

**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**

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## **CITY COUNCIL ZONING AGENDA**

### **Monday, July 21, 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, July 21, 2014

### 1. Agenda Review – Tammie Keplinger

#### DEFERRAL / WITHDRAWAL REQUESTS

Item #	Petition #	Petitioner/Description	Update
2	2014-019 (Decision)	Charlotte-Mecklenburg Planning Department – Corrective rezoning on Salome Church Rd	Deferral 2-months (to September 15, 2014) Protest - Sufficient
3	2014-021 (Decision)	Charlotte-Mecklenburg Planning Department – Text amendment for Mobile farmer's markets	Deferral 2-month (to September 15, 2014)
4	2014-027 (Decision)	Charlotte-Mecklenburg Planning Department – Dunavant Street between Remount Road and Merve Place	Deferral 1 months (to September 15, 2014)
17	2013-094	Halvorsen Development Corporation – Prosperity Church Road and Ridge Road	Deferral 3 months (to October 20, 2014) Protest - TBD
18	2014-003 (Hearing)	George M. Macon – Southeast corner at the intersection of Ardrey Kell Road and Marvin Road	Deferral 2 month (to September 15, 2014) Protest - Insufficient
19	2014-044	C. Grey Poole – Park Road at Woodlawn and Montford Drive	Withdrawal
20	2014-049	SBBH, LLC – Morrison Boulevard at SouthPark Drive and Sharon Road	Deferral 2 months (to September 15, 2014)
33	2012-090	Charlotte-Mecklenburg Planning Department – Text amendment for Board of Adjustment	Withdrawal

#### MISCELLANIOUS REQUESTS AND INFORMATION

Item #	Petition #	Petitioner/Description	Update
6	2014-031 (Decision)	Wilkison Partners, LLC – Southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive	New Public Hearing in September Protest - Sufficient
15	2014-050	Copper Builders, Inc and Cambridge Properties, Inc. – Carmel Road and Colony Road	Protest - Insufficient
27	2014-063	Pulte Home Corporation – Atherton at Euclid and Marshall Place	Protest - TBD

### 2. Follow-Up Report – Tammie Keplinger

### 3. Rezoning Cases of Special Interest – Tammie Keplinger

### 4. Area plan status and text amendment Update – Debra Campbell

## 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

	<p><b>1. <u>Petition No. 2013-090</u> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to create new definitions and regulations for eating, drinking and entertainment establishments by replacing definitions and regulations for restaurants, nightclubs, bars and lounges. Allows eating, drinking and entertainment establishments by right or with prescribed conditions in the following zoning districts: multi-family, UR-2 (urban residential), UR-3 (urban residential), UR-C (urban residential, commercial), institutional, research, office, business, MX-1 (mixed use), MX-2 (mixed use), MX-3 (mixed use), MUDD (mixed use development), UMUD (uptown mixed use), CC (commercial center), NS (neighborhood services), TOD (transit oriented development), U-I (urban industrial), industrial, PED (pedestrian overlay) and TS (transit supportive overlay). An exemption process is added, including criteria to be eligible to apply for a Certificate of Exemption when an existing eating, drinking, and entertainment establishment cannot meet the proposed separation distance requirements.</p> <p>This petition is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework Plan</i> goals and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a vote of 6-0 of the Zoning Committee. The Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p>1. Modify Section 12.546(2)(a) by allowing the minimum separation distance in the MUDD (mixed use development), UMUD (uptown mixed use), TOD (transit oriented development) and TS (transit supportive) zoning districts to be reduced as an optional provision if three conditions are met. The new subsection shall read as follows:</p> <p>Minimum 100 foot separation distance in the MUDD, UMUD, TOD and TS zoning districts. The minimum required separation distance cannot be reduced as an optional provision unless the following conditions are met:</p> <ul style="list-style-type: none"> <li>i. There are no principal residential structures within 225 feet of the portion of the property line along which the reduction is being requested;</li> <li>ii. The optional request includes zoning conditions to mitigate the impact of a reduction in the separation distance including but not limited to: elevation changes, structures located between the outdoor use and the property line, enhanced screening and buffering, and noise reduction features; and</li> <li>iii. The optional request does not reduce the separation distance requirement by more than 50%.</li> </ul> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 1</a></p>
<p><b>Defer to September</b></p> <p><b>Protest Sufficient</b></p>	<p><b>2. <u>Petition No. 2014-019</u> (Outside City Limits) by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for two parcels 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 6-0 to defer this petition to the July 30, 2014 meeting.</p> <p>Staff is requesting this petition be deferred to September 15, 2014.</p> <p><a href="#">Attachment 2</a></p>

<p><b>Defer to September</b></p>	<p><b>3. <u>Petition No. 2014-021</u> by Charlotte-Mecklenburg Planning Department</b> 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 6-0 to <b>DEFER</b> this petition to their July 30, 2014 meeting.</p> <p>Staff is requesting a two-month deferral to allow time to consider modifications to the text amendment.</p> <p>Attachment 3</p>
<p><b>Defer to September</b></p>	<p><b>4. <u>Petition No. 2014-027</u> (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for two parcels approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place from I-2 (general industrial) to TOD-M (transit oriented development, mixed).</p> <p>Note: The petitioner has requested a deferral of this decision until September 15, 2014.</p> <p>This petition is found to be consistent with the <i>New Bern Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>
	<p><b>5. <u>Petition No. 2014-029</u> (Council District 6 - Smith) by Kyle Short</b> for a change in zoning for approximately 1.58 acres located on the south side of East Woodlawn Road between Old Woods Road and Fairbluff Place from R-4 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>This petition is found to be consistent with the <i>Park Woodlawn Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Specified maximum building height as three stories.</li> <li>2. Specified permitted uses as multi-family residential.</li> <li>3. Showed and labeled Class “C” buffer. Specified that buffer will be developed per Class “C” buffer standards.</li> <li>4. Amended Development Summary to reflect a 14-foot setback.</li> <li>5. Amended the sidewalk along the internal street to six feet.</li> <li>6. Labeled and indicated the dimensions of the area between the private internal street and the sidewalk as a two-foot planting strip.</li> <li>7. Provided a note that the curb along the internal private street will be standard curb (not roll curb).</li> <li>8. Provided a six-foot planting strip between the sidewalk and the private street the full length of the area beside unit 1.</li> <li>9. Indicated the maximum height of the retaining wall will be eight feet.</li> <li>10. Correctly measured and labeled the 14-foot setback along E. Woodlawn Road as being measured from the back of the future curb.</li> <li>11. Revised General Provisions Note #1, last sentence, as follows: “Where specified conditions on this plan differ from ordinance, standards, in existence at the time of formal engineering plan review submission, the more restrictive shall apply.”</li> <li>12. Eliminated the following sentence in General Provisions Note #2: “The Site Plan is schematic in nature and represents a firm concept of development with regard to the arrangement of buildings, parking and circulation patterns.”</li> <li>13. Noted that the finished side of the proposed privacy fence will face the adjacent</li> </ol>

	<p>properties.</p> <ol style="list-style-type: none"> <li>14. Noted that the stucco or masonry wall along the rear of the buildings backing up to Woodlawn Road will contain gated openings for private access from the street, will be 60 inches in height above grade, and will feature decorative pilasters every 20 feet maximum on center.</li> <li>15. Provided the following renderings as viewed from E. Woodlawn Road: typical image of exterior, typical image of end unit, and views from adjacent yards with and without tree plantings.</li> <li>16. Removed tree save area that was located in the right-of-way along E. Woodlawn Road.</li> <li>17. Submitted plan to Fire Marshall for review as the fire access as shown may be an issue that would dramatically alter the site plan. Fire Department commented that additional information will be needed and possible tweaking may be warranted.</li> <li>18. Specified two-car garages for the two single family detached dwellings, with a shared driveway.</li> <li>19. Labeled right-of-way along E. Woodlawn Road to be dedicated.</li> <li>20. Correctly labeled five-foot side yard at rear of property as a 10-foot rear yard.</li> <li>21. Addressed CDOT comment by adding by dedicating 50 feet of right-of-way measured from the existing centerline along the site's public frontage on Woodlawn Road. The additional 16-foot right-of-way on E. Woodlawn Road will be dedicated and conveyed to CDOT.</li> <li>22. Addressed Engineering and Property Management comments by providing a minimum 15-foot wide drainage easement clear of required buffers and structures.</li> <li>23. Labeled all tree save areas to ensure compliance with the minimum 15 percent tree save requirement.</li> <li>24. Removed guest parking from location on proposed private street as it violates Fire Code.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
<p><b>New Public Hearing</b></p> <p><b>Protest Sufficient</b></p>	<p><b>6. <u>Petition No. 2014-031</u> (Outside City Limits) by Wilkison Partners, LLC</b> for a change in zoning for approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie Critical Area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie Critical Area).</p> <p>Note: After the public hearing, the petitioner made major changes to the site plan related to street connectivity. These adjustments were required by the Subdivision Ordinance and significantly changed the layout of the proposed development.</p> <p>The Zoning Committee voted 6-0 to recommend to City Council that the changes to this petition are significant and that a new public hearing should be held.</p> <p>Staff recommends that a new public hearing should be held.</p> <p>Attachment 6</p>
	<p><b>7. <u>Petition No. 2014-035</u> (Council District 4 - Phipps) by Electrolux North America, Inc.</b> for a change in zoning for approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive from RE-2 (research) to RE-3-O (research, optional) and O-1(CD) (office, conditional), with five-year vested rights.</p> <p>This petition is found to be consistent with the <i>University Research Park Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Provided clarity on the proposed amount and type of retail by limiting retail sales to 70,000 square feet of uses allowed in the B-1 district, and prohibiting a single retail</li> </ol>

- tenant with more than 35,000 square feet of gross floor area.
2. Provided a six-foot sidewalk along David Taylor Drive approximately 525 feet from proposed Street #1 (Electrolux Way) to the eastern property line. Staff has rescinded this request due to topographical issues.
  3. Complied with transportation requirements resulting from the review of the traffic impact study by listing the improvements by phase:
    - a) Phase I
      - (i) Construction of Electrolux Way;
      - (ii) Improvements at the intersection of W. T. Harris Boulevard and Research/IBM Drive;
      - (iii) Improvements at the intersection of Mallard Creek Road and Governor Hunt Road;
      - (iv) Improvements at the intersection of Mallard Creek Church Road and Claude Freeman Drive;
      - (v) Improvements at the intersection of Research Drive and David Taylor Drive; and
      - (vi) Improvements at the intersection of Electrolux Way and David Taylor Drive.
    - b) Phase II
      - (i) Construction of Public Street #2;
      - (ii) Improvements at the intersection of Mallard Creek Road and Governor Hunt Road;
      - (iii) Improvements at the intersection of Mallard Creek Church Road and Claude Freeman Drive;
      - (iv) Improvements at the intersection of Mallard Creek Church Road and Senator Royall Place; and
      - (v) Improvements at the intersection of David Taylor Drive and Governor Hunt Drive/Existing Access "B."
  4. Provided clarity on the optional request for detached directional signs by specifying two detached identification signs up to 50 square feet of sign area and seven feet in height, and two detached directory signs up to 24 square feet and up to five feet in height.
  5. Provided clarity on the width of the existing sidewalk connections to the site from Claude Freeman Drive by showing and labeling four-foot and six-foot proposed additions to an existing four-foot sidewalk, and noted that an on-site walking trail/sidewalk for use of the employees will be provided that runs between Claude Freeman Drive and David Taylor Drive. There is no existing sidewalk along the site's frontage on Claude Freeman Drive.
  6. Refer to Public Street #1 as Electrolux Way.
  7. Delineated and labeled Development Area 2A.
  8. Amended optional provisions as follows:
    - a) Added 2(a)(iv) to specify that retail sales uses and restaurants located in Development Area 2A will not be allowed to provide parking between the building and public street #2.
    - b) Amended 2(c) to state that public urban open space requirements will not be met with private urban open space if retail sales and restaurant uses are located in Development Area 2A.
    - c) Amended Note 2(e) to request a 24-foot setback along Public Street #2.
    - d) Amended Note 2(f) to not require a six-foot sidewalk along the majority of David Taylor Drive, and to allow a sidewalk to be provided along portions of David Taylor Drive and Claude Freeman Drive; this sidewalk will be connected to the existing pedestrian trail along Claude Freeman Drive.
    - e) Amended Note 2(g) to exempt retail sales and restaurant uses located within Development Area 2A from the request to not require doorways to be recessed into the face of buildings.
    - f) Amended Note 2(h) to exempt retail sales and restaurant uses located within Development Area 2A from the request to not require each building façade oriented to a street to have an operable pedestrian entrance.
  9. Improvements to existing on-site pedestrian tunnel include repair of bridge, provision of eight-foot wide concrete sidewalk on each side, and repair of lighting inside tunnel. Existing on-site pedestrian trail will be maintained by Electrolux.

	<p>10. Providing a CATS waiting pad on David Taylor Drive and Claude Freeman Drive.</p> <p>11. Limited to only one accessory drive-through window on the site.</p> <p>12. Amended phasing requirements to allow a certificate of occupancy for up to 390,000 square feet to be allowed upon substantial completion of Phase I transportation improvements.</p> <p>13. Amended phasing requirements to allow a certificate of occupancy for up to 968,874 square feet upon substantial completion of Phase II transportation improvements.</p> <p>14. Limited building height within Development Areas 1 and 2 to 150 feet exclusive of roof top mechanical equipment and screens or devices to screen roof top structures or equipment.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p><b>8. <u>Petition No. 2014-039</u></b> (Council District 1 - Kinsey) <b>by John M. Meyer</b> for a change in zoning for approximately 0.145 acres located along North Davidson Street between East 35th Street and East 36th Street from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).</p> <p>This petition is found to be consistent with the <i>Blue Line Extension Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Specified that an eight-foot sidewalk is to be provided as shown on the site plan.</li> <li>2. Decreased the amount of exterior seating from 3,100- square feet to 1,578-square feet, thus reducing the area of expansion.</li> <li>3. Amended the wording for note III a. 2. to say "14' setback reduced from 16' setback as specified in the MUDD district."</li> <li>4. Removed the label and line for the existing 20-foot setback from sheet 2 Site Layout.</li> </ol> <p>Staff recommends approval of this petition</p> <p>Attachment 8</p>
<p><b>Protest Sufficient</b></p>	<p><b>9. <u>Petition No. 2014-040</u></b> (Council District 6 - Smith) <b>by Sardis Road Land Co., LLC</b> for a change in zoning for approximately 5.05 acres located on the east side of Sardis Road between Waverly Hall Road and Chevron Road from INST(CD) (institutional, conditional) to UR-1(CD) (urban residential, conditional).</p> <p>This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-1 vote of the Zoning Committee. The Committee voted 5-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Note number four under "Access and Transportation" has been removed.</li> <li>2. Eight-foot planting strips and six-foot sidewalks have been provided along all public street frontages.</li> <li>3. Lots have been modified to show that storm water detention facilities will be placed in common areas and not on private lots.</li> <li>4. Sidewalks connections for lots 8, 9, have been shown to comply with Section 9.406(8)(d)(v).</li> <li>5. A Wetlands Letter has been provided to Engineering and Property Management.</li> <li>6. A minimum spacing distance and number of pedestrian lights has been provided.</li> <li>7. A detail of the brick wall showing the height of the retaining walls along the site's frontage has been provided.</li> <li>8. The request for on-street parking has been rescinded by staff.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>



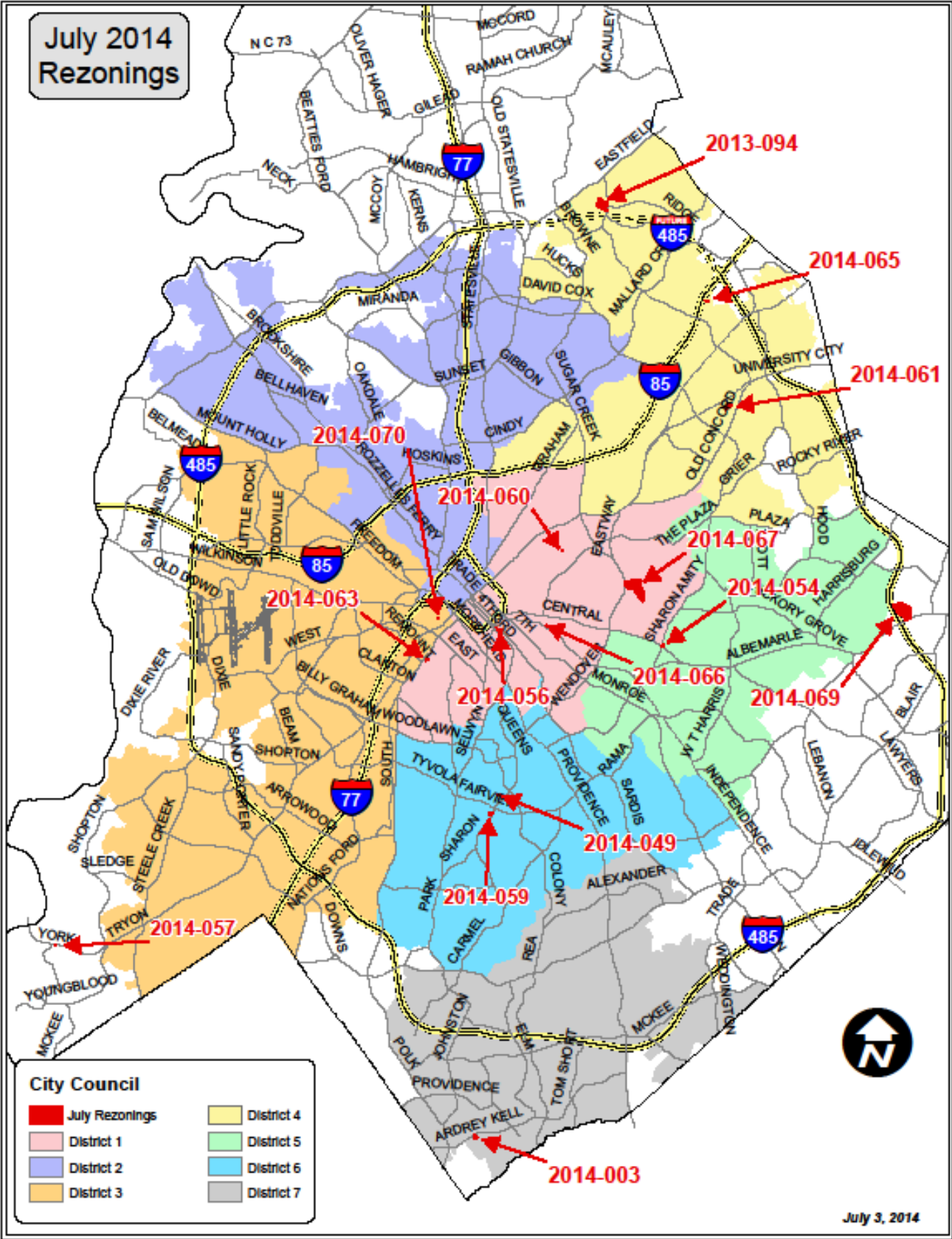
	<p><b>10. <u>Petition No. 2014-041</u></b> (Council District 2 - Austin) <b>by Dominion Investments Properties, LLC</b> for a change in zoning for approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road from I-1 (light industrial) to I-2(CD) (general industrial, conditional).</p> <p>This petition is found to be consistent with the <i>Northeast District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. A note has been added that all uses in the I-1 district along with contractor’s office with outdoor storage shall be allowed.</li> <li>2. All the allowed uses have been placed in one section on the site plan.</li> <li>3. A note has been added that “freestanding light will be fully shielded and downwardly directed.”</li> <li>4. Detached lighting has been limited to 20 feet in height.</li> <li>5. Transportation issue has been addressed with a note that CDOT will review the proposed location of the second proposed driveway along Pete Brown Road.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p>
	<p><b>11. <u>Petition No. 2014-045</u></b> (Council District 7 - Driggs) <b>by Parag Patel</b> for a change in zoning for approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).</p> <p>This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Amended legend and site development data to reflect the rezone area as 5.5 acres and delineated the 1.35 acre area of proposed expansion.</li> <li>2. Amended boundaries of development to reflect entire 5.5 acres. Delineated area of proposed expansion with the boundary.</li> <li>3. Addressed Charlotte-Mecklenburg Storm Water Services comments by removing Note 7B and replacing it with the following “The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance.” Removed the note stating “area subject to PCCO storm water regulations” on sheet RZ-3..</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
	<p><b>12. <u>Petition No. 2014-046</u></b> (Council District 2 - Austin) <b>by The Housing Partnership</b> for a change in zoning for approximately 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place from R-22MF (multi-family residential) to UR-2(CD) (urban residential, conditional).</p> <p>This petition is found to be consistent with the <i>Central District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Added notes committing to the following design standards: <ol style="list-style-type: none"> <li>a. Buildings along public and private streets shall have clear glass windows, glass and doors that face these respective streets. The walls of the buildings facing</li> </ol> </li> </ol>

	<p>these streets shall be varied with a frequency of windows, doors and other architectural treatments. Long expanses of blank walls with no openings and minimal changes in material or architectural treatment over 20’ long will not be allowed. Blank walls shall be treated with some combination of landscaping, building articulation, varied building façade planes, canopies, pedestrian oriented lights, public art or other similar treatment.</p> <ul style="list-style-type: none"> <li>b. The principal buildings constructed on the site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.</li> <li>c. Residential buildings that front on a public or private street will be designed with buildings entrances that face the abutting public or private street, except that buildings with frontage on two streets (either public or private or two legs of a roundabout) may have an entrance to only one street.</li> <li>d. Meter banks, BFP’s and other similar utilities will be screened where visible from public view at grade level.</li> <li>e. Roof top HVAC and related mechanical equipment will be screened from public view at grade level.</li> </ul> <ol style="list-style-type: none"> <li>2. Included the conceptual renderings provided with the 2008 rezoning.</li> <li>3. Removed UR-2(CD) from Developments Note 1c (Existing and Proposed Zoning).</li> <li>4. Corrected the label in Development Area 11, which refers to Development Area 9.</li> <li>5. Addressed CATS comments adding a note that states the petitioner will retain existing bus stop location and that new pad detail 60.01B will be coordinated during the review and permit process.</li> <li>6. Addressed Neighborhood and Business Services comments by noting setbacks on site plan.</li> <li>7. Addressed Transportation comments by providing the following: <ul style="list-style-type: none"> <li>a) Removed the “Proposed Right-In/Right-Out” note from the site plan, allowing for the final access management treatment of this intersection to be determined by CDOT and NCDOT during the driveway permit process.</li> <li>b) Incorporated the public street alignment as per May 21, 2014 meeting with CDOT.</li> </ul> </li> <li>8. Removed all references to UR-2 (CD) as existing zoning from the site plan.</li> </ol> <p>Staff recommends approval of this petition</p> <p><a href="#">Attachment 12</a></p>
	<p><b>13. <a href="#">Petition No. 2014-047</a> (Council District 3 - Mayfield) by Hopper Communities</b> for a change in zoning for approximately 3.21 acres located on the west side of Youngblood Street between Remount Road and Griffith Street and across from Poindexter Drive from I-2 (general industrial) and TOD-M(CD) (transit oriented development mixed use, conditional) to TOD-MO (transit oriented development, mixed use, optional).</p> <p>This petition is found to be consistent with the <i>New Bern Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-1 vote of the Zoning Committee. The Committee voted 5-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Removed optional provision (b), which is not needed because the driveways and garages shown on the site plan open onto alleys and not public or private streets.</li> <li>2. Removed optional provision (c), as it is not needed with this request. TOD allows 1.6 parking spaces per unit plus a 25% bonus for structured parking, which equals 2 spaces per unit. Garage parking has been determined to be structured parking, so the option is not needed.</li> <li>3. Installed eight-foot planting strip with trees and eight-foot sidewalk along Youngblood Street frontage and both sides of proposed public street.</li> </ol>

	<p>4. Added a note stating that windows will be provided on all levels of the end units visible from Youngblood Street and the proposed public street.</p> <p>5. Noted that garages will be 5 feet to-7 feet deep from the edge of the alley.</p> <p>6. Screened the ends of alleys from Youngblood Street with architectural and/or landscape screening.</p> <p>7. Provide typical building elevations for front, back and sides. <i>Staff has rescinded this comment as the petitioner has provided additional architectural standards and the project will undergo TOD review.</i></p> <p>8. Provided a note that states that the proposed six-foot high fence will be opaque and made of wood or vinyl material, or a composite. In addition, brick or stone columns will be inserted at approximately 60' on center along the fence line.</p> <p>9. Noted the common open areas on the site plan.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p>
	<p><b>14. <u>Petition No. 2014-048</u></b> (Council District 1 - Kinsey) <b>by Marsh Euclid Apartments, LLC</b> for a change in zoning for approximately 2.99 acres generally surrounded by South Caldwell Street, Lexington Avenue, Euclid Avenue, and Templeton Avenue from O-2 (office) and TOD-MO (transit oriented development-mixed use, optional) to TOD-MO (transit oriented development-mixed use, optional) and TOD-MO SPA (transit oriented development-mixed use, optional, site plan amendment).</p> <p>This petition is found to be consistent with the <i>South End Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Addressed CDOT issue by reducing the curb extensions to five-feet allowing two 10-foot traffic lanes and 5-foot wide on-street parking on both sides of Lexington Avenue.</li> <li>2. Revised note 3.d. to say 68 linear feet.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p>
<p><b>Protest Insufficient</b></p>	<p><b>15. <u>Petition No. 2014-050</u></b> (Council District 6 - Smith) <b>by Copper Builders, Inc. and Cambridge Properties, Inc.</b> for a change in zoning for approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road from R-3 (single family residential) and UR-2(CD) (urban residential, conditional) to UR-2(CD) (urban residential, conditional) and UR-2(CD)SPA (urban residential, conditional, site plan amendment).</p> <p>This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Enhanced drawings of typical courtyard and typical drive to better reflect layout of screen wall with pedestrian gates. Deleted proposed screen walls with gated pedestrian street access that were previously shown on Carmel Road and Colony Road.</li> <li>2. Showed and labeled proposed tree save areas in Phase I and Phase II that meets the 15 percent requirement. Noted that identified tree save areas where tree canopy does not exist will be replanted at a rate of 36 trees per acre. Specified undisturbed and proposed tree save areas.</li> <li>3. Showed building and parking footprint for Phase 2 as a separate inset on Sheet RZ-2.</li> </ol>

	<ol style="list-style-type: none"> <li>4. Provided a typical front, side, and rear elevation for any façade that will be oriented toward a public or private street on Sheet RZ-4.</li> <li>5. Designed elevations for end units that front Colony Road with architectural details that create a sense of entry and develop a pedestrian scale orientation towards Colony Road.</li> <li>6. Amended Sheet RZ-1 to state that existing residential structure is to remain in Phase 1.</li> <li>7. Relabeled "screen wall" along Colony Road and Carmel Road as "proposed site retaining wall."</li> <li>8. Specified acreage of Tract A and Tract B in the development data.</li> <li>9. Amended development data to indicate that all units in Phase I and Phase 2 shall be provided a minimum 400 square feet of private open space.</li> <li>10. Clarified that each single family attached unit will have a two-car garage.</li> <li>11. Added a note that the internal private street shall not be required to connect to Carmel Road, per determination of the Subdivision Administrator.</li> <li>12. Added a note that the petitioners shall install a northbound left turn lane on Colony Road prior to the issuance of the first certificate of occupancy for any single family attached dwelling unit constructed on the site.</li> <li>13. Added a note that a door shall not be required on the side elevation of Units 3-6, 31-32, and 34.</li> <li>14. Noted that the finished grade of each single family attached unit located with frontage on Carmel Road shall be a minimum of three feet below the elevation of the sidewalk located on Carmel Road.</li> <li>15. Added a note that any railings required to be installed on top of retaining walls along the site's frontage on Colony Road and Carmel Road will be constructed of decorative metal.</li> <li>16. Provided a streetscape elevation of the proposed residential community along Colony Road.</li> <li>17. Provided a conceptual landscaping plan.</li> <li>18. Added a note that the shrubs to be located between the retaining walls and the sidewalks along the site's frontage on Colony Road and Carmel Road will be installed during the first available planting season.</li> <li>19. Noted that the on-site pond will be preserved.</li> <li>20. Showed location of solid waste and recycling facilities.</li> <li>21. Relocated proposed retaining wall at the intersection of Carmel and Colony Roads out of the 35' x 35' sight distance triangle.</li> </ol> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 15</a></p>
	<p><b>16. <a href="#">Petition No. 2014-052</a> (Council District 1 - Kinsey) by <b>Snider Fleet Solutions</b> for a change in zoning for approximately 6.26 acres located on the east side of North Graham Street and generally surrounded by Interstate 85, Reagan Drive, and North Graham Street from I-2 (general industrial) to I-1 (light industrial).</b></p> <p>This petition is found to be consistent with the <i>Central District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 16</a></p>

# July 2014 Rezoning



City Council	
<span style="color: red;">■</span> July Rezoning	<span style="background-color: yellow;">■</span> District 4
<span style="background-color: pink;">■</span> District 1	<span style="background-color: lightgreen;">■</span> District 5
<span style="background-color: lightblue;">■</span> District 2	<span style="background-color: cyan;">■</span> District 6
<span style="background-color: orange;">■</span> District 3	<span style="background-color: gray;">■</span> District 7



# ZONING

## HEARINGS

<p><b>Defer to October</b></p>    <p><b>Protest Sufficiency TBD</b></p>	<p><b>17. <u>Petition No. 2013-094</u></b> (Council District 4 - Phipps) <b>Halvorsen Development Corporation</b> for a change in zoning for approximately 33.60 acres located on the west side of Prosperity Church Road across from Ridge Road from R-3 (single family residential) and CC (commercial center) to CC (commercial center) and CC SPA (commercial center, site plan amendment), with five year vested rights.</p> <p>Note: The petitioner agrees to staff’s recommendation for a deferral to October 20, 2014.</p> <p>Staff recommends a three-month deferral to October for a public hearing.</p> <p><a href="#">Attachment 17</a></p>
<p><b>Defer to September</b></p>    <p><b>Protest Insufficient</b></p>	<p><b>18. <u>Petition No. 2014-003</u></b> (Council District 7 - Driggs) <b>by George M. Macon</b> for a change in zoning for approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road from R-3 (single family residential) to O-1(CD) (office, conditional).</p> <p>A community Meeting Report has not been submitted for this petition; therefore, a public hearing may not be held and the petition is automatically deferred to the September 15, 2014 meeting.</p> <p><a href="#">Attachment 18</a></p>
<p><b>Withdraw</b></p>	<p><b>19. <u>Petition No. 2014-044</u></b> (Council District 6 - Smith) <b>by C. Grey Poole</b> for a change in zoning for approximately 1.31 acres located on the west side of Park Road between Woodlawn Road and Montford Drive from R-4 (single family residential) &amp; O-2 (office) to MUDD-O (mixed use development, optional).</p> <p>Note: The petitioner is requesting a withdrawal of this petition.</p> <p><a href="#">Attachment 19</a></p>
<p><b>Defer to September</b></p>	<p><b>20. <u>Petition No. 2014-049</u></b> (Council District 6 - Smith) <b>by SBBH, LLC</b> for a change in zoning for approximately 1.53 acres located on the south side of Morrison Boulevard between South Park Drive and Sharon Road from CC (commercial center) to MUDD-O (mixed use development, optional).</p> <p>Note: The petitioner has requested a deferral of this petition to September 15, 2014.</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 20</a></p>
	<p><b>21. <u>Petition No. 2014-054</u></b> (Council District 5 - Autry) <b>by QuikTrip</b> for a change in zoning for approximately 2.40 acres located on the northeast corner at the intersection of North Sharon Amity Road and Central Ave from B-1 (neighborhood business) &amp; B-1SCD (business shopping center) to B-1(CD) (neighborhood business, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 21</a></p>

	<p><b>22. <a href="#">Petition No. 2014-056</a></b> (Council District 1 - Kinsey) <b>by Central Piedmont Community College</b> for a change in zoning for approximately 4.19 acres generally surrounded by East 4th Street, Charlottetowne Avenue, South Torrence Street, and 3rd-4th Connector Street from B-2 (general business) to MUDD-O (mixed use development, optional) with five-year vested rights.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 22</a></p>
	<p><b>23. <a href="#">Petition No. 2014-057</a></b> (Outside City Limits) <b>by Craig &amp; Amy Faile</b> for a change in zoning for approximately 0.229 acres located on the south side of York Road at the intersection of Langston Drive and York Road from R-3 LLWCA (single family residential, Lower Lake Wylie, critical area) to O-2 LLWCA (office, Lower Lake Wylie, critical area).</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 23</a></p>
	<p><b>24. <a href="#">Petition No. 2014-059</a></b> (Council District 6 - Smith) <b>by Crosland LLC &amp; Allen Tate</b> for a change in zoning for approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive from R-17MF (multi-family residential) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval upon resolution of outstanding issues.</p> <p><a href="#">Attachment 24</a></p>
	<p><b>25. <a href="#">Petition No. 2014-060</a></b> (Council District 1 - Kinsey) <b>by Day Hixson</b> for a change in zoning for approximately 0.46 acres located on the east side of North McDowell Street between East 35th Street and East 36th Street from R-5 (single family residential) to UR-1(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 25</a></p>
	<p><b>26. <a href="#">Petition No. 2014-061</a></b> (Council District 4 - Phipps) <b>by Roman Catholic Diocese of Charlotte</b> for a change in zoning for approximately 10.0 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue 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><a href="#">Attachment 26</a></p>
<p><b>Protest Sufficiency TBD</b></p>	<p><b>27. <a href="#">Petition No. 2014-063</a></b> (Council District 1 - Kinsey) <b>by Pulte Home Corporation</b> for a change in zoning for approximately 2.68 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place from R-5 (single family residential) and B-2 (general business) to UR-2(CD) (urban residential, conditional).</p> <p>Staff does not support this petition in its current form.</p> <p><a href="#">Attachment 27</a></p>

	<p><b>28. <a href="#">Petition No. 2014-065</a></b> (Council District 4 - Phipps) <b>by Nasir Ahmad</b> for a change in zoning for approximately 2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road from RE-3 (research) to RE-3 SPA (research, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 28</a></p>
	<p><b>29. <a href="#">Petition No. 2014-066</a></b> (Council District 1 - Kinsey) <b>by Levine Properties, Inc.</b> for a change in zoning for approximately 0.094 acres of existing right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard from R-5 (single family residential) to B-1(PED) (neighborhood business, pedestrian overlay).</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 29</a></p>
	<p><b>30. <a href="#">Petition No. 2014-067</a></b> (Council District 1 - Kinsey) <b>by Aldersgate United Methodist Retirement Community, Inc.</b> for a change in zoning for approximately 91.31 acres located on the south side of Shamrock Drive across from Glenville Avenue and the east side of Eastway Drive across from Dunlavin Way from R-17MF (multi-family residential) and INST(CD) (institutional, conditional) to INST(CD) (institutional, conditional) and INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 30</a></p>
	<p><b>31. <a href="#">Petition No. 2014-069</a></b> (Outside City Limits) <b>by Novant Health</b> for a change in zoning for approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and I-485 from INST(CD) (institutional, conditional) and B-1(CD) (neighborhood business, conditional) to O-2(CD) (office, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment).</p> <p>Staff does not recommend approval of this petition in its current form.</p> <p><a href="#">Attachment 31</a></p>
	<p><b>32. <a href="#">Petition No. 2014-070</a></b> (Council District 3 - Mayfield) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.63 acres located on the east side of South Church Street between West Summit Avenue and West Bland Street from I-2 (general industrial) to TOD-M (transit oriented development-mixed).</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 32</a></p>
<b>Withdraw</b>	<p><b>33. <a href="#">Petition No. 2012-090</a> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) allow the Board of Adjustment to have jurisdiction to hear and decide variances from specific standards of the MUDD (mixed use development), UMUD (uptown mixed use), PED (pedestrian overlay) and TS (transit supportive overlay) zoning districts; 2) remove restrictions that prohibit the Board of Adjustment from hearing an appeal with respect to an interpretation of, or decision made by, the Zoning Administrator regarding the TOD (transit oriented development) or PED (pedestrian overlay) development and urban design standards; and 3) allow the Board of Adjustment to have the authority to consider variances related to the number and size of permissible signs in a conditional district.</p> <p>Staff is requesting a withdrawal of this petition. The Zoning Ordinance update will address these issues.</p> <p><a href="#">Attachment 33</a></p>



**REQUEST**

Text amendment to Tables 9.101, 12.202, 12.302(a) and 12.413 and Sections 2.201, 9.303, 9.503, 9.603, 9.703, 9.802, 9.803, 9.8502, 9.8503, 9.902, 9.903, 9.906, 9.1002, 9.1102, 9.1103, 9.1202, 9.1205, 9.1206, 9.1208, 10.502, 10.602, 10.702, 10.811, 10.812, 10.907, 10.909, 11.203, 11.402, 11.403, 11.702, 11.703, 11.705, 12.206, 12.214, 12.544, 12.546, 13.102, and 13.106 of the Zoning Ordinance

**SUMMARY OF PETITION**

1. The petition updates current definitions and regulations for nightclubs, bars, restaurants, and lounges which were established in 1981.
2. Recommends consolidating the names of nightclubs, bars, restaurants, and lounges into one name "Eating, Drinking and Entertainment Establishments".
3. Creates new definitions of eating, drinking, and entertainment establishments:
  - a. Type I-establishment where food and beverages (excluding alcohol) are served and indoor or outdoor entertainment are allowed.
  - b. Type II-establishment where food and beverages are served (including alcohol) and indoor or outdoor entertainment are allowed.
4. Eliminates separation requirements when all activities of the eating, drinking and entertainment establishment are totally enclosed within the building.
5. Establishes separation requirements from a single family use (single family, duplex, triplex or quadraplex) or vacant lot when located in a single family zoning district when the use has an outdoor eating/activity area, where food and alcoholic beverages are consumed between the hours of 11:00 p.m. and 8:00 a.m., and there is no outdoor entertainment.
6. Creates additional separation requirements based on zoning when the use has outdoor entertainment that occurs between the hours of 11:00 p.m. and 8:00 a.m.
7. Creates a Certificate of Exemption process to minimize impacts on existing nightclubs, bars, restaurants, and lounges that cannot meet the proposed separation standards from a residential use (single family, duplex, triplex or quadraplex) or a vacant lot when located in a single family zoning district. The process includes a notification process of property owners within the separation distance, a written comment period, and an appeals process.

**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 Plan goals and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a vote of 6-0 of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Allen).

**ZONING COMMITTEE  
ACTION**

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

1. Modify Section 12.546(2)(a) by allowing the minimum separation distance in the MUDD (mixed use development), UMUD (uptown mixed use), TOD (transit oriented development) and TS (transit supportive) zoning districts to be reduced as an optional provision if three conditions are met. The new subsection shall read as

follows:

Minimum 100-foot separation distance in the MUDD, UMUD, TOD and TS zoning districts. The minimum required separation distance cannot be reduced as an optional provision unless the following conditions are met:

- i. There are no principal residential structures within 225 feet of the portion of the property line along which the reduction is being requested;
- ii. The optional request includes zoning conditions to mitigate the impact of a reduction in the separation distance including but not limited to: elevation changes, structures located between the outdoor use and the property line, enhanced screening and buffering, and noise reduction features; and
- iii. The optional request does not reduce the separation distance requirement by more than 50%.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the text amendment, noting changes made to the text since the public hearing.

A question was asked about the proposed separation distances and the fact that the 100-foot separation distance in the MUDD (mixed use development), UMUD (uptown mixed use), TOD (transit oriented development) and TS (transit supportive) zoning districts could not be reduced through an optional provision. A Commissioner pointed out that without a change in the proposed text amendment, the separation distance would stand. Staff confirmed that this was correct.

Several Commissioners asked about the Certificate of Exemption process. If a property was sold, does the exemption run with the current use? If the ownership changes, does the exemption go away? What if the use goes out of business? Staff responded that a use that receives a Certificate of Exemption may not move, expand, enlarge or change the outdoor seating/activity area or building(s), as either existed as of January 1, 2013. A new owner would be able to continue the business in the same fashion as it was established on January 1, 2013. Staff added that if the use is visibly discontinued for more than 12 months, the exemption would be revoked.

A Commissioner voiced concern about not being able to reduce the separation distance requirement. Staff responded that if there were very specific recommendations that would protect single family neighborhoods, staff would be comfortable with adding a provision to allow a reduction in the separation distance requirement through an optional rezoning process. This would allow dialogue with adjacent neighborhoods.

A Commissioner asked if draft language had been presented to staff. Staff responded that the person who introduced the modification is present in the audience. Staff also stated that the community advisory group was notified about the concern voiced by one person at the public hearing, and the proposed modification was provided for their review and response back to staff. Only one response was received that recommended staying with the staff version, as the respondent felt the modification was too complex.

The Commission suspended its rules to ask Collin Brown to introduce his proposed modification, which includes three conditions that would allow a rezoning with an optional provision in MUDD (mixed use

development), UMUD (uptown mixed use), TOD (transit oriented development) and TS (transit supportive) zoning districts. Mr. Brown noted that this modification would give Council the option to consider a rezoning with a reduction in the separation distance.

Staff is comfortable with the proposed change, because it narrows down the possible locations to only a few. Staff noted that this modification would not apply in the PED (pedestrian overlay) zoning district.

A question was asked about the 225-foot separation distance to a residential structure. Staff said 225 feet is a larger separation than the 100 feet proposed. A Commissioner asked if the 225-foot separation distance requirement could be removed. Staff replied that the 225-foot separation distance requirement should be part of the recommendation.

A Commissioner stated that she was uncomfortable with the modifications being suggested this late, and with one person at the public hearing changing the amendment in the eleventh hour. She stated she supports the staff version without the change.

Another Commissioner noted this is what the Commission and Council do. There sometimes are eleventh hour changes that are reasonable. The Commission should consider recommending approval of the text amendment with the recommended change, and sending it to Council for action.

Another Commissioner asked if the vote on this text amendment can be delayed. Staff responded that Council wants the amendment to move forward, but the Commission could hold a special meeting. Otherwise, Council action would be delayed until the end of September.

A Commissioner stated she was uncomfortable with a text amendment that was not in the final form, but trusted the Director to add the correct modifications. Another Commissioner added that the minutes could be included in the motion.

There were no further questions.

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

**PLANNING STAFF REVIEW**

• **Background**

- It has become increasingly difficult to determine differences between nightclubs, bars, restaurants, and lounges. Uses that once primarily served food, i.e. restaurants, now offer in addition to food, alcoholic beverages and provide forms of entertainment both inside and outside of the establishment. In contrast, uses that once provided mostly entertainment now serve food.
- For example, the current definition in the Zoning Ordinance of a "restaurant" does not include the word "entertainment" nor does the ordinance include a definition of the word "entertainment."
- The lack of clarity as to whether a restaurant can have any amount of entertainment could make restaurants in Charlotte that provide entertainment indoors or outside illegal.
- To address the ambiguity in the definitions, in 2011, a Community Advisory Group (CAG) was charged with reviewing the issues associated with nightclubs, bars, restaurants, and lounges in terms of the definitions of these uses, and associated prescribed conditions. The group met four times then stopped due to revisions being made to the Noise Ordinance and confusion caused by the two efforts being undertaken simultaneously.

- In 2013, the Community Advisory Group was reconvened and six meetings were held beginning in January. Participants consisted of restaurant, bar and nightclub operators and owners, entertainment group representatives, residents, neighborhood and business association members, attorneys, musicians, and other interested parties.
- Staff also held 11 additional public outreach meetings specifically directed at neighborhood associations to present the text amendment and receive feedback on the proposed changes.
- Staff has held two additional public outreach meetings for Dilworth and Elizabeth, after the public hearing.
- A public hearing was held on February 17, 2014. Text amendment changes made since the public hearing are considered substantial. A second public hearing was held on June 16, 2014.
- This text amendment proposes to:
  - 1) adequately define the uses;
  - 2) develop standards to allow these uses to exist near residential areas in a way that minimizes adverse impacts; and
  - 3) provide flexibility to business establishments.
- **Proposed Request Details**
  - The text amendment contains the following provisions:
    - Replaces references to "restaurants", "cafés", "outdoor cafés", "nightclubs", and "bars and lounges", with "Eating, Drinking and Entertainment Establishments."
    - Adds new definitions for two types of Eating, Drinking and Entertainment Establishments:
      - Type 1 Eating, Drinking and Entertainment Establishment: An establishment where food is prepared and beverages may be provided, excluding alcohol. Indoor and outdoor entertainment may be provided.
      - Type 2 Eating, Drinking and Entertainment Establishment: An establishment where any alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment. [Excluded are adult establishments, athletic and sports facilities, conference centers, cultural facilities, hotels and motels, and recreational facilities approved as part of a residential development plan, and similar uses, and uses exempt in accordance with the Alcohol Beverage Commission standards.]
    - Adds definitions for Entertainment, Outdoor Entertainment and Outdoor Seating/Activity areas.
    - Allows Eating, Drinking and Entertainment Establishments in most zoning districts by-right or under prescribed conditions.
    - Adds new prescribed conditions for Type 2 Eating, Drinking and Entertainment Establishments:
      - If food and beverages are consumed in an outdoor seating/activity area at any time between the hours of 11 p.m. and 8 a.m.:
        - Minimum 100-foot separation distance is required between the outdoor seating/activity area and the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district.
        - If the separation distance cannot be met, a Class "A" buffer shall be provided along all corresponding property line(s).
      - If outdoor entertainment occurs at any time between the hours of 11 p.m. and 8 a.m.:
        - Minimum 100-foot separation distance in the mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed-use (TOD-M); and transit supportive overlay (TS) districts. The minimum separation distance cannot be reduced as an optional provision unless the following conditions are met:
          - There are no principal residential structures within 225 feet of the portion of the property line along which the reduction is being requested.
          - The optional request includes zoning conditions to mitigate the impact of a reduction in the separation distance including, but not limited to: elevation changes, structures located between the outdoor use and the property line, enhanced screening and buffering, and noise reduction features; and
          - The optional request does not reduce the separation distance requirement by more than 50%.
        - Minimum 250-foot separation distance in the pedestrian overlay district (PED). The minimum separation distance cannot be reduced as an optional provision. Nightclub, bar, lounge and Type 2 Eating, Drinking and Entertainment Establishments located in a pedestrian overlay district shall meet the separation

- distance standards established in an approved Pedscape Plan.
- Minimum 400-foot separation distance in the urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); office (O-1, O-2, and O-3); neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood services (NS); mixed use (MX-2 and MX-3); light industrial (I-1); and general industrial (I-2) districts.
- Adds a Certificate of Exemption application process for eligible establishments that cannot meet the separation distance requirements:
  - The establishment must meet criteria to be eligible to apply for a Certificate of Exemption.
  - A written notification of an application for a Certificate of Exemption shall be sent to property owners located within the designated separation distance. These owners may submit written comments to the Planning Director within 15 days of the date of notification.
  - The Planning Director, or designee, is authorized to issue a Certificate of Exemption and establish administrative processes for such issuance.
  - A written notice about the decision on the Certificate of Exemption shall be sent to the property owners within the separation distance.
  - An appeal process is established for land owners or property owners of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located within the specified separation distances.
  - Establishments that receive a Certificate of Exemption shall maintain compliance with applicable land use and development laws, including, zoning laws and urban design standards for the district in which the use is located.
  - Certificate of Exemptions may be revoked only after written notice and a reasonable opportunity to remedy the violation.
- **Public Plans and Policies**
  - This petition is consistent with both the *Centers, Corridors and Wedges Growth Framework* goal to provide a range of entertainment choices and the guiding principles to protect established neighborhoods and 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.
- **Charlotte Department of Solid Waste Services:** No issues.
- **Transportation:** No comments received.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Charlotte-Mecklenburg Storm Water Services:** No comments received.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

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

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

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**OUTSTANDING ISSUES**

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

- Application
- Pre-Hearing Staff Analysis
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Charlotte Fire Department 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: Eating, Drinking and Entertainment Establishments**  
**7-2-14**

**2013-90**

**Purpose/Background:** The purpose of this text amendment is to create new definitions and regulations for Eating, Drinking and Entertainment Establishments by replacing definitions and regulations for restaurants, nightclubs, bars and lounges, and allowing Eating, Drinking and Entertainment Establishments in a number of zoning districts. In some instances they will be allowed by-right, and in others they will be allowed under prescribed conditions. The districts where these uses will be allowed are multi-family (R-8MF, R-12MF, R-17MF, R-22MF and R-43MF); urban residential (UR-2 and UR-3); urban residential – commercial (UR-C); institutional (INST); research (RE-1, RE-2, and RE-3); office (O-1, O-2, and O-3); business (B-1, B-2, BD and BP); mixed use (MX-1, MX-2 and MX-3); mixed use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); urban industrial (U-I); light industrial (I-1); heavy industrial (I-2); and in the pedestrian overlay district (PED); and transit supportive overlay district (TS). In addition, this text amendment creates new prescribed conditions for certain Eating, Drinking and Entertainment Establishments where alcohol is consumed and creates a Certificate of Exemption process, including criteria to be eligible to apply for a Certificate of Exemption when an existing Eating, Drinking and Entertainment Establishment cannot meet the separation distance requirements.

	<b>Current Regulations</b>	<b>Proposed Regulations</b>	<b>Rationale</b>
<b>Definitions</b>	<p><b>Nightclub</b> - Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets.</p> <p><b>Restaurant</b> - An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages</p>	<p>Adds new definitions to replace “restaurants” and “nightclubs”:</p> <ul style="list-style-type: none"> <li>• <b>Eating, Drinking and Entertainment Establishment, Type 1</b> - An establishment where food is prepared and beverages may be provided, excluding alcohol. Indoor and outdoor entertainment may be provided.</li> <li>• <b>Eating, Drinking and Entertainment Establishment, Type 2</b> - An establishment where any alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment. Excluded from the Type 2 Eating, Drinking and Entertainment Establishment are adult establishments, athletic and sports facilities, conference centers, cultural facilities, hotels and motels, and recreational facilities approved as part of a residential development plan, and similar uses, and uses exempt in accordance with the Alcohol Beverage Commission standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Create updated definitions to address the way these establishments are functioning today.</li> </ul>
<b>Other Definitions</b>	None	<p>Adds additional definitions to clarify terms:</p> <ul style="list-style-type: none"> <li>• <b>Entertainment</b> - Entertainment means any activity or game that is live, broadcast, or recorded, including, but not limited to, dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance.</li> <li>• <b>Outdoor Entertainment</b> - Outdoor entertainment means any activity or game that is live, broadcast, or recorded, including dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance which occurs on the premises of, but outside, an Eating, Drinking and Entertainment Establishment. Entertainment occurs outdoors when it is outside a permanent enclosed area, contained by permanent walls and a permanent roof of the establishment.</li> </ul>	<ul style="list-style-type: none"> <li>• Add additional definitions to clarify terms previously undefined.</li> </ul>

		<ul style="list-style-type: none"> <li>• <b>Outdoor Seating/Activity Area</b> - Outdoor seating/activity area means any area outside the permanent building, including without limitation, patios, decks, rooftops, open areas, or parking lots where food or beverages are consumed or entertainment takes place.</li> </ul>	
<p><b>Districts Allowed</b></p>	<p><b><u>Restaurants:</u></b></p> <ul style="list-style-type: none"> <li>• <u>Allowed by-right</u> in urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); business (B-1, B-2, BD and BP); mixed-use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); urban industrial (U-I); light industrial (I-1); and general industrial (I-2) zoning districts.</li> <li>• <u>Allowed with prescribed conditions</u> in multi-family (R-8MF, R-12MF, R-17MF, R-22MF and R-43MF); institutional (INST); research (RE-1 and RE-2); office (O-1, O-2 and O-3); and mixed use (MX-1, MX-2 and MX-3) zoning districts.</li> <li>• <u>Allowed in the pedestrian overlay district (PED) and transit supportive overlay district (TS) when allowed in the underlying district.</u></li> </ul> <p><b><u>Nightclubs:</u></b></p> <ul style="list-style-type: none"> <li>• <u>Allowed with prescribed conditions</u> in the research (RE-3); neighborhood business (B-1); general business (B-2); mixed use (MX-2 and MX-3); mixed use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); light industrial (I-1); and general industrial (I-2) zoning districts.</li> <li>• <u>Allowed in the pedestrian overlay district (PED) and transit supportive overlay district (TS) when allowed in the underlying district.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Changes the terminology from “restaurants” and “nightclubs” to “Eating, Drinking and Entertainment Establishments”. Type 1 and 2 are differentiated.</li> <li>• Expands the zoning districts where Type 2 Eating, Drinking and Entertainment Establishments are allowed:</li> </ul> <p><b><u>Eating, drinking and entertainment establishments - Type 1</u></b></p> <ul style="list-style-type: none"> <li>• <u>Allowed by-right</u> in the urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); mixed use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); urban industrial (U-I); light industrial (I-1); and general industrial (I-2) zoning districts.</li> <li>• <u>Allowed under prescribed conditions</u> in the multi-family (R-8MF, R-12MF, R-17MF, R-22MF and R-43MF); institutional (INST); research (RE-1 and RE-2); office (O-1, O-2 and O-3); and mixed use (MX-1, MX-2 and MX-3) zoning districts.</li> <li>• <u>Allowed in the pedestrian overlay district (PED) and transit supportive overlay district (TS), when allowed in the underlying district.</u></li> </ul> <p><b><u>Eating, drinking and entertainment establishments - Type 2</u></b></p> <ul style="list-style-type: none"> <li>• <u>Allowed under prescribed conditions</u> in the urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); office (O-1, O-2 and O-3); neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); mixed use (MX-2 and MX-3); mixed use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development – residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); light industrial (I-1); and general industrial ((I-2) zoning districts.</li> <li>• <u>Allowed in the pedestrian overlay district (PED) and transit supportive overlay district (TS) when allowed in the underlying district.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Allows Type 1 Eating, Drinking and Entertainment Establishments in the same zoning districts as restaurants are allowed.</li> <li>• Expands the districts [office (O-1, O-2 and O-3)] where Type 2 Eating, Drinking and Entertainment Establishments are allowed only when the use is located in a hotel/motel or office building.</li> <li>• Adds two business districts [distributive business (BD) and business park (BP)] where Type 2 Eating, Drinking and Entertainment Establishments are allowed under prescribed conditions.</li> <li>• Clarifies that Type 2 Eating, Drinking and Entertainment Establishments are allowed in the mixed use (MX-2 and MX-3) zoning districts.</li> </ul>



## Prescribed Conditions for Restaurants/Eating, Drinking and Entertainment Establishments – Type 1

	Current Regulations	Proposed Regulations	Rationale
<p><b>Prescribed Conditions for Restaurants/Eating, Drinking and Entertainment Establishments - Type 1</b></p>	<p><b>Restaurants are allowed in the following zoning districts, subject to the following prescribed conditions:</b></p> <p><u>Multi-family (R-8MF, R-12MF, R-17MF, R-22MF and R-43MF) and Mixed Use (MX-1, MX-2 and MX-3) districts:</u></p> <ul style="list-style-type: none"> <li>• Located in a multi-family building with at least 50 units.</li> <li>• No more than 25 square feet per dwelling unit allowed, up to a maximum of 10,000 square feet.</li> <li>• No public entrance from outside the building.</li> <li>• No display of merchandise visible from outside the building.</li> </ul> <p><u>Institutional (INST) district:</u></p> <ul style="list-style-type: none"> <li>• Principal use of the lot is institutional of at least 30,000 square feet.</li> <li>• Restaurant no more than 10% of the gross floor area of all buildings on the lot, and not more than 25% of the ground floor area.</li> <li>• Restaurant located in the same building as the principal use.</li> <li>• No display of merchandise shall be visible from outside the building.</li> <li>• One wall sign: 16 square feet maximum.</li> </ul> <p><u>Research (RE-1 and RE-2) districts:</u></p> <ul style="list-style-type: none"> <li>• Principal use of the lot is office, distributive business, research laboratories, pilot plants, prototype production plants or other production facilities of at least 30,000 square feet.</li> <li>• Restaurant no more than 10% of the gross floor area of all buildings on the lot, and not more than 50% of the ground floor area.</li> <li>• Restaurant located in the same building as the principal use or if located in a separate building, the use will be designed and intended for the primary use of persons employed by the principal use.</li> <li>• No display of merchandise permitted outside the building.</li> <li>• One wall sign: 16 square feet maximum.</li> </ul> <p><u>Office (O-1, O-2 and O-3) districts:</u></p> <ul style="list-style-type: none"> <li>• Restaurants allowed in a multi-family building with at least 50 units:</li> </ul>	<ul style="list-style-type: none"> <li>• Changes the terminology from “restaurants” to “Eating, Drinking and Entertainment Establishments - Type 1”.</li> <li>• No changes to prescribed conditions for Eating, Drinking and Entertainment Establishments - Type 1.</li> </ul>	<ul style="list-style-type: none"> <li>• Creates updated definitions</li> <li>• Maintains existing prescribed conditions for Type 1 Eating, Drinking and Entertainment Establishments.</li> </ul>

	<ul style="list-style-type: none"> <li>• No more than 25 square feet per dwelling unit allowed, up to a maximum of 10,000 square feet.</li> <li>• No public entrance from outside the building.</li> <li>• Restaurants allowed in Hotels/Motels with at least 75 rental units Limited to 75 sq. ft. per rental unit. <ul style="list-style-type: none"> <li>• No display of merchandise shall be visible from outside the building</li> </ul> </li> <li>• Restaurants allowed in office buildings: <ul style="list-style-type: none"> <li>• Principal use of the lot is office uses with at least 30,000 square feet.</li> <li>• Restaurant occupies no more than 10% of the gross floor area of all buildings on the lot, and not more than 50% of the ground floor area. Restaurants located in the pedestrian overlay (PED) zoning district shall occupy no more than 20% of the gross floor area and only locate on the ground floor.</li> <li>• Restaurant must be in the same building as the principal use [except in the pedestrian overlay development (PED) zoning district].</li> <li>• No display of merchandise shall be visible from outside the building housing the use.</li> <li>• One wall sign: 16 square feet maximum.</li> </ul> </li> </ul> <p><u>Business Districts:</u></p> <ul style="list-style-type: none"> <li>• Restaurants with drive-in service allowed only in the general business (B-2) zoning district.</li> </ul>		
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**Prescribed Conditions for Nightclubs, Bars and Lounges/Eating, Drinking and Entertainment Establishments – Type 2**

	<b>Current Regulations</b>	<b>Proposed Regulations</b>	<b>Rationale</b>
<b>Prescribed Conditions for Nightclubs, bars and lounges/ Eating, Drinking and Entertainment Establishments - Type 2</b>	<p><b>Nightclubs, bars and lounges are allowed in the following zoning districts, subject to the following prescribed conditions:</b></p> <ul style="list-style-type: none"> <li>• <u>Neighborhood business (B-1); general business (B-2); and neighborhood services (NS):</u> The use shall be located at least 400’ from any residential use or residential district.</li> <li>• <u>Research (RE-3):</u> The use shall be at least 400’ from any residential district.</li> <li>• <u>Commercial center (CC):</u> The use shall be at least 400’ from any residential structure or residential district external</li> </ul>	<ul style="list-style-type: none"> <li>• Modifies, and in some cases reduces the separation distance for Eating, Drinking and Entertainment Establishments – Type 2, and makes them consistent across all zoning districts.</li> <li>• Adds new prescribed conditions.</li> <li>• Clarifies that Eating, Drinking and Entertainment Establishments – Type 2 with an accessory drive-in service window and/or outdoor service window having indoor seating for fewer than 50 patrons are not permitted in the commercial center (CC) zoning district. This aligns with current regulations in Section 12.413.</li> <li>• Adds an exemption/certification process for existing uses.</li> </ul> <p><b>The proposed prescribed conditions are as follows:</b></p>	<ul style="list-style-type: none"> <li>• Sets one set of separation distance standards for all Type 2 Eating, Drinking and Entertainment Establishments in all zoning districts.</li> <li>• Separation distances are based on the provision of food</li> </ul>

	<p>to the commercial center (CC) district.</p> <ul style="list-style-type: none"> <li>• <u>Mixed use development (MUDD) and uptown mixed use (UMUD)</u>: The establishment shall be at least 100' from any residential structure located in a residential district.</li> <li>• <u>Pedestrian overlay district (PED)</u>: The use shall be at least 400' from any residential use in a residential district or from a residential district. The distance may be reduced in a streetscape plan approved by City Council.</li> <li>• <u>Transit oriented development (TOD)</u>: The use shall be located at least 200' from any residential structure in a residential district.</li> <li>• <u>Transit supportive overlay (TS)</u>: As per underlying district.</li> <li>• <u>Light industrial (I-1)</u>: Establishment limited to 70,000 sq. ft.</li> <li>• <u>General industrial (I-2)</u>: Establishment limited to 25,000 sq. ft.</li> </ul>	<p><b><u>Eating, Drinking and Entertainment Establishments - Type 2</u></b></p> <p>(1) If food or beverages are consumed in an outdoor seating/activity area at any time between the hours of 11:00 p.m. and 8:00 a.m., the use is subject to one of the following prescribed conditions:</p> <ul style="list-style-type: none"> <li>(a) The outdoor seating/activity area shall be separated by a distance of at least 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district; or</li> <li>(b) If the outdoor seating/activity area is less than 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district, then the outdoor seating/activity area shall be separated by a Class A buffer along all corresponding side and rear property line(s).</li> </ul> <p>(2) If outdoor entertainment occurs at any time between the hours of 11:00 p.m. and 8:00 a.m., then the following minimum separation distances from a single family use (single family, duplex, triplex or quadraplex) or vacant lot when located in a single family zoning district shall be met, based on the zoning district in which the use is located:</p> <ul style="list-style-type: none"> <li>(a) Minimum 100-foot separation distance in the mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); and transit supportive overlay (TS) zoning districts. The minimum required separation distance cannot be reduced as an optional provision through the rezoning process unless the following conditions are met: <ul style="list-style-type: none"> <li>i. There are no principal residential structures within 225 feet of the portion of the property line along which the reduction is being requested;</li> <li>ii. The optional request includes zoning conditions to mitigate the impact of a reduction in the separation distance including but not limited to: elevation changes, structures located between the outdoor use and the property line, enhanced screening and buffering, and noise reduction features; and</li> </ul> </li> </ul>	<p>and beverages in an outdoor seating/activity area and/or the provision of outdoor entertainment, when either occurs between 11 p.m. and 8 a.m.</p> <ul style="list-style-type: none"> <li>• Prescribed conditions protect residential uses in single family districts, including vacant lots.</li> <li>• An exemption/certification process adds flexibility for existing uses.</li> </ul>
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		<p>iii. The optional request does not reduce the separation distance requirement by more than 50%.</p> <p>(b) Minimum 250-foot separation distance in the pedestrian overlay district (PED). The minimum required separation distance cannot be reduced as an optional provision through the rezoning process. Nightclub, bar, lounge and Type 2 Eating, Drinking and Entertainment Establishments located in a PED zoning district shall meet the separation distance standards established in an approved Pedscape Plan.</p> <p>(c) Minimum 400-foot separation distance in the urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); office ( O-1, O-2 and O-3); neighborhood business (B-1); general business (B-2); distributive business (BD); business park (BP); commercial center (CC); neighborhood services (NS); mixed-use (MX-2 and MX-3); light industrial ( I-1); and general industrial (I-2) zoning districts.</p> <p>Distances shall be measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district.</p> <p>(3) Certificate of Exemption</p> <p>(a) Business establishments that would have met each of the following criteria as of January 1, 2013 are eligible to apply for a Certificate of Exemption, the issuance of such Certificate shall constitute an exemption from the separation distance requirements:</p> <ol style="list-style-type: none"> <li>1. Met the definition of a Type 2 Eating, Drinking and Entertainment Establishment;</li> <li>2. Had an outdoor seating/activity area located within the required separation distances; and</li> <li>3. Provided outdoor entertainment between the hours of 11:00 p.m. and 8:00 a.m.</li> </ol> <p>(b) The Planning Director, or designee, is authorized to issue a Certificate of Exemption and to establish administrative processes for such issuance.</p> <p>(c) Notification of Application for Certificate of Exemption.</p> <ol style="list-style-type: none"> <li>1. The Planning Director, or designee, shall mail a written</li> </ol>	
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		<p>notice and a copy of the submitted Certificate of Exemption application to property owners located within the designated separation distance. Written comments may be submitted to the Planning Director, or designee, within 15 days of the date of notification.</p> <p>2. The Planning Director, or designee, shall mail a written notice informing property owners within the designated separation distance of the decision (approval or denial) of the Certificate of Exemption.</p> <p>(d) A Certificate of Exemption shall be issued if the following criteria apply:</p> <ol style="list-style-type: none"> <li>1. A Type 2 Eating, Drinking and Entertainment Establishment is, as of the date of application, in compliance with all applicable land use and development laws, including without limitation, zoning laws and urban design standards for the district in which the use is located; and</li> <li>2. Either of the following applied to the Type 2 Eating, Drinking and Entertainment Establishment, on or after January 1, 2013: <ol style="list-style-type: none"> <li>i. The Type 2 Eating, Drinking and Entertainment Establishment abuts a public right-of-way that is 60 feet or greater in width; or</li> <li>ii. A building of at least 1,900 square feet (excluding single-family, duplex, triplex, and quadraplex buildings) is located between the outdoor seating/activity area of the Type 2 Eating, Drinking and Entertainment Establishment, and a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district. The building can be located either on- or off-premise.</li> </ol> </li> </ol> <p>(e) A Type 2 Eating, Drinking and Entertainment Establishment must apply for a Certificate of Exemption within ninety (90) days from the date the Planning Director provides written notice to a Type 2 Eating, Drinking and Entertainment Establishment affected by the separation distances or within one (1) year from the date this ordinance becomes law, whichever first occurs. A pending variance petition shall stay enforcement of the application limitation period. The Planning Department shall make reasonable efforts to notify</p>	
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		<p>directly affected businesses of the enactment of this ordinance.</p> <p>(f) For a Type 2 Eating, Drinking and Entertainment Establishment that receives a Certificate of Exemption, the outdoor seating/activity area or building(s), as either existed as of January 1, 2013, may not be moved, expanded, enlarged, or changed. Routine repair and maintenance is permitted.</p> <p>(g) If a Type 2 Eating, Drinking and Entertainment Establishment receiving a Certificate of Exemption fails to maintain compliance with the requirements for the Certificate or the conditions represented or specified in its application for exemption, the Planning Director may revoke the Certificate of Exemption. Such revocation shall occur only after written notice and a reasonable opportunity to remedy the violation.</p> <p>(h) Any Type 2 Eating, Drinking and Entertainment Establishment building or outdoor seating/activity area exempted that is destroyed or damaged by fire, flood, wind, other acts of God, may be repaired or restored to its original dimensions and conditions as they existed on January 1, 2013 if a building permit for the repair or restoration is issued within 12 months of the date of damage.</p> <p>(i) The Certificate of Exemption shall be revoked for any Type 2 Eating, Drinking and Entertainment Establishment that has visibly discontinued use as a Type 2 Eating, Drinking and Entertainment Establishment for 12 consecutive months or obtains an approved change of use.</p> <p>(j) The issuance of a Certificate of Exemption shall not otherwise excuse a violation of federal, state, or local laws and regulations, including the development and urban design standards of the zoning district in which the use is located.</p> <p>(k) The land owner where the Certificate of Exemption is being requested, or a property owner of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) located within the specified separation distance, may appeal a denial, approval or revocation of a Certificate of Exemption. Such appeal must be filed with the Zoning Board of Adjustment within thirty (30) days from the date of such action.</p>	
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<b>Watershed Overlay Districts</b>	<ul style="list-style-type: none"> <li>• The discharge of industrial process treated wastewater does not include wastewater from restaurants.</li> </ul>	<ul style="list-style-type: none"> <li>• Replaces the term “restaurants” with “eating, drinking and entertainment establishments”.</li> </ul>	<ul style="list-style-type: none"> <li>• Updates terminology.</li> </ul>
<b>Parking</b>	<p><b>Existing parking requirements by zoning district:</b></p> <p><u>Transit oriented development (TOD):</u></p> <ul style="list-style-type: none"> <li>• Minimum of 1 parking space per 150 sq. ft. of restaurant/nightclub for sites within 800’ of single family zoning. For all other sites: No minimum, but a maximum of 1 space per 75 sq. ft.</li> </ul> <p><u>Pedestrian overlay district (PED) and research (RE-3):</u></p> <ul style="list-style-type: none"> <li>• Minimum of 1 parking space per 125 sq. ft. for restaurants, nightclubs, bars and lounges.</li> </ul> <p><u>All Other Districts:</u></p> <ul style="list-style-type: none"> <li>• Minimum of 1 space per 75 sq. ft. for restaurants, nightclubs, bars and lounges.</li> <li>• Minimum of 2 long-term bike parking spaces or 1 per 10,000 sq. ft. for restaurants. None required for nightclubs.</li> <li>• Minimum of 5% of auto parking for short-term bike parking spaces for restaurants, nightclubs, bars and lounges.</li> </ul>	<ul style="list-style-type: none"> <li>• Replaces the term “restaurants/nightclub” with “eating, drinking and entertainment establishments”.</li> <li>• No changes to the vehicular parking requirements.</li> <li>• No changes to the short-term bike parking requirements.</li> <li>• Modifies the long-term bike parking requirements to include Type 2 Eating, Drinking and Entertainment Establishments at a requirement of 2 spaces or 1 per 10,000 square feet.</li> </ul>	<ul style="list-style-type: none"> <li>• Adds long-term bike parking for employees and customers of Type 2 Eating, Drinking and Entertainment Establishments.</li> </ul>
<b>Location of required parking</b>	<ul style="list-style-type: none"> <li>• Restaurants located within the area bounded by Route 4 and I-85 and which do not include a drive-in service window shall provide minimum required parking spaces within 800’ of the restaurant site.</li> </ul>	<ul style="list-style-type: none"> <li>• Removes the 800’ requirement.</li> </ul>	<ul style="list-style-type: none"> <li>• Adds flexibility.</li> </ul>
<b>Buffers – Restaurants/ Eating, Drinking and Entertainment Establishments - Type 1</b>	<p><b>Buffer standards for Restaurants:</b></p> <ul style="list-style-type: none"> <li>• <u>Class B buffer required when a restaurant (up to 50,000 sq. ft.) abuts a single family or multi-family use or zoning district.</u></li> <li>• <u>Class C buffer required when a restaurants (up to 50,000 sq. ft.) abuts a low intensity institutional use (examples: elementary school, day care, nursing home, civic, social and fraternal organizations), institutional zoning district, or park and greenway.</u></li> <li>• <u>Class C buffer required when a restaurant (over 50,000 sq. ft.) abuts a medium or high intensity institutional use</u></li> </ul>	<ul style="list-style-type: none"> <li>• No changes to the buffer requirements for Eating, Drinking and Entertainment Establishments – Type 1, except terminology.</li> </ul>	<ul style="list-style-type: none"> <li>• Updates terminology</li> </ul>

	(examples: Middle school, government buildings, hospitals, religious institutions, stadiums), institutional zoning district, or park and greenway.		
<b>Buffers – Nightclubs, Bars and Lounges/ Eating, Drinking and Entertainment Establishments - Type 2</b>	<p><b>Buffer standards for Nightclubs, Bars and Lounges:</b></p> <ul style="list-style-type: none"> <li>• <u>Class B buffer</u> required when the use abuts a single family or multi-family use or zoning district or abuts a low intensity institutional use.</li> <li>• <u>Class C buffer</u> required when the use abuts a medium to high intensity institutional use or zoning district or parks and greenways (ex: Middle school, government buildings, hospitals, religious institutions, stadiums).</li> </ul>	<ul style="list-style-type: none"> <li>• No changes to the buffer requirements for Eating, Drinking and Entertainment Establishments – Type 2, except terminology.</li> </ul>	<ul style="list-style-type: none"> <li>• Updates terminology and provides clarity by identifying the use in the table, rather than categorizing it under “Other business uses”.</li> </ul>
<b>Miscellaneous</b>	<ul style="list-style-type: none"> <li>• References to “restaurants”, “nightclubs”, and “nightclubs, bars and lounges” “café’s”, and “outdoor café’s”.</li> </ul>	<ul style="list-style-type: none"> <li>• Replaces references to “restaurants”, “café’s”, “outdoor café’s” and “nightclubs, bars and lounges”, with “Eating, Drinking and Entertainment Establishments”. In some instances, Type 1 and Type 2 are noted.</li> </ul>	<ul style="list-style-type: none"> <li>• Updates terminology.</li> </ul>



**AN ORDINANCE AMENDING APPENDIX A  
OF THE CITY CODE –ZONING ORDINANCE**

**ORDINANCE NO.**

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

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

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions" by removing the definition for "nightclubs", "restaurants" and replacing them with two new definitions for "Eating, Drinking and Entertainment Establishments". Add new definitions for "outdoor entertainment", "outdoor seating/activity area", and "entertainment". Modify the definition for "shopping center" and "restaurant, drive-in" by replacing the term "restaurant" with "Eating, Drinking and Entertainment Establishment". Also remove the term, "in whole, or in part" from the definition of "restaurant – drive in". All other definitions remain unchanged. The amended and new definitions shall read as follows:

~~Drive-in-restaurant.~~ Eating, Drinking and Entertainment Establishment. (See ~~Restaurant~~ Eating, Drinking and Entertainment Establishment, drive-in.)

~~Nightclubs.~~

~~Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets.~~

Eating, Drinking and Entertainment Establishment, Type 1.

An establishment where food is prepared and beverages may be provided, excluding alcohol. Indoor and outdoor entertainment may be provided.

Eating, Drinking and Entertainment Establishment, Type 2.

An establishment where any alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment. Excluded from the Type 2 Eating, Drinking and Entertainment Establishment are adult establishments, athletic

and sports facilities, conference centers, cultural facilities, hotels and motels, and recreational facilities approved as part of a residential development plan, and similar uses, and uses exempt in accordance with the Alcohol Beverage Commission standards.

Entertainment.

Entertainment means any activity or game that is live, broadcast, or recorded, including, but not limited to, dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance.

Outdoor Entertainment.

Outdoor entertainment means any activity or game that is live, broadcast, or recorded, including dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance which occurs on the premises of, but outside, an Eating, Drinking and Entertainment Establishment. Entertainment occurs outdoors when it is outside a permanent enclosed area, contained by permanent walls and a permanent roof of the establishment.

Outdoor Seating/Activity Area.

Outdoor seating/activity area means any area outside the permanent building, including without limitation, patios, decks, rooftops, open areas, or parking lots where food or beverages are consumed or entertainment takes place.

Restaurant.

~~An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages.~~

~~Restaurant, Eating, Drinking and Entertainment Establishment, - drive-in.~~

~~An establishment designed, in whole or part, to accommodate the consumption of food and/or beverages in motor vehicles on the premises of such establishment, or a restaurant Eating, Drinking and Entertainment Establishment with a drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons.~~

Shopping center.

A group of two or more retail establishments or ~~restaurants~~ Eating, Drinking and

Entertainment Establishments, constructed and planned and developed with a unified design of buildings with associated out parcels and coordinated parking and service areas.

B. CHAPTER 9: GENERAL DISTRICTS

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

- a. Amend Section 9.101, “Table of Uses”, by amending Table 9.101 to replace the term “restaurant” and “nightclub, bar and lounge” with “Eating, Drinking and Entertainment Establishments”. Add “Type 1” and “Type 2” as shown. Other changes include adding “PC” to the listing under the urban residential districts. The revised table entries shall read as follows:

<b>MULTI-FAMILY</b>					
	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
<b>OFFICE &amp; BUSINESS USES</b>					
<u>Restaurants-Eating, Drinking and Entertainment Establishments (Type 1)</u> with up to 10,000 square feet.	PC	PC	PC	PC	PC

<b>URBAN RESIDENTIAL</b>				
	UR-1	UR-2	UR-3	UR-C
<b>OFFICE &amp; BUSINESS USES</b>				
Business and office uses permitted in B-1, except no drive-in windows or automotive sale, service, or repair. Maximum GFA is 50% of the ground floor area of the building in which located; each tenant or use is limited to a maximum of 3,000 square feet.		X/PC		
Business and office uses permitted in B-1, except no drive-in windows or automotive sale, service, or repair. Commercial uses are limited in floor area to two times the size of the building footprint. Business or office uses cannot be free-standing uses, but may be combined with residential uses in the same structure.			X/PC	
Business and office uses (including free-standing structures, and uses located within multi-family structures) permitted in B-1, except no drive-in windows or automotive sale, service, or repair.				X/PC

INSTITUTIONAL	
	INST
OFFICE & BUSINESS USES	
<u>Restaurants Eating, Drinking and Entertainment Establishments (Type 1)</u>	PC

RESEARCH			
	RE-1	RE-2	RE-3
OFFICE & BUSINESS USES			
<u>Restaurants Eating, Drinking and Entertainment Establishments (Type 1)</u>	PC	PC	X
<u>Nightclubs, bars and lounges Eating, Drinking and Entertainment Establishments (Type 2)</u>			PC

OFFICE BUSINESS							
	O-1	O-2	O-3	B-1	B-2	B-D	BP
OFFICE & BUSINESS USES							
<u>Restaurants Eating, Drinking and Entertainment Establishments (Type 1), except for drive-in services as a principal use</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	X	X	X	X
<u>Nightclubs, bars and lounges Eating, Drinking and Entertainment Establishments (Type 2)</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	PC	PC	<u>PC</u>	<u>PC</u>
<u>Restaurants in multi-family buildings</u>	PC	PC	PC				
<u>Restaurants in office buildings</u>	PC	PC	PC				
<u>Eating, Drinking and Entertainment Establishments (Type 1) with drive-in service as a</u>					<u>X</u>		

<u>principal use</u>							
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<b>MIXED USE</b>			
	MX-1	MX-2	MX-3
<b>OFFICE &amp; BUSINESS USES</b>			
Retail and office establishments and <del>restaurants</del> <u>Eating, Drinking and Entertainment Establishments (Type 1)</u> in multi-family buildings and attached buildings	PC	PC	PC
<u>Eating, Drinking and Entertainment Establishments (Type 2)</u>		<u>PC</u>	<u>PC</u>

<b>MUDD &amp; UMUD COMMERCIAL CENTER TRANSIT ORIENTED DEVELOPMENT</b>						
	MUDD	UMUD	CC	TOD-R	TOD-E	TOD-M
<b>OFFICE &amp; BUSINESS USES</b>						
<del>Restaurants, including open air or sidewalk cafes</del> <u>Eating, Drinking and Entertainment Establishments (Type 1)</u>	X	X	X			
<del>Restaurants, including open air or sidewalk cafes,</del> <u>Eating, Drinking and Entertainment Establishments (Type 1), with no drive-through windows.</u>				X	X	X
<del>Nightclubs, bars and lounges</del> <u>Eating, Drinking and Entertainment Establishments (Type 2)</u>	PC	PC	PC			
<u>Eating, Drinking and Entertainment Establishments (Type 2), with no drive-through windows</u>				<u>PC</u>	<u>PC</u>	<u>PC</u>

<b>URBAN INDUSTRIAL INDUSTRIAL</b>			
	U-I	I-1	I-2
<b>OFFICE &amp; BUSINESS USES</b>			
<del>Nightclubs, bars and lounges, up to 25,000 square feet</del>			PC
<del>Nightclubs, bars and lounges, up to 70,000 square feet</del>		PC	
<u>Eating, Drinking and Entertainment Establishments (Type 1) operated by an employer on the site for the convenience of his employees only</u>	X		
<del>Personal services, such as banks, restaurants, or and day care centers operated by an employer on the site for the convenience of his employees only</del>	X		
<del>Restaurants</del> <u>Eating, Drinking and Entertainment Establishments (Type 1) , with or without drive-in service as a principal use</u>		X	X
<del>Restaurants</del> <u>Eating, Drinking and Entertainment Establishment (Type 2), with or without drive-in service as a principal use</u>		<del>X</del> PC	<del>X</del> PC

2. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.303, “Uses permitted under prescribed conditions”, item (25) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entry shall read as follows:

(25) Retail and office establishments, ~~restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1), and indoor recreation, provided that:

- (a) The establishment will be located within a building that contains at least 50 dwelling units;
- (b) The establishment will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet;
- (c) The establishment will have no direct public entrance from

the outside of the building; and

- (d) No merchandise or display of merchandise will be visible from outside the building.

### 3. PART 5: INSTITUTIONAL DISTRICT

- a. Amend Section 9.503, “Uses permitted under prescribed conditions”, item (19) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type1). In subsections (c) and (d) replace the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entry shall read as follows:

(19) Retail establishments, offices, and ~~restaurants~~ and Eating, Drinking and Entertainment Establishments (Type 1) provided that:

- (a) The principal use of the lot is institutional;
- (b) The principal use of the lot occupies at least 30,000 square feet of floor area;
- (c) Retail establishments, and ~~restaurants~~ Eating, Drinking and Entertainment Establishments, will occupy no more than 10 percent of the gross floor area of all buildings on the lot, and under no circumstances will such uses exceed 25% of the ground floor area;
- (d) The proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for ~~a restaurant use~~ an Eating, Drinking and Entertainment Establishment;
- (e) No merchandise or display of merchandise will be visible from outside the building housing the proposed use; and
- (f) One wall sign is permitted to identify all internal uses provided that it is no larger than 16 square feet.

### 4. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.603, “Uses permitted under prescribed conditions”, item (22) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1). In subsections (c) and (d) replace the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entry shall read as follows:

- (22) Retail establishments and ~~restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1) that:
- (a) The principal use of the lot is for offices, distributive businesses, research laboratories, pilot plants, prototype production plants, or other production facilities;
  - (b) The principal use of the lot occupies at least 30,000 square feet of floor area;
  - (c) Retail establishments and ~~restaurants~~ Eating, Drinking and Entertainment Establishments will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances exceed 25 percent of the ground floor area, except a ~~restaurant use~~ an Eating, Drinking and Entertainment Establishment may occupy up to 50 percent of the ground floor;
  - (d) If the proposed use is to be located within the same building as the principal use, then there will be no direct public entrance to the proposed use from outside the building except for a ~~restaurant use~~ an Eating, Drinking and Entertainment Establishment;
  - (e) If the proposed use is to be located in a building separate from the principal use, then the proposed use will be designed and intended primarily for the use of persons who are employed by the principal use;
  - (f) No display of merchandise shall be permitted outside the building; and
  - (g) One wall sign is permitted to identify all internal commercial uses, provided that it is no larger than 16 square feet.

## 5. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.703, "Uses permitted under prescribed conditions", items (12), subsection (b) by replacing the term "nightclubs, bars, lounges and restaurants" with "Eating, Drinking and Entertainment Establishments (Type 1 and Type 2)". In item (12), subsection (c), replace the term "entertainment and restaurant purposes" with "Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) and other entertainment". Amend item (27) by replacing the term "restaurants" with "Eating, Drinking and Entertainment Establishments (Type 1)".



Amend item (28) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1 and Type 2)”. Amend item (28), subsection (c) and (d) by replacing the term “restaurants” or “a restaurant use” with “Eating, Drinking and Entertainment Establishments” in four places. Add a new subsection (g) for “Type 2 Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entries shall read as follows:

- (12) Hotels and motels, provided that:
  - (a) All buildings, off-street parking and service areas will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low intensity institutional use (See Section 12.302);
  - (b) Retail, ~~nightclubs, bars, lounges and restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) as accessory uses may be located in a hotel or motel having a minimum of 75 rental units.
  - (c) Gross floor area for retail, ~~entertainment and restaurant purposes~~ Eating, Drinking and Entertainment Establishments (Type 1 and Type 2), and other entertainment activities will be limited to 75 square feet per rental unit. Ballrooms, conference rooms, meeting rooms and similar assembly facilities will not be included in determining gross floor area used for commercial purposes;
  - (d) No merchandise or merchandise display window may be visible from outside the building;
  - (e) No outside storage or display of merchandise will be permitted; and
  - (f) One wall sign is permitted to identify all internal commercial uses, provided that the sign is no larger than 16 square feet.
- (27) Retail and office establishments, ~~restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1) and indoor recreation in multi-family buildings, subject to the regulations of subsection 9.303(25).
- (28) Retail establishments and ~~restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings, provided that:

- (a) The principal use of the lot is for offices;
- (b) The principal use of the lot occupies at least 30,000 square feet of floor area;
- (c) Retail establishments and ~~restaurants~~ Eating, Drinking and Entertainment Establishments, will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances shall exceed 25% of the ground floor area except ~~a restaurant use an~~ an Eating, Drinking and Entertainment Establishment may occupy up to 50% of the ground floor area;

Retail establishments and ~~restaurants~~ Eating, Drinking and Entertainment Establishments located in a Pedestrian Overlay District (PED) will occupy no more than 20% of the gross floor area and shall only be located on the ground floor.

- (d) In all zoning districts, except PED, the proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for ~~a restaurant use an~~ an Eating, Drinking and Entertainment Establishment. In the PED zoning district, ground floor retail establishments may have entrances external to the building
- (e) No merchandise or display of merchandise will be visible from outside the building housing the proposed use; and
- (f) One wall sign is permitted to identify internal commercial uses, provided that the sign is no larger than 16 square feet.
- (g) Type 2 Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

## 6. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.802, "Uses permitted by right", item (77) by replacing the term "restaurants" with "Eating, Drinking and Entertainment Establishments (Type 1)". Amend item (78) by replacing the term "restaurants" with "Eating, Drinking and Entertainment Establishments (Type 1)". Other items remain unchanged. The revised entries shall read as follows:

- (77) ~~Restaurants.~~ Eating, Drinking and Entertainment Establishments (Type 1).

(78) ~~Restaurants, Eating, Drinking and Entertainment Establishments Type 1~~ drive-in service (B-2 only).

- b. Amend Section 9.803, “Uses permitted under prescribed conditions” by adding a new item (12.5) for “Eating, Drinking and Entertainment Establishments (Type 2)”, with prescribed conditions. Amend item (19) by deleting the text and replacing with “Reserved”. All other items remain unchanged. The revised item shall read as follows:

(12.5) Eating, Drinking and Entertainment Establishments (Type 2)  
provided that:

(a) Eating, Drinking and Entertainment Establishments with drive-in service are allowed in B-2 only.

(b) Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

(19) ~~Nightclubs, bars and lounges (B-1 and B-2 only), provided that:~~  
Reserved.

~~Any structure in which a nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential use or residential district.~~

## 7. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8502, “Mixed Use Development District; uses permitted by right” by deleting the entry for “Restaurants” and replacing it with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entries shall read as follows:

~~Restaurants; including open air or sidewalk cafes.~~ Eating, Drinking and Entertainment Establishments (Type 1).

- b. Amend Section 9.8503, “Mixed Use Development District; uses permitted under prescribed conditions by adding an entry for “Eating, Drinking and Entertainment Establishments (Type 2)” in alphabetical order. Also delete the entry for “Entertainment establishments”. All other entries remain unchanged. The new and deleted entry shall read as follows:

Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546.

~~Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets, provided they are located at least 100 feet from any residential structure located in a residential district.~~

8. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.902, “Uptown Mixed Use District; uses permitted by right” by amending the entry (13) by replacing “Restaurants; including open air or sidewalk cafes” with “Eating, Drinking and Entertainment Establishments (Type 1). All other entries remain unchanged. The deleted entry shall read as follows:

(13) ~~Restaurants; including open air or sidewalk cafes~~ Eating, Drinking and Entertainment Establishments (Type 1).

- b. Amend Section 9.903, “Uptown Mixed Use District; uses permitted under prescribed conditions” by replacing item (10), “Entertainment establishments” with “Eating, Drinking and Entertainment Establishments (Type 2)”, with conditions. All other entries remain unchanged. The new entry shall read as follows:

(10) ~~Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets, provided they are located at least 100 feet from any residential structure located in a residential district.~~  
Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546.

- c. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards, subsection (2), “Streetscape design standards”, subsection (d), “Special regulations for Tryon Street and Brevard Street Area”, subsection (4), “Urban open spaces”, subsection (f), “Food” by replacing the term “cafe” with “Eating, Drinking and Entertainment Establishment”. The revised entry shall read as follows:

(f) Food. The provision of food facilities is encouraged. Food kiosks can count as open space provided they do not exceed 150 square feet in area. No more than one-half of the open space may be used for an open-air-café Eating, Drinking and Entertainment Establishment. Litter receptacles must be provided at a minimum of 4 cubic feet of receptacle capacity for each 800 square feet of open space.

- d. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards, subsection (2), “Streetscape design standards”, subsection (d), “Special regulations for Tryon Street and Brevard Street Area”, subsection (6), “First Floor Retail Required”, by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. The revised entry shall

read as follows:

- (6) First Floor Retail Required. In order to stimulate pedestrian activity at the street level, the first floor (street level) of any new building over 100,000 square feet must devote a minimum of 50% of the net first floor area to retail activities, which promote a visual relationship to the street and encourage movement and activity at street level with the exception of the Brevard Street area (see Section 9.906(2)(d)(2)(a) and (b)). Retail activity refers to any use, which encourages street level activity in the building beyond the normal business day and is in addition to the daily work activities of the building tenants

Any expansion of an existing building which results in more than 100,000 square feet of new floor area must also comply with this requirement unless the new floor area is all in a vertical expansion which results in no new street level floor area. The minimum 50% area will be computed on the new street level floor area only.

The term retail includes not only sales of merchandise at retail but will also be construed to mean personal and business services, ~~restaurants~~ Eating, Drinking and Entertainment Establishments, galleries, and similar uses but not financial institutions except 25% of the total square footage of required retail space may be utilized by retail banking, stock brokerage offices and other financial services.

Fifty percent of the square footage of a hotel lobby may be counted towards the required retail space.

For the purpose of this subsection, net floor area does not include stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas, or service areas. It is strongly encouraged but not mandated that all street level retail tenants which have sidewalk frontage be furnished with direct access to the sidewalk in addition to any other access that may be provided. If individual entrances are provided to street level retail tenants, which have sidewalk frontage, the required retail floor area may be reduced by 5% of the net floor area for each separate entrance up to a maximum of 5 entrances. This standard applies to all new development, which occurs in the area bounded by or along either side of College Street, 8th Street, Church Street, and Stonewall Street. This standard does not apply to any building with a street frontage of less than 24 feet. This first floor retail standard is also not applicable to convention centers and halls, conference centers, exhibition halls, merchandise marts, and similar uses.

9. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1002, “Urban Industrial District; uses permitted by right”, by adding a new item (2.5) titled, “Eating, Drinking and Entertainment Establishments (Type 1)”. Also amend item (3) by deleting the terms “restaurants”, “such as” and “his” in the sentence. The revised entry shall read as follows:

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

(3) Personal services, ~~such as banks, restaurants~~ or day care centers operated by an employer on the site for the convenience and use of ~~his~~ employees only.

10. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1102, “Uses permitted by right”, by replacing the term “Restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)” in item (61) and in item (62), replacing “Restaurant, drive-in services” with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entries shall read as follows

(61) ~~Restaurants.~~ Eating, Drinking and Entertainment Establishments (Type 1)

(62) ~~Restaurants,~~ Eating, Drinking and Entertainment Establishments (Type 1), drive-in services

- b. Amend Section 9.1103, “Uses permitted under prescribed conditions” by amending item (30) by replacing the entry for “Nightclubs, bars and lounges” with the term “Reserved”; and adding a new item (16.5) titled “Eating, Drinking and Entertainment Establishments (Type 2)”, with conditions. Add another item (16.6), titled, “Eating, Drinking and Entertainment Establishments (Type 2), drive-in services”, with conditions. All other entries remain unchanged. The new and revised entries shall read as follows:

(16.5) Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546.

(16.6) Eating, Drinking and Entertainment Establishments (Type 2), drive-in services, subject to the regulations of Section 12.546.

(30) ~~Nightclubs, bars and lounges, up to 70,000 square feet in I-1 and up to 25,000 square feet in I-2, provided that:~~ Reserved.

~~Any structure in which a nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential use or residential district.~~

11. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1202, “Establishment of Transit Oriented Development Districts”, subsection (1), “Residentially Oriented (TOD-R)”, by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. The revised subsection shall read as follows:

(1) Residentially Oriented (TOD-R)

This transit oriented residential district is established to support high-density residential communities that also accommodate a limited amount of retail, institutional, civic, ~~restaurant~~ Eating, Drinking and Entertainment Establishments, service, and small employment uses within a pedestrian friendly area.

Residential developments and residential components of multi-use developments shall have a minimum density of twenty (20) dwelling units per acre within ¼ mile walking distance from a transit station or a minimum density of fifteen (15) dwelling units per acre between ¼ mile and ½ mile walking distance from a transit station. The density shall be based on the residential portion of the site. The approved station area plan classifies parcels according to whether they are within the ¼ mile walking distance or between the ¼ mile to ½ mile walking distance.

Retail, institutional, civic, and office uses are permitted. Only up to 20% of the total development gross square footage that is composed of these uses may be credited toward meeting the minimum residential densities at a ratio of one (1) dwelling unit to 2,000 square feet of development.

- b. Amend Section 9.1205, “Uses Permitted by Right”, by replacing item (20) “Restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entry shall read as follows:

(20) ~~Restaurants; including open air or sidewalk cafes.~~ Eating, Drinking and Entertainment Establishments (Type 1). No drive-through service windows permitted.

- c. Amend Section 9.1206, “Uses Permitted Under Prescribed Conditions”, by changing the number of item (6) to (5.5) and replacing the term “Entertainment establishments” with “Eating, drinking, and entertainment establishments” with

conditions. All other entries remain unchanged. The revised entry shall read as follows:

(65.5) Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets, provided they are located at least 200 feet from any residential structure located in a residential district. Eating, Drinking and Entertainment Establishments (Type 2) provided that:

(a) No drive-through service windows are permitted.

(b) Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

d. Amend Section 9.1208, “Development Standards”, subsection (5), “Floor Area Ratio (FAR)”, subsection (c) by replacing the term “outdoor café” with “open air Eating, Drinking and Entertainment Establishments”. All remaining sections remain unchanged. The revised subsection shall read as follows:

(c) Plazas, arcades, courtyards, ~~outdoor cafes~~ open air Eating, Drinking and Entertainment Establishments, rooftop gardens, and widened public sidewalks that enhance pedestrian spaces and amenities can be credited toward meeting the minimum required FAR. If the pedestrian spaces/amenities are available to the public then the square footage shall be credited at 100%; if private, then the square footage shall be credited at 50%. In no instance shall more than 20% of the pedestrian area be credited toward the required FAR.

e. Amend Section 9.1208, “Development Standards”, subsection (6), “Parking Standards” by replacing the term “restaurants/nightclubs” with “Eating, Drinking and Entertainment Establishments” in two places in the table. All remaining sections remain unchanged. The revised subsection shall read as follows:

(6) Parking Standards

(a) New permitted uses within this zoning district shall be required to meet the minimum/maximum number of off-street parking spaces as follows. All square footage is measured as “gross footage.”



USE	MINIMUM/MAXIMUM NUMBER OF PARKING SPACES
Residential	Minimum of 1 space per dwelling unit for properties on blocks with single family zoning, no parking minimum for all other properties and a maximum of 1.6 parking spaces per dwelling unit.
Office	Maximum of one (1) parking space per 300 square feet of office space. Mixed-use developments and multi-use developments of residential and office uses may share parking spaces as per Section 12.203.
<del>Restaurants/Nightclubs</del> <u>Eating, Drinking and Entertainment Establishments</u>	For all sites within 800’ of single family zoning, minimum of one (1) parking space per 150 square feet of <del>restaurant/nightclub</del> <u>Eating, Drinking and Entertainment Establishment</u> space. For all other sites, no minimum. Maximum of one (1) space per 75 square feet.
Retail	Maximum of one (1) space per 250 square feet.
All Other Non-Residential Uses	The maximum number of parking spaces permitted is listed as the minimum amount required in the Table 12.202, per non-residential use.

C. CHAPTER 10: OVERLAY DISTRICTS

1. PART 5: MOUNTAIN ISLAND LAKE WATERSHED OVERLAY

- a. Amend Section 10.502, “General Definitions” by amending the definition for “Industrial Discharge” and “Water Dependent Structures” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other definitions remain unchanged. The revised definitions shall read as follows: All other definitions remain unchanged. The revised definitions shall read as follows:

**Industrial Discharge.** The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

1. wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
2. wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from ~~restaurants~~ Eating, Drinking and Entertainment Establishments;
3. storm water will not be considered to be an industrial wastewater unless it is contaminated with industrial

wastewater; or

4. wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

**Water Dependent Structures.** Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as ~~restaurants~~ Eating, Drinking and Entertainment Establishments, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

## 2. PART 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY

- a. Amend Section 10.602, “General Definitions” by amending the definition for “Industrial Discharge” and “Water Dependent Structures” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other definitions remain unchanged. The revised definitions shall read as follows:

**Industrial Discharge.** The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

- (1) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
- (2) wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from ~~restaurants~~ Eating, Drinking and Entertainment Establishments;
- (3) storm water will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or
- (4) wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

**Water Dependent Structures.** Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as ~~restaurants~~ Eating, Drinking and Entertainment Establishments, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

3. PART 7: LOWER LAKE WYLIE WATERSHED OVERLAY

- a. Amend Section 10.702, “General Definitions” by amending the definition for “Industrial Discharge” and “Water Dependent Structures” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other definitions remain unchanged. The revised definitions shall read as follows:

**Industrial Discharge.** The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

- (1) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
- (2) wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from ~~restaurants~~ Eating, Drinking and Entertainment Establishments;
- (3) stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or
- (4) wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

**Water Dependent Structures.** Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as ~~restaurants~~ Eating, Drinking and Entertainment Establishments, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

4. PART 8: PEDESTRIAN OVERLAY DISTRICT

- a. Amend Section 10.811, “Uses” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments” in two places. Also in item (3), “Nightclubs, bars and lounges”, replace the term “nightclubs, bars and lounges” with “Eating, Drinking and Entertainment Establishments (Type 2)”. The revised section shall read as follows:

**Section 10.811. Uses**

The uses permitted in the PED shall include those permitted by right and

under prescribed conditions in the underlying district, except outdoor storage, outdoor advertising signs, and drive-through service windows for ~~restaurants~~ Eating, Drinking and Entertainment Establishments, or retail uses. All permitted accessory uses will also be allowed except drive-thru windows for ~~restaurants~~ Eating, Drinking and Entertainment Establishments, and retail establishments and outdoor advertising signs. (*Petition No. 2009-011, § 10.802, 02/16/09*)

In addition the following uses shall be permitted subject to the following requirements:

- (1) Dwellings, mixed use, subject to the standards of PED.
- (2) Drive-through service windows for offices must be located to the rear of the building, and are limited to no more than four (4) drive-through stations, including lanes servicing Automatic Teller Machines (ATM's). (*Petition No. 2002-147, § 10.802(2), 01-21-03*)
- (3) ~~Nightclubs, bars and lounges as a principal use shall be subject to the standards of this overlay district, and be at least 400 feet from any residential use in a residential district or from a residential district. This separation distance may be reduced by a streetscape plan approved by the City Council.~~ Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546.
- (4) Off street parking lots, that are not an accessory use, with 5 or more spaces shall be subject to the PED streetscape and screening standards.

The following use, which is not permitted in the underlying district, shall be permitted:

- (1) Residential uses in an underlying industrial district, subject to the standards of this overlay district.
- b. Amend Section 10.812, "Development standards", subsection (2), "Parking standards", Table 10.812(3), "Number of Parking Spaces", by replacing the term "restaurants/nightclubs" with "Eating, Drinking and Entertainment Establishments". All other entries remain unchanged. The revised table shall read as follows:

**Table 10.812(3) Number of Parking Spaces**

<b>Use</b>	<b>Minimum/Maximum Number of Parking Spaces</b>
Hotels and motels	Minimum 0.5 spaces per room
Religious institutions	Maximum One (1) space per 8 seats <i>(Petition No. 2002-147, § 10.803(6)(a), 01-21-03)</i>
Residential	Minimum One (1) space per dwelling unit. Minimum .25 spaces per unit for Multi-Family Elderly or Disabled
<u>Restaurants/Nightclubs</u> <u>Eating, Drinking and</u> <u>Entertainment</u> <u>Establishments</u>	Minimum One (1) space per 125 square feet
All Other Non-Residential Uses	Minimum One (1) space per 600 square feet

5. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

a. Amend Section 10.907, “Development Standards, subsection (5), “Floor Area Ratio”, subsection (c), by replacing the term “outdoor café” with “open air Eating, Drinking and Entertainment Establishment”. All other subsections remain unchanged. The revised subsection shall read as follows:

(c) Plazas, arcades, courtyards, galleries, ~~outdoor cafes~~ open air Eating, Drinking and Entertainment Establishments, rooftop gardens, and widened public sidewalks that enhance pedestrian spaces and amenities can be credited toward meeting the minimum required FAR. If the pedestrian spaces/amenities are available to the public then the square footage shall be credited at 100%; if private, then the square footage shall be credited at 50%. In no instance shall more than 20% of the pedestrian area be credited toward the required FAR.

b. Amend Section 10.907, “Development Standards”, subsection (6), “Parking standards” by replacing the term “restaurants/nightclubs” in the table with “Eating, Drinking and Entertainment Establishments” in two places. All other subsections remain unchanged. The revised subsection and table shall read as follows:

(6) Parking standards

(a) New permitted uses within this zoning overlay district shall be required to meet the minimum/maximum number of off-street parking spaces as follows: All square footage is measured as “gross footage”.

USE	MINIMUM/MAXIMUM NUMBER OF PARKING SPACES
Residential	Minimum of 1 space per dwelling unit for properties on blocks with single family zoning, no parking minimum for all other properties and a maximum of 1.6 parking spaces per dwelling unit.
Office	Maximum of one (1) parking space per 300 square feet of office space. Mixed-use developments and multi-use developments of residential and office uses may share parking spaces as per Section 12.203.
<u>Restaurants/Nightclubs Eating, Drinking and Entertainment Establishments</u>	For all sites within 800' of single family zoning, minimum of one (1) parking space per 150 square feet of <del>restaurant/nightclub</del> <u>Eating, Drinking and Entertainment Establishments</u> space. For all other sites, no minimum. Maximum of one (1) space per 75 square feet.
Retail	Maximum of one (1) space per 250 square feet.
All Other Non-Residential Uses	The maximum number of parking spaces permitted is listed as the minimum amount required in the Table 12.202, per non-residential use.

- c. Amend Section 10.909, “Exceptions”, subsection (3), “Expansions of Existing Uses”, subsection (b), subsection (3), subsection (b), by replacing the term “outdoor cafes” with “open air Eating, Drinking and Entertainment Establishments”. All other subsections remain unchanged. The revised subsection shall read as follows:
- (b) Building expansions (for both conforming and non-conforming uses) are permitted for between 10% to 20% (total) of the gross floor area in existence at the effective date of the reclassification of the property. Expansions shall be subject to the following:
    1. The building expansion shall meet the minimum setback, yard, and height requirements of Section 10.907(1), (2), and (3).
    2. The urban design standards of Section 10.908 (1) through (4) shall apply to the new facade.
    3. The expansion shall be located between the existing building and the street, but shall not encroach into the required setback. If the expansion cannot be made without encroachment into the required setback, then the portion of the expansion that would encroach into the setback can be located elsewhere on the site.

A waiver of the location of the building expansion may be granted by the Planning Director if the expansion meets the

intent of the TS district and the following conditions are both met:

- a. Any non-conforming parking located between the building and the setback shall be eliminated. Any such elimination shall not require additional parking even if the site is rendered non-conforming with regard to parking, and
- b. There will be an addition of ~~outdoor cafes~~ open air Eating, Drinking and Entertainment Establishments, patios, plazas, courtyards, open space, pedestrian seating areas, or other pedestrian oriented amenities on the site.

D. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

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

- a. Amend Section 11.203, “Uses permitted under prescribed conditions”, item (18) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. Add a new item (8.5) titled, “Eating, Drinking and Entertainment Establishments (Type 2), with conditions. All other items remain unchanged. The revised and new entry shall read as follows:

(8.5) Eating, Drinking and Entertainment Establishments, (Type 2), (MX-2 and MX-3 only), subject to the regulations of Section 12.546.

(18) Retail and office establishments and ~~restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1 only) in multi-family and attached buildings, provided that:

- (a) The establishment will be located within a building that contains at least 50 dwelling units;
- (b) Such establishments will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet;
- (c) The establishment will have no direct public entrance from the outside of the building except for ~~restaurants~~ Eating, Drinking and Entertainment Establishments, and
- (d) No merchandise or display of merchandise will be visible from outside the building.

2. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.402, “Uses permitted by right”, item (26), “Restaurants” by replacing “Restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entry shall read as follows:

(26) ~~Restaurants.~~ Eating, Drinking and Entertainment Establishments (Type 1).

- b. Amend Section 11.403, “Uses permitted under prescribed conditions”, item (7) by replacing “Nightclubs, bars and lounges” with the term, “Reserved”. Also add a new item (6.05), “Eating, Drinking and Entertainment Establishments” with conditions. All other entries remain unchanged. The revised items shall read as follows:

(7) ~~Nightclubs, bars and lounges, provided that:~~ Reserved.

~~Any structure in which the nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential structure or residential district external to the CC district.~~

(6.05) Eating, Drinking and Entertainment Establishments (Type 2), provided that:

(a) Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

(b) Principal use establishments with an accessory drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons are not permitted in CC.

3. PART 7: RESEARCH DISTRICT

- a. Amend Section 11.702, “Uses permitted by right”, item (17), “Restaurants” by replacing the entry with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other items remain unchanged. The revised item shall read as follows:

(17) ~~Restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1)

- b. Amend Section 11.703, “Uses permitted under prescribed conditions” by replacing subsection (2) “Nightclubs, bars and lounges” under the second



paragraph with “Eating, Drinking and Entertainment Establishments (Type 2)”, and adding prescribed conditions. All other subsections remain unchanged. The revised subsection shall read as follows:

**Section 11.703. Uses permitted under prescribed conditions.**

*(Petition No. 2011-018, § 11.703, 05/23/11)*

The same uses permitted under prescribed conditions in the RE-1 and RE-2 districts (Section 9.603) shall be permitted under prescribed conditions in the RE-3 district except for the following uses which are not permitted in RE-3:

- (1) Vehicle leasing offices and associated automobile parking.

The following additional uses shall be permitted provided they meet all requirements of this Part and all other requirements established in these regulations:

- (1) Childcare centers in a residence, subject to the regulations of Section 12.502.
- (2) ~~Nightclubs, bars and lounges, provided such uses are at least 400 feet from any residential district.~~ Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546.
- (3) Retail sales permitted in B-1, up to 10,000 square feet.
- (4) Retail sales permitted in B-1, over 10,000 square feet (RE-3 – Optional only).
- (5) Structured parking decks, subject to the regulations of 11.706(10).

- c. Amend Section 11.705, “Development standards”, subsection (9), “Parking and Loading”, subsection (a), “Parking Standards”, subsection 1, by deleting the entry for “Nightclubs, bars and lounges” and changing the entry for “Restaurants” to “Eating, Drinking and Entertainment Establishments”. The remaining items are unchanged. The revised section shall read as follows:

(a) Parking Standards.

1. The minimum parking requirements for the RE-3 District are as follows:

Residential – 1.5 space per dwelling unit

Hotels/Motels – 1.0 space per room

~~Nightclubs, Bars and Lounges – 1 space per 125 gross square feet~~

Restaurant Eating, Drinking and Entertainment Establishments – 1 space per 125 gross square feet

Retail – 1 space per 250 gross square feet

All Other Uses - 1 space per 400 gross square feet

E. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 2: OFF-STREET PARKING AND LOADING

- a. Amend Section 12.202, “Required number of off-street parking and bicycle spaces”, Table 12.202, “Minimum required off-street parking spaces by use”, under the “Office and Business Uses” heading, under the “Hotels/motels” entry, replace the term “Restaurant/entertainment facility” with “Eating, Drinking and Entertainment Establishments”. Delete the row for “Nightclubs, lounges and bars” in its entirety. In the row “Restaurants”, replace the term “Restaurants” with “Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entries shall read as follows:

**Table 12.202**

<u>Permitted Uses</u>	<u>Number of Auto Parking Spaces Required</u>	<u>Long-term Bicycle Parking Spaces Required</u>	<u>Short-term Bicycle Parking Spaces Required</u>
<b><u>OFFICE AND BUSINESS USES:</u></b>			
Hotels/motels (a) Per room for rent (b) Per meeting room capacity (c) <del>Restaurant/entertainment facility</del> <u>Eating, Drinking and Entertainment Establishment</u>	1 space per room or suite, plus 1 space per 4 seats, plus 1 space per 250 square feet	1 space per 20 rentable rooms	None
<del>Nightclubs, lounges and bars</del>	<del>1 space per 75 square feet</del>	None	<del>5% of auto parking</del>
<del>Restaurants</del> <u>Eating, Drinking and Entertainment Establishments</u>	1 space per 75 square feet	2, or 1 per 10,000 square feet	5% of auto parking

b. Amend Section 12.206, “Location of required parking”, subsection (2) by deleting the section in its entirety, and adding the term, “Reserved”. All other subsections remain unchanged. The revised subsection shall read as follows:

(2) ~~Reserved. Restaurants located within the area bounded by Route 4 and I-85 and which do not include a drive-in service window shall provide minimum required parking spaces within 800 feet of the restaurant site.~~

c. Amend Section 12.214, “Number, size and location of loading spaces”, Table 12.214, by replacing the term “Restaurant” with “Eating, Drinking and Entertainment Establishments”. The revised entry shall read as follows:

**Table 12.214  
REQUIRED LOADING SPACES, BY USE.**

LAND USE	GROSS FLOOR AREA (Square Feet)	LOADING AND UNLOADING SPACES REQUIRED	
		10 feet X 25 feet	10 feet X 50 feet
Office, <del>Restaurant</del> <u>Eating, Drinking and</u> <u>Entertainment</u> <u>Establishments,</u> Hotel or Motel:	10,000 – 99,999	1	0
	100,000 – 149,999	0	1
	150,000 and over	0	2
Retail establishment, Shopping center, or any Industrial use:	0 – 4,999	1	0
	5,000 – 19,999	0	1
	20,000 – 49,999	0	2
	50,000 – 79,999	0	3
	80,000 – 99,999	0	4
	100,000 – 149,999	0	5
	150,000 and over	0	6

d. Amend Section 12.302, “Buffer requirements”, Table 12.302(a), “Minimum buffer requirements by use and district categories”, under category “6. BUSINESS”, by amending the two entries titled “Retail, Shopping Centers and

Restaurants” by deleting the term “and Restaurants” in two rows. Also add three new rows titled “Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entries shall read as follows:

**Table 12.302(a)  
MINIMUM BUFFER REQUIREMENTS BY USE AND DISTRICT CATEGORIES**

DEVELOPING USES	SINGLE FAMILY USE OR ZONING	MULTI FAMILY USE OR ZONING	INSTITUTIONAL USE INTENSITY OR ZONING			PARKS AND GREENWAYS
			Low	Medium	High	
<b>6. BUSINESS</b>						
Retail, Shopping Centers, <del>and Restaurants</del> , up to 50,000 sq. ft.	<b>B</b>	<b>B</b>	<b>C</b>			<b>C</b>
Retail, Shopping Centers, <del>and Restaurants</del> , more than 50,000 sq. ft.	<b>B</b>	<b>B</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>
<u>Eating, Drinking and Entertainment Establishments (Type 1) under 50,000 sq. ft.</u>	<b><u>B</u></b>	<b><u>B</u></b>	<b><u>C</u></b>			<b><u>C</u></b>
<u>Eating, Drinking and Entertainment Establishments (Type 1) with more than 50,000 sq. ft.</u>	<b><u>B</u></b>	<b><u>B</u></b>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>C</u></b>
<u>Eating, Drinking and Entertainment Establishments (Type 2)</u>	<b><u>B</u></b>	<b><u>B</u></b>	<b><u>B</u></b>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>C</u></b>

- e. Amend Section 12.413, “Drive-in and drive-through service lanes/windows”, Table 12.413 by converting information and footnotes into a table format and by replacing the term “Restaurants” with “Eating, Drinking and Entertainment Establishments”.

Table 12.413

MINIMUM VEHICLE STORAGE REQUIREMENTS\*

<u>TYPE OF FACILITY</u>	<u>VEHICLE STORAGE</u>
<del>Bank</del>	<del>6 spaces per window (1)</del>
<del>Restaurant</del>	<del>8 spaces per window (2)</del>
<del>Single Vehicle Automatic</del>	<del>4 spaces per wash line</del>
<del>Accessory Use Car Wash</del>	
<del>Automatic Car Wash</del>	<del>10 spaces per wash line</del>
<del>Self-service Car Wash</del>	<del>3 spaces per wash line</del>

<del>Drive-in Theater</del>	<del>15% of the total parking capacity</del>
<del>Service Stations</del>	<del>4 spaces per service pump island</del>
<del>Dry Cleaners</del>	<del>3 spaces per window (2)</del>
<del>Other Uses</del>	<del>5 spaces per window</del>

~~\*(1 vehicle space equals 20 feet)~~

FOOTNOTES TO TABLE: 12.413

~~(1) This requirement will be reduced to 3 spaces per window for savings and loan institutions and credit unions. For banks with more than 5 drive-up windows, the storage requirements shall not exceed a total of 20 vehicles.~~

~~(2) As measured from the pick-up window.~~

**Table 12.413**  
**MINIMUM VEHICLE STORAGE REQUIREMENTS<sup>1</sup>**

<b>TYPE OF FACILITY</b>	<b>VEHICLE STORAGE</b>
Bank	6 spaces per window <sup>2</sup>
<u>Restaurant Eating, Drinking and Entertainment Establishment (Type 1)</u>	8 spaces per window <sup>3</sup>
Single vehicle automatic accessory use car wash	4 spaces per wash line
Automatic car wash	10 spaces per wash line
Self-service car wash	3 spaces per wash line
Drive-in theater	15% of the total parking capacity
Service stations	4 spaces per service pump island
Dry cleaners	3 spaces per window <sup>2</sup>
Other uses	5 spaces per window

1. One vehicle space equals 20 feet.
2. This requirement will be reduced to 3 spaces per window for savings and loan institutions and credit unions. For banks with more than 5 drive-up windows, the storage requirements shall not exceed a total of 20 vehicles.
3. As measured from the pick-up window.

f. Amend Section 12.544, “Breweries” by modifying subsection (1), subsection (a) by replacing the text, “at least one of the following uses associated with the brewery, and” with “an Eating, Drinking and Entertainment Establishment”. Also

replace the text, “restaurant, nightclub, bar or lounge” with “Eating, Drinking and Entertainment Establishment”. Amend subsection (1)(a)(1) by replacing the text “restaurant, nightclub, bar or lounge use” with “Eating, Drinking and Entertainment Establishment”. In the same subsection, replace the text, “ to residential uses and districts” with “required in Section 12.546”. In subsection (1)(a)(2) delete the text, “For breweries and all associated uses”, and “associated restaurant, nightclub, bar or lounge”, and “all associated uses”. The revised entry shall read, “The minimum size of the Eating, Drinking and Entertainment Establishment shall be 20% of the total square footage for the brewery and the Eating, Drinking and Entertainment Establishment, or 1,500 square feet, whichever is less”. In subsection (1)(b), replace “all associated uses” and “associated restaurant, nightclub, bar or lounge” with “the Eating, Drinking and Entertainment Establishment”. In subsection (1)(c), delete the words, “associated” and “restaurant, nightclub, bar or lounge use” and replace with “Eating, Drinking and Entertainment Establishment. In subsection (2)(a), delete the words, “one of the following uses associated with the brewery and”. In the same subsection, delete the words “a restaurant, nightclub, bar, or lounge”. In the same subsection, replace “restaurant, nightclub, bar, or lounge with “Eating, Drinking and Entertainment Establishment”. In subsection (2)(a)(1) replace “restaurant, nightclub, bar or lounge use” with “Eating, Drinking and Entertainment Establishment”. Add to sentence, “in accordance with the zoning district in which they are located”. Delete the phrase, “to residential uses and districts”. In subsection (2)(a)(2), delete the phrase, “For breweries and all associated uses” and “all associated uses”. In the same subsection replace the term “restaurant, nightclub, bar, or lounge” with “Eating, Drinking and Entertainment Establishment”. In subsection (2)(b) and (2)(c) delete the phrases, “all associated uses” and “for all uses” and “associated restaurant, nightclub, bar or lounge”. All other subsections remain unchanged. The revised section shall read as follows:

**Section 12.544 Breweries.**

- (1) In TOD-M, TOD-E, MUDD and UMUD, breweries are subject to the following prescribed conditions:
  - (a) The brewery shall include an Eating, Drinking and Entertainment Establishment at least one of the following uses associated with the brewery, and located in the same building; a restaurant, nightclub, bar, or lounge. The ~~restaurant, nightclub, bar or lounge~~ Eating, Drinking and Entertainment Establishment shall meet the following conditions:
    - 1. All prescribed conditions associated with the ~~restaurant, nightclub, bar or lounge use~~ Eating, Drinking and Entertainment Establishment shall be met in accordance with the zoning district in which they are located, including any separation distances ~~to residential uses and~~

~~districts~~ required in Section 12.546.

2. For breweries and all associated uses, ~~the~~ the minimum size of the Eating, Drinking and Entertainment Establishment ~~associated restaurant, nightclub, bar or lounge~~ shall be 20% of the total square footage for the brewery and the Eating, Drinking and Entertainment Establishment, ~~all associated uses~~, or 1,500 square feet, whichever is less.
  - (b) Maximum size for the brewery and ~~all associated~~ the Eating, Drinking and Entertainment Establishment ~~uses~~: 15,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, the maximum size ~~for all uses~~ shall be increased to 25,000 square feet, if the brewery and ~~associated restaurant, nightclub, bar or lounge~~ Eating, Drinking and Entertainment Establishment locate in a building constructed prior to 1980.
  - (c) If the brewery is located on a public right-of-way, private street, or rapid transit line, the ~~associated~~ Eating, Drinking and Entertainment Establishment ~~restaurant, nightclub, bar, or lounge use~~ shall have fenestration through vision glass, doors or active outdoor spaces along 30% of the length of the building side that fronts the public right-of-way, private street, or rapid transit line. If the building architecture or site prohibits meeting the above condition, the Planning Director, or designee, may approve alternative approaches.
  - (d) Off-site distribution of manufactured beer is permitted if vehicular access is from a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street) , or by a commercial cul-de-sac.
  - (e) All development and urban design standards of the district shall apply.
- (2) In PED and TS, breweries shall only be permitted when the underlying zoning district is B-1, B-2, I-1 or I-2, and the following prescribed conditions are met:
  - (a) The brewery shall include an Eating, Drinking and Entertainment Establishment ~~one of the following uses associated with the brewery, and located in the same building. : a restaurant, nightclub, bar, or lounge.~~ The restaurant, nightclub, bar or lounge Eating, Drinking and Entertainment Establishment shall meet the following conditions:

1. All prescribed conditions associated with the ~~restaurant, nightclub, bar or lounge use~~ Eating, Drinking and Entertainment Establishment shall be met in accordance with the zoning district in which they are located, including any separation distances required in Section 12.546. ~~to residential uses and districts.~~
  2. ~~For breweries and all associated uses, the~~ The minimum size of the ~~restaurant, nightclub, bar or lounge~~ Eating, Drinking and Entertainment Establishment shall be 20% of the total square footage for the brewery and ~~the~~ Eating, Drinking and Entertainment Establishment, ~~all associated uses,~~ or 15,000 square feet, whichever is less.
    - (b) Maximum size for the brewery and ~~all associated~~ Eating, Drinking and Entertainment Establishment ~~uses:~~ 15,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, the maximum size ~~for all uses~~ shall be increased to 25,000 square feet, if the brewery and ~~associated restaurant, nightclub, bar or lounge~~ Eating, Drinking and Entertainment Establishment locate in a building constructed prior to 1980.
    - (c) If the brewery is located on a public right-of-way, private street, or rapid transit line, the ~~associated~~ Eating, Drinking and Entertainment Establishment ~~restaurant, nightclub, bar, or lounge use~~ shall have fenestration through vision glass, doors or active outdoor spaces along 30% of the length of the building side that fronts the public right-of-way, private street, or rapid transit line. If the building architecture or site prohibits meeting the above condition, the Planning Director, or designee, may approve alternative approaches.
    - (d) Off-site distribution of manufactured beer is permitted if vehicular access is from a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street) , or by a commercial cul-de-sac.
    - (e) All development and urban design standards of the district and underlying district, shall apply.
- g. Add a new section 12.546, titled, “Eating, Drinking, and Entertainment Establishments (Type 2 only)”, with prescribed conditions and an exemption process that reads as follows:



**Section 12.546. Eating, Drinking, and Entertainment Establishments (Type 2 only).**

Type 2 Eating, Drinking and Entertainment Establishments are subject to the following prescribed conditions:

- (1) If food or beverages are consumed in an outdoor seating/activity area at any time between the hours of 11:00 p.m. and 8:00 a.m., the use is subject to one of the following prescribed conditions:
  - (a) The outdoor seating/activity area shall be separated by a distance of at least 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district; or
  - (b) If the outdoor seating/activity area is less than 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district, then the outdoor seating/activity area shall be separated by a Class A buffer along all corresponding side and rear property line(s).

Distances shall be measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.

- (2) If outdoor entertainment occurs at any time between the hours of 11:00 p.m. and 8:00 a.m., then the following minimum separation distances shall be met, based on the zoning district in which the use is located:
  - (a) Minimum 100-foot separation distance in the MUDD, UMUD, TOD and TS zoning districts. The minimum required separation distance cannot be reduced as an optional provision unless the following conditions are met:
    - i. There are no principal residential structures within 225 feet of the portion of the property line along which the reduction is being requested;
    - ii. The optional request includes zoning conditions to mitigate the impact of a reduction in the separation

distance including but not limited to: elevation changes, structures located between the outdoor use and the property line, enhanced screening and buffering, and noise reduction features; and

iii. The optional request does not reduce the separation distance requirement by more than 50%.

(b) Minimum 250-foot separation distance in the PED zoning district. The minimum required separation distance cannot be reduced as an optional provision through the rezoning process. Nightclub, bar, lounge and Type 2 Eating, Drinking and Entertainment Establishments located in a PED zoning district, shall meet the separation distance standards established in an approved Pedscape Plan.

(c) Minimum 400-foot separation distance in the UR-2, UR-3, UR-C, RE-3, O-1, O-2, O-3, B-1, B-2, BD, BP, CC, NS, MX-2, MX-3, I-1 and I-2 zoning districts.

Distances shall be measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.

### (3) Certificate of Exemption

(a) Business establishments that would have met each of the following criteria as of January 1, 2013 are eligible to apply for a Certificate of Exemption, the issuance of such Certificate shall constitute an exemption from the separation distance requirements of Section 12.546:

1. Met the definition of a Type 2 Eating, Drinking and Entertainment Establishment;

2. Had an outdoor seating/activity area located within the separation distances required in Section 12.546; and

3. Provided outdoor entertainment between the hours of 11:00 p.m. and 8:00 a.m.

(b) The Planning Director, or her or his designee, is authorized to issue a Certificate of Exemption and to establish administrative processes for such issuance.

(c) Notification of Application for Certificate of Exemption.

1. The Planning Director, or her or his designee, shall mail a written notice and a copy of the submitted Certificate of Exemption application to property owners located within the designated separation distance required in Section 12.546(2). Written comments may be submitted to the Planning Director, or her or his designee, within fifteen (15) days of the date of notification.
2. The Planning Director, or her or his designee, shall mail a written notice informing property owners within the designated separation distance of the decision (approval or denial) of the Certificate of Exemption.

(d) A Certificate of Exemption shall be issued if the following criteria apply:

1. A Type 2 Eating, Drinking and Entertainment Establishment is, as of the date of application, in compliance with all applicable land use and development laws, including without limitation, zoning laws and urban design standards for the district in which the use is located; and
2. Either of the following applied to the Type 2 Eating, Drinking and Entertainment Establishment, on or after January 1, 2013:
  - i. The Type 2 Eating, Drinking and Entertainment Establishment abuts a public right-of-way that is 60 feet or greater in width; or
  - ii. A building of at least 1,900 square feet (excluding single-family, duplex, triplex and quadraplex buildings) is located between the outdoor seating/activity area of the Type 2 Eating, Drinking and Entertainment Establishment, and a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district. The building can be located either on- or off-premise.

- (e) A Type 2 Eating, Drinking and Entertainment Establishment must apply for a Certificate of Exemption within ninety (90) days from the date the Planning Director provides written notice to a Type 2 Eating, Drinking and Entertainment Establishment affected by the separation distances or within one (1) year from the date this ordinance becomes law, whichever first occurs. A pending variance petition shall stay enforcement of the application limitation period. The Planning Department shall make reasonable efforts to notify directly affected businesses of the enactment of this ordinance.
- (f) For a Type 2 Eating, Drinking and Entertainment Establishment that receives a Certificate of Exemption, the outdoor seating/activity area or building(s), as either existed as of January 1, 2013, may not be moved, expanded, enlarged, or changed. Routine repair and maintenance is permitted.
- (g) If a Type 2 Eating, Drinking and Entertainment Establishment receiving a Certificate of Exemption fails to maintain compliance with the requirements of Section 12.546(3) or the conditions represented or specified in its application for exemption, the Planning Director may revoke the Certificate of Exemption. Such revocation shall occur only after written notice and a reasonable opportunity to remedy the violation.
- (h) Any Type 2 Eating, Drinking and Entertainment Establishment building or outdoor seating/activity area exempted under Section 12.546(3) that is destroyed or damaged by fire, flood, wind, other acts of God, may be repaired or restored to its original dimensions and conditions as they existed on January 1, 2013 if a building permit for the repair or restoration is issued within twelve (12) months of the date of damage.
- (i) The exemption provided under Section 12.546(3) shall be revoked for any Type 2 Eating, Drinking and Entertainment Establishment that has visibly discontinued use as a Type 2 Eating, Drinking and Entertainment Establishment for twelve (12) consecutive months or obtains an approved change of use.
- (j) The issuance of a Certificate of Exemption shall not otherwise excuse a violation of federal, state, or local laws

and regulations, including the development and urban design standards of the zoning district in which the use is located.

- (k) The land owner where the Certificate of Exemption is being requested, or a property owner of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) located within the specified separation distance, may appeal a denial, approval, or revocation of a Certificate of Exemption. Such appeal must be filed with the Zoning Board of Adjustment within thirty (30) days from the date of such action.

F. CHAPTER 13: SIGNS

1. Amend Section 13.102, “Definitions”, item (O1), “Outparcel” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other definitions remain unchanged. The revised definition shall read as follows:

(O1) Outparcel.

A parcel of land associated with a shopping center or multi-tenant property development, which is designated on an approved site plan as a location for a free standing structure with an intended use such as, but not limited to banks, saving and loans, dry cleaners, service stations, vehicle repair garages, offices, ~~restaurants~~ Eating, Drinking and Entertainment Establishments, retail establishments, or combination of uses thereof and adjoins the shopping center or multi-tenant property development or the parking and service drives associated with it on any side, other than the side fronting the public right-of-way.

2. Amend Section 13.102, “Definitions”, item (S7), “Sign types”, item (ap), “Marquee Sign”, by removing the term “nightclub”. All other definitions remain unchanged. The revised subsection shall read as follows:

(ap) Marquee Sign

A structure, bearing a sign, projecting over an entrance to a motion picture theater, museum, art gallery, hotel, motel, convention center or hall, conference center, exhibition hall, merchandise mart, building for dramatical, musical, or cultural activity, stadium, coliseum, ~~nightclub~~, cabaret, or adult entertainment providing changeable copy that relates to the principal use on the premises.

3. Amend Section 13.106, “Signs not requiring a permit”, item (15), “Signs not requiring a permit”, by replacing the term, “restaurant” with “business. All other

items remain unchanged. The item shall read as follows:

- (15) Signs not requiring a permit. The street address of the premise is not a sign or a part of a sign for the purposes of this code, except where the name and address are identical. Where the name and address are identical (e.g., a ~~restaurant~~ business named “Bay Street”), the name/address shall be considered a Business Sign, except as required by Section 13.101 (5).  
(Petition No. 2003-009, §13.106(16), 2-17-03)

G. SUBJECT INDEX

- 1. Amend the Subject Index by replacing “Restaurants” with “Eating, Drinking and Entertainment Establishments”. The revised entry shall read as follows:

~~Restaurants~~ Eating, Drinking and Entertainment Establishments

Where permitted.....	9.101
Prescribed conditions.....	12.546

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 \_\_\_\_, 2013, the reference having been made in Minute Book \_\_\_\_, and recorded in full in Ordinance Book \_\_\_\_\_, Page(s)\_\_\_\_\_.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this \_\_\_\_ day of \_\_\_\_\_, 2013.

<b>REQUEST</b>	Current Zoning: CC, commercial center Proposed Zoning: R-4, single family residential
<b>LOCATION</b>	Approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road. (Council District 4 – Phipps)
<b>SUMMARY OF PETITION</b>	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.
<b>PROPERTY OWNER</b>	Craft Holdings, LLC
<b>PETITIONER</b>	Charlotte-Mecklenburg Planning Department
<b>AGENT/REPRESENTATIVE</b>	N/A
<b>COMMUNITY MEETING</b>	Meeting is not required.

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 5-0 to <b>DEFER</b> this petition to the April 2014 meeting to be held on May 5, 2014.
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<b>VOTE</b>	Motion/Second: Allen/Ryan	
	Yeas: Allen, Dodson, Eschert, Labovitz, and Ryan	
	Nays: None	
	Absent: Low and Walker	
	Recused: Zoutewelle	

<b>ZONING COMMITTEE DISCUSSION</b>	Staff noted that this petition is being deferred to the April meeting in order staff to work with the property owner to resolve community design issues. There was no further discussion of this petition.
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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://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
	<b>Total Points: 4</b>	<b>Minimum Points Needed: 10</b>	<b>Minimum Points Needed: 11</b>

- 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. However, the property owner did not follow-up.
- **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**

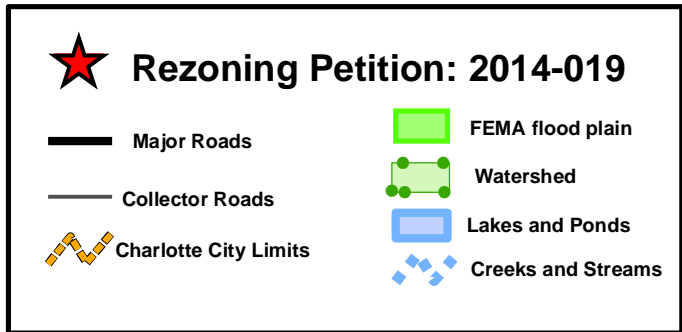
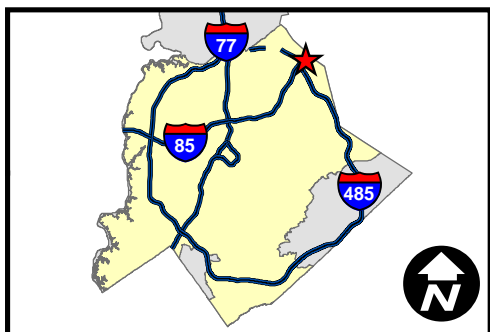
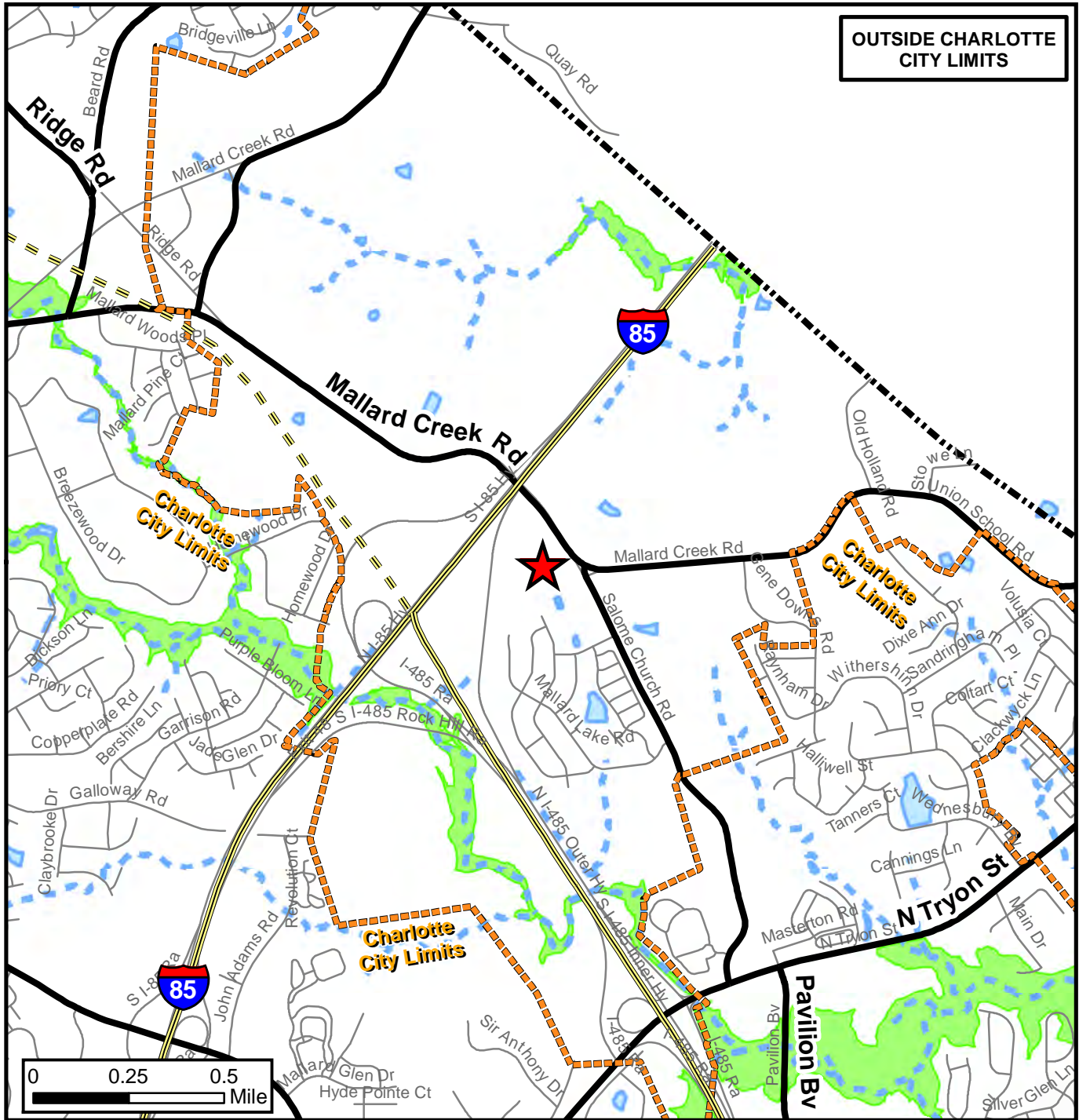
- No issues.
- 

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

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



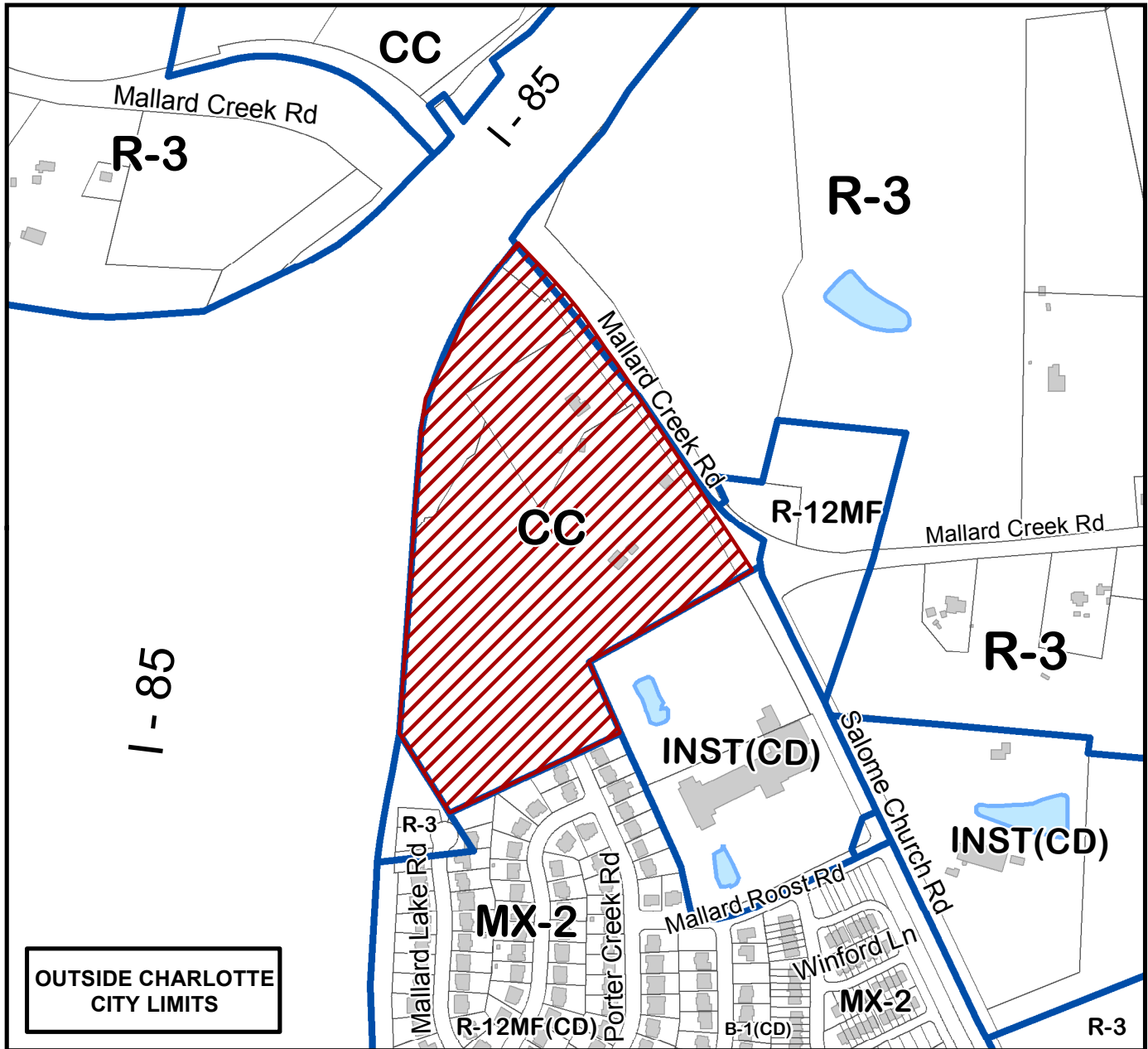
Petition #: **2014-019**

Petitioner: **Charlotte-Mecklenburg Planning Department**

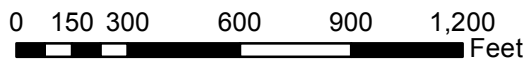
Zoning Classification (Existing): **CC**  
(Commercial Center)

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**

	Requested R-4 from CC		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Pedestrian Overlay		

<b>REQUEST</b>	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
<b>SUMMARY OF PETITION</b>	The petition proposes to: 1) Create a new definition for mobile farmer’s market; 2) Allow mobile farmer’s markets in all zoning districts. In some districts they will be allowed as a principal use, and in other districts they will be allowed as an accessory use; and 3) Create new prescribed conditions for mobile farmer’s markets.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
<b>COMMUNITY MEETING</b>	Meeting is not required. Two community advisory group meetings were held on January 29 and June 3, 2014.

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to <b>DEFER</b> this petition to their July 30, 2014 meeting.
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<b>VOTE</b>	Motion/Second: Allen/Sullivan
	Yeas: Allen, Dodson, Nelson, Ryan, Sullivan and Eschert
	Nays: None
	Absent: Labovitz and Walker
	Recused: None

<b>ZONING COMMITTEE DISCUSSION</b>	Staff is requesting a one-month deferral to allow time to consider modifications to the text amendment.
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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://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 Citizen Advisory Group (CAG) should be involved with the development of the regulations and reviewed a proposed process for engaging a Citizen Advisory Group.
- In January 2014, a Citizen 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 mobile farmer's markets 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: 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) district; light industrial (I-1); and general industrial (I-2).
    - 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: single family residential (R-3, R-4, R-5, R-6, and R-8); multi-family residential (R-8MF, R-12MF, R-7MF, R-22MF, and R-43MF); manufactured housing (R-MH); urban residential (UR-1, UR-2, and UR-3); mixed use (MX-1, MX-2, and MX-3); institutional (INST); research (RE-1 and RE-2); office (O-1, O-2, and O-3); and transit oriented development - residential (TOD-R).
  - 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.
- 

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

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

**Planner:** Sandra Montgomery (704) 336-5722

**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.

	<b>Current Regulations</b>	<b>Proposed Regulations</b>	<b>Rationale</b>
<b>Definitions</b>	None	<p>Adds a new definition:</p> <ul style="list-style-type: none"> <li>• <b><u>Mobile Farmer's Market</u></b>: 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).</li> </ul>	<ul style="list-style-type: none"> <li>• Creates a new definition for a new use.</li> </ul>
<b>Items Sold</b>	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"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Allows the same types of fresh produce to be sold as outdoors fresh produce stands.</li> </ul>
<b>Districts Allowed and Prescribed Conditions</b>	None	<ul style="list-style-type: none"> <li>• Allows a mobile farmer's market as a <u>principal use or an 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"> <li>• The mobile farmer's market shall not be located in any required setback, any sight distance triangle, or required buffer.</li> <li>• Any operator of a mobile farmer's market must receive a zoning use permit and display placard from Neighborhood &amp; 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.</li> <li>• The operator of a mobile farmer's market shall submit proof that the property</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Allows the use in all zoning districts, including residential districts.</li> <li>• Establishes prescribed conditions to regulate the use.</li> </ul>

		<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 &amp; Business Services and attached to the zoning use permit application.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• No products shall be displayed or stored off the vehicle or trailer.</li> <li>• All applicable local and state codes shall be met.</li> <li>• A mobile farmer's market and an outdoors fresh produce stand shall not occupy the same lot at the same time.</li> <li>• Signs must be in compliance with Chapter 13. No portable signs are allowed.</li> <li>• Violations are subject to Section 8.105, "Citations". Violations may result in the revocation of the zoning use permit.</li> <li>• 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"> <li>• 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.</li> </ul> </li> </ul>	
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		<ul style="list-style-type: none"><li>• In the residential districts, only one mobile farmer's market shall be allowed per location at any one time.</li></ul>	
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<b>REQUEST</b>	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-M (transit oriented development - mixed-use)
<b>LOCATION</b>	Approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses in the TOD-M (transit oriented development - mixed-use) district.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Dunavant Development, LLC Charlotte-Mecklenburg Planning Department Argos Real Estate Advisors, Inc.
<b>COMMUNITY MEETING</b>	Meeting is not required.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>New Bern Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Nelson).

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition.
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<b>VOTE</b>	Motion/Second: Walker/Nelson Yeas: Walker, Nelson, Allen, Sullivan, Labovitz, Dodson, Ryan Nays: None Absent: None Recused: None
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<b>ZONING COMMITTEE DISCUSSION</b>	Staff presented this petition and noted that it is a conventional request with no associated site plan. The <i>New Bern Transit Station Area Plan</i> recommends mixed transit supportive development for the property. Staff noted that the site is approximately a ½-mile walk from the New Bern Street Station.
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<b>STAFF OPINION</b>	Staff agrees with the recommendation of the Zoning Committee.
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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  - This is a conventional rezoning petition with no associated site plan.
- **Public Plans and Policies**
  - The *New Bern Transit Station Area Plan* (2005) recommends mixed transit supportive development for the property. The site is approximately a ½ mile walk from the New Bern Street Station.
  - The petition is consistent with the *New Bern Transit Station Area Plan*.

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
  - **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*.
    - There is no site plan associated with this conventional rezoning request.
- 

**OUTSTANDING ISSUES**

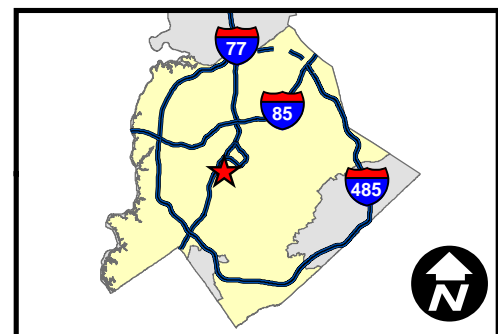
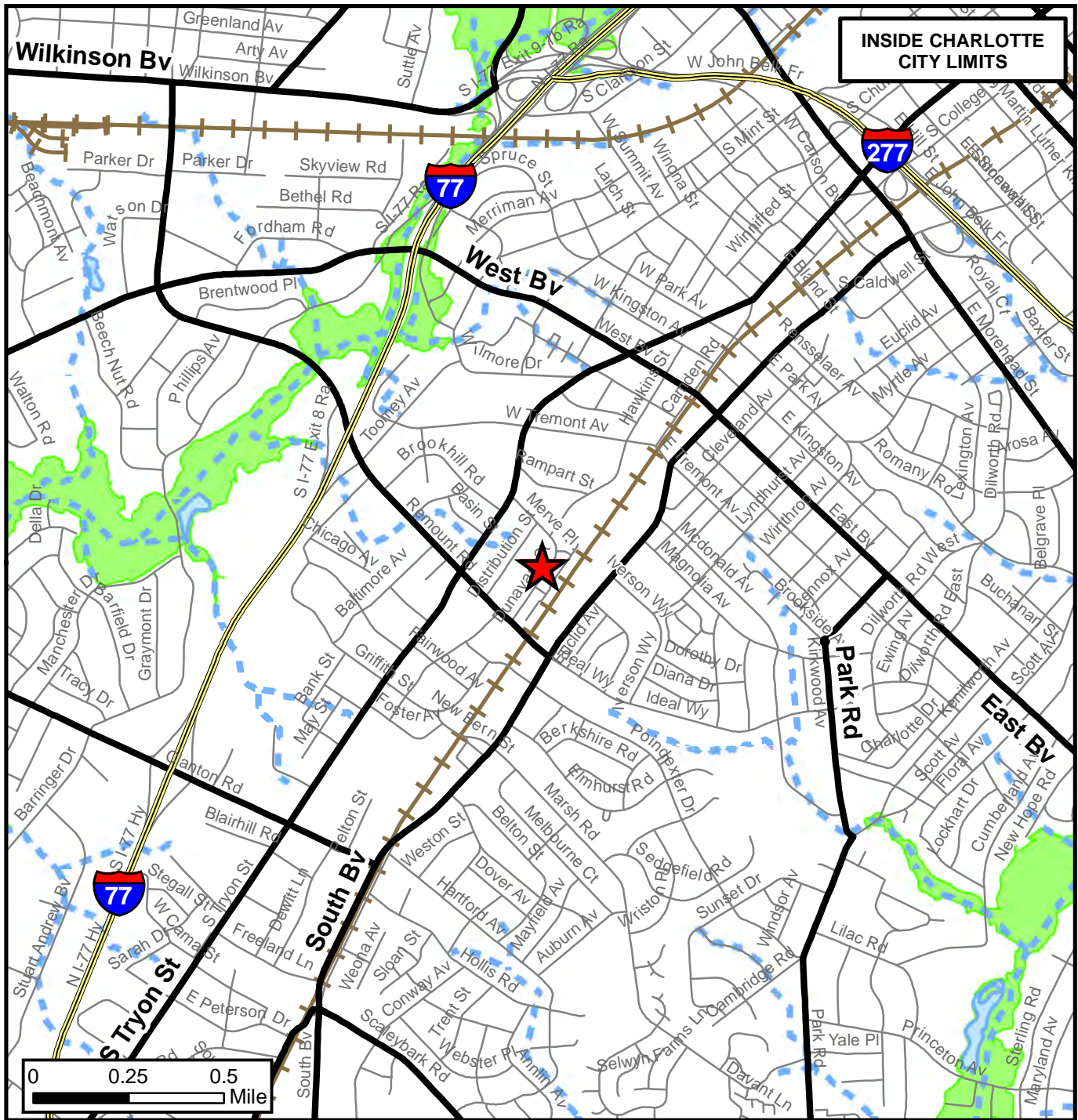
- No issues.
- 

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

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

**Planner:** John Kinley (704) 336-8311

**Acreage & Location :** Approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place.



**★ Rezoning Petition: 2014-027**

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

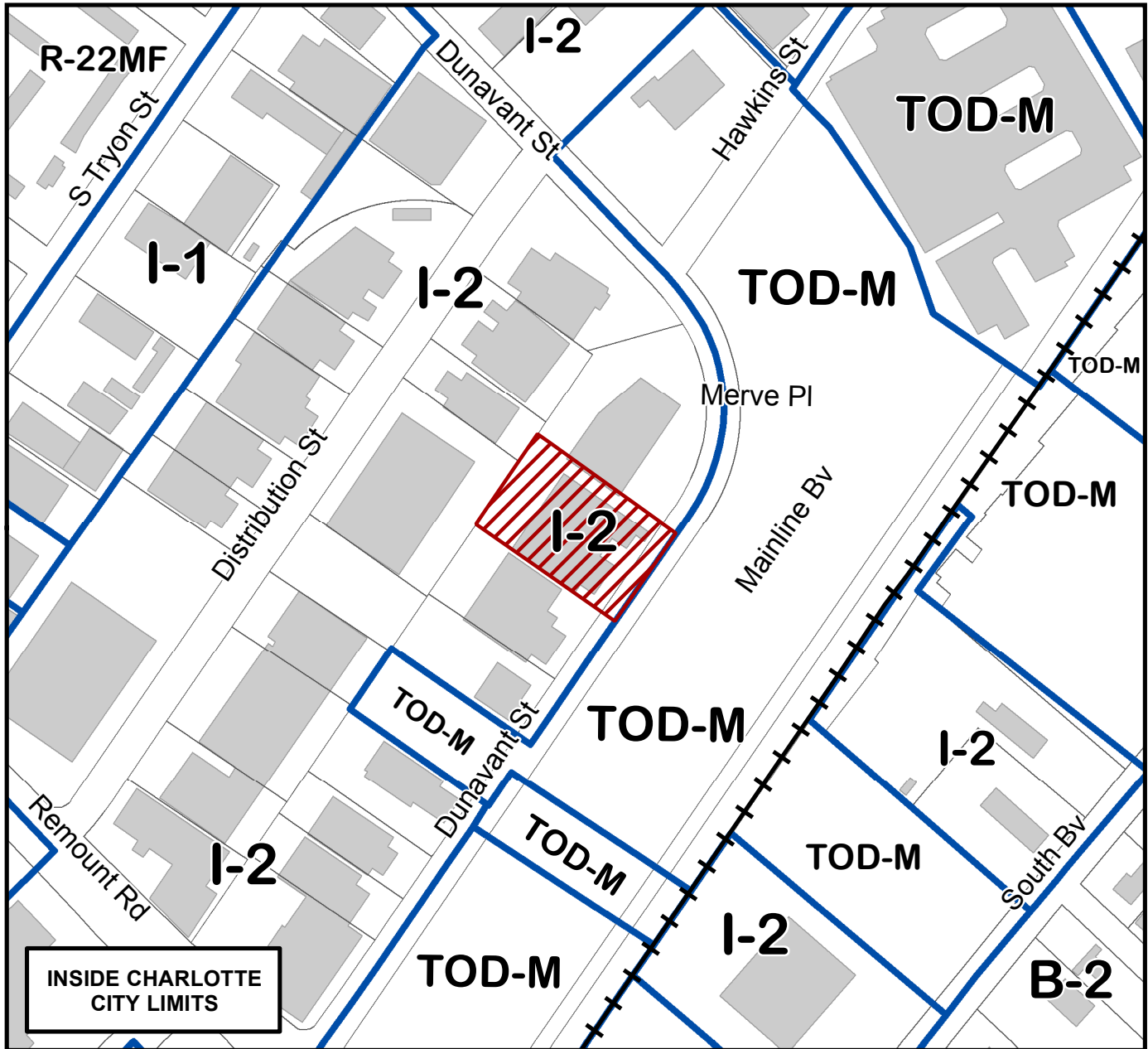
Petition #: **2014-027**

Petitioner: **Charlotte-Mecklenburg Planning Department**

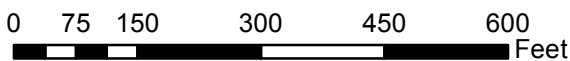
Zoning Classification (Existing): **I-2**  
(General Industrial)

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

Acreage & Location: Approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place.

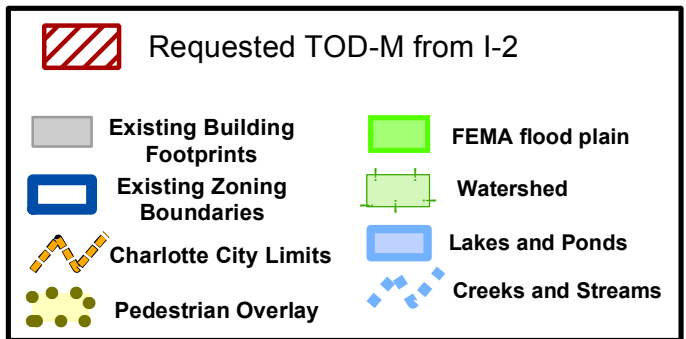


Map Produced by the Charlotte-Mecklenburg Planning Department, 12-27-13.



Zoning Map #(s)

**110**



<b>REQUEST</b>	Current Zoning: R-4, single family residential Proposed Zoning: UR-2(CD), urban residential, conditional
<b>LOCATION</b>	Approximately 1.58 acres located on the south side of Woodlawn Road between Old Woods Road and Fairbluff Place. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes a residential development consisting of 14 units: 12 multi-family units and two single family detached units. The density is 8.89 units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Kyle Short Kyle Short Stephen Overcash
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 26
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>Park Woodlawn Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Eschert).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Specified maximum building height as three stories.</li> <li>2. Specified permitted uses as multi-family residential.</li> <li>3. Showed and labeled Class "C" buffer. Specified that buffer will be developed per Class "C" buffer standards.</li> <li>4. Amended Development Summary to reflect a 14-foot setback.</li> <li>5. Amended the sidewalk along the internal street to six feet.</li> <li>6. Labeled and indicated the dimensions of the area between the private internal street and the sidewalk as a two-foot planting strip.</li> <li>7. Provided a note that the curb along the internal private street will be standard curb (not roll curb).</li> <li>8. Provided a six-foot planting strip between the sidewalk and the private street the full length of the area beside unit 1.</li> <li>9. Indicated the maximum height of the retaining wall will be eight feet.</li> <li>10. Correctly measured and labeled the 14-foot setback along E. Woodlawn Road as being measured from the back of the future curb.</li> <li>11. Revised General Provisions Note #1, last sentence, as follows: "Where specified conditions on this plan differ from ordinance, standards, in existence at the time of formal engineering plan review submission, the more restrictive shall apply."</li> <li>12. Eliminated the following sentence in General Provisions Note #2: "The Site Plan is schematic in nature and represents a firm concept of development with regard to the arrangement of buildings, parking and circulation patterns."</li> <li>13. Noted that the finished side of the proposed privacy fence will face the adjacent properties.</li> <li>14. Noted that the stucco or masonry wall along the rear of the buildings backing up to Woodlawn Road will contain gated openings for private access from the street, will be 60 inches in height above grade, and will feature decorative pilasters every 20 feet maximum on center.</li> <li>15. Provided the following renderings as viewed from E. Woodlawn Road: typical image of exterior, typical image of end unit, and</li> </ol>
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- views from adjacent yards with and without tree plantings.
16. Removed tree save area that was located in the right-of-way along E. Woodlawn Road.
  17. Submitted plan to Fire Marshall for review as the fire access as shown may be an issue that would dramatically alter the site plan. Fire Department commented that additional information will be needed and possible tweaking may be warranted.
  18. Specified two-car garages for the two single family detached dwellings, with a shared driveway.
  19. Labeled right-of-way along E. Woodlawn Road to be dedicated.
  20. Correctly labeled five-foot side yard at rear of property as a 10-foot rear yard.
  21. Addressed CDOT comment by adding by dedicating 50 feet of right-of-way measured from the existing centerline along the site’s public frontage on Woodlawn Road. The additional 16-foot right-of-way on E. Woodlawn Road will be dedicated and conveyed to CDOT.
  22. Addressed Engineering and Property Management comments by providing a minimum 15-foot wide drainage easement clear of required buffers and structures.
  23. Labeled all tree save areas to ensure compliance with the minimum 15 percent tree save requirement.
  24. Removed guest parking from location on proposed private street as it violates Fire Code.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition, noting that the outstanding issues had been addressed and that the petition is consistent with the *Park Woodlawn Area Plan*. There was no further discussion of this petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of 12 multi-family residential dwelling units and two single family detached units.
- Individual and shared entrances that front public and private streets.
- A 10-foot wide buffer around exterior property boundary abutting residential uses and zoning.
- Building materials include wood or synthetic wood, brick or stone, stucco or synthetic stucco, and metal panels.
- Providing 400 square feet of private open space per unit.
- Detached lighting limited to 20 feet in height.
- An eight-foot tall wooden privacy fence will be installed along the side and rear property lines.
- A stucco or masonry wall will be provided along the front of the development.

