

Mayor Daniel Clodfelter Mayor Pro-Tem Michael D. Barnes

Al Austin John Autry
Ed Driggs Claire Fallon
David Howard Patsy Kinsey
Vi Alexander Lyles LaWana Mayfield
Greg Phipps Kenny Smith

CITY COUNCIL ZONING AGENDA
Monday, December 15, 2014

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

- 6:00PM – Zoning Meeting
Meeting Chamber**

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
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**DINNER MEETING AGENDA
Monday, December 15, 2014**

1. Agenda Review – Tammie Keplinger

DEFERRAL / WITHDRAWAL REQUESTS

Item #	Petition #	Petitioner/Description	Update
3	2014-019	Charlotte-Mecklenburg Planning Department - west corner of the intersection of Mallard Creek Road and Salome Church Road	Decision – Defer to March Protest Sufficient
4	2014-021	Charlotte-Mecklenburg Planning Department for a Text Amendment related to mobile farmer's markets	Decision - Defer to January
6	2014-068	City of Charlotte – Statesville Avenue, Dalton Aveune, North Graham Street and Armour Drive	Decision – Defer to March
9	2014-092	Pavilion Development Company - northeast corner at the intersection of Nations Ford Road and Tyvola Road	Decision - Defer to January Protest Insufficient
12	2014-101	LGI Homes NC, LLC – east side of Reames Road between Beklla Vista Court and Lawnmeadow Drive	Decision – Defer to January

MISCELLANIOUS REQUESTS AND INFORMATION

Item #	Petition #	Petitioner/Description	Update
5	2014-043	Mark Patterson – west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane	Decision - Protest Petition - Sufficient
18	2014-074	Terwilger Pappas Multifamily Partners, LLC – northeast corner of the intersection of North Community House Road and Bryant Farms Road	Hearing - Protest Petition – Sufficient
19	2014-078	Park Selwyn, LLC – north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue	Hearing - Protest Petition - TBD
21	2014-109	Midtown Area Partners II, LLC - northeast corner of Baxter Street and South Kings Drive	Hearing - Protest Petition - TBD

2. Follow-Up Report – Tammie Keplinger

3. Rezoning Cases of Special Interest – Tammie Keplinger

4. Area Plan Status and Text Amendment Update – Ed McKinney

ACRONYMS

Zoning District Acronyms

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

Zoning Overlay District Acronyms

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

Miscellaneous Zoning Acronyms

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

Miscellaneous Other Acronyms

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

ZONING DECISIONS

1. [Petition No. 2012-102](#) (Council District 1 – Kinsey) **by Eastway Holdings** for a change in zoning for approximately 21.50 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue from B-1SCD (business shopping center) to B-1SCD SPA (business shopping center, site plan amendment).

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

- The plan identifies this area for redevelopment and revitalization.

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

- The proposed site plan allows the redevelopment of a portion of the existing shopping center; and
- The proposed site plan does not exceed the maximum square footage allowed by the previous petition.

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Amended Proposed Development Summary to reflect total square footage for the B-1SCD SPA (business shopping center, site plan amendment) as 225,753 square feet, which aligns with Note 3 under Development Limitations.
2. Addressed CATS comment by adding a note committing to provide a bus shelter pad, at a location to **be determined with CATS along the site's frontage on Central Avenue.**
3. Addressed CDOT comments as follows:
 - (a) Added a note that prior to the issuance of a certificate of occupancy for the new building, petitioner shall dedicate and convey to the City of Charlotte right-of-way in the northwest quadrant of the intersection of Central Avenue and Eastway Drive as follows:
 - (i) an area in size of 12 feet by 115 feet on Central Avenue; and
 - (ii) an area in size of 19 feet by 125 feet on Eastway Drive.
 - (b) Added a note that before the proposed Building A certificate of occupancy is issued, only one driveway will be permitted between Central Avenue and existing Building F. The location of Driveway #5 will be determined in the construction permitting phase and approved by CDOT and NCDOT.
4. Amended Proposed Development Area Summary to reduce the portion of existing building demolition from 4,501 square feet to 3,401 square feet.
5. Amended Proposed Development Area Summary to reduce the proposed building addition from 17,500 square feet to 16,500 square feet.
6. Amended Note 3 under Development Limitations to reflect a new maximum of 16,500 square feet for the freestanding building.
7. Added the following notes under the heading of Lighting:
 - a. All direct lighting will be designed in a manner that minimizes glare toward adjacent streets and properties.
 - b. All site lighting installed on the site after the approval of the site plan amendment **shall be "full-cut off" type fixtures. Light trespass shields shall be used on site** lighting installed after the approval of this site plan amendment to avoid light spill across property lines. No new floodlights or unshielded wall-pak lighting may be installed on the site after the approval of this site plan amendment.
8. Added note under heading of Signs that no more than two project identification signs may be erected on the site.

Staff recommends approval of this petition.

[Attachment 1](#)

	<p>2. <u>Petition No. 2014-001 SUB</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Subdivision Ordinance to: 1) modify the definition of planned development; 2) clarify existing regulations and update references, formatting and tables; 3) relocate regulations into the proper section; 4) correct the dimension of the right-of-way requirements for local residential wide streets; 5) remove the requirement for delivery of final plats to the Planning Department and remove references to the County and Board of Commissioners; 6) clarify street spacing requirements; 7) clarify the standards for required streets when lots or building sites are part of a multi-family development; 8) update the notice and hearing requirements for variances and appeals; the standards for granting a variance; and the standards for making decisions; and 9) update the appeal regulations.</p> <p>The Zoning Committee found this petition to be consistent with the <i>Centers, Corridors, and Wedges Growth Framework</i> and consistent with the <i>North Carolina General Statutes</i>, based on information from the staff analysis and the public hearing, and because the text amendment:</p> <ul style="list-style-type: none"> • Provides clarifications to the existing regulations; and, • Updates the notice and hearing requirements for variances and appeals; the standards for granting a variance; the standards for making decisions; and the appeal regulations; and, • Preserves and enhances existing neighborhoods. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • It makes the regulations consistent with the North Carolina General Statutes. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 2</u></p>
<p>Deferral (to March)</p> <p>Protest Sufficient</p>	<p>3. <u>Petition No. 2014-019</u> (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road from CC (commercial center) to R-4 (single family residential).</p> <p>The Zoning Committee voted 7-0 to DEFER this petition to their February 25, 2015 meeting.</p> <p><u>Attachment 3</u></p>
<p>Deferral (to January)</p>	<p>4. <u>Petition No. 2014-021</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to: 1) create a new definition for mobile farmer’s market; 2) allow mobile farmer’s markets in all zoning districts; and 3) create new prescribed conditions for mobile farmer’s markets.</p> <p>The Zoning Committee voted 7-0 to DEFER this petition to their January 5, 2015 meeting.</p> <p><u>Attachment 4</u></p>
<p>Sufficient Protest</p>	<p>5. <u>Petition No. 2014-043</u> (Council District 4 - Phipps) by Mark Patterson for a change in zoning for approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Northeast District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The Plan recommends single family residential up to four dwelling units per acre for this site. <p>However, the Zoning Committee found this petition to be reasonable and in the public</p>

	<p>interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Area plans typically do not specify locations for institutional uses; and • The site has frontage along a major thoroughfare; and • The proposed use would serve the needs of the surrounding neighborhoods. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Reduced the length of the new internal walkway by eliminating the portion that runs along the inside of the driveway and instead locating it along the guest parking area to connect to the sidewalk along Prosperity Church Road. This walkway may meander to preserve any existing trees. 2. Removed the sign from the site plan. 3. Added the heading "Signage" and a note stating that signage is permitted per the ordinance. <p>Staff recommends approval of this petition.</p> <p><u>Attachment 5</u></p>
<p>Deferral (to March)</p>	<p>6. <u>Petition No. 2014-068</u> (Council District 2- Austin) by City of Charlotte for a change in zoning for approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive from I-2 (general industrial) to MUDD-O (mixed use development, optional).</p> <p>The Zoning Committee voted 7-0 to DEFER this petition to their January 5, 2015 meeting.</p> <p><u>Attachment 6</u></p>
	<p>7. <u>Petition No. 2014-075</u> (Council District 6 - Smith) by Crossroads Realty Group, LLC for a change in zoning for approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>The Zoning Committee found this petition to be consistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed single family attached use is consistent with the residential use called for in the adopted area plan; and • The proposed site qualifies for an increase in density up to 17 dwelling units per acre. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Units along Closeburn Road will be oriented so that front doors of units front the street; and, • Units along Fairview Road will be oriented so that either front doors or sides of units will be oriented toward the street and the rear of units and garages may not be oriented toward either street; and • A 15-foot wide landscaped area will be provided abutting existing residential zoning and/or land use to the side and rear of the site; and • A pedestrian pocket park that will be improved with landscaping and seating areas will be provided; and • Construction traffic is limited to Fairview Road. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Specified minimum plantings within the 15-foot landscaped areas as four trees per 100 linear feet and a variety of evergreen and deciduous shrubs at a rate of 10 shrubs per 100 linear feet. 2. Specified that the proposed pocket park will be improved with landscaping and seating areas. 3. Addressed Engineering comment by adding the following note: The petitioner will

	<p>provide peak flow control for the 100-year, six-hour storm run-off from the developed site to the predevelopment peak flow rate. The petitioner reserves the right to perform a 100-year storm no rise analysis of the site to demonstrate that the additional peak control for the 100-year storm event is not needed.</p> <p>4. Added the following notes under the heading of Construction Traffic and Construction Staging:</p> <ol style="list-style-type: none"> a. The petitioner will direct construction traffic from and to the site and deliveries of construction materials to use Fairview Road to access the site. b. Staging for the development of the site will occur on site. <p>Staff recommends approval of this petition.</p> <p><u>Attachment 7</u></p>
	<p>8. <u>Petition No. 2014-79</u> (Council District 1 – Kinsey) by Crescent Communities, LLC for a change in zoning for approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street from UMUD (uptown mixed use) to UMUD-O (uptown mixed use, optional).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Charlotte Center City 2020 Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • <i>Charlotte Center City 2020 Plan</i> recognizes Center City as the central economic engine and diversified employment hub of the region, and encourages enhancement of the pedestrian environment through use of visual improvements as one means to identify, support, and retain retail and business activities; and • The subject property will complete the Tryon Mall on the southern side of Tryon Street. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The subject property will complete the Tryon Mall on the southern side of Tryon Street; and • The subject property will comply with the majority of the Tryon streetscape elements designed to provide uniformity through the area and tie together the various architectural styles and unique urban spaces. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended optional requests under Notes 2A and 2B to specify the need for and proposed use of the signage options requested, as follows: <ol style="list-style-type: none"> a. This signage shall be limited to building identification, tenant identification, and artistic/civic/cultural displays or messages. Off-premises signs and outdoor advertising signs shall not be permitted. 2. Deleted optional request under Note 2C to allow deviations from the paving system requirements established under Section 9.906(2) (a) of the Ordinance. 3. Amended Notes 2A and 2B to specify that off-premises signs and outdoor advertising signage shall not be permitted. 4. Deleted optional request under Note 2D to allow deviations from the street tree standards established under Section 9.906(2) (g) of the Ordinance. 5. Amended optional request Note 2C to delete the following: “unless otherwise approved by the Planning Director, the temporary retail vendor zones may accommodate, but shall not be limited to push-carts, tents, stands, tables, wagons and trailers.” 6. Amended optional request Note 2C to state any vendors within the retail vendor zone must comply with any applicable street vendor ordinances or policies. 7. Deleted vendor structures shown on Sheet RZ-09. 8. Amended optional request Note 2F to specify the following: <ol style="list-style-type: none"> a. This reduced setback shall only apply to an approximately 270 foot portion of the site’s Stonewall Street frontage measured from the back of curb on the south side of Tryon Street and extending in a southerly direction down Stonewall Street. Portions of the site’s Stonewall Street frontage beyond this area must comply with standard Ordinance provisions.

	<p>b. Walls within the reduced setback area shall incorporate plantings, integrated seating, or other features to stimulate pedestrian interest; all as generally depicted on RZ-03 through RZ-05 and RZ-09. Additionally, such walls shall be made of decorative architectural precast or stone or other natural materials, or a combination thereof.</p> <p>9. Addressed CDOT comments by amending optional requests.</p> <p>10. Added Note 2E as follows: Deviations from the street right-of-way and streetscape requirements established under Section 9.906(i2) (f) of the Ordinance to remove the requirement to provide furniture or benches within the right-of-way along the site's Tryon Street frontage.</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 8</u></p>
<p>Deferral (to January)</p> <p>Protest Insufficient</p>	<p>9. <u>Petition No. 2014-092</u> (Council District 3 - Mayfield) by Pavilion Development Company for a change in zoning for approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).</p> <p>The Zoning Committee voted 7-0 to DEFER this petition until their January 5, 2015 meeting.</p> <p><u>Attachment 9</u></p>
	<p>10. <u>Petition No. 2014-095</u> (Council District 4 - Phipps) by QuikTrip Corporation for a change in zoning for approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road from R-3 (single-family residential) and NS (neighborhood services) to B-1(CD) (neighborhood business, conditional).</p> <p>This petition is found to be inconsistent with the <i>Northeast Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>Northeast District Plan</i> recommends residential land uses for the site; and • The adopted plan limits most of the retail uses to the opposite side of North Tryon Street where a large amount of undeveloped land zoned appropriately for the proposed use exists; and • The proposed site design and layout is inconsistent with the adopted policies. <p>Therefore, this petition is found not to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The petition is inconsistent with the adopted area plan; and • The proposed site design and layout is inconsistency with adopted policies. <p>The Zoning Committee voted 5-2 to recommend DENIAL of this petition. The following modifications have been made:</p> <ol style="list-style-type: none"> 1. A note has been added that accessory service windows will not be allowed on the site. 2. The proposed parking has been removed from the 30-foot setback along Salome Church Road. 3. 0.57 acres has been labelled to be dedicated for the future West Pavilion Boulevard Extension. 4. A note has been added that "The maximum gross square footage allowed on site shall be 8,000 square feet. The area under the canopy over the gas pumps associated with a convenience store shall not be included in the calculation of the maximum gross floor area." 5. Possible tree save areas have been labeled and shown on the site plan. 6. The note has been modified under Architectural Standards that "changes will be allowed per section 6.207 of the City of Charlotte Zoning Ordinance." 7. The proposed building materials on the proposed elevations have been labeled. 8. A note has been added that large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such

	<p>as brick and other masonry products, stone, glass windows, water table, and/or soldier course.</p> <ol style="list-style-type: none"> 9. A note has been added that pole signs will not be allowed. 10. References to the proposed signage have been removed from the site plan. 11. Amended Note 4 under Architectural Standards to include "above ground backflow preventer assemblies." 12. A note has been added that a northbound right-turn lane with a minimum of 100 feet of storage will be constructed on Salome Church Road and extend the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet. 13. A note has been added that the petitioner shall dedicate and convey to the City of Charlotte right-of-way necessary for the future construction by others of a southbound right-turn lane with a minimum of 100 feet of storage on West Pavilion Boulevard at its intersection with North Tryon Street. 14. A wetlands letter has been submitted for the petition as requested by Engineering and Property Management. 15. Identification signage will be limited to 50 square feet and a height of seven feet. <p>Staff recommends denial of this petition.</p> <p><u>Attachment 10</u></p>
	<ol style="list-style-type: none"> 11. <u>Petition No. 2014-096</u> (Council District 7 - Driggs) by Lenox Development Group, LLC for a change in zoning for approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue from R-3 (single family residential) to NS (neighborhood services). <p>The Zoning Committee found this petition to be inconsistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>South District Plan</i> recommends residential land uses at up to three dwelling units per acre; and • The <i>General Development Policies</i> support residential densities up to eight dwelling units per acre for this site. <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed retail uses have not been objected to by the neighborhood; and • It connects well to the existing retail development along Ardrey Kell Road. <p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Provided a cross-section and elevations for the proposed six-foot wooden fence to be located in a portion of the 44-foot Class "B" buffer. 2. Committed to a minimum office square footage of 25 percent. 3. Eliminated reductions to buffers abutting residential zoning and/or use. 4. Updated the site plan to reflect the approved variance for a 100-foot PCCO (Post Construction Controls Ordinance) buffer (approved October 16, 2014) and eliminated the architectural site plan page reflecting a 200-foot PCCO buffer. 5. Amended Note 2b under Permitted uses and Development Area Limitations to add the following as prohibited uses: animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites, boarding houses, car washes, cemeteries, child care center in a residence/family childcare homes, rooming houses, construction & demolition landfills, dormitories, dwellings mixed use, jails & prisons, land clearing and inert debris landfills offsite, nursing homes/rest homes/homes for the aged, off-street parking as a principal use, open space recreational uses, orphanages/children's homes and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands,

	<p>single room occupancy residences, eating/drinking/entertainment establishments Type 1&2 with more than 5,000 square feet of gross floor area, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materials/stocks/equipment, and satellite dish farm in conjunction with a telecommunications and data storage facility/radio station/television station.</p> <ol style="list-style-type: none"> 6. Replaced "restaurants" with "eating, drinking, entertainment establishments Type 1 and Type 2." 7. Amended Note 2b under Access and Transportation to state that a left-turn lane and right-turn lane along Ardrey Kell Road will be installed along Ardrey Kell Road to serve the site subject to CDOT and NCDOT requirements. 8. Amended Note 5a under Streetscape, Buffers, Yards, and Landscaping to specify the portion of the site's frontage along Ardrey Kell road where the existing sidewalk and planting strip will be preserved. 9. Amended Note 5b under Streetscape, Buffers, Yards and Landscaping to specify three different treatments along portions of the 44-foot Class "B" buffer, which include the addition of a six-foot wooden fence, existing berm and new vegetation, and existing vegetation supplemented with trees. <p>The following staff identified issues are outstanding:</p> <ol style="list-style-type: none"> 1. Limit permitted uses to "personal services" as listed in Note 2(a), and/or office uses. 2. Reduce overall square footage from 30,000 to 20,000 square feet. 3. Add note committing building design to be residential in character. <p>Staff recommends denial of this petition.</p> <p><u>Attachment 11</u></p>
<p>Deferral (to January)</p>	<ol style="list-style-type: none"> 12. <u>Petition No. 2014-101</u> (Council District 2 - Austin) by LGI Homes NC, LLC for a change in zoning for approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive from UR-1(CD) (urban residential, conditional) to R-5 (single-family residential). <p>The Zoning Committee voted 7-0 to DEFER this petition to their January 5, 2015 meeting.</p> <p><u>Attachment 12</u></p>
	<ol style="list-style-type: none"> 13. <u>Petition No. 2014-102</u> (Council District 1 - Kinsey) by Charlotte-Mecklenburg Planning Department to establish zoning for approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street from no current zoning to UMUD (uptown mixed use). <p>The Zoning Committee found this petition to be consistent with the <i>Center City 2020 Vision Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The Plan recommends mixed residential and non-residential uses. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The petition establishes the zoning for property that was former I-277 right-of-way; and • The petition allows all uses in the UMUD (uptown mixed use) district. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 13</u></p>

	<p>14. <u>Petition No. 2014-103</u> (Council District 7 – Driggs) by Weekley Homes, LP for a change in zoning for approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane from R-3 (single-family residential) to UR-2(CD) (urban residential, conditional).</p> <p>The Zoning Committee found this petition to be consistent with the <i>South District Plan and the General Development Policies</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>South District Plan</i> recommends residential land uses for the site and the proposed density is slightly higher than the eight dwelling units per acre recommended by the <i>General Development Policies</i>. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The petition is consistent with the <i>South District Plan</i> and the <i>General Development Policies</i>. <p>The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. A note has been added that a pedestrian refuge will be provided along Endhaven Lane. 2. Freestanding lighting has been limited to 20 feet. 3. Possible on-street parking has been labeled and shown on the site plan 4. Elevations have been provided for the facades facing Endhaven Lane. Staff recommends approval of this petition. <p>Staff recommends approval of this petition.</p> <p><u>Attachment 14</u></p>
	<p>15. <u>Petition No. 2014-106</u> (Council District 6 - Smith) by Quail Hollow Village, c/o Harris Land Company for a change in zoning for approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).</p> <p>The Zoning Committee found this petition to be consistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>South District Plan</i> recommends a mixture of retail, office and residential uses as amended by a previous rezoning. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed uses are largely unchanged from the prior plan except for the addition of by-right multi-family residential. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended Note E under permitted uses to read as follows: "Residential units may be converted to retail, eating/drinking/entertainment or office space at the rate of one residential unit for 300 square feet of retail, eating/drinking/entertainment or office floor area up to a limit of 30,000 square feet of retail, eating/drinking/entertainment or office floor area so converted." 2. Replaced "restaurant" with "eating/drinking and entertainment establishments." 3. Deleted the following note under Permitted Uses: "For the purposes of determining individual development restrictions that may apply, the term 'restaurant' will be deemed to include both 'eating, drinking and entertainment establishments'. Specified that Type I and Type II eating/drinking and entertainment establishments are permitted." 4. Noted that parking is not permitted as a ground floor use along Glen Eagles Road or Park Road, with the exception of a portion of the Park Road frontage.

5. Retained the existing elevations and added and/or amended notes under the heading of Architectural Standards as follows:

General Character

- (a) The elevations associated with the building to be located within the building envelopes are included to reflect the spirit of the architectural style only and may change in location and massing as the plan evolves further.
- (b) The architectural character throughout the project will take inspiration from a neo-classical interpretation of elements found in Southeast American resorts. Primarily **this will mimic design elements of what is called "Italianate" Mediterranean.** All sides of the buildings are to be constructed using four sided architecture using brick, stone, synthetic stone, stucco, synthetic stucco, wood, synthetic wood, and similar materials for primary walls. Vinyl siding will not be used as a building material for exterior walls but may be used for trim, soffits, and architectural detail.
- (c) Meter banks will be hidden from public view. Mechanical equipment located on the roof of the buildings shall be screened from public view at grade and will include screen walls of architectural quality and material comparable to the primary buildings walls.
- (d) Uses shall not primarily orient the service side of buildings to Park Road or Glen Eagles Road. Solid waste/recycling areas will not be allowed to abut either street unless such areas are enclosed by a wall treatment similar to the architecture of the building and that incorporates a combination of complimentary details. Service areas, dumpster areas and recycling areas will be enclosed by a solid wall with one side being a decorative gate. The wall used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the buildings. If one or more sides of a dumpster area adjoin a side or rear wall of a building then the side or rear wall may be substituted for a side.
- (e) Above ground backflow preventer will be screened from public view and will be located outside of the required setbacks.
- (f) Uses on the site that may include the use of a drive through service window will be integrated into the overall building massing and architectural design and not be located as freestanding uses on out parcels.
- (g) Open spaces on the site can include combinations of landscaping and hardscape, urban gardens, seating and gathering spaces, ornamental architecture that could, but are not required to include, structures, fountains, performance spaces, and similar amenities to be developed as each part of the site that the open space is associated with is developed. The minimum size of the main urban open space area on the site will include a minimum of 15,000 square feet of area.

Buildings along Park Road

- (a) The arrival circle from Park Road is now an urban-style courtyard framed by buildings that will sweep traffic arriving midblock to the small arc of parking to the south, and into the upper parking level.
- (b) The row of commercial buildings to the corner of Gleneagles Road now front directly on Park Road. Although the functional address faces the internal side, these structures will be built with four sided architecture and streetscape along the Park Road frontages as generally depicted on the illustrative concept plan.
- (c) The small gathering space between the buildings along Park Road closest to Gleneagles Road is meant to accommodate outdoor seasonal seating, streetscape features and become a primary visual focus for that main portion of the site.
- (d) The building massing at the corner of Park and Gleneagles Roads may take on a multi-story character, up to four levels with architectural elements and roofline elements that reinforce the classical architectural character outlined.

Buildings along Gleneagles Road

- (a) Where the site slopes dramatically close to Park Road the structure will allow for a **'base' that accommodates street facing display windows, options for tenant and project identity,** and extensive landscaping to soften the base edges.
- (b) Along Gleneagles Road the building footprint is angled to create a strong view corridor into the village plaza level allowing for tenants to take advantage of outdoor seating, display, and storefront potentials.
- (c) A small retail/commercial pavilion sitting in the apex of the two internal drives from Gleneagles will break down the scale of the taller elements beyond and feature four-sided architecture, external gathering and seasonal seating spaces, and a roofline that will be crafted to highlight its key location.
- (d) The building massing along Gleneagles next to Seven Eagles will have a base

retail/commercial and upper level residential units. This creates a distinct street wall **along the project's internal drive** setback off of Gleneagles Road accommodating unit features such as terraces allowing for interplay of visual variety along this façade.

6. Provided a definition for specialty retail as follows: **"Specialty Retail is a term used as part of the trip calculation process and are generally small strip shopping centers that contain a variety of retail shops and specialized in quality apparel, hard goods and services such as real estate offices, dance studios, florists and small restaurants."**
7. Provided a note that any drive through window service lane along Gleneagles Road will be screened with a combination of landscaping and low masonry wall.
8. Added the following note related to conversion allowances:
Based on the conversion allowances listed above, and with full recognition that the maximum numbers presented below are theoretical and would include concomitant reductions in the amounts of other development types, the following list is intended to **provide a 'maximum' development amount for each of the development types** allowed on the site subject to the total trip generation limitation below:
 - a. Total maximum retail space including all retail types: 290,000 sq. ft.
 - b. Total maximum office space including all office types: 205,000 sq. ft.
 - c. Total maximum hotel rooms: 200
 - d. Total maximum residential units at 22 du/ac: 420
9. Added note that square footage/use conversions will be documented through the Administrative Approval Process to verify that the conversion proposed complies with the provisions of this site plan.
10. Added notes committing to construct a minimum of 10,000 square feet of office floor area, and a minimum of 80 residential units as part of the overall development.
11. Specified open space to be provided as a total of 184,000 square feet consisting of 60,000 square feet of urban open space and gardens, and 124,000 square feet of additional open space that includes buffers and utility easements. Also specified the minimum amount, location and amenities on the site plan.
12. Amended Note E under Transportation to specify that sidewalks may meander to add variety to the streetscape.
13. Added a note indicating that exterior corridors will not be utilized as part of the hotel building.
14. Amended note under Permitted Uses as follows: All of the foregoing development types and amounts listed and the conversion rights reserved above are subject to a total trip generation of 13,250 trips per day as specified in the Transportation Memorandum that accompanies this plan amendment. A cumulative total trip generation count will be provided by the petitioner as part of building permitting submittals to ensure that the total trip generation for the site does not exceed 13,250 trips per day.
15. Addressed Transportation comments by providing a technical memorandum to update the original traffic study, and revising Note D under Transportation to remove the last sentence as follows: Construct an additional westbound left turn lane on Glen Eagles Road with 440 feet of combined storage and a 15:1 taper. ~~It is anticipated that this lane can be developed within the existing median.~~
16. Amended the arrangement of building envelopes and eliminated Building Envelope D.
17. Amended the following notes under Architectural Standards General Character:
 - a. Note D: Uses shall not primarily orient the service side of buildings to Park Road or Glen Eagles Road. Solid waste/recycling areas will not be allowed to abut either street unless such areas are enclosed by a wall treatment similar to the architecture of the building and that incorporates a combination of complimentary details. Service areas, dumpster areas, and recycling areas will be enclosed by a solid wall with one side being a decorative gate.
 - b. Note G: The minimum size of the main open space area on the site will include a minimum of 15,000 square feet of area.
18. Added the following notes under Architectural Standards General Character:
 - a. Note H: Underground or structured parking will not be exposed along Park Road or Glen Eagles Road.
 - b. Note I: Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping and, when provided, site furnishings throughout the site.
 - c. Note J: Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.
 - d. Note K: Facades over 200 feet in length along Park Road and Glen Eagles Road shall

	<p>incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total façade length.</p> <ul style="list-style-type: none"> e. Note L: Facades greater than 20 feet in length and over five feet in height shall be treated with a combination of display windows, building step backs, change in materials, landscaping or other pedestrian oriented architectural features. f. Note M: Ground floor facades facing Park Road and Gleneagles Road shall have windows or doors for at least 50% of a vertical zone 2.5 feet to 8 feet above finished floor of the buildings. Windows can be display/showcase windows, poster cases, closed shuttered windows or real windows into the store but it is not mandatory to actually see into the store. Tenants can also have signage for each individual space facing Park Road and Gleneagles Road that comply with City of Charlotte Signage Ordinance. Ground floor facades located in front of parking spaces along Park Road are required to have clear vision glass. <p>19. Added the following notes under Architectural Standards Buildings along Park Road:</p> <ul style="list-style-type: none"> a. Note E: The petitioner will provide landscaping or a complimentary wall to screen the grocery service areas from Park Road. <p>20. Amended Sheet RZ-2 to clarify that plaza areas and part of extra wide sidewalks beyond eight feet will count toward open space.</p> <p>Staff recommends approval of the petition.</p> <p><u>Attachment 15</u></p>
	<p>16. <u>Petition No. 2014-111</u> (Council District 5 - Autry) by Cambridge Properties, Inc. for a change in zoning for approximately 3.31 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road from B-1(CD) (neighborhood business, conditional) and R-3 (single-family residential) to B-1(CD) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment).</p> <p>The Zoning Committee found a portion of this petition to be inconsistent with <i>the Eastside Strategy Plan</i> and found a portion of this petition to be consistent with the <i>Eastside Strategy Plan</i>, based on information from the staff analysis and the public hearing, because:</p> <ul style="list-style-type: none"> • A portion of the property is recommended for retail and a portion of the property is recommended for institutional. <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed request will allow for a more consistent development pattern with similar development requirements. <p>The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Petitioner has amended site plan to add language and note that total maximum building square footage for all three buildings combined will not exceed 20,000 square feet. The petitioner has replaced "restricted" with "prohibited" in the first sentence under Permitted Uses. 2. Reduce parking between the building and the street and design the parking in a pattern consistent with other new development along this segment of Albemarle Road. Staff is rescinding this request and agrees with the petitioner's rationale for allowing the parking layout to remain as proposed on the site plan. Justification provided by the petitioner is as follow: <ol style="list-style-type: none"> a. Provides parking on the sides of each building to limit the number of parking spaces in front of the building. b. Commitment to a 2'-8" brick knee wall (to match the brick of the buildings) at the back of the 30-foot setback, which will also include a hedgerow. c. Each building has a dedicated five-foot pedestrian walk connecting the building to the new six-foot sidewalk along Albemarle Road. 3. The petitioner has labeled all elevations as shown on Sheet RZ3.1. 4. The petitioner has included revised elevations for each proposed building including

- typical side elevations and brick detail.
5. The heading PCCO Treatment has been renamed Environmental Features.
 6. The note pertaining to the required 30-foot setback (formerly Note 9a) has been removed since the setback is shown. Notes pertaining to buffers are now under Streetscape and Landscape.
 7. The heading Sideyards/Buffers has been removed from the site plan.
 8. The site plan has been modified to state signage will be per ordinance.
 9. Addressed CDOT and Storm Water comments as follows:
 - a. **Addressed CDOT's request to place maximum building square footage on site plan (maximum 20,000 square feet for all three buildings combined).**
 - b. Addressed Storm Water comment by removing notes 7a and 7b and replacing language as requested: **"The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."**
 10. Modified the height of the proposed screen wall along Albemarle Road to read as **2'-8"**, which was previously noted as 2.5 ft.
 11. Added the following to the list of prohibited uses: tattoo parlors, smoke shops, liquor stores, pawn shops, check cashing stores.
 12. Added a detail on Sheet RZ2.0 that depicts the improvements between Albemarle Road and the proposed parking area (8-foot planting strip, 6-foot sidewalk, **lawn/setback, shrub hedgerow with 2'-8" brick wall**).

Staff recommends approval of this petition.

[Attachment 16](#)

ZONING HEARINGS

	<p>17. <u>Petition No. 2014-042</u> (Council District 3 - Mayfield) by Moss Road Development Partners, LLC for a change in zoning for approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p>Staff does not support this petition in its current form.</p> <p style="text-align: center;"><u>Attachment 17</u></p>
<p>Protest Sufficient</p>	<p>18. <u>Petition No. 2014-074</u> (Council District 6 – Driggs) by Terwilliger Pappas Multifamily Partners, LLC for a change in zoning for approximately 10 acres located on the northeast corner at the intersection of North Community House Road and Bryant Farms Road from B-1(CD) (neighborhood business, conditional) to NS (neighborhood services).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p style="text-align: center;"><u>Attachment 18</u></p>
<p>Protest Petition TBD</p>	<p>19. <u>Petition No. 2014-078</u> (Council District 6 –Smith) by Park Selwyn, LLC for a change in zoning for approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p style="text-align: center;"><u>Attachment 19</u></p>
	<p>20. <u>Petition No. 2014-108</u> (Council District 5 – Autry) by U-Haul Company of Charlotte for a change in zoning for 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane from B-2 (general business) to B-D(CD) (distributive business, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p style="text-align: center;"><u>Attachment 20</u></p>
<p>Protest Petition TBD</p>	<p>21. <u>Petition No. 2014-109</u> (Council District 1 - Kinsey) by Midtown Area Partners II, LLC for a change in zoning for approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street from R-8 (single-family residential), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay), and B-1(PED) (neighborhood business, pedestrian overlay) to MUDD-O (mixed use development, optional) and MUDD-O(PED) (mixed use development, optional pedestrian overlay).</p> <p>Staff does not recommend approval of this petition in its current form.</p> <p style="text-align: center;"><u>Attachment 21</u></p>
	<p>22. <u>Petition No. 2014-112</u> (Council District 6 – Smith) by Mohammad R. Bolouri for a change in zoning for approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p style="text-align: center;"><u>Attachment 22</u></p>

	<p>23. <u>Petition No. 2014-116</u> (Council District 6 – Smith) by Spectrum Properties Residential, Inc. for a change in zoning for approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place from R-17MF (multi-family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 23</u></p>
	<p>24. <u>Petition No. 2014-118</u> (Council District 1 – Kinsey) by Cotswold Partners, LLC for a change in zoning for approximately 2.21 acres located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 24</u></p>
	<p>25. <u>Petition No. 2015-010</u> (Council District 2 – Austin) by The Salvation Army for a change in zoning for approximately 2.68 acres located on the west side of Statesville Avenue south of Oliver Street and east of Spratt Street from O-6(CD) (office, conditional) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 25</u></p>
	<p>26. <u>Petition No. 2014-114</u> by Stor-All Storage for a Text Amendment to the City of Charlotte Zoning Ordinance to allow an increase in the maximum FAR for “warehousing, within a completely enclosed building” when the building is multi-story.</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 26</u></p>

REQUEST	Current Zoning: B-1SCD (business shopping center district) Proposed Zoning: B-1SCD SPA (business shopping center district, site plan amendment)
LOCATION	Approximately 21.5 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow redevelopment of a limited portion of an existing shopping center. The part of the center that is included in the rezoning is currently developed with 212,654 square feet of retail uses including one freestanding parcel. Proposed changes include up to 225,753 square feet of building area through demolition and reallocation of a limited amount of existing building square footage, in addition to 17,500 square feet of new retail uses, and two accessory drive-through service windows.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Eastway I Holdings, LLC Eastway Holdings, John Turner Kevin Ammons, ColeJenest and Stone
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Eastside Strategy Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan identifies this area for redevelopment and revitalization. <p>Therefore, this petition is found to be and to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because;</p> <ul style="list-style-type: none"> • The proposed site plan allows the redevelopment of a portion of the existing shopping center; and • The proposed site plan does not exceed the maximum square footage allowed by the previous petition; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Labovitz seconded by Commissioner Walker).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications: <ol style="list-style-type: none"> 1. Amended Proposed Development Summary to reflect total square footage for the B-1SCD SPA (business shopping center district, site plan amendment) as 225,753 square feet, which aligns with Note 3 under Development Limitations. 2. Addressed CATS comment by adding a note committing to provide a bus shelter pad, at a location to be determined with CATS along the site's frontage on Central Avenue. 3. Addressed CDOT comments as follows: <ol style="list-style-type: none"> (a) Added a note that prior to the issuance of a certificate of occupancy for the new building, petitioner shall dedicate and convey to the City of Charlotte right-of-way in the northwest quadrant of the intersection of Central Avenue and Eastway Drive as follows: <ol style="list-style-type: none"> (i) an area in size of 12 feet by 115 feet on Central Avenue; and (ii) an area in size of 19 feet by 125 feet on Eastway Drive. (b) Added a note that before the proposed Building A certificate of occupancy is issued, only one driveway will be permitted
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- between Central Avenue and existing Building F. The location of Driveway #5 will be determined in the construction permitting phase and approved by CDOT and NCDOT.
4. Amended Proposed Development Area Summary to reduce the portion of existing building demolition from 4,501 square feet to 3,401 square feet.
 5. Amended Proposed Development Area Summary to reduce the proposed building addition from 17,500 square feet to 16,500 square feet.
 6. Amended Note 3 under Development Limitations to reflect a new maximum of 16,500 square feet for the freestanding building.
 7. Added the following notes under the heading of Lighting:
 - (a) All direct lighting will be designed in a manner that minimizes glare toward adjacent streets and properties.
 - (b) All site lighting installed on the site after the approval of the site **plan amendment shall be "full-cut off" type fixtures. Light trespass shields shall be used on site lighting installed after the approval of this site plan amendment to avoid light spill across property lines. No new floodlights or unshielded wall-pak lighting may be installed on the site after the approval of this site plan amendment.**
 8. Added note under heading of Signs that no more than two project identification signs may be erected on the site.

VOTE

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

ZONING COMMITTEE DISCUSSION

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

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

• Background

The subject property was included in the overall 30.5-acre Eastway Crossing Shopping Center rezoned under Petition 1989-096 to R-9(CD) (single family residential, conditional) and B-1SCD (business shopping center district), to allow a maximum of 293,847 square feet of retail uses.

• Proposed Request Details

The site plan amendment contains the following changes:

- Allows the demolition of a minimum 3,401 square feet of the existing buildings located along the north side of the property.
- Adds a new 16,500-square foot building located on the north side of the property.
- Allows two uses with accessory drive-through service windows.
- Removes the note limiting building height above finished floor elevation to not exceed 30 feet.
- Eliminates the three existing driveways and access points, in the event that the new building is constructed.

• Public Plans and Policies

- The *Eastside Strategy Plan* (2001) recommends retail for the subject parcel, which was originally established by the *Central District Plan* (1993).
- The *Eastside Strategy Plan* recognizes this as an area for redevelopment and revitalization to restore economic and social vitality, which is consistent with the City's goals for business

corridors.

- The petition is consistent with the *Eastside Strategy Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

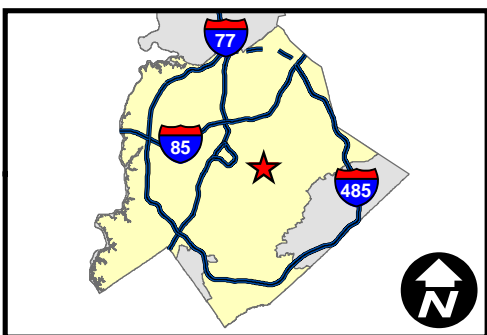
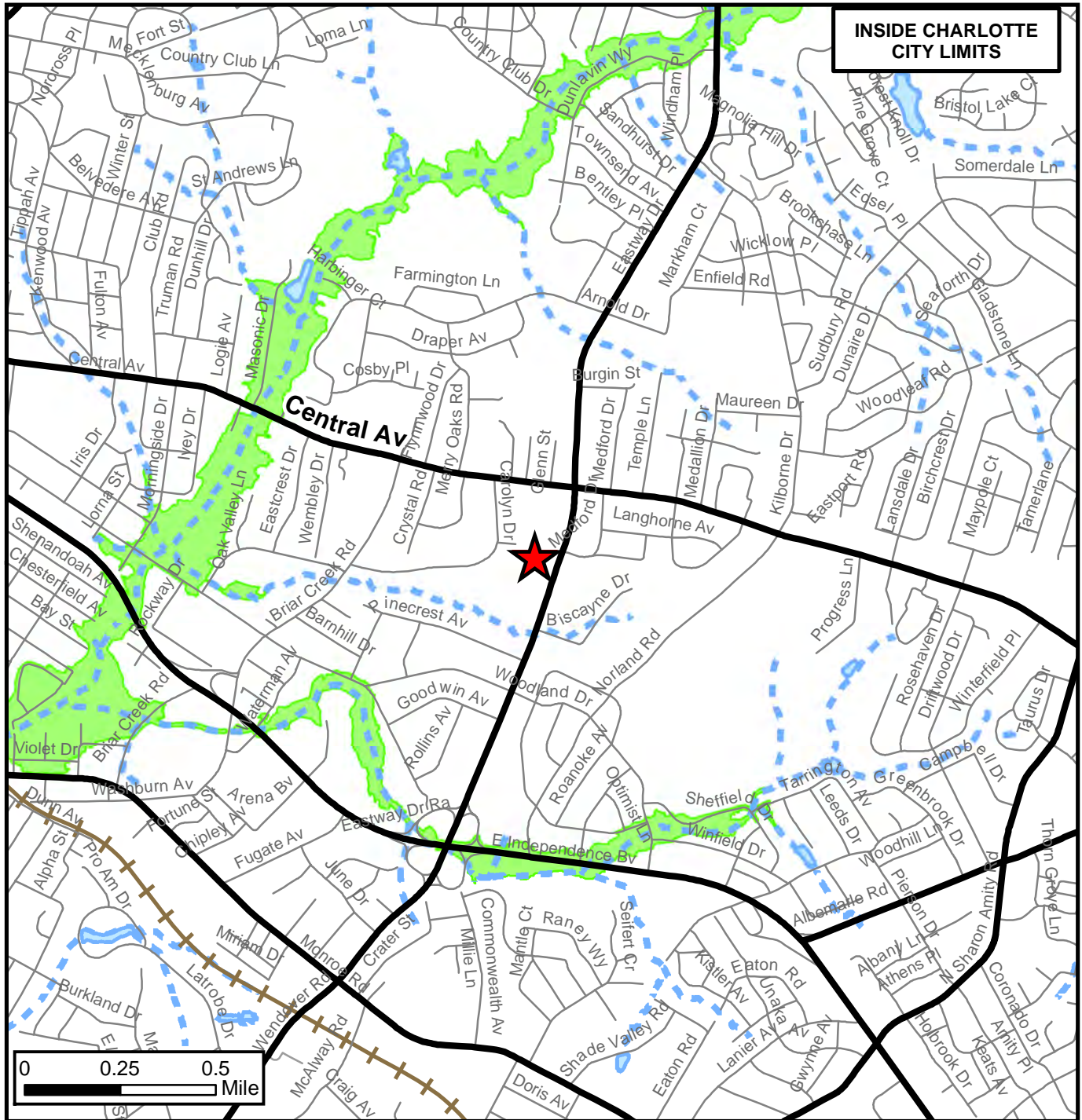
- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Sonja Sanders (704) 336-8327

Acres & Location : Approximately 21.50 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue.



★ Rezoning Petition: 2012-102

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

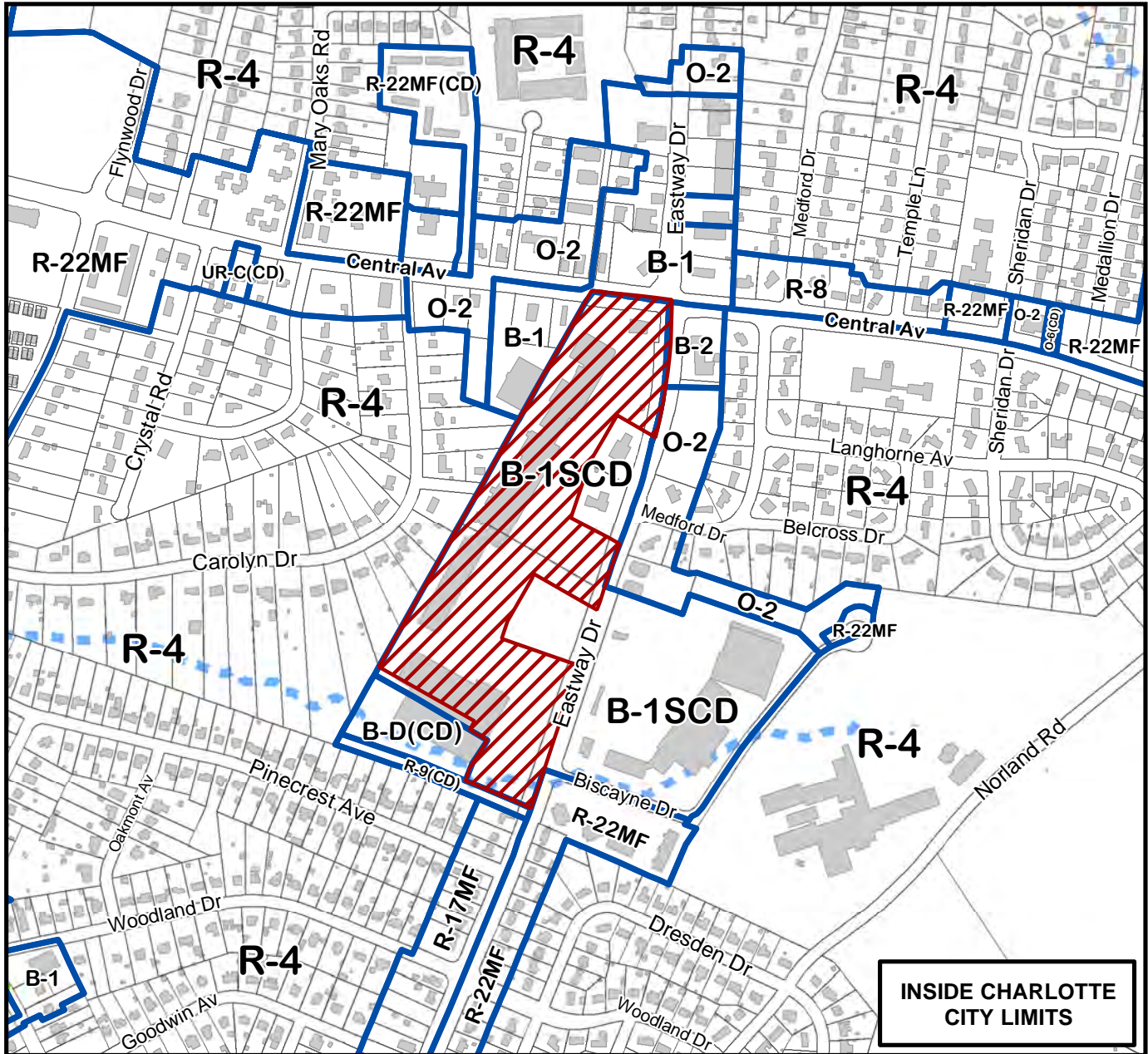
Petition #: **2012-102**

Petitioner: **Eastway Holdings**

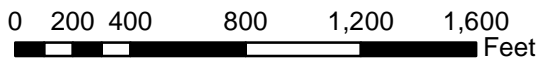
Zoning Classification (Existing): **B-1SCD**
(Business Shopping Center District)

Zoning Classification (Requested): **B-1SCD (SPA)**
(Business Shopping Center District, Site Plan Amendment)

Acreage & Location: Approximately 21.50 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue.



Map Produced by the Charlotte-Mecklenburg Planning Department, 11-12-2014.



Zoning Map #(s)
100, 101, & 112

	Requested B-1SCD(SPA) from B-1SCD		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Historic District		

REQUEST

Text Amendment to Contents, Section 20-6, 20-10, 20-14, 20-16, 20-18, 20-22, 20-23, 20-25, 20-59, 20-88, 20-90, 20-91, 20-94, 20-95, 20-97, 20-99 through 20-114, and 20-115 of the Subdivision Ordinance

SUMMARY OF PETITION

The petition proposes to:

- 1) modify the definition of planned development;
- 2) clarify existing regulations and update references, formatting, and tables;
- 3) relocate regulations into the proper section;
- 4) correct the dimension of the right-of-way requirements for local residential wide streets;
- 5) remove the requirement for delivery of final plats to the Planning Department and remove references to the County and Board of Commissioners;
- 6) clarify the street spacing requirements;
- 7) clarify the standards for required streets when lots or building sites are part of a multi-family development;
- 8) update the notice and hearing requirements for variances and appeals; the standards for granting a variance; and the standards for making decisions; and
- 9) update the appeal regulations.

**PETITIONER
AGENT/REPRESENTATIVE**

Charlotte-Mecklenburg Planning Department
Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING

Meeting is not required.

**STATEMENT OF
CONSISTENCY**

This petition is found to be consistent with the *Centers, Corridors, and Wedges Growth Framework* and consistent with the *North Carolina General Statutes*, based on information from the staff analysis and the public hearing, and because the text amendment:

- Provides clarifications to the existing regulations; and
- Updates the notice and hearing requirements for variances and appeals; the standards for granting a variance; the standards for making decisions; and the appeal regulations; and
- Preserves and enhances existing neighborhoods.

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

- It makes the regulations consistent with the North Carolina General Statutes;

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

**ZONING COMMITTEE
ACTION**

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

VOTE

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

**ZONING COMMITTEE
DISCUSSION**

Staff presented a summary of the text amendment. There were no questions.

STAFF OPINIONStaff agrees with the recommendation of the Zoning Committee.

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

- The Subdivision Ordinance regulations were updated by City Council on December 20, 2010, to implement the *Urban Street Design Guidelines*.
- Since adoption, staff has identified a number of clarifications, modifications, reformatting, and updates to section references that are needed.
- New North Carolina General Statute legislation was approved on June 19, 2013 that clarified and modernized the statutes regarding variances and appeals.
- The new legislation focuses on providing greater clarity, creating standardized procedures for key actions and generally providing more certainty and predictability about the processes used for variances and appeals.
- This text amendment aligns the Charlotte Subdivision Ordinance with the new legislation.

• Proposed Request Details

The text amendment contains the following provisions:

- Modifies the definition of planned development to include a multi-family residential building, including a single building with more than 12 units.
- Updates the name of the metropolitan planning organization from "Mecklenburg-Union Metropolitan Planning Organization" to "Charlotte Regional Transportation Planning Organization" throughout the Ordinance.
- Corrects section references and misspellings.
- Modifies formatting of text for clarity.
- Removes the requirement that a sealed and recorded final plat must be delivered to the Planning staff within five days of recording because final plats are now digitally recorded at the Register of Deeds Office.
- Relocates requirements that existing local streets do not have to dedicate or reserve right-of-way from the incorrect subsection titled "Non-local street right-of-way" into the subsection titled "Local street right-of-way".
- Clarifies the preferred and maximum street spacing requirements and provides an illustration.
- Clarifies tables and provide titles related to the text for preferred and maximum street spacing.
- Clarifies the design standards for lots. Where lots or building sites that are part of a multi-family development exceed the maximum street spacing, at least one street extending through the development shall be a public street, in "both directions", instead of in "either direction."
- Removes references to inspections by the County, filing fees set by the Board of Commissioners, and variance forms prepared by the Board of Commissioners.
- Replaces the existing findings of fact and conditions that constitute a practical difficulty or unnecessary hardship with new language to align with new North Carolina General Statute legislation. The new language states that when unnecessary hardships would result from carrying out the strict letter of the Subdivision Ordinance, the Planning Commission or the hearing committee, shall vary any of the provisions of the Subdivision Ordinance upon a showing in the affirmative of all of the following findings of fact:
 - Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
 - The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
 - The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
 - The requested variance is consistent with the spirit, purpose, and intent of the Subdivision Ordinance, such that public safety is secured, and substantial justice is achieved.
- Adds new language that appropriate conditions may be imposed on any variance, provided they

- are reasonably related to the variance.
- Adds new requirements detailing the mailing of notices of hearings for variance and appeal petitions including:
 - Notices shall be mailed to the person who is the subject of the hearing, the owners of the property, and owners of abutting properties.
 - County tax listings shall be used to determine owners of property, unless there is evidence to the contrary.
 - Notices shall be mailed at least 10 days but not more than 25 days prior to the date of the hearing.
 - Notices shall be posted on the property that is the subject of the hearing, or an adjacent street right-of-way.
 - Adds new requirements about the Planning Commission or hearing committee's decisions and evidence:
 - The hearing shall be conducted in a quasi-judicial manner.
 - The Planning Commission (or hearing committee) must determine contested facts and make its decision within a reasonable time.
 - Every quasi-judicial decision shall be based on competent, material, and substantial evidence in the record.
 - Each quasi-judicial decision shall be reduced to writing and reflect the Planning Commission's (or hearing committee's) determination of contested facts and their application to the applicable standards.
 - The written decision shall be signed by the chair or other duly authorized member of the Planning Commission (or hearing committee).
 - A quasi-judicial decision is effective upon filing the written decision with the clerk to the Planning Commission (or hearing committee).
 - Adds new requirements as to who is notified of the decision of the Planning Commission (or hearing committee), and how notice is delivered. Delivery methods for variance and appeal decisions include personal delivery, electronic mail or first-class mail. The decision is to be delivered to the applicant, property owner (if not the applicant), and to abutting property owners of the parcel of land that is the subject of the hearing.
 - Modifies when an appeal of the Planning Commission's (or hearing committee's) decision to the Superior Court must be filed with the clerk of the Superior Court. Currently, an aggrieved party has 30 days from the date the decision is filed in the Charlotte-Mecklenburg Planning Department, or 30 days after a written copy of the decision is mailed to every aggrieved party who has filed a written request or such a copy with the Planning Director at the time of the hearing, whichever is later. This text amendment modifies the language, aligning with new state legislation, to allow an appeal to be filed with the clerk of Superior Court by the later of 30 days after the decision is effective, or 30 days after a written copy of the decision is given by personal delivery, electronic mail or first-class mail. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.
- **Public Plans and Policies**
- This petition is consistent with the North Carolina General Statutes, and consistent with the *Centers, Corridors, and Wedges Growth Framework* goal to preserve and enhance existing neighborhoods.
 - This petition makes the written regulations in the Subdivision Ordinance consistent with updated state legislation.
-

DEPARTMENT COMMENTS (see full department reports online)

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

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Sandra Montgomery (704) 336-5722

**TEXT AMENDMENT SUMMARY: SUBDIVISION ORDINANCE REGULATIONS
8-15-14**

2014-001 SUB

Purpose/Background: The purpose of this text amendment is to modify the Subdivision Ordinance regulations by 1) modifying the definition of planned development; 2) clarifying existing regulations and updating references, formatting, and tables; 3) relocating regulations into the proper section; 4) correcting the dimension of the right-of-way requirements for local residential wide streets; 5) removing the requirement for delivery of final plats to the Planning Department and removing references to the county and board of commissioners; 6) clarifying the street spacing requirements; 7) clarifying the standards for required streets when lots or building sites are part of a multi-family development; 8) updating the notice and hearing requirements for variances and appeals; the standards for granting a variance; the standards for making decisions; and 9) updating the appeal regulations.

Topic	Current Regulations	Proposed Regulations	Rationale
Definitions	<ul style="list-style-type: none"> Block face – <i>The distance along a block between two adjacent intersections, measured from centerline to centerline.</i> Planned development means a group of two or more duplex, triplex, quadraplex, multifamily residential or nonresidential buildings established in a single development tract, under unified control which is to be planned and developed as a whole, either as a single development project or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purpose of the planned development, and having a unified design of buildings and coordinated organization of open space, parking and service areas. 	<ul style="list-style-type: none"> Remove italics and modify sentence to read: <ul style="list-style-type: none"> Block face <u>means</u> the distance along a block between two adjacent intersections, measured from centerline to centerline. Update the definition for planned development to read as follows: <ul style="list-style-type: none"> Planned development means <u>1) a group of two or more duplex, triplex, quadraplex, multifamily residential buildings; 2) a multifamily residential building, including a single building with more than 12 units; or 3) nonresidential buildings</u> established in a single development tract, under unified control which is to be planned and developed as a whole, either as a single development project or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purpose of the planned development, and having a unified design of buildings and coordinated organization of open space, parking and service areas. 	<ul style="list-style-type: none"> Clarifies and replaces definitions.
Monuments	<ul style="list-style-type: none"> The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two per <u>map</u> including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the Charlotte Land Development Standards Manual. 	<ul style="list-style-type: none"> Replace the word, “map” with “phase”: <ul style="list-style-type: none"> The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two per <u>phase</u> including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the Charlotte Land Development Standards Manual. 	<ul style="list-style-type: none"> Updates language for clarity.
Final Plats	<ul style="list-style-type: none"> A copy of the sealed and recorded final plat must be delivered to the planning staff within five days of recording. 	<ul style="list-style-type: none"> Removes this provision since final plats are now digitally recorded at the Register of Deeds Office and staff has computer access to the final plats. 	<ul style="list-style-type: none"> Removes requirements no longer needed.

Topic	Current Regulations	Proposed Regulations	Rationale
Design Standards for Streets	<ul style="list-style-type: none"> Along existing local streets less than 77 feet wide, there is no requirement that right-of-way greater than 38.5 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved. Total right-of-way required for Local Residential Wide Streets: 71 feet. 	<ul style="list-style-type: none"> Relocates this provision from subsection (c) titled “non-local street right-of-way” to subsection (d) titled, “local street right-of-way”. Changes the total right-of-way required for Local Residential Wide Streets from 71 feet to 72 feet. 	<ul style="list-style-type: none"> Corrects location of regulations to corresponding subsection.
Design Standards for Street Network and Blocks	<ul style="list-style-type: none"> The requirements for additional new local streets are: <ul style="list-style-type: none"> Measure the <u>width</u> of each property boundary and divide by the appropriate <u>preferred spacing</u> from <u>the following table</u> to determine the overall number of blocks required along that boundary. Round down to the nearest whole number where a fractional number results. This is the required number of block faces along that boundary. Where the result is less than 2, but the boundary exceeds the maximum block length, one street is required. <p>Where an odd-shaped parcel has a series of boundary segments shorter than the <u>preferred length</u>, but separate blocks would be required if the site is measured across, as opposed to along the boundary segments, then a local street shall be required. Where extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required. If the distance from the nearest adjacent street to the parcel boundary exceeds the maximum block length, then a street may be required.</p> <ul style="list-style-type: none"> Table 1 and 2 have no titles. Table 1: right hand column is titled, “Preferred (Perimeter)”. Table 2: right hand column is titled, “Maximum”. 	<ul style="list-style-type: none"> Clarify the regulations as follows: <ul style="list-style-type: none"> Measure the <u>length</u> of each property boundary and divide by the appropriate <u>preferred block length spacing</u> from <u>Table 1 “Preferred Street Spacing”</u>, the following table to determine the overall number of blocks required along that boundary. Round down to the nearest whole number where a fractional number results. This is the required number of block faces along that boundary. Where the result is less than 2, but the boundary exceeds the maximum block <u>length</u> (<u>Table 2 “Maximum Street Spacing”</u>), one street is required. <p>Where an odd-shaped parcel has a series of boundary segments shorter than the <u>preferred block length</u>, but separate blocks would be required if the site is measured across, (as opposed to along the boundary segments), then a local street shall be required. Where <u>the</u> extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required. If the distance from the nearest adjacent street to the parcel boundary exceeds the maximum block length, then a street may be required.</p> <ul style="list-style-type: none"> Add a graphic to illustrate the regulations above. Clarify the tables by adding a more predominant title: <ul style="list-style-type: none"> Table 1: <u>Preferred</u> Street Spacing Table 2: <u>Maximum</u> Street Spacing Clarify Table 1, right hand column to read, “Preferred Block Length along Property Boundary”. Clarify Table 2, right hand column to read, “Maximum Block Length”. 	<ul style="list-style-type: none"> Clarify regulations.

Topic	Current Regulations	Proposed Regulations	Rationale
Design Standards for Lots	<ul style="list-style-type: none"> Where lots or building sites that are part of a multifamily development exceed the <u>maximum street</u> spacing in Sec. 20-23(b)(2)b above, at least one street extending through the development in <u>either direction</u> shall be a public street. The location of the required public street shall be determined based on the location with the greatest value for connectivity to the existing roadway network. Where no extension of a multifamily public street into adjacent sites is possible, the applicant may construct such a street as a private street. 	<ul style="list-style-type: none"> Clarify the regulations to require at least one public street in both directions: <ul style="list-style-type: none"> Where lots or building sites that are part of a multifamily development exceed the <u>maximum local street</u> spacing in Sec. 20-23(b)(2)b, at least one street extending through the development in <u>both directions</u> shall be a public street. The location of the required public street shall be determined based on the location with the greatest value for connectivity to the existing roadway network. Where no extension of a multifamily public street into adjacent sites is possible, the applicant may construct such a street as a private street. 	<ul style="list-style-type: none"> Clarify regulations.
Inspections	<ul style="list-style-type: none"> The city <u>or county</u> must be notified two days in advance of the work to be started in a subdivision so that an authorized representative of the city <u>or county</u> engineer or other responsible agency may be assigned to make any and all necessary inspections of the work performed. 	<ul style="list-style-type: none"> Remove references to the county. The revised section shall read: The city must be notified two days in advance of the work to be started in a subdivision so that an authorized representative of the city engineer or other responsible agency may be assigned to make any and all necessary inspections of the work performed. 	<ul style="list-style-type: none"> Removes references to the County
Filing of notice of Appeal	<ul style="list-style-type: none"> A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council <u>and/or board of commissioners</u>. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section. 	<ul style="list-style-type: none"> Remove references to the board of commissioners. The revised section shall read: <ul style="list-style-type: none"> A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section. 	<ul style="list-style-type: none"> Remove references to the board of commissioners
Filing of variance petition	<ul style="list-style-type: none"> A petition for a variance from this chapter, in the form prescribed by the planning commission staff, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council <u>or board of commissioners</u>. 	<ul style="list-style-type: none"> Remove references to the board of commissioners. The revised section shall read: <ul style="list-style-type: none"> A petition for a variance from this chapter, in the form prescribed by the planning commission staff, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council. 	<ul style="list-style-type: none"> Remove references to the board of commissioners

Topic	Current Regulations	Proposed Regulations	Rationale
Notice and Hearing	<ul style="list-style-type: none"> • The Planning Commission, or hearing committee, will hold <u>public</u> hearings on any appeal or variance petition, which comes before it, in accordance with rules adopted by it for such purpose. • The planning commission will mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing 	<ul style="list-style-type: none"> • Updates regulations to align with new North Carolina legislation: <ul style="list-style-type: none"> • The Planning Commission, or hearing committee, will hold <u>quasi-judicial</u> hearings on any appeal or variance petition, which comes before it, in accordance with rules adopted by it for such purpose. • Replaces regulations for notification to read: <ul style="list-style-type: none"> • Notices of hearings shall be mailed to 1) the person whose appeal, application, or request is the subject of the hearing; 2) the owner of the property that is the subject of the hearing; and 3) to owners of land abutting the parcel of land that is the subject of the hearing. • County tax listings shall be used to determine owners of property, unless there is evidence to the contrary. • Notices shall be mailed at least 10 days, but not more than 25 days prior to the date of the hearing. • Notices shall be posted on the property that is the subject of the hearing, or on an adjacent street or highway right-of-way. 	<ul style="list-style-type: none"> • Aligns with new legislation
Standards for Granting a Variance	<ul style="list-style-type: none"> • Before granting a variance, the Planning Commission, or the hearing committee must determine that: <ul style="list-style-type: none"> • The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; or • The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or • The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or • The difficulty or hardship resulting from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or • The granting of the variance would permit the preservation of an historic structure or site. 	<ul style="list-style-type: none"> • Removes the existing findings and conditions and replaces them with new language to align with new North Carolina legislation: <ul style="list-style-type: none"> • When unnecessary hardships would result from carrying out the strict letter of the Subdivision Ordinance, the Planning Commission, or the hearing committee, shall vary any of the provisions of the Subdivision` Ordinance upon a showing of all of the following: <ul style="list-style-type: none"> • Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. • The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. 	<ul style="list-style-type: none"> • Aligns findings with new state legislation.

		<ul style="list-style-type: none"> • The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. • The requested variance is consistent with the spirit, purpose, and intent of the Subdivision Ordinance, such that public safety is secured, and substantial justice is achieved. • Adds language that appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance. 	
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Topic	Current Regulations	Proposed Regulations	Rationale
Action by the Planning Commission	<ul style="list-style-type: none"> • The Planning Commission or hearing committee will grant or deny the variance or will reverse, affirm, or modify the order, decision, requirement, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting. The resolution must state the reasons that the Planning Commission used to reach its decision. 	<ul style="list-style-type: none"> • Adds more detail about the Planning Commission’s or hearing committee’s decision and evidence to align with new North Carolina legislation: <ul style="list-style-type: none"> • The Planning Commission or hearing committee will grant or deny the variance or will reverse, affirm, or modify the order, decision, requirement, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting. • <u>The Planning Commission, or hearing committee, shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Planning Commission’s (or committee’s) determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the Commission or committee. A quasi-judicial decision is effective upon filing the written decision with the clerk to the Planning Commission or hearing committee.</u> • <u>The decision of the Planning Commission, or the hearing committee, shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person</u> 	<ul style="list-style-type: none"> • Aligns with new legislation

Topic	Current Regulations	Proposed Regulations	Rationale
Appeal from Planning Commission	<ul style="list-style-type: none"> Any appeal of a decision rendered by the Planning Commission, or the hearing committee, must be to the Superior Court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court within 30 days after the decision of the planning commission, or the hearing committee is filed in the office of the planning director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the planning director at the time of the hearing, whichever is later. 	<p style="text-align: center;"><u>required to provide notice shall certify that proper notice has been made.</u></p> <ul style="list-style-type: none"> Replaces the language with updated language to match new North Carolina legislation: <ul style="list-style-type: none"> Every quasi-judicial decision of the Planning Commission, or the hearing committee, shall be subject to judicial review by the superior court by proceedings in the nature of certiorari pursuant to G.S. § 160A-393. Any petition for a review of the Planning Commission’s, or hearing committee’s, decision in the nature of certiorari by the superior court must be filed with the clerk of Superior Court by the later of (1) 30 days after the decision is effective, or (2) 30 days after a written copy of the decision is given in accordance with Section 20-95 of this ordinance. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition. 	<ul style="list-style-type: none"> Aligns with new legislation
Corrects misspelled words and updates names of organizations and section references	<ul style="list-style-type: none"> “thoughfares” MUMPO – Mecklenburg- Union Metropolitan Planning Organization 	<ul style="list-style-type: none"> Corrects misspelled words: <ul style="list-style-type: none"> “thoroughfares” Updates the name of the MUMPO organization: <ul style="list-style-type: none"> MUMPO becomes Charlotte Regional Transportation Planning Organization (CRTPO) Updates section references. Updates figure references. 	<ul style="list-style-type: none"> Updates references and corrects spelling

9-3-14

Petition No. 2014-001 SUB

Petitioner: Charlotte-Mecklenburg Planning Department

**AN ORDINANCE AMENDING CHAPTER 20
OF THE CITY CODE –SUBDIVISION ORDINANCE**

ORDINANCE NO.

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

Section 1. Chapter 20, Code of the City of Charlotte is hereby amended as follows:

Contents	Page
ARTICLE 1. IN GENERAL	1
Sec. 20-1 Short Title	1
Sec. 20-2 Purpose	1
Sec. 20-3 Jurisdiction	1
Sec. 20-4 Compliance	1
Sec. 20-5 Modification of certain standards	1
Sec. 20-6 Definitions	2
Sec. 20-7 Rules of Construction	6
Sec. 20-8 Planning Staff	7
Sec. 20-9 Planning Commission	7
Sec. 20-10 Development Review Board	<u>78</u>
Sec. 20-11 Amendments	<u>89</u>
Sec. 20-12 Compliance required	9
Sec. 20-13 Intent	9
Sec. 20-14 General requirements	<u>109</u>
Sec. 20-15 Sketch plan	12
Sec. 20-16 Preliminary plan requirements	<u>132</u>
Sec. 20-17 Procedures for approval	<u>143</u>
Sec. 20-18 Final plat requirements	<u>165</u>
Sec. 20-19 Plats already established by survey	17
Sec. 20-20 Planned developments	<u>187</u>
Sec. 20-21 Development standards for nonresidential development	<u>198</u>
Sec. 20-22 Design standards for streets	<u>198</u>
Sec. 20-23 Design standards for street network and blocks	<u>224</u>
Sec. 20-24 Alternative compliance	<u>297</u>
Sec. 20-25 Design standards for lots	<u>310</u>
Sec. 20-26 Enforcement	<u>332</u>
Sec. 20-27 Application and processing fees	<u>343</u>
Sec. 20-28 to 20-50 Reserved	<u>343</u>
 ARTICLE II. REQUIRED IMPROVEMENTS	 34
Sec. 20-51 Standards and specifications	34

Sec. 20-52	Improvement responsibility	354
Sec. 20-53	Drainage	387
Sec. 20-54	Curb and gutter	387
Sec. 20-55	Sidewalks	387
Sec. 20-56	Street markers and barricades	398
Sec. 20-57	No service unless street accepted or tentatively approved	398
Sec. 20-58	Modification of requirements; bond	4039
Sec. 20-59	Inspection	40
Secs 20-60 to 20-85	Reserved	410

ARTICLE III. APPEALS AND VARIANCES **41**

Sec. 20-86	Authority of planning commission	41
Sec. 20-87	Initiation	41
Sec. 20-88	Filing of notice of appeal	424
Sec. 20-89	Standards for granting appeal	424
Sec. 20-90	Filing of variance petition	424
Sec. 20-91	Standards for granting variance	432
Sec. 20-92	Determination of completeness	432
Sec. 20-93	Staff review	443
Sec. 20-94	Notice and hearing	443
Sec. 20-95	Action by planning commission	453
Sec. 20-96	Rehearing	453
Sec. 20-97	Appeal from planning commission	453
Sec. 20-98	Effect of granting of variance	464
<u>Sec. 20-99 to 20-114</u>	<u>Reserved</u>	<u>46</u>
<u>Sec. 20-115</u>	<u>Applicability</u>	<u>46</u>

ARTICLE I. IN GENERAL

Sec. 20-1. - Short title.

This chapter will be known and may be cited as the "Charlotte Subdivision Ordinance."

(Code 1985, § 20-1)

Sec. 20-2. - Purpose.

This chapter is adopted pursuant to the authority conferred by G.S. 160A-371 et seq., the Charter, and certain special legislation for the city and the county (ch. 203, Sess. Laws 1961) and for the purpose of promoting the orderly development of the city and county and for the purpose of coordinating streets within subdivisions with existing or planned streets or with public facilities; to secure adequate rights-of-way or easements for street or utility purposes; to secure adequate spaces for recreation and school sites; to provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding; to protect and enhance environmental quality; and to create conditions essential to health, safety, convenience and the general welfare.

(Code 1985, § 20-2)

Sec. 20-3. - Jurisdiction.

This chapter applies to all subdivision activities for which approval under this chapter is required in the city.

(Code 1985, § 20-3)

Sec. 20-4. - Compliance.

All plats for the subdivision of land must conform to the requirements of this chapter and be submitted in accordance with the procedures and specifications established in this chapter. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this chapter.

(Code 1985, § 20-5)

Sec. 20-5. - Modification of certain standards.

- (a) Certain development standards regulated by this chapter and specifically as follows may be modified under the provisions of the city zoning ordinance:
 - (1) Street right-of-way.
 - (2) Sidewalks.

- (3) Curb and gutter.
 - (4) Type of street (public or private).
 - (5) Street pavement width.
- (b) The standards of chapter 19 of this Code, which also regulate the development of streets, sidewalks and other facilities in the city, must be complied with, except as may be varied under article III of this chapter.
- (Code 1985, § 20-6)
- (c) Any standard regulated by this chapter may be modified by City staff where necessary to ensure public safety.

Sec. 20-6. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative Compliance for street design means the process to approve street designs that differ from the design standards prescribed in this chapter.

Appeal means an action relating to a dispute involving an administrative interpretation or application of an ordinance standard to a particular parcel of land.

Block face – means the distance along a block between two adjacent intersections, measured from centerline to centerline.

Building envelope means a three-dimensional area on a lot that remains for placing a structure on a site after setbacks, yard, height, and bulk regulations are observed.

Charlotte- Land Development Standards Manual means the manual of construction standard drawings and details prepared by the city engineer, which provides standard designs for public and private improvements relating to streets, sidewalks, drainage and other facilities. Whenever in this chapter reference is made to "standards" or "manual," it refers to that document.

Collector street means any street which is defined as a collector street in the adopted comprehensive street classification system.

Commercial arterial street means a multilane, major roadway connecting major or minor thoroughfares with lesser streets in the network. The commercial arterial may also connect this region to other regions. - Commercial arterial streets provide direct access to nonresidential high trip generating land uses. A commercial arterial street may be part of state primary or secondary highway systems.

Connectivity means street or subdivision design which provides for public access, ingress and egress by interconnecting streets, bikepaths, and walkways within a development and with adjoining developments. Connectivity facilitates vehicular, bicycle, and pedestrian transportation.

Cul-de-sac means a street designed with a turnaround, or a street that will not reasonably be extended in the future.

Development review board means the board appointed by city council to hear and decide applications for alternative compliance for street design.

Double frontage lot means a lot with street frontage along two opposite boundaries. A "double frontage lot" may also be referred to as a "through lot" or a "reverse frontage lot".

Freeway or expressway means a multilane, grade-separated, limited-access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large traffic volumes at high speeds. Such a facility may be part of the interstate, federal or state primary highway system. A freeway or expressway will be built to or approach interstate design standards.

Green zone means the space lying between the sidewalk and back of curb, or edge of pavement where no curb-and-gutter is present (typically a planting strip or hardscaped amenity zone) which serves as a buffer between pedestrians and vehicles. The green zone typically includes street trees and landscaping, and often includes street furnishings and utilities.

Groundwater and wastewater services means Mecklenburg County Groundwater and Wastewater Services Department.

Half street means a street that lies across a property line between two properties and is partially improved on only one of the properties at a time.

Hearing committee. The Charlotte-Mecklenburg Planning Commission can serve as the hearing committee to hear and decide variances and appeals, or it can appoint the zoning committee to serve as the hearing committee.

Limited-access arterial street means a multilane limited-access major road connecting major activity centers or major roads. Intersections are at grade with access only at cross streets rather than at individual driveways.

Local street means a street that provides access to residential, industrial or commercial districts, as well as to mixed use areas.

LUESA means the Mecklenburg County Land Use and Environmental Services Agency

Major arterial means a major ~~thoroughfare~~ thoroughfare on the ~~MUMPO~~ Charlotte Regional Transportation Planning Organization (CRTPO) Thoroughfare Plan.

Major streams means jurisdictional streams which are regulated by state or federal agencies.

Minor arterial means a minor ~~thoroughfare~~ thoroughfare on the ~~MUMPO~~ Charlotte Regional Transportation Planning Organization (CRTPO) Thoroughfare Plan. It is typically designed to accommodate moderate volumes of traffic at moderate speeds, and usually only handles trips for short to moderate distances.

Mixed use development means one or more buildings that contain more than one type of land use (e.g., retail, office, residential); or, a combination of buildings that contain single uses and buildings that contain more than one type of land use. At least one land use is non-residential. A key characteristic of mixed use development is that the various uses are well integrated in a pedestrian-oriented environment.

Paper street means a right-of-way for a street offered for dedication on a final recorded plat which has not been constructed or accepted by the city for maintenance.

Parks department means the county park and recreation department.

Planned development means 1) a group of two or more duplex, triplex, quadraplex, multifamily residential buildings; 2) a multifamily residential building, including a single building with more than 12 units; or 3) nonresidential buildings established in a single development tract, under unified control which is to be planned and developed as a whole, either as a single development project or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purpose of the planned development, and having a unified design of buildings and coordinated organization of open space, parking and service areas.

Private street means a street which is constructed to private street standards as described in the Charlotte Land Development Standards Manual, and which is privately maintained.

Public street means a street accepted for dedication to the city, county or North Carolina Department of Transportation.

Reverse frontage. A "reverse frontage" lot is a through lot or "double frontage" lot. A block containing reverse frontage lots is comprised of one tier of lots rather than the standard two tiers. Reverse frontage does not relate to the structure's orientation to the street.

School board means the Charlotte-Mecklenburg School Board.

Slow Point means any physical feature constructed in a street designed to moderate vehicle speeds.

Street means a facility (either public or private) designed to accommodate motor vehicle, pedestrian and bicycle travel.

Street Furnishings means physical features included as part of the streetscape, e.g. benches, bike racks, lighting, trash receptacles, and banners

Street right-of-way means any public right-of-way set aside for public travel which has been accepted for maintenance by the state or the city or the county if so authorized, or has been dedicated for public travel by the recording of a plat or a subdivision which, prior to the effective date of the ordinance from which this chapter derives, has been approved by either the Planning Department, the city council or board of county commissioners or is subsequently approved by the planning staff or the planning commission or has otherwise been established as a public street prior to the adoption of the ordinance from which this chapter derives.

Streetscape means the physical features of the street outside of the travel lanes that typically includes sidewalk, curb, gutter, and street trees.

Stub street means a street that is designed to extend to the property line with a temporary barricade and has the intent to be extended to provide for future access and connectivity.

Subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type, including both residential and nonresidential multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the register of deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided,

however, that the following will not be included within this definition nor be subject to the requirements of this chapter:

- (1) The combination or recombination of portions of parcels created and recorded prior to January 1, 1988, or portions of lots platted in compliance with this ordinance after January 1, 1988, where the total number of parcels or lots is not increased and the resultant parcels are equal to the standards of the zoning ordinance.
- (2) The division of land into parcels greater than five acres where no street right-of-way dedication is involved.
- (3) The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.
- (5) The division of land into plots or lots for use as a cemetery.
- (6) Creation of a separate lot or building site by a less than fee simple instrument, such as a ground lease, when the property interest created is divided from the original parcel for ten years or less, including options to renew.
- (7) The lease of space or other area within a building owned by the landlord.
- (8) Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.
- (9) The division of a tract or parcel into separate tracts or parcels, or the creation of interests in lots or parcels, by means of:
 - a. A deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure), and
 - b. Releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
- (10) Proceedings to partition interests in lots or parcels pursuant to G.S. ch. 46 (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this chapter.
- (11) Transfers of tracts or parcels by inheritance or bona fide gift.
- (12) Condemnation or deed in lieu of condemnation, by either a public or private condemnor; provided, however, that the condemnor must comply with the requirements of this chapter as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever date first occurs.

Subdivision, limited, means a subdivision that is not otherwise exempt from this chapter, and where the tract or parcel of land retained by the owner submitting the land for subdivision approval is in excess of ten acres. For such subdivisions, the owner shall be required to plat only

the parcel to be transferred or leased, and only that parcel shall be subject to the requirements of this chapter.

Subdivision, minor, means a subdivision that is not otherwise exempt from this chapter and that does not involve any of the following:

- (1) The creation of any new public street or street right-of-way or improvements to an existing street.
- (2) The extension of any needed rights-of-way or easements for the water or sewer system operated by the Charlotte-Mecklenburg Utilities.
- (3) The installation of drainage improvements through one or more lots to serve one or more other lots.
- (4) The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.

Thoroughfare means any street designated on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan. The terms "thoroughfare" and "arterial" are used synonymously.

Thoroughfare plan means the most recent Map approved by the ~~Mecklenburg Union Metropolitan Planning Organization~~ Charlotte Regional Transportation Planning Organization (CRTPO) which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation.

Through lot means a lot other than a corner lot, with a frontage on more than one street. A "through lot" may also be referred to as a "double frontage lot", or a "reverse frontage lot."

Traffic calming means a measure (or measures) that reduce(s) vehicle speeds.

Variance means an action requesting consideration for relief from the strict enforcement of the standards of this chapter where special circumstances or unusual considerations may exist on the parcel of land.

Zoning committee. The Charlotte-Mecklenburg Planning Commission is divided into two major working committees: the zoning committee and the planning committee.

(Code 1985, § 20-8; Ord. No. 2960, § 1, 5-16-2005; Ord. No. 2961, §§ 1—3, 5-16-2005; Ord. No. 3401, § 1, 10-18-2006)

Cross reference—Definitions generally, § 1-2.

Sec. 20-7. - Rules of construction.

For the purposes of this chapter, the following rules of construction apply:

- (1) This chapter will be construed to achieve the purposes for which it is adopted.
- (2) If a conflict occurs between the text of this chapter and any caption, figure, illustration, table or map, the text of this chapter will control.

- (3) If any conflict occurs in limitations, restrictions or standards applying to a project, the more restrictive provision will apply.
- (4) Reference to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

(Code 1985, § 20-9)

Sec. 20-8. - Planning staff.

In addition to any authority granted to the staff of the Charlotte-Mecklenburg Planning Department (referred to as "planning staff") by other ordinances of the city or the county, the planning director and the employees under his or her control will have the following powers and duties to be carried out in accordance with this chapter:

- (1) Review and approve all subdivisions of land within the authority and jurisdiction of this chapter.
- (2) Maintain the text of this chapter.
- (3) Maintain files and other public records related to the administration and enforcement of this chapter.
- (4) Recommend and comment on proposed amendments to this chapter.
- (5) Interpret the sections of this chapter.
- (6) Work to coordinate all local, state and other appropriate agency reviews and comment on all subdivisions proposed under this chapter.
- (7) Establish such rules of procedure as necessary and proper for the administration of their responsibilities under this chapter.

(Code 1985, § 20-10)

Sec. 20-9. - Planning commission.

- (a) In addition to any authority granted to the Charlotte-Mecklenburg Planning Commission (hereinafter "planning commission") by other ordinances of the city or Mecklenburg County, and in accordance with the provisions of the interlocal agreement regarding the structure and responsibilities of the planning commission, the planning commission will have the following powers and duties to be carried out in accordance with these regulations.
 - (1) To hear appeals filed regarding the action of the planning staff in the approval or disapproval of any subdivision proposed under these regulations.
 - (2) To hear and decide requests for variances from the standards of this chapter in accordance with the provisions of article III. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide requests for variances.

- (3) To hear and decide appeals from the interpretation of any provisions of this ordinance from the planning staff. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.
- (b) In all of these matters, the planning commission, or the hearing committee, may approve the request, deny the request, or approve the request with conditions relating to the intent and standards of this chapter.

(Code 1985, § 20-11; Ord. No. 2960, § 2, 5-16-2005)

Sec. 20-10. – Development Review Board.

- (a) A Development Review Board is hereby established to hear and decide requests for alternative compliance with the standards of this chapter. The board shall be composed of nine members and three alternates who shall be appointed according to the following disciplines (the determination that an appointee meets the relevant discipline shall be made by the appointing authority whose determination shall be conclusive):

Architect (City Council)

Civil Engineer (Mayor)

Landscape Architect (Mayor)

Bicycle Advocate (Mayor)

Planning Commissioner (City Council)

Public Health Professional (City Council)

Real Estate Attorney (City Council)

Real Estate Development Industry Representative (City Council)

Transportation Planner or Urban Planner (City Council)

Architect – Alternate (Mayor)

Civil Engineer – Alternate (City Council)

Landscape Architect – Alternate (City Council)

- (b) The terms of office shall be for three (3) years with no member serving more than two consecutive full terms. The terms of one-third of the Board shall expire each year. If a vacancy occurs, the original appointing authority shall appoint a person to serve for the unexpired term of the vacant position.
- (c) Five voting members shall constitute a quorum. Members are required to attend all business meetings and hearings in accordance with the attendance policies promulgated by the City Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided in this section.
- (d) Members shall be subject to removal from the Board with or without cause by the appointing authority.

Sec. 20-11. - Amendments.

- (a) The planning staff may, from time to time, and must at the request of the city council, board of county commissioners or planning commission, prepare certain improvements to the text of this chapter to correct errors, update or modify the requirements, or otherwise improve the operation of this chapter in regulating the subdivision of land.
- (b) Amendments to this chapter may only be enacted pursuant to the public notice and public hearing requirements established by law. All text amendments must be referred to the planning commission for a recommendation prior to final action by the elected officials. Failure of the planning commission to act on such a recommendation within 30 days following the public hearing will be deemed to constitute an affirmative recommendation on the proposed amendment. An action to defer a recommendation for cause will constitute an action for the purposes of this section.

(Code 1985, § 20-12)

Sec. 20-12. - Compliance required.

After the effective date of the ordinance from which this chapter derives, no plat of a subdivision of land, subject to the jurisdiction of this chapter, will be filed or recorded by the county register of deeds until it has been submitted to and approved by the Planning Department. This includes all divisions of land as defined in section 20-6.

(Code 1985, § 20-13)

Sec. 20-13. – Intent

- (a) Consistency with adopted public plan and policies. All subdivision of land approved under this chapter should be consistent with the most recently adopted public plans and policies for the area in which it is located. This includes general policies regarding development objectives for the area, as well as specific policies or plans for public facilities, such as streets, parks and open space, schools and other similar facilities. Plans and policies for the community are on file in the offices of the Planning Department.
- (b) Street network goals. The proposed street network should implement the following goals:
 - (1) Support economic development and quality of life – by providing more transportation capacity, while creating more user-friendly streets overall.
 - (2) Provide more and safer transportation choices – by creating a better-connected network (route choices) and building streets for a variety of users (mode choices).
 - (3) Better integrate land use and transportation – by avoiding mismatches between land uses and streets, and by creating the right combination of land uses and streets to facilitate planned growth.

- (c) Street network design. The street network should be designed to provide interconnected streets so as to facilitate the most advantageous development of the entire neighborhood or area of the city.

Sec. 20-14. - General requirements.

- (a) Scope. The statements in this section provide general requirements and policies to be used in the design, review and approval of any subdivision under the jurisdiction of this chapter. Questions of interpretation of any of these subsections should be discussed with the planning staff at the earliest possible time in the development of a subdivision proposal.
- (b) Residential street design should ensure the creation of a network of low volume, low speed roadways. All new development should provide for more than one access for ingress and egress, where feasible. The proposed street system should extend existing streets on their proper projections. Cul-de-sacs and other permanently dead-end streets should be avoided.
- (c) Relationship to railroad rights-of-way. When a subdivision adjoins a railroad right-of-way, the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings, except where no such crossing will be allowed by the railroad.
- (d) Half streets. Whenever an existing half street is adjacent to a tract of land to be subdivided, the other half of the street shall be platted within such tract. New half streets are prohibited in single-family residential development.
- (e) Mature trees and natural vegetation. Streets and development sites should be designed to protect and preserve, to the greatest extent practicable, stands of mature trees and other areas of significant natural vegetation.
- (f) Access to parks, schools, greenways, etc. Streets shall be designed or walkways dedicated to ensure convenient access to parks, greenways, playgrounds, schools and other places of public assembly.
- (g) Parallel streets along thoroughfares. Where a tract of land to be subdivided adjoins a federal or state highway, major or minor thoroughfare, or commercial arterial, the subdivider may be required to provide a street parallel to the highway or to utilize reverse frontage on an interior street for lots developed adjacent to the highway. Where reverse frontage is established, deed restrictions or other means should be provided to prevent driveways from having direct access to the highway or street.
- (h) Public school and public park sites. When a tract of land that appears in any adopted plan or policy document as a future public school, public park, greenway, or open space site falls within an area proposed to be subdivided, the planning staff will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed

above has commenced, the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the provisions of the zoning ordinance.

- (i) Public facilities. When a tract of land that appears in any adopted plan or policy document as a future site for any community service facility, including but not limited to police and fire stations, libraries, public housing or other public use sites, falls within an area proposed to be subdivided, the planning staff will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above has commenced, the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the provisions of the zoning ordinance.
- (j) Street names. Proposed street names shall not duplicate nor too closely approximate phonetically the name of any street within the county or city. Where proposed streets are extensions of existing streets, the existing street names should be used.
- (k) Easements. Easements established to the width and in the locations required by the engineering department or the utility department, but in no case less than ten feet wide, should be provided for open or piped storm drainage, sanitary sewers and water lines. This requirement applies to such lines installed at the time of the development of the subdivision and to easements for such lines which may reasonably be expected to be installed in the future.
- (l) Proposed water and sewer system. The preliminary subdivision plan should be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal.
 - (1) Where these systems are to be a part of the public water and sanitary sewer systems owned and operated by the city, the acceptability of the proposed systems should be attested by the approval of the preliminary subdivision plan by the utility department or a letter from the utility department, stating the availability of water and/or sewer service, and that the subdivision will be allowed to connect to the systems upon the completion and dedication of the systems in the development.
 - (2) When the proposed systems to serve more than one structure do not contemplate the use of facilities owned and operated by the city, the proposed systems will be reviewed and approved by the agency with jurisdiction over the approval. Evidence must be provided by the developer prior to the preliminary plan approval of the required discharge permit or perk test for sewage disposal, whichever is applicable. Prior to the approval of the final plat, evidence must be provided that both the sewer and water system designs have been approved for construction. Prior to the issuance of any

certificate of occupancy for any structure, evidence must be provided that both the water and sewer systems have been approved and are operational for the structures in question.

- (3) Where local standards exceed those of state or federal agencies, and where those standards may be enforced over those of state or federal agencies, the Mecklenburg County Land Use and Environmental Services Agency Groundwater and Wastewater Services, or the Charlotte Utility Department will coordinate all reviews for such standards. However, the approval of the proposed systems remains with the responsible agency, which may include the Mecklenburg County Land Use and Environmental Services Agency Groundwater and Wastewater Services, or the Charlotte Utility Department.
- (m) Restrictions on subdivision of land subject to flooding. Lots that are subject to flooding should not be established in subdivisions, except as provided in section 20-24-25(f).
- (n) Water access lots. Where a subdivision which adjoins the Catawba River or its impounded waters contains interior lots, parcels or tracts of land which do not adjoin the water's edge, but any part of which is within 450 feet of the water's edge, one or more lots which adjoin the water's edge should be reserved to provide water access for the owners of interior properties. Such lots will be called water access lots (see section 20-24-25(g)). If the property which is in the same ownership adjoins the subdivision, this property will be construed as being part of the subdivision for purposes of determining requirements of water access lots.

(Code 1985, § 20-14)

Sec. 20-15. - Sketch plan.

- (a) Encouraged for subdivisions. Prior to the filing of an application for approval of the subdivision preliminary plan, it is strongly encouraged, but not required, that a sketch plan be submitted to the planning staff for review and recommendation. When submitted, this sketch plan should be drawn to a scale no smaller than one inch equals 100 feet on a topographical survey and should show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. It should include the following information:
 - (1) The boundary lines of the property being subdivided.
 - (2) Watercourses on the land to be subdivided.
 - (3) The location, names and right-of-way widths of any existing streets, paper streets, or half streets on or within 300 feet of the land to be subdivided.
 - (4) The location of all property lines which intersect the boundaries of the property being subdivided.
- (b) Required for minor subdivisions. In order to facilitate the review and approval of a minor subdivision, a sketch plan must be submitted to the planning staff. The staff will advise the applicant of any deficiencies that must be corrected prior to submission of the final plat.

(Code 1985, § 20-15)

Sec. 20-16. - Preliminary plan requirements.

The preliminary subdivision plan must be drawn to the following specifications and must contain or be accompanied by the information listed. No processing or review of a preliminary plan will proceed without all of the information listed. Detailed standards and specifications for construction are contained in the Charlotte Land Development Standards Manual available from the city engineer:

- (1) The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad lines, watercourses, easements or other significant features of the tract.
- (2) The location, sizes and elevations of existing sanitary sewers, storm drains and culverts within the tract and immediately adjacent thereto.
- (3) Original contours at intervals of not less than four feet for the entire area to be subdivided and extended into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coastal and Geodetic Survey and as extended by the city through its primary control system or to a benchmark that is within 2,000 feet of the subdivision. Proposed contours for the full width of all street rights-of-way along open drainage channels and in all other portions of the subdivision where extensive grading is proposed must be shown. These requirements shall not apply where the size of the subdivision and the topography make such information unnecessary.
- (4) The location of proposed streets, alleys, easements, lots, parks or other open spaces, reservations, other property lines and building setback lines with street dimensions, tentative lot dimensions, other property lines and the location of any storm water elevation line required by section 20-24-25(f).
- (5) The location of all proposed storm drains and appurtenances with grades, inverts and sizes indicated, together with a map of the drainage areas tributary to the proposed storm drains, a copy of the data used in determining the sizes of drainage pipes and structures, use the stormwater elevation line and stormwater protection elevation for each lot subject to flooding as defined in section 20-24-25(f).
- (6) The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer or designer; the names of proposed streets; the names of adjoining subdivisions or property owners. The name assigned to the subdivision and the names assigned to streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the planning staff.
- (7) The scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date.
- (8) Typical cross sections of proposed streets, showing widths and proposed construction of roadways.
- (9) Proposed profiles of roadways. Where a proposed street is an extension of an existing street, the profile shall be extended to include 300 feet of the existing roadway and storm drains if present, and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where the street

may be expected to extend into the adjoining tract of land, the profile shall be extended to include 300 feet of the adjoining tract.

- (10) The proposed method of water supply and sewage disposal; the number of housing units.
- (11) A small-scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
- (12) The location of any existing demolition landfill on the site and the location of any proposed demolition landfill sites if such information is available.
- (13) A timetable for estimated project completion of the area covered by the preliminary plan.

(Code 1985, § 20-16)

Sec. 20-17. - Procedures for approval.

(a) Preliminary plan. A preliminary plan of the proposed subdivision, developed in accordance with the specifications set forth in section 20-16, must be submitted to the planning staff. The plan must be accompanied by an application in duplicate, signed by the owner and/or his or her duly authorized agent for approval of the plans, on application forms to be furnished by the planning staff. At the time of submission, the applicant will be advised as to the number of copies of the plan and related data required in section 20-16 that must be submitted with the application.

(b) Time limits. Time limits for reviewing complete applications are as follows:

Action	Staff Time
Initial review of preliminary plan—red line drawings	30 days
Review of plans with corrections and/or changes	20 days
Approval of completed and correct plan	10 days

The time limits do not apply to plans for which no sketch plan has been prepared and submitted to the planning staff or to plans which contain any proposed school, park, greenway or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits in this subsection. Should the staff fail to respond within the time limits set out, the application will be considered to be denied, and the applicant may appeal the denial to the planning commission. If the application is denied by the planning staff, the staff will furnish a written notice of the denial and the reasons for the denial upon request of the applicant.

(c) Waiver. The required preliminary plan may be waived by the planning staff for certain subdivisions, including metes and bounds subdivisions. Such applications will be designated "minor subdivisions," provided:

- (1) Such land abuts a street of required width and is so situated that no new streets are proposed, and no improvements are required to be installed by the subdivider according to this chapter.

- (2) A plat of the tract being subdivided, accompanied by two applications signed by the owner/developer and/or his or her duly authorized agent, has been filed with the planning staff.
 - (3) The subdivider may be required to submit topographic information to determine flood elevations whenever the property proposed to be subdivided or resubdivided is traversed by or adjacent to a known watercourse. However, a final plat must be prepared and recorded as provided in section 20-18.
 - (4) The required preliminary plan may also be waived by the planning staff for limited subdivisions and/or those subdivisions which do not involve the dedication of a new street.
- (d) Final plats. Upon tentative approval of the preliminary subdivision plan by the planning staff, the subdivider may proceed to comply with the other requirements of this chapter and the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plan, provided that all required improvements to any existing or new street shown on the preliminary plan within the boundaries of the final plat have been provided for or been assured by the posting of a surety as provided for in section 20-58 prior to any final plat approval. The final subdivision plat must be developed in accordance with the specifications set forth in section 20-18. When the final plat is submitted to the planning staff for approval, it must be accompanied by an application in duplicate, signed by the owner and/or his or her duly authorized agent for final plat approval, on an application form to be supplied by the planning staff. The official plat for recording, together with a sufficient number of copies for distribution, must be presented for approval. The planning staff will approve final plats which comply with the requirements of this chapter within 30 days after complete submission.
- (e) Disapproval. If the planning staff disapproves a preliminary plan or final plat of a subdivision, the grounds for such disapproval will be stated in writing to the applicant. After such disapproval, an appeal from the decisions of the planning staff may be taken to the planning commission, in accordance with article III of this chapter. The planning commission may approve, disapprove in whole or in part, or otherwise modify the action of the planning staff. A final plat of a subdivision approved by the planning commission upon appeal from the decision of the planning staff will be eligible for recording by the register of deeds of the county.
- (f) Effect of approval of preliminary plan. A preliminary plan approved under this chapter will be valid for a period of three years from the date of approval. If no work on the site in furtherance of the plan has commenced within the three-year period, the preliminary plan approval will become null and void, and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced, that involves any utility installations or street improvements except grading, the plan will remain valid and in force, and the subdivision may be completed in accordance with the approved plan.
- (g) Release of grading permit. Preliminary plan approval is required for the issuance of a grading permit for any grading work on the site for the installation of any improvements in furtherance of the development. The release of the grading permit may be authorized by the planning staff prior to the approval of the preliminary plan, if the matters staying the

approval are not related to nor will have an effect on the need for grading on the site. Once the preliminary plan is approved, further approvals under this subsection are not required for granting permits for individual sites within the development.

(Code 1985, § 20-17)

Sec. 20-18. - Final plat requirements.

The final subdivision plat will be prepared by a registered surveyor and must be drawn to a scale of not smaller than 100 feet equal to one inch and must contain the following information:

- (1) The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract.
- (2) The lines and names of all streets, alley lines, lot lines, lot and block numbers, building setback lines, easements, reservations, on-site demolition landfills and areas dedicated to public purpose, with notes stating their purposes.
 - (a) Also, the plat for all lots subject to flooding shall include a statement as follows: "This lot is subject to flooding during heavy rainfall, and the construction of buildings or structures below the stormwater protection elevation of _____ is prohibited, as further described by section 20-24-25(f) of the Charlotte Subdivision Ordinance."
 - (b) Plats for multiple lots may include the stormwater protection elevations in tabular form.
 - (c) In areas where the floodway regulations are applicable, the following statement shall be inscribed on the plat: "Any construction or use within the areas delineated as floodway fringe district boundary line and floodway district encroachment line is subject to the restrictions imposed by the floodway regulations."
 - (d) Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.
- (3) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, building line, easements required under this chapter or of record in the county or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses, the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller.
- (4) As-built drawings and plans of all water system, sewer system, and storm drainage system facilities. Such plans should show all easements and/or rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of the request for final plat approval or release of any surety for required improvements, whichever comes later.
- (5) The name of the township in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number and seal of the registered surveyor

under whose supervision the plat was prepared, the date of the plat and a north point oriented as per state statutes, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties.

- (6) The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two per ~~phase map~~ including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the Charlotte Land Development Standards Manual.
- (7) A certificate signed by the surveyor meeting the requirements of G.S. 47-30 for proof upon oath that the plat is in all respects correct, written as follows: "The undersigned surveyor, being duly sworn, deposes and says that the plat upon which this certificate appears was prepared in accordance with G.S. 47-30 as amended, is in all respects correct according to the best of his or her knowledge and belief, and was prepared from an actual survey made by him on the _____ day of _____, 20_____/_____/_____, with maximum linear error of closure of _____, and a maximum field error of angular closure of _____."

Final written approval by the planning staff must be entered on the plat for recording. Changes or amendments to an approved final plat which already bears the written approval prior to recording the plat constitutes a violation of this section. The final plat shall be recorded within 120 days of the final approval date. ~~A copy of the sealed and recorded final plat must be delivered to the planning staff within five days of recording.~~

- (8) If the subdivision is wholly or partially located in the airport noise disclosure overlay district, the following statement shall be inscribed on the plat: "Noise Warning—This property, either partially or wholly, is zoned Airport Noise Disclosure Overlay District and lies within or near the Noise Exposure Map Areas of Charlotte/Douglas International Airport and may be subject to noise that may be objectionable."

(Code 1985, § 20-18; Ord. No. 2288, § 1, 4-21-2003; Ord. No. 2961, §§ 4, 5, 5-16-2005; Ord. No. 3401, § 1, 10-18-06)

Sec. 20-19. - Plats already established by survey.

- (a) Plans for subdivisions of land previously approved by the city planning board or the Charlotte-Mecklenburg Planning Commission, but not recorded by the county register of deeds prior to February 29, 1956, will be approved for recording without complying with the requirements of this chapter if the plat conforms to the previously approved plan.
- (b) Plats already established by survey and recorded in the office of the county register of deeds prior to the effective date of the ordinance from which this chapter derives will be eligible for development and other administrative permits without complying with the requirements of this chapter, but must be developed in accordance with the provisions of the subdivision ordinance in effect at the time of its approval.

(Code 1985, § 20-19)

Sec. 20-20. - Planned developments.

- (a) The requirements of this section will apply for the preparation, submission and approval of preliminary site plans for planned developments involving one-family attached dwellings and planned multifamily developments.
- (b) A pre-preliminary site plan conference will be arranged by the developer with designated members of the planning staff prior to the submission of a preliminary site plan for a planned development.
- (c) The developer must submit to the planning staff a preliminary site plan and supplemental documents for review and approval. The preliminary site plan must be prepared in accordance with the requirements of section 20-16 and must include the following additional information:
 - (1) The use, approximate height, bulk and location of all buildings and structures other than one-family detached and semidetached dwellings, except that one-family detached dwellings using a zero side yard shall be shown.
 - (2) All proposed land use and dwelling unit densities.
 - (3) For plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the development are intended to be filed.
 - (4) The proposed location, use, improvements, ownership and manner of maintenance of common open space areas.
 - (5) Proposed off-street parking and circulation plan showing the location and arrangement of parking spaces and any driveways for ingress and egress to and from adjacent streets and highways.
- (d) The planning staff action may be approval, requests for revisions, or denial of the preliminary site plan.
 - (1) If the planning staff disapproves a preliminary site plan, the applicant will be notified of the grounds for such disapproval. After such disapproval, an appeal from the decision of the staff may be taken to the planning commission. The planning commission may disapprove in whole or in part or otherwise modify the action of the planning staff.
 - (2) The final plat for planned developments, involving one-family attached dwellings and planned multifamily developments shall be prepared in accordance with the requirements of section 20-18 and shall contain the following additional information:
 - a. The use, bulk, and location of all buildings and structures other than one-family detached and semidetached dwellings.
 - b. All land uses.
 - c. The location, use, improvements, ownership and manner of maintenance of all common areas.
- (e) The planning staff will review the preliminary site plan to ensure conformance with the

requirements of the zoning ordinance in appendix A to this Code and with this chapter.
 (Code 1985, § 20-20)

Sec. 20-21. - Development standards for nonresidential development.

Subdivisions for nonresidential development must conform to this chapter and to the provisions of the applicable zoning district.

(Code 1985, § 20-21)

Sec. 20-22. - Design standards for streets.

- (a) Scope. This section contains specifications for streets which must be followed in the subdivision process. Construction details for streets are available in the Charlotte Land Development Standards Manual. Cross-sections should be consistent for complete blocks based on the highest intensity of use, and transition between types only at intersections.
- (b) Right-of-way. A proposed street right-of-way must be of sufficient width to accommodate the required cross section. However, in no case will the dedicated and reserved right-of-way be proposed to be less than the following standards, unless the city engineer certifies that special circumstances exist which make the dedication of reservation of the full right-of-way unnecessary or impractical.
- (c) Non-local street right-of-way.

Street Type	Minimum Right-of-Way (in feet)
Freeway or Expressway other than U.S. 74 from Briar Creek southeast to the City Limits	350
U.S. 74 between Briar Creek and W.T. Harris Boulevard	250
U.S. 74 from W.T. Harris Boulevard southeast to the City limits	280
Limited-access Arterial	200
Commercial Arterial	150
Major Arterial	100*
Minor Arterial	70*

*The right-of-way widths for major and minor thoroughfares located within the area bounded by Route 4 and I-85 shall be a minimum width of 80 feet for major thoroughfares and 60 feet for minor thoroughfares and as provided for in Section 12.103 of the zoning ordinance in appendix A to this Code.

- (1) ~~Along existing local streets less than 77 feet wide, there is no requirement that right-of-way greater than 38.5 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved.~~
- (12) City staff, after consulting applicable plans and programs and after consulting with the appropriate city, county, state and/or federal officials will be responsible for the determination of the classifications of streets or segments of streets. These standards represent the normally required rights-of-way. Additional right-of-way may be necessary in the area of interchanges, intersections, cut/fill areas, or areas where horizontal or vertical alignments must be improved and will be determined on a case by case basis.
- (23) Whenever a tract of land to be subdivided includes any part of a thoroughfare shown on the thoroughfare plan approved by the Mecklenburg-Union Metropolitan Planning Organization and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the thoroughfare must be platted in the location and to the width specified in the plan.
- (3-4) The subdivider is responsible for the dedication of the rights-of-way up to 100 feet (50 feet on either side of the centerline) or the reservation of the right-of-way in accordance with Section 20-52. The remainder of the minimum right-of-way over 100 feet must be reserved for future right-of-way use and must be shown as such on the final plat.
- (45) Freeways. Whenever a tract of land is to be subdivided includes any part of the proposed right-of-way for a freeway, as shown on the thoroughfare plan approved by the ~~Mecklenburg-Union Metropolitan~~ Charlotte Regional Transportation Planning Organization and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, the right-of-way for the freeway must be reserved and remain undeveloped, pending future acquisition by the state or other governmental unit. The subdivider must reserve the proposed right-of-way in accordance with the requirements in subsection (2) above.

(d) Local street right-of-way.

<u>Local Street Type Right-of-Way</u>	<u>Total Right-of-Way</u>	<u>Minimum Right-of-Way</u> <u>(using an easement for the</u> <u>Pedestrian Zone)</u>
Local Residential Streets		
Narrow	50 feet	37 feet
Medium (default)	56 feet	42 feet
Wide	74 <u>72</u> feet	51 feet
Local Office/Commercial Streets		
Narrow	55 feet	41 feet

Wide	77 feet	57 feet
Local Industrial Streets		
All local Industrial Streets	65 feet	51 feet
Collector	72 feet	51 feet

(1) Along existing local streets less than 77 feet wide, there is no requirement that right-of-way greater than 38.5 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved.

(e) Local Street Cross-section Application.

(1) Local street alternatives may be applied only in accordance with the table below. Cross-sections should be consistent for complete blocks based on the highest intensity of use, and transition between types only at intersections.

Land Use Conditions	USDG Street Type/Cross-Section
Residential Land Uses	
Default: except in conditions 1-4 below, use:	Local Residential Medium
1. If residential use within a mixed use development unless a conditional zoning district or adopted area plan indicates otherwise, or where the separation of the residential uses from the non-residential uses is sufficient to justify the use of residential street type.	Local Office/Commercial Wide
2. If all lots are greater than 10,000 square feet with all of the following conditions: <ul style="list-style-type: none"> • Lot frontage greater than 80 feet • More than one street connection • Parallel street located within one connected block 	Local Residential Narrow
3. If the street is abutted only by lots fronting adjacent perpendicular streets with the following condition: <ul style="list-style-type: none"> • More than one street connection 	Local Residential Narrow
4. If greater than 8 dwelling units per acre use:	Local Residential Wide

Industrial Land Uses	Local Industrial Street
Office/Commercial/Retail Land Uses	
Default: except in conditions 1-2 below, use:	Local Office/Commercial Wide
1. A conditional zoning district or small area plan prescribes the use of the Local Office/Commercial Narrow	Local Office/Commercial Narrow
2. The developer can reasonably demonstrate to city staff that the anticipated long-term development will not create parking demand on the street.	Local Office/Commercial Narrow

(Code 1985, § 20-22)

Sec. 20-23. – Design Standards for Street Network and Blocks

(a) Street Network. A network of interconnected streets providing both external and internal connectivity is required for all types of new development. This network can be constructed with either public streets or private streets as allowed under 20-25. The following uses are exempt from the street network requirements:

- (1) Schools
- (2) Parks
- (3) Places of Worship
- (4) Cemeteries

(b) External Connectivity

(1) Existing Street Stubs

- a. Extend any existing adjacent street stubs into the development on its proper projection
- b. Extend any existing adjacent paper street stub into the development where the city commits to construct the paper portion of the street no later than the time of permit approval.
- c. Complete any existing adjacent half street located along any property line.

(2) Additional new local streets shall be required as follows:

- a. Measure the ~~width~~ length of each property boundary and divide by the appropriate preferred block length spacing from Table 1 “Preferred Street Spacing”, ~~the following table~~ to determine the overall number of blocks required along that boundary. Round down to the nearest whole number where a fractional number results. This is the required number of block faces along that boundary. Where the

result is less than 2, but the boundary exceeds the maximum block length (Table 2 “Maximum Street Spacing”), one street is required.

Where an odd-shaped parcel has a series of boundary segments shorter than the preferred block length, but separate blocks would be required if the site is measured across, (as opposed to along the boundary segments), then a local street shall be required. Where the extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required. If the distance from the nearest adjacent street to the parcel boundary exceeds the maximum block length, then a street may be required.

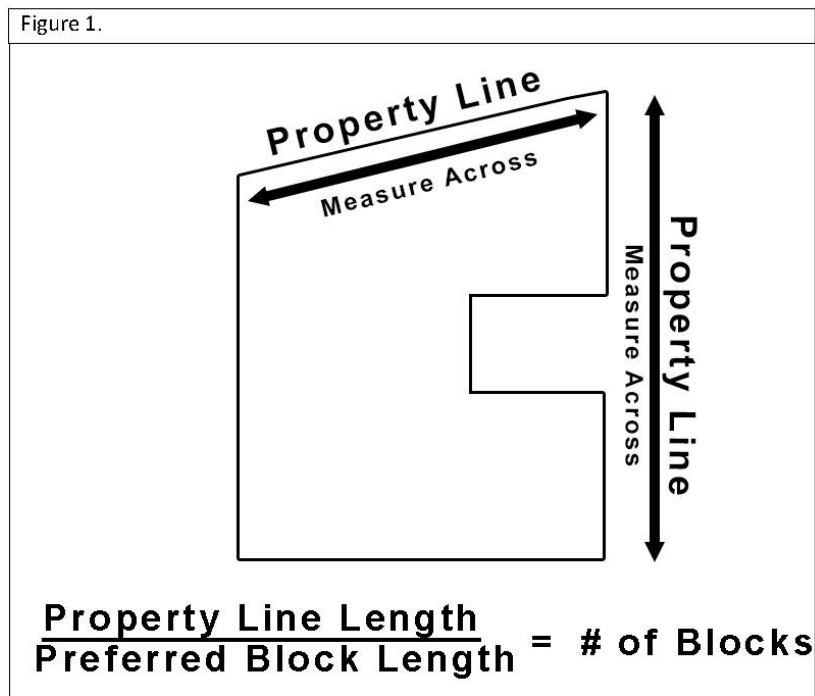


Table 1
Preferred Street Spacing

Street Spacing		
Location¹ / Land Use		Preferred Block Length along Property Boundary (Perimeter)
Activity Centers		
	Industrial Centers	600
	Mixed Use Centers	500
Growth Corridors		
	Transit Station Areas ¹	400
	Other Corridor Subareas	600
Wedges (apply uses below)		
	Nonresidential Uses	500
	Residential \geq 5 du/acre	600
	Residential $<$ 5 du/acre	600

¹Boundaries for Activity Centers, Growth Corridors, Transit Station Areas and Wedges defined by the official map maintained by the Charlotte-Mecklenburg Planning Department.

EXAMPLE: Where the width of the site at the property boundary is 1,400 feet, and the site is located in a Transit Station Area, then three blocks are required ($1,400 / 400 = 3.5$, rounded down to the nearest whole number = 3 new blocks must be created).

- b. Construct new local streets where additional streets are required to create the blocks calculated above, including any required stub streets or half streets. When the property abuts a local street, begin by aligning, where possible, with streets or driveways across the local street to create four-way intersections.

The average street spacing, measured from centerline to centerline, for an entire site shall not exceed the maximum spacing shown in the Table 2 “Maximum Street Spacing, below, and ~~no~~ No individual block face shall exceed 1000 feet. Exceptions as noted in 20-23(d) are allowed, and will be included in the block averaging calculation based on its length, or 1000 feet, whichever is smaller. The following streets shall not be included in the calculation for average block length (see Figure 42):

1. Cul-de-sac streets
2. Stub streets
3. Streets whose length is determined by the depth of back-to-back residential lots

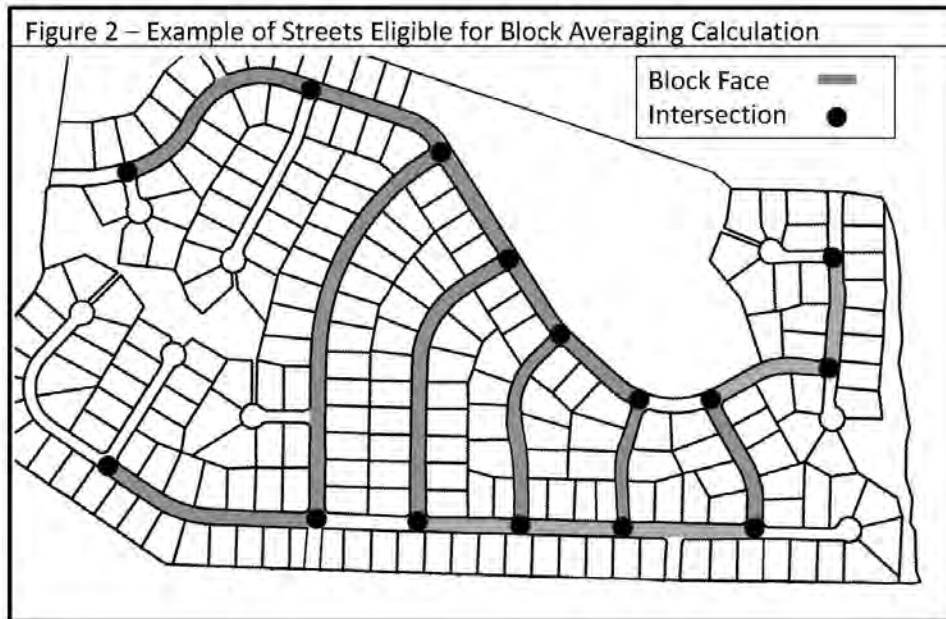


Table 2
Maximum Street Spacing

Street Spacing		
Location¹ / Land Use		Maximum <u>Block Length</u>
Activity Centers		
	Industrial Centers	1000
	Mixed Use Centers	650
Growth Corridors		
	Transit Station Areas ¹	600
	Other Corridor Subareas	650
Wedges (apply uses below)		
	Nonresidential Uses	650
	Residential ≥ 5 du/acre	650
	Residential < 5 du/acre	800

¹Boundaries for Activity Centers, Growth Corridors, Transit Station Areas and Wedges defined by the official map maintained by the Charlotte-Mecklenburg Planning Department.

(3) New Street Stubs

- a. New street stubs to adjacent properties are required using the prescribed methodology for creating blocks

- b. New street stubs are not required to existing single family developments, with the following two exceptions:
 - 1. A street stub may be required to an abutting single family lot that may be further subdivided based on the size and shape of the single family lot making a stub street extension feasible. New street stubs shall be public and connect to the existing public street system. Deed restrictions on the single family lots may be considered in determining whether a lot is likely to be redeveloped and therefore whether a street stub should be provided.
 - 2. A paper street may be required to single family lots located adjacent to thoroughfares

(4) Ingress and Egress

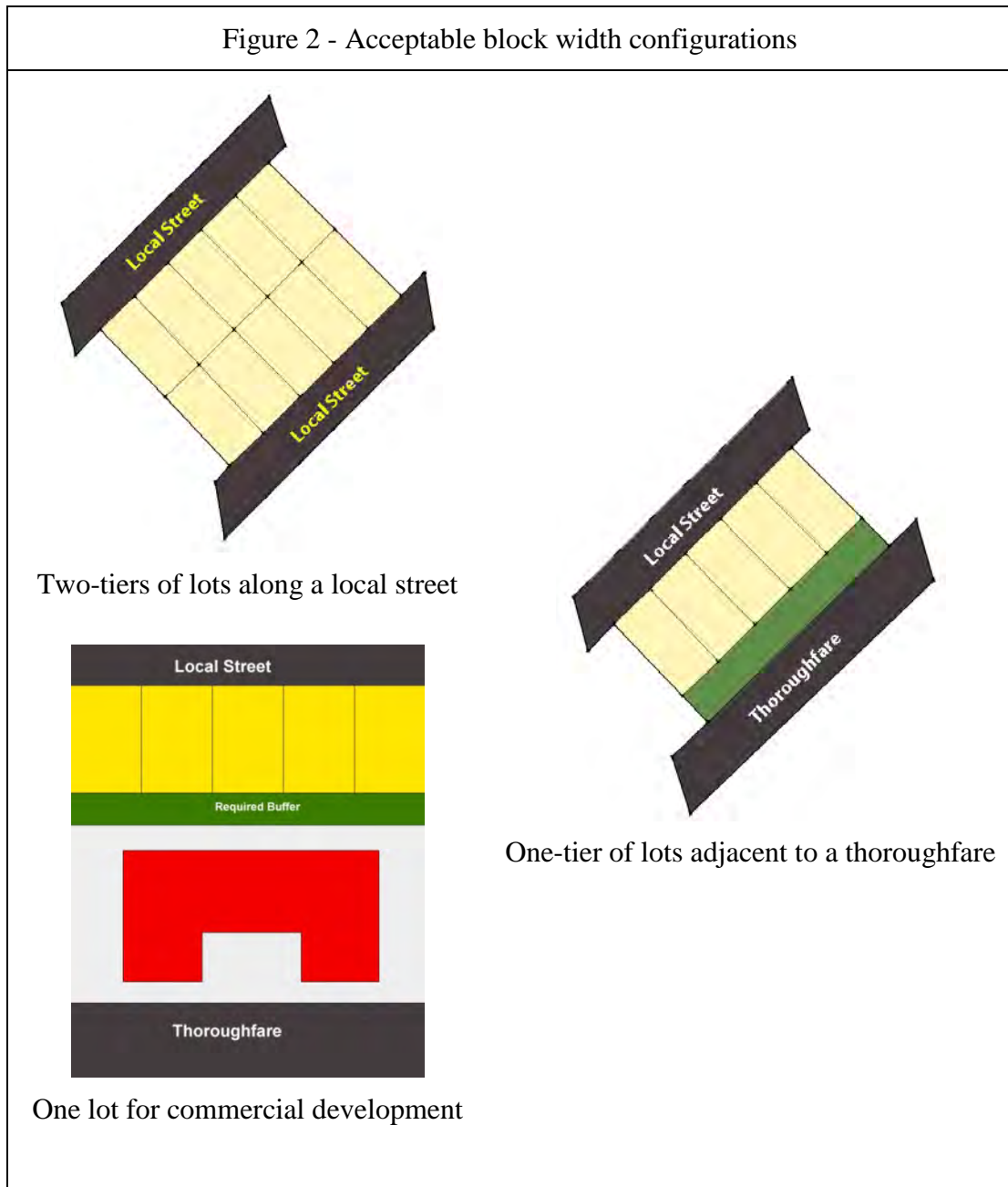
- a. All new development should provide for more than one access for ingress and egress at the time of development, if feasible.
- b. New streets and driveways should align with existing streets across intersections to create four-way intersections.

(bc) Internal Connectivity. Once the external streets are created, connect them, and ensure no block lengths exceed 1000 feet and the average of the block lengths for the entire site does not exceed the maximum block spacing shown in Table 2 “Maximum Street Spacing”.--Streets eligible for inclusion in the average block length calculation are described in 20-23 (b)(2)b.

(ed) The city staff may modify the maximum local street spacing, eliminate the need for a stub or paper street where:

- (1) A physical impedance to a connection exists, such as a freeway, railroad line, rapid transit line, or gas pipeline.
- (2) A natural impedance exists, such as areas of steep slopes, wetlands, floodplain, creeks or streams.
- (3) An industrial use is located adjacent to a proposed residential property, allowing future traffic to the non-residential use to traverse the residential property to reach a non-local street.
- (4) The shape of the property does not allow the requirements to be met.
- (5) There are right-of-way, sight distance, or access constraints to providing the recommended spacing.
- (6) Accessibility to the subject property or an adjacent property requires modification of the requirements.
- (7) Special manufacturing, distribution warehousing, industrial or security functions do not allow the street spacing requirements to be met.

- (8) It is advantageous to the street network to align a new street with an existing street, major driveway, or traffic signal, and therefore not creating smaller than desirable block faces.
- (e) Block widths. Block widths must be sufficient to allow two tiers of lots except where single tiers of lots will facilitate nonresidential development, the separation of nonresidential and residential developments, or the separation of residential development from thoroughfares.



- (f) Street offsets. Where there is an offset in the alignment of a street across an intersection, the offset of the centerlines may not be less than 125 feet. Staff may reduce this requirement based on analysis of safety and operational conditions.
- (g) Cul-de-sac. Cul-de-sacs and other permanently dead-end streets are allowed only where no feasible alternative has been documented. No cul-de-sacs are permitted in transit station areas. Cul-de-sacs shall not be longer than the preferred local street spacing in Table 1 “Preferred Street Spacing”. Flag lots along the turnaround portion of the cul-de-sac shall not be used as a way to minimize the length of the cul-de-sac. Where a vehicular connection is impractical and limited additional connections exist, or when environmental conditions make a vehicular connection impractical, a pedestrian and bicycle connection through the cul-de-sac may be required.
- (h) Half streets. New half streets are allowed only where the dual objectives of achieving a network of streets and ensuring the burden of creating streets is reasonably shared among property owners are achieved. This determination shall be made by city staff based on the configuration of parcel boundaries and the anticipated impact of future extension and completion of the half street on the viability of the adjacent parcels. No new half streets are allowed for single-family residential development. Where a half street (partially improved) exists, adjacent development shall complete the street. A half street must be constructed to a minimum of one half the width of the appropriate local street. Where more than one half of the width is constructed, sufficient right-of-way must be dedicated to contain the constructed portion of the street.
- (i) Traffic calming. Wherever a street exceeds the maximum block length, the following conditions shall apply:
- (1) For residential wide or office/commercial wide, provide at least one pair of midblock curb extensions, as described in the Charlotte Land Development Standards Manual, or another approved slow point.
 - (2) For all other street types, the developer must consult with City staff about the possible use of other traffic calming devices as available in the Charlotte Land Development Standards Manual or as approved by the City Engineer.
- (j) Parking, pedestrian, green zone design. While a common design for parking, pedestrian, and green zones on both sides of a street is preferred, there may be instances where opposite sides of a street contain significantly different land uses. Where such instances are located parallel to a thoroughfare, city staff may approve the design of each side of the roadway separately with regard to the parking, pedestrian, and green zones. Streets that extend perpendicular to a thoroughfare shall be designed for the most intense adjacent land use.
- (k) Collector street designation. If a street is designated on the adopted Collector Street Map dated November 27, 2000, or meets at least two of the criteria, the street will be designated as a collector street and must be built to the appropriate standard.
- (1) The street intersects directly with a thoroughfare and provides access to an area with an overall density of one dwelling unit per acre, or provides access to more than 125 dwelling units.
 - (2) The street by its general configuration, in relationship to the existing development of the area, in effect serves a collector function.

- (3) The street serves as a primary access to a significant nonresidential, institutional or recreational land use, as well as access to a residential area.

Sec. 20-24 Alternative Compliance for Street Design

- (1) Purpose and Intent. It is the purpose of this section to provide for the consideration of alternative street designs which differ from the conventional design standards outlined in Sec. 20-22 and 20-23 of this article but which are based upon sound engineering, transportation, and urban design practice. Alternative street design means alternative designs for physical improvements such as street cross-sections, street network, and street block design.
- (2) Authority. The Development Review Board will have the authority to hear and decide applications for alternative compliance.
- (3) Initiation. An application for alternative compliance may be initiated only by the owner of the subject property, an agent authorized in writing to act on the owner's behalf, or a person having written contractual interest in the affected property.
 - (a) An applicant requesting alternative compliance shall schedule a pre-application conference with staff to discuss the procedures, standards, and regulations.
 - (b) An application, in a form prescribed by the Planning Director, must be filed with the planning department accompanied by a nonrefundable filing fee as established by city council. The application shall include an explanation of why the development proposal is not allowed by the ordinance standards.
- (4) Determination of completeness.
 - (a) Within ten days of receiving an application for alternative compliance, the Planning Director will determine whether the application is complete. If the Planning Director determines that the application is not complete, he or she will notify the applicant or specifying the application's deficiencies. The planning director will take no further action on the application until the deficiencies are remedied. If the planning director fails to notify the applicant, the application will be deemed complete. If the application is deemed complete, the planning director will schedule the application for consideration at a hearing before the Development Review Board within 30 days.
 - (b) A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the application to proceed under this section. In the event that the application is automatically deemed complete due to the failure of the planning director to notify the applicant of any deficiencies in the application, the deficiency of information may result in rejection of the application by the Development Review Board.
- (5) Staff review.
 - (a) After receipt of a complete application for alternative compliance, the planning director will review the application and send a written recommendation to the Development Review Board setting forth whether the application for alternative compliance should be granted or denied and the reasons for such recommendation. In

making such recommendation, the planning director may consult with other city and county agencies and may allow them to review the application for alternative compliance. The recommendation of the planning director will be submitted to the Development Review Board and mailed to the applicant at least five days prior to the scheduled public hearing

- (6) Notice and hearing.
 - (a) The Development Review Board will hold hearings on any application for alternative compliance which comes before it in accordance with rules adopted by it for such purpose.
 - (b) The planning staff will mail written notice of the time, place, and subject of the hearing to the person or persons filing the application, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing.
- (7) Action by the Development Review Board. The Development Review Board will grant or deny the application for alternative compliance. The board must state the reasons used to reach its decision.
- (8) Approval criteria. Before granting approval of an application for alternative compliance, the Development Review Board must determine that:
 - (a) While the proposed alternative design does not strictly meet all of the standards of the Urban Street Design Guidelines it nevertheless satisfies their intent and is not an inferior improvement design.
 - (b) The proposed alternative design will have the same or higher level of service or adequacy as the standard required improvements. It is not the intent of the alternative compliance procedure to allow an inferior improvement design to the standards required by this chapter for the purpose of reducing cost.
 - (c) The departure from the standard is the minimum necessary, given the specific circumstances of the request.
 - (d) The proposed alternative design will not materially endanger the public health or safety if constructed where proposed and developed according to the plan as submitted and approved
- (9) Rehearing. The Development Review Board may refuse to hear an application for alternative compliance which is substantially similar to an application that has been previously denied.
- (10) Appeal from Development Review Board. Any appeal of a decision rendered by the Development Review Board under this section must be to the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court within 30 days after the decision of the Development Review Board is filed in the office of the planning director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the planning director at the time of the hearing, whichever is later.

