

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, November 17, 2014*

- 5:00PM – Council/Manager Dinner  
Meeting Chamber Conference Room
  
- 6:00PM – Zoning Meeting  
Meeting Chamber

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT  
[www.rezoning.org](http://www.rezoning.org)

**DINNER MEETING AGENDA**  
**Monday, November 17, 2014**

**1. Agenda Review – Tammie Keplinger**

**DEFERRAL / WITHDRAWAL REQUESTS**

<b>Item #</b>	<b>Petition #</b>	<b>Petitioner/Description</b>	<b>Update</b>
4	2014-021	<b>Charlotte-Mecklenburg Planning Department</b> for a Text Amendment related to mobile farmer's markets	Decision - Defer to December
5	2014-031	<b>Wilkinson Partners, LLC</b> - southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive	Decision - Defer to January Protest sufficient
6	2014-043	<b>Mark Patterson</b> - west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane	Decision - Defer to December Protest sufficient
10	2014-071	<b>Charlotte-Mecklenburg Planning Department &amp; Police Department</b> for a Text Amendment related to animal fostering and rescue groups	Decision – Defer to January
19	2014-092	<b>Pavilion Development Company</b> - northeast corner at the intersection of Nations Ford Road and Tyvola Road	Decision - Defer to December Protest insufficient
26	2014-049	<b>SBBH, LLC</b> - South side of Morrison Boulevard between South Park Drive and Sharon Road	Hearing – Defer to March Protest TBD

**MISCELLANIOUS REQUESTS AND INFORMATION**

<b>Item #</b>	<b>Petition #</b>	<b>Petitioner/Description</b>	<b>Update</b>
2	2013-094	<b>Halvorsen Development –</b> Prosperity Church Road at Ridge Road	Decision - Protest Petition sufficient
3	2014-003	<b>George M. Macon</b> - southeast corner at the intersection of Ardrey Kell Road and Marvin Road	Decision - Protest Petition insufficient
14	2014-084	<b>7<sup>th</sup> Street Progression Partners, LLC</b> – East 7 <sup>th</sup> Street at Clement Avenue	Decision - Protest Petition sufficient
15	2014-085	<b>New Carolina Income Properties, LLC</b> – East Tremont Avenue and Euclid Avenue	Decision - Protest Petition sufficient
36	2014-109	<b>Midtown Area Partners II, LLC</b> - northeast corner of Baxter Street and South Kings Drive	Hearing - Protest Petition TBD

- 2. Follow-Up Report – Tammie Keplinger**
- 3. Rezoning Cases of Special Interest – Tammie Keplinger**
- 4. Area Plan Status and Text Amendment Update – Ed McKinney**



## ACRONYMS

### Zoning District Acronyms

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

### Zoning Overlay District Acronyms

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

### Miscellaneous Zoning Acronyms

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

### Miscellaneous Other Acronyms

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

## HISTORIC LANDMARKS

### Decision

	<p>1. A Resolution of the City Council of the City of Charlotte calling for a Decision to be held by the City Council on the question of adopting an ordinance for the Historic Landmark known as the "James A. Blakeney House" to de-designate 7.829 acres of land in tax parcel 22922212, and de-designate 2.244 acres of land in tax parcel 22908334 as shown on the attached plans. The property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Meritage Homes of the Carolinas Inc. The property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Classica Homes LLC.</p> <p style="text-align: center;">Attachment 1</p>
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## ZONING DECISIONS

<p><b>Protest Petition Sufficient</b></p>	<p>2. <a href="#"><u>Petition No. 2013-094</u></a> (Council District 4 – Phipps) by <b>Halvorsen Development</b> for a change in zoning for approximately 33.85 acres located on the west side of Prosperity Church Road across from Ridge Road from CC (commercial center) and R-3 (single family residential) to CC (commercial center) and CC SPA (commercial center site plan amendment), with five-year vested rights.</p> <p>The Zoning Committee found this petition to be consistent with the <i>Prosperity Church Road Villages Plan</i> and the draft <i>Prosperity Hucks Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• the proposed development decreases the number of residential units while allowing a slight increase in nonresidential development; and</li> <li>• provides an activity center with a mix of uses.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The Prosperity Church Road Villages Plan recommends a pedestrian-oriented mixed use activity center with residential, office, retail and/or institutional uses; and</li> <li>• The draft Prosperity Hucks Area Plan identifies this area as a pedestrian-oriented mixed use Activity Center intended to create highly integrated and walkable places, with a mix of uses to include retail/service, office, institutional and residential; and</li> <li>• The petition proposes a mix of retail and residential uses consistent with the current and draft plans.</li> </ul> <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. Staff rescinded the request to provide a phasing plan that ties the certificates of occupancy for the large box retail to the street-front retail, and the certificate of occupancy for the multi-family units to the large box retail as the existing note is sufficient (Note 2H under Permitted Uses/Development Area Limitation/Transfer and Conversion Rights/and Certain Building Edge Treatment).</li> <li>2. Removed all proposed signs, as they will be permitted separately.</li> <li>3. Amended Note 5(O) to state the following: "Petitioner reserves the right to reduce the CC district setback from 35 feet to 14 feet as allowed by the ordinance."</li> <li>4. Staff rescinded the request to amend Note 2B to state "Development Areas A, C, D, F, and H may be developed with up to 100,000 square feet of gross floor area of <del>uses permitted by right and under prescribed conditions</del>, office, retail, <del>restaurant</del> eating, drinking and entertainment establishments, and personal service uses, together with accessory uses as allowed in the CC zoning district" due to the addition of prohibited uses.</li> <li>5. Amended development notes to change "restaurants" to "eating, drinking, and</li> </ol>
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**2013-094  
Contd.**

- entertainment establishments.”
6. Amended Note 5H to read “Charlotte-Mecklenburg Planning Department.”
  7. Amended Note 5I to remove the unnecessary “s” from Development Areas A.
  8. Provided a set of typical elevation drawings for each residential building type (multi-family, townhomes, and carriage units over garages) and the clubhouse building.
  9. Amended Note 2E as follows: “...vehicular parking and maneuvering may not be located between the proposed building edge(s) and the street where the building edge(s) is indicated.”
  10. Amended Note 5C as follows: “At least one building within Development C will include a prominent architectural feature oriented toward the intersection of Ridge Road and Benfield Road. An entrance to the building will be provided from either Ridge Road, Benfield Road or at the corner of the building to complement the prominent architectural feature.”
  11. Added a note under Architectural Standards as follows: “Any permitted drive-through feature located in Development Area A and Development Area C will be incorporated into the building’s design using the same architectural style, detailing, and materials palette as the primary building it serves.”
  12. Modified Note 5D to state “Retail buildings B and C shall have their primary exterior facades oriented toward proposed Public Street #1. The facades of these buildings facing proposed Public Street #1 must contain a total area of transparency of 60 percent or more of the wall area of the ground floor, measured between two to ten feet above the adjacent grade. The transparency area shall be composed of clear glass windows and doors, which may not be screened by films, decals or opaque materials, glazing finishes, or window treatments for the purpose of screening service area, merchandise, or secondary operational functions to the primary business. Each individual business within Retail Buildings B and C shall have an operable door facing proposed Public Street #1 and this door shall be treated equally as a public entrance of the business.”
  13. Amended Note 5G and building elevations to specify that Buildings #1, #2 and the townhome buildings within Development Area E will be designed so that the units on the ground floor facing Ridge Road and Public Street #1 will have:
    - a. an entrance from each unit to the abutting street; and
    - b. Vertical shaped windows with a height greater than their width.
  14. Added Note 5R as follows: “The orientation of the building constructed in Development Area H may be adjusted to match the realignment of Prosperity Church Road. The new orientation must be submitted to the Planning Department staff for approval.”
  15. Added Note 6F stipulating that parking areas between Cardinal Point Road and Ridge Road may not occupy more than 35 percent of the total street frontage along each side of proposed Public Street #1 (on-street parking will not be calculated into this percentage).
  16. Amended Note 8A to specify that the community green space shall contain a minimum area of 20,000 square feet of surface area.
  17. Amended Note 11B to specify that the information on how much square footage has been constructed will be provided with each permitting submittal for any of the buildings located within Development Areas C, D, F, and H.
  18. Deleted reference and label for “New Prosperity Church Road” and retained label as “Benfield Road.”
  19. Reflected on-street parking along the frontage on Prosperity Church Road.
  20. Revised notes to provide a consistent reference to Proposed Public Street #1.
  21. Specified that the community green space will be completed prior to the issuance of a final certificate of occupancy for any tenant located within Retail Building A, B, or C.
  22. Amended Note 8C to delete the following verbiage: “The community green space will be located within the right-of-way of Public Street #1. The petitioner will enter into an agreement with the City of Charlotte to maintain the improved open space area once it has been constructed.”
  23. Staff rescinded the request to remove the last paragraph under Note 2B.
  24. Amended note 2G to read as follows: “Prior to the issuance of a final certificate of occupancy for the building labeled “Major #1” on Sheet RZ-2, the three buildings labeled “Retail A, B and C” on sheet RZ-2 must have received a certificate of completion.”

<p><b>2013-094 Contd.</b></p>	<p>25. Staff rescinded the request to submit an administrative approval to reduce the development rights for the portion of the property that was included in rezoning 2001-070 but not included in this rezoning request.</p> <p>26. Amended Note 4(1b) as follows: "Petitioner will install pedestrian refuge islands along the site's frontage on Ridge Road. The pedestrian refuge islands will include landscaping if the median in Ridge Road is of sufficient width."</p> <p>27. The minimum driveway throat lengths have been modified to be 50 feet behind the stop line for minor street connections. Major street connections have 100 to 120-foot driveway throat lengths.</p> <p>28. Amended Note 10B to delete the word "site."</p> <p>29. Amended Note 2D to replace "restaurant" with "eating, drinking and entertainment establishment."</p> <p>30. Added a note that the petitioner will be responsible for any traffic signal modification costs and necessary signal equipment easements on Ridge Road at Prosperity Church Road and Benfield Road when the subject site's final construction plan is approved by the City. Traffic signal modification costs and easements will be determined during the construction plan review process.</p> <p>31. Amended Note 4(1a) to add the following: "The petitioner shall complete the following improvements along the site's frontage along Ridge Road:</p> <ol style="list-style-type: none"> <li>a. curb and gutter; and</li> <li>b. 31 feet of base course and surface course for additional improvements (the configuration of the on-street parking and pedestrian refuge islands to be determined in conjunction with CDOT during the Land Development approval process)." <p>32. Amended Note 2E to include the following as prohibited uses: Civic/social service and fraternal facilities, equipment rental and leasing, funeral homes/embalming, gas stations with or without convenience stores, government buildings, hotels and motels, gunsmiths, nurseries/greenhouses, outdoor recreation, religious institutions, repair or servicing of any article the sale of which is permitted in the district except that shoe repair and tailoring will be allowed, telephone booths, vocational schools, adult care centers, child care centers, donation drop-off facility, public utility structures, and land clearing and inert landfills on-site.</p> <p>33. Added Note 5B as follows: "The residential buildings constructed within Development Area E will be constructed with at least 35 percent of the exterior of each building, exclusive of windows, doors and roofs, with brick, stone, precast stone or precast concrete."</p> <p>34. Added new note 3B per staff's request as follows: "The determination of public/private street designation and the location of the proposed right-of-way if a public street, for Public/Private Street # 1 adjacent to the Community Green Space may be made during the subdivision review and approval process for this Street/right of way."</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 2</a></p> </li></ol>
<p><b>Protest Petition Insufficient</b></p>	<p>3. <a href="#">Petition No. 2014-003</a> (Council District 7 - Driggs) by <b>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) and MX-2 (mixed use) to O-1(CD) (office, conditional).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The Plan recommends single family residential uses for the site.</li> </ul> <p>However, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The size of the site, orientation towards thoroughfares and isolation from adjoining parcels make developing stand-alone single family homes difficult; and</li> <li>• The proposed office use serves as a transition from the commercial uses.</li> </ul>

<p><b>2014-003 Contd.</b></p>	<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. Note D3 has been modified to read, "No parking will be allowed between the building and the public streets."</li> <li>2. Staff has rescinded the request to modify and relocate proposed dumpster location to the rear of the site near the proposed tree save area.</li> <li>3. The proposed uses have been modified to include "clinics, financial institutions, medical, dental and optical laboratories, child care centers, barber and beauty shops, and studios. Restaurants have been modified to "Eating, Drinking, and Entertainment Establishments (Type 1)."</li> <li>4. Building elevations for the proposed office buildings and childcare center have been provided.</li> <li>5. The proposed three building footprints have been shown within the building envelope.</li> <li>6. Note H.2 has been modified to indicate that the dumpster location shown on the plan has been agreed upon with the Southampton Home Owners Association. If there is any modification of the dumpster location, the petitioner will submit and provide to staff a letter from the Southampton HOA agreeing to the changes.</li> <li>7. Development Conditions have been amended to include the MX-2 district under proposed zoning and the accompanying parcel number.</li> <li>8. The Class "C" buffer has been show on the plan and the alternative buffer request has been submitted to the City of Charlotte Zoning Administrator.</li> <li>9. Sidewalk connections from the proposed buildings to Marvin Road along both sides of the proposed driveway have been shown on the plan.</li> <li>10. Clarified that street trees will be provided along Marvin Road and Ardrey Kell Road.</li> </ol> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 3</a></p>
<p><b>Deferral (to December)</b></p>	<p>4. <a href="#">Petition No. 2014-021</a> by <b>Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to:</p> <ol style="list-style-type: none"> <li>a. Create a new definition for mobile farmer's market;</li> <li>b. Allow mobile farmer's markets in all zoning districts; and</li> <li>c. Create new prescribed conditions for mobile farmer's markets.</li> </ol> <p>Staff recommends a one-month deferral of this text amendment to the December 1, 2014 Zoning Committee meeting.</p> <p><a href="#">Attachment 4</a></p>
<p><b>Deferral (to January)</b></p> <p><b>Protest Petition Sufficient</b></p>	<p>5. <a href="#">Petition No. 2014-031</a> (outside city limits) by <b>Wilkison Partners, LLC</b> for a change in zoning for approximately 6.23 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie critical area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie critical area).</p> <p>The petitioner has requested a two-month deferral to the January 5, 2014 Zoning Committee Meeting.</p> <p><a href="#">Attachment 5</a></p>
<p><b>Deferral (to December)</b></p> <p><b>Protest Petition Sufficient</b></p>	<p>6. <a href="#">Petition No. 2014-043</a> (Council District 4 - Phipps) by <b>Mark Patterson</b> for a change in zoning for approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>The petitioner has requested a one-month deferral to the December 1, 2014 Zoning Committee Meeting.</p> <p><a href="#">Attachment 6</a></p>

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

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

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

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

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

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

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

Staff recommends approval of this petition.

[Attachment 7](#)

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

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

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

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

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

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

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

Staff recommends approval of this petition.

[Attachment 8](#)



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

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

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

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

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

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

1. CDOT clarified that the Subdivision Ordinance would require street D to be public. Subdivision staff has confirmed that the street can be private provided it is built to public street standards with a public access easement. The petitioner provided a note stating that the private street would be constructed to public street standards and a public access easement would be provided.
2. Provided a public street extension of Iverson Way from Poindexter Drive to the edge of the conservation easement. The remaining unopened right-of-way will not be abandoned but the petitioner will not be required to improve it.
3. Provided development phasing in the Development Standards to better match infrastructure mitigation to the construction of the proposed entitlements.
4. CDOT rescinded the request to design the proposed southbound right-turn lane on South Boulevard and Remount to be channelized with a raised concrete median to provide better pedestrian accessibility and refuge. The intersection capacity is being improved by extending the existing southbound left-turn storage instead adding a right-turn lane.
5. Increased the storage for the "back to back" left-turn lanes on South Boulevard between Poindexter Drive and Ideal Way by reconstructing the monolithic median to compress the bay taper length in Phase I. The petitioner will extend the existing storage on the southbound left-turn lane from 80 feet to 150 feet.
6. Provided a dedicated left-turn lane with a minimum 100 feet of storage on South Boulevard at Elmhurst Road in Phase I.
7. Provided a minimum six-foot wide pedestrian refuge island on the southbound side of the South Boulevard/Elmhurst Road intersection in Phase I.
8. Committed to constructing the "Potential New Public Street" located in the rear of Development Area B during Phase II as a public street.
9. Provided a pedestrian refuge island and crossing midblock between Poindexter Drive and Elmhurst Road. The final location will be determined during permitting.
10. Cross referenced the proposed street cross sections shown on RZ-3.0 with the site plan (RZ-1.1).
11. Provided more detail on the site plan so that CDOT can better understand the individual access scenarios for each development area, and the overall internal vehicular and pedestrian circulation route.
12. The petitioner held a meeting with CMS staff on October 23<sup>rd</sup>, 2014 to discuss the student yield calculations. The petitioner shared with CMS staff that the unit count had been reduced to 980. The petitioner also explained that based on their research they feel the total number of students the redevelopment of the site



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- would generate would be closer to 75 students and not 780 predicted by CMS. The petitioner indicated that a yield ratio of .03 to .13 students would be more accurate based on similar developments in CMS Planning Area Three. CMS staff indicated they would review the information and consider creating a revised memo that at a minimum took into account the reduced allowed units. A revised memo from CMS has not been received by Planning Department to date.
13. Altered the language of Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to reflect that City Urban Forestry staff will determine the health and condition of City trees and will also determine whether City trees can be removed. A City tree is defined as being wholly or partly within the City right-of-way.
  14. Clarified all language of Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to differentiate between City trees and private trees.
  15. Revised Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to remove the 50% reference to street trees. The notes now read that a minimum of 50% of all trees along each block face located on private property and within 15 feet of the right-of-way of existing public streets will be preserved
  16. Amended Note 7. c., to explain that parts of the easement may be used for tree save if available as a tree save option and conditions of easement area meet minimum tree save standards.
  17. Completed Note 4. I. to provide Transportation improvement details.
  18. Changed all references to restaurants to Eating, Drinking, and Entertainment Establishments (EDEE).
  19. Staff rescinded the request to remove the language in Note 1.c. and replace with the following: "Minor modifications to the plans are allowed per Section 6.207 of the Zoning Ordinance."
  20. Amended Note 2.f. to limit the number of rotating signs to two wall signs and one detached sign.
  21. Removed RZ-6.1.
  22. Staff rescinded the request to modify Note 5.i. on RZ-2.0 and Note d.i. on RZ 3.2, 3.3. and 3.4 which restricts parking and maneuvering between the buildings and public streets to include development areas C and D because the MUDD (mixed use development) standards do not allow this for areas C and D.
  23. Specified that the minimum two acres of open space is in addition to the open space required in each development area.
  24. Labeled the adjacent zoning of neighboring parcels on RZ-2.11.2
  25. Amended Note 3. d. that says "Any additional residential units constructed within development Area B as a result of converting allowed non-residential square footage into residential units will not be counted toward the 1,050 residential dwelling unit limit" to include areas A, C and D.
  26. Changed the word "homes" to "zoning" in Note 6.i.
  27. Provided a statement of Overall Design Intent.
  28. Revised the Poindexter Drive elevation with a combination of landscaping and architectural features to break up blank walls.
  29. Replaced Note 2.I. with two notes allowing specific windows of the building located at the corner of Poindexter Drive and South Boulevard to be covered 100% with non-product, non-tenant specific or tenant identifying graphics., Other windows on the building shall be clear glass.
  30. Eliminated the optional provision to allow detached signs for each building in Development Areas A and B.
  31. Staff rescinded the request to eliminate the optional provision to allow detached signs for each use within Development Areas C and D because MUDD (mixed use development) allows detached signs.
  32. Clarified that the optional request for signs is to allow an increased sign area in C and D from 20 square feet to 25 square feet.
  33. Staff rescinded the request to reduce the size of a wall mounted neighborhood identification sign to 32 square feet.
  34. Removed Note 10.b regarding "sign flex."
  35. Amended Note 1.d. to indicate a total of 12 principle buildings allowed in the MUDD zoning.
  36. Amended Note 2.o. to only allow doors to not be recessed when the sidewalk is 12 feet wide or greater.
  37. Described phasing in Note 4.b.
  38. Staff rescinded the request to specify building materials for structured parking

<p><b>2014-064 Contd.</b></p>	<p>facilities because the MUDD (mixed use development) standards address this issue.</p> <p>39. Provided the following General Design Guidelines:</p> <ul style="list-style-type: none"> <li>a) The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, monumentation, water feature, seating areas and/or art work features.</li> <li>b) Streetscape treatment will be a unifying element through the use of complimentary landscaping and hardscaping materials throughout the Site.</li> <li>c) Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.</li> <li>d) Windows and doors shall be provided for at least 40% of the total facade area along public streets with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length in the UR-2 (urban residential) areas.</li> <li>e) Ground floor elevations shall be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building step backs, art work and landscaping in the UR-2 (urban residential) areas. Blank walls cannot be addressed with landscape elements only in the UR-2 (urban residential) areas.</li> <li>f) The petitioner addressed the request for development areas C-I to include a mix of building massing and building heights by indicating in the statement of overall design intent that a variety of residential building styles, types, and materials would be uses throughout the site.</li> <li>g) Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total facade length in the UR-2 (urban residential) areas.</li> <li>h) End fronting facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets in the UR-2 (urban residential) areas.</li> <li>i) Facades shall provide visual divisions between the first and second stories through architectural means such as courses, awnings, or a change in primary façade materials or colors in the UR-2 (urban residential) areas.</li> <li>j) Facades above the first story shall incorporate windows, arches, balconies, or other architectural details in the UR-2 (urban residential) areas.</li> </ul> <p>40. Provided a note stating, "Buildings constructed within Development Area G, that are located within 150 feet of the northeastern property boundary of Development Area G (the common property line with the four lots fronting on Poindexter Drive between Lawndale Road and Elmhurst Road (500, 510, 516 and 520 Poindexter Drive) the 'Northeastern Property Boundary') may not have balconies or decks above the first floor that are oriented toward the "Northeastern Property Boundary."</p> <p>41. Provided multi-family design guidelines.</p> <p>42. Decreased the maximum building height in Parcel J from 50 feet and 40 feet within 100 feet of the adjacent single family residential to 40 feet for the entire development parcel.</p> <p>Staff recommends approval of this petition</p> <p><a href="#">Attachment 9</a></p>
<p><b>Deferral (to January)</b></p>	<p>10. <a href="#">Petition No. 2014-071</a> by <a href="#">Charlotte-Mecklenburg Planning Department</a> and <a href="#">Charlotte-Mecklenburg Police Department</a> for a Text Amendment to the City of Charlotte Zoning Ordinance to:</p> <ul style="list-style-type: none"> <li>a. Add new definitions for "animal care and control division", "animal care and control fosterer", "animal rescue group" and "animal rescue group fosterer";</li> <li>b. Modify the definitions for "commercial kennel" and "private kennel";</li> <li>c. Modify the prohibited customary home occupation list; and</li> <li>d. Modify the prescribed conditions for private kennels.</li> </ul> <p>Staff recommends a two month-deferral of this text amendment to the January 5, 2015 Zoning Committee meeting.</p> <p><a href="#">Attachment 10</a></p>

	<p>11. <a href="#">Petition No. 2014-073</a> (Council District 6 - Smith) <b>by Brazwells Premium Pub</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to allow outdoor dining in the setback or yards in a variety of zoning districts as an accessory use when associated with an eating, drinking and entertainment establishment, with prescribed conditions.</p> <p>The Zoning Committee found this text amendment to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• It broadens the choices for entertainment.</li> </ul> <p>Therefore, this petition is reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• Outdoor dining encourages a more pedestrian-oriented form of development.</li> </ul> <p>The Zoning Committee voted 6-0 recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 11</a></p>
	<p>12. <a href="#">Petition No. 2014-080</a> (Council District 1 - Kinsey) <b>by Campus Works/Mallie Colavita</b> for a change in zoning for approximately 0.50 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad from I-2 (general industrial) to B-2(PED) (general business, pedestrian overlay).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Belmont Revitalization Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• Industrial land uses are recommended for this site.</li> </ul> <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The property is separated from the existing industrial land uses by the railroad tracks; and</li> <li>• The requested district is consistent with the zoning and development pattern of the abutting property to the south.</li> </ul> <p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 12</a></p>
	<p>13. <a href="#">Petition No. 2014-081</a> (Outside City Limits) <b>by Provident Land Services</b> for a change in zoning for approximately 391 acres generally located on the east and west side of Amos Smith Road, south of Old Dowd Road and south of the Southern Railroad in this area from MX-2(INNOV)(LWCA) (mixed use, innovative, Lake Wylie Critical Area), MX-2(INNOV)(LLWCA) (mixed use, innovative, Lower Lake Wylie Critical Area), and NS(LLWCA) (neighborhood services, Lower Lake Wylie Critical Area) <b>TO</b> MX-2(INNOV)(LWCA) SPA (mixed use, innovative, Lake Wylie Critical Area, site plan amendment), MX-2 (INNOV)(LLWCA) SPA (mixed use, innovative, Lower Lake Wylie Critical Area, site plan amendment), and NS(LLWCA) SPA (neighborhood services, Lower Lake Wylie Critical Area, site plan amendment).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Dixie Berryhill Strategic Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed use is suitable for the area; and</li> <li>• The Plan recommends a mix of uses including residential and retail.</li> </ul> <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public</p>

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interest based on the information from the staff analysis and the public hearing, and because:

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

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

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

Staff recommends approval of this petition.

[Attachment 13](#)

<p><b>Protest Petition Sufficient</b></p>	<p>14. <a href="#">Petition No. 2014-084</a> (Council District 1 - Kinsey) by 7<sup>TH</sup> Street Progression Partners, LLC for a change in zoning for approximately 1.5 acres located on the north side of East 7<sup>th</sup> Street between Clement Avenue and Pecan Avenue from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).</p> <p>The Zoning Committee found this petition be consistent with the <i>Elizabeth Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The single use multi-family development is a well-suited land use for the area.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing , and because:</p> <ul style="list-style-type: none"> <li>• The site is located in a primarily single family residential neighborhood but on a street with a mix of uses that includes entertainment, retail, office and multi-family residential; and</li> <li>• The site plan is designed to be compatible with the abutting single family residential through limitations on density, height, location of buildings and screening.</li> </ul> <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. Reference to courtyard walls has been removed from Optional Provision B (Optional Provision A on revised site plan). The modified note now specifies how far decorative paving, steps, and stoops are proposed to encroach into the setback, as well as the maximum amount of the setback area impacted by the encroachment (up to three feet into the 21-foot zoning setback).</li> <li>2. Petitioner has moved Option C to Option B, removed the reference to dining and providing new language that proposes an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk along the Site's frontage on East 7<sup>th</sup> Street. The new language further states that the improvements will not obstruct the sidewalk such that an eight-foot wide clear sidewalk zone will be maintained.</li> <li>3. Removed Architectural Standards Note D as the zoning standards allow balconies to project up to two feet with a minimum clearance of ten feet from grade.</li> <li>4. Removed references to adopted area plans on Sheet RZ-1.0 of the site plan.</li> <li>5. Confirmed type of residential product proposed as multi-family under Development Information on Sheet RZ-2.0.</li> <li>6. Moved the proposed buffer and screening materials out of the abutting alleyway and onto the rezoning site.</li> <li>7. Addressed Urban Forestry's comments by adding Environmental Features Note D that states tree preservation will be coordinated during land development with City Engineering and Urban Forestry.</li> <li>8. Under Lighting Note B, maximum height of freestanding lighting is now noted as 25 feet.</li> <li>9. Note C from the "General Provisions" has been removed from the site plan.</li> <li>10. The number of proposed units has been reduced from 95 to 91.</li> <li>11. Reference to Deed Restriction Setback has been removed from Sheets RZ-2.0 and RZ-2.3.</li> <li>12. Sheet RZ-2.0 has been revised to show planting area in front of eight-foot screen wall along portions of property lines.</li> <li>13. Sheet RZ-2.0 has been revised to show proposed bicycle parking locations.</li> <li>14. Sheet RZ-2.0 has been revised to show proposed seat height freestanding walls, potential drinking fountain locations, and potential tree in grate.</li> <li>15. Sheet RZ-2.0 has been revised to show a new planting area to be extended along a portion of the driveway accessing East 7<sup>th</sup> Street.</li> <li>16. Sheet RZ-2.0 has been revised to show a 25-foot deed restriction setback along East 7<sup>th</sup> Street.</li> <li>17. Sheet RZ-2.1 has been modified to note opaque screen wall (final height to be determined), include the 21-foot Zoning Setback and 25-foot Deed Restriction Setback, and reference development notes for installation, maintenance, and removal responsibilities with respect to proposed landscaping materials.</li> <li>18. Sheet RZ-2.1 has been modified to identify "3 story portion of building with maximum 40 feet as measured from average final grade" on "Fourth Level Schematic</li> </ol>
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- Architecture" detail.
19. Sheet RZ-2.1 has been modified to identify "4 story portion of building with maximum 52 feet as measured from average final grade" on "Fourth Level Schematic Architecture" detail.
  20. Sheet RZ-2.20 has been modified to note locations of proposed building materials on all elevations.
  21. A note has been added to Sheet RZ2.2 that states certain designated windows will have translucent glass in window units (50%).
  22. New Sheet RZ-2.3 labeled "Schematic Required Planting Plan" identifies proposed plantings to screen new building from adjacent residential development.
  23. New General Provisions Note C provides language regarding the zoning setback along 7<sup>th</sup> Street, and permissible encroachments up to 3 feet into the zoning setback. No portion of the building to be constructed on the site may encroach into the zoning setback.
  24. The Optional Provisions being requested have been renumbered and the wording of some have been modified as follows:
    - a. Optional Provision B is now Optional Provision A and the language regarding building entrances and entry features has been revised to remove "courtyards and "courtyard walls", and add that "patios and upper level balconies and architectural features may encroach up to 3 feet into the Zoning Setback."
    - b. Optional Provision C for the width of the sidewalk is now Optional Provision B.
    - c. Optional Provision D regarding outdoor tables, chairs and dining is now Optional Provision C. Language has been modified with the removal of reference to "dining." Language now proposes "an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain, and possibly tables to be located on the 13-foot wide portion of the sidewalk to be installed along the Site's frontage on East 7<sup>th</sup> Street. The new language further states that these improvements will not obstruct the sidewalk such that an 8-foot wide clear sidewalk zone will be maintained.
    - d. Optional Provision E pertaining to on-street parking and reduction in the width of the planting strip is now Optional Provision D.
    - e. New Optional Provision E provides language proposing that a free standing seat wall may be constructed on the 13-foot wide portion of the sidewalk located along the Site's frontage on East 7<sup>th</sup> Street within the Zoning Setback.
  25. The Permitted Uses development note has been amended to reflect a decrease in the number of units from 95 to 91.
  26. Transportation Note B has been modified to state a minimum of one parking space per bedroom will be provided on the site.
  27. Transportation Note C has been modified to note that the location of the bicycle parking is depicted on the Rezoning Plan.
  28. Architectural Standards Note B has been modified to reference the 4-story components of the building and the site adjacent to the relevant portion of the building.
  29. Petitioner has added new Architectural Standards notes regarding the following:
    - a. Front corner of the building adjacent to the driveway into the site may be a chamfered corner, or the corner of the building may be at a 90 degree angle at the option of the Petitioner.
    - b. Permitted exterior building materials are designated and labelled on architectural renderings provided. Permitted exterior buildings will include brick, stone and similar architectural masonry products, stucco and hardi-panel (cementitious siding) or a combination thereof.
    - c. Brick to be installed on the exterior of the building will be full-body cavity wall masonry. Use of thin brick or exposed non-architectural CMU masonry will not be allowed.
    - d. Vinyl will not be a permitted exterior cladding material, provided, however, that vinyl may be utilized on the soffits of the building and vinyl windows may be installed on the building.
    - e. EIFS (synthetic stucco), aluminum siding, corrugated metal and CMU block (concrete block) will not be permitted exterior materials for the building to be constructed on the site.
    - f. Translucent windows must be utilized on the third and fourth floors of the portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the



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- building, with clear windows being allowed on all other portions of the proposed building.
- g. Installation of balconies limited to only those portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building. Balconies may be installed on any portions of the side and front elevations of the building to be constructed on the Site.
  - h. In the event a waiver of the Deed Restriction Setback is obtained, each ground floor dwelling unit facing East 7<sup>th</sup> Street will have steps and a stoop or patio located at the front entrance into the dwelling unit from East 7<sup>th</sup> Street, and the entry to the stoop or patio from East 7<sup>th</sup> Street will not be gated or locked. Each such stoop or patio will have a minimum size of 75 square feet.
30. Modified notes under Setback and Yards/Streetscape and Landscaping/Screening as follow:
- a. Note A has been modified to state that subject to the Optional Provisions, development of the Site will comply with the 21-foot Zoning Setback and the side yard rear requirements of the MUDD zoning district.
  - b. New Note D proposes installation and maintenance of an 8-foot tall brick screen along the rear property line of the Site adjacent to the alley, and along portions of the Site's western property line.
  - c. New Note E provides language regarding the installation of a gate in the 8-foot tall brick screen wall.
  - d. New Note F identifies the conceptual landscaping plan as provided on Sheet RZ-2.3, providing information regarding locations, types, quantities, and minimum height at the time of installation of the trees and shrubs.
  - e. New Note G includes language regarding placement of landscape materials within the alley and approval by Duke Energy. The note states that in the event Duke Energy or the City of Charlotte prohibits the installation of trees, shrubs and landscape materials in the 25-foot alley, the petitioner will not be required to install any trees, shrubs, and landscape materials within the 25-foot alley. Note further states that petitioner will remove any landscape materials it installs in the 25-foot alley in the event that any property owner with a right to use the 25-foot alley for vehicular and pedestrian access seeks to enforce such right and requires the removal of the materials.
  - f. New Note H states petitioner will maintain, at their cost and expense, the perimeter landscaped areas (including landscaping in the alley).
  - g. New Note I provides language stating that prior to issuance of a certificate of occupancy, the petitioner will install irrigation for the perimeter landscaping for the Site pursuant to the conceptual perimeter plan. Irrigation will not be required to be installed within the alley located to the rear of the Site.
  - h. New Note J proposes an outdoor amenity area consisting of landscaping, hardscape, seating elements, an outdoor water drinking fountain, and possibly tables to be located on the 13-foot wide portion of the sidewalk to be installed along the Site's frontage.
31. Provided new language under Urban Open Space heading that states Urban Open Space will be located on the site as shown on the site plan. The Urban Open Space will be a passive area with no programmed space, and no outdoor amenities, such as a grill, may be installed within the Urban Open Space.
32. Modified Lighting Note A to state that all freestanding lighting fixtures installed on the Site (excluding street lights, lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas and landscaping lights) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
33. Added Lighting Note D that states that the lighting to be installed on the Site to illuminate the parking lot located to the rear of the building shall be soft light in the warm spectrum.
34. Added new heading titled "Construction Activities" with following notes:
- a. Note A states that construction activities may only be conducted on the Site from 7 a.m. to 6 p.m., and that construction activities conducted entirely within the enclosed building may occur at any time.
  - b. Note B states the contractor(s) will keep the construction site in a clean and orderly condition and will promptly clean the adjacent roads and sidewalks as needed or as otherwise required by applicable regulations.

<p><b>2014-084 Contd.</b></p>	<p>35. Added new heading "Trash and Recycling Removal" with language that states in the event that a private trash service is utilized to empty trash and recycling containers located on the Site, such containers may be emptied only between the hours of 7 a.m. and 6 p.m.</p> <p>36. Removed all references to deed restrictions and waivers on all sheets of the site plan.</p> <p>37. Removed "deed restriction setback" on all applicable sheets of the site plan.</p> <p>38. Corrected details on Sheet RZ-2.1 to reflect the proposed screen wall is out of the alley.</p> <p>39. Clouded all new notes and revised notes.</p> <p>40. Provided details of the proposed seat wall.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 14</p>
<p><b>Protest Petition Sufficient</b></p>	<p>15. <b>Petition No. 2014-085</b> (Council District 1 – Kinsey) <b>by New Carolina Income Properties, LLC</b> for a change in zoning for approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue from UR-2(CD) HD (urban residential, conditional, historic overlay) to TOD-RO HD (transit oriented development - residential, optional, historic overlay).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Dilworth Land Use and Streetscape Plan</i>, based on information from the staff analysis and the public hearing and because:</p> <ul style="list-style-type: none"> <li>• The proposed development provides a multi-family residential use at a density of 16 units per acre.</li> </ul> <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• A portion of the site is located with ½ mile of the East/West Boulevard transit station; and</li> <li>• The proposed density is less than what is called for by the updated plan, but meets the minimum density requirement for TOD (transit oriented development); and</li> <li>• The proposed use is consistent and compatible with the surrounding land use types.</li> </ul> <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. The petitioner revised the plan to show the five-foot side yard adjacent to the TOD-RO (transit oriented development – residential, optional) zoned parcel to the northwest and the 20-foot rear yard adjacent to the R-22MF (multi-family residential) zoned parcel to the northeast.</li> <li>2. Clarified under "Optional Provisions" Note a. as follows: "Buffer requirements of 6 trees and 20 shrubs per 100' will be maintained with the addition of a 6' high privacy fence rather than a masonry wall."</li> <li>3. Extended the five-foot wide buffer along the entire boundary with the adjacent R-22MF (multi-family residential) property. Included a note stating that: "The buffer area within the proposed tree save will be supplemented with additional plantings as necessary to meet the requirements of the Zoning Ordinance."</li> <li>4. Deleted "Fire Protection" sections on the site plan.</li> <li>5. Labeled open space and provided a note specifying improvements/amenities.</li> <li>6. Under "Parks Greenways and Open Space" deleted Notes a., b., and c.</li> <li>7. Under "Environmental Features" deleted Note c.</li> <li>8. Under "Transportation" deleted Notes b., d., and e.</li> <li>9. Under "Permitted Uses" deleted Note c.</li> <li>10. Under "Development Data Table" deleted Note h</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p>



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

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

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

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

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

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

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

Staff recommends approval of this petition.

[Attachment 16](#)

17. [Petition No. 2014-090](#) (Outside the City Limits) by **HSREI, LLC** for a change in zoning for approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road from R-3 (single family residential) and I-1(CD) (light industrial, conditional) to I-1(CD) (light industrial, conditional) and I-1(CD) SPA (light industrial, conditional, site plan amendment), with five-year vested rights.

<p><b>2014-090 Contd.</b></p>	<p>The Zoning Committee found this petition to be consistent with the <i>Northeast Area Plan</i>, with the exception of the portion of the site zoned R-3 (single family residential), based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• Rezoning the entire site will allow for a more cohesive site plan and organization of space for the expansion of the Hendricks Motorsports complex.</li> </ul> <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposal will continue to provide a substantial buffer along property lines abutting acreage that is zoned and/or in use for residential purposes; and</li> <li>• The use and its expansion will continue to provide a valuable regional community resource with respect to employment and recreational opportunities.</li> </ul> <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. The language under heading Permitted Uses has been clarified to state "other related <u>accessory</u> uses and parking."</li> <li>2. A note has been added to the site plan as follows: "If the determination is made prior to the vote of the City Council on this Petition that the City of Charlotte has the legal authority and has properly adopted an ordinance pursuant to that authority for a tree ordinance that would be applicable in the City's Extraterritorial Jurisdiction, then the Petitioner will comply with that ordinance when the site development occurs."</li> <li>3. The petitioner added a Community Gathering Space on the property at the corner of Morehead Road and Stowe Lane. Language has been added to state, "This space will include landscaping and seating so that members of the community may have a space to gather or visit in the area where they have lived and/or owned property."</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p>
	<p>18. <b>Petition No. 2014-091</b> (Council District 3 - Mayfield) <b>by Time Warner Cable</b> for a change in zoning for approximately 85.3 acres located on the north side of West Arrowood Road between Woodknoll Drive and Red Oak Boulevard from B-1(CD) (neighborhood business, conditional) and O-1(CD) (office, conditional) to O-1(CD) (office, conditional) and O-1(CD) SPA (office, conditional, site plan amendment).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Southwest District Plan</i>, based on information from the staff analysis and the public hearing and because:</p> <ul style="list-style-type: none"> <li>• The area plan acknowledges the existing land use as amended by rezoning petition 1993-009, and recommends continued suburban employment land uses.</li> </ul> <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing; and because:</p> <ul style="list-style-type: none"> <li>• The proposal confines expansion of the existing facility within the southern portion of the site and closer to West Arrowood Road; and</li> <li>• The proposal maintains previously approved substantial buffers along property lines abutting acreage that is zoned and/or in use for residential purposes; and</li> <li>• The proposal supports environmental policies and recreational opportunities through development notes committing to air quality initiatives; establishment of a proposed satellite dish farm within a proposed parking structure; and provision of an access easement for the future Sugar Creek Greenway.</li> </ul> <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 language in Environmental Features Note e that acknowledges the proposed development must comply with tree save requirements.</li> </ol>

<p><b>2014-091 Contd.</b></p>	<ol style="list-style-type: none"> <li>2. Labeled the width of the sidewalk and planting strip along West Arrowood Road to show 9 feet and 18 feet (east of Crescent Executive Drive, and 5 feet and 4 feet (existing conditions west of Crescent Executive Drive).</li> <li>3. All buffers (including widths) are properly labeled (and as previously approved) on the site plan.</li> <li>4. Amended Site Summary on Sheet RZ1.0 to note site area is 85.3 acres.</li> <li>5. Removed Signage Note 8c regarding moving, rotating, or flashing signs from the site plan.</li> <li>6. Amended Architectural Standards Note 4a to specify building materials will include but not be limited to the following: aluminum panels and soffits; painted aluminum fins and mullions; low E-Vision glass with ceramic frit; spandrel glass in various colors; and, stone panels in aluminum sub-frame.</li> <li>7. Addressed CDOT and LUESA comments with the following: <ul style="list-style-type: none"> <li><u>CDOT</u> <ol style="list-style-type: none"> <li>a. Languages describing proposed transportation improvements have been added to Sheet RZ-3.0 in lieu of a Transportation Plan.</li> <li>b. Petitioner will provide a 10-foot multi-use shared path and an 18-foot planting strip from Crescent Executive Drive to the westernmost property line.</li> <li>c. Re-worded conditional note i under the Access and Transportation section of the Development Standards to specifically include the proposed infrastructure phasing referenced in the last sentence of note i.</li> <li>d. Extended westbound dual left-turn lane storage on Arrowood Road at the intersection of Arrowood Road and South Tryon Street from 220 feet to approximately 345 feet each (within existing median).</li> <li>e. As per CDOT's request, the petitioner will not restripe the existing through lanes on the northern and southern approaches of the Arrowood/Crescent Drive signalized intersection to through-right lanes. Current pavement markings will remain in place.</li> <li>f. As per CDOT's request, the petitioner will not restripe the northernmost outside lane from gore striping to a dedicated right turn-lane on Arrowood Road at Altacrest Place along with the proposed restriping of the adjacent lane from a through-right lane to a through lane. The current pavement markings will remain in place.</li> <li>g. The petitioner will extend the existing dual right-turn lanes to a combined 1,500 feet or construct a third right-turn lane on southbound I-77 off-ramp onto Arrowood Road with a combined total storage of approximately 1,500 feet, whichever option is agreed to by both NCDOT and CDOT.</li> <li>h. The petitioner will extend the eastbound dual left-turn lane storage on Arrowood Road at the intersection of Arrowood Road and Crescent Executive Drive to 310 feet and 430 feet (within the existing median).</li> </ol> </li> <li><u>LUESA</u> <ol style="list-style-type: none"> <li>a. A note has been added under Environmental Features stating that the project will comply with Mecklenburg County Air Quality Requirements. In addition, a note has been added under Architectural Standards that states: "New parking decks constructed as part of the project will be designed to complement the owner's existing parking initiatives including preferred parking for "clean commuters" (carpool and vanpool spaces) as well as potential consideration for hybrid and electrical vehicle spaces.</li> </ol> </li> </ul> </li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 18</p>
<p><b>Deferral (to December)</b></p> <p><b>Protest Petition Insufficient</b></p>	<ol style="list-style-type: none"> <li>19. <b>Petition No. 2014-092</b> (Council District 3 - Mayfield) <b>by Pavilion Development Company</b> for a change in zoning for approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).</li> </ol> <p>The petitioner has requested a one-month deferral to the December 1, 2014 Zoning Committee meeting.</p> <p>Attachment 19</p>

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

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

- The petition is compatible with adjoining land uses.

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

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

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

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

Staff recommends approval of this petition.

[Attachment 20](#)

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

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

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

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

- The proposed retail uses have not be objected to by the neighborhood; and

- It connects well to the existing retail development along Ardrey Kell Road.

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

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

The following issues are outstanding:

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

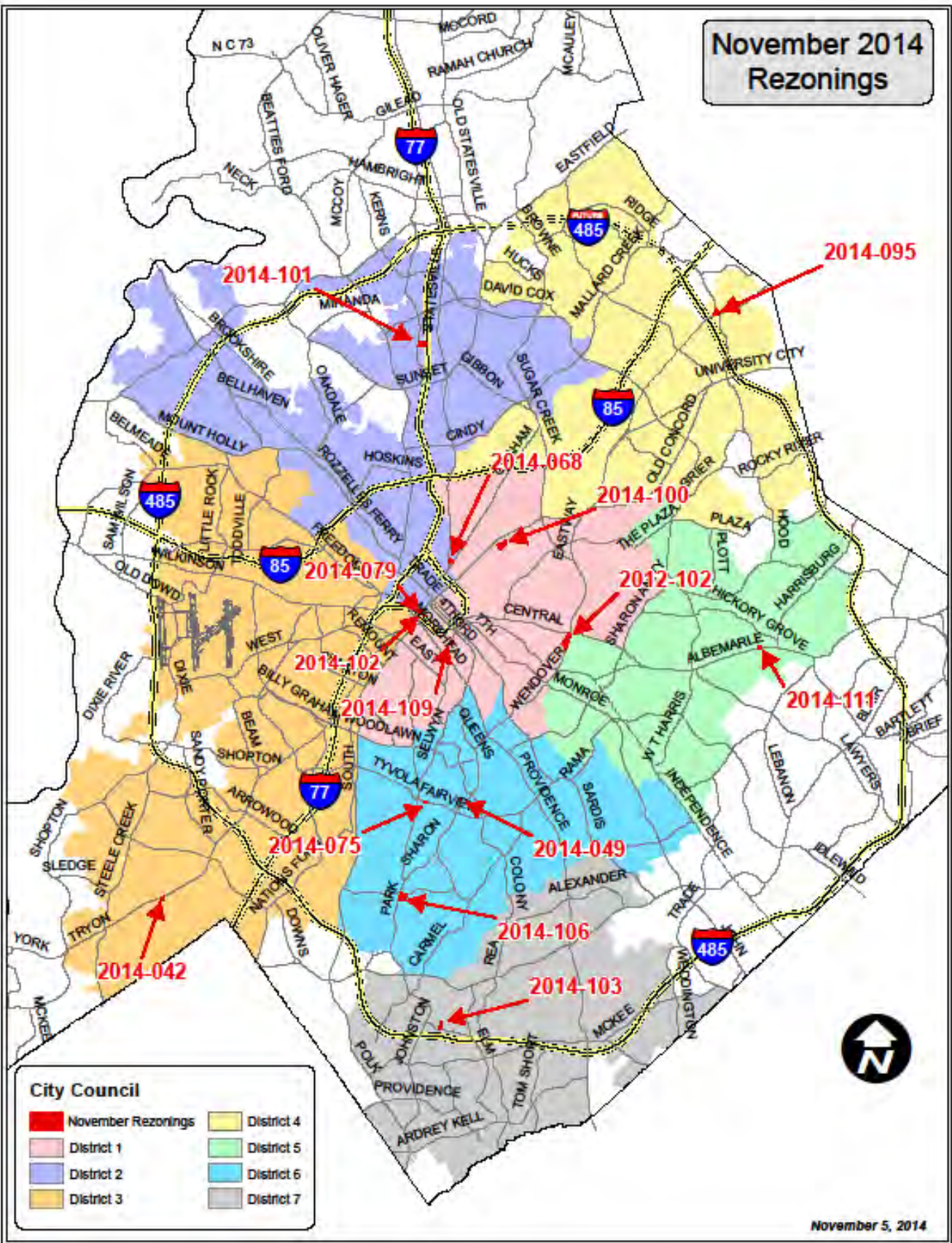
Staff disagrees with the recommendation of the Zoning Committee because the proposed retail use is inconsistent with the recommended land use set forth in the adopted area plan. However, the site qualifies for an increase in residential density of up to eight dwelling units per acre, which is compatible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

[Attachment 21](#)

	<p>22. <a href="#">Petition No. 2014-098</a> by <b>Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify the height limitations.</p> <p>The Zoning Committee found this petition to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because it:</p> <ul style="list-style-type: none"> <li>• Creates a vibrant economy; and</li> <li>• Preserves and enhances existing neighborhoods; and</li> <li>• Provides clarifications to the existing regulations.</li> </ul> <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The petition clarifies the height limitations located in various parts of the Zoning Ordinance.</li> </ul> <p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 22</a></p>
	<p>23. <a href="#">Petition No. 2014-099</a> by <b>Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to allow parking lot reconfiguration in the UMUD (Uptown Mixed Use) under limited circumstances.</p> <p>The Zoning Committee found this petition to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because it:</p> <ul style="list-style-type: none"> <li>• Creates a vibrant economy.</li> </ul> <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• Parking lot reconfiguration that doesn't increase the size or number of parking spaces by more than five percent and that meets ordinance requirements and benefits property owners should be allowed.</li> </ul> <p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 23</a></p>



# November 2014 Rezoning



City Council	
<span style="color: red;">█</span> November 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: grey;">█</span> District 7



November 5, 2014

## ZONING HEARINGS

	<p>24. <a href="#"><u>Petition No. 2012-102</u></a> (Council District 4 – Phipps) <b>by Eastway Holdings</b> for a change in zoning for approximately 26.32 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue from B-1SCD (business shopping center to B-1SCD SPA (business shopping center site plan amendment).</p> <p style="text-align: center;">Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p style="text-align: center;"><a href="#">Attachment 24</a></p>
	<p>25. <a href="#"><u>Petition No. 2014-042</u></a> (Council District 3 - Mayfield) <b>by Moss Road Development Partners, LLC</b> for a change in zoning for approximately 2.81 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p style="text-align: center;">Staff does not support this petition in its current form.</p> <p style="text-align: center;"><a href="#">Attachment 25</a></p>
<p><b>Deferral (to March)</b></p> <p><b>Protest Petition TBD</b></p>	<p>26. <a href="#"><u>Petition No. 2014-049</u></a> (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 style="text-align: center;">Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p style="text-align: center;"><a href="#">Attachment 26</a></p>
	<p>27. <a href="#"><u>Petition No. 2014-068</u></a> (Council District 2- Austin) <b>by City of Charlotte</b> for a change in zoning for approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive from I-2 (general industrial) to MUDD-O (mixed use development, optional).</p> <p style="text-align: center;">Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p style="text-align: center;"><a href="#">Attachment 27</a></p>
	<p>28. <a href="#"><u>Petition No. 2014-075</u></a> (Council District 6 - Smith) <b>by Crossroads Realty Group, LLC</b> for a change in zoning for approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive from R-3 (single-family residential) to UR-2(CD) (urban residential, conditional).</p> <p style="text-align: center;">Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p style="text-align: center;"><a href="#">Attachment 28</a></p>
	<p>29. <a href="#"><u>Petition No. 2014-79</u></a> (Council District 2 – Kinsey) <b>by Crescent Communities, LLC</b> for a change in zoning for approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street from UMUD (uptown mixed use) to UMUD-O (uptown mixed use, optional).</p> <p style="text-align: center;">Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p style="text-align: center;"><a href="#">Attachment 29</a></p>
	<p>30. <a href="#"><u>Petition No. 2014-095</u></a> (Council District 4 - Phipps) <b>by QuikTrip Corporation</b> for a change in zoning for approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road from R-3 (single-family residential) and NS (neighborhood services) to B-1(CD) (neighborhood business, conditional).</p> <p style="text-align: center;">Staff recommends denial of this petition.</p>



	<p>Attachment 30</p>
	<p>31. <a href="#">Petition No. 2014-100</a> (Council District 1 – Kinsey) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road from UR-3(CD) (urban residential, conditional) to TOD-M (transit oriented development – mixed use).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 31</p>
	<p>32. <a href="#">Petition No. 2014-101</a> (Council District 2 - Austin) <b>by LGI Homes NC, LLC</b> for a change in zoning for approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive from UR-1(CD) (urban residential, conditional) to R-5 (single-family residential).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 32</p>
	<p>33. <a href="#">Petition No. 2014-102</a> (Council District 1 – Kinsey) <b>by Charlotte-Mecklenburg Planning Department</b> to establish zoning for approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street from no current zoning to UMUD (uptown mixed use).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 33</p>
	<p>34. <a href="#">Petition No. 2014-103</a> (Council District 7 – Driggs) <b>by Weekley Homes, LP</b> for a change in zoning for approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane from R-3 (single-family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 34</p>
	<p>35. <a href="#">Petition No. 2014-106</a> (Council District 6 - Smith) <b>by Quail Hollow Village, c/o Harris Land Company</b> for a change in zoning for approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road from CC (commercial center district) to CC SPA (commercial center site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 35</p>
<b>Protest Petition TBD</b>	<p>36. <a href="#">Petition No. 2014-109</a> (Council District 1 - Kinsey) <b>by Midtown Area Partners II, LLC</b> for a change in zoning for approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street from R-8 (single-family residential), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay), and B-1(PED) (neighborhood business, pedestrian overlay) to MUDD-O (mixed use development, optional) and MUDD-O(PED) (mixed use development, optional pedestrian overlay).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 36</p>

	<p>37. <a href="#">Petition No. 2014-111</a> (Council District 3 - Mayfield) by Cambridge Properties, Inc. for a change in zoning for approximately 3.31 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road from R-3 (single-family residential) and B-1(CD) (neighborhood business, conditional) to B-1(CD) (neighborhood business, conditional) and B-1(CD) SPA(neighborhood business, conditional site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 37</a></p>
	<p>38. <a href="#">Petition No. 2014-001 SUB</a> (Council District 6 - Smith) <b>by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Subdivision Ordinance to 1) modify the definition of planned development; 2) clarify existing regulations and update references, formatting and tables; 3) relocate regulations into the proper section; 4) correct the dimension of the right-of-way requirements for local residential wide streets; 5) remove the requirement for delivery of final plats to the Planning Department and remove references to the County and Board of Commissioners; 6) clarify street spacing requirements; 7) clarify the standards for required streets when lots or building sites are part of a multi-family development; 8) update the notice and hearing requirements for variances and appeals; the standards for granting a variance; and the standards for making decisions; and 9) update the appeal regulations.</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 38</a></p>

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

Ordinance – James A. Blakeney House

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

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

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

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 13<sup>th</sup> day of October, 2014, on the question of de-designating a portion of the land associated with the historic landmark known as the “James A. Blakeney House”; and

WHEREAS, on November 17, 1986, the Mecklenburg County Board of Commissioners adopted an ordinance designating the property known as the “James A. Blakeney House” as a Historic Landmark; and

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

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

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

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

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

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

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

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

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

Guidelines for Rehabilitating Historic Buildings, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

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

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

Adopted the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

\_\_\_\_\_  
Clerk to City Council

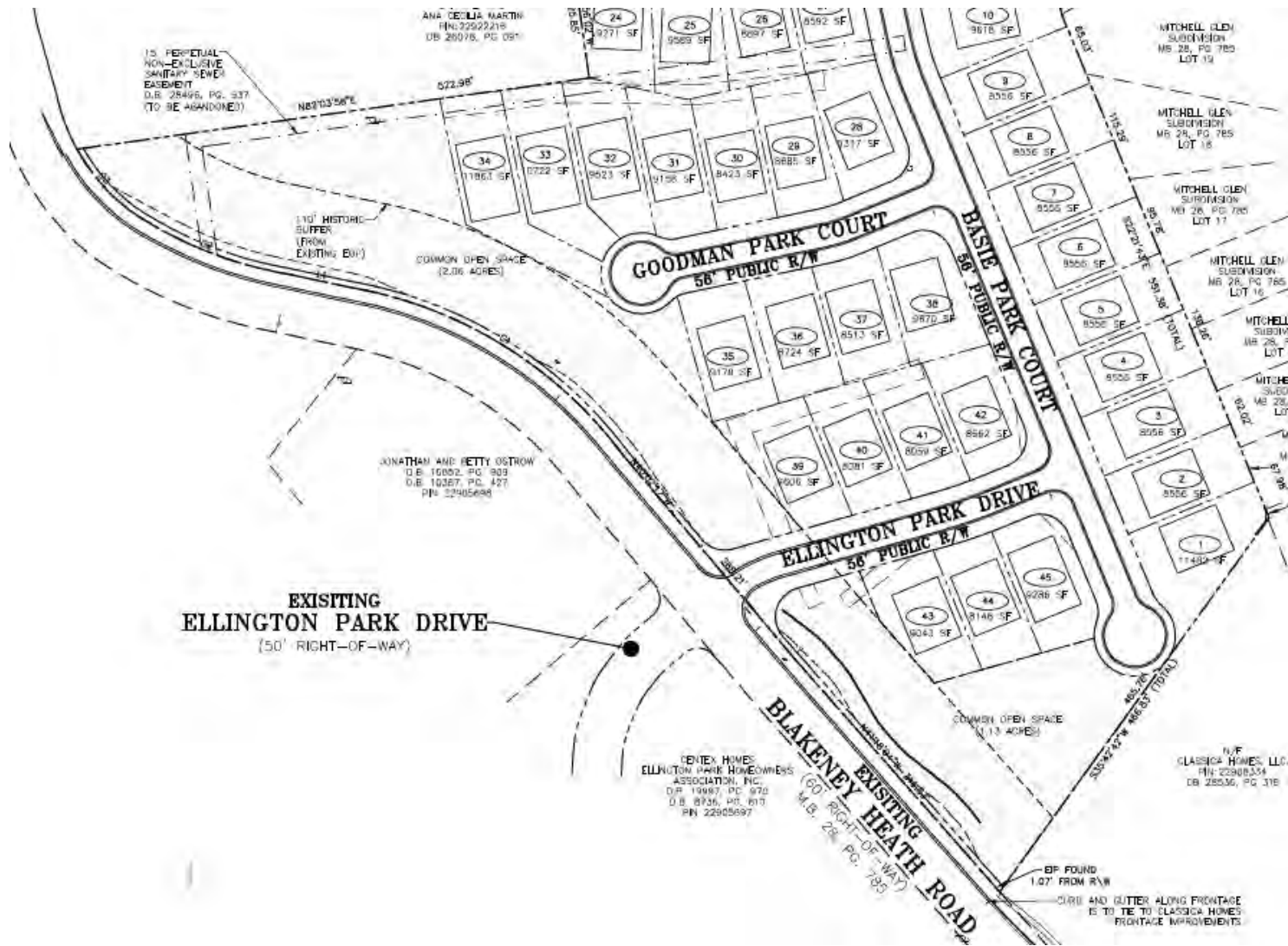
Approved as to form:

\_\_\_\_\_  
Senior Assistant City Attorney





# Blakeney Property – Tax Parcel 22922212



The map above shows the original 11.019 designated acres associated with tax parcel 22922212. Shown are the approximately 7.829 acres of the property be de-designated, along with the 3.19 acres labeled as “COMMON OPEN SPACE” which will retain historic landmark designation.

<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 33.84 acres located on the west side of Prosperity Church Road across from Ridge Road. (Council District 4 - Phipps)
<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, eating, drinking and entertainment establishment uses, and up to 292 multi-family units.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Eason Family Properties, LLC, Judy Pretzel Eason, 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
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be consistent with the <i>Prosperity Church Road Villages Plan</i> and the draft <i>Prosperity Hucks Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed development decreases the number of residential units while allowing a slight increase in nonresidential development; and</li> <li>• The proposal provides an activity center with a mix of uses.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The <i>Prosperity Church Road Villages Plan</i> recommends a pedestrian-oriented mixed use activity center with residential, office, retail and/or institutional uses; and</li> <li>• The draft <i>Prosperity Hucks Area Plan</i> identifies this area as a pedestrian-oriented mixed use Activity Center intended to create highly integrated and walkable places, with a mix of uses to include retail/service, office, institutional and residential; and</li> <li>• The petition proposes a mix of retail and residential uses consistent with the current and draft plans;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Nelson).</p>

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

5. Amended development notes to change "restaurants" to "eating, drinking and entertainment establishments".
6. Amended Note 5H to read "Charlotte-Mecklenburg Planning Department."
7. Amended Note 5I to remove the unnecessary "s" from Development Areas A.
8. Provided a set of typical elevation drawings for each residential building type (multi-family, townhomes, and carriage units over garages) and the clubhouse building.
9. Amended Note 2E as follows: "...vehicular parking and maneuvering may not be located between the proposed building edge(s) and the street where the building edge(s) is indicated."
10. Amended Note 5C as follows: "At least one building within Development C will include a prominent architectural feature oriented toward the intersection of Ridge Road and Benfield Road. An entrance to the building will be provided from either Ridge Road, Benfield Road or at the corner of the building to complement the prominent architectural feature."
11. Added a note under Architectural Standards as follows: "Any permitted drive-through feature located in Development Area A and Development Area C will be incorporated into the building's design using the same architectural style, detailing, and materials palette as the primary building it serves."
12. Modified Note 5D to state "Retail buildings B and C shall have their primary exterior facades oriented toward proposed Public Street #1. The facades of these buildings facing proposed Public Street #1 must contain a total area of transparency of 60 percent or more of the wall area of the ground floor, measured between two to ten feet above the adjacent grade. The transparency area shall be composed of clear glass windows and doors, which may not be screened by films, decals or opaque materials, glazing finishes, or window treatments for the purpose of screening service area, merchandise, or secondary operational functions to the primary business. Each individual business within Retail Buildings B & C shall have an operable door facing proposed Public Street #1 and this door shall be treated equally as a public entrance of the business."
13. Amended Note 5G and building elevations to specify that Buildings #1, #2 and the townhome buildings within Development Area E will be designed so that the units on the ground floor facing Ridge Road and Public Street #1 will have:
  - i. an entrance from each unit to the abutting street; and
  - ii. vertical shaped windows with a height greater than their width.
14. Added Note 5R as follows: "The orientation of the building constructed in Development Area H may be adjusted to match the realignment of Prosperity Church Road. The new orientation must be submitted to the Planning Department staff for approval."
15. Added Note 6F stipulating that parking areas between Cardinal Point Road and Ridge Road may not occupy more than 35 percent of the total street frontage along each side of proposed Public Street #1 (on-street parking will not be calculated into this percentage).
16. Amended Note 8A to specify that the community green space shall contain a minimum area of 20,000 square feet of surface area.
17. Amended Note 11B to specify that the information on how much square footage has been constructed will be provided with each permitting submittal for any of the buildings located within Development Areas C, D, F, and H.
18. Deleted reference and label for "New Prosperity Church Road" and retained label as "Benfield Road."

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

the subdivision review and approval process for this Street/right of way.”

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

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

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

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Background**

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

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of 100,000 square feet of retail/commercial/personal services and eating/drinking/entertainment uses.
- Maximum of 292 residential dwelling units, which may be detached, attached, duplex, triplex, or quadraplex units, or multi-family or any combination of these. The site plan shows these residential units as multi-family, townhomes and carriage units over garages.
- A minimum of three building types must be constructed within Area E (i.e. multi-family buildings, townhome buildings, carriage house buildings).
- Site consists of eight "Development Areas," identified as Areas A through H, and contains four outparcels located in Areas C, D, G, and H.
- The allowed 292 residential dwelling units are limited to Area E.
- Proposed wet detention pond areas located in Area B and Area G.

- Up to three accessory drive-through windows allowed in Development Areas A, C, D, F and H. Only one eating/drinking and entertainment use may have an accessory drive-through window and it may be located in Development Area F or H.
- Prohibited uses as follows: gas stations, with or without a convenience store, civic/social service and fraternal facilities, equipment rental and leasing, funeral homes/embalming, government buildings, hotels and motels, gunsmiths, nurseries/greenhouses, outdoor recreation, religious institutions, repair or servicing of any article the sale of which is permitted in the district except that shoe repair and tailoring will be allowed, telephone booths, vocational schools, adult care centers, child care centers, large child care centers, donation drop-off facility, public utility structures, and land clearing and inert landfills on-site.
- Access provided from Ridge Road, Prosperity Church Road, Cardinal Point Road, and Benfield Road.
- Total number of principal buildings developed for commercial uses not to exceed ten.
- Total number of buildings developed for residential uses not to exceed 19.
- **Architectural and Site Design Standards**
  - Building materials include glass, brick, stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood. Vinyl as a building material is prohibited except on windows, soffits and handrails/railings. The use of EIFS will be limited to commercial buildings.
  - Site designed to provide building edges within portions of Development Areas A, C, D, E, F and H such that vehicular parking and maneuvering may not be located between the proposed buildings edge(s) and the street where the building edge(s) is indicated. Plaza/outdoor dining areas will be considered part of the building for the purpose of complying with this provision.
  - A prominent architectural feature oriented toward the intersection of Ridge Road and Benfield Road will be provided on at least one building constructed in Development Area C. An entrance to the building will be provided from either Ridge Road, Benfield Road or at the corner of the building to complement the prominent architectural feature.
  - Retail buildings located within Development Areas B and C shall have their primary exterior facades oriented toward proposed Public/Private Street #1. The facades of these buildings facing Proposed/Private Street #1 must contain a total transparency of 60 percent or more of the wall area of the ground floor measured between two to ten feet above the adjacent grade. The transparency area shall be composed of clear glass windows and doors. Each individual business within Retail Buildings B and C shall have an operable door facing Proposed Public/Private Street #1, which shall be treated equally as a public entrance for the business. In addition to any doors/access located on the parking lot side of Retail Buildings A, B and C, these Retail Shops A, B and C will also have operable doors oriented toward Proposed Public/Private Street #1.
  - Building #1, 2 and the townhome buildings within Development Area E will be designed so that ground floor units facing Ridge Road and Public/Private Street #1 will have:
    - a) an entrance from each unit to the abutting street; and
    - b) vertical shaped windows with a height greater than the width.Building façades facing these streets will provide windows and doors for a minimum of 25 percent of the total façade area. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length.
  - Building elevations for proposed commercial development identified as Major #1 in Development Area A, and typical elevation drawings for each residential building type (multi-family, townhomes, and carriage units over garages) and the clubhouse building.
  - Any permitted drive-through located in Development Area A and Development Area C will be incorporated into the building's design using the same architectural style, detailing, and materials palette as the primary building it serves.
  - The orientation of the building constructed in Development Area H may be adjusted to match the realignment of Prosperity Church Road. The new orientation must be submitted to the Planning Department staff for approval.
  - Residential buildings constructed within Development Area E will be constructed with at least 35 percent of the exterior of each building, exclusive of windows, doors and roofs, with brick, stone, precast stone or precast concrete.
- **Transportation**
  - A portion of the existing right-of-way along Prosperity Church Road will no longer be needed due to realignment of the road. Petitioner will seek to abandon this portion and incorporate it into Development Area H.
  - Petitioner will provide curb and gutter, as well as base and surface course, for two additional lanes including a six-foot wide bicycle lane and on-street parking, eight-foot planting strip, and six-foot sidewalk along the site's frontage on Ridge Road. Traffic signal timing modifications at

the intersection of Ridge Road with Benfield Road and Prosperity Church Road will be completed if necessary to coincide with petitioner's improvements.

- Two pedestrian refuge islands will be installed by the petitioner along the site's frontage on Ridge Road, which will include landscaping if the median in Ridge Road is of sufficient width.
  - On-street parking to be provided along the frontage on Prosperity Church Road.
  - Petitioner will be responsible for any traffic signal modification costs and necessary signal equipment easements on Ridge Road at Prosperity Church Road and Benfield Roads when the subject site's final construction plan is approved by the City. Traffic signal modification costs and easements will be determined during the construction plan review process.
  - The petitioner shall complete the following improvements along the site's frontage along Ridge Road: (a) curb and gutter; (ii) 31 feet of base course and surface course for additional improvements (the configuration of the on-street parking and pedestrian refuge islands to be determined in conjunction with CDOT during the Land Development approval process).
  - The determination of public/private street designation and the location of the proposed right-of-way if a public street, for Public/Private Street # 1 adjacent to the Community Green Space may be made during the subdivision review and approval process for this street/right-of-way.
- **Site Design, Open Space, and Pedestrian Connectivity**
    - Service areas in Development Area A will be screened from the extension of Cardinal Point Road with landscaping and walls, or landscaping and berms designed to complement the building architecture of the adjacent buildings.
    - A masonry wall that will be a minimum of two feet and will not exceed two and a half feet in height, and low accent plantings will be provided in Development Areas C and D between Ridge Road and parking areas, and maneuvering for drive-through lanes.
    - A sidewalk and crosswalk network linking all buildings on the site with one another will be provided along the site's internal private streets.
    - A pedestrian plaza designed as a pedestrian focal point and amenity for the overall development will be located within Development Area E.
    - A portion of the area abutting the water quality/storm water detention pond located in Area G will be improved as an amenity area with landscaping and seating areas.
    - A community green space to be located between Development Area E and Area A will be designed as a pedestrian focal point and development amenity. Community green space shall contain a minimum area of 20,000 square feet of surface area.
    - A 22.5-foot wide Class "B" buffer will be provided abutting single family residential zoning.
    - 
    - Parking areas between Cardinal Point Road and Ridge Road may not occupy more than 35 percent of the total street frontage along each side of proposed Public Street #1 (on-street parking will not be calculated into this percentage).
    - Pedestrian refuge islands to be installed along the site's frontage on Ridge Road. The pedestrian refuge islands will include landscaping if the median in Ridge Road is of sufficient width.
  - **Other**
    - Construction plans and building elevations for Development Areas A, C, D, F and H must be submitted to the Planning Department for review for compliance with architectural requirements and approval prior to the issuance of a building permit for any building located within these areas.
    - Certificate of occupancy for building labeled Major #1 contingent upon receipt of a certificate of completion for Retail Buildings A, B and C. Certificate of occupancy for more than 225 residential units contingent upon receipt of a certificate of occupancy for at least 35,000 square feet of nonresidential uses.
    - Detached lighting limited to 20 feet in height.
    - Construction of a CATS shelter pad along Ridge Road.
    - Request for five-year vested rights.
    - Petitioner to track and keep a tally of the amount of nonresidential square footage constructed within each development area and that information will be provided with each permitting submittal for any of the buildings located within Retail Building A,B or C.
  - **Public Plans and Policies**
    - The *Prosperity Church Road Villages Plan* (1999) was amended by a prior rezoning for the property, rezoning petition 2001-070. The conditional plan called for a multi-use development including retail, office, institutional, and residential uses.
      - Specifically, for the area north of Ridge Road and east of proposed Public Street #1, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for a

mix of residential uses to consist of 204 multi-family units, approximately 35 townhome units, and between five and ten single family homes. The proposed rezoning site plan shows 292 multi-family units on this site. The rezoning site plan also added a 1.4-acre tract to the area covered by the original rezoning.

- For the area north of Ridge Road and west of proposed Public Street #1, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for approximately 40 townhome units and 20 single family homes. The proposed rezoning site plan shows most of the commercial square footage to be located in this area; the total commercial square footage requested for the entire site is 100,000 square feet.
- For the area south of Ridge Road, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for a 29,000-square foot library/institutional use, 50,700 square feet of retail, and 200 independent living/multi-family units. To date, approximately 34,000 square feet of retail has been constructed. (Note: The library/institutional site, approximately half of the independent living/multi-family units and the existing 34,000 square feet of retail are outside of the area included in this rezoning.) For the part of this area that is included in the rezoning, the site plan shows a small portion of the total 100,000 square feet of commercial uses requested for this site.
- The amount of retail in the petition north of Ridge Road is inconsistent with the *Prosperity Church Road Villages Plan* as amended by the rezoning. The residential element is generally consistent with the *Prosperity Road Villages Plan* as amended by the rezoning in terms of the location and overall number of dwelling units in the larger area.
- The draft *Prosperity Hucks Area Plan* is an update to the *Prosperity Church Road Villages Plan (1999)* and identifies this area as a pedestrian-oriented mixed use Activity Center intended to create highly integrated and walkable places.
  - Based on the draft plan, the subject site is in a pedestrian-oriented mixed-use Activity Center. Appropriate uses include a mix of residential, office, retail, and/or institutional, designed with building entrances directly on sidewalks along the street frontages; and parcels greater than five acres are to include a mix of two or more uses.
  - Over the past six months, staff has provided several community input opportunities designed to identify refinements to the *draft Prosperity Hucks Area Plan*, focused on the land use and community design recommendations for the Activity Center. A Community Workshop was held September 16<sup>th</sup> to 17<sup>th</sup>, 2014 with proposed refinements presented to the public on September 23<sup>rd</sup>. The proposed refinements to land use and design recommendations in the draft area plan are outlined in the *Community Workshop Summary Memorandum, available in the Prosperity Hucks Area Plan* page on [www.charlotteplanning.org](http://www.charlotteplanning.org).
  - The proposed rezoning is consistent with the draft area plan and proposed refinements, as it provides a balanced mix of retail/commercial and residential uses, includes a variety of residential building types, incorporates open/green space and is designed to be walkable. The proposed rezoning has retail and residential elements mixed horizontally and designed around a common open space; it also has a mix of townhome and carriage home unit types in addition to apartment buildings.

---

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

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



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

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

**OUTSTANDING ISSUES**

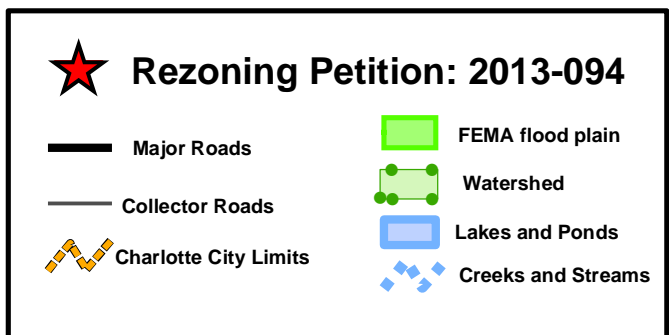
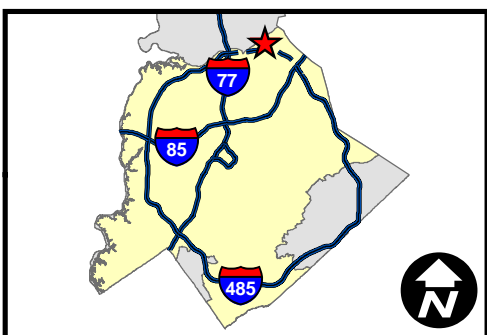
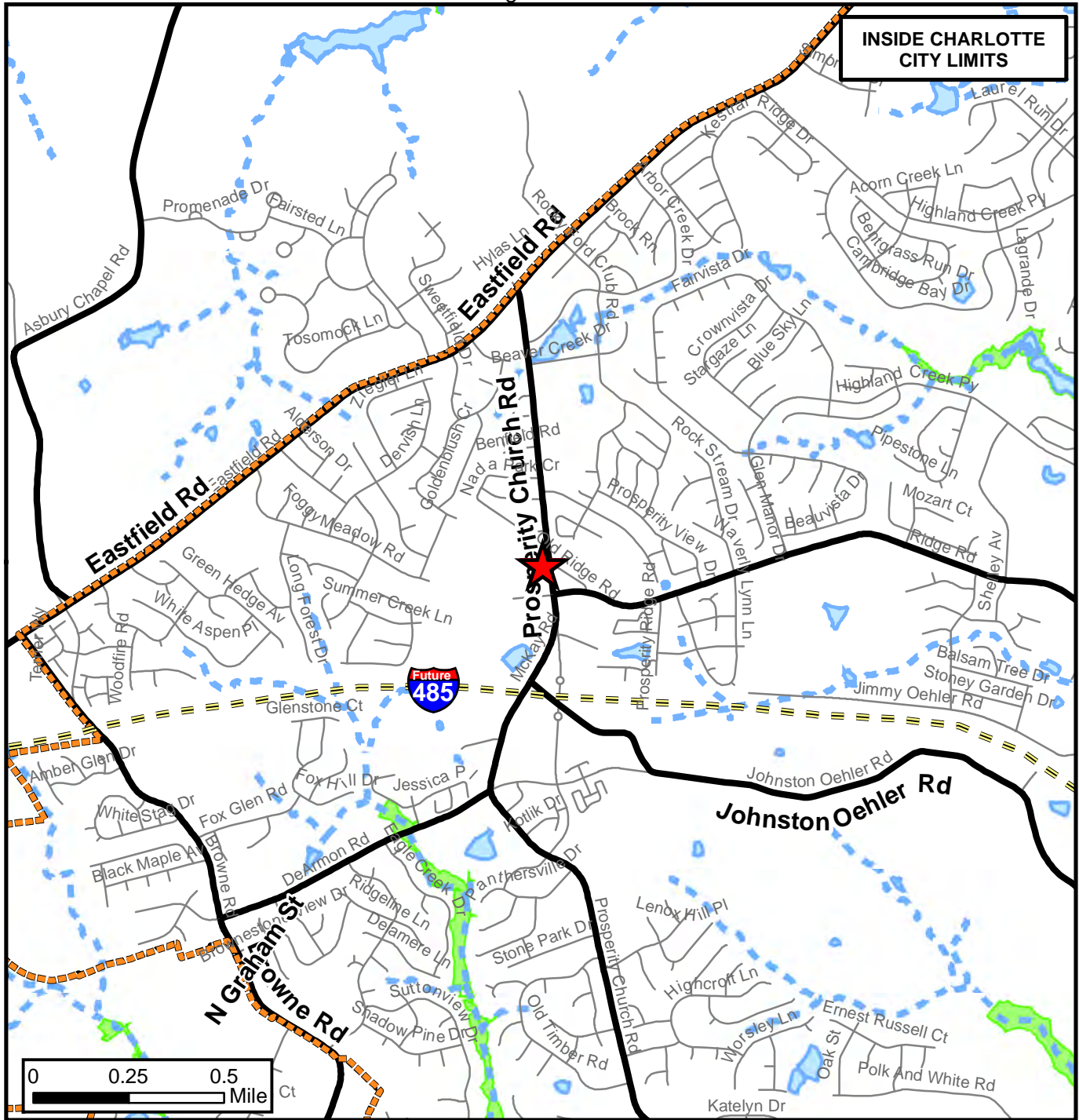
- No issues.
- 

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

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

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

**Acreeage & Location :** Approximately 33.6 acres located on the west side of Prosperity Church Road across from Ridge Road.



