Zoning Agenda

Monday, September 19, 2016

Council Chambers

City Council Zoning Meeting

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

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

### Zoning Overlay District Acronyms

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **LNW** – Lake Norman watershed overlay
- **LNWCA** – Lake Norman watershed – overlay, critical area
- **LNWPA** – Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed – overlay, protected area
- **LWPA** – Lake Wylie protected area
- **MILW** – Mountain Island Lake watershed overlay
- **MILWCA** – Mountain Island Lake watershed – overlay, critical area
- **MILWPA** – Mountain Island Lake watershed – overlay, protected area
- **MH** – manufactured home overlay
- **PED** – pedestrian overlay
- **TS** – transit supportive overlay

### Miscellaneous Zoning Acronyms

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

### Miscellaneous Other Acronyms

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

1. Meeting Agenda
2. Dinner Meeting Agenda
   1. Agenda Review - Tammie Keplinger
3. Follow Up Report
5:30 P.M. ZONING MEETING, COUNCIL CHAMBERS

HISTORIC LANDMARK RESOLUTION

4. **Biddleville Cemetery**

   A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the “Biddleville Cemetery” (listed under Tax Parcel Number 06903561 as of September 1, 2016 and including the land associated with Tax Parcel Number 06903561) as an Historic Landmark.

   **Property Owner:** Society of the Minute Men  
   **Location:** Five Points Neighborhood Park Charlotte, North Carolina

   **Attachments:**  
   Biddleville Cemetery Resolution  
   Biddleville Cemetery Cover

5. **Charles E. Barnhardt House**

   A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the “Charles E. Barnhardt House” (listed under Tax Parcel Number 09504315 as of September 1, 2016 and including the interior and exterior of the house and a portion of the land of Tax Parcel Number 09504315) as an Historic Landmark.

   **Property Owner:** Country Club Lane LLC  
   **Location:** 2733 Country Club Lane in Charlotte, North Carolina

   **Attachments:**  
   Charles E. Barnhardt House Resolution  
   Charles E. Barnhardt House Cover

6. **Dilworth Airplane Bungalow**

   A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the “Dilworth Airplane Bungalow” (listed under Tax Parcel Number 12110209 as of September 1, 2016 and including the interior and exterior of the house, and the land associated with Tax Parcel Number 12110209) as an Historic Landmark.

   **Property Owner:** Paula Pridgen  
   **Location:** 2144 Park Road in Charlotte, North Carolina

   **Attachments:**  
   Dilworth Airplane Bungalow Resolution  
   Dilworth Airplane Bungalow Cover
7. **Midwood Elementary School**

A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the "Midwood Elementary School" (listed under Tax Parcel Number 09507803 as of September 1, 2016 and including the interiors and exteriors of the buildings, and the land associated with Tax Parcel Number 09507803) as an Historic Landmark.

**Property Owner:** Charlotte Mecklenburg Board of Education  
**Location:** 1817 Central Avenue in Charlotte, North Carolina

**Attachments:**  
Midwood Elementary School Resolution  
Midwood Elementary School Cover
8. **Rezoning Petition: 2016-083 by Demeter Properties, LLC**

*Update: Defer to October 17, 2016. Due to a tie vote, the Zoning Committee will consider this item at their September 28 work session.*

**Location:** Approximately 15.38 acres located on the north side of David Cox Road between Harris Cove Drive and Davis Lake Parkway. (Council District 4 - Phipps)

**Current Zoning:** R-9 PUD (multi-family residential, planned unit development), R-4 (single family residential) and RU (CD) (rural, conditional)

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

**Zoning Committee Recommendation:**
The Zoning Committee voted 3-3 which resulted in a tie. In accordance with the Planning Commission Rules of Procedure, this petition is automatically "rolled over” to the next regularly scheduled meeting where such a matter would normally occur.
9.  **Rezoning Petition: 2016-075 by The Drakeford Company**

**Location:** Approximately 0.535 acres located on the northwest corner at the intersection of Central Avenue and Chatham Avenue. (Council District 1 - Kinsey)

**Current Zoning:** B-1 (neighborhood business) and O-2 (office)

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

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

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

**Statement of Consistency:**
- The Zoning Committee found this petition to be inconsistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends retail uses.
- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - Residential uses, with appropriate urban design elements, are compatible with the surrounding context and the evolving character of this portion of Central Avenue; and
  - The inclusion of a live/work unit provides an opportunity for employment and services along a major street and within walking distance of several other businesses and residences; and
  - Traditional, auto-oriented strip retail uses, as identified by the Central District Plan, are not desirable for future development in this transitioning area and would be less compatible with the adjacent residential uses in the predominantly single family neighborhood; and
  - The proposed residential use also provides an appropriate transition from Central Avenue to the established neighborhood to the north; and
  - The subject site is along a future phase of the proposed LYNX Gold Line Streetcar alignment; and
  - This site’s location within ½ mile of the Central Avenue/Plaza Midwood business district places it within walking distance of neighborhood goods and services as well as entertainment opportunities and
  - The site’s location on the proposed streetcar line, as well as the ½ mile walk distance to the business district, is a basis for an increase, from 17 to 23 units per acre, over the density calculated through the General Development Policies’ evaluation for locations for higher density residential.
10. Rezoning Petition: 2016-088 by Annointed Future Daycare

**Location:** Approximately 1.79 acres located on the south side of Hickory Grove Road between Craigwood Drive and McAlpine Lane. (Council District 5 - Autry)

**Current Zoning:** R-3 (single family residential)
**Proposed Zoning:** INST (CD) (institutional, conditional) with five-year vested rights

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

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

**Statement of Consistency:**
- The Zoning Committee found this petition to be inconsistent with the Eastland Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends single family land uses.
  - However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The site is located on Hickory Grove Road, an existing minor thoroughfare; and
    - The site is separated from abutting properties by utility lines and water quality buffers; and
    - As a result, this site is isolated and a cohesive and interconnected development that includes this site and abutting properties is not feasible; and
    - Although the proposed institutional use is inconsistent with the residential land use recommended by the area plan, locations for new institutional uses are not typically identified within adopted plans; and
    - Instead, these uses are considered on a case-by-case basis, taking into account the compatibility of the specific use with the surrounding development; and
    - In this case, the proposed daycare is separated from other properties; is located across Hickory Grove Road from another institutional use, Hickory Grove Church of God; and is limited to 5,600 square feet and 40 feet in height, a size that is appropriate for a residential environment.
11. **Rezoning Petition: 2016-092 by Charlotte-Mecklenburg Housing Partnership, Inc.**

**Location:** Approximately 5.63 acres including 2.707 acres located on the west side of Statesville Road between Cindy Lane and Cochrane Drive and approximately 2.925 acres located on the east side of Meadow Knoll Drive and the north side of Cindy Lane near where Cindy Lane passes over Interstate 77. (Council District 2 - Austin)

**Current Zoning:** R-4 (single family residential) and MX-1 INNOV (mixed use, innovative)

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

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

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

**Statement of Consistency:**
- The Zoning Committee found this petition to be consistent with the Northeast District Plan and inconsistent with the General Development Policies, based on information from the staff analysis and the public hearing, and because:
  - The proposed residential use is consistent with the Northeast District Plan;
  - However, the requested residential density of 11.66 units per acre is not supported by the General Development Policies.

- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The proposed request adds additional property to the O’Dillon Lakes residential development which was originally approved in 2015. The proposed rezoning will be the second phase of the development; and
  - The overall development will include up to 750 residential units. However, this rezoning will not increase the total number of units nor will it increase traffic or impacts on schools beyond what has already been entitled via approval of the 2015 rezoning; and
  - The petition expands the proposed O’Dillon Lakes development which will help to stabilize a once predominantly single family owner occupied neighborhood that is transitioning to a predominantly renter occupied/absentee owner neighborhood; and
  - The site is located within the Sunset/Beatties Ford Comprehensive Neighborhood Improvement Program (CNIP) Area, and this development complements the planned capital investments and supports the community enhancement goals for the area; and
  - The subject site will have access to recreation, natural area, lake, and open space areas within the larger O’Dillon Lakes community.
12. **Rezoning Petition: 2016-094 by The Berry Company, LLC**

**Location:** Approximately 0.82 acres located on the east side of Johnston Road between Pineville-Matthews Road and Walsh Boulevard. (Council District 6 - Smith)

**Current Zoning:** O-1 (office)
**Proposed Zoning:** MUDD-O (mixed use development, optional)

**Zoning Committee Recommendation:**
The Zoning Committee voted 5-1 to recommend **APPROVAL** of this petition as modified.

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

**Statement of Consistency:**
- 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 office uses for the site.

- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The subject site fronts Johnston Road with a large, multi-story parking garage on the property adjacent and to the rear of the site; and
  - The proposed use is compatible with the surrounding uses both from a land use and design perspective; and
  - The proposed multi-level storage building will be designed to resemble an office building and will help screen the view of the exposed parking deck behind it; and
  - The ground floor active uses and 4,000-square foot urban open space will provide an active streetscape along Johnston Road; and
  - The request enhances the pedestrian environment by removing back-of-curb sidewalk and replacing it with an eight-foot sidewalk and eight-foot planting strip.
13. **Rezoning Petition: 2016-102 by The Olde Mecklenburg Brewery, LLC**

**Location:** Approximately 9.52 acres located on the east side of South Tryon Street between Yancey Road and East Peterson Drive. (Council District 3 - Mayfield)

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

**Proposed Zoning:** I-2 (TS-O) (general industrial, transit supportive, optional)

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

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

**Statement of Consistency:**
- The Zoning Committee found this petition to be consistent with the *Scaleybark Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends low to moderate intensity office, industrial and warehouse-distribution uses.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The site is located within a ½ mile walk of the Scaleybark Transit Station on the LYNX Blue Line; and
    - However, the *Scaleybark Transit Station Area Plan* did not identify the area in which the site is located as a location for transit supportive development typically found in transit station areas; and
    - Instead the plan anticipated maintenance of the office, industrial and warehouse-distribution uses that were in place at the time of the plan development; and
    - Since the adoption of the plan, the area in which the site is located has begun to transition from office, industrial, and warehouse-distribution uses to eating/drinking/entertainment establishments and retail uses; and
    - The proposal will continue to use two buildings for manufacturing and office and will add a new building for manufacturing, consistent with the area plan; and
    - The site also will be enhanced by adding a new biergarten to the existing eating/drinking/entertainment use, which is part of the evolving entertainment district located near the Scaleybark Station; and
    - As a result of the rezoning, the development will provide sidewalk and buffers which will improve both safety and the pedestrian experience.
Rezoning Petition: 2016-103 by JRE Real Estate, LLC

Location: Approximately 3 acres located on the east side of Statesville Road between Reames Road and Metromont Parkway. (Council District 2 - Austin)

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

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

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

Statement of Consistency:
- The Zoning Committee found this petition to be consistent with the Northlake Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends industrial/warehouse/distribution land use.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The site is in a Growth Corridor as per the Centers, Corridors, and Wedges Growth Framework; and
    - The property is surrounded by existing industrial zoning and uses allowed in the industrial districts; and
    - The adopted plan recommends industrial future land uses for this site.
15. **Rezoning Petition: 2016-105 by Charlotte-Mecklenburg Planning Department**

**Location:** Approximately 0.08 acres located on the south side of Baxter Street between Queens Road and Eli Street. (Council District 1 - Kinsey)

**Current Zoning:** R-6 (single family residential)

**Proposed Zoning:** R-22MF (multi-family residential)

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

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

**Statement of Consistency:**
- The Zoning Committee found this petition to be consistent with the *Midtown, Morehead, Cherry Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential uses at a density up to 22 units per acre.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The subject 0.08-acre site is part of a larger 0.47-acre tax parcel; and
    - The remainder of the tax parcel is currently zoned R-22MF; and
    - Due to the small size of the subject site, it cannot be developed under the R-6 (single family residential) zoning; and
    - The proposed rezoning will result in the entire 0.47-acre tax parcel being zoned R-22MF (multi-family residential); and
    - With the exception of the R-6 (single family residential) zoned property directly to the west, the subject site is surrounded by properties on Queens Road and Baxter Street zoned for multi-family development; and
    - The request is consistent with the residential land use and density recommended by the recently adopted area plan.
ZONING HEARINGS

16. Rezoning Petition: 2016-016 by Clarke Allen

*Update: Petitioner requesting withdrawal of this petition.*

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

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

**Proposed Zoning:** TOD-M (transit oriented development - mixed use) & TOD-M (O) (transit oriented development-mixed use, optional)

17. Rezoning Petition: 2016-097 by Simonini Saratoga Foxcroft, LLC

*Update: Petitioner requesting deferral to (October 17, 2016)*

**Location:** Approximately 6.32 acres located on the east side of Sharon Lane between Providence Road and Heathmoor Lane. (Council District 6 - Smith)

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

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

18. Rezoning Petition: 2016-087 by Haven Campus Communities

**Location:** Approximately 6.83 acres located on the south side of University City Boulevard between Suther Road and John Kirk Drive. (Council District 4 - Phipps)

**Current Zoning:** R-3 (single family, residential); O-1(CD) (office, conditional) & INST (institutional)

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

**Staff Recommendation:**
Staff does not recommend approval of this petition in its current form.

19. Rezoning Petition: 2016-118 by NVR Homes

**Location:** Approximately 2.97 acres located east of Sharon Road between Sharon Acres Road and Sharon Hills Road. (Council District 6 - Smith)

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

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

**Staff Recommendation:**
Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design and requested technical revisions.
20. **Rezoning Petition: 2016-101 by Shining Hope Farms**

   **Location:** Approximately 34.47 acres located west of Beatties Ford Road near the intersection of Kidd Lane and Beatties Ford Road. (Outside City Limits)

   **Current Zoning:** R-3 (single family residential) and INST (CD) (institutional, conditional)

   **Proposed Zoning:** INST (CD) (institutional, conditional) and INST (CD) SPA (institutional, conditional, site plan amendment)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to access and proposed use on Tract 2.

21. **Rezoning Petition: 2016-116 by BNA Homes**

   **Location:** Approximately 15.87 acres located on the southeast corner at the intersection of South Tryon Street and Beam Road. (Council District 3 - Mayfield)

   **Current Zoning:** MX-1 (mixed Use)

   **Proposed Zoning:** MX-2 (mixed Use)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to environment, transportation, and site and building design.

22. **Rezoning Petition: 2016-074 by McKinney Holdings NC II, LLC**

   **Location:** Approximately 15 acres located on the east side of North Tryon Street between Sandy Avenue and Rocky River Road. (Council District 4 - Phipps)

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

   **Proposed Zoning:** TOD-M (CD) (transit oriented development-mixed use, conditional)

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

23. **Rezoning Petition: 2016-053 by Brookline Residential, LLC**

   **Location:** Approximately 14.21 acres located on the west side of Reames Road between Lakeview Road and Anston Crossing Drive. (Council District 2 - Austin)

   **Current Zoning:** MX-1 (Innov) (mixed use, innovative)

   **Proposed Zoning:** UR-2(CD) (urban residential, conditional) with five year vested rights

   **Staff Recommendation:**
   Staff does not recommend approval of this petition.
24. **Rezoning Petition: 2016-089 by Derita Masonic Lodge**

   **Location:** Approximately 4.35 acres located on the south side of DeArmon Road between Mineral Ridge Way and Hampton Place Drive. (Council District 4 - Phipps)

   **Current Zoning:** R-3 (single family residential)
   **Proposed Zoning:** INST (CD) (institutional, conditional)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to infrastructure and design, and minor technical revisions.

25. **Rezoning Petition: 2016-100 by MPV Properties, LLC**

   **Location:** Approximately 41 acres located south of South Tryon Street near the intersection of Steele Creek Road and Walker Branch Drive. (Council District 3 - Mayfield)

   **Current Zoning:** R-3(CD) (single family residential, conditional) and R-17MF (CD) (multi-family residential, conditional)
   **Proposed Zoning:** UR-2(CD) (urban residential, conditional), with five-year vested rights

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to stream restoration and greenway dedication.

26. **Rezoning Petition: 2016-111 by Philemon NODA Partners, LLC**

   **Location:** Approximately 9.91 acres located north of North Davidson Street on the southwest corner at the intersection of Philemon Avenue and East Craighead Road. (Council District 1 - Kinsey)

   **Current Zoning:** I-1 (light industrial) and UR-2(CD) (urban residential, conditional)
   **Proposed Zoning:** TOD-M (CD) (transit oriented development-mixed use, conditional)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to transportation cross sections, timing of transportation improvements, open space, building entrances, setbacks, and trees.

27. **Rezoning Petition: 2016-106 by Bobby and Deborah Hogan**

   **Location:** Approximately 8.60 acres located on the east side of Statesville Road, north of Spector Drive and Old Statesville Road. (Council District 2 - Austin)

   **Current Zoning:** I-2(CD) (general industrial, conditional)
   **Proposed Zoning:** I-2(CD) SPA (general industrial, conditional, site plan amendment)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of the minor technical items related to sidewalks.
28. **Rezoning Petition: 2016-107 by Trevi Partners, LLC**

   **Location:** Approximately 15.86 acres located on the southeast side of North Tryon Street between Wednesbury Boulevard and Caprington Avenue. (Council District 4 - Phipps)

   **Current Zoning:** CC (commercial center) and UR-C (CD) (urban residential - commercial, conditional)
   **Proposed Zoning:** UR-C (CD) (urban residential - commercial, conditional) and UR-C (CD) SPA (urban residential - commercial, conditional, site plan amendment), with five year vested rights.

   **Staff Recommendation:**
   Staff recommends approval of this petition upon the resubmittal of a revised site plan for the associated administrative amendment and resolution of outstanding issues pertaining to transportation and site and building design, and minor technical revisions.

29. **Rezoning Petition: 2016-114 by Harris Doulaveris**

   **Location:** Approximately 1.95 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road. (Council District 5 - Autry)

   **Current Zoning:** B-1(CD) (neighborhood business, conditional)
   **Proposed Zoning:** B-2(CD) (general business, conditional)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to building and parking envelopes, sidewalks, and parking.

30. **Rezoning Petition: 2016-121 by Chen Development, LLC**

   **Location:** Approximately 0.39 acres located on the northwest corner at the intersection of Park Road and Montford Drive. (Council District 6 - Smith)

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

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issue related to site design and other technical revisions.


   **Location:** Approximately 0.42 acres located on the north side of West Bland Street between South Tryon Street and Winnifred Street. (Council District 3 - Mayfield)

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

   **Staff Recommendation:**
   Staff recommends approval of this petition.
32. **Rezoning Petition: 2016-096 by City of Charlotte**

   **Location:** Approximately 1.52 acres located on the east side of Lawyers Road between Albemarle Road and East W.T. Harris Boulevard. (Council District 5 - Autry)

   **Current Zoning:** R-17MF (multi-family residential)
   **Proposed Zoning:** O-2 (office)

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

33. **Rezoning Petition: 2016-104 by Central Piedmont Community College**

   **Location:** Approximately 18.7 acres located on the southeast corner at the intersection of West Hebron Street and West Arrowood Road and also located at the northwest corner near the intersection of West Hebron Street and Nations Ford Road. (Council District 3 - Mayfield)

   **Current Zoning:** B-1(CD) (neighborhood business, conditional) (hereby known as "northern parcel") and INST (institutional) (hereby known as "southern parcel")
   **Proposed Zoning:** INST (institutional) for the northern parcel and O-1 (office) for the southern parcel

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

34. **Rezoning Petition: 2016-122 by Foundry Commercial**

   **Location:** Approximately 17.2 acres located on the north side of Ed Brown Road and the west side of Steele Creek Road. (Council District 3 - Mayfield)

   **Current Zoning:** R-3 (single family residential) and I-2(CD) (general industrial, conditional)
   **Proposed Zoning:** I-1 (light industrial)

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

35. **Rezoning Petition: 2016-125 by Eclan & Associates, Inc.**

   **Location:** Approximately 1.80 acres located on the southeast corner of Tuckaseegee Road and Mulberry Church Road. (Council District 3 - Mayfield)

   **Current Zoning:** R-17MF (multi-family residential)
   **Proposed Zoning:** O-1 (office)

   **Staff Recommendation:**
   Staff recommends approval of this petition.
Dinner Meeting Agenda

1. Agenda Review - Tammie Keplinger
### DINNER MEETING AGENDA
**September 19, 2016**

1. **Agenda Review – Tammie Keplinger**

#### DEFERRAL / WITHDRAWAL REQUESTS

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<th>Item #</th>
<th>Petition #</th>
<th>Petitioner/Description</th>
<th>Decision</th>
<th>Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.</td>
<td>2016-083</td>
<td>Demeter Properties, LLC – North side of David Cox Road between Harris Cove Drive and Davis Lake Parkway.</td>
<td>Defer to October 17, 2016. Due to a tie vote, the Zoning Committee will consider this item at their September 28 work session.</td>
<td></td>
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<tr>
<td>16.</td>
<td>2016-016</td>
<td>Clark Allen – Northwest corner of North Davidson and East 26th Street.</td>
<td>Hearing</td>
<td>Petitioner is requesting withdrawal of this petition.</td>
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<tr>
<td>17.</td>
<td>2016-097</td>
<td>Simonini Saratoga Foxcroft, LLC – East side of Sharon Lane between Providence Road and Heathmoor Lane.</td>
<td>Hearing</td>
<td>Defer to October 17, 2016 as requested by the petitioner.</td>
</tr>
</tbody>
</table>

#### MISCELLANEOUS REQUESTS AND INFORMATION

<table>
<thead>
<tr>
<th>Item #</th>
<th>Petition #</th>
<th>Petitioner/Description</th>
<th>Decision</th>
<th>Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.</td>
<td>2016-075</td>
<td>The Drakeford Company - Northwest corner of Central Avenue and Chatham Avenue.</td>
<td>Council will have to vote whether or not to send back to Zoning Committee due to the changes indicated in Item 9 below.</td>
<td></td>
</tr>
</tbody>
</table>

### Changes After the Zoning Committee Vote

**Petition No. 2016-075** (City Council District 1 - Kinsey) by **The Drakeford Company** for 0.55 acres located on the northwest corner at the intersection of Central Avenue and Chatham Avenue from B-1 (neighborhood business) and O-2 (office) to MUDD(CD) (mixed use development, conditional).

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

1. The first floor of unit six facing Central Avenue and Chatham Avenue shall be developed to accommodate non-residential office or retail uses permitted in the MUDD District. The site of the unit facing Chatham Avenue will have enhanced architectural features for street edge frontage and appeal.

**Staff Recommendation:** The noted change to the site plan provide for pedestrian activity along the street and is not significant enough to require additional review by the Zoning Committee.
Follow Up Report
City Council Follow-Up Report
From the July 18, 2016
Zoning Meeting

2016-083 Demeter Properties, LLC – located on the north side of David Cox Road between Harris Cove Drive and Davis Lake Parkway.

What is the basis by which Charlotte-Mecklenburg Schools determined that the 200 unit development would generate 27 students?

Staff Response: The Charlotte-Mecklenburg Schools estimates school enrollment on the current number of students per residential unit types in different areas of the County. The number of units is multiplied by the students per unit factor to estimate the total number of students that a project will generate. For petition 2016-083, the proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
  • Croft Community Elementary from 85% to 87%
  • Alexander Middle from 74% to 75%
  • North Mecklenburg High from 98% to 99%.

2016-094 The Berry Company, LLC – located on the east side of Johnston Road between Pineville-Matthews Road and Walsh Boulevard.

What is driving the trip count for the climate controlled storage facility with ground floor office and leasable space? How would the trip count vary if it was office vs. retail?

Staff Response: Charlotte Department of Transportation staff has indicated that the reallocation of square footage from self-storage to retail causes the increase in daily trips. The table below shows how adjustments in the office/retail mix changes based on nationally collected trip generation data:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity</th>
<th>Daily Vehicle Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self-Storage Office</td>
<td>100,000 square feet 5,000 square feet</td>
<td>385</td>
</tr>
<tr>
<td>Self-Storage Retail Office</td>
<td>100,000 square feet 4,000 square feet 1,000 square feet</td>
<td>1130</td>
</tr>
</tbody>
</table>
Biddleville Cemetery

A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the "Biddleville Cemetery" (listed under Tax Parcel Number 06903561 as of September 1, 2016 and including the land associated with Tax Parcel Number 06903561) as an Historic Landmark.

Property Owner: Society of the Minute Men
Location: Five Points Neighborhood Park Charlotte, North Carolina

Attachments:
Biddleville Cemetery Resolution
Biddleville Cemetery Cover
A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the “Biddleville Cemetery” (listed under Tax Parcel Number 06903561 as of September 1, 2016 and including the land associated with Tax Parcel Number 06903561) as an Historic Landmark. The property is located in the Five Points Neighborhood Park in Charlotte, North Carolina, and is owned by the Society of the Minute Men.

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has recommended that the City Council adopt an ordinance designating the property described below as an Historic Landmark pursuant to Chapter 160A, Article 19, as amended of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-400.5.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, North Carolina, that the City Council will hold a public hearing at which interested parties will have an opportunity to be heard on the question of the designation of the property known as the “Biddleville Cemetery” (listed under Tax Parcel Number 06903561 as of September 1, 2016 and including the land associated with Tax Parcel Number 06903561) as an Historic Landmark.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.
The Biddleville Cemetery served as a community cemetery for Biddleville, an African-American residential district that arose in the late 1800s near the Biddle Institute, now Johnson C. Smith University. The cemetery contains representative examples of funerary art from the late 1800’s. The cemetery also contains the graves of influential citizens of Biddleville, and African Americans who served in the Spanish-American War, World War One, and World War Two.
Charles E. Barnhardt House

A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the “Charles E. Barnhardt House” (listed under Tax Parcel Number 09504315 as of September 1, 2016 and including the interior and exterior of the house and a portion of the land of Tax Parcel Number 09504315) as an Historic Landmark.

Property Owner: Country Club Lane LLC
Location: 2733 Country Club Lane in Charlotte, North Carolina

Attachments:
Charles E. Barnhardt House Resolution
Charles E. Barnhardt House Cover
A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the “Charles E. Barnhardt House” (listed under Tax Parcel Number 09504315 as of September 1, 2016 and including the interior and exterior of the house and a portion of the land of Tax Parcel Number 09504315) as an Historic Landmark. The property is located at 2733 Country Club Lane in Charlotte, North Carolina, and is owned by Country Club Lane LLC.

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has recommended that the City Council adopt an ordinance designating the property described below as an Historic Landmark pursuant to Chapter 160A, Article 19, as amended of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-400.5.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, North Carolina, that the City Council will hold a public hearing at which interested parties will have an opportunity to be heard on the question of the designation of the property known as the “Charles E. Barnhardt House” (listed under Tax Parcel Number 09504315 as of September 1, 2016 and including the interior and exterior of the house and a portion of the land of Tax Parcel Number 09504315) as an Historic Landmark.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.
The Charles E. Barnhardt House
2733 Country Club Lane

The Charles E. Barnhardt House is a large estate home that was built in 1938 on Country Club Lane. One of the finest and best preserved historic homes in the Plaza-Midwood neighborhood, the house is a rare example of residential architecture from the Great Depression. The house is very well preserved and largely unaltered, and is an important example of the work of Charlotte architect Martin Boyer. The Charlotte-Mecklenburg Historic Landmarks Commission and Preservation North Carolina are pursuing a permanent preservation plan for the property. There is currently a development plan for the property that would subdivide the land, with the Barnhardt House remaining on a prominent large lot.
Dilworth Airplane Bungalow

A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the "Dilworth Airplane Bungalow" (listed under Tax Parcel Number 12110209 as of September 1, 2016 and including the interior and exterior of the house, and the land associated with Tax Parcel Number 12110209) as an Historic Landmark.

Property Owner: Paula Pridgen
Location: 2144 Park Road in Charlotte, North Carolina

Attachments:
Dilworth Airplane Bungalow Resolution
Dilworth Airplane Bungalow Cover
A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the “Dilworth Airplane Bungalow” (listed under Tax Parcel Number 12110209 as of September 1, 2016 and including the interior and exterior of the house, and the land associated with Tax Parcel Number 12110209) as an Historic Landmark. The property is located at 2144 Park Road in Charlotte, North Carolina, and is owned by Paula Pridgen.

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has recommended that the City Council adopt an ordinance designating the property described below as an Historic Landmark pursuant to Chapter 160A, Article 19, as amended of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-400.5.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, North Carolina, that the City Council will hold a public hearing at which interested parties will have an opportunity to be heard on the question of the designation of the property known as the “Dilworth Airplane Bungalow” (listed under Tax Parcel Number 12110209 as of September 1, 2016 and including the interior and exterior of the house, and the land associated with Tax Parcel Number 12110209) as an Historic Landmark.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.
The Airplane Bungalow style is a rare subtype of the Craftsman style that is most common on the Pacific Coast and California in particular, and the 1925 Dilworth Airplane Bungalow is the only example in Charlotte of the style. The Asian-influenced Airplane Bungalow is inspired by the elaborate “Ultimate Bungalows” designed by brothers Charles Sumner Greene and Henry Mather Greene who have been credited for creating the Craftsman movement. The Californian brothers’ interest in both the English Arts and Crafts movement and Oriental wooden architecture is reflected in the Dilworth Airplane Bungalow. The incredible integrity of the home, both on the interior and exterior, and the extensive use of stonework, makes the bungalow an exceptional local example of a well-preserved Craftsman-style home.
Midwood Elementary School

A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the “Midwood Elementary School” (listed under Tax Parcel Number 09507803 as of September 1, 2016 and including the interiors and exteriors of the buildings, and the land associated with Tax Parcel Number 09507803) as an Historic Landmark.

Property Owner: Charlotte Mecklenburg Board of Education
Location: 1817 Central Avenue in Charlotte, North Carolina

Attachments:
Midwood Elementary School Resolution
Midwood Elementary School Cover
A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the “Midwood Elementary School” (listed under Tax Parcel Number 09507803 as of September 1, 2016 and including the interiors and exteriors of the buildings, and the land associated with Tax Parcel Number 09507803) as an Historic Landmark. The property is located at 1817 Central Avenue in Charlotte, North Carolina, and is owned by the Charlotte Mecklenburg Board of Education.

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has recommended that the City Council adopt an ordinance designating the property described below as an Historic Landmark pursuant to Chapter 160A, Article 19, as amended of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-400.5.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, North Carolina, that the City Council will hold a public hearing at which interested parties will have an opportunity to be heard on the question of the designation of the property known as the “Midwood Elementary School” (listed under Tax Parcel Number 09507803 as of September 1, 2016 and including the interiors and exteriors of the buildings, and the land associated with Tax Parcel Number 09507803) as an Historic Landmark.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.
Designed by Charlotte architect M.R. Marsh, Midwood Elementary was the first school to serve the Central Avenue corridor. The school is an important historic and cultural element of the Plaza Midwood neighborhood. In Charlotte, the 1935 Midwood Elementary School is one of the best surviving examples of education architecture in the Traditional Revival style.
Rezoning Petition: 2016-083 by Demeter Properties, LLC

Update: Defer to October 17, 2016. Due to a tie vote, the Zoning Committee will consider this item at their September 28 work session.

Location: Approximately 15.38 acres located on the north side of David Cox Road between Harris Cove Drive and Davis Lake Parkway. (Council District 4 - Phipps)

Current Zoning: R-9 PUD (multi-family residential, planned unit development), R-4 (single family residential and RU (CD) (rural, conditional)

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

Zoning Committee Recommendation:
The Zoning Committee voted 3-3 which resulted in a tie. In accordance with the Planning Commission Rules of Procedure, this petition is automatically “rolled over” to the next regularly scheduled meeting where such a matter would normally occur.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
REQUEST
Current Zoning: R-9 PUD (multi-family residential, planned unit development), R-4 (single family residential), and RU(CD) (rural, conditional)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION
Approximately 15.38 acres located on the north side of David Cox Road between Harris Cove Drive and Davis Lake Parkway. (Council District 4 - Phipps)

SUMMARY OF PETITION
The petition proposes to allow up to 115 attached dwelling units at 7.47 dwelling units per acre on lots currently developed with single family detached homes primarily surrounded by residential neighborhoods adjacent to the Davis Lake Subdivision.

PROPERTY OWNER
Various
PETITIONER
Demeter Properties, LLC
AGENT/REPRESENTATIVE
David Malcolm

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 46

STATEMENT OF CONSISTENCY
• The Zoning Committee found this petition to be consistent with the Northeast District Plan for residential land use but inconsistent with the General Development Policies, based on information from the staff analysis and the public hearing, and because:
  • The plan recommends residential land uses; and
  • The General Development Policies locational criteria recommends up to six dwelling units per acre.

• Therefore, this petition was found to be and in the public interest, based on information from the staff analysis and the public hearing, and because:
  • The subject property is situated between more intense development, including retail uses, assisted living, and single family residential in the Davis Lake Community; and
  • The rezoning will serve as a transition between the retail and assisted living and the single family residential; and
  • The petition seeks a density of 7.4 dwelling units per acre which is consistent with the density of 7.54 units per acre for the recently approved townhome development across David Cox Road; and
  • The proposal will provide an extensive pedestrian and vehicular network of sidewalks, public and private streets and alleyways; and
  • The petition includes a number of elements designed to enhance the residential environment including centrally located tree save, alleys that allow parking to be placed at the rear of the units, on-street parking, non-required buffers, and common open space along David Cox Road; and
  • The development will provide a 2-foot buffer to the rear of the site which will provide additional screening for the Davis Lake Community; and
  • The site plan provides architectural standards for the proposed units that address porches, stoops, roof pitch, building materials, decorative garage doors, and blank walls on corner/end units.

By a 4-2 vote of the Zoning Committee (motion by Wiggins seconded by Labovitz).
ZONING COMMITTEE ACTION

The Zoning Committee voted 3-3 which resulted in a tie. In accordance with the Planning Commission Rules of Procedure, this petition is automatically "rolled over" to the next regularly scheduled meeting where such a matter would normally occur.

Site and Building Design
1. The site plan had been modified to request and show only 115 proposed dwelling units.
2. A 21-foot "Class C" buffer has been labeled on the site plan.
3. A note has been added that the minimum 20-foot setback has been added to the site plan.
4. Two possible dumpster locations are shown and labeled. In addition, the area where they might be located has been taken out of tree save.
5. Added a note under "Architectural Standards" that buildings H, G, F, E, I and J will have a front façade that is oriented towards David Cox Road.
6. Relocated the proposed Mail Kiosk from "Private Road D" to "Private Road B", with recessed parking in front of the kiosk.
7. Added Note 6F under Environmental Features as follows: "Areas for water quality and detention BMPs on David Cox Road will be aesthetically appealing through the use of grass, landscaping, water features, and rain gardens or other like forms."
8. A note has been added listing the proposed building materials, brick, stone, stucco, pre-cast concrete, synthetic stone, and cementitious siding and prohibiting of vinyl as a main building material. Vinyl may be used on the garage doors, window soffits, and hand rails.
9. A community amenity and tree save area has been revised and added to the site plan.

Infrastructure
10. A note has been added specifying that the 150-foot left-turn storage lane with appropriate bay tapers on David Cox Road at access point "B" will be constructed prior to the first certificate of occupancy.
11. A north/south "public" street connection through the proposed subdivision from Harris Cove Drive to David Cox Road has been shown on the plan.
12. Amended Note 3F under "Access and Transportation" to read curb and gutter will be provided on both sides of the "public street."

Environment
13. Possible tree save areas have been labeled on the site plan.
14. Potential location for stormwater facilities have been shown and labeled on the site plan.

Other
15. Revised vested rights from five years to two years.
16. Committed to remove note related to two-year vested rights, as this is provided already.

VOTE

Motion/Second: Wiggins / Labovitz
Yea: Labovitz, Lathrop, and Wiggins
Nay: Majeed, Spencer, and Watkins
Absent: Eschert
Recused: None

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee and described modifications made to the site plan since the public hearings. Staff indicated that all outstanding issues had been addressed. A Committee member asked if anything had been done about the entrances, and staff responded that the development would have two points of ingress/egress via tying into Harris Cove Drive and direct access onto David Cox Road. Staff briefly discussed possible student generation numbers resulting from this development. A Commissioner commented she had visited the shopping center at Davis Lake during peak hour traffic and did not see
an appreciable amount of traffic. She noted concerns about density but stated that the City is in need of more housing. Another Committee member felt this proposal is too dense for this site.

Staff noted that the proposed residential land use is consistent with the Northeast District Plan, but inconsistent with the General Development Policies.

There was no further discussion.