- (11) Effect of grant of application for alternative compliance. After the approval of an application for alternative compliance, the applicant will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the alternative compliance to the regulations granted to the applicant by the Development Review Board or court.

Sec. 20-25. - Design standards for lots.

- (a) Frontage on street.
- (1) Each lot in a subdivision must have frontage on a public or private street, except that all single-family detached lots shall front on a public street. Private streets may be allowed in place of public streets with approval by staff.
 - (2) Where lots or building sites that are part of a multifamily development exceed the maximum ~~local~~ street spacing in Sec. 20-23(b)(2)~~b. above~~, at least one street extending through the development in ~~either~~ both directions shall be a public street. The location of the required public street shall be determined based on the location with the greatest value for connectivity to the existing roadway network. Where no extension of a multifamily public street into adjacent sites is possible, the applicant may construct such a street as a private street.
 - (3) Lots designed for certain planned multifamily dwellings need not front on a street, provided that all portions of the dwelling unit proposed for such lots are located within 400 feet of a public street or private street that furnishes direct access to the property, and that access to each such lot be made available via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership.
 - (4) In addition to provisions ~~1-3~~ (1), (2) and (3), all other lots must be designed in accordance with Appendix A of the City Code.
- (b) Sidelines. Side lot lines shall, as nearly as practicable, be at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.
- (c) Maximum density and minimum lot requirements. Density controls the maximum number of lots that can be created when subdividing property. Once the maximum density is established, lots must meet all the development standards of the underlying zoning district in which the proposed subdivision is located. Larger lots may be required to accommodate on-site sewer disposal systems.
- (d) Building lines. Building lines shall be established on all lots in accordance with the appropriate zoning classification. For residential subdivisions on thoroughfares, the building line may not be less than the required setback for the zoning district and shall regulate the placement of any structure relative to the thoroughfare right-of-way including all front, side and rear yards.

- (e) Driveway connections. Prior to the construction of any driveway or other connection within the right-of-way of a public street, a permit must be secured in accordance with the zoning ordinance and other applicable codes and ordinances.
- (f) Lots subject to flooding. The city engineer shall determine which lots are subject to significant flooding, which will include those lots along any significant water course, whether or not the stream is enclosed with pipes or culverts, and may also include areas where it can reasonably be expected that significant overland flow of stormwater or flooding will occur. If any part of a proposed lot is subject to flooding, subdivider shall make a determination of the crest elevation of the flood expected to be equaled or exceeded, on the average, of one time in one hundred years (the "100-year flood") in accordance with generally accepted engineering practice, which is to be submitted with the seal and signature of a professional engineer to the city or county engineer. This determination must reflect the actual conditions imposed by the completed subdivision, and must give due consideration to the effects of urbanization and obstructions. Upon request and subject to available staff and any applicable fees, the city engineer will make the necessary determination of the 100-year flood crest if the necessary existing and proposed conditions are provided by the subdivider. No proposed building lot that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour as determined by field survey, at an elevation one foot above the 100-year flood crest. Such line shall be known and identified on the final plat as the "stormwater elevation line." in addition, a "stormwater protection elevation" for each lot subject to flooding shall be noted on the lot plan as determined by the county engineer based on the stormwater elevation line, or for lots upstream of street crossings, the low elevation of the street plus one foot, whichever is greater. All habitable buildings or structures shall be located outside the stormwater elevation line or the lowest usable and functional part of the structure shall not be below the stormwater protection elevation. "Usable and functional part of the structure" shall be defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, crawlspaces, attached carports, and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or sanitary sewer traps, piping and clean-outs; provided, openings serving the structure are above the stormwater protection elevation. Where only a portion of a proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 1,200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the stormwater elevation line. During the construction of a subdivision, the developer shall maintain the streambed of each stream, creek or backwash channel contiguous to the subdivision in an unobstructed state and shall remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized stormwater drains, culverts, bridges or erosion control devices will not be construed as obstructions in the stream. In areas of the county that are covered by the provisions of the floodway regulations, the floodway regulations will supersede the provisions of this chapter regarding land within the regulatory floodplain.

- (g) Water access lots. The water access lots must equal at least ten percent of the area, exclusive of streets, of all the interior property which lies within 450 feet of the water's edge. However, where the ten percent would equal less than 20,000 square feet, the subdivider will not be required to provide any water access lots. All water access lots shall have a minimum frontage at the water's edge of 100 feet. The water access lots must either be dedicated to the county parks department, but only if the board of county commissioners agrees to accept such dedication, or be transferred in fee simple title to a homeowners' association of the interior lot owners of the subdivision. Before approval of the final plat can be given, the subdivider must submit to the planning staff a covenant stating either that:
 - (1) He or she will dedicate the required amount of water access lots to the county; or
 - (2) He or she will convey title of the water access lots to a homeowners' association of the purchasers of each interior lot.

If the subdivider chooses to dedicate the water access lots to the county, the board of county commissioners must have agreed to accept the final responsibility of maintaining the lots, and the preliminary plan and final plat must show the dedication. If the title is transferred to a homeowners' association of the interior lot owners, the preliminary plan and final plat must designate the lots covered by the homeowners' association for each water access lot.

- (h) New subdivisions within watershed protection overlay zoning district. New subdivisions within a watershed protection overlay zoning district must submit a buffer plan in accordance with appendix B of Ordinance No. 1963. The buffer plan will be submitted with the subdivision preliminary plan application to the Planning Department.
- (i) Building envelope. All residential lots shall have a building envelope sufficient to meet the minimum requirements of the Minimum Housing Code.

(Code 1985, § 20-23; Ord. No. 2961, § 6, 5-16-05; Ord. No. 3141, § 1, 11-21-2005; Ord. No. 3401, § 1, 10-18-2006)

Editor's note—Ord. No. 3401, § 1, adopted October 18, 2006, added provisions intended for use as subsection (5). To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsection (i).

Sec. 20-26. - Enforcement.

- (a) After the effective date of the ordinance from which this chapter derives, a plat of a subdivision filed or recorded in the office of the register of deeds of the county, without the approval of the planning staff or the Charlotte-Mecklenburg Planning Department as required by this chapter, will be null and void for the purposes of this chapter.
- (b) Any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this chapter, subdivides land in violation of this chapter or transfers or sells land by reference to, exhibition of or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this chapter and recorded in the office of the register of deeds of the county shall, upon conviction, be guilty of a misdemeanor and punished in accordance with section 2-21. The county, through the county attorney, or the city, through the city attorney, may enjoin such transfer or sale by action for injunction. All administrative actions relating to such land, including the issuance

of any grading, construction, building or occupancy permit, will be suspended. This chapter will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this chapter (January 1, 1966, for Mecklenburg County; February 29, 1956, for the City of Charlotte).

- (c) In order to properly enforce the provisions of the subdivision regulations as stated in this section prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permits must be obtained from the Mecklenburg County Land Use and Environmental Services Agency (LUESA), engineering and property management, and neighborhood development. No permit will be issued unless there has been a determination made that the proposed use, building, or structure complies with the requirements of this section.

(Code 1985, § 20-24; Ord. No. 3018, § 1A, 6-20-2005)

Sec. 20-27. - Application and processing fees.

Fees for the processing of applications for subdivision approval are established by ordinance by the city council and will be collected at the time of initial application.

(Code 1985, § 20-25)

Secs. 20-28—20-50. - Reserved.

ARTICLE II. REQUIRED IMPROVEMENTS

Sec. 20-51. - Standards and specifications.

- (a) Unless specifically noted, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the city or the state department of transportation, minimum improvements, including drainage and soil erosion, must have been completed by the developer and approved by the city or county engineer in accordance with the standards and specifications of the Charlotte Land Development Standards manual or bonded in accordance with section 20-58(c).
- (b) The intent of the specifications set out in this chapter is to prescribe minimum requirements for storm drainage and street improvements to be undertaken by the developer. Satisfactory completion of these improvements, attested by approval of the city or county engineering department, will qualify streets in the city to be accepted for maintenance by the city and streets in the county to be considered for maintenance by the state.

(Code 1985, § 20-36)

Sec. 20-52. - Improvement responsibility.

- (a) In order to facilitate the provision of street rights-of-way and necessary improvements, the following establish responsibilities for the installation of streets and related improvements for each class of street. Any area of right-of-way which must be reserved for future acquisition may be dedicated at the option of the developer or property owner for development rights transfer purposes as provided for in the zoning ordinance in appendix A to this Code:
- (1) Freeway-expressway: right-of-way: entire width reserved for future acquisition.
 - (2) Limited-access arterial:
 - a. Right-of-way: entire width reserved for future acquisition.
 - b. Improvements: installed by the public.
 - (3) Commercial arterial:
 - a. Right-of-way: Up to 100 feet or required width dedicated, whichever is less, and the remainder reserved for future acquisition (half of right-of-way located on each side of the centerline). Any development along a commercial arterial which requires specific improvements of the street to meet traffic demands of the particular development must dedicate the right-of-way necessary to accommodate those improvements.
 - b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his or her project frontage on existing thoroughfares at the time of his or her development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the city or county engineer and the planning staff, to construct all or a portion of the street if the developer wants to make use of the street for access to the development. Development along new commercial arterials or extensions of commercial arterials must utilize reverse frontage with the only access points being public streets or specifically approved street-type entrances.
 - (4) Local Streets:
 - a. Right-of-way: Entire right-of-way width dedicated (half of right-of-way located on each side of the centerline), except where a half street has been approved by city staff.
 - b. All streets must be constructed to meet applicable city requirements. Standard detail drawings are available in the Charlotte Land Development Standards Manual. Public improvements will be made in accordance with adopted plans, programs and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street

improvements by the public sector, unless those improvements are scheduled and funded in accordance with public policies and programs.

(5) Major thoroughfare:

- a. Right-of-way: The developer is responsible for the dedication of up to 100 feet (50 feet each side of the centerline) as provided for in section 20-22(c)(4). Any development along a major thoroughfare which requires specific improvements of the street to meet traffic demands of the particular development must dedicate the right-of-way necessary to accommodate those improvements.
- b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his or her project frontage on existing thoroughfares at the time of his or her development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but the developer remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the city or county engineer and the planning staff, to construct all or a portion of the street if the developer wants to make use of the street for access to the development. Development along new major thoroughfares or extensions of class III streets must utilize reverse frontage with the only access points being public streets or specifically approved street-type entrances.

(6) Minor thoroughfare:

- a. Right-of-way: The developer is responsible for the dedication of up to 70 feet (35 feet each side of the centerline) as provided for in section 20- 22(c)(4). Additional right-of-way which may be required for improvements to meet specific traffic demands of the development must be dedicated by the developer.
- b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his or her project frontage on existing thoroughfares at the time of his or her development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but the developer remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the city or county engineer and the planning staff, to construct all or a portion of the street if the developer wants to make use of the street for access to the development.

(7) Collector:

- a. Right-of-way: dedicated by the developer.
 - b. Improvements: constructed by the developer.
- (b) All streets must be constructed to the requirements of the city as described in the Charlotte Land Development Standards Manual or as approved by the City Engineer. Public improvements will be made in accordance with adopted plans, programs and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector, unless those improvements are scheduled and funded in accordance with public policies and programs. The standards in this chapter for the reservation and dedication of rights-of-way will not apply to any development meeting one or more of the following circumstances:
 - (1) Any multi-building site or multisite project that had at least one building built or under construction or had a valid, unexpired building permit issued for at least one building prior to May 1, 1989.
 - (2) Any project which had a site plan not requiring any additional right-of-way approved prior to May 1, 1989 either:
 - a. By the planning commission and/or planning staff; or
 - b. Unconditional zoning district and/or special use permit zoning processes of the zoning ordinance in appendix A to this Code. However, any change in the site plan requiring a public hearing or the creation of a new parcel of land may subject the project for which the site plan was revised or the newly created parcel of land to this chapter.
- (c) No dedication or reservation of right-of-way for a street or highway within a corridor for a street or highway on a plan established and adopted pursuant to G.S. 136-66.2 for a street or highway that is included in the department of transportation's Transportation Improvement Program will be required by this chapter, unless and until the planning staff has determined and certified in writing (i) that the dedication or reservation does not result in the deprivation of a reasonable use of the original tract and (ii) that the dedication or reservation is either reasonably related to the traffic generated by the proposed subdivision or use of the remaining land, or the impact of the dedication or reservation is mitigated by measures provided in this chapter. For these purposes, the term "original tract" will mean all contiguous land owned by the applicant. The ability of the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land owned by the applicant is deemed to be a measure which mitigates the impact of the dedication or reservation.

(Code 1985, § 20-37)

Sec. 20-53. - Drainage.

- (a) Storm drainage adequate to accommodate a ten-year storm must be provided throughout the subdivision by means of storm drainage pipe or properly graded channels or natural drainage. Where adequate storm drainage has been provided by means of approved storm drainage pipe and the necessary easements to provide access to the drainage facilities, in accordance with city or county standards, and has been dedicated and accepted or otherwise conveyed to the city or county, the city or county will assume the responsibility for

maintenance of the drainage pipe. Where adequate storm drainage has been provided by means of properly graded channels or ditches, the maintenance thereof will remain the responsibility of the property owner and must be so noted on the final plat and the deed for the affected lots.

- (b) In addition to the drainage improvements as required by this section, the subdivider may provide for stormwater retention, at a minimum standard as provided in the applicable zoning ordinance, to serve the entire subdivision as part of the drainage plan to be approved by the city or county engineer. For the purposes of the subsection, the subdivision shall include the streets, sidewalks, driveways, rooftops and other impervious covers as proposed by the subdivider.

- (c) Reserved

(Code 1985, § 20-38)

Sec. 20-54. - Curb and gutter.

- (a) Installation of curb and gutter shall be in accordance with the requirements of the city. Standard detail drawings are available in the Charlotte Standards Manual according to street type. Standard curbs and gutters must be constructed on all arterial and commercial streets and streets within or abutting multifamily or other planned developments. Rolled curbs and gutters or standard curbs and gutters must be constructed on all local and collector streets.

(Code 1985, § 20-39)

Sec. 20-55. - Sidewalks.

- (a) Sidewalks are required in all subdivisions as follows:

- (1) Sidewalks are required on both sides of all new or existing major and minor thoroughfares in accordance with other improvement requirements of this section.
- (2) Sidewalks are required on both sides of all new or existing collectors in accordance with other improvement requirements of this section.
- (3) Sidewalks are required on both sides of all new or existing local residential streets in accordance with other improvement requirements of this section.

- (b) Location. Approval of sidewalk construction plans must be obtained as part of the subdivision review process. The Charlotte Land Development Standards Manual and Appendix A of this code (where applicable), or any adopted Streetscape Plan or Area Plan indicate the required location of the sidewalks. If existing public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent easement.

- (1) Sidewalks may be located on private property, thereby reducing the width of the required right-of-way, where an easement for access, utilities, and other required functions acceptable to the city is proposed and accepted.

- (2) Location of sidewalks. Where nonresidential or multifamily development occurs, sidewalks shall be placed in their conforming locations, and a transition to any adjacent existing sidewalks shall be made. All other residential development shall place sidewalks in their conforming location to the maximum extent determined feasible by city staff. In cases where the sidewalk is not located in its conforming location, an easement shall be granted for future location of the sidewalk, and all street tree and other landscape planting shall respect the location of the future sidewalk.

(Code 1985, § 20-40)

Sec. 20-56. - Street markers and barricades.

- (a) Standard street markers must be installed at one corner of all street intersections in a subdivision, including private streets, before any certificates of occupancy may be issued for buildings or residences along those streets. The design, material, location and installation of the signs must be in accordance with standards specified by the Charlotte Land Development Standards Manual.
- (b) Barricades must be installed at the end of all dead-end streets, except cul-de-sac streets which have been improved with a permanent turnaround as required by this chapter. Design, material and installation of the barricades must be in accordance with the Charlotte Land Development Standards Manual.

(Code 1985, § 20-41)

Sec. 20-57. - No service unless street accepted or tentatively approved.

- (a) No department, officer or employee of the city or county will accept for maintenance, lay out, open, improve, grade, pave or light any streets or authorize the laying of water mains, sewers, connections or other facilities or utilities in any street within the city or county unless:
 - (1) Such street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the effective date of the ordinance from which this chapter derives;
 - (2) For any new street, such street corresponds in its location and lines with a street shown on a preliminary subdivision plat, tentatively approved by the planning staff or Charlotte-Mecklenburg Planning Commission;
 - (3) Such street has been accepted as a public street by a vote of a majority of all the members of the city council or by the state; or
 - (4) Such street is an approved private street built in conformance with the provisions of all applicable ordinances.
- (b) The state department of transportation will accept subdivision streets for state maintenance purposes which meet all the requirements of this chapter and meet the uniform statewide standards adopted by the state department of transportation.

(Code 1985, § 20-42)

Sec. 20-58. - Modification of requirements; bond.

- (a) In subdivisions adjoining already established streets that have been accepted for maintenance by the city or the state department of transportation, the requirements of this article will apply as follows:
 - (1) Those requirements that would necessitate the general removal and reconstruction of established permanent pavements will not be applicable;
 - (2) Where the adjoining established street is a part of the city's or the state department of transportation's street system, the adjoining street must be improved in accordance with either the requirements of this article and the requirements of the city or the state department of transportation, whichever establishes the higher standard.
- (b) Plats for new lots fronting on already dedicated or established streets or roads that have not been accepted for maintenance by the city council or the state department of transportation, or which have been accepted for maintenance by the state department of transportation but have not been improved with a paved roadway, will be eligible for final approval when the requirements of this article have been complied with as closely as may reasonably be required considering the existing condition of the road, the extent of area to be platted and the cost of required improvements in relation to the comparative benefits to accrue to the subdivider and the other owners of property on both sides of the street or road.
- (c) Where the improvements required by this chapter have not been completed prior to the submission of the final subdivision plat for approval, the approval of the plat will be subject to the owner filing a surety bond or an irrevocable letter of credit with the engineering department, in an amount to be determined by the city engineering department in consultation with other affected agencies, such as the department of environmental health, with sureties satisfactory to the city guaranteeing the installation of the required improvements allowing credit for improvements completed prior to the submission of the final plat. Upon completion of the improvements and the submission of as-built drawings, as required by this chapter, written notice thereof must be given by the subdivider to the appropriate engineering department. The engineering department will arrange for an inspection of the improvements and, if found satisfactory, will, within 30 days of the date of the notice, authorize in writing the release of the security given, subject to the warranty requirement.

(Code 1985, § 20-44)

Sec. 20-59. - Inspection.

- (a) The city ~~or county~~ must be notified two days in advance of the work to be started in a subdivision so that an authorized representative of the city ~~or county~~ engineer or other responsible agency may be assigned to make any and all necessary inspections of the work performed.

- (b) The inspector must be allowed access to all parts of the work and must be furnished with every reasonable facility to ascertain whether or not the work as performed is in accordance with the specifications.
- (c) No material may be placed nor any work performed except in the presence of the inspector without special permission of the appropriate agency. Such inspection, however, does not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.
- (d) If any disputes arises as to the material furnished or the manner of performing the work, the inspector will have authority to reject materials or suspend work until the question or issue can be referred to and decided by the appropriate agency. The contractor must remove any work or material condemned as unsatisfactory by the inspector and must rebuild and replace the work or material to the standard required by the specifications, all at his or her own expense.

(Code 1985, § 20-45)

Secs. 20-60—20-85. – Reserved.

ARTICLE III. APPEALS AND VARIANCES

Sec. 20-86. - Authority of planning commission.

- (a) The planning commission will have the authority to hear and decide appeals from any order, decision, determination, or interpretation made by any administrative officer pursuant to or regarding these regulations. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.
- (b) The planning commission will have the authority to hear and decide petitions for variances from the requirements of these regulations, which relate to subdivision of land or any development standards and requirements of this chapter not inconsistent with other codes or ordinance. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.

(Code 1985, § 20-56; Ord. No. 2960, § 3, 5-16-2005)

Sec. 20-87. - Initiation.

- (a) An appeal of a decision on a subdivision preliminary plan may be initiated by any person aggrieved or by any officer, department, board or bureau of the city or the county. However, only the applicant has the right to appeal from the disapproval of a final plat as required by section 20-18.

- (b) A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

(Code 1985, § 20-57)

Sec. 20-88. - Filing of notice of appeal.

- (a) A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council ~~and/or board of commissioners~~. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section.
- (b) The filing of such notice will require the officer whose action is appealed to transmit to the planning commission all administrative papers, records, and other information regarding the subject matter of the appeal.
- (c) Except as provided in this article, the filing of such notice shall stay any proceedings in furtherance of the contested action.

(Code 1985, § 20-58)

Sec. 20-89. - Standards for granting appeal.

- (a) The planning commission, or the hearing committee, may reverse or modify the order, decision, determination, or interpretation under appeal upon finding an error in the application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.
- (b) In modifying the order, decision, determination, or interpretation, the planning commission, or the hearing committee, will have all the powers of the officer from whom the appeal is taken.

(Code 1985, § 20-59; Ord. No. 2960, § 4, 5-16-2005)

Sec. 20-90. - Filing of variance petition.

A petition for a variance from this chapter, in the form prescribed by the planning ~~commission~~ staff, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council ~~or board of commissioners~~.

(Code 1985, § 20-60)

Sec. 20-91. - Standards for granting variance.

~~Before granting a variance, the planning commission, or the hearing committee, must determine that: When unnecessary hardships would result from carrying out the strict letter of the Subdivision Ordinance, the planning commission, or the hearing committee, shall vary any of the provisions of the Subdivision Ordinance upon a showing of all of the following:~~

- ~~(1) The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; or~~
- ~~(2) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or~~
- ~~(3) The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or~~
- ~~(4) The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or~~
- ~~(5) The granting of a variance would permit the preservation of an historic structure or site.~~

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner, The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the Subdivision Ordinance, such that public safety is secured, and substantial justice is achieved.

Appropriate conditions may be imposed on any variance, provided that the conditions are related to the variance.

(Code 1985, § 20-61; Ord. No. 2960, § 5, 5-16-2005)

Sec. 20-92. - Determination of completeness.

- (a) Within ten days of receiving a notice of appeal or a variance petition, the planning director will determine whether the notice or petition is complete. If the planning director determines that the notice or petition is not complete, he or she will notify the appellant or petitioner specifying the notice's or petition's deficiencies. The planning director will take no further action on the petition until the deficiencies are remedied. If the planning director fails to notify the appellant or petitioner, the notice or petition will be deemed complete. If the notice or petition is deemed complete, the planning director will schedule the appeal or

variance for consideration at a hearing before the planning commission, or the hearing committee, within 30 days.

- (b) A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the appeal of variance to proceed under this section. In the event that the notice or petition is automatically deemed complete due to the failure of the planning director to notify the appellant or petitioner of any deficiencies in the notice or petition, the deficiency of information may result in rejection of the appeal or variance by the planning commission, or the hearing committee.

(Code 1985, § 20-62; Ord. No. 2960, § 6, 5-16-2005)

Sec. 20-93. - Staff review.

After receipt of a complete variance petition or notice of appeal from an action taken, the planning director will review the notice or petition and send a written recommendation to the planning commission, or the hearing committee, setting forth whether the appeal or variance should be granted or denied and the reasons for such recommendation. In making such recommendation, the planning director may consult with other city and county agencies and may allow them to review the notice of appeal or variance petition. The recommendation of the planning director will be submitted to the planning commission and mailed to the appellant or petitioner at least five days prior to the scheduled public hearing.

(Code 1985, § 20-63; Ord. No. 2960, § 7, 5-16-2005)

Sec. 20-94. - Notice and hearing.

- (a) The planning commission, or the hearing committee, will hold ~~public~~ quasi-judicial hearings on any appeal or variance petition which comes before it in accordance with rules adopted by it for such purpose.
- (b) ~~The planning commission will mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing. As per G.S. 160A-388(a2), notices of hearings shall be mailed to (1) the person or entity whose appeal, application or request is the subject of the hearing; (2) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and (3) to the owners of all parcels of land abutting the parcel of land that is the subject to the hearing.~~

In the absence of evidence to the contrary, the county tax listing shall be used to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(Code 1985, § 20-64; Ord. No. 2960, § 8, 5-16-2005)

Sec. 20-95. - Action by planning commission.

The planning commission, or the hearing committee, will grant or deny the variance or will reverse, affirm, or modify the order, decision, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting. ~~The resolution must state the reasons that the planning commission used to reach its decision.~~ The planning commission, or the hearing committee, shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the commission's (or committee's) determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the commission or committee. A quasi-judicial decision is effective upon filing the written decision with the clerk to the planning commission or hearing committee.

The decision of the planning commission, or the hearing committee, shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(Code 1985, § 20-65; Ord. No. 2960, § 9, 5-16-2005)

Sec. 20-96. - Rehearing.

The planning commission, or hearing committee, will refuse to hear an appeal or variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

(Code 1985, § 20-66; Ord. No. 2960, § 10, 5-16-2005)

Sec. 20-97. - Appeal from planning commission.

- (a) ~~Any appeal of a decision rendered by the planning commission, or the hearing committee under this section must be to the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court within 30 days after the decision of the planning commission, or the hearing committee is filed in the office of the planning director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the planning director at the time of the hearing, whichever is later.~~ Every quasi-judicial decision of the planning commission, or the hearing committee, shall be subject to judicial review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. Any petition for a review of the planning commission's, or hearing committee's decision in the nature of certiorari by the superior court must be filed with the clerk of superior court by the later of (1) 30 days after the decision is effective, or (2) 30 days after a written copy of the decision is given in accordance with Section 20-95 of this ordinance. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.
- (b) If there is an appeal from the decision of the planning staff taken to the planning commission, or the hearing committee, then the person filing the appeal may not file a

revised preliminary plan or revised final plat for the portion of the subject site affected by the appeal until the completion of the appeal, or any final judicial determination. The planning staff may approve a preliminary plan or final plat for that portion of the property not affected by the action of the appeal.

(Code 1985, § 20-67; Ord. No. 2960, §§ 11, 12, 5-16-2005)

Sec. 20-98. - Effect of grant of variance.

After the approval of a variance by the planning commission, or the hearing committee, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the variation in these regulations granted to the petitioner by the planning commission, hearing committee, or court.

(Code 1985, § 20-68; Ord. No. 2960, § 13, 5-16-2005)

Sec. 20-99. ---20.114. - Reserved

Sec. 20-115. – Applicability.

(a) Section 2- These amendments shall apply to all development and redevelopment within the corporate limits of this city and its extraterritorial jurisdiction, unless one of the following exemptions applies as of the effective date:

- (1) Residential and nonresidential development and redevelopment plans submitted and accepted for review;
- (2) Zoning use application submitted and accepted for review for uses that do not require a building permit;
- (3) Common law vested right established (e.g., the substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid governmental approval to proceed with a project); and/or
- (4) A conditional zoning district (including those districts which previously were described variously as conditional district, conditional use district, parallel conditional district and parallel conditional use district) approved prior to the effective date of this article/ordinance, provided formal plan submission has been made and accepted for review either prior to five years from January 1, 2011 in the case of conditional zoning districts approved on or after January 1, 2002, or prior to two years from January 1, 2011 in the case of conditional zoning districts approved prior to January 1, 2002. If no such formal plan submission occurs within the above –described five-or two-year time frames the requirements of Section I shall be applied to the project.

REQUEST	Current Zoning: CC (commercial center) Proposed Zoning: R-4 (single family residential)
LOCATION	Approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road. (Council District 4 – Phipps)
SUMMARY OF PETITION	The petition proposes to rezone a vacant parcel to allow all uses in the R-4 (single family residential) zoning district. This request is a staff initiated rezoning to implement recommendations within the Council District 4 Multi-family Assessment Report.
PROPERTY OWNER	Craft Holdings, LLC
PETITIONER	Charlotte-Mecklenburg Planning Department
AGENT/REPRESENTATIVE	N/A
COMMUNITY MEETING	Meeting is not required.

ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to DEFER this petition to their February 25, 2015 meeting.
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VOTE	Motion/Second:	Walker/Labovitz
	Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker
	Nays:	None
	Absent:	None
	Recused:	None

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

PLANNING STAFF REVIEW

- **Background**
 - In June 2011, Council requested an assessment of multi-family development within Council District 4 in response to a recent increase in multi-family development activity in this district. Staff completed a report in April 2013 that summarized the amount of existing multi-family development, future projections and market demand for multi-family residential development in District 4.
 - At their May 2013 dinner briefing, Council directed staff to move forward with the recommendations within the report to:
 - Align existing and undeveloped multi-family developments with current zoning, recommended land use and community design policy for the six properties listed in the report;
 - Develop Community Design Guidelines for future multi-family housing developments that are consistent with recent City policy guidance; and
 - Assess appropriate locations and density of existing and proposed multi-family in future area planning initiative(s).
 - This site was selected for a corrective rezoning to implement the Council District 4 Multi-family Assessment due to the site's lack of updated community design guidelines associated with the conditional rezoning plan for the property.
 - The selection of the proposed zoning district, R-4 (single family residential), was based on the density of four dwelling units per acre, which is the base residential density recommended for the *Northeast Area Plan*. Greater densities of six or eight dwelling units per acre are not supported by the *General Development Policies* (2003) due to lack of interconnected road network and design guidelines for the site.

Assessment Criteria	Base Density – up to 4 dua	Density Category - >4 dua up to 6 dua	Density Category – > 6 dua up to 8 dua
Meeting with Staff	0 (No)	0 (No)	0 (No)
Sewer and Water Availability	1 (Private)	1 (Private)	1 (Private)
Land Use Accessibility	2 (Medium)	2 (Medium)	2 (Medium)
Connectivity Analysis	1 (Low)	1 (Low)	1 (Low)
Road Network Evaluation	0	0	0
Design Guidelines	0 (No)	0 (No)	0 (No)
Other Opportunities or Constraints	NA	NA	NA
	Total Points: 4	Minimum Points Needed: 10	Minimum Points Needed: 11

- Prior to staff submitting an application for rezoning this site to R-4 (single family residential), staff sent two letters, one a certified letter, to the property owner to explain the report and to **request a meeting to share Planning staff’s desire to work with the property owner to update design guidelines for the property.**
- **Proposed Request Details**
 - This is a conventional rezoning petition with no associated site plan.
- **Public Plans and Policies**
 - The petition is consistent with the *Northeast Area Plan* (2000), which recommends residential and retail land uses for this parcel. More specifically, the plan recommends that residential on the site be developed at a density up to eight dwelling units per acre.
 - While the *Northeast Area Plan* recommended a higher density, the *General Development Policies* (2007) supports a lesser density of four dwelling units per acre for the rezoning site.
 - The petition is consistent with the *Northeast Area Plan* and the *General Development Policies*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Transportation:** CDOT recommends a fourth leg from the site be connected to the Mallard Creek Salome Church Road intersection. This is a conventional rezoning petition; therefore, this connection should be achieved through the development process if possible.
 - **Vehicle Trip Generation:**
 Current Zoning: 7,100 trips per day.
 Proposed Zoning: 1,110 trips per day.
 - **Connectivity:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 49 students, while the development allowed under the proposed zoning will produce 66 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 17 students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No comments received.
- **Urban Forestry:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Urban Forestry Review

Planner: Claire Lyte-Graham (704) 336-3782

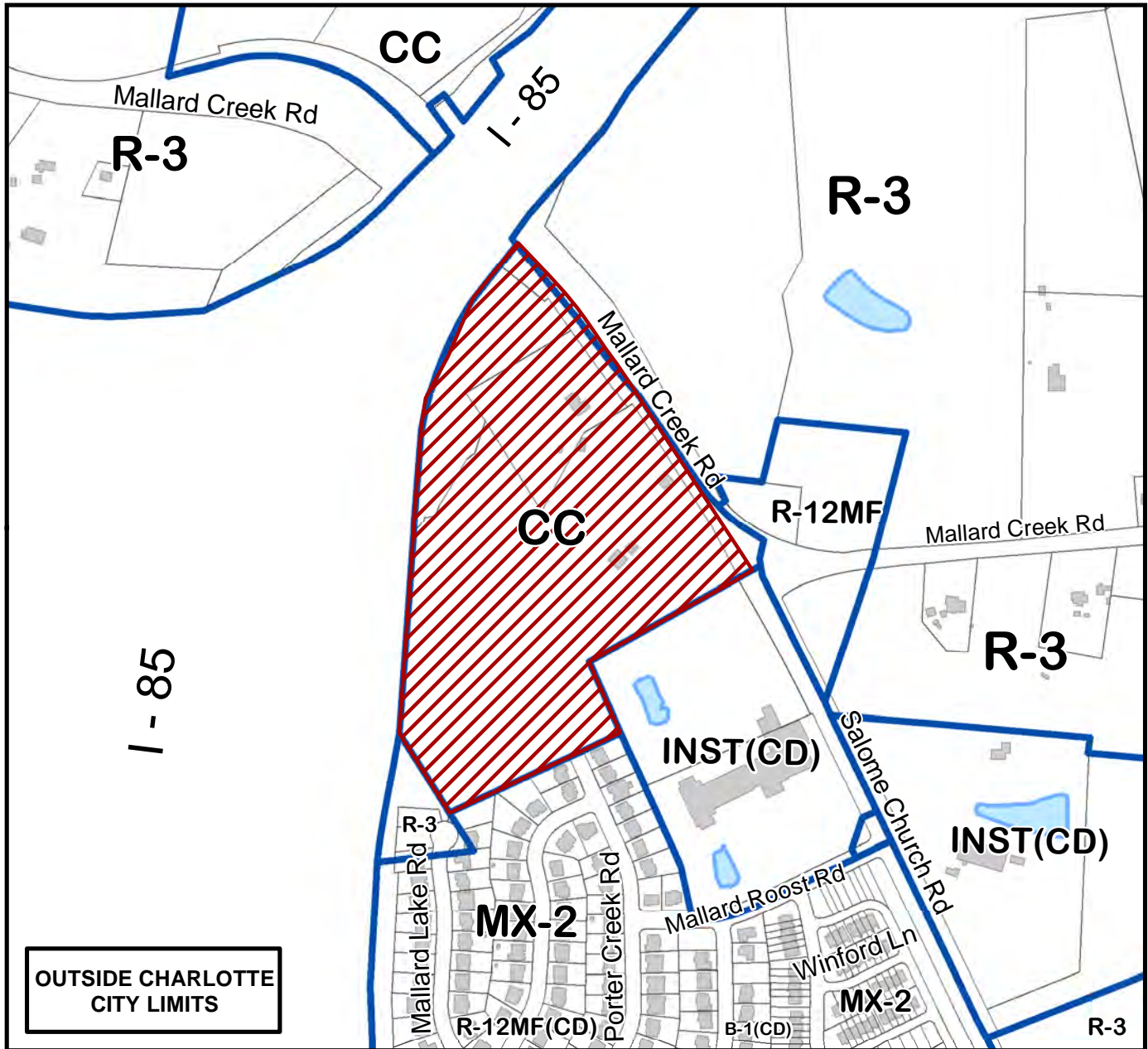
Petition #: **2014-019**

Petitioner: **Charlotte-Mecklenburg Planning Department**

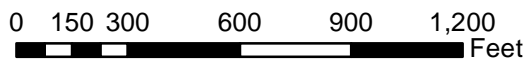
Zoning Classification (Existing): **CC**
(Commercial Center)

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

Acreage & Location: Approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road.

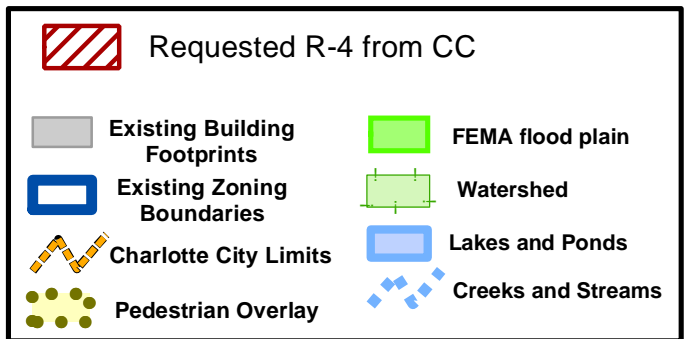


Map Produced by the Charlotte-Mecklenburg Planning Department, 11-26-13.



Zoning Map #(s)

41



REQUEST	Text amendment to Sections 2.201, 9.101, 9.204, 9.304, 9.404, 9.405, 9.504, 9.603, 9.604, 9.704, 9.803, 9.804, 9.8503, 9.8504, 9.903, 9.904, 9.1003, 9.1004, 9.1103, 9.1104, 9.1206, 9.1207, 11.204, 11.303A, 11.403, 11.404, 11.703, 11.704, and 12.547 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to: <ol style="list-style-type: none"> 1) Create a new definition for mobile farmer's market; 2) Allow mobile farmer's markets in all zoning districts. In some districts they will be allowed as a principal use, and in other districts they will be allowed as an accessory use; and 3) Create new prescribed conditions for mobile farmer's markets.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required. Two community advisory group meetings were held on January 29 and June 3, 2014.

ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to DEFER this petition to their January 5, 2015 meeting.
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VOTE	Motion/Second: Walker/Labovitz
	Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan and Walker
	Nays: None
	Absent: None
	Recused: None

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

PLANNING STAFF REVIEW

- **Background**
 - Currently, the Zoning Ordinance does not have a definition for mobile grocery stores or mobile farmer's markets. However, the use is permitted as a Periodic Retail Sales Event, Off-Premise, with a permit good for 14 days, and renewable up to six times per calendar year.
 - In the summer of 2013, City Council requested staff research how other cities regulate mobile grocery stores and explore how mobile grocery stores (also called mobile farmer's markets) can be permitted for longer periods of time as a viable way of providing fresh fruits and vegetables to areas lacking access to full-service grocery stores or only having access to limited grocery stores, such as convenience stores.
 - On September 5, 2013, City Council's Economic Development Committee received a presentation on the Mecklenburg County Food Assessment from representatives of the University of North Carolina-Charlotte and the Charlotte-Mecklenburg Food Policy Council. The study addressed the absence of food stores in Mecklenburg County and found the following:
 - 1) There are food deserts where there is limited access to affordable and nutritious food, particularly in low-income areas. In these neighborhoods, health issues, including heart disease, were found to be higher than in non-food deserts; and
 - 2) A statistical analysis, controlled for income, race, and population density, found that adding a limited or full service food store to a census block group results in a lower number of premature deaths due to heart disease.
 - On September 19, 2013, the Economic Development Committee continued their discussion

about food deserts and received information from staff on the existing land use classifications in the Zoning Ordinance where fresh food can be sold. Staff suggested that one strategy to increase the availability of fresh produce in food deserts was through a text amendment, to add mobile grocery or mobile farmer's markets as a new use in the Zoning Ordinance. Staff suggested that a Community Advisory Group (CAG) should be involved with the development of the regulations and reviewed a proposed process for engaging a Community Advisory Group.

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

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

- **Proposed Request Details**

The text amendment contains the following provisions:

- Adds a definition for mobile farmer's market: a commercial mobile vehicle (excluding pick-up trucks, open trailers and boats), licensed by the Department of Motor Vehicles, from which commercially prepared and packaged or uncut perishable fruits, vegetables or dairy products are sold (excluding alcoholic beverages, homemade food products and goods).
- Allows a mobile farmer's market as a principal use and/or accessory use in all zoning districts under prescribed conditions:
 - A mobile farmer's market shall be allowed as a principal use or as an accessory use in the following zoning districts, under prescribed conditions: UR-C (urban residential – commercial); RE-3 (research); B-1 (neighborhood business); B-2 (general business); B-D (distributive business); BP (business park); CC (commercial center); NS (neighborhood services); MUDD (mixed use development); UMUD (uptown mixed use); TOD-E (transit oriented development – employment); TOD-M (transit oriented development – mixed-use); U-I (urban industrial); I-1 (light industrial); and I-2 (general industrial).
 - A mobile farmer's market shall be allowed as an accessory use to a religious institution, school, college, university, hospital or office in the following zoning districts, under prescribed conditions: R-3, R-4, R-5, R-6, and R-8 (single family residential); R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF (multi-family residential); R-MH (manufactured housing); UR-1, UR-2, and UR-3 (urban residential); MX-1, MX-2, and MX-3 (mixed use); INST (institutional); RE-1 and RE-2 (research); O-1, O-2, and O-3 (office); and TOD-R (transit oriented development – residential).
- Adds new prescribed conditions for mobile farmer's markets:
 - The mobile farmer's market shall not be located in any required setback, any sight distance triangle, or required buffer.
 - The operator must receive a zoning use permit and display a placard from Neighborhood & Business Services. The maximum duration of a mobile farmer's market permit is 365 consecutive days. There is a maximum of three (3) locations that can be listed for each permit.
 - The operator shall submit proof that the property owner or designated agent (lessee) grants his/her permission to locate the mobile farmer's market on each property.
 - A mobile farmer's market shall not sell food and/or drink processed or prepared on-site. Mobile food vending is not allowed as part of the use.
 - The operator is responsible for removing all trash, litter, and refuse generated by the use from the site at the end of each visit.
 - The hours of operation shall be between 8:00 a.m. and 9:00 p.m. The mobile farmer's market shall only be located on the site between these hours. No overnight parking is allowed.
 - The mobile farmer's market shall provide five off-street parking spaces for customers. Parking spaces may be shared with other uses on the site. The mobile farmer's market shall not locate in any minimum required parking spaces for other uses on the site.
 - One table and one fabric covered tent (maximum size of 12 feet by 12 feet) for shelter only are permitted in association with the use, if removed daily.
 - No products shall be displayed or stored off the vehicle or trailer.
 - All applicable local and state codes shall be met.
 - A mobile farmer's market and an outdoor fresh produce stand shall not occupy the same lot at the same time.
 - Signs must be in compliance with Chapter 13. No portable signs are allowed.

- Violations may result in the revocation of the zoning use permit. Violations are subject to the requirements in Section 8.105, "Citations".
 - Adds two extra prescribed conditions for mobile farmer's markets allowed as an accessory use to a religious institution, school, college, university, hospital or office:
 - If the mobile farmer's market utilizes a large commercial vehicle, it may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital.
 - In the residential districts, only one mobile farmer's market shall be allowed per location at any one time.
 - **Public Plans and Policies**
 - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals to create a vibrant economy and a greater mix of commercial uses, and to provide a range of choices for employment opportunities.
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DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: Mobile Farmer's Market
6-13-14

2014-21

Purpose/Background: The purpose of this text amendment is to create a new definition for mobile farmer's market and permit the use with prescribed conditions either as a principal or accessory use in all zoning districts. This amendment will assist in expanding the availability of fresh fruits, vegetables in all zoning districts.

	Current Regulations	Proposed Regulations	Rationale
Definitions	None	<p>Adds a new definition:</p> <ul style="list-style-type: none"> • Mobile Farmer's Market: A mobile vehicle, commercial licensed by a Department of Motor Vehicles, from which commercially prepared and packaged or uncut perishable fruits and vegetables are sold (excluding alcoholic beverages, homemade food products and goods). 	<ul style="list-style-type: none"> • Creates a new definition for a new use.
Items Sold	None	<p>Allows the same fresh produce to be sold that is allowed for outdoors fresh produce stands, plus dairy products:</p> <ul style="list-style-type: none"> • Mobile farmer's market operator(s) may sell all types of fresh produce, including but not limited to tomatoes, squash, corn, cucumbers, beans, berries, melons, apples, pears, peaches, citrus fruit, root vegetables, green vegetables, pie pumpkins, nuts, fresh herbs, or other fruits or vegetables. In addition to fresh produce, up to 10% of the total sales area may be used to sell fruit or vegetable derived products. Mobile farmer's markets are not intended to include the sale of Christmas trees, Halloween pumpkins, plants or flowers, which are regulated in Section 12.519. 	<ul style="list-style-type: none"> • Allows the same types of fresh produce to be sold as outdoors fresh produce stands.
Districts Allowed and Prescribed Conditions	None	<ul style="list-style-type: none"> • Allows a mobile farmer's market as a <u>principal use</u> or an <u>accessory use</u> in the following districts: urban residential - commercial (UR-C); research (RE-3 only), neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood service (NS); mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development – employment (TOD-E); transit oriented development – mixed use (TOD-M); urban industrial (U-I); light industrial (I-1) and heavy industrial (I-2), subject to the following prescribed conditions: <ul style="list-style-type: none"> • The mobile farmer's market shall not be located in any required setback, any sight distance triangle, or required buffer. • Any operator of a mobile farmer's market must receive a zoning use permit and display placard from Neighborhood & Business Services. It must be posted in the front window of the mobile farmer's market vehicle, while in use. The maximum duration of a mobile farmer's market permit is 365 consecutive days. A list of dates and times the mobile farmer's market will be at each location shall be submitted with the zoning use permit application. There is a maximum of three (3) locations that can be listed for each permit. • The operator of a mobile farmer's market shall submit proof that the property 	<ul style="list-style-type: none"> • Allows the use in all zoning districts, including residential districts. • Establishes prescribed conditions to regulate the use.

		<p>owner or designated agent (lessee) grants his/her permission to locate the mobile farmer's market on each property. This documentation shall be submitted to Neighborhood & Business Services and attached to the zoning use permit application.</p> <ul style="list-style-type: none"> • A mobile farmer's market shall not sell food and/or drink processed or prepared on-site. A mobile food truck is not allowed as part of the use. • The operator of a mobile farmer's market is responsible for removing all trash, litter, and refuse generated by the use from the site at the end of each visit. • The hours of operation shall be between 8:00 a.m. and 9:00 p.m. The mobile farmer's market shall only be located on the site between these hours. No overnight parking is allowed. • The mobile farmer's market shall provide five off-street parking spaces and shall not locate in any minimum required parking spaces for other uses on the site. Parking spaces may be shared with other uses on the site, unless the Zoning Administrator determines that parking congestion problems will be present on the site. • One table and one fabric covered tent (maximum size of 12 feet x 12 feet) for shelter only are permitted in association with the use, and shall be removed daily. • No products shall be displayed or stored off the vehicle or trailer. • All applicable local and state codes shall be met. • A mobile farmer's market and an outdoors fresh produce stand shall not occupy the same lot at the same time. • Signs must be in compliance with Chapter 13. No portable signs are allowed. • Violations are subject to Section 8.105, "Citations". Violations may result in the revocation of the zoning use permit. <ul style="list-style-type: none"> • Allows a mobile farmer's market as an accessory use to a religious institution, school, college, university, hospital or office in the R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, R-MH, UR-1, UR-2, UR-3, MX-1, MX-2, MX-3, Institutional, O-1, O-2, O-3, RE-1, RE-2 and TOD-R zoning districts, subject to the prescribed conditions listed above and the following additional prescribed condition: <ul style="list-style-type: none"> • If the mobile farmer's market utilizes a large commercial vehicle, it is exempt from meeting the requirements of Section 12.218(4) and may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital. 	
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		<ul style="list-style-type: none">• In the residential districts, only one mobile farmer's market shall be allowed per location at any one time.	
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REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: Inst (CD) (institutional, conditional)
LOCATION	Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to reuse an existing single family home to establish a daycare center.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	North End Homes, LLC Mark Patterson N/A
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8
STATEMENT OF CONSISTENCY	<p>This petition is found to be inconsistent with the <i>Northeast District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The Plan recommends single family residential up to four dwelling units per acre for this site. <p>However, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Area plans typically do not specify locations for institutional uses; and • The site has frontage along a major thoroughfare; and • The proposed use would serve the needs of the surrounding neighborhoods; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Nelson).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Reduced the length of the new internal walkway by eliminating the portion that runs along the inside of the driveway and instead locating it along the guest parking area to connect to the sidewalk along Prosperity Church Road. This walkway may meander to preserve any existing trees. 2. Removed the sign from the site plan. 3. Added the heading "Signage" and a note stating that signage is permitted per the ordinance.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Nelson/Eschert</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan and Walker</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>None</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Nelson/Eschert	Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan and Walker	Nays:	None	Absent:	None	Recused:	None
Motion/Second:	Nelson/Eschert										
Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan and Walker										
Nays:	None										
Absent:	None										
Recused:	None										

ZONING COMMITTEE DISCUSSION	Staff provided an update of the petition, noting that the petition is inconsistent with the Northeast District Plan's recommendation for residential uses up to four units per acre. However, area plans typically do not specify locations for institutional uses. In addition, the site has frontage along a major thoroughfare and the proposed use would serve the needs of the surrounding neighborhoods.
------------------------------------	--

A committee member asked if an additional turn lane could be provided into the site. CDOT staff responded that this would not be possible due to a lack of adequate distance to provide a turn lane. A committee member commented that the issue raised at the public hearing regarding other child care centers in the area is a market issue, and added that such uses do not deter the value of the neighborhood.

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:

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

• Public Plans and Policies

- The *Northeast District Plan* (1996) recommends single family residential up to four dwelling units per acre for the rezoning site.
 - The petition is inconsistent with the *Northeast District Plan*. However, area plans do not typically recommend locations for institutional uses. The site has frontage along a major thoroughfare and the proposed use would serve the needs of the nearby neighborhoods.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

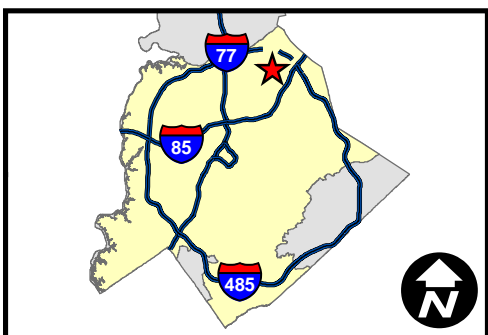
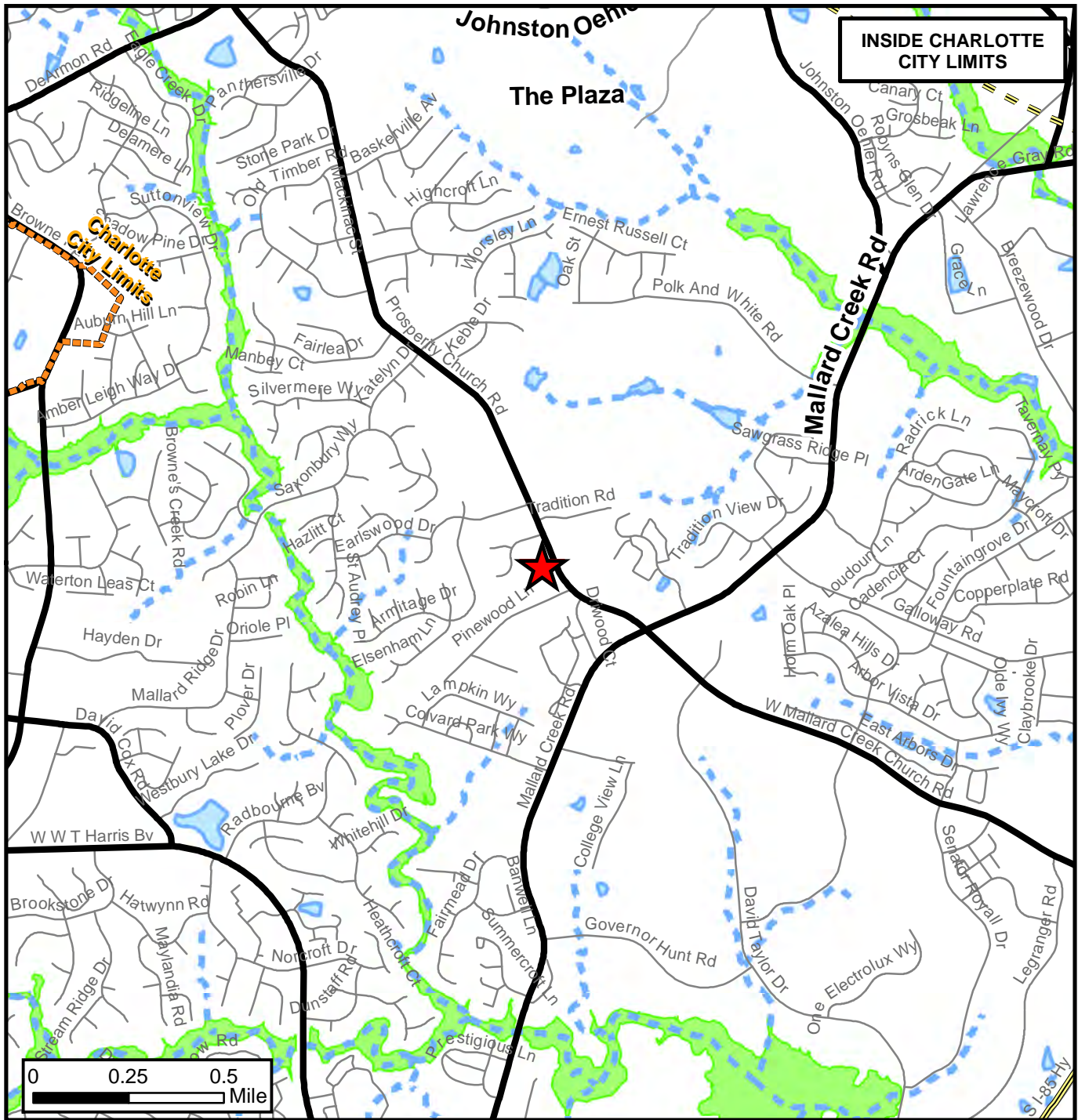
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte-Mecklenburg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

Planner: Claire Lyte-Graham (704) 336-3782

Petition #: **2014-043**

Vicinity Map

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



★ Rezoning Petition: 2014-043

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

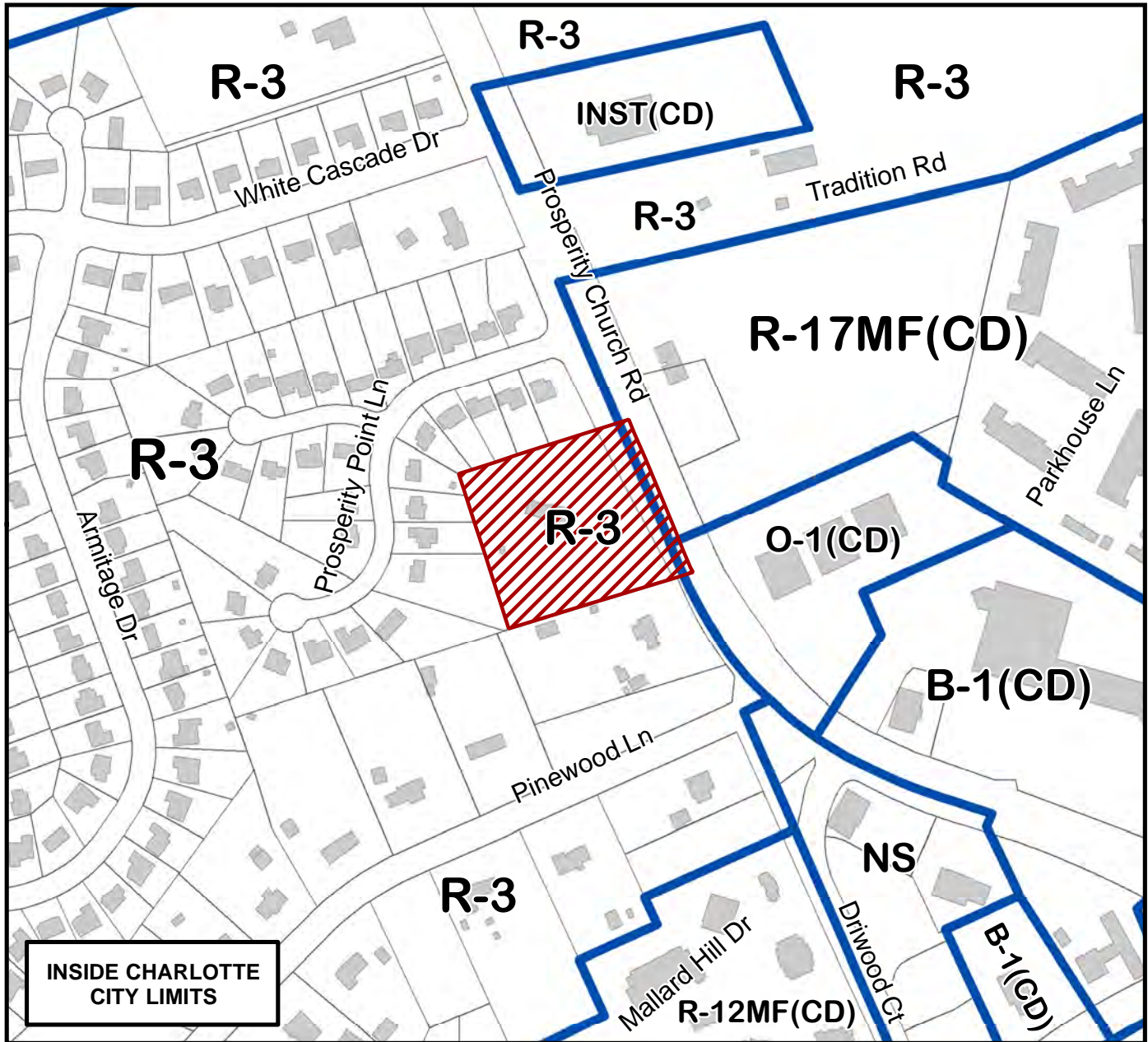
Petition #: **2014-043**

Petitioner: **Mark Patterson**

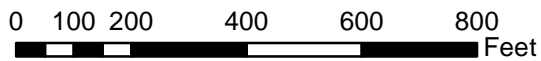
Zoning Classification (Existing): **R-3**
(Single Family, Residential)

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

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

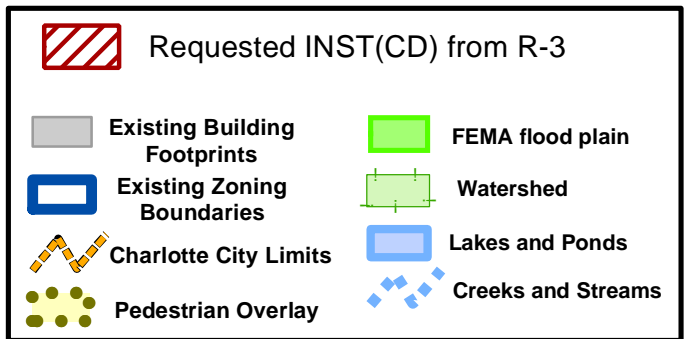


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-26-14.



Zoning Map #(s)

53



SITE PLAN NOTES

(NOTE: BOLD ITEMS REVISED 7-21-14 SUBMITTAL)
 (NOTE: BUBBLED ITEMS REVISED 11-18-14 SUBMITTAL)

1. DEVELOPMENT DATA

- SITE ACREAGE: 2.71
- TAX PARCEL: 02728101
- EXISTING ZONING:** R3
- PROPOSED ZONING: INST (CD)
- EXISTING USE: RESIDENTIAL
- PROPOSED USE: COMMERCIAL DAYCARE
- EXISTING GROSS SF:** 2,114 SF
- FLOOR AREA RATIO: 35 SF PER CHILD
- NUMBER AND OR RATIO OF PARKING SPACES:
 1 PER EMPLOYEE (7 EMPLOYEES)
 1 PER 10 CHILDREN (UP TO 60 CHILDREN)

2. GENERAL PROVISIONS

THESE DEVELOPMENT STANDARDS FORM A PART OF THE TECHNICAL DATA SHEET ASSOCIATED WITH THE REZONING PETITION FILED BY MARK PATTERSON TO ACCOMMODATE REUSE OF THIS 2.71 ACRE SITE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE TECHNICAL DATA SHEET, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF CHARLOTTE (THE "ORDINANCE"). UNLESS THE TECHNICAL DATA SHEET OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS.

ALTERATIONS TO THE CONDITIONAL PLAN ARE SUBJECT TO SECTION 6.207 ALTERATIONS TO APPROVAL

4. PERMITTED USES

SITE WILL BE DEVOTED TO USE AS CHILD DAYCARE CENTER, TOGETHER INCIDENTAL AND/OR ACCESSORY USES ASSOCIATED THEREWITH, THAT ARE PERMITTED UNDER THE "ORDINANCE" BY RIGHT UNDER PRESCRIBED CONDITIONS IN THE INSTITUTIONAL ZONING DISTRICT.

5. TRANSPORTATION

ON SITE TRAFFIC CIRCULATION TO BE SIGNED AND MARKED FOR ONE-WAY COUNTER CLOCKWISE TRAFFIC FLOW.

PROPOSED SITE ENTRANCE IS RIGHT-IN MOVEMENT ONLY.

PROPOSED DRIVEWAY CONNECTIONS TO PROSPERITY CHURCH RD. SHALL GO THROUGH ALL REQUIRED CDOT DRIVEWAY PERMITTING PRIOR TO CONSTRUCTION.

6. ARCHITECTURAL STANDARDS

EXISTING STRUCTURE TO REMAIN.

THERE IS NO PROPOSED EXPANSION/ADDITION. HOWEVER, ANY FUTURE ADDITIONS TO THE EXISTING STRUCTURE MUST BE TO THE REAR OF THE BUILDING AND ADDED SF SHALL NOT EXCEED 25% OF THE EXISTING SF OF THE STRUCTURE. PLUS, ANY EXPANSION OR EXTERIOR RENOVATIONS TO THE CURRENT STRUCTURE WILL BE RESIDENTIAL IN CHARACTER AND SCALE.

7. STREETScape AND LANDSCAPING

EXISTING SIDEWALK ON PROSPERITY CHURCH RD. IS 5' WIDE. A 5' WIDE SIDEWALK TO BE CONSTRUCTED CONNECTING EXISTING SIDEWALK WITH THE DAYCARE PER CDOT REQUIREMENT.

8. ENVIRONMENTAL FEATURES

MALLARD CREEK WATERSHED

11. SIGNAGE

ALL SIGNAGE IS PERMITTED THROUGH THE ORDINANCE

12. LIGHTING

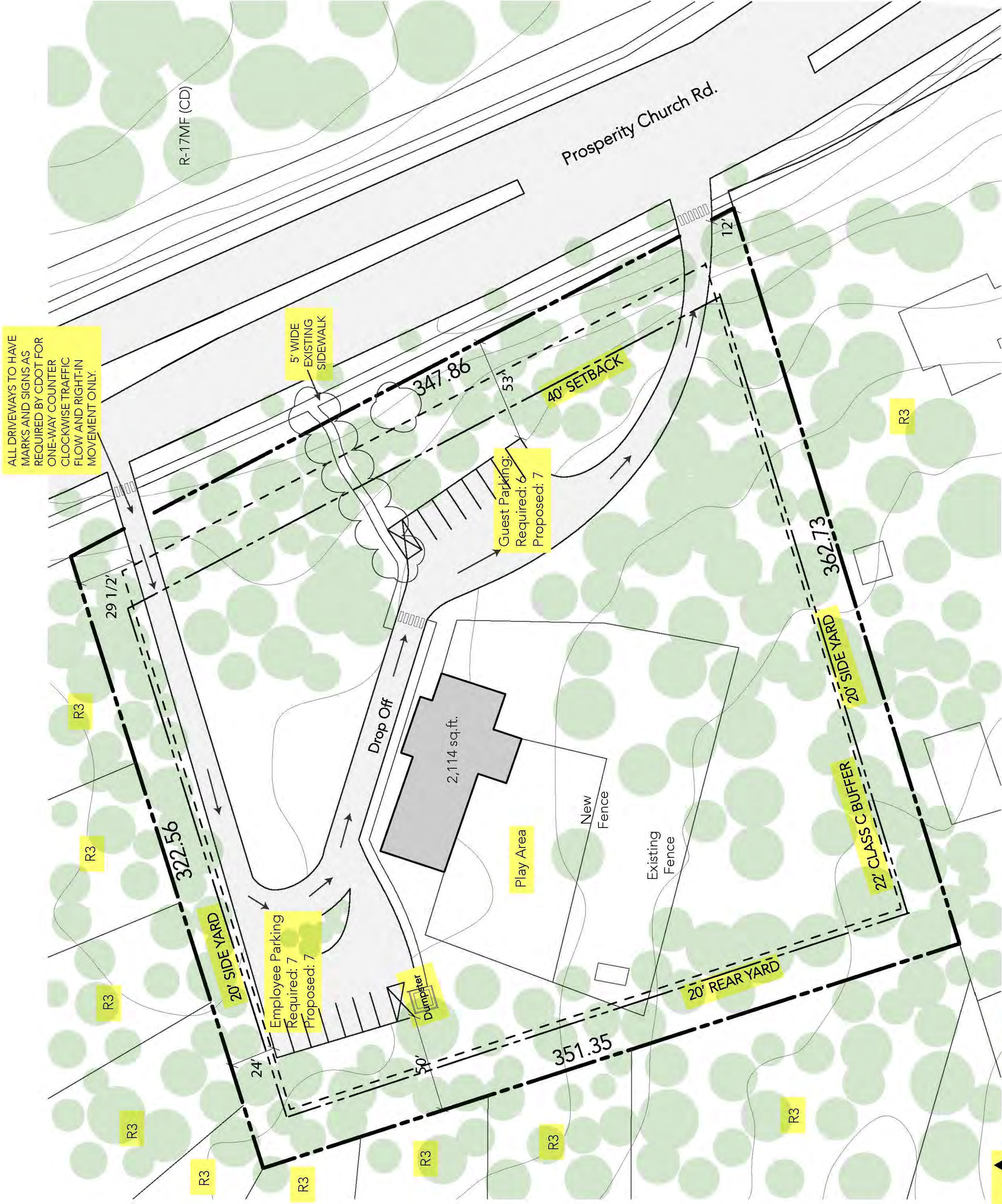
ALL HEADING LIGHTING WILL BE UNIFORM-IN-DESIGN AND PLACED WHERE REQUIRED.

FREESTANDING LIGHTING WILL BE LIMITED TO 25' IN HEIGHT.

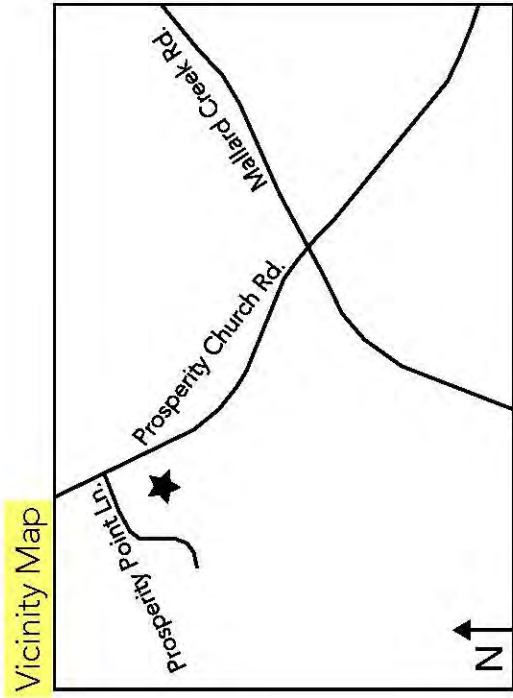
ALL LIGHTING WILL HAVE FULL CUT-OFF LIGHTING FIXTURES.

14. OTHER

PER SECTION 12.502 OUTDOOR PLAY SPACE AND EQUIPMENT MUST BE LOCATED OUTSIDE THE REQUIRED SETBACK AND SIDE YARDS.



Scale 1" = 40'



REZONING- RESIDENTIAL TO COMMERCIAL DAYCARE

3231 PROSPERITY CHURCH RD

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes to allow all uses permitted in the MUDD (mixed use development) zoning district.
PROPERTY OWNER	City of Charlotte
PETITIONER	City of Charlotte
AGENT/REPRESENTATIVE	Jim Metze, Little Diversified Architectural Consulting
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to DEFER this petition to their January 5, 2015 meeting.
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VOTE	Motion/Second: Walker/Labovitz
	Yeas: Walker, Labovitz, Ryan, Dodson, Sullivan, Eschert, Nelson
	Nays: None
	Absent: None
	Recused: None

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

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows all uses in the MUDD (mixed use development) district, with the intended use of the building to be constructed in Phase 1 as a government service facility and the building constructed in Phase 2 as any use permitted in the MUDD (mixed use development) district.
- Provides a new public street through the southern edge of the site with sidewalks and planting strips on both sides.
- Provides an 11.5-foot side yard along the northeastern property line.
- Provides a pedestrian refuge island along Statesville Avenue with the final location to be determined during construction plan review and permitting.
- Provides a 30-foot setback with a 12-foot planting strip, eight-foot sidewalk, and ten-foot amenity zone along Statesville Avenue, and an 18-foot setback with a 12-foot planting strip and six-foot sidewalk along North Graham Street.
- Provides pedestrian connections throughout the site and to adjacent properties.
- Phased development in two parts. Phase 1 includes:
 - Construction of a four-story government services building along Statesville Avenue.
 - A surface parking lot to the east and a landscaped building pad for Phase 2 development.
 - Building materials include a combination of brick veneer, glass, pre-finished metal panel accents, and solar screens.
 - Specifies that Phase 2 building will be similar in design and architecture as the Phase 1 building.
- Building may provide a metal canopy at the public/visitor entrance along Statesville Avenue and may project into the amenity zone of the Statesville Avenue setback.
- Includes architectural renderings of the Phase 1 building.

- Optional provision:
 - To allow parking between the building and North Graham Street setback during Phase 1, prior to the construction of the Phase 2 building.
 - Phase 2 includes:
 - The development of a mixed use building constructed to MUDD (mixed use development) standards on the pad provided in Phase 1 along North Graham Street and the construction of a parking deck over a portion of the surface parking lot constructed in Phase 1.
 - **Public Plans and Policies**
 - The site is located within the Applied Innovation Corridor, which is an area identified in the *Center City 2020 Vision Plan* for targeted economic growth and industry recruitment to leverage the City's academic and research capital with its business assets. The petition is consistent with the recommendations and goals of the *Center City 2020 Vision Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

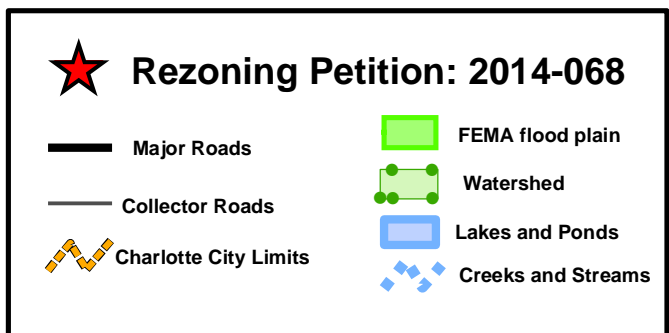
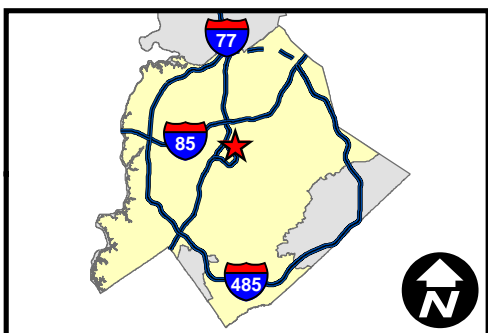
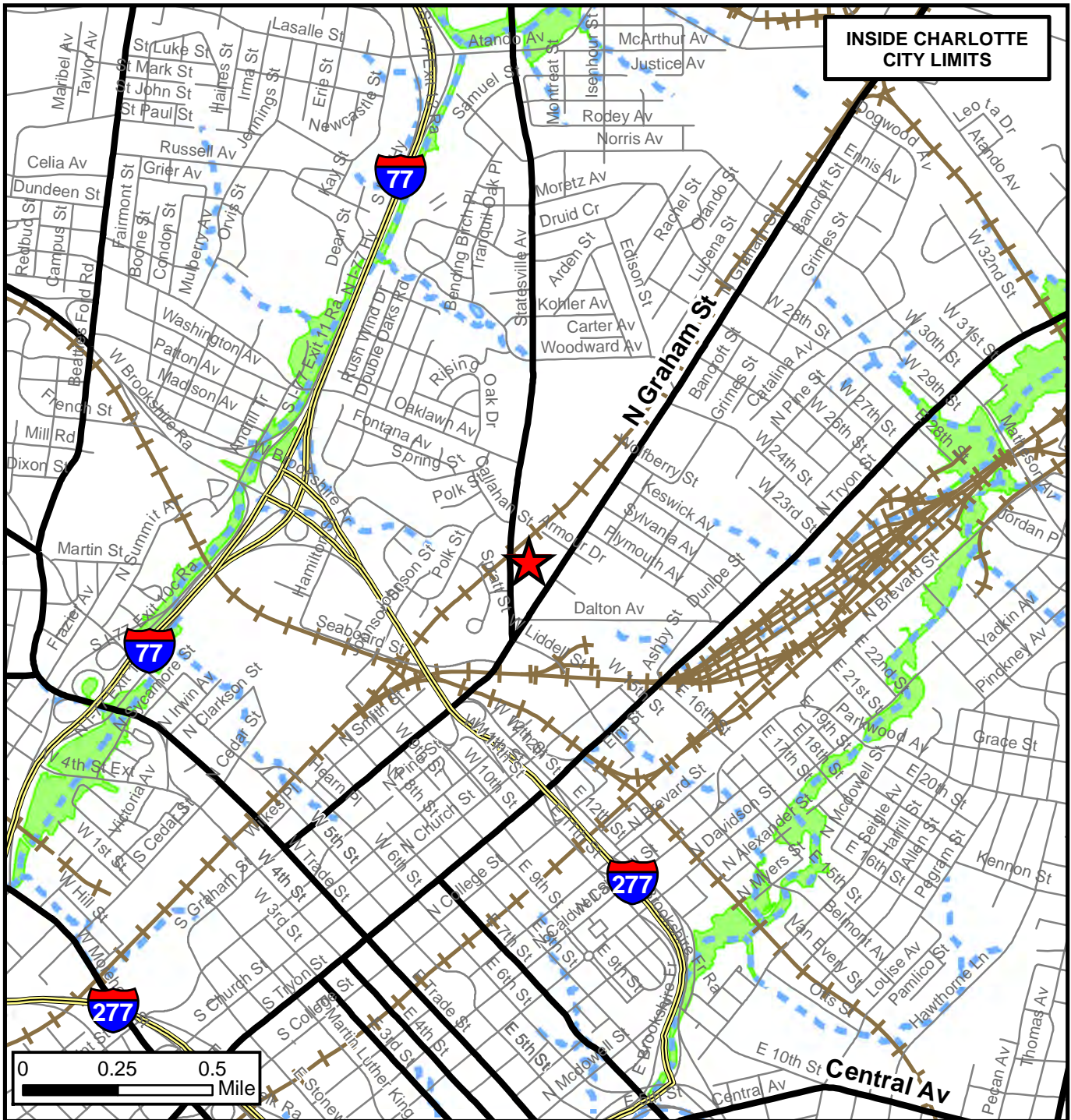
Attachments Online at www.rezoning.org

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

- Urban Forestry Review

Planner: John Kinley (704) 336-8311

Acres & Location : Approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive.



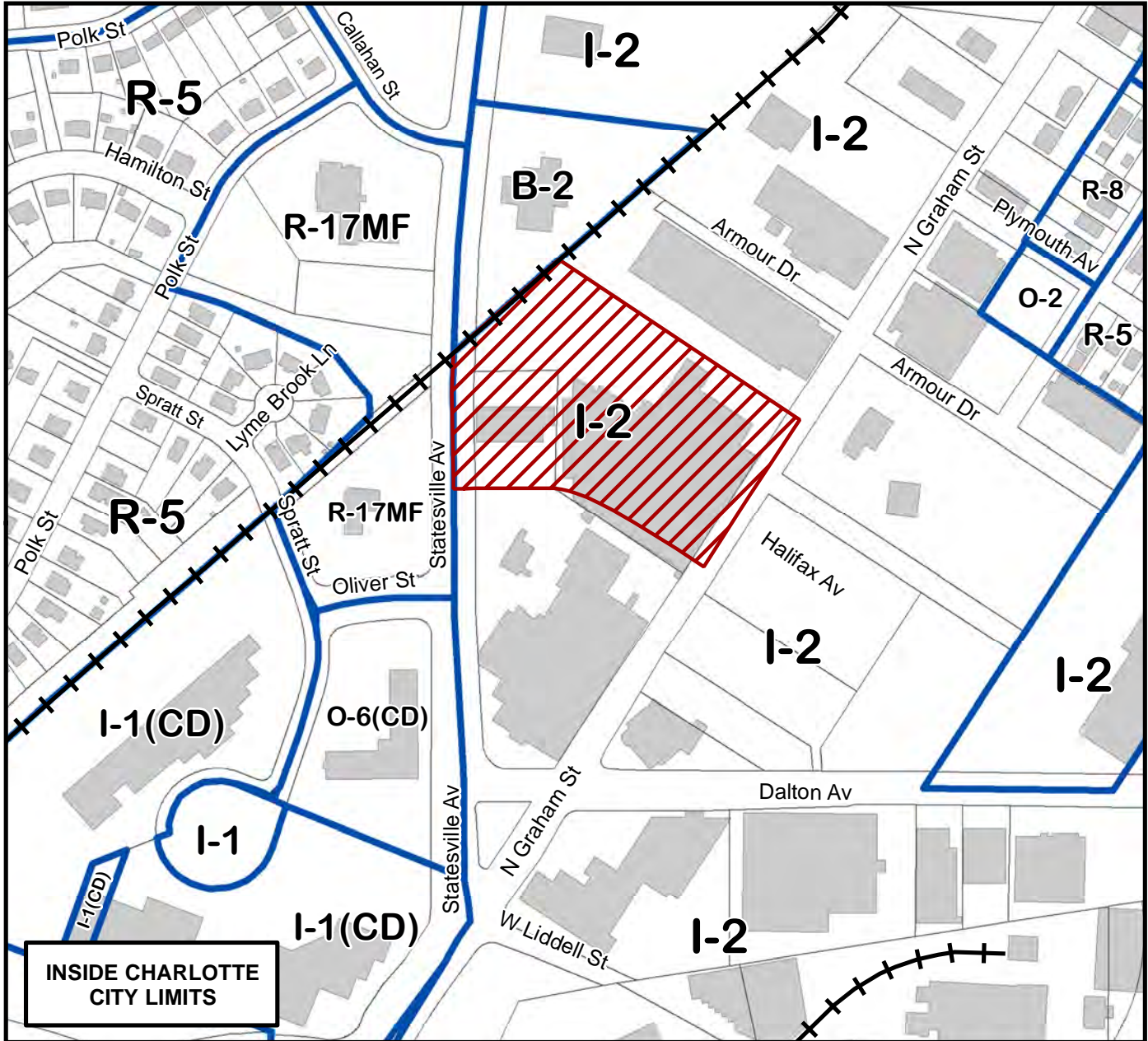
Petition #: **2014-068**

Petitioner: City of Charlotte

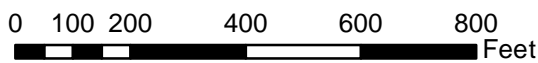
Zoning Classification (Existing): I-2
(General Industrial)

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

Acreage & Location: Approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive.

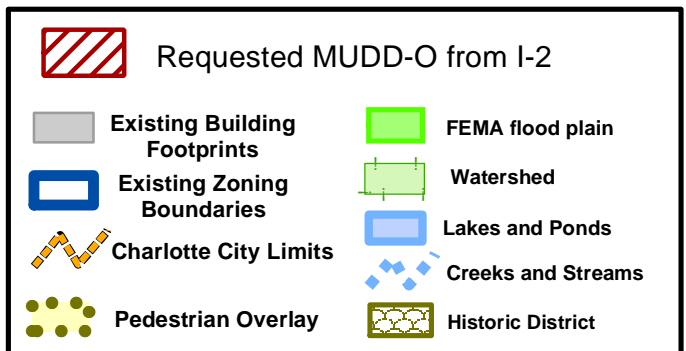


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-26-2014.



Zoning Map #(s)

88



REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to allow up to 27 attached residential units, at a density of 10.38 dwelling units per acre.
PROPERTY OWNER	5620 Fairview, LLC, 5628 Fairview, LLC, Miller Vanderlip, Dianah Colburn, Elsie White, Thomas B. Furr, Jr., Gail Furr, Judith Caston and H. Russell Caston
PETITIONER AGENT/REPRESENTATIVE	Crossroads Realty Group, LLC Jeff Brown and Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 10
STATEMENT OF CONSISTENCY	<p>This petition is found to be consistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed single family attached use is consistent with the residential use called for in the adopted area plan; and • The proposed site qualifies for an increase in density up to 17 dwelling units per acre. <p>Therefore, this petition is found to be and to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Units along Closeburn Road will be oriented so that front doors of units front the street; and • Units along Fairview Road will be oriented so that either front doors or sides of units will be oriented toward the street and the rear of units and garages may not be oriented toward either street; and • A 15-foot wide landscaped area will be provided abutting existing residential zoning and/or land use to the side and rear of the site; and • A pedestrian pocket park that will be improved with landscaping and seating areas will be provided; and • Construction traffic is limited to Fairview Road; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Eschert).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Specified minimum plantings within the 15-foot landscaped areas as four trees per 100 linear feet and a variety of evergreen and deciduous shrubs at a rate of 10 shrubs per 100 linear feet. 2. Specified that the proposed pocket park will be improved with landscaping and seating areas. 3. Addressed Engineering comment by adding the following note: The petitioner will provide peak flow control for the 100-year, six-hour storm run-off from the developed site to the predevelopment peak flow rate. The petitioner reserves the right to perform a 100-year storm no rise analysis of the site to demonstrate that the additional peak control for the 100-year storm event is not needed. 4. Added the following notes under the heading of Construction Traffic
------------------------------------	---

and Construction Staging:
 (a) The petitioner will direct construction traffic from and to the site and deliveries of construction materials to use Fairview Road to access the site.
 (b) Staging for the development of the site will occur on site.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an update of the petition noting that there are no outstanding issues. Staff noted the petition is consistent with the *South District Plan*. A committee member stated that the project addresses the street well and is designed well. 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:

- Maximum of 27 attached dwelling units, with 400 square feet of private open space per unit.
- Building height not to exceed three stories and 45 feet in height.
- Minimum of two parking spaces per unit will be provided via a two-car garage.
- Visitor parking located along the site's internal driveways.
- Total number of principal buildings not to exceed 12.
- No surface parking between the proposed buildings and Fairview Road or Closeburn Road.
- A 14-foot setback along Closeburn Road measured from the back of the proposed curb.
- A 29-foot setback along Fairview Road measured from the back of the existing curb or 24 feet as measured from the back of the proposed curb.
- Access to the site will be provided via private driveways on Fairview Road and Closeburn Road.
- Access to each unit will be from an internal private drive or alley.
- Building materials will consist of brick, stone, precast stone, synthetic stone, cementitious siding, stucco, EIFS, decorative metal panels, and decorative block and/or wood.
- A minimum 65 percent of the exterior of each building, exclusive of windows, doors and roofs, will be constructed of brick, stone, precast stone, decorative block, or stucco. Accent portions of the roofs on the buildings will be constructed utilizing architectural shingles while portions of the roofs may also be constructed utilizing metal materials.
- Vinyl siding is prohibited as an exterior building material except for windows, soffits, garage doors and handrails/railings.
- Units abutting Closeburn Road will be oriented so that front doors of units front the street.
- Units abutting Fairview Road will be constructed so the either front doors or the side of the units will be oriented toward the street. The rear of units or garages may not be oriented toward Fairview Road or Closeburn Road.
- Front, side and rear building elevations have been included.
- A six-foot sidewalk will be provided along Closeburn Road and Fairview Road. An eight-foot planting strip will be provided along Closeburn Road and a 13-foot planting strip will be provided along Fairview Road.
- A 15-foot wide landscaped area will be provided abutting existing residential zoning and/or land use to the side and rear of the site. This landscaped area will provide four trees per 100 linear feet and a variety of evergreen and deciduous shrubs at a rate of 10 shrubs per 100 linear feet. Area may contain a sidewalk and be used to meet the private open space requirement.
- Each unit will be connected to the sidewalks along public streets via a minimum five-foot sidewalk.

- Pocket park improved with landscaping and seating areas.
- Up to 50 feet of right-of-way from the centerline of Fairview Road will be dedicated to the City of Charlotte.
- Construction traffic from and to the site and deliveries of construction materials to use Fairview Road to access the site.
- A pedestrian refuge island will be constructed in the existing landscape median on Fairview Road near the intersection of Closeburn Road.
- Above ground backflow preventers and transformers will be located internally and not in the proposed setbacks.
- Providing peak flow control for the 100-year, six-hour storm run-off from the developed site to the predevelopment peak flow rate. Petitioner may perform a 100-year storm no rise analysis of the site to demonstrate that the additional peak control for the 100-year storm event is not needed.
- Detached lighting will be limited to 15 feet in height.
- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends residential land uses at this location.
 - The *General Development Policies* (GDP) (2003) support residential densities up to 17 units per acre.

Assessment Criteria	Density Category - up to 17 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium)
Connectivity Analysis	3 (Medium)
Road Network Evaluation	1 (Yes)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	Total Points: 13

- The proposed request is consistent with the *South District Plan* and the *General Development Policies*.

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

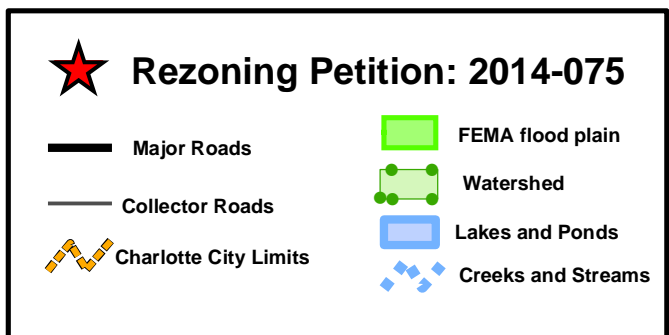
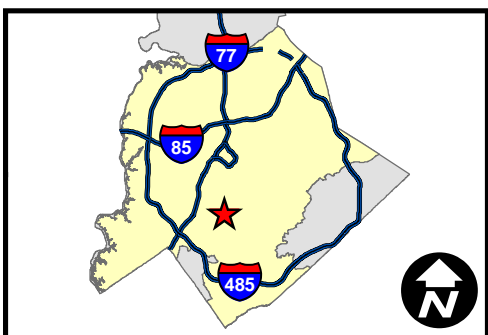
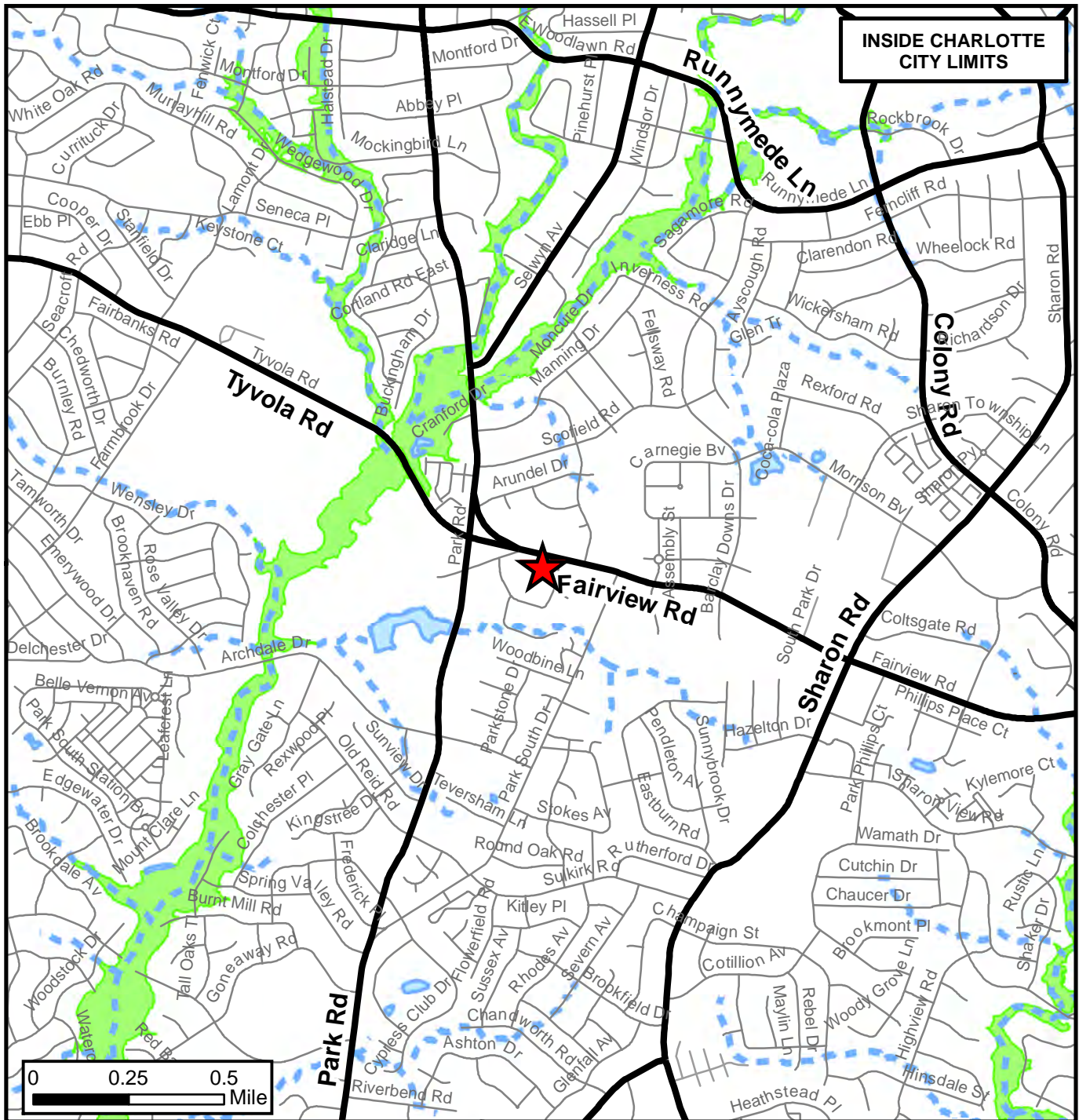
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- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Sonja Sanders (704) 336-8327

Petition #: **2014-075**

Vicinity Map

Acreage & Location : Approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive.



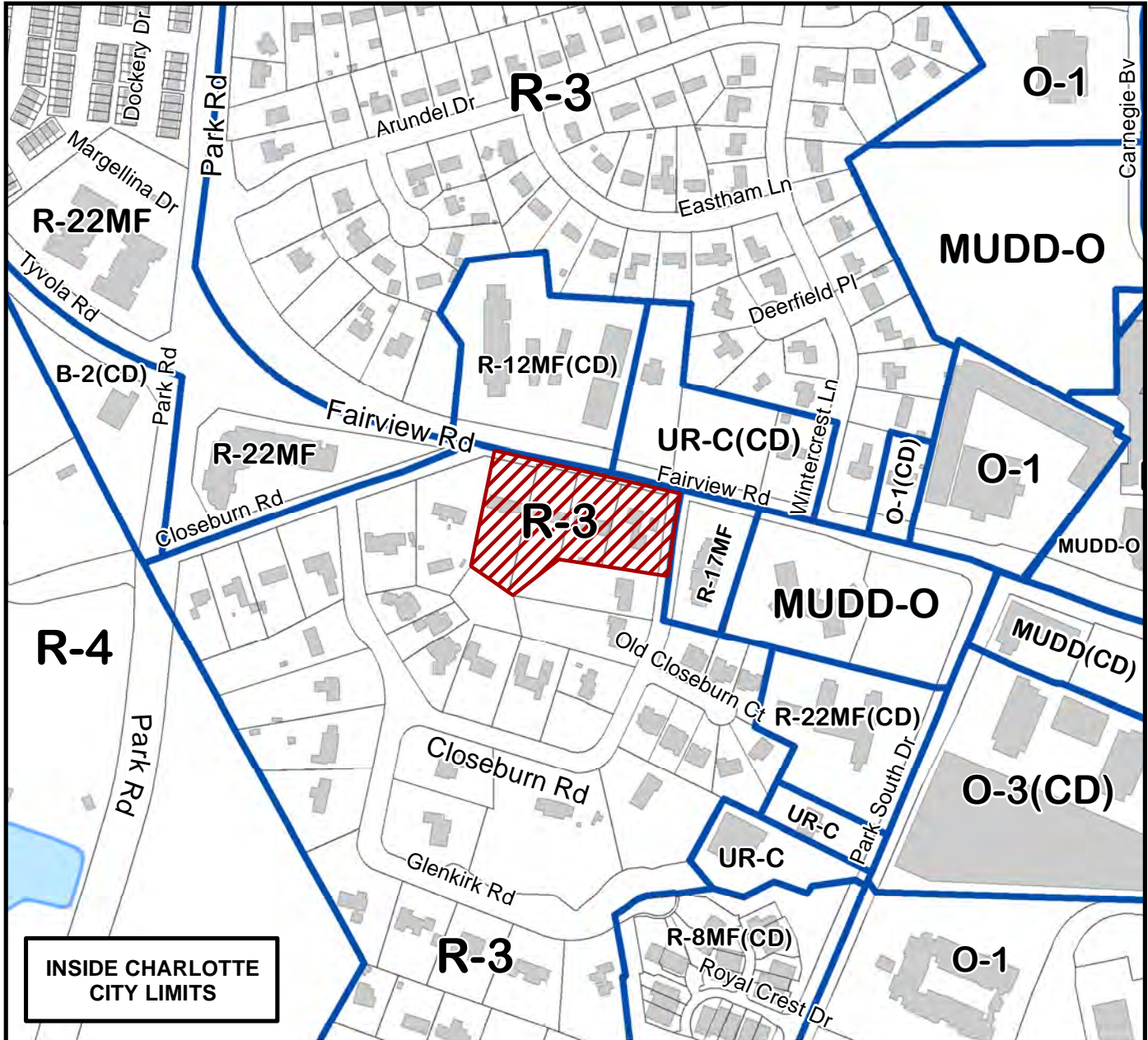
Petition #: **2014-075**

Petitioner: **Crossroads Realty Group, LLC**

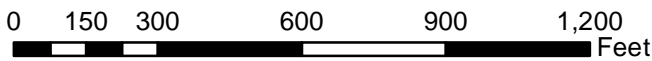
Zoning Classification (Existing): **R-3**
(Single Family, Residential)

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

Acreage & Location: Approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive.

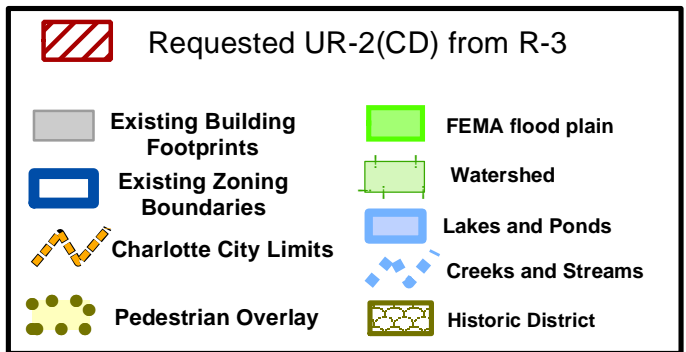


Map Produced by the Charlotte-Mecklenburg Planning Department, 6-27-2014.



Zoning Map #(s)

135



Site Development Data:

- Acreage: ± 2.60 acres
- Tax Parcel #: 171-251-01, 02, 03 and 04
- Existing Zoning: R-3
- Proposed Zoning: UR-2(CD)
- Existing Uses: Three detached dwellings and a duplex.
- Proposed Uses: Up to 27 attached dwelling units together with accessory uses, as allowed in the UR-2 zoning district.
- Maximum Building Height: Not to exceed three (3) stories or 45 feet, building height will be measured as defined by the Ordinance.
- Parking: A minimum of 2.0 parking spaces per unit will be provided.

Fairview at Closeburn Townhomes



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Charlotte, NC 28241 Fort Mill, SC 29708
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CLIENT



Pulte Group
11121 Carmel Commons Boulevard, Suite 450
Charlotte, NC 28226

PROJECT

Fairview at Closeburn

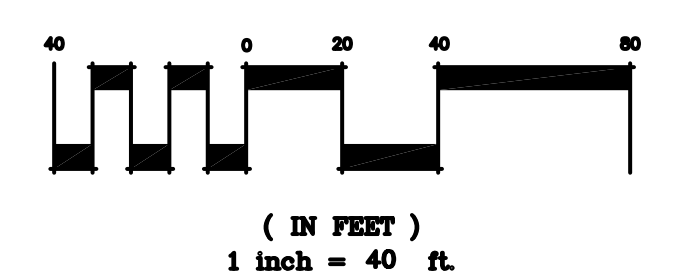
SHEET TITLE

TECHNICAL DATA SHEET

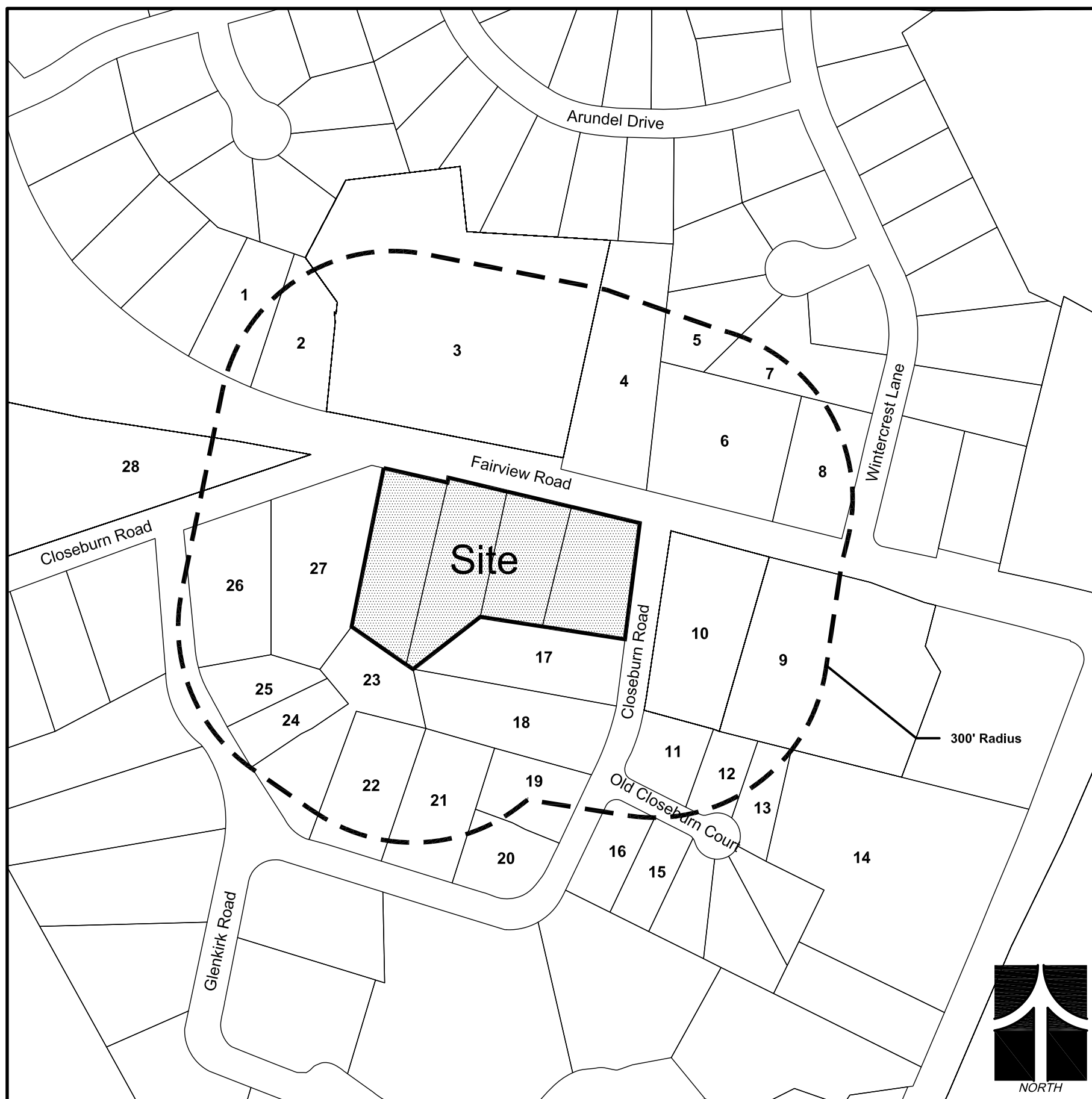
Petition 2014-075 "For Public Hearing"

PROJECT LOCATION CHARLOTTE, NC

GRAPHIC SCALE



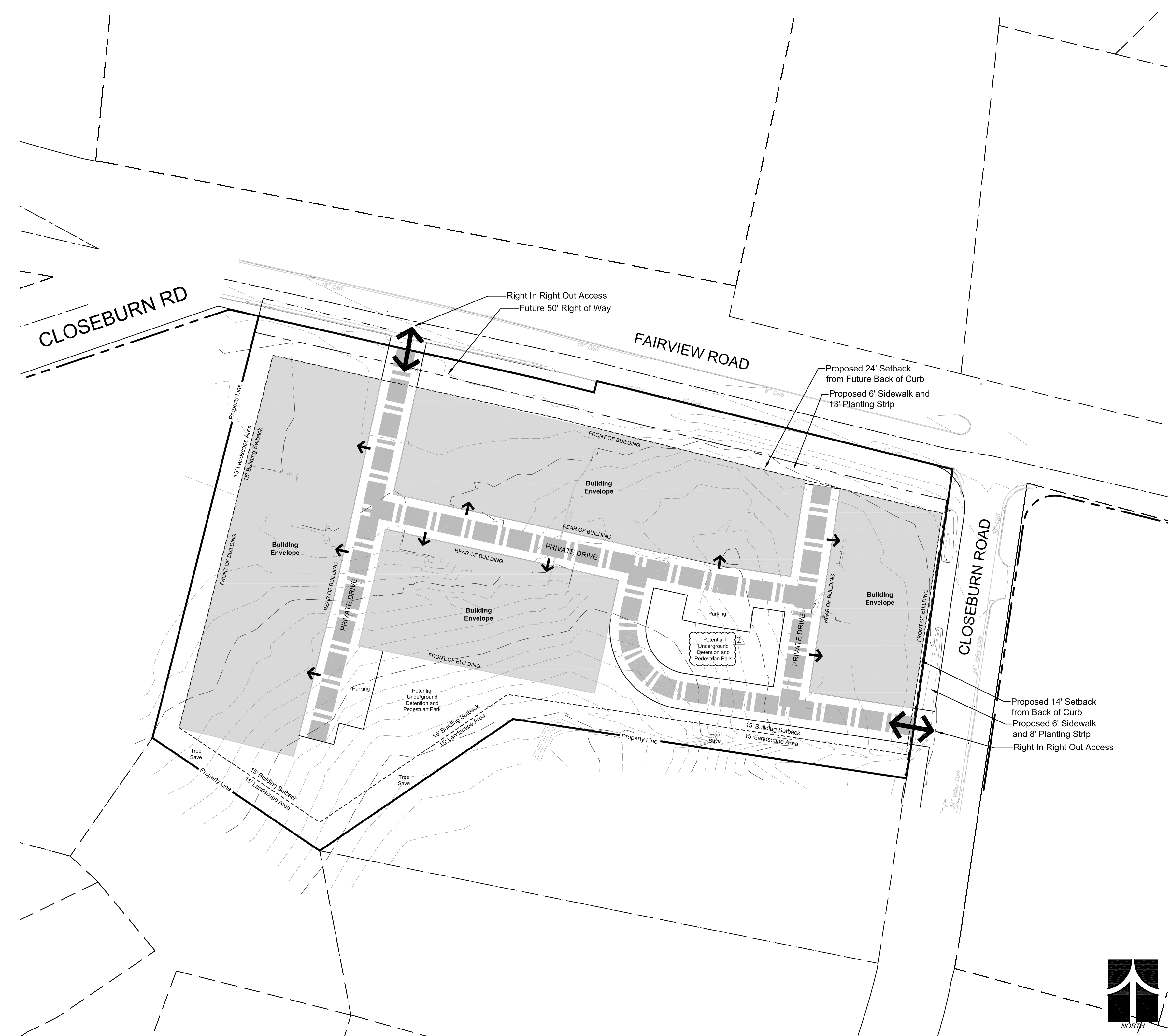
PROJECT NO	BT26.101		
DRAWING	BT26 - Fairview Closeburn - MAST.dwg		
DATE	10-17-2014		
DRAWN BY	KAI		
CHECKED BY	ML		
ESP / CLIENT REVISION			
NO.	DATE	BY	REVISION
1	10/17/14	KAI	Revisions per staff comments
2	11/20/14	GW	Revisions per staff comment
AGENCY / SUBMITTAL REVISION			
NO.	DATE	BY	REVISION



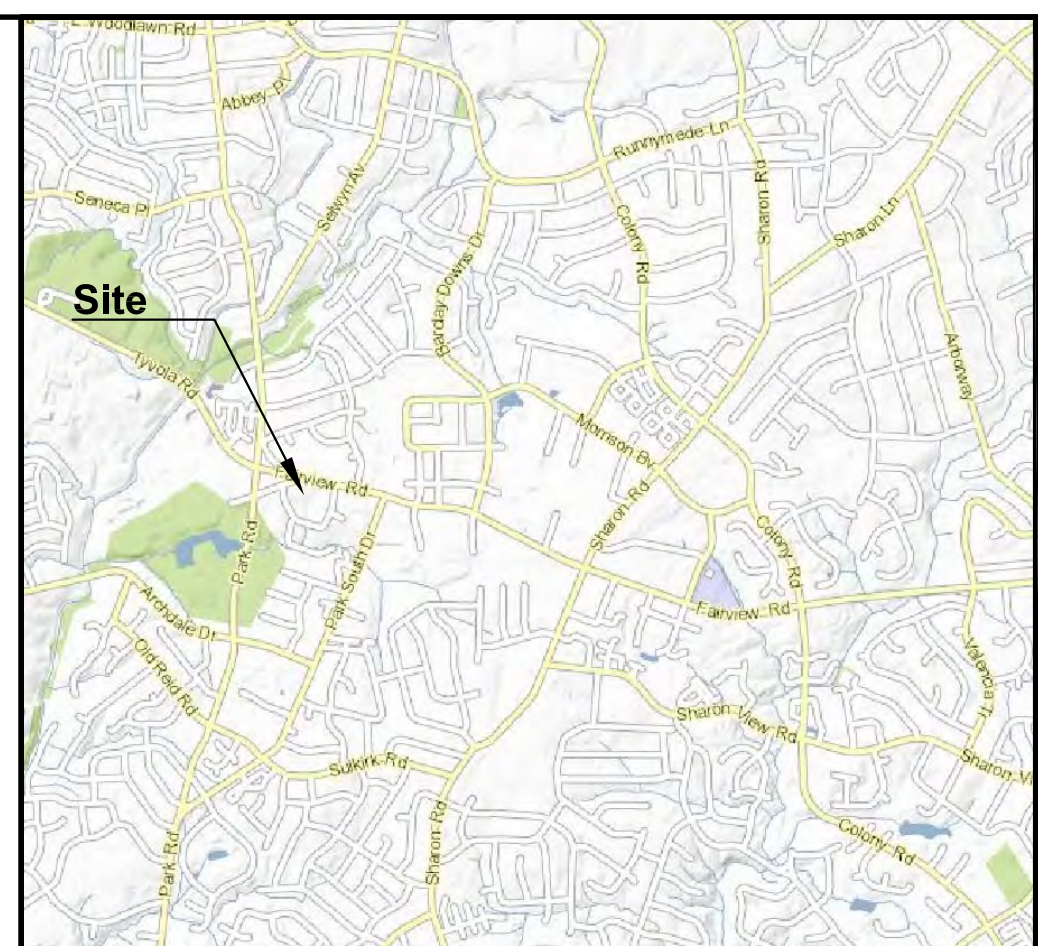
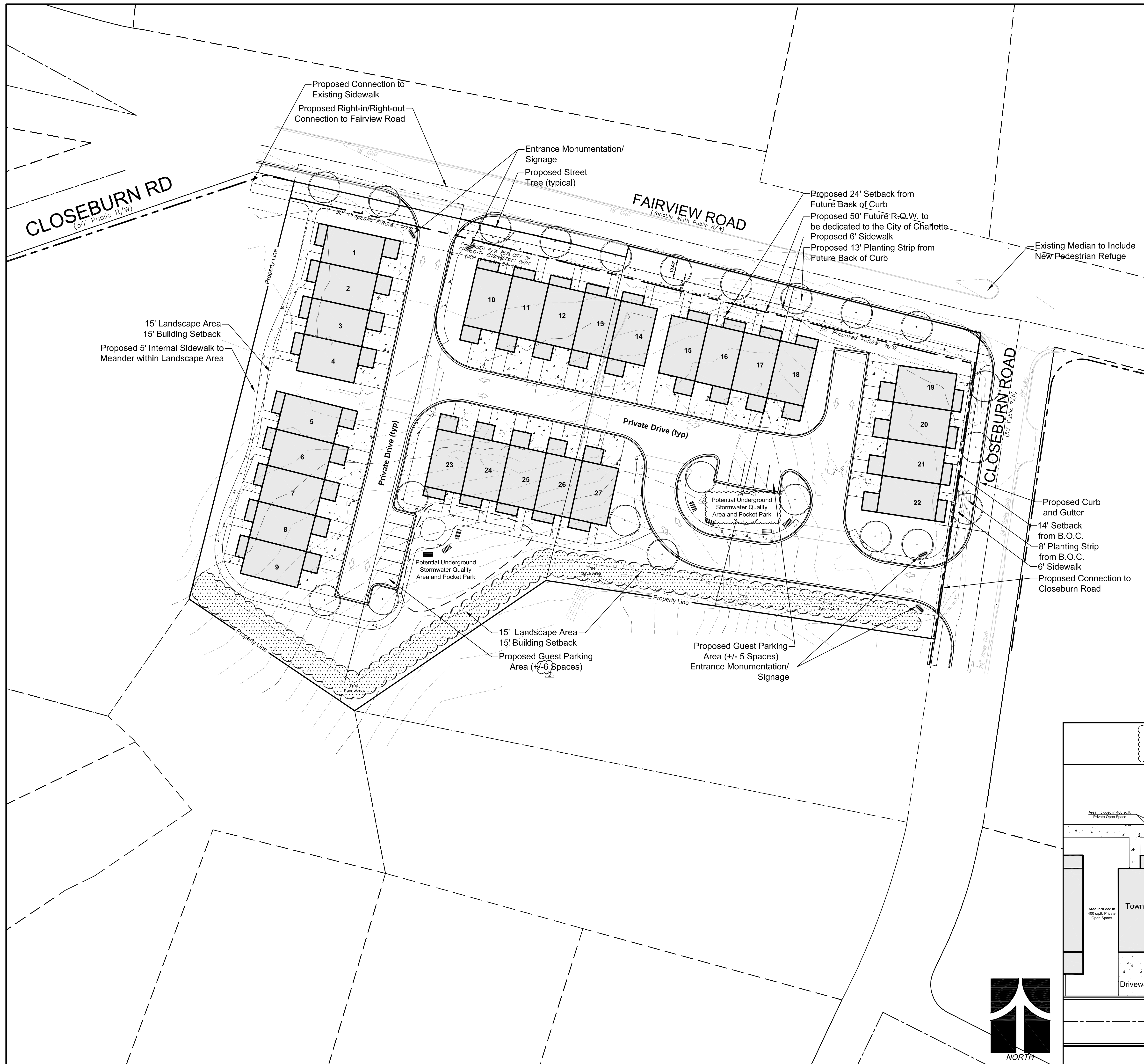
Vicinity Map
1" = 200'

List of Adjacent Parcels & Zoning:

- | | | | |
|---|--|---|---|
| 1. PIN: 17705305
ZONING: R-3
JOSEPH H III DILLON 5547
FAIRVIEW RD CHARLOTTE,
NC 28209 | 8. PIN: 17705311
ZONING: UR-C (CD)
PETER BURLOS 5727 FAIRVIEW
RD CHARLOTTE, NC 28209 | 15. PIN: 17125297
ZONING: R-3
KEVIN L DAGENHART 3314
OLD CLOSEBURN CT
CHARLOTTE, NC 28210 | 22. PIN: 17125108
ZONING: R-3
RICHARD O STILLWELL 5605
CLOSEBURN RD CHARLOTTE,
NC 28210 |
| 2. PIN: 17705336
ZONING: R-3
JOSEPH H III DILLON 5547
FAIRVIEW RD CHARLOTTE, NC
28209 | 9. PIN: 17125215A
ZONING: MUD-D
HOUSING AUTHORITY CITY OF
CHARLOTTE PO BOX 36795
CHARLOTTE, NC 28202 | 16. PIN: 17125218
ZONING: R-3
THOMAS D WILSON 3308 OLD
CLOSEBURN CT CHARLOTTE,
NC 28210 | 23. PIN: 17125124
ZONING: R-3
GREGORY J FINNICAN 4525
HEDGEMORE DR CHARLOTTE,
NC 28209 |
| 3. PIN: 17705401
ZONING: R-12 MF (CD)
WILLIAM EVANS 5609 FAIRVIEW
RD #1 CHARLOTTE, NC 28209 | 10. PIN: 17125242
ZONING: R-17MF
LAMOUNT R BURNS 5730
CLOSEBURN RD APT A
CHARLOTTE, NC 28210-3038 | 17. PIN: 17125112
ZONING: R-3
LIFE ESTATE TAMMI RENEE
GILBERT 5731 CLOSEBURN RD
CHARLOTTE, NC 28210 | 24. PIN: 17125123
ZONING: R-3
TRINA CLARK SMITH 5531
CLOSEBURN RD CHARLOTTE,
NC 28210 |
| 4. PIN: 17705335
ZONING: UR-C (CD)
PRAIRIE, LLC LITTLE HOUSE ON
THE PO BOX 36799
CHARLOTTE, NC 28236-4799 | 11. PIN: 17125291
ZONING: R-3
JEFFREY SCOTT
LOWERY 3309 OLD CLOSEBURN
CT CHARLOTTE, NC 28210 | 18. PIN: 17125111
ZONING: R-3
CLIFFORD E HEMINGWAY 5615
CLOSEBURN RD CHARLOTTE,
NC 28210 | 25. PIN: 17125122
ZONING: R-3
KEVIN MUELLER 5523
CLOSEBURN RD CHARLOTTE,
NC 28210 |
| 5. PIN: 17705315
ZONING: R-3
JAMES Z KEESLER 3000
DEERFIELD PL CHARLOTTE,
NC 28209 | 12. PIN: 17125292
ZONING: R-3
JEFFREY G GORE 3317
OLD CLOSEBURN CT
CHARLOTTE, NC 28210 | 19. PIN: 17125110
ZONING: R-3
CLIFFORD E HEMINGWAY 5615
CLOSEBURN RD CHARLOTTE,
NC 28210 | 26. PIN: 17125106
ZONING: R-3
CHARLOTTE P PARKER 5501
CLOSEBURN RD CHARLOTTE,
NC 28210 |
| 6. PIN: 17705309
ZONING: UR-C (CD)
MIRSA 2 LLC 3452 SHARON RD
CHARLOTTE, NC 28211 | 13. PIN: 17125293
ZONING: R-3
WILLIAM J DAUSKA 3321 OLD
CLOSEBURN CT CHARLOTTE,
NC 28210 | 20. PIN: 17125113
ZONING: R-3
PORTER B BYRUM PO BOX
11795 CHARLOTTE, NC 28220
NC 28210 | 27. PIN: 17125105
ZONING: R-3
MARION W MCGAHA 5600
FAIRVIEW RD CHARLOTTE,
NC 28209 |
| 7. PIN: 17705312
ZONING: R-3
DOROTHY J BRIDGEMAN 5814
WINTERCREST LN
CHARLOTTE, NC 28209 | 14. PIN: 17125213
ZONING: R-2(MF) (CD)
HCP PC1 NORTH CAROLINA
LLC PO BOX 847 CARLSBAD,
CA 92018 | 21. PIN: 17125109
ZONING: R-3
CLIFFORD E HEMINGWAY 5615
CLOSEBURN RD CHARLOTTE, NC
28210-3007 | 28. PIN: 17124302
ZONING: R-22MF
AURELIA W ERWIN 5425
CLOSEBURN RD UNIT 101
CHARLOTTE, NC 28210 |



Schematic Plan
1" = 40'



Vicinity Map
Not to Scale

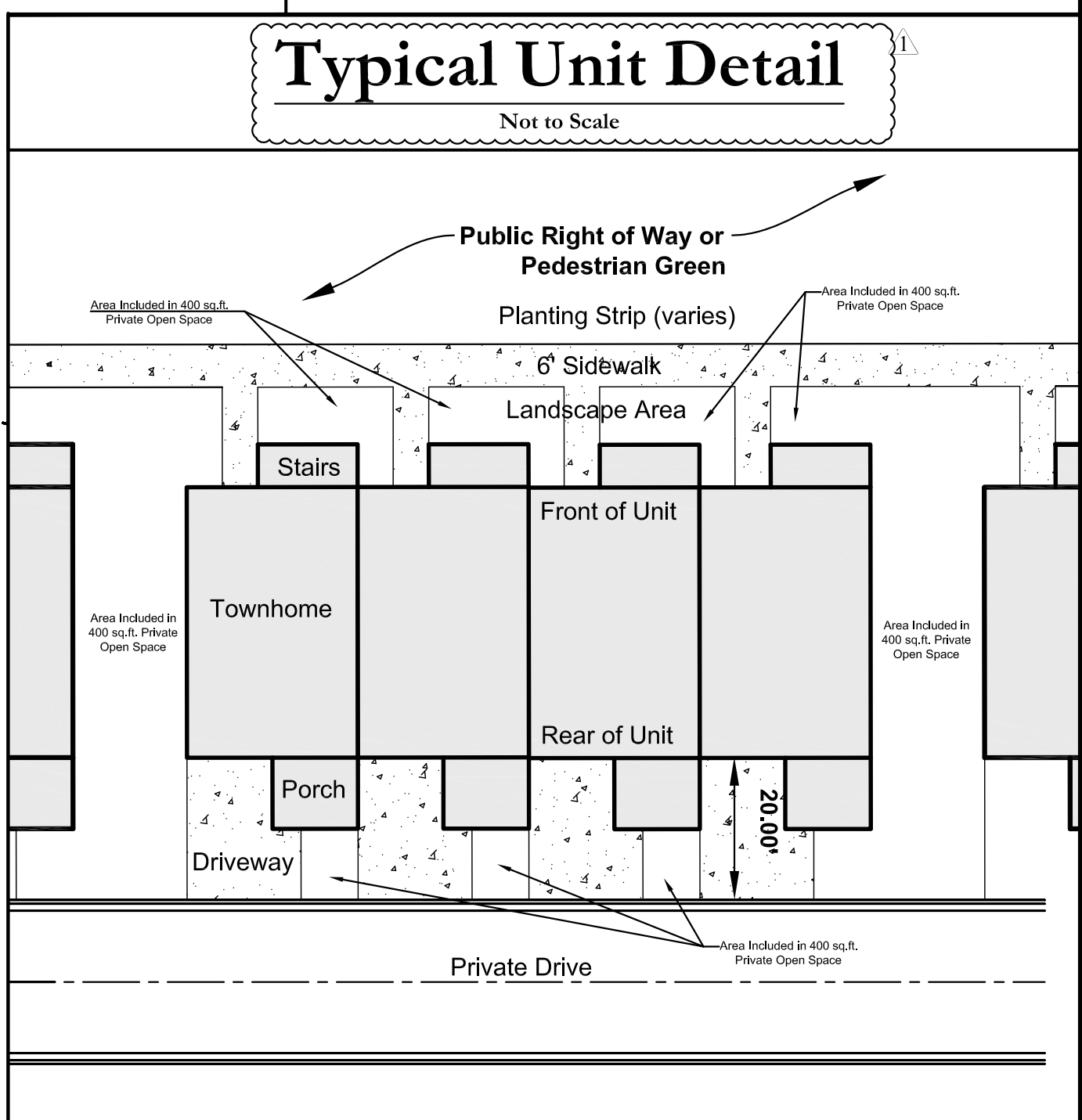
Site Development Data:

- Acreage: ± 2.60 acres
- Tax Parcel #: 171-251-01, 02, 03 and 04
- Existing Zoning: R-3
- Proposed Zoning: UR-2(CD)
- Existing Uses: Three detached dwellings and a duplex.
- Proposed Uses: Up to 27 attached dwelling units together with accessory uses, as allowed in the UR-2 zoning district.

Maximum Building Height: Not to exceed three (3) stories or 45 feet, building height will be measured as defined by the Ordinance.

Parking: A minimum of 2.0 parking spaces per unit will be provided.

General Notes:
1. Base information obtained from site survey prepared by R.B. Pharr & Associates, P.A. dated February 5, 2014.



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engineering • surveying • planning
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Charlotte, NC 28241 Fort Mill, SC 29708
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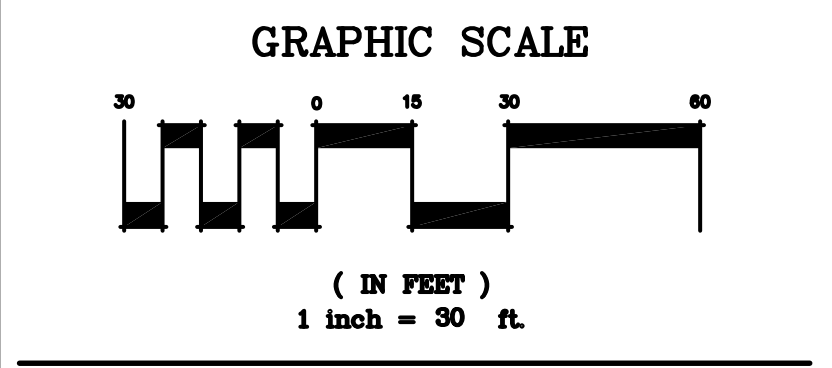
Pulte Group
11121 Carmel Commons Boulevard, Suite 450
Charlotte, NC 28226

Fairview at Closeburn

CONCEPTUAL SITE PLAN

Petition 2014-075
"For Public Hearing"

PROJECT LOCATION CHARLOTTE, NC



PROJECT NO BT26.101
DRAWING BT26 - Fairview Closeburn - MAST.dwg
DATE 10-17-2014
DRAWN BY KAI
CHECKED BY ML
ESP / CLIENT REVISION

NO.	DATE	BY	REVISION
1	10/17/14	KAI	Revisions per staff comments
2	11/20/14	GW	Revisions per staff comment

AGENCY / SUBMITTAL REVISION

NO.	DATE	BY	REVISION



Conceptual Architectural Front Elevation
Facing Fairview Road, Closeburn Road and Pedestrian Parks



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CLIENT



Pulte Group
11121 Carmel Commons Boulevard, Suite 450
Charlotte, NC 28226

PROJECT

**Fairview at
Closeburn**

SHEET TITLE

**CONCEPTUAL
ARCHITECTURAL
ELEVATIONS**

Petition 2014-075
"For Public Hearing"

PROJECT LOCATION CHARLOTTE, NC

PROJECT NO. B726.101

DRAWING B726 - Fairview Closeburn - MAST.dwg

DATE 10-17-2014

DRAWN BY KAI

CHECKED BY ML

ESP / CLIENT REVISION

NO.	DATE	BY	REVISION
1	10/17/14	KAI	Revisions per staff comments
2	11/20/14	GW	Revised per staff comments

AGENCY / SUBMITTAL REVISION

NO.	DATE	BY	REVISION



Conceptual Architectural Rear Elevation
Along Alleys / Private Drives



Conceptual Architectural Side Elevation
Along Fairview Road / Pedestrian Parks

Note: Conceptual Schematic Architectural Renderings intended to depict the general conceptual architectural style, character, and elements of the buildings.