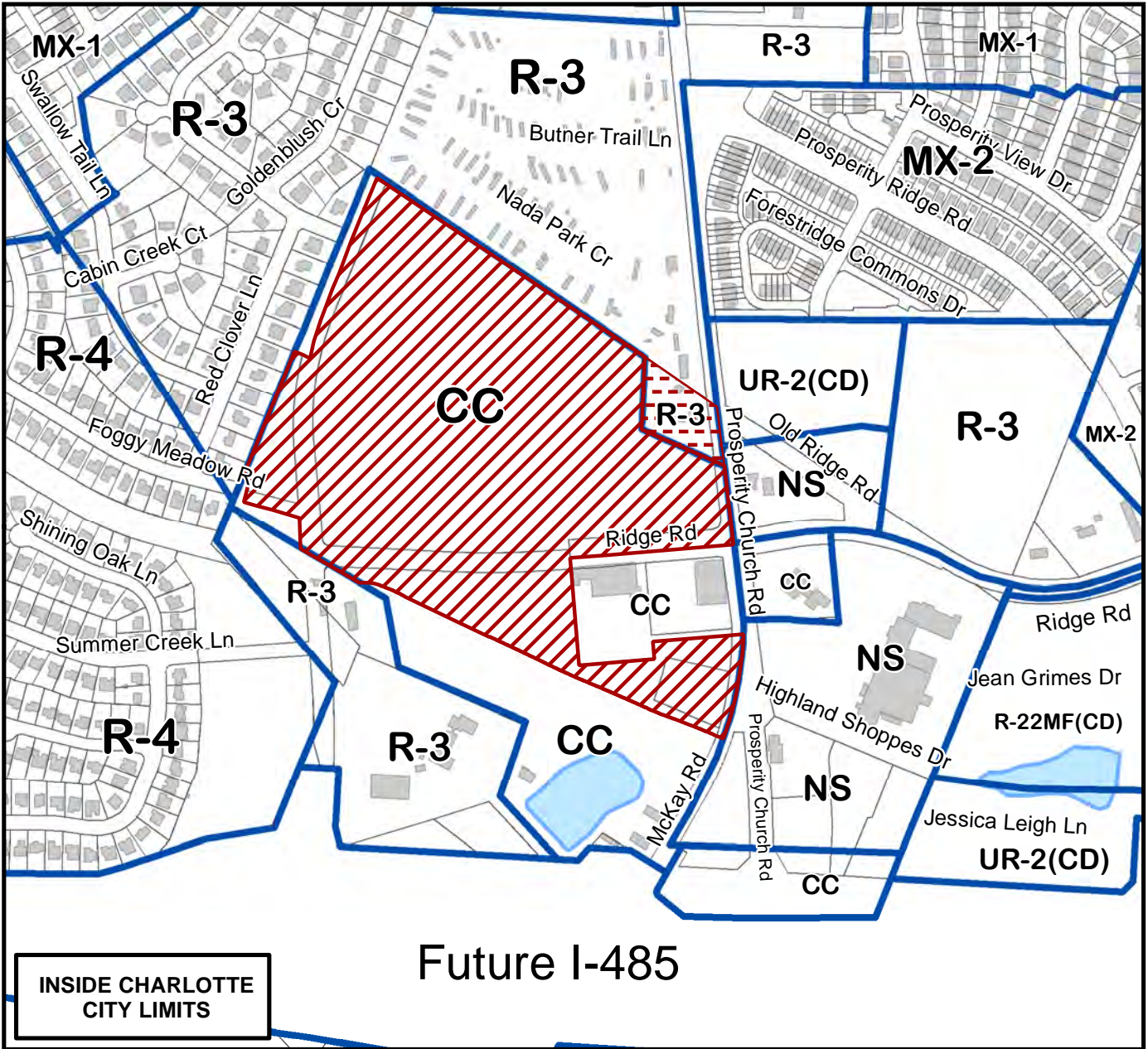
Petition #: **2013-094**

Petitioner: **Halvorsen Development Corporation**

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

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

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

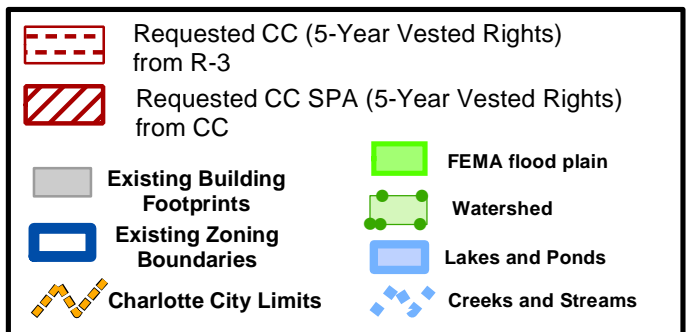


Map Produced by the Charlotte-Mecklenburg Planning Department, 10-7-2014.



Zoning Map #(s)

**38**

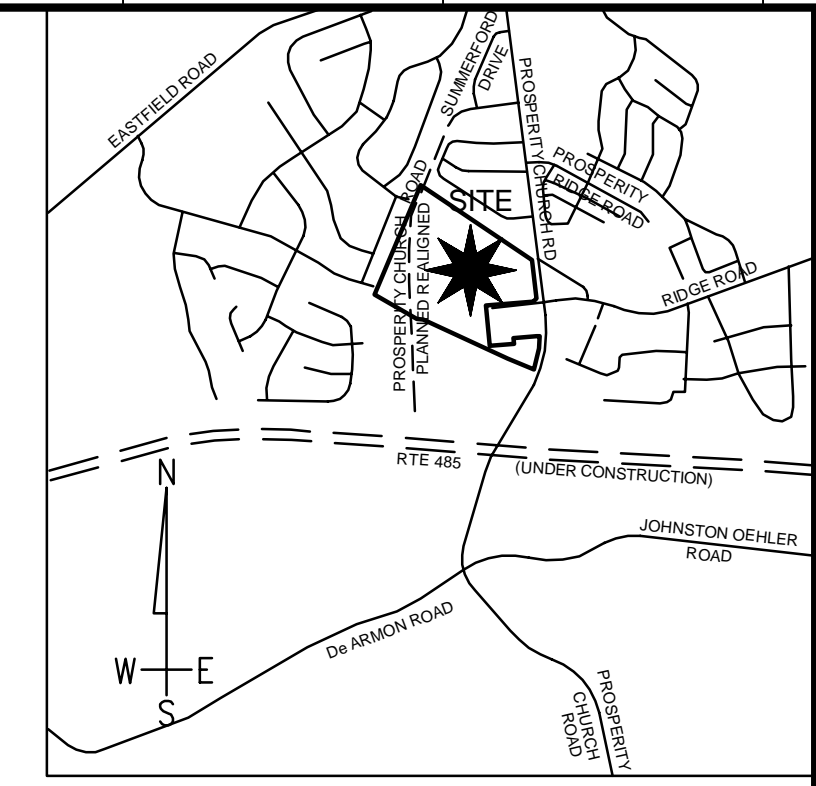




HALVORSEN DEVELOPMENT CORPORATION  
DEVELOPMENT STANDARDS  
10/24/14  
REZONING PETITION NO. 2013-094 (PROSPERITY VILLAGE SQUARE)

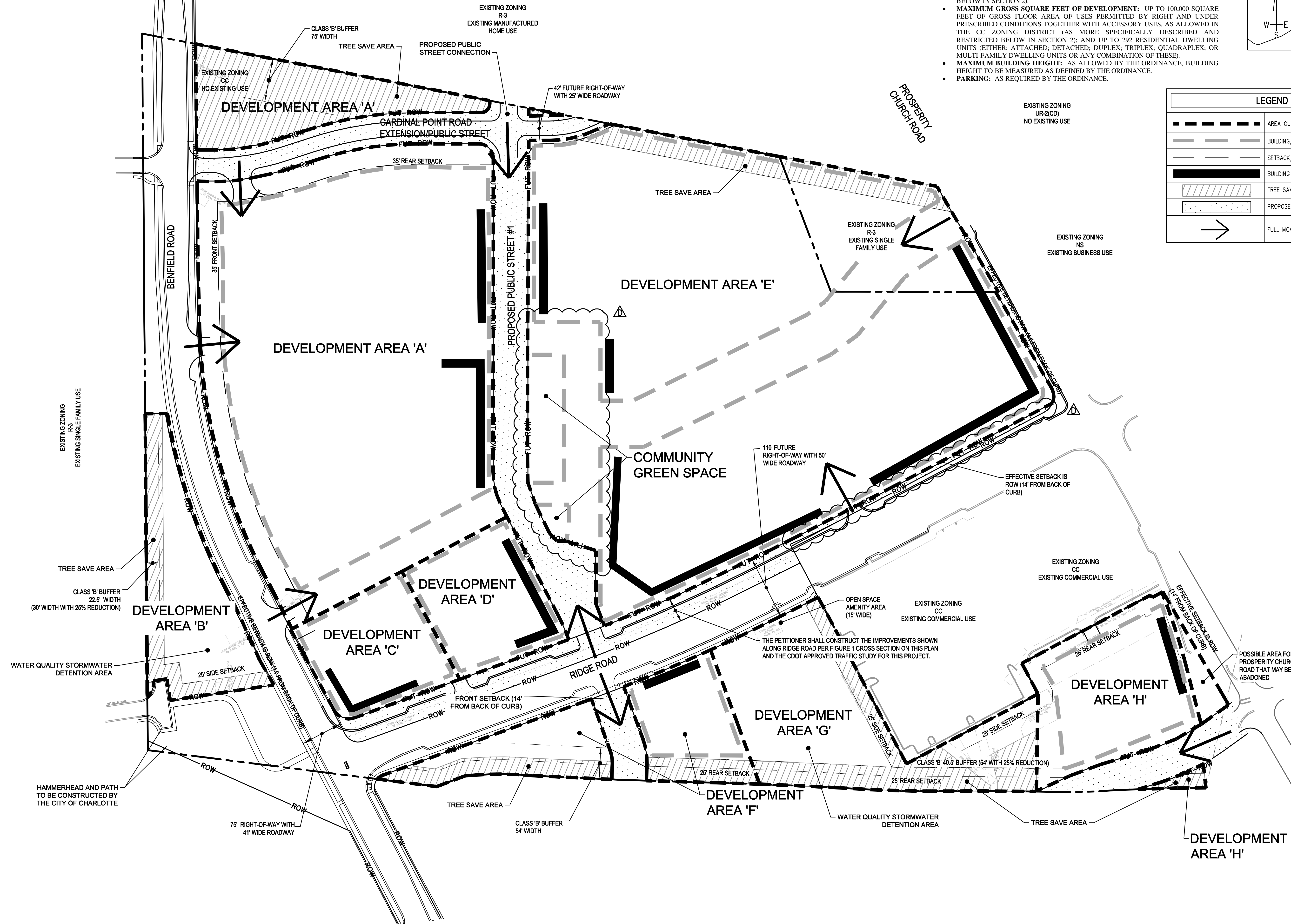
SITE DEVELOPMENT DATA:

- ACREAGE: ± 33.841 ACRES
- TAX PARCEL #S: 027-561-04, 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 AND RESTRICTED BELOW IN SECTION 2).
- MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 100,000 SQUARE FEET OF GROSS FLOOR AREA OF USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE CC ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 2); AND UP TO 292 RESIDENTIAL DWELLING UNITS (EITHER: ATTACHED; DETACHED; DUPLEX; TRIPLEX; QUADRAPLEX; OR MULTIFAMILY 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  
 © 2014

NO.	DATE	REVISIONS
D	10/24/14	REVISIONS PER CITY COMMENTS
C	09/22/14	REVISIONS PER CITY / RESIDENT COMMENTS
B	06/20/14	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

TITLE:  
**TECHNICAL DATA SHEET**

DESIGNED BY: LRB  
 DRAWN BY: DMH  
 CHECKED BY: ECH  
 DATE: 04/03/14  
 PROJECT#: 018667000

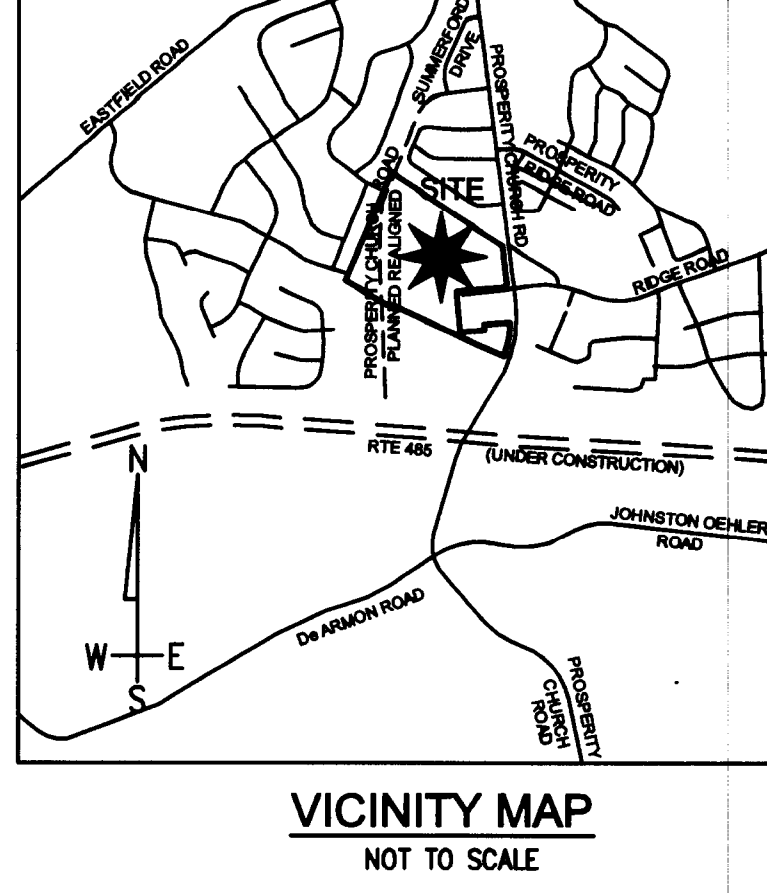
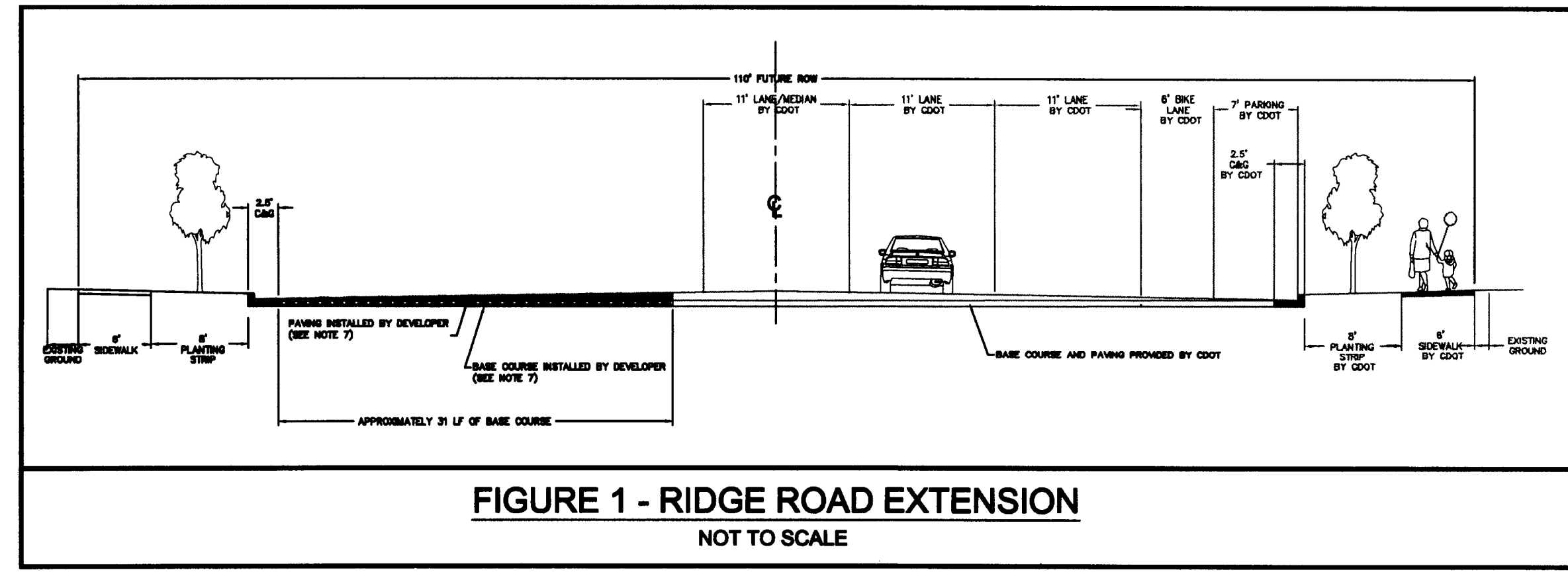
RZ-1

GRAPHIC SCALE IN FEET  
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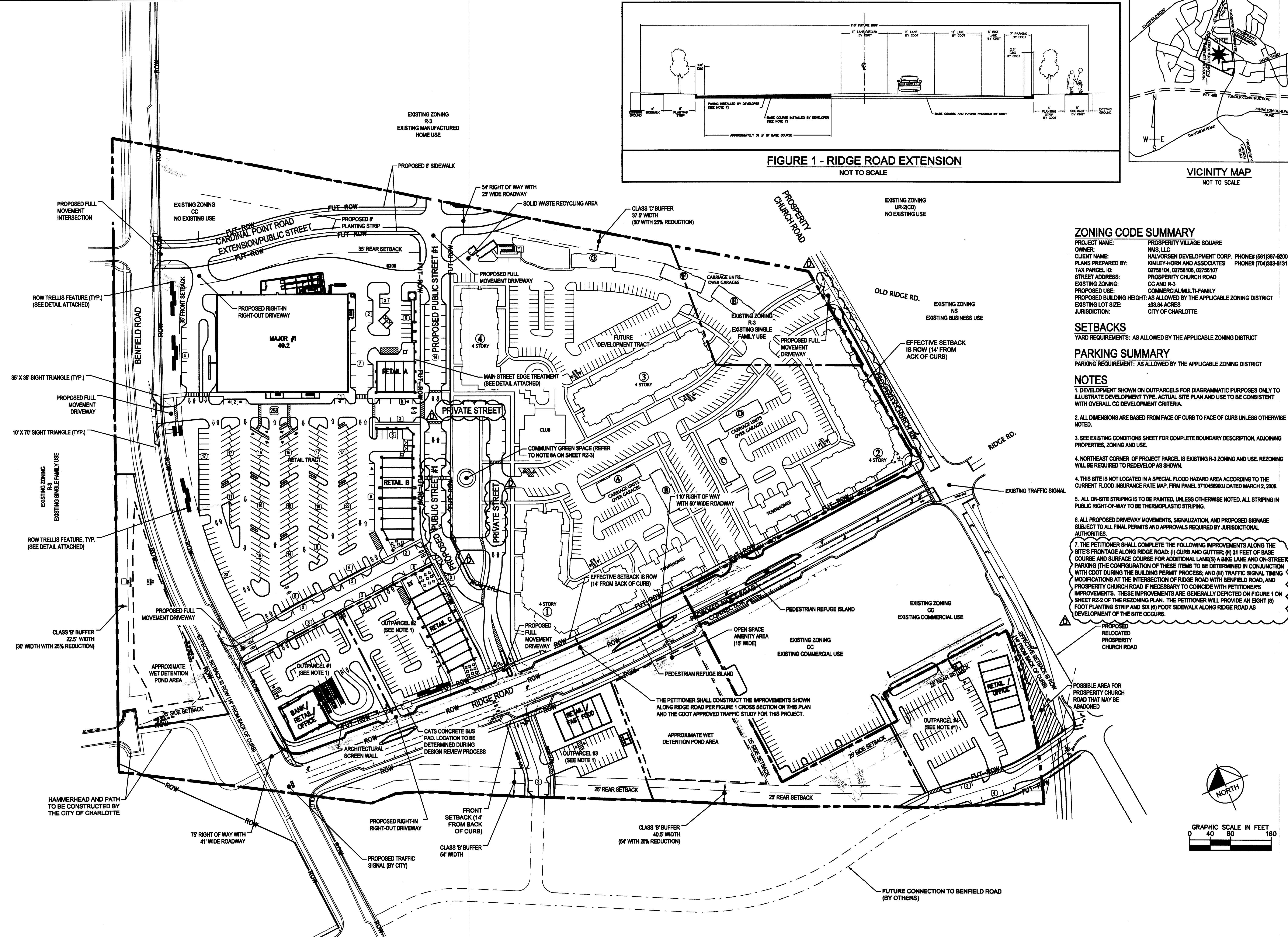


October 24, 2014 - 12:13pm By: mgp@kjh.com

K:\CPL\_P\018667\_Halvorsen Development\000 Prosperity Church Road\Draw\Exhibits\REZONING AND LEASE SITE PLANS\2014-10-24 Rezoning RZ-2.dwg



**Kimley»Horn**  
 NC License #0102  
 2000 SOUTH BOULEVARD  
 SUITE 440  
 CHARLOTTE, NORTH  
 CAROLINA 28203  
 PHONE: (704) 333-5131  
 © 2014



**ZONING CODE SUMMARY**

PROJECT NAME: PROSPERITY VILLAGE SQUARE  
 OWNER: NMS, LLC  
 CLIENT NAME: HALVORSEN DEVELOPMENT CORP. PHONE# (561) 387-6200  
 PLANS PREPARED BY: KIMLEY-HORN AND ASSOCIATES PHONE# (704) 333-5131  
 TAX PARCEL ID: 02758104, 02758106, 02758107  
 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: ±33.84 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**

1. 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.
2. ALL DIMENSIONS ARE BASED FROM FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.
3. SEE EXISTING CONDITIONS SHEET FOR COMPLETE BOUNDARY DESCRIPTION, ADJOINING PROPERTIES, ZONING AND USE.
4. NORTHEAST CORNER OF PROJECT PARCEL IS EXISTING R-3 ZONING AND USE. REZONING WILL BE REQUIRED TO REDEVELOP AS SHOWN.
4. THIS SITE IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO THE CURRENT FLOOD INSURANCE RATE MAP, FIRM PANEL 371046900J DATED MARCH 2, 2009.
5. ALL ON-SITE STRIPING IS TO BE PAINTED, UNLESS OTHERWISE NOTED. ALL STRIPING IN PUBLIC RIGHT-OF-WAY TO BE THERMOPLASTIC STRIPING.
6. ALL PROPOSED DRIVEWAY MOVEMENTS, SIGNALIZATION, AND PROPOSED SIGNAGE SUBJECT TO ALL FINAL PERMITS AND APPROVALS REQUIRED BY JURISDICTIONAL AUTHORITIES.
7. THE PETITIONER SHALL COMPLETE THE FOLLOWING IMPROVEMENTS ALONG THE SITE'S FRONTAGE ALONG RIDGE ROAD: (I) CURB AND GUTTER; (II) 31 FEET OF BASE COURSE AND SURFACE COURSE FOR ADDITIONAL LANE(S) A BIKE LANE AND ON-STREET PARKING (THE CONFIGURATION OF THESE ITEMS TO BE DETERMINED IN CONJUNCTION WITH CDOT DURING THE BUILDING PERMIT PROCESS; AND (III) TRAFFIC SIGNAL TIMING MODIFICATIONS AT THE INTERSECTION OF RIDGE ROAD WITH BENFIELD ROAD, AND PROSPERITY CHURCH ROAD IF NECESSARY TO COINCIDE WITH PETITIONERS IMPROVEMENTS. THESE IMPROVEMENTS ARE GENERALLY DEPICTED ON FIGURE 1 ON SHEET RZ-2 OF THE REZONING PLAN. THE PETITIONER WILL PROVIDE AN EIGHT (8) FOOT PLANTING STRIP AND SIX (6) FOOT SIDEWALK ALONG RIDGE ROAD AS DEVELOPMENT OF THE SITE OCCURS.

**CLIENT:**  
**HALVORSEN DEVELOPMENT CORPORATION**  
 1877 S. FEDERAL HIGHWAY  
 SUITE 200  
 BOCA RATON, FLORIDA 33432

**PROJECT:**  
**PROSPERITY VILLAGE SQUARE**  
 RIDGE ROAD, MECKLENBURG COUNTY  
 NORTH CAROLINA

**TITLE:**  
**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  
REZONING PETITION NO. 2013-0047 (PROSPERITY VILLAGE SQUARE)

SITE DEVELOPMENT DATA:

- ACREAGE: ± 33.841 ACRES
TAX PARCEL #S: 027-561-04, 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 AND RESTRICTED BELOW IN SECTION 2).

- MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 100,000 SQUARE FEET OF GROSS FLOOR AREA OF USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE CC ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 2); AND UP TO 292 RESIDENTIAL DWELLING UNITS (EITHER: ATTACHED, DETACHED, DUPLEX, TRIPLEX, QUADRAPLEX; OR MULTI-FAMILY DWELLING UNITS OR ANY COMBINATION OF THESE).
MAXIMUM BUILDING HEIGHT: AS ALLOWED BY THE ORDINANCE. BUILDING HEIGHT TO BE MEASURED AS DEFINED BY THE ORDINANCE.
PARKING: AS REQUIRED BY THE ORDINANCE.

1. 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 A MIXED USE COMMERCIAL AND RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 33.841 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, STAIRWAYS 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 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, 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 SUPSEDE 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, F, AND H ON THE SITE MAY BE DEVELOPED WITH UP TO 100,000 SQUARE FEET OF GROSS FLOOR AREA OF USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS, TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE CC ZONING DISTRICT.

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 NOTED HEREIN, DEVELOPMENT AREA E MAY BE DEVELOPED FOR UP TO 292 DWELLING UNITS (EITHER: ATTACHED, DETACHED, DUPLEX, TRIPLEX, QUADRAPLEX; OR MULTI-FAMILY OR ANY COMBINATION OF THESE), TOGETHER WITH ACCESSORY USES AS ALLOWED 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 EDGES(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 THE VEHICULAR PARKING AND MATERIALS MAY NOT BE LOCATED BETWEEN THE PROPOSED BUILDING EDGES(S) AND THE STREET WHERE THE BUILDING EDGES(S) IS 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 EDGES(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: CIVIC, SOCIAL, SERVICE AND FRATERNAL FACILITIES, EQUIPMENT RENTAL AND LEASING, FUNERAL HOMES AND EMBALMING, GOVERNMENT BUILDINGS, HOTELS AND MOTELS, GUNSMITHS, GAS STATIONS WITH OR WITHOUT A CONVENIENCE STORE, NURSERIES AND GREENHOUSES, OUTDOOR RECREATION, RELIGIOUS INSTITUTIONS, REPAIR OR SERVICING OF ANY ARTICLE THE SALE OF WHICH IS PERMITTED IN THE DISTRICT EXCEPT THAT SHOE REPAIR AND TAILORING WILL BE ALLOWED, TELEPHONE BOOTHS, VOCATIONAL SCHOOLS, ADULT CARE CENTERS, CHILD CARE CENTERS, DONATION DROP-OFF FACILITY, LARGE CHILD CARE CENTERS, PUBLIC UTILITY STRUCTURES, AND LAND CLEARING AND INERT LANDFILLS ON-SITE.

G. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY FOR THE BUILDING LABELED "MAJOR #1" ON SHEET RZ-2, BOTH BUILDINGS LABELED "RETAIL A AND B" ON SHEET RZ-2 MUST HAVE RECEIVED A CERTIFICATE OF COMPLETION.

H. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY FOR MORE THAN 225 OF THE ALLOWED RESIDENTIAL DWELLINGS UNITS WITHIN DEVELOPMENT AREA E AT LEAST 35,000 SQUARE FEET OF GROSS FLOOR AREA OF NON-RESIDENTIAL USES ALLOWED ON THE SITE MUST HAVE RECEIVED A FINAL CERTIFICATE OF OCCUPANCY. ONCE MORE THAN 35,000 SQUARE FEET OF GROSS FLOOR AREA OF NON-RESIDENTIAL USES HAVE RECEIVED A FINAL CERTIFICATE OF OCCUPANCY THE REMAINDER OF RESIDENTIAL UNITS MAY RECEIVE A FINAL CERTIFICATE OF OCCUPANCY.

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 SITE'S 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:

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:

A. THE PETITIONER SHALL COMPLETE THE FOLLOWING IMPROVEMENTS ALONG THE SITE'S FRONTAGE ALONG RIDGE ROAD: (I) CURB AND GUTTER; (II) 31 FEET OF BASE COURSE AND SURFACE COURSE FOR ADDITIONAL LANES; A BIKE LANE AND ON-STREET PARKING (THE CONFIGURATION OF THESE ITEMS TO BE DETERMINED IN CONJUNCTION WITH CDOT DURING THE BUILDING PERMIT PROCESS; AND (III) RETAINING WALLS AND MONUMENTS ALONG THE INTERSECTION OF RIDGE ROAD WITH BENFIELD ROAD, AND PROSPERITY CHURCH ROAD IF NECESSARY TO COINCIDE WITH PETITIONER'S IMPROVEMENTS. THESE IMPROVEMENTS ARE GENERALLY DEPICTED ON FIGURE 1 ON SHEET RZ-2 OF THE REZONING PLAN. THE PETITIONER WILL PROVIDE AN EIGHT (8) FOOT PLANTING STRIP AND SIX (6) FOOT SIDEWALK ALONG RIDGE ROAD AS DEVELOPMENT OF THE SITE OCCURS.

B. THE PETITIONER WILL INSTALL TWO (2) PEDESTRIAN REFUGES ISLANDS ALONG THE SITE'S FRONTAGE ON RIDGE ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PEDESTRIAN REFUGE ISLANDS WILL INCLUDE LANDSCAPING IF THE MEDIAN IN RIDGE ROAD IS OF SUFFICIENT WIDTH.

II. STANDARDS, PHASING AND OTHER PROVISIONS:

A. CDOT/NC DOT STANDARDS. ALL OF THE FOREGOING PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AND NC DOT, 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 BROADER SOUTH MECKLENBURG AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

B. SUBSTANTIAL COMPLETION. REFERENCE TO "SUBSTANTIAL COMPLETION" FOR CERTAIN IMPROVEMENTS AS SET FORTH IN THE PROVISIONS OF SECTION 4.11 ABOVE SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE STANDARDS SET FORTH IN SECTION 4.11.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 BUILDINGS) 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.

C. 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, NC DOT, PROVIDED, HOWEVER, THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS PROVIDE (IN THE AGGREGATE) ARE COMPARABLE TRANSPORTATION NETWORK BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS PETITION.

5. 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, CEMENTATION SIDING (SUCH AS HARDI-PLANK), EIFS OR WOOD. VINYL AS A BUILDING MATERIAL WILL NOT BE ALLOWED EXCEPT ON WINDOWS, SOFFITS AND ON HANDRAILS/RAILINGS. THE USE OF EIFS WILL BE LIMITED TO THE COMMERCIAL BUILDINGS CONSTRUCTED ON THE SITE.

B. THE RESIDENTIAL BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREA E WILL BE CONSTRUCTED WITH AT LEAST 35% OF THE EXTERIOR OF EACH BUILDING, EXCLUSIVE OF WINDOWS, DOORS, AND ROOFS, WITH BRICK, STONE, PRECAST STONE OR PRECAST CONCRETE.

C. AT LEAST ONE BUILDING CONSTRUCTED WITHIN DEVELOPMENT C WILL INCLUDE A PROMINENT ARCHITECTURAL FEATURE ORIENTED TOWARD THE INTERSECTION OF RIDGE ROAD AND BENFIELD ROAD. AN ENTRANCE TO THE BUILDING WILL BE PROVIDED FROM EITHER RIDGE ROAD, BENFIELD ROAD OR AT THE CORNER OF THE BUILDING TO COMPLEMENT THE PROMINENT ARCHITECTURAL FEATURE.

D. RETAIL BUILDINGS B AND C SHALL HAVE THEIR PRIMARY EXTERIOR FACADES ORIENTED TOWARD PROPOSED PUBLIC STREET # 1. THE FACADES OF THESE BUILDINGS FACING PROPOSED PUBLIC STREET # 1 MUST CONTAIN A TOTAL AREA OF TRANSPARENCY OF 60% OR MORE OF THE WALL AREA OF THE GROUND FLOOR, MEASURED BETWEEN TWO (2) TO TEN (10) FEET ABOVE THE ADJACENT GRADE. THE TRANSPARENCY AREA SHALL BE COMPOSED OF CLEAR GLASS WINDOWS AND DOORS, WHICH MAY NOT BE SCREENED BY FILM, DECALS, OTHER OPAQUE MATERIALS, GLAZING FINISHES, OR WINDOW TREATMENTS FOR THE PURPOSE OF SCREENING SERVICE AREA, MERCHANDISE, OR SECONDARY OPERATIONAL FUNCTIONS TO THE PRIMARY BUSINESS. EACH INDIVIDUAL BUSINESS WITHIN RETAIL BUILDINGS B AND C SHALL HAVE AN OPERABLE DOOR FACING PROPOSED PUBLIC STREET # 1, AND THIS DOOR SHALL BE TREATED EQUALLY AS A PUBLIC ENTRANCE FOR THE BUSINESS.

E. IN ADDITION TO ANY DOORS/ACCESS LOCATED ON THE PARKING LOT SIDE OF RETAIL BUILDINGS A, B AND C, THESE RETAIL SHOPS A, B, AND C WILL ALSO HAVE OPERABLE DOORS ORIENTED TOWARD PROPOSED PUBLIC STREET #1.

F. ANY PERMITTED DRIVE-THROUGH FEATURE LOCATED IN DEVELOPMENT AREA A AND DEVELOPMENT AREA C SHALL BE INCORPORATED INTO THE BUILDING DESIGN USING THE SAME ARCHITECTURAL STYLE, DETAILING, AND MATERIALS PALETTE AS THE PRIMARY BUILDING IT SERVES.

G. BUILDING #1 AND THE TOWNHOME BUILDINGS WITHIN DEVELOPMENT AREA E WILL BE DESIGNED SO THAT THE UNITS ON THE GROUND FLOOR FACING RIDGE ROAD AND PUBLIC STREET #1 WILL HAVE OPERABLE DOORS ORIENTED TOWARD THE ADJACENT STREET AND OPERABLE 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 FAÇADE 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.

H. CONSTRUCTION PLANS WILL BE REVIEWED BY THE CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR COMPLIANCE WITH THE ARCHITECTURAL REQUIREMENTS OF THE REZONING PLAN PRIOR TO ISSUANCE A BUILDING PERMIT.

I. THE SERVICE AREAS OF THE BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREA A WILL BE SCREENED FROM THE EXTENSION OF CARDINAL POINT ROAD 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 FAÇADE 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.

J. 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.

K. 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.

L. RETAINING WALLS LOCATED ON THE SITE WILL BE ACCOMPANIED BY LANDSCAPING TO HELP SOFTEN THEIR APPEARANCE.

M. METER BANKS WILL BE SCREENED WHERE VISIBLE FROM PUBLIC VIEW AT GRADE LEVEL.

N. 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.

O. GROUND MOUNTED HVAC AND RELATED MECHANICAL EQUIPMENT MAY NOT BE LOCATED BETWEEN THE PROPOSED BUILDINGS AND AN ABUTTING PUBLIC STREET.

P. WITHIN DEVELOPMENT AREA E THE PETITIONER WILL CONSTRUCT A VARIETY OF BUILDING TYPES. A MINIMUM OF THREE BUILDING TYPES MUST BE CONSTRUCTED WITHIN DEVELOPMENT AREA E (E.G. MULTI-FAMILY BUILDINGS, TOWNHOME BUILDINGS, AND CARRIAGE HOUSE BUILDINGS).

Q. THE PETITIONER RESERVES THE RIGHT TO REDUCE THE CC DISTRICT SETBACK FROM 35 FEET TO 14 FEET AS ALLOWED BY THE ORDINANCE.

R. THE ORIENTATION OF THE BUILDING CONSTRUCTED IN DEVELOPMENT AREA H MAY BE ADJUSTED TO MATCH THE REALIGNMENT OF PROSPERITY CHURCH ROAD. THE NEW ORIENTATION MUST BE SUBMITTED TO THE PLANNING STAFF FOR APPROVAL.

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.

F. ALONG PROPOSED PUBLIC STREET # 1 BETWEEN CARDINAL POINT ROAD AND RIDGE ROAD PARKING AREAS MAY NOT OCCUPY MORE THAN 35% OF THE TOTAL STREET FRONTAGE ALONG EACH SIDE OF PROPOSED PUBLIC STREET # 1 (ON-STREET PARALLEL PARKING WILL NOT BE CALCULATED INTO THIS PERCENTAGE).

1. 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 "COMMUNITY GREEN SPACE" TO BE LOCATED BETWEEN DEVELOPMENT AREA E AND DEVELOPMENT AREA A IN THE LOCATION GENERALLY DEPICTED ON RZ-2 OF THE REZONING PLAN. THE COMMUNITY GREEN SPACE WILL BE DESIGNED AS A PEDESTRIAN FOCAL POINT AND AN AMENITY FOR THE OVERALL DEVELOPMENT. THE COMMUNITY GREEN SPACE 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. THE COMMUNITY GREEN SPACE SHALL CONTAIN A MINIMUM OF 20,000 SQUARE FEET OF SURFACE AREA.

B. PRIOR TO THE COMPLETION OF THE DESIGN OF THE COMMUNITY GREEN SPACE THE PETITIONER WILL CONSULT WITH INTERESTED COMMUNITY RESIDENTS/GROUPS ON THE DESIGN OF THE COMMUNITY GREEN SPACE AND SEEK THEIR INPUT ON THE DESIGN AND USE OF THE OPEN SPACE AREA.

C. THE COMMUNITY GREEN SPACE MUST BE COMPLETED PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY FOR ANY TENANT LOCATED WITHIN RETAIL BUILDING A, B, OR C.

D. 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 AND COMMERCIAL SQUARE FOOTAGE TRACKING:

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.

B. THE PETITIONER WILL TRACK AND KEEP A TALLY OF THE AMOUNT OF NON-RESIDENTIAL SQUARE FOOTAGE CONSTRUCTED ON THE SITE WITHIN EACH OF THE DEVELOPMENT AREAS. THE INFORMATION ON HOW MUCH SQUARE FOOTAGE HAS BEEN CONSTRUCTED WILL BE PROVIDED WITH EACH PERMITTING SUBMITTAL FOR ANY OF THE BUILDINGS LOCATED WITHIN DEVELOPMENT AREAS C, D, F AND H SO AS TO ENSURE THE TOTAL NON-RESIDENTIAL SQUARE FOOTAGE APPROVED FOR THE SITE HAS NOT BEEN EXCEEDED.

12. PRELIMINARY REVIEW BY THE PLANNING DEPARTMENT:

A. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY OF THE BUILDINGS LOCATED WITHIN DEVELOPMENT AREAS A, C, D, F, AND H A SET OF SITE PLANS AND BUILDING ELEVATIONS MUST BE SUBMITTED TO THE PLANNING DEPARTMENT FOR REVIEW AND APPROVAL BASED ON THE STANDARDS OF THE CC ZONING DISTRICT AND THE REZONING PLAN.

13. 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.

14. 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.

Table with 4 columns: No., Date, Revisions, Revisions per City Comments. Rows include revisions 10/24/14, 09/22/14, 06/20/14, 05/19/14.

CLIENT: HALVORSEN DEVELOPMENT CORPORATION  
1877 S. FEDERAL HIGHWAY SUITE 200 BOCA RATON, FLORIDA 33432

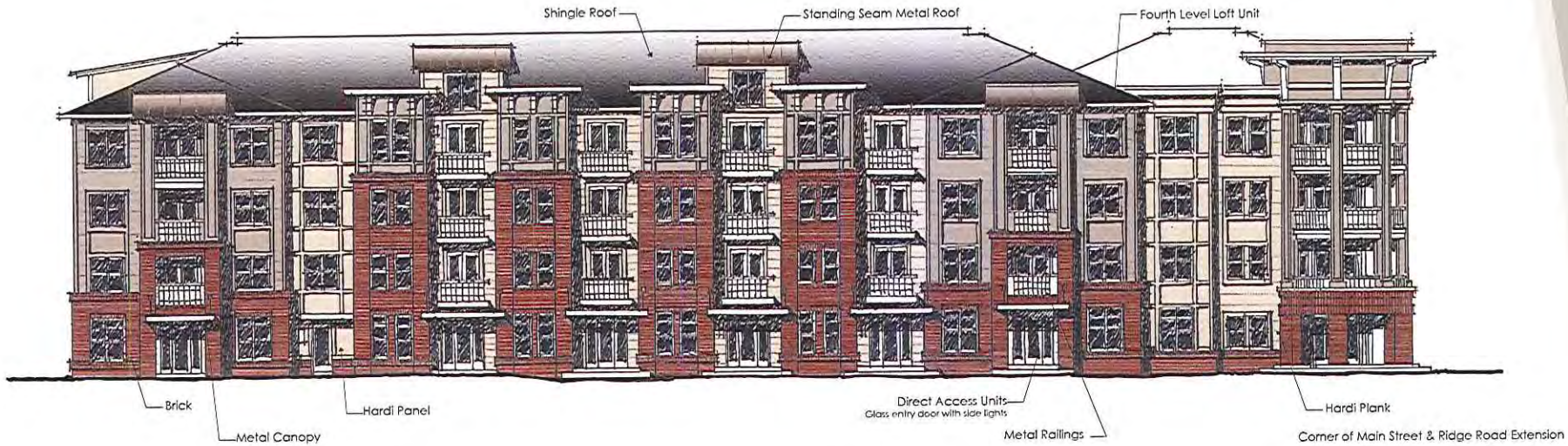
PROJECT: PROSPERITY VILLAGE SQUARE  
RIDGE ROAD CHARLOTTE, MECKLENBURG COUNTY NORTH CAROLINA

TITLE: TITLE DEVELOPMENT STANDARDS

DESIGNED BY: LRB  
DRAWN BY: DMH  
CHECKED BY: ECH  
DATE: 04/03/14

PROJECT#: 018667000

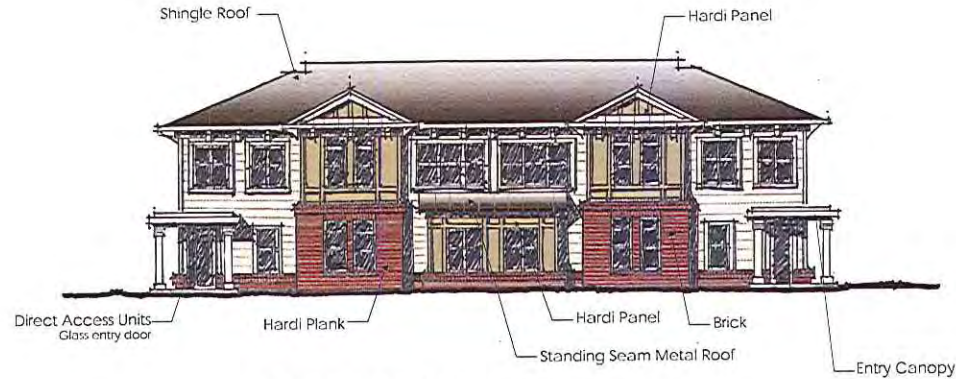




MAIN STREET ELEVATION

**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).



**CARRIAGE HOUSE ELEVATION**

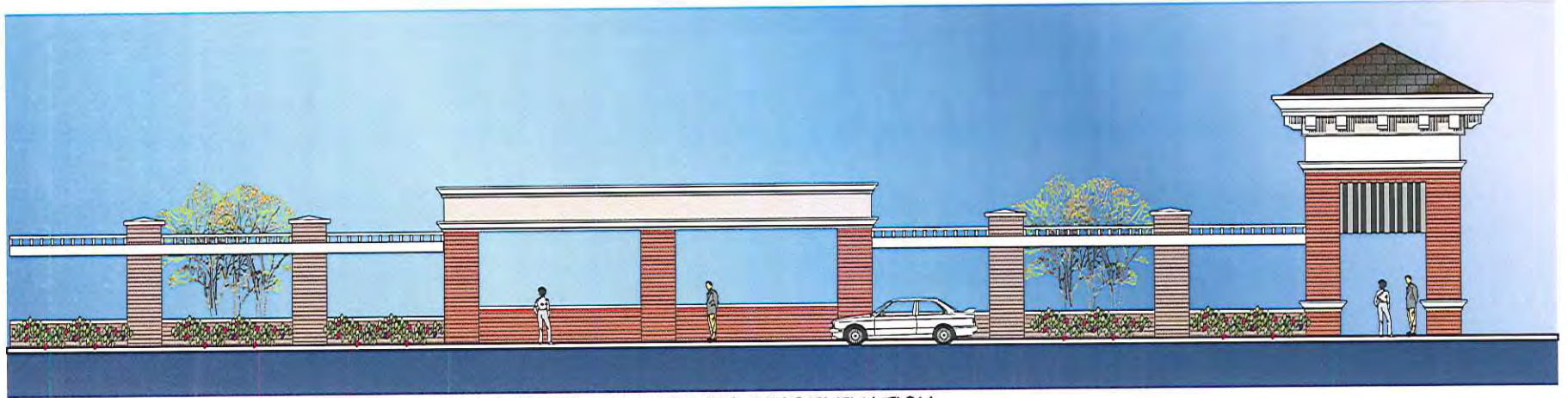


**TOWN HOUSE ELEVATION**

**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).

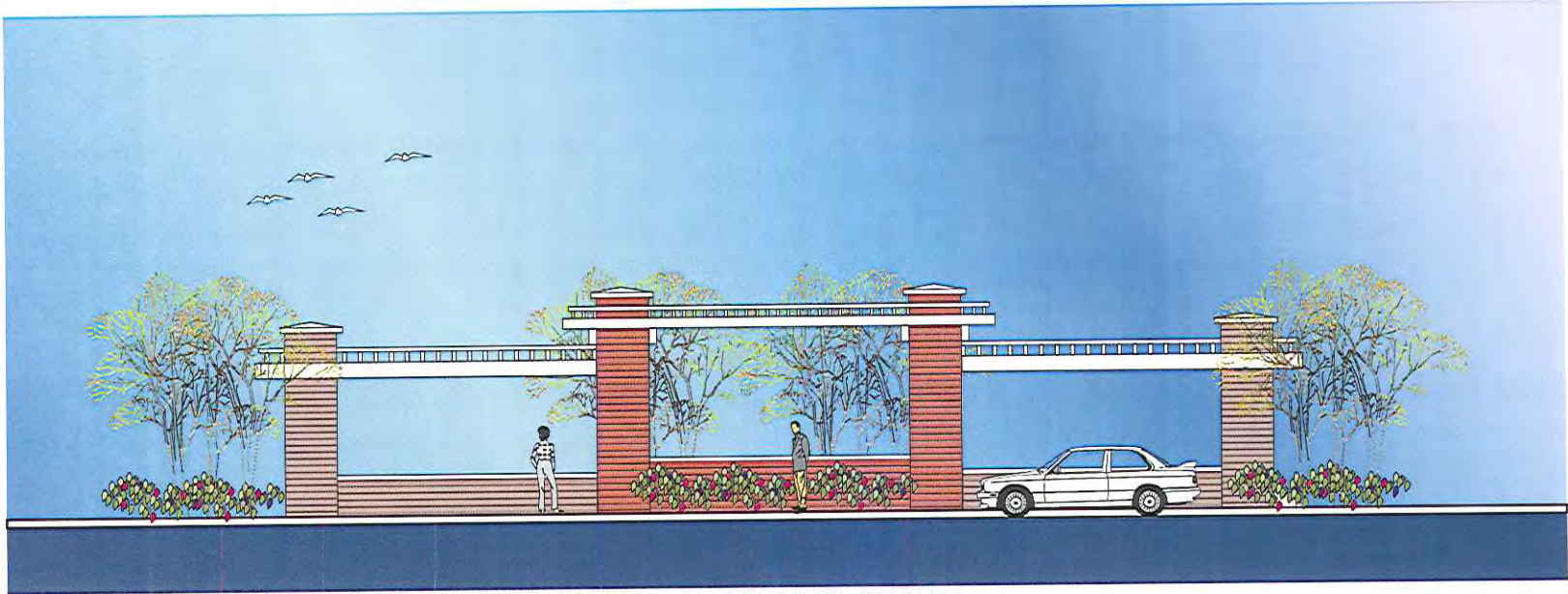




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MAIN STREET EDGE TREATMENT ELEVATION

SCALE 1/16" = 1'-0"



1 ROW TRELLIS FEATURE ELEVATION

SCALE 1/16" = 1'-0"



① SOUTHWEST ELEVATION  
SCALE: 1/8" = 1'-0"



KEY PLAN



② SOUTHEAST STREETScape ELEVATION  
SCALE: 1/8" = 1'-0"

DATE: 05/20/2014  
TIME: 10:42 AM

**PROSPERITY VILLAGE SQUARE**  
CHARLOTTE, NORTH CAROLINA

ACS.01

ARCHITECT:  
Mark W. Smith, AIA  
111 W. 10th Street  
Raleigh, NC 27601  
919.833.1111  
www.smithgrouparchitect.com

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) and MX-2 (mixed use) Proposed Zoning: O-1(CD) (office, conditional)
<b>LOCATION</b>	Approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road. (Council District 7 - Driggs)
<b>SUMMARY OF PETITION</b>	The petition proposes an office development limited to 50,000 square feet.
<b>PROPERTY OWNER</b>	H. Melvin Johnston, Yvonne R. Johnston and Owners Association Princeton at South Hampton
<b>PETITIONER AGENT/REPRESENTATIVE</b>	George Macon N/A
<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>	<p>This petition is found to be inconsistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The Plan recommends single family residential uses for the site.</li> </ul> <p>However, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The size of the site, orientation towards thoroughfares and isolation from adjoining parcels make developing stand-alone single family homes difficult; and</li> <li>• The proposed office use serves as a transition from the commercial uses;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Labovitz).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to <b>APPROVE</b> this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Note D3 has been modified to read, "No parking will be allowed between the building and the public streets."</li> <li>2. Staff has rescinded the request to modify and relocate proposed dumpster location to the rear of the site near the proposed tree save area.</li> <li>3. The proposed uses have been modified to include "clinics, financial institutions, medical, dental and optical laboratories, child care centers, barber and beauty shops, and studios. Restaurants have been modified to "Eating, Drinking, and Entertainment Establishments (Type 1)."</li> <li>4. Building elevations for the proposed office buildings and childcare center have been provided.</li> <li>5. The proposed three building footprints have been shown within the building envelope.</li> <li>6. Note H.2 has been modified to indicate that the dumpster location shown on the plan has been agreed upon with the Southhampton Home Owners Association. If there is any modification of the dumpster location, the petitioner will submit and provide to staff a letter from the Southhampton HOA agreeing to the changes.</li> <li>7. Development Conditions have been amended to include the MX-2 district under proposed zoning and the accompanying parcel number.</li> <li>8. The Class "C" buffer has been show on the plan and the alternative buffer request has been submitted to the City of</li> </ol>
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	Charlotte Zoning Administrator.
9.	Sidewalk connections from the proposed buildings to Marvin Road along both sides of the proposed driveway have been shown on the plan.
10.	Clarified that street trees will be provided along Marvin Road and Ardrey Kell Road.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

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

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

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

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

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

- **Public Plans and Policies**
    - The *South District Plan* (1993) recommends single family use for the subject property.
    - This petition is inconsistent with the *South District Plan*.
- 

**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**

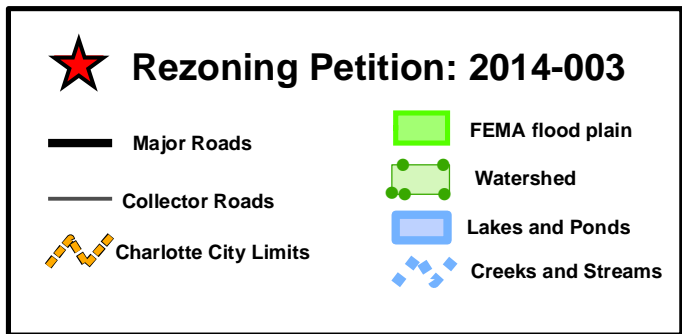
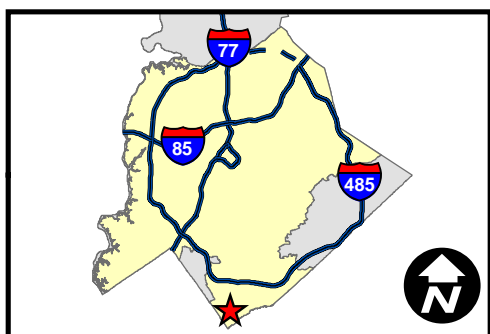
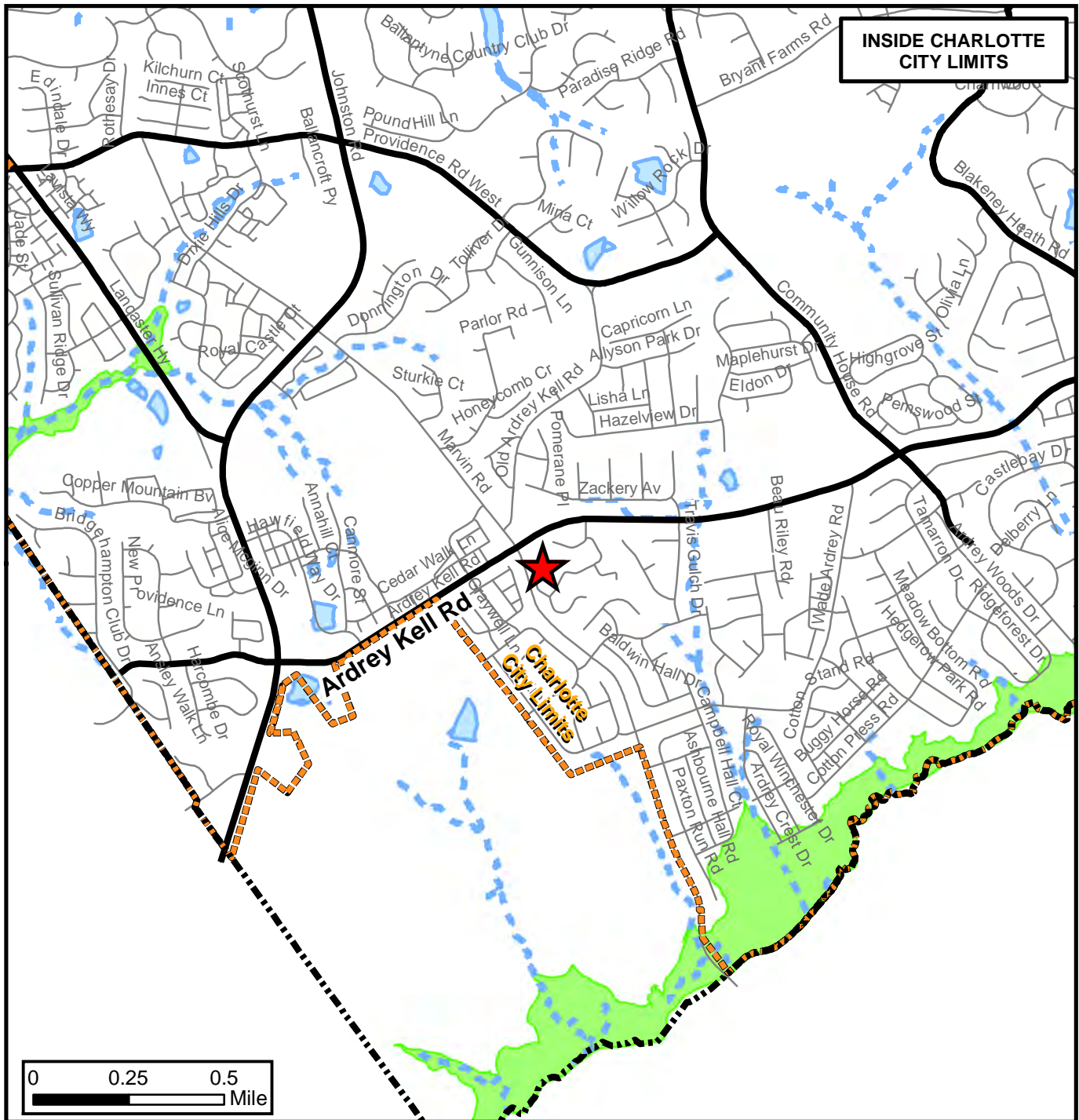
- No issues.
- 

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

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

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

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



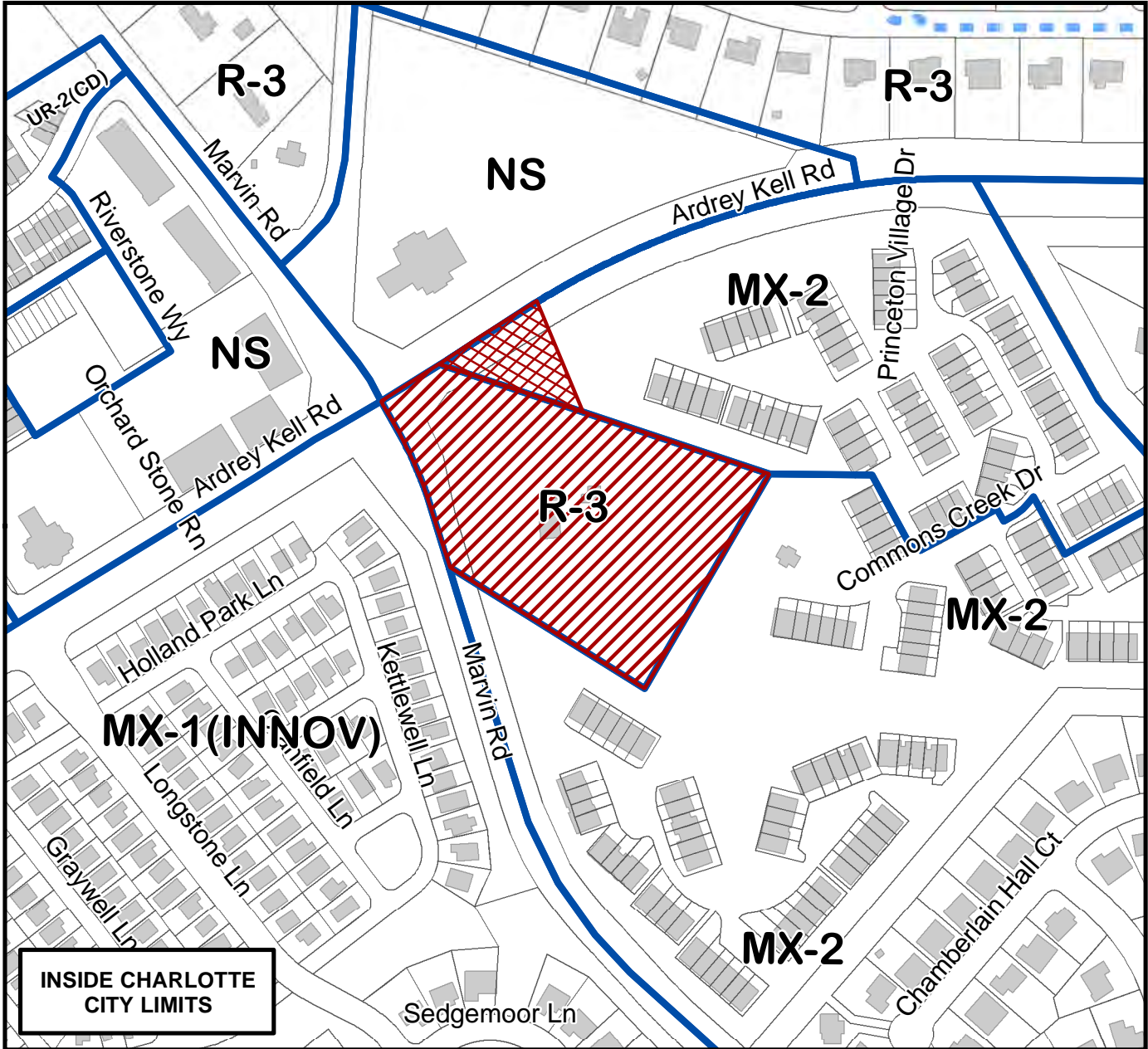
Petition #: **2014-003**

Petitioner: **George W. Macon**

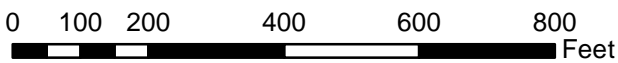
Zoning Classification (Existing): **R-3 and MX-2**  
(Single Family, Residential and Mixed Use)

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

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

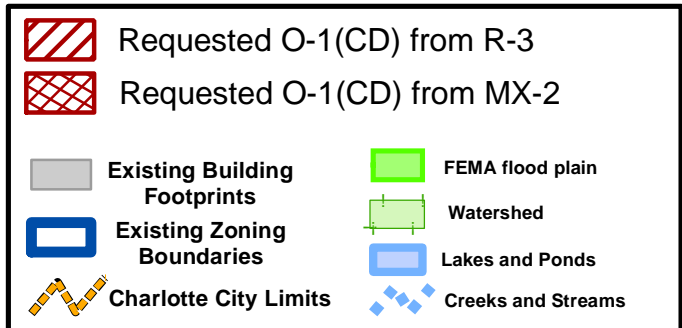


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-14.



Zoning Map #(s)

**185**





**DEVELOPMENT CONDITIONS**

- SITE AREA: 4.6 AC
- PARCEL ID NUMBER: 22902120/ 22902995
- EXISTING ZONING: R-3 & MX2
- PROPOSED ZONING: O-1 CD
- PROPOSED SQUARE FOOTAGE: 50,000 SQ FT MAX
- FLOOR AREA RATIO: .60 MAX
- FLOOR AREA RATIO PROVIDED: .26
- BUILDING HEIGHT: 40' MAX
- PARKING REQUIRED: AS REQUIRED BY THE ORDINANCE

LANDSCAPE BUFFER REQUIREMENTS: ALTERNATE CLASS C BUFFER PER SECTION 12.302 (#5), SECTION 12.304 AND PETITION 198-04C AND 2000-43 AS APPROVED BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT ZONING ADMINISTRATOR

**DEVELOPMENT STANDARDS**

**General Provisions**

Development of the Site will be governed by the Schematic Site Plan, these Development Standards and the applicable provisions of the Zoning Ordinance of the City of Charlotte (the "Ordinance"). The development depicted on the Schematic Site Plan is generally schematic in nature and intended to describe the general arrangement of uses on the Site. Accordingly, the configurations, placements, and sizes of the building footprints and lots, as well as the locations of streets and parking areas shown on the Schematic Site Plan are schematic in nature and may be altered or modified during design development and construction phases, subject to normal Staff reviews and approval. Modifications to the approved plan may be allowed per section 6.207 of the zoning Ordinance.

**A. Permitted Uses**

The site may be devoted to clinics (medical, dental, optical, veterinary) and medical, dental and optical laboratories, barber, beauty shops, civic, child care centers, cultural facilities, financial institutions, offices, and studios which are permitted under the Ordinance by right or under prescribed conditions in the O-1 Zoning District. Retail and Eating, Drinking, and Entertainment Establishments (Type 1) may be permitted as described in the Ordinance.

**B. Maximum Building Areas and Development Limitations**

The Site may be developed with up to 50,000 square feet of gross floor area subject to the following limitations and provisions:

- Site may be developed with one, two, or three buildings
- No drive-through facilities shall be permitted on the Site.

**C. SCREENING AND LANDSCAPED AREAS**

1. Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance.
2. Any dumpsters located on the Site shall be screened from view by a solid enclosure with a gate.
3. Roof top mechanical equipment shall be screened from public view.
4. The street trees along Marvin Road and Ardrey Kell will be provided as required.
5. Areas where proposed buildings do not exist, until they are built, landscaping and tree plantings equal to a 10 foot buffer will be utilized to screen any parking.

**D. ARCHITECTURAL AND DESIGN STANDARDS**

1. Buildings on the Site will be constructed of brick, EIFS, and glass with stone or EIFS accenting. Attached elevations are conceptual and materials shown may vary in location/ quantity.
2. No wall of the proposed structures will have a blank wall of more than 20 feet. Walls will be broken up by using windows and architectural elements.
3. No parking will be allowed between the building and the public streets. Parking spaces may be located to the side of buildings on the site.
6. Buildings will utilize 4-sided architecture.

**E. LIGHTING**

1. Freestanding lighting fixtures, including the base, may not exceed 25 feet and shall be fully-shielded from adjacent residential areas, capped so that lighting is downwardly directed, and uniform in design.
2. Detached lighting will be fully shield, downwardly directed, and full cutoff fixture.

**F. TRANSPORTATION**

1. The number of vehicular access points to the Site shall be limited to the number depicted on this Site Plan.
2. The placement and configuration of each access point are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the City of Charlotte and/or the North Carolina Department of Transportation.

**G. STORM WATER MANAGEMENT**

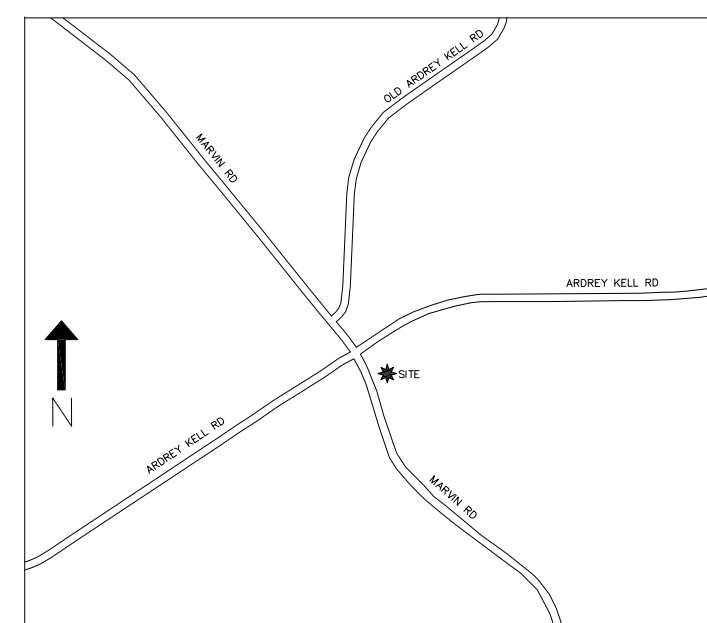
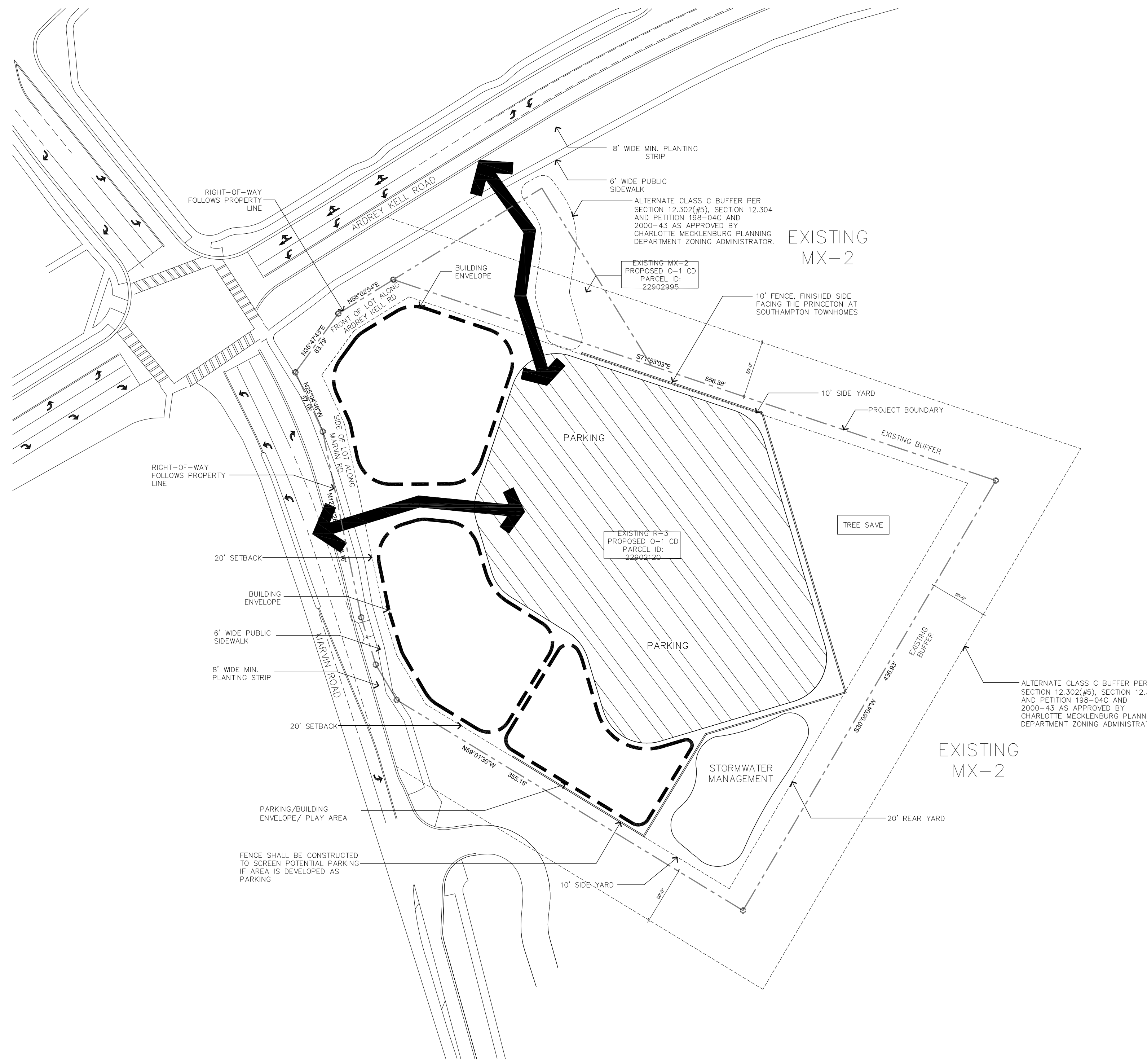
1. Surface level storm water detention will not be located in required setbacks.
2. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
3. The parking lot will be constructed with curb and gutter; all storm water in the parking lot will be collected into storm drain catch basins/inlets in the parking lot and into detention basins on the site so as to prevent an increase in storm water flow onto the adjacent townhome community in accordance with the City of Charlotte storm water regulations.

**H. AMENDMENTS TO REZONING PLAN**

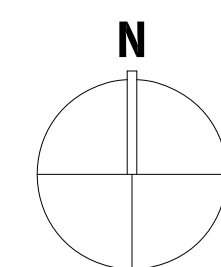
1. Future amendments to this Site Plan and these Development Standards may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.
2. The Princeton at Southampton Home Owners Association, by execution of the application, has approved the locations of the tree save and dumpster areas as indicated on the site plan. Prior to the issuance of a building permit for the improvements contemplated on this plan, any changes in the locations of the trash facility and tree save area will require a signed approval letter from the Princeton at Southampton Home Owners Association. In the event the improvements contemplated on this plan are not constructed, the Princeton at Southampton Home Owners Association will be required to sign any amendments to the application, or any new applications, that require access over a driveway easement on the property of the Princeton at Southampton Home Owners Association.