• **Public Plans and Policies**

- The *Park Woodlawn Area Plan* (2013) recommends residential uses at four units per acre but supports an increase in density up to 12 dwelling units per acre for large parcels subject to certain parameters and design guidelines. These include:
  - relation to the surrounding context along E. Woodlawn Road,
  - provision of a pedestrian scale street presence, and
  - building heights limited to 40 feet adjacent to single family properties.

- The proposed development is consistent with the *Park Woodlawn Area Plan*. The abutting properties generally have rear yards abutting the subject site, which is larger in acreage than surrounding parcels. The proposed single family attached style of development is oriented to E. Woodlawn Road, with front entrances onto the public street, rear loaded parking and the maximum 40-foot height limit which is compatible with the surrounding single family homes.
- 

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No comments received.
  - **Transportation:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate one student, while the development allowed under the proposed zoning will produce two students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is one student
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
- 

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

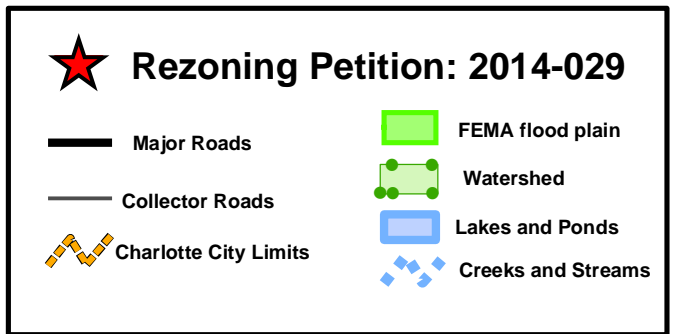
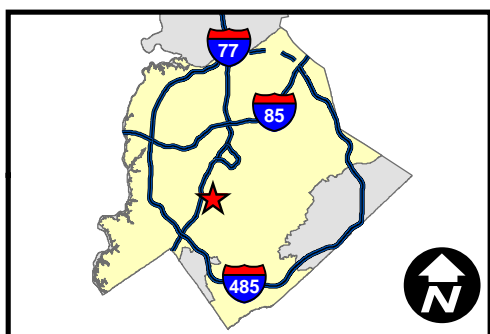
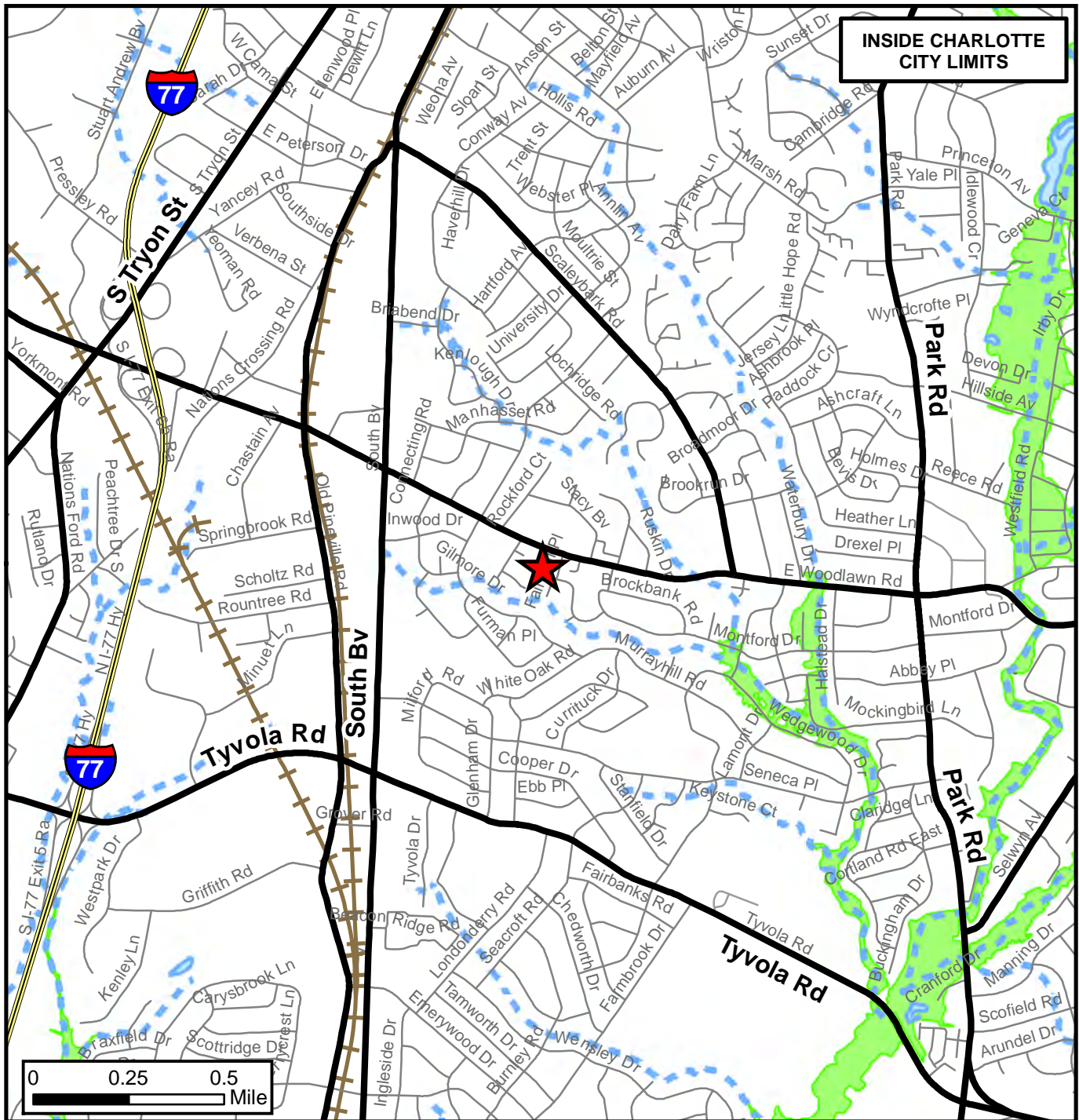
**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

**Planner:** Sonja Sanders (704) 336-8327



**Acreage & Location :** Approximately 1.58 acres located on the south side of East Woodlawn Road between Old Woods Road and Fairbluff Place.



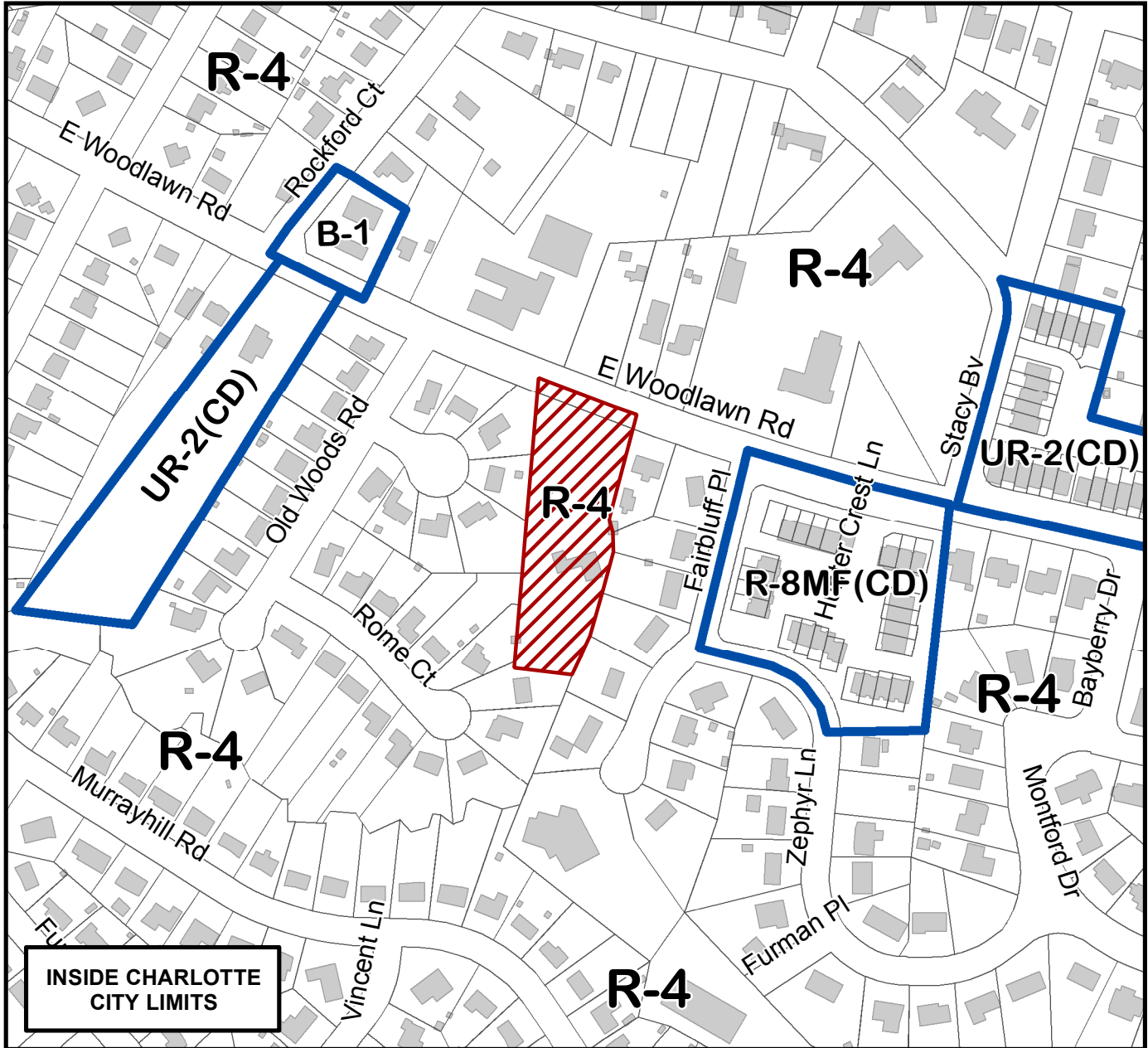
Petition #: **2014-029**

Petitioner: **Kyle Short**

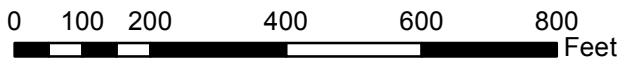
Zoning Classification (Existing): **R-4**  
(Single Family, Residential)

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

Acreage & Location: Approximately 1.58 acres located on the south side of East Woodlawn Road between Old Woods Road and Fairbluff Place.

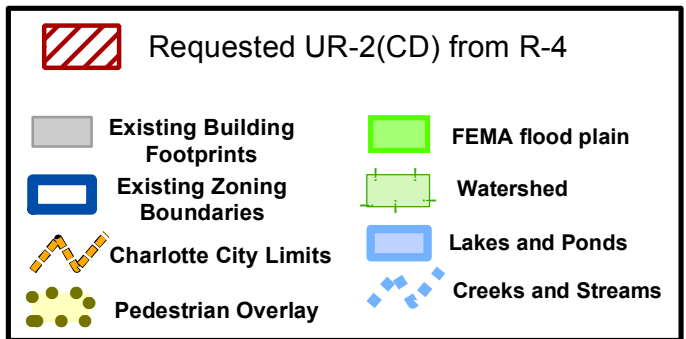


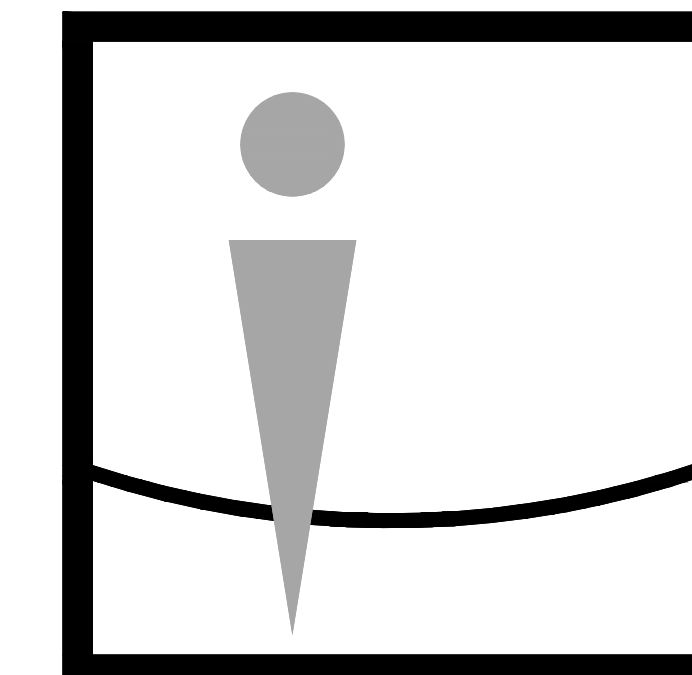
Map Produced by the Charlotte-Mecklenburg Planning Department, 4-28-14.



Zoning Map #(s)

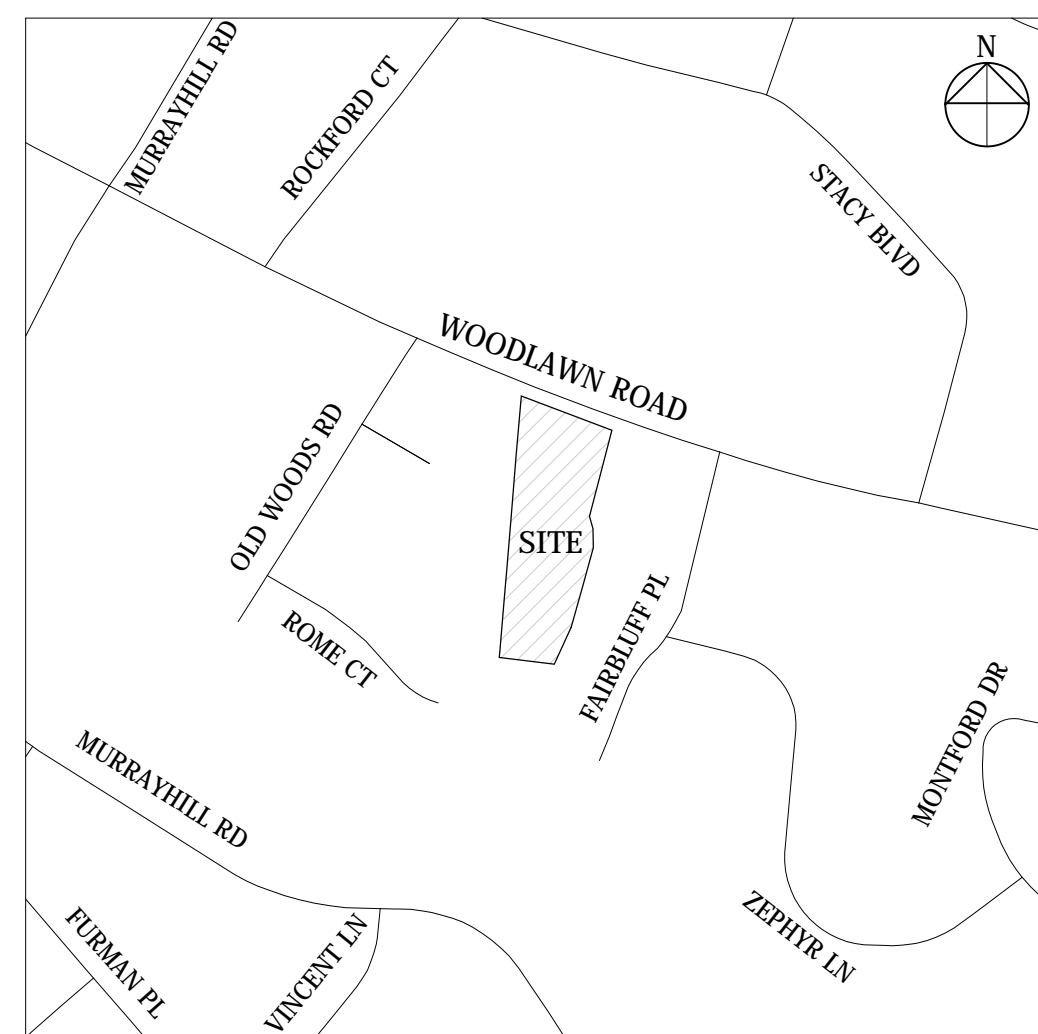
**126**





Overcash Demmitt Architects

10 south tryon street suite 1a  
charlotte north carolina 28203  
voice • 704.332.1615  
f x • 704.332.0117  
web • www.odarch.com



VICINITY MAP

Detailed Project Description

Tax Parcel ID: 171-011-52  
Total Area: 1.58 acres  
Existing Zoning: R-4  
Existing Use: Single Family  
Proposed Zoning: UR-2 (CD)  
Proposed Use: Multi-Family Residential and Two  
Single Family Detached

Residential  
Side Setback: 14'  
Front Setback: 5'  
Rear Setback: 10'  
Back Setback: 10'  
Driveway: 3 Stories

- Multi-Family Units: 12 Units  
Single Family Detached Dwellings: 2 Units  
Residential Density: 8.89 Units/Acre  
Maximum Bedrooms: 40 Maximum  
3 Stories

Maximum Area: 0.46  
Total Area: 39,900 sf (58.1%)  
Total Area: 10,300 sf (15%)  
Parking:

- Units 1-5: 1 Car Garage + Driveway  
Units 6-12: 15 Total Spaces Below Units  
Units 13-14: 2 Car Garage + Shared Drive

General Provisions

- The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria (for example, those that require buffers, setbacks, etc.) shall apply to the development site. This includes Chapters 6,9,12,17,18,19,20,21 of the City Code. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards. Where specified conditions on this plan differ from ordinances, standards, in existence at the time of formal engineering plan review submission, the conditional notes on this plan shall apply.
- Minor changes of detail which do not alter the basic layout and relationships to abutting sites are permitted as a matter of right for the petitioner / developer and shall be handled in accordance to the Zoning Ordinance, Section 6.207.
- The maximum base height of any building is 40 feet in accordance to the Zoning Ordinance, Section 9.305. One additional foot is allowed for each additional one foot in distance the portion of the building is from the required side yard line .
- Sublots will include a minimum of 400 square feet of private open space per unit.

Transportation

- Vehicular access points shall be limited to those shown on the site plan. The exact location may vary from that depicted, but shall comply with all applicable design requirements of the Charlotte Department of Transportation and / or North Carolina Department of Transportation.

Architectural Requirements

- Exterior building materials shall include wood or synthetic wood, brick or stone, stucco or synthetic stucco, and metal panel.
- An 8' wooden privacy fence shall be constructed where an adjacent property abuts the proposed site development. The finished side of the proposed property fence will face the adjacent properties.
- A masonry privacy wall shall be constructed along the sidewalk adjacent to Woodlawn Road. The wall will contain gated openings for private access from the street. The wall will be no taller than 60" above grade and will feature decorative pilasters every 20' maximum on center.
- A new 6' sidewalk shall be provided along Woodlawn Road with an 18' planting strip off of the back of the existing curb as requested by the Charlotte Department of Transportation.
- A 6' sidewalk with standard curb (not roll curb) shall be provided along the proposed private road on the side of residential development .
- Unit driveways shall be less than 7' or more than 20' from the back of sidewalk, or if sidewalk does not exist, the back of curb.
- A retaining wall shall be provided along the internal private road where necessary. The retaining wall will have a maximum height of 8'.
- The labeled 10' buffer will meet the standards of a Class C buffer.

Landscaping

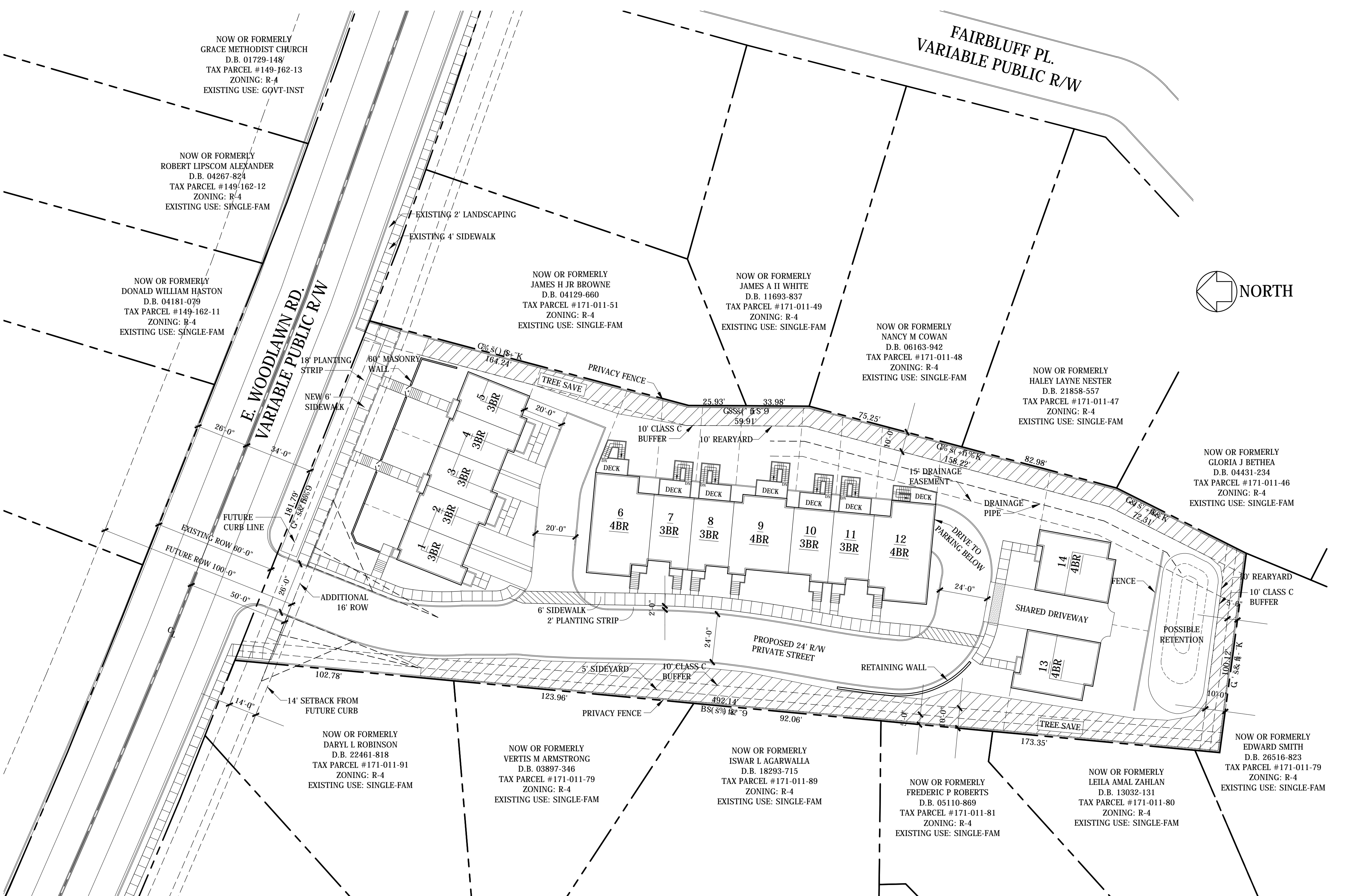
- The petitioner will dedicate 50 feet of right-of-way measured from the existing centerline along the site's public street frontage on Woodlawn Road. The additional 16' right-of-way on Woodlawn Road will be dedicated and conveyed to CDOT.

Environmental

- Tree save areas on site will occur within the setback areas. Tree mitigation in lieu of tree save area of 15% may be accomplished with additional plantings on site or within setback areas. All landscaping will meet the Landscape Ordinance.
- Stormwater: The proposed site development will comply with the City of Charlotte Post Construction Controls Ordinance. Water quality and bio-retention areas and / or rain gardens may be located within required setbacks.
- The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review 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.

Lighting

- The maximum height of any freestanding light fixture shall not exceed 20 feet including its base. All direct lighting within the site shall be designed and shielded such that direct illumination does not exceed past any property line and shall be consistent with the zoning ordinance requirements. Furthermore, no LED bollard lighting shall be provided along the proposed private road.



SHORT DEVELOPMENT GROUP LLC

Woodlawn Townhomes  
Multi-Family and Single Family

PETITION #2014-029  
FOR PUBLIC HEARING

KEY PLAN

Table with 2 columns: Date and Description (ISSUED FOR REVIEW, REVISION 1, REVISION 2)

Table with 2 columns: Date and Description (ISSUED FOR REVIEW, REVISION 1, REVISION 2)

SITE PLAN

RZ-1.1



05 VIEW FROM WOODLAWN



04 TYPICAL IMAGE OF EXTERIOR



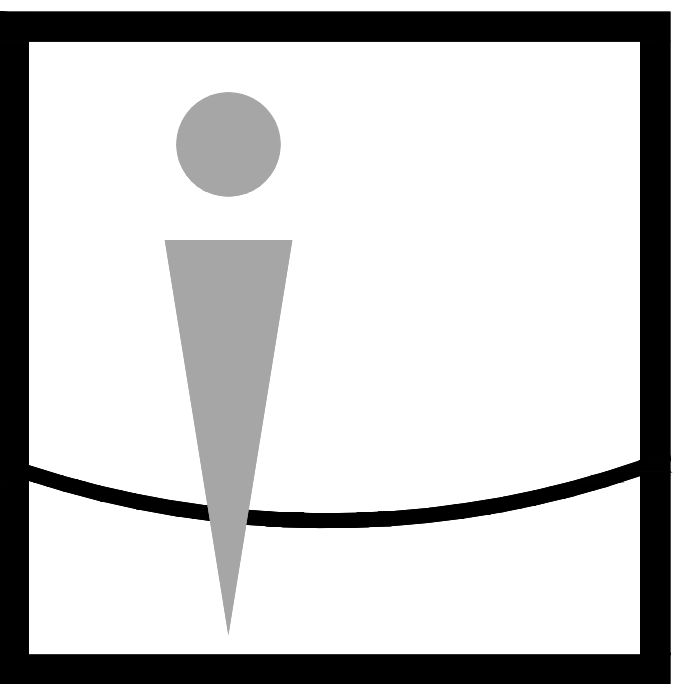
03 TYPICAL IMAGE OF END UNIT



02 VIEW FROM ADJACENT YARDS - WITH TREE PLANTINGS



01 VIEW FROM ADJACENT YARDS - WITHOUT TREES (FOR ILLUSTRATIVE PURPOSES)



**Overcash Demmitt**  
Architects

10 south tryon street suite 1a  
charlotte north carolina 28203  
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fx • 704.332.0117  
web • www.odarch.com

SHORT  
DEVELOPMENT  
GROUP LLC

## Woodlawn Townhomes

Multi-Family and  
Single Family

PETITION #2014-029  
FOR PUBLIC HEARING

KEY PLAN

ISSUED FOR REVIEW	: 01/23/14
REVISION 1	: 04/18/14
REVISION 2	: 06/20/14
	:
	:
	:
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	:
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	:

SITE PLAN

# RZ-1.2

Copyright 2014, Overcash Demmitt Architects  
ODA No. 142760 CADD File:

<b>REQUEST</b>	Current Zoning: MX-3 (LLWCA) (mixed use, Lower Lake Wylie Critical Area) Proposed Zoning: MX-3 SPA (LLWCA) (mixed use, site plan amendment, Lower Lake Wylie Critical Area)
<b>LOCATION</b>	Approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive. (Outside City Limits)
<b>SUMMARY OF PETITION</b>	The petition proposes a site plan amendment to increase the single family density for a portion of the original Palisades rezoning from 3.9 dwelling units per acre to 4.91 dwelling units per acre for a total of 29 attached dwelling units. The overall density of the original Palisades rezoning increases from 3.87 to 3.89 dwelling units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Wilkison Partners Palisades, LLC Wilkison Partners, LLC Michael L. Boston
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 14

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend to City Council that the changes to this petition are significant and that a new public hearing should be held.
--------------------------------	---

<b>VOTE</b>	Motion/Second: Allen/Sullivan Yeas: Allen, Dodson, Eschert, Nelson, Ryan, and Sullivan Nays: None Absent: Labovitz and Walker Recused: None
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<b>ZONING COMMITTEE DISCUSSION</b>	Staff noted that the petitioner had made major changes to the petition since the public hearing and recommended that another public hearing be held. The changes related to street connectivity required by the subdivision ordinance, which changed the layout of the proposed development. There was no further discussion of this petition.
------------------------------------	--

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

**PLANNING STAFF REVIEW**

- **Background**
  - The subject parcel was rezoned under petition 2001-016C for the Palisades Development.
  - The approved site plan rezoned 1,068.9 acres to MX-3 (mixed use) to allow the development of 4,145 residential single family and multi-family units with an overall residential density of 3.9 dwelling units per acres.
  - The approved site plan allowed for several "village residential" components which allowed up to 5.1 dwelling units per acre.
  - The site plan called for single family development up to 3.9 dwelling units per acre on the subject site.
- **Proposed Request Details**  
The site plan amendment contains the following changes:
  - Maximum of 29 attached single family townhomes for a density of 4.91 units per acre.
  - A 17-foot planting strip and six-foot sidewalk along Shelburne Farms Drive and Youngblood Road.

- A four-foot tall berm or wall/fence with trees and/or plantings along the project frontage on Shelburne Farms Drive and Youngblood Road West.
  - Eight-foot planting strip and six-foot sidewalk along the internal private streets.
  - Building elevations for the proposed structures.
  - Pedestrian connection to the existing amenity area south of the subject site.
  - A 25.5-foot Class "C" buffer with a fence along the east property edge abutting the existing single family homes in R-3 (single family residential) zoning.
  - Off-street guest parking internal to the site.
  - Freestanding lighting limited to 20 feet in height.
  - Innovative provision requests (which are considered for approval by the Zoning Committee) include:
    - Allowing minimum lot area to be 4,000 square feet.
    - Allowing minimum side yards to be five feet.
    - Allowing the minimum 32-foot front setback to be measured from the back of curb.
    - Allowing the minimum side yard at the right-of-way to be ten feet.
    - Allowing minimum rear yard to be ten feet.
  - **Public Plans and Policies**
    - The *Steele Creek Area Plan* (2012) recommends residential at up to four units per acre for the subject site.
    - The petition is consistent with the *Steele Creek Area Plan* recommendation of up to four dwelling units per acre. While the density of the property included in the site plan amendment is approximately 4.91 dwelling units per acre, the overall density of the original rezoning for the overall Palisades development, of which this petition was a part, will remain below four dwelling units per acre at approximately 3.89 dwelling units per acre.
- 

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** The petitioner should provide a public street connection to the eastern edge of the property to comply with the City of Charlotte Subdivision Ordinance.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** No issues.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
- 

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

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

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Provide a public street stub to the eastern edge of the property to comply with the Subdivision Ordinance.
  2. Change the first private street cross section to a public street cross section.
  3. Modify and only list the innovative standards that are changes from minimum zoning

ordinance standards.

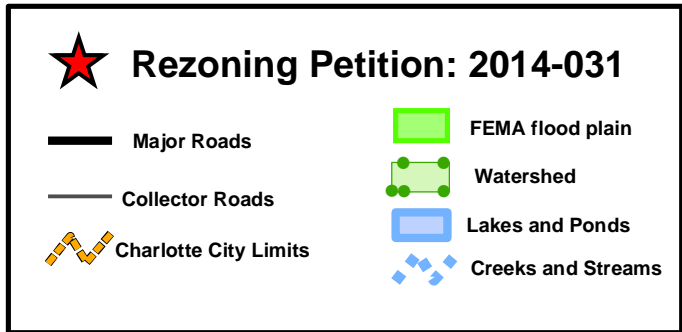
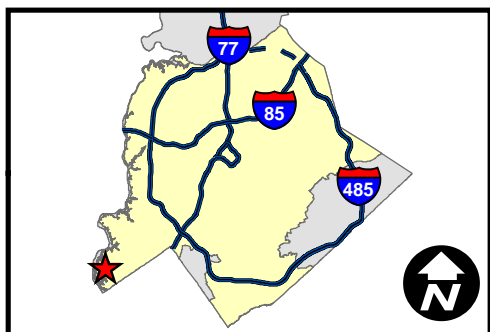
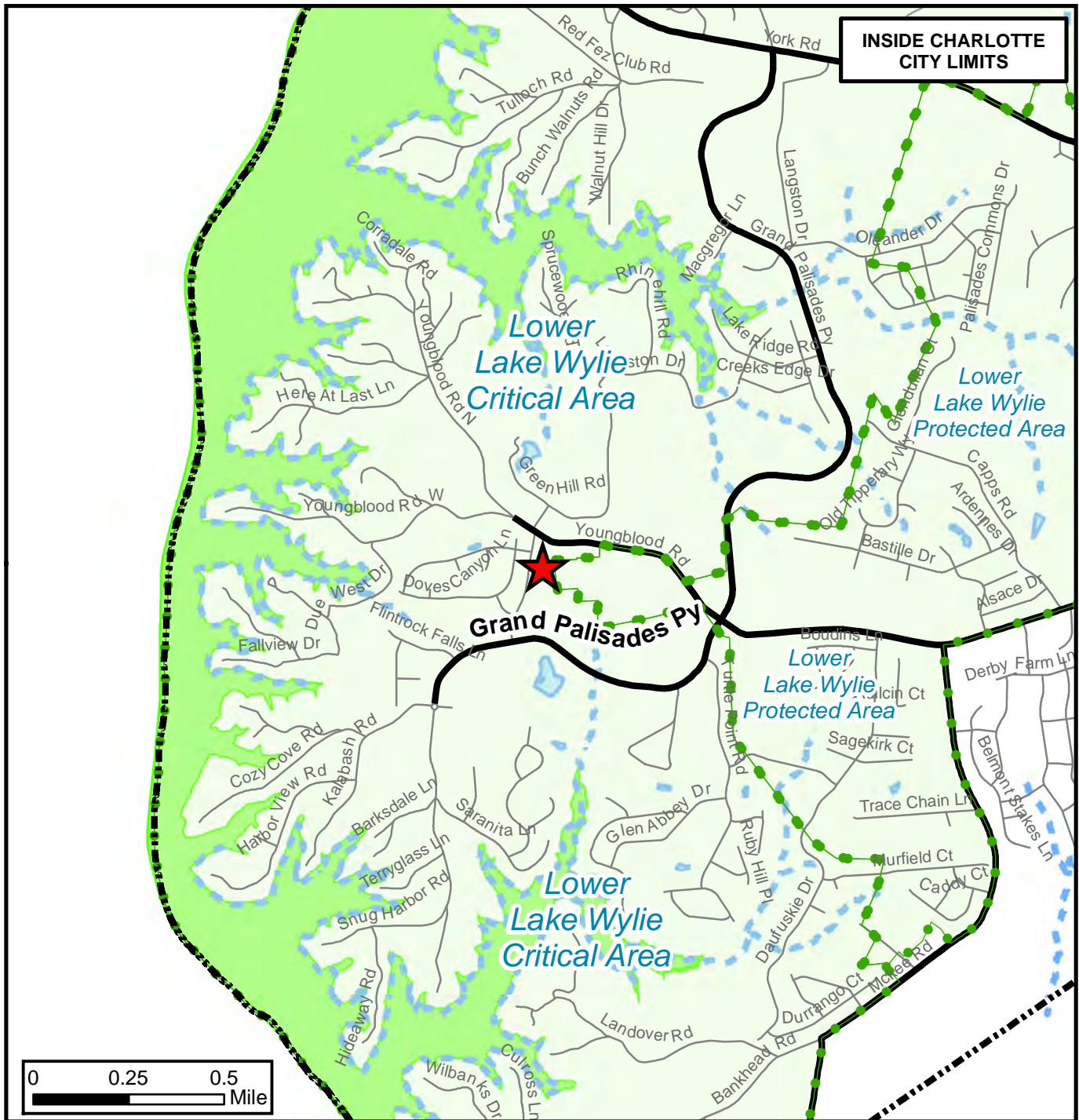
4. Label and note that an eight-foot planting strip and six-foot sidewalk will be provided on both sides of the street for all private streets.
  5. Show the number of off-street guest parking spaces which will be provided.
  6. Modify the area shown for guest parking and label it as a parking envelope and not common open space.
  7. Provide a note and show that the off-street guest parking area will be screened with five-foot tall shrubs on all three sides.
  8. Label the elevations and add a note identifying the proposed building materials.
  9. Provide a detail of the proposed ornamental fence.
  10. Label and note the proposed percentage of tree save area for the areas shown on the site plan.
  11. Modify the note under streetscape and landscaping to read, "The petitioner reserves the right to install an entrance feature at the driveway connection to Shelburne Farms Drive subject to approval by North Carolina and Charlotte Departments of Transportation."
  12. Submit an administrative request for Petition 2001-016C and reduce the number of "village residential" units by 30 units prior to the City Council decision.
- 

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

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

**Planner:** Solomon Fortune (704) 336-8326

**Acreage & Location :** Approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive.





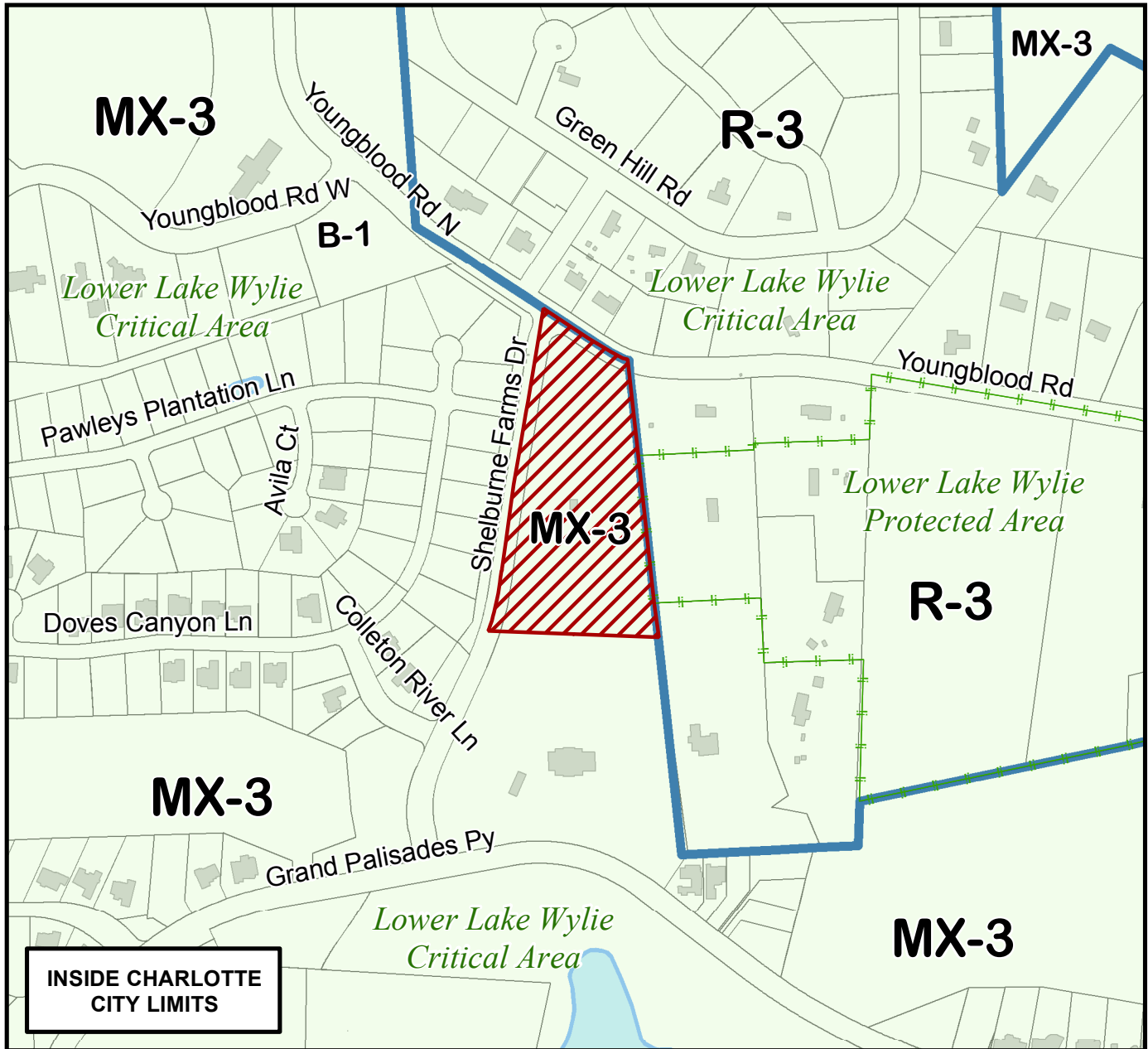
Petition #: **2014-031**

Petitioner: **Wilkison Partners, LLC**

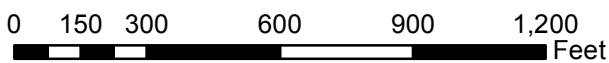
Zoning Classification (Existing): **MX-3 (LLWCA)**  
(Mixed Use District, Lower Lake Wylie Critical Area)

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

Acreage & Location: Approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive.

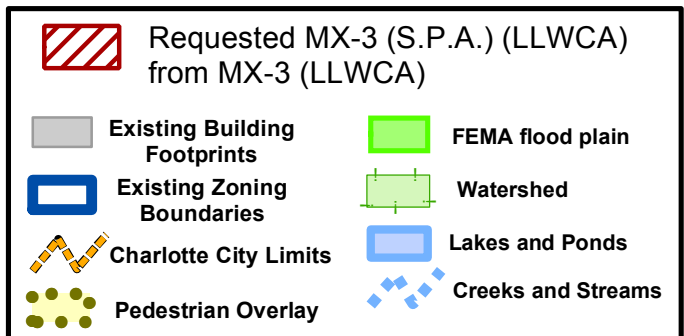


Map Produced by the Charlotte-Mecklenburg Planning Department, 1-31-14.



Zoning Map #(s)

**173**



<b>REQUEST</b>	Current Zoning: RE-2 (research) Proposed Zoning: RE-3(O) (research, optional) and O-1(CD) (office, conditional) with five-year vested rights
<b>LOCATION</b>	Approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes expansion of office, research and laboratory facilities for an existing business in the University Research Park.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Electrolux North America, Inc. Electrolux North America, Inc. Jeff Brown/Keith MacVean, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: None
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>University Research Park Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Nelson).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Provided clarity on the proposed amount and type of retail by limiting retail sales to 70,000 square feet of uses allowed in the B-1 district, and prohibiting a single retail tenant with more than 35,000 square feet of gross floor area.</li> <li>2. Staff has rescinded the request to provide a six-foot sidewalk along David Taylor Drive approximately 525 feet from proposed Street #1 (Electrolux Way) to the eastern property line, due to topographical issues.</li> <li>3. Complied with transportation requirements resulting from the review of the traffic impact study by listing the improvements by phase:             <ol style="list-style-type: none"> <li>a) Phase I                 <ol style="list-style-type: none"> <li>(i) Construction of Electrolux Way;</li> <li>(ii) Improvements at the intersection of W. T. Harris Boulevard and Research/IBM Drive;</li> <li>(iii) Improvements at the intersection of Mallard Creek Road and Governor Hunt Road;</li> <li>(iv) Improvements at the intersection of Mallard Creek Church Road and Claude Freeman Drive;</li> <li>(v) Improvements at the intersection of Research Drive and David Taylor Drive; and</li> <li>(vi) Improvements at the intersection of Electrolux Way and David Taylor Drive.</li> </ol> </li> <li>b) Phase II                 <ol style="list-style-type: none"> <li>(i) Construction of Public Street #2;</li> <li>(ii) Improvements at the intersection of Mallard Creek Road and Governor Hunt Road;</li> <li>(iii) Improvements at the intersection of Mallard Creek Church Road and Claude Freeman Drive;</li> <li>(iv) Improvements at the intersection of Mallard Creek Church Road and Senator Royall Place; and</li> <li>(v) Improvements at the intersection of David Taylor Drive and Governor Hunt Drive/Existing Access "B."</li> </ol> </li> </ol> </li> </ol>
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4. Provided clarity on the optional request for detached directional signs by specifying two detached identification signs up to 50 square feet of sign area and seven feet in height, and two detached directory signs up to 24 square feet and up to five feet in height.
5. Provided clarity on the width of the existing sidewalk connections to the site from Claude Freeman Drive by showing and labeling four-foot and six-foot proposed additions to an existing four-foot sidewalk, and noted that an on-site walking trail/sidewalk for use of the employees will be provided that runs between Claude Freeman Drive and David Taylor Drive. There is no existing sidewalk along the site’s frontage on Claude Freeman Drive.
6. Referred to Public Street #1 as Electrolux Way.
7. Delineated and labeled Development Area 2A.
8. Amended optional provisions as follows:
  - a) Added 2(a) (iv) to specify that retail sales uses and restaurants located in Development Area 2A will not be allowed to provide parking between the building and Public Street #2.
  - b) Amended 2(c) to state that public urban open space requirements will not be met with private urban open space if retail sales and restaurant uses are located in Development Area 2A.
  - c) Amended Note 2(e) to request a 24-foot setback along Public Street #2.
  - d) Amended Note 2(f) to not require a six-foot sidewalk along the majority of David Taylor Drive, and to allow a sidewalk to be provided along portions of David Taylor Drive and Claude Freeman Drive; this sidewalk will be connected to the existing pedestrian trail along Claude Freeman Drive.
  - e) Amended Note 2(g) to eliminate retail sales and restaurant uses located within Development Area 2A from the optional request to not require doorways to be recessed into the face of buildings.
  - f) Amended Note 2(h) to eliminate retail sales and restaurant uses located within Development Area 2A from the optional request to not require each building façade oriented to a street to have an operable pedestrian entrance.
9. Improvements to existing on-site pedestrian tunnel including repair of bridge, provision of eight-foot wide concrete sidewalk on each side, and repair of lighting inside tunnel. Existing on-site pedestrian trail will be maintained by Electrolux.
10. Providing a CATS waiting pad on David Taylor Drive and Claude Freeman Drive.
11. Limited to only one accessory drive-through window on the site.
12. Amended phasing requirements to allow a certificate of occupancy for up to 390,000 square feet to be allowed upon substantial completion of Phase I transportation improvements.
13. Amended phasing requirements to allow a certificate of occupancy for up to 968,874 square feet upon substantial completion of Phase II transportation improvements.
14. Limited building height within Development Areas 1 and 2 to 150 feet exclusive of roof top mechanical equipment and screens or devices to screen roof top structures or equipment.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition, noting that the outstanding issues had been resolved and that the petition is consistent with the *University Research Park Area Plan*. There was no further discussion of this request.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW****• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Five-year vested rights.
- Retains the existing 276,126-square foot building in Development Area 1.
- Proposes up to 893,874 square feet of expansion area in Development Area 2.
- Of the total allowed square footage permitted in Development Areas 1 and 2, only up to 70,000 square feet may be used for retail sales allowed in the B-1 ([neighborhood business](#)) zoning district, and a single retail sales tenant with more than 35,000 square feet of gross floor area is prohibited.
- Proposes up to 75,000 square feet of gross floor area for uses allowed in the O-1 (office) district in Development Area 3.
- Prohibited uses include but are not limited to residential dwelling units, family childcare homes, nursing homes, religious institutions, motion picture theaters, bed and breakfasts, jails and prisons, orphanages/children's homes.
- The total number of principal buildings on the site shall not exceed ten.
- Two new public streets and transportation requirements resulting from the review of the traffic impact study listed by phase.
- Issuance of certificates of occupancy conditioned upon completion of proposed public streets.
- Access to site provided via David Taylor Drive, Claude Freeman Drive and proposed public streets.
- New building and parking setbacks adhere to a 100-foot setback along Claude Freeman Drive and David Taylor Drive, a 30-foot setback along Electrolux Way, and a 24-foot setback on proposed Public Street #2.
- On-site walking trail/sidewalks for use of the employees of the site.
- Detached lighting limited to 25 feet in height.
- Optional provisions include:
  - Allow vehicular parking, maneuvering, and service between the proposed buildings and public streets, except retail sales uses and restaurant uses located in Development Area 2A will not be allowed to provide parking between the building and Public Street #2.
  - Building height of 150 feet exclusive of roof top mechanical equipment and screens or devices used to screen roof top structures or equipment for Development Areas 1 and 2.
  - Allow public urban open space requirements within Development Areas 1, 2 and 3 to be met with private urban open space, except for retail sales and restaurant uses in Development Area 2A.
  - Allow parking for "All Other Uses" to be at the rate of one space per 450 gross square feet instead of one space per 400 gross square feet.
  - To not require a six-foot sidewalk along the majority of David Taylor Drive and Claude Freeman Drive due to the location of the existing street trees and the severe changes in topography located directly behind the existing street trees. A sidewalk will be provided along portions of David Taylor Drive and Claude Freeman Drive, which will be connected to the existing pedestrian trail along Claude Freeman Drive.
  - Elimination of doorways required to be recessed into the face of buildings in Development Areas 1, 2 and 3, except for retail sales and restaurant uses in Development Area 2A.
  - Removal of the requirement that each building façade oriented to a street must have an operable pedestrian entrance in Development Areas 1, 2 and 3, except for retail sales and restaurant uses in Development Area 2A.
  - Allowing the buildings on the site to provide at least one loading dock space for each 200,000 square feet of building area, instead of one loading dock space per each additional 100,000 square feet beyond 150,000 square feet of gross floor area.

- Allowing detached lights to be up to 30 feet high and to allow the existing site lighting to remain, instead of the maximum height of 20 feet.
  - Elimination of requirement that buildings with more than six stories comply with the base of high rise requirements.
  - Allowing two detached identification signs and two detached directory signs per street front. Detached identification signs may have up to 50 square feet of sign area and be seven feet in height. The detached directory signs may have up to 24 square feet of sign area and be up to five feet in height.
  - Allowing the existing four-foot sidewalk connection to Claude Freeman Drive to be extended at the same width. In locations where the existing grade can accommodate a wider sidewalk the width may be increased to six feet.
  - Allowing retail sales permitted the B-1 (neighborhood business) district over 10,000 square feet. The total amount of retail sales that can be constructed on the site will be limited to 70,000 square feet of gross floor area and the maximum size of a single retail sales tenant will be limited to 35,000 square feet of gross floor area.
  - **Public Plans and Policies**
    - The *University Research Park Area Plan* (2010) recommends a mixture of office and residential for the majority of the site, and office, retail and residential uses for a smaller part of the site. Building height should not exceed eight stories. However, staff is supportive of the proposed height for the building because the site is identified as an activity center intended to become the heart of the University Research Park, and the proposed building is located in the center of a large site.
    - The proposed development is consistent with the *University Research Park 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 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*.
    - Facilitates the use of alternative modes of transportation by providing pedestrian facilities beyond those required.
- 

**OUTSTANDING ISSUES**

- No issues.

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

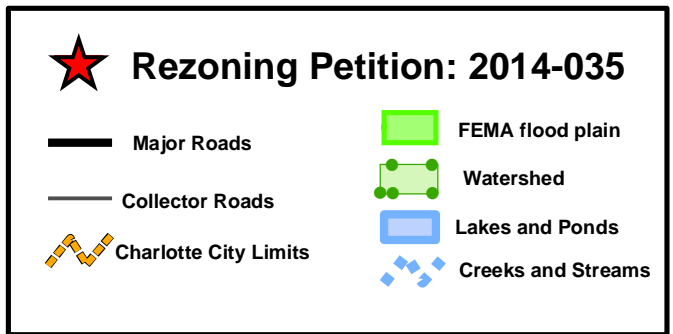
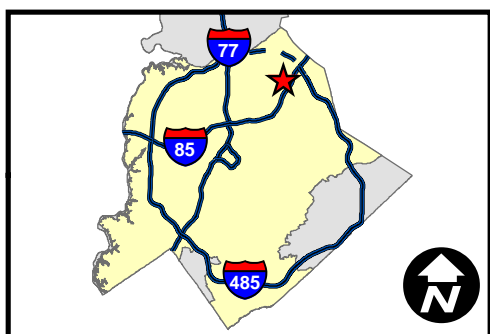
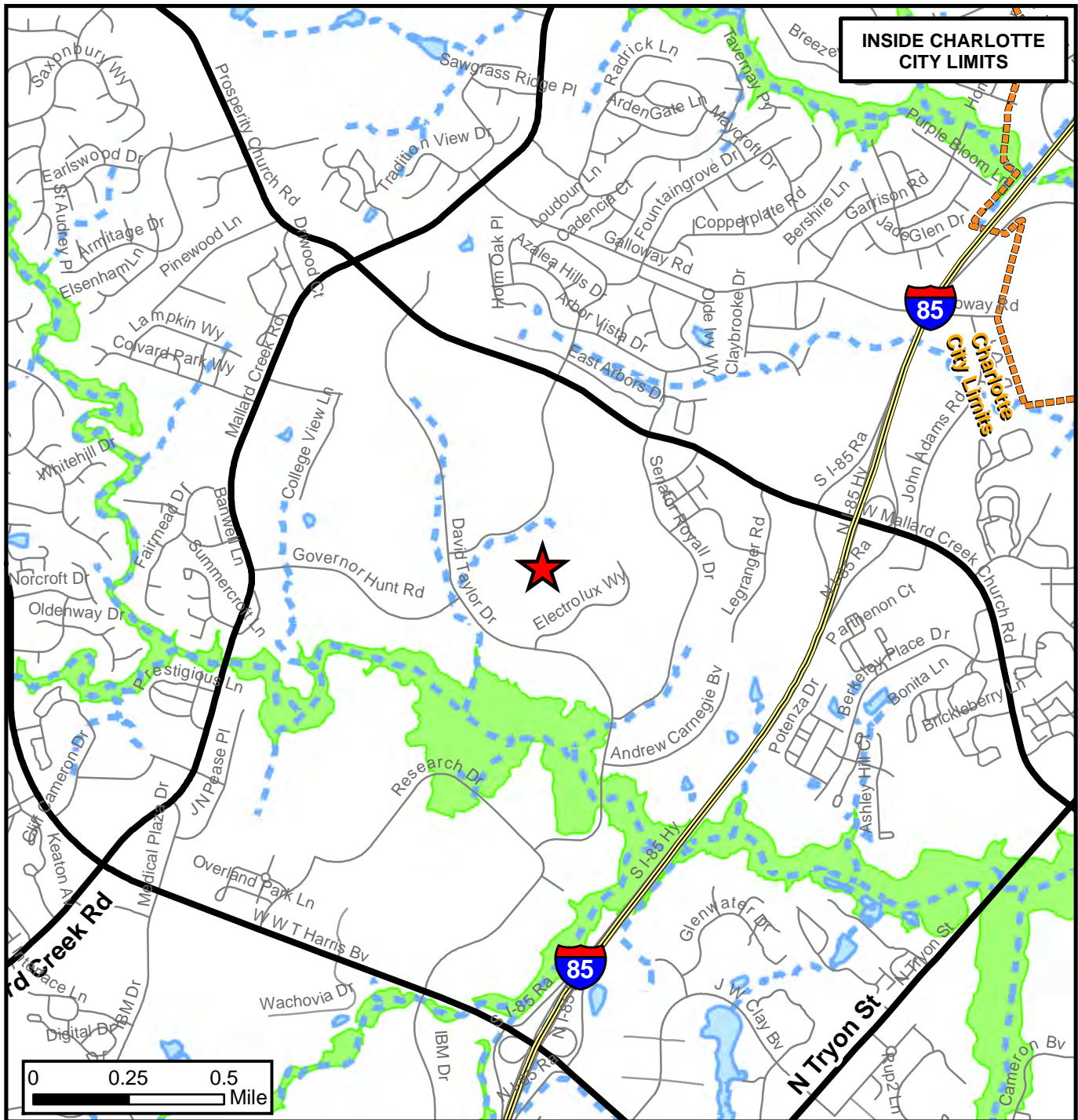
- Application
- Pre-Hearing Staff Analysis
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- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- 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

Petition #: **2014-035**

# Vicinity Map

**Acresage & Location :** Approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive.



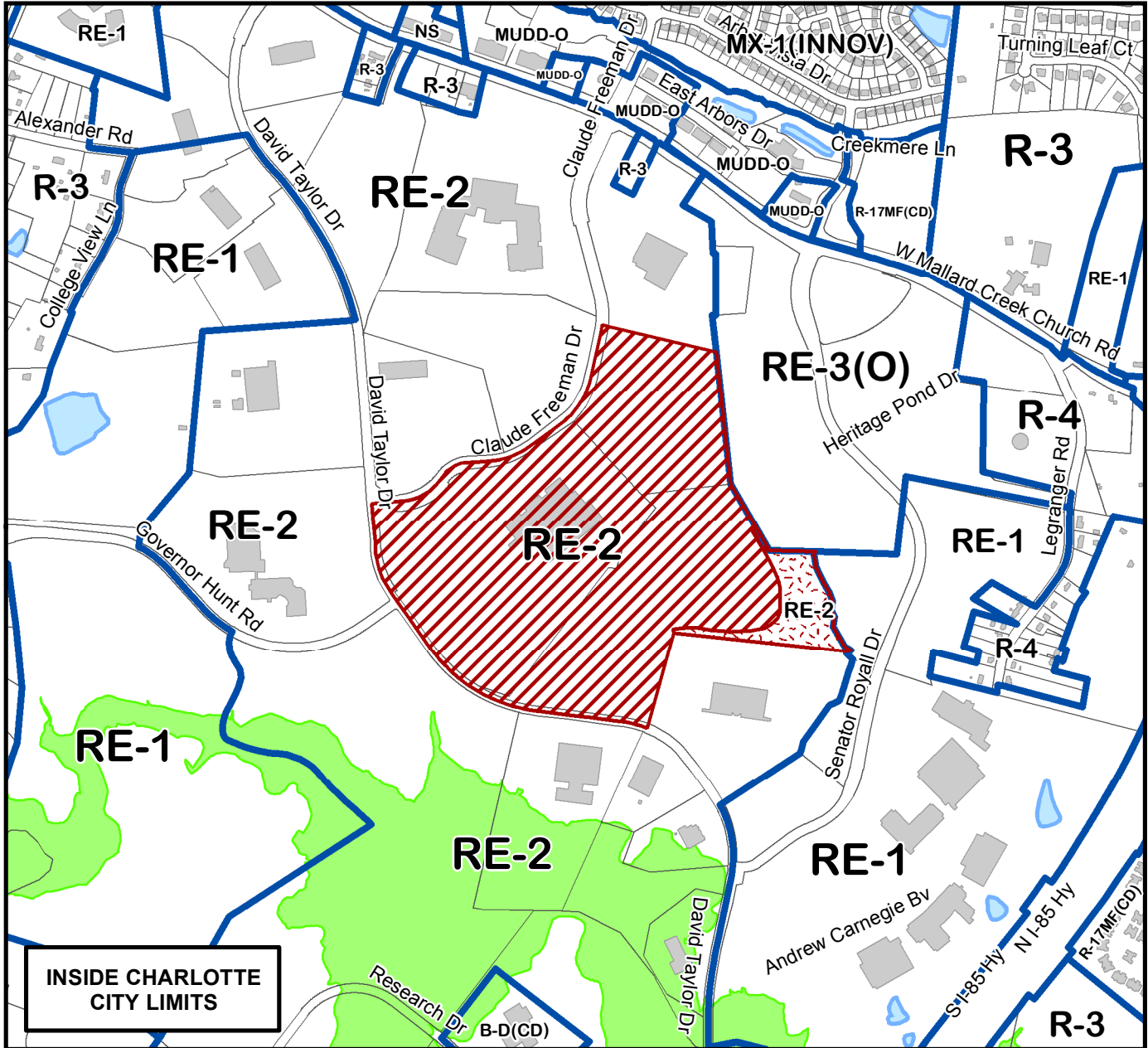
Petition #: **2014-035**

Petitioner: **Electrolux North America, Inc.**

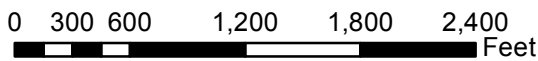
Zoning Classification (Existing): **RE-2**  
(Research)

Zoning Classification (Requested): **RE-3(O) 5-Year Vested Rights & O-1(CD) 5-Year Vested Rights**  
(Research, Optional, 5-Year Vested Rights and Office, Conditional, 5-Year Vested Rights)

Acreage & Location: Approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive.



Map Produced by the Charlotte-Mecklenburg Planning Department, 2-28-14.



Zoning Map #(s)

**53**

- Requested RE-3(O) 5-Year Vested Rights from RE-2
- Requested O-1(CD) 5-Year Vested Rights from RE-2
- Existing Building Footprints
- Existing Zoning Boundaries
- Charlotte City Limits
- Pedestrian Overlay
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams





**ELECTROLUX**  
**RE ZONING**

**Cole Jenest & Stone**  
 Shaping the Environment  
 Realizing the Possibilities  
 200 South Tryon Street, Suite 1400  
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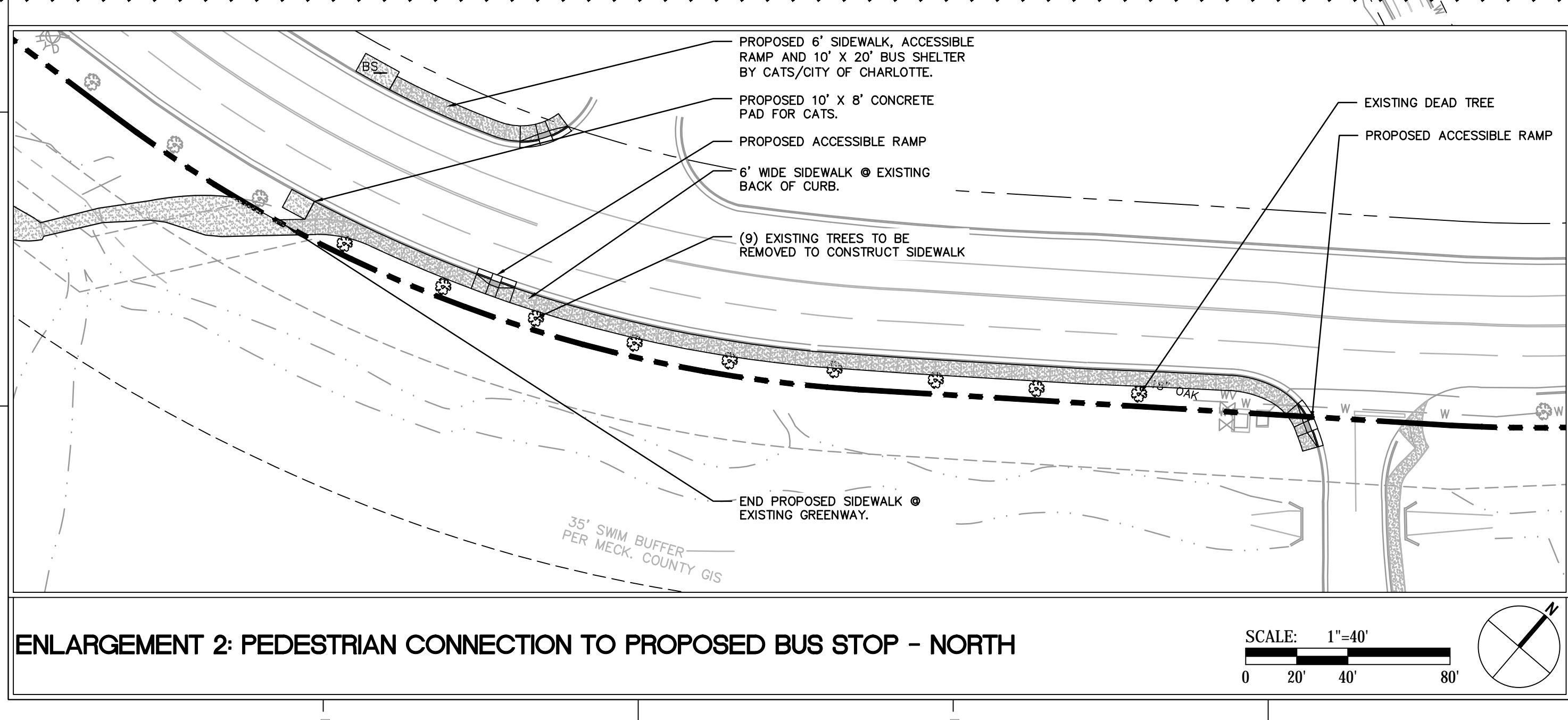
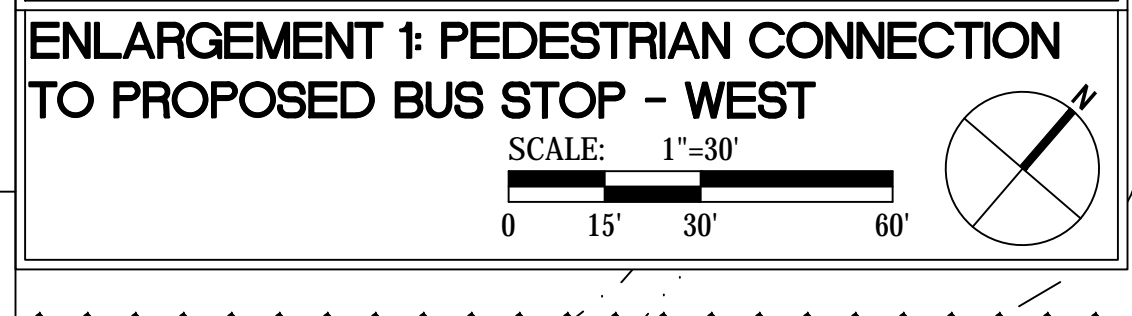
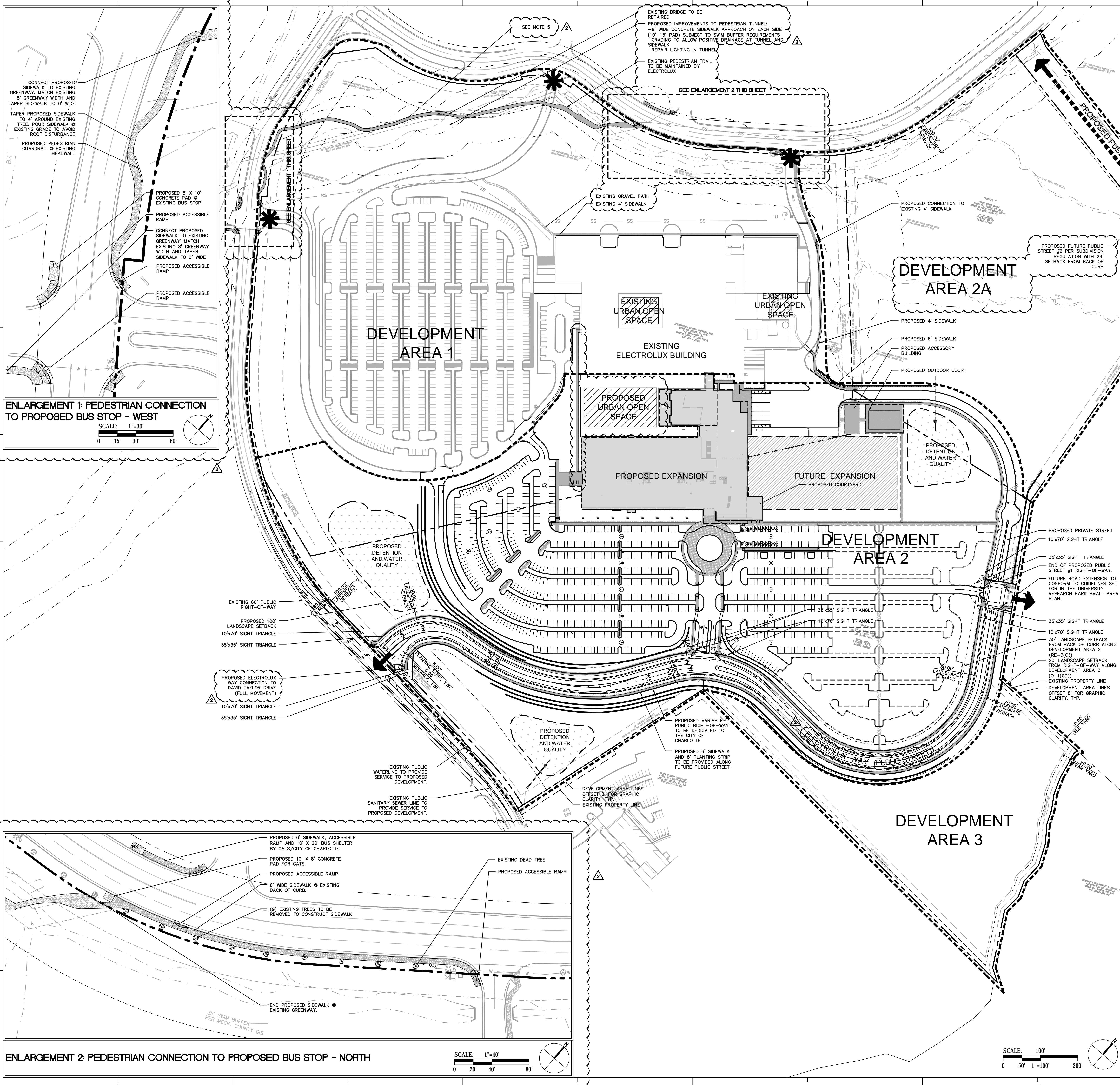
REVISION

No.	Description	Date
1	CITY COMMENTS	04.21.14
2	PUBLIC HEARING COMMENTS	06.20.14

PROJECT: **RE ZONING**  
 DATE: **04.21.14**  
 DRAWN BY: **EB**  
 CHECKED BY: **LG**

**RE ZONING PLAN**  
**R**

RE ZONING DOCUMENT: APRIL



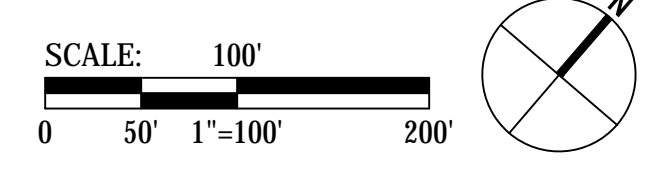
**LEGEND**

SYMBOL	DESCRIPTION
[Pattern]	PROPOSED SIDEWALK
[Line]	PROPOSED CURB & GUTTER
[Line]	FUTURE CURB & GUTTER
[Star]	EXISTING STREET CONNECTION
[Arrow]	FUTURE STREET CONNECTION
[Dashed]	DEVELOPMENT AREAS

- GENERAL REZONING NOTES**
- SEE SHEET RZ-3 FOR ZONING EXHIBIT
  - SEE SHEET RZ-3 FOR BUILDING AND PARKING ENVELOPES
  - SEE SHEET RZ-3 FOR ACCESS AND CONNECTIVITY MAP
  - SEE SHEET RZ-2 FOR REZONING NOTES
  - GREENWAY: INFORMATIONAL AND DIRECTIONAL GREENWAY SIGNAGE BY UNIVERSITY CITY PARTNERS OR MECKLENBURG COUNTY PARKS AND RECREATION DEPARTMENT WILL BE PERMITTED WITHIN THE ELECTROLUX SITE OR ADJACENT TO THE PEDESTRIAN TRAIL.

**REZONING SUMMARY**

<b>PETITIONER:</b>	ELECTROLUX NORTH AMERICA, INC 10200 DAVID TAYLOR DRIVE CHARLOTTE, NC 28262
<b>PROPERTY OWNER:</b>	ELECTROLUX NORTH AMERICA, INC 10200 DAVID TAYLOR DRIVE CHARLOTTE, NC 28262
<b>TAX PARCEL #:</b>	04742105 04738111 04715401
<b>SITE AREA:</b>	90 ACRES ±
<b>EXISTING ZONING:</b>	RE-2
<b>REZONING SITE AREA:</b>	DEVELOPMENT AREA 1 + 2 + 2A: 83.3 AC ±
<b>DEVELOPMENT AREA 3:</b>	6.6 AC ±
<b>PROPOSED ZONING:</b>	DEVELOPMENT AREA 1 + 2: RE-3(O) DEVELOPMENT AREA 3: O-(CD)
<b>MAX BUILDING SQ FT:</b>	DEVELOPMENT AREA 1 + 2: 1,770,000 SF (276,126 SF EXISTING) DEVELOPMENT AREA 3: 75,000 SF
<b>MAX BUILDING HEIGHT:</b>	DEVELOPMENT AREA 1 + 2: 150' PER OPTIONAL PROVISION DEVELOPMENT AREA 3 + 2A: PER ORDINANCE
<b>PARKING REQUIREMENTS:</b>	DEVELOPMENT AREA 1 + 2 + 2A: 1 SPACE/450 SF PER OPTIONAL PROVISION
<b>DEVELOPMENT AREA 3:</b>	PER ORDINANCE
<b>URBAN OPEN SPACE REQUIREMENTS:</b>	SEE NOTE 64 SHEET RZ-2 FOR URBAN OPEN SPACE REQUIREMENTS.
<b>REQUIRED OPEN SPACE:</b>	1 SF/200 SF OF GROSS LOT AREA. (83.3 AC X 43,560 SF = 3,628,548 SF) (3,628,548 SF / 200 = 18,143 SF) 18,143 SF OPEN SPACE REQUIRED
<b>PROVIDED OPEN SPACE:</b>	20,000 SF (PROPOSED NEW)



REZONING NOTES

Electrolux North America, Inc. Development Standards 06/19/14 Rezoning Petition No. 2014-035

Site Development Data: --Acreage: ± 90.0 acres --Tax Parcel #: 047-154-01; 047-421-05; and 047-381-11 --Existing Zoning: RE-3(O) and O-1(CD) and five (5) year vested rights. --Proposed Zoning: RE-3(O) and O-1(CD) and five (5) year vested rights. --Existing Uses: Offices, Laboratories for testing products and materials, Research uses and Vacant.

Proposed Uses: Uses permitted by right, under prescribed conditions and by the Optional provisions below together with accessory uses, as allowed in the RE-3 zoning district and the O-1 zoning district (as more specifically described and restricted below in Section 3). --Maximum Gross Square Feet of Development: (i) within the RE-3(O) zoning district: up to 1,170,000 (276,126 existing) square feet of gross floor area of uses allowed by right and under prescribed conditions; and (ii) within the O-1(CD) zoning district: up to 75,000 gross square feet of uses allowed by right and under prescribed conditions.

Maximum Building Height: As allowed by the Ordinance in the area zoned O-1(CD), in the area zoned RE-3(O), building height will be limited to 150 feet in Development Area 1 and 2 as allowed by the Optional Provisions below (for the purposes of this height limit, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by the Ordinance).

Parking: As required by the Ordinance for the O-1(CD) portion of the Site; and for the RE-3(O) portion of the Site as required by the Ordinance except that the parking requirement for "All Other Uses" (as listed in the RE-3 zoning district) will be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

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 Electrolux North America, Inc. ("Petitioner") to accommodate an expansion of the existing uses as well as future development on an approximately 90.0 acre site located on the southeast quadrant of the intersection of David Taylor Drive and Claude Freeman Drive (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, (i) the regulations established under the Ordinance for the RE-3(O) zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Optional Provisions provided below; and (ii) the regulations established under the Ordinance for the O-1(CD) zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site.

c. Graphics and Alterations: The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, and other site elements set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan as well as any schematic building elevations are graphic representations of the development and site elements proposed, 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. Changes to the Rezoning Plan not permitted by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of 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: (i) on the portions of the Site zoned RE-3(O) and developed for uses allowed in the RE-3 zoning district shall not exceed seven (7); and (ii) on the portions of the Site zoned O-1(CD) and developed for uses allowed in the O-1 zoning district shall not exceed three (3). 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(s) located within the same Development Area as the accessory structure/building.

e. Planned/Unified Development: The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section 2 below as to the Site as a whole and not individual portions or lots located therein.

f. Five Year Vested Rights: Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period, but such provisions shall not be deemed a limitation on any other vested rights whether at common law or otherwise.

2. Optional Provisions for RE-3(O) Area: The following optional provisions shall apply to the portions of the Site designated RE-3(O) on the Technical Data Sheet:

a. To allow vehicular parking, maneuvering and service between the proposed buildings and: (i) David Taylor Drive; (ii) Claude Freeman Drive; and (iii) (Electrolux Way) and (iv) public street # 2, in the manner generally depicted on the Rezoning Plan. However, retail sales uses and restaurants uses located in Development Area 2A will not be allowed to provide parking between the buildings and public street #2.

b. To allow buildings (within Development Areas 1 and 2) to be constructed to a building height of 150 feet exclusive of roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment.

c. To allow the Public Urban Open Space requirements to be met with Private Urban Open Space. This optional provision will not apply to retail sales and restaurants uses are located in that Development Area 2A.

d. To allow parking for "All Other Uses" to be provided at the minimum rate of one parking space per 450 gross square feet (the minimum parking requirements for the other uses listed in Section 11.705.9(a) will not change).

e. To allow the setbacks required by the University Research Park Area Plan (The "URP Area Plan") to be reduced to 30 feet along Electrolux Way and 24 feet along Public Street # 2. The setbacks to be measured as specified in the Ordinance.

f. To not require a six (6) foot sidewalk along the majority of David Taylor Drive and

Claude Freeman Drive due to the location of the existing street trees and the severe changes in topography located directly behind the existing street trees. A sidewalk will be provided along portions of David Taylor Drive and Claude Freeman Drive; this sidewalk will be connected to the existing pedestrian trail along Claude Freeman Drive as generally depicted and detailed on Sheet RZ-1 of the Rezoning Plan.

g. To not require doorways to be recessed into the face of buildings. This optional provision will not apply to retail sales and restaurants uses located within Development Area 2A.

h. To not require each building facade oriented to a street to have an accessible pedestrian entrance. This optional provision will not apply to retail sales and restaurants uses located within Development Area 2A.

i. To allow the buildings on the Site to provide at least one loading dock space for each 200,000 square feet of building area.

j. To allow detached lights to be up to 30 feet high and to allow the existing Site lighting to remain.

k. To require buildings with more than six (6) stories to comply with the base of high rise requirements.

l. To allow two (2) detached identification signs and two (2) detached directory signs per street front. The detached identification signs may have up to 50 square feet of sign area and be seven (7) feet high, the detached directory signs may have up to 24 square feet of sign area and be up to five (5) high.

m. To allow the existing four (4) foot sidewalk connecting the Site to Claude Freeman Drive to be extended at the same width (this sidewalk is located along the existing northern most driveway on Claude Freeman Drive). In addition, where the existing sidewalk can be extended to meet the requirements of section 12.529 of the Ordinance. This sidewalk may be used to meet the requirements of section 12.529 of the Ordinance.

n. To allow retail sales permitted in the B-1 zoning district, over 100,000 square feet. The total amount of retail sales permitted in the B-1 zoning district that can be constructed on the Site will be limited to 70,000 square feet of gross floor area. The maximum size of a single retail sales tenant will be limited to 35,000 square feet of gross floor area.

Note: The optional provision regarding signs is an addition/modification to the standards for signs in the RE-3 district and is to be used with the remainder of RE-3 standards for signs not modified by these optional provisions.

3. Permitted Uses, Development Area Limitations:

a. For ease of reference, the Rezoning Plan sets forth three (3) development areas as generally depicted on the Technical Data Sheet as Development Areas 1, 2, 2A and 3 (each a "Development Area" and collectively the "Development Areas").

b. Subject to the restrictions and limitations listed below, the principal buildings constructed within Development Areas 1, 2 and 2A on the Site may be developed: with up to 1,170,000 (276,126 existing) square feet of gross floor area of uses permitted by right, under prescribed conditions and per the Optional provisions above together with accessory uses allowed in the RE-3(O) zoning district. The allowed square footage will be distributed between the Development Areas 1, 2 and 2A. There currently exist within Development Area 1 a total of 276,126 square feet of gross floor area. Development Area 2 and 2A may be developed with up to 968,874 square feet of gross floor area. Of the total allowed square footage only up to 70,000 square feet may be used for retail sales allowed in the B-1 zoning district. The Petitioner reserves the right to add buildings and square footage to Development Area 1 by transferring allowed square footage from Development Area 2 and 2A.

c. The following uses will not be allowed in Development Areas 1, 2 and 2A: residential dwelling units; family childcare homes; nursing homes; pet boarding facilities; aged and elderly and disabled housing; religious institutions; single retail sales tenant with more than 35,000 square feet of gross floor area and motion picture theaters.

d. Only one use with an accessory drive-through window will be allowed on the Site.

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the term "net floor area" or "net floor area" 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).

e. Subject to the restrictions and limitations listed below, Development Area 3 may be developed with up to 75,000 square feet of gross floor area of uses allowed by right and under prescribed conditions together with accessory uses allowed in the O-1 zoning district. The following uses will not be allowed within Development Area 3: residential dwellings units; active adult retirement communities; bed and breakfasts; childcare centers in a residence; equestrian oriented subdivisions; family childcare homes; jails and prisons; nursing homes, rest homes, homes for the aged, elderly and disabled housing; and orphanages, children's homes, and similar nonprofit institutions providing domiciliary care for children.

4. Transportation Improvements and Access: 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 Sheet RZ-3. Exhibits 1A and 1B and 2A and 2B on Sheet RZ-3 are to be used in conjunction with the following notes to determine the extent of the proposed improvements.

I. Phase One Improvements: de. Electrolux Way: Construct Electrolux Way as generally depicted on the Rezoning Plan, with five (5) foot bike lanes in each direction.

b. At the Intersection of W.T. Harris and Research/IBM:

On Research side of W.T. Harris add a left turn lane with 420' of storage (by removal of the existing landscaped median), with an appropriate taper, changing the current left through lane to a through lane, and leaving the existing right turn lane as is; Modify existing signal operation as needed; and Provide pedestrian improvements on the Research Drive side of the intersection; the total cost of the pedestrian improvements required to be provided by the Petitioner will not exceed \$50,000.

c. At the Intersection of Mallard Creek and Governor Hunt:

Add a second westbound left turn lane on Governor Hunt Road with 150 feet of storage with an appropriate taper; Remark westbound Governor Hunt Road for the full length of the existing median to provide two travel lanes for the length of the existing median;

Extend the existing northbound right turn lane storage on Mallard Creek Road from 75 feet to 175 feet with an appropriate taper; and Modify the existing signal as needed.

d. At the Intersection of Mallard Creek Church and Claude Freeman:

Add a second westbound left turn lane from Mallard Creek Church Road onto Claude Freeman Drive with 200 feet of storage with an appropriate taper; Extend the existing westbound left turn lane from Mallard Creek Church Road onto Claude Freeman from 140 feet to 200 feet of storage with an appropriate taper; Install a second northbound left turn lane on Claude Freeman Drive with 175 feet of storage with an appropriate taper within the existing landscape median; Mallard Creek Church Road will need to be widened to provide the second westbound left turn lane; CDOT and NCDOT will allow lane width reductions to minimize costs; To ensure good use of the westbound left turn lanes, the existing CATS bus stop located on southbound Claude Freeman Drive will need to be relocated further south on Claude Freeman Drive;

Modify the existing signal as needed; and Replace any pedestrian infrastructure removed as a result of the improvements.

e. At the Intersection of Research Drive and David Taylor Drive:

Add a channelized westbound right turn lane with 225 feet of storage and with an appropriate bay taper from Research Drive onto David Taylor Drive (with appropriate corner island) under yield control.

f. At the Intersection of Electrolux Way and David Taylor Drive:

Improve Electrolux Way with one northbound ingress lane and two southbound egress lanes (one lane that terminates as a left turn lane and the other that terminates as right turn lane with a minimum of 150 feet of storage and with an appropriate bay taper); An eastbound left turn lane on David Taylor Drive with 150 feet of storage, appropriate bay and through lane bays; this will also require a through lane taper on the east side of the intersection a minimum 200 feet in length; and A westbound right turn lane on David Taylor Drive with 200 feet of storage with an appropriate bay taper.

II. Phase Two Improvements.

a. Public Street # 2: Construct Public Street # 2 in the location generally depicted on the Rezoning Plan; and The roadway cross-section for Proposed Public Street # 2 should include three lanes; one travel lane in each direction; a two-way left-turn lane to be marked with appropriate left turn lanes at intersections, and a five (5) foot bike lane in each direction. No turn lanes are required on David Taylor Drive.

b. At the Intersection of Mallard Creek Road & Governor Hunt Road:

Construct the same improvements as described above in Section 4.I.c Phase One Improvements, with the following modifications: The 2nd westbound left turn lane storage length on Governor Hunt Road will be extended from the initial 150 feet to 350 feet with an appropriate bay taper (all within the existing median); and The existing northbound right turn lane storage on Mallard Creek Road will be extended from the initial 175 feet to 250 feet with an appropriate bay taper; and Modify the existing signal as needed.

c. At the Intersection of Mallard Creek Church Road & Claude Freeman Drive:

Construct the same improvements as described above in Section 4.I.d Phase One Improvements for this intersection, with the following modifications: The existing westbound left turn lane storage on Mallard Creek Church Road will be extended from the initial 200 feet to 300 feet and the recommended 2nd westbound left turn lane should match this 300 feet with an appropriate taper; The existing northbound left turn lane storage on Claude Freeman Drive will be extended from the initial 175 feet to 300 feet; and the recommended 2nd northbound left turn lane should match this 300 feet with an appropriate bay taper (within the existing median and two-way left turn lane); and Modify the existing signal as needed.

d. At the Intersection of Mallard Creek Church Road & Senator Royall Place:

Construct a 2nd northbound left turn lane on Senator Royall Place with 365 feet of storage to match the existing left turn lane with an appropriate bay taper (within the existing median).

e. At the Intersection of David Taylor Drive & Governor Hunt Road/Existing Access "B":

Construct a northbound right turn lane on Governor Hunt Road with 100 feet of storage with an appropriate bay taper; and Extend the existing westbound left turn lane storage on David Taylor Drive from 100 feet to 225 feet with an appropriate bay taper; and Modify the existing signal as needed.

III. 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 and NCDOT, as applicable, to the roadway improvements within their respective road system authority. 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 broad north Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

b. Phasing: (i) The Petitioner will be allowed to construct on the Site and obtain a certificate of occupancy for up to 390,000 square feet of gross floor area of allowed uses upon the substantial completion of the roadway improvements listed above in Section 4.I. a. - f. Phase One Improvements; and (ii) The Petitioner will be allowed to construct on the Site and obtain a certificate of occupancy for up to 968,874 square feet of gross floor area of the allowed uses upon the substantial completion of the roadway improvements listed above in Section 4.I. a. - f. plus the completion of the improvements listed above in Section 4.II Phase Two Improvements a. - e.

c. 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 buildings 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, department or 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, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

IV. Access.

a. Access to the Site will be from David Taylor Drive, Claude Freeman Drive and Public Street # 2 as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.

b. The number and location of access points to the internal public streets may be modified from what is indicated on the Rezoning Plan, the actual number and location will be determined during the building permit process and thereafter additional or fewer driveways may be installed or removed with approval from appropriate governmental authorities subject to applicable statutes, ordinances and regulations.

c. The Petitioner as part of the development of Development Area 2A located south of Public Street # 2 will as part of the development occurring within this area construct a vehicular and pedestrian connection (either a private drive, private street or an additional public street) between Electrolux Way and Public Street # 2. The intent of this vehicular and pedestrian connection is to allow internal vehicular and pedestrian circulation between the different buildings and uses on the Site. This vehicular and pedestrian connection may be gated and only available to the tenants and users of the Site. The Petitioner will consult with CDOT on the configuration, design and location of this connection.

d. The alignment of the internal public streets, 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 100 foot landscape setback will be provided along Claude Freeman Drive and David Taylor Drive and a 30 foot landscape setback will be provided along Electrolux Way and a 24 foot setback will be provided along public street # 2 for the portion of the Site zoned RE-3(O). The setbacks shall be measured from the face of the existing or proposed curb wherever applicable. A 20 foot landscape setback will be provided along Electrolux Way as required by the O-1 zoning district for the portion of the Site zoned O-1(CD). The landscape setbacks may be graded as needed to accommodate the development of the Site. Grading within the landscape setbacks will be allowed for but not limited to grading for roadway improvements, sight distance requirements, water quality and storm water detention, utilities, retaining walls and other Site elements and features. The portion of the landscape setbacks that are graded will be replanted with trees and shrubs.

b. An eight (8) foot planting strip and a six (6) foot sidewalk will be provided along both sides of Electrolux Way and Public Street # 2.

c. The Petitioner will provide an on-site walking trail/sidewalk for use of the employees of the Site as generally depicted on the Rezoning Plan.

d. Private Urban Open Space will be provided on the portion of the Site zoned RE-3(O) at the same rate as Public Urban Open Space is required in the locations as generally depicted on the Rezoning Plan and as allowed by the Optional Provisions above.

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. Parking and Maneuvering Restrictions.

a. Parking and Maneuvering for parking, other than driveways providing access to parking areas, will not be allowed within: (i) the 100 foot setback established along David Taylor Drive and Claude Freeman Drive; (ii) the 30 foot setback provided along Electrolux Way; and (iii) the 24 foot setback provided along public street # 2 as generally depicted on the Rezoning Plan.

b. Parking will be provided as required by the Ordinance for the portion of the Site zoned O-1(CD). For the portion of the Site zoned RE-3(O) parking will be provided at the rate of one parking space per 450 gross square feet for "All Other Uses" as allowed by the Optional Provisions above; and as required by the ordinance for the other uses listed in Section 11.705.9(a) of the Ordinance.

7. Environmental Features:

a. The Site 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. Adjustment may be necessary to accommodate actual storm water treatment requirements and natural discharge points.

c. The Site will comply with the Tree Ordinance. The tree save requirements of the Tree Ordinance may be met on each individual parcel/Development Area or may be located throughout the Site and on different parcels/Development Areas as long as the total amount of tree save area provided meets the requirements of the Tree Ordinance (e.g. the tree save requirements for Development Area 3 may be located on Development Areas 1, 2 and/or 2A). Conversely the tree save requirements for Development Areas 1, 2 and 2A may be located on Development Area 3.

8. 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.

9. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site, except street lights located along public streets, will be limited to 25 feet in height as allowed by the Optional Provisions.

10. CATS Waiting Pad.

a. The Petitioner will install a waiting pad for CATS transit riders, per CATS standards along Claude Freeman Drive as generally depicted on Sheet RZ-1.

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.



ELECTROLUX REZONING

Cole Jenest & Stone Shaping the Environment Realizing the Possibilities

LS3P

E TRADE STREET SUITE C ARLOTTE NORTH CAROLINA



MEMBERS OF THE AMERICAN INSTITUTE OF ARCHITECTS

Table with 3 columns: No., Description, Date. Row 1: 1 CITY COMMENTS 04.21.14. Row 2: 2 PUBLIC HEARING COMMENTS 06.20.14.

PRO ECT DATE: DRAWN BY: C-EC ED BY:

REZONING NOTE

REZONING DOCUMENT: APRIL

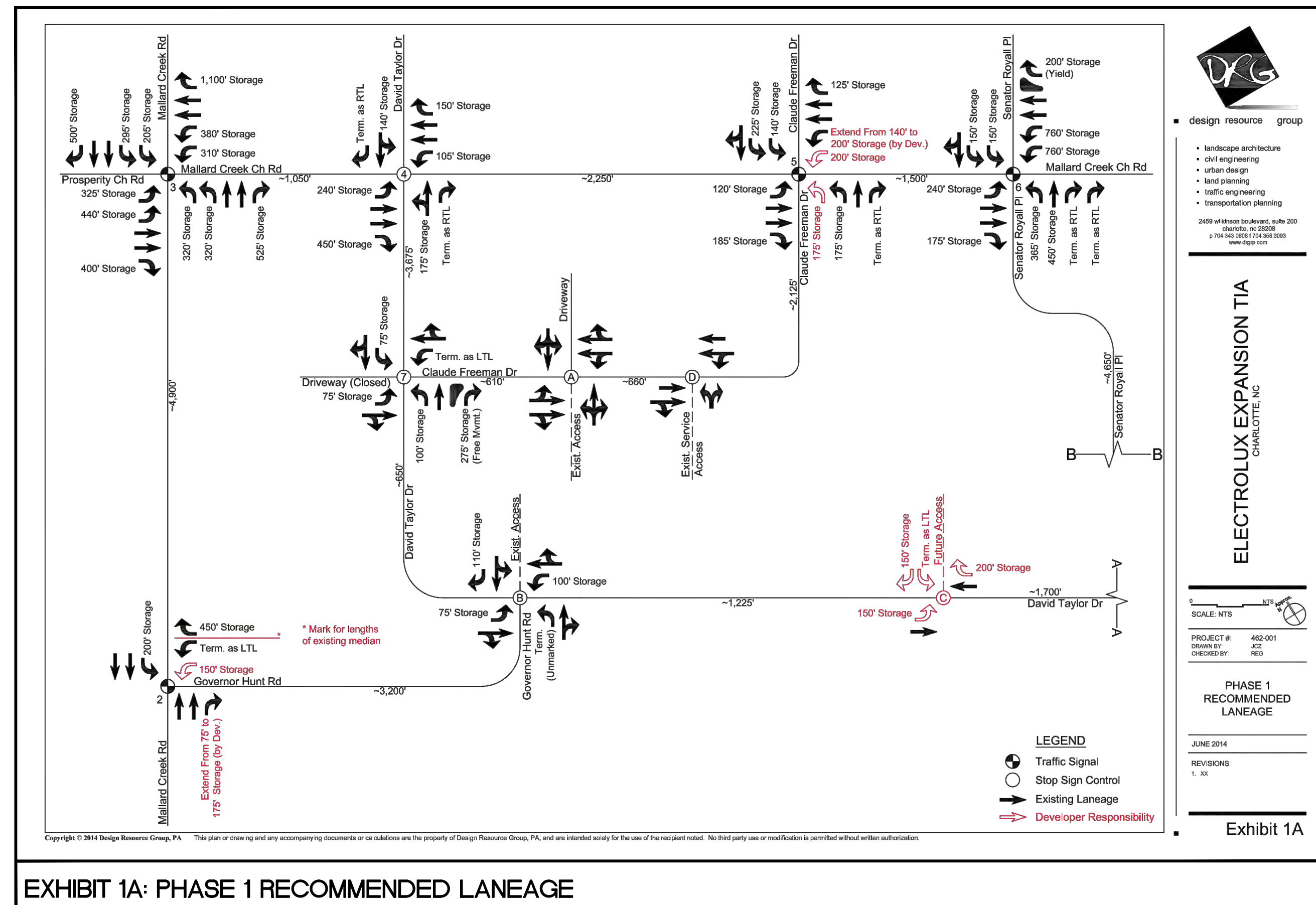
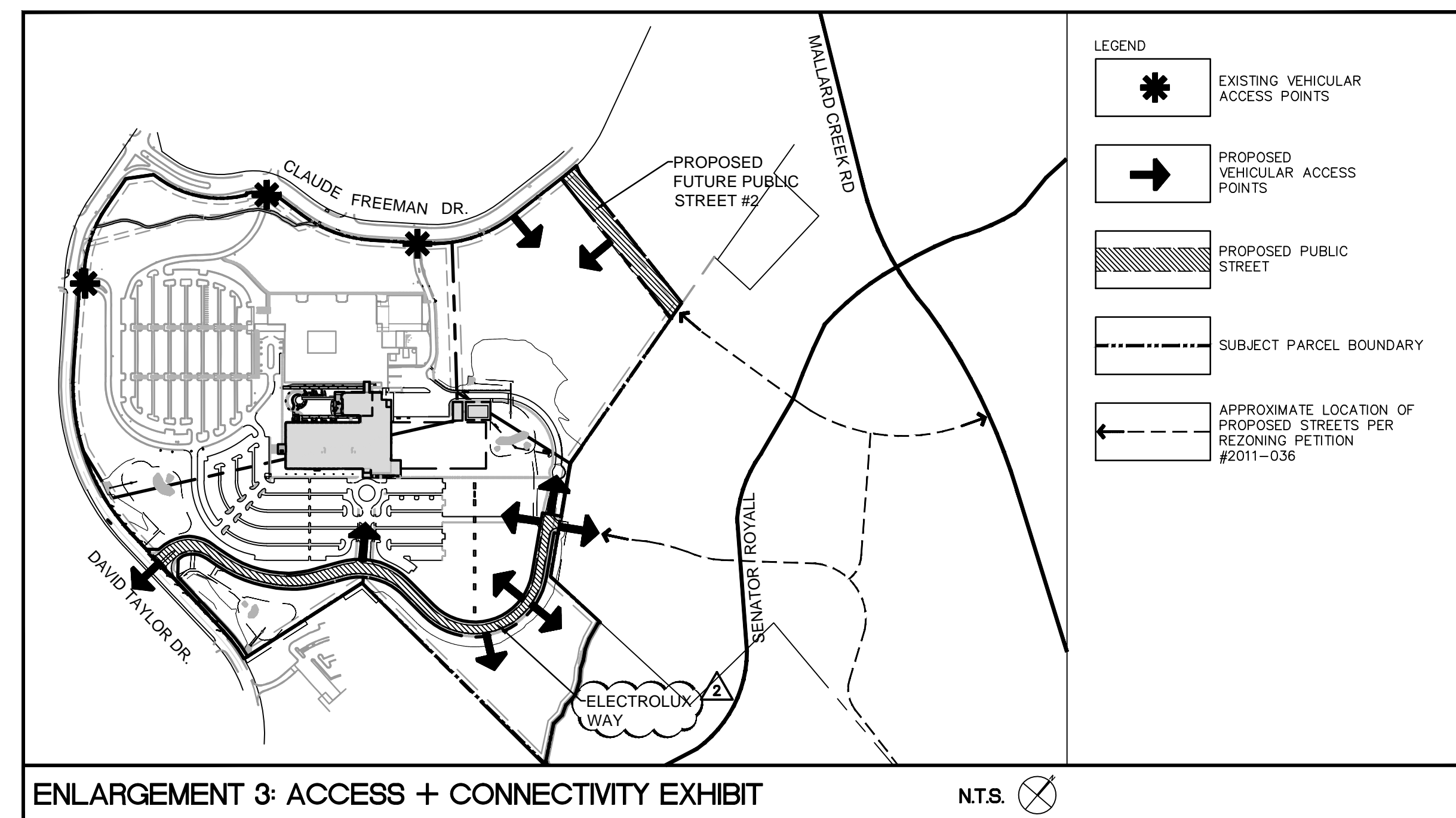
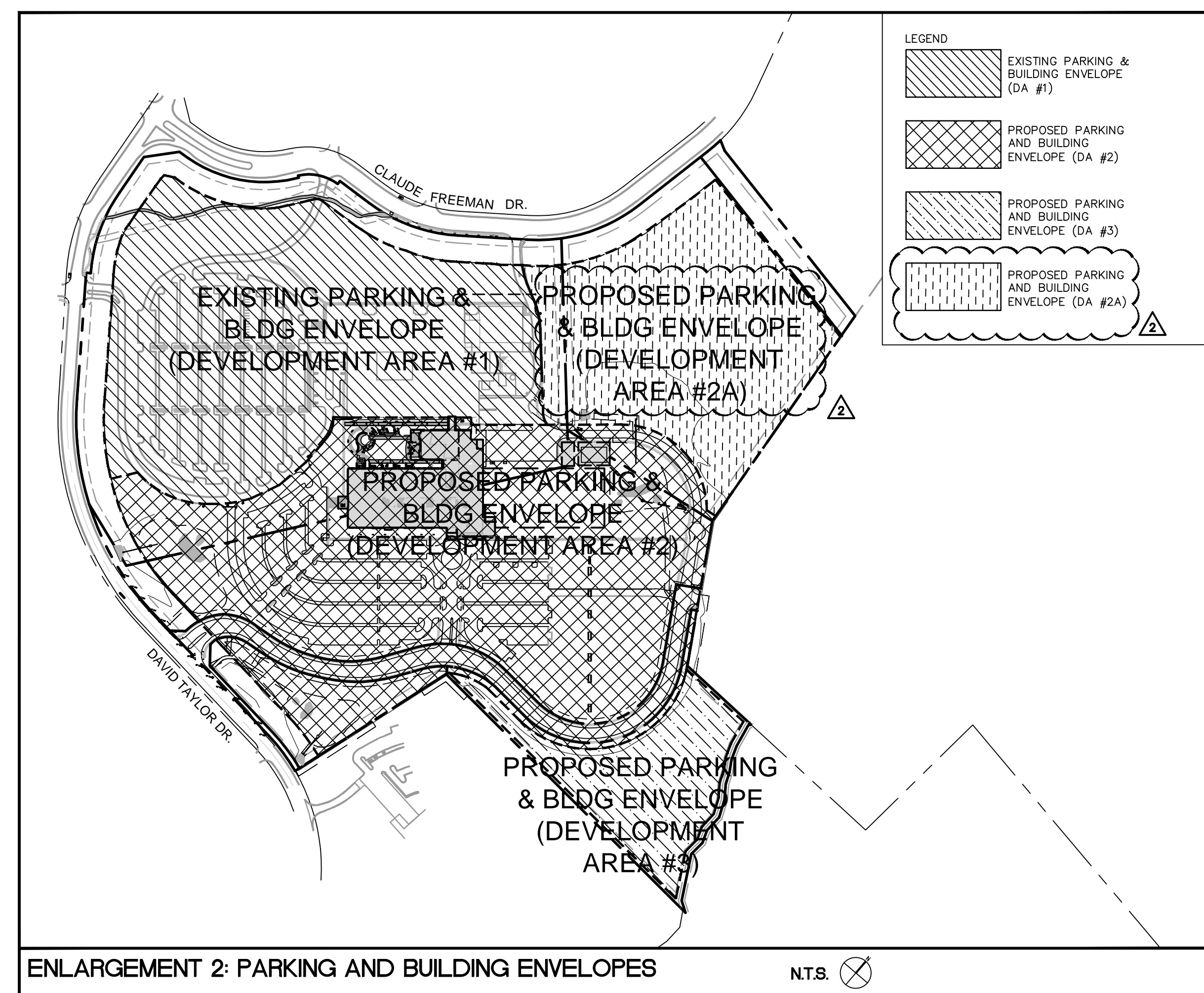
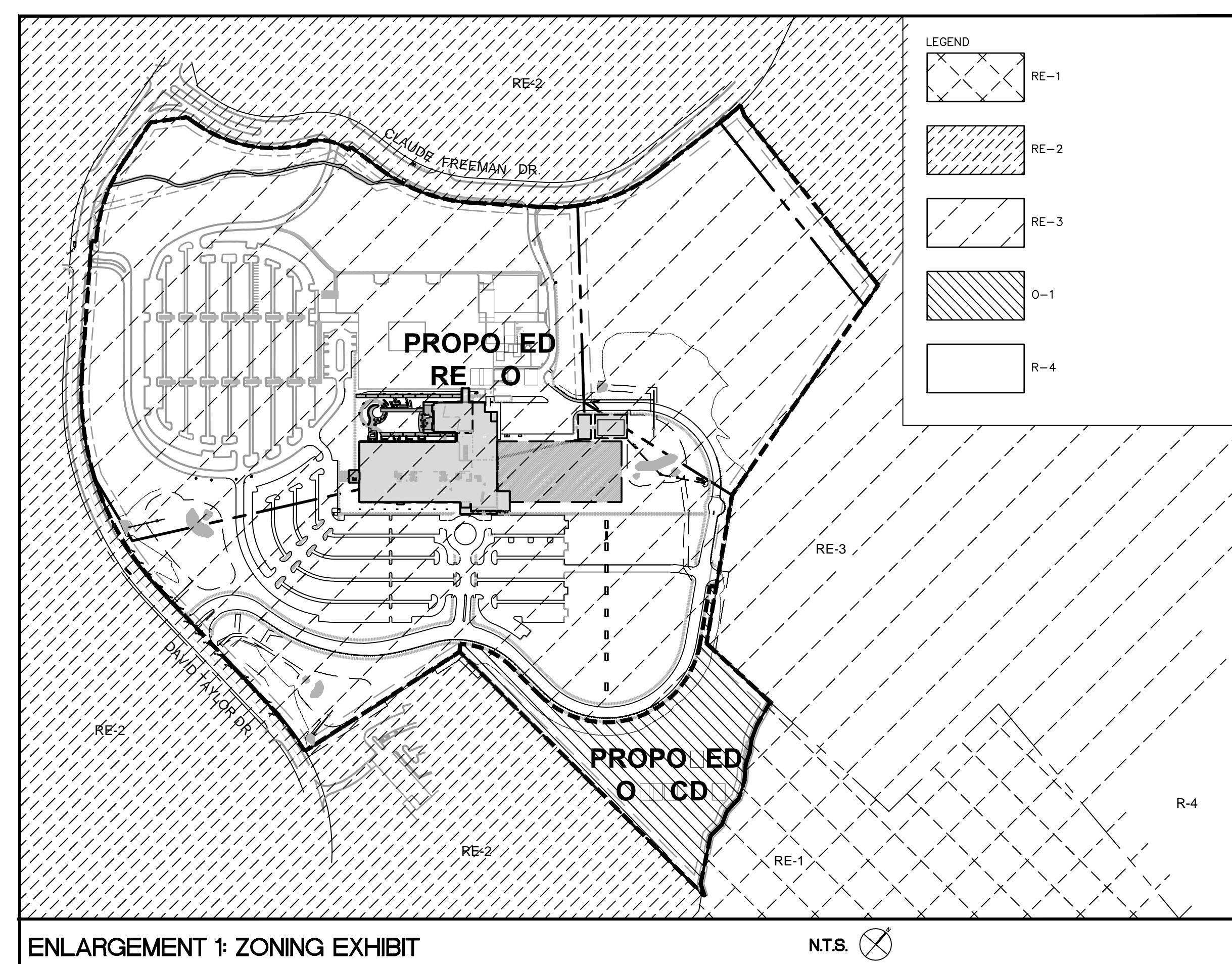


EXHIBIT 1A: PHASE 1 RECOMMENDED LANEAGE

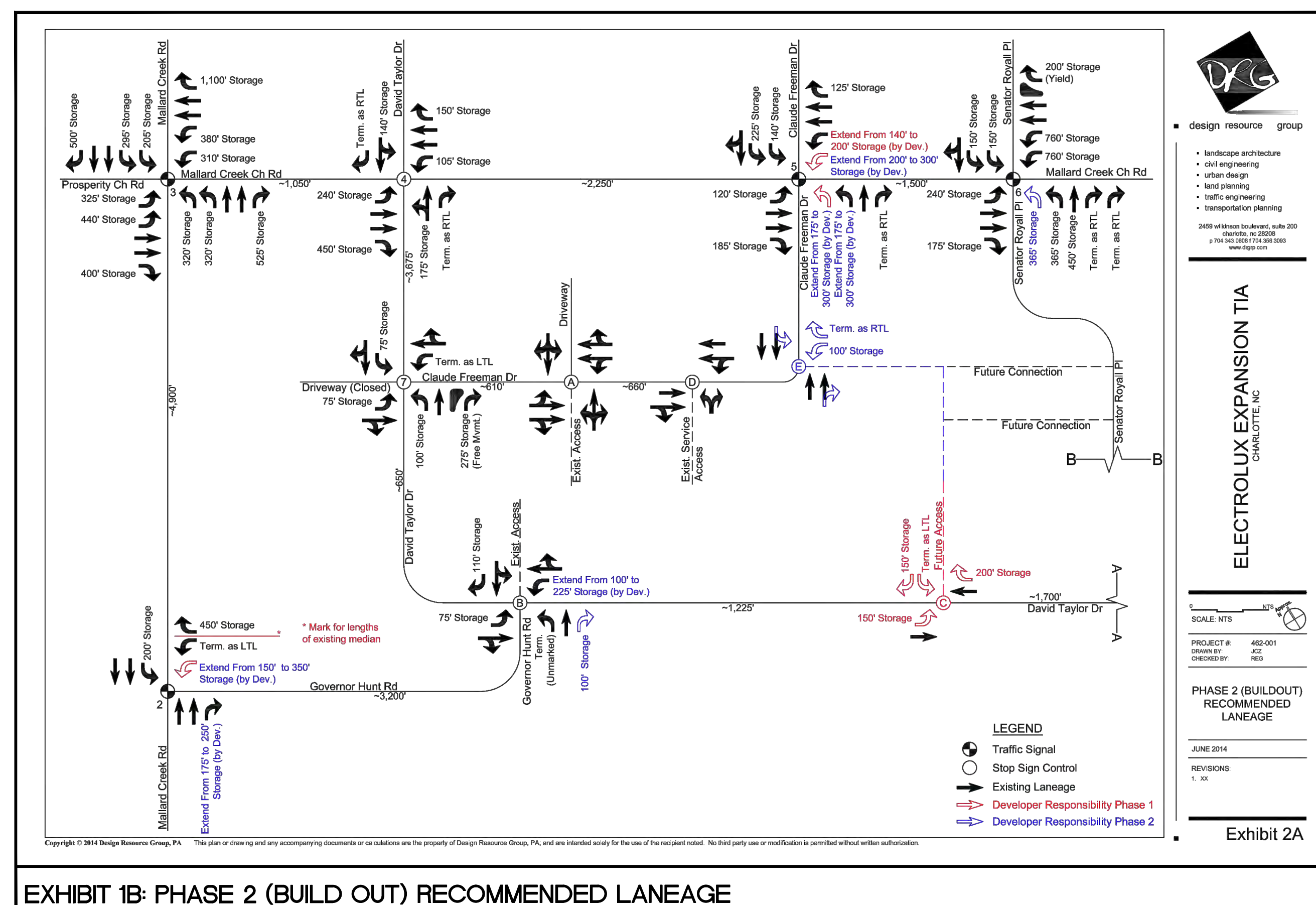


EXHIBIT 1B: PHASE 2 (BUILD OUT) RECOMMENDED LANEAGE

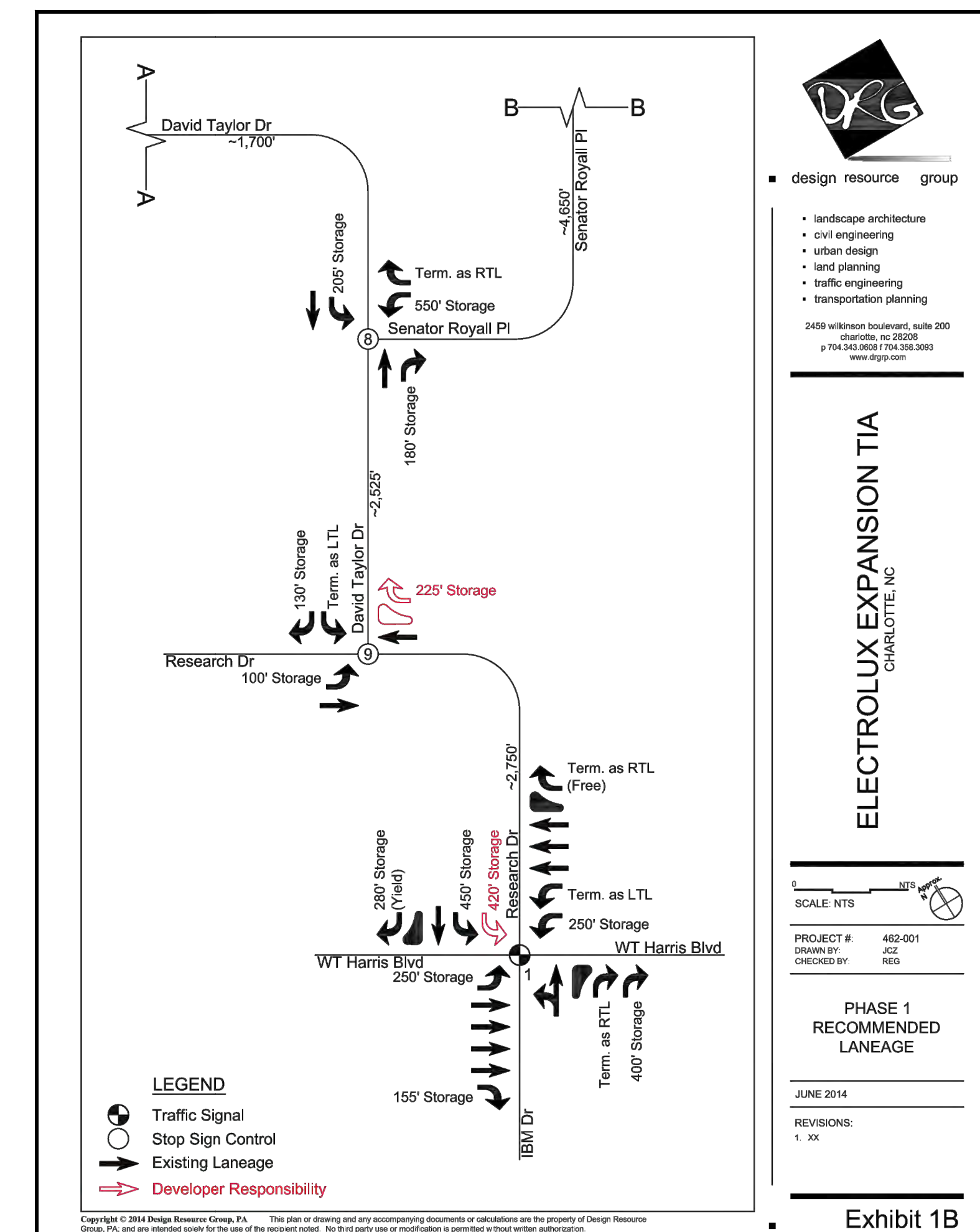


EXHIBIT 2A: PHASE 1 RECOMMENDED LANEAGE

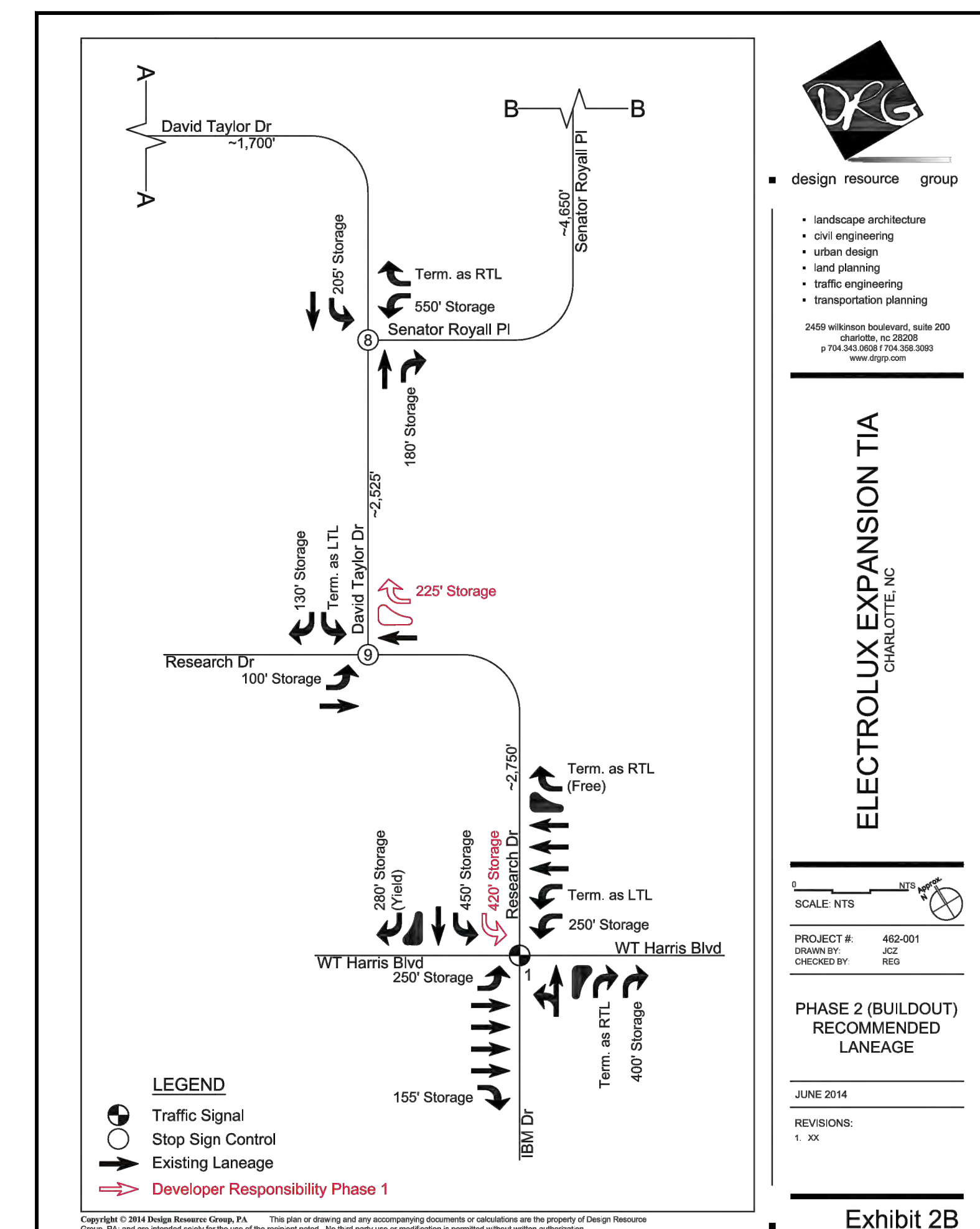


EXHIBIT 2B: PHASE 2 (BUILD OUT) RECOMMENDED LANEAGE

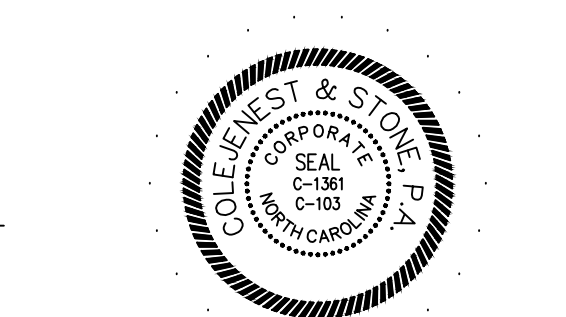


**ELECTROLUX**  
RE ZONING

**Cole Jenest & Stone**  
Shaping the Environment  
Realizing the Possibilities

**LS3P**

1100 E TRADE TREET LITE  
CHARLOTTE NORTH CAROLINA  
TEL: 704.376.1555 FAX: 704.376.7851  
WWW.LS3P.COM



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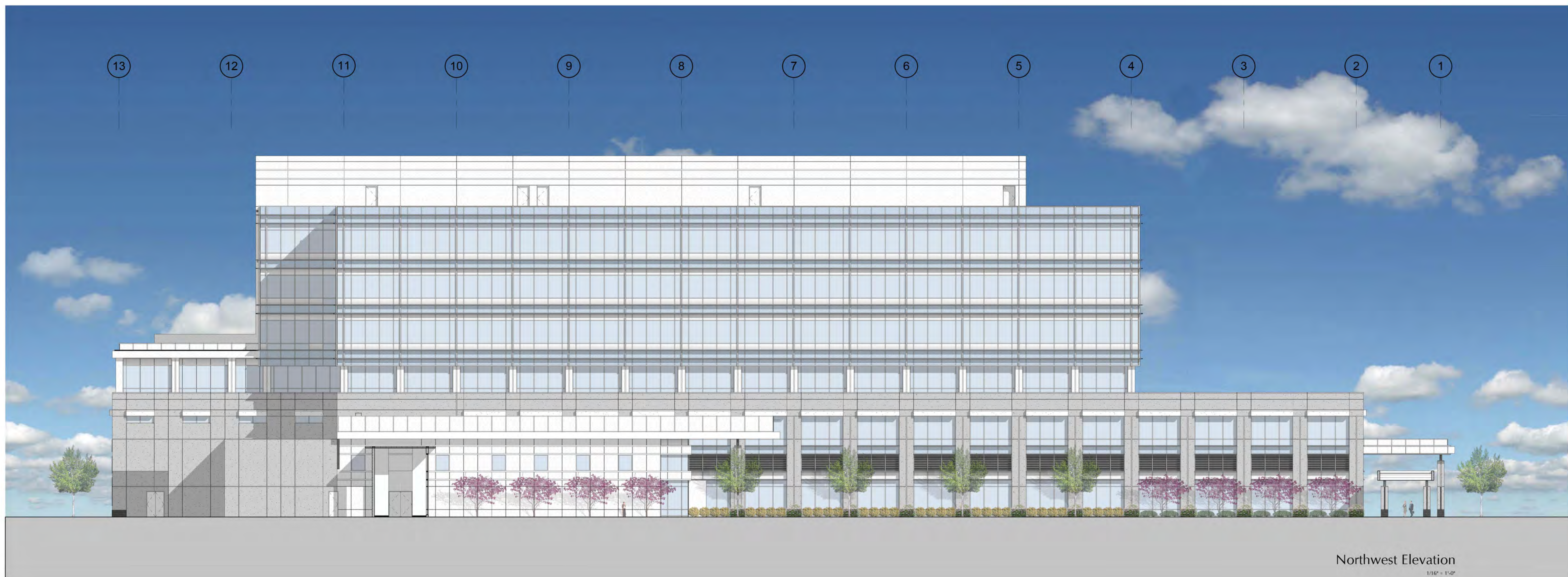
REVISION

No.	Description	Date
1	CITY COMMENTS	04.21.14
2	PUBLIC HEARING COMMENTS	06.20.14

PROJECT: C  
DATE: EB  
DRAWN BY: DB  
CHECKED BY: G

RE ZONING EXHIBIT

RE ZONING DOCUMENT: APRIL



"This elevation is provided to reflect the architectural style and quality of the building that may be constructed on the Site (the actual building constructed may vary from this illustration as long as the general architectural concepts and intent illustrated is maintained.)"

2014 APRIL 21



Northeast Elevation  
1/16" = 1'-0"



Southeast Elevation  
1/16" = 1'-0"

"This elevation is provided to reflect the architectural style and quality of the building that may be constructed on the Site (the actual building constructed may vary from this illustration as long as the general architectural concepts and intent illustrated is maintained.)"

2014 APRIL 21

<b>REQUEST</b>	Current Zoning: B-1 (neighborhood business) Proposed Zoning: MUDD-O (mixed use development – optional)
<b>LOCATION</b>	Approximately 0.145 acres located along North Davidson Street between East 35th Street and East 36th Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to renovate the existing building for use as a restaurant with outdoor seating.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	G.W. McCullough, III John M. Meyer Robert Hess
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1 <sup>st</sup> meeting 51 2 <sup>nd</sup> meeting 46
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>Blue Line Extension Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6–0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Nelson).

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6–0 to recommend <b>APPROVAL</b> of this petition with the following modifications: <ol style="list-style-type: none"> <li>1. Specified that an eight-foot sidewalk is to be provided as shown on the site plan.</li> <li>2. Decreased the amount of exterior seating from 3,100- square feet to 1,578-square feet, thus reducing the area of expansion.</li> <li>3. Amended the wording for note III a. 2. to say "14' setback reduced from 16' setback as specified in the MUDD district."</li> <li>4. Removed the label and line for the existing 20-foot setback from sheet 2 Site Layout.</li> </ol>
------------------------------------	--

<b>VOTE</b>	Motion/Second: Allen/Eschert Yeas: Allen, Dodson, Eschert, Nelson, Ryan, and Sullivan Nays: None Absent: Labovitz and Walker Recused: None
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<b>ZONING COMMITTEE DISCUSSION</b>	Staff presented the petition to the Zoning Committee noting that all outstanding issues had been addressed and that the petition is consistent with the <i>Blue Line Extension Station Area Plan</i> . There was no further discussion.
--	---

<b>STAFF OPINION</b>	Staff agrees with the recommendation of the Zoning Committee.
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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Permitted use as a restaurant/bar.
  - Total 6,300 square feet consisting of renovation of the existing 3,200-square foot building and creation of 1,578 square feet of open space in the form of exterior seating and landscaped area in the front and rear.

- Maximum building height of 40 feet.
  - Creation of a curb at the former drive along the street frontage in order to restrict parking on the sidewalk.
  - Construction of a permanent overhang along the front to cover exterior seating. Overhead doors provided at the front and rear to open up the interior to the exterior as weather permits.
  - Construction of a landscape island with a combination of evergreens, shrubs, annuals and possible local artwork between the sidewalk and front seating area.
  - Garbage and recycling area located to the rear and limited to roll-out service.
  - Limits exterior lighting to full cut-off, downwardly shielded fixtures and freestanding lighting that is a maximum of 25 feet in height.
  - Optional requests include:
    - Waive the six required spaces and provide no parking.
    - Provide a 14-foot setback as opposed to the 16-foot setback as specified in the adopted area plan.
    - 8-foot sidewalk at the back of curb with landscaped island added between the sidewalk and exterior seating.
  - **Public Plans and Policies**
    - The *Blue Line Extension Station Area Plan* (2013) recommends transit supportive uses. The site is located within a ¼ mile walk of the proposed 36<sup>th</sup> Street Station.
    - The petition is consistent with the *Blue Line Extension Station Area Plan*.
- 

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

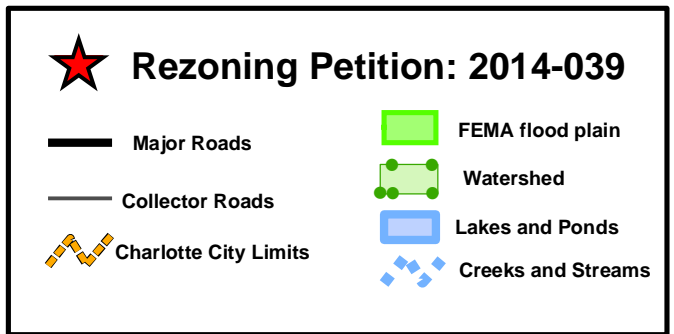
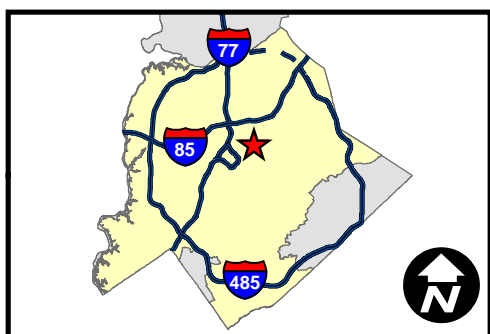
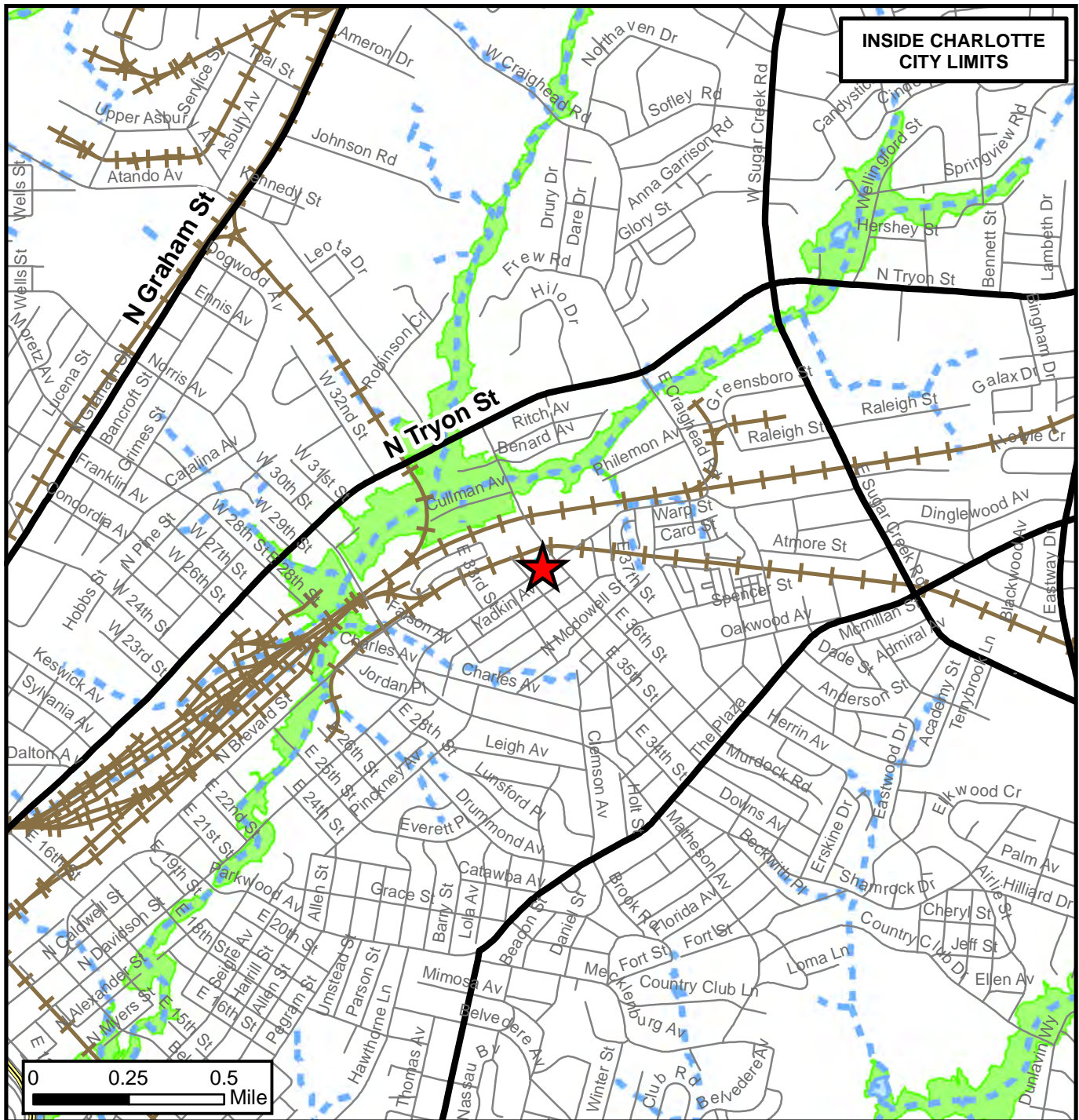
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan

- Community Meeting Report
- Charlotte Area Transit System Review
- 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



**Acreage & Location :** Approximately 0.145 acres located along North Davidson Street between East 35th Street and East 36th Street.



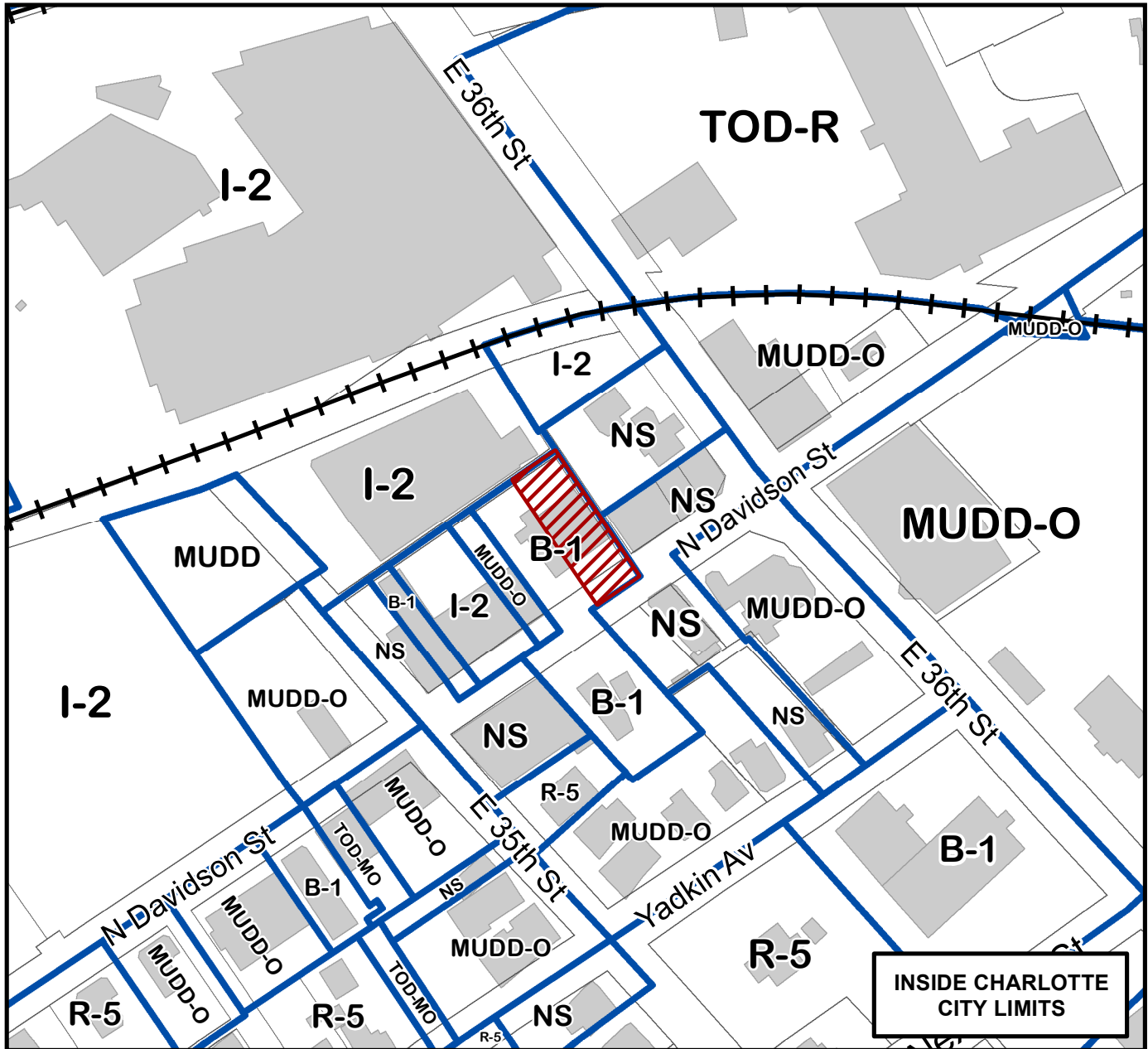
Petition #: **2014-039**

Petitioner: **John M. Meyer**

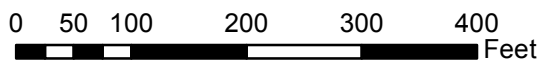
Zoning Classification (Existing): **B-1**  
(Neighborhood Business)

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

Acreage & Location: Approximately 0.145 acres located along North Davidson Street between East 35th Street and East 36th Street.

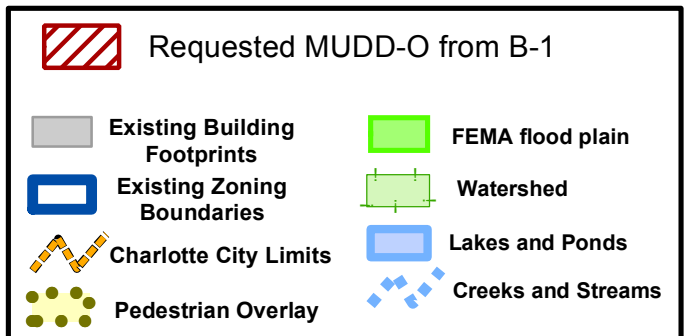


Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.



Zoning Map #(s)

**89**



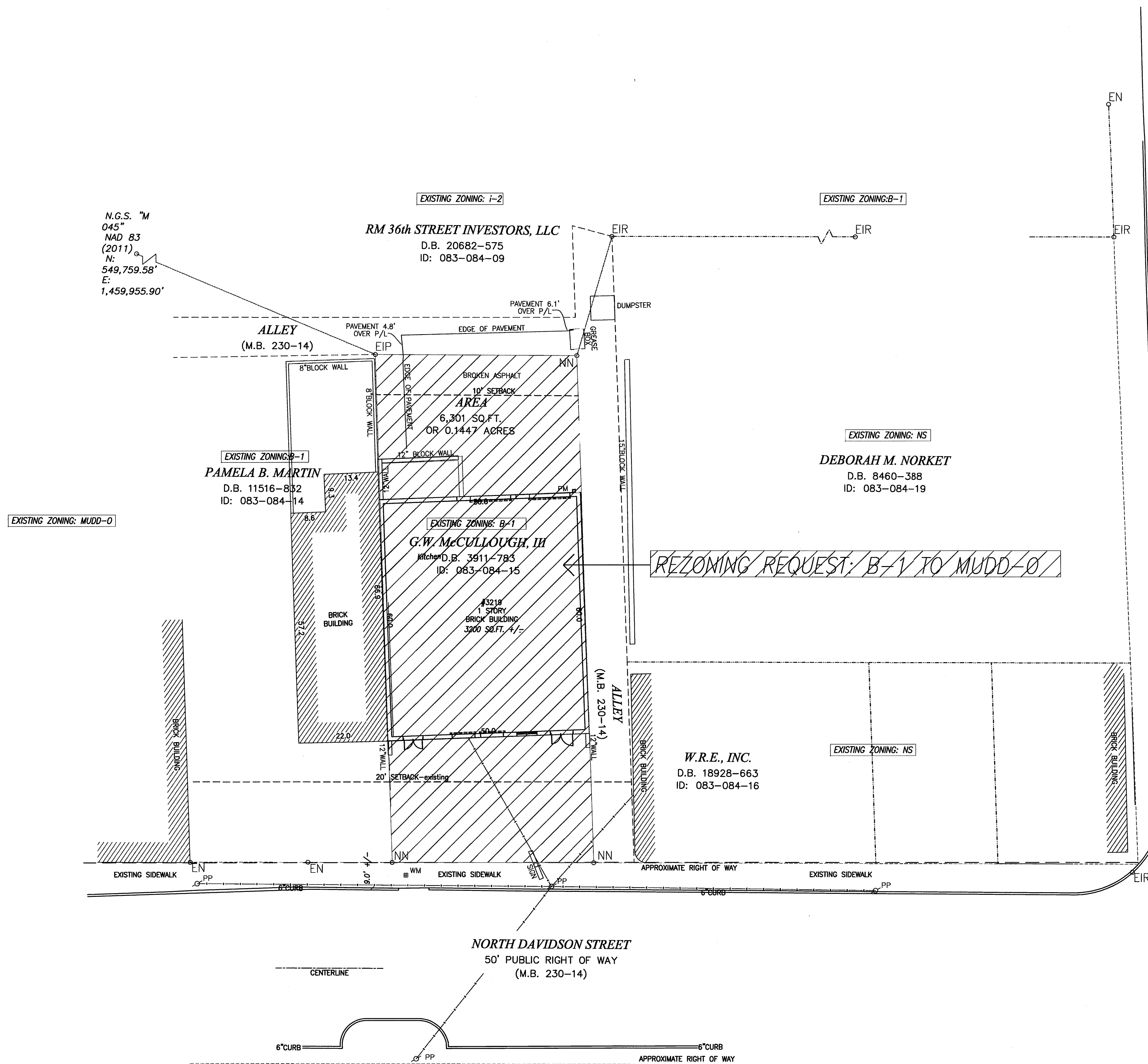
REVISIONS:

Plan	02/13/14
Rev. 1	05/11/14

Hess Architecture P.A.  
 Robert G. Hess, Architect  
 1153 Hammond Drive  
 Matthews, N.C. 28104  
 (704) 516-4828

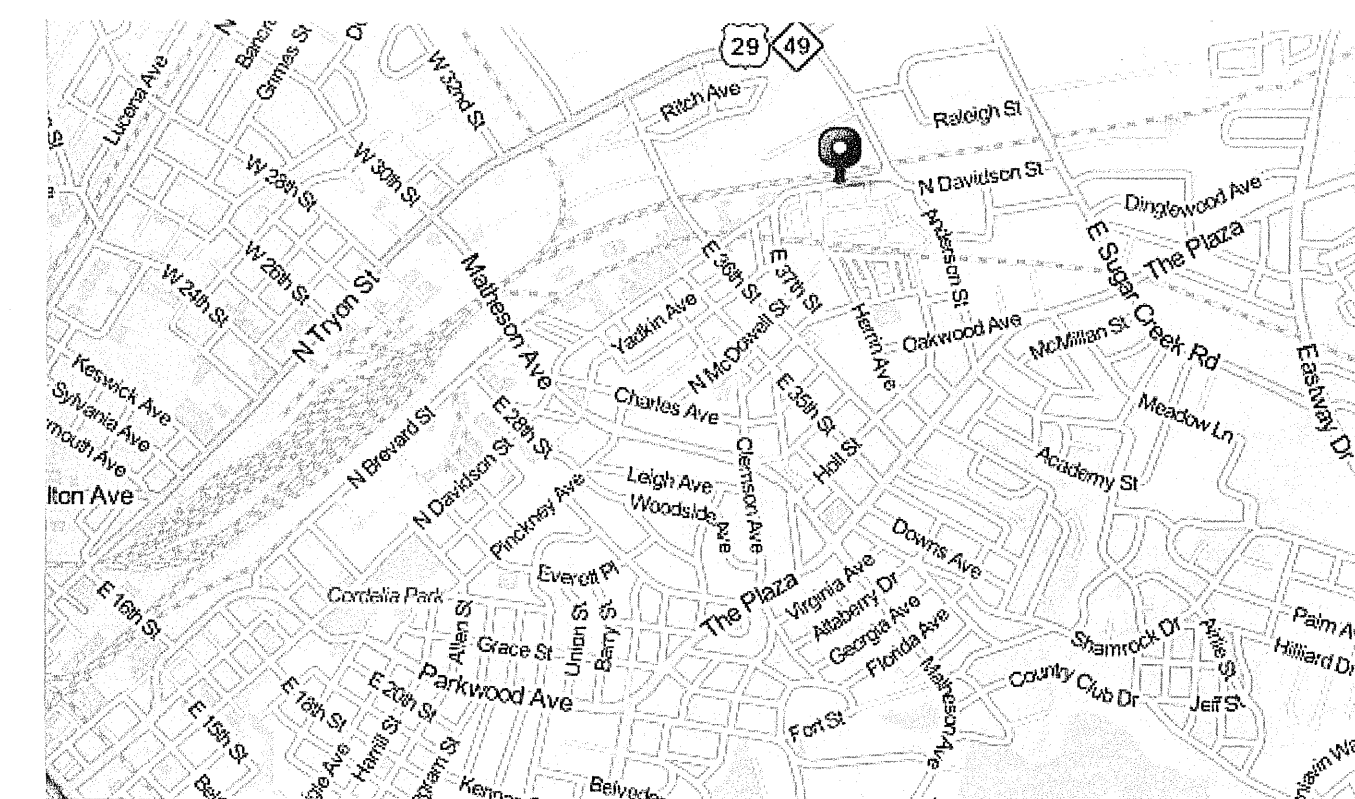
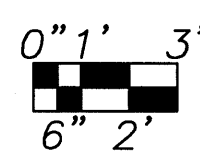
NoDa RESTAURANT PRELIMINARY  
 for JOHN MEYER  
 3219 NORTH DAVIDSON STREET CHARLOTTE, N.C. 28269  
 Existing Site Survey - 3219 North Davidson Street

RE-ZONING-1  
 ZONING PETITION #  
 2014-039  
 SHT. 1 OF 2



Existing Site Survey - 3219 North Davidson Street

1" = 16'-0"



REVISIONS:

Plan	02/13/14
Rev. 1	05/11/14
Rev. 2	06/18/14

HESS ARCHITECTURE P.A.  
 ROBERT G. HESS, ARCHITECT  
 1153 HAMMOND DRIVE  
 MATTHEWS, N.C. 28104  
 (704) 516-4828

NoDa RESTAURANT PRELIMINARY  
 for JOHN MEYER  
 3219 NORTH DAVIDSON STREET CHARLOTTE, N.C. 28269  
 Proposed Site Layout - 3219 North Davidson Street

RE-ZONING-2

ZONING PETITION #  
 2014-039

SHT. 2 OF 2

- I. Development Data Table
  - a. Site Acreage = .1447 Acres or 6,301 sq. ft.
  - b. Tax Parcel: 08308415
  - c. Existing Zoning: B-1
  - d. Proposed Zoning: MUDD-0
  - e. Existing Use - Retail  
Proposed Use - Restaurant/Bar
  - f. # of Housing Types - NA
  - g. Residential Density - NA
  - h. Proposed Non-Residential: 3200+/- sq. ft.
  - i. Floor Area Ratio: 1 to 1
  - j. Maximum Building Height = 40'
  - k. 4778 Total sq. ft./600 = 8 Parking Spaces required per MUDD-0  
(3200 sq.ft. for Bldg. + 1578 sq.ft. for Outdoor Dining)  
1.Request No Parking Required - Optional Provision a.1.
  - l. Open Space = Approx. 3100 sq. ft.

- II. General Provisions
  - a. Ordinance Applicability
    - 1. 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"). The regulations established under the Ordinance for the MUDD zoning district shall govern the development of this Site.
    - 2. Future amendments to the Rezoning Plan and these development standards may be applied for the Owner or Owners of the Site and will be reviewed and approved as allowed by Section 6.207 of the Ordinance.
    - 3. The development depicted on the Rezoning Site Plan is Schematic in nature and intended to depict the general proposal for the Project. Accordingly, subject to the terms of these Development Standards and the Ordinance and may be altered or modified during Design Development and Construction Document Phases.

- III. Optional Provisions
  - a. Listing of Optional Provisions
    - 1. No Parking is required for this use.
    - 2. 14' Setback Reduced from 16' Setback as specified in the MUDD District.
    - 3. Existing sidewalk to be 8' wide with landscaped areas added as shown for buffer.

- IV. Permitted Uses
  - a. Restaurant/Bar
- V. Transportation
  - a. See Plan
- VI. Architectural Standards
  - Proposed project to keep the essence of the NoDa Area in materials and scale. Permanent Overhang will be provided at the Front Exterior Seating with new exits provided per new use requirements. Concept both Front and Rear is to open up the Interior to the Exterior via Overhead doors when feasible weatherwise.
    - 1. Landscaped Island to be provided with a combination of evergreens, shrubs, annuals and possible local artwork.
    - 2. Dumpster/Recycling Enclosure to be per standards with containers to be rolled out to curb after business hours.

- VII. Streetscape and Landscaping
  - Widening existing sidewalk and adding landscaped island to be provided per recommendations at Front of Building for buffer.

- VIII. Environmental Features
  - N/A

- IX. Parks, Greenway and Open Space
  - Exterior Seating areas at Front and Rear.

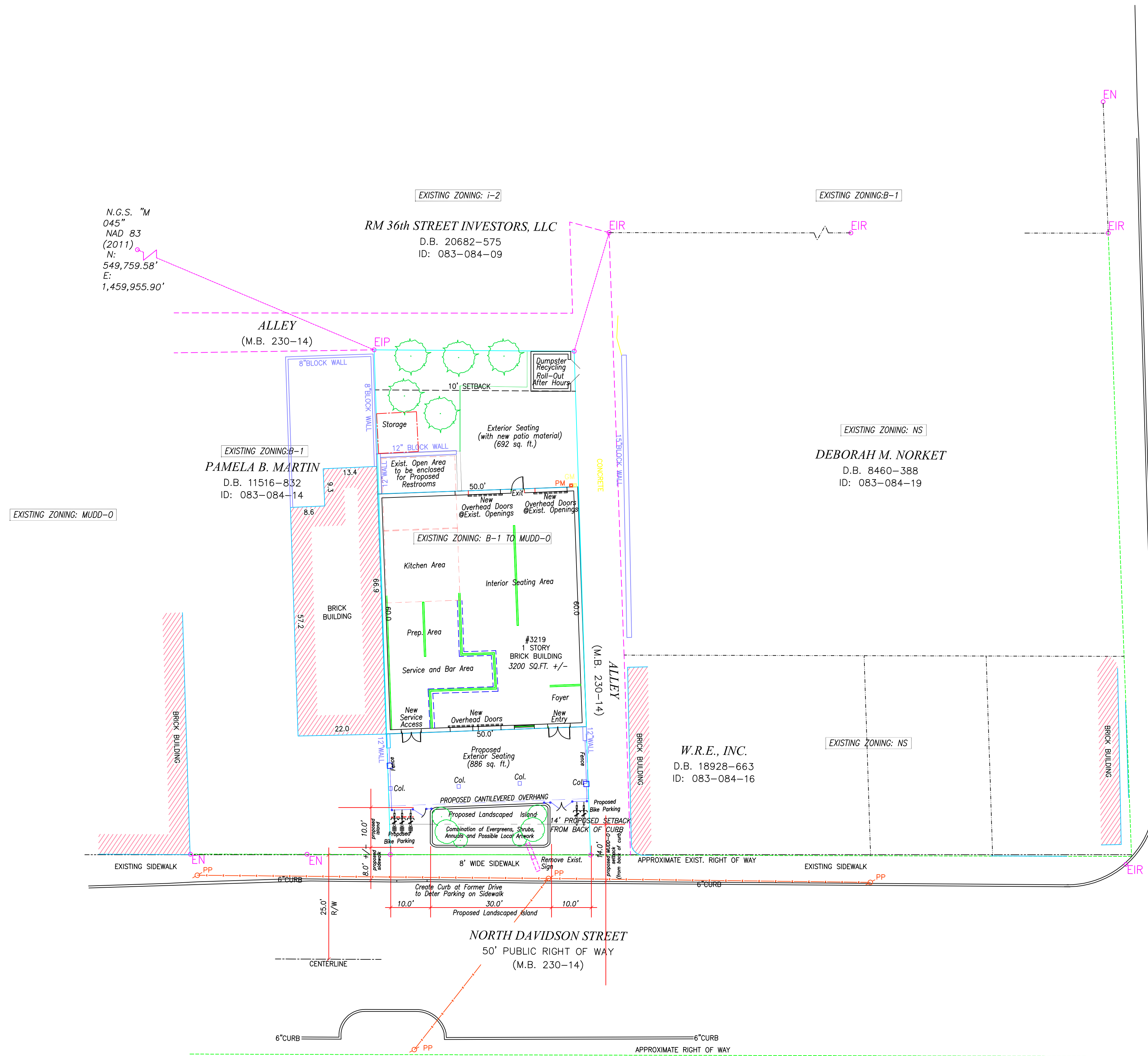
- X. Fire Lane Treatment
  - Per Local requirements.

- XI. Signage
  - Per Local requirements.

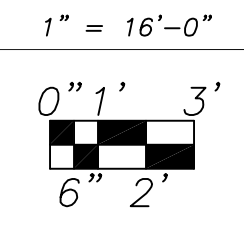
- XII. Lighting
  - All outdoor lighting shall utilize full cut-off, downwardly shielded lighting fixtures and any detached lighting will be limited to 25 feet in height.

- XIII. Phasing
  - Per Local requirements.

- XIV. Other
  - N/A



Conceptual Site Layout - 3219 North Davidson Street



<b>REQUEST</b>	Current Zoning: INST(CD) (institutional, conditional) Proposed Zoning: UR-1(CD) (urban residential, conditional)
<b>LOCATION</b>	Approximately 5.05 acres located on the east side of Sardis Road between Waverly Hall Road and Chevron Road. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes the development of 15 single family detached dwelling units at a density of three units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Sardis Road Land Company, LLC Sardis Road Land Company, LLC David Booth, Land Design, Inc.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-1 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Allen).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Note number four under "Access and Transportation" has been removed.</li> <li>2. Eight-foot planting strips and six-foot sidewalks have been provided along all public street frontages.</li> <li>3. Lots have been modified to show that storm water detention facilities will be placed in common areas and not on private lots.</li> <li>4. Sidewalks connections for lots 8, 9, have been shown to comply with Section 9.406(8)(d)(v).</li> <li>5. A Wetlands Letter has been provided to Engineering and Property Management.</li> <li>6. A minimum spacing distance and number of pedestrian lights has been provided.</li> <li>7. A detail of the brick wall showing the height of the retaining walls along the site's frontage has been provided.</li> <li>8. The request for on-street parking has been rescinded by staff.</li> </ol>
------------------------------------	--

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

<b>ZONING COMMITTEE DISCUSSION</b>	Staff presented the petition to the Zoning Committee and indicated that all the outstanding issues had been addressed. A Commissioner asked staff about the changes in the elevations and why the development was not designed to front along Sardis Road. Staff responded that the petitioner provided conditional notes to require 30 percent masonry material and that the conditional notes provided some flexibility and variations of materials. The site was designed to face the internal private street since the required retaining wall and grade change made it difficult to front along Sardis Road. Proposed lots eight and nine will have sidewalk connections to Chevron Drive per the Ordinance requirements for urban residential districts. There was no further discussion of this petition.
--	--

**MINORITY OPINION**

One Commissioner felt that the development should front along Sardis Road and provide more "eyes on the street." The Commissioner believes that the proposed development will not relate to the surrounding properties and that is not in the public's best interest.

**STAFF OPINION**

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

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

**PLANNING STAFF REVIEW****• Background**

- Approval of petition 2011-033 rezoned the subject property from R-3 (single family residential) to INST(CD) (institutional, conditional) to allow the development of 54 senior independent living units consisting of duplexes, multi-family style buildings and two condominium units. The approved plan included amenity areas, tree save areas, and proposed building elevations.

**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 14 new single family detached dwellings and one existing single family detached dwelling for a density of three units per acre.
  - Building elevations for the proposed structures.
  - Building materials consisting of brick, hardi-plank, cementitious board, architectural shingles, and stone veneer.
  - Proposed structures will have at least 30 percent masonry material.
  - Vinyl may not be a permitted as an exterior material expect for soffits and window trim.
  - Maximum building height of 48 feet.
  - Pedestrian scale lighting along internal private street. Detached lighting not to exceed 20 feet in height.
  - Internal private street with eight-foot planting strips and five-foot sidewalks.
  - Eight-foot planting strip and six-foot sidewalk provide along all public street frontages.
  - Eight-foot planting strip and five-foot sidewalk along the site's internal private street.
  - A note that pedestrian scale lighting will be placed no greater than 25 feet apart.
  - A gated vehicle entry from Sardis Road and Chevron Drive.
  - 30-foot class "C" buffer abutting R-3 (single-family) property.
  - 33 percent tree save for the entire site.
  - Tree save areas along the site's Sardis Road frontage.
  - Possible rain gardens for storm water detention.
  - A brick wall not to exceed five feet in height will be provided along the site's frontage on Chevron Drive.
- 
- **Public Plans and Policies**
    - *The South District Plan* (1993), as modified by petition 2011-033, recommends institutional for the subject property.
    - Prior to the previous rezoning in 2011, the *South District Plan* recommended single family residential at up to 3 dwelling units per acre for the subject property.
    - The petition is inconsistent with the *South District Plan*.

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

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

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

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

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

**OUTSTANDING ISSUES**

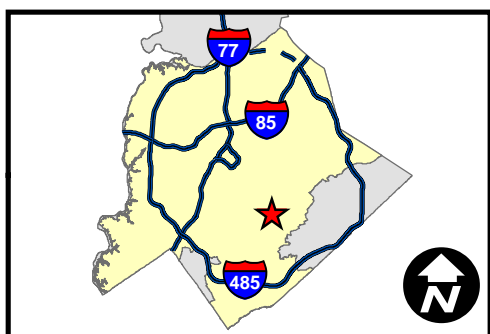
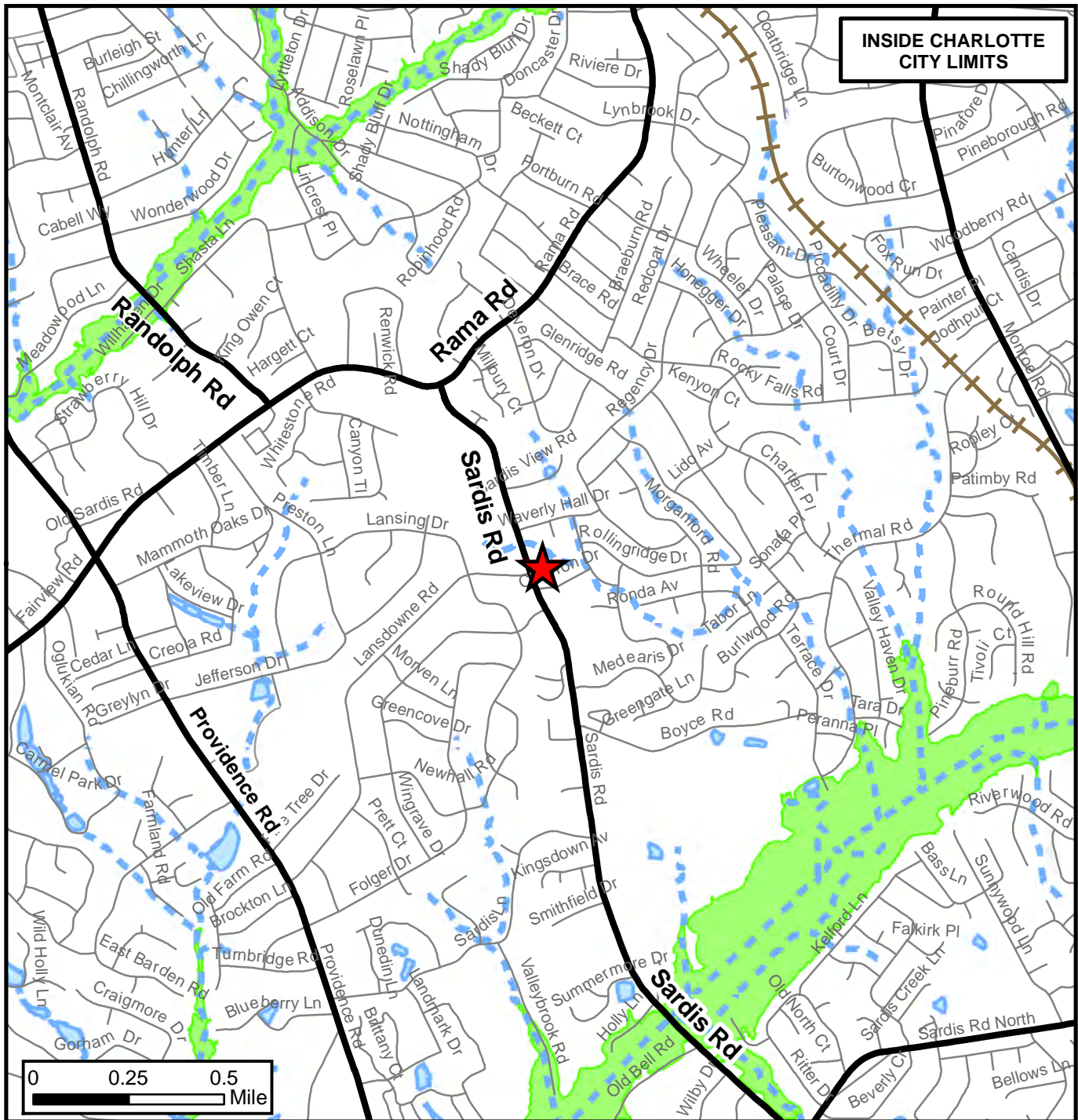
- No issues.
- 

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

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

**Planner:** Solomon Fortune (704) 336-8326

**Acreage & Location :** Approximately 5.05 acres located on the east side of Sardis Road between Waverly Hall Drive and Chevron Drive.