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows 115 new single family attached dwelling units at a density of 7.47 units per acre.
  - Limits height to 40 feet or two stories.
  - Provides a 21-foot buffer along all property lines abutting parcels that are zoned for residential uses.
  - Proposes a 40-foot rear yard along the northeast and southwest property boundaries, where 10 feet is required.
  - Creates an internal vehicular network consisting of public and private streets and alleyways that will connect to one point of ingress and egress onto David Cox Road, and to Harris Cove Drive.
  - Provides on-street parking (including guest parking) along sections of the proposed internal private and public streets.
  - Commits to five-foot sidewalks and eight-foot planting strips along all proposed internal streets, to connect to a six-foot sidewalk with eight-foot planting strip along David Cox Road. Internal sidewalk system will also connect to existing sidewalk along Harris Cove Drive.
  - Provides the following architectural treatments:
    - Building materials will be a combination of portions of the following: brick, stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum may only be used on the rear elevations and windows, soffits and handrails/railings.
    - All residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 14 inches.
    - Pitched roofs, if provided, must be symmetrically sloped no less than 5:12, except that for roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
    - Usable porches and stoops will be located on the front and/or side of the building.
    - All corner/end units will utilize blank wall provisions to limit the blank wall to a maximum of 10 feet on all building levels.
    - Garage doors visible from public or private streets should minimize the visual impact by providing either decorative garage doors with hardware, or additional architectural features on the garage portion of the building. Townhome unit types will be staggered to limit the number of consecutive units with a porch setback of 18 inches or greater per building to 60 percent per building.
    - Architectural standards that buildings H, G, F, E, I, and J will have a front façade that is oriented towards David Cox Road.
    - Townhouse buildings will be limited to five individual units or less.
    - Provides common open space, possible tree save areas and storm water facility location.
    - Anticipates private refuse collection service will be provided and individual roll out cans will be used in lieu of dumpsters.
    - Proposes detached lighting on site to be limited to 15 feet in height.

- Public Plans and Policies
  - The Northeast District Plan (1996) recommends single family up to four dwelling units per acre for this site.
  - The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition does not meet the General Development Policies locational criteria for consideration of up to eight dwellings per acre as illustrated in the table below.


<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category – up to 8 dua</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting with Staff</td>
<td>1</td>
</tr>
<tr>
<td>Sewer and Water Availability</td>
<td>2</td>
</tr>
<tr>
<td>Land Use Accessibility</td>
<td>2</td>
</tr>
<tr>
<td>Connectivity Analysis</td>
<td>1</td>
</tr>
<tr>
<td>Road Network Evaluation</td>
<td>0</td>
</tr>
<tr>
<td>Design Guidelines</td>
<td>4</td>
</tr>
<tr>
<td>Other Opportunities or Constraints</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Minimum Points Needed:</strong> 11</td>
<td><strong>Total Points: 10</strong></td>
</tr>
</tbody>
</table>

- **TRANSPORTATION CONSIDERATIONS**
  - This site is on a collector road and generally complies with CDOT’s transportation system goals by connecting to an adjacent development and installing pedestrian facilities along David Cox Road frontage. However, the current site plan does not provide a stub street for future connectivity to Davis Lake.
  - See Outstanding Issues, Note 1.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Uses: 80 trips per day (based on six single family residential units).
      - Entitlement: 630 trips per day (based on 57 single family residential units).
    - Proposed Zoning: 730 trips per day (based on 115 townhome units).

- **DEPARTMENT COMMENTS** (see full department reports online)
  - **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No comments received.
  - **Charlotte Department of Solid Waste Services:** Rollout container collection service shall be provided to single residential units and special residential units provided such special residential units are not part of a multi-family complex containing 30 or more units. The approval of development configurations, lot lines, phase lines, or variations in forms or timing of ownership that may be approved under any provisions of the City subdivision ordinance and/or the city zoning ordinance after initial approval of development configurations, lot lines, phase lines, or variations in forms or timing of ownership, will not exempt the development or any portions of the development from the applicable provisions of this section. Current ordinance will require the development to contract with a private hauler for garbage/recycling services.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 28 students, while the development allowed under the proposed zoning will produce 27 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
    - Croft Community Elementary from 85% to 87%
    - Alexander Middle from 74% to 75%
    - North Mecklenburg High from 98% to 99%.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along Harris Cove Drive and an existing 12-inch water main located along David Cox Road and sewer system availability via an existing eight-inch gravity sewer main located along David Cox Road, just south of parcel 027-21-104. There is also an existing eight-inch gravity sewer main located along Harris Cove Drive.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.

- **OUTSTANDING ISSUES**
  - Transportation
    1. The petitioner should revise the site plan to provide an east/west public street intersecting with
the north/south public spine road and stub to the site's eastern property line or connect to Davis Lake Road as a right-in/right-out intersection, if possible. A local residential wide street section is recommended (see CLDSM U-03 -typical plan view). The minimum right-of-way requirement for this section is 51 feet. If the minimum is used then the sidewalks may need to be placed in a permanent sidewalk utility easement (SUE).

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326
Petition #: 2016-083

Acreage & Location: Approximately 15.38 acres located on the north side of David Cox Road between Harris Cove Drive and Davis Lake Parkway.
Petition #: 2016-083
Petitioner: Demeter Properties, LLC

Zoning Classification (Existing): __________
(R-9 PUD, R-4 & RU(CD))
(Multi-Family, Residential Planned Unit Development, Single Family, Residential & Rural, Conditional)

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

Acreage & Location: Approximately 15.38 acres located on the north side of David Cox Road between Harris Cove Drive and Davis Lake Parkway.
Agenda #: 9. File #: 15-3845 Type: Zoning Decision

Rezoning Petition: 2016-075 by The Drakeford Company

Location: Approximately 0.535 acres located on the northwest corner at the intersection of Central Avenue and Chatham Avenue. (Council District 1 - Kinsey)

Current Zoning: B-1 (neighborhood business) and O-2 (office)
Proposed Zoning: MUDD (CD) (mixed use development, conditional)

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

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

Statement of Consistency:
- The Zoning Committee found this petition to be inconsistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends retail uses.
  - However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - Residential uses, with appropriate urban design elements, are compatible with the surrounding context and the evolving character of this portion of Central Avenue; and
    - The inclusion of a live/work unit provides an opportunity for employment and services along a major street and within walking distance of several other businesses and residences; and
    - Traditional, auto-oriented strip retail uses, as identified by the Central District Plan, are not desirable for future development in this transitioning area and would be less compatible with the adjacent residential uses in the predominantly single family neighborhood; and
    - The proposed residential use also provides an appropriate transition from Central Avenue to the established neighborhood to the north; and
    - The subject site is along a future phase of the proposed LYNX Gold Line Streetcar alignment; and
    - This site’s location within ½ mile of the Central Avenue/Plaza Midwood business district places it within walking distance of neighborhood goods and services as well as entertainment opportunities and
    - The site’s location on the proposed streetcar line, as well as the ½ mile walk distance to the business district, is a basis for an increase, from 17 to 23 units per acre, over the density calculated through the General Development Policies’ evaluation for locations for higher density residential.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning: B-1 (neighborhood business) and O-2 (office)
Proposed Zoning: MUDD(CD) (mixed use development, conditional)

LOCATION
Approximately 0.535 acres located on the northwest corner at the
intersection of Central Avenue and Chatham Avenue
(Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to redevelop a site located in the Plaza Midwood
area to allow up to 12 single family attached dwelling units, at a
density of 22.4 units per acre.

PROPERTY OWNER
Summerford Properties, LLC

PETITIONER
The Drakeford Company

AGENT/REPRESENTATIVE
Anthony Fox & Mac McCarley; Parker, Poe, Adams, and Bernstein

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 19

STATEMENT OF
CONSISTENCY
- The Zoning Committee found this petition to be inconsistent with
  the Central District Plan, based on information from the staff
  analysis and the public hearing, and because:
  - The plan recommends retail uses.
  - However, this petition was found to be reasonable and in the
    public interest, based on information from the staff analysis and
    the public hearing, and because:
    - Residential uses, with appropriate urban design elements, are
      compatible with the surrounding context and the evolving
      character of this portion of Central Avenue; and
    - The inclusion of a live/work unit provides an opportunity for
      employment and services along a major street and within
      walking distance of several other businesses and residences; and
    - Traditional, auto-oriented strip retail uses, as identified by the
      Central District Plan, are not desirable for future development
      in this transitioning area and would be less compatible with the
      adjacent residential uses in the predominantly single family
      neighborhood; and
    - The proposed residential use also provides an appropriate
      transition from Central Avenue to the established
      neighborhood to the north; and
    - The subject site is along a future phase of the proposed LYNX
      Gold Line Streetcar alignment; and
    - This site’s location within ½ mile of the Central Avenue/Plaza
      Midwood business district places it within walking distance of
      neighborhood goods and services as well as entertainment
      opportunities and
    - The site’s location on the proposed streetcar line, as well as
      the ½ mile walk distance to the business district, is a basis for
      an increase, from 17 to 23 units per acre, over the density
      calculated through the General Development Policies’
      evaluation for locations for higher density residential;

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

ZONING COMMITTEE ACTION
The Zoning Committee voted 5-0 to recommend APPROVAL of this
petition, as amended with the following modifications:
1. Specified the architectural features for units facing Chatham
   Avenue will have enhanced architectural features for street
   edge appeal such as changes of depth and material, box bay
windows, and wrapping design elements from the Central Avenue elevation.
2. Showed and labeled a partial masonry screen all with landscaping to screen internal parking from Chatham Avenue on the site plan and Chatham Avenue elevation.
3. Amended site plan to state that units facing Central Avenue shall be raised above the adjacent street sidewalk, and the final grade separation from adjacent street sidewalk to the proposed units will be established during the site permitting process.
4. Amended the Chatham Avenue elevation to reflect units above grade.
5. Amended schematic site plan note to state that Building B will have optional four-story maximum rooftop terraces that will all be oriented towards Central Avenue.
6. Amended schematic site plan note to state that rooftop terraces for Building A will be optional, limited to four stories, and oriented towards Central Avenue.
7. Amended Note 6A to reflect a six-foot sidewalk and eight-foot planting strip on Central Avenue.
8. Added a note agreeing to dedicate the future 40 feet of right-of-way from centerline to the City of Charlotte prior to the issuance of the first certificate of occupancy.
9. Removed on-street parking on Central Avenue.
10. Removed proposed steps from the 14-foot setback along Central Avenue.
11. Amended Chatham Avenue elevation to provide door overhangs.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an update of the petition noting that all outstanding issues have been addressed. Staff noted that the on-street parking has been removed along Central Avenue, in order to meet the 14-foot setback. A committee member asked if the six-foot sidewalk will be wide enough to accommodate a wheelchair user, with someone walking beside. Staff noted that six feet is a standard sidewalk width.

Staff noted that the petition is inconsistent with the Central District Plan, which recommends retail uses. However, the residential use and live/work unit will provide a transition from Central Avenue to the neighborhood behind.

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:
  - Up to 12 single family attached dwelling units limited to four stories and 45 feet in height. Building B (Units seven through twelve) have an option for a rooftop terrace, at a maximum of four stories. All terraces will be oriented towards Central Avenue or a privacy wall will be provided around the terrace. Building A (Units one through six) have an option for rooftop, which will be oriented toward Central Avenue.
  - The unit located at the corner of Central Avenue and Chatham Avenue will be built to accommodate a live/work or retail unit with office or retail on the first floor and a residential unit above.
  - The side of units facing Chatham Avenue will have enhanced architectural features for street edge appeal, such as changes of depth and material, box bay windows, and wrapping design
elements from the Central elevation.
- Building elevations reflecting views from both streets and the corner of the intersecting streets.
- Facades and building materials will consist of fiber cement siding, CMU veneer, brick veneer and metal panels, with large windows on all four sides of buildings.
- Roofing will be comprised of architectural asphalt shingles.
- An enhanced streetscape with decorative pavement will be provided at the corner of Central Avenue and Chatham Avenue.
- Site access will be on Chatham Avenue, with an internal alley providing access to units.
- No garages will be oriented toward a public street.
- A partial masonry screen wall with landscaping will be provided along Chatham Avenue to screen parking.
- An eight-foot planting strip and a six-foot sidewalk will be provided along the frontage on Central Avenue.
- An eight-foot wide landscape buffer containing evergreen trees, with a six-foot high wooden privacy fence will be provided at the rear of the site abutting single family residential zoning.
- The future 40 feet of right-of-way from the Central Avenue centerline will be dedicated to the City of Charlotte prior to the issuance of the first certificate of occupancy.

**Public Plans and Policies**
- The *Central District Plan* (1993), as updated by rezoning petition 1993-059, recommends retail uses.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 17 dwellings per acre as illustrated in the table below.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category – up to 17 dua</th>
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<tr>
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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>
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<td>Road Network Evaluation</td>
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<td>Design Guidelines</td>
<td>Yes - 4</td>
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<td>Other Opportunities or Constraints</td>
<td>NA</td>
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<td><strong>Minimum Points Needed:</strong> 13</td>
<td><strong>Total Points:</strong> 13</td>
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</tbody>
</table>

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

**TRANSPORTATION CONSIDERATIONS**
- This site is at the unsignalized intersection of a major thoroughfare and local street. The current site plan does not conflict with the proposed streetcar alignment on Central Avenue or the potential station location nearby. CDOT has not identified any negative impacts to the transportation facilities in the area.
- **Vehicle Trip Generation:**
  - Current Zoning: Existing Use: 90 trips per day (based on existing 7,500 square foot pool hall).
  - Entitlement: 880 trips per day (based on 3,700 square feet of retail and 2,700 square feet of office uses as allowed in the existing zoning districts).
  - Proposed Zoning: 102 trips per day (based on 12 single family attached dwelling units).

**DEPARTMENT COMMENTS** (see full department reports online)
- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Charlotte Department of Solid Waste Services:** Contact Solid Waste Operations for information regarding truck dimensions and spacing requirements for garbage and recycling services.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate six students, while the development allowed under the proposed zoning will produce zero students. Therefore, the net increase in the number of students generated from existing zoning to
proposed zoning is zero students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Shamrock Gardens Elementary (97%), Eastway Middle (113%) or Garinger High (129%).

- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing six-inch water distribution mains located along Chatham Avenue and Central Avenue. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along Chatham Avenue and Central Avenue.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** Development of this site may require submission of an asbestos Notification of Demolition and renovation to Mecklenburg County Air Quality (MCAQ) due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ. Ground Water Services (GWS) records indicate a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. No further comments.
- **Mecklenburg County Parks and Recreation Department:** No issues.

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

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

Planner: Sonja Strayhorn Sanders (704) 336-8327
Acreage & Location: Approximately 0.55 acres located on the northwest corner at the intersection of Central Avenue and Chatham Avenue.
Petition #: 2016-075
Petitioner: The Drakeford Company

Zoning Classification (Existing): B-1 & O-2
(Neighborhood Business and Office)

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

Acreage & Location: Approximately 0.55 acres located on the northwest corner at the intersection of Central Avenue and Chatham Avenue.

Map Produced by the Charlotte-Mecklenburg Planning Department, 3-31-2016.
### Central Ave Elevation Materials Minimum Percentages

<table>
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<tr>
<th>NAME</th>
<th>DESCRIPTION</th>
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<tr>
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<td>Material #2</td>
<td>Metal Panel/Fiber Cement</td>
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<tr>
<td>Material #3</td>
<td>Wood-look Fiber Cement</td>
<td>15%</td>
</tr>
<tr>
<td>Material #4</td>
<td>CMU Veneer</td>
<td>15%</td>
</tr>
</tbody>
</table>
Chatham Ave Elevation Materials Minimum Percentages

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<th>NAME</th>
<th>DESCRIPTION</th>
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<td>Metal Panel/Fiber Cement</td>
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<td>50%</td>
</tr>
<tr>
<td>Material #3</td>
<td>Wood-look Fiber Cement</td>
<td>10%</td>
</tr>
<tr>
<td>Material #4</td>
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<tr>
<td>Material #4</td>
<td>CMU Veneer</td>
<td>15%</td>
</tr>
</tbody>
</table>
Rezoning Petition: 2016-088 by Anointed Future Daycare

Location: Approximately 1.79 acres located on the south side of Hickory Grove Road between Craigwood Drive and McAlpine Lane. (Council District 5 - Autry)

Current Zoning: R-3 (single family residential)
Proposed Zoning: INST (CD) (institutional, conditional) with five-year vested rights

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

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

Statement of Consistency:
- The Zoning Committee found this petition to be inconsistent with the Eastland Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends single family land uses.
  - However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The site is located on Hickory Grove Road, an existing minor thoroughfare; and
    - The site is separated from abutting properties by utility lines and water quality buffers; and
    - As a result, this site is isolated and a cohesive and interconnected development that includes this site and abutting properties is not feasible; and
    - Although the proposed institutional use is inconsistent with the residential land use recommended by the area plan, locations for new institutional uses are not typically identified within adopted plans; and
    - Instead, these uses are considered on a case-by-case basis, taking into account the compatibility of the specific use with the surrounding development; and
    - In this case, the proposed daycare is separated from other properties; is located across Hickory Grove Road from another institutional use, Hickory Grove Church of God; and is limited to 5,600 square feet and 40 feet in height, a size that is appropriate for a residential environment.

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

Current Zoning: R-3 (single family residential)
Proposed Zoning: INST(CD) (institutional, conditional) with five-year vested rights

LOCATION

Approximately 1.79 acres located on the south side of Hickory Grove Road between Craigwood Drive and McAlpine Lane. (Council District 5 - Autry)

SUMMARY OF PETITION

The petition proposes to allow the construction a 5,600-square foot child care facility with up to 79 students on an undeveloped/vacant lot generally surrounded by single family residential neighborhoods, and across from a religious institution.

PROPERTY OWNER

Bruce Gettys

PETITIONER

Janice White c/o Anointed Future Daycare

AGENT/REPRESENTATIVE

Mario A. Hodge, HCNC Inc.

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 6

STATEMENT OF CONSISTENCY

- The Zoning Committee found this petition to be inconsistent with the Eastland Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends single family land uses.
- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The site is located on Hickory Grove Road, an existing minor thoroughfare; and
  - The site is separated from abutting properties by utility lines and water quality buffers; and
  - As a result, this site is isolated and a cohesive and interconnected development that includes this site and abutting properties is not feasible; and
  - Although the proposed institutional use is inconsistent with the residential land use recommended by the area plan, locations for new institutional uses are not typically identified within adopted plans; and
  - Instead, these uses are considered on a case-by-case basis, taking into account the compatibility of the specific use with the surrounding development; and
  - In this case, the proposed daycare is separated from other properties; is located across Hickory Grove Road from another institutional use, Hickory Grove Church of God; and is limited to 5,600 square feet and 40 feet in height, a size that is appropriate for a residential environment;

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

ZONING COMMITTEE ACTION

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

1. Showed the proposed two-way vehicular movement within the site for all drive aisles.
2. Showed and labeled the required 18-foot “Class C” buffer required along the side and rear of the site abutting single family residential zoning to the west and south of the site. The buffer requirement to the east of the site is waived because the 50-foot Post Construction buffer is being dedicated to
3. Added Note 4C under “Architectural Standards” that the front of the building will be detailed with an entrance that will read as a primary entrance and the building will be residential in character with a pitched roof (no less than 5:12), will not exceed two stories, that windows will be of residential character, and there will be visible trim around windows, doors and cornices.

4. Amended Note 5a under “Streetscape and Landscaping” to specify the tree save commitment is to attempt to retain 25% of all tree canopy in side and rear yards.

5. Amended Note 7A under “Parks, Greenways and Open Space” to state the 50-foot Post Construction buffer will be dedicated to Mecklenburg County and the dedication will take place prior to the issuance of the certificate of occupancy for the building.

6. Corrected the 35-foot Post Construction Stormwater Ordinance buffer delineation along the rear property line and the 50-foot Post Construction Stormwater Ordinance buffer delineation along the eastern side of the parcel to reflect measurement outward from the top of the channel bank.

7. Submitted a wetland determination letter.

8. Specified the correct maximum building area under Development Data, Permitted Uses and on Sheet RZ-1 as 5,600 square feet.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition noting that there are no outstanding issues. The petition is inconsistent with the Eastland Area Plan, which recommends single family land uses. However, the proposed institutional use is separated from other properties, is located in close proximity to another institutional use, and will be limited in size and height so as to be appropriate for a residential environment.

There was no further discussion.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
  - Construction of a 5,600-square foot building to accommodate a child care facility with up to 79 students.
  - Maximum building height of 40 feet.
  - Outdoor play space provided to rear of site.
  - Architectural commitments include proposed metal roof; James Hardie or Typical (non-vinyl) lap siding; and store front windows and entrance doors, with doors to the play area.
  - The front of the building will be detailed with an entrance that will read as a primary entrance. Building will be residential in character, with a pitched roof (no less than 5:12), will not exceed two stories, windows will be of residential character, and there will be visible trim around windows, doors and cornices.
  - Two new two-way driveways will allow access to Hickory Grove Road.
  - Internal five-foot sidewalk system connecting building to outdoor play areas, parking areas, and new sidewalk along Hickory Grove Road.
  - New six-foot sidewalk and eight-foot planting strip are proposed along Hickory Grove Road.
  - An 18-foot wide “Class C” buffer will be provided as required abutting single family residential
zoning located to the west and south of the site.
- A 35-foot Post Construction Stormwater Ordinance buffer is identified adjacent to the rear property line.
- Dedication of a 50-foot Post Construction buffer to Mecklenburg County, and the dedication will take place prior to the issuance of the certificate of occupancy for the building.
- Tree save commitment is to attempt to retain 25% of all tree canopy in side and rear yards.

- **Public Plans and Policies**
  - The *Eastland Area Plan* (2003) recommends single family residential land uses at up to four units per acre.

- **TRANSPORTATION CONSIDERATIONS**
  - The site is located along a minor thoroughfare between unsignalized intersections. The current site plan, showing two separate full movement access points with no internal circulation, does not meet CDOT’s expectation for access management for small, single-use parcels.
  - See Outstanding Issues, Note 1.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 0 trips per day (based on vacant land).
      - Entitlement: 70 trips per day (based on five single family dwellings).
    - Proposed Zoning: 415 trips per day (based on 5,600 square foot child care center).

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

**OUTSTANDING ISSUES**
**Transportation**
  1. The site will have two direct access points to a minor thoroughfare. Petitioner should revise the site plan to show a single full movement access point or reinstate the backside drive aisle and create a one-way circulation around the building.

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

**Planner:** Sonja Strayhorn Sanders (704)-336-8327
Petition #: 2016-088

Acreage & Location: Approximately 1.79 acres located on the south side of Hickory Grove Road between Craigwood Drive and McAlpine Lane.
Petition #: 2016-088
Petitioner: Anointed Future Daycare

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

Zoning Classification (Requested): INST(CD), 5 Year Vested Rights
(Institutional, Conditional, Five Year Vested Rights)

Acreage & Location: Approximately 1.79 Acres located on the south side of Hickory Grove Road between Craigwood Drive and McAlpine Lane.
EXISTING DRIVEWAY TO REMAIN

NEW 8' PLANTING STRIP WITH 6' SIDEWALK ADDED. SIDEWALK TO BUILDING ADDED.
RECYCLING AND TRASH DUMPSTER RELOCATED
35' POST CONSTRUCTION STORMWATER BUFFER. END OF PAVEMENT AND BACK OF CURB RELOCATED.
CAMPBELL CREEK GREENWAY 50' DEDICATED BUFFER.
20' PUBLIC DRAINAGE EASEMENT.

NOTE TO REVIEWER:
STREET NAME ADDED
USE OF ADJACENT PROPERTIES LISTED
TREE SAVE REMOVED FROM PLAN - PETITIONER INTENDS TO FOLLOW CITY TREE ORDINANCE AS REQUIRED
REVISION DATE: JUNE 20, 2016
1. GENERAL PROVISIONS
   a. These Development Standards form a part of the Rezoning Plan associated with this INST (CD) patient to redevelop on an approximately 1.79 acre site located on Hickory Grove Road as more particularly shown on the rezoning plan (the "Site"). Development of the Site will be governed by the attached plans and these Development Standards (together with the plans referred to as the "Rezoning Plan: as well as the applicable provisions of the City of Charlotte Zoning Ordinance ")the Ordinance). Unless the Rezoning Plan (including these Development standards establish more stringent standards, the regulations established under the Ordinance for the INST Zoning Classification shall govern development on the site.
   b. Except as otherwise expressly specified on the Rezoning Plan, site elements may be subject to alterations or modifications, during the design / development / construction phases, as long as the proposed improvements are in compliance with the accompanying Development Standards and Section 6.207 of the Ordinance.
   a. To the extent of any conflict between the matters contained in other areas of the Rezoning Plan and the matters set forth in the Development Standards, the more restrictive shall govern.

2. PERMITTED USES:
   a. The Petitioner’s intent for the site is to develop a vacant lot for a new child care facility. The daycare will accomodate 79 students in a 5600 SF (MAX) building.

3. TRANSPORTATION
   a. Two new two way traffic driveways.
   b. Covered bike parking and bike racks will be provided according to City of Charlotte requirements.

4. ARCHITECTURAL STANDARDS:
   b. The building will not exceed the required 40ft. height.
   c. Front of the building will be detailed with an entrance that will read as a primary entrance Building will be residential in character with a pitched roof (no less than 5:12), will not exceed two stories, windows will be of residential character, and there will be visible trim around windows, doors and cornices.

5. STREETSCAPE AND LANDSCAPING:
   a. To the extent possible, the Petitioner seeks to protect and preserve as many existing large mature trees on site - TREE SAVE COMMITMENTS - ATTEMPT TO KEEP 25% OF ALL TREE CANOPY IN SIDE YARD AND REAR YARD
   b. New Planting Strip as Required: 8’ Wide Planting Strip with 6’ Wide Sidewalk. Sidewalk to building from street.

6. ENVIRONMENTAL FEATURES:
   a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
   b. The Site will comply with Chapter 21 - The Tree Ordinance.

7. PARKS, GREENWAYS AND OPEN SPACE:
   a. The Petitioner shall dedicate 50’ Post Construction Buffer to Campbell Creek Greenway. 50’ BUFFER WILL BE DEDICATED TO MECKLEBURG COUNTY. Dedication will take place prior to CO of building.

8. FIRE PROTECTION:
   a. The Petitioner shall adhere to the requirements of the Charlotte Fire Department for this Development area. Drive widths shall comply with Fire Requirements. Hydrant - if required will be added.

9. SIGNAGE:
   a. All project signs, banners, flags and pennants for identification or decoration must conform to the Ordinance.

10. LIGHTING:
    a. All new lighting shall conform to the Ordinance.

11. PHASING:
    a. Development to be constructed in one phase.

SITE DEVELOPMENT DATA:
ACREAGE: 1.79 ACRES
TAX PARCEL ID: 10315109
EXISTING ZONING: R-3
PROPOSED ZONING: INST (CD)
EXISTING USES: UNDEVELOPED LOT
PROPOSED USES: CHILD CARE CENTER
BUILDING AREA: 5600 SF
OPEN SPACE: N/A

PARKING REQUIREMENTS:
1 SPACE PER EMPLOYEE
1 SPACE PER 10 CHILDREN
TOTAL OF 24 SPACES

NOTE TO REVIEWER:
REVISIONS TO CONDITIONAL NOTES USE REVISION MARKER TO IDENTIFY CORRECTIONS

REVISION DATE: JUNE 20, 2016
REVISION 7/21/16
ADDED NOTE TO THE FOLLOWING: ARCHITECTURAL STANDARDS
STREETS AND LANDSCAPE 5a
PARKS AND GREENWAYS 7a
Rezoning Petition: 2016-092 by Charlotte-Mecklenburg Housing Partnership, Inc.

Location: Approximately 5.63 acres including 2.707 acres located on the west side of Statesville Road between Cindy Lane and Cochrane Drive and approximately 2.925 acres located on the east side of Meadow Knoll Drive and the north side of Cindy Lane near where Cindy Lane passes over Interstate 77. (Council District 2 - Austin)

Current Zoning: R-4 (single family residential) and MX-1 INNOV (mixed use, innovative)

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

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

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

Statement of Consistency:
- The Zoning Committee found this petition to be consistent with the Northeast District Plan and inconsistent with the General Development Policies, based on information from the staff analysis and the public hearing, and because:
  - The proposed residential use is consistent with the Northeast District Plan;
  - However, the requested residential density of 11.66 units per acre is not supported by the General Development Policies.
- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The proposed request adds additional property to the O’Dillon Lakes residential development which was originally approved in 2015. The proposed rezoning will be the second phase of the development; and
  - The overall development will include up to 750 residential units. However, this rezoning will not increase the total number of units nor will it increase traffic or impacts on schools beyond what has already been entitled via approval of the 2015 rezoning; and
  - The petition expands the proposed O’Dillon Lakes development which will help to stabilize a once predominantly single family owner occupied neighborhood that is transitioning to a predominantly renter occupied /absentee owner neighborhood; and
  - The site is located within the Sunset/Beatties Ford Comprehensive Neighborhood Improvement Program (CNIP) Area, and this development complements the planned capital investments and supports the community enhancement goals for the area; and
  - The subject site will have access to recreation, natural area, lake, and open space areas within the larger O’Dillon Lakes community.
Agenda #: 11. File #: 15-3847 Type: Zoning Decision

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning: R-4 (single family residential) and MX-1 INNOV (mixed use, innovative)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION
Approximately 5.63 acres including 2.707 acres located on the west side of Statesville Road between Cindy Lane and Cochrane Drive and approximately 2.925 acres located on the east side of Meadow Knoll Drive and the north side of Cindy Lane near where Cindy Lane passes over Interstate 77.
(Council District 2 - Austin)

SUMMARY OF PETITION
The petition proposes to add undeveloped parcels to a previously approved residential development (O'Dillon Lakes - rezoning petition 2015-082), generally located east of Interstate 77 and north of Cindy Lane.

PROPERTY OWNER
Mark S. Butler and Susan Butler, et al

PETITIONER
Charlotte-Mecklenburg Housing Partnership, Inc.

AGENT/REPRESENTATIVE
Jeff Brown, Keith MacVean, and Bridget Dixon

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

STATEMENT OF CONSISTENCY
• The Zoning Committee found this petition to be consistent with the Northeast District Plan and inconsistent with the General Development Policies, based on information from the staff analysis and the public hearing, and because:
  • The proposed residential use is consistent with the Northeast District Plan;
  • However, the requested residential density of 11.66 units per acre is not supported by the General Development Policies.

• However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  • The proposed request adds additional property to the O’Dillon Lakes residential development which was originally approved in 2015. The proposed rezoning will be the second phase of the development; and
  • The overall development will include up to 750 residential units. However, this rezoning will not increase the total number of units nor will it increase traffic or impacts on schools beyond what has already been entitled via approval of the 2015 rezoning; and
  • The petition expands the proposed O’Dillon Lakes development which will help to stabilize a once predominantly single family owner occupied neighborhood that is transitioning to a predominantly renter occupied /absentee owner neighborhood; and
  • The site is located within the Sunset/Beatties Ford Comprehensive Neighborhood Improvement Program (CNIP) Area, and this development complements the planned capital investments and supports the community enhancement goals for the area; and
  • The subject site will have access to recreation, natural area, lake, and open space areas within the larger O’Dillon Lakes community;

By a 5-0 vote of the Zoning Committee (motion by Labovitz seconded by Eschert).
<table>
<thead>
<tr>
<th><strong>ZONING COMMITTEE ACTION</strong></th>
<th>The Zoning Committee voted 5-0 to recommend <strong>APPROVAL</strong> of this petition with the following modifications:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation</strong></td>
<td>1. The petitioner has added a note to Sheet RZ-01 that states &quot;For Development Areas E.1 and E.2, there will be no new site access to Cindy Lane&quot;.</td>
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<td>2. The petitioner has revised the site plan Conditional Note III.F. to read &quot;...on Sheet RZ-02&quot;.</td>
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<td>3. The petitioner has revised the site plan to add a conditional note on Sheet RZ-2 stating: &quot;All transportation improvements shall be completed and approved prior to the issuance of the first building’s certificate of occupancy.”</td>
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<td></td>
<td>4. The petitioner has revised the site plan by adding a note on Sheet RZ-01 identifying the extension of six-foot sidewalk along Cindy Lane as noted in III.H. Access and Pedestrian Circulation.</td>
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<tr>
<td></td>
<td>5. The petitioner has added language to Conditional Note III.a. that states &quot;Access to the Site will be from Statesville Road via a new access drive as depicted on the Site Plan, a new public street located on the southern edge of Development Area B.2, Meadow Knoll Drive and from the roads constructed as part of Rezoning Petition No. 2015-082 as generally depicted on the Rezoning Plan.”</td>
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<td></td>
<td>6. The petitioner committed to remove the driveway access to Statesville Road as depicted on Sheet RZ-01 and modify note on same sheet to prohibit this driveway access, or remove the note in its entirety.</td>
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<td><strong>Environment</strong></td>
<td>7. The petitioner has submitted wetland letters indicating that the criteria for wetlands were not identified at the site.</td>
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<tr>
<td><strong>Site and Building Design</strong></td>
<td>8. Petitioner has revised the site plan to note the proposed maximum development for parcels B.2, E.1, and E.2 is up to 270 residential units.</td>
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<td></td>
<td>9. The petitioner has amended Development Area B.2 acreage to read 2.707 acres, and acreage of Development Areas E.1 and E.2 has been amended to indicate 2.925 acres, totaling 5.63 acres.</td>
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</tbody>
</table>

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

| **ZONING COMMITTEE DISCUSSION** | Staff presented this item to the Committee, noting that the subject acreage will be part of a larger residential development known as O’Dillon Lakes (rezoning petition 2015-082), consisting of 750 residential units of various types. Staff stated that all outstanding issues were addressed by the petitioner, including removal of the driveway accessing Statesville Road. |
|                               | Staff also noted that this petition is consistent with the residential land use recommendation in the Northeast District Plan, but the density is not supported as per the General Development Policies. |
|                               | There was no discussion of this request. |

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

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- **Land Use**
  - The petition proposes an additional phase to O’Dillon Lakes residential community development that was approved via rezoning 2015-082 to allow the construction of 750 residential units of different types on approximately 64.33 acres.
  - Allows construction of up to 270 residential dwelling units in the three development areas (Development Areas B.2, E.1, and E.2) to be added to the previously approved O’Dillon Lakes development.
  - However, this petition will not increase the total number of units for the entire development over the previously approved 750 units.
  - **Development Area B.2:**
    - Consists of approximately 2.707 acres and is located on the west side of Statesville Road between Cindy Lane and Cochrane Drive.
    - Allows construction of up to 150 multi-family residential units.
  - **Development Areas E.1 and E.2:**
    - Consists of approximately 2.925 acres located on the west side of Meadow Knoll Drive and the north side of Cindy Lane near where Cindy Lane passes over Interstate 77.
    - Permits up to 120 dwelling units in Development Areas E.1 and E.2 that may include single family detached units/ lots, and/or attached dwelling units (duplex, triplex, quadraplex) and age-restricted multi-family units. The age restricted multi-family units may only be constructed on Development Area E.1 and may not exceed 110 units.

- **Transportation**

  Proposed Transportation Improvements to be made in conjunction with the development include:
  - Meadow Knoll Drive: Extend proposed roadway in Development Area E.1 to connect to Meadow Knoll Drive located within the Meadowhill neighborhood.
  - Statesville Road and Cochrane Drive/Arvin Drive: Install a crosswalk on the Cochrane Drive leg of the intersection.
  - Cindy Lane and Hutchinson McDonald Road/Proposed Access “A”:
    - Construct an eastbound left-turn lane on Cindy Lane.
    - Construct a westbound left-lane on Cindy Lane.
    - Construct a westbound right-turn lane on Cindy Lane.
    - Install a five-foot wide bike lane along the north side of Cindy Lane.
    - Construct proposed Access “A” with one entering lane and two exit lanes.
    - Modify, through remarking of the pavement, the leg of Hutchinson McDonald Road to include a northbound turn lane and a combined thru-right turn lane.
    - Install a crosswalk on the proposed Access “A” leg of the intersection.
  - Beatties Ford Road and Cindy Lane/Griers Grove Road: Install a crosswalk with pedestrian signal heads and pushbuttons on the north side of the intersection.
  - Cochrane Drive and Proposed Access “B”:
  - Statesville Road and Proposed Access “C”:

- **New streets constructed on the site will be public.**
- **Individual driveway connections to Cindy Lane will be prohibited.**
- **Extend six-foot sidewalk along Cindy Lane from the Site to the west to tie into existing sidewalk along the frontage of Tax Parcel 041-131-05.**
- **No new site access to Cindy Lane for Development Areas E.1 and E.2.**
- **Commitment that all transportation improvements to be completed and approved prior to the issuance of the first building’s certificate of occupancy.**
- **Construct a concrete pad for a bus passenger shelter along Statesville Road and Cindy Lane when development occurs along each roadway. Petitioner will coordinate the location of the pads with CATS during the land development approval process.**

- **Site and Building Design:**
  - **Limits building height for multi-family development to four stories; however, other dwelling types limited to three-story maximum.**
  - **Orients buildings in a way to enclose and define public space, open space and green space.**
  - **Provides commitments related to the treatment of ground floor elevations, materials for multi-family, architectural features such as porches, and façade treatments.**
• Prohibits parking or maneuvering for parking between the proposed buildings and abutting public streets (except Cindy Lane if reverse frontage is utilized).
• Prohibits the rear of proposed single family detached dwelling units from being oriented toward the proposed or existing public streets.
• Provides a 20-foot “Class C” Buffer with a six-foot fence along the western property boundary of Development Areas E.1 and E.2.
• Provides a 20-foot “Class C” Buffer where Development Area B.2 abuts an existing residential use.
• Limits detached lighting on the site to 21 feet.