REQUEST	Current Zoning: UMUD (uptown mixed use) Proposed Zoning: UMUD-O (uptown mixed use, optional)
LOCATION	Approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow all uses permitted in the UMUD (uptown mixed use) district and requests optional site modifications.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Crescent Resources, LLC and CLT Development, LLC Crescent Communities, LLC Collin Brown and Bailey Patrick, Jr., K&L Gates
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2
STATEMENT OF CONSISTENCY	<p>This petition is found to be consistent with the <i>Charlotte Center City 2020 Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • <i>Charlotte Center City 2020 Plan</i> recognizes Center City as the central economic engine and diversified employment hub of the region, and encourages enhancement of the pedestrian environment through use of visual improvements as one means to identify, support, and retain retail and business activities; and • The subject property will complete the Tryon Mall on the southern side of Tryon Street. <p>Therefore, this petition is found to be and to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The subject property will complete the Tryon Mall on the southern side of Tryon Street; and • The subject property will comply with the majority of the Tryon streetscape elements designed to provide uniformity through the area and tie together the various architectural styles and unique urban spaces; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Eschert seconded by Commissioner Labovitz).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended optional requests under Notes 2A and 2B to specify the need for and proposed use of the signage options requested, as follows: <ol style="list-style-type: none"> (a) This signage shall be limited to building identification, tenant identification, and artistic/civic/cultural displays or messages. Off-premises signs and outdoor advertising signs shall not be permitted. 2. Deleted optional request under Note 2C to allow deviations from the paving system requirements established under Section 9.906(2) (a) of the Ordinance. 3. Amended Notes 2A and 2B to specify that off-premises signs and outdoor advertising signage shall not be permitted. 4. Deleted optional request under Note 2D to allow deviations from the street tree standards established under Section 9.906(2) (g) of the Ordinance. 5. Amended optional request Note 2C to delete the following: "unless otherwise approved by the Planning Director, the temporary retail
------------------------------------	--

	<p>vendor zones may accommodate, but shall not be limited to push-carts, tents, stands, tables, wagons and trailers.”</p> <ol style="list-style-type: none"> 6. Amended optional request Note 2C to state any vendors within the retail vendor zone must comply with any applicable street vendor ordinances or policies. 7. Deleted vendor structures shown on Sheet RZ-09. 8. Amended optional request Note 2F to specify the following: <ol style="list-style-type: none"> (a) This reduced setback shall only apply to an approximately 270 foot portion of the site’s Stonewall Street frontage measured from the back of curb on the south side of Tryon Street and extending in a southerly direction down Stonewall Street. Portions of the site’s Stonewall Street frontage beyond this area must comply with standard Ordinance provisions. (b) Walls within the reduced setback area shall incorporate plantings, integrated seating, or other features to stimulate pedestrian interest; all as generally depicted on RZ-03 through RZ-05 and RZ-09. Additionally, such walls shall be made of decorative architectural precast or stone or other natural materials, or a combination thereof. 9. Addressed CDOT comments by amending optional requests. 10. Added Note 2E as follows: Deviations from the street right-of-way and streetscape requirements established under Section 9.906(i2) (f) of the Ordinance to remove the requirement to provide furniture or benches within the right-of-way along the site’s Tryon Street frontage.
--	--

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an update of the petition, noting that there are no outstanding issues. Staff noted the petition is consistent with the *Charlotte Center City 2020 Plan*. A committee member commented that the project will provide an excellent gateway into the city. 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:

- Allows all uses permitted in the UMUD (uptown mixed use) district.
- Site will comply with UMUD requirements set forth in the zoning ordinance, with the exception of optional requests.
- Optional provisions requested include:
 - Two attached electronic signs (video or LED screen) with a maximum size of 300 square feet each.
 - Up to 3,000 square feet of wall signage per street frontage (in addition to any approved electronic signs).
 - Temporary retail vendor zones, within the right-of-way or setback, subject to the approval of any necessary encroachment agreements. Retail vendor zones shall be allowed only in the locations specified on the Technical Data Sheet. Any vendors within the retail vendor zone must comply with any applicable street vendor ordinances or policies.
 - Reduced setback of 14 feet for an approximately 270-foot portion of the site’s frontage on

Stonewall Street measured from the back of curb on the south side of Tryon Street and extending in a southerly direction down Stonewall Street. Portions of the site's Stonewall Street frontage beyond this area must comply with the standard ordinance provisions. Walls within the reduced setback area shall incorporate plantings, integrated seating, or other features to stimulate pedestrian interest. Such walls shall be made of decorative architectural precast or stone or other natural materials, or a combination thereof.

- Deviations from the street right-of-way and streetscape requirements established under Section 9.906(i2)(f) of the ordinance to remove requirement to provide furniture or benches within the right-of-way along the site's Tryon Street frontage.
 - Deviations from urban open space seating and tree requirements established under Sections 9.906(4)(d) and (e) to remove prescribed seating and tree requirements within any non-required, non-public open space areas. Standard seating and tree requirements will be met within portions of the urban open space required to meet the minimum UMUD urban open space requirement.
 - 50 percent reduction in the number of required loading spaces.
 - **Public Plans and Policies**
 - *Charlotte Center City 2020 Plan* (2011) recognizes Center City as the central economic engine and diversified employment hub of the region, and encourages enhancement of the pedestrian environment through use of visual improvements as one means to identify, support, and retain retail and business activities.
 - The subject property will complete the Tryon Mall on the southern side of Tryon Street. The Tryon streetscape elements have been met by all new development along the mall. The required pavers and trees provide uniformity throughout the area and tie together the various architectural styles and unique urban spaces.
 - The petition is consistent with the *Charlotte Center City 2020 Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

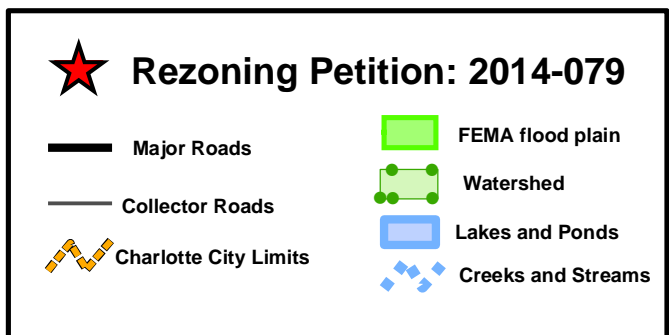
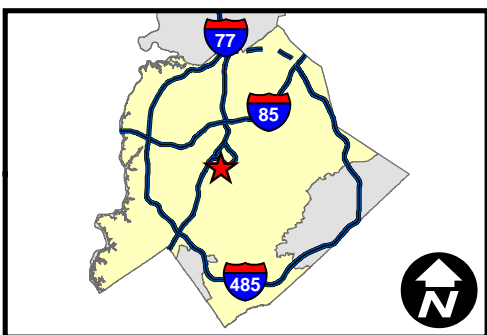
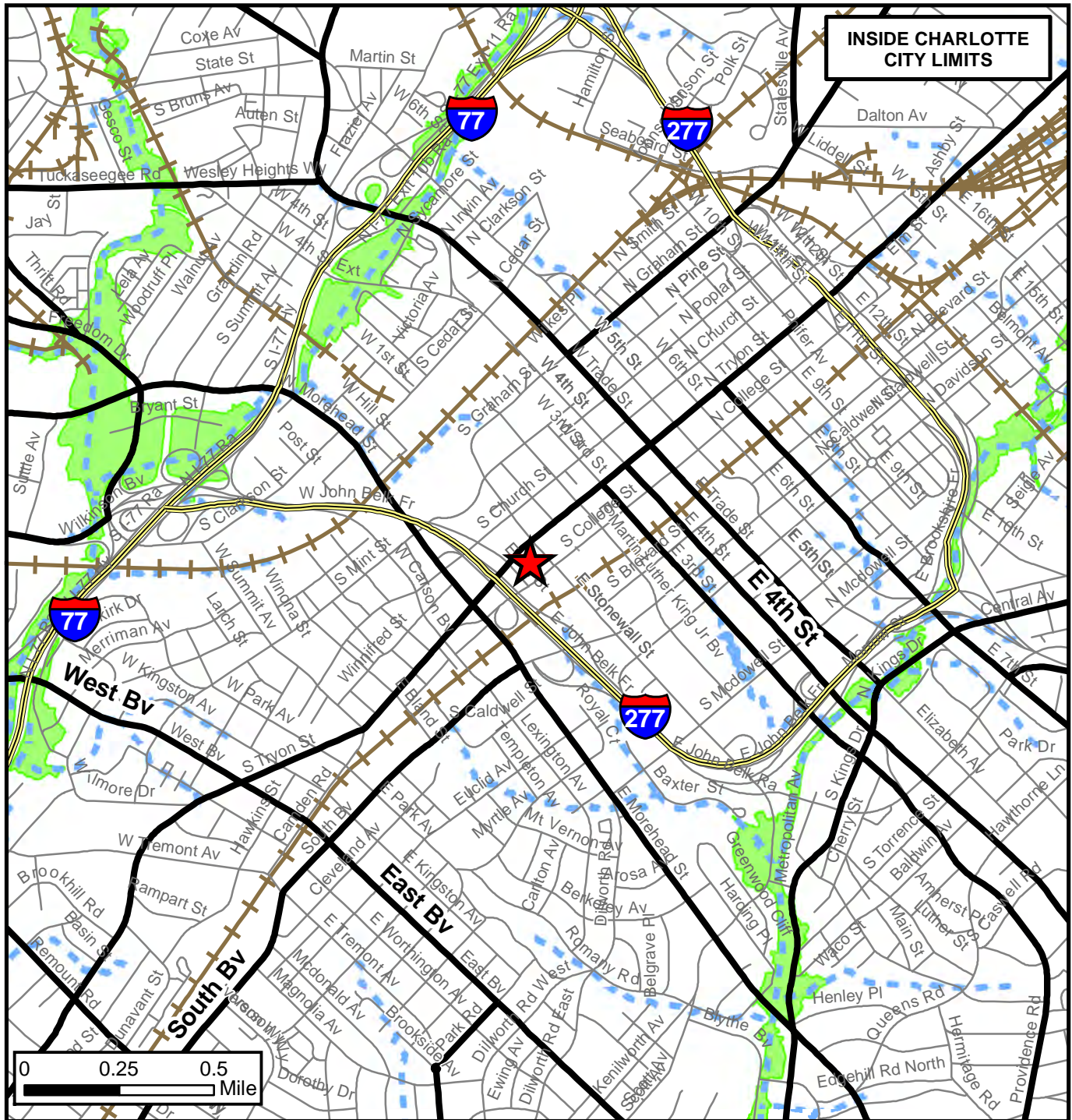
OUTSTANDING ISSUES

- No issues.
-

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

Planner: Sonja Sanders (704) 336-8327

Acres & Location : Approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street.



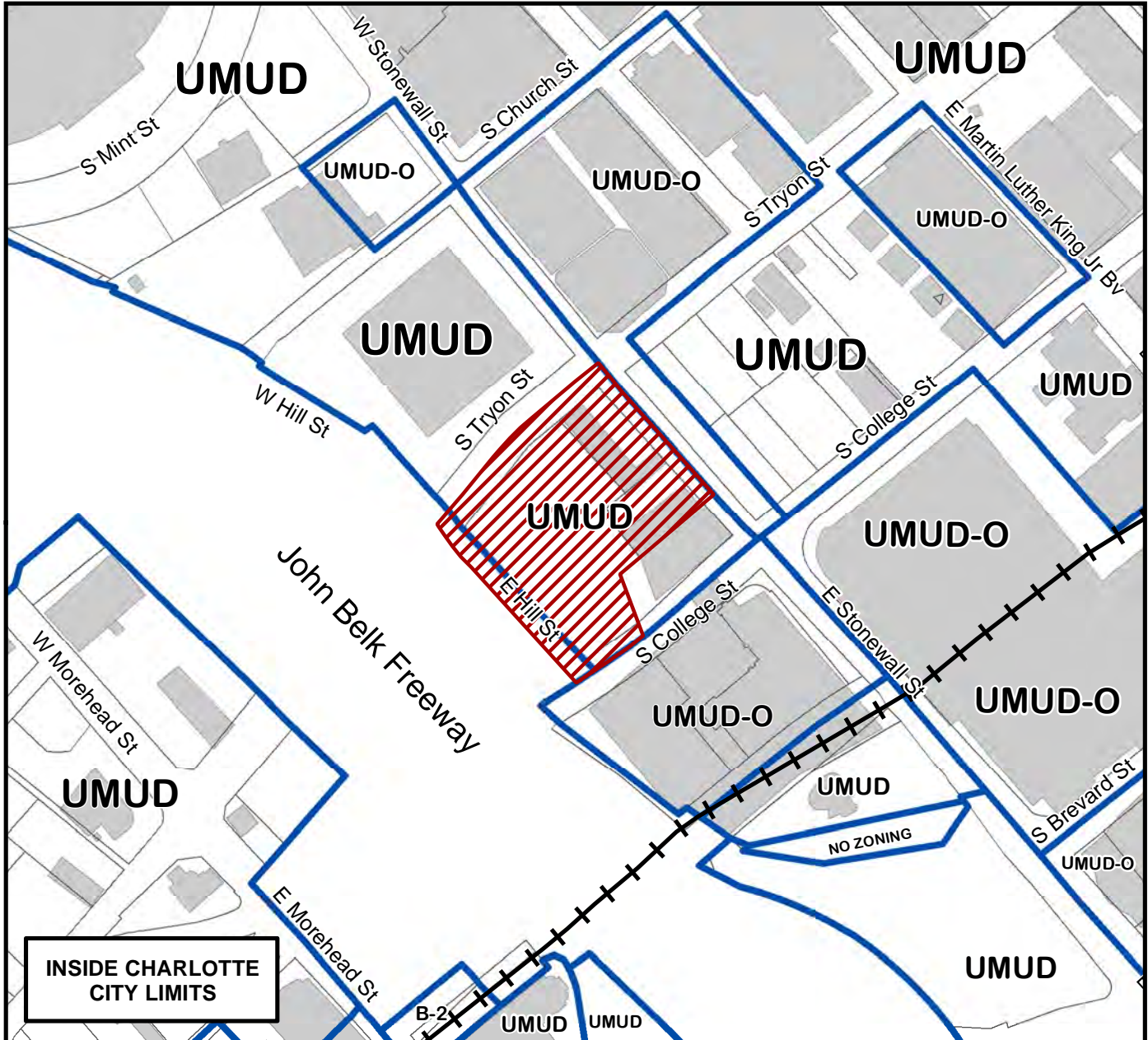
Petition #: **2014-079**

Petitioner: **Crescent Communities, LLC**

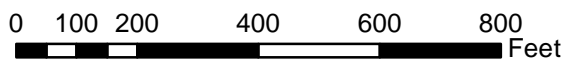
Zoning Classification (Existing): **UMUD**
(Uptown Mixed Use District)

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

Acreage & Location: Approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street.

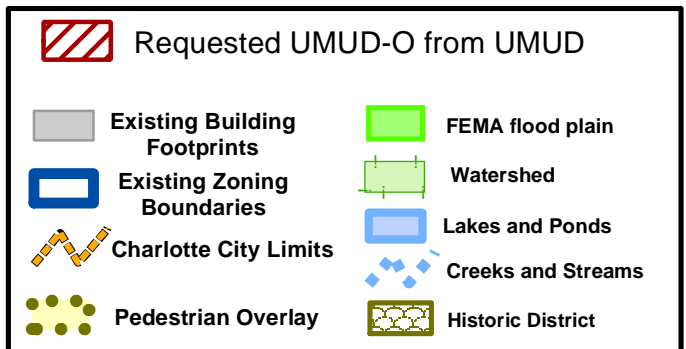


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-2014.



Zoning Map #(s)

102



ISSUE FOR
Rezoning Petition 2014-079

ISSUE DATE
06/19/14

NO.	REASON	DATE
1	PER REVIEW COMMENTS	10.17.14
2	PER REVIEW COMMENTS	11.21.14

PROJECT TEAM

PRINCIPAL IN CHARGE
EDDIE PORTIS, AIA, LEED® AP BD-C

PROJECT MANAGER
FRANK DEBOLT, AIA, LEED® AP BD-C

PROJECT ARCHITECT
CHRISTOPHER HOYT, AIA

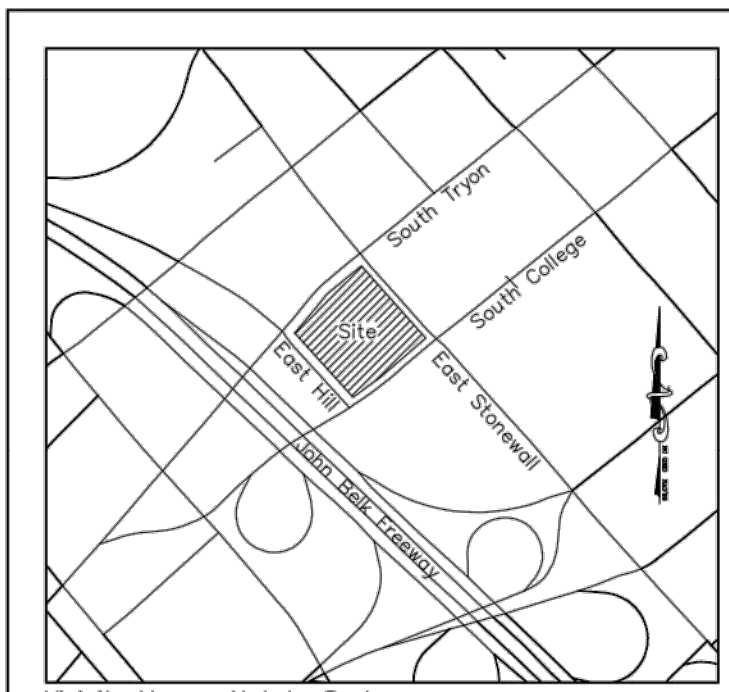
TRYON PLACE
OFFICE

601 SOUTH TRYON
CHARLOTTE, NC

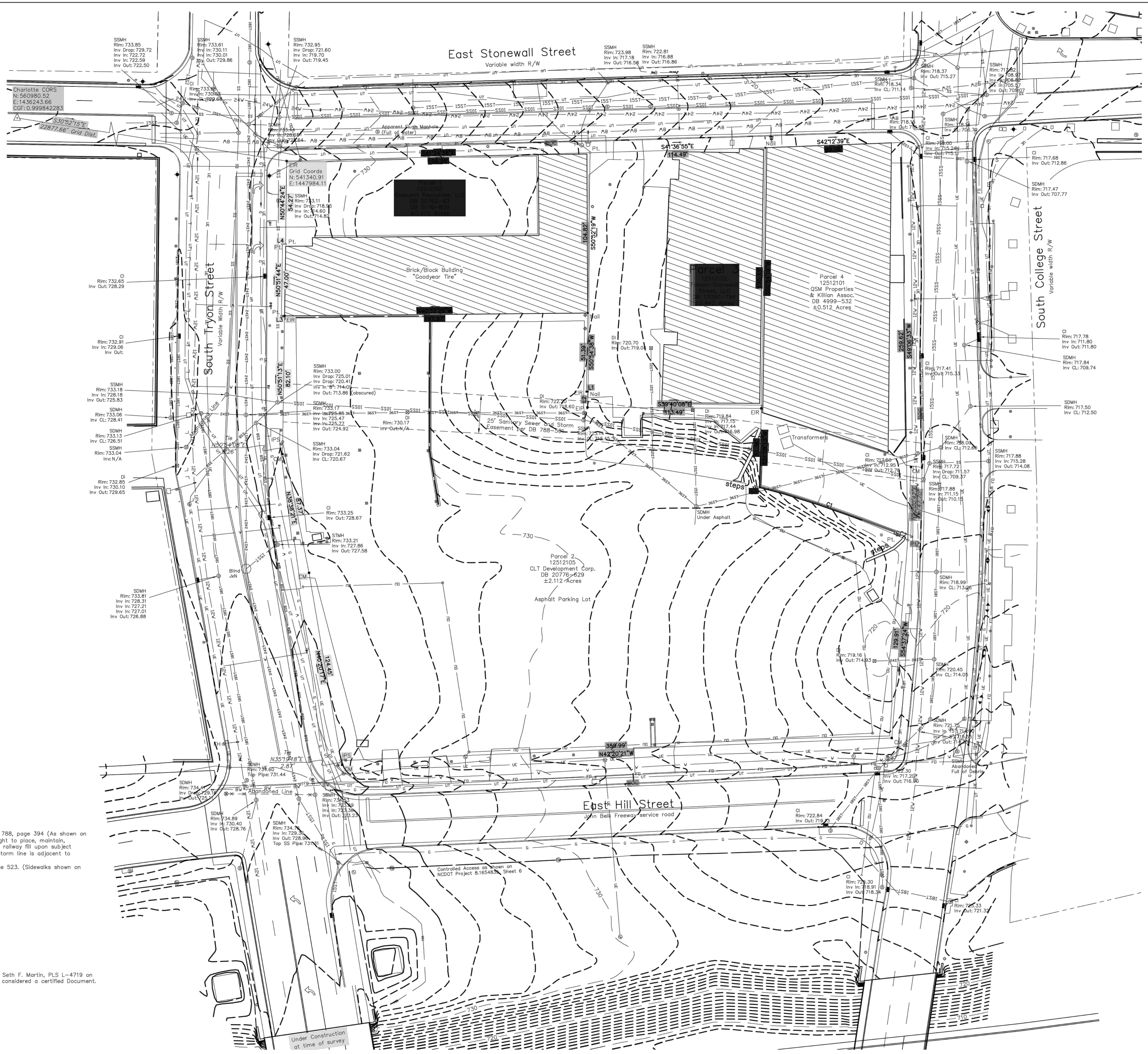
PROJECT NO.
132.9153.00

SHEET TITLE
EXISTING CONDITIONS
LDSI SURVEY

SHEET NUMBER
RZ-00



- Vicinity Map - Not to Scale
- Legend
- EIP Existing Iron Pin
 - IPS Iron Pin Set (#5 Rebar)
 - CM Concrete Monument
 - PT Calculated Point
 - LT Light Pole
 - OU Overhead Utility
 - F Fence Line
 - GL Gas Line
 - UT Underground Telephone
 - FO Fiber Optic
 - S Sign
 - SMH Sanitary Manhole
 - STM Storm Manhole
 - EM Electric Manhole
 - CI Curb Inlet
 - DI Drain Inlet
 - FH Fire Hydrant
 - WM Water Meter
 - WV Water Valve
 - GV Gas Valve
 - BOC Back of Curb
 - EOP Edge of Pavement
 - R/W Right-of-Way
 - N/F Now or Formerly
 - DB Dead Book
 - MB Map Book
 - CGF Combined Grid Factor



- Notes:
1. Deed Reference(s) - DB 5176-809; DB 20776-629; unrecorded Final plat of 601 S. Tryon by ESP Associates last revised 8/9/2006; unrecorded map by Reece F. McFarle RLS dated 7/4/1989; unrecorded map by Spratt-Seaver, Inc. last revised 1/20/81; DB 17097-794; DB 4999-532
 2. Tax Parcel ID - 12512103; 12512105; 12512102; 12512101
 3. Current Owner - Faison-Stonewall Street, LLC
 4. All bearings are NC Grid bearings.
 5. All distances are shown horizontal.
 6. Grid distance = Horizontal distance x Combined Grid Factor (0.999842283)
 7. Area, as determined by coordinate computation
 8. Parcel 3 - 80.442 Acres
 9. Area, as determined by coordinate computation
 10. This property is not located in a special Flood Hazard Area as determined by the Department of Housing and Urban Development - Reference Community Panel Number: 3701590186E Dated: 2/04/2004
 11. The North Carolina Grid Coordinates shown on this map were derived by static differential GPS observations using Trimble 4700 Receivers and processed using Online Positioning User Service.
 12. The location of underground utilities shown on this map are approximate, based on information provided by others or by field location. Utility locations as shown hereon are intended for planning only. Actual location, size or depth of line should be verified with the individual utility company before construction.

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	95.13	605.40	95.03
C2	7.69	167.00	7.69

LINE TABLE			
LINE	LENGTH	BEARING	
L1	0.88	S41°57'48"E	
L2	10.27	S51°03'22"W	
L3	2.03	N40°32'29"W	
L4	2.00	S39°08'16"E	

Schedule B Section II - Exceptions
Commitment No.: 12-13980CH

As to parcel 3:
5. Rights of way to City of Charlotte recorded in Book 788, page 394 (As shown on survey); and Book 809, page 501. (Provides City the right to place, maintain, deposit earth, ballast or other material necessary for a railway fill upon subject parcel; Exact location not clear from description, 36" storm line is adjacent to Parcel 3)

6. Encroachment easement recorded in Book 4305, page 523. (Sidewalks shown on survey)

This document originally issued and sealed by Seth F. Martin, PLS L-4719 on December 12, 2012. This media shall not be considered a certified Document.

ALTA Survey
of
Faison-Stonewall St. LLC
for
Crescent Resources, LLC,
601 S. Tryon St.
City of Charlotte,
Mecklenburg County,
North Carolina

LDSI

Phone: (704) 376-7777
Fax: (704) 376-2448
508 W. 5th St., Suite 125
Charlotte, NC 28202
License No. C-1923

Scale: 1"=30'

Date: November 28, 2012
Project Number: 4112107

Revision 1: 12/12/12
To correct numbering of exceptions

PID 073-032-01
600 Charlotte MRP LLC
902 CLINT MOORE RD
SUITE 220
BOCA RATON FL 33487

PID 073-031-02, 10-17, 19-23, 25, & 27
RBC Corp. C/O Wachovia Corp. R/EST
201 North Tryon Street, 21st Floor
Charlotte, NC 28288-0114

PID 073-031-18, 24 & 26
City of Charlotte
600 East Fourth Street
Charlotte, NC 28202

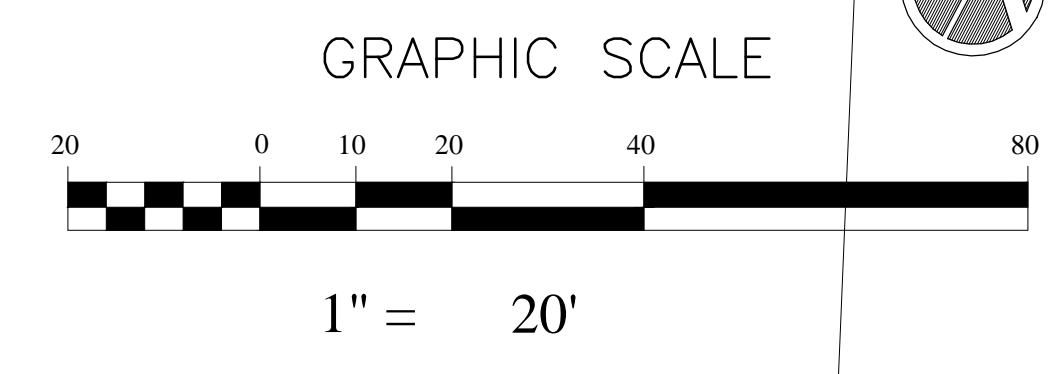
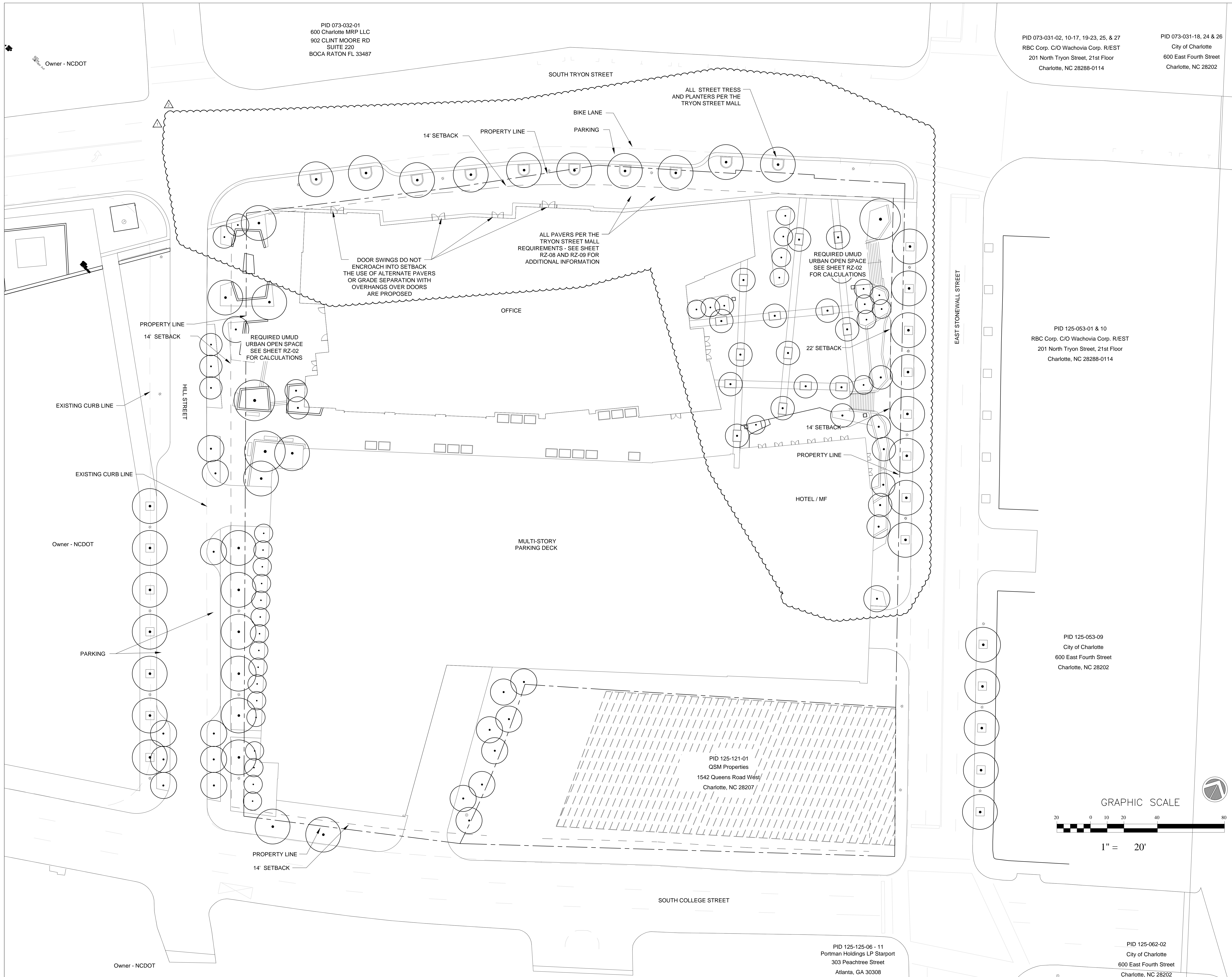
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TRYON PLACE



ISSUE FOR
Rezoning Petition 2014-079

ISSUE DATE
06/19/14

NO.	REASON	DATE
▲	PER REVIEW COMMENTS	10.17.14
▲	PER REVIEW COMMENTS	11.21.14

PROJECT TEAM
PRINCIPAL IN CHARGE
EDDIE PORTIS, AIA, LEED^{AP} BD-C
PROJECT MANAGER
FRANK DEBOLT, AIA, LEED^{AP} BD-C
PROJECT ARCHITECT
CHRISTOPHER HOYT, AIA
PROJECT NAME

TRYON PLACE
OFFICE
601 SOUTH TRYON
CHARLOTTE, NC

PROJECT NO.
132.9153.00

SHEET TITLE
TECHNICAL DATA SHEET

SHEET NUMBER
RZ-01

1. General Provisions

The purpose of this Rezoning Petition is to obtain approval of "Optional" provisions allowing deviations from certain provisions of the City of Charlotte Zoning Ordinance (the "Ordinance") as allowed by section 9.908 of the Ordinance to provide additional development flexibility which will facilitate the development of a 3 +/- acre property bounded by Tryon Street, Stonewall Street, College Street and Hill Street in the City of Charlotte comprised of Mecklenburg County Tax Parcel numbers 125-121-02, 125-121-03 and 125-121-05 (the "Site").

If the Petitioner seeks to take advantage of any of the "Optional" provisions approved as part of the Rezoning Petition, development of the Site will be governed by the accompanying Technical Data Sheet, these Development Standards (including any Optional provisions utilized) and the applicable provisions Ordinance. The development depicted on the Technical Data Sheet is intended to reflect in general terms, the arrangement, location and design of the component parts and street improvements for the Site as if the Optional provisions requested in these Development Standards are implemented.

However, any deviations from the UMUD minimum standards are Optional in nature and relate only to the development and street improvements proposed by the accompanying Technical Data Sheet and these Development Standards. The Site may also be developed in accordance with the standard UMUD requirements and other applicable minimum standards established by other City of Charlotte codes, ordinances and policies. Accordingly, the Petitioner expressly reserves the right to develop the Site and/or portions thereof in a manner wholly different from the development depicted on the Technical Data Sheet in any manner permitted by the Ordinance and other City of Charlotte codes, ordinances and policies as if no Optional provision had been applicable.

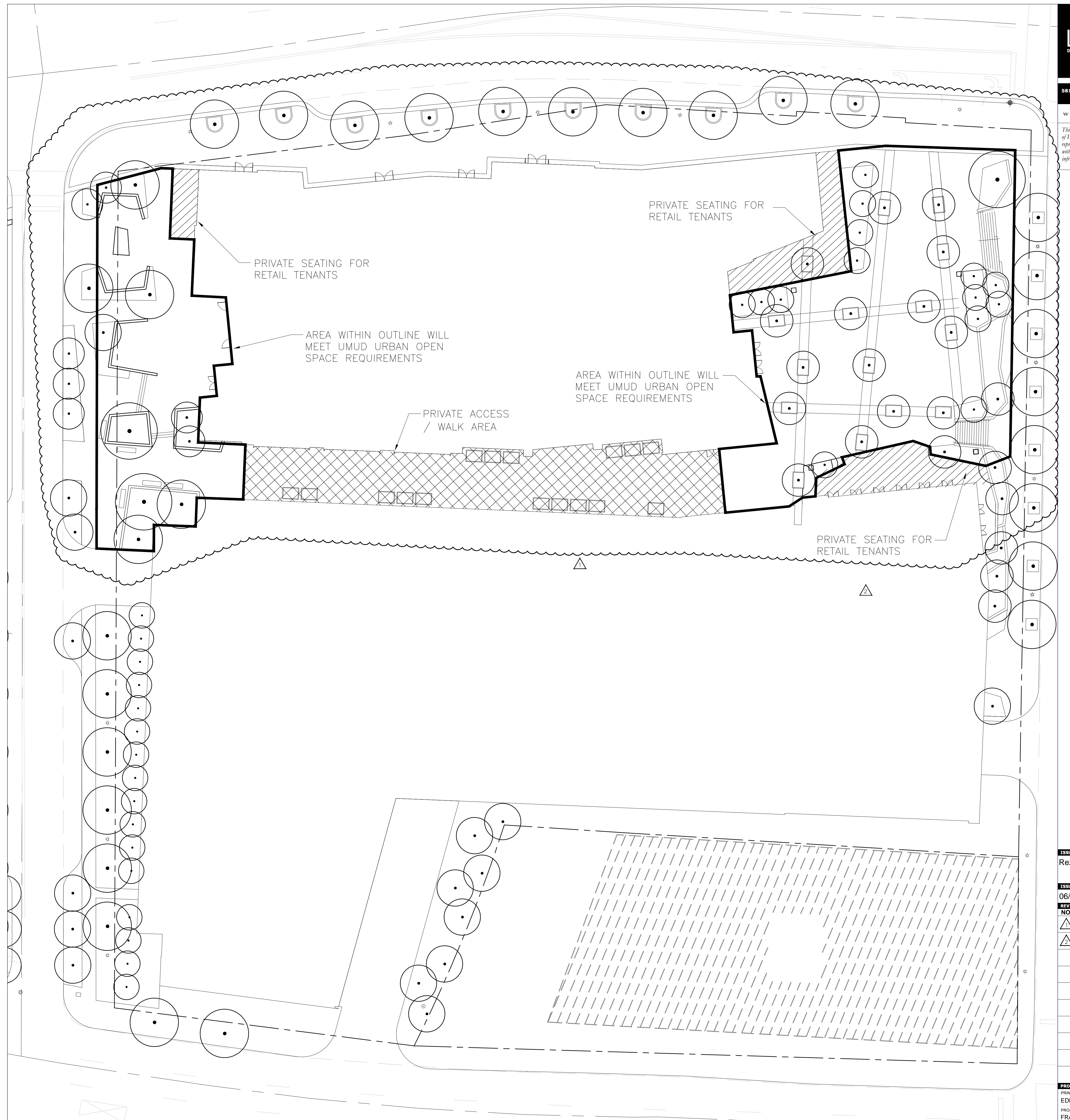
Except as otherwise provided under the UMUD-Optional provisions set forth under Paragraph 2 of these Development Standards and unless the accompanying Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UMUD Zoning District shall govern all development taking place on the Site.

Alterations or modifications which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the accompanying Technical Data Sheet or its respective conditions shall not be deemed to be minor and may only be made in accordance with the provisions of subsections 6.207(1) or (2) of the Ordinance, as applicable.

2. UMUD Optional Provisions

Pursuant to the Optional provisions of Section 9.908 of the Ordinance, the Petitioner seeks approval of the following UMUD Optional provisions to allow deviations from specific provisions of the Ordinance in order to accommodate the development depicted on the Technical Data Sheet:

- (a) Deviations from the signage standards established under Section 9.906(e) of the Ordinance to allow up to two attached electronic signs (video or LED screen) with a maximum size of 300 square feet each. Design and location of these signs shall be reviewed and approved by the Planning Department prior to application for sign permits. This signage shall be limited to building identification, tenant identification, and artistic/civic/cultural displays or messages. Off-premises Signs and Outdoor Advertising Signage shall not be permitted.
- (b) Deviations from the signage standards established under Section 9.906(e) of the Ordinance to allow up to 3,000 square feet of wall signage per street frontage (in addition to any approved electronic signs (video or LED)). Signage shall be located with the sign zones shown on RZ-06 and RZ-07. Design and location of a master sign plan shall be reviewed and approved by the Planning Department prior to application for sign permits. This signage shall be limited to building identification, tenant identification, and artistic/civic/cultural displays or messages. Off-premises Signs and Outdoor Advertising Signage shall not be permitted.
- (c) Deviations from the street right-of-way and streetscape requirements established under Section 9.906(i2)(f) of the Ordinance in order to accommodate temporary retail vendor zones, within the right-of-way or setback, subject to the approval of any necessary Encroachment Agreements. The temporary retail vendor zones shall be allowed only in the locations specified on the Technical Data Sheet. Any vendors within the retail vendor zone must comply with any applicable street vendor ordinances or policies.
- (e) Deviations from the street right-of-way and streetscape requirements established under Section 9.906(i2)(f) of the Ordinance to remove the requirement to provide furniture or benches within the right-of-way along the Site's Tryon Street frontage.
- (f) Deviations from the setback requirements established under Section 9.905(2) of the Ordinance, and any applicable streetscape plans, in order to allow a reduced setback of fourteen (14) feet measured from the back of curb along Stonewall Street. This reduced setback shall only apply to an approximately 270 foot portion of the Site's Stonewall Street frontage measured from the back of curb on the south side of Tryon Street and extending in a southerly direction down Stonewall Street. Portions of the Site's Stonewall Street frontage beyond this area must comply with standard Ordinance provisions. Structures within the reduced setback area shall be limited to retaining walls and other features necessary to accommodate a publicly accessible plaza on-grade with Tryon Street, no buildings shall be permitted in the reduced setback area. Walls within the reduced setback area shall incorporate plantings, integrated seating, or other features to stimulate pedestrian interest; all as generally depicted on RZ-03, RZ-04, RZ-05 and RZ-09. Additionally, such walls shall be made of decorative architectural precast or stone or other natural materials, or a combinations thereof.
- (g) Deviations from the urban open space seating and tree requirements established under Sections 9.906(4)(d) and (e) of the Ordinance to remove prescribed seating and tree requirements within any non-required, non-public open spaces areas. Standard seating and tree requirements shall be met within portions of the urban open space areas required to meet the minimum UMUD urban open space requirement. Areas not subject to seating and tree requirements are generally identified on RZ-02.
- (h) Deviations from the loading standards established under Section 9.907(2)(c) of the Ordinance to allow a 50% reduction in the number required of loading spaces.



DEVELOPMENT DATA TABLE

Site Area:	3 acres +/-
Tax Parcels:	125-121-02, 125-121-03, 125-121-05
Existing Zoning:	UMUD
Proposed Zoning:	UMUD-O
Existing Uses:	Vacant Buildings and Surface Parking Lots
Proposed Use:	All Uses Permitted in UMUD District
Maximum Development:	N/A
Maximum Square Footage:	N/A
Maximum FAR:	N/A
Maximum Building Height:	N/A
Parking:	Must satisfy or exceed UMUD minimum requirements

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PROJECT TEAM
PRINCIPAL IN CHARGE
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PROJECT MANAGER
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PROJECT ARCHITECT
CHRISTOPHER HOYT, AIA

PROJECT NAME
TRYON PLACE
OFFICE

601 SOUTH TRYON
CHARLOTTE, NC

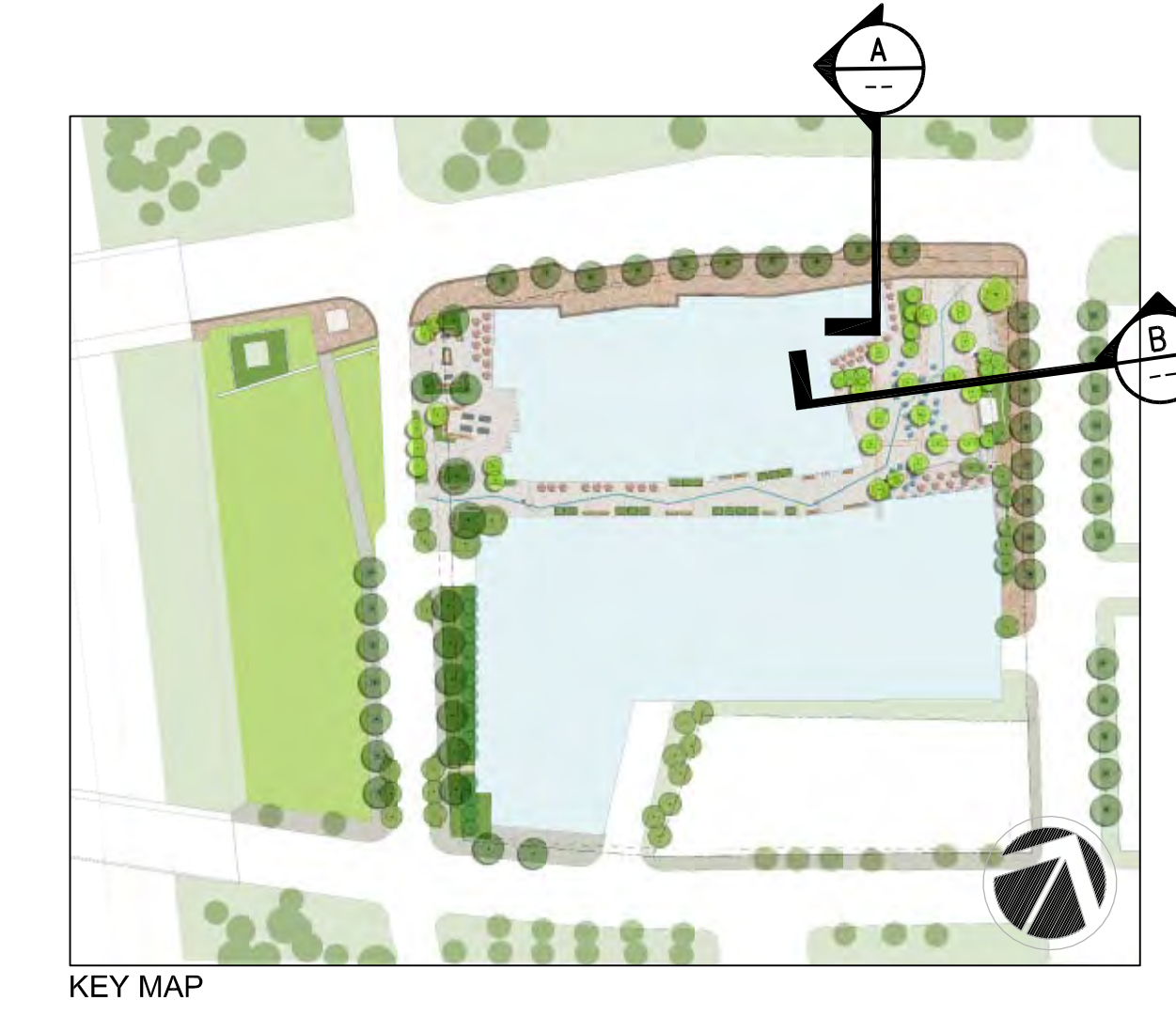
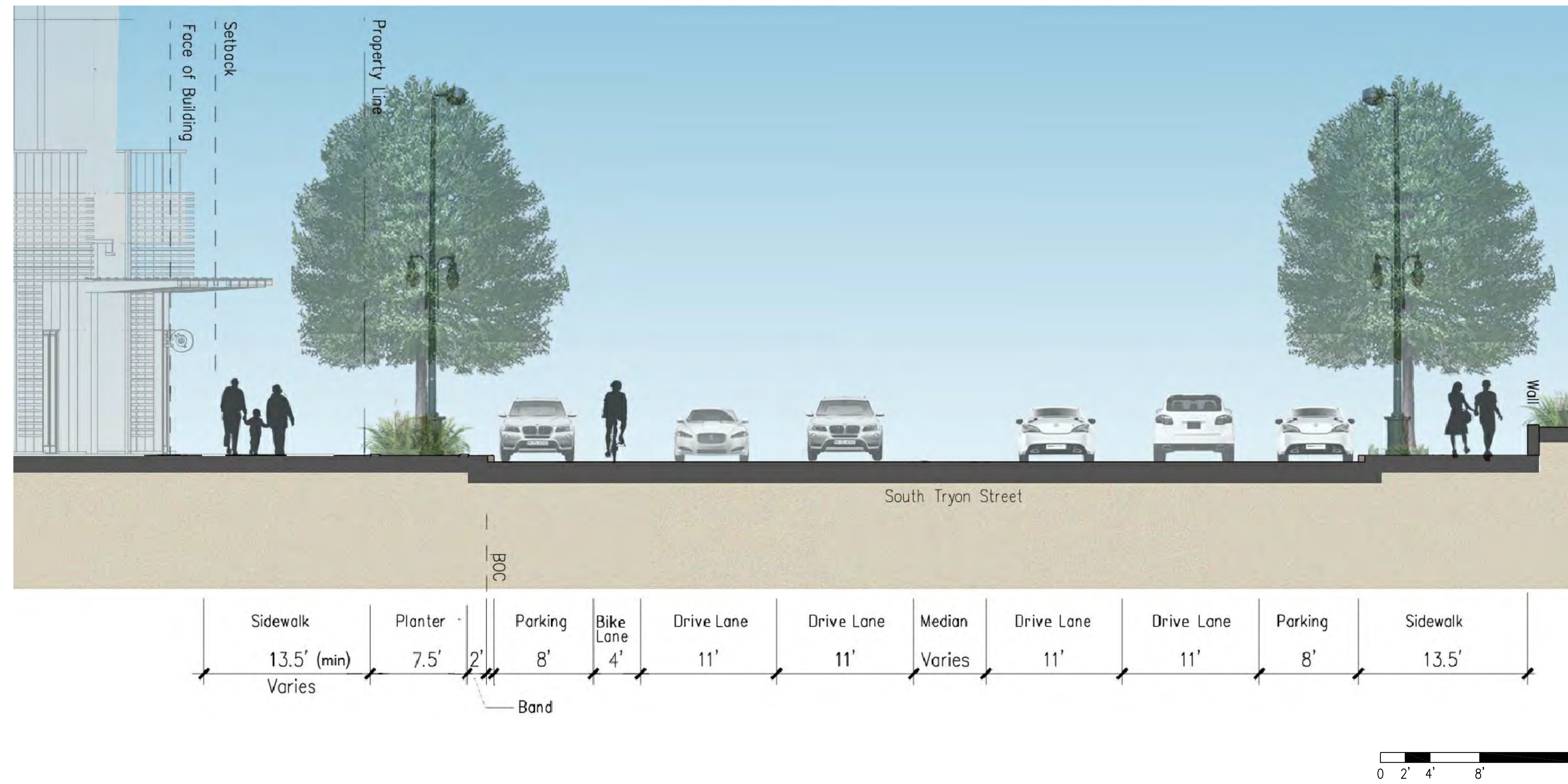
PROJECT NO.
132.9153.00

DEVELOPMENT STANDARDS AND REQUIRED UMUD URBAN OPEN SPACE CALCULATIONS

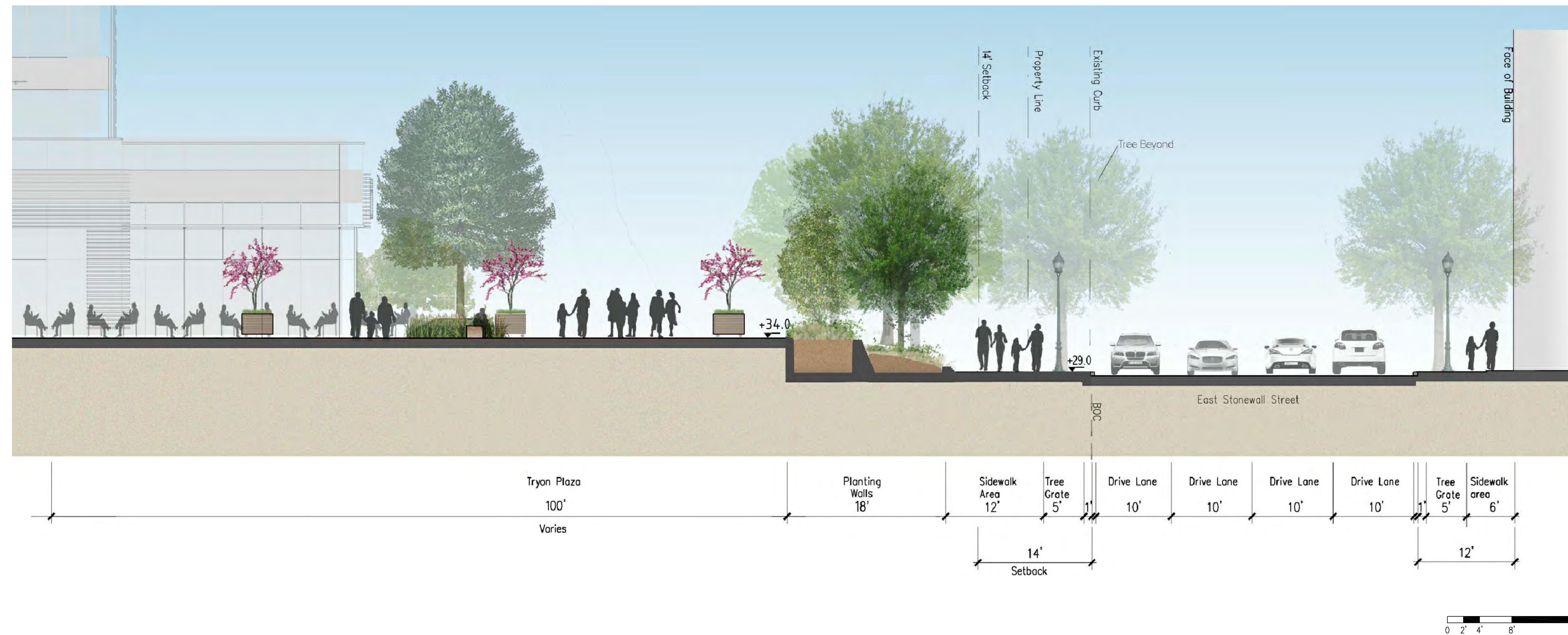
SHEET NUMBER

RZ-02

STREET CROSS SECTIONS



A TRYON STREET



B STONEWALL @ TRYON PLAZA

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TRYON PLACE

ISSUE FOR: Rezoning Petition 2014-079

ISSUE DATE: 08/15/14

NO.	REASON	DATE
1	PER REVIEW COMMENTS	10.17.14

PROJECT TEAM
PRINCIPAL IN CHARGE: EDDIE PORTIS, AIA, LEED[®] AP BD+C
PROJECT MANAGER: FRANK DEBOLT, AIA, LEED[®] AP BD+C
PROJECT ARCHITECT: CHRISTOPHER HOYT, AIA

PROJECT NAME: TRYON PLACE OFFICE

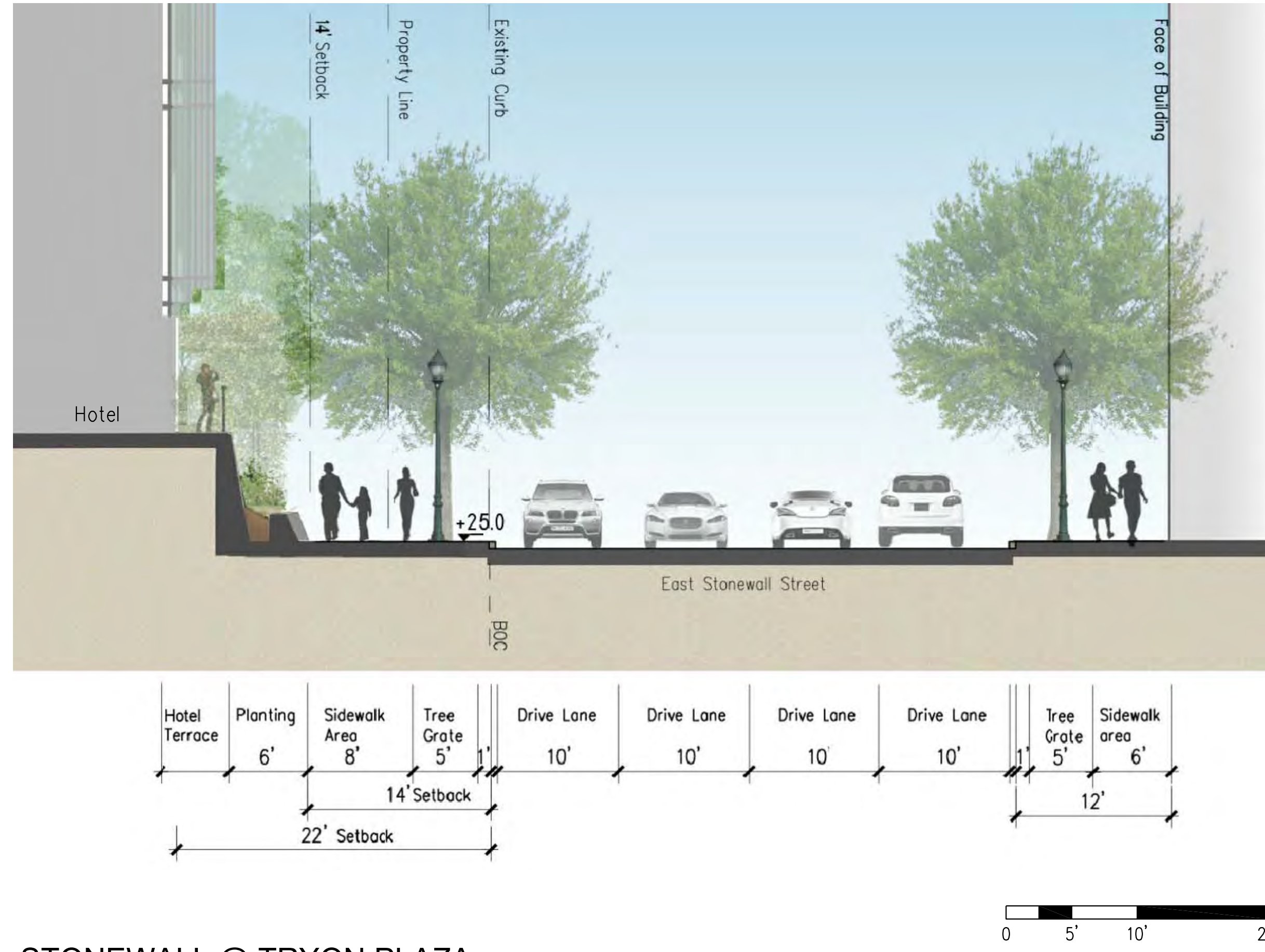
601 SOUTH TRYON CHARLOTTE, NC

PROJECT NO.: 132.9153.00

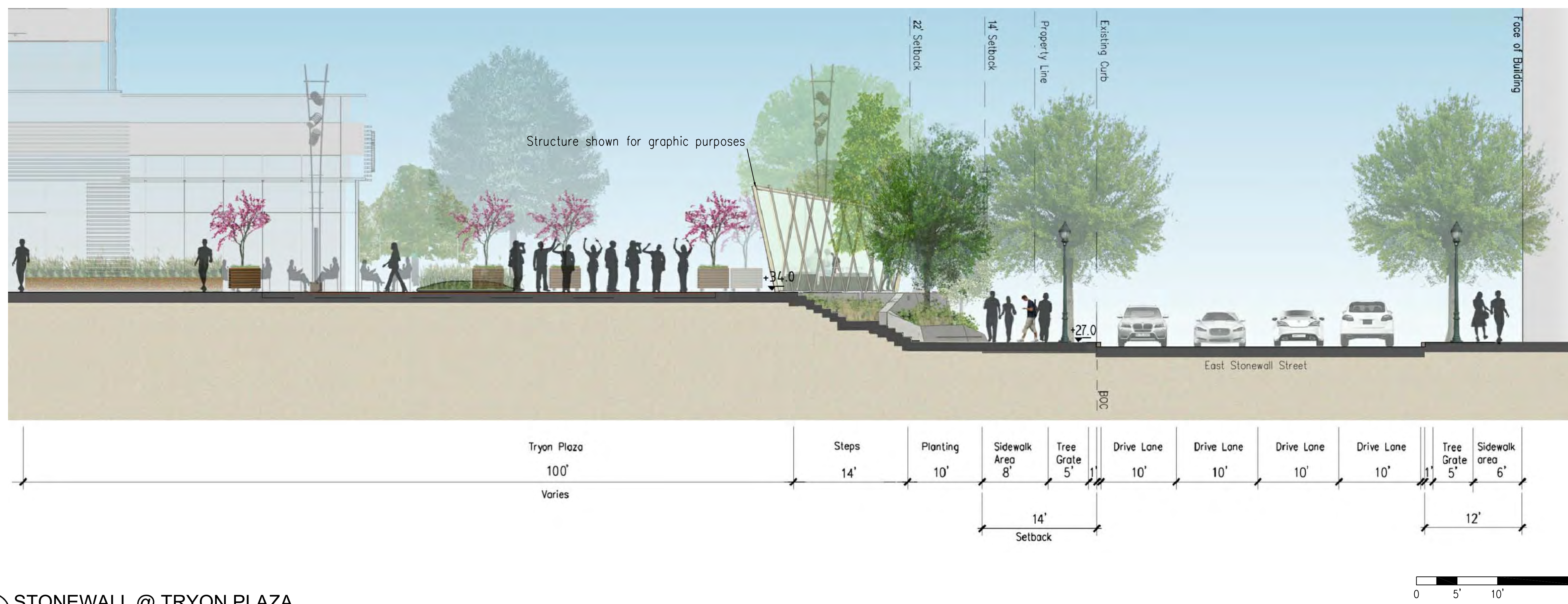
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SHEET NUMBER: RZ-03

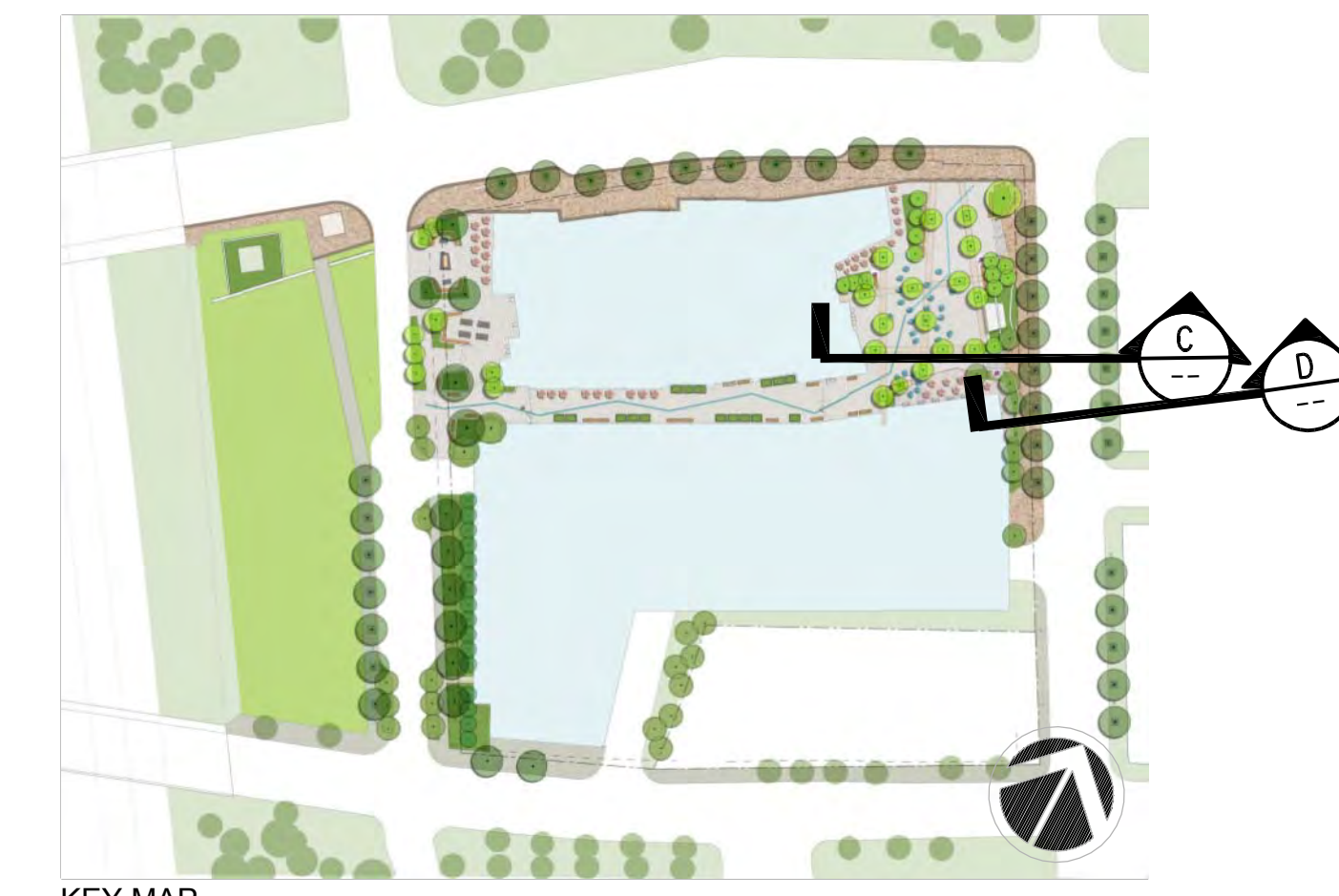
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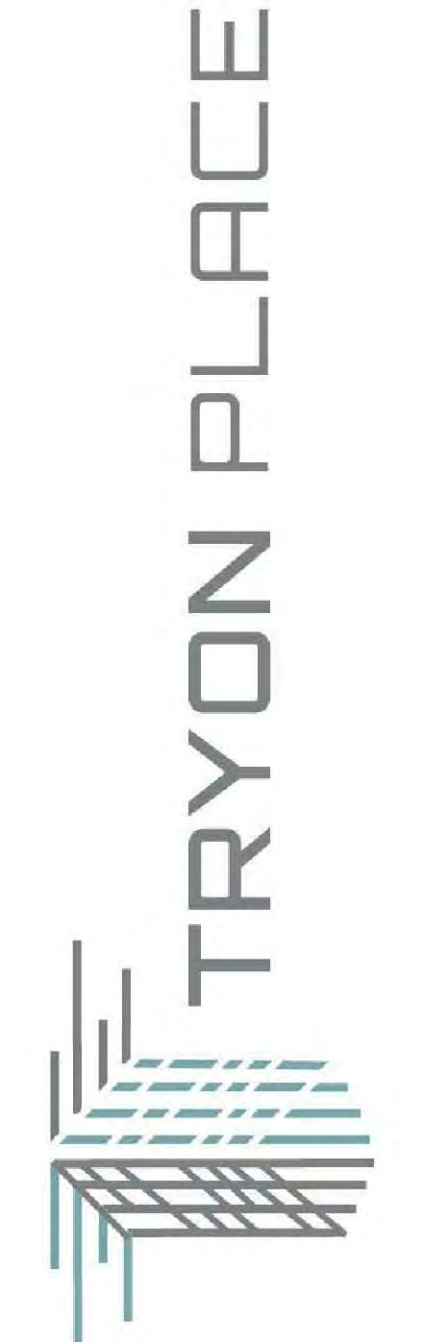
D STONEWALL @ TRYON PLAZA



C STONEWALL @ TRYON PLAZA



KEY MAP



ISSUE FOR
Rezoning Petition 2014-079

ISSUE DATE
06/19/14

NO.	REASON	DATE
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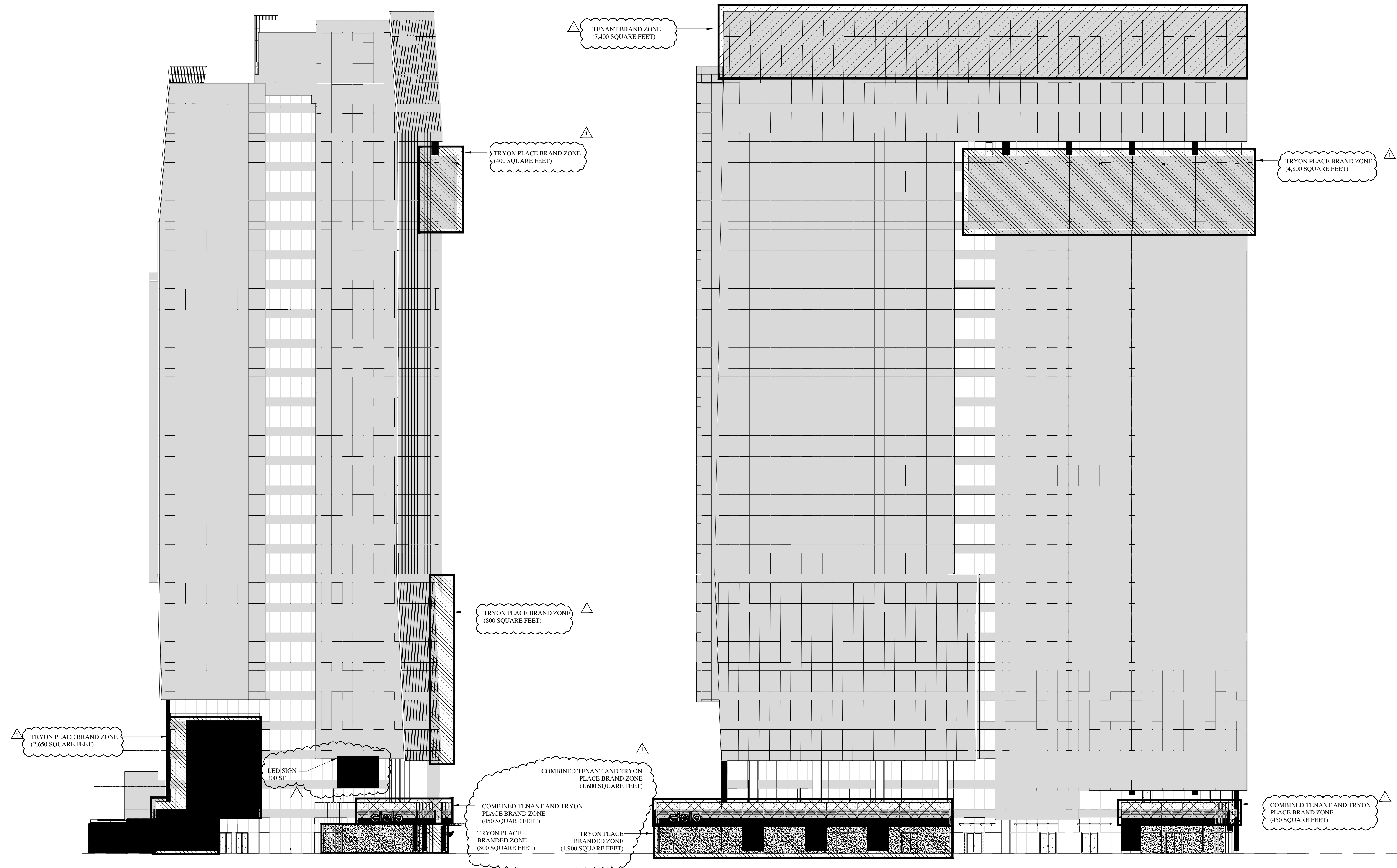
PROJECT NAME
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OFFICE

601 SOUTH TRYON
CHARLOTTE, NC

PROJECT NO.
132.9153.00

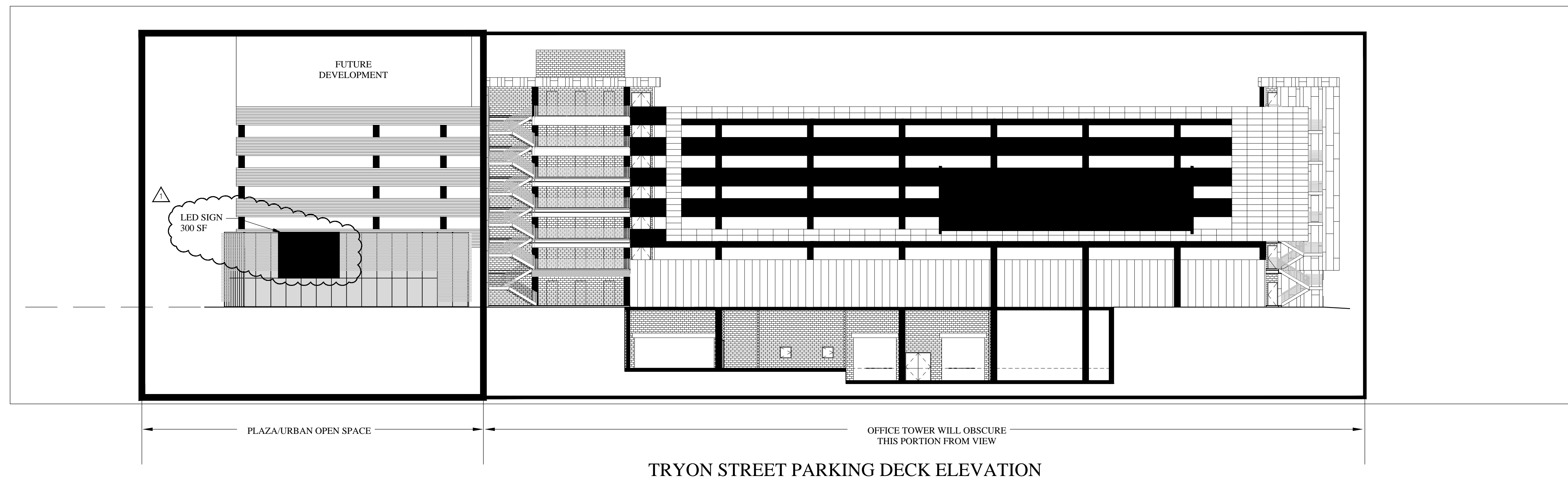
SHEET TITLE
STREET CROSS SECTION

SHEET NUMBER
RZ-04



STONEWALL STREET ELEVATION

TRYON STREET ELEVATION



NOTE: ELEVATIONS SHOWN ARE SCHEMATIC IN NATURE AND SUBJECT TO CHANGE WHEN PRESENTED FOR CONSTRUCTION DOCUMENT REVIEW

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PROJECT ARCHITECT
CHRISTOPHER HOYT, AIA
PROJECT NAME

TRYON PLACE
OFFICE

601 SOUTH TRYON
CHARLOTTE, NC

PROJECT NO.
132.9153.00

SHEET TITLE
SIGN ZONES

SHEET NUMBER
RZ-06

NO.	REASON	DATE
△	PER REVIEW COMMENTS	10.17.14
△	PER REVIEW COMMENTS	11.21.14

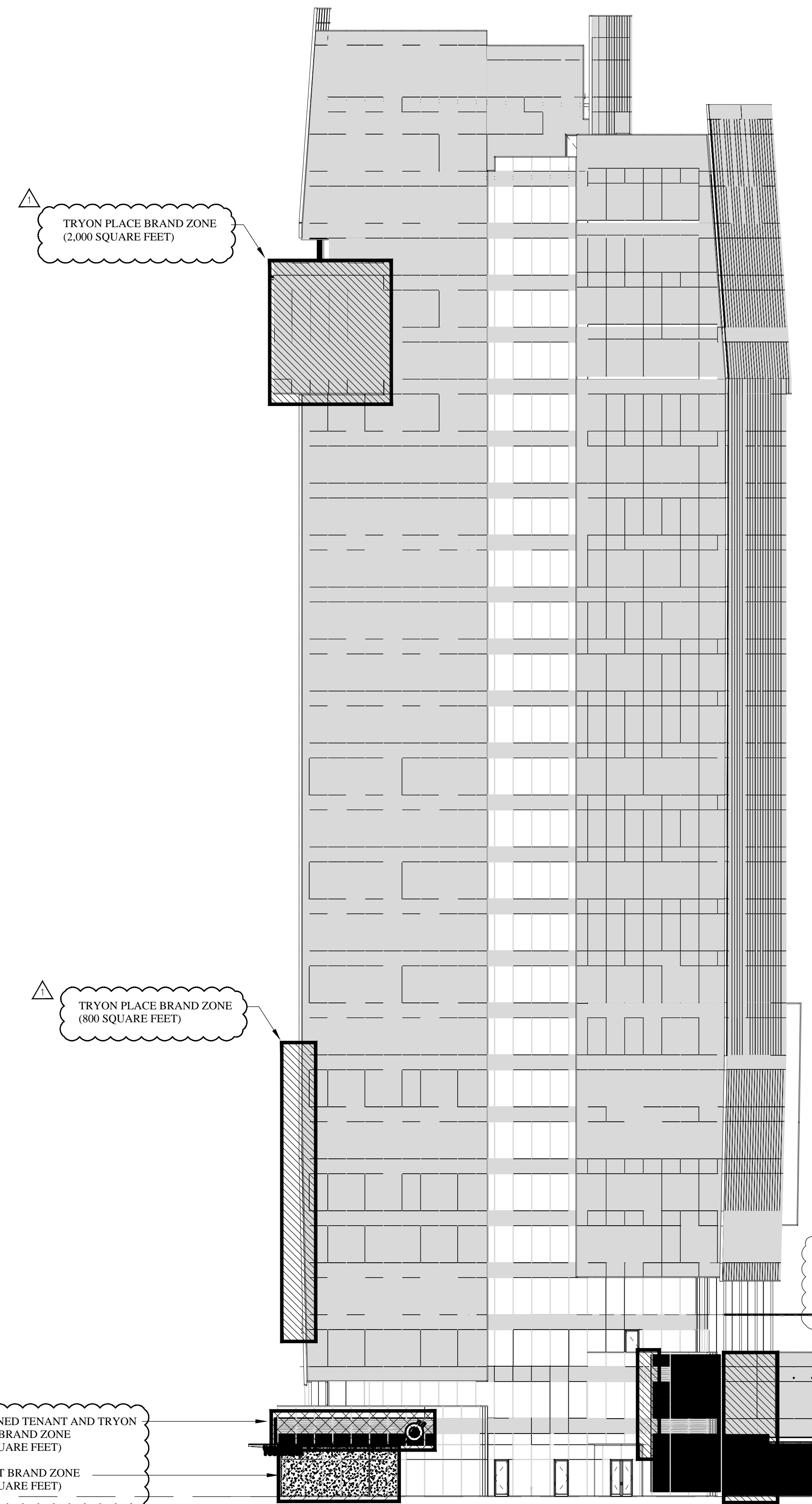
PROJECT TEAM

PRINCIPAL IN CHARGE	EDDIE PORTIS, AIA, LEED [®] AP BD+C
PROJECT MANAGER	FRANK DEBOLT, AIA, LEED [®] AP BD+C
PROJECT ARCHITECT	CHRISTOPHER HOYT, AIA

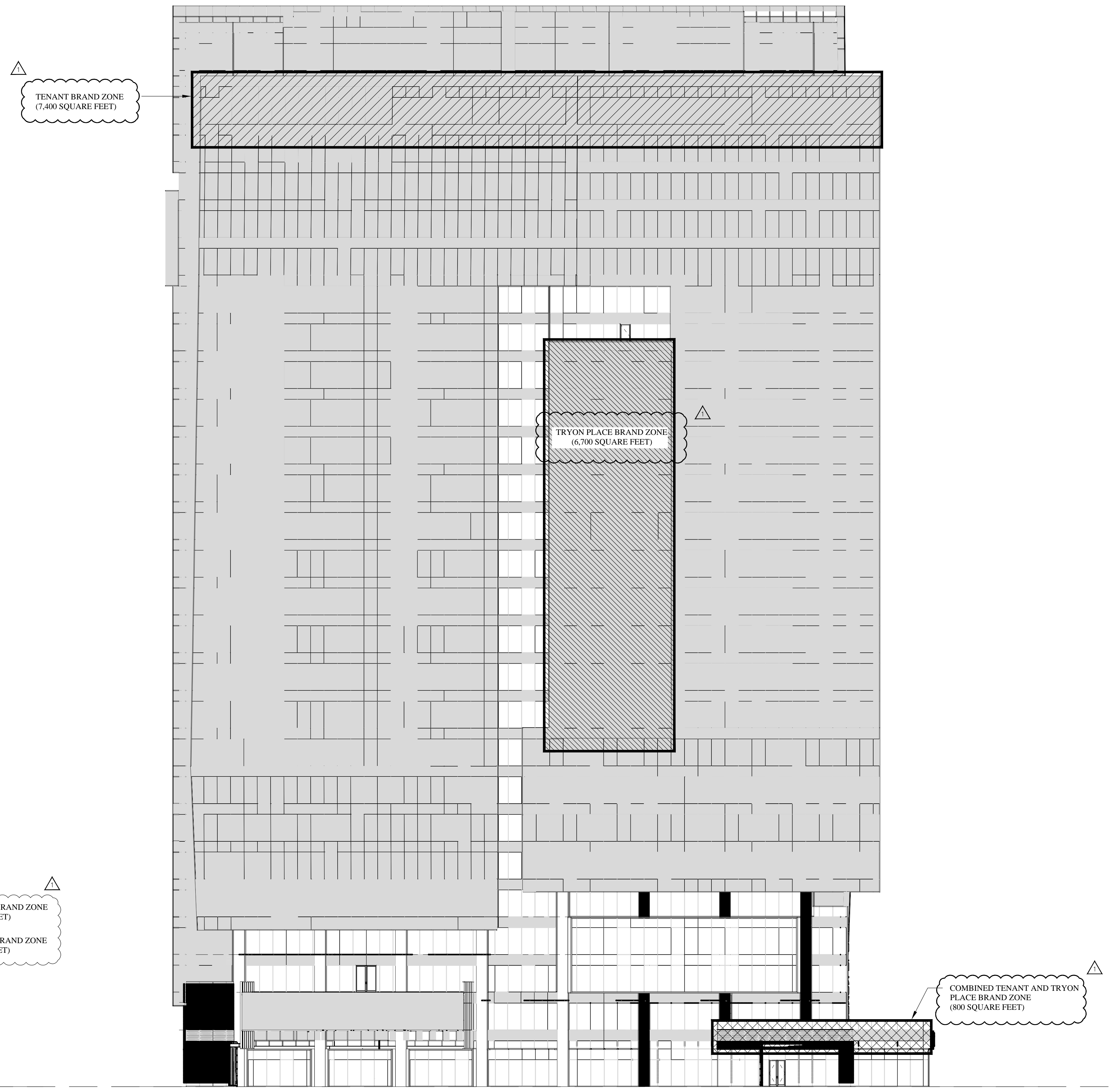
PROJECT NAME
TRYON PLACE OFFICE
601 SOUTH TRYON CHARLOTTE, NC

PROJECT NO.
132.9153.00

SHEET TITLE
SIGN ZONES

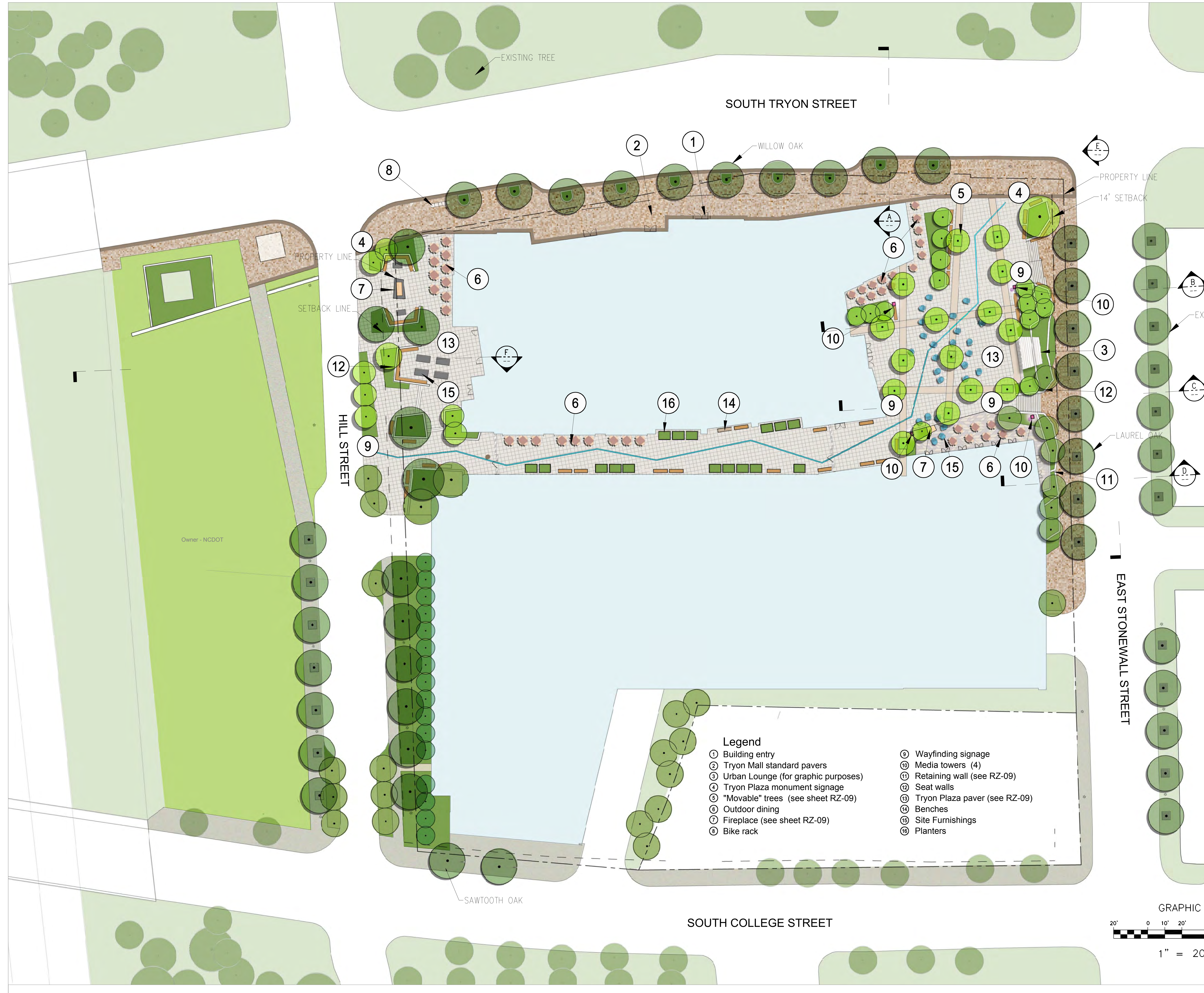


HILL STREET ELEVATION

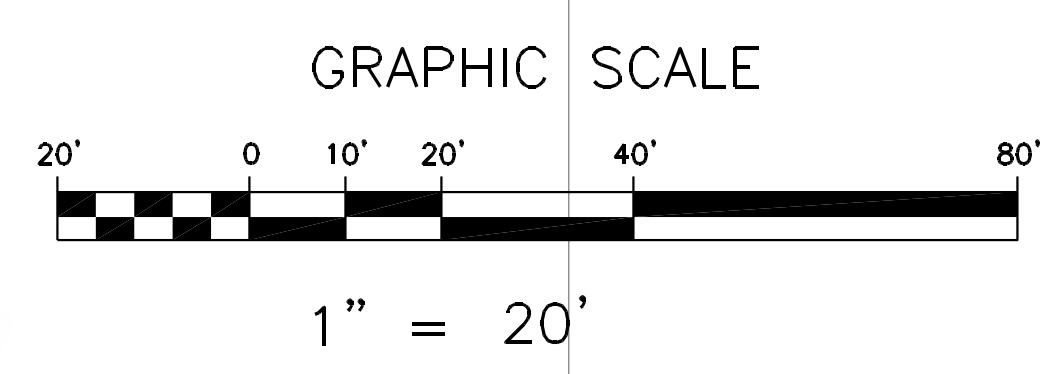


COLLEGE STREET ELEVATION

NOTE: ELEVATIONS SHOWN ARE SCHEMATIC IN NATURE AND SUBJECT TO CHANGE WHEN PRESENTED FOR CONSTRUCTION DOCUMENT REVIEW



- Legend**
- ① Building entry
 - ② Tryon Mall standard pavers
 - ③ Urban Lounge (for graphic purposes)
 - ④ Tryon Plaza monument signage
 - ⑤ "Movable" trees (see sheet RZ-09)
 - ⑥ Outdoor dining
 - ⑦ Fireplace (see sheet RZ-09)
 - ⑧ Bike rack
 - ⑨ Wayfinding signage
 - ⑩ Media towers (4)
 - ⑪ Retaining wall (see RZ-09)
 - ⑫ Seat walls
 - ⑬ Tryon Plaza paver (see RZ-09)
 - ⑭ Benches
 - ⑮ Site Furnishings
 - ⑯ Planters



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CHRISTOPHER HOYT, AIA

PROJECT NAME
TRYON PLACE
OFFICE

601 SOUTH TRYON
CHARLOTTE, NC

PROJECT NO.
132.9153.00

SHEET TITLE
CONCEPTUAL SITE PLAN

SHEET NUMBER
RZ-08

REQUEST	Current Zoning: CC (commercial center) Proposed Zoning: CC SPA (commercial center, site plan amendment)
LOCATION	Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow a 3,010-square foot automobile service station and a 2,500-square foot commercial building.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Corporate Trust Properties NC LLC Pavilion Development Company Bohler Engineering, NC PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 19

ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to DEFER this petition until their January 5, 2015 meeting.
--------------------------------	---

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

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

PLANNING STAFF REVIEW

- **Background**
 - Petition 1988-001 rezoned 22.25 acres at the northeast corner of the intersection of Nations Ford Road and Tyvola Road to B-1SCD (business shopping center district) to allow for a mixed use development including hotels and offices. Other business and retail uses were not permitted.
 - Petition 1997-015 approved in 1998 rezoned 22.25 acres at the northeast corner of the intersection of Nations Ford Road and Tyvola Road from B-1SCD (business shopping center district) to CC (commercial center) to allow for office, retail, institutional, eating/drinking/entertainment establishments and hotel uses. The rezoning included eight parcels. The proposed development is located on Parcel 4 of the overall commercial center site plan, which is at the corner of Nations Ford Road and Tyvola Road. The plan allows 16,000 square feet of office or 10,500 square feet of retail or 24,000 square feet of eating/drinking/entertainment establishments on Parcel 4. The plan excludes automobile service stations, building material sales and dwellings.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Divides Parcel 4 into two parcels; Parcel 4A is 1.28 acres and Parcel 4B is 0.52 acres.
 - Modifies the permitted uses for Parcel 4A to include automobile service stations.
 - Reduces the maximum development area on Parcel 4 from 16,000 square feet of office or 10,500 square feet of retail to a 3,010-square foot automobile service station on Parcel 4A and a 2,500-square foot commercial building on Parcel 4B. Reduces the total maximum for eating/drinking/entertainment uses from 24,000 square feet to 21,500 square feet.
 - Adds a limit of approximately 19 feet for building height on Parcel 4A.
 - Changes the right-in/right-out access on the north side of the site on Nations Ford Road to a full movement access, with a southbound left-turn lane into the center.

- Replaces the existing back of curb sidewalk along Tyvola Road with an eight-foot planting strip and six-foot sidewalk.
- Provides a four-foot planting strip and five-foot sidewalk along the eastern edge of the site along the right-in access drive. Provides a five-foot screening strip and five-foot sidewalk along the northern boundary of the site along existing private access easement named Tyvola Glen Circle.
- Adds a maximum height of 25 feet for freestanding lights on Parcels 4A and 4B.
- Adds a CATS bus stop and waiting pad on the north side of Tyvola Road between Nations Ford Road and the right-in access driveway.

The site plan accompanying this petition contains the following provisions carried over from Petition 1997-015:

- Provides a landscaped buffer along Nations Ford Road.
 - Preserves existing trees in a tree save area near the intersection of Tyvola Road and Nations Ford Road.
 - Limits the height of the building on Parcel 4B to a maximum of two stories.
 - Specifies that building elevations fronting Nations Ford Road will include materials such as brick, masonry stucco, pitched, mansard roofs, decorative parapets, awnings, or palladian windows, mullioned windows in order to respect the residential nature of and view from residences fronting Nations Ford Road.
 - Limits ground mounted signage for the individual parcels to a maximum of four feet high and 50 square feet.
- **Public Plans and Policies**
 - The *Southwest District Plan* (1991), as amended by Petition 1997-015, recommends a mix of uses including office, hotel and other uses permitted in the CC (commercial center) zoning district including eating/drinking/entertainment establishments and retail. Automobile service stations, building material sales and dwellings are prohibited uses. Prior to Petition 1997-015, the *Southwest District Plan* recommended a mixed use development, providing housing and employment with hotels and office uses at the northwest quadrant of the I-77 and West Tyvola Road intersection. Other business and retail uses were not permitted.
 - The petition is inconsistent with the *Southwest District Plan*, as amended by rezoning petition 1997-015. The proposed land use is also inconsistent with the intent of the *Southwest District Plan's* initial recommendation for mixed use development providing employment and housing opportunities. There have not been significant changes in development patterns in this area since petition 1997-015 was approved.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following comments:
 1. Remove the proposed entrance only access located along the existing right-in driveway on Tyvola Road.
 2. Revise the first paragraph under Note D. to eliminate the following: "A separate drive is proposed off the right-in access off of Tyvola Road to the south."
 3. Remove the fourth paragraph under Note D.
- **Vehicle Trip Generation:**
Current Zoning: 1,600 trips per day.
Proposed Zoning: 3,300 trips per day.
- **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No Issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
 1. Change the proposed use for Parcel 4A to a use that is permitted in CC excluding automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows.
 2. Address CDOT issues.
 3. Provide building, dumpster enclosure and pump island elevations for all sides as part of the rezoning plans.
 4. Revise the Site Area under Site Data for Parcel 4A to reflect the acreage for the parcel after the proposed subdivision (total site acreage minus acreage of parcel 4B).
 5. Remove the "Max SF allowed: 16,000 SF. Office, 10,500 SF. Retail, 24,000 SF. Restaurant" from the Site Data.
 6. File for an administrative amendment to Petition 1997-015 to remove building square footage from the allotment for Parcel 4 and reduce the eating/drinking/entertainment establishment's square footage allotment by 2,500 square feet. The administrative amendment must be filed and ready for approval prior to a decision on the rezoning. Add a note to the site plan requiring filing on an administrative amendment as described in the previous sentence.
 7. Remove the "+/-" in proposed building height for Parcel 4A.
 8. Revise the Proposed Floor Area Ratio, under the Site Data, for both parcels to reflect the proposed building area compared to proposed acreage for each parcel.
 9. Remove Note B. in its entirety and replace with the follow: First paragraph - "Parcel 4A – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows." Second paragraph – "Parcel 4B – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/ drinking/entertainment establishments with drive-in service windows. The building layout is conceptual in nature; the petitioner reserves the right to not develop this parcel or to make minor site plan adjustments that match the general intent of the plan as shown on this site plan and in accordance with Section 6.207."
 10. Delete Note C. in its entirety and replace with the following: "Parcel 4A may be developed with a maximum 3,010 SF building excluding permitted accessory structures. Parcel 4B may be developed with a maximum 2,500 SF building excluding permitted accessory structures."
 11. Revise the second paragraph under Note E. as follows: "Landscape strips and islands shall be created to break the visual impact of the parking areas."
 12. Revise the labels for the 35-foot setback to refer to the setback line.
 13. Provide the 35-foot wide landscaped buffer with berm between Nations Ford Road and parking areas and dumpster enclosure north and south of the building.
 14. Revise the third paragraph under Note E. as follows: "Continuous landscaping strips and islands shall be created along Nations Ford Road to break up the visual impact of the parking areas as shown on the site plan."
 15. Provide a revised "Section Thru Landscaped Buffer" detail from Petition 1997-015 showing the eight-foot planting strip, six-foot sidewalk, 35-foot wide buffer with a three- to four-foot high berm, tiered evergreen plantings and small maturing trees on the rezoning site plan.
 16. Amend the label "Landscaping per master plan" to state "Landscaped buffer (see inset detail)" and clearly indicate the locations of the berm on the site plan.
 17. Revise Note F. by removing the following language: "As stated in Note 16 of the special conditions associated with the overall rezoning plan, petition #97-15," and making all references to "parcel" and "building" plural.
 18. Add the following paragraph to Note F.: "The buildings must be designed to encourage and complement the pedestrian scale interest and activity by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street and right-in access driveway off Tyvola on at least 50% of the length of the first floor frontage facing the street and right-in access driveway."
 19. Amend Note G. to remove the following: "per Note 6 of the special conditions of the overall rezoning plan, petition #97-15."
 20. Eliminate the language, under Note H., referring to Note 4 of the overall rezoning plan, petition #97-15 and references to the "shopping center" signs.
-

Attachments Online at www.rezoning.org

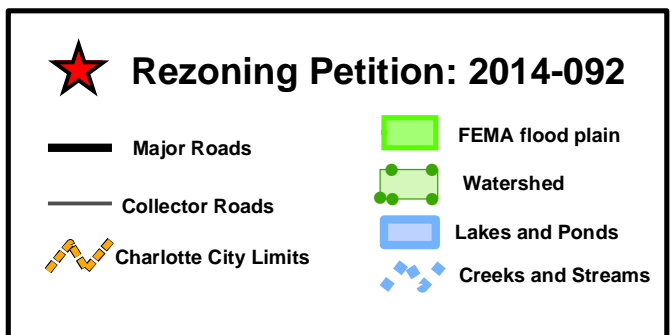
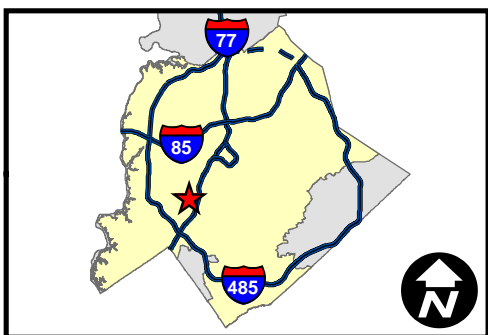
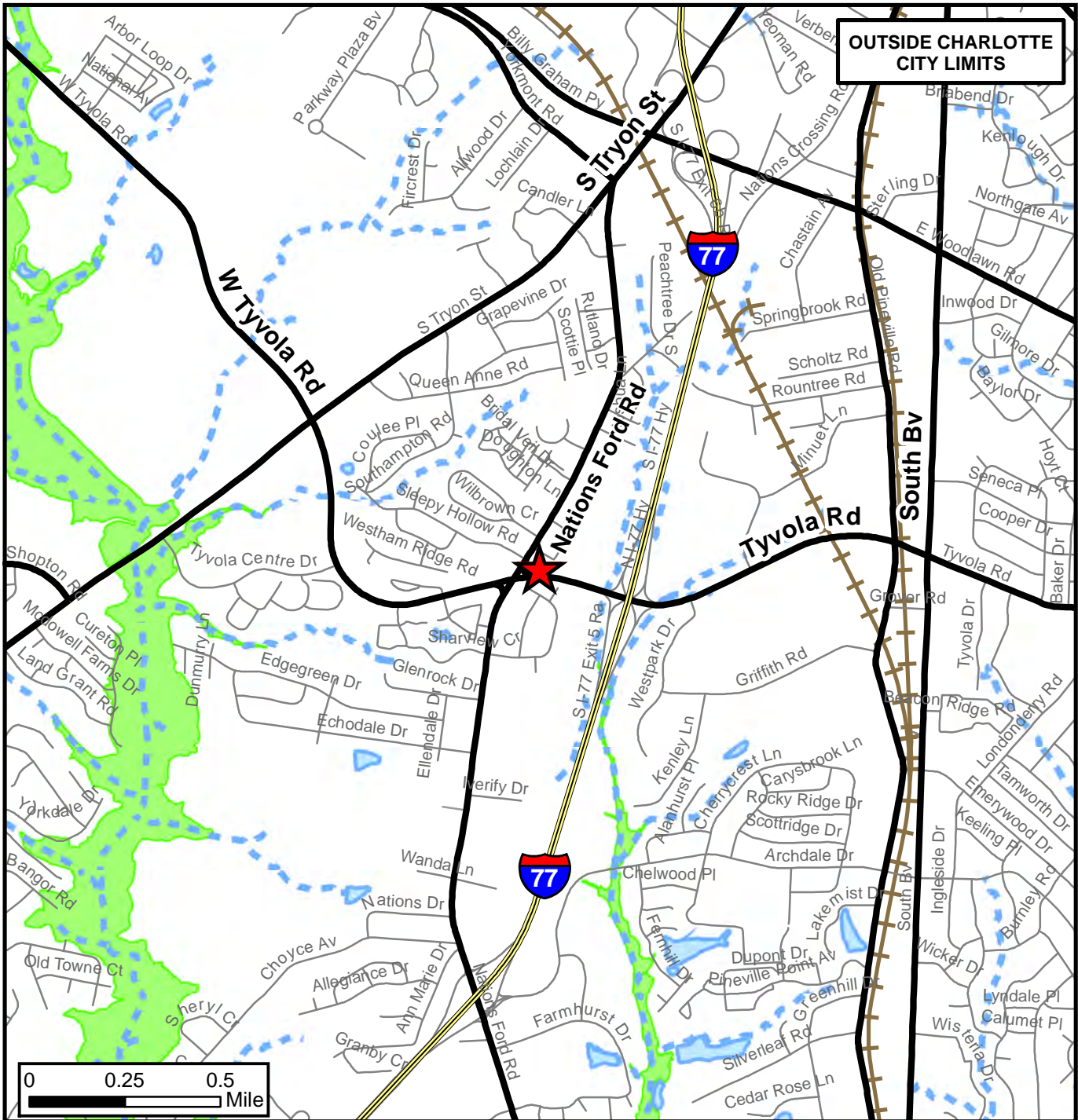
- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

Planner: John Kinley (704) 336-8311

Petition #: **2014-092**

Vicinity Map

Acreage & Location : Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road.



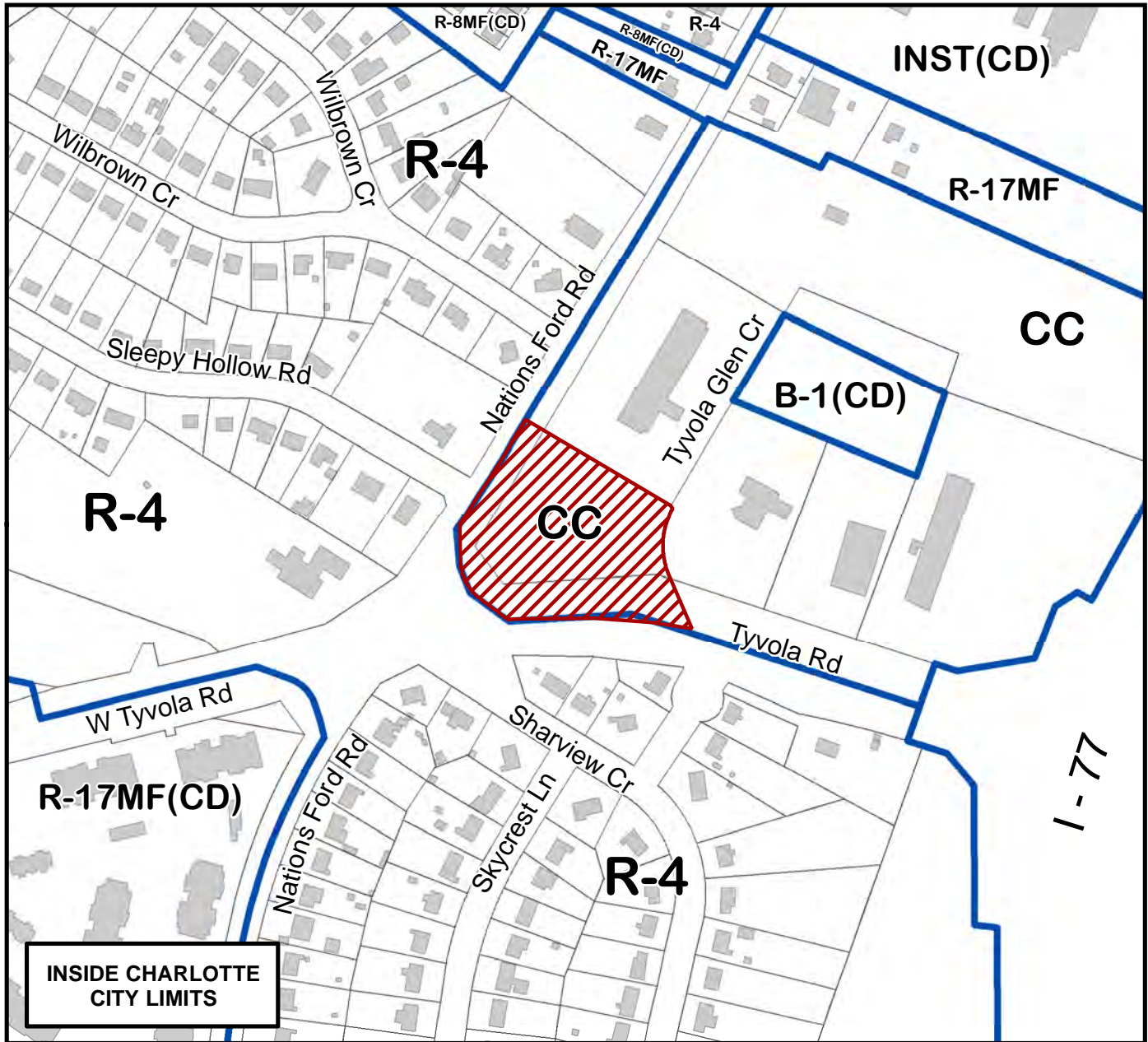
Petition #: **2014-092**

Petitioner: **Pavilion Development Company**

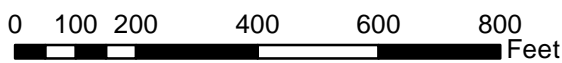
Zoning Classification (Existing): **CC**
(Commercial Center)

Zoning Classification (Requested): **CC (S.P.A.)**
(Commercial Center, Site Plan Amendment)

Acreage & Location: Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road.

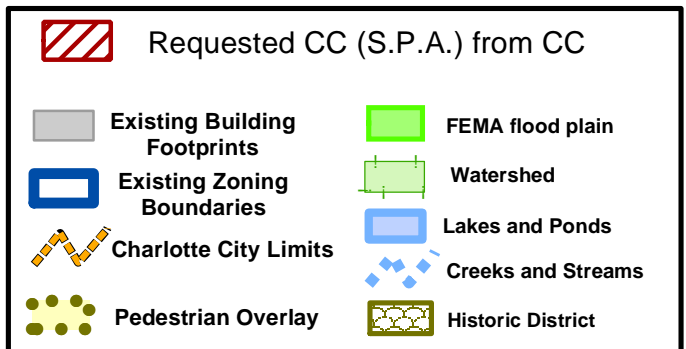


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.



Zoning Map #(s)

134



REQUEST	Current Zoning: R-3 (single-family) and NS (neighborhood services) Proposed Zoning: B-1(CD) (neighborhood business, conditional)
LOCATION	Approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to allow an 8,000-square foot building for a convenience store with gasoline sales, retail, and eating/drinking/entertainment uses.
PROPERTY OWNER	Lester Herlocker and Associates, Inc., Goldwyn Flanders Owusu, James E. Flanders, Jr., Gwendolyn Flanders Blackmon, Abigail L. Flanders, and Hwy 29 Lot LLC.
PETITIONER AGENT/REPRESENTATIVE	QuikTrip Corporation John Carmichael; Robinson Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4
STATEMENT OF CONSISTENCY	<p>This petition is found to be inconsistent with the <i>Northeast Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The Northeast District Plan recommends residential land uses for the site; and • The adopted plan limits most of the retail uses to the opposite side of North Tryon Street where a large amount of undeveloped land zoned appropriately for the proposed use exists; and • The proposed site design and layout is inconsistent with the adopted policies. <p>Therefore, this petition is found not to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The petition is inconsistent with the adopted area plan; and • The proposed site design and layout is inconsistency with adopted policies; <p>By a 5-2 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Sullivan).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-2 to recommend DENIAL of this petition. The following modifications have been made:</p> <ol style="list-style-type: none"> 1. A note has been added that accessory service windows will not be allowed on the site. 2. The proposed parking has been removed from the 30-foot setback along Salome Church Road. 3. 0.57 acres has been labelled to be dedicated for the future West Pavilion Boulevard Extension. 4. A note has been added that "The maximum gross square footage allowed on site shall be 8,000 square feet. The area under the canopy over the gas pumps associated with a convenience store shall not be included in the calculation of the maximum gross floor area." 5. Possible tree save areas have been labeled and shown on the site plan. 6. The note has been modified under Architectural Standards that "changes will be allowed per section 6.207 of the City of Charlotte Zoning Ordinance." 7. The proposed building materials on the proposed elevations have
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- been labeled.
8. A note has been added that large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course.
 9. A note has been added that pole signs will not be allowed.
 10. References to the proposed signage have been removed from the site plan.
 11. Amended Note 4 under Architectural Standards to include "above ground backflow preventer assemblies."
 12. A note has been added that a northbound right-turn lane with a minimum of 100 feet of storage will be constructed on Salome Church Road and extend the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet.
 13. A note has been added that the petitioner shall dedicate and convey to the City of Charlotte right-of-way necessary for the future construction by others of a southbound right-turn lane with a minimum of 100 feet of storage on West Pavilion Boulevard at its intersection with North Tryon Street.
 14. A wetlands letter has been submitted for the petition as requested by Engineering and Property Management.
 15. Identification signage will be limited to 50 square feet and a height of seven feet.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented the petition and stated all except one outstanding issue had been addressed. After reviewing the modifications to the site plan since the public hearing, staff stated that the rezoning request is inconsistent with the adopted area plan and it was recommended for denial.

A committee member asked if the design of the gas station changed would staff be able to recommend approval. Staff responded that even with the changes the request would still be inconsistent with the adopted area plan.

Another member asked if the West Pavilion Boulevard extension had been funded yet. Staff responded that the extension had not been funded but is on the adopted Thoroughfare Plan. Staff provided information to the committee that the existing commercial development along the southern side of North Tryon Street had a pre-submittal meeting to discuss developing a new gas station. The committee discussed whether the site could be developed with residential land uses. Staff responded that they could not provide that information but noted that the area plan recommended up to 12 residential units per acre for the subject property. A member of the committee expressed concerns that the proposed building could not be designed to be pulled to the street and address staff's design comments.

Several members brought up concerns that they thought the area was changing with Interstate 485 and the adopted area plan was not consistent with the transition and change in the area along North Tryon Street and felt they could support the petition.

There was no further discussion of the petition.

MINORITY OPINION

The minority of the Commissioners felt that the proposal was appropriate given the age of the area plan and age of the existing multi-family in the area. With the extension of Pavilion Boulevard they

felt the dynamics and transition in the area was changing along the north side of North Tryon Street.

STAFF OPINION

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

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

PLANNING STAFF REVIEW**• Background**

- Petition 2007-143 rezoned 0.93 acres of the subject site located at the intersection of North Tryon Street and West Pavilion Boulevard to NS (neighborhood services) to allow the possible development of a 10,000-square foot building for general and medical office uses.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- An 8,000-square foot building for a convenience store with gasoline sales; eating/drinking/entertainment establishments; and retail uses.
- Accessory service pumps and canopy to serve the convenience store use will be located along North Tryon Street.
- An eight-foot planting strip and six-foot sidewalk along North Tryon Street and Salome Church Road.
- Elevations of the proposed structures.
- Maximum building height of 25 feet.
- Detached lighting limited to 24 feet in height.
- Building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, stucco, metal panels, and/or wood.
- A 49-foot Class "B" buffer adjacent to residentially zoned properties.
- Proposed screening shrubs and tree plantings provided along all public street frontages.
- Site access from Salome Church Road and West Pavilion Boulevard.
- Accessory service windows will not be allowed on the site.
- 0.57 acres to be dedicated for the future West Pavilion Boulevard Extension.
- Large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course.
- A northbound right-turn lane with a minimum of 100 feet of storage on Salome Church Road. Extension of the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet.

• Public Plans and Policies

- The *Northeast Area Plan* (2000) recommends residential land uses up to 12 dwelling units per acre for the existing R-3 (single family) zoned portion of the site, and the Plan, as amended by Petition 2007-143 for a portion of the site, recommends office uses for the existing NS (neighborhood services) zoned portion.
- This petition is inconsistent with the *Northeast Area Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- Land Use
 - The *Northeast Area Plan* (2000) recommends residential land uses up to 12 dwelling units per acre for the existing R-3 (single family) zoned portion of the site and the Plan, as amended by Petition 2007-143, recommends office uses for the existing NS (neighborhood services) zoned portion of the site. Therefore, the proposed use is inconsistent with the adopted plan and not appropriate for this location.
 - The petitioner should:
 1. Modify the proposed principal structure to front along North Tryon Street, with accessory pumps behind.
-

Attachments Online at www.rezoning.org

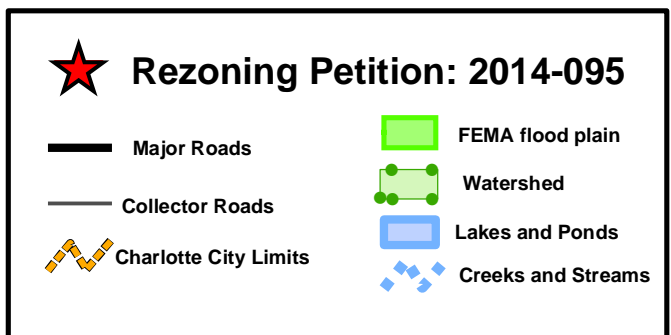
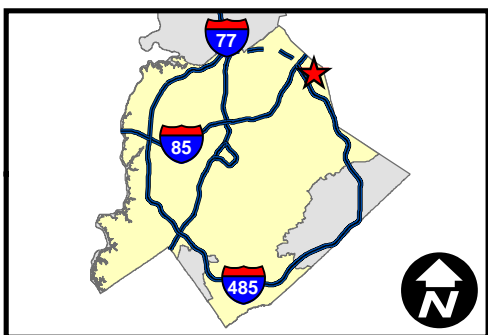
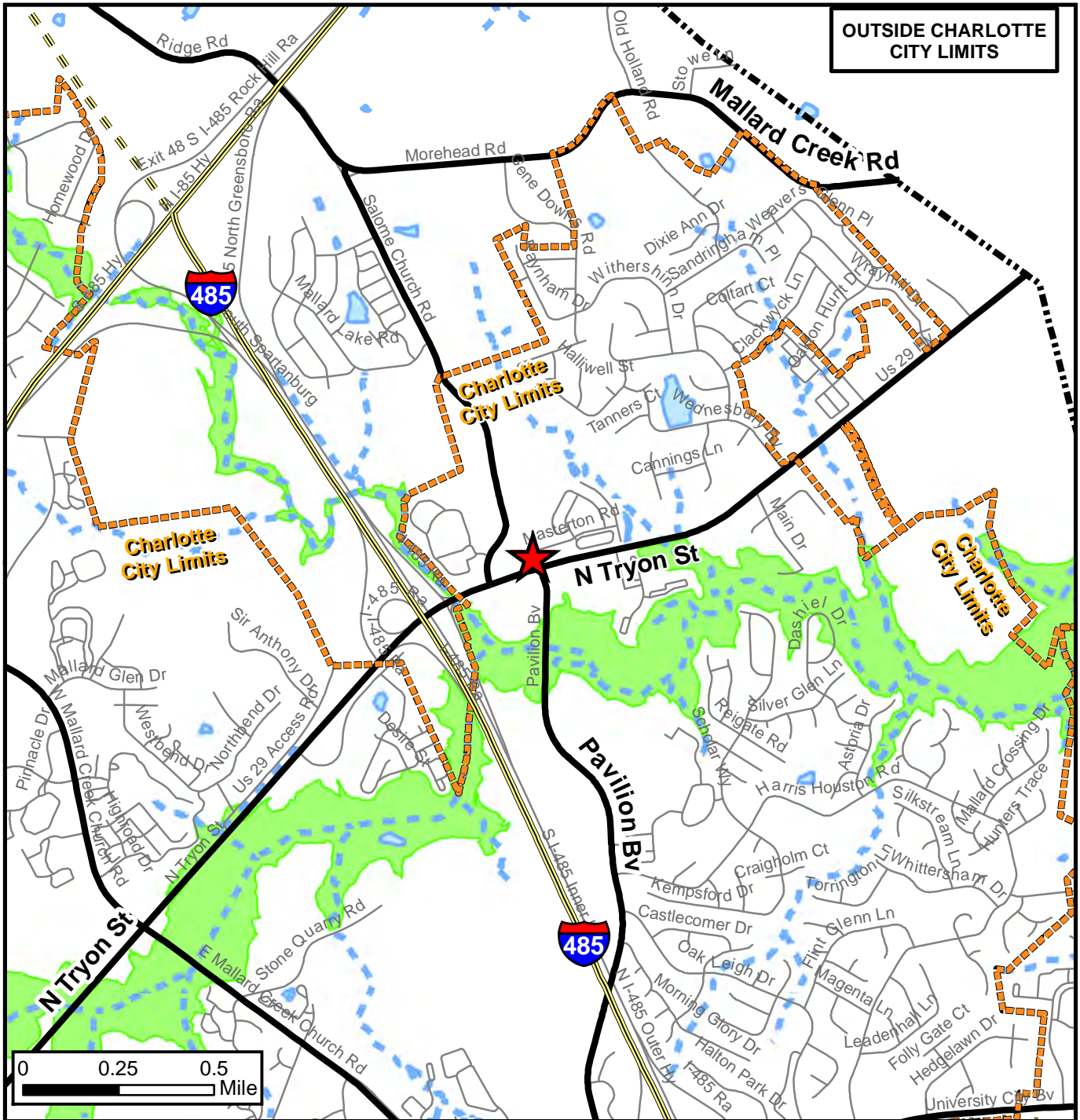
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

Planner: Solomon Fortune (704) 336-8326

Petition #: **2014-095**

Vicinity Map

Acreage & Location : Approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road.



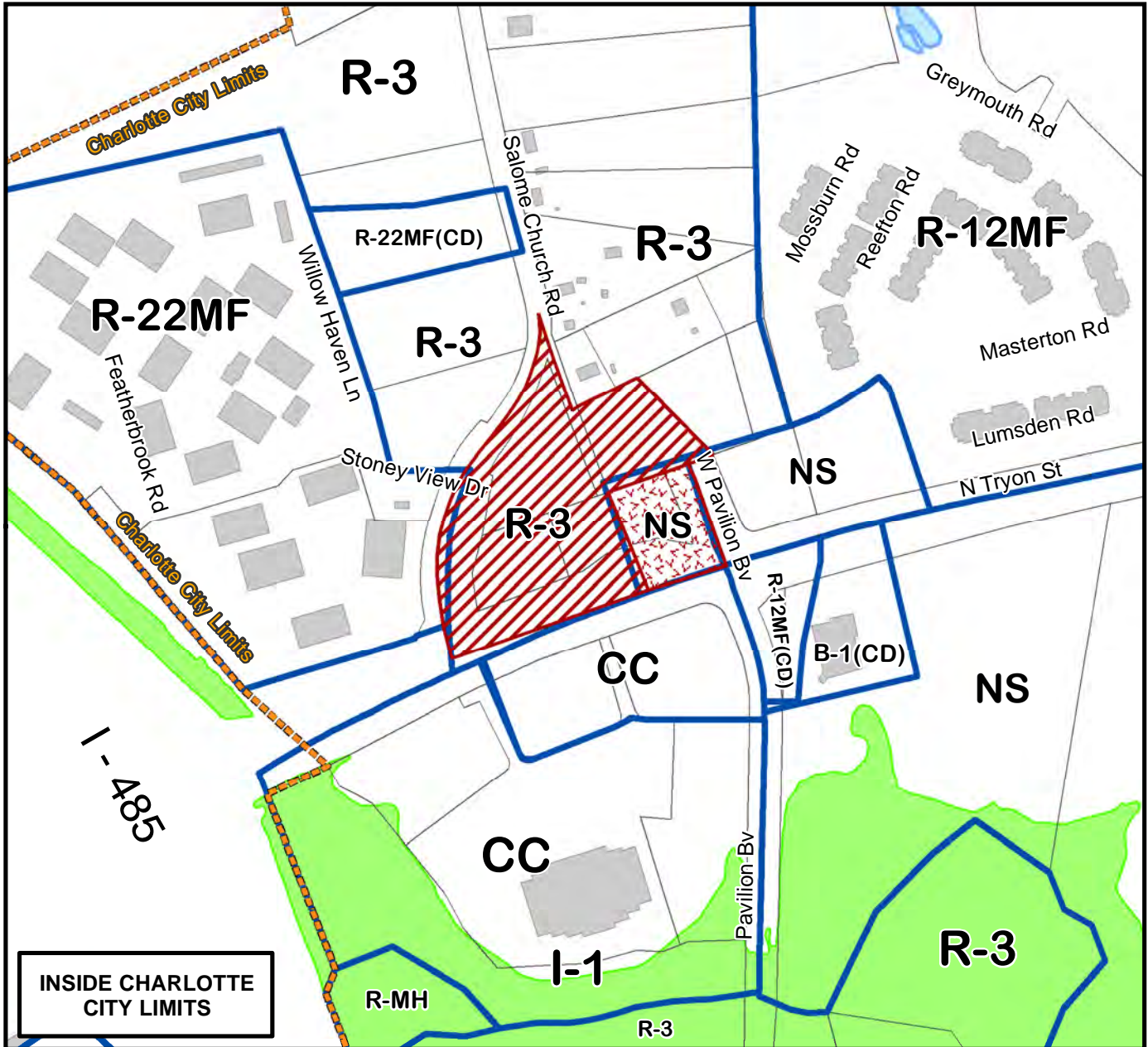
Petition #: **2014-095**

Petitioner: **QuikTrip Corporation**

Zoning Classification (Existing): **R-3 & NS**
(Single Family, Residential and Neighborhood Services)

Zoning Classification (Requested): **B-1(CD)**
(Neighborhood Business, Conditional)

Acreeage & Location: Approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road.



INSIDE CHARLOTTE CITY LIMITS

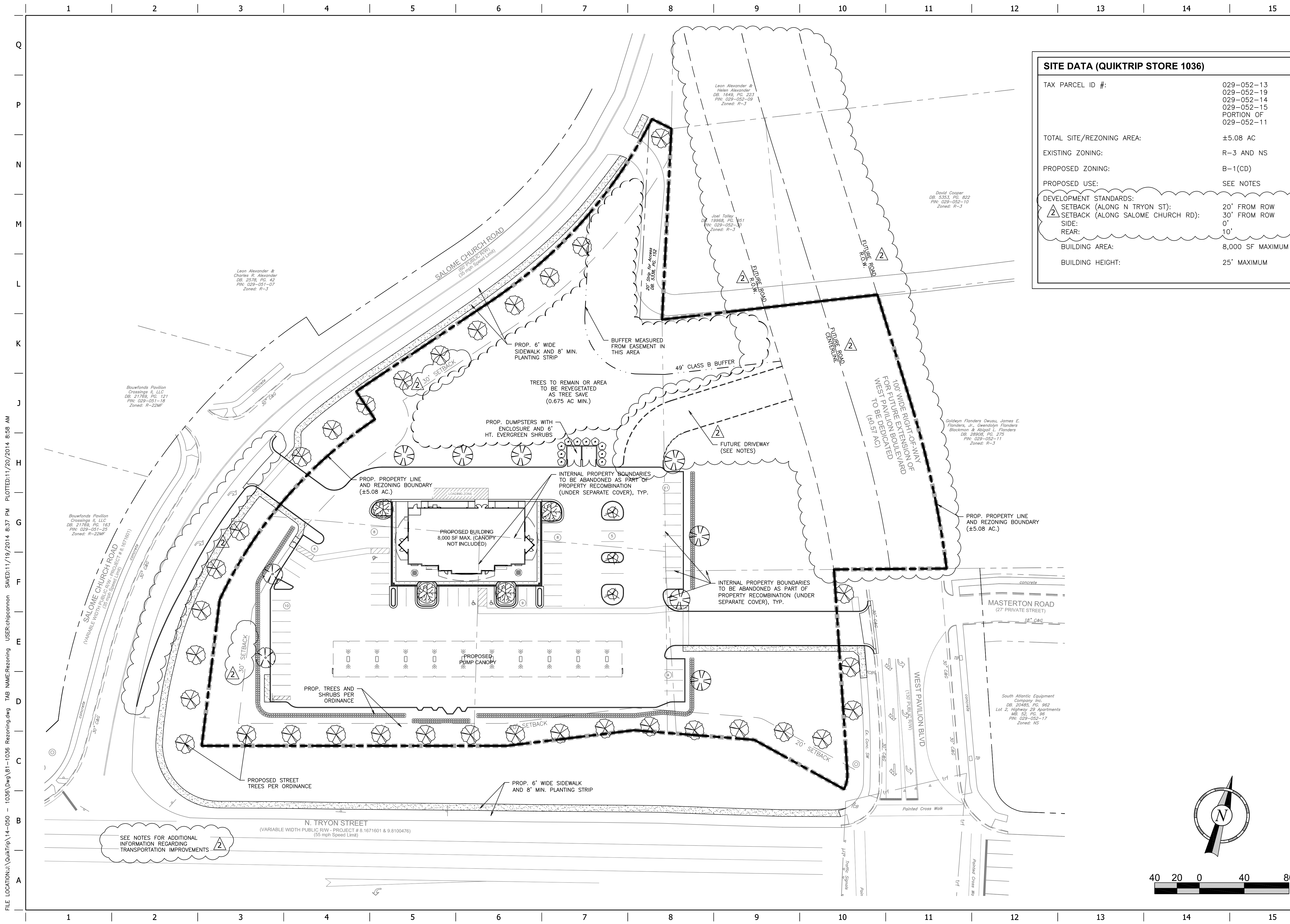
Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.

0 125 250 500 750 1,000 Feet



Zoning Map #(s)
54

	Requested B-1(CD) from R-3
	Requested B-1(CD) from NS
	Existing Building Footprints
	Existing Zoning Boundaries
	Charlotte City Limits
	FEMA flood plain
	Watershed
	Lakes and Ponds
	Creeks and Streams



SITE DATA (QUIKTRIP STORE 1036)	
TAX PARCEL ID #:	029-052-13 029-052-19 029-052-14 029-052-15 PORTION OF 029-052-11
TOTAL SITE/REZONING AREA:	±5.08 AC
EXISTING ZONING:	R-3 AND NS
PROPOSED ZONING:	B-1(CD)
PROPOSED USE:	SEE NOTES
DEVELOPMENT STANDARDS:	
SETBACK (ALONG N TRYON ST):	20' FROM ROW
SETBACK (ALONG SALOME CHURCH RD):	30' FROM ROW 0' 10'
BUILDING AREA:	8,000 SF MAXIMUM
BUILDING HEIGHT:	25' MAXIMUM

FILE LOCATION: \\QuikTrip\14-050 - 1036.dwg 8/14/2014 8:37 PM PLOTTED: 11/20/2014 8:58 AM
 USER: rchipman
 TAB NAME: Rezoning
 SHEET: 11/20/2014 8:37 PM

PROJECT NO.: 14-050

Urban Design Partners
 1315-H Central Ave. • 704.324.3303
 Charlotte, NC 28205 • 704.324.3309
 urbandesignpartners.com
 Registration: E-2418

QuikTrip No. 1036
 NORTH TRYON STREET AND SALOME CHURCH ROAD
 CHARLOTTE, NC

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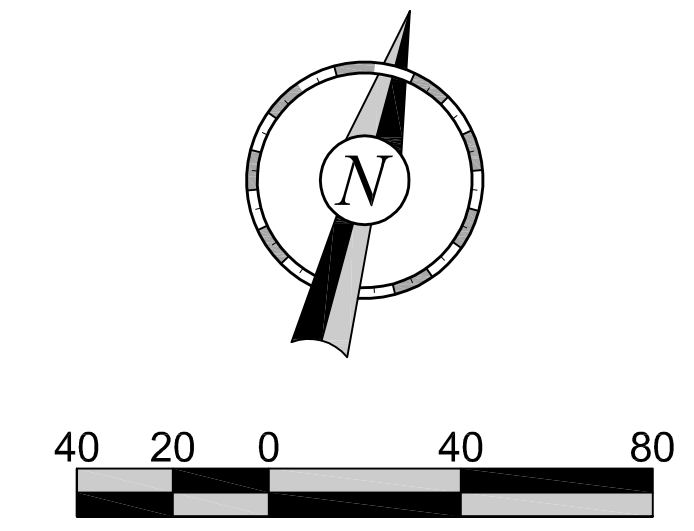
PROTOTYPE:	P-79
DIVISION:	CAROLINAS (81)
VERSION:	001
DESIGNED BY:	UDP
DRAWN BY:	UDP
REVIEWED BY:	TK

REV	DATE	DESCRIPTION
1	10/19/14	PER CITY COMMENTS
2	11/20/14	PER CITY COMMENTS

ORIGINAL ISSUE DATE: 07.28.14

SHEET TITLE:
 REZONING PLAN

SHEET NUMBER:
 RZ-1.0



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General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by QuikTrip Corporation to accommodate the development of a convenience store with gasoline sales and/or retail and restaurant uses on that approximately 5.08 acre site located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road, which site is more particularly depicted on the Rezoning Plan (the "Site").
- Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the B-1 zoning district shall govern all development taking place on the Site.
- The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard and buffer requirements set forth on this Rezoning Plan and the development standards, provided, however, any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan.
- Parking layouts and driveways for surface parking may be modified to accommodate the final building location. Sidewalks generally depicted on the Rezoning Plan may be altered provided that such alterations do not materially change the design intent generally depicted on the Rezoning Plan.
- The parcels of land that comprise the Site may be recombined into one parcel at the option of the Petitioner.
- Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

Permitted Uses

- The Site may be devoted to a convenience store with gasoline sales, retail uses and restaurants, and any incidental or accessory uses associated therewith that are permitted under the Ordinance in the B-1 zoning district.
- Accessory service windows and accessory drive through windows shall not be permitted on the Site.

