildings located within Development Areas B and C shall have their primary exterior facades oriented toward proposed Public/Private Street #1. The facades of these buildings facing Proposed/Private Street #1 must contain a total transparency of 60 percent or more of the wall area of the ground floor measured between two to ten feet above the adjacent grade. The transparency area shall be composed of clear glass windows and doors. Each individual business within Retail Buildings B and C shall have an operable door facing Proposed Public/Private Street #1, which shall be treated equally as a public entrance for the business. In addition to any doors/access located on the parking lot side of Retail Buildings A, B and C, these Retail Shops A, B and C will also have operable doors oriented toward Proposed Public/Private Street #1.
• Building #1, 2 and the townhome buildings within Development Area E will be designed so that ground floor units facing Ridge Road and Public/Private Street #1 will have:
  a) an entrance from each unit to the abutting street; and
  b) vertical shaped windows with a height greater than the width.
Building façades facing these streets will provide windows and doors for a minimum of 25 percent of the total façade area. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length.
• Building elevations for proposed commercial development identified as Major #1 in Development Area A, and typical elevation drawings for each residential building type (multi-family, townhomes, and carriage units over garages) and the clubhouse building.
• Any permitted drive-through located in Development Area A and Development Area C will be incorporated into the building’s design using the same architectural style, detailing, and materials palette as the primary building it serves.
• The orientation of the building constructed in Development Area H may be adjusted to match the realignment of Prosperity Church Road. The new orientation must be submitted to the Planning Department staff for approval.
• Residential buildings constructed within Development Area E will be constructed with at least 35 percent of the exterior of each building, exclusive of windows, doors and roofs, with brick, stone, precast stone or precast concrete.

Transportation
• A portion of the existing right-of-way along Prosperity Church Road will no longer be needed due to realignment of the road. Petitioner will seek to abandon this portion and incorporate it into Development Area H.
• Petitioner will provide curb and gutter, as well as base and surface course, for two additional lanes including a six-foot wide bicycle lane and on-street parking, eight-foot planting strip, and six-foot sidewalk along the site’s frontage on Ridge Road. Traffic signal timing modifications at
the intersection of Ridge Road with Benfield Road and Prosperity Church Road will be completed if necessary to coincide with petitioner’s improvements.

- Two pedestrian refuge islands will be installed by the petitioner along the site’s frontage on Ridge Road, which will include landscaping if the median in Ridge Road is of sufficient width.
- On-street parking to be provided along the frontage on Prosperity Church Road.
- Petitioner will be responsible for any traffic signal modification costs and necessary signal equipment easements on Ridge Road at Prosperity Church Road and Benfield Roads when the subject site’s final construction plan is approved by the City. Traffic signal modification costs and easements will be determined during the construction plan review process.
- The petitioner shall complete the following improvements along the site’s frontage along Ridge Road: (a) curb and gutter; (ii) 31 feet of base course and surface course for additional improvements (the configuration of the on-street parking and pedestrian refuge islands to be determined in conjunction with CDOT during the Land Development approval process).
- The determination of public/private street designation and the location of the proposed right-of-way if a public street, for Public/Private Street # 1 adjacent to the Community Green Space may be made during the subdivision review and approval process for this street/right-of-way.

- **Site Design, Open Space, and Pedestrian Connectivity**
  - Service areas in Development Area A will be screened from the extension of Cardinal Point Road with landscaping and walls, or landscaping and berms designed to complement the building architecture of the adjacent buildings.
  - A masonry wall that will be a minimum of two feet and will not exceed two and a half feet in height, and low accent plantings will be provided in Development Areas C and D between Ridge Road and parking areas, and maneuvering for drive-through lanes.
  - A sidewalk and crosswalk network linking all buildings on the site with one another will be provided along the site’s internal private streets.
  - A pedestrian plaza designed as a pedestrian focal point and amenity for the overall development will be located within Development Area E.
  - A portion of the area abutting the water quality/storm water detention pond located in Area G will be improved as an amenity area with landscaping and seating areas.
  - A community green space to be located between Development Area E and Area A will be designed as a pedestrian focal point and development amenity. Community green space shall contain a minimum area of 20,000 square feet of surface area.
  - A 22.5-foot wide Class “B” buffer will be provided abutting single family residential zoning.
  - Parking areas between Cardinal Point Road and Ridge Road may not occupy more than 35 percent of the total street frontage along each side of proposed Public Street #1 (on-street parking will not be calculated into this percentage).
  - Pedestrian refuge islands to be installed along the site’s frontage on Ridge Road. The pedestrian refuge islands will include landscaping if the median in Ridge Road is of sufficient width.

- **Other**
  - Construction plans and building elevations for Development Areas A, C, D, F and H must be submitted to the Planning Department for review for compliance with architectural requirements and approval prior to the issuance of a building permit for any building located within these areas.
  - Certificate of occupancy for building labeled Major #1 contingent upon receipt of a certificate of completion for Retail Buildings A, B and C. Certificate of occupancy for more than 225 residential units contingent upon receipt of a certificate of occupancy for at least 35,000 square feet of nonresidential uses.
  - Detached lighting limited to 20 feet in height.
  - Construction of a CATS shelter pad along Ridge Road.
  - Request for five-year vested rights.
  - Petitioner to track and keep a tally of the amount of nonresidential square footage constructed within each development area and that information will be provided with each permitting submittal for any of the buildings located within Retail Building A,B or C.

- **Public Plans and Policies**
  - The *Prosperity Church Road Villages Plan* (1999) was amended by a prior rezoning for the property, rezoning petition 2001-070. The conditional plan called for a multi-use development including retail, office, institutional, and residential uses.
  - Specifically, for the area north of Ridge Road and east of proposed Public Street #1, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for a
mix of residential uses to consist of 204 multi-family units, approximately 35 townhome units, and between five and ten single family homes. The proposed rezoning site plan shows 292 multi-family units on this site. The rezoning site plan also added a 1.4-acre tract to the area covered by the original rezoning.

- For the area north of Ridge Road and west of proposed Public Street #1, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for approximately 40 townhome units and 20 single family homes. The proposed rezoning site plan shows most of the commercial square footage to be located in this area; the total commercial square footage requested for the entire site is 100,000 square feet.

- For the area south of Ridge Road, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for a 29,000-square foot library/institutional use, 50,700 square feet of retail, and 200 independent living/multi-family units. To date, approximately 34,000 square feet of retail has been constructed. (Note: The library/institutional site, approximately half of the independent living/multi-family units and the existing 34,000 square feet of retail are outside of the area included in this rezoning.) For the part of this area that is included in the rezoning, the site plan shows a small portion of the total 100,000 square feet of commercial uses requested for this site.

- The amount of retail in the petition north of Ridge Road is inconsistent with the *Prosperity Church Road Villages Plan* as amended by the rezoning. The residential element is generally consistent with the *Prosperity Road Villages Plan* as amended by the rezoning in terms of the location and overall number of dwelling units in the larger area.

- The draft *Prosperity Hucks Area Plan* is an update to the *Prosperity Church Road Villages Plan* (1999) and identifies this area as a pedestrian-oriented mixed use Activity Center intended to create highly integrated and walkable places.

- Based on the draft plan, the subject site is in a pedestrian-oriented mixed-use Activity Center. Appropriate uses include a mix of residential, office, retail, and/or institutional, designed with building entrances directly on sidewalks along the street frontages; and parcels greater than five acres are to include a mix of two or more uses.

- Over the past six months, staff has provided several community input opportunities designed to identify refinements to the draft *Prosperity Hucks Area Plan*, focused on the land use and community design recommendations for the Activity Center. A Community Workshop was held September 16th to 17th, 2014 with proposed refinements presented to the public on September 23rd. The proposed refinements to land use and design recommendations in the draft area plan are outlined in the *Community Workshop Summary Memorandum*, available in the *Prosperity Hucks Area Plan* page on [www.charlotteplanning.org](http://www.charlotteplanning.org).

- The proposed rezoning is consistent with the draft area plan and proposed refinements, as it provides a balanced mix of retail/commercial and residential uses, includes a variety of residential building types, incorporates open/green space and is designed to be walkable. The proposed rezoning has retail and residential elements mixed horizontally and designed around a common open space; it also has a mix of townhome and carriage home unit types in addition to apartment buildings.

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

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

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

OUTSTANDING ISSUES

- No issues.

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

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

**Planner:** Sonja Sanders  (704) 336-8327
Acreage & Location: Approximately 33.6 acres located on the west side of Prosperity Church Road across from Ridge Road.
Petition #: 2013-094
Petitioner: Halvorsen Development Corporation

Zoning Classification (Existing): R-3 & CC
(Single Family Residential and Commercial Center)

Zoning Classification (Requested): CC & CC SPA (5-Year Vested Rights)
(Commercial Center and Commercial Center, Site Plan Amendment and Five Year Vested Rights)

Acreage & Location: Approximately 33.84 acres located on the west side of Prosperity Church Road across from Ridge Road.
HALVORSEN DEVELOPMENT CORPORATION

SITE DEVELOPMENT DATA:

· ACREAGE: ± 33.841 ACRES
· TAX PARCEL #S: 027-561-04, 06 AND 07
· EXISTING ZONING: CC AND R-3 (Ccor by rezoning petition No. 2001-070)
· PROPOSED ZONING: CC AND CC SPA; WITH FIVE (5) YEAR VESTED RIGHTS.
· EXISTING USES: VACANT AND A SINGLE-FAMILY HOME.
· PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE CC ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 2).
· MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 100,000 SQUARE FEET OF GROSS FLOOR AREA OF USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE CC ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 2); AND UP TO 292 RESIDENTIAL DWELLING UNITS (EITHER: ATTACHED; DETACHED; DUPLEX; TRIPLEX; QUADRAPLEX; OR MULTI-FAMILY DWELLING UNITS OR ANY COMBINATION OF THESE).
· MAXIMUM BUILDING HEIGHT: AS ALLOWED BY THE ORDINANCE, BUILDING HEIGHT TO BE MEASURED AS DEFINED BY THE ORDINANCE.
· PARKING: AS REQUIRED BY THE ORDINANCE.
uses, standards.

The outside of the exterior walls or from the center line of party walls; provided,

stringent standards, the regulations established under the ordinance for the site developed for the residential uses shall not exceed 19.

accessory commercial and residential community on an approximate 33.841 acre site the rezoning plan as well as the applicable provisions of the city of Charlotte associated with the petition for a five (5) year period, but such provisions shall forth in section 2 below as to the site as a whole and not individual portions.

Planned/unified development plan as to the elements and portions of the site.

H. Prior to the issuance of a final certificate of occupancy for more than a single story, the petitioner will have completed:

1. A. Access to the site will be from ridge road, prosperity church road, and benfield road as generally depicted on the zone classification map and as located between the proposed building edge(s) and the street where located.

2. C. The site will comply with the tree ordinance.

3. D. A buffer as required by the ordinance will be provided as generally depicted on the zone classification map and as located between the proposed building edge(s) and the street where located.

4. E. A buffer will not be required between the development areas of the site.

5. F. Detached lighting used in the development areas developed with the

6. G. Ground mounted hvac and related mechanical equipment may not be located

7. H. Roof top hvac and related mechanical equipment will be screened from public view.

8. I. Lighting shall be full cut-off lighting fixtures excluding low, decorative lighting that may be installed along the entrances, sidewalks, and streets.

9. J. Retained walls located on the site will be accommodated by landscaping to help soften the sight lines.

10. K. The benefit of the petitioner and subsequent owners of the site and their respective successors shall be realized through the incorporation of the community green space and seek their input on the design and use of the open areas associated with the

11. L. The portion of ridge road constructed in the development area shall be

12. M. In view of the provisions of section 11.010 of the ordinance, the petition for a rezoning classification map and as located between the proposed building edge(s) and the street where located.

13. N. The petitioner will provide six full cut-off lighting fixtures at the

14. O. G. Ground mounted hvac and related mechanical equipment may not be located

15. P. Detached lighting used in the development areas developed with

16. Q. Retained walls located on the site will be accommodated by landscaping to help soften the sight lines.

17. R. The beneficary of the petitioner and subsequent owners of the site and their respective successors shall be realized through the incorporation of the community green space and seek their input on the design and use of the open areas associated with the

18. S. The portion of ridge road constructed in the development area shall be

19. T. In view of the provisions of section 11.010 of the ordinance, the petition for a rezoning classification map and as located between the proposed building edge(s) and the street where located.

20. U. The petitioner will provide six full cut-off lighting fixtures at the

21. V. Detached lighting used in the development areas developed with

22. W. Retained walls located on the site will be accommodated by landscaping to help soften the sight lines.

23. X. The beneficary of the petitioner and subsequent owners of the site and their respective successors shall be realized through the incorporation of the community green space and seek their input on the design and use of the open areas associated with the

24. Y. The portion of ridge road constructed in the development area shall be

25. Z. In view of the provisions of section 11.010 of the ordinance, the petition for a rezoning classification map and as located between the proposed building edge(s) and the street where located.
MAIN STREET ELEVATION

SCHEMATIC ELEVATION

This elevation is provided to illustrate the architectural style and quality of the multi-family buildings that may be constructed on the site (the actual buildings constructed on the site may vary from this illustration as long as the general architectural concepts and intent are maintained.)
SCHEMATIC ELEVATION

This elevation is provided to reflect the architectural style and quality of the multi-family buildings that may be constructed on the site. The actual buildings constructed on the site may vary from this illustration as long as the general architectural concepts and intent are maintained.
Rezoning Petition 2014-003
Zoning Committee Recommendation
October 29, 2014

REQUEST
Current Zoning: R-3 (single family residential) and MX-2 (mixed use)
Proposed Zoning: O-1(CD) (office, conditional)

LOCATION
Approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road.
(Council District 7 - Driggs)

SUMMARY OF PETITION
The petition proposes an office development limited to 50,000 square feet.

PROPERTY OWNER
H. Melvin Johnston, Yvonne R. Johnston and Owners Association Princeton at South Hampton

PETITIONER
George Macon

AGENT/REPRESENTATIVE
N/A

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

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

- The Plan recommends single family residential uses for the site.

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

- The size of the site, orientation towards thoroughfares and isolation from adjoining parcels make developing stand-alone single family homes difficult; and
- The proposed office use serves as a transition from the commercial uses;

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

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

1. Note D3 has been modified to read, “No parking will be allowed between the building and the public streets.”
2. Staff has rescinded the request to modify and relocate proposed dumpster location to the rear of the site near the proposed tree save area.
3. The proposed uses have been modified to include “clinics, financial institutions, medical, dental and optical laboratories, child care centers, barber and beauty shops, and studios. Restaurants have been modified to “Eating, Drinking, and Entertainment Establishments (Type 1).”
4. Building elevations for the proposed office buildings and childcare center have been provided.
5. The proposed three building footprints have been shown within the building envelope.
6. Note H.2 has been modified to indicate that the dumpster location shown on the plan has been agreed upon with the Southampton Home Owners Association. If there is any modification of the dumpster location, the petitioner will submit and provide to staff a letter from the Southampton HOA agreeing to the changes.
7. Development Conditions have been amended to include the MX-2 district under proposed zoning and the accompanying parcel number.
8. The Class “C” buffer has been show on the plan and the alternative buffer request has been submitted to the City of
Charlotte Zoning Administrator.

9. Sidewalk connections from the proposed buildings to Marvin Road along both sides of the proposed driveway have been shown on the plan.

10. Clarified that street trees will be provided along Marvin Road and Ardrey Kell Road.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff reviewed this petition noting how the outstanding issues had been addressed. The petition is inconsistent with the South District.

The Commission asked about the consistency with the district plan and traffic concerns. Staff noted that the plan recommends single family residential; however, the petitioner restricted the uses to those that are less intensive. CDOT staff responded that the increase in traffic did not merit a traffic study and that the traffic from this development could be addressed through traffic congestion management strategies.

Another Commissioner asked the status of an area plan update for this area as there has been a lot of development recently. Staff noted that it has been identified as a part of the larger Ballantyne area, which has been identified as a potential area for an update, but at this time an update has not been scheduled. Staff is also looking at possible ways to comprehensively update plans throughout our community without going through the traditional area planning process.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Maximum 50,000-square foot office development to allow general office, clinics, financial institutions, medical, dental, and optical laboratories, childcare centers, barber and beauty shops, and studios. Retail and Eating, Drinking and Entertainment Establishments (Type 1) may be permitted as accessory uses per the zoning ordinance.
  - Maximum of three buildings to front along Marvin Road.
  - Eight-foot planting strip and six-foot sidewalk along Marvin Road and Ardrey Kell Road.
  - Proposed buildings will be constructed out of brick and glass, with stone and EIFS accents.
  - Buildings will utilize four-sided architecture.
  - No drive-through facilities will be permitted on the site.
  - Access to the site via Marvin Road and Ardrey Kell Road.
  - Street trees along Marvin and Ardrey Kell Road will match the adjacent street trees.
  - In areas where proposed buildings do not currently exist, landscaping and tree plantings equal to a ten-foot buffer will be used to screen any parking until future buildings are constructed.
  - Building elevations have been provided for the proposed office buildings and childcare center.
  - Three building footprints are been shown with the building envelope.
  - No parking will be allowed between the buildings and the public streets.
  - Blank walls of more than 20 feet in length are prohibited and will be broken up by using windows and architectural elements.
  - Freestanding lighting will utilize full cut-off light fixtures and are limited to 25 feet in height.
  - A 50-foot Class “C” buffer abutting residential zoning to the east will be installed if the existing buffer cannot be used for the “Alternative” buffer.
• **Public Plans and Policies**
  - The *South District Plan* (1993) recommends single family use for the subject property.
  - This petition is inconsistent with the *South District Plan*.

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

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

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

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

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**OUTSTANDING ISSUES**

- No issues.

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

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

**Planner:** Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 4.65 acres located on the intersection of Ardrey Kell Road and Marvin Road.
Petition #: 2014-003
Petitioner: George W. Macon

Zoning Classification (Existing): R-3 and MX-2
(Single Family, Residential and Mixed Use)

Zoning Classification (Requested): O-1(CD)
(Office, Conditional)

Acreage & Location: Approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-14.

Requested O-1(CD) from R-3
Requested O-1(CD) from MX-2

INSIDE CHARLOTTE CITY LIMITS

Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-14.
REQUEST

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

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
Charlotte-Mecklenburg Planning Department

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

ZONING COMMITTEE ACTION
The Zoning Committee voted 6-0 to DEFER this petition to their December 1, 2014 meeting.

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

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

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

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

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

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

Proposed Request Details
The text amendment contains the following provisions:

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

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

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

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

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

**OUTSTANDING ISSUES**
- No issues.

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

**Planner:** Sandra Montgomery (704) 336-5722
**Purpose/Background:** The purpose of this text amendment is to create a new definition for mobile farmer’s market and permit the use with prescribed conditions either as a principal or accessory use in all zoning districts. This amendment will assist in expanding the availability of fresh fruits, vegetables in all zoning districts.

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

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

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

LOCATION

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

SUMMARY OF PETITION

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

PROPERTY OWNER

Wilkison Partners Palisades, LLC

PETITIONER

Wilkison Partners, LLC

AGENT/REPRESENTATIVE

Michael L. Boston

COMMUNITY MEETING

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

ZONING COMMITTEE ACTION

The Zoning Committee voted 6-0 to DEFER this petition until their January 5, 2014 meeting.

VOTE

Motion/Second: Eschert/Labovitz

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

Nays: None

Absent: Walker

Recused: None

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

- Background
  - The subject parcel was rezoned under petition 2001-016(C) for the Palisades Development.
  - The approved site plan rezoned 1,068.9 acres to MX-3 (mixed use) to allow the development of 4,145 residential single family and multi-family units with an overall residential density of 3.9 dwelling units per acre.
  - The approved site plan allowed for several “village residential” components, which allowed up to 5.1 dwelling units per acre.
  - The site plan called for single family development up to 3.9 dwelling units per acre on the subject site.
  - A public hearing was held for this petition on April 28, 2014.
  - After the public hearing, the petitioner made major changes to the site plan related to street connectivity. These adjustments were required by the Subdivision Ordinance and significantly changed the layout of the proposed development.
  - On July 7, 2014, the Zoning Committee voted 6-0 to recommend to City Council that the changes to this petition were significant and that a new public hearing should be held.
  - The City Council agreed with the recommendation of the Zoning Committee and on July 21, 2014 called for a new public hearing on this petition to be held on September 15, 2014.

- Proposed Request Details
  The site plan amendment contains the following changes:
Petition 2014-031  (Page 2 of 3)  Zoning Committee Recommendation

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

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

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

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

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

Attachments Online at www.rezoning.org

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

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

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

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

Acreage & Location: Approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive.
## REQUEST
Current Zoning:  R-3, single family residential  
Proposed Zoning:  Inst(CD), institutional, conditional

## LOCATION
Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane. (Council District 4 - Phipps)

## SUMMARY OF PETITION
The petition proposes to reuse an existing single family home to establish a daycare center.

## PROPERTY OWNER
North End Homes, LLC

## PETITIONER
Mark Patterson

## AGENT/REPRESENTATIVE
N/A

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

## ZONING COMMITTEE ACTION
The Zoning Committee voted 6-0 to DEFER this petition until their December 1, 2014 meeting.

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

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - Reuse of an existing 2,114-square foot single family home to allow a commercial child care center with up to 60 children and seven employees.
    - Parking areas for employees and guests, with drop-off area proposed in front of building.
    - Extension of existing driveway and installation of new curb cut to allow one-way vehicular access onto Prosperity Church Road (site entrance will be right-in movement only).
    - A 22-foot Class “C” buffer along all property lines abutting residential uses and/or zoning.
    - A five-foot wide sidewalk connecting from the site to the existing five-foot wide sidewalk along Prosperity Church Road.
    - Any future additions will be located to the rear, will be residential in character and scale, and will not exceed 25% of the square footage of the existing building.
    - All lighting will be full cut-off light fixtures.
    - Freestanding lighting will be limited to 25 feet in height.

- **Public Plans and Policies**
  - The [Northeast District Plan (1996)](http://northeastdistrictplan.org) recommends single family residential up to four dwelling units per acre for the rezoning site.
  - The petition is inconsistent with the [Northeast District Plan](http://northeastdistrictplan.org). However, area plans do not typically recommend locations for institutional uses. The site has frontage along a major thoroughfare and the proposed use would serve the needs of the nearby neighborhoods.
DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** Urban Forestry comments that any existing street trees must be protected during all phases of construction.

OUTSTANDING ISSUES

- The petitioner should:
  1. Consider reducing the length of the new internal walkway by eliminating the portion that runs along the inside of the driveway and instead locating it along the guest parking area to connect to the sidewalk along Prosperity Church Road. This walkway may meander to preserve any existing trees.
  2. Remove the sign from the site plan. Add the Heading “Signage” and underneath provide a note stating that signage is permitted per the ordinance.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

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

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

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

Acreage & Location: Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane.

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Vicinity Map

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**Rezoning Petition: 2014-043**

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

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August 28, 2014
Petition #: 2014-043
Petitioner: Mark Patterson

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

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

Acreage & Location: Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane.
Rezoning Petition 2014-051  
Zoning Committee Recommendation  
October 29, 2014

**REQUEST**  
Current Zoning: R-3 (single family residential), I-2 (general industrial) and I-2(CD) (general industrial, conditional)  
Proposed Zoning: I-2(CD) (general industrial, conditional) and I-2(CD) SPA (general industrial, conditional, site plan amendment)

**LOCATION**  
Approximately 20.3 acres located on the west side of Gable Road between Shopton Road and Interstate 485. (Outside City Limits)

**SUMMARY OF PETITION**  
The petition proposes the development of up to 310,000 square feet of industrial, office distribution, and warehouse uses.

**PROPERTY OWNER**  
Multiple (see website)

**PETITIONER**  
Eastgroup Properties, LP

**AGENT/REPRESENTATIVE**  
John Carmichael, Robinson Bradshaw & Hinson, PA

**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 Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because:

- The proposal is a second phase of an industrial park; and
- The property is within close proximity to I-485, the airport, and the intermodal yard.

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 proposed use is compatible with the surrounding industrial uses; and
- All outstanding issues have been addressed;

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

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

1. Amended Site Development Data to delete “this site may be developed with 1,400,000 square feet of gross floor area.” Noted maximum square footage as 310,000 square feet.
2. Deleted Note C under Architectural Standards.
3. Limited maximum building height to 40 feet.
4. Staff has rescinded the request to address Engineering and Property Management comments as the affected portions of the site have been removed from the rezoning.
5. Amended Note C under General Provisions to state that the administrative amendment will be submitted prior to a decision being made on Petition 2014-51.
6. Amended site plan to remove references to reduction of required buffers with a fence. Site plan correctly reflects a Class “A” buffer along the site’s frontage on Gable Road and I-485. Notes specify existing portions that will remain; a 50-foot portion that will remain wooded and undisturbed; and, portions that will be reduced to 37.5 feet in width with a berm.
7. Amended site development data to reflect a reduction in acreage from 43.26 acres to 20.316 acres.
8. Amended Note B under General Provisions to eliminate tax parcels no longer included in the rezoning.
9. Amended Note C under General Provisions to specify that a
7.03-acre portion of the existing I-2(CD) zoned area is included in the I-2(CD) site plan amendment.

10. Amended Note D under General Provisions to clarify that the development proposed under the site plan for this rezoning petition and rezoning plan will be a portion of Phase 1 and Phase 2 of Steele Creek Commerce Park.

11. Amended Note A under Architectural Standards to correctly specify that Sheet RZ-3 reflects a schematic architectural rendering of the rear elevation of the building facing Gable Road identified as Building 6.

12. Correctly labeled building elevations on Sheet RZ-3.

13. Added Note B under Architectural Standards to specify that a front elevation for Building 7 is included with the site plan.

14. Added Note C under Architectural Standards regarding elevations for Building 6 to provide an alternative elevation for Gable Road, which will be provided in the event that vehicular parking and circulation (excluding truck parking and/or circulation) is located between Building 6 and Gable Road.

15. Amended Note D under Streetscape/Landscaping/Buffers to specify that the undisturbed 50-foot Class “A” buffer may be eliminated or reduced if an adjacent land use is changed to a land use or zoning that eliminates or reduces the buffer requirement.

16. Amended Note B under Streetscape/Landscaping/Buffers to delete “walls and fence.”

### VOTE

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

### ZONING COMMITTEE DISCUSSION

Staff provided an update of the petition, noting that there are no outstanding issues. Staff noted that the petition is consistent with the Steele Creek Area Plan. There was no further discussion.

### STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

### FINAL STAFF ANALYSIS

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

### PLANNING STAFF REVIEW

- **Background**
  - A portion of the subject property was included in Petition 2013-21, which rezoned 43.29 acres located on the southeast corner of Steele Creek Road and Shopton Road from I-1(CD) (light industrial, conditional) to I-2(CD) (general industrial, conditional). The petition allows up to 525,000 square feet of office/distribution and light industrial uses, in eight principal buildings. The subject property was identified as Building 4 and had no assigned maximum square footage.

- **Proposed Request Details**
  - The site plan amendment contains the following changes:
    - Incorporation of a 7.03-acre portion of area in Phase I identified as Building 4 into Phase 2 for entitlement purposes.

  The site plan accompanying this petition contains the following provisions:
  - Allow development of Phase 2 of an industrial park.
  - Maximum of 310,000 square feet of I-1 (light industrial) uses that are permitted in the I-2 (general industrial) district.
  - Maximum building height of 40 feet.
  - Elevations for front and rear of buildings, including an alternative elevation for Gable Road,
which will be provided in the event that vehicular parking and circulation (excluding truck parking and/or circulation) is located between Building 6 and Gable Road.

- Class “A” buffers provided abutting and directly across the public right-of-way from residentially zoned or used property. Notes specify existing portions that will remain; a 50-foot portion that will remain wooded and undisturbed; and, portions that will be reduced to 37.5 feet in width with a berm.
- Buffers may be eliminated or reduced if an adjacent land use is changed to a land use that eliminates or reduces the buffer requirement.
- Access to the site provided from Sandy Porter Road and Gable Road.
- An administrative amendment that reduces the maximum square footage by 96,000 square feet will be submitted for Petition 2013-21.
- Detached lighting limited to 30 feet in height.

**Public Plans and Policies**
- The *Steele Creek Area Plan* (2012) recommends industrial and warehouse distribution land uses for the subject property due to its proximity to I-485 and the airport.
- The petition is consistent with the *Steele Creek Area Plan*.

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

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

**OUTSTANDING ISSUES**
- No issues.

**Attachments Online at www.rezoning.org**
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review

**Planner:** Sonja Sanders (704) 336-8327
Petition #: 2014-051

Acreage & Location: Approximately 47.84 acres generally located on the east and west side of Gable Road between Shopton Road and Interstate 485.

Rezoning Petition: 2014-051

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

October 2, 2014
Petition #: 2014-051
Petitioner: Eastgroup Properties, LP

Zoning Classification (Existing): R-3, I-2, & I-2(CD)
(Single Family, Residential, General Industrial, and General Industrial, Conditional)

Zoning Classification (Requested): I-2(CD) & I-2(CD)(SPA)
(General Industrial, Conditional and General Industrial, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 47.84 acres generally located on the east and west side of Gable Road between Shopton Road and Interstate 485.

Map Produced by the Charlotte-Mecklenburg Planning Department, 10-8-14.

Legend:
- Requested I-2(CD) from R-3
- Requested I-2(CD) from I-2
- Requested I-2(CD)(SPA) from I-2(CD)
- Existing Building Footprints
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams
- Charlotte City Limits
- Pedestrian Overlay

Zoning Map #s: 128, 132

Map produced by the Charlotte-Mecklenburg Planning Department, 10-8-14.
CREATE SCALE AND PROPORTION WITH RECESSED REVEALS IN CONJUNCTION WITH VARIED, CONTRASTING ACCENT TEXTURED PAINT COLORS AND PATTERNS.

REAR ELEVATION OF BUILDING (FACING GABLE ROAD)

ACCENT PAINT

VARY PARAPET HEIGHTS

CONTRASTING COLOR ACCENT BANDS WITH REVEALS

4' HIGH HEAVILY LANDSCAPED BERM WITH DENSE DECIDUOUS AND EVERGREEN TREES, AND CONTINUOUS SHRUBBERY

BUILDING 7 ELEVATION FACING I-485

ALTERNATIVE GABLE ROAD ELEVATION - BUILDING 6

EASTGROUP PROPERTIES
REQUEST
Current Zoning:  R-5 (single family residential)
Proposed Zoning:  MUDD-O (mixed use development, optional)

LOCATION
Approximately 0.23 acres located on the east side of North Davidson Street between East 33rd Street and East 34th Street.
(Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to renovate and expand the existing building for use as an eating, drinking and entertainment establishment with outdoor seating.

PROPERTY OWNER
Andrew Klenk

PETITIONER
Andrew Klenk

AGENT/REPRESENTATIVE
James P. (Chip) Cannon

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

STATEMENT OF CONSISTENCY
This petition is found to be consistent with the Blue Line Extension 36th Street Station Area Plan, based on information from the staff analysis and the public hearing, and because:

• The proposed use is suitable for the area; and
• It provides for the reuse of an existing building.

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 located within a ¼ mile walk of the 36th Street transit station; and
• There have been several rezonings in the area to MUDD (mixed use development) and TOD-M (transit oriented development - mixed-use) in order to accommodate retail, office, and mixed use developments;

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

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

1. The petitioner has modified Permitted Uses Note C to state that outdoor eating/activity areas will not be in use after 11:00 p.m.
2. The petitioner has amended the Optional Provision pertaining to streetscape by requesting a minimum four-foot wide planting strip to match the existing planting strip, and a minimum five-foot wide sidewalk along North Davidson Street frontage, with any sidewalk outside the right-of-way placed within a sidewalk easement.
3. Information under Development Site Data has been modified to specify the existing building square footage (approximately 1,580 square feet) and proposed building square footage (4,400 square feet, including the courtyard area).
4. The width of the planting strip (four feet) is now labeled on the site plan.
5. Development Data Table Note I has been modified to identify three spaces for on-street parking.
6. The site plan has been corrected to acknowledge that abutting Parcel Number 08307113 is now zoned TOD-MO (transit oriented development - mixed-use, optional).
7. The petitioner will provide a copy of the draft parking lease agreement prior to City Council decision on the rezoning request. The lease agreement must be recorded with the Register of Deeds.
upon submittal of plans through the plan review process.

8. Notes on the site plan have been amended to replace “restaurant” with “eating, drinking, and entertainment establishment.”

9. Removed Note A under General Provisions as it is covered by Note B.

10. Added language stating that any additions to the existing structure will be similar in character to the existing residential structure.

11. Renamed “shade garden” to “entry garden” to provide clarity that Note D (formerly Note C) under Architectural Standards is referring to the “shade garden” shown on the site plan and noting that it is not enclosed or covered.

12. Noted on site plan that the material of the trash area enclosure will be a minimum six-foot high wood fence that will complement the character of the building.

13. Noted on site plan that the surface material of the path for roll-out dumpsters will be concrete or pavers.

14. The petitioner has added language to state that at least two long-term bike parking spaces will be provided either under a roof or in bike lockers.

15. A note has been added on the site plan stipulating that trash/recycling will be removed on a daily basis or be stored in a refrigerated enclosure to reduce odors. The note also states that waste pickup service will be limited to normal business hours (8 a.m. through 6 p.m.).

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting the new language on the site plan committing to no use of outdoor eating/activity areas after 11:00 p.m.; modifications to the optional request pertaining to streetscape through commitment to widen sidewalk to five feet with retention of existing four-foot planting strip; clarification regarding parking lease agreement; and removal of trash/recycling items on a daily basis or storage in a refrigerated enclosure, with pickup service limited to 8 a.m. to 6 p.m.

A Committee member asked staff about the parking situation in NoDa, and staff responded that parking issue and that it is a larger policy matter. The Committee briefly discussed parking in NoDa. 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

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Permitted use as an eating, drinking and entertainment establishment with allowable accessory uses with no use of the outdoor eating/activity areas after 11:00 p.m.
  - Total of 4,400 square feet consisting of renovation of the existing 1,580-square foot house and creation of additional building area to accommodate a 500-square foot courtyard and dining area, area for a walk-in cooler, mechanical units, and roll-out dumpsters.
  - Entry garden.
  - No expanses of blank wall in excess of 20 continuous feet in length.
  - Addition of ramps to accommodate and improve accessibility into the building.
• Maximum building height of 40 feet.
• Removal of existing driveway in order to create an entry garden/feature.
• Required eight parking spaces to be accommodated via three on-street parking spaces, and a lease agreement with the property owner at 3024 N. Davidson Street to allow use of a minimum of five off-site parking spaces (including one on-street space).
• Architectural commitments pertaining to building articulation and materials, roof pitch, retention of residential character and existing front porch, and blank walls.
• Freestanding and attached lighting to have full cut-off fixtures, and freestanding lighting to be limited to 15 feet in height.
• Optional requests include:
  • Allow a minimum setback of 12 feet from back of curb.
  • Minimum planting strip of four feet (eight feet required) and a minimum sidewalk width of five feet (six feet required) along North Davidson Street to match existing conditions.

Public Plans and Policies
• The Blue Line Extension 36th Street Station Area Plan (2013) recommends transit supportive uses for this and adjacent parcels, with a height limit of 50 feet. The Plan also identifies this section of North Davidson Street as a “retail street,” with active uses at the ground level. The property is located within a 1/2 mile walk of the 36th Street Transit Station.
• The petition is consistent with the Blue Line Extension 36th Street Station Area Plan.

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

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

OUTSTANDING ISSUES
• No issues.

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

Planner: Claire Lyte-Graham (704) 336-3782
Petition #: 2014-055

Acreage & Location: Approximately 0.23 acres located on the east side of North Davidson Street between East 33rd Street and East 34th Street.
Petition #: 2014-055
Petitioner: Andrew Klenk

Zoning Classification (Existing): R-5
(Single Family, Residential)

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

Acreage & Location: Approximately 0.23 acres located on the east side of North Davidson Street between East 33rd Street and East 34th Street.

Map Produced by the Charlotte-Mecklenburg Planning Department, 5-22-2014.
NOTE: THE DESIGN INTENT IS TO MAINTAIN THE RESIDENTIAL CHARACTER AND SCALE OF THE EXISTING STRUCTURE AND SURROUNDING AREA.
REQUEST

Current Zoning: B-1 (neighborhood business), B-2 (general business), O-2 (office), R-17MF (multi-family residential) and R-8 (single family residential)

Proposed Zoning: MUDD-O (mixed used development, optional) with 5-year vested rights and UR-2(CD) (urban residential, conditional) with 5-year vested rights

LOCATION

Approximately 59.4 acres generally located on the east side of South Boulevard on both sides of Poindexter Drive and Elmhurst Road. (Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to allow for the redevelopment of the site with a transit supportive mixed/multi-use community consisting of up to 198,000 square feet of non-residential uses and up to 980 residential units, with non-residential to residential conversion rights.

PROPERTY OWNER

Marsh Properties, LLC

PETITIONER

Marsh Properties, LLC

AGENT/REPRESENTATIVE

Jeff Brown and Keith MacVean, Moore and Van Allen

COMMUNITY MEETING

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

Number of people attending the Community Meeting: 57

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the New Bern Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because:

- The proposed development provides elements of a mixed transit supportive development; and
- The proposed density is consistent with the Plan’s recommendations.

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:

- A portion of the site is located within ½ mile of the New Bern Street transit station; and
- Usable park/open space is provided; and
- The petition provides a mixture of housing types; and
- Existing mature trees are to be preserved; and
- The petition provides site design guidelines and meets the General Development Policies;

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

ZONING COMMITTEE ACTION

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

1. CDOT clarified that the Subdivision Ordinance would require street D to be public. Subdivision staff has confirmed that the street can be private provided it is built to public street standards with a public access easement. The petitioner provided a note stating that the private street would be constructed to public street standards and a public access easement would be provided.

2. Provided a public street extension of Iverson Way from Poindexter Drive to the edge of the conservation easement. The remaining unopened right-of-way will not be abandoned but the petitioner will not be required to improve it.

3. Provided development phasing in the Development Standards to better match infrastructure mitigation to the construction of the proposed entitlements.

4. CDOT rescinded the request to design the proposed southbound...
right-turn lane on South Boulevard and Remount to be channelized with a raised concrete median to provide better pedestrian accessibility and refuge. The intersection capacity is being improved by extending the existing southbound left-turn storage instead adding a right turn-lane.

5. Increased the storage for the “back to back” left-turn lanes on South Boulevard between Poindexter Drive and Ideal Way by reconstructing the monolithic median to compress the bay taper length in Phase I. The petitioner will extend the existing storage on the southbound left-turn lane from 80 feet to 150 feet.

6. Provided a dedicated left-turn lane with a minimum 100 feet of storage on South Boulevard at Elmhurst Road in Phase I.

7. Provided a minimum six-foot wide pedestrian refuge island on the southbound side of the South Boulevard/Elmhurst Road intersection in Phase I.

8. Committed to constructing the “Potential New Public Street” located in the rear of Development Area B during Phase II as a public street.

9. Provided a pedestrian refuge island and crossing midblock between Poindexter Drive and Elmhurst Road. The final location will be determined during permitting.

10. Cross referenced the proposed street cross sections shown on RZ-3.0 with the site plan (RZ-1.1).

11. Provided more detail on the site plan so that CDOT can better understand the individual access scenarios for each development area, and the overall internal vehicular and pedestrian circulation route.

12. The petitioner held a meeting with CMS staff on October 23rd, 2014 to discuss the student yield calculations. The petitioner shared with CMS staff that the unit count had been reduced to 980. The petitioner also explained that based on their research they feel the total number of students the redevelopment of the site would generate would be closer to 75 students and not 780 predicted by CMS. The petitioner indicated that a yield ratio of .03 to .13 students would be more accurate based on similar developments in CMS Planning Area Three. CMS staff indicated they would review the information and consider creating a revised memo that at a minimum took into account the reduced allowed units. A revised memo from CMS has not been received by Planning Department to date.

13. Altered the language of Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to reflect that City Urban Forestry staff will determine the health and condition of City trees and will also determine whether City trees can be removed. A City tree is defined as being wholly or partly within the City right-of-way.

14. Clarified all language of Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to differentiate between City trees and private trees.

15. Revised Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to remove the 50% reference to street trees. The notes now read that a minimum of 50% of all trees along each block face located on private property and within 15 feet of the right-of-way of existing public streets will be preserved.

16. Amended Note 7. c., to explain that parts of the easement may be used for tree save if available as a tree save option and conditions of easement area meet minimum tree save standards.

17. Completed Note 4. I. to provide Transportation improvement details.

18. Changed all references to restaurants to Eating, Drinking, and Entertainment Establishments (EDEE).

19. Staff rescinded the request to remove the language in Note 1.c. and replace with the following: “Minor modifications to the plans are allowed per Section 6.207 of the Zoning Ordinance.”
20. Amended Note 2.f. to limit the number of rotating signs to two wall signs and one detached sign.


22. Staff rescinded the request to modify Note 5.i. on RZ-2.0 and Note d.i. on RZ 3.2, 3.3, and 3.4 which restricts parking and maneuvering between the buildings and public streets to include development areas C and D because the MUDD (mixed use development) standards do not allow this for areas C and D.

23. Specified that the minimum two acres of open space is in addition to the open space required in each development area.

24. Labeled the adjacent zoning of neighboring parcels on RZ-2.11.2

25. Amended Note 3. d. that says "Any additional residential units constructed within development Area B as a result of converting allowed non-residential square footage into residential units will not be counted toward the 1,050 residential dwelling unit limit" to include areas A, C and D.

26. Changed the word "homes" to "zoning" in Note 6.i.

27. Provided a statement of Overall Design Intent.

28. Revised the Poindexter Drive elevation with a combination of landscaping and architectural features to break up blank walls.

29. Replaced Note 2.l. with two notes allowing specific windows of the building located at the corner of Poindexter Drive and South Boulevard to be covered 100% with non-product, non-tenant specific or tenant identifying graphics., Other windows on the building shall be clear glass.

30. Eliminated the optional provision to allow detached signs for each building in Development Areas A and B.

31. Staff rescinded the request to eliminate the optional provision to allow detached signs for each use within Development Areas C and D because MUDD (mixed use development) allows detached signs.

32. Clarified that the optional request for signs is to allow an increased sign area in C and D from 20 square feet to 25 square feet.

33. Staff rescinded the request to reduce the size of a wall mounted neighborhood identification sign to 32 square feet.

34. Removed Note 10.b regarding “sign flex.”

35. Amended Note 1.d. to indicate a total of 12 principle buildings allowed in the MUDD zoning.

36. Amended Note 2.o. to only allow doors to not be recessed when the sidewalk is 12 feet wide or greater.

37. Described phasing in Note 4.b.

38. Staff rescinded the request to specify building materials for structured parking facilities because the MUDD (mixed use development) standards address this issue.

39. Provided the following General Design Guidelines:
   a) The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, monumentation, water feature, seating areas and/or art work features.
   b) Streetscape treatment will be a unifying element through the use of complimentary landscaping and hardscaping materials throughout the Site.
   c) Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.
   d) Windows and doors shall be provided for at least 40% of the total facade area along public streets with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length in the UR-2 (urban residential) areas.
   e) Ground floor elevations shall be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building step backs, art work and
landscaping in the UR-2 (urban residential) areas. Blank walls cannot be addressed with landscape elements only in the UR-2 (urban residential) areas.

f) The petitioner addressed the request for development areas C-I to include a mix of building massing and building heights by indicating in the statement of overall design intent that a variety of residential building styles, types, and materials would be used throughout the site.

g) Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total facade length in the UR-2 (urban residential) areas.

h) End fronting facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets in the UR-2 (urban residential) areas.

i) Facades shall provide visual divisions between the first and second stories through architectural means such as courses, awnings, or a change in primary façade materials or colors in the UR-2 (urban residential) areas.

j) Facades above the first story shall incorporate windows, arches, balconies, or other architectural details in the UR-2 (urban residential) areas.

40. Provided a note stating, “Buildings constructed within Development Area G, that are located within 150 feet of the northeastern property boundary of Development Area G (the common property line with the four lots fronting on Poindexter Drive between Lawndale Road and Elmhurst Road (500, 510, 516 and 520 Poindexter Drive) the ‘Northeastern Property Boundary’) may not have balconies or decks above the first floor that are oriented toward the ‘Northeastern Property Boundary.”

41. Provided multi-family design guidelines.

42. Decreased the maximum building height in Parcel J from 50 feet and 40 feet within 100 feet of the adjacent single family residential to 40 feet for the entire development parcel.