	<b>Rezoning Petition: 2014-040</b>
	Major Roads
	Collector Roads
	Charlotte City Limits
	FEMA flood plain
	Watershed
	Lakes and Ponds
	Creeks and Streams



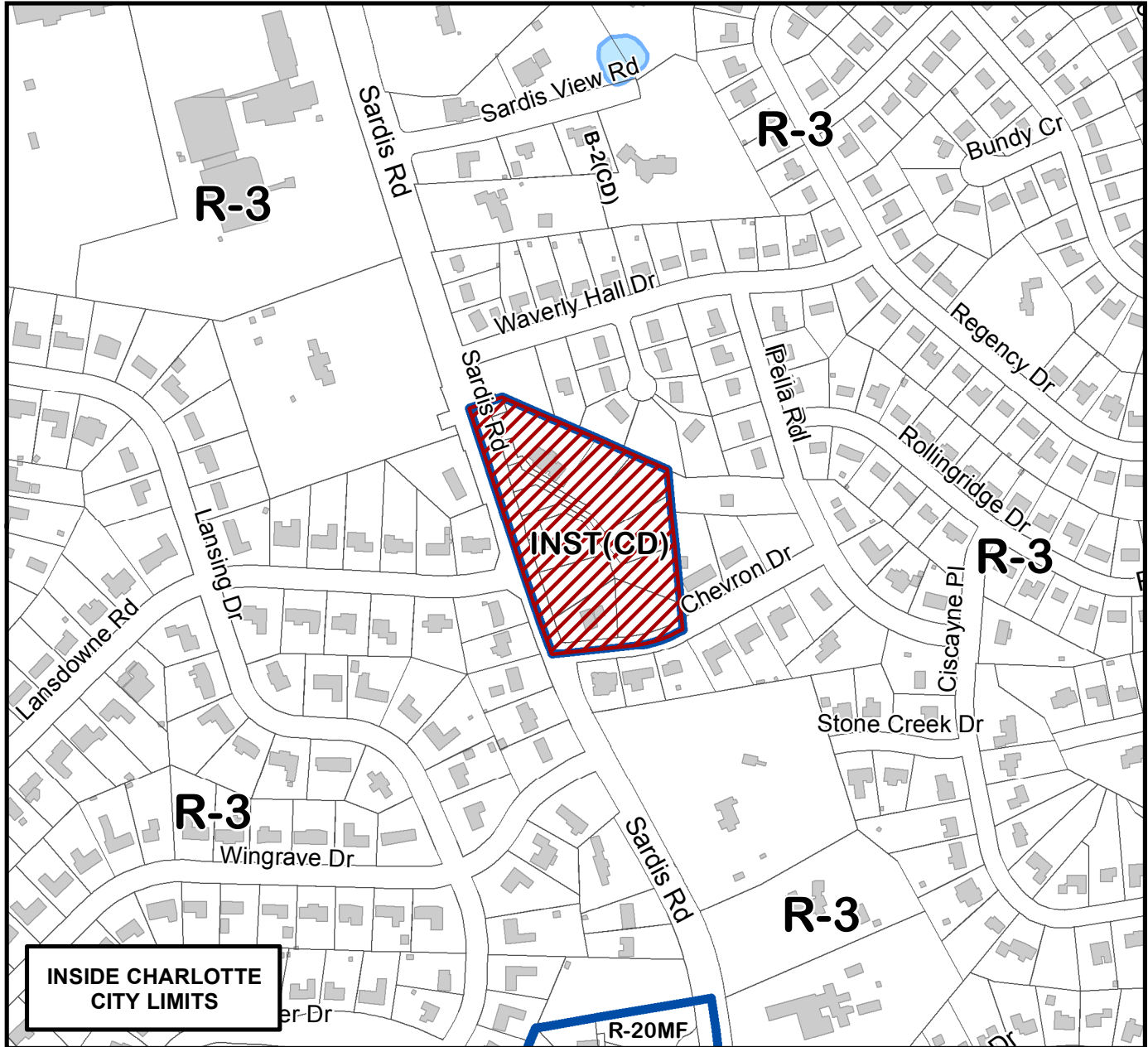
Petition #: **2014-040**

Petitioner: **Sardis Road Land Company, LLC**

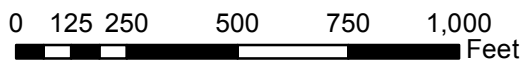
Zoning Classification (Existing): **INST(CD)**  
(Institutional, Conditional)

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

Acreage & Location: Approximately 5.05 acres located on the east side of Sardis Road between Waverly Hall Drive and Chevron Drive.

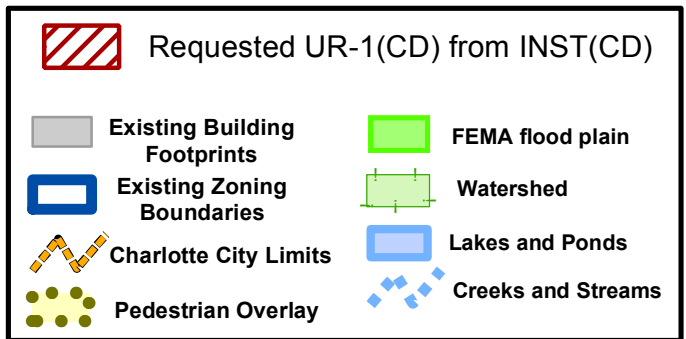


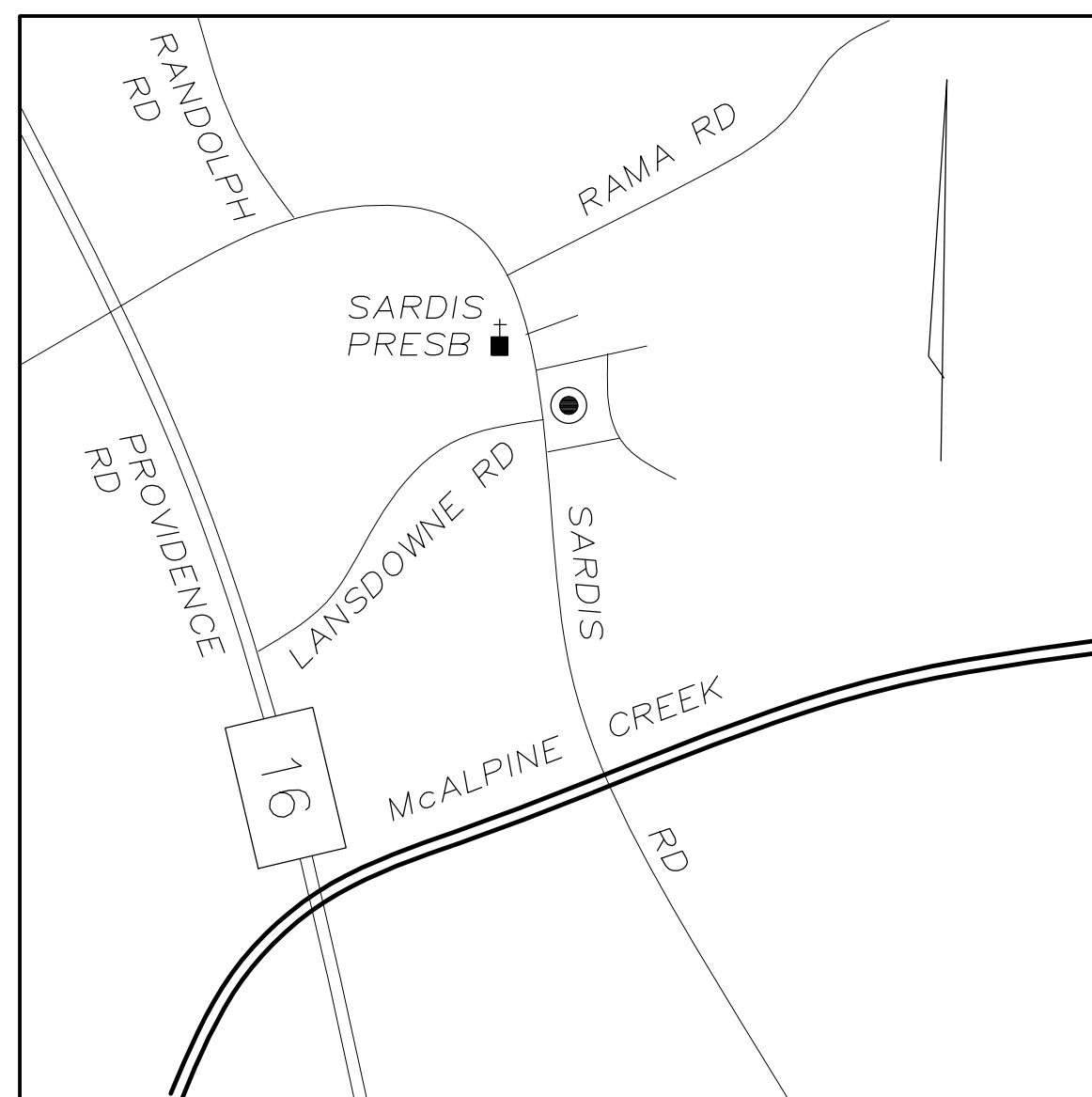
Map Produced by the Charlotte-Mecklenburg Planning Department, 4-15-14.



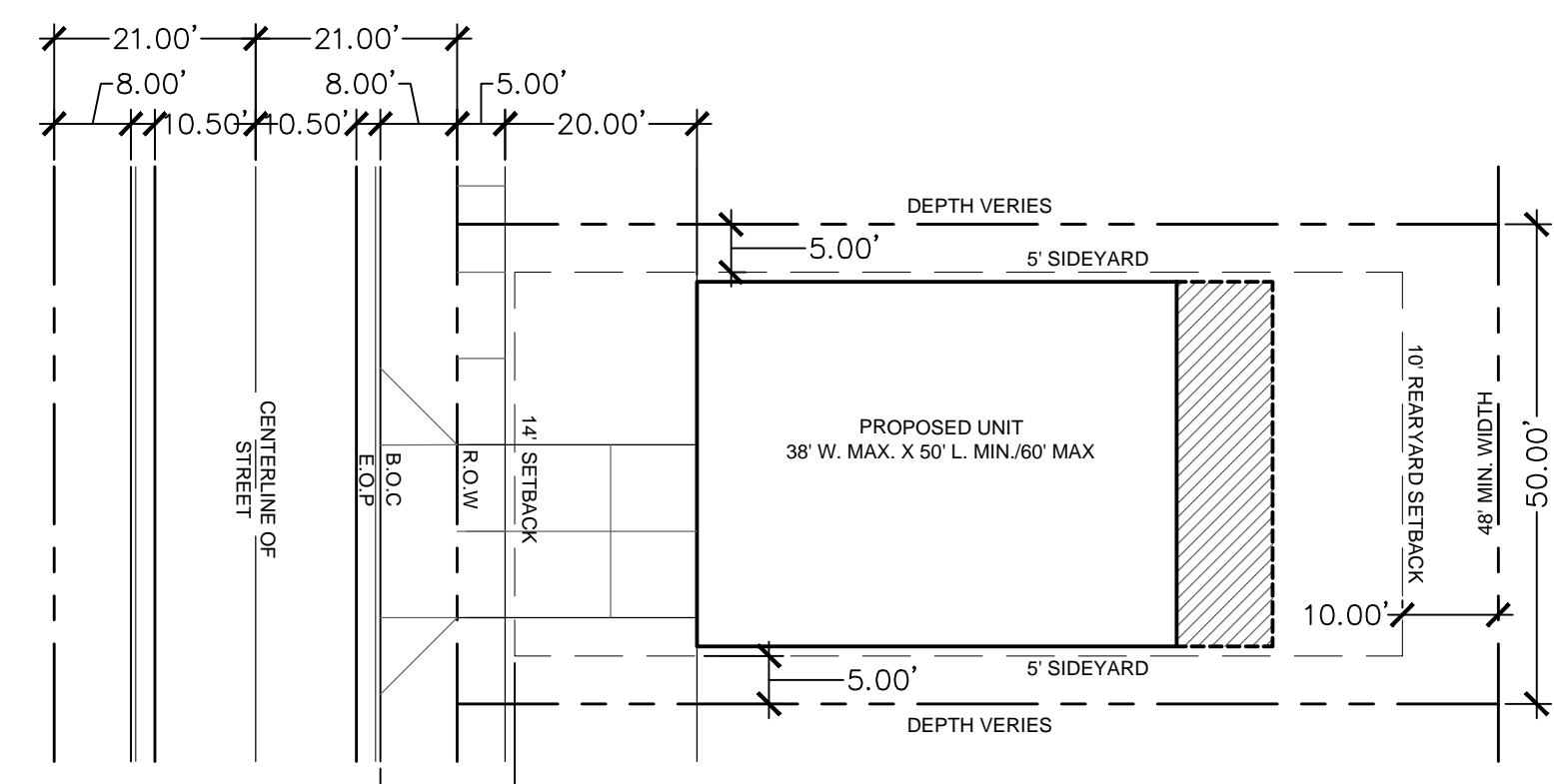
Zoning Map #(s)

**137**





VICINITY MAP



TYPICAL UNIT LOT LAYOUT

DEVELOPMENT DATA

TAX PARCEL ID #'S:	18914223, 18914224, 18914225, 18914226, 18914227, 18914228, 18914229, 18914230, & 18914231
ZONING JURISDICTION:	MECKLENBURG COUNTY
TOTAL SITE ACREAGE:	5.05 ACRES
PROPOSED UNITS:	15 UNITS
PROPOSED DENSITY:	3 UNITS/ACRE
ZONING:	
EXISTING ZONING:	INSTITUTIONAL(CD)
EXISTING USE:	SINGLE FAMILY RESIDANCE (EMPTY) & VACANT LAND
PROPOSED ZONING:	UR-1 (CD)
PROPOSED USE:	SINGLE FAMILY DETACHED

UR-1 DATA:

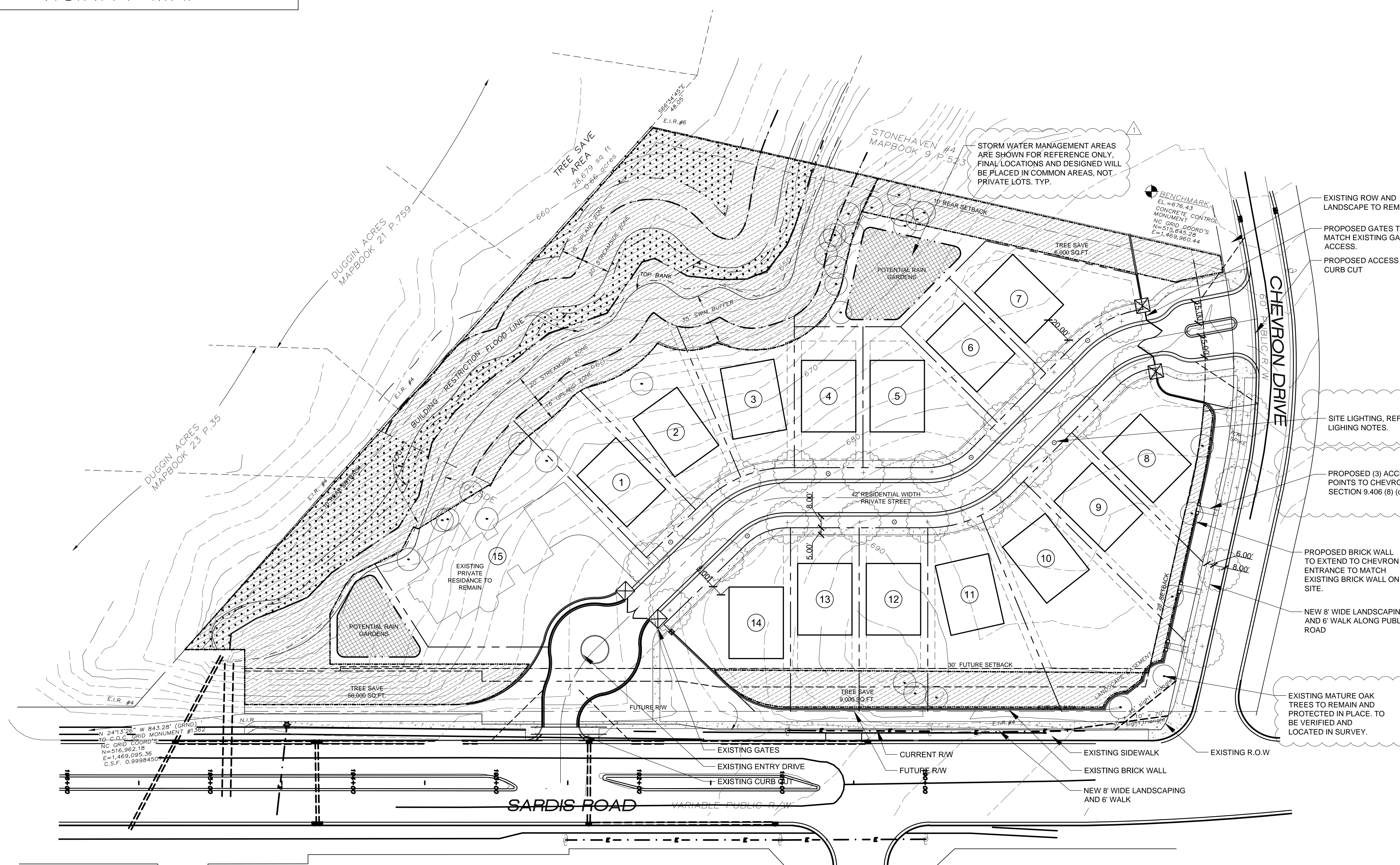
MIN. LOT SQ. FT.:	3,000
MIN. SETBACK :	14' **
MIN. SIDEYARD:	5'
MIN. REARYARD:	10'
MAX. BLDG HEIGHT:	48'
MIN. LOT WIDTH:	20'
**14' FROM BACK OF EXISTING OR PROPOSED CURB,	
WHICHEVER IS GREATER	

OPEN SPACE:

OPEN SPACE:	50 PERCENT
TREE SAVE AREA:	32 PERCENT
TOTAL TREE SAVE AREA:	71,000 SQ.FT.
TOTAL SITE AREA:	219,978 SQ.FT.

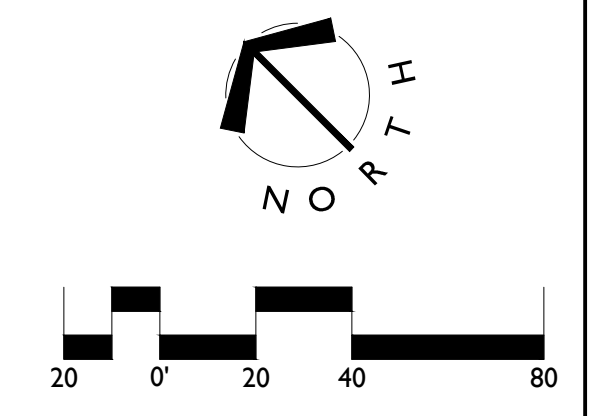
LEGEND:

- PROPOSED STREET TREES
- EXISTING TREES TO BE SAVED
- PROPOSED TREE SAVE AREA
- PROPOSED WATER QUALITY



EXISTING MATURE OAK TREES TO REMAIN AND PROTECTED IN PLACE. TO BE VERIFIED AND LOCATED IN SURVEY.

PETITION #: 2014-040  
CITY OF CHARLOTTE

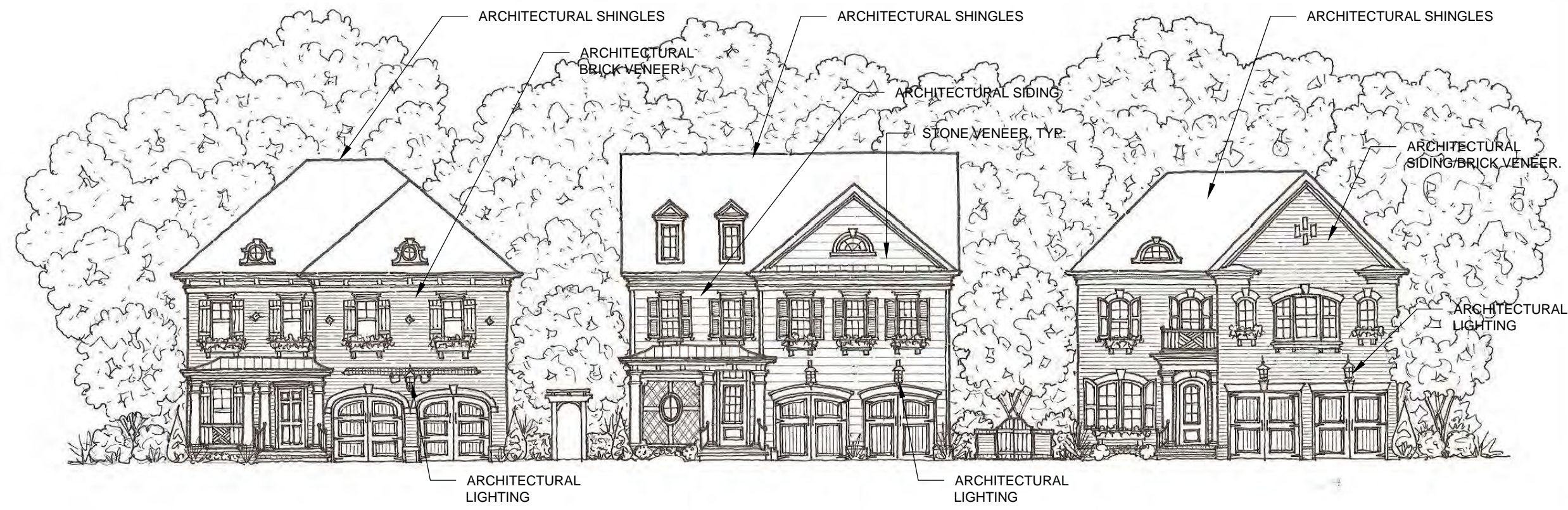


**REZONING - SHADY KNOLL**  
**SINGLE FAMILY RESIDENTIAL**  
 BLACKSTOWNE DEVELOPMENT; CHARLOTTE, NC  
 CITY OF CHARLOTTE REZONING 2014-040

REVISIONS:  
 DATE: 03/18/14  
 DESIGNED BY: LDB  
 DRAWN BY: LDB  
 CHECKED BY: RJP  
 SCALE: PER SHEET  
 PROJECT #: 1013311  
 SHEET #:

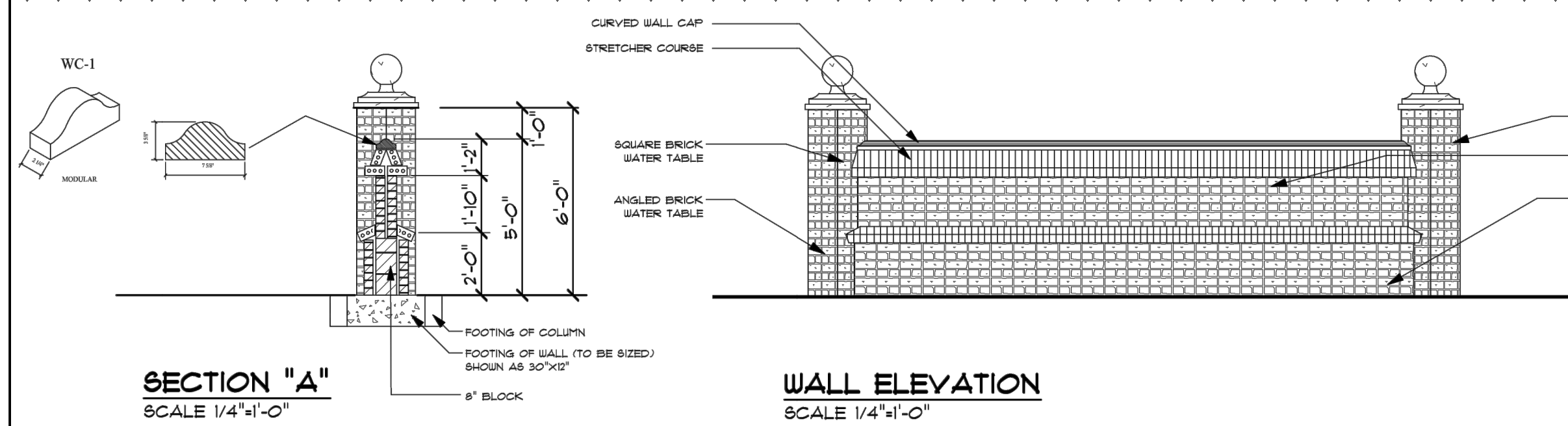
**RZ-1**

**LandDesign**  
 223 N Graham Street Charlotte, NC 28202  
 V: 704.333.0325 F: 704.332.3246  
 www.LandDesign.com



**Proposed Architectural Elevations**

**Proposed Architectural Elevations**



**Proposed & Existing Perimeter Wall Elevations**



**Existing Retaining Wall - N.T.S.**

**EXISTING SITE BRICK RETAINING WALL**

**General Provisions:**

These Development Standards form a part of the Rezoning Site Plan associated with the Rezoning Petition filed by Sardis Road Land Company, LLC to accommodate development of a single family development for sale and/or similar development on an approximately 5.05 acre site generally located eastern side of Sardis Road between Chevron Drive and Waverly Hall Drive (the "Site").

1. 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 UR-1 zoning district shall govern development taking place in the area designated UR-1 on the Rezoning Plan.
2. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, and other site elements set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan as well as schematic building elevations, if any, are graphic representations of the development and site elements proposed, 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. Changes to the Rezoning Plan not permitted by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.
3. The total number of principal buildings to be developed on the Site shall not exceed 15. Accessory buildings and structures located on the Site shall not exceed 20 on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located on the same lot or parcel as the accessory buildings.
4. The proposed internal street network and external street connections are generally shown on the Rezoning Plan. To allow flexibility in the specific design of the Site the extent of the internal street network and location of the external connections will be determined as part of the Subdivision review process at the time of the development of the Site.

**Permitted Uses:**

This site may only be devoted to single family residential community comprised of only 15 for sale single family detached units and related common area and amenities, and to any accessory uses that are permitted under the ordinance in the UR-1 zoning district.

**Access and Transportation Improvements:**

1. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of each vehicular access point 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.
2. As depicted on the Rezoning Plan the internal street shall be a private street that meets the standards of a residential wide street street type. Access into the Site may be controlled through the installation of gates at Sardis Road and Chevron Drive entrances to the Site. The gates shall be equipped with a "click to enter device" or similar approved by the City of Charlotte to ensure access for emergency vehicles and delivery vehicles. A turn around area for delivery vehicles is not provided since they will have the ability to drive through the Site through the use of the click to enter device or similar device.
3. The exact alignment of the proposed residential wide private street may be slightly altered during construction permitting process to maximize the preservation of trees and to improve the streets horizontal alignment.
4. Note not used.
5. Internal sidewalks and pedestrian connections shall be provide on the Site as generally depicted on the Rezoning Plan.
6. Note not used.
7. Sidewalk connections to Sardis Road and to Chevron Drive shall be provided as generally depicted on the Rezoning Plan.
8. Prior to obtaining the approval for this Site, the Petitioner shall dedicated and convey (by quitclaim deed and subject to reservation for any necessary utility easement) those portions of the Site immediately to Sardis Road as required to provide right of way measuring 50 feet from the existing centerline of Sardis Road id such right of way does not currently exist.

**Architectural Standards:**

1. Set out on sheet RZ-2 of the Rezoning Plan are schematic architectural renderings of the front elevations that are intended to depict the general conceptual architectural style and character of the front elevations of the proposed architecture. Changes will be allowed per section 6.207.
2. The primary exterior building materials for each residential unit to be constructed on the Site shall be brick, cementitious board, hardi-plank, architectural shingles, and stone veneer. Vinyl shall not be a permitted exterior building material, provided, however, that vinyl may be utilized on the soffits of the architecture to be constructed on site and vinyl windows may be installed on the architecture.

**Architectural Standards Cont:**

3. Each residential unit being constructed on the Site shall be comparable in appearance and quality through the use of similar building materials, architectural features and styles. More specifically, each style building will be constructed of brick or stone (30% minimum masonry) and cementitious board or hardi-plank, stucco, or synthetic stucco. Window styles, dormer styles and architectural shutters shall be similar in character to the conceptual architectural designs. Roofs will be architectural grade fiberglass shingles on a combination of hipped and gabled roofs. All facades facing facing Sardis Road or Chevron Drive will be articulated with a door, porch, and windows to match the inner facing front facades of these buildings.
4. The existing residential building is an existing brick building that will remain in place.
5. The maximum height of the architecture shall not exceed the set requirements set forth by the Ordinance of 48 feet in height.

**Streetscape, Buffers and Landscaping:**

4. Petitioner shall install a minimum 8 foot planting strip and a minimum 5 foot sidewalk along the Site frontage on Chevron Drive as generally depicted on the Rezoning Plan.
5. The street trees may be planted 40 feet on center on average.
6. A 30 foot Class C Buffer shall be established along the Site's northern and eastern boundary lines as depicted on the Rezoning Plan, which buffer shall conform to the standards of section 12.302 of the Ordinance. The width of this 30 foot Class C Buffer may not be reduced.
7. The height of the brick wall to be extended along the Site's frontage on Chevron Drive shall not exceed an average height of 5 feet.

**Environmental Features:**

1. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
2. In addition to the trees located within the tree save areas, the Petitioner shall preserve those trees designated on the Rezoning Plan for preservation. With respect to those trees located outside of the tree save areas and designated for preservation, the Petitioner shall engage a certified arborist to prepare and implement a tree protection and preservation plan for these trees, and a copy of the tree protection and preservation plan must be submitted to the Charlotte -Mecklenburg Planning Department prior to commencing any grading activities on the Site.
3. No detention areas will be allowed within any required buffer.
4. 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.

**Parks, Greenways, and Open Spaces:**

**Lighting:**

1. Pedestrian scale, freestanding lighting fixtures will be installed throughout the Site along the internal private street and drives. The pedestrian scale, freestanding lighting fixtures will be uniform in design, and the final spacing of such lighting fixtures shall be determined by the Petitioner. All such freestanding lighting fixtures shall be fully capped and shielded and the illumination downwardly direction so that direct illumination does not extend past any property line of the Site. Minimum spacing for light fixture shall not be less than 20' or exceed a maxium of 25 fixtures. All final lighting design & spacings shall be in accordance with the City of Charlotte lighting standards.
2. The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 20 feet.
3. Any detached and attached lighting will be fully shielded and downwardly directed.

**Binding Effects of the Rezoning, Documents and Definitions:**

1. If this Rezoning Petition is approved, all conditions applicable to 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 insure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
2. Throughout these Development Standards, the terms, "Petitioner" and "owner" or "owners" 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.

<b>REQUEST</b>	Current Zoning: I-1 (light industrial) Proposed Zoning: I-2(CD) (general industrial, conditional)
<b>LOCATION</b>	Approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road. (Council District 2 - Austin)
<b>SUMMARY OF PETITION</b>	The petition proposes an expansion of an existing building to allow a contractor's office and storage yard and all I-1 (light industrial) uses that are permitted in the I-2 (general industrial) district.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Dominion Investments Properties, LLC Dominion Investments Properties, LLC Walter Fields
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: None
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>Northeast District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Allen).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. A note has been added that all uses in the I-1 district along with contractor's office with outdoor storage shall be allowed.</li> <li>2. All the allowed uses have been placed in one section on the site plan.</li> <li>3. A note has been added that "freestanding light will be fully shielded and downwardly directed."</li> <li>4. Detached lighting has been limited to 20 feet in height.</li> <li>5. Transportation issue has been addressed with a note that CDOT will review the proposed location of the second proposed driveway along Pete Brown Road.</li> </ol>
------------------------------------	---

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

<b>ZONING COMMITTEE DISCUSSION</b>	Staff presented the petition to the Zoning Committee and indicated that all the outstanding issues had been addressed. A Commissioner asked staff about where the parking would be located on site and would it relieve the on-street parking. Staff stated that the petitioner provided an area on the site plan where off-street parking and outdoor storage will be allowed. Another Commissioner asked what type of screening would be required for the proposed outdoor storage area. Staff responded that the petitioner was providing a 58-foot buffer along the northern edge of the property as shown on the site plan. The petitioner also added a note that "the outdoor storage area would be screened with existing trees and shrubs and meet the Zoning Ordinance requirement for screening of outdoor storage area". There was no further discussion of this petition.
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**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Existing 3,600-square foot, two-story commercial structure and associated parking to remain.
- Possible area for future building expansion, outdoor storage, and parking.
- Landscaping and tree plantings to screen possible outdoor storage area.
- 58-foot Class "A" buffer along the northern property line.
- Allows a contractor's office and storage yard, and all I-1 (light industrial) uses permitted in the I-2 (general industrial) district.
- Detached lighting limited to 20 feet in height.
- A note that "freestanding lighting will be fully shielded and downwardly directed."
- Possible additional access point along the proposed Pete Brown Road realignment.

- **Public Plans and Policies**

- The *Northeast District Plan* (1996) recommends industrial uses at this location.
  - The petition is consistent 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 comments received.
  - **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**

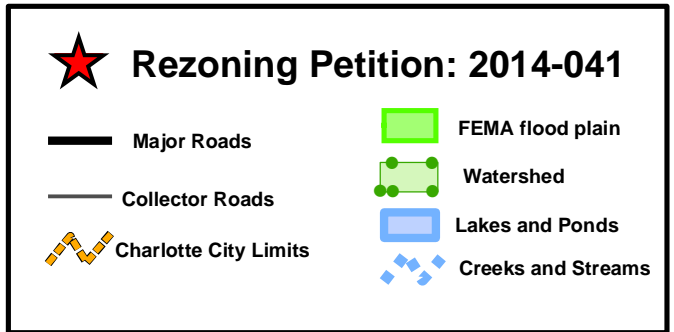
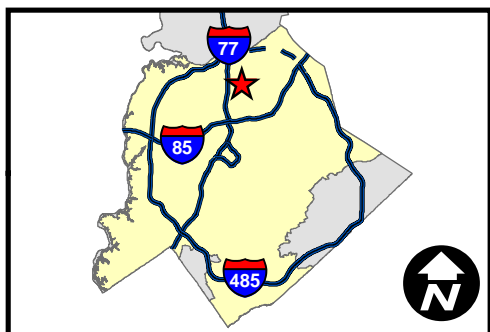
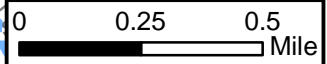
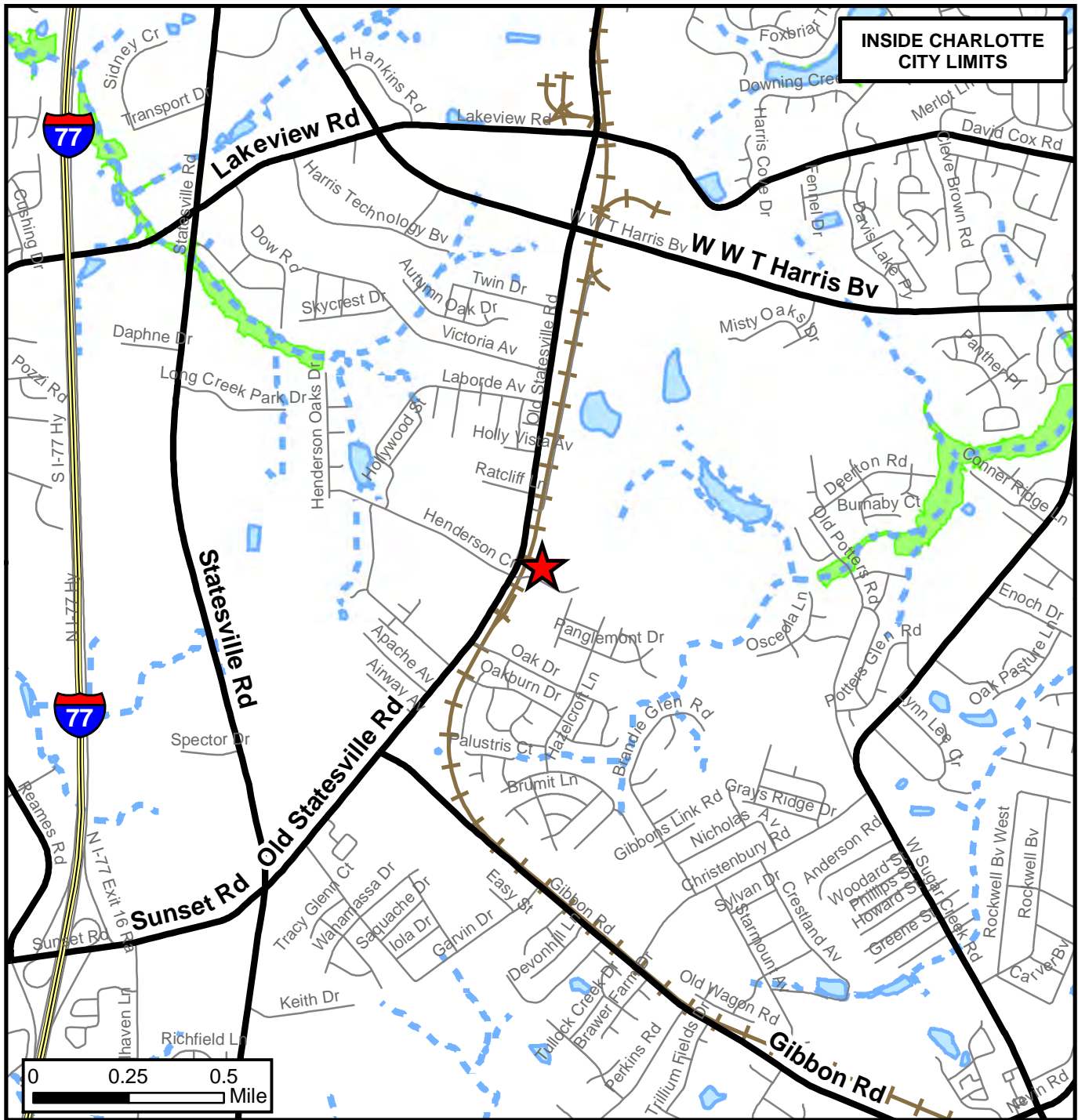
- No issues.
-

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

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

**Planner:** Solomon Fortune (704) 336-8326

**Acreage & Location :** Approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road.



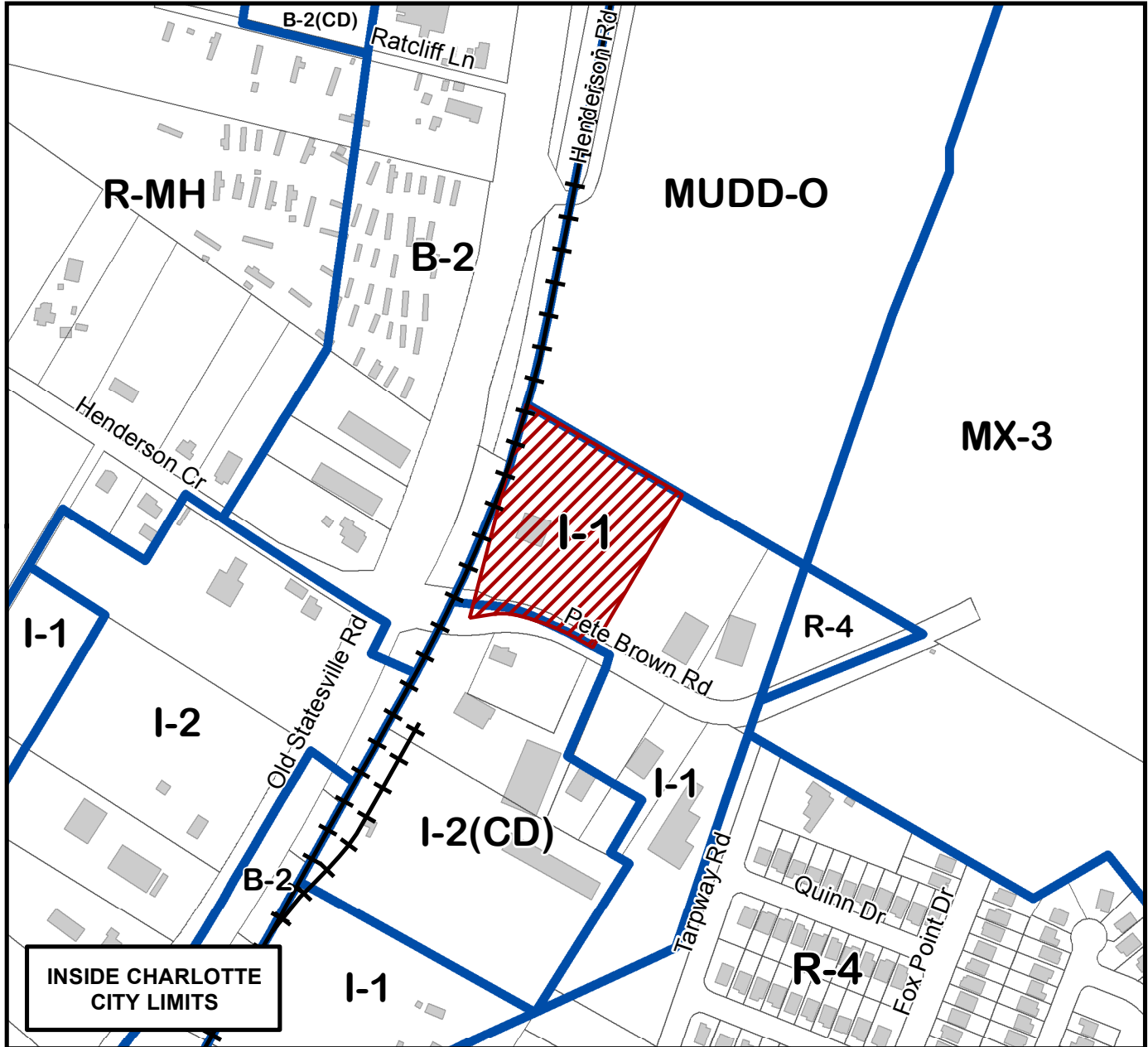
Petition #: **2014-041**

Petitioner: Dominion Investments Properties, LLC

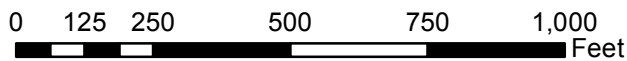
Zoning Classification (Existing): I-1  
(Light Industrial)

Zoning Classification (Requested): I-2(CD)  
(General Industrial, Conditional)

**Acreage & Location:** Approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road.

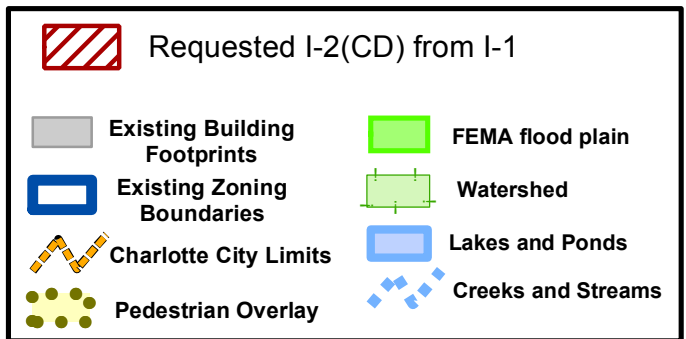


Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.

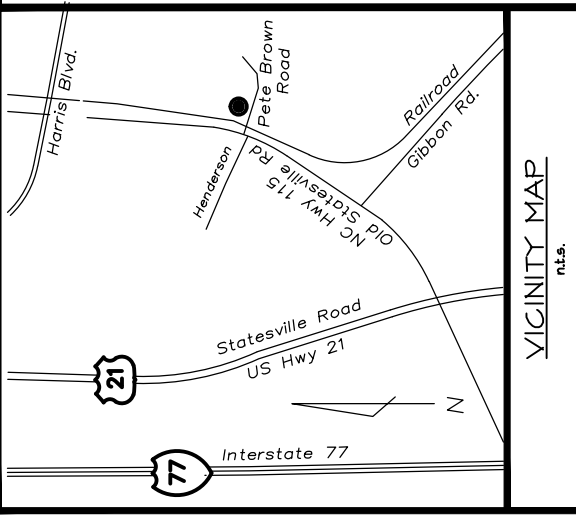


Zoning Map #(s)

**51**







Terresa L. Hawkins  
 RLA, ASLA, LEED-AP  
 21326 Bethel Church Road  
 Cornelius, NC  
 704-892-8625(p/f)  
 Land Planning • Landscape Architecture • Urban Design

NOT FOR  
 CONSTRUCTION

PROJECT: DALLAS | CONSTRUCTION  
 DOMINION INVESTMENTS PROPERTIES, LLC  
 4330 Pete Brown Road  
 Charlotte, NC  
 SHEET TITLE: CONDITIONAL REZONING SITE PLAN

Project No.	2014-04
Checked by:	TLH
Drawn by:	AFAK/TLH
Date:	03/24/2014
Revisions	
Δ	5/16/14 REVISED FOR PUBLIC HEARING
Δ	6/16/14 REVISED PER STAFF ANALYSIS

Sheet **RZ-1**

5/16/14  
 REVISED FOR PUBLIC HEARING  
 PETITION 14-041

Δ REVISED PER INITIAL STAFF REVIEW

Δ REVISED PER STAFF ANALYSIS

- DEVELOPMENT DATA:**
- TAX PARCEL ID# 043-06-201
  - TOTAL ACRES: 2.9274 ACRES
  - CURRENT ZONING: I-1 (LIGHT INDUSTRIAL)
  - PROPOSED ZONING: I-2 (GD) (GENERAL INDUSTRIAL/CONDITIONAL)
  - CURRENT LAND USE: CONTRACTOR OFFICE/ WAREHOUSE WITH OUTDOOR STORAGE
  - PROPOSED USE: SEE PERMITTED USES AS DESCRIBED BELOW
  - EXISTING AND FUTURE SQUARE FOOTAGE NOT TO EXCEED THE F.A.R. AS SET FORTH IN THE I-2 ZONING DISTRICT.
  - PROPERTY BOUNDARY AND TOPOGRAPHIC SURVEY AND FRONTAGE TREE SURVEY PROVIDED BY JACK R. CHRISTIAN & ASSOCIATES SURVEYORS DATED JUNE 16, 2001.
  - THE ALIGNMENT FOR PETE BROWN ROAD IS PER CITY OF CHARLOTTE CONSTRUCTION DOCUMENTS DATED 05/2013.

DALLAS CONSTRUCTION COMPANY  
 CONDITIONAL DEVELOPMENT STANDARDS

GENERAL PROVISIONS:

A. 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 DEVELOPMENT ON THE SITE. THE DEVELOPMENT DEPICTED ON THIS PLAN IS SUBJECT TO THE CITY OF CHARLOTTE'S ZONING ORDINANCE AND ANY AMENDMENTS THEREON. THE CITY OF CHARLOTTE RESERVES THE RIGHT TO MODIFY OR AMEND 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 SUBJECT TO THE ZONING ORDINANCE. DEVELOPMENT REQUIREMENTS IMPOSED BY THIS PLAN, UNLESS SPECIFICALLY NOTED TO THE CONTRARY, SHALL SUPERSEDE ANY 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.

THE PURPOSE OF THIS REZONING APPLICATION IS TO PROVIDE FOR THE CONTINUED USE OF AN INDUSTRIAL TRACT OF LAND FRONTING ON PETE BROWN ROAD IN THE I-2 DISTRICT AS A CONTRACTOR'S OFFICE AND STORAGE YARD. TO ACHIEVE THIS PURPOSE, THE APPLICATION SEEKS THE REZONING OF THE SITE TO THE I-2 DISTRICT AS A CONDITIONAL DISTRICT (I-2 (GD)).

PERMITTED USES:  
 THE SITE MAY BE USED FOR ANY USE THAT IS ALLOWED IN THE I-1 DISTRICT THAT IS ALLOWED IN THE I-2 DISTRICT AND FOR LIMITED USE IN THE I-2 DISTRICT AS A CONTRACTOR'S OFFICE AND STORAGE YARD. IN ADDITION, THE FOLLOWING USES WILL NOT BE ALLOWED ON THE SITE: ADULT ESTABLISHMENTS, ANY BUSINESS THAT SERVES, SELLS, DISTRIBUTES, OR GIVES AWAY ANY ALCOHOLIC BEVERAGE.

TRANSPORTATION:  
 A. THE SITE CURRENTLY HAS A FULL ACCESS CONNECTION TO PETE BROWN ROAD. THIS CONNECTION IS GENERALLY DEPICTED ON THE SITE PLAN. THE PETITIONER ALSO RESERVES THE RIGHT TO CONSTRUCT AN ADDITIONAL DRIVEWAY NEAR THE EASTERN SIDE OF THE DRIVEWAY, SUBJECT TO THE NORMAL CDDOT DRIVEWAY PERMITTING REVIEW.

B. PARKING AREAS ARE GENERALLY DEPICTED ON THE CONCEPT PLAN FOR THE SITE.  
 ARCHITECTURAL STANDARDS:  
 RESERVED

STREETSCAPE AND LANDSCAPING:  
 THE PETITIONER WILL INSTALL LANDSCAPE SCREENING THAT WILL COMPLY WITH THE ORDINANCE FOR OUTDOOR STORAGE ALONG THE FRONT OF THE SITE ALONG PETE BROWN ROAD. THIS LANDSCAPED AREA MAY INCLUDE EXISTING TREES AND VEGETATION AS WELL AS NEW TREES AND EVERGREEN SHRUBBERY.

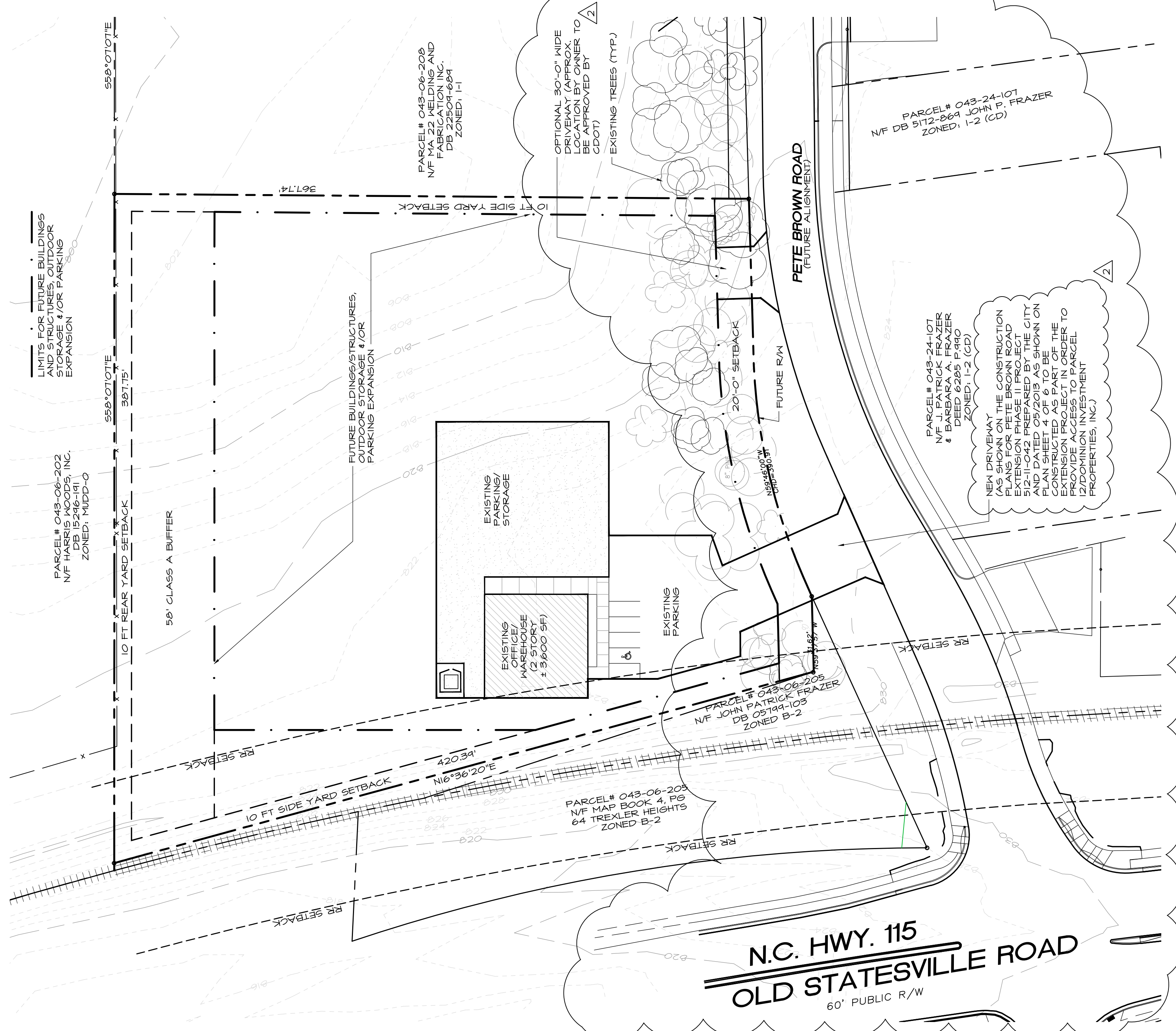
ENVIRONMENTAL FEATURES:  
 RESERVED  
 PARKS, GREENWAYS AND OPEN SPACE:  
 RESERVED

FIRE PROTECTION  
 RESERVED  
 SIGNAGE:  
 RESERVED

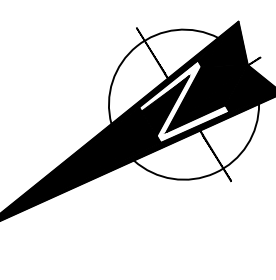
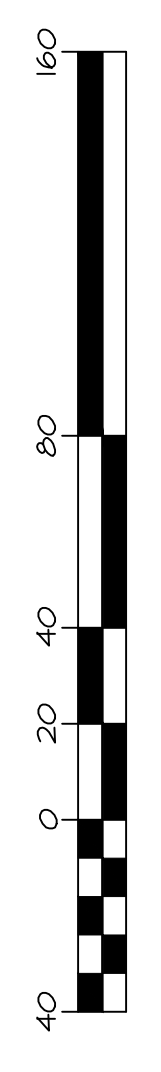
LIGHTING:  
 FREESTANDING LIGHTS WILL BE FULLY SHIELDED AND DOWNWARDLY DIRECTED. ALL NEW DETACHED LIGHTING INSTALLED ON THE SITE WILL BE LIMITED TO 20' IN HEIGHT.

ETIASING:  
 RESERVED

INITIAL SUBMISSION- 3-24-14  
 REVISED PER STAFF COMMENTS- 5-16-14  
 REVISED PER STAFF ANALYSIS- 6-16-14



RE-ZONING  
 SITE PLAN  
 SCALE: 1"=40'-0"



<b>REQUEST</b>	Current Zoning: CC (commercial center) Proposed Zoning: CC SPA (commercial center, site plan amendment)
<b>LOCATION</b>	Approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road. (Council District 7 - Driggs)
<b>SUMMARY OF PETITION</b>	The petition proposes a 40-room expansion to an existing hotel, for a total of 164 hotel rooms.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	SREE Hotels, LLC Parag Patel, CFO Peter Tatge, ESP Associates
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Allen).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Amended legend and site development data to reflect the rezone area as 5.5 acres and delineated the 1.35 acre area of proposed expansion.</li> <li>2. Amended boundaries of development to reflect entire 5.5 acres. Delineated area of proposed expansion with the boundary.</li> <li>3. Addressed Charlotte-Mecklenburg Storm Water Services comments by removing Note 7B and replacing it with the following "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance." Removed the note stating "area subject to PCCO storm water regulations" on sheet RZ-3.</li> </ol>
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<b>VOTE</b>	<table border="0"> <tr> <td>Motion/Second:</td> <td>Nelson/Eschert</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Eschert, Nelson, Ryan, and Sullivan,</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Labovitz and Walker</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Nelson/Eschert	Yeas:	Dodson, Eschert, Nelson, Ryan, and Sullivan,	Nays:	None	Absent:	Labovitz and Walker	Recused:	None
Motion/Second:	Nelson/Eschert										
Yeas:	Dodson, Eschert, Nelson, Ryan, and Sullivan,										
Nays:	None										
Absent:	Labovitz and Walker										
Recused:	None										

**ZONING COMMITTEE DISCUSSION** Staff provided an update of the petition and noted that the outstanding issues had been resolved and the petition was consistent with the *South District Plan*. There was no further discussion of this request.

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

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

**PLANNING STAFF REVIEW**

- **Background**

- The subject property was part of a larger rezoning in 1999 for the Toringdon development, Petition 1999-88, that rezoned 172 acres on the east and west corners of the intersection of Johnston Road and Interstate 485 from R-3 (single family residential) to CC (commercial center). The rezoning allowed a mixed use development with office, retail, a 120-room hotel and residential uses, and provided a 75-foot Class "B" buffer abutting all residential zoning and/or use.

- **Proposed Request Details**

The site plan amendment contains the following changes:

- A five-story building addition to allow 40 hotel rooms, for a total of 164 hotel rooms.
- Relocation of the existing driveway on Johnston Road.
- A 51-foot Class "B" buffer reduced by 25 percent to 38.25 feet, with the installation of a six-foot tall wooden fence, as allowed per the Ordinance.
- Architecture to match that of the existing 124-room, five-story hotel facility.

- **Public Plans and Policies**

- The *South District Plan* (1993), as amended by the previous rezoning, recommends mixed use residential, office, and retail uses on the subject property.
  - 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 comments received.
  - **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**

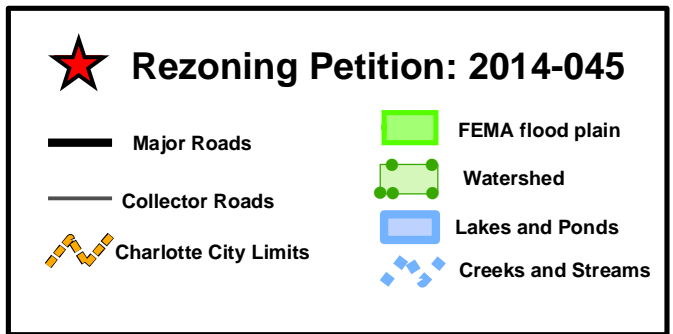
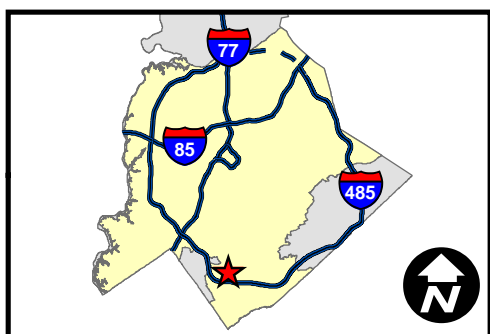
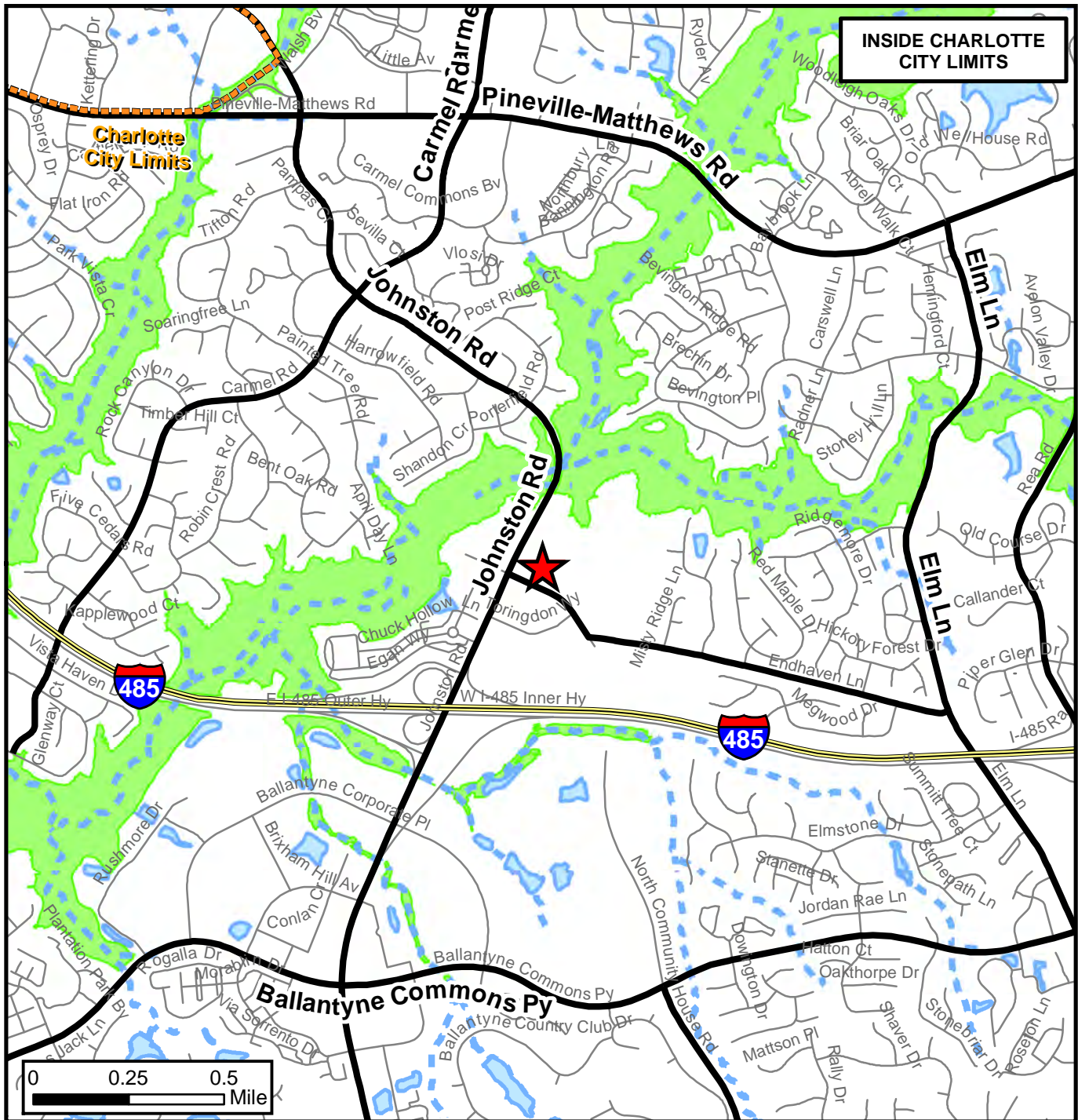
- No issues.
-

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

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

**Planner:** Sonja Sanders (704) 336-8327

**Acreage & Location :** Approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road.



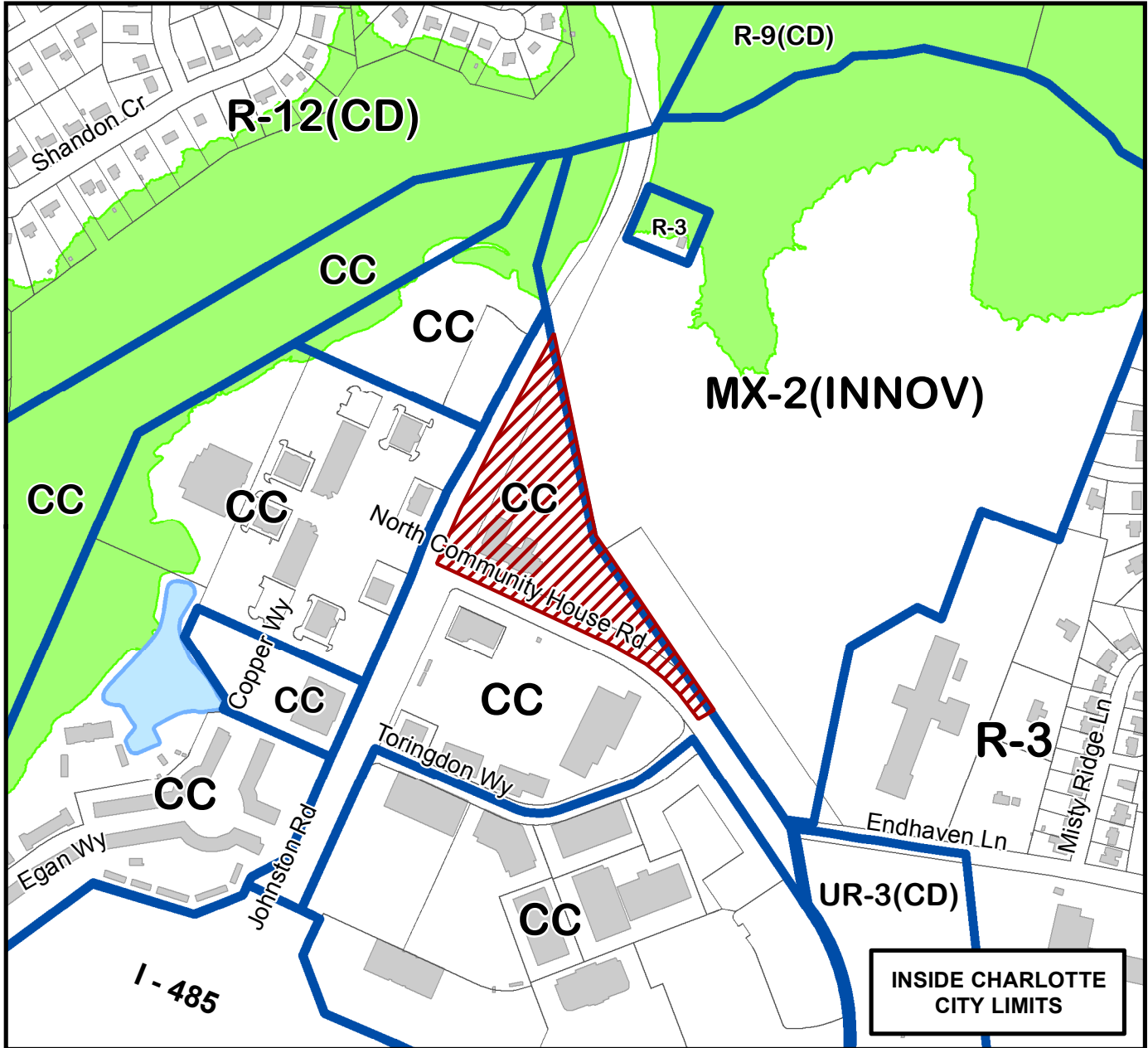
Petition #: **2014-045**

Petitioner: **Parag Patel, CFO**

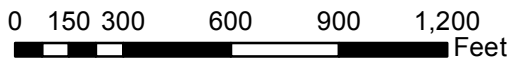
Zoning Classification (Existing): **CC**  
(Commercial Center)

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

Acreage & Location: Approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road.

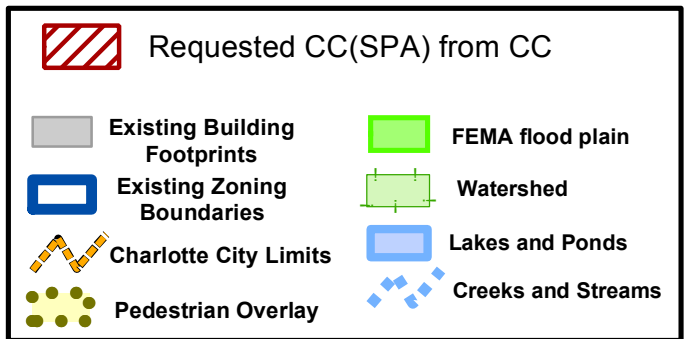


Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.



Zoning Map #(s)

**176**



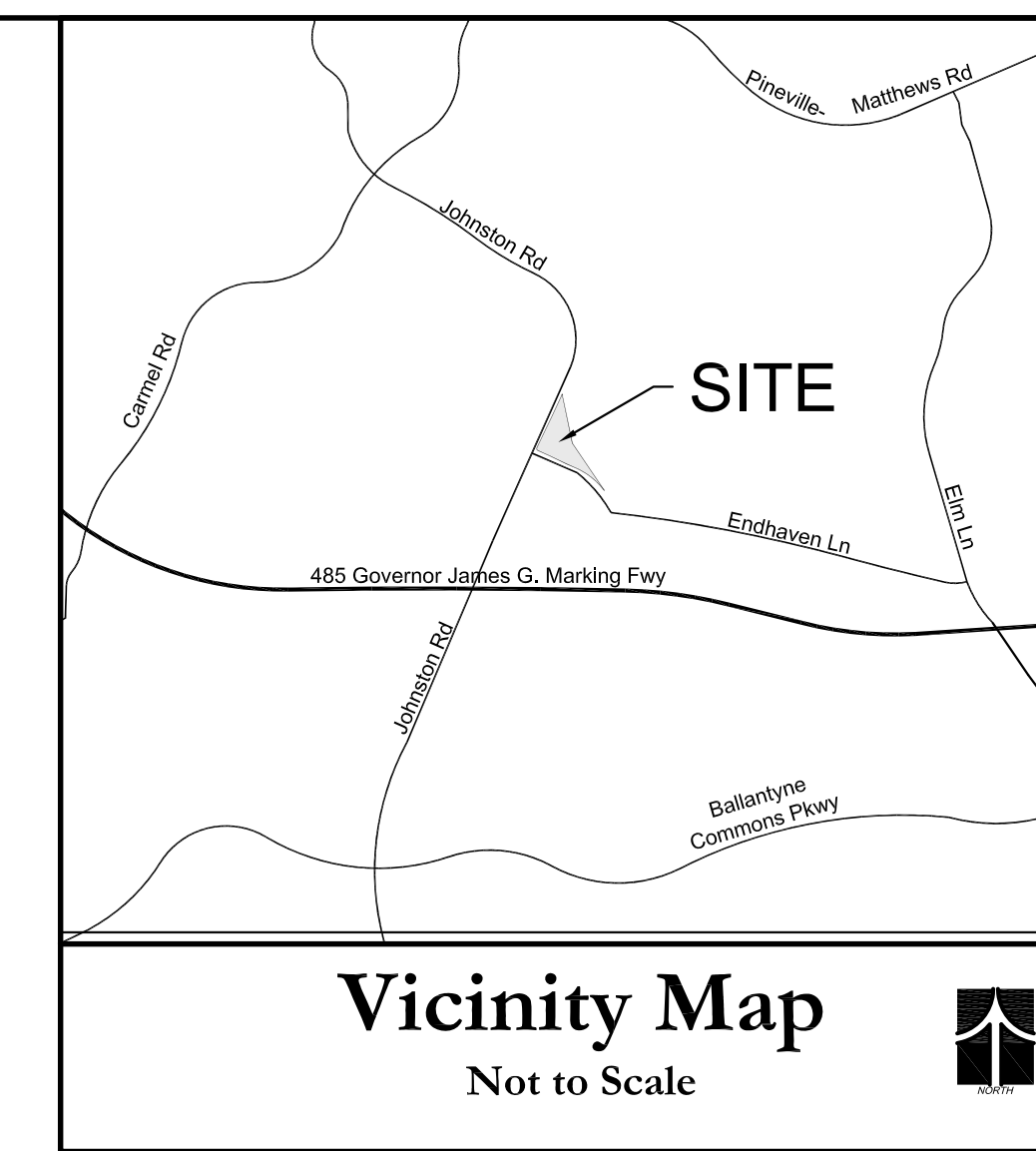
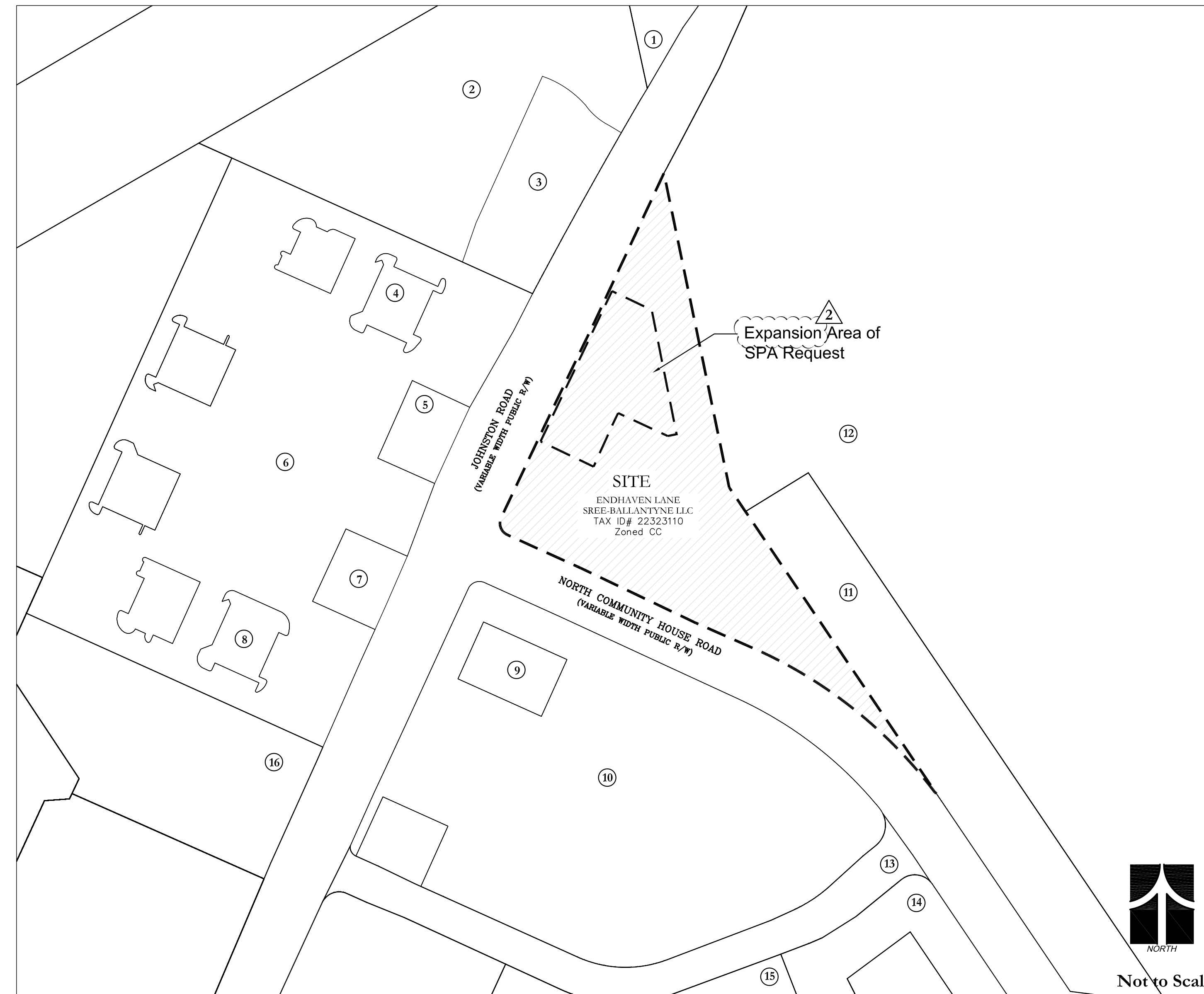
# Spring Hill Suites Hotel Site

Charlotte, NC

## List of Adjacent Property Owners:

1. JOHNSTON ROAD  
PIN# 22323152  
CITY OF CHARLOTTE  
ZONED MX-2(INNOV)
2. JOHNSTON ROAD  
TARA OF BALLANTYNE LLC  
PIN# 22323172  
ZONED CC
3. ANCHOR TORINGDON  
SHOPPES LLC, C/O  
ANCHOR PROPERTIES, INC.  
PIN# 22323147  
ZONED CC
4. 12105 COPPER WAY  
% DIANE BAGKETT CO  
TORINGDON PARTNERS, LLC  
PIN# 22323151  
ZONED CC
5. 12330 JOHNSTON ROAD  
RUBY TUESDAY, INC  
PIN# 22323150  
ZONED CC
6. 12206 COPPER WAY  
STREETS OF TORINGDONG, LLC  
PIN# 22323146  
ZONED CC
7. 12410 JOHNSTON ROAD  
STICKY TORINGDON, LLC  
C/O CHAD WALDORF  
PIN# 22323149  
ZONED CC
8. 12311 COPPER WAY  
% DIANE BAGKETT CO  
TORINGDON PARTNERS, LLC  
PIN# 22323148  
ZONED CC
9. 12335 NORTH COMMUNITY HOUSE ROAD  
FAMILY JEWELRY STORE, LLC  
PIN# 22323143  
ZONED CC
10. 12235 NORTH COMMUNITY HOUSE ROAD  
KRG TORINGDON MARKET, LLC  
C/O KITE REALTY GROUP  
PIN# 22323109  
ZONED CC
11. 7100 ENDAHVEN LANE  
CATHOLIC DIOCESE OF ROMAN CHLT THE  
PIN# 22348103  
ZONED MX-2(INNOV) & R-3
12. 7000 ENDAHVEN LANE  
CHLT THE ROMAN CATHOLIC DIOCESE OF  
PIN# 22348101  
ZONED MX-2(INNOV) & R-3
13. TORINGDON WAY  
OWNERS ASSOC INC TORINGDON PROPERTY  
C/O CASSIDY TURLEY  
PIN# 22323139  
ZONED CC
14. TORINGDON WAY  
TORINGDON FUTURE DEVELOPMENT LLC  
C/O TRINITY CAPITAL ADVISORS  
PIN# 22323161  
ZONED CC
- \*15. 3440 TORINGDON WAY  
GCCF 2007-GGP OFFICE 3440 LLC  
C/O LNR PARTNERS LLC  
PIN# 22323154  
ZONED CC
- \*16. JOHNSTON ROAD  
REALTY INCOME PROPERTIES 25 LL  
PIN# 22323144  
ZONED CC

\* Additional names provided by City of Charlotte.



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## PROJECT

# SPRING HILL SUITES HOTEL SITE

## SHEET TITLE

# Cover Sheet

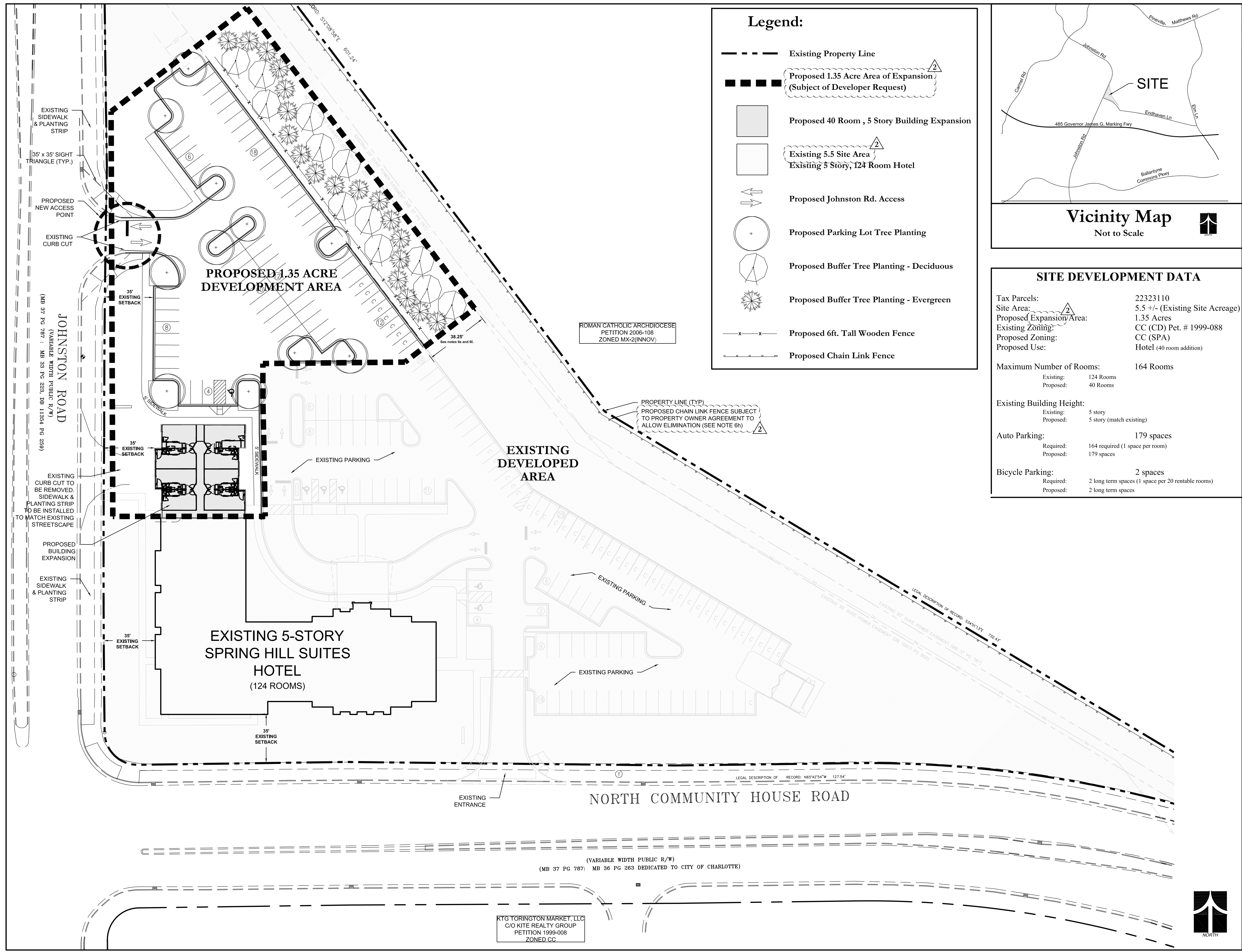
PROJECT LOCATION **Charlotte, North Carolina**

PROJECT NO	<b>CN24.100</b>		
DRAWING	<b>CN24 - Sree Hotel SPA</b>		
DATE	<b>03-24-2014</b>		
DRAWN BY	<b>CML/GW</b>		
CHECKED BY	<b>PT</b>		
AGENCY / SUBMITTAL REVISION			
NO.	DATE	BY	REVISION
01	05/13/14	GW	staff comments
02	06/20/14	GW	staff comments/ staff analysis 06-16-14

### Index of Sheets:

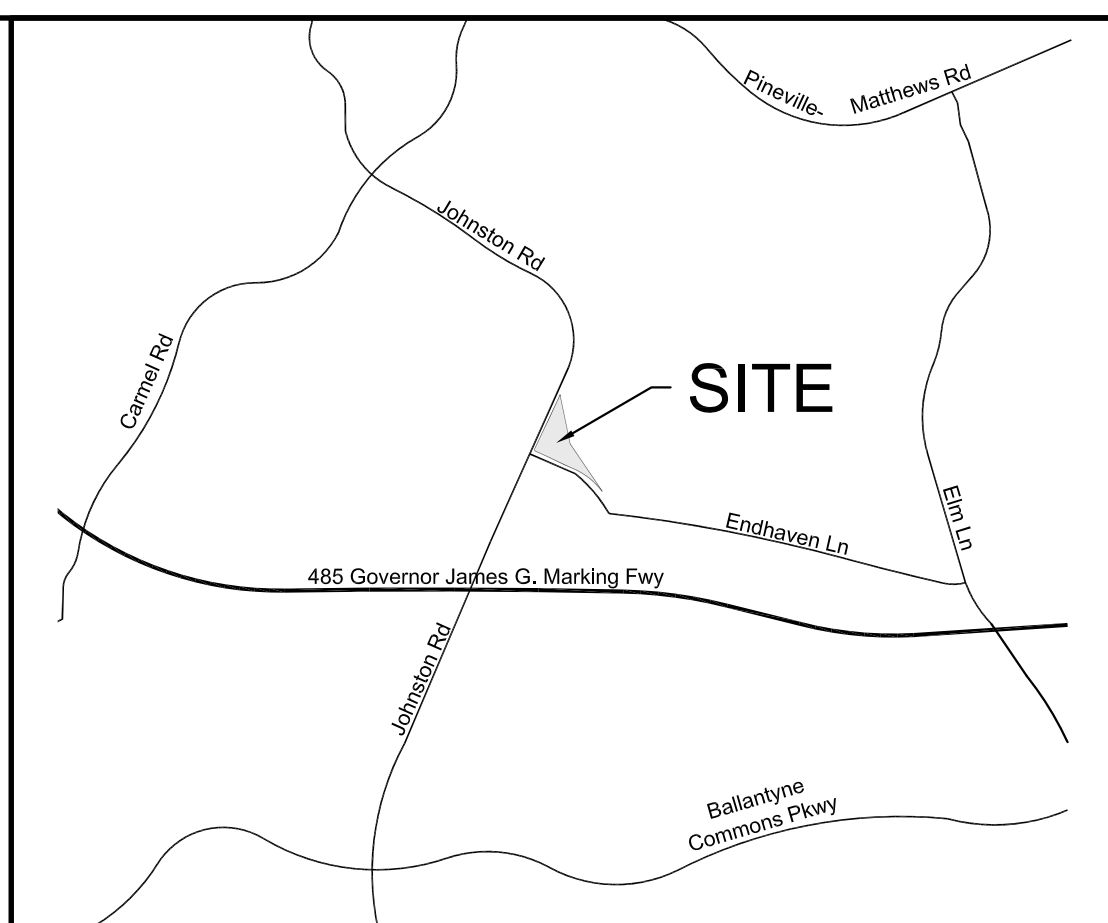
DESCRIPTION	Sheet No:
Cover Sheet	RZ.1
Schematic Site Plan	RZ.2
Technical Data & Development Standards	RZ.3
Diagrammatic Rendering	RZ.4
Proposed Building Elevations (East/West)	RZ.5

**Petition 2014-045**  
**"For Public Hearing"**



**Legend:**

- Existing Property Line
- Proposed 1.35 Acre Area of Expansion (Subject of Developer Request)
- Proposed 40 Room, 5 Story Building Expansion
- Existing 5.5 Site Area
- Proposed Johnston Rd. Access
- Proposed Parking Lot Tree Planting
- Proposed Buffer Tree Planting - Deciduous
- Proposed Buffer Tree Planting - Evergreen
- Proposed 6ft. Tall Wooden Fence
- Proposed Chain Link Fence



**SITE DEVELOPMENT DATA**

Tax Parcels:	22323110
Site Area:	5.5 +/- (Existing Site Acreage)
Proposed Expansion Area:	1.35 Acres
Existing Zoning:	CC (CD) Pet. # 1999-088
Proposed Zoning:	CC (SPA)
Proposed Use:	Hotel (40 room addition)
<b>Maximum Number of Rooms:</b>	<b>164 Rooms</b>
Existing:	124 Rooms
Proposed:	40 Rooms
<b>Existing Building Height:</b>	<b>5 story</b>
Existing:	5 story
Proposed:	5 story (match existing)
<b>Auto Parking:</b>	<b>179 spaces</b>
Required:	164 required (1 space per room)
Proposed:	179 spaces
<b>Bicycle Parking:</b>	<b>2 spaces</b>
Required:	2 long term spaces (1 space per 20 rentable rooms)
Proposed:	2 long term spaces



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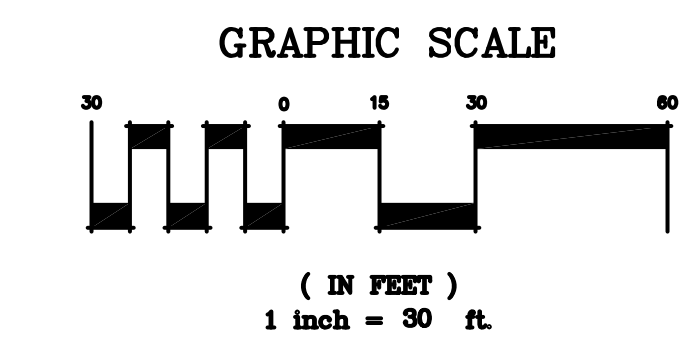
**SREE HOTELS**  
 SREE Hotels, LLC  
 5113 Piper Station Drive Suite 300 Charlotte, NC 28277

**SPRING HILL SUITES HOTEL SITE**

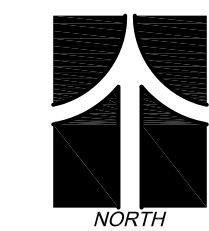
**Schematic Site Plan**

Petition 2014-045  
 "For Public Hearing"

PROJECT LOCATION **Charlotte, North Carolina**



PROJECT NO	CN24.100			
DRAWING	CN24 - Sree Hotel SPA			
DATE	03-24-2014			
DRAWN BY	CML/GW			
CHECKED BY	PT			
AGENCY / SUBMITTAL REVISION	NO.	DATE	BY	REVISION
	01	05/13/14	GW	Staff Comments
	02	06/20/14	GW	staff comments/ staff analysis 06-16-14





# DEVELOPMENT STANDARDS

Rezoning Petition No. 2014-045  
 Site Plan Amendment to Petition # 1999-088  
 Development Standards  
 3/24/14

## 1. General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Schematic Site Plan Amendment filed by SREE Hotels, LLC to modify the Development Standards established by Rezoning Petition No. 1998-088 in order to accommodate development of an approximate +/- 1.35 acre area located within an existing developed +/- 5.5 acre hotel site as depicted on the Technical Data Sheet (the "Site").

Development of the approximate +/- 1.35 acre Site will be governed by the accompanying Technical Data Sheet, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").

Except as otherwise provided under the provisions set forth under the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the City of Charlotte Zoning District shall govern all development taking place on the Site.

The 1.35 Acre Proposed Development Area depicted on the Technical Data Sheet is intended to reflect the arrangement of the maximum building expansion area proposed as part of this Site Plan Amendment within this area of the Site. Subsequently, modifications to existing on site vehicular circulation and relocation of the existing right in/right out entrance along Johnston Road is also proposed as part of this site plan amendment request.

Alterations to the conditional site plan are subject to Section 6.207 of the Ordinance.

## 2. Permitted Uses

a) Subject to the Development provisions set forth under Rezoning Petition 1998-088, uses allowed on the property shall be a maximum of 164 hotel rooms on the entire tax parcel 22323110 (124 existing and 40 proposed) along with those devoted to the operation of a hotel, and any existing or proposed incidental or accessory uses associated therewith which are permitted by right or under prescribed conditions in the City of Charlotte CC Zoning District.

## 3. Maximum Development

The maximum number of units (hotel rooms) allowed on tax parcel 22323100 will be 164 (124 existing and 40 new proposed hotel rooms).

## 4. Transportation

- The site will continue to have 1 existing entrance along North Community House Road and 1 entrance (to be relocated) along Johnston Road.
- Surface parking areas will be as generally depicted within the Proposed 1.35 Acre Development Area as illustrated on the Schematic Site Plan, along with modifications to vehicular circulation, parking spaces, and landscape islands in the existing development area in order to accommodate transitions between the proposed and existing parking lot.
- The proposed driveway connection to Johnston Road will require a driveway permit to be submitted to CDOT 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 location of the driveway shown on the Schematic Site Plan is subject to change in order to comply with City Driveway Regulations and the City Tree Ordinance.
- All proposed commercial driveway connections to a future public street will require a driveway permit to be submitted to CDOT for review and approval.
- Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way will require a certificate issued by CDOT.
- A Right-of-Way Encroachment Agreement will be required for the installation of any non-standard item(s) (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 item(s).

## 5. Architectural Standards

- The intent of the Hotel expansion is to match existing Architecture of the existing built 124 room, 5 story Hotel facility. A Diagrammatic Architectural Elevation of this proposed building expansion is provided as part of the Site Plan Amendment package illustrated on Sheets RZ.4 and RZ.5.
- All building materials, colors, and architectural design shall match the existing Spring Hill Suites Hotel facility.
- All roof mounted mechanical equipment within the proposed building expansion will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

## 6. Streetscape and Landscaping

- Internal areas of the Site within the Proposed 1.35 Acre Development Area will be landscaped in accordance with the requirements of the Ordinance.
- Screening and landscaping for the Proposed 1.35 Acre Development Area shall conform to the standards of the Ordinance.
- Meter boxes, back flow preventers, and similar items will be screened from public view.
- Except as otherwise provided in these Development Standards, 5' wide sidewalks within the Proposed 1.35 Acre Development Area will connect to the existing sidewalk and planting strip area along Johnston Road. No further changes or modifications to the existing streetscape along Johnston Road and/or North Community House Road are anticipated, except those required to connect the internal private sidewalk to the public sidewalk system, notwithstanding the proposed sidewalk and planting strip that will be installed to match the existing streetscape along Johnston Road where the existing curb cut will be removed to support the proposed hotel expansion.
- To meet the intent of the Buffer section of the Zoning Ordinance, the petitioner proposes to install a thirty-eight foot and 3 inch (38.25') wide landscape planting area along the newly installed parking area located within the existing 75' area along the eastern property line within the Proposed 1.35 Acre Development Area.
- Petitioner proposes to install a 6' high wooden fence within the proposed buffer to allow a 25% reduction in width, per section 12.302(b) to allow a 38.25' wide buffer area as illustrated in the Proposed Conceptual Buffer Planting Detail.
- Landscaping within this area shall be installed as follows:
  - Large maturing shade trees - min. 2 1/2 inch caliper, planted at nine (9) per 100 linear foot of buffer area.
  - Evergreen trees, min 6' high, planted at three (3) per 100 linear foot of buffer area.
  - Shrubs to be omitted since 6' high opaque fence is being installed.
- Landscaping shall be arranged within the planting area as illustrated in the Proposed Conceptual Buffer Planting Detail as shown below.
- Petitioner will install a chain link security fence along the rear of the site to separate the hotel site from property owned by the Catholic Diocese of Charlotte, per Petition #1999-088, note 27, unless a letter agreement between the two (2) property owners for parcel ID numbers 22348103 and 22348101 and Spring Hill Suites Hotel (parcel ID number 22323110 is consummated which stipulates that the chain link fence should not be installed. If such a letter from the adjoining property owner is provided to the City, it is agreed that the chain link fence will not be required.
- Applicant may utilize existing vegetation located along the eastern property line to satisfy the landscape buffer planting requirements provided that existing vegetation is approved by the landscape inspector and consists of species listed on the City's approved plant list.

## 7. Environmental Features

- Tree Save: Existing trees will be preserved within required 50' areas along existing rights-of-way.
- PCCO - The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- PCCO - 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.

## 8. Signage

All proposed signage shall meet the requirements of the Ordinance.

## 9. Lighting

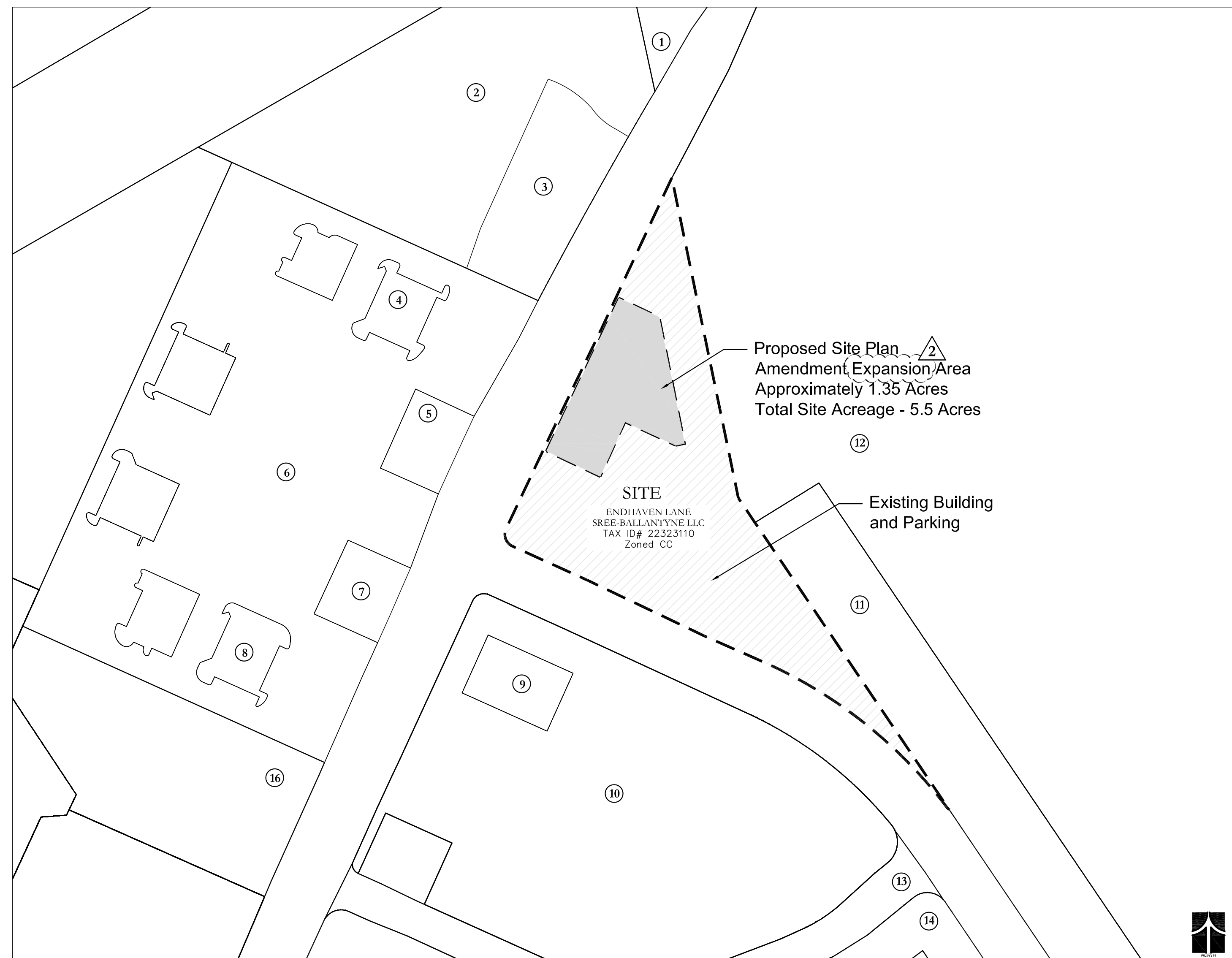
- Any lighting attached to any new proposed exterior building wall, within the subject building expansion, facing a residential component shall be capped and downwardly directed.
- All street and parking lot fixtures will be shielded with full cut-off fixtures.
- External facing wall-pak lighting will be prohibited throughout the Site.
- Exterior lighting will be provided within new parking lot areas to match existing lighting.
- Detached lighting will be limited to 20 feet in height.

## 10. Parking

Petitioner shall satisfy or exceed the parking requirements of the City of Charlotte Zoning Ordinance for the proposed 40 room hotel expansion.

## 11. Phasing

Development to be constructed in one phase.



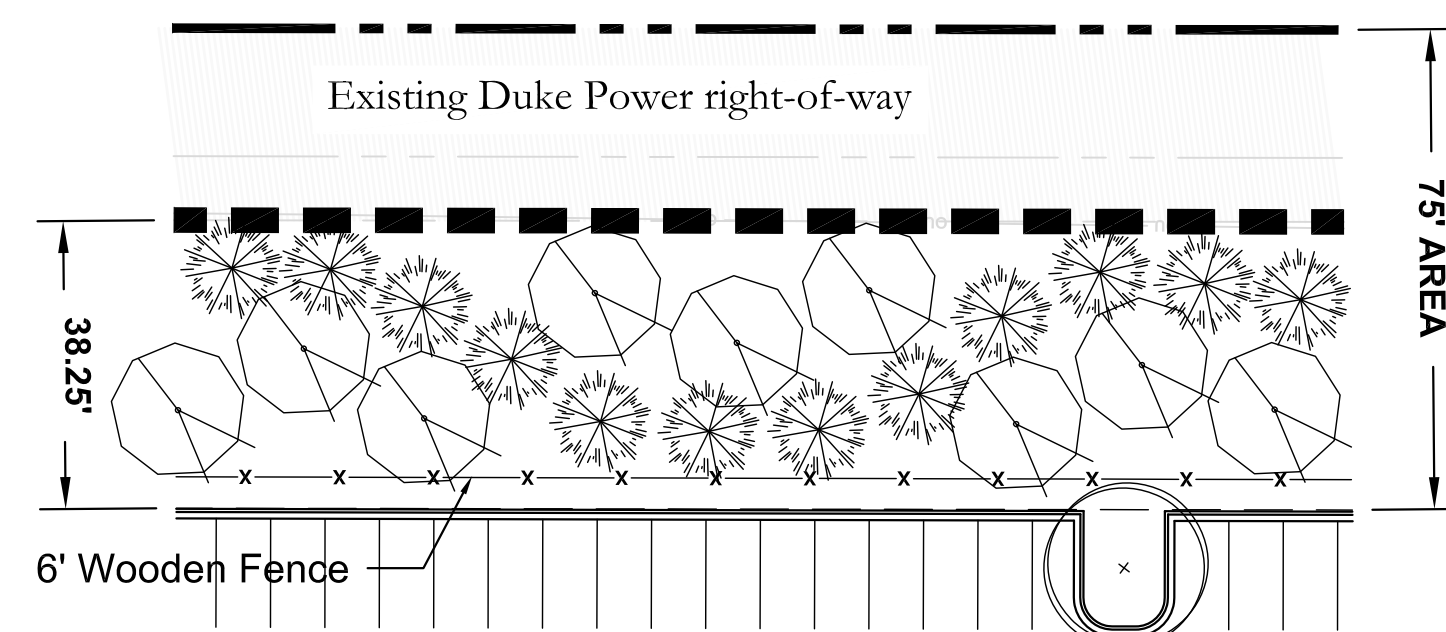
Not to Scale

**12. Amendments to Rezoning Plan**  
 Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then Owner or Owners of the applicable development area of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

**13. Binding Effect of the Rezoning Documents and Definitions**  
 If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet and these Development Standards 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 successors in interest and assigns.

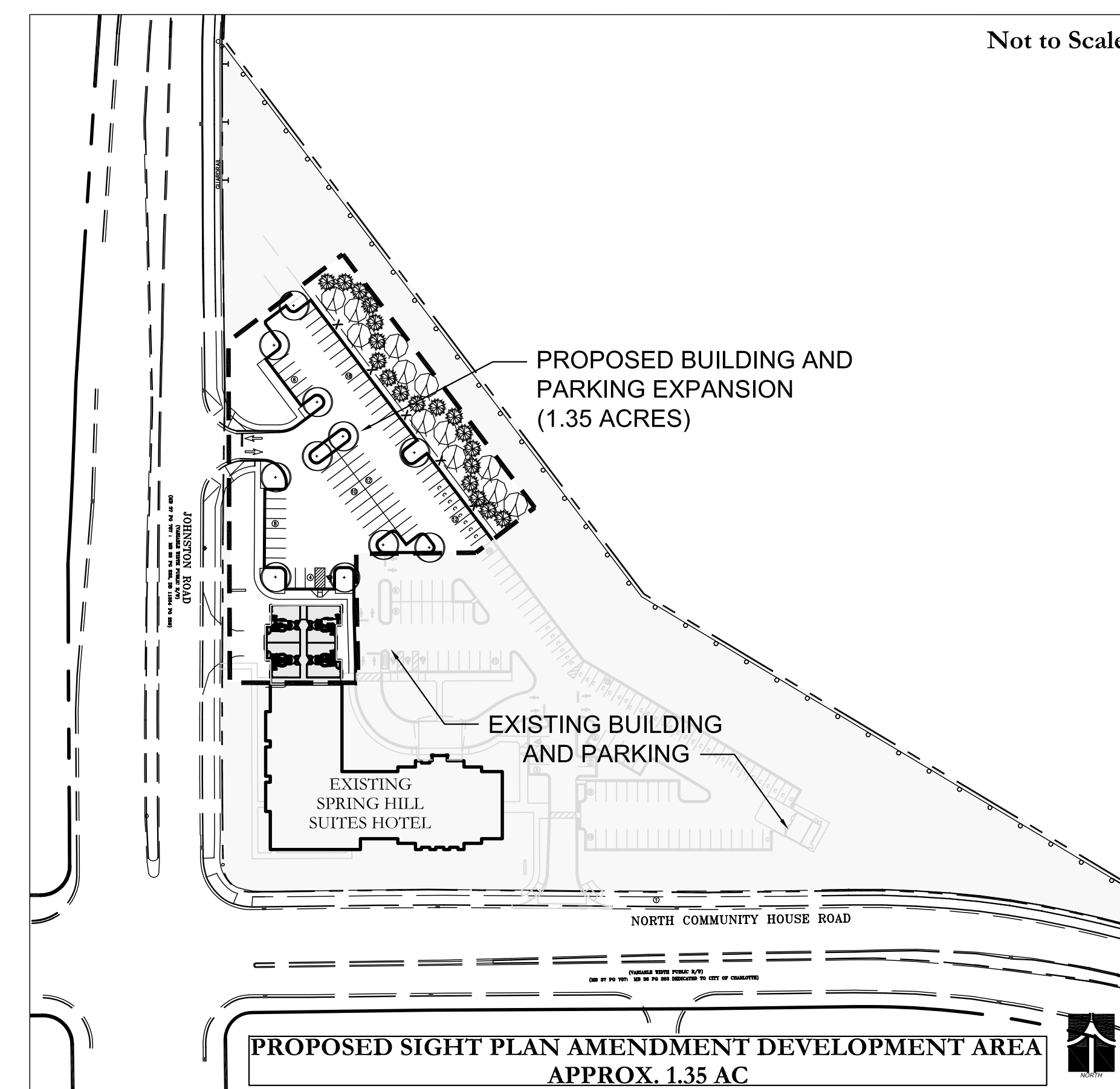
Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of any part of the Site from time to time who may be involved in any future development thereof.

### PROPOSED CONCEPTUAL BUFFER PLANTING AREA DETAIL Not to Scale



#### BUFFER REQUIREMENTS

- Table 12.302(b) of the Zoning Ordinance requires a 51' wide Class B buffer to be installed along the property line, based on the site acreage of 5.5 Acres.
- Table 12.302(b) further allows the minimum width of a buffer to be reduced by 25% if a fence or wall is constructed.
- Applicant proposes to reduce the 51' wide buffer by 25% (51' x .75 = 38.25') to allow a 38.25' planted area provided that a 6' tall wooden fence is installed based on the above detail.



Not to Scale

PROPOSED SIGHT PLAN AMENDMENT DEVELOPMENT AREA  
 APPROX. 1.35 AC



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CLIENT



SREE HOTELS  
 SREE Hotels, LLC  
 5113 Piper Station Drive  
 Suite 300  
 Charlotte, NC 28277

PROJECT

## SPRING HILL SUITES HOTEL SITE

SHEET TITLE

## Technical Data Sheet and Development Standards

Petition 2014-045  
 "For Public Hearing"

PROJECT LOCATION Charlotte, North Carolina

PROJECT NO. CN24.100

DRAWING CN24 - Sree Hotel SPA

DATE 03-24-2014

DRAWN BY CML/GW

CHECKED BY PT

AGENCY / SUBMITTAL REVISION

NO. DATE BY REVISION

01 05/13/14 GW Staff Comments

02 06/20/14 GW staff comments/ staff analysis 06-16-14

S P R I N G H I L L S U I T E S A D D I T I O N

B A L L A N T Y N E - C H A R L O T T E , N C

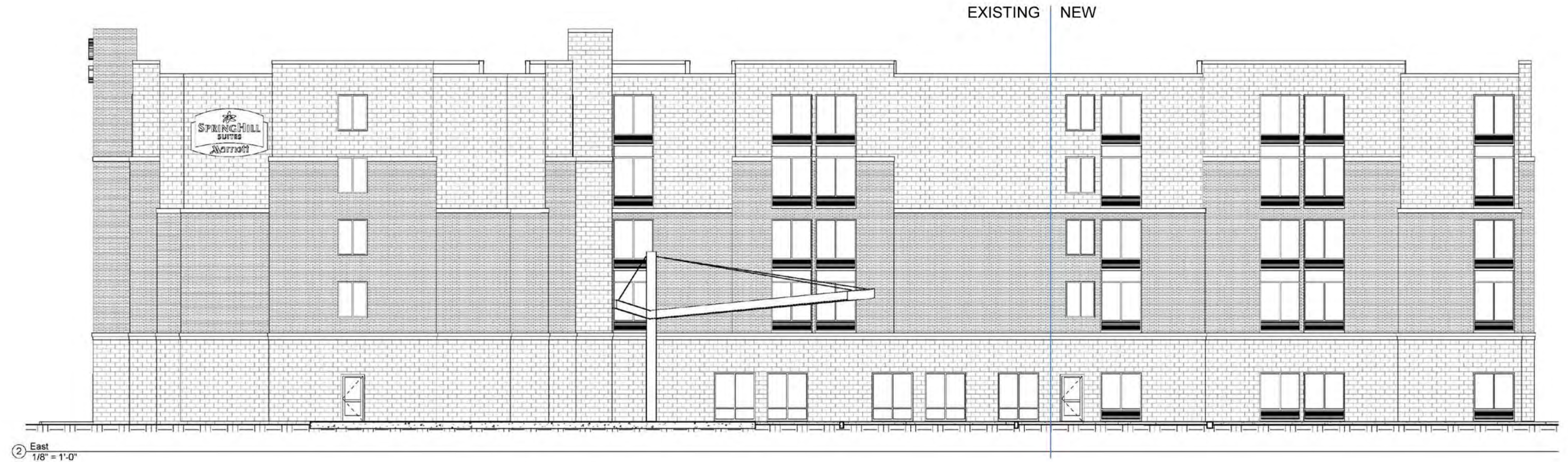


DIAGRAMMATIC RENDERING

03.24.14

# SPRINGHILL SUITES ADDITION

BALLANTYNE - CHARLOTTE, NC



ELEVATIONS

03.24.14

<b>REQUEST</b>	Current Zoning: R-22MF (multi-family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
<b>LOCATION</b>	Approximately 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place. (Council District 2 - Austin)
<b>SUMMARY OF PETITION</b>	The petition proposes a residential development with 118 units at 34.9 dwelling units per acre. The properties will be incorporated into the Double Oaks/Brightwalk development, which will result in an overall density of 18.9 units per acre for that development.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Double Oaks Development, LLC Fred Dodson, Jr., The Housing Partnership Frank Quattrocchi, Shook Kelley
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>Central District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Sullivan).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Added notes committing to the following design standards: <ol style="list-style-type: none"> <li>a. Buildings along public and private streets shall have clear glass windows, glass and doors that face these respective streets. The walls of the buildings facing these streets shall be varied with a frequency of windows, doors and other architectural treatments. Long expanses of blank walls with no openings and minimal changes in material or architectural treatment over 20' long will not be allowed. Blank walls shall be treated with some combination of landscaping, building articulation, varied building façade planes, canopies, pedestrian oriented lights, public art or other similar treatment.</li> <li>b. The principal buildings constructed on the site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.</li> <li>c. Residential buildings that front on a public or private street will be designed with buildings entrances that face the abutting public or private street, except that buildings with frontage on two streets (either public or private or two legs of a roundabout) may have an entrance to only one street.</li> <li>d. Meter banks, BFP's and other similar utilities will be screened where visible from public view at grade level.</li> <li>e. Roof top HVAC and related mechanical equipment will be screened from public view at grade level.</li> </ol> </li> <li>2. Included the conceptual renderings provided with the 2008 rezoning.</li> <li>3. Removed UR-2(CD) from Developments Note 1c (Existing and Proposed Zoning).</li> </ol>
------------------------------------	--

4. Corrected the label in Development Area 11, which refers to Development Area 9.
5. Addressed CATS comments adding a note that states the petitioner will retain existing bus stop location and that new pad detail 60.01B will be coordinated during the review and permit process.
6. Addressed Neighborhood and Business Services comments by noting setbacks on site plan.
7. Addressed Transportation comments by providing the following:
  - a. Removed the "Proposed Right-In/Right-Out" note from the site plan, allowing for the final access management treatment of this intersection to be determined by CDOT and NCDOT during the driveway permit process.
  - b. Incorporated the public street alignment as per May 21, 2014 meeting with CDOT.
8. Removed all references to UR-2(CD) as existing zoning from the site plan.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff presented this item to the Zoning Committee, noting that all outstanding issues had been addressed with the revised site plan. A Commissioner expressed concern that the elevations had not been part of the package provided at the City Council public hearing. Staff responded that submittal of elevations was an outstanding issue in the staff analysis and they were provided as a part of the revised site plan. The elevations shown generally reflect what has been developed thus far in Double Oaks/Brightwalk. Staff further noted that the elevations were placed on the web for viewing on June 20, 2014. There was no further discussion of this item.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Background**
  - Approximately 64.5 acres south of the rezoning site were rezoned under petition 2008-073 from a variety of zoning districts in order to allow the redevelopment of the Double Oaks/Brightwalk area with up to 1,082 residential units, and 35,000 square feet of retail, office and day care. The overall density of the project was approximately 16.78 dwelling units per acre.
  - Rezoning petitions 2013-031 and 2013-032 added eight (8) acres to the development and increased the overall density of the Double Oaks/Brightwalk development to 18.2 dwelling units per acre.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - Adds 3.38 acres to the overall Double Oaks/Brightwalk development.
  - Allows up to 118 single family attached, detached, and multi-family residential dwelling units at 34.9 dwelling units per acre. The result is an increase in the density of the overall Double Oaks/Brightwalk development from 18.20 dwelling units per acre to 18.94 dwelling units per acre.
  - Maximum building height of 55 feet.
  - Depicts building and parking envelopes.
  - Provides internal alleyway system to support new development/circulation.
  - Provides new sidewalk and landscape strips on new internal streets and along Statesville Avenue.

- Buildings to be designed as four-sided architecture with no long blank walls of 20 feet or more.
  - Buildings will be broken up by different material types, windows, and paint to avoid large expanses of blank walls.
  - Limits freestanding lighting to 20 feet.
  - Building elevations.
  - **Public Plans and Policies**
    - The proposed rezoning is consistent with the multi-family use recommended in the *Central District Plan*, but the site does not meet the criteria set forth in the *General Development Policies* for an increase in density to 18.94.
    - However, the proposed density increase from 18.2 to 18.94 is a slight increase for the overall Double Oaks/Genesis neighborhood and meets the *Central District Plan* goals for the revitalization of the Double Oaks/Genesis neighborhood.
- 

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

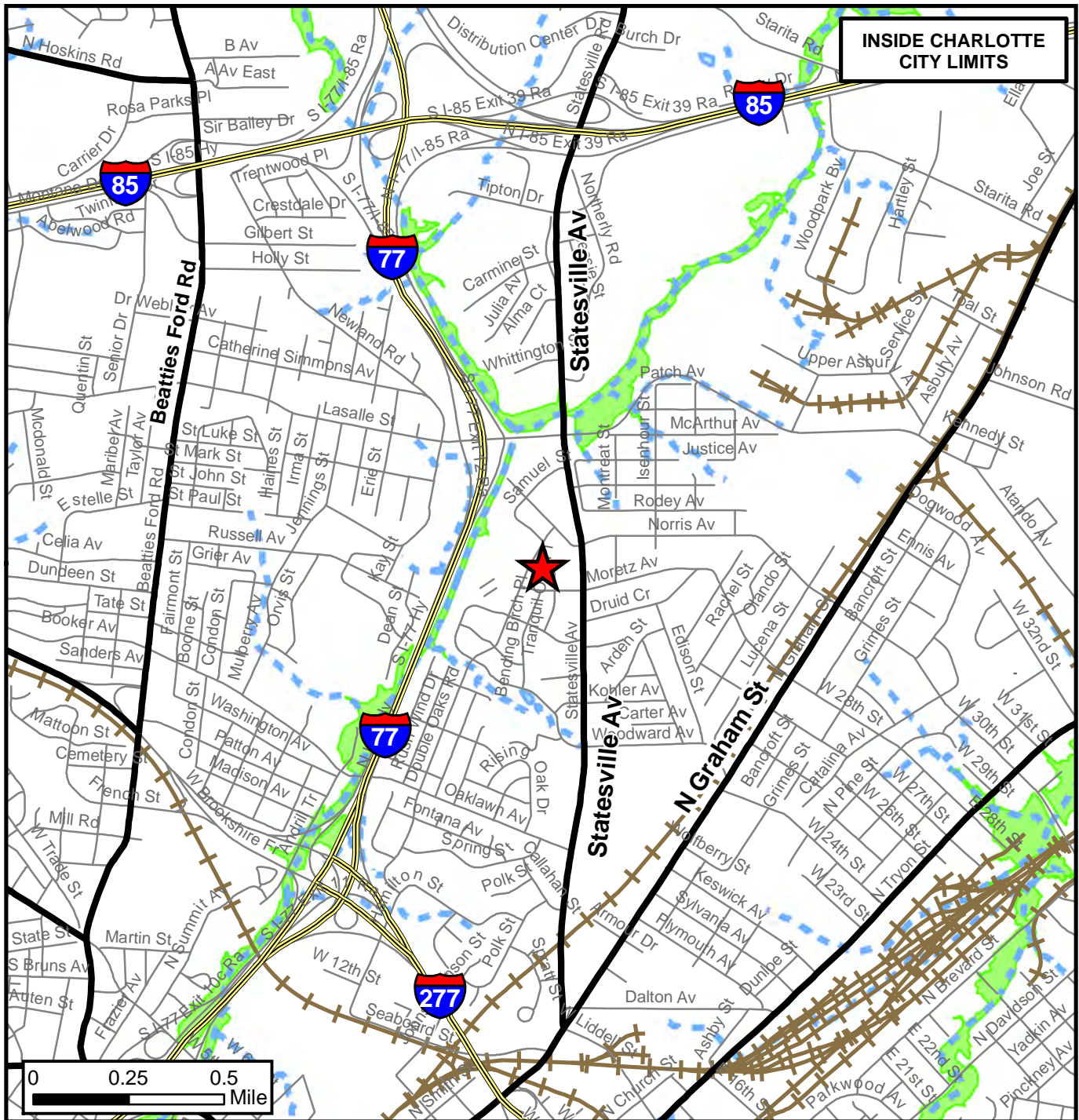
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services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

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

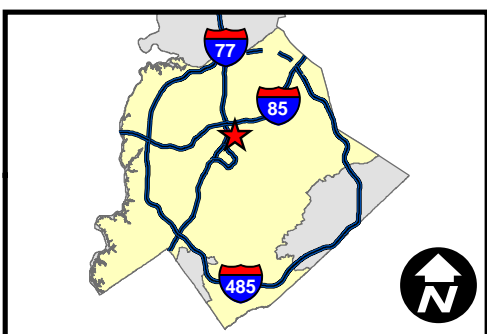
Petition #: **2014-046**

# Vicinity Map

**Acreage & Location :** Approximately 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place.



**INSIDE CHARLOTTE CITY LIMITS**



**★ Rezoning Petition: 2014-046**

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

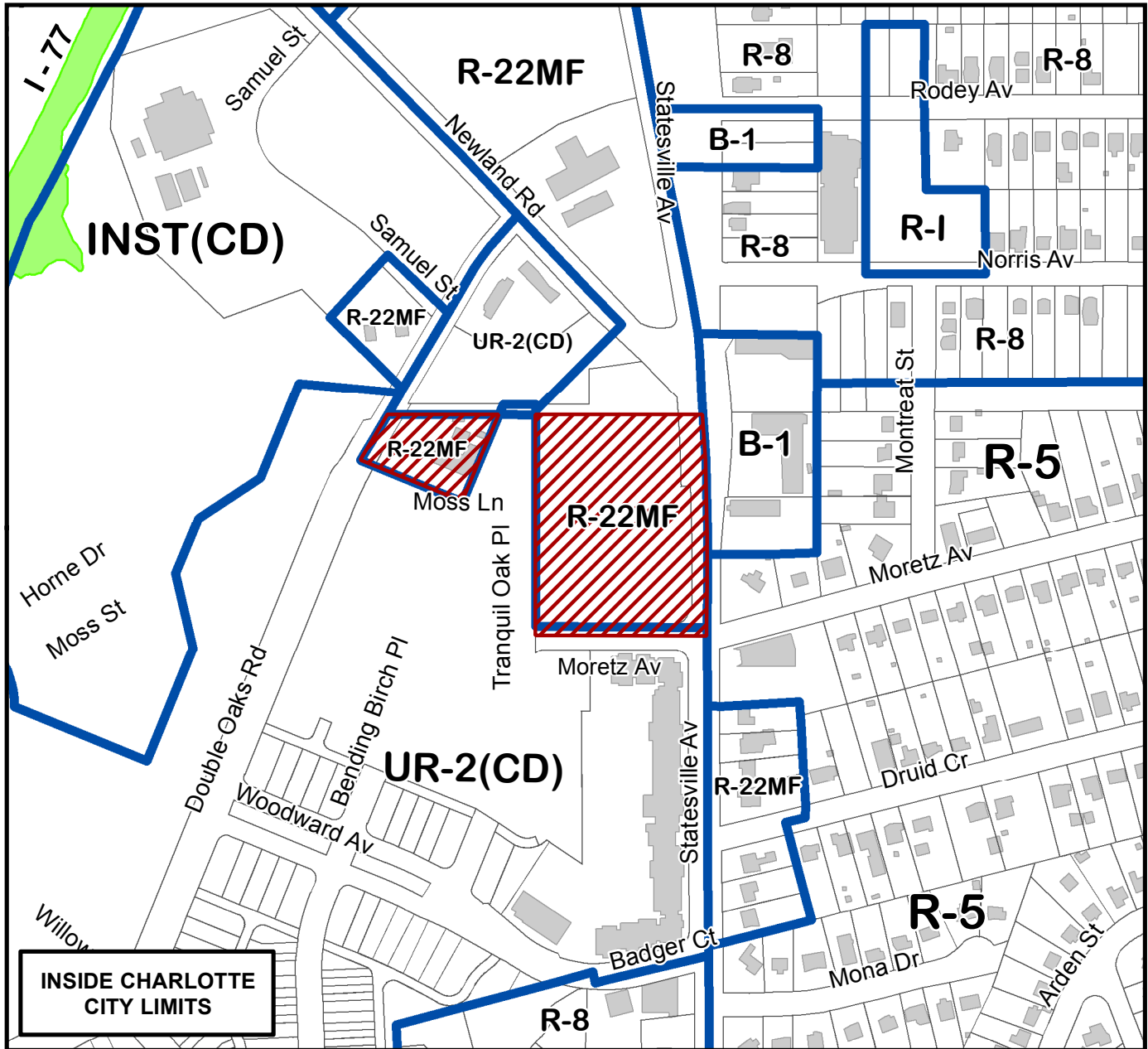
Petition #: **2014-046**

Petitioner: **The Housing Partnership**

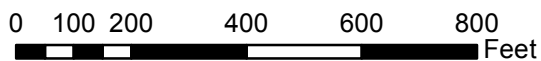
Zoning Classification (Existing): **R-22MF**  
(Multi-Family, Residential)

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

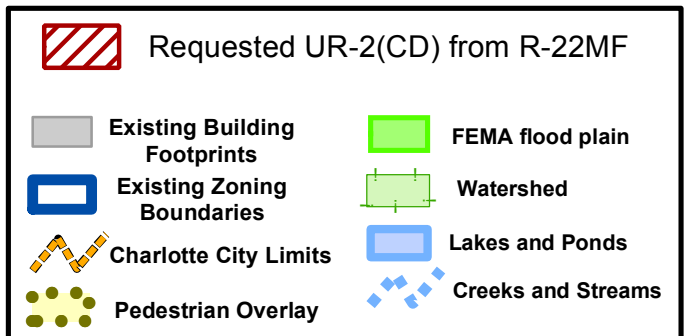
Acreage & Location: Approximately 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place.



Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.



Zoning Map #(s)  
**79, 88**





1. DEVELOPMENT DATA TABLE:

- DEVELOPMENT AREAS 9, 10, 11, 12 TOTAL: DEVELOPMENT AREA 9: 1a. SITE ACREAGE (DEV. AREA 9): 1b. TAX PARCELS: 1c. EXISTING & PROPOSED ZONING: 1d. EXISTING USES: 1e. PROPOSED USES: 1f. NUMBER OF RESIDENTIAL USES BY HOUSING TYPE: 1g. SQUARE FOOTAGE OF NON-RESIDENTIAL USES BY TYPE: 1h. FLOOR AREA RATIO: 1i. MAXIMUM BUILDING HEIGHT: 1j. NUMBER AND /OR RATIO OF PARKING SPACES: 1k. AMOUNT OF OPEN SPACE: DEVELOPMENT AREA 10 (PROPOSED ROW): 1a. SITE ACREAGE (DEV. AREA 10): 1b. TAX PARCELS: 1c. EXISTING & PROPOSED ZONING: 1d. EXISTING USES: 1e. PROPOSED USES: 1f. NUMBER OF RESIDENTIAL USES BY HOUSING TYPE: 1g. SQUARE FOOTAGE OF NON-RESIDENTIAL USES BY TYPE: 1h. FLOOR AREA RATIO: 1i. MAXIMUM BUILDING HEIGHT: 1j. NUMBER AND /OR RATIO OF PARKING SPACES: 1k. AMOUNT OF OPEN SPACE: DEVELOPMENT AREA 11: 1a. SITE ACREAGE (DEV. AREA 11): 1b. TAX PARCELS: 1c. EXISTING & PROPOSED ZONING: 1d. EXISTING USES: 1e. PROPOSED USES: 1f. NUMBER OF RESIDENTIAL USES BY HOUSING TYPE: 1g. SQUARE FOOTAGE OF NON-RESIDENTIAL USES BY TYPE: 1h. FLOOR AREA RATIO: 1i. MAXIMUM BUILDING HEIGHT: 1j. NUMBER AND /OR RATIO OF PARKING SPACES: 1k. AMOUNT OF OPEN SPACE: DEVELOPMENT AREA 12: 1a. SITE ACREAGE (DEV. AREA 12): 1b. TAX PARCELS: 1c. EXISTING & PROPOSED ZONING: 1d. EXISTING USES: 1e. PROPOSED USES: 1f. NUMBER OF RESIDENTIAL USES BY HOUSING TYPE: 1g. SQUARE FOOTAGE OF NON-RESIDENTIAL USES BY TYPE: 1h. FLOOR AREA RATIO: 1i. MAXIMUM BUILDING HEIGHT: 1j. NUMBER AND /OR RATIO OF PARKING SPACES: 1k. AMOUNT OF OPEN SPACE:

2. GENERAL PROVISIONS:

- 2a. APPLICABILITY OF ORDINANCE NOTES: UNLESS MORE STRINGENT STANDARDS ARE ESTABLISHED BY THESE DEVELOPMENT STANDARDS, ALL DEVELOPMENT STANDARDS ESTABLISHED UNDER THE ZONING ORDINANCE, THE "ORDINANCE" FOR THE UR-2(CD) ZONING CLASSIFICATION SHALL BE FOLLOWED. ALTERATION OF THE CONDITIONAL PLAN IS SUBJECT TO SECTION 6.207 ALTERATIONS TO APPROVAL. 2b. ALTERATIONS: SINGLE-FAMILY (ATTACHED & DETACHED), MULTIFAMILY AND ACCESSORY USES, STREET EXTENSION R.O.W. 3. OPTIONAL PROVISIONS: NA 4. PERMITTED USES: 4a. ALLOWED USES: 4b. PROHIBITED USES: 4c. OTHER USE RESTRICTIONS:

5. TRANSPORTATION:

- 5.a TRANSPORTATION IMPROVEMENTS CONSTRUCTED IN CONJUNCTION WITH DEVELOPMENT 5.b PUBLIC VS. PRIVATE STREETS 5.c CATS PUBLIC TRANSPORTATION 5.d PARKING LOCATIONS - SURFACE 5.e LOCATION OF PROPOSED PEDESTRIAN IMPROVEMENTS 5.f EXISTING THOROUGHFARES 5.g EXISTING RESIDENTIAL STREETS

6. ARCHITECTURAL STANDARDS:

- 6.a BUILDING MATERIALS: BUILDINGS CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING MATERIALS. THE BUILDING MATERIALS USED FOR THE BUILDINGS (OTHER THAN STRUCTURED PARKING FACILITIES) WILL BE A COMBINATION OF THE FOLLOWING: GLASS, BRICK, STONE, SIMULATED STONE, PRE-CAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, STUCCO, CEMENTITIOUS SIDING (SUCH AS HARD PLANK), EIFS OR WOOD. VINYL AS A BUILDING MATERIAL WILL NOT BE ALLOWED EXCEPT ON WINDOWS AND SOFFITS. 6.b BUILDING SCALE & NUMBER OF BUILDINGS: MAXIMUM BUILDING HEIGHT OF 55'; NUMBER OF BUILDINGS AS PROPOSED PER THE INDIVIDUAL DEVELOPMENT AREAS 9, 11, 12 & ROW AREA 10 ALONG WITH ALLOWABLE ACCESSORY STRUCTURES. 6.c TREATMENT OF URBAN DESIGN AND ARCHITECTURAL ELEMENTS: BUILDINGS ALONG PUBLIC AND PRIVATE STREETS SHALL HAVE CLEAR WINDOWS, GLASS AND DOORS THAT FACE THESE RESPECTIVE STREETS. THE WALLS OF THE BUILDINGS FACING THESE STREETS SHALL BE VARIED WITH A FREQUENCY OF OPENINGS, WINDOWS, DOORS AND OTHER ARCHITECTURAL TREATMENTS. LONG EXPANSES OF BLANK WALLS WITH NO OPENINGS AND MINIMAL CHANGES IN MATERIAL OR ARCHITECTURAL TREATMENT OVER 20' LONG WILL NOT BE ALLOWED. BLANK WALLS SHALL BE TREATED WITH SOME COMBINATION OF LANDSCAPING, BUILDING ARTICULATION, VARIED BUILDING FACADE PLANES, CANOPIES, PEDESTRIAN ORIENTED LIGHTS, PUBLIC ART OR OTHER SIMILAR TREATMENT. THE PRINCIPAL RESIDENTIAL BUILDINGS THAT FRONT ON A PUBLIC OR PRIVATE STREET WILL BE DESIGNED WITH BUILDING ENTRANCES THAT FACE THE ABUTTING PUBLIC OR PRIVATE STREET. EXCEPT THAT BUILDINGS WITH FRONTAGE ON TWO STREETS (EITHER PUBLIC OR PRIVATE OR TWO LEGS OF A ROUNDABOUT) MAY HAVE AN ENTRANCE TO ONLY ONE STREET. METER BANKS, BFP'S, ROOFTOP HVAC AND RELATED MECHANICAL EQUIPMENT AND OTHER SIMILAR UTILITIES WILL BE SCREENED WHERE VISIBLE FROM PUBLIC VIEW AT GRADE LEVEL. 6.d TREATMENT OF SOLID WASTE AND RECYCLING ENCLOSURES 6.e FENCE/WALL STANDARDS: ENCLOSURES AS PRESCRIBED BY THE ORDINANCE.

7. STREETSCAPE & LANDSCAPING:

- 7a. STREETSCAPE (SIDEWALK AND PLANTING STRIP) STANDARDS: SIDEWALK AND PLANTING STRIP AS PRESCRIBED BY THE ORDINANCE IN COORDINATION WITH URBAN FORESTRY. 7b. BUFFERS/SCREENING TREATMENT: REQUIRED BUFFERS OR SCREENING AS PRESCRIBED BY THE ORDINANCE.

8. ENVIRONMENTAL FEATURES:

- 8a. TREE SAVE AREAS: AS PRESCRIBED BY THE ORDINANCE. THE PETITIONER SHALL COMPLY WITH THE CITY OF CHARLOTTE POST CONSTRUCTION CONTROLS ORDINANCE. 8b. SITE INTERIOR TREES & LANDSCAPE 8c. PCCO TREATMENT

9. PARKS, GREENWAYS & OPEN SPACE:

- 9a. CONNECTIONS TO PARK & OR GREENWAY

10. FIRE PROTECTION:

- 10a. FIRE LANE TREATMENT

11. SIGNAGE:

- 11a. SIGN LIMITATIONS - SIZE, TYPE, LOCATION: SITE/MONUMENT AND/OR BUILDING/WALL SIGNS AS PRESCRIBED BY THE ORDINANCE. 12a. LIMITATIONS ON TYPE OR LOCATION OF LIGHTING: INTERNAL SITE LIGHTING AS PRESCRIBED BY THE ORDINANCE. MAXIMUM HEIGHT OF ANY FREESTANDING FIXTURE WILL NOT EXCEED 20 FEET. ALL FIXTURES INSTALLED WILL BE SHIELDED WITH FULL CUT OFF FIXTURES, CAPPED AND DOWNWARDLY DIRECTED. PEDESTRIAN SCALE LIGHTING ALONG THE PUBLIC STREET R.O.W AND INTERNAL SITE PARKING AS PRESCRIBED BY THE ORDINANCE. FINAL LAYOUT AND DESIGN TO BE COORDINATED WITH DUKE ENERGY. 12b. PEDESTRIAN SCALE LIGHTING

13. PHASING:

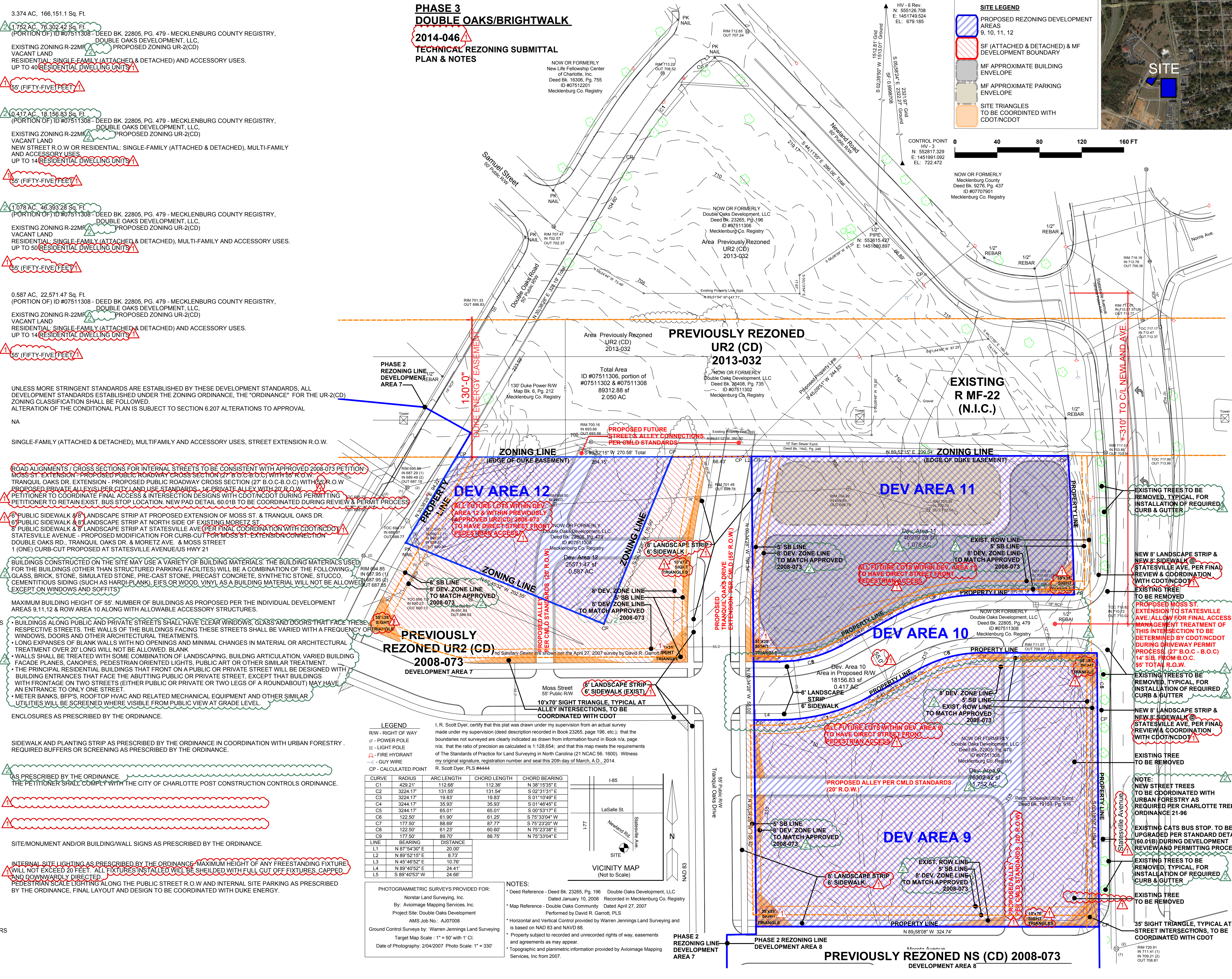
- 13a. DEVELOPMENT PHASING BY USE OR AREA.

14. OTHER:

- 14a. UNDERGROUNDING OF UTILITIES 14b. POTENTIAL LOCATION OF DUMPSTERS & RECYCLING CONTAINERS 14c.

PHASE 3 DOUBLE OAKS/BRIGHTWALK

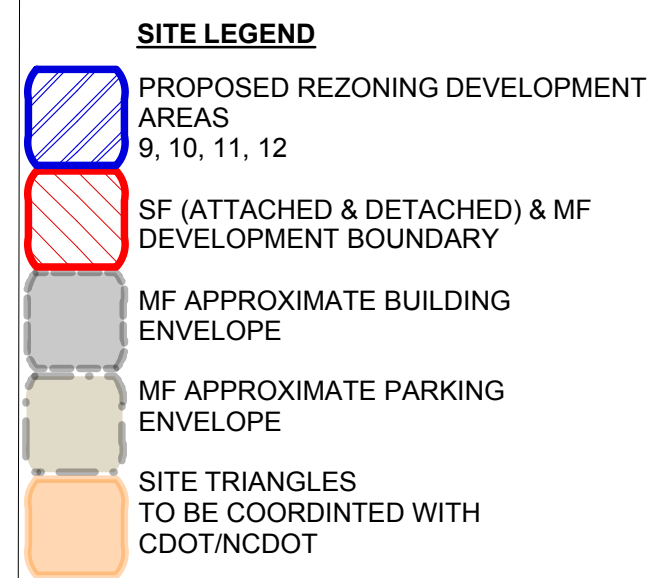
2014-046 TECHNICAL REZONING SUBMITTAL PLAN & NOTES



LEGEND table with columns for CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING. Includes a table for LINE BEARING and DISTANCE, and a vicinity map showing the site location relative to LaSalle St and Newland Rd.

PHOTOMETRIC SURVEYS PROVIDED FOR: Norstar Land Surveying, Inc. By: Avioimage Mapping Services, Inc. Project Site: Double Oaks Development. AMS Job No.: AJ07008. Ground Control Surveys by: Warren Jennings Land Surveying. Target Map Scale: 1" = 50' with 1" CI. Date of Photography: 2/04/2007. Photo Scale: 1" = 330'

NOTES: Deed Reference - Deed Bk. 23265, Pg. 196 Double Oaks Development, LLC. Dated January 10, 2008. Recorded in Mecklenburg Co. Registry. Map Reference - Double Oaks Community Dated April 27, 2007. Performed by David R. Garrott, PLS. Horizontal and Vertical Control provided by Warren Jennings Land Surveying and is based on NAD 83 and NAVD 88. Property subject to recorded and unrecorded rights of way, easements and agreements as may appear. Topographic and planimetric information provided by Avioimage Mapping Services, Inc. from 2007.



shook kelley THE HOUSING PARTNERSHIP 2151 Hawkins Street, Suite 400, Charlotte, NC 28203 1-704-337-0881 F-704-337-0850 www.shookkelley.com Double Oaks - Brightwalk Phase 3 Rezoning Petition Statesville Ave - Double Oaks Rd. - Moss St. & Tranquil Oak Lane The Housing Partnership, 4601 Charlotte Park Dr., STE 350, Charlotte, NC, 28217 704.342.0933 p / 704.342.2745 f. EMAIL - fhdson@cmhp.org REZONING SUBMITTAL PETITION 2014-046 DATE: 03/21/2014 DRAWN BY: shookkelley PLS CHECKED BY: PLS G.C. BY: PLS SCALE: PLS PROJECT #: PLS SHEET #: SP001



View - Double Oaks Road Bridge  
Intersection of Anita Stroud Park ▲



View - Kohler Avenue towards The McNeil Apartments  
at the Stateville Avenue Intersection ▲



View - Woodward Ave. at Anita Stroud Park ▲



View - Future Norris St. & Double Oaks Road  
at the Stateville Avenue Intersection ▲

<b>REQUEST</b>	Current Zoning: I-2 (heavy industrial) and TOD-M(CD) (transit oriented development - mixed-use, conditional) Proposed Zoning: TOD-MO (transit oriented development - mixed-use, optional)
<b>LOCATION</b>	Approximately 3.21 acres located on the west side of Youngblood Street between Remount Road and Griffith Street and across from Poindexter Drive. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the construction of a minimum of 37 and a maximum of 54 for-sale single family attached dwelling units at a minimum density of 11.5 units per acre and maximum of 16.8 units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	The Charlotte Housing Authority Hopper Communities Matt Langston, Landworks Design Group
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>New Bern Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-1 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Eschert).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Removed optional provision (b), which is not needed because the driveways and garages shown on the site plan open onto alleys and not public or private streets.</li> <li>2. Removed optional provision (c), as it is not needed with this request. TOD allows 1.6 parking spaces per unit plus a 25% bonus for structured parking, which equals 2 spaces per unit. Garage parking has been determined to be structured parking, so the option is not needed.</li> <li>3. Installed eight-foot planting strip with trees and eight-foot sidewalk along Youngblood Street frontage and both sides of proposed public street.</li> <li>4. Added a note stating that windows will be provided on all levels of the end units visible from Youngblood Street and the proposed public street.</li> <li>5. Noted that garages will be 5 feet to-7 feet deep from the edge of the alley.</li> <li>6. Screened the ends of alleys from Youngblood Street with architectural and/or landscape screening.</li> <li>7. Provide typical building elevations for front, back and sides. <i>Staff has rescinded this comment as the petitioner has provided additional architectural standards and the project will undergo TOD review.</i></li> <li>8. Provided a note that states that the proposed six-foot high fence will be opaque and made of wood or vinyl material, or a composite. In addition, brick or stone columns will be inserted at approximately 60' on center along the fence line.</li> <li>9. Noted the common open areas on the site plan.</li> </ol>
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**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff presented this item to the Zoning Committee, noting that all outstanding issues had been addressed with the revised site plan. A Commissioner inquired about the status of the proposed public street (as discussed at the June 16, 2014 City Council rezoning meeting) and financial responsibility for its continuation beyond the rezoning site.

Planning staff responded by stating the design as currently proposed allows for a variety of alignments in its ultimate connection to South Tryon Street. CDOT staff noted that developers involved in future redevelopment of abutting parcels might pay for construction of portions of the street (as is the case with the subject rezoning petition). It was also noted CDOT may share costs associated with continued construction in the future, if the street is not required by the Subdivision Ordinance.

A Commissioner expressed concerns with the potential for a lower density than typical for transit station areas, building orientation, and inability for some vehicles to access the garages for the end units.

Staff noted that the lower density is related to the type development. Townhomes cannot typically reach the same density levels as other multi-family developments. As a variety of residential housing types are encouraged in transit areas, staff is comfortable with the optional to reduce the minimum density from 15 units per acre to 11.5 units per acre. CDOT staff noted that driveway design would be reviewed during plan review, and that maneuverability would also be assessed during this process.

**MINORITY OPINION**

A Commissioner had concerns about the overall project design, including the potential for a lower density than typical for transit station areas, building orientation, and ability for vehicles to maneuver in and out of garages/driveways.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Background**

- Approval of rezoning petition 2009-053 rezoned approximately 1.84 acres of the subject parcel from I-2 (general industrial) to TOD-M(CD) (transit oriented development – mixed-use, conditional), in order to allow the construction of a 40,000-square foot building.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Construct a minimum of 37 and a maximum of 54 for-sale single family attached dwelling units at a minimum density of 11.5 units per acre and maximum density of 16.8 units per acre.
- Maximum building height of 50 feet.
- Freestanding lighting limited to 20 feet in height.
- Exterior finishes of buildings will be composed of a combination of brick, stone or similar masonry products and/or hardi-plank/fiber cement board.
- No vinyl, EIFS or Masonite may be used for siding materials, but vinyl may be used for soffits and trim, including window and door trim.
- Balcony railings, if appropriate to the design, will be of durable prefinished material and will not be painted pressure treated lumber.
- Access to the site via a public street that aligns with Poindexter Drive.

- The following optional provisions are being requested:
    - Allow a minimum density of 11.5 dwelling units per acre. The TOD-M (transit oriented development – mixed-use) district requires a minimum density of 15 units per acre when properties are located within ½ mile of a transit station. The rezoning site is located within ½ mile of the New Bern transit station.
  - **Public Plans and Policies**
    - The *New Bern Transit Station Area Plan* (2008) recommends mixed use transit supportive development for the rezoning site. The rezoning site is located within ½ mile of the New Bern transit station.
    - The petition is consistent with the *New Bern Transit Station Area Plan*.
- 

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
  - **Charlotte-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 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*.
    - Minimizes impacts to the natural environment by building on an infill lot.
- 

**OUTSTANDING ISSUES**

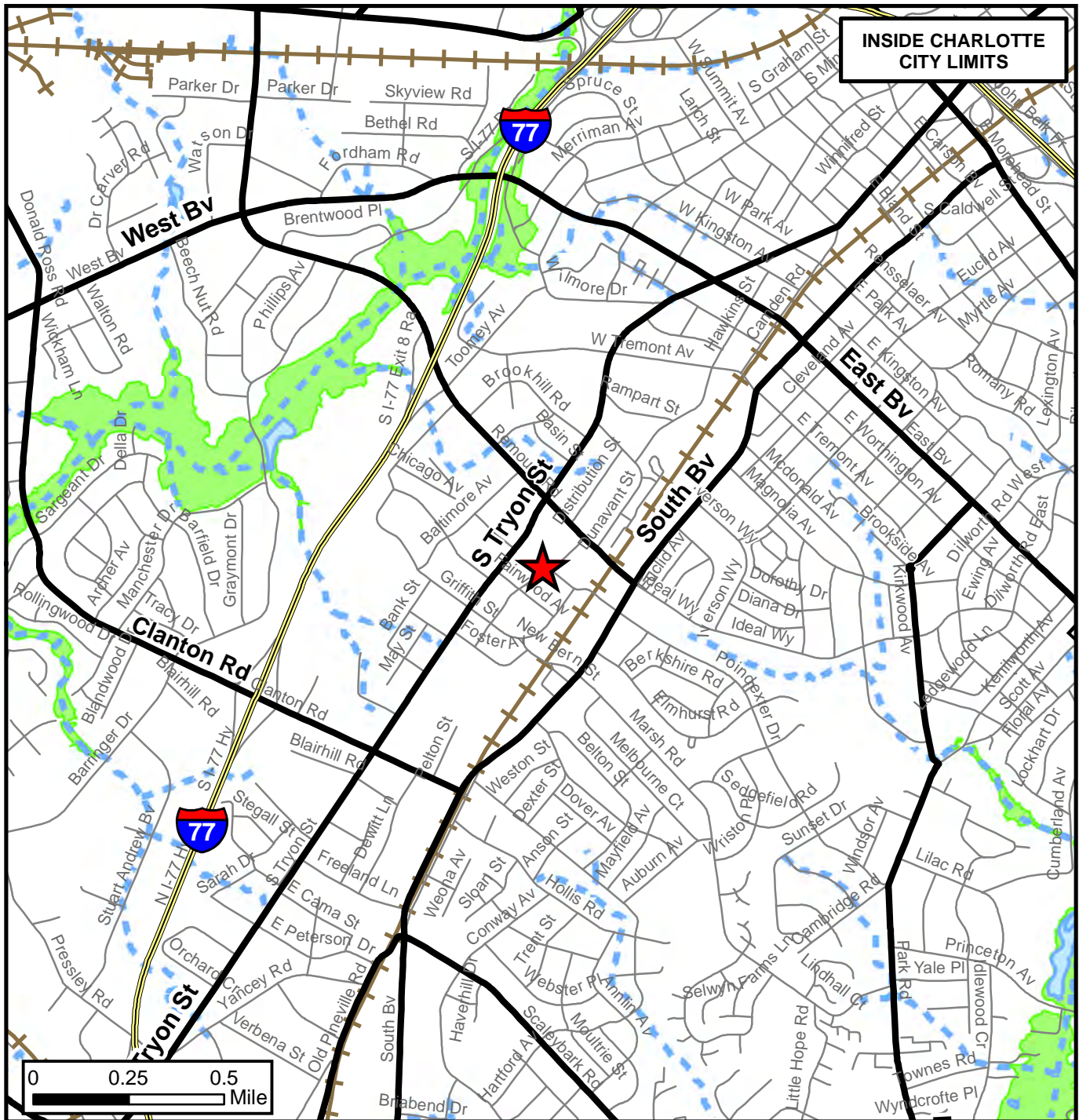
- No issues.
- 

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

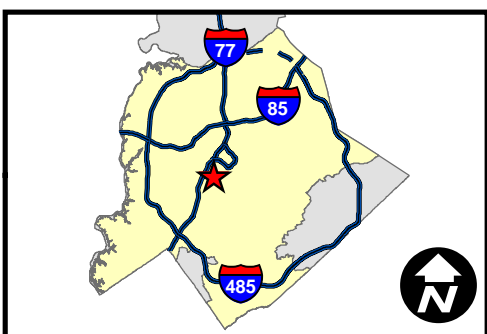
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- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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








**Acreage & Location :** Approximately 3.21 acres located on the west side of Youngblood Street between Remount Road and Griffith Street and across from Poindexter Drive.



**INSIDE CHARLOTTE CITY LIMITS**



**★ Rezoning Petition: 2014-047**

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

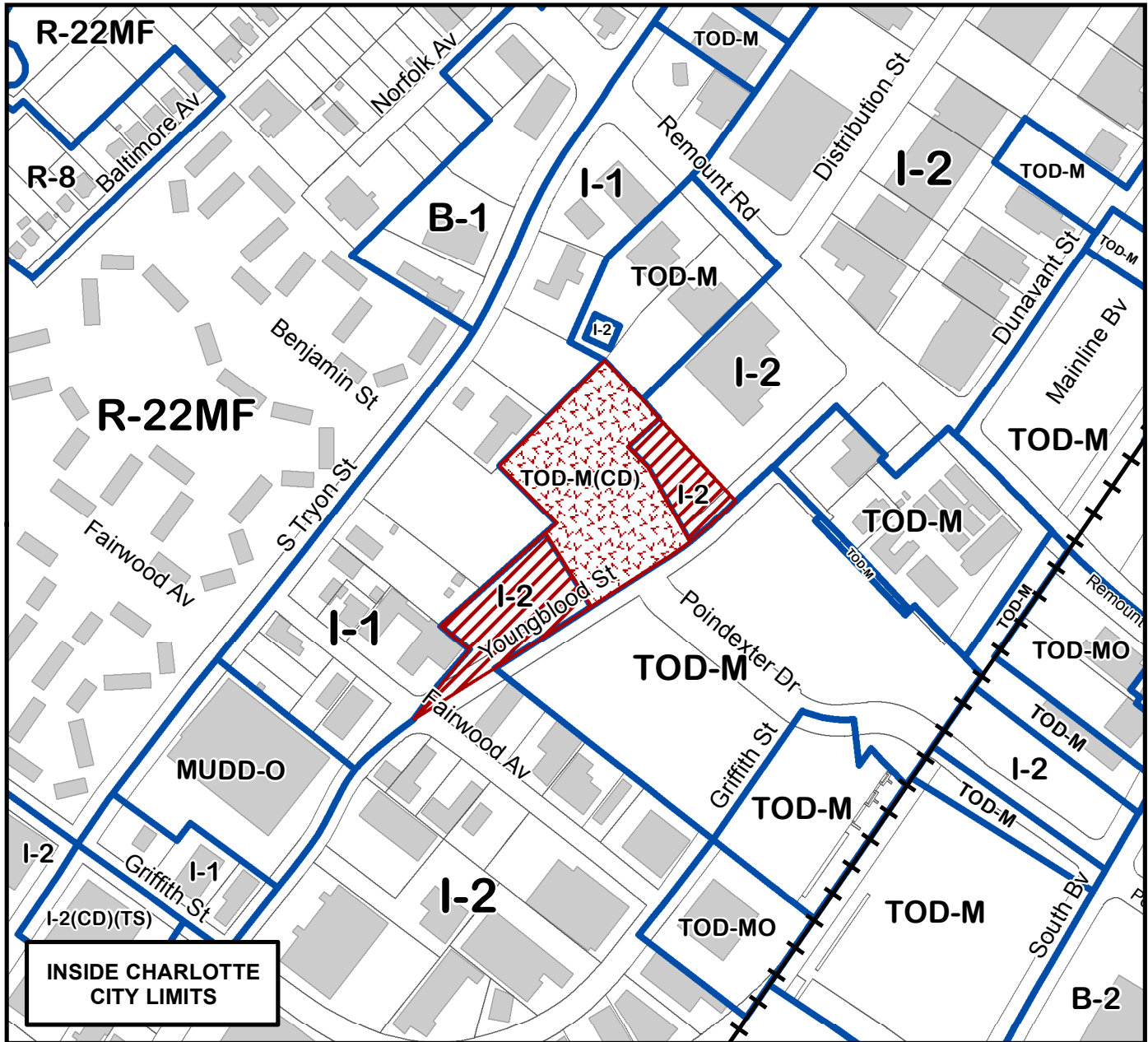
Petition #: **2014-047**

Petitioner: **Hopper Communities**

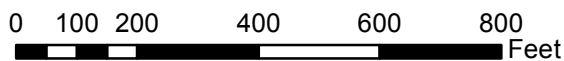
Zoning Classification (Existing): **I-2 and TOD-M(CD)**  
(General Industrial and Transit Oriented Development, Mixed Use, Conditional)

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

Acreeage & Location: Approximately 3.21 acres located on the west side of Youngblood Street between Remount Road and Griffith Street and across from Poindexter Drive.

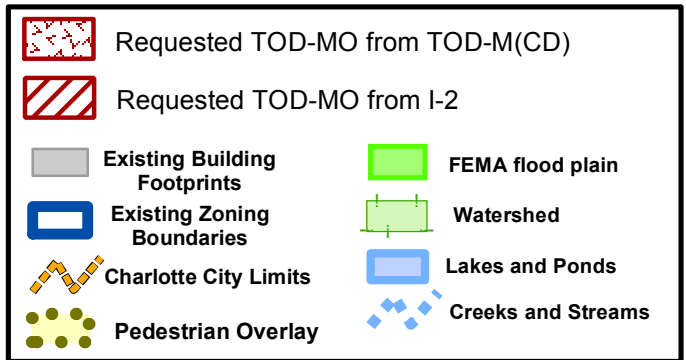


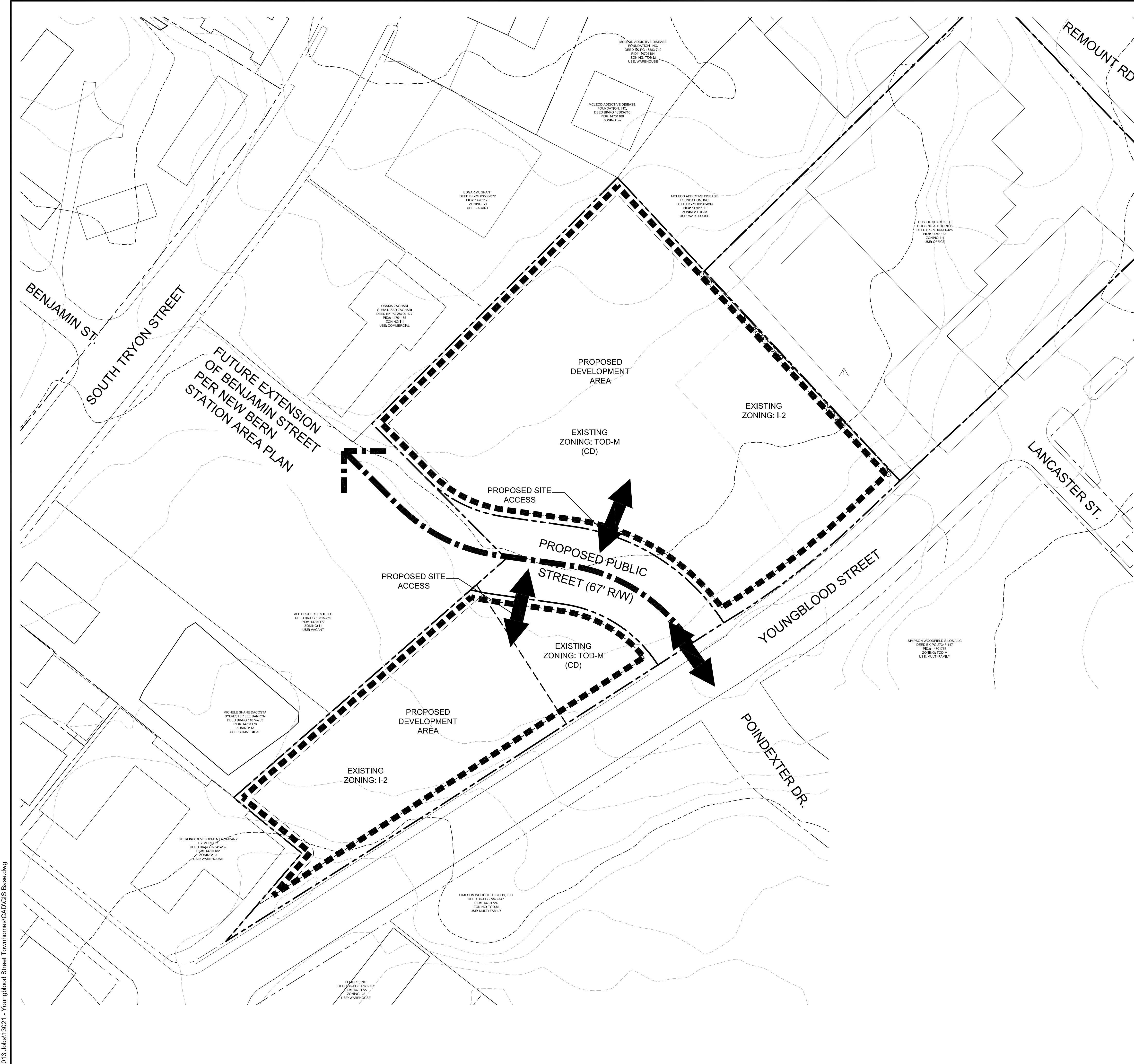
Map Produced by the Charlotte-Mecklenburg Planning Department, 6-4-14.