**I. BINDING EFFECT OF THE REZONING APPLICATION**

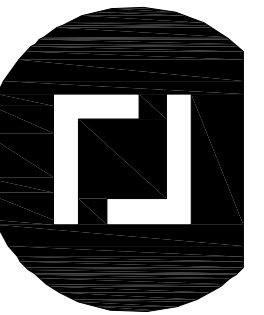
If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and this Site Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and subsequent owners of the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



**1 TECHNICAL DATA PLAN**



SCALE: 1"=60'



**ROBERT JOHNSON**  
architects  
1808 WEST MOREHEAD ST.  
CHARLOTTE, NC 28208  
T 704 / 342.1058  
F 704 / 342.3043  
E INFO@RJARCHITECTS.COM

CONSULTANT

STAMPS

**ARDREY KELL ROAD**

16833 MARVIN RD  
CHARLOTTE, NC

PROJECT NUMBER	SP 726
<b>ISSUE DATE</b>	
INITIAL REZONING REVIEW	10.28.13
REVISED PER COMMENTS	02.14.14
REVISED PER COMMENTS	06.20.14
REVISED PER COMMENTS	09.26.14

**DRAWING DATA**

DRAWN BY: JRY  
CHECKED BY: RLJ  
FILE NUMBER:

**SHEET TITLE**

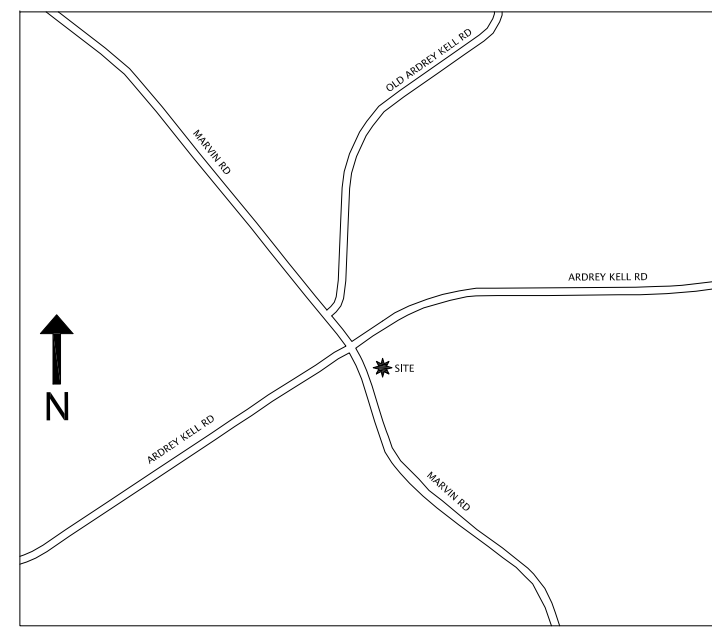
**TECHNICAL DATA SHEET**

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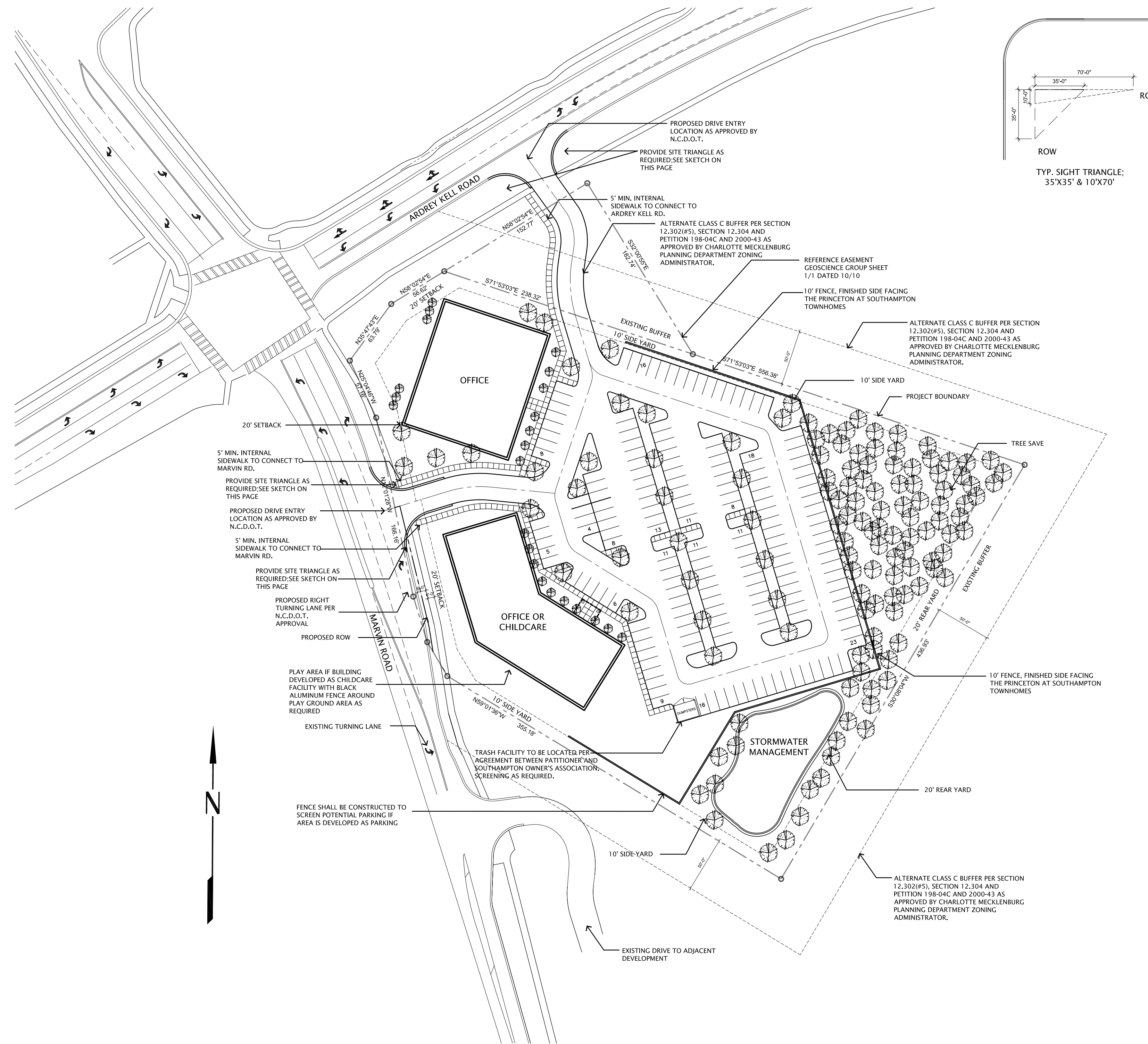
**PETITION NUMBER**  
2014-003

**SHEET NUMBER**

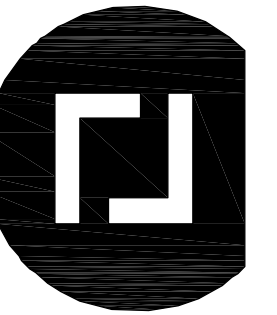
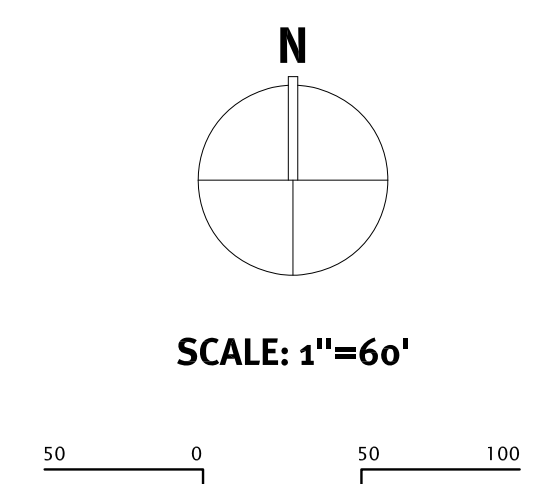
**RZ - 1.0**



**VICINITY MAP**  
NOT TO SCALE



**1**  
**RZ-2.0** SCHEMATIC SITE PLAN



**ROBERT JOHNSON**  
architects  
1808 WEST MOREHEAD ST.  
CHARLOTTE, NC 28208  
T 704 / 342.1058  
F 704 / 342.3043  
E INFO@RJARCHITECTS.COM

CONSULTANT

STAMPS

**ARDREY KELL ROAD**

16833 MARVIN RD  
CHARLOTTE, NC

PROJECT NUMBER	SP 726
ISSUE DATE	
INITIAL ZONING REVIEW	10.28.13
REVISED PER COMMENTS	02.14.14
REVISED PER COMMENTS	06.20.14
REVISED PER COMMENTS	09.26.14

**DRAWING DATA**

DRAWN BY: JRY  
CHECKED BY: RLJ  
FILE NUMBER:

**SHEET TITLE**

**SCHEMATIC SITE PLAN**

OPTION 1  
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**PETITION NUMBER**  
2014-003

**SHEET NUMBER**

**RZ - 2.0**  
OPTION 1



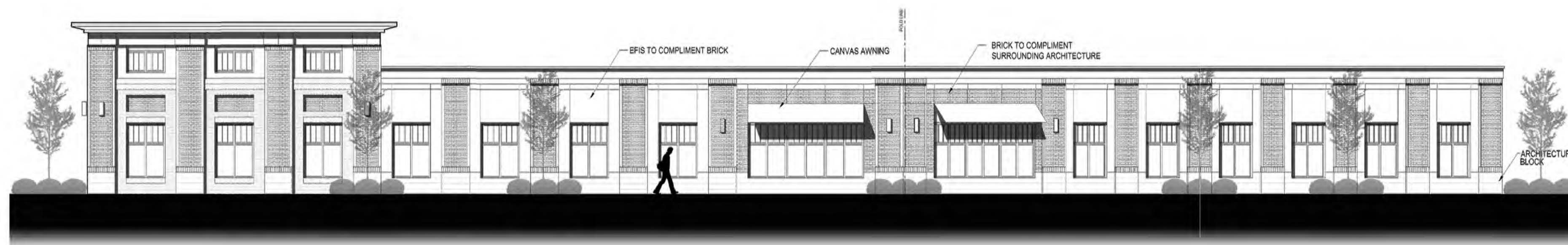




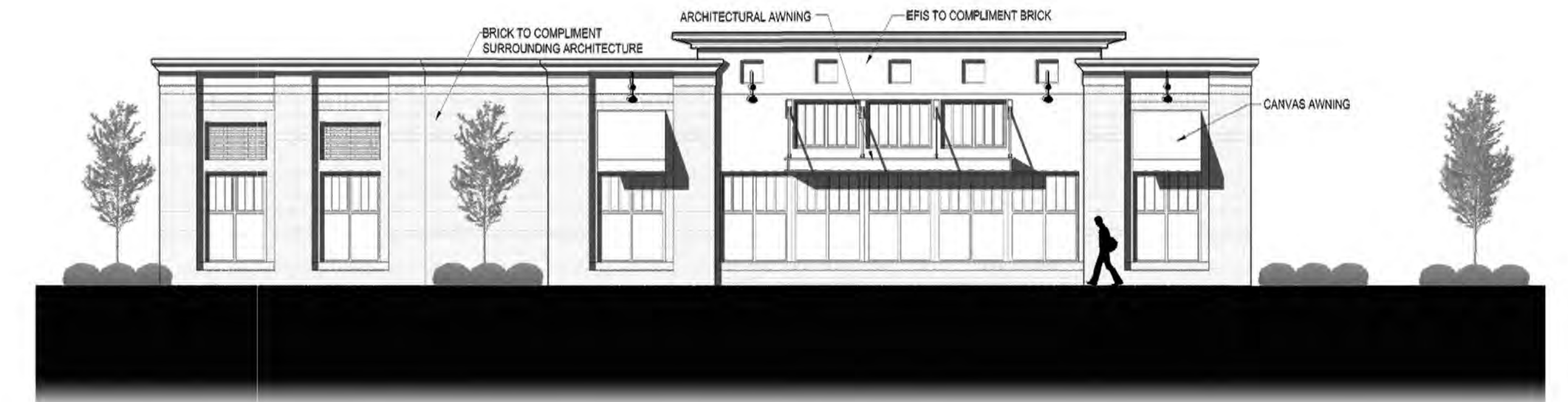
**BUILDING 1 SCHEMATIC FRONT ELEVATION**



**BUILDING 1 SCHEMATIC SIDE ELEVATION**



**BUILDING 2 SCHEMATIC ELEVATION, OPTION 1**



**BUILDING 2 SCHEMATIC ELEVATION, OPTION 2**

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**ARDREY KELL**

**SCHEMATIC BUILDING ELEVATIONS**

CHARLOTTE, North Carolina - RJa Project #SP-726 - 10 . 24 . 14



**ROBERT JOHNSON architects**

1808 West Morehead St.  
 Charlotte, NC 28208  
 T 704 / 342.1058  
 F 704 / 342.3043  
 E info@rjarchitects.com



<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 December 1, 2014 meeting.
--------------------------------	---

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

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

**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](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 Community Advisory Group (CAG) should be involved with the development of the regulations and reviewed a proposed process for engaging a Community Advisory Group.
- In January 2014, a Community Advisory Group was formed and charged with providing staff input on:
  - 1) the issues and opportunities associated with mobile farmer's markets,
  - 2) a draft definition for mobile farmer's markets, and
  - 3) associated prescribed conditions.

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

- **Proposed Request Details**

The text amendment contains the following provisions:

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

- at the same time.
  - Signs must be in compliance with Chapter 13. No portable signs are allowed.
  - Violations may result in the revocation of the zoning use permit. Violations are subject to the requirements in Section 8.105, "Citations".
  - Adds two extra prescribed conditions for mobile farmer's markets allowed as an accessory use to a religious institution, school, college, university, hospital or office:
    - If the mobile farmer's market utilizes a large commercial vehicle, it may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital.
    - In the residential districts, only one mobile farmer's market shall be allowed per location at any one time.
  - **Public Plans and Policies**
    - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals to create a vibrant economy and a greater mix of commercial uses, and to provide a range of choices for employment opportunities.
- 

**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</u> or an <u>accessory use</u> in the following districts: urban residential - commercial (UR-C); research (RE-3 only), neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood service (NS); mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development – employment (TOD-E); transit oriented development – mixed use (TOD-M); urban industrial (U-I); light industrial (I-1) and heavy industrial (I-2), subject to the following prescribed conditions: <ul style="list-style-type: none"> <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>	
--	--	---	--

		<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: 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 6.23 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 units per acre to 4.815 dwelling units per acre for a total of 30 attached dwelling units. The overall density of the original Palisades rezoning increases from 3.87 to 3.89 dwelling units per acre.
<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: 10.

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to <b>DEFER</b> this petition until their January 5, 2014 meeting.
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<b>VOTE</b>	Motion/Second: Eschert/Labovitz
	Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan, and Sullivan
	Nays: None
	Absent: Walker
	Recused: None

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

**PLANNING STAFF REVIEW**

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

- Maximum of 30 attached single family townhomes for a density of 4.81 units per acre.
  - A 17-foot planting strip and six-foot sidewalk along Shelburne Farms Drive and Youngblood Road.
  - Eight-foot planting strip and six-foot sidewalk along the internal public streets.
  - A four-foot tall berm or wall/fence with tree and/or plantings along the project frontage on Shelburne Farms Drive and Youngblood Road West.
  - Proposed public street stub to the adjacent property.
  - Building elevations for the proposed structures.
  - Building materials consisting of brick, architectural CMU, cultured stone, hardie shake, stucco or other similar durable material. Vinyl, EIFS and Masonite are prohibited as exterior building materials except vinyl may be used for soffit and trim including windows and doors.
  - 400 square feet of private open space per unit.
  - Proposed 15 spaces for guest parking screened by a buffer and five-foot tall screening shrubs.
  - A total of 0.49 acres of proposed tree save areas.
  - Pedestrian connection to the existing amenity area south of the subject site.
  - A 25.5-foot Class "C" buffer with a fence along the east property edge abutting the existing single family homes in R-3 (single family residential) zoning. The proposed fence detail is provided.
  - Freestanding lighting limited to 20 feet in height.
  - Innovative provision requests (which are considered for approval by the Zoning Committee) include:
    - Allowing minimum lot area to be 4,000 square feet.
    - Minimum lot width of 40 feet.
    - Lot depth of 100 feet.
  - **Public Plans and Policies**
    - The *Steele Creek Area Plan* (2012) recommends residential at up to four units per acre for the subject site.
    - The petition is consistent with the *Steele Creek Area Plan* recommendation of up to four dwelling units per acre. While the density of the property included in the site plan amendment is approximately 4.81 dwelling units per acre, the density of the original rezoning for the overall Palisades development, of which this petition was a part, will remain below four dwelling units per acre at approximately 3.89 dwelling units per acre.
- 

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

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

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

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

**OUTSTANDING ISSUES**

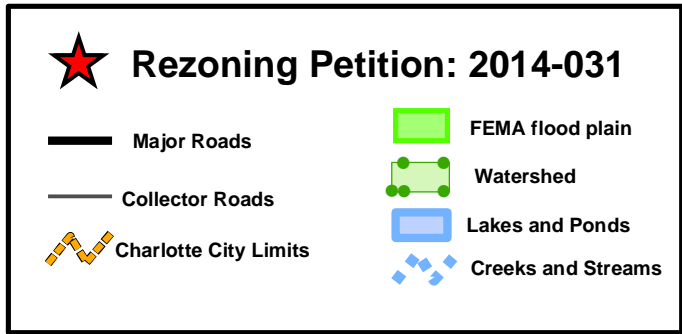
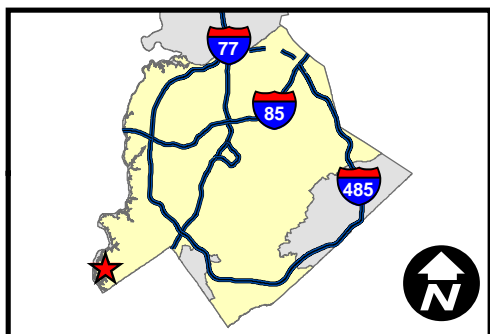
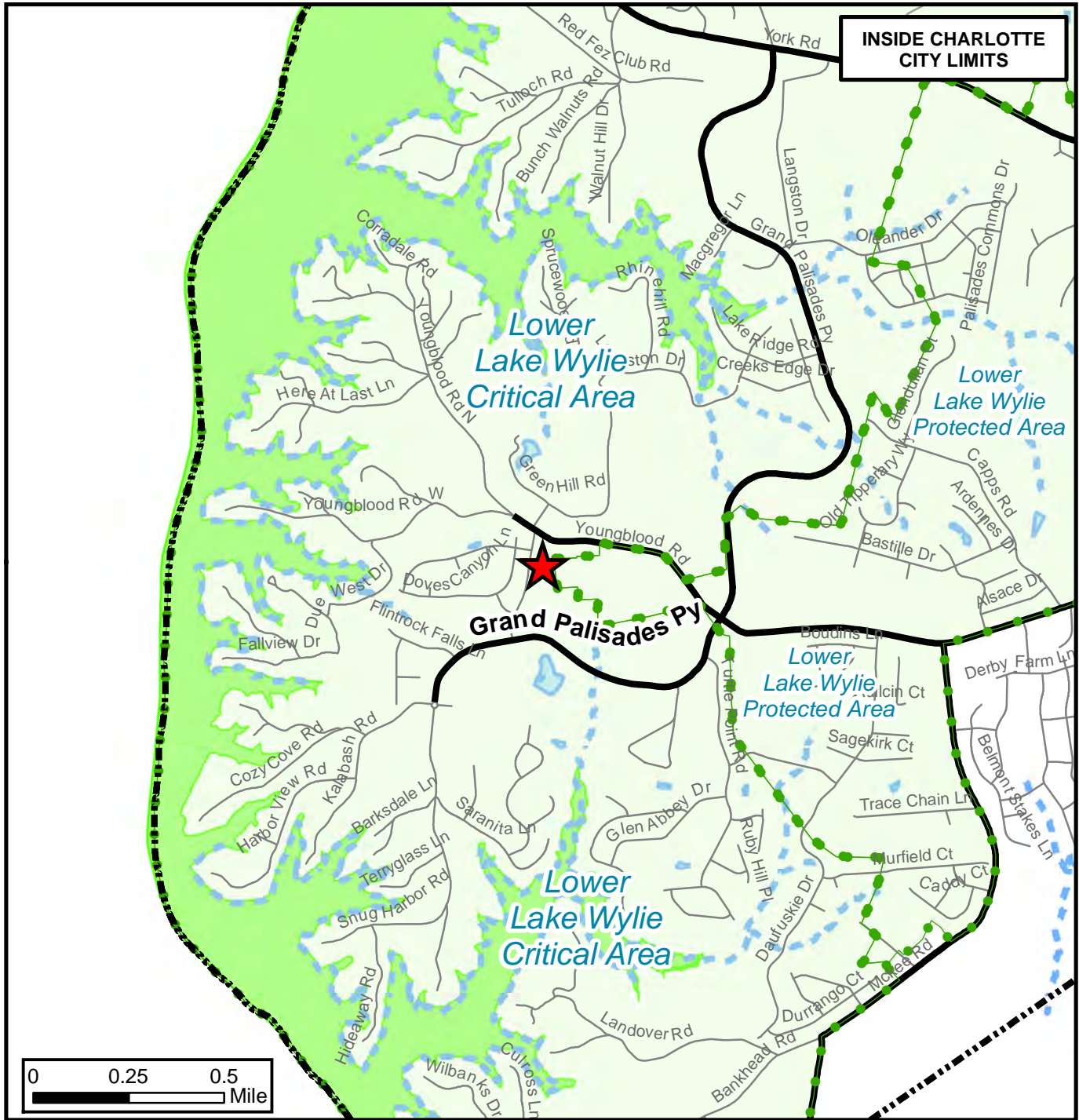
- The petitioner should:
    1. Submit an administrative request for Petition 2001-016C and reduce the number of “village residential” units by 30 units prior to the City Council decision.
    2. Clearly show which areas along Shelburne Farms Drive will have a berm and which areas will have a buffer.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

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

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

**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.





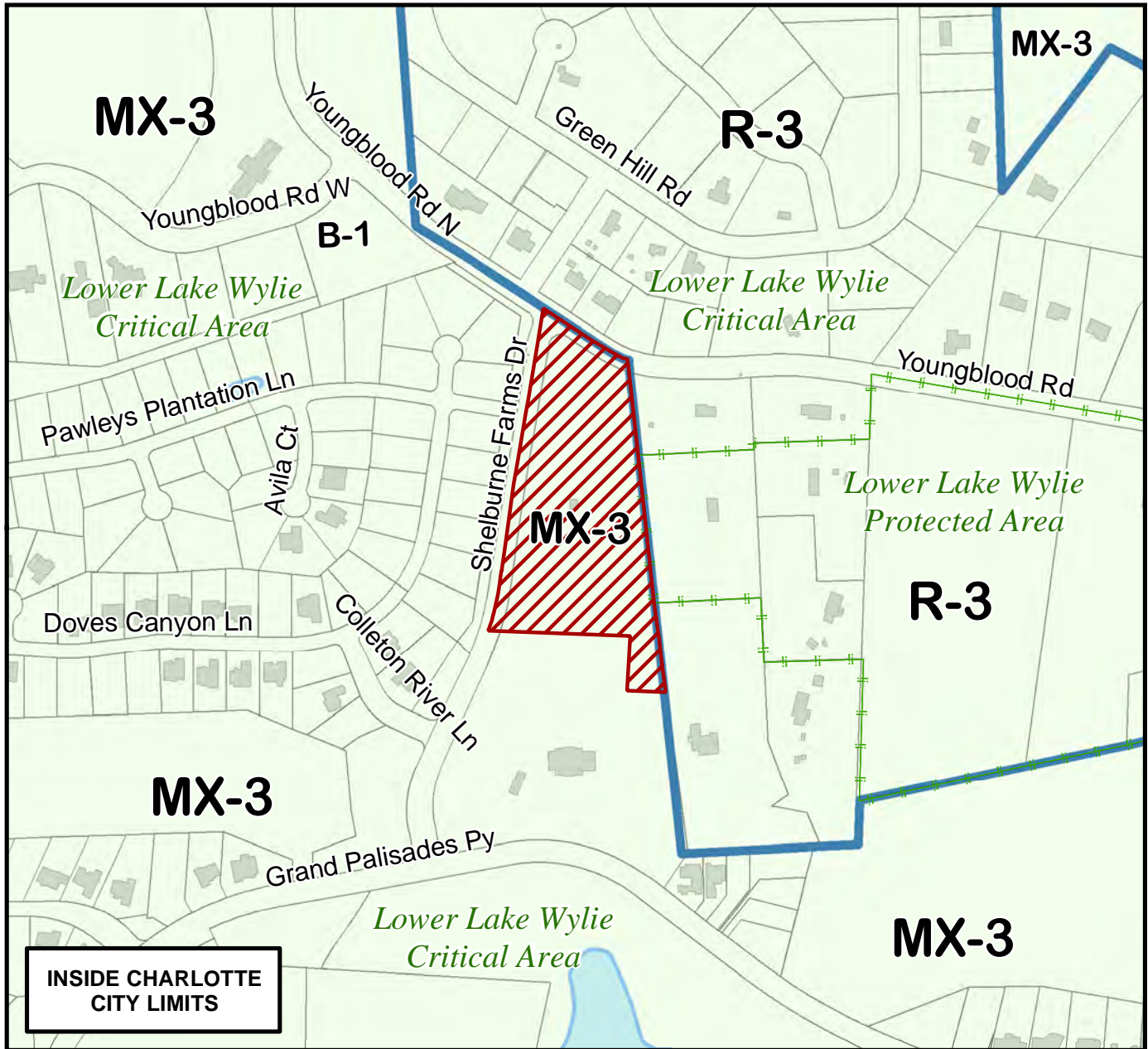
Petition #: **2014-031**

Petitioner: **Wilkison Partners, LLC**

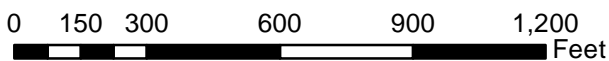
Zoning Classification (Existing): **MX-3 (LLWCA)**  
(Mixed Use District, Lower Lake Wylie Critical Area)

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.

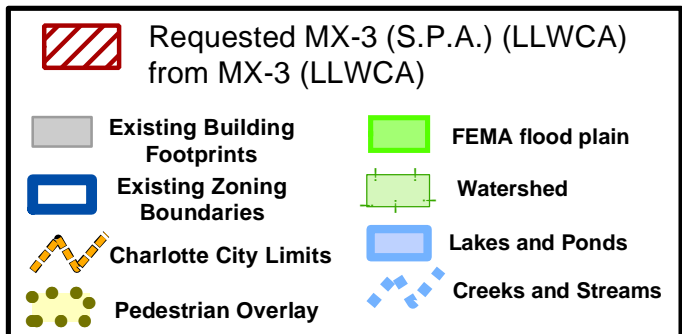


Map Produced by the Charlotte-Mecklenburg Planning Department, 9-3-14.



Zoning Map #(s)

**173**



<b>REQUEST</b>	Current Zoning: R-3, single family residential Proposed Zoning: Inst(CD), institutional, conditional
<b>LOCATION</b>	Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to reuse an existing single family home to establish a daycare center.
<b>PROPERTY OWNER</b>	North End Homes, LLC
<b>PETITIONER</b>	Mark Patterson
<b>AGENT/REPRESENTATIVE</b>	N/A
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to <b>DEFER</b> this petition until their December 1, 2014 meeting.
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<b>VOTE</b>	Motion/Second: Eschert/Labovitz
	Yeas: Dodson, Eschert, Labovitz, Ryan, Nelson, and Sullivan
	Nays: None
	Absent: Walker
	Recused: None

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Reuse of an existing 2,114-square foot single family home to allow a commercial child care center with up to 60 children and seven employees.
  - Parking areas for employees and guests, with drop-off area proposed in front of building.
  - Extension of existing driveway and installation of new curb cut to allow one-way vehicular access onto Prosperity Church Road (site entrance will be right-in movement only).
  - A 22-foot Class "C" buffer along all property lines abutting residential uses and/or zoning.
  - A five-foot wide sidewalk connecting from the site to the existing five-foot wide sidewalk along Prosperity Church Road.
  - Any future additions will be located to the rear, will be residential in character and scale, and will not exceed 25% of the square footage of the existing building.
  - All lighting will be full cut-off light fixtures.
  - Freestanding lighting will be limited to 25 feet in height.
- **Public Plans and Policies**
  - The *Northeast District Plan* (1996) recommends single family residential up to four dwelling units per acre for the rezoning site.
  - The petition is inconsistent with the *Northeast District Plan*. However, area plans do not typically recommend locations for institutional uses. The site has frontage along a major thoroughfare and the proposed use would serve the needs of the nearby neighborhoods.

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

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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 environment by reuse of an existing structure.

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**OUTSTANDING ISSUES**

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

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

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

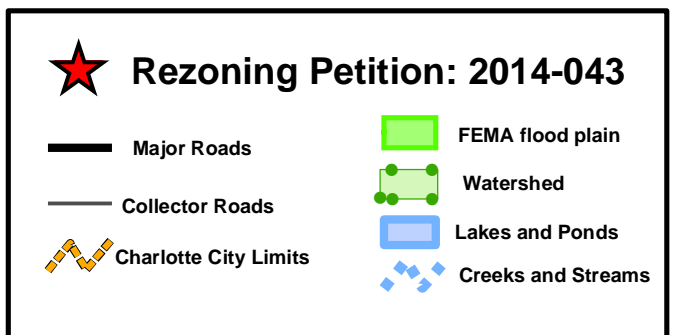
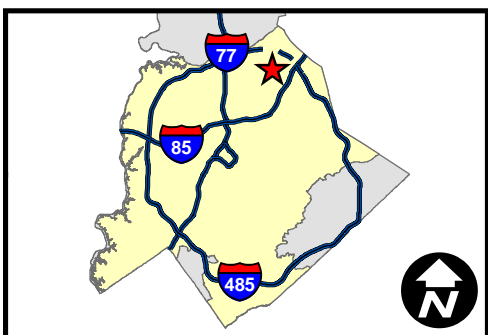
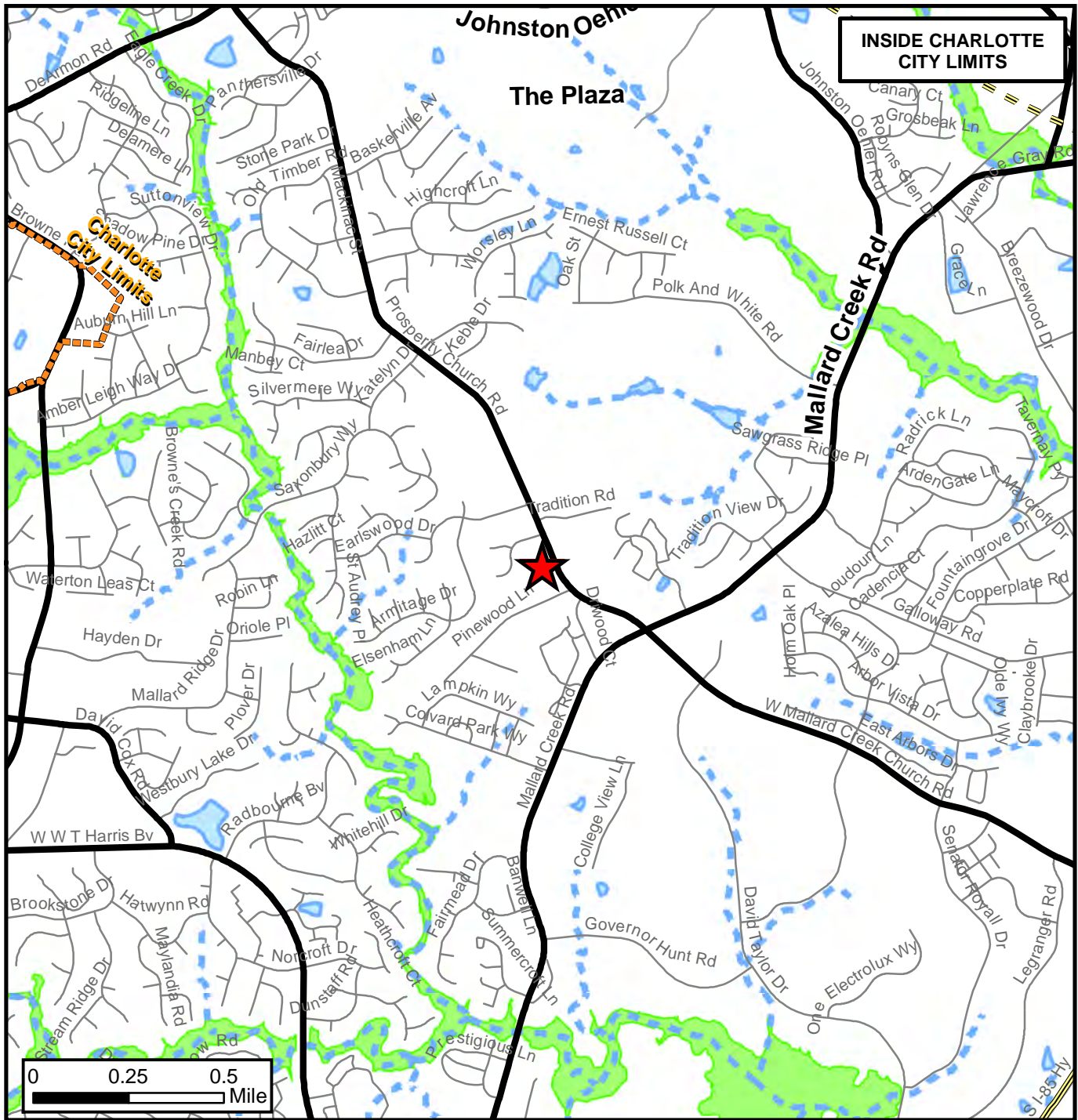
**Planner:** Claire Lyte-Graham (704) 336-3782



Petition #: **2014-043**

# Vicinity Map

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



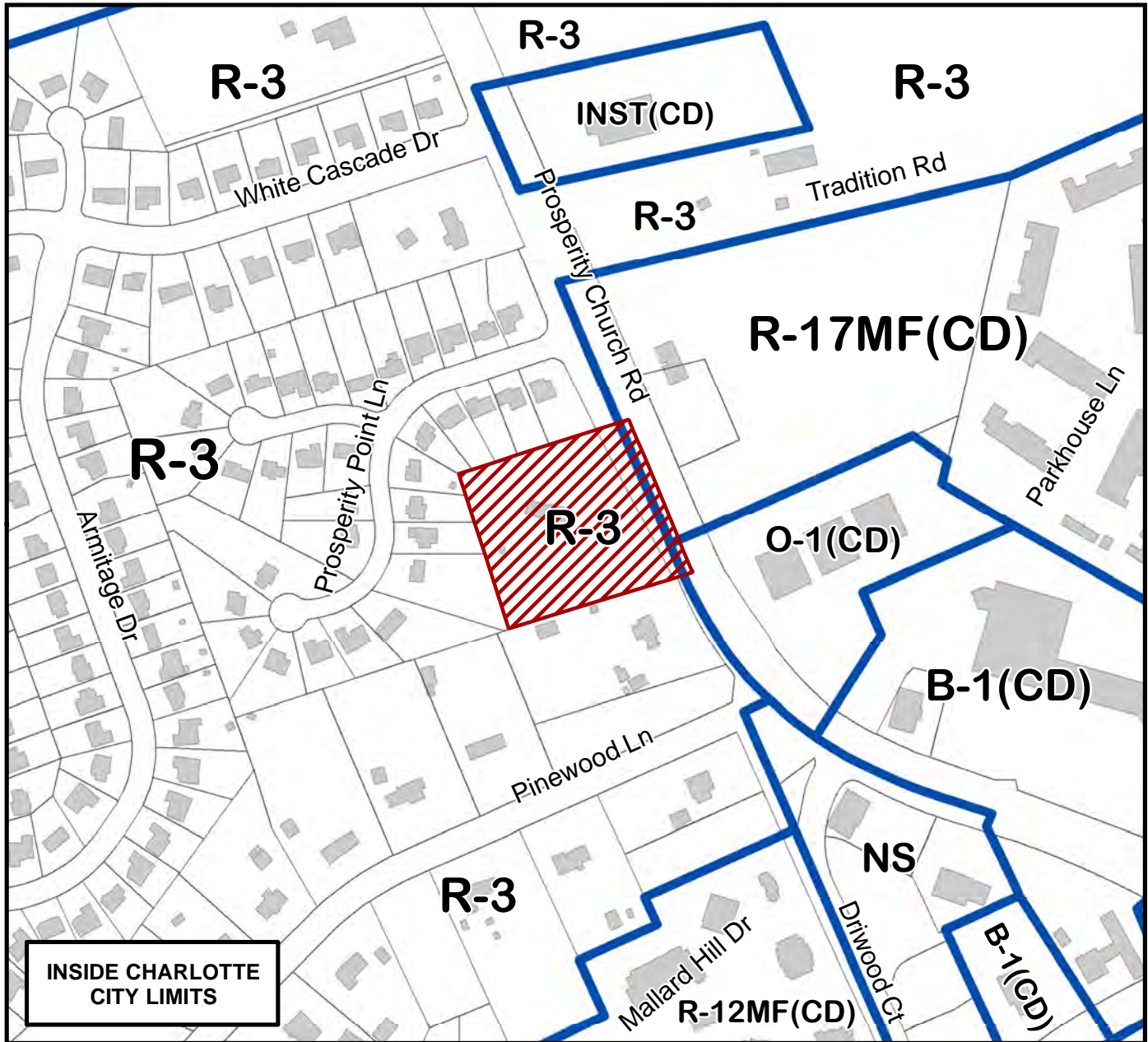
Petition #: **2014-043**

Petitioner: **Mark Patterson**

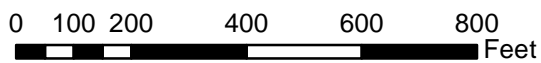
Zoning Classification (Existing): **R-3**  
(Single Family, Residential)

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

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

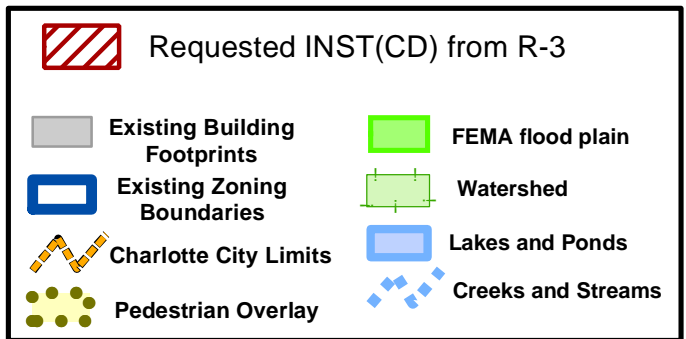


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-26-14.



Zoning Map #(s)

**53**



<b>REQUEST</b>	Current Zoning: R-3 (single family residential), I-2 (general industrial) and I-2(CD) (general industrial, conditional)  Proposed Zoning: I-2(CD) (general industrial, conditional) and I-2(CD) SPA (general industrial, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 20.3 acres located on the west side of Gable Road between Shopton Road and Interstate 485. (Outside City Limits)
<b>SUMMARY OF PETITION</b>	The petition proposes the development of up to 310,000 square feet of industrial, office distribution, and warehouse uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Multiple (see website) Eastgroup Properties, LP John Carmichael, Robinson Bradshaw & Hinson, PA
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 7
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>Steele Creek Area Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The proposal is a second phase of an industrial park; and</li> <li>• The property is within close proximity to I-485, the airport, and the intermodal yard.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed use is compatible with the surrounding industrial uses; and</li> <li>• All outstanding issues have been addressed;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Labovitz).</p>

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

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

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

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

• **Background**

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

• **Proposed Request Details**

The site plan amendment contains the following changes:

- Incorporation of a 7.03-acre portion of area in Phase I identified as Building 4 into Phase 2 for entitlement purposes.

The site plan accompanying this petition contains the following provisions:

- Allow development of Phase 2 of an industrial park.
- Maximum of 310,000 square feet of I-1 (light industrial) uses that are permitted in the I-2 (general industrial) district.
- Maximum building height of 40 feet.
- Elevations for front and rear of buildings, including an alternative elevation for Gable Road,

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which will be provided in the event that vehicular parking and circulation (excluding truck parking and/or circulation) is located between Building 6 and Gable Road.

- Class "A" buffers provided abutting and directly across the public right-of-way from residentially zoned or used property. Notes specify existing portions that will remain; a 50-foot portion that will remain wooded and undisturbed; and, portions that will be reduced to 37.5 feet in width with a berm.
  - Buffers may be eliminated or reduced if an adjacent land use is changed to a land use that eliminates or reduces the buffer requirement.
  - Access to the site provided from Sandy Porter Road and Gable Road.
  - An administrative amendment that reduces the maximum square footage by 96,000 square feet will be submitted for Petition 2013-21.
  - Detached lighting limited to 30 feet in height.
  - **Public Plans and Policies**
    - The *Steele Creek Area Plan* (2012) recommends industrial and warehouse distribution land uses for the subject property due to its proximity to I-485 and the airport.
    - The petition is consistent with the *Steele Creek Area Plan*.
- 

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

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

- No issues.
- 

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

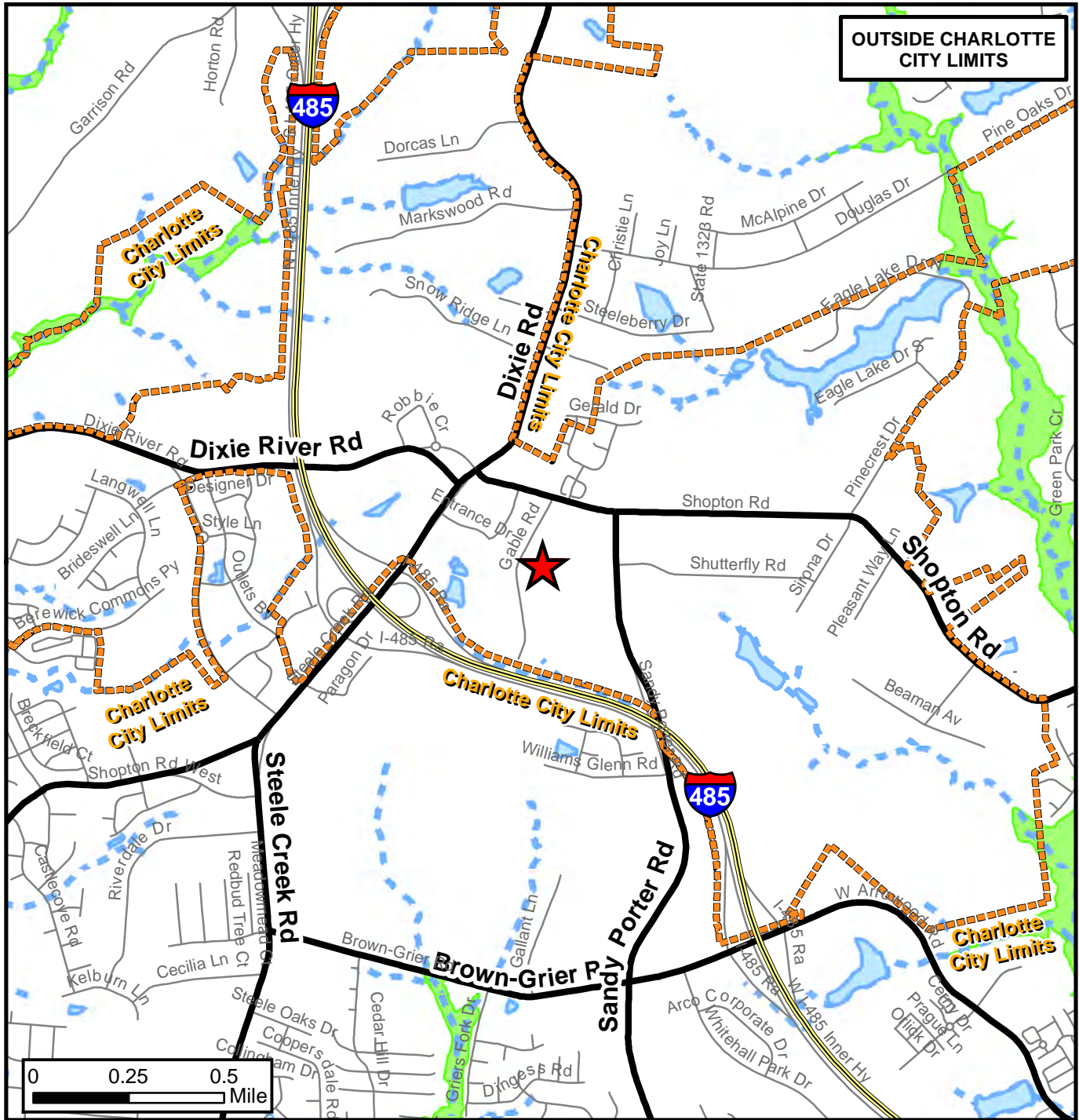
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- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review

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

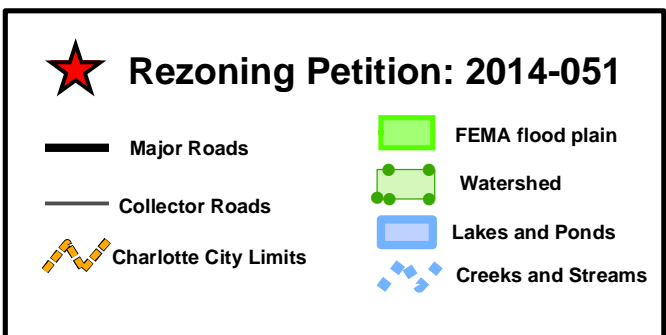
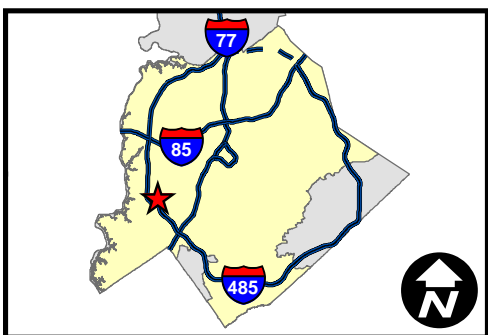
Petition #: **2014-051**

# Vicinity Map

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



**OUTSIDE CHARLOTTE CITY LIMITS**



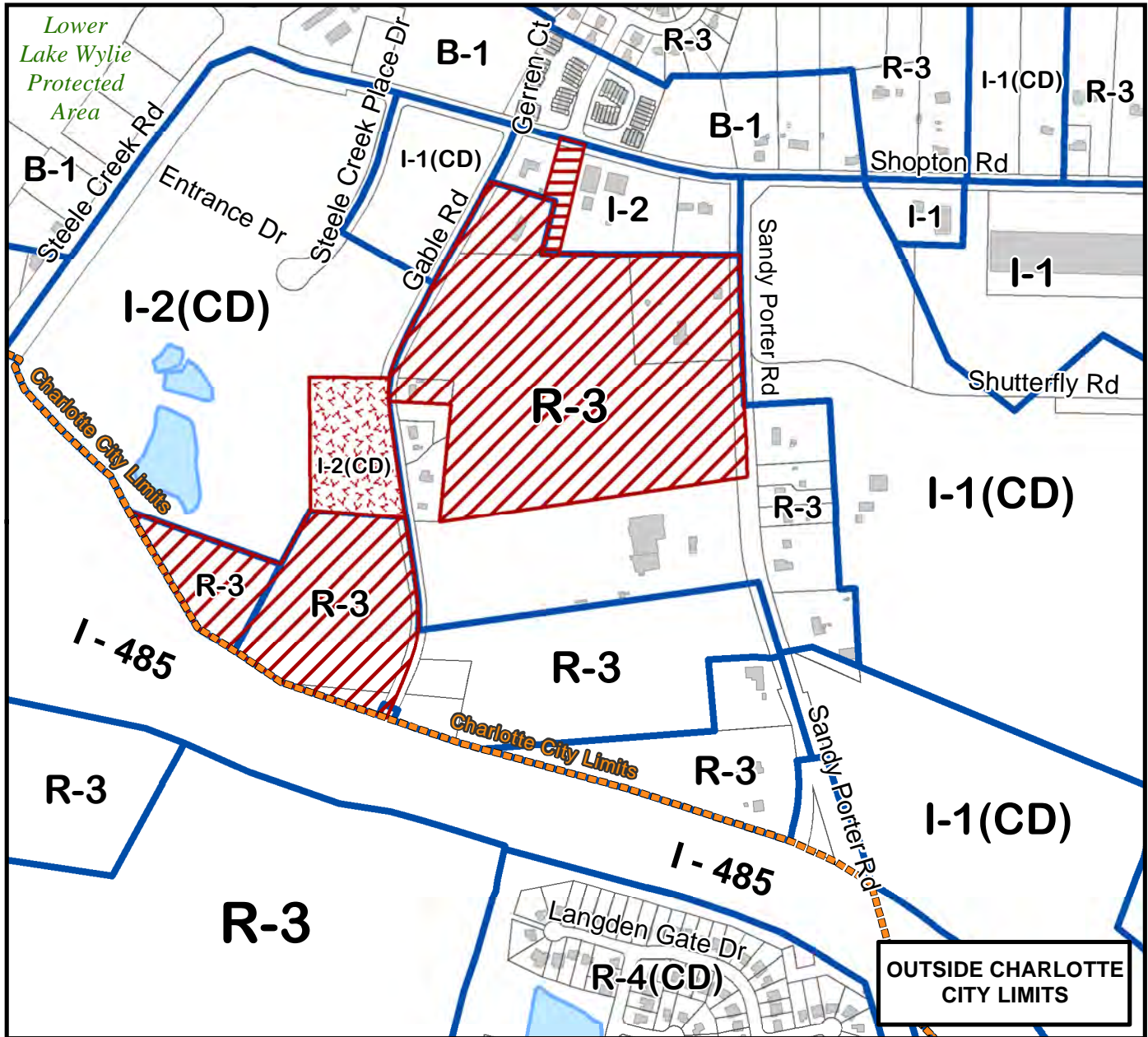
Petition #: **2014-051**

Petitioner: **Eastgroup Properties, LP**

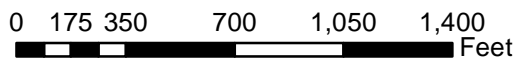
Zoning Classification (Existing): **R-3, I-2, & I-2(CD)**  
(Single Family, Residential, General Industrial, and General Industrial, Conditional)

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

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

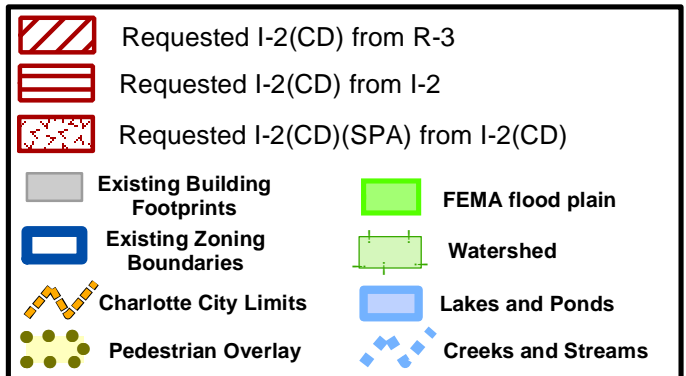


Map Produced by the Charlotte-Mecklenburg Planning Department, 10-8-14.

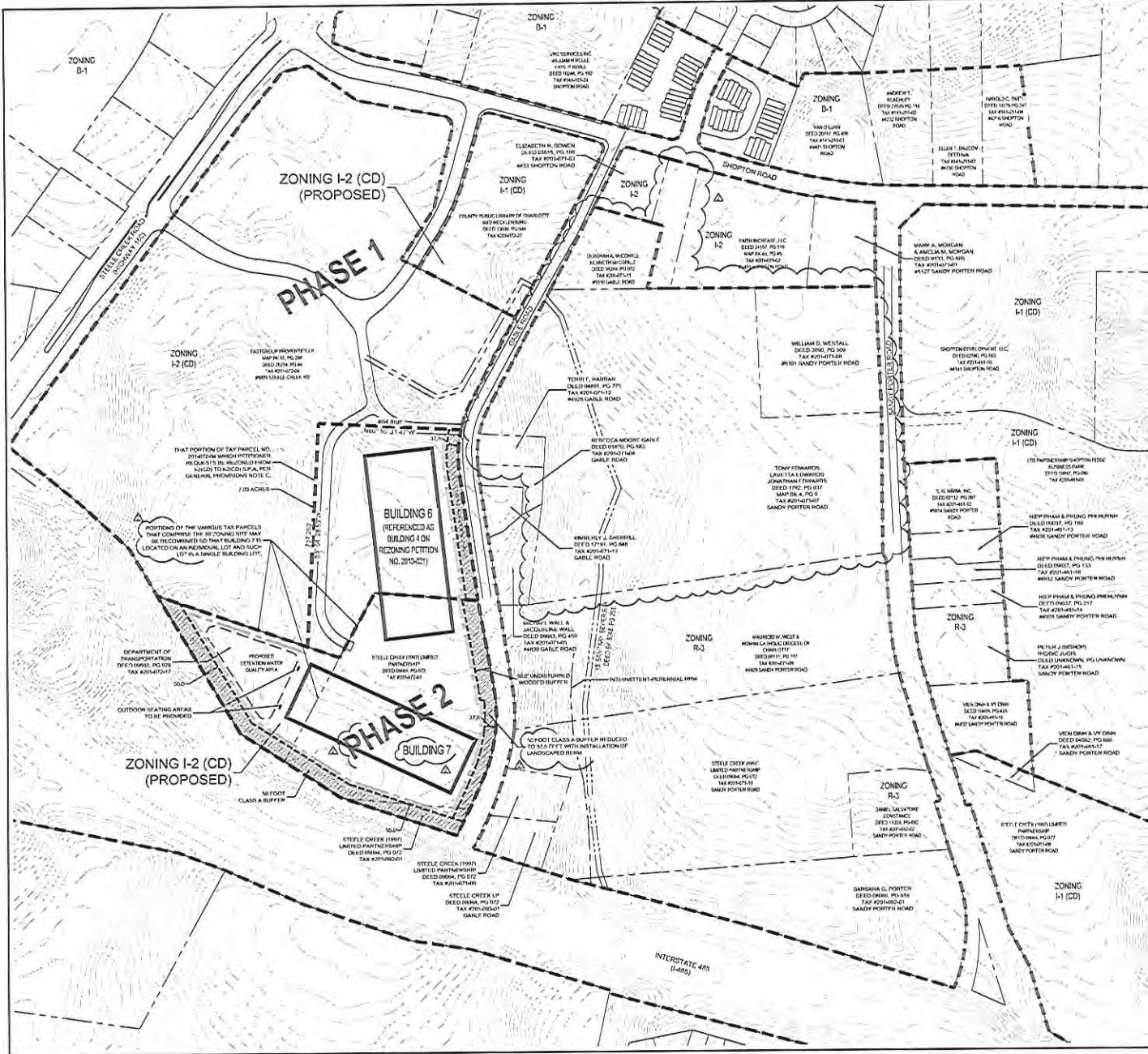


Zoning Map #(s)

**128, 132**







**SITE DEVELOPMENT TABLE**

▲ SITE ACREAGE	2.3876 AC
▲ TAX PARCELS	28/47/204 (Urban III) 28/47/1 28/47/44 28/47/45
▲ EXISTING ZONING	R-3, I-2 (CD)
▲ PROPOSED ZONING	I-2 (CD) PER P.A.
▲ EXISTING USE	INDUSTRIAL AND VACANT LOTS
▲ PROPOSED USE	INDUSTRIAL OFFICE / FLEXIBILITY
▲ MAXIMUM HEIGHTS OF DEV.	THIS SITE MAY BE DEVELOPED TO A MAXIMUM OF 35 FEET FLOOR AREA NOT TO EXCEED 40 FEET AS REQUIRED BY THE ORDINANCE
▲ MAXIMUM BUILDING HEIGHT	AS REQUIRED BY THE ORDINANCE
▲ PARKING	AS REQUIRED BY THE ORDINANCE
▲ OPEN SPACE	AS REQUIRED BY THE ORDINANCE

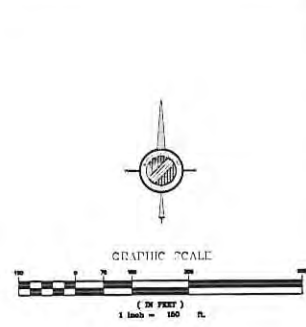
**LEGEND**

EXISTING ZONING BOUNDARIES	---
PROPOSED ZONING BOUNDARIES	----
BUILDING/PARKING DEVELOPE	▭
PROPOSED BUFFERS	▨

**PETITIONER**

**EASTGROUP**  
PROPERTIES

11460 CARROLL COMMONS BLVD, SUITE 209  
CHARLOTTE, NORTH CAROLINA 28226  
(704) 626-6600



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Lighthouse Logo

**BURSTON ENGINEERING ASSOCIATES**

11460 CARROLL COMMONS BLVD, SUITE 209  
CHARLOTTE, NORTH CAROLINA 28226  
Tel: 704-626-6600 Fax: 704-626-6601  
www.burstoneng.com

**STEELE CREEK COMMERCE PARK  
PHASE II  
REZONING PLAN**

Project Number: 580-001

**RZ-1**

Sheet 1 of 3

PETITIONER



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BURTON ENGINEERING ASSOCIATES  
 508 Park Ave. S., Suite 100, Charlotte, NC 28203  
 Tel: 704.334.4444 Fax: 704.334.4444  
 www.burtoneng.com

STEELE CREEK COMMERCE PARK  
 PHASE II  
 REZONING NOTES

CTB  
 Engineer  
 EUR  
 Drawn by  
 04/15/14  
 Date

Revisions
1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
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STEELE CREEK COMMERCE PARK PHASE II  
 DEVELOPMENT STANDARDS  
 OCTOBER 24, 2014  
 REZONING PETITION NO. 2014-001  
 SITE PLAN DEVELOPMENT DATA:

- ACREAGE: 44.2139 ACRES
- TAX PARCELS: 20-47204 (PORTION OF), 20-472-17, 20-472-18 AND 20-472-19
- EXISTING ZONING: R-3, L-2 (CD)
- PROPOSED ZONING: L2 (CD), L2 (CD) U.P.A.
- EXISTING USES: INDUSTRIAL AND VACANT LOTS
- PROPOSED USES: INDUSTRIAL OFFICE (RETAIL/RESTAURANT)
- MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: THE MAXIMUM FLOOR AREA RATIO FOR L2 IS 1.08. THIS SITE MAY BE DEVELOPED TO 4,319,000 SF OF GROSS FLOOR AREA.
- MAXIMUM BUILDING HEIGHT: ADJ TO EXCEED 45 FEET
- PARKING AS REQUIRED BY THE ORDINANCE. 425 SPACES PER 1,000 SF OF WAREHOUSE AND 1 SPACE PER 400 SF OF OFFICE SPACE.
- OPEN SPACE AS REQUIRED BY THE ORDINANCE, NOT SPECIFIED

GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY EAST GROUP PRIORITIES, LP, FOR AN APPROXIMATELY 262H ACRE SITE LOCATED ON THE WEST SIDE OF GABLE ROAD, SOUTH OF SHOPTON ROAD AND NORTH OF INTERSTATE 495, WHICH SITE IS MORE PARTICULARLY DESCRIBED ON THE REZONING PLAN HEREINAFTER REFERRED TO AS "THE SITE".
- B. THE SITE IS COMPOSED OF A PORTION OF TAX PARCELS NO. 20-472-09 AND ALL OF TAX PARCELS NOS. 20-472-10, 20-472-11 AND 20-472-19.
- C. TAX PARCEL NO. 20-472-04 IS CURRENTLY ZONED L2 (CD) AND IS AN APPROXIMATELY 1,422 ACRE SITE. THE 2013 REZONING SITE THAT WAS REZONED TO THE L2 (CD) ZONING DISTRICT IN 2013 PURSUANT TO REZONING PETITION NO. 2013-021, PLACED INTO THIS REZONING PETITION AND REZONING PLAN. THE PETITIONER IS REQUESTING THAT AN APPROXIMATELY 700 ACRE PORTION OF THE 2013 REZONING SITE THAT IS MORE PARTICULARLY DESCRIBED ON THE REZONING PLAN BE REZONED TO THE L2 (CD) U.P.A. ZONING DISTRICT AND INCORPORATED INTO THE SITE FOR ENTIRETY PURPOSES. HIGH TO THE CITY COUNCIL'S DECISION ON THE REZONING PETITION, THE PETITIONER SHALL FILE WITH THE PLANNING DEPARTMENT A REQUEST FOR AN ADMINISTRATIVE AMENDMENT TO THE APPROVED REZONING PLAN RELATING TO REZONING PETITION NO. 2013-021 TO REDUCE THE MAXIMUM GROSS FLOOR AREA ALLOWED ON THE REMAINING PORTION OF 2013 REZONING SITE BY 10,000 SQUARE FEET, WHICH IS THE GROSS FLOOR AREA OF THAT PORTION OF THE BUILDING DESIGNATED AS BUILDING 6 ON THE REZONING PLAN. PROPOSED TO BE LOCATED ON THE PORTION OF 2013 REZONING SITE THAT IS SUBJECT TO THIS REZONING PETITION AND REZONING PLAN.
- D. A MULTIBUILDING OFFICE, DISTRIBUTION AND WAREHOUSE PARK KNOWN AS STEELE CREEK COMMERCE PARK IS BEING DEVELOPED ON THE 2013 REZONING SITE, AND THE DEVELOPMENT PROPOSED ON THE SITE UNDER THIS REZONING PETITION AND REZONING PLAN WILL BE A PORTION OF PHASE 1 OF STEELE CREEK COMMERCE PARK AND PHASE 2 OF STEELE CREEK COMMERCE PARK.
- E. THAT PORTION OF THE SITE ON WHICH BUILDING 7 WILL BE LOCATED MAY BE REZONED WITH THE 2013 REZONING SITE. THE 2013 REZONING SITE AND THE SITE SHALL BE CONSIDERED TO BE A PLANNED DEVELOPMENT. ACCORDINGLY, THE 2013 REZONING SITE AND THE SITE WILL NOT BE REQUIRED TO MEET THE REAR YARD AND SIDE YARD REQUIREMENTS OF THE L2 ZONING DISTRICT WITH RESPECT TO LOT LINES OR PROPERTY LINES THAT ARE INTERNAL TO THE 2013 REZONING SITE AND THE SITE. "COMPLETION" OF THE 2013 REZONING SITE AND THE SITE WILL BE REQUIRED TO MEET THE REAR YARD AND SIDE YARD REQUIREMENTS ESTABLISHED ON THE REZONING PLAN WITH RESPECT TO AN EXTENDED LOT LINE OR PROPERTY LINES.
- F. 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 L2 ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT OF THE SITE.
- G. THE DEVELOPMENT PROPOSED ON THE REZONING PLAN IS INTENDED TO DEPICT THE GENERAL IMPROVEMENT OF SITES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE DIMENSIONS, PLACEMENTS AND SIZES OF THE BUILDING FOOTPRINTS AS WELL AS THE PARKING AREAS AND 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 OCCUPANT FINISHES. ADDITIONALLY, ACCESSORY BUILDINGS AND STRUCTURES WILL NOT BE COUNTED TOWARDS THE MAXIMUM NUMBER OF BUILDINGS ALLOWED ON THE SITE.
- H. FUTURE AMENDMENTS TO THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THEIR OWNERS OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 8 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ARE SUBJECT TO SECTION 6.07 OF THE ORDINANCE.

PERMITTED USES

THE SITE MAY BE DEVELOPED ONLY TO THOSE USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE L2 ZONING DISTRICT THAT ARE ALSO PERMITTED IN THE L2 ZONING DISTRICT, AND TO ANY ACCESSORY USES RELATING THERE TO.

DEVELOPMENT LIMITATIONS

- A. A MAXIMUM OF 310,000 SQUARE FEET OF GROSS FLOOR AREA MAY BE DEVELOPED ON THE SITE.

TRANSPORTATION

- A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF EACH ACCESS POINT ARE SUBJECT TO ANY WHICH MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
- B. LIMITS AND LIMIT, GABLE ROAD IMPROVEMENTS, ACCESS TO PHASE 2 SHALL BE PROVIDED BY THE INTERNAL STREETS AND DRIVES LOCATED IN PHASE 1 AS DEPICTED ON THE REZONING PLAN.
- C. IF ANY IMPROVEMENTS TO PHASE 2'S FRONTAGE ON GABLE ROAD ARE REQUIRED TO BE INSTALLED AND CONSTRUCTED BY PETITIONER PURSUANT TO THE CITY OF CHARLOTTE SUBDIVISION ORDINANCE (THE "SUBDIVISION ORDINANCE"), CHAPTER 19 OF THE CITY OF CHARLOTTE CODE (THE "CODE") OR ANY OTHER APPLICABLE CITY REGULATION AS A RESULT OF THE DEVELOPMENT OF PHASE 2, SUCH IMPROVEMENTS WILL ONLY BE REQUIRED TO BE INSTALLED AND CONSTRUCTED UPON THE ACTUAL DEVELOPMENT OF PHASE 2.
- D. OFF STREET VEHICULAR PARKING AND BICYCLE PARKING WILL MEET THE MINIMUM STANDARDS ESTABLISHED UNDER THE ORDINANCE.
- E. INTERNAL LATERALS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.
- F. AT THE OPTION OF THE PETITIONER AND SUBJECT TO THE ARCHITECTURAL STANDARDS SET OUT ON PAGE 103 OF THE REZONING PLAN, VEHICULAR PARKING AND CIRCULATION (BUT NOT TRUCK PARKING AND TRUCK CIRCULATION) MAY BE LOCATED BETWEEN BUILDING 6 AND GABLE ROAD.

ARCHITECTURAL STANDARDS

- A. SET OUT ON PAGE 103 OF THE REZONING PLAN IS A SCHEMATIC ARCHITECTURAL RENDERING OF PHASE II (THE ELEVATION FACING GABLE ROAD) OF THAT BUILDING DESIGNATED AS BUILDING 6 ON THE REZONING PLAN THAT IS INTENDED TO DEPICT THE GENERAL CONCEPTUAL ARCHITECTURAL STYLE, CHARACTER AND ELEMENTS OF THE REAR ELEVATION OF BUILDING 6. ACCORDINGLY, THE REAR ELEVATION OF BUILDING 6 SHALL BE DESIGNED AND CONSTRUCTED SO THAT IT IS SUBSTANTIALLY SIMILAR IN APPEARANCE TO THE SCHEMATIC ARCHITECTURAL RENDERING SET OUT ON PAGE 103 OF THE REZONING PLAN. CHANGES AND ALTERATIONS WHICH DO NOT MATERIALLY CHANGE THE OVERALL CONCEPTUAL ARCHITECTURAL STYLE, CHARACTER AND ELEMENTS ARE PERMITTED BASED UPON FINAL DESIGN/CONSTRUCTION DRAWINGS.
- B. SET OUT ON PAGE 103 OF THE REZONING PLAN IS A SCHEMATIC ARCHITECTURAL RENDERING OF THE FRONT ELEVATION (THE ELEVATION FACING INTERSTATE 495) OF THAT BUILDING DESIGNATED AS BUILDING 7 ON THE REZONING PLAN THAT IS INTENDED TO DEPICT THE GENERAL CONCEPTUAL ARCHITECTURAL STYLE, CHARACTER AND ELEMENTS OF THE FRONT ELEVATION OF BUILDING 7. ACCORDINGLY, THE FRONT ELEVATION OF BUILDING 7 SHALL BE DESIGNED AND CONSTRUCTED SO THAT IT IS SUBSTANTIALLY SIMILAR IN APPEARANCE TO THE SCHEMATIC ARCHITECTURAL RENDERING SET OUT ON PAGE 103 OF THE REZONING PLAN. CHANGES AND ALTERATIONS WHICH DO NOT MATERIALLY CHANGE THE OVERALL CONCEPTUAL ARCHITECTURAL STYLE, CHARACTER AND ELEMENTS ARE PERMITTED BASED UPON FINAL DESIGN/CONSTRUCTION DRAWINGS.
- C. IN THE EVENT THAT VEHICULAR PARKING AND CIRCULATION (NOT TRUCK PARKING AND TRUCK CIRCULATION) IS LOCATED BETWEEN BUILDING 6 AND GABLE ROAD, THE ELEVATION OF BUILDING 6 FACING GABLE ROAD SHALL BE DESIGNED AND CONSTRUCTED SO THAT IT IS SUBSTANTIALLY SIMILAR IN APPEARANCE TO THE SCHEMATIC ARCHITECTURAL RENDERING SET OUT ON PAGE 103 OF THE REZONING PLAN DESIGNATED AS "ALTERNATIVE GABLE ROAD ELEVATION - BUILDING 6". CHANGES AND ALTERATIONS WHICH DO NOT MATERIALLY CHANGE THE OVERALL CONCEPTUAL ARCHITECTURAL STYLE, CHARACTER AND ELEMENTS ARE PERMITTED BASED UPON FINAL DESIGN/CONSTRUCTION DRAWINGS. IN NO EVENT SHALL TRUCK PARKING OR TRUCK CIRCULATION BE PERMITTED BETWEEN BUILDING 6 AND GABLE ROAD.
- D. THE MAXIMUM HEIGHT OF ANY BUILDING CONSTRUCTED ON THE SITE SHALL BE 48 FEET.

STREETSCAPE/LANDSCAPING/BUFFERS

- A. LANDSCAPING AND SCREENING WILL MEET OR EXCEED THE REQUIREMENTS OF THE ORDINANCE.
- B. BUFFERS SHALL BE ESTABLISHED ON THE SITE AS REQUIRED BY THE ORDINANCE AND AS DEPICTED ON THE REZONING PLAN AND SUCH BUFFERS SHALL CONFORM TO THE STANDARDS OF SECTION 6.03 OF THE ORDINANCE. PURSUANT TO SECTION 6.03 OF THE ORDINANCE, PETITIONER MAY REDUCE THE REQUIRED WIDTH OF ANY BUFFER BY 25% BY INSTALLING A WALL FENCE ON BEHALF THAT MEETS THE STANDARDS OF SECTION 6.03 OF THE ORDINANCE.
- C. AS SHOWN PARTICULARLY DEPICTED ON THE REZONING PLAN, A PORTION OF THE REQUIRED BUFFER LOCATED ALONG THE SITE'S FRONTAGE ON GABLE ROAD SHALL BE 50 FEET IN WIDTH AND THE EXISTING TREES LOCATED IN THIS 50 FOOT WIDE BUFFER SHALL BE PRESERVED.
- D. IN THE EVENT THAT AN ADJACENT PARCEL OF LAND IS EITHER REZONED TO A ZONING DISTRICT OR DEVOTED TO A USE THAT ELIMINATES OR REDUCES THE BUFFER REQUIREMENTS ON THE SITE, PETITIONER MAY REDUCE OR ELIMINATE, AS THE CASE MAY BE, THE RELEVANT BUFFER AREAS ACCORDINGLY, INCLUDING THE 10 FOOT WIDE BUFFER DESCRIBED IN PARAGRAPH C ABOVE.
- E. THE BUFFER SHALL NOT BE DISTURBED EXCEPT FOR REQUIRED DRIVEWAYS, SIDEWALKS, OR OTHER PEDESTRIAN PATHS, WALLS, FENCES, UTILITY OR REQUIRED LANDSCAPING, LANDSCAPING MAINTENANCE AND THE REPLACEMENT OR THE INSTALLATION AND MAINTENANCE OF UTILITY LINES IN ACCORDANCE WITH SECTION 6.03 OF THE ORDINANCE.
- F. WHERE EXISTING TREES AND NATURAL VEGETATION HAVE BEEN CLEARED TO ACCOMMODATE THOSE ITEMS SET OUT ABOVE IN PARAGRAPH D, THE CLEARED UNIMPROVED AREA SHALL BE LANDSCAPED WITH TREES AND SHRUBS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

ENVIRONMENTAL FEATURES

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 RUNOFF TREATMENT REQUIREMENTS AND NATURAL SITE DRAINAGE PATTERNS.

LIGHTING

- A. ALL PREEXISTING LIGHTING FIXTURES INSTALLED ON THE SITE (INCLUDING STREET LIGHTS) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT STREET LIGHTING DOES NOT EXCEED ANY MAXIMUM FOOT CANDLE OF THE SITE.
- B. THE MAXIMUM HEIGHT OF ANY PREEXISTING LIGHTING FIXTURE INSTALLED ON THE SITE SHALL BE 30 FEET.
- C. ANY LIGHTING FIXTURES ATTACHED TO THE STRUCTURE TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.
- D. LIGHTING FIXTURES INSTALLED ALONG THE PERIMETER OF THE SITE (INCLUDING STREET LIGHTS) SHALL BE FULL GUT-OFF FIXTURES.

SIGNS

ALL SIGNS INSTALLED ON THE SITE SHALL CONFORM WITH THE REQUIREMENTS OF THE ORDINANCE.

CONSTRUCTION ACTIVITIES

- A. PETITIONER SHALL PROHIBIT CONSTRUCTION VEHICLES SERVING THE SITE FROM UTILIZING GABLE ROAD TO ACCESS THE SITE.
- B. CONSTRUCTION ACTIVITIES MAY ONLY BE CONDUCTED ON THE SITE DAILY FROM 7AM TO 7PM, NOTWITHSTANDING THE FOREGOING, THE PLAN FOR EACH OF THE TWO BUILDINGS PROPOSED TO BE CONSTRUCTED UNDER THE REZONING PLAN MAY BE REQUIRED PRIOR TO THE DATE AFTER WHICH A RESULT OF THE NEED TO WORK THE CLANS IN COOLER TEMPERATURES.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNORS.
- B. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIR, DEVISEE, PERSONAL REPRESENTATIVE, SUCCESSOR IN INTEREST AND ASSIGNOR OF PETITIONER OR THE OWNER OR OWNER OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
- C. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.



CREATE SCALE AND PROPORTION WITH RECESSED REVEALS IN CONJUNCTION WITH VARIED, CONTRASTING ACCENT TEXTURED PAINT COLORS AND PATTERNS

ACCENT PAINT

VARY PARAPET HEIGHTS

CONTRASTING COLOR ACCENT BANDS WITH REVEALS



REAR ELEVATION OF BUILDING (FACING GABLE ROAD)

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



BUILDING 7 ELEVATION FACING I-485



ALTERNATIVE GABLE ROAD ELEVATION - BUILDING 6



<b>REQUEST</b>	Current Zoning: R-5 (single family residential) Proposed Zoning: MUDD-O (mixed use development, optional)
<b>LOCATION</b>	Approximately 0.23 acres located on the east side of North Davidson Street between East 33rd Street and East 34th Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to renovate and expand the existing building for use as an eating, drinking and entertainment establishment with outdoor seating.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Andrew Klenk Andrew Klenk James P. (Chip) Cannon
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>Blue Line Extension 36<sup>th</sup> Street Station Area Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The proposed use is suitable for the area; and</li> <li>• It provides for the reuse of an existing building.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The property is located within a ¼ mile walk of the 36<sup>th</sup> Street transit station; and</li> <li>• There have been several rezonings in the area to MUDD (mixed use development) and TOD-M (transit oriented development - mixed-use) in order to accommodate retail, office, and mixed use developments;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Eschert).</p>

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

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

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

A Committee member asked staff about the parking situation in NoDa, and staff responded that parking issue and that it is a larger policy matter. The Committee briefly discussed parking in NoDa. There was no further discussion of the petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Permitted use as an eating, drinking and entertainment establishment with allowable accessory uses with no use of the outdoor eating/activity areas after 11:00 p.m.
- Total of 4,400 square feet consisting of renovation of the existing 1,580-square foot house and creation of additional building area to accommodate a 500-square foot courtyard and dining area, area for a walk-in cooler, mechanical units, and roll-out dumpsters.
- Entry garden.
- No expanses of blank wall in excess of 20 continuous feet in length.
- Addition of ramps to accommodate and improve accessibility into the building.

- Maximum building height of 40 feet.
  - Removal of existing driveway in order to create an entry garden/feature.
  - Required eight parking spaces to be accommodated via three on-street parking spaces, and a lease agreement with the property owner at 3024 N. Davidson Street to allow use of a minimum of five off-site parking spaces (including one on-street space).
  - Architectural commitments pertaining to building articulation and materials, roof pitch, retention of residential character and existing front porch, and blank walls.
  - Freestanding and attached lighting to have full cut-off fixtures, and freestanding lighting to be limited to 15 feet in height.
  - Optional requests include:
    - Allow a minimum setback of 12 feet from back of curb.
    - Minimum planting strip of four feet (eight feet required) and a minimum sidewalk width of five feet (six feet required) along North Davidson Street to match existing conditions.
  - **Public Plans and Policies**
    - The *Blue Line Extension 36<sup>th</sup> Street Station Area Plan* (2013) recommends transit supportive uses for this and adjacent parcels, with a height limit of 50 feet. The Plan also identifies this section of North Davidson Street as a "retail street," with active uses at the ground level. The property is located within a 1/2 mile walk of the 36<sup>th</sup> Street Transit Station.
    - The petition is consistent with the *Blue Line Extension 36<sup>th</sup> Street Station Area Plan*.
- 

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

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

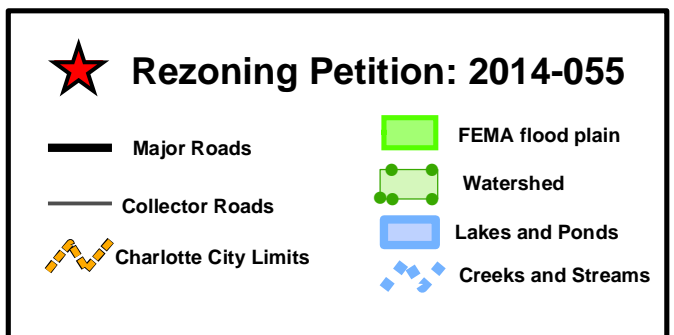
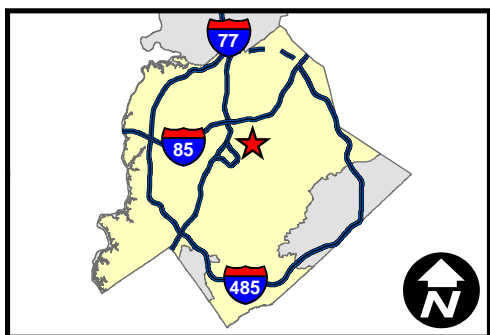
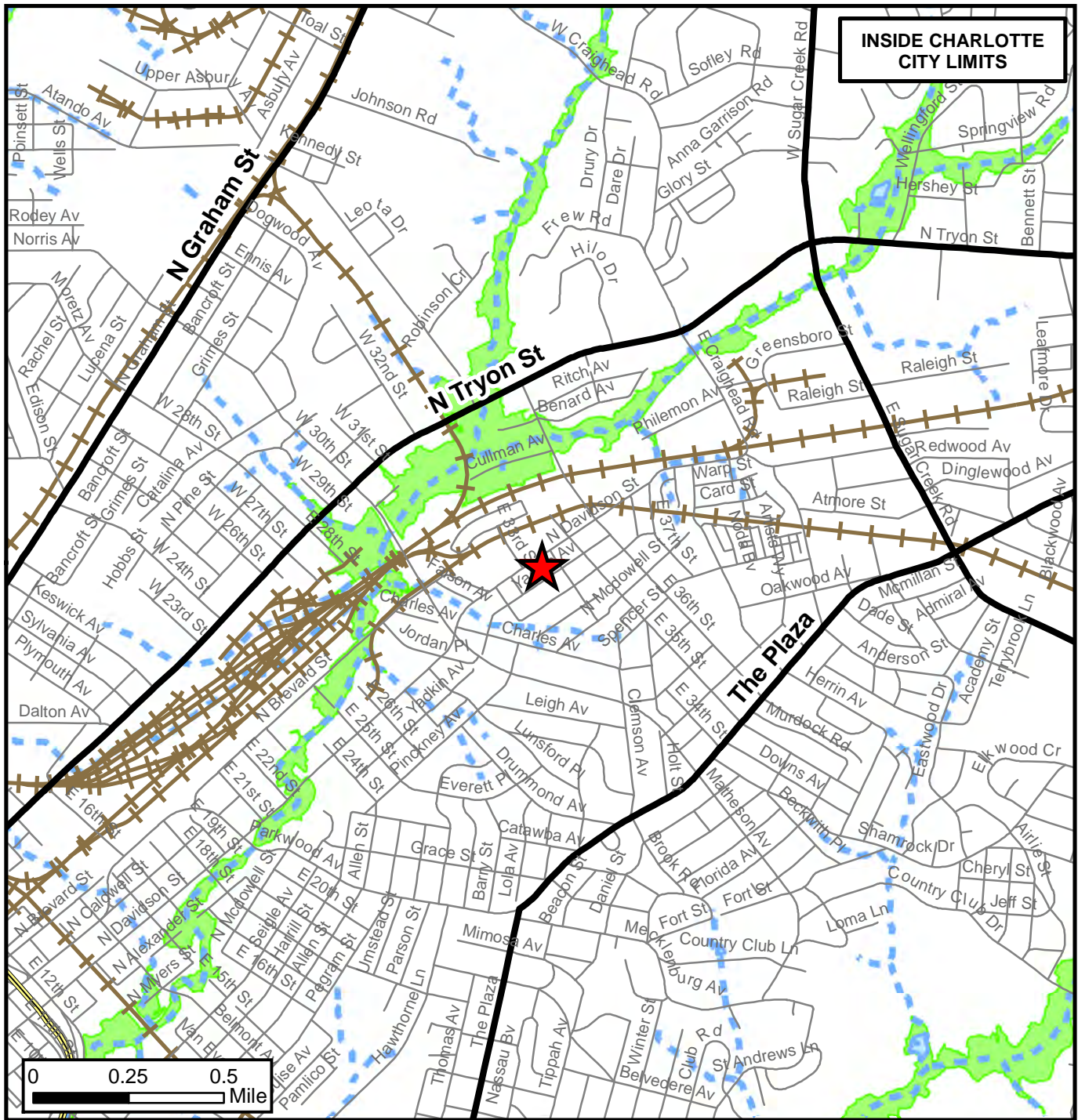
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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

Petition #: **2014-055**

# Vicinity Map

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





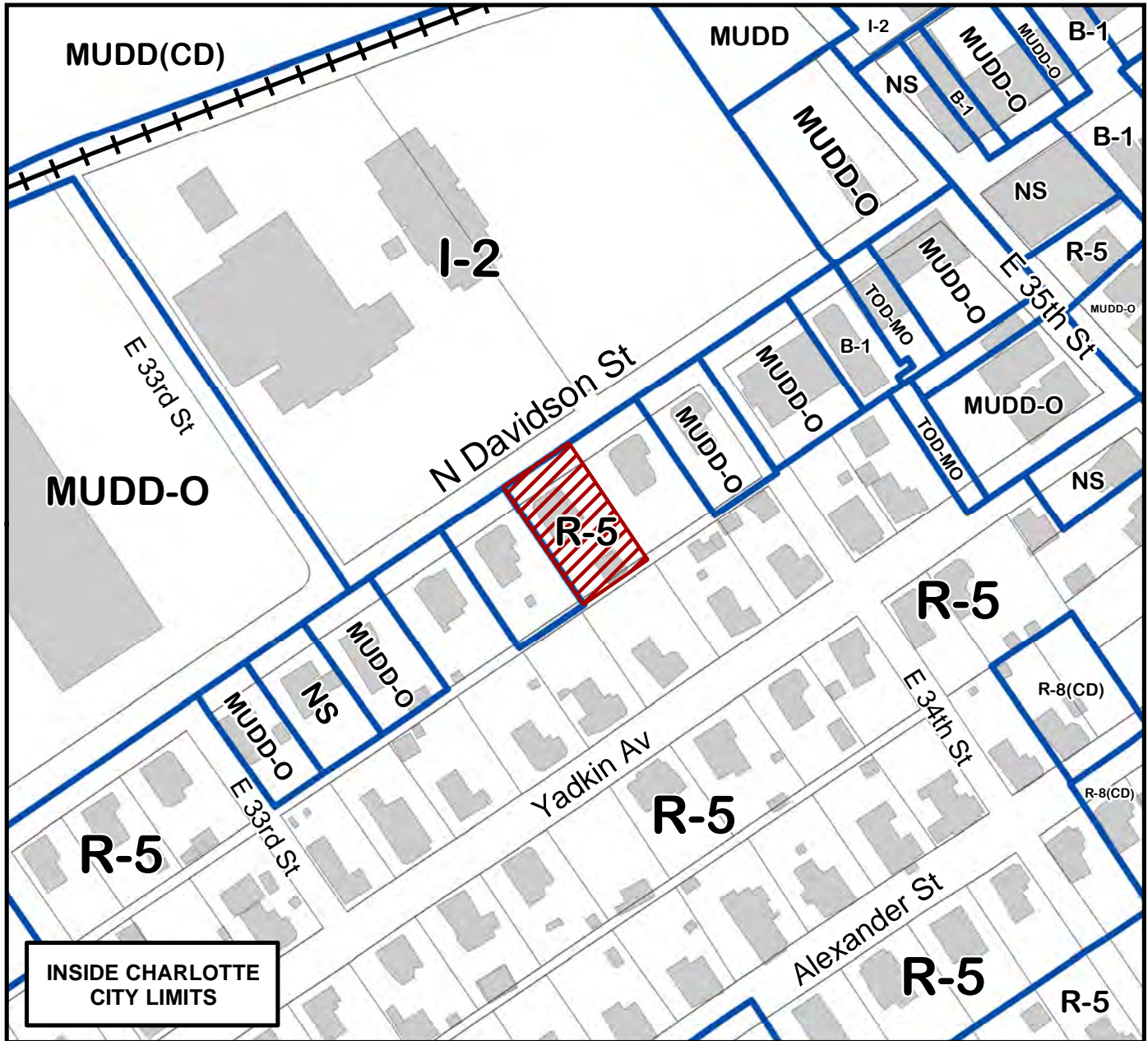
Petition #: **2014-055**

Petitioner: **Andrew Klenk**

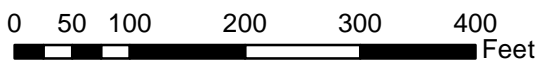
Zoning Classification (Existing): **R-5**  
(Single Family, Residential)

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

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

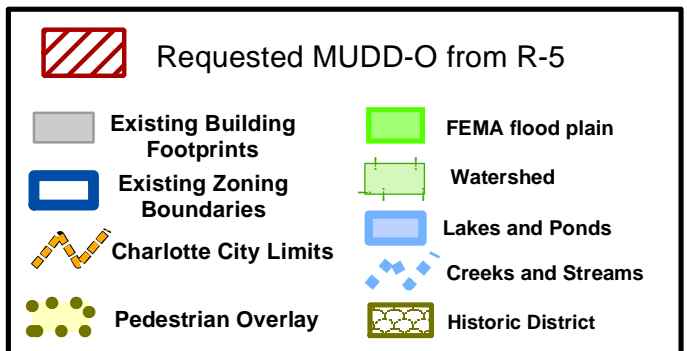


Map Produced by the Charlotte-Mecklenburg Planning Department, 5-22-2014.