Maximum Gross Floor Area
The maximum gross floor area allowed on the Site shall be 8,000 square feet. The area under the canopy over the gas pumps associated with a convenience store shall not be included in the calculation of the maximum gross floor area.

Transportation

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
- The northernmost vehicular access point from extended West Pavilion Boulevard into the Site may be installed by the Petitioner only after West Pavilion Boulevard is extended to Salome Church Road by others.
- The exact alignments of the internal drives to be located on the Site may be altered or modified during the construction permitting process.

4. Prior to the issuance of a certificate of occupancy for the building to be constructed on the Site, the Petitioner shall dedicate and convey to the City of Charlotte the right of way for that portion of extended West Pavilion Boulevard to be located within the Site, which right of way is more particularly depicted on the Rezoning Plan. West Pavilion Boulevard will be extended to Salome Church Road by others.

5. Prior to the issuance of a certificate of occupancy for the building to be constructed on the Site, the Petitioner shall dedicate and convey to the City of Charlotte right of way necessary for the future construction by others of a southbound right turn lane with a minimum of 100 feet of storage on West Pavilion Boulevard at its intersection with North Tryon Street, and a planting strip and a sidewalk along the Site's frontage on this right turn lane, to the extent that such right of way does not already exist.

6. The full access driveway that provides access to and from West Pavilion Boulevard will be converted to a right-in/right-out movement at such time that West Pavilion Boulevard is extended through the Site by others.

- Prior to the issuance of a certificate of occupancy for the building to be constructed on the Site, the Petitioner shall, at its cost and expense, construct and install the following transportation improvements:
 - (A) A northbound right turn lane with a minimum of 100 feet of storage on Salome Church Road at the vehicular access point into the Site from Salome Church Road; and
 - (B) Extend the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet.

Architectural Standards

- Attached to the Rezoning Plan are schematic architectural renderings of the principal building to be constructed on the Site that are intended to depict the general conceptual architectural style, character and quality of this building. Accordingly, the principal building to be constructed on the Site shall be designed and constructed so that it is substantially similar in appearance to the attached schematic architectural renderings. Notwithstanding the foregoing, changes and alterations to the exterior of the principal building will be allowed pursuant to Section 6.207 of the Ordinance.
- The exterior building materials for the principal building to be constructed on the Site are designated on the attached schematic architectural renderings.
- As depicted on the attached schematic architectural renderings, long expanses of building walls facing the abutting public streets exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such as brick, and other masonry products, stone, glass windows, water table, architectural tile, and/or soldier course. In addition, long expanses of building walls on the rear of the building exceeding 38 feet in length shall be avoided through the introduction of articulated facades, using various materials such as brick, and other masonry products, stone, glass windows, water table, architectural tile, and/or soldier course as depicted on the attached schematic architectural renderings.

- HVAC units and above ground backflow preventer assemblies shall be screened from view at grade from adjoining parcels and streets.
- The dumpster and recycling area will be enclosed on all four sides by an opaque wall or fence with one side being a hinged opaque gate. If one or more sides of a dumpster and recycling area adjoin a side wall or rear wall of the building, then the side wall or rear wall of the building may be substituted for the wall or fence along each such side.

Streetscape/Landscaping/Buffers/Sidewalks

- Landscaping will meet or exceed the requirements of the Ordinance.
- Class B buffers shall be established on the Site as required by the Ordinance and as depicted on the Rezoning Plan and such buffers shall conform to the standards of Section 12.302 of the Ordinance. Pursuant to Section 12.302(b) of the Ordinance, the Petitioner may reduce the required width of any buffer by 25% by installing a wall, fence or berm that meets the standards of Section 12.302(b) of the Ordinance.
- In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, the Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas accordingly.
- An 8 foot planting strip and a 6 foot sidewalk shall be installed along the Site's public street frontages as more particularly depicted on the Rezoning Plan.
- Internal sidewalks shall be provided on the Site as depicted on the Rezoning Plan.

Environmental Features

- Development of the Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- The location, size, and type of storm water management systems are subject to review and approval as part of the full development plan submittal. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
- Development of the Site shall comply with the City of Charlotte Tree Ordinance.

Signage

- All signs installed on the Site shall comply with the requirements of the Ordinance.
- Pole signs shall not be allowed on the Site.
- Monument signs installed on the Site shall be limited to a maximum height of 8 feet, 6 inches and a maximum sign face area per side of 72 square feet.

Lighting

- Any freestanding lighting fixtures installed on Site shall have a maximum height of 24 feet, and all such freestanding lighting fixtures shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
- Any attached lighting will be downwardly directed and a full cutoff fixture.

Binding Effect of the Rezoning Documents and Definitions

- If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, 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.
- Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

PROJECT NO.: 14-050



URBAN DESIGN PARTNERS
1318-H Central Ave. # 704-324-3303
Charlotte, NC 28203 # 704-324-3300
urbandesignpartners.com
Registration: E24018

QuikTrip No. 1036
NORTH TRYON STREET AND SALOME CHURCH ROAD
CHARLOTTE, NC



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PROTOTYPE: P-79
DIVISION: CAROLINAS (81)
VERSION: 001
DESIGNED BY: UDP
DRAWN BY: UDP
REVIEWED BY: TK

REV	DATE	DESCRIPTION
1	09/19/14	PER. CITY COMMENTS
2	11/20/14	PER. CITY COMMENTS

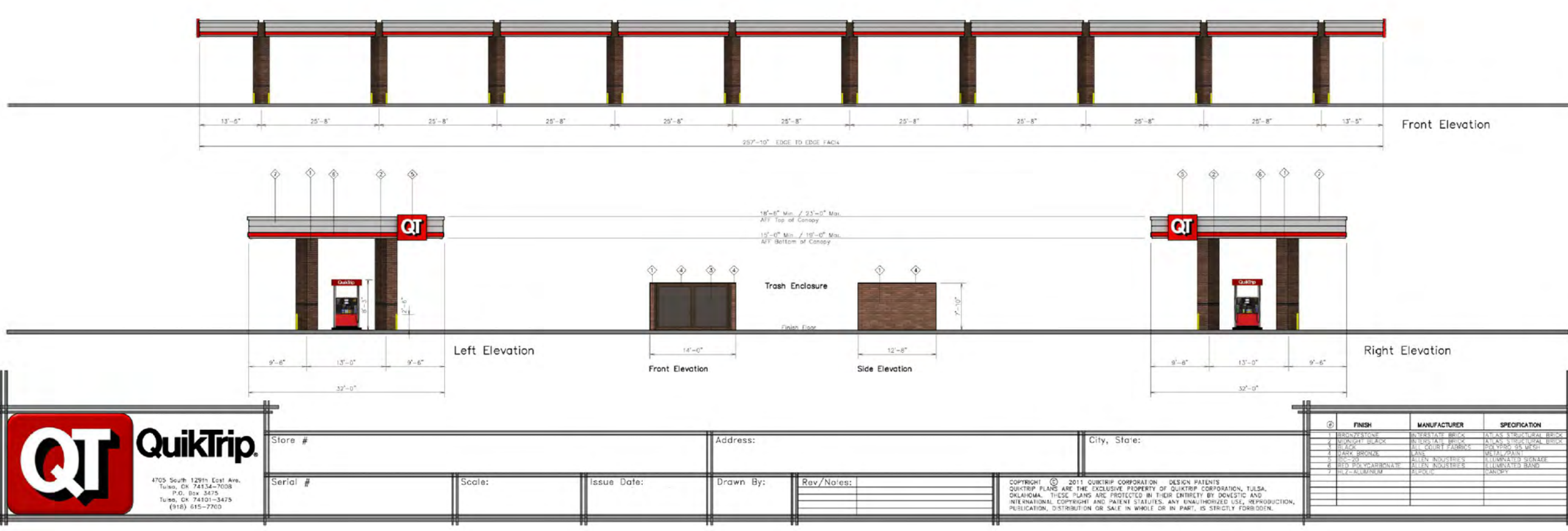
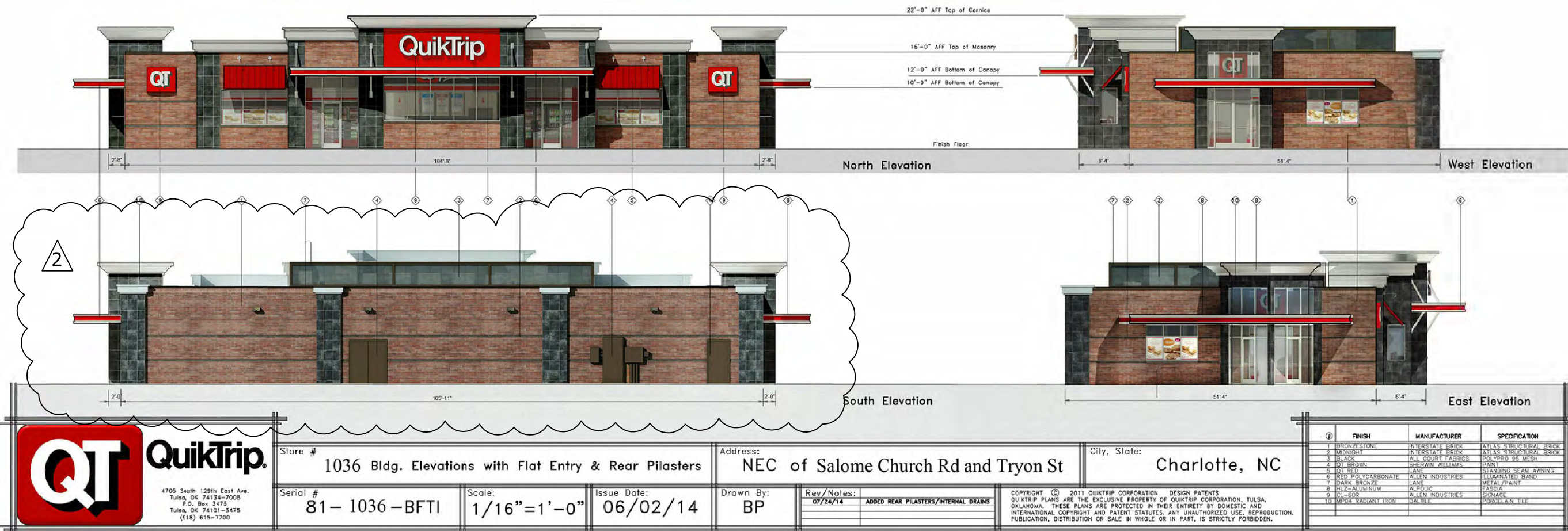
ORIGINAL ISSUE DATE: 07.28.14

SHEET TITLE:
DEVELOPMENT STANDARDS
AND NOTES

SHEET NUMBER:
RZ-2.0

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15

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PROJECT NO.: 14-050

URBAN DESIGN PARTNERS
1315-46 central ave • 704.334.3303
charlotte, nc 28205 • 704.334.3309
urbandesignpartners.com
Registered: E24818

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CHARLOTTE, NC

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PROTOTYPE: P-79
DIVISION: CAROLINAS (81)
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DESIGNED BY: UDP
DRAWN BY: UDP
REVIEWED BY: TK

REV	DATE	DESCRIPTION
1	09/19/14	PER. CITY COMMENTS
2	11/20/14	PER. CITY COMMENTS

ORIGINAL ISSUE DATE: 07.28.14

SHEET TITLE:
BUILDING ELEVATIONS AND ILLUSTRATIVES

SHEET NUMBER:
RZ-3.0

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15



Store # 1036 Bldg. Elevations with Flat Entry & Rear Pilasters

Address: NEC of Salome Church Rd and Tryon St

City, State: Charlotte, NC

Serial # 81-1036-BFTI

Scale: 1/16" = 1'-0"

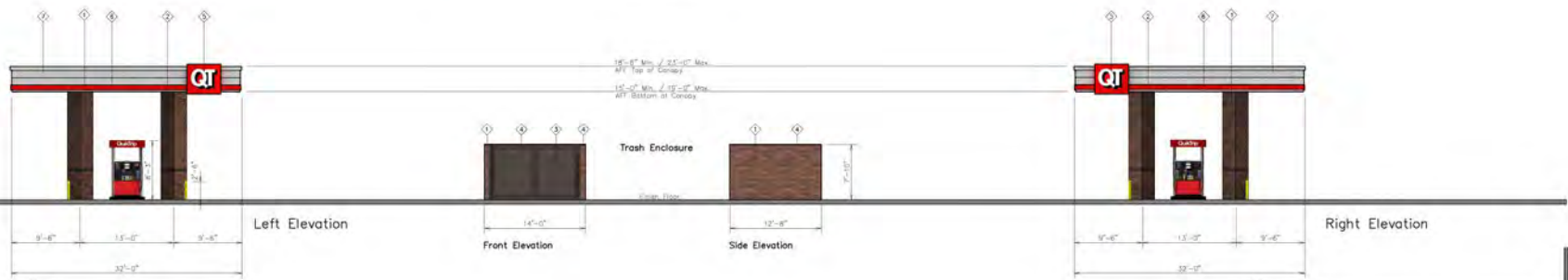
Issue Date: 06/02/14

Drawn By: BP

Rev/Notes: 07/24/14 ADDED REAR PILASTERS/INTERNAL DRAINS

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#	FINISH	MANUFACTURER	SPECIFICATION
1	BRONZESTONE	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK
2	MUNIGHT	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK
3	BLACK	ALL COURT FABRICS	POLYPRO 95 MESH
4	QT BROWN	SHERWIN WILLIAMS	PAINT
5	QT RED	LANE	STANDING SEAM AWNING
6	RED POLYCARBONATE	ALLEN INDUSTRIES	ILLUMINATED BAND
7	DARK BRONZE	LANE	METAL/PAIN
8	HIZ-ALUMINUM	ALPOLIC	FASCIA
9	CI-60R	ALLEN INDUSTRIES	SIGNAGE
10	MPOK RADIANT IRON	DAL TILE	PORCELAIN TILE



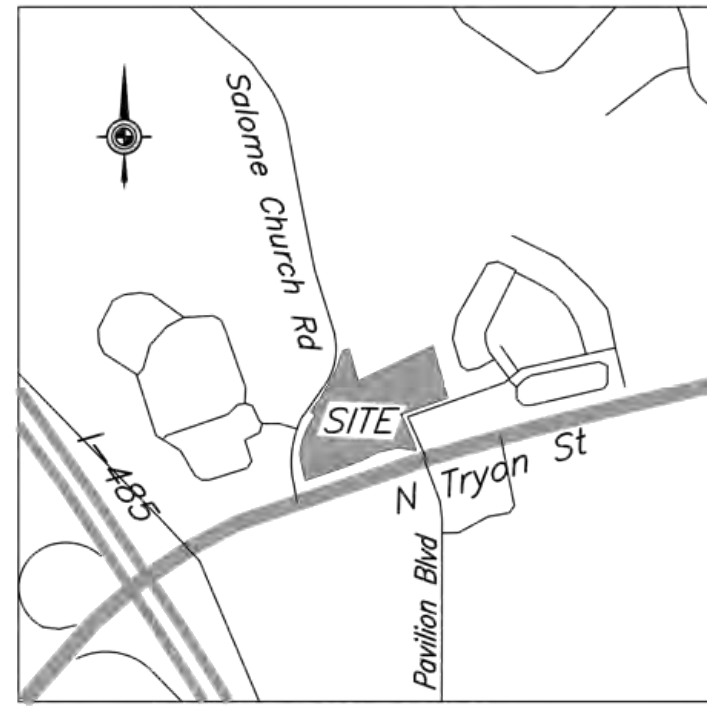
QuikTrip.

4705 South 129th East Ave.
Tulsa, OK 74134-7008
P.O. Box 24170
Tulsa, OK 74101-3475
(918) 615-7000

Store #	Address:		City, State:	
Serial #	Scale:	Issue Date:	Drawn By:	Rev/Notes:

①	FINISH	MANUFACTURER	SPECIFICATION
1	CONCRETE WORK	CONCRETE WORK	ACI 308.1R-03 (04) - CONCRETE
2	PAINTWORK	PRIMAVERA	PRIMAVERA 1000 - CONCRETE
3	PAINTWORK	PRIMAVERA	PRIMAVERA 1000 - METAL
4	STEEL WORK	PRIMAVERA	PRIMAVERA 1000 - METAL
5	MECHANICAL	PRIMAVERA	PRIMAVERA 1000 - MECHANICAL
6	ELECTRICAL	PRIMAVERA	PRIMAVERA 1000 - ELECTRICAL
7	GLASS	PRIMAVERA	PRIMAVERA 1000 - GLASS

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VICINITY MAP
NOT TO SCALE



Know what's below.
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TREE LEGEND:

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- PDP - Poplar
- SYC - Sycamore
- WLN - Walnut
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LINE LEGEND:

- Easement
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- Power Line (underground)
- Sanitary Sewer Pipe
- Storm Drain Pipe
- Storm Drain Pipe >12"
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- Telephone Line (underground)
- Water Line
- Wood Fence

ALTA/ACSM CERTIFICATION:

To: QuikTrip Corporation; Lester Herlocker & Associates, Inc; Goldwyn Flanders Owusu, James E. Flanders, Jr., Gwendolyn Flanders Blackmon and Abigail L. Flanders; HWY 29, LLC; First American Title Insurance Company;
this is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 minimum standard detail requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 6, 7(a), 7(b), 7(c), 8, 9, 10, 11(a), and 13 of table a thereof. The field work was completed on February 19, 2014.

Justin F. Cloninger
Professional Land Surveyor NCPLS L-4430

FLOOD CERTIFICATION:

This is to certify that the subject property is Not located in a special flood hazard area as shown on maps prepared by the federal emergency management agency, federal insurance administration, dated March 2, 2004.
Community Panel NO: 3710458800J; Zone 'X'

This is to certify that on the 19th day of February, 2014, an actual survey was made under my supervision of the property shown on this plat, and that the boundary lines and the improvements, if any, are as shown hereon. This plat meets the minimum standards of practice for land surveying in North Carolina, board rule .1600 (21 ncac 56) and the ratio of precision does not exceed an error of closure of one (1) foot per 10,000 feet of perimeter surveyed nor 20 seconds times the square root of the number of angles turned.

SURVEYED AND MAPPED BY:
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SURVEYING & MAPPING
LICENSE NO. C-1471
420 HAWTHORNE LANE
CHARLOTTE, NC 28204
TEL: (704) 376-2186
FILE NO. W-4519
JOB NO. 80787



PROJECT NO.: #####

LEGEND:

- A - Arc Length
- ASPH - Asphalt
- B - Chord Bearing
- C - Chord Length
- CB - Catch Basin
- C.C. - Curb Cut
- CI - Curb Inlet
- C&G - Curb & Gutter
- C/O - Clean Out
- CONC - Concrete
- DB - Deed Book
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- EM - Electric Meter
- EIP - Existing Iron Pipe
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- RCP - Reinforced Concrete Pipe
- SD - Storm Drain
- SMH - Sanitary Sewer Manhole
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- WV - Water Valve

SYMBOL LEGEND

- Area Inlet
- Benchmark
- Fire Hydrant
- Guy Wire
- Left Turn Arrow
- Light Pole
- Mailbox
- Manhole Cover
- Monument
- Pedestal
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- Property Corner Set
- Right Turn Arrow
- Sign
- Spot Elevation
- Spot Light
- Straight Arrow
- Traffic Signal Box
- Traffic Signal Pole
- Tree
- Utility Meter
- Utility Pole
- Valve



QuikTrip No. 1036
N. TRYON STREET & SALOME CHURCH ROAD
CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.



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PROTOTYPE: P-74 (2/01/13)
DIVISION:
VERSION: 001
DESIGNED BY:
DRAWN BY: NM
REVIEWED BY: JFC

REV	DATE	DESCRIPTION

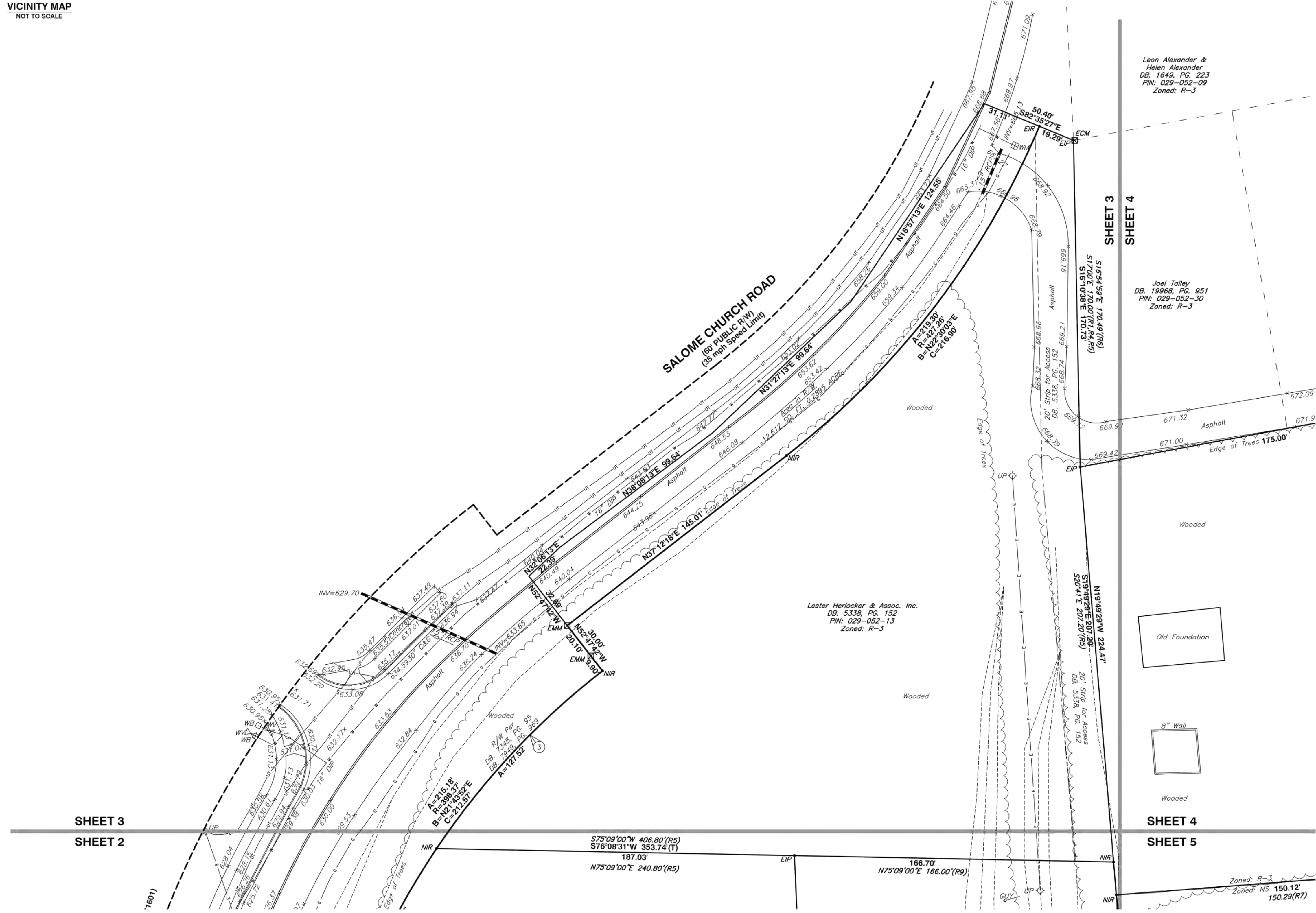
SHEET TITLE:

SURVEY PLAN

SHEET NUMBER:

SU-2

ORIGINAL ISSUE DATE: 7/28/14



Leon Alexander &
Helen Alexander
DB: 1649, PG: 223
PIN: 029-052-09
Zoned: R-3

Joel Talley
DB: 1996B, PG: 951
PIN: 029-052-30
Zoned: R-3

Lester Herlocker & Assoc. Inc.
DB: 5338, PG: 152
PIN: 029-052-13
Zoned: R-3

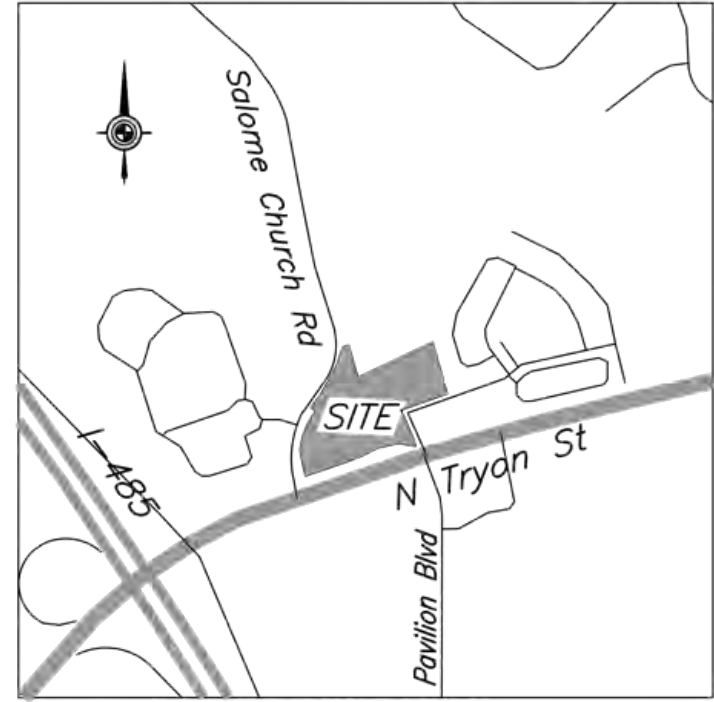
SHEET 3
SHEET 2

SHEET 4
SHEET 5

S75°09'00"W 406.80'(R5)
S76°08'31"W 353.74'(T)
187.03'
N75°09'00"E 240.80'(R5)

166.70'
N75°09'00"E 166.00'(R9)

Zoned: R-3
150.12'
150.29'(R7)



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LICENSE NO. C-1471
420 HAWTHORNE LANE
CHARLOTTE, NC 28204
TEL: (704) 376-2186
FILE NO. V-4519
JOB NO. 80787



PROJECT NO.: #####

QuikTrip No. 1036
N. TRYON STREET & SALOME CHURCH ROAD
CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.



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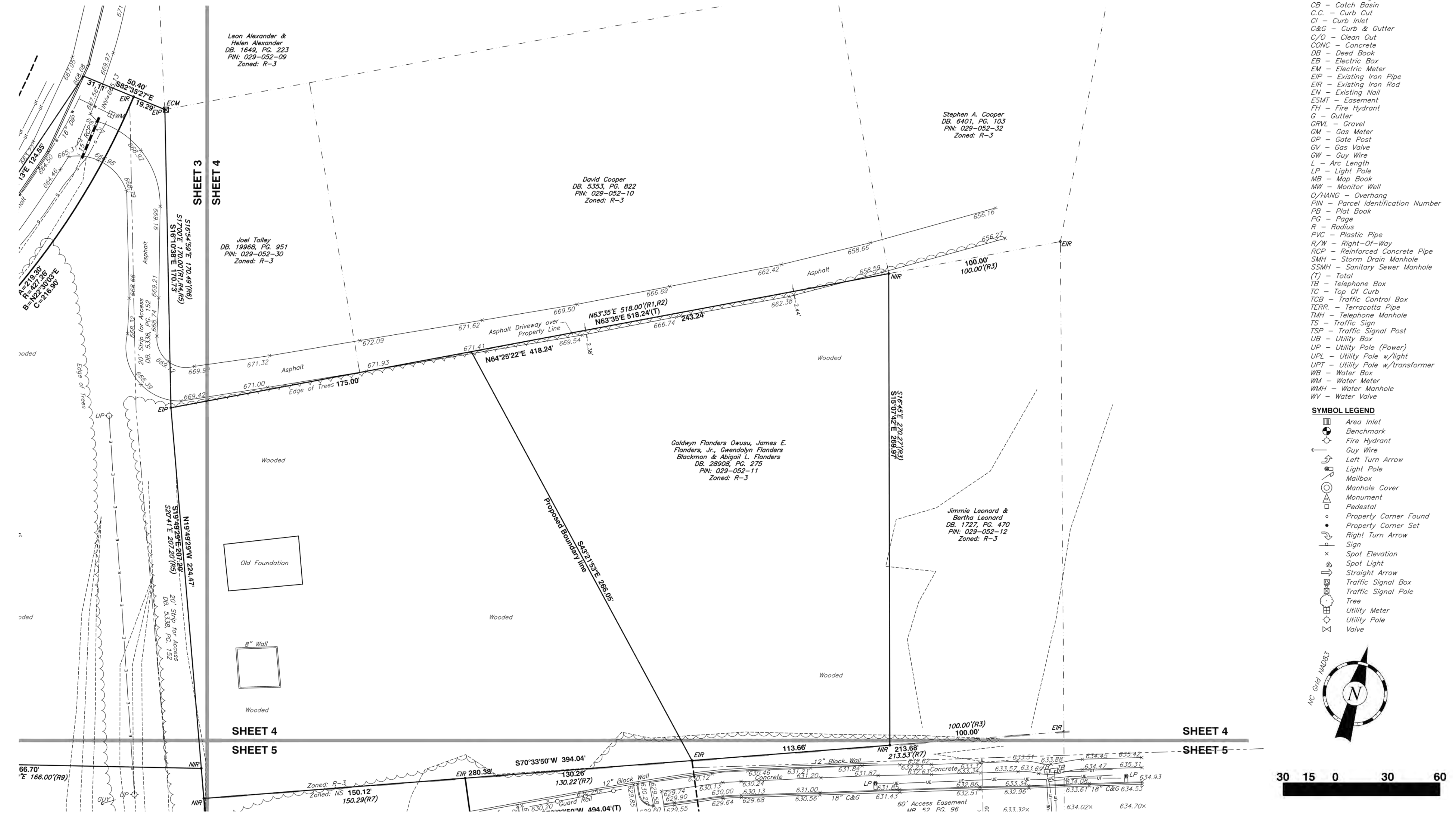
PROTOTYPE: P-74 (2/01/13)
DIVISION:
VERSION: 001
DESIGNED BY:
DRAWN BY: NM
REVIEWED BY: JFC

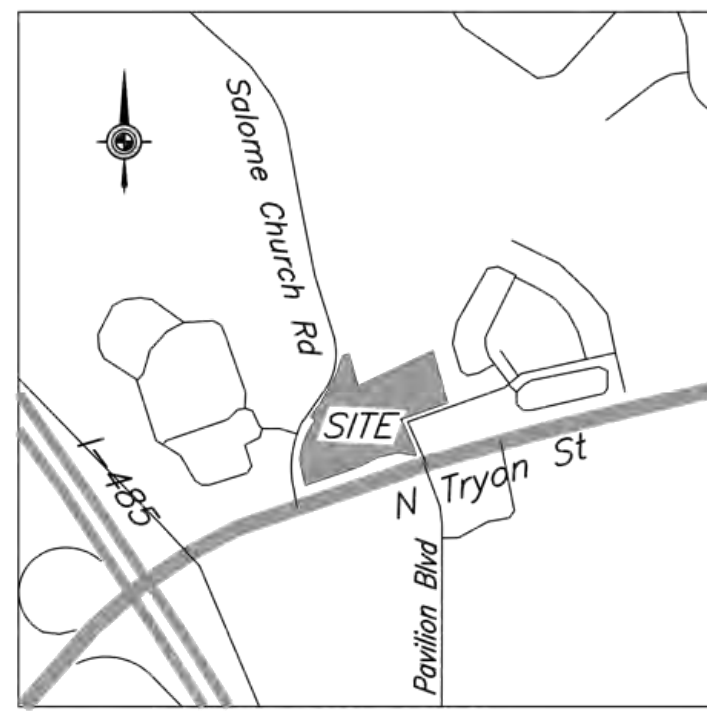
REV	DATE	DESCRIPTION

SHEET TITLE:
SURVEY PLAN

SHEET NUMBER:
SU-3

ORIGINAL ISSUE DATE: 7/28/14





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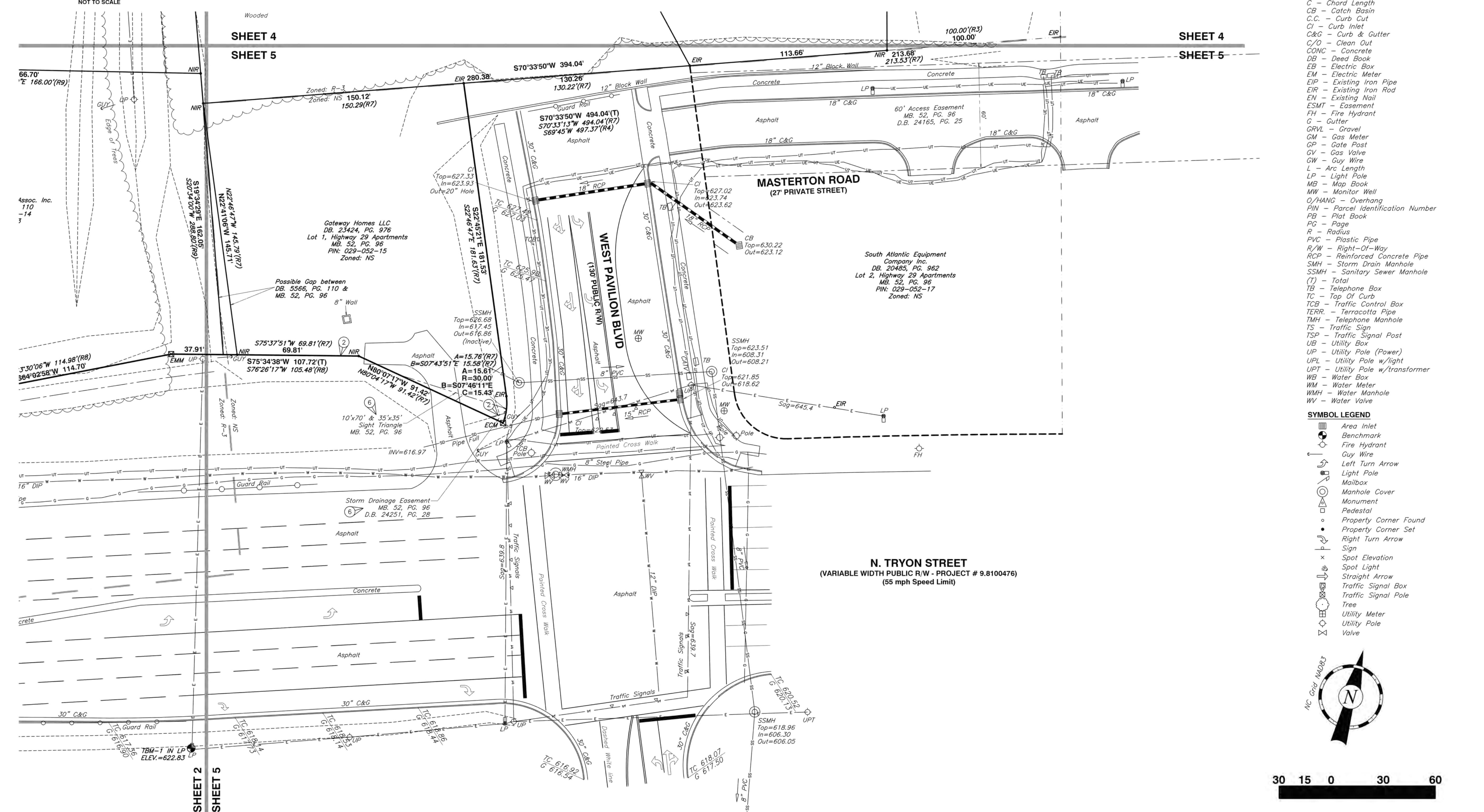


PROTOTYPE: P-74 (2/01/13)
DIVISION:
VERSION: 001
DESIGNED BY:
DRAWN BY: NM
REVIEWED BY: JFC

REV	DATE	DESCRIPTION

SHEET TITLE:
SURVEY PLAN
SHEET NUMBER:
SU-4

ORIGINAL ISSUE DATE: 7/28/14



- LEGEND:**
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REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes to develop the subject property with up to 30,000 square feet of office, retail, personal services, and eating, drinking, and entertainment establishment uses allowed in the NS (neighborhood service) district. The site plan shows development options with and without the approval of a Post Construction Controls Ordinance (PCCO) variance.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	North Carolina Department of Transportation Lenox Development Group, LLC Jeff Brown and Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 25
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>South District Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The <i>South District Plan</i> recommends residential land uses at up to three dwelling units per acre; and • The <i>General Development Policies</i> support residential densities up to eight dwelling units per acre for this site. <p>However, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed retail uses have not be objected to by the neighborhood; and • It connects well to the existing retail development along Ardrey Kell Road; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Eschert).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications: <ol style="list-style-type: none"> 1. Provided a cross-section and elevations for the proposed six-foot wooden fence to be located in a portion of the 44-foot Class "B" buffer. 2. Committed to a minimum office square footage of 25 percent. 3. Eliminated reductions to buffers abutting residential zoning and/or use. 4. Updated the site plan to reflect the approved variance for a 100-foot PCCO (Post Construction Controls Ordinance) buffer (approved October 16, 2014) and eliminated the architectural site plan page reflecting a 200-foot PCCO buffer. 5. Amended Note 2b under Permitted uses and Development Area Limitations to add the following as prohibited uses: animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites,
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boarding houses, car washes, cemeteries, child care center in a residence/family childcare homes, rooming houses, construction & demolition landfills, dormitories, dwellings mixed use, jails & prisons, land clearing and inert debris landfills offsite, nursing homes/rest homes/homes for the aged, off-street parking as a **principal use, open space recreational uses, orphanages/children’s homes** and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands, single room occupancy residences, eating/drinking/entertainment establishments Type 1&2 with more than 5,000 square feet of gross floor area, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materials/stocks/equipment, and satellite dish farm in conjunction with a telecommunications and data storage facility/radio station/television station.

6. **Replaced “restaurants” with “eating, drinking, entertainment establishments Type 1 and Type 2.”**
7. Amended Note 2b under Access and Transportation to state that a left-turn lane and right-turn lane along Ardrey Kell Road will be installed along Ardrey Kell Road to serve the site subject to CDOT and NCDOT requirements.
8. Amended Note 5a under Streetscape, Buffers, Yards, and **Landscaping to specify the portion of the site’s frontage along Ardrey Kell road** where the existing sidewalk and planting strip will be preserved.
9. Amended Note 5b under Streetscape, Buffers, Yards and Landscaping to specify three different treatments along portions of the 44-foot Class “B” buffer, which include the addition of a six-foot wooden fence, existing berm and new vegetation, and existing vegetation supplemented with trees.

The following issues are outstanding:

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

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition and indicated that though the list of prohibited uses had been expanded to further limit allowed uses, **the proposed retail uses were inconsistent with the area plan’s land use recommendation.** In addition, there were outstanding issues pertaining to a reduction of the overall square footage and architecture of the proposed development. Staff recognized that, while the size and orientation of the site is not conducive to single family detached dwellings as recommended per the adopted area plan, it qualifies for higher density residential (up to eight units per acre) per the **General Development Policies** or would be suitable for a small office development that is sensitive in form to the surrounding residential uses.

A committee member questioned why the outstanding issues had not been addressed. Staff responded that the petitioner had concerns about limitations with marketing the property if uses were limited. Committee members noted that the site is a remnant property that is not connected to the abutting residential neighborhood, and is difficult to develop. Committee members also indicated that members of the community have communicated that more retail along portions of

Ardrey Kell Road is desirable and although they **agree with staff's** recommendation for limiting uses to personal services and/or office uses, the amount of retail square footage proposed is minimal and almost needed so that the site does not feel like a vacant node. It was further added that surrounding land uses contain retail uses, the site provides public open space, and the proposed site layout placing the building closer to the street and away from residential dwellings is preferred.

A committee member asked if Ardrey Kell Road is maintained by NCDOT and if there were additional transportation issues associated with the site. Staff responded the road is maintained by NCDOT and that CDOT is unaware of any problematic traffic issues related to this petition, adding that CDOT works with NCDOT to address congestion issues. Another member questioned if retail uses were a bigger trip generator than office uses, whereby staff answered that office and retail uses generate a similar number of trips per day at the density proposed for this rezoning.

STAFF OPINION

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

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

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Maximum 30,000 square feet office, retail, personal services and eating, drinking, and entertainment establishments. Eating, drinking, and entertainment establishments are limited to 5,000 square feet in area. Minimum office square footage of 25 percent.
- Prohibited uses include: accessory drive-through service windows, gasoline service stations with or without a convenience store, residential dwellings, animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites, boarding houses, car washes, cemeteries, child care center in a residence/family childcare homes, rooming houses, construction & demolition landfills, dormitories, dwellings mixed use, jails & prisons, land clearing and inert debris landfills offsite, nursing homes/rest homes/homes for the aged, **off-street parking as a principal use, open space recreational uses, orphanages/children's homes** and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands, single room occupancy residences, eating/drinking/entertainment establishments Type 1&2 with more than 5,000 square feet of gross floor area, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materials/stocks/equipment, and satellite dish farm in conjunction with a telecommunications and data storage facility/radio station/television station.
- Number of principal buildings not to exceed four.
- Buildings limited to one story and 30 feet in height except for a 45-foot tall decorative tower element.
- Surface parking disallowed between the buildings and Ardrey Kell Road.
- Installation of a left-turn lane and right-turn lane along Ardrey Kell Road to serve the site subject to CDOT and NCDOT requirements.
- Building materials consisting of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative block, architectural metal panels, and/or wood.

- Vinyl as a building material may only be used on windows, soffits, and handrail/railings.
- Building elevations reflecting architectural style and quality of the proposed building.
- Building facades facing Ardrey Kell Road to include a minimum of 40 percent fenestration. Fenestration shall extend higher than three feet from the exterior average grade at the base of the building to at least the height of the door head. Glazing of windows will be transparent under all lighting conditions; however, spandrel or colored glass may be used in the area above the height of the door head.
- The existing five-foot sidewalk and three-foot planting strip will be preserved along a portion of Ardrey Kell Road, while a six-foot sidewalk and eight-foot planting strip will be provided along the remaining frontage. Site plan specifies the area to be preserved.
- A 44-foot Class "B" buffer with a solid decorative fence six feet in height will be provided abutting any existing single family use and/or zoning. Three different treatments along portions of the 44-foot buffer area are specified, which include the addition of a six-foot wooden fence, existing berm and new vegetation, and existing vegetation supplemented with trees. Buffers may not be reduced.
- Cross-section and elevations provided for the proposed six-foot wooden fence to be provided in a portion of the 44-foot Class "B" buffer.
- Site plan reflects an approved variance for a 100-foot Post Construction Controls Ordinance buffer.
- Detached signage limited to five feet in height and 50 square feet in area.
- Detached lighting limited to 15 feet in height.
- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends residential land uses up to three units per acre, and references the residential locational criteria of the *General Development Policies* (2003) for areas of higher density development. Because the site is adjacent to residential uses and outside of a retail center location, it may be conducive for higher density residential or a small office development that is sensitive in form to the surrounding residential uses
 - The *General Development Policies* (2003) support residential densities up to eight dwelling units per acre.

Assessment Criteria	Density Category - >6 up to 8 du/a
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium)
Connectivity Analysis	2 (Med - Low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Total Points Needed: 11	Total Points: 11

- The petition is inconsistent with the *South District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- Land Use
 1. The proposed use is inconsistent with the *South District Plan* recommendation for single family at three units per acre.
 - The petitioner should:
 1. **Limit permitted uses to “personal services” as listed in Note 2(a), and/or office uses.**
 2. Reduce overall square footage from 30,000 to 20,000 square feet.
 3. Add note committing building design to be residential in character.
-

Attachments Online at www.rezoning.org

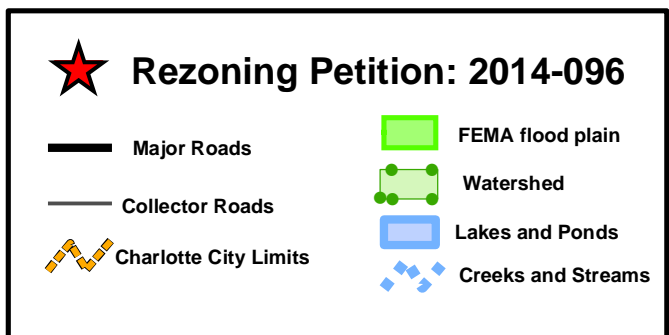
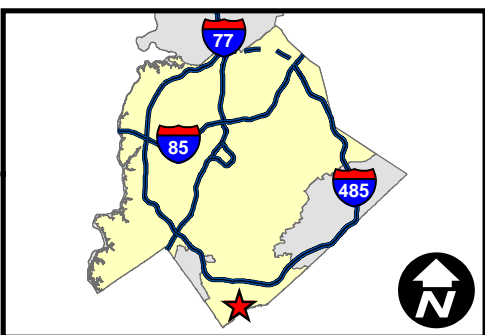
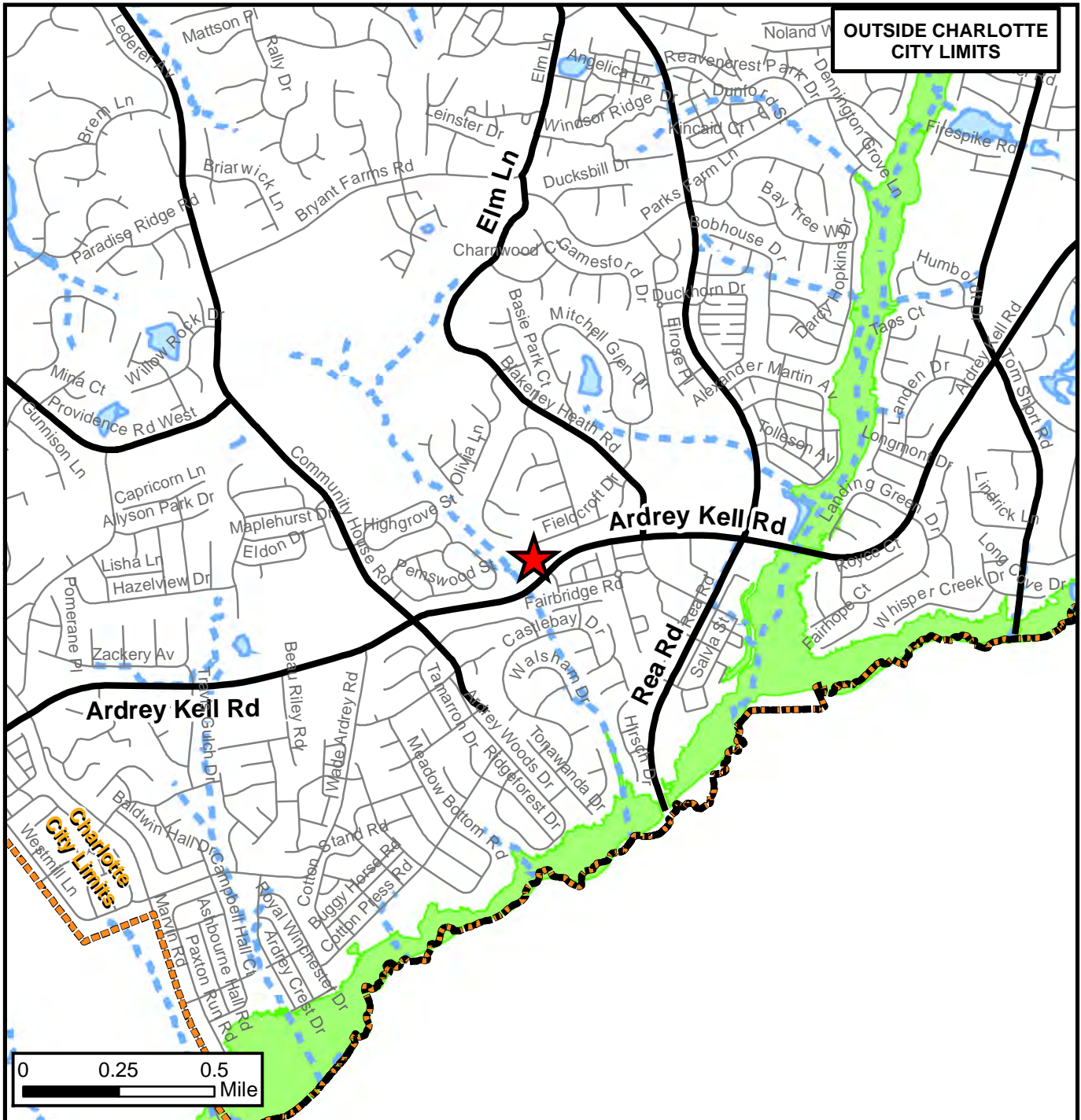
- Application
- Pre-hearing Staff Analysis
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

Planner: Sonja Sanders (704) 336-8327

Petition #: **2014-096**

Vicinity Map

Acreage & Location : Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue.



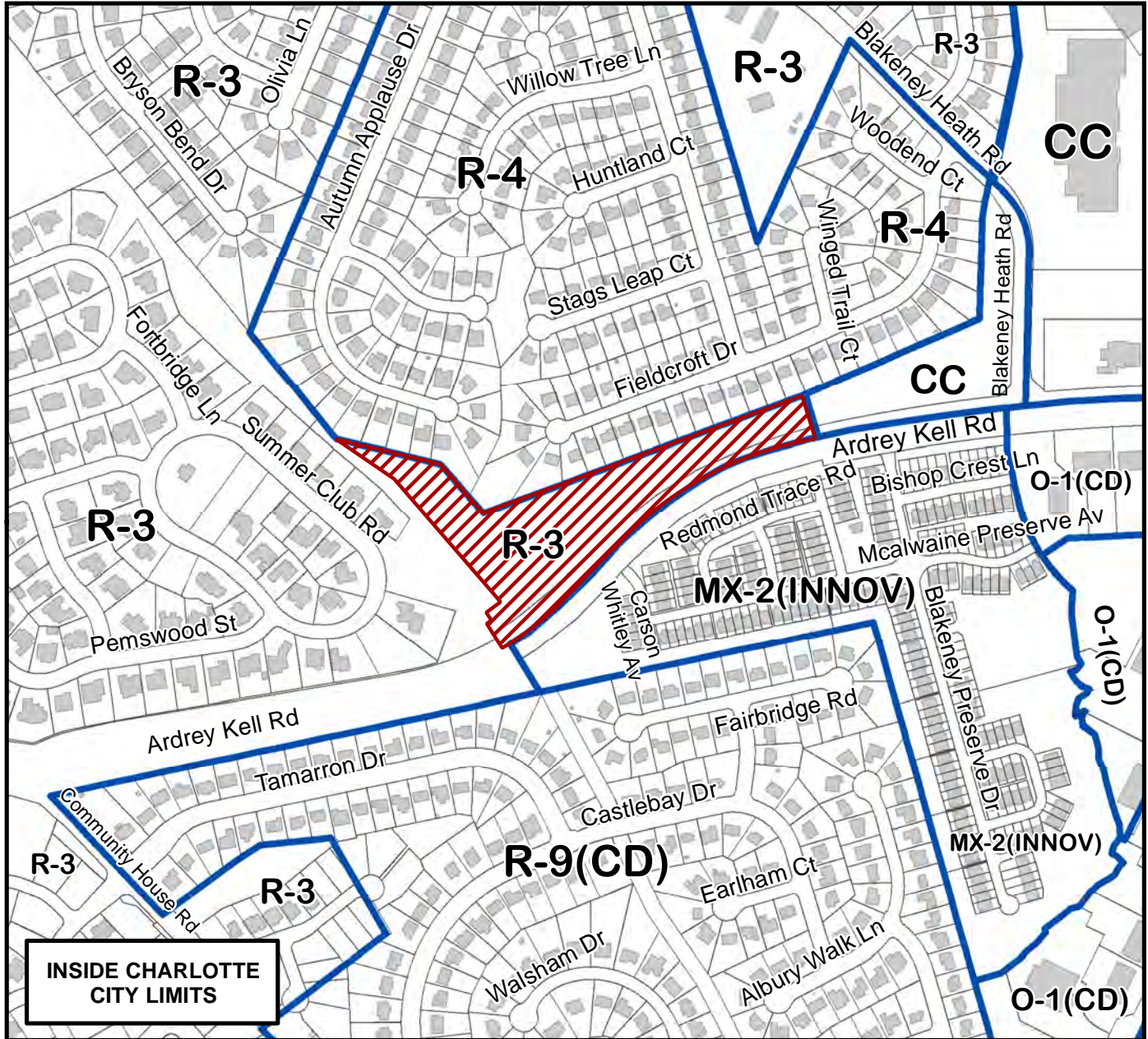
Petition #: **2014-096**

Petitioner: **Lenox Development Group, LLC**

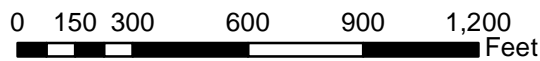
Zoning Classification (Existing): **R-3**
(Single Family, Residential)

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

Acreage & Location: Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue.

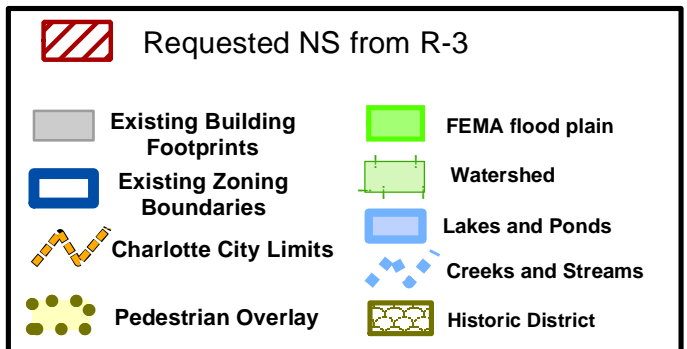


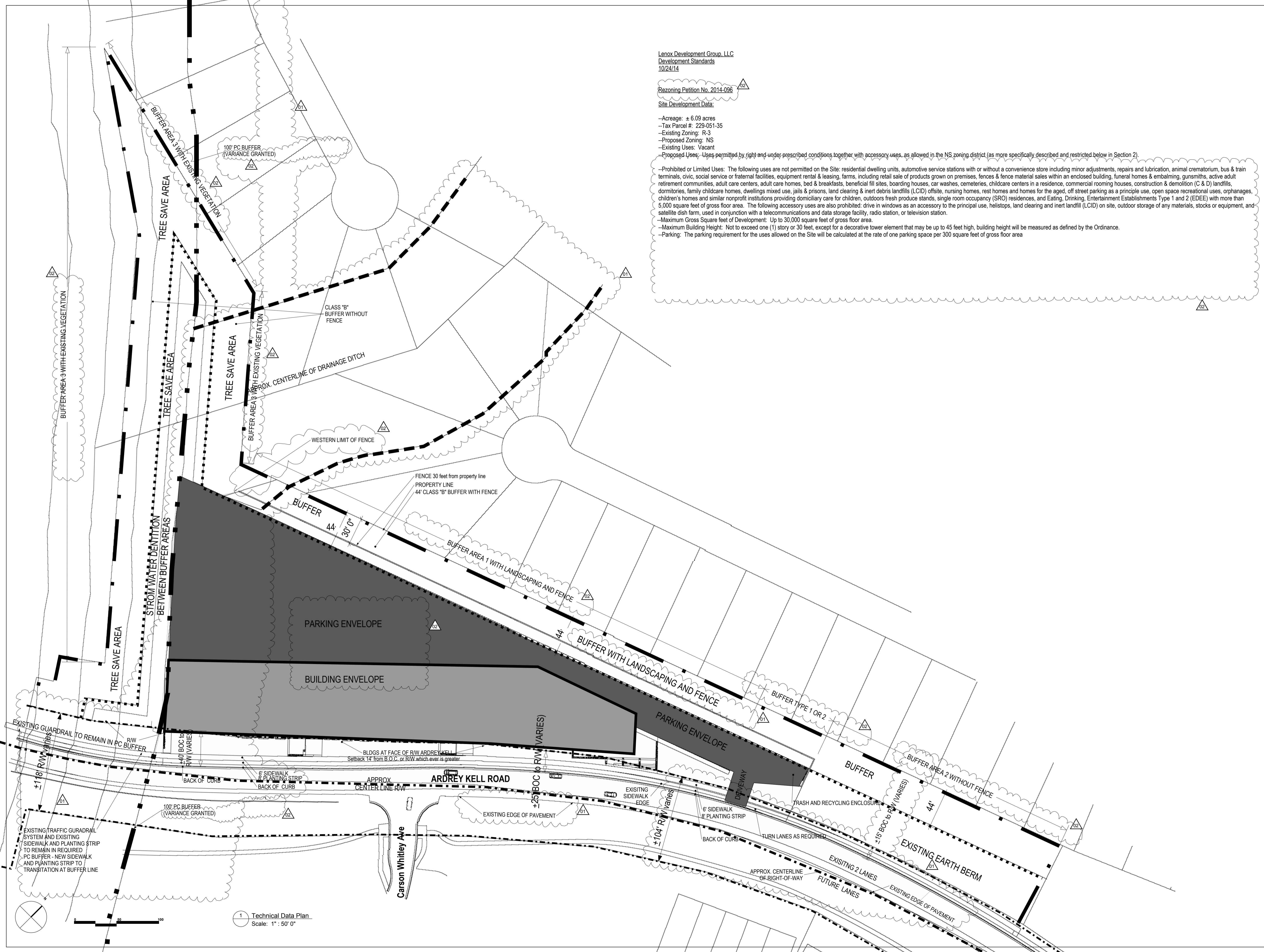
Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.



Zoning Map #(s)

185, 186





Lenox Development Group, LLC
 Development Standards
 10/24/14

Rezoning Petition No. 2014-096

Site Development Data:

- Acreage: ± 6.09 acres
- Tax Parcel #: 229-051-35
- Existing Zoning: R-3
- Proposed Zoning: NS
- Existing Uses: Vacant
- Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the NS zoning district (as more specifically described and restricted below in Section 2).

-Prohibited or Limited Uses: The following uses are not permitted on the Site: residential dwelling units, automotive service stations with or without a convenience store including minor adjustments, repairs and lubrication, animal crematorium, bus & train terminals, civic, social service or fraternal facilities, equipment rental & leasing, farms, including retail sale of products grown on premises, fences & fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed & breakfasts, beneficial fill sites, boarding houses, car washes, cemeteries, childcare centers in a residence, commercial rooming houses, construction & demolition (C & D) landfills, dormitories, family childcare homes, dwellings mixed use, jails & prisons, land clearing & inert debris landfills (LCID) offsite, nursing homes, rest homes and homes for the aged, off street parking as a principle use, open space recreational uses, orphanages, children's homes and similar nonprofit institutions providing domiciliary care for children, outdoors fresh produce stands, single room occupancy (SRO) residences, and Eating, Drinking, Entertainment Establishments Type 1 and 2 (EDEE) with more than 5,000 square feet of gross floor area. The following accessory uses are also prohibited: drive in windows as an accessory to the principal use, helistops, land clearing and inert landfill (LCID) on site, outdoor storage of any materials, stocks or equipment, and satellite dish farm, used in conjunction with a telecommunications and data storage facility, radio station, or television station.

-Maximum Gross Square feet of Development: Up to 30,000 square feet of gross floor area.

-Maximum Building Height: Not to exceed one (1) story or 30 feet, except for a decorative tower element that may be up to 45 feet high, building height will be measured as defined by the Ordinance.

-Parking: The parking requirement for the uses allowed on the Site will be calculated at the rate of one parking space per 300 square feet of gross floor area.

1 Technical Data Plan
 Scale: 1" = 50' 0"

REVISIONS	REMARKS
1	07/28/14
2	09/19/14 Revision 01 Planning Comments
3	10/24/14 Revision 02
4	
5	

BURGESS DESIGN STUDIO

ARDREY KELL ROAD

TECHNICAL SITE DATA

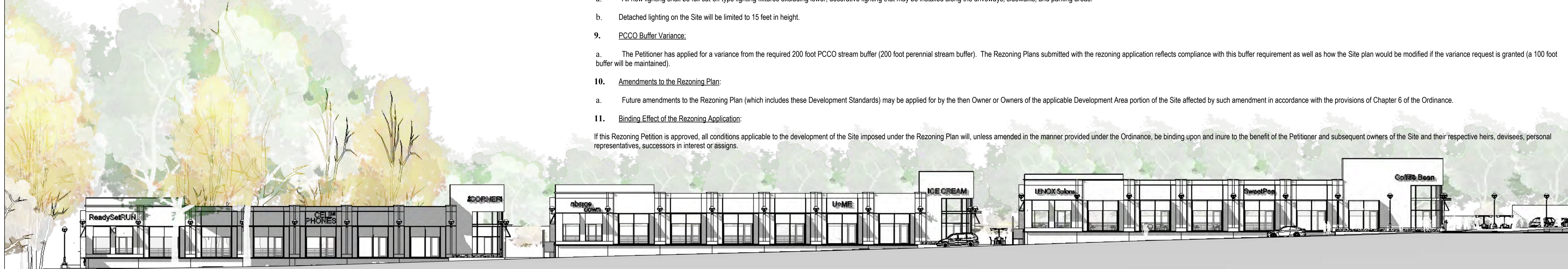
09/19/14 Revision 01
 09/24/14 Revision 02

I. General Provisions:

- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Lenox Development Group, LLC ("Petitioner") to accommodate the development of a "village styled" group of one-story buildings with up to 30,000 square feet of gross floor area on approximately ± 6.09 acre site located on the north side of Ardrey Kell Road between Blakeney Heath Road and Community House Road across from Carson Whitely Avenue (the "Site").
 - b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the NS zoning classification shall govern.
 - c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways, and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.
- Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:
- expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or
 - minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
 - modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties in a residential district or abutting residential use but no closer than the "external building line" (in this case the external setbacks or buffer areas) indicated on the Rezoning Plan; or
 - modifications to allow minor increases in the mass of the buildings that do not materially change the design intent depicted on or described in the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance, in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

- d. **Number of Buildings Principal and Accessory.** The total number of principal buildings to be developed on the Site shall not exceed four (4). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building located on the Site.



2. Permitted Uses & Development Area Limitation:

- a. The Site may be developed with up to 30,000 square feet of gross floor area of the following uses; office, retail, personal services, and Eating, Drinking, Entertainment, Establishments (EDEE) Type 1 and Type 2 with no more than 5,000 square feet of gross floor area (Personal Service uses will be defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandise but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barber shops, Spa's, Yoga and exercise studios, nail salons, massage shops, martial art training studios, locksmiths, and alike), together with accessory uses allowed in the NS zoning district.
- b. A minimum of 25% of the allowed square footage must be occupied by uses allowed in the Office Zoning District that are also allowed in the NS Zoning district.
- c. **The following uses will not be allowed on the Site:** residential dwelling units, automotive service stations with or without a convenience store including minor adjustments, repairs and lubrication, animal crematorium, bus & train terminals, civic, social service or fraternal facilities, equipment rental & leasing, farms, including retail sale of products grown on premises, fences & fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed & breakfasts, beneficial fill sites, boarding houses, car washes, cemeteries, childcare centers in a residence, commercial rooming houses, construction & demolition (C & D) landfills, dormitories, family childcare homes, dwellings mixed use, jails & prisons, land clearing & inert debris landfills (LCID) offsite, nursing homes, rest homes and homes for the aged, off street parking as a principle use, open space recreational uses, orphanages, children's homes and similar nonprofit institutions providing domiciliary care for children, outdoors fresh produce stands, single room occupancy (SRO) residences, and Eating, Drinking, Entertainment Establishments Type 1 and 2 (EDEE) with more than 5,000 square feet of gross floor area. The following accessory uses are also prohibited: drive in windows as an accessory to the principal use, helistops, land clearing and inert landfill (LCID) on site, outdoor storage of any materials, stocks or equipment, and satellite dish farm, used in conjunction with a telecommunications and data storage facility, radio station, or television station.
- d. Surface parking areas will not be allowed between the proposed buildings and Ardrey Kell Road.
- e. The setback along Ardrey Kell Road will be the existing right-of-way line. The minimum required setback is 14 feet from the back of curb or the existing right-of-way line whichever is the greatest, in this case the existing right-of-way line is located more than 14 feet behind the existing curb line and will be the required setback.

3. Access and Transportation:

- a. Access to the Site will be from Ardrey Kell Road in the manner generally depicted on the Rezoning Plan.
- b. The Petitioner will install a left-turn lane and a right-turn lane along Ardrey Kell Road to serve the Site, subject to CDOT and NCDOT approval. The turn lanes will be designed to meet CDOT and NCDOT requirements.
- c. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by CDOT in accordance with applicable published standards.
- d. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

4. Architectural Standards:

- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding (such as hardi-plank), stucco, EIFS, decorative block, architectural metal panels and/or wood. Vinyl as a building material may only be used on windows, soffits, and on handrails/railings.
 - b. The attached illustrative building elevations are included to reflect an architectural style and a quality of the building that may be constructed on the Site (the actual building constructed on the Site may vary from these illustrations provided that the design intent is preserved).
 - c. The buildings constructed on the Site abutting Ardrey Kell Road will be designed and constructed so that the building facades facing Ardrey Kell Road will include 40% fenestration (fenestration will be defined as an opening in the exterior building wall with windows allowing light and views between the interior and exterior and not screened from view). Glazing of windows shall be transparent under all lighting conditions; however, spandrel or colored glass may be used in the area above the height of the door head. Fenestrations shall extend from a height of no more than three feet from the exterior average grade at the base of the building to at least the height of the door head.
 - d. Meter banks will be screened from adjoining properties and from Ardrey Kell Road.
- HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade. HVAC and related mechanical equipment may not be located between the proposed building and Ardrey Kell Road.

5. Streetscape, Buffers, Yards and Landscaping:

- a. Along a portion of Ardrey Kell Road the existing five (5) foot sidewalk and three (3) foot planting strip will be preserved due to the existing topography (a shift in the sidewalk location or an increase in its width would require extensive filling and grading, the extension of storm water structures and the relocation of an existing guardrail). The preservation of the existing sidewalk and planting strip will occur along a portion of the Site's frontage on Ardrey Kell Road as generally indicated on the Rezoning Plan. Along the remainder of Ardrey Kell Road frontage the Petitioner will provide an eight (8) foot planting strip and six (6) foot sidewalk as generally indicated on the Rezoning Plan.
- b. A 44 foot Class B Buffer will be provided where the Site abuts existing single-family homes or R-3 zoning as generally depicted on the Rezoning Plan, portions of this buffer will be treated in three different ways as described below. (1) The portion of the 44 foot Class B Buffer abutting the homes on Fieldcroft Drive directly behind the portion of the Site to be developed will contain a six (6) foot solid wooden decorative fence or a berm and will be landscaped with a minimum of 12 evergreen trees. (2) The portion of the 44 foot Class B Buffer located to the east of the proposed dumpster will consist of the existing berm and new existing vegetation to meet the standards of a Class B Buffer. The area of buffer to be treated in this manner is generally depicted on the Rezoning Plan. (3) The portion of the buffer located along the western property line and north of the proposed parking area will consist of existing vegetation, supplemented with additional trees when the existing trees in the buffer does not equal a minimum of 8 trees per 100 linear feet (shrubs are not required).
- c. The width of the 44 foot Buffer may not be reduced.
- d. The Petitioner will provide a sidewalk network that links to each building on the Site to the sidewalk along Ardrey Kell Road in the manner generally depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be five (5) feet.
- e. Screening requirements of the Ordinance will be met.
- f. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.
- g. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal building. The location of the proposed dumpster and recycling areas is generally depicted on the Rezoning Plan.

6. Environmental Features:

- a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- b. The Petitioner has applied for a variance from the 200 foot PCCO buffer required along the western property boundary. The variance requests that the Site not have to comply with the 200 foot buffer because State regulations on which the buffer was established were adopted to only require a 100 foot buffer. Therefore, the Petitioner has submitted schematic plans for the Site that show compliance with the greater buffer requirement and an alternative plan that shows compliance with the buffer requirements assuming a variance has been granted.
- c. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
- d. The Site will comply with the Tree Ordinance. Tree save areas are generally depicted on the Rezoning Plan the location of the proposed tree save areas may shift to accommodate site grades and changes to the proposed site plans.

7. Signage:

- a. One detached ground mounted identification sign will be allowed along Ardrey Kell Road. The allowed detached sign may be up to five (5) feet high and contain up to 50 square feet of sign area.
- b. Wall signs as allowed by the ordinance may be provided.

8. Lighting:

- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Detached lighting on the Site will be limited to 15 feet in height.

9. PCCO Buffer Variance:

- a. The Petitioner has applied for a variance from the required 200 foot PCCO stream buffer (200 foot perennial stream buffer). The Rezoning Plans submitted with the rezoning application reflects compliance with this buffer requirement as well as how the Site plan would be modified if the variance request is granted (a 100 foot buffer will be maintained).

10. Amendments to the Rezoning Plan:

- a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

11. Binding Effect of the Rezoning Application:

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

REVISIONS

NO.	DATE	REVISION
1	07/28/14	...
2	09/19/14	Revision 01 Planning Comments
3
4
5

BURGESS DESIGN STUDIO

ARDREY KELL ROAD

CHARACTER IMAGES

09/19/14 Revision 01

09/24/14 Revision 02

REQUEST	Current Zoning: UR-1(CD) (urban residential, conditional) Proposed Zoning: R-5 (single family residential)
LOCATION	Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes to allow all uses permitted in the R-5 (single family residential) district.
PROPERTY OWNER	Liberty Oak, Inc.
PETITIONER	LGI Homes NC, LLC/Seth Yurman
AGENT/REPRESENTATIVE	N/A
COMMUNITY MEETING	Meeting is not required.

ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to DEFER this petition.
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VOTE	Motion/Second:	Walker/Labovitz
	Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker
	Nays:	None
	Absent:	None
	Recused:	None

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

PLANNING STAFF REVIEW

- **Background**
Rezoning petition 2007-140 rezoned the site from R-3 (single family residential) to UR-1(CD) (urban residential, conditional) to allow up to 95 for-sale dwelling units (duplexes and single family homes, at a density of 6.64 units per acre).
- **Proposed Request Details**
This is a conventional rezoning petition with no associated site plan.
- **Public Plans and Policies**
 - The *Northwest District Plan* (1990) recommends single family residential up to 6.6 dwelling units per acre, as amended by rezoning petition 2007-140.
 - The petition is consistent with the *Northwest District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 28 students, while the development allowed under the proposed zoning will produce 40 students. Therefore, the net change in the number of students generated from existing zoning to

proposed zoning is 12 students.

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

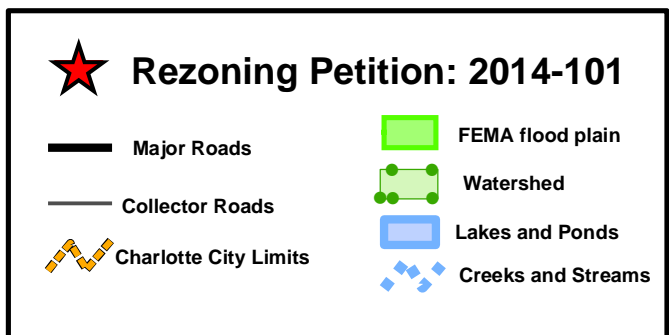
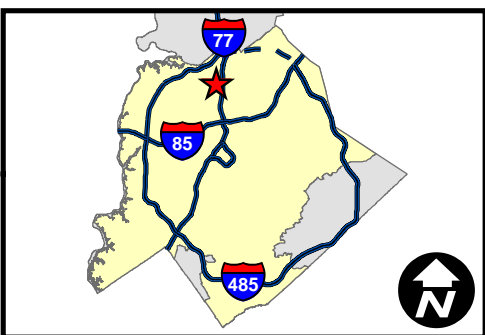
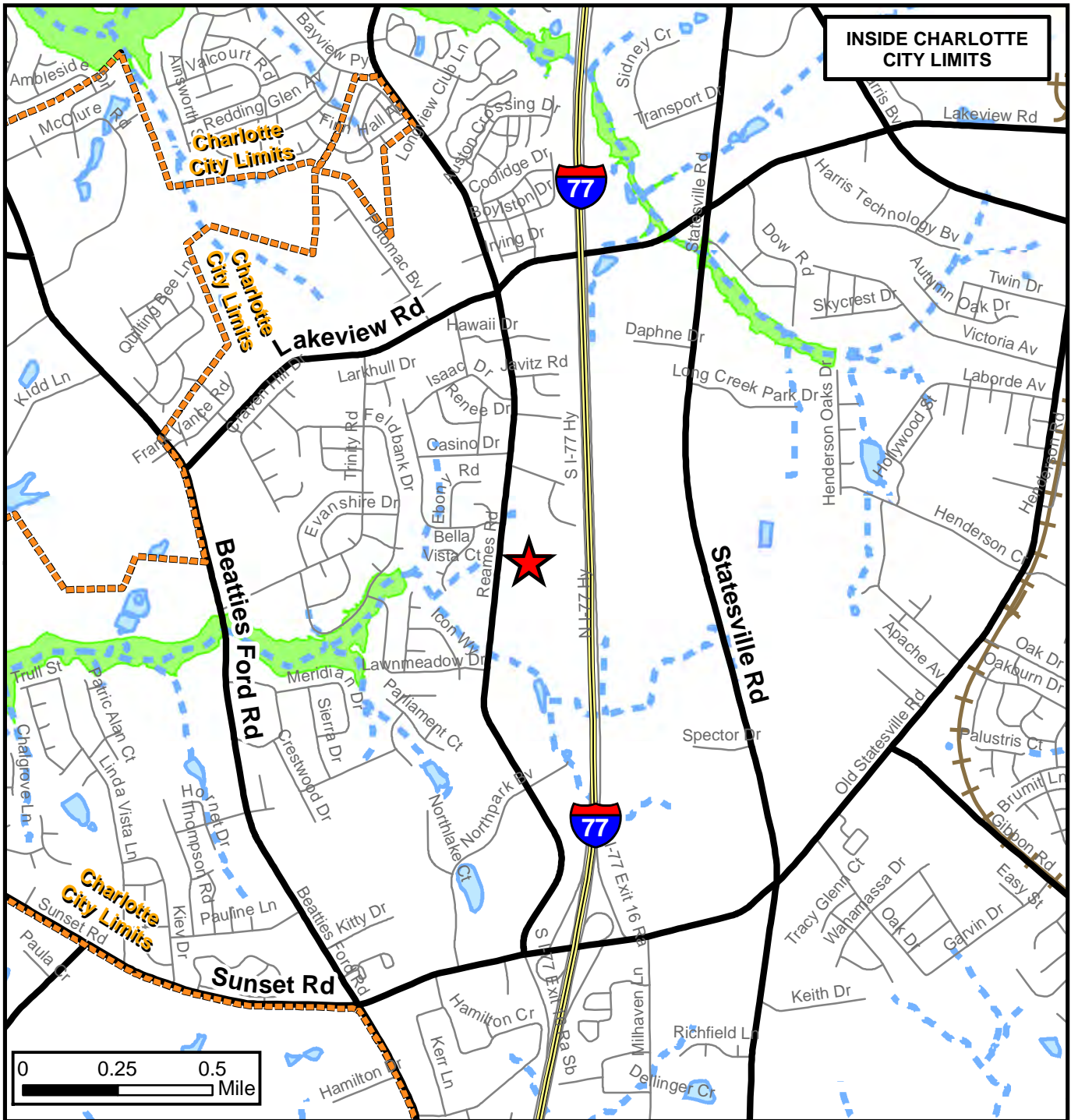
- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Claire Lyte-Graham (704) 336-3782

Acresage & Location : Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive.



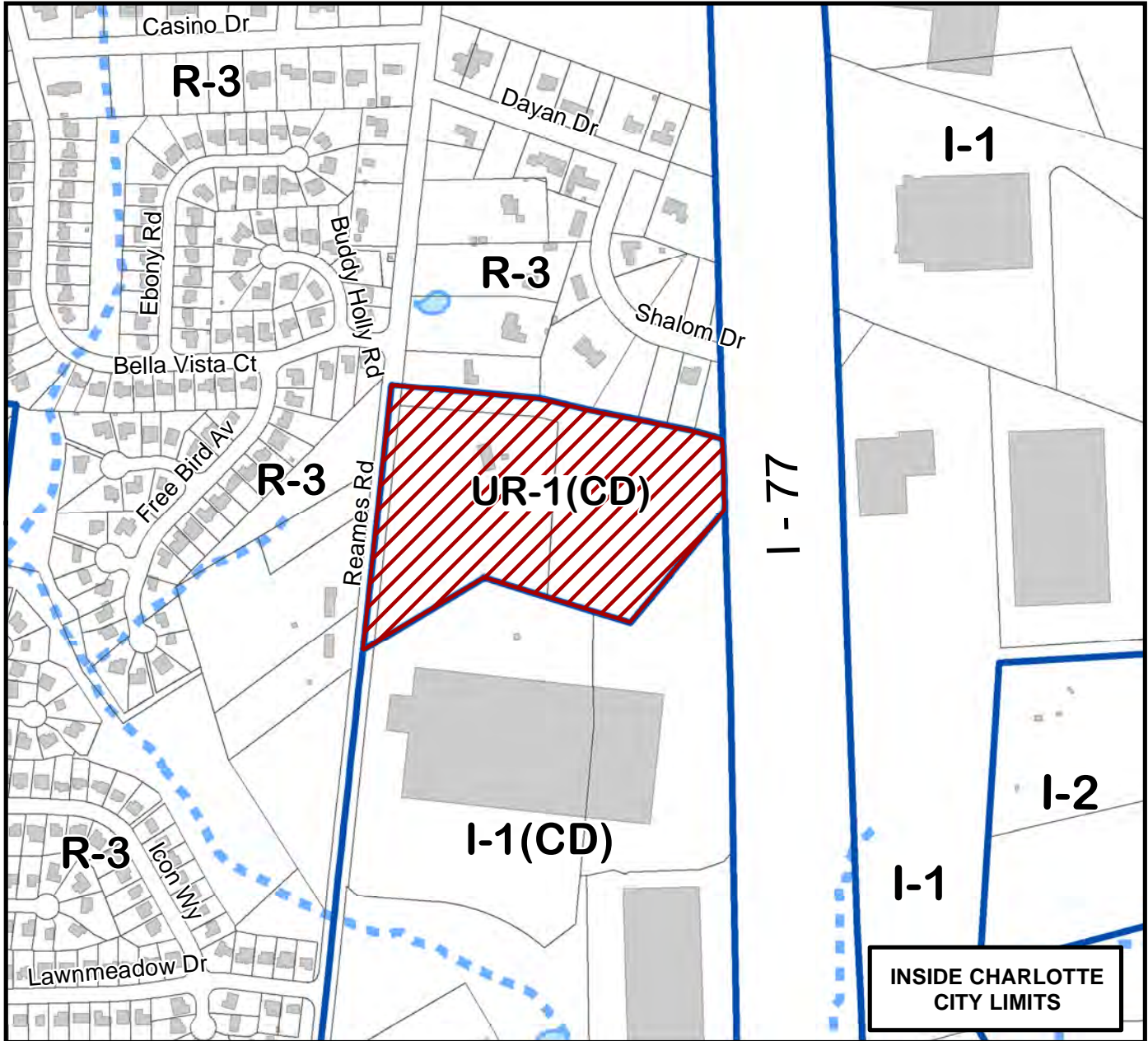
Petition #: **2014-101**

Petitioner: **LGI Homes NC, LLC**

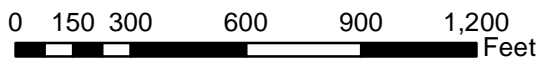
Zoning Classification (Existing): **UR-1(CD)**
(Urban Residential, Conditional)

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

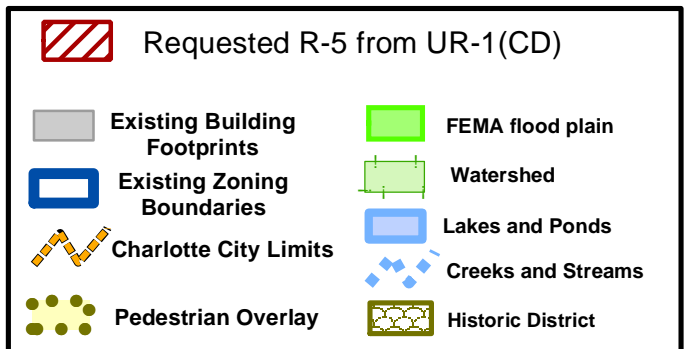
Acreage & Location: Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive.



Map Produced by the Charlotte-Mecklenburg Planning Department, 10-20-2014.



Zoning Map #(s)
51, 60



REQUEST	Current Zoning: None Proposed Zoning: UMUD (uptown mixed use)
LOCATION	Approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow all uses in UMUD (uptown mixed use).
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	CNM Enterprises, LLC Charlotte-Mecklenburg Planning Department N/A
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Center City 2020 Vision Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The Plan recommends mixed residential and non-residential uses. <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The petition establishes the zoning for property that was former I-277 right-of-way; and • The petition allows all uses in the UMUD (uptown mixed use) district; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Labovitz).</p>

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

VOTE	Motion/Second: Ryan/Walker Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker Nays: None Absent: None Recused: None
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ZONING COMMITTEE DISCUSSION Staff reviewed the petition and noted that it is consistent with the *Center City 2020 Vision Plan*. There was no further discussion of the request.

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

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

PLANNING STAFF REVIEW

- **Background**
 - The property is a remnant parcel resulting from the reconfiguration of the I-277/Caldwell Street right-of-way. Because the parcel was formerly NCDOT right-of-way, there was no zoning designation for the property.
- **Proposed Request Details**
This is a conventional rezoning petition with no associated site plan.

- **Public Plans and Policies**

- The *Center City 2020 Vision Plan* (2011) recommends mixed residential and non-residential uses.
 - The petition is consistent with the *Center City 2020 Vision Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

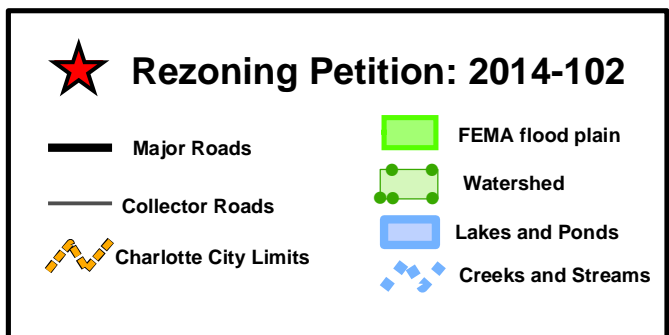
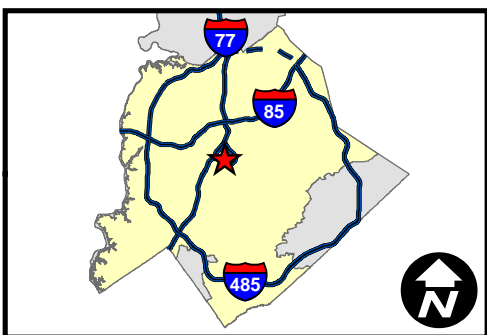
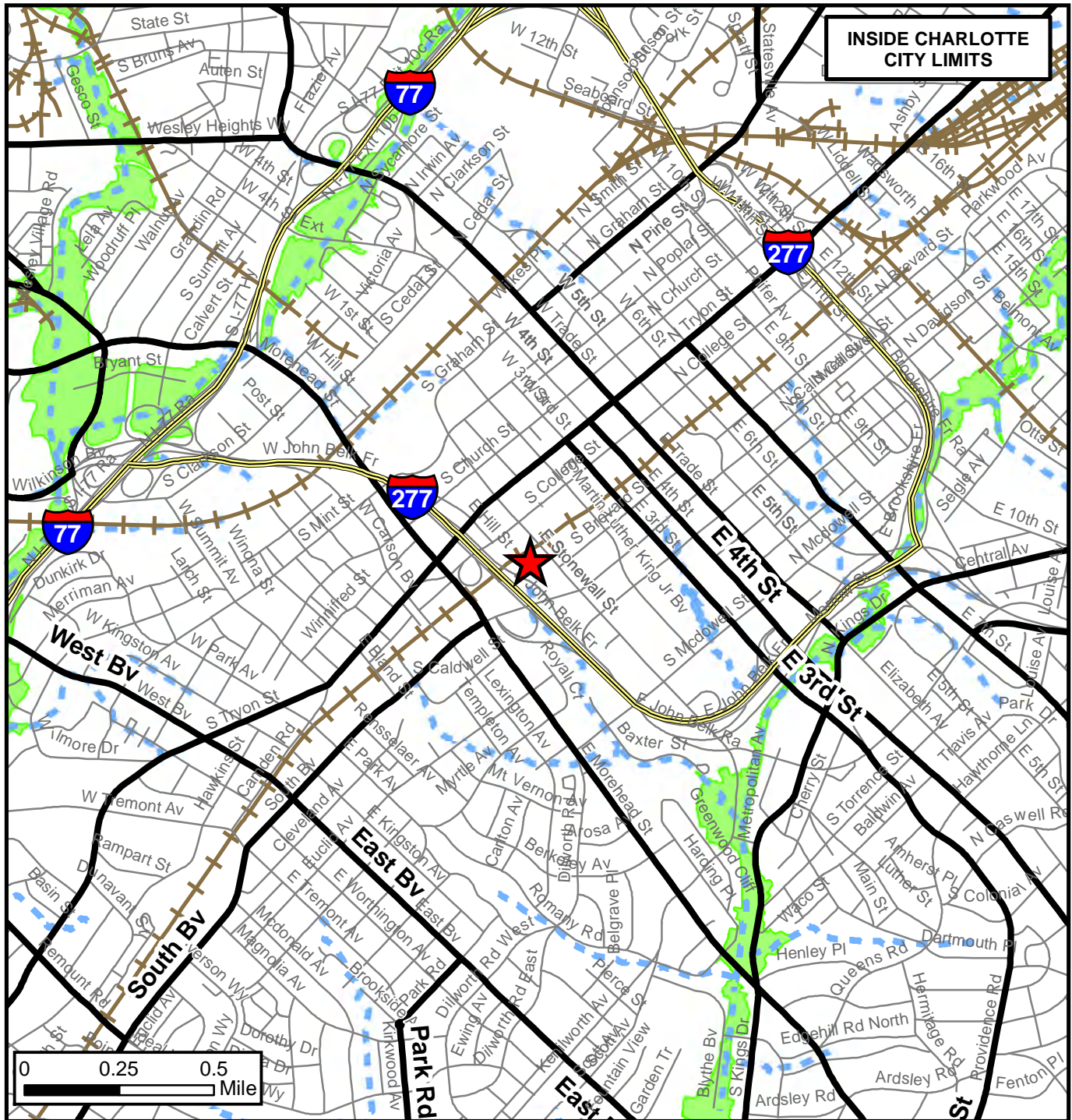
- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311

Acres & Location : Approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street.



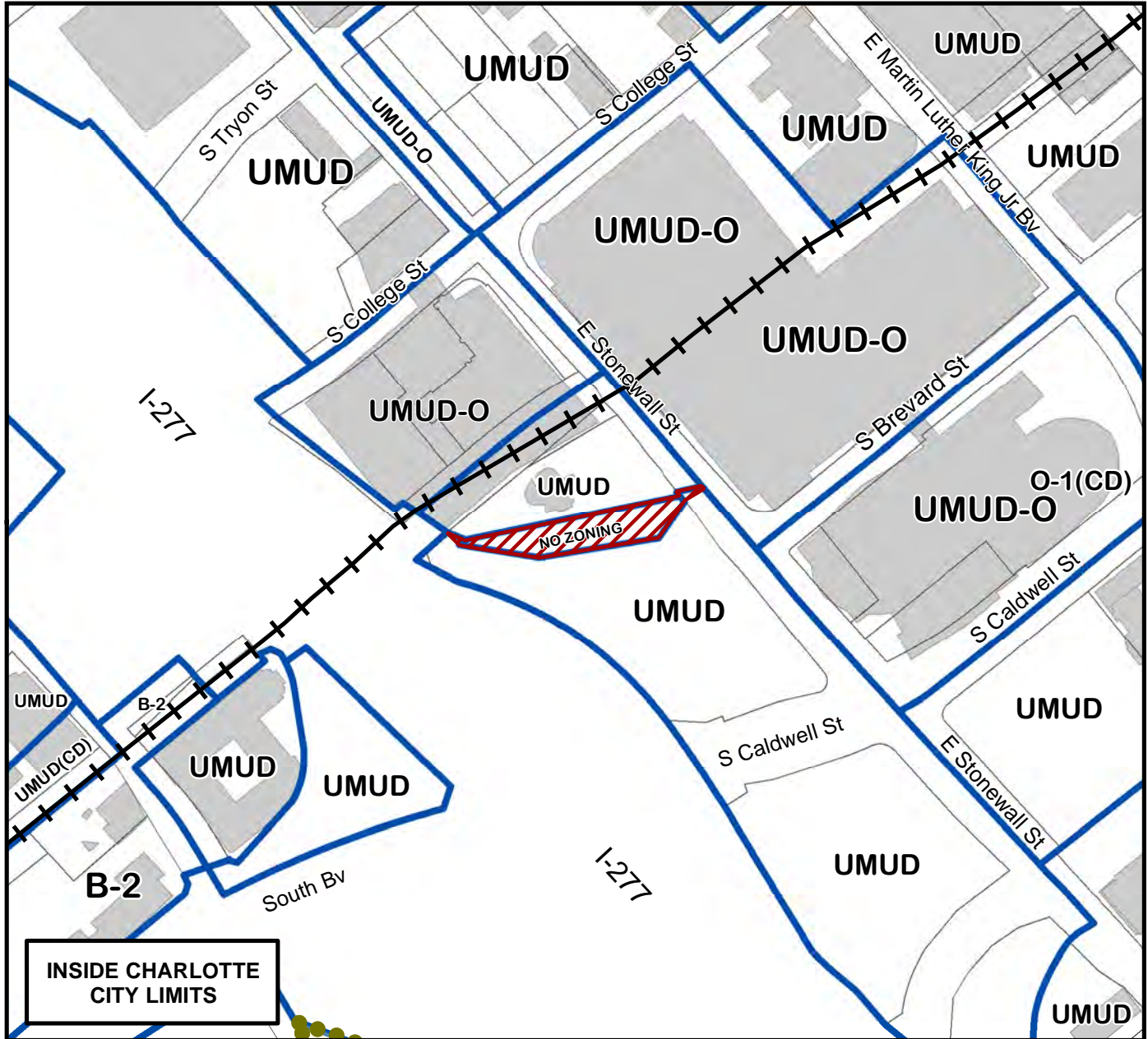
Petition #: **2014-102**

Petitioner: **Charlotte-Mecklenburg Planning Department**

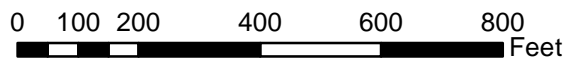
Zoning Classification (Existing): **None**
(No Current Zoning)

Zoning Classification (Requested): **UMUD**
(Uptown Mixed Use District)

Acreage & Location: Approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street.

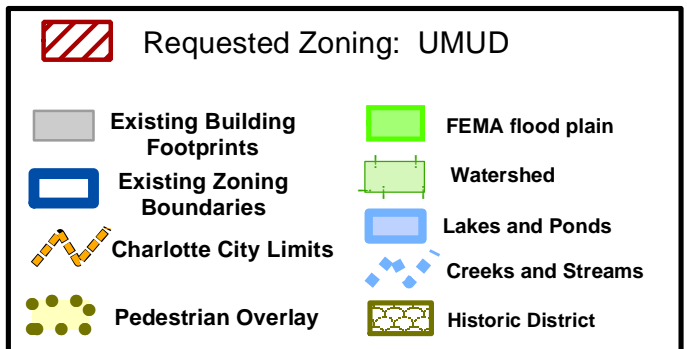


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-29-2014.



Zoning Map #(s)

102



REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-2 (CD) (urban residential, conditional)
LOCATION	Approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes to allow 45 single family attached dwelling units at a density of 8.2 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Numerous. See application on website. Weekley Homes LP, c/o Shannon Boling Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 11
STATEMENT OF CONSISTENCY	<p>This petition is found to be consistent with the <i>South District Plan</i> and the <i>General Development Policies</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>South District Plan</i> recommends residential land uses for the site and the proposed density is slightly higher than the eight dwelling units per acre recommended by the <i>General Development Policies</i>. <p>Therefore, this petition is found to be and to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The petition is consistent with the <i>South District Plan</i> and the <i>General Development Policies</i>; <p>By a 6-1 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Eschert).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. A note has been added that a pedestrian refuge will be provided along Endhaven Lane. 2. Freestanding lighting has been limited to 20 feet. 3. Possible on-street parking has been labeled and shown on the site plan 4. Elevations have been provided for the facades facing Endhaven Lane.
--------------------------------	---

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

ZONING COMMITTEE DISCUSSION Staff presented this item and stated that all outstanding issues had been addressed. Staff reviewed the modifications to the site plan since the public hearing. One commissioner noted concerns about the proposal.

MINORITY OPINION The minority of the Committee had concerns regarding the building frontage along Endhaven Lane not providing enough eyes on the public street and design of the overall project.

STAFF OPINION

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

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

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows 45 for-sale single family attached dwelling units at a density of 8.2 units per acre.
- Maximum building height limited to 40 feet.
- Provides two parking spaces within garages for each unit.
- Provides site access via driveway connection to Endhaven Lane with internal alleyways serving the units.
- Provides front building elevations.
- Specifies building materials to include brick, stone, and/or other masonry products and hardy plank or other similar siding materials. Prohibits vinyl as a siding material.
- Prohibits blank walls exceeding 20 feet for all end units that have a side along Endhaven Lane.
- Reserves the right to install ornamental fencing within the site for decoration and delineation of private open spaces.
- Provides a 15-foot Class "C" buffer adjacent to single family residential uses and a ten-foot landscaped buffer adjacent to the British American School.
- Provides internal sidewalks along the proposed alleyways and serving each dwelling unit.
- A pedestrian refuge will be provided along Endhaven Lane.
- Free standing lighting has been limited to 20 feet.
- Possible area for on-street parking.

• **Public Plans and Policies**

- The *South District Plan* (1993) recommends single family residential. The Plan references the residential locational criteria of the *General Development Policies* (GDP) for areas of higher density. The requested density of 8.2 units per acre is slightly greater than the density supported by the *General Development Policies*.

Assessment Criteria	Density Category - >6 up to 8 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	3 (High)
Connectivity Analysis	1 (Low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 11	Total Points: 11

- The proposed residential use is consistent with the *South District Plan*, but the proposed density of 8.2 units per acre is slightly higher than the maximum of eight (8) units per acre supported by the *General Development Policies*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No issues.

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326

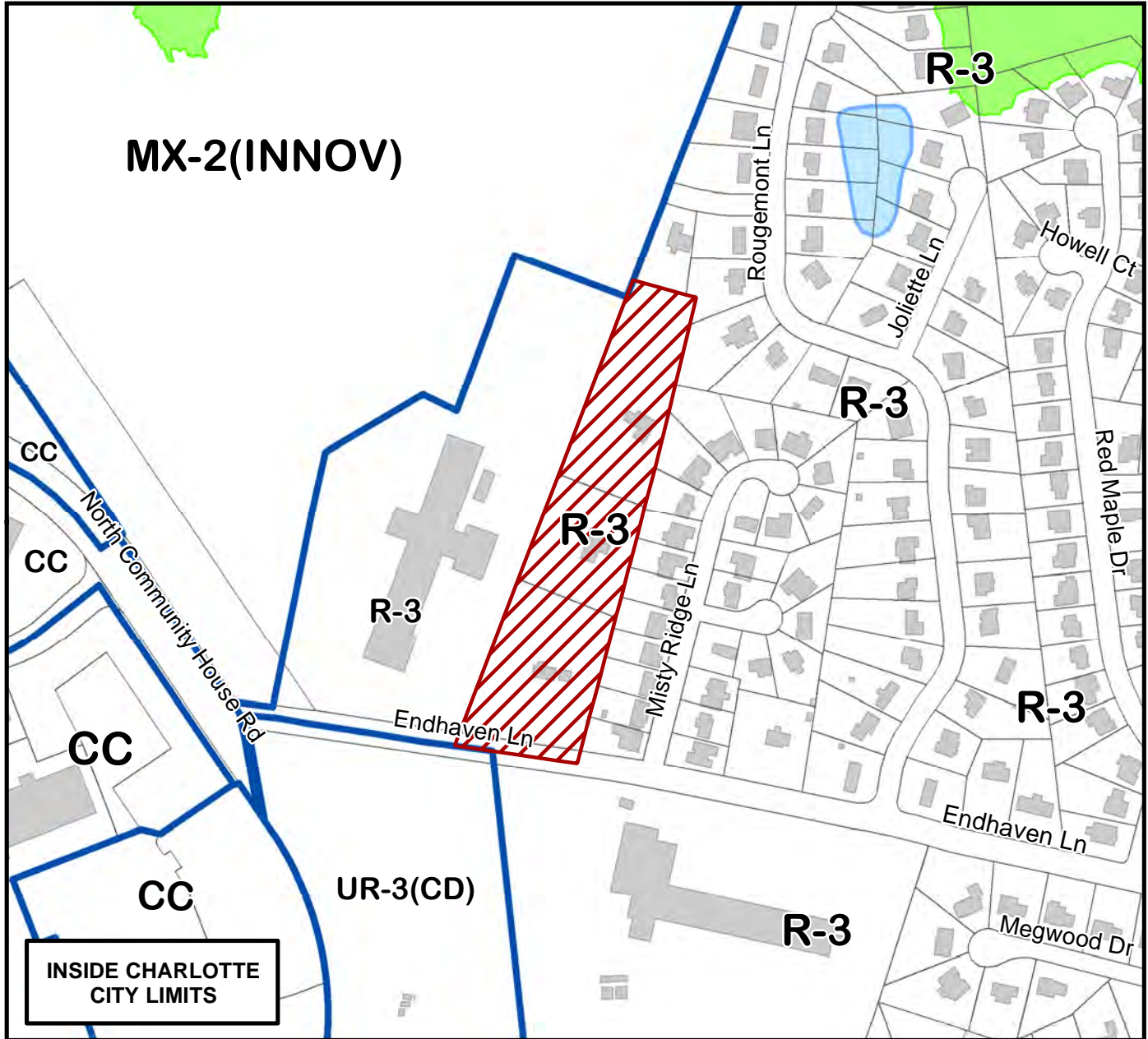
Petition #: **2014-103**

Petitioner: **Weekley Homes, LP**

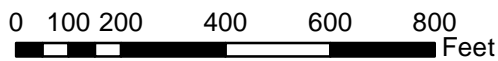
Zoning Classification (Existing): **R-3**
(Single Family, Residential)

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

Acreage & Location: Approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane.

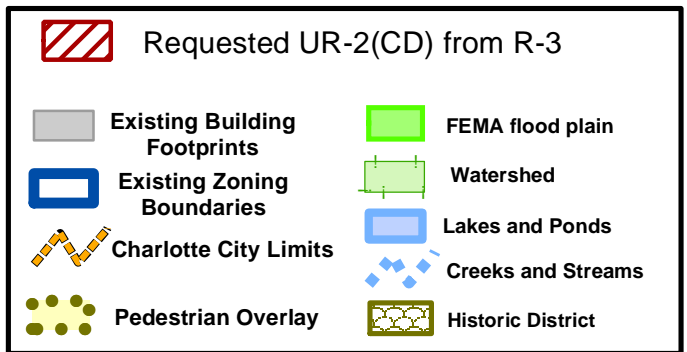


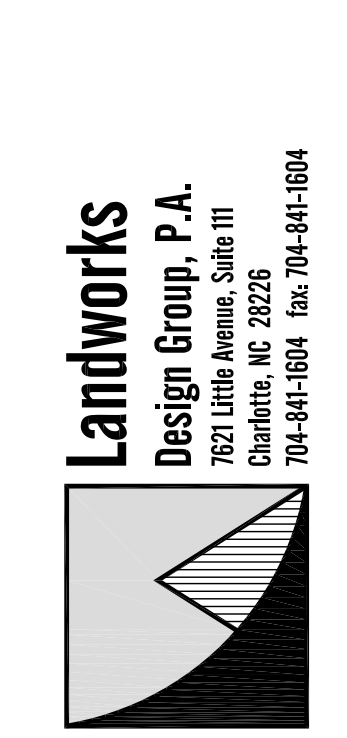
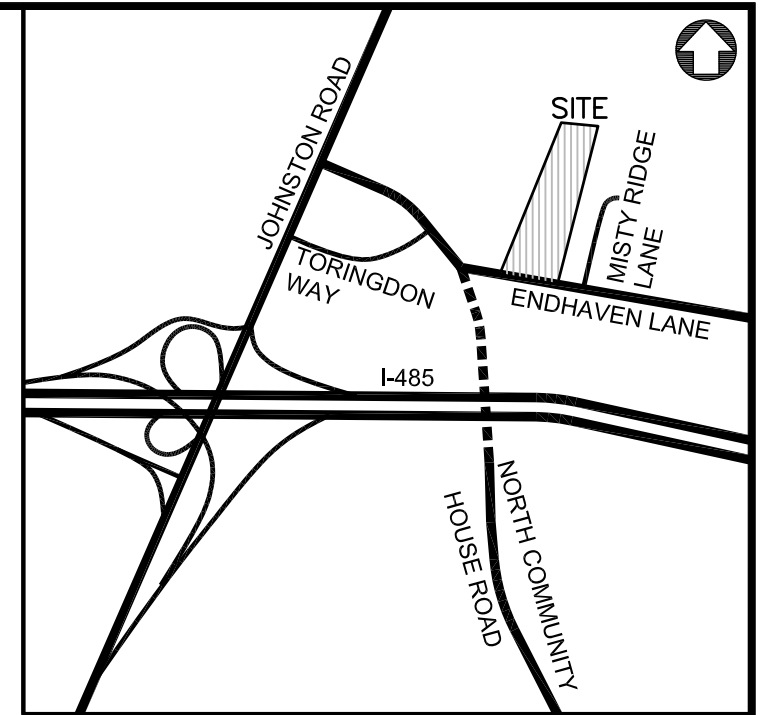
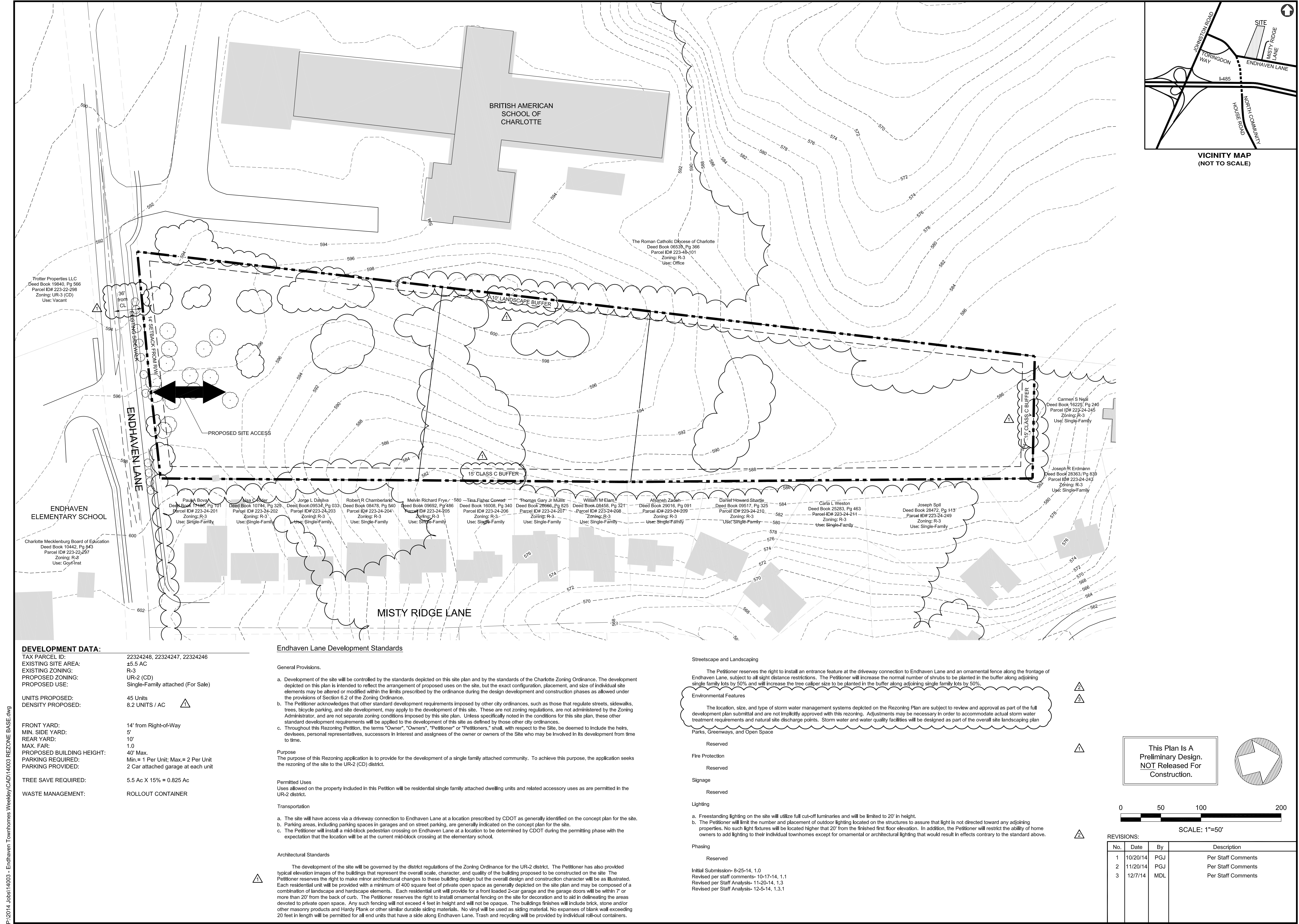
Map Produced by the Charlotte-Mecklenburg Planning Department, 8-29-2014.



Zoning Map #(s)

176





ENDHAVEN TOWNHOMES
WEEKLEY HOMES, LP
 CHARLOTTE, NC
 REZONING PETITION: 2014-103

TECHNICAL DATA SHEET



CORPORATE CERTIFICATIONS
 NC PE: C-2930 NC LA: C-253
 SC ENG: NO. 3599 SC LA: NO. 211

Project Manager: MDL

Drawn By: MDL

Checked By: MDL

Date: 8/25/14

Project Number: 14003

Sheet Number:

RZ-1

DEVELOPMENT DATA:

TAX PARCEL ID:	22324248, 22324247, 22324246
EXISTING SITE AREA:	±5.5 AC
EXISTING ZONING:	R-3
PROPOSED ZONING:	UR-2 (CD)
PROPOSED USE:	Single-Family attached (For Sale)
UNITS PROPOSED:	45 Units
DENSITY PROPOSED:	8.2 UNITS / AC
FRONT YARD:	14' from Right-of-Way
MIN. SIDE YARD:	5'
REAR YARD:	10'
MAX. FAR:	1.0
PROPOSED BUILDING HEIGHT:	40' Max.
PARKING REQUIRED:	Min. = 1 Per Unit; Max. = 2 Per Unit
PARKING PROVIDED:	2 Car attached garage at each unit
TREE SAVE REQUIRED:	5.5 Ac X 15% = 0.825 Ac
WASTE MANAGEMENT:	ROLLOUT CONTAINER

Endhaven Lane Development Standards

General Provisions.

- Development of the site will be controlled by the standards depicted on this site plan and by the standards of the Charlotte Zoning Ordinance. The development depicted on this plan is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases as allowed under the provisions of Section 6.2 of the Zoning Ordinance.
- The Petitioner acknowledges that other standard development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, trees, bicycle parking, and site development, may apply to the development of this site. These are not zoning regulations, are not administered by the Zoning Administrator, and are not separate zoning conditions imposed by this site plan. Unless specifically noted in the conditions for this site plan, these other standard development requirements will be applied to the development of this site as defined by those other city ordinances.
- Throughout this Rezoning Petition, the terms "Owner", "Owners", "Petitioner" or "Petitioners," shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.

Purpose
 The purpose of this Rezoning application is to provide for the development of a single family attached community. To achieve this purpose, the application seeks the rezoning of the site to the UR-2 (CD) district.

Permitted Uses
 Uses allowed on the property included in this Petition will be residential single family attached dwelling units and related accessory uses as are permitted in the UR-2 district.

Transportation

- The site will have access via a driveway connection to Endhaven Lane at a location prescribed by CDOT as generally identified on the concept plan for the site.
- Parking areas, including parking spaces in garages and on street parking, are generally indicated on the concept plan for the site.
- The Petitioner will install a mid-block pedestrian crossing on Endhaven Lane at a location to be determined by CDOT during the permitting phase with the expectation that the location will be at the current mid-block crossing at the elementary school.

Architectural Standards

The development of the site will be governed by the district regulations of the Zoning Ordinance for the UR-2 district. The Petitioner has also provided typical elevation images of the buildings that represent the overall scale, character, and quality of the building proposed to be constructed on the site. The Petitioner reserves the right to make minor architectural changes to these building design but the overall design and construction character will be as illustrated. Each residential unit will be provided with a minimum of 400 square feet of private open space as generally depicted on the site plan and may be composed of a combination of landscape and hardscape elements. Each residential unit will provide for a front loaded 2-car garage and the garage doors will be within 7' or more than 20' from the back of curb. The Petitioner reserves the right to install ornamental fencing on the site for decoration and to aid in delineating the areas devoted to private open space. Any such fencing will not exceed 4 feet in height and will not be opaque. The buildings finishes will include brick, stone and/or other masonry products and Hardy Plank or other similar durable siding materials. No vinyl will be used as siding material. No expanses of blank wall exceeding 20 feet in length will be permitted for all end units that have a side along Endhaven Lane. Trash and recycling will be provided by individual roll-out containers.

Streetscape and Landscaping

The Petitioner reserves the right to install an entrance feature at the driveway connection to Endhaven Lane and an ornamental fence along the frontage of Endhaven Lane, subject to all sight distance restrictions. The Petitioner will increase the normal number of shrubs to be planted in the buffer along adjoining single family lots by 50% and will increase the tree caliper size to be planted in the buffer along adjoining single family lots by 50%.

Environmental Features

The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points. Storm water and water quality facilities will be designed as part of the overall site landscaping plan.

Parks, Greenways, and Open Space

Reserved

Fire Protection

Reserved

Signage

Reserved

Lighting

- Freestanding lighting on the site will utilize full cut-off luminaires and will be limited to 20' in height.
- The Petitioner will limit the number and placement of outdoor lighting located on the structures to assure that light is not directed toward any adjoining properties. No such light fixtures will be located higher than 20' from the finished first floor elevation. In addition, the Petitioner will restrict the ability of home owners to add lighting to their individual townhomes except for ornamental or architectural lighting that would result in effects contrary to the standard above.

Phasing

Reserved

Initial Submission- 8-25-14, 1.0
 Revised per staff comments- 10-17-14, 1.1
 Revised per Staff Analysis- 11-20-14, 1.3
 Revised per Staff Analysis- 12-5-14, 1.3.1

This Plan Is A Preliminary Design. NOT Released For Construction.

0 50 100 200
 SCALE: 1"=50'

No.	Date	By	Description
1	10/20/14	PGJ	Per Staff Comments
2	11/20/14	PGJ	Per Staff Comments
3	12/7/14	MDL	Per Staff Comments

P:\2014 Jobs\14003 - Endhaven Townhomes Weekley\CAD\14003 REZONE BASE.dwg



CORPORATE CERTIFICATIONS
 NC PE: C-2930 NC LA: C-253
 SC ENG: NO. 3599 SC LA: NO. 211

Project Manager: MDL

Drawn By: MDL

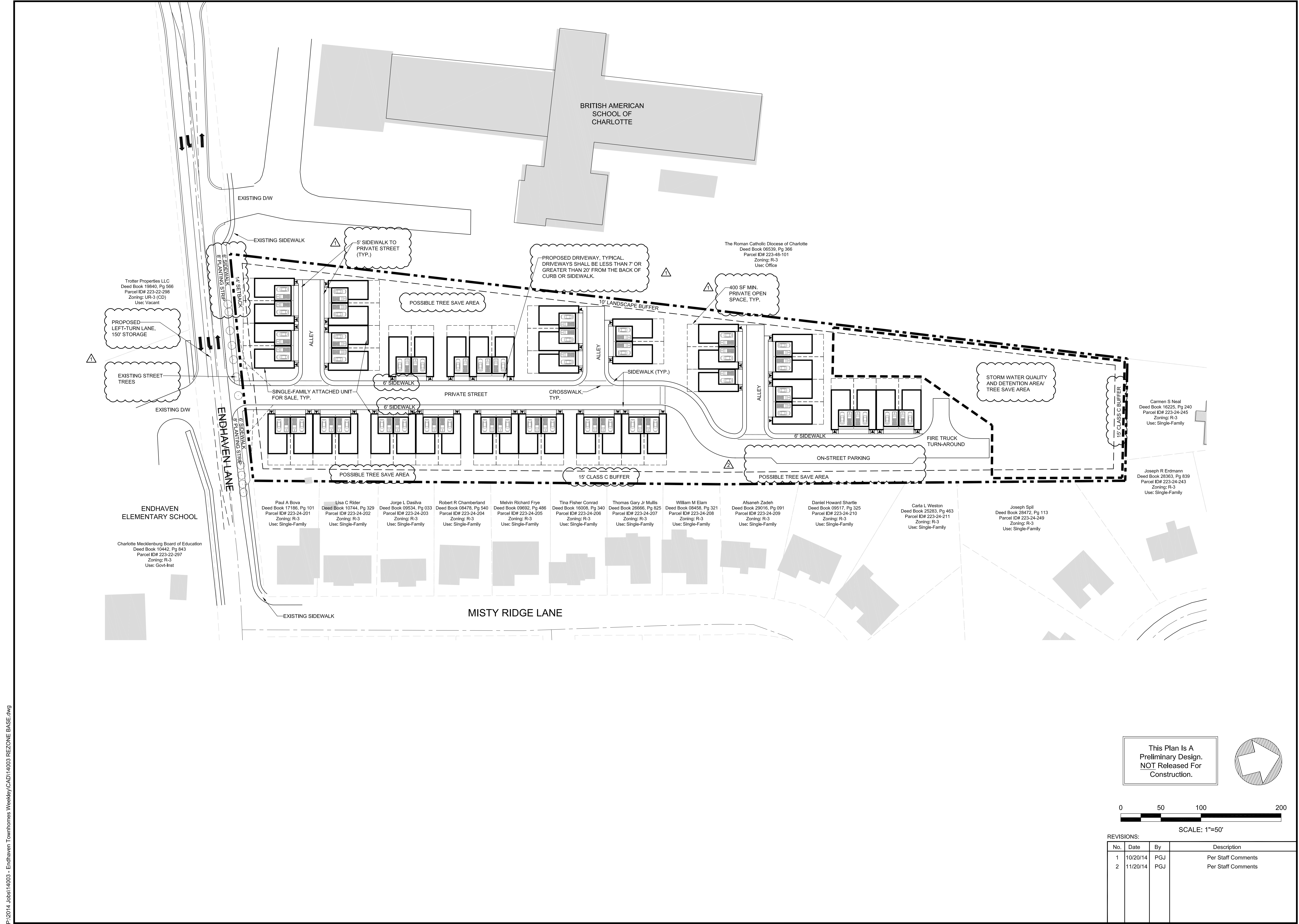
Checked By: MDL

Date: 8/25/14

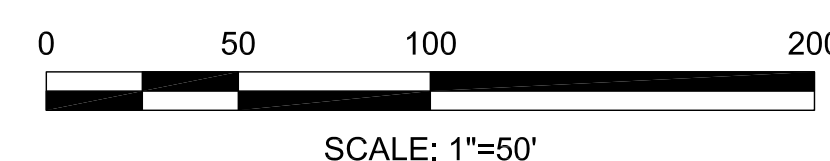
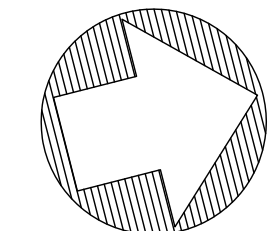
Project Number: 14003

Sheet Number:

RZ-2



This Plan Is A
 Preliminary Design.
 NOT Released For
 Construction.



SCALE: 1"=50'

REVISIONS:

No.	Date	By	Description
1	10/20/14	PGJ	Per Staff Comments
2	11/20/14	PGJ	Per Staff Comments

P:\2014_Jobs\14003 - Endhaven Townhomes Weekley\CAD\14003 REZONE BASE.dwg



Project Manager: MDL

Drawn By: MDL

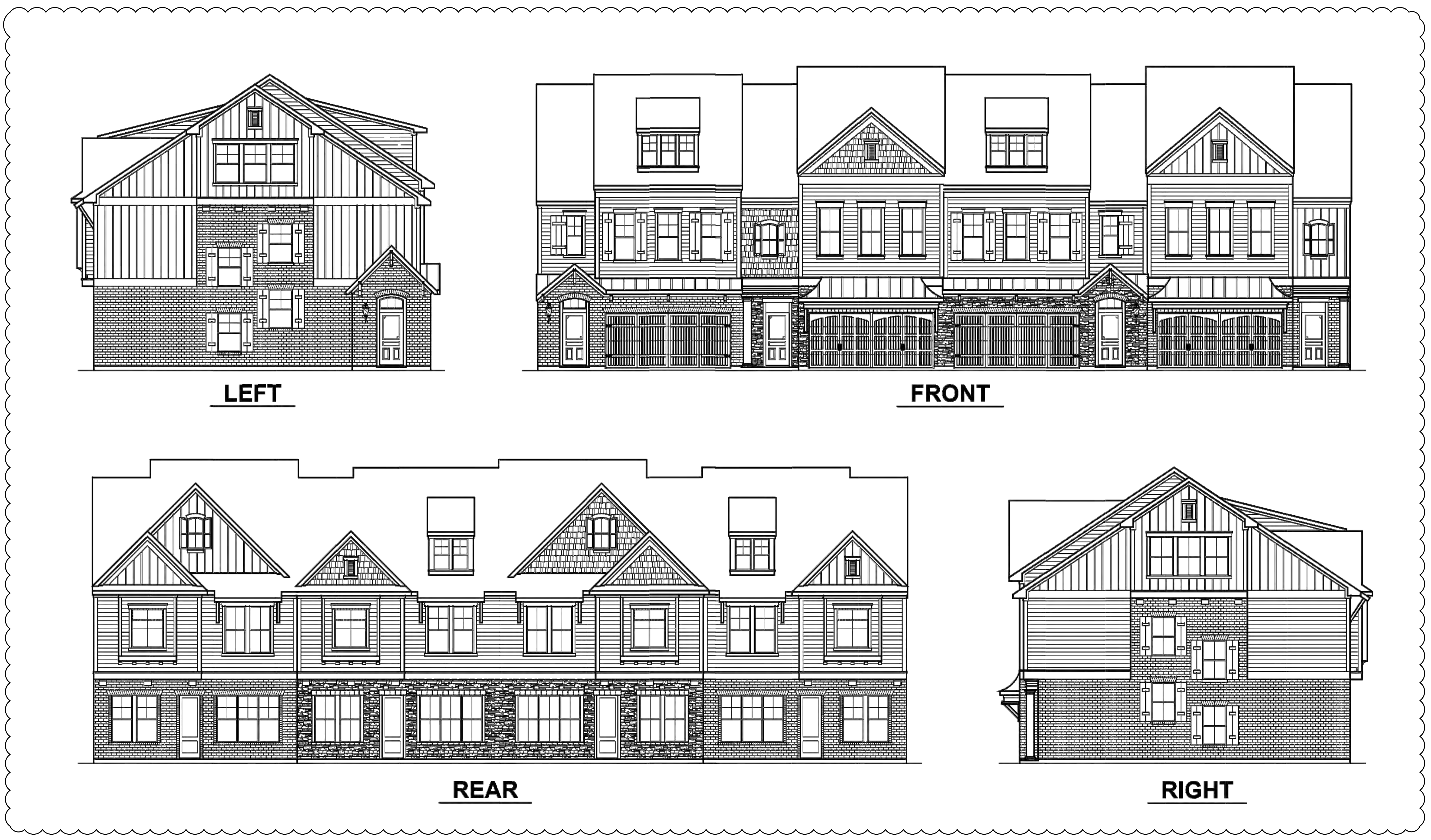
Checked By: MDL

Date: 8/25/14

Project Number: 14003

Sheet Number:

RZ-3



Charlotte, NC

ENDHAVEN

David Weekley Homes

This Plan Is A Preliminary Design. NOT Released For Construction.

REVISIONS:

No.	Date	By	Description
1	10/20/14	PGJ	Per Staff Comments - Added Sheet
2	11/20/14	PGJ	Per Staff Comments

REQUEST

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

LOCATION

Approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road.
(Council District 6 - Smith)

SUMMARY OF PETITION

The petition proposes a site plan amendment to allow modifications to and reallocation of development rights and reconfiguration of site layout.

**PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE**

Quail Hollow Village, LLC
Quail Hollow Village, LLC c/o Harris Land Company
Walter Fields

COMMUNITY MEETING

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

**STATEMENT OF
CONSISTENCY**

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

- The South District Plan recommends a mixture of retail, office and residential uses as amended by a previous rezoning.

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

- The proposed uses are largely unchanged from the prior plan except for the addition of by-right multi-family residential;

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

**ZONING COMMITTEE
ACTION**

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Amended Note E under permitted uses to read as follows: **"Residential** units may be converted to retail, eating/drinking/entertainment or office space at the rate of one residential unit for 300 square feet of retail, eating/drinking/entertainment or office floor area up to a limit of 30,000 square feet of retail, eating/drinking/entertainment or **office floor area so converted."**
2. Replaced "restaurant" with "eating/drinking and entertainment establishments."
3. Deleted the following note under Permitted Uses: **"For the purposes of determining individual development restrictions that may apply, the term 'restaurant' will be deemed to include both 'eating, drinking and entertainment establishments'.** Specified that Type I and Type II eating/drinking and entertainment establishments are permitted."
4. Noted that parking is not permitted as a ground floor use along Glen Eagles Road or Park Road, with the exception of a portion of the Park Road frontage.
5. Retained the existing elevations and added and/or amended notes under the heading of Architectural Standards as follows:
General Character
(a) The elevations associated with the building to be located within the building envelopes are included to reflect the spirit of the architectural style only and may change in location

and massing as the plan evolves further.

- (b) The architectural character throughout the project will take inspiration from a neo-classical interpretation of elements found in Southeast American resorts. Primarily this will **mimic design elements of what is called "Italianate"** Mediterranean. All sides of the buildings are to be constructed using four sided architecture using brick, stone, synthetic stone, stucco, synthetic stucco, wood, synthetic wood, and similar materials for primary walls. Vinyl siding will not be used as a building material for exterior walls but may be used for trim, soffits, and architectural detail.
- (c) Meter banks will be hidden from public view. Mechanical equipment located on the roof of the buildings shall be screened from public view at grade and will include screen walls of architectural quality and material comparable to the primary buildings walls.
- (d) Uses shall not primarily orient the service side of buildings to Park Road or Glen Eagles Road. Solid waste/recycling areas will not be allowed to abut either street unless such areas are enclosed by a wall treatment similar to the architecture of the building and that incorporates a combination of complimentary details. Service areas, dumpster areas and recycling areas will be enclosed by a solid wall with one side being a decorative gate. The wall used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the buildings. If one or more sides of a dumpster area adjoin a side or rear wall of a building then the side or rear wall may be substituted for a side.
- (e) Above ground backflow preventer will be screened from public view and will be located outside of the required setbacks.
- (f) Uses on the site that may include the use of a drive through service window will be integrated into the overall building massing and architectural design and not be located as freestanding uses on out parcels.
- (g) Open spaces on the site can include combinations of landscaping and hardscape, urban gardens, seating and gathering spaces, ornamental architecture that could, but are not required to include, structures, fountains, performance spaces, and similar amenities to be developed as each part of the site that the open space is associated with is developed. The minimum size of the main urban open space area on the site will include a minimum of 15,000 square feet of area.