VOTE

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

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:
    - The properties to be rezoned are divided into twelve development areas (see attached map):
      - A-D to be rezoned to MUDD-O (mixed use development, optional) and generally located along South Boulevard and a portion on the south side of Poindexter Drive, and
      - E-L to be rezoned to UR-2 (CD) (urban residential, conditional) and located on the exterior of the site adjacent to single family zoning and internal to the site along Ardmore Road and Berkshire Road.
• Proposed MUDD-O (Development Areas A-D)

<table>
<thead>
<tr>
<th>Area</th>
<th>Uses</th>
<th>Height</th>
<th>Square Footage/units</th>
<th>Conversions</th>
<th>No. Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>All uses in MUDD</td>
<td>60 feet</td>
<td>• 98,000 square feet of retail, EDEE, personal services</td>
<td>• 1,000 square feet of retail, EDEE, personal services to one residential unit</td>
<td>• Up to 12 buildings</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• 100,000 square feet of office or residential units subject to the allowed conversions</td>
<td>• 100,000 square feet of office to 150 units in areas A-D</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>All uses in MUDD</td>
<td>65 feet</td>
<td>98,000 square feet of retail, EDEE, personal services</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>100,000 square feet of office or residential units subject to the allowed conversions</td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1,000 square feet of retail, EDEE, personal services to one residential unit up to 50 units in areas A-D</td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>100,000 square feet of office to 150 units in areas A-D</td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Up to 12 buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Residential</td>
<td>60 feet</td>
<td>980 units for entire site subject to allowed conversions</td>
<td></td>
<td>NA</td>
</tr>
<tr>
<td>D</td>
<td>Residential</td>
<td>60 feet</td>
<td>980 units for entire site subject to allowed conversions</td>
<td></td>
<td>NA</td>
</tr>
</tbody>
</table>

*85 feet along South Blvd, 56 feet along private street

• Proposed UR-2 (CD) (Development Areas E-L)

<table>
<thead>
<tr>
<th>Area</th>
<th>Uses</th>
<th>Height</th>
<th>Square Footage/units</th>
<th>No. of Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>E</td>
<td>Residential</td>
<td>50 feet</td>
<td>980 units for entire site subject to allowed</td>
<td>Up to 75 residential buildings</td>
</tr>
<tr>
<td>F</td>
<td>Residential</td>
<td>50 feet</td>
<td>980 units for entire site subject to allowed</td>
<td></td>
</tr>
<tr>
<td>G</td>
<td>Residential</td>
<td>40/50 feet*</td>
<td>72 units**</td>
<td></td>
</tr>
<tr>
<td>H</td>
<td>Residential</td>
<td>50 feet</td>
<td>980 units for entire site subject to allowed</td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>Residential</td>
<td>40 feet</td>
<td>60 units**</td>
<td></td>
</tr>
<tr>
<td>J</td>
<td>Residential</td>
<td>40 feet</td>
<td>72 units**</td>
<td></td>
</tr>
<tr>
<td>K</td>
<td>Residential</td>
<td>40 feet</td>
<td>36 units**</td>
<td></td>
</tr>
<tr>
<td>L</td>
<td>Residential</td>
<td>50 feet</td>
<td>980 units for entire site subject to allowed</td>
<td></td>
</tr>
</tbody>
</table>

* 40’ within 100’ of property line abutting single family zoning
**Development areas directly abutting adjacent single family zoning

• Allows up to 980 residential dwelling units in Areas C-L at an average density of 18.9 units per acre, provided that no residential units are constructed within Area B.
• Allows up to 1,050 residential dwelling units in Areas B-L, with the exception that any additional residential units constructed within Areas B-D as a result of converting non-residential square footage to residential units will not be counted toward this limit.
• Prohibits parking as a principal use.

Site Design, Open Space and Pedestrian Connectivity
• Prohibits the location of circulation for the accessory drive-through window between the building and abutting public streets.
• Proposes the preservation of an existing unopened right-of-way within Area L and commits to the construction of a public street within the southern portion of the right-of-way extending from Poindexter Drive north to the southern edge of the conservation easement.
• Preserves a minimum of 50 percent of the existing trees on private property within 15-feet of the right-of-way along the existing public streets abutting Areas C-L.
• Commits to urban open space in two locations in Area A, and urban open space in Areas B-D will be provided per the Ordinance.
• Commits to providing a minimum of two acres of usable open space within the UR-2(CD) (urban residential, conditional) portion of the site. Requires open space to have a minimum
• Provides phasing of open space.
• Allows up to one accessory drive-through window within Area B. Prohibits accessory drive-through windows for eating drinking and entertainment establishments (EDEE), excluding “limited service EDEE” with no more than 3,000 square feet and no on-premise cooking other than heating.
• Provides parking in the UR-2(CD) (urban residential, conditional) zoning at a minimum of 1.3 spaces per dwelling unit including the on-street parking.

**Architectural and Site Design Standards**
• Provides a statement of overall design intent.
• Specifies building materials, except for structured parking facilities, will include a combination of glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood. Prohibits vinyl as a building material except on windows and soffits.
• Specifies that new buildings constructed within Area A abutting South Boulevard will be designed so that no parking or maneuvering for parking will be allowed between the proposed building(s) and South Boulevard and Poindexter Drive.
• Provides a 15-foot building separation between the two buildings constructed in Area A that abut South Boulevard.
• Requires that the building constructed at the corner of South Boulevard and Poindexter Drive have at least on operable building entrance from the sidewalk along South Boulevard.
• Commits that the building constructed on Area B will be designed so that the portion of the building facing Marsh Road and Elmhurst Road will have at least 35% of the building frontage devoted to active uses.
• Prohibits service areas for new buildings in Areas A and B from orienting towards South Boulevard. Commits to screening service areas in Areas A and B with walls designed to complement the building architecture.
• Prohibits parking and maneuvering for parking between the buildings and the public streets in Area E-L. Allows parking areas up to 70 linear feet along public streets to be located adjacent to and between residential buildings.
• Prohibits garages from orienting towards the existing or proposed public or private streets.
• Buildings located on Areas B-L will have at least one entrance from each building to the public street.
• Provides multi-family design guidelines.

**Transportation**
• Describes phasing of transportation improvements.
• Provides new internal street connectivity with four proposed private streets and one public street.
• Proposes the abandonment of Elmhurst Circle when Area J redevelops.
• Provides street trees, a sidewalk, a bike lane, and two travel lanes according to the adopted streetscape plan along South Boulevard, with a proposed median to be installed by others.
• Provides two pedestrian refuge islands on South Boulevard.
• Provides five possible cross-sections for all streets, except South Boulevard, commercial portion of Poindexter Drive and the new Haverford Place Extension, to allow the preservation of existing trees.

**Other**
• Limits accessory buildings, other than parking structures, to 20% of the building area of the principle buildings constructed with the MUDD-O (mixed-use development, optional) portion of the site.
• Requires that all accessory buildings and structures be constructed using similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory building/structure.
• Allows existing uses to remain and be used as constructed without complying with the standards of the rezoning plan and the MUDD (mixed use development) and UR-2 (urban residential) districts.
• Provides a 24-foot setback along South Boulevard and 20-foot setback along other public streets.
• Commits to a six-foot tall opaque fence within a ten-foot wide landscaped buffer in Areas J, K, G, and I that abut existing single family homes.
• Requires all lighting to be full cut-off type fixtures excluding lower, decorative lighting along driveways, sidewalks and parking areas. Limits detached lighting, except street lights, to 25 feet in height in non-residential areas and 20 feet in height in residential areas.
• Restricts balconies and decks above the first floor on buildings located in area G oriented
toward single family homes along Poindexter Drive.

• Describes the redevelopment phasing for the site.
• Commits to CDOT and Planning staff review of redevelopment plans for UR-2(CD) (urban residential, conditional) zoned areas as each area comes in for construction plan review.
• Provides a concrete pad for a bench to be added to an existing CATS bus stop along South Boulevard.

• **Optional requests:**
  a. Allow vehicular parking, maneuvering, and service between the proposed buildings and a limited number of specified streets.
  b. Allow the existing surface parking between the existing building(s) located in Development Area B and specified streets to remain until the building(s) located in Development Area B is removed and new building(s) constructed.
  c. Allow the existing streetscape treatments, signage, accessory drive-through window(s), parking areas, buildings and other site elements within Development Area B to remain as currently constructed until Development Area B is redeveloped.
  d. Allow one new use with an accessory drive-through window to be constructed on Development Area B as part of the redevelopment. An EDEE with an accessory drive-through window, other than a "Limited Service EDEE," will not be allowed. The accessory drive-through window will not be allowed between the proposed building and the abutting public streets, and the accessory drive-through windows will circulate within the building developed on the parcel.
  e. Allow modifications to the streetscape treatments called for by the New Bern Transit Station Area Plan as part of the MUDD (mixed use development) requirements along specified streets.
  f. Allow up to one detached sign and two wall signs located on the site to rotate.
  g. Allow one shopping center identification sign per street front within Development Areas A and B with a maximum height of 16 feet and containing up to 64 square feet of sign area.
  h. Allow identification signs for the residential portions of the Site to be located on the detached Shopping Center Signs.
  i. Allow directory, directional, and instructional signs up to four (4) feet high and containing up to 16 square feet of sign area.
  j. Allow wall signs to have up to 230 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less, within Development Areas A and B.
  k. Allow windows located within Development Area A that face Poindexter Drive and are located 10 feet or more above the finished floor elevation of the building and window boxes at street level to have non-product, non-tenant specific or tenant identifying graphic images applied to 100% of the external glazing of the window. These windows and graphic images will be part of the required Street Wall treatment along Poindexter Drive. The building wall along Poindexter Drive will be constructed with openings for windows as generally depicted on the Rezoning Plan, the windows placed in the openings will be outfitted with clear glass, and the graphic images will be applied to the interior side of the window so that light may pass through the window.
  l. Allow the building constructed at the corner of South Boulevard and Poindexter Drive to have windows located on the left and right side of the of the entrance feature located along South Boulevard (Areas A and C as identified on the building elevation included with the rezoning site plan) to have non-product, non-tenant specific or tenant identifying images that cover 100% of the window up to a height of eight (8) feet above the finished floor elevation of the building (windows or the portions of the windows located more than eight (8) feet above the finished floor elevation of the building will not have any graphics applied to them and will have clear glass). These windows will be constructed as real windows with clear glass and the graphic images will be applied to the interior of the window.
  m. Allow a Sedgefield neighborhood identification/entrance sign to be located in Development Area A. The sign may be a detached sign or a wall sign. The area of the sign may be up to 150 square feet as a wall sign or up to 32 square feet and 7 feet high as a detached sign. The sign area of the Sedgefield neighborhood identification sign is in addition to the tenant signage allowed by these Optional provisions and the Ordinance.
  n. Allow the buildings within Development Areas C and D to have one detached sign per street front with up to 25 square feet of sign area and up to four (4) feet high.
  o. Require doorways not to be recessed into the face of the building(s) when the abutting sidewalk and amenity zone width is greater than 12 feet and to not require doorways to be recessed when the door way is not oriented to a public street.
  p. Allow the existing sidewalks and planting strips along South Boulevard, Marsh Road, and Elmhurst Road abutting Development Area B to remain until Development Area B is redeveloped.
q. Allow within Development Area A along Poindexter Drive “trellises” to be located within the 20-foot setback and cross the sidewalk.

r. Allow the parking structure constructed on Development Area B adjacent to new Public Street B to not have ground active uses. The street level of the parking structure will be designed with some or all of the following elements to avoid solid expanses of walls over 20 feet in length: openings with decorative screening, landscaping, architecturally articulated facades and display areas. The openings located on the first floor and at the street level of the parking structure adjacent to Public Street B will be designed as an integral part of the overall building design. Any openings at the street level will be designed so that cars parked inside are screened from the new public street. Parking located on all levels of the parking structure will be screened as required by the Ordinance.

- **Public Plans and Policies**
  - The *New Bern Transit Station Area Plan* (2008) recommends mixed transit supportive development for properties extending southeast to Haverford Place. Within the Wedge neighborhood areas extending further southeast, the plan recommends residential uses at a density of 17 dwelling units per acre. The plan contains a specific provision supporting residential TOD (transit oriented development) for the wedge area closer than ½ mile walk of the transit station when the following provisions are met: usable park/open space is provided, a significant low to moderate income housing component is included in a mixed income environment, a mixture of housing types is provided, existing mature trees are preserved, and Residential Design Guidelines in the *General Development Policies* are met.
  - The petition is consistent with the *New Bern Transit Station Area Plan*.

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

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

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

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - Minimizes impacts to the natural environment by redeveloping an existing developed site.
  - Facilitates the use of alternative modes of transportation by building a transit oriented development.
  - Protects environmentally sensitive areas by preserving a permanent conservation easement along the creek on the northern boundary of the site.

**OUTSTANDING ISSUES**

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

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

Planner: John Kinley  (704) 336-8311
Rezoning Petition: 2014-064

INFORMATION:

Petition #: 2014-064

Acreage & Location: Approximately 59.4 acres generally located on the east side of South Boulevard between and on both sides of Poindexter Drive and Elmhurst Road.

Vicinity Map

Charlotte City Limits

Major Roads

Collector Roads

FEMA flood plain

Watershed

Lakes and Ponds

Creeks and Streams

INSIDE CHARLOTTE CITY LIMITS

August 28, 2014
Petition #: 2014-064

Petitioner: Marsh Properties, LLC

Zoning Classification (Existing): B-1, B-2, O-2, R-17MF and R-8
(Neighborhood Business, General Business, Office, Multi-Family, Residential, and Single Family, Residential)

Zoning Classification (Requested): MUDD-O 5-Year Vested Rights and UR-2(CD) 5-Year Vested Rights
(Mixed Use Development District, Optional, Five Year Vested Rights and Urban Residential, Conditional Five Year Vested Rights)

Acreage & Location: Approximately 59.4 acres generally located on the east side of South Boulevard between and on both sides of Poindexter Drive and Elmhurst Road.
REQUEST
Text amendment to Sections 2.201, 12.408 and 12.410 of the Zoning Ordinance

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

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

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

COMMUNITY MEETING
Meeting is not required.

ZONING COMMITTEE ACTION
The Zoning Committee voted 6-0 to DEFER this petition to their January 5, 2015 meeting.

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

ZONING COMMITTEE DISCUSSION
Staff requested a two-month deferral to allow time to consider modifications to the text amendment.

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

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

- **Proposed Request Details**
  The text amendment contains the following provisions:
  - Adds new definitions for animal care and control division of the Charlotte-Mecklenburg Police Department, animal care and control fosterer, animal rescue group, and animal rescue group fosterer.
  - Modifies the definition of private kennel by classifying animal care and control fosterer, animal rescue group, and animal rescue group fosterer as a private kennel.
  - Modifies the definition of commercial kennel by clarifying that animal care and control fosterer, animal rescue group, or animal rescue group fosterer are not classified as a commercial kennel.
  - Clarifies that commercial kennels are a prohibited customary home occupation.
  - Clarifies the private kennel supplementary standards and adds cross-references to other parts of the City Code that regulate private kennels.

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

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

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

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

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

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**OUTSTANDING ISSUES**

- No issues.

---

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

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

**Planner:** Sandra Montgomery (704) 336-5722
### Purpose/Background:
The purpose of this text amendment is to:
1) add new definitions for animal care and control division, animal care and control fosterer, animal rescue group, and animal rescue group fosterer;
2) modify the definitions for commercial kennel and private kennel;
3) modify the prohibited customary home occupation list; and
4) clarify the prescribed conditions for private kennels and add cross-references to other parts of the City Code related to private kennels.

### Definitions

<table>
<thead>
<tr>
<th>Topic</th>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
</table>
| Private kennel | A structure used by the occupant of the property for outdoor storage of animals and not operated on a commercial basis. | • Modifies the definition to include animal fosterer’s and rescue groups.  
• Modifies the definition to include both indoor and outdoor areas.  
• Modifies the definition by changing the term “structure” to “property”  
• Revised definition: “A property where animals are bred or kept indoors or outdoors by the occupant of the property for personal or non-commercial purposes. This definition includes properties used by an 1) animal care and control fosterer, 2) animal rescue group fosterer, or 3) animal rescue group.” | • Refines definitions in accordance with existing practice. |
| Commercial kennel | A use or structure intended and used for the breeding or storage of animals for sale or for the training or overnight boarding of animals for persons other than the occupant of the lot. | • Modifies the definition to exclude properties used by an animal fosterer or rescue group.  
• Modifies the definition by changing the term “use or structure” to “property”.  
• Expands the definition to include “letting for hire”.  
• Revised definition: “Any property used to conduct a commercial business involving the buying, selling, breeding for sale, letting for hire, overnight boarding, storage or training of animals. This definition excludes properties used by an 1) animal care and control fosterer, 2) animal rescue group fosterer, or 3) animal rescue group.” | • Refines definitions in accordance with existing practice. |
| Definitions | None | • Adds four new definitions:  
  - **Animal care and control division**: “The Division within the Charlotte-Mecklenburg Police Department that is responsible for promoting animal welfare in the Charlotte-Mecklenburg Community through the enforcement of departmental and the City of | • Adds definitions to alignment with other code definitions. |
<table>
<thead>
<tr>
<th>Definitions</th>
<th>Charlotte animal-related policies and management of the county’s animal shelter.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Animal care and control fosterer:</strong> “An individual approved with animal care and control to which custody, but not ownership, of animals is transferred for the purpose of providing a temporary home for animals that do not thrive in the shelter setting. After six months of guardianship, the fosterer must register the animal(s) as an owned pet.”</td>
</tr>
<tr>
<td></td>
<td><strong>Animal rescue group:</strong> “A humane, 501(c)(3) non-profit organization, that is registered with animal care and control as a rescue partner that transfers animals from animal control into their care as a means of facilitating animal care and control’s goal of eliminating the euthanasia of healthy, adoptable animals.”</td>
</tr>
<tr>
<td></td>
<td><strong>Animal rescue group fosterer:</strong> “An individual volunteering with an animal rescue group who provides a temporary home for animals that the animal rescue group has available for adoption until they are found a permanent home. After six months of guardianship, the fosterer must register the animal(s) as an owned pet.”</td>
</tr>
</tbody>
</table>

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

SUMMARY OF PETITION
The petition proposes allowing outdoor dining associated with an eating, drinking and entertainment establishment to encroach into a site’s setback and side yards when abutting public streets, if prescribed conditions are met.

PETITIONER
Brazwells Premium Pub, Britton McCorkle

AGENT/REPRESENTATIVE
Robert L. Brandon, Planning & Zoning Consultants

COMMUNITY MEETING
Meeting is not required.

STATEMENT OF CONSISTENCY
This text amendment 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 broadens the choices for entertainment.

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

• Outdoor dining encourages a more pedestrian-oriented form of development;

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

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

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

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

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

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

PLANNING STAFF REVIEW
• Proposed Request Details
  The text amendment contains the following provisions:
  • Adds outdoor dining as a permitted accessory use, when associated with an eating, drinking and entertainment establishment, with prescribed conditions:
    • Outdoor dining shall be permitted to encroach into the required setback or side yard when abutting a public street, according to the street type abutting the property:
      • Local (Class VI): 100 percent encroachment
      • Collector (Class V): 100 percent encroachment
      • Minor arterial (Class IV): 75 percent maximum encroachment
• Major arterial (Class III): 50 percent maximum encroachment
• Commercial arterial (Class III-C): 0 percent encroachment
• Limited access arterial (Class II): 0 percent encroachment
• Freeways, expressway (Class I): 0 percent encroachment

- Type 2 eating, drinking and entertainment establishments shall meet the prescribed conditions in Section 12.546 for eating, drinking and entertainment establishments.
- Outdoor dining areas shall be located on private property, behind the public sidewalk, and out of the public right-of-way, unless a public right-of-way encroachment agreement is approved by the Charlotte Department of Transportation. If no sidewalk exists, then the outdoor dining area shall be located a minimum of 10 feet from the existing or proposed back of curb.
- Outdoor dining areas located in the required setback or side yard abutting a public street shall be located on a patio, at grade, and contain no temporary or permanent roof with supporting structures.
- Outdoor dining areas shall be located outside of all sight-distance triangles, and shall not block fire hydrants, driveway access, doors, or utilities.
- Awnings that are supported only by a building wall and umbrellas are permitted, but shall not interfere or conflict with Tree Ordinance required plantings.
- The square footage of outdoor dining areas shall be included in the calculations for the total square footage of the establishment for parking requirements, unless there are exceptions noted in the district.

- Public Plans and Policies
  - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals to provide a range of choices for entertainment and encourage a more pedestrian-oriented form of development.

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.

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

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

Planner: Sandra Montgomery (704) 336-5722
**TEXT AMENDMENT SUMMARY: Accessory Outdoor Dining Permitted on Private Property and in the Setback/Yards 10-3-14**

**Purpose/Background:** The purpose of this text amendment is to allow outdoor dining as an accessory use in the setback and yards when associated with an eating, drinking and entertainment establishment, with prescribed conditions.

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eating, drinking and entertainment establishments are permitted by right or with prescribed conditions in the multi-family (R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF), urban residential (UR-2, UR-3, and UR-C), institutional (INST), research (RE-1, RE-2 and RE-3), office (O-1, O-2, and O-3), business (B-1, B-2, B-D, and BP), mixed use (MX-1, MX-2, MX-3), mixed use development (MUDD), uptown mixed use development (UMUD), commercial center (CC), transit oriented development (TOD), urban industrial (U-I), and industrial (I-1 and I-2) zoning districts.</td>
<td>Eating, drinking and entertainment establishment regulations remain unchanged. Adds “outdoor dining” as an permitted accessory use in all the districts where eating, drinking and entertainment establishments are permitted, with prescribed conditions:</td>
<td>Encourages a more pedestrian-oriented form of development and provides a range of choices for eating and entertainment.</td>
</tr>
<tr>
<td>Must meet the prescribed conditions associated with an eating, drinking and entertainment establishment.</td>
<td>Outdoor dining areas shall be located on private property, behind the public sidewalk and out of the public right-of-way (unless an encroachment agreement is approved by the Charlotte Department of Transportation. If no sidewalk exists, then the outdoor dining area shall be located a minimum of 10’ from the existing or proposed back of curb.</td>
<td></td>
</tr>
<tr>
<td>Outdoor dining areas located in the required setback shall be located on a patio, at grade, and contain no temporary or permanent roof with roof supporting structures.</td>
<td>Outdoor dining areas shall be located outside of all sight-distance triangles, and shall not block fire hydrants, driveway access, doors, or utilities;</td>
<td></td>
</tr>
<tr>
<td>Awnings that are supported only by a building wall and umbrellas are permitted, but shall not interfere or conflict with Tree Ordinance required plantings;</td>
<td>The square footage area of outdoor dining areas shall be calculated in the square footage of the establishment, for parking requirements;</td>
<td></td>
</tr>
</tbody>
</table>
| Outdoor dining shall be permitted to encroach into the setback or yards, | }
according to the public street type abutting the property according to the following table:

<table>
<thead>
<tr>
<th>Thoroughfare Classification</th>
<th>Maximum Encroachment Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeway or Expressway (Class I)</td>
<td>0</td>
</tr>
<tr>
<td>Limited Access Arterial (Class II)</td>
<td>0</td>
</tr>
<tr>
<td>Commercial Arterial (Class III-C)</td>
<td>0</td>
</tr>
<tr>
<td>Major Arterial (Class III)</td>
<td>50</td>
</tr>
<tr>
<td>Minor Arterial (Class IV)</td>
<td>75</td>
</tr>
<tr>
<td>Collector (Class V)</td>
<td>100</td>
</tr>
<tr>
<td>Local (Class VI)</td>
<td>100</td>
</tr>
</tbody>
</table>
AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE

ORDINANCE NO.

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

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

A. CHAPTER 9: GENERAL DISTRICTS

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

     a. Amend Section 9.101, “Table of Uses”, by adding a new row titled “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment”, either Type 1 and/or Type 2, under the “Accessory Uses & Structures headers of the multi-family, urban residential, institutional, research office, business, mixed use, MUDD, UMUD, TOD, urban industrial and industrial zoning districts with a “PC” under the designated districts. The revised table entries shall read as follows:

     | MULTI-FAMILY          | R-8MF | R-12MF | R-17MF | R-22MF | R-43MF |
     |----------------------|-------|--------|--------|--------|--------|
     | ACCESSORY USES & STRUCTURES | PC    | PC     | PC     | PC     | PC     |
     | Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1) |       |        |        |        |        |

<pre><code> | URBAN RESIDENTIAL | UR-1 | UR-2 | UR-3 | UR-C |
 |-------------------|------|------|------|------|
 | ACCESSORY USES &amp; STRUCTURES | PC   | PC   | PC   | PC   |
 | Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2) |       |      |      |      |
</code></pre>
<table>
<thead>
<tr>
<th>INSTITUTIONAL</th>
<th>INST</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACCESSORY USES &amp; STRUCTURES</strong></td>
<td></td>
</tr>
<tr>
<td>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only)</td>
<td>PC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RESEARCH</th>
<th>RE-1</th>
<th>RE-2</th>
<th>RE-3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACCESSORY USES &amp; STRUCTURES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 and Type 2)</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OFFICE BUSINESS</th>
<th>O-1</th>
<th>O-2</th>
<th>O-3</th>
<th>B-1</th>
<th>B-2</th>
<th>B-D</th>
<th>BP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACCESSORY USES &amp; STRUCTURES</strong></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MIXED USE</th>
<th>MX-1</th>
<th>MX-2</th>
<th>MX-3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACCESSORY USES &amp; STRUCTURES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
</tr>
</tbody>
</table>
### MUDD & UMUD COMMERCIAL CENTER
#### TRANSIT ORIENTED DEVELOPMENT

<table>
<thead>
<tr>
<th>ACCESSORY USES &amp; STRUCTURES</th>
<th>MUDD</th>
<th>UMUD</th>
<th>CC</th>
<th>TOD-R</th>
<th>TOD-E</th>
<th>TOD-M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
</tr>
</tbody>
</table>

### URBAN INDUSTRIAL

#### INDUSTRIAL

<table>
<thead>
<tr>
<th>ACCESSORY USES &amp; STRUCTURES</th>
<th>U-I</th>
<th>I-1</th>
<th>I-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only) operated by an employer on the site for the convenience of his employees only</td>
<td>PC</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2) | PC | PC |

2. **PART 3: MULTI-FAMILY DISTRICTS**

   a. Amend Section 9.304, “Permitted accessory uses and structures”, by adding a new item (9.5), “Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 only)”. All other entries remain unchanged. The new entry shall read as follows:

   (25) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only).

3. **PART 4: URBAN RESIDENTIAL DISTRICTS**

   a. Amend Section 9.405, “Urban Residential Districts; accessory structures” by modifying the title to read “Urban Residential Districts; accessory uses and structures”, and adding a new paragraph allowing outdoor dining associated with
an Eating, Drinking and Entertainment Establishment, as an accessory use. The revised section shall read as follows:

Section 9.405. Urban Residential Districts; accessory uses and structures.

Accessory structures are allowed in all urban residential districts in accordance with Section 12.106. However, accessory structures are exempted from Section 12.106 with respect to shared property lines when a joint application is made by adjoining property owners.

Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

Land clearing and inert landfills (LCID): on-site, are permitted subject to the regulations of Section 12.405.

4. PART 5: INSTITUTIONAL DISTRICT

a. Amend Section 9.504, “Permitted accessory uses and structures”, by adding a new item (6.5), titled “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only)”. The new entry shall read as follows:

(6.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only).

5. PART 6: RESEARCH DISTRICTS

a. Amend Section 9.604, “Permitted accessory uses and structures” by adding a new item (9.5) titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only)”. The new entry shall read as follows:

(9.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only).

6. PART 7: OFFICE DISTRICTS

a. Amend Section 9.704, “Permitted accessory uses and structures”, by amending item (10) by replacing “RESERVED” with “outdoor dining associated with an Eating, Drinking and Entertainment Establishment” and a reference to Section
12.546. The revised entry shall read as follows:

(10) **(RESERVED) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2).** Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

7. **PART 8: BUSINESS DISTRICTS**

   a. Amend Section 9.804, “Permitted accessory uses and structures”, by adding a new item (10.5) titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)”, and a reference to Section 12.546. Other items remain unchanged. The new entry shall read as follows:

   (10.5) **Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2).** Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

8. **PART 8.5: MIXED USE DEVELOPMENT DISTRICT**

   a. Amend Section 9.8504, “Mixed Use Development District; accessory uses” by adding a new entry, in alphabetical order, titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)”, and a reference to Section 12.546. The new entry shall read as follows:

   Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

9. **PART 9: UPTOWN MIXED USE DISTRICT**

   a. Amend Section 9.904, “Uptown Mixed Use District; accessory uses” by adding a new entry (1.8) titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)”, and a reference to Section 12.546. The new entry shall read as follows:

   (1.8) **Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2).** Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.
10. PART 10: URBAN INDUSTRIAL DISTRICT

a. Amend Section 9.1004, “Urban Industrial District; permitted accessory uses”, by adding a new item (2.5) titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 only)” operated by an employer on the site for the convenience and use of employees only. The new entry shall read as follows:

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

11. PART 11: INDUSTRIAL DISTRICTS

a. Amend Section 9.1104, “Permitted accessory uses and structures”, by adding a new item (2.5) titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 or Type 2)” )”, and a reference to Section 12.546. All other entries remain unchanged. The new entry shall read as follows

(2.5) Outdoor dining associated with an Eating, Drinking and
Entertainment Establishment (Type 1 or Type 2). Outdoor dining
associated with a Type 2 Eating, Drinking and Entertainment
Establishment is subject to the regulations of Section 12.546.

12. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

a. Amend Section 9.1207, “Accessory Uses” by adding a new item (4.5), titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)” )”, and a reference to Section 12.546. The new entry shall read as follows:

(4.5) Outdoor dining associated with an Eating, Drinking and
Entertainment Establishment (Type 1 or Type 2). Outdoor dining
associated with a Type 2 Eating, Drinking and Entertainment
Establishment is subject to the regulations of Section 12.546.

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

a. Amend Section 10.811, “Uses” by modifying item (3), “Eating, Drinking and
Entertainment Establishments (Type 2)” by adding “and outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 2) are…” to the sentence. The revised item (3) shall read as follows:

(3) Eating, Drinking and Entertainment Establishments (Type 2), and outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 2), are subject to the regulations of Section 12.546.

2. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

a. Amend Section 10.906, “Accessory Uses”, by adding an introductory sentence and numbering the items. Add a new item (2) that allows “outdoor dining associated with an Eating, Drinking and Entertainment Establishment” to the list of permitted accessory uses), and adds a reference to Section 12.546. The revised section shall read as follows:

Section 10.906. Accessory Uses.

The following accessory uses are permitted:

(1) Accessory uses and structures clearly incidental and related to the principal use or structure on the lot are allowed, with the following exception:

Drive-through service lanes are only permitted if allowed in the underlying zoning district. Drive-through windows shall only be located on the same site as the principal use, and shall be located to the rear of the principal use, to minimize visibility along public rights-of-way. Freestanding drive-through lanes are prohibited. Principal uses with drive-through service windows shall meet the following requirements:

(a) For professional business and general office uses, no more than four (4) drive-through service lanes shall be permitted per individual use.

(b) For retail uses, no more than one (1) drive-through service window with no more than two (2) service lanes shall be permitted per individual use.

(2) Outdoor dining associated with an Eating, Drinking and
Entertainment Establishment (Type 1 or Type 2) is only permitted if allowed in the underlying zoning district. Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

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

   a. Amend Section 11.204, “Permitted accessory uses and structures”, by adding a new item (10.5), “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment. The new entry shall read as follows:

   (10.5) Outdoor dining associated an Eating, Drinking and Entertainment Establishments:
   a. Type 1 only in multi-family and attached buildings.
   b. Type 2 allowed in MX-2 and MX-3 only, subject to the regulations of Section 12.546.

2. PART 4: COMMERCIAL CENTER DISTRICT

   a. Amend Section 11.404, “Permitted accessory uses and structures”, by adding a new item (5.3), titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)”, and a reference to Section 12.546. All other entries remain unchanged. The revised entry shall read as follows:

   (5.3) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

D. CHAPTER 12: DEVELOPMENT REGULATIONS OF GENERAL APPLICABILITY

1. PART 4: ACCESSORY USES AND STRUCTURES

   a. Add a new Section 12.419, titled, “Outdoor dining”. The new section shall read as follows:

     Section 12.419 Outdoor dining
Outdoor dining associated with an Eating, Drinking and Entertainment Establishment shall meet the following prescribed conditions:

1. Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment that is allowed in the zoning district shall meet the prescribed conditions of Section 12.546;

2. All outdoor dining areas shall be located on private property, behind the public sidewalk and out of the public right-of-way, unless a public right-of-way encroachment agreement is approved by the Charlotte Department of Transportation, in accordance with Chapter 19, Article IX of the City code, allowing outdoor dining in the public right-of-way. If no public sidewalk exists, then the outdoor dining area shall be located a minimum of 10’ from the existing or proposed back of curb;

3. Outdoor dining areas located in the required setback shall be located on a patio, at grade, and contain no temporary or permanent roof with roof supporting structures;

4. Outdoor dining areas shall be located outside of all sight-distance triangles, and shall not block fire hydrants, driveway access, doors, or utilities;

5. Awnings that are supported only by a building wall and umbrellas are permitted, but shall not interfere or conflict with Tree Ordinance required plantings;

6. The square footage area of outdoor dining areas shall be calculated in the square footage of the establishment, for parking requirements;

7. Outdoor dining shall be permitted to encroach into the setback or yards, according to the public street type abutting the property according to the following table:

<table>
<thead>
<tr>
<th>Thoroughfare Classification</th>
<th>Maximum Encroachment Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeway or Expressway (Class I)</td>
<td>0</td>
</tr>
<tr>
<td>Limited Access Arterial (Class II)</td>
<td>0</td>
</tr>
<tr>
<td>Commercial Arterial (Class III-C)</td>
<td>0</td>
</tr>
<tr>
<td>Major Arterial (Class III)</td>
<td>50</td>
</tr>
<tr>
<td>Minor Arterial (Class IV)</td>
<td>75</td>
</tr>
<tr>
<td>Collector (Class V)</td>
<td>100</td>
</tr>
</tbody>
</table>
Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

____________________________________
City Attorney

I, ____________________, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 2014, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)______________.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this ____ day of _________________, 2014.

____________________________________
Rezoning Petition 2014-080
Zoning Committee Recommendation
October 29, 2014

REQUEST

Current Zoning: I-2 (general industrial)
Proposed Zoning: B-2(PED) (general business, pedestrian overlay)

LOCATION

Approximately 0.50 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad.
(Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to allow all uses permitted in the B-2(PED) (general business, pedestrian overlay) district.

PROPERTY OWNER

Cole Properties & Investments, Inc.

PETITIONER

Campus Works/Mallie Colavita

AGENT/REPRESENTATIVE

Jim Gamble & David Malcolm: McAdams Company

COMMUNITY MEETING

Meeting is not required.

STATEMENT OF CONSISTENCY

This petition is found to be inconsistent with the Belmont Revitalization Plan, based on information from the staff analysis and the public hearing, and because:

- Industrial land uses are recommended for this site.

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

- The property is separated from the existing industrial land uses by the railroad tracks; and
- The requested district is consistent with the zoning and development pattern of the abutting property to the south;

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

ZONING COMMITTEE ACTION

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

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff reviewed this request noting that it is a convention petition with no associated site plan and that it is inconsistent with the Belmont Revitalization Plan.

A Commissioner asked why staff was supporting this petition. Staff responded that the site is separate from other industrial zoned properties by the railroad and will not likely be developed with those industrial properties. Another Commissioner asked if there is a railroad easement on the site. Staff responded that there is a railroad right-of-way.

A Commissioner questioned the zoning of the properties to the south of the site and staff responded that they are zoned B-2(PED) (general business, pedestrian overlay). It was noted that the rezoning would be consistent with the zoning on those properties.

STAFF OPINION

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

PLANNING STAFF REVIEW

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

- **Public Plans and Policies**
  - The Belmont Revitalization Plan (2003) recommends industrial uses for the subject parcel.
  - This petition is inconsistent with the Belmont Revitalization Plan.

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

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

**Planner:** Solomon Fortune (704) 336-8326
Petition # 2014-080

Acreage & Location: Approximately 0.497 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad.
Petition #: 2014-080  
Petitioner: Campus Works / Mallie Colavita  
Zoning Classification (Existing): I-2  
(General Industrial)  
Zoning Classification (Requested): B-2(PED)  
(General Business, Pedestrian Overlay District)  
Acreage & Location: Approximately 0.497 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad.
REQUEST
Current Zoning: MX-2(INNOV)(LWCA) (mixed use, innovative, Lake Wylie Critical Area), MX-2(INNOV)(LLWCA) (mixed use, innovative, Lower Lake Wylie Critical Area), and NS(LLWCA) (neighborhood services, Lower Lake Wylie Critical Area)

Proposed Zoning: MX-2(INNOV)(LWCA) SPA (mixed use, innovative, Lake Wylie Critical Area, site plan amendment), MX-2(INNOV)(LLWCA) SPA (mixed use, innovative, Lower Lake Wylie Critical Area, site plan amendment), and NS(LLWCA) SPA (neighborhood services, Lower Lake Wylie Critical Area, site plan amendment)

LOCATION
Approximately 391 acres generally located on the east and west side of Amos Smith Road, south of Old Dowd Road and south of the Norfolk Southern Railroad.
(Outside City Limits)

SUMMARY OF PETITION
The petition proposes a site plan amendment to allow the modification of development standards for density, lot widths and sizes, transportation improvements, and proposed street cross sections.

PROPERTY OWNER
Provident Development Group, Inc., DR Horton, Inc., and REO Funding Solutions III, LLC.

PETITIONER
Provident Land Services

AGENT/REPRESENTATIVE
Tom Waters and Keith MacVean

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

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

- The proposed use is suitable for the area; and
- The Plan recommends a mix of uses including residential and retail.

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:

- It eliminates the office/school component; and
- The request allows minor changes to the site plan approved by petition 2005-014;

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

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

1. The number of residential units for the overall site has been provided. The site will be allowed to have 658 dwelling units.
2. A detail of the typical lot has been provided.
3. A note has been added that commits to 6/12 roof pitches.
4. Added a note which requires foundations to be masonry under "Architectural restrictions".
5. A note has been added for Parcel K specifying the spacing of the proposed pedestrian lighting.
6. Proposed open space areas have been show on the plan for the overall site.
7. In lieu of eliminating the note regarding mass grading, the petitioner has agreed to the following:
   a. To increase the minimum lot width as follows:
      i. Parcel D minimum lot width will be increased from 65
feet to 70 feet;
ii. Parcel G-1 minimum lot width will be increased from 80 feet to 90 feet;
iii. Parcel G-2 minimum lot width will be increased from 65 feet to 80 feet;
b. To amend note 9.d as follows: Within Parcels G-1, G-2, D and H, grading and clearing will be limited and regulated by the City of Charlotte and Mecklenburg County Enhanced Erosion Control Policy for Sites located in critical watershed areas, with the additional enhancement that the amount of uncovered area at any one time shall be limited to no more than 12 acres, unless approved by City/County Engineer. Enhanced Erosion Control Policy requirements such as but not limited to the following will be utilized as specified in the Enhanced Erosion Control Policy: (i) surface water draw down devices (risers or skimmers); (ii) Polyacrylamides (PAM) to reduce turbidity; (iii) double silt fences; (iv) the amount of uncovered area at any one time shall be limited to no more than 12 acres (as enhanced by the Petitioner), unless approved by City/County Engineer; and (v) other measures as specified by the Enhanced Erosion Control Policy requirements.

8. A note has been added that “play areas and amenity areas will be provided once 480 homes have been permitted.”
9. A note has been added: “For Parcels G-1 and H, each individual lot with private lake frontage will have a 100-foot undisturbed buffer and the deeds to purchasers of these lots will contain restrictions which require that this buffer remain undisturbed in accordance with the Ordinance’s watershed regulations. This 100-foot buffer will be increased in width to 150 feet in those areas where slopes adjacent to the lake are greater than 50 percent.”

10. Clarified that the open space in Development Area A is private open space for the overall development.
11. A wetlands letter for the subject property has been submitted.
12. A note has been modified to state that one member from the Catawba Community Association will serve in an advisory capacity to the Architectural Review Board of the Vineyards at Lake Wylie.
13. Modified the new note for the possible emergency at grade crossing across the Norfolk Southern line by removing the following condition: “If the right to provide the emergency at grade crossing is not granted to the Petitioner before the 481st lot is platted the Petitioner will no longer be obligated to construct the emergency at grade crossing.”

VOTE

Motion/Second: Eschert/Nelson
Yes: Dodson, Eschert, Labovitz, Nelson, Ryan, and Sullivan
No: None
Absent: Walker
Recused: None

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and noted that the request is for modifications to the previously approved site plan. Staff indicated how the outstanding site plan issues had been addressed. Staff noted that the petition is consistent with the Dixie Berryhill Strategic Plan.

A Commissioner asked about the removal of the second bridge that was approved as a part of the original rezoning. Staff noted that the development does not merit another bridge due to capacity; however, to address citizen concerns the petitioner added a note committing to an at-grade emergency crossing if approved by the railroad. The Commissioner questioned emergency access and staff noted that the Charlotte Fire Department did not have concerns with the one entrance. Staff also noted that this area is served by a volunteer fire department and staff would be contacting them for input prior to the
Another Commissioner asked staff about the traffic to the site. Staff noted that the infrastructure can handle the number of vehicles traveling at any time. The concerns about the additional bridge are from a safety perspective. It was noted that the bridge is 34 feet in width.

Another Commissioner asked if the entitlements were reduced by this petition. Staff noted that the entitlements were reduced as the school/office component was removed.

**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**

- **Background**
  - The subject property is a part of 596 acres located on both sides of Amos Smith Road rezoned by Petition 2005-014. The approved rezoning allows up to 1,030 residential units, at a density of 1.7 units per acre, 30,000 square feet of retail uses, and 70,000 square feet of office uses or a school. Development standards include the following:
    - A mixture of single family and townhomes residential units throughout the proposed development.
    - Three development options for Parcel K, which allowed retail development.
    - A 50-foot landscape buffer along both sides of Amos Smith Road.
    - A 30-foot landscape screening area along Duke Power Right-of-way.
    - A 100-foot landscape buffer along the Norfolk Southern Railroad Line.
    - A 100-foot watershed buffer.
    - Details of the typical lots widths and dimensions.
    - Limited the number of possible docks allowed on the lake in Parcel G-1 and G-2 to 14.
    - Cross sections of proposed residential and collector streets.
    - Transportation improvements consisting of:
      - New parallel bridge to existing Amos Smith Road Bridge across the Norfolk Southern Railway.
      - Installation of curb, gutter, sidewalks, and 10-foot trail along Amos Smith Road.
      - Large truck turnaround off-site south of the intersection of Amos Smith Road and Midsomer Road.
      - Construction of turn lanes and possible traffic signal at Old Dowd Road and Amos Smith Road.
      - Construction of turn lanes at Old Dowd Road, Sam Wilson Road, and Wilkinson Boulevard.
      - Signal improvements and re-striping at Wilkinson Boulevard and I-485 southbound ramps.
      - Provision of a new public street from Johnston Road to the southern property boundary.

- **Proposed Request Details**
  The site plan amendment contains the following changes:
  - Overall total allowed residential dwelling units on the site will be 1,090.
  - The site will be allowed to have 598 for all lots except Parcel I, which will add 60 lots for an overall total of 658 dwelling units.
  - Modifications to Parcel A to:
    - Decrease the number of single family attached units from 262 to a maximum of 90.
    - Add possible boat storage area.
    - Add possible open space area for the overall development.
  - Modification to Parcel B to:
    - Reduce the minimum lot width from 65 feet to 50 feet.
  - Modification to Parcel E to:
    - Add possible boat storage area.
- Modifications to Parcel G-1 and H to:
  - Add common docks and associated parking areas.
  - Remove the limitation on the number of docks that may be built.
- Modifications to Parcel I to:
  - Remove the options for a school or office use and replace with a maximum of 60 single family dwelling units.
  - Install a 20-foot landscape buffer along the eastern edge adjacent to the existing residential homes.
- Modifications to the general notes for Parcel G-1, G-2, D and H to:
  - Remove the requirement that lots cannot be mass graded.
  - Remove the requirement that homebuilders are required to use crawl spaces, stem walls, and various techniques to minimize tree disturbance.
  - Remove the required approval of site plans by the architectural review committee.
- Modifications to Parcel K (retail parcel) to:
  - Remove two of the three development scenarios shown on the 2005 approved site plan.
  - Add that attached and detached lighting will be fully shielded and full cutoff fixtures.
- Modifications to the transportation improvements to:
  - Remove the requirement to install a parallel bridge to the existing Amos Smith Road bridge across Norfolk Southern Railway.
  - Provide 35 feet of private right-of-way to the Hendrix Property.
  - Install directional signage for oversized trucks indicating that there is no outlet along Amos Smith Road and redirect them to Old Dowd Road.
- Modifications to the Innovative Requests to:
  - Change the proposed cross-sections of Amos Smith Road and Midsomer Road, to allow no curb and gutter to be installed.
  - Allow an eight-foot planting strip and five-foot sidewalk, and a 10-foot multi-use trail along Amos Smith Road.
- Modifications to allow eight-foot planting strip and a five-foot sidewalk along one side of Midsomer Road.
- Addition of a typical lot detail.
- Spacing of the proposed pedestrian lighting in Parcel K.
- Provision that open space areas are for the overall site.
- Modifies the minimum lot widths as follows:
  - Parcel D lot the minimum lot width will be increased from 65 feet to 70 feet;
  - Parcel G-1 minimum lot width will be increased from 80 feet to 90 feet;
  - Parcel G-2 minimum lot width will be increased from 65 feet to 80 feet;
- Clarifies erosion control measures and the amount of land that may be mass graded.
- Provides that play areas and amenity areas will be provided once 480 homes have been permitted.
- Notes that in Parcels G-1 and H, each individual lot with private lake frontage will have a 100 to 150-foot undisturbed buffer and deed restrictions causing the buffer to remain undisturbed in accordance with the Ordinance’s watershed regulations.
- Provides that one member from the Catawba Community Association will serve in an advisory capacity to the Architectural Review Board of the Vineyards at Lake Wylie.
- The addition of the following note regarding the emergency at grade crossing across the Norfolk Southern railroad:
  - “The Petitioner has requested from Norfolk Southern the ability to construct an emergency at grade crossing over the existing Norfolk Southern railroad to provide emergency access to Vineyards. The emergency at grade crossing will be constructed adjacent to the existing Amos Smith Bridge over the Norfolk Southern railroad. If Norfolk Southern grants the petitioner the right to construct an emergency at grade crossing the Petitioner will construct an emergency at grade crossing in the location indicated above and generally depicted on the Rezoning Plan. If the ability to construct the emergency at grade crossing is granted by Norfolk Southern, the Petitioner will construct the emergency at grade crossing before the 481st single family lot is platted.”

**Public Plans and Policies**
- The *Dixie Berryhill Strategic Plan*, as amended by petition 2005-014, recommends a mix of land uses including residential and retail for the subject site.
- The petition is consistent with the *Dixie Berryhill Strategic Plan*. 
DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  - Facilitates the use of alternative modes of transportation by providing a 10-foot shared-use path.

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326
Petition # 2014-081

Acreage & Location: Approximately 391 acres generally located on the east and west side of Amos Smith Road, south of Old Dowd Road and south of the Southern Railroad in this area.