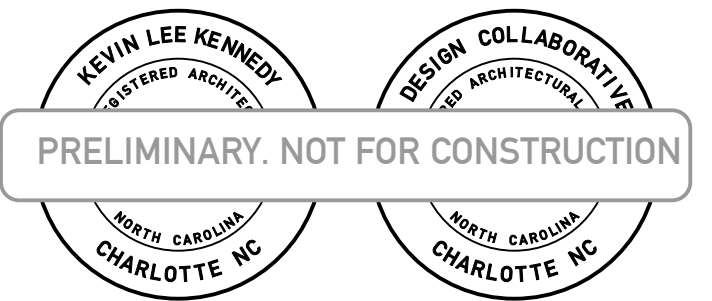


Zoning Map #(s)

**89**





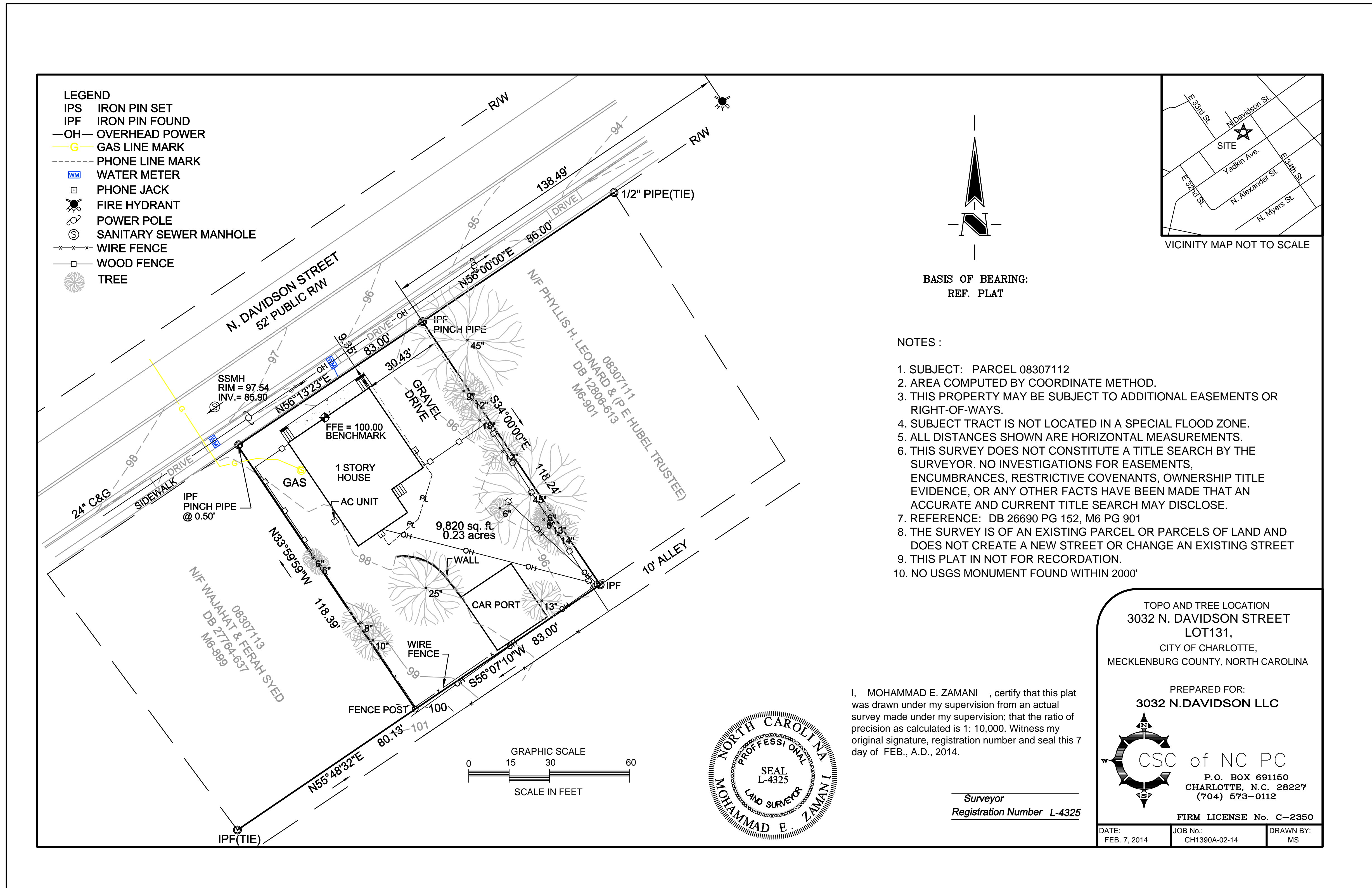


**3032 North Davidson St  
Charlotte, NC**

prepared for: 3032 North Davidson LLC

Submission Date: 04.28.2014

Mark	Date	Description



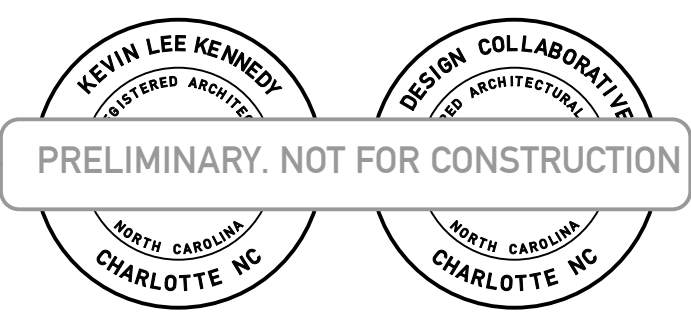
A1 Survey [Shown For Reference Only]

Existing Conditions Survey

Rezoning Petition # 2014-XXX

**RZ-01**





**3032 North Davidson St  
Charlotte, NC**

prepared for: 3032 North Davidson LLC

Submission Date: 04.28.2014

Mark	Date	Description
1	09/19/14	Revisions
2	10/21/14	Revisions

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Project name/#: **Project Name / 13\_000**  
CAD File Name: **CAD\_Name.vwx**

**Rezoning Plan**

Rezoning Petition # 2014-055

**RZ-02**

**DEVELOPMENT DATA TABLE**

- A. SITE AREA - 0.23 ACRES
- B. TAX PARCEL ID # - 08307112
- C. EXISTING ZONING - R-5
- D. PROPOSED ZONING - MUDD-O
- E. EXISTING USE - SINGLE FAMILY RESIDENTIAL (+/-1,580 SF)  
PROPOSED USE - EATING AND DRINKING ESTABLISHMENT
- F. NON-RESIDENTIAL SQUARE FOOTAGE - 4,400 SF MAX. (+/-3,800 SF BUILDING, +/-600 SF COURTYARD)
- G. PROPOSED F.A.R. - 0.36
- H. MAXIMUM BUILDING HEIGHT - 40'
- I. PARKING REQUIRED - 1 SP. PER 600 SF = 7 SPACES  
PARKING PROVIDED - 0 SPACES ON SITE, 3 SPACES ON STREET, 4 SPACES OFFSITE (SEE NOTE B, TRANSPORTATION)
- J. OPEN SPACE REQUIRED - NONE REQUIRED PER SECTION 9.8506(4); BUILDING IS LESS THAN 50,000 SF

**GENERAL PROVISIONS**

- A. ALTERATIONS TO THE CONDITIONAL PLAN ARE SUBJECT TO SECTION 6.207 - ALTERATIONS TO APPROVAL OF THE ORDINANCE.
- B. TRASH AND RECYCLING WILL BE REMOVED FROM THE SITE ON A DAILY BASIS OR WILL BE STORED IN A REFRIGERATED ENCLOSURE TO REDUCE ODORS. WASTE PICKUP SERVICE WILL BE LIMITED TO NORMAL BUSINESS HOURS (8 A.M. THROUGH 6 P.M.).

**OPTIONAL PROVISIONS**

- A. THE PETITIONER REQUESTS A MINIMUM SETBACK OF 12 FEET FROM BACK OF CURB.
- B. THE PETITIONER REQUESTS A MINIMUM 4' PLANTING STRIP (TO MATCH EXISTING) AND A MINIMUM 5' SIDEWALK ALONG NORTH DAVIDSON STREET FRONTAGE. ANY SIDEWALK OUTSIDE THE RIGHT OF WAY WILL BE PLACED WITHIN A SIDEWALK EASEMENT.

**PERMITTED USES**

- A. ALLOWED USE - EATING AND DRINKING ESTABLISHMENT
- B. PROHIBITED USES - N/A
- C. OUTDOOR EATING/ACTIVITY AREAS WILL NOT BE IN SERVICE AFTER 11 P.M.

**TRANSPORTATION**

- A. PETITIONER WILL PROVIDE 8 SHORT-TERM BICYCLE PARKING SPACES IN THE FRONT OF THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PETITIONER WILL ALSO PROVIDE 2 LONG-TERM BICYCLE PARKING SPACES (EITHER UNDER ROOF OR IN BICYCLE LOCKERS).
- B. THE PETITIONER WILL ENTER A LEASE AGREEMENT TO PROVIDE A MINIMUM OF 4 OFFSITE PARKING SPACES ON THE ADJACENT PROPERTY (PARCEL ID #08307113) FOR USE BY THE GOODYEAR HOUSE. THE ADJACENT PROPERTY WILL RETAIN A MINIMUM OF 4 PARKING SPACES (EITHER ON-SITE OR ON-STREET) TO MEET ITS MINIMUM PARKING REQUIREMENT.
- C. NORTH DAVIDSON STREET IS AN EXISTING MINOR THOROUGHFARE WITHIN THE AREA BOUNDED BY ROUTE 4 AND I-85.

**ARCHITECTURAL STANDARDS**

- A. ANY ADDITIONS TO THE EXISTING STRUCTURE WILL BE SIMILAR IN CHARACTER TO THE EXISTING RESIDENTIAL STRUCTURE.
- B. PROPOSED ADDITION TO BE WOOD FRAMED TO MATCH EXISTING. ROOF PITCHES AND RIDGE LINES TO MATCH EXISTING. LAP SIDING TO MATCH ORIGINAL SIDING OF EXISTING. SEE ELEVATION NOTES FOR BUILDING MATERIALS.
- C. THE EXISTING BUILDING WILL REMAIN ON SITE AND WILL BE RENOVATED TO ACCOMMODATE THE PROPOSED EATING AND DRINKING ESTABLISHMENT. THE PROPOSED DESIGN WILL MAINTAIN THE RESIDENTIAL CHARACTER AND SCALE OF THE EXISTING STRUCTURE AND SURROUNDING AREA. IT WILL BE ENLARGED WITH ADDITIONAL SPACE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE FRONT FAÇADE OF THE EXISTING BUILDING WILL REMAIN INTACT THROUGHOUT AND WILL BE IMPROVED AND UPDATED AS GENERALLY DEPICTED ON THE BUILDING ELEVATIONS.
- D. URBAN DESIGN AND ARCHITECTURAL ELEMENTS WILL BE PROVIDED TO ANIMATE AND ENLIVEN THE STREETScape. THESE ELEMENTS WILL INCLUDE, AT A MINIMUM, THE FOLLOWING: (1) AN ENTRY COURTYARD/GARDEN ADJACENT TO THE PUBLIC SIDEWALK AND EXTENDING INTO THE SITE; (2) AN OVERHEAD ENTRY FEATURE NEAR THE ENTRY STAIR, AND; (3) RETAINING THE EXISTING FRONT PORCH.
- E. EXPANSES OF BLANK WALL SHALL NOT EXCEED 20 CONTINUOUS FEET IN LENGTH.
- F. TRASH AND RECYCLE CONTAINERS WILL BE STORED IN AN ENCLOSED AREA ADJACENT TO THE BUILDING AS GENERALLY DEPICTED ON THE REZONING PLAN. ENCLOSURE WILL BE DESIGNED TO COMPLEMENT THE CHARACTER OF THE BUILDING; IT WILL BE A WOOD FENCE, MINIMUM OF 6 FEET IN HEIGHT, AND WILL EFFECTIVELY SCREEN THE AREA FROM ADJACENT PROPERTIES AND THE PUBLIC RIGHT OF WAY AS REQUIRED BY THE ORDINANCE.

**STREETScape AND LANDSCAPE**

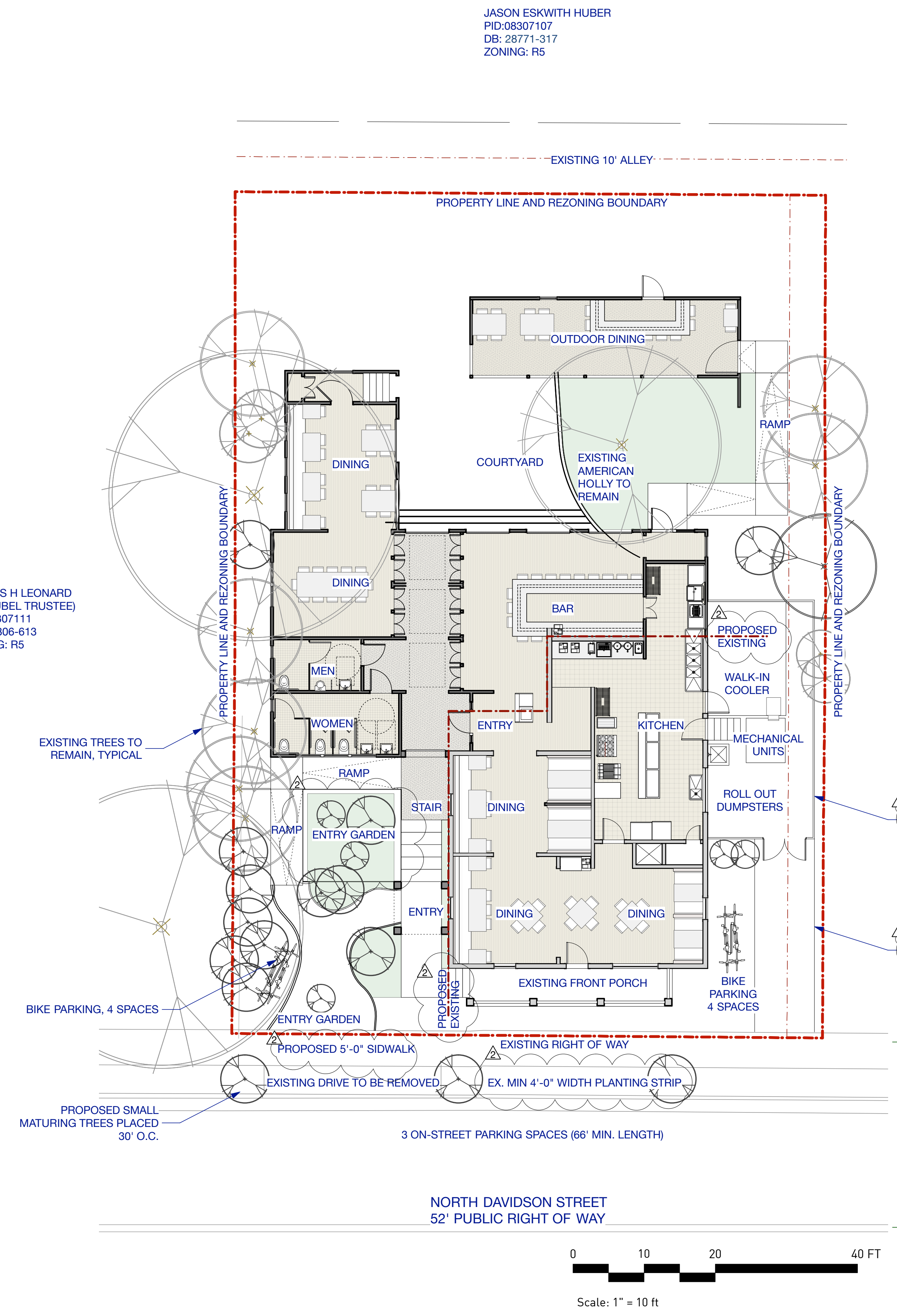
- A. THE EXISTING 4' WIDE PLANTING STRIP WILL REMAIN AND A MINIMUM 5' WIDTH SIDEWALK WILL BE INSTALLED BY THE PETITIONER AS ALLOWED BY OPTIONAL PROVISION ABOVE.
- B. THE PETITIONER WILL PROVIDE STREET TREES IN THE EXISTING PLANTING STRIP AS REQUIRED BY THE ORDINANCE AND URBAN FORESTRY. THE PETITIONER WILL COORDINATED FINAL STREET TREE PLANTING LOCATIONS WITH URBAN FORESTRY.

**ENVIRONMENTAL FEATURES**

- A. PETITIONER WILL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE. THE SITE IS EXEMPT FROM THE TREE SAVE REQUIREMENT DUE TO ITS LOCATION WITHIN THE 36TH STREET STATION AREA (BLUE LINE EXTENSION).
- B. PETITIONER WILL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION ORDINANCE.
- C. ENVIRONMENTAL PROVISIONS PER ENVIRONMENTAL GDP - N/A

**LIGHTING**

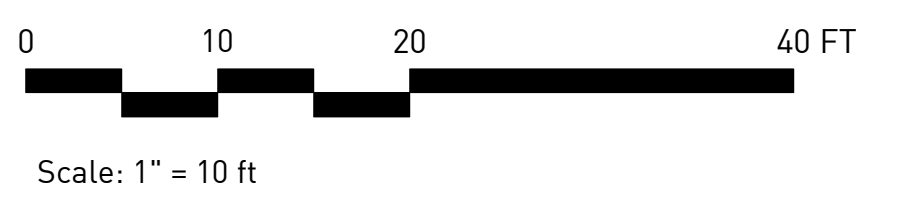
- A. ALL FREESTANDING AND ATTACHED LIGHTING WILL HAVE FULL CUT-OFF TYPE FIXTURES. FREESTANDING LIGHTING WILL BE LIMITED TO FIFTEEN (15) FEET IN HEIGHT.



JASON ESKWITH HUBER  
PID:08307107  
DB: 28771-317  
ZONING: R5

PHYLLIS H LEONARD  
(P E HUBEL TRUSTEE)  
PID:08307111  
DB: 12806-613  
ZONING: R5

WAJAHAT SYED  
FERAH SYED  
PID:08307113  
DB: 27764-637  
ZONING: TOD-MO



NORTH DAVIDSON STREET  
52' PUBLIC RIGHT OF WAY

3 ON-STREET PARKING SPACES (66' MIN. LENGTH)

PROPOSED SMALL MATURING TREES PLACED 30' O.C.

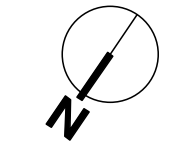
BIKE PARKING, 4 SPACES

EXISTING TREES TO REMAIN, TYPICAL

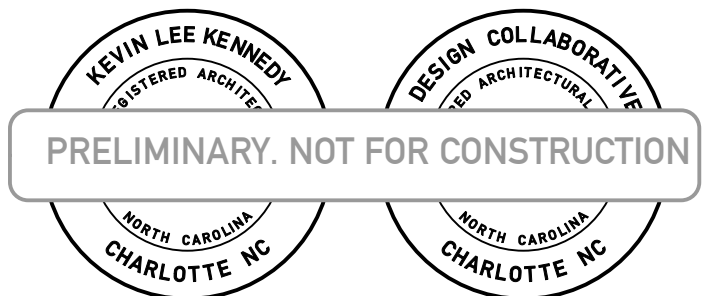
6'-0" WOOD SLAT FENCE

CONCRETE OR PAVEMENT PATH FOR ROLLOUTS. 8'-6" WIDE

26'-0" FROM CENTERLINE OF STREET







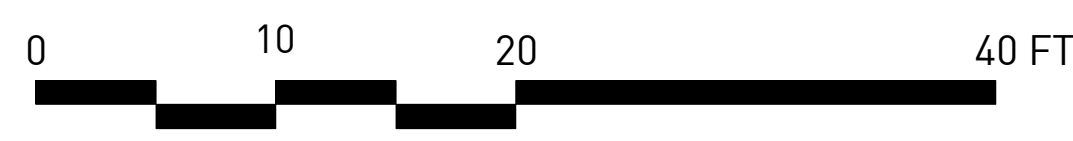
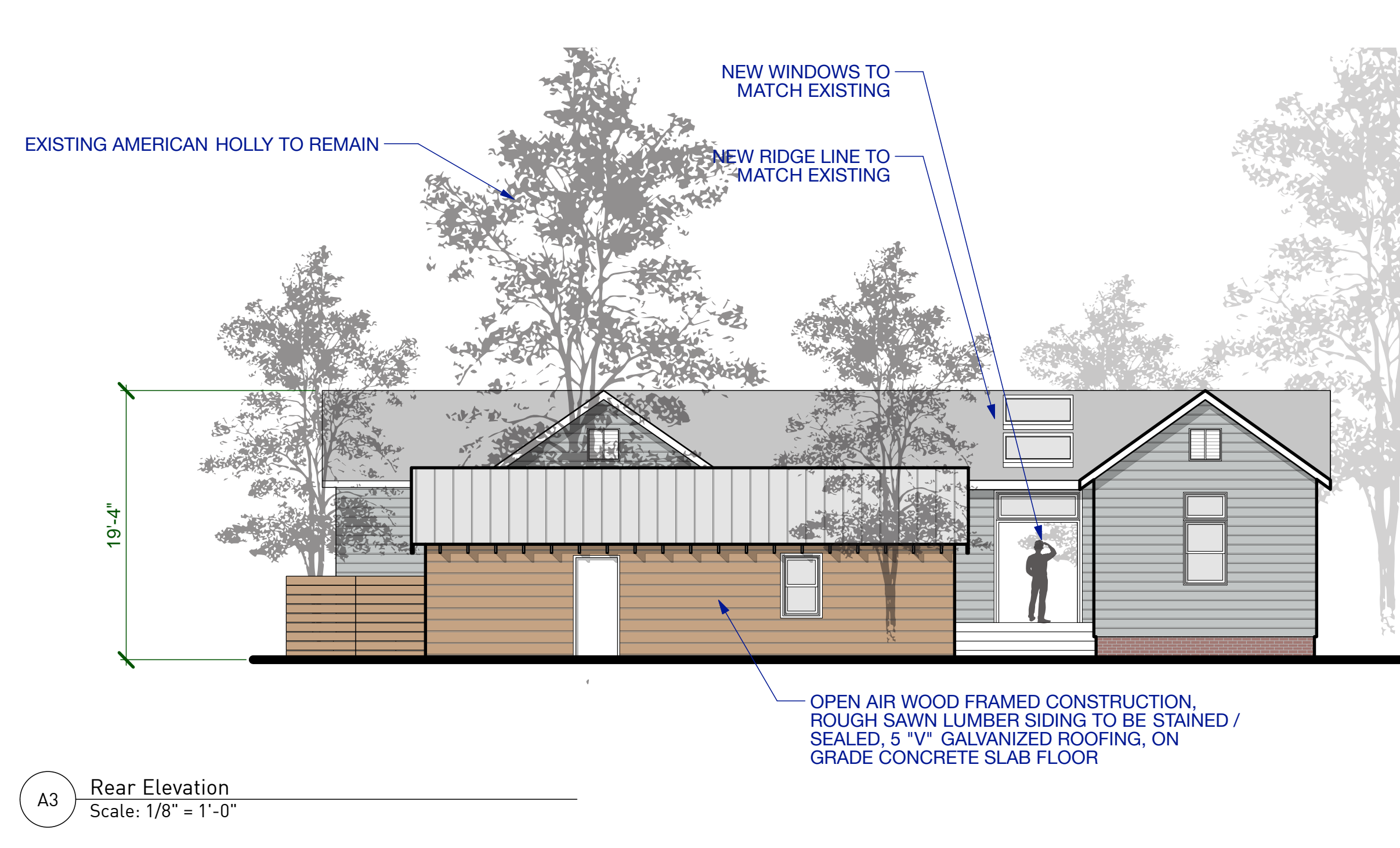
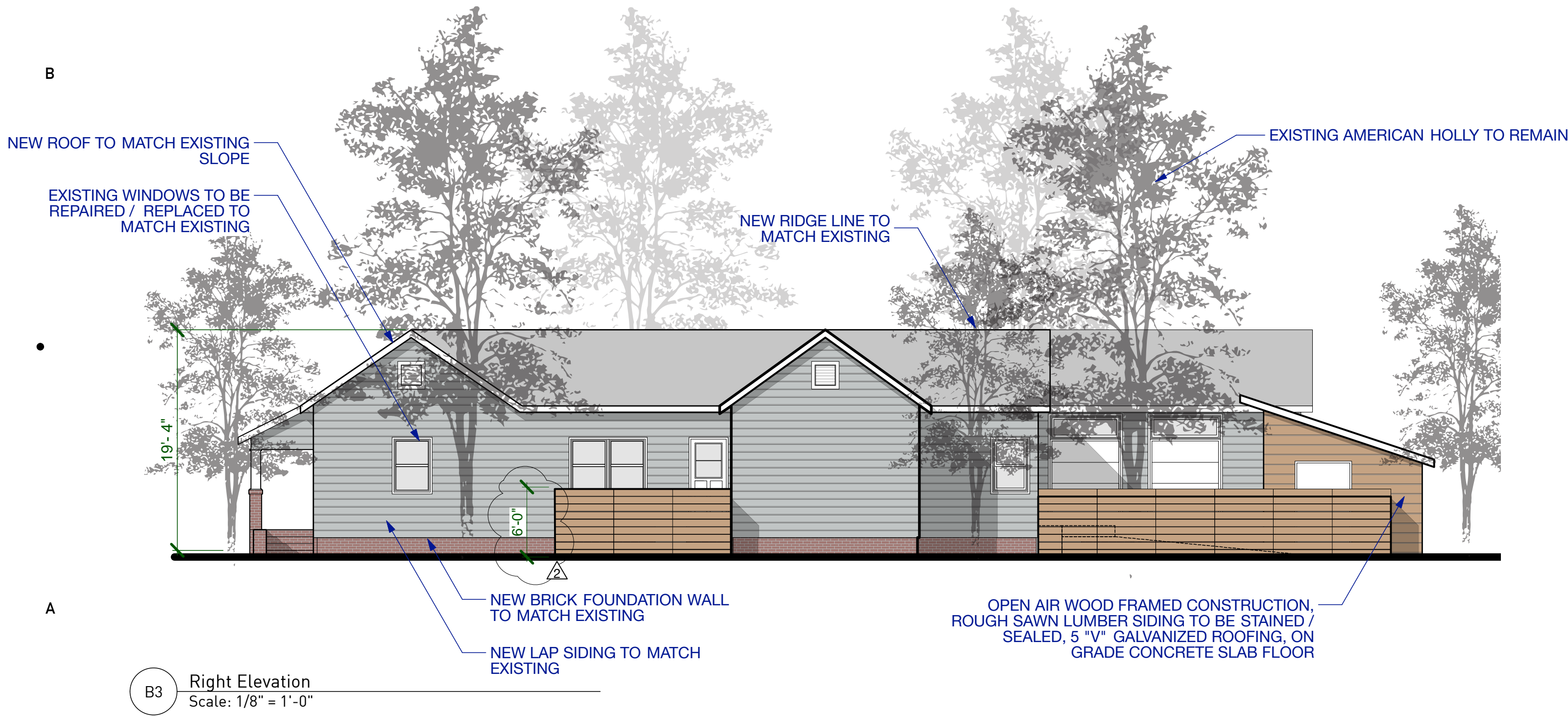
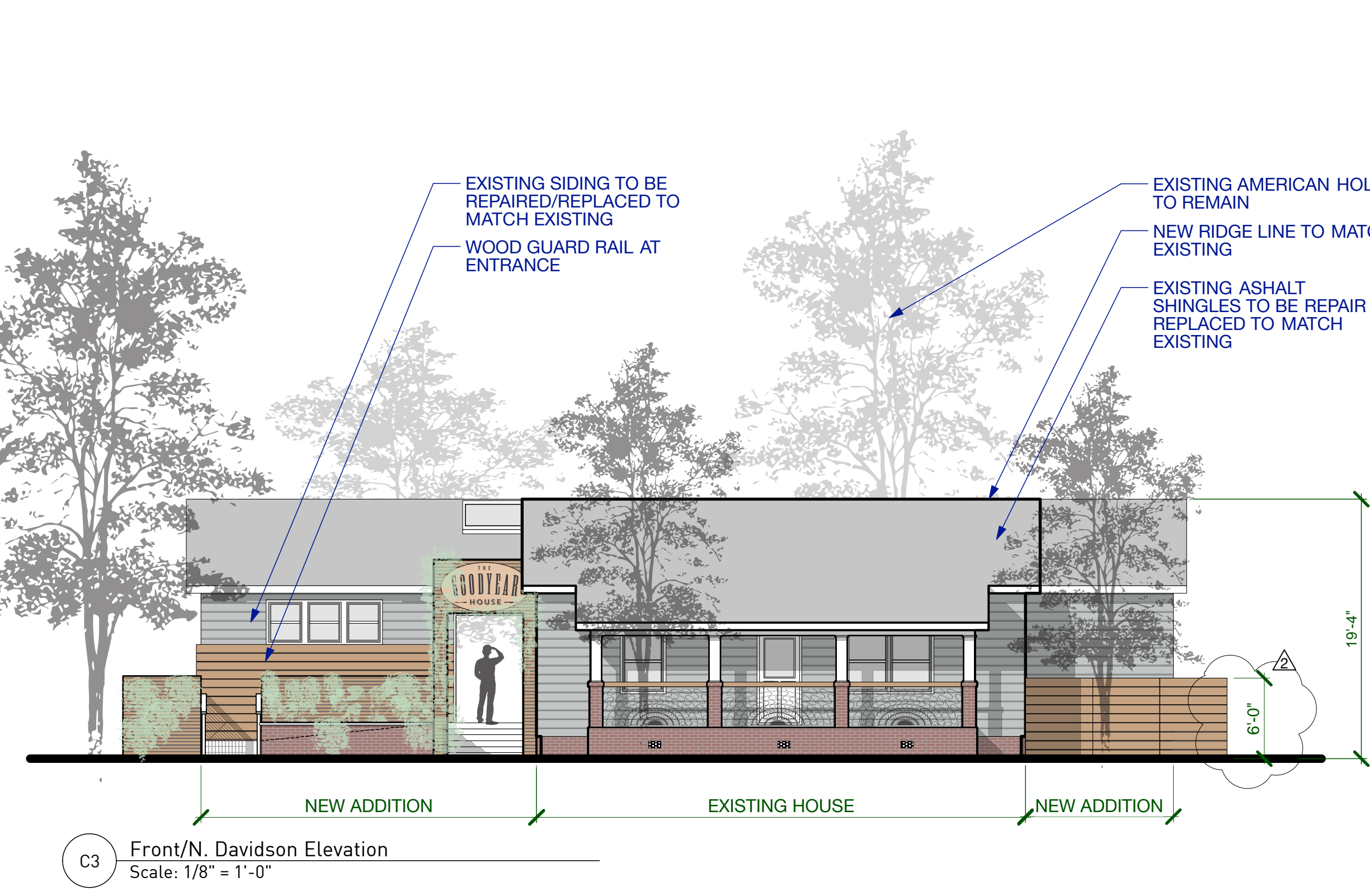
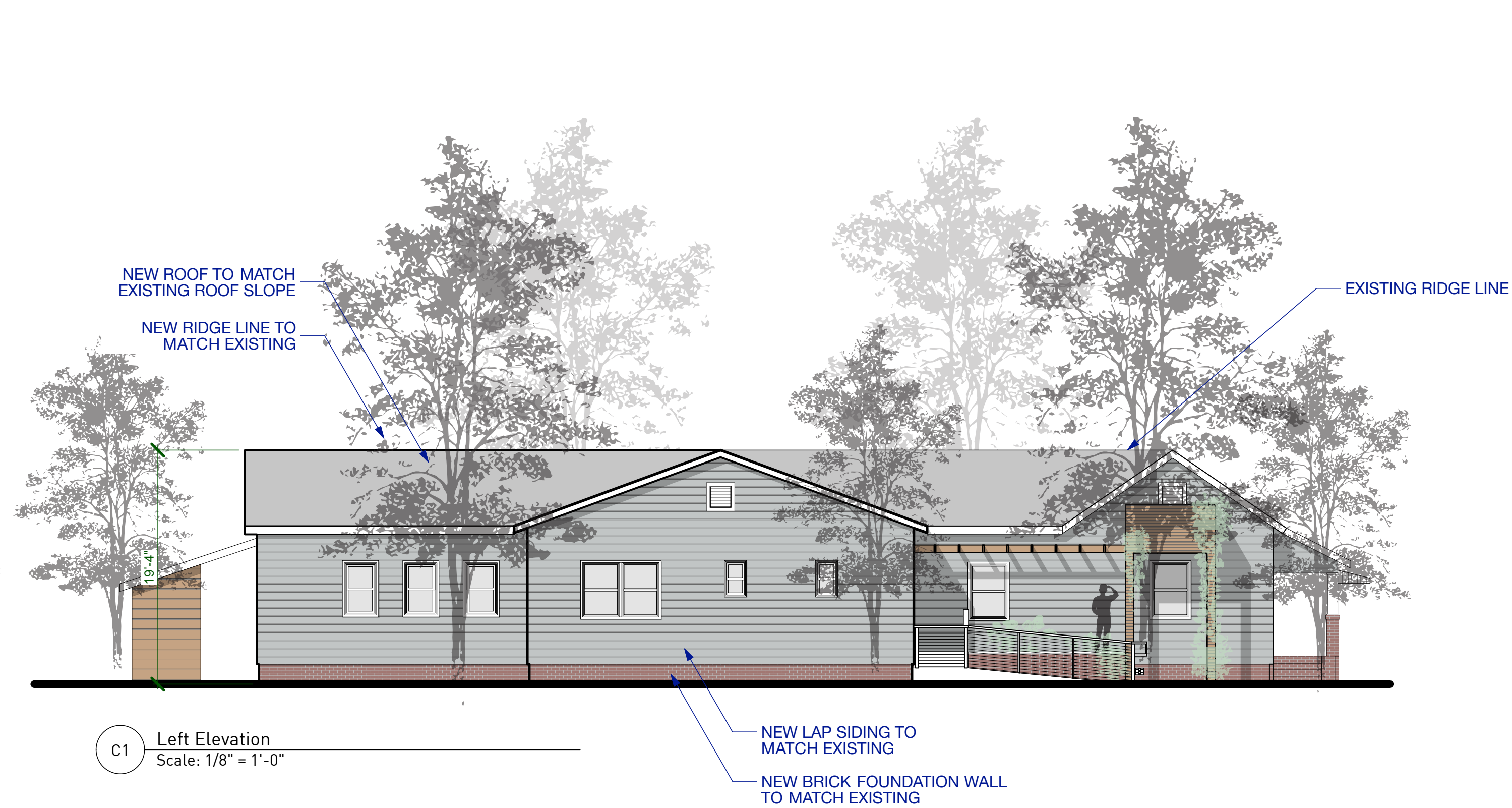
**3032 North Davidson St  
Charlotte, NC**

prepared for: 3032 North Davidson LLC

Submission Date: 04.28.2014

Mark	Date	Description
1	09/19/14	Revisions
2	10/21/14	Revisions

**NOTE:  
THE DESIGN INTENT IS TO MAINTAIN THE RESIDENTIAL CHARACTER AND  
SCALE OF THE EXISTING STRUCTURE AND SURROUNDING AREA.**



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Project name/#: Project Name / 13\_000  
CAD File Name: CAD\_Name.vwx

**Building Elevations**

Rezoning Petition # 2014-XXX

**RZ-03**



<b>REQUEST</b>	<p>Current Zoning: B-1 (neighborhood business), B-2 (general business), O-2 (office), R-17MF (multi-family residential) and R-8 (single family residential)</p> <p>Proposed Zoning: MUDD-O (mixed used development, optional) with 5-year vested rights and UR-2(CD) (urban residential, conditional) with 5-year vested rights</p>
<b>LOCATION</b>	<p>Approximately 59.4 acres generally located on the east side of South Boulevard on both sides of Poindexter Drive and Elmhurst Road. (Council District 1 - Kinsey)</p>
<b>SUMMARY OF PETITION</b>	<p>The petition proposes to allow for the redevelopment of the site with a transit supportive mixed/multi-use community consisting of up to 198,000 square feet of non-residential uses and up to 980 residential units, with non-residential to residential conversion rights.</p>
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	<p>Marsh Properties, LLC Marsh Properties, LLC Jeff Brown and Keith MacVean, Moore and Van Allen</p>
<b>COMMUNITY MEETING</b>	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 57</p>
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be consistent with the <i>New Bern Transit Station Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed development provides elements of a mixed transit supportive development; and</li> <li>• The proposed density is consistent with the <i>Plan's</i> recommendations.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing , and because:</p> <ul style="list-style-type: none"> <li>• A portion of the site is located within ½ mile of the New Bern Street transit station; and</li> <li>• Usable park/open space is provided; and</li> <li>• The petition provides a mixture of housing types; and</li> <li>• Existing mature trees are to be preserved; and</li> <li>• The petition provides site design guidelines and meets the <i>General Development Policies</i>;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Sullivan).</p>

<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. CDOT clarified that the Subdivision Ordinance would require street D to be public. Subdivision staff has confirmed that the street can be private provided it is built to public street standards with a public access easement. The petitioner provided a note stating that the private street would be constructed to public street standards and a public access easement would be provided.</li> <li>2. Provided a public street extension of Iverson Way from Poindexter Drive to the edge of the conservation easement. The remaining unopened right-of-way will not be abandoned but the petitioner will not be required to improve it.</li> <li>3. Provided development phasing in the Development Standards to better match infrastructure mitigation to the construction of the proposed entitlements.</li> <li>4. CDOT rescinded the request to design the proposed southbound</li> </ol>
------------------------------------	--

- right-turn lane on South Boulevard and Remount to be channelized with a raised concrete median to provide better pedestrian accessibility and refuge. The intersection capacity is being improved by extending the existing southbound left-turn storage instead adding a right turn-lane.
5. Increased the storage for the “back to back” left-turn lanes on South Boulevard between Poindexter Drive and Ideal Way by reconstructing the monolithic median to compress the bay taper length in Phase I. The petitioner will extend the existing storage on the southbound left-turn lane from 80 feet to 150 feet.
  6. Provided a dedicated left-turn lane with a minimum 100 feet of storage on South Boulevard at Elmhurst Road in Phase I.
  7. Provided a minimum six-foot wide pedestrian refuge island on the southbound side of the South Boulevard/Elmhurst Road intersection in Phase I.
  8. Committed to constructing the “Potential New Public Street” located in the rear of Development Area B during Phase II as a public street.
  9. Provided a pedestrian refuge island and crossing midblock between Poindexter Drive and Elmhurst Road. The final location will be determined during permitting.
  10. Cross referenced the proposed street cross sections shown on RZ-3.0 with the site plan (RZ-1.1).
  11. Provided more detail on the site plan so that CDOT can better understand the individual access scenarios for each development area, and the overall internal vehicular and pedestrian circulation route.
  12. The petitioner held a meeting with CMS staff on October 23<sup>rd</sup>, 2014 to discuss the student yield calculations. The petitioner shared with CMS staff that the unit count had been reduced to 980. The petitioner also explained that based on their research they feel the total number of students the redevelopment of the site would generate would be closer to 75 students and not 780 predicted by CMS. The petitioner indicated that a yield ratio of .03 to .13 students would be more accurate based on similar developments in CMS Planning Area Three. CMS staff indicated they would review the information and consider creating a revised memo that at a minimum took into account the reduced allowed units. A revised memo from CMS has not been received by Planning Department to date.
  13. Altered the language of Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to reflect that City Urban Forestry staff will determine the health and condition of City trees and will also determine whether City trees can be removed. A City tree is defined as being wholly or partly within the City right-of-way.
  14. Clarified all language of Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to differentiate between City trees and private trees.
  15. Revised Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to remove the 50% reference to street trees. The notes now read that a minimum of 50% of all trees along each block face located on private property and within 15 feet of the right-of-way of existing public streets will be preserved
  16. Amended Note 7. c., to explain that parts of the easement may be used for tree save if available as a tree save option and conditions of easement area meet minimum tree save standards.
  17. Completed Note 4. I. to provide Transportation improvement details.
  18. Changed all references to restaurants to Eating, Drinking, and Entertainment Establishments (EDEE).
  19. Staff rescinded the request to remove the language in Note 1.c. and replace with the following: “Minor modifications to the plans are allowed per Section 6.207 of the Zoning Ordinance.”



20. Amended Note 2.f. to limit the number of rotating signs to two wall signs and one detached sign.
21. Removed RZ-6.1.
22. Staff rescinded the request to modify Note 5.i. on RZ-2.0 and Note d.i. on RZ 3.2, 3.3. and 3.4 which restricts parking and maneuvering between the buildings and public streets to include development areas C and D because the MUDD (mixed use development) standards do not allow this for areas C and D.
23. Specified that the minimum two acres of open space is in addition to the open space required in each development area.
24. Labeled the adjacent zoning of neighboring parcels on RZ-2.11.2
25. Amended Note 3. d. that says "Any additional residential units constructed within development Area B as a result of converting allowed non-residential square footage into residential units will not be counted toward the 1,050 residential dwelling unit limit" to include areas A, C and D.
26. Changed the word "homes" to "zoning" in Note 6.i.
27. Provided a statement of Overall Design Intent.
28. Revised the Poindexter Drive elevation with a combination of landscaping and architectural features to break up blank walls.
29. Replaced Note 2.i. with two notes allowing specific windows of the building located at the corner of Poindexter Drive and South Boulevard to be covered 100% with non-product, non-tenant specific or tenant identifying graphics., Other windows on the building shall be clear glass.
30. Eliminated the optional provision to allow detached signs for each building in Development Areas A and B.
31. Staff rescinded the request to eliminate the optional provision to allow detached signs for each use within Development Areas C and D because MUDD (mixed use development) allows detached signs.
32. Clarified that the optional request for signs is to allow an increased sign area in C and D from 20 square feet to 25 square feet.
33. Staff rescinded the request to reduce the size of a wall mounted neighborhood identification sign to 32 square feet.
34. Removed Note 10.b regarding "sign flex."
35. Amended Note 1.d. to indicate a total of 12 principle buildings allowed in the MUDD zoning.
36. Amended Note 2.o. to only allow doors to not be recessed when the sidewalk is 12 feet wide or greater.
37. Described phasing in Note 4.b.
38. Staff rescinded the request to specify building materials for structured parking facilities because the MUDD (mixed use development) standards address this issue.
39. Provided the following General Design Guidelines:
  - a) The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, monumentation, water feature, seating areas and/or art work features.
  - b) Streetscape treatment will be a unifying element through the use of complimentary landscaping and hardscaping materials throughout the Site.
  - c) Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.
  - d) Windows and doors shall be provided for at least 40% of the total facade area along public streets with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length in the UR-2 (urban residential) areas.
  - e) Ground floor elevations shall be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building step backs, art work and

landscaping in the UR-2 (urban residential) areas. Blank walls cannot be addressed with landscape elements only in the UR-2 (urban residential) areas.

- f) The petitioner addressed the request for development areas C-I to include a mix of building massing and building heights by indicating in the statement of overall design intent that a variety of residential building styles, types, and materials would be used throughout the site.
- g) Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total facade length in the UR-2 (urban residential) areas.
- h) End fronting facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets in the UR-2 (urban residential) areas.
- i) Facades shall provide visual divisions between the first and second stories through architectural means such as courses, awnings, or a change in primary facade materials or colors in the UR-2 (urban residential) areas.
- j) Facades above the first story shall incorporate windows, arches, balconies, or other architectural details in the UR-2 (urban residential) areas.

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

41. Provided multi-family design guidelines.

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

**VOTE**

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

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

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

- Proposed MUDD-O (Development Areas A-D)

Area	Uses	Height	Square Footage/units	Conversions	No. Buildings
A	All uses in MUDD	60 feet	<ul style="list-style-type: none"> <li>98,000 square feet of retail, EDEE, personal services</li> <li>100,000 square feet of office or residential units subject to the allowed conversions</li> </ul>	<ul style="list-style-type: none"> <li>1,000 square feet of retail, EDEE, personal services to one residential unit up to 50 units in areas A-D</li> <li>100,000 square feet of office to 150 units in areas A-D</li> </ul>	<ul style="list-style-type: none"> <li>Up to 12 buildings</li> </ul>
B	All uses in MUDD	85 feet and 56 feet*			
C	Residential	60 feet	980 units for entire site subject to allowed conversions	NA	
D	Residential	60 feet	980 units for entire site subject to allowed conversions	NA	

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

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

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

\* 40' within 100' of property line abutting single family zoning

\*\*Development areas directly abutting adjacent single family zoning

- Allows up to 980 residential dwelling units in Areas C-L at an average density of 18.9 units per acre, provided that no residential units are constructed within Area B.
- Allows up to 1,050 residential dwelling units in Areas B-L, with the exception that any additional residential units constructed within Areas B-D as a result of converting non-residential square footage to residential units will not be counted toward this limit.
- Prohibits parking as a principal use.
- Site Design, Open Space and Pedestrian Connectivity**
  - Prohibits the location of circulation for the accessory drive-through window between the building and abutting public streets.
  - Proposes the preservation of an existing unopened right-of-way within Area L and commits to the construction of a public street within the southern portion of the right-of-way extending from Poindexter Drive north to the southern edge of the conservation easement.
  - Preserves a minimum of 50 percent of the existing trees on private property within 15-feet of the right-of-way along the existing public streets abutting Areas C-L.
  - Commits to urban open space in two locations in Area A, and urban open space in Areas B-D will be provided per the Ordinance.
  - Commits to providing a minimum of two acres of useable open space within the UR-2(CD) (urban residential, conditional) portion of the site. Requires open space to have a minimum

- of 50 feet of frontage on a public street.
- Provides phasing of open space.
- Allows up to one accessory drive-through window within Area B. Prohibits accessory drive-through windows for eating drinking and entertainment establishments (EDEE), excluding "limited service EDEE" with no more than 3,000 square feet and no on-premise cooking other than heating.
- Provides parking in the UR-2(CD) (urban residential, conditional) zoning at a minimum of 1.3 spaces per dwelling unit including the on-street parking.
- **Architectural and Site Design Standards**
  - Provides a statement of overall design intent.
  - Specifies building materials, except for structured parking facilities, will include a combination of glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood. Prohibits vinyl as a building material except on windows and soffits.
  - Specifies that new buildings constructed within Area A abutting South Boulevard will be designed so that no parking or maneuvering for parking will be allowed between the proposed building(s) and South Boulevard and Poindexter Drive.
  - Provides a 15-foot building separation between the two buildings constructed in Area A that abut South Boulevard.
  - Requires that the building constructed at the corner of South Boulevard and Poindexter Drive have at least one operable building entrance from the sidewalk along South Boulevard.
  - Commits that the building constructed on Area B will be designed so that the portion of the building facing Marsh Road and Elmhurst Road will have at least 35% of the building frontage devoted to active uses.
  - Prohibits service areas for new buildings in Areas A and B from orienting towards South Boulevard. Commits to screening service areas in Areas A and B with walls designed to complement the building architecture.
  - Prohibits parking and maneuvering for parking between the buildings and the public streets in Area E-L. Allows parking areas up to 70 linear feet along public streets to be located adjacent to and between residential buildings.
  - Prohibits garages from orienting towards the existing or proposed public or private streets.
  - Buildings located on Areas B-L will have at least one entrance from each building to the public street.
  - Provides multi-family design guidelines.
- **Transportation**
  - Describes phasing of transportation improvements.
  - Provides new internal street connectivity with four proposed private streets and one public street.
  - Proposes the abandonment of Elmhurst Circle when Area J redevelops.
  - Provides street trees, a sidewalk, a bike lane, and two travel lanes according to the adopted streetscape plan along South Boulevard, with a proposed median to be installed by others. Provides two pedestrian refuge islands on South Boulevard.
  - Provides five possible cross-sections for all streets, except South Boulevard, commercial portion of Poindexter Drive and the new Haverford Place Extension, to allow the preservation of existing trees.
- **Other**
  - Limits accessory buildings, other than parking structures, to 20% of the building area of the principle buildings constructed with the MUDD-O (mixed-use development, optional) portion of the site.
  - Requires that all accessory buildings and structures be constructed using similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory building/structure.
  - Allows existing uses to remain and be used as constructed without complying with the standards of the rezoning plan and the MUDD (mixed use development) and UR-2 (urban residential) districts.
  - Provides a 24-foot setback along South Boulevard and 20-foot setback along other public streets.
  - Commits to a six-foot tall opaque fence within a ten-foot wide landscaped buffer in Areas J, K, G, and I that abut existing single family homes.
  - Requires all lighting to be full cut-off type fixtures excluding lower, decorative lighting along driveways, sidewalks and parking areas. Limits detached lighting, except street lights, to 25 feet in height in non-residential areas and 20 feet in height in residential areas.
  - Restricts balconies and decks above the first floor on buildings located in area G oriented

- toward single family homes along Poindexter Drive.
- Describes the redevelopment phasing for the site.
  - Commits to CDOT and Planning staff review of redevelopment plans for UR-2(CD) (urban residential, conditional) zoned areas as each area comes in for construction plan review.
  - Provides a concrete pad for a bench to be added to an existing CATS bus stop along South Boulevard.
- **Optional requests:**
    - a. Allow vehicular parking, maneuvering, and service between the proposed buildings and a limited number of specified streets.
    - b. Allow the existing surface parking between the existing building(s) located in Development Area B and specified streets to remain until the building(s) located in Development Area B is removed and new building(s) constructed.
    - c. Allow the existing streetscape treatments, signage, accessory drive-through window(s), parking areas, buildings and other site elements within Development Area B to remain as currently constructed until Development Area B is redeveloped.
    - d. Allow one new use with an accessory drive-through window to be constructed on Development Area B as part of the redevelopment. An EDEE with an accessory drive-through window, other than a "Limited Service EDEE," will not be allowed. The accessory drive-through window will not be allowed between the proposed building and the abutting public streets, and the accessory drive-through windows will circulate within the building developed on the parcel.
    - e. Allow modifications to the streetscape treatments called for by the *New Bern Transit Station Area Plan* as part of the MUDD (mixed use development) requirements along specified streets.
    - f. Allow up to one detached sign and two wall signs located on the site to rotate.
    - g. Allow one shopping center identification sign per street front within Development Areas A and B with a maximum height of 16 feet and containing up to 64 square feet of sign area.
    - h. Allow identification signs for the residential portions of the Site to be located on the detached Shopping Center Signs.
    - i. Allow directory, directional, and instructional signs up to four (4) feet high and containing up to 16 square feet of sign area.
    - j. Allow wall signs to have up to 230 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less, within Development Areas A and B.
    - k. Allow windows located within Development Area A that face Poindexter Drive and are located 10 feet or more above the finished floor elevation of the building and window boxes at street level to have non-product, non-tenant specific or tenant identifying graphic images applied to 100% of the external glazing of the window. These windows and graphic images will be part of the required Street Wall treatment along Poindexter Drive. The building wall along Poindexter Drive will be constructed with openings for windows as generally depicted on the Rezoning Plan, the windows placed in the openings will be outfitted with clear glass, and the graphic images will be applied to the interior side of the window so that light may pass through the window.
    - l. Allow the building constructed at the corner of South Boulevard and Poindexter Drive to have windows located on the left and right side of the of the entrance feature located along South Boulevard (Areas A and C as identified on the building elevation included with the rezoning site plan) to have non-product, non-tenant specific or tenant identifying images that cover 100% of the window up to a height of eight (8) feet above the finished floor elevation of the building (windows or the portions of the windows located more than eight (8) feet above the finished floor elevation of the building will not have any graphics applied to them and will have clear glass). These windows will be constructed as real windows with clear glass and the graphic images will be applied to the interior of the window.
    - m. Allow a Sedgefield neighborhood identification/entrance sign to be located in Development Area A. The sign may be a detached sign or a wall sign. The area of the sign may be up to 150 square feet as a wall sign or up to 32 square feet and 7 feet high as a detached sign. The sign area of the Sedgefield neighborhood identification sign is in addition to the tenant signage allowed by these Optional provisions and the Ordinance.
    - n. Allow the buildings within Development Areas C and D to have one detached sign per street front with up to 25 square feet of sign area and up to four (4) feet high.
    - o. Require doorways not to be recessed into the face of the building(s) when the abutting sidewalk and amenity zone width is greater than 12 feet and to not require doorways to be recessed when the door way is not oriented to a public street.
    - p. Allow the existing sidewalks and planting strips along South Boulevard, Marsh Road, and Elmhurst Road abutting Development Area B to remain until Development Area B is redeveloped.



- 
- q. Allow within Development Area A along Poindexter Drive “trellises” to be located within the 20-foot setback and cross the sidewalk.
  - r. Allow the parking structure constructed on Development Area B adjacent to new Public Street B to not have ground active uses. The street level of the parking structure will be designed with some or all of the following elements to avoid solid expanses of walls over 20 feet in length: openings with decorative screening, landscaping, architecturally articulated facades and display areas. The openings located on the first floor and at the street level of the parking structure adjacent to Public Street B will be designed as an integral part of the overall building design. Any openings at the street level will be designed so that cars parked inside are screened from the new public street. Parking located on all levels of the parking structure will be screened as required by the Ordinance
- **Public Plans and Policies**
    - The *New Bern Transit Station Area Plan* (2008) recommends mixed transit supportive development for properties extending southeast to Haverford Place. Within the Wedge neighborhood areas extending further southeast, the plan recommends residential uses at a density of 17 dwelling units per acre. The plan contains a specific provision supporting residential TOD (transit oriented development) for the wedge area closer than ½ mile walk of the transit station when the following provisions are met: usable park/open space is provided, a significant low to moderate income housing component is included in a mixed income environment, a mixture of housing types is provided, existing mature trees are preserved, and Residential Design Guidelines in the *General Development Policies* are met.
    - The petition is consistent with the *New Bern Transit Station Area Plan*.
- 

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
-

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

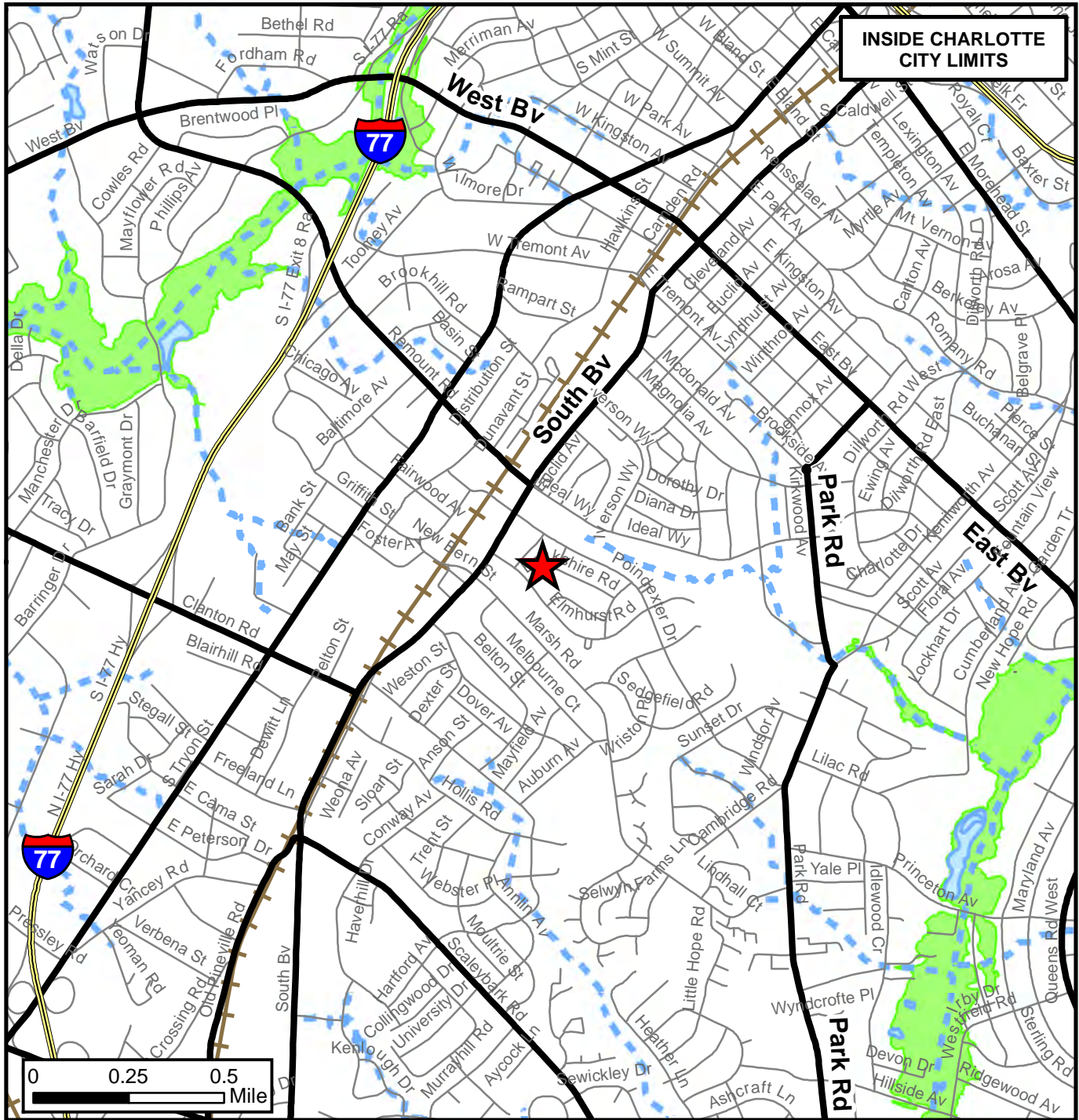
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services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

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

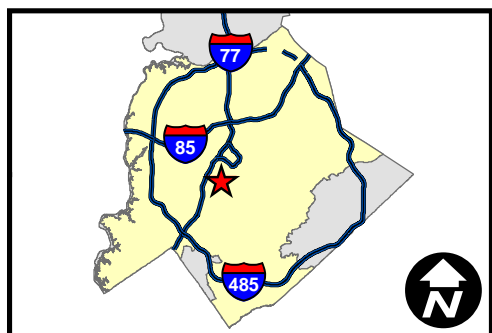
Petition #: **2014-064**

# Vicinity Map

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



**INSIDE CHARLOTTE CITY LIMITS**



**★ Rezoning Petition: 2014-064**

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



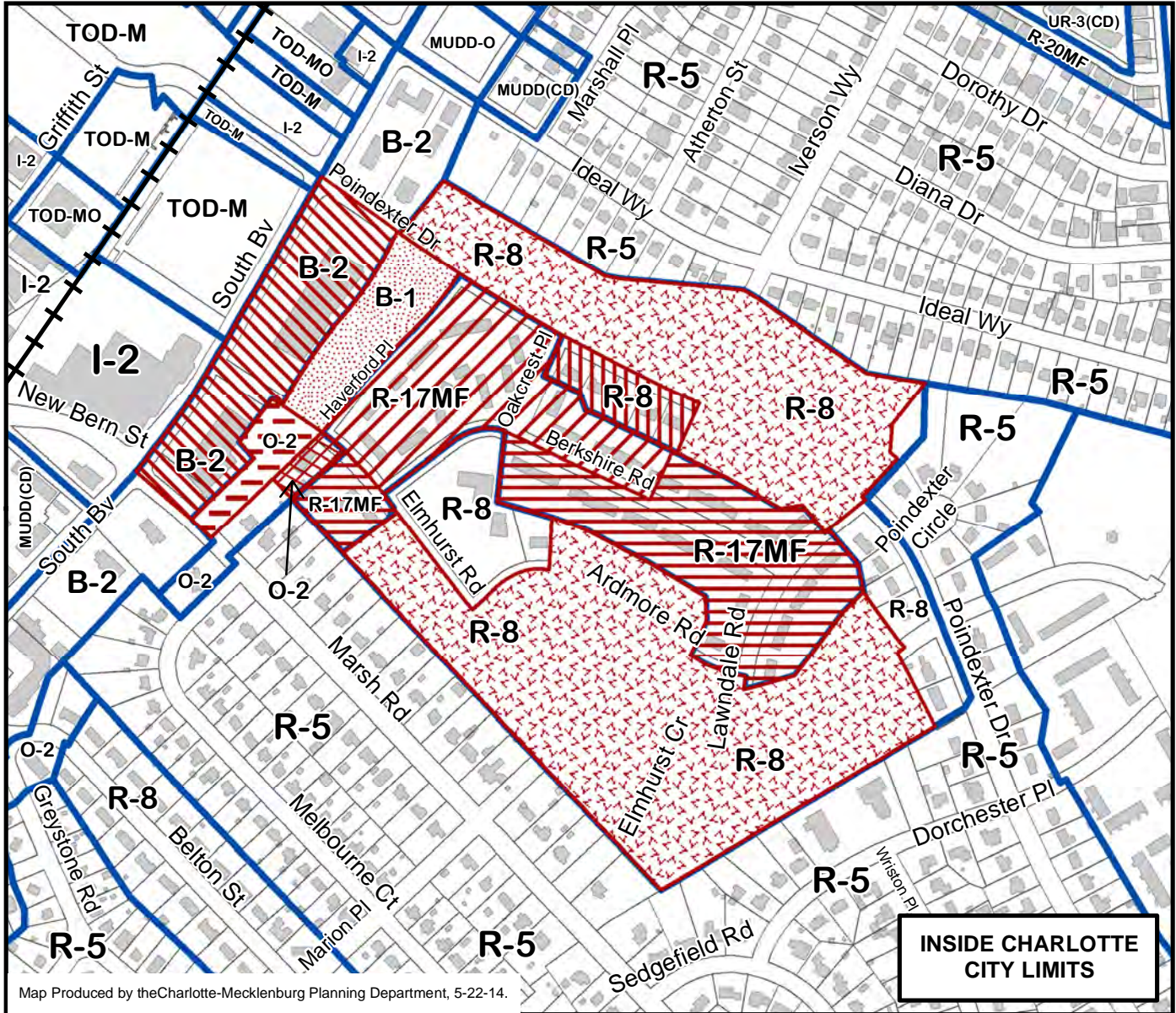
Petition #: **2014-064**

Petitioner: **Marsh Properties, LLC**

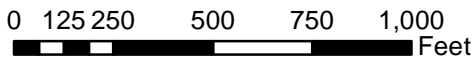
Zoning Classification (Existing): **B-1, B-2, O-2, R-17MF and R-8**  
(Neighborhood Business, General Business, Office, Multi-Family, Residential, and Single Family, Residential)

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

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



Map Produced by the Charlotte-Mecklenburg Planning Department, 5-22-14.

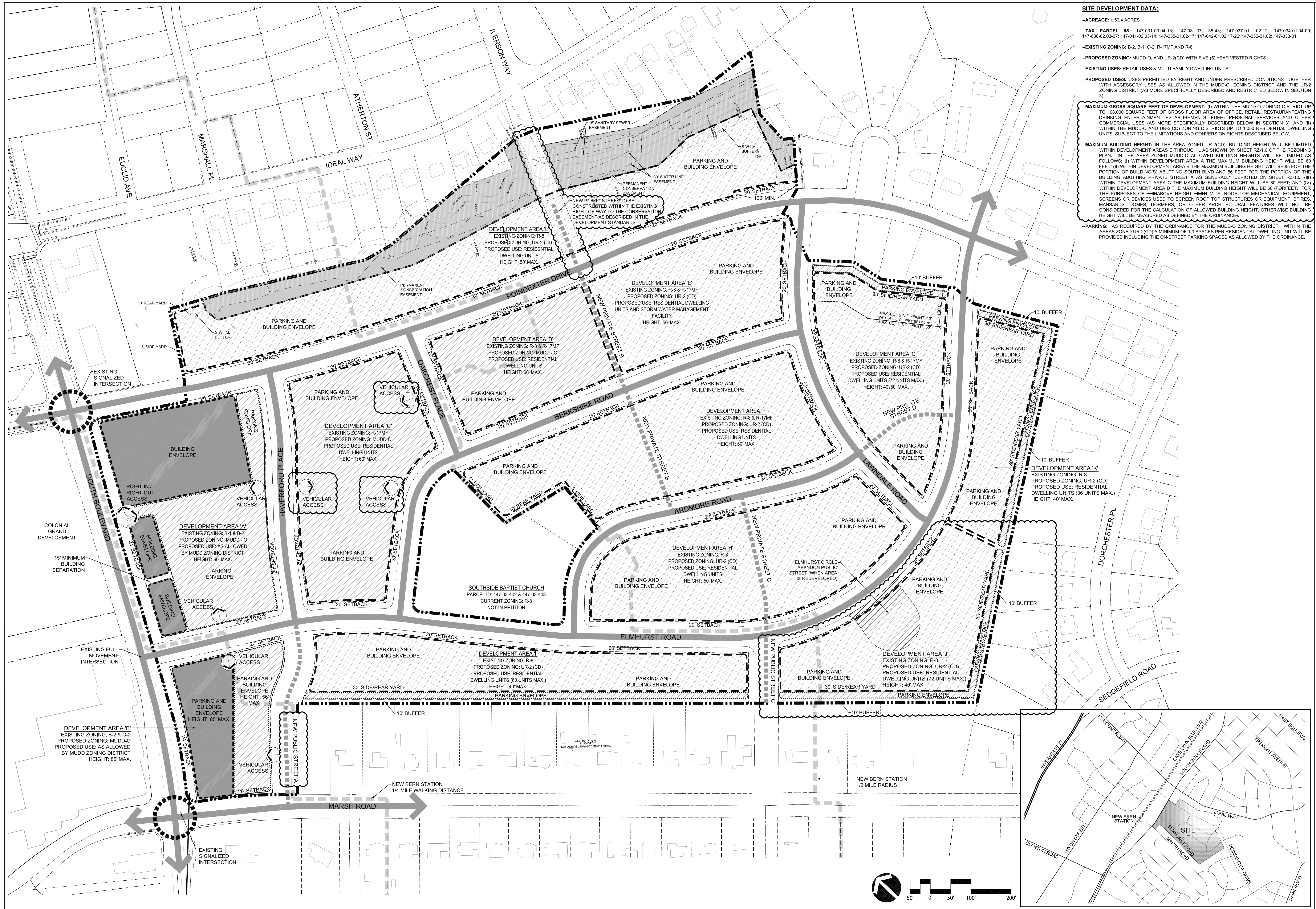


Zoning Map #(s)

**110, 111**

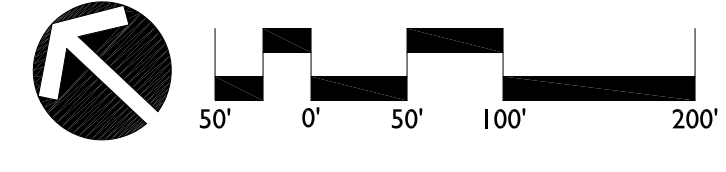
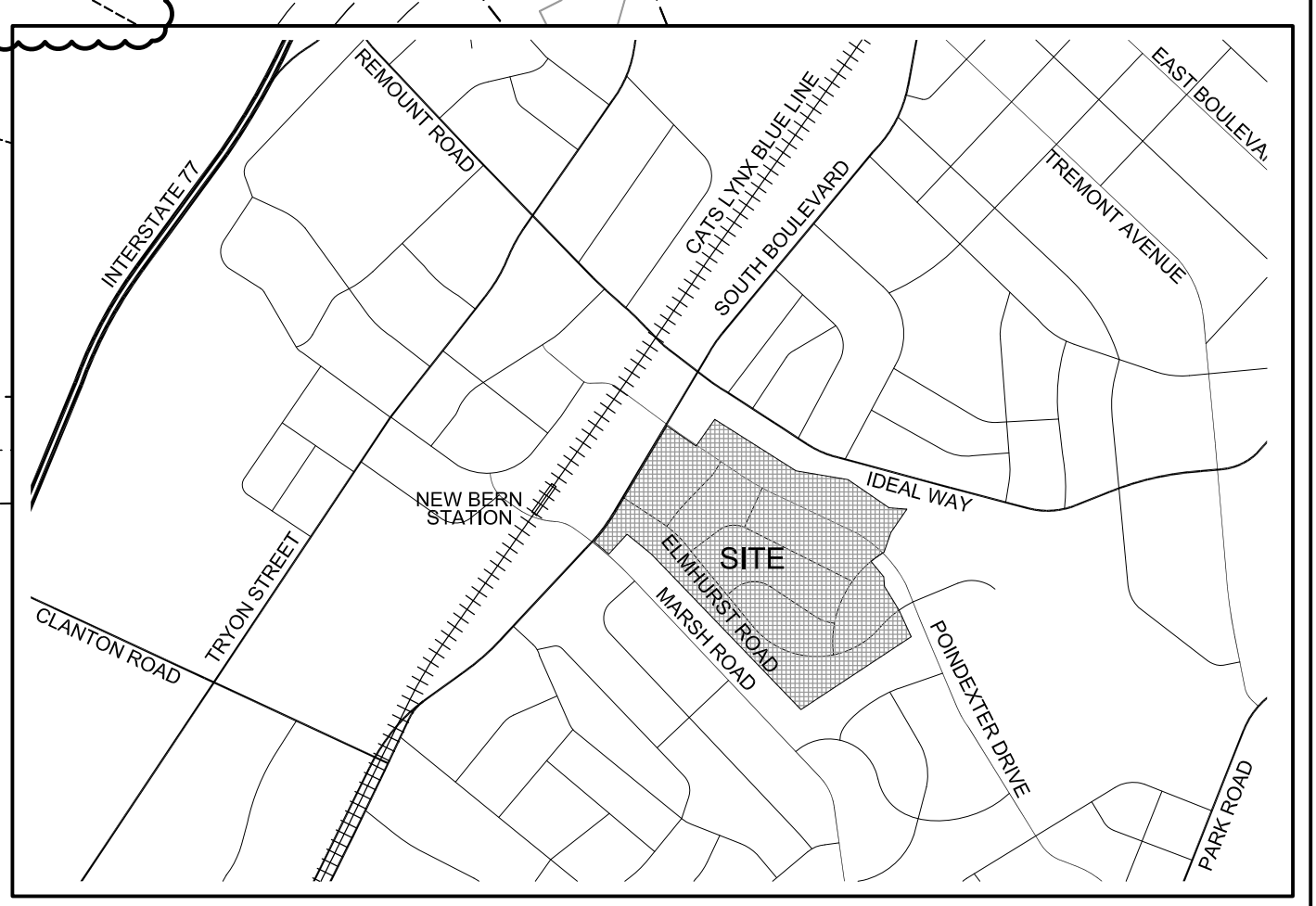
	Requested MUDD-O from B-1 (5-Year Vested Rights)		Existing Building Footprints
	Requested MUDD-O from B-2 (5-Year Vested Rights)		Existing Zoning Boundaries
	Requested MUDD-O from O-2 (5-Year Vested Rights)		Charlotte City Limits
	Requested UR-2(CD) from O-2 (5-Year Vested Rights)		Pedestrian Overlay
	Requested MUDD-O from R-17MF (5-Year Vested Rights)		FEMA flood plain
	Requested UR-2(CD) from R-17MF (5-Year Vested Rights)		Watershed
	Requested MUDD-O from R-8 (5-Year Vested Rights)		Lakes and Ponds
	Requested UR-2(CD) from R-8 (5-Year Vested Rights)		Creeks and Streams



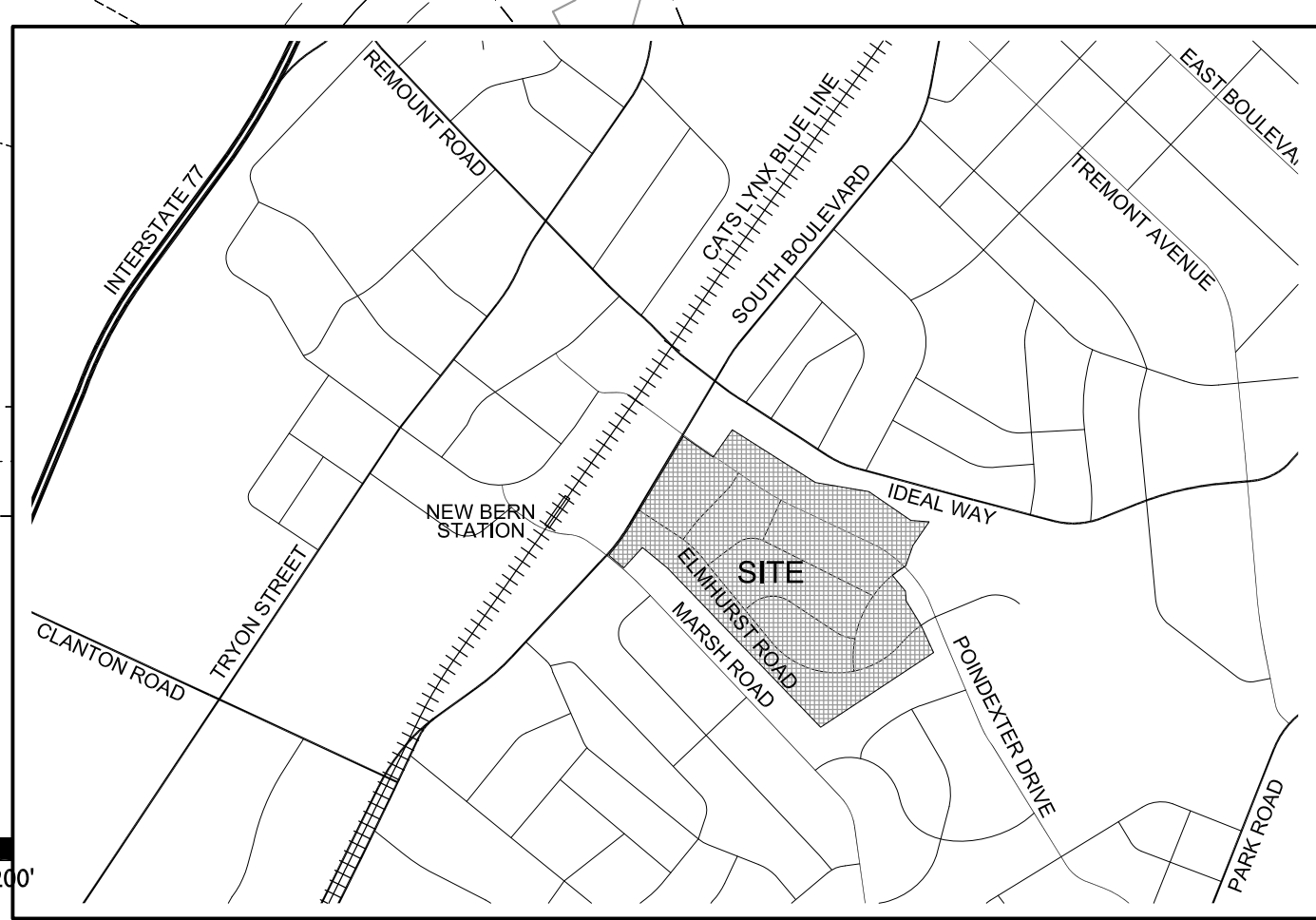
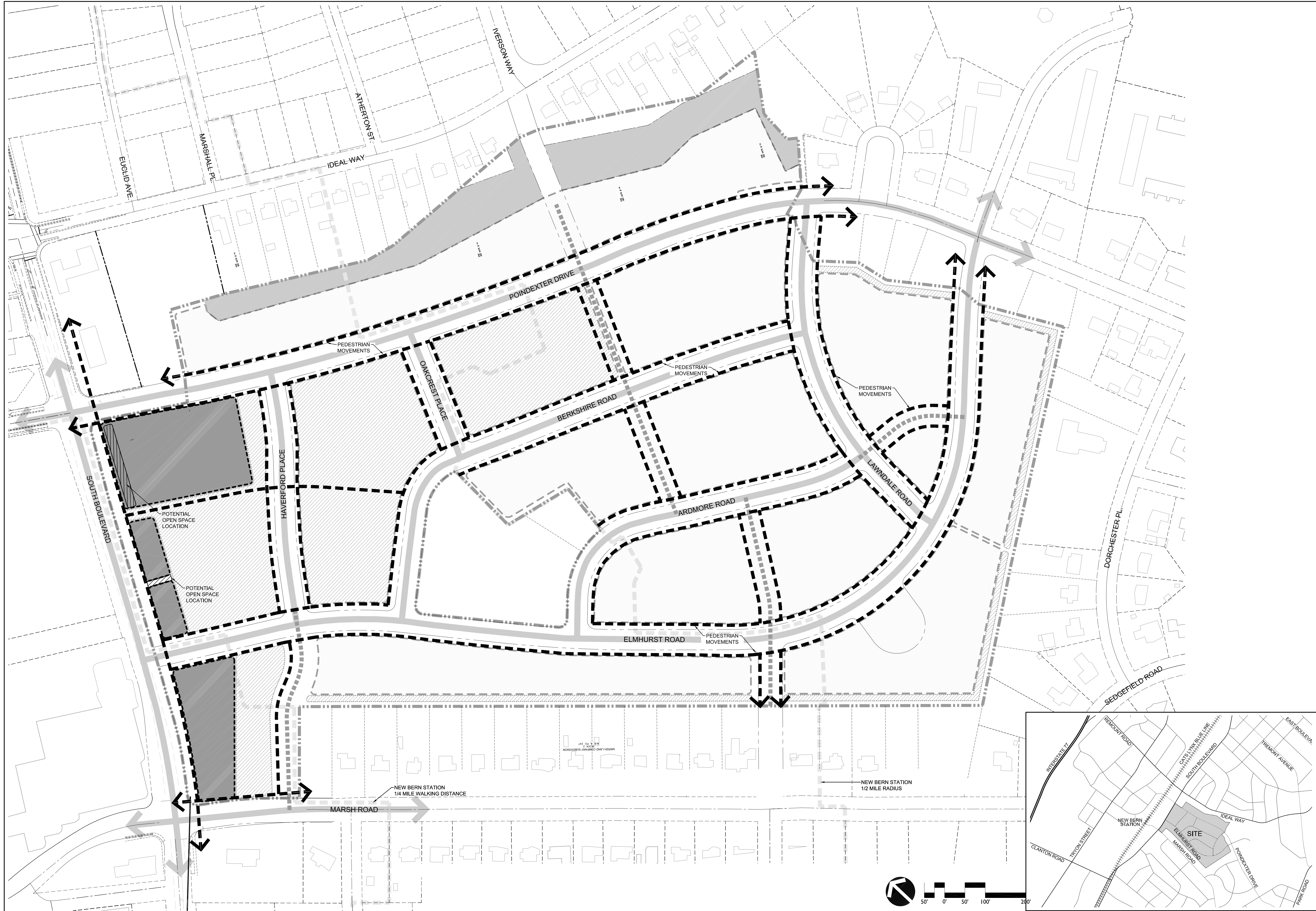


**SITE DEVELOPMENT DATA:**

- ACREAGE: ± 59.4 ACRES
- TAX PARCEL #S: 147-031-03.04-13; 147-081-37, 38-43; 147-037-01, 02-12; 147-034-01,04-09; 147-036-02,03-07; 147-041-02,03-14; 147-035-01,02-17; 147-042-01,02,17-26; 147-032-01,02; 147-033-01
- EXISTING ZONING: B-2, B-1, O-2, R-17MF AND R-8
- PROPOSED ZONING: MUDD-O, AND UR-2(CD) WITH FIVE (5) YEAR VESTED RIGHTS
- EXISTING USES: RETAIL USES & MULTI-FAMILY DWELLING UNITS
- PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE MUDD-O ZONING DISTRICT AND THE UR-2 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).
- MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: (I) WITHIN THE MUDD-O ZONING DISTRICT UP TO 198,000 SQUARE FEET OF GROSS FLOOR AREA OF OFFICE, RETAIL, RESTAURANTEERING, DRINKING ENTERTAINMENT ESTABLISHMENTS (EDEE), PERSONAL SERVICES AND OTHER COMMERCIAL USES (AS MORE SPECIFICALLY DESCRIBED BELOW IN SECTION 3); AND (II) WITHIN THE MUDD-O AND UR-2(CD) ZONING DISTRICTS UP TO 1,050 RESIDENTIAL DWELLING UNITS, SUBJECT TO THE LIMITATIONS AND CONVERSION RIGHTS DESCRIBED BELOW.
- MAXIMUM BUILDING HEIGHT: IN THE AREA ZONED UR-2(CD), BUILDING HEIGHT WILL BE LIMITED WITHIN DEVELOPMENT AREAS E THROUGH L AS SHOWN ON SHEET RZ-1.0 OF THE REZONING PLAN. IN THE AREA ZONED MUDD-O ALLOWED BUILDING HEIGHTS WILL BE LIMITED AS FOLLOWS: (I) WITHIN DEVELOPMENT AREA A THE MAXIMUM BUILDING HEIGHT WILL BE 60 FEET; (II) WITHIN DEVELOPMENT AREA B THE MAXIMUM BUILDING HEIGHT WILL BE 85 FEET FOR THE PORTION OF BUILDING(S) ABUTTING SOUTH BLVD AND 56 FEET FOR THE PORTION OF THE BUILDING ABUTTING PRIVATE STREET A AS GENERALLY DEPICTED ON SHEET RZ-1.0; (III) WITHIN DEVELOPMENT AREA C THE MAXIMUM BUILDING HEIGHT WILL BE 60 FEET; AND (IV) WITHIN DEVELOPMENT AREA D THE MAXIMUM BUILDING HEIGHT WILL BE 60 FEET. FOR THE PURPOSES OF #HIGHER HEIGHT LIMITS, ROOF TOP MECHANICAL EQUIPMENT, SCREENS OR DEVICES USED TO SCREEN ROOF TOP STRUCTURES OR EQUIPMENT, 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: AS REQUIRED BY THE ORDINANCE FOR THE MUDD-O ZONING DISTRICT. WITHIN THE AREAS ZONED UR-2(CD) A MINIMUM OF 1.3 SPACES PER RESIDENTIAL DWELLING UNIT WILL BE PROVIDED INCLUDING THE ON-STREET PARKING SPACES AS ALLOWED BY THE ORDINANCE.