Buildings along Park Road

- (a) The arrival circle from Park Road is now an urban-style courtyard framed by buildings that will sweep traffic arriving midblock to the small arc of parking to the south, and into the upper parking level.
- (b) The row of commercial buildings to the corner of Gleneagles Road now front directly on Park Road. Although the **functional address' faces the internal side, these structures** will be built to with four sided architecture and streetscape along the Park Road frontages as generally depicted on the illustrative concept plan.
- (c) The small gathering space between the buildings along Park Road closest to Gleneagles Road is meant to accommodate outdoor seasonal seating, streetscape features and become a primary visual focus for that main portion of the site.
- (d) The building massing at the corner of Park and Gleneagles Roads may take on a multi-story character, up to four levels with architectural elements and roofline elements that reinforce the classical architectural character outlined.

Buildings along Gleneagles

- (a) Where the site slopes dramatically close to Park Road the **structure will allow for a 'base' that accommodates street** facing display windows, options for tenant and project identity, and extensive landscaping to soften the base edges.
 - (b) Along Gleneagles Road the building footprint is angled to create a strong view corridor into the village plaza level allowing for tenants to take advantage of outdoor seating, display, and storefront potentials.
 - (c) A small retail/commercial pavilion sitting in the apex of the two internal drives from Gleneagles will break down the scale of the taller elements beyond and feature four-sided architecture, external gathering and seasonal seating spaces, and a roofline that will be crafted to highlight its key location.
 - (d) The building massing along Gleneagles next to Seven Eagles will have a base retail/commercial and upper level residential units. **This creates a distinct street wall along the project's** internal drive setback off of Gleneagles Road accommodating unit features such as terraces allowing for interplay of visual variety along this façade.
6. Provided a definition for specialty retail as follows: **'Specialty Retail** is a term used as part of the trip calculation process and are generally small strip shopping centers that contain a variety of retail shops and specialized in quality apparel, hard goods and services such as real estate offices, dance studios, florists and **small restaurants.'**
 7. Provided a note that any drive through window service lane along Gleneagles Road will be screened with a combination of landscaping and low masonry wall.
 8. Added the following note related to conversion allowances:
Based on the conversion allowances listed above, and with full recognition that the maximum numbers presented below are theoretical and would include concomitant reductions in the amounts of other development types, the following list is **intended to provide a 'maximum' development amount for each** of the development types allowed on the site subject to the total trip generation limitation below:
 - a. Total maximum retail space including all retail types: 290,000 sq. ft.
 - b. Total maximum office space including all office types: 205,000 sq. ft.
 - c. Total maximum hotel rooms: 200
 - d. Total maximum residential units at 22 du/ac: 420
 9. Added note that square footage/use conversions will be documented through the Administrative Approval Process to verify that the conversion proposed complies with the provisions of this site plan.
 10. Added notes committing to construct a minimum of 10,000 square feet of office floor area, and a minimum of 80 residential units as part of the overall development.
 11. Specified open space to be provided as a total of 184,000 square feet consisting of 60,000 square feet of urban open space and gardens, and 124,000 square feet of additional open space that includes buffers and utility easements. Also specified the minimum amount, location and amenities on the site plan.
 12. Amended Note E under Transportation to specify that sidewalks may meander to add variety to the streetscape.
 13. Added a note indicating that exterior corridors will not be utilized as part of the hotel building.
 14. Amended note under Permitted Uses as follows: All of the foregoing development types and amounts listed and the conversion rights reserved above are subject to a total trip generation of 13,250 trips per day as specified in the Transportation Memorandum that accompanies this plan

- amendment. A cumulative total trip generation count will be provided by the petitioner as part of building permitting submittals to ensure that the total trip generation for the site does not exceed 13,250 trips per day.
15. Addressed Transportation comments by providing a technical memorandum to update the original traffic study, and revising Note D under Transportation to remove the last sentence as follows: Construct an additional westbound left turn lane on Glen Eagles Road with 440 feet of combined storage and a 15:1 taper. ~~It is anticipated that this lane can be developed within the existing median.~~
 16. Amended the arrangement of building envelopes and eliminated Building Envelope D.
 17. Amended the following notes under Architectural Standards General Character:
 - a. Note D: Uses shall not primarily orient the service side of buildings to Park Road or Glen Eagles Road. Solid waste/recycling areas will not be allowed to abut either street unless such areas are enclosed by a wall treatment similar to the architecture of the building and that incorporates a combination of complimentary details. Service areas, dumpster areas, and recycling areas will be enclosed by a solid wall with one side being a decorative gate.
 - b. Note G: The minimum size of the main open space area on the site will include a minimum of 15,000 square feet of area.
 18. Added the following notes under Architectural Standards General Character:
 - a. Note H: Underground or structured parking will not be exposed along Park Road or Glen Eagles Road.
 - b. Note I: Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping and, when provided, site furnishings throughout the site.
 - c. Note J: Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.
 - d. Note K: Facades over 200 feet in length along Park Road and Glen Eagles Road shall incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total façade length.
 - e. Note L: Facades greater than 20 feet in length and over five feet in height shall be treated with a combination of display windows, building step backs, change in materials, landscaping or other pedestrian oriented architectural features.
 - f. Note M: Ground floor facades facing Park Road and Gleneagles Road shall have windows or doors for at least 50% of a vertical zone 2.5 feet to 8 feet above finished floor of the buildings. Windows can be display/showcase windows, poster cases, closed shuttered windows or real windows into the store but it is not mandatory to actually see into the store. Tenants can also have signage for each individual space facing Park Road and Gleneagles Road that comply with City of Charlotte Signage Ordinance. Ground floor facades located in front of parking spaces along Park Road are required to have clear vision glass.
 19. Added the follow notes under Architectural Standards Buildings along Park Road:
 - a. Note E: The petitioner will provide landscaping or a complimentary wall to screen the grocery service areas from Park Road.

20. Amended Sheet RZ-2 to clarify that plaza areas and part of extra wide sidewalks beyond eight feet located in front of retail stores/commercial buildings will count toward open space.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an update on the petition noting that all outstanding issues have been addressed, and a number of commitments regarding streetscape and architectural standards have been added as requested by staff. The committee suspended the rules to question the **petitioner’s agent about the height and location of the hotel, in addition** to the revised site layout and building elevations.

The agent, Walter Fields, explained that the site was rearranged to remove massive buildings closer to both streets and eliminate parking along the frontage on Park Road and Glen Eagles, which allowed for the creation of an open space corridor into the site. Due to these changes, the hotel no longer fit and was relocated away from Glen Eagles Road to the rear of the site abutting ball fields for an elementary school. The hotel will adhere to the zoning ordinance regulations pertaining to building height.

Mr. Fields explained that there are topographical changes that cause the site to fall away from Park Road toward Glen Eagles Road. The site plan reflects views from both streets. A committee member questioned the parking spaces located between the building and street along Park Road. Mr. Fields responded that parking was left between the building and the street in this location in anticipation of retail activity associated with liner shops and an eating/drinking/entertainment establishment. A committee member asked about the parking on the Park Road side. Mr. Fields explained that the parking will be located underground.

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 rezoned from B-1SCD (business shopping center) to CC (commercial center) via Petition 2001-048 with the following conditions:
 - 120,000 square feet of office uses, 165,000 square feet of retail uses, and a 200-room hotel, within Building Envelopes A, B, C and D are allowed.
 - Prohibited uses include fast food restaurants, restaurants with drive-through window service, gas stations, convenience stores and automobile service facilities.
 - Up to 85,000 square feet of additional retail may be added by converting office square footage at a rate of one square foot of retail/restaurant floor area for one square foot of office floor area.
 - Up to 45,000 square feet of accessory retail/restaurant uses are permitted with the hotel.
 - Hotel rooms may be converted into residential dwelling units, at a rate of one hotel room per residential dwelling unit that is not constructed up to a maximum of 200 residential dwelling units.
 - Up to 20,000 square feet of additional office space may be added if fewer than 200 hotel rooms are developed, at a rate of 200 square feet of office space for each hotel room eliminated.
 - No individual tenant may occupy more than 45,000 square feet of floor area of a single building or space for retail use, except Building Envelopes B and C shall have no individual tenant that

- occupies more than 20,000 square feet of a single building or space for retail use.
- Site access provided via one right-in/right-out access on Park Road, and one right-in/right-out access and one full access on Glen Eagles Road.
- **Class "B" buffers provided abutting residential zoning and/or land use to the north and east.** The 56.25-foot wide buffer to the north will include a screen wall and the 37.5-foot wide buffer to the east will include a screen fence.
- Reflects an existing controlled private access from the Seven Eagles neighborhood.
- An eight-foot sidewalk and eight-foot planting strip to be provided along frontage on Park Road and Glen Eagles Road.
- **Proposed Request Details**

The site plan amendment contains the following changes:

 - Reconfigures Building Envelopes A, B, and C and internal site configuration.
 - Amends permitted uses to allow:
 - 76,000 square feet of retail and eating/drinking/entertainment uses.
 - 60,000 square feet of office uses (30,000 square feet each of medical office and other office).
 - 100,000 square feet of specialty retail and related accessory uses.
 - A 200-room hotel.
 - 290 residential dwelling units that may include for-sale and rental units, including condominiums and/or townhomes. Maximum density of 22 units per acre.
 - Amends and allows new use/square footage conversions as follows:
 - Up to 85,000 square feet of retail and eating/drinking/entertainment establishment uses can be substituted for office uses, at a rate of one square foot of retail and eating/drinking/entertainment establishment floor area for one square foot of office floor area.
 - Up to 85,000 square feet of office floor area can be substituted for retail and eating/drinking/entertainment floor area, at a rate of one square foot of office floor area for one square foot of retail and eating/drinking/entertainment floor area.
 - Hotel rooms may be converted to office space, at the rate of one hotel room for 300 square feet of office floor area, up to a maximum of 30,000 square feet.
 - Hotel rooms may be substituted for residential units, at the rate of one hotel room for each residential unit, up to a maximum of 200 residential units.
 - Residential units may be converted to retail, eating/drinking/entertainment establishments, or office space, at the rate of one residential unit for 300 square feet of retail, eating/drinking/entertainment or office up to a limit of 30,000 square feet of retail, eating/drinking/entertainment or office floor area so converted.
 - Based on the conversion allowances, the following maximum development amounts apply for each development type:
 - Total maximum retail space including all retail types is 290,000 square feet.
 - Total maximum office space including all office types is 205,000 square feet.
 - Total maximum hotel rooms is 200.
 - Total maximum residential units is 420, at 22 dwelling units per acre.
 - Amended building height to comply with the zoning ordinance requirements for the CC (commercial center) district, thus eliminating the four-story height restriction in Building Envelopes A, B, and C, and the two-story height limit for buildings adjacent to neighborhoods.
 - Allows two uses with accessory drive-through service windows, only one of which may be for an eating/drinking/entertainment establishment.
 - Eliminates open space/garden area component reflected in Building Area B.
 - Increases size of a single retail use to 60,000 square feet on a single level.
 - Adds a right-in/right-out site entrance on Park Road.
 - Type I and Type II eating/drinking and entertainment establishments permitted.
 - All development types and amounts and conversion rights are subject to a total trip generation of 13,250 vehicles.
 - Petitioner to construct an additional eastbound through lane on Glen Eagles Road along the **site's frontage starting from Park Road and extending to the eastern most access where it will terminate as an eastbound right-turn lane.**
 - Providing a six-foot sidewalk and eight-foot planting strip along frontages on Park Road and Glen Eagles Road. Sidewalk may meander to add variety to the streetscape.
 - Providing a concrete bench pad for a new bus stop to be constructed by the petitioner, the location of which will be determined in conjunction with CATS during the development review and permitting process.
 - Deleted a listing of what provisions the restrictive covenants will establish.
 - Eliminated Access Drives A and B and the restriction of parking between Access Drive A and buildings located along the drive due to reconfiguration of site layout.
 - Added 20-foot height limitation for free standing lighting located between buildings and the

residential properties to the east to 20 feet.

- Added service hour limitations for deliveries and trash collection to the hours of 6:00 a.m. to 9:00 a.m. for buildings located in Building Envelopes A and B
 - **Public Plans and Policies**
 - The South District Plan (1993), as amended by previous rezoning petition 2001-48, recommends a mixture of retail, office, and residential uses.
 - The petition is consistent with the South District Plan.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Facilitates the use of alternative modes of transportation by providing pedestrian facilities beyond required.
-

OUTSTANDING ISSUES

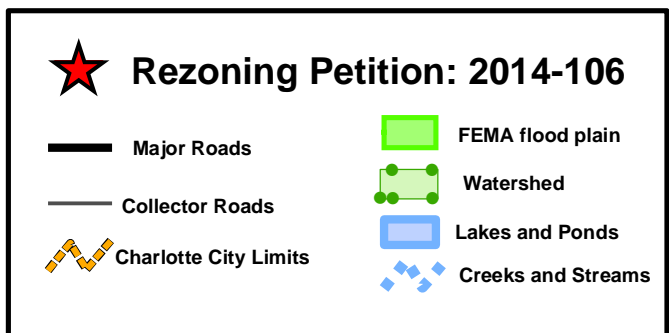
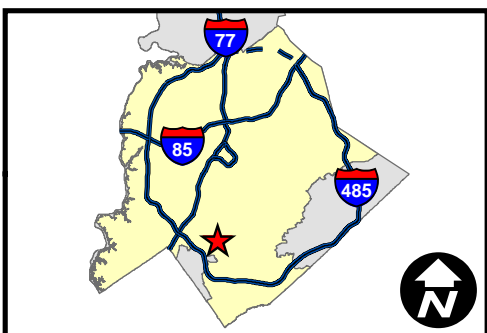
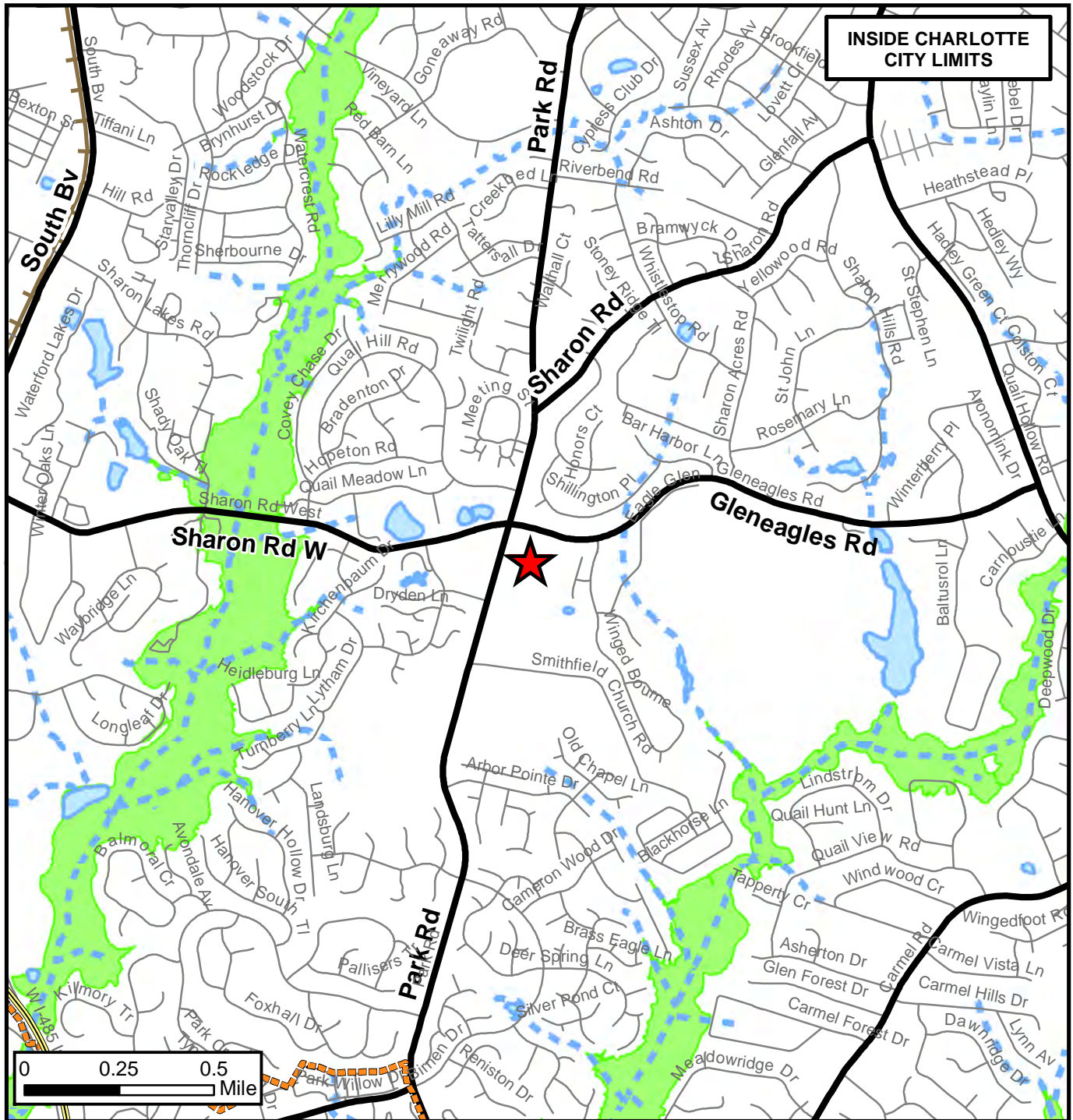
- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Sonja Sanders (704) 336-8327

Acres & Location : Approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road.



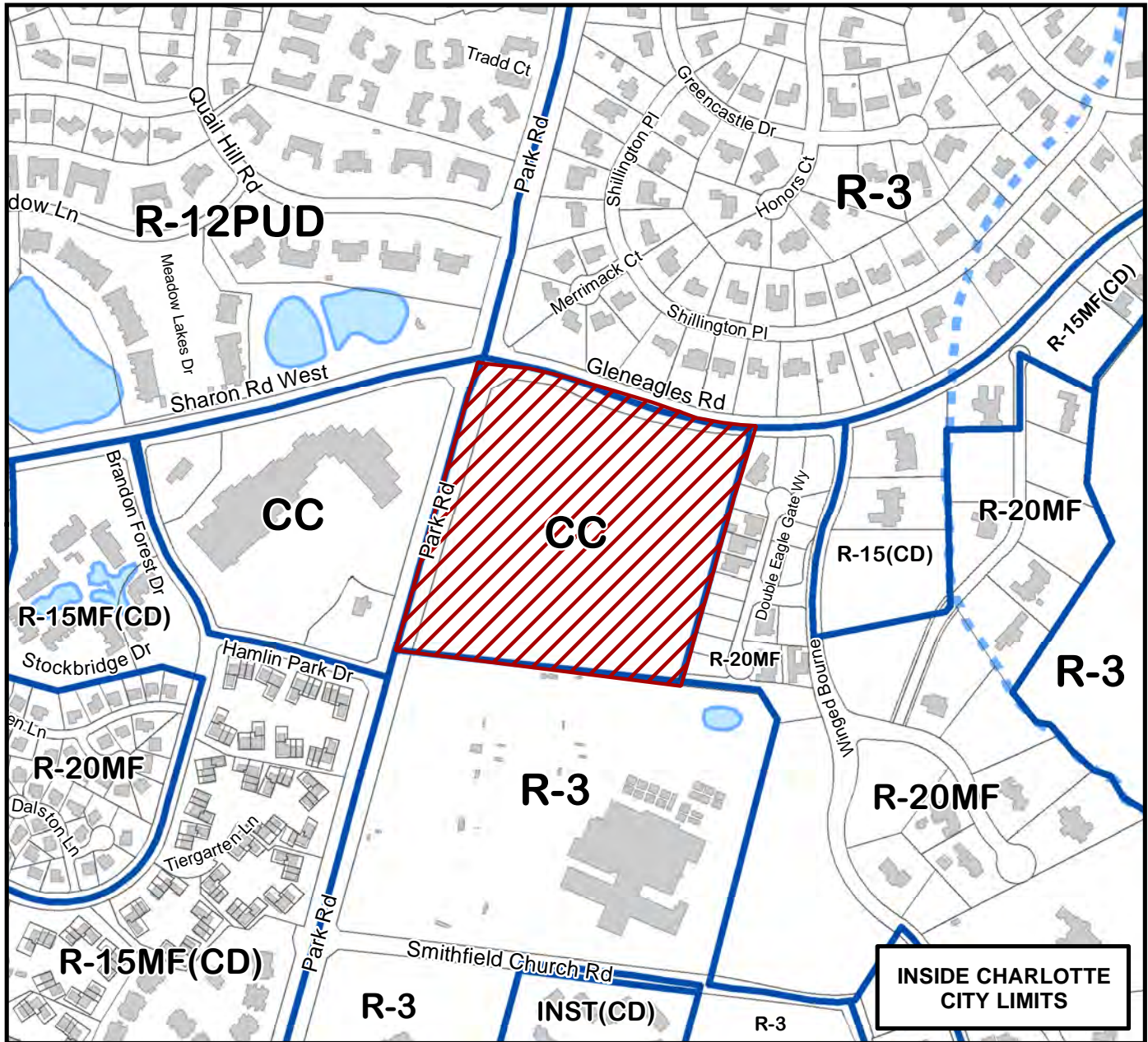
Petition #: **2014-106**

Petitioner: **Quail Hollow Village, c/o Harris Land Company**

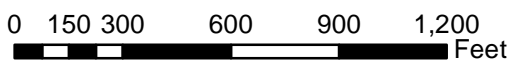
Zoning Classification (Existing): **CC**
(Commercial Center)

Zoning Classification (Requested): **CC (S.P.A.)**
(Commercial Center, Site Plan Amendment)

Acreage & Location: Approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road.

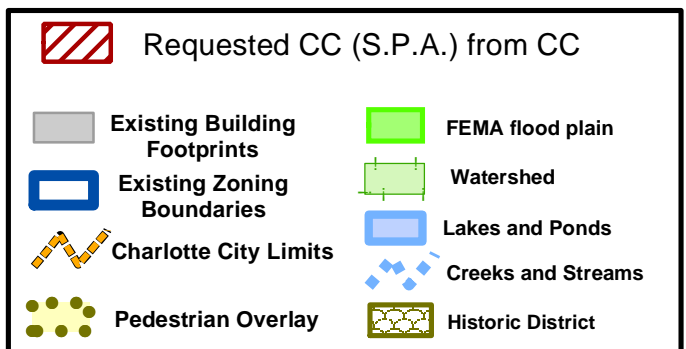


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-29-2014.



Zoning Map #(s)

158





No.	Description	Date
1	Revision 1	10/17/14
2	Revision 2	11/20/14
4	Revision 4	12/8/14

ARCHITECTS PA
1928 South Boulevard
Charlotte, NC 28203
704.333.5931
www.bhmarc.com

Project Number	-
Date	8/25/14

Development Notes

RZ 2.0

Scale

SHEET

SITE DEVELOPMENT DATA

AREA: 19.1 Acres +/-

TAX PARCEL NO: 20920103

EXISTING ZONING: CC

PROPOSED ZONING: CC-SPA

EXISTING USE: VACANT LAND

PROPOSED USE: MIXED USE PROPOSED TO INCLUDE OFFICE, RESIDENTIAL, AND HOSPITALITY OVER GROUND FLOOR RETAIL IN A VILLAGE ATMOSPHERE WITH SURFACE AND STRUCTURED PARKING.

BUILDING HEIGHT: WILL COMPLY WITH ORDINANCE

RESIDENTIAL UNITS: 290 UNITS

NON RESIDENTIAL FLOOR AREA: 76,000 SF RETAIL/EATING/DRINKING & ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND TYPE 2)
100,000 SF SPECIALTY RETAIL/SERVICE
60,000 SF OFFICE TOTAL
30,000 SF MEDICAL OFFICE
30,000 SF OTHER OFFICE
200 ROOMS HOTEL

(SUBJECT TO CONVERSION ALLOWANCES AND LIMITS)

RESIDENTIAL PARKING: WILL COMPLY WITH ORDINANCE

NONRESIDENTIAL PARKING: WILL COMPLY WITH ORDINANCE

OPEN SPACE: URBAN OPEN SPACE & GARDENS
60,000 SF MINIMUM
(INCLUDES PLAZA AREAS & PART OF EXTRA WIDE SIDEWALKS BEYOND 8' IN WIDTH)
ADDITIONAL OPEN SPACE
124,000 SF MINIMUM
(INCLUDES BUFFER AREA AND UTILITY EASEMENT)
TOTAL OPEN SPACE
184,000 SF MINIMUM



Quail Hollow Village Site Plan Amendment Conditional Development Standards

Up to 60,000 square feet of office uses (30,000 sq. ft. of medical office and 30,000 sq. ft. of other office) together with associated surface and structured parking spaces may be constructed within the Building Parking Envelopes. This floor area limit will be subject to the conversion allowance below. A minimum of 10,000 sq. ft. of office floor area will be constructed as part of the overall development.

A hotel of up to 200 rooms together with any incidental or accessory uses permitted under the Ordinance may be constructed on the site. The hotel may include associated accessory uses such as a restaurant/lounge, gift shops, meeting space, spa and other similar health/fitness facility, and other customary accessory uses and services. This room number limit will be subject to the conversion allowance below.

The site may also include up to 100,000 sq. ft. of space devoted to specialty retail and related accessory uses. Specialty Retail is a term used as part of the trip calculation process and are generally small strip shopping centers that contain a variety of retail shops and specialized in quality apparel, hard goods and services such as real estate offices, dance studios, florists and small restaurants (Source: ITE, 9th Ed.)

The site may include the development of up to 290 residential living units that may include units for sale and rental units, including condominiums and/or town homes. However, the total number of residential units that can be developed on the site, including any units that are converted from hotel rooms, may not result in a total that would exceed the overall density of 22 dwelling units per acre. A minimum of 80 residential units will be constructed as part of the overall development.

The Petitioner reserves the right to exchange and convert development types on the site to create flexibility in responding to changes in the market. The following provisions will apply:

- a. Retail, including specialty retail and eating/drinking and entertainment establishments (type 1 and type 2) floor area may be substituted for office floor area at a rate of one square foot of retail and eating/drinking and entertainment establishments (type 1 and type 2) floor area for one square foot of office floor area up to a maximum of 85,000 square feet of floor area so substituted.
- b. Office, including general and medical office floor area may be substituted for retail, including specialty retail and eating/drinking and entertainment establishments (type 1 and type 2) floor area at a rate of one square foot of office floor area for one square foot of retail and eating/drinking and entertainment establishments (type 1 and type 2) floor area up to a maximum of 85,000 square feet of floor area so substituted.
- c. Hotel rooms may be converted to office, including general and medical office space at the rate of one hotel room for 300 square feet of office floor area up to a limit of 30,000 square feet of office floor area so substituted.
- d. Hotel rooms on the site may be substituted for residential units at the rate of one hotel room for each residential unit so substituted up to a maximum of 200 residential units.
- e. Residential units may be converted to retail, including specialty retail ,eating/drinking and entertainment establishments (type 1 and type 2) or office space at the rate of one residential unit for 300 square feet of retail/office or office floor area, including general and medical office up to a limit of 30,000 square feet of retail, including specialty retail ,eating/drinking and entertainment establishments (type 1 and type 2) or office, including general and medical office floor area so converted.

No individual tenant shall occupy a single building or space for retail use of greater than 60,000 square feet on one floor.

Based on the conversion allowances listed above, and with full recognition that the maximum numbers presented below are theoretical and would include concomitant reductions in the amounts of other development types, the following list is intended to provide a 'maximum' development amount for each of the development types allowed on the site subject to the total trip generation limitation below.

- a. Total maximum retail space including all retail types: 290,000 sq. ft.
- b. Total maximum office space including all office types: 205,000 sq. ft.
- c. Total maximum hotel rooms: 200.
- d. Total maximum residential units at 22 du/ac: 420.

All of the foregoing development types and amounts listed and the conversion rights reserved above are subject to a total trip generation of 13,250 vehicles as specified in the Transportation Memorandum that accompanies this plan amendment. A cumulative total trip generation count will be provided by the Petitioner as part of building permitting submittals to ensure that the total trip generation for the site does not exceed 13,250 trips per day. Square foot/use conversions will be accomplished through the Administrative Approval Process to verify that the conversion proposed complies with the provisions of this site plan.

Transportation

- a. The number of access points to Park Road shall be limited to two right in/right-out driveways and a long Glen Eagles Road to one right-in/right-out access and one full access, as generally depicted on the site plan. The placement and configuration of these access points are subject to minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
- b. The existing controlled private access from the Seven Eagles neighborhood as generally depicted on the site plan will use the gate and electronic card access equipment that currently exists to provide controlled private vehicular and pedestrian access from the Seven Eagles neighborhood to the Site
- c. Construct an additional eastbound through lane on Glen Eagles Road along the site's frontage starting from Park Road and extending to the eastern most access where it will terminate as an eastbound right turn lane.
- d. Construct an additional westbound left turn lane on Glen Eagles Road with 440 feet of combined storage and a 15:1 bay taper.
- e. Petitioner shall install a 6 foot wide sidewalk with a minimum 8 foot wide planting strip along the Site's frontage on Park Road and Glen Eagles Road, and the sidewalk may meander to add variety to the streetscape.
- f. As more conceptually depicted on the site plan, the Petitioner shall install internal sidewalks on the Site that will provide pedestrian connections between the various buildings located thereon and to the sidewalks installed along Park Road and Glen Eagles Road.
- g. Except where necessary to accommodate special design and architectural elements associated with the development on the Site, internal streets located on the Site shall be designed to have street trees at an average separation of 40 feet on center, and sidewalks a minimum of 6 feet in width that may meander around planting beds and trees.
- h. The Petitioner will work with CATS during the development review and permitting process to determine a mutually agreeable location for a concrete bench pad for a new bus stop to be constructed by the Petitioner. Such construction will occur at the time that sidewalk along the street where the pad is to be located is constructed.

Architectural Standards

All buildings constructed on the Site shall be architecturally compatible in appearance through the use of similar, as well as complementary building materials, colors and design (giving due considerations to the use of each building). The Petitioner agrees to record restrictive covenants governing the use and development of the Site prior to the issuance of any building permit for improvements to the Site. The restrictive covenants will be enforced by a Property Owners Association.

The Architectural Design Review Committee, which will be established as part of the Property Owners Association, shall have responsibility for adopting and implementing guidelines for all development taking place within the Site. The Architectural Design Review Committee will be formed prior to occupancy of the first tenant space constructed on the Site. Each application for a building permit must be accompanied by a letter which states that the plans for the relevant building have been approved by the Architectural Design Review Committee. In addition to the foregoing, all development will be subject to the following provisions.

General Character

- a. The elevations associated with the building to be located within the building envelopes are included to reflect the spirit of the architectural style only and may change in location and massing as the plan evolves further.
- b. The architectural character throughout the project will take inspiration from a neo-classical interpretation of elements found in Southeast American resorts. Primarily this will mimic design elements of what is called 'Italianate' Mediterranean. All sides of the buildings are to be constructed using four sided architecture using brick, stone, synthetic stone, stucco, synthetic stucco, wood, synthetic wood, and similar materials for primary walls. Vinyl siding will not be used as a building material for exterior walls but may be used for trim, soffits, and architectural detail.
- c. Meter banks will be hidden from public view. Mechanical equipment located on the roof of the buildings shall be screened from public view at grade and will include screen-walls of architectural quality and materials comparable to the primary buildings walls.
- d. Uses shall not primarily orient the service side of buildings to Park Road or Glen Eagles Road. Solid waste/recycling areas will not be allowed to abut either street unless such areas are enclosed by a wall treatment similar to the architecture of the building and that incorporates a combination of complimentary details. Service areas, dumpster areas, and recycling areas will be enclosed by a solid wall with one side being a decorative gate. The wall used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the buildings. If one or more sides of a dumpster area adjoin a side or rear wall of a building then the side or rear wall may be substituted for a side.
- e. Above-ground backflow preventer will be screened from public view and will be located outside of the required setbacks.
- f. Uses on the site that may include the use of a drive through service window will be integrated into the overall building massing and architectural design and not be located as freestanding uses on out parcels.
- g. Open spaces on the site can include combinations of landscaping and hardscape, urban gardens, seating and gathering spaces, ornamental architecture that could, but are not required to include, structures, fountains, performance spaces, and similar amenities to be developed as each part of the site that the open space is associated with is developed. The minimum size of the main urban open space area on the site will include a minimum of 15,000 sq. ft. of area.
- h. Underground or structured parking will not be exposed along Park Rd. or Glen Eagles Rd.
- i. Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping and, when provided, site furnishings throughout the Site.
- j. Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.
- k. Facades over 200 feet in length along Park Rd. and Glen Eagles Rd. shall incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total facade length.
- l. Facades greater than 20' in length and over 5' in height shall be treated with a combination of display windows, building step backs, change in materials, landscaping or other pedestrian oriented architectural features.
- m. Ground floor facades facing Park Rd and Gleneagles Rd shall have windows or doors for at least 50% of a vertical zone 2.5' to 8' above finish floor of the buildings. Windows can be display/showcase windows, poster cases, faux windows or real windows into the store but it is not mandatory to actually see into the store. Tenants can also have signage for each individual space facing Park and Gleneagles Rd that comply with City of Charlotte Signage Ordinance. Ground floor facades located in front of parking spaces along Park Road are required to have clear vision glass.

Buildings along Park Rd

- a) The arrival circle from Park Rd is now an urban-style courtyard framed by buildings that will sweep traffic arriving midblock to the small arc of parking to the south, and into the upper parking level.
- b) The row of commercial buildings to the corner at Gleneagles Road now front directly on Park Road. Although the functional address' faces the internal side, these structures will be built to with four sided architecture and streetscapes along the Park Road frontage as generally depicted on the illustrative concept plan.
- c) The small gathering space between the buildings along Park Road closest to Gleneagles Road is meant to accommodate outdoor seasonal seating, streetscape features and become a primary visual focus for that main portion of the site.
- d) The building massing at the corner of Park and Gleneagles Roads may take on a multi-story character, up to four levels with architectural elements and roofline elements that reinforce the classical architectural character outlined.
- e) The Petitioner will provide landscaping or a complimentary wall to screen the grocery service areas from Park Road.

Buildings along Gleneagles

- a) Where the site slopes dramatically close to Park Rd the structures will allow for a 'base' that accommodates street facing display windows, options for tenant and project identity, and extensive landscaping to soften the base edges.
- b) Along Gleneagles Road the building footprint is angled to create a strong view corridor into the village plaza level allowing for tenants to take advantage of outdoor seating, display, and storefront potentials.
- c) A small retail/commercial pavilion sitting in the apex of the two internal drives from Gleneagles will break down the scale of the taller elements beyond and feature four-sided architecture, external gathering and seasonal seating spaces, and a roofline that will be crafted to highlight its key location.
- d) The building massing along Gleneagles next to Seven Eagles will have a base of retail/commercial and upper level residential units. This creates a distinct street wall along the project's internal drive setback off of Gleneagles Road accommodating unit features such as terraces allowing for interplay of visual variety along this façade.

- e) Exterior corridors will not be utilized as part of the hotel building.
- f) Service hours for deliveries and for trash collection will be limited to the hours of 6:00 a.m. to 9:00 p.m. for buildings and uses located in Building Envelopes "A" and "B"
- g) Any drive through window service lane along Gleneagles Rd. will be screened with a combination of landscaping and low masonry wall.

Streetscape and Landscaping

- a. The Petitioner shall install within the setback areas established along Park Road and Glen Eagles Road plants, trees and other materials in accordance with the Ordinance. Internal areas of the Site shall be landscaped in accordance with the requirements of applicable standards.
- b. Landscape areas will be planted and improved in sequences which are keyed to each phase of development taking place on the Site and will meet or exceed the requirements of the Ordinance.
- c. All roof mounted mechanical equipment will be screened from view from public streets and adjoining residential properties.
- d. Surface treatment and management of storm water may occur in the project setback areas if designed, installed, and maintained as part of the overall landscaping plan for the site. Further, bio-retention areas and rain gardens may be located within the buffer areas if designed, installed, and maintained as part of the over landscaping plan for the site.
- e. The minimum growing area for the tree planning along the internal streets may be reduced by means of urban tree planting techniques such as tree grates in a manner acceptable to the Urban Forestry Staff.

Environmental Features

- Reserved
- Parks, Greenways, and Open Space
- Reserved
- Fire Protection
- Reserved
- Signage
- Reserved
- Lighting

- a. Freestanding lighting on the site will utilize full cut-off luminaries and no "wall pak" type lighting will be utilized, except that architectural lighting on the exterior of buildings will be permitted.
- b. Petitioner agrees to install pedestrian scale lighting along internal streets. The maximum height of any freestanding lighting fixture, including its base, shall not exceed 30 feet.
- c. All direct lighting within the Site (except streetlights which may be erected along Park Road and Glen Eagles Road) shall be designed such that direct illumination does not extend past any exterior property line. Consideration will be given to the impact of lighting both within and without the perimeter of the Site. Items for consideration will include intensity, cutoff angles, color, energy efficiency and shielding of sources of light, the intent being to eliminate glare towards Park Road, Glen Eagles Road and adjacent properties.
- d. Free standing lighting located between the buildings and the residential properties to the east will be limited to 20' in height.

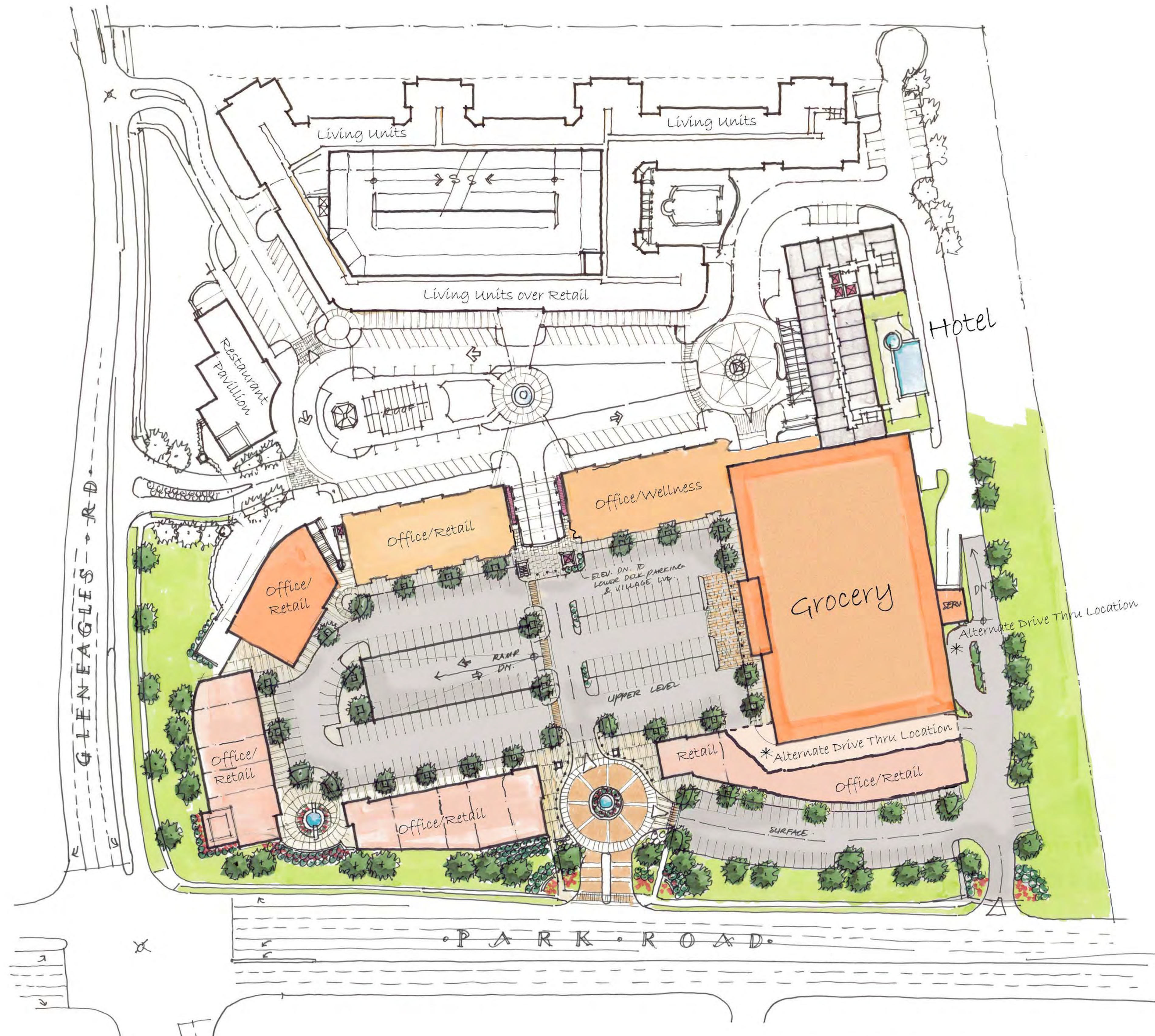
Phasing

- Reserved
- Initial Submission- 8-25-14, 1.2
- Revised per staff comments- 10-17-14, 1.3.3a
- Revised per staff analysis and public hearing- 10-20-14, 1.5.2
- Revised per Additional staff comments- 11-25-14, 1.6.1
- Revised per Zoning Committee Approval 12-8-14, 1.6.2





No.	Description	Date
2	Revision 2	11/20/14
3	Revision 3	11/25/14
4	Revision 4	12/08/14



1 Park Rd Level
1" = 60'-0"

In keeping with the Petitioners design intent for the property and recognizing that exact design details for the buildings and site are not included as part of the site plan amendment, the development depicted on this plan is intended to reflect the general arrangement of proposed buildings, uses, circulation, and open spaces on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases as allowed under the provisions of Section 6.2 of the Zoning Ordinance.



Project Number -
Date 8/25/14

Park Rd Level

SHEET RZ 3.1
Scale



The
Harris Land
Company

The Quail Hollow Village
Mixed Use Development



No.	Description	Date
2	Revision 2	11/20/14
3	Revision 3	11/25/14
4	Revision 4	12/08/14

bhm
ARCHITECTS PA
1928 South Boulevard
Charlotte, NC 28203
704.333.5931
www.bhmarc.com

Project Number -
Date 8/25/14

Lower Level @
Gleneagles Rd

SHEET
RZ 3.2
Scale

In keeping with the Petitioners design intent for the property and recognizing that exact design details for the buildings and site are not included as part of the site plan amendment, the development depicted on this plan is intended to reflect the general arrangement of proposed buildings, uses, circulation, and open spaces on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases as allowed under the provisions of Section 6.2 of the Zoning Ordinance.

1 Lower Level at Gleneagles Rd
1" = 60'-0"

11/19/2014 3:28:25 PM



The elevations associated with the buildings to be located within the building envelopes are included to reflect the spirit of the architectural style only and may change in location and massing as the plan evolves further.

The Harris Land Company

The Quail Hollow Village

Mixed Use Development



No.	Description	Date
1	Revision 1	10/17/14
2	Revision 2	11/20/14
3	Revision 3	11/25/14
4	Revision 4	12/08/14

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 1928 South Boulevard
 Charlotte, NC 28203
 704.333.5931
 www.bhmarc.com

Project Number -
 Date 8/25/14

Elevations

SHEET **RZ 4**
 Scale

No.	Description	Date
2	Revision 2	11/20/14
3	Revision 3	11/25/14
4	Revision 4	12/08/14



**LOWER LEVEL PLAZA VIEW
FROM GLENEAGLES ROAD**

These renderings are provided to represent the general configuration and character of buildings uses, circulation, and open spaces on the site and are intended to serve as an additional illustration to explain the design intent of the Petitioner. They are not intended to represent any specific design element, detail, color, or design of any individual element or building on the site and will not be used as part of the development review process.



PARK ROAD ENTRANCE VIEW

These renderings are provided to represent the general configuration and character of buildings uses, circulation, and open spaces on the site and are intended to serve as an additional illustration to explain the design intent of the Petitioner. They are not intended to represent any specific design element, detail, color, or design of any individual element or building on the site and will not be used as part of the development review process.

**The
Harris Land
Company**

The Quail Hollow Village

Mixed Use Development

Paresi
DESIGN/STUDIO

No.	Description	Date
2	Revision 2	11/20/14
3	Revision 3	11/25/14
4	Revision 4	12/08/14

bhm
ARCHITECTS PA
1928 South Boulevard
Charlotte, NC 28203
704.333.5931
www.bhmarc.com

Project Number -
Date 8/25/14

Park Rd Entrance
View

SHEET **RZ 5.2**
Scale

REQUEST

Current Zoning: B-1(CD) (neighborhood business, conditional) and R-3 (single family residential)
Proposed Zoning: B-1 (CD) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment)

LOCATION

Approximately 3.32 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road.
(Council District 5 - Autry)

SUMMARY OF PETITION

The petition proposes to allow up to three commercial buildings on three individual lots.

**PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE**

Fifth Third Bank
Cambridge Properties, Inc.
George Maloomian and Jay Priester

COMMUNITY MEETING

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

**STATEMENT OF
CONSISTENCY**

A portion of this petition is found to be inconsistent with *the Eastside Strategy Plan* and a portion of this petition is found to be consistent with the *Eastside Strategy Plan*, based on information from the staff analysis and the public hearing, because:

- A portion of the property is recommended for retail and a portion of the property is recommended for institutional.

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

- The proposed request will allow for a more consistent development pattern with similar development requirements;

By a 6-1 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Walker).

**ZONING COMMITTEE
ACTION**

The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition with the following modifications:

1. Petitioner has amended site plan to add language and note that total maximum building square footage for all three buildings combined will not exceed 20,000 square feet. The petitioner has replaced "restricted" with "prohibited" in the first sentence under Permitted Uses.
2. Reduce parking between the building and the street and design the parking in a pattern consistent with other new development along this segment of Albemarle Road. *Staff is rescinding this request and agrees with the petitioner's rationale for allowing the parking layout to remain as proposed on the site plan. Justification provided by the petitioner is as follow:*
 - a. Provides parking on the sides of each building to limit the number of parking spaces in front of the building.
 - b. **Commitment to a 2'-8" brick knee wall (to match the brick of the buildings) at the back of the 30-foot setback, which will also include a hedgerow.**
 - c. Each building has a dedicated five-foot pedestrian walk connecting the building to the new six-foot sidewalk along Albemarle Road.
3. The petitioner has labeled all elevations as shown on Sheet RZ3.1.
4. The petitioner has included revised elevations for each proposed building including typical side elevations and brick detail.

5. The heading PCCO Treatment has been renamed Environmental Features.
6. The note pertaining to the required 30-foot setback (formerly Note 9a) has been removed since the setback is shown. Notes pertaining to buffers are now under Streetscape and Landscape.
7. The heading Sideyards/Buffers has been removed from the site plan.
8. The site plan has been modified to state signage will be per ordinance.
9. Addressed CDOT and Storm Water comments as follows:
 - a. **Addressed CDOT's request to place maximum building square footage on site plan (maximum 20,000 square feet for all three buildings combined).**
 - b. Addressed Storm Water comment by removing notes 7a and 7b and replacing language as requested: **"The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."**
10. Modified the height of the proposed screen wall along Albemarle Road to read as **2'-8"**, which was previously noted as **2.5 ft.**
11. Added the following to the list of prohibited uses: tattoo parlors, smoke shops, liquor stores, pawn shops, check cashing stores.
12. Added a detail on Sheet RZ2.0 that depicts the improvements between Albemarle Road and the proposed parking area (8-foot planting strip, 6-foot sidewalk, lawn/setback, shrub hedgerow with **2'-8" brick wall**).

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting that all outstanding issues had been addressed by the petitioner. A Commissioner inquired if a greenhouse used to be in operation on this site (Norwood Garden Center), and staff responded that use had indeed previously existed on the rezoning site. There was no further discussion of the petition.

MINORITY OPINION

Commissioner Ryan noted that this proposal constitutes a strip shopping center and that the City can do better than this proposed development.

STAFF OPINION

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

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

PLANNING STAFF REVIEW

- **Background**
 - Rezoning petition 1992-070 rezoned approximately 3.39 acres from R-3 (single family residential) to B-1(CD) (neighborhood business, conditional) in order to allow a plant nursery and garden center with a maximum building area of 30,000 square feet. The existing single

family home directly to the west was part of the rezoning.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to three (3) separate parcels (Parcels 1, 2, and 3), with each lot having its own individual building footprint and associated parking area.
- Allows a total maximum building square footage of 20,000 square feet for all three parcels combined.
- Allows all uses in the B-1 (neighborhood business) zoning district, except the following uses will be prohibited:
 - Land clearing and inert debris landfills (LCID);
 - Construction and Demolition (C & D) Landfills;
 - Automotive service stations selling gasoline and diesel fuel;
 - Jails and prisons;
 - Heavy automotive repair shops. This does not prohibit minor automotive adjustments, repairs and/or lubrications;
 - Car washes;
 - Tattoo parlors;
 - Smoke shops;
 - Pawn shops; and
 - Check cashing stores.
- Allows no more than one (1) drive through window within the site.
- Proposes 2'-8" knee wall constructed of brick with a shrub hedgerow along the front of each parcel and parallel to Albemarle Road.
- Provides a 41-foot Class "B" buffer along property lines adjacent to a residential use and/or zoning. A Class "C" buffer may be required along a portion of the northern property line that abuts acreage owned by Cornerstone Baptist Church (parcel 10910206), depending upon the proposed use of the developed parcel. Buffers may be reduced by 25% with installation of a fence.
- Proposes left-in/right-in/right-out driveway providing access onto Albemarle Road with proposed left-turn lane into the site.
- All three (3) parcels within the site will have vehicular and pedestrian interconnectivity and cross-access easements.
- Provides stub connections to the adjacent parcels to the east and west for possible future interconnectivity.
- Installs a minimum six-foot sidewalk and eight-foot planting strip along Albemarle Road measured from back of curb. If sidewalk cannot be installed in the NCDOT right-of-way, petitioner will install the sidewalk within the site along the right-of-way line within Albemarle Road.
- All elevations fronting Albemarle Road to be treated with a minimum of 35% fenestration.
- All exterior walls to be constructed with a minimum of 70% masonry products including any combination of brick.

- **Public Plans and Policies**

- The *East District Plan* (1990) recommends retail for the portion of the property zoned B-1(CD) (neighborhood business, conditional). The *Eastside Strategy Plan* (2001) recommends institutional for the portion of the property currently zoned R-3 (single family residential).
- The portion of the petition currently zoned R-3 (single family residential) is inconsistent with the *East Strategy Plan*. The portion of the petition zoned B-1(CD) (neighborhood business, conditional) is consistent with the *East District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Claire Lyte-Graham (704) 336-3782

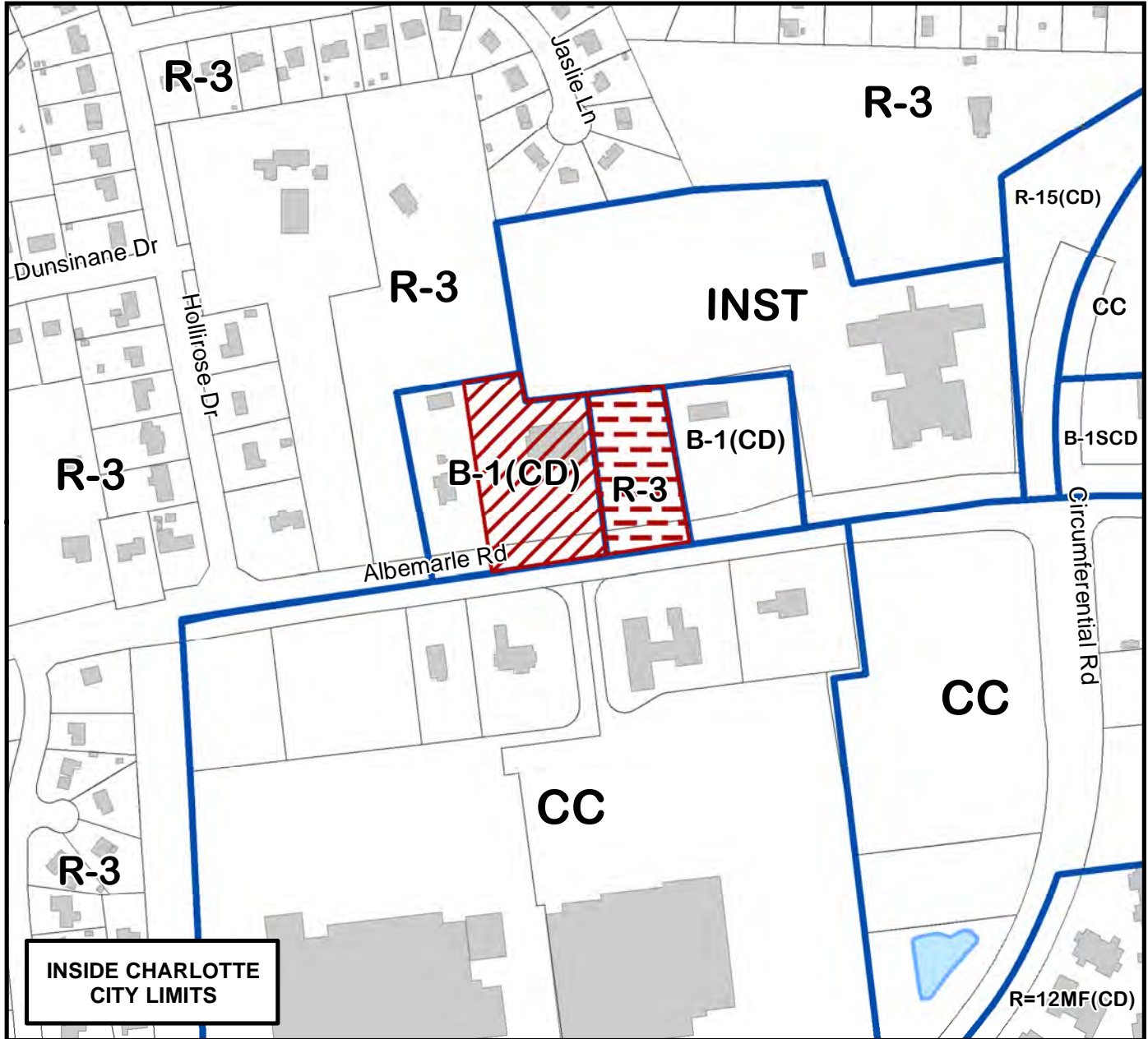
Petition #: **2014-111**

Petitioner: **Cambridge Properties, Inc.**

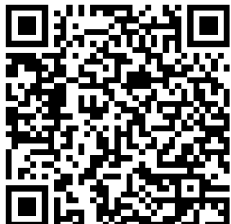
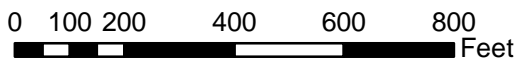
Zoning Classification (Existing): **R-3 & B-1(CD)**
(Single Family, Residential and Neighborhood Business, Conditional)

Zoning Classification (Requested): **B-1(CD) & B-1(CD) S.P.A.**
(Neighborhood Services, Conditional and Neighborhood Services, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 3.31 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road.

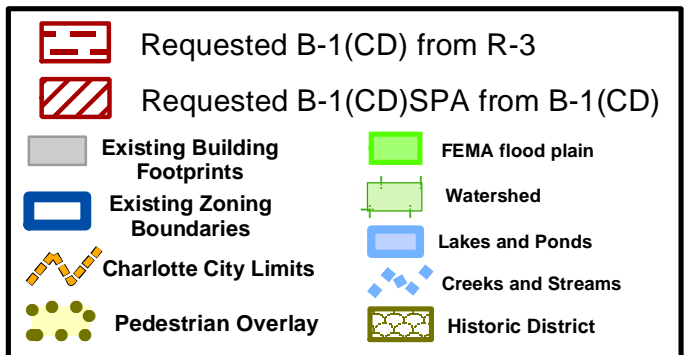


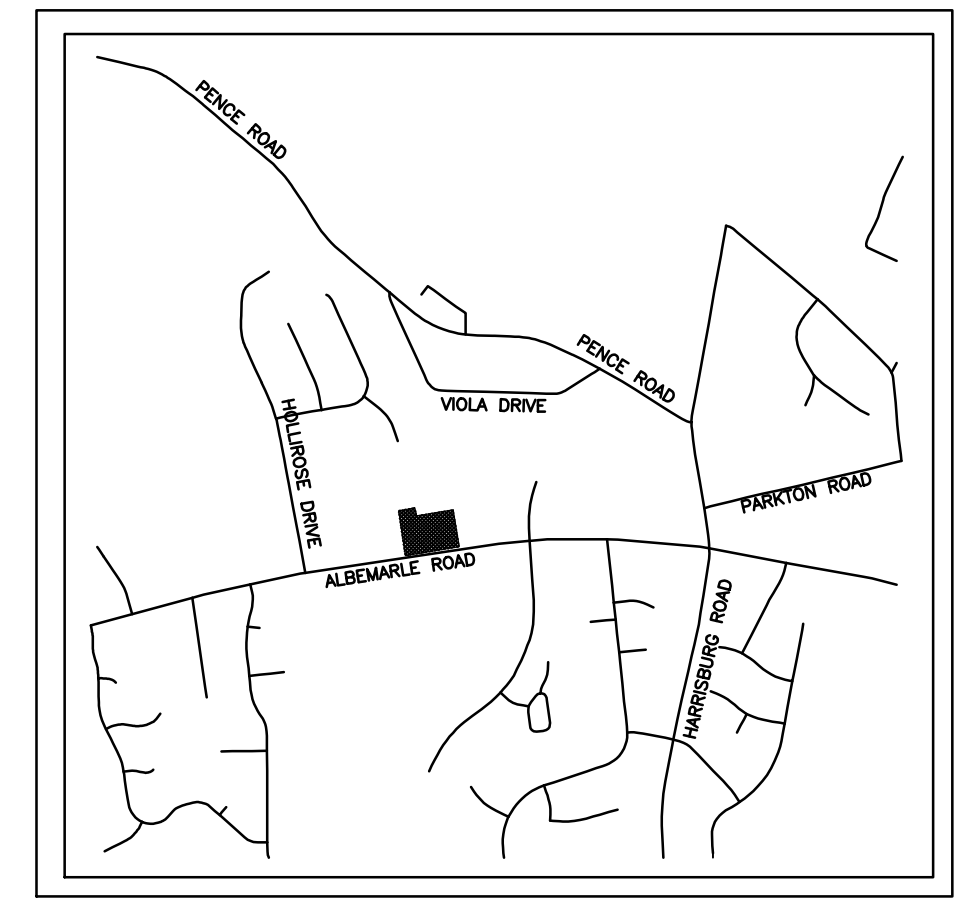
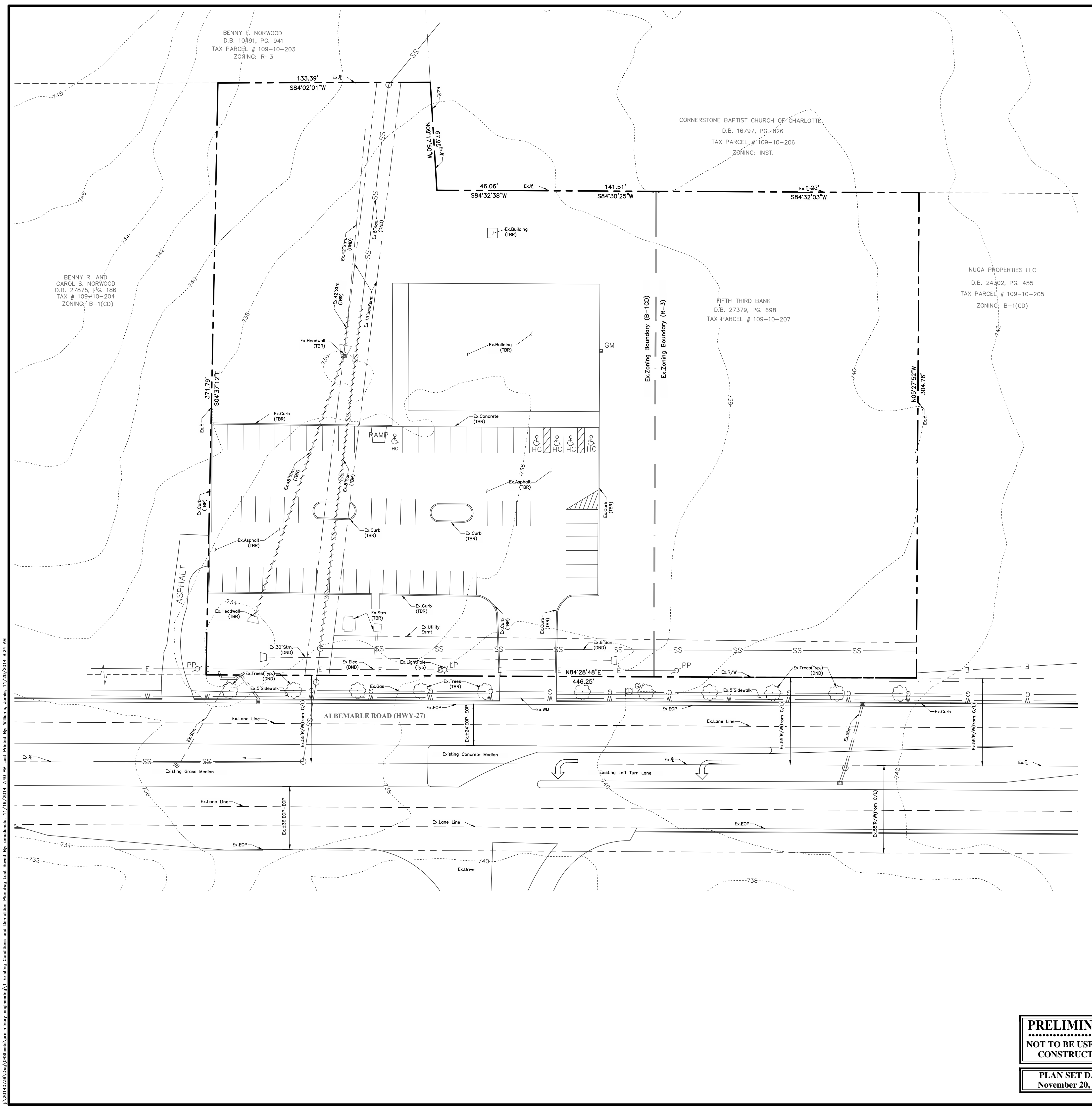
Map Produced by the Charlotte-Mecklenburg Planning Department, 8-29-2014.



Zoning Map #(s)

115





LOCATION MAP
Not to Scale

DEVELOPMENT DATA	
Site Acreage	
Tax Parcel:	109-10-207
Existing Total:	3.32 Acres (144,619 SF)
Probable Parcel Size:	Parcel 1: 1.48± Acres (64,469 SF) Parcel 2: 1.02± Acres (44,431 SF) Parcel 3: 0.82± Acres (37,026 SF)
Zoning	
Existing:	R-3/B-1(CD)
Proposed:	B-1(CB)
Area to be Rezoned:	3.32± Acres (144,619 SF)
Existing User:	Vacant
Proposed Use:	All uses allowed within B-1(CD) District Subject to uses restricted herein
Building Data	
Floor Area Ratio:	As permitted by B-1(CD) District
Maximum Building Height:	40'
Total Maximum Building Square Footage:	20,000 SF
Tree Save Area	
Required:	144,619 SF x 15% = 21,693 SF
Provided:	22,684 SF = 0.52 Acres
Parking	
Required:	As required by proposed use in B-1(CD) Zoning
Provided:	Per ordinance

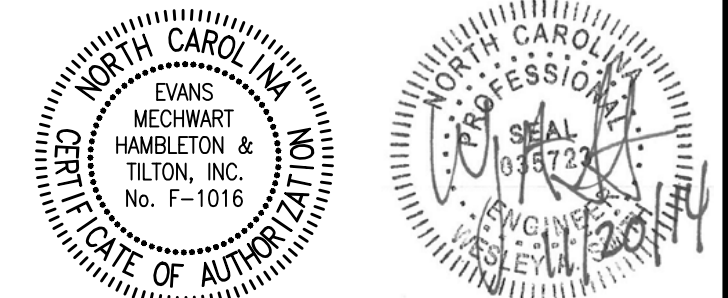
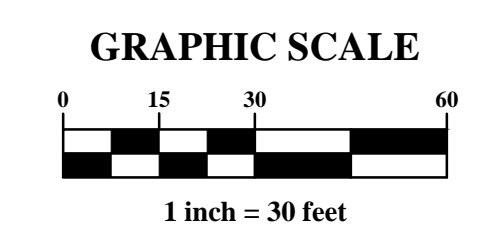
- FEMA NOTE**
- The proposed Site is located outside of the 100 year floodplain.
 - According to the Federal Emergency Management Agency's Flood Insurance Map, dated March 02, 2009, the subject tract shown herein does not lie within Zone "X" (areas determined to be outside 0.2% annual chance floodplain), Community Panel Nos. 3701459300J.
 - In areas where the Floodway Regulations are applicable, the Future Conditions Line, FEMA Flood Fringe Line, Community Encroachment Line, and FEMA Floodway Encroachment Line shall be shown on the preliminary plan and the final plan. An application for a Floodlands Development Permit shall be submitted and approved to the County Engineering Department in accordance with the requirements set forth in the City/County Floodway Regulations prior to plan approval.

TBR = To Be Removed
TBRL = To Be Relocated
DND = Do Not Disturb

PRELIMINARY
NOT TO BE USED FOR
CONSTRUCTION

PLAN SET DATE
November 20, 2014

REZONING PETITION 2014-111



MARK	DATE	DESCRIPTION
1	10/27/14	ISSUED FOR CITY OF CHARLOTTE COMMENTS
2	11/20/14	ISSUED FOR CITY OF CHARLOTTE COMMENTS

CAMBRIDGE PROPERTIES
INCORPORATED
831 East Morehead Street, Suite 545
Charlotte, North Carolina 28202
Phone: 704.535.2894
Fax: 704.535.2894

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA
REZONING PLAN
FOR
HOLLYROSE DEVELOPMENT
EXISTING CONDITIONS & DEMOLITION PLAN

EMH&T
EVANS, MECHWART, HAMILTON & TILTON, INC.
Engineers - Surveyors - Planners - Scientists
Professional Engineers License No. 0000000000
Professional Surveyors License No. 0000000000
Phone: 704.546.0333
emht.com

DATE	November 20, 2014
SCALE	1" = 30'
JOB NO.	2014-0739
SHEET	RZ-1.0

I:\2014\0739\Draw\Sheet\preliminary_engineering\1_Existing Conditions and Demolition Planning\Last Saved By: amason@emh.com, 11/19/2014 7:40 AM Last Printed By: Williams, James, 11/20/2014 8:24 AM

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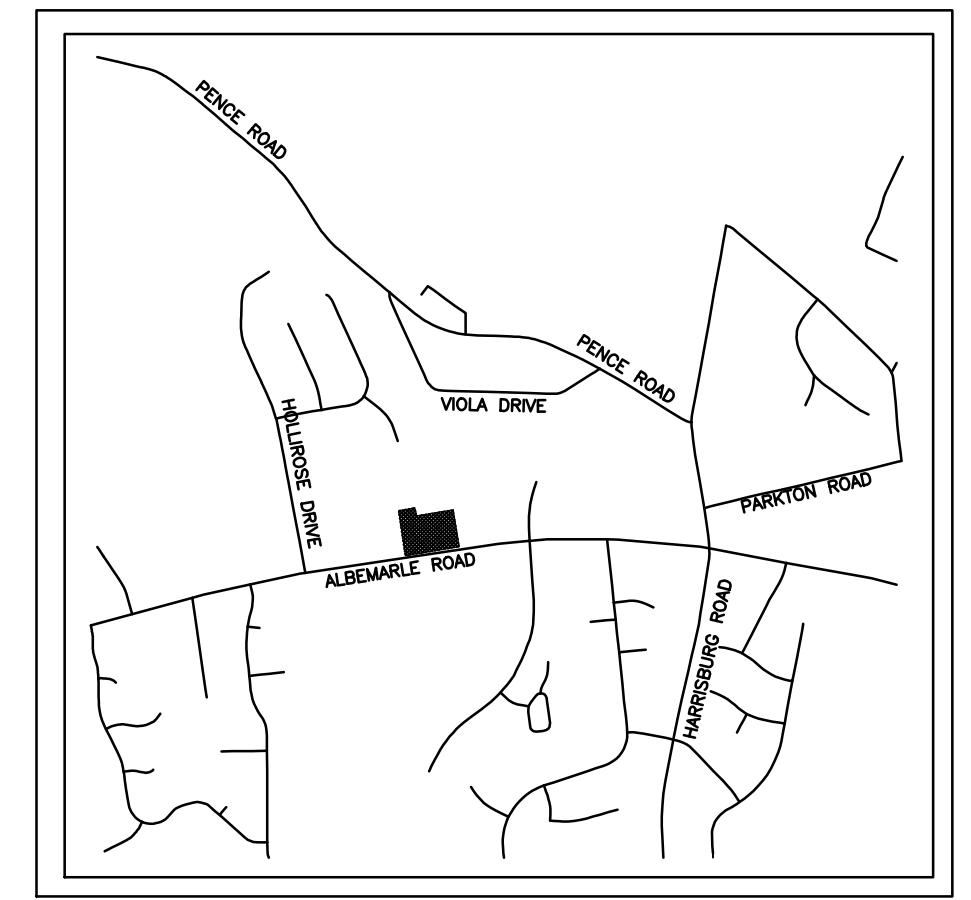
BENNY F. NORWOOD
D.B. 10491, PG. 941
TAX PARCEL # 109-10-203
ZONING: R-3

BENNY R. AND
CAROL S. NORWOOD
D.B. 27875, PG. 186
TAX # 109-10-204
ZONING: B-1(CD)

CORNERSTONE BAPTIST CHURCH OF CHARLOTTE
D.B. 16797, PG. 826
TAX PARCEL # 109-10-206
ZONING: INST.

NUGA PROPERTIES LLC
D.B. 24302, PG. 455
TAX PARCEL # 109-10-205
ZONING: B-1(CD)

FIFTH THIRD BANK
D.B. 27379, PG. 698
TAX PARCEL # 109-10-207



LOCATION MAP
Not to Scale

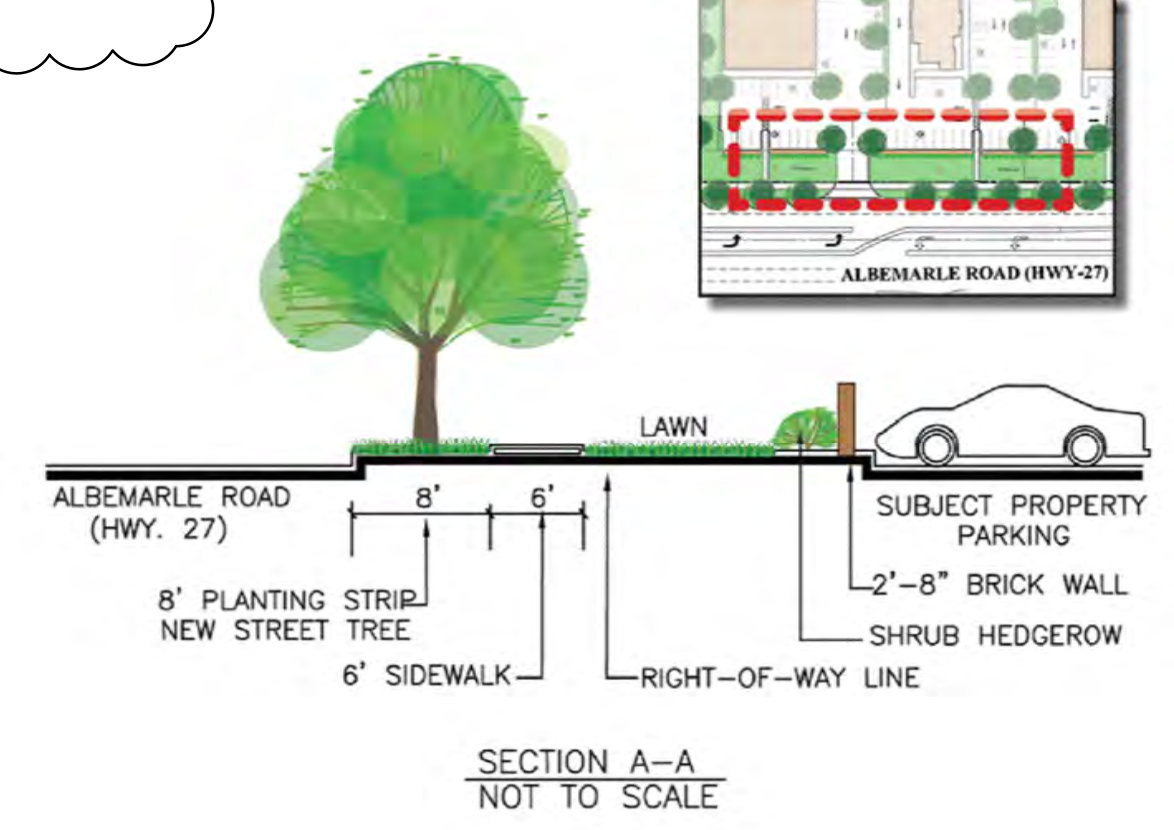
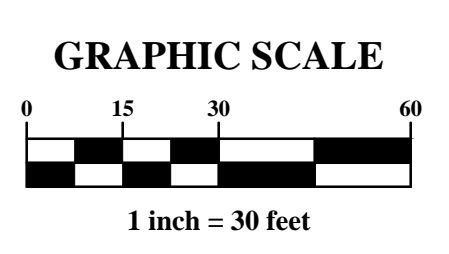
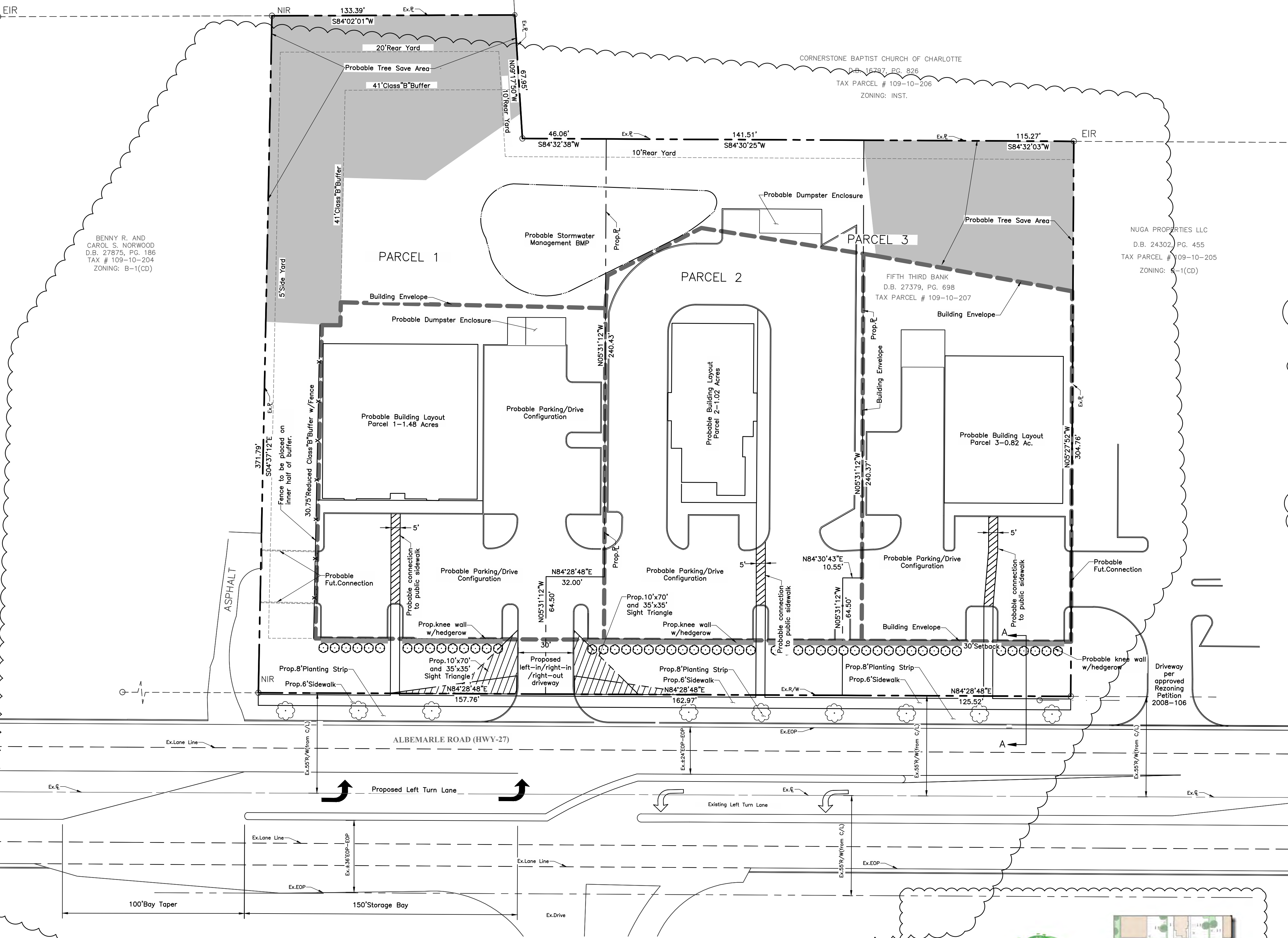
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Required:	As required by proposed use in B-1(CD) Zoning
Provided:	Per ordinance

- FEMA NOTE**
- The proposed Site is located outside of the 100 year floodplain.
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 - In areas where the Floodway Regulations are applicable, the Future Conditions Line, FEMA Flood Fringe Line, Community Encroachment Line, and FEMA Floodway Encroachment Line shall be shown on the preliminary plan and the final plat. An application for a Floodlands Development Permit shall be submitted and approved to the County Engineering Department in accordance with the requirements set forth in the City/County Floodway Regulations prior to plan approval.

NOTE:
Parcel 1, 2, and 3 sizes may be adjusted provided that there will be no more than 3 separate parcels within the site.

NOTE:
Building locations and parking areas are shown for illustration purposes only and may be changed provided the buildings remain in the building envelope.

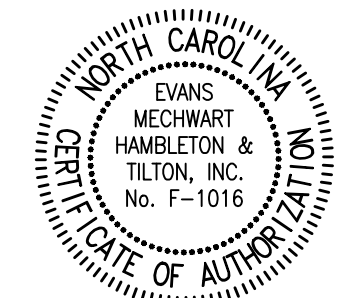
NOTE:
A 24' class "C" buffer may be required adjacent to parcel 109-10-206 depending on the proposed use of the developed parcel. Buffer requirements to be determined during final engineering.



REZONING PETITION 2014-111

PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION

PLAN SET DATE
November 20, 2014



MARK	DATE	DESCRIPTION
1	10/27/14	ISSUED FOR CITY OF CHARLOTTE COMMENTS
2	11/20/14	ISSUED FOR CITY OF CHARLOTTE COMMENTS

CAMBRIDGE PROPERTIES INCORPORATED
831 East Morehead Street, Suite 404
Charlotte, North Carolina 28202
Phone: 704.546.2284

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA
FOR
REZONING PLAN
HOLLROSE DEVELOPMENT
SITE PLAN

EMH&T
EVANS, MECHWART, HAMILTON & TILTON, INC.
Engineers - Surveyors - Planners - Scientists
831 East Morehead Street, Suite 404
Charlotte, North Carolina 28202
Phone: 704.546.2284
emht.com

DATE	November 20, 2014
SCALE	1" = 30'
JOB NO.	2014-0739
SHEET	RZ-2.0

1. GENERAL PROVISIONS

- a. The development depicted on this Site Plan is intended to reflect the arrangement of proposed uses on the Site, but the exact configuration placement, and size of the specific building or parking elements may be altered or modified within the limits prescribed by the Ordinance during the design development and construction phases as allowed under the provisions of Section 6.2 of the Zoning Ordinance
- b. Throughout this Rezoning Petition, the terms "Owner", "Owners", "Petitioner", or "Petitioners" shall be deemed to include the heirs devisees, personal representatives, successors in interest and assignees of the owners or owners of the Site who may be involved in its development from time to time.

2. PURPOSE

This Rezoning Application request is to allow the Site to be developed with up to three (3) separate land parcels with uses that are permitted under the B-1 zoning district as restricted herein. The building square footage on each parcel may vary depending on the use; however, the total building square footage for the development may not exceed 20,000 square feet.

3. PERMITTED USES

All uses under the B-1 zoning district shall be permitted except the following uses shall be prohibited:

- a. Land clearing and inert debris landfills (LCID).
- b. Construction and Demolition (C&D) Landfills.
- c. Automotive Service Stations selling gasoline and diesel fuel.
- d. Jails and prisons.
- e. No more than 1 drive thru window within the Site.
- f. Heavy automotive repair shops. This does not restrict minor automotive adjustments, repairs and/or lubrications.
- g. Car washes
- h. Tattoo Parlor
- i. Smoke shops
- j. Liquor stores
- k. Pawn shops
- l. Check cashing stores

4. TRANSPORTATION

- a. Subject to NCDOT and CDOT approval, the Site shall have one direct access point on Albemarle Road, which shall be a right in/right out with a protected left turn into the Site approximately as shown on the Site Plan and Petitioner may construct the right in/right out access, as approved, on the parcel adjoining the east side of the Site.
- b. All three (3) parcels within the Site shall have vehicular and pedestrian inner-connectivity and cross access easements among them.
- c. Petitioner will establish stub streets connecting to the adjacent parcels adjoining the east and west sides of the Site along Albemarle Road for future interconnectivity.
- d. Each building shall have a minimum of a 5ft wide pedestrian walkway connecting to the existing sidewalks along Albemarle Road.
- e. According to the City of Charlotte's Driveway Regulations, CDOT has the authority to regulate/approve all private street/driveway and public street connections to the right-of-way of a street under the regulatory jurisdiction of the City of Charlotte. CDOT has determined that a left-turn lane is necessary to serve the traffic using the proposed public street/private driveway connection for this site. The engineering design and construction of the left-turn lane is the responsibility of the owner, and shall be performed by a professional engineer registered in the State of North Carolina who has roadway-design experience. CDOT will only approve the proposed public street/private driveway connection provided that an eastbound directional left-turn lane is constructed on Albemarle road. The left-turn lane needs to be designed using NCDOT standards with a minimum 150 feet of storage. This roadway improvement is required to meet the traffic demands of the proposed development.
- f. Adequate sight triangles must be reserved at the existing/proposed street entrance. Two 35'x35' and two 10'x70' sight triangles are required for the entrance to meet requirements. All proposed trees, berms, walls, fences, and/or identification signs must not interfere with sight distance at the entrance. Such items should be identified on the site plan.
- g. The proposed driveway connection to Albemarle Road will require driveway permits to be submitted to CDOT and NCDOT for review and approval. The exact driveway location and type/width of the driveway will be determined by CDOT during the driveway permit process. The locations of the driveway shown on the site plan are subject to change in order to align with the driveway shown on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.
- h. All proposed commercial driveway connections to a future public street will require a driveway permit to be submitted to CDOT for review and approval.
- i. Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.
- j. A right-of-way encroachment agreement is required for the installation of any non-standard items (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to the construction/installation of the non-standard items. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.

5. ARCHITECTURAL STANDARDS

- a. All elevations fronting Albemarle Road shall be treated with a minimum of 35% fenestration.
- b. All exterior walls shall be constructed with a minimum of 70% masonry products including any combination of brick, stone and pre-cast concrete.
- c. All trash and recycling containers shall be fully enclosed.
- d. All HVAC units shall be screened from view from Albemarle Road.
- e. Any loading docks shall be screened from view from Albemarle Road.

6. SITE LIGHTING

- a. All parking lot lighting shall be shielded and downward facing.
- b. Exterior lighting on the buildings will be directed or shielded to prevent glare on nearby residential properties.
- c. The parking lot lighting shall be a maximum height of 25 feet in height.

7. STREETScape AND LANDSCAPE

- a. There shall be a minimum of an 8 ft planting strip and 6 ft sidewalk along Albemarle Road measured from the back of curb. The sidewalk and planting strip shall be installed in front of each parcel as such parcel is developed with vertical improvements. If the sidewalk cannot be installed in the NCDOT right of way, Petitioner shall install the sidewalk within the Site along the ROW line with Albemarle Road.
- b. All parking areas shall be adequately screened from the right of way along Albemarle Road with a 2'-8" screen wall with hedgerow.
- c. All landscaping shall meet or exceed the requirement of the Ordinance.
- d. The side yard and rear yard buffers adjacent to a residential use shall be a 41 ft class "B" buffer. A 24' class "C" buffer may be required adjacent to parcel 109-10-206 depending on the proposed use of the developed parcel. Buffer requirements to be determined during final engineering.
- e. The side yard and rear yard buffer maybe reduced by 25% as allowed by Section 12.302(8). If Petitioner elects a fence to reduce the buffer it shall be placed in the inner half of the buffer closest to the Site boundary.

8. ENVIRONMENTAL FEATURES

- a. The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

9. SIGNAGE

- a. Signage will be per ordinance.

REZONING PETITION 2014-111

PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION
PLAN SET DATE
November 20, 2014



MARK	DATE	DESCRIPTION
1	10/27/14	REVISION FOR CITY OF CHARLOTTE COMMENTS
2	11/20/14	REVISION FOR CITY OF CHARLOTTE COMMENTS

CAMBRIDGE PROPERTIES
INCORPORATED
831 East Morehead Street, Suite 404
Charlotte, North Carolina 28202
Phone: 704/345-2894
Fax: 704/345-2894

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA
REZONING PLAN
FOR
HOLLROSE DEVELOPMENT
REZONING NOTES

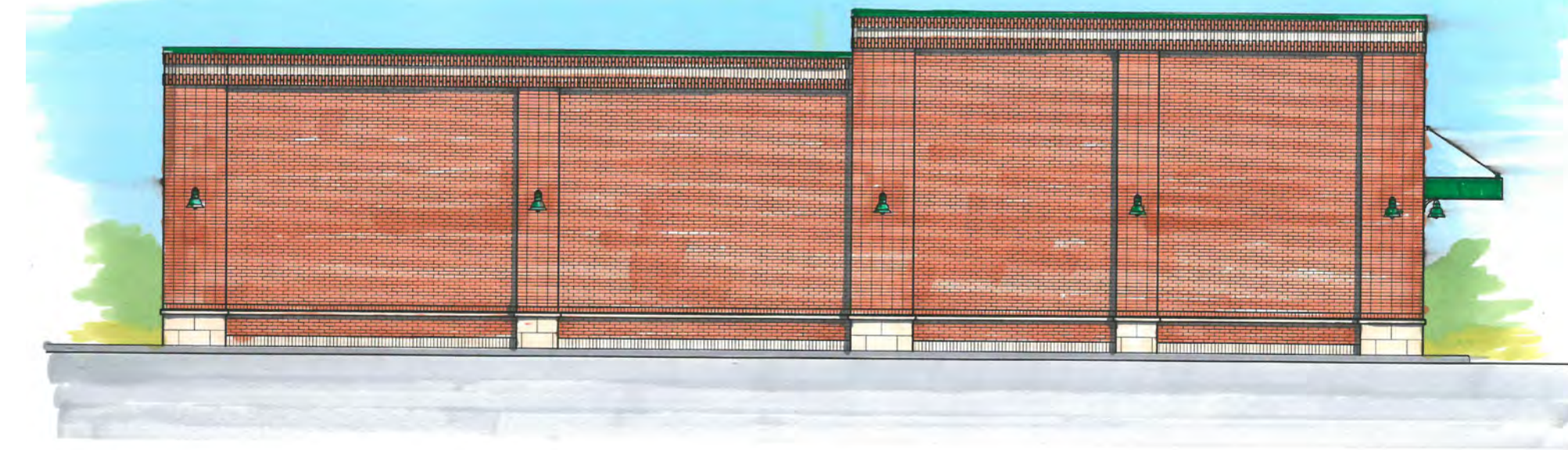
EMH&T
Evans Mechwart Hamilton & Tilton, Inc.
Engineers - Surveyors - Planners - Scientists
Professional Seal No. F-1016
Phone: 704/345-2894
emht.com

DATE	November 20, 2014
SCALE	1" = 30'
JOB NO.	2014-0739
SHEET	RZ-3.0

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PARCEL 3 ARCHITECTURAL RENDERING (FACING ALBEMARLE ROAD)



PARCEL 3 ARCHITECTURAL RENDERING (WEST SIDE WALL TYP.)



PARCEL 2 ARCHITECTURAL RENDERING (FACING ALBEMARLE ROAD)



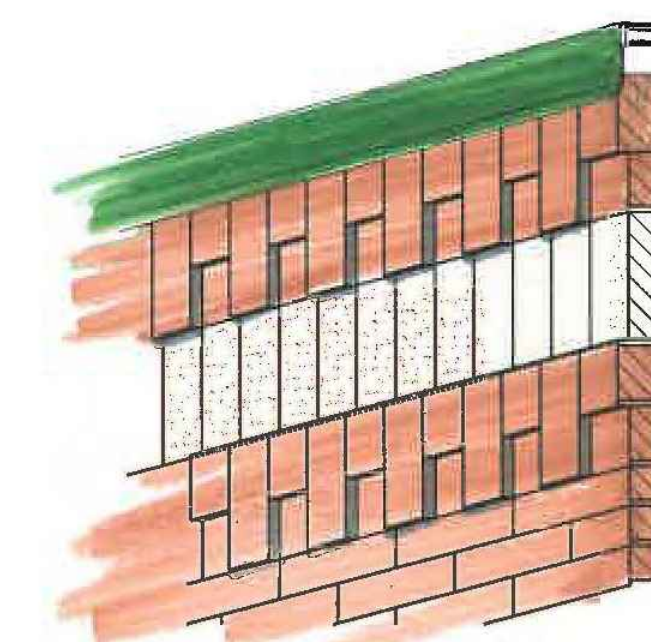
PARCEL 2 ARCHITECTURAL RENDERING (EAST SIDE WALL TYP.)



PARCEL 1 ARCHITECTURAL RENDERING (FACING ALBEMARLE ROAD)



PARCEL 1 ARCHITECTURAL RENDERING (EAST SIDE WALL TYP.)

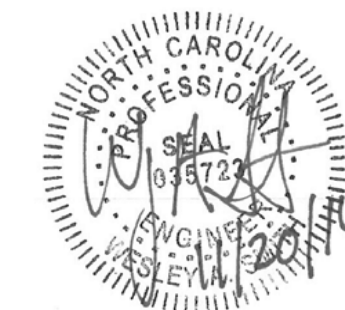
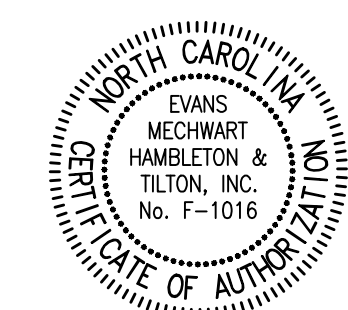


Brick Detail

REZONING PETITION 2014-111

PRELIMINARY
NOT TO BE USED FOR
CONSTRUCTION

PLAN SET DATE
November 20, 2014



MARK	DATE	DESCRIPTION
1	11/20/14	ISSUED FOR CITY OF CHARLOTTE COMMENTS
2	11/20/14	ISSUED FOR CITY OF CHARLOTTE COMMENTS

CAMBRIDGE PROPERTIES
INCORPORATED
831 East Morehead Street, Suite 405
Charlotte, North Carolina 28202
Phone: 704.546.2284

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA
FOR
REZONING PLAN
HOLLROSE DEVELOPMENT
BUILDING ELEVATIONS

EMHT
EVANS, MECHWART, HAMILTON & TILTON, INC.
ENGINEERS - SURVEYORS - PLANNERS - SCIENTISTS
10000 W. WILSON ROAD, SUITE 100
CHARLOTTE, NORTH CAROLINA 28215
PHONE: 704.546.2284
emht.com

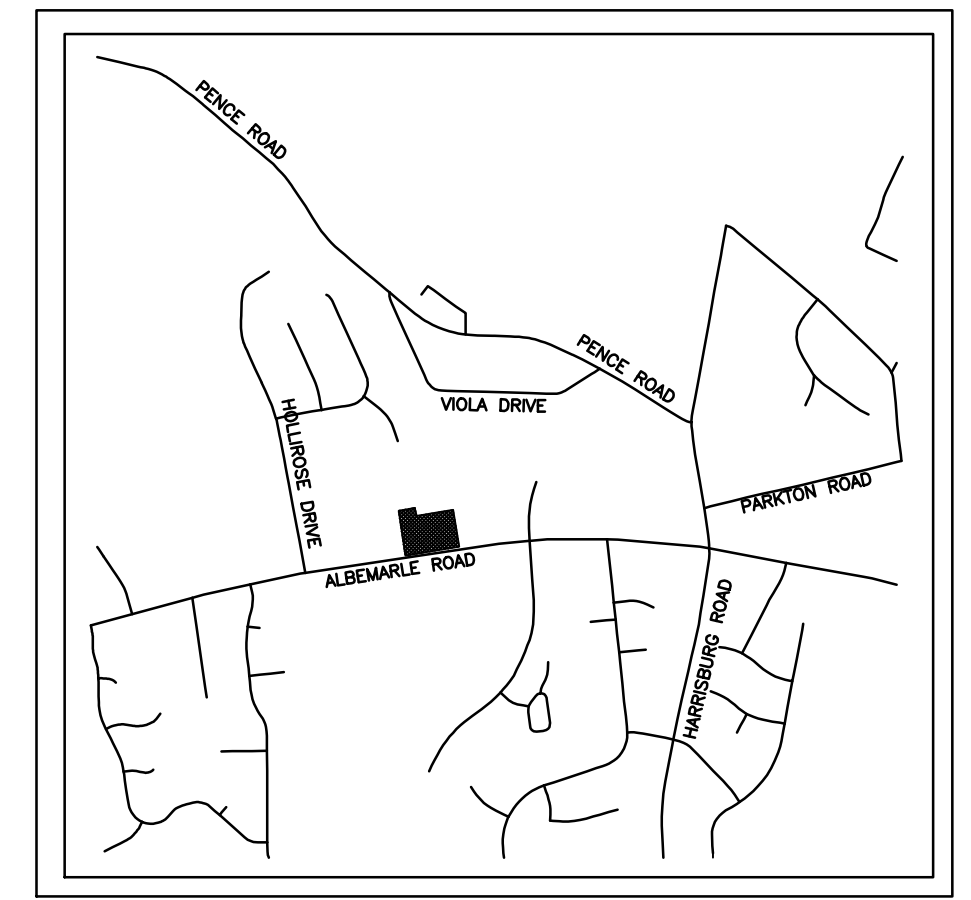
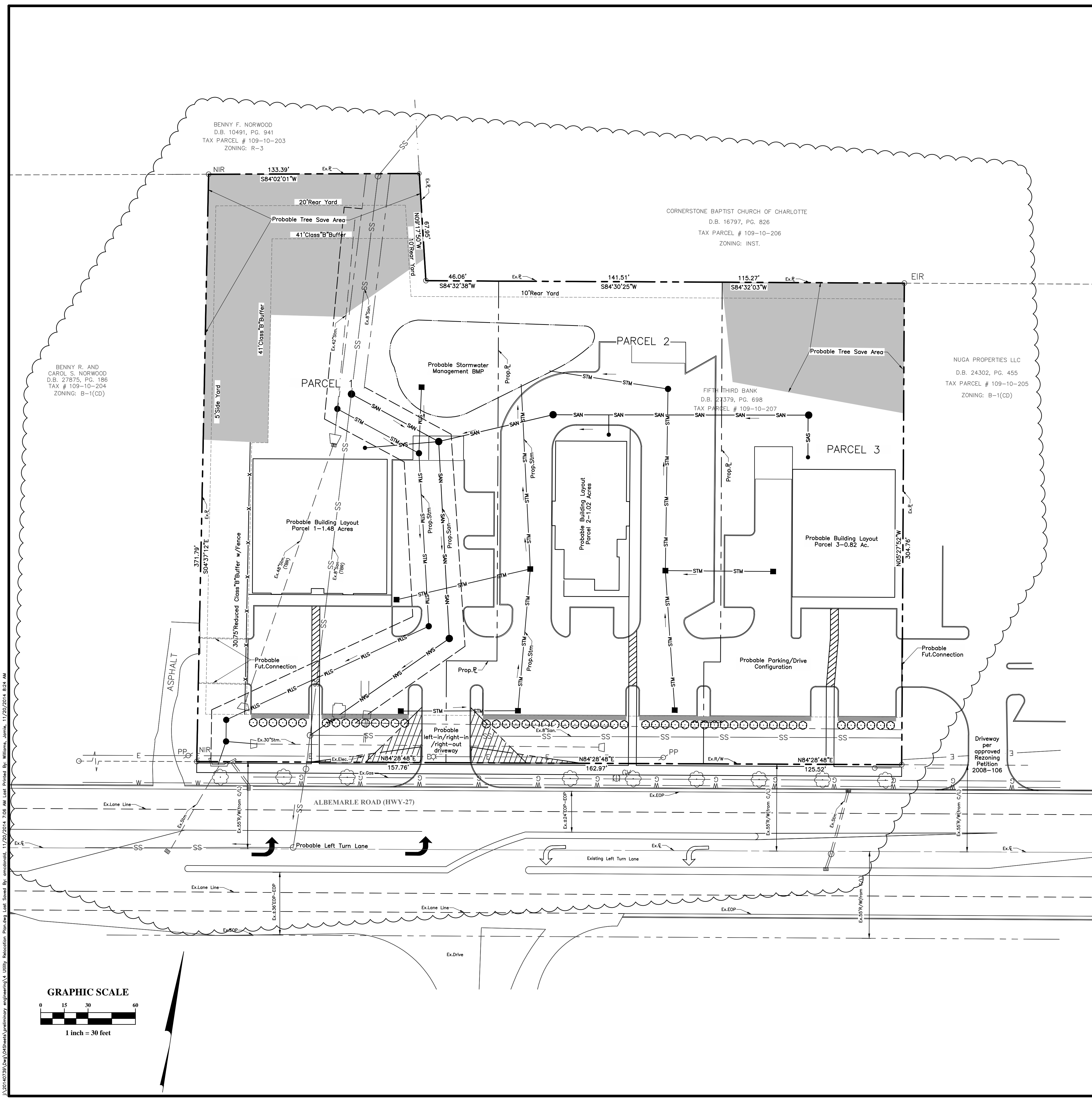
DATE
November 20, 2014

SCALE
1" = 30'

JOB NO.
2014-0739

SHEET
RZ-3.1

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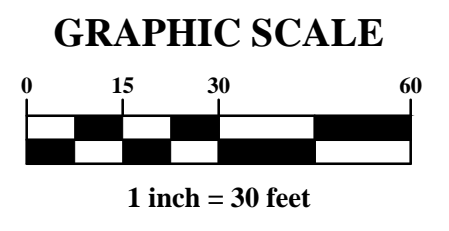


LOCATION MAP
Not to Scale

DEVELOPMENT DATA	
Site Acreage	
Tax Parcel:	109-10-207
Existing Total:	3.32 Acres (144,619 SF)
Probable Parcel Size:	Parcel 1: 1.48± Acres (64,469 SF) Parcel 2: 1.02± Acres (44,431 SF) Parcel 3: 0.82± Acres (37,026 SF)
Zoning	
Existing:	R-3/B-1(CD)
Proposed:	B-1(CB)
Area to be Rezoned:	3.32± Acres (144,619 SF)
Existing User:	Vacant
Proposed Use:	All uses allowed withing B-1(CD) District Subject to uses restricted herein
Building Data	
Floor Area Ratio:	As permitted by B-1(CD) District
Maximum Building Height:	40'
Total Maximum Building Square Footage:	20,000 SF
Tree Save Area	
Required:	144,619 SF x 15% = 21,693 SF
Provided:	22,684 SF = 0.52 Acres
Parking	
Required:	As required by proposed use in B-1(CD) Zoning
Provided:	Per ordinance

- FEMA NOTE**
- The proposed Site is located outside of the 100 year floodplain.
 - According to the Federal Emergency Management Agency's Flood Insurance Map, dated March 02, 2009, the subject tract shown herein does not lie within Zone "X" (areas determined to be outside 0.2% annual chance floodplain), Community Panel Nos. 3701459300J.
 - In areas where the Floodway Regulations are applicable, the Future Conditions Line, FEMA Flood Fringe Line, Community Encroachment Line, and FEMA Floodway Encroachment Line shall be shown on the preliminary plan and the final plat. An application for a Floodlands Development Permit shall be submitted and approved to the County Engineering Department in accordance with the requirements set forth in the City/County Floodway Regulations prior to plan approval.

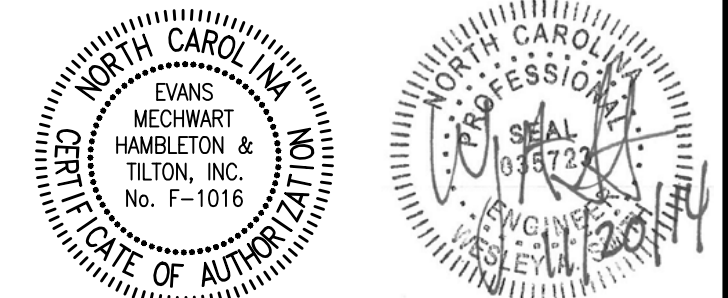
NOTE:
This utility layout is strictly for preliminary purposes and is subject to change during the permitting process.



REZONING PETITION 2014-111

PRELIMINARY
NOT TO BE USED FOR
CONSTRUCTION

PLAN SET DATE
November 20, 2014



REVISIONS	
MARK	DATE
1	10/20/14
2	11/20/14

DESCRIPTION: REVISION PER CITY OF CHARLOTTE COMMENTS

CAMBRIDGE PROPERTIES
INCORPORATED
831 East Morehead Street, Suite 545
Charlotte, North Carolina 28206
Tel: 704/335-2894

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA
REZONING PLAN
FOR
HOLLYROSE DEVELOPMENT
UTILITY RELOCATION PLAN



DATE: November 20, 2014
SCALE: 1" = 30'
JOB NO.: 2014-0739
SHEET: RZ-4.0

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REQUEST	Current Zoning: NS, neighborhood services Proposed Zoning: NS SPA, neighborhood services, site plan amendment
LOCATION	Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The site plan amendment proposes to allow for additional uses on the site to include up to 6,000 square feet of retail and/or automobile services, and to increase the square footage of a previously approved office building from 29,000 square feet to 30,000 square feet.
STAFF RECOMMENDATION	Staff does not support this petition in its current form. The approved office building is consistent with the <i>Steele Creek Area Plan</i> . However, the proposed retail automobile service center is inconsistent with the office uses recommended per the <i>Steele Creek Area Plan</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Moss Road Development Partners, LLC Moss Road Development Partners, LLC Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1

PLANNING STAFF REVIEW

• Background

- The subject site was rezoned in 2007 (rezoning petition 2007-024) from R-3 (single family residential) to NS (neighborhood services), in order to allow up to 34,000 square feet of office uses in two buildings, of which one was a 5,000-square foot bank with a drive-thru window. The approved site plan allows a two-story office building and a financial institution, along with associated parking and service areas. Staff did not support this rezoning request because it was inconsistent with the *Southwest District Plan*, which recommended single family residential up to three dwelling units per acre.

• Proposed Request Details

The site plan amendment contains the following changes:

- Amends permitted uses to allow all uses in the NS (neighborhood services) district.
- Replaces the 5,000-square foot one story bank building shown on the approved site plan with a 6,000-square foot proposed automotive services center building and slightly shifts the location of the building footprint.
- Increases the square footage of the previously approved two-story office building from 29,000 square feet to 30,000 square feet.
- Modifies a development note currently committing to a minimum parking ratio of one space per 200 square feet of floor area for medical office and/or bank uses and one parking space per 300 square feet of floor area for office uses, to now state that parking will meet or exceed the requirements of the Ordinance. The NS (neighborhood services) district requires one space per 600 square feet for non-residential uses.
- Removes 25-foot height maximum for detached lighting.
- Provides elevations of the proposed automotive services building.

• Existing Zoning and Land Use

- The site is currently undeveloped and surrounded by a mix of attached and detached single family residential neighborhoods, multi-family residential, institutional, commercial, office, and warehouse uses, and undeveloped acreage on properties zoned various zoning districts.

• Rezoning History in Area

- Rezoning petition 2009-002 rezoned approximately 4.80 acres located on the south side of Erwin Road between South Tryon Street and Moss Road from R-3 (single family residential) to I-1(CD) (general industrial, conditional), in order to allow the continuance of a public utility use

on the site with the addition of a contractor's office within a recently renovated 20,000-square foot building.

- **Public Plans and Policies**

- The *Steele Creek Area Plan* (2012) recommends office land uses for this site.
- The portion of the request involving the previously approved office building is consistent with the *Steele Creek Area Plan*. The retail portion of the petition is inconsistent with the *Steele Creek Area Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** CATS has requested that the petitioner provide and construct a concrete waiting pad for the existing bus stop along South Tryon Street. The bus stop location may move to avoid blocking the proposed driveway. However, the bus stop location should remain outside of either right-turn lane to the new driveway or to Moss Road, since bus routes serving the stop continue straight on South Tryon Street. CATS has provided an image of the standard detail for the requested bus stop pad. The site plan may either show the conceptual location of the improved bus stop on South Tryon Street, or alternatively, include a development note to locate the bus stop pad during the development review and permitting process.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Transportation:**
 - CDOT will require that the petitioner extend the existing eastbound right-turn lane on South Tryon Street, back to the proposed driveway and use pavement markings to create a median curb radius extension and right-turn lane bay taper (depiction provided in CDOT memorandum).
 - **Vehicle Trip Generation:**
Current Zoning: 1,500 trips per day.
Proposed Zoning: 650 trips per day.
 - **Connectivity:** See comment above.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** Storm Water Services has requested that the following note be placed on the site plan under "Environmental Features": "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** The petitioner should address the following:
 - Correct the typographical error in the note under the Environmental Features heading to read: "The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review..."
 - Existing trees must be preserved to meet tree save requirements per Charlotte Tree Ordinance Section 21-94.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- Land use
 1. The retail portion of the rezoning request is inconsistent with the *Steele Creek Area Plan*, which recommends office.
 - If this petition is considered for approval, the petitioner should:
 1. Provide a Development Data Table and include proposed use(s) and maximum building height.
 2. Limit uses to personal services and eliminate retail uses.
 3. Ensure the labelling on the site plan is correct with respect to development notes pertaining to streetscape commitments along Moss Road.
 4. Address CATS, CDOT, Engineering and Property Management, and Storm Water Services comments.
 5. Limit maximum height of detached lighting to 25 feet and note light fixtures will be full cut-off and downwardly directed.
-

Attachments Online at www.rezoning.org

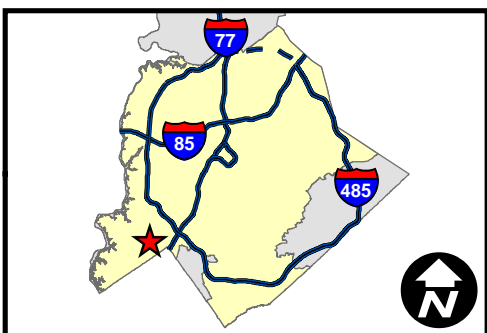
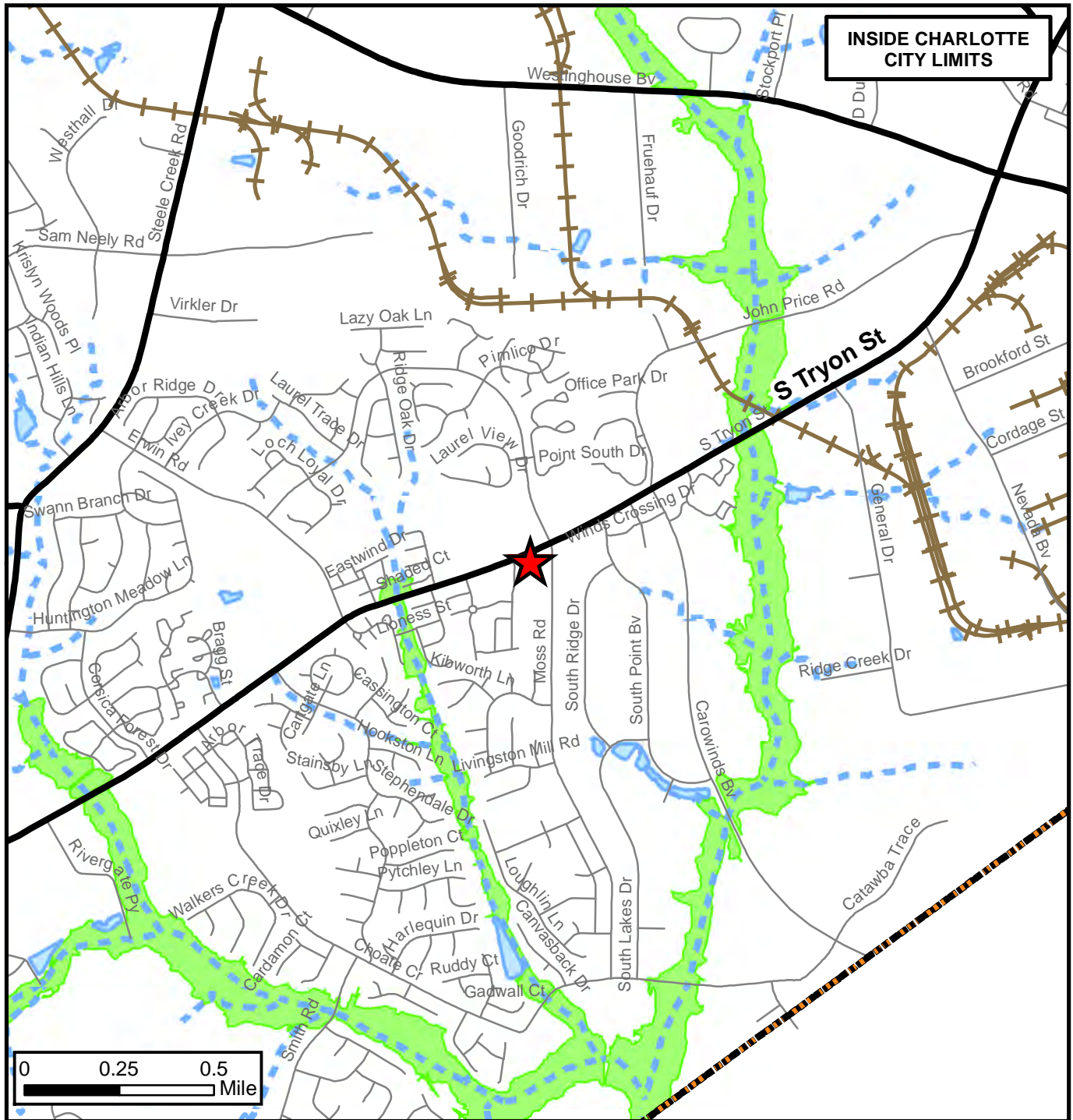
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and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

Planner: Claire Lyte-Graham (704) 336-3782

Petition #: **2014-042**

Vicinity Map

Acresage & Location : Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road.



★ Rezoning Petition: 2014-042

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

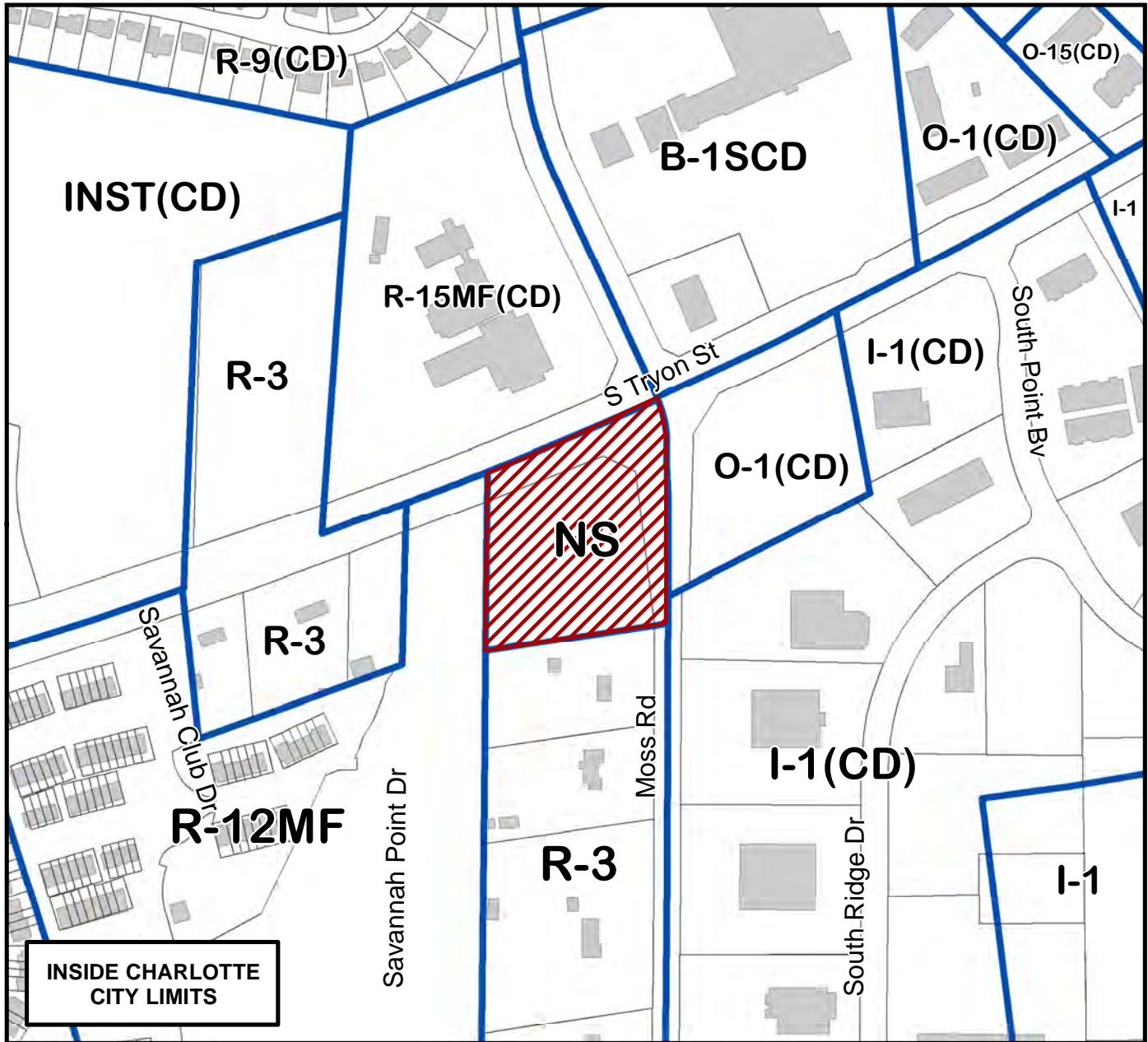
Petition #: **2014-042**

Petitioner: **Moss Road Development Partners, LLC**

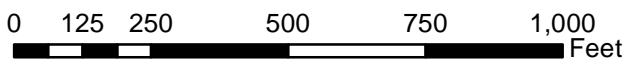
Zoning Classification (Existing): **NS**
(Neighborhood Services)

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

Acreage & Location: Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road.



Map Produced by the Charlotte-Mecklenburg Planning Department, 11-6-14.



Zoning Map #(s)

155

	Requested NS (S.P.A.) from NS		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Pedestrian Overlay		

Previously
Approved
Site
Plan

REQUEST	Current Zoning: B-1(CD), neighborhood business, conditional Proposed Zoning: NS, neighborhood services
LOCATION	Approximately 10 acres located on the northeast at the intersection of North Community House Road and Bryant Farms Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes to allow the development of a multi-use community consisting of up to 15,000 square feet of non-residential uses and up to 194 residential units.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon the resolution of the outstanding issues. The non-residential portion of this petition is consistent with the retail land use recommendation in the <i>South District Plan</i> , but the residential portion is inconsistent with the area plan. Although the proposed development is not consistent with the <i>South District Plan</i> , if the significant outstanding design issues for the non-residential component are addressed, the development will provide a well-designed and integrated multi-use development.
PROPERTY OWNER	Harris Teeter, LLC, CMH-DWH Ballantyne, LLC, and Terwilliger Pappas Multifamily Partners, LLC
PETITIONER AGENT/REPRESENTATIVE	Terwilliger Pappas Multifamily Partners, LLC Jeff Brown & Keith Mac Vean / Moore Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 44

PLANNING STAFF REVIEW

• Background

- Petition 1991-037(C) approved up to 70,000 square feet of B-1 uses with the following provisions:
 - A 50-foot landscape buffer along North Community House Road.
 - A 40-foot front setback along Bryant Farms Road.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows for 15,000 square feet of non-residential uses and 194 units at a density of 19.4 units per acre within two development areas.
 - Area "A," which allows non-residential uses:
 - Maximum of two buildings.
 - Non-residential buildings limited to two stories in height.
 - A note limiting the site to one accessory service window.
 - A note that limits access to development Area "A" from the internal drive.
 - Area "B," which allows for residential development:
 - Residential buildings limited to three stories in height.
 - One-story garages associated with the residential units.
 - Residential building elevations.
 - Maximum of three buildings in development Area "B."
 - Possible residential building materials that will consist of brick, stone, pre-cast concrete, pre-cast stone, cementitious siding, stucco, EIFS, and decorative block.
 - Detached lighting in Area "B" will be limited to 15 feet in height between the building and any exterior property line but 20 feet internal to the site.
 - A 40-foot landscape buffer, of which 25-feet will be undisturbed, adjacent to the existing single family.
 - A minimum of 1.25 parking spaces per residential unit.

- General:
 - A 25-foot landscape buffer along North Community House Road and Bryant Farms Road.
 - Eight-foot planting strip and six-foot sidewalk along all public streets.
 - A public or private street internal to the site.
 - Prohibition of vinyl as a building material except for window trim and soffits.
 - Enhanced landscape buffer/planting note with specific plantings.
 - Attached and detached lighting will be fully screen and full cut off fixture.
 - Access to the site via North Community House Road and Bryant Farms Road.
 - Transportation improvements:
 - Proposed leftover along North Community House Road.
 - Southbound directional crossover on Community House Road.
 - Proposed right-turn lane into the site’s northern most driveway.
 - Proposed deceleration lane with 50 feet of storage along Bryant Farms Road.
- **Existing Zoning and Land Use**
 - The subject property is currently zoned B-1 (CD) (general business, conditional) and is vacant. The properties to the north, east, and west are zoned R-3 (single-family) and R-12 PUD (single family residential, planned unit development) and developed with residential structures and a school. The property to the south is zoned INST (institutional) and developed with institutional uses for the YMCA.
- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends retail for the subject property. The area plan references the residential locational criteria of the *General Development Policies* (2003) to assess density of proposed development.
 - The *General Development Policies* (2003) support residential densities up to six dwelling units per acre for the site.
 - The proposed retail is consistent with the land use recommendations of the *South District Plan*; however, the proposed residential is inconsistent with the land use recommendation of the *South District Plan* and the *General Development Policies*.

Assessment Criteria	Density Category - over 17 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium)
Connectivity Analysis	1 (Low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 14	Total Points: 10

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 8,100 trips per day.
Proposed Zoning: 3,100 trips per day.
 - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce 38 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 38 students.
- **Charlotte-Mecklenburg Storm Water Services:** Petitioner should remove notes 6c and 6d under

“Environmental Features” in their entirety.

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- Development Area A
 - The petition lacks the detail typically included on a conditional rezoning for the approximately two-acre portion of the site that is located at the intersection of North Community House Road and Bryant Farms Road and is proposed for non-residential uses. There are, however, sufficient details provided for the remainder of the site planned for multi-family. These details include a site plan, elevations, and architectural commitments.
 - Conditional rezonings typically include:
 - Detailed site plan and conceptual elevations with supplemental notes to support the intent of the illustrations, or
 - Detailed notes that address permitted uses, building placement, building orientation, parking location, service and dumpster locations, pedestrian amenities, drive thru circulation and screening, lighting heights specifically when adjacent to residential, and architectural treatment.
 - Additional details are needed for the non-residential portion of the proposed rezoning to ensure that the site design is consistent with the purpose of the NS (neighborhood services) zoning district to encourage and accommodate the development and continued existence of mixed use districts, which provide a focus for neighborhood retail and service activities. Emphasis in the district is placed upon creating a pedestrian scale urban environment with strong linkages to the neighborhood and access to transit.
 - Specifically, the petitioner should:
 1. Prohibit the following uses from the site plan: gasoline sales, with or without convenience stores, and automotive uses.
 2. Add a note that commits to placing the building(s) along Community House Road and Bryant Farms Road, with no parking located between the building(s) and the streets.
 3. Provide minimum standards for blank walls visible from Community House Road and Bryant Farms Road, with facades greater than 20' in length and over 5' in height treated with a combination of display windows, building step backs, change in materials, landscaping or other pedestrian oriented architectural features.
 4. Add a note that where a drive-through window is allowed, only the drive-through service lane (no parking) may be located between the building and North Community House Road and Bryant Farms Road, and that low walls and accent plantings be provided when maneuvering is located in this area.
 5. Commit to not orienting the service side of the building(s) to Community House Road or Bryant Farms Road.
 6. Add a note stating that solid waste/recycling areas will not be allowed to abut Community House Road or Bryant Farms Road unless such areas are enclosed by a wall treatment similar to the architecture of the building.
 7. Commit to providing pedestrian connections between the multi-family component and the non-residential uses.
 8. Amend Note 5.B to remove the allowance for parking in the 25-foot setback for Area "A".
- Development Area B
The petitioner should:
 10. Label possible dumpster locations for Area "B".
 11. Add a note that buildings in Area "B" will be 30 percent masonry material on each side.

12. Show and label location of dog walk area referenced in Note 2.D.
13. Show where additional garages may be located along the rear property line.
14. Provide detail of the required plantings for the 25-foot landscape buffer.