Rezoning Petition: 2014-081

Vicinity Map

OUTSIDE CHARLOTTE CITY LIMITS
Petition #: 2014-081
Petitioner: Provident Land Services

Zoning Classification (Existing): MX-2(INNOV)(LWCA), MX-2(INNOV)LLWCA), & NS(LLWCA)
(Mixed Use, Innovative, Lake Wylie Critical Area; Mixed Use, Innovative, Lower Lake Wylie Critical Area; and Neighborhood
Services, Lower Lake Wylie Critical Area)

NS (S.P.A.)(LLWCA)
(Mixed Use, Innovative, Site Plan Amendment, Lake Wylie Critical Area; Mixed Use, Innovative, Site Plan Amendment,
Lower Lake Wylie Critical Area; and Neighborhood Services, Site Plan Amendment, Lower Lake Wylie Critical Area)

Acreage & Location: Approximately 391 acres generally located on the east and west side of Amos Smith Road, south of Old Dowd Road and south of the Southern Railroad in this area.

Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.
REQUEST
Current Zoning: B-1 (neighborhood business)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION
Approximately 1.5 acres located on the north side of East 7th Street between Clement Avenue and Pecan Avenue.
(Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to allow the development of up to 95 multi-family residential dwelling units, at a density of 63 units per acre, with related amenities and accessory uses.

PROPERTY OWNER
Various

PETITIONER
7th Street Progression Partners, LLC c/o Bryan Barwick

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

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 33

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

- The single use multi-family development is a well-suited land use for the area.

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 site is located in a primarily single family residential neighborhood but on a street with a mix of uses that includes entertainment, retail, office and multi-family residential; and,
- The site plan is designed to be compatible with the abutting single family residential through limitations on density, height, location of buildings and screening;

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

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

1. Reference to courtyard walls has been removed from Optional Provision B (Optional Provision A on revised site plan). The modified note now specifies how far decorative paving, steps and stoops are proposed to encroach into the setback, as well as the maximum amount of the setback area impacted by the encroachment (up to three feet into the 21-foot zoning setback).
2. Petitioner has moved Option C to Option B, removed the reference to dining and providing new language that proposes an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk along the Site’s frontage on East 7th Street. The new language further states that the improvements will not obstruct the sidewalk such that an eight-foot wide clear sidewalk zone will be maintained.
3. Removed Architectural Standards Note D as the zoning standards allow balconies to project up to two feet with a minimum clearance of ten feet from grade.
4. Removed references to adopted area plans on Sheet RZ-1.0 of the site plan.
5. Confirmed type of residential product proposed as multi-family under Development Information on Sheet RZ-2.0.
6. Moved the proposed buffer and screening materials out of the abutting alleyway and onto the rezoning site.

7. Addressed Urban Forestry’s comments by adding Environmental Features Note D that states tree preservation will be coordinated during land development with City Engineering and Urban Forestry.

8. Under Lighting Note B, maximum height of freestanding lighting is now noted as 25 feet.

9. Note C from the “General Provisions” has been removed from the site plan.

10. The number of proposed units has been reduced from 95 to 91.

11. Reference to Deed Restriction Setback has been removed from Sheets RZ-2.0 and RZ-2.3.

12. Sheet RZ-2.0 has been revised to show planting area in front of eight-foot screen wall along portions of property lines.

13. Sheet RZ-2.0 has been revised to show proposed bicycle parking locations.

14. Sheet RZ-2.0 has been revised to show proposed seat height freestanding walls, potential drinking fountain locations and potential tree in grate.

15. Sheet RZ-2.0 has been revised to show a new planting area to be extended along a portion of the driveway accessing East 7th Street.

16. Sheet RZ-2.0 has been revised to show a 25-foot deed restriction setback along East 7th Street.

17. Sheet RZ-2.1 has been modified to note opaque screen wall (final height to be determined), include the 21-foot Zoning Setback and 25-foot Deed Restriction Setback, and reference development notes for installation, maintenance, and removal responsibilities with respect to proposed landscaping materials.

18. Sheet RZ-2.1 has been modified to identify “3 story portion of building with maximum 40 feet as measured from average final grade” on “Fourth Level Schematic Architecture” detail.

19. Sheet RZ-2.1 has been modified to identify “4 story portion of building with maximum 52 feet as measured from average final grade” on “Fourth Level Schematic Architecture” detail.

20. Sheet RZ-2.20 has been modified to note locations of proposed building materials on all elevations.

21. A note has been added to Sheet RZ2.2 that states certain designated windows will have translucent glass in window units (50%).

22. New Sheet RZ-2.3 labeled “Schematic Required Planting Plan” identifies proposed plantings to screen new building from adjacent residential development.

23. New General Provisions Note C provides language regarding the zoning setback along 7th Street, and permissible encroachments up to 3 feet in to the zoning setback. No portion of the building to be constructed on the site may encroach into the zoning setback.

24. The Optional Provisions being requested have been renumbered and the wording of some have been modified as follows:

   a. Optional Provision B is now Optional Provision A and the language regarding building entrances and entry features has been revised to remove “courtyards and “courtyard walls”, and add that “patios and upper level balconies and architectural features may encroach up to 3 feet into the Zoning Setback.”

   b. Optional Provision C for the width of the sidewalk is now Optional Provision B.

   c. Optional Provision D regarding outdoor tables, chairs and dining is now Optional Provision C. Language has been modified with the removal of reference to “dining.” Language now proposes “an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk to be installed along the Site’s frontage on East 7th Street. The new language further
states that these improvements will not obstruct the sidewalk such that an 8-foot wide clear sidewalk zone will be maintained.

d. Optional Provision E pertaining to on-street parking and reduction in the width of the planting strip is now Optional Provision D.

e. New Optional Provision E provides language proposing that a free standing seat wall may be constructed on the 13-foot wide portion of the sidewalk located along the Site’s frontage on East 7th Street within the Zoning Setback.

25. The Permitted Uses development note has been amended to reflect a decrease in the number of units from 95 to 91.

26. Transportation Note B has been modified to state a minimum of one parking space per bedroom will be provided on the site.

27. Transportation Note C has been modified to note that the location of the bicycle parking is depicted on the Rezoning Plan.

28. Architectural Standards Note B has been modified to reference the 4-story components of the building and the site adjacent to the relevant portion of the building.

29. Petitioner has added new Architectural Standards notes regarding the following:

   a. Front corner of the building adjacent to the driveway into the site may be a chamfered corner, or the corner of the building may be at a 90 degree angle at the option of the Petitioner.

   b. Permitted exterior building materials are designated and labelled on architectural renderings provided. Permitted exterior buildings will include brick, stone and similar architectural masonry products, stucco and hardi-panel (cementitious siding) or a combination thereof.

   c. Brick to be installed on the exterior of the building will be full-body cavity wall masonry. Use of thin brick or exposed non-architectural CMU masonry will not be allowed.

   d. Vinyl will not be a permitted exterior cladding material, provided, however, that vinyl may be utilized on the soffits of the building and vinyl windows may be installed on the building.

   e. EIFS (synthetic stucco), aluminum siding, corrugated metal and CMU block (concrete block) will not be permitted exterior materials for the building to be constructed on the site.

   f. Translucent windows must be utilized on the third and fourth floors of the portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building, with clear windows being allowed on all other portions of the proposed building.

   g. Installation of balconies limited to only those portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building. Balconies may be installed on any portions of the side and front elevations of the building to be constructed on the Site.

   h. In the event a waiver of the Deed Restriction Setback is obtained, each ground floor dwelling unit facing East 7th Street will have steps and a stoop or patio located at the front entrance into the dwelling unit from East 7th Street, and the entry to the stoop or patio from East 7th Street will not be gated or locked. Each such stoop or patio will have a minimum size of 75 square feet.

30. Modified notes under Setback and Yards/Streetscape and Landscaping/Screening as follow:

   a. Note A has been modified to state that subject to the Optional Provisions, development of the Site will comply with the 21-foot Zoning Setback and the side yard rear requirements of the MUDD zoning district.
b. New Note D proposes installation and maintenance of an 8-foot tall brick screen along the rear property line of the Site adjacent to the alley, and along portions of the Site’s western property line.

c. New Note E provides language regarding the installation of a gate in the 8-foot tall brick screen wall.

d. New Note F identifies the conceptual landscaping plan as provided on Sheet RZ-2.3, providing information regarding locations, types, quantities and minimum height at the time of installation of the trees and shrubs.

e. New Note G includes language regarding placement of landscape materials within the alley and approval by Duke Energy. The note states that in the event Duke Energy or the City of Charlotte prohibits the installation of trees, shrubs and landscape materials in the 25-foot alley, the petitioner will not be required to install any trees, shrubs and landscape materials within the 25-foot alley. Note further states that petitioner will remove any landscape materials it installs in the 25-foot alley in the event that any property owner with a right to use the 25-foot alley for vehicular and pedestrian access seeks to enforce such right and requires the removal of the materials.

f. New Note H states petitioner will maintain, at their cost and expense, the perimeter landscaped areas (including landscaping in the alley).

g. New Note I provides language stating that prior to issuance of a certificate of occupancy, the petitioner will install irrigation for the perimeter landscaping for the Site pursuant to the conceptual perimeter plan. Irrigation will not be required to be installed within the alley located to the rear of the Site.

h. New Note J proposes an outdoor amenity area consisting of landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk to be installed along the Site’s frontage.

31. Provided new language under Urban Open Space heading that states Urban Open Space will be located on the site as shown on the site plan. The Urban Open Space will be a passive area with no programmed space, and no outdoor amenities, such as a grill, may be installed within the Urban Open Space.

32. Modified Lighting Note A to state that all freestanding lighting fixtures installed on the Site (excluding street lights, lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas and landscaping lights) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.

33. Added Lighting Note D that states that the lighting to be installed on the Site to illuminate the parking lot located to the rear of the building shall be soft light in the warm spectrum.

34. Added new heading titled “Construction Activities” with following notes:

a. Note A states that construction activities may only be conducted on the Site from 7 a.m. to 6 p.m., and that construction activities conducted entirely within the enclosed building may occur at any time.

b. Note B states the contractor(s) will keep the construction site in a clean and orderly condition and will promptly clean the adjacent roads and sidewalks as needed or as otherwise required by applicable regulations.

35. Added new heading “Trash and Recycling Removal” with language that states in the event that a private trash service is utilized to empty trash and recycling containers located on the Site, such containers may be emptied only between the hours of 7 a.m. and
6 p.m.
36. Removed all references to deed restrictions and waivers on all sheets of the site plan.
37. Removed “deed restriction setback” on all applicable sheets of the site plan.
38. Corrected details on Sheet RZ-2.1 to reflect the proposed screen wall is out of the alley.
39. Clouded all new notes and revised notes.
40. Provided details of the proposed seat wall.

**VOTE**

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<th>Motion/Second:</th>
<th>Ryan/Sullivan</th>
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<td>Yeas:</td>
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<tr>
<td>Nays:</td>
<td>None</td>
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<td>Absent:</td>
<td>Labovitz and Walker</td>
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<tr>
<td>Recused:</td>
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**ZONING COMMITTEE DISCUSSION**

Staff presented this item to the Committee, noting that several notes had been added to the site plan or modified since the public hearing, many of which were a result of the petitioner working with the neighboring property owners. Staff stated that some of the new notes resulted in new outstanding issues that had since been addressed by the petitioner. Staff reviewed the modifications with the Committee, including but not limited to modifications to the Optional Provisions, and new notes pertaining to Architectural Standards, Setback and Yards/Streetscape and Landscaping/Screening, Urban Open Space, Lighting, Construction Activities, and Trash and Recycling Removal.

A Committee member requested clarification regarding the building height, and staff proceeded to utilize site plan details to orient the Commissioners to the portions of the building proposed to be a maximum of 40 feet in height, and areas of the structure with a 52-foot height. Staff discussed the portion of the structure with a maximum 52-foot building height in relation to the residential properties on the opposite side of the abutting alleyway.

A Committee member asked if there were other utilities besides Duke Energy within the alleyway. Another Committee member responded that plantings over utilities would not be allowed and that the plantings in the alleyway were at the request of the neighbors. Staff clarified that there was a note on the site plan stating that installation, maintenance, and removal of planting materials would be the responsibility of the petitioner.

A Commissioner stated that there had been other proposals for this tight and difficult site, and that the one now before the Committee works from a design perspective. Another Committee noted that this project was an example of the petitioner and surrounding property owners working together to ensure a project contained design elements in the best interest of the neighborhood. There was no further discussion of this petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.
foot leasing office.
- Urban open space areas.
- Building height ranging from 40 feet up to a maximum 52 feet (three to four stories maximum).
- Installation of an eight-foot screen wall and planting area to screen rear buildings and associated parking areas from abutting or adjacent residential properties.
- Vehicular access to the site via East 7th Street.
- An eight-foot sidewalk and eight-foot planting strip along the frontage on East 7th Street.
- A 21-foot setback along East 7th Street from future back of curb.
- Freestanding walls in front of portions of the proposed building will be seat height.
- Architectural Standards notes pertaining to building height, articulation, materials, window treatment, placement of balconies, and orientation of patios.
- Building elevations identifying proposed building materials, with North, East, West, and 7th Street perspectives.
- Proposed bicycle parking locations.
- Maximum height of any freestanding lighting fixture installed on site will be 25 feet.
- Development notes stating construction activities will be conducted on the site daily from 7:00 a.m. to 6:00 p.m., and committing to keeping the construction site in clean and orderly condition.
- Optional requests include:
  - Allowing building entrances and certain entry features encroach up to 3 feet into the setback.
  - Allow the width of the sidewalk to be installed along the site’s frontage on East 7th Street to vary from a minimum of eight feet to 13 feet.
  - Allow an outdoor amenity area to be located on the 13-foot wide portion of the sidewalk to be installed along the site’s frontage on East 7th Street.
  - Allow a reduction in the width of the 8-foot planting strip in the event that on-street parking is installed on East 7th Street adjacent to the Site.
  - Allow the construction of a freestanding seat wall on the 13-foot wide portion of the sidewalk located along the Site’s frontage.

**Public Plans and Policies**
- The *Elizabeth Area Plan* (2011) recommends a mix of residential/office/retail on this site. The plan states: “These parcels should be a mix of small scale neighborhood-serving retail, office, and/or residential. Small-scale neighborhood-serving retail or office uses on the ground floor with office and/or residential above is appropriate, as are single-use residential, office, or retail uses. Single-use residential development may have densities greater than 22 dwelling units per acre. Building should not exceed 40 feet in height and should step down to adjacent single family parcels. Primary or secondary parking and vehicle access should be from alleys, if possible.”
- The proposed use and density is consistent with the *Elizabeth Area Plan*. While the maximum height of 52 feet is greater than what is recommended by the plan, the height is only 40 feet where abutting single family residential homes or zoning.

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

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

OUTSTANDING ISSUES

- No issues.

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

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

**Planner:** Claire Lyte-Graham  (704) 336-3782
Petition #: 2014-084

Acreage & Location: Approximately 1.5 acres located on the north side of East 7th Street between Clement Avenue and Pecan Avenue.

August 28, 2014
Petition #: 2014-084

Petitioner: 7th Street Progression Partners, LLC

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

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

Acreage & Location: Approximately 1.5 acres located on the north side of East 7th Street between Clement Avenue and Pecan Avenue.
REQUEST
Current Zoning: UR-2(CD) HD-O (urban residential, conditional, historic district overlay)
Proposed Zoning: TOD-RO HD-O (transit oriented development - residential, optional, historic district overlay)

LOCATION
Approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue.
(Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes townhomes at a density of 16 dwelling units per acre.

PROPERTY OWNER
Betsy S. Bullard

PETITIONER
New Carolina Income Properties, LLC

AGENT/REPRESENTATIVE
Matthew G. Majors, Axiom Architecture

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 Dilworth Land Use and Streetscape Plan, based on information from the staff analysis and the public hearing, and because:

- The proposed development provides a multi-family residential use at a density of 16 units per acre.

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:

- A portion of the site is located with ½ mile of the East/West Boulevard transit station;
- The proposed density is less than what is called for by the updated plan, but meets the minimum density requirement for TOD (transit oriented development); and
- The proposed use is consistent and compatible with the surrounding land use types;

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

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

1. The petitioner revised the plan to show the five-foot side yard adjacent to the TOD-RO (transit oriented development – residential, optional) zoned parcel to the northwest and the 20-foot rear yard adjacent to the R-22MF (multi-family residential) zoned parcel to the northeast.

2. Clarified under “Optional Provisions” Note a. as follows: "Buffer requirements of 6 trees and 20 shrubs per 100’ will be maintained with the addition of a 6’ high privacy fence rather than a masonry wall.”

3. Extended the five-foot wide buffer along the entire boundary with the adjacent R-22MF (multi-family residential) property. Included a note stating that: “The buffer area within the proposed tree save will be supplemented with additional plantings as necessary to meet the requirements of the Zoning Ordinance.”


5. Labeled open space and provided a note specifying improvements/amenities.

6. Under “Parks Greenways and Open Space” deleted Notes a., b., and c.
7. Under “Environmental Features” deleted Note c.
8. Under “Transportation” deleted Notes b., d., and e.
9. Under “Permitted Uses” deleted Note c.
10. Under “Development Data Table” deleted Note h.

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

ZONING COMMITTEE DISCUSSION
A commissioner asked about the status of the protest petition and the neighboring property owner concerns. Staff explained that the protest petition had not been withdrawn. Staff stated that they had spoken with the property owner about the concerns and they seem to mostly deal with changes to the site plan in the future. One commissioner indicated they preferred this proposal over the previous plan.

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

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

PLANNING STAFF REVIEW
- Background
  - The subject property was part of rezoning petition 2007-099, which was approved by City Council in December of 2007. This petition rezoned 1.1 acres located at the corner of Euclid Avenue and Tremont Avenue to UR-2(CD) HD-O (urban residential, conditional, historic district overlay) to allow for 52 condominiums at a density of 47.3 units per acre. As the properties are located in the Dilworth Historic District, the developer was required to get plan approval from the Historic District Commission. However, after two reviews, the development plans were never submitted to the Commission for final approval, and the properties were not redeveloped.
  - A site plan amendment, Petition 2013-027, was filed for the same property and was subsequently approved by City Council in May of 2013 to allow the residential units to change from ownership to rental and to modify the parking and building layout. The Historic District Commission denied the submitted development plans and the properties were not redeveloped.
  - Petition 2014-006 was approved in February 2014 and rezoned a 0.35 acre portion of the larger 1.1 acres included with Petitions 2007-099 and 2013-027 on East Tremont Avenue. This approved petition rezoned the 0.35 acre site to TOD-RO HD-O (transit oriented development - residential, optional, historic district overlay) to allow for 12 multi-family units at a density of 35.2 units per acre. This development plan was approved by the Historic District Commission.
  - The subject petition is for the remaining .75 acres of the original 1.1 acre site.

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Development of 12 multi-family residential units in two buildings at a density of 16 units per acre.
  - Parking ratio of two spaces per unit plus two additional spaces for visitors for a total of 26 spaces.
  - Maximum height of 50 feet, not to exceed three stories along Tremont Avenue and 2.5 stories along Euclid Avenue.
  - Approximately 20% open space.
  - An eight-foot planting strip and six-foot sidewalk along Tremont Avenue and Euclid Avenue.
  - Building materials to include masonry; stone; and wood lapped shingles and board/batten siding.
  - Architectural elements consist of porch elements on most townhomes, exterior balconies on all units, enhanced trim and detailing at casings and cornerboards, large windows, individual garages for all units and parking from an internal drive.
  - Elevations for the frontage along Tremont Avenue and Euclid Avenue.
  - Detached lighting limited to 20 feet in height, with full cut-off type fixtures.
• A six-foot high privacy fence in the five-foot buffer area abutting R-22MF (multi-family residential) zoning.
• Five-foot side yard adjacent to the TOD-RO (transit oriented development – residential, optional) zoned parcel to the northwest and the twenty-foot rear yard adjacent to the R-22MF (multi-family residential) zoned parcel to the northeast.
• A five-foot wide buffer along the entire boundary with the adjacent R-22MF (multi-family residential) property with a note stating that: “The buffer area within the proposed tree save will be supplemented with additional plantings as necessary to meet the requirements of the Zoning Ordinance.”
• Open space with specified improvements/amenities.
• Optional requests include:
  • Reduction of the required buffer when abutting an existing residential structure or residential zoning from ten feet to five feet.
  • Increase in the allowed maximum of two parking spaces per unit by 10% to provide two parking spaces for community/visitor parking.

• **Public Plans and Policies**
  • The *Dilworth Land Use and Streetscape Plan* (2006), as amended by the 2013-027 rezoning, recommends multi-family residential uses at a density of 47.3 units per acre. The property is located within ½ mile walk of the East/West Boulevard Transit Station.
  • The petition is consistent with the *Dilworth Land Use and Streetscape Plan*.

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

• **Charlotte Area Transit System:** No issues.
• **Charlotte Department of Neighborhood & Business Services:** No issues.
• **Transportation:** No issues.
  • **Vehicle Trip Generation:**
    - Current Zoning: 360 trips per day.
    - Proposed Zoning: 200 trips per day.
  • **Connectivity:** No issues.
• **Charlotte Fire Department:** No issues.
• **Charlotte-Mecklenburg Schools:** No issues.
• **Charlotte-Mecklenburg Storm Water Services:** No issues.
• **Engineering and Property Management:** No issues.
• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
• **Mecklenburg County Parks and Recreation Department:** No issues.
• **Urban Forestry:** No issues.

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

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

**OUTSTANDING ISSUES**

• No issues.

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

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

Planner: John Kinley (704) 336-8311
Petition #: 2014-085

Acreage & Location: Approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue.
Petition #: 2014-085
Petitioner: New Carolina Income Properties, LLC

Zoning Classification (Existing): UR-2(CD) (HD-O) (Urban Residential, Conditional, Historic District Overlay)

Zoning Classification (Requested): TOD-RO (HD-O) (Transit Oriented Development, Residential, Optional, Historic District Overlay)

Acreage & Location: Approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue.

Map Produced by the Charlotte-Mecklenburg Planning Department, 10-10-2014.
REQUEST
Current Zoning:   R-8MF(HD) (multi-family residential, historic district overlay) and R-22MF(HD)(PED) (multi-family residential, historic district overlay, pedestrian overlay)

Proposed Zoning: UR-2(CD)(HD) (urban residential, historic district overlay) and UR-2(CD)(HD)(PED) (urban residential, historic district overlay, pedestrian overlay)

LOCATION
Approximately 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue. (Council District 2 - Austin)

SUMMARY OF PETITION
The petition proposes to rezone the property to allow a maximum of 48 for-sale residential units consisting of an existing quadraplex and 44 single family attached units for a density of 17.89 units per acre.

PROPERTY OWNER
South Central Oil Co., Inc.

PETITIONER
Hopper Communities c/o Bart Hopper

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

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

STATEMENT OF CONSISTENCY
This petition is found to be consistent with the West End Land Use and Pedescape Plan and the Central District Plan, based on information from the staff analysis and the public hearing, and because:

- The proposed development provides a multi-family residential use at a density of 17.89 units per acre.

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 site is located entirely within the Wesley Heights Historic District; and
- A portion of the site is located within the Pedestrian Overlay District; and
- The proposed use is consistent and compatible with the surrounding land use types; and
- The petition protects the character of the neighborhood by preserving existing large, mature street trees;

By a 5-1 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Ryan).

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

1. Revised the existing zoning in the Rezoning Summary to include (HD) for the historic district overlay.
2. Corrected the unit count in the Rezoning Summary and the Permitted Uses Notes 1. and 2.
3. Amended the proposed density and floor area ratio in the Rezoning Summary to reflect the revised unit count.
4. Amended the site plan to show dimensions for the width of the tree save/screening area.
5. Provided a conditional note describing the tree save/screening area with a proposed percentage for the area.
6. Clarified where changes to the sidewalks and planting strips are proposed on the site plan. Provided labels showing and a note describing the existing sidewalk and planting strip widths versus the proposed widths along each public street. Clearly identified on the site plan where the provisions in Note 4. under Streetscape
and Landscaping are permitted.

7. Amended Note 1. under Architectural Standards to replace “and/or hardi-plank/fiber cement board” with “and wood or other material approved by the Historic District Commission.”

8. Eliminated the following from Note 2. under Architectural Standards, “however, vinyl may be used on the soffits and trim, including window and door trim and vinyl windows may be installed.”

9. Amended Note 8. under Architectural Standards to say “A minimum of two windows or other architectural details shall...”

10. Staff rescinded the request to provide building elevations.

11. Amended Note 4. under Streetscape and Landscaping to only apply to West 4th Street and Summit Avenue.

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

ZONING COMMITTEE DISCUSSION
A commissioner stated they felt the petitioner may be trying to fit too many units on the site and the interior units are not ideal. Another commissioner asked if the existing quadraplex was a historic structure. Staff clarified that the existing building is a historically contributing structure.

MINORITY OPINION
One commissioner felt that allowing the removal of a historic structure defeats the purpose of a historic district.

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

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

PLANNING STAFF REVIEW
• Background
  • Petition 2006-035 was a corrective rezoning for the northwestern portion of the site to R-22MF (multi-family residential) in accordance with the recommendations of the West End Land Use and Pedscape Plan.
  • Petition 2006-034 established the pedestrian overlay for the portions of the property zoned R-22MF (multi-family) in accordance with the recommendations of the West End Land Use and Pedscape Plan.
  • The entire site is within the Wesley Heights Historic District.

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Allows 44 new single family attached dwelling units and a quadraplex dwelling for a total of 48 units, at a density of 17.89 units per acre.
  • Allows the option to demolish the existing quadraplex unit and construct three single family attached units, for a total of 47 single family attached units at a density of 17.52 units per acre.
  • Allows the existing quadraplex dwelling to be replaced with three new single family attached dwelling units at the end of the stay of demolition expiring in June 2015.
  • Vehicular access to the site from West 4th Street with vehicular access to units via internal alley ways.
  • Removes the driveway curb cut to the existing quadraplex along Grandin Road and replaces it with curb, gutter, planting strip, and sidewalk.
  • Provides internal pedestrian sidewalks and common open space.
  • Provides an area of tree save along the northern property line.
  • Exterior building materials for single family attached dwelling units to be composed of a combination of brick, stone, or similar masonry products and wood or other materials approved
by the Historic District Commission.
- Prohibits vinyl, EIFS or masonite as building material.
- Commits to balcony railings, if installed, made of durable prefinished material and prohibits painted pressure treated lumber.
- Requires all single family attached dwelling units to front on public streets.
- The side elevation of end units adjacent to public streets will include a minimum of two windows or other architectural details on each floor.
- If the existing quadraplex is preserved, the existing brick cladding will remain and the existing railings will be replaced with new railings made of durable prefinished materials and will not be painted pressure treated lumber.
- Allows sidewalks to meander and portions of existing sidewalks and planting strips to remain in place to maintain the context of the neighborhood and preserve existing trees.
- Freestanding lighting will be downwardly directed, fully capped and shielded, with a maximum height of 20 feet. Requires all attached lighting to be downwardly directed with a full cut-off fixture.

**Public Plans and Policies**
- The *West End Land Use and Pedscape Plan* (2005) recommends multi-family uses for the site.
- The *Central District Plan* (1993) recommends multi-family uses for the site.
- The petition meets the *General Development Policies* (GDP) for the density requested, as illustrated in the table below.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category over 17 DUA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting with Staff</td>
<td>1 (Yes)</td>
</tr>
<tr>
<td>Sewer and Water Availability</td>
<td>2 (CMUD)</td>
</tr>
<tr>
<td>Land Use Accessibility</td>
<td>Medium (2)</td>
</tr>
<tr>
<td>Connectivity Analysis</td>
<td>Med-High (5)</td>
</tr>
<tr>
<td>Road Network Evaluation</td>
<td>0 (No)</td>
</tr>
<tr>
<td>Design Guidelines</td>
<td>4 (Yes)</td>
</tr>
<tr>
<td>Other Opportunities or Constraints</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Total Points Needed:</strong> 14</td>
<td><strong>Total Points: 14</strong></td>
</tr>
</tbody>
</table>

- The petition is consistent with the *Central District Plan, West End Land Use Pedscape Plan* and the density is supported by the *General Development Policies*.

**DEPARTMENT COMMENTS** (see full department reports online)
- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**
    - Current Zoning: 320 trips per day.
    - Proposed Zoning: 290 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)
• **Site Design**: The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  • Minimizes impacts to the natural environment by keeping existing planting strips and sidewalk widths and locations to preserve existing trees.
  • Minimizes impacts to the natural environment by developing on infill lots.

**OUTSTANDING ISSUES**

• No issues.

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

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

**Planner:** John Kinley (704) 336-8311
Petition # 2014-089

Acreage & Location: Approximately 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue.
Petition #: 2014-089
Petitioner: Hopper Communities

Zoning Classification (Existing): R-8MF(HD) and R-22MF(HD)(PED)
(Multi-Family, Residential, Historic District Overlay and Multi-Family, Residential, Historic District Overlay, Pedestrian District Overlay)

Zoning Classification (Requested): UR-2(CD)(HD) and UR-2(CD)(HD)(PED)
(Urban Residential, Conditional, Historic District Overlay and Urban Residential, Conditional, Historic District Overlay, Pedestrian District Overlay)

Acreage & Location: Approximately 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue.

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

Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.
**REZONING PLAN**

**PROJECT NO.**
430200

**ISSUED**
August 12, 2020

**PETITION NUMBER**
2014-089

**TYPE OF PLAN**
RZ1.0

**PETITIONER:** HOPPER COMMUNITIES
228 EAST KINGSTON AVENUE
CHARLOTTE, NC 28203

**PROPERTY OWNER:** SOUTH CENTRAL OIL COMPANY, INC
2121 WEST MAIN STREET
ALBEMARLE, NC 28001

**REZONING SITE AREA:** 2.683 ACRES

**EXISTING ZONING:**
- 07101602 (R-8 MF) (HD)
- 07101613 (R-8 MF) (HD)
- 07101612 (R-22 MF) (HD) (PED)
- 07101605 (R-22 MF) (HD) (PED)

**PROPOSED ZONING:**
- UR-2 (CD) (HD)
- UR-2 (CD) (HD) (PED)

**EXISTING USE:**
- MULTI-FAMILY, CONDOMINIUM (QUADPLEX)
- VACANT

**PROPOSED USE:**
- SINGLE FAMILY ATTACHED (PROPOSED TOWNHOMES)
- MULTI-FAMILY, CONDOMINIUM (QUADPLEX)

**NUMBER OF UNITS:**
- 4 (EXISTING QUADPLEX)
- 44 (PROPOSED TOWNHOMES)
- 48 TOTAL (47 WITH ALTERNATE PLAN OF CONVERTING EXISTING QUAD INTO (3) THREE TOWNHOMES. SEE INSET.)

**PROPOSED DENSITY:**
17.89 DUA

**PROPOSED FLOOR AREA RATIO:**
PER ORDINANCE STANDARDS

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

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

**MAX. BUILDING HEIGHT:**
AS ALLOWED BY THE ORDINANCE, BUT NOT TO EXCEED FOUR STORIES.

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**VICINITY MAP**
REQUEST
Current Zoning:  R-3 (single family residential) and I-1(CD) (light industrial, conditional)
Proposed Zoning:  I-1(CD) (light industrial, conditional) and I-1(CD) SPA (light industrial, conditional, site plan amendment), with five-year vested rights

LOCATION
Approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road. (Outside City Limits)

SUMMARY OF PETITION
The petition proposes to allow the construction of 150,000 square feet of building area for the expansion of the existing Hendricks Motorsports complex.

PROPERTY OWNER
HSREI, LLC

PETITIONER
HSREI, LLC

AGENT/REPRESENTATIVE
Walter Fields

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 Northeast Area Plan, with the exception of the portion of the site zoned R-3 (single family residential), based on information from the staff analysis and the public hearing, and because:

- Rezoning the entire site will allow for a more cohesive site plan and organization of space for the expansion of the Hendricks Motorsports complex.

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 proposal will continue to provide a substantial buffer along property lines abutting acreage that is zoned and/or in use for residential purposes; and
- The use and its expansion will continue to provide a valuable regional community resource with respect to employment and recreational opportunities;

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

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

1. The language under heading Permitted Uses has been clarified to state “other related accessory uses and parking”.
2. A note has been added to the site plan as follows: “If the determination is made prior to the vote of the City Council on this Petition that the City of Charlotte has the legal authority and has properly adopted an ordinance pursuant to that authority for a tree ordinance that would be applicable in the City’s Extraterritorial Jurisdiction, then the Petitioner will comply with that ordinance when the site development occurs.”
3. The petitioner added a Community Gathering Space on the property at the corner of Morehead Road and Stowe Lane. Language has been added to state that “This space will include landscaping and seating so that members of the community may have a space to gather or visit in the area where they have lived and/or owned property.”
VOTE
Motion/Second: Ryan/Sullivan
Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan, and Sullivan
Nays: None
Absent: Walker
Recused: None

ZONING COMMITTEE DISCUSSION
Staff presented this item to the Committee noting that the outstanding issues had been addressed and reading a new note on the site plan pertaining to compliance with the City of Charlotte Tree Ordinance. Staff noted that confirmation from the City Attorney’s Office indicated that the Tree Ordinance does apply to the subject rezoning site. Staff also noted the addition of a community gathering space at the corner of the property.

A Committee member expressed concern that a developer should not be required to preserve community gathering space, and that this is an action that could cause some issues down the road. The Committee suspended the rules to allow the agent to speak about this item. The agent noted that the family that sold the property to the petitioner expressed interest in having a location on the site to mark where residents who no longer live in the area grew up. It was noted that the request did not come from staff. There was no further discussion of this petition.

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

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

PLANNING STAFF REVIEW
- Background
  - Portions of the subject properties were rezoned to I-1(CD) (light industrial, conditional) via petitions 1995-13c, 1998-51c, and 2009-062 to allow a maximum of 148,000 square feet of warehouse and motorsports related accessory uses.

- Proposed Request Details
  - The site plan accompanying this petition contains the following provisions:
    - Allow an additional 150,000 square feet of building area in affiliation with the Hendricks Motorsports complex.
    - Five-year vested rights.
    - Proposed building to be used predominantly for storage of cars and other materials and products and may include other uses such as meeting and office space; tenant space for related uses and vendors; and other related accessory uses.
    - Uses that will be prohibited include:
      - Petroleum storage facilities;
      - Junk yard;
      - Medical waste disposal;
      - Adult establishments;
      - Railroad freight yards;
      - Abattoir;
      - Construction and demolition landfills as a principal use;
      - Foundries;
      - Quarries;
      - Raceways or drag strips;
      - Waste incinerators; and
      - Outdoor storage on any portion of the site that fronts along or is within 100 feet of Stowe Lane or Morehead Road.
    - A 38-foot Class “A” buffer with berm provided along project frontages on Morehead Road and Stowe Lane.
    - A 78-foot Class “A” buffer provided abutting residential uses and/or zoning.
    - All freestanding lights will have full cut-off fixtures, will be fully shielded and downwardly directed, and will be limited to a height of 30 feet.
• Access to the site provided via Union School Road and Stowe Lane.
• Provision of a community gathering space on the property at the corner of Morehead Road and Stowe lane.
• A note stating the following: “If the determination is made prior to the vote of the City Council on this Petition that the City of Charlotte has the legal authority and has properly adopted an ordinance pursuant to that authority for a tree ordinance that would be applicable in the City’s Extraterritorial Jurisdiction, then the Petitioner will comply with that ordinance when the site development occurs.”

• Public Plans and Policies
  • The *Northeast Area Plan* (2000) recommends industrial and a mix of retail, industrial and office uses for the parcels zoned I-1(CD) (light industrial, conditional), and residential uses up to four dwelling units per acre for the parcels zoned R-3 (single family residential).
  • The petition is consistent with the *Northeast Area Plan*, with the exception of the portion of the subject site zoned R-3 (single family residential), which is recommended for residential land uses. However, rezoning the entire site will allow for a more cohesive site plan and organization of space for the expansion of the Hendricks Motorsports complex.

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

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

**OUTSTANDING ISSUES**
• No issues.

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

**Planner:** Claire Lyte-Graham  (704) 336-3782
Petition #: 2014-090

Acreage & Location: Approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road.
Petition #: 2014-090
Petitioner: HSREI, LLC

Zoning Classification (Existing): R-3 & I-1(CD)
(Single Family, Residential and Light Industrial, Conditional)

Zoning Classification (Requested): I-1(CD) & I-1(CD) S.P.A. (5-Year Vested Rights)
(Light Industrial, Conditional and Light Industrial, Conditional, Site Plan Amendment, Five Year Vested Rights)

Acreage & Location: Approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road.
## REQUEST
Current Zoning:  B-1(CD) (neighborhood business, conditional) and O-1(CD) (office, conditional)  
Proposed Zoning:  O-1(CD) (office, conditional) and O-1(CD) SPA (office, conditional, site plan amendment)

## LOCATION
Approximately 85.3 acres located on the north side of West Arrowood Road between Woodknoll Drive and Red Oak Boulevard. (Council District 3 - Mayfield)

## SUMMARY OF PETITION
The petition proposes to allow an increase in the gross square footage of an existing office campus from 928,000 to 1,188,881 square feet of total building area.

## PROPERTY OWNER
Columbus Circle Indemnity, Inc.

## AGENT/REPRESENTATIVE
Jason Dolan, Cole Jenest & Stone

## COMMUNITY MEETING
Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 9

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

- The area plan acknowledges the existing land use as amended by rezoning petition 1993-009, and recommends continued suburban employment land 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 proposal confines expansion of the existing facility within the southern portion of the site and closer to West Arrowood Road; and
- The proposal maintains previously approved substantial buffers along property lines abutting acreage that is zoned and/or in use for residential purposes; and
- The proposal supports environmental policies and recreational opportunities through development notes committing to air quality initiatives; establishment of a proposed satellite dish farm within a proposed parking structure; and provision of an access easement for the future Sugar Creek Greenway;

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

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

1. Added language in Environmental Features Note e that acknowledges the proposed development must comply with tree save requirements.
2. Labeled the width of the sidewalk and planting strip along West Arrowood Road to show 9 feet and 18 feet (east of Crescent Executive Drive, and 5 feet and 4 feet (existing conditions west of Crescent Executive Drive).
3. All buffers (including widths) are properly labeled (and as previously approved) on the site plan.
4. Amended Site Summary on Sheet RZ1.0 to note site area is 85.3 acres.
5. Removed Signage Note 8c regarding moving, rotating, or flashing signs from the site plan.
6. Amended Architectural Standards Note 4a to specify building...
materials will include but not be limited to the following: aluminum panels and soffits; painted aluminum fins and mullions; low E-Vision glass with ceramic frit; spandrel glass in various colors; and, stone panels in aluminum sub-frame.

7. Addressed CDOT and LUESA comments with the following:
   CDOT
   a. Language describing proposed transportation improvements have been added to Sheet RZ-3.0 in lieu of a Transportation Plan.
   b. Petitioner will provide a 10-foot multi-use shared path and an 18-foot planting strip from Crescent Executive Drive to the westernmost property line.
   c. Re-worded conditional note i under the Access and Transportation section of the Development Standards to specifically include the proposed infrastructure phasing referenced in the last sentence of note i.
   d. Extended westbound dual left-turn lane storage on Arrowood Road at the intersection of Arrowood Road and South Tryon Street from 220 feet to approximately 345 feet each (within existing median).
   e. As per CDOT’s request the petitioner will not restripe the existing through lanes on the northern and southern approaches of the Arrowood/Crescent Drive signalized intersection to through-right lanes. Current pavement markings will remain in place.
   f. As per CDOT’s request, the petitioner will not restripe the northernmost outside lane from gore striping to a dedicated right turn-lane on Arrowood Road at Altacrest Place along with the proposed restriping of the adjacent lane from a through-right lane to a through lane. The current pavement markings will remain in place.
   g. The petitioner will extend the existing dual right-turn lanes to a combined 1,500 feet or construct a third right-turn lane on southbound I-77 off-ramp onto Arrowood Road with a combined total storage of approximately 1,500 feet, whichever option is agreed to by both NCDOT and CDOT.
   h. The petitioner will extend the eastbound dual left-turn lane storage on Arrowood Road at the intersection of Arrowood Road and Crescent Executive Drive to 310 feet and 430 feet (within the existing median).

   LUESA
   a. A note has been added under Environmental Features stating that the project will comply with Mecklenburg County Air Quality Requirements. In addition, a note has been added under Architectural Standards that states: “New parking decks constructed as part of the project will be designed to complement the owner’s existing parking initiatives including preferred parking for “clean commuters” (carpool and vanpool spaces) as well as potential consideration for hybrid and electrical vehicle spaces.

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

ZONING COMMITTEE DISCUSSION
Staff presented this item to the Committee, noting all outstanding issues had been addressed and that the petitioner had worked with CDOT to resolve all transportation related items. Staff also read the language the petitioner added on the site plan in response to LUESA’s comments pertaining to air quality. A Commissioner noted that this
request was a benefit in particular due to the potential in increased employment opportunities. It was also noted that the Committee should not consider employment in making land use decisions. Another Committee member commented on the project providing a good site plan. There was no further discussion of this petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

- Background
  - A portion of the subject property was part of Petition 1987-009, which rezoned approximately nine acres from R-12 (single family residential) to B-1(CD) (neighborhood business, conditional) in order to allow an eight-story office/hotel complex or a six-story office building containing a maximum of 120,000 square feet.
  - The majority of the subject property was rezoned via Petition 1988-095, which rezoned a 75-acre portion from R-12 (single family residential) to O-15(CD) (office, conditional) and R-12(CD) (single family residential, conditional) in order to allow up to 700,000 square feet of office uses and a maximum of 10 single family lots.
  - Petition 1993-009 rezoned the 75 acres from R-12(CD) (single family residential, conditional) and O-15(CD) (office, conditional) to O-1(CD) SPA (office, conditional, site plan amendment) in order to remove the approved 10 single family lots and increase the office uses to a maximum of 808,000 square feet.
  - Subsequent administrative approvals have accommodated new layout of buildings, modifications to development notes for phasing of roadway construction, and building elevations.

- Proposed Request Details
  - The site plan accompanying this petition contains the following provisions:
    - Accommodates expansion of an existing 660,881-square foot office campus on the southern portion of the site, closer to Arrowood Road.
    - Increases the total building area approved under previous rezonings from 928,000 square feet to 1,188,881 square feet.
    - Allows all uses permitted by right or under prescribed conditions in the O-1 (office) district.
    - Reflects three new office buildings (A, B, and C) and two new parking decks (A and B).
    - Total number of principal buildings to be developed on site will not exceed 12, including existing and proposed buildings and parking decks.
    - Development note reserving the right to locate a satellite dish farm within the proposed parking deck along West Arrowood Road, with equipment located in a sunken well within the deck to screen it from the public right-of-way.
    - Maximum building height of 78 feet (limited to six stories).
    - Maintaining 50-foot setback along Arrowood Road.
    - Continuation of internal interconnected pedestrian walkway system between existing facility and new buildings and parking areas.
    - Retaining 75-foot Class "B" buffer and 100-foot undisturbed buffer where site abuts single family homes.
    - Renderings and elevations of existing facility to identify architectural style and materials to be utilized with construction of new buildings.
    - A 60-foot wide access easement to be dedicated to Mecklenburg County Park and Recreation Department for future Sugar Creek Greenway access.
    - Up to three vehicular access points to the site on Arrowood Road.
    - Detached lighting limited to 15 feet in height.
    - New parking decks constructed as part of the project to be designed to complement the owner's existing parking initiatives including preferred parking for "clean commuters" (carpool and vanpool spaces) as well as potential consideration for hybrid and electrical vehicle spaces.

- Public Plans and Policies
  - The Southwest District Plan (1991) recognizes office and greenway for this acreage, as amended by rezoning petition 1993-009. The Plan recommends the continuation of existing
suburban employment land uses, and stipulates that future employment uses should not encroach on existing residential land uses.
- The petition is consistent with the *Southwest District Plan*.

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

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

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

- **Site Design**: The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - Protects/restores environmentally sensitive areas by dedicating land and providing a 60-foot wide access easement for the future Sugar Creek Greenway.

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**OUTSTANDING ISSUES**

- No issues.

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

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

**Planner**: Claire Lyte-Graham  (704) 336-3782
Petition # 2014-091

Acreage & Location: Approximately 85.3 acres located on the north side of West Arrowood Road between Woodknoll Drive and Red Oak Boulevard.
Petition #: 2014-091
Petitioner: Time Warner Cable

Zoning Classification (Existing): B-1(CD) & O-1(CD)
   (Neighborhood Business, Conditional and Office, Conditional)

Zoning Classification (Requested): O-1(CD) & O-1(CD) S.P.A.
   (Office, Conditional and Office, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 85.3 acres located on the north side of West Arrowood Road between Woodknoll Drive and Red Oak Boulevard.
REQUEST
Current Zoning: CC (commercial center)
Proposed Zoning: CC SPA (commercial center, site plan amendment)

LOCATION
Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road.
(Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to allow a 3,010-square foot automobile service station and a 2,500-square foot commercial building.

PROPERTY OWNER
Corporate Trust Properties NC LLC

PETITIONER
Pavilion Development Company

AGENT/REPRESENTATIVE
Bohler Engineering, NC PLLC

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 19

ZONING COMMITTEE ACTION
The Zoning Committee voted 6-0 to DEFER this petition until their December 1, 2014 meeting.

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

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

PLANNING STAFF REVIEW
- Background
  - Petition 1988-001 rezoned 22.25 acres at the northeast corner of the intersection of Nations Ford Road and Tyvola Road to B-1SCD (business shopping center district) to allow for a mixed-use development including hotels and offices. Other business and retail uses were not permitted.
  - Petition 1997-015 approved in 1998 rezoned 22.25 acres at the northeast corner of the intersection of Nations Ford Road and Tyvola Road from B-1SCD (business shopping center district) to CC (commercial center) to allow for office, retail, institutional, eating/drinking/entertainment establishments and hotel uses. The rezoning included eight parcels. The proposed development is located on Parcel 4 of the overall commercial center site plan, which is at the corner of Nations Ford Road and Tyvola Road. The plan allows 16,000 square feet of office or 10,500 square feet of retail or 24,000 square feet of eating/drinking/entertainment establishments on Parcel 4. The plan excludes automobile service stations, building material sales and dwellings.