• Public Plans and Policies
  • The Northeast District Plan (1996) recommends single family up to four dwelling units per acre, for the 2.707-acre site identified as Development Area B.2.
  • The Northeast District Plan (1996), as a result of a subsequent rezoning (petition 2000-162), recommends single family up to six dwelling units per acres, for the 2.925-acre site included in Development Areas E.1 and E.2.
  • The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition does not meet the General Development Policies locational criteria for consideration of up to 11.66 dwellings units per acre as illustrated in the table below.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category – up to 12 dua</th>
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</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>1 (Low)</td>
</tr>
<tr>
<td>Connectivity Analysis</td>
<td>1 (Low)</td>
</tr>
<tr>
<td>Road Network Evaluation</td>
<td>0 (No)</td>
</tr>
<tr>
<td>Design Guidelines</td>
<td>4 (Yes)</td>
</tr>
<tr>
<td>Other Opportunities or Constraints</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Minimum Points Needed:</strong></td>
<td><strong>Total Points:</strong> 9</td>
</tr>
</tbody>
</table>

• TRANSPORTATION CONSIDERATIONS
  • This petition is an expansion of the area of an approved rezoning but does not expand the entitled land uses or trip generation of the original rezoning.
  • Existing Use: 270 trips per day (based on four single family dwelling units, a 3,600-square foot convenience store, and 3,182 square feet of warehouse uses);
  • Entitlement: 260 trips per day (based on 11 single family dwelling units and 20 townhome units).
  • Proposed Zoning: The number of trips per day will not be increased as the number of residential units will remain at 750 per rezoning petition 2015-082. The number of trips per day for the overall O’Dillon Lakes development is estimated at 5,600 trips per approved rezoning petition 2015-082 and the current rezoning.

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: The developer must comply with the City’s Housing Policies if seeking public funding for this project.
• Charlotte Fire Department: No issues.
• Charlotte-Mecklenburg Schools: There will be no increase in students since the total number of units was taken into account with the previous rezoning (rezoning petition 2015-082).
• Charlotte-Mecklenburg Storm Water Services: Flooding and surface water quality impacts associated with impervious surfaces on this site are being addressed through compliance with the Post-Construction Stormwater Ordinance. Compliance may include installing devices that hold and slowly release runoff over time to reduce flooding potential, devices that filter pollutants from runoff before release to streams, preservation of vegetated stream buffer zones, preservation of upland trees and forested areas, or paying a mitigation fee in-lieu-of onsite stormwater control devices.
• Charlotte Water: No issues.
• Engineering and Property Management: No issues.
• **Mecklenburg County Land Use and Environmental Services Agency:** Development of this site may require submission of an asbestos Notification of Demolition and Renovation to Mecklenburg County Air Quality due to possible demolition or relocation of an existing structure.

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

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

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

**Planner:** Claire Lyte-Graham (704) 336-3782
Petition #: 2016-092

Acreage & Location: Approximately 5.83 acres located on the east side of Meadow Knoll Drive near the intersection of Juniper Drive and Meadow Knoll Drive. Additionally, located on the west side of Statesville Road between Cochrane Drive and Oakwood Drive.
Petition #: 2016-092
Petitioner: Charlotte-Mecklenburg Housing Partnership, Inc.

Zoning Classification (Existing): R-4 & MX-1(INNOV)
(Single Family, Residential & Mixed Use, Innovative)

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

Acreage & Location: 
Requested UR-2(CD) from R-4: Approximately 2.7 acres located on the west side of Statesville Road between Cindy Lane and Cochrane Drive.
Requested UR-2(CD) from MX-1(INNOV): Approximately 2.9 acres located on the east side of Meadow Knoll Drive and the north side of Cindy Lane near where Cindy Lane passes over Interstate 77.
The figure on Sheet RZ-02 is to be used in conjunction with the following notes to determine the extent of the proposed improvements as set forth in the provisions of this Ordinance. In the event of any conflict between the notes and the figure, the notes will control. The figure is to be treated as an illustration only, and shall not be construed as a standard for construction.

**Proposed Access “A”**

1. Installation of a crosswalk at the intersection with pedestrian signal heads and pushbuttons on the north side of the intersection.
2. Installation of a crosswalk on the proposed Access “A” leg of the intersection.
3. Construction of proposed Access “A” with one entering lane and two exit lanes (a lane that terminates as a left turn lane and a lane that continues through to an intersecting street). These improvements shall not require any roadway widening (wide pavement throat at Cindy Lane).
4. Construction of a 20-foot side/rear yard along the southern edge of Development Area E.1 as generally depicted on the Rezoning Plan.
5. Construction of a 20-foot side/rear yard along the southern edge of Development Area E.2 as generally depicted on the Rezoning Plan.
6. Construction of a 6-foot sidewalk on the north side of the Site, to be completed and approved prior to the issuance of a building permit for any of the units to be constructed on the parcels that make up the Petition.

**Existing Zoning:**

R-4 and MX-1 (Innovative)

**UR-2 (CD)**

**Acreage:**

5.632 acres

**Proposed Uses:**

Multi-family residential

**Maximum Building Height:**

5 stories

**Parking:**

10 spaces

**Additional Street Improvements:**

1. Street lighting and final site plan for the development
2. Additional street improvements may be undertaken by the Petitioner on its own or in conjunction with other public or private entities.

**General Provisions:**

The Petitioner may only be constructed on Development Area E.1. Of the allowed units up to 110 age-restricted multi-family units may use a variety of building materials. The primary buildings used for multi-family residential uses constructed on the Site may use a variety of building materials.

**Environmental Impacts:**

Changes to the above-mentioned required improvements may be approved through the Administrative  Adjustment process upon the determination and mutual agreement of the Petitioner and ODOT, as set forth in Section 6.207 of the Ordinance. These changes may include, but are not limited to, changes in the number of units, the number and location of access points, the number of required off-street parking places, the number of required off-street loading spaces, the number of required off-street vehicular access points, and the number of required off-street pedestrian access points.

**Construction Standards:**

1. 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 herein. These changes may include, but are not limited to, changes in the number and location of access points, the number of required off-street parking places, the number of required off-street loading spaces, the number of required off-street vehicular access points, and the number of required off-street pedestrian access points.

2. Building and site improvements may be undertaken by the Petitioner on its own or in conjunction with other public or private entities.

3. The principal buildings used for multi-family residential uses constructed on the Site may only use materials such as brick, stucco or stone.

4. The Petitioner shall comply with the Charlotte City Council approved and adopted Public Design Controls Ordinance. The Petitioner may undertake a minimum of a 60 day period and up to a maximum of 90 days to undertake any off-site land development improvements in the future.

5. Building and site improvements may be undertaken by the Petitioner on its own or in conjunction with other public or private entities.

6. The front yards and exterior landscape elements only.

7. Landscape elements only.
Rezoning Petition: 2016-094 by The Berry Company, LLC

Location: Approximately 0.82 acres located on the east side of Johnston Road between Pineville-Matthews Road and Walsh Boulevard. (Council District 6 - Smith)

Current Zoning: O-1 (office)
Proposed Zoning: MUDD-O (mixed use development, optional)

Zoning Committee Recommendation:
The Zoning Committee voted 5-1 to recommend APPROVAL of this petition as modified.

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

Statement of Consistency:
- 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 office uses for the site.

- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The subject site fronts Johnston Road with a large, multi-story parking garage on the property adjacent and to the rear of the site; and
  - The proposed use is compatible with the surrounding uses both from a land use and design perspective; and
  - The proposed multi-level storage building will be designed to resemble an office building and will help screen the view of the exposed parking deck behind it; and
  - The ground floor active uses and 4,000-square foot urban open space will provide an active streetscape along Johnston Road; and
  - The request enhances the pedestrian environment by removing back-of-curb sidewalk and replacing it with an eight-foot sidewalk and eight-foot planting strip.

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

- **Current Zoning:** O-1 (office)
- **Proposed Zoning:** MUDD-O (mixed use development, optional)

**LOCATION**

- Approximately 0.82 acres located on the east side of Johnston Road between Pineville-Matthews Road and Walsh Boulevard.
  - (Council District 6 - Smith)

**SUMMARY OF PETITION**

The petition proposes to allow the redevelopment of a parcel north of NC Highway 51 for a climate controlled storage facility with ground floor office and leasable space.

**PROPERTY OWNER**

- Joon M. & Lenora Nam

**PETITIONER**

- The Berry Company, LLC

**AGENT/REPRESENTATIVE**

- Tony Berry

**COMMUNITY MEETING**

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

**STATEMENT OF CONSISTENCY**

- 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 office uses for the site.
  - However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The subject site fronts Johnston Road with a large, multi-story parking garage on the property adjacent and to the rear of the site; and
  - The proposed use is compatible with the surrounding uses both from a land use and design perspective; and
  - The proposed multi-level storage building will be designed to resemble an office building and will help screen the view of the exposed parking deck behind it; and
  - The ground floor active uses and 4,000-square foot urban open space will provide an active streetscape along Johnston Road; and
  - The request enhances the pedestrian environment by removing back-of-curb sidewalk and replacing it with an eight-foot sidewalk and eight-foot planting strip;

By a 5-1 vote of the Zoning Committee (motion by Labovitz seconded by Majeed).

**ZONING COMMITTEE ACTION**

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

  **Site and Building Design**
  
  1. Amended the Development Data Table to change the maximum building height to read "Up to 65 feet."
  2. Ensured that parking provided accounts for 4,000 square feet of leasable space at a rate of 1 space per 600 square feet.
  3. Amended the elevations to meet Zoning Ordinance Sections 9.8503(e) (i) and (ii) related to percentage of glass and expanses of blank walls.
  4. Added a black and white graphic illustrating street frontage glazing area for compliance with MUDD standards.

  **Transportation**
  
  5. Provided a new waiting pad for the existing bus stop on Johnston Road according to CATS standard detail 60.01B.
  6. Revised the site plan to show right-of-way dedication two feet behind the back of sidewalk or at the back of sidewalk where
the building is located at the back of the walkway.

**Requested Technical Revisions**

7. Labeled the building setback on the site plan.
8. Changed the requested zoning from MUDD (CD) to MUDD-O, and submitted an amended application not requesting five-year vested rights.
9. Amended the Proposed Uses in the “Development Data Table” and Note 2 under “Permitted Uses” to include the proposed self-storage use, office associated with the storage facility and the uses allowed in the leasable space, which are retail, office, and eating/drinking/entertainment establishments.
10. Deleted “Maximum Development” from the “Development Data Table” and amended Note 3 for “Maximum Development” to reflect a minimum of 4,000 square feet of retail, eating/drinking/ entertainment establishments, and/or office not related to the storage facility; 1,000 square feet maximum for the office associated with the storage facility; and 100,000 maximum for the storage facility for a total of 105,000 square feet.
11. Deleted parking from the “Development Data Table” and deleted Note 8 related to parking because the minimum Zoning Ordinance standard will be used.
12. Amended “Optional Provision” Note 9 to specify a minimum percentage of 50% active space to be provided along the front elevation due to end conditions of the building on the first level due to the drive aisles that serve the under-building parking.
13. Deleted the black/white elevation and moved the building material labels to the renderings on Sheet RZ-2.

**VOTE**

Motion/Second: Spencer / Watkins
Yees: Labovitz, Lathrop, Majeed, Spencer, and Watkins
Nays: Wiggins
Absent: Eschert
Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted the changes since the hearing. The petition is inconsistent with the adopted area plan recommendation, but staff feels the petition is appropriate and recommended approval.

A Commission member stated they were opposed because there are other storage facilities in the area and the site could be used for something else. Another Commissioner asked if there was any opposition. Staff responded there was no opposition.

**MINORITY OPINION**

The neighborhood already has too many self-storage facilities and the proposal is inconsistent with the adopted plan.

**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](http://www.rezoning.org))*

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows a 100,000-square foot storage facility, 1,000-square foot office and 4,000 square feet of leasable space for a total 105,000-square foot building.
  - Limits the height to 65 feet.
  - Provides 4,000 square feet of urban open space between the building and Walsh Boulevard.
  - Proposes a minimum 24-foot setback from the future back of curb with a planting strip and eight-foot sidewalk along Johnston Road and provides an eight-foot planting strip and sidewalk along Walsh Boulevard.
  - Access is provided from Johnston Road via two driveways as depicted on the site plan.
• Provides conceptual building elevations and specifies building materials as a combination of brick, stucco, synthetic stucco, decorative metal panel and glass.
• Requests the following optional provisions:
  • Allow wall signage up to 200 square feet or 10% of street facing elevation whichever is less.
  • Allow a minimum of 50% active space along the ground floor, front elevation because of the drive aisles that serve the under-building parking.

• Public Plans and Policies
  • The South District Plan (1993) recommends office use, with specific language for the NC Highway 51 Corridor concerning traffic congestion: "In general, rezonings for low intensity multi-family and office development should be approved instead of retail development, which will generate significantly more trips than the other uses..."

• TRANSPORTATION CONSIDERATIONS
  • This site is located in a Mixed Use Activity Center at the unsignalized intersection of a major thoroughfare and a local street. The current site plan replaces existing, narrow back of curb sidewalk with wider, buffered sidewalk.
  • Vehicle Trip Generation:
    Current Zoning:
    Existing Uses: 180 trips per day (based on 5,490-square foot fitness club).
    Entitlements: 200 trips per day (based on 8,200 square feet of office use).
    Proposed Zoning: 1,130 trips per day (based on 1,000-square foot office, 4,000-square foot retail use and 100,000-square foot storage facility).

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Charlotte Fire Department: No issues.
• Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte Water: In relation to the parcel under review, Charlotte Water has water system availability for the rezoning boundary via existing eight-inch water distribution mains located along Johnston Road and Walsh Boulevard. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along Johnston Road and Walsh Boulevard.
• Engineering and Property Management: No issues.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.

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

Planner: John Kinley  (704) 336-8311
**Acreage & Location:** Approximately 1.53 acres located on the northeast corner at the intersection of The Plaza and Herrin Avenue.
Petition #: 2016-094
Petitioner: The Berry Company, LLC

Zoning Classification (Existing): O-1
  (Office District)

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

Acreage & Location: Approximately 0.82 acres located on the east side of Johnston Road between Pineville-Matthews Road and Walsh Boulevard.
Agenda #: 13. File #: 15-3849 Type: Zoning Decision

Rezoning Petition: 2016-102 by The Olde Mecklenburg Brewery, LLC

Location: Approximately 9.52 acres located on the east side of South Tryon Street between Yancey Road and East Peterson Drive. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)
Proposed Zoning: I-2 (TS-O) (general industrial, transit supportive, optional)

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

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

Statement of Consistency:
- The Zoning Committee found this petition to be consistent with the Scaleybark Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends low to moderate intensity office, industrial and warehouse-distribution uses.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The site is located within a ½ mile walk of the Scaleybark Transit Station on the LYNX Blue Line; and
    - However, the Scaleybark Transit Station Area Plan did not identify the area in which the site is located as a location for transit supportive development typically found in transit station areas; and
    - Instead the plan anticipated maintenance of the office, industrial and warehouse-distribution uses that were in place at the time of the plan development; and
    - Since the adoption of the plan, the area in which the site is located has begun to transition from office, industrial, and warehouse-distribution uses to eating/drinking/entertainment establishments and retail uses; and
    - The proposal will continue to use two buildings for manufacturing and office and will add a new building for manufacturing, consistent with the area plan; and
    - The site also will be enhanced by adding a new biergarten to the existing eating/drinking/entertainment use, which is part of the evolving entertainment district located near the Scaleybark Station; and
    - As a result of the rezoning, the development will provide sidewalk and buffers which will improve both safety and the pedestrian experience.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning: I-2 (general industrial)
Proposed Zoning: I-2 (TS-O) (general industrial, transit supportive, optional)

LOCATION
Approximately 9.52 acres located on the east side of South Tryon Street between Yancey Road and East Peterson Drive.
(Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to allow the expansion of the existing uses associated with the Olde Mecklenburg Brewery which is located near the Scaleybark Station on the LYNX Blue Line.

PROPERTY OWNER
MACA Properties LLC
OMB Property Holdings LLC

PETITIONER
The Olde Mecklenburg Brewery LLC

AGENT/REPRESENTATIVE
Jeff Brown, Keith MacVean and Bridget Dixon; Moore & Van Allen, PLLC

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

STATEMENT OF CONSISTENCY
- The Zoning Committee found this petition to be consistent with the Scaleybark Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends low to moderate intensity office, industrial and warehouse-distribution uses.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The site is located within a ½ mile walk of the Scaleybark Transit Station on the LYNX Blue Line; and
    - However, the Scaleybark Transit Station Area Plan did not identify the area in which the site is located as a location for transit supportive development typically found in transit station areas; and
    - Instead the plan anticipated maintenance of the office, industrial and warehouse-distribution uses that were in place at the time of the plan development; and
    - Since the adoption of the plan, the area in which the site is located has begun to transition from office, industrial, and warehouse-distribution uses to eating/drinking/entertainment establishments and retail uses; and
    - The proposal will continue to use two buildings for manufacturing and office and will add a new building for manufacturing, consistent with the area plan; and
    - The site also will be enhanced by adding a new biergarten to the existing eating/drinking/entertainment use, which is part of the evolving entertainment district located near the Scaleybark Station; and
    - As a result of the rezoning, the development will provide sidewalk and buffers which will improve both safety and the pedestrian experience;

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

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

Site and Building Design
1. A protected pedestrian zone to allow safe access to the building and parking area has been shown on the site plan.
2. The proposed setback and cross-section along South Tryon Street has been shown on the plan.
3. Optional Request ‘I’ has been modified to allow the site to have a minimum Floor Area Ratio of 0.16.

Infrastructure
4. A note has been added to the site plan that the future building will not preclude the ability for a future driveway connection through the site from South Tryon Street.
5. The site plan has been revised to show the future back of curb on South Tryon Street is 38 feet from the centerline of the roadway. The 16-foot setback has been show and labelled on the plan from the future back of curb.

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

ZONING COMMITTEE DISCUSSION
Staff noted that that this is a conditional request and all the outstanding issues had been addressed. Staff also stated that this petition is consistent with the Scaleybark Transit Station Area Plan. There was no further discussion of this petition.

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

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

PLANNING STAFF REVIEW
• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Expansion of the existing brewery, eating/drinking/entertainment establishment and office uses.
  • Retention of the existing 29,083-square foot building and 37,704-square foot building.
  • Proposes a 52,200-square foot outdoor dining/open gathering space (“Biergarten”) that will connect to the existing 29,083-square foot building.
  • Proposes a 13,400-square foot future manufacturing/office building that will face South Tryon Street.
  • Provides primary access from Yancey Road with service access from South Tryon Street.
  • Provides a 16-foot setback as measured from the future back-of-curb along Yancey Road and South Tryon Street.
  • Provides an eight-foot sidewalk at the back of existing curb along Yancey Street. The existing sidewalk on South Tryon Street will remain in its current form until such time driveway access is utilized and the future building is developed. At such time an eight-foot planting strip and six-foot sidewalk will be provided.
  • Provide a protected pedestrian zone to allow safe access to the building.
  • Provides a “Class C” buffer along northern property line along abutting parcels zoned R-8 (single family residential) and O-2 (office).
  • The ability to install a future driveway connection through the site from South Tryon Street.
  • Limits height of freestanding lighting to 21 feet.
  • Requests the following optional provisions:
    • Allow an eight-foot sidewalk at back of existing curb on Yancey Street.
    • Allow new street trees to be provided behind the sidewalk on parcel 149-03-211.
    • Allow indoor eating/drinking/entertainment establishment uses to park at a ratio of 1:150 compared to the required 1 space per 75 square feet.
    • Allow outdoor eating/drinking/entertainment establishment uses to park at a ratio of 1:600 compared to the required 1 space per 150 square feet.
    • Allow brewery uses to exceed 15,000 square feet.
    • Allow the existing parking and maneuvering areas located between the existing building and the streets to remain.
    • Allow the existing building to not have to meet the street wall requirements of the TS (transit supportive) zoning district which require 25 percent clear vision glass, blank walls no more than 20 feet, and requirements for variations in roof line adjacent to single family.
• Allow the existing sidewalk and planting strip on South Tryon Street to remain in its current form until such time that driveway access from South Tryon Street is utilized and the future building is constructed.
• Allow the minimum floor area ratio of the buildings to be 0.16 square feet of floor area to one square foot of the development site.

Public Plans and Policies
• The Scaleybark Transit Station Area Plan (2008) recommends the continuation of low to moderate intensity office, industrial, and warehouse-distribution uses.
• The cross section recommended for Yancey Road and South Tryon Street requires a 24-foot setback with an eight-foot planting strip, eight-foot amenity zone and eight-foot sidewalk.
• The plan also recommends extending Southside Drive from Yancey Road to South Tryon Street.

TRANSPORTATION CONSIDERATIONS
This site is located on a major collector with a rear border to a major thoroughfare. The current site plan includes sidewalk along Yancey Road that improves the pedestrian environment. CDOT is concerned with the conflict between the future building on the South Tryon side of the property and the future street connection from Yancey Road to Orchard Circle as identified in the Scaleybark Transit Station Area Plan.

Vehicle Trip Generation:
Current Zoning: 2,710 trips per day (based on 46,787 square feet of warehouse/brewery uses, 20,000 square feet of restaurant uses, and 52,200 square feet of beverage, food, entertainment uses).
Proposed Zoning: 2,800 trips per day (based on 58,847 square feet of warehouse/brewery, 20,000 square feet of restaurant uses, and 52,200 square feet of beverage, food, entertainment uses and 1,340 square feet of office uses).

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System:  No issues.
• Charlotte Department of Neighborhood & Business Services:  No issues.
• Charlotte Fire Department:  No issues.
• Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
• Charlotte-Mecklenburg Storm Water Services:  No issues.
• Charlotte Water: Charlotte Water has water system availability for the rezoning boundary via existing eight-inch water distribution mains located on South Tryon Street and Yancey Road and sewer system availability through an existing eight-inch gravity sewer main located along South Tryon Street and Yancey Road.
• Engineering and Property Management:  The development of site shall comply with the requirements of the City of Charlotte Tree Ordinance.
• Mecklenburg County Land Use and Environmental Services Agency:  No issues.
• Mecklenburg County Parks and Recreation Department:  No issues.

OUTSTANDING ISSUES
1. New site access on Tryon shall be constructed in direct alignment within Orchard Circle (north) to create the fourth leg of this unsignalized intersection. This segment shall be 200’ length (minimum) with a public street cross section and public access easement. A driveway connection to this fourth leg segment may be made to create vehicular access to the proposed Future Manufacturing Office Building if needed. In no case shall the proposed Future Manufacturing Office Building be in conflict with or at the terminus of this fourth leg segment.

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

Planner: Solomon Fortune  (704) 336-8326
Petition #: 2016-102

Acreage & Location: Approximately 6.32 acres located on the east side of South Tryon Street between Yancey Road and East Peterson Drive.

May 17, 2016
Petition #: 2016-102

Petitioner: The Olde Mecklenburg Brewery, LLC

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

Zoning Classification (Requested): I-2(CD)TS-O
(General Industrial, Conditional, Transit Supportive, Optional)

Acreage & Location: Approximately 9.52 acres located on the east side of South Tryon Street between Yancey Road and East Peterson Drive.
SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES FOR FUTURE PROPOSED EXPANSION, IT IS IMPORTANT TO PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE REZONING PLAN. THE PLAN PROVIDES FOR THE ACTUALITY OF THE BUILDING TO NOT HAVE TO MEET THE STREET WALL REQUIREMENTS OF THE TS-ZONING DISTRICT, TO ALLOW BREWERY USES TO EXCEED 15,000 SQUARE FEET, TO ALLOW THE EXISTING BUILDING TO NOT HAVE TO MEET THE STREET WALL REQUIREMENTS OF THE TS-ZONING DISTRICT, AND TO ALLOW THE FLOOR AREA RATIO OF THE BUILDINGS TO BE .16 FROM BOTH SOUTHSIDE DRIVE AND ORCHARD CIRCLE. THE PETITIONER WILL CREATE THE FUNCTIONAL DRIVEWAY CONNECTION THROUGH THE SITE UPON DEVELOPMENT OF THE FUTURE MANUFACTURING/OFFICE BUILDING.

### General Provisions

1. **Amendments to the Rezoning Plan:**
   - A 5' PLANTING AREA WITH EVERGREEN SHRUBS SHALL BE PROVIDED BEHIND THE SETBACK TO SCREEN THE PARKING BETWEEN THE BUILDING AND THE STREET ON PARCEL 149-032-01 AS GENERALLY DEPICTED ON SHEET RZ-1.

2. **Existing Princial Buildings and Proposed New Buildings:**
   - The existing principal buildings and proposed new buildings constructed on the site may be developed with brewery, office, manufacturing and other uses as permitted by right, under prescribed conditions and for the optional provisions above together with accessory uses allowed in the TS OVERLAY ZONING DISTRICT (All as more specifically described and restricted).

3. **Primary Access to the Site:**
   - PRIMARY ACCESS TO THE SITE WILL BE FROM YANCEY ROAD WITH SERVICE ACCESS FROM TRYON STREET AS GENERALLY DEPICTED ON THE REZONING PLAN, SUBJECT TO ADJUSTMENTS AS SET FORTH BELOW.

4. **Number of Buildings Principal and Accessory:**
   - The total number of principal buildings to be developed on the site will be limited to three (3) offices and structures located on site. The total number of buildings on the site shall not be considered in any calculation of the number of buildings permitted on the site. Accessory buildings and structures will be considered under similar building regulations. As provided.

5. **Building Height as Permitted by Ordinance:**
   - Existing buildings and structures shall not be considered in any calculation of the number of buildings permitted on the site. Accessory buildings and structures will be considered under similar regulations.

### Zoning Districts/Ordinance

<table>
<thead>
<tr>
<th>Zoning Districts/Ordinance</th>
<th>Number of Buildings Principal and Accessory</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-2</td>
<td>3</td>
</tr>
<tr>
<td>M-1</td>
<td>2</td>
</tr>
<tr>
<td>O-1</td>
<td>50</td>
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<tr>
<td>T-1</td>
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<td>9,52</td>
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<td>2,500</td>
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<td>500</td>
</tr>
<tr>
<td>R-2</td>
<td>500</td>
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</tbody>
</table>

### Development Standards

- **Environmental Features:**
  - The existing principal buildings and proposed new buildings constructed on the site may be developed with brewery, office, manufacturing and other uses as permitted by right, under prescribed conditions and for the optional provisions above together with accessory uses allowed in the TS OVERLAY ZONING DISTRICT (All as more specifically described and restricted).

- **Existing Princial Buildings and Proposed New Buildings:**
  - The existing principal buildings and proposed new buildings constructed on the site may be developed with brewery, office, manufacturing and other uses as permitted by right, under prescribed conditions and for the optional provisions above together with accessory uses allowed in the TS OVERLAY ZONING DISTRICT (All as more specifically described and restricted).

- **Primary Access to the Site:**
  - PRIMARY ACCESS TO THE SITE WILL BE FROM YANCEY ROAD WITH SERVICE ACCESS FROM TRYON STREET AS GENERALLY DEPICTED ON THE REZONING PLAN, SUBJECT TO ADJUSTMENTS AS SET FORTH BELOW.

- **Number of Buildings Principal and Accessory:**
  - The total number of principal buildings to be developed on the site will be limited to three (3). Accessory buildings and structures located on site shall not be considered in any calculation of the number of buildings permitted on the site. Accessory buildings and structures will be considered under similar building regulations.

- **Building Height as Permitted by Ordinance:**
  - Existing buildings and structures shall not be considered in any calculation of the number of buildings permitted on the site. Accessory buildings and structures will be considered under similar building regulations.

### Table: Existing Uses vs. Proposed Uses

<table>
<thead>
<tr>
<th>Existing Uses:</th>
<th>Proposed Uses:</th>
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</thead>
<tbody>
<tr>
<td>Brewery</td>
<td>Brewery</td>
</tr>
<tr>
<td>Office</td>
<td>Office</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>Manufacturing</td>
</tr>
<tr>
<td>Other Uses</td>
<td>Other Uses</td>
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</tbody>
</table>

### Table: Site Location

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<thead>
<tr>
<th>Site Location</th>
<th>Site Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4150 and 4210 YANCEY ROAD</td>
<td>CHARLOTTE, NC 28217</td>
</tr>
</tbody>
</table>

### Table: General Provisions

<table>
<thead>
<tr>
<th>General Provisions</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing buildings and structures shall not be considered in any calculation of the number of buildings permitted on the site. Accessory buildings and structures will be considered under similar building regulations.</td>
<td></td>
</tr>
</tbody>
</table>
Agenda #: 14. File #: 15-3850 Type: Zoning Decision

Rezoning Petition: 2016-103 by JRE Real Estate, LLC

Location: Approximately 3 acres located on the east side of Statesville Road between Reames Road and Metromont Parkway. (Council District 2 - Austin)

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

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

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

Statement of Consistency:
- The Zoning Committee found this petition to be consistent with the Northlake Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends industrial/warehouse/distribution land use.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The site is in a Growth Corridor as per the Centers, Corridors, and Wedges Growth Framework; and
    - The property is surrounded by existing industrial zoning and uses allowed in the industrial districts; and
    - The adopted plan recommends industrial future land uses for this site.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
REQUEST
Current Zoning: I-1 (light industrial)
Proposed Zoning: I-2 (general industrial)

LOCATION
Approximately 3 acres located on the east side of Statesville Road between Reames Road and Metromont Parkway.
(Council District 2 - Austin)

SUMMARY OF PETITION
The petition proposes to allow all uses permitted in the I-2 (general industrial) zoning district on a portion of a vacant parcel generally surrounded by acreage zoned I-2 (general industrial). The site is generally surrounded by a mix of warehouse, hotel and commercial uses and is located east of Northlake Mall, Interstate 77 and north of West WT Harris Boulevard.

PROPERTY OWNER
Couchell Investment Company, LLC

PETITIONER
JRE Real Estate, LLC

AGENT/REPRESENTATIVE
Robertson & Associates, P.A.

COMMUNITY MEETING
Meeting is not required.

STATEMENT OF CONSISTENCY

- The Zoning Committee found this petition to be consistent with the Northlake Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends industrial/warehouse/distribution land use.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The site is in a Growth Corridor as per the Centers, Corridors, and Wedges Growth Framework; and
    - The property is surrounded by existing industrial zoning and uses allowed in the industrial districts; and
    - The adopted plan recommends industrial future land uses for this site;

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

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

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

ZONING COMMITTEE DISCUSSION
Staff presented this conventional rezoning request to the Committee. A Commissioner inquired about the reason for the rezoning. It was noted that the I-2 (general industrial) zoning district allows more intensive uses and allows for more outdoor storage.

Staff noted that this petition is consistent with the Northlake Area Plan. There was no further discussion of this request.

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

• Proposed Request Details
  • This is a conventional rezoning petition, which applies all the standards, regulations and uses in the I-2 (general industrial) zoning district. Uses that are allowed in the I-2 (general industrial) district that are not allowed in the I-1 (light industrial) district include: airports; heliports and heliports, unlimited; power generation plants; railroad freight yards, repair shops and marshalling yards; theatres, drive-in motion picture; truck stops; truck terminals; utility operations centers; and warehousing. The I-2 (general industrial) district allows less square footage than I-1 (light industrial) for the following uses: financial institutions; offices; retail establishments, shopping centers, business, personal and recreational services; and government buildings.

• Public Plans and Policies
  • The Northlake Area Plan (2008) recommends industrial/warehouse/distribution land uses for this site and the surrounding area.

TRANSPORTATION CONSIDERATIONS

• The site is located along a major thoroughfare. This petition will not significantly increase the amount of traffic generated by the site and CDOT has no concerns with this petition at this time.

• Vehicle Trip Generation:
  Current Zoning:
  • Existing Uses: 0 trips per day (based on vacant property).
  • Entitlements: 100 trips per day (based on 28,800 square feet of warehouse uses).
  Proposed Zoning: 155 trips per day (based on 43,200 square feet of warehouse uses).

DEPARTMENT COMMENTS (see full department reports online)

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

OUTSTANDING ISSUES

• None.

Attachments Online at www.rezoning.org

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

Planner: Claire Lyte-Graham (704) 336-3782
Petition #: 2016-103

Acreage & Location: Approximately 6.32 acres located on the east side of South Tryon Street between Yancey Road and East Peterson Drive.

Rezoning Petition: 2016-103

Vicinity Map

Charlotte City Limits

FEMA flood plain
Watershed
Lakes and Ponds
Creeks and Streams

Charlotte City Limits

May 17, 2016
Petition #: 2016-103
Petitioner: JRE Real Estate, LLC

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

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

Acreage & Location: Approximately 3 acres located on the east side of Statesville Road between Reames Road and Metromont Parkway.
Rezoning Petition: 2016-105 by Charlotte-Mecklenburg Planning Department

Location: Approximately 0.08 acres located on the south side of Baxter Street between Queens Road and Eli Street. (Council District 1 - Kinsey)

Current Zoning: R-6 (single family residential)
Proposed Zoning: R-22MF (multi-family residential)

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

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

Statement of Consistency:
- The Zoning Committee found this petition to be consistent with the Midtown, Morehead, Cherry Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential uses at a density up to 22 units per acre.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The subject 0.08-acre site is part of a larger 0.47-acre tax parcel; and
    - The remainder of the tax parcel is currently zoned R-22MF; and
    - Due to the small size of the subject site, it cannot be developed under the R-6 (single family residential) zoning; and
    - The proposed rezoning will result in the entire 0.47-acre tax parcel being zoned R-22MF (multi-family residential); and
    - With the exception of the R-6 (single family residential) zoned property directly to the west, the subject site is surrounded by properties on Queens Road and Baxter Street zoned for multi-family development; and
    - The request is consistent with the residential land use and density recommended by the recently adopted area plan.

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
REQUEST
Current Zoning: R-6 (single family residential)
Proposed Zoning: R-22MF (multi-family residential)

LOCATION
Approximately 0.08 acres located on the south side of Baxter Street between Queens Road and Eli Street.
(Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to allow all uses permitted in the R-22MF (multi-family residential) district for a site in the Cherry neighborhood.

PROPERTY OWNER
Nicholas Markos Kontos

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
N/A

COMMUNITY MEETING
Meeting is not required.

STATEMENT OF CONSISTENCY
• The Zoning Committee found this petition to be consistent with the Midtown, Morehead, Cherry Area Plan, based on information from the staff analysis and the public hearing, and because:
  • The plan recommends residential uses at a density up to 22 units per acre.
  • Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    • The subject 0.08-acre site is part of a larger 0.47-acre tax parcel; and
    • The remainder of the tax parcel is currently zoned R-22MF; and
    • Due to the small size of the subject site, it cannot be developed under the R-6 (single family residential) zoning; and
    • The proposed rezoning will result in the entire 0.47-acre tax parcel being zoned R-22MF (multi-family residential); and
    • With the exception of the R-6 (single family residential) zoned property directly to the west, the subject site is surrounded by properties on Queens Road and Baxter Street zoned for multi-family development; and
    • The request is consistent with the residential land use and density recommended by the recently adopted area plan;

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

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

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

ZONING COMMITTEE DISCUSSION
Staff noted that this was a conventional request with no associated site plan and that it will allow all uses in the ordinance for this district. Staff also stated that this petition is consistent with the Midtown, Morehead, Cherry Area Plan. There was no further discussion of this petition.