- Additional Issues

The petitioner should:

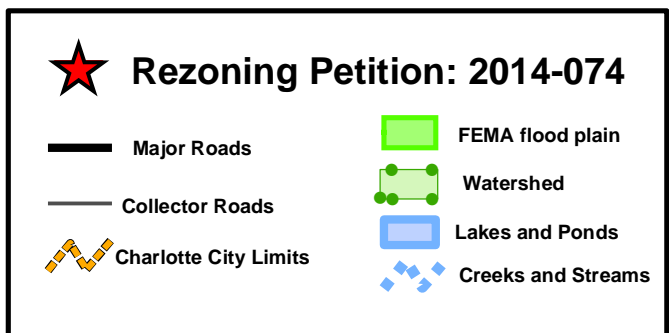
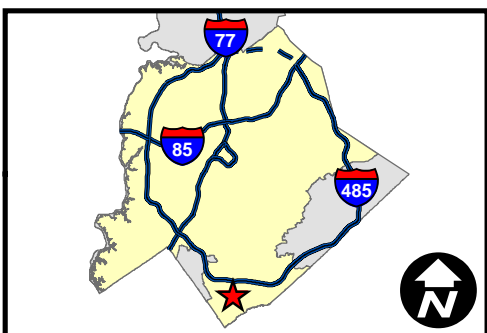
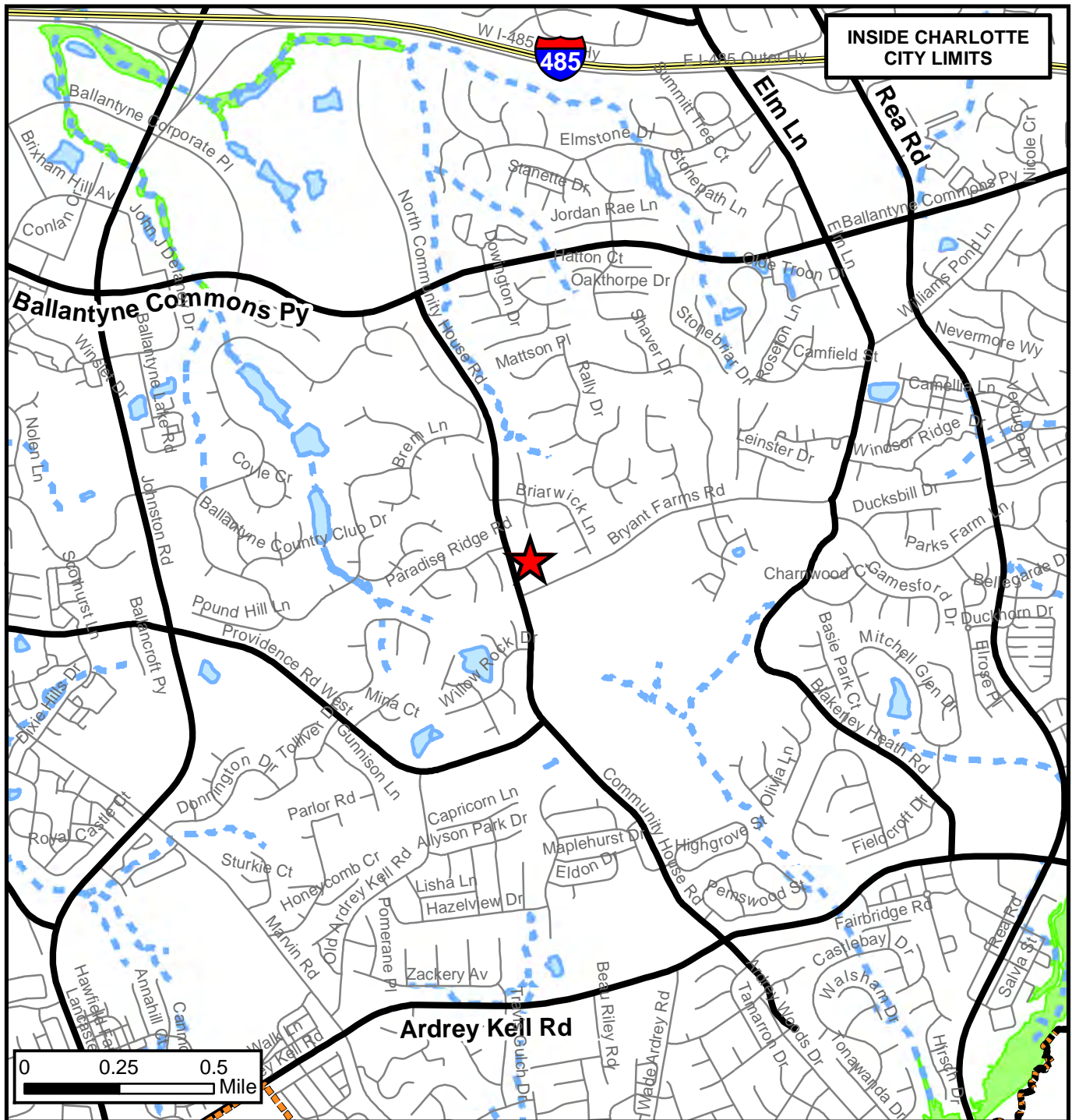
15. Amend Note 5.C to remove the following: "The petitioner may also post a bond for these improvements in order to allow the certificates of occupancy to be issued".
 16. Address Storm Water comment.
-

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326

Acres & Location : Approximately 10 acres located on the northeast corner at the intersection of North Community House Road and Bryant Farms Road.



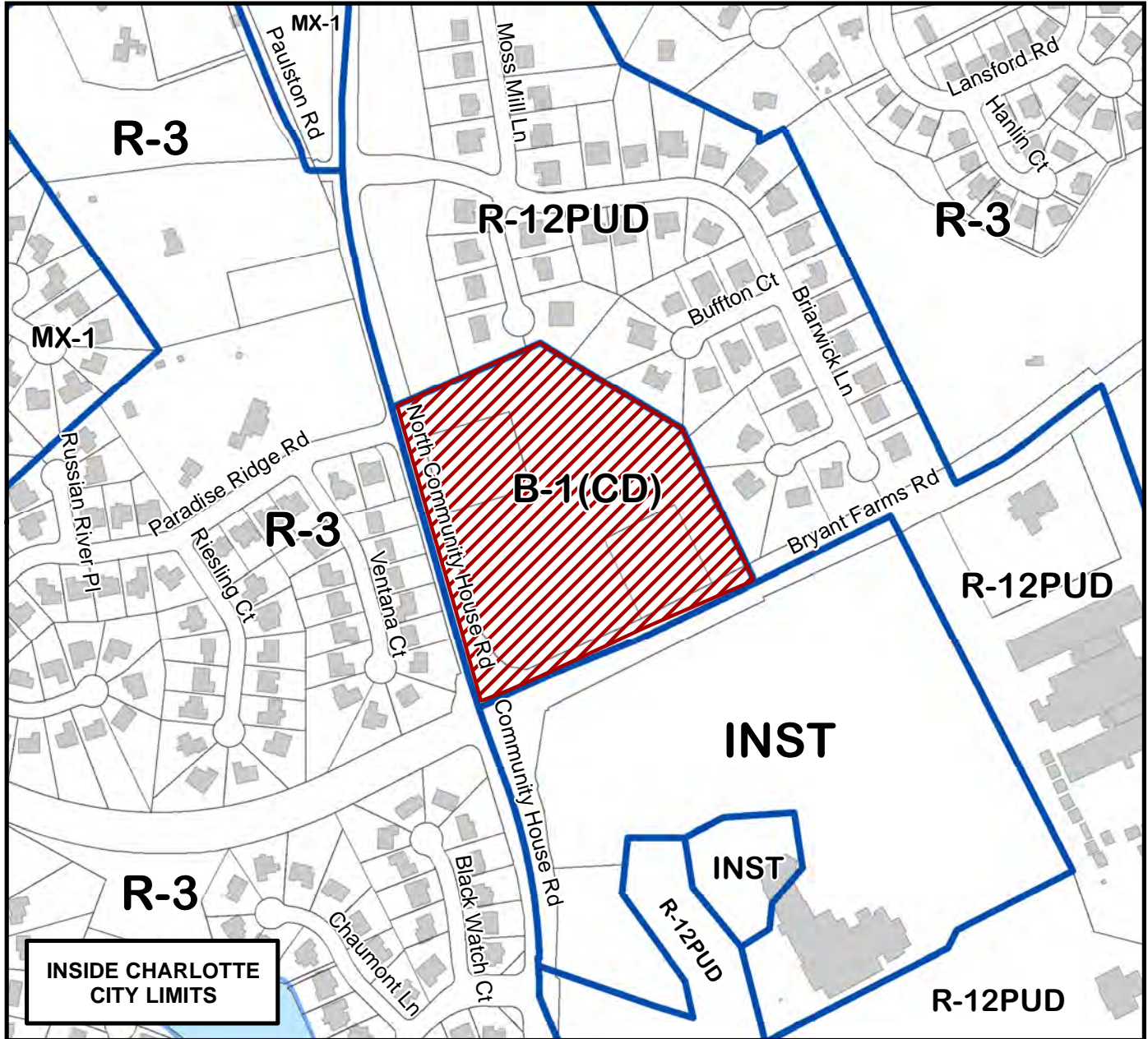
Petition #: **2014-074**

Petitioner: **Terwilliger Pappas Multifamily Partners, LLC**

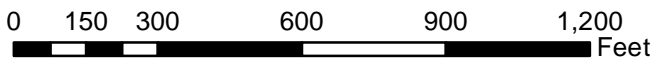
Zoning Classification (Existing): **B-1(CD)**
(Neighborhood Business, Conditional)

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

Acreage & Location: Approximately 10 acres located on the northeast corner at the intersection of North Community House Road and Bryant Farms Road.

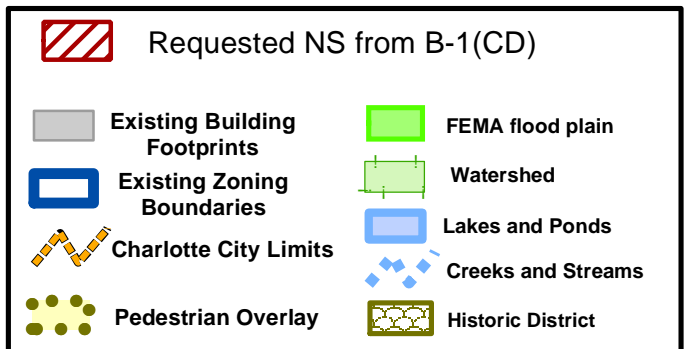


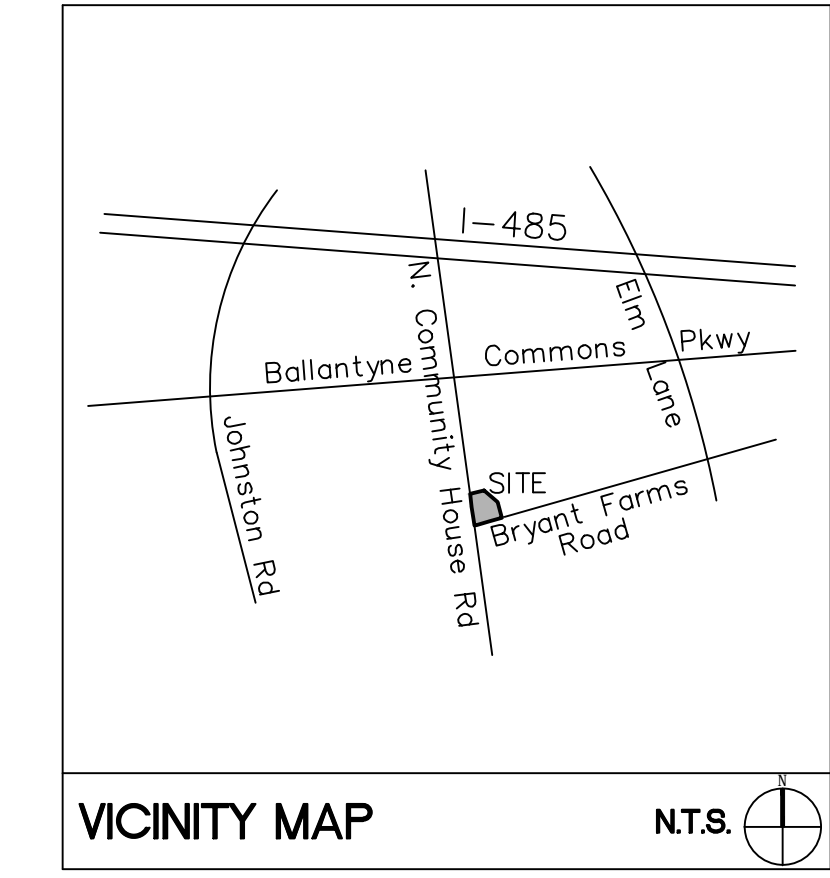
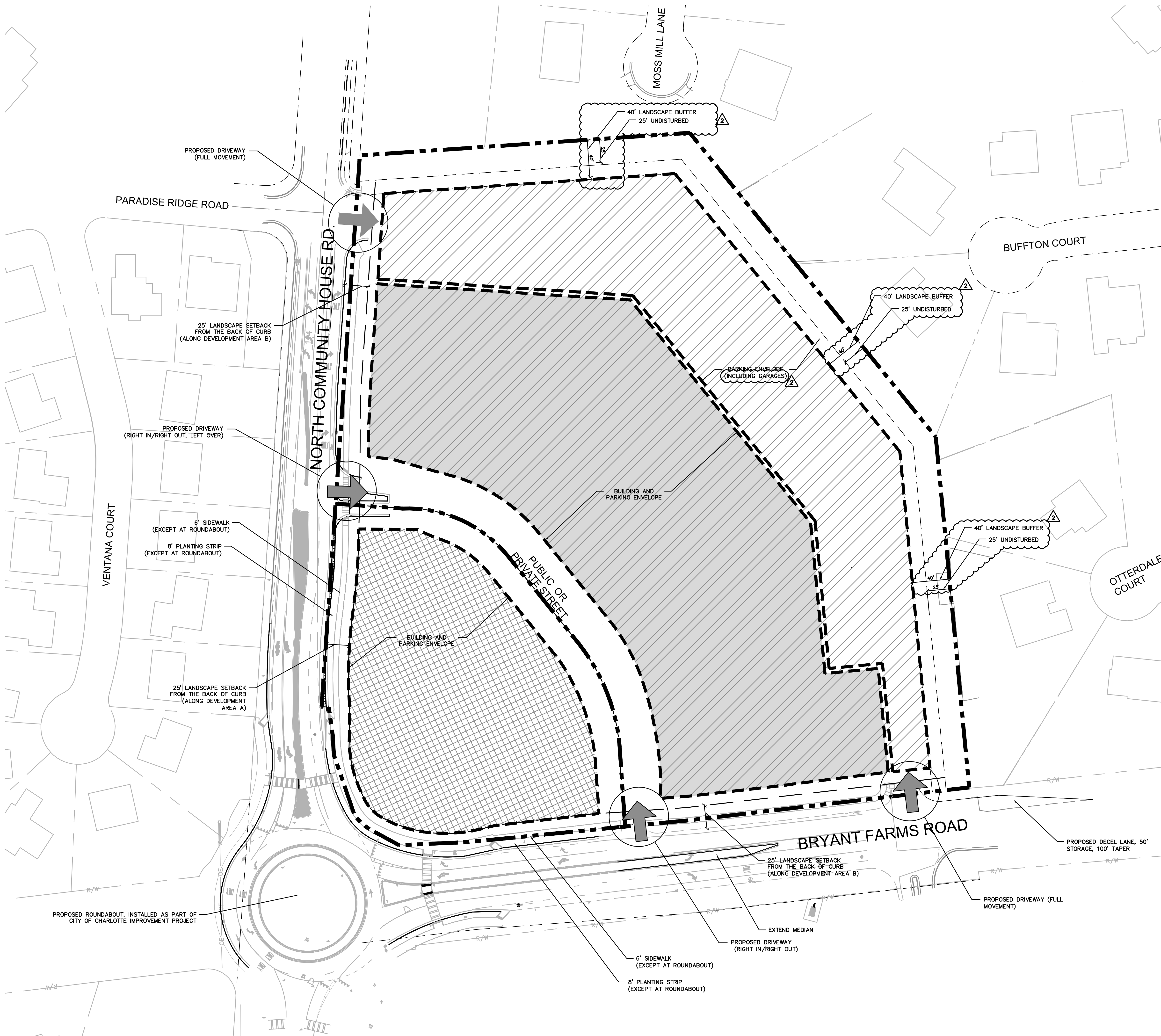
Map Produced by the Charlotte-Mecklenburg Planning Department, 10-29-2014.



Zoning Map #(s)

182





SURVEY DISCLAIMER
 ALTA/ASOM LAND TITLE SURVEY, 9814 BRYANT FARMS ROAD.
 SURVEY ISSUE DATE: 7/1/13, REVISED 7/31/13. PROVIDED
 BY A.G. ZOUTEWELLE SURVEYORS 1918 EAST FIFTH STREET,
 CHARLOTTE, NC 28207, 704-372-9555.

SITE DEVELOPMENT DATA

TAX PARCEL NUMBER: 223-201-22, 223-201-82, 223-201-83
 ACRES SITE AREA: 10.0 AC
 EXISTING ZONING: B-1 (CD) BY REZONING PETITION No. 91-37(C)
 PROPOSED ZONING: NS
 EXISTING USES: VACANT
 PROPOSED USES:
 DEVELOPMENT AREA A: UP TO 15,000 SF OF NON-RESIDENTIAL USES.
 DEVELOPMENT AREA B: UP TO 194 RESIDENTIAL DWELLINGS UNITS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE NS ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED BELOW IN SECTION 2).

NOTES
 SEE SHEET RZ-3 FOR SITE DEVELOPMENT NOTES.

LEGEND:

	PROPERTY LINE
	VEHICULAR ACCESS
	PARKING/BUILDING ENVELOPES
	DEVELOPMENT AREA A
	DEVELOPMENT AREA B

ColeJenest & Stone
*Shaping the Environment
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Land Planning
 Landscape Architecture
 Civil Engineering
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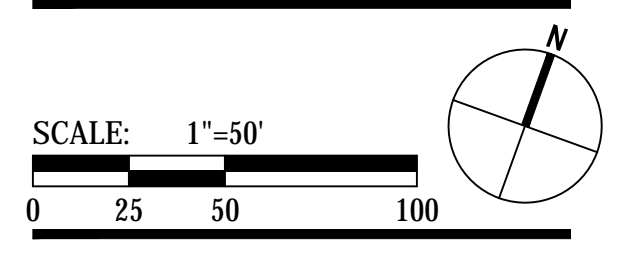
TERWILLIGER PAPPAS
 111 East Hargett Street, Suite 300
 Raleigh, North Carolina 27601

SOLIS BALLANTYNE REZONING
 Charlotte
 North Carolina 28284

TECHNICAL DATA SHEET

REZONING PETITION No. 2014-074
 Project No. 4259
 Issued 06/18/14

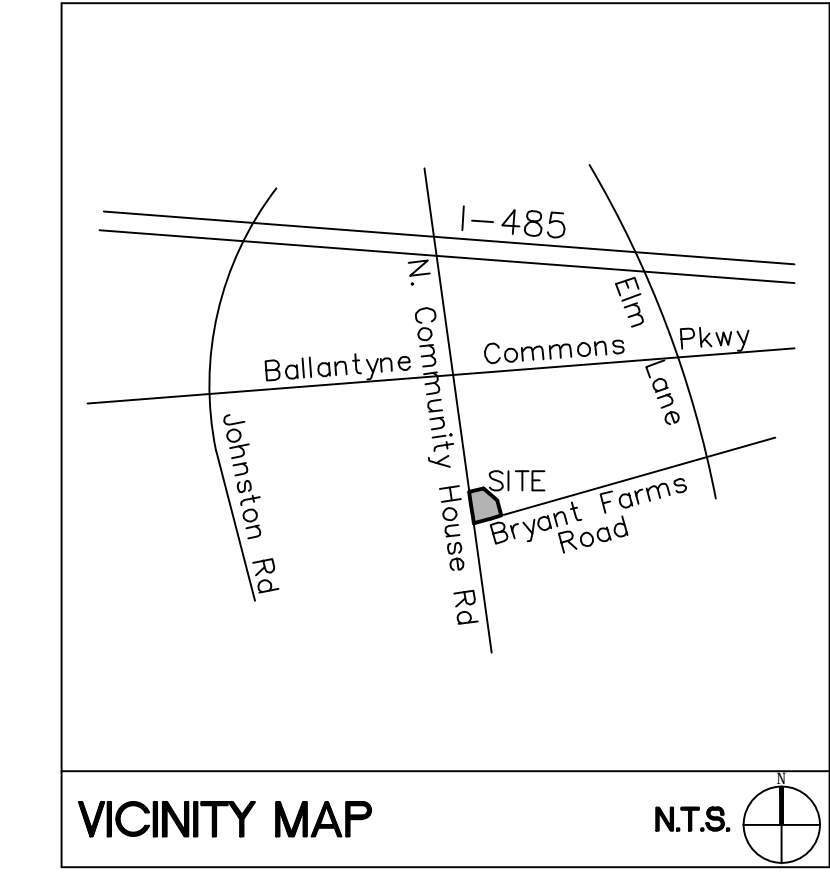
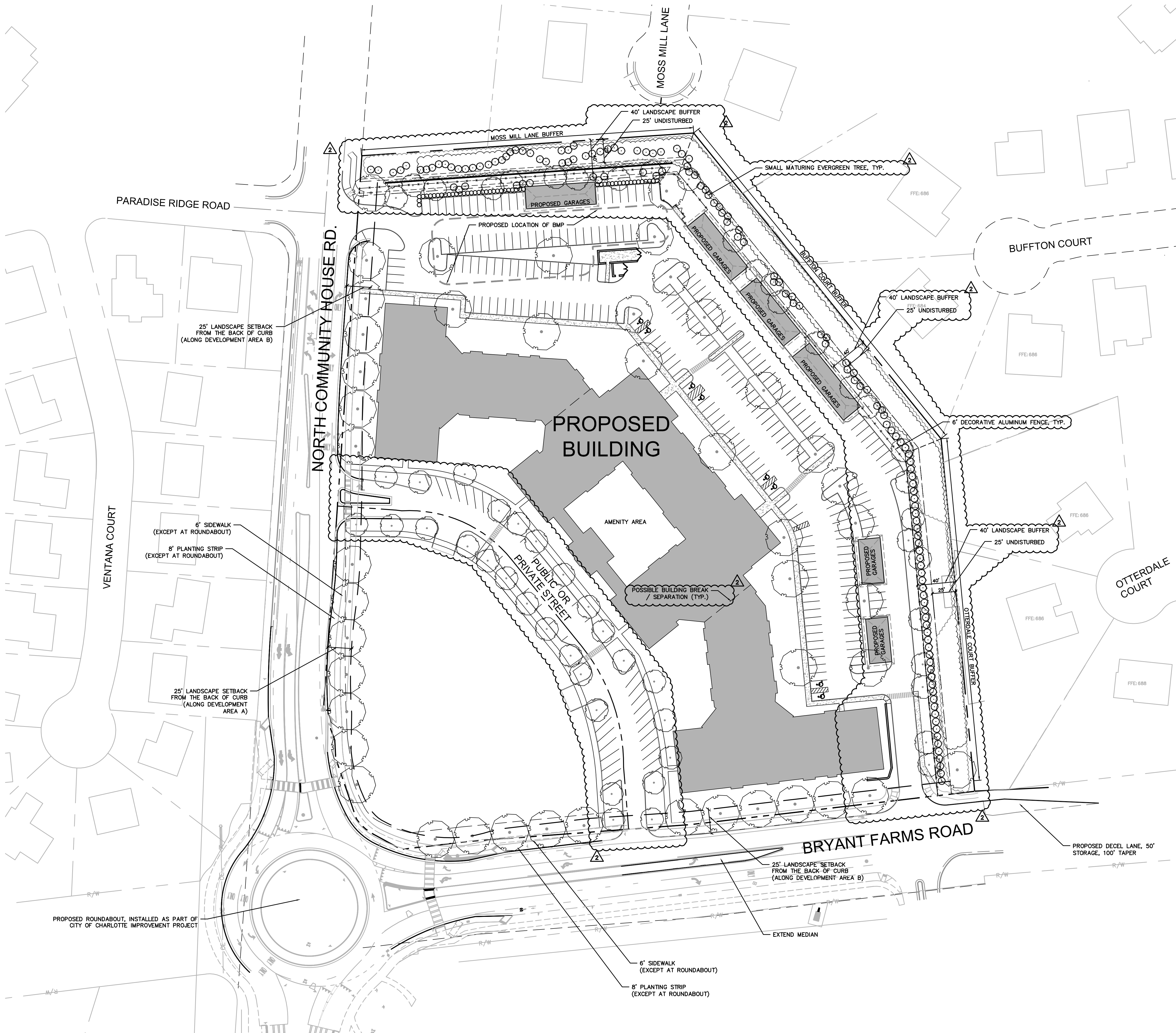
Revised
 10/20/14 - REZONING RE-SUBMITTAL
 11/14/14 - REZONING RE-SUBMITTAL



RZ-1

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PET. # 2014-074



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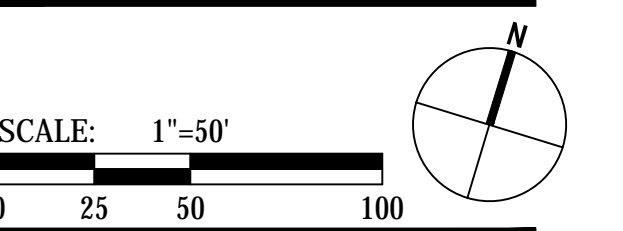
CONCEPTUAL SITE PLAN

REZONING PETITION
 No. 2014-074

Project No.
 4259

Issued
 08/18/14

Revised
 10/20/14 - REZONING RE-SUBMITTAL
 11/14/14 - REZONING RE-SUBMITTAL



RZ-2

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PET. # 2014-074

DEVELOPMENT NOTES

TERWILLIGER PAPPAS MULTIFAMILY PARTNERS, LLC
DEVELOPMENT STANDARDS
11/14/14
REZONING PETITION NO. 2014-074

SITE DEVELOPMENT DATA:

- ACREAGE: ± 10.00 ACRES
- TAX PARCEL #: 223-201-22 AND 223-201-82, 83
- EXISTING ZONING: B-1(CD) BY REZONING PETITION NO. 91-37(C)
- PROPOSED ZONING: NS
- EXISTING USES: VACANT
- PROPOSED USES: (1) UP TO 194 RESIDENTIAL DWELLINGS UNITS TO BE LOCATED ON DEVELOPMENT AREA B (AS DEFINED BELOW), AND (2) UP TO 15,000 SQUARE FEET OF GROSS FLOOR AREA OF NON-RESIDENTIAL USES TO BE LOCATED ON DEVELOPMENT AREA A (AS DEFINED BELOW), EACH AS ALLOWED IN THE NS ZONING DISTRICT, TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE NS ZONING DISTRICT TO (AS MORE SPECIFICALLY DESCRIBED BELOW IN SECTION 2 BELOW).
- MAXIMUM BUILDING HEIGHT: NOT TO EXCEED THREE (3) STORIES WITHIN DEVELOPMENT AREA B AND UP TO TWO (2) STORIES WITHIN DEVELOPMENT AREA A (AS MORE SPECIFICALLY RESTRICTED IN SECTION 4 BELOW), BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
- PARKING: A MINIMUM OF 1.25 PARKING SPACES PER DWELLING UNIT WILL BE PROVIDED AS TO THE USES PERMITTED ON DEVELOPMENT AREA B, AND A MINIMUM OF ONE PARKING SPACE PER 300 SQUARE FEET OF GROSS FLOOR AREA WILL BE PROVIDED FOR NON-RESIDENTIAL USES PERMITTED ON DEVELOPMENT AREA A.

1. GENERAL PROVISIONS:

a. SITE LOCATION. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY TERWILLIGER PAPPAS MULTIFAMILY PARTNERS, LLC ("PETITIONER") FOR THE APPROXIMATELY 10.00 ACRE SITE LOCATED ON THE NORTHEAST QUADRANT OF THE INTERSECTION OF N. COMMUNITY HOUSE ROAD AND BRYANT FARMS ROAD (THE "SITE"). THE REZONING PLAN SETS FORTH THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY WITH UP TO 194 RESIDENTIAL DWELLING UNITS ON THE PORTION OF THE SITE DESIGNATED AS "DEVELOPMENT AREA B" ON THE REZONING PLAN, AND UP TO 15,000 SQUARE FEET OF GROSS FLOOR AREA OF NON-RESIDENTIAL USES ON THE PORTION OF THE SITE DESIGNATED AS "DEVELOPMENT AREA A" ON THE REZONING PLAN. THE REZONING PLAN ALSO SET FORTH THE LOCATION OF A "PRIVATE STREET" THAT WILL SERVE THE DEVELOPMENT TAKING PLACE ON BOTH DEVELOPMENT AREA A AND DEVELOPMENT AREA B.

b. ZONING DISTRICTS/ORDINANCE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE NS ZONING CLASSIFICATION SHALL GOVERN.

c. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, DRIVEWAYS, AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE.

SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

- EXPRESSLY PERMITTED BY THE REZONING PLAN, INCLUDING, WITHOUT LIMITATION, THE PROVISIONS OF SUBSECTION 1.E. BELOW (IT IS UNDERSTOOD THAT IF A MODIFICATION IS EXPRESSLY PERMITTED BY THE REZONING PLAN IT IS DEEMED A MINOR MODIFICATION FOR THE PURPOSES OF THESE DEVELOPMENT STANDARDS); OR,
- MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN; OR
- MODIFICATIONS TO MOVE STRUCTURES GRAPHICALLY DEPICTED ON THE REZONING PLAN CLOSER TO ADJACENT PROPERTIES IN A RESIDENTIAL DISTRICT OR ABUTTING RESIDENTIAL USE BUT NO CLOSER THAN THE "EXTERNAL BUILDING LINE" (IN THIS CASE THE EXTERNAL SETBACKS OR BUFFER AREAS) INDICATED ON THE REZONING PLAN; OR
- MODIFICATIONS TO ALLOW MINOR INCREASES IN THE MASS OF THE BUILDINGS THAT DO NOT MATERIALLY CHANGE THE DESIGN INTENT DEPICTED ON OR DESCRIBED IN THE REZONING PLAN.

THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PER THIS AMENDED PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, THE PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE; IN EACH INSTANCE, HOWEVER, SUBJECT TO THE PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

d. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY. THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE SHALL NOT EXCEED FIVE (5); NO MORE THAN TWO (2) PRINCIPAL BUILDINGS MAY BE DEVELOPED ON DEVELOPMENT AREA A AND NO MORE THAN THREE (3) PRINCIPAL BUILDINGS MAY BE DEVELOPED ON DEVELOPMENT AREA B. ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE OR THE RESPECTIVE DEVELOPMENT AREAS. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDINGS LOCATED ON THE CORRESPONDING DEVELOPMENT AREA. FOR EXAMPLE, AN ACCESSORY BUILDING LOCATED ON DEVELOPMENT AREA B WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDINGS LOCATED ON DEVELOPMENT AREA B.

e. DEVELOPMENT WITHIN DEVELOPMENT AREA A. NOTWITHSTANDING THE FOREGOING, IT IS UNDERSTOOD THAT REZONING PLAN FOR DEVELOPMENT AREA A DOES NOT SPECIFY SPECIFIC BUILDING LOCATIONS BUT IT IS FURTHER UNDERSTOOD THAT SUCH BUILDINGS MUST BE LOCATED WITHIN THE BUILDING/PARKING ENVELOPE SHOWN FOR DEVELOPMENT AREA A, AND DEVELOPMENT OF DEVELOPMENT AREA A SHALL COMPLY WITH OTHER PROVISIONS OF THESE DEVELOPMENT STANDARDS THAT ARE EXPRESSLY STATED TO GOVERN OR RELATE TO DEVELOPMENT ON DEVELOPMENT AREA A, IN ADDITION TO COMPLIANCE WITH THE STANDARDS OF THE NS ZONING DISTRICT.

2. PERMITTED USES & DEVELOPMENT AREA LIMITATION:

a. THE SITE MAY BE DEVELOPED WITH (1) UP TO 194 RESIDENTIAL DWELLING UNITS WITHIN DEVELOPMENT AREA B; AND (2) UP TO 15,000 SQUARE FEET OF GROSS FLOOR AREA OF NON-RESIDENTIAL USES AS ALLOWED IN THE NS ZONING DISTRICT WITHIN DEVELOPMENT AREA A, IN EACH CASE TOGETHER WITH ACCESSORY USES ALLOWED IN THE NS ZONING DISTRICT.

b. NO MORE THAN ONE USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW MAY BE LOCATED ON THE DEVELOPMENT AREA A. NO SUCH ACCESSORY USE MAY BE LOCATED ON DEVELOPMENT AREA B.

c. SURFACE PARKING AREAS WILL NOT BE ALLOWED BETWEEN THE BUILDING(S) LOCATED WITHIN DEVELOPMENT AREA B AND NORTH COMMUNITY HOUSE ROAD OR BRYANT FARMS ROAD.

d. ONE-STORY GARAGES AS GENERALLY ILLUSTRATED ON THE REZONING PLAN WILL BE ALLOWED. THE GARAGES THAT ARE ADJACENT TO AND PART OF THE BUFFTON COURT BUFFER MAY NOT BE ELIMINATED. THE OTHER GARAGES INDICATED ON THE REZONING PLAN NEED NOT BE BUILT. ADDITIONAL GARAGES MAY BE PLACED ON THE SITE AS ALLOWED BY THE ORDINANCE.

e. A DOG WALK AREA AS GENERALLY DEPICTED ON SHEET RZ-2 MAY BE CONSTRUCTED WITHIN DEVELOPMENT AREA B.

3. ACCESS AND TRANSPORTATION:

a. ACCESS TO THE SITE WILL BE FROM N. COMMUNITY HOUSE ROAD AND BRYANT FARMS ROAD IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN. THE PETITIONER HAS COORDINATED THE CONFIGURATION AND LOCATION OF THE PROPOSED ACCESS POINTS WITH THE CITY OF CHARLOTTE ROADWAY IMPROVEMENT PROJECT TO LOCATE A ROUND-ABOUT AT THE INTERSECTION OF BRYANT FARMS ROAD AND N. COMMUNITY HOUSE ROAD.

b. THE PETITIONER WILL ENTER INTO AN AGREEMENT WITH CDOT TO IMPLEMENT THE FOLLOWING ROADWAY IMPROVEMENTS ALONG N. COMMUNITY HOUSE ROAD AS PART OF THE CITY'S ROADWAY IMPROVEMENT PLANS FOR THE INTERSECTION OF N. COMMUNITY HOUSE ROAD AND BRYANT FARMS ROAD: (I) A SOUTHBOUND DIRECTIONAL CROSSOVER TO LOCATED ON COMMUNITY HOUSE ROAD TO THE PROPOSED PUBLIC/PRIVATE STREET LOCATED BETWEEN DEVELOPMENT AREA A AND B; AND (II) A SECOND NORTHBOUND LANE ALONG THE SITE'S N. COMMUNITY HOUSE FRONTAGE FROM THE PROPOSED ROUNDABOUT TO THE SITE'S NORTHERN DRIVEWAY ON N. COMMUNITY HOUSE ROAD (DRIVEWAY OPPOSITE PARADISE RIDGE ROAD). THIS LANE WILL TERMINATE AS A RIGHT-TURN LANE INTO THE SITE'S NORTHERN DRIVEWAY AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PETITIONER WILL PROVIDE TO THE CITY THE NECESSARY RIGHT-OF-WAY TO IMPLEMENT THESE IMPROVEMENTS.

c. THE "PRIVATE STREET" SHOWN ON THE REZONING PLAN BETWEEN DEVELOPMENT AREA A AND DEVELOPMENT AREA B WILL BE INSTALLED AND DESIGNED TO MEET PUBLIC STREET STANDARDS FOR LANE WIDTHS, CURB AND GUTTER, SIDEWALKS, PLANTING STRIPS AND ON-STREET PARKING. STREET LIGHTS WILL LINK N. COMMUNITY HOUSE ROAD TO BRYANT FARMS ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. THIS PRIVATE STREET MAY BE DESIGNED WITH ANGLED PARKING. THE PETITIONER RESERVES THE RIGHT TO BUILD THIS STREET AS A PUBLIC STREET INSTEAD OF A PRIVATE STREET.

d. ACCESS TO DEVELOPMENT AREA A WILL BE FROM THE NEW INTERNAL PRIVATE STREET.

e. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE DEVELOPMENT AND CONSTRUCTION PLANS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

f. THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, BY THE THEN OWNER OR OWNERS OF THE APPLICABLE DEVELOPMENT AREA PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

4. ARCHITECTURAL STANDARDS:

a. THE BUILDING MATERIALS USED ON THE PRINCIPAL BUILDINGS CONSTRUCTED ON DEVELOPMENT AREA B WILL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK, STONE, PRECAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, CEMENTATIIOUS SIDING (SUCH AS HARD-PLANK), STUCCO, EIFS, DECORATIVE BLOCK, AND/OR WOOD. VINYL AS A BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS, AND ON HANDRAILS/RAILINGS.

b. THE ATTACHED ILLUSTRATIVE BUILDING ELEVATIONS ARE INCLUDED TO REFLECT AN ARCHITECTURAL STYLE AND A QUALITY OF THE BUILDING THAT MAY BE CONSTRUCTED ON DEVELOPMENT AREA B (THE ACTUAL BUILDING CONSTRUCTED ON THE SITE MAY VARY FROM THESE ILLUSTRATIONS PROVIDED THAT THE DESIGN INTENT IS PRESERVED).

c. THE BUILDING(S) CONSTRUCTED WITHIN DEVELOPMENT AREA B MAY NOT EXCEED THREE (3) STORIES. BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREA A MAY NOT EXCEED TWO (2) STORIES.

d. HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AND FROM VIEW OF ADJACENT PROPERTIES AT GRADE.

5. STREETScape, BUFFERS, YARDS AND LANDSCAPING:

a. WITHIN DEVELOPMENT AREA B A 25 FOOT LANDSCAPE SETBACK AS MEASURED FROM THE BACK OF THE FUTURE CURB BE PROVIDED ALONG N. COMMUNITY HOUSE ROAD AND BRYANT FARMS ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN; SUCH LANDSCAPE SETBACK SHALL BE INSTALLED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING TO BE CONSTRUCTED ON DEVELOPMENT AREA B. IN DEVELOPMENT AREA B PARKING WILL NOT BE ALLOWED IN THE 25 FOOT LANDSCAPE SETBACK.

b. WITHIN DEVELOPMENT AREA A, A 25 FOOT LANDSCAPE SETBACK AS MEASURED FROM THE BACK OF THE FUTURE CURB WILL BE PROVIDED ALONG N. COMMUNITY HOUSE ROAD AND BRYANT FARMS ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN; SUCH LANDSCAPE SETBACK SHALL BE INSTALLED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING TO BE CONSTRUCTED ON DEVELOPMENT AREA A. IN DEVELOPMENT AREA A PARKING WILL BE ALLOWED WITHIN THE 25 FOOT LANDSCAPE SETBACK BUT BEHIND THE PROPOSED SIDEWALK.

c. AN EIGHT (8) FOOT PLANTING STRIP AND A SIX (6) FOOT SIDEWALK WILL BE PROVIDED ALONG THE SITE'S FRONTAGE ON N. COMMUNITY HOUSE ROAD AND BRYANT FARMS ROAD. THE PROPOSED SIDEWALK AND PLANTING STRIP MAY BE PROVIDED BY THE PETITIONER OR MAY BE CONSTRUCTED BY THE CITY AS PART OF THE CITY'S ROADWAY IMPROVEMENT PROJECT ALONG N. COMMUNITY HOUSE ROAD AND BRYANT FARMS ROAD. THE PORTION OF THE SIDEWALK AND PLANTING STRIP LOCATED ALONG DEVELOPMENT AREA A SHALL BE INSTALLED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING LOCATED ON DEVELOPMENT AREA B. IF THE REQUIRED SIDEWALK AND PLANTING STRIP ALONG N. COMMUNITY HOUSE ROAD AND BRYANT FARMS ROAD ARE TO BE CONSTRUCTED AS PART OF THE CITY'S ROADWAY IMPROVEMENT PROJECT CERTIFICATES OF OCCUPANCY MAY BE RELEASED PRIOR TO THE COMPLETION OF THESE IMPROVEMENTS. THE PETITIONER MAY ALSO POST A BOND FOR THESE IMPROVEMENTS IN ORDER TO ALLOW THE CERTIFICATES OF OCCUPANCY TO BE ISSUED.

d. A 40 FOOT CLASS C BUFFER WILL BE PROVIDED WHERE DEVELOPMENT AREA B ABUTS EXISTING SINGLE-FAMILY HOMES AS GENERALLY DEPICTED ON THE REZONING PLAN AND SUCH BUFFER SHALL BE INSTALLED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE FIRST PRINCIPLE BUILDING ON DEVELOPMENT AREA B. THE OUTER 25 FEET OF THIS BUFFER WILL BE AN UNDISTURBED BUFFER, EXISTING VEGETATION PRESERVED WITHIN THIS PORTION OF THE BUFFER MAY BE USED TO MEET MINIMUM BUFFER PLANTING REQUIREMENTS TO CREATE AN EFFECTIVE AND ENHANCED BUFFER TREATMENT THAT IS UNIQUE AND RESPONSIVE TO THE EXISTING CONDITIONS AROUND THE PERIMETER OF THE SITE. THE PROPOSED BUFFER WILL BE ENHANCED IN THREE DIFFERENT WAYS (OTTERDALE COURT BUFFER, BUFFTON COURT BUFFER AND MOSS MILL LANE BUFFER) AS DESCRIBED BELOW.

THE PORTION OF THE BUFFER KNOWN AS OTTERDALE COURT BUFFER WILL BE IMPROVED WITH: (I) SMALL MATURING EVERGREEN TREES EIGHT (8) FEET ON CENTER, THE SMALL MATURING EVERGREEN TREES MUST BE SEVEN (7) TO EIGHT (8) FEET TALL AT INSTALLATION; AND (II) A SIX (6) FOOT DECORATIVE ALUMINUM FENCE, THE FENCE WILL BE LOCATED ON THE INTERIOR EDGE OF THE BUFFER AND BETWEEN THE SMALL MATURING EVERGREEN TREES WILL BE LOCATED BETWEEN THE FENCE AND THE ADJOINING PROPERTY LINE. THE EVERGREEN TREES WILL BE ARRANGED AS GENERALLY DEPICTED ON THE REZONING PLAN;

• THE PORTION OF THE BUFFER KNOWN AS BUFFTON COURT WILL BE IMPROVED WITH: (I) TEN (10) SMALL MATURING EVERGREEN TREES PER 100 LINEAR FEET, THE SMALL MATURING EVERGREEN TREES MUST BE SEVEN (7) TO EIGHT (8) FEET TALL AT INSTALLATION; (II) THREE (3) ONE-STORY GARAGES WILL BE PLACED AT THE EDGE OF THE BUFFER TO CREATE A SOLID WALL; (III) A SIX (6) FOOT DECORATIVE ALUMINUM FENCE, THE FENCE WILL BE LOCATED ON THE INTERIOR EDGE OF THE BUFFER AND BETWEEN THE PROPOSED GARAGES OF THE BUFFER. THE SMALL MATURING EVERGREEN TREES WILL BE LOCATED BETWEEN THE FENCE AND THE ADJOINING PROPERTY LINE. THE SMALL MATURING EVERGREEN TREES WILL BE ARRANGED WITHIN THE BUFFER TO MAXIMIZE THE SCREENING OF THE SITE FROM THE ADJOINING SINGLE-FAMILY HOMES; AND

• THE PORTION OF THE BUFFER KNOWN AS MOSS MILL LANE BUFFER WILL BE IMPROVED WITH: (I) SMALL MATURING EVERGREEN TREES EIGHT (8) FEET ON CENTER, THE SMALL MATURING EVERGREEN TREES MUST BE SEVEN (7) TO EIGHT (8) FEET TALL AT INSTALLATION; (II) A SIX (6) FOOT DECORATIVE ALUMINUM FENCE, THE FENCE WILL BE LOCATED ON THE INTERIOR EDGE OF THE BUFFER, THE SMALL MATURING EVERGREEN TREES WILL BE LOCATED IN THE UNDISTURBED PORTION OF THE BUFFER AND ARRANGED TO MAXIMIZE THEIR EFFECTIVENESS AT SCREENING THE SITE FROM THE ADJOINING SINGLE-FAMILY HOMES; AND (III) A ROW OF EVERGREEN SHRUBS WILL BE PLACED BETWEEN THE PROPOSED PARKING SPACES AND THE DECORATIVE ALUMINUM FENCE AS GENERALLY DEPICTED ON THE REZONING PLAN.

• UTILITIES MAY CROSS THE BUFFER AT AN ANGLE OF 75 DEGREES OR GREATER. RETAINING WALLS MAY BE LOCATED IN BUFFER BUT NOT IN THE UNDISTURBED PORTION OF THE BUFFER.

e. THE PETITIONER WILL PROVIDE A SIDEWALK NETWORK THAT LINKS TO EACH BUILDING ON THE SITE TO THE SIDEWALK ALONG N. COMMUNITY HOUSE ROAD AND BRYANT FARMS ROAD IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN. THE MINIMUM WIDTH FOR THIS INTERNAL SIDEWALK WILL BE FIVE (5) FEET. THESE SIDEWALKS WILL BE INSTALLED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE APPLICABLE BUILDING TO WHICH THE SIDEWALK RELATES.

f. SCREENING REQUIREMENTS OF THE ORDINANCE WILL BE MET.

g. ABOVE GROUND BACKFLOW PREVENTERS WILL BE SCREENED FROM PUBLIC VIEW AND WILL BE LOCATED OUTSIDE OF THE REQUIRED SETBACKS. ABOVE GROUND BACK FLOW PREVENTERS AND TRANSFORMERS MAY BE LOCATED IN THE LAST TEN FEET OF THE 25 FOOT LANDSCAPE SETBACKS (I.E. THE 10 FEET OF THE LANDSCAPE SETBACK CLOSEST TO THE PROPOSED BUILDINGS).

h. DUMPSTER AREAS AND RECYCLING AREAS WILL BE ENCLOSED BY A SOLID WALL OR FENCE WITH ONE SIDE BEING A METAL GATE. THE WALL OR FENCE USED TO ENCLOSE THE DUMPSTER WILL BE ARCHITECTURALLY COMPATIBLE WITH THE BUILDING MATERIALS AND COLORS USED ON THE PRINCIPAL BUILDING.

6. ENVIRONMENTAL FEATURES:

a. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

b. THE LOCATION, SIZE AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

c. THE PETITIONER RESERVES THE RIGHT TO CONSTRUCT EITHER ABOVE GROUND OR BELOW GROUND STORM WATER MANAGEMENT SYSTEMS WITHIN DEVELOPMENT AREA A.

d. WITHIN DEVELOPMENT AREA B THE REQUIRED STORM WATER MANAGEMENT SYSTEM WILL BE LOCATED UNDERGROUND IN THE AREA GENERALLY DEPICTED ON THE REZONING PLAN. THIS STORM WATER MANAGEMENT SYSTEM MAY BE DESIGNED TO ACCOMMODATE THE DEVELOPMENT OCCURRING ON BOTH DEVELOPMENT AREAS A AND B OR JUST THE DEVELOPMENT OCCURRING ON DEVELOPMENT AREA B. IF THE STORM WATER MANAGEMENT SYSTEM LOCATED WITH DEVELOPMENT AREA B IS DESIGNED TO ONLY ACCOMMODATE THE DEVELOPMENT OCCURRING WITHIN DEVELOPMENT AREA B THEN DEVELOPMENT AREA A WILL BE RESPONSIBLE FOR PROVIDING ITS OWN STORM WATER MANAGEMENT SYSTEM AS REQUIRED BY CITY ORDINANCES.

e. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.

7. SIGNAGE:

a. SIGNS AS ALLOWED BY THE ORDINANCE MAY BE PROVIDED WITHIN DEVELOPMENT AREA A. THE ALLOWED SIGNS WILL BE GROUND MOUNTED SIGNS.

b. WITHIN DEVELOPMENT AREA B ONE GROUND MOUNTED SIGN UP TO FOUR (4) FEET HIGH AND WITH UP TO 24 SQUARE FEET OF SIGN AREA WILL BE ALLOWED PER STREET FRONT (PUBLIC OR PRIVATE).

8. LIGHTING:

a. ALL NEW ATTACHED AND DETACHED LIGHTING SHALL BE FULL CUT-OFF TYPE LIGHTING FIXTURES EXCLUDING LOW-VOLT DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, AND PARKING AREAS.

b. DETACHED LIGHTING LOCATED ON DEVELOPMENT AREA B, BETWEEN THE PROPOSED BUILDING AND THE EXTERIOR PROPERTY LINE WILL BE LIMITED TO 15 FEET IN HEIGHT. DETACHED LIGHTING LOCATED ON EITHER DEVELOPMENT AREA A OR B AND LOCATED BETWEEN THE PROPOSED BUILDING DEVELOPED ON DEVELOPMENT AREA B AND N. COMMUNITY HOUSE

ROAD AND BRYANT FARMS ROAD WILL BE LIMITED TO A MAXIMUM HEIGHT OF 20 FEET.

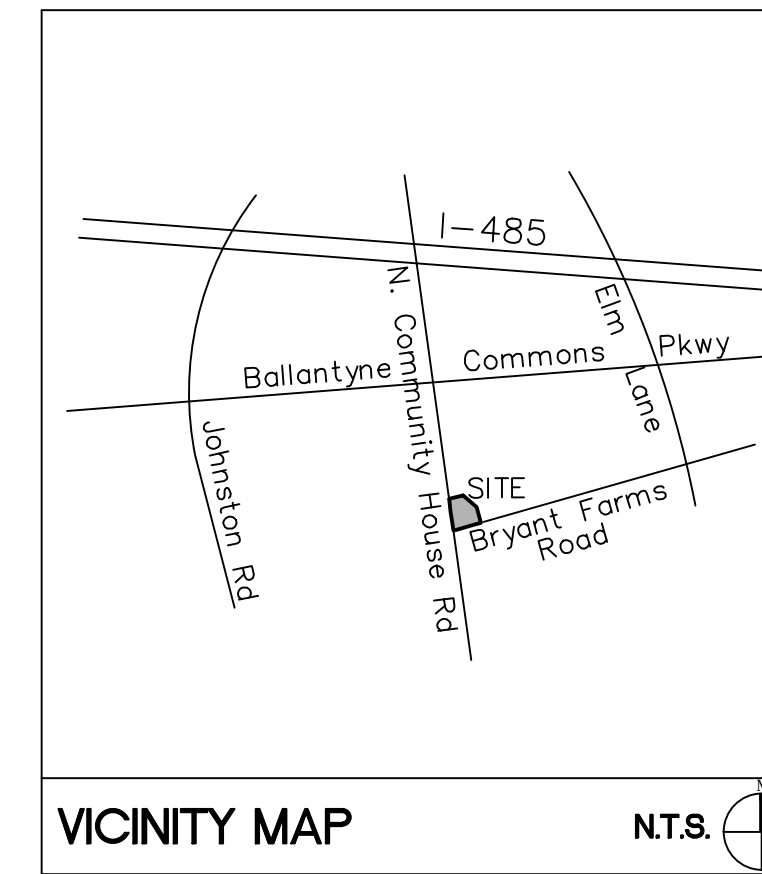
c. FLOODLIGHTS WILL NOT BE ALLOWED ON THE BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREA B.

9. AMENDMENTS TO THE REZONING PLAN:

a. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE APPLICABLE DEVELOPMENT AREA PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

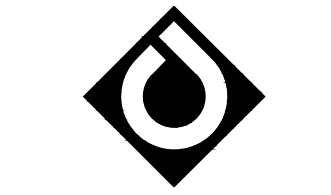
10. BINDING EFFECT OF THE REZONING APPLICATION:

a. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.



SURVEY DISCLAIMER

ALTA/ASOM LAND TITLE SURVEY, 9814 BRYANT FARMS ROAD, SURVEY ISSUE DATE: 7/1/13, REVISED 7/31/13. PROVIDED BY A.G. ZOUTEWELLE SURVEYORS 1916 EAST FIFTH STREET, CHARLOTTE, NC 28207, 704-372-9555.



ColeJenest & Stone

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TERWILLIGER PAPPAS

111 East Hargett Street, Suite 300
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SOLIS BALLANTYNE REZONING

Charlotte
North Carolina 28284

DEVELOPMENT NOTES

REZONING PETITION NO. 2014-074

Project No.

4259

Issued

06/18/14

Revised

10/20/14 - REZONING RE-SUBMITTAL

11/14/14 - REZONING RE-SUBMITTAL



RZ-3

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PET. # 2014-074



VIEW FROM NORTH COMMUNITY HOUSE ROAD

SOLIS BALLANTYNE APARTMENTS

CHARLOTTE, NORTH CAROLINA

The elevation is provided to reflect the architectural style and quality of the building that may be constructed on the site (the actual building constructed on the site may vary from this illustration as long as the general architectural concepts and intent illustrated is maintained).

**TERWILLIGER
PAPPAS**
Multifamily Partners



VIEW LOOKING NORTH

SOLIS BALLANTYNE APARTMENTS

CHARLOTTE, NORTH CAROLINA

The elevation is provided to reflect the architectural style and quality of the building that may be constructed on the site (the actual building constructed on the site may vary from this illustration as long as the general architectural concepts and intent illustrated is maintained).

**TERWILLIGER
PAPPAS**
Multifamily Partners

Previously
Approved
Site
Plan

site data

TOTAL AREA: 1764.05 AC
 EXISTING ZONING: R-15, R-12 PUD & R-12 CD
 PROPOSED ZONING: parcel a - R-12 PUD
 • 307.43 AC
 • 836 DWELLING UNITS
 • 2.72 DUA
 • 10% OPEN SPACE

parcel b - B-1 (CD)
 • 11.88 AC
 • 70,000 SF B-1 USES

parcel c - BP (CD)
 • 541.08 AC
 • 3,590,000 SF OFFICE & RELATED USES
 • 700 HOTEL ROOMS

parcel d - B-1 SCD
 • 286.17 AC
 • 600,000 SF OFFICE
 • 380,000 SF RETAIL
 • 450 ROOM HOTEL/CONFERENCE CENTER
 • 1848 DWELLING UNITS
 • COMMUNITY SERVICES

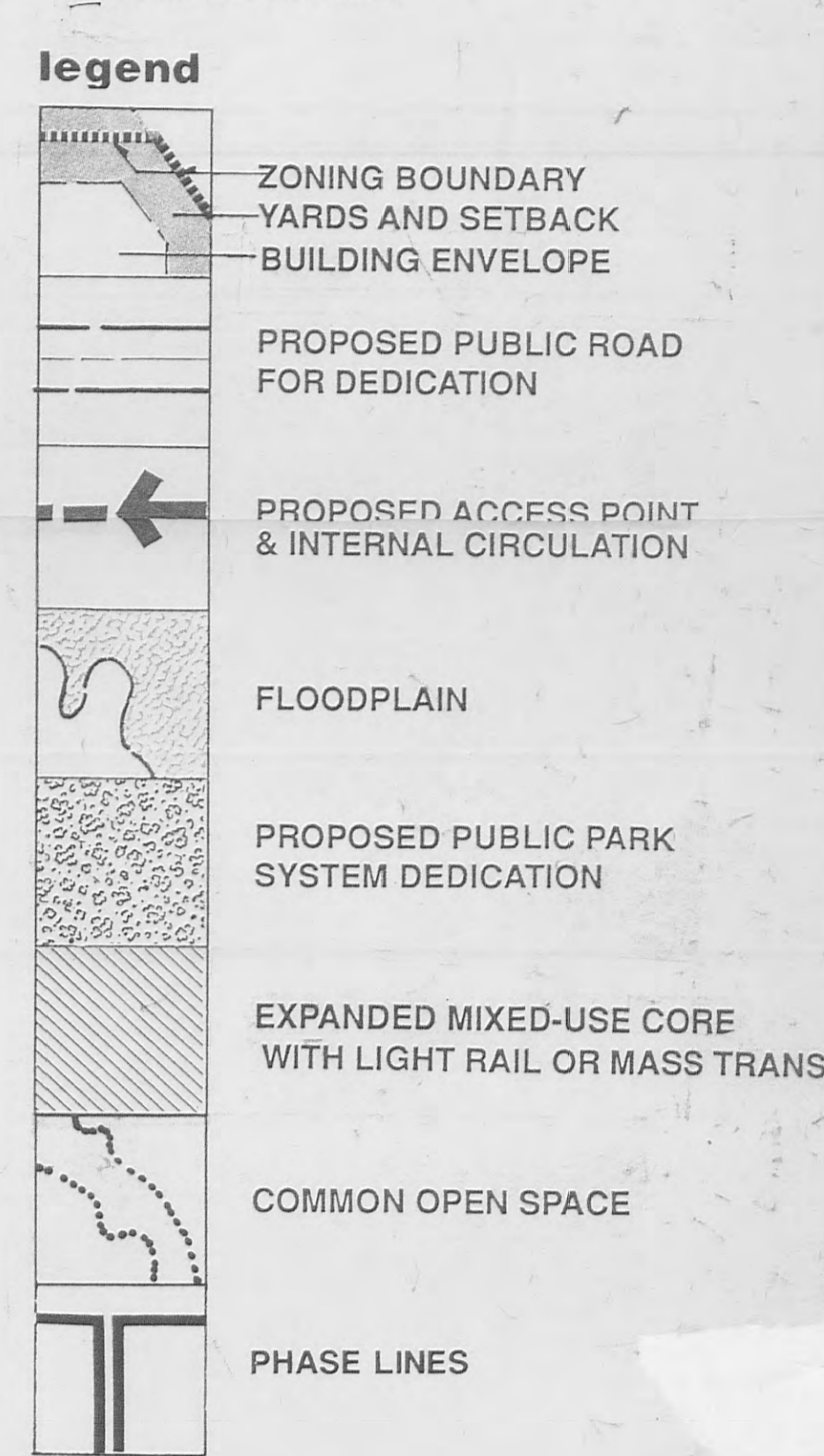
parcel e - R-12 PUD
 • 558.25 AC
 • 1698 DWELLING UNITS
 • 3.04 DUA
 • 10% OPEN SPACE

parcel f - R-15MF (CD)
 • 29.81 AC
 • 292 MULTI FAMILY DWELLING UNITS
 • 9.8 DUA

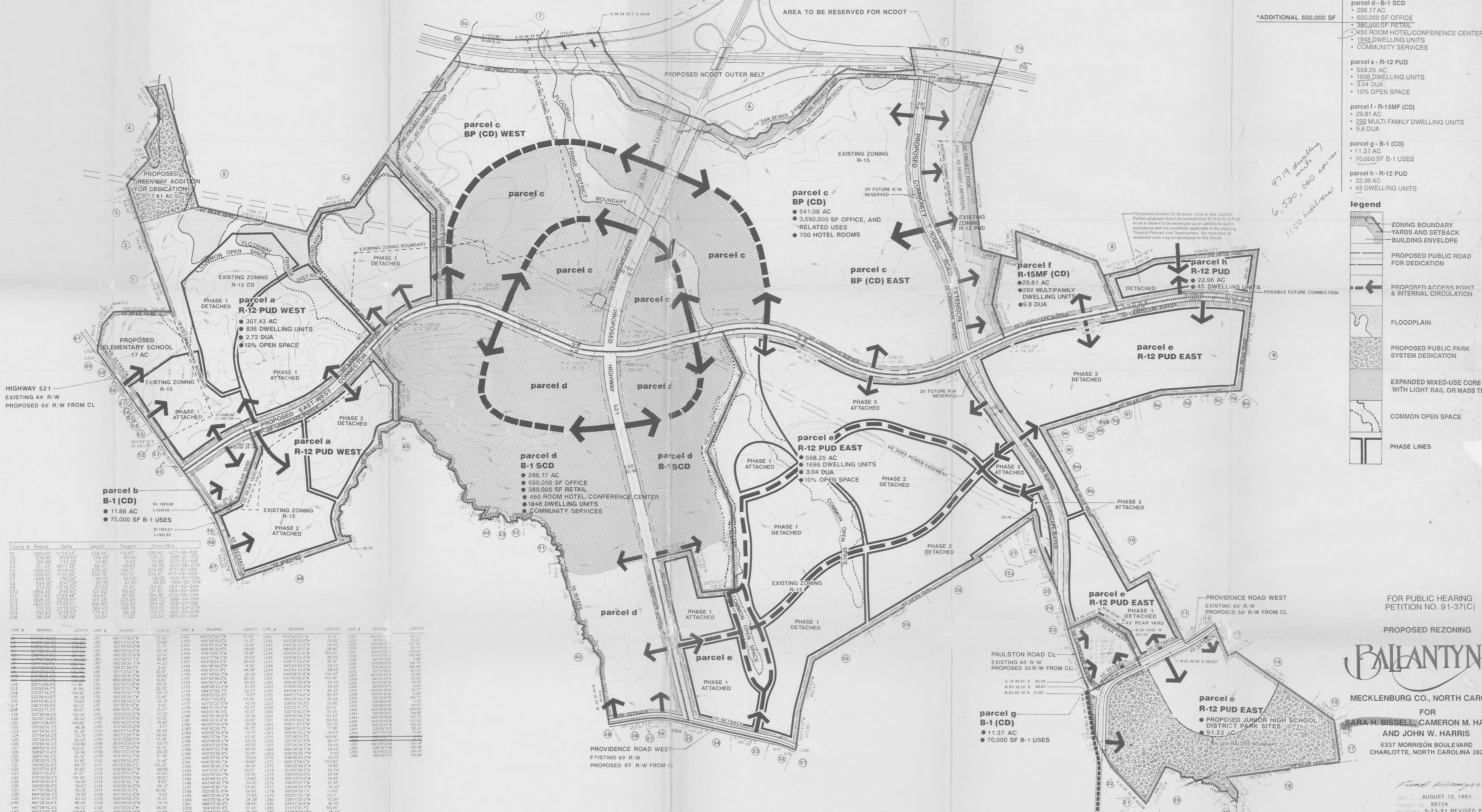
parcel g - B-1 (CD)
 • 11.37 AC
 • 70,000 SF B-1 USES

parcel h - R-12 PUD
 • 22.96 AC
 • 45 DWELLING UNITS

WITH LIGHT RAIL CR. MASS TRANSIT:
 *ADDITIONAL 1,210,000 SF
 *ADDITIONAL 600,000 SF



4779 dwelling units
 6,520,000 sq ft
 1150 hotel rooms



Curve #	Radius	Delta	Length	Tangent	Chord/Bis
C1	1200.00	112.1831	238.95	139.87	119.87
C2	978.99	87.9250	139.49	69.86	139.37
C3	160.88	1.1324	18.39	9.43	18.39
C4	311.24	18.0738	98.47	49.85	98.08
C5	1450.00	117.352	278.46	139.23	119.23
C6	1200.00	110.070	230.76	115.74	115.74
C7	1450.00	117.0241	278.46	139.23	119.23
C8	624.08	87.4729	95.70	47.87	95.69
C9	272.90	17.0241	62.65	31.41	62.41
C10	1825.00	134.245	371.87	187.93	187.93
C11	1072.69	102.6485	184.65	92.32	92.32
C12	1025.00	22.2521	401.28	203.24	203.24
C13	185.41	17.2651	28.93	14.46	28.93
C14	770.50	27.1920	139.45	69.72	69.72
C15	185.41	17.2651	28.93	14.46	28.93
C16	781.24	13.9559	22.04	11.02	22.04

LINE #	BEARING	LENGTH	LINE #	BEARING	LENGTH	LINE #	BEARING	LENGTH	LINE #	BEARING	LENGTH
1	N89°19'16"W	44.10	181	N25°52'59"W	21.02	182	N10°00'33"W	8.74	183	N89°09'12"W	121.17
2	N89°09'12"W	121.17	184	N25°52'59"W	21.02	185	N10°00'33"W	8.74	186	N89°09'12"W	121.17
3	N89°09'12"W	121.17	187	N25°52'59"W	21.02	188	N10°00'33"W	8.74	189	N89°09'12"W	121.17
4	N89°09'12"W	121.17	190	N25°52'59"W	21.02	191	N10°00'33"W	8.74	192	N89°09'12"W	121.17
5	N89°09'12"W	121.17	193	N25°52'59"W	21.02	194	N10°00'33"W	8.74	195	N89°09'12"W	121.17
6	N89°09'12"W	121.17	196	N25°52'59"W	21.02	197	N10°00'33"W	8.74	198	N89°09'12"W	121.17
7	N89°09'12"W	121.17	199	N25°52'59"W	21.02	200	N10°00'33"W	8.74	201	N89°09'12"W	121.17
8	N89°09'12"W	121.17	202	N25°52'59"W	21.02	203	N10°00'33"W	8.74	204	N89°09'12"W	121.17
9	N89°09'12"W	121.17	205	N25°52'59"W	21.02	206	N10°00'33"W	8.74	207	N89°09'12"W	121.17
10	N89°09'12"W	121.17	208	N25°52'59"W	21.02	209	N10°00'33"W	8.74	210	N89°09'12"W	121.17
11	N89°09'12"W	121.17	211	N25°52'59"W	21.02	212	N10°00'33"W	8.74	213	N89°09'12"W	121.17
12	N89°09'12"W	121.17	214	N25°52'59"W	21.02	215	N10°00'33"W	8.74	216	N89°09'12"W	121.17
13	N89°09'12"W	121.17	217	N25°52'59"W	21.02	218	N10°00'33"W	8.74	219	N89°09'12"W	121.17
14	N89°09'12"W	121.17	220	N25°52'59"W	21.02	221	N10°00'33"W	8.74	222	N89°09'12"W	121.17
15	N89°09'12"W	121.17	223	N25°52'59"W	21.02	224	N10°00'33"W	8.74	225	N89°09'12"W	121.17
16	N89°09'12"W	121.17	226	N25°52'59"W	21.02	227	N10°00'33"W	8.74	228	N89°09'12"W	121.17
17	N89°09'12"W	121.17	229	N25°52'59"W	21.02	230	N10°00'33"W	8.74	231	N89°09'12"W	121.17
18	N89°09'12"W	121.17	232	N25°52'59"W	21.02	233	N10°00'33"W	8.74	234	N89°09'12"W	121.17
19	N89°09'12"W	121.17	235	N25°52'59"W	21.02	236	N10°00'33"W	8.74	237	N89°09'12"W	121.17
20	N89°09'12"W	121.17	238	N25°52'59"W	21.02	239	N10°00'33"W	8.74	240	N89°09'12"W	121.17
21	N89°09'12"W	121.17	241	N25°52'59"W	21.02	242	N10°00'33"W	8.74	243	N89°09'12"W	121.17
22	N89°09'12"W	121.17	244	N25°52'59"W	21.02	245	N10°00'33"W	8.74	246	N89°09'12"W	121.17
23	N89°09'12"W	121.17	247	N25°52'59"W	21.02	248	N10°00'33"W	8.74	249	N89°09'12"W	121.17
24	N89°09'12"W	121.17	250	N25°52'59"W	21.02	251	N10°00'33"W	8.74	252	N89°09'12"W	121.17
25	N89°09'12"W	121.17	253	N25°52'59"W	21.02	254	N10°00'33"W	8.74	255	N89°09'12"W	121.17
26	N89°09'12"W	121.17	256	N25°52'59"W	21.02	257	N10°00'33"W	8.74	258	N89°09'12"W	121.17
27	N89°09'12"W	121.17	259	N25°52'59"W	21.02	260	N10°00'33"W	8.74	261	N89°09'12"W	121.17
28	N89°09'12"W	121.17	262	N25°52'59"W	21.02	263	N10°00'33"W	8.74	264	N89°09'12"W	121.17
29	N89°09'12"W	121.17	265	N25°52'59"W	21.02	266	N10°00'33"W	8.74	267	N89°09'12"W	121.17
30	N89°09'12"W	121.17	268	N25°52'59"W	21.02	269	N10°00'33"W	8.74	270	N89°09'12"W	121.17
31	N89°09'12"W	121.17	271	N25°52'59"W	21.02	272	N10°00'33"W	8.74	273	N89°09'12"W	121.17
32	N89°09'12"W	121.17	274	N25°52'59"W	21.02	275	N10°00'33"W	8.74	276	N89°09'12"W	121.17
33	N89°09'12"W	121.17	277	N25°52'59"W	21.02	278	N10°00'33"W	8.74	279	N89°09'12"W	121.17
34	N89°09'12"W	121.17	280	N25°52'59"W	21.02	281	N10°00'33"W	8.74	282	N89°09'12"W	121.17
35	N89°09'12"W	121.17	283	N25°52'59"W	21.02	284	N10°00'33"W	8.74	285	N89°09'12"W	121.17
36	N89°09'12"W	121.17	286	N25°52'59"W	21.02	287	N10°00'33"W	8.74	288	N89°09'12"W	121.17
37	N89°09'12"W	121.17	289	N25°52'59"W	21.02	290	N10°00'33"W	8.74	291	N89°09'12"W	121.17
38	N89°09'12"W	121.17	292	N25°52'59"W	21.02	293	N10°00'33"W	8.74	294	N89°09'12"W	121.17
39	N89°09'12"W	121.17	295	N25°52'59"W	21.02	296	N10°00'33"W	8.74	297	N89°09'12"W	121.17
40	N89°09'12"W	121.17	298	N25°52'59"W	21.02	299	N10°00'33"W	8.74	300	N89°09'12"W	121.17
41	N89°09'12"W	121.17	301	N25°52'59"W	21.02	302	N10°00'33"W	8.74	303	N89°09'12"W	121.17
42	N89°09'12"W	121.17	304	N25°52'59"W	21.02	305	N10°00'33"W	8.74	306	N89°09'12"W	121.17
43	N89°09'12"W	121.17	307	N25°52'59"W	21.02	308	N10°00'33"W	8.74	309	N89°09'12"W	121.17
44	N89°09'12"W	121.17	310	N25°52'59"W	21.02	311	N10°00'33"W	8.74	312	N89°09'12"W	121.17
45	N89°09'12"W	121.17	313	N25°52'59"W	21.02	314	N10°00'33"W	8.74	315	N89°09'12"W	121.17
46	N89°09'12"W	121.17	316	N25°52'59"W	21.02	317	N10°00'33"W	8.74	318	N89°09'12"W	121.17
47	N89°09'12"W	121.17	319	N25°52'59"W	21.02	320	N10°00'33"W	8.74	321	N89°09'12"W	121.17
48	N89°09'12"W	121.17	322	N25°52'59"W	21.02	323	N10°00'33"W	8.74	324	N89°09'12"W	121.17
49	N89°09'12"W	121.17	325	N25°52'59"W	21.02	326	N10°00'33"W	8.74	327	N89°09'12"W	121.17
50	N89°09'12"W	121.17	328	N25°52'59"W	21.02	329	N10°00'33"W	8.74	330	N89°09'12"W	121.17
51	N89°09'12"W	121.17	331	N25°52'59"W	21.02	332	N10°00'33"W	8.74	333	N89°09'12"W	121.17
52	N89°09'12"W	121.17	334	N25°52'59"W	21.02	335	N10°00'33"W	8.74	336	N89°09'12"W	121.17
53	N89°09'12"W	121.17	337	N25°52'59"W	21.02	338	N10°00'33"W	8.74	339	N89°09'12"W	121.17
54	N89°09'12"W	121.17	340	N25°52'59"W	21.02	341	N10°00'33"W	8.74	342	N89°09'12"W	121.17
55	N89°09'12"W	121.17	343	N25°52'59"W	21.02	344	N10°00'33"W	8.74	345	N89°09'12"W	121.17
56	N89°09'12"W	121.17	346	N25°52'59"W	21.02	347	N10°00'33"W	8.74	348	N89°09'12"W	121.17
57	N89°09'12"W	121.17	349	N25°52'59"W	21.02	350	N10°00'33"W	8.74	351	N89°09'12"W	121.17
58	N89°09'12"W	121.17	352	N25°52'59"W	21.02	353	N10°00'33"W	8.74	354	N89°09'12"W	121.17
59	N89°09'12"W	121.17	355	N25°52'59"W	21.02	356	N10°00'33"W	8.74	357	N89°09'12"W	121.17
60	N89°09'12"W	121.17	358	N25°52'59"W	21.02	359	N10°00'33"W	8.74	360	N89°09'12"W	121.17
61	N89°09'12"W	121.17	361	N25°52'59"W	21.02	362	N10°00'33"W	8.74	363	N89°09'12"W	121.17
62	N89°09'12"W	121.17	364	N25°52'59"W	21.02	365	N10°00'33"W	8.74	366	N89°09'12"W	121.17
63	N89°09'12"W	121.17	367	N25°52'59"W	21.02	368	N10°00'33"W	8.74	369	N89°09'12"W	121.17
64	N89°09'12"W	121.17	370	N25°52'59"W	21.02	371	N10°00'33"W	8.74	372	N89°09'12"W	121.17
65	N89°09'12"W	121.17	373	N25°52'59"W	21.02	374	N10°00'33"W	8.74	375	N89°09'12"W	121.17
66	N89°09'12"W	121.17	376	N25°52'59"W	21.02	377	N10°00'33"W	8.74	378	N89°09'12"W	121.17
67	N89°09'12"W	121.17	379	N25°52'59"W	21.02	380	N10°00'33"W	8.74	381	N89°09'12"W	121.17
68	N89°09'12"W	121.17	382	N25°52'59"W	21.02	383	N10°00'33"W	8.74	384	N89°09'12"W	121.17
69	N89°09'12"W	121.17	385	N25°52'59"W	21.02	386	N10°00'33"W	8.74	387	N89°09'12"W	121.17
70	N89°09'12"W	121.17	388	N25°52'59"W	21.02	389	N10°00'33"W	8.74	390	N89°09'12"W	121.17
71	N89°09'12"W	121.17	391	N25°52'59"W	21.02	392	N10°00'33"W	8.74	393	N89°09'12"W	121.17
72	N89°09'12"W	121.17	394	N25°52'59"W	21.02	395	N10°00'33"W	8.74	396	N89°09'12"W	121.17
73	N89°09'12"W	121.17	397	N25°52'59"W	21.02	398	N10°00'33"W	8.74	399	N89°09'12"W	121.17
74	N89°09'12"W	121.17	400	N25°52'59"W	21.02	401	N10°00'33"W	8.74	402	N89°09'12"W	121.17
75	N89°09'12"W	121.17	403	N25°52'59"W	21.02	404	N10°00'33"W	8.74	405	N89°09'12"W	121.17
76	N89°										

REQUEST	Current Zoning: UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment)
LOCATION	Approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to allow the construction of eight multi-family residential dwelling units for an increase in the total number of units on the site from 16 to 24, and an increase in density from 13.2 units per acre to 19.8 units per acre.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The proposed residential use is consistent with the <i>Central District Plan</i> , but the proposed density exceeds the recommended density of up to 17 units per acre. However, the site fronts a major thoroughfare and the proposal is a minor expansion of an existing development.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Park Selwyn, LLC Park Selwyn, LLC Jeff Brown, Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5

PLANNING STAFF REVIEW

• Background

- The site plan approved with Petition 1999-034 and administratively amended in 1999 contains the following conditions:
 - Allowed the construction of 16 multi-family dwelling units in three buildings at a density of 13.2 units per acre.
 - Limits the maximum building height to 44 feet, 6 inches.
 - Provides parking at a rate of 1.5 spaces per unit.
 - Screening in the form of a six-foot high fence along the rear property line.
 - Specification of exterior building finish shall be a combination of brick and siding.
 - Preservation of the lower/eastern portion of the site and floodplain as undisturbed open space.
 - Limits height of parking area lighting to ten feet and designed to direct light away from or shield light from residential area.
 - Placement of large maturing trees in the rear yard.
 - Specifies that rear building elevations shall consist of all masonry veneer and may be accented with siding on the perpendicular areas not facing Hassell Place residents.
 - Required the lower/eastern portion of the site aside for dedication to Mecklenburg County Parks and Recreation and stipulates the dedication will occur prior to the issuance of any certificate of occupancy.
 - Commits to the construction and completion of the screening wall following the site work and grading prior to further development of the site.
 - Prohibits exterior construction work on Sundays.

• Proposed Request Details

The site plan amendment contains the following changes:

- Increases the number of total dwelling units from 16 to 24 by allowing the construction of a fourth building containing eight units for an increase in density from 13.2 units per acre to 19.8 units per acre.
- Removes the specified building height to allow height per the Zoning Ordinance standards and specifies that the building will have a three-story elevation as seen from Woodlawn.
- Continues/extends the existing six-foot screening wall along the rear property line and commits

- to the construction of the wall prior to development of the new building.
 - Provides building design, scale and architecture for the new building to match the existing buildings.
 - Specifies that the dedication of the lower/eastern portion of the site to Mecklenburg County Parks and Recreation will take place prior to the issuance of a building permit for the new building.
 - Removes the notes committing to the preservation of the lower/eastern portion of the site and floodplain as undisturbed open space.
 - Removes the note requiring the installation of residential type building sprinklers.
 - Removes the note requiring the installation of large maturing trees in the rear yard.
 - Removes the note requiring a minimum building separation of 14 feet.
 - Removes the note prohibiting exterior construction work on Sundays.
 - **Existing Zoning and Land Use**
 - The site is currently used for multi-family residential, with 16 existing dwelling units.
 - The property to the north and east of the site is zoned R-3 (single family residential) and R-5 (single family residential) and is developed with single family homes, duplexes and a church. Property to the south is zoned R-17MF (CD) (multi-family residential, conditional) and developed with a 17-unit, multi-family building for a density of 11.4 units per acre. Property to the west is zoned B-1 and developed with a mix of non-residential uses.
 - **Rezoning History in Area**
 - Petition 2014-028 rezoned property located at the southeast corner of Abbey Place and Hedgemore Drive from O-1 (office) to MUDD(CD) (mixed use development, conditional) to allow 150 residential dwelling units at a density of 89.2 units per acre with potential ground floor nonresidential uses, in a mid-rise building.
 - **Public Plans and Policies**
 - The *Central District Plan*, as amended by rezoning petition 1999-034, recommends multi-family residential use at a density of 17 units per acre.
 - The petition is consistent with the *Central District Plan* recommendation for land use but inconsistent with the recommended density. However, the site is located on a major thoroughfare, and is a minor expansion of existing development.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 100 trips per day.
Proposed Zoning: 140 trips per day.
 - **Connectivity:** Not applicable.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 12 students, while the development allowed under the proposed zoning will produce an additional six students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 6 students.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

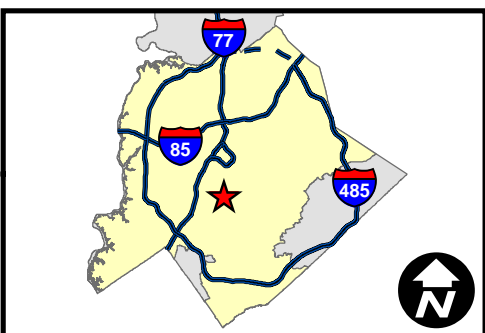
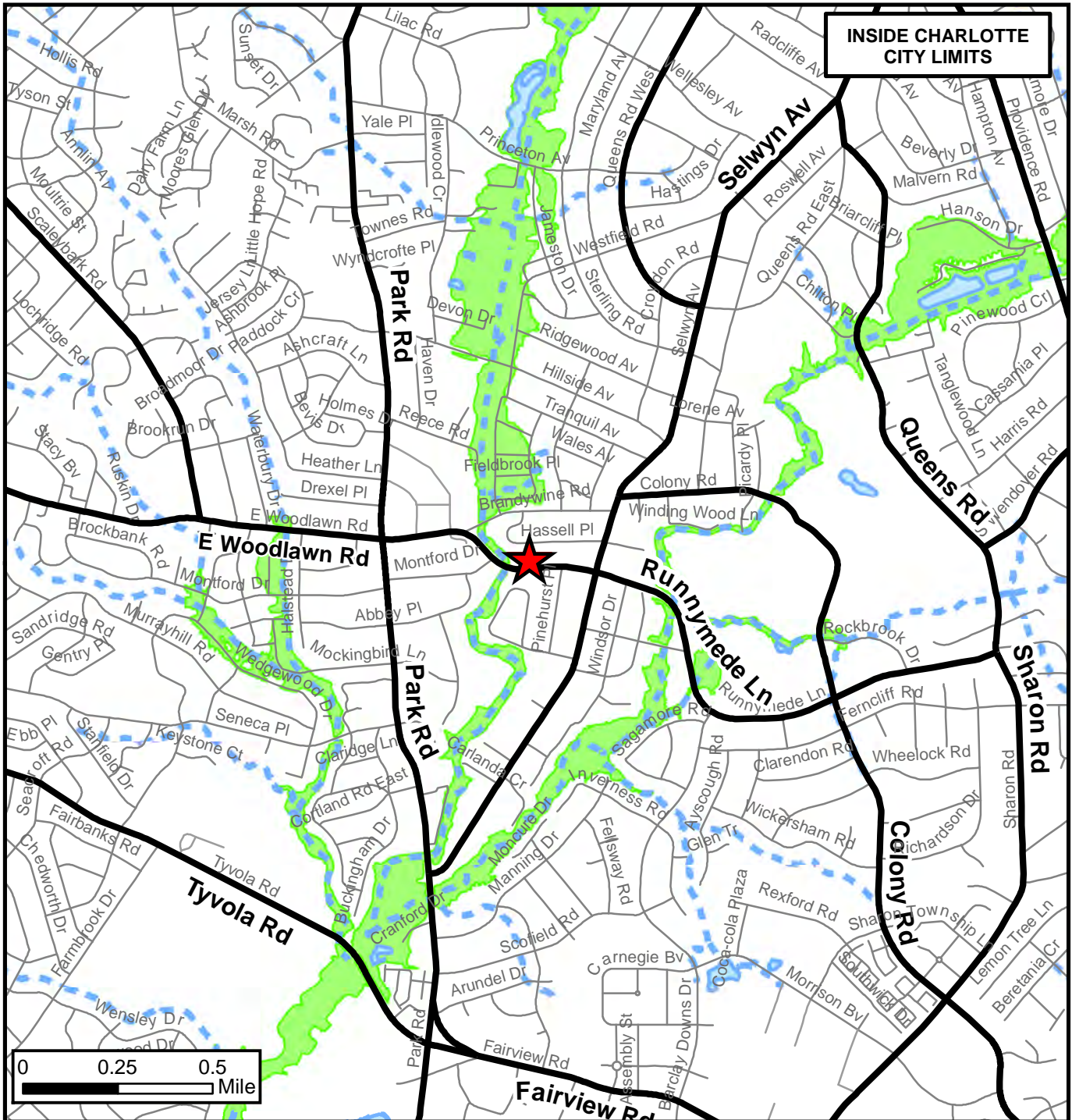
- The petitioner should:
 1. Dedicate the lower portion of the property as indicated on the previous site plan from rezoning petition 1999-34 to Mecklenburg County Parks and Recreation prior to the rezoning decision.
 2. Amend the site plan to show the area dedicated to Parks and Recreation once the dedication is completed.
 3. Label the proposed wall along the eastern edge of the site abutting the park and recreation open space area.
 4. Amend Note 4.d. to include the wall along the eastern edge of the site.
 5. It appears the steps encroach into the 50-foot right-of-way. Clearly identify the setback and right-of-way lines on the site plan. An encroachment agreement from CDOT is required if features extend into the right-of-way.
 6. Provide a note requiring the installation of large maturing trees in the rear yard.
-

Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311

Acresage & Location : Approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue.



	Rezoning Petition: 2014-078		FEMA flood plain
	Major Roads		Watershed
	Collector Roads		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams

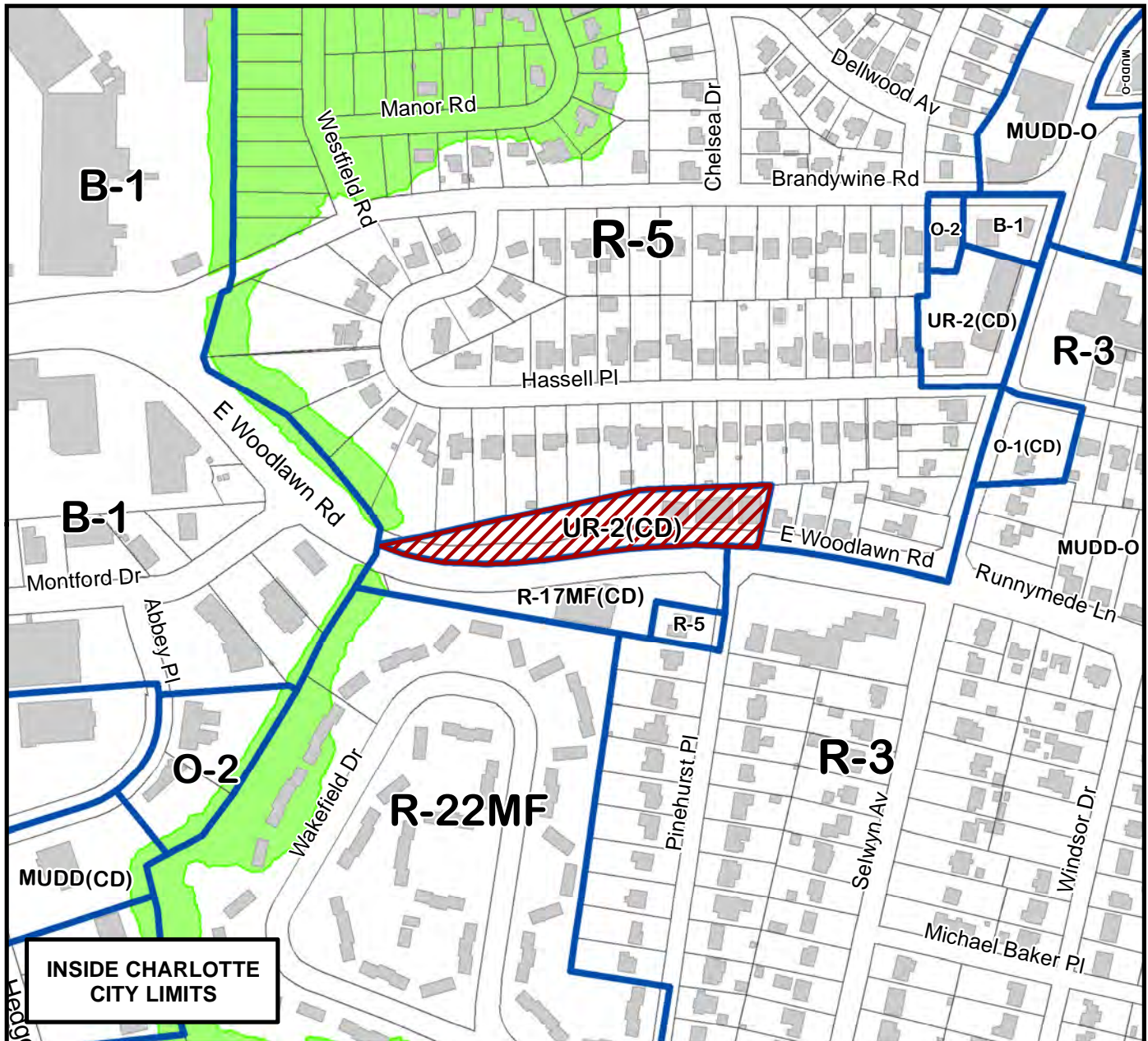
Petition #: **2014-078**

Petitioner: **Park Selwyn, LLC**

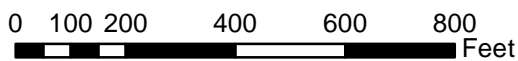
Zoning Classification (Existing): **UR-2(CD)**
(Urban Residential, Conditional)

Zoning Classification (Requested): **UR-2(CD) S.P.A.**
(Urban Residential, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue.

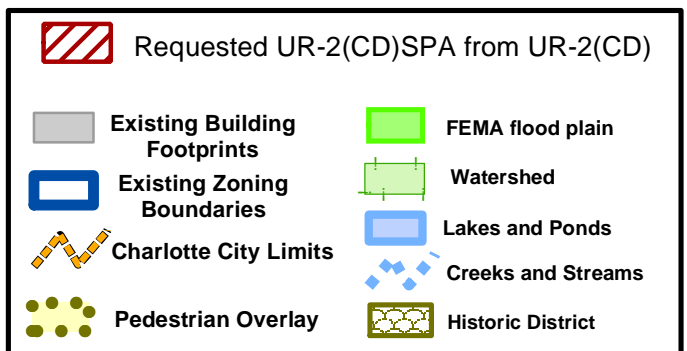


Map Produced by the Charlotte-Mecklenburg Planning Department, 12-4-2014.



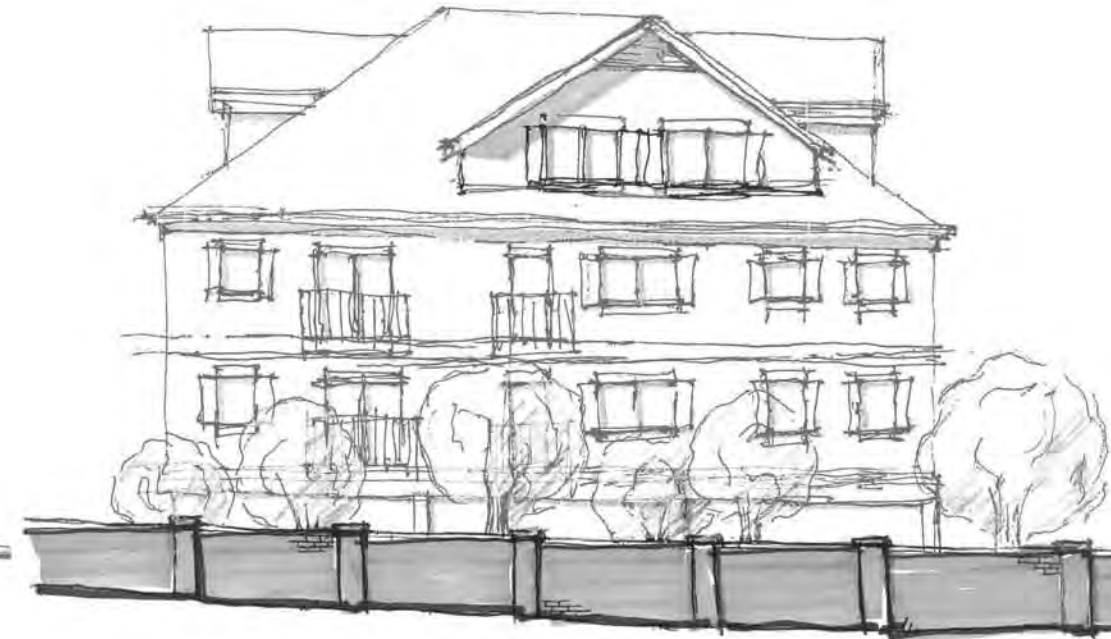
Zoning Map #(s)

125





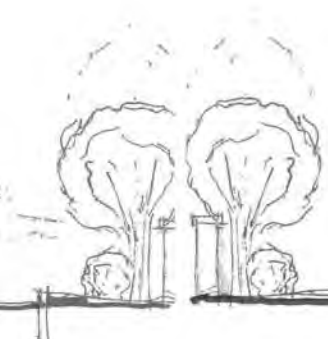
FRONT ELEVATION
WOODLAWN ROAD



REAR ELEVATION



RIGHT ELEVATION

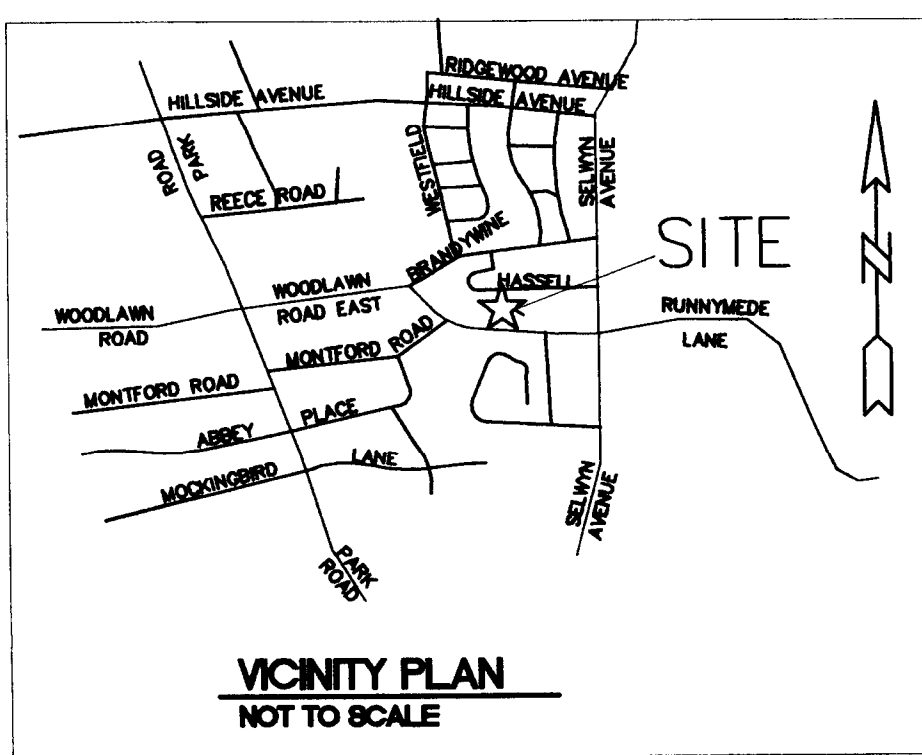


LEFT SIDE ELEVATION

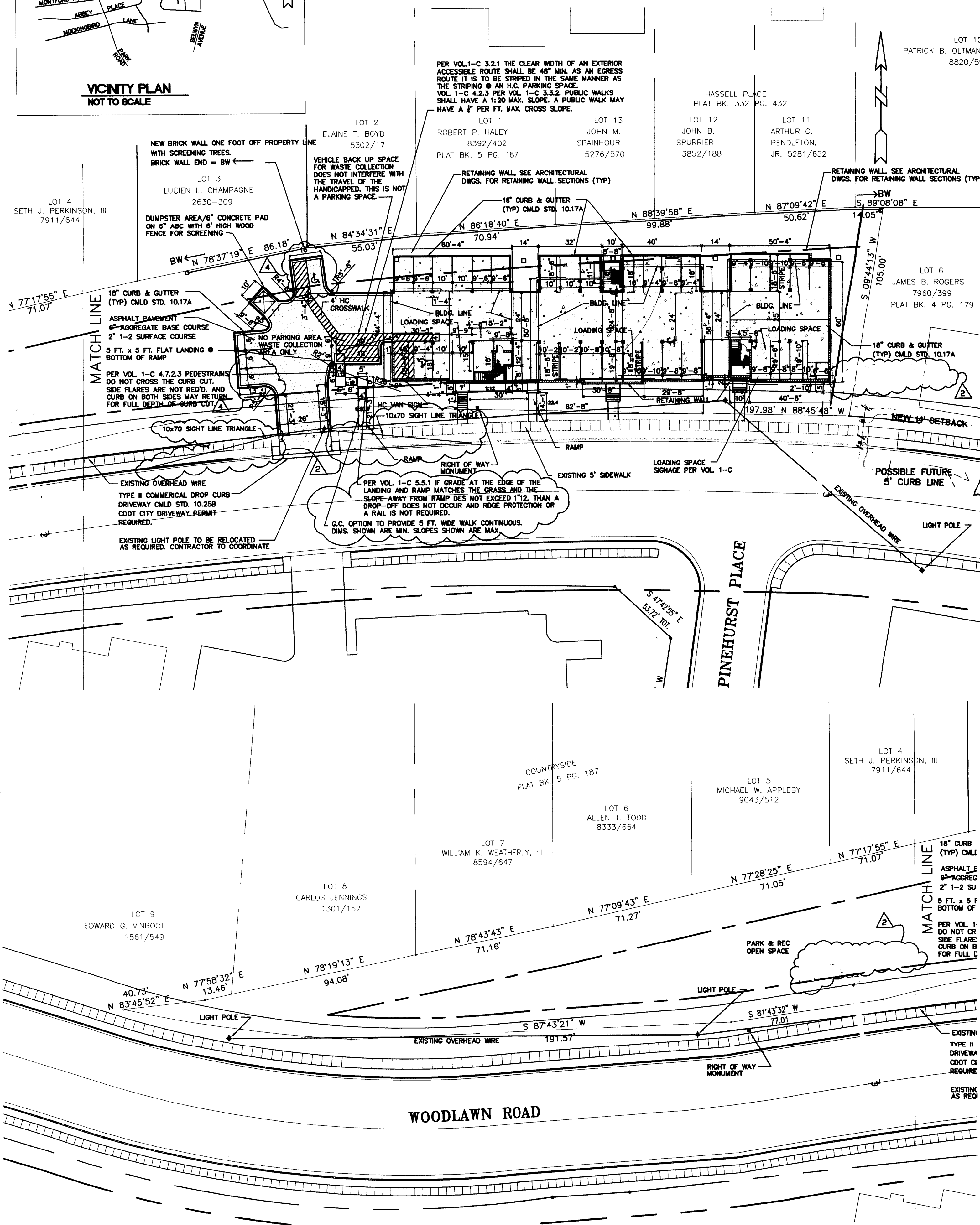
Note: These elevations are provided to reflect the architectural style and quality of the building that may be constructed on the Site (the actual building constructed on the Site may vary from these illustrations as long as the general architectural concepts and intent illustrated is maintained).



Previously
Approved
Site
Plan



CAROLINAS DESIGN GROUP, PLLC
 CIVIL ENGINEERING • LAND SURVEYING • LAND PLANNING
 201 Second Avenue, Gastonia, NC 28052
 Phone: 704-854-9328 • 704-864-9007 • 704-865-8861
 Fax: 704-854-9328 • E-mail: cdg@carolinasdesign.com

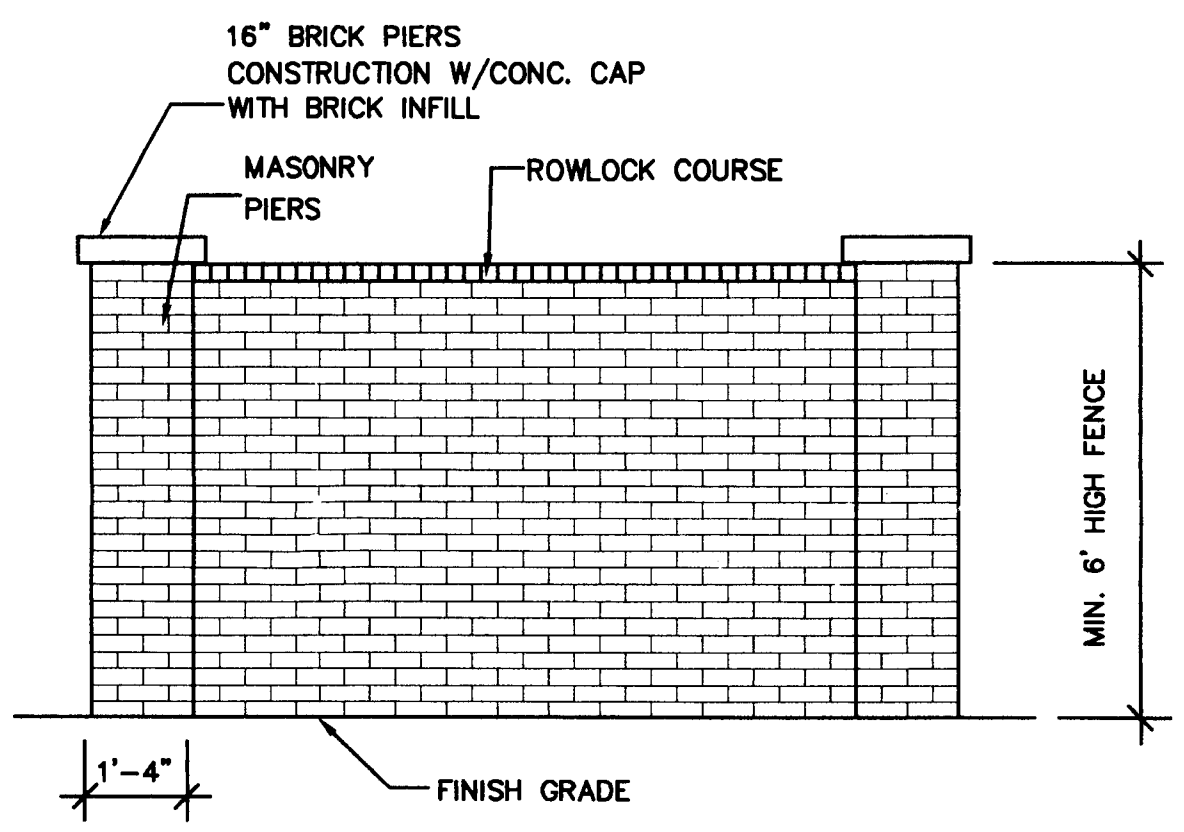


REZONING NOTES:

- THE PROPOSED SITE PLAN REPRESENTS A FIRM CONCEPT WITH REGARD TO THE ARRANGEMENT OF THE BUILDING, PARKING AND CIRCULATION LAYOUT. MINOR AND INCIDENTAL CHANGES ARE PERMITTED AS A MATTER OF RIGHT WHICH WOULD NOT ALTER THE BASIC RELATIONSHIP TO ADJUTING LAND. SUCH CHANGES WOULD BE BASED UPON FINAL DESIGN AND CONSTRUCTION DRAWINGS, SITE AND TOPOGRAPHIC CONSTRAINTS, TREE PRESERVATION EFFORTS, ETC.
- THE PROPOSED DEVELOPMENT SHALL BE LIMITED TO A MULTI-FAMILY DEVELOPMENT BUILDING CONTAINING (3) UNITS WITH A MAXIMUM OF SIXTEEN DWELLINGS. INCIDENTAL ACCESSORY STRUCTURES NORMALLY ASSOCIATED WITH SUCH DEVELOPMENT ARE ALSO PERMITTED.
- THE PROPOSED DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE ZONING ORDINANCE REGULATIONS PERTAINING TO, BUT NOT LIMITED TO SUCH THINGS AS: OFF-STREET PARKING, SIGNAGE, YARD DIMENSIONS, TREE ORDINANCE, SCREENING, ETC.
- SCREENING IN THE FORM OF A SIX-FOOT HIGH SCREENING FENCE CONSTRUCTED OF WOOD AND BRICK PILASTERS SHALL BE PROVIDED ALONG THE REAR PROPERTY LINE AS SHOWN ON THE PLAN. VEHICULAR INGRESS AND EGRESS SHALL BE PROVIDED FROM WOODLAWN ROAD BY WAY OF ONE DRIVEWAY CURB CUT. THE DRIVEWAY MAY SHIFT SLIGHTLY IF REQUIRED BY CHARLOTTE DEPARTMENT OF TRANSPORTATION REGULATIONS OR OTHER DESIGN NEEDS.
- THE PROPOSED BUILDING EXTERIOR FINISH SHALL BE A COMBINATION OF BRICK AND SIDING MATERIALS. THE OVERALL ARCHITECTURAL DESIGN OF THE BUILDING SHALL BE "TRADITIONAL" IN NATURE (ALSO, REFER TO ARCHITECTURAL ELEVATIONS).
- THE LOWER PORTION OF THE SITE SHALL REMAIN AS UNDISTURBED OPEN SPACE EXCEPT FOR UTILITY CONNECTIONS AND/OR REQUIRED IMPROVEMENTS (SEE ALSO NOTE 18).
- ANY TRASH DUMPSTER LOCATED ON THE SITE SHALL BE LOCATED WITHIN AN ENCLOSURE WITH GATES.
- THE MAXIMUM HEIGHT OF PARKING AREA LIGHTING SHALL BE TEN FEET. ALL OUTDOOR LIGHTING SHALL BE DESIGNED IN A FASHION TO DIRECT THE LIGHT AWAY FROM, OR SHIELD THE LIGHT FROM RESIDENTIAL AREAS.
- THE PETITIONER SHALL INSTALL RESIDENTIAL TYPE BUILDING SPRINKLERS.
- "DIAMETER CALIPER 18"-0" HIGH LARGE MATURING TREES PLANTED AT 30'-0" O.C. THAT WILL BE APPLIED TO THE REQUIREMENTS OF THE TREE ORDINANCE. THESE TREES WILL BE PLACED IN THE REAR YARD.
- PER C.D.O.T. APPROVAL 3/18/02, SITE IS AMENDED TO SHOW 5 FT. POSSIBLE FUTURE CURB LINE WITH A 14' SETBACK.
- THE PORTION OF THE REGULATED FLOODPLAIN ASSOCIATED WITH THE SITE SHALL REMAIN UNDISTURBED EXCEPT FOR ANY NECESSARY / REQUIRED UTILITY CONNECTION(S).
- THE REAR BUILDING SETBACK LINE SHALL BE A MINIMUM OF TWENTY FEET, AND AVERAGE 24'-0". THE SIDE YARD ADJACENT TO THE ROGERS PROPERTY SHALL BE AN AVERAGE OF 15 FEET.
- THE REAR BUILDING ELEVATION FACING THE REAR OF THE HASSELL PLACE RESIDENTS ADJOINING THE SITE SHALL CONSIST OF AN ALL MASONRY VENEER, WHICH MAY BE ACCENTED BY SIDING ON THE PERPENDICULAR AREAS NOT FACING THE HASSELL PLACE RESIDENTS.
- THE SITE DISCHARGES INTO A REGULATED FLOODPLAIN AND THUS NO STORMWATER RETENTION IS REQUIRED OR PROVIDED.
- THE ATTACHED ARCHITECTURAL ELEVATIONS ARE INTENDED TO DEPICT THE GENERAL ARCHITECTURAL STYLE OF THE BUILDINGS. MINOR CHANGES AND ALTERATIONS OF DETAIL WHICH DO NOT CHANGE THE OVERALL ARCHITECTURAL THEME/STYLE ARE PERMITTED BASED UPON FINAL DESIGN / CONSTRUCTION DRAWINGS. THE BUILDINGS MAY EMPLOY COMPLIMENTARY DIFFERENCES IN COLOR PERTAINING TO BRICK, ROOF SHINGLES AND TRIM ACCENTS.
- AS INDICATED ON THE SITE PLAN, THE LOWER PORTION OF THE SITE SHALL BE DEDICATED TO MECKLENBURG COUNTY PARKS AND RECREATION DEPARTMENT AS PASSIVE PUBLIC OPEN SPACE. THE REAR YARD MAY BE IMPROVED BY THE ADDITION OF WALKING TRAILS, PICNIC TABLES, AND/OR OTHER SIMILAR FIXTURES. THE DEDICATION WILL OCCUR PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY ASSOCIATED WITH THE PROPOSED DEVELOPMENT.
- THE THREE BUILDINGS SHALL BE SEPARATED BY A MINIMUM DISTANCE OF 14 FEET AS SHOWN.
- THE WALL WILL BE BUILT AND COMPLETED IMMEDIATELY FOLLOWING THE GRADING AND SITEWORK FOR THE PROJECT, INCLUDING THE RETAINING WALLS OF THE APARTMENT BUILDINGS, AND PRIOR TO ANY ADDITIONAL CONSTRUCTION OR DEVELOPMENT BY PARK SELWYN LLC ON THE SITE.
- THE HOURS OF CONSTRUCTION WILL CONFORM TO APPLICABLE STATE AND LOCAL LAWS RESTRICTING CONSTRUCTION HOURS. ADDITIONALLY, NO EXTERIOR WORK OF ANY KIND WILL TAKE PLACE ON SUNDAYS. THERE WILL BE NO RESTRICTIONS ON TILING, PAINTING, OR SIMILAR INTERIOR WORK.

GENERAL SITE NOTES:

- ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
- SITE INFORMATION TAKEN FROM SURVEY BY DON ALLEN & ASSOCIATES P.A. DATED NOV. 1998.
- SEE ARCHITECTURAL PLANS FOR DETAILED BUILDING, SIDEWALK AND RAMP DIMENSIONS.
- CONTRACTOR TO COORDINATE ALL UTILITY RELOCATIONS, WATER LINES, STORM DRAINAGE, LIGHT POLES, POWER POLES, ETC... WITH APPROPRIATE UTILITY COMPANIES.
- CONTRACTOR TO COORDINATE WITH OWNER AND PROJECT ENGINEER FOR EXISTING BUILDING DEMOLISHING AND ANY OTHER STRUCTURES WHICH MAY BE ON PROJECT SITE.
- CONTRACTOR TO COORDINATE ALL CONSTRUCTION IN R/W'S WITH N.C.D.O.T. AND CITY OF CHARLOTTE.
- ALL TRAFFIC SIGNS, STRIPE PAINTING ETC... TO CONFORM TO THE PRINCIPLES OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (M.U.T.C.D.)
- ALL LANDSCAPING AREAS TO HAVE A MINIMUM WIDTH FROM BACK OF CURB TO BACK OF CURB; MINIMUM TOTAL AREA 200 SQUARE FEET PER TREE.
- ALL CONSTRUCTION TO CONFORM TO THE CHARLOTTE-MECKLENBURG LAND DEVELOPMENT STANDARDS MANUAL DETAILS AND SPECIFICATIONS.



4 SCREEN FENCE W/ MASONRY PIERS
 C-1 NOT TO SCALE

SITE SUMMARY

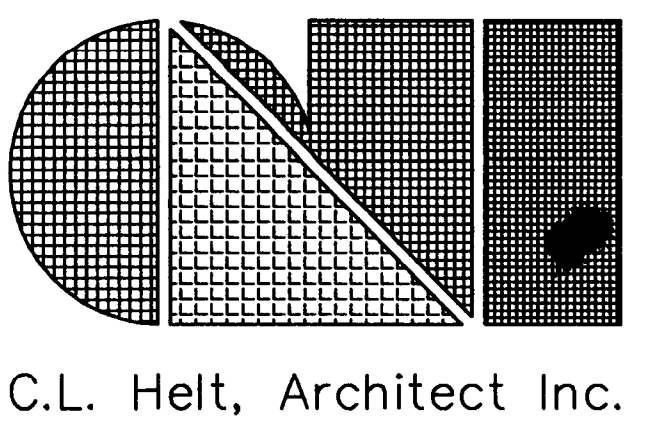
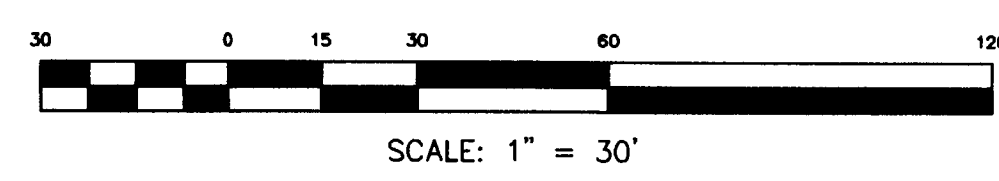
OWNER:	PARK SELWYN II LLC PO BOX 6122 CHARLOTTE, NC 28207
TOTAL SITE AREA:	1.21 ACRES
EXISTING ZONING:	R-5
PROPOSED ZONING:	UR-2 (CD)
PROPOSED USE:	MULTIFAMILY RESIDENTIAL BLDGS (APARTMENTS)
PETITION NO.:	99-34
MAXIMUM NO. OF DWELLINGS:	16 units
PARKING REQUIRED:	24 spaces (1.5 PER UNIT X 16 UNITS = 24)
PARKING PROVIDED:	31 spaces 29 @ 9FT. X 18FT. 1 HC @ 13 FT. X 18 FT. 1 VAN-HC @ 16 FT. X 18 FT.
MINIMUM SETBACK:	14' 5" FEET FROM LINE OF FUTURE CURB
MINIMUM REAR YARD:	20 FEET
MINIMUM SIDE YARD:	10 FEET
MINIMUM LOT WIDTH:	20 FEET
MAXIMUM FLOOR AREA RATIO:	1.0
MAXIMUM EAVE HEIGHT: (REAR):	23'-5" FEET
MAXIMUM HEIGHT (TOP OF ROOF):	44'-8" FEET (AT ENDS TO GARAGE ENTRY)
AVERAGE HEIGHT:	37.5 FEET
MAXIMUM HT. AT REAR ELEV.:	40 FEET FROM EXISTING GRADE TO TOP OF ROOF.
SCREENING FOR PARKING:	AS REQUIRED
PLANTING STRIP:	MIN. 5 FEET WIDE
SCREENING HEIGHT:	2'-6" H (Evergreens) min. 5' O.C. 6 Ft. Ht. abutting Residential Area
EXIST. IMPERVIOUS AREA =	0.00 ACRES
PROP. IMPERVIOUS AREA =	0.40 ACRES

ATTACHED TO ADMINISTRATIVE APPROVAL

DATED: April 1, 2002
 BY: MARTIN R. CRAMTON, JR.

CRAIG ENGINEERING SERVICES

CIVIL ENGINEERING & LAND PLANNING SERVICES
 106 W. THIRD AVENUE GASTONIA, NC 28052
 PHONE (704) 864-9007 FAX (704) 864-2487



C.L. Helt, Architect Inc.

1136 Greenwood Cliff
 Charlotte, NC 28204

Ph. 704-342-1686
 Fx. 704-343-0054
 E-MAIL CHELH@AOL.COM

ARCHITECT'S PROJECT # 98267

Project #
Park Selwyn Phase II
2000 E. Woodlawn Rd.
Charlotte, N.C.

Sheet Description #
Site Plan

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Drawn By :
 Hooker

Checked By :
 Craig

Revisions :
△ Misc. 4/10/00
△ Misc. 10/10/00
△ Misc. 12/12/00
△ Misc. 2/22/02

Date :
 4-04-00

Sheet No.
 C-1
 of : C-5

CHARLOTTE - MECKLENBURG PLANNING COMMISSION
INTER - OFFICE COMMUNICATION

DATE: April 1, 2002

TO: Robert Brandon
 Zoning Administrator

FROM: Shad Spencer
 Land Development Planner

SUBJECT: Administrative Approval for Petition 99-34, Park Selwyn, LLC

Attached is a copy of the revised site plan for the above referenced rezoning petition located on the north side of Woodlawn Road just west of Selwyn Avenue. Also attached is a letter from C.L. Helt with C.L. Helt, Architect Inc. describing the requested administrative approval. This administrative approval eliminates the requirement for additional right-of-way dedication 50' from centerline and modifies the setback from the previously required 5' from the right-of-way to the current standard of 14' from the curbline at this site would only need to move 5'. The elevations, which were part of the original package, are still valid.

Since these changes are allowed according to section 6.206 of the City Zoning Ordinance, I am administratively approving this revised plan. Please use this revised plan when evaluating requests for building permits and certificates of occupancy.

REQUEST	Current Zoning: B-2, general business Proposed Zoning: B-D(CD), distributive business, conditional
LOCATION	Approximately 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane. (Council District 5 - Autry)
SUMMARY OF PETITION	The petition proposes the reuse of an existing 42,010-square foot building for a self-storage facility, truck rental facility and accessory office space.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. This petition is inconsistent with the <i>Eastland Area Plan</i> ; however, the proposed use will have minimal impact on the surrounding area, and the reuse of the existing building will support reinvestment in the Albemarle Road corridor.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	U-Haul Real Estate Company U-Haul Company of Charlotte Peter Tatge / ESP Associates P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2

PLANNING STAFF REVIEW

• Background

- The subject property is a former United States Post Office warehouse building that is currently used for a truck rental facility. The request will allow the majority of the building to be used for self-storage along with offices and the existing truck rental use.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows a maximum of 42,010 square feet for reuse of an existing building as a self-storage and truck rental facility, and related accessory office uses.
- Vehicular access provided via existing driveways along Farm Pond Lane and Albemarle Road.
- New façade elevations.
- 12-foot Class "C" buffer along a portion of the southern property edge.
- Proposed six-foot high screening fence along a portion of the southern property boundary.
- Proposed screening fence detail.
- Rooftop mechanical equipment will be screened from the view of the public right-of-way.
- Detail of the proposed screening for rooftop mechanical equipment.
- Maximum building height of 40 feet.
- Detached lighting will be limited to 25 feet in height. Any new detached or attached lighting will be decorative, capped and downwardly directed.
- Dedication of a 100-foot wide easement within the SWIM buffer near the western property boundary to Mecklenburg County Park and Recreation.

• Existing Zoning and Land Use

- An existing building is located on the subject property which is zoned B-2 (general business) and is currently used for a truck rental facility. The surrounding properties are zoned B-2 (general business) and O-1 (office) and developed with commercial structures. The property to the southeast is zoned R-17MF (multi-family residential) and developed with residential multi-family dwellings.

• Rezoning History in Area

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

• Public Plans and Policies

- The *Eastland Area plan* 2003 recommends retail and greenway/park/open space for the subject property.
- This petition is inconsistent with the *Eastland Area Plan* as the proposed storage facility is

considered an industrial use and not a retail use.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 1,030 trips per day.
Proposed Zoning: 100 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

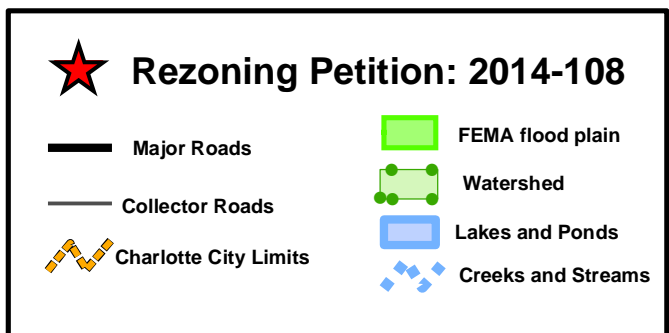
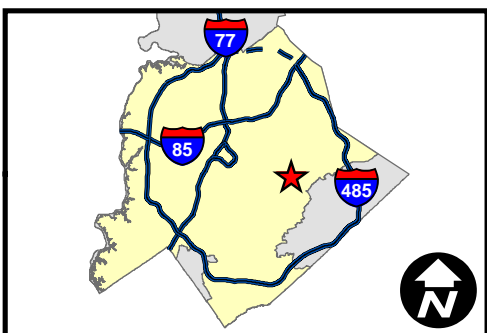
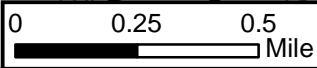
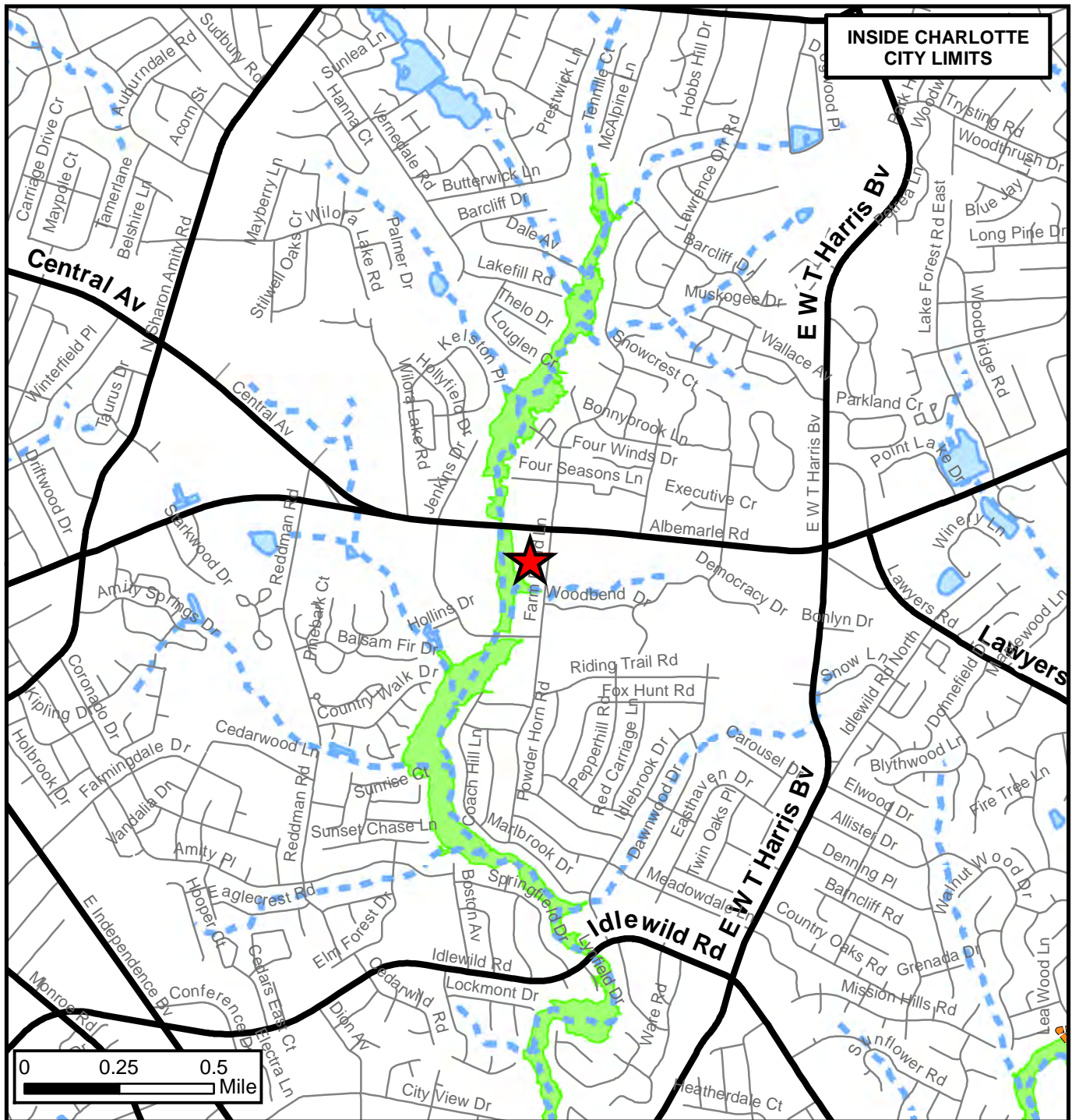
- The petitioner should:
 1. Remove the commitment to dedicate land to to Mecklenburg County Park and Recreation for greenway, as the area is not located on the property to be rezoned.
 2. Remove the commitment for the screening fence, as it is not located on the property to be rezoned.
 3. Revise Note 2 under Architectural Standards to limit the maximum building height to 40 feet so that it is consistent with the information in the Development Data Table.
-

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326

Acresage & Location : Approximately 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane.



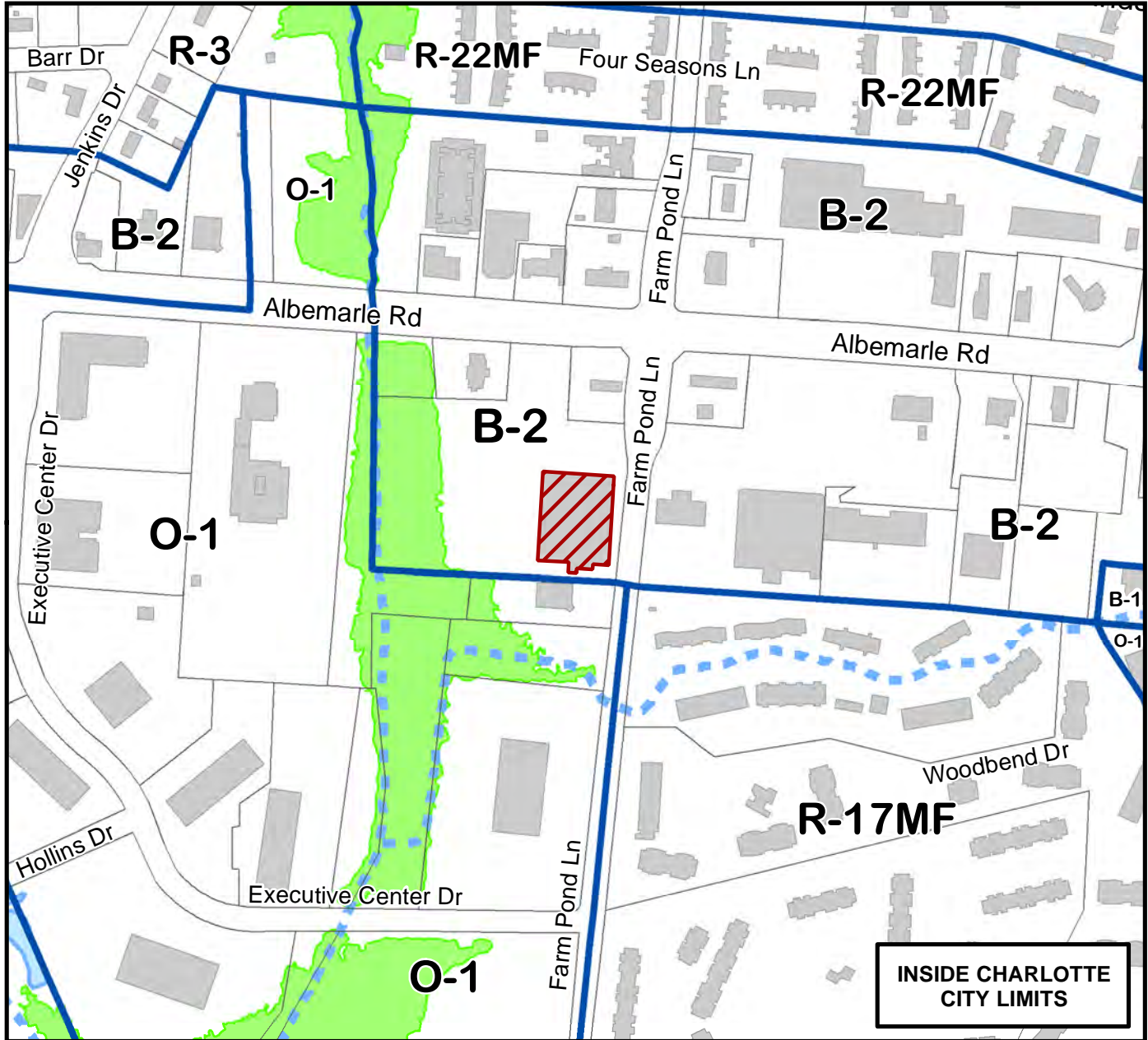
Petition #: **2014-108**

Petitioner: **U-Haul Company of Charlotte**

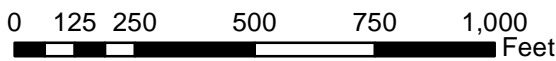
Zoning Classification (Existing): **B-2**
(General Business)

Zoning Classification (Requested): **B-D(CD)**
(Distributive Business, Conditional)

Acreage & Location: Approximately 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane.

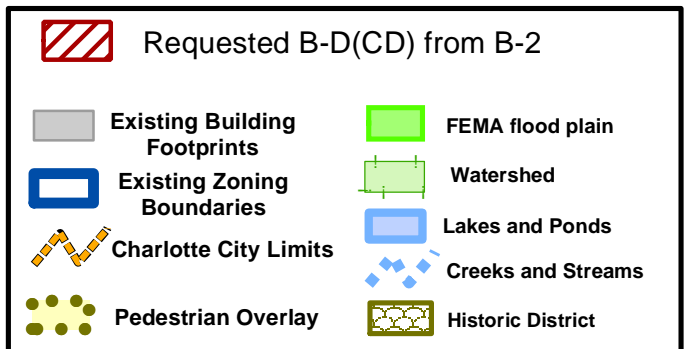


Map Produced by the Charlotte-Mecklenburg Planning Department, 11-21-2014.



Zoning Map #(s)

114





Conceptual Facade Improvements View from Albemarle Rd.