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Divides Parcel 4 into two parcels; Parcel 4A is 1.28 acres and Parcel 4B is 0.52 acres.
  - Modifies the permitted uses for Parcel 4A to include automobile service stations.
  - Reduces the maximum development area on Parcel 4 from 16,000 square feet of office or 10,500 square feet of retail to a 3,010-square foot automobile service station on Parcel 4A and a 2,500-square foot commercial building on Parcel 4B. Reduces the total maximum for eating, drinking, and entertainment uses from 24,000 square feet to 21,500 square feet.
  - Adds a limit of approximately 19 feet for building height on Parcel 4A.
  - Changes the right-in/right-out access on the north side of the site on Nations Ford Road to a full movement access, with a southbound left-turn lane into the center.
• Replaces the existing back of curb sidewalk along Tyvola Road with an eight-foot planting strip and six-foot sidewalk.
• Provides a four-foot planting strip and five-foot sidewalk along the eastern edge of the site along the right-in access drive. Provides a five-foot screening strip and five-foot sidewalk along the northern boundary of the site along existing private access easement named Tyvola Glen Circle.
• Adds a maximum height of 25 feet for freestanding lights on Parcels 4A and 4B.
• Adds a CATS bus stop and waiting pad on the north side of Tyvola Road between Nations Ford Road and the right-in access driveway.

The site plan accompanying this petition contains the following provisions carried over from Petition 1997-015:
• Provides a landscaped buffer along Nations Ford Road.
• Preserves existing trees in a tree save area near the intersection of Tyvola Road and Nations Ford Road.
• Limits the height of the building on Parcel 4B to a maximum of two stories.
• Specifies that building elevations fronting Nations Ford Road will include materials such as brick, masonry stucco, pitched, mansard roofs, decorative parapets, awnings, or palladian windows, mullioned windows in order to respect the residential nature of and view from residences fronting Nations Ford Road.
• Limits ground mounted signage for the individual parcels to a maximum of four feet high and 50 square feet.

• **Public Plans and Policies**
  
  The *Southwest District Plan* (1991), as amended by Petition 1997-015, recommends a mix of uses including office, hotel and other uses permitted in the CC (commercial center) zoning district including eating, drinking and entertainment establishments and retail. Automobile service stations, building material sales and dwellings are prohibited uses. Prior to Petition 1997-015, the *Southwest District Plan* recommended a mixed use development, providing housing and employment with hotels and office uses at the northwest quadrant of the I-77 and West Tyvola Road intersection. Other business and retail uses were not permitted.

  The petition is inconsistent with the *Southwest District Plan*, as amended by rezoning petition 1997-015. The proposed land use is also inconsistent with the intent of the *Southwest District Plan*’s initial recommendation for mixed use development providing employment and housing opportunities. There have not been significant changes in development patterns in this area since petition 1997-015 was approved.

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

• **Charlotte Area Transit System:** No issues.

• **Charlotte Department of Neighborhood & Business Services:** No issues.

• **Transportation:** CDOT has the following comments:

  1. Remove the proposed entrance only access located along the existing right-in driveway on Tyvola Road.
  2. Revise the first paragraph under Note D. to eliminate the following: “A separate drive is proposed off the right-in access off of Tyvola Road to the south.”
  3. Remove the fourth paragraph under Note D.

• **Vehicle Trip Generation:**

  Current Zoning:  1,600 trips per day.
  Proposed Zoning:  3,300 trips per day.

• **Connectivity:** No issues.

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

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

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

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

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

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

• **Mecklenburg County Parks and Recreation Department:** No issues.
ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
  1. Change the proposed use for Parcel 4A to a use that is permitted in CC excluding automobile service stations, building material sales, dwellings, and eating, drinking and entertainment establishments with drive-in service windows.
  2. Address CDOT issues.
  3. Provide building, dumpster enclosure and pump island elevations for all sides as part of the rezoning plans.
  4. Revise the Site Area under Site Data for Parcel 4A to reflect the acreage for the parcel after the proposed subdivision (total site acreage minus acreage of parcel 4B).
  5. Remove the "Max SF allowed: 16,000 SF. Office, 10,500 SF. Retail, 24,000 SF. Restaurant" from the Site Data.
  6. File for an administrative amendment to Petition 1997-015 to remove building square footage from the allotment for Parcel 4 and reduce the eating, drinking, and entertainment establishment’s square footage allotment by 2,500 square feet. The administrative amendment must be filed and ready for approval prior to a decision on the rezoning. Add a note to the site plan requiring filing on an administrative amendment as described in the previous sentence.
  7. Remove the "+/-" in proposed building height for Parcel 4A.
  8. Revise the Proposed Floor Area Ratio, under the Site Data, for both parcels to reflect the proposed building area compared to proposed acreage for each parcel.
  9. Remove Note B. in its entirety and replace with the follow: First paragraph - “Parcel 4A – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows.” Second paragraph - “Parcel 4B – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows.” The building layout is conceptual in nature; the petitioner reserves the right not to develop this parcel or to make minor site plan adjustments that match the general intent of the plan as shown on this site plan and in accordance with Section 6.207.”
  10. Delete Note C. in its entirety and replace with the following: "Parcel 4A may be developed with a maximum 3,010 SF building excluding permitted accessory structures. Parcel 4B may be developed with a maximum 2,500 SF building excluding permitted accessory structures.”
  11. Revise the second paragraph under Note E. as follows: “Landscape strips and islands shall be created to break the visual impact of the parking areas.”
  12. Revise the labels for the 35-foot setback to refer to the setback line.
  13. Provide the 35-foot wide landscaped buffer with berm between Nations Ford Road and parking areas and dumpster enclosure north and south of the building.
  14. Revise the third paragraph under Note E. as follows: “Continuous landscaping strips and islands shall be created along Nations Ford Road to break up the visual impact of the parking areas as shown on the site plan.”
  15. Provide a revised “Section Thru Landscaped Buffer” detail from Petition 1997-015 showing the eight-foot planting strip, six-foot sidewalk, 35-foot wide buffer with a three- to four-foot high berm, tiered evergreen plantings and small maturing trees on the rezoning site plan.
  16. Amend the label “Landscaping per master plan” to state “Landscaped buffer (see inset detail)” and clearly indicate the locations of the berm on the site plan.
  17. Revise Note F. by removing the following language: “As stated in Note 16 of the special conditions associated with the overall rezoning plan, petition #97-15,” and making all references to “parcel” and “building” plural.
  18. Add the following paragraph to Note F.: “The buildings must be designed to encourage and complement the pedestrian scale interest and activity by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street and right-in access driveway off Tyvola on at least 50% of the length of the first floor frontage facing the street and right-in access driveway.”
  19. Amend Note G. to remove the following: “per Note 6 of the special conditions of the overall rezoning plan, petition #97-15.”

Eliminate the language, under Note H., referring to Note 4 of the overall rezoning plan, petition #97-15 and references to the “shopping center” signs.
Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311
Petition # [redacted]

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

Zoning Classification (Existing): CC
(Commercial Center)

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

Acreage & Location: Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road.
REQUEST  
Current Zoning:  O-15(CD) (office, conditional)  
Proposed Zoning:  MUD-O (mixed use development, optional), with five-year vested rights.

LOCATION  
Approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road.  
(Council District 6 - Smith)

SUMMARY OF PETITION  
The petition proposes a maximum of 35,000 square feet of commercial floor area, with up to two drive-through service windows.

PROPERTY OWNER  
Cynthia Smith, Robert Suther, Sarah Pollock, Erin Cole, Shannon Martin and Lynda Fagan

PETITIONER  
Merrifield Patrick Vermillion, LLC

AGENT/REPRESENTATIVE  
Collin Brown/Bailey Patrick, Jr., KL Gates

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

- The petition is compatible with adjoining land 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:

- Allows the redevelopment of an existing commercial site;
- Provides for a CATS park and ride facility; and
- Compatible with adjoining uses;

By a 5-1 vote of the Zoning Committee (motion by Commissioner Eschert seconded by Commissioner Nelson).

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

1. Showed proposed dumpster and recycling location.
2. Provided detail of proposed five-foot masonry that will be used to screen along public streets, and indicated that a portion of the wall may be in a retaining condition. Provided that the wall will match exiting walls, and provided pictures of the existing walls along Sardis Road and Providence Road.
3. Changed “restaurant” to “eating, drinking, and entertainment establishment.”
4.Deleted Note 2(d).
5. Correctly numbered items under Note 2 and Note 4.
6. Deleted Note 12.
7. Amended Note 10 to state “signage as allowed by the Ordinance will be provided.”
8. Addressed CATS comments by adding the following verbiage to the note under Old Sardis Road Right-of-Way/CATS Park-and-Ride Facility:
   (a) In order to accommodate the abandonment, it would be necessary for the petitioner to provide an alternate CATS park-and-ride facility within permanent easement to replace the one currently located within the Old Sardis Road Right-of-way.
   (b) It is understood that no development activity can take place within the Old Sardis Road right-of-way unless and until that area is abandoned by the City of Charlotte, and a replacement park-and-ride facility is established for CATS.
VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an update of the petition, noting that there are no outstanding issues. Staff noted that the petition is consistent with the South District Plan.

A committee member stated that the drive-through nature of this development is inconsistent with the existing Strawberry Hill Shopping Center and questioned the lack of public space and tree save areas.

Other committee members commended the reuse of an oddly configured site that is currently disconnected from the abutting retail shopping center, adding that the proposed rezoning will make the site more visible, help connect it to the larger development, and be in keeping with the overall area. It was noted that the architecture of the proposed development is consistent with the remainder of Strawberry Hill and the development seems acceptable to the community.

MINORITY OPINION

A minority of the committee felt the petition was inconsistent with the quality of the existing Strawberry Hill shopping center, and lacked tree save areas and public open space areas.

STAFF OPINION

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

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

PLANNING STAFF REVIEW

- **Background**
  - The subject property was rezoned via Petition 1976-53 to allow a 2,500-square foot financial institution.

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - Maximum 35,000 square feet of floor area for commercial uses, including all principal and accessory uses permitted in the MUDD (mixed use development) district.
    - Maximum of five buildings.
    - Two accessory drive-through service windows allowed except prohibited as an accessory to an eating, drinking, entertainment establishment.
    - Portion of Old Sardis Road to be abandoned.
    - A new CATS Park-and-Ride facility, with up to 41 spaces to replace the existing facility located within the Old Sardis Road right-of-way, will be located on an adjacent property located north of Old Sardis Road identified as rezoning petition 2007-95. An administrative amendment will be submitted to accommodate the new facility.
    - Existing CATS bus stop located on Providence Road to remain.
    - Vehicular access to site via Old Sardis Road. Existing driveways on Sardis Road and Providence Road to be removed. Additional site access is proposed from the adjacent shopping center located north of Old Sardis Road.
    - A pedestrian refuge island will be located within the right-of-way on Providence Road and Sardis Road.
    - Exterior building materials consist of brick, stone, precast concrete, cementitious siding, stucco, EIFS and metal panel. Building elevations are provided.
    - Roof mounted mechanical equipment will be screened from view from public rights-of-way and abutting properties as viewed from grade.
    - An eight-foot wide planting strip, with an additional five feet dedicated for a future bike lane, and a six-foot sidewalk will be provided along the frontage on Sardis Road. Sidewalk may meander to save existing trees.
    - Existing sidewalk along frontage on Providence Road to be widened to six feet. The existing
planting strip is to remain.

- A 19-foot setback on Sardis Road and a 20-foot setback on Providence Road.
- A five-foot screen wall or landscaping will be provided along both street frontages.
- Detached lighting not to exceed 20 feet in height.
- Request for five-year vested rights.
- Optional provisions include:
  - Allow two drive-through service windows, which will be screened from public streets by a wall or buildings. Drive-through service windows are prohibited as an accessory to restaurant uses.
  - Maintain existing planting strip and sidewalk location along frontage on Providence Road.
  - Allow parking and vehicle maneuvering between the buildings and Providence Road.

- **Public Plans and Policies**
  - *South District Plan* (1993) recommends retail use on the subject property.
  - The petition is consistent with the *South District Plan*.

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

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

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

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

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**OUTSTANDING ISSUES**

- No issues.

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

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

**Planner:** Sonja Sanders   (704) 336-8327
Petition # 2014-093

Acreage & Location: Approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road.
Petition #: 2014-093
Petitioner: Merrifield Patrick Vermillion, LLC
Zoning Classification (Existing): O-15(CD) (Office, Conditional)
Zoning Classification (Requested): MUDD-O (Mixed Use Development District, Optional)
Acreage & Location: Approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road.

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

Requested MUDD-O from O-15(CD)
REQUEST

Current Zoning:   R-3 (single family residential)
Proposed Zoning:   NS (neighborhood services)

LOCATION

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

SUMMARY OF PETITION

The petition proposes to develop the subject property with up to 30,000 square feet of office, retail, personal services, and eating, drinking, and entertainment establishment uses allowed in the NS (neighborhood service) district. The site plan shows development options with and without the approval of a Post Construction Controls Ordinance (PCCO) variance.

PROPERTY OWNER

North Carolina Department of Transportation

PETITIONER

Lenox Development Group, LLC

AGENT/REPRESENTATIVE

Jeff Brown and Keith MacVean, Moore & Van Allen

COMMUNITY MEETING

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

STATEMENT OF CONSISTENCY

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

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

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

- The proposed retail uses have not be objected to by the neighborhood; and
- It connects well to the existing retail development along Ardrey Kell Road;

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

ZONING COMMITTEE ACTION

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

1. Provided a cross-section and elevations for the proposed six-foot wooden fence to be located in a portion of the 44-foot Class "B" buffer.
2. Committed to a minimum office square footage of 25 percent.
3. Eliminated reductions to buffers abutting residential zoning and/or use.
4. Updated the site plan to reflect the approved variance for a 100-foot PCCO (Post Construction Controls Ordinance) buffer (approved October 16, 2014) and eliminated the architectural site plan page reflecting a 200-foot PCCO buffer.
5. Amended Note 2b under Permitted uses and Development Area Limitations to add the following as prohibited uses: animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites,
boarding houses, car washes, cemeteries, child care center in a residence/family childcare homes, rooming houses, construction & demolition landfills, dormitories, dwellings mixed use, jails & prisons, land clearing and inert debris landfills offsite, nursing homes/rest homes/homes for the aged, off-street parking as a principal use, open space recreational uses, orphanages/children’s homes and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands, single room occupancy residences, eating/drinking/entertainment establishments Type 1&2 with more than 5,000 square feet of gross floor area, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materials/stocks/equipment, and satellite dish farm in conjunction with a telecommunications and data storage facility/radio station/television station.

6. Replaced “restaurants” with “eating, drinking, entertainment establishments Type 1 and Type 2.”

7. Amended Note 2b under Access and Transportation to state that a left-turn lane and right-turn lane along Ardrey Kell Road will be installed along Ardrey Kell Road to serve the site subject to CDOT and NCDOT requirements.

8. Amended Note 5a under Streetscape, Buffers, Yards, and Landscaping to specify the portion of the site’s frontage along Ardrey Kell road where the existing sidewalk and planting strip will be preserved.

9. Amended Note 5b under Streetscape, Buffers, Yards and Landscaping to specify three different treatments along portions of the 44-foot Class “B” buffer, which include the addition of a six-foot wooden fence, existing berm and new vegetation, and existing vegetation supplemented with trees.

The following issues are outstanding:

1. Limit permitted uses to “personal services” as listed in Note 2(a), and/or office uses.
2. Reduce overall square footage from 30,000 to 20,000 square feet.
3. Add note committing building design to be residential in character.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition and indicated that though the list of prohibited uses had been expanded to further limit allowed uses, the proposed retail uses were inconsistent with the area plan’s land use recommendation. In addition, there were outstanding issues pertaining to a reduction of the overall square footage and architecture of the proposed development. Staff recognized that, while the size and orientation of the site is not conducive to single family detached dwellings as recommended per the adopted area plan, it qualifies for higher density residential (up to eight units per acre) per the General Development Policies or would be suitable for a small office development that is sensitive in form to the surrounding residential uses.

A committee member questioned why the outstanding issues had not been addressed. Staff responded that the petitioner had concerns about limitations with marketing the property if uses were limited. Committee members noted that the site is a remnant property that is not connected to the abutting residential neighborhood, and is difficult to develop. Committee members also indicated that members of the community have communicated that more retail along portions of
Ardrey Kell Road is desirable and although they agree with staff’s recommendation for limiting uses to personal services and/or office uses, the amount of retail square footage proposed is minimal and almost needed so that the site does not feel like a vacant node. It was further added that surrounding land uses contain retail uses, the site provides public open space, and the proposed site layout placing the building closer to the street and away from residential dwellings is preferred.

A committee member asked if Ardrey Kell Road is maintained by NCDOT and if there were additional transportation issues associated with the site. Staff responded the road is maintained by NCDOT and that CDOT is unaware of any problematic traffic issues related to this petition, adding that CDOT works with NCDOT to address congestion issues. Another member questioned if retail uses were a bigger trip generator than office uses, whereby staff answered that office and retail uses generate a similar number of trips per day at the density proposed for this rezoning.

STAFF OPINION

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

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Maximum 30,000 square feet office, retail, personal services and eating, drinking, and entertainment establishments. Eating, drinking, and entertainment establishments are limited to 5,000 square feet in area. Minimum office square footage of 25 percent.
  - Prohibited uses include: accessory drive-through service windows, gasoline service stations with or without a convenience store, residential dwellings, animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites, boarding houses, car washes, cemeteries, child care center in a residence/family childcare homes, rooming houses, construction & demolition landfills, dormitories, dwellings mixed use, jails & prisons, land clearing and inert debris landfills offsite, nursing homes/rest homes/homes for the aged, off-street parking as a principal use, open space recreational uses, orphanages/children’s homes and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands, single room occupancy residences, eating/drinking/entertainment establishments Type 1&2 with more than 5,000 square feet of gross floor area, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materials/stocks/equipment, and satellite dish farm in conjunction with a telecommunications and data storage facility/radio station/television station.
  - Number of principal buildings not to exceed four.
  - Buildings limited to one story and 30 feet in height except for a 45-foot tall decorative tower element.
  - Surface parking disallowed between the buildings and Ardrey Kell Road.
  - Installation of a left-turn lane and right-turn lane along Ardrey Kell Road to serve the site subject to CDOT and NCDOT requirements.
  - Building materials consisting of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative block, architectural metal panels, and/or wood.
Vinyl as a building material may only be used on windows, soffits, and handrail/railings.

- Building elevations reflecting architectural style and quality of the proposed building.
- Building facades facing Ardrey Kell Road to include a minimum of 40 percent fenestration. Fenestration shall extend higher than three feet from the exterior average grade at the base of the building to at least the height of the door head. Glazing of windows will be transparent under all lighting conditions; however, spandrel or colored glass may be used in the area above the height of the door head.
- The existing five-foot sidewalk and three-foot planting strip will be preserved along a portion of Ardrey Kell Road, while a six-foot sidewalk and eight-foot planting strip will be provided along the remaining frontage. Site plan specifies the area to be preserved.
- A 44-foot Class “B” buffer with a solid decorative fence six feet in height will be provided abutting any existing single family use and/or zoning. Three different treatments along portions of the 44-foot buffer area are specified, which include the addition of a six-foot wooden fence, existing berm and new vegetation, and existing vegetation supplemented with trees. Buffers may not be reduced.
- Cross-section and elevations provided for the proposed six-foot wooden fence to be provided in a portion of the 44-foot Class “B” buffer.
- Site plan reflects an approved variance for a 100-foot Post Construction Controls Ordinance buffer.
- Detached signage limited to five feet in height and 50 square feet in area.
- Detached lighting limited to 15 feet in height.

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

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<th>Assessment Criteria</th>
<th>Density Category - &gt;6 up to 8 dua</th>
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<tbody>
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<td>Meeting with Staff</td>
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<td>Sewer and Water Availability</td>
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<td>Road Network Evaluation</td>
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<td>Design Guidelines</td>
<td>4 (Yes)</td>
</tr>
<tr>
<td>Other Opportunities or Constraints</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Total Points Needed:</strong> 11</td>
<td><strong>Total Points:</strong> 11</td>
</tr>
</tbody>
</table>

- The petition is inconsistent with the South District Plan.

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

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

OUTSTANDING ISSUES

- **Land Use**
  1. The proposed use is inconsistent with the *South District Plan* recommendation for single family at three units per acre.
  - The petitioner should:
    1. Limit permitted uses to “personal services” as listed in Note 2(a), and/or office uses.
    2. Reduce overall square footage from 30,000 to 20,000 square feet.
    3. Add note committing building design to be residential in character.

Attachments Online at www.rezoning.org

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

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

**Acreage & Location:** Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue.

---

**Vicinity Map**

- **Rezoning Petition:** 2014-096
- **Charlotte City Limits**
- **Major Roads**
- **Collector Roads**
- **Charlotte City Limits**
- **FEMA flood plain**
- **Watershed**
- **Lakes and Ponds**
- **Creeks and Streams**

---

October 2, 2014
Petition #: 2014-096
Petitioner: Lenox Development Group, LLC

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

Zoning Classification (Requested): NS
(Neighborhood Services)

Acreage & Location: Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue.

Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.
REQUEST


SUMMARY OF PETITION

The petition proposes to clarify the height limitations in the Zoning Ordinance.

PETITIONER

Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE

Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING

Meeting is not required.

STATEMENT OF CONSISTENCY

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

- Creates a vibrant economy; and
- Preserves and enhances existing neighborhoods; and
- Provides clarifications to the existing regulations.

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

- The petition clarifies the height limitations located in various parts of the Zoning Ordinance;

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

<table>
<thead>
<tr>
<th>ZONING COMMITTEE ACTION</th>
<th>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th>ZONING COMMITTEE DISCUSSION</th>
<th>Staff provided a summary of the text amendment. There were no questions.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>STAFF OPINION</th>
<th>Staff agrees with the recommendation of the Zoning Committee.</th>
</tr>
</thead>
</table>

---

**FINAL STAFF ANALYSIS**

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  The text amendment contains the following provisions:
  - Adds cross-references for additional height requirements in the UR-C (urban residential-commercial), MUDD (mixed use development), UMUD (uptown mixed use), TOD (transit oriented development), PED (pedestrian overlay), NS (neighborhood services), RE-3 (research), and TS (transit supportive) zoning districts.
  - Adds three new footnotes that describe the height limitations for buildings located in the U-I (urban industrial) zoning district, based on existing height limitations in Section 12.108.
  - Clarifies that in the MX-1 (mixed use), MX-2 (mixed use), and MX-3 (mixed use) districts, the
height standards of the B-1 (neighborhood business) district shall apply.
- Clarifies that in the R-MH (manufactured housing) district, the height standards of the R-5 (single family) zoning district shall apply.
- Removes building height provisions in Section 12.108 that have been relocated into the zoning districts in previous text amendments, and clarified in this amendment.

- **Public Plans and Policies**
  - The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals of creating a vibrant economy, and preserving and enhancing existing neighborhoods.

---

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

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

---

**OUTSTANDING ISSUES**
- No issues.

---

**Attachments Online at** [www.rezoning.org](http://www.rezoning.org)
- Application
- Pre-Hearing Staff Analysis
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Parks and Recreation Review

**Planner:** Sandra Montgomery (704) 336-5722
TEXT AMENDMENT SUMMARY: Height Limitations for Permitted Structures
10-3-14

Purpose/Background: The purpose of this text amendment is to clarify the height limitations for permitted structures in various zoning districts.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
</table>
| Cross-references for other height requirements | None | • Add cross-references for additional height requirements that reads, “Height requirements for other permitted structures are set forth in Section 12.108” in the following zoning districts:  
- Urban residential – commercial (UR-C)  
- Mixed use development (MUDD)  
- Uptown mixed use (UMUD)  
- Transit oriented development (TOD)  
- Pedestrian overlay district (PED)  
- Neighborhood services (NS)  
- Research (RE-3)  
- Transit supportive (TS) | • Ensure knowledge of additional height requirements for other permitted structures by cross-references. | |
| Urban Industrial District | • The maximum height in the Urban Industrial district is 40’; except higher as specified under Section 12.108. | • Modify the height regulation by removing the reference to Section 12.108 and placing the information from that section into the height text. The revised standard:  
- 40’ within 100’ of any residential district  
- Add three new footnotes to the height maximum:  
  • Footnote 1: A building that is not adjacent to and located greater than 100 feet from a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet.  
  • Footnote 2: A building which abuts a residential zoning district that is greater than 100 feet from such building or abuts a residential use shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of | • Simplify the requirement by not requiring a citizen to flip to another section of the ordinance for the information, by adding the footnotes. |
<table>
<thead>
<tr>
<th>Mixed Use Districts</th>
<th>Footnote 3: Height requirements for other permitted structures are set forth in Section 12.108.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonresidential development within the MX districts shall meet the minimum lot area, lot width, and yard requirements established in Section 9.805 for the B-1 district. In no event shall nonresidential development in an MX district exceed a floor-area-ratio of 0.60.</td>
<td>Add the term “height” in the list of development standards that must be met for non-residential development in the MX districts: “Nonresidential development within the MX districts shall meet the minimum lot area, lot width, height, and yard requirements established in Section 9.805 for the B-1 district. In no event shall nonresidential development in an MX district exceed a floor-area-ratio of 0.60.”</td>
</tr>
<tr>
<td>Clarify that the height restrictions apply to non-residential development.</td>
<td></td>
</tr>
</tbody>
</table>

| Manufactured Housing District | Add the term “height” in the list of development standards that must be met in the R-5 district: “Each lot or space within a manufactured home park shall be at least 5,000 square feet in area and at least 40 feet wide. No more than one home may be erected on one space. In a subdivision, the lot, yards, and height shall be developed to the standards of the R-5 district.” |
| Special height requirements – BP district | Add the term “height” in the list of development standards that must be met in the R-5 district: “Each lot or space within a manufactured home park shall be at least 5,000 square feet in area and at least 40 feet wide. No more than one home may be erected on one space. In a subdivision, the lot, yards, and height shall be developed to the standards of the R-5 district.” |
| Clarify that the height restrictions apply to non-residential development. |

<table>
<thead>
<tr>
<th>Height limitations</th>
<th>Deletes provision (1), (2), and (9) because height maximums are detailed within each zoning district.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No structure shall exceed a height of 40’, except as follows:</td>
<td>Modifies provision (3) by deleting reference to the deleted provision (1) and adding “in each zoning district”: (4) The height limitations established in subsection (1) above in each zoning district shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, firewalls, chimneys, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.</td>
</tr>
<tr>
<td>Deletes provision (1), (2), and (9) because height maximums are detailed within each zoning district.</td>
<td></td>
</tr>
<tr>
<td>Updates language to align with placing height limitations which are now within each zoning district.</td>
<td></td>
</tr>
</tbody>
</table>
(4) The height limitations established in subsection (1) above shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, firewalls, chimneys, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.

(9) The height limitations established in this section shall not apply to structures located in the PED, UI, UMUD, or UR-C, districts unless the districts are located next to a single family use or district as provided for in Chapter 9, Parts 4, 9 and 10.
AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE

ORDINANCE NO.

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

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

A. CHAPTER 9: GENERAL DISTRICTS

1. PART 4: URBAN RESIDENTIAL DISTRICTS

a. Amend Section 9.406, “Urban Residential Districts; area, yard and height requirements” subsection (4), “UR-C” by 1) adding a new footnote reference for maximum height, and 2) adding a new footnote #5, that reads as follows:

(4) UR-C: Dimensional requirements for the UR-C district are as follows:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area (square feet)</td>
<td>3,000</td>
</tr>
<tr>
<td>Minimum side yard (feet)</td>
<td>5</td>
</tr>
<tr>
<td>Minimum setback (feet)</td>
<td>14</td>
</tr>
<tr>
<td>Minimum rear yard (feet)</td>
<td>20</td>
</tr>
<tr>
<td>Maximum floor area ratio</td>
<td>3.0</td>
</tr>
<tr>
<td>Maximum height (feet)</td>
<td>60</td>
</tr>
<tr>
<td>Minimum lot width (feet)</td>
<td>20</td>
</tr>
</tbody>
</table>

1 Maximum height may be increased above 60 feet provided all required side and rear yards are increased 1 foot for every 10 feet of building height over 40 feet.

2 No more than 1.5 floor area ratio may be devoted to nonresidential and/or institutional purposes in mixed use structures.

3 Minimum setback: 14 feet minimum from back of existing or proposed curb, whichever is greater, or as specified in a City Council adopted streetscape plan for the streets that the project abuts. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line will become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined by the Charlotte Department of Transportation in conjunction with the Planning Department staff. However, if new construction incorporates an existing structure located within the
required setback, the setback for the addition may be reduced to the established setback but in no event be less than 10 feet from the back of the existing curb.

For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented. All new transformer vaults, utility structures, air vents, backflow preventers, or any other similar devices, including such facilities when located below grade, must be behind the setback. No new doors shall be allowed to swing into the setback except emergency exit doors.

Reduction of any required yard by up to 25 percent is permitted, provided that the reduction will result in more efficient use of the site, preserve natural features or will not unduly diminish the provision of light, air and privacy to abutting properties.

Height requirements for other permitted structures are set forth in Section 12.108.

2. PART 8: BUSINESS DISTRICTS

a. Amend Section 9.805, “Development standards for business districts”, footnote #7, by deleting the last sentence in the footnote. All other footnotes remain unchanged. The revised footnote shall read as follows:

7. A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential zoning district, it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential zoning district is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108. Special height requirements for the Business Park District are set forth in subsection 9.805(6).

3. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

a. Amend Section 9.8505, “Mixed Use Development District; area, yard and height regulations”, subsection (5) by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

(5) Maximum height: 120’

Height requirements for other permitted structures are set forth in Section 12.108.

4. PART 9: UPTOWN MIXED USE DISTRICT
a. Amend Section 9.905, “Uptown Mixed Use District; area, yard and height regulations”, subsection (4) by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

(4) Maximum height: With the exception of the Brevard Street area (see Section 9.906(2)(d)(2)(c)) and other permitted structures identified in Section 12.108, there is no maximum height, however, no structure, fixture or other objects over 60 feet in height on a lot abutting residentially zoned land which has residential structure of 40 feet or less in height may be situated so that it casts a shadow at a distance greater than 20 feet across any property line on either time of solstice between the hours of 9:00 a.m. and 3:00 p.m. Eastern Standard Time.

Height requirements for other permitted structures are set forth in Section 12.108.

b. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards” subsection (2)(d)(2)(c), “Building Height” by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

(a) Building Height. Building heights shall be a maximum of 60 feet along Brevard Street and Caldwell Street. Building heights can exceed 60 feet if the upper portion of the building is stepped back 20 feet from the minimum setback, as illustrated below. See also Section 9.905(4).

Height requirements for other permitted structures are set forth in Section 12.108.

5. PART 10: URBAN INDUSTRIAL DISTRICT

a. Amend Section 9.1005, “Urban Industrial District; area, yard and height requirements”, by adding three new footnotes for maximum height that clarify the references. The revised section shall read as follows:

Section 9.1005. Urban Industrial District; area, yard and height requirements.

Minimum lot area (square feet) 5,000
Minimum lot width (feet) 50
Minimum setback (feet) 5
Minimum side yard (feet)* 0; except 20 feet when abutting any residential or office district
Minimum rear yard* 0; except 50 feet when abutting any residential
or office district

Maximum floor area ratio 2.0

Maximum height (feet) 40 within 100 feet of any residential district, except higher as specified under Section 12.108.

* Subject to all applicable building and fire codes for separation.

1 A building that is not adjacent to and located greater than 100 feet from a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet.

2 A building which abuts a residential zoning district that is greater than 100 feet from such building or abuts a residential use shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet.

3 Height requirements for other permitted structures are set forth in Section 12.108.

---

Base Height

The base height for this district is 40 feet.

For new development across a local (public or private) street from existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40’ base height shall be measured at the minimum setback line. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the minimum setback line.

For new development abutting on the same side of a local (public or private) street as existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40’ base height shall be measured at the required yard. The height may increase one foot in height, over 40 feet,
for every 10 feet in distance the portion of the building is from the required yard.

For all other parcels, the permitted maximum height shall be determined by the distance from the building to the boundary line of the nearest single family residential district (R-3, R-4, R-5, R-6, and R-8). The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from single family zoning district(s).

Height requirements for other permitted structures are set forth in Section 12.108.

2. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT
   a. Amend Section 10.907, “Development Standards”, subsection (3), “Maximum height”, by adding a new subsection (b) that shall read as follows:

   (b) Height requirements for other permitted structures are set forth in Section 12.108.

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED-USE DISTRICTS (MX-1, MX-2, and MX-3)
   a. Amend Section 11.205, “Development standards for MX-1, MX-2 and MX-3 districts” by adding “height” in subsection (3). The revised subsection shall read as follows:

   (3) Nonresidential development within the MX districts shall meet the minimum lot area, lot width, height, and yard requirements established in Section 9.805 for the B-1 district. In no event shall nonresidential development in an MX district exceed a floor-area-ratio of 0.60.

2. PART 3: MANUFACTURED HOUSING DISTRICT
   a. Amend Section 11.304, “Development standards; density; common area requirements”, by adding “height” in subsection (3). The revised subsection shall read as follows:

   (3) Each lot or space within the park shall be at least 5,000 square feet in area and at least 40 feet wide. No more than one home may be erected on one space. In a subdivision, the lot, and yards, and height shall be developed to the standards of the R-5 district.

3. PART 5: NEIGHBORHOOD SERVICES DISTRICT
   a. Amend Section 11.505, “Development standards”, subsection (8) by adding an additional sentence referencing Section 12.108. The revised subsection shall read as follows:
(8) Maximum height is 60 feet in the district. However, the maximum height in the district abutting property used or zoned for single family residential is 40 feet, except the height may exceed 40 feet if there is an increase in side and rear yards of one foot for every foot of building height over 40 feet up to the 60 feet maximum.

Height requirements for other permitted structures are set forth in Section 12.108.

4. PART 7: RE-3 RESEARCH DISTRICT

a. Amend Section 11.705, “Development standards”, subsection (8), by adding a new subsection (c). The revised section shall read as follows:

(1) Maximum height: 90’.

(a) If a building abuts a residential zoning district or residential use that is not zoned RE-3, it shall not be erected to a height in excess of 40 feet unless the side and/or rear yard which adjoins the residential zoning district or use is increased one (1) foot for every foot of building height in excess of 40 feet.

(b) If a building abuts a non-residential zoning district or residential use that is zoned RE-3, no increase in side/and or rear yard is required.

(c) Height requirements for other permitted structures are set forth in Section 12.108.

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

a. Amend Section 12.108, “Height limitations” by deleting subsections (1), (2) and (9) and replacing them with “Reserved”. In subsection (4), delete the phrase “subsection (1) above” and replace it with “in each zoning district”. All remaining subsections shall remain unchanged. The revisions shall read as follows:

Section 12.108. Height limitations.

Height limitations are established to allow maximum development potential without adversely impacting the character of established single family neighborhoods and ensuring the development respects and complements the surrounding development.

No structure shall exceed a height of 40 feet, except as provided in this Section or elsewhere in these regulations.
(1) A building that is not in or adjacent to a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet.  Reserved.

(2) A building located in any zoning district, except the residential districts, which abuts a residential use or residential zoning district shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet.  Reserved.

(4) The height limitations established in subsection (1) above in each zoning district shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, firewalls, chimneys, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.

(9) The height limitations established in this section shall not apply to structures located in the PED, UI, UMUD, or UR-C, districts unless the districts are located next to a single-family use or district as provided for in Chapter 9, Parts 4, 9 and 10.  Reserved.

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

Approved as to form:

__________________________________________
City Attorney

I, ____________________, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _______ day of ____, 2014, the reference having been made in Minute Book ____, and recorded in full in Ordinance Book ______, Page(s)______________.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this ____ day of ____________________, 2014.

__________________________________________
REQUEST
Text amendment to Section 9.907 of the Zoning Ordinance

SUMMARY OF PETITION
The petition proposes to allow parking lot reconfiguration in the UMUD (uptown mixed use) zoning district under limited circumstances.

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING
Meeting is not required.

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

- Creates a vibrant economy.

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

- Parking lot reconfiguration that doesn’t increase the size or number of parking spaces by more than five percent and that meets ordinance requirements and benefits property owners should be allowed;

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

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

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

ZONING COMMITTEE DISCUSSION
Staff provided a summary of the text amendment. A question was asked about why this text amendment only applied to the UMUD zoning district and didn’t include other districts. Staff replied that redevelopment of existing sites in Uptown are occurring where developers can design a better product if a land swap of equal size can be made, resulting in a better shaped site. Staff is not aware that other districts have been experiencing this problem.

There were no further questions.

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

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

PLANNING STAFF REVIEW
- Proposed Request Details
The text amendment contains the following provisions:
- Allows existing parking lot reconfiguration by expanding the parking area onto abutting property and eliminating an equal area of existing parking in the UMUD (uptown mixed use) district if the following standards are met:
• Any parking lot reconfiguration shall not increase the square footage of the parking lot and shall not increase the number of parking spaces by more than five percent from the original number of parking spaces;
• All parking spaces shall be located outside of the required setbacks; and
• The existing and reconfigured portions of the parking lot shall meet the screening standards for grade level parking lots as a principal use.

• Public Plans and Policies
  • The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals and guiding principles to support a diverse and adaptable economy.

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

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

OUTSTANDING ISSUES
• No issues.

Attachments Online at www.rezoning.org
• Application
• Pre-Hearing Staff Analysis
• Charlotte-Mecklenburg Utilities Review
• Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722
**TEXT AMENDMENT SUMMARY:** RECONFIGURATION OF AN EXISTING PARKING LOT 8-18-14

**2014-99**

**Purpose/Background:** The purpose of this text amendment is to allow parking lot reconfiguration in the Uptown Mixed Use District under limited conditions.

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>• None</td>
<td>• Allows reconfiguration of an existing parking lot by expanding the parking area onto abutting Uptown Mixed Use District zoned land and eliminating an equal area of existing parking if the following standards are met:</td>
<td>• Adds flexibility for existing parking lots that are reconfigured.</td>
</tr>
<tr>
<td></td>
<td>• Any parking lot reconfiguration shall not increase the square footage of the parking lot and shall not increase the number of parking spaces by more than 5% from the original number of parking spaces;</td>
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<tr>
<td></td>
<td>• All parking spaces shall be located outside of the required setbacks; and</td>
<td></td>
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<tr>
<td></td>
<td>• The existing and reconfigured portions of the parking lot shall meet the screening standards of Section 9.906(2) (c) for grade level parking lots as a principal use.</td>
<td></td>
</tr>
</tbody>
</table>
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 9: UPTOWN MIXED USE DISTRICT

   a. Amend Section 9.907, “Uptown Mixed Use District; parking and loading standards”, subsection (1), “Parking standards”, by adding a new subsection (l). All remaining subsections shall remain unchanged. The new subsection shall read as follows:

   (l) The reconfiguration of an existing parking lot by expanding the parking area onto abutting UMUD zoned land and eliminating an equal area of existing parking shall be allowed if the following standards are met:

   (a) Any parking lot reconfiguration shall not increase the square footage of the parking lot and shall not increase the number of parking spaces by more than 5% from the original number of parking spaces.

   (b) All parking spaces shall be located outside of the required setbacks; and

   (c) The existing and reconfigured portions of the parking lot shall meet the screening standards of Section 9.906(2)(c) for grade level parking lots as a principal use.
Section 2. That this ordinance shall become effective upon its adoption.
Approved as to form:

____________________________________
City Attorney

I, _______________________, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the __ day of ______________, 2014, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s) _____________.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this __ day of ______________, 2014.

____________________________________
REQUEST

Current Zoning:  B-1SCD (business shopping center district)
Proposed Zoning:  B-1SCD SPA (business shopping center district, site plan amendment)

LOCATION

Approximately 21.5 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue.  (Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to allow redevelopment of a limited portion of an existing shopping center.  The part of the center that is included in the rezoning is currently developed with 212,654 square feet of retail uses including one freestanding parcel.  Proposed changes include up to 225,753 square feet of building area through demolition and reallocation of a limited amount of existing building square footage, in addition to 17,500 square feet of new retail uses, and two accessory drive-through service windows.

STAFF RECOMMENDATION

Staff recommends approval upon resolution of outstanding issues.  The petition is consistent with the Eastside Strategy Plan, which recommends retail uses.

PROPERTY OWNER

Eastway I Holdings, LLC

PETITIONER

Eastway Holdings, John Turner

AGENT/REPRESENTATIVE

Kevin Ammons, ColeJenest and Stone

COMMUNITY MEETING

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

PLANNING STAFF REVIEW

• Background
  • The subject property was included in the overall 30.5-acre Eastway Crossing Shopping Center rezoned under Petition 1989-096 to R-9(CD) (single family residential, conditional) and B-1SCD (business shopping center district), to allow a maximum of 293,847 square feet of retail uses.

• Proposed Request Details
  The site plan amendment contains the following changes:
  • Allows the demolition of a minimum 4,500 square feet of the existing buildings located along the north side of the property.
  • Adds a new 17,500-square foot building located on the north side of the property.
  • Allows two uses with accessory drive-through service windows.
  • Removes the note limiting building height above finished floor elevation to not exceed 30 feet.
  • Eliminates the three existing driveways and access points, in the event that the new building is constructed.

• Existing Zoning and Land Use
  • The subject property is part of an existing shopping center that consists of retail, office, distributive business and restaurant uses.  Properties to the west and south are zoned R-4 (single family residential) and R-17MF (multi-family residential) and developed with single family dwellings.  Properties across Eastway Drive are developed with single family and multi-family dwelling units, a strip shopping center containing retail and restaurant uses, and office uses in R-4 (single family residential), R-22MF (multi-family residential), B-1SCD (business shopping center district) and O-2 (office) zoning.
• **Rezoning History in Area**
  - Petition 2014-94 rezoned 3.05 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive to B-D(CD) (distributive business, conditional) and B-D(CD) SPA (distributive business, conditional, site plan amendment) to allow reuse of a portion of an existing building for expansion of a self-storage facility.
  - Petition 2013-073 rezoned 3.74 acres of an existing building vacated by Walmart from B-1SCD (business shopping center district) to B-D(CD) (distributive business, conditional) to allow reuse of the former Walmart building for a self-storage facility, rental management offices and accessory uses.

• **Public Plans and Policies**
  - The *Eastside Strategy Plan* (2001) recommends retail for the subject parcel, which was originally established by the *Central District Plan* (1993).
  - The *Eastside Strategy Plan* recognizes this as an area for redevelopment and revitalization to restore economic and social vitality, which is consistent with the City’s goals for business corridors.
  - The petition is consistent with the *Eastside Strategy Plan*.

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

• **Charlotte Area Transit System:** Provide a shelter pad for bus service along Central Avenue, which would replace the existing bus stop currently located near utility access panels.

• **Charlotte Department of Neighborhood & Business Services:** No issues.

• **Transportation:** CDOT has the following requests:
  - Dedicate in fee simple additional right-of-way in the northwest quadrant of Central Avenue, in the amount of 12 feet x 115 feet on Central Avenue, and 19 feet x 125 feet on Eastway Drive.
  - Amend Note 5 as follows: Before the proposed Building A certificate of occupancy is issued, only one driveway will be permitted between Central Avenue and existing Building F. The location of Driveway #5 will be determined in the construction permitting phase and approved by CDOT and NCDOT.

• **Vehicle Trip Generation:**
  - Current Zoning: 11,240 trips per day.
  - Proposed Zoning: 11,000 trips per day.

• **Connectivity:** No issue.

• **Charlotte Fire Department:** No issues.

• **Charlotte-Mecklenburg Storm Water Services:** Amend Note 6 as follows: The petitioner shall comply with the approved and adopted Post Construction Controls Ordinance.

• **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.

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

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

- The petitioner should:
  1. Amend Note 3 under Development Limitations to state that the minimum existing square footage of existing buildings E and D2 to be demolished will be 4,500. Specify the maximum amount of square footage from both buildings that may be demolished.
  2. Amend Proposed Development Summary to reflect total square footage for the B-1SCD SPA (business shopping center district, site plan amendment) as 225,753 square feet, which aligns with Note 3 under Development Limitations.
  3. Address CATS comment.
  4. Address CDOT comments.
  5. Address Charlotte Storm Water Services comment.

Attachments Online at www.rezoning.org

1. Application
2. Site Plan
3. Community Meeting Report
4. Charlotte Area Transit System Review
5. Charlotte Department of Neighborhood & Business Services Review
6. Transportation Review
7. Charlotte-Mecklenburg Storm Water Services Review
8. Engineering and Property Management Review
9. Mecklenburg County Land Use and Environmental Services Agency Review
10. Mecklenburg County Parks and Recreation Review

Planner: Sonja Sanders  (704) 336-8327
Petition #: 2012-102

Acreage & Location: Approximately 21.50 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue.
Petition #: 2012-102
Petitioner: Eastway Holdings

Zoning Classification (Existing): B-1SCD
(Business Shopping Center District)

Zoning Classification (Requested): B-1SCD (SPA)
(Business Shopping Center District, Site Plan Amendment)

Acreage & Location: Approximately 21.50 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue.

Map Produced by the Charlotte-Mecklenburg Planning Department, 10-30-2014.
REQUEST
Current Zoning: NS, neighborhood services
Proposed Zoning: NS SPA, neighborhood services, site plan amendment

LOCATION
Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road.
(Council District 3 - Mayfield)

SUMMARY OF PETITION
The site plan amendment proposes to allow for additional uses on the site to include up to 6,000 square feet of retail and/or automobile services, and to increase the square footage of a previously approved office building from 29,000 square feet to 30,000 square feet.

STAFF RECOMMENDATION
Staff does not support this petition in its current form. The approved office building is consistent with the Steele Creek Area Plan. However, the proposed retail automobile service center is inconsistent with the office uses recommended per the Steele Creek Area Plan, as amended by a previous petition.

PROPERTY OWNER
Moss Road Development Partners, LLC

PETITIONER
Moss Road Development Partners, LLC

AGENT/REPRESENTATIVE
Walter Fields

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

PLANNING STAFF REVIEW

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

- Proposed Request Details
  The site plan amendment contains the following changes:
  - Amends permitted uses to allow all uses in the NS (neighborhood services) district.
  - Replaces the 5,000-square foot one story bank building shown on the approved site plan with a 6,000-square foot proposed automotive services center building and slightly shifts the location of the building footprint.
  - Increases the square footage of the previously approved two-story office building from 29,000 square feet to 30,000 square feet.
  - Modifies a development note currently committing to a minimum parking ratio of one space per 200 square feet of floor area for medical office and/or bank uses and one parking space per 300 square feet of floor area for office uses, to now state that parking will meet or exceed the requirements of the Ordinance. The NS (neighborhood services) district requires one space per 600 square feet for non-residential uses.
  - Removes 25-foot height maximum for detached lighting.
  - Provides elevations of the proposed automotive services building.