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

PLANNING STAFF REVIEW

- **Background**
  - The subject property was included in a 1993 corrective rezoning for the Central District Plan, under petition 1993-079B. That rezoning request was for a change from R-22MF (multi-family residential) to R-6 (single family residential). Prior to the public hearing, the property owner requested that staff remove this site from the rezoning since it was part of a larger property zoned R-22MF (multi-family residential). Staff agreed to remove the site from petition 1993-079B, but the site was inadvertently left in the petition and was subsequently rezoned from R-22MF (multi-family residential) to R-6 (single family residential). This petition will return the site’s zoning to the R-22MF (multi-family residential), consistent with staff’s earlier intent.

- **Proposed Request Details**
  - This is a conventional rezoning petition with no associated site plan. The R-22MF (multi-family residential) district is designed to protect and promote the development of multi-family housing and a limited number of public and institutional uses.

- **Public Plans and Policies**
  - The Midtown, Morehead, Cherry Area Plan (2012) recommends residential lands uses up to 22 dwelling units per acre.

- **TRANSPORTATION CONSIDERATIONS**
  - The site is between unsignalized intersections of a major thoroughfare and local streets. This petition will not significantly increase the amount of traffic generated by the site and CDOT has no concerns with this petition at this time.

  - **Vehicle Trip Generation:**
    - **Current Zoning:**
      - Existing Uses: 0 trips per day (based on vacant property).
      - Entitlement: 0 trips per day (based on 0 residential dwelling units due to size of property).
    - **Proposed Zoning:** 7 trips per day (based on 1 residential dwelling unit).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Charlotte Fire Department:** No on-street parking without 26-feet of clear width; see Charlotte Fire Department website for guidance.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along Queens Road and an existing eight-inch water distribution main located along Baxter Street. Sewer system availability for the rezoning boundary is via an existing 12-inch gravity sewer main located along Baxter Street and an existing eight-inch gravity sewer main located along Queens Road.
- **Engineering and Property Management:** No comments received.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

Attachments Online at www.rezoning.org

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

**Planner:** Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 0.08 acres located on the south side of Baxter Street between Queens Road and Eli Street.
Petition #: 2016-105
Petitioner: Charlotte-Mecklenburg Planning Department
Zoning Classification (Existing): R-6
(Single Family, Residential)
Zoning Classification (Requested): R-22MF
(Multi-Family Residential)

Acreage & Location: Approximately 0.08 acres located on the south side of Baxter Street between Queens Road and Eli Street.
Rezoning Petition: 2016-016 by Clarke Allen

Update: Petitioner requesting withdrawal of this petition.

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

Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-M (transit oriented development - mixed use) & TOD-M (O) (transit oriented development-mixed use, optional)
Petition #: 2016-016
Petitioner: Clarke Allen

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

Zoning Classification (Requested): TOD-M 5-Year Vested Rights & TOD-MO 5-Year Vested Rights (Transit Oriented Development, Mixed Use, Five Year Vested Rights and Transit Oriented Development, Mixed Use, Optional, Five Year Vested Rights)

Acreage & Location: Approximately 4.3 acres located on the northwest corner at the intersection of North Davidson Street and East 26th Street.
Rezoning Petition: 2016-097 by Simonini Saratoga Foxcroft, LLC

Update: Petitioner requesting deferral to (October 17, 2016)

Location: Approximately 6.32 acres located on the east side of Sharon Lane between Providence Road and Heathmoor Lane. (Council District 6 - Smith)

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

2016-097

For Simonini Saratoga Foxcroft, LLC located on the east side of Sharon Lane between Providence Road and Heathmoor Lane.

The petitioner has requested a deferral of this petition to October 17, 2016.
Rezoning Petition: 2016-087 by Haven Campus Communities

Location: Approximately 6.83 acres located on the south side of University City Boulevard between Suther Road and John Kirk Drive. (Council District 4 - Phipps)

Current Zoning: R-3 (single family, residential); O-1(CD) (office, conditional) & INST (institutional)

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

Staff Recommendation:
Staff does not recommend approval of this petition in its current form.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
REQUEST
Current Zoning:  R-3 (single family residential), O-1(CD) (office, conditional), and INST (institutional)

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

LOCATION
Approximately 6.83 acres located on the south side of University City Boulevard between Suther Road and John Kirk Drive.
(Council District 4 - Phipps)

SUMMARY OF PETITION
This petition proposes to allow the redevelopment of a residential site, located directly across University City Boulevard from the campus of UNC Charlotte, with up to 349 multi-family residential dwelling units, at a density of 51 dwelling units per acre.

PROPERTY OWNER
College Station Associates, LLC; Cardinal Property Holdings, LLC; Sonya P. Moore, and Steve and Sarah Goodman

PETITIONER
Haven Campus Communities

AGENT/REPRESENTATIVE
Jeff Brown, Keith MacVean, Bridget Dixon, Moore & Van Allen, PLLC

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting:  17

STAFF RECOMMENDATION
Staff does not recommend approval of this petition in its current form.

Rationale for Recommendation
• The proposed density of 51 units per acre is over twice the density (22 units per acre) recommended by the University City Area Plan. The proposed density results in a single, massive building located along University City Boulevard.
• Although the site meets some of the specific guidance provided in the University City Area Plan, there are other guidelines that have not been met.
• The portion of the building that fronts University City Boulevard exceeds the typical block length of 600 feet recommended in the University City Area Plan by approximately 200 feet.
• The proposed new street that runs north to south should be relocated closer to existing Sandburg Avenue to create two smaller blocks, which would be more consistent with adopted policy. Failure to relocate the new street will negate an opportunity to improve the street network in the area. The first link of the improved street network has already been planned at Old Concord Road between Suther Road and John Kirk Drive via Petition 2016-050.
• The proposed building and site design do not adequately contribute to and activate the public realm along University City Boulevard. More specifically, the following issues need to be addressed:
  • The nonresidential portion of the building located at the corner of University City Boulevard and Suther Road should be more prominent and protrude more from the face of the building to break up the massive appearance.
  • The frontage along University City Boulevard lacks activation. There are few building entrances and they are not highly
visible and architecturally treated as prominent pedestrian entrances as called for in the area plan.

• While a courtyard has been provided on the University City Boulevard frontage, this important open space cannot be directly accessed from the building.
• The proposal does not commit to the 15-foot wide planting strip along University City Boulevard, as recommended in the University City Area Plan. This widened planting strip would help to separate the large building from the street.

PLANNING STAFF REVIEW

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • A maximum of 349 multi-family residential dwelling units, in one principal building, at a density of 51 dwelling units per acre.
  • Site Design and Building Standards:
    • Maximum residential building height limited to four and five stories along University City Boulevard, four stories along Suther Road and the proposed new public street, and three stories along Sandburg Avenue.
    • Building materials include a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits and handrails/railings.
    • The building at the corner of Suther Road and University City Boulevard will be designed to have active ground floor uses such as a leasing office, club house and other amenity areas.
    • A minimum 15-foot wide transition zone will be provided between the building face and the back of the sidewalk located along University City Boulevard, which may be used for enhanced landscaping. A five-foot wide transition zone will be provided along Suther Road and Sandburg Avenue when possible. Stairs and stoops may encroach into this transition zone.
    • Scale and massing of buildings longer than 150 feet along a street shall be minimized by using a combination of varied roof lines, building colors, horizontal and vertical variations, and/or architectural protrusion of six inches or greater to accentuate enclosed balconies.
    • The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in length. Such areas that cannot be treated principally with doors or windows will be treated with a combination of options such as a higher level of transparency on the ground floor, horizontal and vertical variations in wall planes, and/or architectural protrusion.
    • Residential building entrances shall be at or slightly above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances.
    • Building entrances will be provided a minimum of every 270 linear feet along the site’s frontage along University City Boulevard. A minimum of two entrances will be provided along the site’s frontage on Suther Road. Units with frontage on Sandburg Avenue will have individual entrances to Sandburg Avenue.
    • All building facades will incorporate windows, arches or other architectural details along with varying building materials, roof lines or building offsets.
    • The ground floor of the proposed building will not exceed five feet above the grade of the proposed sidewalks and the multi-use trail located along the adjoining public streets.
    • The ground floor of the building will be taller than or have the appearance of being taller than the upper floors through the use of architectural treatments and details.
  • Transportation Standards:
    • Access to the site provided from University City Boulevard, with a limited service fire access from Sandburg Avenue.
    • Petitioner shall provide for future access from the proposed parking deck to the future extension of Sandburg Avenue.
    • A crosswalk will be constructed at the intersection of the proposed public street and the proposed 10-foot multi-use trail subject to NCDOT approval.
    • Petitioner will widen Suther Road along the site’s frontage so it will be 24.5 feet from the existing center line.
    • Petitioner will widen Sandburg Avenue so the new curb line is located 17.5 feet from the existing centerline, in addition to providing a sidewalk and utility easement along the sites frontage.
    • A new north/south public street to be located along the east side of the subject property will be constructed to the standards of a residential wide cross section, with sidewalk along both sides and on-street parking.
    • Petitioner will construct required roadway improvements prior to the issuance of a certificate
of occupancy.
- A public courtyard will be provided along University City Boulevard, which will be improved with landscaping, hardscape elements, seating and lighting.
- A pad for a bus shelter will be provided along University City Boulevard.
- A 45-foot building setback from the existing or future back of curb along University City Boulevard will be provided.
- A building setback along Suther Road ranging from 16 feet at the intersection with University City Boulevard to 75 feet at the intersection with Sandburg Avenue will be provided. Building setback will be measured from the proposed back of curb.
- Along Sandburg Avenue a 16-foot setback measured from the future back of curb will be provided.
- A 16-foot setback along the proposed public street will be provided as measured from the proposed back of curb.
- On-street parking will be provided on Sandburg Avenue and the new public north/south street.
- Optional Provisions:
  - Allow a small surface parking area between the building and Suther Road, as shown on the site plan.

**Existing Zoning and Land Use**
- Petition 1996-24 rezoned 1.06 acres located on the south side of University City Boulevard and east of Suther Road to O-1(CD) (office, conditional) to allow reuse of the existing structure for 3,900 square feet of office use. The subject property is developed with single family homes, an office use and multi-family apartments that were allowed in INST (institutional) zoning via a special use permit granted in 1983.
- The University of North Carolina at Charlotte Campus is located across the street, on the north side of University City Boulevard.
- Properties to the east are zoned R-9MF(CD) (multi-family residential, conditional), R-12MF (multi-family residential), B-1(CD) (neighborhood business, conditional), and I-2 (general industrial), and developed with attached homes, condominiums, multi-family apartments, retail uses, and warehouses.
- South and west of the site exist single family homes, condominiums, multi-family apartments, retail, and a religious institution zoned R-3 (single family residential), INST (institutional), R-9MF(CD) (multi-family residential, conditional), R-17MF (multi-family residential), and MUDD-O (mixed use development, optional).
- See “Rezoning Map” for existing zoning in the area.

**Rezoning History in Area**
- Rezoning petition 2016-50 rezoned approximately 2.59 acres located on the west side of Old Concord Road between Suther Road and John Kirk Drive to UR-2(CD) (urban residential, conditional) to allow up to 26 duplex dwelling units in 13 buildings, at a density of 10 units per acre.
- Rezoning petition 2014-061 approved an INST(CD) SPA (institutional, conditional, site plan amendment) for approximately 10 acres owned by the Roman Catholic Diocese of Charlotte and located on the south side of Suther Road between Old Concord Road and Sandburg Avenue. The approval allows up to 70,888 square feet of building area through redevelopment of existing buildings, building additions and/or new buildings.
- Rezoning petition 2012-010 rezoned approximately 4.7 acres located on the south side of University City Boulevard between Mark Twain Road and Suther Road, in order to redevelop an existing apartment complex to allow 200 multi-family dwelling units and 5,000 square feet of ground floor commercial.

**Public Plans and Policies**
- The Northeast District Plan (1996) recommends residential land uses up to four units per acre for the subject parcels along Sandburg Avenue.
- The University City Area Plan (2015) recommends residential uses at up to 22 units per acre for the subject parcels along University City Boulevard.
- Additional guidance for the parcels subject to the University City Area Plan includes the following:
  - Limited retail development may be appropriate as part of new residential development to provide goods and services to the immediate neighborhood.
  - Buildings should be designed to avoid the appearance of having a long, continuous building wall and to break up visual mass and bulk.
  - Development adjacent to established neighborhoods should be no greater than four stories and may incrementally increase in height away from existing single family residential.
  - Development should be designed to promote pedestrian activity. Buildings should be
oriented to the street and located at or near the back of the sidewalk. Parking should be located behind buildings.

- Reduce the number of driveways along University City Boulevard by providing centralized access from a local street or through a series of cross access agreements or other innovative approaches.
- As development occurs construct a multi-use path along University City Boulevard.
- Provide multiple pedestrian and bicycle connections throughout developments, including direct sidewalk connections at intersections and convenient, safe access to UNC Charlotte.
- As new development occurs, provide open space that incorporates amenities such as plazas, courtyards, fountains, outdoor seating, and recreation areas. Encourage consolidation of open space.
- The adopted streetscape for University City Boulevard from North Tryon Street to Mallard Creek Church Road includes a 10-foot multi-use path, 15-foot planting strip, and a 45-foot setback.
- This area lies within a General Corridor, and therefore, most block lengths should not be greater than 600 feet.
- The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre, and are applicable to the portion of the site that fronts Sandburg Avenue which is proposed for a density of greater than 17 units per acre.

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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>Road Network Evaluation</td>
<td>0 – No</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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<tr>
<td><strong>Minimum Points Needed:</strong></td>
<td><strong>Total Points:</strong> 13</td>
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- **TRANSPORTATION CONSIDERATIONS**
  - The site is located on a major thoroughfare near a signalized intersection with a local street, directly across University City Boulevard from the UNC Charlotte campus. The current site plan provides bicycle and pedestrian facilities and accommodates street cross sections and associated rights-of-way to develop better local street connectivity. CDOT requests have been substantially resolved. However, the petitioner should revert back to the prior site plan depiction of a right-turn lane on Suther Road as a right-of-way reservation and not constructed with the initial project. The remaining outstanding issues are requests for pedestrian scale lighting on the multi-use path and improved access to the 800 plus space parking deck in the current site plan.
  - See Outstanding Issues, Notes 2 through 4.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 540 trips per day (based on five single family detached dwellings, 38 multi-family dwelling units, and a 1,647-square foot child care center).
      - Entitlement: 950 trips per day (based on four single family detached dwellings, a religious institution, and 3,900 square feet of office uses).
    - Proposed Zoning: 2,250 trips per day (based on 349 multi-family dwelling units).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** Site must comply with the City’s Housing Policies if seeking public funding.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate two students, while the development allowed under the proposed zoning could produce 128 students. Therefore, the potential net change in the number of students generated from existing zoning to proposed zoning is 126 students. The proposed development could increase the school utilization (without mobile classroom units) as follows:
  - Newell Elementary from 108% to 115%;
  - James Martin Middle from 87% to 89%; and
• **Vance High** from 116% to 118%.

• **Charlotte-Mecklenburg Storm Water Services:** No issues.

• **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing 20-inch and six-inch water distribution mains located along University City Boulevard. There is also system availability via an eight-inch water distribution main located along Suther Road and a four-inch water distribution main located along Sandburg Avenue. Sewer system is available for the rezoning boundary via an existing eight-inch gravity sewer main located in the southern area of the rezoning boundary and along Sandburg Avenue.

• **Engineering and Property Management:** No issues.

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

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

**OUTSTANDING ISSUES**

**Land Use**

1. The proposed residential density of 51 dwelling units per acre is inconsistent with the *University City Area Plan*, which recommends residential uses up to 22 dwelling units per acre for the portion of the site that fronts University City Boulevard. In addition, the portion of the site that fronts Sandburg Avenue does not meet the criteria set forth in the *General Development Policies* (GDP's) for an increase in density above 17 dwelling units per acre. Reduce the density, which is over twice what is recommended in the adopted area plan and GDP.

**Transportation**

2. The petitioner should revise the site plan to provide better access to the parking structure. CDOT recommends providing a two-way, 20-foot wide driveway aisle connection between the proposed parking deck and Sandburg Avenue or relocating the proposed public street to the other side of the parking structure and creating a local connection between Sandburg and University City Boulevard.

3. The petitioner needs to revise the site plan to provide pedestrian scale lighting around the site’s public sidewalk and multi-use path perimeter.

4. Petitioner should revise the site plan to remove the construction of the right-turn lane on Suther Avenue. Reservation of right-of-way for future construction, as shown on 3/28/16 site plan, is acceptable.

**Site and Building Design**

5. Reduce the 870-foot proposed block length to not exceed 600 feet by relocation of the proposed new street that runs north to south closer to existing Sandburg Avenue to create two smaller blocks, which would be more consistent with adopted policy. This future road network has already been established at Old Concord Road between Suther Road and John Kirk Drive via Petition 2016-50. The loss of this road negates an opportunity to set up a future road network in the area.

6. Provide an additional resident building entrance near the corner of Suther Road and University City Boulevard, provide an entrance from the building to the courtyard area along University City Boulevard, and provide an additional resident building entrance off the new public street, and off Sandburg Avenue. Amend Note 6H under “General Design Guidelines” to add that an entrance from Sandburg Avenue and the new street will be provided.

7. Add a note under “General Design Guidelines” that buildings more than three stories in height along Sandburg Avenue shall have a minimum 15-foot stepback above the third story.


9. Amend the illustrative elevation on Sheet RZ-3 reflecting the secondary entrance on University City Boulevard to add more architectural interest.

10. The nonresidential component fronting University City Boulevard should protrude 15 feet from the face of the building to break up massing.

11. Provide a 15-foot wide planting strip along University City Boulevard, and a 10-foot multi-use path that does not meander.

12. Increase the setback along Sandburg Avenue to 20 feet to allow a four-foot transition zone as shown on the rendering for that street.

13. Provide updated building elevations for the building face along University City Boulevard and enhance the entrances to make them more visible and prominent, as stated in the notes.

14. Ensure that the building elevations show the entire frontage along University City Boulevard, and not just parts of the elevation.
REQUESTED TECHNICAL REVISIONS

15. Remove Note 1e “Exclusions for calculations of maximum development levels” and use the ordinance definitions.
16. Amend Note 6D under “General Design Guidelines” to remove “when possible.”
17. Show and reflect the transition zones referenced in Note 6D under “General Design Guidelines.”
18. Amend Note 4(III)(D) under “Transportation Improvements and Access”, and Note 5A under “Streetscape, Buffer, Landscaping Open Space and Screening” to state that the building setback along University City Boulevard will be measured from the future back of curb. Identify the future curb line location on the site plan.

Attachments Online at www.rezoning.org

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

Planner: Sonja Strayhorn Sanders (704)-336-8327
Acreage & Location: Approximately 6.838 acres located on the south side of University City Boulevard between Suther Road and John Kirk Drive.

Rezoning Petition: 2016-087

May 17, 2016
Petition #: 2016-087
Petitioner: Haven Campus Communities

Zoning Classification (Existing): R-3, O-1(CD) & INST
(Single-Family, Residential; Office, Conditional; & Institutional)

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

Acreage & Location: Approximately 6.838 Acres located on the south side of University City Boulevard between Suther Road and John Kirk Drive.

Map Produced by the Charlotte-Mecklenburg Planning Department, 9-15-2016.

Requested MUDD-O from R-3
Requested MUDD-O from O-1(CD)
Requested MUDD-O from INST

Qr Code: Map Produced by the Charlotte-Mecklenburg Planning Department, 9-15-2016.
I. GENERAL

A. PRELIMINARY

1. LEGAL DESCRIPTION

   a. The legal description of the subject property shall be:

   b. The site shall include:

   c. The site shall be bounded by:

II. ZONING REQUIREMENTS

A. EXISTING ZONING

1. All development on the subject property shall be governed by the zoning regulations set forth in the City of Charlotte Zoning Ordinance. The existing zoning of the subject property is RZ-2 (University City Boulevard). The subject property shall be subject to all applicable zoning regulations, including but not limited to:

   a. SETBACKS

   b. BUILDING HEIGHTS

   c. YARDS

   d. PARKING

   e. UTILITIES

   f. SIGNAGE

   g. LANDSCAPE

   h. ROOFTOPS

B. OPTIONAL PROVISIONS

1. The petitioners may provide additional information regarding the development of the subject property. This additional information may include:

   a. SITE PLANNING

   b. ARCHITECTURE

   c. LANDSCAPING

   d. OPEN SPACE

   e. PARKING

   f. UTILITIES

   g. SIGNAGE

   h. ROOFTOPS

C. ASSEMBLING OF PROPERTY

1. The petitioners shall assemble the subject property as follows:

   a. Description of property

   b. Transfer of property

   c. Payment of property

   d. Recording of property

D. REAL PROPERTY TRANSFERS

1. The real property transfers shall be governed by the provisions of the City of Charlotte Zoning Ordinance. The real property transfers shall include:

   a. DESCRIPTION

   b. TRANSACTION

   c. RECORDING

E. BUILDING PERMITS

1. The building permits shall be obtained for the following:

   a. Construction

   b. Alterations

   c. Additions

F. ADDITIONAL REQUIREMENTS

1. The petitioners shall comply with all applicable city, county, and state laws, regulations, and codes. This includes:

   a. SAFETY

   b. HEALTH

   c. ENVIRONMENTAL

III. SITE DEVELOPMENT

A. GENERAL

1. The site development plan shall provide for:

   a. Site layout

   b. Building placement

   c. Parking

   d. Utilities

   e. Landscape

   f. Signage

   g. Roof

   h. Stormwater

IV. SITE IMPROVEMENTS

A. GENERAL

1. The site improvements shall include:

   a. SITE DEVELOPMENT

   b. ROADS

   c. UTILITIES

   d. LAYOUT

   e. UTILITIES

   f. OPEN SPACE

   g. LANDSCAPING

   h. PARKING

V. SITE ACCESS

A. GENERAL

1. The site access shall provide for:

   a. SITE DEVELOPMENT

   b. ROADS

   c. UTILITIES

   d. LAYOUT

   e. UTILITIES

   f. OPEN SPACE

   g. LANDSCAPING

   h. PARKING

VI. CONTRACTS AND OTHER PROVISIONS

A. CONTRACTS

1. The contracts shall include:

   a. SITE DEVELOPMENT

   b. ROADS

   c. UTILITIES

   d. LAYOUT

   e. UTILITIES

   f. OPEN SPACE

   g. LANDSCAPING

   h. PARKING

B. OTHER PROVISIONS

1. The other provisions shall include:

   a. SITE DEVELOPMENT

   b. ROADS

   c. UTILITIES

   d. LAYOUT

   e. UTILITIES

   f. OPEN SPACE

   g. LANDSCAPING

   h. PARKING

VII. CONCLUSION

A. GENERAL

1. The final site plan shall be approved by the City of Charlotte Planning Department. The site plan shall be submitted to the City of Charlotte Planning Department for approval. The site plan shall include:

   a. SITE DEVELOPMENT

   b. ROADS

   c. UTILITIES

   d. LAYOUT

   e. UTILITIES

   f. OPEN SPACE

   g. LANDSCAPING

   h. PARKING

B. SUMMARY

1. The site plan shall be summarily approved by the City of Charlotte Planning Department. The site plan shall be approved by the City of Charlotte Planning Department. The site plan shall include:

   a. SITE DEVELOPMENT

   b. ROADS

   c. UTILITIES

   d. LAYOUT

   e. UTILITIES

   f. OPEN SPACE

   g. LANDSCAPING

   h. PARKING

C. CONCLUSION

1. The final site plan shall be submitted to the City of Charlotte Planning Department for approval. The site plan shall be submitted to the City of Charlotte Planning Department for approval. The site plan shall include:

   a. SITE DEVELOPMENT

   b. ROADS

   c. UTILITIES

   d. LAYOUT

   e. UTILITIES

   f. OPEN SPACE

   g. LANDSCAPING

   h. PARKING
Previously Approved Site Plan
SITE DEVELOPMENT DATA:
- EXISTING ZONING: INSTITUTIONAL (INST.)
- PROPOSED ZONING: O-1 (CD)
- TOTAL ACRES: 1.06 ACRES
- EXISTING SQUARE FOOTAGE: 1,900 SF
- FUTURE SQUARE FOOTAGE: 400 SF
- MAXIMUM ALLOWED SQUARE FOOTAGE: 3,900 SF
- 0-1 YARD REQUIREMENTS:
  - 20' FRONT SETBACK
  - 10' SIDE YARD
  - 20' REAR YARD
- PROPOSED USE: OFFICE
- MINIMUM REQUIRED PARKING: 12 SPACES

GENERAL NOTES:
1. THE TRUE PURPOSE OF THIS REQUEST IS TO FORM THE ENLARGEMENT OF A,
   FOR A ZONED AND-INSTANCED EXPANSION SHARED WITH AN ADDITION TO THE
   EXISTING CHARACTER OF THE STRUCTURE WILL BE MAINTAINED.
2. PARKING WILL BE PROVIDE AS INDICATED BUT NO WIDTH WILL BE LESS
   THAN REQUIRED BY THE CITY OF CHARLOTTE ZONING ORDINANCE.
3. THE EXISTING PARKING CONFIGURATION MAY BE ALTERED FROM THAT DEPICTED
   ON THIS PLAN IN ORDER TO RETAIN THE EXISTING ROOM.
4. THE BUILDER MAY UTILIZE SMALL CYCLING TRAFFIC ON THE EXISTING BUILDING
   UTILIZING EXISTING REPAIRS AND SMALL REPAIRS UNDERWRITTEN. IF NECESSARY,
   TEMPORARY PLANTINGS WILL OCCUR IN ORDER TO WET-ORDINANCE.
5. PROVISIONS OF THE CHARLOTTE TREE ORDINANCE SHALL BE ADHERED TO, AS
   WELL AS SCREENING REQUIREMENTS AROUND THE PARKING LOT.
6. THE EXISTING GREENWAY LOCATION SHALL BE UTILIZED BUT WILL BE UPRIGHTED
   IN ACCORDANCE WITH CHARLOTTE AND AEC.GT. DEPARTMENT OF
   TRANSPORTATION STANDARDS.
7. PROPERTY INFORMATION WAS COMPILED ON COMPUTER FROM大陸 FLOYD
   DESC. THIS IS NOT A FIELD-DERIVED BOUNDARY SURVEY.
8. PARKING WILL BE MADE AVAILABLE FOR THE OFFICE BUILDING ONLY AND SHALL
   NOT BE MADE AVAILABLE TO LEASED SPACE TO STUDENTS.
9. SCREENING MAY ONLY CONSIST OF A GREENWAY-MAINTAINED SHIELDED BY SHOULDER,
   A MAXIMUM OF FOUR FEET HIGH AND A MINIMUM OF TWENTY-FOUR IN. OF AREA.

CROSS-SECTION OF THE PROPOSED PARKING LOT SCREENING
SCALE: 1" = 10'

1 OF 1
Rezoning Petition: 2016-118 by NVR Homes

Location: Approximately 2.97 acres located east of Sharon Road between Sharon Acres Road and Sharon Hills Road. (Council District 6 - Smith)

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

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design and requested technical revisions.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
| REQUEST | Current Zoning: R-3 (single family residential)  
Proposed Zoning: UR-2(CD) (urban residential, conditional) |
| LOCATION | Approximately 2.97 acres located on the east side of Sharon Road between Sharon Hills Road and Sharon Acres Road.  
(Council District 6 - Smith) |
| SUMMARY OF PETITION | The petition proposes the redevelopment of an existing church site near Harris YMCA in the Sharon Hills area for a residential development with up to 24 attached townhome dwelling units, at a density of 8.1 units per acre. |
| PROPERTY OWNER | Holy Covenant United Church of Christ, Inc. |
| PETITIONER | NVR Homes |
| AGENT/REPRESENTATIVE | Jeff Brown, Keith MacVean & Bridget Dixon |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 37. |

| STAFF RECOMMENDATION | Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design and requested technical revisions.  
**Plan Consistency**  
The residential land use proposed is consistent with the *South District Plan*, and meets the locational criteria in the *General Development Policies* for the proposed density of 8.1 units per acre.  
**Rationale for Recommendation**  
- The site is located on a section of Sharon Road that is developed primarily with residential uses, and is adjacent to other property zoned and developed with townhomes.  
- The petition limits the number of townhome units to 24 and the density to 8.1 units per acre, consistent with the *General Development Policies*.  
- The proposed UR-2 (urban residential) zoning provides the flexibility in building type, lot sizes and yard requirements to allow the petitioner to develop the oddly shaped parcel with townhomes while providing a site design that is sensitive to the adjacent single family homes.  
- The site plan commits to buffers, side yards, rear yards, and limited building heights that are compatible with the existing residential context through the following provisions:  
  - The site plan provides a 70-foot setback from the future back of curb along Sharon Road, consistent with nearby single family homes.  
  - The site plan provides a 21-foot undisturbed buffer along the rear property line. A 22-foot wide “Class C” buffer would be required under multi-family zoning. The site plan commits to a rear yard that is increased from 10 feet, as required by urban residential zoning, to 30 feet, comparable to a rear yard required under conventional single family residential zoning districts.  
  - The proposal commits to a 16.5-foot wide “Class C” buffer with a six-foot high fence along the side property line abutting single family homes, equivalent to a buffer required under multi-family zoning with the width reduced with a fence. The site plan provides a side yard that is increased from five feet, as required by urban residential zoning, to 16.5 feet, similar to the 20-foot side yard required under conventional multi-family zoning.  
  - The site plan limits the height of the proposed units to two... |
stories not to exceed 40 feet, which is the same height allowed for single family homes.

PLANNING STAFF REVIEW

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Allows up to 24 single family attached dwelling units in up to seven buildings for a density of 8.1 units per acre.
  • Limits the number of units in each building to five units or fewer.
  • Limits the building height to two stories and up to 40 feet.
  • Provides a 70-foot building setback along Sharon Lane with a 39 to 45-foot landscaped setback behind the public sidewalk.
  • Provides a 16.5-foot buffer along the northern and southern property lines and a 30-foot rear yard with a 21-foot undisturbed buffer along the eastern property line.
  • Provides access via a private drive off Sharon Road with a planting strip and sidewalk on at least one side and a series of woonerfs, which are streets shared between pedestrians and vehicles that are designed to slow down traffic without speed humps, stop lights or stop signs. The petitioner is proposing two woonerf designs, one with parking and one without; both include varied, enhanced pavement material and planting areas.
  • Provides building elevation and architectural commitments for building materials, blank walls and garage doors.
  • Proposes a five-foot decorative fence with brick or stone pillars and landscaping along Sharon Road behind the public sidewalk.
  • Commits to screening meter banks, HVAC and related mechanical equipment from adjoining properties and from public view and screening backflow preventers from public view.
  • Specifies that each unit will have a two-car garage.
  • Commits to providing no less than eight visitor parking spaces.
  • Limits the height of detached lighting to 16 feet.
  • Provides a CATS bus waiting pad.
  • Proposes solid waste collection via roll out service collected by the City of Charlotte.
  • Specifies that the petitioner will use good faith efforts to not begin construction on Saturday mornings before 8:30 am and to avoid late night concrete pours.

• Existing Zoning and Land Use
  • The site is developed with a church in R-3 (single family residential) zoning.
  • This section of Sharon Road is zoned R-3 (single family residential), INST(CD) (institutional, conditional), R-15MF (multi-family residential), and UR-1(CD) (urban residential, conditional) and developed with single family homes, townhomes and institutional uses including the Harris YMCA.
  • Property surrounding the subject site is developed with single family detached and attached dwelling units zoned R-3 (single family residential) and R-15MF (multi-family residential).
  • See "Rezoning Map" for existing zoning in the area.

• Rezoning History in Area
  • Petition 2015-014 rezoned approximately 4.66 acres located on the northeast corner at the intersection of Park Road and Sharon Road from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow a maximum of 18 single family attached units and up to 36 multi-family dwelling units for a density of 11.6 units per acre.

• Public Plans and Policies
  • The South District Plan (1993) shows the subject property as single family residential up to three dwelling units per acre. The plan references the residential location criteria of the General Development Policies for areas of higher density development.
  • The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for the density requested as illustrated in the table below. The petitioner is requesting 8.1 units per acre.
TRANSPORTATION CONSIDERATIONS

- The site is located on a minor thoroughfare between unsignalized intersections. The current site plan replaces existing, narrow back of curb sidewalk with wider, buffered sidewalk. While sufficient right-of-way reservation along Sharon Road has been included in the current site plan, CDOT requests that the petitioner place the proposed sidewalk in the future location as described.
- See Outstanding Issues, Notes 6 and 7, and Requested Technical Revisions, Note 14.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 55 trips per day (based on 5,875-square foot church).
    - Entitlement: 80 trips per day (based on eight single family dwellings).
  - Proposed Zoning: 190 trips per day (based on 24 townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on roads less than 26-foot clear width. See Outstanding Issues, Note 8.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate five students, while the development allowed under the proposed zoning will produce four students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Beverly Woods Elementary (113%), Carmel Middle (103%), or South Mecklenburg High (142%).
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along Sharon Road and an eight-inch water distribution main located along Sharon Road. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located along Sharon Road.
- **Engineering and Property Management:** See Requested Technical Revisions, Note 15.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

**Site and Building Design**
1. Provide a potential location for garbage/recycling or delete Note 2 under "Solid Waste."
2. Provide an architectural note that addresses further variation in stoop design to minimize the length of uninterrupted fascia; three different stoop designs with varying architectural treatments should be provided for individual units. Revise the rendering to show the appropriate solution.
3. Revise the rendering to accurately depict the streetscape and fence along Sharon Road.
4. Provide an updated elevation of the Sharon Road building frontage in addition to the rendering.
5. Specify that the material transitions within the woonerf will be flush in both A and B options.

**Transportation**
6. Revise the site plan to include planting strip and sidewalk along both sides of the east-west drive aisle.
7. Revise the site plan to show/label future curbline (24 feet from existing centerline to back of curb) and place sidewalk in correct future location (back of sidewalk 38 feet from existing centerline). Adjust planting strip width accordingly.
8. Confirm with Charlotte Fire Department that the proposed access drive with recessed, parallel parking will not be an issue and revise access drive design to accommodate fire access, if necessary.

**REQUESTED TECHNICAL REVISIONS**

**Site and Building Design**
9. Provide a definition of "woonerf."
10. Amend Note 4h and/or 5b so that the proposed fence height matches.
11. Amend Note 5g to specify the pedestrian motor courts will be a woonerf design.
12. Delete the reference to "wall pak" lighting in Note 7d.
13. Delete Note 10a related to construction hours as this cannot be required or enforced through the conditional rezoning process. The petitioner may enter into a private agreement related to construction hours and concrete pours with neighboring residences.

**Transportation**
14. Revise the site plan to add a note specifying that all transportation improvements will be constructed and approved before the site’s first building certificate of occupancy is issued.

**Environment**
15. Show all right-of-way trees to be protected on plans.

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

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

**Planner:** John Kinley  (704) 336-8311
Acreage & Location: Approximately 15.87 acres located on the southeast corner at the intersection of South Tryon Street and Beam Road.
Petition #: 2016-118
Petitioner: NVR Homes

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

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

Acreage & Location: Approximately 2.97 acres located east of Sharon Road between Sharon Acres Road and Sharon Hills Road.
These buildings such as but not limited to; a mail kiosk, dumpster enclosures, gazebos, trellises, storage buildings, and other structures associated with the on-site open space.

any adjustments required for approval by the CDOT in accordance with applicable published standards.

Up to 24 detached dwelling units together with accessory uses, in accordance with the UR-3 zoning district.

A minimum building height of two stories and 39’.

A. If new landscaping is required, it shall be designed to complement the overall appearance of the property and to enhance the landscape as depicted on the Rezoning Plan.

B. The treatment of existing landscaping and hardscape, as permitted by the Petitioner in consideration of the location, setbacks, planting areas and site plans designed in this application.

C. The designer needs to have an understanding of specific requirements that are unique to this property.

D. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

E. The site plan and any development on this property is subject to all applicable requirements of this Ordinance, Zoning Ordinance, and the Uniform Development Code (UDC).

F. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

G. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

H. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

I. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

J. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

K. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

L. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

M. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

N. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

O. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

P. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

Q. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

R. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

S. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

T. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

U. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

V. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

W. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

X. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

Y. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).