Conceptual Facade Improvements View from Farm Pond Lane

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 ESP Associates, P.A.

CLIENT

U-Haul Co. of Charlotte

6216 Albemarle Road
 Charlotte, NC
 28212

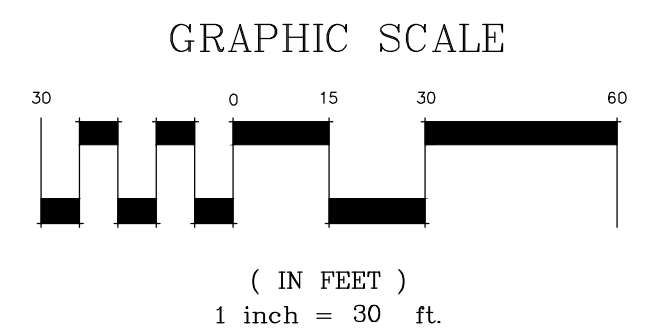
SHEET TITLE

Rezoning Plan Petition #2014-108 Exhibits/Photos/Details

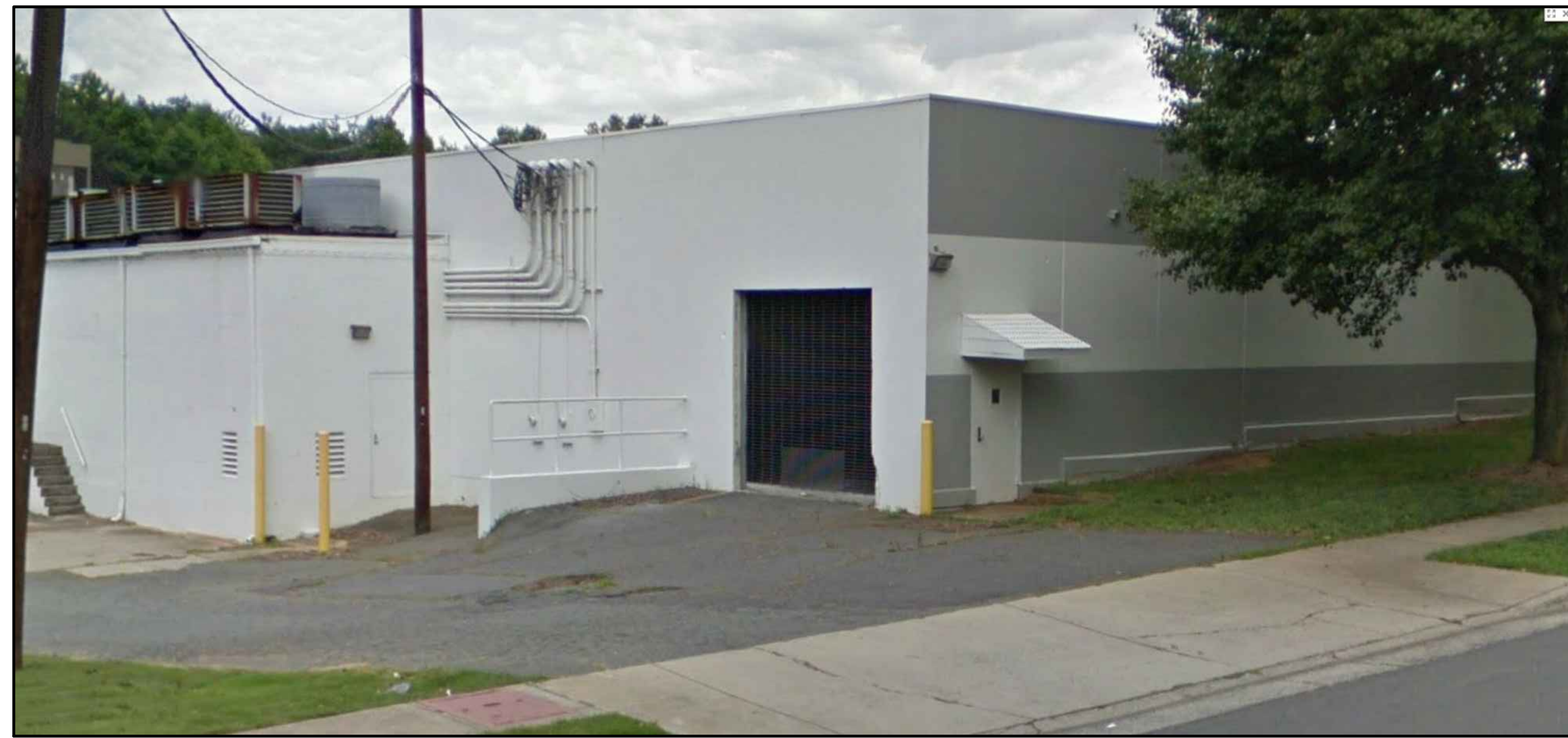
PROJECT

Albemarle Road U-Haul

PROJECT LOCATION Charlotte, NC



PROJECT NO	CT22.100		
DRAWING	CT22 - Uhaul Albemarle Rd - Rezoning Submittal.dwg		
DATE	10/16/14		
DRAWN BY	GW		
CHECKED BY	PT		
AGENCY / SUBMITTAL REVISION			
NO.	DATE	BY	REVISION
01	11/14/14	GW/AH	revised per staff comments



Existing Conditions Photo A

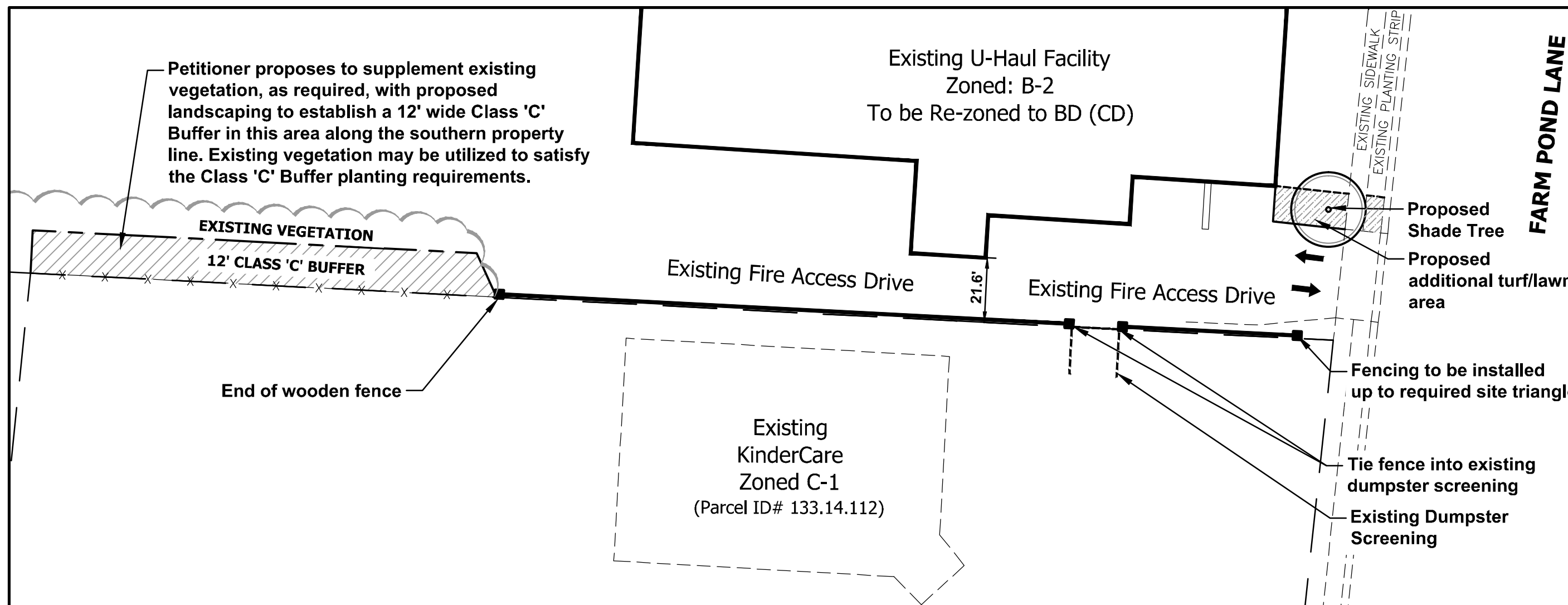


Conceptual Screening Concept Photograph B

Decorative parapet to screen air conditioning equipment

Addition of Shade Tree

Turf/Greenspace expanded and driveway narrowed



Landscape Screening Detail 'A'



Wood Closed Panel Fence Option
 Min. 6' Height



Wood Shadow Box Fence Option
 Min. 6' Height

REQUEST	<p>Current Zoning: UR-C(CD)(PED) (urban residential - commercial, conditional, pedestrian overlay), B-1(PED) (neighborhood business, pedestrian overlay) and R-8 (single family residential)</p> <p>Proposed Zoning: MUDD-O(PED) (mixed use development, optional, pedestrian overlay) and MUDD-O (mixed use development, optional)</p>
LOCATION	<p>Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street. (Council District 1 - Kinsey)</p>
SUMMARY OF PETITION	<p>The petition proposes to allow a mixed use development including a 270,000-square foot building, a 187,450-square foot parking structure with up to 4,000 square feet of commercial uses on the street level, and up to eight single family attached dwelling units.</p>
STAFF RECOMMENDATION	<p>Staff does not recommend approval of this petition in its current form. The petition is consistent with the <i>Midtown Morehead Cherry Area Plan</i> land use recommendations for the majority of the site but inconsistent with the <i>Plan's</i> recommendations for height, setbacks, streetscape standards, and residential use and density on Cherry Street. Although the land use is generally consistent, the deviations from the adopted plan recommendations are too great for staff to support the project as proposed.</p>
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	<p>Midtown Area Partners II, LLC and Stonehunt, LLC Midtown Area Partners II, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.</p>
COMMUNITY MEETING	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6</p>

PLANNING STAFF REVIEW

• Background

- Petition 2005-060 rezoned the portion of the site located between South Kings Drive and Cecil Street from B-1 (neighborhood business) to UR-C(CD) to allow up to 12,000 square feet of retail and restaurant uses and associated surface and structural parking.
- Petition 2012-050 established the PED (pedestrian overlay district) over a majority of the site excluding the portion facing Cherry Street.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Divides the site into three development areas (A, B, and C).
- Permitted uses, except as noted below, include single family attached dwelling units, multi-family dwellings, eating/drinking/entertainment establishments Type 1 and 2, hotels, art galleries, colleges/universities/commercial and trade schools, business and general offices, retail sales, service uses, post offices, studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths and jewelry designers.
- Development Area A:
 - Allows a maximum of 270,000 square feet of building area.
 - Maximum building height of 140 feet.
 - Prohibits single family attached dwelling units.
- Development Area B:
 - Allows an 187,450-square foot structured parking facility, and up to 4,000 square feet of ground floor nonresidential uses facing South Kings Drive.
 - Maximum building height of 75 feet.
 - Prohibits residential dwellings, hotels, colleges/universities/commercial and trade schools, and post offices.

- Development Area C:
 - Allows up to eight single family attached dwelling units and associated accessory uses.
 - Dwelling units are required to be constructed along the frontage on Cherry Street adjacent to the structured parking facility, in order to provide a residential edge.
 - Maximum height of heated area of the single family attached dwelling units limited to 30 feet along Cherry Street and 40 feet for portions of the dwelling units located at least 16 feet from the back of the proposed sidewalk on Cherry Street.
 - Abandonment of Cecil Street right-of-way, which would be converted into a private drive providing access to adjacent parcels and the parking structure.
 - Direct vehicular access between Baxter Street and Luther Street via the proposed private drive (formerly Cecil Street) through the parking structure on Development Area B.
 - Vehicular access (ingress/egress) to site via Luther Street.
 - Pedestrian stair access from South Kings Drive to private drive.
 - Preserves the existing CATS bus stop on South Kings Drive provided it may be relocated on the **site's frontage with the approval** of CATS and CDOT.
 - Provides building perspectives, elevations, and site cross sections.
 - Limits height of freestanding lighting to 20 feet, except those on the top level of the parking structure that will be limited to 30 feet.
 - Requests the following optional provisions:
 1. Allow the maximum height of the building located in Development Area A to be increased from 120 feet to 140 feet, the *Plan* recommends a height plane of one foot of building height increase per ten feet of distance from single family residential zoning.
 2. Eliminate the requirement for on-street parking along South Kings Drive. The MUDD (mixed use development) district refers to the adopted streetscape plan in the land use plan which recommends on-street parking.
 3. Allow a 24-foot setback along South Kings Drive at the first floor and 16 feet setback for all other floors in Development Area A. The MUDD (mixed use development) district refers to the adopted land use plan which recommends a building setback of 24 feet along South Kings Drive.
 4. Allow a 16-foot minimum setback for the structured parking facility along South Kings Drive. The MUDD (mixed use development) district refers to the adopted land use plan which recommends a building setback of 24 feet along South Kings Drive.
 5. Allow a 14-foot setback with eight-foot planting strip and six-foot sidewalk along Luther Street. The MUDD (mixed use development) district refers to the adopted land use plan which recommends a building setback of 16 feet with eight-foot planting strip, six-foot sidewalk and two-foot utility zone.
 6. Allow an eight-foot, six-inch setback with eight-foot sidewalk and no planting strip along Cecil Street if it is not abandoned. The MUDD (mixed use development) district refers to the adopted land use plan which recommends a building setback of 16 feet with eight-foot planting strip, six-foot sidewalk and two-foot utility zone.
- **Existing Zoning and Land Use**
 - The majority of the site is used for surface parking and a portion of the site contains two single family homes.
 - The property surrounding the site is zoned a mixture of B-1(PED) (neighborhood business, pedestrian overlay), R-22MF (multi-family residential), R-8 (single family residential), O-2(CD)(PED) (office, conditional, pedestrian overlay), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay) and MUDD-O (mixed use development, optional) and used for a mixture of single family residential, multi-family residential, commercial, office and institutional uses.
- **Rezoning History in Area**
 - A number of rezonings have taken place to accommodate infill development and redevelopment for commercial and residential uses.
- **Public Plans and Policies**
 - The *Midtown Morehead Cherry Area Plan* (2012) recommends a mixture of residential, office and retail for the majority of the site along South Kings Drive, Baxter Street, Cecil Street and Luther Street. The *Plan* recommends residential uses at eight units per acre for the portion of the site fronting Cherry Street south of Main Street.
 - The area plan recommends that as areas redevelop on the east side of South Kings Drive, a pedestrian friendly environment with activation of buildings at street level should be provided.
 - The site plan diverges from the recommendations of the *Midtown Morehead Cherry Area Plan*

and pedestrian overlay standards in regards to building heights, setbacks, streetscapes and residential density along Cherry Street south of Main Street. Additionally, the parking structure encroaches into a portion of the area recommended for residential use.

- The petition is consistent with the *Midtown Morehead Cherry Area Plan* land use recommendations for the majority of the site and inconsistent with the *Plan's* recommendations for height and streetscape on South Kings Drive, and residential use and density on Cherry Street. The petition is not appropriate for approval for the following reasons:
 - The proposed height of 50 feet, for the portions of Development Area B nearest the single family use and the provision to allow height up to 75 feet is greater than the height recommended by the *Plan*. The proposed building height for Development Area A of 140 feet is a 58-foot increase above the height recommended by the *Plan*.
 - The proposed setbacks and streetscapes do not match the recommendations of the *Plan*. The Planning staff in cooperation with CATS and CDOT did, however, determine that the recommendation in the *Plan* for on-street parking along South Kings Drive may not be feasible due to the location of the existing bus shelter and separation requirements between on-street parking and intersections.
 - The eight proposed single family attached dwelling units do provide screening from the parking deck and a residential edge to the site; however, they should be setback to be consistent with most of the other homes on the street.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 1,900 trips per day.
Proposed Zoning: 3,000 trips per day.
 - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Facilitates the use of alternative modes of transportation by preserving an existing CATS bus stop, and provides an improved pedestrian experience through the site and along South Kings Drive with the provision of wide sidewalks.
 - Minimizes impacts to the natural environment by building on an infill lot.

OUTSTANDING ISSUES

- The petitioner should:
 1. Label the CATS bus stop on South Kings Drive.
 2. Specify the dimensions of the planting strip and sidewalk along South Kings Drive.
 3. Label possible pedestrian refuge island on South Kings Drive.
 4. Add the word "Transportation" to label "see note d for street abandonment" on Sheet RZ1.1
 5. Remove the label of 5'6" planting strip, 4' sidewalk, 12'8" min. setback along Luther Street on Sheet RZ1.1.
 6. Provide revised elevations illustrating the changes made to the plans since the last submittal.
 7. Label the PED standards lines on the site cross sections on sheets 1.4 and 1.5.
 8. Provide a maximum number of multi-family dwelling units and maximum number of hotel rooms

- allowed in Development Area A.
9. Remove driveways from single family attached dwelling units, as no garages should not be permitted fronting Cherry Street; set back the units to be consistent with most of the homes along the street; and enlarge porches and entry space in front of units.
 10. Provide a development data table, with parcel ID numbers, existing uses, proposed floor area ratio (FAR), percentage of open space and the revised site acreage that includes the area in the proposed Cecil Street right-of-way abandonment.
 11. Provide a note under Streetscape to indicate that tree grates, seat walls and other pedestrian amenities may be provided in the setback along South Kings Drive.
 12. Specify architectural details for the screen wall along Cecil Street.
 13. Provide a note describing the architectural intent, including the style of units, building materials, etc., for the single family detached units.
 14. Specify that end attached dwelling units will provide a combination of windows, doors or other architectural details on each floor to break up blank walls and provide architectural interest.
 15. Provide more detailed commitments for the treatment of blank walls above the minimum MUDD (mixed use development) requirements.
 16. Provide the acreage to be rezoned on the site plan (1.99 acres) and submit a revised application form reflecting the correct acreage.
 17. Amend Note A(9) c to private postal services instead of post offices.
 18. Amend notes A. Development Area A and B. Development Area B to say ground floor uses along **South Kings Drive "shall" be devoted to non-residential uses with primary street level access to said uses.**
 19. Add a note stating that the single family attached units will be constructed prior to the issuance of a certificate of occupancy for the parking structure.
 20. Clarify how the site will be designed in terms of building placement, in the event that Cecil Street abandonment is not approved.
 21. Reorder the development standards to read top to bottom, left to right.
 22. Increase the setback on South Kings Drive for all floors and the parking structure to 24-feet as specified in the **Area Plan**.
 23. Increase the setback on Cherry Street to be consistent with most other homes on the street and provide a six-foot sidewalk, eight-foot planting strip and two-foot utility zone as specified in the **Area Plan**.
 24. Increase the setback on Luther Street to at least 16-feet and provide a six-foot sidewalk, eight-foot planting strip and two-foot utility zone as specified in the **Area Plan**.
 25. Add an optional provision to request an eight-foot sidewalk and eight-foot planting strip along Baxter Street or provide an eight-foot planting strip, six-foot sidewalk and two-foot utility zone as specified by the **Area Plan**.
 26. Clarify the proposed height for Development Area A. Eliminate the 13-foot building variation.
 27. Clarify the height for Development Area B. Show where the transition from 50 feet to 75 feet takes place.
 28. Reduce the proposed height for Development Areas A and B. The **Area Plan** recommends height follow the standards of the Pedestrian Overlay District.
 29. Provide a label showing the measured depth (from Cherry Street to the parking deck) for Development Area C on the site plan.

Attachments Online at www.rezoning.org

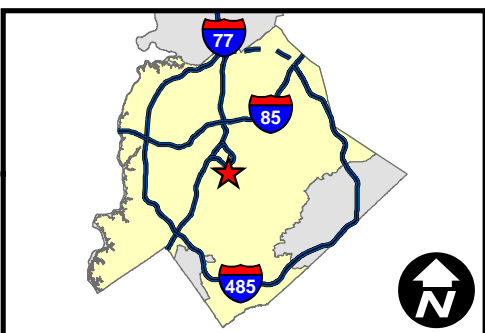
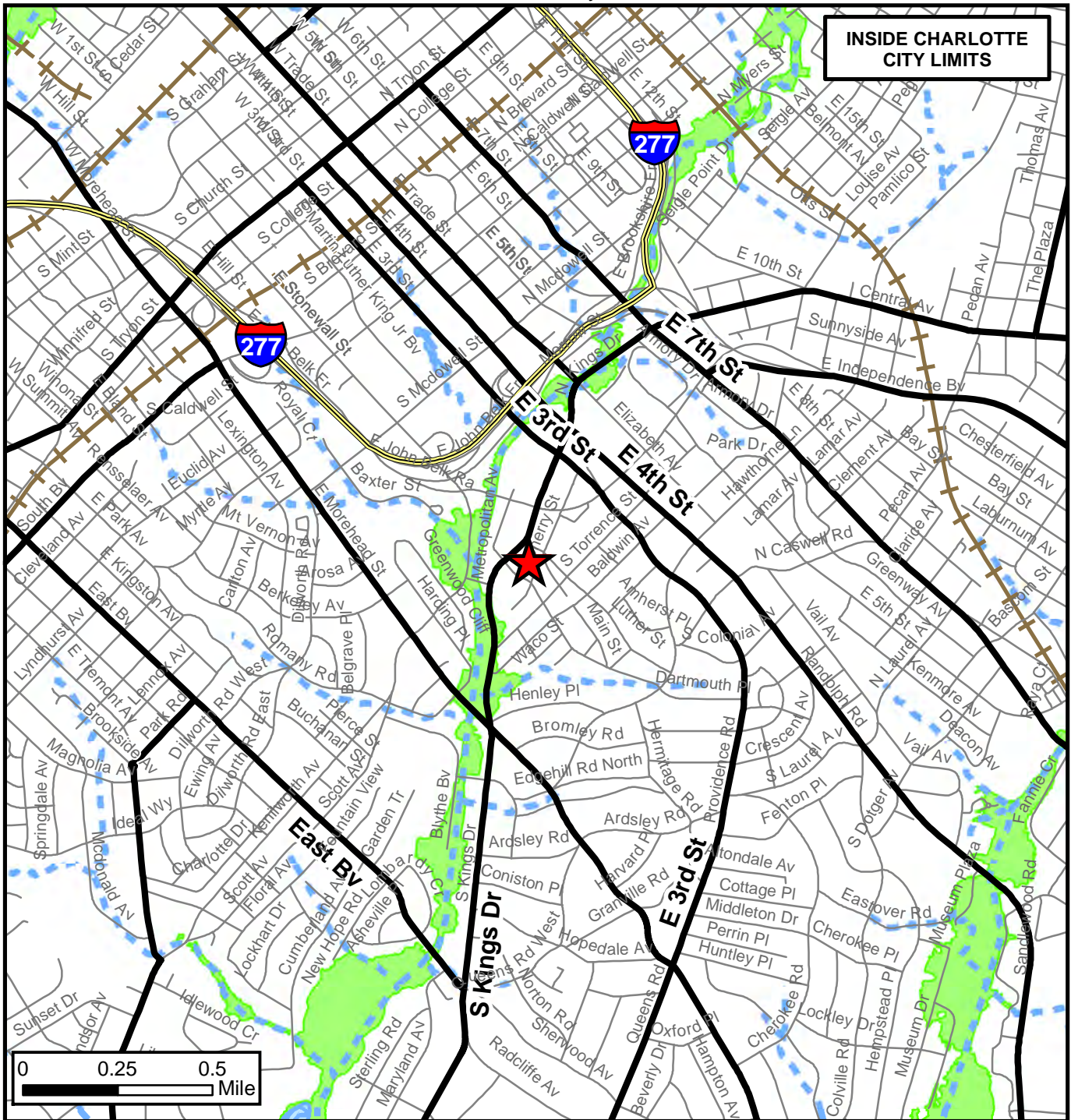
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering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

Planner: John Kinley (704) 336-8311

Petition #: **2014-109**

Vicinity Map

Acreage & Location : Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street.



★ Rezoning Petition: 2014-109

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

Petition #: **2014-109**

Petitioner: **Midtown Area Partners II, LLC**

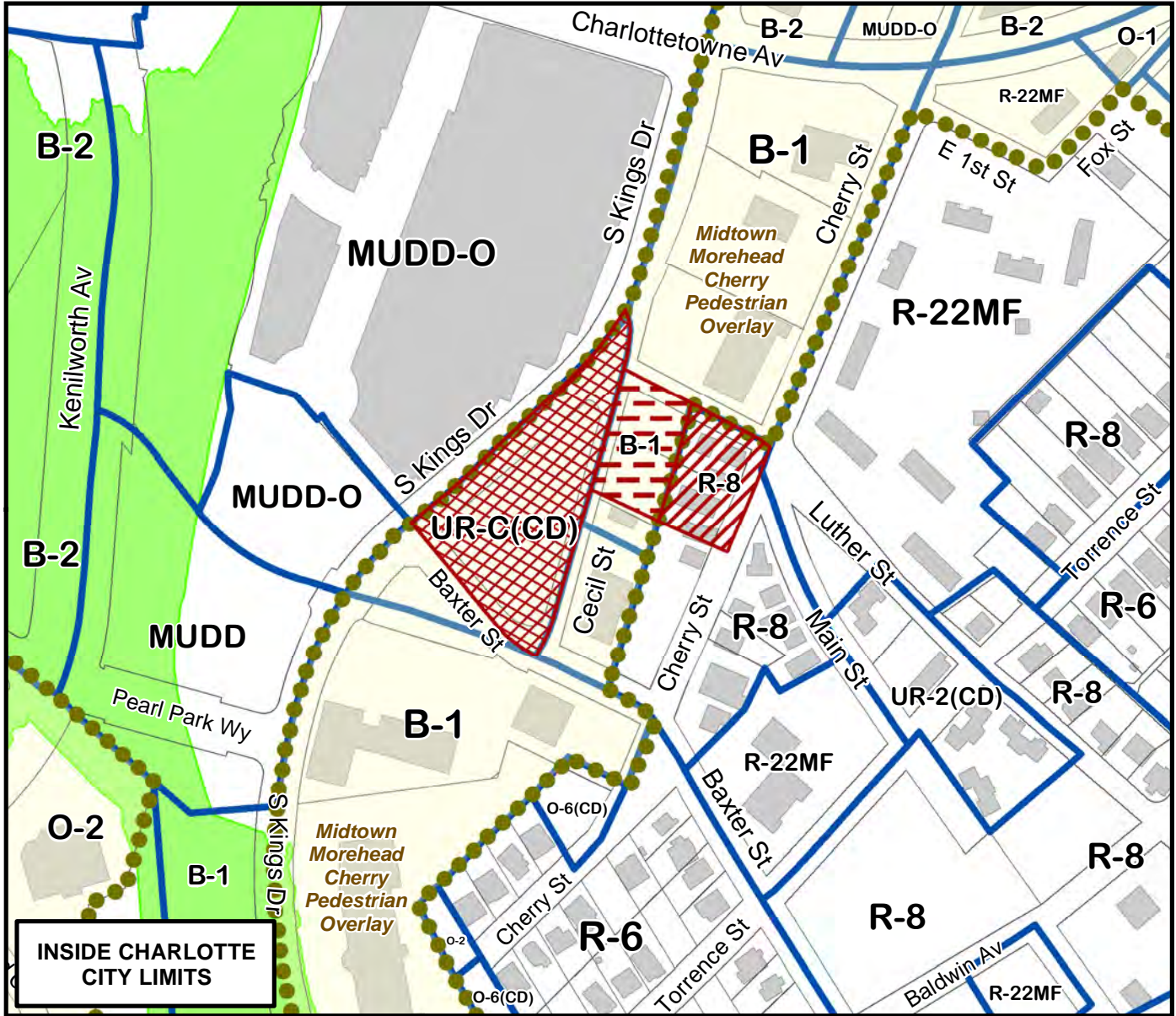
Zoning Classification (Existing): **R-8, UR-C(CD)(PED), & B-1(PED)**

(Single Family, Residential; Urban Residential, Commercial, Conditional, Pedestrian Overlay District; and Neighborhood Business, Pedestrian Overlay District)

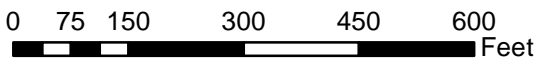
Zoning Classification (Requested): **MUDD-O & MUDD-O(PED)**

(Mixed Use Development District, Optional and Mixed Use Development District, Optional, Pedestrian Overlay District)

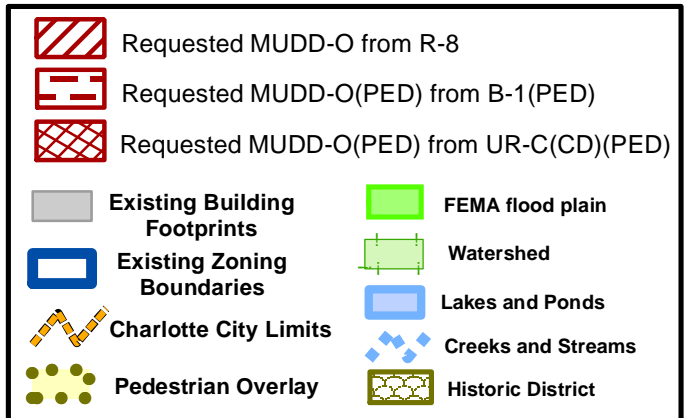
Acreage & Location: Approximately 1.70 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street.



Map Produced by the Charlotte-Mecklenburg Planning Department, 12-4-2014.



Zoning Map #(s)
102, 111





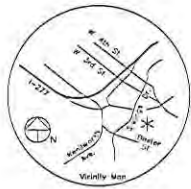
THIS SURVEY IS CONFIRMED ONLY TO GOODE PROPERTIES

That this compilation herein is based upon my best knowledge, information and belief, that this map was drawn under my supervision from data surveys made by me, that the boundary lines and physical improvements shown are based on prior surveys made by me and do not reflect a current boundary or physical survey.

The purpose of this map is to show spot elevations of top of curb along Cherry, Luther and Cecil Streets and South Kings Drive. Certified only on the curb elevations shown.

— PRELIMINARY —

Andrew G. Zoutewelle
Professional Land Surveyor
NC License No. L-3098

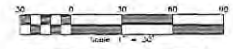


- General Notes for Stonehart, LLC Parcels (Midtown Area Partners, LLC parcel was not surveyed)
1. Source of title is recorded in Deed Book 20671, Page 794 (Parcel 1), and Deed Book 24076, Page 136 (Parcel 2). This property is composed of Tax ID No. 125-221-02 and part of Tax ID No. 125-221-01 (Parcel 1) & Tax ID No. 125-221-03 (Parcel 2).
 2. This survey was prepared without the benefit of a Title Commitment. There may be restrictions, easements, and other matters of title not shown hereon.
 3. No evidence of recent easements or building additions was observed.
 4. No proposed right of way changes contemplated by the City of Charlotte are shown.
 5. No evidence of property being used as a solid waste dump, junk or storage yard was observed.
 6. Easement is 10'-0" per Mecklenburg County O.S., said zoning district having the following standards: Minimum Setback, 20' (as measured from the back of curb) Minimum Coverage, 10' Minimum Height, 20' Maximum Building Height, 40'
 7. Any development of this property is subject to the approval of the City of Charlotte.
 8. There are 18 number of marked parking spaces, some of which are designated as handicapped-accessible.
 9. This survey does not reflect complete utility locations. Contractors should contact the NC One-Call Locating Center of 1-800-632-4949 before any design, digging or excavation is begun.
 10. Street address numbers are taken from Mecklenburg County O.S.
 11. Grid lines provided by survey are Mapping Grid, Charlotte, N.C. All distances shown hereon are horizontal ground distances. Combined Grid Factor = 0.0000418, Vertical datum is NAD83, horizontal datum is NAD83(POD=2002.0000).
 12. All curb elevations shown are w/ 10% of curb.

*** CAUTION ***
THERE MAY BE UTILITIES OTHER THAN THOSE SHOWN.
THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR UTILITIES
NOT SHOWN HEREON. IT IS THE CONTRACTOR'S
RESPONSIBILITY TO VERIFY THEIR LOCATIONS.

CALL BEFORE YOU DIG
1-800-632-4949

Copyright 2013
CURB ELEVATION SURVEY
Property at S. Kings Drive,
Cherry Street & Luther Street
CHARLOTTE, MECKLENBURG COUNTY, N.C.
for GOODE PROPERTIES
Date of Map April 05, 2013



A.G. ZOUTEWELLE
SURVEYORS
1414 East 27th St., Charlotte, NC 28204
Phone: 704-332-6844 Fax: 704-377-0039
Form License Number C-1794

SYMBOL LEGEND

chord
circle length & radius
square feet (by coordinates)
iron rebar found
Easement
coordinates
North American Datum '83
L.S.M. topographic benchmark
record map and deed
reference

chord
circle length & radius
square feet (by coordinates)
iron rebar found
Easement
coordinates
North American Datum '83
L.S.M. topographic benchmark
record map and deed
reference

overlaid
utility line



KINGS DRIVE MIXED USE PROJECT

SITE PLAN

16 OCTOBER 2014

GOODE PROPERTIES



RZ1.1

DEVELOPMENT STANDARDS
Approved October 17, 2014

GENERAL PROVISIONS

A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Midtown Area Partners II, LLC to accommodate the development of a mixed use development that could contain office, retail, hotel and residential uses on that approximately 1.04-acre site generally bounded by South Kings Drive, Lather Street, Cherry Street and Flacker Street, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site").

B. The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Subject to the optional provisions set out below, the regulations established under the Ordinance for the Mixed Use Development District ("M.U.D.D.") zoning district shall govern the development of the Site.

C. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback and yard requirements set forth on this Rezoning Plan and the development standards provided, however, that any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan.

D. ~~Notwithstanding to what is depicted on the Rezoning Plan, no lot or parcel shall be subdivided into smaller lots or parcels, or any other subdivision, that shall be subject to the provisions of the Ordinance. The parcels of land that comprise the Site may be recombined into one parcel at the option of the Petitioner, or further subdivided.~~

~~Future amendments to the Rezoning Plan and/or these Development Standards may be applied by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.~~

OPTIONAL PROVISIONS

Petitioner requests the approval of the following optional provisions:

A. The building to be located on that portion of the Site designated as "Development Area A" on the Rezoning Plan shall have a maximum height of 140 feet as provided below.

B. On-street parking along the Site's frontage on South Kings Drive shall not be required.

C. The minimum setback on South Kings Drive for the ground floor of the building to be located on Development Area A shall be 24 feet from the back of the existing curb. The minimum setback on South Kings Drive for all floors of such building above the ground floor shall be 16 feet from the back of the existing curb.

D. ~~The minimum setback on South Kings Drive for the structured parking facility to be located on Development Area II shall be 16 feet from the back of the existing curb.~~

E. ~~To allow the setback, planting strip and sidewalk located along the Site's frontage on Lather Street that is more particularly depicted on the Rezoning Plan.~~

F. ~~In the event that Cool Street is not abandoned to allow the setback and sidewalk without a planting strip located along the Site's frontage on Cool Street that is more particularly depicted on the Rezoning Plan.~~

PERMITTED USES

A. **Development Area A**

The building to be located on Development Area A may be devoted only to the uses set out below (including any combination of such uses, together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the M.U.D.D. zoning district):

- (1) Multi-family dwelling units;
- (2) Eating, drinking and entertainment establishments (Type 1 and Type 2), subject to the regulations of Section 12.546 of the Ordinance;
- (3) Hotel;
- (4) Art galleries;
- (5) Colleges, universities, commercial schools and schools providing adult training in any of the sciences, trades and professions;
- (6) Professional business and general offices;
- (7) Retail sales;
- (8) Services, including, without limitation, beauty shops and barbershops, spas and fitness centers;
- (9) Day offices; and

(10) Studios for artists, designers, photographers, musicians, sculptors, pymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.

F. **Development Area II**

That portion of the Site designated as "Development Area II" on the Rezoning Plan shall be devoted primarily to a structured parking facility and any incidental or accessory uses relating thereto as depicted on the Rezoning Plan.

Notwithstanding the foregoing, that portion of the ground or street level floor of the structured parking facility facing South Kings Drive that is more particularly depicted on the Rezoning Plan may be devoted to the uses set out below (including any combination of such uses), together with any incidental or accessory uses relating thereto that are permitted under the Ordinance in the M.U.D.D. zoning district:

- (1) Eating, drinking and entertainment establishments (Type 1 and Type 2), subject to the regulations of Section 12.546 of the Ordinance;
- (2) Retail sales;
- (3) Art galleries;
- (4) Professional business and general offices;
- (5) Services, including, without limitation, beauty shops and barbershops, spas and fitness centers; and
- (6) Studios for artists, designers, photographers, musicians, sculptors, pymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.

~~Notwithstanding to what is depicted on the Rezoning Plan, no lot or parcel shall be subdivided into smaller lots or parcels, or any other subdivision, that shall be subject to the provisions of the Ordinance. The parcels of land that comprise the Site may be recombined into one parcel at the option of the Petitioner, or further subdivided.~~

~~Future amendments to the Rezoning Plan and/or these Development Standards may be applied by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.~~

OPTIONAL PROVISIONS

Petitioner requests the approval of the following optional provisions:

A. The maximum gross floor area of the building to be located on Development Area A shall be 270,000 square feet, and the maximum height of this building shall be 140 feet.

B. The maximum gross floor area of the structured parking facility to be located on Development Area II shall be 172,450 square feet, and the maximum height of the structured parking facility shall be 75 feet. ~~The gross floor area of the multi-family attached dwelling units shall be 172,450 square feet, and the maximum height of the multi-family attached dwelling units shall be 75 feet. The gross floor area of the multi-family attached dwelling units shall be 172,450 square feet, and the maximum height of the multi-family attached dwelling units shall be 75 feet.~~

C. The maximum gross floor area of the commercial (non-residential) uses located on the ground or street level of the structured parking facility located on Development Area II facing South Kings Drive shall be 4,000 square feet.

D. ~~Multi-family attached dwelling units in single-family attached dwelling units are required to be constructed on Development Area III along its frontage on Cherry Street adjacent to the structured parking facility as generally depicted on the Rezoning Plan to provide a residential edge to this portion of the Site. The maximum number of single-family attached dwelling units to be constructed on Development Area C shall be 5.~~

TRANSPORTATION

A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access ~~points~~ are subject to any minor modifications requested by the Charlotte Department of Transportation.

B. Off-street vehicular parking shall meet the minimum requirements of the Ordinance.

C. Bicycle parking will be provided on the Site as required by the Ordinance.

D. Petitioner shall be submitting a Petition to the City of Charlotte requesting that Cool Street be abandoned by the City of Charlotte. In the event that this Petition is approved by City Council, Cool Street shall be converted to a private drive serving the adjacent parcels of land and the structured parking facility to be located on Development Area II.

E. ~~The easine for the location of the Site's frontage on South Kings Drive shall be returned to the City of Charlotte, and that with the approval of the City of Charlotte, the easine for the location of the Site's frontage on South Kings Drive shall be returned to the City of Charlotte.~~

F. ~~Direct vehicular access from Lather Street to Cool Street through the structured parking facility to be located on Development Area II shall be provided.~~

ARCHITECTURAL AND DESIGN STANDARDS

A. The maximum height of the building to be constructed on Development Area A shall be 140 feet.

B. The maximum height of the structured parking facility to be constructed on Development Area II shall be 75 feet.

C. ~~The maximum height of the multi-family attached dwelling units to be constructed on Development Area C shall be 75 feet along Cherry Street, and the maximum height of the multi-family attached dwelling units to be constructed on Development Area C shall be 75 feet from the back of the existing curb on Cherry Street.~~

D. Development of the Site shall comply with the applicable urban design standards of Section 9.456 of the Ordinance.

E. All non-structural mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

F. Dumpster and recycling areas will be enclosed on all four sides by an opaque wall or fence with one side being a hinged opaque gate. If one or more sides of a dumpster and recycling area adjoin a side wall or rear wall of the building, then the side wall or rear wall of the building may be substituted for the wall or fence along each such side. ~~Abutting public parking facilities may be located within or under any of the structures proposed to be constructed on Development Area A or Development Area II.~~

G. Attached to the Rezoning Plan are conceptual, schematic images of the various exterior components and elements of the buildings and the structured parking facility to be constructed on the Site that are intended to depict the general conceptual architectural style, character and quality of the buildings and the structured parking facility. Accordingly, the buildings and structured parking facility to be constructed on the Site shall be designed and constructed so that the exterior components and elements of the buildings and the structured parking facility are substantially similar in appearance to the attached conceptual, schematic images with respect to architectural style, character and quality. Notwithstanding the foregoing, changes and alterations to the exterior components and elements of the buildings and the structured parking facility which do not materially change the overall conceptual architectural style, character and quality shall be permitted.

SETBACK AND YARD/DRYAREA/PAVE

A. Subject to the optional provisions set out above, the development of the Site shall comply with the setback, side yard and rear yard requirements of the M.U.D.D. zoning district.

B. Subject to the optional provisions set out above, Petitioner shall install planting strips and sidewalks along the Site's public street frontages as generally depicted on the Rezoning Plan.

ENVIRONMENTAL FEATURES

A. Development of the Site shall be in compliance with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

B. The location, size, and type of storm water management systems 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.

C. Development of the Site shall comply with the City of Charlotte Tree Ordinance.

SIGNS

All signs installed on the Site shall comply with the requirements of the Ordinance.

LIGHTING

A. All freestanding lighting fixtures installed on the Site (including street lights and lower, decorative lighting that may be installed along the driveways, sidewalks and parking area) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site. ~~The maximum height of any freestanding lighting fixtures installed on the Site shall be 20 feet. The maximum height of the top level shall be 30 feet.~~

B. Any lighting fixtures attached to the structures to be constructed on the Site shall be decorative, capped and downwardly directed.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

A. If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan shall, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and his successors and subsequent owners of the Site and their respective successors in interest and assigns.

B. Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

C. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.



- BELT COURSES AND MOLDING ARTICULATE EACH LEVEL OF BUILDING HEIGHT.
- FURTHER DIFFERENTIATION OF STRING COURSE HEIGHT-DEPTH AND COLUMN WIDTH-DEPTH ARTICULATE UPPER STORIES AS DISCRETE PARTS OF BUILDING FORM.
- 15 STORY BUILDING BASE SCALED TO PEDESTRIAN STREET ACTIVITY.
- PEDESTRIAN AWLARD (10' DEEP) CREATES PEDESTRIAN SPACE THAT EXCEEDS MINIMUM SETBACK REQUIREMENTS AND ORDINANCE RECOMMENDATIONS.
- ARCHITECTURAL CANOPY ACCENTS DEDICATED PEDESTRIAN SPACE.

GOODE PROPERTIES

DESIGN INTENTIONS



GOODE PROPERTIES

MIDTOWN CENTER
VIEW OF STREET-GRADE PEDESTRIAN &
RETAIL COLONNADE



STREET-LEVEL RETAIL

PEDESTRIAN CONNECTION TO CECIL STREET

PEDESTRIAN RETAIL COLONNADE

GOODE PROPERTIES

MIDTOWN CENTER
KINGS DRIVE ELEVATION



GOODE PROPERTIES

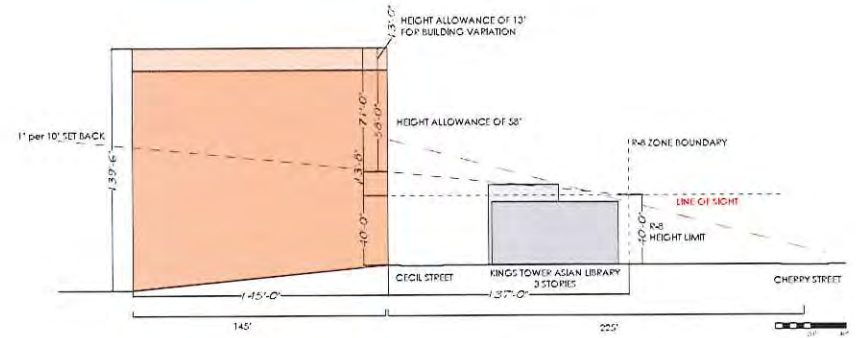
MIDTOWN CENTER
ELEVATION GUIDE





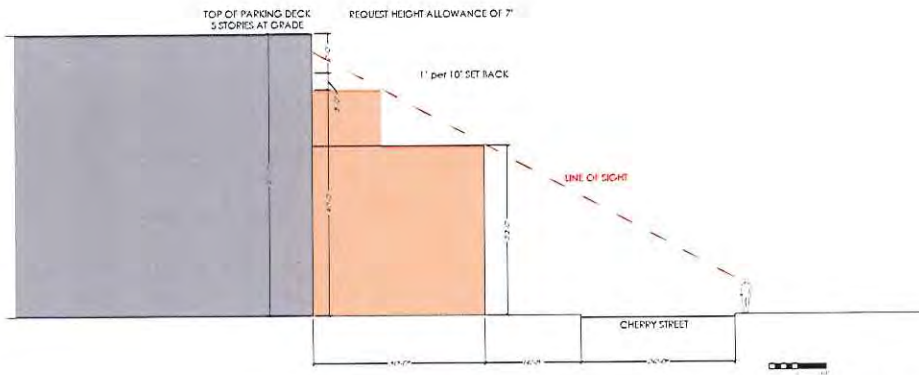
GOODE PROPERTIES

MIDTOWN CENTER
VIEW OF OFFICE AND PARKING DECK
AT CECIL STREET



GOODE PROPERTIES

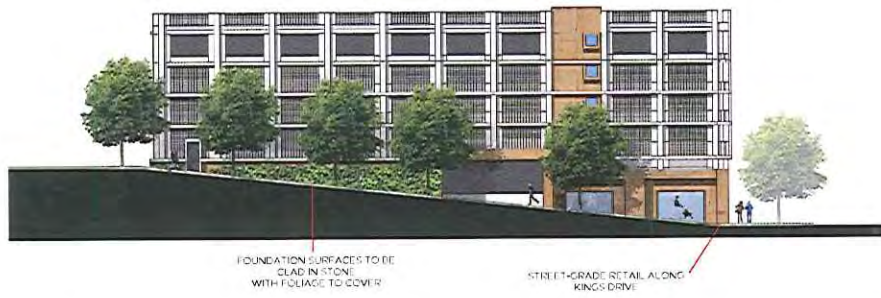
MIDTOWN CENTER
SIGHTLINE DIAGRAM AT CECIL AND BAXTER STREET



GOODE PROPERTIES
 MIDTOWN CENTER TOWNHOMES
 SIGHT LINE DIAGRAM FROM CHERRY STREET

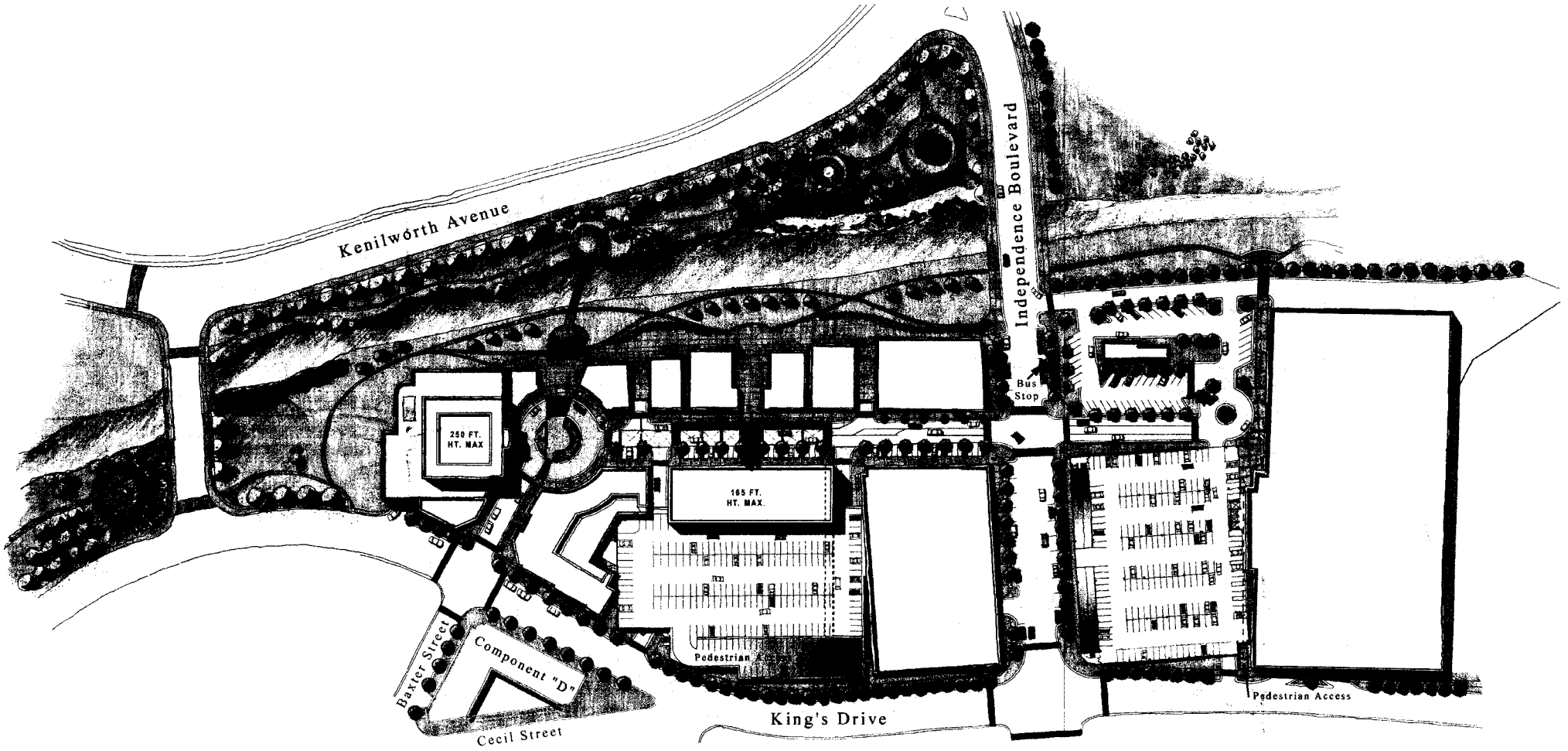


GOODE PROPERTIES
 MIDTOWN CENTER TOWNHOMES
 VIEW OF TOWNHOMES ALONG CHERRY STREET



GOODE PROPERTIES
 MIDTOWN CENTER PARKING DECK
 VIEW ALONG LUTHER STREET

Previously
Approved
Site
Plan



APPROVED BY CITY COUNCIL
 DATE 5/16/05
 2005-000

CONCEPTUAL SCHEMATIC SITE PLAN
 IN ACCORDANCE WITH THE DEVELOPMENT STANDARDS, THIS SCHEMATIC SITE PLAN THAT ACCOMPANIES THE TECHNICAL DATA SHEET IS SCHEMATIC IN NATURE AND THE EXACT ALIGNMENT OF STREETS, ACCESS POINTS, THE CONFIGURATION AND PLACEMENTS OF PARKING AND SERVICE AREAS AND THE PRECISE LOCATION, HEIGHTS AND MASSES OF THE BUILDINGS AND PARKING AREAS, SERVICE AREAS AND OTHER INDIVIDUAL SITE ELEMENTS MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ORDINANCE DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES OF THE PROJECT.



COLLETT'S
 ASSOCIATES

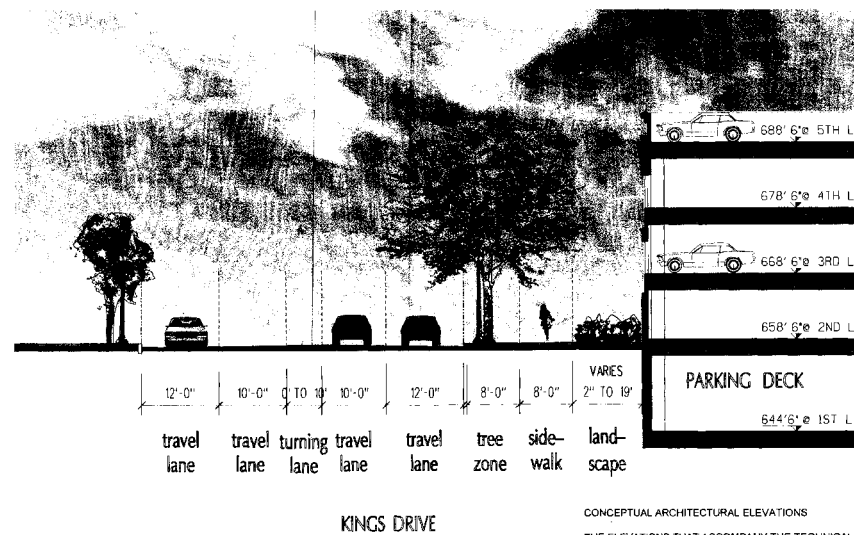
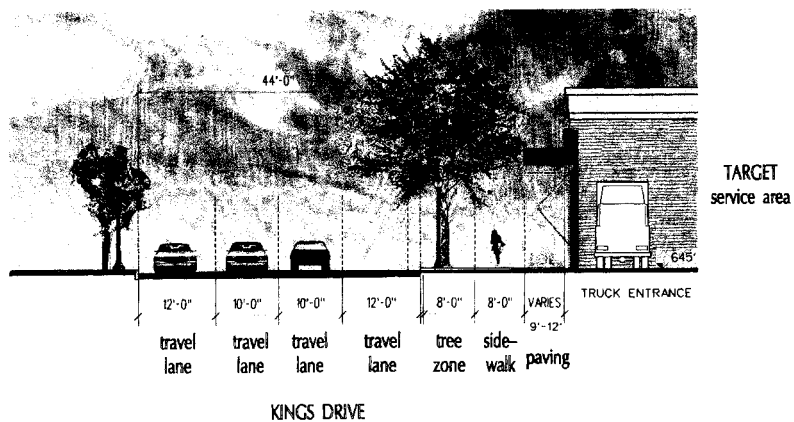
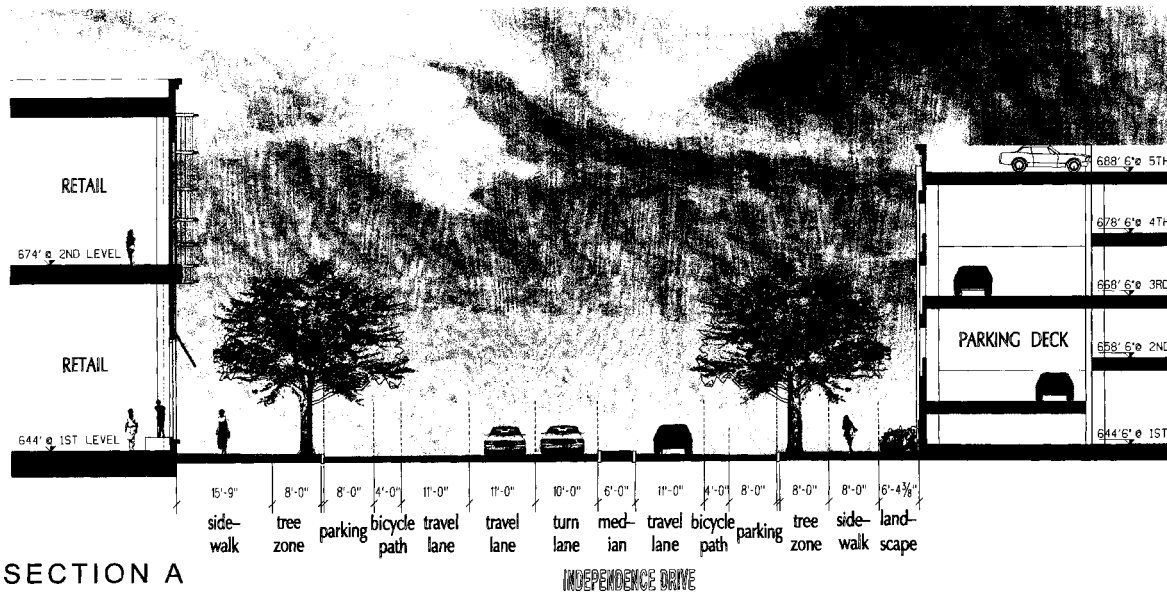
MIDTOWN MIXED USE

Charlotte, North Carolina

April 18, 2005



COOPER CARRY



CONCEPTUAL ARCHITECTURAL ELEVATIONS

THE ELEVATIONS THAT ACCOMPANY THE TECHNICAL DATA SHEET ARE CONCEPTUAL IN NATURE AND ARE PRELIMINARY GRAPHIC REPRESENTATIONS OF THE TYPES OF ARCHITECTURAL DESIGNS AND QUALITY OF DEVELOPMENT PROPOSED FOR PORTIONS OF THE SITE. IT BEING UNDERSTOOD THAT MODIFICATIONS MAY BE MADE DURING THE DESIGN/DEVELOPMENT AND CONSTRUCTION OF THE PROJECT.



COLLETTI & ASSOCIATES

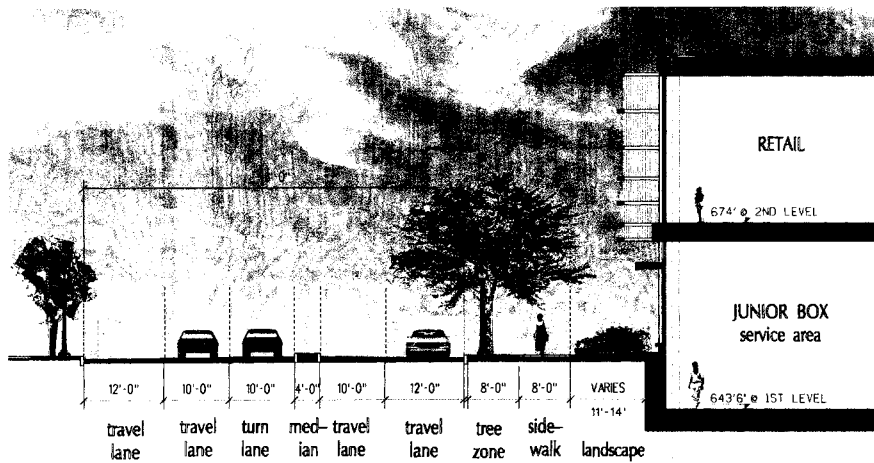
MIDTOWN MIXED USE

Charlotte, North Carolina

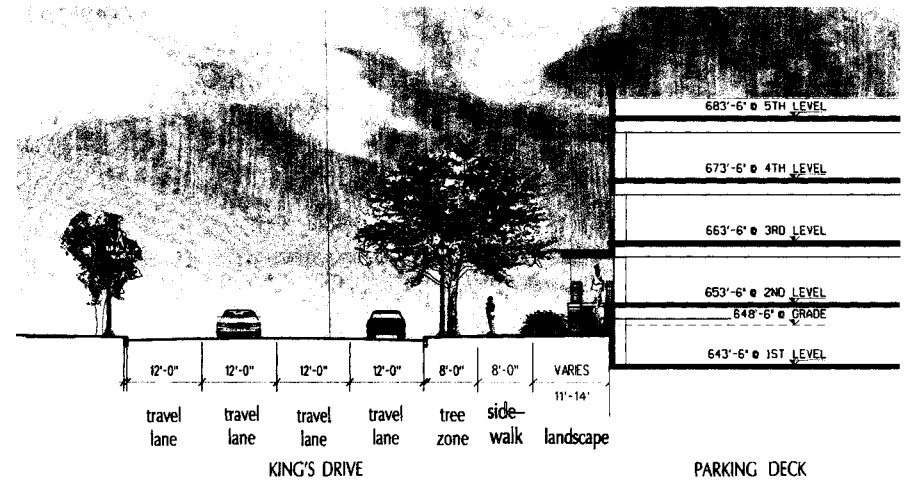
18 April 2005

COOPER CARRY

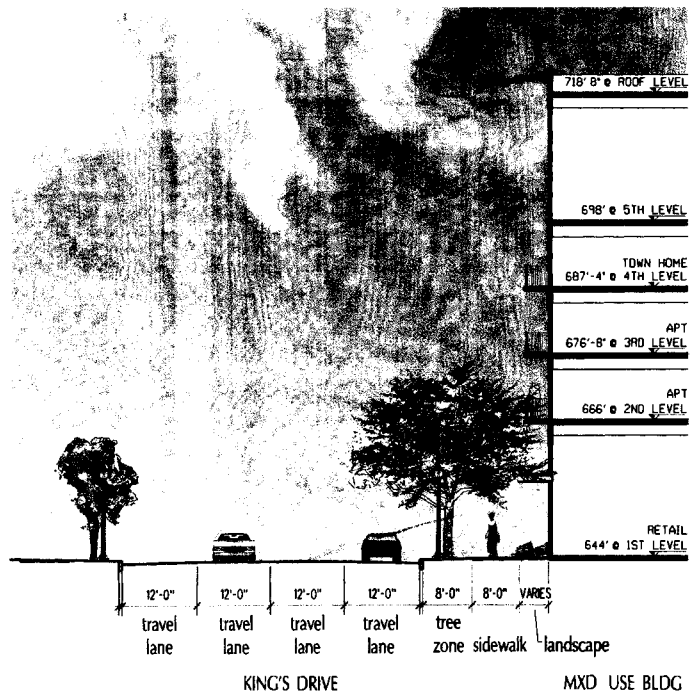




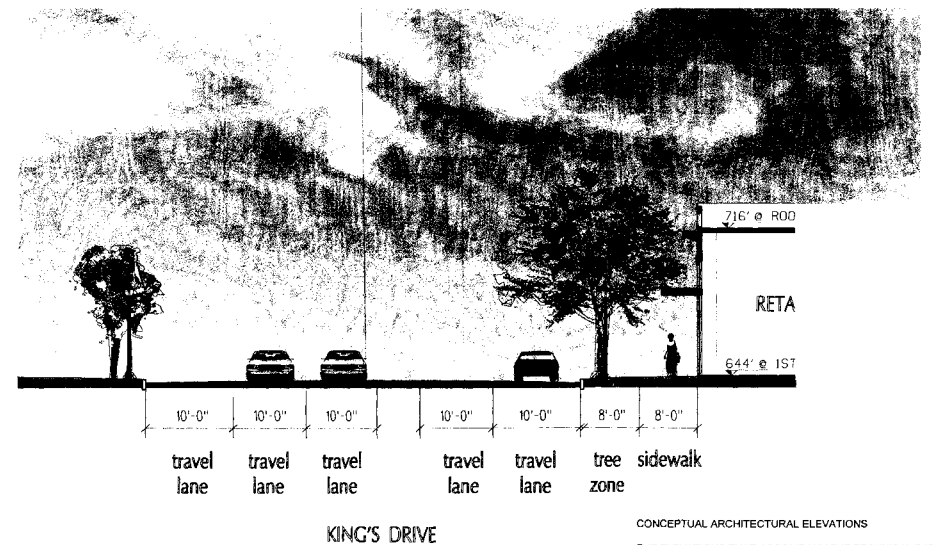
KING'S DRIVE
SECTION D



SECTION E
(STREET WIDTH TO BE DETERMINED)



SECTION F
(STREET WIDTH TO BE DETERMINED)



SECTION G
(STREET WIDTH TO BE DETERMINED)

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COLLETTE & ASSOCIATES

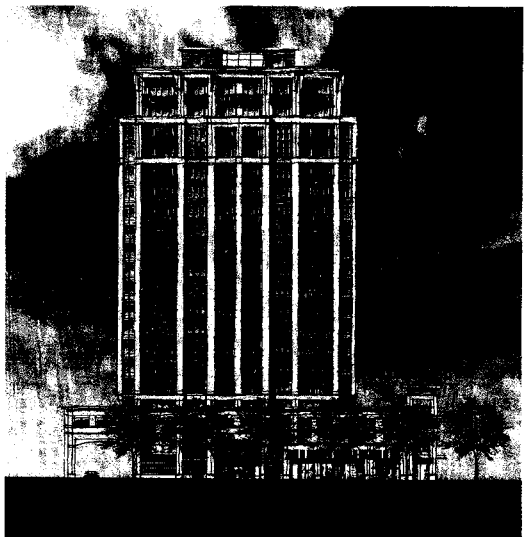
MIDTOWN MIXED USE

Charlotte, North Carolina

18 April 2005

COOPER CARRY





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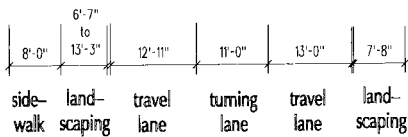


COLLETT &
ASSOCIATES

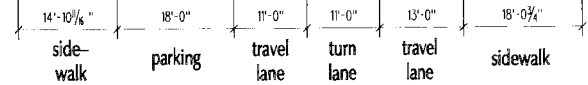
MIDTOWN MIXED USE
Charlotte, North Carolina
18 April 2005



COOPER CARRY
ARCHITECTS



MAIN STREET
SECTION



MAIN STREET
SECTION

CONCEPTUAL ARCHITECTURAL ELEVATIONS

THE ELEVATIONS THAT ACCOMPANY THE TECHNICAL DATA SHEET ARE CONCEPTUAL IN NATURE AND ARE PRELIMINARY GRAPHIC REPRESENTATIONS OF THE TYPES OF ARCHITECTURAL DESIGNS AND QUALITY OF DEVELOPMENT PROPOSED FOR PORTIONS OF THE SITE, IT BEING UNDERSTOOD THAT MODIFICATIONS MAY BE MADE DURING THE DESIGN/DEVELOPMENT AND CONSTRUCTION OF THE PROJECT.

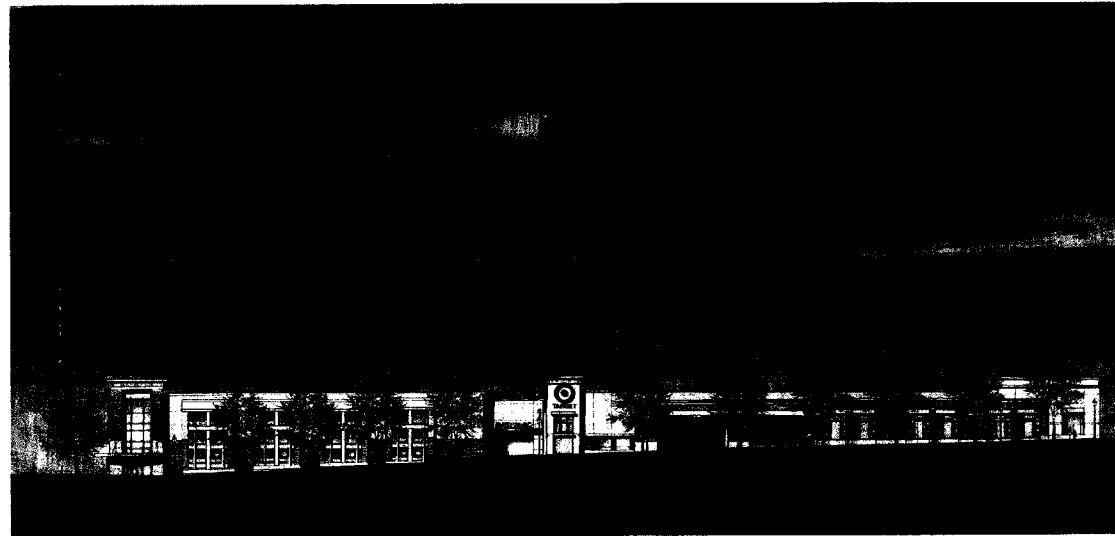


COLLETTA & ASSOCIATES

MIDTOWN MIXED USE
Charlotte, North Carolina
18 April 2005



COOPER CARRY



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COLLETT'S
ASSOCIATES

MIDTOWN MIXED USE

Charlotte, North Carolina

18 April 2005

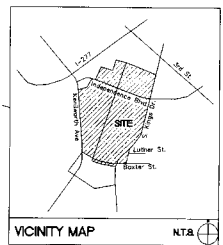
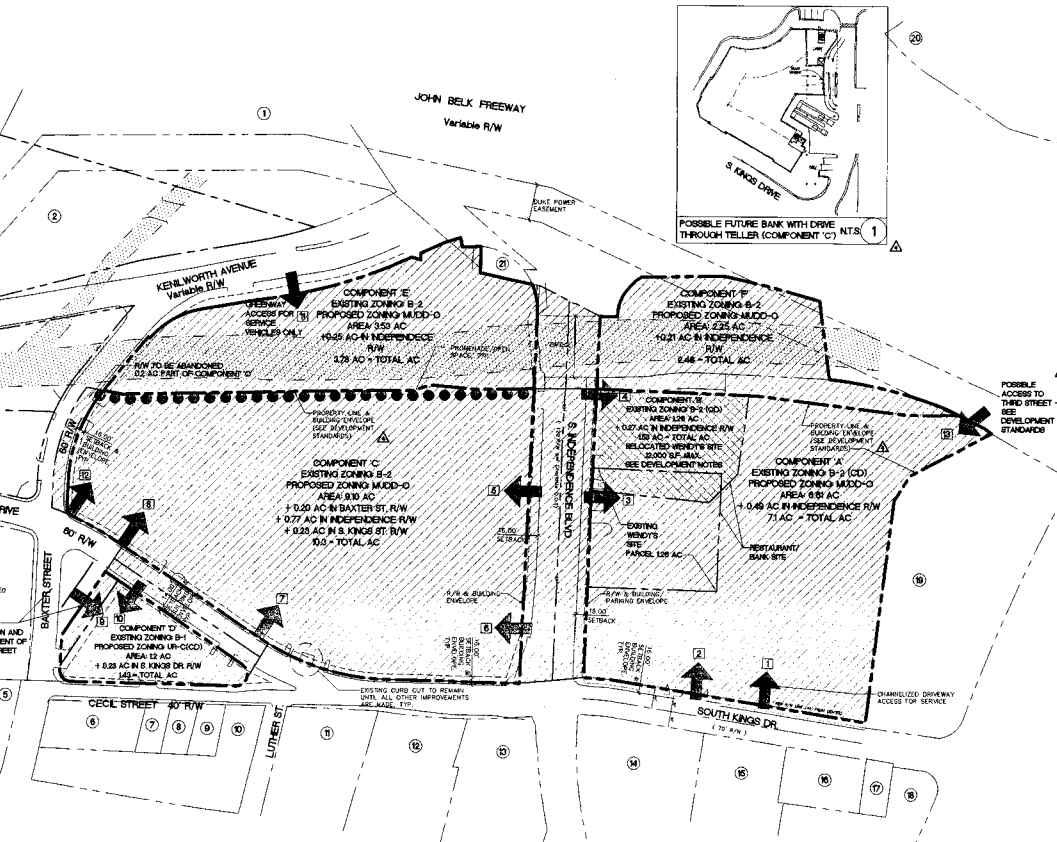


COOPER CARRY

201103

ADJACENT PROPERTY OWNERS

- 1. MEADOWS COUNTY 400 EAST FOURTH STREET CHARLOTTE, NC 28204 PARCEL ID: #12520148
2. A. ORIGINAL, DOUGLAS OF NC. 8 THE SQUARE EAST DEVELOPMENT 701 BOY COLUMBIA RD 21044 PARCEL ID: #12520143
3. MEADOWS COUNTY 400 EAST FOURTH STREET CHARLOTTE, NC 28204 PARCEL ID: #12520148
4. ACCORDION INVESTMENTS, LLC 1402 S.W. 52ND AVENUE, SUITE 200 CHARLOTTE, NC 28217 PARCEL ID: #12520143
5. WYTON-SALAM, INC. 3700 S. W. 11TH AVENUE, SUITE 200 CHARLOTTE, NC 28217 PARCEL ID: #12520143
6. WADSWORTH PROPERTIES 222 JAMES LANE #100 CHARLOTTE, NC 28204 PARCEL ID: #12520143
7. THE ASIAN (ORHANA) HERALD, INC. 1324 BAYVIEW ST., STE. 200 CHARLOTTE, NC 28204-2967 PARCEL ID: #12520143
8. THE ASIAN (ORHANA) HERALD, INC. 1324 BAYVIEW ST., STE. 200 CHARLOTTE, NC 28204-2967 PARCEL ID: #12520143
9. THE ASIAN (ORHANA) HERALD, INC. 1324 BAYVIEW ST., STE. 200 CHARLOTTE, NC 28204-2967 PARCEL ID: #12520143
10. CHERRY COMMUNITY ORGANIZATION 610 BAYVIEW LANE CHARLOTTE, NC 28204 PARCEL ID: #12520143
11. RAY-JAC, INC. 221 SOUTH WINDY LN CHARLOTTE, NC 28204 PARCEL ID: #12520143
12. BRETZ & BRETZ, INC. 753 BRAD STREET #101 AUSTIN, TX 78701 PARCEL ID: #12520143
13. APC OF PROPERTIES, INC. 1441 GARDNER LANE DUNDALK, MD 21222 PARCEL ID: #12520143
14. WELLS PROPERTY NUMBER ONE, LLC 3141 WINDY LANE CHARLOTTE, NC 28204 PARCEL ID: #12520143
15. THE WILKINS FAMILY LIMITED PARTNERSHIP 200 S. CROSS ROAD #1 CHARLOTTE, NC 28204 PARCEL ID: #12520143
16. B. GIGE S. MATTHEW 814 JARVIS ST CHARLOTTE, NC 28204 PARCEL ID: #12520143
17. A. NIRMAL EKKA EARLE(B/W) B. ANN CARSON 7522 HOLLY GROVE CT CHARLOTTE, NC 28227 PARCEL ID: #12520143
18. MATTHEW MICHAEL J. 301 SOUTH WINDY LN CHARLOTTE, NC 28204 PARCEL ID: #12520143
19. STATE EMPLOYEES CREDIT UNION 210 BOY COLUMBIA CHARLOTTE, NC 28203 PARCEL ID: #12520143
20. SEVEN SEVENTEEN 180 CHARLOTTE COURT 130 CLINE STREET NW ST. LOUIS, MO 63141 PARCEL ID: #12520143



SITE SUMMARY: EXISTING ZONING B-1 (AND B-2(CD)) PROPOSED ZONING MDD-O (AND UP-CCD) PARCEL AREA TOTALS APPROX. AREA NET DEVELOPMENT (APPROX.) APPROX. AREA INCLUDING R/W APPROX. AREA INCLUDING R/W

- MAXIMUM BUILDING SF: SEE DEVELOPMENT STANDARDS FOR LIST OF PERMITTED USES, ALLOCATIONS, COMMISSION RIGHTS AND ADDITIONAL INFORMATION
COMPONENT 'A' UP TO 300,000 SF OF COMMERCIAL USES (RETAIL RESTAURANT/BANK/OFFICE) ASSOCIATED SURFACE AND STRUCTURAL PARKING
COMPONENT 'B' UP TO 12,000 SF (RETAIL RESTAURANT/BANK/OFFICE) ASSOCIATED SURFACE AND STRUCTURAL PARKING
COMPONENT 'C' UP TO 40,000 SF OF COMMERCIAL USES (RETAIL RESTAURANT/OFFICE) UP TO 206 RESIDENTIAL UNITS ASSOCIATED SURFACE AND STRUCTURAL PARKING
COMPONENT 'D' UP TO 12,000 SF OF COMMERCIAL USES (RETAIL RESTAURANT) ASSOCIATED SURFACE AND STRUCTURAL PARKING
COMPONENT 'E AND F' (SEE DEVELOPMENT STANDARDS)



PETITIONERS: PAPPAS PROPERTIES DEVELOPMENT, LLC 4025 CONGRESS STREET, SUITE 405 CHARLOTTE, NC 28209

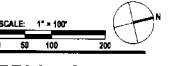
MIDTOWN MIXED-USE VILLAGE

TECHNICAL DATA SHEET

FOR PUBLIC HEARING - PETITION NUMBER 2005-060 Project No. 3214 Issued 02/26/05

- Revised: 02/27/05 REVISIONS TO INCLUDE COUNTY PARCEL AND HIGHWAY CORRECTIONS FROM CIVIL 02/17/05
02/17/05 REVISIONS TO NOTES
02/17/05 REVISIONS TO NOTES PER CIVIL
02/26/05 TO CORRECT PLAN NUMBER TO SECTION 14(B)

CHANGES TO THE LEFT OF THE DEVELOPMENT STANDARDS DESIGNATED BY A SHADOW TO INDICATE CHANGES TO THE PLAN. CHANGES TO THE RIGHT OF THE PLAN ARE CHANGES TO THE PLAN.



RZ1.0 of 2

The Petitioner has prepared and filed this application for a zoning change in accordance with the provisions of the Zoning Ordinance of the City of Charlotte, North Carolina. The Petitioner has prepared and filed this application for a zoning change in accordance with the provisions of the Zoning Ordinance of the City of Charlotte, North Carolina.

1. GENERAL PROVISIONS: This zoning ordinance is established by the Board of City Commissioners and is subject to the provisions of the Zoning Ordinance of the City of Charlotte, North Carolina. The Board of City Commissioners has the authority to amend, repeal, or modify this ordinance.

2. PURPOSE AND SCOPE: The purpose of this ordinance is to provide for the development and use of the subject property in accordance with the provisions of the Zoning Ordinance of the City of Charlotte, North Carolina. This ordinance applies to the subject property and any other property that may be affected by the proposed zoning change.

3. FINDINGS AND CONCLUSIONS: The Board of City Commissioners has found that the proposed zoning change is in the public interest and that it is necessary to amend the Zoning Ordinance of the City of Charlotte, North Carolina to allow for the proposed zoning change.

4. REGULATIONS AND STANDARDS: The proposed zoning change is subject to the following regulations and standards: (a) Maximum building height: 100 feet. (b) Maximum building area: 100,000 square feet. (c) Maximum lot coverage: 50%.

5. CONDITIONS OF APPROVAL: The Board of City Commissioners has approved the proposed zoning change on the following conditions: (a) The Petitioner must submit a site plan showing the proposed development. (b) The Petitioner must submit a traffic study showing the impact of the proposed development on the surrounding area.

6. EFFECTIVE DATE: This ordinance shall become effective on the date of its adoption by the Board of City Commissioners.

REQUEST	Current Zoning: INST(CD) (institutional, conditional) Proposed Zoning: INST(CD) SPA (institutional, conditional, site plan amendment)
LOCATION	Approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to add medical office and research center as an allowed use as part of an existing adult day care facility.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is inconsistent with the <i>South District Plan</i> , but the proposed addition of the medical office/research use will have minimal impact on the surrounding area. Both the existing and proposed uses are institutional in nature and complement each other and the proposed use is an extension of the existing adult day care. No exterior changes to the existing structure are proposed with this request.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Mohammad R. Bolouri Mohammad R. Bolouri N/A
COMMUNITY MEETING	Meeting is required but has not been held. Number of people attending the Community Meeting: 2

PLANNING STAFF REVIEW

- **Background**
 - Rezoning petition 2009-050 rezoned the subject property from R-3 (single family residential) to INST (CD) (institutional, conditional), in order to allow the establishment of an adult care center with approximately 80 clients and related personnel. The approved rezoning allowed up to 7,500 square feet of building area on the site, with the first floor building footprint not to exceed 5,000 square feet, and up to 2,500 square feet permitted on the second floor.
- **Proposed Request Details**

The site plan amendment contains the following changes:

 - Adds medical office and research center as a permitted use.
 - Adds language that states that all conditions from the 2009-050 rezoning plan will be met, and that the only requested change is to allow a medical office/research use.
- **Existing Zoning and Land Use**
 - The existing 5,015-square foot adult day care center was constructed on the subject property in 2013, and is primarily surrounded by property zoned R-3 (single family residential) and developed with single family residential neighborhoods and institutional uses. McAlpine Creek Greenway is located to the northeast and southwest.
- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends institutional, as amended by rezoning petition 2009-050. Prior to this rezoning, the Plan recommended single family residential and greenway on the subject site.
 - The 2009 rezoning was not consistent with the Plan. However, the request was approved because the proposed adult day care facility was an institutional use generally considered supportive and compatible with a single family neighborhood. The proposed addition of the medical office/research use may have negligible impact compared to the existing use. Both uses are institutional in nature and complement each other, and the proposed use is an extension of the existing adult day care. No exterior changes to the existing structure are proposed with this request.

- The petition is inconsistent with the *South District Plan*, but the proposed medical office/research use is an extension of the existing adult day care facility and the two uses complement each other.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 240 trips per day.
Proposed Zoning: 260 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** Please add the following note under section 9. **Storm Water:** "The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
 1. Note on site plan the acreage of the parcel.
 2. Note the proposed zoning on the site plan: INST (CD) SPA.
 3. Amend Survey Note 8 to indicate that the required minimum lot size in the institutional district is 15,000 square feet. This was accurately reflected on the approved site plan.
 4. The parking tabulation provided on the site plan needs to be adjusted. Medical offices require one space per 300 square feet, and adult care centers require one space per employee plus one space per six adults.
 5. Specify the maximum square footage devoted to the adult day care center and the maximum square footage proposed for office/research. Given the existing facility has 26 parking spaces (including one handicap space), and constraints on the site, the petitioner should consider ensuring the square footages do not warrant the creation of additional parking spaces.
 6. Specify a minimum square footage devoted to the adult day care use, to ensure that this site is not used solely for medical office/research.
 7. Address Storm Water Services as provided under the Department Comments section of this staff analysis.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map

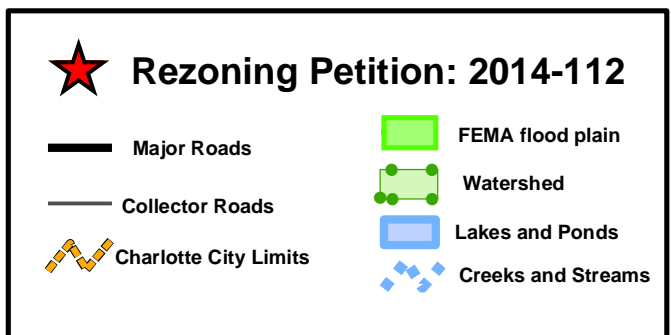
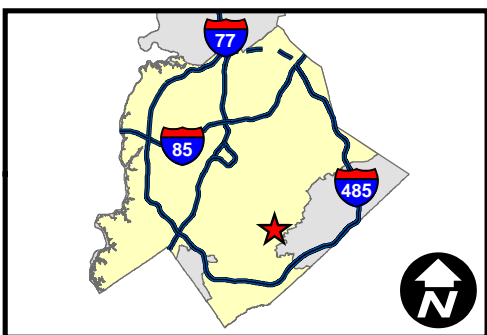
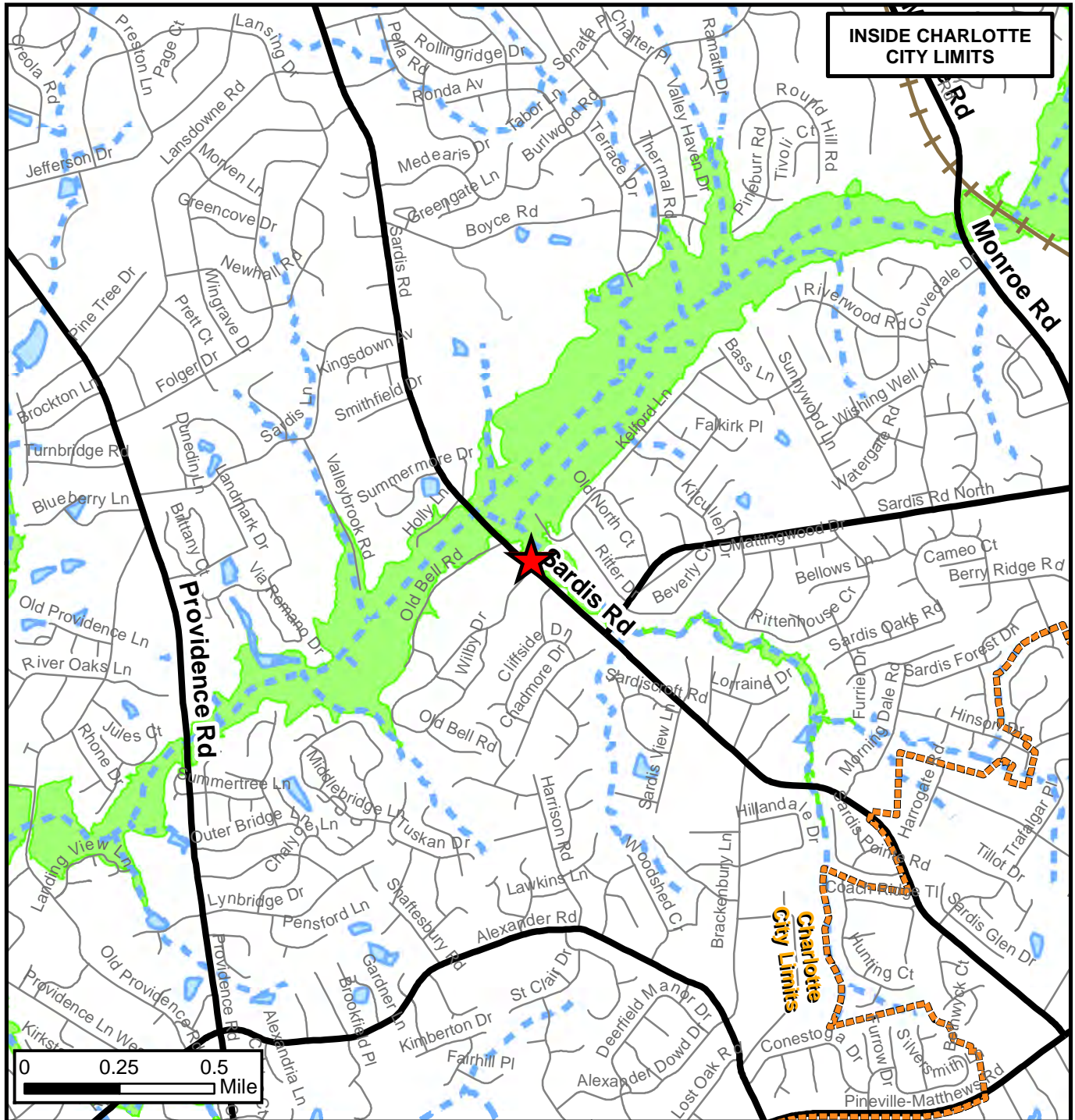
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg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

Planner: Claire Lyte-Graham (704) 336-3782

Petition #: **2014-112**

Vicinity Map

Acres & Location : Approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive.



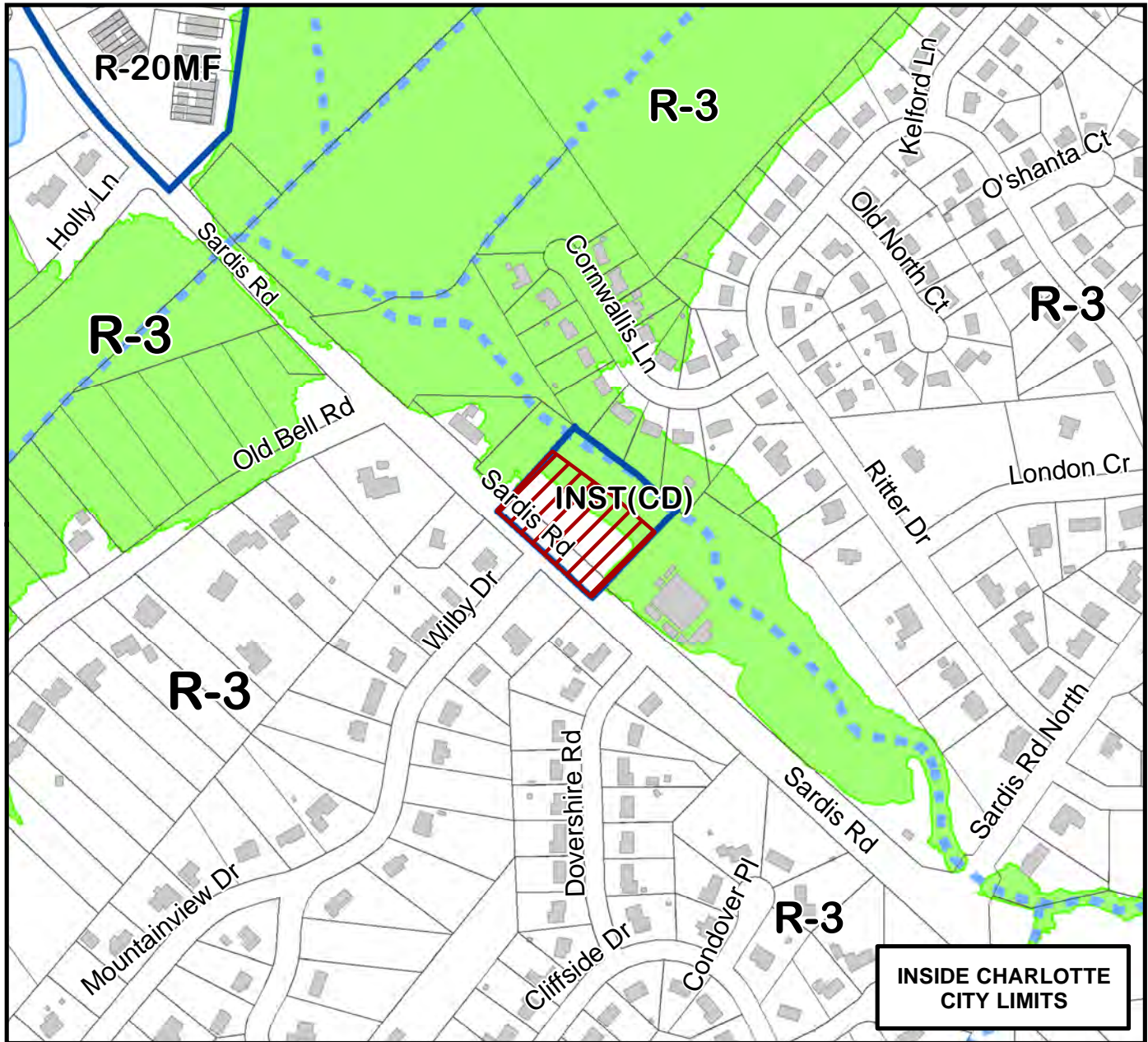
Petition #: **2014-112**

Petitioner: **Mohammad R. Bolouri**

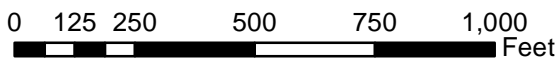
Zoning Classification (Existing): **INST(CD)**
(Institutional, Conditional)

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

Acreage & Location: Approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive.

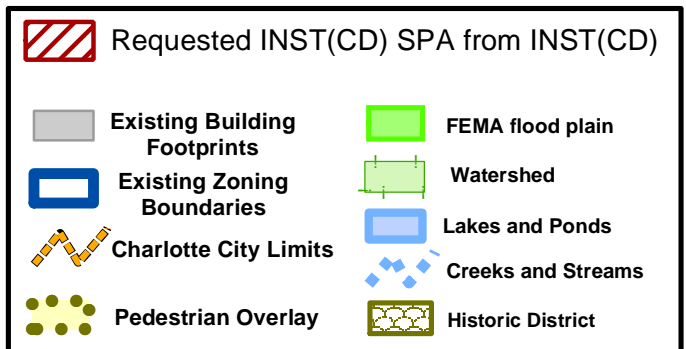


Map Produced by the Charlotte-Mecklenburg Planning Department, 9-26-2014.



Zoning Map #(s)

145



THE PURPOSE OF THE DRYLAND ACCESS IS TO PROVIDE FOR THE ABILITY TO ACCESS A HABITABLE BUILDING DURING A FLOOD CONDITION. THE ORDINANCE REQUIRES THAT A SITE PROVIDES A DRYLAND ACCESS POINT AT THE HIGHEST POINT ON THE PROPERTY WHEN THE FLOOD CONDITIONS PREVENT THE DRIVEWAY FROM BEING USED.

DRY LAND ACCESS:
Location:
 1. Front right corner of site. Drive has access to exit door of building.
 2. Front Right Corner is at the highest elevation of property frontage.
Elevation:
 Community Base Flood Elevation = 575.3
 Elevation of street at Highest Point = 574.0
Properties
 1. Drive can utilize an existing curb cut in Sardis Road
 2. Drive is to be constructed of Gravel.
 3. A minimum of 12' wide.

PARKING SPACE TABLE
 Zoning: Institutional

5,000sf	1 spc per 300sf	5,000/300	= 18 spcs
5 employees	1 spc per employee		= 5 spcs.
Total Spaces required:			= 23 spcs
PERMITTED USE SPACES PROVIDED:			= 24 spcs
Included (Van) Handicap Spaces:			= 1
Included (Car) Handicap Spaces:			= 1

NOTE:
 ALL CONDITIONS FROM THE 2009-050 PLAN WILL BE MET, AND THAT THE ONLY REQUESTED CHANGE IS TO ALLOW A MEDICAL OFFICE/RESEARCH USE.

Building Description
 Size: 5,000 sf. to 7,500 sf.

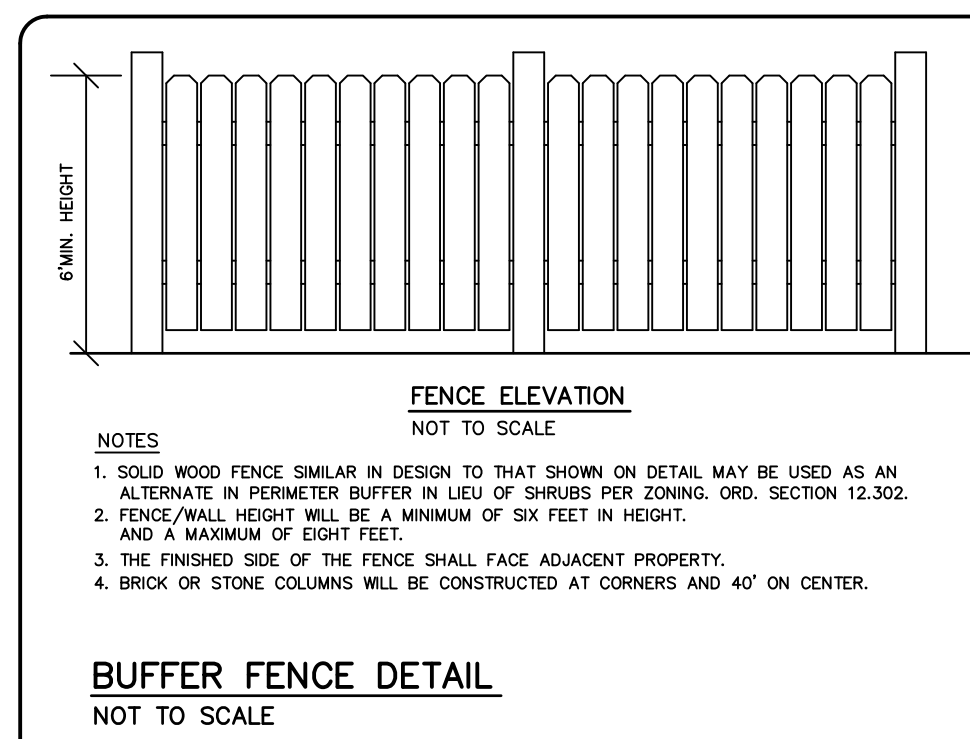
Building Material:
 Exterior Wall Finish: Brick
 Window Style: Residential Style; Aluminum @ Entry
 Roof Configuration: Wood Trusses @ 5:12 min.
 End Conditions using gables or hips
 Composition, residential style
 Painted Hardiplank, synthetic Stucco, or painted wood.

Roof Material:
 Trim Options: Special shapes brick or synthetic EIFS

Exterior Wall Accents: Special shapes brick or synthetic EIFS

THE FOLLOWING EXPLAINS HOW THE PETITION ADDRESSES THE ENVIRONMENTALLY SENSITIVE SITE DESIGN GUIDANCE IN THE GENERAL DEVELOPMENT POLICIES:

- PROTECTS/RESTORES ENVIRONMENTALLY SENSITIVE AREAS AND MINIMIZES IMPACTS IN THE NATURAL ENVIRONMENT BY DEDICATING PROPERTY TO MECKLENBURG COUNTY PARK AND RECREATION DEPARTMENT FOR GREENWAY PURPOSES.
- MINIMIZES IMPACTS TO THE NATURAL ENVIRONMENT BY INCORPORATING A PROPOSED RAIN GARDEN INTO THE SITE DESIGN.
- FACILITATES THE USE OF ALTERNATIVE MODES OF TRANSPORTATION BY PROVIDING A GREENWAY CONNECTION (See note this sheet).



NOTES

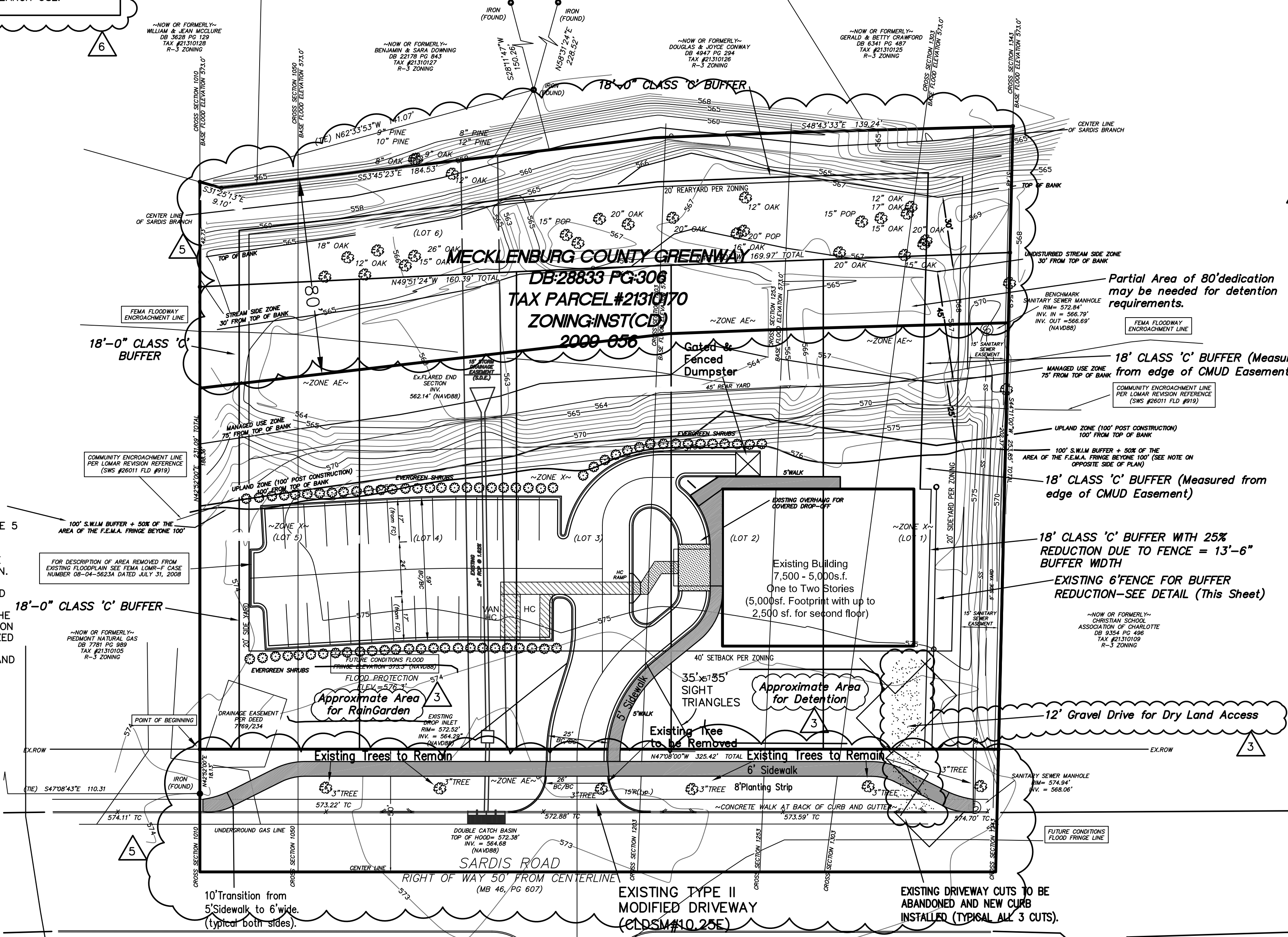
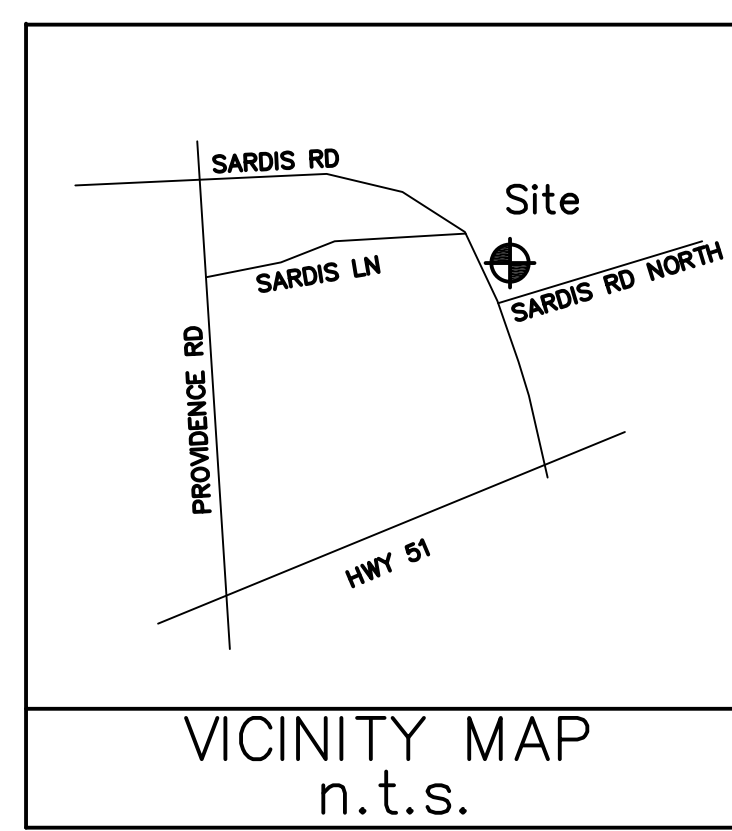
- SOLID WOOD FENCE SIMILAR IN DESIGN TO THAT SHOWN ON DETAIL MAY BE USED AS AN ALTERNATE IN PERIMETER BUFFER IN LIEU OF SHRUBS PER ZONING ORD. SECTION 12.302.
- FENCE/WALL HEIGHT WILL BE A MINIMUM OF SIX FEET IN HEIGHT AND A MAXIMUM OF EIGHT FEET.
- THE FINISHED SIDE OF THE FENCE SHALL FACE ADJACENT PROPERTY.
- BRICK OR STONE COLUMNS WILL BE CONSTRUCTED AT CORNERS AND 40' ON CENTER.

BUFFER FENCE DETAIL
 NOT TO SCALE

DESCRIPTION OF TRACT TO BE REZONED

BEGINNING AT A SOUTH WEST CORNER OF LOT 5 AS SHOWN ON MAP BOOK 46, PAGE 607 THENCE FROM THE POINT OF BEGINNING WITH A BEARING N42°52'00"E AND A DISTANCE OF 231.09' TO A POINT; THENCE WITH A BEARING S31°25'13"E AND A DISTANCE OF 9.10' TO A POINT; THENCE WITH A BEARING S53°45'23"E AND A DISTANCE OF 184.53' TO A POINT; THENCE WITH A BEARING S48°43'33"E AND A DISTANCE OF 139.24' TO A POINT; THENCE WITH A BEARING S44°11'00"W AND A DISTANCE OF 253.85' TO A POINT; THENCE WITH A BEARING N47°08'00"W AND A DISTANCE OF 325.42' TO THE POINT OF BEGINNING, AND CONTAINING 1.841 ACRES.

- SURVEY NOTES:**
- IRON PINS SET AT ALL CORNERS MARKED WITH SYMBOLS.
 - TAX PARCEL NUMBERS: 21310169
 - SOURCE REFERENCE: MAP BOOK 7, PAGE 521 MAP BOOK 46, PAGE 607
 - BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
 - THIS PROPERTY IS LOCATED IN A FEMA REGULATED FLOOD HAZARD AREA PER FIRM COMMUNITY PANEL 37015945700, EFFECTIVE MARCH 2, 2009.
 - OFFSITE BENCHMARK IS MECKLENBURG COUNTY STORM WATER MARKER "MCA-16".
 - ANY CONSTRUCTION OR USE WITHIN ANY DELINEATED FLOOD AREA IS SUBJECT TO THE RESTRICTIONS IMPOSED BY THE FLOODWAY REGULATIONS.
 - Proposed Yard Requirements:
 MIN. LOT SIZE: 69,862 SF
 MIN. LOT WIDTH: 80 FEET
 MIN. FRONT SETBACK: 40 FEET
 MIN. REAR YARD: 20 FEET
 MIN. SIDE YARD: 20 FEET
 - THIS LOT IS SUBJECT TO THE MECKLENBURG COUNTY POST CONSTRUCTION ORDINANCE.



ZONING REQUEST
 EXISTING ZONING: INST(CD)
 LAND OWNER:
 Mohammad R. Bolouri
 485 North Wendover Rd.
 Charlotte, N.C. 28211

- GENERAL PROVISIONS
 - This rezoning petition relates to that certain 1.604 acre parcel lying within Mecklenburg County, now or formerly known as Larry A. Johnson property, hereinafter referred to as the "Site".
 - Development of the Site will be controlled by Chapter 6 of the City of Charlotte Zoning Ordinance. The development depicted on the Rezonng Plan is intended to reflect the arrangements of proposed buildings and uses on the Site, but the exact configurations, placements and sizes of individual elements may be altered or modified within the limits prescribed by the Ordinance during the design development and construction phases.
 - Unless more stringent standards are established by these Development Standards, all development standards established under the Charlotte Zoning Ordinance (the "Ordinance") for the Institutional (Inst) District shall be followed with respect to the Site.
 - Prior to the demolition of the existing structures on the Site the Petitioner shall contact LUESA in order to evaluate potential issue related to asbestos, abandoned wells, septic tanks and underground storage, which may or may not be present on the Site.
- STATEMENTS WITH RESPECT TO THE GRAPHICS WHICH ARE SET FORTH ON EXHIBITS ACCOMPANYING THE REZONING PLAN
 - Any Exhibits accompanying the Rezonng Plan are conceptual images of portions of the Site. They are not to be considered as development plans but rather as preliminary representations of the types and quality of development proposed for the Site.
 - The Rezonng Plan identifies building footprints. Buildings shown on the Concept Site plan shall be located within the building footprints. However, the exact location and size of buildings within the specific footprint is subject to change.
 - The primary use of the facility will be for a Medical Office, Research Center, and for Adult Day Care Use. The Site may utilize associated accessory uses, parking, and service areas as permitted by the Ordinance in an Institutional District. However, the following uses are specifically prohibited:
 - Beneficial Fill Site
 - Cemetery
 - Jails or Prisons
 - No more than 7,500 square feet of building space may be developed on the Site. First Floor Building footprint will not exceed 5,000sf. Additional square footage may be added with a second floor for up to an additional 2,500 sf, making a 7,500 sf total for the building.
- ACCESS POINTS
 - The total number of ingress/egress points to and from the Site shall be limited to one entrance on Sardis Road. The exact location may vary somewhat from those depicted based upon final design and location requirements as regulated by CDOT and, where applicable, NCDOT.
- SETBACK, SIDE YARDS AND REAR YARDS
 - All buildings constructed on the Site shall satisfy or exceed the setback, rear yard and side yard dimensions established under the Ordinance for the Inst. District.
- DESIGN AND PERFORMANCE STANDARDS
 - The proposed buildings and development will comply with all Ordinance requirements for signage, buffering, screening and landscaping.
 - The Site shall comply with all requirements of the Charlotte Tree Ordinance.
 - The Developer shall preserve the natural area of the flood plain. However, this provision shall not prohibit the Developer from removing dead or dying trees from any portion of the flood plain area. Areas within the construction envelopes of the parking areas shall be planted in conformity with the landscape plan for those areas.
 - All Buildings shall be connected by sidewalk to sidewalks along roadways. All sidewalks shall comply with Ordinance requirements regarding width, material, and other construction specifications.
 - All sidewalks installed within the Site shall be at least five feet in width.
 - Finished Floor Elevation of Building shall be above the 100+1 Elevation of 576.30. Lowest Elevation of parking lot shall be above 574.80 which is 6" below the Base Flood Elevation of 575.30.
 - The Developer shall replace the existing sidewalk along Sardis Road with a minimum six-foot sidewalk.
 - All healthy trees three inches caliper and greater within the front setback and labeled "Existing Trees to Remain" along Sardis Road shall be preserved.
 - No utilities, HVAC units or other structures shall be located within any of the buffers.
- PARKING
 - Off-street vehicular parking for the Site shall meet or exceed the minimum standards established by the Ordinance.
 - The parking total indicated in the Development Data is an estimate. The final parking count may deviate from that indicated in the Development Data, provided that at the time of building permit submittal the proposed parking meets or exceeds Ordinance requirements.
 - Bicycle parking shall be provided to meet or exceed the amended parking section of the Zoning Ordinance.
- LIGHTING
 - All freestanding lighting and all exterior lighting will be shielded with full cut-off fixtures so as to minimize the impact from lights that may be visible from nearby properties. Freestanding lighting shall not exceed 20 feet in height. No wall "pak" type lighting shall be used, but attached decorative lighting fixtures such as sconces may be used.
- STORMWATER
 - The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
 - Impervious Area is not allowed inside the S.W.I.M. Buffer.
 - No fill may be placed within the Community or FEMA Floodplain.
 - Required Class "C" Buffers shall be constructed according to Chapter 12 of the City of Charlotte Zoning Ordinance.
 - It is understood that any Drainage structures located within the setback can not be over 7" in height above natural grade.
- ALTERATIONS TO PLAN
 - Future amendments to the Rezonng Plan and these Development Notes may be applied for by the then owner or owners of the tract or tracts within the Site involved in accordance with the provisions of Section 6.2 of the Charlotte City Ordinance.
- BINDING EFFECT
 - Upon approval, all conditions applicable to development of the Site imposed under the Rezonng Plan and these Development Standards will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns.
 - Throughout these Development Notes, the terms "Developer", "Petitioner", "Owner" or "Owners," shall, with respect to each parcel within the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.

NOTES FOR 50% OF FEMA FRINGE:
 1. THE 50% LINE SHOWN WAS APPROVED AND PLATTED WITH THE 5 LOT SUBDIVISION. THE SURVEYOR (CAROLINA SURVEYORS) HAS REPRODUCED THAT LINE WITH THE SURVEY USED FOR THIS SITE PLAN.
 2. THE EXTENSIVE FLOOD STUDY SHOWING THIS FILL WAS APPROVED BY MECKLENBURG COUNTY BUT THERE MAY BE AN ISSUE THAT THE LETTER OF MAP REVISION BASED ON FILL MAY NOT HAVE BEEN FINALIZED THROUGH FEMA.
 3. THE NECESSARY PAPERWORK AND COORDINATION NEEDS TO BE ADDRESSED THROUGH THE APPROPRIATE DEPARTMENTS.

FOR DESCRIPTION OF AREA REMOVED FROM EXISTING FLOODPLAIN SEE FEMA LHM-F CASE NUMBER 08-04-5628A DATED JULY 31, 2008

18'-0" CLASS 'C' BUFFER

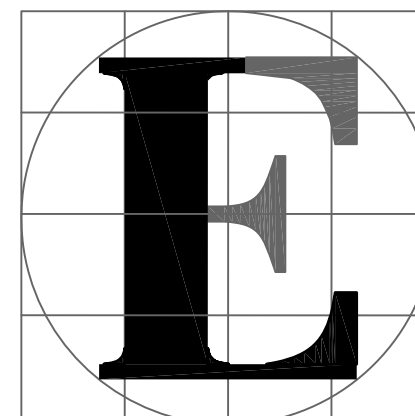
10' Transition from 5' Sidewalk to 6' wide (typical 60ft sides).

THE FUTURE CONDITIONS FLOOD FRINGE ELEVATION IS THE ELEVATION BY WHICH THE PARKING AND BUILDING NEEDS TO BE REFERENCED. THE PARKING AND BUILDING HAVE MINIMUM CRITERIA THAT USE THIS ELEVATION. THE FLOOD STUDY (ALREADY COMPLETED AND APPROVED) ESTABLISHED THE ELEVATION.

SIDEWALK NOTES:
 1. EXISTING SIDEWALK IS TO BE REMOVED.
 2. TIE INTO EXISTING SIDEWALK AT PROPERTY LINES EXTENDED AND WIDEN WALK TO A MINIMUM OF 6'.
 3. MEANDER SIDEWALK TO BEHIND EXISTING TREES. WHAT IS SHOWN IS APPROXIMATELY 5' OFF EXISTING TREES AND 3' OF R/W.

DRIVEWAY NOTES:
 1. ADEQUATE SIGHT TRIANGLES ARE TO BE RESERVED. ALL PROPOSED TREES, BERMS, WALLS, FENCES, AND/OR IDENTIFICATION SIGNS MUST NOT INTERFERE WITH THE SIGHT DISTANCES.
 2. THE LOCATION OF THIS DRIVEWAY IS THE CENTERLINE OF WILBY DRIVE, EXTENDED THROUGH SARDIS ROAD. EXACT LOCATION OF ALIGNMENT IS TO BE DETERMINED BY CDOT DURING FORMAL REVIEW.
 3. ANY FENCE OR WALL CONSTRUCTED ALONG OR ADJACENT TO ANY SIDEWALK OR STREET RIGHT OF WAY REQUIRES A CERTIFICATE ISSUED BY CDOT.
 4. AN ENCROACHMENT PERMIT MAY BE REQUIRED FOR THE INSTALLATION OF ANY NON-STANDARD ITEM (I.E. IRRIGATION SYSTEMS, PAVERS ETC.)
 5. THE THREE EXISTING CURB CUTS ALONG SARDIS ROAD NEED TO BE CLOSED AND THE CURB & GUTTER INSTALLED TO MATCH EXISTING.

Revisions:
 1. 5/15/09 REVISED TO INCLUDE BACK PARCEL IN ZONING.
 2. 6/18/09 REVISED PER COMMENTS FROM THE DIFFERENT DEPARTMENTS.
 3. 7/19/09 ADDED DRY LAND ACCESS REQUIREMENTS-MOVED DETENTION & RAIN GARDEN-REMOVED PARKING & BI-CYCLE TABLES-REVISED 31 & 6.7 PER ZONING COMMENTS.
 4. 2/10/10 REVISED FROM PLANNING COMMENTS.
 5. 9/28/14 REVISED FOR ADDING MEDICAL OFFICE USE.
 6. 11/17/14 REVISED PER ZONING REVIEW.



LASH ENGINEERING
 Consulting Civil Engineer/Planner
 1104 Cindy Carr Drive
 Matthews, N.C. 28105
 Phone: 704-247-3031
 email: mlash@lashengineering.com
 LIC#C-2435

PROJECT ENGINEER:
 MICHAEL LASH, P.E.

CLIENT:
Bolouri Properties
 Mohammad Bolouri, MD
 485 North Wendover, Ctr,
 N.C. 28211

Phone: 704-364-4567

PROJECT:
 Sardis Gardens Adult Day Care,
 Alzheimer's Memory Center,
 7809 Sardis Road
 Charlotte, NC 28270

DESCRIPTION:
Conditional Zoning Plan
Petition Number:
 2014-112

STATUS:
 SUBMITTED TO: Planning
 FOR: 'Zoning Process'

Scale: 1" = 30'
 Date: 11/11/14
 SHEET NO. 1 OF 1

Previously
Approved
Site
Plan

THE PURPOSE OF THE DRYLAND ACCESS IS TO PROVIDE FOR THE ABILITY TO ACCESS A HABITABLE BUILDING DURING A FLOOD CONDITION. THE ORDINANCE REQUIRES THAT A SITE PROVIDES A DRYLAND ACCESS POINT AT THE HIGHEST POINT ON THE PROPERTY WHEN THE FLOOD CONDITIONS PREVENT THE DRIVEWAY FROM BEING USED.

DRY LAND ACCESS:

- Location:**
1. Front right corner of site. Drive has access to exit door of building
 2. Front Right Corner is at the highest elevation of property frontage.
- Elevation:**
- Community Base Flood Elevation = 575.3
Elevation of street at Highest Point = 574.0
- Properties**
1. Drive can utilize an existing curb cut in Sardis Road
 2. Drive is to be constructed of Gravel.
 3. A minimum of 12' wide.

Building Description

Size: 5,000 sf. to 7,500 sf.

Building Material:

Exterior Wall Finish: Brick
Residential Style: Aluminum Entry
Wood Trusses @ 5:12 min.
End Conditions using gables or hips composition, residential style
Roof Configuration: Painted Hardplank, synthetic Stucco, or painted wood.

Roof Material:

Trim Options: Special shapes brick or synthetic EIFS

Exterior Wall Accents:

THE FOLLOWING EXPLAINS HOW THE PETITION ADDRESSES THE ENVIRONMENTALLY SENSITIVE SITE DESIGN GUIDANCE IN THE GENERAL DEVELOPMENT POLICIES:

- PROTECTS/RESTORES ENVIRONMENTALLY SENSITIVE AREAS AND MINIMIZES IMPACTS IN THE NATURAL ENVIRONMENT BY DEDICATING PROPERTY TO MECKLENBURG COUNTY PARK AND RECREATION DEPARTMENT FOR GREENWAY PURPOSES.
- MINIMIZES IMPACTS TO THE NATURAL ENVIRONMENT BY INCORPORATING A PROPOSED RAIN GARDEN INTO THE SITE DESIGN.
- FACILITATES THE USE OF ALTERNATIVE MODES OF TRANSPORTATION BY PROVIDING A GREENWAY CONNECTION (See note this sheet).

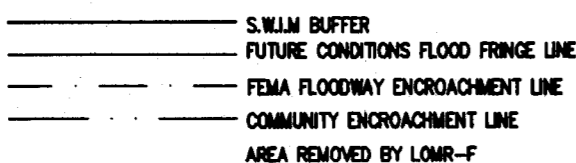
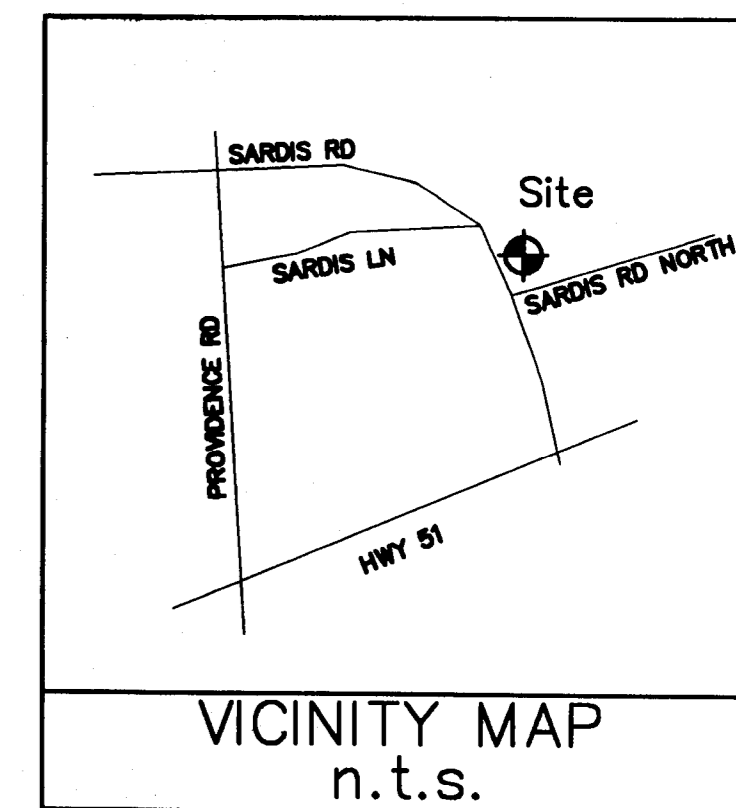
DESCRIPTION OF TRACT TO BE REZONED

BEGINNING AT A THE SOUTH WEST CORNER OF LOT 5 AS SHOWN ON MAP BOOK 46, PAGE 607 THENCE FROM THE POINT OF BEGINNING WITH A BEARING N42°52'00"E AND A DISTANCE OF 231.09' TO A POINT; THENCE WITH A BEARING S31°25'13"E AND A DISTANCE OF 9.10' TO A POINT; THENCE WITH A BEARING S53°45'23"E AND A DISTANCE OF 184.53' TO A POINT; THENCE WITH A BEARING S48°43'33"E AND A DISTANCE OF 139.24' TO A POINT; THENCE WITH A BEARING S44°11'00"W AND A DISTANCE OF 253.85' TO A POINT; THENCE WITH A BEARING N47°08'00"W AND A DISTANCE OF 325.42' TO THE POINT OF BEGINNING, AND CONTAINING 1.841 ACRES.

SURVEY NOTES:

1. IRON PINS SET AT ALL CORNERS MARKED WITH SYMBOLS.
2. TAX PARCEL NUMBERS: 21310163, 21310164, 21310165, 21310166, 21310167, 21310168
3. SOURCE REFERENCE: MAP BOOK 7, PAGE 521 MAP BOOK 46, PAGE 607
4. BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
5. THIS PROPERTY IS LOCATED IN A FEMA REGULATED FLOOD HAZARD AREA PER FIRM COMMUNITY PANEL 3701594570J, EFFECTIVE MARCH 2, 2009.
6. OFFSITE BENCHMARK IS MECKLENBURG COUNTY STORM WATER MARKER "MCA-16".
7. ANY CONSTRUCTION OR USE WITHIN ANY DELINEATED FLOOD AREA IS SUBJECT TO THE RESTRICTIONS IMPOSED BY THE FLOODWAY REGULATIONS.
8. Proposed Yard Requirements:

MIN. LOT SIZE:	PROPOSED 15,000 SF.
MIN. LOT WIDTH:	80 FEET
MIN. FRONT SETBACK:	40 FEET
MIN. REAR YARD:	20 FEET
MIN. SIDE YARD:	20 FEET
9. THIS LOT IS SUBJECT TO THE MECKLENBURG COUNTY POST CONSTRUCTION ORDINANCE.



THE 18" CLASS "C" BUFFER REQUIREMENTS ARE TO BE MET. EXISTING VEGETATION IS TO BE UTILIZED AS APPROPRIATE AND WHERE POSSIBLE.