- Existing Zoning and Land Use
  - The site is currently undeveloped and surrounded by a mix of attached and detached single family residential neighborhoods, multi-family residential, institutional, commercial, office, and warehouse uses, and undeveloped acreage on properties zoned various zoning districts.

- Rezoning History in Area
  - Rezoning petition 2009-002 rezoned approximately 4.80 acres located on the south side of Erwin Road between S. Tryon Street and Moss Road from R-3 (single family residential) to
I-1(CD) (general industrial, conditional), in order to allow the continuance of a public utility use on the site with the addition of a contractor’s office within a recently renovated 20,000-square-foot building.

- **Public Plans and Policies**
  - The *Steele Creek Area Plan* (2012) recommends office land uses for this site, as amended by rezoning petition 2007-024.
  - The portion of the request involving the previously approved office building is consistent with the *Steele Creek Area Plan*. The retail portion of the petition is inconsistent with the *Steele Creek Area Plan*.

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

- **Charlotte Area Transit System**: CATS has requested that the petitioner provide and construct a concrete waiting pad for the existing bus stop along South Tryon Street. The bus stop location may move to avoid blocking the proposed driveway. However, the bus stop location should remain outside of either right-turn lane to the new driveway or to Moss Road, since bus routes serving the stop continue straight on South Tryon Street. CATS has provided an image of the standard detail for the requested bus stop pad. The site plan may either show the conceptual location of the improved bus stop on South Tryon Street, or alternatively, include a development note to locate the bus stop pad during the development review and permitting process.

- **Charlotte Department of Neighborhood & Business Services**: No comments received.

- **Transportation**:
  - CDOT will require that the petitioner extend the existing eastbound right-turn lane on South Tryon Street, back to the proposed driveway and use pavement markings to create a median curb radius extension and right-turn lane bay taper (depiuction provided in CDOT memorandum).

- **Vehicle Trip Generation**:
  - Current Zoning: 1,500 trips per day.
  - Proposed Zoning: 650 trips per day.

- **Connectivity**: See comment above.

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

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

- **Charlotte-Mecklenburg Storm Water Services**: Storm Water Services has requested that the following note be placed on the site plan under “Environmental Features”: “The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.”

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

- **Engineering and Property Management**: The petitioner should address the following:
  - Correct the typographical error in the note under the Environmental Features heading to read: “The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review...”
  - Existing trees must be preserved to meet tree save requirements per Charlotte Tree Ordinance Section 21-94.

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

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

- **Urban Forestry**: No issues.

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

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

- Land use
  1. The retail portion of the rezoning request is inconsistent with the Steele Creek Area Plan, which recommends office as amended by rezoning petition 2007-024.
- If this petition is considered for approval, the petitioner should:
  1. Provide a Development Data Table and include proposed use(s) and maximum building height.
  2. Limit uses to personal services and eliminate retail uses.
  3. Address CATS, CDOT, Engineering and Property Management, and Storm Water Services comments.
  4. Limit maximum height of detached lighting to 25 feet and note light fixtures will be full cut-off and downwardly directed.

Attachments Online at www.rezoning.org

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

Planner: Claire Lyte-Graham (704) 336-3782
Acreage & Location: Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road.
Petition #: 2014-042
Petitioner: Moss Road Development Partners, LLC

Zoning Classification (Existing): NS
(Neighborhood Services)

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

Acreage & Location: Approximately 2.81 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 4-8-14.
Previously Approved Site Plan
Note: The petitioner is requesting a deferral of this petition to March 16, 2015.

REQUEST

Current Zoning: CC (commercial center)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION

Approximately 1.53 acres located on the south side of Morrison Boulevard between SouthPark Drive and Sharon Road.
(Council District 6 - Smith)

SUMMARY OF PETITION

The petition proposes up to 190,000 square feet of office uses and up to 12,500 square feet of retail and restaurant uses as part of the SouthPark Mall development.

STAFF RECOMMENDATION

Staff recommends approval of the petition upon resolution of outstanding issues. The proposed use is not consistent with the specific retail use recommended in the SouthPark Small Area Plan. However, it is consistent with the intent of the plan and its goal to promote the transition of the plan area and of the mall into a mixed use town center. In addition, the proposed building height (up to 200 feet) is consistent with other buildings already constructed in the area, and the site’s location at the center of the district is at a considerable distance from surrounding neighborhoods, which makes it an appropriate location for a high-rise building.

PROPERTY OWNER

Higbee LANCOMS, LP, a Delaware Limited Partnership

PETITIONER

SSBH, LLC

AGENT/REPRESENTATIVE

Jeff Brown/Keith MacVean, Moore & Van Allen

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: No attendees

PLANNING STAFF REVIEW

• Background
  • The subject property was part of a larger site that was rezoned from R-12 (single family residential) and O-15 (office) to B-1SCD (business shopping center district) via petition 1965-045 for a 758,000-square foot regional shopping center, identified as SouthPark Mall, bounded by Morrison Boulevard, Sharon Road, Fairview Road and Barclay Downs Drive.
  • Subsequent rezoning petitions 1986-046, 2000-052 and 2005-113 incorporated additional parcels and increased square footage.
  • Current development rights for the overall mall site are approximately 1.2 million square feet of retail space.

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • A maximum of 190,000 square feet of office uses and up to 12,500 square feet of retail and restaurant uses, along with accessory uses permitted in the MUDD (mixed use development) district.
  • A financial institution with accessory drive-through windows may be located on the site.
  • Building height not to exceed 200 feet.
  • Vehicular and pedestrian access to the site via Morrison Boulevard, the internal private drives, and the parking areas of SouthPark Mall.
  • Parking provided in a new structured parking deck.
  • Building material to include brick, natural stone, architecturally finished precast concrete, decorative concrete masonry units, architectural metal panels, glazing, stucco, and tile cladding. Vinyl siding and unfinished concrete masonry units will be prohibited as exterior building materials.
  • A recognizable building base will be provided through material transitions and building articulation.
  • The portion of the building occupied by ground floor uses and facing Morrison Boulevard will be designed to create an interesting and activated building façade for pedestrians. A sense of entry...
will be provided along Morrison Boulevard.
• Pedestrian connections to the existing Pedestrian Promenade along Morrison Boulevard and to
  the sidewalk located along Morrison Boulevard will be provided.
• Any outdoor amenity/dining areas located along Morrison Boulevard will include seating areas,
  landscaping and decorative paving, and will be connected to the sidewalk along Morrison
  Boulevard via a sidewalk.
• Detached lighting will be limited to a maximum height of 15 feet.
• The existing bus waiting pad along Morrison Boulevard will be modified/replaced if the existing
  curb along Morrison Boulevard is reconstructed.
• Optional provisions requested include:
  • Building height to a maximum of 200 feet.
  • Wall signs up to 200 square feet of surface area per wall or 10 percent of the wall to which
    attached, whichever is least.
  • Ground floor tenants to have wall signs with up to 100 square feet of sign area on each wall.
  • Ground mounted identification signs to have up to 36 square feet of sign area and up to seven
    feet in height.
  • Allow the site to not have frontage on a public street.

• Existing Zoning and Land Use
• The subject property is currently used as a surface parking lot associated with SouthPark Mall. It
  is part of a separate ownership parcel that includes the Dillard’s department store and the
  adjoining multi-level parking garage. The site is surrounded to the south and west by the
  remainder of SouthPark Mall. Immediately east is a seven-story, mixed use development that
  contains residential and retail uses, in CC (commercial center) zoning. Across Morrison
  Boulevard to the north exists office, retail and mixed use properties in MUDD-O (mixed use
  development, optional), B-1SCD (business shopping center), O-3(CD) (office, conditional), and
  B-1(CD) (neighborhood business, conditional) districts.

• Rezoning History in Area
• Petition 2010-054 rezoned 2.96 acres located along the east side of Sharon Road between
  Morrison Boulevard and Coltsgate Road from O-1(CD) (office, conditional) to MUDD-O (mixed use
  development, optional) to allow up to 80,000 square feet of professional business, general and
  medical office uses, retail establishments, personal services uses and restaurants.
• Petition 2010-053 rezoned 2.27 acres located along the east side of Sharon Road between
  Morrison Boulevard and Coltsgate Road from O-2 (office) to MUDD-O (mixed use development,
  optional), and proposed two development scenarios. The “Existing Development/Alteration”
  scenario will allow for the continued use of the six existing buildings with an allowance for up to
  11,000 square feet to be converted to retail or restaurant uses and allow for building expansions
  of up to 2,500 square feet. The “Redevelopment” scenario will allow for a 105,000-square foot
  multi-story office building with retail and restaurant uses limited to the lesser of i) 20,000 square
  feet or ii) the ground floor of the principal building(s).

• Public Plans and Policies
• The SouthPark Small Area Plan (2000) shows the subject property as commercial or a mixture of
  commercial and residential uses. At the time of the plan’s adoption, there was concern about the
  amount of office space that could be built within the plan area. As such, the plan refers to retail
  uses as distinct from office uses. However, in intervening years substantive areas of the plan
  area previously designated for office use have been rezoned or redeveloped for residential, retail
  and mixed use, reducing the potential amount of office development that could be constructed.
  Therefore, additional office development is appropriate.
• Plan implementation items note that office development as part of an integrated, mixed use
  development is appropriate, and that expansion of SouthPark Mall should further the vision of
  transitioning the plan area into a mixed use town center.
• The proposed petition is inconsistent with the specific mapped use in the SouthPark Small Area
  Plan. However, it is consistent with the intent of the plan and its implementation measures to
  promote a transition of the plan area and the mall into a mixed use town center. The building
  height proposed is consistent with other buildings already constructed in the SouthPark area such
  as South Park Towers at 207 feet and Piedmont Town Center at 140 feet. Further, the site’s
  location at the center of the district and at a distance from surrounding neighborhoods makes it
  an appropriate location for a high-rise building.

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No comments received.

• Transportation: CDOT is currently reviewing a required traffic impact study that was submitted by the petitioner and will identify transportation mitigation requirements that may be needed. The petitioner should address the following comment:
  • Provide information for the remaining entitlements for the SouthPark site, in order to estimate trip generation for the existing zoning.

• Vehicle Trip Generation:
  Current Zoning: Trips per day cannot be determined based on current information.
  Proposed Zoning: 3,500 trips per day.

• Connectivity: No issues.

• Charlotte Fire Department: No issues.

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

• Charlotte-Mecklenburg Storm Water Services: Remove the following sentence in Note 7a under Environmental Features in its entirety: “Since the site is a redevelopment site it will be allowed to utilize the buy down or fee in lieu options of the PCCO regulations at the time the site is redeveloped.”

• Charlotte-Mecklenburg Utilities: The proposed project plans show construction in the location of an existing sewer main. The developer will need to work with CMUD to plan and design the relocation of the infrastructure.

• Engineering and Property Management: No issues.

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

• Mecklenburg County Parks and Recreation Department: No comments received.

• Urban Forestry: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

• The petitioner should:
  1. Limit number of drive-through accessory windows to no more than two.
  2. Add a commitment to provide outdoor amenity areas.
  3. Amend Note 2D to delete request for maximum sign height of seven feet.
  4. Add a note that requires the drive-through windows including stacking and circulation to be totally located in the parking deck.
  5. Address Transportation comment.
  6. Address CMUD comment.
  7. Address Storm Water Services comment.

Attachments Online at www.rezoning.org

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

Planner: Sonja Sanders  (704) 336-8327
Acreage & Location: Approximately 1.53 acres located on the south side of Morrison Boulevard between South Park Drive and Sharon Road.
Petition #: 2014-049
Petitioner: SBBH, LLC

Zoning Classification (Existing): CC
(Commercial Center)

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

Acreage & Location: Approximately 1.53 acres located on the south side of Morrison Boulevard between South Park Drive and Sharon Road.
SBBH, LLC
Development Standards
05/19/11
Rezoning Petition No. 2014-000

Site Development Data:

- Acres: ± 1.53 acres
- Tax Parcel #: A portion of 177-261-11
- Existing Zoning: CC by Rezoning Petition No. 2000-052
- Proposed Zoning: MUDG-C
- Existing Uses: Surface parking lot.
- Proposed Uses: Up to 100,000 square feet of gross floor area of office uses and up to 12,500 square feet of gross floor area of retail and restaurant uses, together with accessory uses as allowed in the MUDG zoning district,
- Maximum Building Height: Not to exceed 90 feet (for the purposes of this height limit, rooftop mechanical equipment, spires or devices used to screen roof top structures or equipment, parapet walls, spires, mansards, dormers, or other architectural features will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by the Ordinance),
- Parking: Per the standards of the Zoning Regulations at minimum.
- Urban Open Space: Will be provided as required by the Ordinance.

1. General Provisions:
   a. Site Location. These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by SBBH, LLC to accommodate development of mixed use building containing office uses, retail and/or restaurant uses on an approximately ± 1.53 acre site located on the south side of Morrison Boulevard between Roadborough Road and Adair Court (a portion of the Gillard’s property at Southpark Mall) (the “Site”).
   b. Zoning District/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the “Ordinance”). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDG-C zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.
   c. Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways and other development matters and site elements collectively the “Development/Site Elements” set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes, and locations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated on the Rezoning Plan will not be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for feasibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:
   - expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or,
   - minor and don’t materially change the overall design intent reflected on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amendment process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner’s appeals rights set forth in the Ordinance.

d. Planned/Unified Development. The Site will be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan and the remainder of SouthPark Mall. As such, side and rear yards, buffers, building height separation standards, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site not within the Site and the other parcels that are part of SouthPark Mall and zoned CC. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, and public/private street frontage requirements, provided, however, the Site shall adhere to any development limitations set forth in Section 3 below.

Note: These Development Standards replace and supersede the previous development standards approved as part of the prior Rezoning Petition for this Site.

2. Optional Provisions:
   a. To allow the building constructed on the Site to have a building height of up to 90 feet (for the purposes of this height limit, rooftop mechanical equipment, spires or devices used to screen roof top structures or equipment, parapet walls, spires, mansards, dormers, or other architectural features will not be considered for the calculation of allowed building height).
   b. To allow signs to have up to 200 square feet of sign area per wall or 10% of the wall area to which they are attached, whichever is the least.
   c. To allow ground floor setbacks to have wall signs with up to 100 square feet of sign area on each building wall.
   d. To allow detached ground mounted identification signs to have up to 20 square feet of sign area and up to 12 feet in height.
   e. To allow the Site to not have frontage on a public street.

3. Permitted Uses & Development Limitations:
   a. Subject to the restrictions and limitations the building constructed on the Site may be developed with up to 100,000 square feet of gross floor area of office uses and up to 12,500 square feet of gross floor area of retail and restaurant uses together with accessory uses allowed in the MUDG zoning district.
   b. A financial institution with drive-through windows may be located on the Site.

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the term “gross floor area” or “GFA” shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls, provided, however, such term shall include any surfaces or structurally supported parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, rooftop equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

4. Access and Traffic:
   a. Vehicular and pedestrian access to the Site and to the parking facilities associated with the building will be from Morrison Boulevard, the internal private drives and the parking areas of SouthPark Mall as generally depicted on the Rezoning Plan.
   b. The plazas and configurations of vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by CDOT in accordance with published standards.
   c. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance

[Signature]
5. **Architectural Guidelines:**
   a. The attached illustration building elevation is included to reflect an architectural style and quality of the building that the Petitioner or developer of record, upon an election to proceed with development, will make a reasonable effort to control on the site as per the building elevation included in the Rezoning Plan, recognizing that the actual building constructed on the site may vary from the attached elevation in non-material respects as long as the general design intent is retained.
   b. Any recognizable building base shall be provided through material transitions and buildings articulation.
   c. The design of the building proposed for the site will be designed to include a sense of entry along Morrison Boulevard. The portion of the building occupied by ground floor uses and facing Morrison Boulevard will be designed with a level of detail that creates an interesting and active building facade for pedestrians.
   d. Building service areas will be located internally or screened from view with masonry walls a minimum of five feet in height.
   e. Allowable building materials will include: brick, natural stone, architecturally finished precast concrete, decorative concrete masonry units, architectural metal panels, glazed, stucco and tile cladding. The following exterior building materials are prohibited: vinyl siding, unfinished concrete masonry units.
   f. Street banks will be internal to the building.
   g. Roof top HVAC and related mechanical equipment will be screened from public view at grade.
   h. Compost and compost areas and recycling areas will be located within the building.

6. **Streetlevel, Buffers, Landscaping and Utility Structure Scape:**
   a. The site will provide pedestrian connections to the existing pedestrian promenade located along Morrison Boulevard and to the sidewalk located along Morrison Boulevard. A easement to allow this connection will be obtained from the owner of the property located between the site and Morrison Boulevard.
   b. Any outdoor amenity/lighting areas located along Morrison Boulevard will include seating areas, landscaping and decorative paving. These areas may also include water features. The outdoor amenity/lighting areas will be connected via a sidewalk to the sidewalk along Morrison Boulevard.
   c. Screening requirements of the Ordinance will be met.
   d. Above ground backflow preventers will be screened from public view.

7. **Environmental Features:**
   a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. Since the site is a redevelopment site, it will be allowed to utilize the buy down or fee in lieu options of the PCDO regulations at the time the site is redeveloped.
   b. The site will comply with the Tree Ordinance.

8. **Signage:**
   a. Signage as allowed by the Ordinance and by the Optional Provisions listed above may be provided.

9. **Lighting:**
   a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
   b. The maximum height of the detached lights located on the top of the parking deck will be limited to 15 feet.
   c. No "wall pack" lighting will be allowed, however, architectural lighting such as sconces, up lighting, accent lighting, including color accent lighting and decorative lighting on the building facades will be permitted.

10. **CATS Bus Waiting Pad:**
    a. The existing bus waiting pad located along Morrison Boulevard will be retained. However, if as part of the construction of the proposed building on the site the existing sidewalk or curb along Morrison Boulevard is reconstructed the Petitioner will modify/replace the existing bus waiting pad with bus waiting standard 100.019.

11. **Amendments to the Rezoning Plan:**
    a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

12. **Binding Effect of the Rezoning Application:**
    a. If this Rezoning Petition is approved, all conditions applicable to the development of the site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the site and their respective heirs, devisees, personal representatives, successors in interest or assigns.
PROPOSED DEVELOPMENT

POSSIBLE FIRST OFFICE LEVEL TERRACE

RESIDENCES AT SOUTH PARK

EXISTING 3 LEVEL DECK

DILLARD'S

MORRISON BLVD

EXISTING DECK LIMIT

PARKING DECK BELOW

ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MURO REVIEW PROCESS.
ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUDD REVIEW PROCESS.
ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUDD REVIEW PROCESS.

(NOT TO SCALE)
ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUSD REVIEW PROCESS. (NOT TO SCALE)
REQUEST
Current Zoning: I-2 (general industrial)
Proposed Zoning: MUDD-O (mixed use development, optional)

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

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

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the Central District Plan; however, the petition is consistent with the Center City 2020 Vision Plan and the development pattern in the area.

PROPERTY OWNER
City of Charlotte

PETITIONER
City of Charlotte

AGENT/REPRESENTATIVE
Jim Metze, Little Diversified Architectural Consulting

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

PLANNING STAFF REVIEW

Proposed Request Details
The site plan accompanying this petition contains the following provisions:

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

Existing Zoning and Land Use
- The majority of the property is currently vacant. A warehouse is located on Statesville Avenue just south of the railroad.
- Properties north, south and east of the site are zoned I-2 (general industrial) and used for a mixture of government service, industrial and commercial uses. A high school is across North
Graham to the northeast of the site. Properties to the west are zoned R-17MF (multi-family residential) and O-6(CD) (office, conditional) and are developed with religious institution and office uses.

- **Rezoning History in Area**
  - Petition 2013-096 rezoned property located on the west side of North Graham Street and Spratt Street between Music Factory Boulevard and Oliver Street from I-1 (light industrial) and I-1(CD) (light industrial, conditional) to I-1(CD) (light industrial, conditional) and I-1(CD) SPA (light industrial, conditional, site plan amendment) to allow the expansion of Second Harvest Food Bank and permitted office, warehouse and distribution uses.
  - Petition 2012-043 rezoned property located on the north and south sides of NC Music Factory Boulevard near the intersection of Interstate 277 and North Graham Street from I-1 (light industrial), I-1(CD) (light industrial, conditional) and I-2 (general industrial) to MUD(CD) (mixed used development, conditional) to allow for up to 250 multi-family residential units.
  - Petition 2009-024 rezoned property located on the northwest corner of Keswick Avenue and Bancroft Street from O-2 (office) to I-2(CD) (general industrial) to allow a warehouse expansion with permitted uses including warehousing, manufacturing, and machine shop.

- **Public Plans and Policies**
  - The *Central District Plan* (1993) recommends industrial uses for the site.
  - The petition is inconsistent with the *Central District Plan*; however, the petition is consistent with the development pattern of the area.
  - The site is located within the Applied Innovation Corridor, which is an area identified in the *Center City 2020 Vision Plan* for targeted economic growth and industry recruitment to leverage the City’s academic and research capital with its business assets. The petition is consistent with the recommendations and goals of the *Center City 2020 Vision Plan*.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**
    - Current Zoning: 1,100 trips per day.
    - Proposed Zoning: 3,500 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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

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

- The petitioner should:
  1. Darken and label the building overhang on the site plan.
  2. Clarify the proposed land use per the phasing. The building to be constructed in Phase 1 as a government service facility and the building to be constructed in Phase 2 will allow all uses permitted in the MUDD (mixed use development) district.
  3. Amend note 5. a. to identify design elements committed to be included in the building and specify that the provided building elevations provide the design intent and theme for the Phase 1 building only.
  4. Provide a note stating that Phase 2 building materials will be consistent with those provided in Phase 1 and the building design will meet the standards of the MUDD (mixed use development district)

Attachments Online at www.rezoning.org

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

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

*Major Roads*

*Collector Roads*

*FEMA flood plain*

*Watershed*

*Lakes and Ponds*

*Creeks and Streams*

Charlotte City Limits

Vicinity Map

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

**November 3, 2014**
Petition #: 2014-068
Petitioner: City of Charlotte

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

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

Acreage & Location: Approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive.
NOTE:
1) CURRENT ZONING 1-2
2) EASEMENTS AND RIGHT-OF-WAY OF RECORD
DB 16440 PG 374
DB 15449 PG 883
DB 1599 PG 583
DB 18619 PG 409
DB 1107 PG 54
DB 1197 PG 119
DB 1052 PG 191
MB 5 PG 151
3) PURPOSE OF THIS PLAT IS TO DEFINE THE AREA TO BE REZONED TO MUCO-0.
REQUEST
Current Zoning:  R-3 (single family residential)
Proposed Zoning:  UR-2(CD) (urban residential, conditional)

LOCATION
Approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive. (Council District 6 - Smith)

SUMMARY OF PETITION
The petition proposes to allow up to 27 attached residential units, at a density of 10.38 dwelling units per acre.

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the residential use called for in the South District Plan. In addition, the site meets the criteria set forth in the General Development Policies for an increase in density up to 17 dwelling units per acre.

PROPERTY OWNER
5620 Fairview, LLC, 5628 Fairview, LLC, Miller Vanderlip, Dianah Colburn, Elsie White, Thomas B. Furr, Jr., Gail Furr, Judith Caston and H. Russell Caston

PETITIONER
Crossroads Realty Group, LLC

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

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

PLANNING STAFF REVIEW
- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Maximum of 27 attached dwelling units, with 400 square feet of private open space per unit.
  - Building height not to exceed three stories and 45 feet in height.
  - Minimum of two parking spaces per unit will be provided via a two-car garage.
  - Visitor parking located along the site’s internal driveways.
  - Total number of principal buildings not to exceed 12.
  - No surface parking between the proposed buildings and Fairview Road or Closeburn Road.
  - A 14-foot setback along Closeburn Road measured from the back of the proposed curb.
  - A 29-foot setback along Fairview Road measured from the back of the existing curb or 24 feet as measured from the back of the proposed curb.
  - Access to the site will be provided via private driveways on Fairview Road and Closeburn Road. Access to each unit will be from an internal private drive or alley.
  - Building materials will consist of brick, stone, precast stone, synthetic stone, cementitious siding, stucco, EIFS, decorative metal panels, and decorative block and/or wood.
  - A minimum 65 percent of the exterior of each building, exclusive of windows, doors and roofs, will be constructed of brick, stone, precast stone, decorative block, or stucco. Accent portions of the roofs on the buildings will be constructed utilizing architectural shingles while portions of the roofs may also be constructed utilizing metal materials.
  - Vinyl siding is prohibited as an exterior building material except for windows, soffits, garage doors and handrails/railings.
  - Units abutting Closeburn Road will be oriented so that front doors of units face the street. Units abutting Fairview Road will be constructed so the either front doors or the side of the units will be oriented toward the street. The rear of units or garages may not be oriented toward Fairview Road or Closeburn Road.
  - Front, side and rear building elevations.
  - A six-foot sidewalk will be provided along Closeburn Road and Fairview Road. An eight-foot planting strip will be provided along Closeburn Road and a 13-foot planting strip along Fairview Road.
  - A 15-foot wide landscaped area will be provided abutting existing residential zoning and/or land use to the side and rear of the site. This landscaped area may contain a sidewalk and be used to meet the private open space requirement.
- Each unit will be connected to the sidewalks along public streets via a minimum five-foot sidewalk.
- Up to 50 feet of right-of-way from the centerline of Fairview Road will be dedicated to the City of Charlotte.
- A pedestrian refuge island will be constructed in the existing landscape median on Fairview Road near the intersection of Closeburn Road.
- Above ground backflow preventers and transformers will be located internally and not in the proposed setbacks.
- Detached lighting will be limited to 15 feet in height.

**Existing Zoning and Land Use**
- The subject properties are currently developed with single family homes and a duplex/triplex unit. Surrounding uses include single family, multi-family and office uses in R-3 (single family residential), R-12MF(CD) (multi-family residential, conditional), R-17MF and R-22MF (multi-family residential), UR-C(CD) (urban residential, conditional), MUDD-O (mixed use development, optional) and O-1 (office) districts.

**Rezoning History in Area**
- Recent rezonings approved in the area include:
  - Petition 2011-09 approved a MUDD-O (mixed use development, optional) site plan amendment for 7.81 acres located on Carnegie Boulevard to modify the existing approved building layout, increase the number of multi-family units, and reduce the building height.
  - Petition 2009-082 rezoned 0.55 acres located on the north side of Fairview Road from R-3 (single family residential) to O-1(CD) (office, conditional) to allow reuse of an existing single family home as an office.
  - Petition 2009-035 rezoned approximately 4.0 acres located on the southwest corner of Park South Drive and Fairview Road from R-43MF (multi-family residential) to MUDD-O (mixed use development, optional) to add 50 age restricted residential units and 10,000 square feet of ground floor retail to a site that contained a 163-unit age restricted housing tower.

**Public Plans and Policies**
- The South District Plan (1993) recommends residential land uses at this location.
- The General Development Policies (GDP) (2003) support residential densities up to 17 units per acre.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category - up to 17 dua</th>
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<td>Meeting with Staff</td>
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<td>Sewer and Water Availability</td>
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<td>Land Use Accessibility</td>
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<td>Connectivity Analysis</td>
<td>3 (Medium)</td>
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<td>Design Guidelines</td>
<td>4 (Yes)</td>
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<td>Other Opportunities or Constraints</td>
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</table>

**Minimum Points Needed:** 12  **Total Points:** 13

- The proposed request is consistent with the South District Plan and the General Development Policies.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**
    - Current Zoning: 80 trips per day.
    - Proposed Zoning: 160 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
• **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate two students, while the development allowed under the proposed zoning will produce three students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is one student.

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

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

• **Engineering and Property Management:**
  - Provide peak flow control for the 100-year, six-hour storm runoff from the developed site to the predevelopment peak flow rate.
  - Meet tree save requirements per the Charlotte Tree Ordinance.

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

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

• **Urban Forestry:** No issues.

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

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

### OUTSTANDING ISSUES

• The petitioner should:
  - Specify minimum plantings within the 15-foot landscaped areas.
  - Remove pocket park designation or specify how the areas will be improved.
  - Address Engineering comments.

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

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

**Planner:** Sonja Sanders  (704) 336-8327
Petition #: 2014-075

Acreage & Location: Approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive.

Vicinity Map

Rezoning Petition: 2014-075

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

August 28, 2014
Petition #: 2014-075
Petitioner: Crossroads Realty Group, LLC

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

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

Acreage & Location: Approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive.
The facility, named "Fairview at Closeburn," is an apartment complex located on the former Closeburn Elementary School site in Charlotte, North Carolina. The development is part of a larger mixed-use project called "Development Standards," which includes a residential component. The apartment complex will consist of 132 units, and the project is being developed by PulteGroup and ESP Associates, LLC.

The site is a significant historic landmark, and the developers have taken steps to preserve and enhance its character. The building design incorporates elements of the school's original architecture, with historically accurate materials and finishes. The project includes a new central courtyard, landscaped gardens, and a community center.

Key features of the development include:
- 132 residential units
- Central courtyard
- Landscaped gardens
- Community center
- Historical preservation

The project is expected to enhance the neighborhood's character while providing much-needed housing for the community. The developers are committed to creating a sustainable and environmentally friendly project, with features such as energy-efficient appliances and low-water landscaping.

The Fairview at Closeburn project is set to transform the former school site into a vibrant community space, preserving the history of the building while providing modern amenities and housing for residents.
REQUEST
Current Zoning: UMUD (uptown mixed use)
Proposed Zoning: UMUD-O (uptown mixed use, optional)

LOCATION
Approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street. (Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to allow all uses permitted in the UMUD (uptown mixed use) district and requests optional site modifications.

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

PROPERTY OWNER
Crescent Resources, LLC and CLT Development, LLC

PETITIONER
Crescent Communities, LLC

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

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

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows all uses permitted in the UMUD (uptown mixed use) district.
  - Site will comply with UMUD requirements set forth in the zoning ordinance, with the exception of optional requests.
  - Optional provisions requested include:
    - Two attached electronic signs (video or LED screen) with a maximum size of 300 square feet each.
    - Up to 3,000 square feet of wall signage per street frontage (in addition to any approved electronic signs).
    - Use of pavers and/or other materials in identified areas within the right-of-way, in order to highlight the entrance to the proposed building’s main entrance on Tryon Street, subject to the approval of a related encroachment agreement.
    - Alternate tree location and spacing along Hill Street and within identified areas along Tryon Street.
    - Temporary retail vendor zones, within the right-of-way or setback, subject to the approval of any necessary encroachment agreements. Retail vendor zones may accommodate, but are not limited to, push-carts, tents, stands, tables, wagons and trailers and shall be allowed only in specified locations.
    - Reduced setback of 14 feet measured from the back of curb along the site’s Stonewall Street frontage. Structures within the reduced setback area shall be limited to retaining walls and other features necessary to accommodate a publicly accessible plaza on-grade with Tryon Street. Any walls within the reduced setback area shall incorporate plantings, artistic designs or other features to stimulate pedestrian interest. No buildings permitted in the reduced setback.
    - Prescribed seating and tree requirements within any non-required, non-public open space areas. Standard seating and tree requirements will be met within portions of the urban open space required to meet the minimum UMUD urban open space requirement.
    - 50 percent reduction in the number of required loading spaces.

- Existing Zoning and Land Use
  - The site is currently developed with two structures used for commercial and office uses, and surface parking. The site is surrounded by a mix of uses on properties zoned UMUD (uptown mixed use) and UMUD-O (uptown mixed use-optional).

- Rezoning History in Area
  - Petition 2011-55 rezoned 10.96 acres bounded by South College Street, Martin Luther King, Jr. Boulevard, South Brevard Street and East Stonewall Street from UMUD (uptown mixed use) to UMUD-O (uptown mixed use, optional) to allow replacement of the existing Convention Center
identification sign along South College Street with an electronic video board sign up to 650 square feet per side, in addition to signage allowed per current sign regulations.

- Petition 2010-08 approved a UMUD-O (uptown mixed use, optional) request to allow various optional signage regulations for several cultural facilities within the Center City.

- **Public Plans and Policies**
  - *Charlotte Center City 2020 Plan (2011)* recognizes Center City as the central economic engine and diversified employment hub of the region, and encourages enhancement of the pedestrian environment through use of visual improvements as one means to identify, support, and retain retail and business activities.
  - The subject property will complete the Tryon Mall on the southern side of Tryon Street. The Tryon streetscape elements have been met by all new development along the mall. The required pavers and trees provide uniformity throughout the area and tie together the various architectural styles and unique urban spaces.
  - The petition is consistent with the *Charlotte Center City 2020 Plan*.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following comments:
  - Several of the optional provisions have the effect of enabling the implementation of a streetscape design that departs from the Tryon Mall standard design. CDOT recommends continuing the Tryon Mall standard streetscape and it is unlikely that CDOT would approve nonstandard items in the right-of-way under the required encroachment agreement if the optional provisions remain.
  - Any vending in the right-of-way is subject to the Tryon Street Mall Vendor ordinance. The limits of the mall area would need to be amended to enable vending to occur on this block.
  - In order to limit the impact of valet operations associated with a potential hotel, CDOT will seek to avoid a porte-cochere on Stonewall Street if at all possible.
- **Vehicle Trip Generation:** The trip generation for this site does not change with this proposed rezoning.
- **Connectivity:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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

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

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Amend optional requests under Notes 2A and 2B to specify the need for the signage options requested, as the proposed use of the signage is unknown.
2. Remove optional request under Note 2C to allow banding that extends beyond the building entrance and traverses the entire frontage on Tryon Street and does not define the building entrance. The ordinance has architectural standards to announce the entrance for pedestrians and drivers.

3. Add a note that no advertising signage is requested.

4. Delete optional request Note 2D. Site should comply with ordinance requirements, in order to be consistent with the remainder of Tryon Street Mall.

5. Amend optional request Note 2E to delete the following: “unless otherwise approved by the Planning Director, the temporary retail vendor zones may accommodate, but shall not be limited to push-carts, tents, stands, tables, wagons and trailers.”

6. Amend optional request Note 2E to state the site will adhere to existing street vendor program requirements.

7. Delete vendor structures shown on Sheet RZ-09.

8. Delete optional request Note 2F. Grade changes should be a feature, not blank walls.

9. Address CDOT comments.

Attachments Online at www.rezoning.org

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

Planner: Sonja Sanders (704) 336-8327
Acreage & Location: Approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street.
Petition #: 2014-079
Petitioner: Crescent Communities, LLC

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

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

Acreage & Location: Approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street.
1. General Provisions:
The purpose of the proposed Project is to retain approval of "Consistent" provisions, alternative designs, and details required in the City of

Coral Gables Ordinance (the "Ordinance"), to develop a site in accordance with the requirements of the City of Coral Gables Development Code (the "Development Code") and to comply with all applicable City of Coral Gables Ordinances, Codes, and Regulations. The Project is to consist of a mixed-use development containing retail, residential, and office spaces. The site is located on the southeast corner of 50th Street and University Avenue in the City of Coral Gables, Broward County, Florida. The site is currently zoned R-2 (Residential) per the Coral Gables Zoning Ordinance.

The Project is subject to the requirements of the Development Code, which includes, but is not limited to, the use of site plans, the design of the buildings, and the development of the site. The Project is subject to review and approval by the City of Coral Gables Board of Adjustment and Appeals, which will consider the Project for conformance with applicable City and County codes and regulations.

The Project will include the development of a mixed-use building, which will consist of retail spaces on the ground floor, residential units on the upper floors, and office spaces on the roof. The building will be designed to comply with the requirements of the Development Code, including the use of materials, the size and shape of the building, and the placement of windows.

The Project will also include the development of a site plan, which will be subject to review and approval by the City of Coral Gables Board of Adjustment and Appeals. The site plan will include the layout of the building, the placement of the retail spaces, the design of the buildings, and the placement of windows.

The Project will be subject to review and approval by the City of Coral Gables Board of Adjustment and Appeals, which will consider the Project for conformance with applicable City and County codes and regulations.

The Project will also include the development of a site plan, which will be subject to review and approval by the City of Coral Gables Board of Adjustment and Appeals. The site plan will include the layout of the building, the placement of the retail spaces, the design of the buildings, and the placement of windows.
HILL STREET ELEVATION

COLLEGE STREET ELEVATION

NOTE: ELEVATIONS SHOWN ARE SCHEMATIC IN NATURE AND SUBJECT TO CHANGE WHEN PRESENTED FOR CONSTRUCTION DOCUMENT REVIEW
**IMAGERY**

1. "Backyard" - Public Park rendering

2. Inspiration images
   - Promenade building entry pavers
     - Color and pattern to visually announce arrival into entry area
     - Material, dimensions, installation to match Tryon Mall standards
   - Retail Vendor Zone
     - Temporary
     - Design and materials to be determined
   - Back Porch Fireboxes
     - Initial finish
     - Open on both sides
   - Tryon Plaza pavers
     - Pattern and materials to be determined
   - "Japanese" Trees
     - 4’ x 4’ planter boxes
     - Materials to be determined
   - Additional Tryon Street Trees
     - Prunus, Redbud, "Prunus Cherry"
     - Non-invasive cultivar or other similar small tree species acceptable to the City of Charlotte required

3. Existing conditions
   - South Tryon Street ROW paving
     - Pattern and materials to match Tryon Mall standards
   - South Tryon Street tree pit
     - Materials and dimensions to match Tryon Mall standards
     - Shape to match plan
   - E Stonewall Street trees and materials
     - Match Tryon Mall standards
   - South Tryon Street trees
     - Quercus phellos - Willow oak
     - Match Tryon Mall standards
REQUEST
Current Zoning: R-3 (single-family) and NS (neighborhood services)
Proposed Zoning: B-1(CD) (neighborhood business, conditional)

LOCATION
Approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road. (Council District 4 - Phipps)

SUMMARY OF PETITION
The petition proposes to allow an 8,000-square foot building for a convenience store with gasoline sales, retail, and eating, drinking and entertainment uses.

STAFF RECOMMENDATION
Staff recommends denial of this petition. This petition is inconsistent with the Northeast Area Plan, which recommends residential land uses, up to 12 units per acre for the parcels zoned R-3 (single family, residential) and office land uses for the parcels zoned NS (neighborhood services). In addition, the adopted area plan limits most of the retail uses to the opposite side of North Tryon Street and there exists a large amount of undeveloped land zoned appropriately for the proposed use. The proposed site design and layout is inconsistent with adopted policies.

PROPERTY OWNER
Lester Herlocker and Associates, Inc., Goldwyn Flanders Owusu, James E. Flanders, Jr., Gwendolyn Flanders Blackmon, Abigail L. Flanders, and Hwy 29 Lot LLC.

PETITIONER
QuikTrip Corporation

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

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

PLANNING STAFF REVIEW

- Background
  - Petition 2007-143 rezoned 0.93 acres of the subject site located at the intersection of North Tryon Street and West Pavilion Boulevard to NS (neighborhood services) to allow the possible development of a 10,000-square foot building for general and medical office uses.

- Proposed Request Details
  - The site plan accompanying this petition contains the following provisions:
  - An 8,000-square foot building for a convenience store with gasoline sales; eating, drinking and entertainment establishments; and retail uses.
  - Accessory service pumps and canopy to serve the convenience store use will be located along North Tryon Street.
  - An eight-foot planting strip and six-foot sidewalk along North Tryon Street and Salome Church Road.
  - Elevations of the proposed structures.
  - Maximum building height of 25 feet.
  - Detached lighting limited to 24 feet in height.
  - Building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, stucco, metal panels, and/or wood.
  - A 49-foot Class “B” buffer adjacent to residentially zoned properties.
  - Proposed screening shrubs and tree plantings provided along all public street frontages.
  - Dedication of future right-of-way for future West Pavilion Boulevard Extension.
  - Site access from Salome Church Road and West Pavilion Boulevard.

- Existing Zoning and Land Use
  - The subject property is currently zoned R-3 (single family residential) and vacant.
  - The surrounding properties are zoned R-3 (single family residential), R-12MF (CD) (multi-family
residential, conditional), R-22MF(multi-family residential), NS (neighborhood services), and CC (commercial center) and are vacant or developed with residential and commercial structures.

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

- **Public Plans and Policies**
  - *The Northeast Area Plan* (2000) recommends residential land uses up to 12 dwelling units per acre for the existing R-3 (single family) zoned portion of the site, and the Plan, as amended by Petition 2007-143 for a portion of the site, recommends office uses for the existing NS (neighborhood services) zoned portion.
  - This petition is inconsistent with the *Northeast Area Plan*.  

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** The petitioner should show and add the following transportation improvements to the site plan:
  - Add a southbound right turn lane with a minimum of 100 feet of storage on West Pavilion Boulevard at its intersection with North Tryon Street.
  - Provide a northbound right turn lane with a minimum of 100 feet of storage on Salome Church Road at the site’s proposed access “A.”
  - Extend the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet.
- **Vehicle Trip Generation:**
  - Current Zoning: 600 trips per day.
  - Proposed Zoning: 10,800 trips per day.
- **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** Petitioner should provide a wetlands letter for the subject site.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.

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

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

**OUTSTANDING ISSUES**

- **Land Use**
  - *The Northeast Area Plan* (2000) recommends residential land uses up to 12 dwelling units per acre for the existing R-3 (single family) zoned portion of the site and the Plan, as amended by Petition 2007-143, recommends office uses for the existing NS (neighborhood services) zoned portion of the site. Therefore, the proposed use is inconsistent with the adopted plan and not appropriate for this location.
If considered for approval, the petitioner should:

1. Modify the proposed principal structure to front along North Tryon Street, with accessory pumps behind.
2. Add a note that accessory service windows will not be allowed on the site.
3. Remove the proposed parking from the 42-foot setback along Salome Church Road.
4. Remove the proposed dumpster from the 42-foot setback along Salome Church Road.
5. Label the width and amount of land being dedicated for West Pavilion Boulevard extension. Petitioner should dedicate 65 feet from centerline along both sides of the proposed thoroughfare.
6. Show possible tree save areas on the site plan.
7. Modify conditional note under Maximum Gross Floor Area to read “The maximum gross square footage allowed on site shall be 8,000 square feet. The area under the canopy over the gas pumps associated with a convenience store shall not be included in the calculation of the maximum gross square footage.”
8. Modify Note 1 under Architectural Standards to add “changes will be allowed per section 6.207 of the City of Charlotte Zoning Ordinance.”
9. Remove Note 3 under Architectural Standards. Label the proposed building materials on the proposed elevations.
10. Add a note that large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course.
11. Add a note stating that pole signs will not be allowed on the site and that monument signs will be limited to seven feet in height and 50 square feet.
12. Remove references to proposed locations for detached signage.
13. Amend Note 4 under Architectural Standards to include “above ground backflow preventer assemblies.”
14. Replace “restaurant” with “eating, drinking and entertainment establishment” under Permitted Uses.
15. Address discrepancy of site area as listed in Note 1 under General Provisions and the Site Data Table.
16. Address Transportation comments.
17. Address Engineering and Property Management comment.

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326
Rezoning Petition: 2014-095

Petition #: 2014-095

Acreage & Location: Approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road.
Petition #: 2014-095
Petitioner: QuikTrip Corporation

Zoning Classification (Existing): R-3 & NS
(Single Family, Residential and Neighborhood Services)

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

Acreage & Location: Approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road.
1. The parcels of land that comprise the Site may be recombined into one parcel at the option of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

2. Internal sidewalks shall be provided on the Site as depicted on the Rezoning Plan.

3. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance as applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 12 of the Ordinance. Alterations to the Rezoning Plan shall be subject to Section 12.210 of the Ordinance.

4. The Site may be devoted to a convenience store with gasoline sales, retail uses and restaurants, the location, size and type of which shall be subject to approval as part of the full development plan submittal.

5. Internal sidewalks shall be provided on the Site as depicted on the Rezoning Plan.

6. The parcels of land that comprise the Site may be recombined into one parcel at the option of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

7. Development of the Site shall comply with the Charlotte City Council approved and adopted Post Construction Design Guidelines.

8. The location, size and type of any storm water management systems are subject to review and approval as part of the full development plan submittal. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and reduce site discharge points.

9. Development of the Site shall comply with the City of Charlotte two-team review process.

Conclusions:

1. Any landscaping Turf Volume established on the Site shall have a minimum height of 3 inches, and all land forms and features, including, but not limited to, driveways, sidewalks, parking areas, recreational facilities and other land forms and features, shall be designed and constructed so that they shall be designed and constructed so that they will not be subject to erosion and shall be mulched.

2. The maximum gross floor area of the building to be constructed on the Site shall be 8,000 square feet.

3. The Site shall be located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road in the City of Charlotte, Mecklenburg County, State of North Carolina. The Site is more particularly depicted on the Rezoning Plan as follows: The Site is located approximately 0.6 miles north of the intersection of North Tryon Street and Salome Church Road and 0.6 miles west of the intersection of West Pavilion Boulevard and Salome Church Road. The Site is more particularly depicted on the Rezoning Plan as follows: The Site is located approximately 0.6 miles north of the intersection of North Tryon Street and Salome Church Road and 0.6 miles west of the intersection of West Pavilion Boulevard and Salome Church Road.

4. The Site shall be located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road in the City of Charlotte, Mecklenburg County, State of North Carolina. The Site is more particularly depicted on the Rezoning Plan as follows: The Site is located approximately 0.6 miles north of the intersection of North Tryon Street and Salome Church Road and 0.6 miles west of the intersection of West Pavilion Boulevard and Salome Church Road. The Site is more particularly depicted on the Rezoning Plan as follows: The Site is located approximately 0.6 miles north of the intersection of North Tryon Street and Salome Church Road and 0.6 miles west of the intersection of West Pavilion Boulevard and Salome Church Road.

5. The parcels of land that comprise the Site may be recombined into one parcel at the option of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

6. Legal and all other relevant records, documents, and other writings shall be provided to the City as part of the full development plan submittal. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and reduce site discharge points.

7. Development of the Site shall comply with the Charlotte City Council approved and adopted Post Construction Design Guidelines.

8. The use, size and type of any storm water management systems are subject to review and approval as part of the full development plan submittal. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and reduce site discharge points.