Zoning Map #(s)

**110**



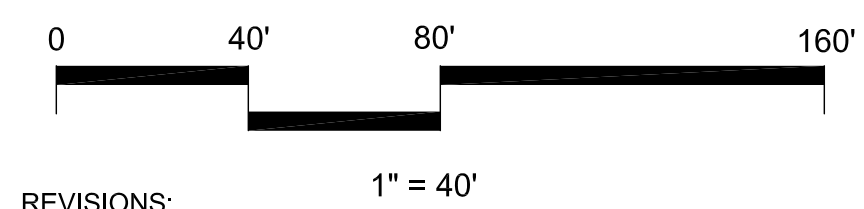
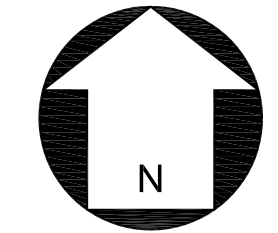
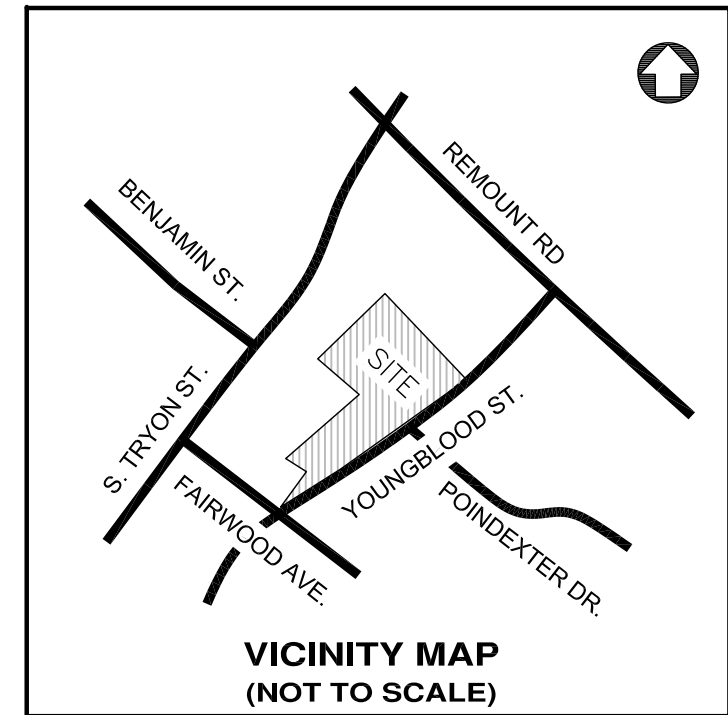


**HOPPER COMMUNITIES**  
 228 East Blvd., Suite 200  
 Charlotte, NC 28203  
 (704) 805-4801

**Development Standards**

- Development Data Table
 

SITE AREA:	Approximately 3.21 acres
TAX PARCEL ID:	147-011-01
EXISTING ZONING:	TOD-M(CD) and I-2
PROPOSED ZONING:	TOD-MO
EXISTING USE:	Parking/vacant
PROPOSED USE:	For sale single family attached dwelling units
MAXIMUM UNITS PROPOSED:	54
MINIMUM UNITS PROPOSED:	37 (See Optional Provisions)
MAXIMUM PROPOSED DENSITY:	16.8 Units Per Acre
MINIMUM PROPOSED DENSITY:	11.5 Units Per Acre (See Optional Provisions)
SETBACK:	22' from BOC per adopted streetscape plan
MIN. SIDE YARD:	5'
REAR YARD:	5'
MAXIMUM PROPOSED BUILDING HEIGHT:	50'
PARKING REQUIRED:	Min. = 1 per unit; Max. = 1.6 per unit (unless structured parking)
PARKING PROVIDED:	Up to 2 parking spaces per unit may be provided on the site due to the use of structured parking (garages).
- General Provisions
  - 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 in these development standards and on the rezoning plan, the regulations established under the Ordinance for the Transit Oriented Development Mixed-Use Oriented ("TOD-M") zoning district shall govern the development of the site.
  - The development depicted on this rezoning 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 Ordinance.
  - 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.
- Optional Provisions
  - The site may be developed with a minimum density of 11.5 dwelling units per acre.
- Permitted Uses
  - The site may be devoted only to for sale single family attached dwelling units, together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the TOD-M zoning district.
- Transportation
  - The site will have access via two driveways connecting to a proposed public street extension of Poindexter Drive, as generally depicted on the rezoning plan. The placement and configuration of each access point are subject to any minor modifications required to accommodate final site and construction plans and designs and any adjustments required for approval by the Charlotte Department of Transportation.
  - Parking areas shall be located as generally depicted on the rezoning plan.
  - Up to 2 parking spaces per unit may be provided on the site due to the use of structured parking (garages).
- Architectural Standards
  - The development of the site will be governed by the district regulations of the Ordinance for the TOD-M zoning district and by the conditions included as part of this rezoning plan.
  - The exterior finishes of the buildings shall be composed of a combination of brick, stone or similar masonry products and/or hardi-plank/fiber cement board.
  - No vinyl, EIFS or masonry may be used for siding materials but vinyl may be used for soffits and trim, including window and door trim.
  - Balcony railings, if appropriate to the design, will be of durable prefinished material and will not be painted pressure treated lumber.
  - Windows will be provided on all levels of the end units visible from Youngblood Street and the proposed public street.
- Streetscape and Landscaping
  - Petitioner shall install an 8 foot planting strip and an 8 foot sidewalk along the site's frontage on Youngblood Street.
  - Petitioner shall install an 8 foot planting strip and an 8 foot sidewalk along both sides of the proposed extension of Poindexter Drive.
  - Ends of alleys visible from Youngblood Street will be screened with architectural and/or landscape screening.
  - The Petitioner proposes to provide a 10' landscape strip along side and rear property lines where adjacent to industrial use and/or zoning, except where adjacent to the existing City of Charlotte Housing Authority property, northeast of the site. At that location, the Petitioner proposes a 5' landscape strip plus a 6' opaque screen fence.
- Lighting
  - Lighting on the site will utilize full cut-off luminaires and freestanding lighting will be limited to 20' in total height, but architectural lighting will be permitted.
- Other
  - The site will utilize roll-out containers and private trash and recycling service.



No.	Date	By	Description
1	5/16/14	MDL	REVISIONS PER STAFF COMMENTS
2	6/20/14	MDL	REVISIONS PER STAFF COMMENTS

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

**YOUNGBLOOD ST. TOWNHOMES**  
 HOPPER COMMUNITIES  
 YOUNGBLOOD STREET & REMOUNT ROAD  
 CHARLOTTE, NC  
 REZONING PETITION: 2014-047

**TECHNICAL DATA SHEET**

seals

Project Manager: MDL  
 Drawn By: MDL  
 Checked By: MDL  
 Date: 2/15/14  
 Project Number: 13021  
 Sheet Number:

**RZ-1**



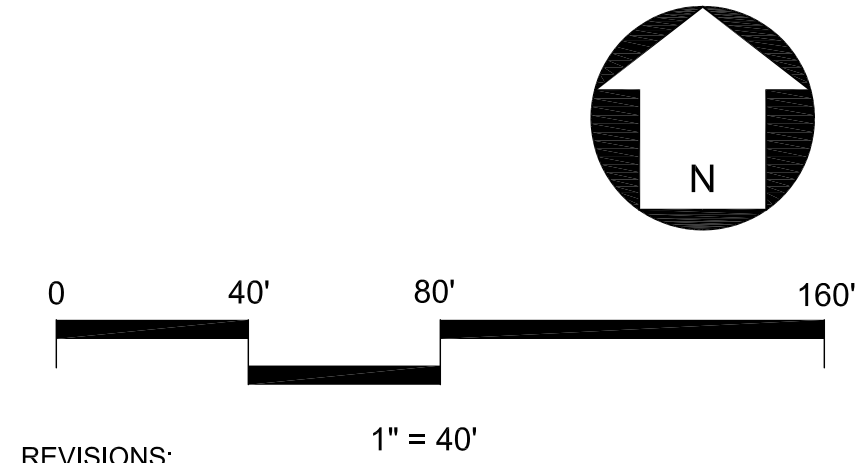
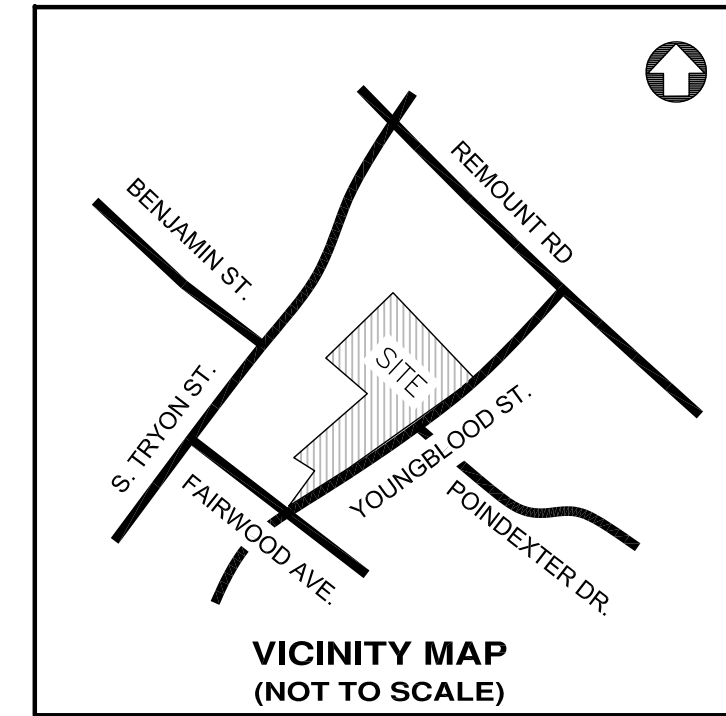
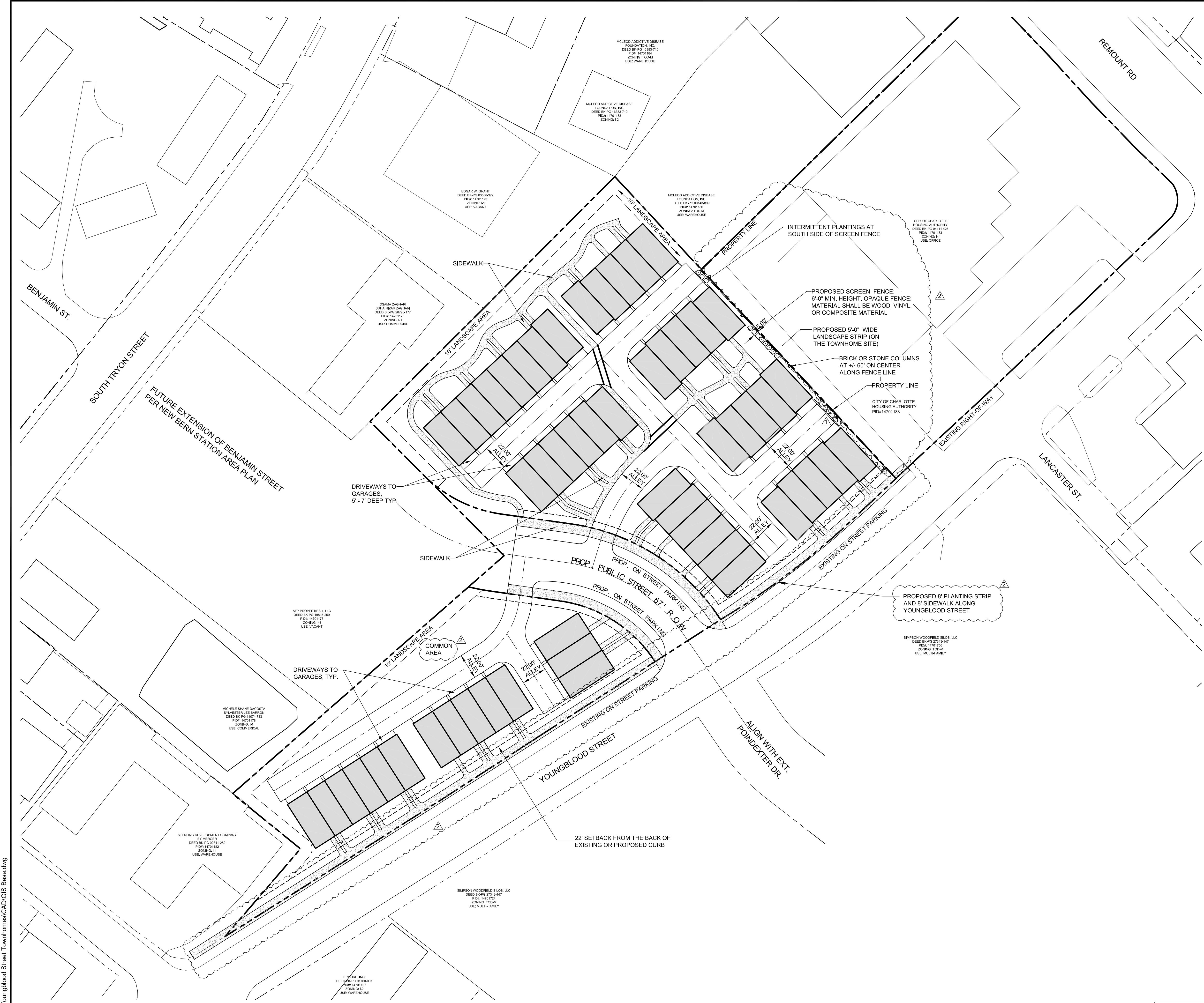
**YOUNGBLOOD ST. TOWNHOMES**  
 HOPPER COMMUNITIES  
 YOUNGBLOOD STREET & REMOUNT ROAD  
 CHARLOTTE, NC  
 REZONING PETITION: 2014-047

**CONCEPTUAL SITE PLAN**

seals

Project Manager: MDL  
 Drawn By: MDL  
 Checked By:  
 Date: 2/15/14  
 Project Number: 13021  
 Sheet Number:

**RZ-2**



REVISIONS:

No.	Date	By	Description
1	5/16/14	MDL	REVISIONS PER STAFF COMMENTS
2	6/20/14	RNR	REVISIONS PER STAFF COMMENTS

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

<b>REQUEST</b>	Current Zoning: O-2 (office) and TOD-MO (transit oriented – mixed-use, optional) Proposed Zoning: TOD-MO (transit oriented – mixed-use, optional) and TOD-MO SPA (transit oriented – mixed-use, optional, site plan amendment)
<b>LOCATION</b>	Approximately 2.99 acres generally surrounded by South Caldwell Street, Lexington Avenue, Euclid Avenue, and Templeton Avenue. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	A site plan amendment is being requested for a 2.47-acre parcel that was previously rezoned to TOD-MO (transit oriented development – mixed-use, optional). The site plan amendment will make changes to several of the previously approved optional requests and the street cross section for Lexington Avenue. In addition, the petition proposes to rezone the adjacent 0.52 acre parcel from O-2 (office) to TOD-MO (transit oriented development - mixed-use, optional) and to incorporate the site into the redevelopment of the larger adjacent property.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Marsh Euclid Apartments, LLC and White Bay Ventures, LLC Marsh Euclid apartments, LLC Jeff Brown and Keith MacVean, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: None
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>South End Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Allen).

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications: 1. Addressed CDOT issue by reducing the curb extensions to five-feet allowing two 10-foot traffic lanes and 5-foot wide on-street parking on both sides of Lexington Avenue. 2. Revised note 3.d. to say 68 linear feet.
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<b>VOTE</b>	Motion/Second: Sullivan/Ryan Yeas: Allen, Dodson, Eschert, Nelson, Ryan, and Sullivan Nays: None Absent: Labovitz and Walker Recused: None
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**ZONING COMMITTEE DISCUSSION** The planning staff presented the petition and noted that all outstanding issues had been resolved and that the petition was consistent with the *South End Transit Station Area Plan*. There was no further discussion.

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

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

**PLANNING STAFF REVIEW****• Background**

- Petition 2013-055 approved in October 2013 rezoned a 2.47-acre portion of the site from O-2 (office) to TOD-MO (transit oriented development – mixed-use, optional) to allow for uses permitted in the TOD-M (transit oriented development - mixed-use) district. The approved site plan specified setbacks and the location of a pool area and allowed options for the pool area, screen wall and architectural building elements to encroach into the setback, and an increase in height. Now there is additional, adjacent land being added to the area that was previously rezoned.

**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions carried over from Petition 2013-055:

- Development of any transit supportive use permitted within the TOD-M (transit oriented development - mixed-use) zoning district.
- Minimum parking ratio of 1.3 parking spaces per residential dwelling unit.
- Nonresidential development must comply with the TOD-M (transit oriented development - mixed-use) standards.
- Optional provisions that apply only to residential uses include:
  - Allow encroachments of building elements/architectural treatments up to four feet into the 20-foot building setback along Lexington and Templeton Avenues. These encroachments are in addition to other encroachments allowed by the Ordinance. All elements will be located behind the required sidewalk.
  - Increase the maximum allowed building height by five feet starting 50 feet from the required 30-foot setback along Euclid Avenue. The increase in building height may only be used for certain architectural elements (i.e. parapets, screening elements for mechanical equipment and screening elements for parking located in a parking structure) and not conditioned space or structured parking levels.

The site plan amendment contains the following changes:

- Proposes to reduce the 15-foot, 6-inch drive aisles to 10 feet by extending the curb line along the southern side of Lexington Avenue from the intersection with Euclid Avenue to the northern end of the site in order to provide 5-foot wide, recessed on-street parking and relocate the overhead utility lines into the proposed planting strip bulb outs. The 5-foot extension of the curb allows on-street parking on the northern side of the street from the intersection of Euclid Avenue to the northern end of the site to remain.
- Increases the contribution to implement traffic calming measures, approved in accordance with City policies, along portions of Lexington and Templeton Avenues located between Euclid and Myrtle Avenues from \$7,500 to \$10,000.
- Optional provision changes that apply only to the residential uses include:
  - Amends the optional provisions to increase the encroachment of a pool deck, associated amenity areas, and 60-inch high decorative wall/fence to enclose the pool amenity area into the 30-foot building setback along the Euclid Avenue street frontage from 60 linear feet to 68 linear feet.

**• Public Plans and Policies**

- The *South End Transit Station Area* (2005) recommends mixed use transit supportive development for the property. The site is located within the ½ mile walk distance from the Carson Boulevard transit station.
- The petition is consistent with the *South End Transit Station Area*.

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

- **Charlotte Area Transit System:** No issues.

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

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

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

**OUTSTANDING ISSUES**

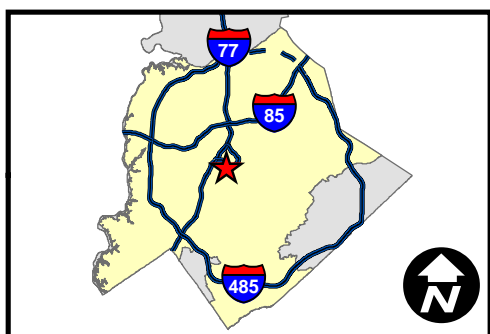
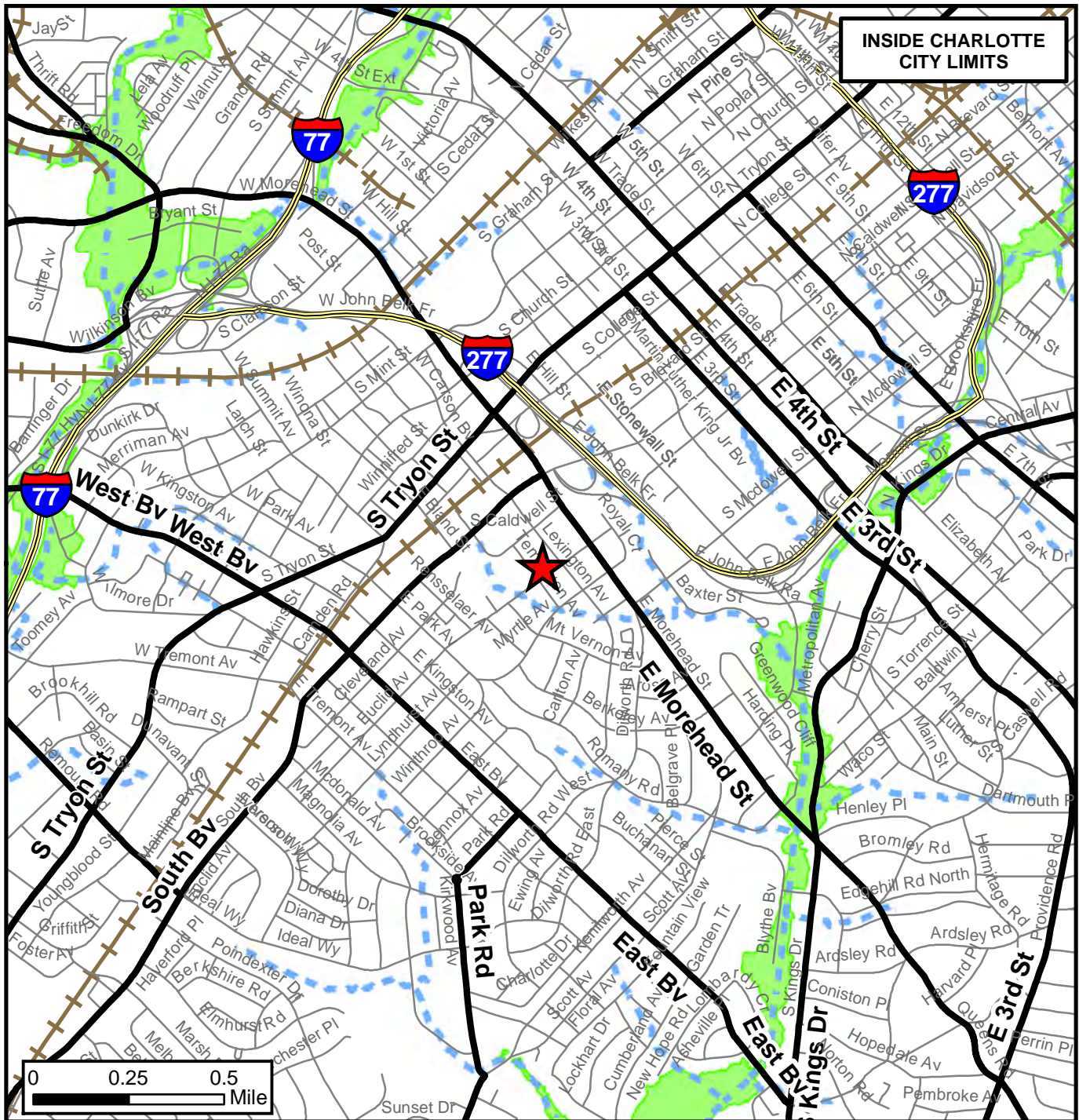
- No issues.
- 

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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- 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

**Acreage & Location :** Approximately 2.99 acres generally surrounded by South Caldwell Street, Lexington Avenue, Euclid Avenue, and Templeton Avenue.



	<b>Rezoning Petition: 2014-048</b>
	Major Roads
	Collector Roads
	Charlotte City Limits
	FEMA flood plain
	Watershed
	Lakes and Ponds
	Creeks and Streams

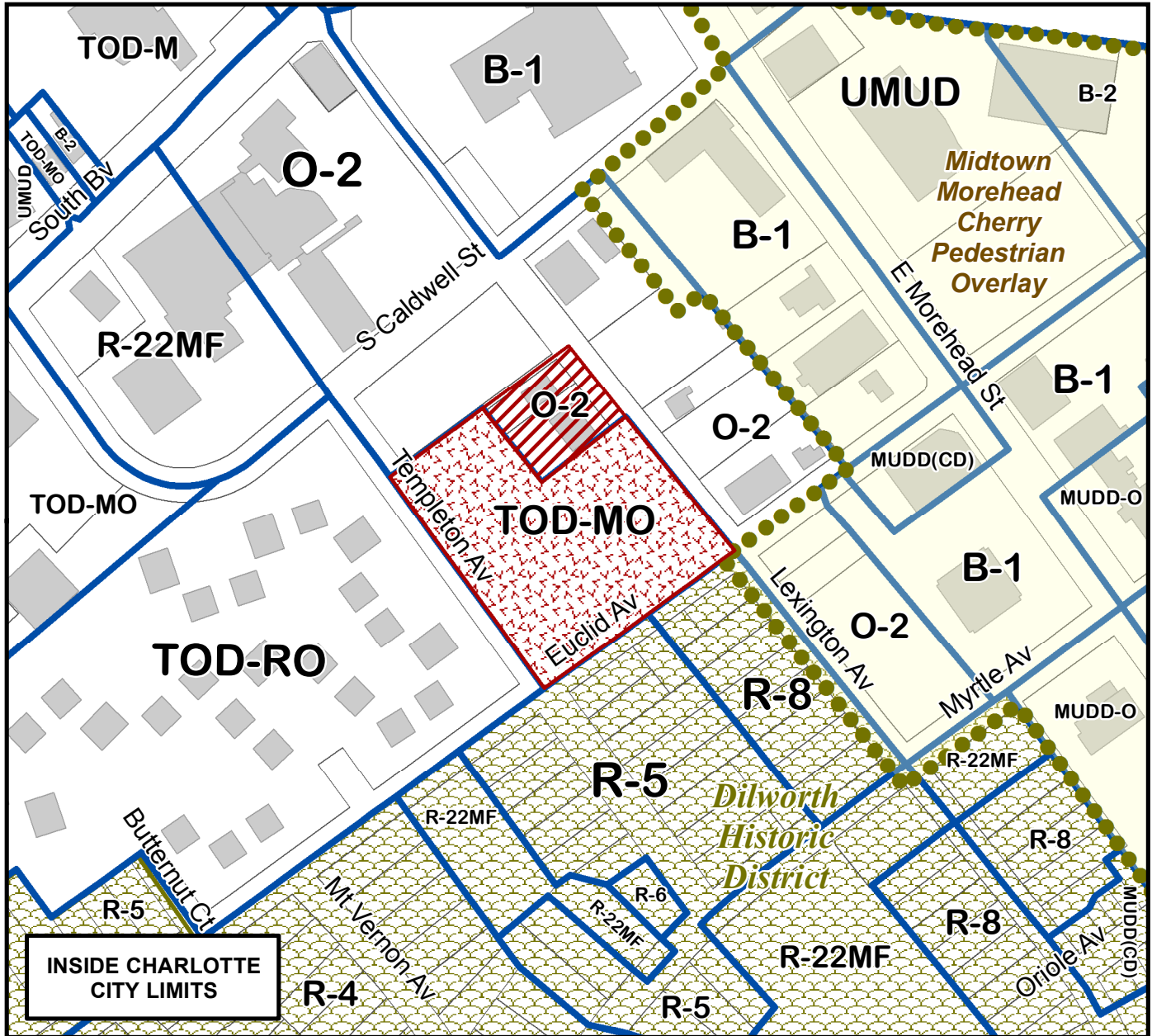
Petition #: **2014-048**

Petitioner: **Marsh Euclid Apartments, LLC**

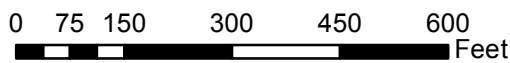
Zoning Classification (Existing): **O-2 & TOD-MO**  
(Office and Transit Oriented Development, Mixed Use, Optional)

Zoning Classification (Requested): **TOD-MO & TOD-MO(SPA)**  
(Transit Oriented Development, Mixed Use, Optional and Transit Oriented Development, Mixed Use, Optional, Site Plan Amendment)

Acreage & Location: Approximately 2.99 acres generally surrounded by South Caldwell Street, Lexington Avenue, Euclid Avenue, and Templeton Avenue.



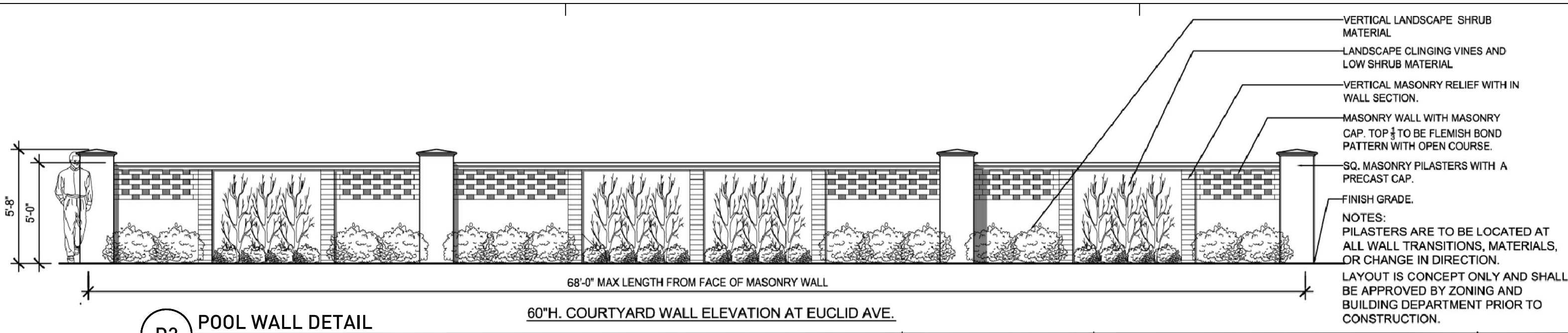
Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.



Zoning Map #(s)

**102**

	Requested TOD-MO from O-2		FEMA flood plain
	Requested TOD-MO(SPA) from TOD-MO		Watershed
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		Historic District
	Pedestrian Overlay		



D2 POOL WALL DETAIL  
NTS

D3 POOL WALL DETAIL  
NTS

Marsh Realty Company  
Development Standards  
3/24/14  
Rezoning Petition No. 2014-048 (Euclid Amended)

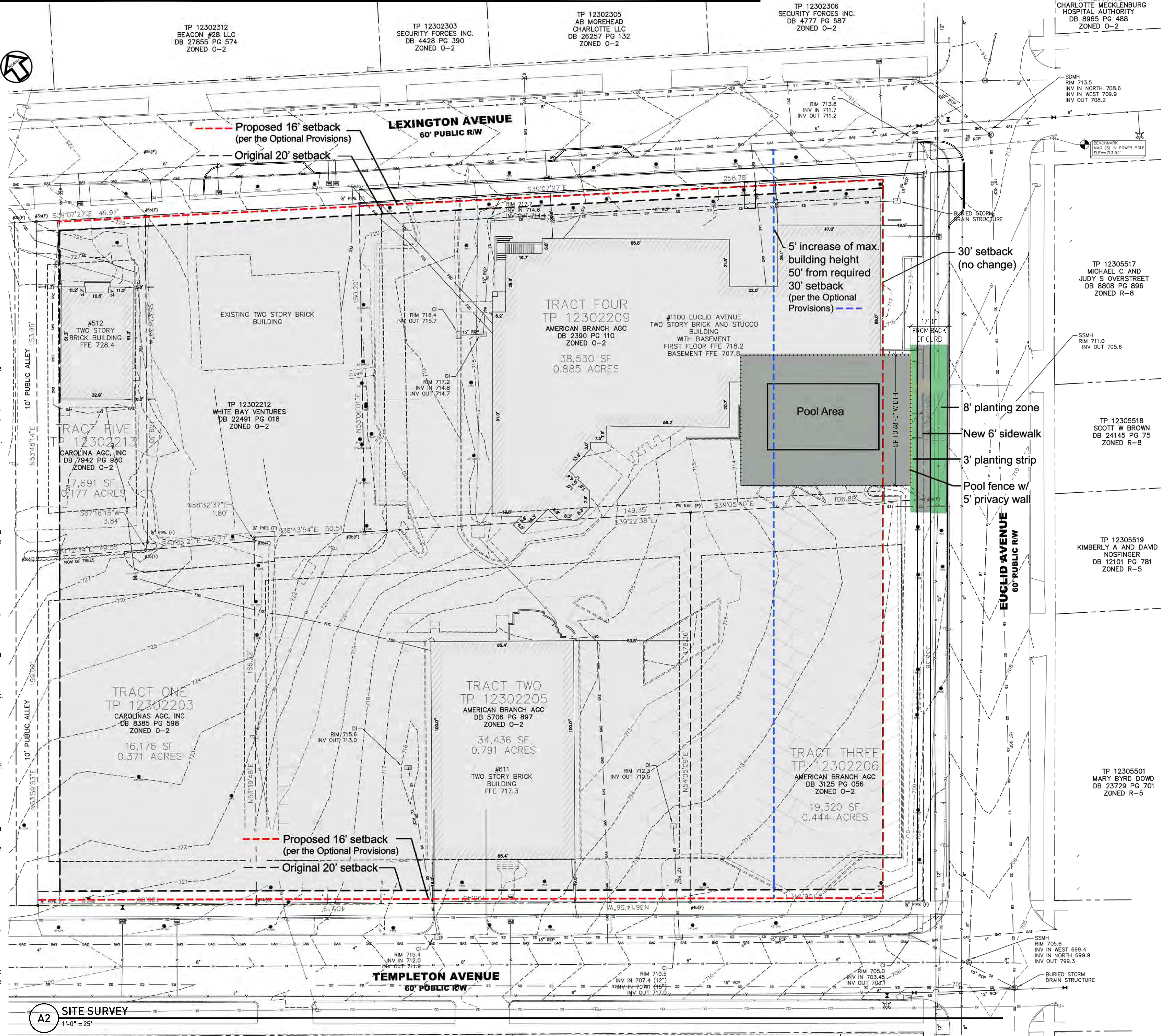
- Site Development Data:**
- Acreage: ± 2.99
  - Tax Parcel #: 123-022-09 and 12
  - Existing Zoning: O-2 and TOD-MO by Rezoning Petition No. 2013-055
  - Proposed Zoning: TOD-MO and TOD-MO(SPA)
  - Existing Uses: Office buildings with associated parking areas and a vacant lot.
  - Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses as allowed in the TOD-M zoning district.
  - Maximum Gross Square Feet of Development: As allowed by the TOD-M zoning district.
  - Maximum Building Height: As allowed by the Ordinance and the optional provisions described below. Allowed building height to be measured as defined by the Ordinance.
  - Parking: As required by the TOD-M zoning district except that if the Site is developed with residential uses a minimum of 1.3 spaces per unit will be provided. The parking maximums of the TOD-M zoning district will be followed.

- 1. General Provisions:**
- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Marsh Realty Company to accommodate development of transit supportive uses as generally contemplated by the South End Transit Station Area Plan on an approximately ± 2.99 acre site located on the west side of Euclid Avenue between Templeton and Lexington Avenues (the "Site"). 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 TOD-M zoning district (subject to the Optional Provisions provided below) shall govern all development taking place on the Site, subject to the Optional Provisions set forth herein.
- 2. Permitted Uses & Development Area Limitation:**
- The Site may be developed with all principal and accessory uses allowed by the TOD-M zoning district.
- 3. Optional Provisions for Residential Development.**

The following optional provisions shall apply to those portions of the Site that are developed for residential uses (including, without limitation, residential uses as part of a mixed-use building); those portions of the Site that are not developed for such residential uses will comply with the standards of TOD-M zoning district without regard to the optional provisions listed below:

- To allow the following building elements/architectural treatments to encroach up to four (4) feet into the 20 foot building setback along Lexington and Templeton Avenues: (i) balconies; (ii) pilasters; (iii) first level porches; (iv) first level stoops; and (v) stairs. These encroachments are in addition to other encroachments allowed into the setback by the Ordinance. All elements will be located behind the required sidewalk.
- To increase the maximum allowed building height by five (5) feet starting 50 feet back from the required 30 foot setback line along Euclid Avenue, height to be measured in accordance with the Ordinance. This additional five (5) foot increase in the allowed building height may be used to allow certain architectural elements such as but not limited to: (i) parapets walls; (ii) cornices; (iii) other architectural elements used to vary the building roof line; (iv) architectural elements used to screen roof top mechanical equipment; and (v) architectural treatments used to screen parking located in a parking structure. The increase in allowed building height may not be used to allow conditioned space or structured parking levels above the required height plane.
- To allow a pool deck and associated amenity areas to be located within the Euclid Avenue Setback. The pool deck and amenity areas may not encroach into the Euclid Avenue setback for more than 68 linear feet and will maintain a minimum setback of 17 feet as measured from the back of the curb, as generally illustrated on sheet RZ-1 of the Rezoning Plan. The pool amenity area may include, but is not limited to, seating areas, fire pits, arbors, landscaping, and water fountains.
- To allow a 60" inch decorative wall or fence with 68" inch high columns enclosing a pool amenity area to be located within the Euclid Avenue setback (the wall or fence may have gates). The encroachment into Euclid Avenue setback will be limited to 68 linear feet. The wall or fence and associated gates will be a minimum of 17 feet from the back of curb of Euclid Avenue. A three (3) foot planting area will be provided between the wall/fence and the back of the sidewalk. The three (3) foot landscape area will be landscaped with a variety of plant materials so as to create an attractive street edge.

- 4. Streetscape:**
- The Site will comply with the Streetscape Standards of the South End Transit Station Area Plan (subject to the optional provisions above).
- 5. Parking:**
- If the Site is developed for residential uses (including residential uses as part of a mixed-use building) a minimum of 1.3 parking spaces per unit will be provided for the residential uses. All other uses will comply with the parking standards of the TOD-M zoning district.
- 6. Miscellaneous; Contribution to Traffic Calming Measures; and Tree Protection for Trees in City Right-of-way:**
- The Petitioner will contribute up to \$10,000 to implement traffic calming measures along the portions of Lexington and Templeton Avenues located between Euclid and Myrtle Avenues. These funds will be made available to CDOT to implement traffic calming measures approved in accordance with City Council adopted standards and policies. These funds will be made available to CDOT within 30 days of the approval of this Petition and will remain available for such purposes for at least one year after the first building constructed on the Site receives a final certificate of occupancy and at least six (6) months after the completion of the improvements planned for Templeton Avenue as part of the Myrtle/Morehead Storm Drainage Improvement Project. Thereafter such funds shall be released to the Petitioner.
  - Where there are existing trees within the Public Street right-of-way's the Petitioner will work with City Arborist to protect these trees while the Site is under construction. Petitioner is aware that building footings/foundation may require special structural modifications in areas near existing large diameter trees where the root protection zone and building footprint overlap and the existing tree is located within the public street right-of-way. The developer will work with City Arborist to ensure these trees and their critical root zones are adequately protected.
- 7. Amendments to the Rezoning Plan:**
- Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.
- 8. 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 herein and 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.



A2 SITE SURVEY  
1"=60' = 25'

127 W. Worthington Avenue  
Suite 260  
Charlotte, NC 28203  
p 704.332.5668  
f 704.332.9556  
www.narmourwright.com

THESE DOCUMENTS PROVIDED BY NARMOUR WRIGHT ASSOCIATES ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCES THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

**EUCLID REZONING PETITION 2014-048  
FOR PUBLIC HEARING**

**CHARLOTTE, NORTH CAROLINA**

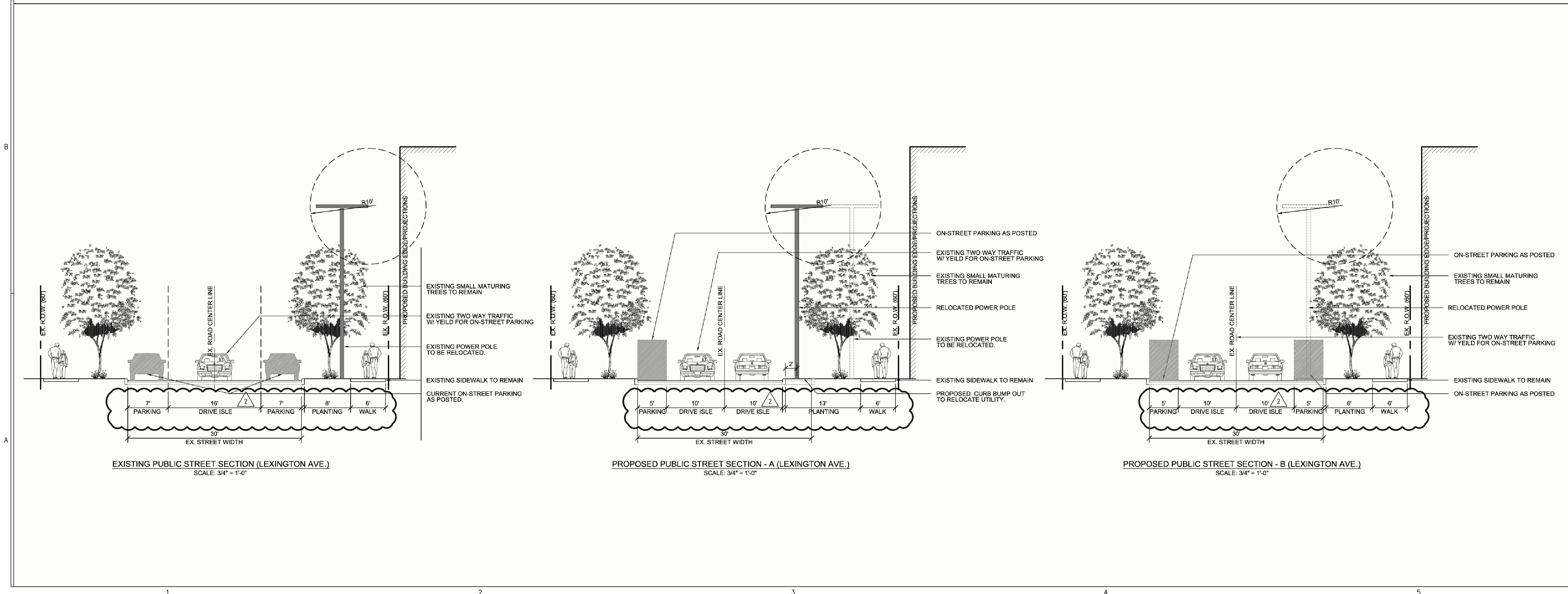
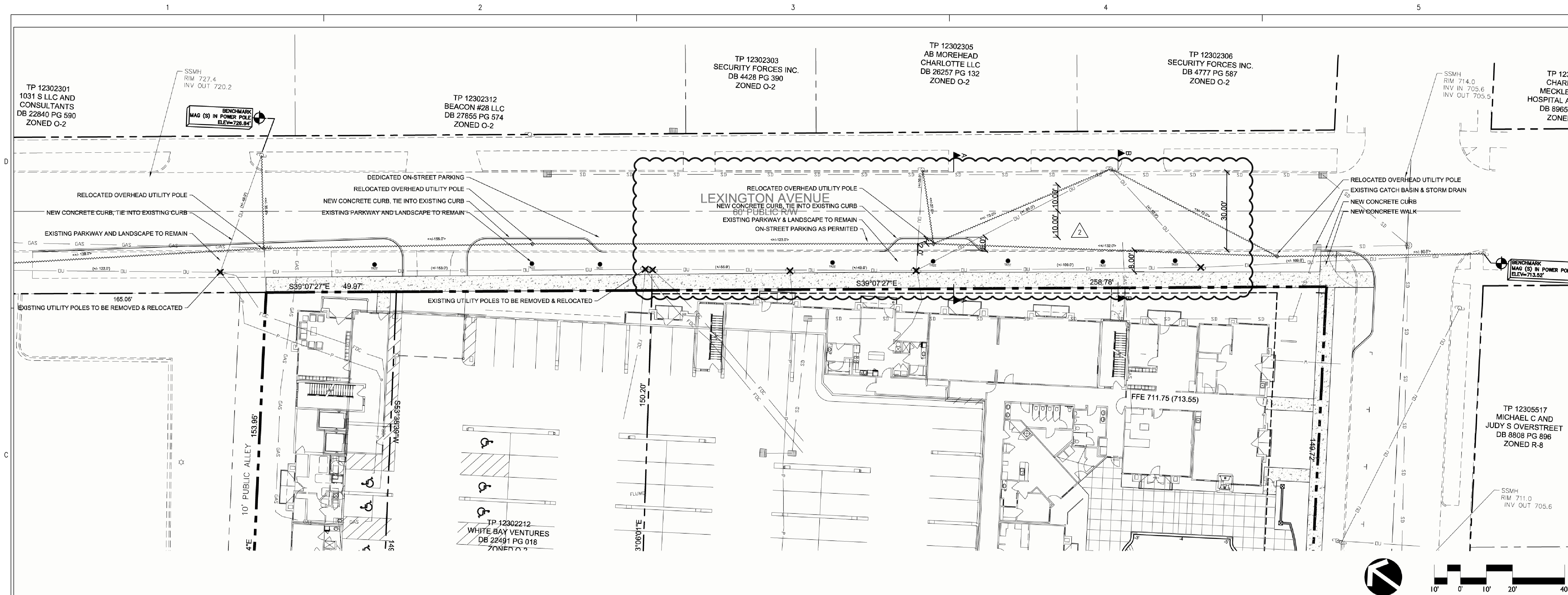
March 24, 2014  
REVISIONS:

- 1 PLANNING COMMENTS 05/16/14
- 2 PLANNING COMMENTS 06/10/14

PROJECT NUMBER  
13-002

**PROPOSED  
SETBACKS FOR  
REZONING**

**RZ1.0**



127 W. Worthington Avenue  
Suite 260  
Charlotte, NC 28203  
p 704.332.5668  
f 704.332.9556  
www.narmourwright.com

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LandDesign.

EUCLID REZONING PETITION 2014-048  
 FOR PUBLIC HEARING  
 CHARLOTTE, NORTH CAROLINA

March 24, 2014  
REVISIONS:

- 1 PLANNING COMMENTS 05/16/14
- 2 PLANNING COMMENTS 06/18/14

PROJECT NUMBER  
13-002

LEXINGTON  
POWER EXHIBIT

RZ2.0



<b>REQUEST</b>	Current Zoning: R-3 (single family residential), UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) (urban residential, conditional) and UR-2(CD) SPA (urban residential, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes to develop up to 43 single family attached dwelling units, in two phases, at a maximum density of 4.73 dwelling units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Colony Carmel Investors, LLC and W.W. Hagood, Jr. Trust Copper Builders, Inc. and Cambridge Properties, Inc. John Carmichael, Robinson Bradshaw & Hinson
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 30
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Eschert).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Enhanced drawings of typical courtyard and typical drive to better reflect layout of screen wall with pedestrian gates. Deleted proposed screen walls with gated pedestrian street access that were previously shown on Carmel Road and Colony Road.</li> <li>2. Showed and labeled proposed tree save areas in Phase I and Phase II that meets the 15 percent requirement. Noted that identified tree save areas where tree canopy does not exist will be replanted at a rate of 36 trees per acre. Specified undisturbed and proposed tree save areas.</li> <li>3. Showed building and parking footprint for Phase 2 as a separate inset on Sheet RZ-2.</li> <li>4. Provided a typical front, side, and rear elevation for any façade that will be oriented toward a public or private street on Sheet RZ-4.</li> <li>5. Designed elevations for end units that front Colony Road with architectural details that create a sense of entry and develop a pedestrian scale orientation towards Colony Road.</li> <li>6. Amended Sheet RZ-1 to state that existing residential structure is to remain in Phase 1.</li> <li>7. Relabeled "screen wall" along Colony Road and Carmel Road as "proposed site retaining wall."</li> <li>8. Specified acreage of Tract A and Tract B in the development data.</li> <li>9. Amended development data to indicate that all units in Phase I and Phase 2 shall be provided a minimum 400 square feet of private open space.</li> <li>10. Clarified that each single family attached unit will have a two-car garage.</li> <li>11. Added a note that the internal private street shall not be required to connect to Carmel Road, per determination of the Subdivision Administrator.</li> <li>12. Added a note that the petitioners shall install a northbound left turn lane on Colony Road prior to the issuance of the first</li> </ol>
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	<p>certificate of occupancy for any single family attached dwelling unit constructed on the site.</p> <ol style="list-style-type: none"> <li>13. Added a note that a door shall not be required on the side elevation of Units 3-6, 31-32, and 34.</li> <li>14. Noted that the finished grade of each single family attached unit located with frontage on Carmel Road shall be a minimum of three feet below the elevation of the sidewalk located on Carmel Road.</li> <li>15. Added a note that any railings required to be installed on top of retaining walls along the site’s frontage on Colony Road and Carmel Road will be constructed of decorative metal.</li> <li>16. Provided a streetscape elevation of the proposed residential community along Colony Road.</li> <li>17. Provided a conceptual landscaping plan.</li> <li>18. Added a note that the shrubs to be located between the retaining walls and the sidewalks along the site’s frontage on Colony Road and Carmel Road will be installed during the first available planting season.</li> <li>19. Noted that the on-site pond will be preserved.</li> <li>20. Showed location of solid waste and recycling facilities.</li> <li>21. Relocated proposed retaining wall at the intersection of Carmel and Colony Roads out of the 35’ x 35’ sight distance triangle.</li> </ol>
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**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that the outstanding issues have been addressed and that the petition is consistent with the *South District Plan*. A committee member asked if the units along Carmel Road will be visible from the road. The Zoning Committee suspended the rules and the petitioner’s agent responded that there will be a five-foot grade difference between Carmel Road and the development, and the wall will not go above street level. In addition, shrubs will be planted on top of the retaining wall.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Background**
  - Petition 2005-162 rezoned 7.64 acres of the total 9.09 acres included in the subject rezoning from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow 36 for- sale condominium units in three buildings. One attached residential dwelling was built in 2010.
- **Proposed Request Details**

The site plan amendment contains the following changes:

  - Up to 36 single family attached dwellings and one individual single family attached dwelling is proposed in Phase 1 of the development.
  - The individual single family attached unit shall be demolished and replaced with up to seven single family attached dwelling units in Phase 2 of the development.
  - Minimum setback of 14 feet along Colony Road and Carmel Road.
  - Maximum height of single family attached units is two stories. However, some units may have two stories above a basement.
  - Building materials consist of brick, stone, cementitious siding, miratec trim, and stucco. Vinyl shall not be a permitted exterior building material for the attached units but may be utilized on

the soffits and vinyl windows.

- A minimum 75 percent of each façade of the attached units shall be composed of brick, stone, or a combination thereof.
- Providing a retaining wall along Carmel Road and Colony Road.
- Minimum of two parking spaces provided for each attached dwelling unit and up to 22 on-street parking spaces provided on one side of the proposed private street.
- Walking trails to be installed on site.
- Detached lighting limited to 20 in height.
- No standards from the previous rezoning remain.

The proposed petition contains the following provisions for the entire site:

- A separate lot may be created for the individual attached dwelling unit.
  - Vehicular access to the site off Colony Road via a proposed private internal street.
  - A proposed pedestrian access point off Carmel Road that leads to community open space.
  - Maximum height of the individual single family attached dwelling unit is 40 feet.
  - No expanses of blank wall in excess of 20 feet on facades facing Colony Road and/or Carmel Road.
  - Existing pond to remain.
  - Walking trails to be installed on site.
  - Private roll out trash and recycling containers to be utilized by the community and picked up by a private service.
  - Schematic architectural rendering of front, rear and side elevation of the single family attached units provided.
- **Public Plans and Policies**
    - The *South District Plan* (1993) recommends residential development for the subject property.
    - The *South District Plan* supports six units at a density of four units per acre for the 1.5-acre portion of the site that is currently zoned R-3 (single family residential). The plan, as amended by rezoning 2005-162, supports 36 multi-family units at a density of 4.7 units per acre for the portion of the site currently zoned UR-2(CD) (urban residential, conditional). The plan supports a total of 42 units at a density of 4.6 units per acre for the combined properties.
    - The petition is consistent with the residential use recommended by the *South District Plan*, and the proposed density represents a minor increase from 4.62 units per acre, as supported by the plan, to 4.73 units per acre.
- 

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
  - **Charlotte-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*.
    - Protects/restores environmentally sensitive areas by preserving an existing pond.
-

**OUTSTANDING ISSUES**

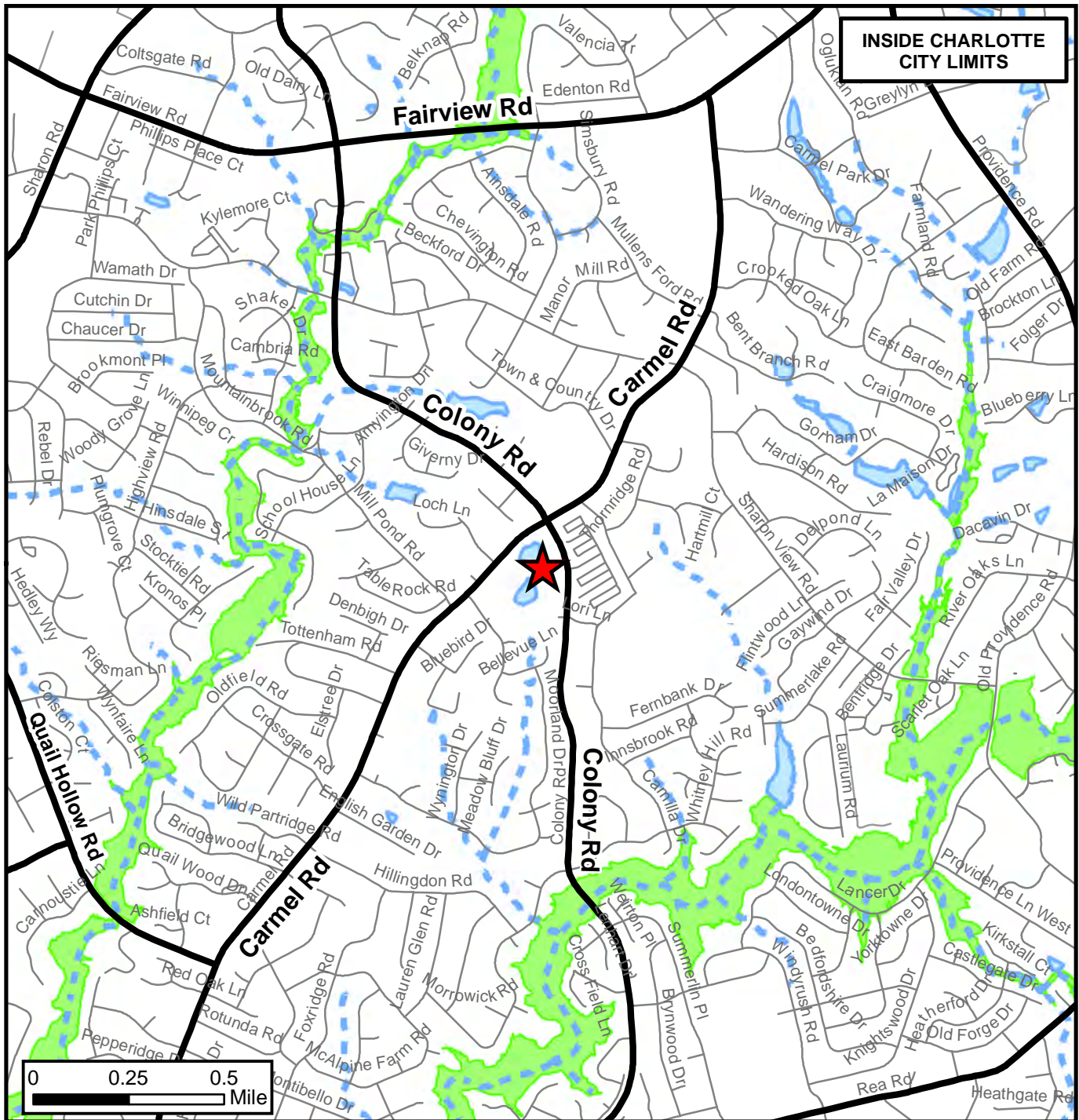
- No issues.
- 

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

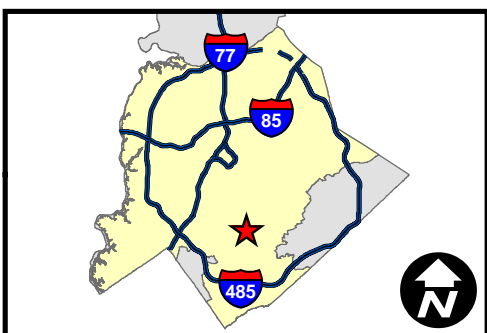
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services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

**Planner:** Sonja Sanders (704) 336-8327

**Acreage & Location :** Approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road.



**INSIDE CHARLOTTE CITY LIMITS**



**★ Rezoning Petition: 2014-050**

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

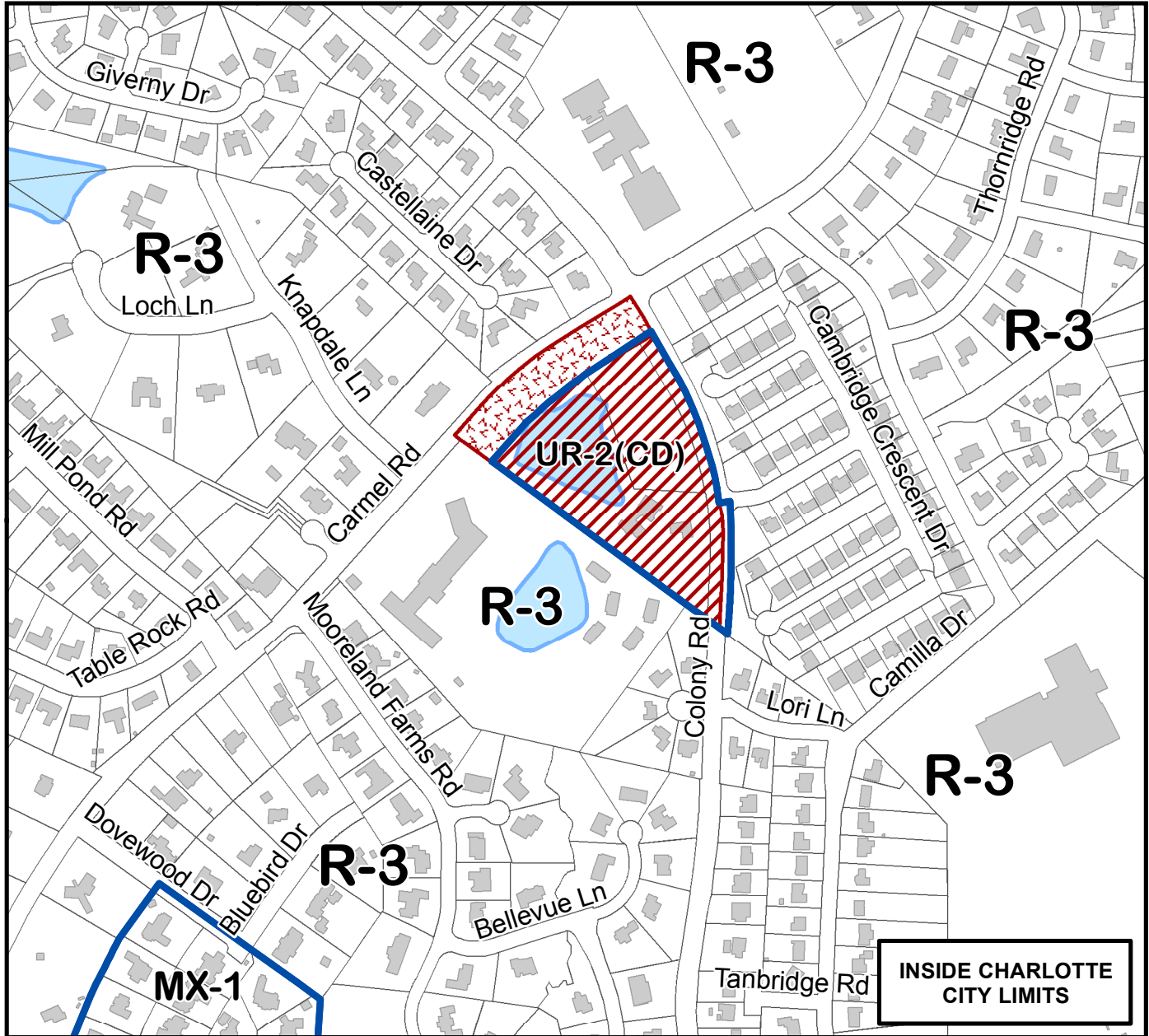
Petition #: **2014-050**

Petitioner: **Copper Builders, Inc. and Cambridge Properties, Inc.**

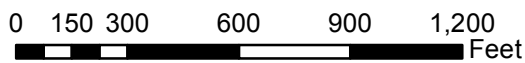
Zoning Classification (Existing): **R-3 & UR-2(CD)**  
(Single Family, Residential and Urban Residential, Conditional)

Zoning Classification (Requested): **UR-2(CD) & UR-2(CD)SPA**  
(Urban Residential, Conditional and Urban Residential, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road.

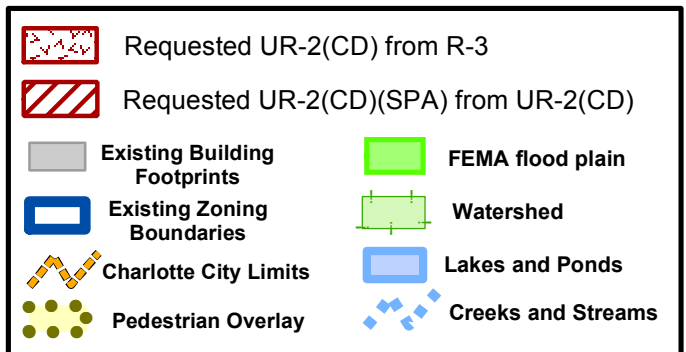


Map Produced by the Charlotte-Mecklenburg Planning Department, 6-2-14.



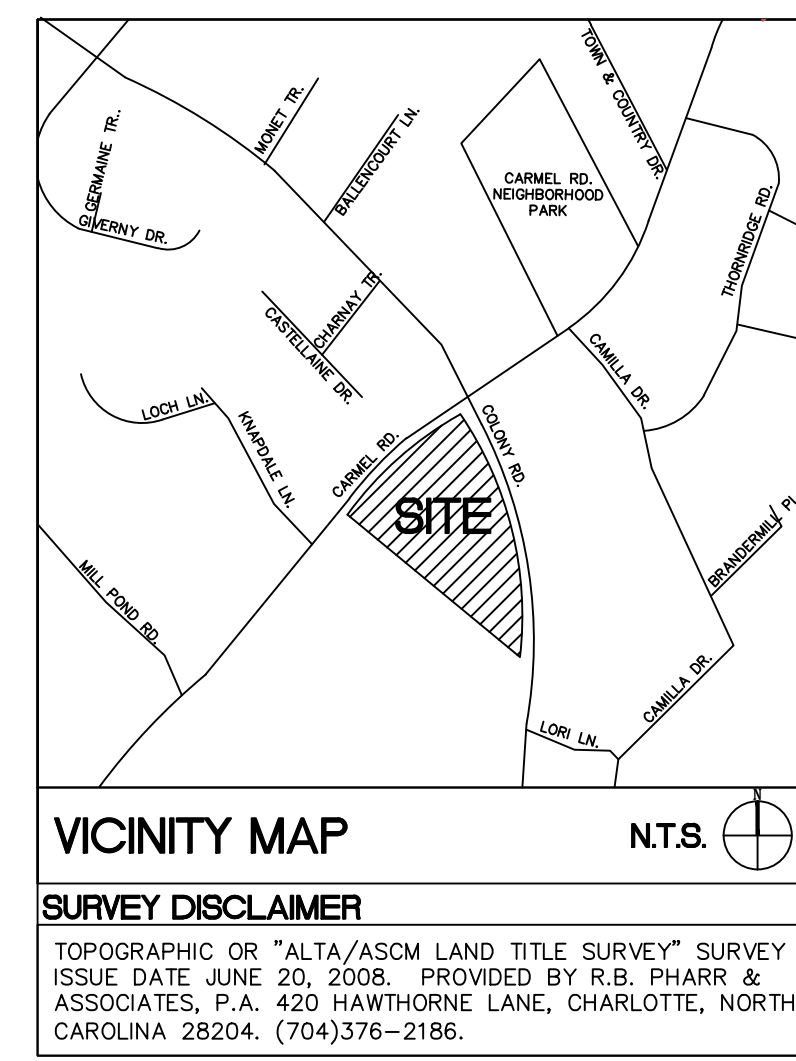
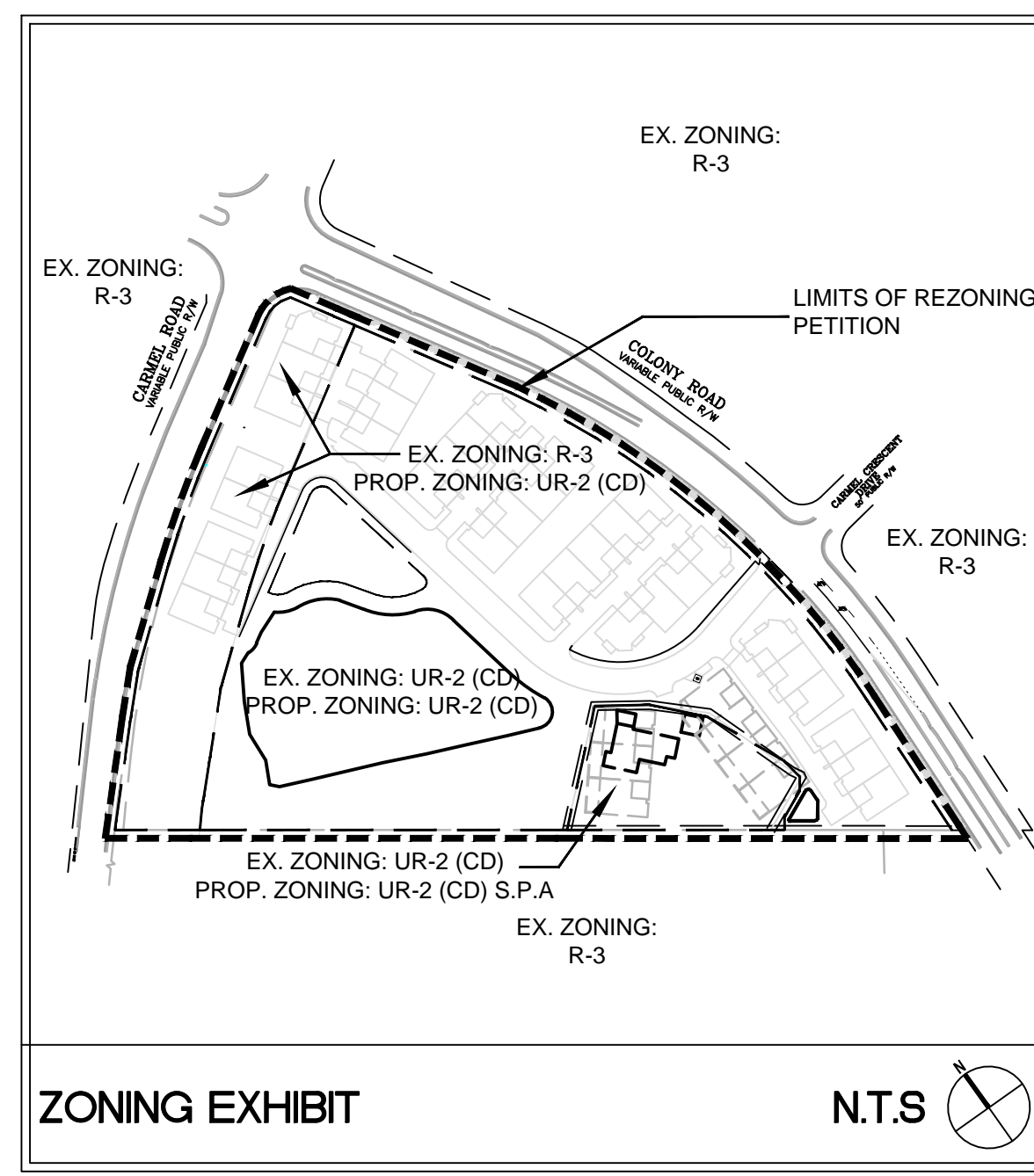
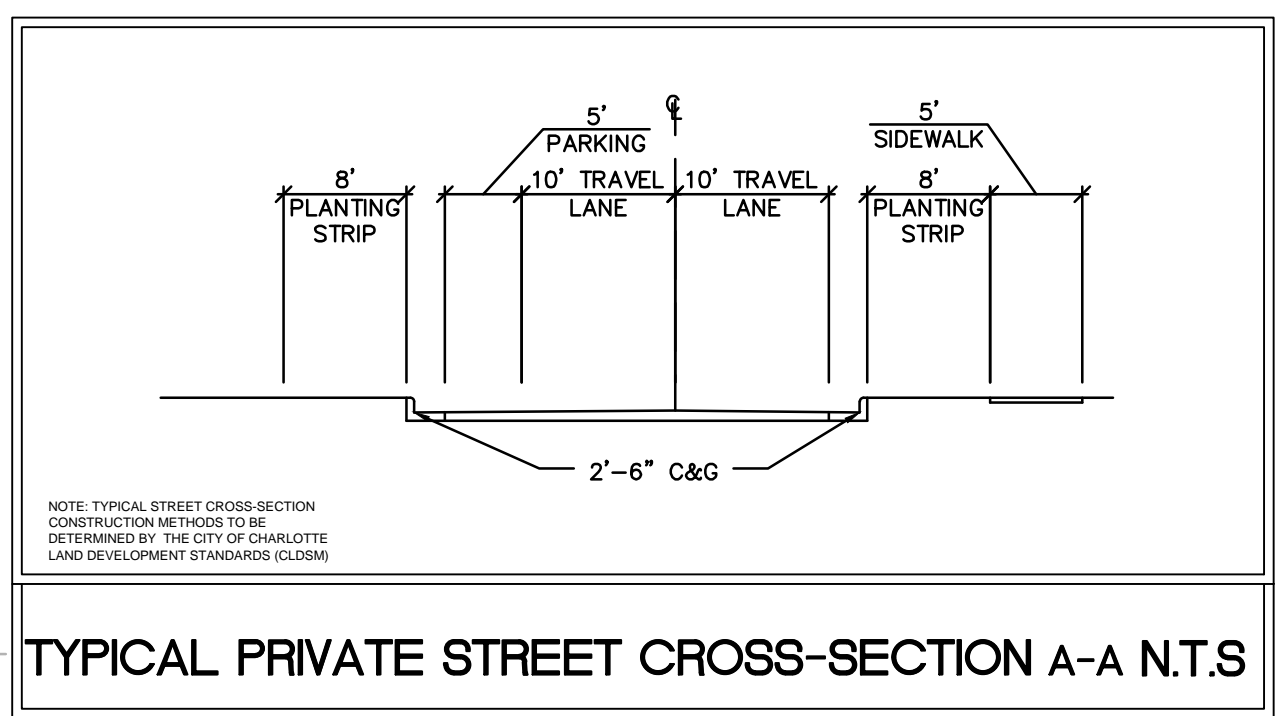
Zoning Map #(s)

**146**



EXISTING STREET TREES SHALL REMAIN TO MAINTAIN CONTINUITY BETWEEN ADJACENT DEVELOPMENTS. SELECTIVE REMOVAL AND REPLACEMENT DUE TO TREE HEALTH OR CONSTRUCTION CONFLICT SHALL BE PERMITTED AFTER APPROVAL AND COORDINATION WITH CITY URBAN FORESTRY.

PIN: 20902102  
CHURCH AT CHARLOTTE  
2500 CARMEL RD  
CHARLOTTE, NC 28226  
D.B. 3726, PG. 633



**ColeJenest & Stone**  
Shaping the Environment  
Realizing the Possibilities

Land Planning  
Landscape Architecture  
Civil Engineering  
Urban Design

200 South Tryon Street, Suite 1400  
Charlotte, North Carolina 28202  
P: 704.376.1555 F: 704.376.7851  
url: www.colejeneststone.com

**COPPER BUILDERS, INC.**  
1235 E-East Boulevard #155  
Charlotte  
North Carolina 28203

**CAMBRIDGE PROPERTIES, INC.**  
521 East Morehead Street #245  
Charlotte  
North Carolina 28202

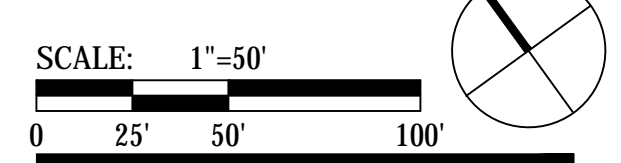
**CARMEL & COLONY TOWNHOMES**  
5930 Colony Road  
Charlotte  
North Carolina 28226

# CONDITIONAL REZONING PLAN

Project No. 4315  
Issued 03.24.14

Revised

1	05.16.14	CITY COMMENTS
2	06.20.14	PUBLIC HEARING/STAFF COMMENTS
3	06.25.14	ADDITIONAL STAFF COMMENTS



## RZ-1

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TIE TO EXISTING SIDEWALK. PROPOSED SITE RETAINING WALL, TYP. ALL UTILITY STRUCTURES AND TRAFFIC SIGNAL CONTROLS TO REMAIN.

35' X 35' SIGHT TRIANGLE. PROPOSED 20' PRIVATE DRIVE, TYP. SEE SHEET RZ-2/E-3 FOR DIMENSIONAL AND MATERIAL DETAILS.

PROPOSED 2' SIDEWALK AND UTILITY EASEMENT, TYP. PROPOSED TOWNHOME. PROPOSED RESIDENTIAL TYPE HAMMERHEAD.

PROPOSED ACCESSIBLE COMMUNITY OPEN SPACE. SEE SHEET RZ-2/E-1 FOR DETAILS.

PIN: 20902201  
JASON CRAWFORD & SUMMER BELK  
5726 COLONY RD  
CHARLOTTE, NC 28226  
D.B. 25660, PG. 512

PROPOSED PEDESTRIAN ACCESS POINT. PROPOSED TREE SAVE AREA.

PIN: 20902208  
E S PANDURANGA & JAYASHREE PANDURANGA  
3619 CASTELLAINE DR  
CHARLOTTE, NC 28226  
D.B. 10105, PG. 004

ALL PLANTING DEPICTED ON REZONING PLAN IS SUBJECT TO CHANGE TO ACCOMMODATE SITE CONSTRAINTS OR MAINTAIN CONTINUITY BETWEEN THE PROPOSED DEVELOPMENT AND ADJACENT DEVELOPMENTS.

ON-STREET PARKING MAY BE PROVIDED ON ONE SIDE FOR THE EXTENT OF THE PRIVATE STREET.

EXISTING VARIABLE PUBLIC RIGHT-OF-WAY. 5' SITE SIDEWALK TO BE PROVIDED ADJACENT TO ALL PROPOSED RESIDENCES ALONG PROPOSED PRIVATE STREET.

PROPOSED 8' PLANTING STRIP, TYP. FUTURE VARIABLE PUBLIC RIGHT-OF-WAY.

PROPOSED SITE RETAINING WALL, TYP. PERIMETER STREET TREE, TYP. ALL PLANTING MAY BE SUBJECT TO CHANGE, AND SHALL MEET MINIMUM PLANTING REQUIREMENTS PER ZONING ORDINANCE.

PROPOSED LOCATION OF DETENTION AND WATER QUALITY BASIN #1. WETLAND DISTURBANCE SHALL REMAIN UNDER ONE HALF ACRE AND BE PERMITTED THROUGH USAGE.

PROPOSED RETAINING WALL. ALL RETAINING WALLS SHALL BE FITTED WITH PEDESTRIAN RAIL PROTECTION WHERE DEEMED APPROPRIATE PER ORDINANCE.

PIN: 20904351  
STEPHEN P. HAYE  
2726 CARMEL RD.  
CHARLOTTE, NC 28226  
D.B. 4174, PG. 721

PROPOSED LOW IMPACT WALKING TRAILS, TYP. PROPOSED COMMUNITY AMENITY.

UNDISTURBED REAR SCREEN. CLEARING WITHIN THIS AREA SHALL BE LIMITED TO ERADICATION OF INVASIVE OR NOXIOUS SPECIES, OR SELECTIVE TREE REMOVAL TO ENSURE STRUCTURAL INTEGRITY OF EXISTING DAM, EMERGENCY SPILLWAY, AND/OR OUTLET CONTROL STRUCTURE.

DUE TO POSSIBLE GRADING CONSTRAINTS ASSOCIATED WITH THE REQUIRED ADDITION OF THE OFF-SITE 6' PLANTING STRIP AND 6' SIDEWALK ALONG CARMEL ROAD, THE DEVELOPER INTENDS TO APPLY FOR RELIEF PER SECTION 9.407(4) OF THE CITY OF CHARLOTTE UR-2 ZONING ORDINANCE.

PROPOSED TREE SAVE AREAS SHALL SATISFY SITE TREE SAVE OF 15% (1.25 AC). TOTAL TREE SAVE PROVIDED ON SITE IS (1.31) AC. IN PHASE 1. SEE REZONING SUMMARY FOR CALCULATIONS.

ALIGNMENT OF LOW IMPACT WALKING TRAIL AND AMENITY AREA SUBJECT TO CHANGE WITH RESPECT TO EXISTING VEGETATION WITHIN THE UNDISTURBED AREA. MINIMAL UNDERSTORY THINNING OR CLEARING SHALL BE PERMITTED.

UNDISTURBED TREE SAVE AREA. SEE NOTE 4, "ENVIRONMENTAL FEATURES" SHEET RZ-2. SEE ENLARGEMENT E-4 SHEET RZ-2 FOR TREE SAVE PHASING OUTSIDE OF DESIGNATED "UNDISTURBED TREE SAVE AREAS".

PIN: 21163175  
CARMEL AND CRESCENT OWNERS ASSOC.  
2626 SHEFFIELD CRESCENT CT  
CHARLOTTE, NC 28226  
D.B. 23051, PG. 681

PIN: 21163164  
CAROL H. MADDOX  
2602 WINDSOR CRESCENT CT  
CHARLOTTE, NC 28226  
D.B. 12092, PG. 135

PIN: 21163177  
CARMEL AND CRESCENT OWNERS ASSOC.  
2626 SHEFFIELD CRESCENT CT  
CHARLOTTE, NC 28226  
D.B. 23051, PG. 681

PIN: 21163154  
LINDA M. PATTERSON  
2132 SUNSET DR  
CHARLOTTE, NC 28209  
D.B. 13870, PG. 950

PIN: 21163176  
CARMEL AND CRESCENT OWNERS ASSOC.  
2626 SHEFFIELD CRESCENT CT  
CHARLOTTE, NC 28226  
D.B. 23051, PG. 681

EXISTING LIGHT POLES TO REMAIN, TYP. TYPICAL BACKYARD AND PRIVATE OPEN SPACE. SEE SHEET RZ-2/E-2 FOR DETAILS. TYPICAL PRIVATE DRIVE AND STREETScape. SEE SHEET RZ-2/E-3 FOR DETAILS.

EXISTING VARIABLE PUBLIC RIGHT-OF-WAY SHALL SERVE AS MINIMUM SETBACK PER ORDINANCE.

INTERNAL STREET TREE, TYP. PROPOSED PRIVATE STREET CONNECTION. FULL MOVEMENT ACCESS TIE TO PROPOSED 6' OFF-SITE SIDEWALK.

35' X 35' SIGHT TRIANGLE. STREET TREES WITHIN SIGHT TRIANGLE SHALL BE MAINTAINED AT A 10' CLEARANCE.

ADDITION OF REQUIRED TURN LANE TO BE DESIGNED IN COORDINATION WITH CDOT DURING CONSTRUCTION DOCUMENTS PHASE.

PROPOSED PROJECT MONUMENTATION. (APPROXIMATE LOCATION) SCREEN WALL, TYP.

PROPOSED DEDICATED PRIVATE OPEN SPACE SHALL MEET THE MINIMUM REQUIREMENTS PER THE UR-2 ZONING ORDINANCE. SEE SHEET RZ-2 FOR DETAILS.

PROPOSED SITE RETAINING WALL, TYP.

SPACE ALLOCATED FOR 1, 8 CUBIC YARD SOLID WASTE COMPACTOR AND 1 RECYCLING STATION.

PROPOSED LOCATION OF DETENTION AND WATER QUALITY BASIN #2.

PROPOSED TREE SAVE AREA. PROPOSED OFF-SITE, TWO-CAR GARAGE AND DRIVEWAY TO BE CONSTRUCTED BY DEVELOPER.

EXISTING RESIDENTIAL STRUCTURE TO REMAIN IN PHASE 1 OF PROPOSED DEVELOPMENT.

PROPOSED PARCEL BOUNDARY. SEE SHEET RZ-2 FOR PROPOSED PHASE 2 DEVELOPMENT. PERMITTED USES/PHASING.

PIN: 21163117  
JUG & KAREN BROADWAY  
2636 LORI LN,  
CHARLOTTE, NC 28226  
D.B. 22542, PG. 945

REZONING SUMMARY	
PETITIONER:	COPPER BUILDERS, INC. 1235 E-EAST BOULEVARD #155 CHARLOTTE, NC 28203
PROPERTY OWNER:	CAMBRIDGE PROPERTIES, INC. 831 E MOREHEAD STREET #245 CHARLOTTE, NC 28202
REZONING SITE AREA:	COLONY CARMEL INVESTORS, LLC 521 EAST MOREHEAD STREET, SUITE 400 CHARLOTTE, NC 28202
TAX PARCEL #:	SALLY H. JAMES & ADELE D. HAGOOD 5926 COLONY ROAD CHARLOTTE, NC 28220
EXISTING ZONING:	TOTAL 9.08 AC TRACT A: 8.35 AC TRACT B: 0.73 AC
PROPOSED ZONING:	211-632-34 211-632-35 211-632-36 211-632-99 211-632-99
EXISTING USE:	UR-2 (CD) R-3
PROPOSED USE:	UR-2 (CD) UR-2 (CD) S.P.A.
NUMBER OF UNITS:	SINGLE FAMILY ATTACHED VACANT
MINIMUM SETBACK:	SINGLE FAMILY ATTACHED, SINGLE FAMILY DETACHED
OPEN SPACE:	PHASE 1: 36 NEW, 1 EXISTING PHASE 2: UP TO 7 NEW
THE CITY OF TREE SAVE:	EXISTING RIGHT-OF-WAY OR 14' FROM BACK OF CURB, WHICH EVER IS GREATER.
	ALL UNITS IN PHASE 1 AND PHASE 2 SHALL BE PROVIDED A MINIMUM OF 400 SQUARE FEET OF PRIVATE OPEN SPACE PER CHARLOTTE UR-2 ZONING ORDINANCE.
	PHASE 1: 8.35 AC @ 15% = 1.25 AC OF TREE SAVE REQ. 1.31 AC TOTAL PROVIDED ON SITE
	PHASE 2: 0.73 AC @ 15% = 0.11 AC ADDITIONAL AC OF TREE SAVE REQ. 1.36 AC TOTAL PROVIDED ON SITE
	*ALL AREAS DEPICTED AS "TREE SAVE AREAS" WHERE EXISTING TREE CANOPY DOES NOT CURRENTLY EXIST SHALL BE REPLANTED AT A RATE OF 36 TREES PER ACRE.

1. SEE SHEET RZ-2 FOR REZONING NOTES
2. SEE SHEET RZ-2 FOR AMENITY AREA, COURTYARD, TYPICAL PRIVATE DRIVE DETAILS, AND DEVELOPMENT PHASING EXHIBIT.
3. SEE SHEET RZ-3 FOR CONCEPTUAL PLANTING PLAN
4. SEE SHEET RZ-4 FOR ARCHITECTURAL ELEVATIONS AND TYPICAL STREETScape ELEVATION

**DEVELOPMENT STANDARDS** - June 24, 2014

**General Provisions**

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Copper Builders, Inc. and Cambridge Properties, Inc. to accommodate the development of a residential community on that approximately 9.083 acre site located at the southwestern corner of the intersection of Carmel Road and Colony Road, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site will be developed in two separate phases. Phase 1 will consist of the development of a maximum of 36 for sale single family attached dwelling units and 1 single family detached dwelling unit. Phase 2 will consist of the demolition of the single family detached dwelling unit and the development of a maximum of 7 additional for sale single family attached dwelling units in the general location of the single family detached dwelling unit as more particularly depicted on the Rezoning Plan.
- 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 UR- 2 zoning district shall govern all development taking place on the Site.
- The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the internal street network depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, may be altered or modified during design development and construction document phases.
- 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 shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units and a single family detached dwelling unit, together with any incidental or accessory uses associated with such uses that are permitted under the Ordinance in the UR-2 zoning district, as described below.

**Phase 1**

**Tract A**

A maximum of 36 for sale single family attached dwelling units may be constructed on Tract A in Phase 1 of the development.

**Tract B**

A maximum of 1 single family detached dwelling unit may be located on Tract B in Phase 1 of the development. Tract B may be subdivided from Tract A so as to create a separate lot for the single family detached dwelling unit.

**Phase 2**

The single family detached dwelling unit located on Tract B shall be demolished, and a maximum of 7 additional for sale single family attached dwelling units may be constructed on the Site in the general location of the single family detached dwelling unit as more particularly depicted on the Rezoning Plan. Tract B may be recombined with Tract A in Phase 2 of the development. The total maximum allowed density on the Site upon the completion of Phase 2 of the development shall be 43 for sale single family attached dwelling units.

**Transportation**

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access point 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.
- As depicted on the Rezoning Plan, the internal street shall be a private street.
- The exact alignment of the proposed internal private street may be altered during the construction permitting process.
- Pursuant to a determination made by the Subdivision Administrator, the internal private street shall not be required to connect to Carmel Road.
- Off-street vehicular parking will meet the requirements established under the Ordinance for the UR-2 zoning district. Notwithstanding the foregoing, each single family attached dwelling unit shall have a 2 car garage, and a minimum of 22 on street parking spaces shall be located on the internal private street.

Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan. The internal sidewalks may meander to save existing trees.

Prior to the issuance of the first certificate of occupancy for any single family attached dwelling unit constructed on the Site, the Petitioners shall install a northbound left turn lane on Colony Road at the existing median opening adjacent to the vehicular access point into the Site. This left turn lane shall have a minimum length of 150 feet.

**Architectural Standards**

- The maximum height of any single family attached dwelling unit located on the Site shall be two stories, provided, however, that some single family attached dwelling units may have two stories above a basement.
- The maximum height of the single family detached dwelling unit located on Tract B shall be 40 feet.
- Attached hereto are schematic architectural renderings of the front, side and rear elevations of the single family attached dwelling units proposed to be constructed on the Site that are intended to depict the general architectural style, character and elements of the front, side and rear elevations of the single family attached dwelling units. Accordingly, the front, side and rear elevations of each single family attached dwelling unit constructed on the Site shall be designed and constructed so that they are substantially similar in appearance to the relevant schematic architectural renderings attached hereto. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.
- Notwithstanding the terms of paragraph 3 above, a door shall not be required on the side elevation of those single family attached dwelling units designated as unit numbers 3, 4, 5, 6, 31, 32 and 34 on the Rezoning Plan.
- At least 75 percent of each facade of the single family attached dwelling units to be located on the Site below the roofline shall be composed of brick, stone or a combination thereof, and the remaining portions of each facade below the roofline shall be composed of cementitious siding, mirror trim, stucco or a combination thereof. "Each facade below the roofline" is defined as the entire exterior surface area below the roofline excluding windows, doors, garage doors and trim, so that windows, doors, garage doors and trim are not considered when calculating the minimum percentage of material required. Vinyl shall not be a permitted exterior building material for the single family attached dwelling units, provided, however, that vinyl may be utilized on the soffits of such dwelling units and vinyl windows may be installed on such dwelling units.
- The finished grade of each single family attached dwelling unit located along the Site's frontage on Carmel Road (designated as unit numbers 1 through 8 on the Rezoning Plan) shall be a minimum of 3 feet below the elevation of the sidewalk located on Carmel Road adjacent to each such single family attached dwelling unit.

- With respect to the facades of the single family attached dwelling units that face Colony Road and/or Carmel Road, there shall be no expanses of blank walls in excess of 20 feet.
- Roll out trash and recycling containers will be utilized by the residents of this community and picked up by a trash service. The trash and recycling containers shall be screened from view from Colony Road and Carmel Road except on those days when trash and recycling is picked up by the trash service.
- In the event that railings are required to be installed on top of any retaining walls located along the Site's frontages on Colony Road and Carmel Road, then such railings shall be constructed of decorative metal.
- HVAC units shall be screened from view at grade from adjoining streets and properties.
- Attached hereto is a streetscape elevation of the proposed residential community along Colony Road that is intended to depict the architectural style and character of the single family attached dwelling units located along this street frontage, the relationship of the single family attached dwelling units to Colony Road and the perimeter landscaping treatment. Development of the Site along Colony Road shall be substantially similar in appearance to the attached streetscape elevation. Changes and alterations which do not materially change the overall conceptual architectural style and character of the single family attached dwelling units, the relationship of the single family attached dwelling units to Colony Road and the perimeter landscaping treatment are permitted based upon final design/construction drawings.
- The Carmel Road streetscape of the proposed residential community with respect to the architectural style and character of the single family attached dwelling units located along Carmel Road, the relationship of the single family attached dwelling units to Carmel Road and the perimeter landscaping treatment shall be substantially similar to that portion of the Colony Road streetscape elevation located south of the vehicular access point into the Site from Colony Road. Changes and alterations which do not materially change the overall conceptual architectural style and character of the single family attached dwelling units, the relationship of the single family attached dwelling units to Carmel Road and the perimeter landscaping treatment are permitted based upon final design/construction drawings.

**Streetscape and Landscaping**

- Landscaping will meet or exceed the requirements of the Ordinance.
- Petitioners shall install a minimum 8 foot planting strip and a minimum 6 foot sidewalk along the Site's frontage on Colony Road as generally depicted on the Rezoning Plan.
- Petitioners shall install a minimum 8 foot planting strip and a minimum 6 foot sidewalk along the Site's frontage on Carmel Road. Notwithstanding the foregoing, Petitioners reserve the right to request a reduction in the widths of the planting strip and the sidewalk pursuant to Section 9.407(4)(c) of the Ordinance due to potential grade and topography issues on the Site.
- As depicted on the Rezoning Plan, walking trails shall be installed on the Site as an amenity for the residential community.
- Attached hereto is a conceptual perimeter landscaping plan that specifies the locations, types, quantities and minimum height at the time of installation of the trees and shrubs that will be installed by the Petitioners on the perimeter edges of the Site. Petitioners shall install trees and shrubs along the perimeter edges of the Site that meet the specifications of the attached conceptual perimeter landscaping plan.
- Petitioners shall install the shrubs to be located between the retaining walls and the sidewalks along the Site's frontages on Colony Road and Carmel Road during the first available planting season after each of the following has occurred: (a) the Site has been graded; and (b) the retaining walls have been installed.
- Prior to the issuance of the first certificate of occupancy for any single family attached dwelling unit constructed on the Site, Petitioners shall install irrigation for the perimeter landscaping to be installed pursuant to the conceptual perimeter landscaping plan, provided, however, that irrigation will not be required to be installed within the planting strips located between the back of curbs and sidewalks along the Site's frontages on Colony Road and Carmel Road, or within any portion of the right of way.

**Environmental Features**

- The Petitioners shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- Development of the Site shall comply with the City of Charlotte Tree 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.
- Those portions of the Site located adjacent to the pond that are designated on the Rezoning Plan as "Undisturbed Tree Save Areas" shall remain undisturbed, provided, however, that walking trails may be installed within these tree save areas as generally depicted on the Rezoning Plan, and these tree save areas may be disturbed in connection with the repair and maintenance of the dam located on the Site. Additionally, dead and diseased trees and shrubs and invasive shrubs may be removed from these tree save areas. The final locations of the walking trails may be adjusted during the design development and construction document phases. Disturbances associated with installation of trails and dam maintenance must be coordinated with Urban Forestry.
- The pond located on the Site shall be preserved.

**Signage**

- All signs installed on the Site shall comply with the requirements of the Ordinance.
- In the event that any signs installed on the Site are illuminated, the signs shall be illuminated from an external source or reverse channel letters shall be utilized.

**Lighting**

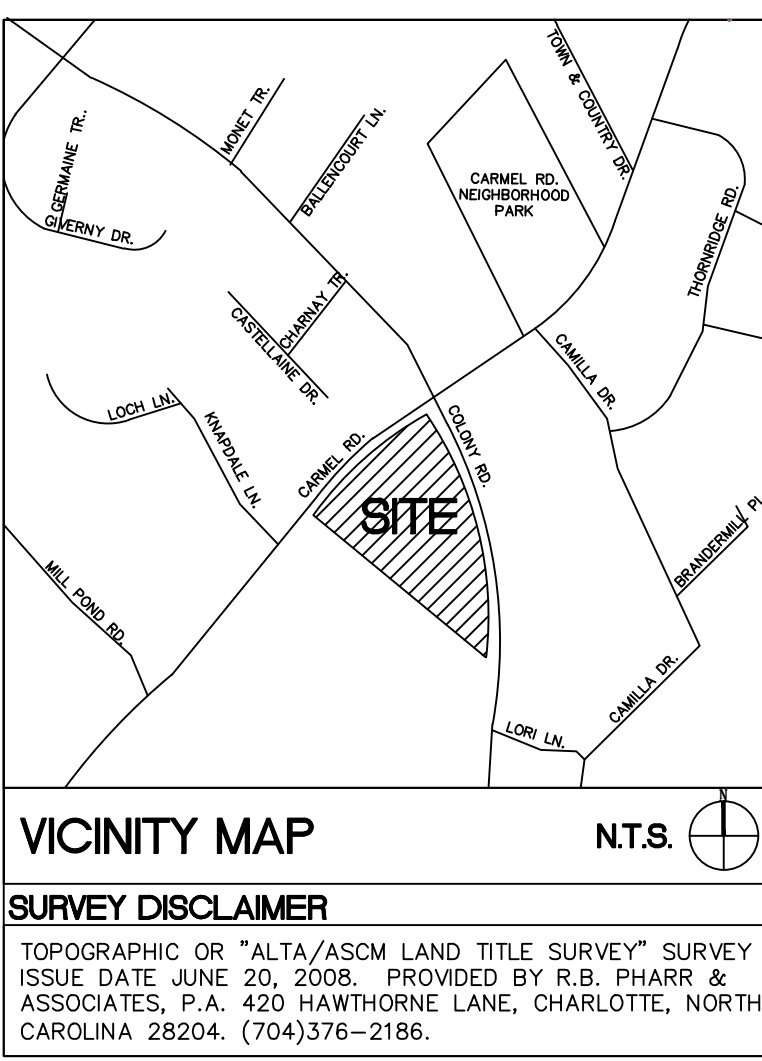
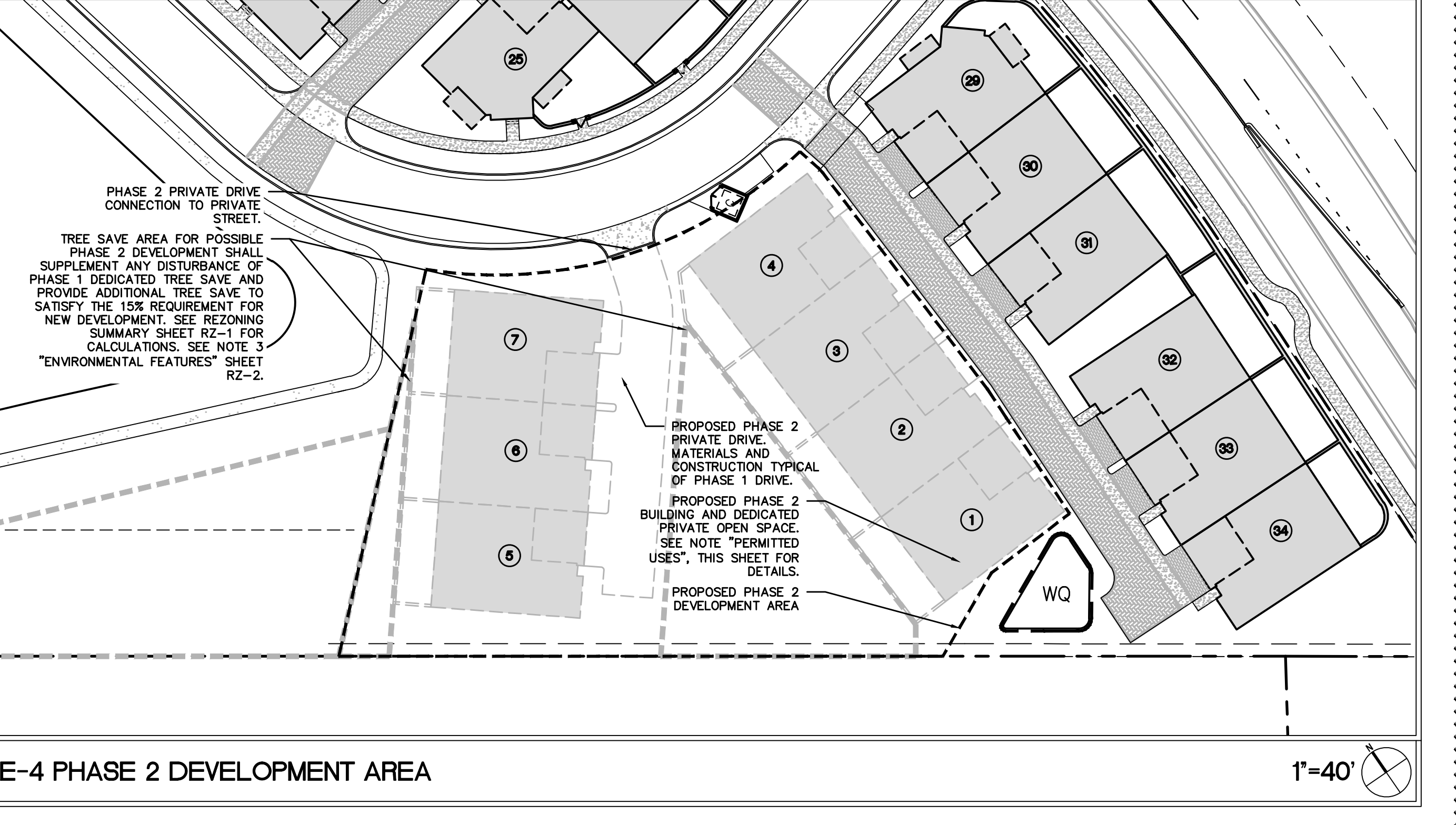
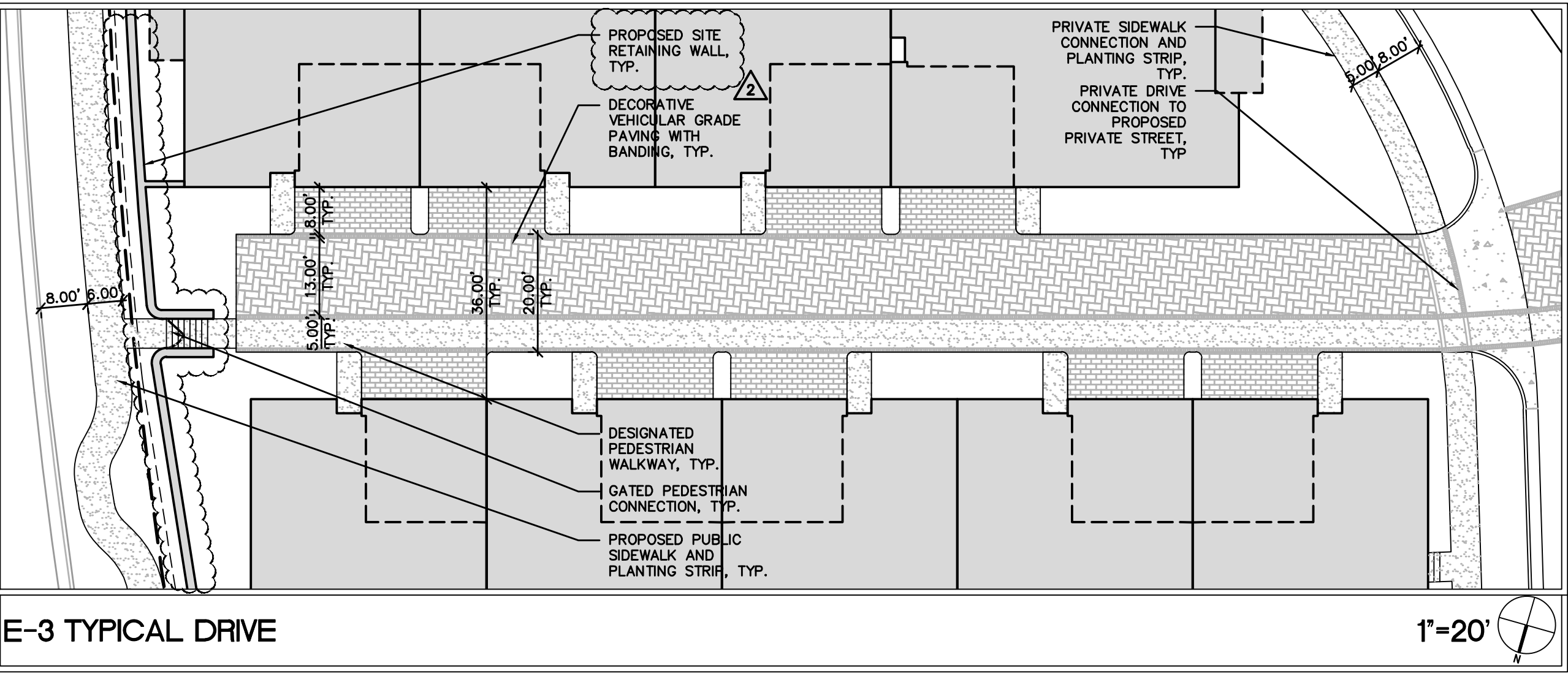
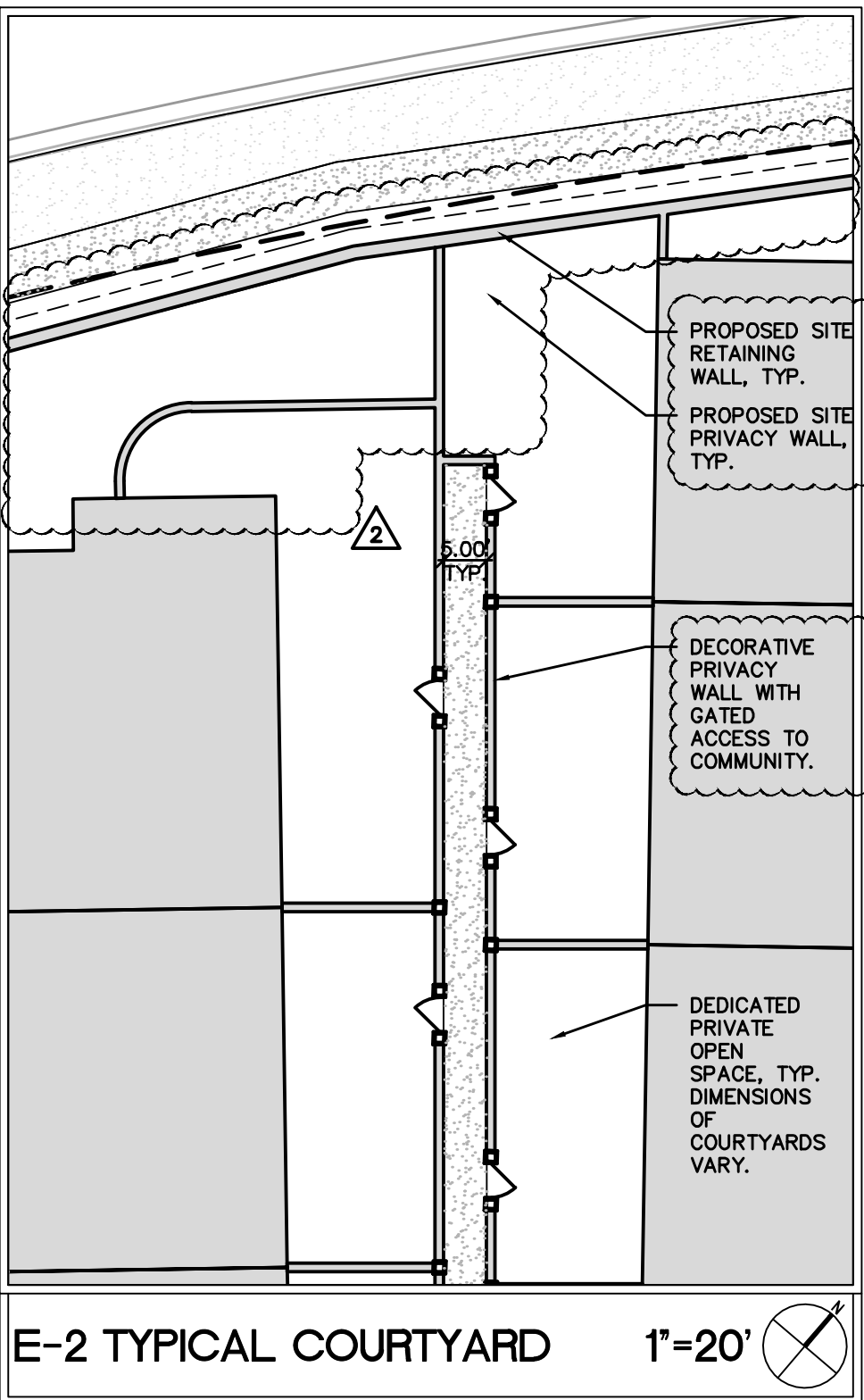
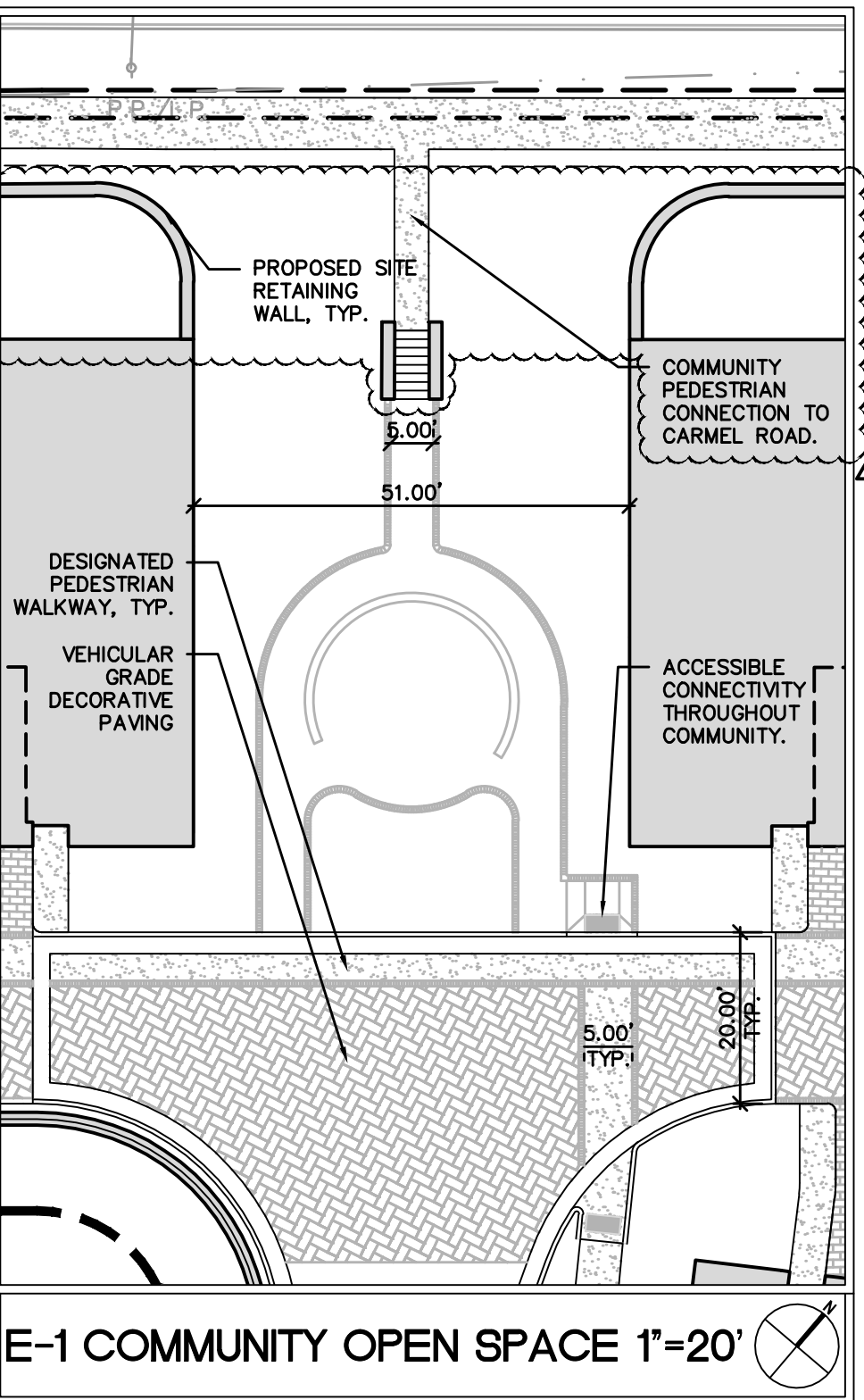
- Pedestrian scale, freestanding lighting fixtures will be installed throughout the Site along the internal street. The pedestrian scale, freestanding lighting fixtures will be uniform in design, and the final spacing of such lighting fixtures shall be determined by Petitioners. All such freestanding 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.
- The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 20 feet.
- No "wall pak" lighting fixtures may be installed on the Site, however, architectural lighting on building facades shall be permitted.

**Phasing**

The Site will be developed in two separate phases as provided above.

**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 Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the term "Petitioners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioners for 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.



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 Charlotte, North Carolina 28202  
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 url# www.colejeneststone.com

**COPPER BUILDERS, INC.**  
 1235 E-East Boulevard #155  
 Charlotte  
 North Carolina 28203

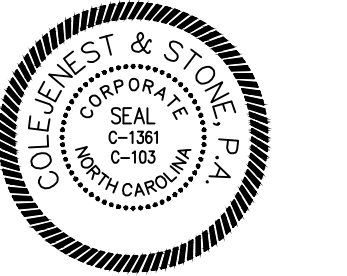
**CAMBRIDGE PROPERTIES, INC.**  
 521 East Morehead Street #245  
 Charlotte  
 North Carolina 28202

**CARMEL & COLONY TOWNHOMES**  
 5930 Colony Road  
 Charlotte  
 North Carolina 28226

**CONDITIONAL REZONING NOTES**

Project No. 4315  
 Issued 03.24.14

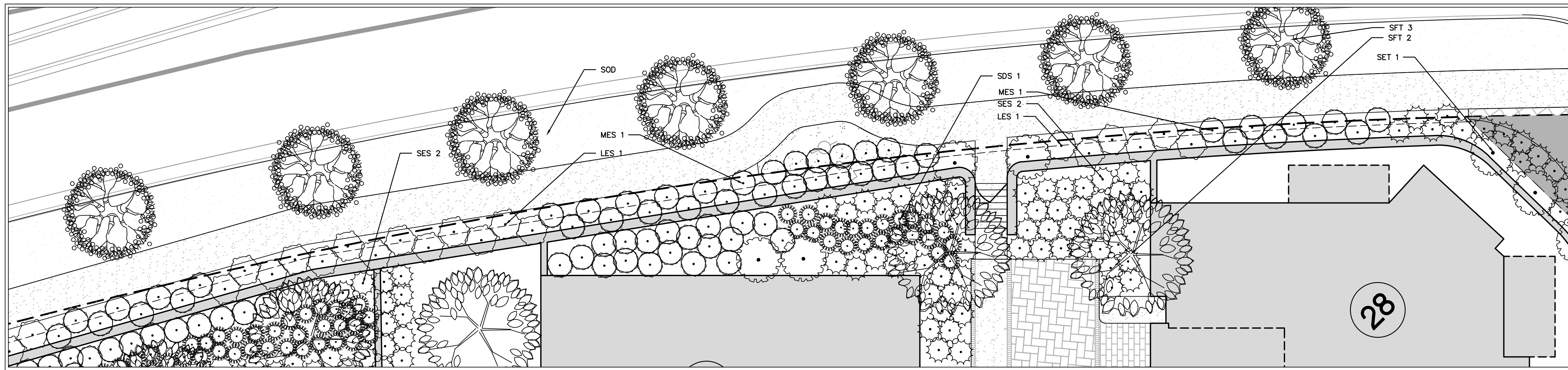
- Revised
- 05.16.14 - CITY COMMENTS
  - 06.20.14 - PUBLIC HEARING/STAFF COMMENTS
  - 06.25.14 - ADDITIONAL STAFF COMMENTS



**RZ-2**

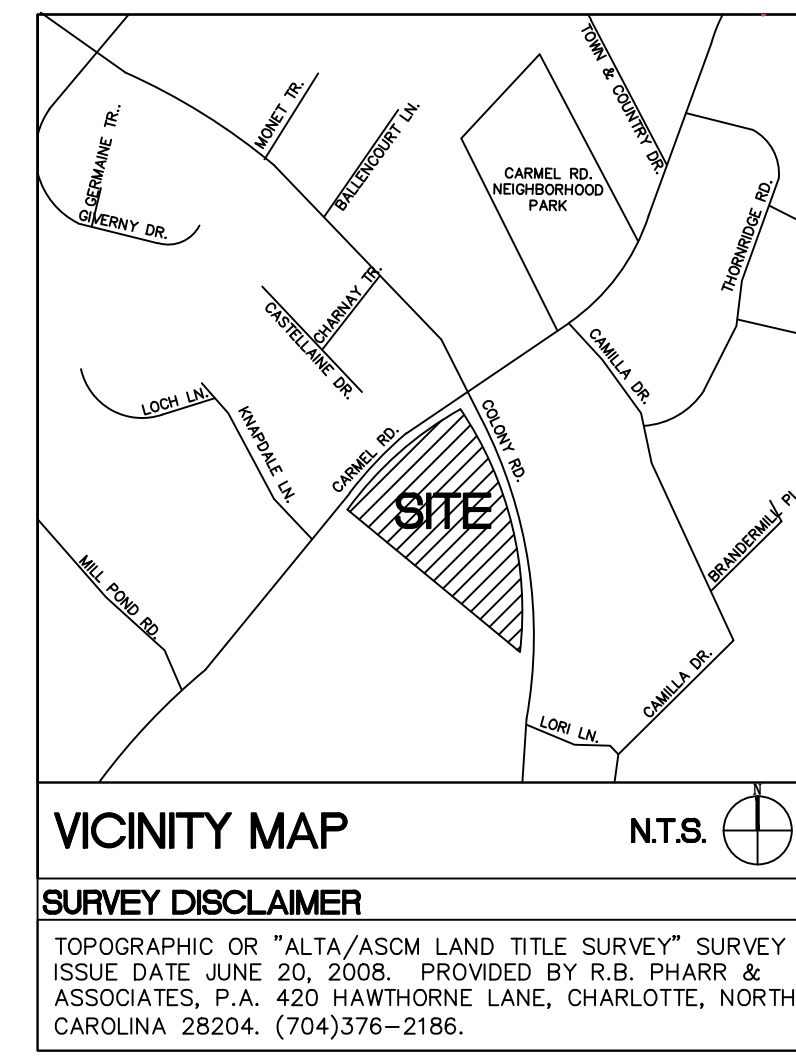
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E-5 TYPICAL STREETSCAPE PLANTING - COLONY ROAD

1"=10'

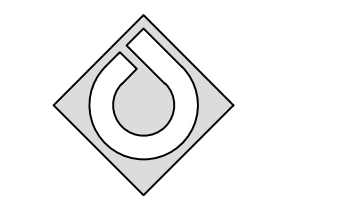


VICINITY MAP

N.T.S.

SURVEY DISCLAIMER

TOPOGRAPHIC OR "ALTA"/ASCM LAND TITLE SURVEY SURVEY ISSUE DATE JUNE 20, 2008. PROVIDED BY R.B. PHARR & ASSOCIATES, P.A. 420 HAWTHORNE LANE, CHARLOTTE, NORTH CAROLINA 28204. (704)376-2186.



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5930 Colony Road  
Charlotte  
North Carolina 28226

**CONDITIONAL REZONING CONCEPTUAL PLANTING**

Project No.

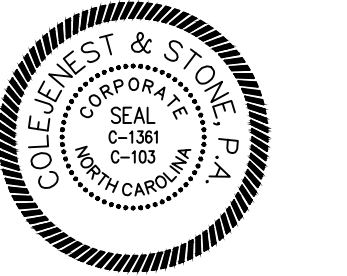
4315

Issued

03.24.14

Revised

- 1 05.16.14 - CITY COMMENTS
- 2 06.20.14 - PUBLIC HEARING/STAFF COMMENTS
- 3 06.25.14 - ADDITIONAL STAFF COMMENTS



SCALE: 1"=50'



**RZ-3**

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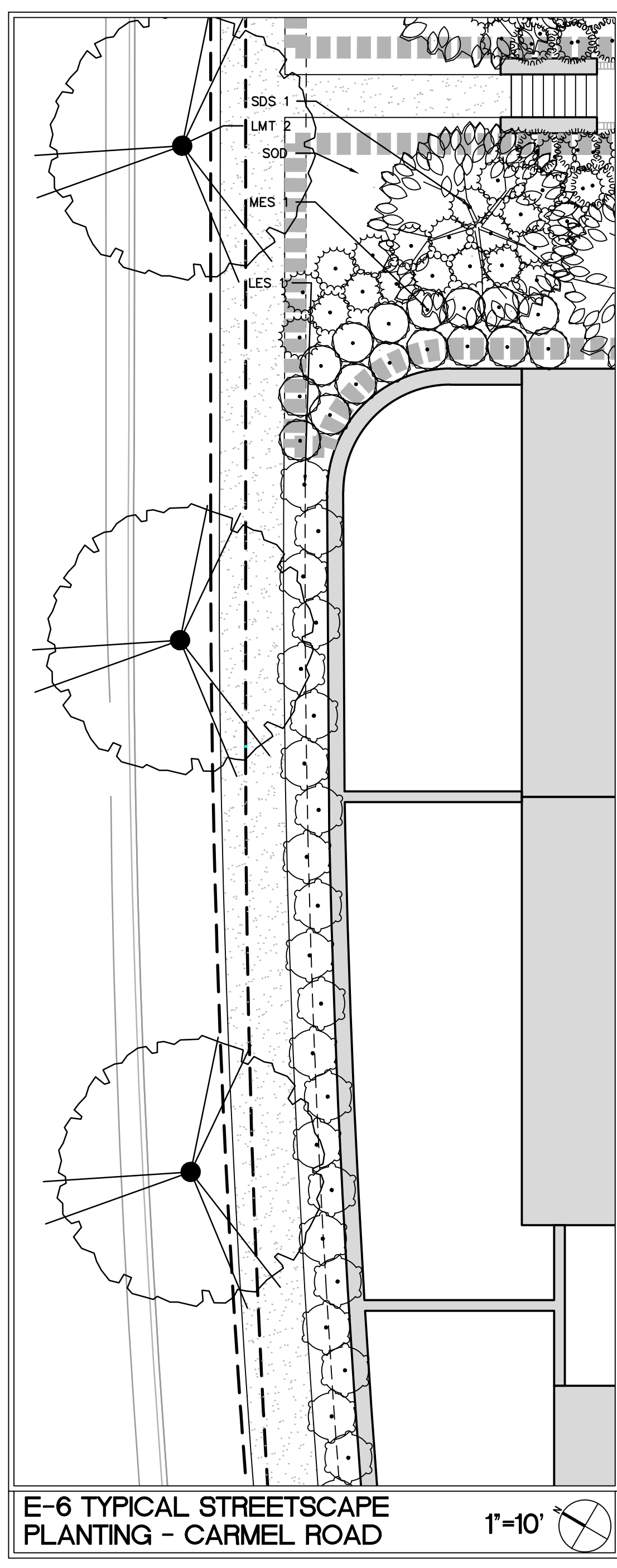
ColeJenest & Stone, P.A. 2014 ©

**PLANT\_SCHEDULE\_STREETSCAPE**

TRFES	QTY	COMMON NAME	SIZE AT PLANTING	TYPICAL MATURE HT.
LMT 2	10	LARGE MATURING TREE 2	BAB 2" CAL. 8' HT.	40'-60' HT. 40'-60' SPR.
SFT 3	23	SMALL FLOWERING TREE 3	BAB 2" CAL. 8' HT.	30'-40' HT. 25'-40' SPR.
SFT 1	1	SMALL FLOWERING TREE 1	BAB 2" CAL. 8' HT.	20'-30' HT. 15'-20' SPR.
SFT 2	13	SMALL FLOWERING TREE 2	BAB 2" CAL. 8' HT.	25'-30' HT. 15'-25' SPR.
SHRUBS		COMMON NAME	SIZE AT PLANTING	TYPICAL MATURE HT.
SET 1	19	SMALL EVERGREEN SHRUB 1	CONT. MIN. 2.5' HT.	15' HT. 8' SPR.
LES 1	230	LARGE EVERGREEN SHRUB 1	CONT. MIN. 2.5' HT.	5' HT. 5' SPR.
MES 1	247	MEDIUM EVERGREEN SHRUB 1	CONT. MIN. 2.5' HT.	2' HT. 5' SPR.
SES 1	101	SMALL EVERGREEN SHRUB 1	CONT. MIN. 1' HT.	0.5'-1' HT. 2'-3' SPR.
SDS 1	8	SMALL DECCIDUOUS SHRUB 1	CONT. MIN. 1' HT.	2'-4' HT. 4' SPR.
SDS 2	45	SMALL DECCIDUOUS SHRUB 2	CONT. MIN. 2.5' HT.	2'-4' HT. 4' SPR.
SES 2	306	SMALL EVERGREEN SHRUB 2	CONT. MIN. 1' HT.	2'-3' HT. 4' SPR.
LDS 1	17	LARGE DECCIDUOUS SHRUB 1	CONT. MIN. 2.5' HT.	4'-5' HT. 4'-5' SPR.

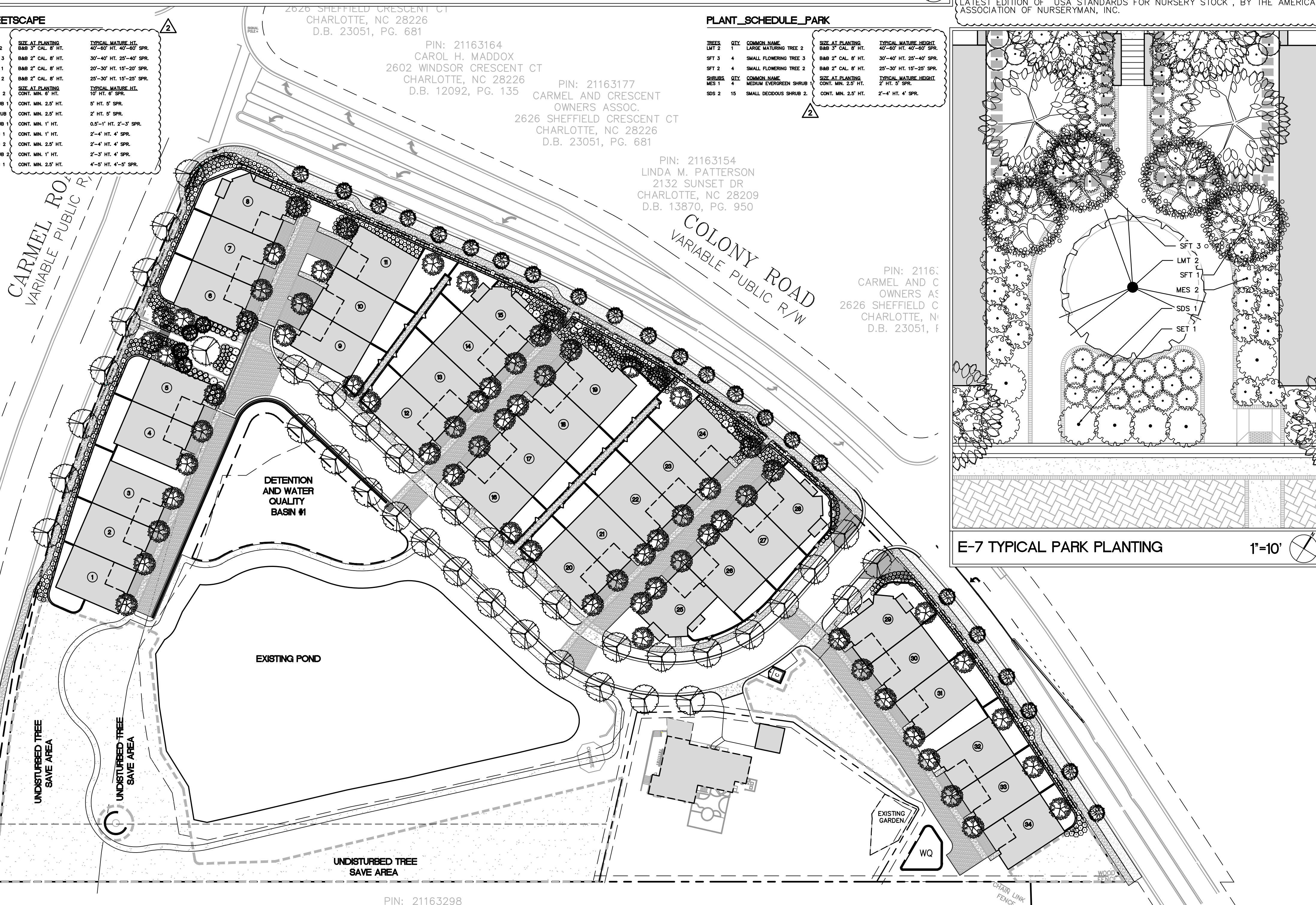
**PLANT\_SCHEDULE\_PARK**

TRFES	QTY	COMMON NAME	SIZE AT PLANTING	TYPICAL MATURE HT.
LMT 2	1	LARGE MATURING TREE 2	BAB 2" CAL. 8' HT.	40'-60' HT. 40'-60' SPR.
SFT 3	4	SMALL FLOWERING TREE 3	BAB 2" CAL. 8' HT.	30'-40' HT. 25'-40' SPR.
SFT 2	4	SMALL FLOWERING TREE 2	BAB 2" CAL. 8' HT.	25'-30' HT. 15'-20' SPR.
SHRUBS		COMMON NAME	SIZE AT PLANTING	TYPICAL MATURE HT.
MES 1	4	MEDIUM EVERGREEN SHRUB 1	CONT. MIN. 2.5' HT.	2' HT. 5' SPR.
SDS 2	15	SMALL DECCIDUOUS SHRUB 2	CONT. MIN. 2.5' HT.	2'-4' HT. 4' SPR.



E-6 TYPICAL STREETSCAPE PLANTING - CARMEL ROAD

1"=10'



E-7 TYPICAL PARK PLANTING

1"=10'

PIN: 21163298



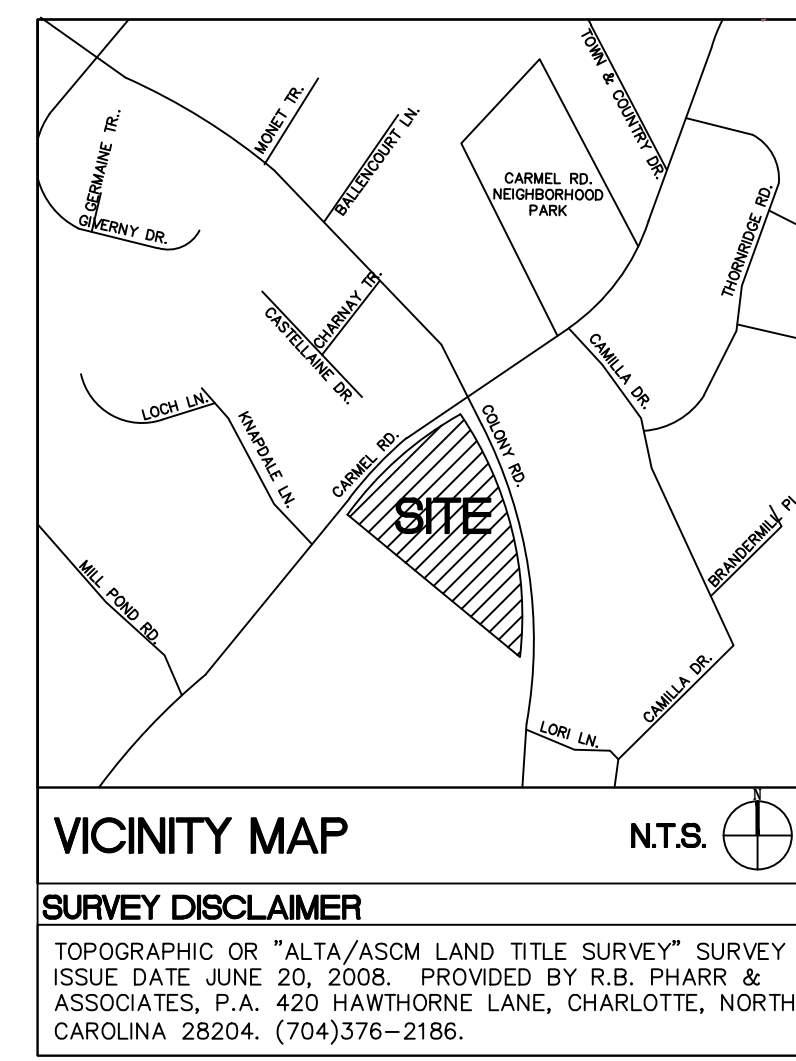
A-1 - TYPICAL FRONT ELEVATION N.T.S.



A-3 - TYPICAL FRONT ELEVATION N.T.S.



A-5 - TYPICAL SIDE ELEVATION N.T.S.



VICINITY MAP N.T.S.

**SURVEY DISCLAIMER**

TOPOGRAPHIC OR "ALTA"/ASCM LAND TITLE SURVEY SURVEY  
 ISSUE DATE JUNE 20, 2008. PROVIDED BY R.B. PHARR &  
 ASSOCIATES, P.A. 420 HAWTHORNE LANE, CHARLOTTE, NORTH  
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**CONDITIONAL REZONING- ELEVATIONS**

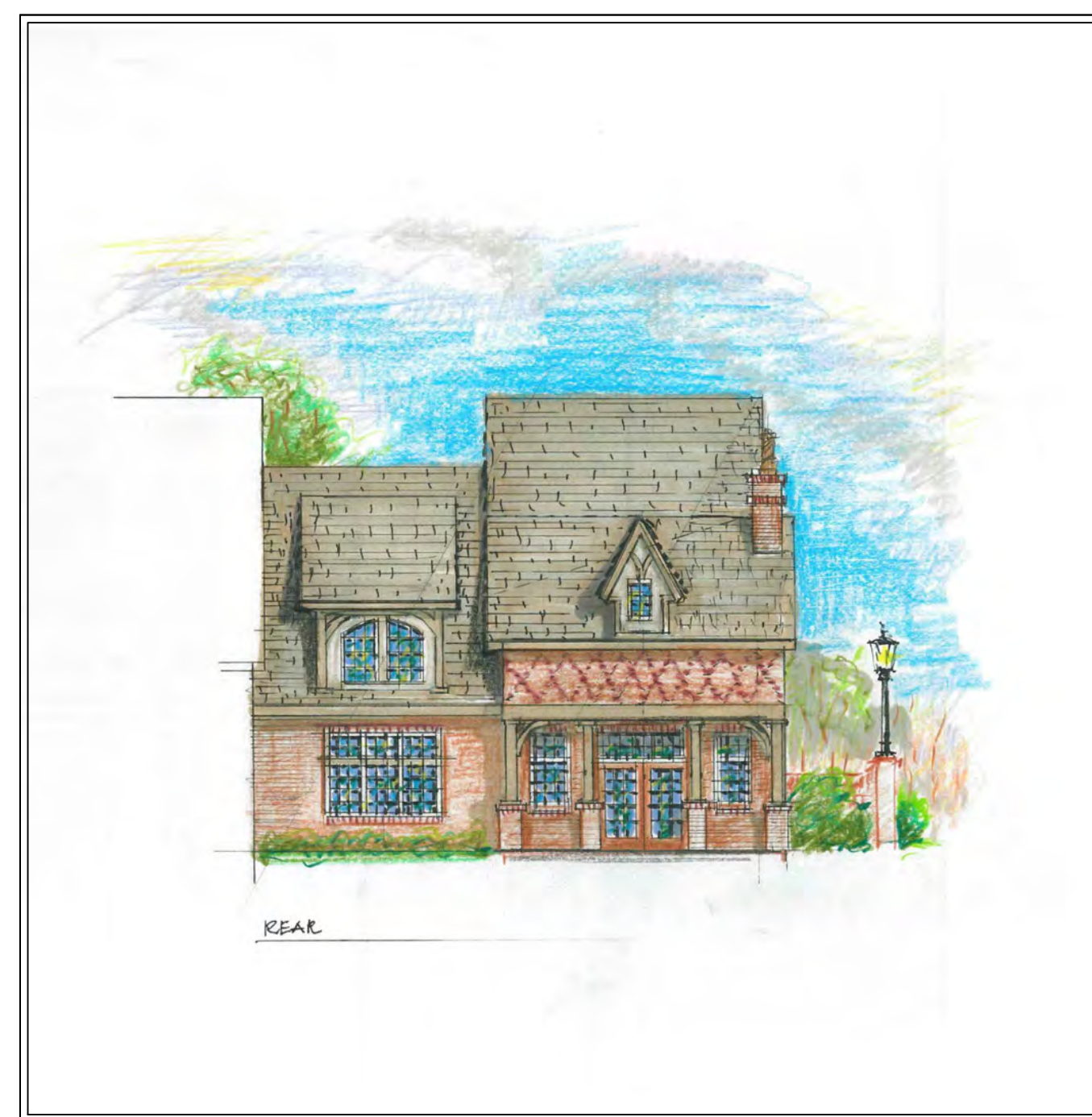
Project No. 4315  
 Issued 03.24.14

Revised

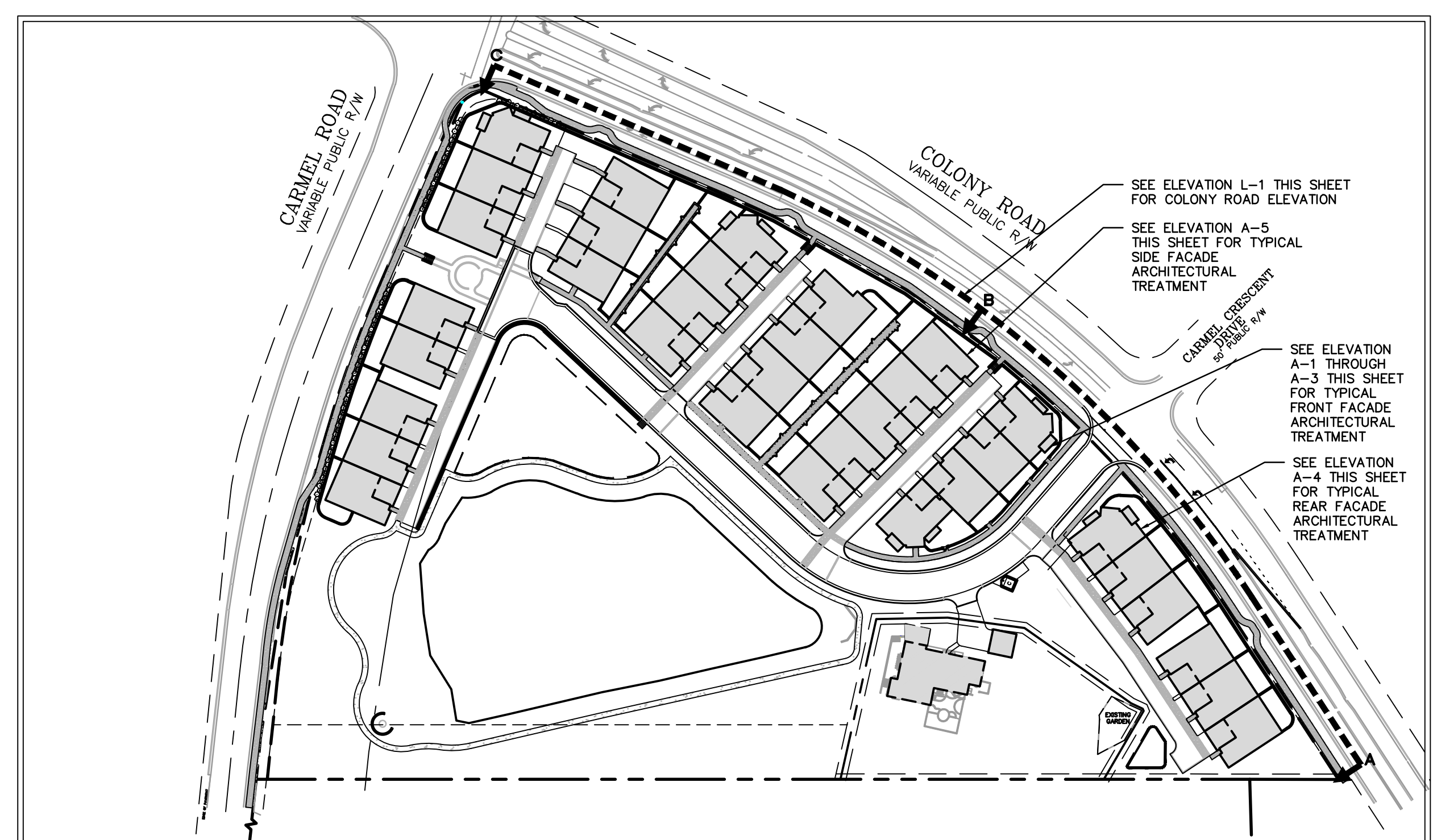
1	05.16.14	- CITY COMMENTS
2	06.20.14	- PUBLIC HEARING/STAFF COMMENTS
3	06.25.14	- ADDITIONAL STAFF COMMENTS



A-2 - TYPICAL FRONT ELEVATION N.T.S.



A-4 - TYPICAL REAR ELEVATION N.T.S.



L-1 - COLONY ROAD STREETSCAPE ELEVATION N.T.S.



**RZ-4**

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<b>REQUEST</b>	Current Zoning: I-2 (general industrial) Proposed Zoning: I-1 (light industrial)
<b>LOCATION</b>	Approximately 6.26 acres located on the east side of North Graham Street and generally surrounded by Interstate 85, Reagan Drive, and North Graham Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses in the I-1 (light industrial) district.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Graham Street Investments Snider Fleet Solutions Snider Fleet Solutions/Matt Creswell and Marty Herndon
<b>COMMUNITY MEETING</b>	Meeting is not required.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>Central District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Nelson).

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

<b>VOTE</b>	Motion/Second: Sullivan/Eschert Yeas: Allen, Eschert, Nelson, Ryan, and Sullivan Nays: None Absent: Dodson, Labovitz, and Walker Recused: None
-------------	--

**ZONING COMMITTEE DISCUSSION** Staff reviewed this petition noting that it is a conventional rezoning request with no associated site plan and that the request is consistent with the *Central District Plan*.

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

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
This is a conventional rezoning petition with no associated site plan.
- **Public Plans and Policies**
  - The *Central District Plan* (1993) recommends industrial land uses for the site.
  - The petition is consistent with the *Central District Plan*.

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

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

- **Charlotte Fire Department:** No 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 comments received.
  - **Mecklenburg County Parks and Recreation Department:** 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](http://www.rezoning.org)**

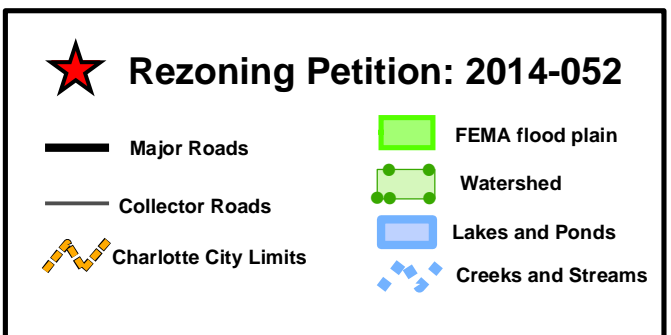
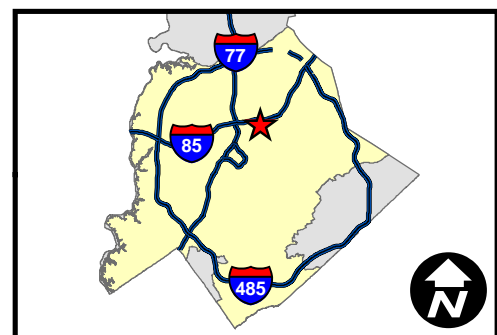
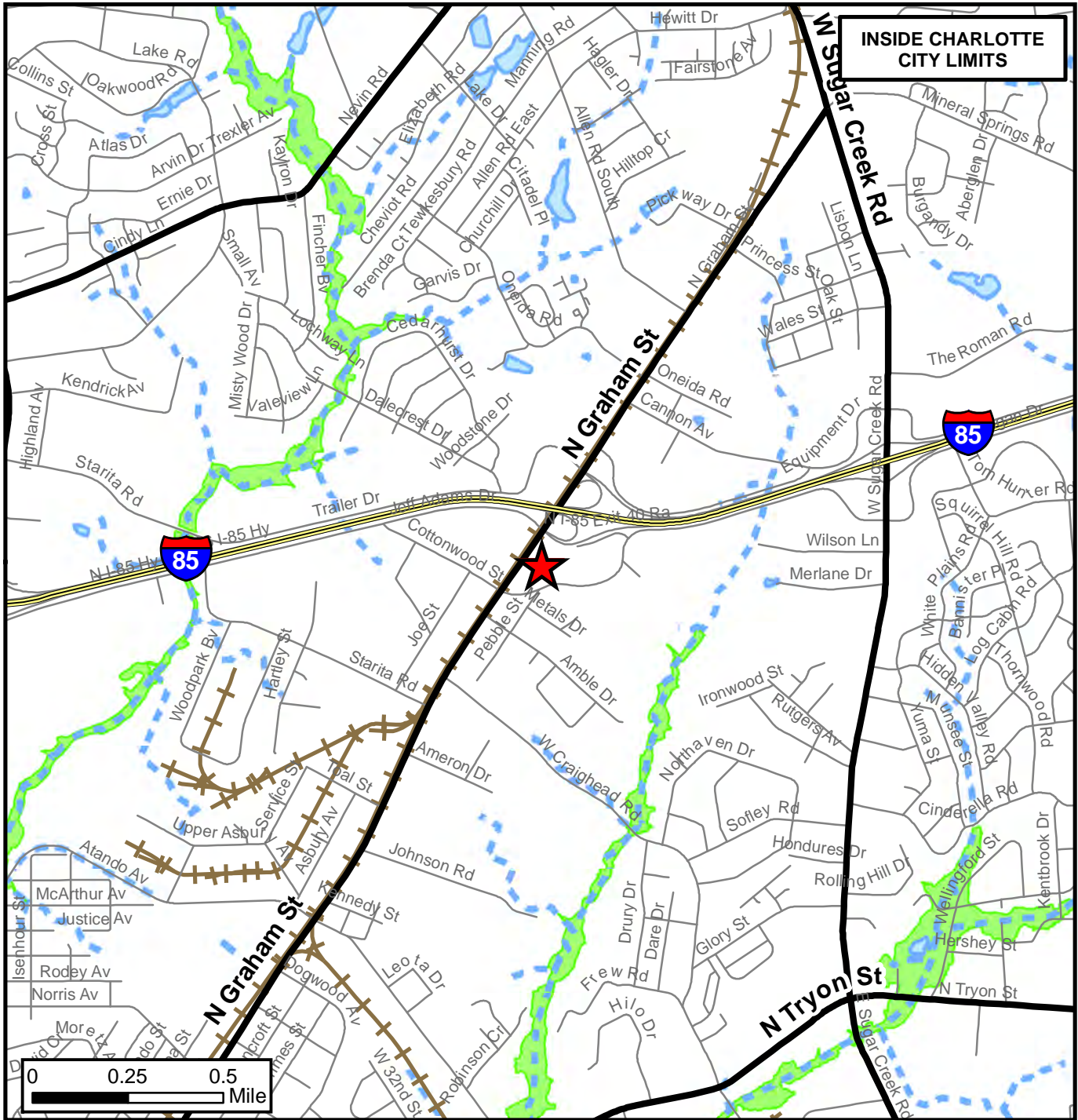
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review

**Planner:** John Kinley (704) 336-8311

Petition #: **2014-052**

# Vicinity Map

**Acreage & Location :** Approximately 6.26 acres located on the east side of North Graham Street and generally surrounded by Interstate 85, Reagan Drive, and North Graham Street.



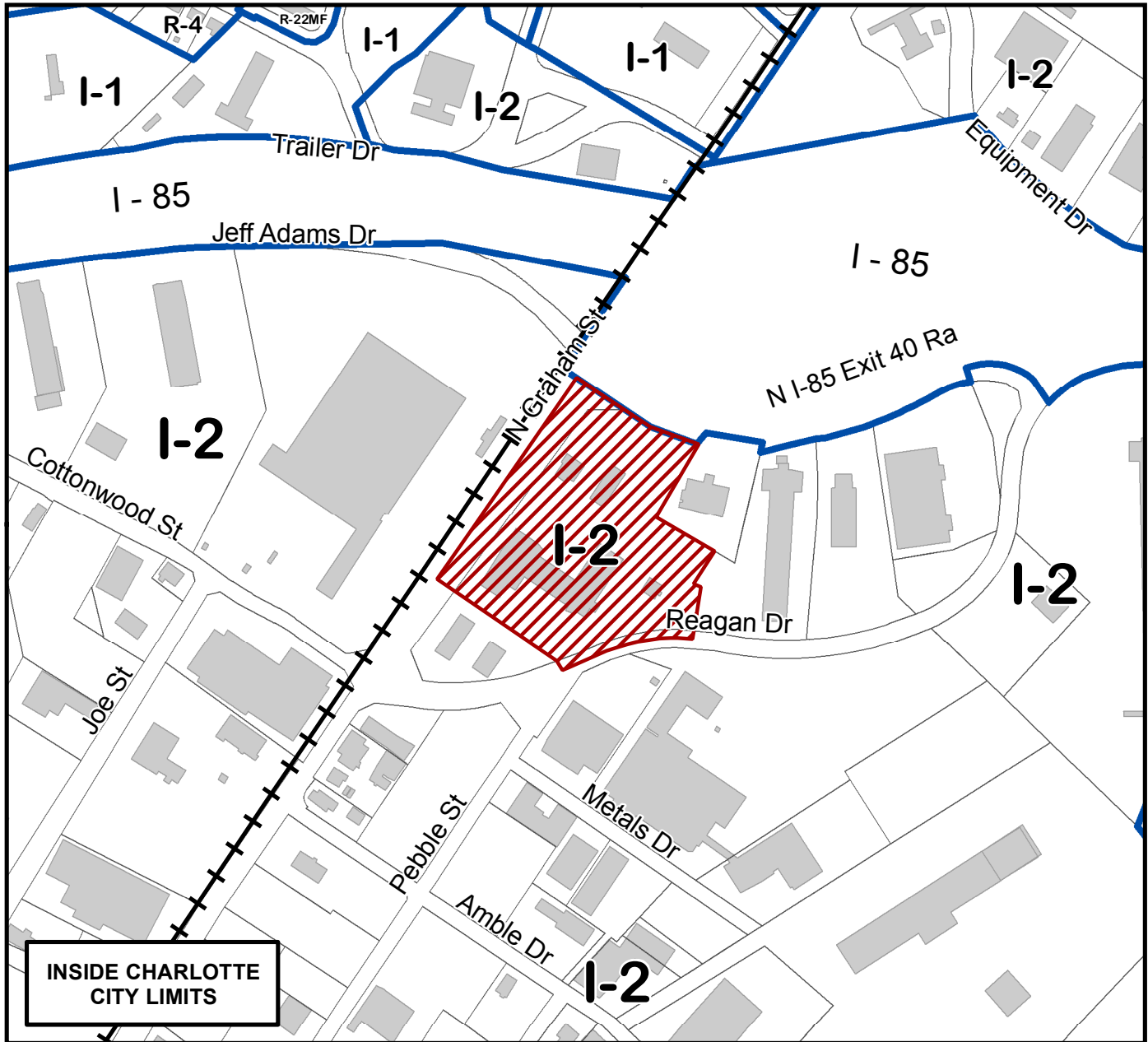
Petition #: **2014-052**

Petitioner: **Snider Fleet Solutions**

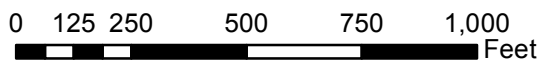
Zoning Classification (Existing): I-2  
(General Industrial)

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

Acreage & Location: Approximately 6.26 acres located on the east side of North Graham Street and generally surrounded by Interstate 85, Reagan Drive, and North Graham Street.

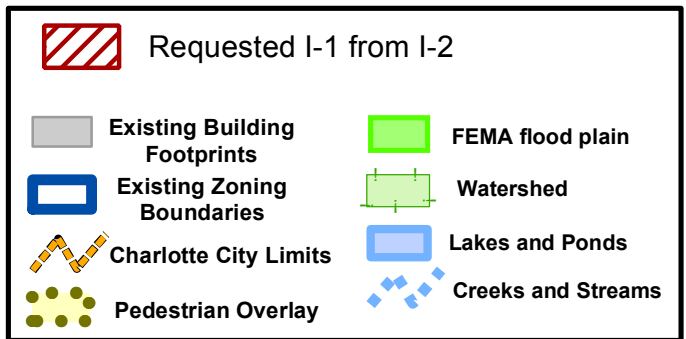


Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.



Zoning Map #(s)

**78**



**Note: The petitioner agrees to staffs request for a deferral of this petition to October 20, 2014.**

---

<b>REQUEST</b>	Current Zoning: CC (commercial center) and R-3 (single family residential) Proposed Zoning: CC (commercial center) and CC, SPA (commercial center site plan amendment), with five-year vested rights
<b>LOCATION</b>	Approximately 33.60 acres located on the west side of Prosperity Church Road across from Ridge Road.
<b>SUMMARY OF PETITION</b>	The petition proposes a multi-use use development consisting of up to 100,000 square feet of office, retail/commercial/personal services, restaurant uses, and up to 292 multi-family units.
<b>STAFF RECOMMENDATION</b>	Staff recommends a three-month deferral (October public hearing) of this petition. The rezoning site is located within the boundaries of the <i>Prosperity Hucks Area Plan</i> . The planning process for this area plan is underway, and a revised draft of the plan is scheduled to be completed prior to the October rezoning public hearing. Staff's practice has been to recommend deferrals for significant rezonings located in areas for which an area planning process is underway.
<b>PROPERTY OWNERS PETITIONER AGENT/REPRESENTATIVE</b>	Eason Family Properties, LLC, Judy Reitzel Eason, and Ruth N. Tesh Halvorsen Development Corporation (Attention: Tom Vincent) Keith MacVean/Jeff Brown, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 96

---

**PLANNING STAFF REVIEW**

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

The site plan accompanying this petition contains the following provisions:

  - Maximum of 100,000 square feet of retail/commercial/personal services and restaurant uses.
  - Maximum of 292 residential dwelling units, which may be multi-family, detached, attached, duplex, triplex, or quadraplex units. The site plan shows these residential units as multi-family.
  - Site consists of eight "Development Areas", identified as Areas A through H.
  - The allowed 292 dwelling units are limited to Area E.
  - Proposed wet detention pond areas located in Area B and Area G.
  - Up to three accessory drive-through windows allowed in Development Areas A, C, D, F and H. Only one restaurant may have an accessory drive-through window and it may be located in Development Area F or H.
  - Gas station with or without a convenience store is prohibited.
  - Access provided from Ridge Road, Prosperity Church Road, Cardinal Point Road, and Benefield Road.
  - Total number of principal buildings developed for commercial uses not to exceed ten.
  - Total number of buildings developed for residential uses not to exceed 19.
  - Building materials include glass, brick, stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood. Vinyl as a building material is prohibited except on windows and soffits. The use of EIFS will be limited to commercial buildings.
  - Site designed to provide building edges within portions of Development Areas A, C, D, E, F and H such that vehicular parking and maneuvering may not be located between the proposed buildings and the building edges. Plaza/outdoor dining areas will be considered part of the

- building for the purpose of complying with this provision.
- A prominent architectural feature that may include an entrance oriented toward the intersection of Ridge Road and Benfield Road will be provided on building constructed in Development Area C.
- Buildings located within Development Areas A and D that front on public/private street #1 will have a minimum of 40 percent of the street facing frontage composed of clear glass windows and/or doors.
- Building #1 in Development Area E will be designed so that ground floor units facing Ridge Road and Public/Private Street #1 will have: a) an entrance from each unit to the abutting street; and b) vertical shaped windows with a height greater than the width. Building façades facing these streets will provide windows and doors for a minimum of 25 percent of the total façade area. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length.
- Portion of the existing right-of-way along Prosperity Church Road will no longer be needed due to realignment of the road. Petitioner will seek to abandon this portion and incorporate it into Development Area H.
- Petitioner will provide curb and gutter, as well as base and surface course, for two additional lanes including a six-foot wide bicycle lane and on-street parking, eight-foot planting strip, and six-foot sidewalk along the site's frontage on Ridge Road. These improvements will be completed prior to the release of each building certificate of occupancy for buildings where sidewalk is proposed.
- Service areas in Development Area A will be screened from the extension of Cardinal Point Road with landscaping and walls or landscaping and berms designed to complement the building architecture of the adjacent buildings.
- A masonry wall a minimum of two feet and not to exceed two and a half feet in height, and low accent plantings will be provided in Development Areas C and D between Ridge Road and parking areas, and maneuvering for drive through lanes.
- A sidewalk and crosswalk network linking all buildings on the site with one another will be provided along the site's internal private streets.
- A pedestrian plaza designed as a pedestrian focal point and amenity for the overall development will be located within Development Area E.
- A portion of the area abutting the water quality/storm water detention pond located in Area G will be improved as an amenity area with landscaping and seating areas.
- Detached lighting limited to 20 feet in height.
- Construction of a CATS shelter pad along Ridge Road.
- **Existing Zoning and Land Use**
  - The subject property is developed with a single family detached dwelling and the majority of the site is vacant. Surrounding properties contain a mix of commercial, single family and multi-family land uses in R-3 (single family residential), R-4 (single family residential), UR-2(CD) (urban residential, conditional), NS (neighborhood services), MX-2 (mixed use) and CC (commercial center) districts.
- **Rezoning History in Area**
  - Petition 2008-081 rezoned 9.26 acres located on the northeast corner of Ridge Road and Prosperity Church Road from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow up to 19,320 square feet of retail and up to 43 townhomes dwelling units.
  - Petition 2007-112 rezoned 9.39 acres located east of Prosperity Church Road and south of Ridge Road from R-22MF(CD) (multi-family residential) and B-1(CD) (neighborhood business, conditional) to UR-2(CD) (urban residential, conditional) to allow up to 128 multi-family residential units at a density of 13.63 units per acre.
- **Public Plans and Policies**
  - The *Prosperity Church Road Villages Plan* (1999) was amended by a prior rezoning for the property, rezoning petition 2001-070. The conditional plan called for a multi-use development including retail, office, institutional, and residential uses.
  - Specifically, for the area north of Ridge Road and east of proposed Public Street #1, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for a mix of residential uses to consist of 204 multi-family units, approximately 35 townhome units, and between five and ten single family homes. The proposed rezoning site plan shows 292 multi-family units on this site. The rezoning site plan has also added a 1.4-acre tract to the area covered by the original rezoning.
  - For the area north of Ridge Road and west of proposed Public Street #1, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for approximately 40 townhome units and 20 single family homes. The proposed rezoning site plan shows most of the



commercial square footage to be located in this area; the total commercial square footage requested for the entire site is 100,000 square feet.