GREENWAY NOTES

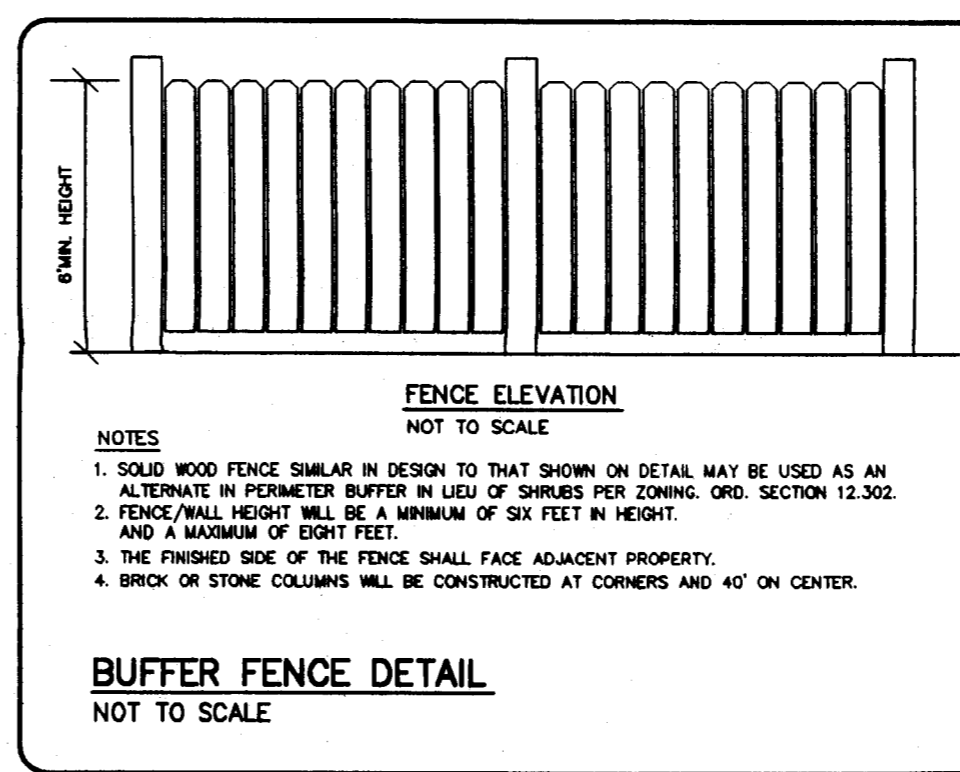
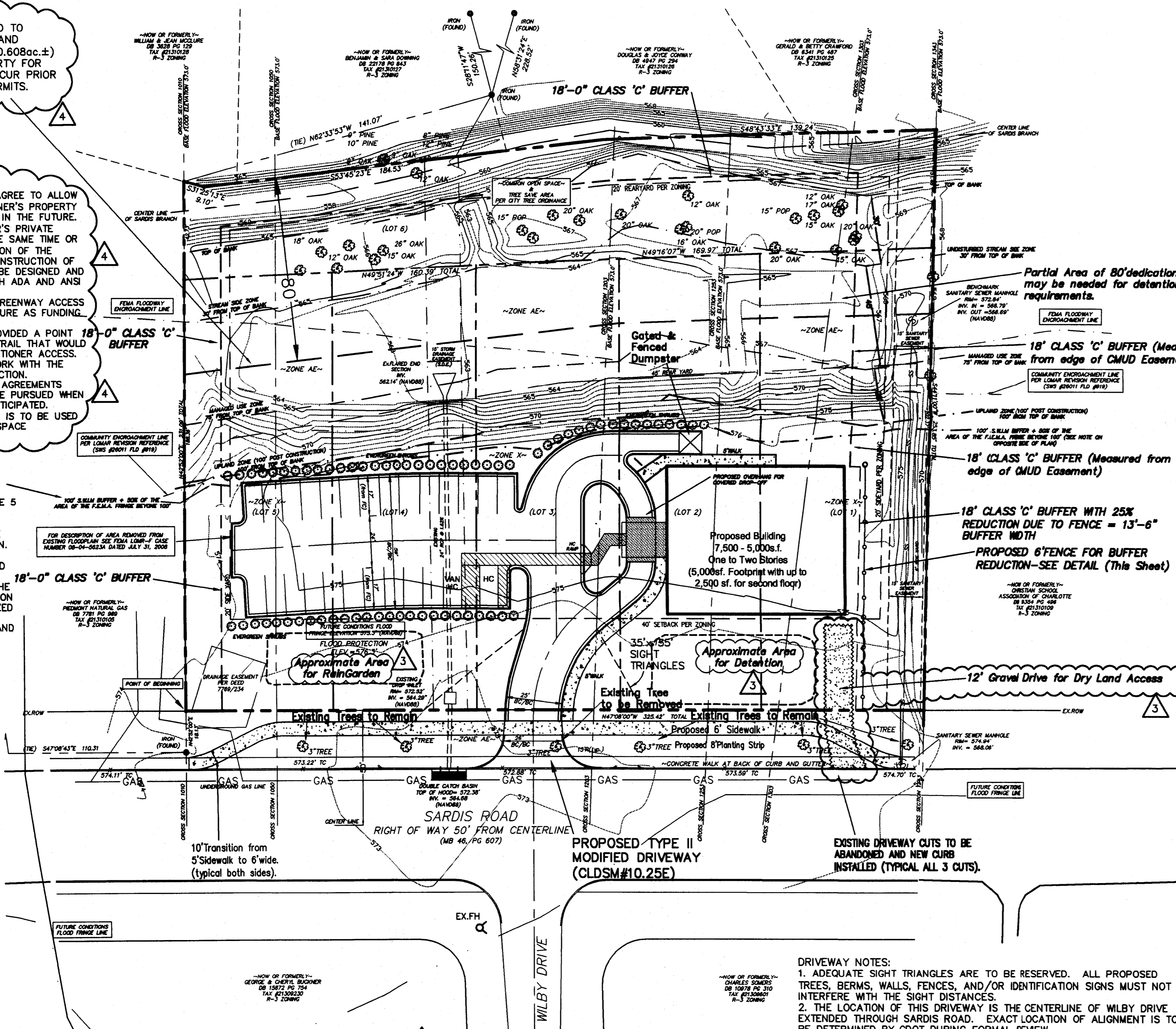
1. PROPERTY TO BE DEDICATED TO MECKLENBURG COUNTY PARK AND RECREATION FOR GREENWAY (0.608ac.±)
2. THE DEDICATION OF PROPERTY FOR GREENWAY PURPOSES WILL OCCUR PRIOR TO ISSUANCE OF BUILDING PERMITS.

NOTES FOR GREENWAY ACCESS:

1. THE PETITIONER AND COUNTY AGREE TO ALLOW A CONNECTION FROM THE PETITIONER'S PROPERTY TO THE GREENWAY ACCESS TRAIL IN THE FUTURE. CONSTRUCTION OF THE PETITIONER'S PRIVATE ACCESS TRAIL WILL OCCUR AT THE SAME TIME OR AFTER THE COUNTY'S CONSTRUCTION OF THE GREENWAY ACCESS TRAIL. THE CONSTRUCTION OF THE PRIVATE ACCESS TRAIL WILL BE DESIGNED AND BUILT IN STRICT ACCORDANCE WITH ADA AND ANSI CODES AND STANDARDS.
2. THE COUNTY WILL BUILD THE GREENWAY ACCESS TRAIL AT SOME POINT IN THE FUTURE AS FUNDING ALLOWS.
3. THE PETITIONER WOULD BE PROVIDED A POINT TO CONNECT ONTO THE COUNTY TRAIL THAT WOULD ENABLE THE CLIENTS OF THE PETITIONER ACCESS.
4. THE PETITIONER AGREES TO WORK WITH THE COUNTY FOR THIS FUTURE CONNECTION.
5. ANY NECESSARY COOPERATIVE AGREEMENTS REQUIRED BY THE COUNTY WILL BE PURSUED WHEN DESIGN AND CONSTRUCTION IS ANTICIPATED.
6. THE 80' GREENWAY DEDICATION IS TO BE USED TO SATISFY ANY AND ALL OPEN SPACE REQUIREMENTS.

NOTES FOR 50% OF FEMA FRINGE:

1. THE 50% LINE SHOWN WAS APPROVED AND PLATTED WITH THE 5 LOT SUBDIVISION. THE SURVEYOR (CAROLINA SURVEYORS) HAS REPRODUCED THAT LINE WITH THE SURVEY USED FOR THIS SITE PLAN.
2. THE EXTENSIVE FLOOD STUDY SHOWING THIS FILL WAS APPROVED BY MECKLENBURG COUNTY BUT THERE MAY BE AN ISSUE THAT THE LETTER OF MAP REVISION BASED ON FILL MAY NOT HAVE BEEN FINALIZED THROUGH FEMA.
3. THE NECESSARY PAPERWORK AND COORDINATION NEEDS TO BE ADDRESSED THROUGH THE APPROPRIATE DEPARTMENTS.



ZONING REQUEST
EXISTING ZONING: R-3
PROPOSED ZONING: INST (CD)

LAND OWNER:
LARRY A. JOHNSON
5609 TIMBER LANE
CHARLOTTE, NC 28270

- 1. GENERAL PROVISIONS**
- 1.1 This rezoning petition relates to that certain 1.894 acre parcel lying within Mecklenburg County, now or formerly known as Larry A. Johnson property, hereinafter referred to as the "Site".
 - 1.2 Development of the Site will be controlled by Chapter 6 of the City of Charlotte Zoning Ordinance. The development depicted on the Rezoning Plan is intended to reflect the arrangements of proposed buildings and uses on the Site, but the exact configurations, placements and sizes of individual elements may be altered or modified within the limits prescribed by the Ordinance during the design development and construction phases.
 - 1.3 Unless more stringent standards are established by these Development Standards, all development standards established under the Charlotte Zoning Ordinance (the "Ordinance") for the Institutional (Inst) District shall be followed with respect to the Site.
 - 1.4 Prior to the demolition of the existing structures on the Site the Petitioner shall contact LUESA in order to evaluate potential issue related to asbestos, abandoned wells, septic tanks and underground storage, which may or may not be present on the Site.
 2. STATEMENTS WITH RESPECT TO THE GRAPHICS WHICH ARE SET FORTH ON EXHIBITS ACCOMPANYING THE REZONING PLAN
 - 2.1 Any Exhibits accompanying the Rezoning Plan are conceptual images of portions of the Site. They are not to be considered as development plans but rather as preliminary representations of the types and quality of development proposed for the Site.
 - 2.2 The Rezoning Plan identifies building footprints. Buildings shown on the Concept Site Plan shall be located within the building footprints. However, the exact location and size of buildings within the specific footprint is subject to change.
 3. PERMITTED USES AND MAXIMUM DEVELOPMENT
 - 3.1 The primary use of the facility will be for an Adult Care Center with an anticipated 80 clients and related personnel. The Site may utilize associated accessory uses, parking, and service areas as permitted by the Ordinance in an Institutional District. However, the following uses are specifically prohibited:
 - a. Beneficial Fill Site
 - b. Cemetery
 - c. Jails or Prisons
 - 3.2 No more than 7,500 square feet of building space may be developed on the Site. First Floor Building footprint will not exceed 5,000sf. Additional square footage may be added with a second floor for up to an additional 2,500 sf. making a 7,500 sf total for the building.
 4. ACCESS POINTS
 - 4.1 The total number of ingress/egress points to and from the Site shall be limited to one entrance on Sardis Road. The exact location may vary somewhat from those depicted based upon final design and location requirements as regulated by CDOT and, where applicable, NCDOT.
 5. SETBACK, SIDE YARDS AND REAR YARDS
 - 5.1 All buildings constructed on the Site shall satisfy or exceed the setback, rear yard and side yard dimensions established under the Ordinance for the Inst. District.
 6. DESIGN AND PERFORMANCE STANDARDS
 - 6.1 The proposed buildings and development will comply with all Ordinance requirements for signage, buffering, screening and landscaping.
 - 6.2 The Site shall comply with all requirements of the Charlotte Tree Ordinance.
 - 6.3 The Developer shall preserve the natural area of the flood plain. However, this provision shall not prohibit the Developer from removing dead or dying trees from any portion of the flood plain area. Areas within the construction envelopes of the parking areas shall be planted in conformity with the landscape plan for those areas.
 - 6.4 All Buildings shall be connected by sidewalk to sidewalks along roadways. All sidewalks shall comply with Ordinance requirements regarding width, material, and other construction specifications.
 - 6.5 All sidewalks installed within the Site shall be at least five feet in width.
 - 6.6 Finished Floor Elevation of Building shall be above the 100+1 Elevation of 576.30. Lowest Elevation of parking lot shall be above 574.80 which is 6' below the Base Flood Elevation of 575.30.
 - 6.7 The Developer shall replace the existing sidewalk along Sardis Road with a minimum six-foot sidewalk.
 - 6.8 All healthy trees three inches caliper and greater within the front setback and labeled "Existing Trees to Remain" along Sardis Road shall be preserved.
 - 6.9 No utilities, HVAC units or other structures shall be located within any of the buffers.
 7. PARKING
 - 7.1 Off-street vehicular parking for the Site shall meet or exceed the minimum standards established by the Ordinance.
 - 7.2 The parking total indicated in the Development Data is an estimate. The final parking count may deviate from that indicated in the Development Data, provided that at the time of building permit submittal the proposed parking meets or exceeds Ordinance requirements.
 - 7.3 Bicycle parking shall be provided to meet or exceed the amended parking section of the Zoning Ordinance.
 8. LIGHTING
 - 8.1 All freestanding lighting and all exterior lighting will be shielded with full cut-off fixtures to minimize the impact from lights that may be visible from nearby properties. Freestanding lighting shall not exceed 20 feet in height. No wall "pak" type lighting shall be used, but attached decorative lighting fixtures such as sconces may be used.
 9. STORMWATER
 - 9.1 The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
 - 9.2 Impervious Area is not allowed inside the S.W.I.M. Buffer.
 - 9.3 No fill may be placed within the Community or FEMA Floodplain.
 - 9.4 Required Class "C" Buffers shall be constructed according to Chapter 12 of the City of Charlotte Zoning Ordinance.
 - 9.5 It is understood that any Drainage structures located within the setback can not be over 7" in height above natural grade.
 10. ALTERATIONS TO PLAN
 - 10.1 Future amendments to the Rezoning Plan and these Development Notes may be applied for by the then owner or owners of the tract or tracts within the Site involved in accordance with the provisions of Section 6.2 of the Charlotte City Ordinance.
 11. BINDING EFFECT
 - 11.1 Upon approval, all conditions applicable to development of the Site imposed under the Rezoning Plan and these Development Standards will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns.
 - 11.2 Throughout these Development Notes, the terms "Developer," "Petitioner," "Owner" or "Owners," shall, with respect to each parcel within the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.

THE FUTURE CONDITIONS FLOOD FRINGE ELEVATION IS THE ELEVATION BY WHICH THE PARKING AND BUILDING NEEDS TO BE REFERENCED. THE PARKING AND BUILDING HAVE MINIMUM CRITERIA THAT USE THIS ELEVATION. THE FLOOD STUDY (ALREADY COMPLETED AND APPROVED) ESTABLISHED THE ELEVATION.

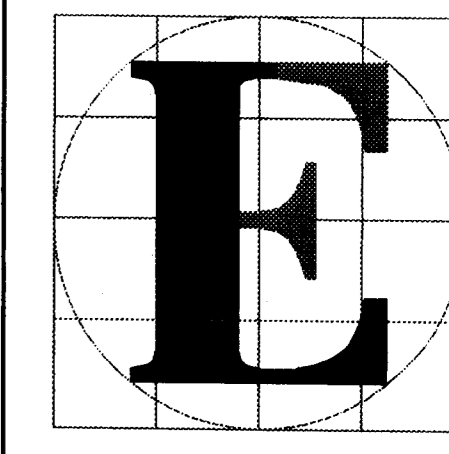
SIDEWALK NOTES:

1. EXISTING SIDEWALK IS TO BE REMOVED.
2. THE INTO EXISTING SIDEWALK AT PROPERTY LINES EXTENDED AND WIDEN WALK TO A MINIMUM OF 6'.
3. MEANDER SIDEWALK TO BEHIND EXISTING TREES. WHAT IS SHOWN IS APPROXIMATELY 5' OFF EXISTING TREES AND 3' OF R/W.

DRIVEWAY NOTES:

1. ADEQUATE SIGHT TRIANGLES ARE TO BE RESERVED. ALL PROPOSED TREES, BERMS, WALLS, FENCES, AND/OR IDENTIFICATION SIGNS MUST NOT INTERFERE WITH THE SIGHT DISTANCES.
2. THE LOCATION OF THIS DRIVEWAY IS THE CENTERLINE OF WILBY DRIVE EXTENDED THROUGH SARDIS ROAD. EXACT LOCATION OF ALIGNMENT IS TO BE DETERMINED BY CDOT DURING FORMAL REVIEW.
3. ANY FENCE OR WALL CONSTRUCTED ALONG OR ADJACENT TO ANY SIDEWALK OR STREET RIGHT OF WAY REQUIRES A CERTIFICATE ISSUED BY CDOT.
3. AN ENCROACHMENT PERMIT MAY BE REQUIRED FOR THE INSTALLATION OF ANY NON-STANDARD ITEM (I.E. IRRIGATION SYSTEMS, PAVERS ETC.)
4. THE THREE EXISTING CURB CUTS ALONG SARDIS ROAD NEED TO BE CLOSED AND THE CURB & GUTTER INSTALLED TO MATCH EXISTING.

Revisions:
1. 5/15/09 REVISED TO INCLUDE BACK PARCEL IN ZONING.
2. 6/18/09 REVISED PER COMMENTS FROM THE OFFICER DEPARTMENTS.
3. 7/7/09 REVISED PER COMMENTS FROM THE OFFICER DEPARTMENTS.
4. 7/7/09 REVISED PER COMMENTS FROM THE OFFICER DEPARTMENTS.
5. 7/7/09 REVISED PER COMMENTS FROM THE OFFICER DEPARTMENTS.



LASH ENGINEERING
Consulting Civil Engineer/Planner
1104 Cindy Carr Drive
Matthews, N.C. 28105
Phone: 704-847-3031
email: mlash@lashengineering.com

PROJECT ENGINEER:
MICHAEL LASH, P.E.

CLIENT:
KODIAK CONSTRUCTORS, INC.
5935 CARNEGIE BLVD.
SUITE 201
CHARLOTTE, NC 28209

Phone: 704/364-8744
Fax: 704/364-8743

PROJECT:
Mt. Tabor Adult Day Care Center
7809 Sardis Road
Charlotte, NC 28270

DESCRIPTION:
Conditional Zoning Plan
Petition Number: 2009-050

STATUS:
SUBMITTED TO: Planning
FOR: "Zoning Process"
Scale: 1" = 30'
Date: 6/18/09
SHEET NO. 1 OF 1

RECEIVED
FEB 1 2010
2009-050

REQUEST	Current Zoning: R-17MF (multi-family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to allow the redevelopment of an existing apartment complex with 265 new multi-family dwelling units in up to four buildings for a density of 29.23 units per acre.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The proposed land use is consistent with the <i>Park Woodlawn Area Plan</i> but the proposed density is inconsistent with the <i>Plan</i> . However, the proposal is compatible with the neighboring single family residential use based on compliance with the recommended residential design principals in the plan such as moving the buildings toward the center of the site, away from adjoining single family residential and providing considerable open space.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Abbey Apartments, LLC Spectrum Properties Residential, Inc Jeff Brown/ Keith MacVean
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 22

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows the demolition of the existing 128 apartment units.
- Allows the construction of 265 multi-family residential units in up to four buildings.
- Limits the building height to four stories or 65 feet.
- Restricts surface parking between buildings and Abbey Place.
- Improves Abbey Place with sidewalks and on-street parking.
- Provides sidewalk along one side of Abbey Place from the eastern edge of the property to connect with the sidewalk along Park Road.
- Provides midblock crosswalks with CDOT approval.
- Specifies building materials and prohibits the use of vinyl and aluminum except for soffits, windows and handrails.
- Provides building elevations depicting the architectural style and quality of the proposed buildings.
- Provides amenity courtyards improved with seating, walkways, lighting and/or landscaping. Additional features may also be provided such as water features, art work and/or a swimming pool.
- Provides buffers with opaque fencing between the site and single family homes.
- Commits to providing windows and doors for at least 30 percent of the total façade area along Abbey Place with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in length.
- Commits to a combination of fenestration, clear glass, prominent entrances, stoops, porches, changes in materials, building step backs, art work and landscaping along Abbey Place.
- Commits to facades over 75 feet in length incorporating wall projections or recesses a minimum three feet in depth with a combined length of recesses and projections constituting at least 20 percent of the total façade length.
- End fronting facades shall be articulated and designed to create visual interest.
- Facades above the first story shall incorporate windows, arches, balconies or other architectural details.
- Commits to screening retaining walls with landscaping if walls are required due to topography along Abbey Place.

- Limits lighting to full cut-off type fixtures, excluding lower, decorative lighting along drives, sidewalks, parking areas and courtyards.
- Limits detached lighting to 15 feet in height.
- **Existing Zoning and Land Use**
 - The proposed site is currently zoned R-17MF (multi-family residential) and is developed with 128 multi-family dwelling units.
- **Rezoning History in Area**
 - Petition 2014-028 rezoned property located at the southeast corner at the intersection of Abbey Place and Hedgemore Drive from O-1 (office) to MUDD(CD) (mixed use development, conditional) to allow a multi-family residential building.
 - Petition 2012-095 rezoned property located at the northwest corner at the intersection of Mockingbird Lane and Park Road from O-2 (office) to MUDD-O (mixed use development, optional) to allow all used permitted in the mixed used development district.
 - Petition 2012-056 rezoning property located at the southwest corner at the intersection of Park Road and Drexel Place from MUDD(CD) (mixed use development, conditional) to MUDD-O (mixed use development, optional) to allow a mixed use building with residential and commercial space.
- **Public Plans and Policies**
 - The *Park Woodlawn Area Plan* (2013) recommends multi-family residential use up to 17 dwelling units per acre.
 - The petition is consistent with the *Park Woodlawn Area Plan* recommended land use, but inconsistent with the recommended density.
 - The plan recommends any new development be at a scale compatible with the neighboring single family residential.
 - The increase in density is appropriate due to compliance with the following residential design principals included in the plan:
 1. Avoids blank walls along pedestrian circulation and public right-of-ways.
 2. Orients buildings towards Abbey Place and common courtyard space.
 3. Provides an internal pedestrian network and pedestrian access to the street.
 4. Sets buildings back at least 60-feet from abutting residential property lines and positions the buildings close to Abbey Place and the eastern edge of the site, providing a height plane more compatible with the single family homes than allowed under the current zoning.
 5. Provides meaningful amount of usable open space and preserves existing stands of trees.
 6. Provides a sidewalk connection to existing sidewalk network along Park Road.
 7. Maintains a residential street type and provides recessed on-street parking along both sides of Abbey Place and multiple vehicular entry points.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:**
 1. Amend transportation Note 3.c. to remove "and the necessary grading and clearing for the construction of the sidewalk can also be accommodated within the existing right-of-way."
 2. Remove or amend transportation Note 3.d. to read "CDOT will determine during the construction permitting process if marked mid-block crosswalks are necessary for crossing Abbey Place."
 3. Remove the three designated marked mid-block crosswalks on the site plan sheet RZ-2.
- **Vehicle Trip Generation:**
 - Current Zoning: 1,020 trips per day.
 - Proposed Zoning: 1,760 trips per day.
- **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 17 students, while the development allowed under the proposed zoning will produce 29 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 12 students.

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Facilitates the use of alternative modes of transportation by providing a sidewalk connection from the site out to the existing sidewalk along Park Road.
 - Minimizes impacts to the natural environment by redeveloping an infill site.

OUTSTANDING ISSUES

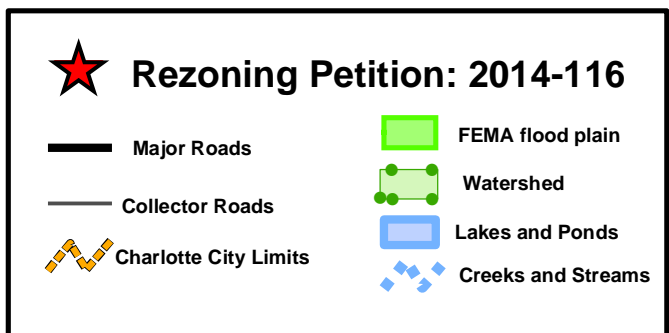
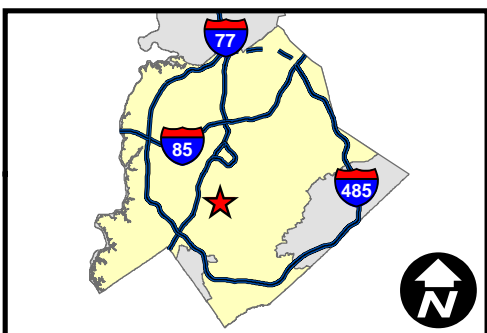
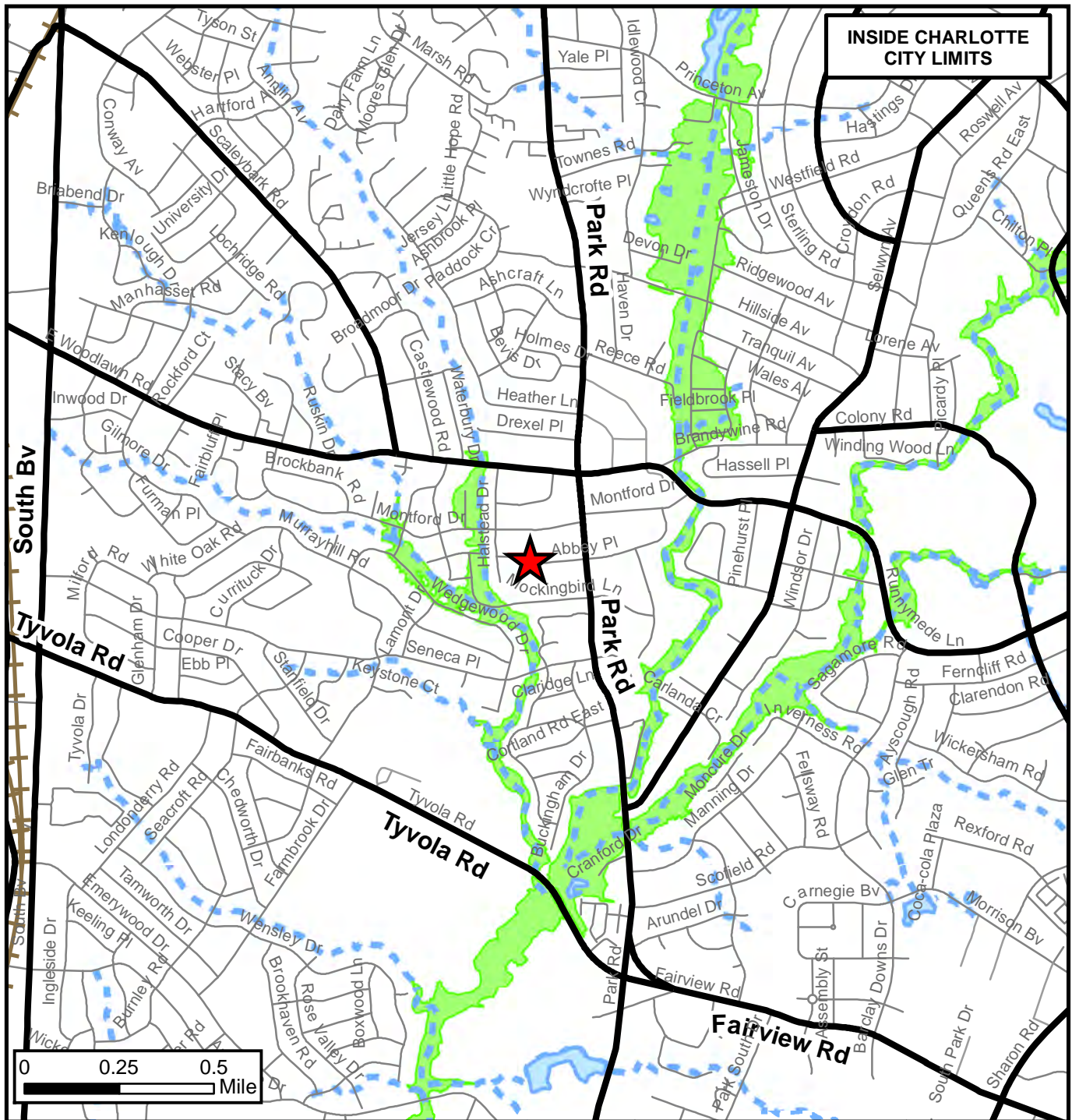
- The petitioner should:
 1. Address CDOT issues.
 2. Amend Note 5. a. to reflect a required setback of 16-feet and to match the eight-foot sidewalk and eight-foot planting strip provided on each side of Abbey Place.
 3. Amend Note 4. b. to **change the word "building" to "buildings" when referencing the buildings** that may be constructed on the site and actual buildings constructed on the site.
 4. Provide a note specifying that the area depicted as Possible Open Space/Stormwater BMP is not to be used for parking or building area.
 5. Commit to a minimum square footage in each development area that will be included the Open Space/Stormwater BMP area.
 6. Detail how end fronting facades shall be articulated and designed to create visual interest.
 7. Specify the design of the first floor similar to 6.f.
-

Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311

Acresage & Location : Approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place.



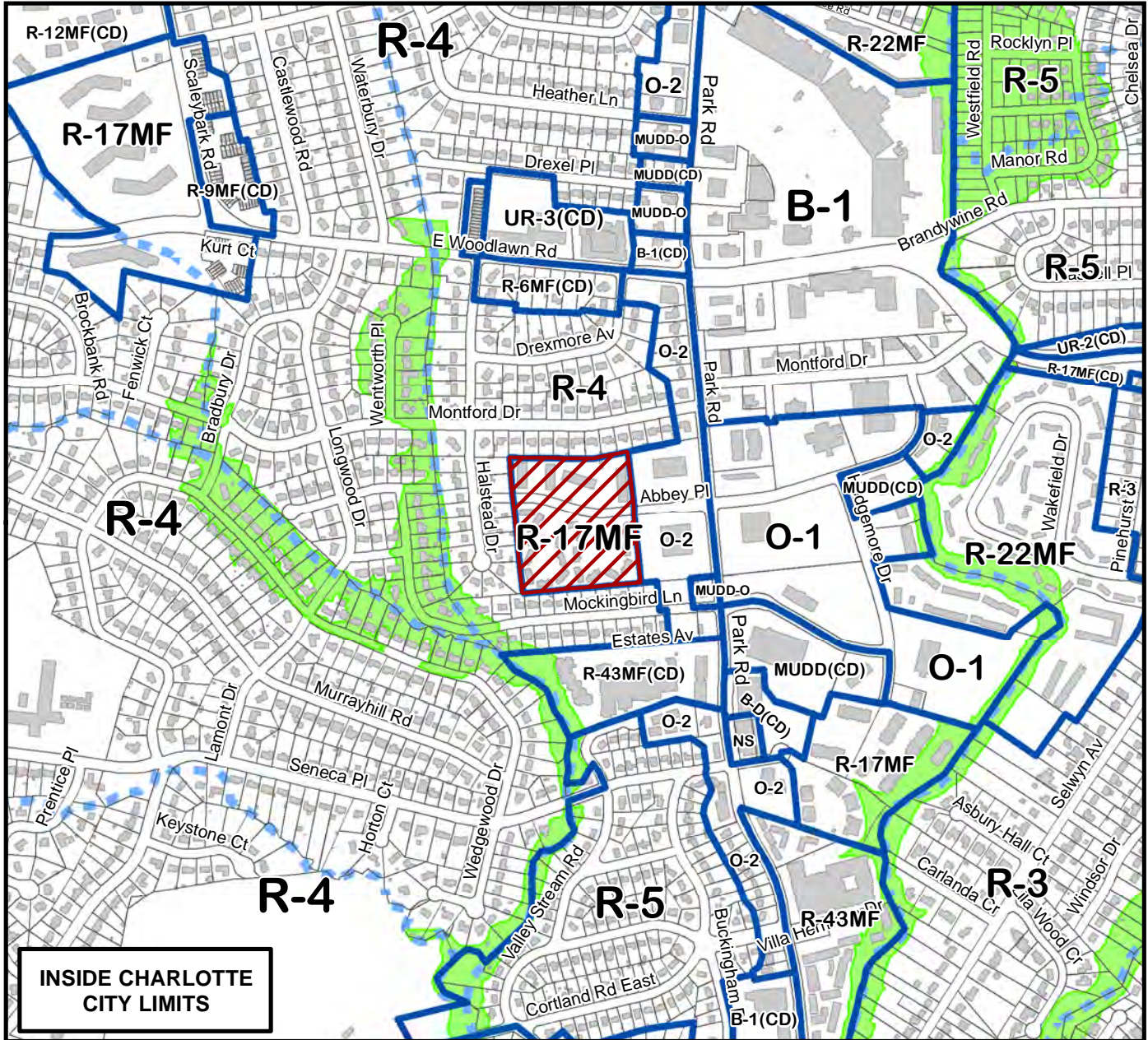
Petition #: **2014-116**

Petitioner: **Spectrum Properties Residential, Inc.**

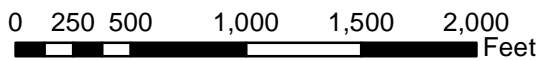
Zoning Classification (Existing): **R-17MF**
(Multi-Family, Residential)

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

Acreage & Location: Approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place.

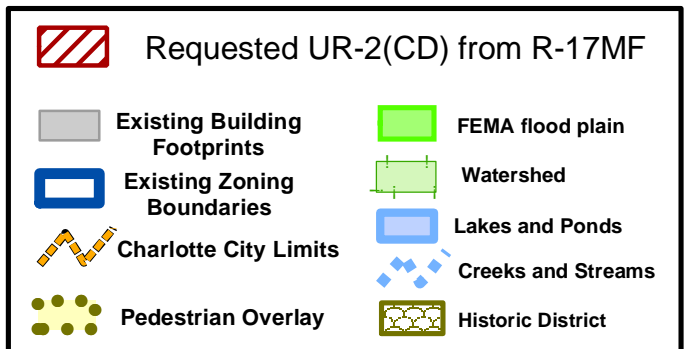


Map Produced by the Charlotte-Mecklenburg Planning Department, 9-26-2014.



Zoning Map #(s)

125, 135

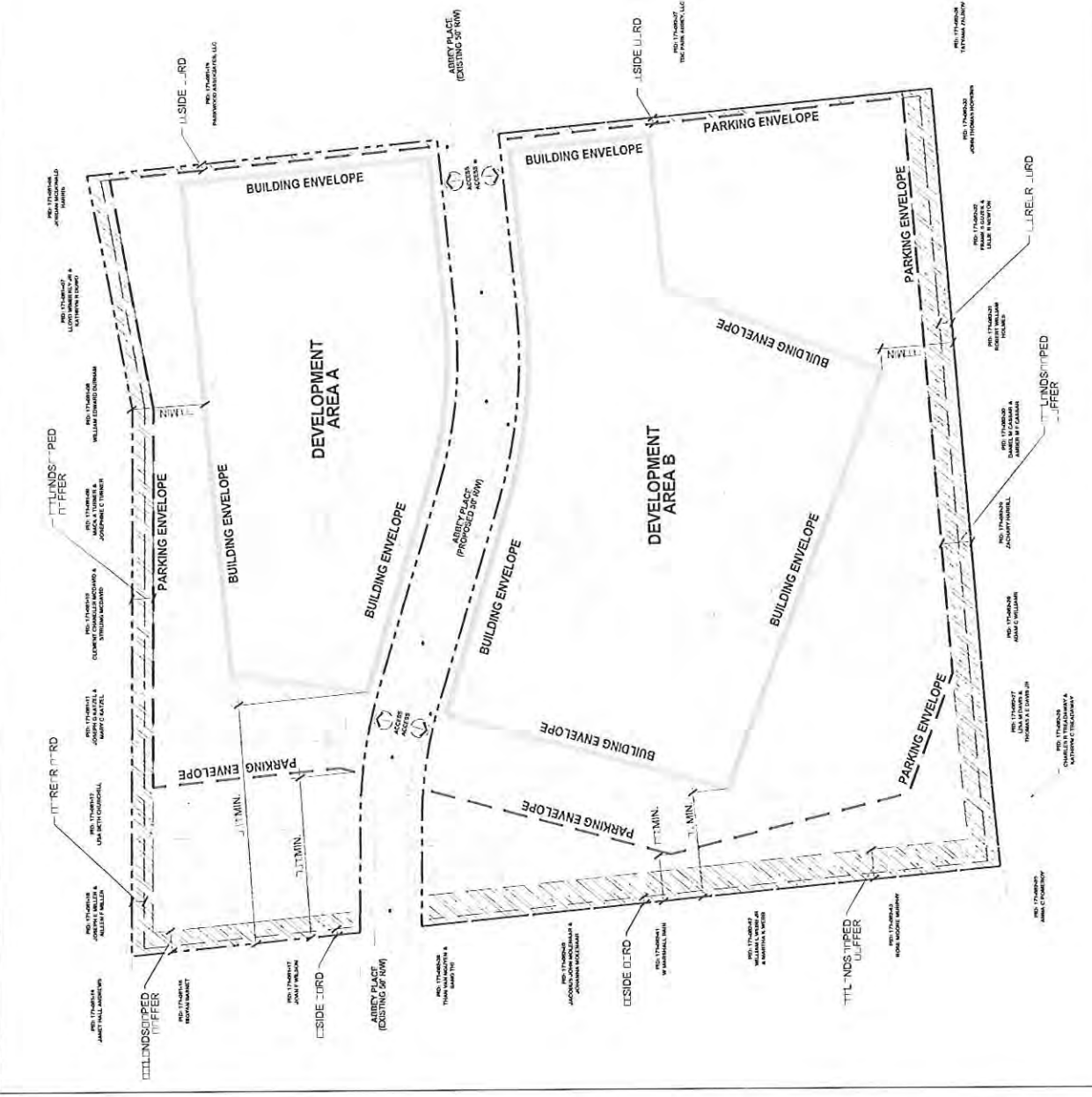




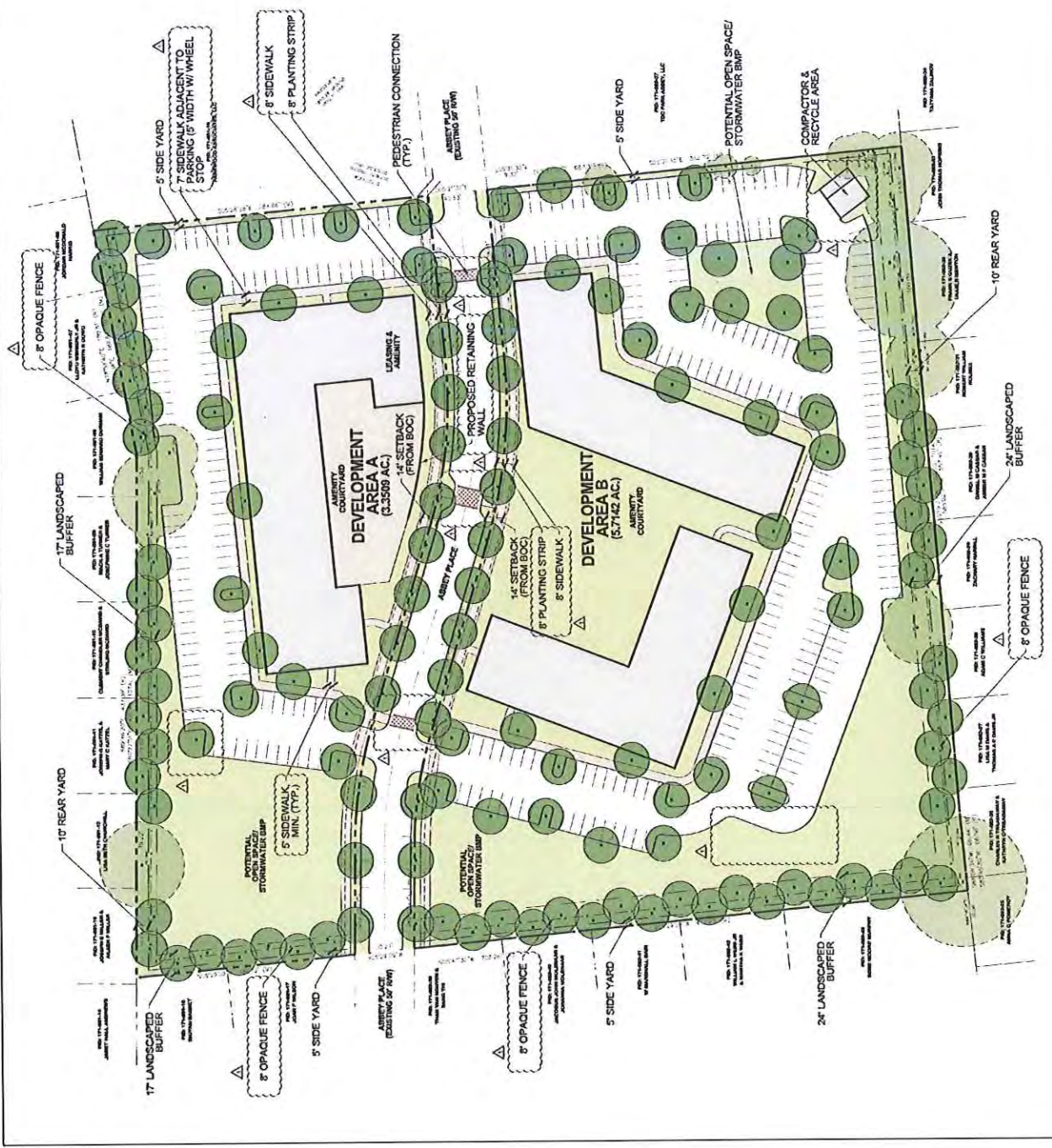
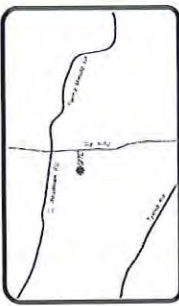
VI UNIT MAP
NTS

Site Development Data:

1. General description of the site, including location, size, and existing conditions. The site is located at the intersection of [Street Name] and [Street Name] in the [Neighborhood] area of Chattanooga, Tennessee. The site is currently vacant and is zoned RZ-1. The proposed development consists of two multi-story apartment buildings, Development Area A and Development Area B, with a total of [Number] units. The site is bounded by [Street Name] to the north, [Street Name] to the south, [Street Name] to the east, and [Street Name] to the west. The site is adjacent to [Existing Building/Structure] and [Existing Building/Structure]. The site is bounded by [Street Name] to the north, [Street Name] to the south, [Street Name] to the east, and [Street Name] to the west. The site is adjacent to [Existing Building/Structure] and [Existing Building/Structure].



Scale: 1" = 20'-0"





FIBER CEMENT PANEL
ASPHALT SHINGLES

FIBER CEMENT SIDING
BRICK VENEER
GLAZING

PREFINISHED METAL HANDRAIL
BRICK VENEER

PREFINISHED METAL COPING
FIBER CEMENT PANEL

FIBER CEMENT SIDING
BRICK VENEER

MASONRY VENEER

REQUEST	Current Zoning: B-1 (neighborhood business) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 2.21 acres located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes the development of a maximum of 65,000 square feet of commercial floor area space for retail, personal services and eating/drinking/entertainment establishments, and structured parking.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the <i>South District Plan</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Silver Family, LLC Cotswold Partners, LLC Jeff Brown & Keith MacVean/ Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 62

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum 65,000 square feet of floor area for retail, personal services (as defined on the plan), and eating/drinking/entertainment establishments.
- Maximum of two principal buildings with two levels of structured parking and ground floor retail.
- Building height limited to three stories.
- A 15-foot setback along Randolph Road that includes an eight-foot planting strip and 7.5-foot sidewalk.
- A 13-foot setback along Colwick Road that includes a seven-foot planting strip and six-foot sidewalk.
- Roof top mechanical equipment will be screened from public view at grade.
- Ground floor elevations along Randolph Road shall be treated with a combination of fenestration, clear glass, prominent entrances, changes in materials, building step backs, and landscaping.
- A note that blank walls cannot be addressed with landscaping elements only.
- Parking will be provided at 1 space per 300 gross square feet.
- Screen wall along Colwick Road to screen loading docks.
- Detached lighting limited to 20 feet.
- Transportation improvements include:
 - Proposed private street to connect Randolph and Colwick Road that will include a six-foot sidewalk and six-foot planting strip along the private street will transition to a seven-foot sidewalk abutting the curb.
 - Pedestrian refuge in the middle of Randolph Road.
 - Medians along Randolph Road and the proposed private street.
 - Westbound right-turn lane on Greenwich Road at Randolph Road, with 125 feet of storage.
 - Extension of the existing southbound left-turn lane storage on Randolph Road at Greenwich Road from 190 feet to 250 feet.
 - Modification of existing curb radius at the intersection of Greenwich Road and Colwick Road.
- Optional provisions include:
 - Vehicular maneuvering, loading docks, and a service area between the proposed building and Colwick Road.
 - A detached sign along Randolph Road, up to five feet in height and 40 square feet in area.
 - Wall signs up to 200 square feet per wall or 10 percent of the wall area to which they are attached, whichever is less.
 - A screen wall along Colwick Road that does not meet the MUDD (mixed use development)

street wall requirements. Proposed wall will use changes in pattern, building materials, decorative grills, display windows, and landscaping to create an interesting pedestrian experience.

- Reduction in the setback along Colwick Road to 13 feet.
 - Allow the existing building, parking and uses to remain under this plan.
 - **Existing Zoning and Land Use**
 - The subject property is currently developed with an office building. The surrounding properties are zoned O-2 (office), B-1 (neighborhood business), CC (commercial center) and developed with residential, office and commercial uses.
 - **Rezoning History in Area**
 - Petition 2009-054 rezoned property located near the intersection of North Sharon Amity Road and Colwick Road from O-2 (office) to MUDD-O (mixed use development, optional) to allow the existing building to be reused for retail, restaurant, and office uses.
 - **Public Plans and Policies**
 - The *South District Plan* (1993) recommends retail for the subject parcel.
 - This petition is consistent with the *South District Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** Should provide a concrete bus pad near the location of the proposed pedestrian refuge.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** The petitioner has addressed previous comments. However, CDOT is working with the petitioner and area residents on possible additional improvements that might become part of the conditional site plan.
 - **Vehicle Trip Generation:**
 - Current Zoning: 4,090 trips per day.
 - Proposed Zoning: 4,540 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
 1. Provide four-sided elevations of the proposed building.
 2. Remove the optional request for increased ground mounted signage.
 3. Show and label where the two principal buildings may be placed.
 4. Remove optional request "F".
 5. Provide a detail of the loading dock screen wall along Colwick Road.
 6. Provide a detail of the street wall.

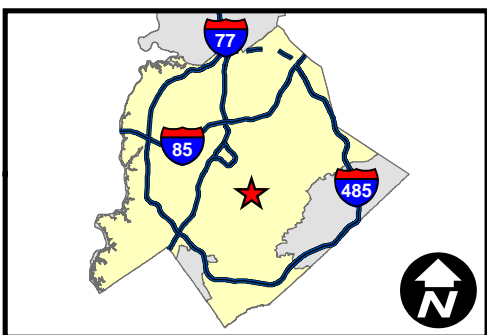
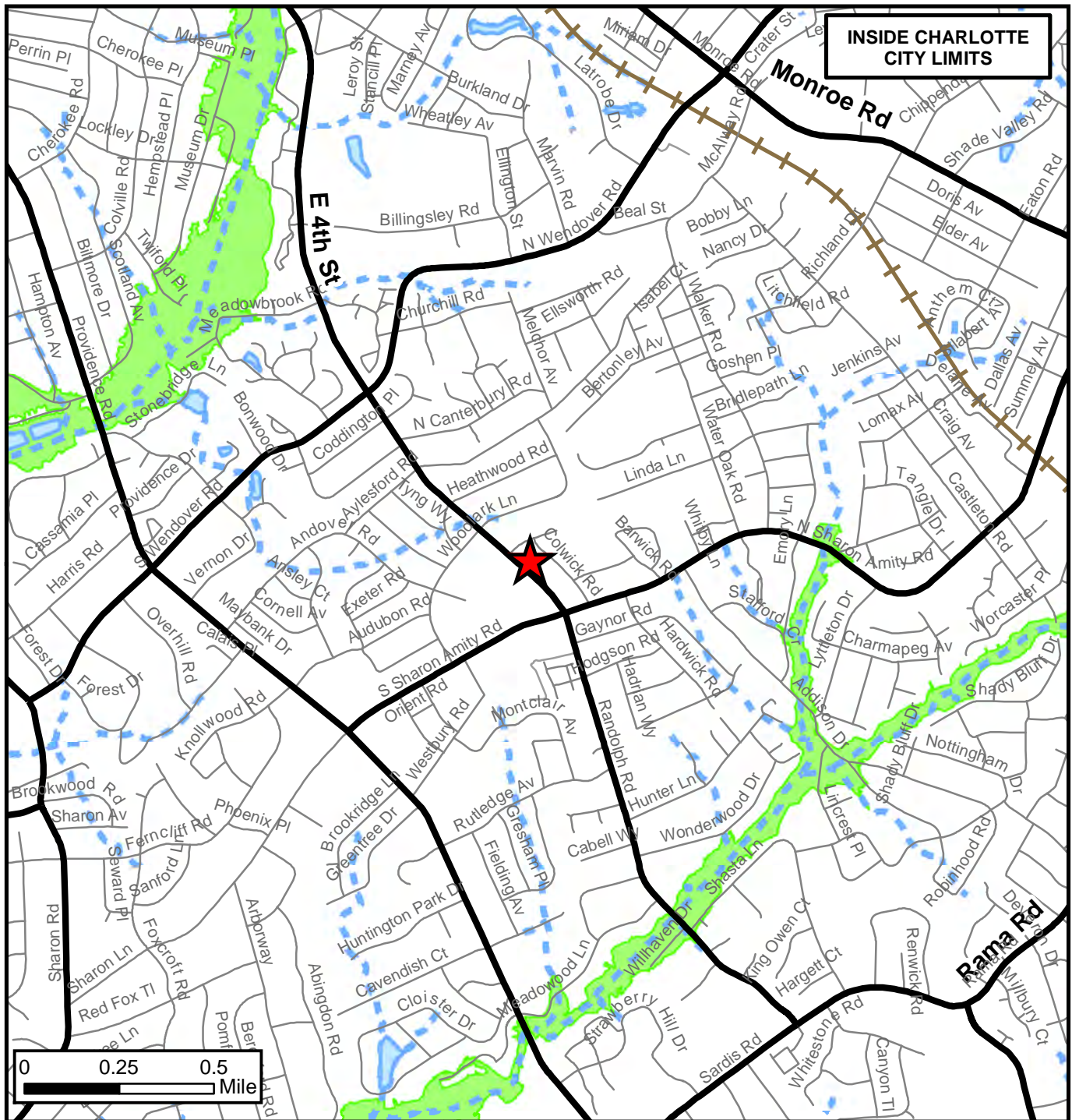
7. Remove the request to allow all existing building, parking and uses to remain under this plan.
 8. Add a note that windows and doors shall be provided for at least 70% of the total facade area along Randolph Road. The maximum contiguous area without windows or doors on the ground floor shall not exceed 10 feet in height or 20 feet in length.
 9. Confirm whether the maximum allowed square footage includes the parking structure.
 10. **Address CATS's comment.**
-

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326

Acreage & Location : Approximately 2.21 acres located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road.



★ Rezoning Petition: 2014-118

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

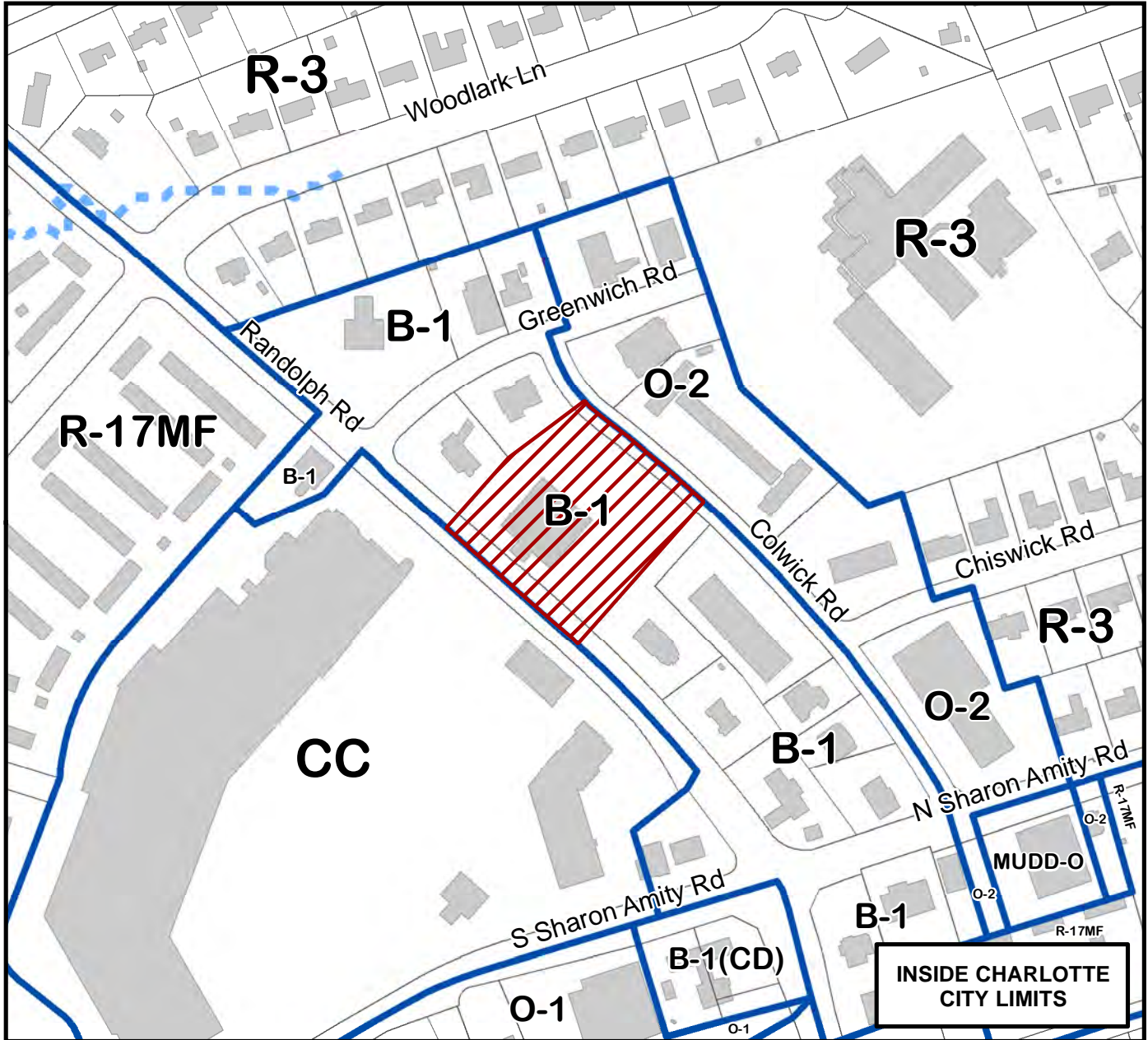
Petition #: **2014-118**

Petitioner: **Cotswold Partners, LLC**

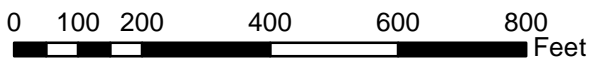
Zoning Classification (Existing): **B-1**
(Neighborhood Business)

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

Acreage & Location: Approximately 2.21 acres located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road.

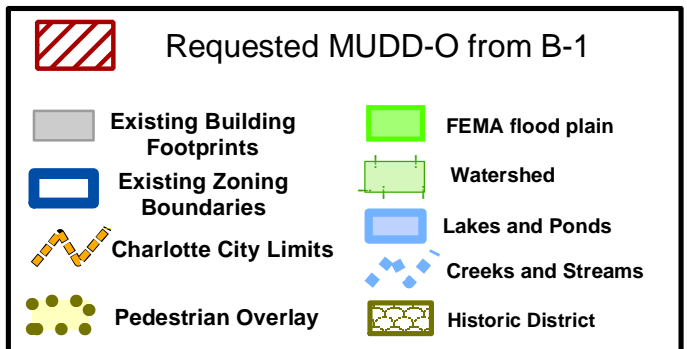


Map Produced by the Charlotte-Mecklenburg Planning Department, 9-26-2014.



Zoning Map #(s)

124



SITE DEVELOPMENT DATA:

- ACREAGE: ± 2.21 ACRES
- TAX PARCEL #S: 157-173-03
- EXISTING ZONING: B-1
- PROPOSED ZONING: MUDD-0
- EXISTING USES: PROFESSIONAL AND GENERAL OFFICES USES.
- PROPOSED USES: RETAIL; EATING, DRINKING, ENTERTAINMENT, ESTABLISHMENTS (EDEC); AND PERSONAL SERVICE USES AS PERMITTED BY RIGHT, UNDER PRESCRIBED CONDITIONS AND BY THE OPTIONAL PROVISIONS BELOW TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDD ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).
- MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 65,000 SQUARE FEET OF GROSS FLOOR AREA OF RETAIL, EDEC, AND PERSONAL SERVICE USES AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT. PROVIDED, HOWEVER, THE ENCLOSED LOADING DOCK SHALL NOT BE PART OF THE GROSS FLOOR AREA FOR THIS PURPOSE.

--MAXIMUM BUILDING HEIGHT: BUILDING HEIGHT WILL BE LIMITED TO THREE (3) STORIES. ARCHITECTURAL FEATURES SUCH AS SPIRES, MANSARDS, DOMES, AND THE LIKE AS WELL AS ROOF TOP MECHANICAL EQUIPMENT, AND SCREENS OR DEVICES USED TO SCREEN ROOF TOP STRUCTURES OR EQUIPMENT WILL BE ALLOWED AND WILL BE CONSIDERED PART OF THE ALLOWED THREE (3) STORY BUILDING HEIGHT.

--PARKING: A MINIMUM OF ONE PARKING SPACE PER 300 SQUARE FEET OF GROSS FLOOR AREA WILL BE PROVIDED.

1. GENERAL PROVISIONS:

a. SITE LOCATION, THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN AND OTHER GRAPHICS SET FORTH ON ATTACHED SHEETS RZ-1 AND RZ-2 FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY COTSWOLD PARTNERS, LLC. ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A HIGH QUALITY RETAIL USES, EATING, DRINKING, ENTERTAINMENT ESTABLISHMENTS, AND PERSONAL SERVICE USES ON AN APPROXIMATELY 2.21 ACRE SITE LOCATED ON THE EAST SIDE OF RANDOLPH ROAD BETWEEN GREENWICH ROAD AND N. SHARON AMITY ROAD (THE "SITE").

b. ZONING DISTRICTS/ORDINANCE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD-0 ZONING CLASSIFICATION SHALL GOVERN THE DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED BELOW.

c. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, DRIVEWAYS, STREETS AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS, THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE. SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

- EXPRESSLY PERMITTED BY THE REZONING PLAN (IT IS UNDERSTOOD THAT IF A MODIFICATION IS EXPRESSLY PERMITTED BY THE REZONING PLAN IT IS DEEMED A MINOR MODIFICATION FOR THE PURPOSES OF THESE DEVELOPMENT STANDARDS); OR,
- MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN; OR
- MODIFICATIONS TO MOVE STRUCTURES GRAPHICALLY DEPICTED ON THE REZONING PLAN CLOSER TO ADJACENT PROPERTIES BUT NO CLOSER THAN THE "EXTERNAL BUILDING LINE" (IN THIS CASE THE EXTERNAL SETBACKS, SIDE OR REAR YARDS) INDICATED ON SHEET RZ-1; OR
- MODIFICATIONS TO ALLOW MINORS OR DECREASES IN THE MASS OF THE BUILDINGS THAT DO NOT MATERIALLY CHANGE THE DESIGN INTENT DEPICTED ON OR DESCRIBED IN THE REZONING PLAN.

THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PER THIS AMENDED PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, THE PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE; IN EACH INSTANCE, HOWEVER, SUBJECT TO THE PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

d. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY. NOTWITHSTANDING THE NUMBER OF BUILDINGS SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED TWO (2). ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES SHALL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDING(S) LOCATED WITHIN THE SAME DEVELOPMENT AREA AS THE ACCESSORY STRUCTURE/BUILDING.

2. OPTIONAL PROVISIONS:

THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE SITE:

- TO ALLOW VEHICULAR MANEUVERING, LOADING DOCKS AND A SERVICE AREA BETWEEN THE PROPOSED BUILDING AND COLWICK ROAD IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN.
- TO ALLOW A DETACHED SIGN ALONG RANDOLPH ROAD WITH UP TO 40 SQUARE FEET OF SIGN AREA AND UP TO FIVE (5) FEET HIGH.
- TO ALLOW WALL SIGNS TO HAVE UP TO 200 SQUARE FEET OF SIGN SURFACE AREA PER WALL OR 10% OF THE WALL AREA TO WHICH THEY ARE ATTACHED, WHICHEVER IS LESS.
- TO ALLOW A WALL ALONG COLWICK ROAD THAT DOES NOT MEET STREET WALL REQUIREMENTS. THIS PROPOSED STREET WALL WILL BE TREATED TO CREATE AN INTERESTING PEDESTRIAN EXPERIENCE BY THE USE OF CHANGES IN PATTERN, BUILDING MATERIALS, DECORATIVE GRILLS, DISPLAY WINDOWS AND LANDSCAPING.
- TO ALLOW THE SETBACK ALONG COLWICK ROAD TO BE REDUCED TO 13 FEET.
- THE EXISTING OFFICE BUILDING, PARKING AND USES CURRENTLY LOCATED ON THE SITE AS OF THE DATE OF THE APPROVAL OF THIS PETITION MAY REMAIN AND SHALL BE PERMITTED UNDER THIS REZONING PLAN.
- THE DEFINITION OF "GROSS FLOOR AREA" OR "GSA" SET FORTH BELOW SHALL BE PERMITTED AND APPLIED IN THE MANNER DESCRIBED BELOW.

NOTE: THE OPTIONAL PROVISION REGARDING SIGNS IS AN ADDITION/MODIFICATION TO THE STANDARDS FOR SIGNS IN THE MUDD DISTRICT AND IS TO BE USED WITH THE REMAINDER OF MUDD STANDARDS FOR SIGNS NOT MODIFIED BY THESE OPTIONAL PROVISIONS.

3. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:

a. SUBJECT TO THE RESTRICTIONS AND LIMITATIONS LISTED BELOW, THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE SITE MAY BE DEVELOPED WITH UP TO 65,000 SQUARE FEET OF GROSS FLOOR AREA OF RETAIL, EDEC, AND PERSONAL SERVICE USES AS PERMITTED BY RIGHT, UNDER PRESCRIBED CONDITIONS AND PER THE OPTIONAL PROVISIONS ABOVE TOGETHER WITH ACCESSORY USES ALLOWED IN THE MUDD-0 ZONING DISTRICT.

PERSONAL SERVICE USES WILL BE DEFINED AS USES THAT PRIMARILY PROVIDE OR SELL A SERVICE TO CUSTOMERS VERSUS THE SELLING OF GOODS. A PERSONAL SERVICE USE MAY ALSO SELL PRODUCTS OR MERCHANDISED BUT THE SALE OF PRODUCTS AND MERCHANDISE IS TYPICALLY ANCOLLARY. EXAMPLES OF PERSONAL SERVICE USES INCLUDE BUT ARE NOT LIMITED TO: BEAUTY SALONS AND BARBER SHOPS, SPA'S, YOGA AND EXERCISE STUDIOS, NAIL SALONS, MASSAGE SHOPS, MARTIAL ART TRAINING STUDIOS, DRY CLEANING ESTABLISHMENTS, LOCKSMITHS, AND ALIKE.

FOR PURPOSES OF THE DEVELOPMENT LIMITATIONS SET FORTH IN THESE DEVELOPMENT STANDARDS (BUT NOT TO BE CONSTRUED AS A LIMITATION ON FAR REQUIREMENTS), THE TERM "GROSS FLOOR AREA" OR "GFA" SHALL MEAN AND REFER TO THE SUM OF THE GROSS HORIZONTAL AREAS OF EACH FLOOR OF A PRINCIPAL BUILDING ON THE SITE MEASURED FROM THE OUTSIDE OF THE EXTERIOR WALLS OR FROM THE CENTER LINE OF PARTY WALLS; PROVIDED, HOWEVER, SUCH TERM SHALL EXCLUDE ANY SURFACE OR STRUCTURED PARKING FACILITIES, AREAS USED FOR BUILDING AND EQUIPMENT ACCESS (SUCH AS STAIRS, ELEVATOR SHAFTS, VESTIBULES, ROOF TOP EQUIPMENT ROOMS AND MAINTENANCE CRAWL SPACES), ALL LOADING DOCK AREAS (OPEN OR ENCLOSED), OUTDOOR COOLERS AND OUTDOOR DINING AREAS WHETHER ON THE ROOF OF THE BUILDING(S) OR AT STREET LEVEL (PARKING FOR OUTDOOR DINING AREAS WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE OR THESE DEVELOPMENT STANDARDS).

4. TRANSPORTATION IMPROVEMENTS AND ACCESS:

I. PROPOSED IMPROVEMENTS:

THE PETITIONER PLANS TO PROVIDE OR CAUSE TO BE PROVIDED ON ITS OWN OR IN

COOPERATION WITH OTHER PARTIES WHO MAY IMPLEMENT PORTIONS OF THE IMPROVEMENTS, THE IMPROVEMENTS SET FORTH BELOW TO BENEFIT OVERALL TRAFFIC PATTERNS THROUGHOUT THE AREA IN ACCORDANCE WITH THE FOLLOWING IMPLEMENTATION PROVISIONS:

THE FOLLOWING TRANSPORTATION IMPROVEMENTS ARE ALSO ILLUSTRATED ON FIGURE 8 LOCATED ON SHEET RZ1-3 OF THE REZONING PLAN. FIGURE 8 ON SHEET RZ1-3 IS TO BE USED IN CONJUNCTION WITH THE FOLLOWING NOTES TO DETERMINE THE EXTENT OF THE PROPOSED IMPROVEMENTS (REFERENCE TO A NUMBER WHEN DESCRIBING AN IMPROVEMENT CORRESPONDS TO THE NUMBER FOUND ON FIGURE 8 ON SHEET RZ-3 FOR THE PROPOSED IMPROVEMENT). THE FOLLOWING ROADWAY IMPROVEMENTS WILL BE MADE BY THE PETITIONER AS PART OF THE REDEVELOPMENT OF THE SITE AS PROPOSED BY THE REZONING PLAN:

a. CONSTRUCT A WESTBOUND RIGHT TURN LANE ON GREENWICH ROAD AT RANDOLPH ROAD WITH 125 FEET OF STORAGE AND A 35-FOOT BAY TAPER (ON AN EXISTING DRIVEWAY). WITH THIS IMPROVEMENT THE PAVEMENT SHOULD BE MARKED AS A THREE-LANE SECTION.

b. EXTEND THE EXISTING SOUTHBOUND LEFT TURN LANE STORAGE ON RANDOLPH ROAD AT GREENWICH ROAD FROM 190 FEET TO 250 FEET OF STORAGE AND 100-FOOT BAY TAPER (ALL WITHIN THE EXISTING MEDIAN AND MAXIMIZED DUE TO AN EXISTING ADJACENT NORTHBOUND LEFT TURN LANE).

c. INSTALL A RAISED MEDIAN (A MAXIMUM OF THREE-FEET WIDE) ON RANDOLPH ROAD COMMENCING AT GREENWICH ROAD AND TERMINATING NORTH OF THE EXISTING SHOPPING CENTER DRIVEWAY LOCATED MIDWAY BETWEEN GREENWICH ROAD AND SHARON AMITY ROAD. THIS IMPROVEMENT IS REQUIRED TO ELIMINATE LEFT ENTERING AND LEFT EXITING MOVEMENTS TO/FROM THE PROPOSED RIGHT-IN/RIGHT-OUT ONLY DRIVEWAY (ACCESS "A") DESCRIBED LATER IN THIS DOCUMENT. AS PART OF THE CONSTRUCTION OF THIS MEDIAN THE PETITIONER WILL CONSTRUCT A PEDESTRIAN REFUGE ISLAND AS GENERALLY DEPICTED ON THE REZONING PLAN. IT IS NOTED, HOWEVER, THAT THIS MEDIAN IMPROVEMENT IS NOT INTENDED TO RESTRICT TURNING MOVEMENTS IN RANDOLPH ROAD RELATED TO THE COTSWOLD MALL USE ACROSS RANDOLPH ROAD NOR THE ADJACENT RESTAURANT USE TO THE SOUTH OF THE SITE CURRENTLY OCCUPIED BY CHIC-FILET.

d. CONSTRUCT A NEW PRIVATE STREET AS GENERALLY DEPICTED ON THE REZONING PLAN THAT CONNECTS RANDOLPH ROAD AND COLWICK ROAD APPROXIMATELY 600 FEET NORTH OF SHARON AMITY ROAD.

e. CONSTRUCT MEDIANS AS GENERALLY DEPICTED ON THE REZONING PLAN ON THE FUTURE PRIVATE STREET DESCRIBED ABOVE AND IN RANDOLPH ROAD TO ELIMINATE LEFT ENTERING AND LEFT EXITING MOVEMENTS TO/FROM THE STREET. THESE MEDIANS MAY BE REMOVED TO ALLOW THE SIGNALIZATION OF THIS INTERSECTION IN THE FUTURE SHOULD THE ACCESS ON THE WEST SIDE OF RANDOLPH ROAD BE RECONFIGURED TO LINE UP WITH THE PROPOSED PRIVATE STREET. IT IS NOTED, HOWEVER, THAT THIS MEDIAN IMPROVEMENT IS NOT INTENDED TO RESTRICT TURNING MOVEMENTS IN RANDOLPH ROAD RELATED TO THE COTSWOLD MALL USE ACROSS RANDOLPH ROAD NOR THE ADJACENT RESTAURANT USE TO THE SOUTH OF THE SITE CURRENTLY OCCUPIED BY CHIC-FILET.

f. MODIFY THE EXISTING CURB RADIUS AT THE INTERSECTION OF GREENWICH ROAD AND COLWICK ROAD AS WELL TO ACCOMMODATE THE PROPER DESIGN VEHICLE AND EXISTING PEDESTRIAN ACCESS.

II. STANDARDS, PHASING AND OTHER PROVISIONS:

a. CDOT/NCDOT STANDARDS. ALL OF THE FOREGOING PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AS APPLICABLE. IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY THE PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER DEVELOPMENT OR ROADWAY PROJECTS TAKING PLACE WITHIN THE AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

b. SUBSTANTIAL COMPLETION. REFERENCE TO "SUBSTANTIAL COMPLETION" FOR CERTAIN IMPROVEMENTS AS SET FORTH IN THE PROVISIONS OF SECTION 4.II.B. ABOVE SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE STANDARDS SET FORTH IN SECTION 4.II.A ABOVE PROVIDED, HOWEVER, IN THE EVENT ALL ROADWAY IMPROVEMENTS ARE NOT COMPLETED AT THE TIME THAT THE PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE IN CONNECTION WITH RELATED DEVELOPMENT PHASING DESCRIBED ABOVE, THEN THE PETITIONER WILL WORK WITH CITY STAFF TO DETERMINE A PROCESS TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS, AND IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE IMPROVEMENTS.

d. RIGHT-OF-WAY AVAILABILITY. IT IS UNDERSTOOD THAT SOME OF THE PUBLIC ROADWAY IMPROVEMENTS REFERENCED IN SUBSECTION A. ABOVE MAY NOT BE POSSIBLE WITHOUT THE ACQUISITION OF ADDITIONAL RIGHT OF WAY. IF AFTER THE EXERCISE OF DILIGENT GOOD FAITH EFFORTS OVER A MINIMUM OF A 60 DAY PERIOD, THE PETITIONER IS UNABLE TO ACQUIRE ANY LAND NECESSARY TO PROVIDE FOR ANY SUCH ADDITIONAL RIGHT OF WAY UPON COMMERCIALLY REASONABLE TERMS AND AT MARKET PRICES, THEN CDOT, THE CITY OF CHARLOTTE, ENGINEERING DIVISION OR OTHER APPLICABLE AGENCY GOVERNMENTAL BODY AGREE TO PROCEED WITH ACQUISITION OF ANY SUCH LAND. IN SUCH EVENT, THE PETITIONER SHALL REIMBURSE THE APPLICABLE AGENCY, DEPARTMENT OR GOVERNMENTAL BODY FOR THE COST OF ANY SUCH ACQUISITION PROCEEDINGS INCLUDING COMPENSATION PAID BY THE APPLICABLE AGENCY, DEPARTMENT OR GOVERNMENTAL BODY FOR ANY SUCH LAND AND THE EXPENSES OF SUCH PROCEEDINGS. FURTHERMORE, IN THE EVENT PUBLIC ROADWAY IMPROVEMENTS REFERENCED IN SUBSECTION A. ABOVE ARE DELAYED BECAUSE OF DELAYS IN THE ACQUISITION OF ADDITIONAL RIGHT-OF-WAY AS CONTEMPLATED HEREIN AND SUCH DELAY EXTENDS BEYOND THE TIME THAT THE PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE IN CONNECTION WITH RELATED DEVELOPMENT PHASING DESCRIBED ABOVE, THEN THE PETITIONER WILL WORK WITH CITY STAFF TO DETERMINE A PROCESS TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS; PROVIDED, HOWEVER, PETITIONER CONTINUES TO EXERCISE GOOD FAITH EFFORTS TO COMPLETE THE APPLICABLE ROAD-WAY IMPROVEMENTS; IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE IMPROVEMENTS.

e. ALTERNATIVE IMPROVEMENTS. CHANGES TO THE ABOVE REFERENCED ROADWAY IMPROVEMENTS CAN BE APPROVED THROUGH THE ADMINISTRATIVE AMENDMENT PROCESS UPON THE DETERMINATION AND MUTUAL AGREEMENT OF PETITIONER, CDOT, AND THE PLANNING DIRECTOR AS APPLICABLE, PROVIDED, HOWEVER, THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS PROVIDE (IN THE AGGREGATE) COMPARABLE TRANSPORTATION NETWORK BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS PETITION.

III. ACCESS:

a. ACCESS TO THE SITE WILL BE FROM RANDOLPH ROAD AND COLWICK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN, SUBJECT TO ADJUSTMENTS AS SET FORTH BELOW.

b. THE PETITIONER AS PART OF THE DEVELOPMENT OF SITE WILL CONSTRUCT A PRIVATE STREET ALONG THE SOUTHEASTERN PROPERTY LINE THAT CONNECTS RANDOLPH ROAD TO COLWICK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. A PUBLIC ACCESS EASEMENT WILL BE PROVIDED ON THIS PRIVATE STREET. THE PUBLIC ACCESS EASEMENT WILL PROHIBIT THE PRIVATE STREET FROM BEEN CLOSED OR GATED AND WILL REQUIRE THAT THE PRIVATE STREET BE KEPT OPEN TO ALLOW THE PUBLIC TO USE THE STREET FOR INGRESS AND EGRESS. THE PUBLIC ACCESS EASEMENT WILL BE DOCUMENTED ON APPLICABLE APPROVED BUILDING PERMIT PLANS WHICH WILL INCLUDE A PROVISION STATING THAT THE EASEMENT CAN BE MODIFIED AS PERMITTED HEREIN. THIS PROVISION AND PROVISIONS TO BE INCLUDED ON THE BUILDING PLANS ARE NOT INTENDED TO CREATE PRIVATE EASEMENTS RIGHTS THAT MAY BE ENFORCED BY INDIVIDUAL LAND OWNERS, BUT RATHER ARE INTENDED TO COMPLY WITH DESIRE OF THE CITY TO HAVE A PRIVATE STREET OPEN TO THE PUBLIC BETWEEN RANDOLPH ROAD AND COLWICK ROAD. PORTIONS OR ALL OF THE STORM WATER MANAGEMENT FEATURES MAY BE LOCATED WITHIN THE PRIVATE STREETS.

c. DRIVEWAY AND PEDESTRIAN CONNECTIONS TO THE PRIVATE STREET DEPICTED ON THE REZONING PLAN FROM THE ADJOINING PROPERTIES MAY BE ALLOWED IN THE FUTURE IF THE PETITIONER AND THE PARTIES SEEKING THE CONNECTION(S) ARE IN AGREEMENT ON THE LOCATION AND TERMS OF THE CONNECTION(S).

d. THE ALIGNMENT OF THE VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) IN ACCORDANCE WITH PUBLISHED STANDARDS SO LONG AS THE STREET NETWORK SET FORTH ON THE REZONING PLAN IS NOT MATERIALLY ALTERED.

5. STREETScape, LANDSCAPING OPEN SPACE AND SCREENING:

a. A 15 FOOT SETBACK AS MEASURED FROM THE BACK OF THE EXISTING CURB ALONG RANDOLPH WILL BE PROVIDED; A 13 FOOT SETBACK, AS ALLOWED BY THE OPTIONAL PROVISIONS ABOVE, AS MEASURED FROM THE BACK OF THE EXISTING CURB ALONG COLWICK ROAD WILL BE PROVIDED AS GENERALLY DEPICTED ON THE REZONING PLAN.

b. AN EIGHT (8) FOOT PLANTING STRIP AND A SEVEN (7) FOOT SIDEWALK WILL BE PROVIDED ALONG RANDOLPH ROAD; AND ALONG COLWICK ROAD A SEVEN (7) FOOT PLANTING STRIP AND SIX (6) FOOT SIDEWALK WILL BE PROVIDED WITHIN THE REQUIRED SETBACKS AS GENERALLY DEPICTED ON THE REZONING PLAN.

c. URBAN OPEN SPACE WILL BE PROVIDED ON THE SITE AS REQUIRED BY THE ORDINANCE. THE LOCATION OF THE PROPOSED URBAN OPEN SPACE IS GENERALLY DEPICTED ON THE REZONING PLAN.

d. THE GRADE LEVEL PARKING SPACES LOCATED ALONG THE N.W. PROPERTY BOUNDARY WILL BE SCREENED FROM RANDOLPH ROAD BY A LOW (2.0' TO 2.5' HIGH) MASONRY WALL.

e. METER BANKS WILL BE SCREENED WHERE VISIBLE FROM PUBLIC VIEW AT GRADE LEVEL.

f. ROOF TOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE LEVEL.

6. GENERAL DESIGN GUIDELINES:

a. GROUND FLOOR ELEVATIONS LOCATED ALONG RANDOLPH ROAD SHALL BE TREATED WITH A COMBINATION OF FENESTRATION, CLEAR GLASS, PROMINENT ENTRANCES, CHANGES IN MATERIALS, BUILDING STEP BACKS, AND LANDSCAPING. BLANK WALLS CANNOT BE ADDRESSED WITH LANDSCAPING ELEMENTS ONLY. INCLUDING THE WALLS USED TO SCREEN THE SERVICE AREA.

b. FAÇADES SHALL PROVIDE VISUAL DIVISIONS BETWEEN THE FIRST AND SECOND STORIES THROUGH ARCHITECTURAL MEANS SUCH AS COURSES, AWNINGS, OR A CHANGE IN PRIMARY FAÇADE MATERIALS OR COLORS.

7. PARKING AND MANEUVERING RESTRICTIONS:

a. MANEUVERING FOR PARKING, A SERVICE AREA AND A LOADING DOCK AREA MAY BE PROVIDED BETWEEN COLWICK ROAD AND THE BUILDING AS GENERALLY DEPICTED ON THE REZONING PLAN AND ALLOWED BY THE OPTIONAL PROVISIONS ABOVE.

b. A MINIMUM OF ONE PARKING SPACE PER 300 SQUARE FEET OF GROSS FLOOR AREA WILL BE PROVIDED.

8. ENVIRONMENTAL FEATURES:

a. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

b. PORTIONS OR ALL OF THE STORM WATER MANAGEMENT FEATURES MAY BE LOCATED WITHIN THE PRIVATE STREETS SHOWN ON THE REZONING PETITION PLAN.

c. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.

9. SIGNAGE:

a. SIGNAGE AS ALLOWED BY THE ORDINANCE AND BY THE OPTIONAL PROVISIONS LISTED ABOVE MAY BE PROVIDED.

b. ON PREMISES DIRECTIONAL AND INSTRUCTIONAL SIGNS MAY BE LOCATED THROUGHOUT THE SITE PER THE STANDARDS OF THE ORDINANCE.

10. LIGHTING:

a. ALL NEW ATTACHED AND DETACHED LIGHTING SHALL BE FULLY SHIELDED DOWNWARDLY DIRECTED AND FULL CUT OFF FIXTURE TYPE LIGHTING EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, AND PARKING AREAS.

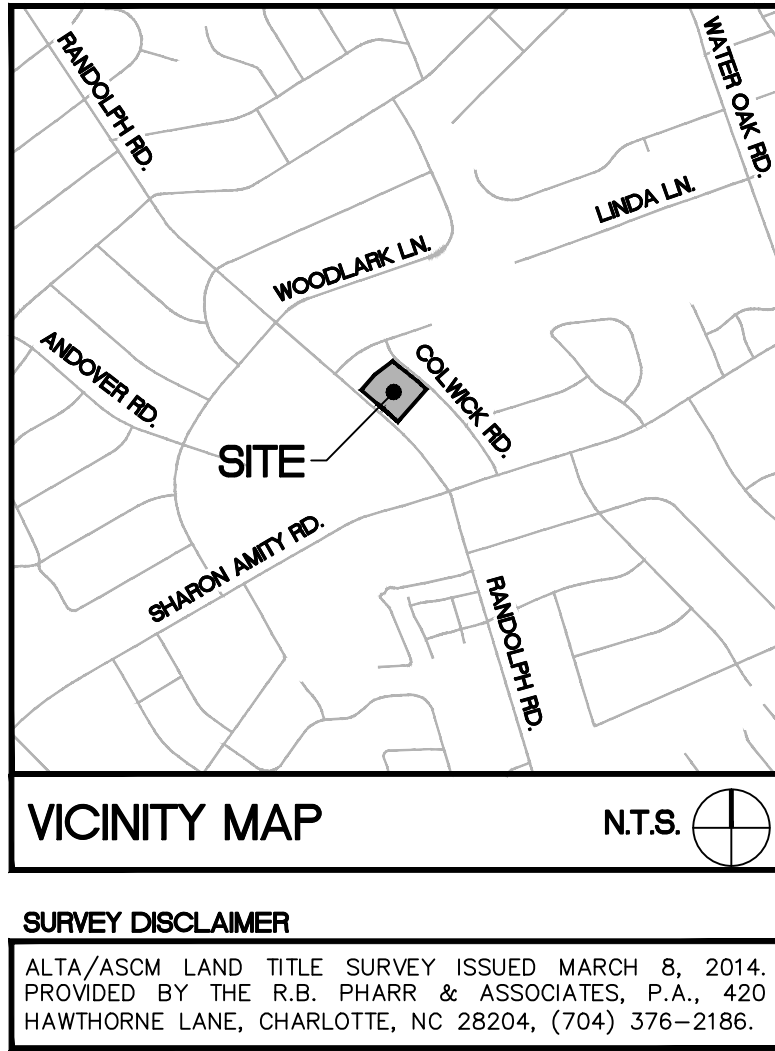
b. DETACHED LIGHTING ON THE SITE, EXCEPT STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 20 FEET IN HEIGHT.

11. AMENDMENTS TO THE REZONING PLAN:

a. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE APPLICABLE DEVELOPMENT AREA PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF CHAPTER 6 OF THE ORDINANCE.

12. BINDING EFFECT OF THE REZONING APPLICATION:

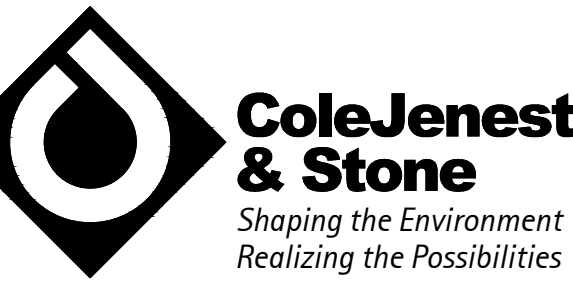
a. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.



COTSWOLD PARTNERS, LLC
2125 SOUTHEND DRIVE
SUITE 351
CHARLOTTE, NC 28203

COTSWOLD RETAIL REZONING

4425 RANDOLPH ROAD
CHARLOTTE, NC 28211



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*Shaping the Environment
Realizing the Possibilities*

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REZONING NOTES

Project No.

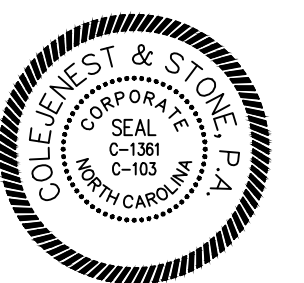
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09/22/14

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11/14/11 - REVISED PER CITY COMMENTS



RZ-2

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PETITION #: 2014-118

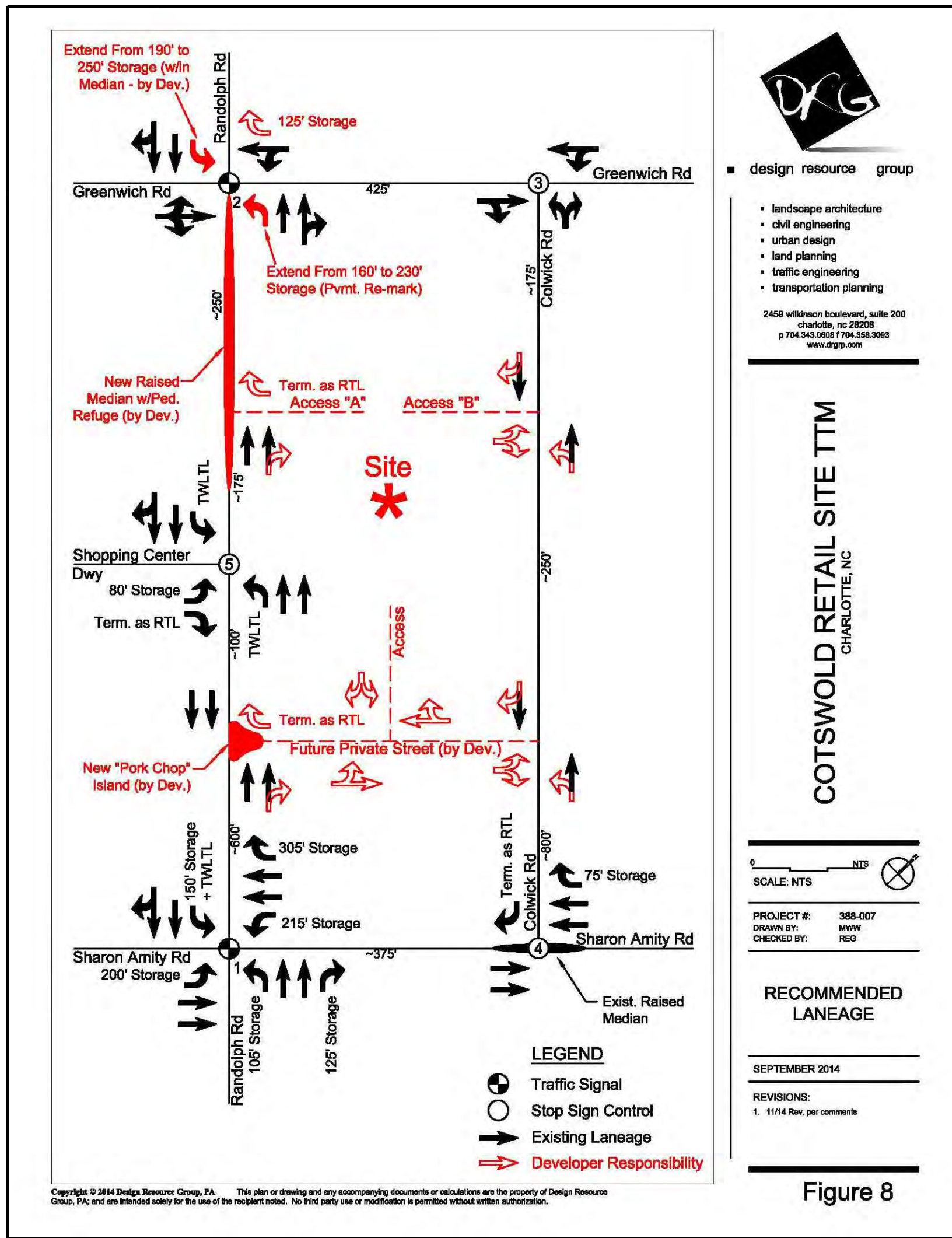
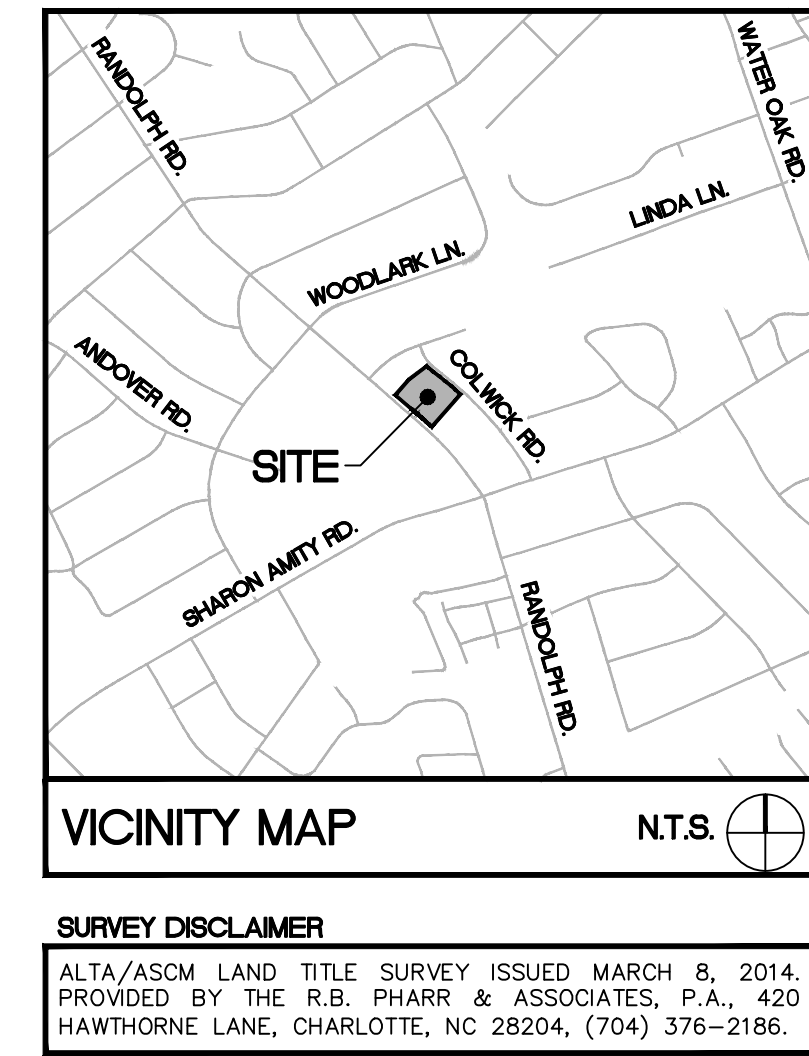
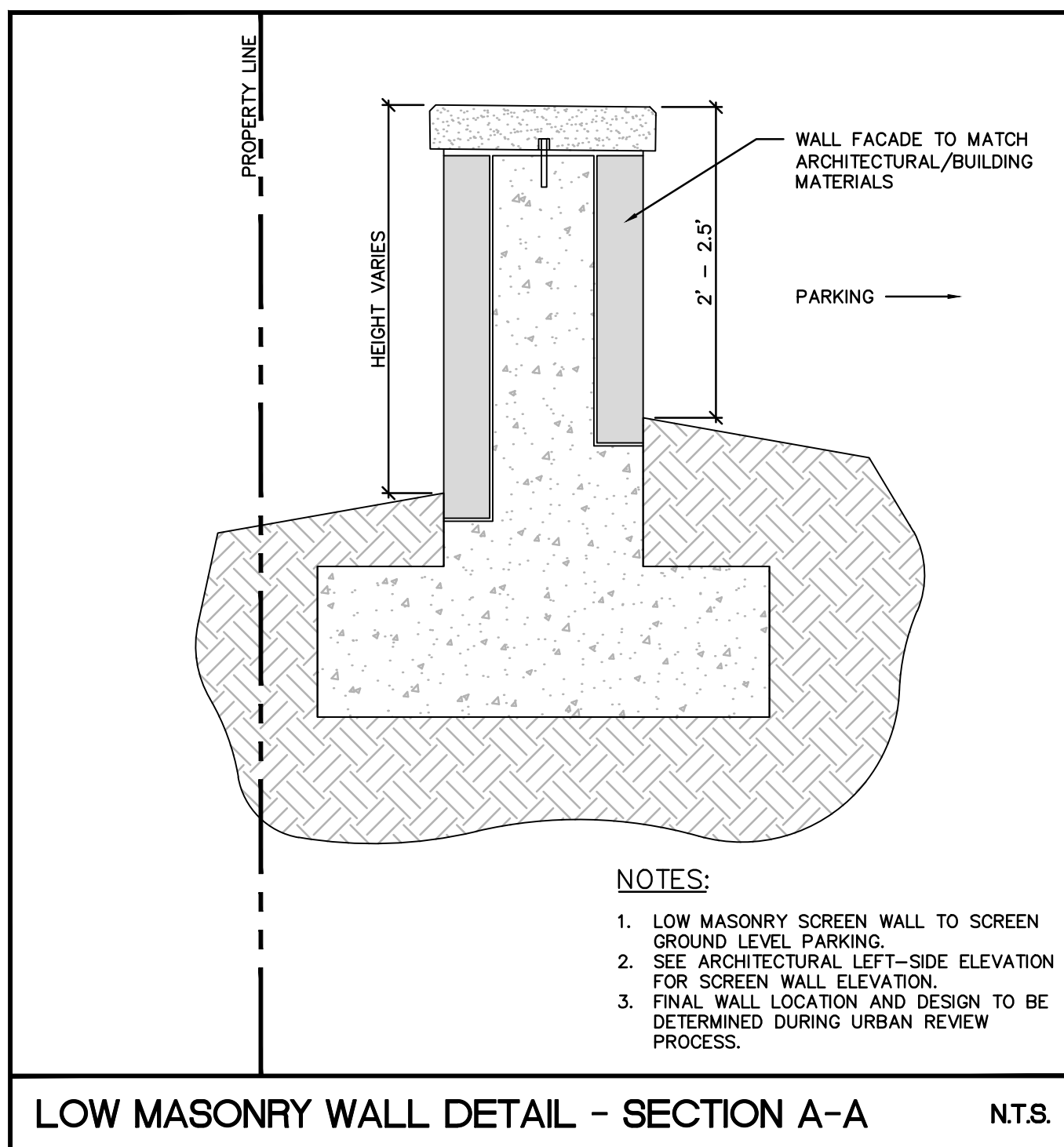
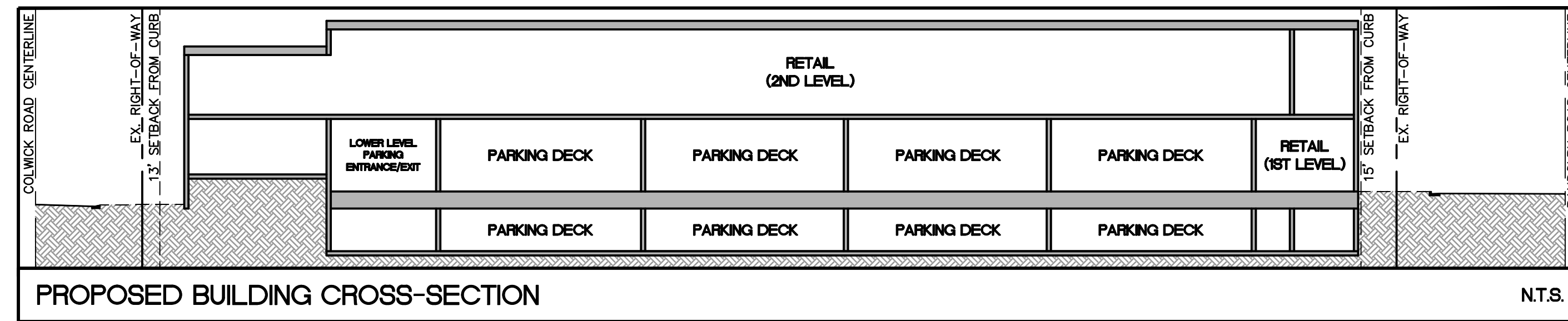
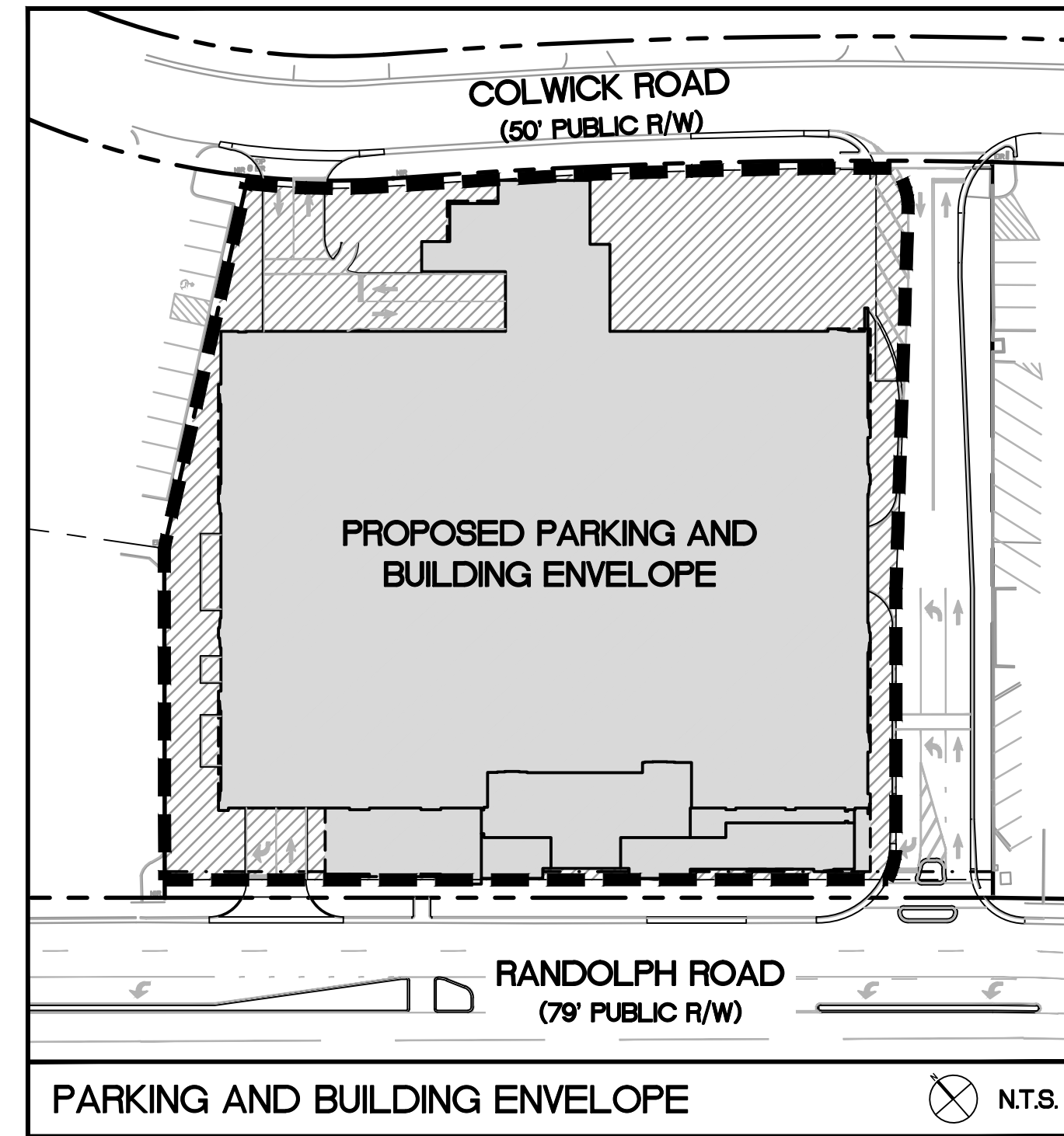
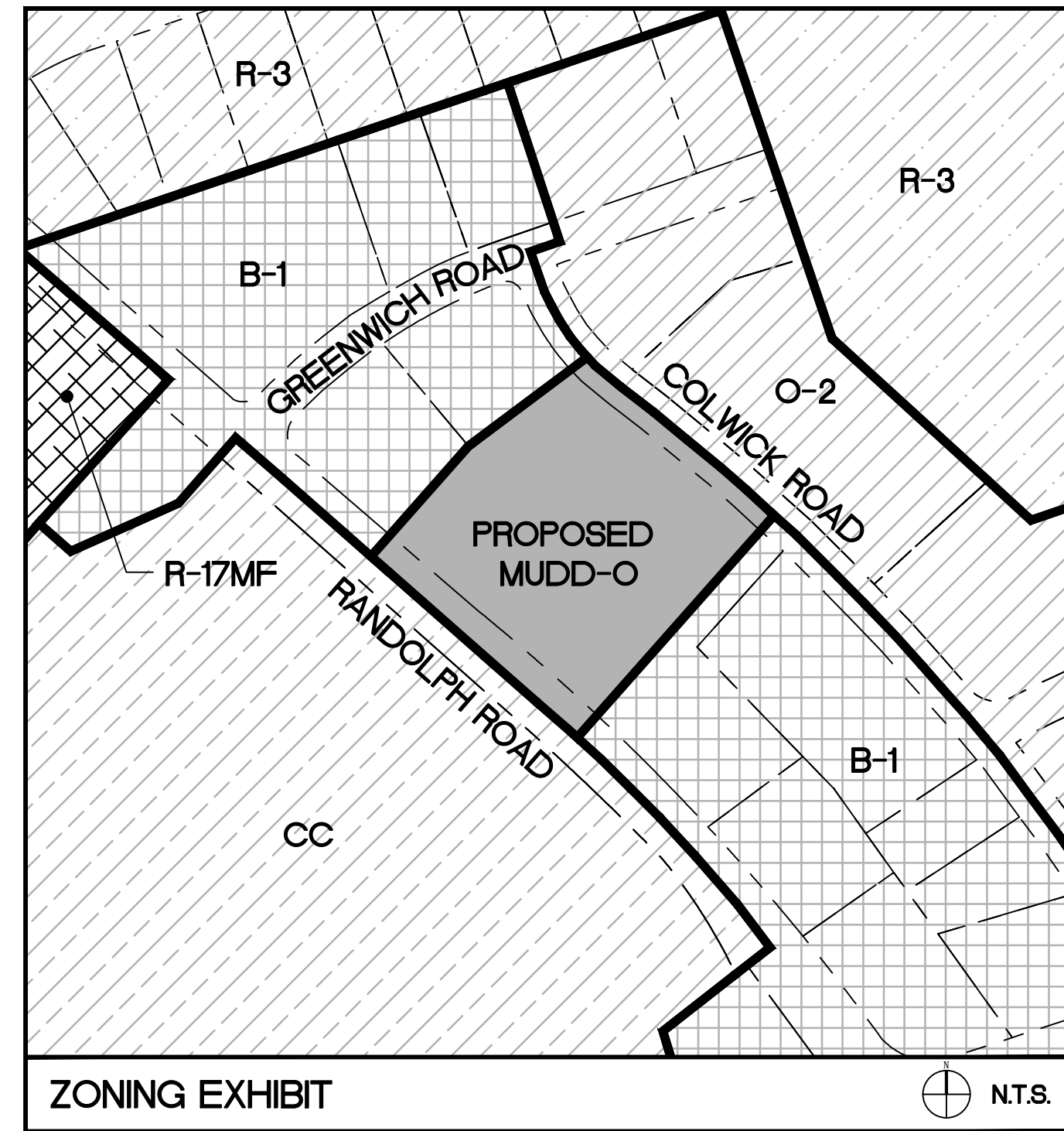


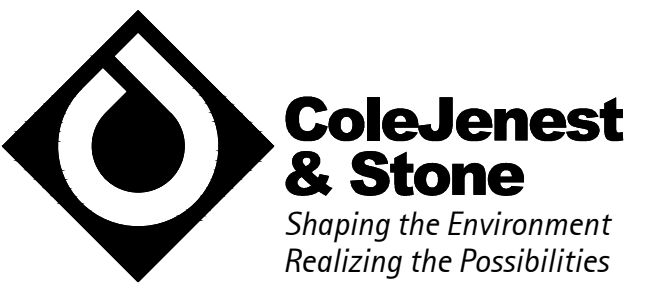
Figure 8



COTSWOLD PARTNERS, LLC
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COTSWOLD RETAIL REZONING

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REZONING EXHIBITS

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RZ-3

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PETITION #: 2014-118

REQUEST	Current Zoning: O-6(CD) (office, conditional) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 2.6 acres located on the west side of Statesville Avenue south of Oliver Street and east of Spratt Street. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes an interior expansion to an existing institutional use to allow a maximum building area of 45,252 square feet.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The proposed expansion of the existing homeless shelter, childcare center, and accessory support services is consistent with the <i>Central District Plan</i> , which recognizes the existing institutional use.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	The Salvation Army, A Georgia Corporation The Salvation Army, A Georgia Corporation N/A
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

PLANNING STAFF REVIEW

- **Background**
 - The subject property was rezoned via Petition 1990-50 to O-6(CD) (office, conditional) to allow a “group home” for up to 180 residents, a childcare center for up to 75 children, and administrative offices, with a maximum building area of 38,000 square feet. In 1990, the Zoning Ordinance definition of a “group home” included homeless shelters. Since that time, the ordinance has been amended and “homeless shelters” are listed as a separate use.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Interior expansion of existing building to allow a maximum 45,252 square feet of building area.
 - Continued use of the building as a homeless shelter with accessory support services.
 - Existing building and site layout to remain.
 - Maximum building height of 64 feet.
 - Existing playground area.
 - Optional requests:
 - Allow existing vegetation, four-foot sidewalk along Oliver and Spratt Street, five-foot sidewalk along Statesville Avenue and planting strips to remain instead of the required eight-foot planting strips, and six-foot sidewalks.
 - All current parking on Spratt Street to remain.
 - Allow a ten percent reduction from the required 75 parking spaces to the existing count of 69 spaces.
- **Existing Zoning and Land Use**
 - The subject property is currently zoned O-6(CD) (office, conditional) and developed with a homeless shelter (formerly called a group home) administered by the Salvation Army. Properties to the north and west of the subject site are currently zoned R-5 (single family residential) and R-17MF (multi-family residential) and developed with residential structures. Properties south of the site are zoned MUDD (CD) (mixed-use development, conditional) and I-1(CD) (light industrial, conditional) and developed with industrial, institutional and office structures, or are vacant. Sites to the east are zoned I-2 (general industrial) and are developed with various industrial structures.
- **Rezoning History in Area**
 - A public hearing was held for Petition 2014-068 in November 2014 and the decision is pending. The petition seeks to rezone 5.6 acres bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive to MUDD-O (mixed use development, optional) to allow all

uses permitted in the MUDD (mixed use development) district, with the intended use of the building to be constructed in Phase 1 as a government service facility and the building constructed in Phase 2 as any use permitted in the proposed district.

- Petition 2013-96 rezoned 15 acres located on the west side of North Graham Street and Spratt Street to I-1(CD) (light industrial, conditional) and I-1 (CD) SPA (light industrial, conditional, site plan amendment) to accommodate an expansion of the Second Harvest Food Bank of Metrolina, resulting in a maximum of 207,000 square feet on the site. Permitted uses include office, warehouse, and distribution uses, in addition to any related accessory uses permitted in the I-1 (light industrial) district.
 - Petition 2012-43 located on the north side of NC Music Factory Boulevard to MUDD (CD) (mixed use development, conditional) to allow up to 250 residential dwelling units at a density of 69 units per acre.
 - **Public Plans and Policies**
 - The *Central District Plan* (1993) recognizes the existing institutional land use.
 - The petition is consistent with the *Central District Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 300 trips per day.
Proposed Zoning: 340 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No comments received.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
 1. Clarify uses and list the proposed uses as a homeless shelter, daycare, and administrative offices.
 2. Specify existing and proposed building square footage. Consider increasing maximum square footage to 50,000, to allow flexibility.
 3. Add note specifying that expansion area is interior to the existing building.
 4. Correct the amount of open space to be provided, and label open space areas.
 5. Amend Note 2 under Optional Provisions to allow the existing 69 parking spaces provided on site and along the project frontage on Spratt Street to satisfy the parking requirement.
-

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326

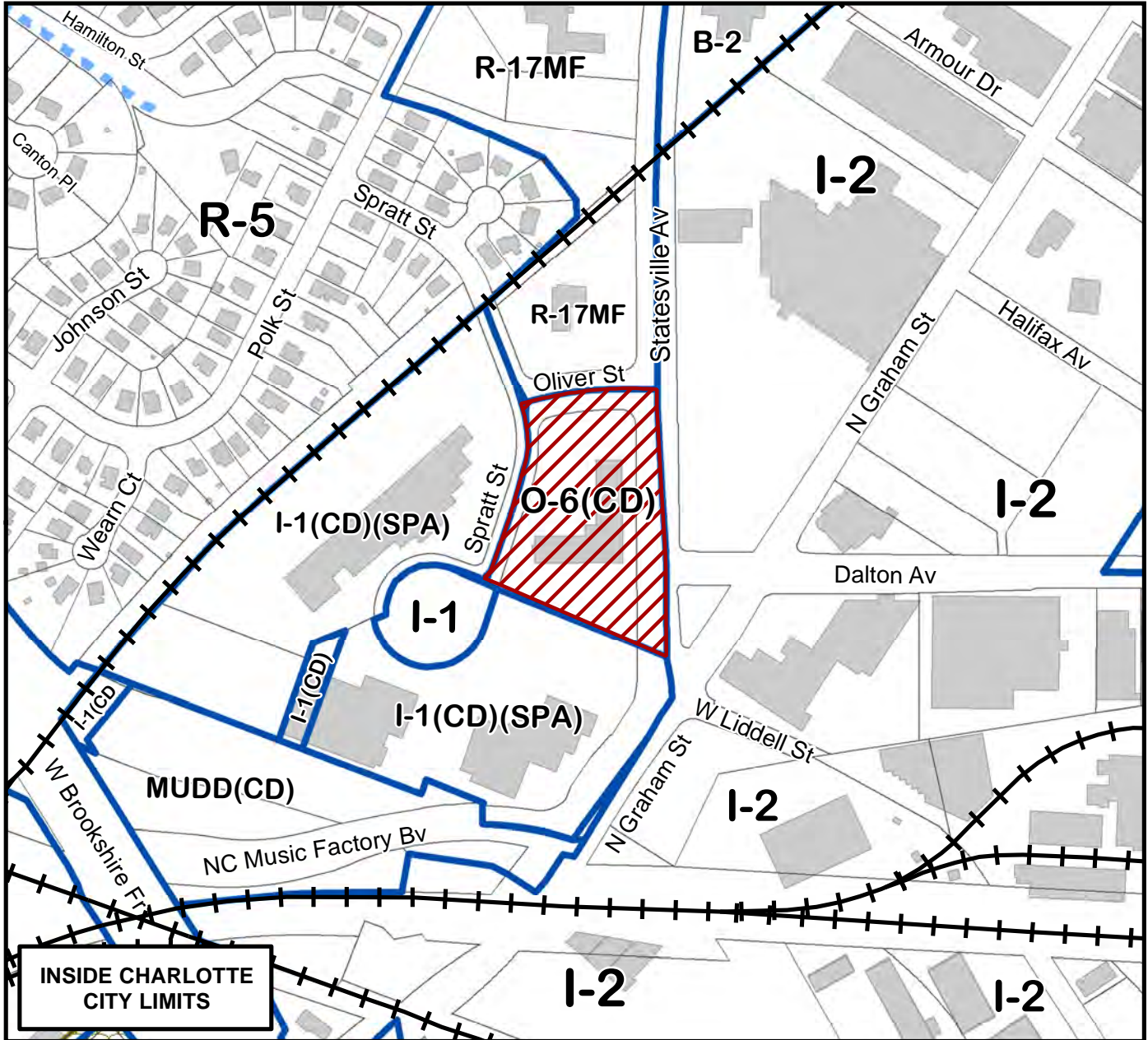
Petition #: **2015-010**

Petitioner: **The Salvation Army, A Georgia Corp.**

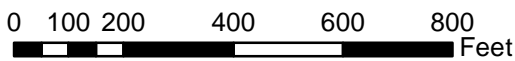
Zoning Classification (Existing): **O-6(CD)**
(Office, Conditional)

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

Acreage & Location: Approximately 2.61 acres located on the south side of Oliver Street between Spratt Street and Statesville Avenue.

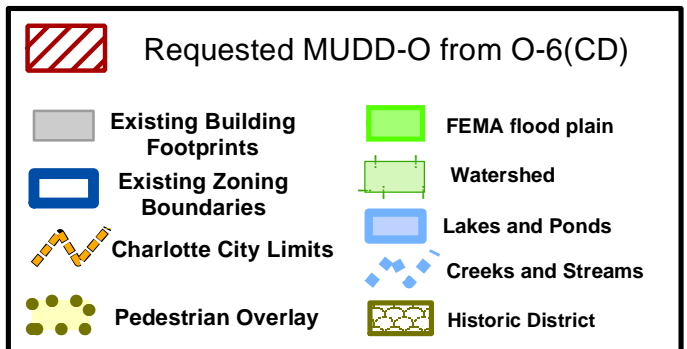


Map Produced by the Charlotte-Mecklenburg Planning Department, 12-4-2014.



Zoning Map #(s)

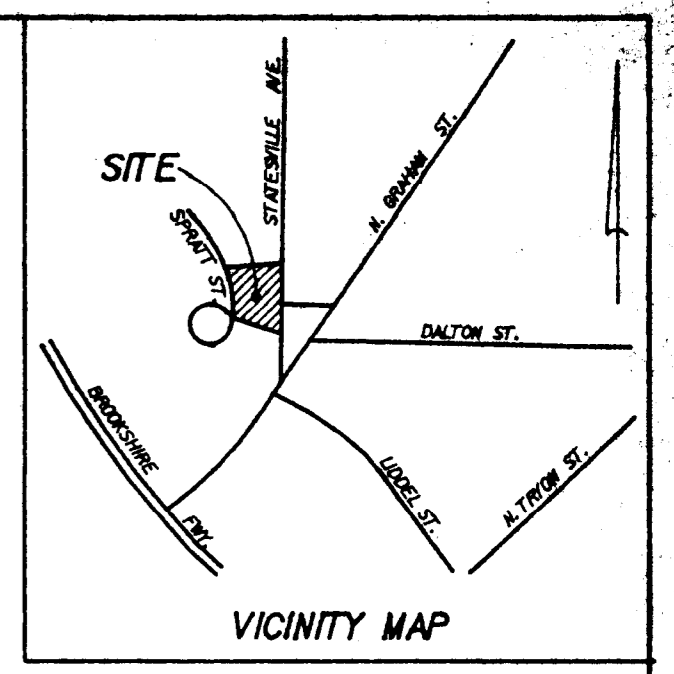
88



Previously
Approved
Site
Plan

RELATIVE TO MAP BOOK 25, PAGE 189

⑤
I-2



STATESVILLE AVENUE (100' R/W)

OLIVER STREET (50' R/W)

SPRATT STREET (50' R/W)

③
R-9MF

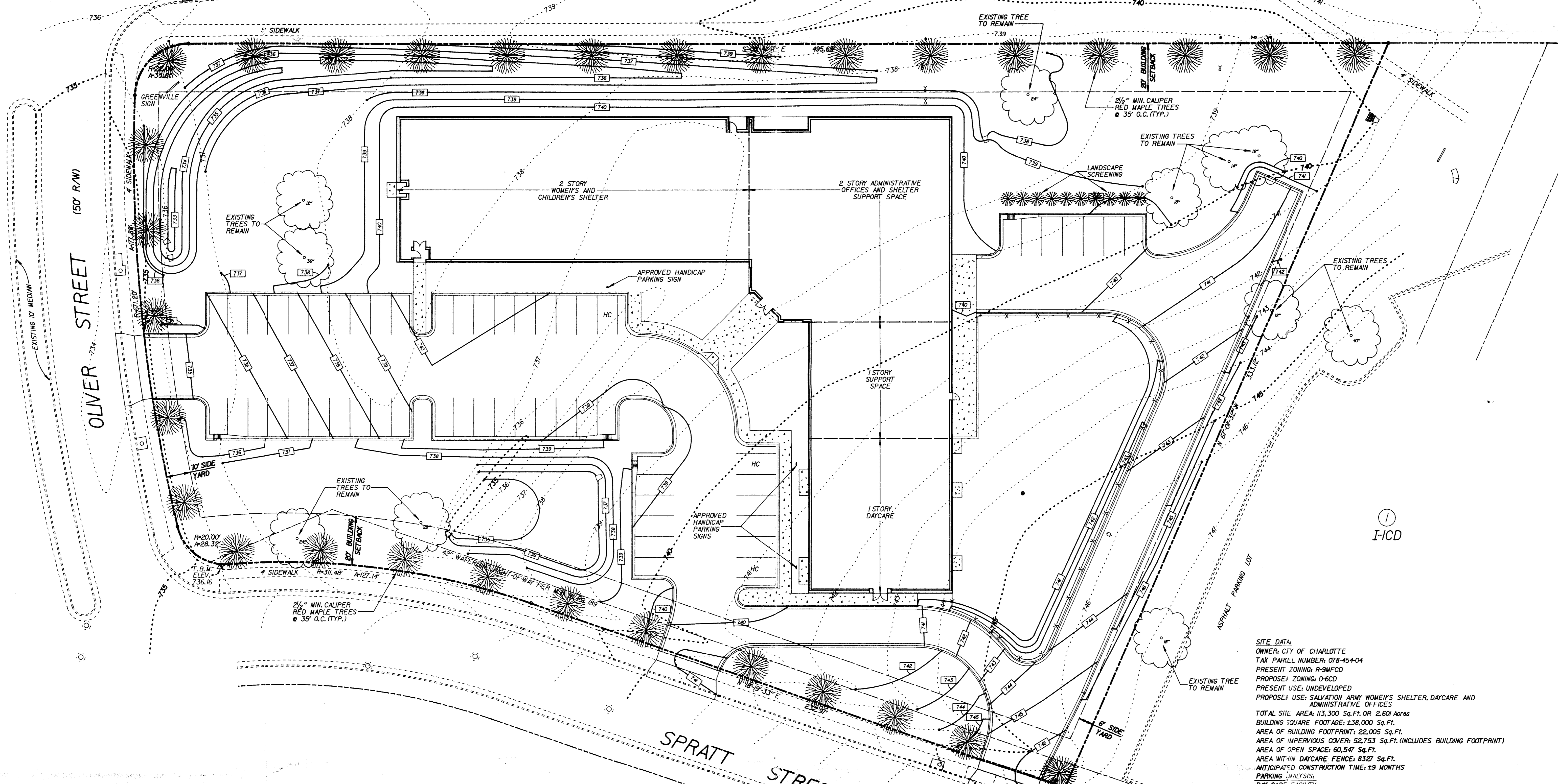
①
I-1CD

②
I-1CD

④
R-9MF
(CENTER ISLAND OF CUL-DE-SAC)

ADJOINING PROPERTY OWNERS

- ① TAX No. 078-454-05
MECKLENBURG COUNTY
720 EAST FOURTH STREET
CHARLOTTE, N.C. 28202
PRESENTLY ZONED I-1CD
- ② TAX No. 078-454-03
CITY OF CHARLOTTE URBAN DEVELOPMENT DEPT.
301 SOUTH McDOWELL STREET
CHARLOTTE, N.C. 28204
PRESENTLY ZONED I-1CD
- ③ TAX No. 078-451-06
CITY OF CHARLOTTE URBAN DEVELOPMENT DEPT.
301 SOUTH McDOWELL STREET
CHARLOTTE, N.C. 28204
PRESENTLY ZONED R-9MF
- ④ TAX No. 078-455-01
CITY OF CHARLOTTE URBAN DEVELOPMENT DEPT.
301 SOUTH McDOWELL STREET
CHARLOTTE, N.C. 28204
PRESENTLY ZONED R-9MF
- ⑤ TAX No. 079-021-03
SEALEST (aka) FOODS
DIVISION OF KRAFTCO CORP.
221 SANDERS ROAD
NORTHBROOK, ILLINOIS 60062
PRESENTLY ZONED I-2



SITE DATA:
 OWNER: CITY OF CHARLOTTE
 TAX PARCEL NUMBER: 078-454-04
 PRESENT ZONING: R-9MFCD
 PROPOSED ZONING: I-1CD
 PRESENT USE: UNDEVELOPED
 PROPOSED USE: SALVATION ARMY WOMEN'S SHELTER, DAYCARE AND ADMINISTRATIVE OFFICES
 TOTAL SITE AREA: 113,300 Sq.Ft. OR 2.601 Acres
 BUILDING SQUARE FOOTAGE: 138,000 Sq.Ft.
 AREA OF BUILDING FOOTPRINT: 22,000 Sq.Ft.
 AREA OF IMPERVIOUS COVER: 52,753 Sq.Ft. (INCLUDES BUILDING FOOTPRINT)
 AREA OF OPEN SPACE: 60,547 Sq.Ft.
 AREA WITH IN DAYCARE FENCE: 8327 Sq.Ft.
 ANTICIPATED CONSTRUCTION TIME: 24 MONTHS

PARKING ANALYSIS:

DAY CARE FACILITY:
 ONE SPACE PER EACH TWO ADULTS (12 ADULTS) ----- 6 SPACES
 ONE SPACE PER EACH TEN CHILDREN (75 CHILDREN) ----- 8 SPACES
 TOTAL ----- 14 SPACES

GROUP HOME:
 ONE SPACE PER EACH RESIDENT ATTENDANT (12 RESIDENTS) ----- 2 SPACES
 ONE SPACE PER EACH TEN RESIDENTS (100 RESIDENTS) ----- 10 SPACES
 TOTAL ----- 12 SPACES

OFFICE STAFF:
 ONE SPACE PER EVERY 300 sq.ft. OF OFFICE SPACE
 7,058 sq.ft. OF OFFICE DIVIDED BY 300 ----- 23 SPACES
 TOTAL PROVIDED ----- 57 SPACES

HANDICAP SPACES REQUIRED: 3
 HANDICAP SPACES PROVIDED: 3

GENERAL NOTES:

- ALL DUPSTER AND SERVICE AREAS SHALL BE SCREENED FROM THE STREET AND ADJACENT PROPERTIES.
- ALL SIGNAGE AND PARKING WILL BE IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE.
- DEVELOPMENT SHALL MEET THE REQUIREMENTS OF THE CITY OF CHARLOTTE STORMWATER DETENTION ORDINANCE.
- NO VEHICULAR ACCESS TO STATESVILLE AVE. WILL BE ALLOWED.
- DEVELOPMENT SHALL BE IN COMPLIANCE WITH THE CITY OF CHARLOTTE TREE ORDINANCE (CHAPTER 21 OF CITY CODE).
- DEVELOPMENT SHALL BE IN COMPLIANCE WITH CHAPTER 20 OF CITY CODE.
- PROPERTY FRONTAGE ALONG OLIVER STREET SHALL BE SCREENED IN ACCORDANCE WITH THE CITY OF CHARLOTTE ZONING ORDINANCE.
- GRADING PERMIT MUST BE OBTAINED PRIOR TO ANY SITE CLEARING OR GRADING.

THE NEW
WOMEN'S FACILITY
 FOR THE
SALVATION ARMY

DEVELOPED BY:
 NCHB COMMUNITY DEVELOPMENT CORP.
 901 W. TRADE ST. SUITE 1020
 CHARLOTTE, N.C. 28202
 CONTACT: MR. ROBIN W. DAVIS, AIA
 ASSISTANT VICE PRESIDENT
 (704) 374-5379

BALLENTINE ASSOCIATES, P.A.
 PLANNING - CIVIL ENGINEERING
 SURVEYING - STRUCTURAL ENGINEERING
 601 South Cedar Street
 Suite 101
 Charlotte, N.C. - 28202
 Tel. (704) 338-0181

REZONING PLAN
 APPROVED BY CITY COUNCIL 29004.10
 DATE 11/16/2000
 ISSUED REVISED FOR HEARING MAY 25, 1990

SCALE
 1"=20'
 20 10 0 20
 SHEET NO.
RZ1

REQUEST	Text amendment to Section 9.1105(1) of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to increase the floor area ratio (FAR) in the industrial zoning districts for a warehousing use that is fully enclosed within a building, when the building is multi-story.
STAFF RECOMMENDATION	Staff recommends approval of this petition. This petition is consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> goals to ensure a diverse, growing and adaptable economy, and to revitalize economically challenged business areas.
PETITIONER AGENT/REPRESENTATIVE	Stor-All Storage Walter Fields, III, Walter Fields Group
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Background**
 - The industrial districts currently permit warehousing within an enclosed building in the I-1 (light industrial) and I-2 (general industrial) zoning districts as a use by-right.
 - The maximum floor area ratio (FAR) for all uses in the I-1 (light industrial) district is 0.8 and the maximum floor area ratio in the I-2 (general industrial) district is 1.0.
 - Floor area ratio (FAR) is defined as the total floor area of the building(s) on a lot divided by the gross area of the lot.
 - This text amendment provides greater flexibility by increasing the floor area ratio over the current limits allowed in the industrial districts for multi-story warehousing.
 - **Proposed Request Details**

The text amendment contains the following provisions:

 - Adds a footnote amending the maximum floor area ratio in the I-1 (light industrial) district from 0.8 to 2.0 and from 1.0 to 2.0 in the I-2 (general industrial) district, for a warehousing use conducted within an enclosed building when the building has multiple stories.
 - **Public Plans and Policies**
 - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals to ensure a diverse, growing and adaptable economy, and to revitalize economically challenged business areas.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)**• Site Design:**

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722

**TEXT AMENDMENT SUMMARY: Floor Area Ratio for Warehousing in Multi-Story Buildings
11-25-14**

2014-114

Purpose/Background: The purpose of this text amendment is to add a footnote amending the maximum floor area ratio in the I-1 (light industrial) district and I-2 (general industrial) zoning districts for a warehousing use conducted within an enclosed building, when the building has multiple stories.

Current Regulations	Proposed Regulations	Rationale
<ul style="list-style-type: none"> • Warehousing within an enclosed building is allowed in the I-1 and I-2 zoning districts by right. • The maximum floor area ratio for all uses: <ul style="list-style-type: none"> • I-1: FAR of .8 • I-2: FAR of 1.0 	<ul style="list-style-type: none"> • Adds a footnote amending the maximum floor area ratio in the I-1 (light industrial) district from .8 to 2.0 for a warehouse use conducted within an enclosed building, when the building has multiple stories. • Adds a footnote amending the maximum floor area ratio in the I-2 (general industrial) zoning district from 1.0 to 2.0 for a warehouse use conducted within an enclosed building, when the building has multiple stories. 	<ul style="list-style-type: none"> • Adds flexibility for warehouses that are multi-story • Allows adaptable reuse of older industrial buildings.

Petition #: 2014-114

Revised 11-25-14

Petitioner: Stor-All Storage

AN ORDINANCE AMENDING
APPENDIX A OF THE
CITY CODE - ZONING ORDINANCE

ORDINANCE NO. _____

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

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

Add a new note to the "Notes To Chart" end of Section 9.1105.(1) as follows:

(3) The maximum FAR for "Warehousing, within an enclosed building" may be increased to 2.0 if the building is multi-story.

Add a note "3" reference to Section 9.1105(1)(a) as follows:

(a) Maximum Floor Area Ratio ^{1,3}

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

Approved as to form:

City Attorney

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

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the
_____ day of _____, 20__.