9. Development of the Site shall comply with the City of Charlotte two-team review process.

10. Any landscaping Turf Volume established on the Site shall have a minimum height of 3 inches, and all land forms and features, including, but not limited to, driveways, sidewalks, parking areas, recreational facilities and other land forms and features, shall be designed and constructed so that they will not be subject to erosion and shall be mulched.

11. Development of the Site shall comply with the Charlotte City Council approved and adopted Post Construction Design Guidelines.

12. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance as applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 12 of the Ordinance. Alterations to the Rezoning Plan shall be subject to Section 12.210 of the Ordinance.

13. Internal sidewalks shall be provided on the Site as depicted on the Rezoning Plan.

14. The parcels of land that comprise the Site may be recombined into one parcel at the option of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

15. Development of the Site shall comply with the Charlotte City Council approved and adopted Post Construction Design Guidelines.

16. The location, size and type of any storm water management systems are subject to review and approval as part of the full development plan submittal. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and reduce site discharge points.

17. Development of the Site shall comply with the City of Charlotte two-team review process.

Conclusions:

1. The parcels of land that comprise the Site may be recombined into one parcel at the option of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

2. Internal sidewalks shall be provided on the Site as depicted on the Rezoning Plan.

3. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance as applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 12 of the Ordinance. Alterations to the Rezoning Plan shall be subject to Section 12.210 of the Ordinance.

4. The Site may be devoted to a convenience store with gasoline sales, retail uses and restaurants, the location, size and type of which shall be subject to approval as part of the full development plan submittal.

5. Internal sidewalks shall be provided on the Site as depicted on the Rezoning Plan.
Previously Approved Site Plan
REQUEST
Current Zoning: UR-3(CD) (urban residential, conditional)
Proposed Zoning: TOD-M (transit oriented development – mixed-use)

LOCATION
Approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road.
(Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to rezone approximately 15.50 acres to allow all uses in the TOD-M (transit oriented development – mixed-use) district.

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

PROPERTY OWNER
First Industrial B & L, LLC

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
Tony Kuhn – Flywheel Group, LLC

COMMUNITY MEETING
Meeting is not required.

PLANNING STAFF REVIEW

- Background
  - In 2008 the subject property was rezoned from I-2 (general industrial) to UR-3(CD) (urban residential, conditional) for the development of 327 townhomes and flats with an option to add up to 44,000 square feet of ground floor office and retail (petition 2008-82). The overall density for the project was 20.45 units per acre.

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

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

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

- Public Plans and Policies
  - The Blue Line Extension Station Area Plan – 36th Street Station (2013) recommends transit supportive land uses for these parcels. A portion of the rezoning site is within 1/2 mile of the 36th Street Station on the LYNX Blue Line Extension.
  - This petition is consistent with the Blue Line Extension Station Area Plans – 36th Street Station.

DEPARTMENT COMMENTS (see full department reports online)

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

- **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** This property is located in the Central Park Region and is on the Little Sugar Creek Greenway corridor as indicated on the 2008 Greenway Master Plan.
- **Urban Forestry:** No issues.

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

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

**OUTSTANDING ISSUES**

- No issues.

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

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

**Planner:** Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road.
Petition #: 2014-100
Petitioner: Charlotte-Mecklenburg Planning Department
Zoning Classification (Existing): UR-3(CD) (Urban Residential, Conditional)
Zoning Classification (Requested): TOD-M (Transit Oriented Development, Mixed Use)

Acreage & Location: Approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road.
Previously Approved Site Plan
REQUEST
Current Zoning: UR-1(CD) (urban residential, conditional)
Proposed Zoning: R-5 (single family residential)

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

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

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

PROPERTY OWNER
Liberty Oak, Inc.

PETITIONER
LGI Homes NC, LLC/Seth Yurman

AGENT/REPRESENTATIVE
N/A

COMMUNITY MEETING
Meeting is not required.

PLANNING STAFF REVIEW

- Background
  - Rezoning petition 2007-140 rezoned the site from R-3 (single family residential) to UR-1(CD) (urban residential, conditional) to allow up to 95 for-sale dwelling units (duplexes and single family homes), at a density of 6.64 units per acre.

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

- Existing Zoning and Land Use
  - A portion of the rezoning site is developed with a single family home and the remaining acreage is vacant. Surrounding uses include single family neighborhoods and undeveloped land zoned R-3 (single family residential), and some office/warehouse to the south zoned I-2(CD) (general industrial, conditional). The rezoning site’s east property line abuts I-77.

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

- Public Plans and Policies
  - The Northwest District Plan (1990) recommends single-family residential up to 6.6 dwelling units per acre, as amended by rezoning petition 2007-140.
  - The petition is consistent with the Northwest District Plan.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: No issues.
  - Vehicle Trip Generation:
    Current Zoning: 670 trips per day.
    Proposed Zoning: 680 trips per day.
- Connectivity: No issues.
- Charlotte Fire Department: No comments received.
• **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 28 students, while the development allowed under the proposed zoning will produce 40 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 12 students.

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

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

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

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

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

• **Urban Forestry:** No issues.

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

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

**OUTSTANDING ISSUES**

• No issues.

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

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

**Planner:** Claire Lyte-Graham (704) 336-3782
Petition #: 2014-101

Acreage & Location: Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive.

Rezoning Petition: 2014-101

November 3, 2014
Zoning Classification (Existing): UR-1(CD) (Urban Residential, Conditional)

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

Acreage & Location: Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive.
REQUEST
Current Zoning: None
Proposed Zoning: UMUD (uptown mixed use)

LOCATION
Approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street.
(Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to allow all uses in UMUD (uptown mixed use).

STAFF RECOMMENDATION
Staff recommends approval of this petition. The petition is consistent with the 2020 Vision Plan.

PROPERTY OWNER
CNM Enterprises, LLC

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
N/A

COMMUNITY MEETING
Meeting is not required.

PLANNING STAFF REVIEW

- Background
  - The property is a remnant parcel resulting from the reconfiguration of the I-277/Caldwell Street right-of-way. Because the parcel was formerly NCDOT right-of-way, there was no zoning designation for the property.

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

- Existing Zoning and Land Use
  - The property is currently used as a surface parking lot.
  - The surrounding properties are zoned UMUD (uptown mixed use) and UMUD-O (uptown mixed use, optional) with a mixture of residential and nonresidential uses. Parcels to the southeast on either side of South Caldwell Street are undeveloped.

- Rezoning History in Area
  - 2011-055 rezoned approximately 11 acres bounded by South College Street, Martin Luther King Jr. Boulevard, South Brevard Street, and East Stonewall Street from UMUD (uptown mixed use) to UMUD-O (uptown mixed use, optional) to allow for changes to signage for the existing Convention Center.
  - 2010-029 rezoned approximately 0.54 acres located on the northern corner of the intersection of South Caldwell Street and East 3rd Street from UMUD-O (uptown mixed use, optional) to UMUD-O SPA (uptown mixed use, optional, site plan amendment) to allow for all uses in the uptown mixed use district.
  - 2010-008 rezoned approximately 4.62 acres located at the intersection of South Church Street and West Stonewall Street extending along East Stonewall Street ending at South College Street from UMUD-O (uptown mixed use, optional) to UMUD-O SPA (uptown mixed use, optional, site plan amendment) to allow for additional signage options for facilities and exhibits.

- Public Plans and Policies
  - The petition is consistent with the 2020 Vision Plan.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: No issues.
  - Vehicle Trip Generation:
    Current Zoning: The site currently has no zoning or trip-generating land use.
Proposed Zoning: The petition will allow a wide range of trip generation based on the proposed zoning classification.

- **Connectivity**: Not applicable.
- **Charlotte Fire Department**: No comments received.
- **Charlotte-Mecklenburg Schools**: The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte-Mecklenburg Storm Water Services**: No issues.
- **Charlotte-Mecklenburg Utilities**: No issues.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No issues.
- **Mecklenburg County Parks and Recreation Department**: No issues.
- **Urban Forestry**: No issues.

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

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

**OUTSTANDING ISSUES**

- No issues.

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

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

**Planner**: John Kinley  (704) 336-8311
Petition #: 2014-102

Acreage & Location: Approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street.
**Petition #:** 2014-102  
**Petitioner:** Charlotte-Mecklenburg Planning Department  
**Zoning Classification (Existing):** None  
(No Current Zoning)  
**Zoning Classification (Requested):** UMUD  
(Uptown Mixed Use District)  
**Acreage & Location:** Approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street.
REQUEST

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

LOCATION

Approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane. (Council District 7 - Driggs)

SUMMARY OF PETITION

The petition proposes to allow 45 single family attached dwelling units at a density of 8.2 units per acre.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. The proposed residential use is consistent with the South District Plan, but the proposed density of 8.2 units per acre is slightly higher than the maximum density of eight (8) units per acre supported by the General Development Policies.

PROPERTY OWNER

Numerous. See application on website.

PETITIONER

Weekley Homes LP, c/o Shannon Boling

AGENT/REPRESENTATIVE

Walter Fields

COMMUNITY MEETING

Meeting is required and has been held. Report will be available online when received.
Number of people attending the Community Meeting:  11

PLANNING STAFF REVIEW

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - Allows 45 for-sale single family attached dwelling units at a density of 8.2 units per acre.
    - Maximum building height limited to 40 feet.
    - Provides two parking spaces within garages for each unit.
    - Provides 0.825 acres (15%) of tree save area.
    - Provides site access via driveway connection to Endhaven Lane with internal alleyways serving the units.
    - Provides front building elevations.
    - Specifies building materials to include brick, stone, and/or other masonry products and hardy plank or other similar siding materials. Prohibits vinyl as a siding material.
    - Prohibits blank walls exceeding 20 feet for all end units that have a side along Endhaven Lane.
    - Reserves the right to install ornamental fencing within the site for decoration and delineation of private open spaces.
    - Provides a 15-foot Class "C" buffer adjacent to single family residential uses and a ten-foot landscaped buffer adjacent to the British American School.
    - Provides internal sidewalks along the proposed alleyways and serving each dwelling unit.

- **Existing Zoning and Land Use**
  - There are three single family detached dwellings location on the site.
  - The majority of the property surrounding the site is zoned R-3 (single family residential) and is developed with single family detached uses and two schools. The property to the northwest is zoned MX-2(INNOV) (mixed use, innovative) and is undeveloped. Property to the southwest is zoned UR-3(CD) (urban residential, conditional) and is undeveloped, except for a cell tower.

- **Rezoning History in Area**
  - There have been a number of site plan amendments for the Toringdon development zoned CC (commercial center) located at the terminus of Endhaven Lane between North Community House Road and Johnston Road.
  - Petition 2014-045 approved a CC SPA (commercial center, site plan amendment) on property located on the northeast corner at the intersection of Johnston Road and North Community House Road, in order to accommodate a 40-room expansion to an existing hotel, for a total of 164 hotel rooms.
  - Petition 2013-098 rezoned property located on the south side of Endhaven Lane and the north side of Interstate 485 near the intersection of Endhaven Lane and Misty Ridge Lane from R-3
(single family residential) to UR-3(CD) (urban residential, conditional) to allow 200 multi-family dwelling units.

- **Public Plans and Policies**
  - The *South District Plan* (1993) recommends single family residential. The Plan references the residential locational criteria of the *General Development Policies* (GDP) for areas of higher density. The requested density of 8.2 units per acre is slightly greater than the density supported by the *General Development Policies*.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category - &gt;6 up to 8 dua</th>
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<tr>
<td>Meeting with Staff</td>
<td>1 (Yes)</td>
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<tr>
<td>Sewer and Water Availability</td>
<td>2 (CMUD)</td>
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<td>Land Use Accessibility</td>
<td>3 (High)</td>
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<td>Connectivity Analysis</td>
<td>1 (Low)</td>
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<td>Road Network Evaluation</td>
<td>0 (No)</td>
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<td><strong>Design Guidelines</strong></td>
<td>4 (Yes)</td>
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<td>Other Opportunities or Constraints</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Minimum Points Needed: 11</strong></td>
<td><strong>Total Points: 11</strong></td>
</tr>
</tbody>
</table>

- The proposed residential use is consistent with the *South District Plan*, but the proposed density of 8.2 units per acre is slightly higher than the maximum of eight (8) units per acre supported by the *General Development Policies*.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT requests that the petitioner construct a pedestrian refuge island along with accompanying concrete, signage, markings, and associated appurtenances, at the location of the existing mid-block crosswalk in front of Endhaven Lane Elementary School.
  - **Vehicle Trip Generation:**
    - Current Zoning: 200 trips per day.
    - Proposed Zoning: 320 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 11 students, while the development allowed under the proposed zoning will produce 18 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is seven students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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

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

- The petitioner should:
  1. Address the CDOT comment.
  2. Limit the height of freestanding lighting to 20 feet.
  3. Label areas for on-street parking on the site plan as indicated in noted. under “Transportation”.
  4. Provide elevations for all facades facing Endhaven Lane.

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane.
Petition #: 2014-103
Petitioner: Weekley Homes, LP

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

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

Acreage & Location: Approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane.
| REQUEST | Current Zoning: CC (commercial center)  
Proposed Zoning: CC SPA (commercial center, site plan amendment) |
| LOCATION | Approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road.  
(Council District 6 - Smith) |
| SUMMARY OF PETITION | The petition proposes a site plan amendment to allow modifications to and reallocation of development rights and reconfiguration of site layout. |
| STAFF RECOMMENDATION | Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the South District Plan, which recommends a mixture of retail, office, and residential uses as amended per a previous rezoning. |
| PROPERTY OWNER | Quail Hollow Village, LLC |
| PETITIONER | Quail Hollow Village, LLC c/o Harris Land Company |
| AGENT/REPRESENTATIVE | Walter Fields |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 17 |

**PLANNING STAFF REVIEW**

**Background**

- The subject property was rezoned from B-1SCD (business shopping center) to CC (commercial center) via Petition 2001-048 with the following conditions:
  - 120,000 square feet of office uses, 165,000 square feet of retail uses, and a 200-room hotel, within Building Envelopes A, B, C and D are allowed.
  - Prohibited uses include fast food restaurants, restaurants with drive-through window service, gas stations, convenience stores and automobile service facilities.
  - Up to 85,000 square feet of additional retail may be added by converting office square footage at a rate of one square foot of retail/restaurant floor area for one square foot of office floor area.
  - Up to 45,000 square feet of accessory retail/restaurant uses are permitted with the hotel.
  - Hotel rooms may be converted into residential dwelling units, at a rate of one hotel room per residential dwelling unit that is not constructed up to a maximum of 200 residential dwelling units.
  - No individual tenant may occupy more than 45,000 square feet of floor area of a single building or space for retail use, except Building Envelopes B and C shall have no individual tenant that occupies more than 20,000 square feet of a single building or space for retail use.
  - Site access provided via one right-in/right-out access on Park Road, and one right-in/right-out access and one full access on Glen Eagles Road.
  - Class "B" buffers provided abutting residential zoning and/or land use to the north and east. The 56.25-foot wide buffer to the north will include a screen wall and the 37.5-foot wide buffer to the east will include a screen fence.
  - Reflects an existing controlled private access from the Seven Eagles neighborhood.
  - An eight-foot sidewalk and eight-foot planting strip to be provided along frontage on Park Road and Glen Eagles Road.

**Proposed Request Details**

The site plan amendment contains the following changes:

- Reconfigures Building Envelopes A, B, C, and D and internal site configuration.
- Amends permitted uses to allow:
  - 76,000 square feet of retail and eating/drinking/entertainment uses.
  - 60,000 square feet of office uses (30,000 square feet each of medical office and other office).
  - 100,000 square feet of specialty retail and related accessory uses.
- A 200-room hotel.
- 290 residential dwelling units that may include for-sale and rental units, including condominiums and/or townhomes. Maximum density of 22 units per acre.
- Allows two uses with accessory drive-through service windows, only one of which may be for an eating/drinking/entertainment establishment.
- Amended building height to comply with the zoning ordinance requirements for the CC (commercial center) district, thus eliminating the four-story height restriction in Building Envelopes A, B, C, and D, and the two-story height limit for buildings in Building Envelope D adjacent to neighborhoods.
- Eliminates open space/garden area component reflected in Building Area B.
- Increases size of a single retail use to 60,000 square feet on a single level.
- Adds a right-in/right-out site entrance on Park Road.
- Amends and allows new use/square footage conversions as follows:
  - Up to 85,000 square feet of retail and eating/drinking/entertainment establishment uses can be substituted for office uses, at a rate of one square foot of retail and eating/drinking/entertainment establishment floor area for one square foot of office floor area.
  - Up to 85,000 square feet of office floor area can be substituted for retail and eating/drinking/entertainment establishment floor area, at a rate of one square foot of office floor area for one square foot of retail and eating/drinking/entertainment establishment floor area.
  - Hotel rooms may be converted to office space, at the rate of one hotel room for 300 square feet of office floor area, up to a maximum of 30,000 square feet.
  - Hotel rooms may be substituted for residential units, at the rate of one hotel room for each residential unit, up to a maximum of 200 residential units.
  - Residential units may be converted to retail, eating/drinking/entertainment establishments, or office space, at the rate of one residential unit for 300 square feet of retail, eating/drinking/entertainment or office up to a limit of 30,000 square feet of retail, eating/drinking/entertainment or office floor area so converted.
  - Hotel rooms may be converted to either office or residential units and may only be counted toward conversion to one use or the other; once counted may not be counted or developed in any other fashion.
- Type I and Type II eating/drinking and entertainment establishments permitted.
- All development types and amounts and conversion rights are subject to a total trip generation of 13,250 vehicles.
- Petitioner to construct an additional eastbound through lane on Glen Eagles Road along the site’s frontage starting from Park Road and extending to the eastern most access where it will terminate as an eastbound right-turn lane.
- Providing a six-foot sidewalk and eight-foot planting strip along frontages on Park Road and Glen Eagles Road. Sidewalk may meander.
- Eliminated Open Space/Garden Area B.
- Providing a concrete bench pad for a new bus stop to be constructed by the petitioner, the location of which will be determined in conjunction with CATS during the development review and permitting process.
- Deleted a listing of what provisions the restrictive covenants will establish.
- Deleted note prohibiting exterior corridors for hotels.
- Eliminated Access Drives A and B and the restriction of parking between Access Drive A and buildings located along the drive due to reconfiguration of site layout.
- Added 20-foot height limitation for free standing lighting located between buildings and the residential properties to the east to 20 feet.
- Added service hour limitations for deliveries and trash collection to the hours of 6:00 a.m. to 9:00 a.m. for buildings located in Building Envelopes A and B.

**Existing Zoning and Land Use**
- The subject property is currently vacant. Surrounding uses include an elementary school, a shopping center, multiple multi-family developments and single family dwellings in various zoning districts.

**Rezoning History in Area**
- Petition 2010-72 approved a CC (commercial center) site plan amendment for 4.4 acres located at the southwest corner of the intersection of Park Road and Sharon Road West to allow renovation of an existing shopping center, which included the creation of an additional outparcel, up to two drive-through service windows, and up to 10,078 square feet of new retail, office, and restaurant uses.
Public Plans and Policies
- The South District Plan (1993), as amended by previous rezoning petition 2001-48, recommends a mixture of retail, office, and residential uses.
- The petition is consistent with the South District Plan

DEPARTMENT COMMENTS (see full department reports online)
- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: CDOT requests the following:
  - Provide a technical memorandum to update the original traffic study.
  - Revise Note D under Transportation to remove the last sentence.
- Vehicle Trip Generation:
  - Current Zoning: 13,200 trips per day.
  - Proposed Zoning: 13,240 trips per day.
- Connectivity: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: No comments received.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte-Mecklenburg Utilities: No issues.
- Engineering and Property Management: Show required on-site tree save areas on site plan.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.
- Urban Forestry: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)
- Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  - Facilitates the use of alternative modes of transportation by providing pedestrian facilities beyond required.

OUTSTANDING ISSUES
- The petitioner should:
  1. Amend Note e under permitted uses to read as follows: “Residential units may be converted to retail, eating/drinking/entertainment or office space at the rate of one residential unit for 300 square feet of retail, eating/drinking/entertainment or office floor area up to a limit of 30,000 square feet of retail, eating/drinking/entertainment or office floor area so converted.”
  2. Replace “restaurant” with “eating/drinking and entertainment establishments.”
  3. Amend the note under Permitted Uses to delete the following: “For the purposes of determining individual development restrictions that may apply, the term ‘restaurant’ will be deemed to include both ‘eating, drinking and entertainment establishments’. Specify that Type I and Type II eating/drinking and entertainment establishments are permitted.”
  4. Note that parking is not permitted as a ground floor use along Glen Eagles Road or Park Road.
  5. Provide elevations and/or detailed written commitments for any elevation that fronts or is visible from a public street.
  6. Delete reference to specialty retail.
  7. Provide note requiring any drive-through to be internal as opposed to freestanding, and incorporated into the building’s architectural design and materials.
  8. Add notes making the following commitments related to conversion allowances:
    a. Square footage/use conversions will be documented through Administrative Amendments submitted to the Planning Department.
    b. No more than two square footage/use conversions will be approved.
    c. Once a use has been converted to another use, it cannot be converted to a third use.
9. Add a note committing to a minimum amount of office and residential uses.
10. Add a note committing to providing urban open space for the commercial component, and include the minimum amount, location and amenities on the site plan.
11. Amend Note E under Transportation to specify conditions under which sidewalks can meander.
12. Add note prohibiting exterior corridors for hotels.
13. Amend note under Permitted Uses as follows: “All of the foregoing development types and amounts listed and the conversion rights reserved above are subject to a total trip generation of 13,250 trips per day as specified in the Transportation Memorandum that accompanies this plan amendment. A running traffic count will be provided with each permitting submittal to ensure that the total trip generation does not exceed 13,250 trips per day.”

Attachments Online at www.rezoning.org

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

Planner: Sonja Sanders  (704) 336-8327
Approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road.
Petition #: 2014-106
Petitioner: Quail Hollow Village, c/o Harris Land Company

Zoning Classification (Existing): CC (Commercial Center)

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

Acreage & Location: Approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 8-29-2014.
56.25' REDUCED CLASS "B" BUFFER WITH SCREEN WALL

37.5' REDUCE CLASS "B" BUFFER WITH SCREEN WALL

35.0' GAS ENT

PROPOSED 6' OPAQUE SCREEN FENCE OR EITHER WOOD OR VINYL MATERIALS

LEGEND

--- BUILDING ENVELOPE
--- PARKING STRUCTURE
--- PARKING ENVELOPE
--- VEHICULAR CIRCULATION
--- SERVICE CIRCULATION

NOTE: THE EXACT CONFIGURATION OF ACCESS DRIVES, BUILDING AND PARKING ENTRANCES, AND INTERNAL STREET CONFIGURATION MAY BE MODIFIED OR ADJUSTED DURING THE DESIGN AND DEVELOPMENT REVIEW PROCESS.

--- PROPOSED 6' OPAQUE SCREEN FENCE OR EITHER WOOD OR VINYL MATERIALS
General Provisions:

a. Development of the site will be controlled by the standards depicted on this site plan and the standards of the Charlotte Zoning Ordinance. The development shall be in compliance with the provisions of governmental codes and applicable regulations. All plans and specifications for the development shall be subject to the approval of the developer, the City of Charlotte, and the County of Mecklenburg before the issuance of any construction permits.

b. The developer shall obtain all applicable permits and approvals required by any governmental body, including but not limited to the Charlotte Zoning Ordinance, the City of Charlotte, the County of Mecklenburg, the State of North Carolina, and any federal agencies before the commencement of any construction on the site.

c. The developer shall ensure that all construction on the site is in compliance with all applicable laws, regulations, and standards, including but not limited to the Charlotte Zoning Ordinance, the City of Charlotte, the County of Mecklenburg, the State of North Carolina, and any federal agencies.

do. The developer shall be responsible for all costs associated with the development of the site, including but not limited to the cost of obtaining permits, approvals, and any other expenses associated with the development.

2. As more comprehensively depicted on the site plan, the petitioner shall install internal sidewalks on the site that will improve pedestrian connectivity between the various buildings located on the site and the existing street network. The sidewalks shall be in compliance with all applicable laws, regulations, and standards, including but not limited to the Charlotte Zoning Ordinance, the City of Charlotte, the County of Mecklenburg, the State of North Carolina, and any federal agencies.

3. The petitioner shall provide all necessary improvements to the site in accordance with the recommendations of the Architectural Design Review Committee and the Charlotte Zoning Ordinance. The petitioner shall provide all necessary improvements to the site in accordance with the recommendations of the Architectural Design Review Committee and the Charlotte Zoning Ordinance. The petitioner shall provide all necessary improvements to the site in accordance with the recommendations of the Architectural Design Review Committee and the Charlotte Zoning Ordinance. The petitioner shall provide all necessary improvements to the site in accordance with the recommendations of the Architectural Design Review Committee and the Charlotte Zoning Ordinance.
Previously Approved Site Plan
REQUEST

Current Zoning: UR-C(CD)(PED) (urban residential - commercial, conditional, pedestrian overlay), B-1(PED) (neighborhood business, pedestrian overlay) and R-8 (single family residential)

Proposed Zoning: MUDD-O(PED) (mixed use development, optional, pedestrian overlay) and MUDD-O (mixed use development, optional)

LOCATION

Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street. (Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to allow a mixed use development including a 270,000-square foot building, a 187,450-square foot parking structure with up to 4,000 square feet of commercial uses on the street level, and up to eight single family attached dwelling units.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the Midtown Morehead Cherry Area Plan land use recommendations for the majority of the site and inconsistent with the Plan's recommendations for height, streetscape on South Kings Drive, and residential use and density on Cherry Street. However, the petition is appropriate and compatible with surrounding development in the area.

PROPERTY OWNER

Midtown Area Partners II, LLC and Stonehunt, LLC

PETITIONER

Midtown Area Partners II, LLC

AGENT/REPRESENTATIVE

John Carmichael, Robinson Bradshaw & Hinson, P.A.

COMMUNITY MEETING

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

PLANNING STAFF REVIEW

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

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
    - Divides the site into three development areas (A, B, and C).
    - Permitted uses, except as noted below, include single family attached dwelling units, multi-family dwellings, eating/drinking/entertainment establishments Type 1 and 2, hotels, art galleries, colleges/universities/commercial and trade schools, business and general offices, retail sales, service uses, post offices, studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths and jewelry designers.
    - Development Area A:
      - Allows a maximum of 270,000 square feet of building area.
      - Maximum building height of 140 feet.
      - Prohibits single family attached dwelling units.
    - Development Area B:
      - Allows an 187,450-square foot structured parking facility, and up to 4,000 square feet of ground floor nonresidential uses facing South Kings Drive.
      - Maximum building height of 75 feet.
      - Prohibits residential dwellings, hotels, colleges/universities/commercial and trade schools, and post offices.
• **Development Area C:**
  - Allows up to eight single families attached dwelling units and associated accessory uses.
  - Dwelling units are required to be constructed along the frontage on Cherry Street adjacent to the structured parking facility, in order to provide a residential edge.
  - Maximum height of heated area of the single family attached dwelling units limited to 30 feet along Cherry Street and 40 feet for portions of the dwelling units located at least 16 feet from the back of the proposed sidewalk on Cherry Street.
  - Abandonment of Cecil Street right-of-way, which would be converted into a private drive providing access to adjacent parcels and the parking structure.
  - Direct vehicular access between Baxter Street and Luther Street via the proposed private drive (formerly Cecil Street) through the parking structure on Development Area B.
  - Vehicular access (ingress/egress) to site via Luther Street.
  - Pedestrian stair access from South Kings Drive to private drive.
  - Preserves the existing CATS bus stop on South Kings Drive provided it may be relocated on the site’s frontage with the approval of CATS and CDOT.
  - Provides building perspectives, elevations, and site cross sections.
  - Limits freestanding lighting to 20 feet, except those on the top level of the parking structure that will be limited to 30 feet.
  - Requests the following optional provisions:
    1. Allow the maximum height of the building located in development area A to be increased from 120 feet to 140 feet.
    2. Eliminate the requirement for on-street parking along South Kings Drive.
    3. Allow a 24-foot setback along South Kings Drive at the first floor and 16 feet setback for all other floors in development area A.
    4. Allow a 16-foot minimum setback for the structured parking facility along South Kings Drive.
    5. Allow a 14-foot setback with eight-foot planting strip and six-foot sidewalk along Luther Street.
    6. Allow an eight-foot, six-inch setback with eight-foot sidewalk and no planting strip along Cecil Street if it is not abandoned.

• **Existing Zoning and Land Use**
  - The majority of the site is used for surface parking and a portion of the site contains two single family homes.
  - The property surrounding the site is zoned a mixture of B-1(PED) (neighborhood business, pedestrian overlay), R-22MF (multi-family residential), R-8 (single family residential), O-2(CD)(PED) (office, conditional, pedestrian overlay), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay) and MUDD-O (mixed use development, optional) and used for a mixture of single family residential, multi-family residential, commercial, office and institutional uses.

• **Rezoning History in Area**
  - A number of rezonings have taken place to accommodate infill development and redevelopment for commercial and residential uses.

• **Public Plans and Policies**
  - The *Midtown Morehead Cherry Area Plan (2012)* recommends a mixture of residential, office and retail for the majority of the site along South Kings Drive, Baxter Street, Cecil Street and Luther Street. The *Plan* recommends residential use at eight units per acre for the portion of the site fronting Cherry Street south of Main Street.
  - The Area Plan recommends that as areas redevelop on the east side of South Kings Drive, a pedestrian friendly environment with activation of buildings at street level should be provided.
  - The site plan diverges from the recommendations of the *Midtown Morehead Cherry Area Plan* and pedestrian overlay standards in regards to building height, setback, and streetscape along South Kings Drive, and residential density along Cherry Street south of Main Street. Additionally, the parking structure encroaches into a portion of the area recommended for residential use.
  - The petition is consistent with the *Midtown Morehead Cherry Area Plan* land use recommendations for the majority of the site and inconsistent with the *Plan’s* recommendations for height and streetscape on South Kings Drive, and residential use and density on Cherry Street. However, the petition is appropriate and compatible with surrounding development in the area for the following reasons:
    - The proposed building height for development area C meets the standards of the Zoning Ordinance. The proposed height of 50 feet, for the portions of development area B nearest the single family use is a minor increase of seven feet above the pedestrian overlay standards. The proposed building height for development area A of 140 feet is a 58-foot
increase above the pedestrian overlay standards. The building is approximately 225 feet from the existing single family residential uses on the east side of Cherry Street and due to the topography the site sits lower than homes along Cherry Street.

- Rather than provide the recommended on-street parking along South Kings Drive, the petition proposes creating an improved pedestrian experience with buildings setback 24 feet from the back of curb with a planting strip and a wide sidewalk.
- The residential density of the single-family attached units is greater than the eight units per acre recommended by the Plan. However, the units provide a separation between the parking structure and the neighborhood, a residential edge to the site adjacent to the single family homes and a transition in building type and height from the more intense uses along South Kings Drive to the single family uses in the Cherry neighborhood.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: No issues.
  - Vehicle Trip Generation:
    - Current Zoning: 1,900 trips per day.
    - Proposed Zoning: 3,000 trips per day.
  - Connectivity: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: No comments received.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte-Mecklenburg Utilities: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.
- Urban Forestry: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  - Facilitates the use of alternative modes of transportation by preserving an existing CATS bus stop, and provides an improved pedestrian experience through the site and along South Kings Drive with the provision of wide sidewalks and active street level uses.
  - Minimizes impacts to the natural environment by building on an infill lot.

OUTSTANDING ISSUES

- The petitioner should:
  1. Label the CATS bus stop on South Kings Drive.
  2. Specify the dimensions of the planting strip and sidewalk along South Kings Drive.
  3. Label possible pedestrian refuge island on South Kings Drive.
  4. Add the word “Transportation” to label “see note d for street abandonment” on Sheet RZ1.1
  5. Remove the label of 5’6” planting strip, 4’ sidewalk, 12’8” min. setback along Luther Street on Sheet RZ1.1.
  6. Provide revised elevations illustrating the changes made to the plans.
  7. Label the PED standards lines on the site cross sections.
  8. Provide a maximum number of multi-family dwelling units and maximum number of hotel rooms allowed in development area A.
  9. Remove driveways from single family attached dwelling units, as no garages will be permitted fronting Cherry Street, and enlarge porch and entry space in front of units.
10. Provide a development data table, with parcel ID numbers, existing uses, proposed floor area ratio (FAR), percentage of open space and the revised site acreage that includes the area in the proposed Cecil Street right-of-way abandonment.
11. Provide a note under Streetscape to indicate that tree grates, seat walls and other pedestrian amenities may be provided in the setback along South Kings Drive.
12. Specify architectural details for the screen wall along Cecil Street.
13. Provide a note describing the architectural intent for the single family detached units.
14. Specify that end attached dwelling units will provide windows, doors or other architectural details on each floor.
15. Provide more detailed commitments for the treatment of blank walls above the minimum MUDD (mixed use development) requirements.
16. Provide the acreage to be rezoned on the site plan (1.99 acres) and submit a revised application form reflecting the correct acreage.
17. Change Post offices in A. (9) to private postal services.
18. Add a note stating that the single family attached units will be constructed prior to the issuance of a certificate of occupancy for the parking structure.
19. Clarify how the site will be designed in terms of building placement in the event that Cecil Street abandonment is not approved.
20. Reorder the development standards to read top to bottom, left to right.

Attachments Online at www.rezoning.org

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

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

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

Rezoning Petition: 2014-109

INSIDE CHARLOTTE CITY LIMITS

Charlotte City Limits

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

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

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

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

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

Map Produced by the Charlotte-Mecklenburg Planning Department, 10-29-2014.
Table of Development Standards:

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>General Standards</td>
</tr>
<tr>
<td>1.2</td>
<td>Architectural Standards</td>
</tr>
<tr>
<td>1.3</td>
<td>Landscape Standards</td>
</tr>
<tr>
<td>1.4</td>
<td>Traffic Standards</td>
</tr>
<tr>
<td>1.5</td>
<td>Environmental Standards</td>
</tr>
</tbody>
</table>

Developments in the project area must be consistent with the City of Charlotte's Comprehensive Plan and the applicable zoning regulations.

Kings Drive Mixed Use Project Development Standards:

- 14 October 2024
- RZ1.2

Kings Drive Mixed Use Project:

- Zoning District: RZ1.2
- Project Purpose: Mixed Use Development
- Project Location: Kings Drive

Environmental Standards:

- Development shall be consistent with the City of Charlotte’s Comprehensive Plan and applicable zoning regulations.
- All new construction shall be designed and constructed in accordance with the City of Charlotte’s Comprehensive Plan and applicable zoning regulations.
- All new development shall be designed and constructed in accordance with the City of Charlotte’s Comprehensive Plan and applicable zoning regulations.

Kings Drive Mixed Use Project:

- Zoning District: RZ1.2
- Project Purpose: Mixed Use Development
- Project Location: Kings Drive
Previously Approved Site Plan
CONCEPTUAL ARCHITECTURAL ELEVATIONS

THE ELEVATIONS THAT ACCOMPANY THE TECHNICAL DATA SHEET ARE CONCEPTUAL IN NATURE AND DEPICT PROMOTIONAL REPRESENTATIONS OF THE TYPES OF ARCHITECTURAL DESIGN AND QUALITY OF DEVELOPMENT PROPOSED FOR PORTIONS OF THE SITE. IT SHOULD BE UNDERSTOOD THAT MODIFICATIONS MAY BE MADE DURING THE DESIGN/DEVELOPMENT AND CONSTRUCTION OF THE PROJECT.
REQUEST

Current Zoning: B-1(CD) (neighborhood business, conditional) and R-3 (single family residential)
Proposed Zoning: B-1C(D) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment)

LOCATION

Approximately 3.32 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road. (Council District 5 - Autry)

SUMMARY OF PETITION

The petition proposes to allow up to three commercial buildings on three individual lots.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. The B-1(CD) (neighborhood business, conditional) portion of the petition is consistent with the East District Plan, as amended by a previous rezoning, which recommends retail uses. The acreage zoned R-3 (single family residential) is inconsistent with the East Side Strategy Plan, which recommends institutional uses. However, this portion of the rezoning is situated between two properties zoned B-1(CD) (neighborhood business, conditional). The requested rezoning will allow for a more consistent development pattern.

PROPERTY OWNER

Fifth Third Bank

PETITIONER

Cambridge Properties, Inc.

AGENT/REPRESENTATIVE

George Maloomian and Jay Priester

COMMUNITY MEETING

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

PLANNING STAFF REVIEW

• Background
  • Rezoning petition 1992-070 rezoned approximately 3.39 acres from R-3 (single family residential) to B-1(CD) (neighborhood business, conditional) in order to allow a plant nursery and garden center with a maximum building area of 30,000 square feet. The existing single family home directly to the west was part of the rezoning.

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Allows up to three (3) separate parcels (Parcels 1, 2, and 3), with each lot having its own individual building footprint and associated parking area.
  • Allows all uses in the B-1 (neighborhood business) zoning district, except the following uses will be restricted:
    • Land clearing and inert debris landfills (LCID);
    • Construction and Demolition (C & D) Landfills;
    • Automotive service stations selling gasoline and diesel fuel;
    • Jails and prisons;
    • Heavy motive repair shops. This does not restrict minor automotive adjustments, repairs and/or lubrications; and
    • Car washes.
  • Allows no more than one (1) drivethrough window within the site.
  • Provision of a 41-foot Class “B” buffer along property lines adjacent to a residential use. A Class "C" buffer may be required along a portion of the northern property line that abuts acreage owned by Cornerstone Baptist Church (parcel 10910206), depending upon the proposed use of the developed parcel. Buffers may be reduced by 25% with installation of a fence.
  • Proposed left-in/right-in/right-out driveway providing access onto Albemarle Road with proposed left-turn lane into the site.
• All three (3) parcels within the site will have vehicular and pedestrian interconnectivity and cross-access easements.
• Provide stub connections to the adjacent parcels to the east and west for possible future interconnectivity.
• Install a minimum six-foot sidewalk and eight-foot planting strip along Albemarle Road measured from back of curb. If sidewalk cannot be installed in the NCDOT right-of-way, petitioner will install the sidewalk within the site along the right-of-way line with Albemarle Road.
• All elevations fronting Albemarle Road to be treated with a minimum of 35% fenestration.
• All exterior walls to be constructed with a minimum of 70% masonry products including any combination of brick, stone and pre-cast concrete.
• Parking lot lighting to have a maximum height of 25 feet.

Existing Zoning and Land Use
• A former garden center with associated parking and storage, and vacant land is currently situated on the rezoning site, which is primarily surrounded by single family neighborhoods zoned R-3 (single family residential). Commercial, institutional, and industrial uses are generally located at and around the intersections of Albemarle, Circumferential, and Harrisburg Roads on properties located in various zoning districts.

Rezoning History in Area
• Petition 2008-106 rezoned property on Albemarle Road located directly east of the rezoning site from R-3 (single family residential) to B-1(CD) (neighborhood business, conditional) in order to allow a two-story medical office and retail pharmacy with a walk-in and drive-through pharmacy.

Public Plans and Policies
• The East District Plan (1990) recommends retail for the portion of the property zoned B-1(CD) (neighborhood business, conditional).
• The East Strategy Plan (2001) recommends institutional for the portion of the property currently zoned R-3 (single family residential). However, the portion of the rezoning site zoned R-3 (single family residential) is situated between properties zoned B-1(CD) (neighborhood business, conditional). Therefore, it is not inappropriate to rezone the R-3 acreage in order to allow for a more consistent development pattern with similar development requirements at this location.
• The portion of the petition currently zoned R-3 (single family residential) is inconsistent with the East Strategy Plan. The portion of the petition zoned B-1(CD) is consistent with the East District Plan.

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Transportation: CDOT notes that the petitioner has removed the proposed building size(s) from the site plan, and requests that this information be provided so that CDOT can produce trip generation estimates.
  • Vehicle Trip Generation:
    Current Zoning: 1,000 trips per day.
    Proposed Zoning: Not available.
  • Connectivity: No issues.
• Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
• Charlotte-Mecklenburg Storm Water Services: Please remove notes 7a and 7b under PCCO Treatment in their entirety and replace with the following: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."
• Charlotte-Mecklenburg Utilities: No issues.
• Engineering and Property Management: No issues.
• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
• **Mecklenburg County Parks and Recreation Department:** No issues.
• **Urban Forestry:** No issues.

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

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

**OUTSTANDING ISSUES**

• The petitioner should:
  1. Note under Development Data the maximum square footages of each of the three buildings on the rezoning site. Replace “restricted” with “prohibited” in the first sentence under Permitted Uses.
  2. Reduce parking between the building and the street and design the parking in a pattern consistent with other new development along this segment of Albemarle Road.
  3. Label proposed elevations.
  4. Address interior elevations to provide some level of visual interest, architectural detailing or landscaping.
  5. Rename heading PCCO Treatment to Environmental Features.
  6. Delete Note 9a as the 30-foot setback is shown on the site plan. Place notes 9b and 9c under Streetscape and Landscaping.
  7. Remove Sideyards/Buffers heading from site plan.
  8. Modify site plan to state only one sign is permitted or signage will be per ordinance.

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

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

**Planner:** Claire Lyte-Graham (704) 336-3782
Acreage & Location: Approximately 3.31 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road.
Petition #: 2014-111
Petitioner: Cambridge Properties, Inc.

Zoning Classification (Existing): R-3 & B-1(CD)
(Single Family, Residential and Neighborhood Business, Conditional)

Zoning Classification (Requested): B-1(CD) & B-1(CD) S.P.A.
(Neighborhood Services, Conditional and Neighborhood Services, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 3.31 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road.
1. GENERAL PROVISIONS
   a. The development depicted on the Site Plan is intended to reflect the
      current configuration of property lines and lot boundaries, and the
      existing streets, sidewalks, curbs, and stormwater management
      systems, as shown on the Site Plan and permitted by the
      development and construction phases as permitted under the
      provisions of Section RZ.3.0 of the City of Charlotte
      Development Regulations.
   b. The hearing shall be open to the public, and any interested
      person may be present or represented by an attorney at the
      hearing. Any evidence presented shall be retained for
      administrative record purposes.
   c. The hearing shall be conducted by the Board, according to
      the procedures set forth in Section RZ.3.0 of the
      City of Charlotte Development Regulations.

2. PURPOSE
   The rezoning request is to allow the Site to be developed for a
   10-acre retail shopping center and adjacents that are permitted under the
   rezoning as an assemblage.

3. PARCEL (S) 
   a. All land under 0-1 story dwellings shall be permitted except the
      following ones shall be removed:
        1. Amenity housing and waste collection (EUC)
        2. Commercial and Industrial (CA) dwellings
        3. Agricultural Service Station (ncluding service and fuel)
        4. Hotels and motels
   b. No more than 1 story show window within the Site
   c. All non-retail spaces shall be removed

4. TRANSPORTATION
   a. A Pedestrian and Bicycle Plan is required to show on the site plan
      designated pedestrian and bicycle facilities
   b. The Site Plan and Pedestrian and Bicycle Plan shall be submitted
      to the City of Charlotte Development Regulations for
      review and approval.
   c. All roadways located within the Site shall be constructed
      according to the standards set forth in the City of Charlotte
      Development Regulations.
   d. The Site Plan and Pedestrian and Bicycle Plan shall be
      reviewed and approved by the City of Charlotte Development
      Regulations.
   e. The Site Plan and Pedestrian and Bicycle Plan shall be
      submitted to the City of Charlotte Development Regulations
      for review and approval.
   f. The Site Plan and Pedestrian and Bicycle Plan shall be
      reviewed and approved by the City of Charlotte Development
      Regulations.

5. ARCHITECTURAL STANDARDS
   a. All structures having alternate eave shall be treated with a maximum
      of 10% metal eave
   b. All interior walls shall be constructed with a maximum of 30% interior
      finishings including all combinations of wood, brick, and concrete
   c. All first and second floor shall be fully enclosed
   d. All HVAC units shall be screened from view from alternate eave
   e. All buildings shall be designed and constructed to present plan
      to publicly owned properties.
   f. The site plan for building is required to have a maximum of 12' in height

6. SITE LIGHTING
   a. All parking for lighting shall be shielded and observed daytime
   b. Adequate lighting on the building shall be directed or shielded to prevent
      glare to nearby residential properties.
   c. The site plan for lighting is required to have a maximum of 12' in height

7. SECRETS AND LAYOUT
   a. There shall be a maximum of 12'-0" parking space and 6'-0" sidewalk along
      alternate eave measured from the face of building. The sidewalk and parking
      space shall be intended for each parcel on each parcel as such parcel is developed
      for the purpose of the site plan.
   b. The site plan for secret and layout is required to have a maximum of 12' in height

8. LANDSCAPE
   a. The Site Plan for landscape is required to have a maximum of 12' in height

9. SUVANDES/ENTRANCES
   a. The Site Plan for suvanades/entrances is required to have a maximum of 12' in height

10. ADDITIONAL INFORMATION
   a. The Site Plan for additional information is required to have a maximum of 12' in height

PARCEL 1 ARCHITECTURAL RENDERING

REZONING PETITION 2014-111

PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION

Preliminary

October 17, 2014

RZ.3.0
Previously Approved Site Plan
REQUEST

SUMMARY OF PETITION
The petition proposes to:
1) modify the definition of planned development;
2) clarify existing regulations and update references, formatting, and tables;
3) relocate regulations into the proper section;
4) correct the dimension of the right-of-way requirements for local residential wide streets;
5) remove the requirement for delivery of final plats to the Planning Department and remove references to the County and Board of Commissioners;
6) clarify the street spacing requirements;
7) clarify the standards for required streets when lots or building sites are part of a multi-family development;
8) update the notice and hearing requirements for variances and appeals; the standards for granting a variance; and the standards for making decisions; and
9) update the appeal regulations.

STAFF RECOMMENDATION
Staff recommends approval of this petition. This petition is consistent with the North Carolina General Statutes, and consistent with the Centers, Corridors and Wedges Growth Framework goal to preserve and enhance existing neighborhoods. This petition makes the written regulations in the Subdivision Ordinance consistent with updated state legislation.

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING
Meeting is not required.