- For the area south of Ridge Road, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for a 29,000-square foot library/institutional use, 50,700 square feet of retail, and 200 independent living/multi-family units. To date, approximately 34,000 square feet of retail has been constructed. (Note: The library/institutional site, approximately half of the independent living/multi-family units and the existing 34,000 square foot of retail are outside of the area included in this rezoning.) For the part of this area that is included in the rezoning the site plan shows a small portion of the total 100,000 square feet of commercial uses requested for this site.
- The petition is inconsistent with the *Prosperity Church Road Villages Plan* as amended by the rezoning.
- *Prosperity Hucks Area Plan* is underway, but the plan is not yet adopted.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following requests:
  - Add a note that the petitioner will be responsible for any traffic signal modification costs and necessary signal equipment easements on Ridge Road at Prosperity Church Road and Benfield Roads when the subject site's final construction plan is approved by the city. Traffic signal modification costs and easements will be determined during the construction plan review process.
  - Add a note that where there is sufficient median width to support vegetation on Ridge Road, the petitioner will construct a "landscaped" pedestrian refuge median.
  - The minimum driveway throat lengths need to be 50 feet behind the stop line for minor street connections. Major street connections will need to have 100 to 120 feet driveway throat lengths.
  - Work with NCDOT regarding an anticipated request for a traffic impact study.
  - **Vehicle Trip Generation:**  
Current Zoning: 5,600 trips per day.  
Proposed Zoning: 9,600 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 44 students while the development allowed under the proposed zoning will produce 32 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** Delete last sentence of Note 7B and delineate wetlands on site plan.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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

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

#### **OUTSTANDING ISSUES**

- The proposed rezoning is inconsistent with the existing *Prosperity Church Road Villages Plan*. The rezoning petition does not include the mix of uses, particularly the mix of housing types that are

called for in the area plan. In addition, the retail has increased from approximately 16,000 square feet (the available square footage remaining from the 2001-070 rezoning) to 100,000 square feet.

- The petitioner should:
  1. Revise the site plan to include a mix of housing types, instead of only garden-style multi-family.
  2. Provide a phasing plan that ties the certificates of occupancy for the large box retail to the street-front retail, and that ties the certificate of occupancy for the multi-family units to the large box retail.
  3. Place a limit on the maximum square footage of any one building in Development Area E.
  4. Provide a commercial square footage allocation for each individual site or commit to developing a tracking system as commercial square footage is allocated during the development process.
  5. Show and label solid waste and recycling area for more than 30 units of attached, or multi-family residential, as required per Section 12.403 of the City of Charlotte Zoning Ordinance.
  6. Provide building elevations for proposed commercial development identified as Major #1 in Development Area A.
  7. Clarify that the area located north of Cardinal Point Road labeled "Unused Area "B" is correctly labeled?
  8. Specify buildings labeled A-G in Development Area E
  9. Remove all signs as they will be permitted separately.
  10. Address Transportation comments.
  11. Provide a note guaranteeing that the following criteria will be met for all buildings with a setback reduced from 35 feet to 14 feet:
    - a) first floor of all buildings be designed to encourage and complement pedestrian-scale interest and activity;
    - b) no blank walls in excess of 20 feet in length;
    - c) doors may not swing into the 14-foot setback except emergency doors;
    - d) no service or loading area oriented toward the street from which the setback will occur, nor be within the area between any building and the street;
    - e) provide a six-foot sidewalk separated by a planting strip unless there is an adopted streetscape plan.
  12. Label setback for buildings that front on Ridge Road Connector and Ridge Road Extension.
  13. Remove the following portion of note 2(B) and indicate that 292 multi-family units are proposed: "Up to 292 residential dwelling units, (either attached; detached; duplex, triplex, quadrplex or multi-family or any combination of these)." Commit to a specific mix of housing types.
  14. Complete an administrative approval to reduce the development rights for the portion of the property that was included in rezoning 2001-070 but not included in this rezoning request.

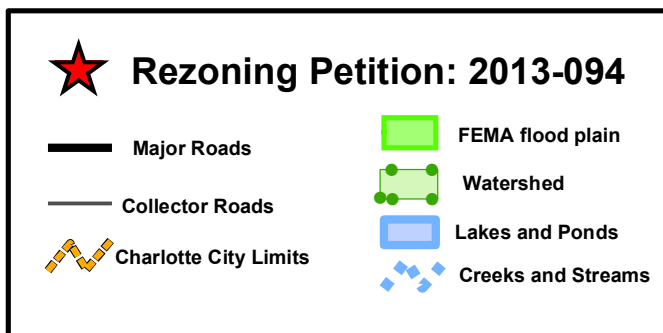
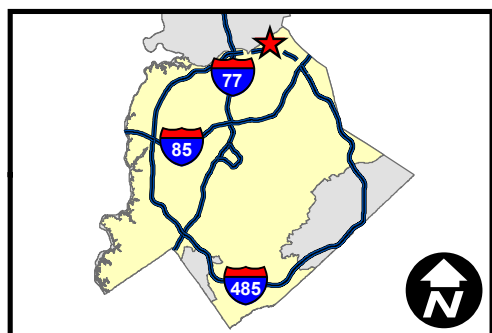
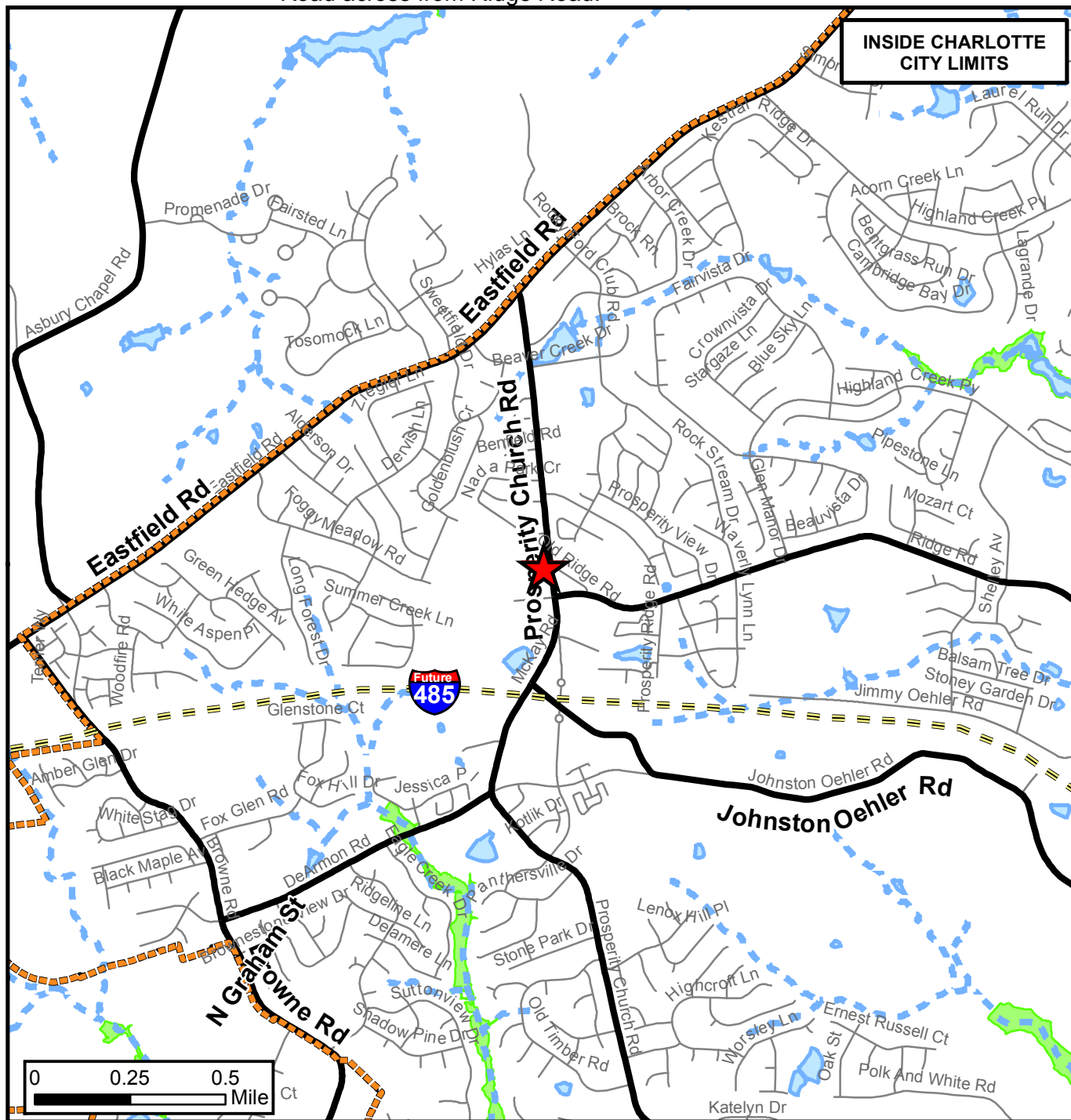
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

**Planner:** Sonja Sanders (704) 336-8327

**Acreege & Location :** Approximately 33.6 acres located on the west side of Prosperity Church Road across from Ridge Road.



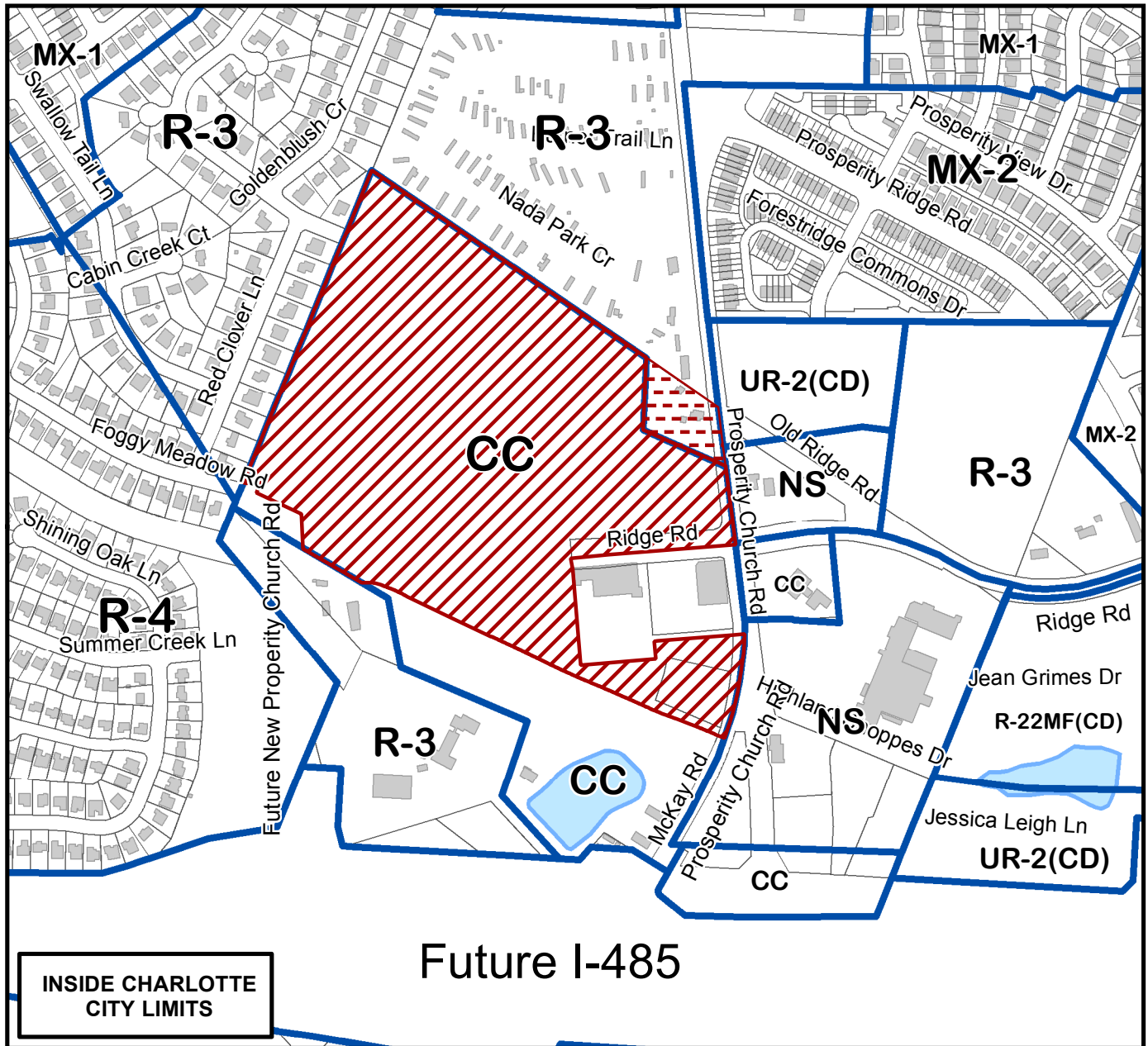
Petition #: **2013-094**

Petitioner: **Halvorsen Development Corporation**

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

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

Acreage & Location: Approximately 33.60 acres located on the west side of Prosperity Church Road across from Ridge Road.

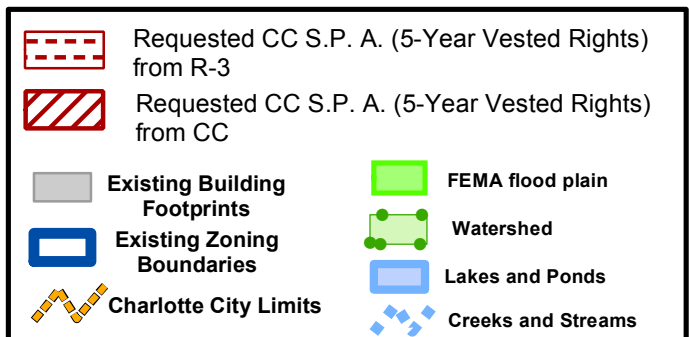


Map Produced by the Charlotte-Mecklenburg Planning Department, 9-27-2013.



Zoning Map #(s)

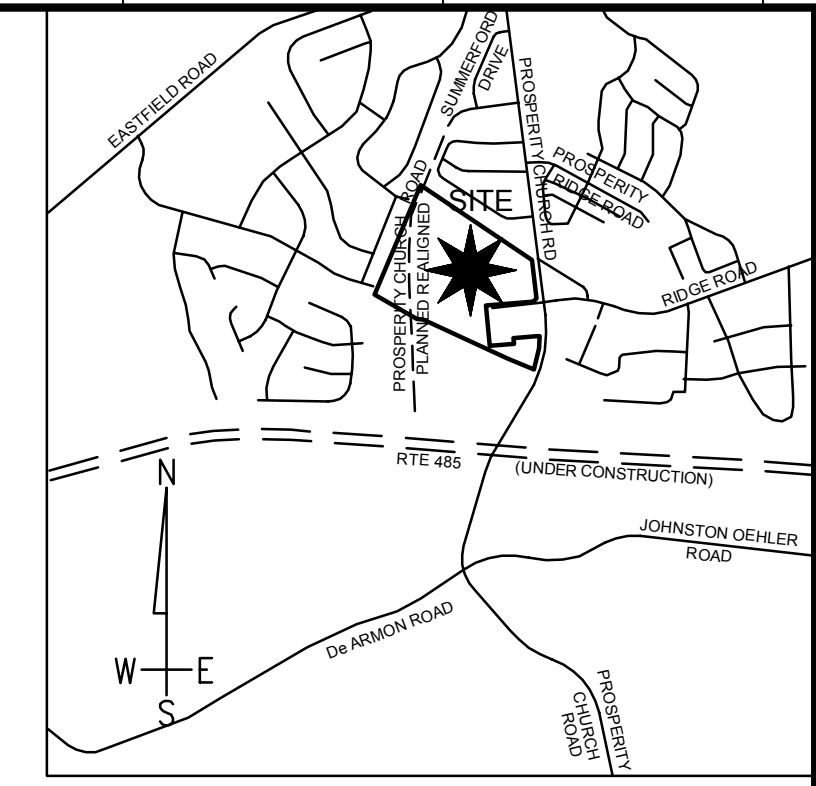
**38**



HALVORSEN DEVELOPMENT CORPORATION  
DEVELOPMENT STANDARDS  
06/20/14  
REZONING PETITION NO. 2013-094 (PROSPERITY VILLAGE SQUARE)

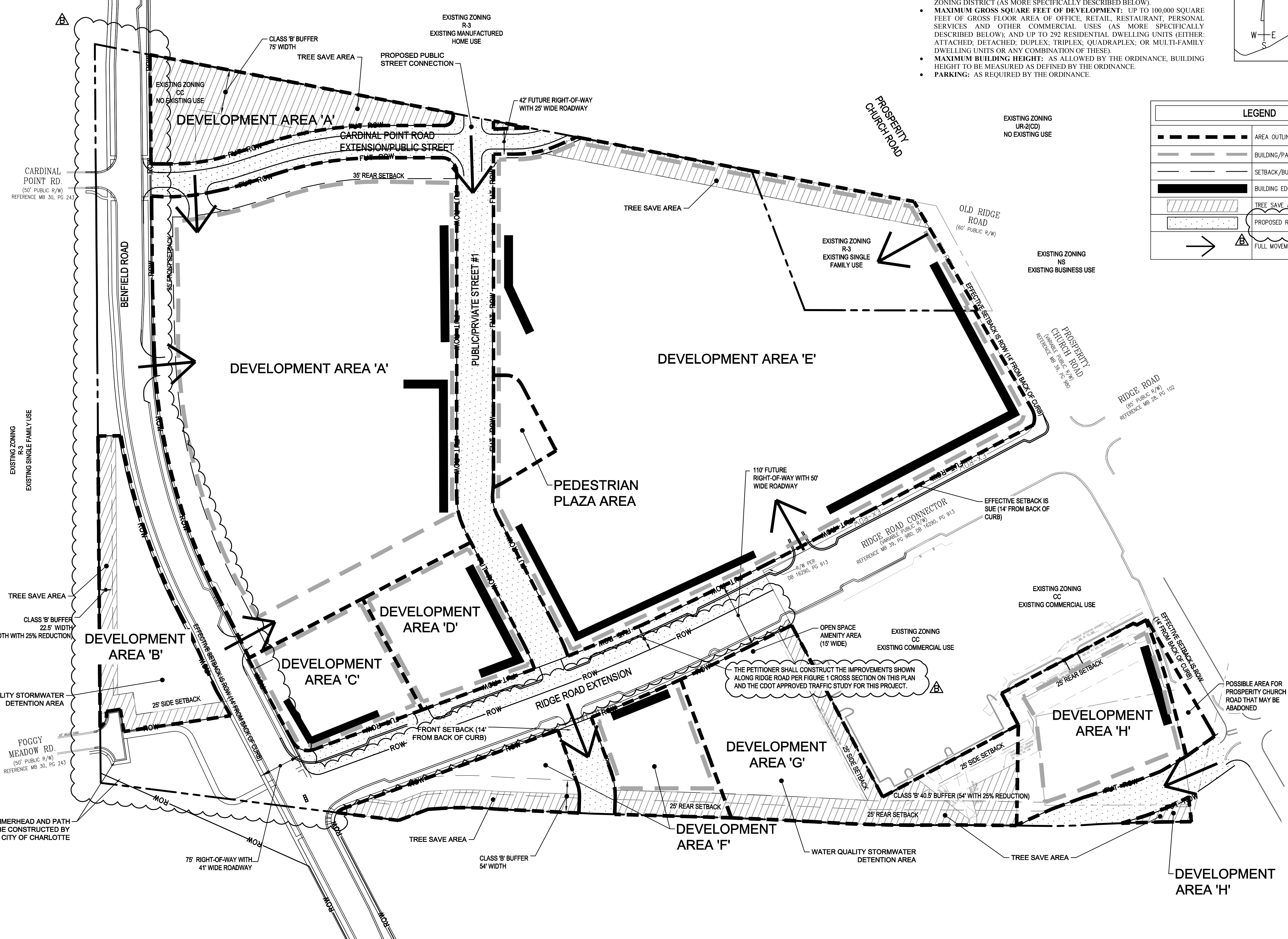
SITE DEVELOPMENT DATA:

- ACREAGE: ± 33.60 ACRES
- TAX PARCELS: 02-01-04, 06 AND 07
- EXISTING ZONING: CC AND R-3 (CC PORTION BY REZONING PETITION NO. 2001-070)
- PROPOSED ZONING: CC AND CC SPA, WITH FIVE (5) YEAR VESTED RIGHTS.
- EXISTING USES: VACANT AND A SINGLE-FAMILY HOME.
- PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE CC ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED BELOW).
- MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 100,000 SQUARE FEET OF GROSS FLOOR AREA OF OFFICE, RETAIL, RESTAURANT, PERSONAL SERVICES AND OTHER COMMERCIAL USES (AS MORE SPECIFICALLY DESCRIBED BELOW); AND UP TO 292 RESIDENTIAL DWELLING UNITS (EITHER: ATTACHED, DETACHED, DUPLEX, TRIPLEX, QUADRAPLEX; OR MULTI-FAMILY DWELLING UNITS OR ANY COMBINATION OF THESE).
- MAXIMUM BUILDING HEIGHT: AS ALLOWED BY THE ORDINANCE, BUILDING HEIGHT TO BE MEASURED AS DEFINED BY THE ORDINANCE.
- PARKING: AS REQUIRED BY THE ORDINANCE.



VICINITY MAP  
NOT TO SCALE

LEGEND	
	AREA OUTLINE
	BUILDING/PARKING ENVELOPE
	SETBACK/BUFFER LINE
	BUILDING EDGE
	TREE SAVE AREA
	PROPOSED RIGHT-OF-WAY AREA
	FULL MOVEMENT ACCESS POINTS



**Kimley»Horn**  
 NC License #F-0102  
 2000 SOUTH BOULEVARD  
 SUITE 440  
 CHARLOTTE, NORTH  
 CAROLINA 28203  
 PHONE: (704) 333-5131  
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NO.	DATE	REVISIONS
B	6/20/14	REVISIONS PER CITY COMMENTS
A	05/19/14	REVISIONS PER CITY COMMENTS

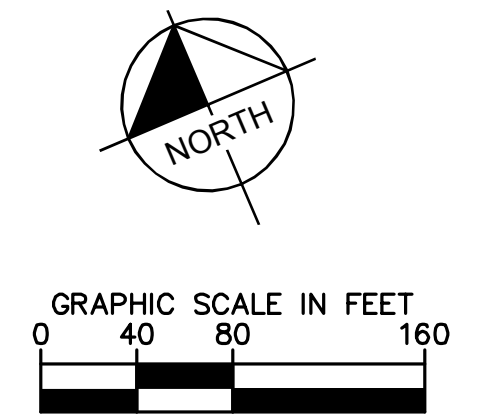
**CLIENT:**  
**HALVORSEN DEVELOPMENT CORPORATION**  
 1877 S. FEDERAL HIGHWAY  
 SUITE 200  
 BOCA RATON, FLORIDA 33432

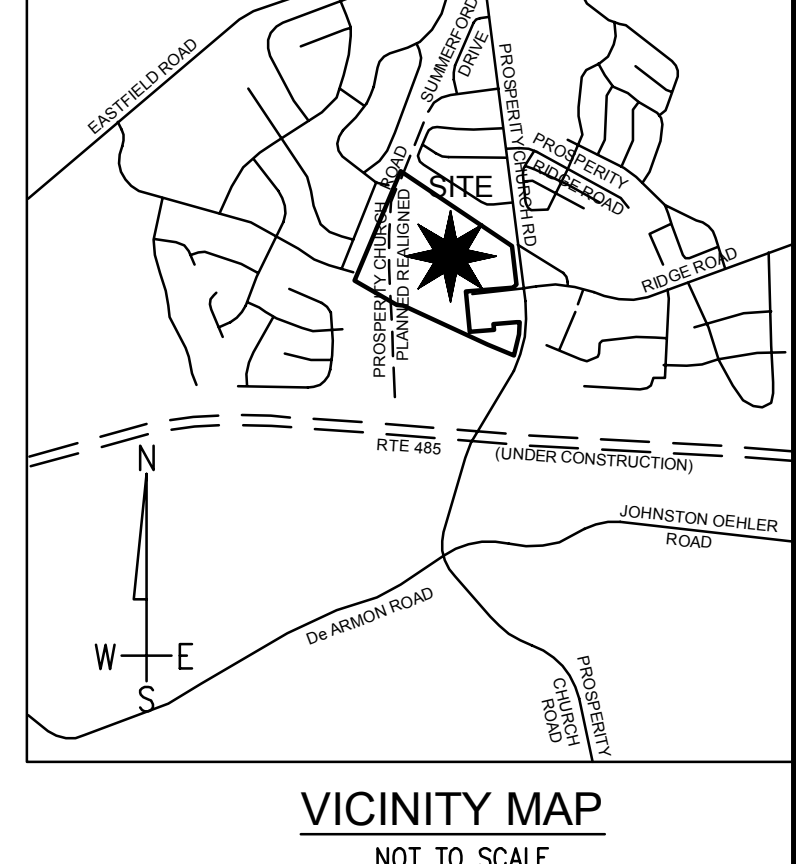
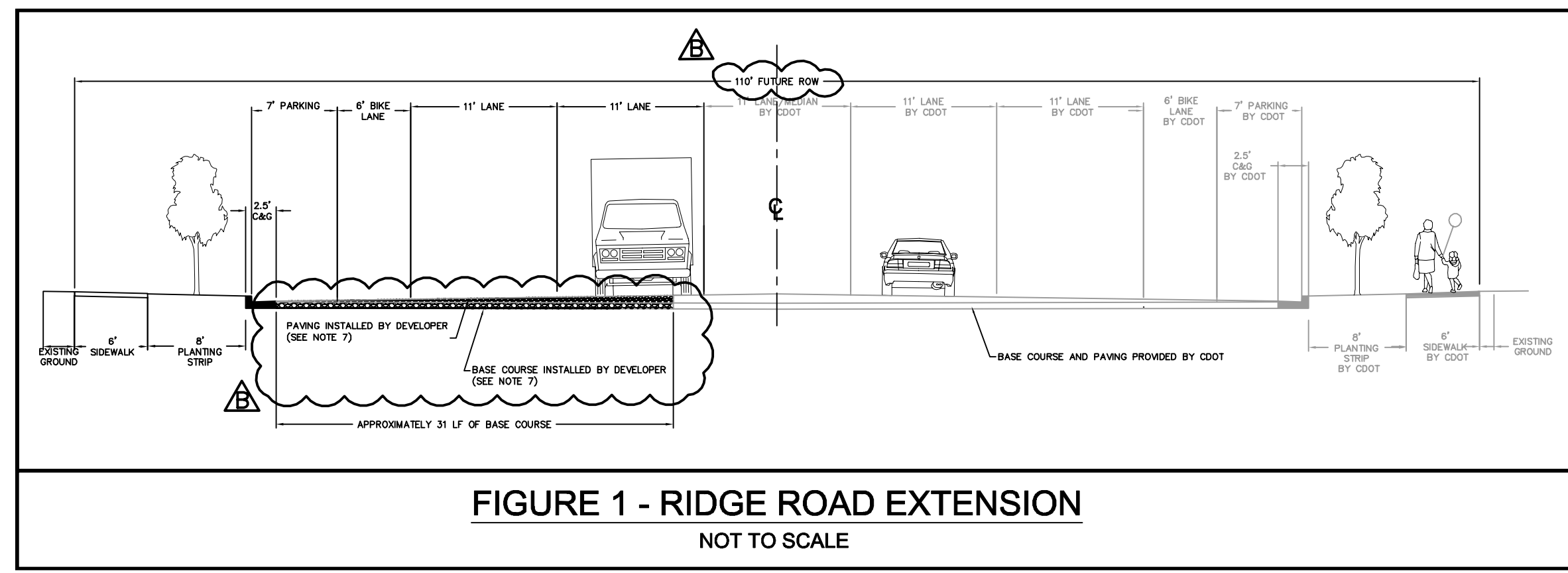
**PROJECT:**  
**PROSPERITY VILLAGE SQUARE**  
 RIDGE ROAD  
 CHARLOTTE, MECKLENBURG COUNTY  
 NORTH CAROLINA

**TECHNICAL DATA SHEET**

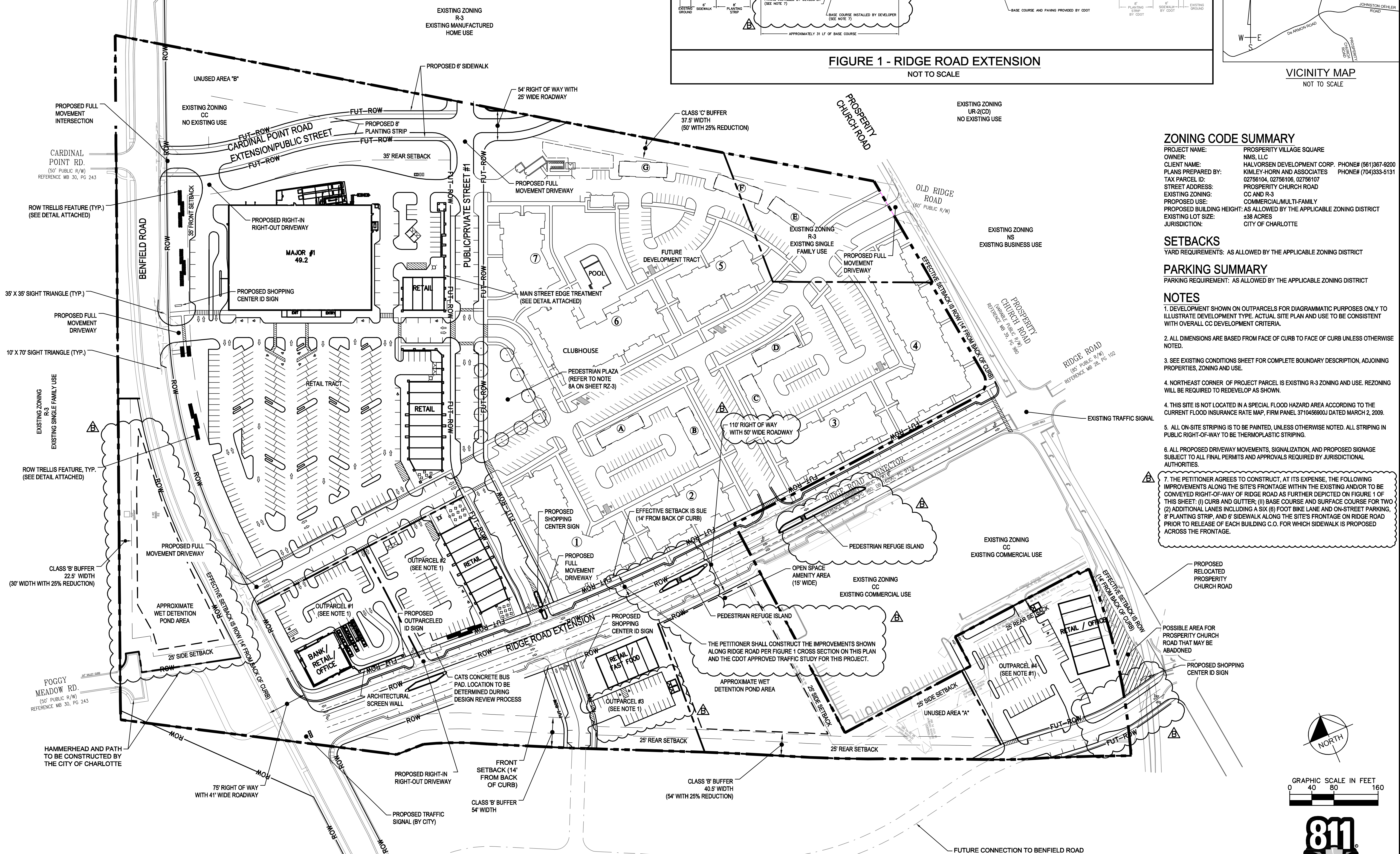
**DESIGNED BY:** LRB  
**DRAWN BY:** DMH  
**CHECKED BY:** ECH  
**DATE:** 04/03/14  
**PROJECT#:** 018667000

**RZ-1**





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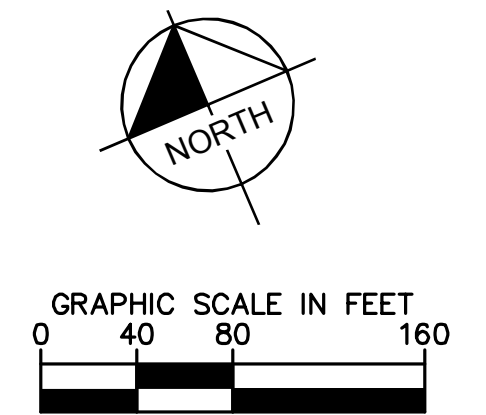
**ZONING CODE SUMMARY**

PROJECT NAME:	PROSPERITY VILLAGE SQUARE
OWNER:	NMS, LLC
CLIENT NAME:	HALVORSEN DEVELOPMENT CORP. PHONE# (661)367-9200
PLANS PREPARED BY:	KIMLEY-HORN AND ASSOCIATES PHONE# (704)333-5131
TAX PARCEL ID:	02756104, 02756106, 02756107
STREET ADDRESS:	PROSPERITY CHURCH ROAD
EXISTING ZONING:	CC AND R-3
PROPOSED USE:	COMMERCIAL/MULTI-FAMILY
PROPOSED BUILDING HEIGHT:	AS ALLOWED BY THE APPLICABLE ZONING DISTRICT
EXISTING LOT SIZE:	±38 ACRES
JURISDICTION:	CITY OF CHARLOTTE

**SETBACKS**  
YARD REQUIREMENTS: AS ALLOWED BY THE APPLICABLE ZONING DISTRICT

**PARKING SUMMARY**  
PARKING REQUIREMENT: AS ALLOWED BY THE APPLICABLE ZONING DISTRICT

- NOTES**
- DEVELOPMENT SHOWN ON OUTPARCELS FOR DIAGRAMMATIC PURPOSES ONLY TO ILLUSTRATE DEVELOPMENT TYPE. ACTUAL SITE PLAN AND USE TO BE CONSISTENT WITH OVERALL CC DEVELOPMENT CRITERIA.
  - ALL DIMENSIONS ARE BASED FROM FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.
  - SEE EXISTING CONDITIONS SHEET FOR COMPLETE BOUNDARY DESCRIPTION, ADJOINING PROPERTIES, ZONING AND USE.
  - NORTHEAST CORNER OF PROJECT PARCEL IS EXISTING R-3 ZONING AND USE. REZONING WILL BE REQUIRED TO REDEVELOP AS SHOWN.
  - THIS SITE IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO THE CURRENT FLOOD INSURANCE RATE MAP, FIRM PANEL 3710456890J DATED MARCH 2, 2009.
  - ALL ON-SITE STRIPING IS TO BE PAINTED, UNLESS OTHERWISE NOTED. ALL STRIPING IN PUBLIC RIGHT-OF-WAY TO BE THERMOPLASTIC STRIPING.
  - ALL PROPOSED DRIVEWAY MOVEMENTS, SIGNALIZATION, AND PROPOSED SIGNAGE SUBJECT TO ALL FINAL PERMITS AND APPROVALS REQUIRED BY JURISDICTIONAL AUTHORITIES.
  - THE PETITIONER AGREES TO CONSTRUCT, AT ITS EXPENSE, THE FOLLOWING IMPROVEMENTS ALONG THE SITE'S FRONTAGE WITHIN THE EXISTING AND/OR TO BE CONVEYED RIGHT-OF-WAY OF RIDGE ROAD AS FURTHER DEPICTED ON FIGURE 1 OF THIS SHEET: (I) CURB AND GUTTER; (II) BASE COURSE AND SURFACE COURSE FOR TWO (2) ADDITIONAL LANES INCLUDING A SIX (6) FOOT BIKE LANE AND ON-STREET PARKING, 8' PLANTING STRIP, AND 6' SIDEWALK ALONG THE SITE'S FRONTAGE ON RIDGE ROAD PRIOR TO RELEASE OF EACH BUILDING C.O. FOR WHICH SIDEWALK IS PROPOSED ACROSS THE FRONTAGE.



**CLIENT:**  
**HALVORSEN DEVELOPMENT CORPORATION**  
1877 S. FEDERAL HIGHWAY  
SUITE 200  
BOCA RATON, FLORIDA 33432

**PROJECT:**  
**PROSPERITY VILLAGE SQUARE**  
RIDGE ROAD, MECKLENBURG COUNTY  
CHARLOTTE, NORTH CAROLINA

**REZONING SITE PLAN**

DESIGNED BY: LRB  
DRAWN BY: DMH  
CHECKED BY: ECH  
DATE: 04/03/14  
PROJECT#: 018667000

**RZ-2**

HALVORSEN DEVELOPMENT CORPORATION  
DEVELOPMENT STANDARDS  
06/20/14

REZONING PETITION NO. 2013-094 (PROSPERITY VILLAGE SQUARE)

SITE DEVELOPMENT DATA:

- ACREAGE: 3.33-00 ACRES
TAX PARCEL NO. 02-20-004, 06 AND 07
EXISTING ZONING: CC AND R-3 (CC PORTION BY REZONING PETITION NO. 2001-070)
PROPOSED ZONING: CC AND CC SPA; WITH FIVE (5) YEAR VESTED RIGHTS.
EXISTING USES: VACANT AND A SINGLE-FAMILY HOME.
PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE CC ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED BELOW).

I. GENERAL PROVISIONS:

A. SITE LOCATION. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY HALVORSEN DEVELOPMENT CORPORATION ("PETITIONER") TO ACCOMMODATE DEVELOPMENT OF COMMERCIAL AND RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 3.60 ACRE SITE LOCATED ON THE WEST SIDE OF PROSPERITY CHURCH ROAD AND NORTH AND SOUTH OF RIDGE 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 CC ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON SUCH PORTION OF THE SITE.

C. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, AND OTHER SITE ELEMENTS SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN AS WELL AS ANY SCHEMATIC BUILDING ELEVATIONS ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT AND SITE ELEMENTS PROPOSED, 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, FURTHER THAT ANY ALTERATIONS OR MODIFICATIONS SHALL NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN. CHANGES TO THE REZONING PLAN NOT PERMITTED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF 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 PORTION OF THE SITE DEVELOPED FOR COMMERCIAL USES SHALL NOT EXCEED 10 AND THE NUMBER OF BUILDINGS WITHIN SUCH PORTION OF THE SITE DEVELOPED FOR THE RESIDENTIAL USES SHALL NOT EXCEED 19. 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 BUILDINGS LOCATED WITHIN THE SAME DEVELOPMENT AREA AS THE ACCESSORY STRUCTURE/BUILDING.

E. PLANNED/UNIFIED DEVELOPMENT. THE SITE SHALL BE VIEWED AS A PLANNED/UNIFIED DEVELOPMENT PLAN AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN. AS SUCH, SIDE AND REAR YARDS, SETBACKS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, FAR REQUIREMENTS, PUBLIC/PRIVATE STREET REQUIREMENTS (EXCEPT AS SET FORTH HEREIN) AND OTHER SIMILAR ZONING STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER SITE ELEMENTS LOCATED ON THE SITE. FURTHERMORE, THE PETITIONER AND/OR OWNER OF THE SITE RESERVE THE RIGHT TO SUBDIVIDE THE PORTIONS OR ALL OF THE SITE AND CREATE LOTS WITHIN THE INTERIOR OF THE SITE WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS, PUBLIC/PRIVATE STREET REQUIREMENTS AND FAR REQUIREMENTS, PROVIDED, HOWEVER, ALL SUCH SEPARATION STANDARDS ALONG THE EXTERIOR BOUNDARY OF THE SITE SHALL BE ADHERED TO AND ALL FAR REQUIREMENTS WILL BE REGULATED BY ANY DEVELOPMENT LIMITATIONS SET FORTH IN SECTION 2 BELOW AS TO THE SITE AS A WHOLE AND NOT INDIVIDUAL PORTIONS OR LOTS LOCATED THEREIN.

F. FIVE YEAR VESTED RIGHTS. PURSUANT TO THE PROVISIONS OF SECTION 1.110 OF THE ORDINANCE AND N.C.G.S. SECTION 160A-385.1, DUE TO THE MASTER PLANNED LARGE SCALE NATURE OF THE DEVELOPMENT AND/OR REDEVELOPMENT, THE LEVEL OF INVESTMENT, THE TIMING OF DEVELOPMENT AND/OR REDEVELOPMENT AND CERTAIN INFRASTRUCTURE IMPROVEMENTS, ECONOMIC CYCLES AND MARKET CONDITIONS, THIS PETITION INCLUDES VESTING OF THE APPROVED REZONING PLAN AND CONDITIONAL ZONING DISTRICTS ASSOCIATED WITH THE PETITION FOR A FIVE (5) YEAR PERIOD, BUT SUCH PROVISIONS SHALL NOT BE DEEMED A LIMITATION ON ANY OTHER VESTED RIGHTS WHETHER AT COMMON LAW OR OTHERWISE.

NOTE: THESE DEVELOPMENT STANDARDS REPLACE AND SUPERSEDE THE PREVIOUS DEVELOPMENT STANDARDS APPROVED AS PART OF THE PRIOR REZONING PETITION FOR THIS SITE.

2. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS, TRANSFER & CONVERSION RIGHTS, AND CERTAIN BUILDING EDGE TREATMENTS:

A. FOR EASE OF REFERENCE, THE REZONING PLAN SETS FORTH EIGHT (8) DEVELOPMENT AREAS AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET AS DEVELOPMENT AREAS A, B, C, D, E, F, G AND H (EACH A "DEVELOPMENT AREA" AND COLLECTIVELY THE "DEVELOPMENT AREAS").

B. SUBJECT TO THE RESTRICTIONS, LIMITATIONS, LISTED BELOW, THE PRINCIPAL BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREAS A, C, D, E, F, AND H ON THE SITE MAY BE DEVELOPED: (I) WITH UP TO 100,000 SQUARE FEET OF GROSS FLOOR AREA OF USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS, AND (II) UP TO 292 DWELLING UNITS (EITHER: ATTACHED, DETACHED, DUPLEX, TRIPLEX, QUADRAPLEX, OR MULTI-FAMILY OR ANY COMBINATION OF THESE), TOGETHER WITH ACCESSORY USES AND USES UNDER PRESCRIBED CONDITIONS IN THE CC ZONING DISTRICT; PROVIDED, HOWEVER, THE ALLOWED DWELLING UNITS (EITHER: ATTACHED, DETACHED, DUPLEX, TRIPLEX, QUADRAPLEX; OR MULTI-FAMILY) SHALL BE LOCATED WITHIN DEVELOPMENT AREA E.

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 BUILDINGS) OR AT STREET LEVEL (PARKING FOR OUTDOOR DINING AREAS WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE OR THESE DEVELOPMENT STANDARDS).

C. SUBJECT TO THE RESTRICTIONS, LIMITATIONS, DEVELOPMENT AREA E MAY BE DEVELOPED FOR UP TO 292 MULTI-FAMILY AND/OR OTHER RESIDENTIAL DWELLING UNITS AS DESCRIBED IN SUBSECTION 2.B. ABOVE, TOGETHER WITH ACCESSORY USES AND USES UNDER PRESCRIBED CONDITIONS IN THE CC ZONING DISTRICT.

D. UP TO THREE (3) USES, IN TOTAL, WITH AN ACCESSORY DRIVE-THROUGH WINDOW MAY BE DEVELOPED WITHIN DEVELOPMENT AREAS A, C, D, F AND H. ONLY ONE OF WHICH SHALL BE A RESTAURANT WITH AN ACCESSORY DRIVE-THROUGH WINDOW. THE ALLOWED RESTAURANT WITH AN ACCESSORY DRIVE-THROUGH WINDOW MAY BE LOCATED ON DEVELOPMENT AREA F OR H ONLY.

E. "BUILDING EDGES" HAVE BEEN PROVIDED WITHIN PORTIONS OF DEVELOPMENT AREAS A, C, D, E, F AND H AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. [NOTE: THE BUILDING EDGES SHOWN CONSIST OF ONE (1) OR TWO (2) EDGES, AN EDGE FOR EACH ABUTTING STREET]. THE BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREAS A, C, D, E, F AND H MUST ADHERE TO THE BUILDING EDGE(S) TO WHICH THEY ABUT AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET (PLAZA/OUTDOOR DINING AREAS WILL BE CONSIDERED PART OF THE BUILDINGS FOR THE PURPOSES OF COMPLIANCE WITH THIS PROVISION) SUCH THAT VEHICULAR PARKING AND MANEUVERING MAY NOT BE LOCATED BETWEEN THE PROPOSED BUILDINGS AND THE BUILDING EDGE(S) INDICATED; OTHER BUILDINGS CONSTRUCTED WITHIN THESE DEVELOPMENT AREAS THAT DO NOT ABUT THE BUILDING EDGES INDICATED SHALL NOT HAVE TO COMPLY WITH THIS RESTRICTION. WITHOUT LIMITING THE PROVISIONS OF SECTIONS 1 AND 2 ABOVE, THE SCHEMATIC REPRESENTATIONS OF THE DESIGN TREATMENT FOR THE DEVELOPMENT WITHIN DEVELOPMENT AREAS A, C, D, E, F, AND H GENERALLY DEPICTED ON SHEET RZ-2 ARE MERELY SCHEMATIC IN NATURE AND MAY BE ALTERED IN A MANNER CONSISTENT WITH THE BUILDING EDGE(S) PROVISIONS DESCRIBED ABOVE. IN ADDITION, THE PROVISIONS OF THIS SECTION MAY BE ALTERED TO PERMIT GREATER FLEXIBILITY IN DEVELOPMENT AS ALLOWED BY THE ADMINISTRATIVE AMENDMENT PROVISIONS OF THE ORDINANCE.

F. THE FOLLOWING USE WILL BE PROHIBITED ON THE SITE: A GAS STATION WITH OR WITHOUT A CONVENIENCE STORE.

3. ACCESS:

A. ACCESS TO THE SITE WILL BE FROM RIDGE ROAD, PROSPERITY CHURCH ROAD, CARDINAL POINT ROAD (EXTENSION) AND BENFIELD ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

B. 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.

C. THE ALIGNMENT OF THE INTERNAL DRIVES, VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS AND/OR PARKING LAYOUTS WITHIN THE VARIOUS DEVELOPMENT AREAS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) IN ACCORDANCE WITH PUBLISHED STANDARDS.

D. DUE TO THE RE-ALIGNMENT OF PROSPERITY CHURCH ROAD ALONG THE SITES FRONTAGE A PORTION OF THE EXISTING RIGHT-OF-WAY FOR PROSPERITY CHURCH ROAD ABUTTING DEVELOPMENT AREA H IS NO LONGER NEEDED. THE PETITIONER WILL FILE A PETITION TO ABANDON THIS PORTION OF RIGHT-OF-WAY AND INCORPORATE THE ABANDONED RIGHT-OF-WAY INTO DEVELOPMENT AREA H FOR USE AS PART OF THE DEVELOPMENT OF THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.

4. TRANSPORTATION IMPROVEMENTS:

[TO BE DETERMINED AFTER THE COMPLETION OF A TRAFFIC STUDY] THE PETITIONER IS CURRENTLY WORKING WITH CDOT ON THE DEVELOPMENT OF A TRAFFIC IMPACT STUDY TO DETERMINE WHAT, IF ANY, IMPROVEMENTS IDENTIFIED WILL BE THE RESPONSIBILITY OF THE DEVELOPER.

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 1 ON SHEET RZ-2 OF THE REZONING PLAN. THE FIGURE ON SHEET RZ-2 ARE TO BE USED IN CONJUNCTION WITH THE FOLLOWING NOTES TO DETERMINE THE EXTENT OF THE PROPOSED IMPROVEMENTS (REFERENCE TO A NUMBER OR LETTER WHEN DESCRIBING AN IMPROVEMENT CORRESPONDS TO THE NUMBER OR LETTER FOUND ON SHEET RZ-1 AND RZ-2 FOR THE PROPOSED IMPROVEMENT).

THE PETITIONER AGREES TO CONSTRUCT, AT ITS EXPENSE, THE FOLLOWING IMPROVEMENTS ALONG THE SITE'S FRONTAGE WITHIN THE EXISTING AND/OR TO BE CONVEYED RIGHT-OF-WAY OF RIDGE ROAD AS FURTHER DEPICTED ON SHEET RZ-2: (I) CURB AND GUTTER; (II) BASE COURSE AND SURFACE COURSE FOR TWO (2) ADDITIONAL LANES INCLUDING A SIX (6) FOOT BIKE LANE AND ON-STREET PARKING, 8' PLANTING STRIP, AND 6' SIDEWALK ALONG THE SITE'S FRONTAGE ON RIDGE ROAD PRIOR TO RELEASE OF EACH BUILDING C.O. FOR WHICH SIDEWALK IS PROPOSED ACROSS THE FRONTAGE.

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 AND NCDOT, AS APPLICABLE, TO THE ROADWAY IMPROVEMENTS WITHIN THEIR RESPECTIVE ROAD SYSTEM AUTHORITY. 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 BROAD SOUTH MECKLENBURG AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

B. PHASING (TO BE DETERMINED).

C. SUBSTANTIAL COMPLETION. REFERENCE TO "SUBSTANTIAL COMPLETION" FOR CERTAIN IMPROVEMENTS AS SET FORTH IN THE PROVISIONS OF SECTION 4.II 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 CERTAIN NON-ESSENTIAL ROADWAY IMPROVEMENTS (AS REASONABLY DETERMINED BY CDOT) 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 CDOT WILL INSTRUCT APPLICABLE AUTHORITIES 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. 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, PLANNING DIRECTOR, AND AS APPLICABLE, NCDOT, PROVIDED, HOWEVER, THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS PROVIDE (IN THE AGGREGATE) ARE COMPARABLE TRANSPORTATION NETWORK BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS PETITION.

ARCHITECTURAL STANDARDS:

A. THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING MATERIALS. THE BUILDING MATERIALS USED FOR BUILDINGS WILL BE A COMBINATION OF THE FOLLOWING: GLASS, BRICK, STONE, PRE-CAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, STUCCO, CEMENTATIOUS SIDING (SUCH AS HARDI-PLANK), EIFS OR WOOD. VINYL AS A BUILDING MATERIAL WILL NOT BE ALLOWED EXCEPT ON WINDOWS AND SOFFITS. THE USE OF EIFS WILL BE LIMITED TO THE COMMERCIAL BUILDINGS CONSTRUCTED ON THE SITE.

B. THE BUILDING CONSTRUCTED WITHIN DEVELOPMENT C WILL INCLUDE A PROMINENT ARCHITECTURAL FEATURE THAT MAY INCLUDE AN ENTRANCE ORIENTED TOWARD THE INTERSECTION OF RIDGE ROAD AND BENFIELD ROAD.

C. THE BUILDINGS LOCATED WITHIN DEVELOPMENT AREAS A AND D FRONTING ON PUBLIC/PRIVATE STREET # 1 SHALL HAVE A MINIMUM OF 40% OF THE STREET FACING FRONTAGE COMPOSED OF CLEAR GLASS WINDOWS AND/OR DOORS.

D. BUILDING # 1 WITHIN DEVELOPMENT AREA E WILL BE DESIGNED SO THAT THE UNITS ON THE GROUND FLOOR FACING RIDGE ROAD AND PUBLIC/PRIVATE STREET # 1 WILL HAVE: (I) AN ENTRANCE FROM EACH UNIT TO THE ABUTTING STREET; AND (II) VERTICAL SHAPED WINDOWS WITH A HEIGHT GREATER THAN THEIR WIDTH. THE BUILDING FACADE FACING THESE STREETS WILL ALSO PROVIDE WINDOWS AND DOORS FOR AT LEAST 25% OF THE TOTAL FACADE AREA ALONG THESE STREETS. THE MAXIMUM CONTIGUOUS AREA WITHOUT WINDOWS OR DOORS ON ANY FLOOR SHALL NOT EXCEED 10 FEET IN HEIGHT OR 20 FEET IN LENGTH.

E. CONSTRUCTION PLANS WILL BE REVIEWED BY THE CHARLOTTE-MECKLENBURG DEPARTMENT PLANNING FOR COMPLIANCE WITH THE ARCHITECTURAL REQUIREMENTS OF THE REZONING PLAN PRIOR TO ISSUANCE A BUILDING PERMIT.

F. THE SERVICE AREAS OF THE BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREAS A WILL BE SCREENED FROM THE EXTENSION OF CARDINAL POINT ROAD WITH LANDSCAPING AND WALLS OR LANDSCAPING AND BERMS DESIGNED TO COMPLEMENT THE BUILDING ARCHITECTURE OF THE ADJACENT BUILDINGS. ARCHITECTURAL FEATURES SUCH AS, BUT NOT LIMITED TO, BANDING, MEDALLIONS, CHANGES IN COLOR OR DESIGN FEATURES OR MATERIALS WILL BE PROVIDED TO AVOID A STERILE, UNARTICULATED BLANK TREATMENT OF SUCH WALLS. THE REAR FACADE OF THE BUILDING WITH DEVELOPMENT AREA A THAT ABUTS CARDINAL POINT ROAD WILL BE CONSTRUCTED WITH A FULL PARAPET WALL AND ANY PORTIONS OF THE REAR BUILDING WALL VISIBLE FROM CARDINAL POINT ROAD WILL BE TREATED WITH ARCHITECTURAL FINISHES SIMILAR TO THE BUILDING MATERIALS USED ON THE FRONT OF THE BUILDING.

G. A LOW MASONRY WALL (2.0 TO 2.5 FEET HIGH) AND LOW ACCENT PLANTINGS WILL BE PROVIDED IN DEVELOPMENT AREAS C AND D BETWEEN RIDGE ROAD AND: (I) PARKING AREAS LOCATED TO THE SIDE OF THE PROPOSED BUILDINGS; AND (II) MANEUVERING FOR DRIVE-THRU LANES AS GENERALLY DEPICTED ON THE REZONING PLAN.

H. 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.

I. RETAINING WALLS LOCATED ON THE SITE WILL BE ACCOMPANIED BY LANDSCAPING TO HELP SOFTEN THEIR APPEARANCE.

J. METER BANKS WILL BE SCREENED WHERE VISIBLE FROM PUBLIC VIEW AT GRADE LEVEL.

K. ROOF TOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE LEVEL WITHIN THE AREA OF THE SITE ADJACENT TO SUCH EQUIPMENT.

L. GROUND MOUNTED HVAC AND RELATED MECHANICAL EQUIPMENT MAY NOT BE LOCATED BETWEEN THE PROPOSED BUILDINGS AND AN ABUTTING PUBLIC STREET.

6. STREETScape, LANDSCAPING AND BUFFERS:

A. A SETBACK AS REQUIRED BY THE CC ZONING DISTRICT WILL BE ESTABLISHED ALONG EXISTING AND PROPOSED PUBLIC STREETS, PROVIDED, HOWEVER, THE PETITIONER RESERVES THE RIGHT TO REDUCE THE CC DISTRICT SETBACK FROM 35 FEET TO 14 FEET AS ALLOWED BY THE ORDINANCE.

B. THE PETITIONER WILL PROVIDE A SIX (6) FOOT SIDEWALK AND AN EIGHT (8) FOOT PLANTING STRIP ALONG THE SITE'S FRONTAGE ON EXISTING AND PROPOSED STREETS, WHERE A SIDEWALK AND PLANTING STRIP HAS NOT BEEN PROVIDED BY OTHERS.

C. ALONG THE SITE'S INTERNAL PRIVATE STREETS, THE PETITIONER WILL PROVIDE A SIDEWALK AND A CROSS-WALK NETWORK THAT LINKS ALL THE BUILDINGS ON THE SITE WITH ONE ANOTHER BY WAY OF LINKS TO SIDEWALKS ALONG THE ABUTTING PUBLIC AND PRIVATE STREETS AND/OR OTHER PEDESTRIAN FEATURES. THE MINIMUM WIDTH FOR THESE INTERNAL SIDEWALKS WILL BE FIVE (5) FEET. STREET TREES WILL ALSO BE PROVIDED ALONG THE SITE'S INTERNAL PUBLIC AND PRIVATE STREETS.

D. A BUFFER AS REQUIRED BY THE ORDINANCE WILL BE PROVIDED AS GENERALLY DEPICTED ON THE REZONING PLAN. THIS BUFFER MAY BE REDUCED IN WIDTH AS ALLOWED BY THE ORDINANCE BY THE INSTALLATION OF A FENCE OR WALL. THIS BUFFER MAY BE ELIMINATED WHEN THE USE OR ZONING ON THE ADJOINING PROPERTY CHANGES TO A USE OR ZONING CATEGORY THAT NO LONGER REQUIRES A BUFFER. STORM WATER DRAINAGE STRUCTURES MAY CROSS BUFFERS AT ANGLES NO LESS THAN 75 DEGREES.

E. A BUFFER WILL NOT BE REQUIRED BETWEEN THE DEVELOPMENT AREAS OF THE SITE DEVELOPED WITH COMMERCIAL USES AND THE DEVELOPMENT AREA OF THE SITE DEVELOPED WITH RESIDENTIAL USES AS DESCRIBED BY THE PROVISION OF THE CC ZONING DISTRICT.

7. 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. ADJUSTMENT MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS. THE SITE WILL COMPLY WITH THE TREE ORDINANCE IN EFFECT AT THE TIME OF THIS REZONING PETITION.

C. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.

8. PLAZAS AND OPEN SPACE:

A. THE PETITIONER WILL PROVIDE FOR A "PEDESTRIAN PLAZA" TO BE LOCATED WITHIN DEVELOPMENT AREA E IN THE LOCATION GENERALLY DEPICTED ON RZ-2 OF THE REZONING PLAN. THE PEDESTRIAN PLAZA WILL BE DESIGNED AS A PEDESTRIAN FOCAL POINT AND AN AMENITY FOR THE OVERALL DEVELOPMENT. THE PEDESTRIAN PLAZA MAY INCLUDE FEATURES SUCH AS BUT NOT LIMITED TO, WATER FEATURES, LANDSCAPING, SPECIALTY PAVING, SEATING AREAS, SIGNAGE, ART WORK AND/OR OTHER SITE ELEMENTS THAT HELP CREATE A VIBRANT PEDESTRIAN PLAZA AREA.

B. A PORTION OF THE AREA ABUTTING THE WATER QUALITY/STORM WATER DETENTION POND LOCATED IN DEVELOPMENT AREA G WILL BE IMPROVED AS AN AMENITY AREA WITH LANDSCAPING AND SEATING AREAS AS THE ADJACENT PORTIONS OF THE SITE ARE DEVELOPED.

9. SIGNAGE:

A. SIGNAGE AS ALLOWED BY THE ORDINANCE MAY BE PROVIDED. THE SITE WILL BE VIEWED AS A PLANNED/UNIFIED DEVELOPMENT AS DEFINED BY THE ORDINANCE. CONSEQUENTLY SHOPPING CENTER SIGNS MAY BE LOCATED THROUGHOUT THE SITE AS ALLOWED BY THE ORDINANCE. THE ALLOWED SIGNS MAY CONTAIN BUSINESS AND IDENTIFICATION SIGNAGE FOR ANY OF THE BUSINESSES OR TENANTS LOCATED ON THE SITE. LOCATIONS FOR SOME OF THE ALLOWED SIGNS HAVE BEEN INDICATED ON THE REZONING PLAN THESE LOCATIONS ARE SUBJECT TO THE STANDARDS OF THE ORDINANCE AND MAY BE MODIFIED. THE FINAL LOCATIONS AND ALLOWED NUMBER WILL BE DETERMINED LATER DURING THE CONSTRUCTION PHASE OF THE DEVELOPMENT.

10. 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 USED IN THE DEVELOPMENT AREAS DEVELOPED WITH THE COMMERCIAL USES SITE WILL BE LIMITED TO 30 FEET IN HEIGHT. DETACHED LIGHTING IN THE DEVELOPMENT AREA USED FOR RESIDENTIAL USES WILL BE LIMITED TO 20 FEET IN HEIGHT.

11. CATS SHELTER PAD:

A. THE PETITIONER WILL CONSTRUCT A CATS SHELTER PAD ALONG RIDGE ROAD. THE LOCATION OF THE PAD TO BE DETERMINED IN CONJUNCTION WITH CATS DURING THE SUBDIVISION REVIEW PROCESS FOR THE SITE.

12. 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.

13. 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 AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.

KimleyHorn

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SUITE 440  
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CAROLINA 28203  
PHONE: (704) 333-5131

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Table with columns: NO., DATE, REVISIONS PER CITY COMMENTS, REVISIONS

CLIENT: HALVORSEN DEVELOPMENT CORPORATION  
1877 S. FEDERAL HIGHWAY SUITE 200 BOCA RATON, FLORIDA 33432

PROJECT: PROSPERITY VILLAGE SQUARE  
RIDGE ROAD CHARLOTTE, MECKLENBURG COUNTY NORTH CAROLINA

TITLE: TITLE DEVELOPMENT STANDARDS

DESIGNED BY: LRB  
DRAWN BY: DMH  
CHECKED BY: ECH  
DATE: 04/03/14

PROJECT#: 018667000

RZ-3



MAIN STREET ELEVATION

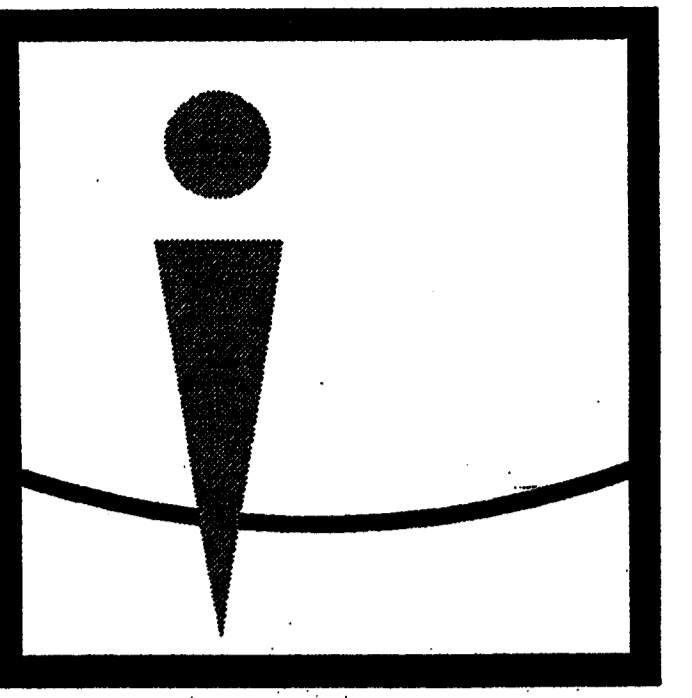
**SCHEMATIC ELEVATION**

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

PROSPERITY VILLAGE SQUARE  
 CHARLOTTE, NORTH CAROLINA

SCHEMATIC ELEVATION  
 16 JUNE 2014  
 SCALE: 1/8" = 1'-0"





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Existing Zoning "R-3"  
Proposed Zoning "CC"



VICINITY MAP  
NOT TO SCALE

**JDH**  
CAPITAL

*Prosperity Church Road*  
*New Urban Village*

date: February 16, 2001  
status: REZONING DOCUMENTS  
revisions:  
May 21, 2001  
June 8, 2001  
September 6, 2001  
SEPTEMBER 17, 2001

**01-070**

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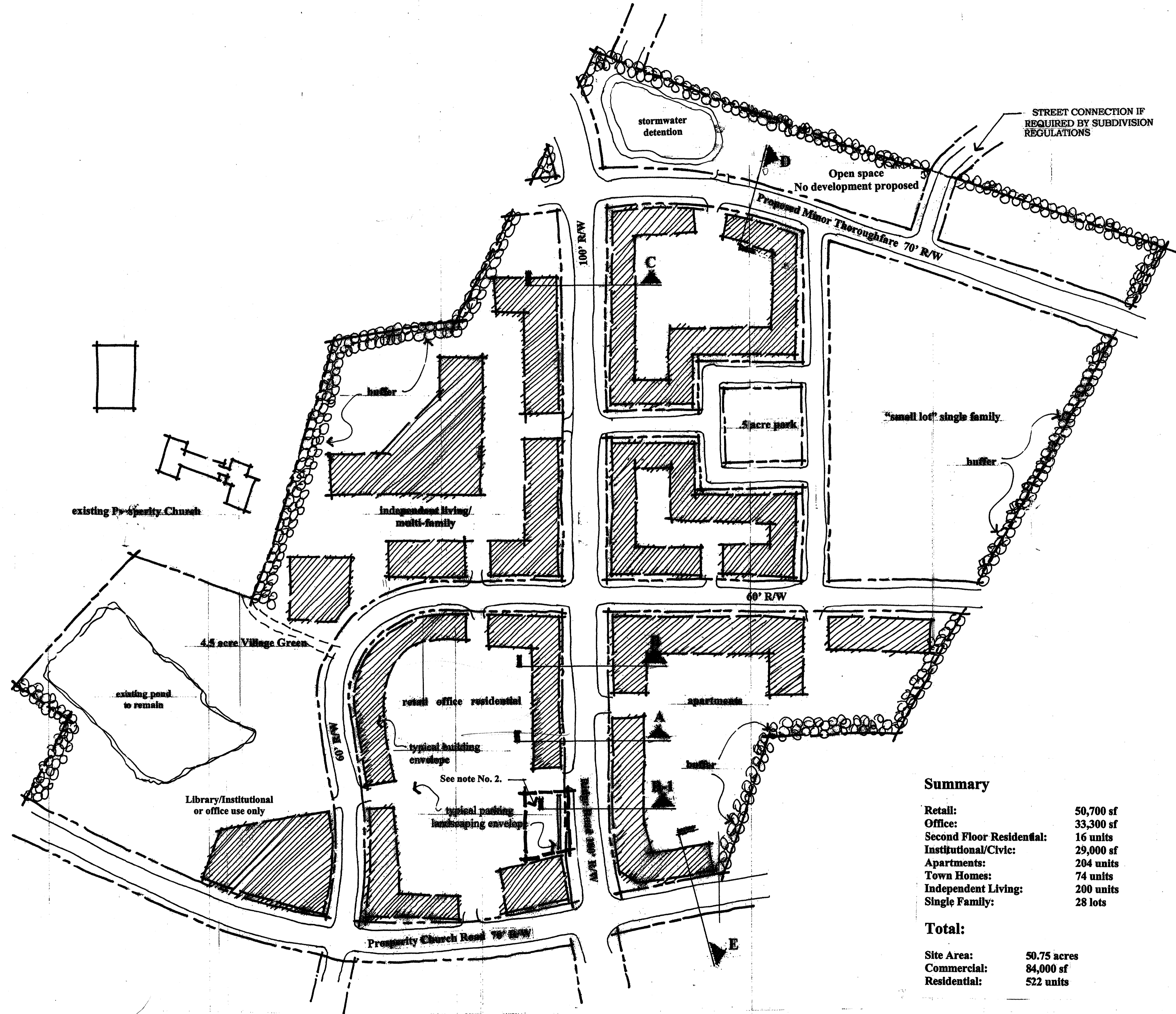
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SHEET

APPROVED BY CITY COUNCIL

DATE 9/7/01

**A-1**

ODA No. 011499/01

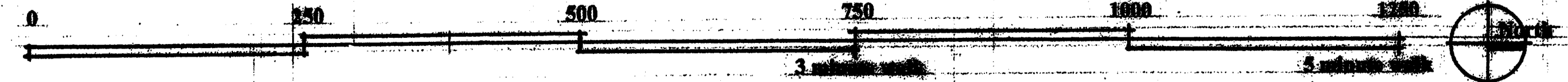


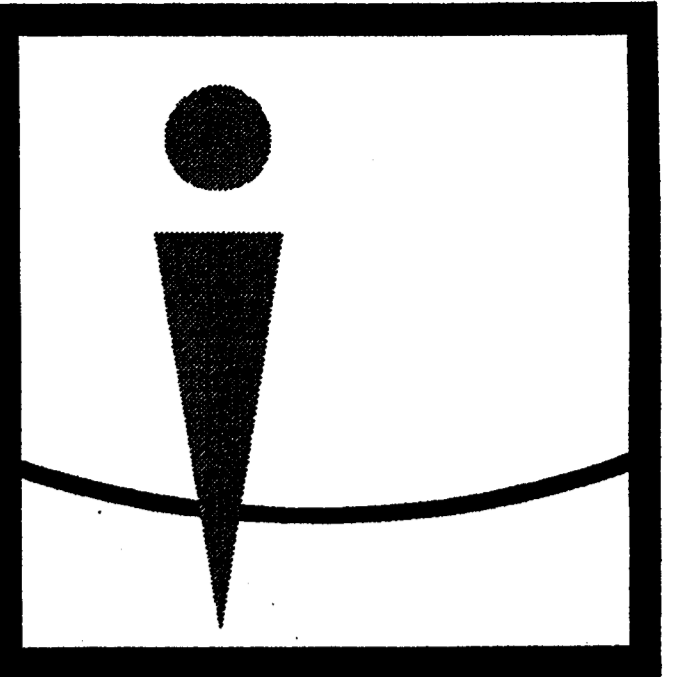
**Summary**

Retail:	50,700 sf
Office:	33,300 sf
Second Floor Residential:	16 units
Institutional/Civic:	29,000 sf
Apartments:	204 units
Town Homes:	74 units
Independent Living:	200 units
Single Family:	28 lots

**Total:**

Site Area:	50.75 acres
Commercial:	84,000 sf
Residential:	522 units





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PROFESSIONAL  
SEAL

Existing Zoning "R-3"  
Proposed Zoning "CC"

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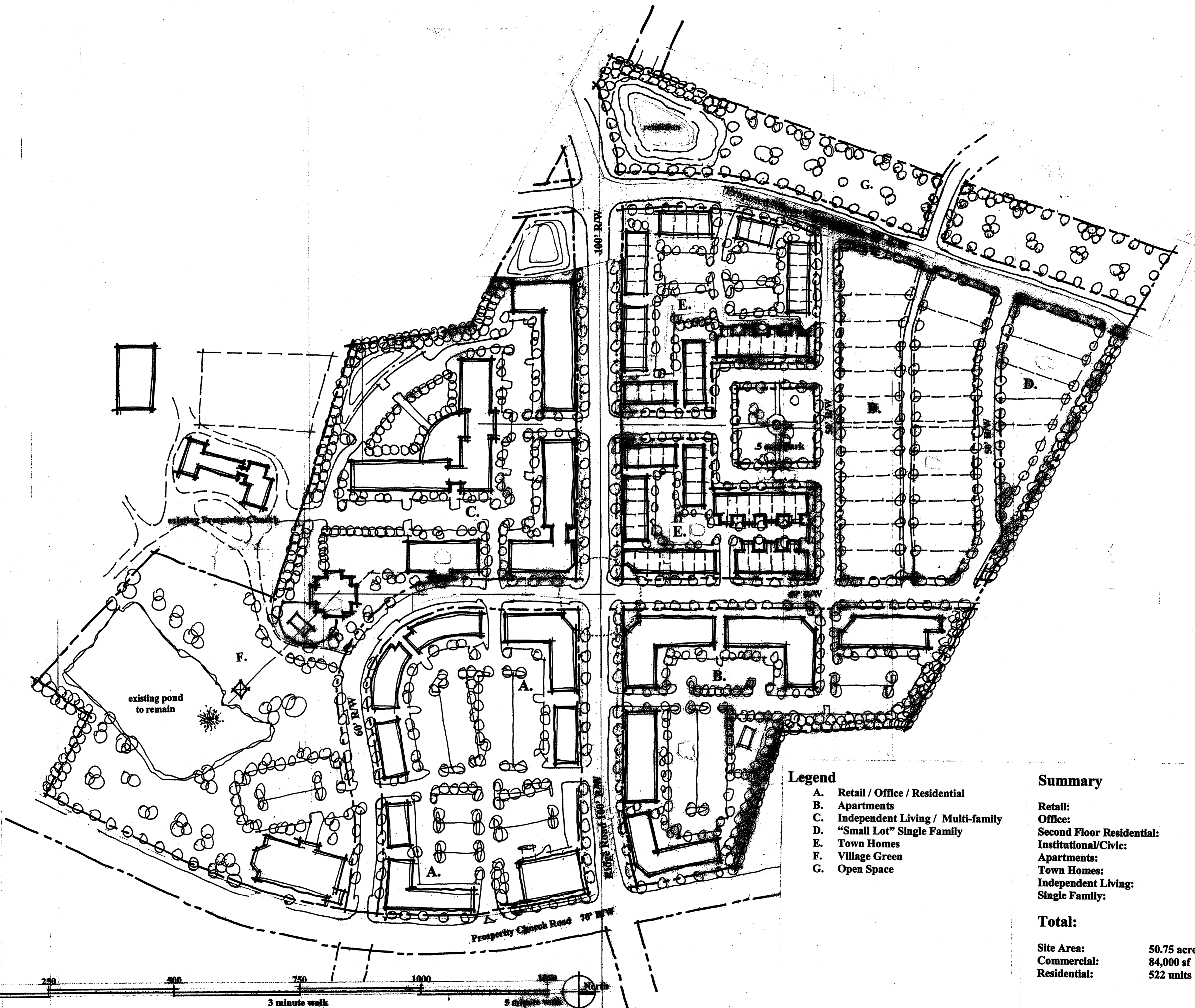
ILLUSTRATIVE  
SITE PLAN

APPROVED BY CITY COUNCIL

DATE 9/17/01

**A-2**

ODA No. 01449/01



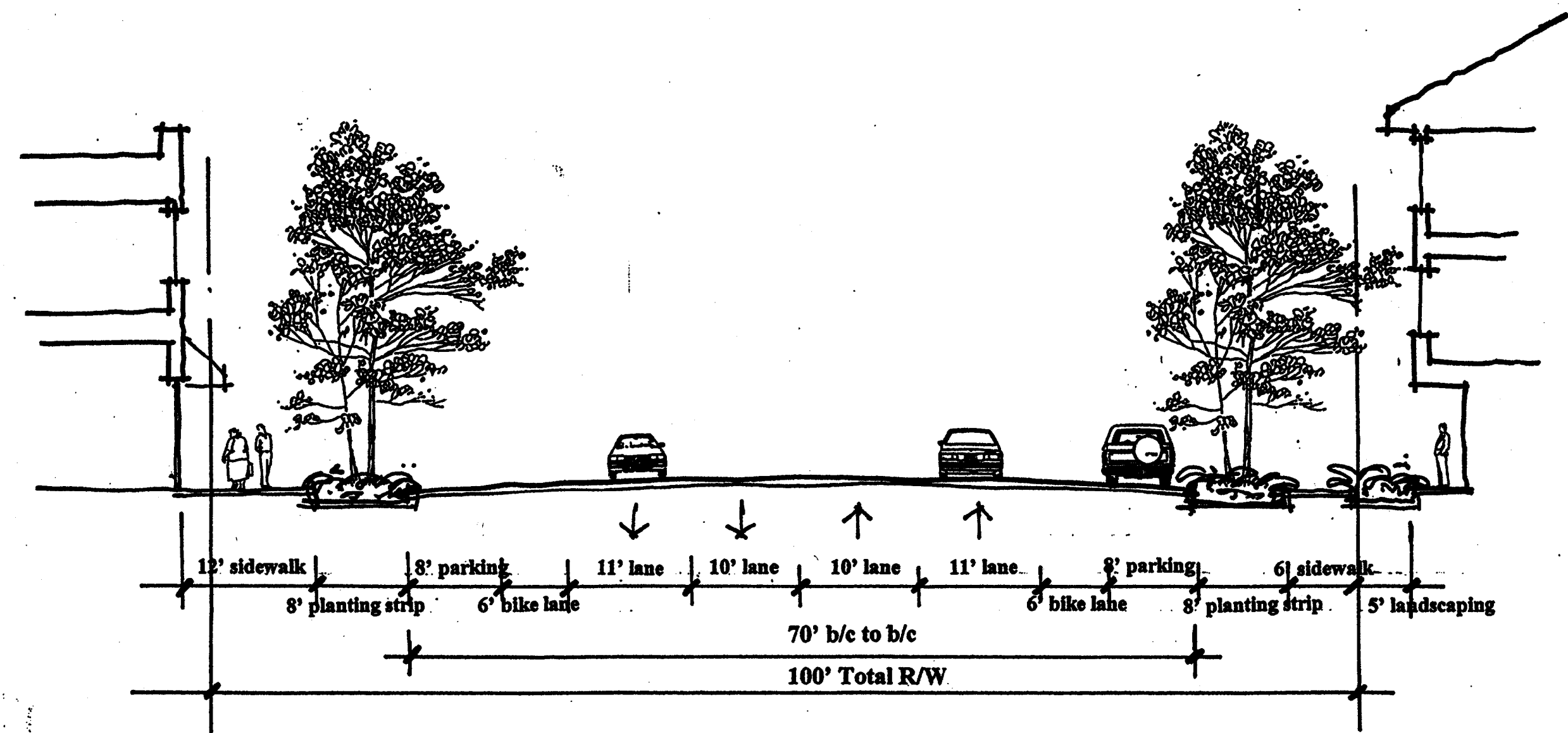
- Legend**
- A. Retail / Office / Residential
  - B. Apartments
  - C. Independent Living / Multi-family
  - D. "Small Lot" Single Family
  - E. Town Homes
  - F. Village Green
  - G. Open Space

**Summary**

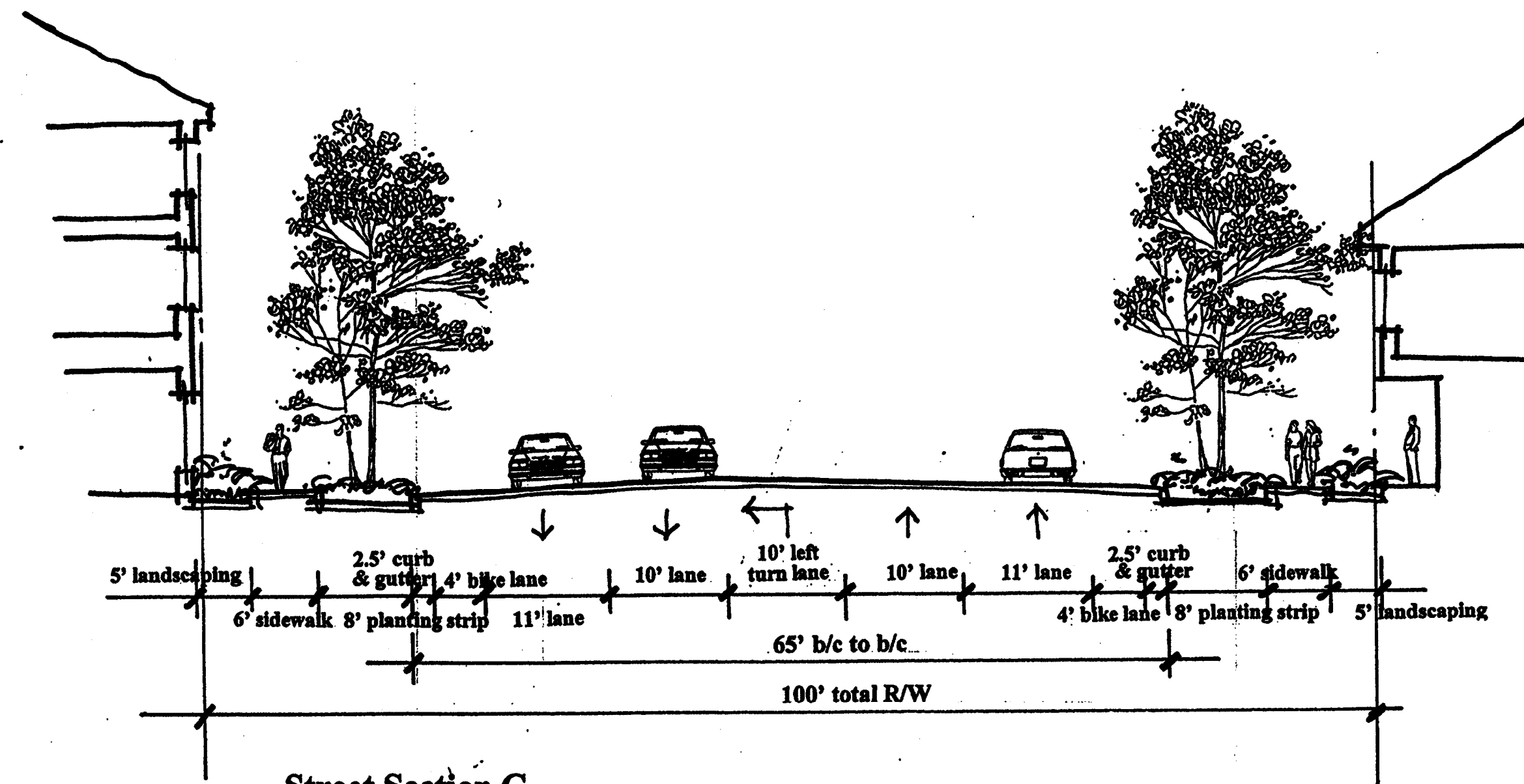
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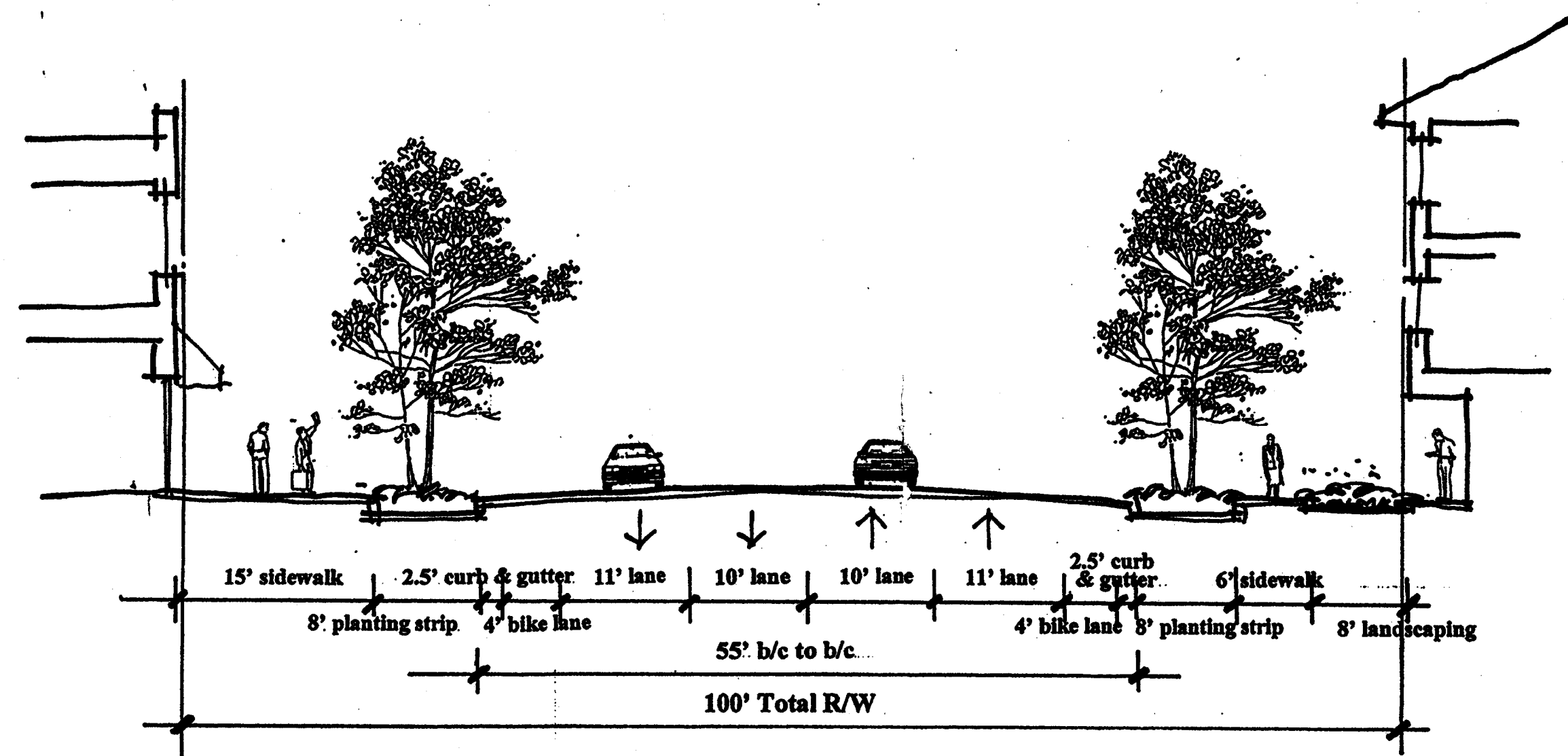
Site Area:	50.75 acres
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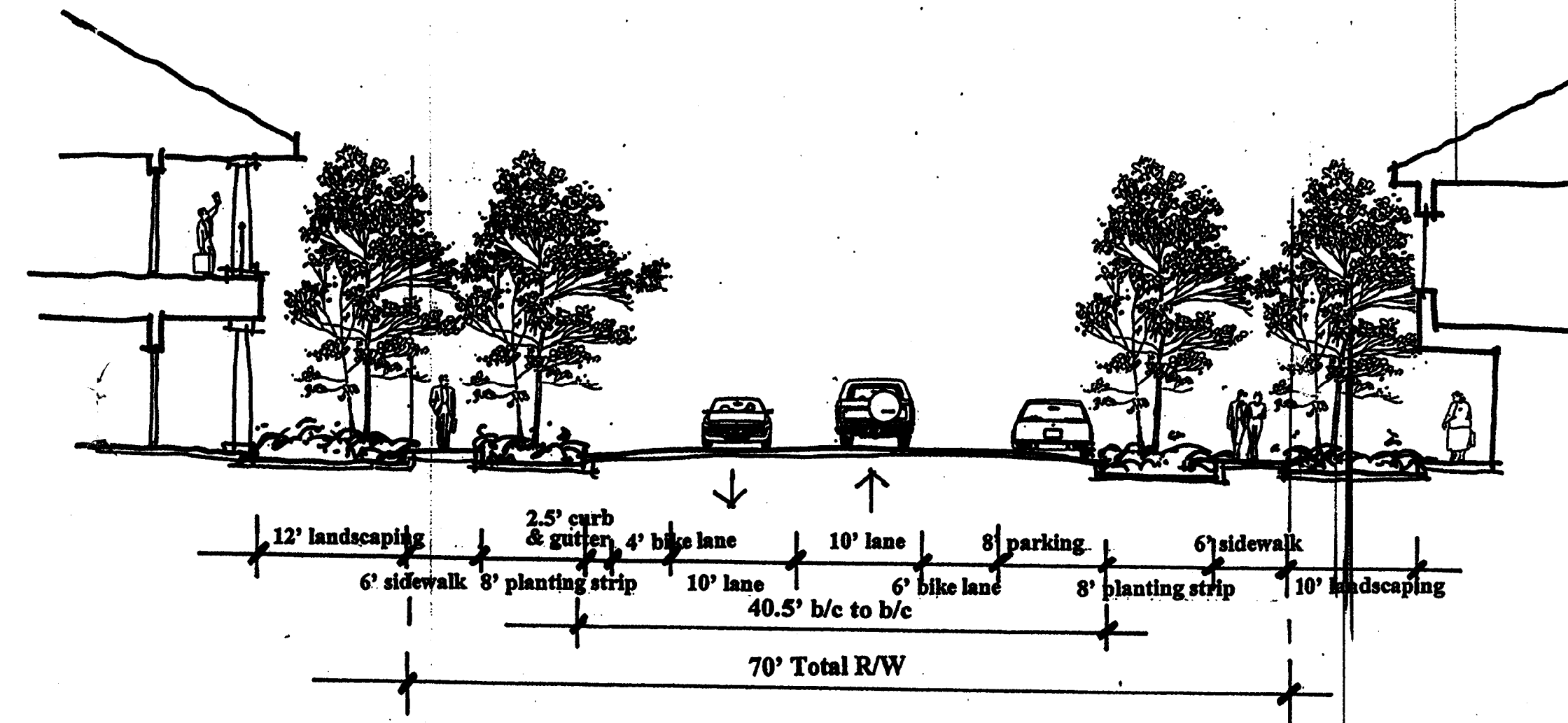
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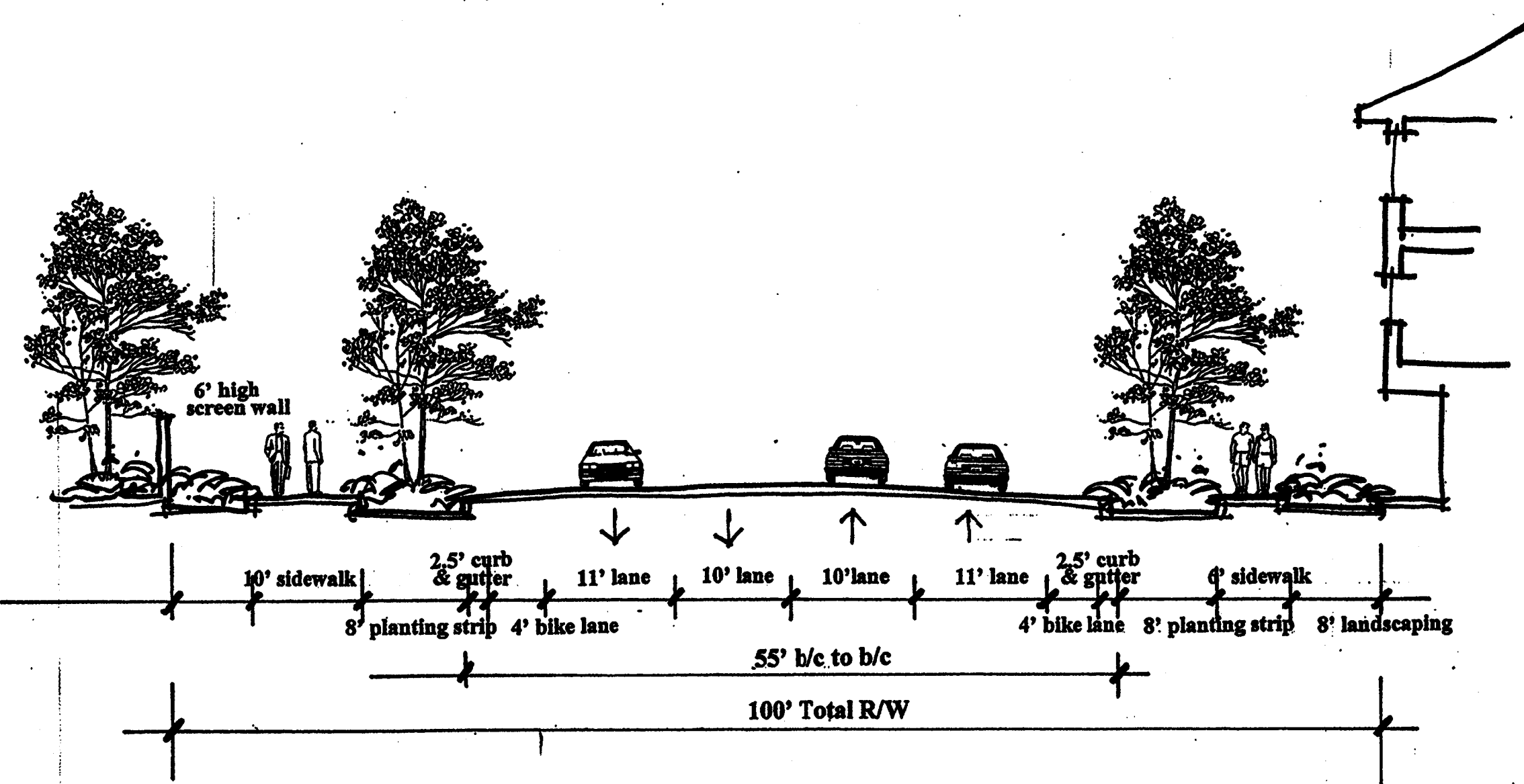
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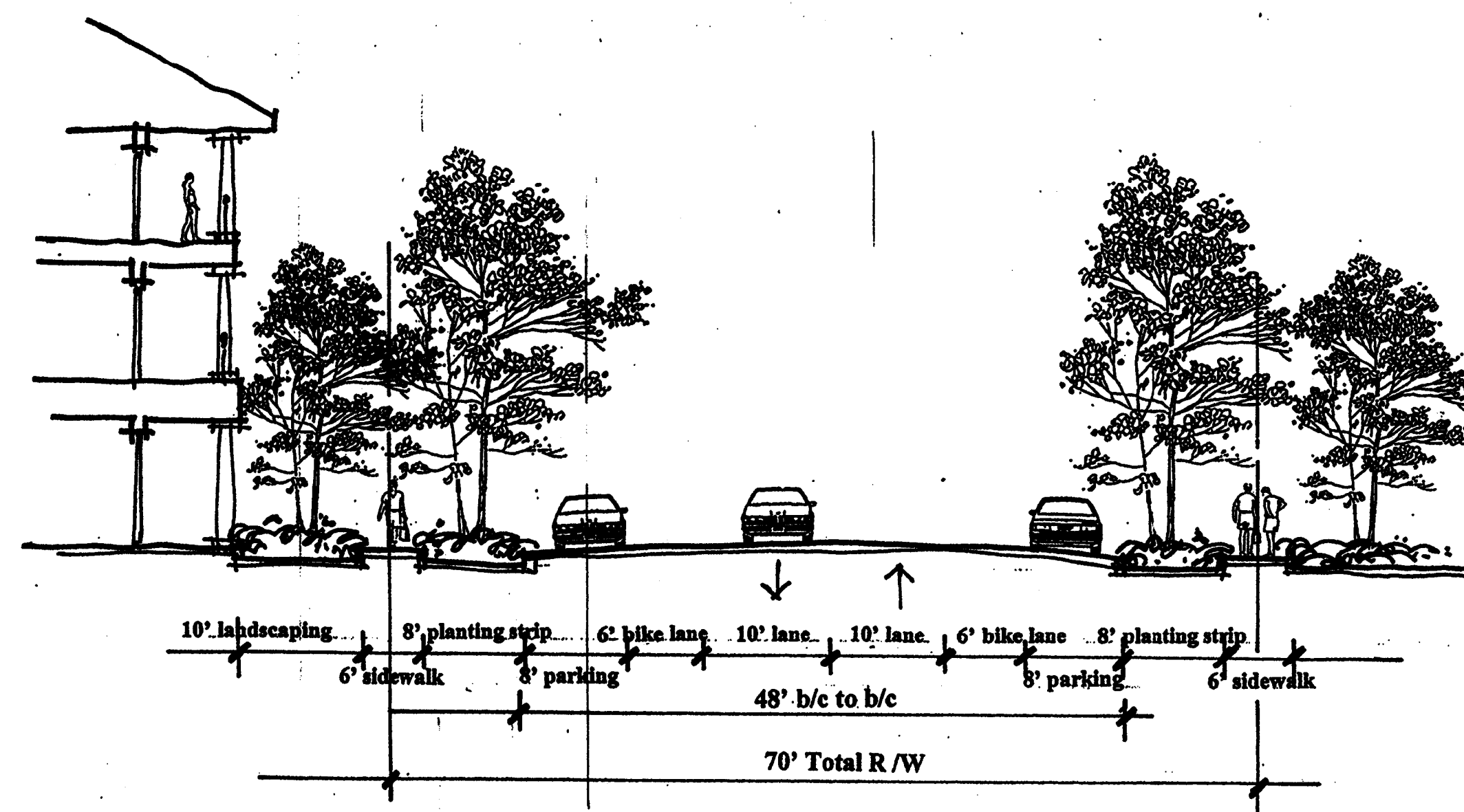
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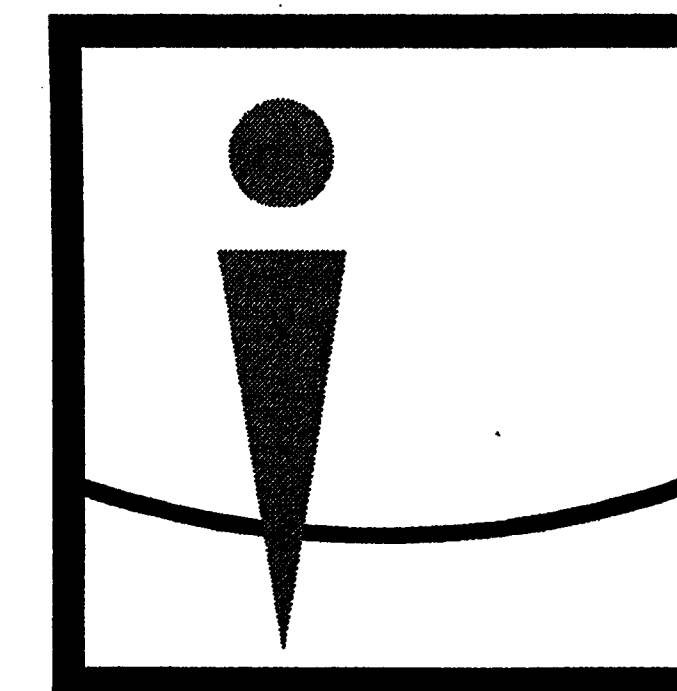
Street Section D



Street Section B-1



Street Section E



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PROFESSIONAL  
SEAL

Existing Zoning "R-3"  
Proposed Zoning "CC"



**Prosperity Church Road**  
New Urban Village

date: February 16, 2001  
status: REZONING DOCUMENTS  
revisions: May 21, 2001

**01-070**

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TYPICAL STREET  
CROSS SECTIONS

APPROVED BY CITY COUNCIL  
DATE 9/17/01

**A-3**

## Prosperity Church Rd./Ridge Rd. Site Development Notes

1. Development of the site will be controlled by the standards depicted on this site plan and by the standards of the City of Charlotte Zoning Ordinance. The development depicted on this plan is intended to reflect the general arrangement of proposed uses on the site, but the exact details of configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance as specified in Section 6.206(2) during the design development and construction phases. This Proposal is intended to enable the development of a mixed-use community composed of office, residential, and limited neighborhood retail and service uses.
2. The site may be developed for any use allowed in the CC district as allowed by the ordinance in accordance with the standards of that district and the restrictions of this site plan as noted below. The Petitioner will construct a mixed-use development in general conformity with the schematic plan and in keeping with the concept embodied in the Prosperity Village Plan. The Petitioner will provide pedestrian connections from within the site to other site elements and uses and to public sidewalks, balancing the need for vehicular as well as pedestrian access. Uses that are proposed for institutional or civic uses, if not used for such, may be used for office uses. However, no portion of the site may be used for a gas station, convenience store, or for any restaurant with a drive-in window. All utilities serving the uses on the site will be placed underground. Setbacks may be reduced to 14' from the curb and will be no greater than 25' from the right-of-way. No parking will be located between buildings and the street. The Petitioner reserves the right to seek a variance from the standard setback requirement in the CC district for the areas where surface parking may adjoin the street as shown sheet A-1.
3. Residential densities may vary in different portions of the site in keeping with the various dwelling types. Residential uses may be located within any portion of the site including commercial areas as a mixed use on the site and within mixed-use structures. Parking areas to serve uses on the site will be sited generally toward the center of development sites so that buildings may orient to either internal or external streets.
4. Access to the site will be provided by connections to Prosperity Church Rd. and by connections to both the extension of Ridge Rd and the new minor thoroughfare as shown on the Technical Data Sheet. All driveway and street connections are subject to approval by N.C.DOT and/or CDOT depending on jurisdiction. The objective of the various connections is to enhance the accessibility and connectivity between the site and adjoining uses and streets and for the safe provision of access for service and delivery vehicles.
5. Buffer areas will be developed in accordance with Sect. 12.302. Required buffers on the site may be eliminated if the adjoining parcels are rezoned such that buffers are no longer required. Detailed buffer specifications will be submitted with individual site components at the time of development approval. This will enable the Petitioner to develop buffers that are designed for the particular site situation rather than a blanket requirement.
6. Stormwater detention facilities will be designed to meet the applicable standards of Charlotte/Mecklenburg Stormwater Services. It is the Petitioner's intent to preserve and use the existing pond on the site, both as an amenity and as part of the overall storm water management for the site.
7. The Petitioner will dedicate 100' of right-of-way for the new alignment of Ridge Rd. and 70' of right-of way for the new minor thoroughfare that falls on the site as the site develops or in conjunction with a public/private venture for the construction of any or all of these roads. The Petitioner will also dedicate additional right-of-way for the portion of Prosperity Church Rd. along the frontage of the site sufficient to provide 35' from the centerline.
8. Development on the site may utilize public, private, or a combination of public and private streets within the site. Setbacks from public or private streets anywhere on the site may be reduced in accordance with the provisions of the CC district. Street trees planted on the site will be of a large maturing variety. Streets will also be designed and constructed with sidewalks and pedestrian scale lighting. No wall "pak" lighting will be permitted on the site.
9. Any detached lighting on the site will be limited to 20 feet in height.
10. Signage will be permitted in accordance with applicable Zoning standards for the type of use for which the signage is proposed. Detached signs will be ground mounted monument type signs limited to 7' in height and 50 sq. ft. in area.
11. Parking will be provided which will meet or exceed the standards of the Zoning ordinance.
12. Screening will conform to the applicable standards of Sect. 12.303 of the Zoning ordinance.
13. All dumpsters on the site will be screened with a solid enclosure with gates.
14. All buildings on the site will be no further than 750' from a fire hydrant measured as the truck travels. Buildings will be designed to orient to the streets within and adjoining the site, including the provision of windows and doors that connect the buildings to the public sidewalk to enhance the pedestrian environment.
15. Buildings within the retail portion of the site will be one to three stories in height. Residential uses may be incorporated within retail buildings. Only one single tenant retail out parcel will be permitted on the site and no single retail use may exceed 25,000 sq. ft. in floor area.

16. The Petitioner has contacted the Mecklenburg County Library regarding a potential site within the development. The Petitioner will reserve a site for consideration by the Library Board for a period of 5 years from the date of the approval of this request.

17. Areas on the site plan labeled "village green" including an existing pond that is intended to remain on the site and to be used for storm water detention, will remain as an open space element for the community. It may include pathways, sidewalk, passive and/or active recreation areas. In addition, the Petitioner will provide for a future access to the adjoining church site.

18. The Petitioner will contact CATS regarding future transit service that may serve the site.

19. The Petitioner acknowledges that the alignment of existing Prosperity Church Rd. will be shifted in conjunction with the construction of the I-485 interchange. In that context, the Petitioner may shift the placement of buildings of other site features to relate those uses to the new alignment. In addition, the Petitioner acknowledges that even though the site plan was drawn with the best information furnished by CDOT for the alignment of other thoroughfares, these other thoroughfares as shown on the site plan may also shift in alignment and minor adjustments of site elements may be appropriate. These changes will be subject to administrative approval by the Planning Staff and will be focused on establishing appropriate building relationships on both sides of the realigned road. It is further acknowledged that the realignment of the existing Prosperity Church Rd. along the front of the site will also involve another parcel that is covered by a conditional plan. All of the previously granted development rights of each site will be preserved and the apportionment of those rights will be included in the administrative approval for building relocation with the concurrence of the property owners.

20. Parcel G on the site plan will not be developed with and structures or other uses. The Petitioner reserves the right to construct berms or other landscape improvements and storm water detention facilities within this area of the site. However, if required by the Planning Staff, the Petitioner will construct an extension of Cardinal Point Rd. to connect with the future thoroughfare through Parcel G as the development on the western portion of the site, phased with other site development on the western edge of the site.

21. Roads within the site will be constructed by the Petitioner as the site develops consistent with existing City policies. Nothing related to this Petition will require the Petitioner to construct streets that are part of the adopted Thoroughfare Plan if the Petitioner is not developing the portion of the site through which the thoroughfare runs. In addition, nothing related to this Petition will prevent the City, NCDOT, or the Petitioner from constructing any of these thoroughfares if any of these parties chooses to construct any such road, either individually or in concert with any other of the parties.

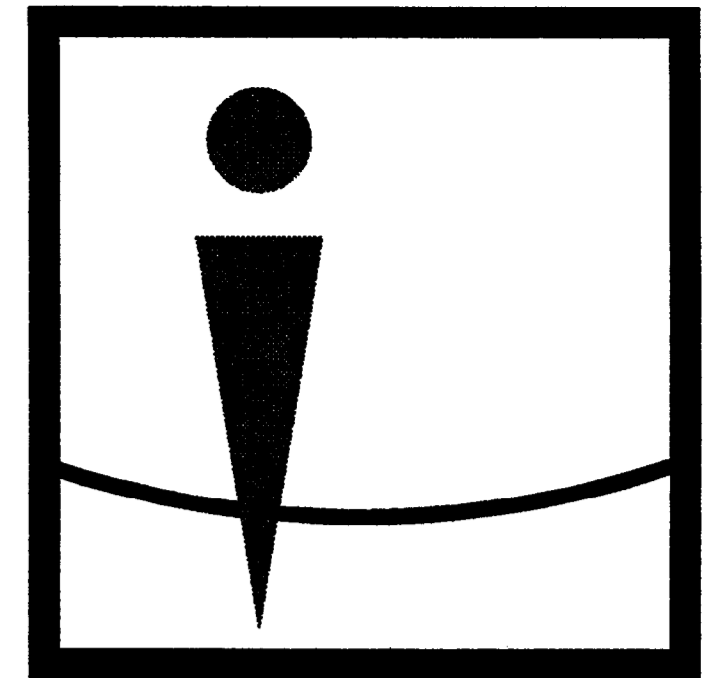
22. The Petitioner will commit to contribute \$50,000.00 to the City of Charlotte as follows:

- The Petitioner will contribute a total of \$50,000.00 to the City for the installation of a northbound right turn lane on Prosperity Church Rd. at its intersection with Eastfield Rd.

- This amount will be contributed on a phased basis as the site develops. For example, if development equal to 25% of the total traffic is approved for construction, then 25% of the total \$50,000.00 is due from the developer. These funds will be transferred to the City prior to the issuance of a final certificate of occupancy for the development on the site.

- The City will place the programming for the Prosperity Church Rd./Eastfield Rd. intersection improvements, for which these funds are committed, on its list of road or intersection projects in a timely fashion. If the City has not funded all or a portion of the intersection project by the adoption of the City's FY 2006 budget, then the Petitioner may request and, if requested, the City will refund all monies paid pursuant to the conditions on this Petition paid to the City by that time.

Initial Submission 2/26/01  
Revised per staff comments May, August, September  
Revised per City Council approval



**Overcash • Demmitt**  
*Architects*

1520 south boulevard suite 200  
charlotte north carolina 28203  
voice • 704.332.1615  
fax • 704.332.0117  
web • www.odarch.com

Existing Zoning "R3"  
Proposed Zoning "CC"

**JDH**  
CAPITAL |

**Prosperity Church Road**  
*New Urban Village*

date:  
February 16, 2001  
status:  
REZONING DOCUMENTS  
revisions:  
June 5, 2001  
SEPTEMBER 17, 2001

**01-070**

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GENERAL NOTES

APPROVED BY CITY COUNCIL  
DATE 7/7/01

**A-4**

**Petition Number: 2014-003**

(George Macon – Located on the Southeast corner of the intersection of Ardrey Kell Road and Marvin Road)

A Community Meeting Report has not been submitted for this petition; therefore, it cannot go to public hearing and will be

**DEFERRED**

to

September 15, 2014

**Petition Number: 2014-044**

(C. Gray Poole – Located on the west side of Park Road between Woodlawn Road and Montford Drive)

The petitioner is requesting a **WITHDRAWAL** of this rezoning request.

**Note: The petitioner is requesting a deferral of this petition to September 15, 2014.**

---

<b>REQUEST</b>	Current Zoning: CC (commercial center) Proposed Zoning: MUDD-O (mixed use development, optional)
<b>LOCATION</b>	Approximately 1.53 acres located on the south side of Morrison Boulevard between SouthPark Drive and Sharon Road. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes up to 190,000 square feet of office uses and up to 12,500 square feet of retail and restaurant uses as part of the SouthPark Mall development.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of the petition upon resolution of outstanding issues. The proposed use is not consistent with the specific retail use recommended in the <i>SouthPark Small Area Plan</i> . However, it is consistent with the intent of the plan and its goal to promote the transition of the plan area and of the mall into a mixed use town center. In addition, the proposed building height (up to 200 feet) is consistent with other buildings already constructed in the area, and the site's location at the center of the district is at a considerable distance from surrounding neighborhoods, which makes it an appropriate location for a high-rise building.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Higbee LANCOMS, LP, a Delaware Limited Partnership SSBH, LLC Jeff Brown/Keith MacVean, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: No attendees

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## **PLANNING STAFF REVIEW**

- **Background**
  - The subject property was part of a larger site that was rezoned from R-12 (single family residential) and O-15 (office) to B-1SCD (business shopping center district) via petition 1965-045 for a 758,000-square foot regional shopping center, identified as SouthPark Mall, bounded by Morrison Boulevard, Sharon Road, Fairview Road and Barclay Downs Drive.
  - Subsequent rezoning petitions 1986-046, 2000-052 and 2005-113 incorporated additional parcels and increased square footage.
  - Current development rights for the overall mall site are approximately 1.2 million square feet of retail space.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - A maximum of 190,000 square feet of office uses and up to 12,500 square feet of retail and restaurant uses, along with accessory uses permitted in the MUDD (mixed use development) district.
  - A financial institution with accessory drive-through windows may be located on the site.
  - Building height not to exceed 200 feet.
  - Vehicular and pedestrian access to the site via Morrison Boulevard, the internal private drives, and the parking areas of SouthPark Mall.
  - Parking provided in a new structured parking deck.
  - Building material to include brick, natural stone, architecturally finished precast concrete, decorative concrete masonry units, architectural metal panels, glazing, stucco, and tile cladding. Vinyl siding and unfinished concrete masonry units will be prohibited as exterior building materials.
  - A recognizable building base will be provided through material transitions and building articulation.
  - The portion of the building occupied by ground floor uses and facing Morrison Boulevard will be designed to create an interesting and activated building façade for pedestrians. A sense of entry

- 
- will be provided along Morrison Boulevard.
  - Pedestrian connections to the existing Pedestrian Promenade along Morrison Boulevard and to the sidewalk located along Morrison Boulevard will be provided.
  - Any outdoor amenity/dining areas located along Morrison Boulevard will include seating areas, landscaping and decorative paving, and will be connected to the sidewalk along Morrison Boulevard via a sidewalk.
  - Detached lighting will be limited to a maximum height of 15 feet.
  - The existing bus waiting pad along Morrison Boulevard will be modified/replaced if the existing curb along Morrison Boulevard is reconstructed.
  - Optional provisions requested include:
    - Building height to a maximum of 200 feet.
    - Wall signs up to 200 square feet of surface area per wall or 10 percent of the wall to which attached, whichever is least.
    - Ground floor tenants to have wall signs with up to 100 square feet of sign area on each wall.
    - Ground mounted identification signs to have up to 36 square feet of sign area and up to seven feet in height.
    - Allow the site to not have frontage on a public street.
  - **Existing Zoning and Land Use**
    - The subject property is currently used as a surface parking lot associated with SouthPark Mall. It is part of a separate ownership parcel that includes the Dillard's department store and the adjoining multi-level parking garage. The site is surrounded to the south and west by the remainder of SouthPark Mall. Immediately east is a seven-story, mixed use development that contains residential and retail uses, in CC (commercial center) zoning. Across Morrison Boulevard to the north exists office, retail and mixed use properties in MUDD-O (mixed use development, optional), B-1SCD (business shopping center), O-3(CD) (office, conditional), and B-1(CD) (neighborhood business, conditional) districts.
  - **Rezoning History in Area**
    - Petition 2010-054 rezoned 2.96 acres located along the east side of Sharon Road between Morrison Boulevard and Coltsgate Road from O-1(CD) (office, conditional) to MUDD-O (mixed use development, optional) to allow up to 80,000 square feet of professional business, general and medical office uses, retail establishments, personal services uses and restaurants.
    - Petition 2010-053 rezoned 2.27 acres located along the east side of Sharon Road between Morrison Boulevard and Coltsgate Road from O-2 (office) to MUDD-O (mixed use development, optional), and proposed two development scenarios. The "Existing Development/Alteration" scenario will allow for the continued use of the six existing buildings with an allowance for up to 11,000 square feet to be converted to retail or restaurant uses and allow for building expansions of up to 2,500 square feet. The "Redevelopment" scenario will allow for a 105,000-square foot multi-story office building with retail and restaurant uses limited to the lesser of i) 20,000 square feet or ii) the ground floor of the principal building(s).
  - **Public Plans and Policies**
    - The *SouthPark Small Area Plan* (2000) shows the subject property as commercial or a mixture of commercial and residential uses. At the time of the plan's adoption, there was concern about the amount of office space that could be built within the plan area. As such, the plan refers to retail uses as distinct from office uses. However, in intervening years substantive areas of the plan area previously designated for office use have been rezoned or redeveloped for residential, retail and mixed use, reducing the potential amount of office development that could be constructed. Therefore, additional office development is appropriate.
    - Plan implementation items note that office development as part of an integrated, mixed use development is appropriate, and that expansion of SouthPark Mall should further the vision of transitioning the plan area into a mixed use town center.
    - The proposed petition is inconsistent with the specific mapped use in the *SouthPark Small Area Plan*. However, it is consistent with the intent of the plan and its implementation measures to promote a transition of the plan area and the mall into a mixed use town center. The building height proposed is consistent with other buildings already constructed in the SouthPark area such as South Park Towers at 207 feet and Piedmont Town Center at 140 feet. Further, the site's location at the center of the district and at a distance from surrounding neighborhoods makes it an appropriate location for a high-rise building.
- 

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

- **Charlotte Area Transit System:** No issues.



- **Charlotte Department of Neighborhood & Business Services:** No comments received.
  - **Transportation:** CDOT is currently reviewing a required traffic impact study that was submitted by the petitioner and will identify transportation mitigation requirements that may be needed. The petitioner should address the following comment:
    - Provide information for the remaining entitlements for the SouthPark site, in order to estimate trip generation for the existing zoning.
    - **Vehicle Trip Generation:**  
Current Zoning: Trips per day cannot be determined based on current information.  
Proposed Zoning: 3,500 trips per day.
    - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
  - **Charlotte-Mecklenburg Storm Water Services:** Remove the following sentence in Note 7a under Environmental Features in its entirety: "Since the site is a redevelopment site it will be allowed to utilize the buy down or fee in lieu options of the PCCO regulations at the time the site is redeveloped."
  - **Charlotte-Mecklenburg Utilities:** The proposed project plans show construction in the location of an existing sewer main. The developer will need to work with CMUD to plan and design the relocation of the infrastructure.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No comments received.
  - **Urban Forestry:** No issues.
- 

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

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

**OUTSTANDING ISSUES**

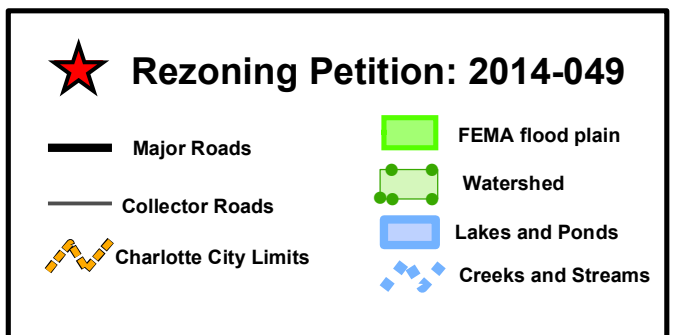
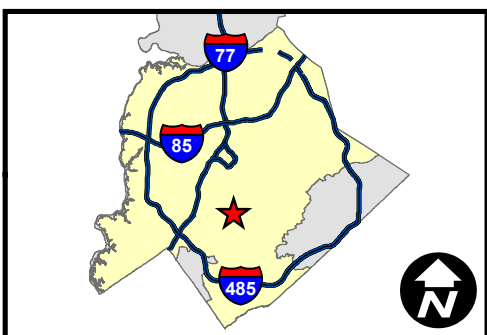
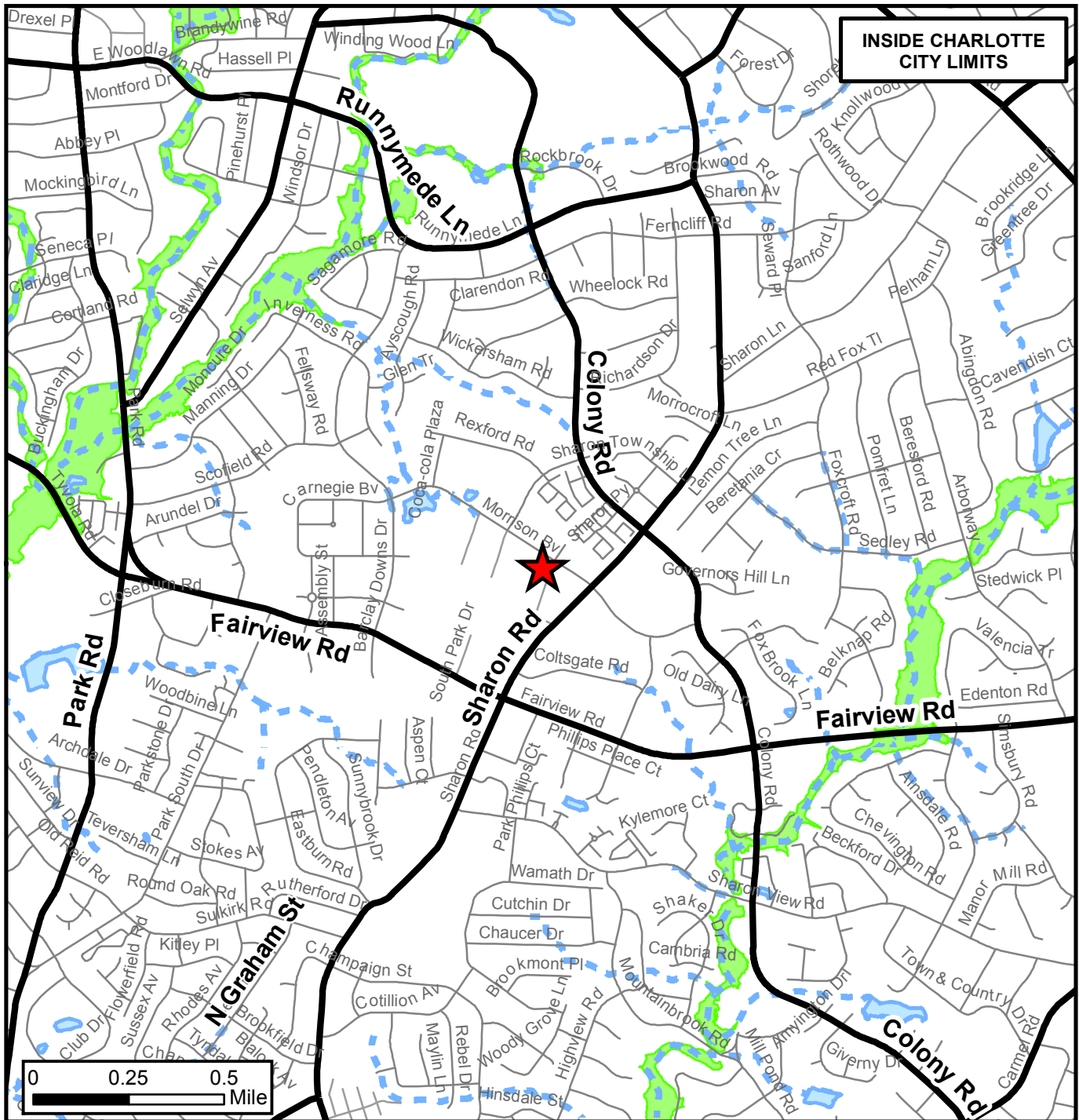
- The petitioner should:
    1. Limit number of drive-through accessory windows to no more than two.
    2. Add a commitment to provide outdoor amenity areas.
    3. Amend Note 2D to delete request for maximum sign height of seven feet.
    4. Add a note that requires the drive-through windows including stacking and circulation to be totally located in the parking deck.
    5. Address Transportation comment.
    6. Address CMUD comment.
    7. Address Storm Water Services comment.
- 

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

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Urban Forestry Review

**Planner:** Sonja Sanders (704) 336-8327

**Acreage & Location :** Approximately 1.53 acres located on the south side of Morrison Boulevard between South Park Drive and Sharon Road.



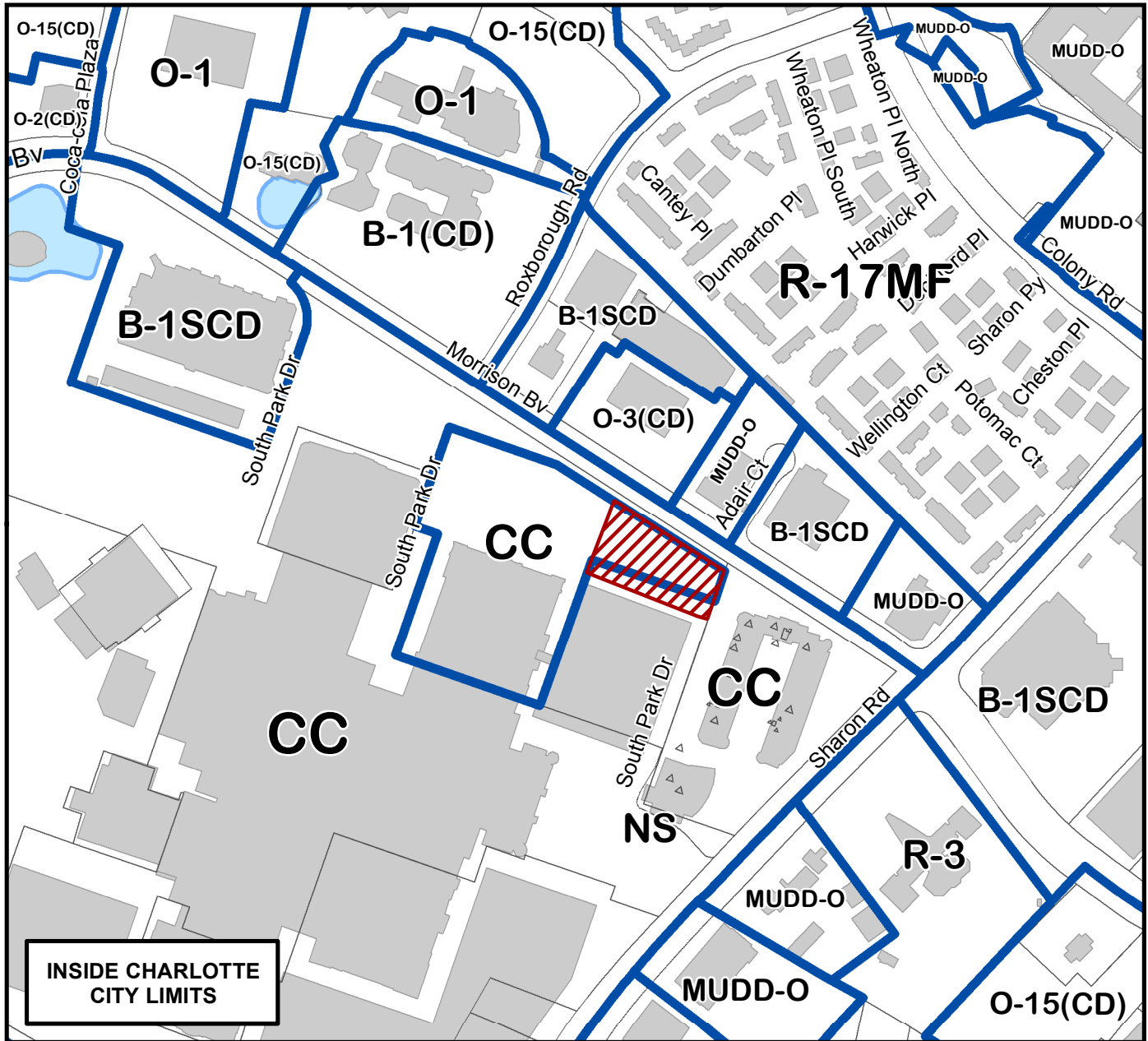
Petition #: **2014-049**

Petitioner: **SBBH, LLC**

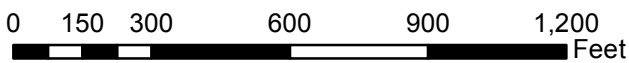
Zoning Classification (Existing): **CC**  
(Commercial Center)

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

Acreage & Location: Approximately 1.53 acres located on the south side of Morrison Boulevard between South Park Drive and Sharon Road.

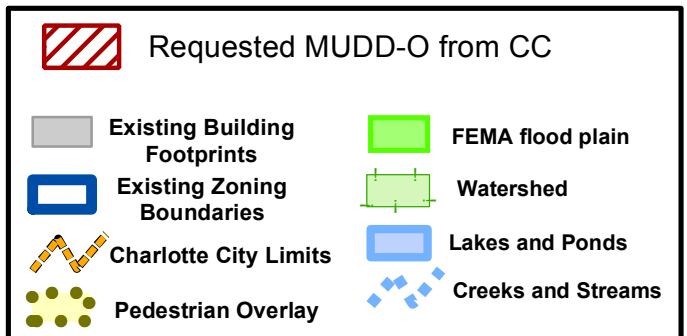


Map Produced by the Charlotte-Mecklenburg Planning Department, 4-17-14.



Zoning Map #(s)

**135**





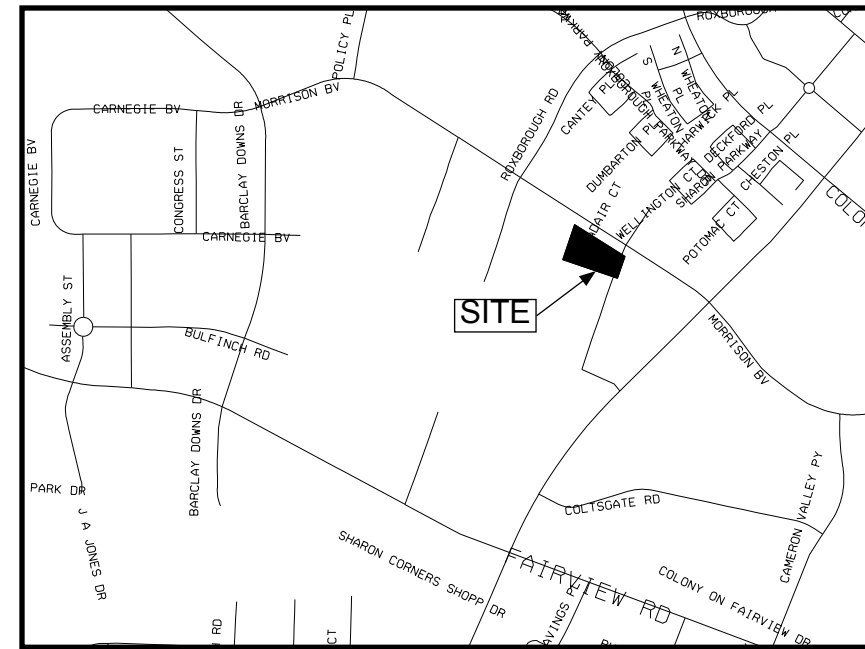
**LS3P ASSOCIATES LTD.**  
227 WEST TRADE STREET SUITE 700  
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1 JUNE 20, 2104

PROJECT: 9102-134000  
DATE: JUNE 20, 2014  
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CHECKED BY:

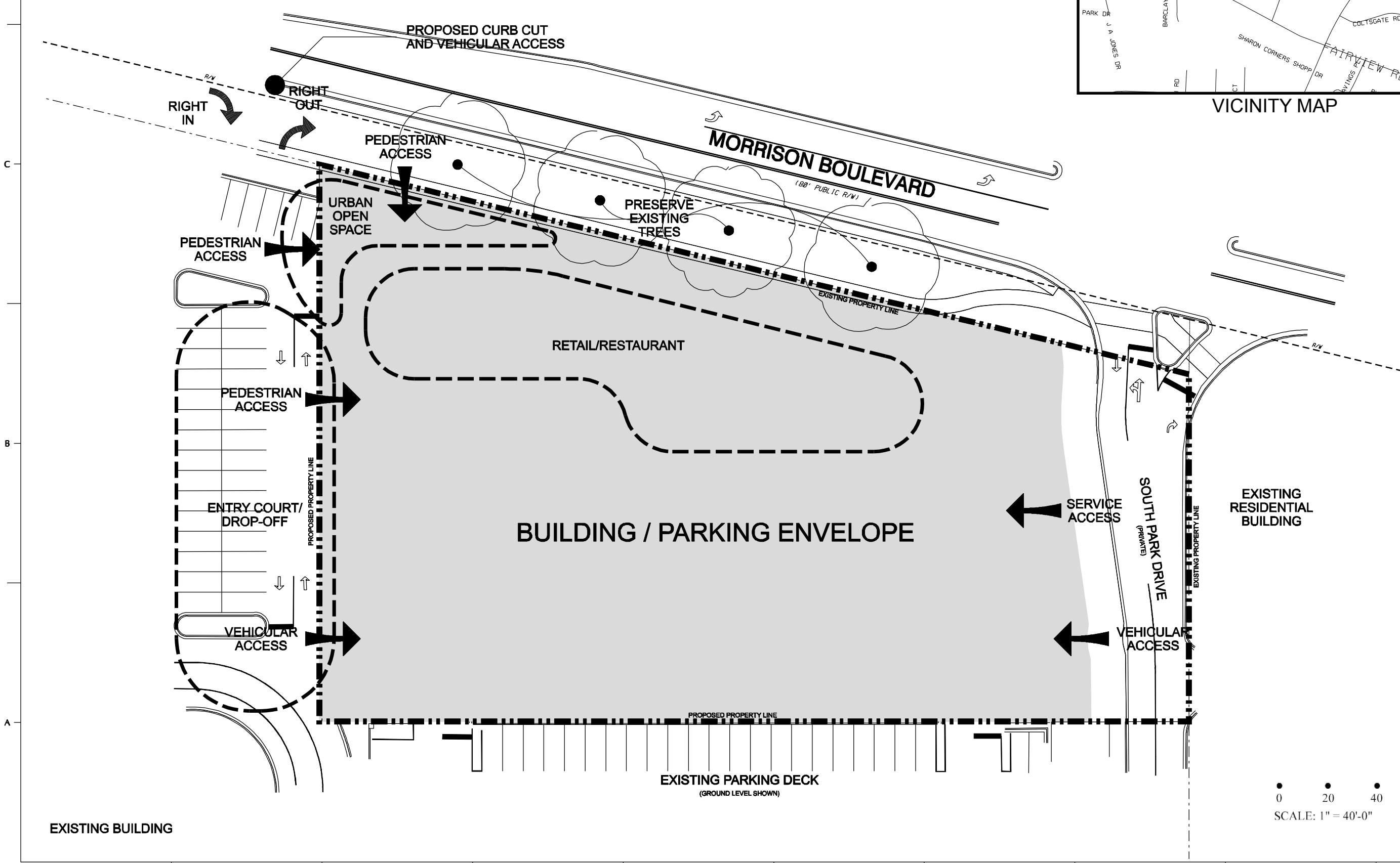
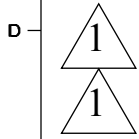
**RZ-1.0**  
TECHNICAL DATA  
SHEET



VICINITY MAP

**Site Development Data:**

- Acreage: ± 1.53 acres
- Tax Parcel #: A portion of 177-061-11
- Existing Zoning: CC by Rezoning Petition No. 2000-052
- Proposed Zoning: MUDD-(O)
- Existing Uses: Surface parking lot.
- Proposed Uses: Up to **190,000** square feet of gross floor area of office uses and up to **12,500** square feet of gross floor area of retail and restaurant uses, together with accessory uses as allowed in the MUDD zoning district.
- Maximum Building Height: Not to exceed **200** feet (for the purposes of this height limit, roof top mechanical equipment, screens or devices used to screen roof top structures or equipment, parapet walls, spires, mansards, domes, dormers, or other architectural features will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by the Ordinance).
- Parking: Per the standards of the Zoning Regulations at minimum.
- Urban Open Space: Will be provided as required by the Ordinance.



0 20 40 80  
SCALE: 1" = 40'-0"

**Site Development Data:**

- Acreage: ± 1.53 acres
- Tax Parcel #: A portion of 177-061-11
- Existing Zoning: CC by Rezoning Petition No. 2000-052
- Proposed Zoning: MUDD-(O)
- Existing Uses: Surface parking lot.
- Proposed Uses: Up to 190,000 square feet of gross floor area of office uses and up to 12,500 square feet of gross floor area of retail and restaurant uses, together with accessory uses as allowed in the MUDD zoning district.
- Maximum Building Height: Not to exceed 200 feet (for the purposes of this height limit, roof top mechanical equipment, screens or devices used to screen roof top structures or equipment, parapet walls, spires, mansards, domes, dormers, or other architectural features will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by the Ordinance).
- Parking: Per the standards of the Zoning Regulations at minimum.
- Urban Open Space: Will be provided as required by the Ordinance.

**1. General Provisions:**

- a. **Site Location.** These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by SBBH, LLC to accommodate development of mixed use building containing office uses, retail and/or restaurant uses on an approximately ± 1.53 acre site located on the south side of Morrison Boulevard between Roxborough Road and Adair Court (a portion of the Dillard's property at SouthPark Mall) (the "Site").
- b. **Zoning District/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD-O zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.
- c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and 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.

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

- d. **Planned/Unified Development.** The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan and the remainder of SouthPark Mall. As such, side and rear yards, buffers, building height separation standards, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site nor between the Site and the other parcels that are part of SouthPark Mall and zoned CC. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, and public/private street frontage requirements, provided, however, the Site shall adhere to any development limitations set forth in Section 3 below.

Note: These Development Standards replace and supersede the previous development standards approved as part of the prior Rezoning Petition for this Site.

**2. Optional Provisions:**

- a. To allow the building constructed on the Site to have a building height of up to 200 feet (for the purposes of this height limit, roof top mechanical equipment, screens or devices used to screen roof top structures or equipment, parapet walls, spires, mansards, domes, dormers, or other architectural features will not be considered for the calculation of allowed building height).
- b. 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 the least.
- c. To allow ground floor tenants to have wall signs with up to 100 square feet of sign area on each building wall.
- d. To allow detached ground mounted identification signs to have up to 36 square feet of sign area and up to seven (7) feet in height.
- e. To allow the Site to not have frontage on a public street.

**3. Permitted Uses & Development Limitations:**

- a. Subject to the restrictions and limitations the building constructed on the Site may be developed with up to 190,000 square feet of gross square floor area of office uses and up to 12,500 square feet of gross floor area of retail and restaurant uses together with accessory uses allowed in the MUDD zoning district.
- b. A financial institution with accessory drive-through windows may be located on the Site.

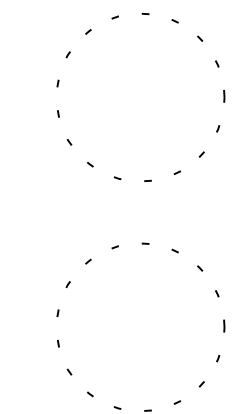
For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the term "gross floor area" or "GFA" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall 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. Access and Traffic:**

- a. Vehicular and pedestrian access to the Site and to the parking facilities associated with the building will be from Morrison Boulevard, the internal private drives and the parking areas of SouthPark Mall as generally depicted on the Rezoning Plan.
- b. The placements and configurations of vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by CDOT in accordance with published standards.
- c. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance



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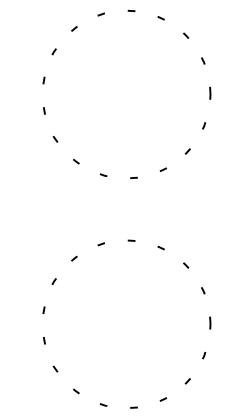


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REVISIONS:  
1 JUNE 20, 2104

PROJECT: 9102-134000  
DATE: JUNE 20, 2014  
DRAWN BY:  
CHECKED BY:

**RZ-2.0**  
DEVELOPMENT  
STANDARDS



with published standards.

**5. Architectural Guidelines:**

- a. The attached illustrative building elevation is included to reflect an architectural style and quality of the building that the Petitioner or developer of record, upon an election to proceed with development, will make a reasonable effort to construct on the Site as per the building elevation included in the Rezoning Plan, recognizing that the actual building constructed on the Site may vary from the attached elevation in non-material respects as long as the general design intent is retained.
- b. A recognizable building base shall be provided through material transitions and building articulation.
- c. The design of the building proposed for the Site will be designed to include a sense of entry along Morrison Boulevard. The portion of the building occupied by ground floor uses and facing Morrison Boulevard will be designed with a level of detail that creates an interesting and activated building façade for pedestrians.
- d. Building service areas will be located internally or screened from view with masonry walls a minimum of five feet in height.
- e. Allowable building materials will include: brick, natural stone, architecturally finished precast concrete, decorative concrete masonry units, architectural metal panels, glazing, stucco and tile cladding. The following exterior building materials are prohibited: vinyl siding, unfinished concrete masonry units.
- f. Meter banks will be internal to the building.
- g. Roof top HVAC and related mechanical equipment will be screened from public view at grade.
- h. Compactor/dumpster areas and recycling areas will be located within the building.

**6. Streetscape, Buffers, Landscaping and Utility Structure Setbacks:**

- a. The Site will provide pedestrian connections to the existing Pedestrian Promenade located along Morrison Boulevard and to the sidewalk located along Morrison Boulevard. An easement to allow this connection will be obtained from the owner of the property located between the Site and Morrison Boulevard.
- b. Any outdoor amenity/dining areas located along Morrison Boulevard will include seating areas, landscaping and decorative paving. These areas may also include water features. The outdoor amenity/dining areas will be connected via a sidewalk to the sidewalk along Morrison Boulevard.
- c. Screening requirements of the Ordinance will be met.
- d. Above ground backflow preventers will be screened from public view.

**7. Environmental Features:**

- a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. Since the Site is a redevelopment Site it will be allowed to utilize the buy down or fee in lieu options of the PCCO regulations at the time the Site is redeveloped.
- b. The Site will comply with the Tree Ordinance.

**8. Signage:**

- a. Signage as allowed by the Ordinance and by the Optional Provisions listed above may be provided.

**9. Lighting:**

- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. The maximum height of the detached lights located on the top of the parking deck will be limited to 15 feet.
- c. No "wall pak" lighting will be allowed, however architectural lighting such as but not limited to, sconces, up lighting, accent lighting, including color accent lighting and decorative lighting on the building facades will be permitted.

**10. CATS Bus Waiting Pad.**

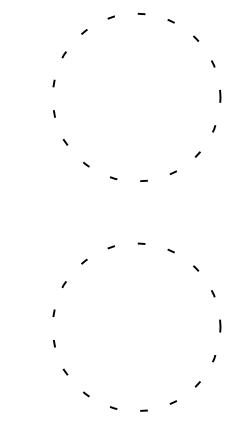
- a. The existing bus waiting pad located along Morrison Boulevard will be retained. However, if as part of the construction of the proposed building on the Site the existing sidewalk or curb along Morrison Boulevard is reconstructed the Petitioner will modify/replace the existing bus waiting pad with bus waiting pad standard 60.01B.

**11. Amendments to the Rezoning Plan:**

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

**12. Binding Effect of the Rezoning Application:**

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



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▲ JUNE 20, 2104

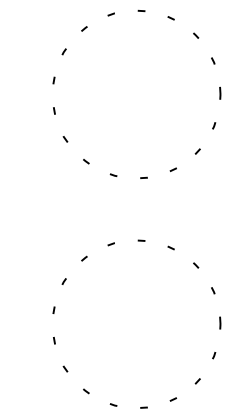
PROJECT: 9102-134000  
DATE: JUNE 20, 2014  
DRAWN BY:  
CHECKED BY:

**RZ-3.0**  
PROPOSED  
ILLUSTRATIVE  
MASTER PLAN



ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUDD REVIEW PROCESS.

0 20 40 80  
SCALE: 1" = 40'-0"



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PROJECT: 9102-134000  
DATE: JUNE 20, 2014  
DRAWN BY:  
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**RZ-3.1**  
FIRST FLOOR  
PLAN

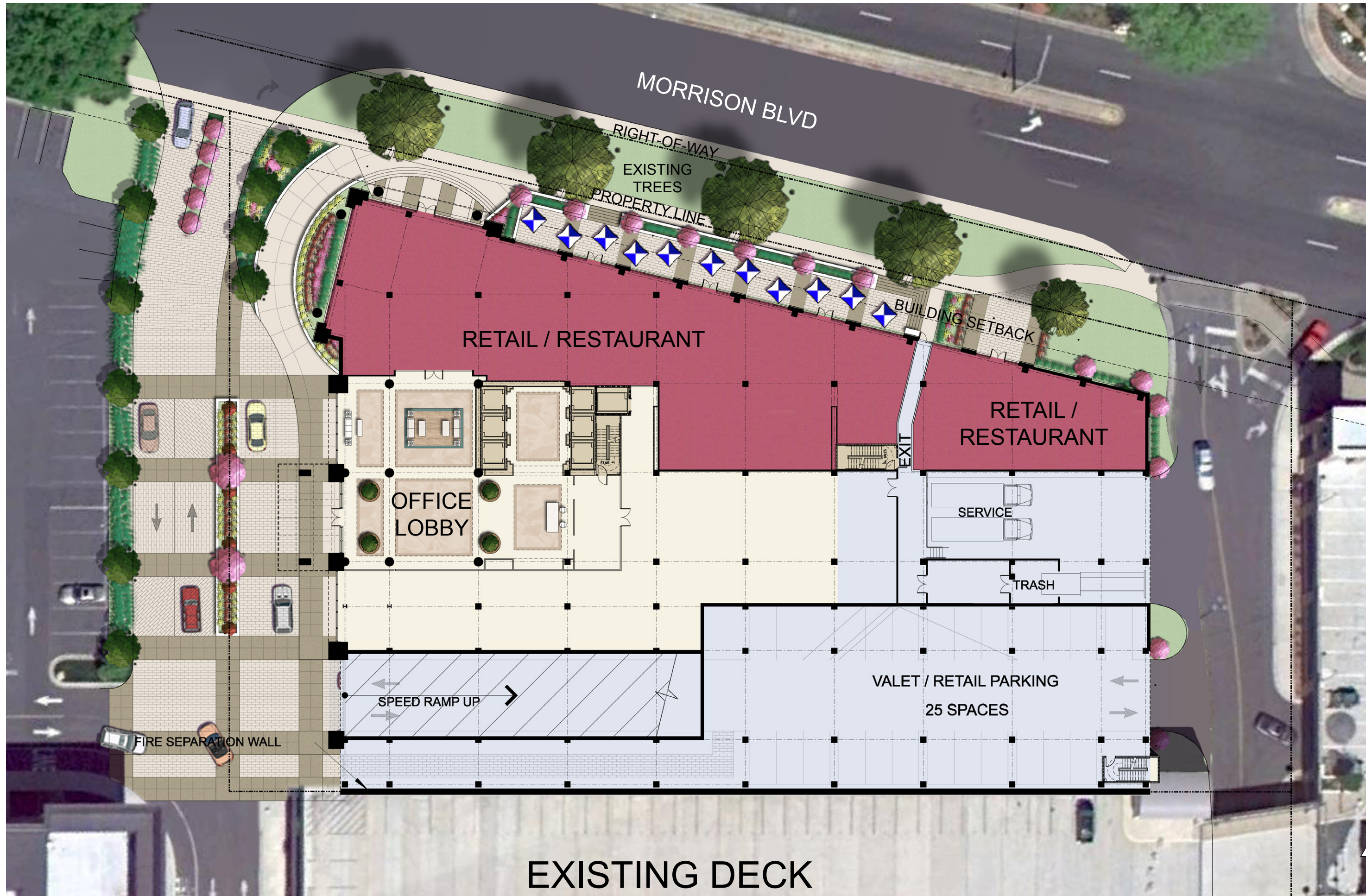


ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUDD REVIEW PROCESS.

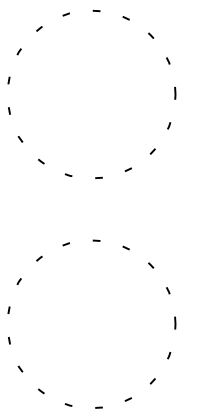
0 15 30 60  
SCALE: 1" = 30'-0"



**MORRISON  
BLVD  
OFFICE  
PROJECT**  
CHARLOTTE, NC



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1 JUNE 20, 2104

PROJECT: 9102-134000  
DATE: JUNE 20, 2014  
DRAWN BY:  
CHECKED BY:

**RZ-4.0**  
CONCEPTUAL  
RENDERING

**SOLUTIONS THROUGH LISTENING**  
SERVICE BY DESIGN

REZONING PETITION #: 2014-049

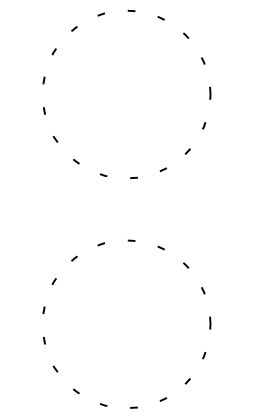


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**MORRISON  
BLVD  
OFFICE  
PROJECT**  
CHARLOTTE, NC



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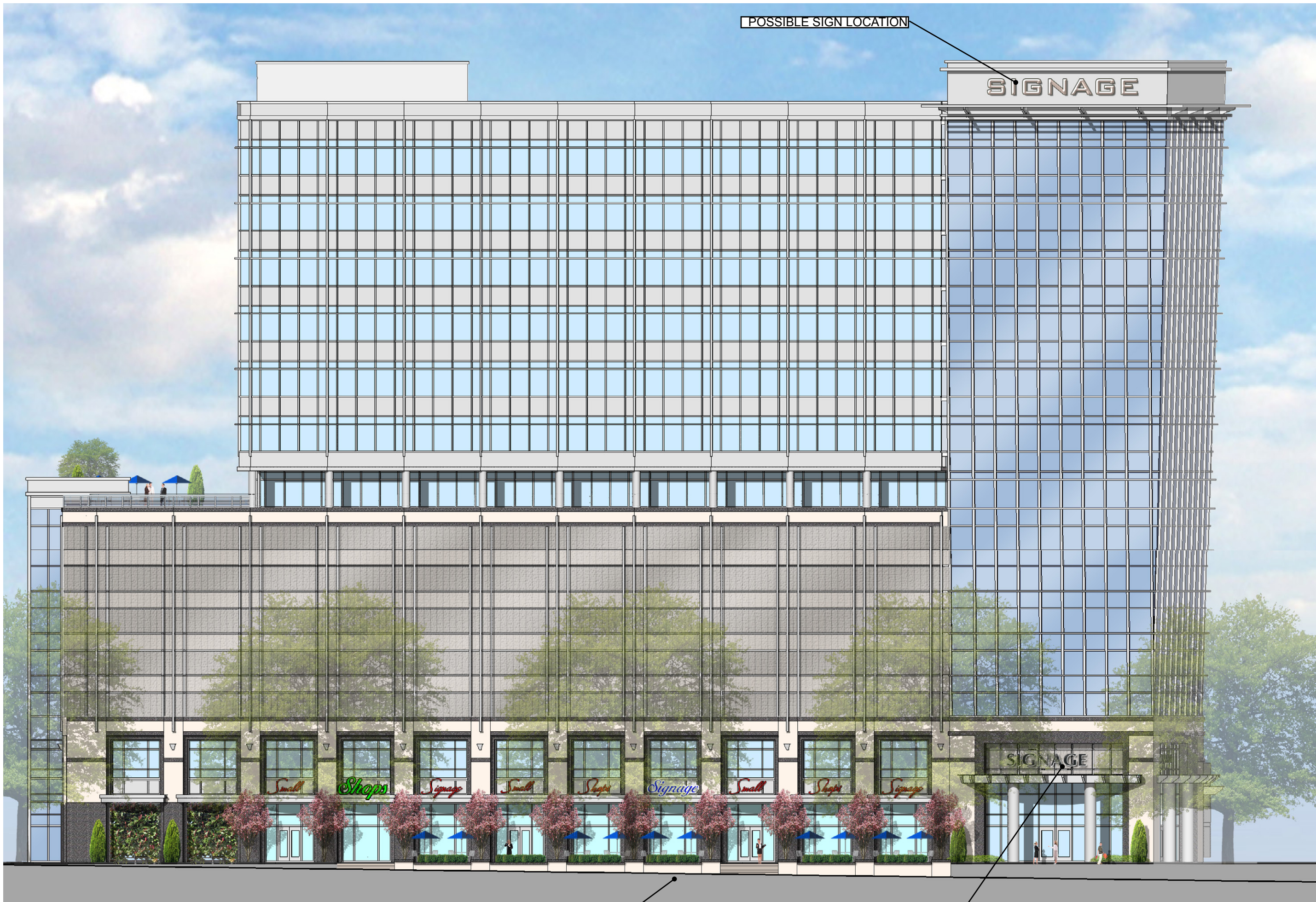
REVISIONS:  
1 JUNE 20, 2104

PROJECT: 9102-134000  
DATE: JUNE 20, 2014  
DRAWN BY:  
CHECKED BY:

**RZ-4.1**  
PROPOSED  
MORRISON  
BLVD (NORTH)  
ELEVATION

**SOLUTIONS THROUGH LISTENING**  
SERVICE BY DESIGN

REZONING PETITION #: 2014-049



D

C

B

A

GRADE AT EXISTING PEDESTRIAN PROMENADE

POSSIBLE SIGN LOCATION

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(NOT TO SCALE)

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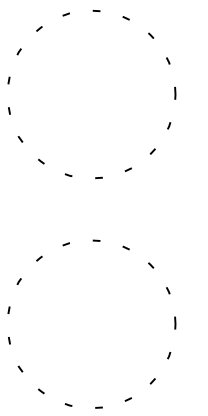
4

5

**MORRISON  
BLVD  
OFFICE  
PROJECT**  
CHARLOTTE, NC



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1 JUNE 20, 2104

PROJECT: 9102-134000  
DATE: JUNE 20, 2014  
DRAWN BY:  
CHECKED BY:

**RZ-4.2**  
PROPOSED  
EAST  
ELEVATION

**SOLUTIONS THROUGH LISTENING**  
SERVICE BY DESIGN

REZONING PETITION #: 2014-049



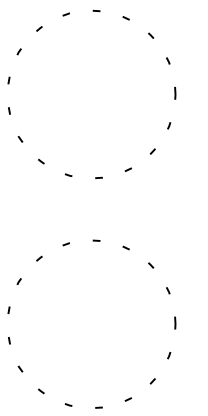
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(NOT TO SCALE)

**MORRISON  
BLVD  
OFFICE  
PROJECT**  
CHARLOTTE, NC



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PROJECT: 9102-134000  
DATE: JUNE 20, 2014  
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**RZ-4.3**  
PROPOSED  
SOUTH  
ELEVATION

**SOLUTIONS THROUGH LISTENING**  
SERVICE BY DESIGN

REZONING PETITION #: 2014-049

POSSIBLE SIGN LOCATION

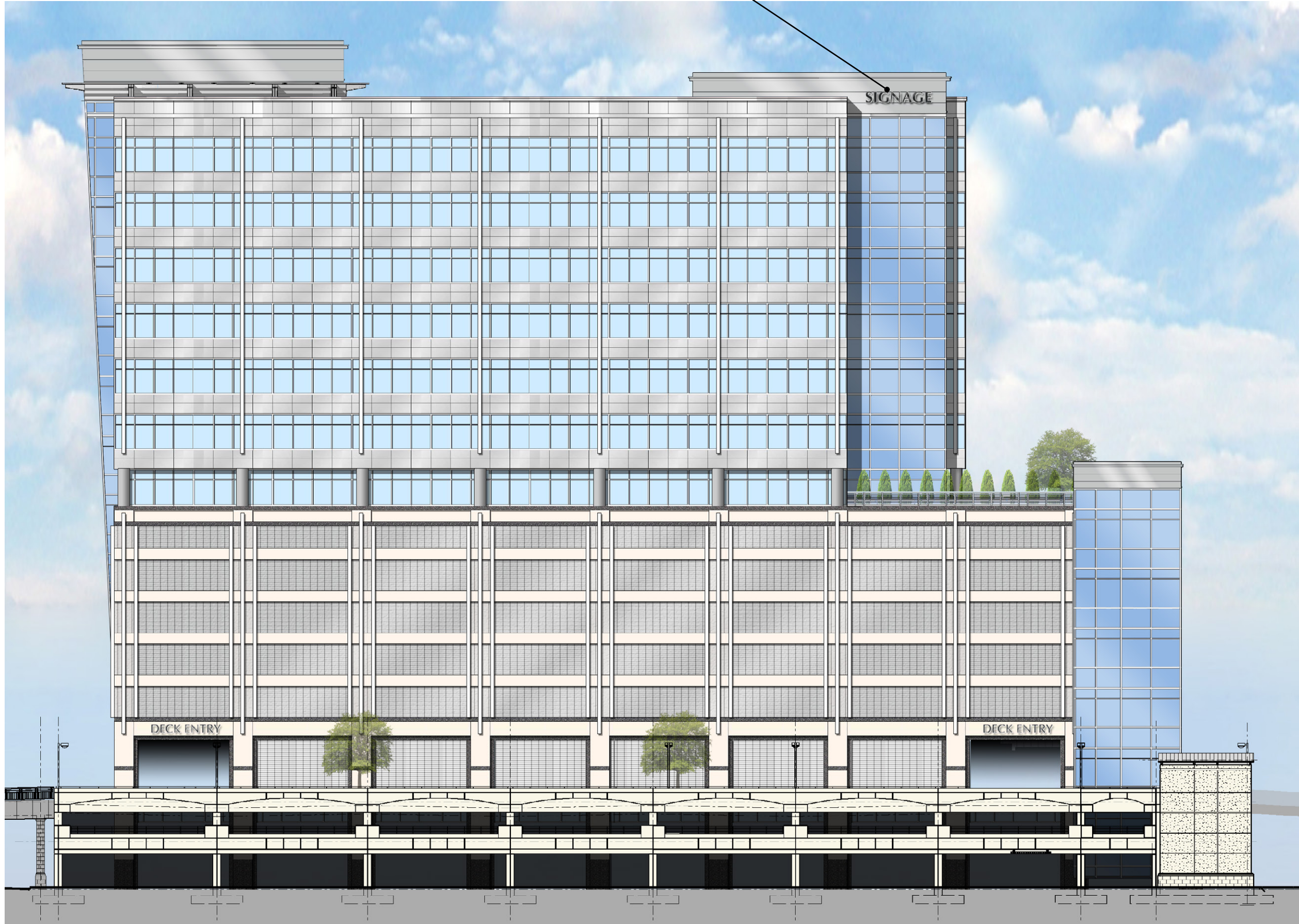


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(NOT TO SCALE)

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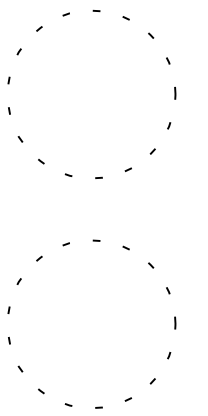
B

A

**MORRISON  
BLVD  
OFFICE  
PROJECT**  
CHARLOTTE, NC



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1 JUNE 20, 2104

PROJECT: 9102-134000  
DATE: JUNE 20, 2014  
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**RZ-4.4**  
PROPOSED  
WEST  
ELEVATION

**SOLUTIONS THROUGH LISTENING**  
SERVICE BY DESIGN

REZONING PETITION #: 2014-049



POSSIBLE SIGN LOCATION

POSSIBLE SIGN LOCATION

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(NOT TO SCALE)

D  
C  
B  
A

1 2 3 4 5



Previously  
Approved  
Site  
Plan

"FOR PUBLIC HEARING"  
PETITION NO. 2005-113

### SOUTHPARK SHOPPING CENTER DEVELOPMENT SUMMARY

Existing Zoning: Commercial Center (CC)  
Proposed Zoning: Commercial Center SPA (CC-SPA)  
Total Site Area: 7.08 +/- Acres  
Floor Area Ratio:  
Permitted - 1.5 (with parking structures)  
Proposed - .65 +/-

#### PROPOSED USES AND SIZE (square feet)

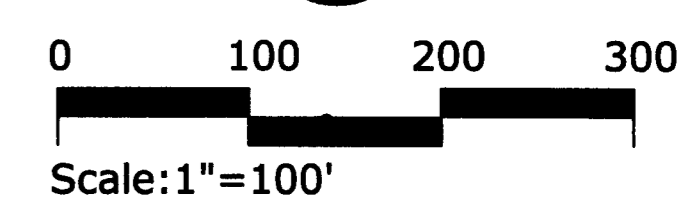
SHOPPING CENTER MALL ELEMENT			
	Existing	Change	Total
Existing Small Shops	305,208	(5,668)	299,540
New Shops, Kiosks, Food	--	133,785	133,785
Court Adjustment	807,550	393,057	1,200,607
Anchor Stores	--	--	--
<b>MALL TOTALS:</b>	<b>1,112,758</b>	<b>521,174</b>	<b>1,633,932**</b>

#### MIXED USE AREA ELEMENT AND USES DETACHED FROM MALL

	Existing	Change	Total
Restaurants and Retail	--	90,000	90,000
Sears Auto Service Store	28,134	--	28,134 **
Existing Convenience Center	49,882	(49,882)	--
<b>MIXED USE TOTALS:</b>	<b>78,016</b>	<b>40,118</b>	<b>118,134</b>

SOUTHPARK SHOPPING CENTER TOTALS:			
	Existing	Change	Total
SOUTH PARK SHOPPING CENTER TOTALS:	1,190,774	561,292	1,752,066
(Includes Existing Dillard's Total):	--	--	(225,881)
Already Approved Unbuilt	--	(140,000)	--
<b>NET CHANGE:</b>	<b>--</b>	<b>421,292</b>	<b>--</b>
Dillard's Expansion:	--	--	47,506
<b>NEW MALL TOTALS:</b>	<b>--</b>	<b>--</b>	<b>1,799,572</b>

NOTE: Footage above is Gross Building Area and does not include areas used for building or equipment access, such as stairs, elevator shafts, maintenance crawl space, and mall corridors.  
\* In addition, up to 150 attached residential units may be developed within the mixed-use area. However, this residential component will not exceed more than 4 stories in height above retail and parking levels.  
\*\* If the Sears Auto Service Store is demolished, the square footage may be transferred to the mall.