Z. The site plan and any development on this property is subject to all applicable requirements of the Rezoning Plan, Zoning Ordinance, and the Uniform Development Code (UDC).
61.1 SHARON ROAD
SINGLE FAMILY ATTACHED
charlotte, mecklenburg county, north carolina

MAY 4, 2016

1016093

PETITION NO. 2016-118

NC Engineering Firm License # C-0658
16.5 CLASS 'C' BUFFER REQUIREMENTS

- WIDTH: BUFFER C - 16.5'
- TREES REQUIRED (TABLE 12.302B)
- 36 TREES REQUIRED
  - MINIMUM 2" CALIPER (MEASURED 6" ABOVE GROUND AT TIME OF PLANTING)
- SHRUBS REQUIRED (TABLE 12.302B)
- 72 SHRUBS REQUIRED
  - *SHRUBS ARE NOT REQUIRED IF A FENCE OR WALL IS CONSTRUCTED
- EXISTING VEGETATION TO REMAIN
- CONTRACTOR SHALL UTILIZE EXISTING VEGETATION AND SUPPLEMENT AS NEEDED TO FULFILL BUFFER PLANTING REQUIREMENTS. CONTRACTOR TO FIELD VERIFIES COMPLIANCE WITH BUFFER PLANTING REQUIREMENTS FOR OWNER WITH URBAN FORESTRY STAFF.
Agenda #: 20 File #: 15-3953 Type: Zoning Hearing

Rezoning Petition: 2016-101 by Shining Hope Farms

Location: Approximately 34.47 acres located west of Beatties Ford Road near the intersection of Kidd Lane and Beatties Ford Road. (Outside City Limits)

Current Zoning: R-3 (single family residential) and INST (CD) (institutional, conditional)

Proposed Zoning: INST (CD) (institutional, conditional) and INST (CD) SPA (institutional, conditional, site plan amendment)

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues related to access and proposed use on Tract 2.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
### REQUEST

**Current Zoning:** R-3 (single family residential) and INST(CD) (institutional, conditional)

**Proposed Zoning:** INST(CD) (institutional, conditional) and INST(CD) SPA (institutional, conditional, site plan amendment)

### LOCATION

Approximately 34.47 acres located on the west side of Beatties Ford Road near the intersection of Kidd Lane and Beatties Ford Road. (Outside City Limits)

### SUMMARY OF PETITION

The petition proposes to allow expansion of the existing Shining Hope Farms therapeutic riding farm, located in a low density residential area in the City of Charlotte’s extraterritorial jurisdiction.

### PROPERTY OWNER

Grange Properties, LLC and Timothy Wayne Kissee and Brenda Q. Kissee

### PETITIONER

Shining Hope Farms/Milinda Kirkpatrick

### AGENT/REPRESENTATIVE

Jeff Brown, Bridget Dixon, 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: 8

### STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to access and proposed use on Tract 2.

**Plan Consistency**

The portion of the site currently used for a therapeutic riding farm (Tract 1) is consistent with the institutional land use recommendation per the *Northwest District Plan*, as amended by rezoning petition 2003-046. The expansion of the therapeutic riding farm use on the remaining portion of the petition (Tract 2) is inconsistent with the *Northwest District Plan* recommendation for single family residential uses.

**Rationale for Recommendation**

- The request is for the expansion of an existing use on the subject rezoning site.
- Although a portion of the proposed institutional use is inconsistent with the residential land use recommended by the area plan, locations for institutional uses are not typically identified within adopted plans.
- Instead, these uses are considered on a case-by-case basis, taking into account the compatibility of the specific use with the surrounding development.
- In this case, the proposed changes to and the expansion of the existing therapeutic riding farm will preserve the existing rural character of the area and are complimentary to the nearby Hornets Nest Park.

### PLANNING STAFF REVIEW

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - Proposes to expand an existing therapeutic riding farm located on Tract 1 to permit the following uses (but are not limited to): hippotherapy (the use of horseback riding as a therapeutic or rehabilitative treatment); caretakers residence; animal interaction; farming; hay production; forestry; volunteer events such as but not limited to clean up days, corporate work days and training; summer camps for participants of the therapeutic farm, riding clinics/lessons, and gardening.
    - Adds approximately 12 acres (Tract 2) to the existing therapeutic farm site (Tract 1). Tract 2 is
Petition 2016-101

Pre-Hearing Staff Analysis

Currently developed with an existing house to remain and a pond.

- Proposes the following improvements and structures on Tract 1:
  - Horse/pony barn;
  - Parking lot and parking area adjacent to the existing stable/indoor riding arena;
  - Vehicular access drive with gate;
  - Grooming station;
  - Shavings shed;
  - Grass arena;
  - Covered equipment storage to be connected to existing stable/indoor riding arena; and
  - Horse run-in.

- Conveys an easement, equal to 100-foot SWIM (Surface Water Improvement Program) buffer on each side of the portion of McIntyre Creek located on the site, to Mecklenburg County Park and Recreation prior to the issuance of the next certificate of occupancy.

- Increases a 25-foot planted buffer to 37.5 feet with an existing wood privacy fence along a western property line.

- Provides a 15-foot access easement along a portion of the western boundary of Tract 2.

- Limits freestanding lighting to 34 feet in height.

**Existing Zoning and Land Use**

- Approximately 21.47 acres of the rezoning site (majority of Tract 1) is currently developed as a therapeutic riding farm, approximately 0.5 acres is access to an adjacent parcel, and the remaining 12 acres (Tract 2) is developed with a single family home and a pond. The properties are located in the City of Charlotte extraterritorial zoning jurisdiction, and are immediately surrounded by low density residential development that is rural in nature.

- The following represents City Council and Board of Adjustment actions on the subject property:
  - Approval of rezoning petition 2002-105 (approved on October 23, 2002) rezoned 21.56 acres of the subject site from R-3 (single family residential) to INST(CD) (institutional, conditional) in order to allow a therapeutic farm (Joshua’s Farm) with a barn, parking and a greenhouse.
  - At its meeting on September 24, 2002, the Zoning Board of Adjustment granted a 50-foot variance from the required 50-foot “Class C” buffer and a 64-foot variance from the required 100-foot setback to allow the existing barn to remain as constructed. The variances were granted upon the conditions that if the rezoning petition from R-3 (single family residential) to INST(CD) (institutional, conditional) was approved by City Council and if a change of use of the approved INST(CD) (institutional, conditional) occurred, the variance would become null and void.
  - Approval of rezoning petition 2003-046 (approved on July 21, 2003) amended the INST(CD) (institutional, conditional) site plan for approximately 21 acres of the subject site, and rezoned approximately 1.17 acres from R-4 (single family residential) to INST(CD) (institutional, conditional) in order to incorporate the additional acreage into the overall site plan for Joshua’s Farm, a therapeutic farm.

- To the north are low density residential development, undeveloped acreage and a religious institution zoned R-3 (single family residential).

- To the east are low density residential development and single family neighborhoods, a child care facility, Long Creek Volunteer Fire Department, a religious institution, a funeral home, and Hornets Nest Elementary zoned R-3 (single family residential), R-4 (single family residential), INST(CD) (institutional, conditional), and B-2 (general business).

- South and west of the subject site are undeveloped acreage, low density residential homes, single family neighborhoods, a religious institution and Hornets Nest Regional Park zoned R-3 (single family residential).

- See “Rezoning Map” for existing zoning in the area.

**Rezoning History in Area**

- There have been no recent rezonings in the immediate area.

**Public Plans and Policies**

- The portion of the site zoned INST(CD) (institutional, conditional), is recommended for institutional land uses as a result of rezoning petitions 2003-046 and 2002-105, which rezoned the property from R-3 (single family residential) to INST(CD) (institutional, conditional).

- The *Northwest District Plan* (1990) recommends single family up to four (4) dwelling units per acre (DUA) for Tract 2 of this petition. The portion of the petition that is within the FEMA Floodplain is recommended for Park / Open Space.

**TRANSPORTATION CONSIDERATIONS**

- The site is located at the end of a state-maintained street. Charlotte Department of Transportation (CDOT) has not identified any concerns with the proposed petition.
• **Vehicle Trip Generation:**
  
  **Current Zoning:**
  Existing Use: 20 trips per day (based on two single family dwellings). Trip generation for a therapeutic horse farm is unknown.
  Entitlement: 390 trips per day (based on 34 single family residential dwellings).
  Proposed Zoning: Trip generation for a therapeutic horse farm is unknown.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located on Kidd Lane. Sewer System availability for the rezoning boundary is via an existing 15-inch gravity sewer main located on the southern end of the petition boundary.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

**Site and Building Design**

1. “Access and Transportation” Note.b states the gates located at the entrance to the site from Kidd Lane will be kept open during operating hours. Hours of operation are not specified in the notes and need to be added.
2. Confirm if the existing house on Tract 2 is proposed to be used as the caretakers residence.

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

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

**Planner:** Claire Lyte-Graham (704) 336-3782
Petition #: 2016-101

Acreage & Location: Approximately 34.47 acres located on the west side of Beatties Ford Road near the intersection of Kidd Lane and Beatties Ford Road.

Rezoning Petition: 2016-101
Petition #: 2016-101
Petitioner: Shining Hope Farms

Zoning Classification (Existing): R-3 & INST(CD)
(Single Family, Residential and Institutional, Conditional)

Zoning Classification (Requested): INST(CD) & INST(CD) SPA
(Institutional, Conditional and Institutional, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 34.47 acres located west of Beatties Ford Road near the intersection of Kidd Lane and Beatties Ford Road.
Previously Approved Site Plan
Rezoning Petition: 2016-116 by BNA Homes

Location: Approximately 15.87 acres located on the southeast corner at the intersection of South Tryon Street and Beam Road. (Council District 3 - Mayfield)

Current Zoning: MX-1 (mixed Use)
Proosed Zoning: MX-2 (mixed Use)

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues related to environment, transportation, and site and building design.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
REQUEST

Current Zoning: MX-1 (mixed use)
Proposed Zoning: MX-2 (mixed use)

LOCATION

Approximately 15.87 acres located on the southeast corner at the intersection of South Tryon Street and Beam Road.
(Council District 3 - Mayfield)

SUMMARY OF PETITION

The petition proposes to allow up to 124 attached dwelling units on a vacant parcel of land surrounded primarily by residential neighborhoods comprised of a mix of housing types.

PROPERTY OWNER

McCondichie Properties

PETITIONER

BNA Homes (Attn: Mark Blythe)

AGENT/REPRESENTATIVE

Jeff Brown, Keith MacVean & Bridget Dixon, Moore & Van Allen, PCCL

COMMUNITY MEETING

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

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to environment, transportation, and site and building design.

Plan Consistency

The petition is consistent with the residential land use recommended by the Southwest District Plan (1991) but inconsistent with the density recommended by the plan, as amended by a previous rezoning. However, the requested density increase is supported by the General Development Policies (GDPs).

Rationale for Recommendation

• The Southwest District Plan initially recommended single family residential up to three dwelling units per acre. Approval of rezoning petition 2006-149 amended the adopted land use recommendation to allow up to six units per acre.
• However, the GDP (General Development Policies) support the proposed increase in density to 7.81 dwelling units per acre.
• The site is generally located in an area with a variety of housing types at different densities, ranging from three units per acre to 17 units per acre.
• The proposed rezoning also provides 37.5-foot (with fence) and 50-foot buffers that will provide a transition between the proposed development and abutting lower density single family homes.
• The request includes new streetscape along South Tryon Street, along with new transportation improvements to enhance street network operations.

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:
• Proposes up to 124 attached dwelling units, at a density of 7.81 dwelling units per acre, and a pool amenity area.
• Limits building height to two stories and 40 feet.
• Limits number of principal buildings on site to 30.
• Proposes the following innovative provision:
  • Provide a 20-foot building setback (where 30 feet is typically required) along the internal public streets as measured from the back of the proposed sidewalk.
• Provides “Class C” buffers (widths 37.5 feet with a fence, and 50 feet) along property lines abutting properties zoned R-3 (single family residential).
• Provides a 30-foot “Class C” buffer existing vegetation to be supplemented as needed to provide screening along South Tryon Street.
• Commits to the following transportation improvements:
• Proposes an internal network of private streets and public (local residential medium) streets, and a connection to Culloden More Court located within the neighboring residential subdivision to the southeast.
• Accommodates on-street parallel parking on certain portions of proposed internal streets.
• Provides two points of ingress/egress onto South Tryon Street (at South Tryon Street and Beam Road extension, and at southern access point).
• At South Tryon Street and Beam Road Extension:
  • Constructs a southbound left-turn lane on South Tryon Street.
  • Provides an uninterrupted 100-foot stem for the fourth leg of the intersection created by the development.
  • Provides directional curb ramps at all corners of the intersection and marked crosswalks across all legs, as well as pedestrian signals.
• At Southern Access to South Tryon Street:
  • Designates southern access to South Tryon Street as a right-in and right-out driveway.
  • Along the southern access to South Tryon Street provides a concrete median on South Tryon Street extending up to 150 feet beyond the curb returns of the proposed access intersection (median may extend for a lesser length if CDOT or NCDOT determine that 150 feet is not needed or conflicts with other improvements on South Tryon Street).
  • Dedicates and conveys portion of site for public right-of-way extending 67 feet from the center line of South Tryon Street, to occur prior to issuance of the first certificate of occupancy for the first residential dwelling building constructed on the site.
• Commits to the following architectural standards:
  • Building materials consisting of a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), vinyl, EIFS or wood.
  • No more than two six-unit buildings will be placed next to each other on the site.
  • Front door entrances within 15 feet of a sidewalk will be raised 24 inches above the average grade of the sidewalk.
  • Provides guidelines for design and location of front and side porches, and treatment of blank walls.
  • Each residential dwelling unit will be provided with a one car garage. Garage doors visible from private or public streets will be recessed at least one foot behind the front most building face, to minimize the visual impact of the garage doors on the public street.
  • Identifies a proposed bus stop and waiting pad (location to be confirmed with CATS).
  • Identifies location of an easement connection to be provided for access to Sugar Creek Greenway.
  • Commits to minimum 10 percent common open space as required in the MX (mixed use) zoning districts.
  • Provides a note committing to the preservation of the historical marker located on the site’s frontage on South Tryon Street, to be decoratively landscaped and maintained by the homeowners association.
  • Limits height of detached lighting on site to 21 feet.
  • Commits to standards pertaining to construction traffic, construction staging and timing of construction, including a provision prohibiting staging for the development of the site from being allowed on adjoining single family zoned properties.

• **Existing Zoning and Land Use**
  • A portion of the site is developed with a 4,258-square foot single family structure that was built in 1900, and a 3,044-square foot single family home constructed in 1962. The remainder of the site is vacant. Historic Landmarks Commission staff has indicated the house constructed in 1900 is eligible for landmarks designation, but designation has not occurred.
  • Rezoning petition 2006-149 rezoned the subject site from R-3 (single family residential) to MX-1 (mixed use) to allow up to 85 single family detached units for sale at a density of 5.38 units per acre, and to preserve the existing homeplace on site. The property was never developed.
  • To the north are single family residential homes, apartment communities, offices, religious institutions, government facilities, and vacant land on properties zoned R-3 (single family residential), R-12MF (multi-family residential), R-17MF (multi-family residential), R-17MF(CD) (multi-family residential, conditional), B-1 (neighborhood business), B-2 (general business), BP(CD) (distributive business, conditional), INST (institutional), and I-1 (light industrial).
  • To the east and south are single family residential homes and an apartment community zoned R-3 (single family residential) and R-17MF(CD) (multi-family residential, conditional).
  • To the west are single family homes, apartments, and townhomes zoned R-3 (single family residential), R-12MF (multi-family residential), and R-17MF (multi-family residential).
  • See “Rezoning Map” for existing zoning in the area.
• **Rezoning History in Area**
  • Rezoning petition 2015-069 rezoned approximately 4.29 acres located on the south side of Shopton Road between Courtney Oaks Road and South Tryon Street from NS (neighborhood services) to R-17MF(CD) (multi-family residential, conditional) in order to allow 72 multi-family dwelling units.
  • Rezoning petition 2014-058 rezoned approximately 30.9 acres located on the west side of West Tyvola Road south of South Tryon Street from BP(CD) (business park, conditional) to R-12MF(CD) (multi-family residential, conditional) to allow the construction of up to 295 multi-family residential units at a density of 9.54 units per acre.

• **Public Plans and Policies**
  • The *Southwest District Plan* (1992) recommended single family residential up to three dwelling units per acre for the subject site. Approval of rezoning petition 2006-149 amended the adopted land use recommendation to allow up to six (6) units per acre.
  • The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of up to eight dwellings per acre as illustrated in the table below.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category – up to 8 dua</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting with Staff</td>
<td>1</td>
</tr>
<tr>
<td>Sewer and Water Availability</td>
<td>2</td>
</tr>
<tr>
<td>Land Use Accessibility</td>
<td>1</td>
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<tr>
<td>Connectivity Analysis</td>
<td>3</td>
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<tr>
<td>Road Network Evaluation</td>
<td>0</td>
</tr>
<tr>
<td>Design Guidelines</td>
<td>4</td>
</tr>
<tr>
<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>

• **TRANSPORTATION CONSIDERATIONS**
  • The site is location on a major thoroughfare at a signalized intersection. The current site plan provides public street connections and commits to right-of-way dedication for the future cross section of South Tryon Street. However, the petitioner could further refine the site plan by making all internal streets public, providing planting strip and sidewalk along both sides of all streets, and revising interior lots to have alley fed garages to provide better sidewalks that are uninterrupted by driveways.
  • See Outstanding Issues, Notes 1 through 3.

• **Vehicle Trip Generation:**
  • Current Zoning:
    - Existing use: 20 trips per day (based on two single family dwelling units).
    - Entitlement: 900 trips per day (based on 85 single family dwelling units).
  • Proposed Zoning: 775 trips per day (based on 124 townhome units).

**DEPARTMENT COMMENTS** (see full department reports online)
• **Charlotte Area Transit System:** See Outstanding Issues, Note 4.
• **Charlotte Department of Neighborhood & Business Services:** Developer must comply with the City’s Housing Policies if seeking public funding.
• **Charlotte Fire Department:** No issues.
• **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 23 students, while the development allowed under the proposed zoning will produce 46 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 23 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
  - Steele Creek Elementary from 130% to 132%;
  - Kennedy Middle to remain at 99%; and
  - Olympic High from 152% to 153%.
• **Charlotte-Mecklenburg Storm Water Services:** No issues.
• **Charlotte Water:** No issues.
• **Engineering and Property Management:** See Outstanding Issues, Notes 5 and 6.
• **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.

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

**OUTSTANDING ISSUES**

**Transportation**

1. The petitioner should revise the site plan to show all residential units on public streets to be alley fed. The units should not have direct driveway access to the public streets.

2. The petitioner should revise the site plan to show the private streets designed to public street standards including eight-foot planting strips and six-foot sidewalks on both sides. At a minimum, the private streets shall not have back of curb sidewalk. CDOT requests that the private streets are revised to public streets.

3. The petitioner should revise the site plan to add a note specifying all transportation improvements will be constructed and approved before the site’s first building certificate of occupancy is issued or phased per the site’s development plan.

4. This site is located on an existing bus route at a traffic signal. The Petitioner is requested to provide and construct two new bench pads for a relocated bus stop pair on South Tryon Street near the signalized intersection of Beam Road (per image of the standard detail 60.02A for the requested bench pad pair). One of these requested bench pads should be along the frontage of the site. The other requested bench pad should be opposite the site, but still within public right-of-way, tying into existing sidewalk.

5. A portion of the proposed on-street parking along the private streets appears to be on a curve. This may need to be modified for safety purposes.

6. Remove the statement that CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings and revise “Transportation” Note 4d to commit to improvement completion before the first certificate of occupancy is issued.

**Environment**

7. Show 15 percent tree save and right-of-way trees to be protected on site plan.

**Site and Building Design**

8. There is a discrepancy between “Site Development Data” (up to 124 attached dwelling units) and “Permitted Uses and Development Area Limitation” Note 3a (up to 127 attached dwelling units). The petitioner should clarify the numbers to ensure information is accurate and consistent on both sheets.

9. “Architectural Standards, Open Space” Note 4b references attached illustrative building elevations; however, none are attached to most recent site plan submittal.

10. Add a note to site plan on street tree planting and spacing along private streets.

**REQUESTED TECHNICAL REVISIONS**

11. Under “Site Development Data”, specify the density of the proposed project.

12. Label “Possible Storm Water Facility” (BMP) on the site plan.

13. Provide a legend on the site plan that clarifies meaning of “BW” and “CP”.

14. Remove the note that commits to standards pertaining to construction traffic, construction staging and timing of construction, including a provision prohibiting staging for the development of the site from being allowed on adjoining single family zoned properties. Construction related notes cannot be enforced through zoning.

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

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

**Planner:** Claire Lyte-Graham (704) 336-3782
Acreage & Location: Approximately 15.87 acres located on the southeast corner at the intersection of South Tryon Street and Beam Road.
Map Produced by the Charlotte-Mecklenburg Planning Department, 7-6-2016.

Requested MX-2 from MX-1

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

Acreage & Location: Approximately 15.87 acres located on the southeast corner at the intersection of South Tryon Street and Beam Road.
Site Development:

1. **Anchorage:**
   - E: 167-201-01, E: 167-240-89
   - Site Address:
     - 7001 S Tryon Street
   - **Proposed Zoning:** MS-2

2. **Existing Structures:**
   - The Site consists of 130 attached single-family units.
   - There are six utility buildings located on the Site.
   - **Proposed Zoning:** MS-2

3. **Location:**
   - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
   - The Site is approved by the City of Charlotte Zoning Administration.

4. **access to the Site:**
   - The Site is accessible from the southeast corner of the Site.

5. **Utilities:**
   - All utilities within the Site will be placed underground.
   - Owner: Charlotte, North Carolina
   - **Proposed Zoning:** MS-2

6. **General Provisions:**
   - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
   - The Site is approved by the City of Charlotte Zoning Administration.

7. **Design Standards:**
   - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
   - The Site is approved by the City of Charlotte Zoning Administration.

8. **Proposed Zoning:**
   - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
   - The Site is approved by the City of Charlotte Zoning Administration.

9. **Planned Improvements:**
   - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
   - The Site is approved by the City of Charlotte Zoning Administration.

10. **Development Standards:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

11. **Rezoning:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

12. **Petitioner:**
    - The Petitioner is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

13. **Street Improvements:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

14. **Driveways:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

15. **Sidewalks:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

16. **Lighting:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

17. **Rezoning Petition:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

18. **Traffic Improvements:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

19. **Rezoning:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

20. **Driveway Improvements:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

21. **Sidewalk Improvements:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

22. **Lighting:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

23. **Rezoning:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

24. **Traffic Improvements:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

25. **Driveway Improvements:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

26. **Sidewalk Improvements:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

27. **Lighting:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

28. **Rezoning:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

29. **Traffic Improvements:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

30. **Driveway Improvements:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

31. **Sidewalk Improvements:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.

32. **Lighting:**
    - The Site is located in the City of Charlotte Zoning Ordinance (the "Ordinance").
    - The Site is approved by the City of Charlotte Zoning Administration.
Previously Approved Site Plan
Rezoning Petition: 2016-074 by McKinney Holdings NC II, LLC

Location: Approximately 15 acres located on the east side of North Tryon Street between Sandy Avenue and Rocky River Road. (Council District 4 - Phipps)

Current Zoning: B-2(CD) (general business, conditional)
Proposed Zoning: TOD-M (CD) (transit oriented development-mixed use, conditional)

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
REQUEST

Current Zoning: B-2(CD) (general business, conditional)
Proposed Zoning: TOD-M(CD) (transit oriented development – mixed-use, conditional)

LOCATION

Approximately 15 acres located on the east side of North Tryon Street between Sandy Avenue and Rocky River Road. (Council District 4 - Phipps)

SUMMARY OF PETITION

The petition proposes to rezone the vacant property abutting the Newell South neighborhood to allow all uses in the TOD-M (transit oriented development – mixed-use) zoning district. Uses allowed in the TOD-M district include office, residential, retail, and civic uses.

PROPERTY OWNER

McKinney Holdings NC II, LLC

PETITIONER

McKinney Holdings NC II, LLC

AGENT/REPRESENTATIVE

David J. McKinney

COMMUNITY MEETING

Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the University City Area Plan, which recommends transit oriented development organized on a new network of streets and blocks designed to maximize access to the station, support walkability, and interconnect to adjacent surrounding development.

Rationale for Recommendation

- The subject site is located within a ½ mile walk of the University City Boulevard Transit Station on the LYNX Blue Line Extension.
- The University City Area Plan recommends transit oriented development for the site. A mix of residential and office uses are appropriate and retail could be considered within a vertically mixed use building.
- The TOD-M (transit oriented – mixed-use) zoning will allow these uses.
- The University City Area Plan also recommends a new network of streets and blocks to support transit oriented development around the station including the alignment and design of a new “Avenue” and “Local” streets parallel to North Tryon Street.
- These streets represent critical infrastructure necessary for the successful development of this unique station area which includes significant tracts of undeveloped land with no street connectivity.
- The request shows the recommended street network and commits to dedicate the streets as public right-of-way.
- The request also proposes to donate permanent and temporary easements along the site’s Rocky River frontage to accommodate the City’s Comprehensive Neighborhood Improvement Program project.

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Shows an internal street network to be constructed and general locations where the internal streets will connect to existing or future streets, as envisioned in the University City Area Plan. Proposed roadway connection points are as follows:
    - Connection Point A: one connection to West Rocky River Road;
    - Connection Point B: one connection to either or both adjacent tax parcels 049-181-08 and 049-181-09, with the connection to be aligned to intersect with West Rocky River Road at its intersection with Twitter Lane;
• Connection Point C: one connection to North Tryon Street at a point approximately opposite of the existing road connection with North Tryon Street and Stetson Drive; and
• Connection Point D: one connection to the remainder of tax parcel 049-181-04, which is a part of the subject property located at the approximate midpoint between the right-of-way of North Tryon Street and the 100-foot Undisturbed Post Construction Buffer, plus or minus 150 feet.
• Commits to donation of permanent and temporary easements along the site’s Rocky River frontage to accommodate the City’s active CNIP (Comprehensive Neighborhood Improvement Program) project scope.
• All new proposed roadways will be constructed to public street standards and dedicated as public streets.

• Existing Zoning and Land Use

• Petition 1989-41C rezoned the subject property as part of a larger petition to rezone 105 acres to B-2(CD) (general business, conditional) to allow B-2 uses, with the exception of the following uses:

<table>
<thead>
<tr>
<th>Use</th>
<th>Use</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>auction sales</td>
<td>room renting</td>
<td>trailer and overnight camping</td>
</tr>
<tr>
<td>outdoor commercial amusement</td>
<td>armories</td>
<td>exterminators</td>
</tr>
<tr>
<td>fabric assembly</td>
<td>fence retail sales</td>
<td>fertilizer retail sales</td>
</tr>
<tr>
<td>frozen foodlockers</td>
<td>marinas</td>
<td>mobile home sales</td>
</tr>
<tr>
<td>motorcycle sales and repair</td>
<td>commercial parking</td>
<td>pawn shops</td>
</tr>
<tr>
<td>sign painting</td>
<td>trailers and overnight camping</td>
<td>truck sales and repair</td>
</tr>
<tr>
<td>drive-in restaurants</td>
<td>automobile sales except as part of a new car dealership</td>
<td>outdoor advertising signs</td>
</tr>
<tr>
<td>massage parlors</td>
<td>adult bookstores</td>
<td>flea markets</td>
</tr>
</tbody>
</table>

• Adjacent properties on the west side of North Tryon Street are zoned I-1 (light industrial), I-2(CD) (general industrial, conditional), TOD-M (transit oriented development - mixed-use), TOD-M(CD) (transit oriented development - mixed-use, conditional), B-2(CD) (general business, conditional), CC (commercial center) and MUDD-O (mixed use development, optional) and are developed with warehouse uses, an eating/drinking/entertainment establishment, medical office, and retail uses including IKEA.
• Properties located east of North Tryon Street are occupied with hotel, office, automotive repair, and retail uses, and single family and multi-family dwellings in R-3 (single family residential), R-6(CD) (single family residential, conditional), B-2 (general business) and B-2(CD) (general business, conditional) zoning districts.
• See “Rezoning Map” for existing zoning in the area.

• Rezoning History in Area

• Petition 2015-047 rezoned 22 acres located on the east side of Macfarlane Boulevard near the intersection of North US 29 By-Pass Highway and North Tryon Street to TOD-M(CD) (transit oriented development - mixed-use, conditional) to allow all uses permitted in the TOD-M (transit oriented development - mixed-use) district.
• Petition 2013-89 rezoned 11.44 acres located on the north side of North Tryon Street and I-85 Service Road, between Macfarlane Boulevard and Stetson Drive to TOD-M (transit oriented development - mixed-use) to allow all uses within the TOD-M (transit oriented development - mixed-use) district.
• Petition 2013-52 rezoned 39.06 acres located on the southeast corner at the intersection of Interstate 85 and University City Boulevard across from IKEA Boulevard to B-2(CD) (general business, conditional) to allow development of a 275,000-square foot automotive mall consisting of up to four separate dealerships and accompanying retail services.

• Public Plans and Policies

• The University City Area Plan (2015) recommends transit oriented development for this site, located within a ½ mile walk distance from the University City Boulevard Transit Station on the LYNX Blue Line Extension.
• Specific mobility policies for this site include:
  • Policy 1a (11): Provide a new street parallel to North Tryon Street (between Interstate 85 connector and Rocky River Road West). This street provides parallel connectivity along the North Tryon Street corridor and supports new development opportunities. It should be designed as an “Avenue” and should include bike lanes, wide sidewalks and on-street parking where warranted by adjacent land uses.
• Policy 1a (12): Provide an additional new street parallel to North Tryon Street between Periwinkle Hill Avenue and Rocky River Road West as an extension of Twitter Lane. It should be designed as a “Local” street including wide sidewalks and on-street parking where warranted by adjacent land uses.
• Policy 1a (13): Develop an interconnected network of local streets, with typical block lengths of 400 feet to supplement the new streets described above.

TRANSPORTATION CONSIDERATIONS
• This site is on the east side of North Tryon Street, a major thoroughfare that carries the LYNX Blue Line Extension. The current site plan shows the connections and parallel routes of the future transportation network, as envisioned in the University City Area Plan, which must be in place to support transit oriented development. Additionally, the current site plan commits to the donation of permanent and temporary easements along the site’s Rocky River frontage to accommodate the City’s active Comprehensive Neighborhood Improvement Program (CNIP) project scope.
• Vehicle Trip Generation:
   Current Zoning:
   Existing use: 0 (bases on vacant property)
   Entitlement: 6,800 trips per day (based on 100,000 square feet of retail uses).
   Proposed Zoning: Too many uses to determine trips per day.

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No comments received.
• Charlotte Fire Department: No issues.
• Charlotte-Mecklenburg Schools: The district allows a variety of uses; therefore, the impact on local schools cannot be determined.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte Water: Charlotte Water has water system availability for the rezoning boundary via an existing 36-inch water main located along North Tryon Street. There is also system availability for the rezoning boundary through existing 12-inch and eight-inch water distribution mains. Sewer system availability for the rezoning boundary is provided via an existing eight-inch gravity sewer mains located along West Rocky River Road and an existing eight-inch gravity sewer main located in the southern portion of parcel 049-18-104.
• Engineering and Property Management: No issues
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.

Attachments Online at www.rezoning.org
• Application
• Site Plan
• Locator Map
• Community Meeting Report
• Department Comments
  • Charlotte Area Transit System Review
  • Charlotte Fire Department Review
  • Charlotte-Mecklenburg Storm Water Services Review
  • Charlotte Water Review
  • Engineering and Property Management Review
  • Mecklenburg County Land Use and Environmental Services Agency Review
  • Mecklenburg County Parks and Recreation Review
  • Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327
Acreage & Location: Approximately 15 acres located on the east side of North Tryon Street between Sandy Avenue and Rocky River Road.
Petition #: 2016-074
Petitioner: McKinney Holdings NC II, LLC
Zoning Classification (Existing): B-2(CD) (General Business, Conditional)
Zoning Classification (Requested): TOD-M(CD) (Transit Oriented Development, Mixed Use, Conditional)

Acreage & Location: Approximately 15 acres located on the east side of North Tryon Street between Sandy Avenue and Rocky River Road.

[Map of the area showing the requested TOD-M(CD) from B-2(CD)]
General Provisions

1. All new roadways proposed here will be dedicated as public roads.

Development Notes

1. Proposed roadway connection points will be as indicated and provided as follows to existing road rights-of-way & adjacent parcels:

a. One connection at the West R. from Road (Connection Point "C") will be constructed to intersect with the Avenue section as described in 2.a. This connection will provide direct access to the future development of the adjacent property to the west and will be located such that it will not interfere with any portion of Twitter Lane across the adjacent properties.

b. The extension of Twitter Lane through this property will also use the "Narrow Section" (CLDS U-04) standard with no on street parking.

c. The Property owner will have no responsibility for obtaining necessary easements or to construct right-of-way across 04918109 (owned by Sanctuary Holdings Group, LLC). The Property owner may be required, however, to pay for any right-of-way to be acquired by the City and the Property owner, the City may use any right-of-way necessary to construct roadway frontage, or at a location to align with the planned future extension of Carolyn Lane. The Property owner will have no responsibility for any existing roadway extensions on this property.

d. One connection to the remainder of parcel 04918104 which is a part of the Property, at the approximate midpoint between the extension of the Stetson Drive centerline and the 100' Undisturbed Post Construction Buffer, +/- 150 feet.

2. The proposed roadway layout will be configured based upon the following features:

a. A continuous roadway will be created between Connection Point "B" and "D".

b. No on-street parking will be required along this roadway.

c. Two (2) 10' wide travel lanes for a total asphalt width of 20'

d. Two 11' travel lanes, one in each direction, and a 10' center vegetated median,

e. Two 5' bicycle lanes, one in each direction.

3. Connection points for adjacent parcels 04918103 and 04918104 (Connection Point "B") The alignment of this stub would be configured such as to provide future driveway connections.

4. The proposed roadway will be constructed to intersect with the Avenue section as described in 2.a. This roadway will be constructed to intersect with the Avenue section as described in 2.a.

5. One connection to the remainder of parcel 04918104 which is a part of the Property, at the approximate midpoint between the extension of the Stetson Drive centerline and the 100' Undisturbed Post Construction Buffer, +/- 150 feet.

6. The proposed roadway will be configured based upon the following features:

a. A continuous roadway will be created between Connection Point "B" and "D".

b. No on-street parking will be required along this roadway.

c. Two (2) 10' wide travel lanes for a total asphalt width of 20'

d. Two 11' travel lanes, one in each direction, and a 10' center vegetated median,

e. Two 5' bicycle lanes, one in each direction.

7. The proposed roadway will be constructed to intersect with the Avenue section as described in 2.a. This roadway will be constructed to intersect with the Avenue section as described in 2.a.

Development Data

Location: North Tryon & I-85 Connector

Junction: City of Charlotte

Total Area: 1,000 acres

Feasible Zoning: Commercial

Proposed Fencing: 100% MSOS

Legend

Proposed roadway
Proposed connection point
Previously Approved Site Plan
Rezoning Petition: 2016-053 by Brookline Residential, LLC

Location: Approximately 14.21 acres located on the west side of Reames Road between Lakeview Road and Anston Crossing Drive. (Council District 2 - Austin)

Current Zoning: MX-1 (Innov) (mixed use, innovative)
Proposed Zoning: UR-2(CD) (urban residential, conditional) with five year vested rights

Staff Recommendation:
Staff does not recommend approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
REQUEST
Current Zoning: MX-1 (Innov) (mixed use, innovative)
Proposed Zoning: UR-2(CD) (urban residential, conditional), with five-year vested rights

LOCATION
Approximately 14.21 acres located on the west side of Reames Road between Lakeview Road and Auston Crossing Drive. (Council District 2 - Austin)

SUMMARY OF PETITION
The petition proposes to allow 260 multi-family residential dwelling units at a density of 18.30 units per acre on vacant acreage in a residential area located south of the Northlake activity center.

PROPERTY OWNER
Brookline Residential LLC

PETITIONER
Brookline Residential, LLC

AGENT/REPRESENTATIVE
Anthony Fox, Park Poe Adams & Berstein, LLP

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

STAFF RECOMMENDATION
Staff does not recommend approval of this petition.

Plan Consistency
The petition is inconsistent with the Northlake Area Plan adopted land use for residential up to five dwelling units per acre.