PLANNING STAFF REVIEW
- **Background**
  - The Subdivision Ordinance regulations were updated by City Council on December 20, 2010, to implement the *Urban Street Design Guidelines*.
  - Since adoption, staff has identified a number of clarifications, modifications, reformatting, and updates to section references that are needed.
  - New North Carolina General Statute legislation was approved on June 19, 2013 that clarified and modernized the statutes regarding variances and appeals.
  - The new legislation focuses on providing greater clarity, creating standardized procedures for key actions and generally providing more certainty and predictability about the processes used for variances and appeals.
  - This text amendment aligns the Charlotte Subdivision Ordinance with the new legislation.

- **Proposed Request Details**
  The text amendment contains the following provisions:
  - Modifies the definition of planned development to include a multi-family residential building, including a single building with more than 12 units.
  - Updates the name of the metropolitan planning organization from "Mecklenburg-Union Metropolitan Planning Organization" to "Charlotte Regional Transportation Planning Organization" throughout the Ordinance.
  - Corrects section references and misspellings.
  - Modifies formatting of text for clarity.
  - Removes the requirement that a sealed and recorded final plat must be delivered to the...
Planning staff within five days of recording because final plats are now digitally recorded at the Register of Deeds Office.

- Relocates requirements that existing local streets do not have to dedicate or reserve right-of-way from the incorrect subsection titled “Non-local street right-of-way” into the subsection titled “Local street right-of-way”.
- Clarifies the preferred and maximum street spacing requirements and provides an illustration.
- Clarifies tables and provide titles related to the text for preferred and maximum street spacing.
- Clarifies the design standards for lots. Where lots or building sites that are part of a multi-family development exceed the maximum street spacing, at least one street extending through the development shall be a public street, in “both directions”, instead of in “either direction.”
- Removes references to inspections by the County, filing fees set by the Board of Commissioners, and variance forms prepared by the Board of Commissioners.
- Replaces the existing findings of fact and conditions that constitute a practical difficulty or unnecessary hardship with new language to align with new North Carolina General Statute legislation. The new language states that when unnecessary hardships would result from carrying out the strict letter of the Subdivision Ordinance, the Planning Commission or the hearing committee, shall vary any of the provisions of the Subdivision Ordinance upon a showing in the affirmative of all of the following findings of fact:
  - Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
  - The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
  - The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
  - The requested variance is consistent with the spirit, purpose, and intent of the Subdivision Ordinance, such that public safety is secured, and substantial justice is achieved.
- Adds new language that appropriate conditions may be imposed on any variance, provided they are reasonably related to the variance.
- Adds new requirements detailing the mailing of notices of hearings for variance and appeal petitions including:
  - Notices shall be mailed to the person who is the subject of the hearing, the owners of the property, and owners of abutting properties.
  - County tax listings shall be used to determine owners of property, unless there is evidence to the contrary.
  - Notices shall be mailed at least 10 days but not more than 25 days prior to the date of the hearing.
  - Notices shall be posted on the property that is the subject of the hearing, or an adjacent street right-of-way.
- Adds new requirements about the Planning Commission or hearing committee’s decisions and evidence:
  - The hearing shall be conducted in a quasi-judicial manner.
  - The Planning Commission (or hearing committee) must determine contested facts and make its decision within a reasonable time.
  - Every quasi-judicial decision shall be based on competent, material, and substantial evidence in the record.
  - Each quasi-judicial decision shall be reduced to writing and reflect the Planning Commission’s (or hearing committee’s) determination of contested facts and their application to the applicable standards.
  - The written decision shall be signed by the chair or other duly authorized member of the Planning Commission (or hearing committee).
  - A quasi-judicial decision is effective upon filing the written decision with the clerk to the Planning Commission (or hearing committee).
- Adds new requirements as to who is notified of the decision of the Planning Commission (or hearing committee), and how notice is delivered. Delivery methods for variance and appeal decisions include personal delivery, electronic mail or first-class mail. The decision is to be delivered to the applicant, property owner (if not the applicant), and to abutting property owners of the parcel of land that is the subject of the hearing.
- Modifies when an appeal of the Planning Commission’s (or hearing committee’s) decision to the Superior Court must be filed with the clerk of the Superior Court.
has 30 days from the date the decision is filed in the Charlotte-Mecklenburg Planning Department, or 30 days after a written copy of the decision is mailed to every aggrieved party who has filed a written request or such a copy with the Planning Director at the time of the hearing, whichever is later. This text amendment modifies the language, aligning with new state legislation, to allow an appeal to be filed with the clerk of Superior Court by the later of 30 days after the decision is effective, or 30 days after a written copy of the decision is given by personal delivery, electronic mail or first-class mail. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

- **Public Plans and Policies**
  - This petition is consistent with the North Carolina General Statutes, and consistent with the *Centers, Corridors and Wedges Growth Framework* goal to preserve and enhance existing neighborhoods.
  - This petition makes the written regulations in the Subdivision Ordinance consistent with updated state legislation.

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.

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

- Application
- Transportation Review
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

**Planner:** Sandra Montgomery  (704) 336-5722
### Purpose/Background:
The purpose of this text amendment is to modify the Subdivision Ordinance regulations by 1) modifying the definition of planned development; 2) clarifying existing regulations and updating references, formatting, and tables; 3) relocating regulations into the proper section; 4) correcting the dimension of the right-of-way requirements for local residential wide streets; 5) removing the requirement for delivery of final plats to the Planning Department and removing references to the county and board of commissioners; 6) clarifying the street spacing requirements; 7) clarifying the standards for required streets when lots or building sites are part of a multi-family development; 8) updating the notice and hearing requirements for variances and appeals; the standards for granting a variance; the standards for making decisions; and 9) updating the appeal regulations.

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| Definitions | • Block face – The distance along a block between two adjacent intersections, measured from centerline to centerline.  
  • Planned development means a group of two or more duplex, triplex, quadraplex, multifamily residential or nonresidential buildings established in a single development tract, under unified control which is to be planned and developed as a whole, either as a single development project or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purpose of the planned development, and having a unified design of buildings and coordinated organization of open space, parking and service areas. | • Remove italics and modify sentence to read:  
  • Block face means the distance along a block between two adjacent intersections, measured from centerline to centerline.  
  • Update the definition for planned development to read as follows:  
    • Planned development means 1) a group of two or more duplex, triplex, quadraplex, multifamily residential buildings; 2) a multifamily residential building, including a single building with more than 12 units; or 3) nonresidential buildings established in a single development tract, under unified control which is to be planned and developed as a whole, either as a single development project or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purpose of the planned development, and having a unified design of buildings and coordinated organization of open space, parking and service areas. | • Clarifies and replaces definitions. |
| Monuments   | • The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two per map including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the Charlotte Land Development Standards Manual. | • Replace the word, “map” with “phase”:  
  • The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two per phase including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the Charlotte Land Development Standards Manual. | • Updates language for clarity. |
<p>| Final Plats | • A copy of the sealed and recorded final plat must be delivered to the planning staff within five days of recording. | • Removes this provision since final plats are now digitally recorded at the Register of Deeds Office and staff has computer access to the final plats. | • Removes requirements no longer needed. |</p>
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| Design Standards for Streets | • Along existing local streets less than 77 feet wide, there is no requirement that right-of-way greater than 38.5 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved.  
• Total right-of-way required for Local Residential Wide Streets: 71 feet. | • Relocates this provision from subsection (c) titled “non-local street right-of-way” to subsection (d) titled, “local street right-of-way”.  
• Changes the total right-of-way required for Local Residential Wide Streets from 71 feet to 72 feet. | • Corrects location of regulations to corresponding subsection. |
| Design Standards for Street Network and Blocks | • The requirements for additional new local streets are:  
   • Measure the width of each property boundary and divide by the appropriate preferred spacing from the following table to determine the overall number of blocks required along that boundary. Round down to the nearest whole number where a fractional number results. This is the required number of block faces along that boundary. Where the result is less than 2, but the boundary exceeds the maximum block length, one street is required.  
   Where an odd-shaped parcel has a series of boundary segments shorter than the preferred length, but separate blocks would be required if the site is measured across, as opposed to along the boundary segments, then a local street shall be required. Where extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required. If the distance from the nearest adjacent street to the parcel boundary exceeds the maximum block length, then a street may be required.  
• Table 1 and 2 have no titles.  
• Table 1: right hand column is titled, “Preferred (Perimeter)”.  
• Table 2: right hand column is titled, “Maximum”. | • Clarify the regulations as follows:  
   • Measure the length of each property boundary and divide by the appropriate preferred block length spacing from Table 1 “Preferred Street Spacing”, the following table to determine the overall number of blocks required along that boundary. Round down to the nearest whole number where a fractional number results. This is the required number of block faces along that boundary. Where the result is less than 2, but the boundary exceeds the maximum block length (Table 2 “Maximum Street Spacing”), one street is required.  
   Where an odd-shaped parcel has a series of boundary segments shorter than the preferred block length, but separate blocks would be required if the site is measured across, as opposed to along the boundary segments), then a local street shall be required. Where the extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required. If the distance from the nearest adjacent street to the parcel boundary exceeds the maximum block length, then a street may be required.  
• Add a graphic to illustrate the regulations above.  
• Clarify the tables by adding a more predominant title:  
   • Table 1: Preferred Street Spacing  
   • Table 2: Maximum Street Spacing  
• Clarify Table 1, right hand column to read, “Preferred Block Length along Property Boundary”.  
• Clarify Table 2, right hand column to read, “Maximum Block Length” | • Clarify regulations. |
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| **Design Standards for Lots** | • Where lots or building sites that are part of a multifamily development exceed the maximum street spacing in Sec. 20-23(b)(2)b above, at least one street extending through the development in **either direction** shall be a public street. The location of the required public street shall be determined based on the location with the greatest value for connectivity to the existing roadway network. Where no extension of a multifamily public street into adjacent sites is possible, the applicant may construct such a street as a private street. | • Clarify the regulations to require at least one public street in both directions:  
• Where lots or building sites that are part of a multifamily development exceed the maximum local street spacing in Sec. 20-23(b)(2)b, at least one street extending through the development in both directions shall be a public street. The location of the required public street shall be determined based on the location with the greatest value for connectivity to the existing roadway network. Where no extension of a multifamily public street into adjacent sites is possible, the applicant may construct such a street as a private street. | • Clarify regulations. |
| **Inspections** | • The city or county must be notified two days in advance of the work to be started in a subdivision so that an authorized representative of the city or county engineer or other responsible agency may be assigned to make any and all necessary inspections of the work performed. | • Remove references to the county. The revised section shall read:  
• The city must be notified two days in advance of the work to be started in a subdivision so that an authorized representative of the city engineer or other responsible agency may be assigned to make any and all necessary inspections of the work performed. | • Removes references to the County |
| **Filing of notice of Appeal** | • A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council and/or board of commissioners. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section. | • Remove references to the board of commissioners. The revised section shall read:  
• A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section. | • Remove references to the board of commissioners |
| **Filing of variance petition** | • A petition for a variance from this chapter, in the form prescribed by the planning commission staff, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council or board of commissioners. | • Remove references to the board of commissioners. The revised section shall read:  
• A petition for a variance from this chapter, in the form prescribed by the planning commission staff, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council. | • Remove references to the board of commissioners |
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<td>Notice and Hearing</td>
<td>• The Planning Commission, or hearing committee, will hold <strong>public</strong> hearings on any appeal or variance petition, which comes before it, in accordance with rules adopted by it for such purpose.</td>
<td>• Updates regulations to align with new North Carolina legislation: • The Planning Commission, or hearing committee, will hold <strong>quasi-judicial</strong> hearings on any appeal or variance petition, which comes before it, in accordance with rules adopted by it for such purpose.</td>
<td>• Aligns with new legislation</td>
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<td>• The planning commission will mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing</td>
<td>• Replaces regulations for notification to read: • Notices of hearings shall be mailed to 1) the person whose appeal, application, or request is the subject of the hearing; 2) the owner of the property that is the subject of the hearing; and 3) to owners of land abutting the parcel of land that is the subject of the hearing.</td>
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<td>• County tax listings shall be used to determine owners of property, unless there is evidence to the contrary.</td>
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<td>• Notices shall be mailed at least 10 days, but not more than 25 days prior to the date of the hearing.</td>
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<td>• Notices shall be posted on the property that is the subject of the hearing, or on an adjacent street or highway right-of-way.</td>
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<td>Standards for Granting a Variance</td>
<td>• Before granting a variance, the Planning Commission, or the hearing committee must determine that: • The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; or • The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or • The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or • The difficulty or hardship resulting from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or • The granting of the variance would permit the preservation of an historic structure or site.</td>
<td>• Removes the existing findings and conditions and replaces them with new language to align with new North Carolina legislation: • When unnecessary hardships would result from carrying out the strict letter of the Subdivision Ordinance, the Planning Commission, or the hearing committee, shall vary any of the provisions of the Subdivision’ Ordinance upon a showing of all of the following: • Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. • The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.</td>
<td>• Aligns findings with new state legislation.</td>
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- The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- The requested variance is consistent with the spirit, purpose, and intent of the Subdivision Ordinance, such that public safety is secured, and substantial justice is achieved.

- Adds language that appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance.

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| Action by the Planning Commission | - The Planning Commission or hearing committee will grant or deny the variance or will reverse, affirm, or modify the order, decision, requirement, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting. The resolution must state the reasons that the Planning Commission used to reach its decision. | - Adds more detail about the Planning Commission’s or hearing committee’s decision and evidence to align with new North Carolina legislation:  
  - The Planning Commission or hearing committee will grant or deny the variance or will reverse, affirm, or modify the order, decision, requirement, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting.  
  - The Planning Commission, or hearing committee, shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Planning Commission’s (or committee’s) determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the Commission or committee. A quasi-judicial decision is effective upon filing the written decision with the clerk to the Planning Commission or hearing committee.  
  - The decision of the Planning Commission, or the hearing committee, shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.  
  - Aligns with new legislation |
Any appeal of a decision rendered by the Planning Commission, or the hearing committee, must be to the Superior Court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court within 30 days after the decision of the planning commission, or the hearing committee is filed in the office of the planning director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the planning director at the time of the hearing, whichever is later.

Replaces the language with updated language to match new North Carolina legislation:

Replaces the language with updated language to match new North Carolina legislation:

Every quasi-judicial decision of the Planning Commission, or the hearing committee, shall be subject to judicial review by the superior court by proceedings in the nature of certiorari pursuant to G.S. § 160A-393. Any petition for a review of the Planning Commission’s, or hearing committee’s, decision in the nature of certiorari by the superior court must be filed with the clerk of Superior Court by the later of (1) 30 days after the decision is effective, or (2) 30 days after a written copy of the decision is given in accordance with Section 20-95 of this ordinance. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

Aligns with new legislation

Corrects misspelled words and updates names of organizations and section references

“thoughfares”

MUMPO – Mecklenburg- Union Metropolitan Planning Organization

Corrects misspelled words:

“thoroughfares”

Updates the name of the MUMPO organization:

MUMPO becomes Charlotte Regional Transportation Planning Organization (CRTPO)

Updates section references.

Updates figure references.

Updates references and corrects spelling
AN ORDINANCE AMENDING CHAPTER 20 
OF THE CITY CODE –SUBDIVISION ORDINANCE

ORDINANCE NO.

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

Section 1. Chapter 20, Code of the City of Charlotte is hereby amended as follows:
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ARTICLE I. IN GENERAL

Sec. 20-1. - Short title.
This chapter will be known and may be cited as the "Charlotte Subdivision Ordinance."

(Code 1985, § 20-1)

Sec. 20-2. - Purpose.
This chapter is adopted pursuant to the authority conferred by G.S. 160A-371 et seq., the Charter, and certain special legislation for the city and the county (ch. 203, Sess. Laws 1961) and for the purpose of promoting the orderly development of the city and county and for the purpose of coordinating streets within subdivisions with existing or planned streets or with public facilities; to secure adequate rights-of-way or easements for street or utility purposes; to secure adequate spaces for recreation and school sites; to provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding; to protect and enhance environmental quality; and to create conditions essential to health, safety, convenience and the general welfare.

(Code 1985, § 20-2)

Sec. 20-3. - Jurisdiction.
This chapter applies to all subdivision activities for which approval under this chapter is required in the city.

(Code 1985, § 20-3)

Sec. 20-4. - Compliance.
All plats for the subdivision of land must conform to the requirements of this chapter and be submitted in accordance with the procedures and specifications established in this chapter. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this chapter.

(Code 1985, § 20-5)

Sec. 20-5. - Modification of certain standards.
(a) Certain development standards regulated by this chapter and specifically as follows may be modified under the provisions of the city zoning ordinance:

(1) Street right-of-way.

(2) Sidewalks.
(3) Curb and gutter.
(4) Type of street (public or private).
(5) Street pavement width.

(b) The standards of chapter 19 of this Code, which also regulate the development of streets, sidewalks and other facilities in the city, must be complied with, except as may be varied under article III of this chapter.

(Code 1985, § 20-6)

(c) Any standard regulated by this chapter may be modified by City staff where necessary to ensure public safety.

Sec. 20-6. - Definitions.
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative Compliance for street design means the process to approve street designs that differ from the design standards prescribed in this chapter.

Appeal means an action relating to a dispute involving an administrative interpretation or application of an ordinance standard to a particular parcel of land.

Block face – means the distance along a block between two adjacent intersections, measured from centerline to centerline.

Building envelope means a three-dimensional area on a lot that remains for placing a structure on a site after setbacks, yard, height, and bulk regulations are observed.

Charlotte- Land Development Standards Manual means the manual of construction standard drawings and details prepared by the city engineer, which provides standard designs for public and private improvements relating to streets, sidewalks, drainage and other facilities. Whenever in this chapter reference is made to "standards" or "manual," it refers to that document.

Collector street means any street which is defined as a collector street in the adopted comprehensive street classification system.

Commercial arterial street means a multilane, major roadway connecting major or minor thoroughfares with lesser streets in the network. The commercial arterial may also connect this region to other regions. Commercial arterial streets provide direct access to nonresidential high trip generating land uses. A commercial arterial street may be part of state primary or secondary highway systems.

Connectivity means street or subdivision design which provides for public access, ingress and egress by interconnecting streets, bikepaths, and walkways within a development and with adjoining developments. Connectivity facilitates vehicular, bicycle, and pedestrian transportation.

Cul-de-sac means a street designed with a turnaround, or a street that will not reasonably be extended in the future.
**Development review board** means the board appointed by city council to hear and decide applications for alternative compliance for street design.

**Double frontage lot** means a lot with street frontage along two opposite boundaries. A "double frontage lot" may also be referred to as a "through lot" or a “reverse frontage lot”.

**Freeway or expressway** means a multilane, grade-separated, limited-access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large traffic volumes at high speeds. Such a facility may be part of the interstate, federal or state primary highway system. A freeway or expressway will be built to or approach interstate design standards.

**Green zone** means the space lying between the sidewalk and back of curb, or edge of pavement where no curb-and-gutter is present (typically a planting strip or hardscaped amenity zone) which serves as a buffer between pedestrians and vehicles. The green zone typically includes street trees and landscaping, and often includes street furnishings and utilities.

**Groundwater and wastewater services** means Mecklenburg County Groundwater and Wastewater Services Department.

**Half street** means a street that lies across a property line between two properties and is partially improved on only one of the properties at a time.

**Hearing committee.** The Charlotte-Mecklenburg Planning Commission can serve as the hearing committee to hear and decide variances and appeals, or it can appoint the zoning committee to serve as the hearing committee.

**Limited-access arterial street** means a multilane limited-access major road connecting major activity centers or major roads. Intersections are at grade with access only at cross streets rather than at individual driveways.

**Local street** means a street that provides access to residential, industrial or commercial districts, as well as to mixed use areas.

**LUESA** means the Mecklenburg County Land Use and Environmental Services Agency

**Major arterial** means a major thoroughfare on the MUMPO Charlotte Regional Transportation Planning Organization (CRTPO) Thoroughfare Plan.

**Major streams** means jurisdictional streams which are regulated by state or federal agencies.

**Minor arterial** means a minor thoroughfare on the MUMPO Charlotte Regional Transportation Planning Organization (CRTPO) Thoroughfare Plan. It is typically designed to accommodate moderate volumes of traffic at moderate speeds, and usually only handles trips for short to moderate distances.

**Mixed use development** means one or more buildings that contain more than one type of land use (e.g., retail, office, residential); or, a combination of buildings that contain single uses and buildings that contain more than one type of land use. At least one land use is non-residential. A key characteristic of mixed use development is that the various uses are well integrated in a pedestrian-oriented environment.

**Paper street** means a right-of-way for a street offered for dedication on a final recorded plat which has not been constructed or accepted by the city for maintenance.
Parks department means the county park and recreation department.

Planned development means 1) a group of two or more duplex, triplex, quadraplex, multifamily residential buildings; 2) a multifamily residential building, including a single building with more than 12 units; or 3) nonresidential buildings established in a single development tract, under unified control which is to be planned and developed as a whole, either as a single development project or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purpose of the planned development, and having a unified design of buildings and coordinated organization of open space, parking and service areas.

Private street means a street which is constructed to private street standards as described in the Charlotte Land Development Standards Manual, and which is privately maintained.

Public street means a street accepted for dedication to the city, county or North Carolina Department of Transportation.

Reverse frontage. A "reverse frontage" lot is a through lot or "double frontage" lot. A block containing reverse frontage lots is comprised of one tier of lots rather than the standard two tiers. Reverse frontage does not relate to the structure's orientation to the street.

School board means the Charlotte-Mecklenburg School Board.

Slow Point means any physical feature constructed in a street designed to moderate vehicle speeds.

Street means a facility (either public or private) designed to accommodate motor vehicle, pedestrian and bicycle travel.

Street Furnishings means physical features included as part of the streetscape, e.g. benches, bike racks, lighting, trash receptacles, and banners

Street right-of-way means any public right-of-way set aside for public travel which has been accepted for maintenance by the state or the city or the county if so authorized, or has been dedicated for public travel by the recording of a plat or a subdivision which, prior to the effective date of the ordinance from which this chapter derives, has been approved by either the Planning Department, the city council or board of county commissioners or is subsequently approved by the planning staff or the planning commission or has otherwise been established as a public street prior to the adoption of the ordinance from which this chapter derives.

Streetscape means the physical features of the street outside of the travel lanes that typically includes sidewalk, curb, gutter, and street trees.

Stub street means a street that is designed to extend to the property line with a temporary barricade and has the intent to be extended to provide for future access and connectivity.

Subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type, including both residential and nonresidential multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the register of deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided,
however, that the following will not be included within this definition nor be subject to the requirements of this chapter:

(1) The combination or recombination of portions of parcels created and recorded prior to January 1, 1988, or portions of lots platted in compliance with this ordinance after January 1, 1988, where the total number of parcels or lots is not increased and the resultant parcels are equal to the standards of the zoning ordinance.

(2) The division of land into parcels greater than five acres where no street right-of-way dedication is involved.

(3) The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.

(5) The division of land into plots or lots for use as a cemetery.

(6) Creation of a separate lot or building site by a less than fee simple instrument, such as a ground lease, when the property interest created is divided from the original parcel for ten years or less, including options to renew.

(7) The lease of space or other area within a building owned by the landlord.

(8) Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.

(9) The division of a tract or parcel into separate tracts or parcels, or the creation of interests in lots or parcels, by means of:
   a. A deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure), and
   b. Releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.

(10) Proceedings to partition interests in lots or parcels pursuant to G.S. ch. 46 (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this chapter.

(11) Transfers of tracts or parcels by inheritance or bona fide gift.

(12) Condemnation or deed in lieu of condemnation, by either a public or private condemnor; provided, however, that the condemnor must comply with the requirements of this chapter as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever date first occurs.

Subdivision, limited, means a subdivision that is not otherwise exempt from this chapter, and where the tract or parcel of land retained by the owner submitting the land for subdivision approval is in excess of ten acres. For such subdivisions, the owner shall be required to plat only
the parcel to be transferred or leased, and only that parcel shall be subject to the requirements of this chapter.

Subdivision, minor, means a subdivision that is not otherwise exempt from this chapter and that does not involve any of the following:

(1) The creation of any new public street or street right-of-way or improvements to an existing street.

(2) The extension of any needed rights-of-way or easements for the water or sewer system operated by the Charlotte-Mecklenburg Utilities.

(3) The installation of drainage improvements through one or more lots to serve one or more other lots.

(4) The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.

Thoroughfare means any street designated on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan. The terms "thoroughfare" and "arterial" are used synonymously.

Thoroughfare plan means the most recent Map approved by the Mecklenburg-Union Metropolitan Planning Organization, Charlotte Regional Transportation Planning Organization (CRTPO) which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation.

Through lot means a lot other than a corner lot, with a frontage on more than one street. A "through lot" may also be referred to as a "double frontage lot", or a "reverse frontage lot."

Traffic calming means a measure (or measures) that reduce(s) vehicle speeds.

Variance means an action requesting consideration for relief from the strict enforcement of the standards of this chapter where special circumstances or unusual considerations may exist on the parcel of land.

Zoning committee. The Charlotte-Mecklenburg Planning Commission is divided into two major working committees: the zoning committee and the planning committee.


Cross reference—Definitions generally, § 1-2.

Sec. 20-7. - Rules of construction.

For the purposes of this chapter, the following rules of construction apply:

(1) This chapter will be construed to achieve the purposes for which it is adopted.

(2) If a conflict occurs between the text of this chapter and any caption, figure, illustration, table or map, the text of this chapter will control.
(3) If any conflict occurs in limitations, restrictions or standards applying to a project, the more restrictive provision will apply.

(4) Reference to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

(Code 1985, § 20-9)

Sec. 20-8. - Planning staff.

In addition to any authority granted to the staff of the Charlotte-Mecklenburg Planning Department (referred to as "planning staff") by other ordinances of the city or the county, the planning director and the employees under his or her control will have the following powers and duties to be carried out in accordance with this chapter:

(1) Review and approve all subdivisions of land within the authority and jurisdiction of this chapter.

(2) Maintain the text of this chapter.

(3) Maintain files and other public records related to the administration and enforcement of this chapter.

(4) Recommend and comment on proposed amendments to this chapter.

(5) Interpret the sections of this chapter.

(6) Work to coordinate all local, state and other appropriate agency reviews and comment on all subdivisions proposed under this chapter.

(7) Establish such rules of procedure as necessary and proper for the administration of their responsibilities under this chapter.

(Code 1985, § 20-10)

Sec. 20-9. - Planning commission.

(a) In addition to any authority granted to the Charlotte-Mecklenburg Planning Commission (hereinafter "planning commission") by other ordinances of the city or Mecklenburg County, and in accordance with the provisions of the interlocal agreement regarding the structure and responsibilities of the planning commission, the planning commission will have the following powers and duties to be carried out in accordance with these regulations.

(1) To hear appeals filed regarding the action of the planning staff in the approval or disapproval of any subdivision proposed under these regulations.

(2) To hear and decide requests for variances from the standards of this chapter in accordance with the provisions of article III. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide requests for variances.
(3) To hear and decide appeals from the interpretation of any provisions of this ordinance from the planning staff. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.

(b) In all of these matters, the planning commission, or the hearing committee, may approve the request, deny the request, or approve the request with conditions relating to the intent and standards of this chapter.

(Code 1985, § 20-11; Ord. No. 2960, § 2, 5-16-2005)

Sec. 20-10. – Development Review Board.

(a) A Development Review Board is hereby established to hear and decide requests for alternative compliance with the standards of this chapter. The board shall be composed of nine members and three alternates who shall be appointed according to the following disciplines (the determination that an appointee meets the relevant discipline shall be made by the appointing authority whose determination shall be conclusive):

- Architect (City Council)
- Civil Engineer (Mayor)
- Landscape Architect (Mayor)
- Bicycle Advocate (Mayor)
- Planning Commissioner (City Council)
- Public Health Professional (City Council)
- Real Estate Attorney (City Council)
- Real Estate Development Industry Representative (City Council)
- Transportation Planner or Urban Planner (City Council)
- Architect – Alternate (Mayor)
- Civil Engineer – Alternate (City Council)
- Landscape Architect – Alternate (City Council)

(b) The terms of office shall be for three (3) years with no member serving more than two consecutive full terms. The terms of one-third of the Board shall expire each year. If a vacancy occurs, the original appointing authority shall appoint a person to serve for the unexpired term of the vacant position.

(c) Five voting members shall constitute a quorum. Members are required to attend all business meetings and hearings in accordance with the attendance policies promulgated by the City Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided in this section.

(d) Members shall be subject to removal from the Board with or without cause by the appointing authority.
Sec. 20-11. - Amendments.
(a) The planning staff may, from time to time, and must at the request of the city council, board of county commissioners or planning commission, prepare certain improvements to the text of this chapter to correct errors, update or modify the requirements, or otherwise improve the operation of this chapter in regulating the subdivision of land.
(b) Amendments to this chapter may only be enacted pursuant to the public notice and public hearing requirements established by law. All text amendments must be referred to the planning commission for a recommendation prior to final action by the elected officials. Failure of the planning commission to act on such a recommendation within 30 days following the public hearing will be deemed to constitute an affirmative recommendation on the proposed amendment. An action to defer a recommendation for cause will constitute an action for the purposes of this section.

(Code 1985, § 20-12)

Sec. 20-12. - Compliance required.
After the effective date of the ordinance from which this chapter derives, no plat of a subdivision of land, subject to the jurisdiction of this chapter, will be filed or recorded by the county register of deeds until it has been submitted to and approved by the Planning Department. This includes all divisions of land as defined in section 20-6.

(Code 1985, § 20-13)

Sec. 20-13. – Intent
(a) Consistency with adopted public plan and policies. All subdivision of land approved under this chapter should be consistent with the most recently adopted public plans and policies for the area in which it is located. This includes general policies regarding development objectives for the area, as well as specific policies or plans for public facilities, such as streets, parks and open space, schools and other similar facilities. Plans and policies for the community are on file in the offices of the Planning Department.
(b) Street network goals. The proposed street network should implement the following goals:
   (1) Support economic development and quality of life – by providing more transportation capacity, while creating more user-friendly streets overall.
   (2) Provide more and safer transportation choices – by creating a better-connected network (route choices) and building streets for a variety of users (mode choices).
   (3) Better integrate land use and transportation – by avoiding mismatches between land uses and streets, and by creating the right combination of land uses and streets to facilitate planned growth.
(c) Street network design. The street network should be designed to provide interconnected streets so as to facilitate the most advantageous development of the entire neighborhood or area of the city.

Sec. 20-14. - General requirements.

(a) Scope. The statements in this section provide general requirements and policies to be used in the design, review and approval of any subdivision under the jurisdiction of this chapter. Questions of interpretation of any of these subsections should be discussed with the planning staff at the earliest possible time in the development of a subdivision proposal.

(b) Residential street design should ensure the creation of a network of low volume, low speed roadways. All new development should provide for more than one access for ingress and egress, where feasible. The proposed street system should extend existing streets on their proper projections. Cul-de-sacs and other permanently dead-end streets should be avoided.

(c) Relationship to railroad rights-of-way. When a subdivision adjoins a railroad right-of-way, the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings, except where no such crossing will be allowed by the railroad.

(d) Half streets. Whenever an existing half street is adjacent to a tract of land to be subdivided, the other half of the street shall be platted within such tract. New half streets are prohibited in single-family residential development.

(e) Mature trees and natural vegetation. Streets and development sites should be designed to protect and preserve, to the greatest extent practicable, stands of mature trees and other areas of significant natural vegetation.

(f) Access to parks, schools, greenways, etc. Streets shall be designed or walkways dedicated to ensure convenient access to parks, greenways, playgrounds, schools and other places of public assembly.

(g) Parallel streets along thoroughfares. Where a tract of land to be subdivided adjoins a federal or state highway, major or minor thoroughfare, or commercial arterial, the subdivider may be required to provide a street parallel to the highway or to utilize reverse frontage on an interior street for lots developed adjacent to the highway. Where reverse frontage is established, deed restrictions or other means should be provided to prevent driveways from having direct access to the highway or street.

(h) Public school and public park sites. When a tract of land that appears in any adopted plan or policy document as a future public school, public park, greenway, or open space site falls within an area proposed to be subdivided, the planning staff will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed
above has commenced, the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the provisions of the zoning ordinance.

(i) Public facilities. When a tract of land that appears in any adopted plan or policy document as a future site for any community service facility, including but not limited to police and fire stations, libraries, public housing or other public use sites, falls within an area proposed to be subdivided, the planning staff will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above has commenced, the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the provisions of the zoning ordinance.

(j) Street names. Proposed street names shall not duplicate nor too closely approximate phonetically the name of any street within the county or city. Where proposed streets are extensions of existing streets, the existing street names should be used.

(k) Easements. Easements established to the width and in the locations required by the engineering department or the utility department, but in no case less than ten feet wide, should be provided for open or piped storm drainage, sanitary sewers and water lines. This requirement applies to such lines installed at the time of the development of the subdivision and to easements for such lines which may reasonably be expected to be installed in the future.

(l) Proposed water and sewer system. The preliminary subdivision plan should be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal.

(1) Where these systems are to be a part of the public water and sanitary sewer systems owned and operated by the city, the acceptability of the proposed systems should be attested by the approval of the preliminary subdivision plan by the utility department or a letter from the utility department, stating the availability of water and/or sewer service, and that the subdivision will be allowed to connect to the systems upon the completion and dedication of the systems in the development.

(2) When the proposed systems to serve more than one structure do not contemplate the use of facilities owned and operated by the city, the proposed systems will be reviewed and approved by the agency with jurisdiction over the approval. Evidence must be provided by the developer prior to the preliminary plan approval of the required discharge permit or perk test for sewage disposal, whichever is applicable. Prior to the approval of the final plat, evidence must be provided that both the sewer and water system designs have been approved for construction. Prior to the issuance of any
certificate of occupancy for any structure, evidence must be provided that both the water and sewer systems have been approved and are operational for the structures in question.

(3) Where local standards exceed those of state or federal agencies, and where those standards may be enforced over those of state or federal agencies, the Mecklenburg County Land Use and Environmental Services Agency Groundwater and Wastewater Services, or the Charlotte Utility Department will coordinate all reviews for such standards. However, the approval of the proposed systems remains with the responsible agency, which may include the Mecklenburg County Land Use and Environmental Services Agency Groundwater and Wastewater Services, or the Charlotte Utility Department.

(m) Restrictions on subdivision of land subject to flooding. Lots that are subject to flooding should not be established in subdivisions, except as provided in section 20-24-25(f).

(n) Water access lots. Where a subdivision which adjoins the Catawba River or its impounded waters contains interior lots, parcels or tracts of land which do not adjoin the water's edge, but any part of which is within 450 feet of the water's edge, one or more lots which adjoin the water's edge should be reserved to provide water access for the owners of interior properties. Such lots will be called water access lots (see section 20-24-25(g)). If the property which is in the same ownership adjoins the subdivision, this property will be construed as being part of the subdivision for purposes of determining requirements of water access lots.

(Code 1985, § 20-14)

Sec. 20-15. - Sketch plan.

(a) Encouraged for subdivisions. Prior to the filing of an application for approval of the subdivision preliminary plan, it is strongly encouraged, but not required, that a sketch plan be submitted to the planning staff for review and recommendation. When submitted, this sketch plan should be drawn to a scale no smaller than one inch equals 100 feet on a topographical survey and should show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. It should include the following information:

1. The boundary lines of the property being subdivided.
2. Watercourses on the land to be subdivided.
3. The location, names and right-of-way widths of any existing streets, paper streets, or half streets on or within 300 feet of the land to be subdivided.
4. The location of all property lines which intersect the boundaries of the property being subdivided.

(b) Required for minor subdivisions. In order to facilitate the review and approval of a minor subdivision, a sketch plan must be submitted to the planning staff. The staff will advise the applicant of any deficiencies that must be corrected prior to submission of the final plat.

(Code 1985, § 20-15)
Sec. 20-16. - Preliminary plan requirements.

The preliminary subdivision plan must be drawn to the following specifications and must contain or be accompanied by the information listed. No processing or review of a preliminary plan will proceed without all of the information listed. Detailed standards and specifications for construction are contained in the Charlotte Land Development Standards Manual available from the city engineer:

1. The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad lines, watercourses, easements or other significant features of the tract.

2. The location, sizes and elevations of existing sanitary sewers, storm drains and culverts within the tract and immediately adjacent thereto.

3. Original contours at intervals of not less than four feet for the entire area to be subdivided and extended into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coastal and Geodetic Survey and as extended by the city through its primary control system or to a benchmark that is within 2,000 feet of the subdivision. Proposed contours for the full width of all street rights-of-way along open drainage channels and in all other portions of the subdivision where extensive grading is proposed must be shown. These requirements shall not apply where the size of the subdivision and the topography make such information unnecessary.

4. The location of proposed streets, alleys, easements, lots, parks or other open spaces, reservations, other property lines and building setback lines with street dimensions, tentative lot dimensions, other property lines and the location of any storm water elevation line required by section 20-24-25(f).

5. The location of all proposed storm drains and appurtenances with grades, inverts and sizes indicated, together with a map of the drainage areas tributary to the proposed storm drains, a copy of the data used in determining the sizes of drainage pipes and structures, use the stormwater elevation line and stormwater protection elevation for each lot subject to flooding as defined in section 20-24-25(f).

6. The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer or designer; the names of proposed streets; the names of adjoining subdivisions or property owners. The name assigned to the subdivision and the names assigned to streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the planning staff.

7. The scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date.

8. Typical cross sections of proposed streets, showing widths and proposed construction of roadways.

9. Proposed profiles of roadways. Where a proposed street is an extension of an existing street, the profile shall be extended to include 300 feet of the existing roadway and storm drains if present, and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where the street
may be expected to extend into the adjoining tract of land, the profile shall be extended to include 300 feet of the adjoining tract.

(10) The proposed method of water supply and sewage disposal; the number of housing units.

(11) A small-scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties.

(12) The location of any existing demolition landfill on the site and the location of any proposed demolition landfill sites if such information is available.

(13) A timetable for estimated project completion of the area covered by the preliminary plan.

(Code 1985, § 20-16)

Sec. 20-17. - Procedures for approval.

(a) Preliminary plan. A preliminary plan of the proposed subdivision, developed in accordance with the specifications set forth in section 20-16, must be submitted to the planning staff. The plan must be accompanied by an application in duplicate, signed by the owner and/or his or her duly authorized agent for approval of the plans, on application forms to be furnished by the planning staff. At the time of submission, the applicant will be advised as to the number of copies of the plan and related data required in section 20-16 that must be submitted with the application.

(b) Time limits. Time limits for reviewing complete applications are as follows:

<table>
<thead>
<tr>
<th>Action</th>
<th>Staff Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial review of preliminary plan—red line drawings</td>
<td>30 days</td>
</tr>
<tr>
<td>Review of plans with corrections and/or changes</td>
<td>20 days</td>
</tr>
<tr>
<td>Approval of completed and correct plan</td>
<td>10 days</td>
</tr>
</tbody>
</table>

The time limits do not apply to plans for which no sketch plan has been prepared and submitted to the planning staff or to plans which contain any proposed school, park, greenway or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits in this subsection. Should the staff fail to respond within the time limits set out, the application will be considered to be denied, and the applicant may appeal the denial to the planning commission. If the application is denied by the planning staff, the staff will furnish a written notice of the denial and the reasons for the denial upon request of the applicant.

(c) Waiver. The required preliminary plan may be waived by the planning staff for certain subdivisions, including metes and bounds subdivisions. Such applications will be designated "minor subdivisions," provided:

(1) Such land abuts a street of required width and is so situated that no new streets are proposed, and no improvements are required to be installed by the subdivider according to this chapter.
(2) A plat of the tract being subdivided, accompanied by two applications signed by the owner/developer and/or his or her duly authorized agent, has been filed with the planning staff.

(3) The subdivider may be required to submit topographic information to determine flood elevations whenever the property proposed to be subdivided or resubdivided is traversed by or adjacent to a known watercourse. However, a final plat must be prepared and recorded as provided in section 20-18.

(4) The required preliminary plan may also be waived by the planning staff for limited subdivisions and/or those subdivisions which do not involve the dedication of a new street.

(d) Final plats. Upon tentative approval of the preliminary subdivision plan by the planning staff, the subdivider may proceed to comply with the other requirements of this chapter and the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plan, provided that all required improvements to any existing or new street shown on the preliminary plan within the boundaries of the final plat have been provided for or been assured by the posting of a surety as provided for in section 20-58 prior to any final plat approval. The final subdivision plat must be developed in accordance with the specifications set forth in section 20-18. When the final plat is submitted to the planning staff for approval, it must be accompanied by an application in duplicate, signed by the owner and/or his or her duly authorized agent for final plat approval, on an application form to be supplied by the planning staff. The official plat for recording, together with a sufficient number of copies for distribution, must be presented for approval. The planning staff will approve final plats which comply with the requirements of this chapter within 30 days after complete submission.

(e) Disapproval. If the planning staff disapproves a preliminary plan or final plat of a subdivision, the grounds for such disapproval will be stated in writing to the applicant. After such disapproval, an appeal from the decisions of the planning staff may be taken to the planning commission, in accordance with article III of this chapter. The planning commission may approve, disapprove in whole or in part, or otherwise modify the action of the planning staff. A final plat of a subdivision approved by the planning commission upon appeal from the decision of the planning staff will be eligible for recording by the register of deeds of the county.

(f) Effect of approval of preliminary plan. A preliminary plan approved under this chapter will be valid for a period of three years from the date of approval. If no work on the site in furtherance of the plan has commenced within the three-year period, the preliminary plan approval will become null and void, and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced, that involves any utility installations or street improvements except grading, the plan will remain valid and in force, and the subdivision may be completed in accordance with the approved plan.

(g) Release of grading permit. Preliminary plan approval is required for the issuance of a grading permit for any grading work on the site for the installation of any improvements in furtherance of the development. The release of the grading permit may be authorized by the planning staff prior to the approval of the preliminary plan, if the matters staying the
approval are not related to nor will have an effect on the need for grading on the site. Once the preliminary plan is approved, further approvals under this subsection are not required for granting permits for individual sites within the development.

(Code 1985, § 20-17)

Sec. 20-18. - Final plat requirements.

The final subdivision plat will be prepared by a registered surveyor and must be drawn to a scale of not smaller than 100 feet equal to one inch and must contain the following information:

(1) The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract.

(2) The lines and names of all streets, alley lines, lot lines, lot and block numbers, building setback lines, easements, reservations, on-site demolition landfills and areas dedicated to public purpose, with notes stating their purposes.

(a) Also, the plat for all lots subject to flooding shall include a statement as follows: "This lot is subject to flooding during heavy rainfall, and the construction of buildings or structures below the stormwater protection elevation of ____________ is prohibited, as further described by section 20-24-25(f) of the Charlotte Subdivision Ordinance."

(b) Plats for multiple lots may include the stormwater protection elevations in tabular form.

(c) In areas where the floodway regulations are applicable, the following statement shall be inscribed on the plat: "Any construction or use within the areas delineated as floodway fringe district boundary line and floodway district encroachment line is subject to the restrictions imposed by the floodway regulations."

(d) Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.

(3) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, building line, easements required under this chapter or of record in the county or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses, the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller.

(4) As-built drawings and plans of all water system, sewer system, and storm drainage system facilities. Such plans should show all easements and/or rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of the request for final plat approval or release of any surety for required improvements, whichever comes later.

(5) The name of the township in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number and seal of the registered surveyor.
under whose supervision the plat was prepared, the date of the plat and a north point oriented as per state statutes, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties.

(6) The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two per phase map, including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the Charlotte Land Development Standards Manual.

(7) A certificate signed by the surveyor meeting the requirements of G.S. 47-30 for proof upon oath that the plat is in all respects correct, written as follows: "The undersigned surveyor, being duly sworn, deposes and says that the plat upon which this certificate appears was prepared in accordance with G.S. 47-30 as amended, is in all respects correct according to the best of his or her knowledge and belief, and was prepared from an actual survey made by him on the __________ day of __________, 20 ____________ / ____________ / ____________, with maximum linear error of closure of ____________, and a maximum field error of angular closure of ____________."

Final written approval by the planning staff must be entered on the plat for recording. Changes or amendments to an approved final plat which already bears the written approval prior to recording the plat constitutes a violation of this section. The final plat shall be recorded within 120 days of the final approval date. A copy of the sealed and recorded final plat must be delivered to the planning staff within five days of recording.

(8) If the subdivision is wholly or partially located in the airport noise disclosure overlay district, the following statement shall be inscribed on the plat: "Noise Warning—This property, either partially or wholly, is zoned Airport Noise Disclosure Overlay District and lies within or near the Noise Exposure Map Areas of Charlotte/Douglas International Airport and may be subject to noise that may be objectionable."

(Code 1985, § 20-18; Ord. No. 2288, § 1, 4-21-2003; Ord. No. 2961, §§ 4, 5, 5-16-2005; Ord. No. 3401, § 1, 10-18-06)

Sec. 20-19. - Plats already established by survey.

(a) Plans for subdivisions of land previously approved by the city planning board or the Charlotte-Mecklenburg Planning Commission, but not recorded by the county register of deeds prior to February 29, 1956, will be approved for recording without complying with the requirements of this chapter if the plat conforms to the previously approved plan.

(b) Plats already established by survey and recorded in the office of the county register of deeds prior to the effective date of the ordinance from which this chapter derives will be eligible for development and other administrative permits without complying with the requirements of this chapter, but must be developed in accordance with the provisions of the subdivision ordinance in effect at the time of its approval.

(Code 1985, § 20-19)
Sec. 20-20. - Planned developments.

(a) The requirements of this section will apply for the preparation, submission and approval of preliminary site plans for planned developments involving one-family attached dwellings and planned multifamily developments.

(b) A pre-preliminary site plan conference will be arranged by the developer with designated members of the planning staff prior to the submission of a preliminary site plan for a planned development.

(c) The developer must submit to the planning staff a preliminary site plan and supplemental documents for review and approval. The preliminary site plan must be prepared in accordance with the requirements of section 20-16 and must include the following additional information:

1. The use, approximate height, bulk and location of all buildings and structures other than one-family detached and semidetached dwellings, except that one-family detached dwellings using a zero side yard shall be shown.
2. All proposed land use and dwelling unit densities.
3. For plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the development are intended to be filed.
4. The proposed location, use, improvements, ownership and manner of maintenance of common open space areas.
5. Proposed off-street parking and circulation plan showing the location and arrangement of parking spaces and any driveways for ingress and egress to and from adjacent streets and highways.