DATE: 04/28/2014  
 DESIGNED BY: DAW  
 DRAWN BY: DAW  
 CHECKED BY: RJP  
 SCALE: 1" = 100'-0"  
 PROJECT #: 101267  
 SHEET #:

**SEDFIELD NEIGHBORHOOD**  
**MIXED-USE DEVELOPMENT**  
 MARSH PROPERTIES | CHARLOTTE, NORTH CAROLINA  
**PEDESTRIAN AND OPEN SPACE FRAMEWORK**

REVISIONS:  
 1.08/12/2014 REVISED PER STAFF COMMENTS

PETITION NO. 2014-064





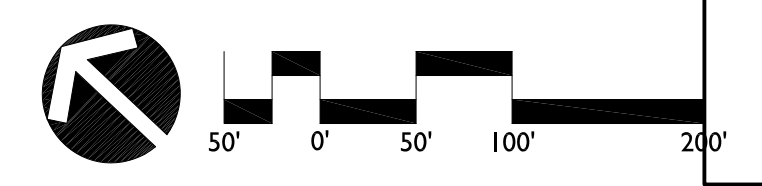
**ZONING LEGEND**

**EXISTING:**

- B-2
- B-1
- O-2
- R-17MF
- R-8

**PROPOSED:**

- MUDD-O
- UR-2(CD)



REVISIONS:  
 1. 08/15/2014 REVISED PER STAFF COMMENTS  
 2. 10/24/2014 REVISED PER STAFF COMMENTS

DATE: 04/28/2014  
 DESIGNED BY: DAW  
 DRAWN BY: DAW  
 CHECKED BY: RIP  
 SCALE: 1" = 100'-0"  
 PROJECT #: 101267

SHEET #: **RZ-1.2**

**SEDFIELD NEIGHBORHOOD  
 MIXED-USE DEVELOPMENT**  
 MARSH PROPERTIES | CHARLOTTE, NORTH CAROLINA  
**ZONING BOUNDARY EXHIBIT**

PETITION NO. 2014-064

**LandDesign**  
 223 N Graham Street Charlotte, NC 28202  
 T: 704.333.0325 F: 704.332.3746  
 www.LandDesign.com



**MARSH PROPERTIES, LLC**  
**DEVELOPMENT STANDARDS**  
**08/10/2014**  
**REZONING PETITION NO. 2014-064 - (SEDFIELD REDEVELOPMENT)**

**SITE DEVELOPMENT DATA:**

- ACREAGE:** 1.594 ACRES
- TAX PARCEL #S:** 147-03-03-04-13; 147-08-01-37; 38-43; 147-037-01; 02-12; 147-034-01; 04-09; 147-036-02; 03-07; 147-041-02; 03-14; 147-035-01; 02-17; 147-042-01; 02-17-28; 147-032-01; 02; 147-033-01
- EXISTING ZONING:** B-2, B-1, O-2, R-17MF and R-8
- PROPOSED ZONING:** MUDD-O AND UR-2(CD) WITH FIVE (5) YEAR VESTED RIGHTS
- EXISTING USES:** RETAIL USES AND MULTI-FAMILY DWELLING UNITS
- PROPOSED USES:** RESTAURANT AND OTHER DESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE MUDD-O, ZONING DISTRICT AND THE UR-2 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).

**MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:** (I) WITHIN THE MUDD-O ZONING DISTRICT UP TO 198,000 SQUARE FEET OF GROSS FLOOR AREA OF OFFICE, RETAIL, RESTAURANT/HEATING DRINKING ENTERTAINMENT ESTABLISHMENTS (EDEE), PERSONAL SERVICES AND OTHER COMMERCIAL USES (AS MORE SPECIFICALLY DESCRIBED BELOW IN SECTION 3) AND (II) WITHIN THE MUDD-O AND UR-2(CD) ZONING DISTRICTS UP TO 1,050 RESIDENTIAL DWELLING UNITS, SUBJECT TO THE LIMITATIONS AND CONVERSION RIGHTS DESCRIBED BELOW.

**MAXIMUM BUILDING HEIGHT:** IN THE AREA ZONED UR-2(CD), BUILDING HEIGHT WILL BE LIMITED WITHIN DEVELOPMENT AREAS E THROUGH L AS SHOWN ON SHEET RZ-1.0 OF THE REZONING PLAN. IN THE AREA ZONED MUDD-O ALLOWED BUILDING HEIGHTS WILL BE LIMITED AS FOLLOWS: (I) WITHIN DEVELOPMENT AREA A THE MAXIMUM BUILDING HEIGHT WILL BE 60 FEET; (II) WITHIN DEVELOPMENT AREA B THE MAXIMUM BUILDING HEIGHT WILL BE 85 FEET FOR THE PORTION OF BUILDING(S) ABUTTING SOUTH BLVD AND 56 FEET FOR THE PORTION OF THE BUILDING ABUTTING PRIVATE STREET A AS GENERALLY DEPICTED ON SHEET RZ-1.0; (III) WITHIN DEVELOPMENT AREA C THE MAXIMUM BUILDING HEIGHT WILL BE 60 FEET; AND (IV) WITHIN DEVELOPMENT AREA D THE MAXIMUM BUILDING HEIGHT WILL BE 60 FEET. FOR THE PURPOSES OF THIS ABOVE HEIGHT LIMITATIONS, ROOF TOP MECHANICAL EQUIPMENT, SCREENS OR DEVICES USED TO SCREEN ROOF TOP STRUCTURES OR EQUIPMENT, SPIRES, MANSARDS, DORMERS, OR OTHER ARCHITECTURAL FEATURES WILL NOT BE CONSIDERED FOR THE CALCULATION OF ALLOWED BUILDING HEIGHT. OTHERWISE BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

**PARKING:** AS REQUIRED BY THE ORDINANCE FOR THE MUDD-O ZONING DISTRICT, WITHIN THE AREAS ZONED UR-2(CD) A MINIMUM OF 1.3 SPACES PER RESIDENTIAL DWELLING UNIT WILL BE PROVIDED INCLUDING THE ON-STREET PARKING SPACES AS ALLOWED BY THE ORDINANCE.

**1. GENERAL PROVISIONS:**

**a. SITE LOCATION:** THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET AND SCHEMATIC SITE PLAN, AND RELATED GRAPHICS FORM THE REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY MARSH PROPERTIES, LLC ("PETITIONER") TO ACCOMMODATE DEVELOPMENT OF MIXED-MULTI-USE COMMERCIAL AND RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 59.2 ACRE SITE LOCATED ON THE EAST SIDE OF SOUTH BOULEVARD BETWEEN POINDEXTER DRIVE AND MARSH 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 MUDD-O ZONING DISTRICT OR 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 UR-2 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 AND GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT 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 TO THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT 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:

- I. EXPRESSLY PERMITTED BY THE REZONING PLAN IF 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
- II. MINOR AND DO NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN; OR
- III. 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, REAR YARDS OR BUFFER AREAS) INDICATED ON SHEET RZ-1.0; OR
- IV. MODIFICATIONS TO ALLOW MINOR INCREASES IN THE MASS OF THE BUILDINGS THAT DO NOT MATERIALLY CHANGE THE DESIGN INTENT DEPICTED ON OR DESCRIBED IN THE REZONING PLAN.

THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PER THIS AMENDED PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, THE PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. IN EACH INSTANCE, HOWEVER, SUBJECT TO THE PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

**d. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY; ACCESSORY BUILDING DESIGN:** NOTWITHSTANDING THE NUMBER OF BUILDINGS SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF BUILDINGS TO BE DEVELOPED FOR COMMERCIAL AND RESIDENTIAL USES IN DEVELOPMENT AREAS A, B, C, D, E, F, G, H, I, J, K, AND L (EACH A "DEVELOPMENT AREA" AND COLLECTIVELY THE "DEVELOPMENT AREAS") SHALL NOT EXCEED 6 AND THE NUMBER OF BUILDINGS WITHIN EACH PORTION OF THE SITE ZONED MUDD-O AND DEVELOPED FOR RESIDENTIAL USES SHALL NOT EXCEED 612; AND (II) ON THE PORTIONS OF THE SITE ZONED UR-2(CD) AND DEVELOPED FOR RESIDENTIAL USES SHALL NOT EXCEED 867.5. 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 DETAILS AND FINISHES AS THE PRINCIPAL BUILDING LOCATED WITHIN THE SAME DEVELOPMENT AREA AS THE ACCESSORY STRUCTURE/BUILDING. OTHER THAN THE PARKING STRUCTURES, THE SIZE OF ACCESSORY STRUCTURES/BUILDINGS LOCATED WITHIN THE PORTION OF THE SITE ZONED MUDD-O WILL BE LIMITED TO 20% OF THE BUILDING AREA OF THE PRINCIPAL BUILDINGS CONSTRUCTED WITHIN SUCH DEVELOPMENT AREAS TO WHICH THE ACCESSORY STRUCTURE/BUILDING (OTHER THAN PARKING STRUCTURES) RELATE.

**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 NOR BETWEEN THE AREAS ZONED MUDD-O AND UR-2(CD). FURTHERMORE, THE PETITIONER AND/OR OWNERS OF THE SITE RESERVE THE RIGHT TO RESERVE 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 PARTNERSHIP 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 6.207 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.

**g. EXISTING DEVELOPMENT:** THE SITE IS CURRENTLY DEVELOPED WITH A COMBINATION OF RETAIL, OFFICE AND RESIDENTIAL USES. AFTER THE SITE IS REZONED TO ALLOW REDEVELOPMENT, THE EXISTING USES MAY REMAIN AND MAY CONTINUE TO BE USED AS CONSTRUCTED WITHOUT COMPLYING WITH THE STANDARDS OF THE REZONING PLAN AND THE MUDD-O AND UR-2 ZONING DISTRICTS. THE USES LOCATED IN THE TWO COMMERCIAL BUILDINGS LOCATED ALONG SOUTH BOULEVARD MAY UNDERGO CHANGE OF USES WITHOUT COMPLYING WITH THE STANDARDS OF THE REZONING PLAN AND THE SEDGFIELD NEIGHBORHOOD MIXED-USE DEVELOPMENT STANDARDS. NORMAL REPAIR AND MAINTENANCE OF THE EXISTING BUILDINGS IS ALLOWED.

**A. STATEMENT OF OVERALL DESIGN INTENT:**

IT IS INTENDED THAT THE SITE PLAN FOR THE SITE PROVIDE A HORIZONTAL MIX AND SOME VERTICAL MIX OF USES THAT INCLUDES OFFICE, RETAIL, EDEE, SERVICE USES AND/OR VARYING TYPES AND/OR LEVELS OF RESIDENTIAL USES IN A MANNER THAT CREATES A UNIFIED DEVELOPMENT PATTERN WITH GENERALLY COORDINATED OR COMPLEMENTARY STREETSCAPE ELEMENTS, LANDSCAPING, OPEN SPACES AND QUALITY BUILDING MATERIALS. THE SITE PLAN FOR THE SITE WILL SEEK TO EMPHASIZE PEDESTRIAN CONNECTIONS BETWEEN USES AND CREATE A STRONG LINK BETWEEN THE COMMERCIAL USES PROPOSED ALONG SOUTH BOULEVARD AND THE RESIDENTIAL USES LOCATED ON THE INTERIOR OF THE SITE AS WELL AS CONNECTIONS TO THE NEW BERN TRANSIT STATION AND THE SEDGFIELD NEIGHBORHOOD. THE REDEVELOPMENT OF THE SITE WILL EMPHASIZE THE PRESERVATION OF THE EXISTING TREE CANOPY FOUND ALONG THE EXISTING PUBLIC STREETS AND LOOK FOR WAYS TO ENHANCE THE TREE CANOPY. THE SITE PLAN WILL ALSO CREATE A MORE ROBUST NETWORK OF STREETS (PUBLIC AND PRIVATE) BY ADDING NEW STREETS TO THE EXISTING NETWORK. THE SITE PLAN WILL ALSO CREATE A SERIES OF IMPROVED OPEN SPACE AREAS WITHIN THE SITE. A VARIETY OF RESIDENTIAL BUILDING STYLES, TYPES AND BUILDING MATERIAL PALETTES WILL BE UTILIZED THROUGHOUT THE SITE TO CREATE AN INTERESTING AND UNIQUE RESIDENTIAL COMMUNITY. LONG EXPANSIONS OF BLANK WALLS WILL BE LIMITED, AND WHERE THEY ARE NECESSARY WILL BE TREATED WITH COMBINATIONS OF ARCHITECTURAL EXPRESSIONS SUCH AS CHANGES IN MATERIALS, PENETRATION, WINDOWS, BUILDING SETBACK AND LANDSCAPING, BUILDING RECESSES OR PROJECTIONS, ARTWORK, DISPLAY CASES OR OTHER SIMILAR ITEMS.

**2. OPTIONAL PROVISIONS FOR MUDD-O AREAS:**

THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE PORTIONS OF THE SITE DESIGNATED MUDD-O ON THE TECHNICAL DATA SHEET:

**a.** TO ALLOW VEHICULAR PARKING, MANEUVERING AND SERVICE BETWEEN THE PROPOSED BUILDINGS WITHIN DEVELOPMENT AREA A AND (I) ELMHURST ROAD AND (II) HAVERFORD PLACE, IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN.

**b.** TO ALLOW THE EXISTING SURFACE PARKING AREAS LOCATED BETWEEN THE EXISTING BUILDING LOCATED ON DEVELOPMENT AREA B AND (I) SOUTH BOULEVARD, (II) HAVERFORD/ELMHURST PLACE, AND (III) MARSH ROAD TO REMAIN UNTIL THE BUILDING(S) LOCATED ON DEVELOPMENT AREA B IS REMOVED AND NEW BUILDING(S) CONSTRUCTED THEREON.

**c.** TO ALLOW THE EXISTING STREETSCAPE TREATMENTS, SIGNAGE, ACCESSORY DRIVE-THROUGH WINDOWS, PARKING AREAS, BUILDINGS AND OTHER SITE ELEMENTS WITHIN DEVELOPMENT AREA B TO REMAIN AS CURRENTLY CONSTRUCTED UNTIL DEVELOPMENT AREA B IS REDEVELOPED AS ALLOWED BY THE REZONING PLAN. ONCE DEVELOPMENT AREA B IS REDEVELOPED ONLY ONE USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW WILL BE ALLOWED WITHIN DEVELOPMENT AREA B AS DESCRIBED BELOW.

**d.** TO ALLOW ONE NEW USE WITH AN ACCESSORY DRIVE-THROUGH WINDOWS TO BE CONSTRUCTED ON DEVELOPMENT AREA B AS PART OF THE REDEVELOPMENT CONTEMPLATED BY THE REZONING PLAN. OTHER THAN A "LIMITED SERVICE RESTAURANTEE" (AS DEFINED BELOW), OTHER THAN A "LIMITED SERVICE RESTAURANTEE" AS DEFINED BELOW, WILL NOT BE ALLOWED. A "LIMITED SERVICE RESTAURANTEE" IS A RESTAURANTEE WITH NO MORE THAN 3,000 SQUARE FEET OF GROSS FLOOR AREA SERVING PRIMARILY ITEMS SUCH AS COFFEE, ICE CREAM, YOGURT, JUICES, BAGELS, MUFFINS, PASTRIES, SANDWICHES AND SIMILAR FOODS THAT DO NOT REQUIRE ON-PREMISE COOKING OF FOOD (OTHER THAN HEATING). THE NEW ALLOWED ACCESSORY DRIVE-THROUGH WINDOWS WILL NOT BE ALLOWED BETWEEN THE PROPOSED BUILDING AND THE ABUTTING PUBLIC STREETS. THE ACCESSORY DRIVE-THROUGH WINDOWS WILL ORCLATE WITHIN THE BUILDING DEVELOPED ON THE PARCEL.

**e.** TO ALLOW MODIFICATIONS TO THE STREETSCAPE TREATMENTS CALLED FOR BY THE NEW BERN TRANSIT STATION AREA PLAN AS PART OF THE MUDD REQUIREMENTS ALONG THE FOLLOWING STREETS: POINDEXTER DRIVE, HAVERFORD PLACE, OAKCREST PLACE, BERKSHIRE ROAD, ARDMORE ROAD, ELMHURST ROAD AND LANWADE ROAD. THE MODIFICATIONS MAY INCLUDE THINNING OR REMOVING OF EXISTING TREES, PLANTING STRIP AND STREET TREES FOR THE PURPOSE OF SAVING THE EXISTING TREES LOCATED ALONG THE STREETS MENTIONED ABOVE. THE VARIOUS POSSIBLE STREETSCAPE TREATMENTS FOR THE STREETS ARE INDICATED ON SHEET RZ-3.0 AND RZ-3.1 OF THE REZONING PLAN. ADDITIONAL CHANGES TO THESE PROPOSED STREETSCAPE TREATMENTS MAY BE APPROVED BY THE PLANNING DIRECTOR IN CONSULTATION WITH THE TREE ORDINANCE STAFF AND CDOT.

**f.** TO ALLOW UP TO ONE (1) DETACHED SIGN AND TWO (2) WALL SIGNS LOCATED ON THE SITE TO ROTATE.

**g.** TO ALLOW ONE SHOPPING CENTER IDENTIFICATION SIGN PER STREET FRONT WITHIN DEVELOPMENT AREA A AND B WITH A MAXIMUM HEIGHT OF 16 FEET AND CONTAINING UP TO 64 SQUARE FEET OF SIGN AREA.

**h.** TO ALLOW IDENTIFICATION SIGNS FOR THE RESIDENTIAL PORTIONS OF THE SITE TO BE LOCATED ON THE DETACHED SHOPPING CENTER SIGNS.

**i.** TO ALLOW ONE (1) DETACHED IDENTIFICATION SIGN FOR EACH BUILDING LOCATED WITHIN DEVELOPMENT AREAS A AND B. THESE DETACHED IDENTIFICATION SIGNS MAY BE UP TO FOUR (4) FEET HIGH AND CONTAIN UP TO 60 SQUARE FEET OF SIGN AREA. TO ALLOW DIRECTORY, DIRECTIONAL AND INSTRUCTIONAL SIGNS UP TO FOUR (4) FEET HIGH AND CONTAINING UP TO 10 SQUARE FEET OF SIGN AREA.

**j.** TO ALLOW WALL SIGNS TO HAVE UP TO 230 SQUARE FEET OF SIGN SURFACE AREA PER WALL OR 10% OF THE WALL AREA TO WHICH THEY ARE ATTACHED, WHICHEVER IS LESS, WITHIN DEVELOPMENT AREAS A AND B.

**k.** TO ALLOW WINDOW SIGNS/WINDOWS LOCATED WITHIN DEVELOPMENT AREA A THAT FACE POINDEXTER DRIVE AND ARE LOCATED TO FEET OR MORE ABOVE THE FINISHED FLOOR ELEVATION OF THE BUILDING TO HAVE 60% AREA EQUAL AND WINDOW BOXES AT STREET LEVEL TO HAVE NON-PRODUCT, NON-TENANT SPECIFIC OR TENANT IDENTIFYING GRAPHIC IMAGES APPLIED TO 100% OF THE EXTERNAL GLAZING OF THE WINDOW AND TO ALLOW ALL OTHER WINDOW SIGNS ON DEVELOPMENT AREAS A AND B TO HAVE A TOTAL SIGN 60% AREA EQUAL TO THE EXTERIOR GLAZING OF THE WINDOW AND TO ALLOW ALL OTHER WINDOW SIGNS ON DEVELOPMENT AREAS A AND B TO HAVE A TOTAL SIGN 60% AREA EQUAL TO THE EXTERIOR GLAZING OF THE WINDOW AND TO ALLOW ALL OTHER WINDOW SIGNS ON DEVELOPMENT AREAS A AND B TO HAVE A TOTAL SIGN 60% AREA EQUAL TO THE EXTERIOR GLAZING OF THE WINDOW. THE FINISHED FLOOR ELEVATION OF THE BUILDING WILL BE APPLIED TO THE WINDOW SO THAT LIGHT MAY PASS THROUGH THE WINDOW.

TO ALLOW THE BUILDING CONSTRUCTED AT THE CORNER OF SOUTH BOULEVARD AND POINDEXTER ROAD TO HAVE WINDOWS LOCATED ON THE LEFT AND RIGHT SIDE OF THE ENTRANCE FEATURE LOCATED ALONG SOUTH BOULEVARD (AREAS A AND C AS IDENTIFIED ON THE BUILDING ELEVATION INCLUDED WITH THE REZONING PLAN) TO HAVE NON-PRODUCT, NON-TENANT SPECIFIC OR TENANT IDENTIFYING IMAGES THAT COVER 100% OF THE WINDOW UP TO A HEIGHT OF 13 FEET ABOVE THE FINISHED FLOOR ELEVATION OF THE BUILDING (WINDOWS ON THE PORTIONS OF THE BUILDING THAT ARE LOCATED ABOVE THE FINISHED FLOOR ELEVATION OF THE BUILDING WILL NOT HAVE ANY GRAPHICS APPLIED TO THEM AND WILL HAVE "CLEAR GLASS"). THESE WINDOWS WILL BE CONSTRUCTED AS REAL WINDOWS WITH "CLEAR GLASS".

**m.** TO ALLOW A SEDGFIELD NEIGHBORHOOD IDENTIFICATION/ENTRANCE SIGN TO BE LOCATED ON DEVELOPMENT AREA A. THE SIGN MAY BE A DETACHED SIGN OR A WALL SIGN. THE AREA OF THE SIGN MAY BE UP TO 150 SQUARE FEET IF ATTACHED TO THE BUILDING AS A WALL SIGN OR UP TO 32 SQUARE FEET AND IF DETACHED UP TO 48 FEET HIGH IF CONSTRUCTED AS A DETACHED SIGN. THE SIGN AREA OF THE SEDGFIELD NEIGHBORHOOD IDENTIFICATION SIGN IS IN ADDITION TO THE TENANT IDENTIFICATION SIGNAGE ALLOWED BY THESE OPTIONAL PROVISIONS AND THE ORDINANCE.

**n.** TO ALLOW THE #66 BUILDINGS LOCATED WITHIN DEVELOPMENT AREA C AND D TO HAVE ONE DETACHED SIGN PER STREET FRONT WITH UP TO 25 SQUARE FEET OF SIGN AREA AND UP TO FOUR (4) FEET HIGH.

**NOTE:** THE OPTIONAL PROVISIONS REGARDING SIGNS ARE ADDITIONS/MODIFICATIONS TO THE STANDARDS FOR SIGNS IN THE MUDD DISTRICT AND ARE TO BE USED WITH THE REMAINDER OF MUDD STANDARDS FOR SIGNS NOT MODIFIED BY THESE OPTIONAL PROVISIONS.

**o.** TO NOT REQUIRE DOORWAYS TO BE RECESSED INTO THE FACE OF THE BUILDING(S) WHEN THE ABUTTING SIDEWALK AND AMENITY ZONE WIDTH IS GREATER THAN EIGHT (8) FEET; 12 FEET AND TO NOT REQUIRE DOORWAYS TO BE RECESSED WHEN THE DOOR WAY IS NOT ORIENTED TO A PUBLIC STREET (E.G. INTERIOR PARKING AREAS).

**p.** TO ALLOW THE EXISTING SIDEWALKS AND PLANTING STRIPS ALONG SOUTH BOULEVARD, MARSH ROAD AND ELMHURST ROAD ABUTTING DEVELOPMENT AREA B TO REMAIN UNTIL DEVELOPMENT AREA B IS REDEVELOPED.

**q.** TO DELAY THE WRITING OF A SIGN WITHIN TO THE GROSS SECTION INDICATED ON THE REZONING PLAN UNTIL DEVELOPMENT AREA B IS REDEVELOPED. ALLOW WITHIN DEVELOPMENT AREA A ALONG POINDEXTER ROAD "TRELLISES" TO BE LOCATED WITHIN THE 20 FOOT SETBACK, ACROSS THE SIDEWALK AND IN THE RIGHT-OF-WAY. IF THE PROPOSED TRELLISES DO ENCRACH INTO THE RIGHT-OF-WAY FOR POINDEXTER ROAD THE PETITIONER WILL REQUEST AN ENCROACHMENT AGREEMENT FROM CDOT TO ALLOW THE TRELLISES WITHIN THE RIGHT-OF-WAY. CDOT HAS INDICATED THAT AN ENCROACHMENT AGREEMENT TO ALLOW THE TRELLISES IN THE RIGHT-OF-WAY CAN BE ISSUED IF THE DESIGN OF THE TRELLISES ADDRESSES SECURITY, MAINTENANCE AND OTHER APPLICABLE CDOT CRITERIA FOR NON-STANDARD ITEMS IN THE RIGHT-OF-WAY.

**r.** TO ALLOW WITHIN DEVELOPMENT AREA A ALONG POINDEXTER ROAD "TRELLISES" TO BE LOCATED WITHIN THE 20 FOOT SETBACK AND GROSS THE SIDEWALK. THE PARKING STRUCTURE CONSTRUCTED ON DEVELOPMENT AREA B ADJACENT TO NEW PUBLIC STREET B (THE EXTENSION OF HAVERFORD PLACE FROM ELMHURST ROAD TO MARSH ROAD) TO NOT HAVE A SIGNAGE DESIGNED WITH SOME OR ALL OF THE FOLLOWING ELEMENTS TO AVOID SOLID EXPANSIONS OF WALLS OVER 20 FEET IN LENGTH; OPENINGS WITH DECORATIVE SCREENING, LANDSCAPING, ARCHITECTURALLY ARTICULATED FACADES AND DISPLAY AREAS. THE OPENINGS LOCATED ON THE FIRST FLOOR AND AT THE STREET LEVEL OF THE PARKING STRUCTURE ADJACENT TO PUBLIC STREET B WILL BE DESIGNED AS AN INTEGRAL PART OF THE OVERALL BUILDING DESIGN. ANY OPENINGS AT THE STREET LEVEL WILL BE DESIGNED SO THAT CARS PARKED INSIDE ARE SCREENED FROM THE NEW PUBLIC STREET. PARKING LOCATED ON ALL LEVELS OF THE PARKING STRUCTURE WILL BE SCREENED AS REQUIRED BY THE ORDINANCE.

**3. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS, AND TRANSFER & CONVERSION RIGHTS:**

**a.** FOR EASE OF REFERENCE, THE REZONING PLAN SETS FORTH 12 DEVELOPMENT AREAS AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET AS DEVELOPMENT AREAS A, B, C, D, E, F, G, H, I, J, K, AND L (EACH A "DEVELOPMENT AREA" AND COLLECTIVELY THE "DEVELOPMENT AREAS").

**b.** SUBJECT TO THE RESTRICTIONS, LIMITATIONS, AND TRANSFER/CONVERSION RIGHTS LISTED BELOW, THE PRINCIPAL BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREAS A AND B ON THE SITE MAY BE DEVELOPED: (I) WITH UP TO 98,000 SQUARE FEET OF GROSS FLOOR AREA OF RETAIL, RESTAURANT/HEATING DRINKING ENTERTAINMENT ESTABLISHMENT (EDEE), AND OTHER COMMERCIAL USES; (II) WITH UP TO 100,000 SQUARE FEET OF GROSS FLOOR AREA OF OFFICE USES; TOGETHER WITH ACCESSORY USES IN THE MUDD-O ZONING DISTRICT; OR (III) UP TO 150 RESIDENTIAL DWELLING UNITS IF THE 100,000 SQUARE FEET OF GROSS FLOOR AREA OF OFFICE USES ARE NOT CONSTRUCTED; TOGETHER WITH ACCESSORY USES IN THE MUDD-O ZONING DISTRICT. THE PETITIONER RESERVES THE RIGHT TO CONVERT ALLOWED COMMERCIAL SQUARE FOOTAGE INTO ADDITIONAL RESIDENTIAL DWELLINGS UNITS AT THE RATE OF ONE ADDITIONAL RESIDENTIAL UNIT FOR EVERY 1,000 GROSS SQUARE FEET OF ALLOWED NON-RESIDENTIAL SQUARE FOOTAGE UP TO MAX OF 50 DWELLINGS UNITS. THE ADDITIONAL RESIDENTIAL DWELLING UNITS MAY BE ADDED TO DEVELOPMENT AREAS A, B, C AND D.

**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, 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).**

**c.** IF NO RESIDENTIAL DWELLING UNITS ARE CONSTRUCTED WITHIN DEVELOPMENT AREA B AND SUBJECT TO THE RESTRICTIONS, LIMITATIONS, AND CONVERSION RIGHTS LISTED ABOVE, DEVELOPMENT AREAS C THROUGH L MAY BE DEVELOPED WITH UP TO 980 RESIDENTIAL DWELLINGS UNITS, TOGETHER WITH ACCESSORY USES IN THE MUDD-O AND UR-2 ZONING DISTRICTS.

**d.** IF RESIDENTIAL DWELLINGS UNITS ARE CONSTRUCTED WITHIN DEVELOPMENT AREA B THEN TOTAL NUMBER OF RESIDENTIAL DWELLING UNITS THAT MAY BE CONSTRUCTED IN DEVELOPMENT AREAS C THROUGH L WHEN ADDED TO THE NUMBER OF RESIDENTIAL DWELLING UNITS CONSTRUCTED ON DEVELOPMENT AREA B MAY NOT EXCEED 1,050 DWELLING UNITS (ANY ADDITIONAL RESIDENTIAL UNITS CONSTRUCTED WITHIN DEVELOPMENT AREA B, C, OR D AS A RESULT OF CONVERTING ALLOWED NON-RESIDENTIAL SQUARE FOOTAGE INTO RESIDENTIAL UNITS WILL NOT BE COUNTED TOWARD THE 1,050 RESIDENTIAL DWELLING UNIT LIMIT).

**e.** SUBJECT TO THE RESTRICTIONS, LIMITATIONS, AND CONVERSION RIGHTS LISTED ABOVE, THE FOLLOWING DEVELOPMENT AREAS MAY NOT BE DEVELOPED WITH MORE RESIDENTIAL DWELLING UNITS THAN ARE LISTED IN THIS SECTION: (I) DEVELOPMENT AREA I MAY NOT CONTAIN MORE THAN 60 RESIDENTIAL DWELLING UNITS; (II) DEVELOPMENT AREA J MAY NOT CONTAIN MORE THAN 72 RESIDENTIAL DWELLING UNITS; (III) DEVELOPMENT AREA K MAY NOT CONTAIN MORE THAN 72 RESIDENTIAL DWELLING UNITS; AND (IV) DEVELOPMENT AREA G MAY NOT CONTAIN MORE THAN 72 RESIDENTIAL DWELLING UNITS. THESE RESIDENTIAL DWELLING UNIT LIMITATIONS FOR THESE DEVELOPMENT AREAS ARE ALSO NOTED ON SHEET RZ-1.0 OF THE REZONING PLAN.

**f.** UP TO ONE USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW MAY BE CONSTRUCTED WITHIN DEVELOPMENT AREA B AS ALLOWED BY THE OPTIONAL PROVISIONS ABOVE. RESTAURANT/HEATING DRINKING ENTERTAINMENT ESTABLISHMENT (EDEE) WITH AN ACCESSORY DRIVE-THROUGH WINDOW, OTHER THAN A "LIMITED SERVICE RESTAURANTEE" AS DEFINED BELOW, WILL NOT BE ALLOWED. A "LIMITED SERVICE RESTAURANTEE" IS A RESTAURANTEE WITH NO MORE THAN 3,000 SQUARE FEET OF GROSS FLOOR AREA SERVING PRIMARILY ITEMS SUCH AS COFFEE, ICE CREAM, YOGURT, JUICES, BAGELS, MUFFINS, PASTRIES, SANDWICHES AND SIMILAR FOODS THAT DO NOT REQUIRE ON-PREMISE COOKING OF FOOD (OTHER THAN HEATING).

**g.** PARKING WILL NOT BE ALLOWED WITHIN A DEVELOPMENT AREA AS A PRINCIPLE USE. PARKING AREAS CONSTRUCTED WITHIN EACH DEVELOPMENT AREA WILL BE CONSTRUCTED AS PART OF AN ALLOWED NON-RESIDENTIAL OR RESIDENTIAL USE.

**4. TRANSPORTATION IMPROVEMENTS AND ACCESS:**

**1. 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 AND 14 ON SHEET RZ-1.1 OF THE REZONING PLAN. THE FIGURE(S) ON SHEET RZ-1.1 ARE TO BE USED IN CONJUNCTION WITH THE FOLLOWING NOTES TO DETERMINE THE EXTENT OF THE PROPOSED IMPROVEMENTS (REFERENCE TO A NUMBER OF LEFT OR RIGHT LANE IMPROVEMENTS DESCRIBED IN THESE NOTES REFERS TO THE NUMBER OF LEFT OR RIGHT LANE IMPROVEMENTS).

**(LIST OF IMPROVEMENTS TO BE FORTHCOMING AS APPLICABLE)**

**a.** AT THE INTERSECTION OF SOUTH BOULEVARD AND POINDEXTER DRIVE (INTERSECTION #3 ON FIGURE 14):  
(I) EXTEND THE EXISTING RAISED MEDIAN ON SOUTH BOULEVARD (WITHIN THE EXISTING MARKED-OUT PAVEMENT) A MINIMUM OF 50 FEET SOUTH OF THE PROPOSED BIPO DRIVEWAY TO BE LOCATED BETWEEN POINDEXTER DRIVE AND ELMHURST ROAD TO ELIMINATE LEFT-IN AND LEFT-OUT MOVEMENTS;

(II) AS PART OF THE EXTENSION OF THE EXISTING RAISED MEDIAN ON SOUTH BOULEVARD, CONSTRUCT A MID-BLOCK PEDESTRIAN CROSSING (THE DESIGN AND LOCATION OF THE PEDESTRIAN CROSSING TO BE DETERMINED IN CONSULTATION WITH CDOT DURING THE BUILDING PERMIT PROCESS);  
(III) EXTEND THE EXISTING WESTBOUND LEFT TURN LANE STORAGE (PAVEMENT RE-MARK) ON POINDEXTER DRIVE FROM ITS CURRENT 90 FEET TO 250 FEET OF STORAGE; AND  
(IV) EXTEND THE EXISTING SOUTHBOUND LEFT TURN LANE ON SOUTH BOULEVARD FROM 80 FEET TO 150 FEET OF STORAGE.

**b.** AT THE INTERSECTION OF SOUTH BOULEVARD AND ELMHURST ROAD (INTERSECTION #4 ON FIGURE 14):  
(I) CONSTRUCT A SOUTHBOUND LEFT TURN LANE WITH 100 FEET OF STORAGE AND AN APPROPRIATE TAPER;  
(II) CONSTRUCT A MID-BLOCK PEDESTRIAN CROSSING ON SOUTH BOULEVARD SOUTH OF THE INTERSECTION (THE DESIGN AND LOCATION OF THE PEDESTRIAN CROSSING TO BE DETERMINED IN CONSULTATION WITH CDOT DURING THE BUILDING PERMIT PROCESS); AND  
(III) INSTALL A 10-FOOT WIDE HIGH-VISIBILITY CROSSWALK ON ELMHURST ROAD AT THE INTERSECTION.

"THIS LEFT TURN LANE AND MID-BLOCK PEDESTRIAN CROSSING WILL BE IMPLEMENTED/CONSTRUCTED BY: (I) HOLDING THE EXISTING CURB LINE ON THE WEST SIDE OF SOUTH BLVD; (II) SHIFTING THE NORTH AND SOUTH BOUND LANE ON SOUTH BLVD, TOWARD THE SITE; AND (III) BY UTILIZING THE FUTURE BIKE LANE (IMPLEMENTED BY THE PETITIONER'S REQUIRED STREETSCAPE IMPROVEMENTS TO SOUTH BLVD) ALONG THE SITE'S FRONTAGE AS PART OF THE NORTHBOUND THROUGH LANES. THIS CONSTRUCTION WILL ALSO REQUIRE THAT PORTIONS OF THE NORTH AND SOUTH BOUND THROUGH LANES ON SOUTH BLVD, BE 10 FEET IN WIDTH AS GENERALLY DEPICTED ON SHEET RZ-3.1.

**c.** CONSTRUCT A NEW PUBLIC STREET EXTENDING FROM ELMHURST ROAD TO MARSH ROAD AT THE REAR OF DEVELOPMENT AREA B AS GENERALLY DEPICTED ON THE REZONING PLAN.  
**d.** AT THE INTERSECTION OF SOUTH BOULEVARD AND MARSH ROAD (INTERSECTION #5 ON FIGURE 14):  
(I) CONSTRUCT A WESTBOUND RIGHT TURN LANE ON MARSH ROAD WITH 200 FEET OF STORAGE (TO THE PROPOSED FUL MOVEMENT ACCESS (NEW PUBLIC STREET) FOR DEVELOPMENT AREA B ON MARSH ROAD); AND  
(II) EXTEND THE EXISTING WESTBOUND LEFT TURN LANE STORAGE ON MARSH ROAD FROM 190 FEET TO 300 FEET BY RE-MARKING THE EXISTING PAVEMENT.

**II. STANDARDS, PHASING AND OTHER PROVISIONS:**

**a. CDOT STANDARDS.** ALL OF THE FOREGOING PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT (AS IT RELATES TO THE ROADWAY IMPROVEMENTS WITHIN ITS 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 IF APPLICABLE:**

NOTWITHSTANDING THE COMMITMENTS OF THE PETITIONER TO PROVIDE FOR THE ROADWAY IMPROVEMENTS DESCRIBED IN SECTION 4I ABOVE, THE FOLLOWING PROVISIONS SHALL PERMIT DEVELOPMENT TO TAKE PLACE PRIOR TO COMPLETION OF ALL OF THE ABOVE-REFERENCED IMPROVEMENTS.

(I) THE PETITIONER HAS THE RIGHT TO CONSTRUCT UP TO THE MAXIMUM AMOUNT OF LAND USE DENSITIES SHOWN BELOW BY CONSTRUCTING THE IMPROVEMENTS LISTED IN SECTION 4.I, A AND B, ABOVE:  
**A.** UP TO 70,000 SQUARE FEET OF GROSS FLOOR AREA OF THE ALLOWED NON-RESIDENTIAL USES AND UP TO 525 RESIDENTIAL DWELLINGS UNITS MAY BE DEVELOPED AND OCCUPIED ON THE SITE UPON SUBSTANTIAL COMPLETION OF THE IMPROVEMENTS LISTED IN SECTION 4.I, A AND B, ABOVE AS GENERALLY DEPICTED ON SHEET RZ-3.1, FIGURE 14.  
(II) THE PETITIONER HAS THE RIGHT TO CONSTRUCT UP TO THE MAXIMUM AMOUNT OF LAND USE DENSITIES SHOWN BELOW BY CONSTRUCTION OF ALL THE IMPROVEMENTS LISTED IN 4.I, A THROUGH D.

**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. 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 DEPARTMENT 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 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 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 ROADWAY IMPROVEMENTS; IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE IMPROVEMENTS.

**e. ALTERNATIVE IMPROVEMENTS.** CHANGES TO THE ABOVE REFERENCED ROADWAY IMPROVEMENTS CAN BE APPROVED THROUGH THE ADMINISTRATIVE AMENDMENT PROCESS UPON THE DETERMINATION AND MUTUAL AGREEMENT OF PETITIONER, CDOT AND THE PLANNING DIRECTOR; PROVIDED, HOWEVER, THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS PROVIDE (IN THE AGGREGATE) COMPARABLE TRANSPORTATION NETWORK BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS PETITION.

**III. ACCESS, AND PEDESTRIAN CIRCULATION AND PEDESTRIAN ACCESS/EASEMENT/CIRCULATION .**

**a.** ACCESS TO THE SITE WILL BE FROM SOUTH BOULEVARD, POINDEXTER DRIVE, MARSH ROAD, ELMHURST ROAD, HAVERFORD PLACE, BERKSHIRE ROAD, LANWADE ROAD, OAKCREST PLACE, AND ARDMORE ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

**b.** THE NUMBER AND LOCATION OF THE ACCESS POINTS TO DEVELOPMENT AREAS A, B AND C FROM SOUTH BOULEVARD AND THE INTERNAL PUBLIC STREETS ARE GENERALLY DEPICTED ON THE REZONING PLAN.

**c.** THE NUMBER AND LOCATION OF ACCESS POINTS TO THE INTERNAL PUBLIC STREETS, OTHER THAN 609TH/609E/609W/609E, THE ACCESS LOCATIONS INDICATED FOR DEVELOPMENT AREAS A, B, AND C ON THE REZONING PLAN, WILL BE DETERMINED DURING THE BUILDING PERMIT PROCESS AND THEREAFTER ADDITIONAL OR FEWER DRIVEWAYS AND ADDITIONAL PRIVATE STREETS MAY BE INSTALLED OR REMOVED WITH APPROVAL FROM APPROPRIATE GOVERNMENTAL AUTHORITIES SUBJECT TO APPLICABLE STATUTES, ORDINANCES AND REGULATIONS.

**d.** THE PRIVATE STREETS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET WILL BE DESIGNED TO MEET A PUBLIC STREET CROSS-SECTION AS DEFINED IN CITY OF CHARLOTTE SUBDIVISION ORDINANCE. THE DETERMINATION OF WHICH STREET CROSS-SECTION WILL BE USED DURING THE SUBDIVISION PROCESS WILL BE DETERMINED BY THE PUBLIC ACCESS/EASEMENT WILL BE PROVIDED ON EACH OF THESE PRIVATE ST



**8. PLAZAS AND OPEN SPACE (CONTINUED):**

ELEMENTS MAY ALSO BE PROVIDED. STORM WATER AND WATER QUALITY STRUCTURES MAY BE LOCATED WITHIN THE OPEN SPACE AREAS. HOWEVER, IF WATER QUALITY AND STORM WATER DETENTION STRUCTURES ARE LOCATED WITHIN THE OPEN SPACE AREAS THE WATER QUALITY AND STORM WATER DETENTION STRUCTURES MUST BE DESIGNED AS "WET PONDS" AND TREATED AS AN AMENITY THAT IS USABLE AND ACCESSIBLE.

b. THE SITE WILL INCLUDE A SERIES OF PUBLICLY ACCESSIBLE OPEN SPACES AND PLAZA AREAS AS FOCAL POINTS. THESE FOCAL POINTS WILL INCLUDE SOME COMBINATION (A MINIMUM OF TWO) OF THE FOLLOWING: LANDSCAPING, MONUMENTATION, WATER FEATURE, SEATING AREAS AND/OR ART WORK FEATURES.

c. SPECIALTY PAVERS, STAINED AND PATTERNED CONCRETE/PAVING OR OTHER SIMILAR MEANS WILL BE USED TO CALL ATTENTION TO AMENITY AREAS, GATHERING SPACES, PLAZAS AND AS METHOD OF WAY FINDING.

THE PETITIONER WILL PROVIDE URBAN OPEN SPACE WITH DEVELOPMENT AREA A AS GENERALLY DEPICTED ON SHEET RZ-1.1 OF THE REZONING PLAN. THE OTHER DEVELOPMENT AREAS ZONED MUDD(O) WILL PROVIDE URBAN OPEN SPACE AS REQUIRED BY THE ORDINANCE AS THOSE DEVELOPMENT AREAS ARE REDEVELOPED.

**9. PHASING OF OPEN SPACE WITHIN THE UR-2(CD) DEVELOPMENT AREAS.**

a. A MINIMUM OF ONE (1) ACRE OF THE OPEN SPACE AS REFERENCED ABOVE MUST BE IN PLACE (IMPROVED AND ACCESSIBLE) WHEN FOUR (4) OF THE EIGHT (8) DEVELOPMENT AREAS ZONED UR-2(CD) ARE DEVELOPED AND HAVE RECEIVED CERTIFICATES OF OCCUPANCY FOR ALL THE BUILDINGS APPROVED WITHIN THESE DEVELOPMENT AREAS. NO ADDITIONAL BUILDING PERMITS FOR BUILDINGS LOCATED IN OTHER DEVELOPMENT AREAS (THE FIFTH THROUGH EIGHTH DEVELOPMENT AREAS) ZONED UR-2(CD) MAY BE ISSUED UNTIL THIS ONE (1) ACRE OF OPEN SPACE IS IMPROVED AND ACCESSIBLE. THE SECOND ACRE MUST BE IMPROVED AND ACCESSIBLE WHEN THE FINAL CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE LAST BUILDING APPROVED FOR THE SEVENTH DEVELOPMENT AREA ZONED UR-2(CD). A BUILDING PERMIT FOR BUILDINGS LOCATED WITHIN THE EIGHTH DEVELOPMENT AREA ZONED UR-2(CD) WILL NOT BE ISSUED UNTIL A MINIMUM OF 2 ACRES OF OPEN SPACE IS IMPROVED AND ACCESSIBLE.

**10. SIGNAGE:**

a. SIGNAGE AS ALLOWED BY THE ORDINANCE AND BY THE OPTIONAL PROVISIONS LISTED ABOVE 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 PORTION OF THE SITE DESIGNATED MUDD-O AS ALLOWED BY THE ORDINANCE. IN ADDITION USES AND BUSINESS LOCATED ON THE INTERIOR OF THE SITE MAY BE IDENTIFIED ON THE ALLOWED SHOPPING CENTER/DEVELOPMENT SIGNS (I.E. THE MULTI-FAMILY DWELLING DEVELOPMENTS MAY BE IDENTIFIED ON THE SIGNS ALLOWED ALONG SOUTH BOULEVARD). THE ALLOWED SIGNS MAY CONTAIN BUSINESS AND IDENTIFICATION SIGNAGE FOR ANY OF THE BUSINESSES OR TENANTS LOCATED ON THE SITE.

b. MASTER SIGNAGE AND GRAPHIC SYSTEMS SHALL BE ADOPTED. IN ADDITION, SIGNAGE IS ALLOWED PURSUANT TO AN APPROVED "SIGN FLEX OPTION" PLAN, TO REQUEST A GREATER NUMBER OF SIGNS FOR THE COMMUNITY, AND SUCH PLAN WILL BE INCORPORATED HEREIN UPON APPROVAL. INFORMATION AND ADVERTISING PILLAR SIGNS AS DEFINED BY THE ORDINANCE MAY BE PROVIDED THROUGHOUT THE SITE.

ON PREMISES DIRECTIONAL AND INSTRUCTIONAL SIGNS MAY BE LOCATED THROUGHOUT THE SITE PER THE STANDARDS OF THE ORDINANCE.

**11. 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 AND PRIVATE STREETS, WILL BE LIMITED TO 25 FEET IN HEIGHT IN THE PORTIONS OF THE SITE USED FOR NON-RESIDENTIAL USES AND 20 FEET IN HEIGHT IN THE PORTIONS OF THE SITE USED FOR RESIDENTIAL USES.

**12. CATS BUS STOP:**

a. THE PETITIONER WILL ADD TO ONE OF THE EXISTING CATS BUS STOPS ALONG THE SITE'S FRONTAGE ON SOUTH BOULEVARD A CONCRETE PAD FOR A BENCH (LAND DEVELOPMENT STD. 60.02A). THE LOCATION OF THE EXISTING BUS STOP ALONG SOUTH BOULEVARD MAY BE ADJUSTED TO ACCOMMODATE THE LOCATION OF THE PROPOSED DRIVEWAY. THE NEW LOCATION WILL BE COORDINATE WITH CATS DURING THE URBAN REVIEW PROCESS FOR THE SITE. THE CONCRETE PAD FOR A BENCH WILL BE INSTALLED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING WITHIN THE DEVELOPMENT AREA ADJACENT TO THE BUS STOP WHERE THE PAD FOR THE BENCH IS ADDED.

**13. REDEVELOPMENT PHASING (DEMOLITION OF EXISTING BUILDINGS):**

a. THE REDEVELOPMENT OF THE SITE WILL OCCUR OVER A NUMBER OF YEARS; THEREFORE, THE DEMOLITION OF THE EXISTING RESIDENTIAL BUILDINGS LOCATED ON THE SITE WILL ALSO OCCUR OVER A PERIOD OF YEARS AND IS NOT ANTICIPATED TO OCCUR AT ONCE BUT WILL TYPICALLY OCCUR AS PART OF THE REDEVELOPMENT OF EACH DEVELOPMENT AREA. HOWEVER, IN ORDER TO: (I) REPLACE AND REBUILD EXISTING UTILITIES (WATER, SEWER, GAS, POWER, CABLE, ETC.); (II) COMPLY WITH THE REQUIREMENTS OF THE POST CONSTRUCTION STORM ORDINANCE (PCSO); (III) COMPLY WITH THE TREE ORDINANCE; (IV) COMPLY WITH THE SUBDIVISION REGULATIONS; (V) COMPLY WITH OTHER DEVELOPMENT REGULATIONS; AND (VI) REMEDY SAFETY AND BUILDING CODE ISSUES, THE REMOVAL OF THE EXISTING BUILDINGS IN MULTIPLE DEVELOPMENT AREAS MAY BE NECESSARY AND ALLOWED.

**14. REVIEW BY PLANNING AND CDOT OF DEVELOPMENT AREAS ZONED UR-2(CD):**

a. THE DEVELOPMENT PLANS FOR THE PORTION OF THE SITE ZONED UR-2(CD) WILL BE SUBMITTED TO THE PLANNING DEPARTMENT AND CDOT FOR REVIEW FOR COMPLIANCE WITH THE DESIGN GUIDELINES, STREETSCAPE TREATMENTS AND STANDARDS ESTABLISHED BY THE REZONING PLAN.

**15. AMENDMENTS TO THE REZONING PLAN:**

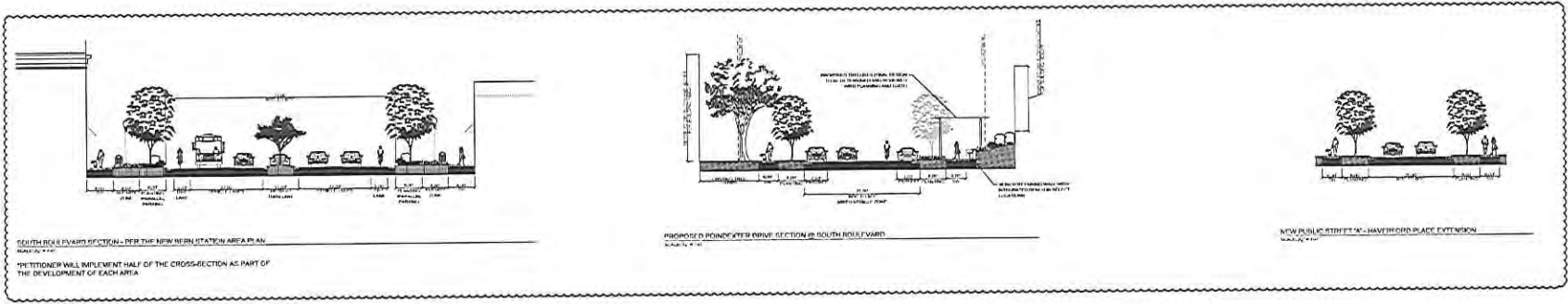
a. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE APPLICABLE DEVELOPMENT AREA PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF CHAPTER 6 OF THE ORDINANCE.

**16. 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.



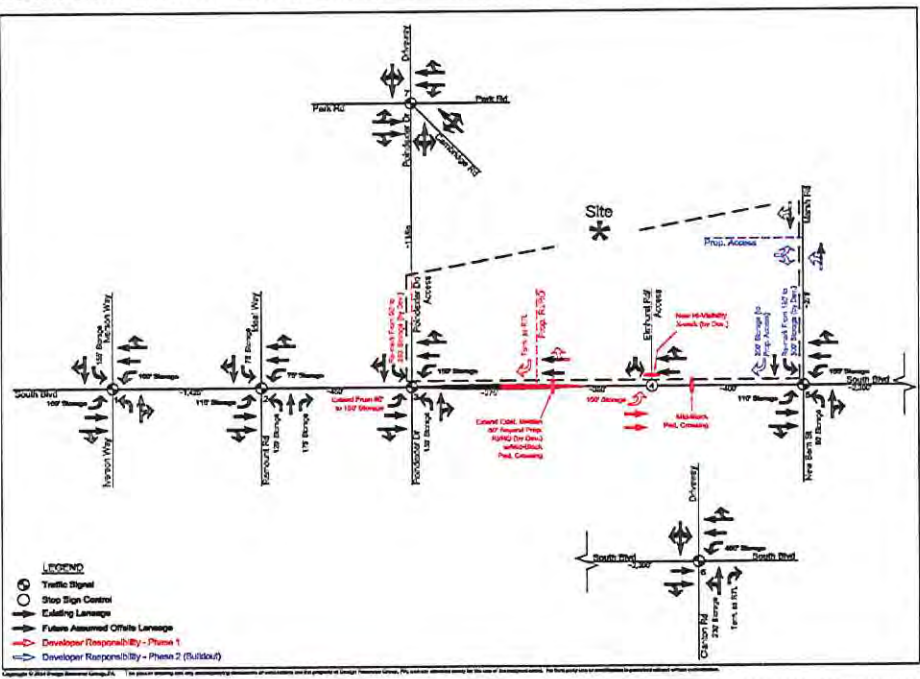
PROPOSED STREET SECTIONS



SOUTH BOUND SECTION FOR THE NEW RIBBON STATION AREA PLAN  
 THE PETITIONER WILL IMPLEMENT HALF OF THE CROSS-SECTION AS PART OF THE DEVELOPMENT OF EACH AREA

PROPOSED POINT-TO-POINT SECTION IN SOUTH BOUND VARIANT

NEW PUBLIC STREET AT HAVERTY ROAD EXTENSION



**design message group**

- 1. Land Use
- 2. Circulation
- 3. Mobility
- 4. Safety
- 5. Environmental
- 6. Community
- 7. Cultural
- 8. Economic
- 9. Social
- 10. Political
- 11. Legal
- 12. Technical
- 13. Financial
- 14. Environmental
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SEDGEFIELD TIA  
 CHARLOTTE, NC

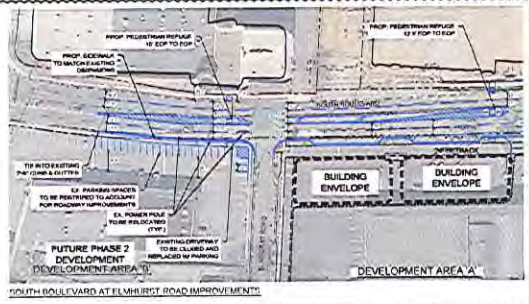
**SCALE** 1/8" = 1'

**UPDATED FULL BUILD RECOMMENDED LANES/ ENHANCEMENTS**

**Legend:**

- 1. Full Build
- 2. Recommended
- 3. Existing
- 4. Proposed
- 5. Other

Figure 14



19TH BOULEVARD AT ELMHURST ROAD IMPROVEMENTS

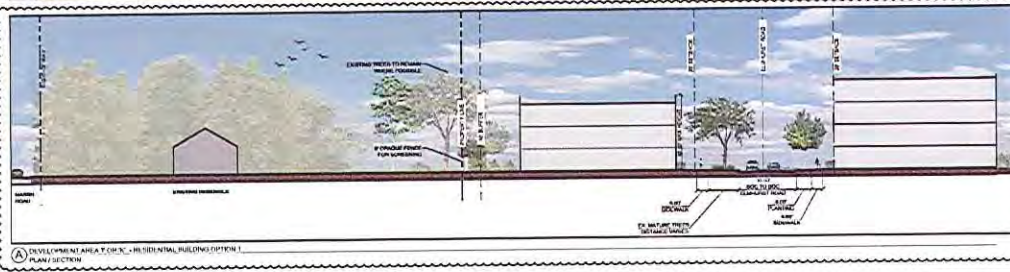
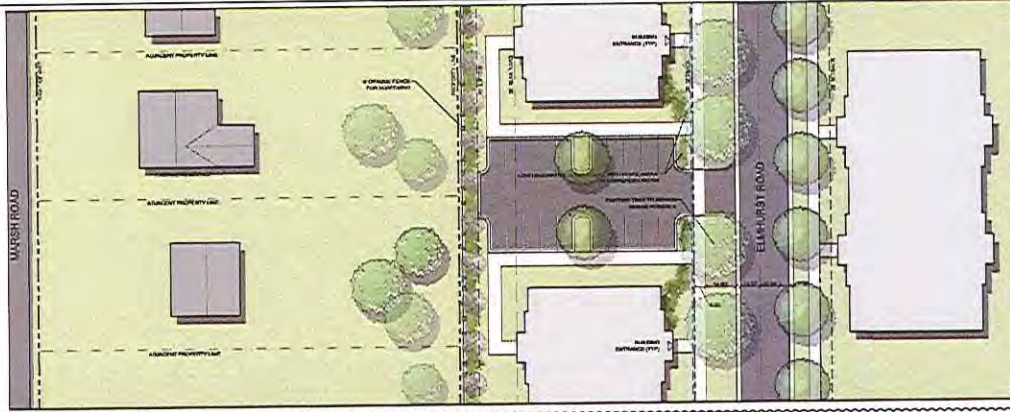
- NOTES:**
1. ALL SECTION SHOWN ARE TYPICAL AND MAY BE MODIFIED AS NECESSARY TO ACCOMMODATE DEVELOPMENT STANDARDS.
  2. ALL SECTION TO BE COORDINATED WITH WEST AND CITY OF CHARLOTTE PLANNING DEPARTMENT.
  3. THE AMOUNT OF RIGHT-OF-WAY TO BE PROVIDED WITH EACH PUBLIC STREET SHALL MEET THE RIGHT-OF-WAY MINIMUM INDICATED ON THE SUBSEQUENT PLANS AND IS SUBJECT TO CHANGE.
  4. BUILDING RIGHTS SHOWN THIS SHEET ARE CONCEPTUAL AND FOR PRELIMINARY PURPOSES ONLY. REFER TO RELEVANT REZONING ORDINANCES FOR FINAL BUILDING RIGHTS AND CONCEPTUAL PLANNING.
  5. ALL RIGHTS TO LOTS SHOWN TO THIS LAYOUT SHOWN.
  6. ALL UTILITIES SHOWN THIS SHEET ARE PROPOSED UNLESS OTHERWISE NOTED.





PLAN

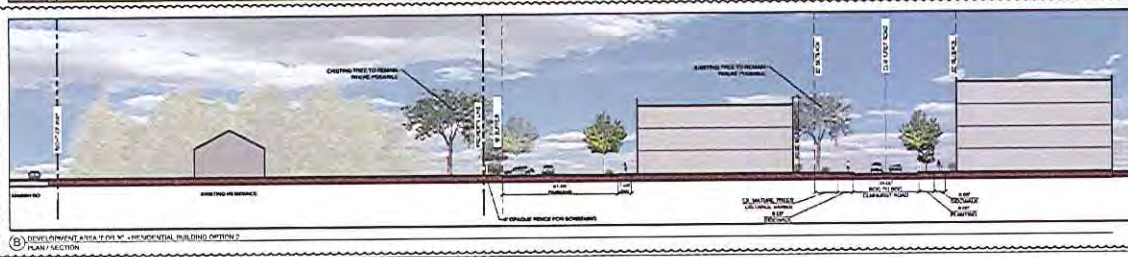
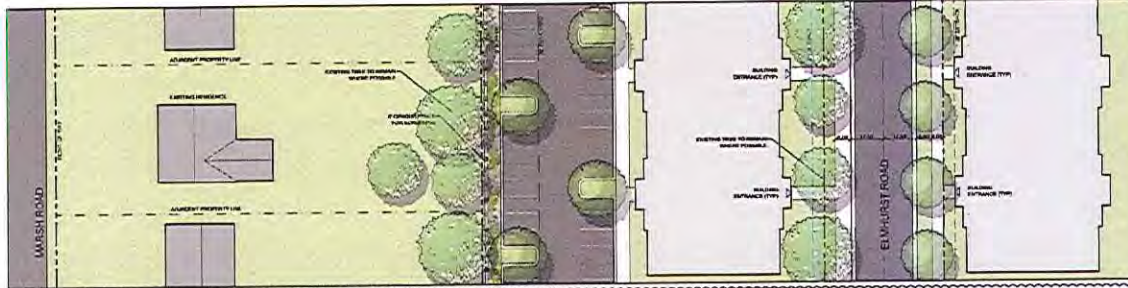
SECTION



(A) DEVELOPMENT AREA 7 (D.C. 1) - RESIDENTIAL BUILDING OPTION 1  
PLAN / SECTION

PLAN

SECTION



(B) DEVELOPMENT AREA 7 (D.C. 1) - RESIDENTIAL BUILDING OPTION 2  
PLAN / SECTION

**SEDFIELD MULTI-FAMILY DESIGN GUIDELINES**

**MULTI-FAMILY DESIGN GUIDELINES**

**A. GENERAL SITE CONSIDERATIONS**

- I. ORIENT BUILDINGS TOWARDS PUBLIC AND PRIVATE STREETS TO REINFORCE THE STREET SCAPE.
- II. ORIENT BUILDINGS IN A WAY TO ENCLOSE AND DEFINE PUBLIC SPACE, OPEN SPACE AND GREEN SPACE.
- III. BUILDING FEATURES SUCH AS PORCHES, PATIOS, STAIRS, FRONT WALKWAYS AND CENTRALIZED DOORWAYS OR RIBBONWAYS SHALL FRONT THE PUBLIC OR PRIVATE STREETS, EXCEPT WHERE THE FACE OF BUILDINGS FRONT THESE STREETS. WHEN ENDS OF BUILDINGS FRONT STREETS, WALKWAYS WILL BE PROVIDED TO CLEARLY CONNECT THE BUILDING ENTRANCES WITH THE STREET NETWORK.
- IV. ARCHITECTURAL TREATMENT SHALL CONTINUE ON ALL SIDES OF A BUILDING EXCEPT AS SPECIALLY NOTED OTHERWISE.
- V. SECOND FLOOR TERRACES OR PATIOS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF THE BUILDING. TERRACES, PATIOS, PROMINENT ENTRANCES, PORCHES, STAIRS, CHANGE IN MATERIALS, BUILDING STEP BACKS, ART WORK AND LANDSCAPING. PLANK WALLS SHALL NOT BE ADDRESSED WITH LANDSCAPING ELEMENTS ONLY.
- VI. ACCESSORY STRUCTURES SHALL BE LOCATED BEHIND THE BUILDING OR TO THE SIDE AND ADA STANDARDS. PRIVATE PATIOS WILL NOT BE CONSIDERED A BUILDING ENTRANCE.

**B. FACADE COMPOSITION**

- I. THE PRINCIPAL ENTRANCE OF A BUILDING SHALL BE ARTICULATED AND EXPRESSED IN GREATER ARCHITECTURAL DETAIL THAN OTHER BUILDING ENTRANCES.
- II. WINDOWS SHALL BE VERTICALLY SHAPED WITH A HEIGHT GREATER THAN THEIR WIDTH. HOWEVER, IN INSTANCES OF LARGE FEATURE WINDOWS, PROPORTIONS MAY BE USED TO PROVIDE A SIMILAR VERTICAL APPEARANCE. SQUARE WINDOWS MAY BE USED AS A SECONDARY DESIGN ELEMENT.

**FACADES SHALL INCORPORATE WINDOWS AND DOORS AS FOLLOWS:**

- I. WINDOWS AND DOORS SHALL BE PROVIDED FOR AT LEAST 20% OF THE TOTAL FACADE AREA ALONG THE PRIMARY AND SECONDARY STREETS. WITH EACH FOOT OF CALCULATED NOTIONALLY, THE MAXIMUM CONTIGUOUS AREA WITHOUT WINDOWS OR DOORS ON ANY FLOOR SHALL NOT EXCEED 10 FEET IN HEIGHT AND 20 FEET IN LENGTH.
- II. THE ABOVE REQUIREMENT MAY BE REDUCED WHERE A FACADE IS NOT VISIBLE FROM A PUBLIC OR PRIVATE STREET.
- III. THE FACADES OF FIRST FLOOR FLOOR OF THE BUILDINGS ALONG PUBLIC AND PRIVATE STREETS SHALL INCORPORATE A MINIMUM OF 20% MASONRY MATERIALS SUCH AS BRICK, STUCCO OR STONE.

**FACADE ARTICULATION:**

- I. FACADES OVER 7.5 FEET IN LENGTH SHALL INCORPORATE WALL PROJECTIONS OR RECESSES A MINIMUM OF 2 FEET IN DEPTH. THE COMBINED LENGTH OF SAID RECESSES AND PROJECTIONS SHALL BE AT LEAST 20% OF THE TOTAL FACADE LENGTH FOR FACADES OVER 7.5 FEET IN LENGTH. PATIOS AND BALCONIES ARE ACCEPTABLE PROJECTIONS.

**ADDITIONAL STREET FRONTING FACADE REQUIREMENTS ON PUBLIC AND PRIVATE STREETS**

- I. STREET FRONTING FACADES AND SECONDARY FACADES SHALL BE ARTICULATED AND DESIGNED TO CREATE ADDITIONAL VISUAL INTEREST BY INCORPORATING ARCHITECTURAL DETAILS, BUILDING MATERIALS, THE ROOF LINE, AND BUILDING OFFSETS.
- II. ON CORNER LOTS, THE ARCHITECTURAL TREATMENT OF A BUILDING INTERSECTING STREET FRONTING FACADES SHALL BE SUBSTANTIALLY SIMILAR, EXCEPT THAT SAID BUILDING MAY EMPHASIZE THE CORNER LOCATION BY INCORPORATING ADDITIONAL HEIGHT AT THE CORNER, VARYING THE ROOF FORM AT THE CORNER, OR PROVIDING OTHER ARCHITECTURAL EMBELLISHMENTS AT THE CORNER.
- III. FIRST STORY FACADES OF ALL BUILDINGS ALONG PRIMARY AND SECONDARY STREETS SHALL INCORPORATE COLUMNS, AWNINGS, ARCADES, PORCHES, STAIRS, WINDOWS, DOORS, OR OTHER ARCHITECTURAL DETAILS.
- IV. FACADES SHALL PROVIDE VISUAL INTEREST BY VARYING MATERIALS AND COLORS. WHEN THE BUILDING HEIGHT IS MORE THAN TWO STORIES, THROUGH ARCHITECTURAL MEANS SUCH AS FOURIER, AWNINGS, OR A CHANGE IN PRIMARY FACADE MATERIALS OR COLORS.
- V. FACADES SHALL INCORPORATE SMALL ARCHITECTURAL WINDOWS AND OTHER ARCHITECTURAL DETAILS.
- VI. NO MORE THAN FOUR DIFFERENT MATERIALS, TEXTURES, COLORS, OR COMBINATIONS THEREOF MAY BE USED ON A SINGLE BUILDING. THIS REQUIREMENT SHALL NOT INCLUDE MATERIALS USED ON WINDOWS, DOORS, PORCHES, BALCONIES, FOUNDATIONS, AWNINGS OR ARCHITECTURAL DETAILS.
- VII. MATERIALS MAY BE COMBINED HORIZONTALLY OR VERTICALLY, WITH THE HEAVIER BELOW THE LIGHTER WHEN HORIZONTAL.
- VIII. VINYL OR ALUMINUM SIDING, EXPOSED STANDARD CONCRETE, MASONRY UNIT (CMU) BLOCK, CORRUGATED STEEL, PREFABRICATED METAL, EXPOSED PLYWOOD, AND EXPOSED PIGBOARD ARE PROHIBITED, EXCEPT WHEN USED AS A DECORATIVE FEATURE OR ACCENT.
- IX. EXTERIOR MATERIALS OF BUILDINGS ALONG THE PUBLIC AND PRIVATE STREETS SHALL BE LIMITED TO BRICK, STONE, PRE-CAST CONCRETE, WOOD, STUCCO, GEM/IMITATION SIDING, GLASS, MANUFACTURED STONE, OR GRANITE.
- X. ACCESSORY STRUCTURES SHALL BE CONSISTENT WITH THE PRINCIPAL BUILDING IN MATERIAL, TEXTURE, AND COLOR.

**FOUNDATIONS:**

- I. FOUNDATIONS, WHEN PROVIDED, SHALL BE CONSTRUCTED AS A DISTINCT BUILDING ELEMENT THAT CONTRASTS WITH FACADE MATERIALS. EXPOSED ABOVE-GROUND FOUNDATIONS SHALL BE COATED OR FINISHED IN CEMENT, STUCCO, BRICK, MANUFACTURED STONE, OR NATURAL STONE TO CONTRAST WITH FACADE MATERIALS.

**ROOFS:**

- I. PITCHED OR FLAT ROOFS ARE ACCEPTABLE. THE PITCH OF THE BUILDING'S PRIMARY ROOF SHALL HAVE A MINIMUM SLOPE OF 4:12. FLAT ROOFS SHALL BE SCREENED FROM THE VIEW OF PUBLIC AND PRIVATE STREETS BY A PARAPET.
- II. ACCESSORY FEATURES ON A ROOF SHALL BE SCREENED FROM THE VIEW OF THE PUBLIC AND PRIVATE STREETS BY A PARAPET OR OTHER ARCHITECTURAL FEATURE.
- III. REFINISHED SLOPED ROOF MATERIALS ARE ASPHALT SHINGLES, COMPOSITION SHINGLES, WOOD SHINGLES, TIN, STANDING SEAM METAL, AND WOOD SHAKES.
- IV. VENTS, STACKS, AND ROOF FANS ARE TO BE PAINTED TO BLEND WITH THE ROOF COLOR AND HIDDEN FROM PUBLIC AND PRIVATE STREET VIEW TO THE GREATEST EXTENT POSSIBLE.