Rationale for Recommendation
• The proposed density of 18.30 units per acre is significantly higher than the density of five units per acre recommended for this and other nearby sites in the area plan.
• The multi-family development at the proposed density is out of character with the existing single family residential development and zoning on the west side of Reames Road.
• The proposed development will also be denser than the recently constructed "Residences at Brookline" development (12.14 units per acre) directly across Reames Road. In light of the proposed density, this type of development would fit in better in the North Lake Mixed Use Activity Center located 0.8 miles to the north.
• It is important to ensure that required transportation improvements and design standards are provided for all development and this is especially important for higher intensity development such as the multi-family being proposed for this site.
• However, there are a number of outstanding issues related to transportation and site design. Specifically, a commitment to providing a northbound Reames Road left-turn storage lane for access into the site is needed, and design commitments related to building placement, limitations on blank walls, and maximum building heights should be provided.

PLANNING STAFF REVIEW

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Allows up to 260 multi-family dwelling units at a density of 18.30 dwelling units per acre, with associated parking areas (including garages).
  • Reserves the right to install and utilize a vehicle gate at the property entrance until the street network is extended to future development, at which time the gates will be disabled (left permanently open) to become an ornamental feature.
  • Includes leasing office/clubhouse with a pool as well as 12 multi-family units contained in the same structure.
  • Proposes site access via a driveway connection onto Reames Road, with a road stub for future connection to the parcel to the north.
  • Provides internal pedestrian and vehicular networks.
• Provides a 20-foot "Class C" buffer along portions of the northern property line; a 50-foot "Class C" buffer along the western property line; and a 37.5-foot wide "Class B" buffer along the southern property line.
• Identifies proposed location of a BMP (best management practices) basin/pond with possible fountain.

• **Existing Zoning and Land Use**
  • The site is currently vacant and part of a larger 54-acre site on both sides of Reames Road that was rezoned from R-3 (single family residential) to MX-1 Innov (mixed use, innovative) via petition 2006-038, in order to develop 257 single family lots at an overall density of 4.69 dwelling units per acre.
  • A subsequent rezoning by petition 2013-047 rezoned the property to the east, across Reames Road, to UR-2(CD) (urban residential, conditional) for the development of apartment community, “Residences at Brookline.” The development was approved for 312 multi-family units and 12 carriage units.
  • North of the subject site are single family homes, apartment communities, a dependent living facility, a daycare center, and vacant land on properties zoned R-3 (single family residential), R-8MF(CD) (multi-family residential, conditional), R-12MF(CD) (multi-family residential, conditional), and MX-1 Innov (mixed use, innovative).
  • To the south and west are single family residential homes and vacant land zoned R-3 (single family residential), R-4 (single family residential), and MX-1 Innov (mixed use, innovative).
  • See “Rezoning Map” for existing zoning in the area.

• **Rezoning History in Area**
  • Rezoning petition 2013-047 rezoned approximately 26.68 acres (part of the larger 54-acre site originally rezoned under petition 2006-038 as noted above) on the east side of Reames Road, from MX-1 Innov (mixed use, innovative) to UR-2(CD) (urban residential, conditional) to allow up to 324 multi-family residential units at 12.14 dwelling units per acre.
  • Rezoning petition 2012-008 rezoned approximately 30.21 acres located on the southwest corner at the intersection of Reames Road and Bayview Parkway from R-3 (single family residential) and R-8MF(CD) (multi-family residential, conditional) to R-8MF(CD) (multi-family residential, conditional) and R-8MF(CD) SPA (multi-family residential, conditional, site plan amendment) in order to allow up to 240 multi-family residential units.

• **Public Plans and Policies**
  • The Northlake Area Plan (2008) recommends residential land uses up to five dwelling units per acre for this site.

• **TRANSPORTATION CONSIDERATIONS**
  • This petition reduces the entitled daily trip generation of this site and commits to installing sidewalk along public street frontage and throughout the development. In addition, a new public street connection improves the local street network and provides a stub to adjacent undeveloped property. CDOT requests that the site plan is further revised to remove gated access and commit to a left-turn lane into the site from Reames Road, a minor thoroughfare.
  • See Outstanding Issues, Notes 2 through 6, and Requested Technical Revisions, Notes 12 through 14.

• **Vehicle Trip Generation:**
  Current Zoning:
  Existing use: 0 trips per day (based on vacant land).
  Entitlement: 2,500 trips per day (based on 257 single family dwelling units).
  Proposed Zoning: 1,700 trips per day (based on 260 apartment units).

• **DEPARTMENT COMMENTS** (see full department reports online)
  • Charlotte Area Transit System: See Outstanding Issues, Note 6.
  • Charlotte Department of Neighborhood & Business Services: No comment.
  • Charlotte Fire Department: No issues.
  • Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate 29 students, while the development allowed under the proposed zoning will produce 24 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
    • Hornets Nest Elementary from 94% to 96%;
    • Ranson Middle from 90% to 91%; and
• Hopewell High from 89% to 89%.

• **Charlotte-Mecklenburg Storm Water Services**: See Outstanding Issues, Note 7.

• **Charlotte Water**: Charlotte Water currently has water system availability via an existing 12-inch water main located along Reames Road. Sewer system availability is via an existing eight-inch sewer main located within the property boundary approximately 120 feet north of Brookline Ridge Drive.

• **Engineering and Property Management**: Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance. Property is located in the Wedge, therefore tree save shall be provided on site. Tree save area must be a minimum 30 feet wide. No buildings are permitted within ten feet of tree save.

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

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

**OUTSTANDING ISSUES**

**Land Use**
1. The petition is inconsistent with the *Northlake Area Plan* land use recommendation of up to five dwelling units per acre.

**Transportation**
2. The petitioner should revise the site plan to show sidewalk utility easement contiguous to the public right-of-way.
3. The petitioner should revise the site plan to label and dimension the future back of curb on Reames Road.
4. The petitioner should revise the site plan to remove "Transportation" Note 3 on Sheet RZ-1. CDOT does not support gated access on public streets. Additionally, since there will be no gate the associated median break and waiting bulb-out are not needed and should be removed.
5. The petitioner needs to revise the site plan by adding a conditional note that states: "The petitioner will provide for a 150-foot northbound Reames Road left-turn storage lane with appropriate bay taper length at Brookline Ridge Drive."
6. The petitioner should revise the site plan to add a note specifying all transportation improvements will be constructed and approved before the site’s first building certificate of occupancy is issued or phased per the site’s development plan.
7. CATS notes this site is located on an existing bus route and requests that the petitioner provide and construct a bench pad for an existing bus stop on Reames Road per standard detail (60.02). CATS requests a permanent easement where dimensions exceed existing or proposed right-of-way limits. CATS will be responsible for installation and maintenance of the bench.

**Infrastructure**
8. Storm Water requests that the petitioner show the 30-foot post construction stormwater ordinance stream buffer on the site plan and relocate proposed improvements outside the buffer or submit documentation as specified in the ordinance confirming no perennial or intermittent streams exist on the site.

**Site and Building Design**
9. Address Building Placement and Site Design, and Blank Walls comments as previously identified in staff comments.
10. Specify maximum building height and number of stories on the site plan. Staff does not support four-story structures on this site.
11. Specify maximum height of freestanding lighting to be 21 feet.

**Environment**
12. Remove “tree save” label for the areas that do not meet the standards provided by Engineering and Property Management. Confirm that there is enough room for the required tree save on the site.

**REQUESTED TECHNICAL REVISIONS**

12. The information provided indicates that the cross section for the public street meets the standard section. CDOT requests that the petitioner label/dimension the cross section as “public” and with a reference to the construction manual standard “CLDSM U-03”.
13. The information provided indicates that a 35-foot right-of-way exists on Reames Road. CDOT requests that the petitioner label/dimension the right-of-way.
14. The petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site’s first building certificate of occupancy is issued.
Attachments Online at www.rezoning.org

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

Planner: Claire Lyte-Graham (704) 336-3782
Petition #: 2016-053

Acreage & Location: Approximately 14.21 acres located on the west side of Reames Road between Lakeview Road and Anston Crossing Drive.
Petition #: 2016-053

Petitioner: Brookline Residential, LLC

Zoning Classification (Existing): MX-1(INNOV) (Mixed Use, Innovative)

Zoning Classification (Requested): UR-2(CD) 5-Year Vested Rights (Urban Residential, Conditional, Five Year Vested Rights)

Acreage & Location: Approximately 14.21 acres located on the west side of Reames Road between Lakeview Road and Auston Crossing Drive.
Previously Approved Site Plan
Rezoning Petition: 2016-089 by Derita Masonic Lodge

**Location:** Approximately 4.35 acres located on the south side of DeArmon Road between Mineral Ridge Way and Hampton Place Drive. (Council District 4 - Phipps)

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

**Proposed Zoning:** INST (CD) (institutional, conditional)

**Staff Recommendation:**
Staff recommends approval of this petition upon resolution of outstanding issues related to infrastructure and design, and minor technical revisions.

**Attachments:**
- Staff Analysis
- Vicinity Map
- Rezoning Map
- Site Plan
REQUEST
Current Zoning: R-3 (single family residential)
Proposed Zoning: INST(CD) (institutional, conditional)

LOCATION
Approximately 4.35 acres located on the south side of DeArmon Road between Mineral Ridge Way and Hampton Place Drive.
(Council District 4 - Phipps)

SUMMARY OF PETITION
The petition proposes to allow a masonic lodge on a vacant parcel located adjacent to the Brownstone View neighborhood.

PROPERTY OWNER
Jerry Ellis

PETITIONER
Derita Masonic Lodge

AGENT/REPRESENTATIVE
Randall E. Baker

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

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues related to infrastructure and design, and minor technical revisions.

Plan Consistency
This petition is consistent with the Prosperity Hucks Area Plan which recommends single family land uses at a density of four dwelling units per acre, but also states that institutional uses are appropriate if criteria pertaining to site and building design, as well as transportation access, are met.

Rationale for Recommendation
• The area plan identifies this site as being appropriate for single family development at a density up to four dwelling units per acre.
• However, the plan also states that, for some sites, institutional may be an appropriate alternative use if the site meets criteria pertaining to building massing, scale, buffers, site access and connectivity in relation to existing properties.
• This site meets the criteria identified in the area plan for institutional uses. Specifically:
  • The site is located on DeArmon Road, an existing minor thoroughfare.
  • The proposed civic use is separated from other properties within adjoining neighborhoods by a 28-foot buffer; is limited to 5,600 square feet which is a size that is appropriate for a residential environment; and will provide new sidewalks and planting strips long DeArmon Road.

PLANNING STAFF REVIEW
• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Proposes a new 5,600-square foot building with associated parking to accommodate a masonic lodge.
  • Proposes installation of new internal sidewalks connecting the new building to gardens and parking areas and to a new public sidewalk along DeArmon Road.
  • Provides a new six-foot sidewalk and eight-foot planting strip along DeArmon Road.
  • Provides a minimum 28-foot wide “Class C” buffer along all property lines abutting parcels located in a residential zoning district or parcels in residential use.
  • Provides access to the site via two new driveways connecting to DeArmon Road.
  • Dedicates in fee 38 feet of right-of-way from DeArmon Road’s centerline to provide future temporary construction easement(s) at no cost to the City of Charlotte when requested for the DeArmon Road street project.
  • Shows possible tree save areas.
• Provides elevations (front, side, rear) and perspective of new building.

• **Existing Zoning and Land Use**
  • The site is currently developed with a single family detached residence built in 1961.
  • Directly east, south, and west of the rezoning site are single family detached residential neighborhoods and vacant land zoned R-4 (single family residential), R-6(CD) (single family residential, conditional), and B-1(CD) (neighborhood business, conditional).
  • To the north, across DeArmon Road, are scattered single family detached homes on large lots, single family detached residential neighborhoods, and undeveloped acreage zoned R-3 (single family residential).
  • See “Rezoning Map” for existing zoning in the area.

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

• **Public Plans and Policies**
  • The *Prosperity Hucks Area Plan* (2015) recommends single family residential at four dwelling units per acre for this area.
  • The plan also specifies that future institutional uses would be appropriate throughout the plan area if compatible with adjoining uses. Principal considerations in determining compatibility are massing, scale, and buffers in relation to nearby existing development. Ample site access and street connectivity not dependent upon on local residential streets are also significant factors in determining compatibility.

• **TRANSPORTATION CONSIDERATIONS**
  • The site is located on a minor thoroughfare between two unsignalized local street connections. The current site plan provides pedestrian facilities and commits to donation of permanent and temporary easements along the site’s DeArmon Road frontage to accommodate the City’s “Complete Street Project.” The Subdivision Ordinance does not require the extension of the Ridgeline Lane stub to DeArmon Road.
  • See Outstanding Issue, Note 1.

• **Vehicle Trip Generation:**
  - **Current Zoning:**
    - Existing Use: 10 trips per day (based on one single family dwelling).
    - Entitlement: 160 trips per day (based on 13 single family dwellings).
  - **Proposed Zoning:**
    - 50 trips per day (based on 5,600 square feet of religious uses).

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

• **Charlotte Area Transit System:** No issues.
• **Charlotte Department of Neighborhood & Business Services:** No issues.
• **Charlotte Fire Department:** No issues.
• **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
• **Charlotte-Mecklenburg Storm Water Services:** See Outstanding Issues, Note 3.
• **Charlotte Water:** Charlotte Water has water system availability for this site via an existing 12-inch water distribution main located along DeArmon Road and existing six-inch water distribution main located along Ridgeline Land. Sewer system availability is via an existing eight-inch gravity sewer main located in the western portion of the rezoning area and along DeArmon Road, as well as an existing eight-inch gravity sewer main located along Ridgeline Lane.
• **Engineering and Property Management:** Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance. Property is located in the Wedge, therefore tree save shall be provided on site. Tree save area to be minimum 30 feet wide; no structures allowed within ten feet of tree save area.
• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
• **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

1. The petitioner may consider revising the site plan and replacing Special Notations 1 and 4 with:
   "The City will fund and build the curb and gutter and associated storm drainage along the frontage of 12100 DeArmon Road during construction of the DeArmon Road Complete Street..."
Improvements project. In exchange, the petitioner/developer of the Derita Masonic Lodge agrees to donate/dedicate all necessary easements to build the improvements at no charge to the City. Easements include permanent (such as right-of-way, utility, storm drainage, etc.) and temporary.

2. Clarify if the 38 feet of right-of-way from DeArmon Road’s centerline to provide future temporary construction easement(s) will be an easement or a fee simple dedication.

Environment

3. A note has been added to the rezoning plan specifying “No perennial or intermittent streams exist on the site”. However, no documentation has been submitted to confirm the statement. Please delete this sentence from the rezoning plan or provide written confirmation of the stream classification as detailed in Section 18-145(a)(2) of the Post Construction Stormwater Ordinance. Otherwise, the proposed driveway may need to be relocated outside the stream buffer limits on the rezoning plan.

Land Use

4. Eliminate the note stating all uses in the INST (institutional) district are allowed and limit the uses to the fraternal organization, religious institutions, and general offices.

Site and Building Design

5. Under “Development Data”, specify that proposed height will be a maximum of 40 feet or two stories.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

6. On site plan, remove “Class C” Buffer label from abutting properties and place on rezoning site.
7. Internal sidewalks should be five feet, not six. The width of the proposed sidewalk along DeArmon Road (six feet) is correct.
8. Modify 40-foot front setback to read “40’ setback”.
9. Modify “20’ side setback & buffer” to read “20’ side yard”.
10. Modify “Lighting” note to specify 21 feet not 20 feet in order to be consistent with industry standards.
11. Remove building floorplan detail from elevation sheet.

Attachments Online at www.rezoning.org

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

Planner: Claire Lyte-Graham (704) 336-3782
Petition #: 2016-089

Acreage & Location: Approximately 4.35 acres located on the south side of DeArmon Road between Mineral Ridge Way and Hampton Place Drive.

Rezoning Petition: 2016-089
Petition #: 2016-089
Petitioner: Derita Masonic Lodge

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

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

Acreage & Location: Approximately 4.35 acres located on the south side of DeArmon Road between Mineral Ridge Way and Hampton Place Drive.
Agenda #: 25. File #: 15-3952 Type: Zoning Hearing

Rezoning Petition: 2016-100 by MPV Properties, LLC

Location: Approximately 41 acres located south of South Tryon Street near the intersection of Steele Creek Road and Walker Branch Drive. (Council District 3 - Mayfield)

Current Zoning: R-3(CD) (single family residential, conditional) and R-17MF (CD) (multi-family residential, conditional)

Proposed Zoning: UR-2(CD) (urban residential, conditional), with five-year vested rights

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues related to stream restoration and greenway dedication.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
REQUEST
Current Zoning: R-3(CD) (single family residential, conditional) and R-17MF(CD) (multi-family residential, conditional)
Proposed Zoning: UR-2(CD) (urban residential, conditional), with five-year vested rights

LOCATION
Approximately 41 acres located south of South Tryon Street near the intersection of Steele Creek Road and Walker Branch Drive.
(Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to allow 410 multi-family residential units on vacant land that lies adjacent to the Rivergate Shopping Center.

PROPERTY OWNER
Steele Creek (1997) Limited Partnership

PETITIONER
MPV Properties, LLC

AGENT/REPRESENTATIVE
Collin Brown and Bailey Patrick, Jr.

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

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues related to stream restoration and greenway dedication.

Plan Consistency
The proposed multi-family use is consistent with the Steele Creek Area Plan recommendation for residential development on the site; however, the proposed density of 10 dwelling units per acre is inconsistent with the plan recommendation for a maximum of eight dwelling units per acre. The petition proposes to extend Walker Branch Drive into the site as recommended by the area plan and provides for future connectivity to Rivergate Parkway.

Rationale for Recommendation
• The requested residential use is proposed to be developed at a slightly higher density (10 dwelling units per acre) than the eight dwelling units per acre recommended in the area plan.
• However, the proposed multi-family development is located within the Rivergate Mixed Use Activity Center, and the density is appropriate for a Center location.
• As part of this development, the petitioner has committed to the design and construction of an important creek crossing to accommodate the extension of Walker Branch Drive. This connection will allow residents of this property to access the rest of the Activity Center without having to travel on Steele Creek Road.
• In additional to connectivity for motor vehicles, this development will provide important pedestrian and bike connections to the adjacent shopping center via the proposed street connections and Walker Branch Greenway.
• The petitioner has committed to a number of site and building design standards, including standards designed to promote a walkable environment and to break up long buildings.

PLANNING STAFF REVIEW
• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Allows up to 410 multi-family residential units at a density of 10 units per acre.
  • Limits building height to a maximum of 50 feet.
  • Proposes the design and construction of a vehicular creek crossing over Walker’s Branch in order to accommodate the extension of Walker’s Branch Drive from its current terminus through
the site.

- Commits to working with Charlotte Department of Transportation (CDOT) to explore options for extending Rivergate Parkway from its current terminus through the site to adjacent property to the south.
- Provides a private drive connection between Walker Branch Drive and Rivergate Parkway to ensure publically accessible pedestrian and vehicular connectivity between those two streets.
- Provides a number of architectural commitments:
  - The building facades of all principal and accessory buildings abutting a subdivision required public or private street will contain 30 percent brick; natural stone (or synthetic equivalent); or other equivalent or better material approved by the Planning Director or designee.
  - Vinyl siding (except for soffits and trim including window and door trim) and concrete masonry units (CMU) not architecturally finished are prohibited.
  - Buildings will be arranged and oriented to front along Walker Branch Road and Rivergate Parkway.
  - Buildings must front a minimum of 50% of the total street frontage on site.
  - Prohibits parking lots from be located between any building and any public or private street.
  - Prohibits placement of driveways for private residential garages and/or parking on all network required streets.
  - Buildings exceeding 120 feet in length will include modulations of the building massing/ façade plane thru recesses, projections, and/or architectural treatment.
  - Architectural elevations will be designed to create visual interest through standards relating to vertical modulation and rhythm, building base, blank walls, and architectural features.
- Provides amenity and open space areas, including a swimming pool, seating areas, trail network and enhanced landscaping.
- Provides a landscaped buffer along the perimeter of the site, to be at least 50 feet in width except in certain areas where lesser width shall be permissible but in no case shall be less than 30 feet wide.
- Provides enhanced landscaping or low walls on each side of the public street stub extending from Walker Branch Drive, in areas generally depicted on the site plan, in order to provide a visual transition between this site and future development to the south.
- Provides a trail network within the site that will connect to adjacent Park and Recreation properties owned by Mecklenburg County, with connection points generally depicted on the site plan.
- Delineates future greenway, including locations of proposed connections, FEMA floodway and community encroachment boundaries, with post construction and water quality buffers, and approximate location of BMP (best management practices) facility.
- Identifies potential tree save areas.
- Limits maximum height of any detached lighting fixtures to twenty-two feet in height.

**Existing Zoning and Land Use**
- The rezoning site is currently vacant and located in the Rivergate Mixed Use Activity Center generally located at and around the intersection of South Tryon Street and Steele Creek Road.
- The 39-acre portion of the rezoning site zoned R-3(CD) (single family residential, conditional) is part of a larger 525.65-acre tract rezoned via petition 1992-014C in order to allow 511 single family units, 185 cluster single family units, 2,238 multi-family units, and 700,000 square feet of office/retail at all quadrants of South Tryon Street and Steele Creek Road. The approval allowed up to 119 single family units on the subject rezoning site.
- To the north is the Rivergate Mixed Use Activity Center, consisting of retail, office and multi-family residential development on properties zoned CC (commercial center), B-1(CD) (neighborhood business, conditional), B-2(CD) (general business, conditional), NS (neighborhood services), R-3 (single family residential) and R-17MF(CD) (multi-family residential, conditional).
- East of the site is a single family neighborhood, multi-family units and athletic fields zoned R-3 (single family residential) and R-17MF(CD) (multi-family residential, conditional).
- To the south are undeveloped acreage and single family neighborhoods zoned R-3 (single family residential).
- To the west are single family neighborhoods, office and retail uses zoned R-4(CD) (single family residential, conditional), R-3 (single family residential), and CC (commercial center).
- See “Rezoning Map” for existing zoning in the area.

**Rezoning History in Area**
- Petition 2013-060 rezoned approximately 3.56 acres located on the southeast corner at the intersection of South Tryon Street and Steelecroft Parkway from R-3 (single family residential) to NS (neighborhood services) to allow a 30,000-square foot commercial development with a minimum 10,000 square feet for office uses or a 25,000-square foot commercial development...
with no office development.
- Petition 2011-083 rezoned approximately 22 acres located on the south side of the intersection of Steele Creek Road and Walker Branch Drive from R-17MF(CD) (multi-family residential) to CC (commercial center) in order to allow a 155,000-square foot shopping center adjacent to the existing Rivergate Shopping Center to include a mix of nonresidential uses.
- Petition 2011-082 rezoned approximately 11 acres located on the southwest corner of the intersection of South Tryon Street and Steele Creek Road to allow 100,000 square feet of predominantly office uses with support retail uses.

- **Public Plans and Policies**
  - The adopted future land use for this site, as per the Steele Creek Area Plan (adopted 2012), is for residential uses up to eight dwelling units per acre.
  - The plan recommended that two roads, Walker Branch Drive and Rivergate Parkway, be extended into the site. The plan also calls for extending the Walker Branch Greenway, and providing pedestrian connections to the adjacent Rivergate shopping center.
  - The Rivergate Mixed Use Activity Center boundary was recommended to be adjusted to include this parcel, as an appropriate location for more intense development.

- **TRANSPORTATION CONSIDERATIONS**
  - This petition will provide a bridge connection and extension of Walker Branch Drive between the proposed site and the Shoppes at Rivergate South. The petitioner has agreed to work with CDOT to provide a second bridge connection and extension of Rivergate Parkway between the proposed site and Rivergate Shopping Center. These connections will create connectivity and provide alternate access points between existing and proposed residential development and the shopping center.
  - **Vehicle Trip Generation:**
    - Current Zoning: 1,490 trips per day.
      - Existing Use: 0 (based on vacant property).
      - Entitlement: 1,490 trips per day (based on 119 single family dwellings and 22 multi-family dwellings).
    - Proposed Zoning: 2,610 trips per day (based on 410 multi-family dwellings).

**DEPARTMENT COMMENTS** (see full department reports online)
- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** Developer must comply with the City’s Housing Policies if seeking public funding.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 78 students, while the development allowed under the proposed zoning will produce 296 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 218 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
  - Rivergate Elementary from 100% to 116%;
  - Southwest Middle from 127% to 132%; and
  - Olympic High from 152% to 157%.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water currently does not have water system availability via a water distribution main. The closest water distribution main is approximately 360 feet north of the property along Rivergate Parkway. Charlotte Water has sewer system availability via an existing 24-inch gravity sewer mains located on Walker Branch Drive and Rivergate Parkway.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See Outstanding Issues, Note 1.
- **Mecklenburg County Park and Recreation Department:** See Outstanding Issues, Note 2.

**OUTSTANDING ISSUES**

**Environment**
1. Mecklenburg County Storm Water Services is considering a Capital Improvement Project along Walker’s Branch which would involve stream restoration practices. Mecklenburg County requests that a 50-foot easement (from top of bank) be provided on parcel 219-06-117 to facilitate the
construction and maintenance associated with this project.
2. Mecklenburg County Park and Recreation Department notes that Parcel 219-061-17 is adjacent to the Walker Branch Greenway corridor as indicated on the 2014 Mecklenburg County Park and Recreation Master Plan. Mecklenburg County Park and Recreation requests the petitioner dedicate and convey the 100-foot SWIM (Surface Waters Improvement Management) buffer to Mecklenburg County for future greenway use prior to the issuance of the first certificate of occupancy. Park and Recreation further request the petitioner provide safe, accessible, pedestrian connectivity to the Future Walker Branch Greenway via sidewalks along the proposed network streets extending Walker Branch Drive and Rivergate Parkway.

Site and Building Design
3. Provide a public access easement for the proposed private drive connection between Walker Branch Drive and RiverGate Parkway.

TECHNICAL ISSUES
4. Amend the site plan to note that all setbacks will be from the “future” back of curb.
5. Label the “landscape areas” on the perimeter of the site as “buffers” and modify the note accordingly.
6. Clarify that the only buffer areas that may be reduced from 50 feet to 30 feet are shown on the site plan.
7. Clarify the width of the buffer along the western property line. The notes say buffers will not be less than 30 feet; however, the site plan shows the buffer as 25 feet.
8. Modify all site plan sheets to reflect proposed zoning is UR-2(CD).

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

Planner: Claire Lyte-Graham  (704) 336-3782
Acreage & Location: Approximately 41 acres located east of South Tryon Street near the intersection of Steele Creek Road and Walker Branch Drive.

Rezoning Petition: 2016-100

May 17, 2016
Petition #: 2016-100
Petitioner: MPV Properties, LLC

Zoning Classification (Existing): R-3(CD) & R-17MF(CD)
(Single-Family, Residential, Conditional & Multi-Family, Residential, Conditional)

Zoning Classification (Requested): UR-2(CD) 5-Year Vested Rights
(Urban Residential, Conditional, Five Year Vested Rights)

Acreage & Location: Approximately 41 acres located east of South Tryon Street near the intersection of Steele Creek Road and Walker Branch Drive.

Map Produced by the Charlotte-Mecklenburg Planning Department, 9-6-2016.
PARTNERSHIP STEELE CREEK LIMITED

ZONING: R-3(CD)/R-17MF(CD)

TAX PARCEL: 21906117

WALKER BRANCH DRIVE

FEMA FLOODWAY BOUNDARY

COMMUNITY ENCROACHMENT BOUNDARY

100' WATER QUALITY BUFFER

WALKER BRANCH DR

RIVERGATE PARKWAY

DEVELOPMENT AREA

35' POST CONSTRUCTION BUFFER

PRIVATE STREET

50.00' LANDSCAPE AREA

50.00' LANDSCAPE AREA

50' BUFFER EXCEPTION

50' BUFFER EXCEPTION

GREENWAY

FUTURE GREENWAY

SITE DEVELOPMENT DATA

ACREAGE: 41 ACRES

EXISTING ZONING: R-3 (CD), R-17(CD)

EXISTING USES: VACANT

PROPOSED ZONING: UR-2

PROPOSED USES: MULTI-FAMILY RESIDENTIAL

MAX. DWELLING UNITS: 410

MAXIMUM BUILDING HEIGHT: AS PERMITTED BY UR-2 ZONING

MIN. SIDEBACK: 14' FROM PROPOSED BACK OF CURB

MIN. SIDE YARD WIDTH: 5'

MIN. REAR YARD WITH: 10'

PARKING:

RE: 1 SPACE/UNIT MIN.

2 SPACE/UNIT MAX.

TREE SAVE AREA:

AS REQUIRED BY THE ORDIANCE

PROJECT #:

STEELE CREEK MULTI-FAMILY REZONING PETITION No. 2016-100

CHARLOTTE, NC

04.22.16

1015433

FUTURE GREENWAY

REVISIONS:

DATE:

DESIGNED BY:

DRAWN BY:

CHECKED BY:

Q.C. BY:

SHEET #:

SCALE:

STEELE CREEK RD.

RIVER GATE PKWY.

WALKER BRANCH DR.

CONNECTION TO RIVERGATE PKWY NOT REQUIRED UNDER THIS REZONING

THE SHOPS AT RIVERGATE SOUTH

RIVERGATE SHOPPING CENTER

S.TRYON ST.

RIVER GATE PKWY.

WALKER BRANCH DR.

SMITH RD.

CHOATE CIR.

SITE ACCESS

NETWORK STREET

PRIVATE STREET

LEGEND

NETWORK STREET

PRIVATE STREET
DEVELOPMENT STANDARDS

The Proposed Uses:

- Maximum Dwelling Units: 400
- Maximum Building Height: 50 feet

1. General Provisions:

These Development Standards form a part of the Technical Drawings associated with the Rezoning Petition filed by MPV Properties, LLC, to remove an approximately 41-acre site located along the Walkers-Brancheaue Greenway (the “Site”).

The purpose of this Petition is to request a rezoning of the Site to the UR-Z2 Districting in order to accommodate the development of up to 410 Multi-family Dwelling units. UR-Z2 will enable the Petitioner to develop the Site in a manner that will preserve and emphasize the Site’s unique environmental features, create a harmonious transition between the project and the adjoining properties, and provide important pedestrian and vehicular connections that will benefit the surrounding community.

Unless the Technical Drawings or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-Z2 Districting shall govern all development taking place on the Site.

The development depicted on the Schechter Site Plan is intended to reflect the arrangement of proposed uses on the Site, but final configurations, placements and sizes of individual Site elements may be altered or modified so long as the maximum building envelope lines and immensity limitations established on the Technical Drawings are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the UR-Z2 Districting. However, any alterations or modifications which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the Technical Drawings or its respective conditions as well as any changes which increase the intensity of the development shall be deemed to be not to be deemed or may be made in accordance with the provisions of Subsections (b) (ii) and (c) of the Ordinance, as applicable.

2. Permitted Uses:

The Site may be developed with up to 410 Multi-family Dwelling Units together with necessary services and structures allowed under the UR-Z2 Districting.

3. Transportation:

All transportation improvements described in this section shall be implemented prior to the issuance of the first certificate of occupancy for a building on the Site.

(a) Petitioner shall cause the design and construction of a curb crossing overt River Branch in order to accommodate the extension of Walker Branch from its current terminus through the Site to the adjacent property lying west of the site, as generally depicted on the Technical Drawings.

(b) Petitioner shall work with CDOT to explore options for extending Riverbend Parkway from its current terminus through the Site to the adjacent property lying west of the site, as generally depicted on the Technical Drawings.

(c) Petitioner shall provide a Private Drive Connection between Walker Branch Drive and Riverbend Parkway to ensure public accessibility of pedestrian and vehicle connection between these two streets. This connection shall include sidewalks and planting strips and shall conform to the cross-section shown on E-2-2. Although this connection shall be open to the public, it will not to be a public street. Additionally, parking and maneuvering areas shall be permitted between buildings and the Private Drive Connection.

4. Architectural Standards:

(a) Preferred Exterior Building Materials - All principal and accessory buildings shall contain a substitution required public or private street shall comprise a minimum of 30% of a building’s total facade (exclusive of windows, doors and balconies).

i. Brick

ii. Natural stone or synthetic equivalent

iii. Other equivalent or better material approved by the Planning Director or his/her designee

(b) Preferred Exterior Building Materials - The following exterior building materials are specifically prohibited:

i. Vinyl siding (except for soffits and trim including window and door trim)

ii. Concrete Masonry Units (CMU) not architecturally finished

(c) Building Placement and Site Design - Building placement and site design shall focus on and enhance the pedestrian environment through the following standards:

i. Building Street Footage - Buildings shall be arranged and oriented to face along Walker Branch Road and Riverbend Parkway.

ii. Buildings shall be a minimum of 30% of the total street frontage on the site (exclusive of driveways, pavement access points, cul-de-sacs, open space, tree areas, natural areas, and/or tree planting areas).

iii. Parking lots shall not be located anywhere between any parking area or public/private street.

(d) Building Massing - Building massing shall be designed to break up long, monotonous building forms through the following standards:

1. Building Massing - Buildings exceeding 120 feet in length shall include modulations of the building massing facade plane (streets, projection, architectural treatment, etc.). Modulations shall be a range of 10-14 feet wide and shall extend from a minimum of 3 feet, extending through all floors. Modulations will occur every 10-14 feet. Patios and balconies are acceptable modifications.

2. Building Height - Building height shall not exceed 50 feet.

(e) Architectural Elevations - Architectural elevations shall be designed to create visual interest through the following standards:

1. Vertical Modulation and Rhythm - Building elevations shall be designed with recognizable vertical keys or articulated architectural facade features. The keys and features may include, but not limited to, a combination of exterior wall offsets, projections, and recesses, pilasters, and plinth lines.

2. Building Base - Buildings shall be designed with a recognizable architectural base. A minimum of three elevations of each building will be articulated with a wainscot of minimum 3 feet, extending through all floors. Modulations will occur every 10-14 feet. Patios and balconies are acceptable modifications.

3. Blank Walls - Building elevations facing streets shall not have expanse of blank greater than 20 feet.

4. Architectural features such as, but not limited to, building, modulations, or design features or materials to provide a visual, unobstructed, hard-edged treatment of such walls.

(f) Roof Form and Articulation - Roof form and rooflines shall be designed to avoid the appearance of a long, monotonous roof structure through the following standards:

i. Long rooflines (pitched or flat) shall avoid continuous expanses without variation by including changes in height and roof form (e.g. dormers, gables, etc.).

ii. For pitched roofs, the minimum roof pitch shall be 4:12 (five feet in vertical height for every twelve feet in horizontal length), excluding buildings with a flat roof or parapet walls.

iii. Roof HVAC and related mechanical equipment will be screened from public view at grade from the nearest street and from the nearest single-family structures.

(g) Site Storm Water Management:

- Site evaluations are primarily storm water management in accordance with the provisions of Chapter 6 of the Ordinance.

- The Site shall be determined to be a site with a minor storm water management system.

- Site storm water management systems shall be designed to accommodate actual storm water treatment requirements and natural site discharge points.

7. Parks, Greenspace and Open Space:

(a) Tree sizes and spacing of all trees of the area shall be provided.

(b) Petitioner shall provide a trail network within the Site that will connect to adjacent Park and Recreation properties owned by Mecklenburg County, connecting points are generally depicted on the Conceptual Site Plan.

(c) Open space areas shall be provided in the locations generally shown on the Schechter Site Plan.

8. Lighting:

(a) The maximum height of any detached lighting fixtures oriented on the Site shall not exceed twenty-two (22) feet high.

(b) All existing lighting fixtures installed within the Site shall be shielded with full cut-off fixtures, capped and refractorily designed. However, low-level decorative lighting may be installed along driveways, sidewalks and parking areas.

9. Amendments to Rezoning Plan:

Any amendments to the Technical Drawings, other than accompanying the Petitioner and these Development Standards may be applied for by the Site Owner or Owners in accordance with the provisions of Chapter 6 of the Ordinance.

10. Voltage and Lighting Effects:

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

11. Miscellaneous:

Throughout these Development Standards, the terms “Petitioner” and “Owner or Owners” shall be deemed to include heirs, executors, personal representatives, successors in interest and assigns of the Petitioner or the Owner or Owners of the Site from time to time who may be involved in any future development thereof.

The location, size and type of storm water management systems depicted on the rezoning plan are subject to review and approval as part of the full development plan submitted and 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.