(d) The planning staff action may be approval, requests for revisions, or denial of the preliminary site plan.

1. If the planning staff disapproves a preliminary site plan, the applicant will be notified of the grounds for such disapproval. After such disapproval, an appeal from the decision of the staff may be taken to the planning commission. The planning commission may disapprove in whole or in part or otherwise modify the action of the planning staff.

2. The final plat for planned developments, involving one-family attached dwellings and planned multifamily developments shall be prepared in accordance with the requirements of section 20-18 and shall contain the following additional information:
   a. The use, bulk, and location of all buildings and structures other than one-family detached and semidetached dwellings.
   b. All land uses.
   c. The location, use, improvements, ownership and manner of maintenance of all common areas.

(e) The planning staff will review the preliminary site plan to ensure conformance with the
requirements of the zoning ordinance in appendix A to this Code and with this chapter.

(Code 1985, § 20-20)

**Sec. 20-21. - Development standards for nonresidential development.**

Subdivisions for nonresidential development must conform to this chapter and to the provisions of the applicable zoning district.

(Code 1985, § 20-21)

**Sec. 20-22. - Design standards for streets.**

(a) **Scope.** This section contains specifications for streets which must be followed in the subdivision process. Construction details for streets are available in the Charlotte Land Development Standards Manual. Cross-sections should be consistent for complete blocks based on the highest intensity of use, and transition between types only at intersections.

(b) **Right-of-way.** A proposed street right-of-way must be of sufficient width to accommodate the required cross section. However, in no case will the dedicated and reserved right-of-way be proposed to be less than the following standards, unless the city engineer certifies that special circumstances exist which make the dedication of reservation of the full right-of-way unnecessary or impractical.

(c) **Non-local street right-of-way.**

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Minimum Right-of-Way (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeway or Expressway other than U.S. 74 from Briar Creek southeast to the City Limits</td>
<td>350</td>
</tr>
<tr>
<td>U.S. 74 between Briar Creek and W.T. Harris Boulevard</td>
<td>250</td>
</tr>
<tr>
<td>U.S. 74 from W.T. Harris Boulevard southeast to the City limits</td>
<td>280</td>
</tr>
<tr>
<td>Limited-access Arterial</td>
<td>200</td>
</tr>
<tr>
<td>Commercial Arterial</td>
<td>150</td>
</tr>
<tr>
<td>Major Arterial</td>
<td>100*</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>70*</td>
</tr>
</tbody>
</table>

*The right-of-way widths for major and minor thoroughfares located within the area bounded by Route 4 and I-85 shall be a minimum width of 80 feet for major thoroughfares and 60 feet for minor thoroughfares and as provided for in Section 12.103 of the zoning ordinance in appendix A to this Code.
(1) Along existing local streets less than 77 feet wide, there is no requirement that right-of-way greater than 38.5 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved.

(12) City staff, after consulting applicable plans and programs and after consulting with the appropriate city, county, state and/or federal officials will be responsible for the determination of the classifications of streets or segments of streets. These standards represent the normally required rights-of-way. Additional right-of-way may be necessary in the area of interchanges, intersections, cut/fill areas, or areas where horizontal or vertical alignments must be improved and will be determined on a case by case basis.

(23) Whenever a tract of land to be subdivided includes any part of a thoroughfare shown on the thoroughfare plan approved by the Mecklenburg-Union Metropolitan Planning Organization and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the thoroughfare must be platted in the location and to the width specified in the plan.

(3-4) The subdivider is responsible for the dedication of the rights-of-way up to 100 feet (50 feet on either side of the centerline) or the reservation of the right-of-way in accordance with Section 20-52. The remainder of the minimum right-of-way over 100 feet must be reserved for future right-of-way use and must be shown as such on the final plat.

(45) Freeways. Whenever a tract of land is to be subdivided includes any part of the proposed right-of-way for a freeway, as shown on the thoroughfare plan approved by the Mecklenburg-Union Metropolitan Planning Organization and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, the right-of-way for the freeway must be reserved and remain undeveloped, pending future acquisition by the state or other governmental unit. The subdivider must reserve the proposed right-of-way in accordance with the requirements in subsection (2) above.

(d) Local street right-of-way.

<table>
<thead>
<tr>
<th>Local Street Type Right-of-Way</th>
<th>Total Right-of-Way</th>
<th>Minimum Right-of-Way (using an easement for the Pedestrian Zone)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Residential Streets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Narrow</td>
<td>50 feet</td>
<td>37 feet</td>
</tr>
<tr>
<td>Medium (default)</td>
<td>56 feet</td>
<td>42 feet</td>
</tr>
<tr>
<td>Wide</td>
<td>74 feet</td>
<td>51 feet</td>
</tr>
<tr>
<td>Local Office/Commercial Streets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Narrow</td>
<td>55 feet</td>
<td>41 feet</td>
</tr>
</tbody>
</table>
(1) Along existing local streets less than 77 feet wide, there is no requirement that right-of-way greater than 38.5 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved.

(e) Local Street Cross-section Application.

(1) Local street alternatives may be applied only in accordance with the table below. Cross-sections should be consistent for complete blocks based on the highest intensity of use, and transition between types only at intersections.

<table>
<thead>
<tr>
<th>Land Use Conditions</th>
<th>USDG Street Type/Cross-Section</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Land Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Default: except in conditions 1-4 below, use:</td>
<td>Local Residential Medium</td>
</tr>
<tr>
<td>1. If residential use within a mixed use development unless a conditional zoning district or adopted area plan indicates otherwise, or where the separation of the residential uses from the non-residential uses is sufficient to justify the use of residential street type.</td>
<td>Local Office/Commercial Wide</td>
</tr>
<tr>
<td>2. If all lots are greater than 10,000 square feet with all of the following conditions:</td>
<td>Local Residential Narrow</td>
</tr>
<tr>
<td>• Lot frontage greater than 80 feet</td>
<td></td>
</tr>
<tr>
<td>• More than one street connection</td>
<td></td>
</tr>
<tr>
<td>• Parallel street located within one connected block</td>
<td></td>
</tr>
<tr>
<td>3. If the street is abutted only by lots fronting adjacent perpendicular streets with the following condition:</td>
<td>Local Residential Narrow</td>
</tr>
<tr>
<td>• More than one street connection</td>
<td></td>
</tr>
<tr>
<td>4. If greater than 8 dwelling units per acre use:</td>
<td>Local Residential Wide</td>
</tr>
<tr>
<td>Industrial Land Uses</td>
<td>Local Industrial Street</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Office/Commercial/Retail Land Uses</td>
<td>Local Office/Commercial Wide</td>
</tr>
<tr>
<td>Default: except in conditions 1-2 below, use:</td>
<td>Local Office/Commercial Narrow</td>
</tr>
<tr>
<td>1. A conditional zoning district or small area plan prescribes the use of the Local Office/Commercial Narrow</td>
<td>Local Office/Commercial Narrow</td>
</tr>
<tr>
<td>2. The developer can reasonably demonstrate to city staff that the anticipated long-term development will not create parking demand on the street.</td>
<td>Local Office/Commercial Narrow</td>
</tr>
</tbody>
</table>

(Code 1985, § 20-22)

Sec. 20-23. – Design Standards for Street Network and Blocks

(a) Street Network. A network of interconnected streets providing both external and internal connectivity is required for all types of new development. This network can be constructed with either public streets or private streets as allowed under 20-25. The following uses are exempt from the street network requirements:

(1) Schools
(2) Parks
(3) Places of Worship
(4) Cemeteries

(b) External Connectivity

(1) Existing Street Stubs
   a. Extend any existing adjacent street stubs into the development on its proper projection
   b. Extend any existing adjacent paper street stub into the development where the city commits to construct the paper portion of the street no later than the time of permit approval.
   c. Complete any existing adjacent half street located along any property line.

(2) Additional new local streets shall be required as follows:

   a. Measure the width length of each property boundary and divide by the appropriate preferred block length spacing from Table 1 “Preferred Street Spacing”, the following table to determine the overall number of blocks required along that boundary. Round down to the nearest whole number where a fractional number results. This is the required number of block faces along that boundary. Where the
result is less than 2, but the boundary exceeds the maximum block length (Table 2 “Maximum Street Spacing”), one street is required.

Where an odd-shaped parcel has a series of boundary segments shorter than the preferred block length, but separate blocks would be required if the site is measured across, (as opposed to along the boundary segments), then a local street shall be required. Where the extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required. If the distance from the nearest adjacent street to the parcel boundary exceeds the maximum block length, then a street may be required.
<table>
<thead>
<tr>
<th>Location / Land Use</th>
<th>Preferred Block Length along Property Boundary (Perimeter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity Centers</td>
<td></td>
</tr>
<tr>
<td>Industrial Centers</td>
<td>600</td>
</tr>
<tr>
<td>Mixed Use Centers</td>
<td>500</td>
</tr>
<tr>
<td>Growth Corridors</td>
<td></td>
</tr>
<tr>
<td>Transit Station Areas</td>
<td>400</td>
</tr>
<tr>
<td>Other Corridor Subareas</td>
<td>600</td>
</tr>
<tr>
<td>Wedges (apply uses below)</td>
<td></td>
</tr>
<tr>
<td>Nonresidential Uses</td>
<td>500</td>
</tr>
<tr>
<td>Residential ≥ 5 du/acre</td>
<td>600</td>
</tr>
<tr>
<td>Residential &lt; 5 du/acre</td>
<td>600</td>
</tr>
</tbody>
</table>

1 Boundaries for Activity Centers, Growth Corridors, Transit Station Areas and Wedges defined by the official map maintained by the Charlotte-Mecklenburg Planning Department.

EXAMPLE: Where the width of the site at the property boundary is 1,400 feet, and the site is located in a Transit Station Area, then three blocks are required (1,400 / 400 = 3.5, rounded down to the nearest whole number = 3 new blocks must be created).

b. Construct new local streets where additional streets are required to create the blocks calculated above, including any required stub streets or half streets. When the property abuts a local street, begin by aligning, where possible, with streets or driveways across the local street to create four-way intersections.

The average street spacing, measured from centerline to centerline, for an entire site shall not exceed the maximum spacing shown in the Table 2 “Maximum Street Spacing,” below, and no individual block face shall exceed 1000 feet. Exceptions as noted in 20-23(d) are allowed, and will be included in the block averaging calculation based on its length, or 1000 feet, whichever is smaller. The following streets shall not be included in the calculation for average block length (see Figure 42):

1. Cul-de-sac streets
2. Stub streets
3. Streets whose length is determined by the depth of back-to-back residential lots
<table>
<thead>
<tr>
<th>Street Spacing</th>
<th>Maximum Block Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity Centers</td>
<td></td>
</tr>
<tr>
<td>Industrial Centers</td>
<td>1000</td>
</tr>
<tr>
<td>Mixed Use Centers</td>
<td>650</td>
</tr>
<tr>
<td>Growth Corridors</td>
<td></td>
</tr>
<tr>
<td>Transit Station Areas¹</td>
<td>600</td>
</tr>
<tr>
<td>Other Corridor Subareas</td>
<td>650</td>
</tr>
<tr>
<td>Wedges (apply uses below)</td>
<td></td>
</tr>
<tr>
<td>Nonresidential Uses</td>
<td>650</td>
</tr>
<tr>
<td>Residential ≥ 5 du/acre</td>
<td>650</td>
</tr>
<tr>
<td>Residential &lt; 5 du/acre</td>
<td>800</td>
</tr>
</tbody>
</table>

¹ Boundaries for Activity Centers, Growth Corridors, Transit Station Areas and Wedges defined by the official map maintained by the Charlotte-Mecklenburg Planning Department.

(3) New Street Stubs

a. New street stubs to adjacent properties are required using the prescribed methodology for creating blocks
b. New street stubs are not required to existing single family developments, with the
following two exceptions:

1. A street stub may be required to an abutting single family lot that may be further
subdivided based on the size and shape of the single family lot making a stub
street extension feasible. New street stubs shall be public and connect to the
existing public street system. Deed restrictions on the single family lots may be
considered in determining whether a lot is likely to be redeveloped and therefore
whether a street stub should be provided.

2. A paper street may be required to single family lots located adjacent to
thoroughfares

(4) Ingress and Egress

a. All new development should provide for more than one access for ingress and egress
at the time of development, if feasible.

b. New streets and driveways should align with existing streets across intersections to
create four-way intersections.

(bc) Internal Connectivity. Once the external streets are created, connect them, and ensure no
block lengths exceed 1000 feet and the average of the block lengths for the entire site does
not exceed the maximum block spacing shown in Table 2 “Maximum Street Spacing”.
Streets eligible for inclusion in the average block length calculation are described in 20-23
(b)(2)b.

(ed) The city staff may modify the maximum local street spacing, eliminate the need for a stub or
paper street where:

(1) A physical impedance to a connection exists, such as a freeway, railroad line, rapid
transit line, or gas pipeline.

(2) A natural impedance exists, such as areas of steep slopes, wetlands, floodplain, creeks
or streams.

(3) An industrial use is located adjacent to a proposed residential property, allowing future
traffic to the non-residential use to traverse the residential property to reach a non-local
street.

(4) The shape of the property does not allow the requirements to be met.

(5) There are right-of-way, sight distance, or access constraints to providing the
recommended spacing.

(6) Accessibility to the subject property or an adjacent property requires modification of
the requirements.

(7) Special manufacturing, distribution warehousing, industrial or security functions do not
allow the street spacing requirements to be met.
(8) It is advantageous to the street network to align a new street with an existing street, major driveway, or traffic signal, and therefore not creating smaller than desirable block faces.

(e) Block widths. Block widths must be sufficient to allow two tiers of lots except where single tiers of lots will facilitate nonresidential development, the separation of nonresidential and residential developments, or the separation of residential development from thoroughfares.

Figure 2 - Acceptable block width configurations

<table>
<thead>
<tr>
<th>Description</th>
<th>Image</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-tiers of lots along a local street</td>
<td><img src="image1.png" alt="Two-tiers of lots along a local street" /></td>
</tr>
<tr>
<td>One-tier of lots adjacent to a thoroughfare</td>
<td><img src="image2.png" alt="One-tier of lots adjacent to a thoroughfare" /></td>
</tr>
<tr>
<td>One lot for commercial development</td>
<td><img src="image3.png" alt="One lot for commercial development" /></td>
</tr>
</tbody>
</table>
(fd) Street offsets. Where there is an offset in the alignment of a street across an intersection, the offset of the centerlines may not be less than 125 feet. Staff may reduce this requirement based on analysis of safety and operational conditions.

(ge) Cul-de-sac. Cul-de-sacs and other permanently dead-end streets are allowed only where no feasible alternative has been documented. No cul-de-sacs are permitted in transit station areas. Cul-de-sacs shall not be longer than the preferred local street spacing in Table 1 “Preferred Street Spacing”. Flag lots along the turnaround portion of the cul-de-sac shall not be used as a way to minimize the length of the cul-de-sac. Where a vehicular connection is impractical and limited additional connections exist, or when environmental conditions make a vehicular connection impractical, a pedestrian and bicycle connection through the cul-de-sac may be required.

(hf) Half streets. New half streets are allowed only where the dual objectives of achieving a network of streets and ensuring the burden of creating streets is reasonably shared among property owners are achieved. This determination shall be made by city staff based on the configuration of parcel boundaries and the anticipated impact of future extension and completion of the half street on the viability of the adjacent parcels. No new half streets are allowed for single-family residential development. Where a half street (partially improved) exists, adjacent development shall complete the street. A half street must be constructed to a minimum of one half the width of the appropriate local street. Where more than one half of the width is constructed, sufficient right-of-way must be dedicated to contain the constructed portion of the street.

(ig) Traffic calming. Wherever a street exceeds the maximum block length, the following conditions shall apply:

1. For residential wide or office/commercial wide, provide at least one pair of midblock curb extensions, as described in the Charlotte Land Development Standards Manual, or another approved slow point.

2. For all other street types, the developer must consult with City staff about the possible use of other traffic calming devices as available in the Charlotte Land Development Standards Manual or as approved by the City Engineer.

(jk) Parking, pedestrian, green zone design. While a common design for parking, pedestrian, and green zones on both sides of a street is preferred, there may be instances where opposite sides of a street contain significantly different land uses. Where such instances are located parallel to a thoroughfare, city staff may approve the design of each side of the roadway separately with regard to the parking, pedestrian, and green zones. Streets that extend perpendicular to a thoroughfare shall be designed for the most intense adjacent land use.

(1) Collector street designation. If a street is designated on the adopted Collector Street Map dated November 27, 2000, or meets at least two of the criteria, the street will be designated as a collector street and must be built to the appropriate standard.

1. The street intersects directly with a thoroughfare and provides access to an area with an overall density of one dwelling unit per acre, or provides access to more than 125 dwelling units.

2. The street by its general configuration, in relationship to the existing development of the area, in effect serves a collector function.
Sec. 20-24 Alternative Compliance for Street Design

(1) Purpose and Intent. It is the purpose of this section to provide for the consideration of alternative street designs which differ from the conventional design standards outlined in Sec. 20-22 and 20-23 of this article but which are based upon sound engineering, transportation, and urban design practice. Alternative street design means alternative designs for physical improvements such as street cross-sections, street network, and street block design.

(2) Authority. The Development Review Board will have the authority to hear and decide applications for alternative compliance.

(3) Initiation. An application for alternative compliance may be initiated only by the owner of the subject property, an agent authorized in writing to act on the owner’s behalf, or a person having written contractual interest in the affected property.

(a) An applicant requesting alternative compliance shall schedule a pre-application conference with staff to discuss the procedures, standards, and regulations.

(b) An application, in a form prescribed by the Planning Director, must be filed with the planning department accompanied by a nonrefundable filing fee as established by city council. The application shall include an explanation of why the development proposal is not allowed by the ordinance standards.

(4) Determination of completeness.

(a) Within ten days of receiving an application for alternative compliance, the Planning Director will determine whether the application is complete. If the Planning Director determines that the application is not complete, he or she will notify the applicant or specifying the application’s deficiencies. The planning director will take no further action on the application until the deficiencies are remedied. If the planning director fails to notify the applicant, the application will be deemed complete. If the application is deemed complete, the planning director will schedule the application for consideration at a hearing before the Development Review Board within 30 days.

(b) A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the application to proceed under this section. In the event that the application is automatically deemed complete due to the failure of the planning director to notify the applicant of any deficiencies in the application, the deficiency of information may result in rejection of the application by the Development Review Board.

(5) Staff review.

(a) After receipt of a complete application for alternative compliance, the planning director will review the application and send a written recommendation to the Development Review Board setting forth whether the application for alternative compliance should be granted or denied and the reasons for such recommendation. In
making such recommendation, the planning director may consult with other city and county agencies and may allow them to review the application for alternative compliance. The recommendation of the planning director will be submitted to the Development Review Board and mailed to the applicant at least five days prior to the scheduled public hearing.

(6) Notice and hearing.

(a) The Development Review Board will hold hearings on any application for alternative compliance which comes before it in accordance with rules adopted by it for such purpose.

(b) The planning staff will mail written notice of the time, place, and subject of the hearing to the person or persons filing the application, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing.

(7) Action by the Development Review Board. The Development Review Board will grant or deny the application for alternative compliance. The board must state the reasons used to reach its decision.

(8) Approval criteria. Before granting approval of an application for alternative compliance, the Development Review Board must determine that:

(a) While the proposed alternative design does not strictly meet all of the standards of the Urban Street Design Guidelines it nevertheless satisfies their intent and is not an inferior improvement design.

(b) The proposed alternative design will have the same or higher level of service or adequacy as the standard required improvements. It is not the intent of the alternative compliance procedure to allow an inferior improvement design to the standards required by this chapter for the purpose of reducing cost.

(c) The departure from the standard is the minimum necessary, given the specific circumstances of the request.

(d) The proposed alternative design will not materially endanger the public health or safety if constructed where proposed and developed according to the plan as submitted and approved.

(9) Rehearing. The Development Review Board may refuse to hear an application for alternative compliance which is substantially similar to an application that has been previously denied.

(10) Appeal from Development Review Board. Any appeal of a decision rendered by the Development Review Board under this section must be to the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court within 30 days after the decision of the Development Review Board is filed in the office of the planning director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the planning director at the time of the hearing, whichever is later.
(11) Effect of grant of application for alternative compliance. After the approval of an application for alternative compliance, the applicant will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the alternative compliance to the regulations granted to the applicant by the Development Review Board or court.

Sec. 20-25. - Design standards for lots.

(a) Frontage on street.

(1) Each lot in a subdivision must have frontage on a public or private street, except that all single-family detached lots shall front on a public street. Private streets may be allowed in place of public streets with approval by staff.

(2) Where lots or building sites that are part of a multifamily development exceed the maximum local street spacing in Sec. 20-23(b)(2) above, at least one street extending through the development in either both directions shall be a public street. The location of the required public street shall be determined based on the location with the greatest value for connectivity to the existing roadway network. Where no extension of a multifamily public street into adjacent sites is possible, the applicant may construct such a street as a private street.

(3) Lots designed for certain planned multifamily dwellings need not front on a street, provided that all portions of the dwelling unit proposed for such lots are located within 400 feet of a public street or private street that furnishes direct access to the property, and that access to each such lot be made available via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership.

(4) In addition to provisions 1-3 (1), (2) and (3), all other lots must be designed in accordance with Appendix A of the City Code.

(b) Sidelines. Side lot lines shall, as nearly as practicable, be at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.

(c) Maximum density and minimum lot requirements. Density controls the maximum number of lots that can be created when subdividing property. Once the maximum density is established, lots must meet all the development standards of the underlying zoning district in which the proposed subdivision is located. Larger lots may be required to accommodate on-site sewer disposal systems.

(d) Building lines. Building lines shall be established on all lots in accordance with the appropriate zoning classification. For residential subdivisions on thoroughfares, the building line may not be less than the required setback for the zoning district and shall regulate the placement of any structure relative to the thoroughfare right-of-way including all front, side and rear yards.
(e) Driveway connections. Prior to the construction of any driveway or other connection within the right-of-way of a public street, a permit must be secured in accordance with the zoning ordinance and other applicable codes and ordinances.

(f) Lots subject to flooding. The city engineer shall determine which lots are subject to significant flooding, which will include those lots along any significant water course, whether or not the stream is enclosed with pipes or culverts, and may also include areas where it can reasonably be expected that significant overland flow of stormwater or flooding will occur. If any part of a proposed lot is subject to flooding, subdivider shall make a determination of the crest elevation of the flood expected to be equaled or exceeded, on the average, of one time in one hundred years (the "100-year flood") in accordance with generally accepted engineering practice, which is to be submitted with the seal and signature of a professional engineer to the city or county engineer. This determination must reflect the actual conditions imposed by the completed subdivision, and must give due consideration to the effects of urbanization and obstructions. Upon request and subject to available staff and any applicable fees, the city engineer will make the necessary determination of the 100-year flood crest if the necessary existing and proposed conditions are provided by the subdivider. No proposed building lot that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour as determined by field survey, at an elevation one foot above the 100-year flood crest. Such line shall be known and identified on the final plat as the "stormwater elevation line." In addition, a "stormwater protection elevation" for each lot subject to flooding shall be noted on the lot plan as determined by the county engineer based on the stormwater elevation line, or for lots upstream of street crossings, the low elevation of the street plus one foot, whichever is greater. All habitable buildings or structures shall be located outside the stormwater elevation line or the lowest usable and functional part of the structure shall not be below the stormwater protection elevation. "Usable and functional part of the structure" shall be defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, crawlspaces, attached carports, and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or sanitary sewer traps, piping and clean-outs; provided, openings serving the structure are above the stormwater protection elevation. Where only a portion of a proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 1,200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the stormwater elevation line. During the construction of a subdivision, the developer shall maintain the streambed of each stream, creek or backwash channel contiguous to the subdivision in an unobstructed state and shall remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized stormwater drains, culverts, bridges or erosion control devices will not be construed as obstructions in the stream. In areas of the county that are covered by the provisions of the floodway regulations, the floodway regulations will supersede the provisions of this chapter regarding land within the regulatory floodplain.
(g) Water access lots. The water access lots must equal at least ten percent of the area, exclusive of streets, of all the interior property which lies within 450 feet of the water's edge. However, where the ten percent would equal less than 20,000 square feet, the subdivider will not be required to provide any water access lots. All water access lots shall have a minimum frontage at the water's edge of 100 feet. The water access lots must either be dedicated to the county parks department, but only if the board of county commissioners agrees to accept such dedication, or be transferred in fee simple title to a homeowners' association of the interior lot owners of the subdivision. Before approval of the final plat can be given, the subdivider must submit to the planning staff a covenant stating either that:

(1) He or she will dedicate the required amount of water access lots to the county; or

(2) He or she will convey title of the water access lots to a homeowners' association of the purchasers of each interior lot.

If the subdivider chooses to dedicate the water access lots to the county, the board of county commissioners must have agreed to accept the final responsibility of maintaining the lots, and the preliminary plan and final plat must show the dedication. If the title is transferred to a homeowners' association of the interior lot owners, the preliminary plan and final plat must designate the lots covered by the homeowners' association for each water access lot.

(h) New subdivisions within watershed protection overlay zoning district. New subdivisions within a watershed protection overlay zoning district must submit a buffer plan in accordance with appendix B of Ordinance No. 1963. The buffer plan will be submitted with the subdivision preliminary plan application to the Planning Department.

(i) Building envelope. All residential lots shall have a building envelope sufficient to meet the minimum requirements of the Minimum Housing Code.


Editor's note—Ord. No. 3401, § 1, adopted October 18, 2006, added provisions intended for use as subsection (5). To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsection (i).

Sec. 20-26. - Enforcement.

(a) After the effective date of the ordinance from which this chapter derives, a plat of a subdivision filed or recorded in the office of the register of deeds of the county, without the approval of the planning staff or the Charlotte-Mecklenburg Planning Department as required by this chapter, will be null and void for the purposes of this chapter.

(b) Any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this chapter, subdivides land in violation of this chapter or transfers or sells land by reference to, exhibition of or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this chapter and recorded in the office of the register of deeds of the county shall, upon conviction, be guilty of a misdemeanor and punished in accordance with section 2-21. The county, through the county attorney, or the city, through the city attorney, may enjoin such transfer or sale by action for injunction. All administrative actions relating to such land, including the issuance
of any grading, construction, building or occupancy permit, will be suspended. This chapter will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this chapter (January 1, 1966, for Mecklenburg County; February 29, 1956, for the City of Charlotte).

(c) In order to properly enforce the provisions of the subdivision regulations as stated in this section prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permits must be obtained from the Mecklenburg County Land Use and Environmental Services Agency (LUESA), engineering and property management, and neighborhood development. No permit will be issued unless there has been a determination made that the proposed use, building, or structure complies with the requirements of this section.

(Code 1985, § 20-24; Ord. No. 3018, § 1A, 6-20-2005)

Sec. 20-27. - Application and processing fees.

Fees for the processing of applications for subdivision approval are established by ordinance by the city council and will be collected at the time of initial application.

(Code 1985, § 20-25)

Secs. 20-28—20-50. - Reserved.

ARTICLE II. REQUIRED IMPROVEMENTS

Sec. 20-51. - Standards and specifications.

(a) Unless specifically noted, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the city or the state department of transportation, minimum improvements, including drainage and soil erosion, must have been completed by the developer and approved by the city or county engineer in accordance with the standards and specifications of the Charlotte Land Development Standards manual or bonded in accordance with section 20-58(c).

(b) The intent of the specifications set out in this chapter is to prescribe minimum requirements for storm drainage and street improvements to be undertaken by the developer. Satisfactory completion of these improvements, attested by approval of the city or county engineering department, will qualify streets in the city to be accepted for maintenance by the city and streets in the county to be considered for maintenance by the state.

(Code 1985, § 20-36)
Sec. 20-52. - Improvement responsibility.

(a) In order to facilitate the provision of street rights-of-way and necessary improvements, the following establish responsibilities for the installation of streets and related improvements for each class of street. Any area of right-of-way which must be reserved for future acquisition may be dedicated at the option of the developer or property owner for development rights transfer purposes as provided for in the zoning ordinance in appendix A to this Code:

(1) Freeway-expressway: right-of-way: entire width reserved for future acquisition.

(2) Limited-access arterial:
   a. Right-of-way: entire width reserved for future acquisition.
   b. Improvements: installed by the public.

(3) Commercial arterial:
   a. Right-of-way: Up to 100 feet or required width dedicated, whichever is less, and the remainder reserved for future acquisition (half of right-of-way located on each side of the centerline). Any development along a commercial arterial which requires specific improvements of the street to meet traffic demands of the particular development must dedicate the right-of-way necessary to accommodate those improvements.
   b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his or her project frontage on existing thoroughfares at the time of his or her development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the city or county engineer and the planning staff, to construct all or a portion of the street if the developer wants to make use of the street for access to the development. Development along new commercial arterials or extensions of commercial arterials must utilize reverse frontage with the only access points being public streets or specifically approved street-type entrances.

(4) Local Streets:
   a. Right-of-way: Entire right-of-way width dedicated (half of right-of-way located on each side of the centerline), except where a half street has been approved by city staff.
   b. All streets must be constructed to meet applicable city requirements. Standard detail drawings are available in the Charlotte Land Development Standards Manual. Public improvements will be made in accordance with adopted plans, programs and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street
improvements by the public sector, unless those improvements are scheduled and funded in accordance with public policies and programs.

(5) Major thoroughfare:
   a. Right-of-way: The developer is responsible for the dedication of up to 100 feet (50 feet each side of the centerline) as provided for in section 20-22(c)(4). Any development along a major thoroughfare which requires specific improvements of the street to meet traffic demands of the particular development must dedicate the right-of-way necessary to accommodate those improvements.
   b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his or her project frontage on existing thoroughfares at the time of his or her development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but the developer remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the city or county engineer and the planning staff, to construct all or a portion of the street if the developer wants to make use of the street for access to the development. Development along new major thoroughfares or extensions of class III streets must utilize reverse frontage with the only access points being public streets or specifically approved street-type entrances.

(6) Minor thoroughfare:
   a. Right-of-way: The developer is responsible for the dedication of up to 70 feet (35 feet each side of the centerline) as provided for in section 20-22(c)(4). Additional right-of-way which may be required for improvements to meet specific traffic demands of the development must be dedicated by the developer.
   b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his or her project frontage on existing thoroughfares at the time of his or her development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but the developer remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the city or county engineer and the planning staff, to construct all or a portion of the street if the developer wants to make use of the street for access to the development.

(7) Collector:
a. Right-of-way: dedicated by the developer.
b. Improvements: constructed by the developer.

(b) All streets must be constructed to the requirements of the city as described in the Charlotte Land Development Standards Manual or as approved by the City Engineer. Public improvements will be made in accordance with adopted plans, programs and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector, unless those improvements are scheduled and funded in accordance with public policies and programs. The standards in this chapter for the reservation and dedication of rights-of-way will not apply to any development meeting one or more of the following circumstances:

1. Any multi-building site or multisite project that had at least one building built or under construction or had a valid, unexpired building permit issued for at least one building prior to May 1, 1989.
2. Any project which had a site plan not requiring any additional right-of-way approved prior to May 1, 1989 either:
   a. By the planning commission and/or planning staff; or
   b. Unconditional zoning district and/or special use permit zoning processes of the zoning ordinance in appendix A to this Code. However, any change in the site plan requiring a public hearing or the creation of a new parcel of land may subject the project for which the site plan was revised or the newly created parcel of land to this chapter.

c. No dedication or reservation of right-of-way for a street or highway within a corridor for a street or highway on a plan established and adopted pursuant to G.S. 136-66.2 for a street or highway that is included in the department of transportation's Transportation Improvement Program will be required by this chapter, unless and until the planning staff has determined and certified in writing (i) that the dedication or reservation does not result in the deprivation of a reasonable use of the original tract and (ii) that the dedication or reservation is either reasonably related to the traffic generated by the proposed subdivision or use of the remaining land, or the impact of the dedication or reservation is mitigated by measures provided in this chapter. For these purposes, the term "original tract" will mean all contiguous land owned by the applicant. The ability of the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land owned by the applicant is deemed to be a measure which mitigates the impact of the dedication or reservation.

(Code 1985, § 20-37)

Sec. 20-53. - Drainage.

(a) Storm drainage adequate to accommodate a ten-year storm must be provided throughout the subdivision by means of storm drainage pipe or properly graded channels or natural drainage. Where adequate storm drainage has been provided by means of approved storm drainage pipe and the necessary easements to provide access to the drainage facilities, in accordance with city or county standards, and has been dedicated and accepted or otherwise conveyed to the city or county, the city or county will assume the responsibility for
maintenance of the drainage pipe. Where adequate storm drainage has been provided by means of properly graded channels or ditches, the maintenance thereof will remain the responsibility of the property owner and must be so noted on the final plat and the deed for the affected lots.

(b) In addition to the drainage improvements as required by this section, the subdivider may provide for stormwater retention, at a minimum standard as provided in the applicable zoning ordinance, to serve the entire subdivision as part of the drainage plan to be approved by the city or county engineer. For the purposes of the subsection, the subdivision shall include the streets, sidewalks, driveways, rooftops and other impervious covers as proposed by the subdivider.

(c) Reserved

(Code 1985, § 20-38)

Sec. 20-54. - Curb and gutter.

(a) Installation of curb and gutter shall be in accordance with the requirements of the city. Standard detail drawings are available in the Charlotte Standards Manual according to street type. Standard curbs and gutters must be constructed on all arterial and commercial streets and streets within or abutting multifamily or other planned developments. Rolled curbs and gutters or standard curbs and gutters must be constructed on all local and collector streets.

(Code 1985, § 20-39)

Sec. 20-55. - Sidewalks.

(a) Sidewalks are required in all subdivisions as follows:

(1) Sidewalks are required on both sides of all new or existing major and minor thoroughfares in accordance with other improvement requirements of this section.

(2) Sidewalks are required on both sides of all new or existing collectors in accordance with other improvement requirements of this section.

(3) Sidewalks are required on both sides of all new or existing local residential streets in accordance with other improvement requirements of this section.

(b) Location. Approval of sidewalk construction plans must be obtained as part of the subdivision review process. The Charlotte Land Development Standards Manual and Appendix A of this code (where applicable), or any adopted Streetscape Plan or Area Plan indicate the required location of the sidewalks. If existing public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent easement.

(1) Sidewalks may be located on private property, thereby reducing the width of the required right-of-way, where an easement for access, utilities, and other required functions acceptable to the city is proposed and accepted.
(2) Location of sidewalks. Where nonresidential or multifamily development occurs, sidewalks shall be placed in their conforming locations, and a transition to any adjacent existing sidewalks shall be made. All other residential development shall place sidewalks in their conforming location to the maximum extent determined feasible by city staff. In cases where the sidewalk is not located in its conforming location, an easement shall be granted for future location of the sidewalk, and all street tree and other landscape planting shall respect the location of the future sidewalk.

(Code 1985, § 20-40)

Sec. 20-56. - Street markers and barricades.

(a) Standard street markers must be installed at one corner of all street intersections in a subdivision, including private streets, before any certificates of occupancy may be issued for buildings or residences along those streets. The design, material, location and installation of the signs must be in accordance with standards specified by the Charlotte Land Development Standards Manual.

(b) Barricades must be installed at the end of all dead-end streets, except cul-de-sac streets which have been improved with a permanent turnaround as required by this chapter. Design, material and installation of the barricades must be in accordance with the Charlotte Land Development Standards Manual.

(Code 1985, § 20-41)

Sec. 20-57. - No service unless street accepted or tentatively approved.

(a) No department, officer or employee of the city or county will accept for maintenance, lay out, open, improve, grade, pave or light any streets or authorize the laying of water mains, sewers, connections or other facilities or utilities in any street within the city or county unless:

(1) Such street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the effective date of the ordinance from which this chapter derives;

(2) For any new street, such street corresponds in its location and lines with a street shown on a preliminary subdivision plat, tentatively approved by the planning staff or Charlotte-Mecklenburg Planning Commission;

(3) Such street has been accepted as a public street by a vote of a majority of all the members of the city council or by the state; or

(4) Such street is an approved private street built in conformance with the provisions of all applicable ordinances.

(b) The state department of transportation will accept subdivision streets for state maintenance purposes which meet all the requirements of this chapter and meet the uniform statewide standards adopted by the state department of transportation.
Sec. 20-58. - Modification of requirements; bond.

(a) In subdivisions adjoining already established streets that have been accepted for maintenance by the city or the state department of transportation, the requirements of this article will apply as follows:

(1) Those requirements that would necessitate the general removal and reconstruction of established permanent pavements will not be applicable;

(2) Where the adjoining established street is a part of the city's or the state department of transportation's street system, the adjoining street must be improved in accordance with either the requirements of this article and the requirements of the city or the state department of transportation, whichever establishes the higher standard.

(b) Plats for new lots fronting on already dedicated or established streets or roads that have not been accepted for maintenance by the city council or the state department of transportation, or which have been accepted for maintenance by the state department of transportation but have not been improved with a paved roadway, will be eligible for final approval when the requirements of this article have been complied with as closely as may reasonably be required considering the existing condition of the road, the extent of area to be platted and the cost of required improvements in relation to the comparative benefits to accrue to the subdivider and the other owners of property on both sides of the street or road.

(c) Where the improvements required by this chapter have not been completed prior to the submission of the final subdivision plat for approval, the approval of the plat will be subject to the owner filing a surety bond or an irrevocable letter of credit with the engineering department, in an amount to be determined by the city engineering department in consultation with other affected agencies, such as the department of environmental health, with sureties satisfactory to the city guaranteeing the installation of the required improvements allowing credit for improvements completed prior to the submission of the final plat. Upon completion of the improvements and the submission of as-built drawings, as required by this chapter, written notice thereof must be given by the subdivider to the appropriate engineering department. The engineering department will arrange for an inspection of the improvements and, if found satisfactory, will, within 30 days of the date of the notice, authorize in writing the release of the security given, subject to the warranty requirement.

(Code 1985, § 20-44)

Sec. 20-59. - Inspection.

(a) The city or county must be notified two days in advance of the work to be started in a subdivision so that an authorized representative of the city or county engineer or other responsible agency may be assigned to make any and all necessary inspections of the work performed.
(b) The inspector must be allowed access to all parts of the work and must be furnished with every reasonable facility to ascertain whether or not the work as performed is in accordance with the specifications.

(c) No material may be placed nor any work performed except in the presence of the inspector without special permission of the appropriate agency. Such inspection, however, does not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.

(d) If any disputes arises as to the material furnished or the manner of performing the work, the inspector will have authority to reject materials or suspend work until the question or issue can be referred to and decided by the appropriate agency. The contractor must remove any work or material condemned as unsatisfactory by the inspector and must rebuild and replace the work or material to the standard required by the specifications, all at his or her own expense.

(Code 1985, § 20-45)

Secs. 20-60—20-85. – Reserved.

ARTICLE III. APPEALS AND VARIANCES

Sec. 20-86. - Authority of planning commission.

(a) The planning commission will have the authority to hear and decide appeals from any order, decision, determination, or interpretation made by any administrative officer pursuant to or regarding these regulations. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.

(b) The planning commission will have the authority to hear and decide petitions for variances from the requirements of these regulations, which relate to subdivision of land or any development standards and requirements of this chapter not inconsistent with other codes or ordinance. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.

(Code 1985, § 20-56; Ord. No. 2960, § 3, 5-16-2005)

Sec. 20-87. - Initiation.

(a) An appeal of a decision on a subdivision preliminary plan may be initiated by any person aggrieved or by any officer, department, board or bureau of the city or the county. However, only the applicant has the right to appeal from the disapproval of a final plat as required by section 20-18.
(b) A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

(Code 1985, § 20-57)

Sec. 20-88. - Filing of notice of appeal.
(a) A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council and/or board of commissioners. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section.

(b) The filing of such notice will require the officer whose action is appealed to transmit to the planning commission all administrative papers, records, and other information regarding the subject matter of the appeal.

(c) Except as provided in this article, the filing of such notice shall stay any proceedings in furtherance of the contested action.

(Code 1985, § 20-58)

Sec. 20-89. - Standards for granting appeal.
(a) The planning commission, or the hearing committee, may reverse or modify the order, decision, determination, or interpretation under appeal upon finding an error in the application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.

(b) In modifying the order, decision, determination, or interpretation, the planning commission, or the hearing committee, will have all the powers of the officer from whom the appeal is taken.

(Code 1985, § 20-59; Ord. No. 2960, § 4, 5-16-2005)

Sec. 20-90. - Filing of variance petition.

A petition for a variance from this chapter, in the form prescribed by the planning commission staff, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council and/or board of commissioners.

(Code 1985, § 20-60)
Sec. 20-91. - Standards for granting variance.

Before granting a variance, the planning commission, or the hearing committee, must determine that: When unnecessary hardships would result from carrying out the strict letter of the Subdivision Ordinance, the planning commission, or the hearing committee, shall vary any of the provisions of the Subdivision Ordinance upon a showing of all of the following:

(1) The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; or

(2) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or

(3) The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or

(4) The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or

(5) The granting of a variance would permit the preservation of an historic structure or site.

Sec. 20-92. - Determination of completeness.

(a) Within ten days of receiving a notice of appeal or a variance petition, the planning director will determine whether the notice or petition is complete. If the planning director determines that the notice or petition is not complete, he or she will notify the appellant or petitioner specifying the notice's or petition's deficiencies. The planning director will take no further action on the petition until the deficiencies are remedied. If the planning director fails to notify the appellant or petitioner, the notice or petition will be deemed complete. If the notice or petition is deemed complete, the planning director will schedule the appeal or
variance for consideration at a hearing before the planning commission, or the hearing committee, within 30 days.

(b) A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the appeal of variance to proceed under this section. In the event that the notice or petition is automatically deemed complete due to the failure of the planning director to notify the appellant or petitioner of any deficiencies in the notice or petition, the deficiency of information may result in rejection of the appeal or variance by the planning commission, or the hearing committee.

(Code 1985, § 20-62; Ord. No. 2960, § 6, 5-16-2005)

Sec. 20-93. - Staff review.

After receipt of a complete variance petition or notice of appeal from an action taken, the planning director will review the notice or petition and send a written recommendation to the planning commission, or the hearing committee, setting forth whether the appeal or variance should be granted or denied and the reasons for such recommendation. In making such recommendation, the planning director may consult with other city and county agencies and may allow them to review the notice of appeal or variance petition. The recommendation of the planning director will be submitted to the planning commission and mailed to the appellant or petitioner at least five days prior to the scheduled public hearing.

(Code 1985, § 20-63; Ord. No. 2960, § 7, 5-16-2005)

Sec. 20-94. - Notice and hearing.

(a) The planning commission, or the hearing committee, will hold public quasi-judicial hearings on any appeal or variance petition which comes before it in accordance with rules adopted by it for such purpose.

(b) The planning commission will mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing. As per G.S. 160A-388(a2), notices of hearings shall be mailed to (1) the person or entity whose appeal, application or request is the subject of the hearing; (2) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and (3) to the owners of all parcels of land abutting the parcel of land that is the subject to the hearing.

In the absence of evidence to the contrary, the county tax listing shall be used to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(Code 1985, § 20-64; Ord. No. 2960, § 8, 5-16-2005)
Sec. 20-95. - Action by planning commission.

The planning commission, or the hearing committee, will grant or deny the variance or will reverse, affirm, or modify the order, decision, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting. The resolution must state the reasons that the planning commission used to reach its decision. The planning commission, or the hearing committee, shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the commission’s (or committee’s) determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the commission or committee. A quasi-judicial decision is effective upon filing the written decision with the clerk to the planning commission or hearing committee.

The decision of the planning commission, or the hearing committee, shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(Code 1985, § 20-65; Ord. No. 2960, § 9, 5-16-2005)

Sec. 20-96. - Rehearing.

The planning commission, or hearing committee, will refuse to hear an appeal or variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

(Code 1985, § 20-66; Ord. No. 2960, § 10, 5-16-2005)

Sec. 20-97. - Appeal from planning commission.

(a) Any appeal of a decision rendered by the planning commission, or the hearing committee under this section must be to the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court within 30 days after the decision of the planning commission, or the hearing committee is filed in the office of the planning director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the planning director at the time of the hearing, whichever is later. Every quasi-judicial decision of the planning commission, or the hearing committee, shall be subject to judicial review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. Any petition for a review of the planning commission’s, or hearing committee’s decision in the nature of certiorari by the superior court must be filed with the clerk of superior court by the later of (1) 30 days after the decision is effective, or (2) 30 days after a written copy of the decision is given in accordance with Section 20-95 of this ordinance. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(b) If there is an appeal from the decision of the planning staff taken to the planning commission, or the hearing committee, then the person filing the appeal may not file a
revised preliminary plan or revised final plat for the portion of the subject site affected by the appeal until the completion of the appeal, or any final judicial determination. The planning staff may approve a preliminary plan or final plat for that portion of the property not affected by the action of the appeal.

(Code 1985, § 20-67; Ord. No. 2960, §§ 11, 12, 5-16-2005)

**Sec. 20-98. - Effect of grant of variance.**

After the approval of a variance by the planning commission, or the hearing committee, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the variation in these regulations granted to the petitioner by the planning commission, hearing committee, or court.

(Code 1985, § 20-68; Ord. No. 2960, § 13, 5-16-2005)

**Sec. 20-99. ---20.114. - Reserved**

**Sec. 20-115. – Applicability.**

(a) **Section 2.** These amendments shall apply to all development and redevelopment within the corporate limits of this city and its extraterritorial jurisdiction, unless one of the following exemptions applies as of the effective date:

1. Residential and nonresidential development and redevelopment plans submitted and accepted for review;
2. Zoning use application submitted and accepted for review for uses that do not require a building permit;
3. Common law vested right established (e.g., the substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid governmental approval to proceed with a project); and/or
4. A conditional zoning district (including those districts which previously were described variously as conditional district, conditional use district, parallel conditional district and parallel conditional use district) approved prior to the effective date of this article/ordinance, provided formal plan submission has been made and accepted for review either prior to five years from January 1, 2011 in the case of conditional zoning districts approved on or after January 1, 2002, or prior to two years from January 1, 2011 in the case of conditional zoning districts approved prior to January 1, 2002. If no such formal plan submission occurs within the above –described five-or two-year time frames the requirements of Section I shall be applied to the project.