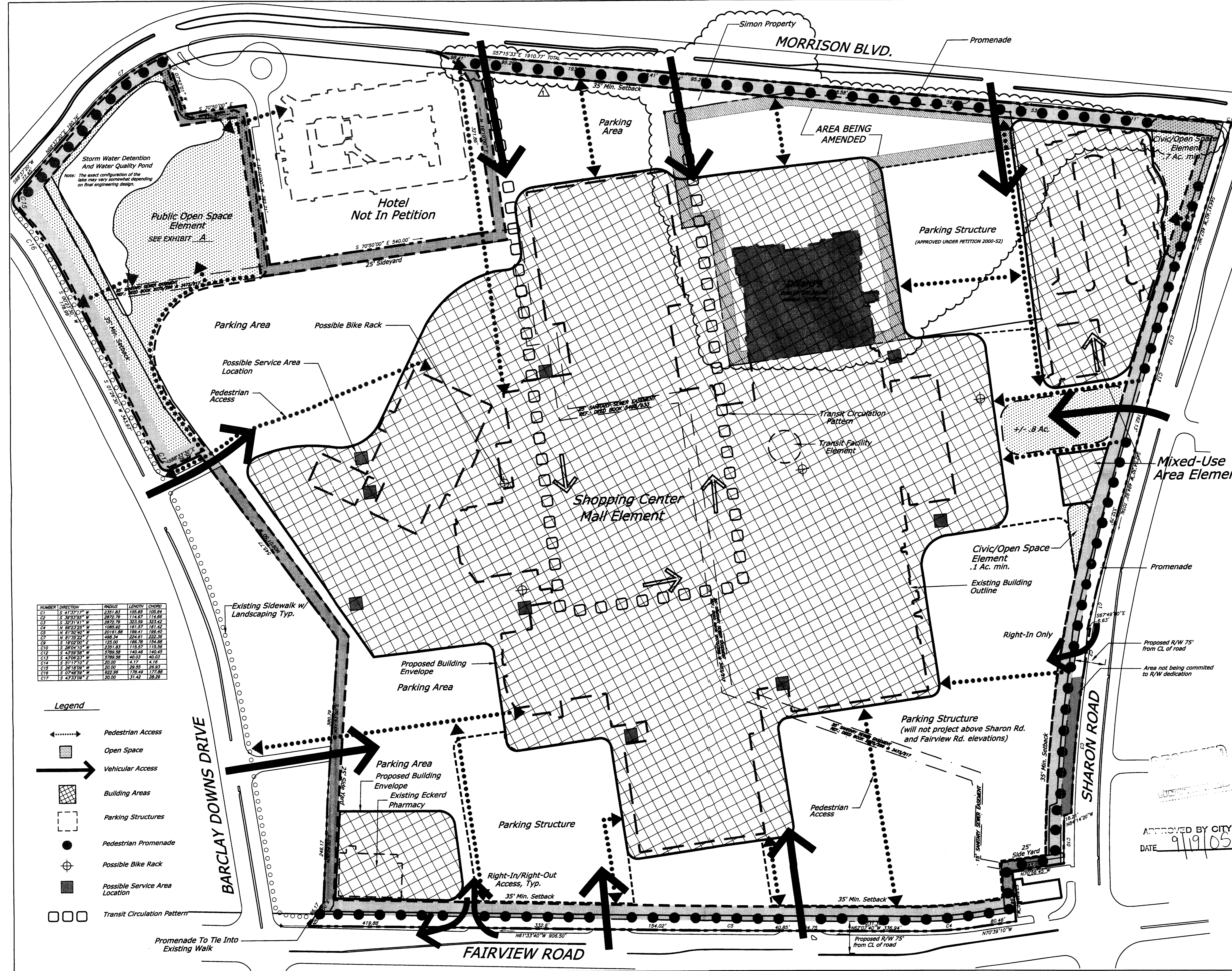


### TECHNICAL DATA SHEET PETITION NO. 2000-52

*Ford Design*  
DATE: DECEMBER 27, 1999  
PROJECT NO: 18010  
REVISIONS:  
9-17-2000 revised per planning comments  
3-23-2000 revised per planning comments  
08-11-2000  
09-03-2003  
04-19-2005  
06-10-2005 revised per planning comments

APPROVED BY CITY COUNCIL  
DATE: 9/19/05

LandDesign, Inc.  
Landscape Architecture Urban Design  
Land Planning  
SHEET NO: Z-1 OF:  
FILE NAME: G:\1096148\18010\re-zone\18010zonb.dwg

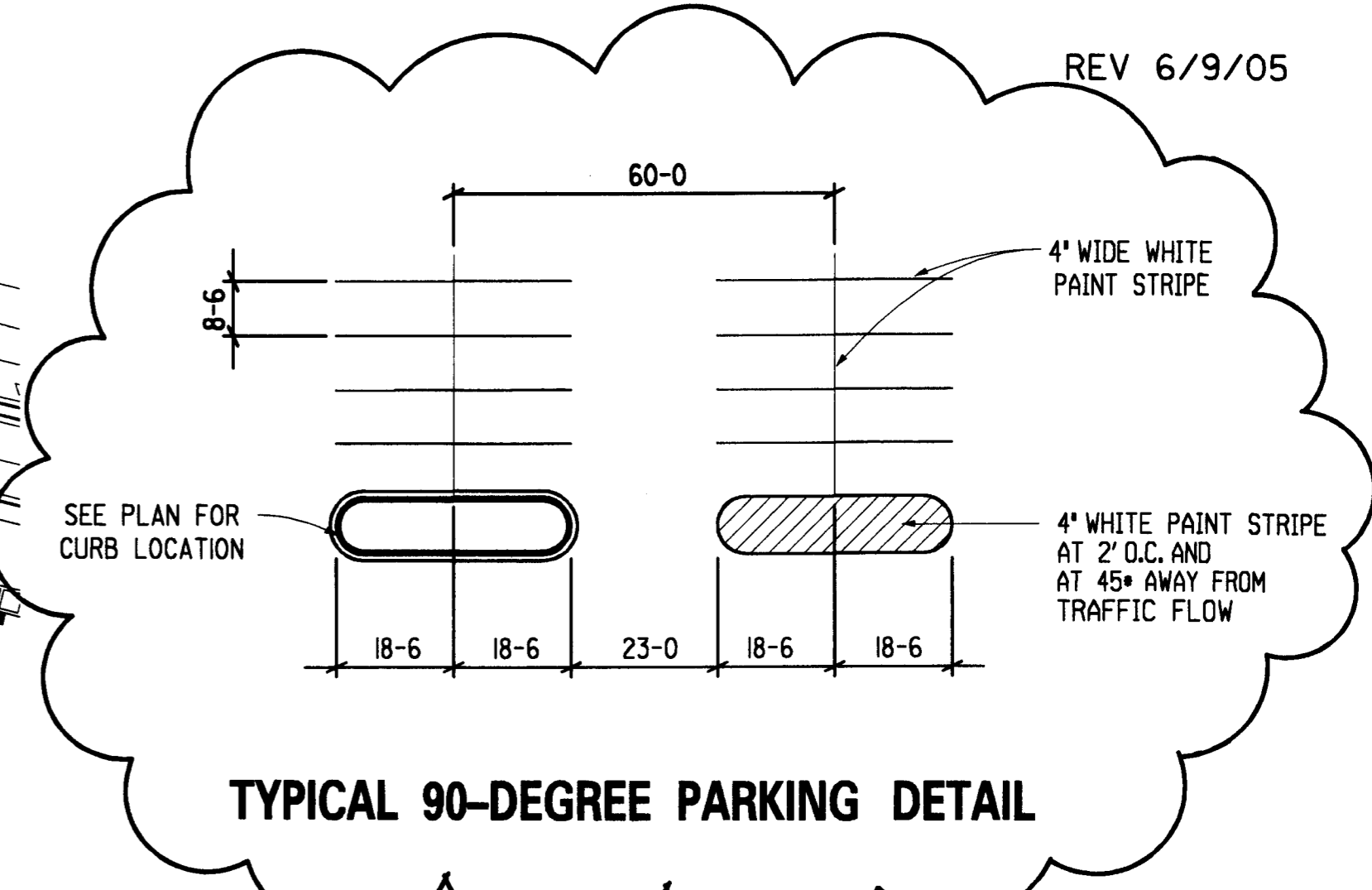
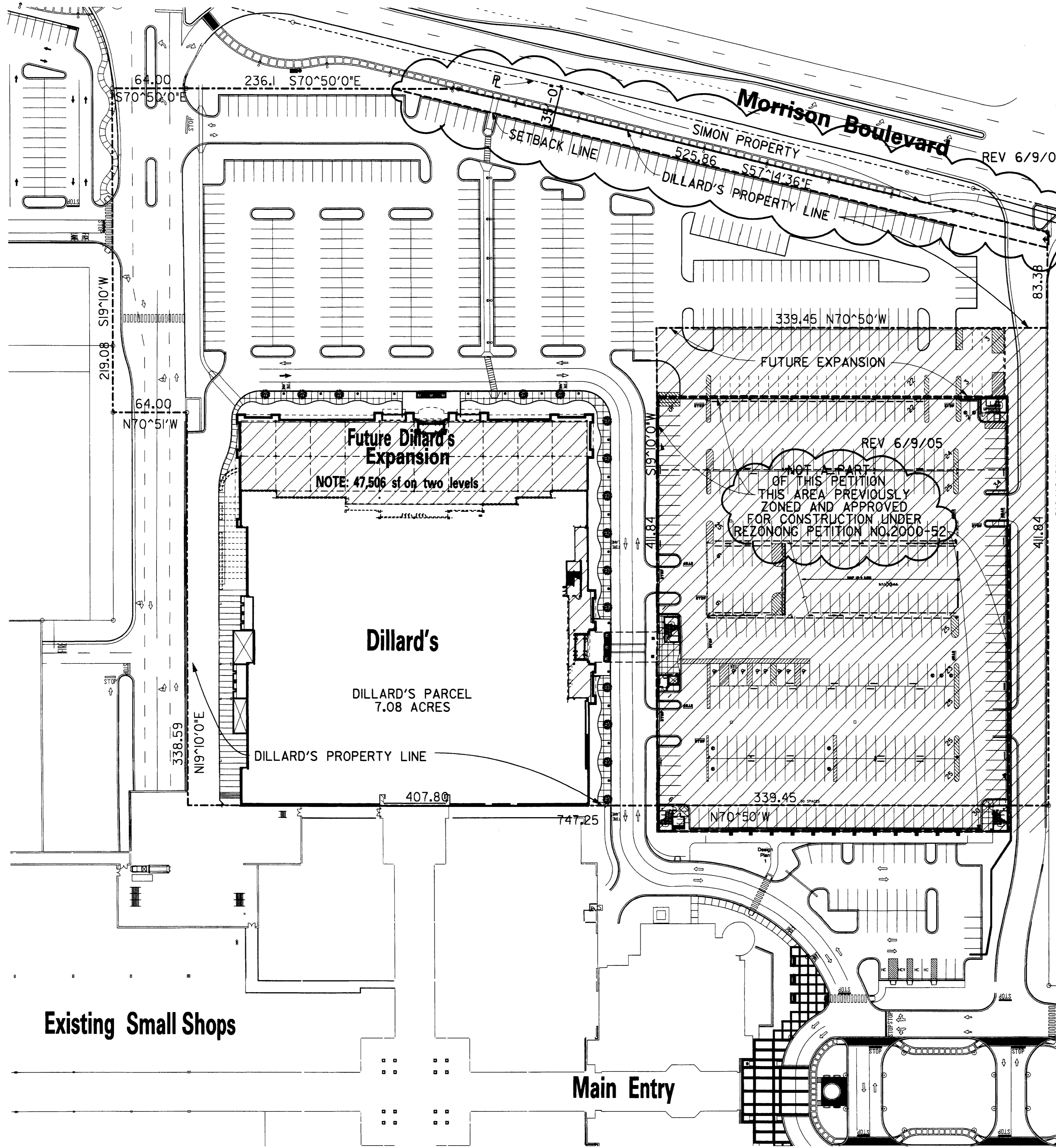


NUMBER	DIRECTION	ANGLE	LENGTH	CORNER
C1	S 41°17'17" W	2351.43	105.63	105.64
C2	S 36°53'55" W	2872.79	114.67	114.68
C3	S 32°31'41" W	2872.79	323.59	323.62
C4	N 65°23'22" W	1085.02	161.57	161.62
C5	N 61°50'40" W	20181.88	189.47	189.40
C6	W 81°35'22" E	498.84	124.47	122.38
C7	S 19°02'00" E	125.00	166.78	154.68
C8	S 28°04'10" W	2357.83	113.57	113.58
C9	S 43°59'30" W	5789.58	146.46	146.45
C10	S 43°05'23" W	5789.58	40.03	40.03
C11	S 43°59'30" W	20.00	4.17	4.16
C12	S 51°17'10" E	20.00	29.53	26.93
C13	S 26°14'09" W	622.96	178.49	177.88
C14	S 07°48'58" W	20.00	11.42	11.42
C15	S 47°33'09" E	20.00	11.42	11.42

- Legend**
- Pedestrian Access
  - Open Space
  - Vehicular Access
  - Building Areas
  - Parking Structures
  - Pedestrian Promenade
  - Possible Bike Rack
  - Possible Service Area Location
  - Transit Circulation Pattern

Promenade To Tie Into Existing Walk





PROJECT DATA

FLOOR AREAS	
EXISTING	225,881 SF GBA
EXPANSION	47,506 SF GBA
<b>TOTAL</b>	<b>273,387 SF x .94 = 256,984 GLA</b>

PARKING

4.5/1000 GLA PROVIDED	1156 SPACES
	388 ON GRADE
	768 ON DECK (FOR DILLARD'S USE)
	1143 SPACES

TOTAL SPACES ON PARKING DECK	1083 SPACES
DILLARD PARKING SPACES ON DECK	-755 SPACES
REMAINING DECK SPACES FOR DEVELOPER USE	314 SPACES

- NOTES:
- Redevelopment of the Site shall comply with the Standards for the Redevelopment and Expansion of the SouthPark Mall Site (the "Standards") and the SouthPark Mall Design Guidelines (Exhibit B) (the "Design Guidelines") that are a part of Rezoning Petition No. 2000-52 which was approved by City Council on October 18, 2000, and these Standards and Design Guidelines are incorporated herein by reference.
  - Upon the redevelopment of the Site, the Site shall be brought into compliance with the bicycle parking requirements of the City of Charlotte Zoning Ordinance.

Existing Zoning: CC  
 Requested Zoning: CC (SPA) Site Plan Amendment

"FOR REZONING"  
 PETITION NO. 2005-113  
**PARTIAL SITE PLAN**  
 SCALE: 1" = 50'-0"

**Architecture+**

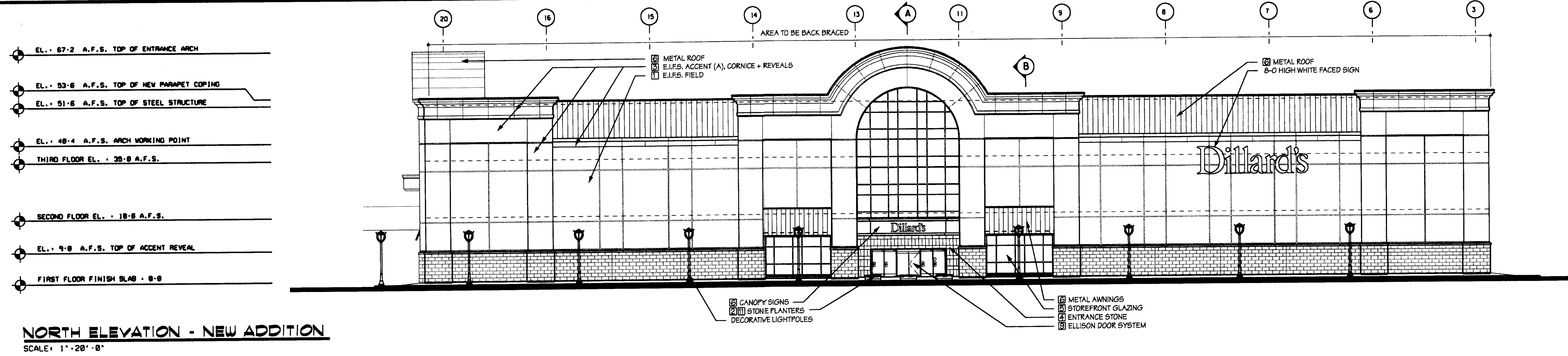
Clyde M. Webb, Architect  
 Washington Plaza, Suite 400  
 390 Washington Street  
 Monroe, Louisiana 71201

ALTERATIONS AND ADDITIONS TO:  
**Dillard's**  
 SOUTHPARK SHOPPING CENTER  
 CHARLOTTE, NORTH CAROLINA



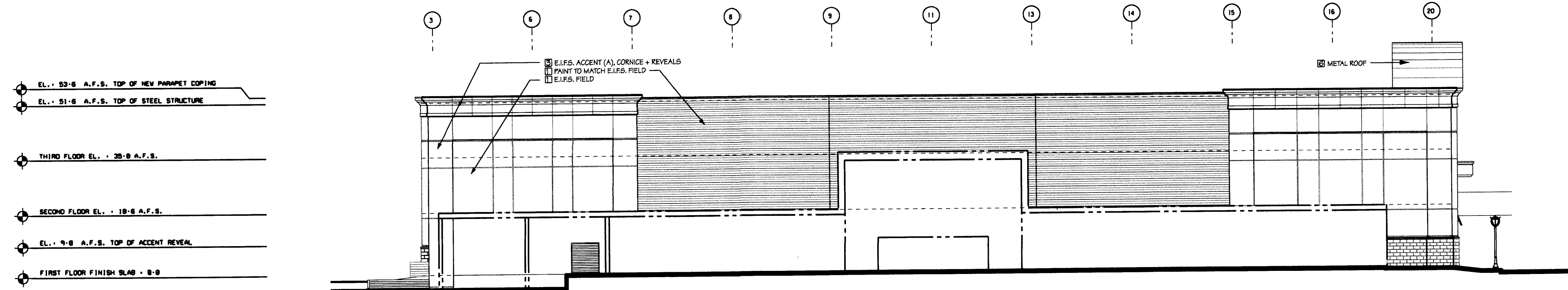
Job No.	05034
Job Code	DSOP
Store No.	XXX
Date	January 2006
Revisions	
No.	Date
1	REV 6/9/05
1	REV 6/28/05

Sheet  
**SITE PLAN**  
 Drawn by  
 Checked by



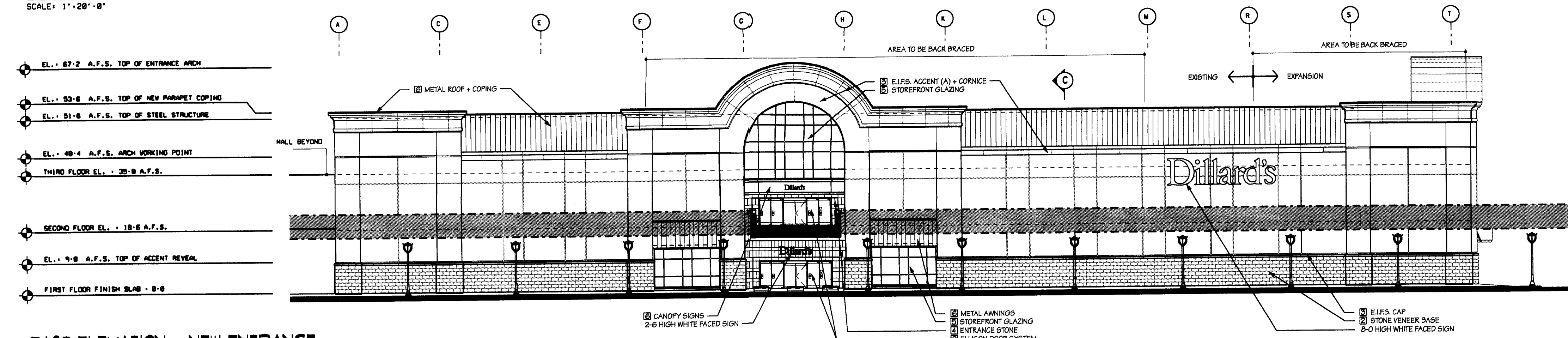
**NORTH ELEVATION - NEW ADDITION**  
SCALE: 1" = 20'-0"

**SECTION A**



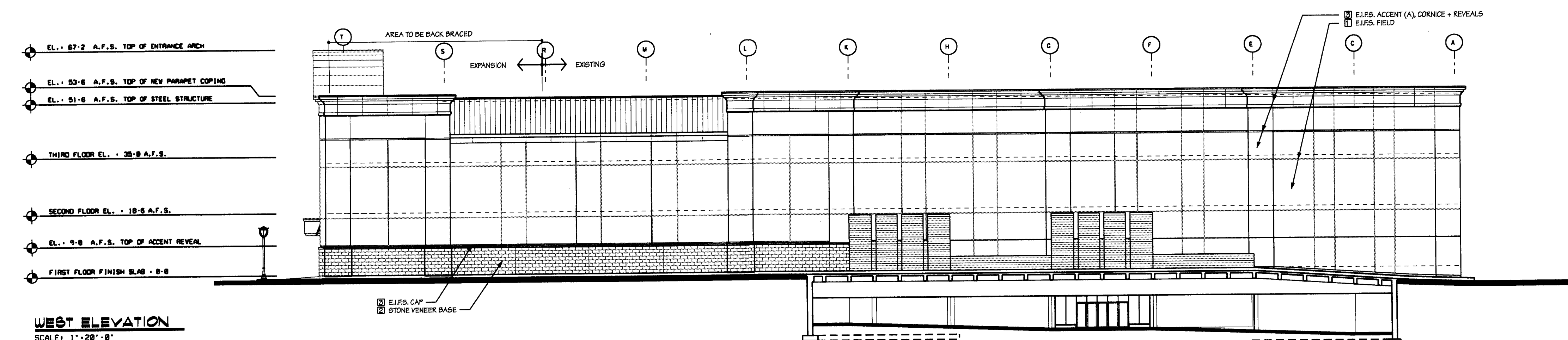
**SOUTH ELEVATION**  
SCALE: 1" = 20'-0"

**SECTION B**



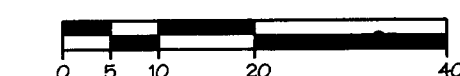
**EAST ELEVATION - NEW ENTRANCE**  
SCALE: 1" = 20'-0"

**SECTION C**



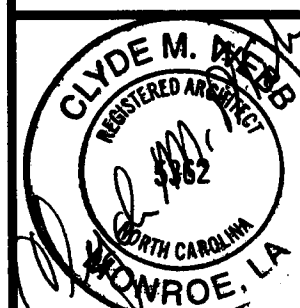
**WEST ELEVATION**  
SCALE: 1" = 20'-0"

**EXTERIOR ELEVATIONS**

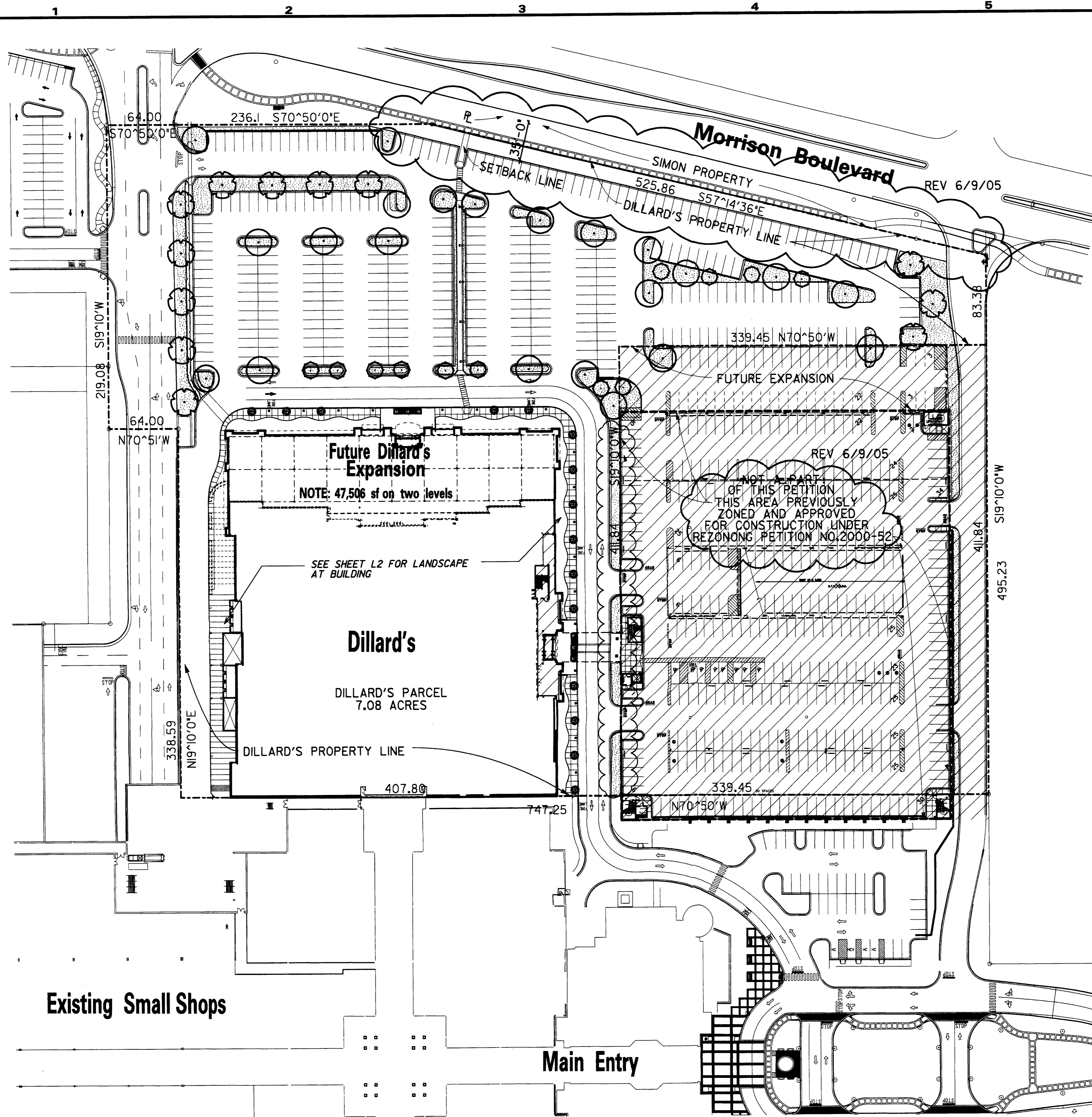


"FOR PUBLIC HEARING"  
PETITION NO. 2005-113

NOTE:  
THE BUILDING MATERIALS AND COLORS TO BE USED ON THE EXTERIOR DESIGN ELEVATIONS WILL CONFORM TO THE MATERIALS AND COLORS SHOWN ON THE PALLETTE BOARD SUBMITTED TO THE CHARLOTTE - MACKLEBERG PLANNING COMMISSION.



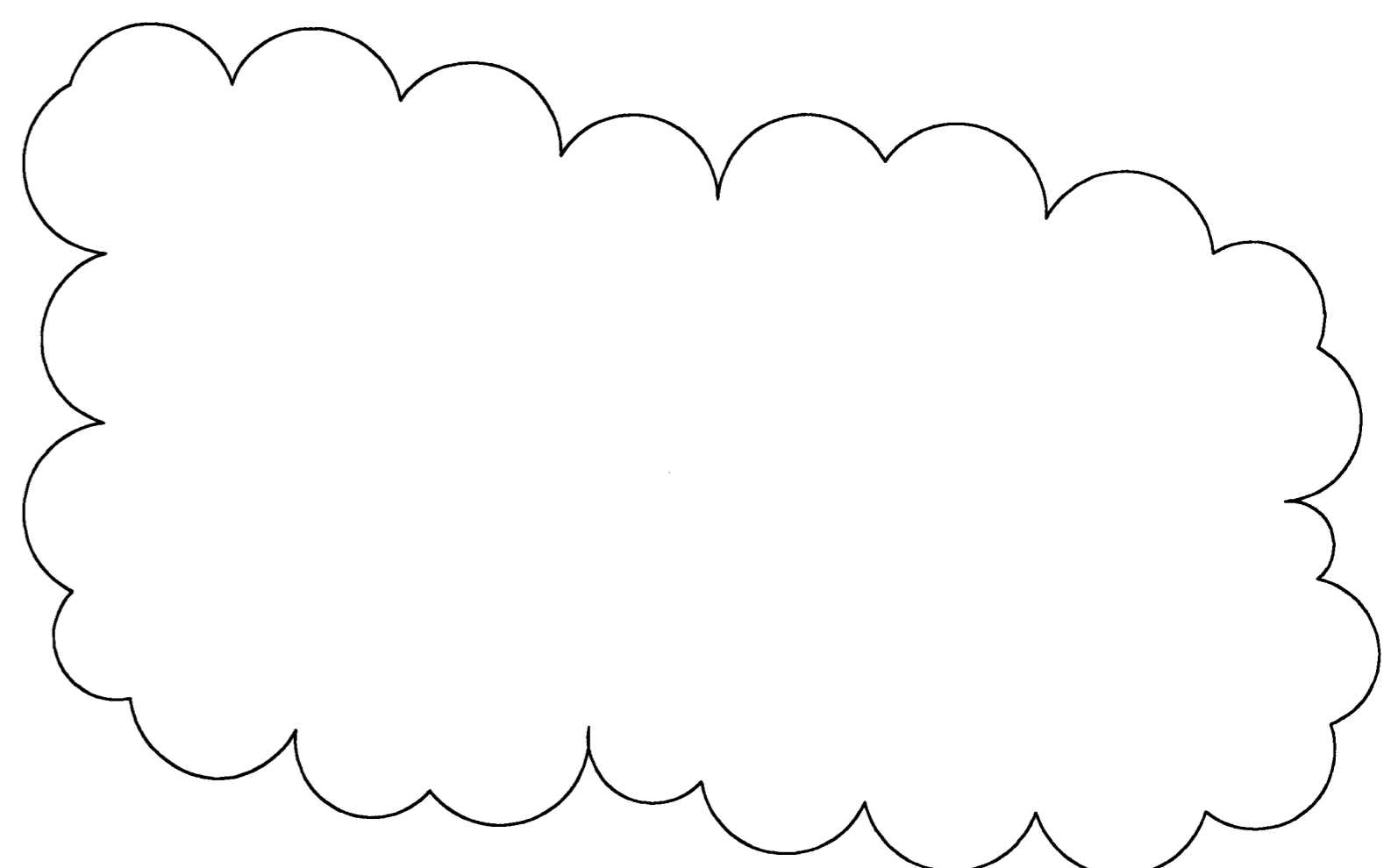
Job No.	05034
Job Code	DSOP
Store No.	XXX
Date	January 2005
Revisions	
No.	Date
1	MAY 2, 2005
2	SEPTEMBER 6, 2005



- LACEBARK ELM  
3' - 3 1/2'
- SHUMARD OAK  
3' - 3 1/2'
- GRAPE MYRTLE  
8'-10" 3 TRUNKS
- MASS PLANTING CARISSA HOLLY  
2'-6" O.C. TYP.
- SOLID SOD

**NOTES:**

1. Redevelopment of the Site shall comply with the Standards for the Redevelopment and Expansion of the SouthPark Mall Site (the "Standards") and the SouthPark Mall Design Guidelines (Exhibit B) (the "Design Guidelines") that are a part of Rezoning Petition No. 2000-52 which was approved by City Council on October 18, 2000, and these Standards and Design Guidelines are incorporated herein by reference.
2. Upon the redevelopment of the Site, the Site shall be brought into compliance with the bicycle parking requirements of the City of Charlotte Zoning Ordinance."



Existing Small Shops

Main Entry

Future Dillard's Expansion  
NOTE: 47,506 sf on two levels

Dillard's

DILLARD'S PARCEL  
7.08 ACRES

Existing Zoning: CC  
Requested Zoning: CC (SPA) Site Plan Amendment



SITE LANDSCAPE PLAN



"FOR PUBLIC HEARING"  
PETITION NO. 2005-113

**Architecture+**

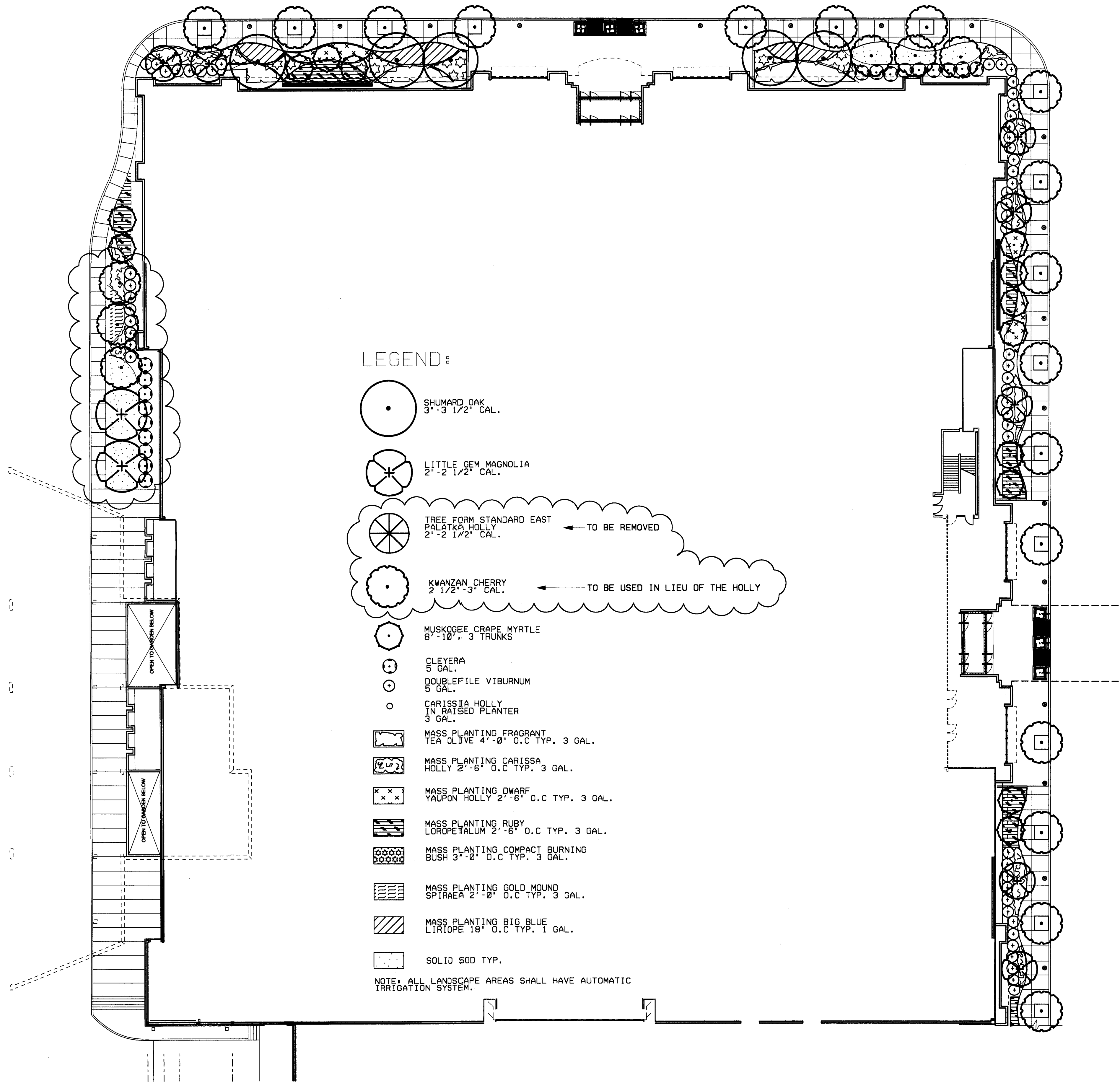
Clyde M. Webb, Architect  
Washington Plaza, Suite 400  
300 Washington Street  
Monroe, Louisiana 71201

ALTERATIONS AND ADDITIONS TO:  
**Dillard's**  
SOUTHPARK SHOPPING CENTER  
CHARLOTTE, NORTH CAROLINA



Job No.	00034
Job Code	DSOP
Store No.	XXX
Date	January 2005
Revisions	
No.	Date
1	JUNE 16, 2005
1	JUNE 28, 2005

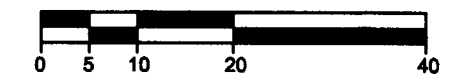
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**L1**  
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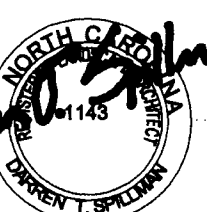
Existing Zoning: CC  
 Requested Zoning: CC (SPA) Site Plan Amendment



LANDSCAPE PLAN



"FOR PUBLIC HEARING"  
 PETITION NO. 2005-113



Job No.	06034
Job Code	D80P
Store No.	1001
Date	January 2005

No.	Date
1	JAN 10, 2005

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<b>REQUEST</b>	Current Zoning: B-1 (neighborhood business) and B-1SCD (shopping center) Proposed Zoning: B-1(CD) (neighborhood business, conditional)
<b>LOCATION</b>	Approximately 2.40 acres located on the northeast corner at the intersection of North Sharon Amity Road and Central Avenue. (Council District 5 - Autry)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the development of a 9,000-square foot building for a gasoline service station and convenience store with accessory pumps, retail and restaurant uses.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of the outstanding issues. This petition is consistent with the <i>Eastland Area Plan</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Morris Investment Company and Eastland, LTD and City of Charlotte QuikTrip Jeff Brown/Keith MacVean, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5

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#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A 9,000-square foot structure for a gasoline service station and convenience store, restaurant and retail uses.
- Accessory service pumps and canopy to serve the convenience store use along Sharon Amity Road.
- An eight-foot planting strip and six-foot sidewalk along Sharon Amity Road, Central Avenue, and private internal drive.
- Detached lighting limited to 22 feet in height.
- Elevations of the proposed structures.
- A note that building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, stucco, metal panels and wood.
- Rear solid wall enclosure of the proposed dumpster area will be screened with six-foot tree plantings.
- Dedication of 50 feet of right-of-way from the centerline of Central Avenue and Sharon Amity Roads.
- A 2.5-foot tall intermittent low screen wall along Central Avenue and Sharon Amity Road.
- Proposed landscaping and tree planting detail has been provided along all public street frontages and the private drive.
- Reservation of area at corner of North Sharon Amity Road and Central Avenue for a neighborhood monument sign.
- No more than two principal buildings.
- Site access from Central Avenue and Sharon Amity Road, along with internal access to the abutting property.

- **Existing Zoning and Land Use**

- The subject property is currently zoned B-1 (neighborhood business) and B-1SCD (shopping center) and developed with a 2,200-square foot commercial structure which is vacant. The surrounding properties are zoned R-12MF (multi-family residential), O-2 (office), B-1 (neighborhood business), and B-1SCD (shopping center) and developed with residential and commercial structures.

- **Rezoning History in Area**

- Petition 2013-100 rezoned 1.20 acres west of the site subject site to O-1(CD) (office, conditional) to allow the development of 9,000-square foot office building.

- **Public Plans and Policies**

- The *Eastland Area Plan* (2003) recommends single-family, multi-family, office, and retail for the subject property.
  - This petition is consistent with the *Eastland Area Plan*.
- 

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** CDOT has the following requests:
    - Remove the proposed driveway along Sharon Amity Road and shift access to the existing private driveway.
    - Shift the proposed driveway on Central Avenue 50 feet north of its current location.
    - Revise Note "d" under Streetscape, Buffers, and Landscaping to specify that any proposed decorative wall will be located outside of the public right-of-way, and will not interfere with any required sight triangles as determined by CDOT.
    - Revise Note "e" under Streetscape, Buffers, and Landscaping to the following: "The petitioner will provide at the intersection of North Sharon Amity and Central Avenue an area for the construction of a community identification sign that creates a focal point and identity marker for the area. The petitioner will work with Eastside Residents on the design of the proposed identification sign. The proposed identification sign will be located outside of the public right-of-way and not within any required sight triangles as determined by CDOT."
    - Provide a conceptual drawing/schematic that represents the "alternative design" noted in the Miscellaneous: Alternative Design section located on Sheet RZ-2.
  - **Vehicle Trip Generation:**  
Current Zoning: 2,100 trips per day.  
Proposed Zoning: 5,200 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.
  - **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.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Add a note that the building for any uses other than a convenience store with accessory pumps will be placed along the minimum 20-foot setback along Central Avenue and a note that parking or circulation will not be allowed between the building and the street.
  2. Show the location of the second proposed principal structure on the site plan.
  3. Add a note that accessory service windows will not be allowed on the site.
  4. Add a note that the petitioner will install the community entrance sign.
  5. Add a note that large expanses of wall exceeding 20-feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course.
  6. Provide a detail of the proposed retaining wall.

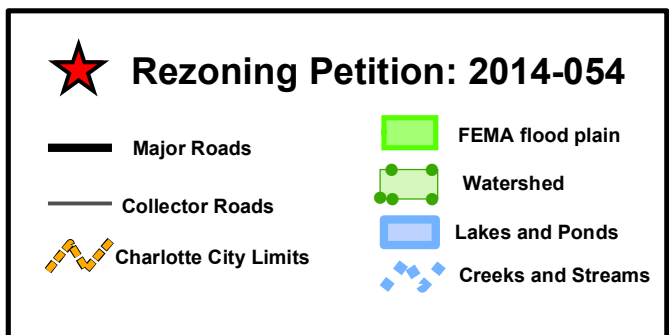
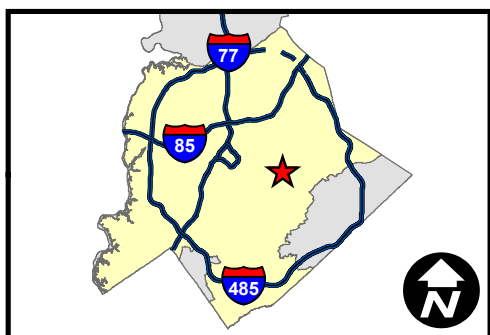
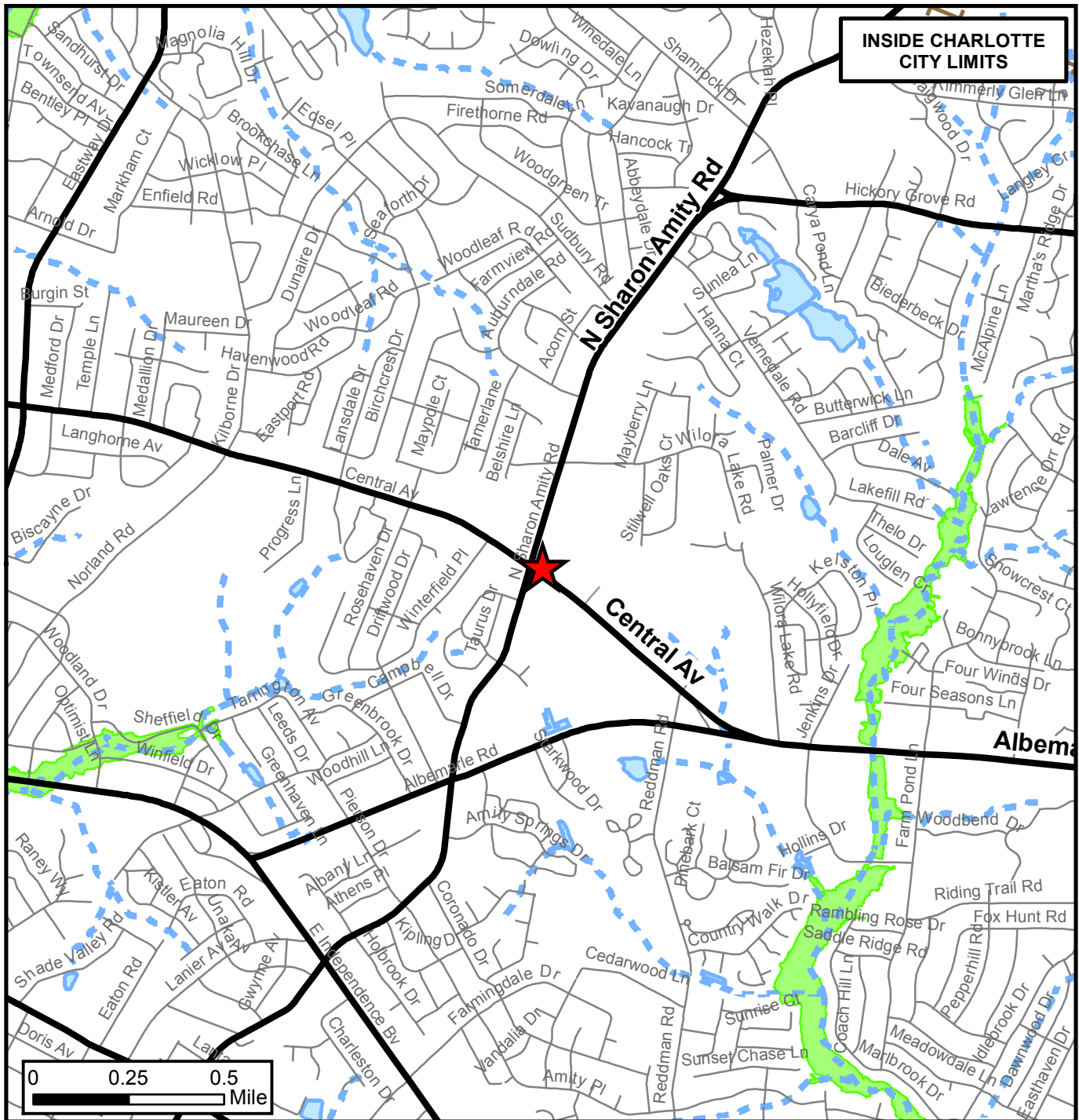
7. Remove Note 8A from the site plan.
  8. Add a note stating that pole signs will not be allowed on the site and that monument signs will be limited to five feet in height and width.
  9. Address Transportation comments.
- 

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

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- 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 2.4 acres located on the northeast corner at the intersection of North Sharon Amity Road and Central Avenue.





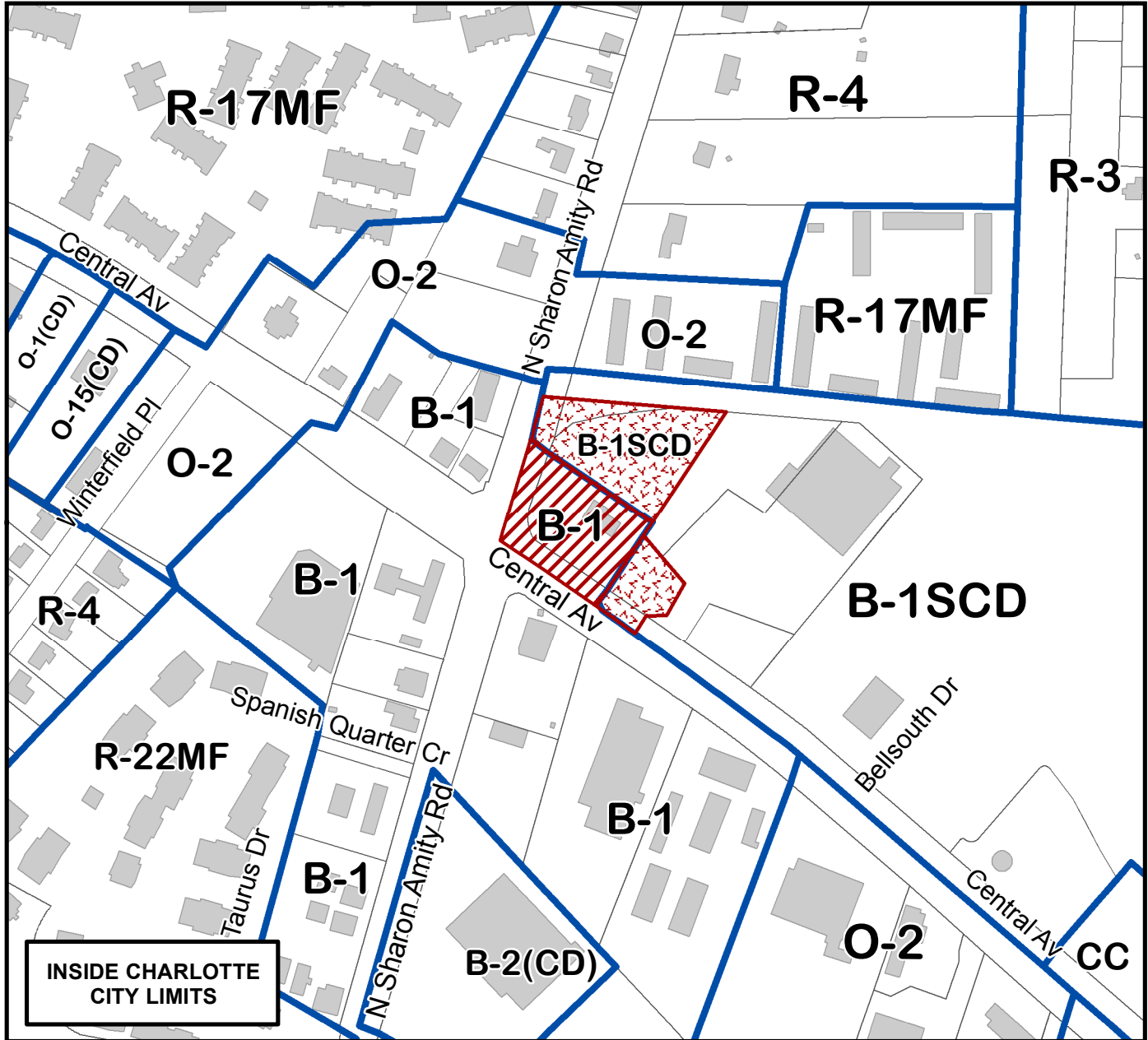
Petition #: **2014-054**

Petitioner: **QuikTrip**

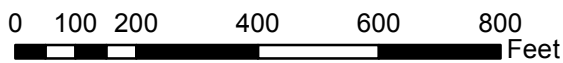
Zoning Classification (Existing): **B-1 and B-1SCD**  
(Neighborhood Business and Business Shopping Center District)

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

Acreage & Location: Approximately 2.4 acres located on the northeast corner at the intersection of North Sharon Amity Road and Central Avenue.



Map Produced by the Charlotte-Mecklenburg Planning Department, 7-8-2014.

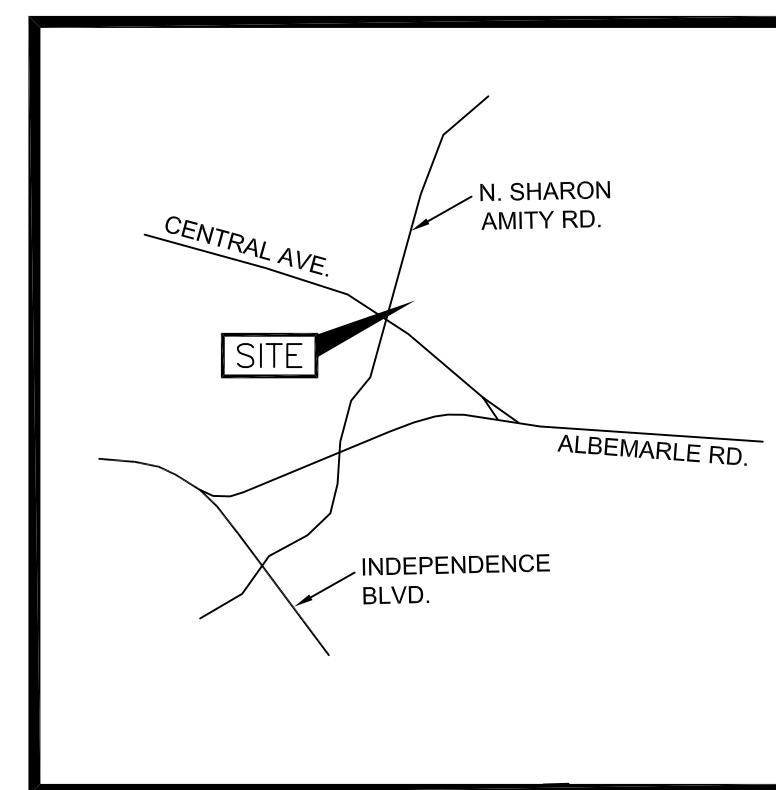


Zoning Map #(s)

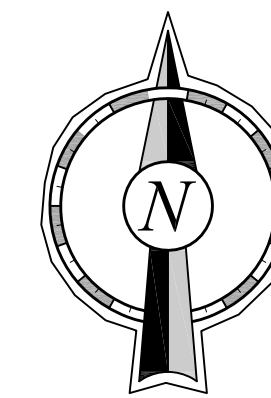
**113**

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

# REZONING PLANS FOR QUIKTRIP STORE #1059 5201 CENTRAL AVENUE CHARLOTTE, NORTH CAROLINA



Vicinity Map  
Not to Scale



SHEET INDEX	
NO.	TITLE
C001	COVER SHEET
RZ-1	EXISTING CONDITIONS PLAN
RZ-2	SITE DATA SHEET
RZ-3	LANDSCAPE PLAN
RZ-4	BUILDING ELEVATIONS - SITE PERSPECTIVES

## PROJECT CONTACT LIST:

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**QuikTrip No. 1059**  
CENTRAL & SHARON AMITY  
CHARLOTTE, MECKLENBURG, NC



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PROTOTYPE: P-77 (11/01/13)  
DIVISION: 81  
VERSION: 001  
DESIGNED BY:  
DRAWN BY: KSR  
REVIEWED BY:

REV.	DATE	DESCRIPTION
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2	06-20-14	2ND REZONING SUBMITTAL

ORIGINAL ISSUE DATE: 04/28/14

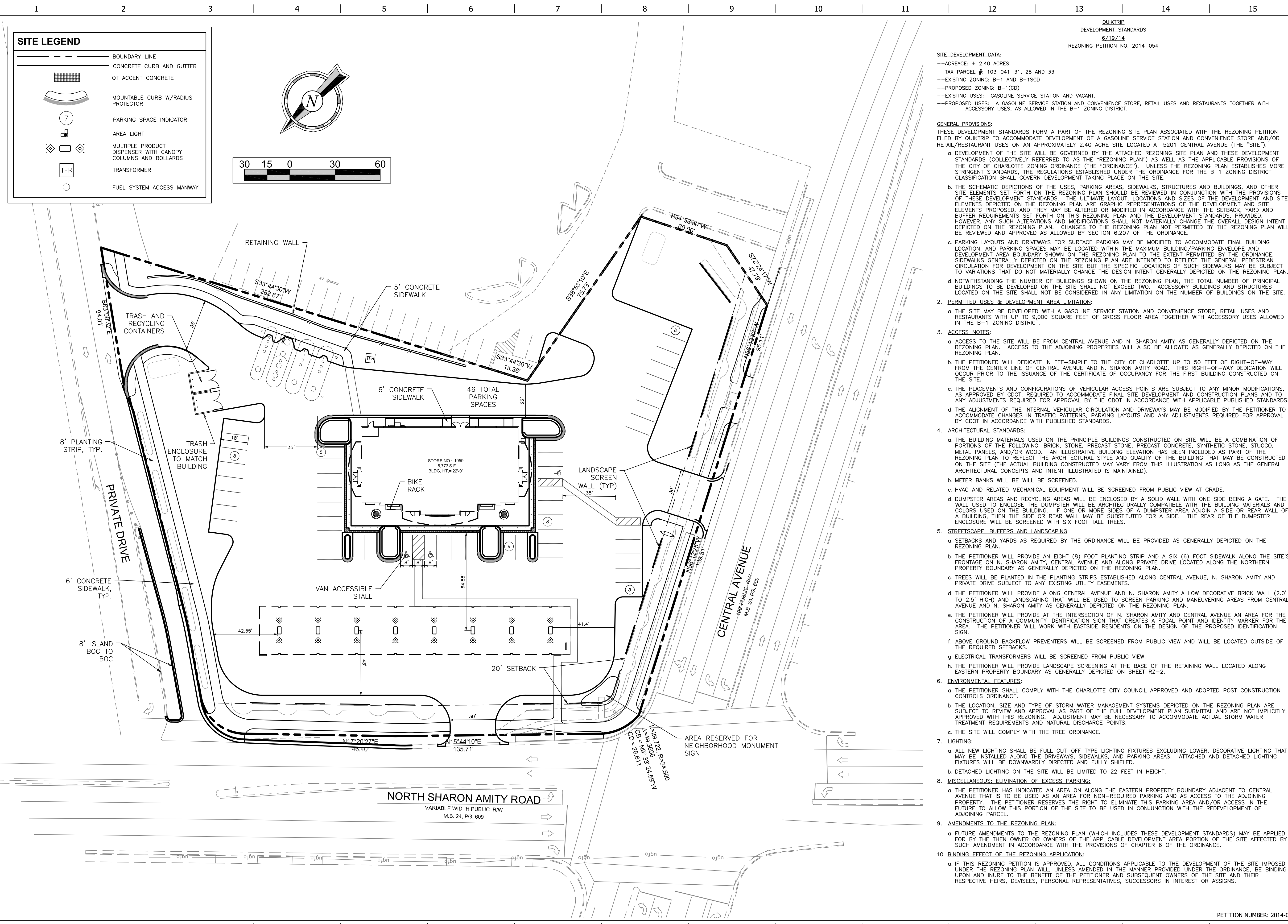
SELECT  
ONE-CALL  
FOR STATE  
LOCATION

SHEET TITLE:  
COVER SHEET

SHEET NUMBER:  
**C001**



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**QUIKTRIP DEVELOPMENT STANDARDS**  
6/19/14  
REZONING PETITION NO. 2014-054

**SITE DEVELOPMENT DATA:**  
 --ACREAGE: ± 2.40 ACRES  
 --TAX PARCEL #: 103-041-31, 28 AND 33  
 --EXISTING ZONING: B-1 AND B-1SCD  
 --PROPOSED ZONING: B-1(CD)  
 --EXISTING USES: GASOLINE SERVICE STATION AND VACANT.  
 --PROPOSED USES: A GASOLINE SERVICE STATION AND CONVENIENCE STORE, RETAIL USES AND RESTAURANTS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE B-1 ZONING DISTRICT.

**GENERAL PROVISIONS:**  
 THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING SITE PLAN ASSOCIATED WITH THE REZONING PETITION STANDARDS (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE B-1 ZONING DISTRICT CLASSIFICATION SHALL GOVERN DEVELOPMENT TAKING PLACE ON THE SITE.

b. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, AND OTHER SITE ELEMENTS SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT AND SITE ELEMENTS PROPOSED, 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. CHANGES TO THE REZONING PLAN NOT PERMITTED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE.

c. PARKING LAYOUTS AND DRIVEWAYS FOR SURFACE PARKING MAY BE MODIFIED TO ACCOMMODATE FINAL BUILDING LOCATION, AND PARKING SPACES MAY BE LOCATED WITHIN THE MAXIMUM BUILDING/PARKING ENVELOPE AND DEVELOPMENT AREA BOUNDARY SHOWN ON THE REZONING PLAN TO THE EXTENT PERMITTED BY THE ORDINANCE. SIDEWALKS GENERALLY DEPICTED ON THE REZONING PLAN ARE INTENDED TO REFLECT THE GENERAL PEDESTRIAN CIRCULATION FOR DEVELOPMENT ON THE SITE BUT THE SPECIFIC LOCATIONS OF SUCH SIDEWALKS MAY BE SUBJECT TO VARIATIONS THAT DO NOT MATERIALLY CHANGE THE DESIGN INTENT GENERALLY DEPICTED ON THE REZONING PLAN.

d. NOTWITHSTANDING THE NUMBER OF BUILDINGS SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE SHALL NOT EXCEED TWO. ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE.

2. **PERMITTED USES & DEVELOPMENT AREA LIMITATION:**  
 o. THE SITE MAY BE DEVELOPED WITH A GASOLINE SERVICE STATION AND CONVENIENCE STORE, RETAIL USES AND RESTAURANTS WITH UP TO 9,000 SQUARE FEET OF GROSS FLOOR AREA TOGETHER WITH ACCESSORY USES ALLOWED IN THE B-1 ZONING DISTRICT.

3. **ACCESS NOTES:**  
 o. ACCESS TO THE SITE WILL BE FROM CENTRAL AVENUE AND N. SHARON AMITY AS GENERALLY DEPICTED ON THE REZONING PLAN. ACCESS TO THE ADJOINING PROPERTIES WILL ALSO BE ALLOWED AS GENERALLY DEPICTED ON THE REZONING PLAN.

b. THE PETITIONER WILL DEDICATE IN FEE-SIMPLE TO THE CITY OF CHARLOTTE UP TO 50 FEET OF RIGHT-OF-WAY FROM THE CENTER LINE OF CENTRAL AVENUE AND N. SHARON AMITY ROAD. THIS RIGHT-OF-WAY DEDICATION WILL OCCUR PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING CONSTRUCTED ON THE SITE.

c. THE PLACEMENTS AND CONFIGURATIONS OF VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS, AS APPROVED BY CDOT, REQUIRED TO ACCOMMODATE FINAL SITE DEVELOPMENT AND CONSTRUCTION PLANS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE 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:**  
 o. THE BUILDING MATERIALS USED ON THE PRINCIPLE BUILDINGS CONSTRUCTED ON SITE WILL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK, STONE, PRECAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, STUCCO, METAL PANELS, AND/OR WOOD. AN ILLUSTRATIVE BUILDING ELEVATION HAS BEEN INCLUDED AS PART OF THE REZONING PLAN TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE BUILDING THAT MAY BE CONSTRUCTED ON THE SITE (THE ACTUAL BUILDING CONSTRUCTED MAY VARY FROM THIS ILLUSTRATION AS LONG AS THE GENERAL ARCHITECTURAL CONCEPTS AND INTENT ILLUSTRATED IS MAINTAINED).

b. METER BANKS WILL BE SCREENED.

c. HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE.

d. DUMPSTER AREAS AND RECYCLING AREAS WILL BE ENCLOSED BY A SOLID WALL WITH ONE SIDE BEING A GATE. THE WALL USED TO ENCLOSE THE DUMPSTER WILL BE ARCHITECTURALLY COMPATIBLE WITH THE BUILDING MATERIALS AND COLORS USED ON THE BUILDING. 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. THE REAR OF THE DUMPSTER ENCLOSURE WILL BE SCREENED WITH SIX FOOT TALL TREES.

5. **STREETSCAPE, BUFFERS AND LANDSCAPING:**  
 o. SETBACKS AND YARDS AS REQUIRED BY THE ORDINANCE WILL BE PROVIDED AS GENERALLY DEPICTED ON THE REZONING PLAN.

b. THE PETITIONER WILL PROVIDE AN EIGHT (8) FOOT PLANTING STRIP AND A SIX (6) FOOT SIDEWALK ALONG THE SITE'S FRONTAGE ON N. SHARON AMITY, CENTRAL AVENUE AND ALONG PRIVATE DRIVE LOCATED ALONG THE NORTHERN PROPERTY BOUNDARY AS GENERALLY DEPICTED ON THE REZONING PLAN.

c. TREES WILL BE PLANTED IN THE PLANTING STRIPS ESTABLISHED ALONG CENTRAL AVENUE, N. SHARON AMITY AND PRIVATE DRIVE SUBJECT TO ANY EXISTING UTILITY EASEMENTS.

d. THE PETITIONER WILL PROVIDE ALONG CENTRAL AVENUE AND N. SHARON AMITY A LOW DECORATIVE BRICK WALL (2'-0" TO 2'-5" HIGH) AND LANDSCAPING THAT WILL BE USED TO SCREEN PARKING AND MANEUVERING AREAS FROM CENTRAL AVENUE AND N. SHARON AMITY AS GENERALLY DEPICTED ON THE REZONING PLAN.

e. THE PETITIONER WILL PROVIDE AT THE INTERSECTION OF N. SHARON AMITY AND CENTRAL AVENUE AN AREA FOR THE CONSTRUCTION OF A COMMUNITY IDENTIFICATION SIGN THAT CREATES A FOCAL POINT AND IDENTITY MARKER FOR THE AREA. THE PETITIONER WILL WORK WITH EASTSIDE RESIDENTS ON THE DESIGN OF THE PROPOSED IDENTIFICATION SIGN.

f. ABOVE GROUND BACKFLOW PREVENTERS WILL BE SCREENED FROM PUBLIC VIEW AND WILL BE LOCATED OUTSIDE OF THE REQUIRED SETBACKS.

g. ELECTRICAL TRANSFORMERS WILL BE SCREENED FROM PUBLIC VIEW.

h. THE PETITIONER WILL PROVIDE LANDSCAPE SCREENING AT THE BASE OF THE RETAINING WALL LOCATED ALONG EASTERN PROPERTY BOUNDARY AS GENERALLY DEPICTED ON SHEET RZ-2.

6. **ENVIRONMENTAL FEATURES:**  
 o. 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. ADJUSTMENT MAY BE NECESSARY TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL DISCHARGE POINTS.

c. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.

7. **LIGHTING:**  
 o. 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. ATTACHED AND DETACHED LIGHTING FIXTURES WILL BE DOWNWARDLY DIRECTED AND FULLY SHIELDED.

b. DETACHED LIGHTING ON THE SITE WILL BE LIMITED TO 22 FEET IN HEIGHT.

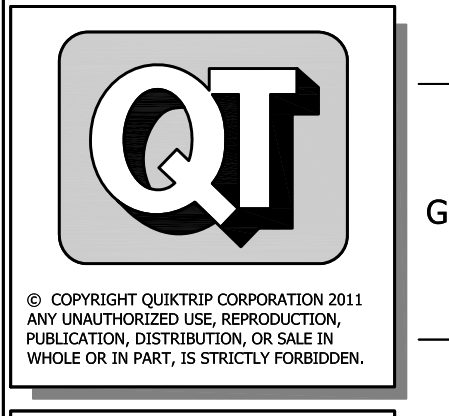
8. **MISCELLANEOUS: ELIMINATION OF EXCESS PARKING:**  
 o. THE PETITIONER HAS INDICATED AN AREA ALONG THE EASTERN PROPERTY BOUNDARY ADJACENT TO CENTRAL AVENUE THAT TO BE USED AS AN AREA FOR NON-REQUIRED PARKING AND AS ACCESS TO THE ADJOINING PROPERTY. THE PETITIONER RESERVES THE RIGHT TO ELIMINATE THIS PARKING AREA AND/OR ACCESS IN THE FUTURE TO ALLOW THIS PORTION OF THE SITE TO BE USED IN CONJUNCTION WITH THE REDEVELOPMENT OF ADJOINING PARCEL.

9. **AMENDMENTS TO THE REZONING PLAN:**  
 o. 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:**  
 o. 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.

PROJECT NO.:

**QuikTrip No. 1059**  
CENTRAL & SHARON AMITY  
CHARLOTTE, MECKLENBURG, NC



PROTOTYPE: P-77 (11/01/13)  
 DIVISION: 81  
 VERSION: 001  
 DESIGNED BY:  
 DRAWN BY: KSR  
 REVIEWED BY:

REV	DATE	DESCRIPTION
1	05-19-14	PER OWNER
2	06-20-14	2ND REZONING SUBMITTAL

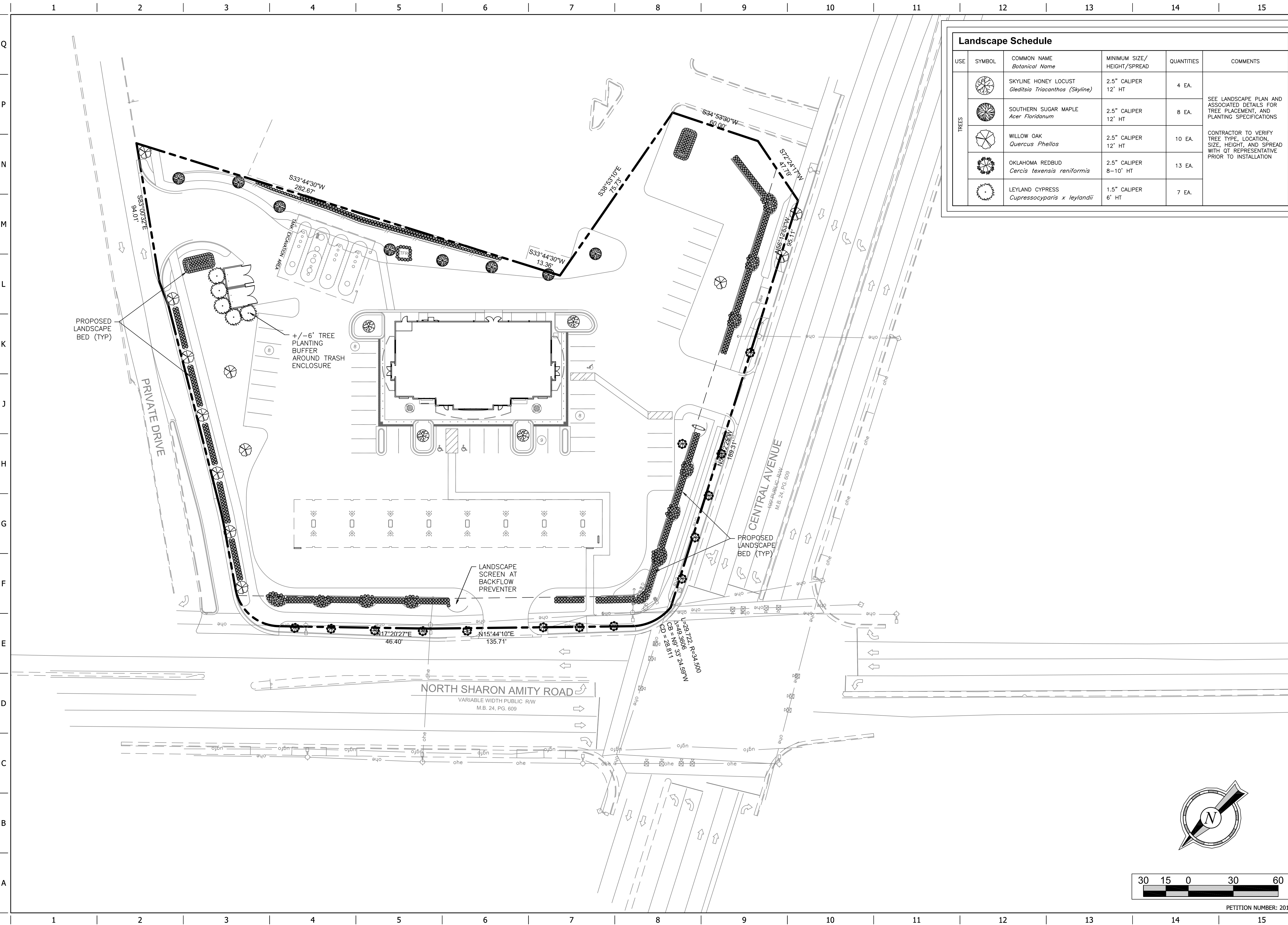
ORIGINAL ISSUE DATE: 04/28/14

SHEET TITLE:  
PRELIMINARY SITE PLAN

SHEET NUMBER:  
**RZ-2**

PETITION NUMBER: 2014-054

FILE LOCATION: Y:\Projects\QTR\14010\_1059\Land\Construction Drawings\Current Drawings\81-1059\_Civil - Option7.dwg TAB NAME: Landscape (Rezone) USER: malcolm SAVES: 06/19/2014 1:03 PM PLOTTED: 06/19/2014 1:15 PM



Landscape Schedule					
USE	SYMBOL	COMMON NAME <i>Botanical Name</i>	MINIMUM SIZE/ HEIGHT/SPREAD	QUANTITIES	COMMENTS
TREES		SKYLINE HONEY LOCUST <i>Gleditsia Triacanthos (Skyline)</i>	2.5" CALIPER 12' HT	4 EA.	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR TREE PLACEMENT, AND PLANTING SPECIFICATIONS  CONTRACTOR TO VERIFY TREE TYPE, LOCATION, SIZE, HEIGHT, AND SPREAD WITH QT REPRESENTATIVE PRIOR TO INSTALLATION
		SOUTHERN SUGAR MAPLE <i>Acer Floridanum</i>	2.5" CALIPER 12' HT	8 EA.	
		WILLOW OAK <i>Quercus Phellos</i>	2.5" CALIPER 12' HT	10 EA.	
		OKLAHOMA REDBUD <i>Cercis texensis reniformis</i>	2.5" CALIPER 8-10' HT	13 EA.	
		LEYLAND CYPRESS <i>Cupressocyparis x leylandii</i>	1.5" CALIPER 6' HT	7 EA.	

PROJECT NO.:

**QuikTrip No. 1059**  
CENTRAL & SHARON AMITY  
CHARLOTTE, MECKLENBURG, NC



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PROTOTYPE: P-77 (11/01/13)  
DIVISION: 81  
VERSION: 001  
DESIGNED BY:  
DRAWN BY: KSR  
REVIEWED BY:

REV.	DATE	DESCRIPTION
1	05-19-14	PER OWNER
2	06-20-14	2ND REZONING SUBMITTAL

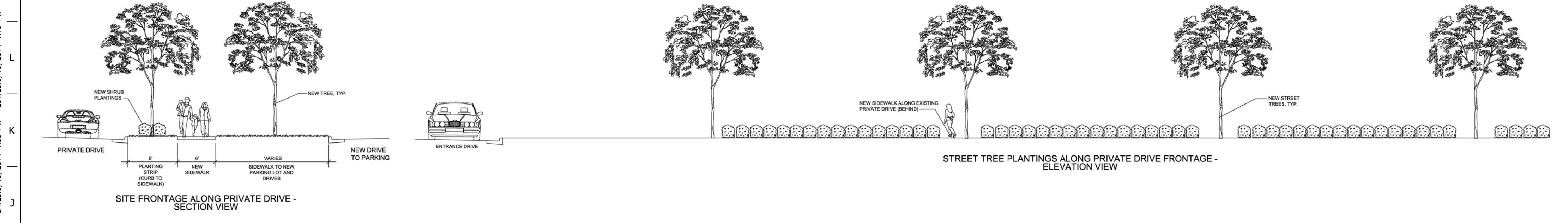
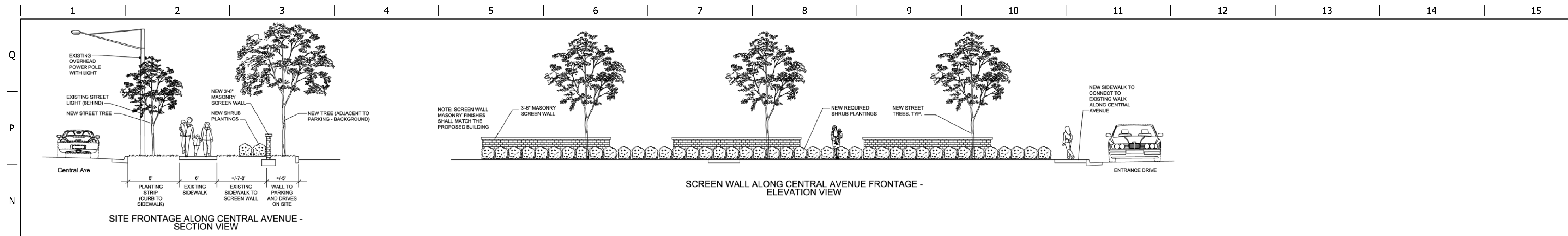
ORIGINAL ISSUE DATE: 04/28/14

SHEET TITLE:  
LANDSCAPE PLAN

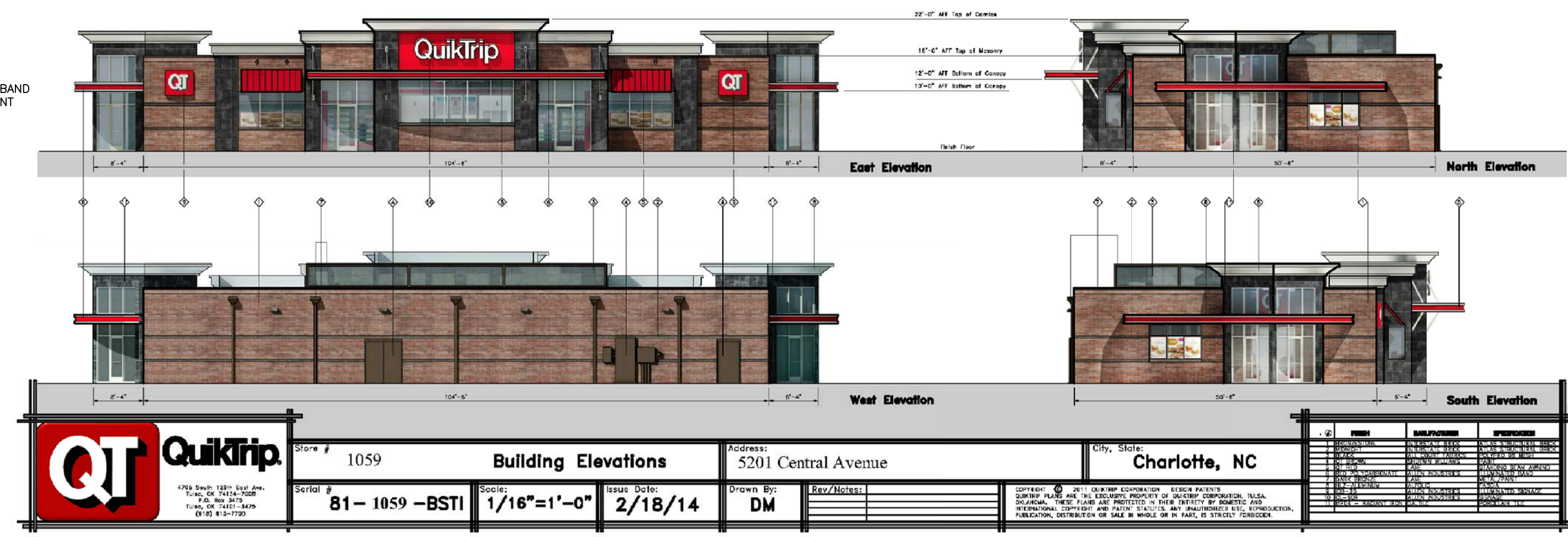
SHEET NUMBER:  
**RZ-3**

PETITION NUMBER: 2014-054

FILE LOCATION: Y:\Projects\QTR-14010\_1059\Land\Construction Drawings\Current Drawings\81-1059-Civil - Option7.dwg TAB NAME: Elevations (Rezone) USER: rmlc01m SAVES: 6/19/2014 1:03 PM PLOTTED: 6/19/2014 1:19 PM



- BUILDING MATERIALS AND FINISHES KEY**
- CANOPY STRUCTURE -**
- 1 BRICK
  - 2 BRICK
  - 3 DARK BRONZE PAINT
  - 4 ILLUMINATED SIGNAGE
  - 5 ILLUMINATE BAND
  - 6 ALUMINUM CANOPY
- BUILDING -**
- 1 BRICK
  - 2 BRICK
  - 3 BLACK MESH
  - 4 QT BROWN PAINT
  - 5 QT RED PAINT
  - 6 RED ILLUMINATED BAND
  - 7 DARK BRONZE PAINT
  - 8 ALUMINUM FASCIA
  - 9 SIGNAGE
  - 10 TILE



<b>QT QuikTrip</b>	Project # 1059	<b>Building Elevations</b>	Address: 5201 Central Avenue	City, State: Charlotte, NC
Scale: 1/16"=1'-0"	Drawn By: DM	Issue Date: 2/18/14	Rev/Alt: 1	Project: 81-1059-BSTI

PROJECT NO.:

**QuikTrip No. 1059**  
CENTRAL & SHARON AMITY  
CHARLOTTE, MECKLENBURG, NC



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REV	DATE	DESCRIPTION
1	05-19-14	PER OWNER
2	06-20-14	FINAL REZONING SUBMITTAL

ORIGINAL ISSUE DATE: 04/28/14

SHEET TITLE:  
**BUILDING ELEVATIONS -  
SITE PERSPECTIVES**

SHEET NUMBER:  
**RZ-4**

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 MAY VARY FROM THIS ILLUSTRATION AS LONG AS THE GENERAL ARCHITECTURAL CONCEPTS AND INTENT ILLUSTRATED IS MAINTAINED).

PETITION NUMBER: 2014-054

<b>REQUEST</b>	Current Zoning: B-2 (general business) Proposed Zoning: MUDD-O (mixed use development, optional) with five-year vested rights
<b>LOCATION</b>	Approximately 4.19 acres generally surrounded by East 4th Street, Charlottetowne Avenue, South Torrence Street, and 3rd/4th Connector Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes up to 909,000 square feet of institutional uses associated with Central Piedmont Community College, including classrooms, laboratories, a conference center, offices, and associated accessory uses. Existing buildings may be renovated or redeveloped.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of the petition upon resolution of outstanding issues. A portion of the petition is consistent with the <i>Elizabeth Area Plan</i> , which recommends institutional land uses. The remainder of the site is inconsistent with the <i>Midtown Morehead Cherry Area Plan's</i> recommendation for a mixture of residential, office and retail uses but consistent with the plan's land use goals and intent.
<b>PROPERTY OWNER</b>	Trustees of Central Piedmont Community College & Central Piedmont Community College Foundation, Inc.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Central Piedmont Community College Susanne Todd and Jim Allison, Johnston, Allison & Hord, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 7

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A maximum building area of 909,000 square feet for a community college campus.
- Building materials for new buildings will consist of brick and cast stone elements.
- Architectural styles for new building and/or any renovations to existing buildings on the site will harmonize with and be comparable to the materials and architectural styles of buildings located on the existing Central Piedmont Community College Central Campus. Vinyl or sheet metal siding will not be allowed as exterior building materials.
- Building heights will not exceed 120 feet.
- Detached lighting limited to 25 feet in height.
- Optional provisions requested include:
  - Allow existing uses on the site to remain until new development commences.
  - Allow existing parking and or maneuvering to remain between buildings and public streets until new development commences.
  - Allow existing bicycle parking conditions to remain until new development commences.
  - Allow existing development conditions to remain until new development commences.
  - Allow alterations and renovations to existing structures without requiring removal of the structure and/or compliance with the MUDD (mixed use development) district as long as existing buildings that are renovated do not increase in nonconformance through such renovations.
  - Allow existing sidewalks, street trees, and landscaping areas to remain as is or allow sidewalks to meander to protect existing trees.
  - Allow existing signage to remain until new development commences.
  - Allow existing lighting conditions to remain until new development commences.

• **Existing Zoning and Land Use**

- The subject properties are currently developed with structures used for office and retail uses and one lot is vacant. Surrounding parcels are zoned B-2 (general business), MUDD-O (mixed use

development, optional), and MUDD (CD) (mixed use development, conditional) and developed with commercial, office and institutional land uses.

- **Rezoning History in Area**

- Petition 2011-073 rezoned approximately 2.81 acres located on the south side of East Third Street and surrounded by South Kings Drive, Charlottetowne Avenue and Cherry Street from B-2 (general business) to MUDD-O (mixed use development, optional) to allow all uses permitted in the MUDD (mixed use development) district.
- Petition 2011-070 rezoned approximately 0.10 acres located at the intersection of Fox Street and Charlottetowne Avenue from R-22MF (multi-family residential) to O-1 (office) to allow all uses permitted in the O-1 (office) district.

- **Public Plans and Policies**

- The *Elizabeth Area Plan* (2011) recommends institutional land uses for a portion of the site. The plan recognized ownership by Central Piedmont Community College of some properties and the continued need for future expansion in the area.
- The *Midtown Morehead Cherry Area Plan* (2012) recommends mixed use development, consisting of residential, office and retail land uses. Although the expansion of institutional uses is not specifically noted in the plan recommendations, the plan acknowledges the existence of uses related to Central Piedmont Community College in the area of the proposed rezoning. In addition, one of the Land Use Goals for the Midtown area is to capitalize on the proximity to the major institutional anchors.
- The petition is consistent with the *Elizabeth Area Plan*.
- The petition is consistent with the *Midtown Morehead Cherry Area Plan*.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** Add the following note to the site plan: "If required by CDOT during the permitting process, the petitioner will conduct a traffic impact study to determine traffic impacts and associated mitigations, if any, caused by the development of the site before the first building permit is issued for any parcel covered under the current rezoning petition."
  - **Vehicle Trip Generation:**  
Current Zoning: 4,250 trips per day.  
Proposed Zoning: 25,000 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 comments received.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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

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



**OUTSTANDING ISSUES**

- The petitioner should:
    1. Add a note that any parking decks along public streets will be wrapped at the ground floor with active uses.
    2. Amend Note 6A to provide specifics about the style of proposed buildings.
    3. Delete all optional provisions except Notes E. Amend Note G to remove request to allow sidewalks, street trees, and landscaping areas to remain as is.
    4. Address Transportation comment.
- 

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

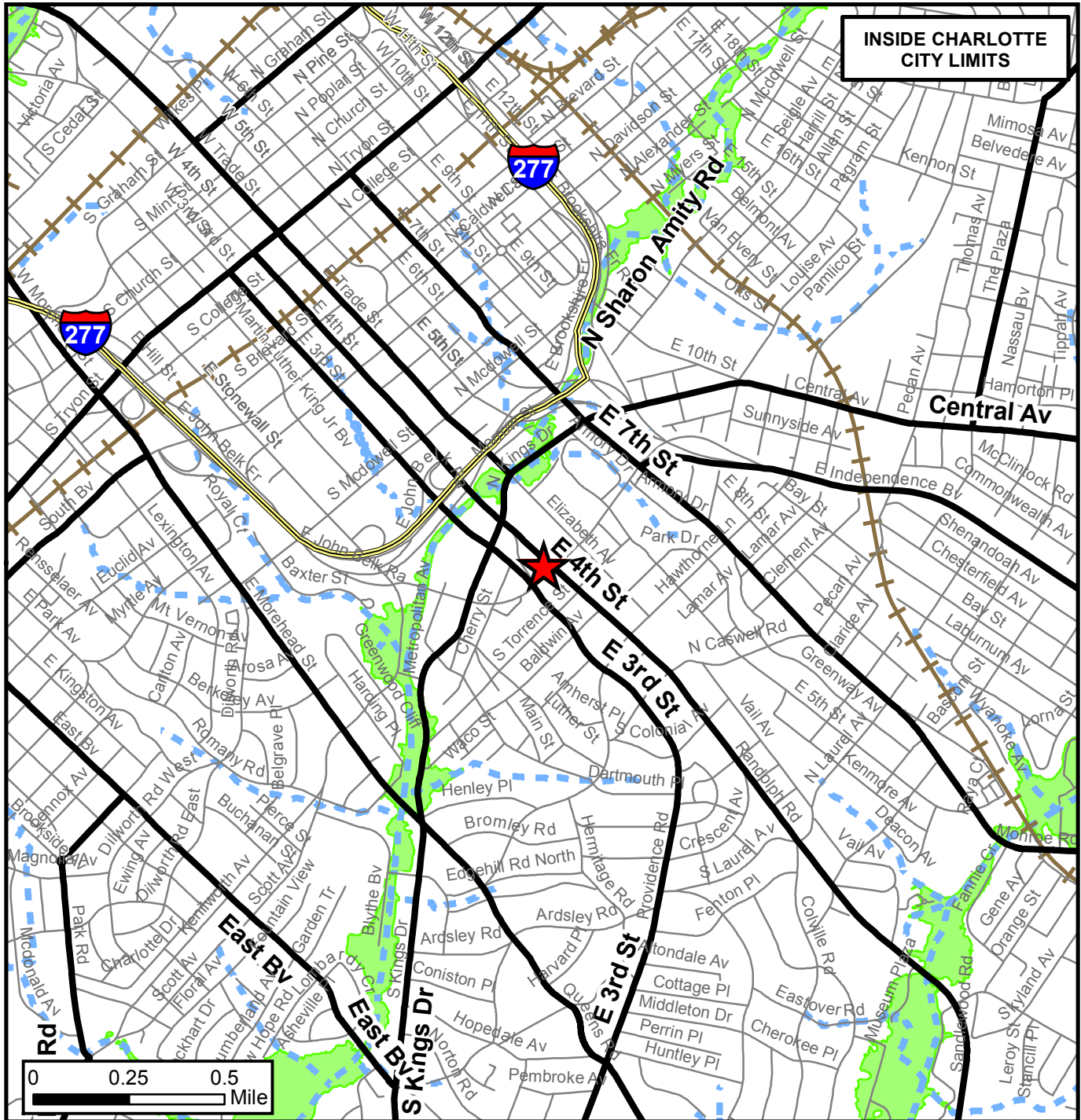
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg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

**Planner:** Sonja Sanders (704) 336-8327

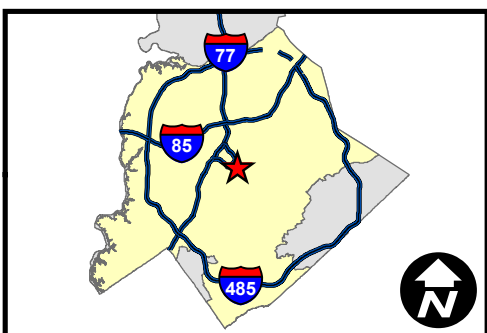
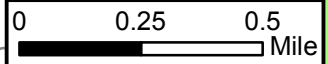
Petition #: **2014-056**

# Vicinity Map

**Acreage & Location :** Approximately 4.19 acres generally surrounded by East 4th Street, Charlottetowne Avenue, South Torrence Street, and 3rd-4th Connector Street.



**INSIDE CHARLOTTE CITY LIMITS**



**★ Rezoning Petition: 2014-056**

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

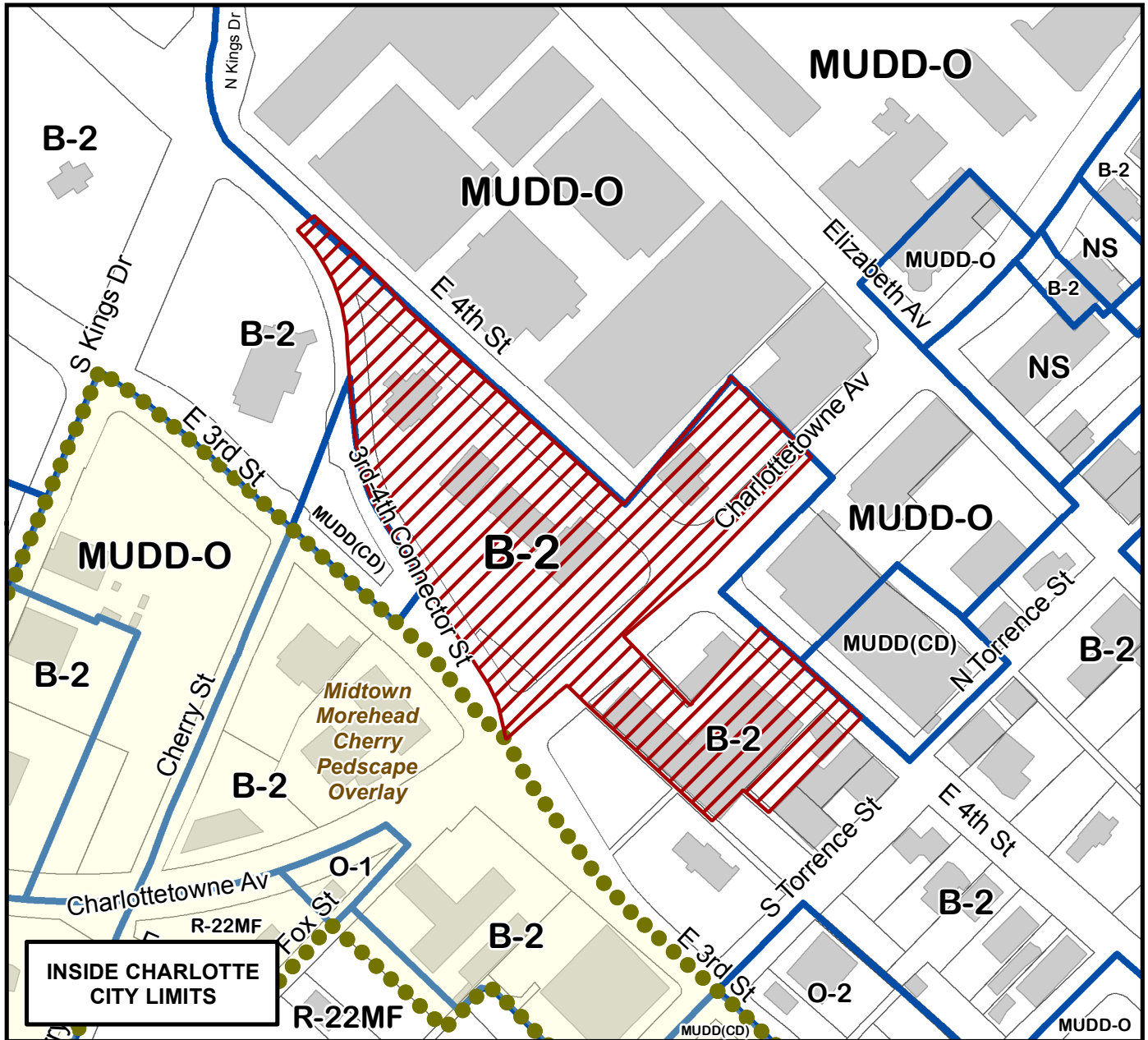
Petition #: **2014-056**

Petitioner: **Central Piedmont Community College**

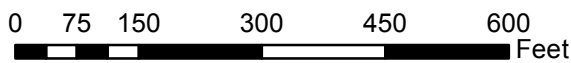
Zoning Classification (Existing): **B-2**  
General Business

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

Acreage & Location: Approximately 4.19 acres generally surrounded by East 4th Street, Charlotte-towne Avenue, South Torrence Street, and 3rd-4th Connector Street.

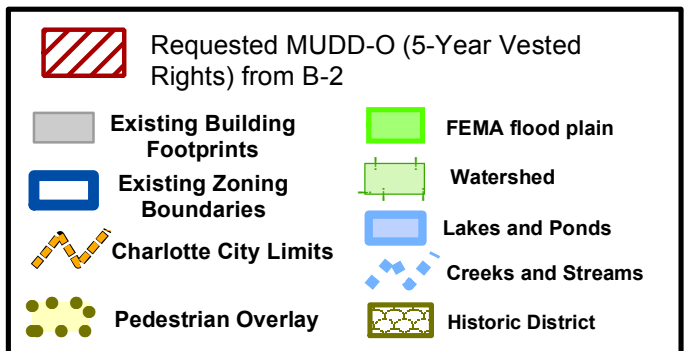


Map Produced by the Charlotte-Mecklenburg Planning Department, 5-19-2014.



Zoning Map #(s)

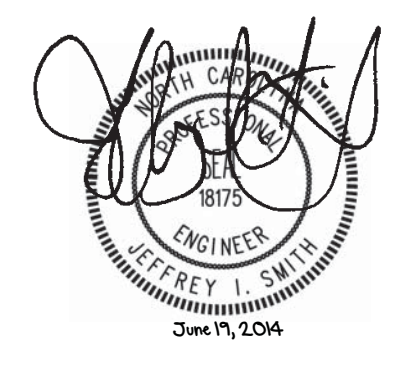
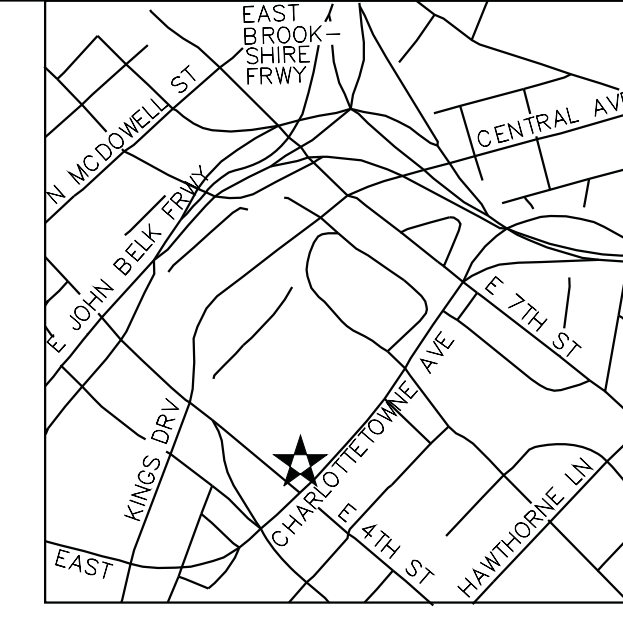
**102**



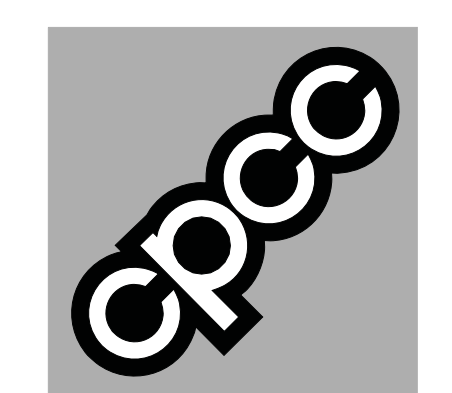
**DEVELOPMENT DATA**

TAX PARCEL	125-109-01	125-101-15	125-104-12	125-104-02
PARCEL ADDRESS	1300 E. 4TH ST	1105 CHARLOTTETOWNE AVE.	1422 E. 4TH ST	1412 E. 4TH ST
SITE ACREAGE	2.4272 AC	0.5871 AC	0.1850 AC	0.988 AC
EXISTING ZONING	B-2	B-2	B-2	B-2
PROPOSED ZONING	MUDD(O)	MUDD(O)	MUDD(O)	MUDD(O)
EXISTING USE	OFFICE	VACANT	OFFICE	COMMERCIAL
PROPOSED USE	INSTITUTIONAL	INSTITUTIONAL	INSTITUTIONAL	INSTITUTIONAL
BUILDING AREA	46114 SF (EXISTING)	0 SF (EXISTING)	8000 SF (EXISTING)	43060 (EXISTING)
MAX. BLDG. AREA	400,000 SF	144,000 SF	365,000 SF (COMBINED)	
MAXIMUM BLDG. HEIGHT	MAX. 120 FEET PER BUILDING	MAX. 120 FEET PER BUILDING	MAX. 120 FEET PER BUILDING	MAX. 120 FEET PER BUILDING
PROPOSED PARKING	AS REQUIRED BY THE ORDINANCE	AS REQUIRED BY THE ORDINANCE	AS REQUIRED BY THE ORDINANCE	AS REQUIRED BY THE ORDINANCE
OPEN SPACE AMOUNT	1 SF / 100 SF	1 SF / 150 SF	1 SF / 200 SF	1 SF / 100 SF

**BSdE**  
**BULLA SMITH**  
 DESIGN ENGINEERING  
 1347 Harding Place Suite 201  
 Charlotte, NC 28204  
 ☎ 704.333.3122 ✉ 704.333.8252



Submittal Date: April 28, 2014  
 Revision Dates:  
 Zoning Submittal No. 2 June 20, 2014



**CPCC Central Campus**  
 Charlotte, NC

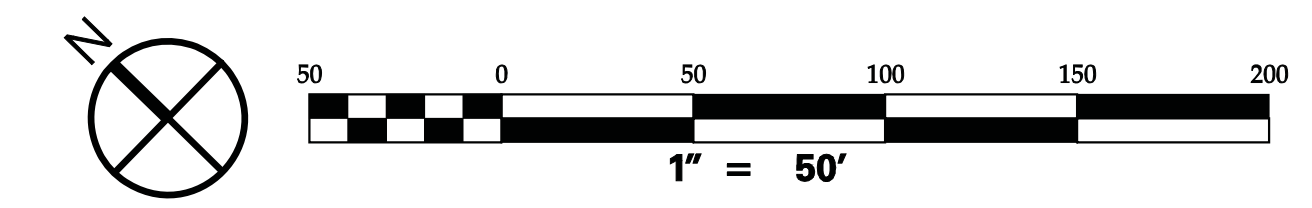
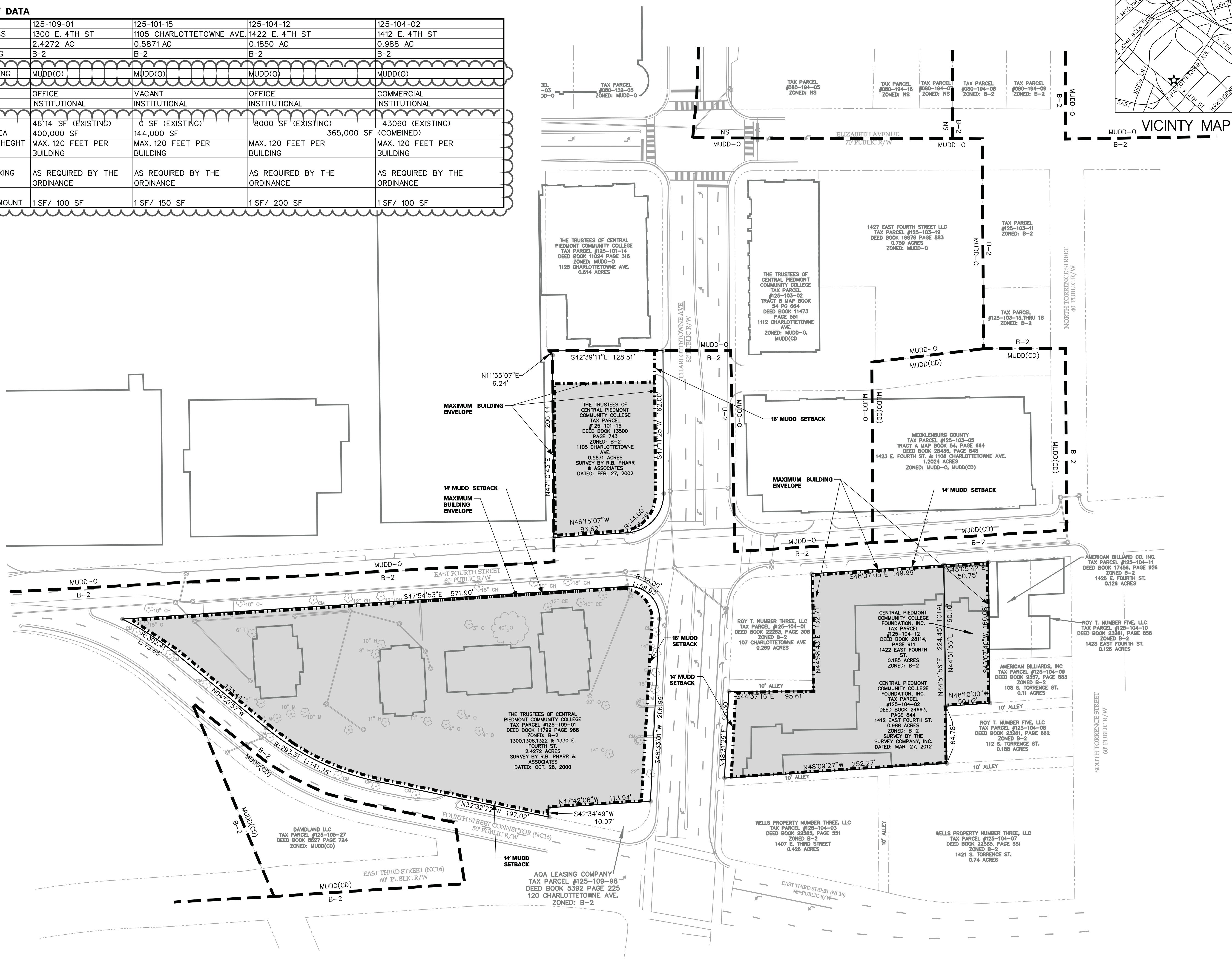
Rezoning Petition  
 2014-056 For  
 Public Hearing

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Schematic  
 Site Plan

**RZ-1**

p:\2014\2014-09 CPCC Rezoning\CADD Files\Central Campus\crZR1.dgn 19-JUN-2014 16:20



**1. SITE DEVELOPMENT DATA**

SITE AREA:	+/-4.187 Acres
PARCEL ID NUMBERS:	125-101-15; 125-104-02; 125-104-12; 125-109-01
EXISTING ZONING:	B-2
EXISTING USE:	OFFICES, CLASSROOMS AND VACANT
PROPOSED ZONING:	MUDD (O)
PROPOSED USE:	COMMUNITY COLLEGE CAMPUS TO INCLUDE OFFICES, LABS AND CLASSROOMS, AND CONFERENCE CENTER
MAXIMUM BUILDING SF:	PARCEL 125-109-01= 400,000 SF PARCEL 125-101-15= 144,000 SF PARCEL 125-104-12 & 02= 365,000 SF
BUILDING HEIGHT:	MAXIMUM 120 FEET PER BUILDING
PARKING REQUIRED:	AS REQUIRED BY THE ORDINANCE
OPEN SPACE:	PARCEL 125-109-01= 1 SF/100 SF PARCEL 125-101-15= 1 SF/150 SF PARCEL 125-104-12= 1 SF/200 SF PARCEL 125-104-02= 1 SF/100 SF

**2. GENERAL PROVISIONS:**

- a. These Development Conditions form a part of the rezoning petition filed by Central Piedmont Community College ("Petitioner" or "Owner") to accommodate the future development of an approximately 4.187 acre site consisting of four 4 parcels located at the intersection of E. 4th Street and Charlottoetowne Avenue in Charlotte, North Carolina, and which is more particularly depicted on the enclosed Site Plan (the "Site").
- b. Petitioner desires to rezone the Site to a zoning classification compatible with its existing Central Campus to allow for seamless expansion of the Existing Campus and harmonious development of the Site.
- c. Proposed plans currently call for the development of a Basic Skills Literacy Center on parcels 125-104-12 and 02 (former JLC and adjacent office building), said building to include Intake/ Orientation facilities, classrooms and labs, offices, in addition to space for Social Services; development of a new classroom building on parcel 125-101-15 (vacant, former Athens restaurant site) to include classrooms and labs with a possible upper level connection to the adjacent IT Building. Proposed development of parcel 125-109-01 ("Colony Condos" site) to include maximum 400,000 SF building with structured parking. Petitioner reserves the right to alter the size and use of the proposed buildings so long as the proposed uses meet the conditions of MUDD subject to the conditions set forth in this Rezoning Petition.
- d. These Development Conditions, the Site Plan, Petitioner's Application for Rezoning ("Application") and any revisions thereof are collectively referred to as the "Rezoning Petition" or "Conditional Plan".
- e. The development of this Site will be governed by the Rezoning Petition, the Site Plan, and the applicable provisions of the City of Charlotte's Zoning Ordinance (the "Ordinance").
- f. Alterations to the Conditional Plan are subject to Section 6.207 Alternations to Approval of the Ordinance.

**3. OPTIONAL PROVISIONS**

- a. The MUDD (O) is provided herein to permit existing uses on the Site to remain until new development commences at a particular, individual portion on the Site, at which time said new development shall comply with the foregoing use provision.
- b. The MUDD (O) is provided herein to permit existing parking and/or loading conditions on the Site to remain until new development commences at a particular, individual portion on the Site, at which time said new development shall comply with the provisions of the MUDD district, subject to the conditions set forth in this Rezoning Petition.
- c. The MUDD (O) is provided herein to permit existing bicycle parking conditions on the Site to remain until new development commences at a particular, individual portion on the Site, at which time said new development shall comply with the bicycle parking provisions of the MUDD district, subject to the conditions set forth in this Rezoning Petition.
- d. The MUDD (O) is provided herein to permit existing development conditions on the Site to remain until new development commences at a particular, individual portion on the Site, at which time said new development shall comply with the provisions of the MUDD district, subject to the conditions set forth in this Rezoning Petition.
- e. New building construction on the Site shall comply with all applicable requirements and regulations of the MUDD zoning district, subject to the conditions set forth in this Rezoning Petition. The MUDD (O) is provided herein to permit existing development conditions on the Site to remain until new building construction commences at a particular, individual building on the Site, at which time said new building construction shall comply with the provisions of the MUDD district, subject to the conditions set forth in this Rezoning Petition.
- f. Alterations and renovations to existing structures which do not require the removal of the structure and which do not otherwise comply with all applicable provisions of the MUDD district shall be permitted to undergo said alterations and renovations without compliance to those provisions of the MUDD district which said structure does not currently comply with. In any event, existing buildings which are renovated shall not increase in non-conformance through such renovations (for example: eliminating existing windows at street level).
- g. The MUDD (O) is provided here to permit flexibility from the MUDD district streetscape design requirements (for example: the location of existing sidewalks, street trees, landscaping areas, etc.) as there may be instances when the established streetscape design shall remain "as is" or may be modified (for example, allow sidewalks to meander to protect existing trees) without strict adherence to the required streetscape design. Such optional design shall be jointly and respectively determined by the petitioner and the staff of the Charlotte-Mecklenburg Planning Commission on the basis of assessing the overall practicality of implementing the required streetscape design versus such factors as the locations and maturity of present trees and landscaping, the location and width of present sidewalks, the existence of other trees and landscaping which pose as an interference, the location of present and future buildings, whether or not pedestrian benefits are significantly enhanced, and other similar considerations which would have a practical bearing on the implementation of required streetscape designs or not.

h. The MUDD (O) is provided herein to permit existing signage on the Site to remain until new development commences at a particular, individual portion on the Site, at which time said new development shall comply with the signage provisions of the MUDD district subject to the conditions set forth in this Rezoning Petition.

i. The MUDD (O) is provided herein to permit existing lighting conditions on the Site to remain until new development commences at a particular, individual portion on the Site, at which time said new development shall comply with the lighting provisions of the MUDD district, subject to the conditions set forth in this Rezoning Petition.

**4. PERMITTED USES**

- a. Any new development on the Site will be devoted to use as a Community College Campus, including, but not limited to, classrooms, labs, conference rooms or centers and offices, together with incidental and/or accessory uses associated therewith, that are permitted under the Ordinance by right or under prescribed conditions in the MUDD Zoning District.

**5. TRANSPORTATION:**

- a. Parking:
  - (1) Quantities and design of surface. New parking or loading areas developed on the Site shall comply with all applicable requirements and regulations of the MUDD zoning district. New bicycle parking spaces, long term and short term, developed on the Site shall be provided in accordance with the Ordinance. Any parking decks along public streets shall comply with MUDD requirements for ground floor treatment.
- b. Driveways:
  - (1) Access to the Site will be determined after orientation of the proposed buildings in relation to the adjacent rights of way is established; provided, however, each parcel shall have access along each right of way it abuts.
  - (2) Adequate sight triangles for any new development of the Site shall be reserved at the street entrance(s). All proposed trees, berms, walls, fences, and/or identification signs must not interfere with sight distances at the entrance(s). If reasonably required by CDOT, Petitioner will conduct a traffic impact study to determine traffic impacts, if any, caused by the development of the Site once a CPCC development plan is adopted and before a building permit is issued for the Site.
  - (3) Any existing/proposed driveway connections to 4th Street and Charlottoetowne Avenue will require driveway permits to be submitted to CDOT for review and approval. The exact driveway locations and type/width of the driveways will be determined by CDOT during the driveway permit process, provided however, Petitioner shall be permitted to have access along each right of way a particular parcel abuts.
  - (4) All proposed commercial driveway connections to a future public street will require a driveway permit to be submitted to CDOT for review and approval.
  - (5) Any fence or wall constructed along or adjacent to any sidewalk or street right of way requires a certificate issued by CDOT.
  - (6) A Right of Way Encroachment Agreement is required for installation of any nonstandard item(s) (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 item(s). Contact CDOT for additional information concerning cost, submittal and liability insurance coverage requirements.

**6. ARCHITECTURAL STANDARDS:**

- a. Building materials such as brick and cast stone elements and architectural styles for new building construction and/or renovations to existing buildings on the Site will harmonize with, and be comparable to, the materials and architectural styles of those buildings located on Petitioner's existing Central Campus (the "Existing Campus"). Exterior building materials for new building construction and/or renovations to existing buildings will not include vinyl or sheet metal siding.

**7. STREETScape AND LANDSCAPING:**

- a. Subject to the conditions set forth herein, it is intended that each building site shall comply with required streetscapes as each new building is constructed.

**8. SIGNAGE**

- a. Any new signage on the Site shall be regulated by all applicable standards and requirements of the Ordinance, subject to the conditions set forth herein.

**9. LIGHTING:**

- a. Subject to the conditions set forth herein, freestanding lighting will be limited to twenty five feet in height. All lighting to have full cut-off lighting fixtures.
- b. Any new lighting on the Site shall be regulated by all applicable standards and requirements of the Ordinance and shall harmonize with and be comparable to the lighting located on the Existing Campus.

**AMENDMENTS TO REZONING PLAN:**

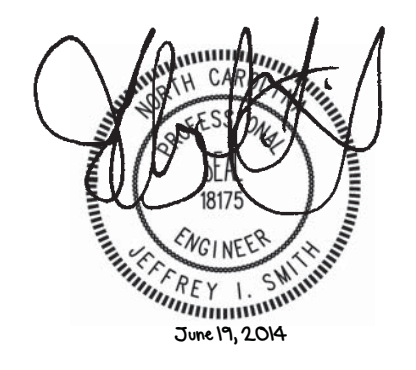
Future amendments to this Conditional Plan, including these development conditions may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.

**VESTING:**

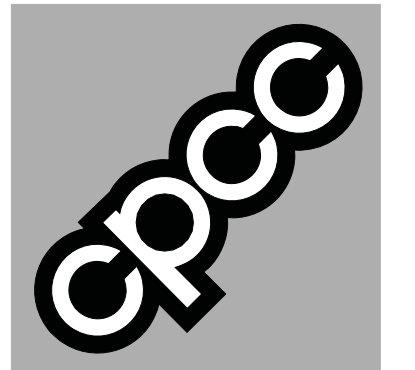
Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. §160A-385.1, due to the nature of the redevelopment, the level of investment, the timing of the redevelopment and certain infrastructure, economic cycles and market conditions this Rezoning Petition includes vesting of the approved Conditional Plan and conditional zoning district associated with this Rezoning Petition for a five (5) year period

**BINDING EFFECT OF THE REZONING PETITION:**

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



Submittal Date: April 28, 2014  
Revision Dates:  
Zoning Submittal No. 2 June 20, 2014



**CPCC Central Campus**  
Charlotte, NC

**Rezoning Petition**  
**2014-056 For**  
**Public Hearing**

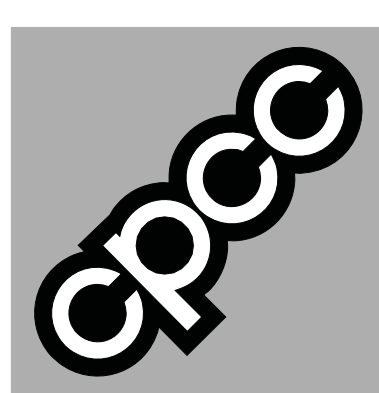
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**Site Development Standards**

**RZ-2**



Submitted Date: April 28, 2014  
Revision Dates:  
Zoning Submittal No. 2 June 20, 2014



### CPCC Central Campus

Charlotte, NC

## Rezoning Petition 2014-056 For Public Hearing

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Existing Conditions

# RZ-3

**THE SURVEY COMPANY, INC.**  
4103 S. STUART ANDREW BLVD  
CHARLOTTE, NC 28217  
(704) 544-7970 (704) 544-7972 FAX  
WWW.SURVEYCO.COM  
REGISTRATION NUMBER C-1716

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**REZONING SITE PLAN  
CPCC MAIN CAMPUS**  
TAX #125-109-01, 125-101-15,  
125-104-02, AND 123-104-12  
CITY OF CHARLOTTE  
MECKLENBURG COUNTY - NORTH CAROLINA

**PROPERTY OWNERS:**  
THE TRUSTEES OF CENTRAL  
Piedmont COMMUNITY COLLEGE  
1305 E. SEVENTH STREET  
CHARLOTTE, NC 28235  
CONTACT: VICKI SAYLLE AIA  
PHONE: 704.530.6284

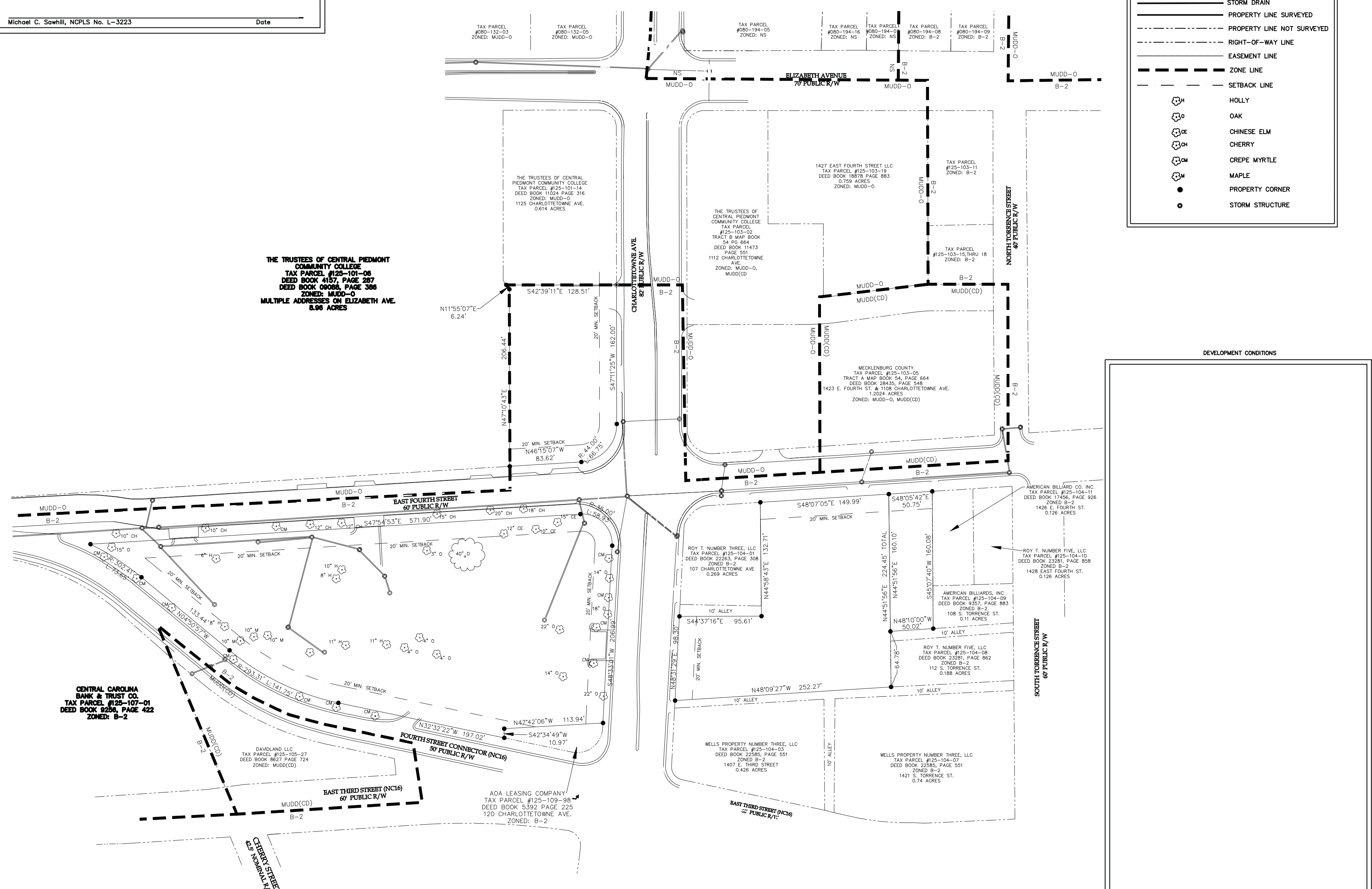
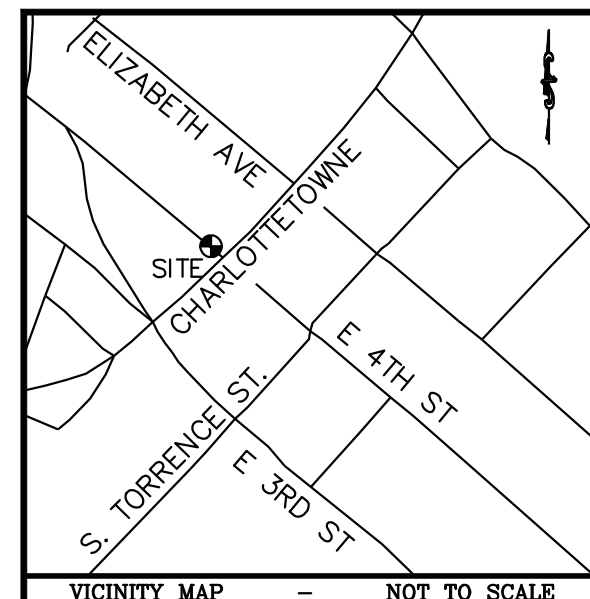
**PREPARED FOR:**  
CPCC DESIGN AND  
CONSTRUCTION DIVISION  
1505 E. SEVENTH STREET  
CHARLOTTE, NC 28235  
CONTACT: VICKI SAYLLE AIA  
PHONE: 704.530.6284

**PROJECT NUMBER:** CPC 40  
**SURVEYED BY:** TSCI  
**DRAWN BY:** CCG  
**CHECKED BY:** MDS  
**ISSUE DATE:** 04/25/2014  
**REVISIONS:**

**CAD FILE:** CPC40\_042514.DWG

### "PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES OR SALE"

**SURVEYOR'S CERTIFICATION**  
I certify that this map was prepared under my direct supervision from (1) actual surveys performed by me; (2) record information obtained from the Mecklenburg County Register of Deeds (deeds and plats filed herein) and; (3) surveys by others. This map constitutes a compiled map for the purposes of a re-zoning site plan and the boundary lines and their relationship between individual parcels are approximate and for informational purposes only. A complete field survey was not performed to verify the dimensions shown herein. This map does not represent a boundary survey as defined by Sec. 1600 - Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600). Planimetric features, including storm drainage systems, street curb lines and trees have been adopted from Mecklenburg County GIS and aerial photogrammetric data sets available to the public.  
Michael C. Sawhill, NGLS No. L-3223 Date \_\_\_\_\_



- GENERAL NOTES**
1. ALL DISTANCES ARE HORIZONTAL MEASUREMENTS UNLESS OTHERWISE NOTED.
  2. ALL AREAS ARE CALCULATED BY THE COORDINATE COMPUTATION METHOD.
  3. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
  4. SUBJECT PROPERTY IS LOCATED WITHIN FLOOD ZONE (X) AS DEFINED BY FEMA-FIRM COMMUNITY PANEL NO. 371045300J BEARING AN EFFECTIVE DATE OF MARCH 02, 2006.
  5. BASIS OF HORIZONTAL DATUM IS NC GRID NAD 83 (2011).

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<b>REQUEST</b>	Current Zoning: R-3 (LLWCA), single family residential, Lower Lake Wylie Critical Area Proposed Zoning: O-2 (LLWCA), office, Lower Lake Wylie Critical Area
<b>LOCATION</b>	Approximately 0.23 acres located on the south side of York Road at the intersection of Langston Drive and York Road. (Outside City Limits)
<b>SUMMARY OF PETITION</b>	The petition proposes a change in zoning to allow all uses in the office district for the subject property.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition. This petition is consistent with the <i>Steele Creek Area Plan</i> .
<b>PROPERTY OWNER</b>	Craig and Amy Faile
<b>PETITIONER</b>	Craig and Amy Faile
<b>AGENT/REPRESENTATIVE</b>	N/A

---

#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**  
This is a conventional rezoning petition with no associated site plan.
  - **Existing Zoning and Land Use**
    - The subject property is currently zoned R-3, single-family residential, and developed with a residential structure. The surrounding properties are zoned R-3, single-family residential, and O-1(CD), office, conditional, and developed with residential structures or vacant.
  - **Rezoning History in Area**
    - Petition 2013-004 rezoned 2.63 acres west of the subject site to allow a maximum of 25,000 square feet of O-1 (office) uses.
  - **Public Plans and Policies**
    - The *Steele Creek Area Plan* (2012) recommends mixed use (residential, office and/or retail) for this site if part of a well-designed pedestrian oriented master plan. Buildings should be oriented toward the street, scale should be compatible with scale and character of adjacent Palisades neighborhood, and the number of free standing single tenant buildings should be kept to a minimum so as not to compromise walkability.
    - The small size and character of the parcel will allow for compact office use consistent with the *Steele Creek Area Plan*.
    - The petition is consistent with the *Steele Creek Area Plan*.
- 

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**  
Current Zoning: 20 trips per day.  
Proposed Zoning: 150 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development under the existing zoning could generate one student while the proposed zoning could produce two students. The net change in the number of students from the existing zoning to proposed zoning is one.

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

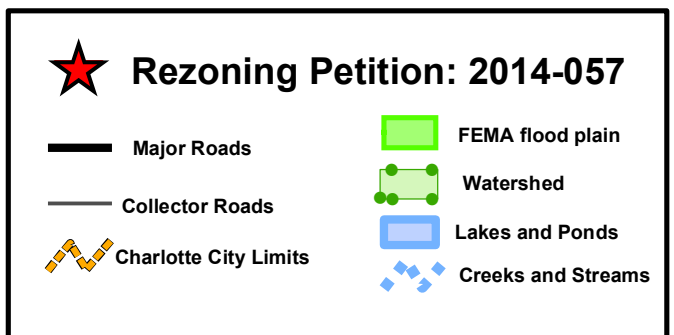
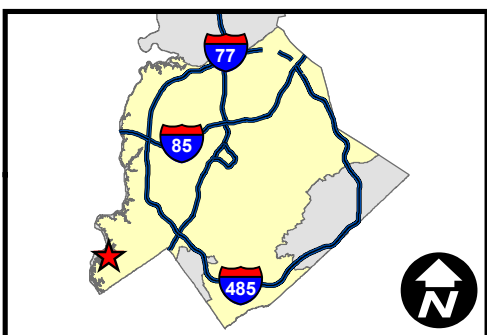
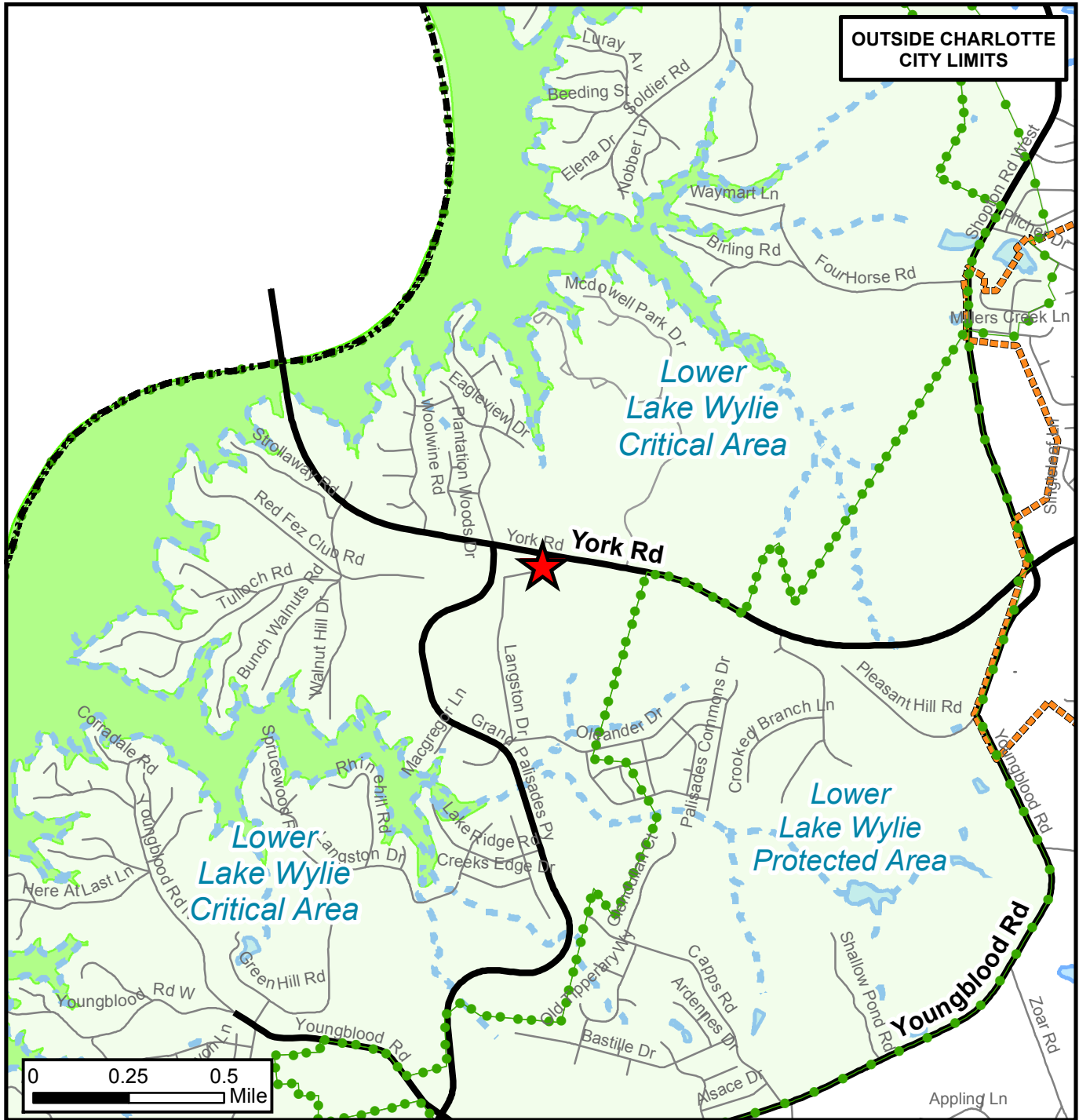
**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg 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

**Planner:** Sonja Sanders (704) 336-8327



**Acreage & Location :** Approximately 0.229 acres located on the south side of York Road at the intersection of Langston Drive and York Road.



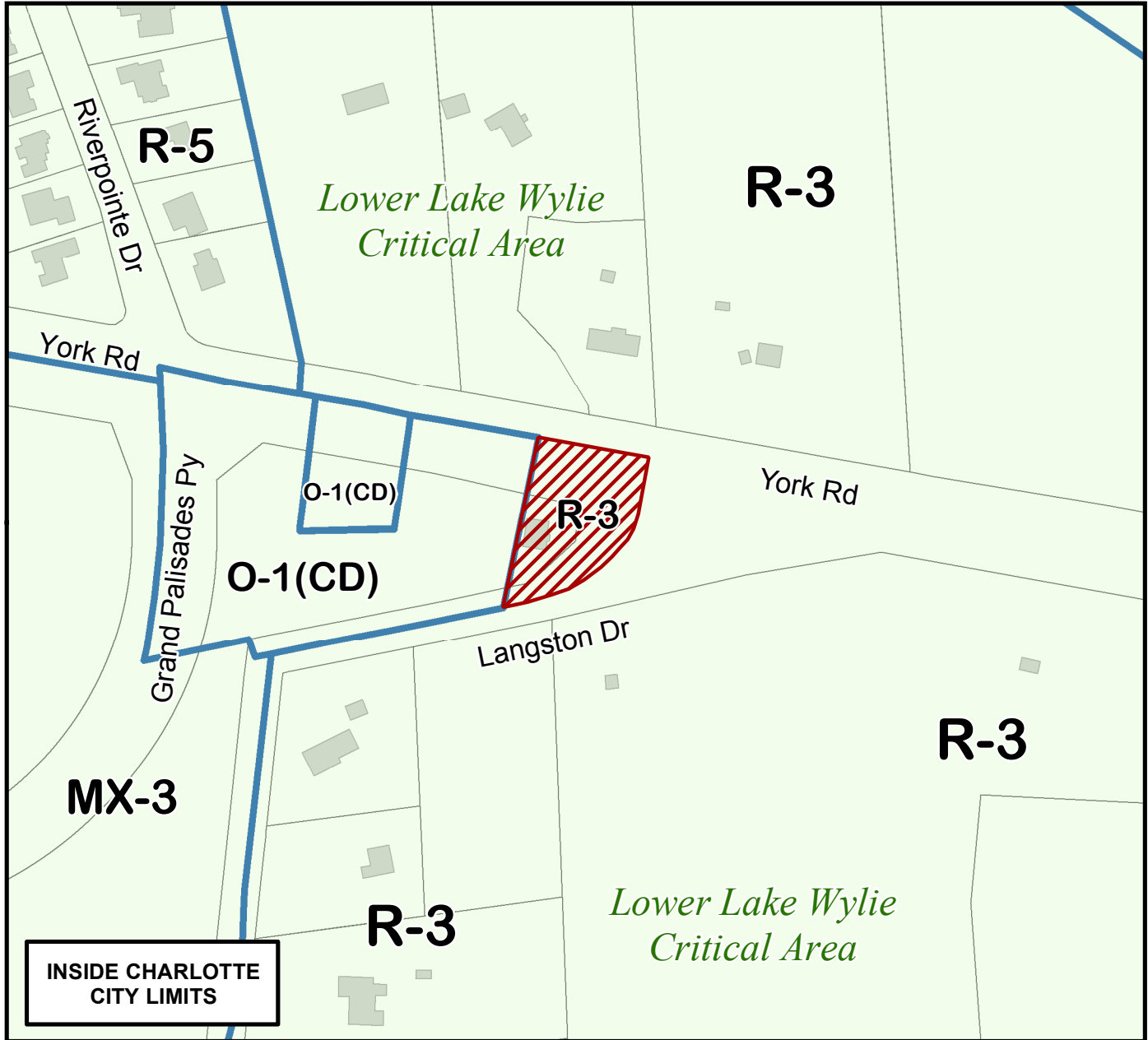
Petition #: **2014-057**

Petitioner: **Craig & Amy Faile**

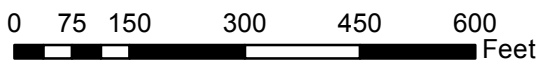
Zoning Classification (Existing): **R-3 (LLWCA)**  
(Single Family, Residential, Lower Lake Wylie Critical Area)

Zoning Classification (Requested): **O-2 (LLWCA)**  
(Office, Lower Lake Wylie Critical Area)

Acreage & Location: Approximately 0.229 acres located on the south side of York Road at the intersection of Langston Drive and York Road.

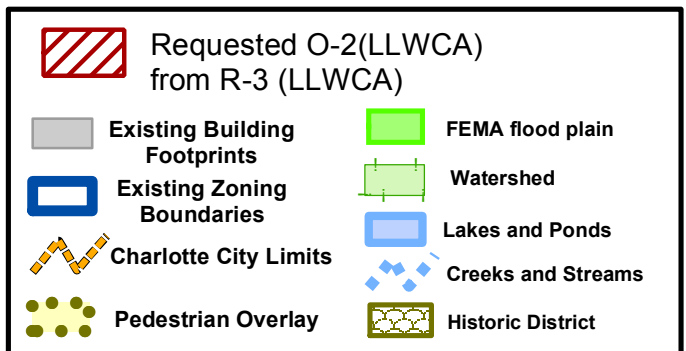


Map Produced by the Charlotte-Mecklenburg Planning Department, 5-19-2014.



Zoning Map #(s)

**172**



<b>REQUEST</b>	Current Zoning: R-17MF (multi-family residential) Proposed Zoning: MUDD-O (mixed use development, optional)
<b>LOCATION</b>	Approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow for the construction of a seven-story, 70-foot high building with two hotels containing a total of 285 rooms. Surface and structured parking will be provided as well as a street through the northern end of the site extending to the northwest corner of the property. The petitioner is requesting several optional provisions.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of the petition upon resolution of outstanding issues. The petition is inconsistent with the <i>SouthPark Small Area Plan</i> , which reflects the existing multi-family use with limited retail/services use, and also exceeds the plan's height recommendation. However, the proposed use has some residential characteristics and is compatible with the surrounding development. The proposal also benefits connectivity by providing a street connection through the site.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Old Towne Investments, LLC Crosland LLC and Allen Tate Collin Brown & Bailey Patrick, Jr., K&L Gates, PA
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows a single building with up to two hotels with a total of 285 rooms and accessory structures.
- Provides surface and structured parking.
- Limits the maximum square footage of the building to 170,000-square feet and parking structure to 72,000-square feet for a maximum floor area ratio of 1.52.
- Limits the building height to seven-stories and 70-feet exclusive of architectural features.
- Limits the parking structure to one above ground level and a maximum height of 25 feet.
- Provides a proposed street through the site along the northern end of the property from Sharon Road to the northwestern corner of the site.
- Reserves the right for the street to be private and converted to a public street at the petitioner's option, provided it is designed to public street standards.
- Provides a CATS waiting pad on the site adjacent to Sharon Road.
- Specifies that buildings will be similar to the elevations shown on the "Conceptual Renderings" and states that exterior building materials may include brick, stone, cast stone, precast concrete, cementitious siding, stucco, EIFS, and metal panel.
- Provides active ground floor uses along the site's Sharon Road frontage.
- Specifies that at least 50% of the building wall elevation facing Sharon Road shall include clear glass windows or operable doors.
- Commits to designing and constructing parking areas so headlights are not directly visible from single family uses along Walden Court and Hazelton Drive to the extent reasonably possible.
- Provides a 20-foot rear yard along the site's western boundary and a ten-foot wide side yard along the site's southern boundary with a ten-foot wide landscape buffer with eight-foot tall wood or PVC panel fence along the site's western and southern boundaries.
- Provides a six-foot sidewalk and eight-foot planting strip along the site's frontage on Sharon Road, with a five-foot planting strip between the proposed structure and proposed sidewalk along Sharon Road.

- Commits to screening the portions of the parking structure located near the southwest corner of the site with a “green screen” as depicted on the Conceptual Site Plan.
- Commits to an eight-foot tall vertical wall along top level of the portion of the parking structure facing tax parcel 179-011-58.
- Provides open space with a courtyard and pool amenity area.
- Limits the height of building mounted signage to 20 feet for elevations facing Walden Court and Hazelton Drive.
- Limits height of freestanding lighting to 20 feet and lighting on the top level of the parking structure to 12 feet. Requires all lighting to be shielded with full cut-off fixtures. Provides capped, downwardly directed attached lighting.
- Optional requests:
  1. Water quality and stormwater facilities located within setbacks and beneath parking areas and sidewalks.
  2. Building access features extending into setback areas.
  3. Short-term surface level areas for: parking, drive, drop off areas, valet parking; and service areas for deliveries and loading between the building and streets.
  4. Innovative street design standards, provided that such designs are acceptable to CDOT.
  5. Detached ground mounted identification signage located at the intersection of the proposed street and Sharon Road.
- **Existing Zoning and Land Use**
  - The property is currently used for multi-family residential with three buildings and total of 40 dwelling units.
  - Properties to the west and south are zoned R-3 (single family residential) with single family uses. The property to the north is zoned B-2(CD) (general business, conditional) with a commercial shopping center. The property to the east, across Sharon Road, is zoned MUDD-O (mixed use development, optional) and MUDD(CD) (mixed use development, conditional) with commercial and multi-family uses.
- **Rezoning History in Area**
  - A number of rezonings have taken place to accommodate high density residential, non-residential and institutional land uses.
- **Public Plans and Policies**
  - The *SouthPark Small Area Plan* (2000) recommends multi-family with limited retail/service uses. The Plan also states that new development should be compatible with surrounding development and specifically recommends building heights, abutting single family neighborhoods be limited to 40 feet, with higher buildings permitted further from single family.
  - The petition is inconsistent with the *SouthPark Small Area Plan*. However, the proposal has some residential characteristics and is compatible with surrounding development. The proposed height exceeds the plan recommendation of 40 feet abutting single family residential uses. However, the existing zoning would allow a base height of 40 feet with tiered or setback buildings up to 100 feet. In addition, approved plans across Sharon Road permitted heights up to 55 feet adjacent to residential uses. Based on these reasons, staff could support a tiered building with a height up to 55 feet adjacent to residential uses and increased up to 70 feet along the proposed internal street.

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

- **Charlotte Area Transit System:** Amend note 4. (d) to specify that the CATS waiting pad will be provided according to standard detail 60.01B.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** The petitioner should provide a street connection along the petitioner’s site running parallel to the northernmost property line.
  - **Vehicle Trip Generation:**  
Current Zoning: 500 trips per day.  
Proposed Zoning: 2,300 trips per day.
  - **Connectivity:** See comments above.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.

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

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

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - The project utilizes existing infrastructure through the redevelopment of the site.

#### **OUTSTANDING ISSUES**

- The petitioner should:
    1. Reduce the maximum height of the portions of the building adjacent to single family residential from 70 feet to 55 feet. This should be achieved by reducing the height to 55 feet for the two building wings extending towards the single family zoning to the south and a maximum of 70 feet for the main portion of the building along the proposed street.
    2. Amend the maximum building height in the development data to reflect reduced height of 55 feet for the two building wings extending towards the single family zoning to the south and a maximum of 70 feet for the main portion of the building along the proposed street.
    3. Revise the architectural perspectives to reflect the reduced height of the two building wings.
    4. Address CDOT issue.
    5. Address CATS issue.
    6. Revise optional provision 2. (c) to clearly explain what is requested. If needed separate into individual optional provisions.
    7. Remove optional provision 2. (d) or amend to clearly explain what is meant by "innovative street design."
    8. Amend optional provision 2. (e) to specify the maximum allowed number, size, and height of ground mounted signs to be allowed.
    9. Amend note 2. (e) by replacing the words "access driveway" with the word "street."
    10. Provide eight-foot planting strips and six-foot sidewalks along both sides of the street extension.
    11. Provide a 14-foot setback along the proposed back of curb for the proposed internal street.
    12. Provide Type II modified driveways where drives intersect with the proposed internal street.
    13. Stub the proposed street to the property line or provide a note committing to rights for future extension.
    14. Specify on the conceptual site plan that an eight-foot planting strip and six-foot sidewalk will be provided along Sharon Road from the proposed street to the northern property line.
    15. Remove note 4. (c) and provide a note that allows public access to the private street.
    16. Amend note 6. (a) to specify how headlights will be screened from view of the single family homes.
    17. Specify the minimum spacing from trees and shrubs located in the ten-foot wide buffer described in note 6. (d).
    18. Replaced the words "Technical Data Sheet" with "Conceptual Site Plan" in note 8.
    19. Provide a description of the open space to be provided.
    20. Remove note 11. (d) as it is repeated.
- 

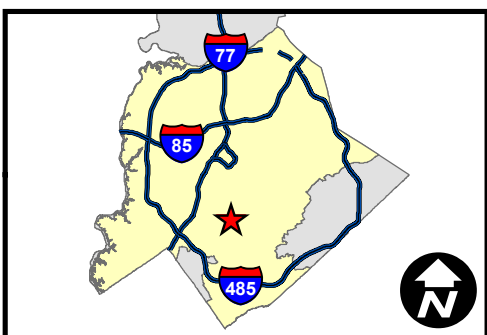
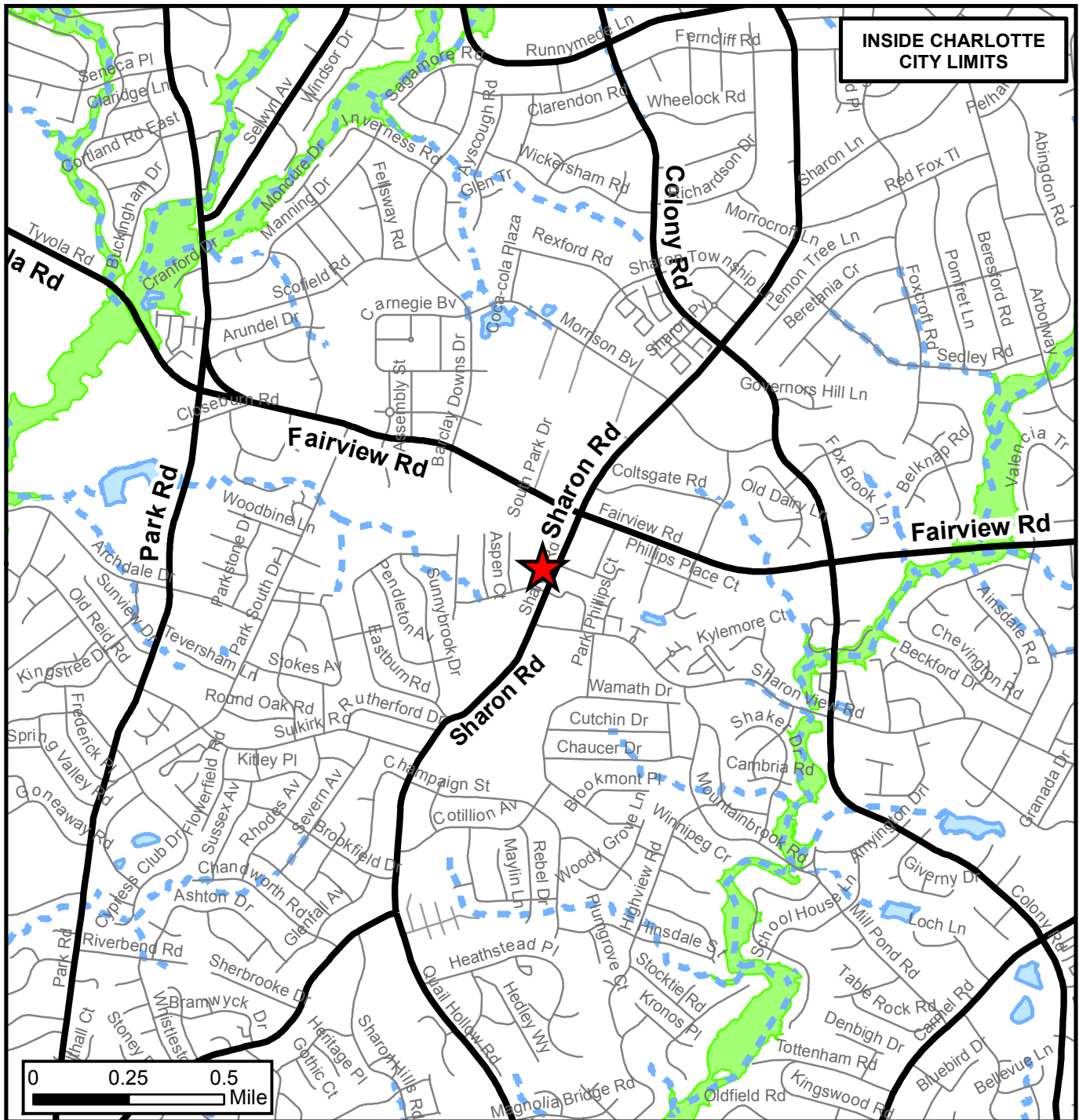
#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- 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

**Acreage & Location :** Approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive.



**★ Rezoning Petition: 2014-059**

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

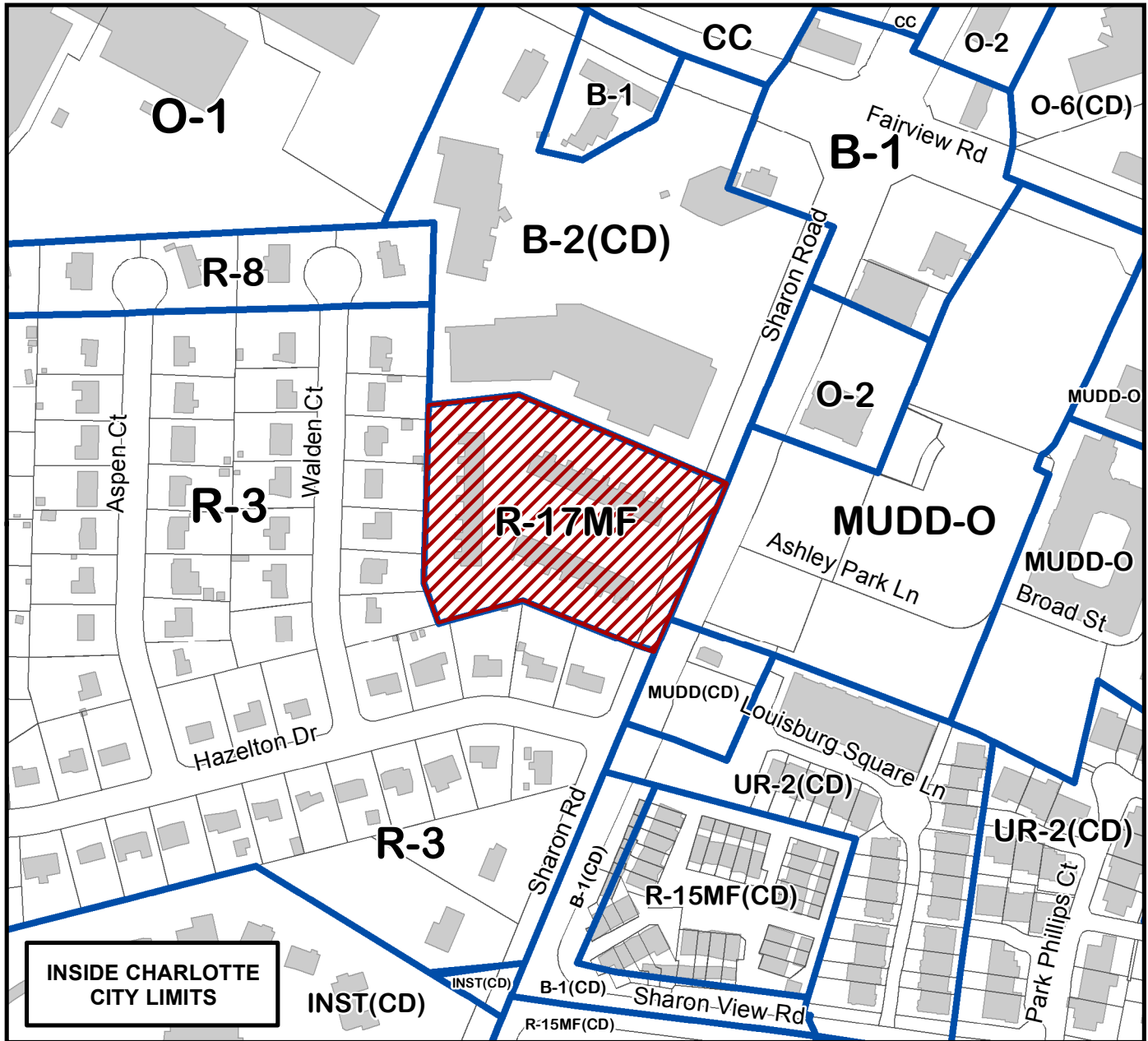
Petition #: **2014-059**

Petitioner: **Crosland LLC and Allen Tate**

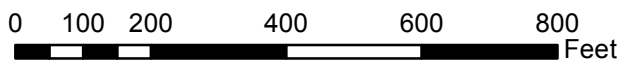
Zoning Classification (Existing): **R-17MF**  
(Multi-Family, Residential)

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

Acreage & Location: Approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive.

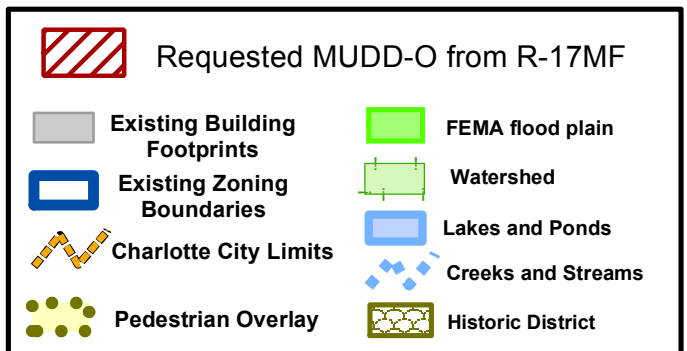


Map Produced by the Charlotte-Mecklenburg Planning Department, 5-2-2014.



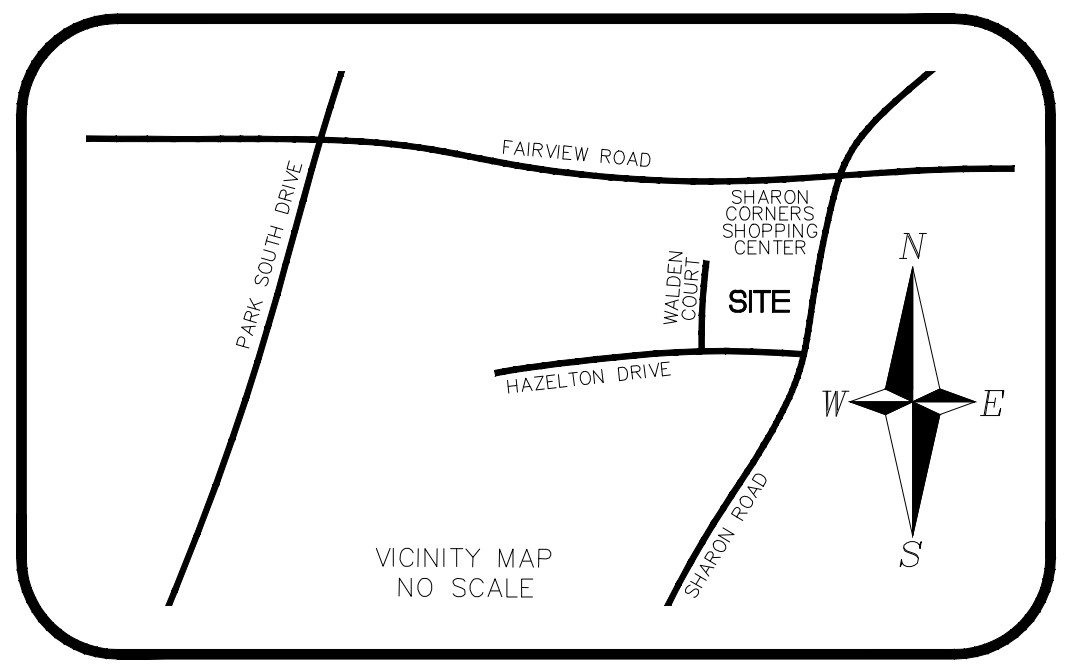
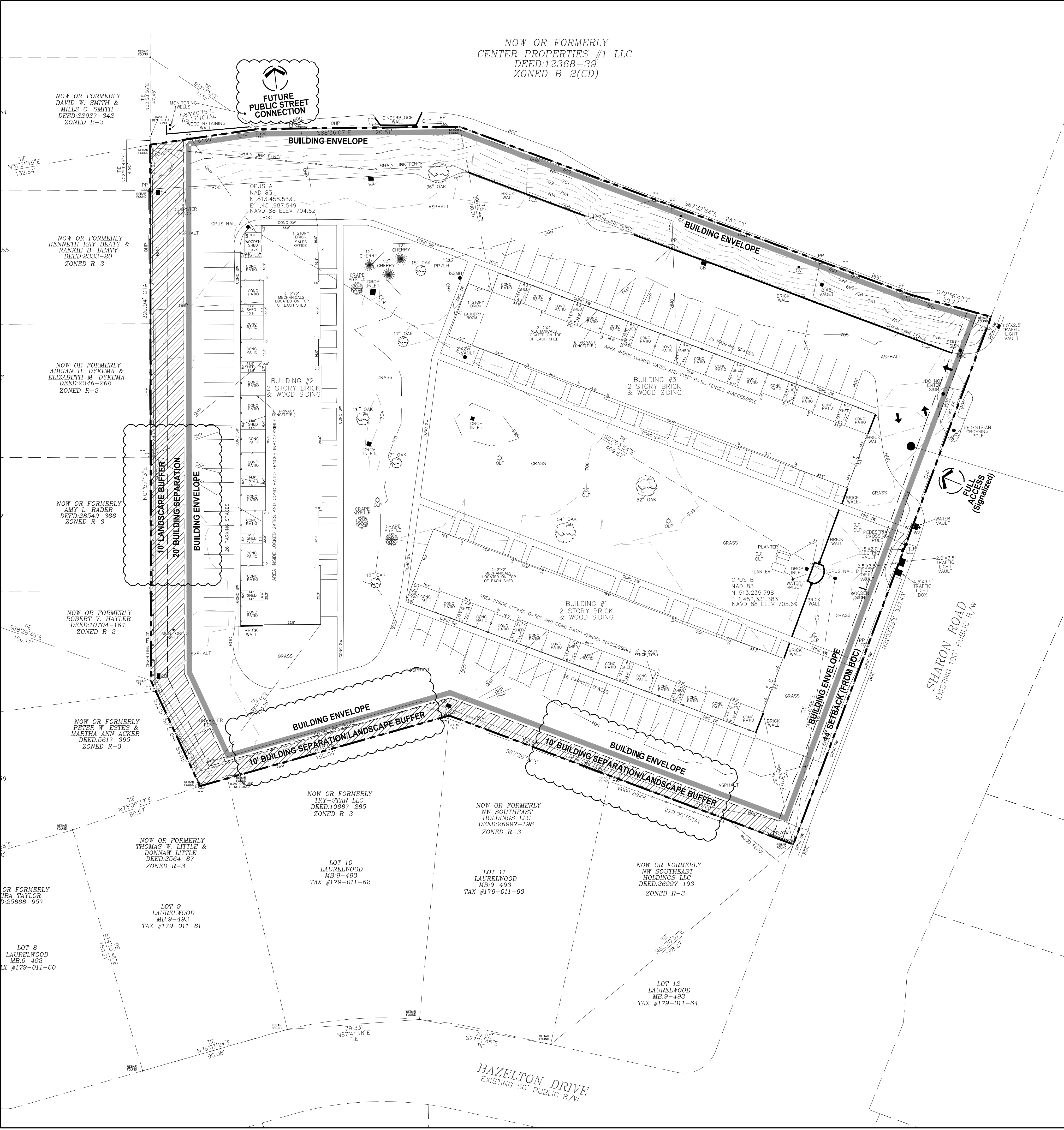
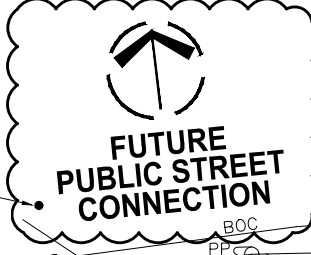
Zoning Map #(s)

**135**





NOW OR FORMERLY  
CENTER PROPERTIES #1 LLC  
DEED:12368-39  
ZONED B-2(CD)



VICINITY MAP  
NTS

REZONING PETITION NO. 2014-059  
DEVELOPMENT STANDARDS  
CROSLAND, LLC and ALLEN TATE  
June 20, 2014

DEVELOPMENT DATA TABLE

Site Area:	3.65 acres +/-
Tax Parcels:	179-011-65
Existing Zoning:	R-17MF
Proposed Zoning:	MUDD-O
Existing Uses:	Multi-family
Proposed Use:	Up to two hotels and accessory uses
Maximum Development:	Up to 285 Hotel Rooms
Maximum Square Footage:	170,000 (hotel structure) 72,000 (parking structure area)
Maximum FAR:	1.07 (1.52 including parking structure)
Maximum Building Height:	7 Stories, 70' (Exclusive of architectural features)
Parking:	Parking shall meet or exceed Ordinance requirements.