**ADDITIONAL DESIGN STANDARDS**

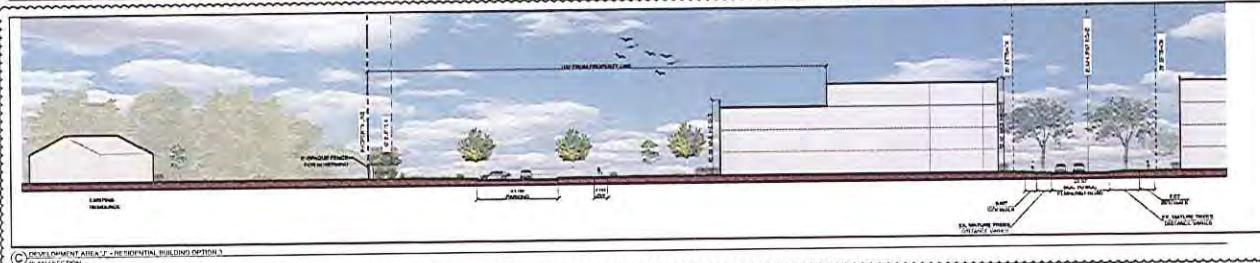
- I. NO PARKING OR MANEUVERING FOR PARKING WILL BE ALLOWED BETWEEN THE BUILDINGS LOCATED ON DEVELOPMENT AREAS THROUGHOUT AND THE ADJUTING PUBLIC STREETS. PARKING AREAS MAY BE LOCATED ADJACENT AND BETWEEN THE ALLOWED RESIDENTIAL BUILDINGS OR BEHIND THE ALLOWED RESIDENTIAL BUILDINGS. WHEN PARKING AREAS ARE LOCATED ADJACENT AND/OR BETWEEN THE ALLOWED RESIDENTIAL BUILDINGS THE WIDTH OF THE PARKING AREA ALONG THE PUBLIC STREET MAY NOT EXCEED 10 LINEAR FEET.
- II. IF GARAGES ARE CONSTRUCTED ON THE SITE THEY MAY NOT BE ORIENTED TOWARD THE EXISTING OR PROPOSED PUBLIC OR PRIVATE STREETS, EXCEPT WHEN THE GARAGE IS LOCATED BEHIND THE PRINCIPAL STRUCTURE IN WHICH CASE THEY MAY FACE THE PUBLIC OR PRIVATE STREET.
- III. ALONG THE EXISTING PUBLIC STREETS ADJUTING DEVELOPMENT AREAS THROUGHOUT THE PORTION WILL PRESERVE A MINIMUM OF 10% OF THE EXISTING TREES ALONG EACH BLOCK FACE LOCATED ON PRIVATE PROPERTY AND WITHIN 10 FEET OF THE RIGHT-OF-WAY OF THE EXISTING PUBLIC STREETS, THAT ARE DEEMED TO BE IN GOOD HEALTH BY THE CITY URBAN FORESTRY STAFF OR A PRIVATE ARBORIST AT THE TIME DEVELOPMENT ALONG EACH BLOCK FACE OCCURS.
- IV. ANY EXISTING TREES LOCATED WHOLLY OR PARTLY WITHIN THE EXISTING RIGHT-OF-WAY OF THE EXISTING PUBLIC STREET THROUGHOUT SHALL NOT BE REMOVED WITHOUT A PERMIT FROM THE CITY URBAN FORESTRY STAFF. THE CITY URBAN FORESTRY STAFF WILL DETERMINE HEALTH AND CONDITION OF THE EXISTING STREET TREES AND SUBJECT TO THE STANDARDS OF THE TREE ORDINANCE WILL ALSO DETERMINE WHICH OF THE EXISTING STREET TREES MAY BE REMOVED.



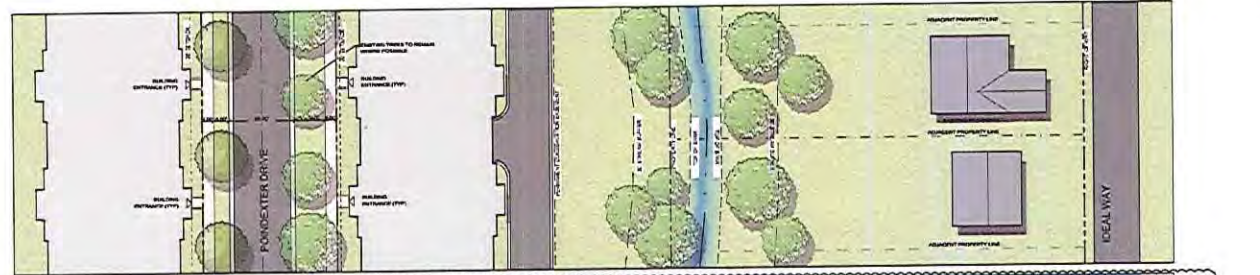
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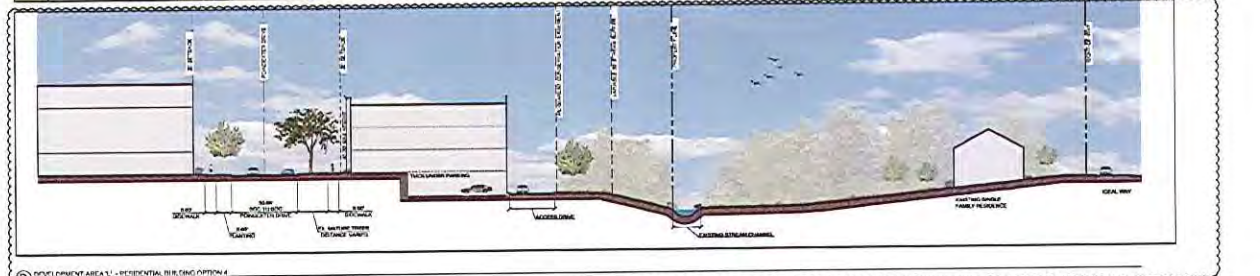
SECTION



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SECTION



**SEDFIELD MULTIFAMILY DESIGN GUIDELINES**

**MULTIFAMILY DESIGN GUIDELINES**

**A. GENERAL SITE CONSIDERATIONS**

- ORIENT BUILDINGS TOWARDS PUBLIC AND PRIVATE STREETS TO REINFORCE THE STREET SCAPE. ORIENT BUILDINGS IN A WAY TO ENCLOSE AND DEFINE PUBLIC SPACE, OPEN SPACE AND GREEN SPACE.
- BUILDING FEATURES, SUCH AS PORCHES, PATIOS, STOODS, FRONT WALKWAYS AND CENTRALIZED DOORWAYS OR PORCHWAYS, SHALL FRONT THE PUBLIC OR PRIVATE STREETS, EXCEPT WHERE INDICATED OTHERWISE. BUILDINGS SHALL BE ORIENTED TO CLEARLY CONNECT TO THE STREET NETWORK.
- ARCHITECTURAL TREATMENT SHALL CONTINUE ON ALL SIDES OF A BUILDING EXCEPT AS SPECIALLY NOTED OTHERWISE.
- GROUND FLOOR TREATMENT SHALL BE DIFFERENTIATED FROM UPPER FLOORS BY MATERIAL, COLOR AND GLASS. PROMINENT ENTRANCES, PORCHES, STOODS, CHANGE IN MATERIALS, BUILDING STEPS, BACKS, ART WORK AND LANDSCAPING. BLANK WALLS CANNOT BE ADDRESSED WITH LANDSCAPE ELEMENTS ONLY.
- ALL BUILDING ENTRANCES WILL BE CONSIDERED TO BE THE PUBLIC OR PRIVATE PROPERTY OF THE PUBLIC AND ADA STANDARDS (PORCHES, PATIOS SHALL NOT BE CONSIDERED A BUILDING ENTRANCE).

**B. FACADE COMPOSITION**

- THE PRINCIPAL ENTRANCE OF A BUILDING SHALL BE ARTICULATED AND EXPRESSED IN GREATER ARCHITECTURAL DETAIL THAN OTHER BUILDING ENTRANCES.
- WINDOWS SHALL BE VERTICALLY SHAPED WITH A HEIGHT GREATER THAN THEIR WIDTH. HOWEVER, IN INSTANCES OF LARGE FEATURE WINDOWS, FENESTRATION MAY BE USED TO PROVIDE A SIMILAR VERTICAL APPEARANCE. SQUARE WINDOWS MAY BE USED AS A SECONDARY DESIGN ELEMENT.

**FACADES SHALL INCORPORATE WINDOWS AND DOORS AT FOLLOWING:**

- WINDOWS AND DOORS SHALL BE PROVIDED FOR AT LEAST 20% OF THE TOTAL FACADE AREA ALONG THE PRIMARY AND SECONDARY STREETS, WITH FACITLOOK CALCULATED INDEPENDENTLY. THE MAXIMUM CONTIGUOUS AREA WITHOUT WINDOWS OR DOORS ON ANY FLOOR SHALL NOT EXCEED 10 FEET IN HEIGHT AND 20 FEET IN LENGTH.
- THE ABOVE REQUIREMENT MAY BE REDUCED WHERE A FACADE IS NOT VISIBLE FROM A PUBLIC OR PRIVATE STREET.
- THE FACADES OF FIRST FLOOR OF THE BUILDINGS ALONG PUBLIC AND PRIVATE STREETS SHALL INCORPORATE A MINIMUM OF 20% MASONRY MATERIALS SUCH AS BRICK, STUCCO OR STONE.

**FACADE ARTICULATION:**

- FACADES OVER 75 FEET IN LENGTH SHALL INCORPORATE WALL PROJECTIONS OR RECESSES A MINIMUM OF 2 FEET IN PROJECTION OR RECESS DEPTH. THE COMBINED LENGTH OF SAID RECESSES AND PROJECTIONS SHALL BE AT LEAST 20% OF THE TOTAL FACADE LENGTH FOR FACADES OVER 75 FEET IN LENGTH. PATIOS AND BALCONIES ARE ACCEPTABLE PROJECTIONS.

**ADDITIONAL STREET FRONTING FACADE REQUIREMENTS ON PUBLIC AND PRIVATE STREETS:**

- STREET FRONTING FACADES AND SIDE PORCHES FACADES SHALL BE ARTICULATED AND DESIGNED TO CREATE ADDITIONAL VISUAL INTEREST BY PROVIDING ARCHITECTURAL DETAILS, BUILDING MATERIALS, THE ROOF LINE, AND BUILDING OFFSETS.
- ON CORNER LOTS, THE ARCHITECTURAL TREATMENT OF A BUILDING'S INTERSECTING STREET FRONTING FACADES SHALL BE SUBSTANTIALLY SIMILAR, EXCEPT THAT SAID BUILDING MAY EMPHASIZE THE CORNER BY INCORPORATING ADDITIONAL HEIGHT AT THE CORNER, VARYING THE ROOF FORM AT THE CORNER, OR PROVIDING OTHER ARCHITECTURAL EMPHASIS AT THE CORNER.
- FIRST STORY FACADES OF ALL BUILDINGS ALONG PRIMARY AND SECONDARY STREETS SHALL INCORPORATE COLUMNS, AWNINGS, ARCADES, PORCHES, STOODS, WINDOWS, DOORS, OR OTHER ARCHITECTURAL DETAILS.
- FACADES SHALL PROVIDE VISUAL CONNECTION BETWEEN THE FIRST AND SECOND STORIES, WHEN THE BUILDING HEIGHT IS MORE THAN TWO STORIES, THROUGH ARCHITECTURAL MEANS SUCH AS FOURCELS, AWNINGS, AIR A CHANGE IN PRIMARY FACADE MATERIALS OR COLOR.
- NO MORE THAN FOUR DIFFERENT MATERIALS, TEXTURES, COLORS, OR COMBINATIONS THEREOF MAY BE USED ON A SINGLE BUILDING. THIS REQUIREMENT SHALL NOT INCLUDE MATERIALS USED ON WINDOWS, DOORS, PORCHES, BALCONIES, FOUNDATIONS, AWNINGS OR ARCHITECTURAL DETAILS.
- MATERIALS MAY BE COMBINED HORIZONTALLY OR VERTICALLY, WITH THE HEAVIER BELOW THE LIGHTER WHEN HORIZONTAL.
- VINYL OR ALUMINUM SIDING, EXPOSED STANDARD CONCRETE MASONRY UNIT (CMU) BLOCK, CORRUGATED STEEL, PREFABRICATED METAL, EXPOSED PL WOOD, AND EXPOSED PRESSBOARD ARE PROHIBITED. EXCEPT WHEN USED AS A DECORATIVE FEATURE OR ACCENT.
- EXTERIOR MATERIALS OF BUILDINGS ALONG THE PUBLIC AND PRIVATE STREETS SHALL BE LIMITED TO BRICK, STONE, PRE-CAST CONCRETE, WOOD, STUCCO, CEMENTITIOUS SIDING, GLASS, MANUFACTURED STONE OR GRANITE.
- ACCESSORY STRUCTURES SHALL BE CONSENT WITH THE PRINCIPAL BUILDING IN MATERIAL, TEXTURE, AND COLOR.

(a) FOUNDATIONS, WHERE PROVIDED, SHALL BE CONSTRUCTED AS A DISTINCT BUILDING ELEMENT THAT CONTRASTS WITH FACADE MATERIALS. EXPOSED ABOVE-GROUND FOUNDATIONS SHALL BE COATED OR FINISH IN CHAMP, STUCCO, BRICK, MANUFACTURED STONE, OR NATURAL STONE TO CONTRAST WITH FACADE MATERIALS.

**C. ROOFS**

- RITCHED OR FLAT ROOFS ARE ACCEPTABLE. THE PITCH OF THE BUILDING'S PRIMARY ROOF SHALL HAVE A MINIMUM SLOPE OF 4:12. FLAT ROOFS SHALL BE SCREENED FROM THE VIEW OF PUBLIC AND PRIVATE STREETS BY A PARAPET.
- ACCESSORY FEATURES ON A ROOF SHALL BE SCREENED FROM THE VIEW OF THE PUBLIC AND PRIVATE STREETS BY A PARAPET OR OTHER ARCHITECTURAL FEATURE.
- PERMITTED SLOPED ROOF MATERIALS ARE ASPHALT SHINGLES, COMPOSITION SHINGLES, WOOD SHINGLES, TIN, STANDING SEAM METAL, AND WOOD SHAKES.
- VENTS, STACKS, AND ROOF FANS ARE TO BE PAINTED TO BLEND WITH THE ROOF COLOR AND HIDDEN FROM PUBLIC AND PRIVATE STREET VIEW TO THE GREATEST EXTENT POSSIBLE.

**D. ADDITIONAL DESIGN STANDARDS**

- NO PARKING OR MANUEVERING FOR PARKING WILL BE ALLOWED BETWEEN THE BUILDINGS LOCATED ON DEVELOPMENT AREAS THROUGH AND THE ADJUTING PUBLIC STREETS. PARKING AREAS MAY BE LOCATED ADJACENT AND BETWEEN THE ALLOWED RESIDENTIAL BUILDINGS OR BEHIND THE ALLOWED RESIDENTIAL BUILDINGS, WHEN PARKING AREAS ARE LOCATED ADJACENT AND/OR BETWEEN THE ALLOWED RESIDENTIAL BUILDINGS THE WIDTH OF THE PARKING AREA ALONG THE PUBLIC STREET MAY NOT EXCEED 75 LINEAR FEET.
- IF GARAGES ARE CONSTRUCTED ON THE SITE THEY MAY NOT BE ORIENTED TOWARD THE EXISTING OR PROPOSED PUBLIC OR PRIVATE STREETS, EXCEPT WHEN THE GARAGE IS LOCATED BEHIND THE PRINCIPAL STRUCTURE IN WHICH CASE THEY MAY FACE THE PUBLIC OR PRIVATE STREET.
- ALONG THE EXISTING PUBLIC STREETS ADJUTING DEVELOPMENT AREAS THROUGH THE PETITIONER WILL PRESERVE A MINIMUM OF 5% OF THE EXISTING TREES ALONG EACH BLOCK FACE LOCATED ON PRIVATE PROPERTY AND WITHIN 15 FEET OF THE HIGHWAY-WAY OF THE EXISTING PUBLIC STREETS, THAT ARE DEEMED TO BE IN GOOD HEALTH BY THE CITY URBAN FORESTRY STAFF OR A PRIVATE ARBORIST AT THE TIME DEVELOPMENT ALONG EACH BLOCK FACE OCCURS.
- ANY EXISTING TREES LOCATED WHOLLY OR PARTLY WITHIN THE EXISTING RIGHT-OF-WAY OF THE EXISTING PUBLIC STREETS (STREET TREES) MAY NOT BE REMOVED WITHOUT A PERMIT FROM THE CITY URBAN FORESTRY STAFF. THE CITY URBAN FORESTRY STAFF WILL DETERMINE HEALTH AND CONDITION OF THE EXISTING STREET TREES AND SUBJECT TO THE STANDARDS OF THE TREE ORDINANCE WILL ALSO DETERMINE WHICH OF THE EXISTING STREET TREES MAY BE REMOVED.

**LandDesign**  
 2316 GARDNER DRIVE, SUITE 100  
 CHARLOTTE, NC 28203  
 P: 704.333.1313 F: 704.333.1314  
 www.landdesign.com

PETITION NO. 2014-064

**SEDFIELD NEIGHBORHOOD  
 MIXED-USE DEVELOPMENT**  
 145-155 WEST 10TH STREET  
 CHARLOTTE, NC 28203

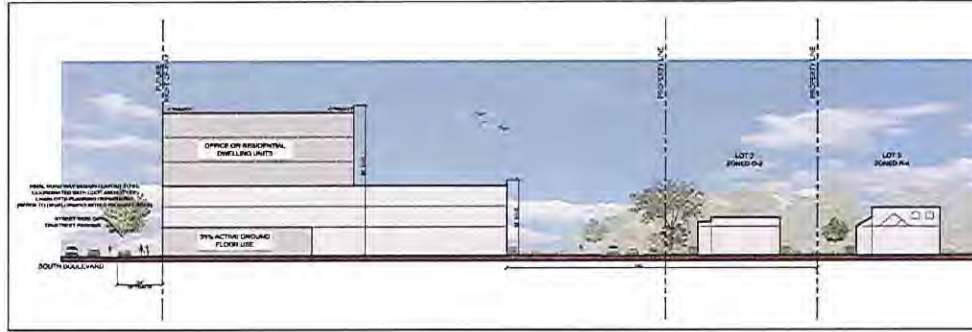
**SCHEMATIC SITE SECTIONS**

PREPARED BY  
 LAND DESIGN  
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 CHARLOTTE, NC 28203  
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SECTION



SECTION THROUGH DEVELOPMENT AREAS C THROUGH I  
DATE: 10/20/14

SEDFIELD MULTI-FAMILY DESIGN GUIDELINES

MULTI-FAMILY DESIGN GUIDELINES

A. GENERAL SITE CONSIDERATIONS

- 1. ORIENT BUILDINGS TOWARDS PUBLIC AND PRIVATE STREETS TO REINFORCE THE STREET SCAPE.
- 2. ORIENT BUILDINGS IN A WAY TO ENCLOSE AND DEFINE PUBLIC SPACE, OPEN SPACE AND GREEN SPACE.
- 3. BUILDING FEATURES SUCH AS PORCHES, PATIOS, STOOMS, FRONT WALKWAYS AND CONTRAILED DOORWAYS OR BIKEWAYS SHALL FRONT THE PUBLIC OR PRIVATE STREET(S). EXCEPT WHERE ENDS OF BUILDINGS FRONT THESE STREETS, WHEN ENDS OF BUILDINGS FRONT STREETS, WALKWAYS WILL BE PROVIDED TO CLEARLY CONNECT THE BUILDING ENTRANCES WITH THE STREET NETWORK.
- 4. ARCHITECTURAL TREATMENT SHALL CONTINUE ON ALL SIDES OF A BUILDING EXCEPT AS SPECIALLY INDICATED OTHERWISE.
- 5. EXTERIOR WALLS SHALL BE FINISHED WITH A COMBINATION OF FINE MATERIALS SUCH AS GLASS, PROMINENT ENTRANCES, PORCHES, STOOMS, CHANGE IN MATERIALS, BUILDING STEP BACKS, ART WORK AND LANDSCAPING. PLAIN WALLS CANNOT BE ACCESSED WITH LANDSCAPE ELEMENTS ONLY.
- 6. EXTERIOR PATIOS, PORCHES, STOOMS, AND ADA STANDARDS (PRIVATE PATIOS WILL NOT BE CONSIDERED A BUILDING ENTRANCE).

B. FACADE COMPOSITION

- 1. THE PRINCIPAL ENTRANCE OF A BUILDING SHALL BE ARTICULATED AND EXPRESSED IN GREATER ARCHITECTURAL DETAIL THAN OTHER BUILDING ENTRANCES.
- 2. WINDOWS SHALL BE VERTICALLY SHAPED WITH A HEIGHT GREATER THAN THEIR WIDTH. HOWEVER, IN INSTANCES OF LARGE FEATURE WINDOWS, PENETRATIONS MAY BE USED TO PROVIDE A SIMILAR VERTICAL APPEARANCE. SQUARE WINDOWS MAY BE USED AS A SECONDARY DESIGN ELEMENT.
- 3. FACADES SHALL INCORPORATE WINDOWS AND DOORS AS FOLLOWS:
  - 1. WINDOWS AND DOORS SHALL BE PROVIDED FOR AT LEAST 20% OF THE TOTAL FACADE AREA ALONG THE PRIMARY AND SECONDARY STREETS, WITH FLOOR AREA CALCULATED INDEPENDENTLY. THE MAXIMUM CONTIGUOUS AREA WITHOUT WINDOWS OR DOORS ON ANY FLOOR SHALL NOT EXCEED 10 FEET IN HEIGHT AND 20 FEET IN LENGTH.
  - 2. THE ABOVE REQUIREMENT MAY BE REDUCED WHERE A FACADE IS NOT VISIBLE FROM A PUBLIC OR PRIVATE STREET.
  - 3. THE FACADES OF FIRST-GROUND FLOOR OF THE BUILDING ALONG PUBLIC AND PRIVATE STREETS SHALL INCORPORATE A MINIMUM OF 25% MASONRY MATERIALS SUCH AS BRICK, STUCCO OR STONE.

C. FACADE ARTICULATION

- 1. FACADES OVER 25 FEET IN HEIGHT SHALL INCORPORATE WALL PROJECTIONS OR RECESSES A MINIMUM OF 2 FEET IN DEPTH. THE COMBINED LENGTH OF SAID PROJECTIONS AND PROJECTIONS SHALL BE AT LEAST 20% OF THE TOTAL FACADE LENGTH FOR FACADES OVER 75 FEET IN LENGTH. PATIOS AND BALCONIES ARE ACCEPTABLE PROJECTIONS.

ADDITIONAL STREET FRONTING FACADE REQUIREMENTS ON PUBLIC AND PRIVATE STREETS

- 1. STREET FRONTING FACADES AND BUILDING FACADES SHALL BE ARTICULATED AND DESIGNED TO CREATE ADDITIONAL VISUAL INTEREST BY VARYING ARCHITECTURAL DETAILS, BUILDING MATERIALS, THE ROOF LINE, AND BUILDING OBJECTS.
- 2. ON CORNER LOTS, THE ARCHITECTURAL TREATMENT OF A BUILDING'S INTERSECTING STREET FRONTING FACADES SHALL BE SUBSTANTIALLY SIMILAR, EXCEPT THAT SAID BUILDING MAY EMPHASIZE THE CORNER LOCATION BY INCORPORATING ADDITIONAL HEIGHT AT THE CORNER, VARYING THE ROOF FORM AT THE CORNER, OR PROVIDING OTHER ARCHITECTURAL LABELS/DETAILS AT THE CORNER.
- 3. FIRST STORY FACADES OF ALL BUILDINGS ALONG PRIMARY AND SECONDARY STREETS SHALL INCORPORATE COLLARS, AWNINGS, PORCHES, STOOMS, WINDOWS, DOORS, OR OTHER ARCHITECTURAL ELEMENTS.
- 4. FACADES SHALL PROVIDE VISUAL INTEREST BY VARYING THE FIRST AND SECOND STORIES, WHEN THE BUILDING HEIGHT IS MORE THAN TWO STORIES, THROUGH ARCHITECTURAL DETAILS SUCH AS CORNICES, AWNINGS, OR A CHANGE IN PRIMARY FACADE MATERIALS PER CODES.
- 5. INCORPORATE ARCHITECTURAL DETAILS THAT CONTRAST WITH FACADE MATERIALS SUCH AS OTHER ARCHITECTURAL DETAILS.
- 6. NO MORE THAN FOUR DIFFERENT MATERIALS, TEXTURES, COLORS, OR COMBINATIONS THEREOF MAY BE USED ON A SINGLE BUILDING. THIS REQUIREMENT SHALL NOT INCLUDE MATERIALS USED ON WINDOWS, DOORS, PORCHES, BALCONIES, FOUNDATIONS, AWNINGS OR ARCHITECTURAL DETAILS.
- 7. MATERIALS MAY BE COMBINED HORIZONTALLY OR VERTICALLY, WITH THE HEAVIER BELOW THE LIGHTER WHEN HORIZONTAL.
- 8. VINYL OR ALUMINUM SIDING, EXPOSED STANDARD CONCRETE, MASONRY UNIT (CMU) BLOCK, CORRUGATED STEEL, PERFORATED METAL, EXPOSED PLYWOOD, AND EXPOSED REINFORCING ARE PROHIBITED, EXCEPT WHEN USED AS A DECORATIVE FEATURE OR ACCENT.
- 9. EXTERIOR MATERIALS OF BUILDINGS ALONG THE PUBLIC AND PRIVATE STREETS SHALL BE LIMITED TO BRICK, STONE, PRECAST CONCRETE, WOOD, STUCCO, GEMENTHIOUS SIDING, GLASS, MANUFACTURED STONE OR GRANITE.
- 10. ACCESSORY STRUCTURES SHALL BE CONSISTENT WITH THE PRINCIPAL BUILDING IN MATERIAL, TEXTURE, AND COLOR.

- (H) FOUNDATIONS, WHERE PROVIDED, SHALL BE CONSTRUCTED AS A DISTINCT BUILDING ELEMENT THAT CONTRASTS WITH FACADE MATERIALS. EXPOSED ABOVE-GROUND FOUNDATIONS SHALL BE COATED OR FACED IN CEMENT, STUCCO, BRICK, MANUFACTURED STONE, OR NATURAL STONE TO CONTRAST WITH FACADE MATERIALS.

C. ROOFS

- 1. PITCHED OR FLAT ROOFS ARE ACCEPTABLE. THE PITCH OF THE BUILDING'S PRIMARY ROOF SHALL HAVE A MINIMUM SLOPE OF 4:12. FLAT ROOFS SHALL BE SCREENED FROM THE VIEW OF PUBLIC AND PRIVATE STREETS BY A PARAPET.
- 2. ACCESSORY STRUCTURES ON A ROOF SHALL BE SCREENED FROM THE VIEW OF THE PUBLIC AND PRIVATE STREETS BY A PARAPET OR OTHER ARCHITECTURAL FEATURE.
- 3. PERMITTED SLOPED ROOF MATERIALS ARE ASPHALT SHINGLES, COMPOSITION SHINGLES, WOOD SHINGLES, TIN, STANDING SEAM METAL AND WOOD SHAKES.
- 4. VENTS, STACKS, AND ROOF FANS ARE TO BE PAINTED TO BLEND WITH THE ROOF COLOR AND HIDDEN FROM PUBLIC AND PRIVATE STREET VIEW TO THE GREATEST EXTENT POSSIBLE.

D. ADDITIONAL DESIGN STANDARDS

- 1. NO PARKING OR MANUEVERING FOR PARKING WILL BE ALLOWED BETWEEN THE BUILDINGS LOCATED ON DEVELOPMENT AREAS C THROUGH I, AND THE ADJUTING PUBLIC STREETS. PARKING AREAS MAY BE LOCATED ADJACENT AND BETWEEN THE ALLOWED RESIDENTIAL BUILDINGS OR BEHIND THE ALLOWED RESIDENTIAL BUILDINGS. WHEN PARKING AREAS ARE LOCATED ADJACENT AND/OR BETWEEN THE ALLOWED RESIDENTIAL BUILDINGS THE WIDTH OF THE PARKING AREA ALONG THE PUBLIC STREET MAY NOT EXCEED 70 LINEAR FEET.
- 2. IF GARAGES ARE CONSTRUCTED ON THE SITE THEY MAY NOT BE ORIENTED TOWARD THE EXISTING OR HIGHEST PUBLIC OR PRIVATE STREET(S), EXCEPT WHEN THE GARAGE IS LOCATED BEHIND THE PRINCIPAL STRUCTURE IN WHICH CASE THEY MAY FACE THE PUBLIC OR PRIVATE STREET.
- 3. ALONG THE EXISTING PUBLIC STREETS ADJUTING DEVELOPMENT AREAS C THROUGH I, THE PETITIONER WILL PROVIDE A MINIMUM OF 4% OF THE EXISTING TREES ALONG EACH BLOCK FACE LOCATED ON PRIVATE PROPERTY AND WITHIN 10 FEET OF THE RIGHT-OF-WAY OF THE EXISTING PUBLIC STREETS, THAT ARE DETERMINED TO BE IN GOOD HEALTH BY THE CITY URBAN FORESTRY STAFF OR A PRIVATE APPROPRIATE AT THE TIME DEVELOPMENT ALONG EACH BLOCK FACE OCCURS.
- 4. ANY EXISTING TREE(S) LOCATED WHOLLY OR PARTLY WITHIN THE EXISTING RIGHT-OF-WAY OF THE EXISTING PUBLIC STREET(S) STREET TREE(S) MAY NOT BE REMOVED WITHOUT A PERMIT FROM THE CITY URBAN FORESTRY STAFF. THE CITY URBAN FORESTRY STAFF WILL DETERMINE HEALTH AND CONDITION OF THE EXISTING STREET TREE(S) AND SUBJECT TO THE STANDARDS OF THE TREE ORDINANCE WILL ALSO DETERMINE WHICH OF THE EXISTING STREET TREES MAY BE REMOVED.











**GARDEN APARTMENT DESIGN CONCEPTS**



LANDSCAPING PLANTERS WITH MULTIPLE ENTRIES



BUILDING UNDULATION WITH ARTICULATED PEDESTRIAN SIDEWALK



PORCHES & DEFINED ENTRY



LARGE SETBACK FROM STREET TO MAINTAIN MATURE TREES, & GOOD LANDSCAPE BUFFERS



MATERIAL DETAILING & OVERHANGS TO ADD INTEREST



ARTICULATION OF ENTRY



MULTIPLE ENTRY POINTS ALONG STREETSCAPE

(A) DEVELOPMENT AREAS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25

**LARGER APARTMENT/PARKING DECK DESIGN CONCEPTS**



LARGE SETBACK FROM STREET TO MAINTAIN MATURE TREES, & GOOD LANDSCAPE BUFFERS



ACTIVATION OF CORNERS & STREET EDGE WITH AMENITY/PUBLIC AREAS



UNDULATION/VARIATION IN FACADE & MATERIAL TO HELP BREAK UP LARGE SCALE OF BLDG



PARKING SCREENED FROM MAIN STREETS (PODIUM & WRAPPED GARAGES)



PARKING SCREENED FROM MAIN STREETS (PODIUM & WRAPPED GARAGES)

(B) DEVELOPMENT AREAS 26, 27, 28, 29, 30, 31, 32, 33, 34, 35

**TOWNHOME DESIGN CONCEPTS**



LANDSCAPED AREAS AT PEDESTRIAN ENTRIES



REAR PARKING PODS



MULTIPLE CLEARLY EXPRESSED ENTRIES



LARGE SETBACK FROM STREET TO MAINTAIN MATURE TREES, & GOOD LANDSCAPE BUFFERS



TUCK UNDER PARKING IN REAR (NOT VISIBLE FROM STREET)



INDIVIDUAL ENTRANCES & BALCONIES FACING THE STREET



VARIATION IN FACADE TO IDENTIFY EACH UNIT & BREAK UP LARGE BLDG



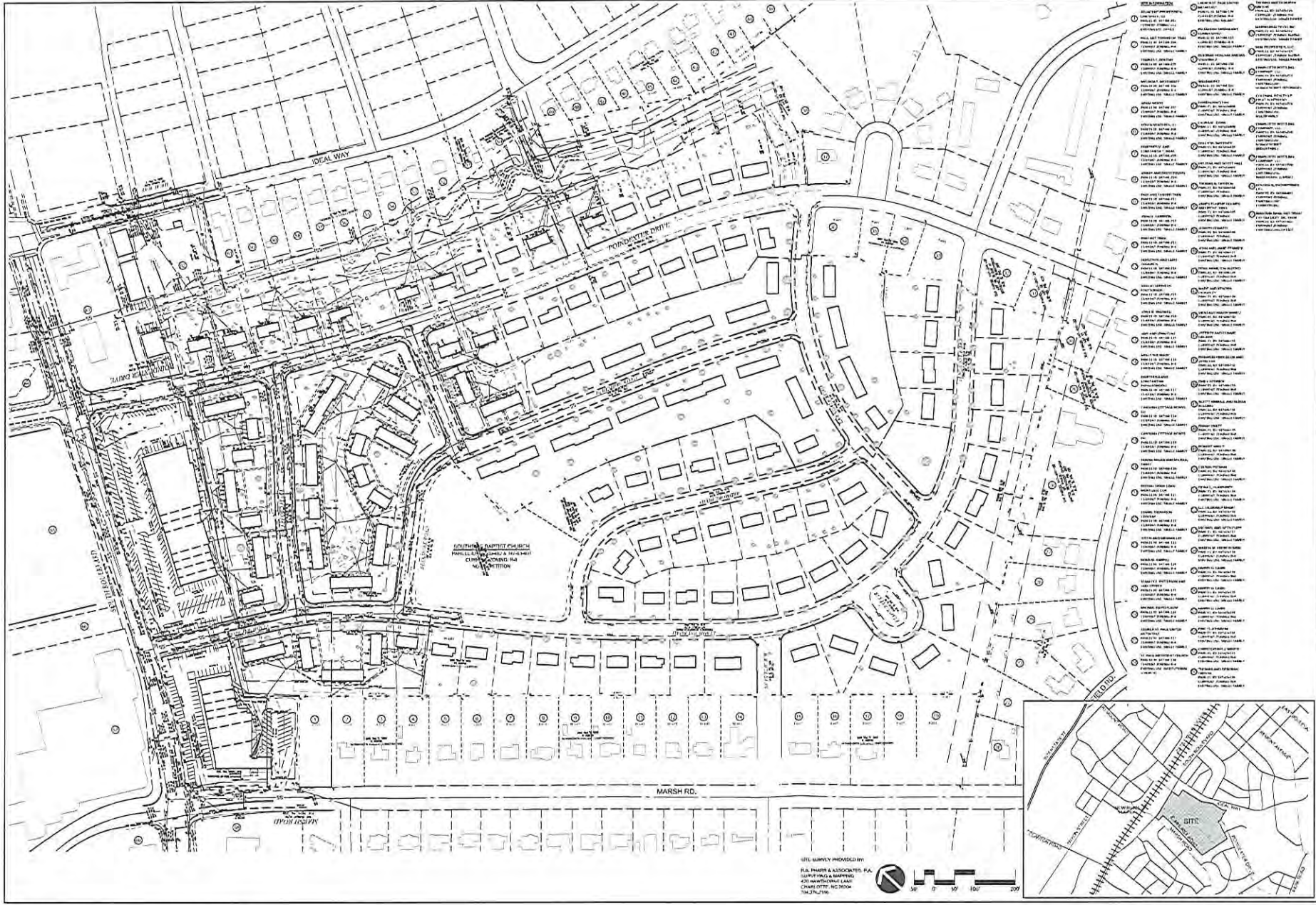
TRADITIONAL ROWHOUSE STREET FRONT

(C) DEVELOPMENT AREAS 36, 37, 38, 39, 40, 41, 42, 43, 44, 45



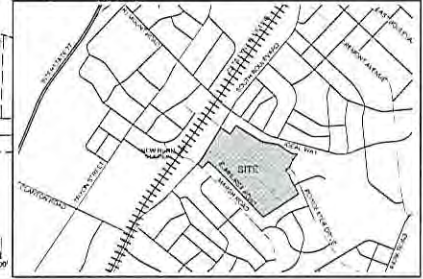
(D) DEVELOPMENT AREAS 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000





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SITE BARRELY PROVIDED BY:  
 R.L. PHARR & ASSOCIATES, P.A.  
 SURVEYING & MAPPING  
 4701 MATTHEW VINE LANE  
 CHARLOTTE, NC 28209  
 TEL: 704.271.1110



**LandDesign**  
 2400 CALDWAY COURT, SUITE 200  
 CHARLOTTE, NC 28205  
 TEL: 704.375.1110

PETITION NO. 2014-064

**SEDFIELD NEIGHBORHOOD**  
**MIXED-USE DEVELOPMENT**  
 PAVEN PROPERTIES | CHARLOTTE, NORTH CAROLINA  
 EXISTING CONDITIONS PLAN

REVISION: 11/18/14  
 DATE: 11/18/14  
 DRAWN BY: J. L. PHARR  
 CHECKED BY: J. L. PHARR  
 SCALE: AS SHOWN  
 PROJECT NO.: 14-064

**RZ-6.0**

ML\_20121022\GAD\446\2014\Plan\2014-RZ-6.0.dwg, 12/4/14 11:48:32 AM, User: J. L. Pharr, LandDesign, Inc.



<b>REQUEST</b>	Text amendment to Sections 2.201, 12.408 and 12.410 of the Zoning Ordinance
<b>SUMMARY OF PETITION</b>	The petition proposes to: <ol style="list-style-type: none"> <li>1) add new definitions for animal care and control division, animal care and control fosterer, animal rescue group, and animal rescue group fosterer;</li> <li>2) modify the definitions for commercial kennel and private kennel;</li> <li>3) modify the prohibited customary home occupation list; and</li> <li>4) add cross-references and clarify the prescribed conditions for private kennels.</li> </ol>
<b>PETITIONER</b>	Charlotte-Mecklenburg Planning Department and Charlotte-Mecklenburg Police Department
<b>AGENT/REPRESENTATIVE</b>	Charlotte-Mecklenburg Planning Department and Charlotte-Mecklenburg Police Department
<b>COMMUNITY MEETING</b>	Meeting is not required.

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to <b>DEFER</b> this petition to their January 5, 2015 meeting.
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<b>VOTE</b>	Motion/Second: Eschert/Labovitz
	Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan
	Nays: None
	Absent: Walker
	Recused: None

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

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

**PLANNING STAFF REVIEW**

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



(light industrial); and I-2 (general industrial) zoning districts.

- **Proposed Request Details**

The text amendment contains the following provisions:

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

- **Public Plans and Policies**

- The petition is consistent with the Chapter 3 "Animals" of Part II of the Charlotte City Code.
- 

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

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

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



**TEXT AMENDMENT SUMMARY: Animal Fostering**  
**10-2-14**

**2014-071**

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

Topic	Current Regulations	Proposed Regulations	Rationale
Definitions	<p><b>Private kennel:</b> A structure used by the occupant of the property for outdoor storage of animals and not operated on a commercial basis.</p>	<ul style="list-style-type: none"> <li>• Modifies the definition to include animal fosterer’s and rescue groups.</li> <li>• Modifies the definition to include both indoor and outdoor areas.</li> <li>• Modifies the definition by changing the term “structure” to “property”</li> <li>• Revised definition: “A property where animals are bred or kept indoors or outdoors by the occupant of the property for personal or non-commercial purposes. This definition includes properties used by an 1) animal care and control fosterer, 2) animal rescue group fosterer, or 3) animal rescue group.”</li> </ul>	<ul style="list-style-type: none"> <li>• Refines definitions in accordance with existing practice.</li> </ul>
	<p><b>Commercial kennel:</b> A use or structure intended and used for the breeding or storage of animals for sale or for the training or overnight boarding of animals for persons other than the occupant of the lot.</p>	<ul style="list-style-type: none"> <li>• Modifies the definition to exclude properties used by an animal fosterer or rescue group.</li> <li>• Modifies the definition by changing the term “use or structure” to “property”.</li> <li>• Expands the definition to include “letting for hire”.</li> <li>• Revised definition: “Any property used to conduct a commercial business involving the buying, selling, breeding for sale, letting for hire, overnight boarding, storage or training of animals. This definition excludes properties used by an 1) animal care and control fosterer, 2) animal rescue group fosterer, or 3) animal rescue group.”</li> </ul>	<ul style="list-style-type: none"> <li>• Refines definitions in accordance with existing practice.</li> </ul>
Definitions	None	<ul style="list-style-type: none"> <li>• Adds four new definitions: <ul style="list-style-type: none"> <li>• <b>Animal care and control division:</b> “The Division within the Charlotte-Mecklenburg Police Department that is responsible for promoting animal welfare in the Charlotte-Mecklenburg Community through the enforcement of departmental and the City of</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Adds definitions to alignment with other code definitions.</li> </ul>

<p><b>Definitions</b></p>		<p>Charlotte animal-related policies and management of the county’s animal shelter.”</p> <ul style="list-style-type: none"> <li>• <b>Animal care and control fosterer:</b> “An individual approved with animal care and control to which custody, but not ownership, of animals is transferred for the purpose of providing a temporary home for animals that do not thrive in the shelter setting. After six months of guardianship, the fosterer must register the animal(s) as an owned pet.”</li> <li>• <b>Animal rescue group:</b> “A humane, 501(c)(3) non-profit organization, that is registered with animal care and control as a rescue partner that transfers animals from animal control into their care as a means of facilitating animal care and control’s goal of eliminating the euthanasia of healthy, adoptable animals.”</li> <li>• <b>Animal rescue group fosterer:</b> “An individual volunteering with an animal rescue group who provides a temporary home for animals that the animal rescue group has available for adoption until they are found a permanent home. After six months of guardianship, the fosterer must register the animal(s) as an owned pet.”</li> </ul>	
<p><b>Customary Home Occupations</b></p>	<ul style="list-style-type: none"> <li>• “Kennels” are currently listed as a prohibited customary home occupation in Section 12.408.</li> </ul>	<ul style="list-style-type: none"> <li>• Clarifies the prohibited use by changing the term “kennels” to “commercial kennels”.</li> </ul>	<ul style="list-style-type: none"> <li>• Clarifies that commercial kennels are a prohibited customary home occupation.</li> </ul>
<p><b>Private Kennels</b></p>	<ul style="list-style-type: none"> <li>• Section 12.410 contains supplementary standards for private kennels: <ul style="list-style-type: none"> <li>• Pens, runs, cages, houses or other facilities for the keeping of dogs, cats and other small animals is permitted as an accessory use in any district EXCEPT institutional (INST), research (RE-1, RE-2), B-D and BP with prescribed conditions: <ul style="list-style-type: none"> <li>• Any structure for the keeping of animals that is not completely enclosed, except for fences along property lines, shall be located between the principal structure and the rear lot line, shall occupy no more than 20% of the rear yard and</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Retains all existing regulations.</li> <li>• Adds references to Part II, Chapter 3 of the City Code that regulates private kennels.</li> <li>• Clarifies sentences.</li> </ul>	<ul style="list-style-type: none"> <li>• Adds references to Part II, Chapter 3 of the City Code related to private kennels.</li> </ul>

	<p>shall be located no closer than 10' to any side lot line.</p> <ul style="list-style-type: none"><li>• Extensions of, or additions to, property line fences to confine animals to be part of the property abutting the lot line shall not be permitted.</li><li>• No such accessory use shall be operated for commercial purposes.</li></ul>		
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<b>REQUEST</b>	Text amendment to Sections 9.304, 9.405, 9.504, 9.604, 9.704, 9.804, 9.8504, 9.904, 9.1004, 9.1104, 9.1207, 10.811, 10.906, 11.204, 11.404, 12.419, and Table 9.101 of the Zoning Ordinance
<b>SUMMARY OF PETITION</b>	The petition proposes allow outdoor dining associated with an eating, drinking and entertainment establishment to encroach into a site's setback and side yards when abutting public streets, if prescribed conditions are met.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Brazwells Premium Pub, Britton McCorkle Robert L. Brandon, Planning & Zoning Consultants
<b>COMMUNITY MEETING</b>	Meeting is not required.
<b>STATEMENT OF CONSISTENCY</b>	<p>This text amendment is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• It broadens the choices for entertainment.</li> </ul> <p>Therefore, this petition is reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• Outdoor dining encourages a more pedestrian-oriented form of development;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Eschert).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition.
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<b>VOTE</b>	<table border="0"> <tr> <td>Motion/Second:</td> <td>Nelson/Ryan</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Walker</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Nelson/Ryan	Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan	Nays:	None	Absent:	Walker	Recused:	None
Motion/Second:	Nelson/Ryan										
Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan										
Nays:	None										
Absent:	Walker										
Recused:	None										
<b>ZONING COMMITTEE DISCUSSION</b>	Staff provided a summary of the text amendment. There were no questions.										
<b>STAFF OPINION</b>	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 text amendment contains the following provisions:
  - Adds outdoor dining as a permitted accessory use, when associated with an eating, drinking and entertainment establishment, with prescribed conditions:
    - Outdoor dining shall be permitted to encroach into the required setback or side yard when abutting a public street, according to the street type abutting the property:
      - Local (Class VI): 100 percent encroachment
      - Collector (Class V): 100 percent encroachment
      - Minor arterial (Class IV): 75 percent maximum encroachment

- Major arterial (Class III): 50 percent maximum encroachment
  - Commercial arterial (Class III-C): 0 percent encroachment
  - Limited access arterial (Class II): 0 percent encroachment
  - Freeways, expressway (Class I): 0 percent encroachment
  - Type 2 eating, drinking and entertainment establishments shall meet the prescribed conditions in Section 12.546 for eating, drinking and entertainment establishments.
  - Outdoor dining areas shall be located on private property, behind the public sidewalk, and out of the public right-of-way, unless a public right-of-way encroachment agreement is approved by the Charlotte Department of Transportation. If no sidewalk exists, then the outdoor dining area shall be located a minimum of 10 feet from the existing or proposed back of curb.
  - Outdoor dining areas located in the required setback or side yard abutting a public street shall be located on a patio, at grade, and contain no temporary or permanent roof with supporting structures.
  - Outdoor dining areas shall be located outside of all sight-distance triangles, and shall not block fire hydrants, driveway access, doors, or utilities.
  - Awnings that are supported only by a building wall and umbrellas are permitted, but shall not interfere or conflict with Tree Ordinance required plantings.
  - The square footage of outdoor dining areas shall be included in the calculations for the total square footage of the establishment for parking requirements, unless there are exceptions noted in the district.
  - **Public Plans and Policies**
    - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals to provide a range of choices for entertainment and encourage a more pedestrian-oriented form of development.
- 

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

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

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

**TEXT AMENDMENT SUMMARY: Accessory Outdoor Dining Permitted on Private Property and in the Setback/Yards  
10-3-14 2014-73**

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

Current Regulations	Proposed Regulations	Rationale
<ul style="list-style-type: none"> <li>• Eating, drinking and entertainment establishments are permitted by right or with prescribed conditions in the multi-family (R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF), urban residential (UR-2, UR-3, and UR-C), institutional (INST), research (RE-1, RE-2 and RE-3), office (O-1, O-2, and O-3), business (B-1, B-2, B-D, and BP), mixed use (MX-1, MX-2, MX-3), mixed use development (MUDD), uptown mixed use development (UMUD), commercial center (CC), transit oriented development (TOD), urban industrial (U-I), and industrial (I-1 and I-2) zoning districts.</li> </ul>	<ul style="list-style-type: none"> <li>• Eating, drinking and entertainment establishment regulations remain unchanged.</li> <li>• Adds “outdoor dining” as an permitted accessory use in all the districts where eating, drinking and entertainment establishments are permitted, with prescribed conditions:                             <ul style="list-style-type: none"> <li>• Must meet the prescribed conditions associated with an eating, drinking and entertainment establishment.</li> <li>• Outdoor dining areas shall be located on private property, behind the public sidewalk and out of the public right-of-way (unless an encroachment agreement is approved by the Charlotte Department of Transportation. If no sidewalk exists, then the outdoor dining area shall be located a minimum of 10’ from the existing or proposed back of curb.</li> <li>• Outdoor dining areas located in the required setback shall be located on a patio, at grade, and contain no temporary or permanent roof with roof supporting structures.</li> <li>• Outdoor dining areas shall be located outside of all sight-distance triangles, and shall not block fire hydrants, driveway access, doors, or utilities;</li> <li>• Awnings that are supported only by a building wall and umbrellas are permitted, but shall not interfere or conflict with Tree Ordinance required plantings;</li> <li>• The square footage area of outdoor dining areas shall be calculated in the square footage of the establishment, for parking requirements;</li> <li>• Outdoor dining shall be permitted to encroach into the setback or yards,</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Encourages a more pedestrian-oriented form of development and provides a range of choices for eating and entertainment.</li> </ul>



according to the public street type abutting the property according to the following table:

<b><u>Thoroughfare Classification</u></b>	<b><u>Maximum Encroachment Percentage</u></b>
<u>Freeway or Expressway (Class I)</u>	<u>0</u>
<u>Limited Access Arterial (Class II)</u>	<u>0</u>
<u>Commercial Arterial (Class III-C)</u>	<u>0</u>
<u>Major Arterial (Class III)</u>	<u>50</u>
<u>Minor Arterial (Class IV)</u>	<u>75</u>
<u>Collector (Class V)</u>	<u>100</u>
<u>Local (Class VI)</u>	<u>100</u>

Petition No. 2014-73  
Petitioner: Brazwells Premium Pub, Britton McCorkle

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

**ORDINANCE NO.**

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

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

A. CHAPTER 9: GENERAL DISTRICTS

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

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

<b>MULTI-FAMILY</b>					
	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
<b>ACCESSORY USES &amp; STRUCTURES</b>					
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1)</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

<b>URBAN RESIDENTIAL</b>				
	UR-1	UR-2	UR-3	UR-C
<b>ACCESSORY USES &amp; STRUCTURES</b>				
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)</u>		<u>PC</u>	<u>PC</u>	<u>PC</u>

INSTITUTIONAL	
	INST
ACCESSORY USES & STRUCTURES	
Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only)	<u>PC</u>

RESEARCH			
	RE-1	RE-2	RE-3
ACCESSORY USES & STRUCTURES			
Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 and Type 2)	<u>PC</u>	<u>PC</u>	<u>PC</u>

OFFICE BUSINESS							
	O-1	O-2	O-3	B-1	B-2	B-D	BP
ACCESSORY USES & STRUCTURES							
Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

MIXED USE			
	MX-1	MX-2	MX-3
ACCESSORY USES & STRUCTURES			
Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)	<u>PC</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>ACCESSORY USES &amp; STRUCTURES</b>						
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

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

2. PART 3: MULTI-FAMILY DISTRICTS

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

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

3. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.405, “Urban Residential Districts; accessory structures” by modifying the title to read “Urban Residential Districts; accessory uses and structures”, and adding a new paragraph allowing outdoor dining associated with

an Eating, Drinking and Entertainment Establishment, as an accessory use. The revised section shall read as follows:

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

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

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

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

4. PART 5: INSTITUTIONAL DISTRICT

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

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

5. PART 6: RESEARCH DISTRICTS

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

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

6. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.704, “Permitted accessory uses and structures”, by amending item (10) by replacing “RESERVED” with “outdoor dining associated with an Eating, Drinking and Entertainment Establishment” and a reference to Section

12.546. The revised entry shall read as follows:

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

7. PART 8: BUSINESS DISTRICTS

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

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

8. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

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

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

9. PART 9: UPTOWN MIXED USE DISTRICT

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

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



10. PART 10: URBAN INDUSTRIAL DISTRICT

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

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

11. PART 11: INDUSTRIAL DISTRICTS

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

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

12. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

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

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

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

- a. Amend Section 10.811, “Uses” by modifying item (3), “Eating, Drinking and

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

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

2. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

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

**Section 10.906. Accessory Uses.**

The following accessory uses are permitted:

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

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

- (a) For professional business and general office uses, no more than four (4) drive-through service lanes shall be permitted per individual use.
- (b) For retail uses, no more than one (1) drive-through service window with no more than two (2) service lanes shall be permitted per individual use.

- (2) Outdoor dining associated with an Eating, Drinking and

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

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

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

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

(10.5) Outdoor dining associated an Eating, Drinking and Entertainment Establishments:

a. Type 1 only in multi-family and attached buildings.

b. Type 2 allowed in MX-2 and MX-3 only, subject to the regulations of Section 12.546.

2. PART 4: COMMERCIAL CENTER DISTRICT

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

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

D. CHAPTER 12: DEVELOPMENT REGULATIONS OF GENERAL APPLICABILITY

1. PART 4: ACCESSORY USES AND STRUCTURES

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

**Section 12.419 Outdoor dining**



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

- (1) Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment that is allowed in the zoning district shall meet the prescribed conditions of Section 12.546;
- (2) All outdoor dining areas shall be located on private property, behind the public sidewalk and out of the public right-of-way, unless a public right-of-way encroachment agreement is approved by the Charlotte Department of Transportation, in accordance with Chapter 19, Article IX of the City code, allowing outdoor dining in the public right-of-way. If no public sidewalk exists, then the outdoor dining area shall be located a minimum of 10' from the existing or proposed back of curb;
- (3) Outdoor dining areas located in the required setback shall be located on a patio, at grade, and contain no temporary or permanent roof with roof supporting structures;
- (4) Outdoor dining areas shall be located outside of all sight-distance triangles, and shall not block fire hydrants, driveway access, doors, or utilities;
- (5) Awnings that are supported only by a building wall and umbrellas are permitted, but shall not interfere or conflict with Tree Ordinance required plantings;
- (6) The square footage area of outdoor dining areas shall be calculated in the square footage of the establishment, for parking requirements;
- (7) Outdoor dining shall be permitted to encroach into the setback or yards, according to the public street type abutting the property according to the following table:

<u>Thoroughfare Classification</u>	<u>Maximum Encroachment Percentage</u>
<u>Freeway or Expressway (Class I)</u>	<u>0</u>
<u>Limited Access Arterial (Class II)</u>	<u>0</u>
<u>Commercial Arterial (Class III-C)</u>	<u>0</u>
<u>Major Arterial (Class III)</u>	<u>50</u>
<u>Minor Arterial (Class IV)</u>	<u>75</u>
<u>Collector (Class V)</u>	<u>100</u>

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

Approved as to form:

\_\_\_\_\_  
City Attorney

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

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

\_\_\_\_\_

<b>REQUEST</b>	Current Zoning: I-2 (general industrial) Proposed Zoning: B-2(PED) (general business, pedestrian overlay)										
<b>LOCATION</b>	Approximately 0.50 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad. (Council District 1 - Kinsey)										
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses permitted in the B-2(PED) (general business, pedestrian overlay) district.										
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Cole Properties & Investments, Inc. Campus Works/ Mallie Colavita Jim Gamble & David Malcolm: McAdams Company										
<b>COMMUNITY MEETING</b>	Meeting is not required.										
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be inconsistent with the <i>Belmont Revitalization Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• Industrial land uses are recommended for this site.</li> </ul> <p>However, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The property is separated from the existing industrial land uses by the railroad tracks; and</li> <li>• The requested district is consistent with the zoning and development pattern of the abutting property to the south;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Labovitz).</p>										
<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition.										
<b>VOTE</b>	<table border="0"> <tr> <td>Motion/Second:</td> <td>Ryan/Labovitz</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Eschert, Labovitz, Nelson, Ryan, and Sullivan</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Walker</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Ryan/Labovitz	Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, and Sullivan	Nays:	None	Absent:	Walker	Recused:	None
Motion/Second:	Ryan/Labovitz										
Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, and Sullivan										
Nays:	None										
Absent:	Walker										
Recused:	None										
<b>ZONING COMMITTEE DISCUSSION</b>	<p>Staff reviewed this request noting that it is a convention petition with no associated site plan and that it is inconsistent with the <i>Belmont Revitalization Plan</i>.</p> <p>A Commissioner asked why staff was supporting this petition. Staff responded that the site is separate from other industrial zoned properties by the railroad and will not likely be developed with those industrial properties. Another Commissioner asked if there is a railroad easement on the site. Staff responded that there is a railroad right-of-way.</p> <p>A Commissioner questioned the zoning of the properties to the south of the site and staff responded that they are zoned B-2(PED) (general business, pedestrian overlay). It was noted that the rezoning would be consistent with the zoning on those properties.</p>										
<b>STAFF OPINION</b>	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 Belmont Revitalization Plan (2003) recommends industrial uses for the subject parcel.
    - This petition is inconsistent with the Belmont Revitalization Plan.
- 

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

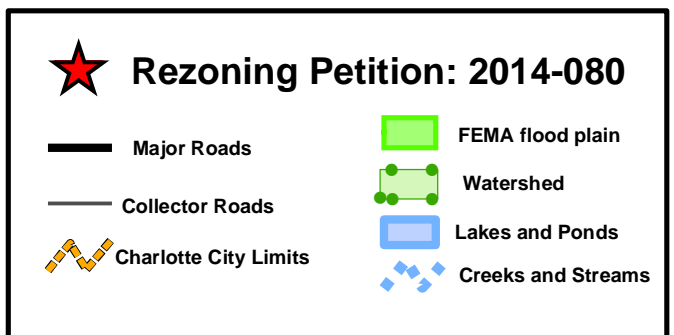
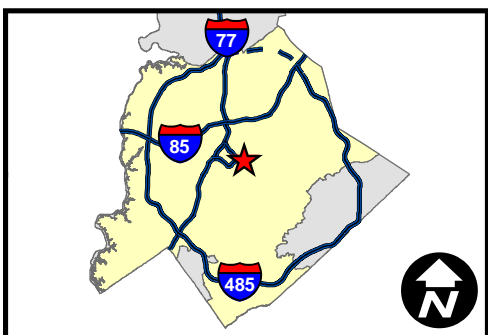
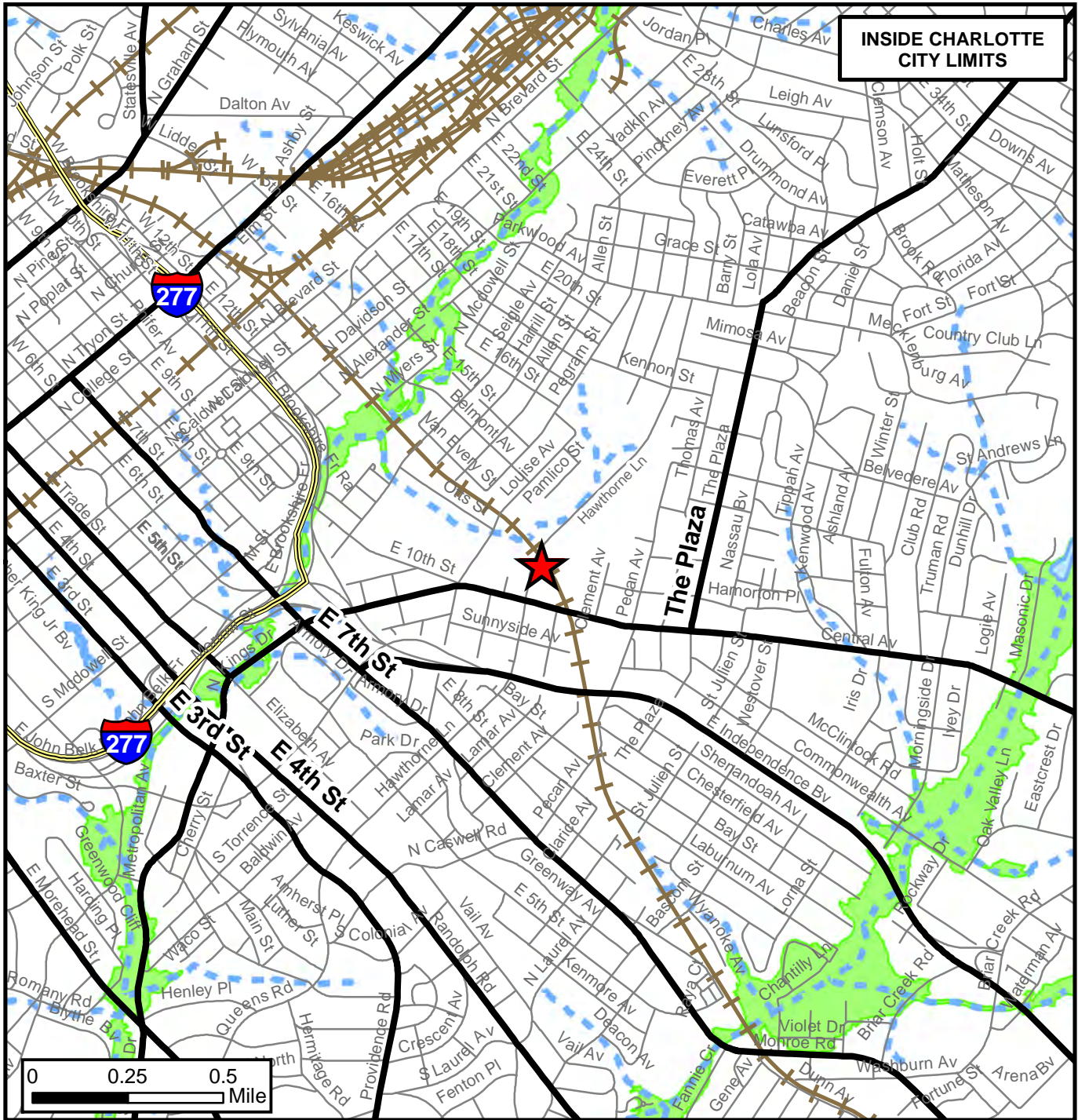
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services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

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

Petition #: **2014-080**

# Vicinity Map

**Acreage & Location :** Approximately 0.497 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad.



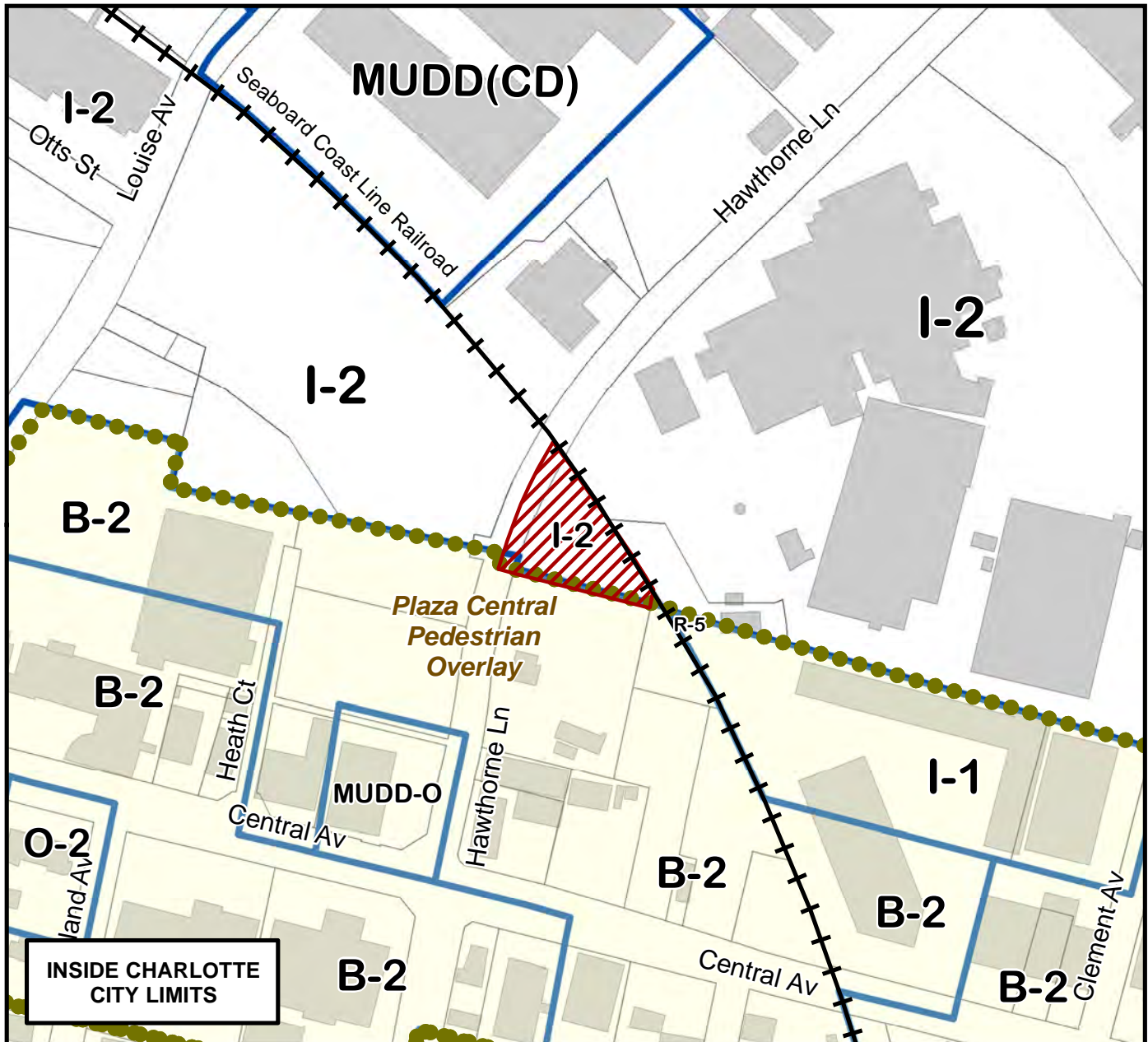
Petition #: **2014-080**

Petitioner: **Campus Works / Mallie Colavita**

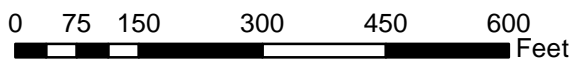
Zoning Classification (Existing): **I-2**  
(General Industrial)

Zoning Classification (Requested): **B-2(PED)**  
(General Business, Pedestrian Overlay District)

Acreage & Location: Approximately 0.497 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad.

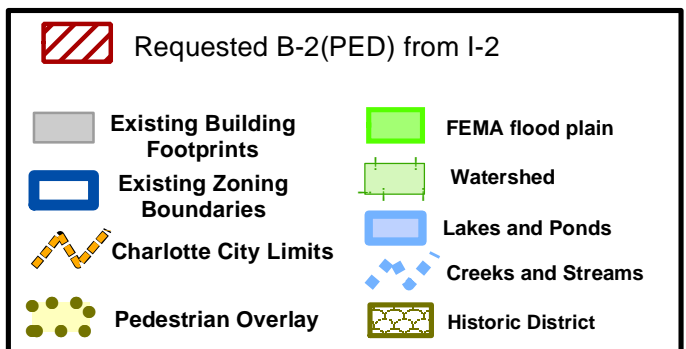


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-2014.



Zoning Map #(s)

**101**





**REQUEST**

Current Zoning: MX-2(INNOV)(LWCA) (mixed use, innovative, Lake Wylie Critical Area), MX-2(INNOV)(LLWCA) (mixed use, innovative, Lower Lake Wylie Critical Area), and NS(LLWCA) (neighborhood services, Lower Lake Wylie Critical Area)

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

**LOCATION**

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

**SUMMARY OF PETITION**

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

**PROPERTY OWNER**

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

**PETITIONER**

Provident Land Services

**AGENT/REPRESENTATIVE**

Tom Waters and Keith MacVean

**COMMUNITY MEETING**

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

**STATEMENT OF CONSISTENCY**

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

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

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

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

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

**ZONING COMMITTEE ACTION**

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

1. The number of residential units for the overall site has been provided. The site will be allowed to have 658 dwelling units.
2. A detail of the typical lot has been provided.
3. A note has been added that commits to 6/12 roof pitches.
4. Added a note which requires foundations to be masonry under "Architectural restrictions".
5. A note has been added for Parcel K specifying the spacing of the proposed pedestrian lighting.
6. Proposed open space areas have been show on the plan for the overall site.
7. In lieu of eliminating the note regarding mass grading, the petitioner has agreed to the following:
  - a. To increase the minimum lot width as follows:
    - i. Parcel D minimum lot width will be increased from 65



decision on this petition.

Another Commissioner asked staff about the traffic to the site. Staff noted that the infrastructure can handle the number of vehicles traveling at any time. The concerns about the additional bridge are from a safety perspective. It was noted that the bridge is 34 feet in width.

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

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

---

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

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

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

**• Proposed Request Details**

The site plan amendment contains the following changes:

- Overall total allowed residential dwelling units on the site will be 1,090.
- The site will be allowed to have 598 for all lots except Parcel I, which will add 60 lots for an overall total of 658 dwelling units.
- Modifications to Parcel A to:
  - Decrease the number of single family attached units from 262 to a maximum of 90.
  - Add possible boat storage area.
  - Add possible open space area for the overall development.
- Modification to Parcel B to:
  - Reduce the minimum lot width from 65 feet to 50 feet.
- Modification to Parcel E to:
  - Add possible boat storage area.