The Site shall comply with the requirements of the Post Construction Controls Ordinance.
Previously Approved Site Plan
Rezoning Petition: 2016-111 by Philemon NODA Partners, LLC

Location: Approximately 9.91 acres located north of North Davidson Street on the southwest corner at the intersection of Philemon Avenue and East Craighead Road. (Council District 1 - Kinsey)

Current Zoning: I-1 (light industrial) and UR-2(CD) (urban residential, conditional)
Proposed Zoning: TOD-M (CD) (transit oriented development-mixed use, conditional)

Staff Recommendation:
Staff recommends approval of this petition upon of outstanding issues related to transportation cross sections, timing of transportation improvements, open space, building entrances, setbacks, and trees.

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

Current Zoning: I-1 (light industrial) and UR-2(CD) (urban residential, conditional)

Proposed Zoning: TOD-M(CD) (transit oriented development - mixed-use, conditional)

**LOCATION**

Approximately 9.91 acres located north of North Davidson Street on the southwest corner at the intersection of Philemon Avenue and East Craighead Road. (Council District 1 - Kinsey)

**SUMMARY OF PETITION**

The petition proposes to update the previously approved conditional plan for the proposed residential community located north of the NoDa "Arts District", and to add three previously excluded parcels to the petition. The petition proposes to allow transit supportive uses allowed in the TOD-M (transit oriented development - mixed-use) district, which permits residential, office and retail uses.

**PROPERTY OWNER**

MREC Vision Craighead, LLC; MREC Vision Craighead LLC C/O Vision Ventures of Carolina LLC

**PETITIONER**

Philemon NODA Partners, LLC

**AGENT/REPRESENTATIVE**

Jeff Brown, Keith MacVean, Bridget Dixon, Moore & Van Allen, PLLC

**COMMUNITY MEETING**

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

Number of people attending the Community Meeting: None

**STAFF RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation cross sections, timing of transportation improvements, open space, building entrances, setbacks, and trees.

**Plan Consistency**

The petition is consistent with the Blue Line Extension Transit Station Area Plan recommendation for transit supportive uses in the 36th Street transit station area.

The request is also consistent with the maximum recommended height of 60 feet; supports the recommended enhancements to Philemon Avenue and Raleigh Street at Craighead Road; and is consistent with the plan recommended streetscape improvements.

**Rationale for Recommendation**

- The site is located within ½ mile from the 36th Street Station on the LYNX Blue Line.
- The proposed development is designed to be transit supportive with the buildings located near the back of curb along both Philemon Avenue and East Craighead Road, courtyards with amenities, and clear pedestrian circulation. Entrances are currently proposed at least every 100 linear feet of street frontage.
- The rezoning includes three remnant parcels zoned I-1 (light industrial) that were not included in petition 2009-006, which rezoned most of the subject site to UR-2(CD) (urban residential, conditional). Inclusion of these parcels will result in a more holistic redevelopment plan than the existing approved conditional plan.
- The rezoning also allocates land for open space adjacent to the water quality buffer and FEMA Floodplain, which is consistent with the community design policy to integrate significant functional open space into the design of new development.
- Additionally, preserving this area for open space recognizes the environmentally sensitive land and proposes to minimize impacts by not developing within it.
PLANNING STAFF REVIEW

**Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
- Permitted uses include all uses allowed in the TOD-M (transit oriented development - mixed-use) district.
- Maximum building height of 60 feet and four stories.
- Access to the site via Philemon Avenue and East Craighead Road.
- Commits to constructing improvements along the site’s frontage on Philemon Avenue when sufficient pavement exists on the opposite side of the center line to accommodate an opposing lane of traffic. If insufficient pavement exists on the opposite side of Philemon Avenue, the petitioner will construct both sides of Philemon Avenue as shown on the cross-section on Sheet RZ-2.
- The southernmost access point to the site from Philemon Avenue may not be opened or utilized until Philemon Avenue is improved beyond the proposed driveway.
- Dedicates and conveys the portion of the site located along Philemon Avenue as necessary to provide a right-of-way extending 41.5 feet from the proposed or existing centerline prior to the issuance of the first certificate of occupancy for the first residential dwelling building constructed on the site.
- Dedicates and conveys the portion of the site located along East Craighead Road as necessary to provide for a right-of-way extending 35.5 feet from the existing centerline prior to issuance of the first certificate of occupancy for the first residential building constructed on the site.
- Notes that required transportation improvements will be approved and constructed prior to the issuance of the site’s final certificate of occupancy.
- Building materials include a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementsitious siding, stucco, EIFS, decorative metal panels, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits and handrails/railings.
- Portions of residential buildings facing Philemon Avenue and East Craighead Road will have building entrances oriented toward these public streets at least every 100 linear feet.
- Ground floor residential units located along Philemon Avenue and East Craighead Road will have direct access to the street they adjoin.
- Building walls along public streets will have ground floors that are taller than and architecturally different than upper floor with more transparency than upper floors.
- Blank walls will be treated with horizontal and vertical variations in wall planes.
- Ground floor residential units will be raised an average of 24 inches above grade.
- A minimum of $20,000 will be contributed by the petitioner to the Arts and Science Fund established to implement public art prior to the issuance of a certificate of occupancy for the proposed building.

**Existing Zoning and Land Use**
- Petition 2009-06 rezoned 13.57 acres that included a portion of the subject property to UR-2(CD) (urban residential, conditional) to allow 300 multi-family dwelling units, at a maximum height of 50 feet and three stories.
- The subject property is currently occupied with three single family dwellings. Properties between North Tryon Street and North Davidson Street are developed with single family and multi-family residential dwellings, office, commercial/retail, and industrial/warehouse uses in B-2 (general business), R-5 (single family residential), I-1 (light industrial), I-2 (general industrial), UR-2(CD) (urban residential, conditional), and TOD-R (transit oriented development - residential).
- Properties south of North Davidson Street are developed with single family detached, single family attached, multi-family residential, retail, eating/drinking/entertainment establishments, and industrial/warehouse uses in R-5 (single family residential), UR-1(CD), UR-2(CD) and UR-3(CD) (urban residential, conditional), MUDD-O (mixed use development, optional), MUDD(CD) (mixed use development, conditional) and I-2 (general industrial) zoning districts.
- See “Rezoning Map” for existing zoning in the area.

**Rezoning History in Area**
- Petition 2015-83 rezoned 0.122 acres located on the east side of North Davidson Street between Mercury Street and East 37th Street to MUDD-O (mixed use development, optional) to expand and reuse an existing residential structure as either a residence or an office.
- Petition 2012-72 rezoned approximately 0.53 acres located on the south side of Warp Street between Donatello Avenue and Herrin Avenue to UR-1(CD) (urban residential, conditional) to allow four single family detached dwellings.
• Petition 2012-09 approved a rezoning to UR-3(CD) (urban residential, conditional) for approximately 0.45 acres located on the south side of North Davidson Street between Herrin Avenue and Donatello Avenue to allow a maximum of 20 residential units and associated accessory structures and parking.

• Petition 2012-01 approved a rezoning to MUDD-O (mixed use development, optional) for approximately 3.82 acres located on the northeast corner of North Davidson Street and East 36th Street to allow 250 residential units and up to 22,500 square feet of nonresidential uses.

• Public Plans and Policies
  • The Blue Line Extension Transit Station Area Plan (2013) recommends transit supportive uses for the subject parcels.
  • The policies recommend promoting a mix of transit supportive land uses such as residential, office, retail, civic/institutional, park and open space through new development and redevelopment.
  • The Structure Plan portion of the station area plan recommends an adopted maximum height of up to 60 feet.
  • The plan recommends a realignment of Philemon Avenue and Raleigh Street at Craighead Road.
  • Craighead Road will be terminated at the rail tracks and eventually will not connect to North Davidson Street.
  • The adopted cross section for Philemon Avenue is an eight-foot sidewalk, eight-foot planting strip, option to construct on-street parking, a five-foot bike lane, and one 11-foot travel lane in each direction with an optional median. The recommended minimum setback is 20 feet measured from back of curb.

• TRANSPORTATION CONSIDERATIONS
  • This site is on a collector road approximately 1100 feet from a signalized intersection with a major thoroughfare. The Blue Line Extension, Philemon Avenue, and Craighead Road border this site. The current site plan accommodates the cross sections needed to accomplish the connectivity and multimodal character envisioned in this area.
  • See Outstanding Issues, Notes 1 and 2.

• Vehicle Trip Generation:
  • Current Zoning: Existing Use: 30 trips per day (based on three single family residential dwellings).
    Entitlement: 1,960 trips per day (based on 5,069 square feet of warehouse uses and 300 multi-family dwellings).
  • Proposed Zoning: Too many uses to determine trip generation.

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System: No issues.

• Charlotte Department of Neighborhood & Business Services: Developer must comply with the City’s Housing Policies if seeking public funding.

• Charlotte Fire Department: No issues.

• Charlotte-Mecklenburg Schools: The conditional district request allows a variety of uses; therefore, the impact on local schools cannot be determined.

• Charlotte-Mecklenburg Storm Water Services: No issues.

• Charlotte Water: Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water distribution main located along East Craighead Road and a two-inch water distribution main located along Philemon Avenue. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer main located along Philemon Avenue and an existing ten-inch gravity sewer main located in the western part of the rezoning boundary.

• Engineering and Property Management: See Outstanding Issues, Note 9.

• Mecklenburg County Land Use and Environmental Services Agency: No comments received.

• Mecklenburg County Parks and Recreation Department: No issues.

OUTSTANDING ISSUES
  Transportation
  1. Revise site plan to show right-of-way or sidewalk utility easement dedication to back of walk in cross-section and update Note 4g under ”Transportation” accordingly.
  2. Revise Note 4h under “Transportation” to tie improvements to the first, not final, certificate of
occupancy.

Site and Building Design
3. Reflect the building entrances referred to in Note 6c under "Architectural Standards."
4. Provide ground floor entrances for each unit designed to create greater visual interest and to be more residential in character.
5. Amend Note 6c under "Architectural Standards" to commit to ground floor entrances for each individual ground floor unit that give the appearance of primary entrances.
6. Revise the site plan to show that the 21-foot setback will be made from the future back of curb once the extra planting strip area is converted to a bicycle lane.
7. Amend Note 5b under “Streetscape, Landscaping Open Space and Screening” to state that the petitioner will provide a tree well that measures six feet by 24 feet for each street tree instead of providing a planting strip.
8. Commit to open space on the site plan and in the notes, and specify the approximate acreage.

Environment
9. Show 15% tree save area and right-of-way trees to be protected.

Attachments Online at www.rezoning.org
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327
Approximately 9.91 acres located north of North Davidson Street on the southwest corner at the intersection of Philemon Avenue and East Craighead Road.
Petition #: 2016-111
Petitioner: Philemon NODA Partners, LLC
Zoning Classification (Existing): I-1 & UR-2(CD)
    (Light Industrial and Urban Residential, Conditional)
Zoning Classification (Requested): TOD-M(CD)
    (Transit Oriented Development, Mixed Use, Conditional)

Acreage & Location: Approximately 9.91 acres located north of North Davidson Street on the southwest corner at the intersection of Philemon Avenue and East Craighead Road.
**SITE DEVELOPMENT DATA**

**ACREAGE:** 4.021 ACRES  
**TAX PARCEL #S:** 091-112-03, 091-112-04, 091-112-05, 091-112-07, 091-112-08  
**EXISTING ZONING:** I-1, UR-2(CD)  
**PROPOSED ZONING:** TOD-M (CD)  

**EXISTING USES:** RESIDENTIAL, VACANT  
**PROPOSED USES:** RESIDENTIAL AND NON-RESIDENTIAL DWELLINGS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE TOD-M ZONING DISTRICT AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3.  

**PROPOSED PLANNED DEVELOPMENT TOD-M(CD):**

**MINIMUM DENSITY:** AS PERMITTED AND ALLOWED BY THE TOD-M ZONING DISTRICT  
**MAXIMUM BUILDING HEIGHT:** A MAXIMUM BUILDING HEIGHT OF FOUR (4) STORIES AND UP TO 60' AS BUILT HEIGHT TO BE MEASURED AS REQUIRED BY THE ORDINANCE.  
**MIN. FRONT SETBACK:** 21' SETBACK ALONG E. CRAIGHEAD ROAD, 20' SETBACK ALONG PHILEMON AVE.  
**MIN. SIDE YARD WIDTH:** NONE REQUIRED  
**MIN. REAR YARD WIDTH:** NONE REQUIRED  
**PARKING:** AS PER ORDINANCE RE. LIGANDMENTS
PROPOSED R.O.W.

NODA SOUTH VILLAGE MULTI-FAMILY REZONING PETITION No. 2016-111

SOUTH CAROLINA MEETING ROOM

TREE SAVE NOTE:
THIS PROJECT WILL SEEK TO USE THE EXEMPT/FLEXIBILITY AS OUTLINED IN THE TREE ORDINANCE RELATED TO TOD DEVELOPMENT IN THE NORTH-EAST TRANSIT CORRIDOR.
Site Development Data:

- **Acreage:** 0.21
- **Tax Parcel:** 091-112-09, 091-112-08, 091-112-07, 091-112-06, 091-112-05
- **Elevating Zone:** N-12.0
- **Easements:** None
- **Frontage:** Residential/Vacant
- **Planned Use:** Residential

**Zoning District**: The Site shall be developed with residential and nonresidential use together with accessory uses as allowed in the TOD-M zoning district (see page 7 for more details).

**Maximum Area of Development**: As permitted and allowed by the TOD-M zoning district.

**Minimum Area of Building**: A minimum of 100 Square Feet (S.F.) per Residential Building.

**Parking**: Based upon requirements of the Ordinance.

1. **General Provisions**

   a. **Site Location**: This Development Standards is intended to be consistent with the general parameters described above, including the Administrative Procedure for parcels located near the intersection of the proposed TOD-M zoning district.

   b. **Graphs and Alternatives**: The site shall be developed to the maximum extent possible in accordance with the provisions of this Ordinance. The location, size, and configuration of the Development Site shall be determined so as to provide for the maximum use of the Site in the TOD-M zoning district, provided that the maximum area of development shall not exceed the area permitted by the Administrative Procedure for parcels located near the intersection of the proposed TOD-M zoning district.

   c. **Number of Buildings Principal and Accessory**: Notwithstanding the number of buildings described in the Proposed Plan, the number of principal buildings on the Site shall not exceed the number of buildings located on the Site. The maximum area of development shall be determined by the Administrative Procedure for parcels located near the intersection of the proposed TOD-M zoning district.

2. **Optimal Provisions**

   a. **Site Location**: The Site shall be developed with residential and nonresidential use as permitted by the Administrative Procedure for parcels located near the intersection of the proposed TOD-M zoning district.

3. **Required Uses, Development and Limitations**

   a. The site shall be developed with residential and nonresidential use as permitted by the Administrative Procedure for parcels located near the intersection of the proposed TOD-M zoning district.

4. **Access and Right-of-Way Dedication**

   a. **Yorkdale access to the Site**: Shall be provided as shown on the Proposed Plan, with the exception of the proposed access to the residential buildings off of the Site.

   b. The Petitioner shall be required to dedicate an easement for the construction of residential buildings off of the Site.

   c. The Petitioner shall be responsible for the construction of access roads for the residential buildings off of the Site.

5. **Minimum Area of Building**: A minimum of 100 Square Feet (S.F.) per Residential Building.

6. **Parking**: Based upon requirements of the Ordinance.

   a. **Minimum Area of Building**: A minimum of 100 Square Feet (S.F.) per Residential Building.

   b. **Parking**: Based upon requirements of the Ordinance.
Previously Approved Site Plan
These elevations are included to reflect the architectural style and quality of the buildings that will be constructed on the site (the actual buildings constructed on the site may vary from these illustrations as long the general architectural concepts and intent illustrated is maintained).

ABERNETHY LUMBER APARTMENTS
PHILEMON AVENUE
CONCEPTUAL ELEVATION STUDY
03.13.09
Rezoning Petition: 2016-106 by Bobby and Deborah Hogan

Location: Approximately 8.60 acres located on the east side of Statesville Road, north of Spector Drive and Old Statesville Road. (Council District 2 - Austin)

Current Zoning: I-2(CD) (general industrial, conditional)
Proposed Zoning: I-2(CD) SPA (general industrial, conditional, site plan amendment)

Staff Recommendation:
Staff recommends approval of this petition upon resolution of the minor technical items related to sidewalks.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
REQUEST
Current Zoning: I-2(CD) (general industrial, conditional)
Proposed Zoning: I-2(CD) SPA (general industrial, conditional, site plan amendment)

LOCATION
Approximately 8.60 acres located on the east side of Statesville Road, north of Specter Drive and Old Statesville Road.
(Council District 2 - Austin)

SUMMARY OF PETITION
The petition proposes to add a wireless communications tower to a site currently developed with warehouses on parcels immediately surrounded by warehouse/industrial uses.

PROPERTY OWNER
Bobby R. Hogan and Deborah L. Hogan

PETITIONER
Bobby R. Hogan, Deborah L. Hogan

AGENT/REPRESENTATIVE
Jonathon L. Yates, Esq./ Hellman Yates & Tisdale

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

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of the minor technical items related to sidewalks.

Plan Consistency
The petition is consistent with the adopted industrial land use recommendation for the site and surrounding area.

Rationale for Recommendation
- The property is developed with a mini-warehouse storage facility, and is adjacent to the former Metrolina Expo, which is to be redeveloped as an industrial park.
- The proposed tower is compatible with the surrounding uses which are mainly industrial in nature.
- Wireless communication towers are low intensity uses with low traffic volume.

PLANNING STAFF REVIEW
- Proposed Request Details
  The site plan amendment contains the following changes:
   - Adds a 154-foot monopole tower within an enclosed fence compound with parking and turnaround area, to be located within southeast corner of the site.
   - Provides a 30-foot access and utility easement along the north and east property boundaries.
   - Adds "Design Guidelines" notes pertaining to construction materials and height of the proposed communications tower.
   - Modifies signs note by noting signage will be provided per ordinance.
   - Modifies lighting note by removing reference to wall pak.

- Existing Zoning and Land Use
  - The site is currently developed with warehouses and is generally surrounded by office/warehouse uses.
  - The subject property was rezoned from I-1 (light industrial), I-2 (general industrial), and I-2(CD) (general industrial, conditional) to I-2(CD) (general industrial, conditional) via rezoning petition 2006-124 in order to add approximately 84,000 square feet of mini-warehouse space to an existing mini-storage (and outside storage) facility.
  - North of the rezoning site are vacant land and office/warehouse/distribution uses zoned I-1 (light industrial) and I-2(CD) (general industrial, conditional).
  - To the east is the former Metrolina Expo, warehouse/industrial uses, a mobile home community, scattered single family residential homes, and industrial/warehouse uses zoned R-MH (manufactured housing), I-1 (light industrial), I-1(CD) (light industrial, conditional), I-2 (general industrial), and I-2(CD) (general industrial, conditional).
  - To the south are a multi-family residential development, institutional uses, office, retail, and
warehouse/distribution uses zoned R-17MF(CD) (multi-family residential, conditional), B-2 (general business), B-2(CD) (general business, conditional), I-1 (light industrial), I-2 (general industrial), and I-2(CD) (general industrial, conditional).

- See “Rezoning Map” for existing zoning in the area.

**Rezoning History in Area**
- Petition 2016-027 approved rezoning 95.67 acres (the former Metrolina Expo) located on the east side of Statesville Road north of Old Statesville Road from I-1(CD)(light industrial, conditional) to I-1 (light industrial) to allow all uses permitted in the I-1 (light industrial) zoning district.

**Public Plans and Policies**
- The Northeast District Plan (1996) recommends industrial land uses for this site, and the surrounding area. The plan specifies that the land between I-77 and NC 115 is ideal for industrial or business park use; it has great access to the interstates and is in close proximity to an established rail line.
- The site is located within the North Growth Corridor, as per the Centers, Corridors and Wedges Growth Framework.

**TRANSPORTATION CONSIDERATIONS**
- This site is located along a major thoroughfare. This petition will not increase the amount of traffic generated by the site and CDOT has no concerns with this petition at this time.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 160 trips per day (based on 63,350 square feet of warehouse uses).
    - Entitlement: 310 (based on 123,500 square feet mini-warehouse/storage).
  - Proposed Zoning: 310 trips per day (based on 123,500 square feet mini-warehouse/storage and a telecommunications tower).

**DEPARTMENT COMMENTS** (see full department reports online)
- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along Statesville Road. Sewer system availability for the rezoning boundary is via an existing eight-inch gravity sewer main located along Statesville Road at the northwestern corner of the rezoning boundary.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

Transportation
1. Sidewalk Note on site plan pertaining to installation of six-foot sidewalk by property owners when adjacent property owners install sidewalks should be deleted. A sidewalk should be installed as part of this petition.

**Attachments Online at www.rezoning.org**
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

**Planner:** Claire Lyte-Graham (704) 336-3782
Petition #: 2016-106

Acreage & Location: Approximately 8.60 acres located on the east side of Statesville Road, north of Spector Drive and Old Statesville Road.
Petition #: 2016-106
Petitioner: Bobby & Deborah Hogan

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

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

Acreage & Location: Approximately 8.60 acres located on the east side of Statesville Road, north of Spector Drive and Old Statesville Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 5-20-2016.
Previously Approved Site Plan
City of Charlotte

Agenda Date: 9/19/2016

Agenda #: 28. File #: 15-3956 Type: Zoning Hearing

Rezoning Petition: 2016-107 by Trevi Partners, LLC

Location: Approximately 15.86 acres located on the southeast side of North Tryon Street between Wednesbury Boulevard and Caprington Avenue. (Council District 4 - Phipps)

Current Zoning: CC (commercial center) and UR-C (CD) (urban residential - commercial, conditional)
Proposed Zoning: UR-C (CD) (urban residential - commercial, conditional) and UR-C (CD) SPA (urban residential - commercial, conditional, site plan amendment), with five year vested rights.

Staff Recommendation:
Staff recommends approval of this petition upon the resubmittal of a revised site plan for the associated administrative amendment and resolution of outstanding issues pertaining to transportation and site and building design, and minor technical revisions.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
REQUEST
Current Zoning: CC (commercial center) and UR-C(CD) (urban residential - commercial, conditional)

Proposed Zoning: UR-C(CD) (urban residential - commercial, conditional) and UR-C(CD) SPA (urban residential - commercial, conditional, site plan amendment), with five-year vested rights.

LOCATION
Approximately 15.86 acres located on the southeast side of North Tryon Street between Wednesbury Boulevard and Caprington Avenue) (Council District 4 - Phipps)

SUMMARY OF PETITION
The petition proposes to amend the existing development rights on an undeveloped parcel located across North Tryon Street from the Settlements and Withrow Downs neighborhoods to allow up to 275 multi-family dwelling units, at a density of 17.3 units per acre.

PROPERTY OWNER
Trevi Partners, LLC

PETITIONER
Trevi Partners, LLC

AGENT/REPRESENTATIVE
ColeJenest & Stone, PA

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

STAFF RECOMMENDATION
Staff recommends approval of this petition upon the resubmittal of a revised site plan for the associated administrative amendment and resolution of outstanding issues pertaining to transportation and site and building design, and minor technical revisions.

Plan Consistency
The petition is inconsistent with the Northeast Area Plan, as amended by rezoning petition 2010-047, which recommends residential, institutional, office and retail uses on the subject site. residential

Rationale for Recommendation
- The proposed multi-family, which is associated with the non-residential development approved for the adjoining property, will provide a balanced land use pattern with a mixture of uses including residential, shopping, employment and institutional uses as recommended by the adopted plan.
- This site provides an internal street and pedestrian network which will connect to abutting properties and enhance connectivity for the larger area when fully implemented.
- The proposed buffers and large tree save areas provide a transition to the existing single family neighborhood to the west.
- The site plan provides usable open space, preservation of natural features, and a greenway easement to be dedicated to Mecklenburg County.

PLANNING STAFF REVIEW
- Background
  - In 2010, Trevi Partners, LLC rezoned the subject property as part of a larger mixed use development that included independent and independent living, office, and retail uses. The site plan associated with the 2010 rezoning separated the property into eight development tracts, as shown on the adjacent map.
  - The proposed rezoning will amend the zoning standards and uses for Tract 3A, Tract 4, and portions of Tract 1A, 1B, and 3B. In addition, the proposal moves the westernmost public street to the east, where the road to the treatment plant is currently located.

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Relocation of the westernmost street as shown on the 2010 approved site plan, to the east.
• Relocation of the northernmost east/west street to the south and elimination of the second east/west street.
• A maximum of 275 multi-family residential dwelling units in eight buildings, and permitted accessory uses, at a density of 17.34 dwelling units per acre.
• Building height limited to four stories.
• A minimum 30 percent of a building façade abutting a public or private street will be comprised of brick, natural stone or equivalent or better material approved by the Planning Director. Vinyl is prohibited as an exterior building material except for soffits and trim.
• Buildings will be arranged and oriented to front network required public and private streets, and will provide a minimum of 50 percent of the total street frontage on the site.
• Building placement and site design will focus on and enhance the pedestrian environment.
• Building massing will be designed to break up long monolithic building forms. Architectural elevations will be designed to create visual interest and roof form/roof lines will be designed to avoid the appearance of a large monolithic roof structure.
• Site access will be off US Highway 29 via a proposed private driveway and a public road.
• A ten-foot wide multi-use path will be provided along the site's frontage on US Highway 29.
• Dedication and conveyance of an interior located 20-foot wide greenway easement to Mecklenburg County will be provided.
• A minimum 36-inch high masonry screen wall will be installed on the Tract 6 frontage along the public street to the treatment plant.
• A 37.5-foot wide “Class C” buffer will be provided abutting R-3 (single family residential) zoning.

• Existing Zoning and Land Use
  • Petition 2010-047 rezoned a total of 68.9 acres to CC SPA (commercial center, site plan amendment), and UR-C(CD) (urban residential - commercial, conditional). The overall site allowed 454 multi-family and skilled nursing units, 70,000 square feet of medical office, a 170-room hotel, a 14,000-square foot adult day care center, a 25,000-square foot wellness center and 110,000 square feet of commercial/retail uses.
  • The 15.86-acre subject property was included in that rezoning and is identified as Tract 3A, Tract 4, and portions of Tract 1A, 1B, and 3B. The approved site plan shows only shows water quality buffers and BMP areas on Tracts 3A, 4 and 1A. Uses permitted on Tracts 1A, 1B, and 3B that are part of this rezoning included retail, adult day care, wellness/medical office, hotel, dependent and independent multi-family residential.
  • The subject property is currently vacant.
  • Surrounding properties located on the southeast side of North Tryon Street are zoned R-3 (single family residential), UR-C(CD) (urban residential - commercial, conditional), CC (commercial center), B-1 (neighborhood business), and NS (neighborhood services) and are mainly undeveloped except for several retail uses and an eating/drinking/entertainment establishment fronting North Tryon Street, a Charlotte water treatment plant, and scattered single family detached and duplex dwellings.
  • Two office buildings in B-1 (neighborhood business) zoning, and a religious institution and single family detached dwellings in R-3 (single family residential) zoning, exist on the northwest side of North Tryon Street.
  • See “Rezoning Map” for existing zoning in the area.

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

• Public Plans and Policies
  • The Northeast Area Plan (2000), as amended by Rezoning Petition 2010-047, recommends residential, institutional, office, and retail uses for the subject property.

• TRANSPORTATION CONSIDERATIONS
  • This site is located along a major thoroughfare. This current site plan substantially incorporates CDOT’s requests for new public streets, greenway dedication, and a multi-use path along US 29/North Tryon. However, CDOT requests that the multi-use path proposed along the site’s US 29 frontage is widened to 12 feet and placed behind an eight-foot planting strip to create a more comfortable path for bicycles and pedestrians.
  • See Outstanding Issues, Note 1.

• Vehicle Trip Generation:
  Current Zoning:
  Existing Use: 0 trips per day (based on vacant land).
  Entitlement: Uses cannot be determined due to the impact of the revised road alignment on the currently approved site plan for the subject site (based on rezoning petition 2010-047).
  Proposed Zoning: 1,790 trips per day (based on 275 apartment units).
DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System**: No issues.
- **Charlotte Department of Neighborhood & Business Services**: No issues.
- **Charlotte Fire Department**: No issues.
- **Charlotte-Mecklenburg Schools**: The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce 101 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 101 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
  - Stoney Creek Elementary from 126% to 134%;
  - James Martin Middle from 87% to 88%; and
  - Vance High from 116% to 118%.
- **Charlotte-Mecklenburg Storm Water Services**: No issues.
- **Charlotte Water**: Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located near the northern corner of the parcel, on North Tryon Street. Sewer system availability for the rezoning boundary is via an existing eight-inch gravity sewer main located within the parcel, located along the creek.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No comments received.
- **Mecklenburg County Parks and Recreation Department**: No issues.

OUTSTANDING ISSUES

**Land Use**

1. The petitioner should provide a revised administrative amendment, prior to the Zoning Committee Work Session, for the property that was part of rezoning petition 2010-047 but not included with this submittal. The administrative amendment should reduce the total square footage on the remaining portion of the site included in rezoning petition 2010-047. The reduction in square footage should be in proportion to the reduction in acreage for the remainder of property included in the prior rezoning.

**Transportation**

2. The petitioner needs to revise the site plan to include a 12-foot wide multi-use path along the site’s US 29 frontage and separated a minimum of eight feet from the closest US 29 travel lane. The multi-use path should maintain profile (i.e. not ramped to pavement) at intersections with right-in/right-out site drives.

**Site and Building Design**

3. Provide and show connections from each building to the sidewalk along the proposed Public Road A.
4. Provide entrances from the Building 1 and Buildings 3-6 to the sidewalk along the proposed Public Street A.

REQUESTED TECHNICAL REVISIONS

**Land Use**

5. Delete optional requests as they are not allowed in the proposed district.

**Site and Building Design**

6. Amend Note 5(c)(i) to remove reference to the optional provision in Note 2b.
7. Clarify if the 20-foot greenway access is an easement or is to be dedicated.

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

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

**Planner:** Sonja Strayhorn Sanders  (704)-336-8327
Petition #: 2016-107

Acreage & Location: Approximately 23.13 acres located on the southeast side of North Tryon Street between Wednesbury Boulevard and Caprington Avenue.

Rezoning Petition: 2016-107
Petition #: 2016-107
Petitioner: Trevi Partners, LLC

Zoning Classification (Existing): CC & UR-C(CD)
(Commercial Center and Urban Residential, Commercial, Conditional)

Zoning Classification (Requested): UR-C(CD) & UR-C(CD)SPA, Both 5-Year Vested Rights
(Urban Residential, Commercial, Conditional, Five Year Vested Rights and Urban Residential, Commercial, Conditional, Site Plan Amendment, Five Year Vested Rights)

Acreage & Location: Approximately 15.86 acres located on the southeast side of North Tryon Street between Wednesbury Boulevard and Caprington Avenue.

Map Produced by the Charlotte-Mecklenburg Planning Department, 9-8-2016.
Previously Approved Site Plan
Rezoning Petition: 2016-114 by Harris Doulaveris

Location: Approximately 1.95 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road. (Council District 5 - Autry)

Current Zoning: B-1(CD) (neighborhood business, conditional)
Proposed Zoning: B-2(CD) (general business, conditional)

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues related to building and parking envelopes, sidewalks, and parking.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
| REQUEST | Current Zoning: B-1(CD) (neighborhood business, conditional)  
Proposed Zoning: B-2(CD) (general business, conditional) |
|---------|-----------------------------------------------------------|
| LOCATION | Approximately 1.95 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 the development of a vacant site in the Hickory Ridge neighborhood with 15,000 square feet of eating/drinking/entertainment establishment, retail and personal services uses. |
| PROPERTY OWNER | Nuga Properties, LLC |
| PETITIONER | Harris Doulaveris |
| AGENT/REPRESENTATIVE | Jeff Brown, Keith MacVean and Bridget Dixon, Moore & Van Allen |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 9 |
| STAFF RECOMMENDATION | Staff recommends approval of this petition upon resolution of outstanding issues related to building and parking envelopes, sidewalks, and parking. |
| Plan Consistency | The petition is consistent with the Eastside Strategy Plan, as updated by rezoning petition 2008-106, which recommends retail uses. |
| Rationale for Recommendation | • The proposal is consistent with the non-residential zoning and land use pattern along this section of Albemarle Road.  
• The site was previously approved for office development and a retail pharmacy with an accessory drive-through window. Although the types of uses permitted to have a drive-through window has been expanded, the number of drive-through windows is still limited to one.  
• The petition also commits to one sit-down eating/drinking/entertainment establishment without an accessory drive-through window.  
• While the proposed B-2(CD) (general business, conditional) zoning is located amid property zoned B-1(CD) (neighborhood business, conditional) and INST (institutional), the proposed conditional plan prohibits a number of potential uses, such as automotive service stations, automobile sales and repair, and contractor's offices, that would otherwise permitted in the B-2 (general business) district but are not allowed in the B-1 (neighborhood business) district. |

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Maximum building area of 15,000 square feet in two building envelopes.
  - Maximum building height of up to two stories and not to exceed 40 feet.
  - Permitted uses include retail, personal service, eating/drinking/entertainment establishments and other uses permitted in the B-2 (general business) district as further defined below.
  - Only one use with accessory drive-through window, or drive-in eating/drinking/entertainment establishment, will be permitted on the site and must be located in Building and Parking Envelope #2.
  - One sit-down style eating/drinking/entertainment establishment will be provided.
  - Prohibited uses include but are not limited to the following: commercial outdoor amusement, automotive service stations with or without convenience stores, automobile sales and repair including engine overhaul and tractor trucks, armories, auction sales, body and paint shops, car washes, contractor's offices with accessory storage, residential dwellings, motion picture...
theaters, wholesale sales within related storage and warehousing, and adult establishments.

- Construction on Building and Parking Envelope #1 must commence prior to issuance of a building permit on Building and Parking Envelope #2.
- On Building and Parking Envelope #1, parking is disallowed between the building and Albemarle Road.
- Site access from Albemarle Road and potential vehicular and pedestrian access may be provided to abutting tax parcel 109-102-06 subject to the petitioner securing a cross-access easement.
- Building materials include a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative block, architectural metal panels and/or wood. Vinyl may only be used on windows, soffits and on handrails/railings.
- The building façade on Building and Parking Envelope #1 facing Albemarle Road will have windows and a door oriented toward Albemarle Road.
- A concrete waiting pad and bench for CATS bus passengers will be provided along Albemarle Road.

**Existing Zoning and Land Use**

- The subject property, which is undeveloped, was rezoned via Petition 2008-106 to allow a 24,700-square foot medical office with a 4,100-square foot retail pharmacy and associated drive-through window.
- Surrounding properties on the north side of Albemarle Road are zoned R-3 (single family residential), INST (institutional), B-1(CD) (neighborhood business, conditional), B-1SCD (business shopping center) and CC (commercial center) and developed with two religious institutions, retail and office uses fronting Albemarle Road, and single family residential dwellings primarily located behind the non-residential parcels.
- Properties on the south side of Albemarle Road are developed with a bank, retail uses and eating/drinking/entertainment establishments in CC (commercial zoning), and single family detached dwellings and multi-family dwellings in R-3 (single family residual) and R-12MF(CD) (multi-family residential, conditional) zoning districts.
- See "Rezoning Map" for existing zoning in the area.

**Rezoning History in Area**

- Petition 2014-111 rezoned approximately 3.32 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road to B-1(CD) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment) to allow up to three commercial buildings on three individual lots. Prohibited uses include land clearing and inert debris landfills, construction and demolition landfills, automotive service stations selling gasoline and diesel fuel, jails and prisons, heavy motor repair shops, and car washes. One accessory drive-through window is allowed on the site.

**Public Plans and Policies**

- The Eastside Strategy Plan (2001), as updated by rezoning petition 2008-106, recommends retail uses on this site. The prior rezoning specifically allows a medical office and retail pharmacy with an accessory drive-through window.

**TRANSPORTATION CONSIDERATIONS**

- The site is located on a major thoroughfare approximately 500 feet from a signalized intersection. The current site plan replaces existing, narrow back of curb sidewalk with wider, buffered sidewalk and includes notes to provide cross access if agreed to by owners of adjacent parcels.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing use: 0 trips per day (based on vacant land).
    - Entitlement: 1,170 trips per day (based on entitlements with the current zoning).
    - Proposed Zoning: 1,980 trips per day (based on 15,000 square feet of retail uses).

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

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Charlotte Fire Department: No issues.
- Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
- Charlotte-Mecklenburg Storm Water Services: No issues.
• **Charlotte Water**: Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along Albemarle Road. Sewer system availability for the rezoning boundary is provided via an existing eight-inch gravity sewer main located on the western edge of the parcel, near the southwest corner.

• **Engineering and Property Management**: No issues.