1. General Provisions

The purpose of this rezoning request is to accommodate the redevelopment of an approximately 3.65 acre property located on the west side of Sharon Road between Fairview Road and Hazelton Drive also identified as Mecklenburg County Tax Parcel 179-011-65 (the "Site").

Development of the Site will be governed by the accompanying Technical Data Sheet, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Additionally, development of the Site shall be generally consistent with the design intent illustrated on the Conceptual Site Plan and Conceptual Architectural Renderings.

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

The development depicted on the Technical Data Sheet is intended to reflect the setbacks, building envelopes and vehicular access point related to the proposed development on the Site. The Petitioners have also provided a Conceptual Site Plan and Conceptual Architectural Renderings which are conceptual in nature and therefore are subject to refinements as part of the overall design process.

Alterations or modifications which in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the Technical Data Sheet or its respective conditions as well as any changes which increase the intensity of development 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. MUDD-O Optional Provisions

The Petitioners propose to utilize the MUDD-O provisions of the Ordinance in order to accommodate the following:

- (a) Water quality and stormwater detention facilities located within setback areas and beneath parking areas and sidewalks. However, such facilities may not be located within the right-of-way.
- (b) Building access features extending into setback areas.
- (c) Short-term surface-level: parking, drives, drop off areas, valet parking; and service areas for uses such as mail delivery, loading and delivery within areas between public or private streets and buildings fronting these streets.
- (d) Innovative street design standards, provided that such designs are acceptable to CDOT.
- (e) Detached, ground-mounted project identification signage located at the intersection of Sharon Road and the proposed access driveway connecting the Site to Sharon Road.

3. Permitted Uses and Maximum Development

The Site may be developed with up to two hotels containing, in the aggregate, up to 285 rooms and any accessory uses permitted in the MUDD zoning district.

4. Transportation

- (a) Vehicular access will be as generally depicted on the Technical Data Sheet. The placements and configurations of the vehicular access point shown on the Technical Data Sheet are subject to any modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval.
- (b) The Petitioners reserve the right to deviate from the street design depicted on the Technical Data Sheet, provided any proposed change is approved in advance by CDOT.
- (c) All private streets may be converted to public streets at the Petitioners' option, provided they are designed to public street standards.
- (d) Petitioner shall provide a CATS waiting pad adjacent to Sharon Road.

5. Architectural Standards

- (a) Exterior building materials may include brick, stone, cast stone, precast concrete, cementitious siding, stucco, EIFS, and metal panel.
- (b) The building constructed on the Site shall be substantially similar in all material respects to the elevations shown on Conceptual Rendering, provided however, that changes shall be permitted as long as the overall design intent is maintained.
- (c) All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.
- (d) Dumpster areas will be enclosed on all four sides by an opaque wall with one side being a hinged opaque gate. 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) Active ground-floor uses shall be provided along the Site's Sharon Road frontage. At least 50% of the proposed building wall elevation facing Sharon Road shall include clear glass windows or operable doors. Clear glass requirements shall not be satisfied through the use of display windows.
- (f) The proposed parking structure shall be limited to one above-ground level and shall not exceed twenty five (25) feet in height.

6. Streetscape and Landscaping

- (a) Petitioners shall design and construct those parking areas within the Site that abut single-family lots facing Walden Court or Hazelton Drive so that, to the extent reasonably possible, headlights from vehicles within those parking areas are not directly visible from these single-family lots.
- (b) Petitioners shall provide a twenty (20) foot wide rear yard along the Site's western boundary.
- (c) Petitioners shall provide a ten (10) foot wide side yard along the Site's southern boundary.
- (d) Petitioners shall provide a ten (10) foot wide landscape buffer along the Site's western and southern boundaries. In addition to trees and shrubs, Petitioner shall provide an eight (8) foot tall opaque fence with wood or PVC panels within this landscape buffer area.
- (e) Petitioner shall provide a six (6) foot wide sidewalk and eight (8) foot wide planting strip along the Site's frontage on Sharon Road. The sidewalk may meander into the planting strip as necessary to accommodate objects within the planting strip.
- (f) Petitioner shall provide a planting strip at least five (5) feet in width between the proposed structure and the proposed sidewalk along Sharon Road.
- (g) Portions of the parking structure located near the southwest corner of the Site shall be screened with a "green screen," a detail of which is generally depicted on the Conceptual Site Plan.
- (h) The top level of the proposed parking structure shall include an eight (8) foot tall vertical wall along portions of the exterior edges facing Tax Parcel 179-011-58.

7. Environmental Features

Development on the Site shall comply with the Post Construction Controls Ordinance.

8. Open Space

Open Spaces will be provided in areas generally depicted on the Technical Data Sheet.

9. Fire Protection

Fire protection shall be provided in conformity with the specifications of the Fire Marshal.

10. Signage

No building sign mounted over twenty feet above average grade on any building elevation which faces towards Walden Court or Hazelton Drive shall be permitted.

11. Lighting

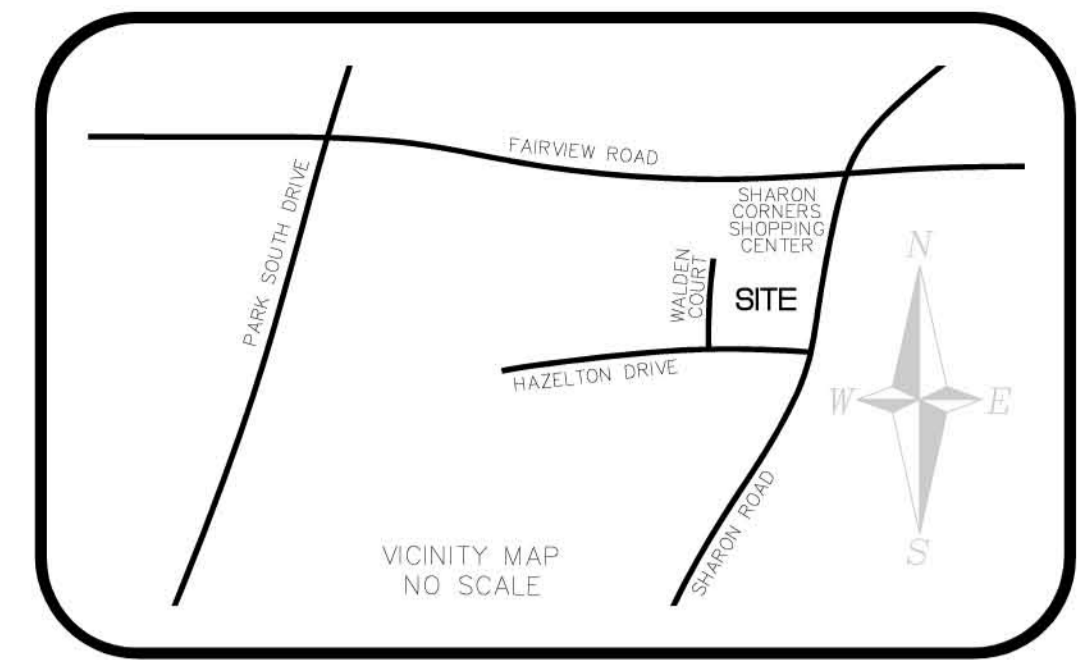
- (a) Freestanding lights shall not exceed 20 feet in height.
- (b) Any lighting attached to an exterior building wall facing towards Walden Court or Hazelton Drive shall be capped and downwardly directed.
- (c) All parking lot lighting fixtures will be shielded with full cut-off fixtures.
- (d) Any lighting attached to an exterior building wall facing towards Walden Court or Hazelton Drive shall be capped and downwardly directed.
- (e) Lighting located on the top level of proposed parking structure shall not exceed twelve (12) feet in height and shall be shielded with full cut-off fixtures.

OLD TOWNE REDEVELOPMENT  
REZONING PETITION No. 2014-059  
OLD TOWNE INVESTMENTS, LLC  
EXISTING SITE CONDITIONS/NOTES

REVISIONS:  
06/20/14 - REVISED PER STAFF COMMENTS

DATE: 06/28/14  
DESIGNED BY: RMB  
CHECKED BY: AM  
QC BY: JCB  
SCALE: 1"=30'  
PROJECT #: 1014158  
SHEET #:  
RZ-1

LandDesign  
221 N. Graham Street, Charlotte, NC 28202  
P: 704.333.8372 F: 704.332.3246  
www.LandDesign.com

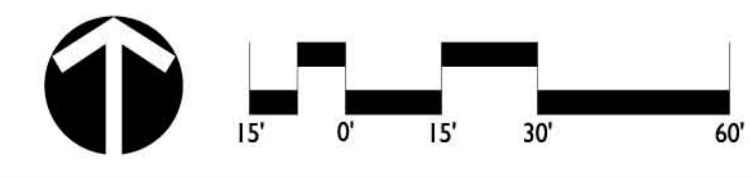


**OLD TOWNE REDEVELOPMENT**  
**REZONING PETITION No. 2014-059**  
OLD TOWNE INVESTMENTS, LLC  
**CONCEPTUAL SITE PLAN**

REVISIONS:  
06/20/14 - REVISED PER STAFF COMMENTS

DATE: 04/08/14  
DESIGNED BY: MB  
DRAWN BY: AM  
CHECKED BY: AM  
O.C.B. BY: AM  
SCALE: 1"=30'  
PROJECT #: 1014158  
SHEET #:

**RZ-2**





NORTH



EAST



SOUTH



WEST

<b>REQUEST</b>	Current Zoning: R-5 (single family residential) Proposed Zoning: UR-1(CD) (urban residential, conditional)
<b>LOCATION</b>	Approximately 0.46 acres located on the east side of North McDowell Street between East 35th Street and East 36th Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to rezone the subject site in order to subdivide two single family parcels into three lots. One of the existing parcels is developed with two dwelling units, which is not in compliance with the current Ordinance. Creation of the third lot will allow all three dwellings to be located on individual parcels.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of the outstanding issue. The petition is consistent with the residential land use recommendation in the <i>Blue Line Extension 36<sup>th</sup> Street Transit Station Area Plan</i> , which recommends up to six dwelling units per acre. The proposal results in seven units per acre which is a slight increase from what is recommended in the plan. However, the existing single family dwellings will remain, and this land use pattern is consistent and in character with the surrounding neighborhood.
<b>PROPERTY OWNERS PETITIONER AGENT/REPRESENTATIVE</b>	Day Hixson and Hilary K. Belcher Day Hixson N/A
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Rezone the subject sites which consists of two lots developed with three single family homes in order to allow the creation of three lots with existing homes to remain.
  - Allow single family detached dwellings and related accessory uses as permitted in the UR-1 (urban residential) district.
  - Development note stating that in the event the residential dwellings on the subject parcels are demolished and redevelopment occurs, the sidewalks and planting strips will be installed along abutting streets per ordinance and/or streetscape plan.
- **Existing Zoning and Land Use**
  - The rezoning site consists of two lots developed with three detached single family homes, of which two are situated on the same lot. The homes on the same lot were built in 1914 and 1929, and the other dwelling was built in 1914. The rezoning site is immediately surrounded by primarily single family detached homes on properties zoned R-5 (single family residential), UR-1(CD) (urban residential, conditional), and R-8(CD) (single family residential, conditional).
- **Rezoning History in Area**
  - Approval of petition 2012-080 rezoned approximately 0.29 acres located along North Alexander Street between E. 34<sup>th</sup> Street and E. 35<sup>th</sup> Street from R-5 (single family residential) to R-8(CD) (single family residential, conditional), in order to subdivide a parcel into two lots, allowing the existing single family house to remain and a new single family home to be constructed on the other lot.
  - Approval of petition 2009-061 rezoned approximately 0.50 acres located on the east corner of E. 36<sup>th</sup> Street and N. McDowell Street from R-5 (single family residential) to UR-2(CD) (urban residential, conditional) in order to allow 16 multi-family units and one single family dwelling on a separate lot, at a density of 34 dwelling units per acre.
- **Public Plans and Policies**
  - The *Blue Line Extension 36<sup>th</sup> Street Transit Station Area Plan* recommends low density

residential development up to six dwelling units per acre in this area.

- The proposed land use is consistent with the *Blue Line Extension 36<sup>th</sup> Street Transit Station Area Plan*. The proposal results in seven units per acre which is a slight increase in density (approximately 7 units per acre) over from what is recommended in the plan. However, the existing single family dwellings will remain, and this land use pattern is consistent and in character with the surrounding neighborhood.
- 

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
    - **Vehicle Trip Generation:**  
Current Zoning: 20 trips per day.  
Proposed Zoning: 30 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 comments received.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
- 

#### **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**

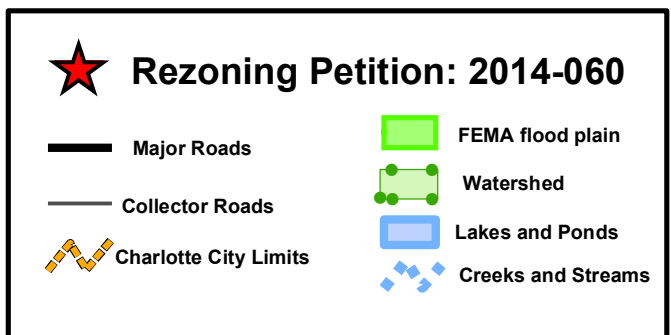
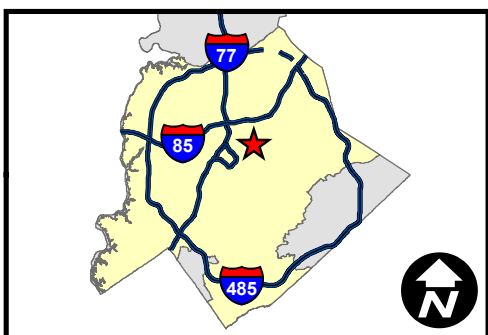
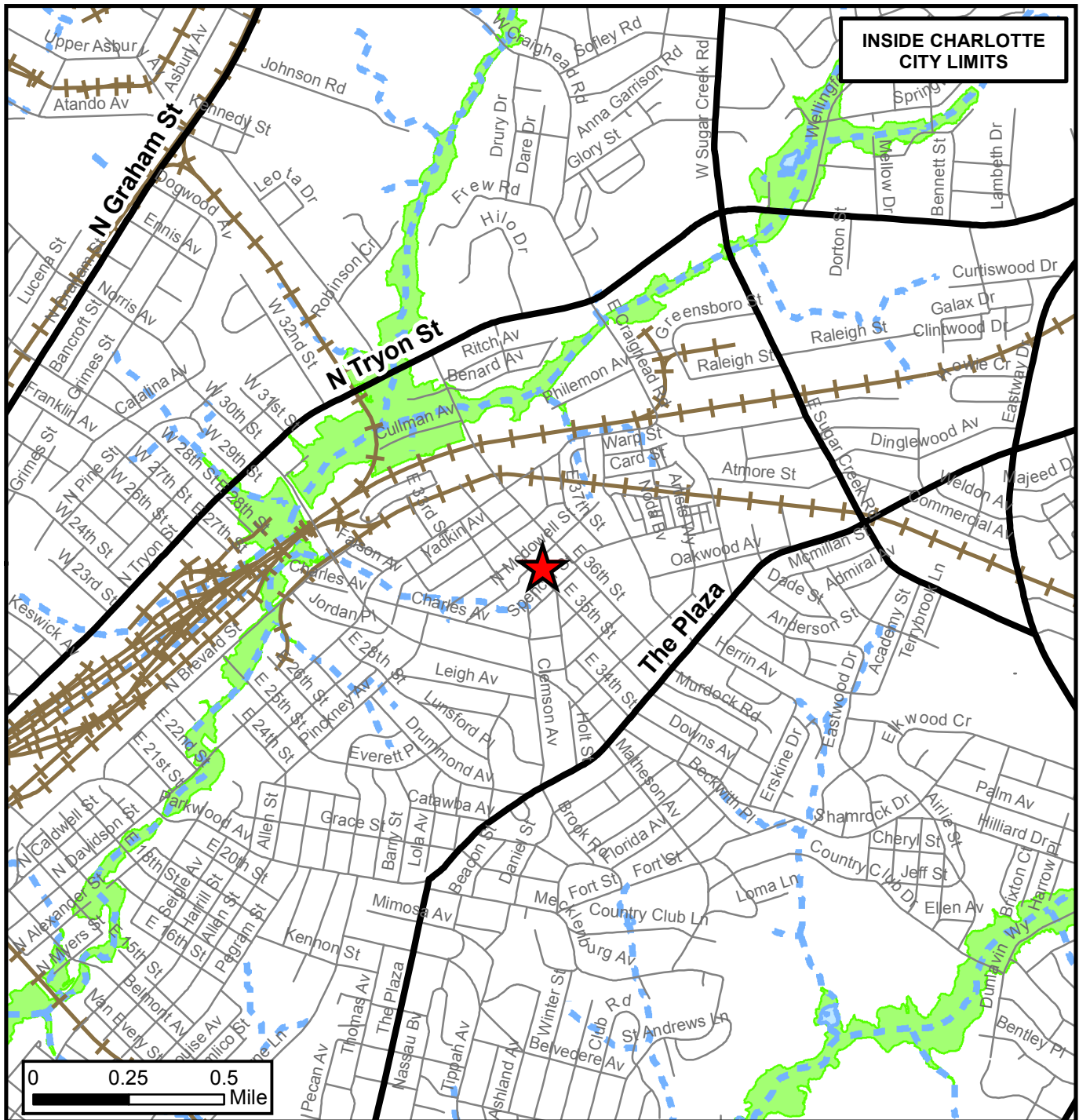
- The petitioner should:
    1. Add a scale to the site plan.
- 

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

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

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

**Acreage & Location :** Approximately 0.47 acres located on the east side of North McDowell Street and between East 35th Street and East 36th Street.



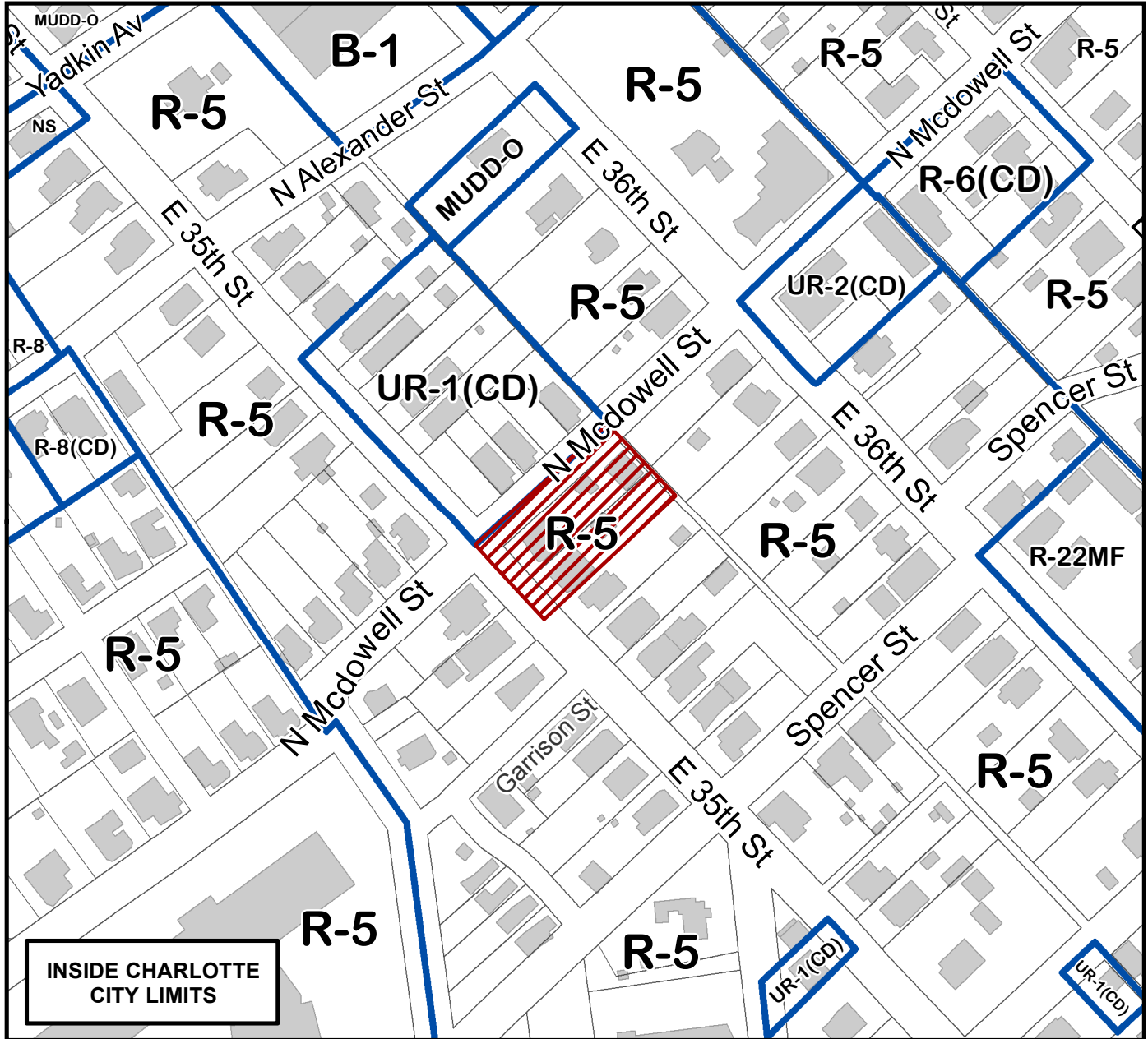
Petition #: **2014-060**

Petitioner: **Day Hixson**

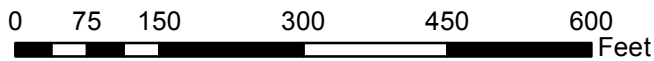
Zoning Classification (Existing): **R-5**  
(Single Family, Residential)

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

Acreage & Location: Approximately 0.47 acres located on the east side of North McDowell Street between East 35th Street and East 36th Street.

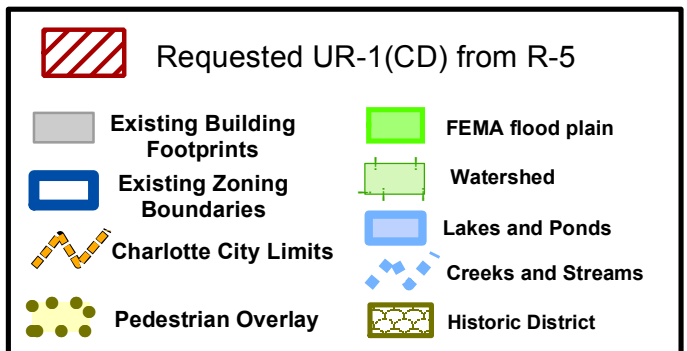


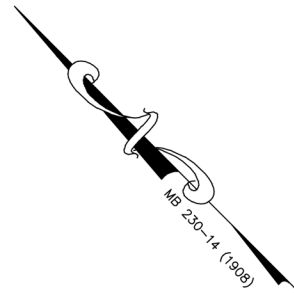
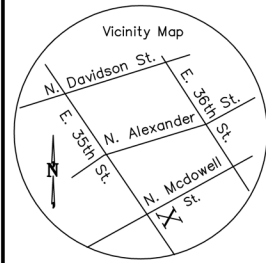
Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-2014.



Zoning Map #(s)

**89**





EAST 36th STREET 60'  
(MB 230-14)

**UR-1  
(CD)**

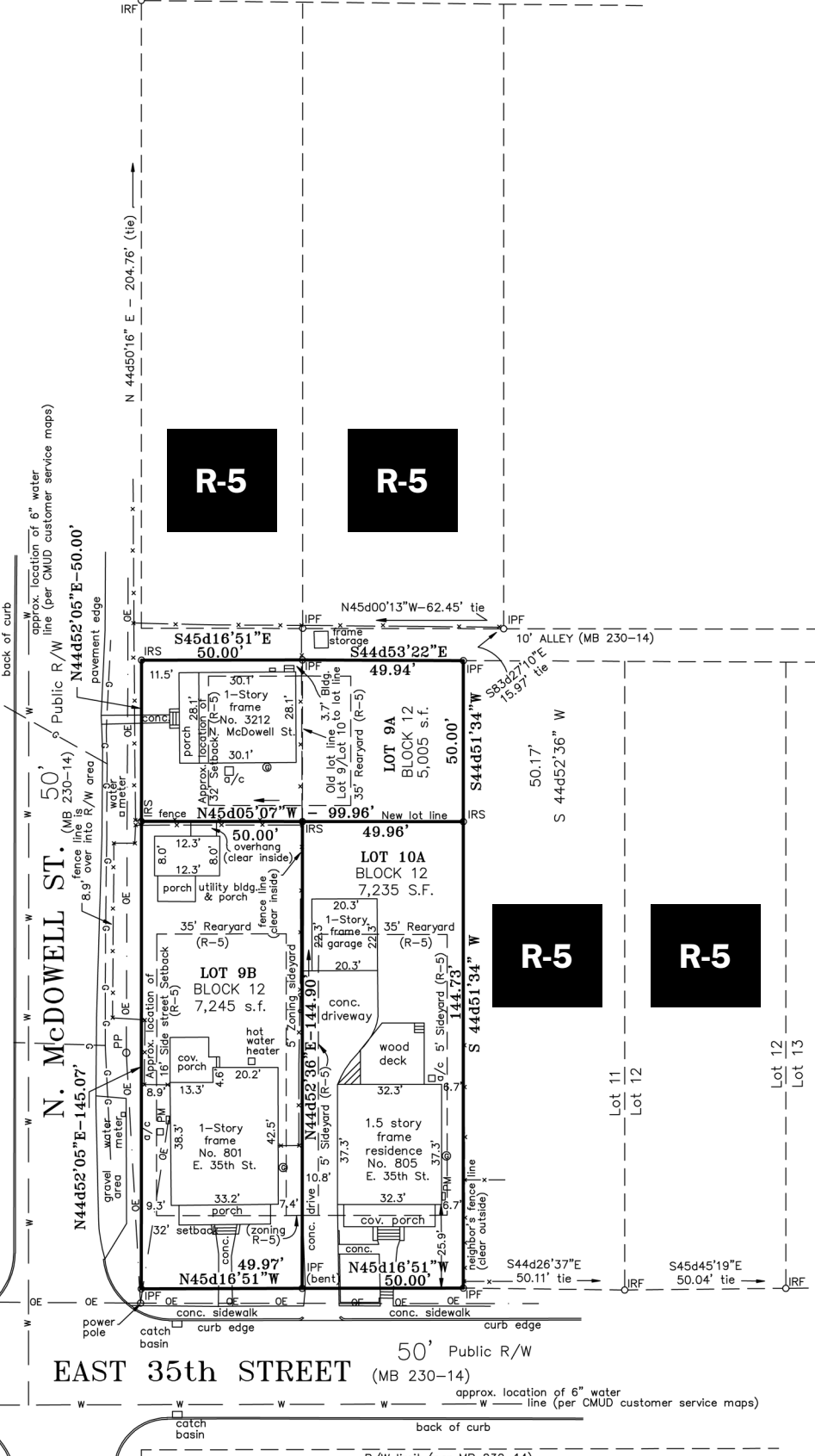
**R-5**

**R-5**

**R-5**

**R-5**

EAST 35th STREET 50'  
(MB 230-14)



# Rezoning Petition 2014-060

## Developmental Data

Tax ID numbers: 083-123-01  
and 083-123-02  
Total Area: 19,485 sq.ft.  
or approximately .45 acres  
Existing Zoning: R-5  
Proposed Zoning: UR-1(CD)  
Proposed use: to create three  
lots out of two lots to allow  
single family detached residence  
on each lot  
Maximum building height:  
40 feet

## General Provisions

Alterations and modifications  
to the conditional plan are  
subject to Section 6.207 of the  
zoning ordinance

## Permitted Uses

Single family detached residential  
dwelling and related residential  
accessory uses as permitted in  
the UR-1 district

## Streetscape and Landscape

In the event the residential  
dwellings on the subject parcels  
are torn down or demolished and  
redevelopment occurs, then the  
required sidewalks and planting  
strips will be installed along the  
abutting streets per ordinance  
and or streetscape plan



<b>REQUEST</b>	Current Zoning: INST(CD) (institutional, conditional) Proposed Zoning: INST(CD) SPA (institutional, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 10.0 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to 70,888 square feet of building area through redevelop of existing buildings, building additions and/or new buildings.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of the outstanding issues. This petition is consistent with <i>the Northeast District Plan</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Roman Catholic Diocese of Charlotte Roman Catholic Diocese of Charlotte David Powlen, Little Diversified Architectural Consulting
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2

**PLANNING STAFF REVIEW**

- **Background**
  - The subject parcel was rezoned from R-3 (single family residential) to INST(CD) (institutional, conditional) under petition 1995-029 for Saint Thomas Aquinas Church, with the following conditions:
    - Up to 39,059 square feet of development for a religious institutional use.
    - Maximum number of proposed seats to be 1,116.
    - A conditional note prohibiting access to Milay Avenue.
    - Variance for 42-foot side yard buffer along the adjacent property line.
    - A front setback reduced to 30 feet by a variance of 10 feet.
    - Maximum building heights for the proposed and existing structures range from 28 feet to 61 feet.
    - A 75-foot Class "B" buffer abutting the existing residential structures.
- **Proposed Request Details**

The site plan amendment contains the following changes:

  - Up to 70,888 square feet of building area through redevelop of existing buildings, building additions and/or new buildings
  - 25% reduction of the side yard buffer along the west side where "existing building 3,455" is located. This reduction is only for 150 linear feet to allow a one-way drive connection.
  - A note limiting buildings to a height of two stories.
  - Eight-foot planting strip and six-foot sidewalk along Suther Road.
  - Proposed driveway and drop-off along the western edge.
  - Proposed covered drop-off area.
  - Allowance for existing buildings to be redeveloped.
  - A note prohibiting a school or general education use allowed on the site.
- **Existing Zoning and Land Use**
  - The subject property is currently zoned INST (CD) (institutional, conditional) and developed with several structures for a religious facility. The surrounding properties are zoned R-3, (single-family residential), R-17MF (multi-family residential) and INST (institutional) and developed with residential and institutional uses and structures.
- **Rezoning History in Area**
  - Petition 2012-010 rezoned 4.7 acres west of the subject site to MUDD-O, (mixed use development district, optional) to allow the development of 200 dwelling units and 5,000 square feet of commercial uses.

- **Public Plans and Policies**

- The *Northeast District Plan* (1996) recommends institutional uses for the subject property.
  - The petition is consistent with the *Northeast District Plan*.
- 

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
    - **Vehicle Trip Generation:**  
Current Zoning: 450 trips per day.  
Proposed Zoning: 650 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.
  - **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 additional pedestrian facilities with a six-foot sidewalk.

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Remove the first sentence under General Provisions Note 1.
    2. Place the existing height limits from the previously approved plan on the site plan.
    3. Limit the maximum height of any new building to two stories.
    4. Limit the total number of seats to 1,116 seats.
    5. Remove "approximate" from building square footages table.
    6. Remove the administrative approval letter from the site plan.
    7. Add a note referencing the approved variance including the file number and year approved.
- 

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

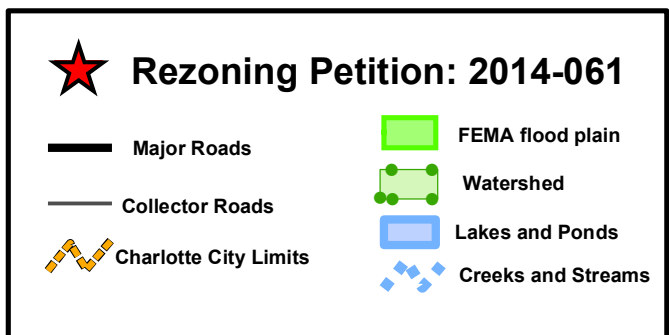
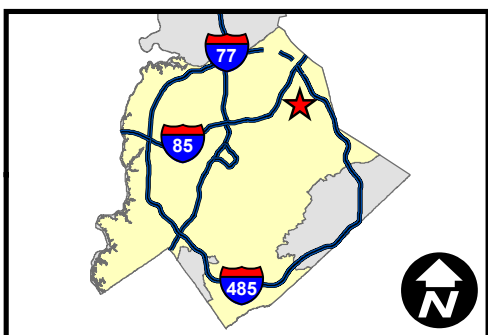
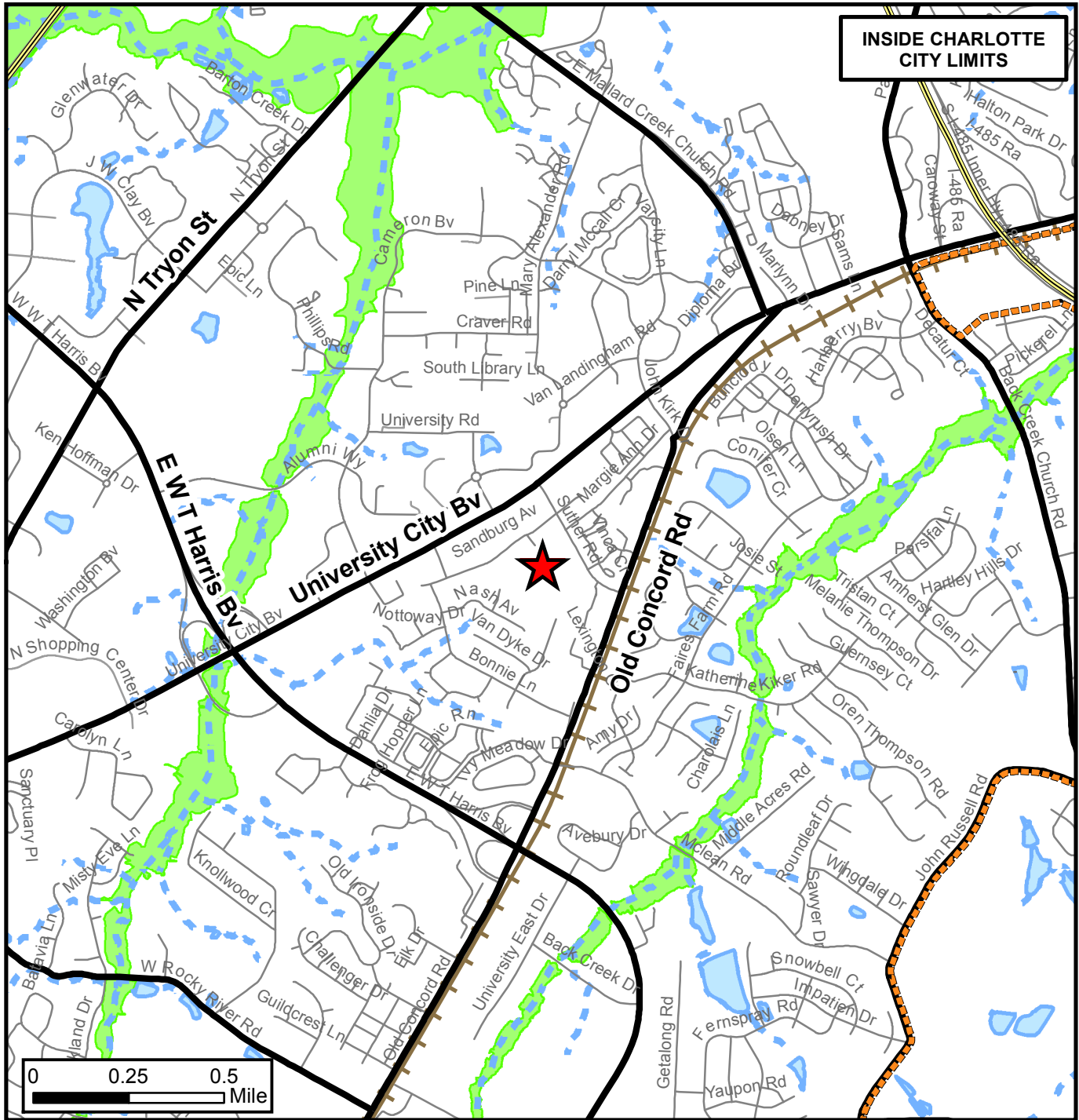
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg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

**Planner:** Solomon Fortune (704) 336-8326

Petition #: **2014-061**

# Vicinity Map

**Acreage & Location :** Approximately 10 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue.



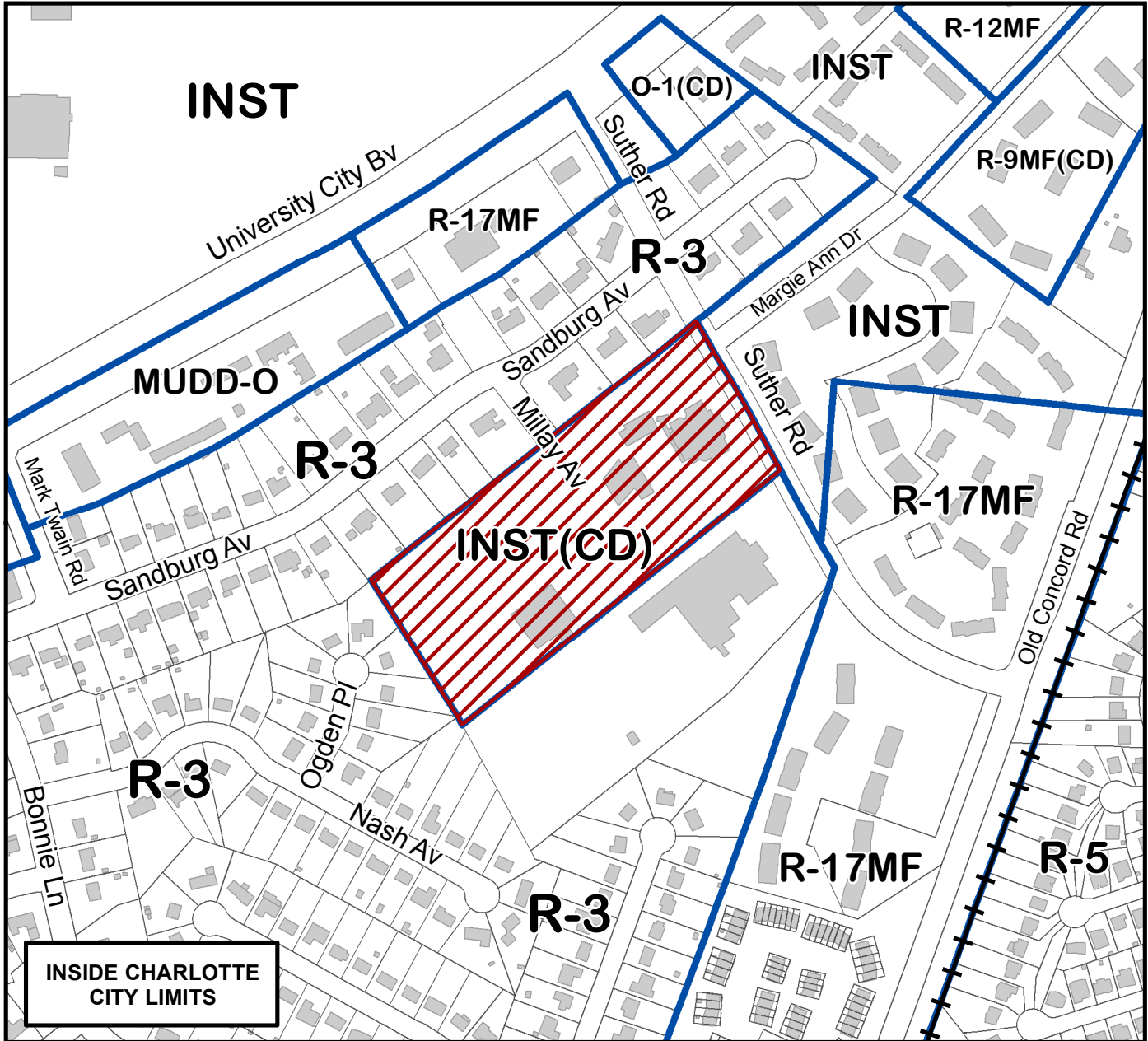
Petition #: **2014-061**

Petitioner: Roman Catholic Diocese of Charlotte

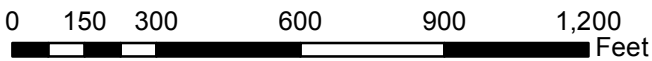
Zoning Classification (Existing): INST(CD)  
(Institutional, Conditional)

Zoning Classification (Requested): INST(CD) S.P.A.  
(Institutional, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 10 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue.

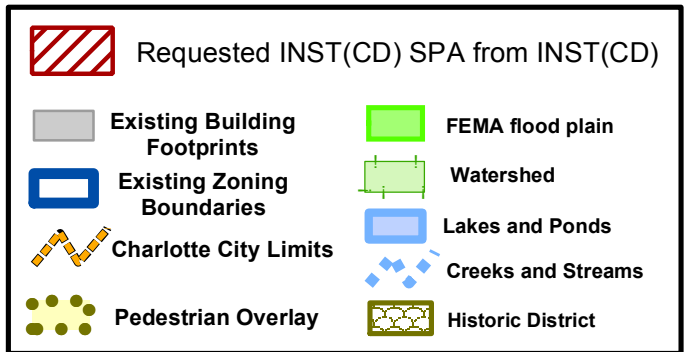


Map Produced by the Charlotte-Mecklenburg Planning Department, 5-2-2014.



Zoning Map #(s)

**72**







<b>REQUEST</b>	Current Zoning: R-5 (single family residential) and B-2 (general business) Proposed Zoning: UR-2(CD) (urban residential, conditional)
<b>LOCATION</b>	Approximately 2.68 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow for the development of up to 37 single family attached units (for-sale) at density of 13.81 units per acre.
<b>STAFF RECOMMENDATION</b>	Staff does not support this petition in its current form. The parcels zoned R-5 (single family residential) are inconsistent with the <i>Dilworth Land Use and Streetscape Plan</i> , which calls for single family residential at a density of four units per acre. The lots zoned B-2 (general business) are consistent with the transit oriented development-mixed land use recommendation contained in the <i>New Bern Transit Station Area Plan</i> . However, this portion of the rezoning site is inconsistent with the Plan's support for a minimum density of 15 units per acre.  In addition to the plan inconsistency, the petition has significant outstanding issues with respect to the overall site design. The proposed units are oriented inward, with the side and rear of units facing existing single family homes located across Marshall Place.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Charles Stack, et al (see website) Pulte Home Corporation Barry M. Fay, American Engineering
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 20

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Up to 37 single family (for-sale) attached homes with garages, at a density of 13.81 units per acre.
  - Maximum building height of 36 feet.
  - Internal residential alleyways providing three points of vehicular access onto Euclid Avenue. Access onto Marshall Place is not proposed with this design.
  - Six-foot sidewalks and eight-foot planting strips along Euclid Avenue, Marshall Place, and Atherton Street.
  - Proposed on-street parking along all abutting streets (four spaces on Euclid Avenue, nine spaces on Atherton Street, and 12 spaces on Marshall Place).
  - Note committing to manage construction parking so that no construction vehicles will be allowed to park on the east side of Marshall Place.
  - Minimum 15 percent tree save area provided onsite for the subject property located outside of the transit corridor.
- **Existing Zoning and Land Use**
  - The rezoning site is developed with a single family residential home and warehouse and is surrounded by a mix of single family and multi-family homes, retail, and office uses in various zoning districts.
- **Rezoning History in Area**
  - Approval of petition 2014-001 rezoned approximately 1.02 acres located on the northeast corner at the intersection of Ideal Way and Euclid Avenue from R-5 (single family residential) and MUDD (CD) (mixed use development, conditional) to UR-2(CD) (urban residential, conditional), in order to allow up to 21 single family attached units (for-sale), at a density of 20.4 dwelling units per acre.

- Approval of petition 2013-065 rezoned approximately 1.24 acres located on the south side of Iverson Way between South Boulevard and Lyndhurst Avenue from R-5 (single family residential), O-2 (office), and B-2 (general business) to UR-2(CD) (urban residential, conditional), in order to allow a for-sale multi-family development with up to 22 residential units.
- Approval of petition 2011-015 rezoned approximately 1.19 acres located on the east side of the intersection at South Boulevard, Ideal Way, and Remount Road from MUDD-O (mixed use development, optional) to MUDD-O (SPA) (mixed use development, optional, site plan amendment). The petition allows a 31,200-square foot veterinarian clinic/animal hospital and all other nonresidential uses permitted in MUDD (mixed use development).
- Several properties along South Boulevard have been rezoned to TOD (transit oriented development) to allow transit supportive development along the LYNX Blue Line.
- **Public Plans and Policies**
  - The *Dilworth Land Use and Streetscape Plan* (2006) recommends residential at up to four dwellings per acre for the parcels zoned R-5 (single family residential), with the intent of preserving the character of the existing single family neighborhood.
  - The *New Bern Transit Station Area Plan* (2008) recommends transit oriented development-mixed for the portion for the rezoning site that is zoned B-2 (general business) and supports a minimum density of 15 dwelling units per acre. The rezoning site is within ½ mile of the New Bern transit station.
  - The petition is inconsistent with the *Dilworth Land Use and Streetscape Plan*. The petition is consistent with the *New Bern Transit Station Area Plan* with respect to land use and inconsistent with respect to recommended density.

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** CDOT has the following comments:
    - It appears that the minimum driveway dimensions proposed are 16 feet instead of the 20 feet minimum driveway width for one-way circulation as identified in the Charlotte Land Development Standards Manual.
    - It appears the petitioner is only creating the Local Residential Wide street cross section for a portion of the site's property frontage on Euclid Avenue and Marshall Place.
    - CDOT requests that the petitioner provide recessed on-street parking along the site's entire property frontage on Euclid Avenue and Marshall Place.
    - **Vehicle Trip Generation:**  
Current Zoning: 650 trips per day.  
Proposed Zoning: 220 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 two students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities:** No comments received.
  - **Engineering and Property Management:** Tree save, as well as internal and perimeter trees, are required for the proposed development of this site per the Tree Ordinance. A note should be added to the site plan that states the petitioner will comply with the City of Charlotte Tree Ordinance.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

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

**OUTSTANDING ISSUES**

- Land use:
  1. The proposed density for the parcels zoned R-5 (single family residential) is inconsistent with the *Dilworth and Land Use Streetscape Plan*, which recommends up to four dwelling units per acre.
- The petitioner should:
  1. Remove the language under Development Data with respect to Proposed Zoning that states "Parcel 12107605 will remain R-5 zoning" as the petitioner has stated the intent is to rezone entire property to UR-2(CD), and to be consistent with the application.
  2. Add notes under Streetscape and Landscaping, committing to installation of planting strips and sidewalks along Euclid Avenue, Atherton Street, and Marshall Place (including required minimum widths).
  3. Specify in the development notes under Streetscape and Landscaping any intent to allow sidewalks to meander in order to preserve existing trees.
  4. Provide information under Development Data that notes the proposed units will have garages. Confirm that the development is able to meet the minimum 400-square foot subplot requirement for single family attached for-sale units. The typical detail shown on the site plan is unclear if the driveway or second story balcony is being counted as private open space, of which neither meets the requirement. The private open space should be provided at grade level. Add a note stating that the development will meet this requirement per the Ordinance.
  5. Realign units 10-16 to parallel Marshall Place to create a strong street edge.
  6. Screen ends of alleys from Marshall Place with a combination of masonry walls and landscaping.
  7. Reverse building orientations so that front elevations face streets and common yard areas and rear elevations face alleys.
  8. Move garage doors from front to rear elevation.
  9. Install windows on front elevations in place of previous garage doors.
  10. Provide entrance doorways with porches or stoops on end elevations that front onto Euclid Avenue and Marshall Place.
  11. Provide a regular pattern of windows on end elevations, including the ground floor. Windows should be aligned to building levels and not set at varying heights. Windows on end elevations should maintain consistency in size and style.
  12. Add a note that small horizontally-aligned windows on all elevations will not be allowed.
  13. Integrate rear porches into the building design instead of attaching them to the face of the building on stilt-like supports.
  14. Better distinguish between patios, porches, and balconies.
  15. Provide a minimum of 70% masonry (brick or stone) on all building faces.
  16. Provide development notes committing to materials (including building material and minimum percentage masonry product, building articulation and orientation).
  17. Add a note under Lighting regarding pedestrian scale, freestanding lighting fixtures to be installed throughout the Site. Freestanding lighting fixtures must be fully capped and shielded and the illumination downwardly directed. Specify a maximum height (including base).
  18. Label "Possible" tree save areas.
  19. Address all CDOT and Engineering and Property Management comments.
  20. Show location of solid waste and recycling facilities as required per Section 12.403 of the Zoning Ordinance.

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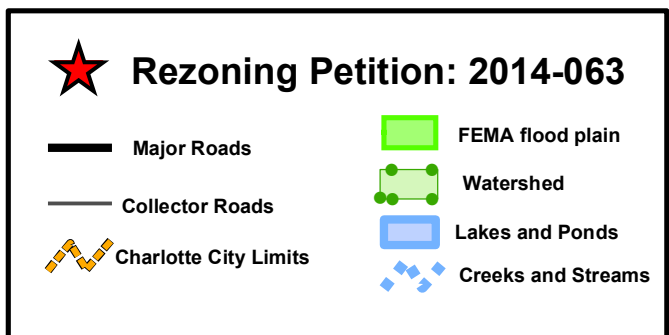
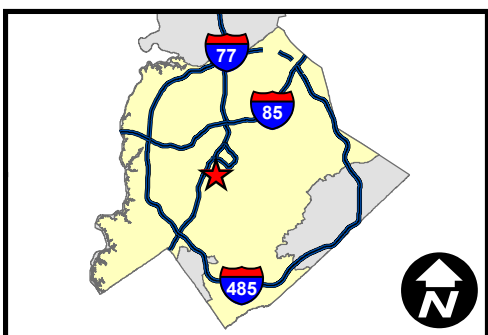
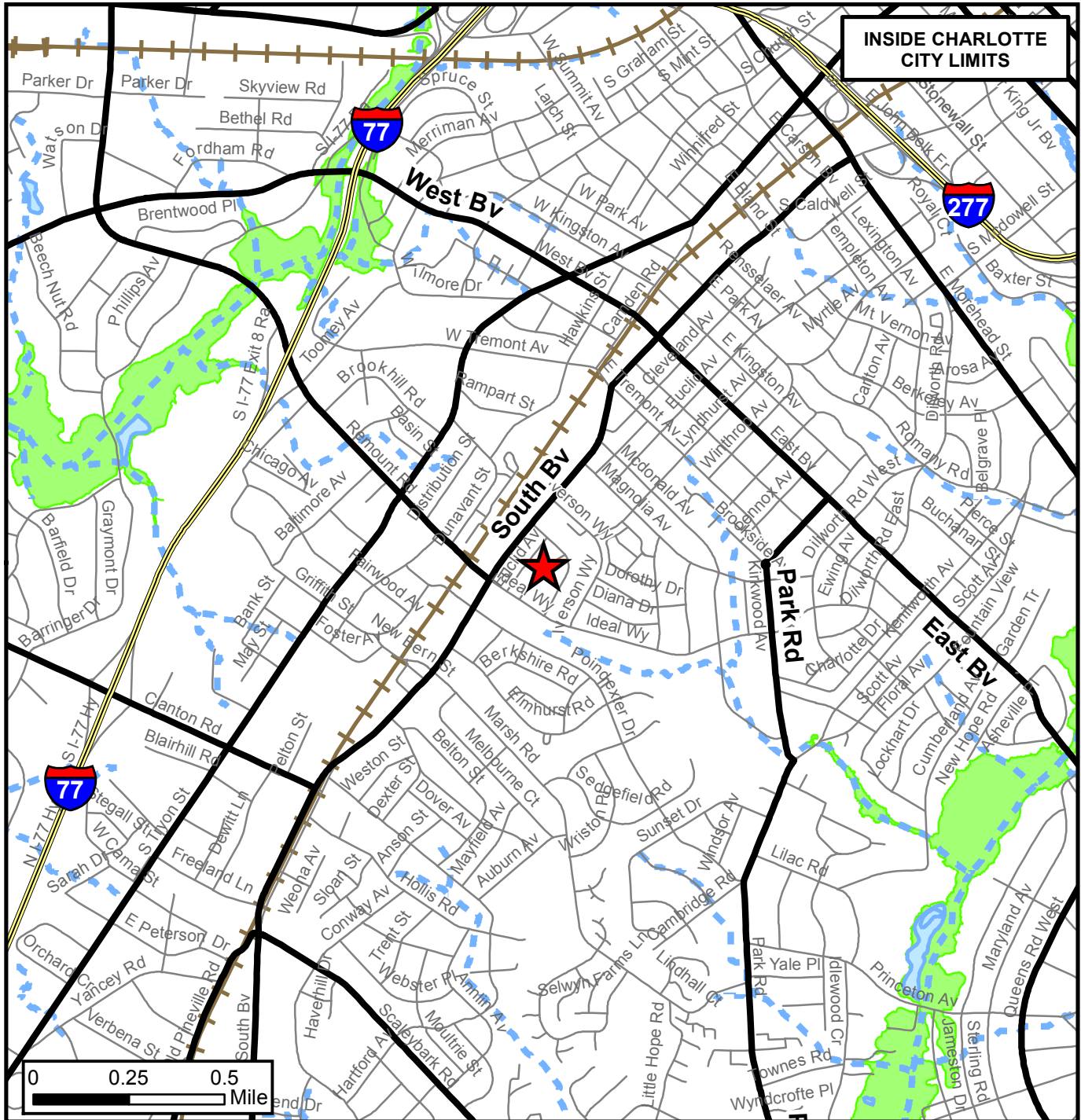
**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg 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

**Acreage & Location :** Approximately 2.91 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place.



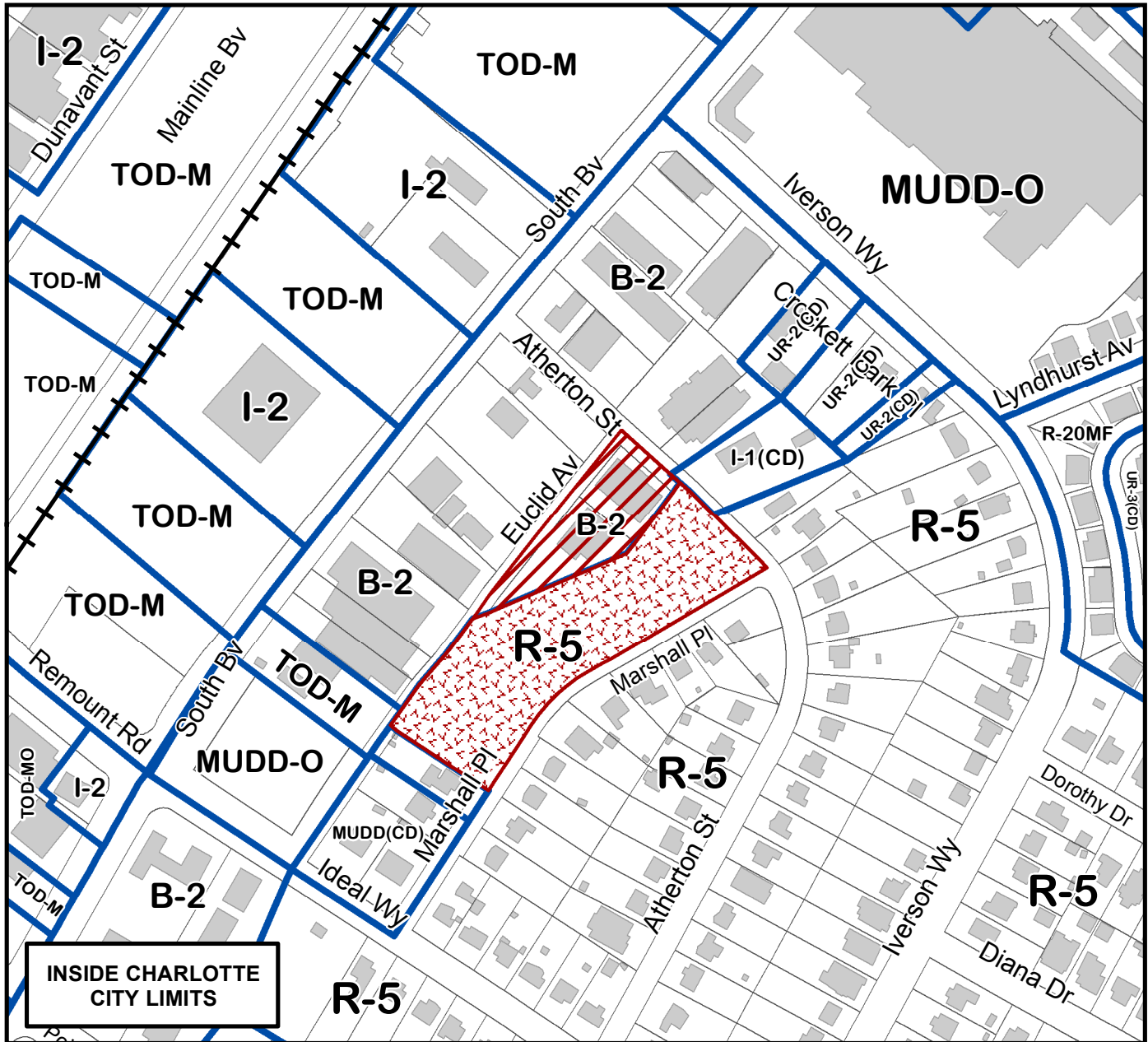
Petition #: **2014-063**

Petitioner: **Pulte Home Corporation**

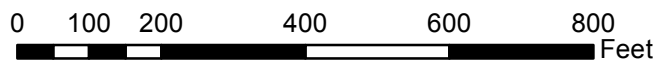
Zoning Classification (Existing): **R-5 and B-2**  
(Single Family, Residential and General Business)

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

Acreage & Location: Approximately 2.68 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place.

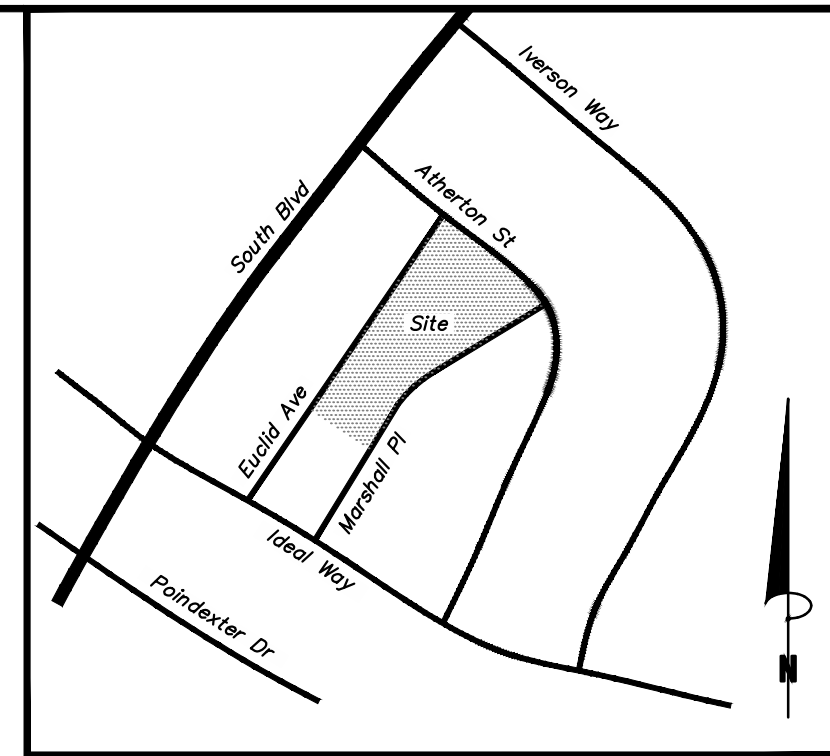
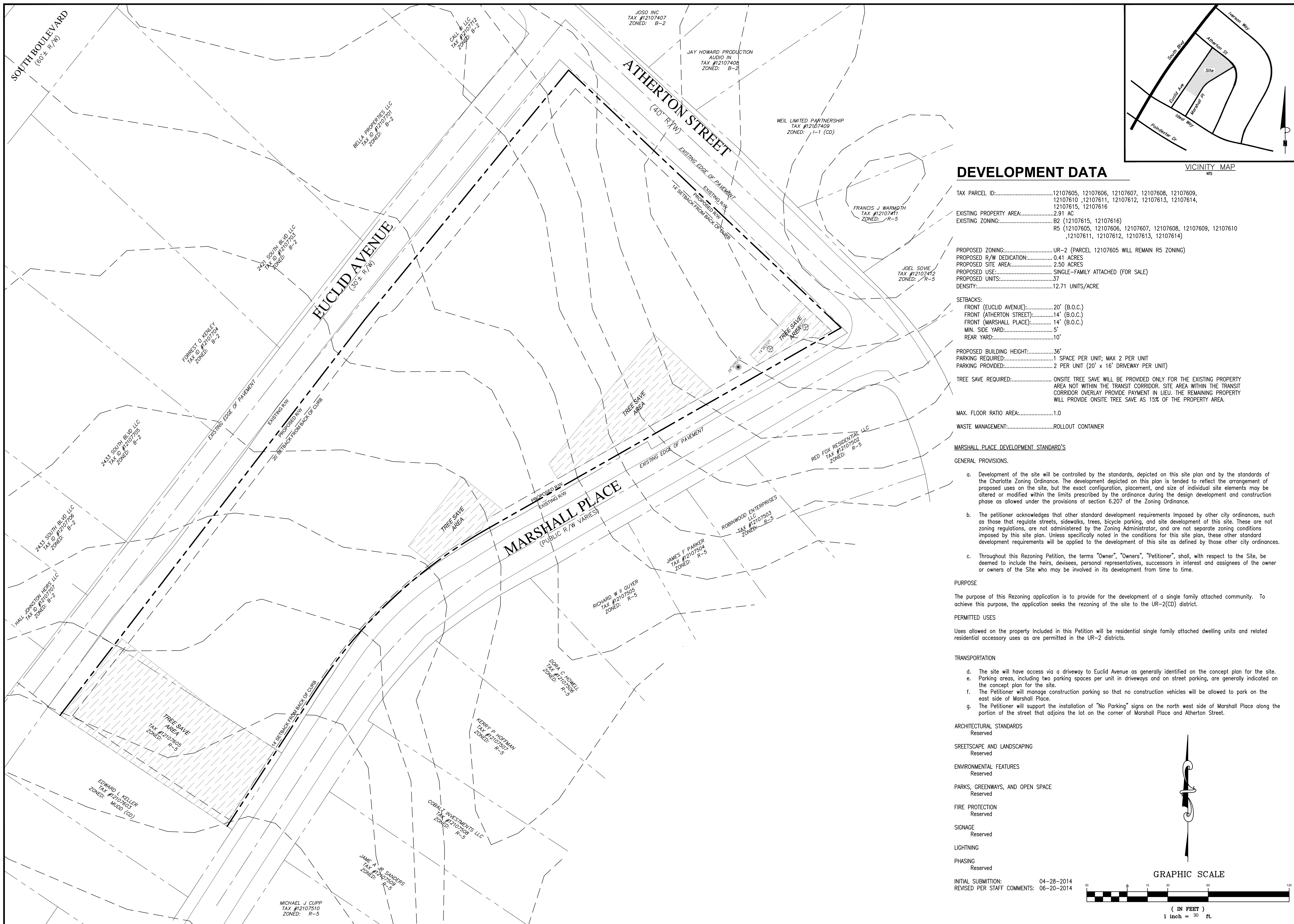


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-15-2014.



Zoning Map #(s)  
**110**

	Requested UR-2(CD) from R-5
	Requested UR-2(CD) from B-2
	Existing Building Footprints
	Existing Zoning Boundaries
	Charlotte City Limits
	Pedestrian Overlay
	FEMA flood plain
	Watershed
	Lakes and Ponds
	Creeks and Streams
	Historic District



**DEVELOPMENT DATA**

TAX PARCEL ID:.....12107605, 12107606, 12107607, 12107608, 12107609, 12107610, 12107611, 12107612, 12107613, 12107614, 12107615, 12107616

EXISTING PROPERTY AREA:.....2.91 AC

EXISTING ZONING:.....B2 (12107615, 12107616)  
R5 (12107605, 12107606, 12107607, 12107608, 12107609, 12107610, 12107611, 12107612, 12107613, 12107614)

PROPOSED ZONING:.....UR-2 (PARCEL 12107605 WILL REMAIN R5 ZONING)

PROPOSED R/W DEDICATION:.....0.41 ACRES

PROPOSED SITE AREA:.....2.50 ACRES

PROPOSED USE:.....SINGLE-FAMILY ATTACHED (FOR SALE)

PROPOSED UNITS:.....37

DENSITY:.....12.71 UNITS/ACRE

SETBACKS:  
FRONT (EUCLID AVENUE):.....20' (B.O.C.)  
FRONT (ATHERTON STREET):.....14' (B.O.C.)  
FRONT (MARSHALL PLACE):.....14' (B.O.C.)  
MIN. SIDE YARD:.....5'  
REAR YARD:.....10'

PROPOSED BUILDING HEIGHT:.....36'

PARKING REQUIRED:.....1 SPACE PER UNIT; MAX 2 PER UNIT

PARKING PROVIDED:.....2 PER UNIT (20' x 16' DRIVEWAY PER UNIT)

TREE SAVE REQUIRED:.....ONSITE TREE SAVE WILL BE PROVIDED ONLY FOR THE EXISTING PROPERTY AREA NOT WITHIN THE TRANSIT CORRIDOR. SITE AREA WITHIN THE TRANSIT CORRIDOR OVERLAY PROVIDE PAYMENT IN LIEU. THE REMAINING PROPERTY WILL PROVIDE ONSITE TREE SAVE AS 15% OF THE PROPERTY AREA.

MAX. FLOOR RATIO AREA:.....1.0

WASTE MANAGEMENT:.....ROLLOUT CONTAINER

**MARSHALL PLACE DEVELOPMENT STANDARD'S**

**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 tended 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 phase as allowed under the provisions of section 6.207 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 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", 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 residential accessory uses as are permitted in the UR-2 districts.

**TRANSPORTATION**

- The site will have access via a driveway to Euclid Avenue as generally identified on the concept plan for the site.
- Parking areas, including two parking spaces per unit in driveways and on street parking, are generally indicated on the concept plan for the site.
- The Petitioner will manage construction parking so that no construction vehicles will be allowed to park on the east side of Marshall Place.
- The Petitioner will support the installation of "No Parking" signs on the north west side of Marshall Place along the portion of the street that adjoins the lot on the corner of Marshall Place and Atherton Street.

**ARCHITECTURAL STANDARDS**

Reserved

**SREETSCAPE AND LANDSCAPING**

Reserved

**ENVIRONMENTAL FEATURES**

Reserved

**PARKS, GREENWAYS, AND OPEN SPACE**

Reserved

**FIRE PROTECTION**

Reserved

**SIGNAGE**

Reserved

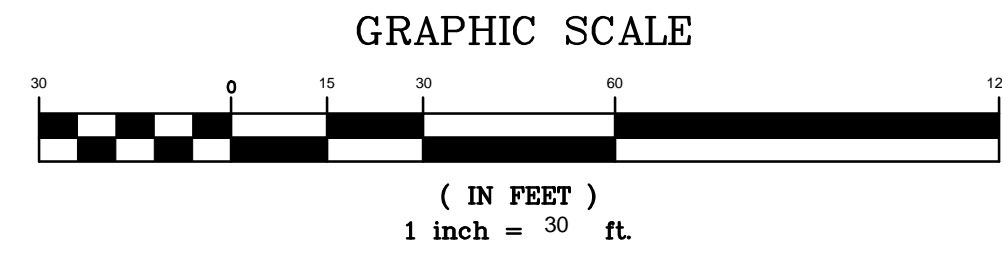
**LIGHTNING**

Reserved

**PHASING**

Reserved

INITIAL SUBMISSION: 04-28-2014  
REVISED PER STAFF COMMENTS: 06-20-2014



**STIPULATION FOR REUSE**

THIS DRAWING WAS PREPARED FOR USE ON MARSHALL PLACE, CHARLOTTE, NC CONTEMPORANEOUSLY WITH ITS ISSUE DATE ON 6/20/14, AND IT IS NOT SUITABLE FOR USE ON A DIFFERENT PROJECT SITE OR AT A LATER TIME. USE OF THIS DRAWING FOR REUSE OR REUSE ON ANOTHER PROJECT REQUIRES THE SERVICES OF PROPERLY LICENSED ARCHITECTS AND ENGINEERS. REPRODUCTION OF THIS DRAWING FOR REUSE ON ANOTHER PROJECT IS NOT AUTHORIZED AND MAY BE CONTRARY TO THE LAW.

**Pulte**  
**Marshall Place**  
**Townhomes**  
City of Charlotte  
North Carolina

**MODIFICATION LOG**

NO.	DATE	DESCRIPTION

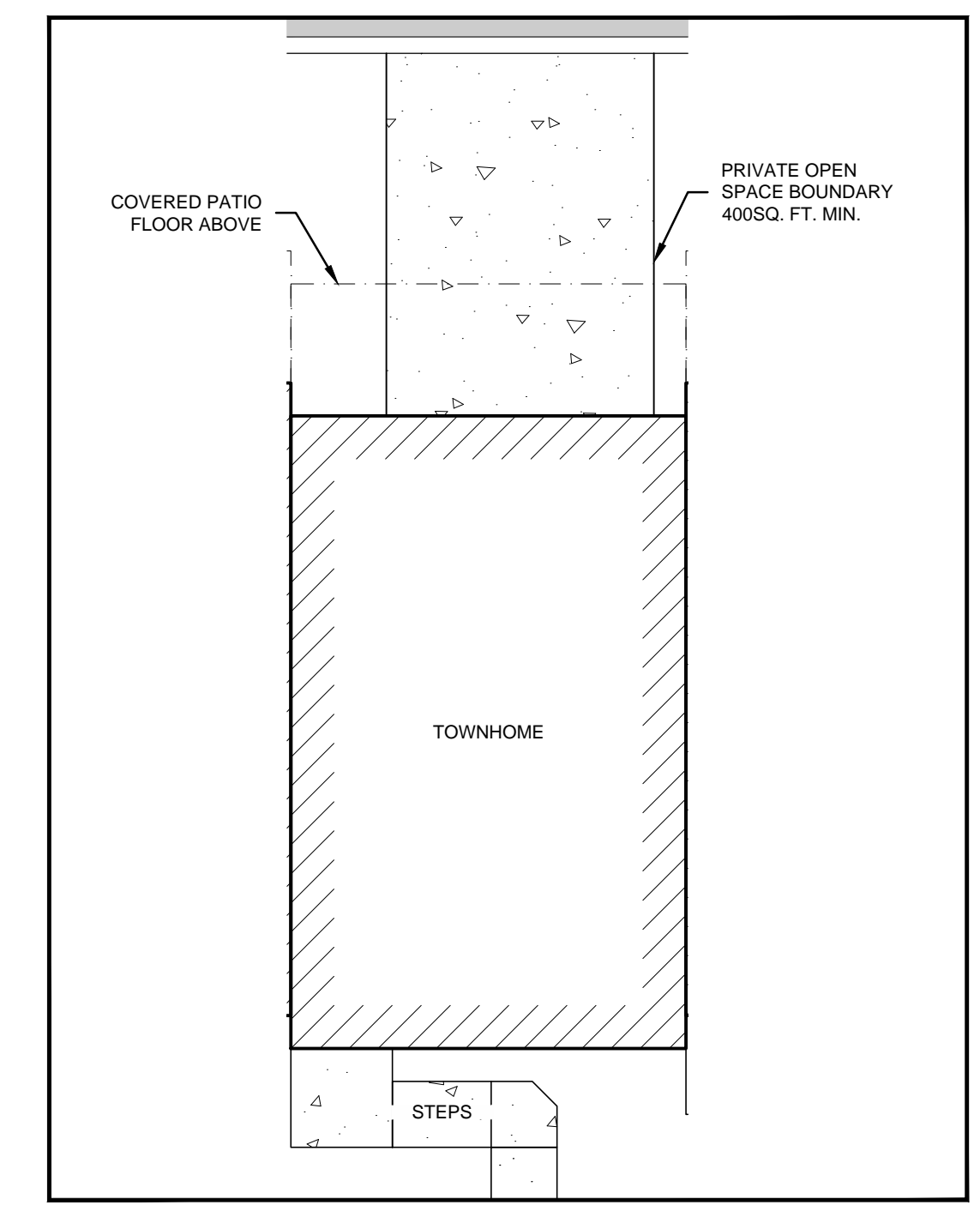
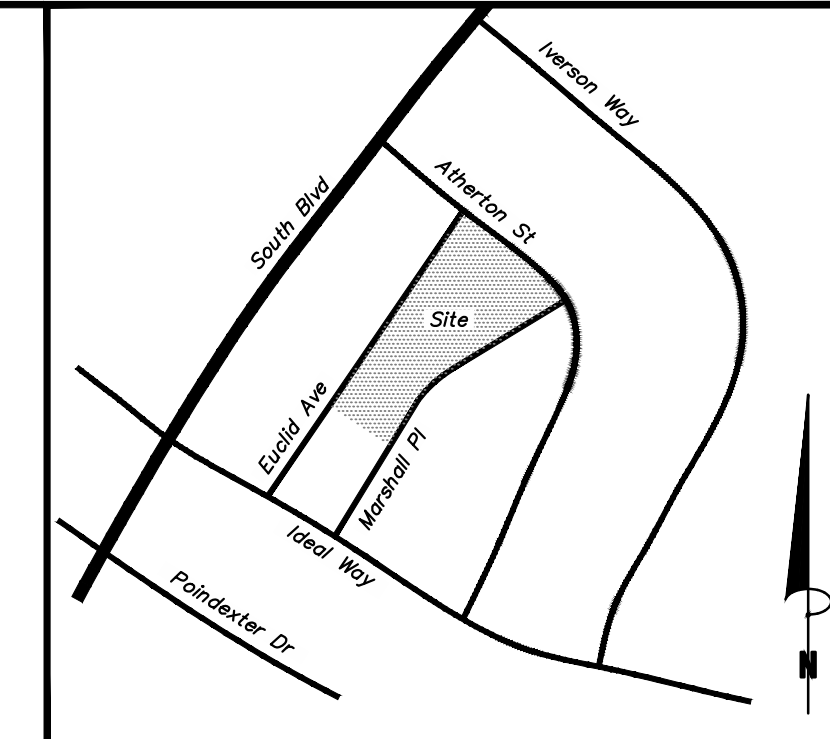
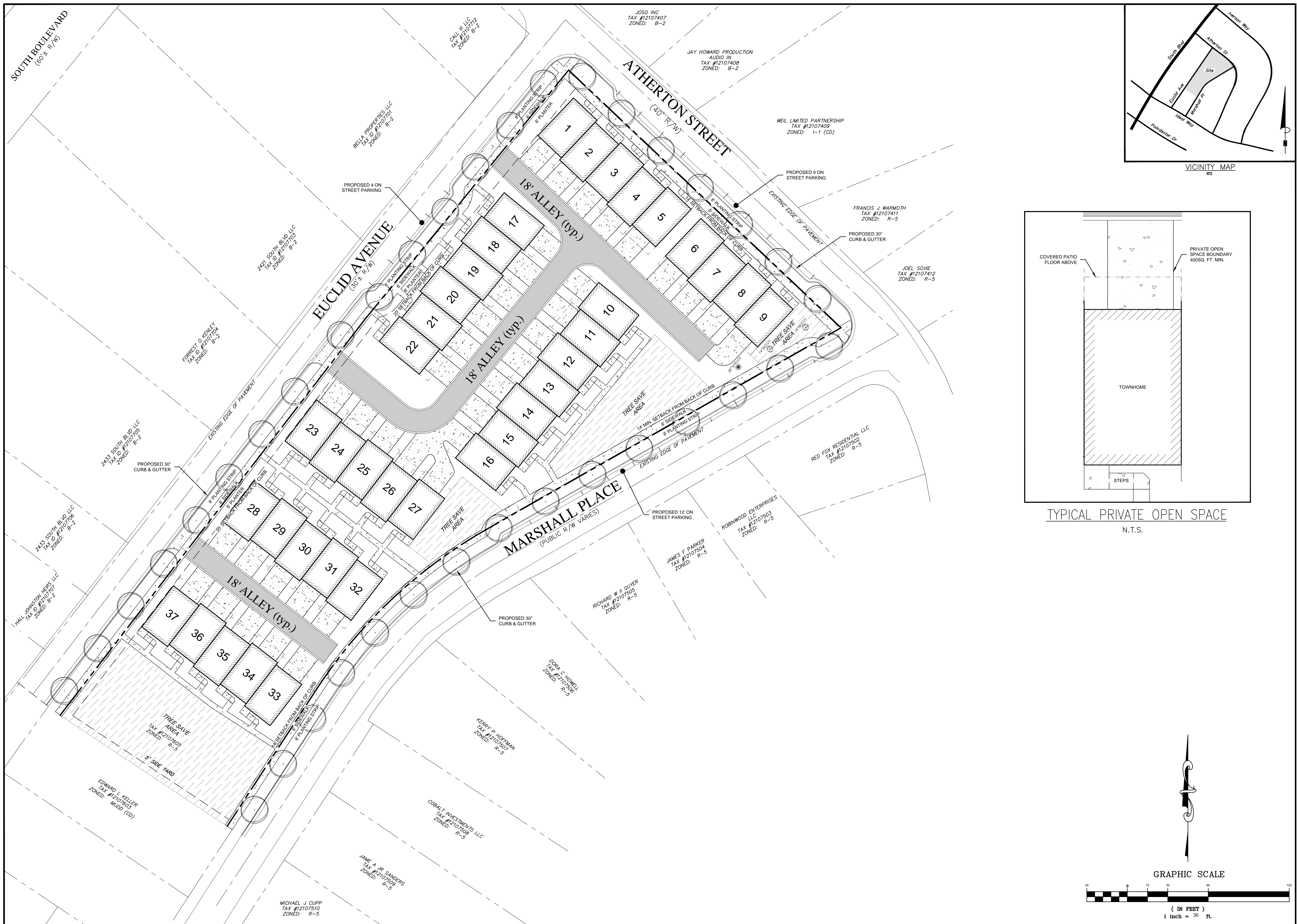
JOB NUMBER: C140006.1  
CHECKED BY: SDS  
DRAWN BY: CDA  
DATE: 6/20/14



**TECHNICAL DATA SHEET**

Petition #  
2014-063

SHEET:  
**RZ-1**



**STIPULATION FOR REUSE**  
THIS DRAWING WAS PREPARED FOR USE ON MARSHALL PLACE, CHARLOTTE, NC CONTEMPORANEOUSLY WITH ITS ISSUE DATE ON 6/20/14, AND IT IS NOT SUITABLE FOR USE ON A DIFFERENT PROJECT SITE OR AT A LATER TIME. USE OF THIS DRAWING FOR REUSE OR REPRODUCTION OF THIS DRAWING FOR REUSE ON ANOTHER PROJECT REQUIRES THE SERVICES OF PROPERLY LICENSED ARCHITECTS AND ENGINEERS. REPRODUCTION OF THIS DRAWING FOR REUSE ON ANOTHER PROJECT IS NOT AUTHORIZED AND MAY BE CONTRARY TO THE LAW.

**Pulte Marshall Place Townhomes**  
City of Charlotte  
North Carolina

**MODIFICATION LOG**

NO.	DATE	DESCRIPTION

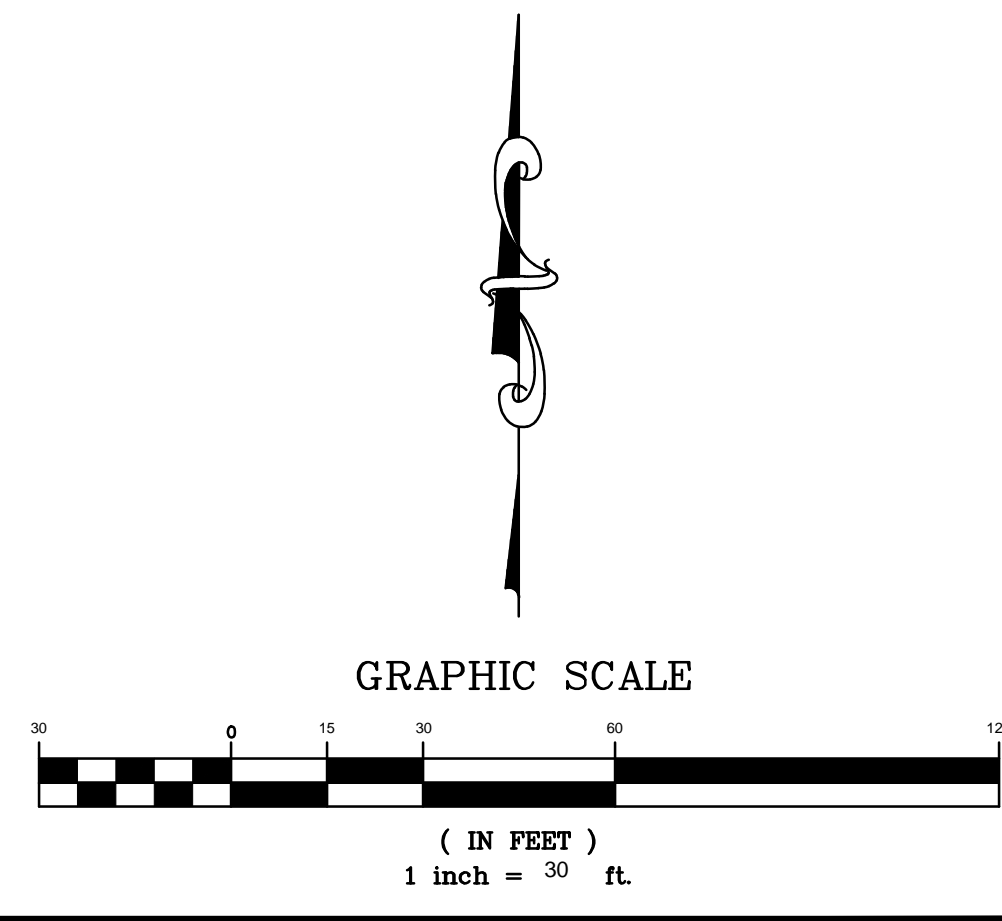
JOB NUMBER: C140006.1  
CHECKED BY: SDS  
DRAWN BY: CDA  
DATE: 6/20/14

FIRM # C-3881  
**AMERICAN Engineering**  
American Engineering Associates - Southeast, P.A.  
8006 Corporate Center Dr - Suite 110  
Charlotte, NC 28226  
704-375-2438

**SCHEMATIC SITE PLAN**

Petition #  
2014-063

SHEET:  
**RZ-2**



**STIPULATION FOR REUSE**

THIS DRAWING WAS PREPARED FOR USE ON MARSHALL PLACE, CHARLOTTE, NC CONTEMPORANEOUSLY WITH ITS ISSUE DATE ON 6/20/14, AND IT IS NOT SUITABLE FOR USE ON A DIFFERENT PROJECT SITE OR AT A LATER TIME. USE OF THIS DRAWING FOR REUSE OR REPRODUCTION OF THIS DRAWING FOR REUSE ON ANOTHER PROJECT REQUIRES THE SERVICES OF PROPERLY LICENSED ARCHITECTS AND ENGINEERS. REPRODUCTION OF THIS DRAWING FOR REUSE ON ANOTHER PROJECT IS NOT AUTHORIZED AND MAY BE CONTRARY TO THE LAW.

**Pulte  
Marshall Place  
Townhomes**  
City of Charlotte  
North Carolina

**MODIFICATION LOG**

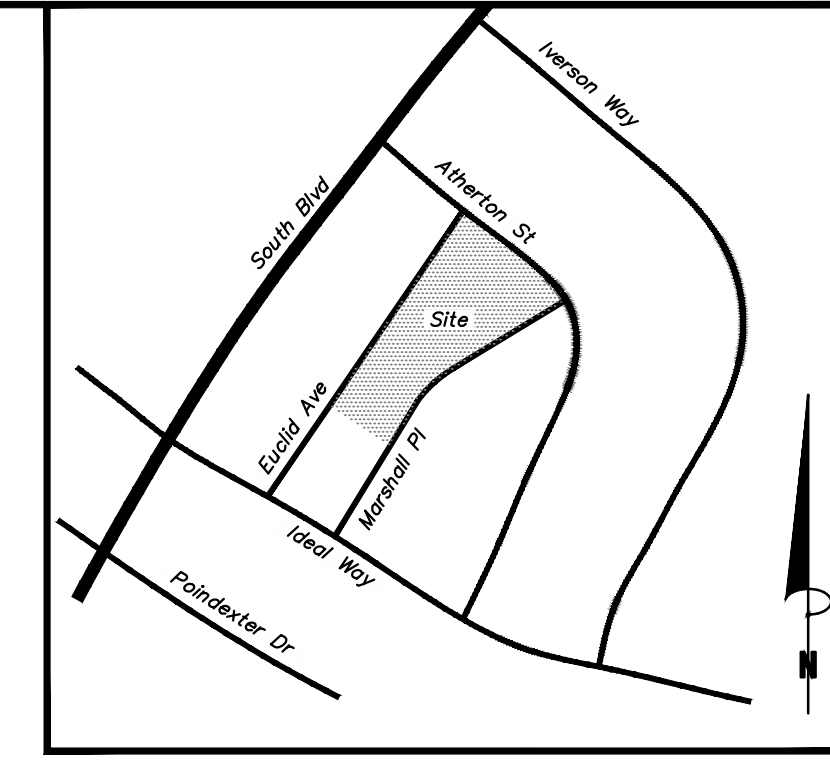
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DATE: 6/20/14

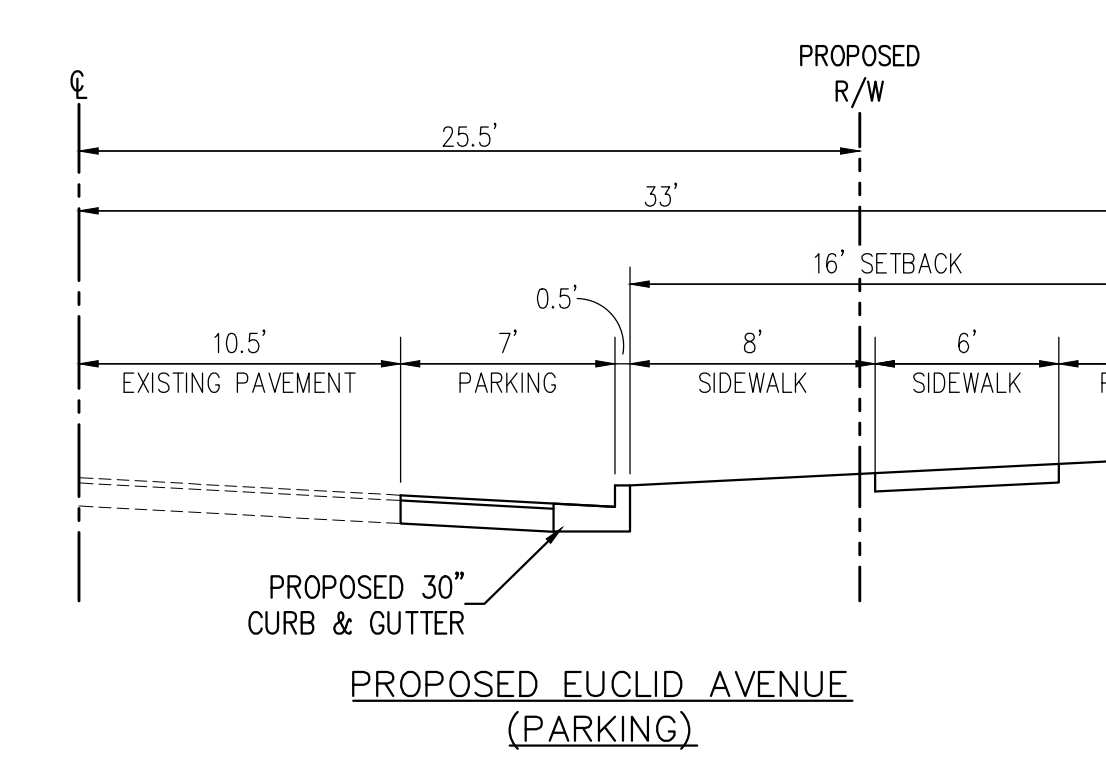
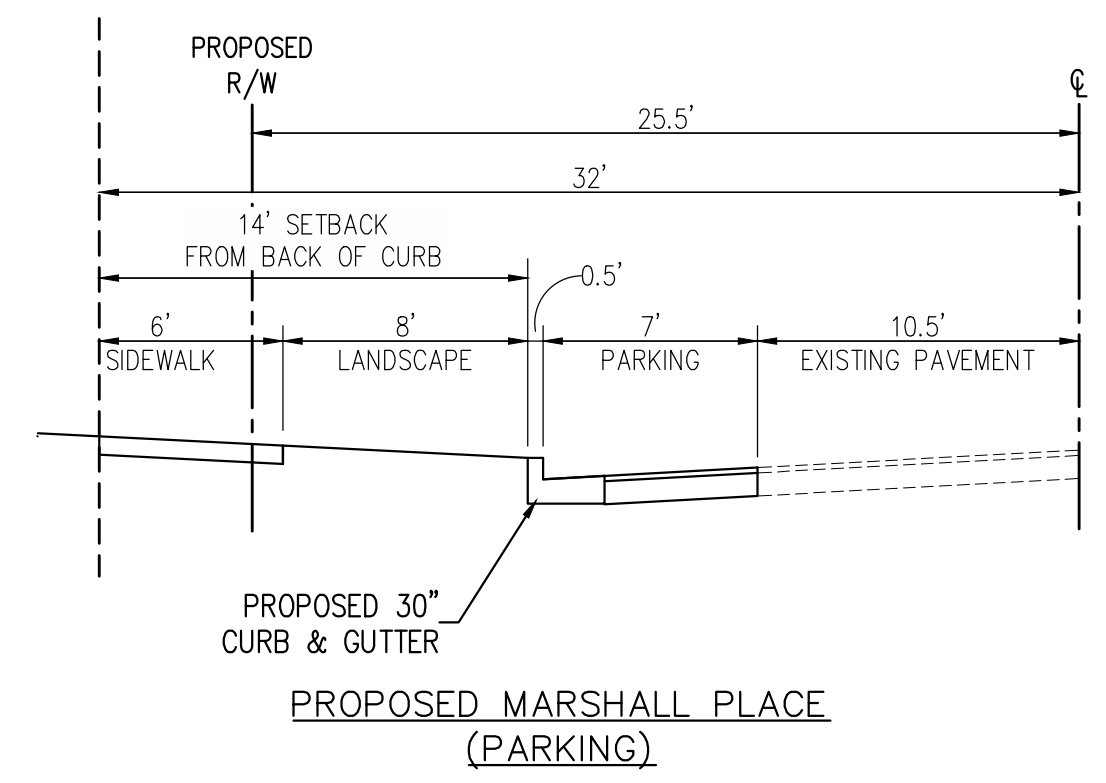
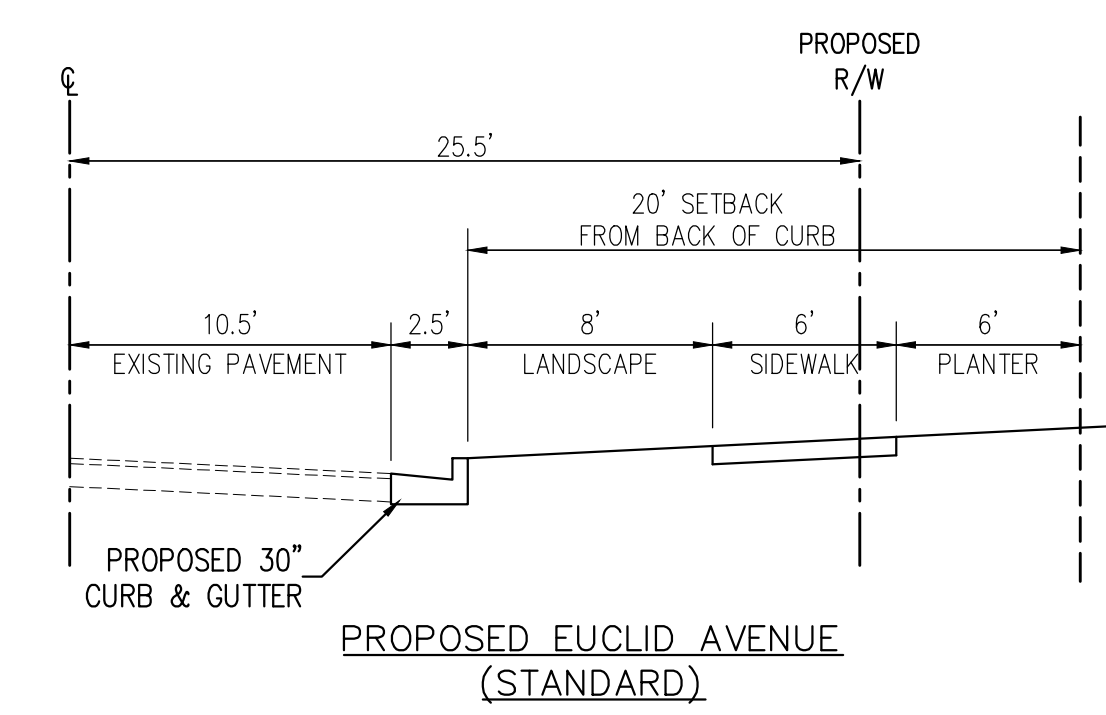
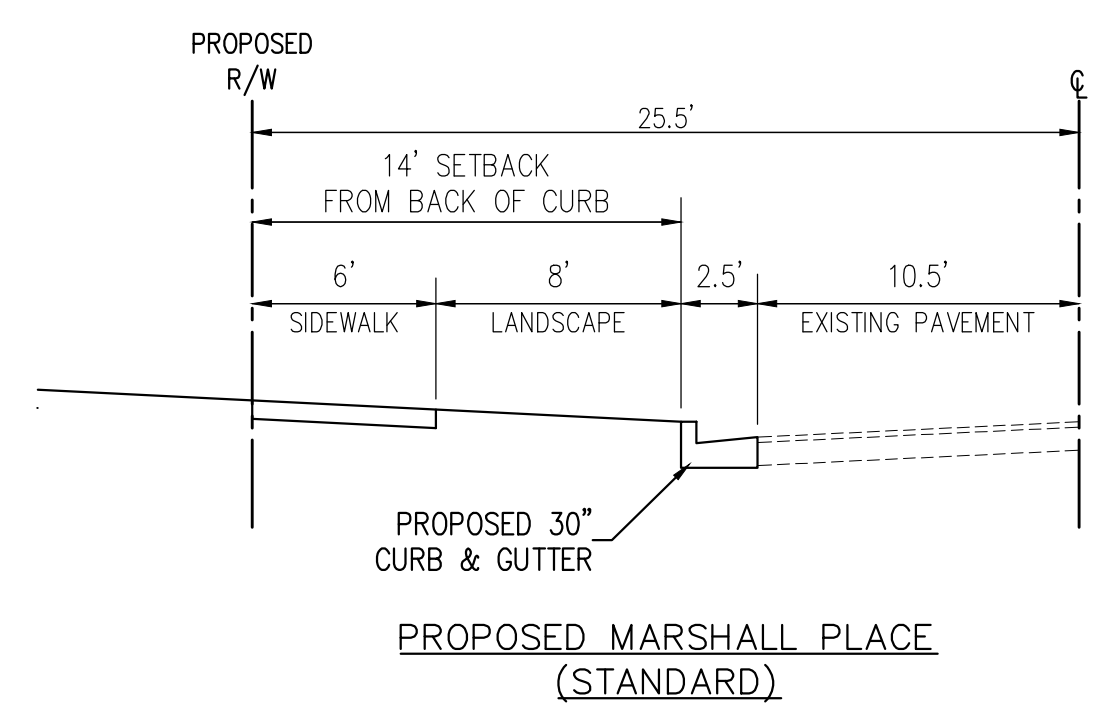
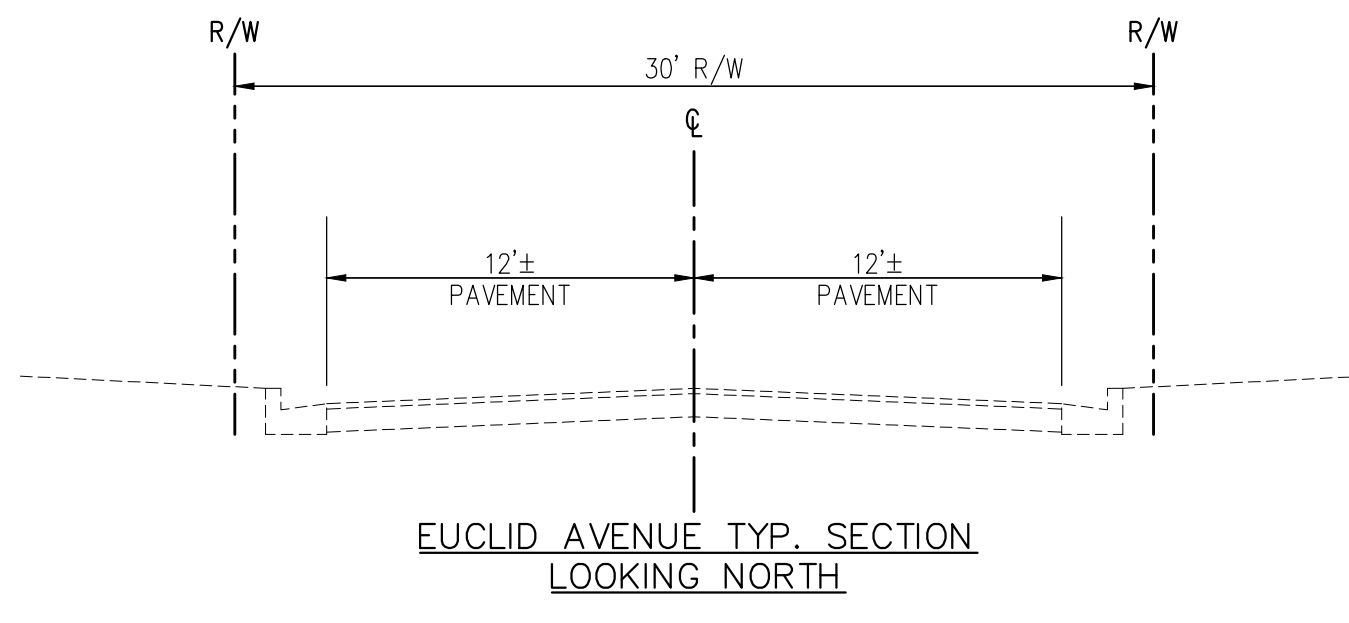
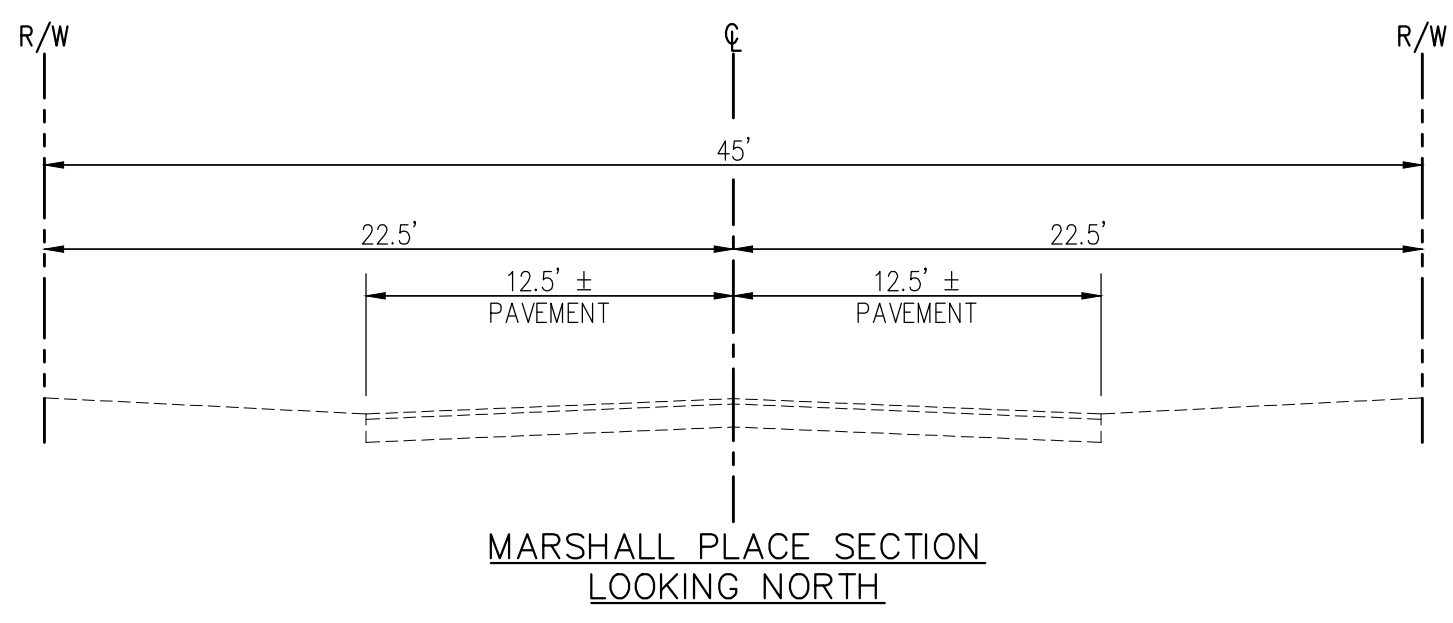
**TYPICAL  
BUILDING  
ELEVATIONS**

Petition #  
2014-063

SHEET:  
**RZ-3**

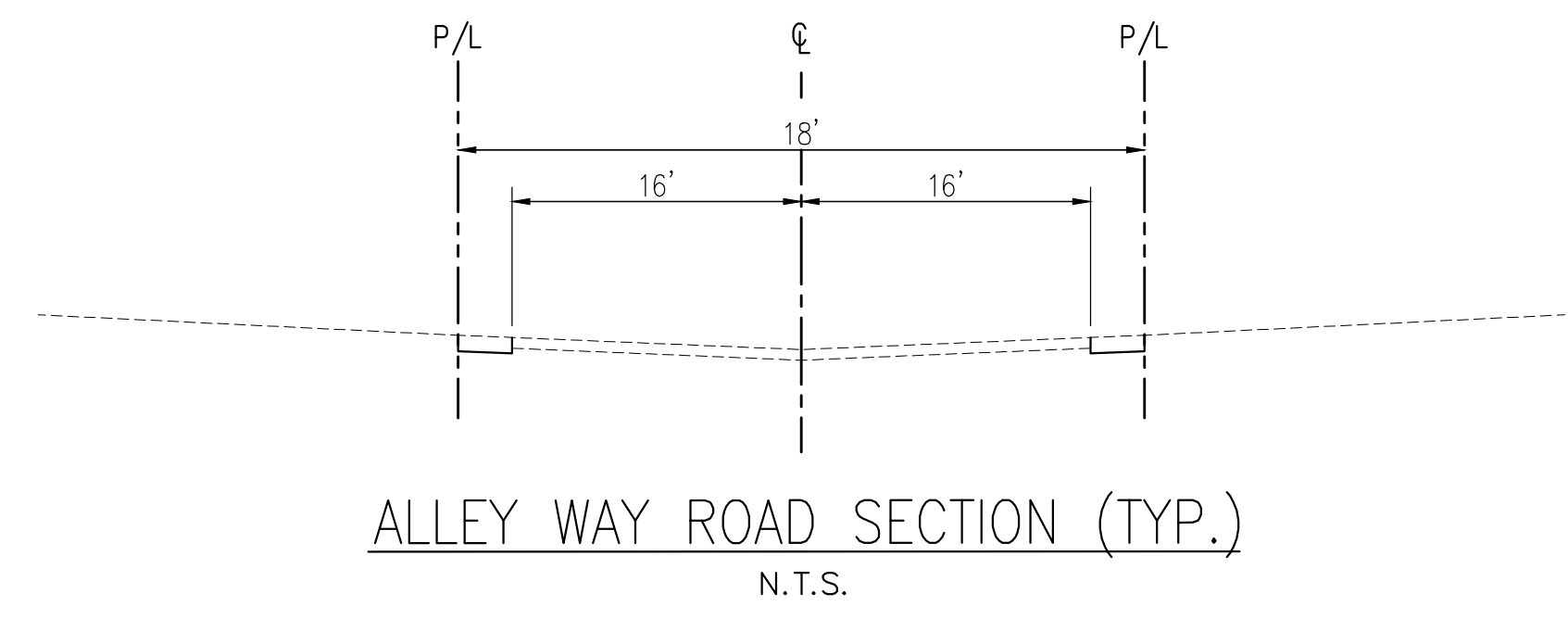


**BUILDING ELEVATION TYPICAL**  
N.T.S.



**MARSHALL PLACE ROAD SECTION**  
N.T.S.

**EUCLID AVENUE ROAD SECTION**  
N.T.S.



**ALLEY WAY ROAD SECTION (TYP.)**  
N.T.S.

<b>REQUEST</b>	Current Zoning: RE-3 (research) Proposed Zoning: RE-3 SPA (research, site plan amendment)
<b>LOCATION</b>	Approximately 2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the development of a 6,375-square foot banquet hall facility and retain an existing cell tower.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of the outstanding issues. This petition is consistent with the <i>Northeast District Plan</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Saha International Corporation Nasir Ahmad James L. Walters
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

## **PLANNING STAFF REVIEW**

- **Background**

- The subject property was rezoned as part of 16 acres from R-3 (single family residential) to RE-3(CD) (research, conditional) via Petition 1998-021C.
- Petition 2000-032 took the existing RE-3 (research) into the City limits but did not change any entitlements.
- The approved site plan allowed up to 160,000 square feet of RE-1 (research) and RE-2 (research) uses and only hotels and restaurants in RE-3 (research) and included the following conditions:
  - A 100-foot undisturbed building setback along John Adams Road.
  - A 35-foot undisturbed rear yard.
  - An accessory service windows for restaurant uses were prohibited.
  - Provided for a five-foot sidewalk and eight-foot planting strip along public street frontages.

- **Proposed Request Details**

The site plan amendment contains the following site changes:

- A maximum of 6,375 square feet for a 4,875-square foot banquet facility and a 1,500-square foot accessory storage building.
- A 900-square foot open terrace abutting a garden area.
- Existing wireless communication tower to remain.
- Eight-foot planting strip and six-foot sidewalk along John Adams Road.
- Building elevations and materials consisting of asphalt shingle, aluminum clad fascia, EIFS, and cultured stone wainscot.
- Double row of tree plantings along John Adams Road.
- Tree save area totaling 17 percent.
- Maximum building height limited to two stories and 45 feet.
- Prohibition of accessory service windows.
- Detached lighting limited to 20 feet in height.
- Setback of 24 feet along John Adams Road.

- **Existing Zoning and Land Use**

- The subject property is currently zoned RE-3 (research) and is developed with a wireless communication tower. The surrounding properties are zoned RE-3 (research), R-8MF (multi-family residential) and are vacant or developed with residential structures.

- **Rezoning History in Area**

- Petition 2012-074 south of the subject site is seeking to rezone 9.55 acres to B-1(CD) (neighborhood business, conditional) to allow 54,000 square feet for office and retail uses.

- **Public Plans and Policies**



- The *Northeast District Area Plan* (1996) as amended by rezoning petition 2000-32, recommends research uses for the subject parcel.
  - This petition is consistent with the *Northeast District Plan*.
- 

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
    - **Vehicle Trip Generation:**  
Current Zoning: 2,100 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.
  - **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 City's tree canopy by exceeding the minimum required tree save required by the Tree Ordinance.

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Modified the proposed use to Eating, Drinking and Entertainment Establishment, Type 2.
    2. Add a note that vinyl siding will be prohibited as an exterior building material.
    3. Add a note that expanses of blank wall will not exceed 20 continuous feet in length.
    4. Label building elevations to correspond with the proposed building orientation.
    5. Remove note number "5" from the site data table.
    6. Show possible dumpster location and label on the site plan.
    7. Add a note in the development table that the existing cell tower will remain.
    8. Show and label the required yard as undisturbed area.
    9. Show and carry the required eight-foot planting strip and six-foot sidewalk to the property line.
    10. Remove the proposed street cross section detail from the site plan.
- 

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

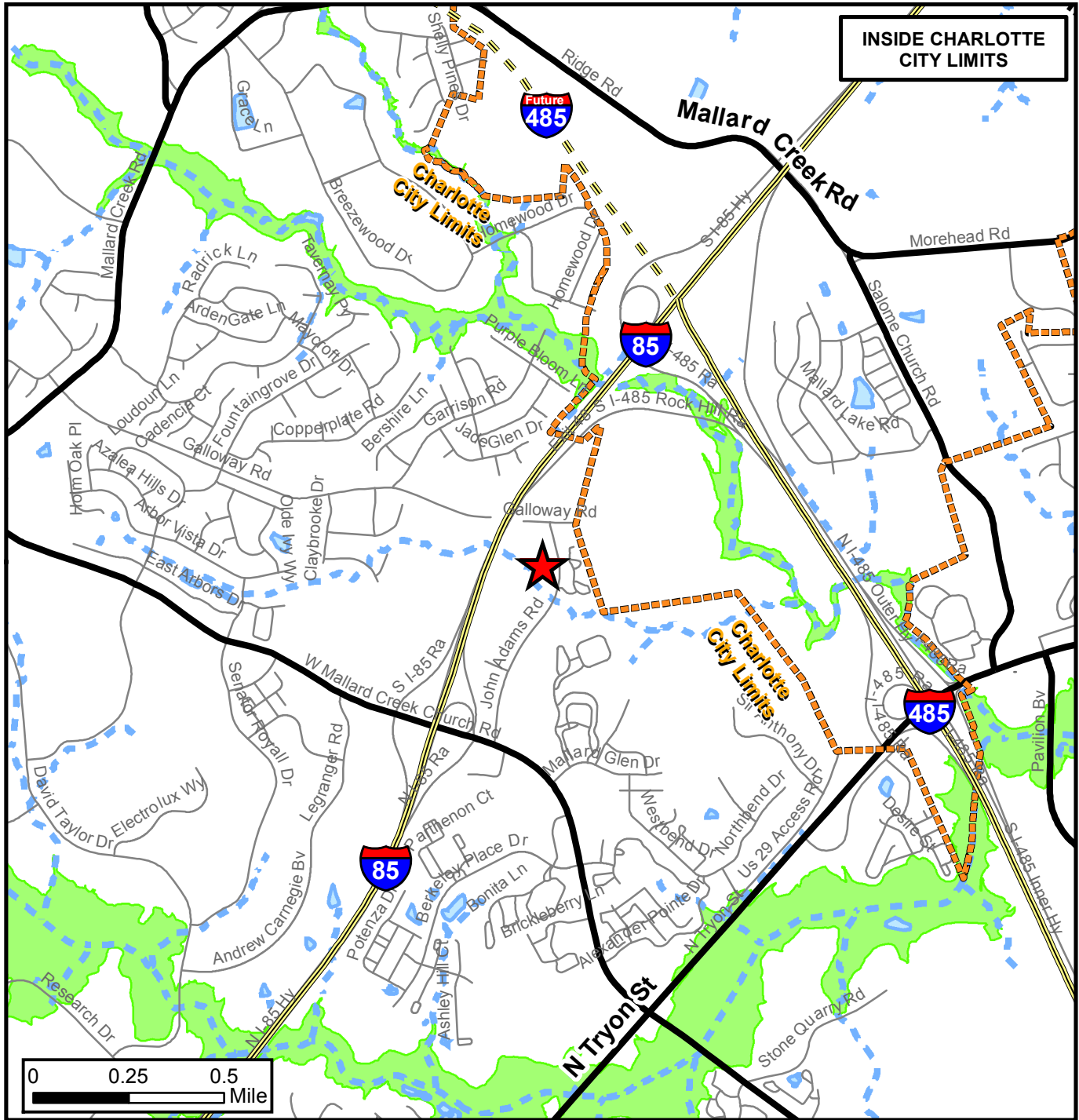
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- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** Solomon Fortune (704) 336-8326

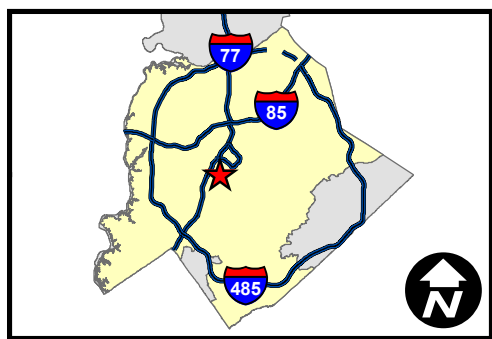
Petition #: **2014-065**

# Vicinity Map

**Acreeage & Location :** Approximately 2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road.



**INSIDE CHARLOTTE CITY LIMITS**



**★ Rezoning Petition: 2014-065**

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

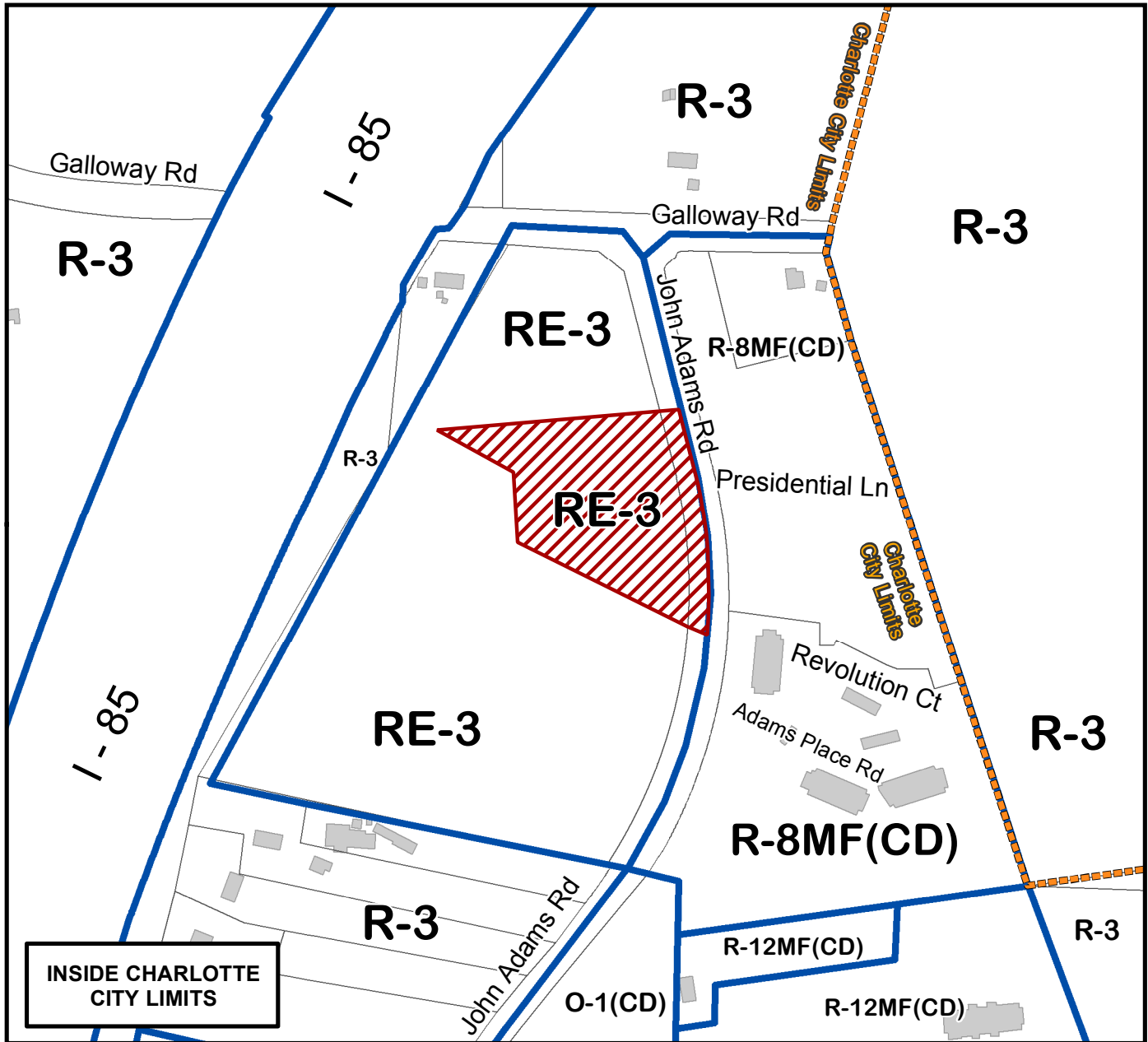
Petition #: **2014-065**

Petitioner: **Nasir Ahmad**

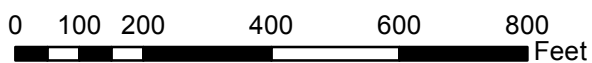
Zoning Classification (Existing): **RE-3**  
(Research)

Zoning Classification (Requested): **RE-3 (S.P.A.)**  
(Research, Site Plan Amendment)

Acreage & Location: Approximately 2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road.

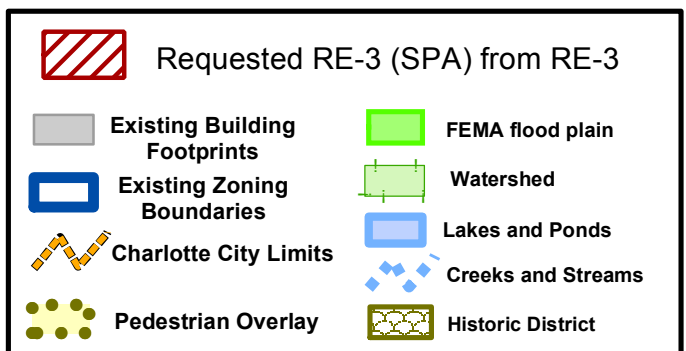


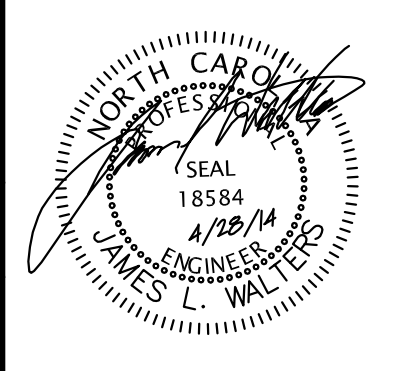
Map Produced by the Charlotte-Mecklenburg Planning Department, 5-2-2014.



Zoning Map #(s)

**54**





APRIL 28, 2014  
 DATE

**SAHA INTERNATIONAL**  
**CORPORATION**

3716 W.T. HARRIS BLVD.  
 CHARLOTTE, NC 28269  
 PHONE: (704) 598-1936

**JOHN ADAMS RD. BANQUET FACILITY**  
**MECKLENBURG COUNTY CHARLOTTE, NC**

**REZONING PLAN**

**REVISIONS**

1. 06/10/14 REVISED PER CITY REVIEW

PROJECT NO: 2014.08

SCALE: 1" = 60'

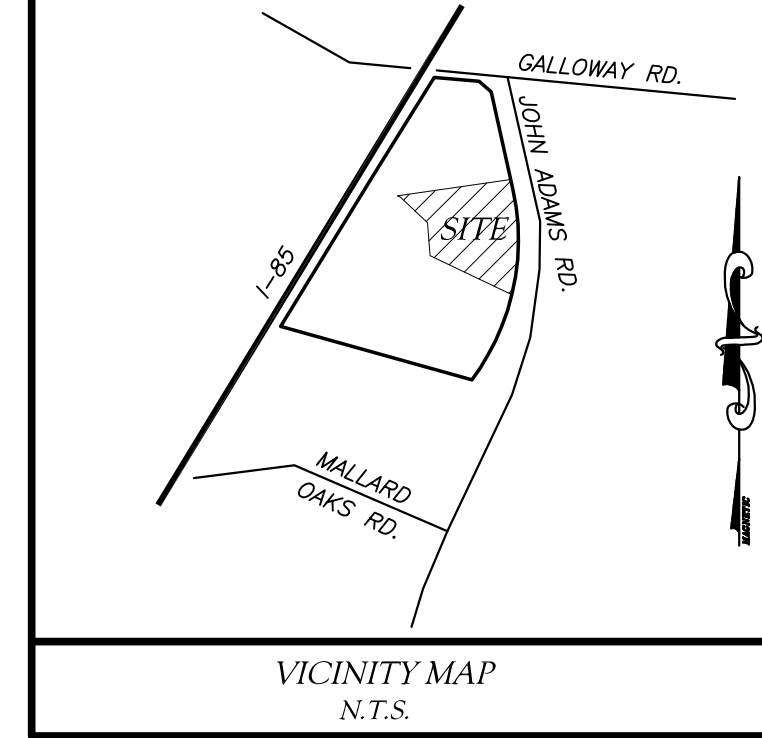
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CHECKED BY: JLW

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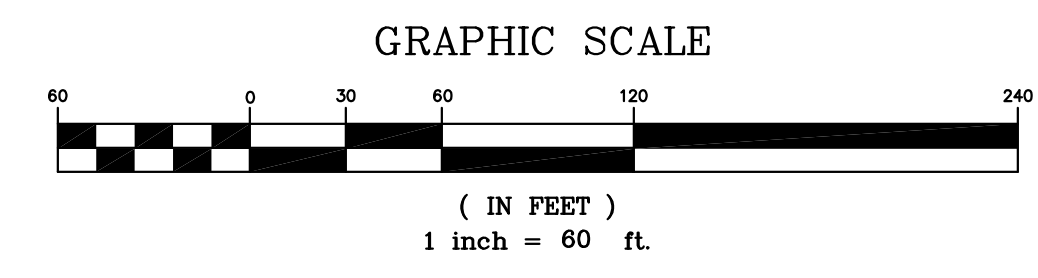
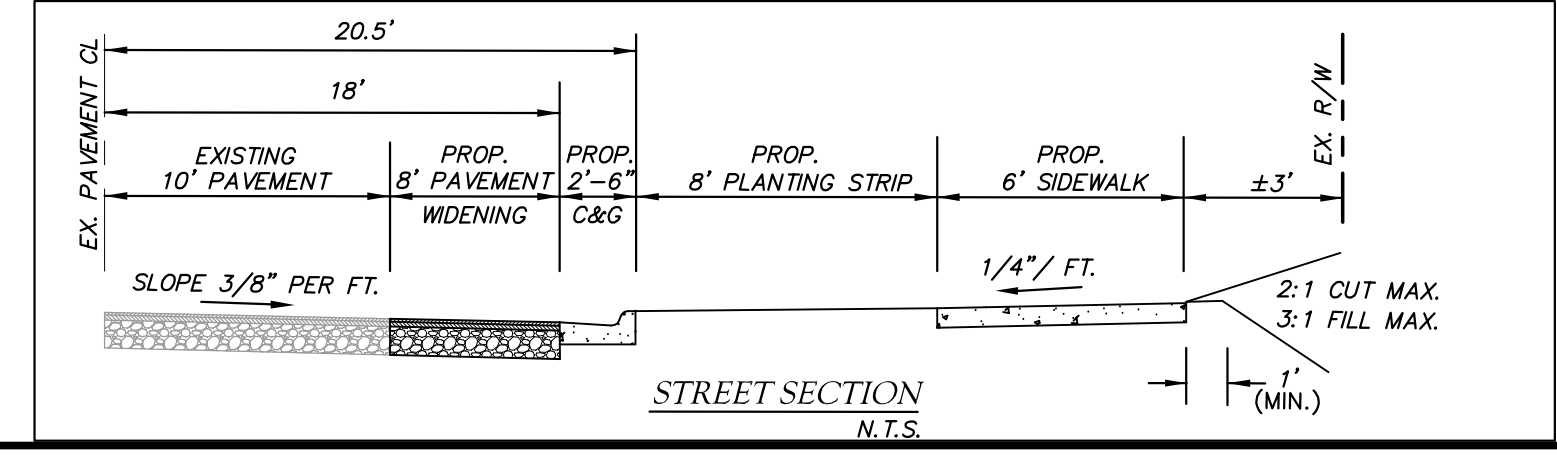
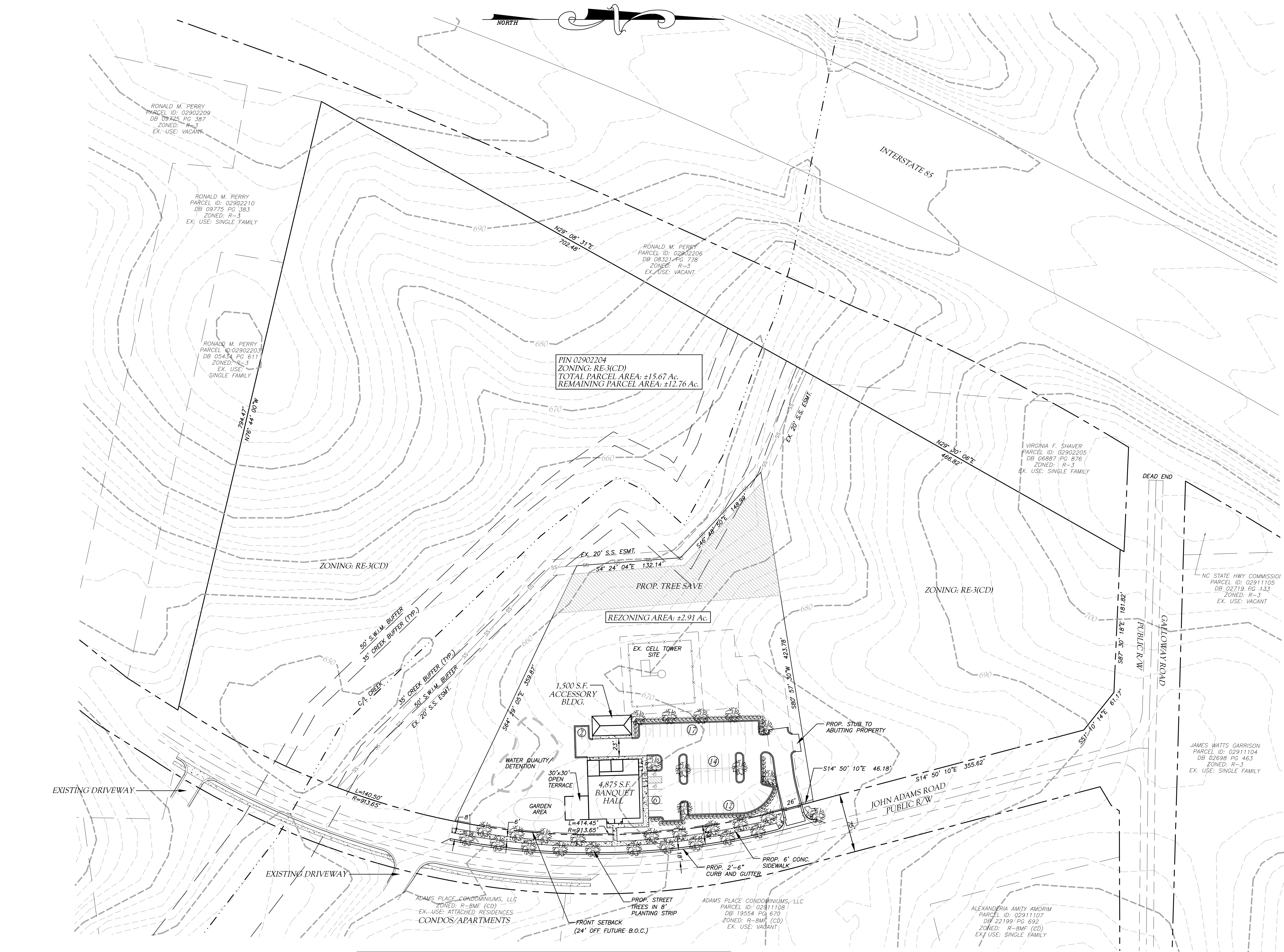
**PETITION**  
**NUMBER**  
**2014-065**

**RZ-1**



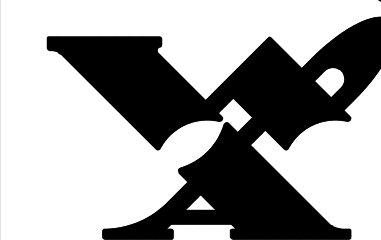
**SITE DATA:**

1. PARCEL ID: 02902204  
 DB 09428 PG. 987  
 SITE AREA: ±15.67 AC. TOTAL  
 PARCEL FOR REZONING: ±2.91 AC.
2. SITE ADDRESS: 1225 GALLOWAY ROAD  
 CHARLOTTE, NC 28262
3. EXISTING ZONING: RE-3(CD)  
 PROPOSED ZONING: RE-3(S.P.A.)  
 EXISTING USE: VACANT W/ CELL TOWER ON-SITE  
 PROPOSED USE: BANQUET FACILITY
4. PROPOSED BUILDING AREAS:  
 BANQUET FACILITY: 4875 S.F.  
 ACCESSORY BUILDING: 1500 S.F.  
 TOTAL S.F.: 6375 S.F.
5. PARKING DATA:  
 REQUIRED: 1 SPACE PER 125 sf = 51 SPACES
6. TREE-SAVE CALCULATION:  
 THE SITE WILL PROVIDE 17% TREE SAVE
7. AMENITIES:  
 A. 30' X 30' OPEN TERRACE FOR SEATING  
 B. GARDEN AREA FOR OUTDOOR FUNCTIONS
8. MAXIMUM BUILDING HEIGHT: LIMITED TO 45' AND TWO STORIES
9. SETBACKS:  
 FRONT SETBACK: 24' OFF BACK OF CURB  
 SIDE YARD: NONE  
 REAR YARD: NONE
10. DETACHED LIGHTING WILL BE LIMITED TO 20 FEET IN HEIGHT.  
 ATTACHED/DETACHED LIGHTING WILL BE FULLY CAPPED,  
 DOWNWARDLY DIRECTED, WITH FULL CUTOFF FIXTURE.
11. NO DRIVE-THRU SERVICE WINDOWS WILL BE ALLOWED.
12. TRASH DISPOSAL FOR THIS FACILITY WILL BE ROLL-OUT.
13. SURVEY INFORMATION PROVIDED BY:  
 JACK R. CHRISTIAN & ASSOCIATES  
 811 CENTRAL AVE., SUITE 9, CHARLOTTE, N.C.  
 R/W DEDICATION SURVEY (WEST MALLARD CREEK) BY:  
 TOWER ENGINEERING PROFESSIONALS  
 3703 JUNCTION BLVD., RALEIGH, N.C. 27603  
 919-661-6351
14. ENVIRONMENTAL FEATURES:  
 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.
15. THIS PARCEL WILL BE SUBDIVIDED UPON APPROVAL OF THIS  
 REZONING.



**811**  
 Know what's below.  
 Call before you dig.

1408-RZ.dwg



**Wilber Associates**  
**Architecture / Planning**  
 P.O. Box 428 - 20044 N. Zion St.  
 Carolina, N.C. 28031  
 704-892-3633

NOTE  
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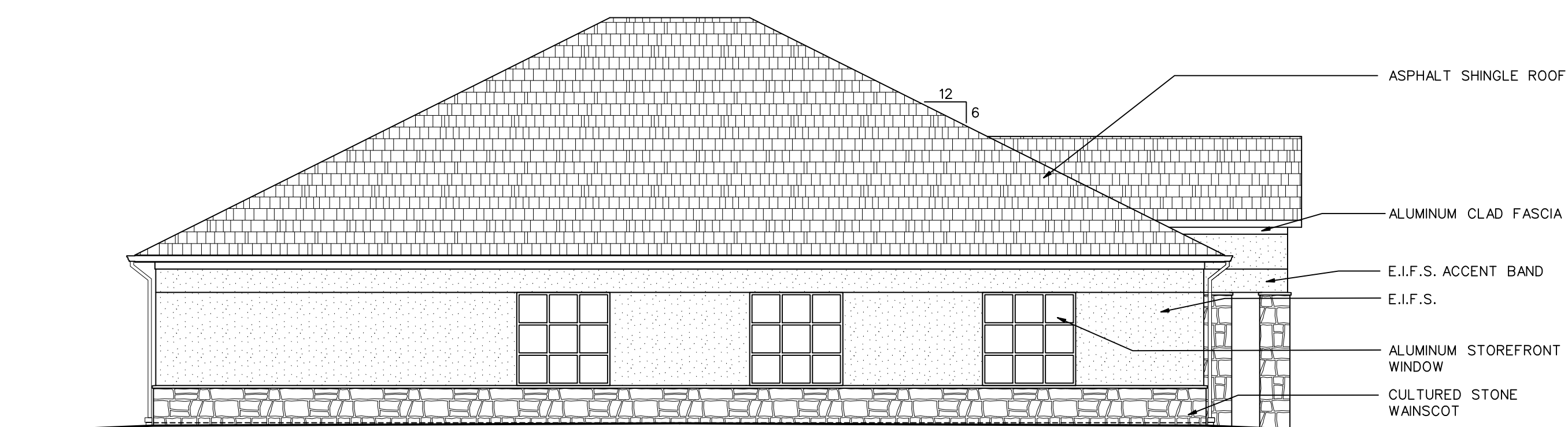
S E A L

TITLE



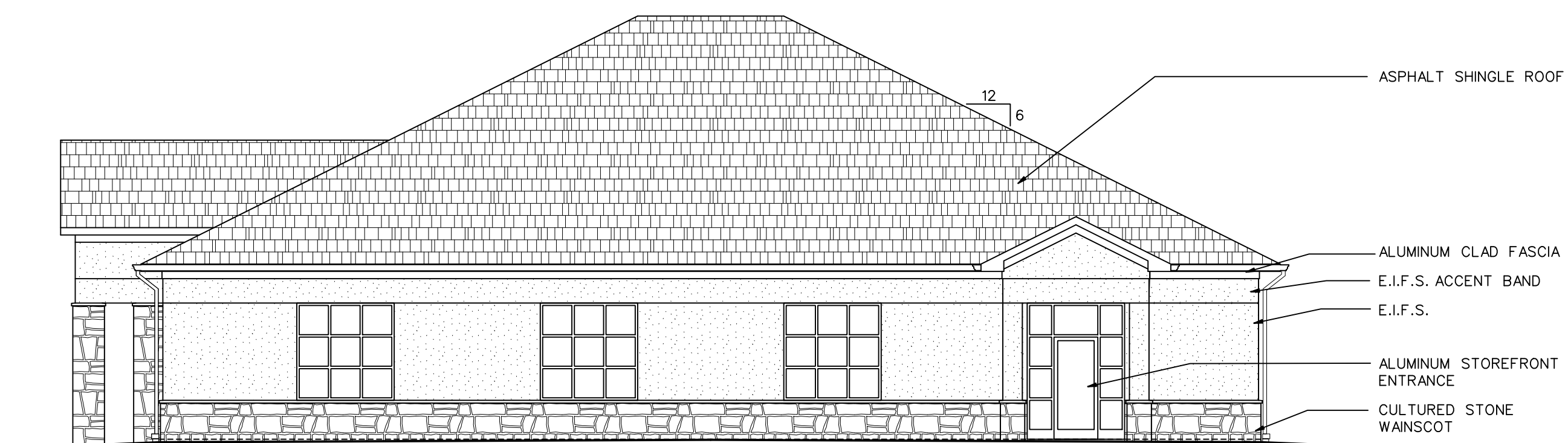
FRONT ELEVATION

1/8"=1'-0"



LEFT SIDE ELEVATION

1/8"=1'-0"



RIGHT SIDE ELEVATION

1/8"=1'-0"

COMM. NO. 1438

DATE 6/20/14

REVISIONS

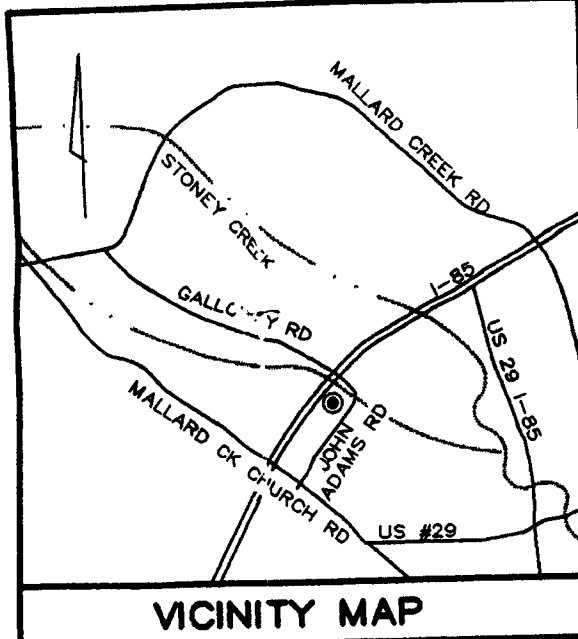
SHEET

SKA-1

OF

1

Previously  
Approved  
Site  
Plan



MINNIE L. PERRY  
DEED 5213 P.143  
ZONED R-3  
029-111-10  
1001 JOHN ADAMS RD  
CHARLOTTE, NC 28262

FOR PUBLIC HEARING  
98-21C

**JOHN ADAMS ROAD  
MECKLENBURG COUNTY  
NORTH CAROLINA**

**SITE DATA:**  
SITE AREA +/-18.0 ACRES  
EXISTING ZONING R-3  
PROPOSED ZONING RE-3CD  
MAXIMUM BUILDING SQ. FOOTAGE: 160,000 SQ. FT.  
MINIMUM LOT SIZE: 4 ACRES

**LEGAL DESCRIPTION:**  
BEGINNING AT AN EXISTING IRON PIN ON THE SOUTHERN RIGHT-OF-WAY OF GALLOWAY ROAD (50' R/W) SAID POINT BEARING S 87°28'10" E FROM A CONCRETE RIGHT-OF-WAY MONUMENT ON THE EASTERN RIGHT-OF-WAY OF INTERSTATE HIGHWAY #85; THENCE WITH THE RIGHT-OF-WAY OF GALLOWAY ROAD S 87°30'18" E 180.91 FEET TO A POINT; THENCE S 51°10'14" E 64.45 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY OF JOHN ADAMS ROAD (50' R/W) THREE (3) CALLS:  
(1) S 14°50'10" E 403.44 FEET TO A POINT;  
(2) WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 918.65 FEET WITH ARC DISTANCE 557.89 FEET TO A POINT (SUBTENDED BY A CHORD BEARING S 02°33'51" W 459.44 FEET);  
(3) WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 958.10 FEET WITH ARC DISTANCE 241.41 FEET TO A POINT (SUBTENDED BY A CHORD BEARING S 26°44'58" W 240.78 FEET) TO A NEW IRON PIN IN THE NORTHEASTERN CORNER OF PROPERTY OWNED BY RONALD M. PERRY DEED RECORDED IN DEED BOOK 5434 PAGE 611 OF THE MECKLENBURG PUBLIC REGISTRY; THENCE WITH RONALD M. AND MINNIE L. PERRY'S (DEED RECORDED IN DEED BOOK 5213 PAGE 143 OF THE MECKLENBURG PUBLIC REGISTRY) NORTHERN LINE N 16°44'00" W 794.47 FEET TO AN EXISTING IRON PIN, A CORNER OF THE RONALD M. PERRY PROPERTY DEED RECORDED IN DEED BOOK 8321 PAGE 778 OF THE MECKLENBURG PUBLIC REGISTRY; THENCE WITH THE PERRY LINE N 29°09'31" E 702.48 FEET TO AN EXISTING IRON PIN IN THE SOUTHWEST CORNER OF THE PROPERTY OWNED BY VIRGINIA F. SHAVER DEED RECORDED IN DEED BOOK 6887 PAGE 876 OF THE MECKLENBURG PUBLIC REGISTRY; THENCE WITH THE SHAVER LINE N 29°30'06" E 466.82 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 16 ACRES, MORE OR LESS.

- DEVELOPMENT NOTES:**
1. THE SITE PLAN CONSISTS OF THE TECHNICAL DATA SHEET (SHEET 1 OF 2) AND THE ILLUSTRATIVE SITE PLAN (SHEET 2 OF 2). THE TECHNICAL DATA SHEET CONTAINS ALL DEVELOPMENT NOTES AND CONDITIONS REGARDING SUCH THINGS AS VEHICULAR CIRCULATION AREAS, DRIVEWAY INTENSITY, ETC. THE ILLUSTRATIVE SITE PLAN DEPICTS A DEVELOPMENT SCENARIO BASED UPON THE CONDITIONS IMPOSED BY THE TECHNICAL DATA SHEET, BUT OTHER DEVELOPMENT SCENARIOS ARE PERMITTED AS A MATTER OF RIGHT WHICH ALLOWS ALTERNATIVES TO THE ARRANGEMENT OF BUILDINGS/PARKING/CIRCULATION AREAS, BUILDING FOOTPRINTS, AND SPACES, ECT. IN NO EVENT, HOWEVER, SHALL YARD OR SETBACK SPACES BE DECREASED OR THE MAXIMUM LEVEL OF DEVELOPMENT INTENSITY INCREASED FROM THAT SHOWN ON THE TECHNICAL DATA SHEET.
  2. ALL PROPOSED DEVELOPMENT ON THE SITE SHALL COMPLY WITH MECKLENBURG COUNTY ORDINANCE REQUIREMENTS REGARDING THE NUMBER AND ARRANGEMENT OF THE OFF-STREET PARKING SPACES, SIGNAGE, YARD DIMENSIONS, BUFFERS, SCREENING, AND LANDSCAPING.
  3. THE PROPOSED DEVELOPMENT SHALL BE SUBDIVIDED AS GENERALLY SHOWN. USES PERMITTED ON THE SITE SHALL BE THOSE ALLOWED IN THE RE-1 AND RE-2 DISTRICTS AND THE ONLY RE-3 USES PERMITTED SHALL BE HOTELS/MOTELS AND RESTAURANTS WITHOUT DRIVE-IN SERVICE.
  4. THE SITE SHALL BE SERVICED BY AN EXISTING 50' RIGHT-OF-WAY PUBLIC STREET, JOHN ADAMS ROAD, AND GALLOWAY ROAD. THE NUMBER OF DRIVEWAYS INTO EACH LOT SHALL BE LIMITED TO THOSE SHOWN IN THE TECHNICAL DATA SHEET AND WILL BE LOCATED IN THE GENERAL AREAS DEPICTED SUBJECT TO NCDOT APPROVALS.
  5. THE LOCATIONS OF PROPOSED LOT LINES WITHIN THE DEVELOPMENT ARE CONCEPTUAL. FINAL LOCATIONS AND NUMBER OF LOT LINES MAY BE ADJUSTED BASED UPON DEVELOPER/TENANT DESIGN CRITERIA, BUT SHALL BE IN COMPLIANCE WITH ZONING/SUBDIVISION ORDINANCE STANDARDS.
  6. THE PROPOSED DEVELOPMENT SHALL COMPLY WITH THE STORM DRAINAGE AND STORM WATER DETENTION REQUIREMENTS OF MECKLENBURG COUNTY. DETENTION SHALL NOT BE PERMITTED WITHIN SETBACKS OR YARDS.
  7. PARKING LOT SCREENING AND INTERIOR LANDSCAPING SHALL MEET OR EXCEED MECKLENBURG COUNTY INTERIOR LANDSCAPE AND SCREENING REQUIREMENTS.
  8. THE MAXIMUM HEIGHT OF DETACHED LIGHTS SHALL BE 30 FEET.
  9. DUMPSTERS SHALL BE SCREENED BY SOLID ENCLOSURES WITH GATES.
  10. LIGHTING WALL PACKS SHALL NOT BE ALLOWED ON BUILDINGS.
  11. ANTICIPATED MAXIMUM BUILDING HEIGHT IS 40 FEET. BUILDINGS WITH HEIGHT IN EXCESS OF 40 FEET SHALL MEET REQUIREMENTS SET FORTH IN SECTION 9.605(1).
  12. ALL DEVELOPMENT WITHIN THE SITE SHALL COMPLY WITH LANDSCAPING STANDARDS PER SECTION 11.705(3).
  13. PARKING IS NOT PERMITTED WITHIN REQUIRED SETBACKS AND YARDS.
  14. THE FOLLOWING AGENCIES SHALL BE CONTACTED REGARDING FLOOD PLAIN AND WATER QUALITY PERMITS: US ARMY CORPS OF ENGINEERS AND NCDENR (RALIEGH OFFICE).
  15. PETITIONERS SHALL PROVIDE A 5 FOOT SIDEWALK AND AN 8 FOOT PLANTING STRIP ALONG THE SITE'S JOHN ADAMS ROAD AND GALLOWAY RD FRONTAGE.
  16. SETBACK AND YARD AREAS SHALL REMAIN UNDISTURBED EXCEPT FOR A 10% ALLOWANCE AS PERMITTED BY DISTRICT STANDARDS.
  17. PETITIONER/DEVELOPER SHALL IMPROVE JOHN ADAMS ROAD AND GALLOWAY ROAD TO COMMERCIAL STREET STANDARDS ALONG THE SITE'S FRONTAGE.
  18. PETITIONER/DEVELOPER SHALL PERFORM AN OVERTOPPING ANALYSIS OF THE EXISTING CULVERT UNDER JOHN ADAMS ROAD PRIOR TO ISSUANCE OF BUILDING PERMIT FOR THE FIRST BUILDING WITHIN THIS DEVELOPMENT. IF THE ANALYSIS SHOWS THE ROAD OVERTOPS, THE PETITIONER/DEVELOPER SHALL UPGRADE THE CULVERT UNDER JOHN ADAMS ROAD TO MEET CURRENT APPLICABLE DRAINAGE STANDARDS. IMPROVEMENT SHALL NOT INCLUDE REPLACING THE EXISTING CULVERT.
  19. PETITIONER/DEVELOPER RESERVES THE OPTION OF PERFORMING A COMPLETE TREE SURVEY OF SETBACK AND BUFFER AREAS AND SUBMITTING AN ALTERNATE PLANTING/GRADING PLAN FOR APPROVAL BY PLANNING STAFF. THE ALTERNATE PLANTING/GRADING PLAN SHALL SHOW ALL EXISTING LARGE MATURING TREES WITHIN THE SETBACK TO BE PRESERVED. GRADING AREAS, NEW LARGE MATURING TREES, AND SHRUBS TO BE PLANTED WITHIN THE SETBACKS TO COMPLY WITH THE INTENT OF SECTION 11.705(3).
  20. PETITIONER RESERVES THE OPTION OF SUBDIVIDING THE PROPERTY INTO NO MORE THAN THREE PARCELS. PRELIMINARY LOT LINES SHOWN ARE PRELIMINARY AND SUBJECT TO ADJUSTMENTS BY THE PETITIONER/DEVELOPER.
  21. THE 100 FOOT BUFFER ALONG THE SOUTHERLY BOUNDARY LINE MAY BE DELETED AND REPLACED WITH THE NORMALLY REQUIRED 35 FOOT YARD UPON THE REZONING OF THE IMMEDIATELY ADJOINING SITE TO A NONRESIDENTIAL CATEGORY.

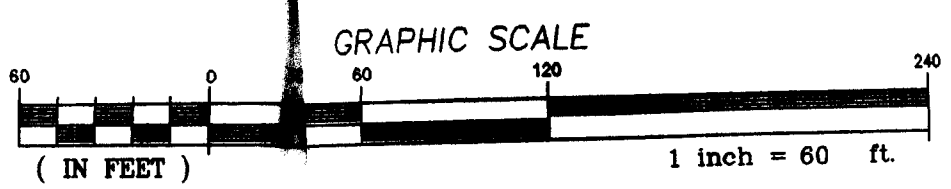
RONALD M. PERRY  
DEED 5434 P.611  
ZONED R-3  
029-111-03  
1001 JOHN ADAMS RD  
CHARLOTTE, NC 28262

JOHN H ADAMS  
& LOIS ADAMS  
029-031-03  
923 W.MALLARD CREEK CH. RD  
CHARLOTTE, N.C.  
ZONED R-3  
DB 1511 P.059

BARNHARDT BROS CO.  
029-031-03  
6100 FAIRVIEW BLVD #970  
CHARLOTTE, N.C. 28210  
DB 3400 P.055  
ZONED R-3

JAMES W. GARRISON  
029-111-04  
ZONED R-3  
1124 GALLOWAY RD  
CHARLOTTE, N.C. 28262  
DB 2698 P.463

- NOTE:**
1. THIS SURVEY IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR RIGHTS-OF-WAYS OF RECORD PRIOR TO DATE OF THIS SURVEY WHICH WERE NOT VISIBLE AT THE TIME OF OUR INSPECTION.
  2. E.I.P. DENOTES EXISTING IRON PIN, N.I.P. DENOTES NEW IRON PIN.
  3. PROPERTY DESCRIPTION WAS TAKEN FROM A DEED TO BARNHARDT BROTHERS RECORDED IN DEED BOOK 3400 P.055.
  4. THIS SURVEY IS OF AN EXISTING PARCEL OF LAND.
  5. TOPOGRAPHY SHOWN IS FROM AERIAL TOPOGRAPHY FURNISHED BY MECKLENBURG COUNTY ENGINEERING DEPARTMENT.
  6. BOUNDARY SURVEY BY JACK R. CHRISTIAN & ASSOC. DATED OCTOBER 15, 1997.