- 
- Modifications to Parcel G-1 and H to:
    - Add common docks and associated parking areas.
    - Remove the limitation on the number of docks that may be built.
  - Modifications to Parcel I to:
    - Remove the options for a school or office use and replace with a maximum of 60 single family dwelling units.
    - Install a 20-foot landscape buffer along the eastern edge adjacent to the existing residential homes.
  - Modifications to the general notes for Parcel G-1, G-2, D and H to:
    - Remove the requirement that lots cannot be mass graded.
    - Remove the requirement that homebuilders are required to use crawl spaces, stem walls, and various techniques to minimize tree disturbance.
    - Remove the required approval of site plans by the architectural review committee.
  - Modifications to Parcel K (retail parcel) to:
    - Remove two of the three development scenarios shown on the 2005 approved site plan.
    - Add that attached and detached lighting will be fully shielded and full cutoff fixtures.
  - Modifications to the transportation improvements to:
    - Remove the requirement to install a parallel bridge to the existing Amos Smith Road bridge across Norfolk Southern Railway.
    - Provide 35 feet of private right-of-way to the Hendrix Property.
    - Install directional signage for oversized trucks indicating that there is no outlet along Amos Smith Road and redirect them to Old Dowd Road.
  - Modifications to the Innovative Requests to:
    - Change the proposed cross-sections of Amos Smith Road and Midsomer Road, to allow no curb and gutter to be installed.
    - Allow an eight-foot planting strip and five-foot sidewalk, and a 10-foot multi-use trail along Amos Smith Road.
  - Modifications to allow eight-foot planting strip and a five-foot sidewalk along one side of Midsomer Road.
  - Addition of a typical lot detail.
  - Spacing of the proposed pedestrian lighting in Parcel K.
  - Provision that open space areas are for the overall site.
  - Modifies the minimum lot widths as follows:
    - Parcel D lot the minimum lot width will be increased from 65 feet to 70 feet;
    - Parcel G-1 minimum lot width will be increased from 80 feet to 90 feet;
    - Parcel G-2 minimum lot width will be increased from 65 feet to 80 feet;
  - Clarifies erosion control measures and the amount of land that may be mass graded.
  - Provides that play areas and amenity areas will be provided once 480 homes have been permitted.
  - Notes that in Parcels G-1 and H, each individual lot with private lake frontage will have a 100 to 150-foot undisturbed buffer and deed restrictions causing the buffer to remain undisturbed in accordance with the Ordinance's watershed regulations.
  - Provides that one member from the Catawba Community Association will serve in an advisory capacity to the Architectural Review Board of the Vineyards at Lake Wylie.
  - The addition of the following note regarding the emergency at grade crossing across the Norfolk Southern railroad:
    - "The Petitioner has requested from Norfolk Southern the ability to construct an emergency at grade crossing over the existing Norfolk Southern railroad to provide emergency access to Vineyards. The emergency at grade crossing will be constructed adjacent to the existing Amos Smith Bridge over the Norfolk Southern railroad. If Norfolk Southern grants the petitioner the right to construct an emergency at grade crossing the Petitioner will construct an emergency at grade crossing in the location indicated above and generally depicted on the Rezoning Plan. If the ability to construct the emergency at grade crossing is granted by Norfolk Southern, the Petitioner will construct the emergency at grade crossing before the 481<sup>st</sup> single family lot is platted."
  - **Public Plans and Policies**
    - The *Dixie Berryhill Strategic Plan*, as amended by petition 2005-014, recommends a mix of land uses including residential and retail for the subject site.
    - The petition is consistent with the *Dixie Berryhill Strategic Plan*.
-

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

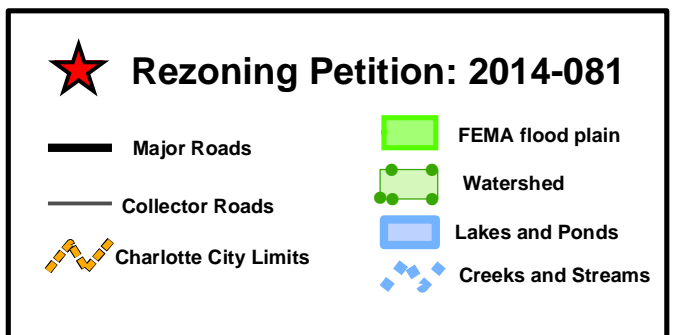
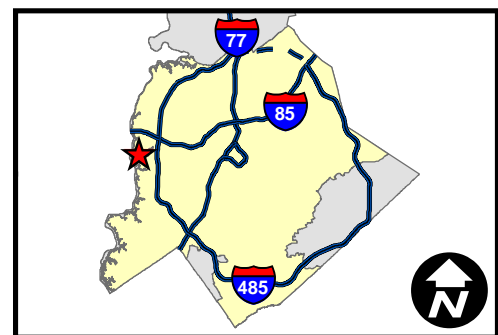
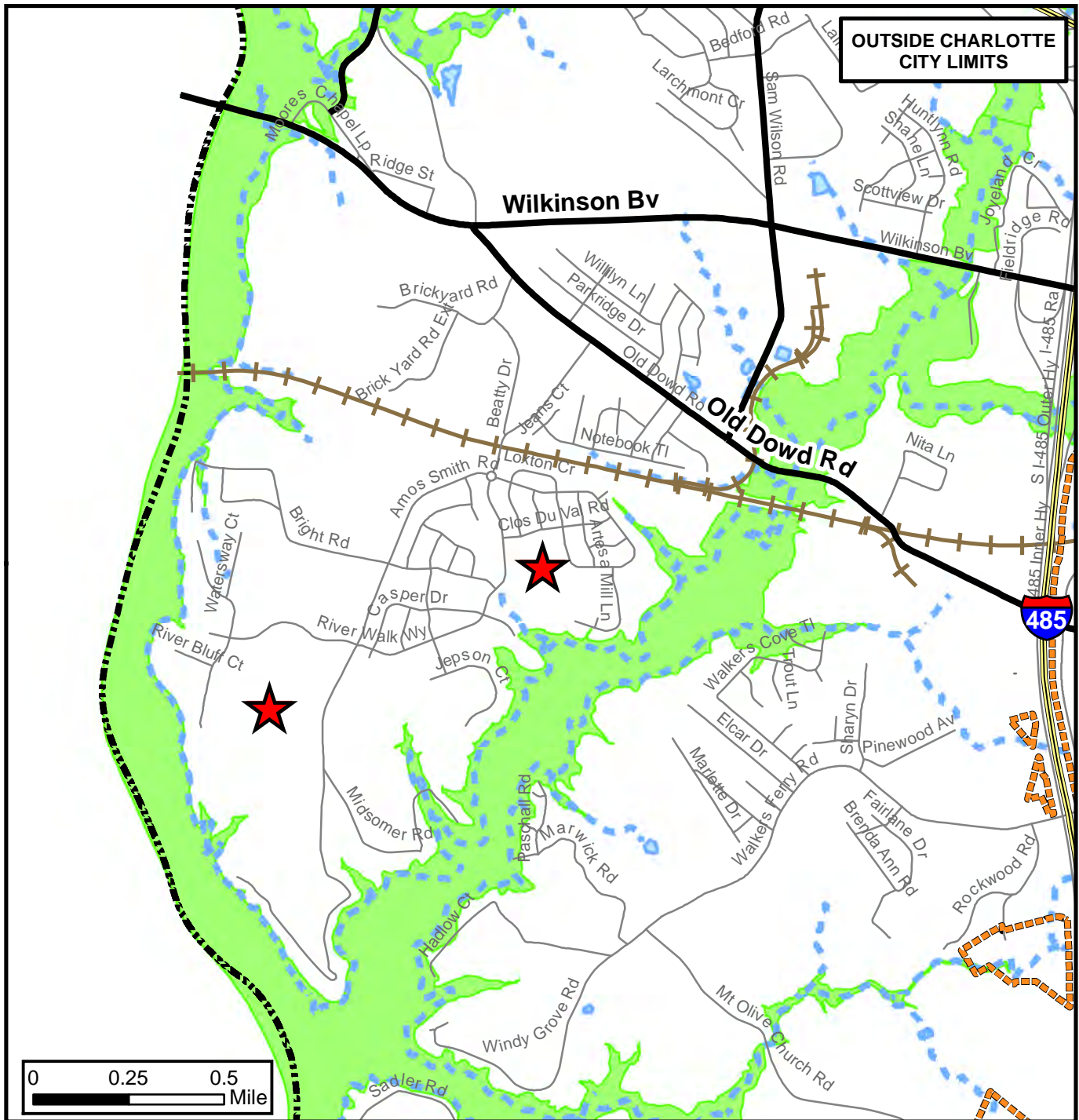
- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
-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

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

Petition #: **2014-081**

# Vicinity Map

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





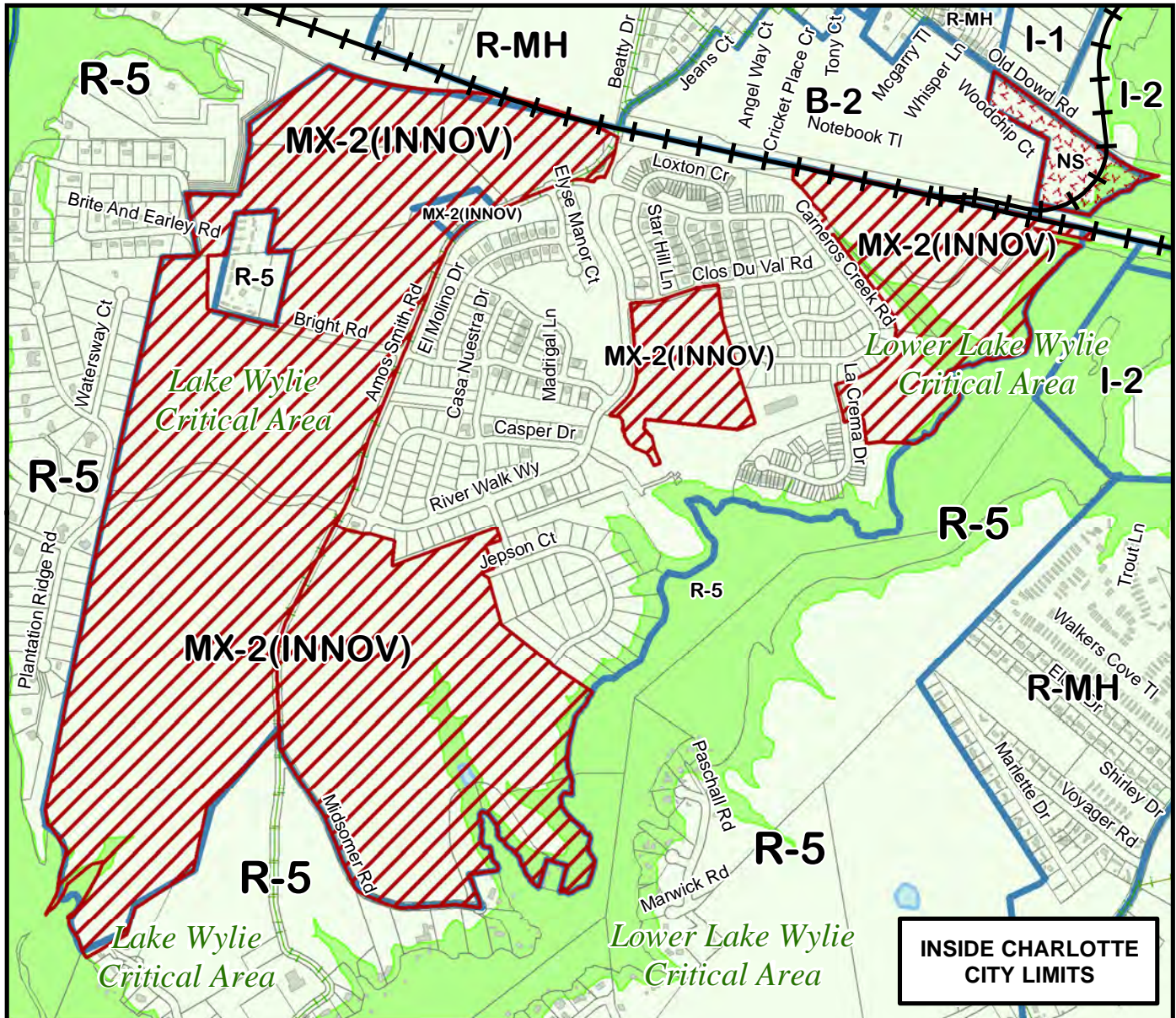
Petition #: **2014-081**

Petitioner: **Provident Land Services**

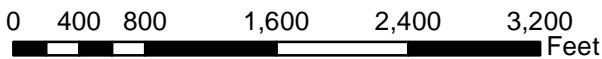
Zoning Classification (Existing): **MX-2(INNOV)(LWCA), MX-2(INNOV)LLWCA, & NS(LLWCA)**  
(Mixed Use, Innovative, Lake Wylie Critical Area; Mixed Use, Innovative, Lower Lake Wylie Critical Area; and Neighborhood Services, Lower Lake Wylie Critical Area)

Zoning Classification (Requested): **MX-2(INNOV) S.P.A.(LWCA), MX-2(INNOV) S.P.A.(LLWCA), & NS(S.P.A.)(LLWCA)**  
(Mixed Use, Innovative, Site Plan Amendment, Lake Wylie Critical Area; Mixed Use, Innovative, Site Plan Amendment, Lower Lake Wylie Critical Area; and Neighborhood Services, Site Plan Amendment, Lower Lake Wylie Critical Area)

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



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

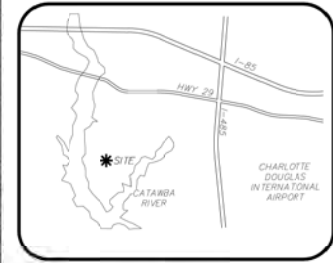
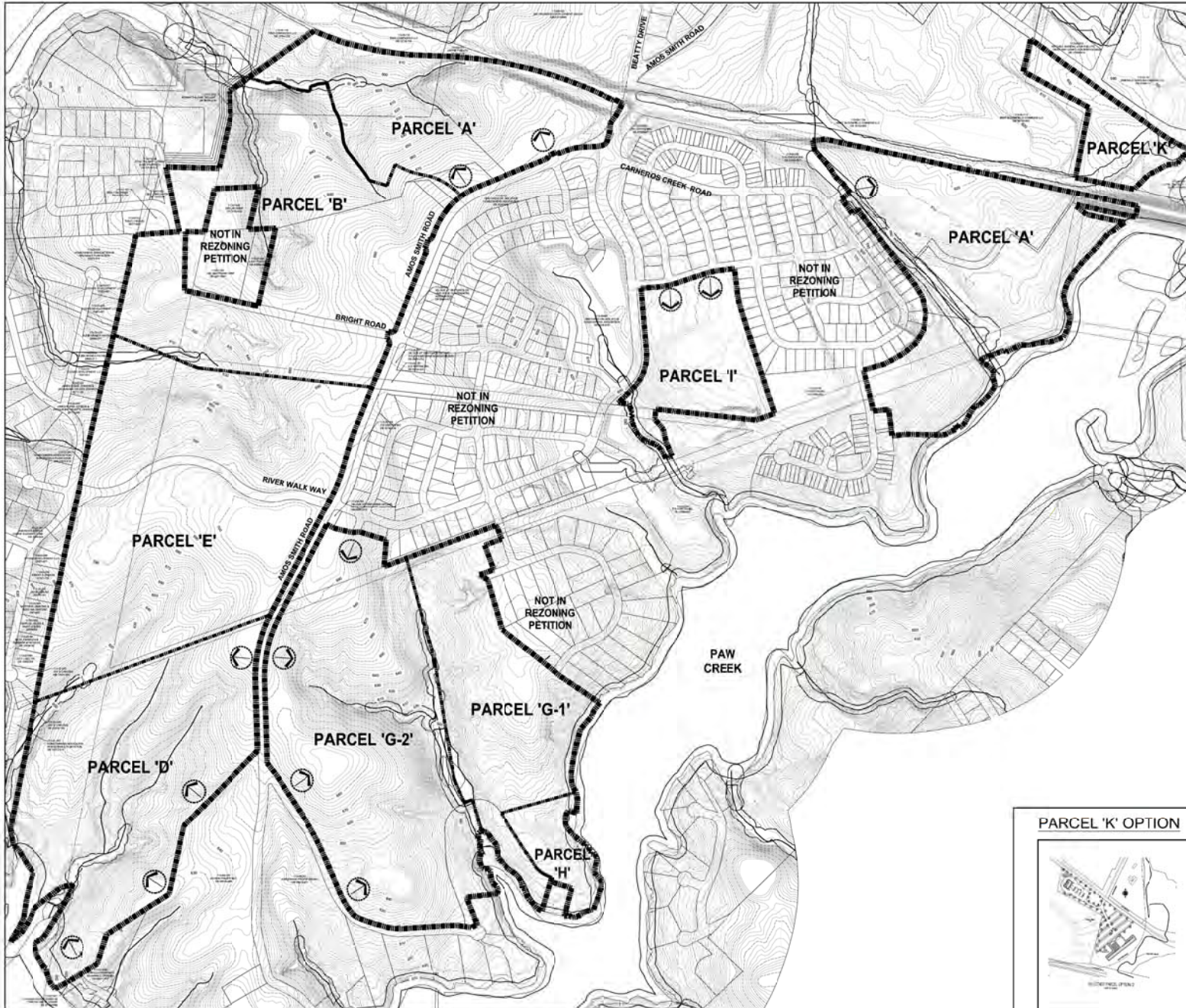


Zoning Map #(s)

**84, 106**

	Requested MX-2(INNOV) S.P.A. (LWCA & LLWCA) from MX-2(INNOV) (LWCA & LLWCA)		FEMA flood plain
	Requested NS S.P.A. (LLWCA) from NS (LLWCA)		Watershed
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		Historic District
	Pedestrian Overlay		



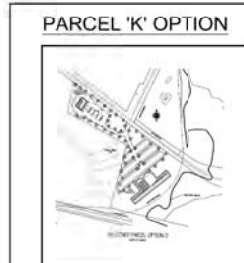


**SITE DEVELOPMENT DATA**

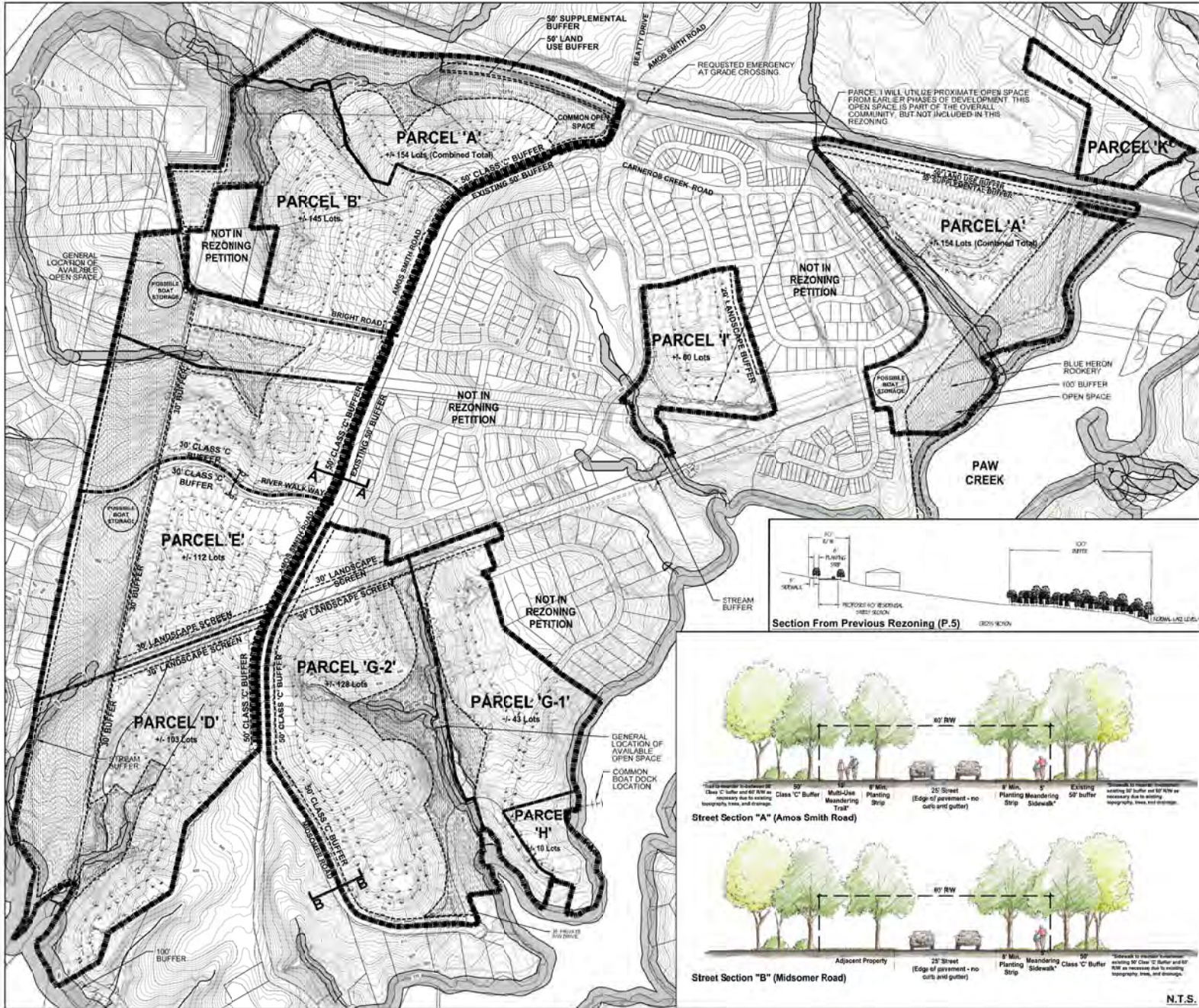
Site Acreage: +/- 390.75 Ac.  
 Tax Parcels: Provident Development Group, Inc. 113-073-49  
 DR Horton, Inc. 113-073-48 113-073-50 113-221-78  
 REC Funding Solutions III, LLC 113-351-03 113-221-81 113-221-80 113-221-17 113-221-19 113-082-49 113-222-01 113-222-05 113-073-41 113-073-40 113-073-45 113-073-48 113-082-51 113-082-47  
 Existing Zoning: MX-2 (INNOV) (LWCA & LLWCA) NS (LWCA & LLWCA)  
 Proposed Zoning: MX-2 (INNOV) (SPA)(LWCA & LLWCA) NS (SPA)(LWCA & LLWCA)  
 Existing Uses: Vacant  
 Proposed Uses: Residential/ Commercial

**SITE LEGEND**

- SITE ACCESS
- PARCEL BOUNDARY







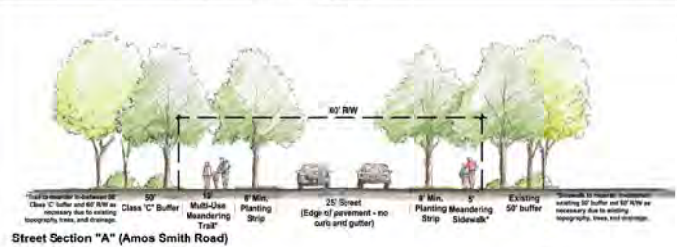
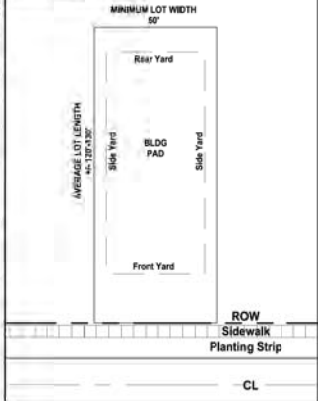
**ALLOWABLE DENSITY:**

Currently Entitled Lots:	1,030 lots
Completed/ Planned Lots:	432 lots
Remaining Lots from 2005-014:	598 lots

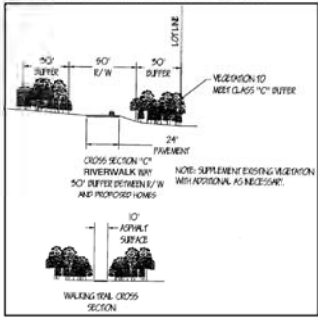
- Pods 'A', 'B', 'E', 'D', 'G-1', 'G-2', and 'H' will be limited to 598 total lots.  
 - Pod 'I' will be limited to an additional 60 lots.

The number of lots/units indicated for each Parcel on Sheet RZ-2 may change as long as the total number of lots/units does not exceed 598 lots/units for Parcels A, B, D, E, G-1, G-2, and H and the total number of lots allowed on Parcel I does not exceed 660. The lots within each Parcel must adhere to the minimum lot width requirements indicated in Section III A of the Development Standards.

**Typical Lot Layout**



**Sections From Previous Rezoning (P.5)**



**REVISIONS:**  
 08/14/14 REVISE PER STATE COMMENTS  
 09/02/14 REVISE PER STATE COMMENTS  
 11/04/14 REVISE PER STATE COMMENTS  
 PROJECT # 104110



N.T.S.



**I. Water & Sewer:**

- 1. **Wastewater Collection and Treatment**
  - a. Review of the location of this Site in the Lake Wylie Watershed, all development on the Site may only be served with wastewater collection and treatment provided by the Charlotte-Mecklenburg Utilities Department which will utilize pump stations designed to meet Charlotte-Mecklenburg design criteria for pump stations. If these pump stations are required in close proximity to the lake, they will be equipped with the following protection devices:
    - i. On-site generator with weekly automatic exerciser
    - ii. Audible and visible high water alarms, high water auto-dialer
    - iii. Power surge protection and lightning protection and
    - iv. 24-hour storage capacity
  - b. The developer proposes the use of low-pressure sewer systems at various locations as necessary on the site. The Site's Master Owner's Association will maintain these individual lift stations under a common written agreement with a contractor who can respond to service calls within twenty-four (24) hours. Each lift station will be equipped with audible and visual alarms and the maintenance provider's name and phone number must be prominently displayed on the lift station.
  - c. Pump stations will be provided as required to serve the phasing of the development.

**II. Storm Water Management / Erosion Control**

- 1. The Site is located within the Critical Area, as defined by the Lower Lake Wylie Watershed and Lake Wylie Watershed overlay districts and corresponding development regulations. The site is also subject to the City of Charlotte's Post-Construction Ordinance and is located within the Western Catawba District. As such the project will adhere to said regulations and ordinances. The Petitioner reserves the right to utilize either or both of the low-density and/or high-density development standards as described and allowed for within the respective ordinances and corresponding districts.
- 2. Additionally, the project will adhere to the City of Charlotte's Sediment and Erosion Control Ordinance, including Policies and Procedures for development within sensitive watersheds. The Petitioner shall employ an enforcement officer to monitor compliance with erosion control, buffer and watershed protection requirements as well as the requirements specified as part of the rezoning approval. The enforcement officer shall be empowered to take the actions necessary to ensure the prompt correction of all problems detected.
- 3. The Petitioner shall create and implement a contractor/builder/homeowner education and outreach program in the community to foster a commitment to environmental stewardship both during construction, and permanently.
- 4. The Petitioner will require all contractors and sub-contractors providing site development work to complete Charlotte-Mecklenburg's Certified Site Inspector Program.
- 5. The location, size, and type of storm water management systems are subject to review and approval as part of the full development plan submitted and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
- 6. Water supply throughout the entire development will be connection to the Charlotte-Mecklenburg Utilities Department (CMUD) system.

**III. Utilities Rights of Way**

Portions of the site lie within Duke Power and/or Piedmont Natural Gas rights of way. Subject to proper authorization, streets, trails, landscaping, vines, gardens, parks and similar uses may be located within these rights of way. In addition, storage of boats owned by residents within the areas generally depicted on the Schematic Site Plan of the Site may, with proper authorization, occur within the Duke Power and/or Piedmont Natural Gas rights of way.

**IV. Environmental**

- 1. **Watershed**
  - a. These Development Standards provide extensive provisions in response to concerns about water quality in Lake Wylie. The following restrictions are proposed on development to significantly reduce the impact of the development proposal for the Site on the watershed area.
  - b. This Site includes the separation between the Upper and Lower Lake Wylie Watersheds. A buffer at least 100 feet in width will be provided along the entire lake front property line in these watersheds. With the limited exceptions hereinafter provided in this Section, the entire buffer width will remain undisturbed.
  - c. All development occurring on the Site shall conform to the requirements of the applicable Lake Wylie or Lower Lake Wylie Watershed District Critical Areas regulation. The Petitioner agrees to provide additional buffer land along certain selected portions of the shoreline within the project area generally depicted on the Technical Data Sheet, such that width of the Lake Wylie Watershed District Critical Area buffer and the additional provided buffer will total a minimum of 100 feet.
  - d. No dwelling units may be located within the required shoreline buffer or the additional shoreline buffer.
  - e. For Parcels G-1 and H, each individual lot with private lake frontage will have a 100-foot undisturbed buffer, and the deeds to purchasers of these lots will contain restrictions which require that this buffer remain undisturbed in accordance with the Ordinance's watershed regulations. This 100-foot buffer will be increased in width to 150 feet in those areas where slopes adjacent to the lake are greater than 30%.
  - f. Soft surface trails and accessories to the trails, including accessory structures and benches, boardwalks, trash receptacles, shelters, lighting and signage will be permitted within the additional shoreline buffer.
  - g. Limbing up of trees and removal of smaller or dead trees within the shoreline buffer and the additional shoreline buffer are permissible to the extent authorized in the watershed regulations applicable to the shoreline buffer and will be regulated by restrictive covenants.

**2. Irrigation Management Plan (Community Garden)**

- a. An irrigation plan shall be developed to ensure that irrigation runoff from managed crops to surface waters is prevented and to reduce subsurface losses of nutrients and pesticides. This irrigation plan shall be based on a water budget, weather conditions and soil moisture data obtained from on-site instrumentation. Use of any existing wells or construction of new wells for irrigation purposes shall comply with the Mecklenburg County Groundwater well regulations. Abandonment of any existing wells within the project site shall also comply with these same rules and regulations.
- b. Water Quality Management Zones shall be established by the Vineyard's plant type and soils, with specific strategies developed for each zone.

**3. Nutrient Management Plan (Community Garden)**

- a. A nutrient management plan must be developed to limit nutrient applications to levels equal to or less than crops and vegetation nutrient uptake in order to minimize nutrient transportation via surface runoff, subsurface infiltration, or deep percolation.
- b. Slow release fertilizers are to be used predominantly to reduce nitrogen loss below the root zone. Occasional spot application of liquid fertilizers shall be allowed.
- c. Fertilizer applications are to be commensurate with turf grass growth requirements based on species and cultivar, climate, soil conditions, and chemical formulation.
- d. Nutrient applications are not to exceed turf and plant uptake requirements during any growing season.
- e. Fertilizers are to be incorporated into the soil/turf wherever possible to reduce exposure to runoff and enhance absorption.
- f. The potential for off-site transport of nutrients must be assessed prior to application and measures must be taken to prevent negative water quality impacts.

**4. Integrated Pest Management (IPM) (Community Garden)**

- a. An IPM Plan shall be developed to minimize toxic chemical transport via surface water runoff, subsurface infiltration, or deep percolation.
- b. The IPM Plan shall be integrated with irrigation and nutrient management plans.
- c. Action thresholds shall be developed and implemented below which no applications are used in order to reduce pesticide use.
- d. Pest specific products are to be used which are less toxic, less mobile, and less persistent.
- e. Spot specific treatment shall be used wherever possible to avoid broadcast treatments.
- f. Pesticides should be incorporated into the soil/turf wherever possible to reduce exposure to runoff and enhance absorption.
- g. Application of toxic chemicals shall be prohibited to sensitive zones such as wetlands.
- h. The potential for off-site transport of pesticides shall be assessed prior to application and measures must be taken to prevent negative water quality impacts.

**5. Setback Buffers**

- a. All setback buffers shall be provided and development adjacent and within said buffers shall be in accordance with the S.W.U.M. Ordinance.

**6. Tree Save**

- a. The petitioner shall comply with the City of Charlotte adopted Tree Ordinance, as it may apply to required Tree-save areas on site. The developer will provide a tree save plan with details with the erosion control plans submitted for approvals during the preparation of construction documents for the development of the individual parcels within the project.

- 7. The area east of the existing gas main easement to Park Creek will not be developed, including trails, picnic tables, or other structural elements, except for storm water management BMPs. The area will become a blue heron rookery present.

**V. INNOVATIVE STANDARDS**

A. The Petitioner acknowledges that the Innovative Process is a separate process that may only be pursued after its Rezoning Petition has been approved and that subsequent (innovative) site plan approval by the Zoning Committee of the Charlotte-Mecklenburg Planning Commission will be required. The Petitioner, in accordance with the provisions of the Section 11.208 of the Ordinance, "Innovative Development Standards," may propose modifications to only the following standards:

- 1. Street type and construction standards, including private streets
- 2. Front, side and rear yards
- 3. Sidewalk types

B. The innovative provisions of the M-2 zoning district regulations of the Ordinance shall apply to Parcels A through J to the extent provided on the Technical Data Sheet and these Development Standards.

C. The following is a list of possible request for innovative standards:

- 1. Street type and construction standards, including private streets:
  - a. The Petitioner proposes to improve the existing section of Anos Smith Road from Midsummer Road up to the intersection of Elyse Manor Court to a residential street standard road section, with ditches (25 feet wide from edge of pavement to edge of pavement with a 50 foot right of way). A five-foot wide concrete sidewalk will be constructed on the eastern side of the road, and a 10-foot wide trail/bikeway (asphalt or concrete) will be constructed on the western side of the road, with the trail being located to meander so as to save as many of the existing trees as possible. The sidewalk and trail will be separated from the edge of pavement by an eight (8) foot planting strip. The width of the planting strip may be reduced to allow the sidewalk or trail to meander to save existing trees. The width of the planting strip may not be less than five (5) feet. The 10' trail to be maintained by the HOA. These improvements are to occur on a phased basis as the development progresses. Methods of construction will be determined at the site plan/construction document phase.
  - b. Midsummer Road – the Petitioner proposes to improve the existing section of Midsummer Road from its terminus at the southern end to the intersection with Anos Smith Road along the northern side of the existing road up to City standards for a residential street section, with ditches (25 feet wide from edge of pavement to edge of pavement with a 50' right of way). A five (5) foot wide concrete sidewalk with an eight (8) foot planting will be constructed on the northern side of the road. These improvements are to occur on a phased basis as the development progresses. Method of construction will be determined at the site plan/construction document phase.
  - c. Gated neighborhoods – Areas within Parcels G-1 and/or G-2 designated as gated may be gated communities. If gated, these areas will be served by private roads. If un-gated they may be public roads. Trash removal on these private roads will be through private contractors and consist of curb-side roll-out containers. Private gated streets will meet public street design standards.
  - d. A 50-foot wide landscape screen will be established along both sides of Anos Smith Road which abut the Site to preserve the rural characteristics of the road. Existing trees will be used to create a "Class C" buffer. This landscape screen will continue along the northeast side of Midsummer Road, all as generally depicted on the Schematic Site Plan.
- 2. Rear yards: Petitioner proposes a minimum lotter rear yard for detached single family of 15 feet. Zero lot lotter lots will have a minimum of 7 feet between buildings.
- 3. Setback lines
- 4. Sidewalk types:
  - a. The Petitioner will propose a network of linkages that may include any combination of sidewalks, and/or trails to connect various portions of the site.
  - b. Sidewalks will be provided on both sides of all streets.
- 5. Lot widths:
  - a. Minimum lot width may be measured at a setback greater than the minimum 20' setback on street curves, cul-de-sacs and lots with a shared private drive.
  - b. Minimum Street Frontage:
    - i. In Parcel G-1 the minimum street frontage may be 15 feet in areas where there is a shared private drive.
    - ii. Should this Rezoning Petition be approved, the listing of these requests above will in no way constitute approval of any of them.

**VI. AMENDMENTS TO REZONING PLAN**

Future amendments to the Technical Data Sheet, the Schematic Plan and these Development Standards may be applied for by the then Owner or Owners of the Parcel or Parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

**VII. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS.**

- A. If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet and these Development Standards, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- B. At the time of submittal of each site plan, developments will be subject to current standards, ordinances, and development requirements in place at the time, unless modified by an approved innovative standards plan.
- C. Throughout these Development Standards, the terms, "Petitioner", "Developer", and "Owner" or "Owners" shall be deemed to include the 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.

PROVIDENT LAND SERVICES, INC.  
Development Standards  
November 06, 2014  
Re zoning Petition No. 2014-081

Site Area: ~/ 351 AC  
Tax Parcels: Multiple  
 zoning MK2 (INHD)(W/LWCA & LWCA) and NS (EWCA & LWCA)  
Proposed Zoning: MK-2 (INHD)(W/LWCA & LWCA) and NS (EW/LWCA & LWCA)  
Restricting Uses: Vacant Land/ Partially developed land from Re zoning Petition 2005-014  
Proposed Uses: Residential / Commercial

I. GENERAL PROVISIONS

1. The Development of the Site will be governed by the Technical Data Sheet, these Development Standards, the Schematic Site Plan, and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the MK-2 District zoning classification shall govern the development of the Parcels included in this petition and the regulations established under the Ordinance for the NS District zoning classification shall govern the development of Parcel K.

2. The development depicted on the Schematic Site Plan is intended to reflect the arrangement of proposed uses on the Site. However, subject only to the provisions of Section 16.02 below, the exact configurations, placements, and sizes of individual site elements may be altered or modified during design, development and construction throughout phases. This allowance applies to all site elements, including building areas, open space areas, recreation areas, and the configurations of lots and streets.

II. SUMMARY OF REQUEST

This proposal is intended to accommodate development on the Site of a master planned community composed of a mixture of detached single-family homes, attached single-family homes, (town homes for sale) neighborhood services, interconnected with open spaces, pedestrian, and/or vehicular linkages.

III. PERMISSIBLE DEVELOPMENT

A. Residential Development

This Re zoning Petition requests that the remaining undeveloped pods from the original Re zoning Petition No. 2005-014 be altered to reduce lot width, but not increase the overall density for the originally rezoned Parcels. The following parcels are either partially developed or have not yet been developed and are included with this Re zoning Petition:

- Parcel A
- Parcel B
- Parcel D
- Parcel E
- Parcel G-1
- Parcel G-2
- Parcel H
- Parcel I
- Parcel K

The following is the breakdown of allowable density for the site.  
Currently Entitled Lots: 1,030 lots  
Completed/Planned lots: 432 lots  
Remaining lots: 598 lots plus 60 lots on Parcel I

The number of lots/units indicated for each Parcel on Sheet RZ-2 may change as long as the total number of lots/units does not exceed 598 lots/units for Parcels A, B, E, G-1, G-2, and I and the total number of lots allowed on Parcel I does not exceed 60. The lots within each Parcel must adhere to the minimum lot width requirements indicated in Section III.A of the Development Standards.

1. Parcel A

- a. Development of Parcel A of the Site shall be restricted to attached single-family homes (town homes for sale/attached dwellings) or detached single-family homes, together with incidental or accessory uses related thereto, as permitted under the Ordinance in the MK-2 District. No more than 90 attached single-family homes (town homes for sale/attached dwellings) may be constructed within Parcel A.
- b. The minimum permitted unit width for any town home unit shall be 30 feet.
- c. The minimum permitted lot width within this Parcel for detached single-family home lots shall be 56 feet.
- d. Parcel A may contain a private open space area for the residents of the Site.
- e. A boat storage area may be located within Parcel A.

2. Parcel B

Development of Parcel B of the Site shall be restricted to single family homes, together with any incidental or accessory uses related thereto, as permitted under the Ordinance in the MK-2 District. Minimum lot width within this Parcel shall be 50 feet.

3. Parcel D

Development of Parcel D of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MK-2 District. The minimum permitted lot width within this Parcel shall be 60 feet.

4. Parcel E

Development of Parcel E of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MK-2 District. The minimum permitted lot width within this Parcel shall be 65 feet.

5. Parcel G-1

a. Development of Parcel G-1 of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MK-2 District. The minimum permitted lot width within this Parcel shall be 60 feet.

b. The following architectural restrictions apply to Parcel G-1 only:

- Minimum dwelling size:  
Waterfront Lots: Min. total heated area Min. Gross ground floor heated area 1 - Story 2,000 square feet 1 1/2 Story, Bi-level, Tri-level 2,250 square feet 1,500 square feet main floor for bi-level, 2nd lower level for tri-level (1,500 sq. ft. upper two floors for bi-level); 2 - Story, 2 1/2 - Story 2,000 square feet  
PRIVATE DOCKS WATER FRONT LOTS Individual homeowners with private lake frontage in Parcel G-1 will be permitted to apply for individual residential boat docks in the same fashion that existing lake front homeowners may apply for such permits.

c. Common Docks may also be constructed along "Paw Creek Cove" within Parcel G and/or H. A parking area for these common docks may also be constructed within these Parcels.

6. Parcel G-2

Development of Parcel G-2 of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MK-2 District. The minimum permitted lot width within this Parcel shall be 60 feet.

7. Parcel H

a. Development of Parcel H of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MK-2 District. The minimum permitted lot width within this Parcel shall be 60 feet.

b. DOCKS

Commonly or common use boat docks are permitted within this Parcel and shall conform to the applicable requirements of Section 12.5.5.5 of the Ordinance. Any commonly or common use docks shall also satisfy all other applicable local, state, or federal regulations. Common boat docks may be provided for purchase and rental to the residents of "The Vineyards" only. Proof of home ownership is required to own or rent these boat docks. Additional fees may be charged for the use of these facilities by the homeowner's association.

c. PRIVATE DOCKS WATER FRONT LOTS

Individual homeowners with private lake frontage in Parcel H will be permitted to apply for individual residential boat docks in the same fashion that existing lake front homeowners may apply for such permits.

K. Parcel I

a. The proposed use for Parcel I detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MK-2 District. The minimum permitted lot width within this Parcel shall be 65 feet.

9. General Notes

- a. All residential development will be "for sale".
- b. COMMUNITY BOAT STORAGE, PARCELS B and E: Community boat storage may be provided in Parcels B and E for use of residents and their guests. Fees may be charged by the homeowners association to members for the use of these facilities. Security for the boat storage area is part of the offering and will include a six-foot security fence and electronic gate access with night light entrances.
  - (i) The boat storage areas located on Parcels B and E will be fenced and screened from Bright Road and River Walk Way.
- c. TYPICAL LOT WIDTHS

d. Within Parcels G-1, G-2, D and H grading and clearing will be limited and regulated by the City of Charlotte & Mecklenburg County Enhanced Erosion Control Policy for sites located in critical water shed areas, with the additional enhancement that the amount of uncultivated area at any one time shall be limited to no more than 12 acres, unless approved by City/County Engineer. Enhanced Erosion Control Policy requirements such as but not limited to the following will be utilized as specified in the Enhanced Erosion Control Policy: (i) surface water draw down devices (drains or siltoms); (ii) Polypropylenes (PAM) to reduce turbidity; (iii) bio-basins and community recreational facilities. Common areas to be maintained by a Homeowners Association (The common dock facilities and amenity center are restricted in their uses to residents and member of the Vineyards at Lake Wylie Homeowner Association and their guests. Such facilities may not be made available for use by the general public.

e. Within Parcels G-1, G-2, D and H, One representative from the Catawba Colony Community Association will serve in an advisory capacity to the Architectural Review Committee of the Vineyard at Lake Wylie Community Association for Parcels G-1, G-2, D and H.

A. Neighborhood Services - Commercial Development

- 1. Parcel K Parcel K may be devoted to retail convenience services, including sales of groceries, dry cleaning, banking, general medical and professional offices, and any other commercial use permitted in the NS zone. No fast food services will be allowed and drive-through services will be limited to financial institutions.
- 2. Buildings constructed on an out parcel will be designed as part of the overall development within the Parcel in terms of consistent landscaping, signage, and architectural style. More than one use or type of use may locate on an out parcel so long as the uses are located within the same structure. No more than one gasoline sales facility will be permitted with Parcel K.
- 3. Up to 30,000 square feet of space may be developed within Parcel K.
- 4. Pedestrian scale lighting if provided will be a maximum height of 20 feet and will be spaced an average of 100 feet on center when provided. Lighting will be designed to prevent light spill or light into residential areas.
- 5. Internal sidewalks and vehicular circulation will provide internal connectivity.
- 6. Any attached lighting fixture will be limited to 30 feet in height with Parcel K.
- 7. Attached and detached lighting will be downwardly directed, and will be fully shielded and full cut off fixture.

B. Amenity Areas

- 1. Amenity areas, as depicted with this Petition and with the previous Petition, will or have been provided throughout the Site for common use by the residents for the community, their families and guests. Amenities include community parkways, gazebo view/trail and/or vegetable gardens, public or private parks, pedestrian trails, boardwalks, and community recreational facilities. Common areas to be maintained by a Homeowners Association (The common dock facilities and amenity center are restricted in their uses to residents and member of the Vineyards at Lake Wylie Homeowner Association and their guests. Such facilities may not be made available for use by the general public.
- 2. Amenities include but are not limited to the following: Amenity Center, Common Dock Facility, Boat Ramp, Picnic areas Walking/jogging trails, play areas, swimming pool, sports fields and courts.
- a. Development of Pedestrian Walk and Trails
  - i. The Petitioner will provide pedestrian connection between various elements of the Site.
  - ii. Pedestrian connections within the Site will be developed on a phase by phase basis in accordance with normal subdivision standards. Soft surface trails of varying widths may be located throughout the Site. Along creek bottoms, along stream corridors, within environmentally sensitive areas, Along Duke Power line rights of way, and selected alignments within common open space areas, as generally depicted on the Technical Data Sheet.
  - iii. Soft surface trails may either utilize mulch or granitic chips. Wooden boardwalks and canals for minor stream crossings and wetlands areas will also be provided, where appropriate. The alignment of the trail systems depicted on the Schematic Site Plan is for illustrative purposes only and actual locations of these trails will be determined in the field so as to avoid trees worth or preservation.
  - iv. Maintenance of trails and walks in Common Open Space area will be the responsibility of the Home Owners Association.

b. Picnic Areas

A minimum of two (2) picnic areas for general use by residents and their guests will be provided within the Site. No more than 480 certificates of occupancy for homes built on the Site may be issued unless and until both these areas have been completed.

c. Play Areas

A play area will be provided within the Site with actual play equipment to be determined by buyer prior to assure maximum and appropriate use of approval. No more than 480 certificates of occupancy for homes built on the Site may be issued unless and until the Play Area is constructed and completed. The Play Area may be located on any parcel on the Site including the Parcels previously developed that are part of the Vineyards Community.

d. Open Space Areas

- i. Petitioner will satisfy or exceed the open space requirements of the Ordinance. Open space areas depicted on the Technical Data Sheet represent approximate locations and the extent of the area to be set aside to meet the open space requirement of the Ordinance. The exact location of the open space area will be determined through detailed designs and subsequent administrative review of developments plans.
- ii. The open space areas will be developed with a combination of active and passive recreation areas, trails, pathways, and other amenities consistent with the purpose and provisions of this Petition.
- iii. Open space areas created within the residential Parcels will either be organized as common open space that is owned and maintained by a property owners association, or be divided out to individual owners subject to restrictive covenants designed to preserve these open space areas, and be dedicated to the general public.

C. Owners Associations

- 1. Developments taking place within each of the residential parcels will be subject to covenants and restrictions governed by a Master Owners Association. Documents will be prepared to incorporate the conditions of these Development Standards and the Rezoning Plan as approved by the Charlotte City Council and may contain such other covenants, restrictions and by-laws as the Petitioner may deem necessary or advisable for the effective administration of the Master Owners Association or to insure compliance with local, state and federal laws.
- 2. Individual Parcels shall contain one or more of the following features:
  - a. Specialized amenities;
  - b. Open space uniquely associated with that Parcel;
  - c. Private street and
  - d. Private utilities.
- 3. May be governed by separate sub-owners associations. Except as otherwise provided in the next succeeding paragraph, each owner of property within the residential Parcels, must be a member of the Master Owners Association and may be a member of a sub-owners association.

- 3. Common open space not otherwise owned and maintained by a sub-owners association shall be owned and maintained by the Master Owners Association
- 4. Any amenity provided for one or more Parcels that may be constructed within a residential element may be privately owned and operated and in such cases the operator shall be responsible for the operation, maintenance and preservation of its elements and facilities.

IV. GENERAL PROVISIONS

A. Architectural Restrictions

- 1. All detached single family homes and town homes constructed on the Site must satisfy the following minimum standards:
  - a. Building Front Elevations - 25% minimum masonry (including rock and stone), fiber cement siding and/or organic material front elevations. Organic materials may include wood, cedar shakers, cedar siding, etc.
  - b. Garages - Each detached single family home constructed on the Site will have a garage which accommodates at least two cars and all attached town homes will have one or two car garages.
  - c. Garages - Each detached single family home constructed on the Site will have a garage which accommodates at least two cars and all attached town homes will have one or two car garages.
- 2. Architectural Front Facade Materials - Up to 35% of the homes in any Parcel may have vinyl siding if the home includes a usable front porch. A usable porch shall be at least 6 feet deep in depth and 75 square feet in area.
- 3. The minimum width of a single car garage town home unit will be 20 feet. The minimum width of a two-car garage town home will be 28 feet.
- 4. Roofs will be constructed with a minimum roof pitch of 6/12.
- 5. Crawl space foundations will be finished with masonry products. Slip on grade foundations are not required to be finished with masonry products.
- 6. The following architectural restrictions apply to Parcel G-1 only:

- a. Minimum dwelling size: Waterfront Lots: Min. total heated area Min. Gross ground floor heated area 1 - Story 2,000 square feet 1 1/2 Story, Bi-level, Tri-level 2,250 square feet 1,500 square feet main floor for bi-level, 750 lower level for tri-level (1,500 sq. ft. upper two floors for tri-level); 2 - Story, 2 1/2 Story 2,000 square feet 1 - Story 1,800 square feet 1 1/2 Story, Bi-level, Tri-level 2,100 square feet 1,400 square feet for bi-level, upper two floors for tri-level 2 - Story, 2 1/2 Story 2,400 square feet
- b. PRIVATE DOCKS WATER FRONT LOTS: Individual homeowners with private lake frontage in Parcel G-1 will be permitted to apply for individual residential boat docks in the same fashion that existing lake front homeowners may apply for such permits.
- c. Common Docks may also be constructed along "Paw Creek Cove" within Parcel G and/or H. A parking area for these common docks may also be constructed within these Parcels.

B. Monumentation and Signage

Signage and site monuments will meet or exceed the requirements of the Ordinance.

C. Parking

- 1. Each town home unit will also have a driveway in front of its garage measuring a distance of 20 feet from the back of the street right-of-way sidewalk, whichever is greater. A single car garage town home unit will have a maximum drive way width of 30 feet with a minimum planting island between driveways of 30 feet. A two-car garage town home unit driveway width will be a maximum of 20 feet, with a minimum planting island between driveways of 30 feet.
- 2. Two parking spaces will be provided for each residential attached or detached unit.

D. Lighting

- 1. Pedestrian lighting fixtures limited to 15 feet in height may be installed in pedestrian areas, except for pedestrian trails in undisturbed or natural areas.
- 2. Light fixtures along public streets are exempt from the foregoing height limits.

E. Temporary Site Centers

Temporary sites centers with temporary parking may be provided throughout the Site. The structures may not serve as a temporary or permanent residence.

F. Dumpsters

All non-residential dumpsters on the Site will be screened with a solid enclosure with gates.

G. Site Access

The number of vehicular access points to the Site shall be located as generally depicted on the Technical Data sheet.

The placement and configuration of each access point is subject to any minor modifications required to accommodate the site and architectural construction plans and designs and to any adjustments required for approval by the North Carolina Department of Transportation or the Charlotte Department of Transportation. Configuration of intersections within the proposed development to be determined in conjunction with the Charlotte Department of Transportation during the subdivision plan review process.

H. Road Improvements

The petitioner agrees to provide for the construction/installation of the following roadway improvements as part of the development project before more than 480 attached/detached lots may be placed:

- a. Wilkinson Boulevard and Sam Wilson Road
  - i. Widened the northbound approach to provide an exclusive right turn lane with 250 feet of storage with appropriate taper;
  - ii. Retain/replace the southbound approach to accommodate the south side widening and maintain minimal curb through the intersection (the Petitioner will verify that the northbound Sam Wilson Road through lane transition is not more than six (6) feet through the intersection, and if additional right-of-way is needed along Sam Wilson Road to make the proper alignment);
  - iii. Fund the preparation of a traffic signal warrant study by a North Carolina professional engineer to determine the need to install a signal at the intersection (CDDT and NCDOT at their sole discretion will determine, after a review of the traffic signal warrant study if the traffic signal installation is justified and may be installed);
  - iv. If CDDT or NCDOT determine that the traffic signal is needed the Petitioner shall enter into a Traffic Signal Developer Agreement with CDDT to fund up to \$100,000 toward the design, purchase of equipment and implementation of a traffic signal;
  - v. Make the necessary intersection geometric improvements as specified in the TSI IF not already constructed by others) to make the intersection already for the traffic signal construction by CDDT; and
  - vi. Insure that the signalized intersection has the proper traffic control in place before the new traffic signals are installed and becomes operational.
- b. Sam Wilson Road and Old Dowd Road
  - i. Construct an eastbound left turn lane on Old Dowd Road with 150 feet of storage with appropriate tapers;
  - ii. Construct a southbound right turn lane on Sam Wilson Road with 275 feet of storage with appropriate tapers; and
  - iii. Construct a westbound right turn lane from Old Dowd Road onto Sam Wilson Road with 125 feet of storage with appropriate tapers.
- c. Parcel K

The Petitioner as part of the development Parcel K and prior to the issuance of the first certificate of occupancy for any building constructed on Parcel K will make the following roadway improvements at the intersection of Sam Wilson Road, Old Dowd Road and Parcel K's driveway:

- i. Construct the northbound approach to provide three (3) travel lanes (a 150 foot exclusive right turn lane with appropriate taper, a combination through-right turn lane with 200 feet of storage length, and one receiving lane);
- ii. Construct a 150 foot westbound Old Dowd Road left turn lane with appropriate taper;
- iii. Re-align the southbound through movement to terminate as a combination through-left lane;
- iv. Fund the preparation of a traffic signal warrant study by a North Carolina professional engineer to determine the need to install a signal at the intersection (CDDT and NCDOT at their sole discretion will determine, after a review of the traffic signal warrant study if the traffic signal installation is justified and may be installed);
- v. If CDDT or NCDOT determine that the traffic signal is needed the Petitioner shall enter into a Traffic Signal Developer Agreement with CDDT to fund up to \$100,000 toward the design, purchase of equipment and implementation of a traffic signal;
- vi. Make the necessary intersection geometric improvements as specified in the TSI IF not already constructed by others) to make the intersection already for the traffic signal construction by CDDT; and
- vii. Insure that the signalized intersection has the proper traffic control in place before the new traffic signals are installed and becomes operational.

d. Petitioner will install signage along Amos Smith Road informing truck drivers using Amos Smith Road that there is no outlet and will direct them to use the "Star's roadway (e.g. mountains, Ironworks) way to return to Old Dowd Road and Wilkinson Boulevard" sign including "no-outlet/lead end" and "no truck" will be installed if allowed by NCDOT.

e. The Petitioner will provide and install a Mulberry Road street sign at the intersection of Mulberry Road and Amos Smith Road.

f. Petitioner will provide a 35 foot private right-of-way from the end of Mulberry Road to Hendrix Property for access as generally depicted on the Rezoning Plan.

g. The Petitioner has requested from the North Carolina Department of Transportation the ability to construct an emergency at grade crossing over the existing North Carolina Railroad to provide emergency access to Vineyards. The emergency at grade crossing will be constructed adjacent to the existing Amos Smith Bridge over the North Carolina Railroad. If North Carolina grants the Petitioner the right to construct an emergency at grade crossing the Petitioner will construct an emergency at grade crossing in the location indicated above and adjacent to the existing Amos Smith Bridge.



321 N. Graham Street, Charlotte, NC 28202  
P: 704.333.0015 F: 704.333.2144  
www.landdesign.com

THE VINEYARDS  
REZONING PETITION NO. 2014-081  
TURNSTONE GROUP, LLC  
DEVELOPMENT STANDARDS

REVISIONS:  
WITHIN REVISIONS DRAWING COMMENTS  
DATE: 11/10/14  
SCALE: N.E.L.S.  
PROJECT NO. 01410

DATE: 07/24/14  
DRAWN BY: J. HARRIS  
CHECKED BY: J. HARRIS  
SCALE: N.E.L.S.  
PROJECT NO. 01410  
SHEET  
RZ-3A

<b>REQUEST</b>	Current Zoning: B-1 (neighborhood business) Proposed Zoning: MUDD-O (mixed use development, optional)
<b>LOCATION</b>	Approximately 1.5 acres located on the north side of East 7 <sup>th</sup> Street between Clement Avenue and Pecan Avenue. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the development of up to 95 multi-family residential dwelling units, at a density of 63 units per acre, with related amenities and accessory uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Various 7 <sup>th</sup> Street Progression Partners, LLC c/o Bryan Barwick John Carmichael, Robinson Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 33
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>Elizabeth Area Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The single use multi-family development is a well-suited land use for the area.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The site is located in a primarily single family residential neighborhood but on a street with a mix of uses that includes entertainment, retail, office and multi-family residential; and,</li> <li>• The site plan is designed to be compatible with the abutting single family residential through limitations on density, height, location of buildings and screening;</li> </ul> <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Sullivan).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications: <ol style="list-style-type: none"> <li>1. Reference to courtyard walls has been removed from Optional Provision B (Optional Provision A on revised site plan). The modified note now specifies how far decorative paving, steps and stoops are proposed to encroach into the setback, as well as the maximum amount of the setback area impacted by the encroachment (up to three feet into the 21-foot zoning setback).</li> <li>2. Petitioner has moved Option C to Option B, removed the reference to dining and providing new language that proposes an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk along the Site's frontage on East 7<sup>th</sup> Street. The new language further states that the improvements will not obstruct the sidewalk such that an eight-foot wide clear sidewalk zone will be maintained.</li> <li>3. Removed Architectural Standards Note D as the zoning standards allow balconies to project up to two feet with a minimum clearance of ten feet from grade.</li> <li>4. Removed references to adopted area plans on Sheet RZ-1.0 of the site plan.</li> <li>5. Confirmed type of residential product proposed as multi-family under Development Information on Sheet RZ-2.0.</li> </ol>
------------------------------------	--



6. Moved the proposed buffer and screening materials out of the abutting alleyway and onto the rezoning site.
7. Addressed Urban Forestry's comments by adding Environmental Features Note D that states tree preservation will be coordinated during land development with City Engineering and Urban Forestry.
8. Under Lighting Note B, maximum height of freestanding lighting is now noted as 25 feet.
9. Note C from the "General Provisions" has been removed from the site plan.
10. The number of proposed units has been reduced from 95 to 91.
11. Reference to Deed Restriction Setback has been removed from Sheets RZ-2.0 and RZ-2.3.
12. Sheet RZ-2.0 has been revised to show planting area in front of eight-foot screen wall along portions of property lines.
13. Sheet RZ-2.0 has been revised to show proposed bicycle parking locations.
14. Sheet RZ-2.0 has been revised to show proposed seat height freestanding walls, potential drinking fountain locations and potential tree in grate.
15. Sheet RZ-2.0 has been revised to show a new planting area to be extended along a portion of the driveway accessing East 7<sup>th</sup> Street.
16. Sheet RZ-2.0 has been revised to show a 25-foot deed restriction setback along East 7<sup>th</sup> Street.
17. Sheet RZ-2.1 has been modified to note opaque screen wall (final height to be determined), include the 21-foot Zoning Setback and 25-foot Deed Restriction Setback, and reference development notes for installation, maintenance, and removal responsibilities with respect to proposed landscaping materials.
18. Sheet RZ-2.1 has been modified to identify "3 story portion of building with maximum 40 feet as measured from average final grade" on "Fourth Level Schematic Architecture" detail.
19. Sheet RZ-2.1 has been modified to identify "4 story portion of building with maximum 52 feet as measured from average final grade" on "Fourth Level Schematic Architecture" detail.
20. Sheet RZ-2.20 has been modified to note locations of proposed building materials on all elevations.
21. A note has been added to Sheet RZ2.2 that states certain designated windows will have translucent glass in window units (50%).
22. New Sheet RZ-2.3 labeled "Schematic Required Planting Plan" identifies proposed plantings to screen new building from adjacent residential development.
23. New General Provisions Note C provides language regarding the zoning setback along 7<sup>th</sup> Street, and permissible encroachments up to 3 feet into the zoning setback. No portion of the building to be constructed on the site may encroach into the zoning setback.
24. The Optional Provisions being requested have been renumbered and the wording of some have been modified as follows:
  - a. Optional Provision B is now Optional Provision A and the language regarding building entrances and entry features has been revised to remove "courtyards and "courtyard walls", and add that "patios and upper level balconies and architectural features may encroach up to 3 feet into the Zoning Setback."
  - b. Optional Provision C for the width of the sidewalk is now Optional Provision B.
  - c. Optional Provision D regarding outdoor tables, chairs and dining is now Optional Provision C. Language has been modified with the removal of reference to "dining." Language now proposes "an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk to be installed along the Site's frontage on East 7<sup>th</sup> Street. The new language further

- states that these improvements will not obstruct the sidewalk such that an 8-foot wide clear sidewalk zone will be maintained.
- d. Optional Provision E pertaining to on-street parking and reduction in the width of the planting strip is now Optional Provision D.
  - e. New Optional Provision E provides language proposing that a free standing seat wall may be constructed on the 13-foot wide portion of the sidewalk located along the Site's frontage on East 7<sup>th</sup> Street within the Zoning Setback.
25. The Permitted Uses development note has been amended to reflect a decrease in the number of units from 95 to 91.
  26. Transportation Note B has been modified to state a minimum of one parking space per bedroom will be provided on the site.
  27. Transportation Note C has been modified to note that the location of the bicycle parking is depicted on the Rezoning Plan.
  28. Architectural Standards Note B has been modified to reference the 4-story components of the building and the site adjacent to the relevant portion of the building.
  29. Petitioner has added new Architectural Standards notes regarding the following:
    - a. Front corner of the building adjacent to the driveway into the site may be a chamfered corner, or the corner of the building may be at a 90 degree angle at the option of the Petitioner.
    - b. Permitted exterior building materials are designated and labelled on architectural renderings provided. Permitted exterior buildings will include brick, stone and similar architectural masonry products, stucco and hardi-panel (cementitious siding) or a combination thereof.
    - c. Brick to be installed on the exterior of the building will be full-body cavity wall masonry. Use of thin brick or exposed non-architectural CMU masonry will not be allowed.
    - d. Vinyl will not be a permitted exterior cladding material, provided, however, that vinyl may be utilized on the soffits of the building and vinyl windows may be installed on the building.
    - e. EIFS (synthetic stucco), aluminum siding, corrugated metal and CMU block (concrete block) will not be permitted exterior materials for the building to be constructed on the site.
    - f. Translucent windows must be utilized on the third and fourth floors of the portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building, with clear windows being allowed on all other portions of the proposed building.
    - g. Installation of balconies limited to only those portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building. Balconies may be installed on any portions of the side and front elevations of the building to be constructed on the Site.
    - h. In the event a waiver of the Deed Restriction Setback is obtained, each ground floor dwelling unit facing East 7<sup>th</sup> Street will have steps and a stoop or patio located at the front entrance into the dwelling unit from East 7<sup>th</sup> Street, and the entry to the stoop or patio from East 7<sup>th</sup> Street will not be gated or locked. Each such stoop or patio will have a minimum size of 75 square feet.
  30. Modified notes under Setback and Yards/Streetscape and Landscaping/Screening as follow:
    - a. Note A has been modified to state that subject to the Optional Provisions, development of the Site will comply with the 21-foot Zoning Setback and the side yard rear requirements of the MUDD zoning district.

- b. New Note D proposes installation and maintenance of an 8-foot tall brick screen along the rear property line of the Site adjacent to the alley, and along portions of the Site's western property line.
  - c. New Note E provides language regarding the installation of a gate in the 8-foot tall brick screen wall.
  - d. New Note F identifies the conceptual landscaping plan as provided on Sheet RZ-2.3, providing information regarding locations, types, quantities and minimum height at the time of installation of the trees and shrubs.
  - e. New Note G includes language regarding placement of landscape materials within the alley and approval by Duke Energy. The note states that in the event Duke Energy or the City of Charlotte prohibits the installation of trees, shrubs and landscape materials in the 25-foot alley, the petitioner will not be required to install any trees, shrubs and landscape materials within the 25-foot alley. Note further states that petitioner will remove any landscape materials it installs in the 25-foot alley in the event that any property owner with a right to use the 25-foot alley for vehicular and pedestrian access seeks to enforce such right and requires the removal of the materials.
  - f. New Note H states petitioner will maintain, at their cost and expense, the perimeter landscaped areas (including landscaping in the alley).
  - g. New Note I provides language stating that prior to issuance of a certificate of occupancy, the petitioner will install irrigation for the perimeter landscaping for the Site pursuant to the conceptual perimeter plan. Irrigation will not be required to be installed within the alley located to the rear of the Site.
  - h. New Note J proposes an outdoor amenity area consisting of landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk to be installed along the Site's frontage.
31. Provided new language under Urban Open Space heading that states Urban Open Space will be located on the site as shown on the site plan. The Urban Open Space will be a passive area with no programmed space, and no outdoor amenities, such as a grill, may be installed within the Urban Open Space.
  32. Modified Lighting Note A to state that all freestanding lighting fixtures installed on the Site (excluding street lights, lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas and landscaping lights) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
  33. Added Lighting Note D that states that the lighting to be installed on the Site to illuminate the parking lot located to the rear of the building shall be soft light in the warm spectrum.
  34. Added new heading titled "Construction Activities" with following notes:
    - a. Note A states that construction activities may only be conducted on the Site from 7 a.m. to 6 p.m., and that construction activities conducted entirely within the enclosed building may occur at any time.
    - b. Note B states the contractor(s) will keep the construction site in a clean and orderly condition and will promptly clean the adjacent roads and sidewalks as needed or as otherwise required by applicable regulations.
  35. Added new heading "Trash and Recycling Removal" with language that states in the event that a private trash service is utilized to empty trash and recycling containers located on the Site, such containers may be emptied only between the hours of 7 a.m. and



	6 p.m.
	36. Removed all references to deed restrictions and waivers on all sheets of the site plan.
	37. Removed "deed restriction setback" on all applicable sheets of the site plan.
	38. Corrected details on Sheet RZ-2.1 to reflect the proposed screen wall is out of the alley.
	39. Clouded all new notes and revised notes.
	40. Provided details of the proposed seat wall.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

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

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

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

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

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**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:

- Up to 91 multi-family units in one building with ground level parking, and a project density of 63 units per acre.
- Up to 2,100 square feet of residential amenities (such as a fitness center) and a 750-square

foot leasing office.

- Urban open space areas.
  - Building height ranging from 40 feet up to a maximum 52 feet (three to four stories maximum).
  - Installation of an eight-foot screen wall and planting area to screen rear buildings and associated parking areas from abutting or adjacent residential properties.
  - Vehicular access to the site via East 7th Street.
  - An eight-foot sidewalk and eight-foot planting strip along the frontage on East 7th Street.
  - A 21-foot setback along East 7th Street from future back of curb.
  - Freestanding walls in front of portions of the proposed building will be seat height.
  - Architectural Standards notes pertaining to building height, articulation, materials, window treatment, placement of balconies, and orientation of patios.
  - Building elevations identifying proposed building materials, with North, East, West, and 7<sup>th</sup> Street perspectives.
  - Proposed bicycle parking locations.
  - Maximum height of any freestanding lighting fixture installed on site will be 25 feet.
  - Development notes stating construction activities will be conducted on the site daily from 7:00 a.m. to 6:00 p.m., and committing to keeping the construction site in clean and orderly condition.
  - Optional requests include:
    - Allowing building entrances and certain entry features encroach up to 3 feet into the setback.
    - Allow the width of the sidewalk to be installed along the site's frontage on East 7th Street to vary from a minimum of eight feet to 13 feet.
    - Allow an outdoor amenity area to be located on the 13-foot wide portion of the sidewalk to be installed along the site's frontage on East 7<sup>th</sup> Street.
    - Allow a reduction in the width of the 8-foot planting strip in the event that on-street parking is installed on East 7th Street adjacent to the Site.
    - Allow the construction of a freestanding seat wall on the 13-foot wide portion of the sidewalk located along the Site's frontage.
  - **Public Plans and Policies**
    - The *Elizabeth Area Plan* (2011) recommends a mix of residential/office/retail on this site. The plan states: "These parcels should be a mix of small scale neighborhood-serving retail, office, and/or residential. Small-scale neighborhood-serving retail or office uses on the ground floor with office and/or residential above is appropriate, as are single-use residential, office, or retail uses. Single-use residential development may have densities greater than 22 dwelling units per acre. Building should not exceed 40 feet in height and should step down to adjacent single family parcels. Primary or secondary parking and vehicle access should be from alleys, if possible."
    - The proposed use and density is consistent with the *Elizabeth Area Plan*. While the maximum height of 52 feet is greater than what is recommended by the plan, the height is only 40 feet where abutting single family residential homes or zoning.
- 

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

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

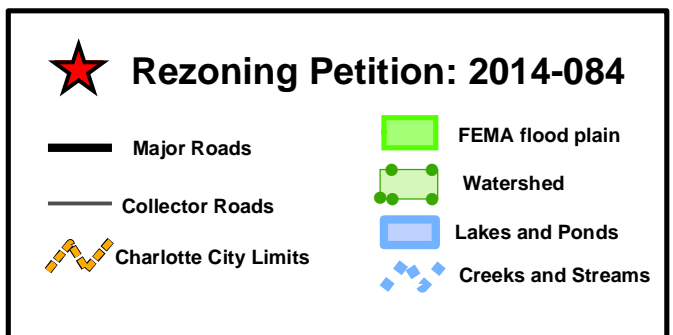
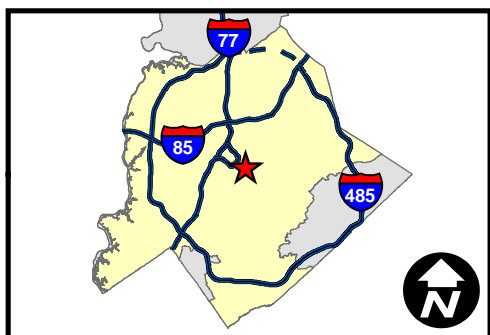
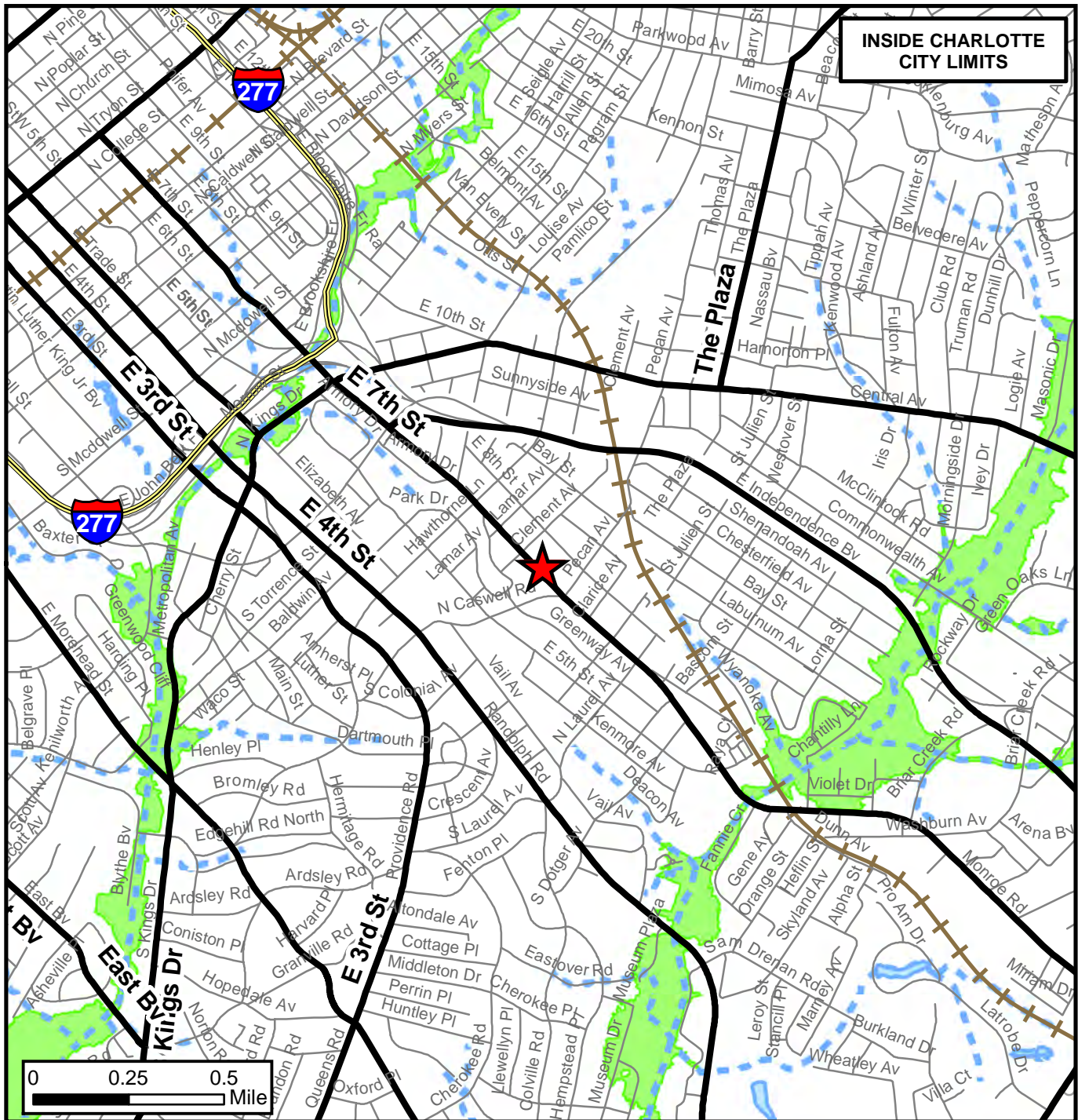
**Planner:** Claire Lyte-Graham (704) 336-3782



Petition #: **2014-084**

# Vicinity Map

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





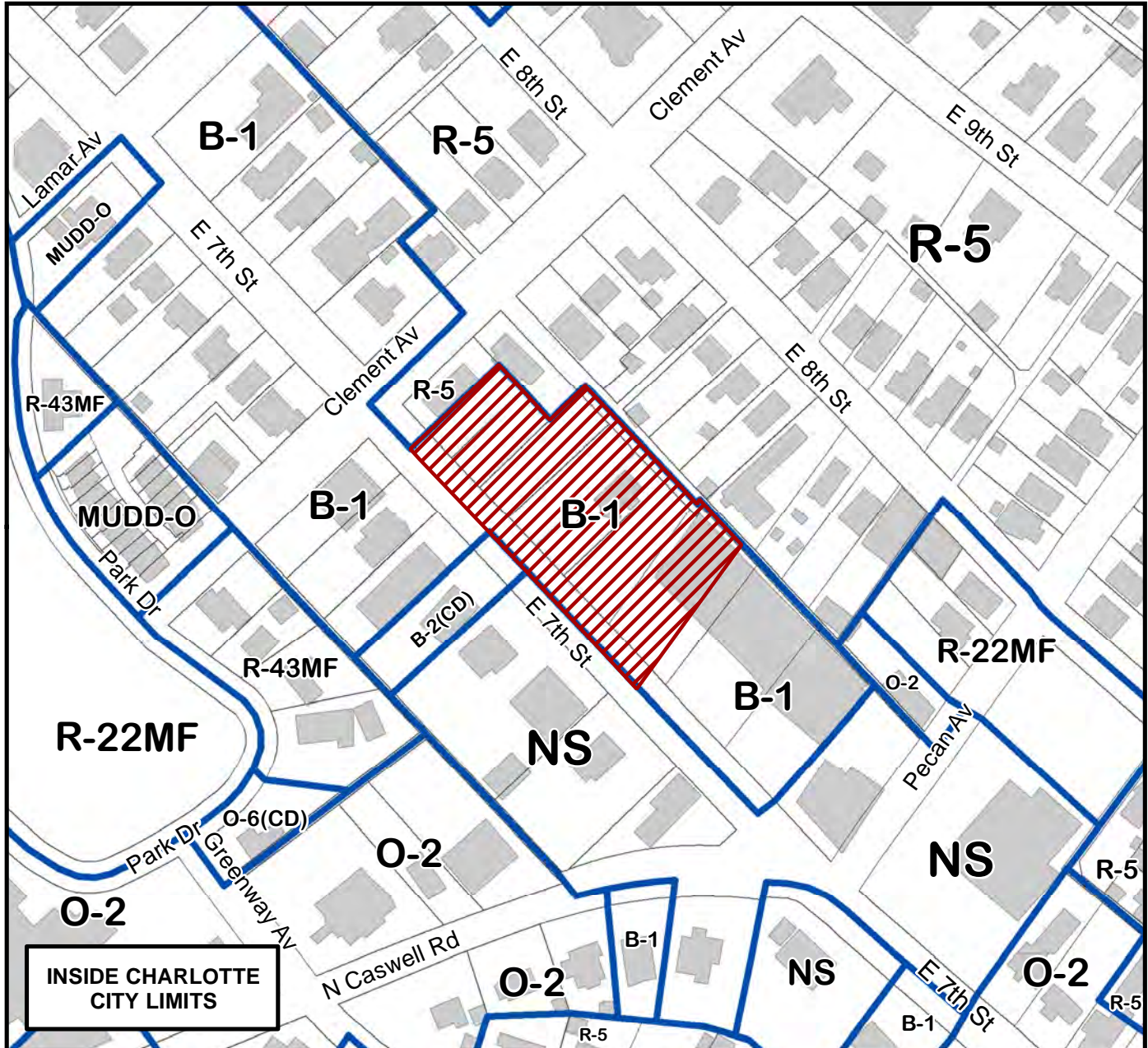
Petition #: **2014-084**

Petitioner: **7th Street Progression Partners, LLC**

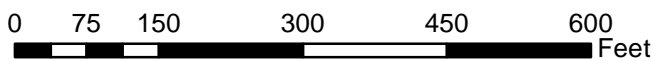
Zoning Classification (Existing): **B-1**  
(Neighborhood Business)

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

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

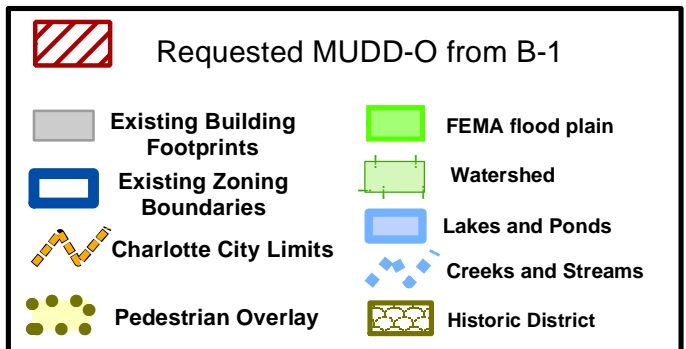


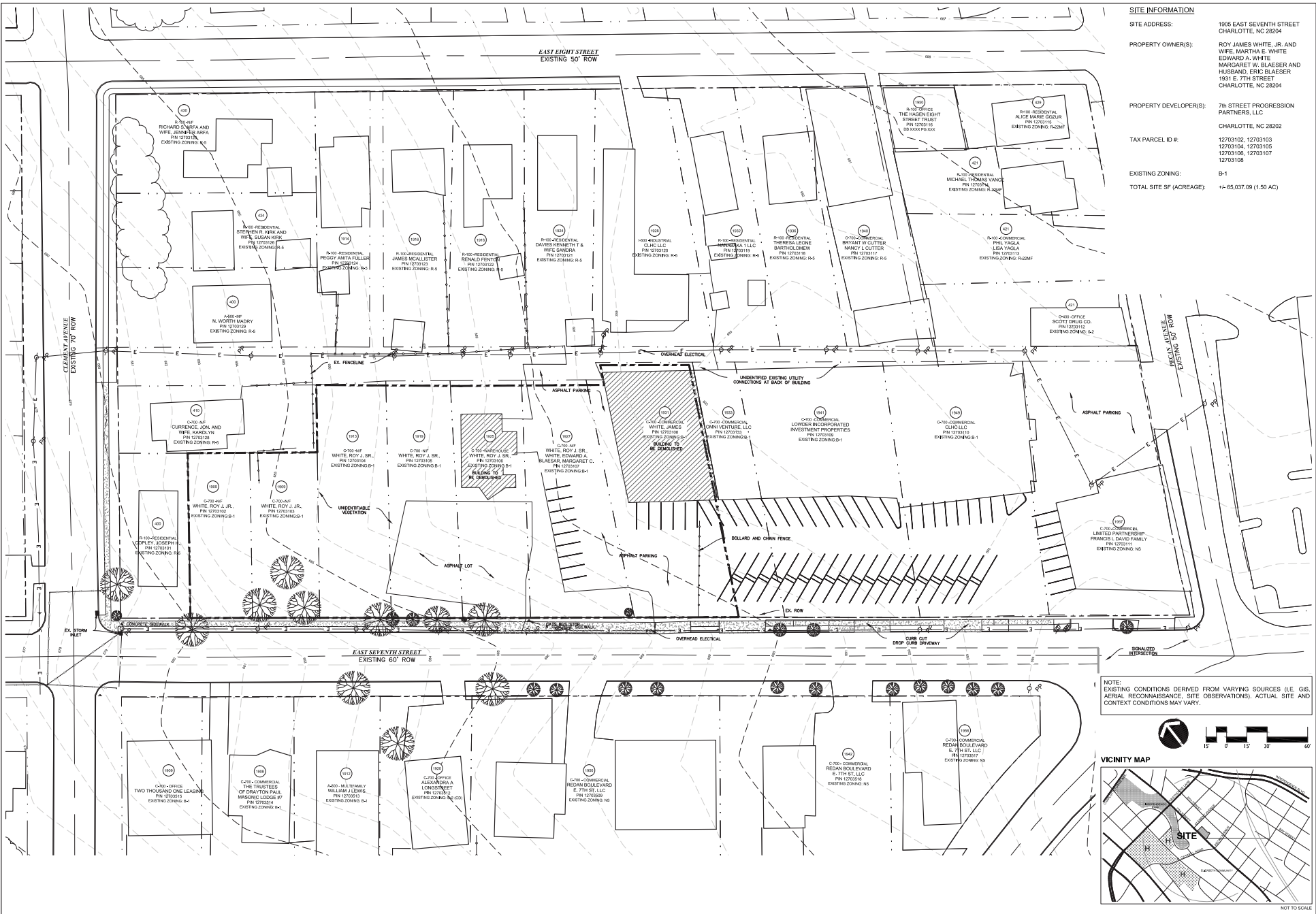
Map Produced by the Charlotte-Mecklenburg Planning Department, 7-22-2014.



Zoning Map #(s)

**101**





**SITE INFORMATION**

**SITE ADDRESS:** 1905 EAST SEVENTH STREET CHARLOTTE, NC 28204

**PROPERTY OWNER(S):** ROY JAMES WHITE, JR. AND WIFE, MARTHA E. WHITE  
EDWARD A. WHITE  
MARGARET W. BLAESER AND HUSBAND, ERIC BLAESER  
1951 E. 7TH STREET  
CHARLOTTE, NC 28204

**PROPERTY DEVELOPER(S):** 7th STREET PROGRESSION PARTNERS, LLC  
CHARLOTTE, NC 28202

**TAX PARCEL ID #:** 12703102, 12703103, 12703104, 12703105, 12703106, 12703107, 12703108

**EXISTING ZONING:** B-1

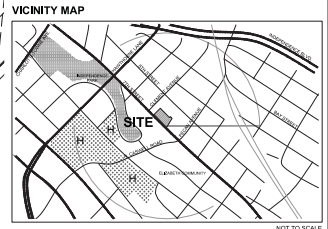
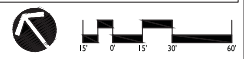
**TOTAL SITE SF (ACREAGE):** +/- 65,037.09 (1.50 AC)



PETITION NO. 2014-084

**7TH STREET REDEVELOPMENT  
MULTI-FAMILY DEVELOPMENT**  
7TH STREET PROGRESSION PARTNERS, LLC  
EXISTING CONDITIONS PLAN

**NOTE:** EXISTING CONDITIONS DERIVED FROM VARYING SOURCES (I.E. GIS, AERIAL, RECONNAISSANCE, SITE OBSERVATIONS). ACTUAL SITE AND CONTEXT CONDITIONS MAY VARY.