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

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

**OUTSTANDING ISSUES**

**Site and Building Design**
1. Clarify distinction between the building envelope and parking envelope. Specify location of parking, buildings and maneuvering.
2. Provide sidewalk connections from both buildings to the sidewalk along Albemarle Road.

**Land Use**
3. Amend Note 2b under “Permitted Uses” as follows: “A sit down eating/drinking/entertainment establishment without an accessory drive-through window will be one of the uses constructed on the site.”

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

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

**Planner**: Sonja Strayhorn Sanders (704) 336-8327
Petition #: 2016-114

Acreage & Location: Approximately 1.95 acres located on the north side of Albemarle Road between Hollirose Drive and Eastern Circumferential Road.
Petition #: 2016-114
Petitioner: Harris Doulaveris

Zoning Classification (Existing): B-1(CD)  
(Neighborhood Business, Conditional)

Zoning Classification (Requested): B-2(CD)  
(General Business, Conditional)

Acreage & Location: Approximately 1.95 acres located on the north side of Albemarle Road between Hollirose Drive and Eastern Circumferential Road.
These elevations are provided to reflect the architectural style and quality of the sit down restaurant to be constructed on the Site. The actual building constructed on the Site may have minor variations from this illustration that adhere to the general architectural concepts and intent illustrated is maintained.
These elevations are provided to reflect the architectural style and quality of the sit down restaurant to be constructed on the Site. The actual building constructed on the Site may have minor variations from this illustration that adhere to the general architectural concepts and intent illustrated is maintained.
Previously Approved Site Plan
Rezoning Petition: 2016-121 by Chen Development, LLC

Location: Approximately 0.39 acres located on the northwest corner at the intersection of Park Road and Montford Drive. (Council District 6 - Smith)

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

Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issue related to site design and other technical revisions.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning: O-2 (office)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION
Approximately 0.39 acres located on the northwest corner at the intersection of Park Road and Montford Drive.
(Council District 6 - Smith)

SUMMARY OF PETITION
The petition proposes reuse of the existing building and parking for eating/drinking/entertainment establishment, art gallery, office, retail, barbershop and/or beauty shop uses in the Park/Montford area.

PROPERTY OWNER
Medical Specialists Properties, LLC

PETITIONER
Chen Development, LLC (c/o Jeff Watson)

AGENT/REPRESENTATIVE
John Carmichael (Robinson Bradshaw)

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 6.

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issue related to site design and other technical revisions.

Plan Consistency
The petition is consistent with the Park Woodlawn Area Plan, which recommends a mix of higher intensity uses (residential, office, and/or retail) in a pedestrian friendly form for the area in which the site is located.

Rationale for Recommendation
• The site is located in the Park/Woodlawn Mixed Use Activity Center, which is a priority area to accommodate future growth in an urban, pedestrian-oriented development form.
• The proposal is consistent with the design guidelines recommended in the adopted area plan by reusing the existing building which orients to Park Road and locating parking and circulation primarily behind the building; additionally, the existing building’s scale and height of 24 feet is compatible with the adjacent single family neighborhood.
• The site plan supports walkability by committing to retail space at the corner of Park Road and Montford Drive, with street level entrances and outdoor dining along the street edge.
• The proposal also enhances the pedestrian environment by providing a 13-foot planting strip, including five feet for a future bike lane, and an eight-foot sidewalk along Park Road. Additionally, the site plan provides an eight-foot planting strip and eight-foot sidewalk along Montford Drive.

PLANNING STAFF REVIEW
• Proposed Request Details
The site plan accompanying this petition contains the following provisions:
• Allows the following uses: eating/drinking/entertainment establishments (type 1 and 2), art galleries, general offices, medical offices, retail sales, beauty shops, and barbershops.
• Reuses the existing 2,500-square foot building and allows a maximum 720-square foot addition for an outdoor patio.
• Limits the maximum building height to 24 feet.
• Prohibits accessory drive-through service windows, building expansions except for the patio, and outdoor live, recorded or broadcast music between the hours of 10 p.m. and 10 a.m.
• Access to the site from an existing right-in/right-out driveway on Park Road and full movement driveway on Montford Drive.
• Provides a 13-foot planting strip, including five feet for a future bike lane, and eight-foot sidewalk along Park Road and an eight-foot planting strip and eight-foot sidewalk along Montford Drive.
• Limits the height of detached lighting to 21 feet.
• Requests the following Optional Provisions:
  • Allow the northern and western property lines to not be required to meet the parking lot screening requirements. This request is to facilitate the reuse of the existing parking facilities.
  • Allow the existing structure and any renovations to not be required to meet the urban design and development standards of Section 9.8506 of the Zoning Ordinance. The request is to facilitate the reuse of the existing building.
  • Allow the existing parking lot to remain in place and not be required to meet Section 9.8507 which prohibits surface level parking in the setback and between the use and setback. This is to facilitate the reuse of the existing parking facilities.

• Existing Zoning and Land Use
  • The subject site and properties to the north along Park Road are zoned O-2 (office) and are developed with low-scale office uses.
  • Across Park Road, to the east, are properties in B-1 (neighborhood business) zoning and developed with a mixture of retail, eating/drinking/entertainment establishment (EDEE), office and other business uses.
  • The property to the south across Montford Drive is zoned MUDD(CD) (mixed used development, conditional) with an EDEE and retail building under construction; further south are properties in O-2 (office) zoning developed with office uses.
  • Properties west of the site are zoned R-4 (single family residential) and are developed with single family homes in the Madison Park neighborhood.
  • See “Rezoning Map” for existing zoning in the area.

• Rezoning History in Area
  • Recent rezonings approved in the area include:
    • Petition 2016-030 rezoned five acres southeast of the subject site, located on the south side of Mockingbird Lane between Park Road and Hedgemore Drive, from MUDD(CD) (mixed use development, conditional) to MUDD-O (mixed use development, optional) to allow 360 residential units, plus 17,000 square feet of retail/commercial uses.
    • Petition 2015-120 rezoned 10.7 acres southeast of the subject site, located on the southeast corner of Park Road and Abbey Place, from O-1 (office) to MUDD-O (mixed use development, optional) to allow up to 600,000 square feet of commercial uses, including 228,324 square feet of existing office, and 450 residential units, with a hotel conversion provision, with building height of up to 120 feet
    • Petition 2015-053 rezoned 0.37 acres south of the subject site, on the southwest corner of Montford Drive and Park Road, from O-2 (office) to MUDD(CD) (mixed use development, conditional) to allow 4,700 square feet of retail uses.
    • Petition 2014-116 Rezoned 9.07 acres southwest of the subject site, located on the north and south sides of Abbey Place west of Park Road, from R-17MF (multi-family residential) to UR-2(CD) (urban residential, conditional) to allow 265 new multi-family dwelling units.
    • Petition 2014-028 rezoned 1.6 acres southeast of the subject site, located on the southeast corner of Abbey Place and Hedgemore Drive, from O-1 (office) to MUDD(CD) (mixed use development, conditional) to allow 150 multi-family dwelling units.
    • Petition 2012-095 rezoned 0.35 acres south of the subject site, located on the northwest corner of Mockingbird Lane and Park Road, from O-2 (office) to MUDD-O (mixed use development, optional) to allow 9,052 square feet of retail uses.

• Public Plans and Policies
  • The Park Woodlawn Area Plan (2013) recommends a mix of residential/office and/or retail land uses for the area in which the site is located.
  • The plan recommends that sites adjacent to the single family neighborhood and those that front on Park Road should adhere to the “Non-residential Community Design” guidelines. The guidelines state that shallow depth lot redevelopment along Park Road should relate to the single family neighborhoods behind, buildings should orient to Park Road with parking and circulation behind buildings, and scale and height should transition with respect to the single family neighborhood.

• TRANSPORTATION CONSIDERATIONS
  • The site is at the unsignalized intersection of a major thoroughfare and a local street. The nearest signalized intersection is 500 feet north at Park Road and Woodlawn Road. The proposed site is located in an Activity Center and within the limits of the Park Woodlawn Area Plan.
  • See Requested Technical Revisions, Note 4.
• **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 90 trips per day (based on 2,475 square feet of medical office).
  Entitlement: 150 trips per day (based on 5,726 square feet of office).
  Proposed Zoning: 620 trips per day (based on 2,500 square feet of retail).

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

• **Charlotte Area Transit System:** No issues.
• **Charlotte Department of Neighborhood & Business Services:** No issues.
• **Charlotte Fire Department:** No issues.
• **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
• **Charlotte-Mecklenburg Storm Water Services:** No issues.
• **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing six-inch water distribution mains located along Park Road and Montford Drive. There is also an eight-inch water distribution main located along Park Road. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located along Montford Drive.
• **Engineering and Property Management:** See Requested Technical Revisions, Note 3.
• **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
• **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**
**Site and Building Design**
1. Commit to a minimum parking ratio for eating/drinking/entertainment establishment uses that is more restrictive than the standard MUDD (mixed use development) requirement.
2. Amend Optional Provision 2B to specify which subsections of Section 9.8506 are requested to be opted out of.

**REQUESTED TECHNICAL REVISIONS**
**Environment**
3. Show all right-of-way trees to be protected on plans.
**Transportation**
4. Revise the site plan to add a note specifying all transportation improvements will be constructed and approved before the site’s first building certificate of occupancy is issued.
**Other**
5. Reorient the site plan so that north is at top of page, matching the vicinity map.

**Attachments Online at www.rezoning.org**
• Application
• Site Plan
• Locator Map
• Community Meeting Report
• Department Comments
  • Charlotte Area Transit System Review
  • Charlotte Department of Neighborhood & Business Services Review
  • Charlotte Fire Department Review
  • Charlotte-Mecklenburg Storm Water Services Review
  • Charlotte Water Review
  • Engineering and Property Management Review
  • Mecklenburg County Parks and Recreation Review
  • Transportation Review

**Planner:** John Kinley  (704) 336-8311
Petition #: 2016-121

Acreage & Location: Approximately 0.39 acres located on the northwest corner at the intersection of Park Road and Montford Drive.
Petition #: 2016-121
Petitioner: Chen Development, LLC

Zoning Classification (Existing): O-2 (Office)

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

Acreage & Location: Approximately 0.39 acres located on the northwest corner at the intersection of Park Road and Montford Drive.
Agenda #: 31. File #: 15-3958 Type: Zoning Hearing

Rezoning Petition: 2016-108 by Laurel Falls

Location: Approximately 0.42 acres located on the north side of West Bland Street between South Tryon Street and Winnifred Street. (Council District 3 - Mayfield)

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

Staff Recommendation:
Staff recommends approval of this petition.

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

LOCATION
Approximately 0.42 acres located on the north side of West Bland Street between South Tryon Street and Winnifred Street.
(Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to allow all transit supportive uses per conventional TOD-M (transit oriented development – mixed-use) zoning for a 0.42 acre site located in South End and within a ¼ mile walk of the Bland Street transit station on the LYNX Blue Line. Uses allowed in the TOD-M (transit oriented development – mixed-use) district include office, residential, retail, and civic uses.

PROPERTY OWNER
Laurel Falls, Trustee for LMGF Family Trust; Falls Enterprises LLC; Boyd P. Falls

PETITIONER
Laurel Falls

AGENT/REPRESENTATIVE
None

COMMUNITY MEETING
Meeting is not required.

STAFF RECOMMENDATION
Staff recommends approval of this petition.

Plan Consistency
The petition is consistent with the South End Transit Station Area Plan recommendation for mixed-use transit supportive development.

Rationale for Recommendation
• The subject site is within a ¼ mile walk of the Bland Street transit station on the LYNX Blue Line.
• The proposal allows a site being used for industrial/office use to convert to transit supportive land uses.
• Use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
• TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

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

• Existing Zoning and Land Use
  • The subject property is currently developed with an industrial/office building and is zoned I-2 (general industrial).
  • The south and east boundary of the site abuts property which is zoned I-2 (general industrial) and TOD-M (transit orientated development – mixed-use) and is either developed with industrial and office uses or is vacant.
  • North and west of the site, there is property zoned TOD-MO (transit oriented development – mixed-use, optional) and TOD-M (transit orientated development – mixed-use) and developed with industrial/office buildings.
  • See “Rezoning Map” for existing zoning in the area.

• Rezoning History in Area
  • Since the construction of the LYNX Blue Line and the light rail station at Bland Street, there have been a number of rezonings to conventional TOD-M (transit oriented development – mixed-use). These rezonings have supported the transition of the area from an industrial
district to a more walkable transit supportive district.

- **Public Plans and Policies**
  - The *South End Transit Station Area Plan* (2005) recommends mixed-use transit supportive development for the subject site and surrounding properties.

- **TRANSPORTATION CONSIDERATIONS**
  - The site fronts a major collector approximately 200 feet away from a signalized intersection with a major thoroughfare and is within a block generally zoned for transit oriented development. While the *South End Transit Station Area Plan* does not call for widening Bland Street, CDOT will work with the petitioner during permitting to replace the existing back of curb sidewalk with streetscape standards for this zoning district to contribute to the multimodal transportation infrastructure goals in the area plan.
  - **Vehicle Trip Generation:**
    - Current Zoning: 95 trips per day (based on 8,324 square feet of warehouse uses and 1,856 square feet of office uses).
    - Proposed Zoning: Too many uses to determine trip generation.

- **DEPARTMENT COMMENTS** (see full department reports online)
  - **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
  - **Charlotte-Mecklenburg Storm Water Services:** Flooding and surface water quality impacts associated with impervious surfaces on this site are being addressed through compliance with the Post-Construction Stormwater Ordinance. Compliance may include installing devices that hold and slowly release runoff over time to reduce flooding potential, devices that filter pollutants from runoff before release to streams, preservation of vegetated stream buffer zones, preservation of upland trees and forested areas, or paying a mitigation fee in lieu of onsite stormwater control devices. Compliance with the Post-Construction Stormwater Ordinance addresses concerns related to flooding and surface water impacts, and therefore staff has no further comments.
  - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along West Bland Street. The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity.
  - **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.

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

- Application
- Locator Map
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Solomon Fortune  (704) 336-8326
Petition #: 2016-108

Acreage & Location: Approximately 0.42 acres located on the north side of West Bland Street between South Tryon Street and Winnifred Street.
Petition #: 2016-108
Petitioner: Laurel Falls
Zoning Classification (Existing): I-2
(General Industrial)
Zoning Classification (Requested): TOD-M
(Transit Oriented Development, Mixed Use)
Acreage & Location: Approximately 0.42 acres located on the north side of West Bland Street between South Tryon Street and Winnifred Street.

Map Produced by the Charlotte-Mecklenburg Planning Department, 7-6-2016.

Requested TOD-M from I-2
- Existing Building Footprints
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams
- Charlotte City Limits
- Pedestrian Overlay
- Historic District
Rezoning Petition: 2016-096 by City of Charlotte

Location: Approximately 1.52 acres located on the east side of Lawyers Road between Albemarle Road and East W.T. Harris Boulevard. (Council District 5 - Autry)

Current Zoning: R-17MF (multi-family residential)
Proposed Zoning: O-2 (office)

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
REQUEST
Current Zoning: R-17MF (multi-family residential)
Proposed Zoning: O-2 (office)

LOCATION
Approximately 1.52 acres located on the east side of Lawyers Road between Albemarle Road and East W.T. Harris Boulevard.
(Council District 5 - Autry)

SUMMARY OF PETITION
The petition proposes to rezone a vacant site in the Hickory Ridge neighborhood area to allow all uses permitted in the O-2 (office district). Permitted uses include office, institutional, civic or residential uses.

PROPERTY OWNER
The City of Charlotte

PETITIONER
The City of Charlotte

AGENT/REPRESENTATIVE
The City of Charlotte (c/o Bruce Miller)

COMMUNITY MEETING
Meeting is not required.

STAFF RECOMMENDATION
Staff recommends approval of this petition.

Plan Consistency
The petition is inconsistent with the East District Plan, which recommends multi-family land uses.

Rationale for Recommendation
- The Lawyers Road extension north of Albemarle Road was not contemplated by the East District Plan.
- As a result of the construction of the extension of Lawyer’s Road, the site’s primary access is now from Lawyers Road, where other properties are zoned for retail or office development.
- The site does not have access to the abutting multi-family development to the east of the site.
- The site is part of a larger parcel and the remainder of the parcel is zoned O-2.
- The proposed rezoning will bring the larger parcel under a single zoning district.

PLANNING STAFF REVIEW
- Proposed Request Details
This is a conventional rezoning petition, which applies all the standards, regulations and uses in the O-2 (office) zoning district. Uses allowed in the O-2 district include office, residential, institutional and civic uses.

- Existing Zoning and Land Use
- The site is currently vacant and generally surrounded by a variety of residential and non-residential uses at and around Albemarle Road, Lawyers Road, and East W.T. Harris Boulevard.
- To the east are multi-family apartments zoned R-17MF (multi-family residential).
- South of the site, and fronting Albemarle Road, are a hotel, retail and office uses, a self-storage facility, and multi-family apartments zoned B-1 (neighborhood business), B-2 (general business), O-6 (office), and B-D(CD) (distributive business, conditional).
- To the west are vacant lots, the Albemarle Road/Lawyers Road CATS Park and Ride Facility, scattered single family housing, multi-family apartments, a self-storage facility, retail and office uses zoned R-17MF (multi-family residential), O-1 (office), O-2 (office), B-2 (general business), B-2(CD) (general business, conditional), B-D(CD) (distributive business, conditional) and B-1SCD (shopping center).
- See “Rezoning Map” for existing zoning in the area.

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

- Public Plans and Policies
• The *East District Plan* (1990) recommends multi-family land uses for the area proposed to be rezoned.

**TRANSPORTATION CONSIDERATIONS**

• This petition will not significantly increase the amount of traffic generated by the site. CDOT has not identified any negative impacts to the transportation facilities in the area.

**Vehicle Trip Generation:**
- **Current Zoning:**
  - Existing Use: 0 trips per day (based on vacant property).
  - Entitlement: 275 trips (based on 25 multi-family dwelling units).
- **Proposed Zoning:** 427 trips per day (based on 22,800 square feet of office uses).

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

• Charlotte Area Transit System: No issues.

• Charlotte Department of Neighborhood & Business Services: Developer must comply with City’s Housing Policies if constructing multi-family housing for which public funding will be requested.

• Charlotte Fire Department: No on street parking on roads less than 26 feet clear width.

• Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate 10 students, while the development allowed under the proposed zoning will produce 12 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is two students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
  - Hickory Grove Elementary from 119% to 121%;
  - Cochrane Middle from 101% to 101%; and
  - Garinger High from 129% to 129%.

• Charlotte-Mecklenburg Storm Water Services: No issues.

• Charlotte Water: Charlotte Water currently does not have water system availability via a water distribution main. The closest water distribution main is approximately 340 feet south of the property at the intersection of Lawyers Road and Albemarle Road. Charlotte Water currently does not have sewer system availability for the parcels under review. The closest available sewer main is approximately 320 feet south of parcel 10917111 at the intersection of Lawyers Road and Albemarle Road.

• Engineering and Property Management: Property is located in the Wedge, therefore tree save shall be provided on site. Tree save area to be minimum 30 feet wide; no structures will be allowed within ten feet of tree save area.

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

• Mecklenburg County Parks and Recreation Department: No issues.

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

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

**Planner:** Sonja Strayhorn Sanders  (704) 336-8327
Petition #: 2016-096

Acreage & Location: Approximately 1.52 acres located on the east side of Lawyers Road between Albemarle Road and East W.T. Harris Boulevard.
Petition #: 2016-096
Petitioner: City of Charlotte

Zoning Classification (Existing): R-17MF (Multi-Family, Residential)

Zoning Classification (Requested): O-2 (Office District)

Acreage & Location: Approximately 1.52 acres located on the east side of Lawyers Road between Albemarle Road and East W.T. Harris Boulevard.

Map Produced by the Charlotte-Mecklenburg Planning Department, 4-21-2016.
Rezoning Petition: 2016-104 by Central Piedmont Community College

Location: Approximately 18.7 acres located on the southeast corner at the intersection of West Hebron Street and West Arrowood Road and also located at the northwest corner near the intersection of West Hebron Street and Nations Ford Road. (Council District 3 - Mayfield)

Current Zoning: B-1(CD) (neighborhood business, conditional) (hereby known as “northern parcel”) and INST (institutional) (hereby known as “southern parcel”)

Proposed Zoning: INST (institutional) for the northern parcel and O-1 (office) for the southern parcel

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Rezoning Petition 2016-104
Pre-Hearing Staff Analysis
September 19, 2016

REQUEST
Current Zoning: B-1(CD) (neighborhood business, conditional) (hereby known as “northern parcel”) and INST (institutional) (hereby known as “southern parcel”)
Proposed Zoning: INST (institutional) for the northern parcel and O-1 (office) for the southern parcel

LOCATION
Approximately 18.7 acres located on the southeast corner at the intersection of West Hebron Street and West Arrowood Road and also located at the northwest corner near the intersection of West Hebron Street and Nations Ford Road. (Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to rezone undeveloped property in the Montclaire South area for uses permitted in the institutional and office districts.

PROPERTY OWNER
CPCC Foundation & CPCC Trustees

PETITIONER
Central Piedmont Community College

AGENT/REPRESENTATIVE
Jeff D. Oden, PE

COMMUNITY MEETING
Meeting is not required.

STAFF RECOMMENDATION
Staff recommends approval of this petition.

Plan Consistency
The proposed INST (institutional) zoning is consistent with the Southwest District Plan recommendation for institutional uses for a portion of the northern parcel zoned B-1(CD).

The proposed INST (institutional) zoning is inconsistent with the plan recommendation for multi-family residential for the remaining portion of the northern parcel.

The proposed O-1 (office) zoning is inconsistent with the Southwest District Plan recommendation for institutional uses for the southern parcel.

Rationale for Recommendation
- The subject parcels are located across West Hebron Street from the existing CPCC Harper Campus which the plan recognizes as an institutional use.
- The proposed INST (institutional) zoning for the northern parcel is compatible with the existing campus even though part of it is recommended for multi-family residential uses.
- The proposed O-1 (office) zoning for the southern parcel, for which the plan recommends institutional uses, will allow for many of the same uses allowed in the INST (institutional) district, plus additional office and parking uses.
- Development under INST (institutional) or under O-1 (office) standards would require essentially the same rear yard, buffer, and building heights.

PLANNING STAFF REVIEW
- Proposed Request Details
  This is a conventional rezoning petition with no associated site plan.
- Existing Zoning and Land Use
  - The subject parcels are vacant property owned by Central Piedmont Community College (CPCC), adjoining the existing CPCC Harper Campus facilities. The northern parcel is zoned B-1(CD) (neighborhood business, conditional). The southern parcel is zoned INST (institutional).
• The existing CPCC Harper Campus, additional vacant land across West Hebron Street from both subject parcels, and additional vacant land abutting the subject parcels along West Hebron Street are all zoned INST (institutional).
• Abutting the northern parcel to the east at Arrowood Road is the Southwood Shopping Center, which includes the NC Department of Motor Vehicles storefront location. To the north across Arrowood Road are single family homes zoned R-4 (single family residential).
• Abutting the southern parcel to the east is a vacant site zoned B-D(CD) (distributive business, conditional), an apartment property zoned R-17MF (multi-family residential), and a City fire station, also zoned R-17MF (multi-family residential).
• See “Rezoning Map” for existing zoning in the area.

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

• **Public Plans and Policies**
  • The *Southwest District Plan* (1991) recommends institutional use for a portion of the northern parcel which is currently zoned B-1(CD) (neighborhood business, conditional), and the entire southern parcel, which is currently zoned INST (institutional), together with the other adjoining CPCC land holdings. This reflects longstanding plans for community college expansion.
  • The plan recommends multi-family use for the remainder of the northern parcel, currently zoned B-1(CD) (neighborhood business, conditional).

• **TRANSPORTATION CONSIDERATIONS**
  • The site is located along a minor thoroughfare between signalized intersections with minor thoroughfares. Since the site is across from the CPCC Harper Campus, CDOT wants to emphasize the importance of good transportation planning in this area to create block spacing, network connectivity, and crossing locations to accommodate all modes through and across Hebron Street. While the overall entitled trip generation appears to be reduced by this petition, the transportation facility impacts and needs cannot be determined until a site plan is submitted during permitting.

• **Vehicle Trip Generation:**

  **Current Zoning:**
  - Existing Use: 0 trips per day (based on vacant property)
  - Entitlements: 11,400 trips per day (95,000 square feet of retail and 176,400 square feet for community college)

  **Proposed Zoning:**
  - Due to the number of permitted uses and possible development scenarios, CDOT is unable to determine the exact trip generation under the proposed zoning.

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

• **Charlotte Area Transit System:** No issues.
• **Charlotte Department of Neighborhood & Business Services:** No issues.
• **Charlotte Fire Department:** No issues.
• **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
• **Charlotte-Mecklenburg Storm Water Services:** No issues.
• **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing eight-inch water distribution mains located along West Arrowood Road and Nations Ford Road. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located along West Arrowood Road. There is also sewer system availability via an eight-inch gravity sewer main located in the southern portion of the rezoning boundary in parcel 203-18-902.
• **Engineering and Property Management:** No issues.
• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
• **Mecklenburg County Parks and Recreation Department:** No issues.

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

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

**Planner:** John Kinley  (704) 336-8311
Acreage & Location: Approximately 18.7 acres located on the southeast corner at the intersection of West Hebron Street and West Arrowood Road and also located at the northwest corner near the intersection of West Hebron Street and Nations Ford Road.
Petition #: 2016-104
Petitioner: Central Piedmont Community College

Zoning Classification (Existing): B-1(CD) & INST
(Neighborhood Business, Conditional and Institutional)

Zoning Classification (Requested): INST & O-1
(Institutional and Office)

Acreage & Location: Approximately 18.7 acres located on the southeast corner at the intersection of West Hebron Street and West Arrowood Road and also located at the northwest corner near the intersection of West Hebron Street and Nations Ford Road.
Rezoning Petition: 2016-122 by Foundry Commercial

Location: Approximately 17.2 acres located on the north side of Ed Brown Road and the west side of Steele Creek Road. (Council District 3 - Mayfield)

Current Zoning: R-3 (single family residential) and I-2(CD) (general industrial, conditional)
Proposed Zoning: I-1 (light industrial)

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
REQUEST
Current Zoning:  R-3 (single family residential) and I-2(CD) (general industrial, conditional)
Proposed Zoning:  I-1 (light industrial)

LOCATION
Approximately 17.2 acres located on the north side of Ed Brown Road and the west side of Steele Creek Road. (Council District 3 - Mayfield)

SUMMARY OF PETITION
The petition proposes to rezone one vacant parcel fronting Ed Brown Road and two residential parcels fronting Steele Creek Road in the Westinghouse/Steele Creek industrial corridor.

PROPERTY OWNER
Fredrick and Patricia Smith, et al

PETITIONER
Foundry Commercial

AGENT/REPRESENTATIVE
Collin Brown and Bailey Patrick, Jr.

COMMUNITY MEETING
Meeting is not required.

STAFF RECOMMENDATION
Staff recommends approval of this petition.

Plan Consistency
The petition is consistent with the Steele Creek Area Plan’s adopted future land use (industrial) for most of the site, except for the two parcels fronting Steele Creek Road that are recommended for residential use.

Rationale for Recommendation
- The majority of the site is zoned I-2(CD) (general industrial, conditional) and had been zoned I-1 (light industrial) prior to rezoning petition 2015-033, consistent with the area plan’s recommendation for industrial use.
- The two residential parcels zoned R-3 (single family residential) and fronting Steele Creek Road are not part of, nor do they relate to, the single family neighborhood north of the site.
- These residential parcels are adjacent to industrial zoning on three sides, to the west, south and east across Steele Creek Road.
- The adjacent industrial uses and lot frontages on Steele Creek Road are not conducive to single family residential continuing to oriented to this street, and converting the residential parcels to industrial use is an appropriate change.

PLANNING STAFF REVIEW

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

- Existing Zoning and Land Use
  - A 15.88 acre portion of the subject rezoning site was previously rezoned under Petition 2015-033, which rezoned the property from I-1 (light industrial) to I-2(CD) (general industrial, conditional) to allow for a maintenance facility/warehouse with outdoor storage for trucks and trailers. The conditional rezoning plan was never implemented and the parcel remains vacant.
  - The remainder of the subject rezoning site is zoned R-3 (single family residential) developed with residential uses.
  - North of the site is an existing single family residential development zoned R-4 (single family residential).
  - East, West, and South of the site are vacant properties and parcels developed for warehouse, office and industrial uses zoned I-1 (light industrial) and I-2 (general industrial).
  - See “Rezoning Map” for existing zoning in the area.

- Rezoning History in Area
  - Petition 2016-041 rezoned property located at the end of Calawood Way near the intersection of Steele Creek Road and Calawood Way from R-3 (single family residential) to R-17MF(CD) (multi-family residential, conditional).
• Public Plans and Policies
  • The *Steele Creek Area Plan* (2012) recommends industrial land use for the majority of the site already zoned for industrial uses. This portion of the site is also located within the Westinghouse Boulevard Industrial Activity Center, per the *Centers, Corridors and Wedges Growth Framework*.
  • The two parcels currently zoned residential are recommended for residential land use up to 17 dwelling units per acre.

• TRANSPORTATION CONSIDERATIONS
  • The site is located on a local street (Ed Brown Road) connecting a minor thoroughfare (Westinghouse Boulevard) and a major thoroughfare (Steele Creek Road) at unsignalized intersections. Rezoning this site to a conventional district removes commitments made in the prior rezoning for a planting strip with a sidewalk on Ed Brown Road and turn lanes on Steele Creek Road at Ed Brown Road.

  • **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 20 trips per day (based on vacant land and two single family homes).
      - Entitlement: 2,340 trips per day (based on 650,000 square feet of warehouse uses and four residential units).
    - Proposed Zoning: 610 trips per day (based on 171,300 square feet of warehouse uses).

DEPARTMENT COMMENTS (see full department reports online)

• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No comments received.
• Charlotte Fire Department: No issues.
• Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte Water: Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along Ed Brown Road. Charlotte Water has determined to have limited sanitary sewer system capacity. It is recommended that the applicant contact the Charlotte Water New Services group at (704) 432-5801 for further information and to discuss options regarding sanitary sewer system capacity.

• Engineering and Property Management: No trees can be planted in the right-of-way on Steele Creek Road without the permission of the NC Department of Transportation and the City Arborist’s office. Contact Lewis Hatfield (704-336-4265) at the City Arborist’s office for a tree planting permit before planting trees in the NCDOT right-of-way. Trees in the right-of-way on Ed Brown Road are protected by the Tree Ordinance. No trees can be removed from or planted in the right-of-way on Ed Brown Road without permission of the City Arborist’s office. Contact Laurie Reid (704-336-5753) at the City Arborist’s office for a permit before removing trees in the right-of-way. The petitioner must submit a tree survey for all trees two inches or larger located in the rights-of-way. In addition, the survey shall include all trees eight inches or larger in the setback of all roads.

• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.

Attachments Online at *www.rezoning.org*

• Application
• Locator Map
• Department Comments
  • Charlotte Area Transit System Review
  • Charlotte Fire Department Review
  • Charlotte-Mecklenburg Storm Water Services Review
  • Charlotte Water Review
  • Engineering and Property Management Review
  • Mecklenburg County Land Use and Environmental Services Agency Review
  • Mecklenburg County Parks and Recreation Review
  • Transportation Review
  • Urban Forestry

Planner: John Kinley   (704) 336-8311
Acreage & Location: Approximately 17.2 acres located on the north side of Ed Brown Road and the west side of Steele Creek Road.
Petition #: 2016-122
Petitioner: Foundry Commercial

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

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

Acreage & Location: Approximately 17.2 acres located on the north side of Ed Brown Road and the west side of Steele Creek Road.
Agenda #: 35. File #: 15-3965 Type: Zoning Hearing


Location: Approximately 1.80 acres located on the southeast corner of Tuckaseegee Road and Mulberry Church Road. (Council District 3 - Mayfield)

Current Zoning: R-17MF (multi-family residential)
Proposed Zoning: O-1 (office)

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
REQUEST  
Current Zoning: R-17MF (multi-family residential)  
Proposed Zoning: O-1 (office)

LOCATION  
Approximately 1.80 acres located on the southeast corner of Tuckaseegee Road and Mulberry Church Road.  
(Council District 3 - Mayfield)

SUMMARY OF PETITION  
The petition proposes redevelopment of a residential structure to allow all office uses per conventional O-1 (office) zoning for a 1.80-acre site that is just outside of the airport noise overlay and near the airport corridor along Billy Graham Parkway. Uses allowed in the O-1 (office) district include general office, medical office, residential, institutional and civic uses.

PROPERTY OWNER  
Mulberry Presbyterian Church

PETITIONER  
Elcan & Associates, Inc

AGENT/REPRESENTATIVE  
Collin Brown / K & L Gates

COMMUNITY MEETING  
Meeting is not required.

STAFF RECOMMENDATION  
Staff recommends approval of this petition.

Plan Consistency  
The petition is consistent with the Southwest District Plan recommendation for office and/or industrial development.

Rationale for Recommendation  
- The proposed rezoning site is located on the corner of two thoroughfares, Tuckaseegee Road (major thoroughfare) and Mulberry Church Road (minor thoroughfare), is located along a bus route, and is across Tuckassegee Road from a large institutional use.
- While the current zoning in the area is for multi-family and single family residential, the Southwest District Plan recommends office and/or industrial development for this and nearby sites due to the area’s proximity to the airport.
- The proposed office zoning district is preferred over industrial zoning at this time, even though the plan would support industrial development on the site, because uses allowed in the office district would typically be more compatible with the nearby residential uses than those uses allowed by industrial zoning.

PLANNING STAFF REVIEW

- Proposed Request Details  
  - This is a conventional rezoning petition, which applies all the standards, regulations and uses in the O-1 (office) zoning district. Uses allowed in the O-1 district include general office, medical office, residential, institutional and civic uses.

- Existing Zoning and Land Use  
  - The subject property is currently developed with a single family home and is zoned R-17MF (multi-family residential).
  - The south and west boundary of the site abuts property which is zoned R-17MF (multi-family residential) and is developed with residential structures and or vacant.
  - The north and east boundary of the site abuts property which is zoned R-3 and R-4 (single family residential) and is developed with an existing Church (Mulberry Presbyterian Church) and single family residential structures.
  - See “Rezoning Map” for existing zoning in the area.

- Rezoning History in Area  
  - There have been no rezonings in the immediate area in recent years.
• **Public Plans and Policies**
  - The *Southwest District Plan* (1991) recommends office/industrial uses for the site.
  - The *Westside Strategic Plan* (2000) maintained the district plan recommendation.

• **TRANSPORTATION CONSIDERATIONS**
  - The site is located at the signalized intersection of minor thoroughfares. CDOT does anticipate that this petition would significantly increase vehicle trips but will work with the petitioner during permitting to enhance the pedestrian environment by including eight-foot planting strips and six-foot sidewalks along the site’s public street frontage and providing directional accessible ramp improvements on the southeast quadrant of Tuckaseegee Road and Mulberry Church Road intersection during permitting.

• **Vehicle Trip Generation:**
  - **Current Zoning:**
    - Existing Use: 10 trips per day (based on one dwelling unit).
    - Entitlement: 305 trips per day (based on 30 multi-family dwelling units).
  - **Proposed Zoning:** 360 trips per day (based on 18,000 square feet of office uses).

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

• **Charlotte Area Transit System:** No issues.
• **Charlotte Department of Neighborhood & Business Services:** No comments received.
• **Charlotte Fire Department:** No issues.
• **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
• **Charlotte-Mecklenburg Storm Water Services:** No issues.
• **Charlotte Water:** Charlotte Water currently does not have water system availability via a water distribution main. The closest water distribution main is approximately 300 feet east of the property at the intersection of Tuckaseegee Road and Forestbrook Drive. Sewer system availability for the rezoning boundary is via existing eight-inch gravity sewer mains located along Tuckaseegee Road and Mulberry Church Road.
• **Engineering and Property Management:** No issues.
• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
• **Mecklenburg County Parks and Recreation Department:** No issues.

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

• Application
• Locator Map
• Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 1.80 acres located on the southeast corner of Tuckaseegee Road and Mulberry Church Road.
Petition #: 2016-125
Petitioner: Eclan & Associates, Inc.
Zoning Classification (Existing): R-17MF
    (Multi-Family, Residential)
Zoning Classification (Requested): O-1
    (Office)
Acreage & Location: Approximately 1.80 acres located on the southeast corner of Tuckaseegee Road and Mulberry Church Road.