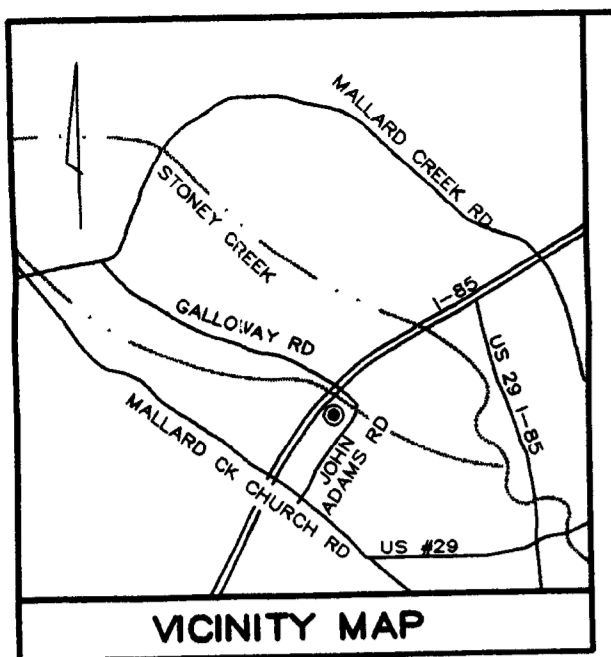


REVISED 1-2-98 ADD TOPO

APPROVED BY COUNTY COMMISSION  
DATE May 19, 1998  
98-21C  
**TECHNICAL DATA SHEET**

MANSOUR EDLIN CONSULTING also.  
1515 MOCKINGBIRD LANE  
SUITE 802  
CHARLOTTE, N.C. 28209  
17041 672-1560  
JANUARY 12, 1998  
APPROVED BY CITY COUNCIL  
DATE February 21, 2002

REVISIONS	
5/6/1998	PER ZONING COMMITTEE AND STAFF COMMENTS
3/15/1998	PER CMPCC, COUNTY ENGINEERING, AND BUILDING STANDARDS COMMITTEE

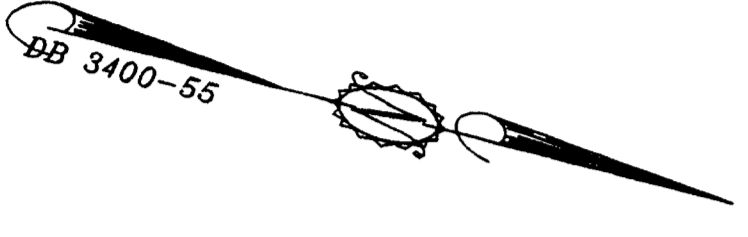


MINNIE L. PERRY  
DEED 5213 P.143  
ZONED R-3  
029-111-10  
1001 JOHN ADAMS RD  
CHARLOTTE, NC 28262

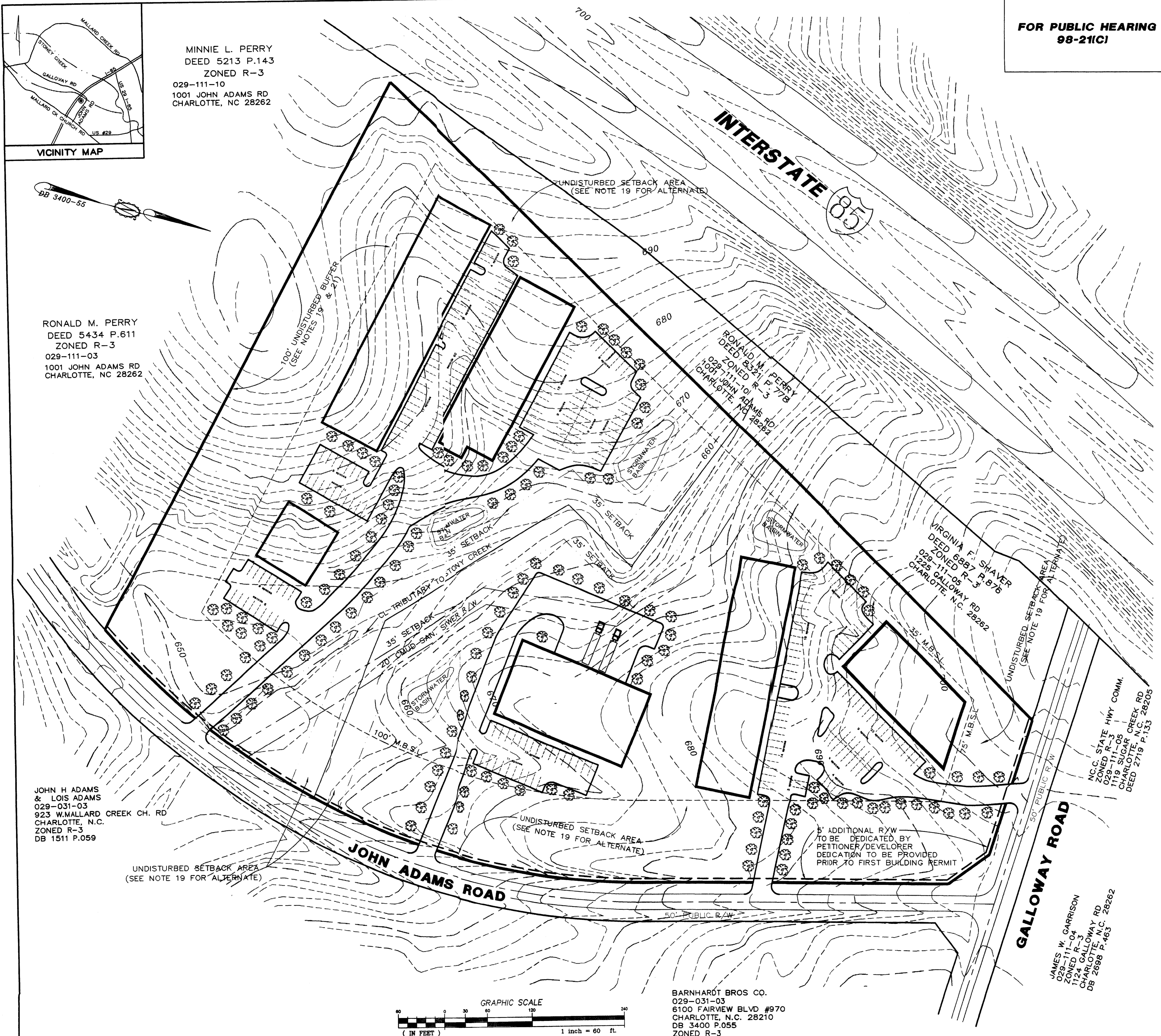
FOR PUBLIC HEARING  
98-21(C)

**JOHN ADAMS ROAD**  
MECKLENBURG COUNTY  
NORTH CAROLINA

SITE DATA:  
SITE AREA +/-16.0 ACRES  
EXISTING ZONING R-3  
PROPOSED ZONING RE-3CD  
MAXIMUM BUILDING SQ. FOOTAGE: 160,000 SQ. FT.  
MINIMUM LOT SIZE: 4 ACRES



RONALD M. PERRY  
DEED 5434 P.611  
ZONED R-3  
029-111-03  
1001 JOHN ADAMS RD  
CHARLOTTE, NC 28262

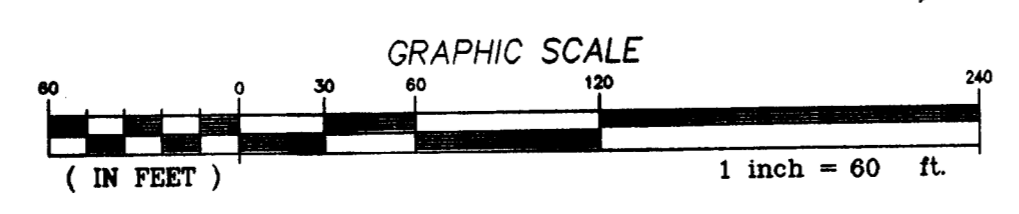


JOHN H ADAMS  
& LOIS ADAMS  
029-031-03  
923 W.MALLARD CREEK CH. RD  
CHARLOTTE, N.C.  
ZONED R-3  
DB 1511 P.059

UNDISTURBED SETBACK AREA  
(SEE NOTE 19 FOR ALTERNATE)

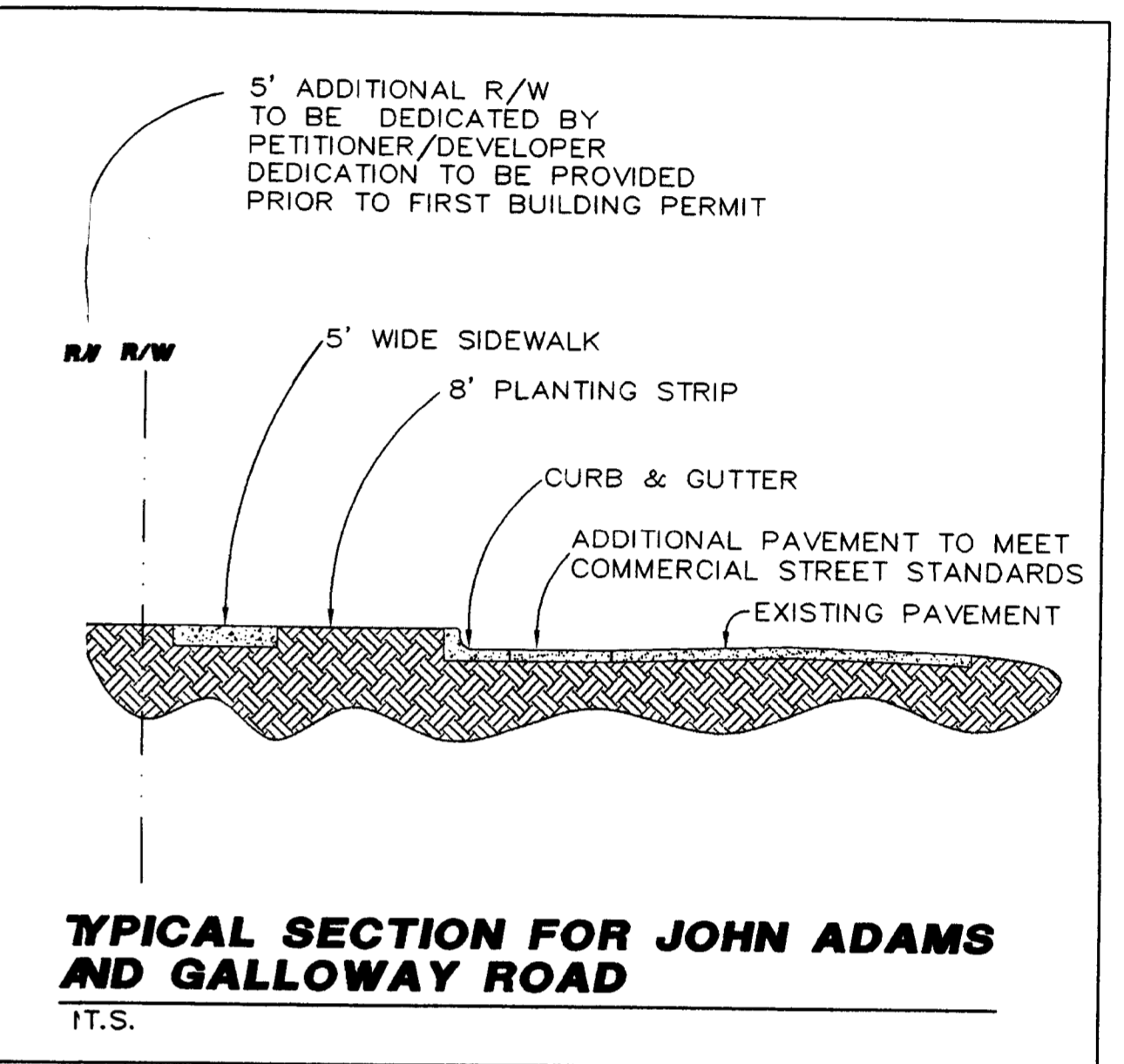
JOHN ADAMS ROAD

GALLOWAY ROAD



BARNHARDT BROS CO.  
029-031-03  
6100 FAIRVIEW BLVD #970  
CHARLOTTE, N.C. 28210  
DB 3400 P.055  
ZONED R-3

REVISED 1-2-98 ADD TOPO



**TYPICAL SECTION FOR JOHN ADAMS AND GALLOWAY ROAD**  
I.T.S.

**ILLUSTRATIVE SITE PLAN**

MANSOUR EDLIN CONSULTING  
1818 MOCKINGBIRD LANE  
SUITE 802  
CHARLOTTE, N.C. 28209  
(704) 672-1560  
JANUARY 12, 1998

SHEET  
2  
OF  
2

REVISIONS	
5/6/1998	ZONING COMMITTEE & STAFF COMMENTS
3/15/1998	PER CMPCC, COUNTY ENGINEERING, AND BUILDING STANDARDS COMMITTEE



---

<b>REQUEST</b>	Current Zoning: R-5 (single family residential) Proposed Zoning: B-1(PED) (neighborhood business, pedestrian overlay)
<b>LOCATION</b>	Approximately 0.094 acres of existing right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to rezone a portion of St. Julien Street, which is currently in the abandonment process, to allow all uses permitted in the B-1(PED) (neighborhood business, pedestrian overlay) district.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition. The petition is consistent with the <i>Plaza Central Pedscape Plan</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	City of Charlotte (as the owner of a public street right-of-way) Levine Properties, Inc. Keith MacVean/Jeff Brown, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is not required.

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#### **PLANNING STAFF REVIEW**

- **Background**
  - Typically zoning boundaries are drawn to the center of street right-of-ways.
  - St. Julien Street dead ends between Commonwealth Avenue and Independence Boulevard.
  - In this dead end portion, the western half of the right-of-way is zoned B-1(PED) (neighborhood business, pedestrian overlay) and the eastern half is zoned R-5 (single family residential).
  - The dead end street abuts one property to the west and one property to the east.
  - The adjacent property owners have requested abandonment for the dead end portion of right-of-way according to City policies.
  - Typically, when a right-of-way is abandoned, ownership of the property is divided between the property owners on either side.
  - Completion of the abandonment is anticipated for the end of July 2014 and will leave one-half of the former right-of-way zoned B-1(PED) (neighborhood business, pedestrian overlay) and one half zoned R-5 (single family residential). The request will rezone the residential portion to B-1(PED) (neighborhood business, pedestrian overlay) and the full right-of-way will be developed with the adjoining property to the west.
- **Proposed Request Details**

This is a conventional rezoning petition with no associated site plan.
- **Existing Zoning and Land Use**
  - The area to be rezoned is currently used as road right-of-way.
  - Properties to the east are zoned R-5 (single family residential) with single family uses. Properties to the north are zoned R-5 (single family residential) and MUDD-O (mixed use development, optional) with single family uses. Properties to the west are zoned B-1(PED) and used for a warehouse and office uses. Independence Boulevard is to the south.
- **Rezoning History in Area**

Recent rezonings approved in the area include:

  - Petition 2011-046 rezoned property located on the southeast corner of the intersection of Central Avenue and The Plaza from B-2(PED) (general business, pedestrian overlay) to B-2(PED-O) (general business, pedestrian overlay, optional) for redevelopment of a grocery store.
  - Petition 2011-069 established zoning to B-2(PED) (general business, pedestrian overlay) for a portion of right-of-way located near the southeast corner of the intersection of Pecan Avenue and Commonwealth Avenue.
  - Petition 2011-078 rezoned property located on the south side of Central Avenue at Westover Street from R-5 (single family residential) and B-1 (neighborhood business) to NS

(neighborhood services) for the remodeling and reconfiguring of an existing gas station/convenience store.

- Petition 2014-005, located on the north side of Central Avenue between St. Julien Street and Westover Street, rezoned property from B-1 (neighborhood business) to MUDD-O (mixed use development, optional) for the construction of a four-story building with 36 multi-family units and ground floor structured parking.
  - **Public Plans and Policies**
    - The *Plaza Central Pedscape Plan* (2003) recommends multi-family, office, and retail uses for the parcel on the west side of the right-of-way.
    - The *Central District Plan* (1993) recommends single family residential at four dwelling units per acre for the parcel on the east side of the right-of-way.
    - The petition is consistent with the adopted land use in the *Plaza Central Pedscape Plan* for the adjoining parcel to the west, with which the site will be developed.
- 

#### **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: NA
      - Proposed Zoning: NA
    - **Connectivity:** Not applicable.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** No comments received.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
- 

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

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

#### **OUTSTANDING ISSUES**

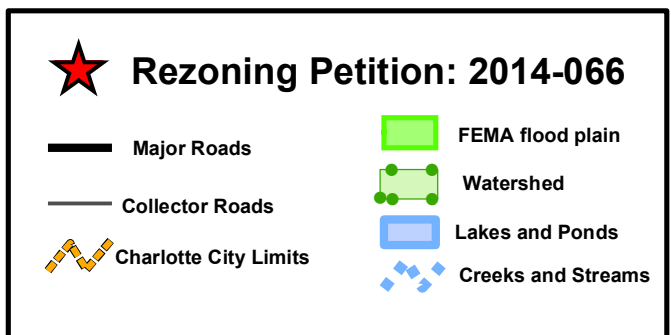
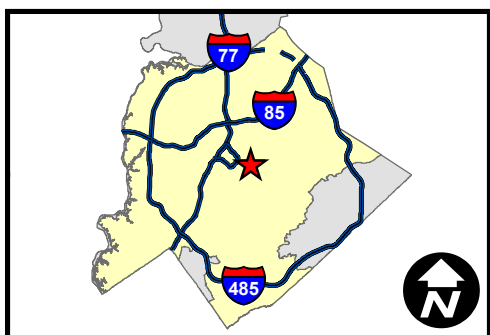
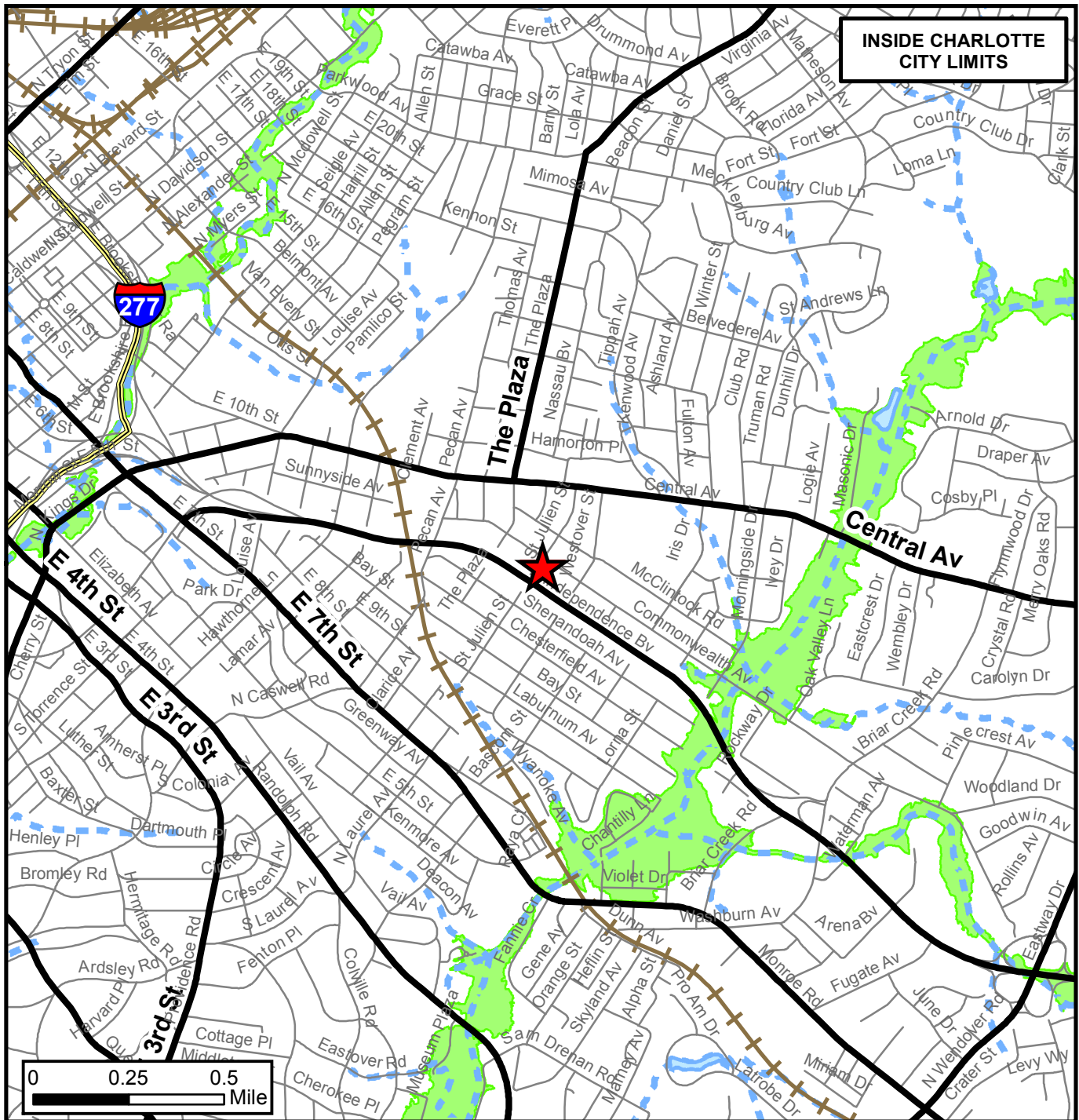
- No issues.
- 

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

- Application
- Site Plan
- Locator Map
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** John Kinley (704) 336-8311

**Acreage & Location :** Approximately 0.094 acres of right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard.



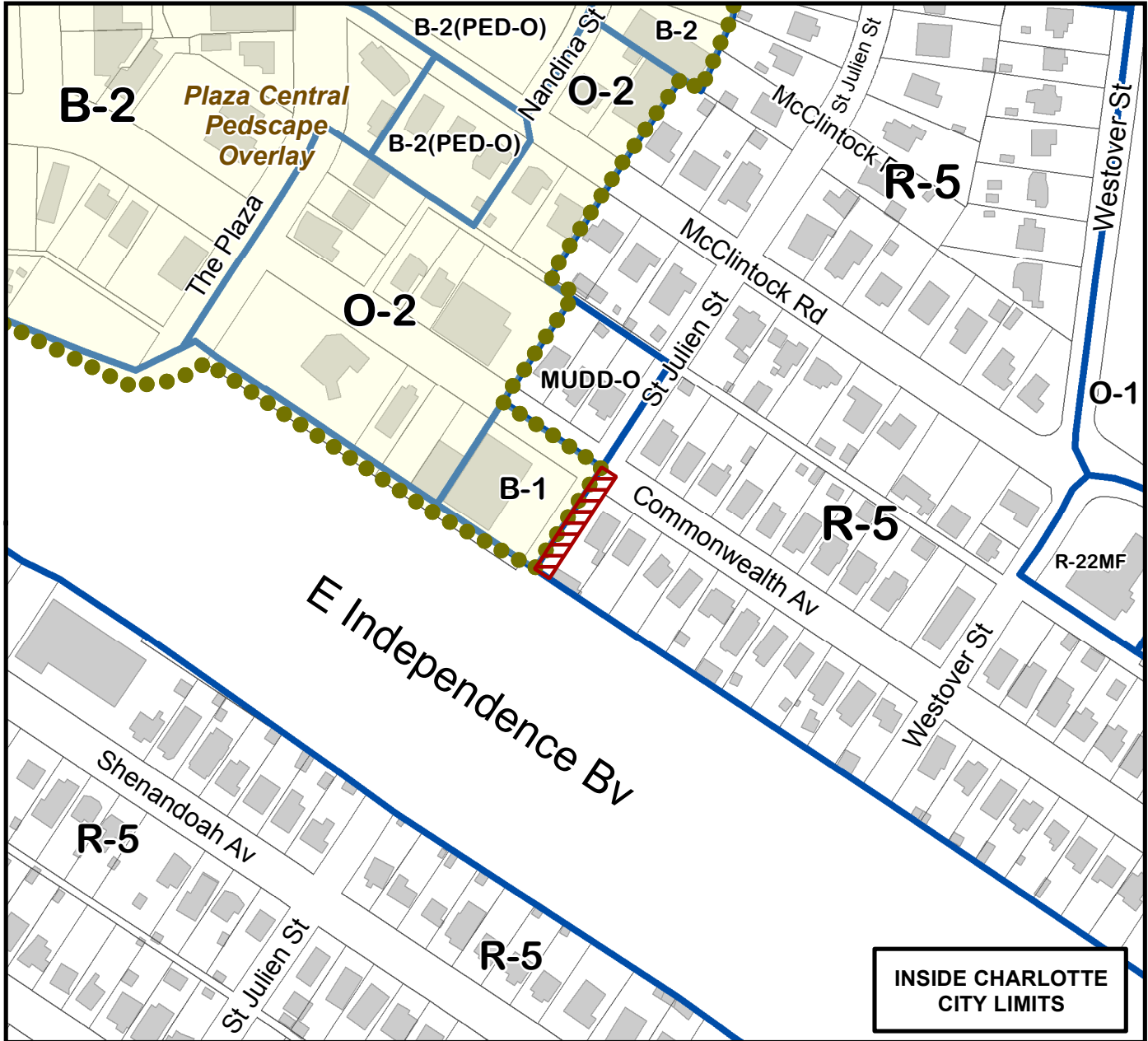
Petition #: **2014-066**

Petitioner: Levine Properties, Inc.

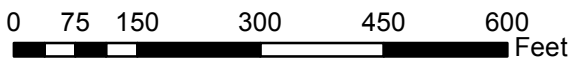
Zoning Classification (Existing): R-5  
(Single Family, Residential)

Zoning Classification (Requested): B-1(PED)  
(Neighborhood Business, Pedestrian Overlay)

Acreage & Location: Approximately 0.094 acres of right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard.

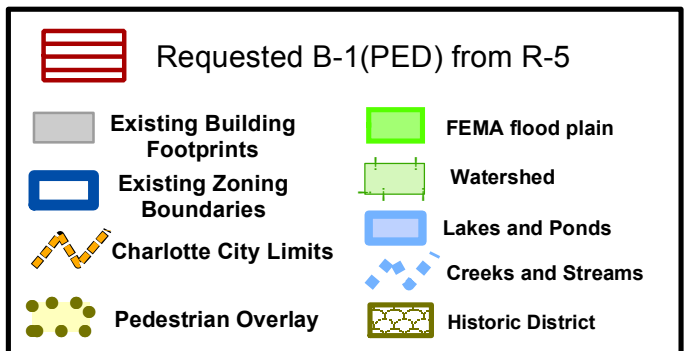


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-2014.



Zoning Map #(s)

**101**



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<b>REQUEST</b>	Current Zoning: R-17MF (multi-family residential) and INST(CD) (institutional, conditional) Proposed Zoning: INST(CD) (institutional, conditional) and INST(CD) SPA (institutional, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 91.31 acres located on the south side of Shamrock Drive across from Glenville Avenue and the east side of Eastway Drive across from Dunlavin Way. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes expansion of an existing continuing care retirement community with the addition of 125 independent living units, 150 dependent beds, and up to 14,000 square feet for an environmental services/maintenance facility.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of the petition upon resolution of outstanding issues. The petition is consistent with the <i>Eastland Area Plan</i> , which recommends institutional land uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Aldersgate United Methodist Retirement Community, Inc. Aldersgate United Methodist Retirement Community, Inc. Frank Quattrocchi, Shook Kelley
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 18

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## **PLANNING STAFF REVIEW**

### **• Background**

- Petition 1987-07 rezoned 80 acres of the subject property from R-9MF (multi-family residential) to INST(CD) (institutional, conditional) to allow 171 dependent living units, 185 independent living units, commercial uses associated with the nursing home and a bank, a 6,000-square foot indoor pool and locker room expansion, and 25,800 square feet of office space.
- Petition 1999-116 approved an INST (CD) SPA (institutional, conditional, site plan amendment) for 80 acres of the subject property located on the south side of Shamrock Drive, east of Eastway Drive and north of Sudbury Road. This petition amended the previous rezoning to allow a total of 375 independent units and 150 dependent living units.
- The subject property is partially developed with a continuing care retirement community consisting of 294 independent and dependent living units and 90,000 square feet of common facilities, office and operational facilities, and amenities associated with the community.

### **• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Addition of 125 independent living units in up to 16 buildings not to exceed two stories. Units will be in the form of apartments, townhomes, and detached, duplex, triplex, quadruplex, or multi-family cottages.
- Addition of 150 beds for dependent living units within a six-story skilled nursing facility consisting of memory care, assisted living, hospice, skilled nursing, and adult care facilities.
- Addition of 23,000 square feet of dining facilities, office space, incidental commercial uses for residents, storage, and operational facilities, for an overall total of 113,000 square feet of amenity services.
- Proposed development to be completed in two phases.
- A 50-foot Class "C" buffer abutting residential zoning in northwestern are of the property (Area D).
- Request for an alternate buffer.

### **• Existing Zoning and Land Use**

- The subject property is partially developed with a continuing care retirement community. Surrounding properties are zoned a combination of R-17MF (multi-family residential), R-4 (single family residential) and INST (institutional) and occupied by single family dwellings, multi-family

developments and institutional uses.

- **Rezoning History in Area**
    - Petition 2012-092 rezoned 1.93 acres on the east and west sides of Eastway Drive from R-17MF (multi-family residential) to O-1(CD) (office, conditional) to allow the conversion of existing single family residential structures for general and/or medical office use.
  - **Public Plans and Policies**
    - The *Eastland Area Plan* (2003) recommends institutional uses for the subject properties.
    - The petition is consistent with the *Eastland 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.
    - **Vehicle Trip Generation:**  
Current Zoning: 2,100 trips per day.  
Proposed Zoning: 3,200 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 comments received.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
  - **Mecklenburg County Parks and Recreation Department:** Requests petitioner to dedicate and convey the 100-foot SWIM buffer to Park and Recreation in fee simple or provide a greenway easement within the 100-foot SWIM buffer for the future Briar Creek Greenway.
  - **Urban Forestry:** No issues.
- 

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

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

#### **OUTSTANDING ISSUES**

- The petitioner should:
    1. Amend Development Data Table to only include information on proposed uses.
    2. Amend development legend to reflect correct totals for proposed uses and delete reference to amenity services.
    3. Explain Note 1H under Development Area A.
    4. Amend Note 1J under Development Area A to reflect proposed maximum height of dependent and independent units.
    5. Specify alternate buffer request.
    6. Amend Note 7b to remove reference to Area B.
    7. Address Park and Recreation comment.
- 

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

- Application
- Site Plan

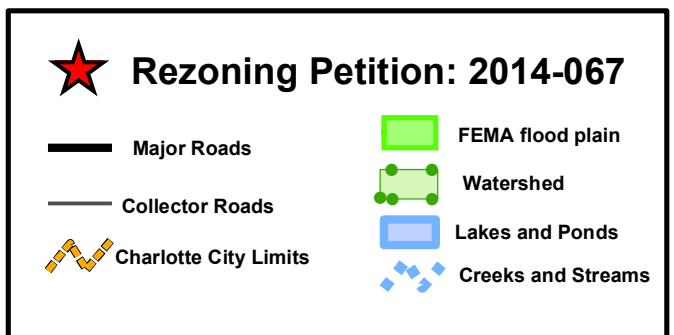
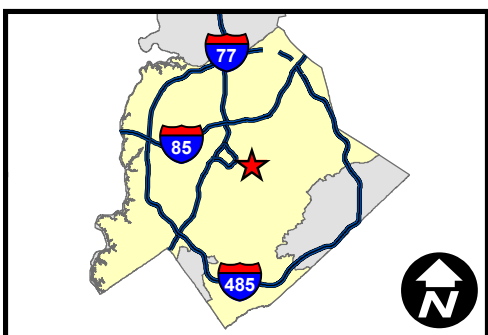
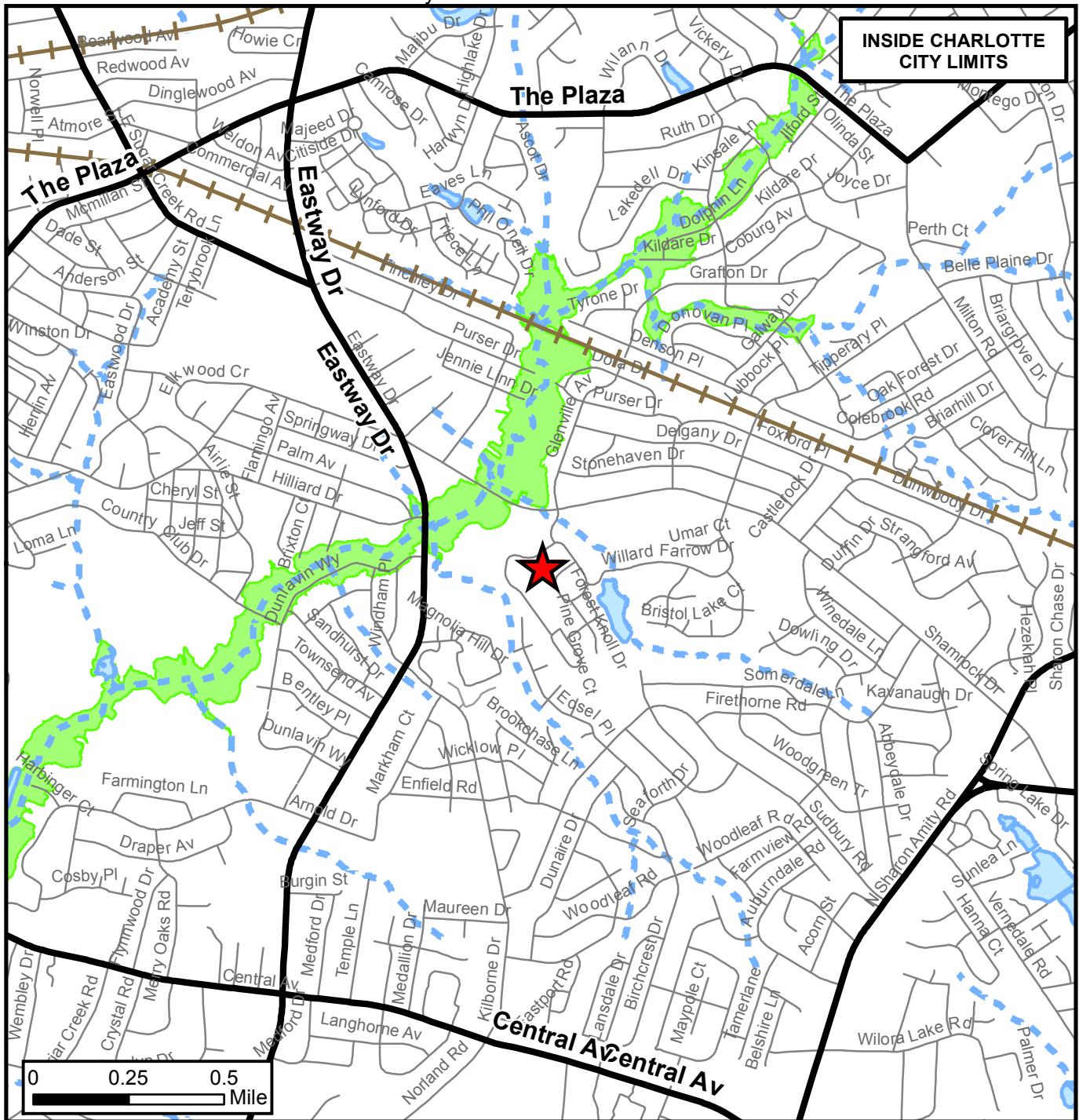
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- Urban Forestry Review

**Planner:** Sonja Sanders (704) 336-8327

Petition #: **2014-067**

# Vicinity Map

**Acreage & Location :** Approximately 91.31 acres located on the south side of Shamrock Drive across Glenville Avenue and east side of Eastway Drive across from Dunlavin Way.





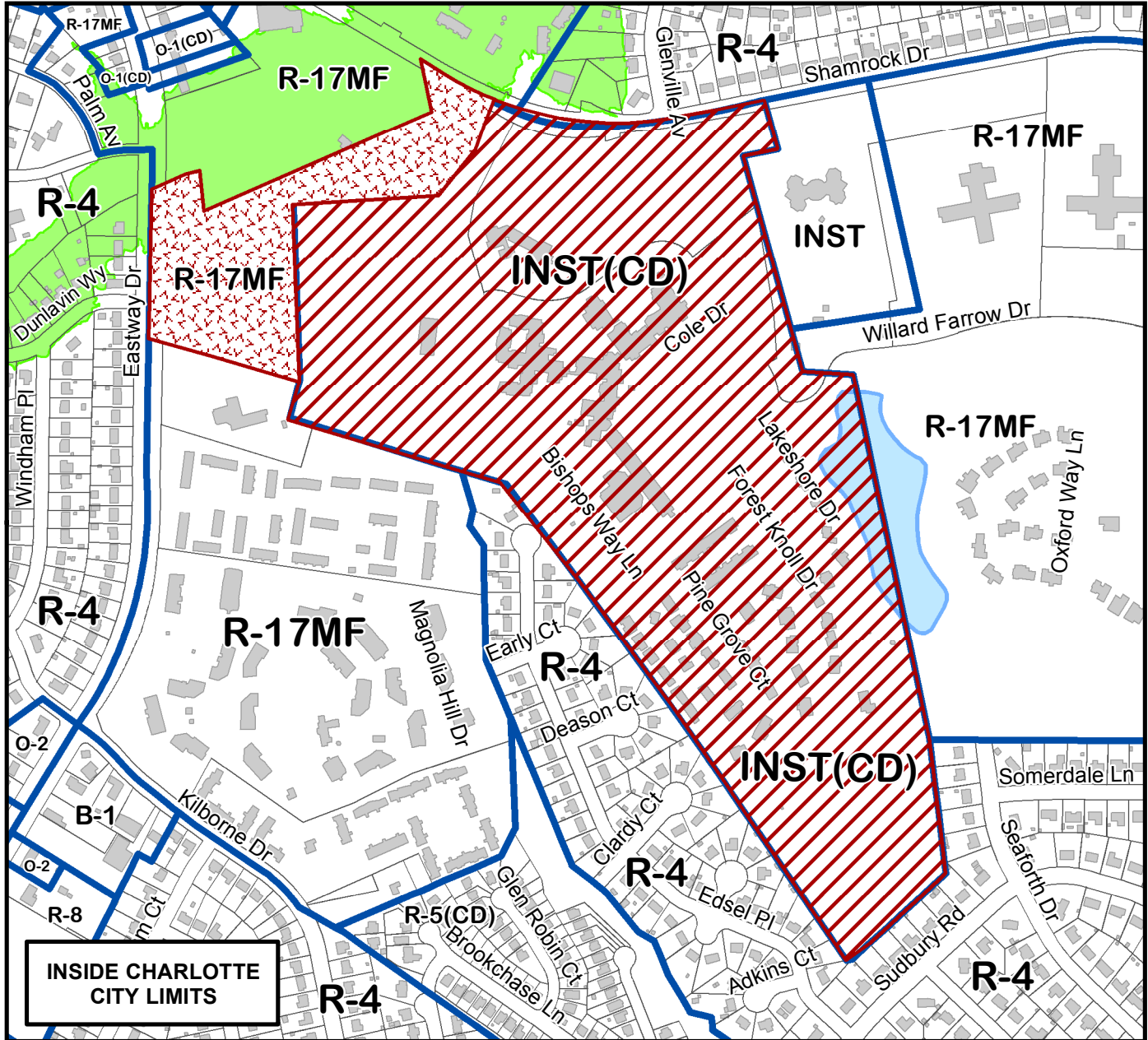
Petition #: **2014-067**

Petitioner: Aldersgate United Methodist Retirement Community, Inc.

Zoning Classification (Existing): R-17MF and INST(CD)  
(Multi-Family, Residential and Institutional, Conditional)

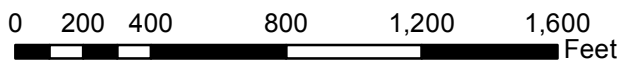
Zoning Classification (Requested): INST(CD) and INST(CD)(S.P.A.)  
(Institutional, Conditional and Institutional, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 91.31 acres located on the south side of Shamrock Drive across from Glenville Avenue and east side of Eastway Drive across from Dunlavin Way.



**INSIDE CHARLOTTE CITY LIMITS**

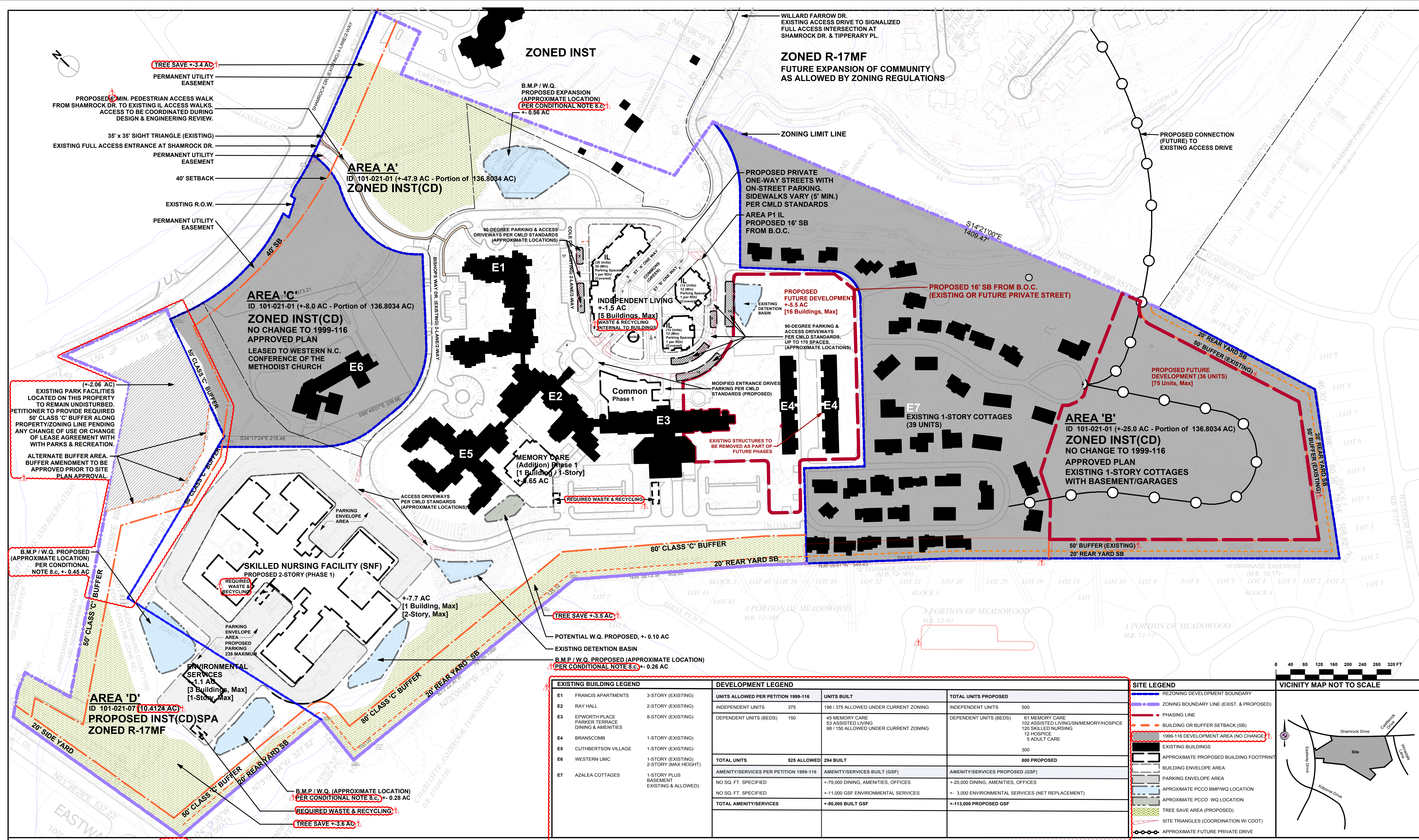
Map Produced by the Charlotte-Mecklenburg Planning Department, 7-10-2014.



Zoning Map #(s)

**100**

	Requested INST(CD)(SPA) from INST(CD)
	Requested INST(CD) from R-17MF
	Existing Building Footprints
	Existing Zoning Boundaries
	Charlotte City Limits
	Pedestrian Overlay
	FEMA flood plain
	Watershed
	Lakes and Ponds
	Creeks and Streams
	Historic District



**1. DEVELOPMENT DATA TABLE:**

DEVELOPMENT AREA A	DEVELOPMENT AREA B (NO CHANGE TO 1999-116 APPROVED PLAN)	DEVELOPMENT AREA C (NO CHANGE FROM 1999-116 APPROVED PLAN)	DEVELOPMENT AREA D
1a. SITE ACREAGE (AREA A): +4.79 AC (PORTION) ID 101-021-01, DEED BK 1246-167.	1a. SITE ACREAGE (AREA B): +2.5 AC (PORTION) ID 101-021-01, DEED BK 1246-167.	1a. SITE ACREAGE (AREA C): +8.0 AC (PORTION) ID 101-021-01, DEED BK 1246-167.	1a. SITE ACREAGE (AREA D): 10.4124 AC (PORTION) ID 101-021-07, DEED BK 1246-167.
1b. TAX PARCELS: ALDERSGATE UNITED METHODIST RETIREMENT COMMUNITY, INC. EXISTING ZONING: INST(CD), PROPOSED ZONING: INST(CD) SPA	1b. TAX PARCELS: ALDERSGATE UNITED METHODIST RETIREMENT COMMUNITY, INC. EXISTING ZONING: INST(CD), PROPOSED ZONING: INST(CD) SPA	1b. TAX PARCELS: ALDERSGATE UNITED METHODIST RETIREMENT COMMUNITY, INC. EXISTING ZONING: INST(CD), PROPOSED ZONING: INST(CD) SPA	1b. TAX PARCELS: ALDERSGATE UNITED METHODIST RETIREMENT COMMUNITY, INC. EXISTING ZONING: INST(CD), PROPOSED ZONING: INST(CD) SPA
1c. EXISTING & PROPOSED ZONING: INST (AGE-RESTRICTED MULTIFAMILY DEPENDENT & INDEPENDENT) & ACCESSORY USES	1c. EXISTING & PROPOSED ZONING: INST (AGE-RESTRICTED MULTIFAMILY DEPENDENT & INDEPENDENT) & ACCESSORY USES	1c. EXISTING & PROPOSED ZONING: INST (AGE-RESTRICTED MULTIFAMILY DEPENDENT & INDEPENDENT) & ACCESSORY USES	1c. EXISTING & PROPOSED ZONING: INST (AGE-RESTRICTED MULTIFAMILY DEPENDENT & INDEPENDENT) & ACCESSORY USES
1d. PROPOSED USES: UP TO 300 RDU (JL); MF, SF (ATTACHED/DETACHED), DUPLEX, TRIPLEX, QUADRAPLEX	1d. PROPOSED USES: UP TO 300 RDU (JL); MF, SF (ATTACHED/DETACHED), DUPLEX, TRIPLEX, QUADRAPLEX	1d. PROPOSED USES: UP TO 300 RDU (JL); MF, SF (ATTACHED/DETACHED), DUPLEX, TRIPLEX, QUADRAPLEX	1d. PROPOSED USES: UP TO 300 RDU (JL); MF, SF (ATTACHED/DETACHED), DUPLEX, TRIPLEX, QUADRAPLEX
1e. # OF RESIDENTIAL UNITS BY HOUSING TYPE: UP TO 300 RDU (JL); MF, SF (ATTACHED/DETACHED), DUPLEX, TRIPLEX, QUADRAPLEX	1e. # OF RESIDENTIAL UNITS BY HOUSING TYPE: UP TO 300 RDU (JL); MF, SF (ATTACHED/DETACHED), DUPLEX, TRIPLEX, QUADRAPLEX	1e. # OF RESIDENTIAL UNITS BY HOUSING TYPE: UP TO 300 RDU (JL); MF, SF (ATTACHED/DETACHED), DUPLEX, TRIPLEX, QUADRAPLEX	1e. # OF RESIDENTIAL UNITS BY HOUSING TYPE: UP TO 300 RDU (JL); MF, SF (ATTACHED/DETACHED), DUPLEX, TRIPLEX, QUADRAPLEX
1f. # OF RDU UNITS BY HOUSING TYPE: UP TO 0.5 F.A.R. 3-STORY OVER PARKING (PROPOSED PER 9.503 PART 5)	1f. # OF RDU UNITS BY HOUSING TYPE: UP TO 0.5 F.A.R. 3-STORY OVER PARKING (PROPOSED PER 9.503 PART 5)	1f. # OF RDU UNITS BY HOUSING TYPE: UP TO 0.5 F.A.R. 3-STORY OVER PARKING (PROPOSED PER 9.503 PART 5)	1f. # OF RDU UNITS BY HOUSING TYPE: UP TO 0.5 F.A.R. 3-STORY OVER PARKING (PROPOSED PER 9.503 PART 5)
1g. SQ. FT. NON-RESIDENTIAL UNITS BY TYPE: UP TO 75 RDU (JL); SF (ATTACHED & DETACHED), DUPLEX, TRIPLEX, QUADRAPLEX & MF	1g. SQ. FT. NON-RESIDENTIAL UNITS BY TYPE: UP TO 75 RDU (JL); SF (ATTACHED & DETACHED), DUPLEX, TRIPLEX, QUADRAPLEX & MF	1g. SQ. FT. NON-RESIDENTIAL UNITS BY TYPE: UP TO 75 RDU (JL); SF (ATTACHED & DETACHED), DUPLEX, TRIPLEX, QUADRAPLEX & MF	1g. SQ. FT. NON-RESIDENTIAL UNITS BY TYPE: UP TO 75 RDU (JL); SF (ATTACHED & DETACHED), DUPLEX, TRIPLEX, QUADRAPLEX & MF
1h. MAXIMUM BUILDING HEIGHT: UP TO 0.5 F.A.R. 1-STORY (PLUS BASEMENT)	1h. MAXIMUM BUILDING HEIGHT: UP TO 0.5 F.A.R. 1-STORY (PLUS BASEMENT)	1h. MAXIMUM BUILDING HEIGHT: UP TO 0.5 F.A.R. 1-STORY (PLUS BASEMENT)	1h. MAXIMUM BUILDING HEIGHT: UP TO 0.5 F.A.R. 1-STORY (PLUS BASEMENT)
1i. # AND/OR RATIO OF PARKING SPACES: UP TO 235, FUTURE DEVELOPMENT AREAS: PER CHAPTER 12, PART 2	1i. # AND/OR RATIO OF PARKING SPACES: UP TO 235, FUTURE DEVELOPMENT AREAS: PER CHAPTER 12, PART 2	1i. # AND/OR RATIO OF PARKING SPACES: UP TO 235, FUTURE DEVELOPMENT AREAS: PER CHAPTER 12, PART 2	1i. # AND/OR RATIO OF PARKING SPACES: UP TO 235, FUTURE DEVELOPMENT AREAS: PER CHAPTER 12, PART 2
1j. AMOUNT OF OPEN SPACE:	1j. AMOUNT OF OPEN SPACE:	1j. AMOUNT OF OPEN SPACE:	1j. AMOUNT OF OPEN SPACE:

**2. GENERAL PROVISIONS:**

- 2a. APPLICATION OF ORDINANCE NOTES:
- 2b. ALTERATIONS:
- 2c. OPTIONAL PROVISIONS:
- 2d. PERMITTED USES:
- 2e. ALLOWED USES:
- 2f. PROHIBITED USES:
- 2g. OTHER USE RESTRICTIONS:
- 2h. TRANSPORTATION IMPROVEMENTS CONSTRUCTED IN CONJUNCTION WITH DEVELOPMENT
- 2i. PUBLIC VS. PRIVATE STREETS
- 2j. PARKING LOCATION - SURFACE
- 2k. LOCATION OF PROPOSED PEDESTRIAN IMPROVEMENTS
- 2l. EXISTING THROUGHFARES
- 2m. EXISTING RESIDENTIAL STREETS
- 2n. ARCHITECTURAL STANDARDS
- 2o. BUILDING MATERIALS
- 2p. BUILDING SCALE AND NUMBER OF BUILDINGS
- 2q. TREATMENT OF URBAN DESIGN AND ARCHITECTURAL ELEMENTS
- 2r. TREATMENT OF SOLID WASTE & RECYCLING ENCLOSURE
- 2s. FENCE/WALL STANDARDS

**3. STREETScape & LANDSCAPING:**

- 3a. STREETScape (SIDEWALK & PLANTING STRIP) STANDARDS
- 3b. BUFFERS/SCREENING TREATMENT

**4. ENVIRONMENTAL FEATURES:**

- 4a. TREE SAVE AREAS
- 4b. SITE INTERIOR TREES & LANDSCAPE
- 4c. PCCO TREATMENT

**5. PARKS, GREENWAYS & OPEN SPACE:**

- 5a. CONNECTIONS TO PARK & OR GREENWAY
- 5b. FIRE PROTECTION
- 5c. FIRE LANE TREATMENT

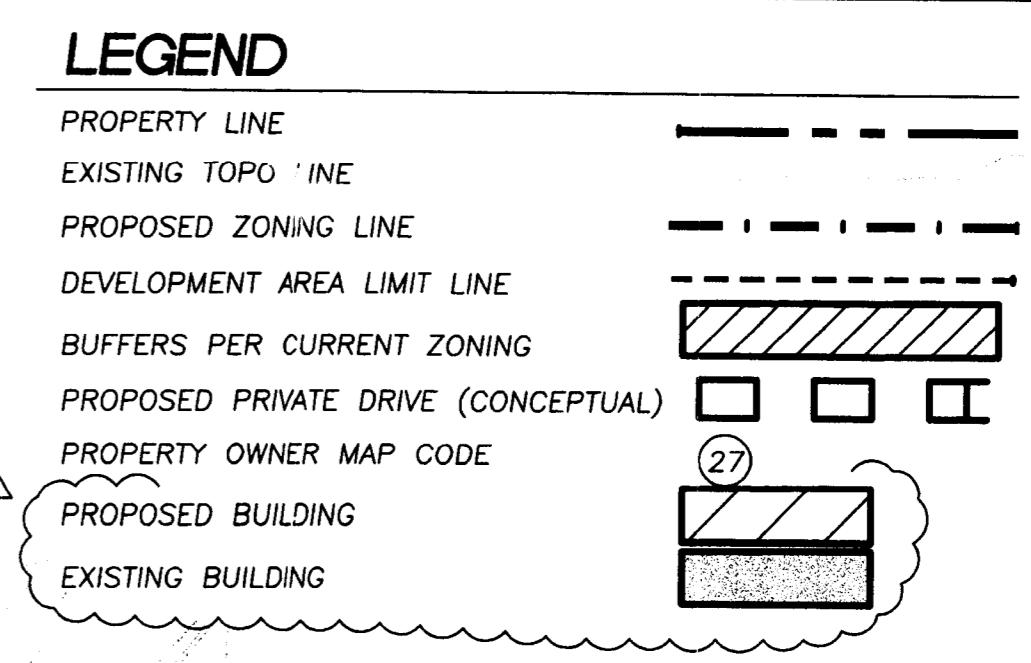
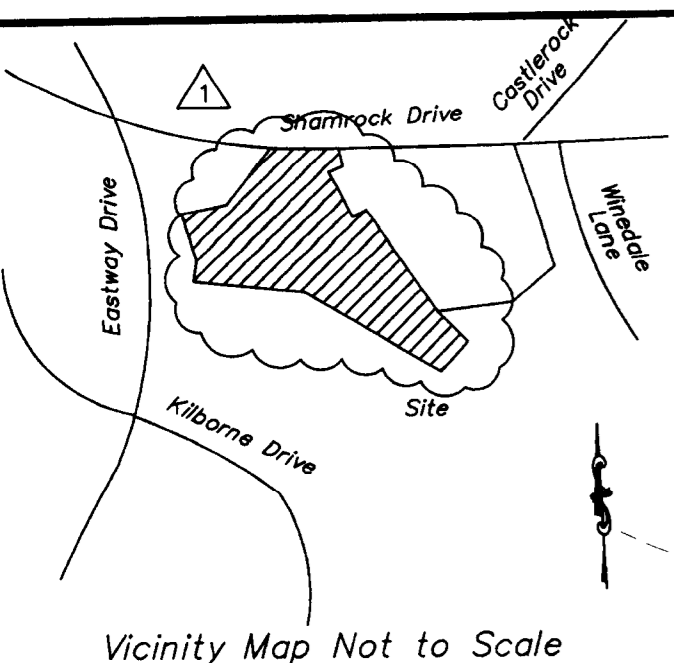
**6. SIGNAGE:**

- 6a. SIGN LIMITATIONS - SIZE, TYPE, LOCATION
- 6b. LIGHTING
- 6c. LIMITATIONS ON TYPE / LOCATION OF LIGHTING
- 6d. PEDESTRIAN SCALE LIGHTING
- 6e. PHASING:
- 6f. DEVELOPMENT PHASING BY USE OR AREA
- 6g. UNDERGROUNDING OF UTILITIES
- 6h. POTENTIAL LOCATION OF DUMPSTERS & RECYCLING CONTAINERS
- 6i. TRAFFIC STUDY

**7. NOTES:**

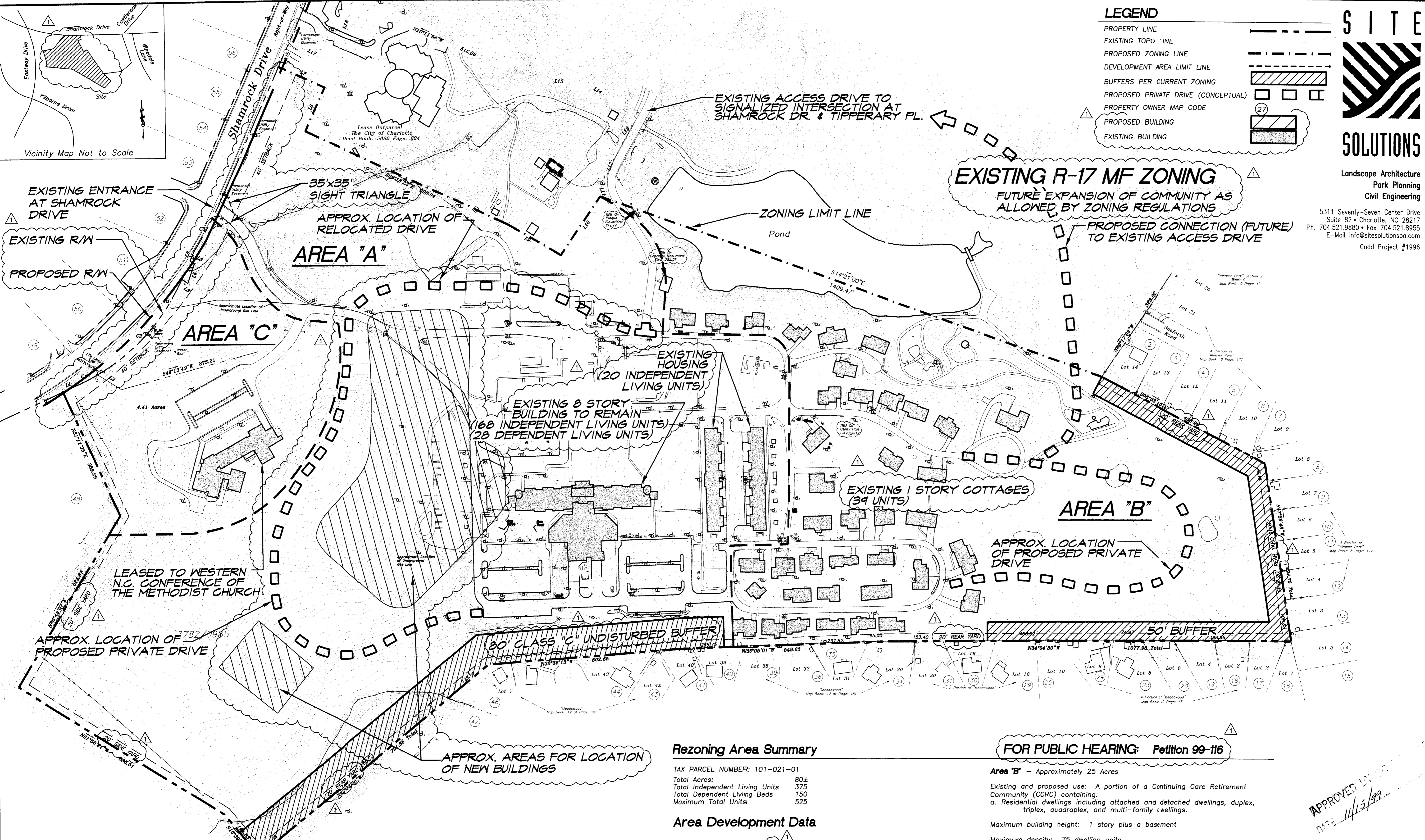
- 7a. A 50' CLASS 'C' BUFFER WILL BE PROVIDED IN AREAS B & D WITH THE AREAS OF NEW DEVELOPMENT. EXISTING BUFFERS WILL REMAIN ELSEWHERE.
- 7b. NO DETENTION WITHIN SETBACKS OR BUFFERS. BUFFERS PER SECTION 12.302.
- 7c. TREE SAVE AREAS WILL COMPLY W/ CITY OF CHARLOTTE TREE ORDINANCE.
- 7d. THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS SHOWN 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 & NATURAL SITE DISCHARGE POINTS.
- 7e. EXISTING PARK FACILITIES LOCATED ON THIS PROPERTY TO REMAIN UNDISTURBED.
- 7f. MATERIALS TO INCLUDE BRICK, STONE, SYNTHETIC STONE, STUCCO, EPS, CEMENTITIOUS PANEL, HARD SPANDX.

Previously  
Approved  
Site  
Plan



Landscape Architecture  
Park Planning  
Civil Engineering  
5311 Seventy-Seven Center Drive  
Suite 82 • Charlotte, NC 28217  
Ph. 704.521.9880 • Fax 704.521.8955  
E-Mail info@sitesolutionspa.com  
Cadd Project #1996

SENIOR LIVING  
**FreemanWhite**



EXISTING ENTRANCE AT SHAMROCK DRIVE

EXISTING R/W

PROPOSED R/W

EXISTING R/W

PROPOSED R/W

EXISTING R/W

PROPOSED R/W

EXISTING R/W

PROPOSED R/W

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EXISTING R/W

PROPOSED R/W

- Notes:**
- CURRENT ZONING IS INST. (CD). PROPOSED ZONING IS INST. (CD).
  - TOTAL REZONE SITE AREA = 80 +/- ACRES.
  - DEVELOPMENT SHALL MEET THE REQUIREMENTS OF THE CITY OF CHARLOTTE STORMWATER DETENTION ORDINANCE.
  - SIGNAGE SHALL CONFORM TO THE CITY OF CHARLOTTE SIGN ORDINANCE REQUIREMENTS.
  - ALL PARKING, SCREENING, AND LANDSCAPING SHALL MEET CITY OF CHARLOTTE ZONING REQUIREMENTS.
  - SURVEY INFORMATION WAS PROVIDED BY PATTERSON, BREWER & ASSOCIATES, DATED MARCH 1, 1999.
  - COMMERCIAL USES SHALL BE LIMITED TO THOSE WHICH ARE INCIDENTAL AND PERMITTED IN CONJUNCTION WITH THE INSTITUTIONAL USE.
  - NO DETENTION IN SETBACKS OR BUFFERS.
  - BUFFERS PER SECTION 12-302.
  - DUMPSTERS ENCLOSED WITH GATE.
  - LIGHT POLES LIMITED TO 25 FT.
  - NO WALL PAK TYPE LIGHTS.
  - ACCESS POINTS TO SHAMROCK DRIVE LIMITED TO THOSE SHOWN.

**Rezoning Area Summary**

TAX PARCEL NUMBER: 101-021-01  
Total Acres: 80±  
Total Independent Living Units: 375  
Total Dependent Living Beds: 150  
Maximum Total Units: 525

**Area Development Data**

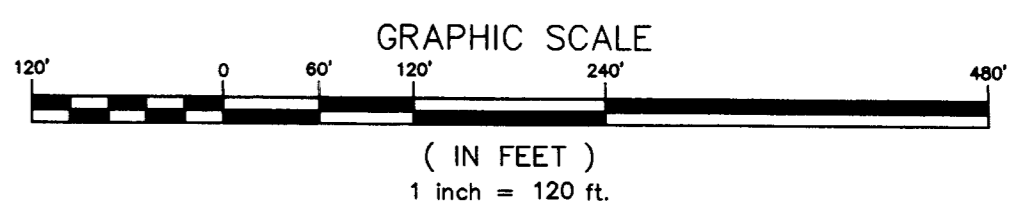
**Area 'A'** - Approximately 46 Acres  
Existing and proposed use: A portion of a Continuing Care Retirement Community (CCRC) containing:  
a. Independent living apartments for older or disabled persons.  
b. Home for the aged (HA) living units for persons requiring health and support facilities.  
c. Common facilities including common dining facilities for residents, recreational and social facilities for residents, health care facilities and services for residents, gift shop, bank, barber and beauty shop, and other incidental commercial uses intended primarily for residents of the community.  
d. Administrative facilities including offices and operational facilities required for the management of the community.

Maximum building height: 8 stories plus a basement (existing structure)  
Maximum density: 150 Dependent Living Beds, 300 Independent Living Units  
Proposed Parking: 600 spaces maximum including 50 spaces for independent living beds and 450 spaces for independent living units.

**FOR PUBLIC HEARING: Petition 99-116**

**Area 'B'** - Approximately 25 Acres  
Existing and proposed use: A portion of a Continuing Care Retirement Community (CCRC) containing:  
a. Residential dwellings including attached and detached dwellings, duplex, triplex, quadraplex, and multi-family dwellings.  
Maximum building height: 1 story plus a basement  
Maximum density: 75 dwelling units  
Proposed Parking: Garage plus driveway/unit  
**Area 'C'** - Approximately 8 Acres  
Existing and proposed use: Commercial office building located on land leased to the North Carolina Conference of the United Methodist Church.  
Approximate building area: approx. 28,000 s.f. (existing and future expansion)  
Maximum building height: 2 stories  
Proposed Parking: 110 spaces maximum including existing spaces.

APPROVED BY: [Signature]  
DATE: 11/15/99  
99-116



THE METHODIST HOME  
ALDRERSGAT  
UNITED  
METHODIST  
RETIREMEN  
COMMUNITY  
CHARLOTTE,  
REZONING  
APPLICATION

TECHNICAL  
DATA  
SHEET

project number  
4120101  
date  
JUNE 25, 1999

seals  
©1994 By  
FreemanWhite Architects

drawn by  
S. Stevens  
checked by  
D. Williams

revisions  
SEPT. 15, 1999

cpr number  
date  
includes sheets

THIS DRAWING REFLECTS ALL CHANGES PREVIOUSLY MADE ON THIS SHEET THAT HAVE BEEN INCORPORATED INTO THE CONTRACT. PROCEEDING WITH ANY WORK NOT SPECIFICALLY REFERENCED BY THIS SHEET IS AT THE USER'S RISK.

sheet number  
RZ-1

<b>REQUEST</b>	Current Zoning: INST(CD) (institutional, conditional) and B-1(CD) (neighborhood business, conditional) Proposed Zoning: O-2(CD) (office, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and I-485. (Outside City Limits)
<b>SUMMARY OF PETITION</b>	The petition proposes modifications to an approved planned development resulting in a 50-bed hospital, and up to 117,000 square feet of medical and general office, retail/commercial and personal services uses.
<b>STAFF RECOMMENDATION</b>	Staff does not recommend approval of the petition in its current form. The land use is consistent with the <i>Albemarle Road/I-485 Interchange Study</i> as amended by the previous petition. However, the proposed transportation infrastructure is inadequate for the amount of development proposed. A revised site plan, which adequately addresses the needed transportation improvements, could be considered for approval.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Novant Health Novant Health Jeff Brown/Keith MacVean, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

**PLANNING STAFF REVIEW**

- **Background**
  - Petition 2008-052 rezoned the subject property from R-3 (single family residential) to B-1(CD) (neighborhood business, conditional) to allow a 100-bed hospital, up to 140,000 square feet of medical office space, and 20,000 square feet of retail/commercial space. The hospital was to be built in two 50-bed phases, and the medical offices in four buildings.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - A hospital consisting of 50 beds.
  - Up to 80,000 square feet of medical and general office uses and dental, medical, and optical laboratory uses, and accessory uses including a helistop in the proposed O-2(CD) (office, conditional) zoning.
  - Up to 37,000 square feet of general and medical office, retail, restaurant and personal services uses in the proposed B-1(CD) (neighborhood business, conditional) zoning, of which no more than 25,000 square feet may be used for retail, restaurant, and personal services uses.
  - Total number of principal buildings will not exceed nine.
  - Up to 30,000 of the allowed square footage can be transferred from the O-2(CD) to the B-1(CD) (neighborhood business, conditional) area.
  - Up to 20,000 allowed square footage can be transferred from the B-1(CD) (neighborhood business, conditional) area to the O-2(CD) (office, conditional) area.
  - One accessory drive-through window is permitted in the B-1(CD) (neighborhood business, conditional) area but the accessory use may not be associated with a restaurant.
  - Surface parking and/or maneuvering areas, and drive-through window lanes will not be allowed between Albemarle Road and the proposed buildings.
  - Building material consisting of a combination of brick, stone, precast stone, precast concrete, synthetic stone, stucco, EIFS, decorative block and/or wood.
  - Building elevations for the health institution building that reflect the architectural style and quality.
  - A landscaped open space/court yard area that includes seating areas will be provided between

- 
- proposed buildings along Albemarle Road.
- A Class "C" buffer and undisturbed landscaping will be provided along Interstate 485.
  - A 75-foot Class "B" buffer will be provided along the site's other boundaries.
  - Transportation improvements include:
    - An eastbound restrictive leftover on Albemarle Road into the site at Public Street #1.
    - Median break on Albemarle Road to the west will be closed upon installation of the restrictive leftover.
    - Extension of existing left turn lane on Albemarle Road.
    - A channelized westbound right turn lane into the proposed development on Albemarle Road.
    - A two-lane cross-section with an ingress and egress lane at the intersection of Public Street #1 and Albemarle Road, with a channelized southbound egress lane placed under stop-controlled conditions.
    - An exclusive westbound turn lane on Albemarle Road to accommodate U-turn movements, and an accompanying modification of the traffic signal to incorporate an additional left-turn phase, in addition to construction of a bulb-out to accommodate the U-turning movements.
    - Certificates of occupancy for proposed uses contingent upon phased completion of roadway improvements and either re-evaluation of the operation of the roadway improvements to show that additional capacity is available that will support additional development or the extension of Public Street #1 to the east and connection to a north/south road that will provide full movement access to Albemarle Road.
  - **Existing Zoning and Land Use**
    - The subject property is currently vacant. Properties east of Interstate 485 are zoned R-3 (single family residential) and are developed with rural residences or are vacant. West of Interstate 485 is single family dwellings and vacant property in R-3 (single family residential) zoning. Mint Hill's jurisdiction is located to the south across Albemarle Road.
  - **Rezoning History in Area**
    - There have been no recent rezonings in the immediate area.
  - **Public Plans and Policies**
    - The *Albemarle Road/I-485 Interchange Study* (2003), as modified by a previous rezoning, recommends an institutional use and supporting office and retail uses.
    - The petition is consistent with *the Albemarle Road/I-485 Interchange Study*.
- 

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

- **Charlotte Area Transit System:** CATS requests the petitioner provide a public street turnaround, such as a cul-de-sac bulb, in order to facilitate transit service until adjoining development creates more street network. As an alternative, the petitioner may include a public easement across connecting private streets to provide a turnaround for a CATS fixed route.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** As proposed, CDOT does not believe there is adequate transportation infrastructure to support the intensity of the proposed development in Phase I and Phase II. Vehicular queuing is anticipated and may occur on proposed Public Street #1 past the proposed Hospital's access onto the subject street in Phase I under the proposed entitlements. The need for additional infrastructure is anticipated, ideally the construction of the East-West connector street in Phase I as identified on the existing conditional plan. CDOT is willing to work with the petitioner to identify infrastructure and/or reduced entitlement scenarios.
  - **Vehicle Trip Generation:**
    - Current Zoning: 11,300 trips per day.
    - Proposed Zoning: 9,000 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 comments received.
- **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 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**

- The petitioner should:
    1. Define personal services.
    2. Remove the "Other TBD" under c. Graphics and Alterations.
    3. Add a note that allows changes to the phasing to be approved through the administrative approval process if the required transportation improvements are addressed in a manner acceptable to CDOT.
    4. A note should be added that all a minimum of 12,000 square feet of office uses will be within the B-1(CD) zoning area.
    5. Address Transportation comments.
    6. Address CATS comments.
- 

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

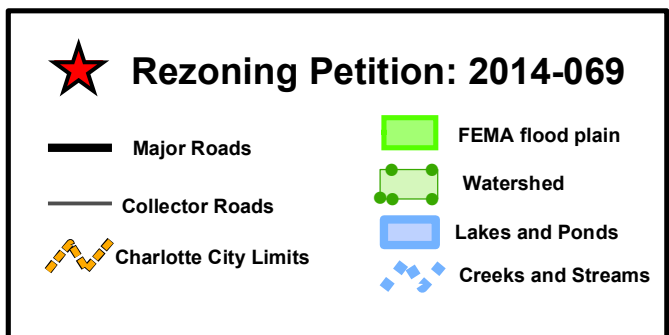
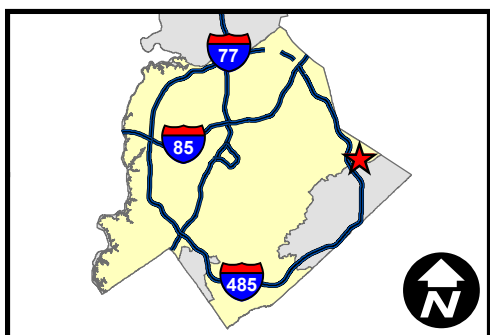
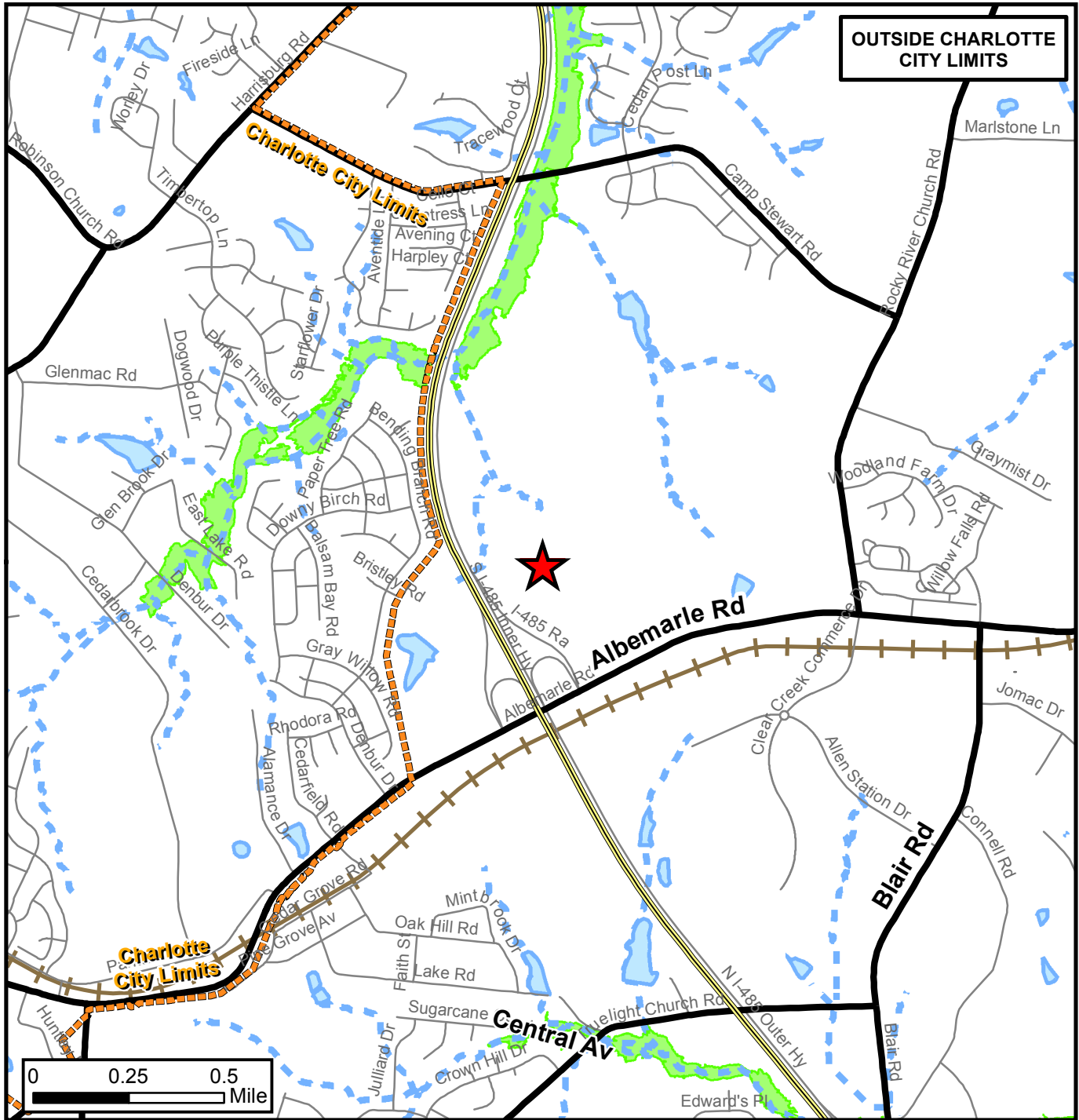
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**Planner:** Sonja Sanders (704) 336-8327

Petition #: **2014-069**

# Vicinity Map

**Acres & Location :** Approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and Interstate 485.





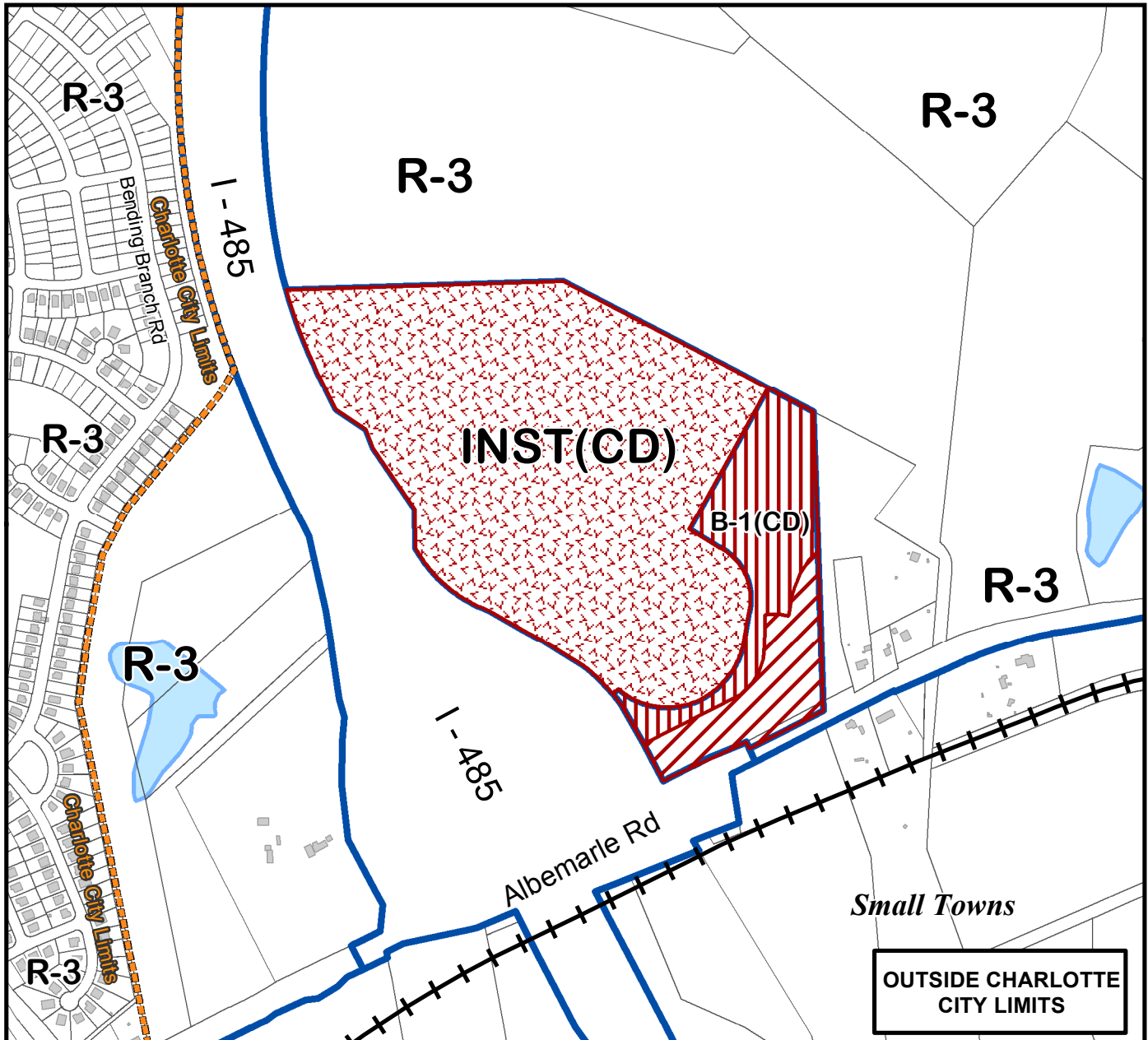
Petition #: **2014-069**

Petitioner: **Novant Health**

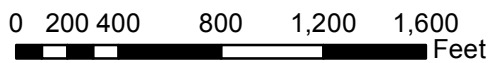
Zoning Classification (Existing): **INST(CD) and B-1(CD)**  
(Institutional, Conditional and Neighborhood Business, Conditional)

Zoning Classification (Requested): **O-2(CD) and B-1(CD)(S.P.A.)**  
(Office, Conditional and Neighborhood Business, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and Interstate 485.

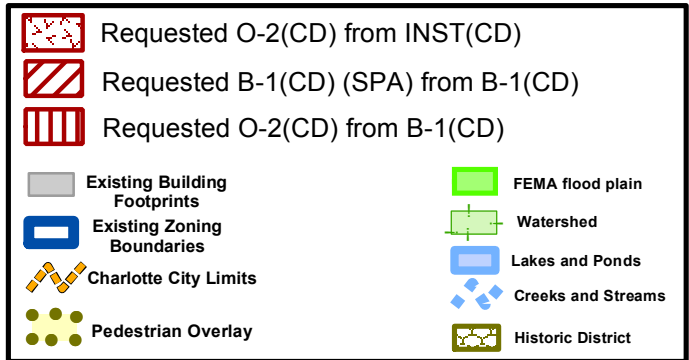


Map Produced by the Charlotte-Mecklenburg Planning Department, 6-23-2014.

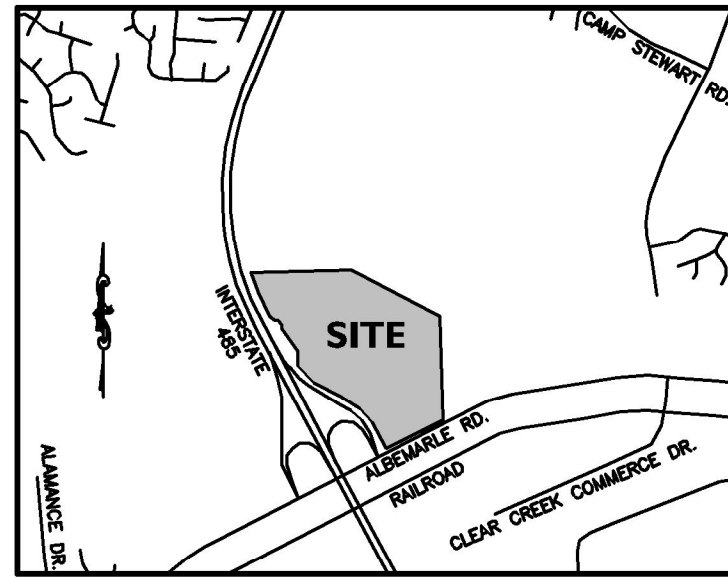


Zoning Map #(s)

**97**



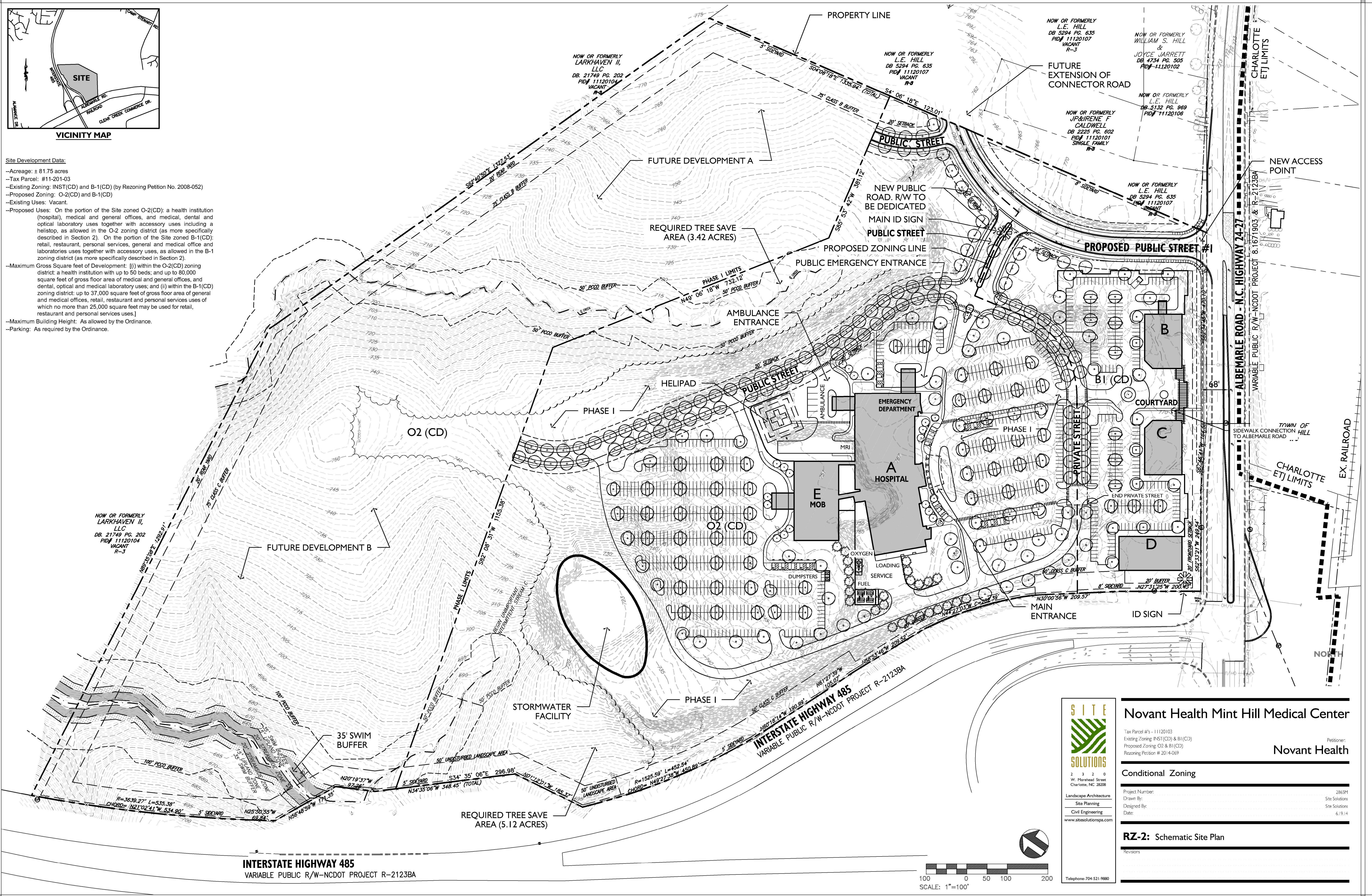




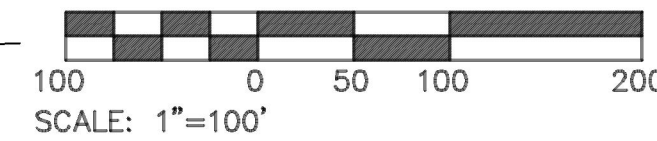
VICINITY MAP

Site Development Data:

- Acreage: ± 81.75 acres
- Tax Parcel: #11-201-03
- Existing Zoning: INST(CD) and B-1(CD) (by Rezoning Petition No. 2008-052)
- Proposed Zoning: O-2(CD) and B-1(CD)
- Existing Uses: Vacant
- Proposed Uses: On the portion of the Site zoned O-2(CD): a health institution (hospital), medical and general offices, and medical office and laboratories uses together with accessory uses including a helistop, as allowed in the O-2 zoning district (as more specifically described in Section 2). On the portion of the Site zoned B-1(CD): retail, restaurant, personal services, general and medical office and laboratories uses together with accessory uses, as allowed in the B-1 zoning district (as more specifically described in Section 2).
- Maximum Gross Square feet of Development: (i) within the O-2(CD) zoning district: a health institution with up to 50 beds; and up to 80,000 square feet of gross floor area of medical and general offices, and dental, optical and medical laboratory uses; and (ii) within the B-1(CD) zoning district: up to 37,000 square feet of gross floor area of general and medical offices, retail, restaurant and personal services uses of which no more than 25,000 square feet may be used for retail, restaurant and personal services uses.
- Maximum Building Height: As allowed by the Ordinance.
- Parking: As required by the Ordinance.



INTERSTATE HIGHWAY 485  
VARIABLE PUBLIC R/W-NCDOT PROJECT R-2123BA

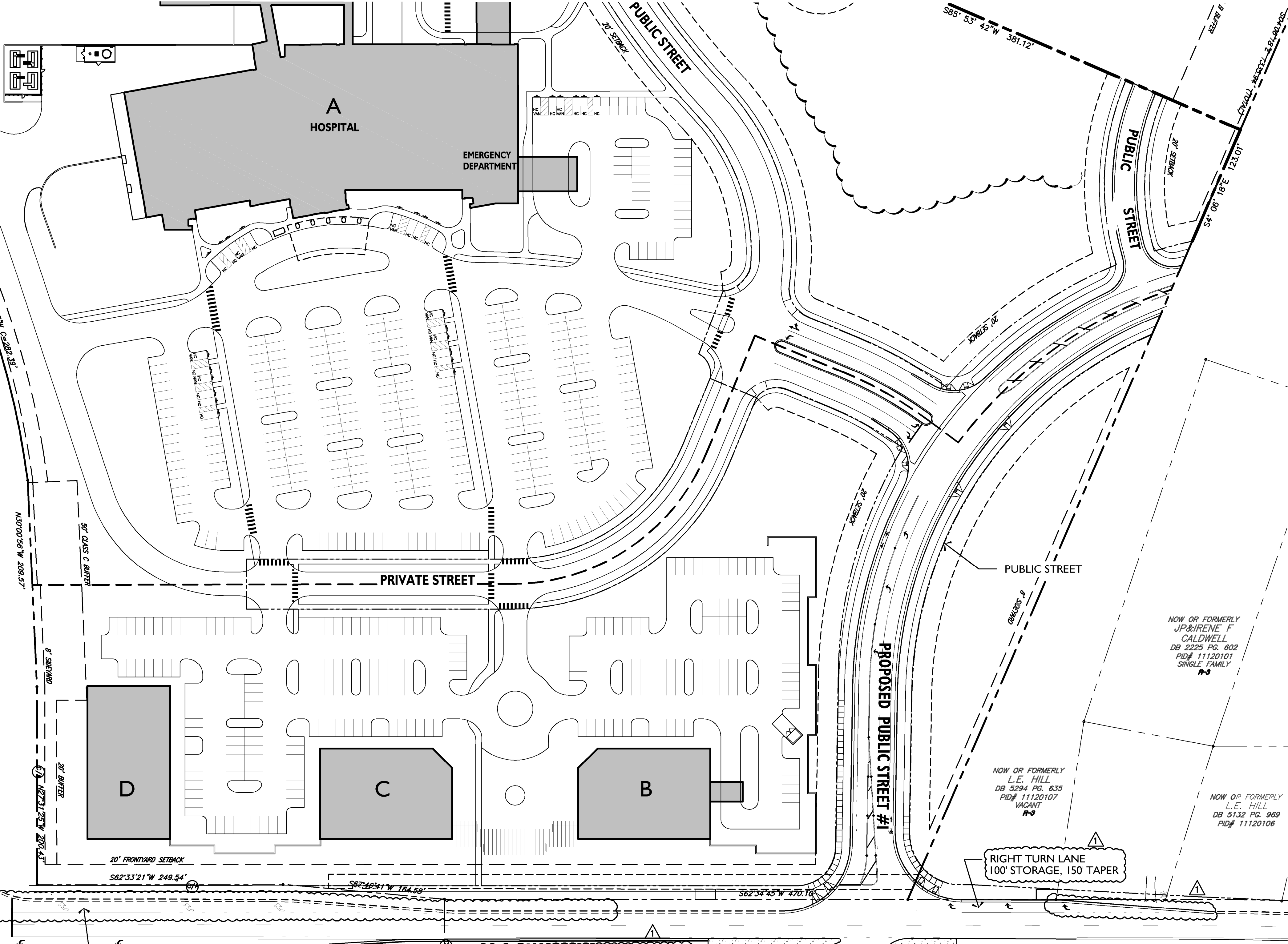


**SITE SOLUTIONS**  
2 3 2 0  
W. Morehead Street  
Charlotte, NC 28208  
Landscape Architecture  
Site Planning  
Civil Engineering  
www.sitesolutionspa.com  
Telephone: 704-521-9880

**Novant Health Mint Hill Medical Center**  
Tax Parcel #'s - 11120103  
Existing Zoning: INST(CD) & B1(CD)  
Proposed Zoning: O2 & B1(CD)  
Rezoning Petition # 2014-069  
Petitioner:  
**Novant Health**

**Conditional Zoning**  
Project Number: 28634  
Drawn By: Site Solutions  
Designed By: Site Solutions  
Date: 6/19/14

**RZ-2: Schematic Site Plan**  
Revisions



NOW OR FORMER  
L.E. HILL  
DB 5294 PG. 63  
PID# 11120107  
VACANT  
R-3

NOW OR FORMERLY  
JP&IRENE F  
CALDWELL  
DB 2225 PG. 802  
PID# 11120101  
SINGLE FAMILY  
R-3

NOW OR FORMERLY  
L.E. HILL  
DB 5294 PG. 635  
PID# 11120107  
VACANT  
R-3

NOW OR FORMERLY  
L.E. HILL  
DB 5132 PG. 969  
PID# 11120106

NOW OR  
WILLIAM  
&  
JOYCE  
DB 4734  
PID# 11

RIGHT TURN LANE  
100' STORAGE, 150' TAPER

EXISTING RIGHT TURN  
LANE  
LEFT TURN LANE  
250' STORAGE, 150' TAPER

LEFT TURN LANE  
590' STORAGE, 150' TAPER

LEFT-OVER, RIGHT-IN  
RIGHT-OUT, LEFT-IN

INTERSTATE HIGHWAY 485  
VARIABLE PUBLIC R/W-NCDOT PROJECT R-2123BA

ALBEMARLE ROAD - N.C. HIGHWAY 24-27  
VARIABLE PUBLIC R/W-NCDOT PROJECT 8.1671903 & R-2123BA



2 3 2 0  
W. Morehead Street  
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Landscape Architecture  
Site Planning  
Civil Engineering  
www.sitesolutionspa.com

Telephone: 704-521-9880

**Novant Health Mint Hill Medical Center**

Tax Parcel #'s - 11120103  
Existing Zoning: R51(CD) & B1(CD)  
Proposed Zoning: O2 & B1(CD)  
Rezoning Position # 2014-069

Novant Health

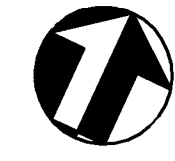
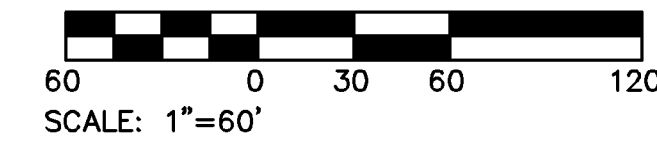
**Conditional Zoning**

Project Number:  
Drawn By:  
Designed By:  
Date:

286591  
Site Solutions  
Site Solutions  
6/19/14

**RZ-3: Transportation Improvements Plan**

- Revisions:  
1. Revision per staff comment 6/19/14





South Elevation



North Elevation

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 may vary from this illustration as long as the general architectural concepts and intent illustrated is maintained)

Elevations  
Scale: NTS



Telephone-704-521-9880

**Novant Health Mint Hill Medical Center**

Tax Parcel #'s - 11120103  
Existing Zoning: HNS1(CD) & B1(CD)  
Proposed Zoning: O2 & B1(CD)  
Rezoning Petition # 20-4-069

Petitioner:  
**Novant Health**

**Conditional Zoning**

Project Number: 28634  
Drawn By: Site Solutions  
Designed By: Site Solutions  
Date: 6.19.14

**RZ-4: Hospital Building Elevations**

Revisions

**Novant Health  
Development Standards  
06/19/14  
Rezoning Petition No. 2014-069**

**Site Development Data:**

- Acres:** ± 81.75 acres
- Tax Parcel:** #11-201-03
- Existing Zoning:** INST(CD) and B-1(CD) (by Rezoning Petition No. 2008-052)
- Proposed Zoning:** O-2(CD), B-1(CD) and B-1(CD)SPA
- Existing Uses:** Vacant.

**Proposed Uses:** On the portion of the Site zoned O-2(CD): a health institution (hospital), medical and general offices, and medical, dental and optical laboratory uses together with accessory uses including a helistop, as allowed in the O-2 zoning district (as more specifically described in Section 2). On the portion of the Site zoned B-1(CD): retail, restaurant, personal services, general and medical office and laboratories uses together with accessory uses, as allowed in the B-1 zoning district (as more specifically described in Section 2).

--**Maximum Gross Square Feet of Development:** (i) within the O-2(CD) zoning district: a health institution with up to 50 beds; and up to 80,000 square feet of gross floor area of medical and general offices, and dental, optical and medical laboratory uses; and (ii) within the B-1(CD) zoning district: up to 37,000 square feet of gross floor area of general and medical offices, retail, restaurant and personal services uses of which no more than 25,000 square feet may be used for retail, restaurant and personal services uses.

- Maximum Building Height:** As allowed by the Ordinance.
- Parking:** As required by the Ordinance.

**I. General Provisions:**

- a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other graphics set forth on attached Sheets RZ-3 and RZ-4 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Novant Health ("Petitioner") to accommodate development of a medical center with a health institution, medical and general office space, medical laboratories with support retail, restaurant and personal services uses on an approximately 81.75 acre site located on the northeast quadrant of the intersection of I-485 and Albemarle 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, (i) the regulations established under the Ordinance for the O-2(CD) zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site; and (ii) the regulations established under the Ordinance for the B-1(CD) zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site.
- 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 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 Sheet RZ-1; 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.
- **OTHER TBD**

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.

**Planned/Unified Development.** The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site nor between the areas zoned O-2 -O and B-1. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section 2 below as to the Site as a whole and not individual portions or lots located therein.

**Number of Buildings Principal and Accessory.** Notwithstanding other provisions of the Development Standards to the contrary and notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed: (i) on the portions of the Site zoned O-2(CD) shall not exceed four (4); and (ii) on the portions of the Site zoned B-1(CD) shall not exceed five (5). 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(s) located within the same area as the accessory structure/building.

**2. Permitted Uses & Development Area Limitation:**

- a. The portion of the Site zoned O-2(CD) may be developed with a health institution with up to 50 beds and up to 80,000 square feet of gross floor area of medical and general offices uses, and dental, optical and medical laboratory uses together with accessory uses including a helistop as allowed in the O-2(CD) zoning district.
- b. The portion of the Site zoned B-1(CD) may be developed with up to 37,000 square feet of gross floor area of general and medical offices, retail, restaurant and personal services uses of which no more than 25,000 square feet of gross floor area may be used for retail and restaurant uses.
- c. The Petitioner reserves the right to transfer up to 30,000 square feet of the allowed square footage in the area zoned O-2 to the area zoned B-1, conversely up to 20,000 square feet of the allowed square footage in the area zoned B-1 may be transferred to the area zoned O-2, as long the total amount of allowed square footage on Site is not exceeded.
- d. One use with an accessory drive-through window may be constructed within the portion of the Site zoned B-1(CD), provided however, such accessory use cannot be associated with a restaurant.
- e. Surface parking areas, maneuvering for parking and accessory drive-through window lanes will not be allowed between Albemarle Road and the proposed buildings as general depicted on the Rezoning Plan.

**Cross Floor Area.** 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).

**3. Transportation Improvements:**

**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 Sheet RZ-3 of the Rezoning Plan. The illustrations on the Rezoning Plan are to be used in conjunction with the following notes to determine the extent of the proposed improvements.

**a.** At the intersection of Albemarle Road and Leftover Access:

- Construct an eastbound restrictive leftover on Albemarle Road into the Site at Public Street #1;
- With the construction of the restrictive leftover, the existing median break on Albemarle Road to the west will be closed;
- Extend the existing left turn lane to the leftover, thereby providing approximately 590 feet of full storage;
- Construct a channelized westbound right turn lane into the proposed development on Albemarle Road with a minimum of 100 feet of full storage and an appropriate bay taper; and
- The channelized right turn movement should be placed under yield operation in order to improve the operation of the eastbound left turn movement in addition to the southbound right turn movement during peak times

**b.** At the intersection of Public Street # 1 and Albemarle Road:

- Construct Public Street # 1 with a two-lane cross-section consisting of an ingress lane and egress lane; and
- The southbound egress lane should be channelized and placed under stop-controlled conditions.

**c.** At the intersection of Albemarle Road and the I-485 outer ramps:

- Construct an exclusive westbound turn lane on Albemarle Road to accommodate U-turn movements with a minimum of 250 feet of full storage and an appropriate bay taper; and
- With the construction of this turn lane, the traffic signal will need to be modified to incorporate an additional left turn phase in addition to the construction of a bulb-out to accommodate the U-turning movements

**II. Standards, Phasing and Other Provisions.**

**CDOT/NCDOT Standards.** All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. 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 broad east Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

**b. Phasing.**

**i. Phase One:** The Petitioner will be allowed to construct on the Site and obtain a certificate of occupancy for: (i) a 50 bed hospital; (ii) 82,700 square feet of gross floor area of medical office space; and (iii) either up to 13,500 square feet of general retail sales/personal services, or a pharmacy containing 13,500 square feet of gross floor area with an accessory drive-through window, or a sit down restaurant with up to 7,000 square feet of gross floor area: upon the substantial completion of the roadway improvements listed above in Section 3.I. a. - c.

**ii. Phase Two:** The Petitioner will be allowed to construct on the Site and obtain a certificate of occupancy for the remainder of the allowed square footage (either 20,800 square feet of gross floor area if general retail sales or a pharmacy were constructed as allowed above; or 27,300 square feet of gross floor area if a restaurant was constructed as allowed above) if: (i) the Petitioner can demonstrate by re-evaluating the operation of the improvements constructed as part of phase one that additional capacity is available that will support the additional development; or (ii) Public Street # 1 is extended to the east and connected to a north/south road that will provide with full movement access to Albemarle Road.

**Substantial Completion.** Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 3.1 above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 3.1.I.a above provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) 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 CDOT will instruct applicable authorities 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.

**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, as specified by the City of Charlotte right-of-way acquisition process as administered by the City of Charlotte's Engineering & Property Management Department, 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, department or 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 3.1 above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein above, then the Petitioner will contact the Planning Department and CDOT regarding an appropriate infrastructure phasing plan that appropriately matches the scale of the development proposed to the public infrastructure mitigations. If after contacting the Planning Department and CDOT to determine the appropriate infrastructure phasing plan, delays in the acquisition of additional right-of-way 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 CDOT will instruct applicable authorities 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.

**4. Access and Right-of-way Dedication:**

- a. Access to the Site will be from Albemarle Road via a new public Street in the manner generally depicted on the Rezoning Plan.
- b. As part of the development of the Site the Petitioner will construct the public and private Streets indicated on Sheet RZ-1 in the location and configuration generally depicted on the Rezoning Plan. These public and private streets will be built in accordance with the standards of the subdivision regulations.
- c. The street expressly designated as a Private Street on the Rezoning Plan shall be kept open to the public for vehicular and pedestrian use except on a temporary basis due to repairs, emergency, community events and the like.
- d. The alignment of the internal public and private streets, vehicular circulation and driveways may be modified by the Petitioner, subject to CDOT's final approval, to accommodate minor changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards and industry best practices.
- e. [The Petitioner will dedicate in fee-simple to the City of Charlotte up to 68 feet of right-of-way from the center line of Albemarle Road as generally depicted on Sheet RZ-1 of the Rezoning Plan. This right-of-way dedication will occur prior to the issuance of a certificate of occupancy for the first building constructed on the Site.]

**5. Architectural Standards and Open Space:**

- 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, stucco, EIFS, decorative block and/or wood.
- b. The attached illustrative building elevation is included to reflect an architectural style and a quality of the health institution 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 Petitioner will provide open space/court yard between the proposed buildings along Albemarle Road as generally depicted on Sheet RZ-2 of the Rezoning Plan. This court yard area will be landscaped with trees and shrubs and will contain seating areas.
- d. Meter banks will be screened from adjoining properties and from Albemarle Road.
- e. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.
- f. 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. Streetscape, Buffers, Yards and Landscaping:**

- a. Along Albemarle Road and the internal public streets a building and parking setback as required by the Ordinance will be provided.
- b. Along I-485, the Petitioner will provide a Class C Buffer of varying widths and a 50 foot undisturbed Landscape area as generally depicted on the Rezoning Plan.
- c. A 75 foot Class B buffer will be provided along the Site's boundaries other than I-485 in the locations generally depicted on the Rezoning Plan, the width of this buffer may be reduced as prescribed by the Ordinance.
- d. Utilities may cross required buffers at angles no greater than 75 degrees.
- e. The Petitioner will provide a six (6) foot sidewalk and an eight foot planting strip along the Site's frontage on Albemarle Road in the manner generally depicted on the Rezoning Plan.
- f. Along the Site's internal parking area, the Petitioner will provide a sidewalk and cross-walk network that links to the building on the Site and to the sidewalk along Albemarle Road in the manner depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be six (6) feet.

- g. Screening requirements of the Ordinance will be met.
- h. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

**7. 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 Site will comply with the Tree Ordinance.

**8. Signage:**

- a. Signage as allowed by the Ordinance will be provided.

- b. The detached signs for the portion of the Site zoned B-1(CD) will be restricted to a maximum height of seven (7) feet and a maximum sign area of 50 square feet.
- c. Due to the size of the Site and proposed use of the Site as a medical center with a health institution the Petitioner reserves the right to utilize the provisions of the Planned Development Flexibility Option of the Ordinance.

**9. Lighting:**

- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Detached lighting on the Site will be limited to maximum height of 25 feet.

**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:**

- 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.

REVISION NOTE: Sections and subsections that have been changed are clouded. Previous section 11e has been removed in its entirety. Minor grammatical and formatting changes may have been made to other sections that are not clouded.



# Novant Health Mint Hill Medical Center

Tax Parcel #'s - 11120103  
Existing Zoning: INST(CD) & B1(CD)  
Proposed Zoning: O2 & B1(CD)  
Rezoning Petition # 2014-069

Petitioner:

**Novant Health**

## Conditional Zoning

Project Number: 286591  
Drawn By: Site Solutions  
Designed By: Site Solutions  
Date: 6/19/14

## RZ-5: Site Development Standards & Notes

- Revisions:
1. Revision per staff comment 6/19/14

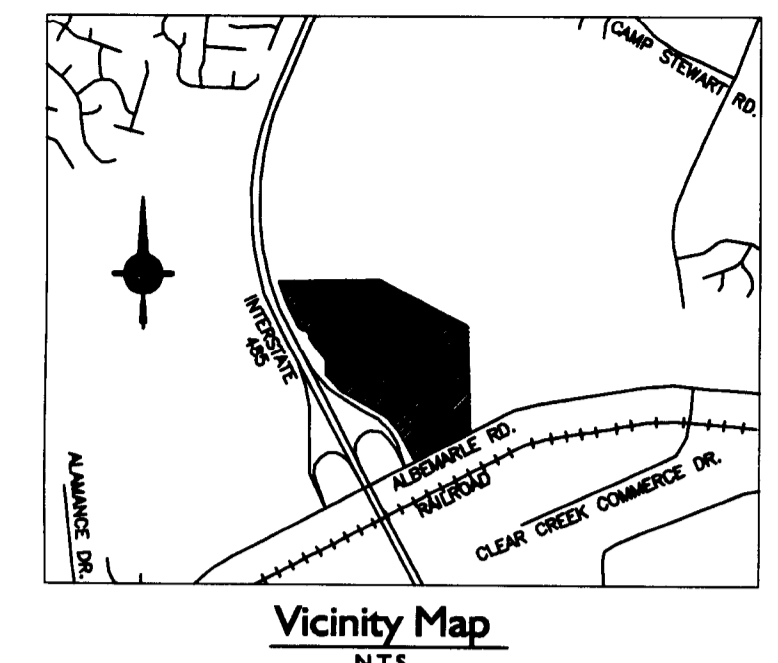
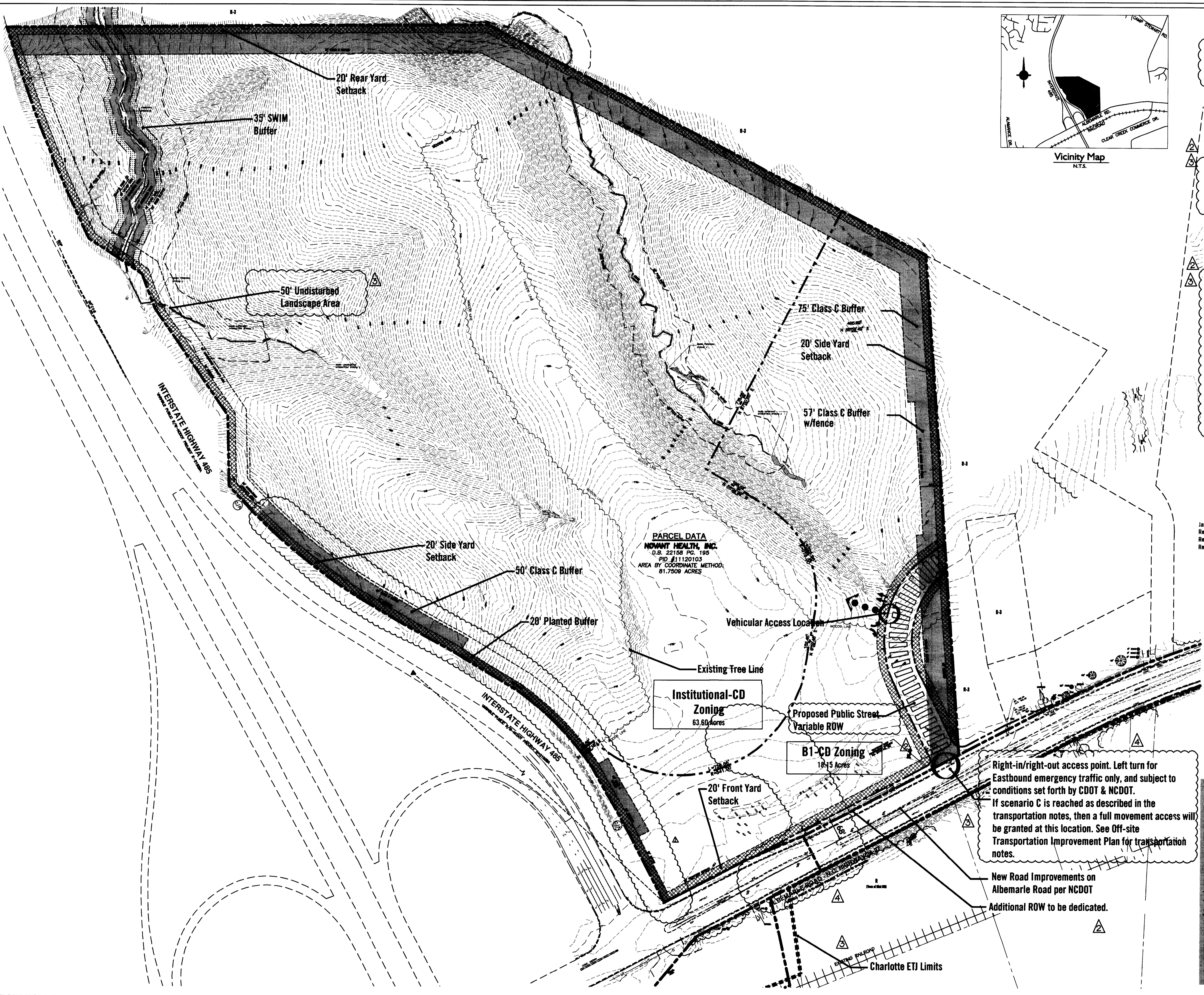


Slopes Table		
Minimum Slope	Maximum Slope	Color
0.00%	12.00%	Light Green
12.00%	20.00%	Medium Green
	Over 20.00%	Dark Green



Previously  
Approved  
Site  
Plan





**Presbyterian Hospital-Albemarle Road Site  
Technical Notes**

1. 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 buildings and 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 in accordance with Section 6.2 of the Zoning Ordinance.
2. Access to the site will be provided by driveway connections to a new public street that will connect to Albemarle Rd. as generally depicted on this site. Transportation improvements, if any are needed as determined by a Traffic Impact Analysis, will be incorporated into the site development process as the various portions of the site are developed. The petitioner will construct pedestrian facilities that connect the buildings on the site to the public sidewalk network and to each other. 8" planting strips and 6' sidewalks will be constructed on all public streets. Pedestrian lighting will be provided in the pedestrian areas within the site. In addition, the Petitioner will construct a pedestrian/bicycle connection from the Petitioner's site to the property that adjoins the rear of the site as part of overall connectivity in the area at such time as that adjoining site is developed and that there is a specific connection point for such connection developed as part of that site.
3. The proposed use of the property will be for the development of the site to accommodate hospital and hospital related uses, including parking and service areas, and associated supporting services, such as a private helicopter landing pad, and facilities such as retail uses and medical office uses. The total floor area for the various buildings and uses is specified on the site plan, but the Petitioner may shift floor area between buildings so long as no floor area is added to the retail component and the total amount of floor area that may be shifted between buildings will not exceed a total of 25,000 sq. ft.
4. All dumpsters will be screened with solid enclosures and gates.
5. The proposed development will comply with all applicable Ordinance requirements for signage, screening, and landscaping.
6. Parking will be provided which meets or exceeds the requirements of the Ordinance.
7. The hospital proposed for this site will not exceed 110' in height, exclusive of parapets, elevator, communications and utility facilities. Smaller buildings shown on the site plan will have clear glass on public street frontages and will have '4 sided' architecture. In addition, any utility or service areas that are located on any side of the building that faces any public street will be fully screened from view. Further, if any meters, junction boxes, or similar utilities are placed on the public street frontage of buildings, they will be adequately screened. Sidewalk will be installed along the loop road as generally depicted on the site plan as the loop road is developed.
8. Stormwater facilities will be designed to meet the post construction ordinance.
9. The petitioner will install or preserve a landscaped edge along the property boundary along the I-485 frontage. The nominal width of this buffer will be 50' but may vary in the vicinity of buildings, retaining walls, or the proposed helicopter landing site. In those cases, the minimum dimension may be reduced to 20'. The landscape area that is disturbed as part of the development, as generally depicted on the site plan, will be planted to meet Class 'C' standards, but the arrangement of the plant materials may be modified in the narrower areas and in particular, in the area of the private helicopters landing site to provide for adequate clearance and visibility for flight operations. The remaining area along the I-485 frontage will remain undisturbed and no additional planting will be required in the undisturbed areas.
10. Any right of way that is required to accommodate transportation improvements on Albemarle Rd. identified in the Traffic Impact Study, and for other public construction related to the development of the site, will be acquired, dedicated, and conveyed to the appropriate transportation authority.
11. The Petitioner acknowledges that other standards and development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, trees, 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 these other city ordinances.
12. 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 assigns of the owner or owners of the Site who may be involved in its development from time to time.

January 23, 2008, Initial submission  
 Revised per staff comments March 21, 2008  
 Revised per staff comments April 25, 2008  
 Revised per Zoning Committee approval May 13, 2008

**APPROVED BY  
 CITY COUNCIL  
 MAY 19 2008**

**Site Data**

Tax Parcel No.-11120103  
 Site Area-81.7509 Acres  
 Existing Zoning-R-3  
 Proposed Zoning-INST(CD) & B1(CD)

**Legend**

- Setbacks and Yards
- Landscape Buffer
- Vehicular Access Points

Scale: 1" = 120'

Right-in/right-out access point. Left turn for Eastbound emergency traffic only, and subject to conditions set forth by CDOT & NCDOT. If scenario C is reached as described in the transportation notes, then a full movement access will be granted at this location. See Off-site Transportation Improvement Plan for transportation notes.

New Road Improvements on Albemarle Road per NCDOT  
 Additional ROW to be dedicated.

**PARCEL DATA**  
 NOWANT HEALTH, INC.  
 D.B. 22158 PD. 195  
 PID #11120103  
 AREA BY COORDINATE METHOD:  
 81.7509 ACRES

**Institutional-CD Zoning**  
 63.60 Acres

**B1-CD Zoning**  
 18.15 Acres

**SITE SOLUTIONS**  
 2320 W. Morehead Street  
 Charlotte, NC 28208  
 Tel: 704.375.1000  
 Fax: 704.375.2800

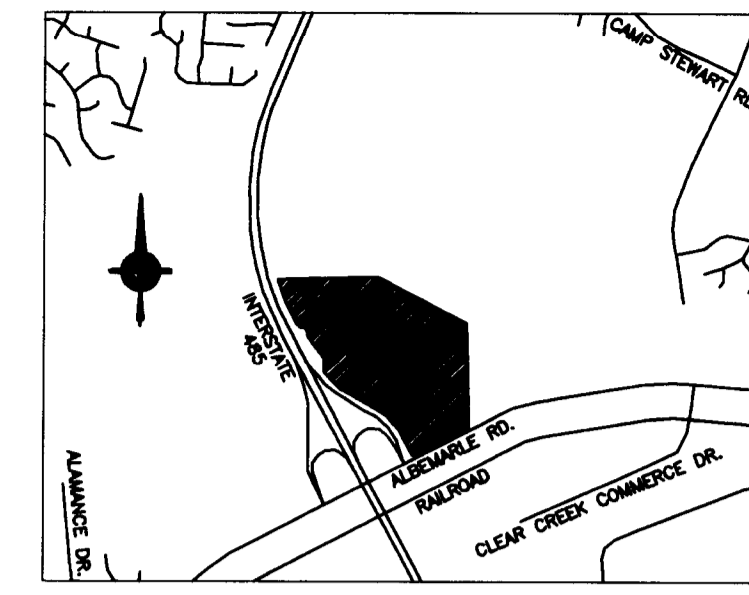
**Presbyterian Hospital East Campus**  
 Petitioner:  
 Presbyterian HEALTHCARE

**Conditional Use Rezoning**

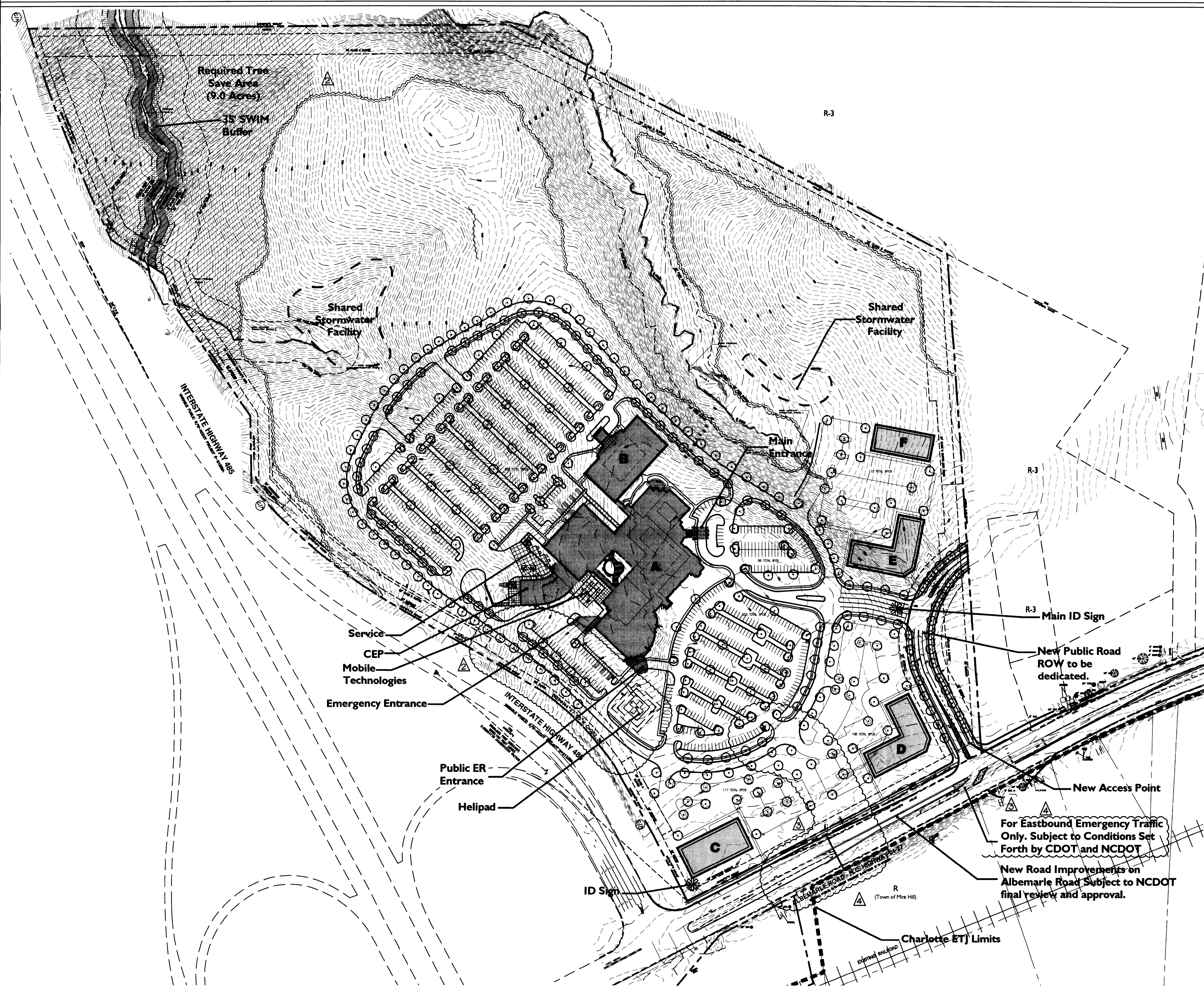
Project Number:	7865
Drawn By:	See 5/6/08/09
Designed By:	See 5/6/08/09
Date:	1/23/09

**Technical Data Sheet**

Revisions	
Staff Comments	3/24/2008
Staff Comments	4/25/2008
Staff Comments	5/13/2008
Remove Emergency Road	8/26/2008



Vicinity Map  
N.T.S.

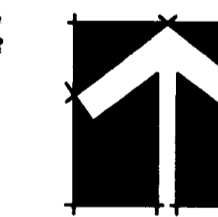


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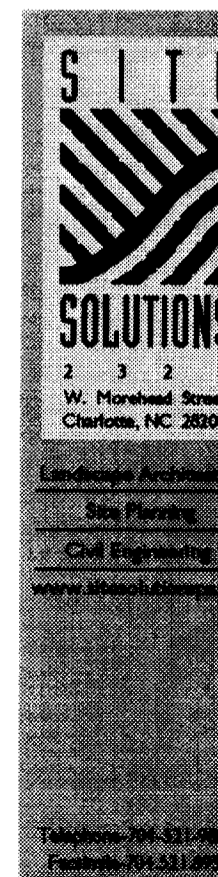
Tax Parcel No.-11120103  
 Site Area-81.7509 Acres  
 Existing Zoning-R-3  
 Proposed Zoning-INST(CD) & B1(CD)

Development Summary

Bldg.	Use	Sq.Ft.
A	Hospital	
	50 Beds-Phase One	240,000
	Future 50 Additional Beds	120,000
	<b>TOTAL 100 Bed Hospital</b>	<b>360,000</b>
B	Medical Office	75,000
C	Medical Office	15,000
D	Retail/Commercial	20,000
E	Medical Office	25,000
F	Medical Office	25,000
	<b>Total</b>	<b>520,000</b>



1" = 120'



Presbyterian Hospital East Campus

Tax Parcel #'s - 11120103  
 Existing Zoning R3  
 Proposed Zoning INST(CD) & B1(CD)  
 Rezoning Petition # 2008-052

Petitioner:  
 Presbyterian HEALTHCARE

Conditional Use Rezoning

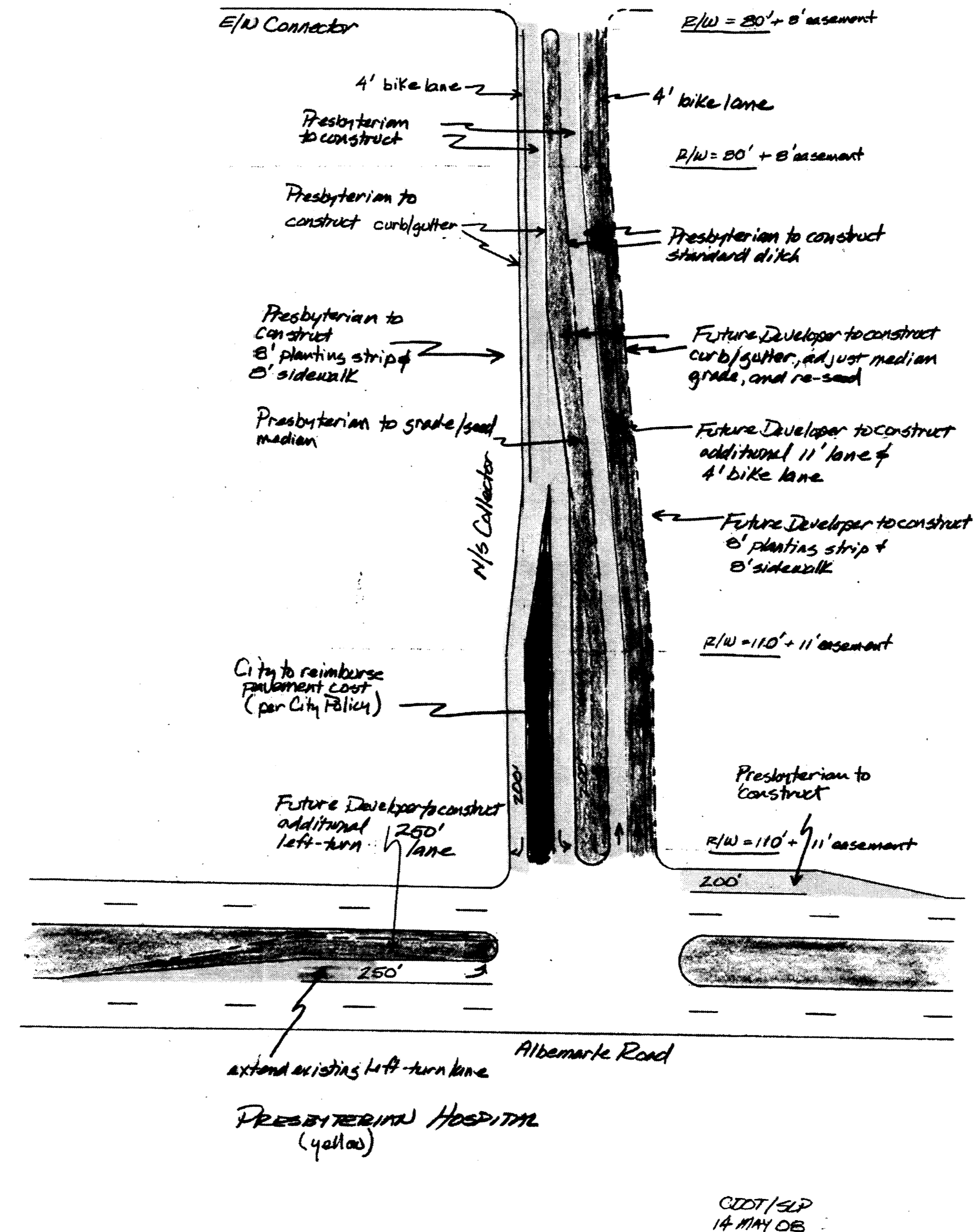
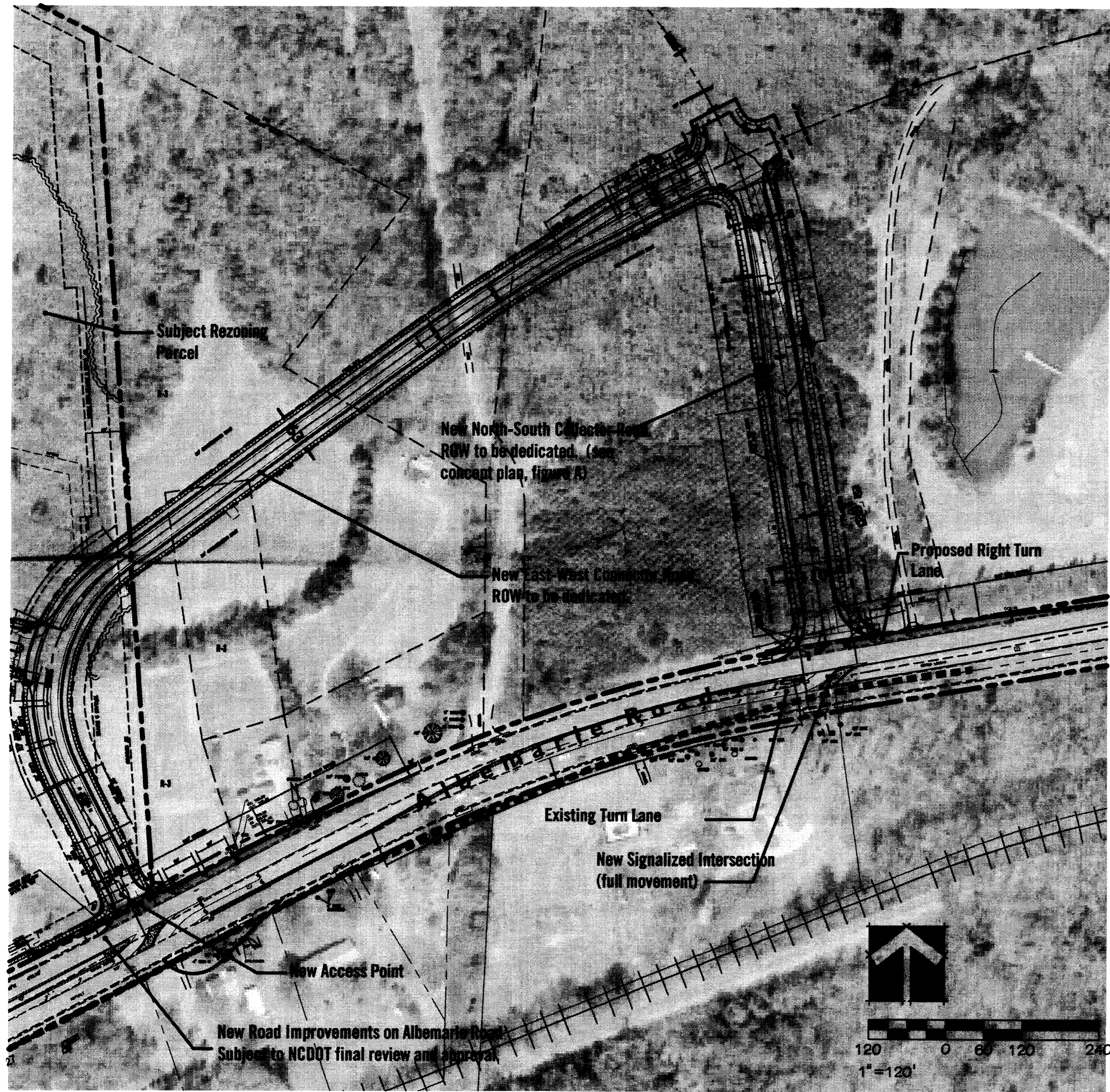
Project Number: 2865  
 Drawn By: Site Solutions  
 Designed By: Site Solutions  
 Date: 1/25/08

Site Plan

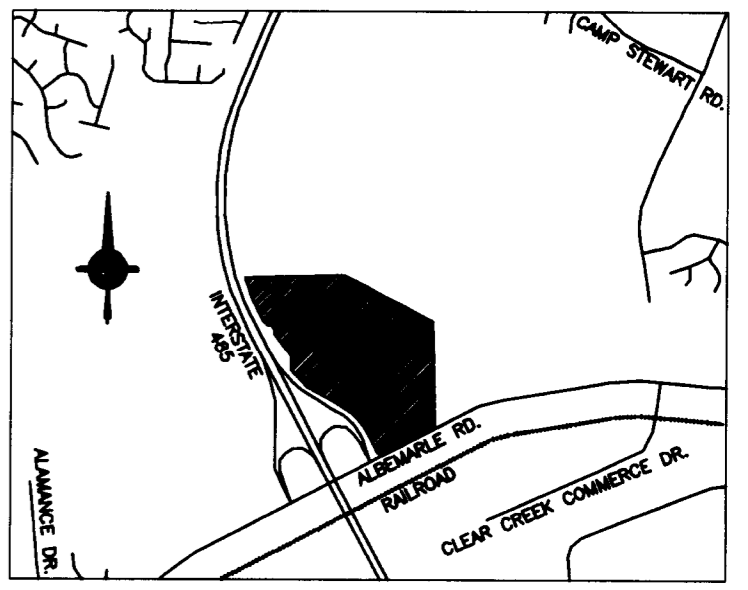
Revisions	Date
Staff Comments	3/24/2008
Staff Comments	4/23/2008
Staff Comments	5/13/2008
Remove Emergency Road	8/26/2008

**For Eastbound Emergency Traffic Only. Subject to Conditions Set Forth by CDOT and NCDOT**

**New Road Improvements on Albemarle Road Subject to NCDOT final review and approval.**

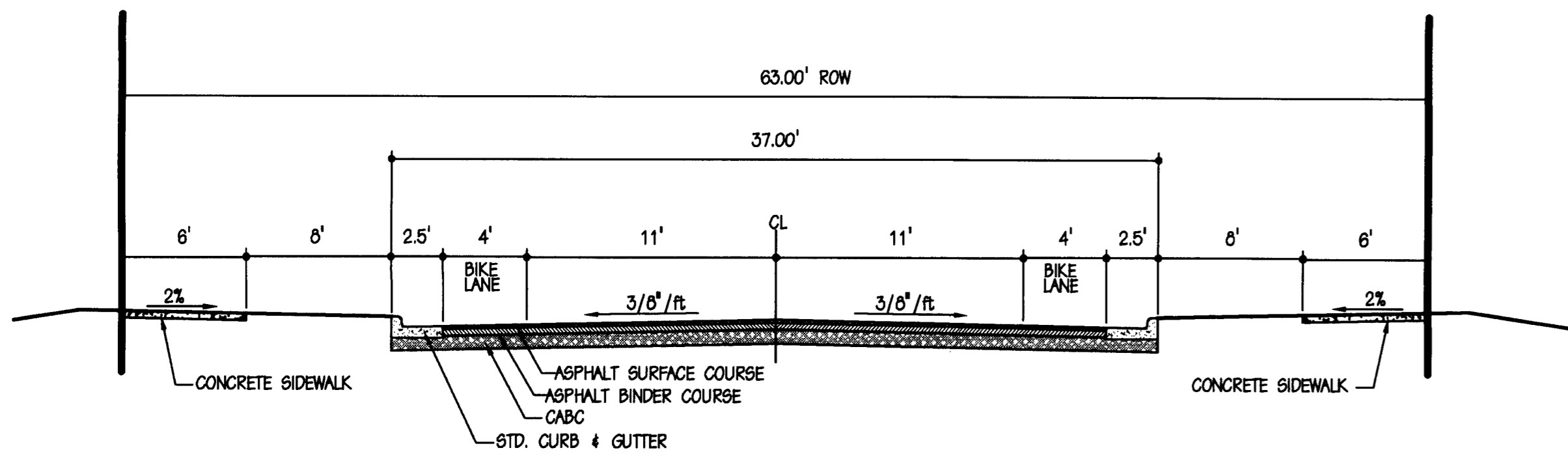


**North-South Collector Road Concept Plan**  
**Figure A**



**Transportation Notes**

- A. The Petitioner shall design, secure/obtain all necessary right-of-way and temporary construction easements, and construct the Permanent Off-Site Improvements ("POSI") - being: (a) the east-west connector road from the hospital property to its intersection with a proposed north-south major collector road; (b) the proposed north-south major collector road from its intersection with the east-west connector road to Albemarle Road (including the design but not the acquisition or construction) of the centerline profile of the portion of the north-south major collector road beyond its intersection with the east-west connector road for a distance of 300'; and (c) signalization of the north-south major collector road/Albemarle Road intersection, all in accordance with plans approved by CDOT and NCDOT. In conjunction with the obligation to construct the improvements listed above, the Petitioner will use good faith efforts to acquire the right-of-way and easements necessary for the proposed improvements. These good faith efforts will commence immediately upon the approval of the rezoning to accommodate the Hospital site.
- B. In the event that, despite demonstrated good faith efforts, the Petitioner is unable to secure/obtain (or establish a contractual right to) all of the right-of-way and temporary construction easements necessary to construct the POSI within 80 days after approval of the preliminary subdivision plans as provided for in A above, Petitioner may ask the City of Charlotte to secure/obtain the right-of-way and temporary construction easements that Petitioner has not been able to secure/obtain. Such request may be made no later than 80 days after approval of the preliminary subdivision plans as provided for in A above and shall specify the right-of-way and temporary construction easements that Petitioner has not been able to secure/obtain. If Petitioner asks the City to so secure/obtain, the City shall notify Petitioner within 45 days after Petitioner's request whether it intends to secure/obtain the right-of-way and temporary construction easements. In the event that the City chooses to secure/obtain the remaining right-of-way and temporary construction easements, Petitioner shall reimburse the City for all land costs incurred to do so; provided, however, Petitioner shall not be required to reimburse the City for any land costs that are in excess of fair market value (as determined by an MIA appraiser mutually selected by the Petitioner and City or through a court proceeding). If the City notifies the Petitioner that it does not intend to secure/obtain the remaining right-of-way and temporary construction easements, or fails to secure/obtain the remaining right-of-way and temporary construction easements within 120 days after notifying Petitioner of its intent to do so, the Petitioner shall be relieved of its obligations under Section A above. Notwithstanding the preceding sentence, if the only reason that the City has failed to secure/obtain the remaining right-of-way and temporary construction easements is due to the pendency of a legal proceeding, the Petitioner shall not be relieved of its obligations under Section A above unless the City fails to secure/obtain the contested right-of-way and temporary construction easements at the conclusion of the legal proceeding.
- In the event that the Petitioner is relieved of its obligations under Section A above, the Petitioner shall design and construct a public street on the Petitioner's site that will provide full access to the Petitioner's site until such time as the improvements defined above are in place, said street connecting to Albemarle Rd. at an intersection designed and approved by NCDOT and CDOT, and designed to connect to future streets that may be constructed that will provide alternate access to the Petitioner's site. The signalization for that intersection will be determined by the appropriate analysis to be reviewed by NCDOT and CDOT. Upon completion of the Hospital and the temporary intersection, and assuming all other requirements for a Certificate of Occupancy have been satisfied, the City will not object to the issuance of a Certificate of Occupancy for the Hospital.
- C. In the event that Petitioner has completed construction of the Hospital but has not yet completed construction of the POSI, and Petitioner has not been relieved of its obligation to construct the POSI as provided in Section B above, then, assuming all other requirements for a Certificate of Occupancy have been satisfied, the City will not object to the issuance of a Certificate of Occupancy for the Hospital if Petitioner:
- (i) Posts a performance bond for the east-west connector road (nominally 68' of right-of-way but up to 74' of right-of-way to accommodate left turn lanes at the intersection with the north-south major collector road and at the Hospital's main entrance) and the north-south major collector road (generally in conformance with that certain Concept Plan prepared by CDOT and dated May 14, 2008 which shows a 110' right-of-way at the intersection of Albemarle Road and tapers to an 80' right-of-way at the intersection with the east-west connector road) (the "Bonded Improvements") in an amount determined by the City using the methodology used for determining bond amounts for streets in the context of final subdivision plat approval, which bond may be called by the City if the Bonded Improvements have not been completed, inspected, and accepted by the City within twenty-four (24) months after the later of: (a) the date on which all necessary right-of-way and temporary construction easements have been secured; and (b) the date of issuance of the Certificate of Occupancy, and which bond may only be otherwise used to fund the cost of construction of the Bonded Improvements. The City shall release and return the bond to Petitioner if the City has not called the bond within twelve (12) months after the date on the bond could have been first called; and
  - (ii) Constructs a temporary full access (whether signalized or not) intersection from Albemarle Road directly onto the Hospital site in accordance with plans approved by the City and NCDOT.
- In the event that Petitioner constructs a temporary full access (whether signalized or not) intersection pursuant to Section B above, upon completion and opening of the POSI as defined in Section A above, if directed by CDOT, Petitioner shall, at its own cost and expense, remove, eliminate, or modify the temporary full access intersection in accordance with plans specified by NCDOT and CDOT.



**East-West Connector Drive (Avenue)**

**SOLUTIONS**  
2320  
W. Morehead Street  
Charlotte, NC 28208

**Presbyterian Hospital East Campus**

Tax Parcel #1 - 1120103  
Existing Zoning: R3  
Proposed Zoning: INST(CD) & B1(CD)

Presbyterian HEALTHCARE

**Conditional Use Rezoning**

Project Number: 2865  
Drawn By: Site Solutions  
Designed By: Site Solutions  
Date: 1.25.08

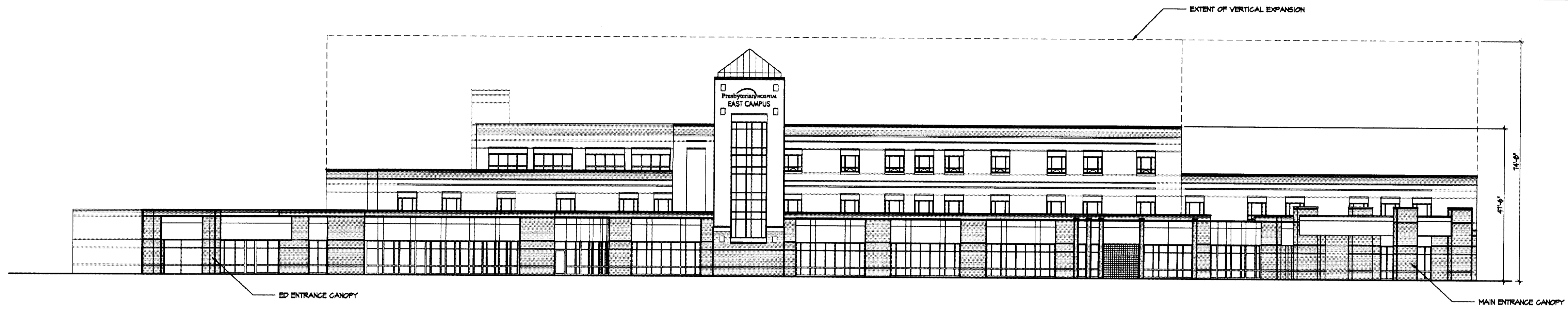
**Off-site Transportation Improvement Plan**

Revisions:  
New Sheet

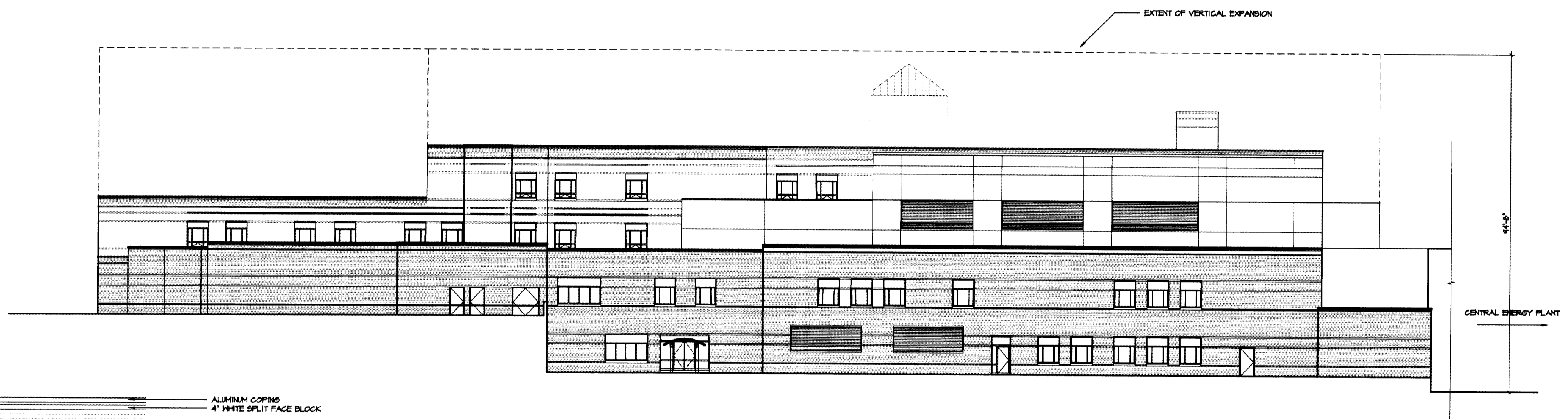
2865  
Site Solutions  
1.25.08

5/13/2008

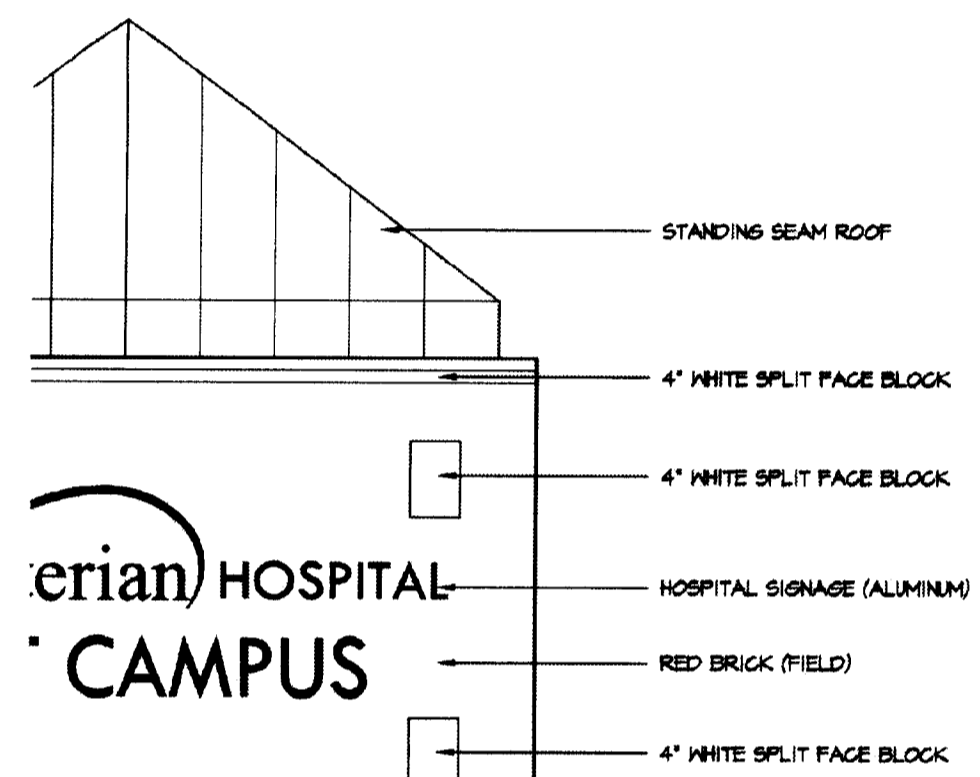
NEW SHEET



FRONT HOSPITAL ELEVATION  
SCALE: 1/16"=1'-0"



REAR HOSPITAL ELEVATION  
SCALE: 1/16"=1'-0"



erian HOSPITAL  
CAMPUS

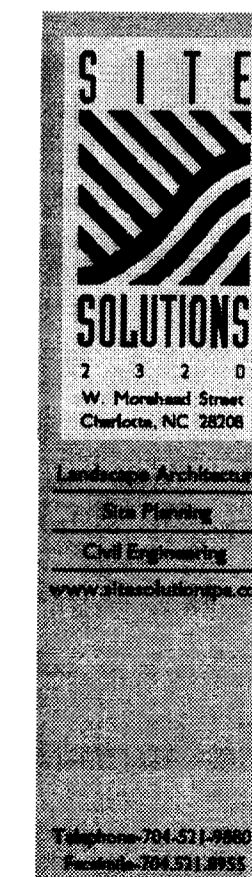
- ALUMINUM COPING
- 4" WHITE SPLIT FACE BLOCK
- 4" BROWN SPLIT FACE BLOCK (FIELD)
- 4" WHITE SPLIT FACE BLOCK
- RED BRICK (FIELD)
- 4" WHITE SPLIT FACE BLOCK
- 4" WHITE SPLIT FACE BLOCK
- BRICK ROYLOCK COURSE
- ALUMINUM PANEL
- ALUMINUM STOREFRONT SYSTEM
- BLUE TINTED REFLECTIVE GLASS
- RED BRICK (FIELD)
- BRICK ROYLOCK COURSE
- 6" WHITE SPLIT FACE BLOCK
- 4" WHITE SPLIT FACE BLOCK
- 4" WHITE SPLIT FACE BLOCK
- BRICK ROYLOCK COURSE
- RED BRICK (FIELD)
- ALUMINUM COPING
- 4" WHITE SPLIT FACE BLOCK
- 4" RED SPLIT FACE BLOCK
- ALUMINUM PANELS
- 4" BROWN SPLIT FACE BLOCK (FIELD)
- 4" WHITE SPLIT FACE BLOCK
- 4" RED SPLIT FACE BLOCK
- BLUE TINTED REFLECTIVE GLASS
- ALUMINUM STOREFRONT SYSTEM
- 4" WHITE SPLIT FACE BLOCK

ENLARGED ELEVATION  
SCALE: 1/4"=1'-0"



MEDICAL OFFICE BUILDING ELEVATION  
SCALE: 1/16"=1'-0"

McCULLOCH  
ENGLAND  
ASSOCIATES  
ARCHITECTS



Presbyterian Hospital East Campus

Tax Parcel #'s - 11120103  
Existing Zoning: R3  
Proposed Zoning: INST(CD) & B1(CD)

Petitioner:  
Presbyterian HEALTHCARE

Conditional Use Rezoning

Project Number: 2865  
Drawn By: Site Solutions  
Designed By: Site Solutions  
Date: 1/25/08

Bldgs. A & B Conceptual Building Elevations

Revisions:  
Staff Comments: 3/24/2008  
Re-approval no charge: 5/13/2008

<b>REQUEST</b>	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-M (transit oriented - mixed-use)
<b>LOCATION</b>	Approximately 0.63 acres located on the east side of South Church Street between West Summit Avenue and West Bland Street. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to rezone approximately 0.63 acres to allow for all uses in the TOD-M (transit oriented development - mixed-use) district.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition. The petition is consistent with the <i>South End Transit Station Area Plan</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Bascom V Belk, Jr. Charlotte-Mecklenburg Planning Department N/A
<b>COMMUNITY MEETING</b>	Meeting is not required.

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
This is a conventional rezoning petition with no associated site plan.
- **Existing Zoning and Land Use**
  - The subject property is currently vacant and surrounded by a mix of industrial/warehouse uses, single family and multi-family development, and office and commercial activities on properties in various zoning districts.
- **Rezoning History in Area**
  - There have been several recent rezonings in order to allow development/redevelopment within the TOD (transit oriented development), MUDD (mixed use development), and the I-1(TS) (light industrial, transit supportive overlay) districts.
- **Public Plans and Policies**
  - The *South End Transit Station Area Plan* (2005) recommends mixed use transit supportive development for the property. The rezoning site is within ½ mile of the Bland Street Station on the LYNX Blue Line.
  - The petition is consistent with the *South End Transit Station Area Plan*.

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

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** The petition will allow a wide range of trip generation based on the proposed zoning classification. CDOT has indicated that a left-turn lane will be required as part of the driveway permit review process.
  - **Vehicle Trip Generation:**  
Current Zoning: 330 trips per day.
  - **Connectivity:** See comments above.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.

- **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*.
  - There is no site plan associated with this conventional rezoning request.

**OUTSTANDING ISSUES**

- No issues.

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

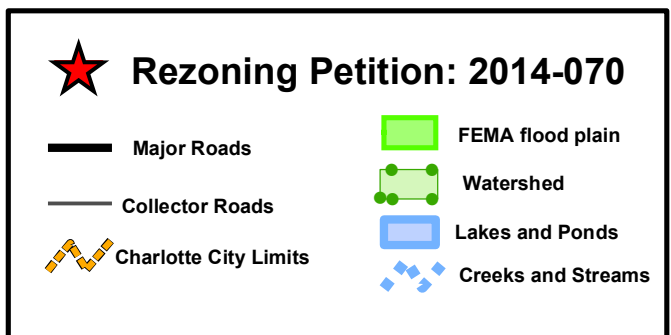
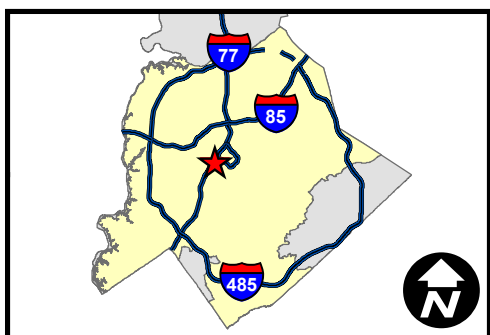
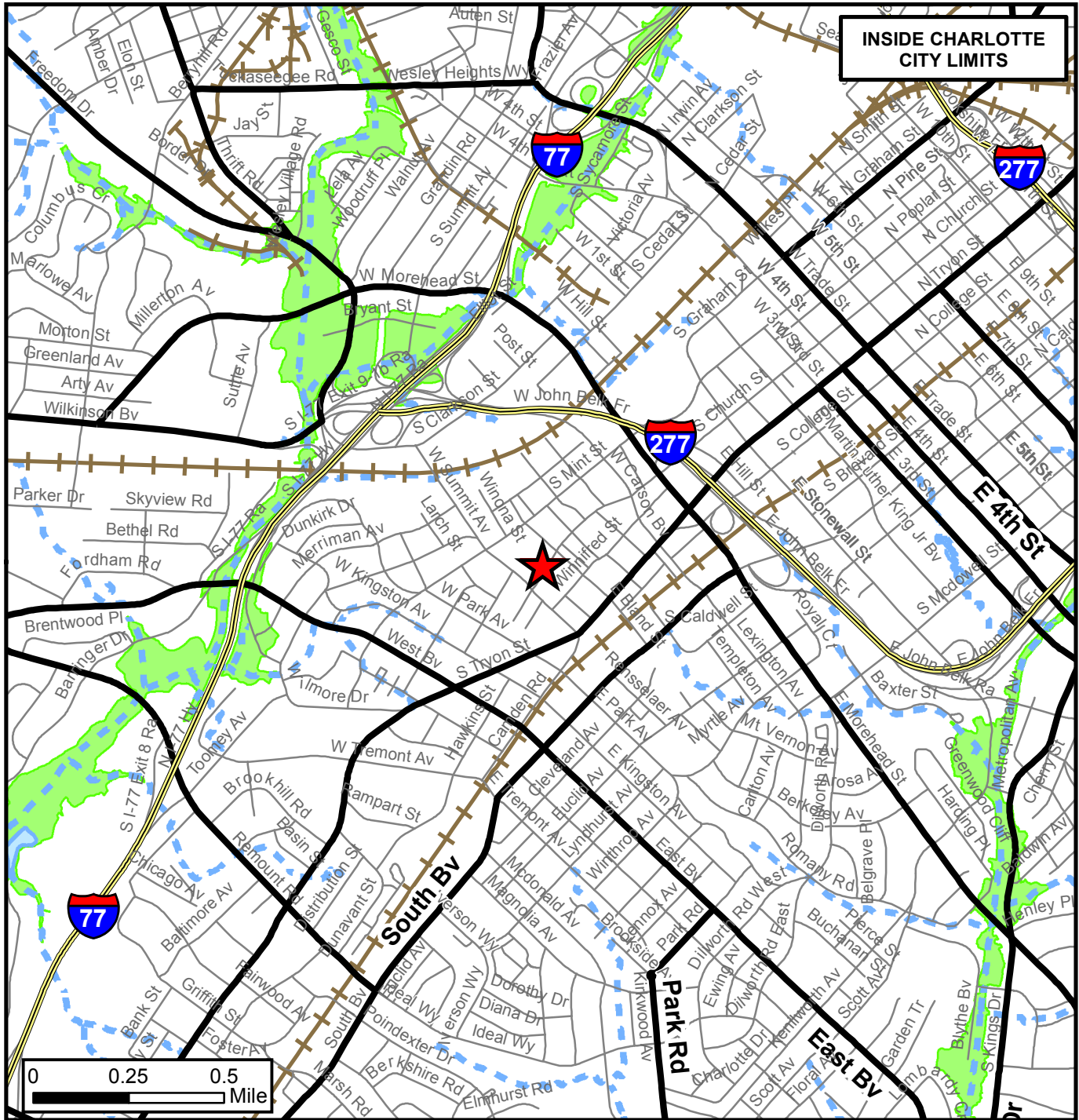
- Application
- Locator Map
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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

Petition #: **2014-070**

# Vicinity Map

**Acreage & Location :** Approximately 0.63 acres located on the west side of South Church Street between West Summit Avenue and West Bland Street.



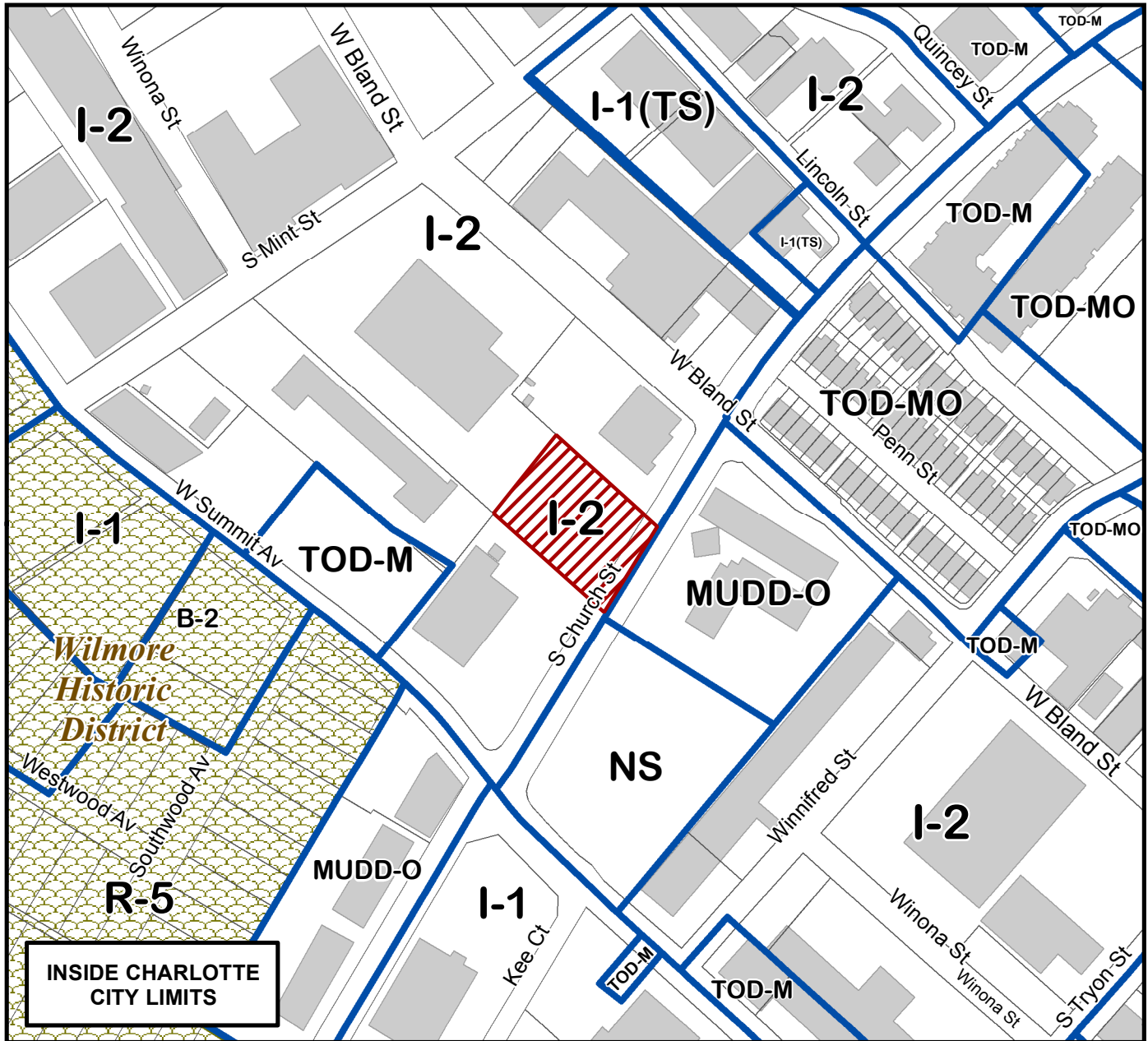
Petition #: **2014-070**

Petitioner: **Charlotte-Mecklenburg Planning Department**

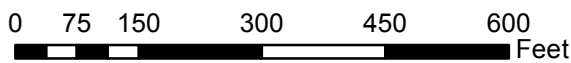
Zoning Classification (Existing): **I-2**  
(General Industrial)

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

Acreage & Location: Approximately 0.63 acres located on the west side of South Church Street between West Summit Avenue and West Bland Street.

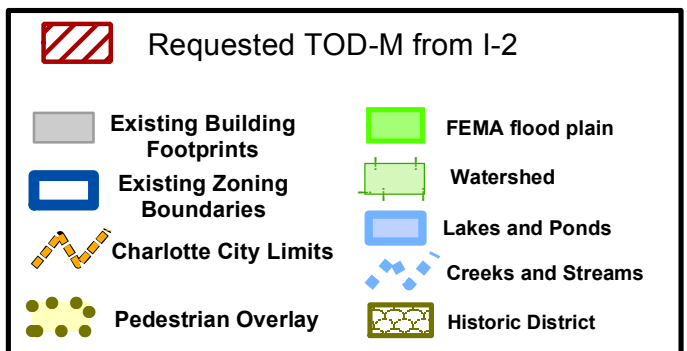


Map Produced by the Charlotte-Mecklenburg Planning Department, 5-21-2014.



Zoning Map #(s)

**102**





**Petition Number: 2012-090**

(Charlotte-Mecklenburg Planning  
Department –  
Text Amendment related to  
Board of Adjustment)

Staff is requesting a  
**WITHDRAWAL**  
of this text amendment.  
The Zoning Ordinance update  
will address these issues.