**REVISIONS:**

1. 10/14/2014 - REV FOR COMMENTS
2. 10/14/2014 - CORRECT/ADJUST COMMENTS
3. 10/14/2014 - REV COMMENTS

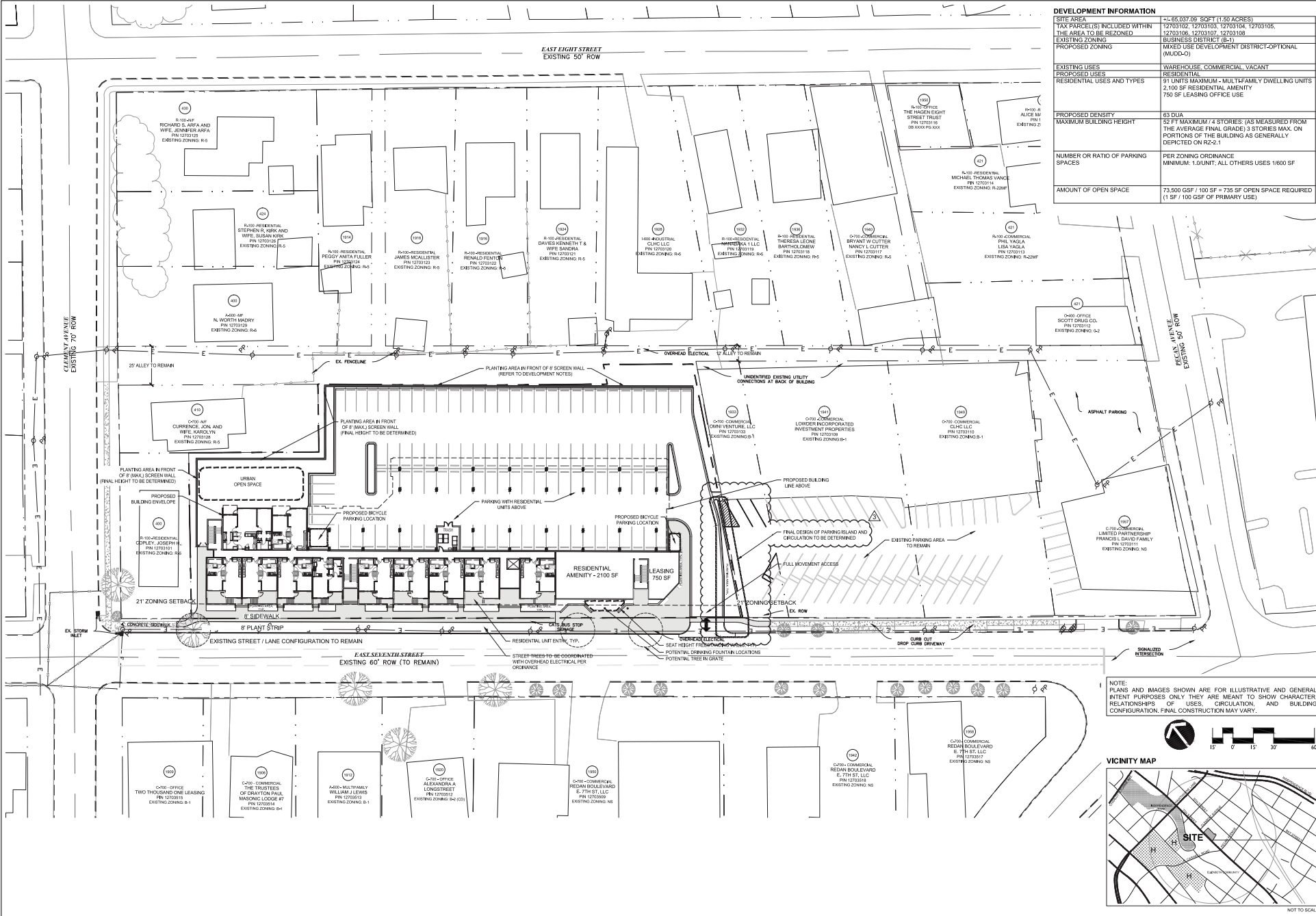
DATE: 22 JUNE 2014  
DRAWN BY: NANA  
CHECKED BY: JPH  
PROJECT #: 101284

**RZ-1.0**

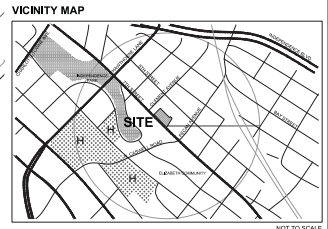
NOT TO SCALE



DEVELOPMENT INFORMATION	
SITE AREA	34.65 (37.09' SOFT) (1.56 ACRES)
TAX PARCEL(S) INCLUDED WITHIN THE AREA TO BE REZONED	12703102, 12703103, 12703104, 12703105, 12703106, 12703107, 12703108
EXISTING ZONING	BUSINESS DISTRICT (B-1)
PROPOSED ZONING	MIXED USE DEVELOPMENT DISTRICT-OPTIONAL (MUDD-O)
EXISTING USES	WAREHOUSE, COMMERCIAL VACANT
PROPOSED USES	RESIDENTIAL
RESIDENTIAL USES AND TYPES	91 UNITS MAXIMUM - MULTI-FAMILY DWELLING UNITS 2,100 SF RESIDENTIAL AMENITY 730 SF LEASING OFFICE USE
PROPOSED DENSITY	63 DUA
MAXIMUM BUILDING HEIGHT	52 FT MAXIMUM / 4 STORIES; (AS MEASURED FROM THE AVERAGE FINAL GRADE) 3 STORIES MAX. ON PORTIONS OF THE BUILDING AS GENERALLY DEPICTED ON RZ-2.1
NUMBER OR RATIO OF PARKING SPACES	PER ZONING ORDINANCE MINIMUM: 1.0/UNIT; ALL OTHERS USES 1800 SF
AMOUNT OF OPEN SPACE	73,500 GSF / 100 SF = 735 SF OPEN SPACE REQUIRED (1 SF / 100 GSF OF PRIMARY USE)



NOTE: PLANS AND IMAGES SHOWN ARE FOR ILLUSTRATIVE AND GENERAL INTENT PURPOSES ONLY. THEY ARE MEANT TO SHOW CHARACTER, RELATIONSHIPS OF USES, CIRCULATION, AND BUILDING CONFIGURATION. FINAL CONSTRUCTION MAY VARY.

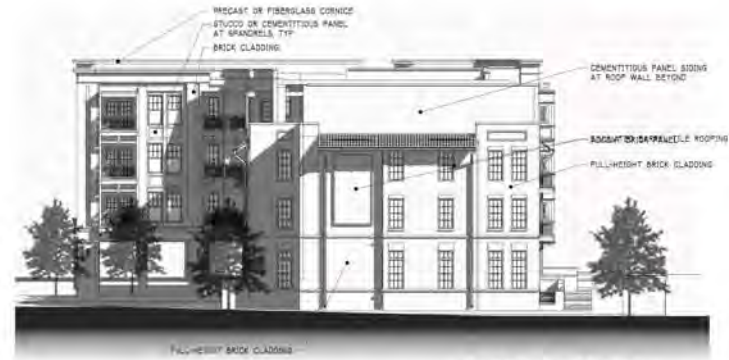


NOT TO SCALE

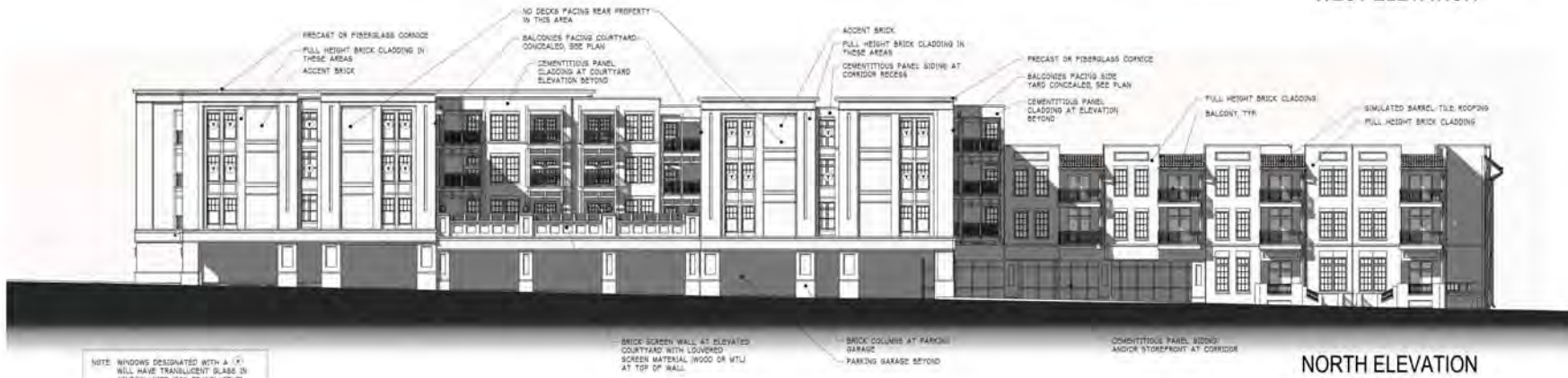




EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION



7TH STREET ELEVATION

7TH STREET  
REDEVELOPMENT  
MULTIFAMILY DEVELOPMENT

7TH STREET  
PROGRESSION  
PARTNERS, LLC

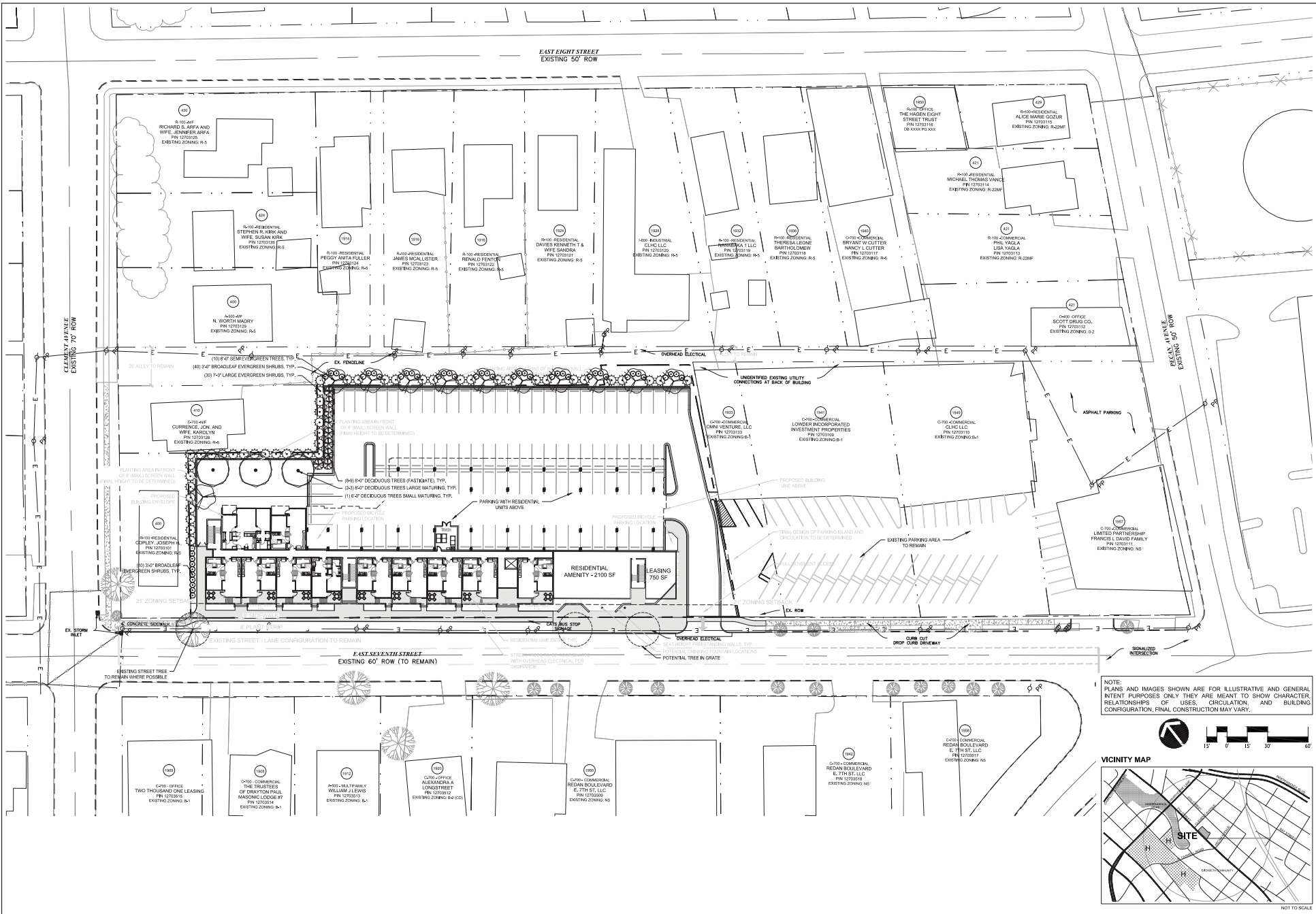
LOCATION / CHARLOTTE, NORTH CAROLINA  
PROJECT # / 1428/171  
DATE / 09.16.14  
DRAWN /

APPROVED / [Signature]

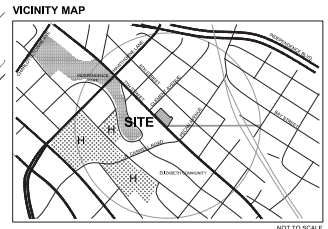
ELEVATIONS

RZ2.20

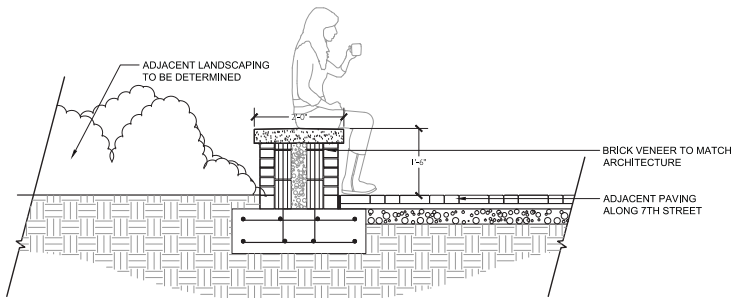




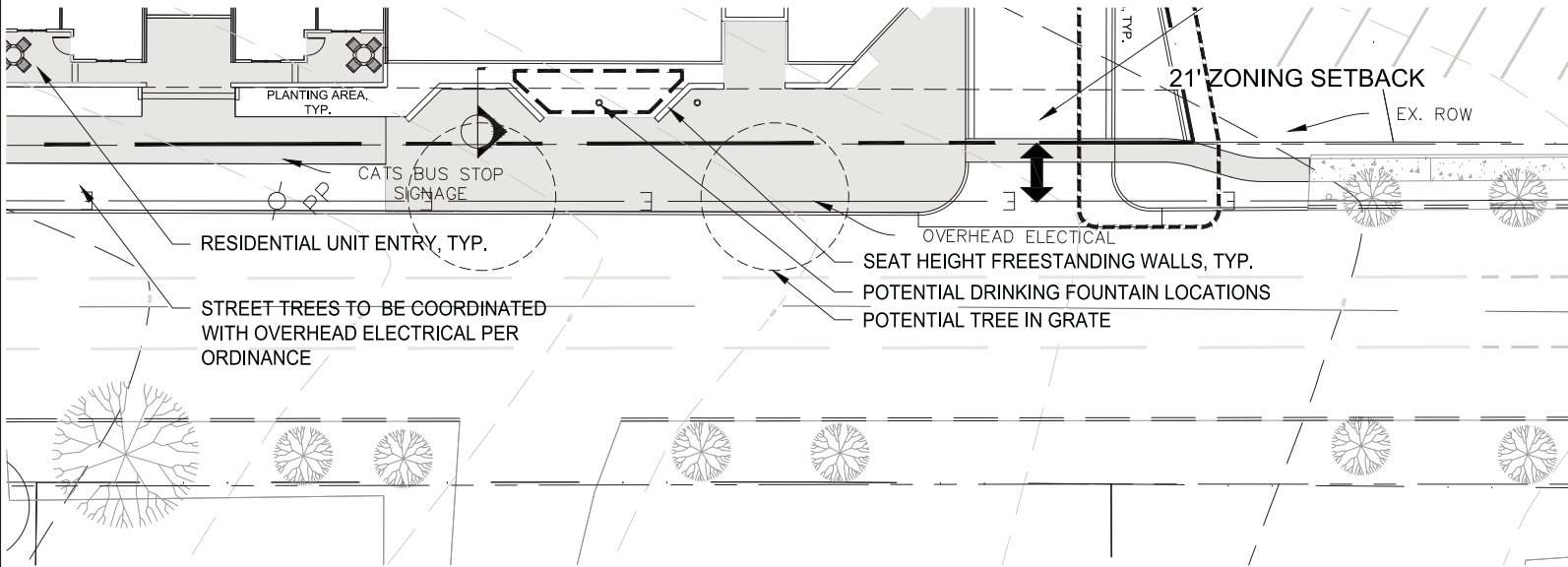
NOTE: PLANS AND IMAGES SHOWN ARE FOR ILLUSTRATIVE AND GENERAL INTENT PURPOSES ONLY. THEY ARE MEANT TO SHOW CHARACTER, RELATIONSHIPS OF USES, CIRCULATION, AND BUILDING CONFIGURATION. FINAL CONSTRUCTION MAY VARY.



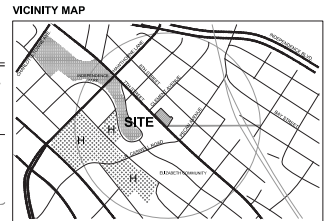
NOT TO SCALE



TYPICAL SEAT WALL SECTION  
 NOT TO SCALE



NOTE:  
 PLANS AND IMAGES SHOWN ARE FOR ILLUSTRATIVE AND GENERAL  
 INTENT PURPOSES ONLY THEY ARE MEANT TO SHOW CHARACTER  
 RELATIONSHIPS OF USES, CIRCULATION, AND BUILDING  
 CONFIGURATION. FINAL CONSTRUCTION MAY VARY.



REVISIONS:  
 1. PER PERM COMMENTS  
 2. PER PERM COMMENTS  
 3. PER PERM COMMENTS  
 DATE: 23.06.2014  
 DRAWN BY: NAA  
 CHECKED BY: SHP  
 PROJECT # 101304

DEVELOPMENT STANDARDS

GENERAL PROVISIONS

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by 7th Street Progression Partners, LLC for an approximately 1.4 acre site located on the north side of East 7th Street between Clement Avenue and Pecan Avenue, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site").
B. The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
C. As depicted on the Rezoning Plan, the setback from East 7th Street for zoning purposes is 21 feet from the back of curb (the "Zoning Setback").
D. 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.

OPTIONAL PROVISIONS

- The following optional provisions shall apply to the development of the Site:
A. Building entrances and entry features including, but not limited to, decorative paving, steps, stoops, patios and upper level balconies and architectural features may encroach up to 3 feet into the Zoning Setback as shown on the Rezoning Plan.
B. The width of the sidewalk to be installed along the Site's frontage on East 7th Street may vary from a minimum of 8 feet to 13 feet as depicted on the Rezoning Plan.
C. An outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables shall be located on the 13 foot wide portion of the sidewalk to be installed along the Site's frontage on East 7th Street.
D. In the event that on-street parking is installed on East 7th Street adjacent to the Site, the width of the 8 foot planting strip may be reduced to accommodate the on-street parking spaces.
E. A free standing seat wall may be constructed on the 13 foot wide portion of the sidewalk located along the Site's frontage on East 7th Street within the Zoning Setback.

PERMITTED USES

The Site may only be devoted to a residential community containing a maximum of 91 multi-family dwelling units and to any incidental and accessory uses relating thereto that are allowed in the MUDD zoning district. Incidental and accessory uses may include, without limitation, a heating and management office and amenities for use by the residents of the residential community, such as a fitness center.

TRANSPORTATION

- A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access point are subject to any minor modifications required by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT").
B. A minimum of 1 parking space per bedroom shall be provided on the Site.
C. Bicycle parking will be provided on the Site as required by the Ordinance. The location of the bicycle parking is depicted on the Rezoning Plan.

ARCHITECTURAL STANDARDS

- A. The maximum height in stories of the building to be constructed on the Site shall range from 3 stories to 4 stories.
B. The maximum height of the 4 story components of the building to be constructed on the Site as measured in feet shall be 52 feet as measured from the average final grade of the Site adjacent to the relevant portion of the building.
C. The building to be constructed on the Site shall meet the applicable urban design standards of Section 9.8506 of the Ordinance.
D. Set out on Sheet RZ-2.2 are schematic architectural renderings of the front, side and rear elevations of the building to be constructed on the Site that are intended to depict the general conceptual architectural style, character and quality of the front, side and rear elevations of the building.
E. Notwithstanding the schematic architectural renderings of the building to be constructed on the Site, the front corner of the building adjacent to the driveway into the Site may be a chamfered corner, or the corner of the building may be at a 90 degree angle at the option of Petitioner.
F. The permitted exterior building materials for the building to be constructed on the Site are designated and labelled on the schematic architectural renderings of the building set out on Sheet RZ-2.2.
G. The brick to be installed on the exterior of the building shall be full-body cavity wall masonry.
H. Vinyl shall not be a permitted exterior cladding material, provided, however, that vinyl may be utilized on the soffits of the building and vinyl windows may be installed on the building.
I. EPS (synthetic stucco), aluminum siding, corrugated metal and CMU block (concrete block) shall not be permitted exterior building materials for the building to be constructed on the Site.
J. Translucent windows must be utilized on the third and fourth floors of those portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building.
K. Balconies may be installed only on those portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building.
L. The exterior building materials for all retaining walls installed on the Site shall be brick, stone or architectural block.
M. The amenity deck to be located on the second level of the building to be constructed on the Site is depicted on Sheet RZ-2.1 shall be screened from the rear property line of the Site by an architectural screen wall which is solid masonry to a feet AFF and will incorporate a wood, metal or other type of architectural grille from 4 feet AFF to 6 feet AFF which will provide minimum 75% screening from the adjacent properties as viewed from grade.
N. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade, and from the second floors of the existing single family homes that abut the Site.

O. Each ground floor dwelling unit facing East 7th Street shall have steps and a stoop or patio located at the front entrance into the dwelling unit from East 7th Street, and the stoop or patio from East 7th Street shall not be gated or blocked. Each such stoop or patio shall have a minimum size of 75 square feet.

SETBACK AND YARDS/STREETSCAPE AND LANDSCAPING/SCREENING

- A. Subject to the Optional Provisions set out above, development of the Site shall comply with the 21 foot Zoning Setback and the side yard and rear yard requirements of the MUDD zoning district.
B. Subject to the optional provisions set out above, Petitioner shall install a planting strip and a sidewalk along the Site's frontage on East 7th Street as depicted on the Rezoning Plan.
C. Dumpster and recycling areas will be enclosed on all four sides by an opaque wall or fence with one side being a hinged opaque gate.
D. Petitioner shall install and maintain an 8 foot tall brick screen wall on the Site along the rear property line of the Site adjacent to the alley, and along portions of the Site's western property line as more particularly depicted on the Rezoning Plan.
E. A gate shall be installed in the 8 foot tall brick screen wall to be located along the rear property line of the Site adjacent to the alley to allow access to the alley for the purpose of maintaining the landscaping to be installed therein.
F. Set out on Sheet RZ-2.3 is a conceptual 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 Petitioner within the perimeter landscaped areas depicted on the Rezoning Plan.
G. Notwithstanding the terms of paragraph F above, all trees, shrubs and landscape materials to be installed within that portion of the 25 foot alley located along the Site's rear property line and depicted on the Rezoning Plan must be approved by Duke Energy prior to installation.
H. Petitioner shall maintain, at its cost and expense, the perimeter landscaped areas depicted on the Rezoning Plan.
I. Prior to the issuance of a certificate of occupancy for the building to be constructed on the Site, Petitioner shall install irrigation for the perimeter landscaping to be installed on the Site pursuant to the conceptual perimeter landscaping plan, provided, however, that irrigation will not be required to be installed within the alley located to the rear of the Site, and the requirement to install irrigation in the planting strip located within the right of way for East 7th Street shall be subject to the City of Charlotte agreeing to enter into an encroachment agreement with Petitioner for such irrigation system.
J. As more particularly depicted on the Rezoning Plan, an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables shall be located on the 13 foot wide portion of the sidewalk to be installed along the Site's frontage on East 7th Street.
K. All backflow preventers and transformers will be internal or screened and located in such a manner that they are not visible from the public streets/sidewalk.

In the event that Duke Energy or the City of Charlotte prohibits the installation of trees, shrubs and landscape materials in the 25 foot alley, then Petitioner shall not be required to install any trees, shrubs and landscape materials within the 25 foot alley.

Petitioner shall remove any trees, shrubs and landscape materials it installs from the 25 foot alley in the event that any property owner with a right to use the 25 foot alley for vehicular and pedestrian access seeks to enforce such right and requires the removal of the trees, shrubs and landscape materials.

H. Petitioner shall maintain, at its cost and expense, the perimeter landscaped areas depicted on the Rezoning Plan (including the perimeter landscaped area located within the 25 foot alley located to the rear of the Site) and replace dead or diseased trees and shrubs as necessary.

I. Prior to the issuance of a certificate of occupancy for the building to be constructed on the Site, Petitioner shall install irrigation for the perimeter landscaping to be installed on the Site pursuant to the conceptual perimeter landscaping plan, provided, however, that irrigation will not be required to be installed within the alley located to the rear of the Site, and the requirement to install irrigation in the planting strip located within the right of way for East 7th Street shall be subject to the City of Charlotte agreeing to enter into an encroachment agreement with Petitioner for such irrigation system.

J. As more particularly depicted on the Rezoning Plan, an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables shall be located on the 13 foot wide portion of the sidewalk to be installed along the Site's frontage on East 7th Street. These improvements shall not obstruct the sidewalk such that an 8 foot wide clear sidewalk zone shall be maintained.

K. All backflow preventers and transformers will be internal or screened and located in such a manner that they are not visible from the public streets/sidewalk.

ENVIRONMENTAL FEATURES

- A. Development of the Site shall be in compliance with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. All required Storm Water Management Facilities will be located underground and on site.
B. The location, size, and type of storm water management systems are subject to review and approval as part of the full development plan submitted and are not implicitly approved with this rezoning.
C. Development of the Site shall comply with the City of Charlotte Tree Ordinance.
D. Tree preservation will be coordinated during land development with City Engineering and Urban Forestry.

URBAN OPEN SPACE

As required under the Ordinance, Urban Open Space shall be located on the Site as depicted on the Rezoning Plan. The Urban Open Space shall be a passive area with no programmed space, and no outdoor amenities, such as a grill, may be installed within the Urban Open Space.

SIGNS

All signs installed on the Site shall comply with the requirements of the Ordinance.

LIGHTING

- A. All freestanding lighting fixtures installed on the Site (excluding street lights, tower decorative lighting that may be installed along the driveways, sidewalks and parking areas and landscaping lighting) 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.
B. The maximum height of any freestanding lighting fixture installed on the Site (excluding street lights) shall be 25 feet.
C. Any lighting fixtures attached to the building to be constructed on the Site shall be decorative, capped and downwardly directed.
D. The lighting to be installed on the Site to illuminate the parking lot located to the rear of the building shall be soft light in the warm spectrum.

CONSTRUCTION ACTIVITIES

- A. Construction activities may only be conducted on the Site daily from 7 AM to 6 PM. Notwithstanding the foregoing, construction activities conducted entirely within the enclosed building may occur at any time.
B. The contractor(s) shall keep the construction Site in a clean and orderly condition and shall promptly clean the adjacent roads and sidewalks as needed or as otherwise required by applicable regulations.

TRASH AND RECYCLING REMOVAL

In the event that a private trash service is utilized to empty trash and recycling containers located on the Site, such containers may be emptied only between the hours of 7 AM and 6 PM.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

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



13710 Graham Street, Charlotte, NC 28203
770.1121024 P. 770.1121246
www.landdesign.com



PETITION NO. 2011-084

7TH STREET REDEVELOPMENT
MULTI-FAMILY DEVELOPMENT
7TH STREET PROGRESSION PARTNERS, LLC
DEVELOPMENT STANDARD NOTES

REVISIONS:
1. REVISED PER CITY COMMENTS
2. REVISED PER ARCHITECTURAL COMMENTS
3. REVISED PER COMMUNITY COMMENTS
DATE: 2/16/2011
DRAWN BY: NANA
CHECKED BY: SHP
PROJECT NO. 1001304
REVISED BY:
RZ-3.0



<b>REQUEST</b>	Current Zoning: UR-2(CD) HD-O (urban residential, conditional, historic district overlay) Proposed Zoning: TOD-RO HD-O (transit oriented development - residential, optional, historic district overlay)
<b>LOCATION</b>	Approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes townhomes at a density of 16 dwelling units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Betsy S. Bullard New Carolina Income Properties, LLC Matthew G. Majors, Axiom Architecture
<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>	<p>This petition is found to be consistent with the <i>Dilworth Land Use and Streetscape Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed development provides a multi-family residential use at a density of 16 units per acre.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• A portion of the site is located with ½ mile of the East/West Boulevard transit station;</li> <li>• The proposed density is less than what is called for by the updated plan, but meets the minimum density requirement for TOD (transit oriented development); and</li> <li>• The proposed use is consistent and compatible with the surrounding land use types;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Labovitz seconded by Commissioner Ryan).</p>

<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. The petitioner revised the plan to show the five-foot side yard adjacent to the TOD-RO (transit oriented development – residential, optional) zoned parcel to the northwest and the 20-foot rear yard adjacent to the R-22MF (multi-family residential) zoned parcel to the northeast.</li> <li>2. Clarified under "Optional Provisions" Note a. as follows: "Buffer requirements of 6 trees and 20 shrubs per 100' will be maintained with the addition of a 6' high privacy fence rather than a masonry wall."</li> <li>3. Extended the five-foot wide buffer along the entire boundary with the adjacent R-22MF (multi-family residential) property. Included a note stating that: "The buffer area within the proposed tree save will be supplemented with additional plantings as necessary to meet the requirements of the Zoning Ordinance."</li> <li>4. Deleted "Fire Protection" sections on the site plan.</li> <li>5. Labeled open space and provided a note specifying improvements/amenities.</li> <li>6. Under "Parks Greenways and Open Space" deleted Notes a., b., and c.</li> </ol>
--------------------------------	---

	<p>7. Under "Environmental Features" deleted Note c.                  8. Under "Transportation" deleted Notes b., d., and e.                  9. Under "Permitted Uses" deleted Note c.                  10. Under "Development Data Table" deleted Note h.</p>
--	---

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

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

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

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

The site plan accompanying this petition contains the following provisions:

  - Development of 12 multi-family residential units in two buildings at a density of 16 units per acre.
  - Parking ratio of two spaces per unit plus two additional spaces for visitors for a total of 26 spaces.
  - Maximum height of 50 feet, not to exceed three stories along Tremont Avenue and 2.5 stories along Euclid Avenue.
  - Approximately 20% open space.
  - An eight-foot planting strip and six-foot sidewalk along Tremont Avenue and Euclid Avenue.
  - Building materials to include masonry; stone; and wood lapped shingles and board/batten siding.
  - Architectural elements consist of porch elements on most townhomes, exterior balconies on all units, enhanced trim and detailing at casings and cornerboards, large windows, individual garages for all units and parking from an internal drive.
  - Elevations for the frontage along Tremont Avenue and Euclid Avenue.
  - Detached lighting limited to 20 feet in height, with full cut-off type fixtures.

- A six-foot high privacy fence in the five-foot buffer area abutting R-22MF (multi-family residential) zoning.
  - Five-foot side yard adjacent to the TOD-RO (transit oriented development – residential, optional) zoned parcel to the northwest and the twenty-foot rear yard adjacent to the R-22MF (multi-family residential) zoned parcel to the northeast.
  - A five-foot wide buffer along the entire boundary with the adjacent R-22MF (multi-family residential) property with a note stating that: "The buffer area within the proposed tree save will be supplemented with additional plantings as necessary to meet the requirements of the Zoning Ordinance."
  - Open space with specified improvements/amenities.
  - Optional requests include:
    - Reduction of the required buffer when abutting an existing residential structure or residential zoning from ten feet to five feet.
    - Increase in the allowed maximum of two parking spaces per unit by 10% to provide two parking spaces for community/visitor parking.
  - **Public Plans and Policies**
    - The *Dilworth Land Use and Streetscape Plan* (2006), as amended by the 2013-027 rezoning, recommends multi-family residential uses at a density of 47.3 units per acre. The property is located within ½ mile walk of the East/West Boulevard Transit Station.
    - The petition is consistent with the *Dilworth Land Use and Streetscape Plan*.
- 

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

- Application



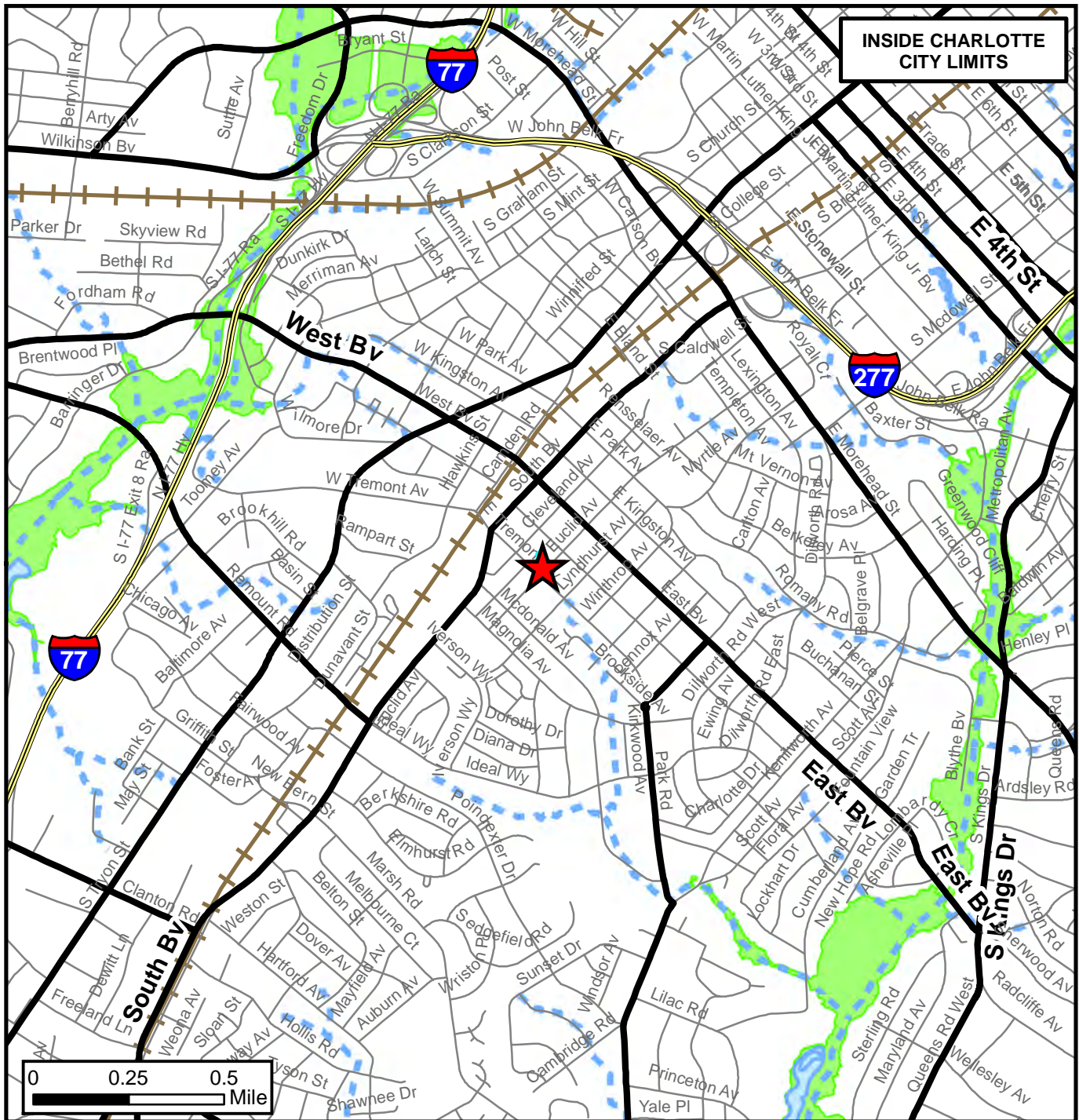
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services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

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

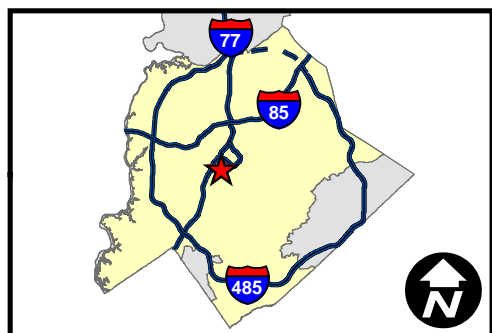
Petition #: **2014-085**

# Vicinity Map

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



**INSIDE CHARLOTTE CITY LIMITS**



**★ Rezoning Petition: 2014-085**

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



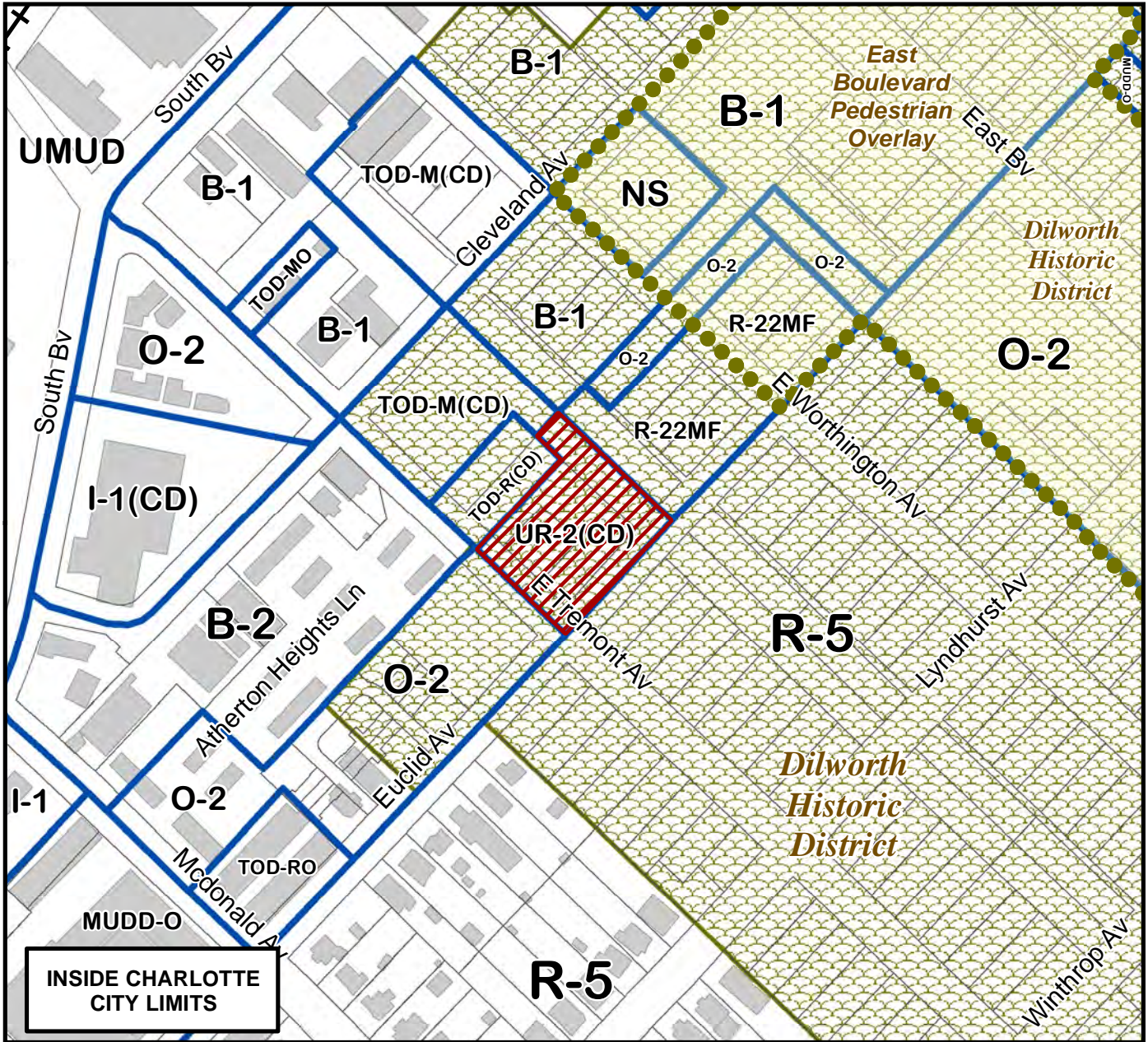
Petition #: **2014-085**

Petitioner: **New Carolina Income Properties, LLC**

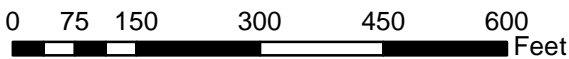
Zoning Classification (Existing): **UR-2(CD) (HD-O)**  
(Urban Residential, Conditional, Historic District Overlay)

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

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

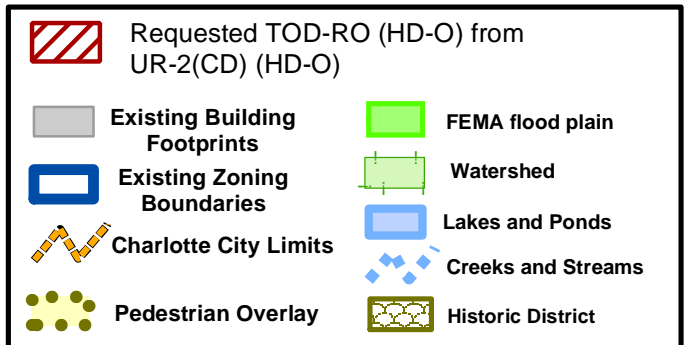


Map Produced by the Charlotte-Mecklenburg Planning Department, 10-10-2014.



Zoning Map #(s)

**111**

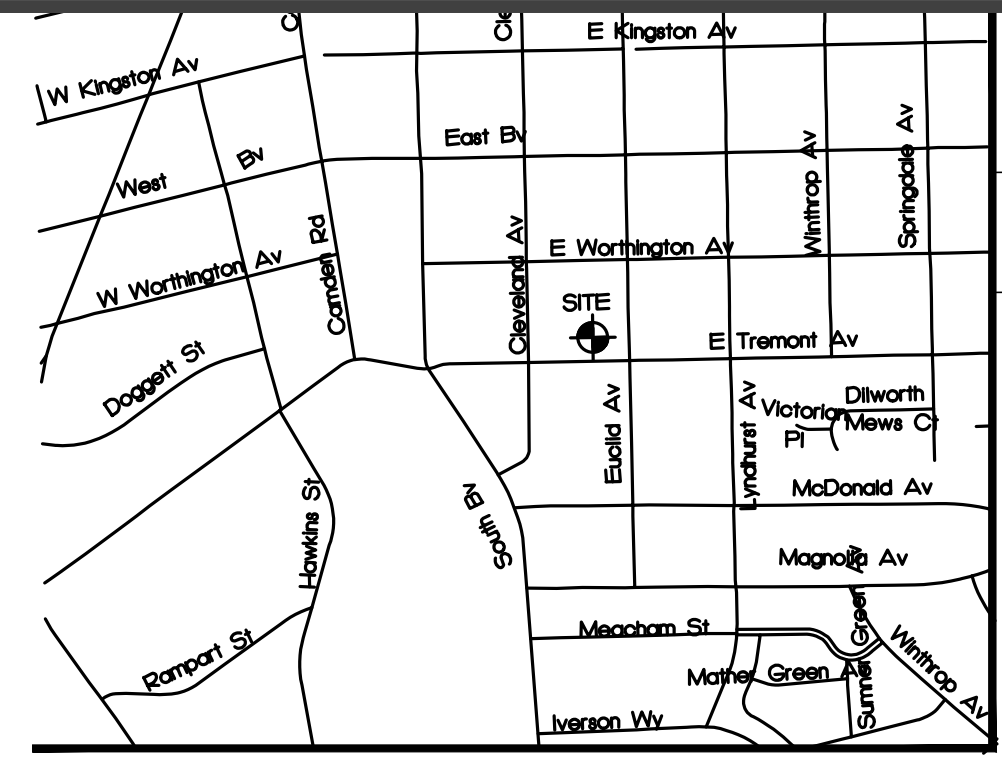




SURVEYORS CERTIFICATION

I, MICHAEL C. SAWHILL, HEREBY CERTIFY THAT THIS MAP REPRESENTS THE CONDITIONS EXISTING ON THE GROUND AT THE TIME OF A SURVEY PERFORMED UNDER MY DIRECTION BETWEEN APRIL 25, 2007 AND MAY 07, 2007, AND THAT THIS MAP AND FIELD SURVEY UPON WHICH IT IS BASED WAS PREPARED UNDER MY SUPERVISION AND CONFORMS WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYS IN NORTH CAROLINA (SECTION 1600 OF THE RULES OF THE BOARD OF REGISTRATION FOR ENGINEERS AND LAND SURVEYORS) THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO EASEMENTS, COVENANTS OR RESTRICTIONS OF WHICH THE UNDERSIGNED HAS NO KNOWLEDGE.

MICHAEL C. SAWHILL, PLS L-3223 DATE



VICINITY MAP  
NOT TO SCALE

ROBERT ELIE HAMRICK AND  
RAY H. HAMRICK  
LOT 2, BLOCK 22  
MAP BOOK 332, PAGE 214  
DEED BOOK 4012, PAGE 950  
TAX# 121-056-19

GENERAL NOTES

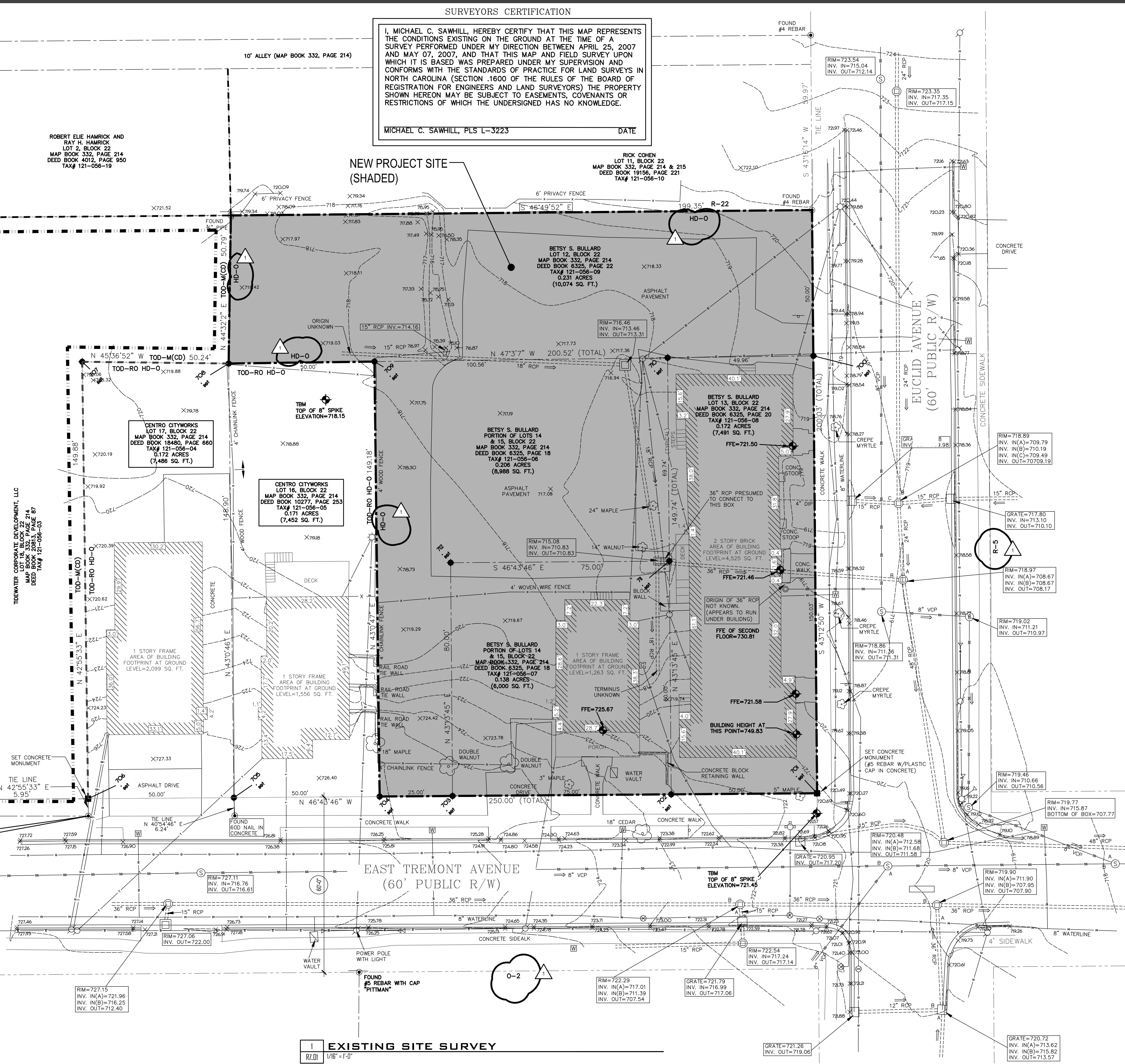
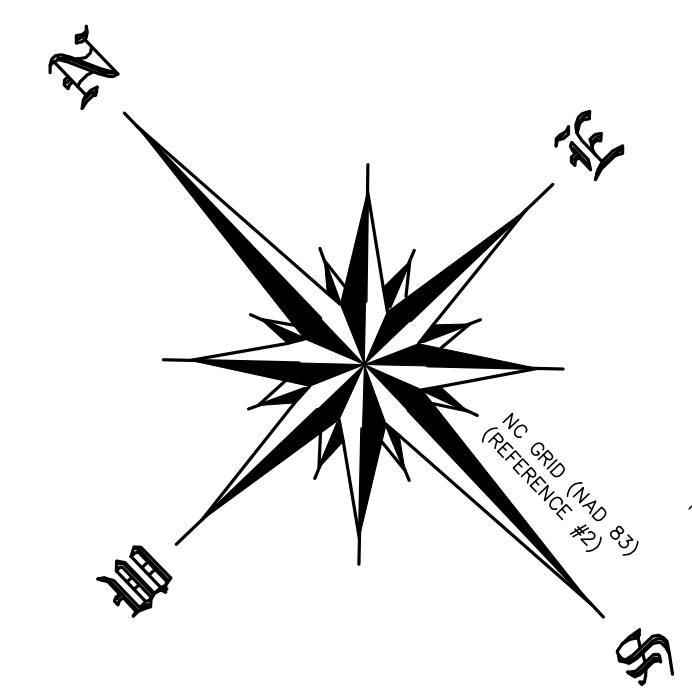
- ALL DISTANCES ARE HORIZONTAL MEASUREMENTS UNLESS OTHERWISE NOTED
- ALL AREAS ARE CALCULATED BY THE COORDINATE COMPUTATION METHOD.
- THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
- ALL CORNERS MONUMENTED AS SHOWN.
- SUBJECT PROPERTY IS NOT LOCATED WITHIN A FLOODZONE AS DEFINED BY FEMA-FIRM COMMUNITY PANEL NO. 37119C0186E BEARING AN EFFECTIVE DATE OF FEBRUARY 04, 2004.
- BASIS OF HORIZONTAL DATUM IS MAP TITLED "RECOMBINATION PLAT - TIDEWATER DEVELOPMENT" PREPARED BY GEOSCIENCE GROUP, INC. DATED OCTOBER 10, 2006 AND RECORDED IN MAP BOOK 46, PAGE 895 OF THE MECKLENBURG COUNTY REGISTRY.
- BASIS OF VERTICAL DATUM IS NAVD 88 PER PLANS PLANS FOR "TIDEWATER-CLEVELAND & TREMONT" PREPARED BY NARMORE WRIGHT CREECH (PROJECT #05-079) DATED SEPTEMBER 14, 2006, LAST REVISED NOVEMBER 27, 2006 AND CIVIL PLANS OF TIDEWATER BY COLE JENEST & STONE (PROJECT #3504) DATED JULY 26, 2006, LAST REVISED NOVEMBER 29, 2006.
- NO NORTH CAROLINA GRID CONTROL MONUMENT WAS FOUND WITHIN 2000 FEET OF SUBJECT PROPERTY.
- UNDERGROUND UTILITIES WERE LOCATED PER LOCATION MARKINGS ON SITE BY OTHERS. THE SURVEY COMPANY, INCORPORATED IS RESPONSIBLE ONLY FOR THE LOCATION OF ABOVE GROUND MARKINGS AND NOT THE ACTUAL LOCATION OF UTILITIES BEING MARKED. THERE MAY BE OTHER UNDERGROUND UTILITIES ON THIS SITE OTHER THAN THOSE SHOWN. BEFORE DOING ANY DIGGING CALL NC ONECALL (1-800-632-4949).
- THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF TITLE COMMITMENT OR REPORT.
- THE TOTAL AREA OF SUBJECT PARCELS IS 0.750 ACRES (32,560 SQ. FT.).

LEGEND

	STORM DRAIN		FOUND PROPERTY CORNER
	CURB		SET 5/8" REBAR OR PK NAIL
	PROPERTY LINE SURVEYED		CALCULATED POINT
	PROPERTY LINE NOT SURVEYED		RIGHT OF WAY MONUMENT
	RIGHT-OF-WAY LINE		ELECTRIC METER
	EASEMENT LINE		LIGHT POLE
	SETBACK LINE		POWER POLE
	OVERHEAD POWER LINE		ELECTRIC TRANSFORMER
	UNDERGROUND ELECTRIC		NATURAL GAS METER
	OVERHEAD TELEPHONE		SEWER CLEANOUT
	UNDERGROUND TELEPHONE		SANITARY SEWER MANHOLE
	UNDERGROUND NATURAL GAS		TELEPHONE PEDESTAL
	WATER LINE		CABLE PEDESTAL
	SANITARY SEWER LINE		WATER VALVE
	FENCE LINE		WATER METER
	STORM MANHOLE		WATER VAULT
	DROP INLET		FIRE HYDRANT
	CATCH BASIN		

TIDEWATER CORPORATE DEVELOPMENT, LLC  
MAP BOOK 332, PAGE 214  
DEED BOOK 20813, PAGE 87  
TAX# 121-056-03

BENCHMARK  
#8 REBAR  
ELEVATION=727.67'  
(REFERENCE #1)



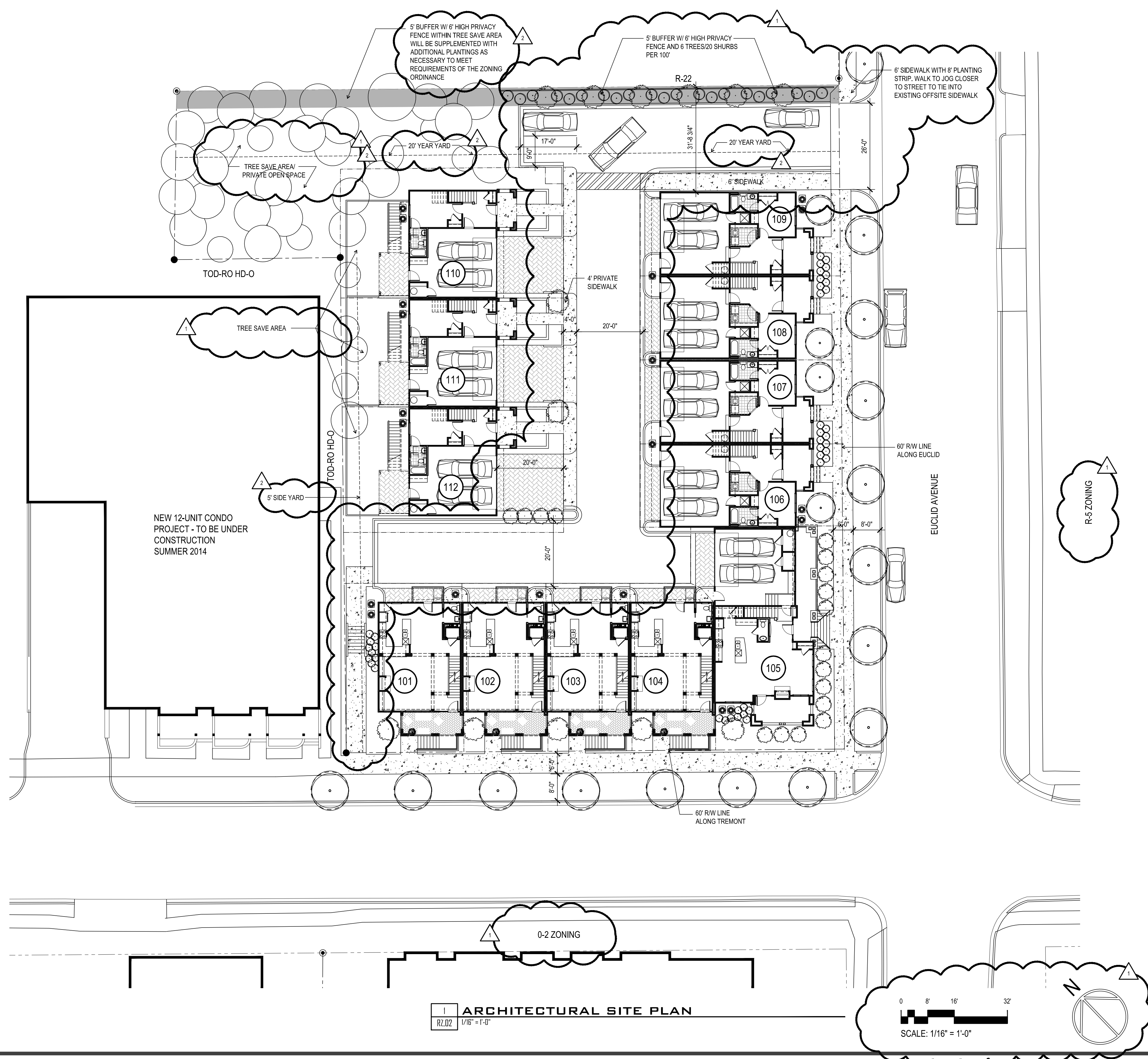
1 EXISTING SITE SURVEY  
RZ.01 1/16"=1'-0"

DILWORTH COURT TOWNHOMES  
CHARLOTTE, NORTH CAROLINA  
NEW CAROLINA INCOME PROPERTIES

PROJECT A-1405  
EXISTING SURVEY  
RZ PET# - 2014-085  
AUGUST 15, 2014  
REVISION 1 - 08.01.14 REZONING COMMENTS  
REVISION 2 - 10.24.14 REZONING COMMENTS  
REVISION 3 -  
REVISION 4 -

RZ.01





**DEVELOPMENT DATA TABLE**

- SITE AREA: 0.75 ACRES
- TAX PARCEL ID NUMBERS: 121-056-07 AND 121-056-08
- EXISTING ZONING: UR-2 (CD) HD-O (D/WORTH)
- PROPOSED ZONING: TOD-RO HD-O
- EXISTING USE = SINGLE FAMILY AND MULTIFAMILY  
PROPOSED USE = MULTIFAMILY (RESIDENTIAL ONLY)
- MULTIFAMILY DWELLING UNITS = 12
- PROPOSED RESIDENTIAL DENSITY = 16.0
- (N/A)
- PROPOSED F.A.R.: 1.00
- MAXIMUM HEIGHT OF 50' - NOT TO EXCEED THREE STORIES SHOWN WITH 2.5 STORIES AND <50' ALONG EUCLID
- PARKING REQUIRED: 1 CAR PER UNIT (TOD-R) = 12 CARS  
PARKING PROVIDED: 26 SPACES (SEE OPTIONAL REQUEST BELOW)  
MAX ALLOWED = 1.6 PER UNIT + 25% INCREASE = 24 TOTAL CARS
- OPEN SPACE = APPROX. 20% OF SITE EXCLUDING PARKING AND SIDEWALKS

**GENERAL PROVISIONS**

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

**OPTIONAL PROVISIONS**

- REQUEST TO REDUCE SIDE YARD BUFFER FROM 10' TO 5' MIN. BUFFER REQUIREMENTS OF 6 TREES AND 20 SHRUBS PER 100' WILL BE MAINTAINED WITH ADDITION OF 6' HIGH PRIVACY FENCE RATHER THAN MASONRY WALL. PETITIONER WILL CONSULT WITH A LICENSED ARBORIST TO DEVELOP AND IMPLEMENT A PLAN TO PRESERVE EXISTING TREES IN THE 5' BUFFER DURING CONSTRUCTION.
- REQUEST FOR 10% INCREASE IN ORDINANCE MAXIMUM FOR PARKING. PROVIDED PARKING = 2 SP. PER UNIT (x12) = 24 SPACES. REQUEST FOR ADDITIONAL INCREASE FOR COMMUNITY/VISITOR PARKING OVERFLOW.

**PERMITTED USES**

- ALLOWED USES = MULTIFAMILY RESIDENTIAL
- PROHIBITED USES = NON-RESIDENTIAL

**TRANSPORTATION**

- PLANTING STRIP AND 6' SIDEWALK TO BE CONSTRUCTED WITHIN EXISTING 60' R/W.
- (N/A)
- PARKING TO BE STRUCTURED - BELOW PRIMARY STRUCTURE
- (N/A)
- (N/A)

**LANDSCAPE AND PLANTING**

- SIDEWALKS AND PLANTING STRIPS ALONG THE SITE'S PUBLIC STREET FRONTAGE SHALL BE ESTABLISHED AS INDICATED ON SITE PLAN
- SEE SITE PLAN FOR EXISTING THOROUGHFARES AND PROPOSED DRIVEWAY

**ARCHITECTURAL STANDARDS**

- SEE BUILDING MATERIALS KEY NEXT TO BUILDING ELEVATION FOR NOTES.
- TWO NEW TWO & THREE-STORY TOWNHOUSE BUILDINGS WILL BE ON THE SITE
- URBAN DESIGN AND ARCHITECTURAL ELEMENTS INCLUDE: GROUND LEVEL, MASONRY PATIO WALLS WITH CONNECTIVITY TO PUBLIC WALKS/STREETS. MOST TOWNHOMES FRONT THE PRIMARY STREETS WITH PORCH ELEMENTS. ALL UNITS HAVE EXTERIOR BALCONIES AND THEY MAY ENCROACH 2 FEET INTO THE SETBACK PROVIDED THEY ARE 10 FEET MIN. ABOVE GRADE PER SECTION 9.406 OF THE CHARLOTTE ZONING ORDINANCE. OTHER ELEMENTS INCLUDE LARGE WINDOWS AND ENHANCED TRIM AND DETAILING AT CASINGS AND CORNERBOARDS. AN INTERIOR DRIVE SERVICES 3 TOWNHOMES WITH SMALL FRONT GARDENS. ALL UNIT PARKING IS FED TO INDIVIDUAL GARAGES FROM INTERNAL DRIVE.
- INDIVIDUAL ROLL-OUT TRASH AND RECYCLE BINS WILL BE PROVIDED FOR EACH TOWNHOUSE AND ROLL TO CURB SIDE.
- 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, REGULATE STREETS, SIDEWALKS, STORMWATER, TREES, ETC.) WILL APPLY TO THE DEVELOPMENT SITE. THIS INCLUDES CHAPTERS 6, 9, 12, 17, 18, 19, 20, AND 21 OF THE CITY CODE. CONDITIONS SET FORTH IN THIS PETITION ARE SUPPLEMENTAL REQUIREMENTS IMPOSED ON THE DEVELOPMENT IN ADDITION TO OTHER STANDARDS. WHERE CONDITIONS ON THIS PLAN DIFFER FROM ORDINANCES, STANDARDS, POLICIES, AND APPROACHES IN EXISTENCE AT THE TIME OF FORMAL ENGINEERING PLAN REVIEW AND SUBMISSION, THE STRICTER CONDITION OR EXISTING REQUIREMENTS SHALL APPLY.

**STREETScape AND LANDSCAPING**

- SEE PLANS FOR STREETScape (SIDEWALK/PLANTING STRIP) DIMENSIONS PER CITY OF CHARLOTTE ORDINANCES
- SPECIAL BUFFER/SCREENING: SEE OPTIONAL PROVISIONS a. ABOVE.

**ENVIRONMENTAL FEATURES**

- TREE SAVE - PER ORDINANCE
- PCDD TREATMENT - PER ORDINANCE
- (N/A)

**PARKS GREENWAYS AND OPEN SPACE**

- (N/A)
- (N/A)
- (N/A)
- PRIVATELY CONSTRUCTED OPEN SPACE DESIGNED TO MEET REQUIREMENTS IN SECTION 9.1208(12)
- MINIMUM 300 sq ft PRIVATE OPEN SPACE WILL BE PROVIDED PER TOD ORDINANCE W/ SEATING AND/OR OTHER AMENITIES

**FIRE PROTECTION**

- (N/A)

**SIGNAGE**

- SIGN LIMITATIONS (N/A)

**LIGHTING**

- ALL FREESTANDING AND ATTACHED LIGHTING WILL HAVE FULL CUT-OFF TYPE LIGHTING FIXTURES. FREESTANDING LIGHTING WILL BE LIMITED TO 20 FEET IN HEIGHT. PEDESTRIAN SCALE LIGHTING WILL BE INSTALLED THROUGHOUT THE SITE.

**PHASING**

- DEVELOPMENT PHASING (N/A)

**DILWORTH COURT TOWNHOMES**  
 CHARLOTTE, NORTH CAROLINA  
 NEW CAROLINA INCOME PROPERTIES

PROJECT A-1405  
**ARCHITECTURAL SITE PLAN AND NOTES**  
 RZ PET# - 2014-085  
 AUGUST 15, 2014  
 REVISION 1 - 08.01.14 REZONING COMMENTS  
 REVISION 2 - 10.24.14 REZONING COMMENTS  
 REVISION 3 -  
 REVISION 4 -

**RZ.02**

**1 ARCHITECTURAL SITE PLAN**  
 RZ.02 1/16" = 1'-0"





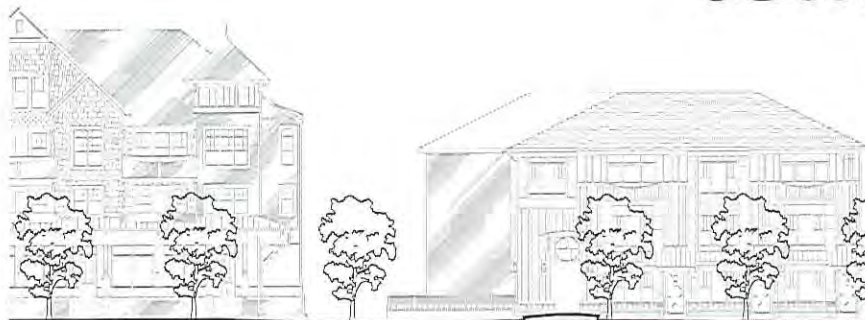
**EXTERIOR BUILDING MATERIAL KEY**

1. MASONRY BASE, 1ST AND 2ND FLOOR VENEER AND PATIO WALLS: LARGE MODULAR STONE AND STANDARD, MODULAR OR QUEEN SIZE BRICK
2. WINDOWS: COMPOSITE WOOD, PAINTABLE
3. LAPPED, SHINGLES AND BOARD/BATTEN SIDING: WOOD - STAINED OR PAINTED
4. BRACKETS, COLUMNS, ACCENTS: WOOD WITH FIBER CEMENT CLAD OR BLEND
5. FASCIA AND UPPER FRICZE AREAS: SMOOTH FIBER CEMENT PANELING
6. BALCONY RAILINGS: PAINTED WOOD/PREFINISHED ALUMINUM BLEND
7. ROOFING: 30-YEAR ARCHITECTURAL ASPHALT SHINGLES ON PRIMARY ROOF - STANDING SEAM METAL PORCH ROOF
8. PORCH WALLS/ACC: PRECAST AND POURED CONCRETE PORCH, STEPS, AND WALL ACCENTS

1 PROJECT RENDERING



2 EUCLID AVENUE ELEVATION



EXISTING FACTORY MIXED-USE BUILDING AT TREMONT AND CLEVELAND

PROPOSED 12-UNIT 3-STORY CONDO (EXPECTED CONSTRUCTION START FALL 2014)



3 TREMONT AVENUE ELEVATION

DILWORTH COURT TOWNHOMES

CHARLOTTE, NORTH CAROLINA  
 NEW CAROLINA INCOME PROPERTIES

PROJECT 2-1405

STREET ELEVATIONS  
 AND RENDERING

RZ PET# - 2014-085

APPLICANT: G. 7014

REVISION 1 - DESIGN REVISIONS

REVISION 2 - DESIGN REVISIONS

REVISION 3 - DESIGN REVISIONS

REVISION 4 -

RZ.03



<b>REQUEST</b>	<p>Current Zoning: R-8MF(HD) (multi-family residential, historic district overlay) and R-22MF(HD)(PED) (multi-family residential, historic district overlay, pedestrian overlay)</p> <p>Proposed Zoning: UR-2(CD)(HD) (urban residential, historic district overlay) and UR-2(CD)(HD)(PED) (urban residential, historic district overlay, pedestrian overlay)</p>
<b>LOCATION</b>	<p>Approximately 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue. (Council District 2 - Austin)</p>
<b>SUMMARY OF PETITION</b>	<p>The petition proposes to rezone the property to allow a maximum of 48 for-sale residential units consisting of an existing quadraplex and 44 single family attached units for a density of 17.89 units per acre.</p>
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	<p>South Central Oil Co., Inc. Hopper Communities c/o Bart Hopper John Carmichael, Robinson Bradshaw &amp; Hinson, P.A.</p>
<b>COMMUNITY MEETING</b>	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3</p>
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be consistent with the <i>West End Land Use and Pedscape Plan</i> and the <i>Central District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed development provides a multi-family residential use at a density of 17.89 units per acre.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The site is located entirely within the Wesley Heights Historic District; and</li> <li>• A portion of the site is located within the Pedestrian Overlay District; and</li> <li>• The proposed use is consistent and compatible with the surrounding land use types; and</li> <li>• The petition protects the character of the neighborhood by preserving existing large, mature street trees;</li> </ul> <p>By a 5-1 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Ryan).</p>

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

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

**ZONING COMMITTEE DISCUSSION** A commissioner stated they felt the petitioner may be trying to fit too many units on the site and the interior units are not ideal. Another commissioner asked if the existing quadraplex was a historic structure. Staff clarified that the existing building is a historically contributing structure.

**MINORITY OPINION** One commissioner felt that allowing the removal of a historic structure defeats the purpose of a historic district.

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

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

**PLANNING STAFF REVIEW**

- **Background**
  - Petition 2006-035 was a corrective rezoning for the northwestern portion of the site to R-22MF (multi-family residential) in accordance with the recommendations of the *West End Land Use and Pedscape Plan*.
  - Petition 2006-034 established the pedestrian overlay for the portions of the property zoned R-22MF (multi-family) in accordance with the recommendations of the *West End Land Use and Pedscape Plan*.
  - The entire site is within the Wesley Heights Historic District.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - Allows 44 new single family attached dwelling units and a quadraplex dwelling for a total of 48 units, at a density of 17.89 units per acre.
  - Allows the option to demolish the existing quadraplex unit and construct three single family attached units, for a total of 47 single family attached units at a density of 17.52 units per acre.
  - Allows the existing quadraplex dwelling to be replaced with three new single family attached dwelling units at the end of the stay of demolition expiring in June 2015.
  - Vehicular access to the site from West 4<sup>th</sup> Street with vehicular access to units via internal alley ways.
  - Removes the driveway curb cut to the existing quadraplex along Grandin Road and replaces it with curb, gutter, planting strip, and sidewalk.
  - Provides internal pedestrian sidewalks and common open space.
  - Provides an area of tree save along the northern property line.
  - Exterior building materials for single family attached dwelling units to be composed of a combination of brick, stone, or similar masonry products and wood or other materials approved

by the Historic District Commission.

- Prohibits vinyl, EIFS or masonite as building material.
- Commits to balcony railings, if installed, made of durable prefinished material and prohibits painted pressure treated lumber.
- Requires all single family attached dwelling units to front on public streets.
- The side elevation of end units adjacent to public streets will include a minimum of two windows or other architectural details on each floor.
- If the existing quadruplex is preserved, the existing brick cladding will remain and the existing railings will be replaced with new railings made of durable prefinished materials and will not be painted pressure treated lumber.
- Allows sidewalks to meander and portions of existing sidewalks and planting strips to remain in place to maintain the context of the neighborhood and preserve existing trees.
- Freestanding lighting will be downwardly directed, fully capped and shielded, with a maximum height of 20 feet. Requires all attached lighting to be downwardly directed with a full cut-off fixture.
- **Public Plans and Policies**
  - The *West End Land Use and Pedscape Plan (2005)* recommends multi-family uses for the site.
  - The *Central District Plan (1993)* recommends multi-family uses for the site.
  - The petition meets the *General Development Policies (GDP)* for the density requested, as illustrated in the table below.

Assessment Criteria	Density Category over 17 DUA
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	Medium (2)
Connectivity Analysis	Med-High (5)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
<b>Total Points Needed: 14</b>	<b>Total Points: 14</b>

- The petition is consistent with the *Central District Plan, West End Land Use Pedscape Plan* and the density is supported by the *General Development Policies*.

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

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**  
 Current Zoning: 320 trips per day.  
 Proposed Zoning: 290 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.

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



- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
    - Minimizes impacts to the natural environment by keeping existing planting strips and sidewalk widths and locations to preserve existing trees.
    - Minimizes impacts to the natural environment by developing on infill lots.
- 

#### **OUTSTANDING ISSUES**

- No issues.
- 

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

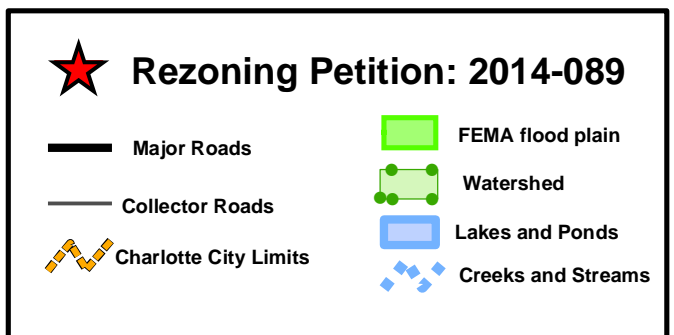
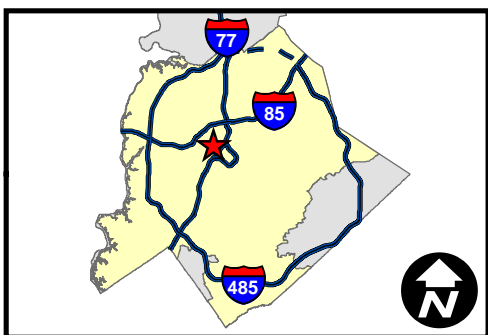
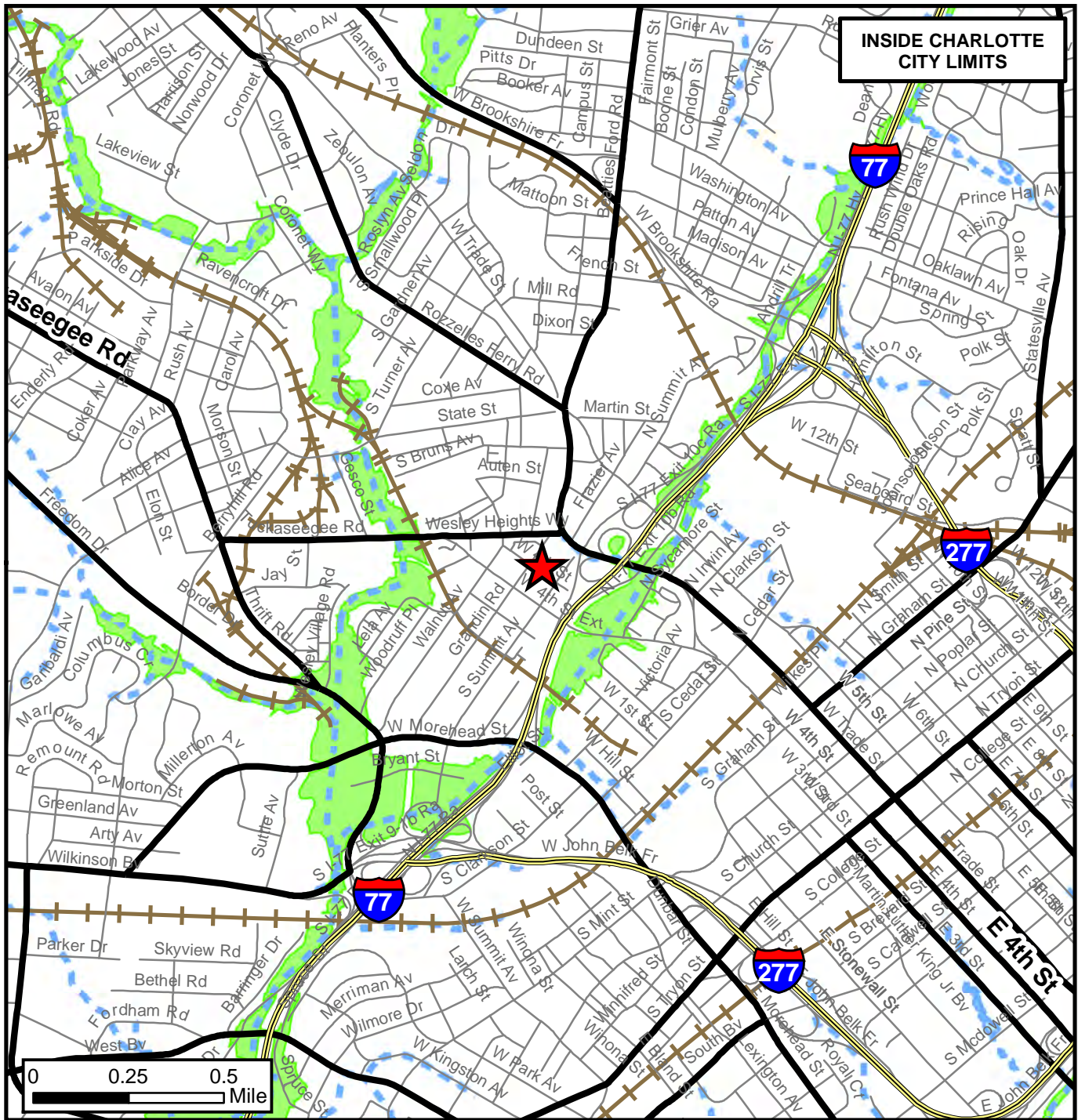
- Application
- Pre-hearing Staff Analysis
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

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

Petition #: **2014-089**

# Vicinity Map

**Acreage & Location :** Approximately 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue.





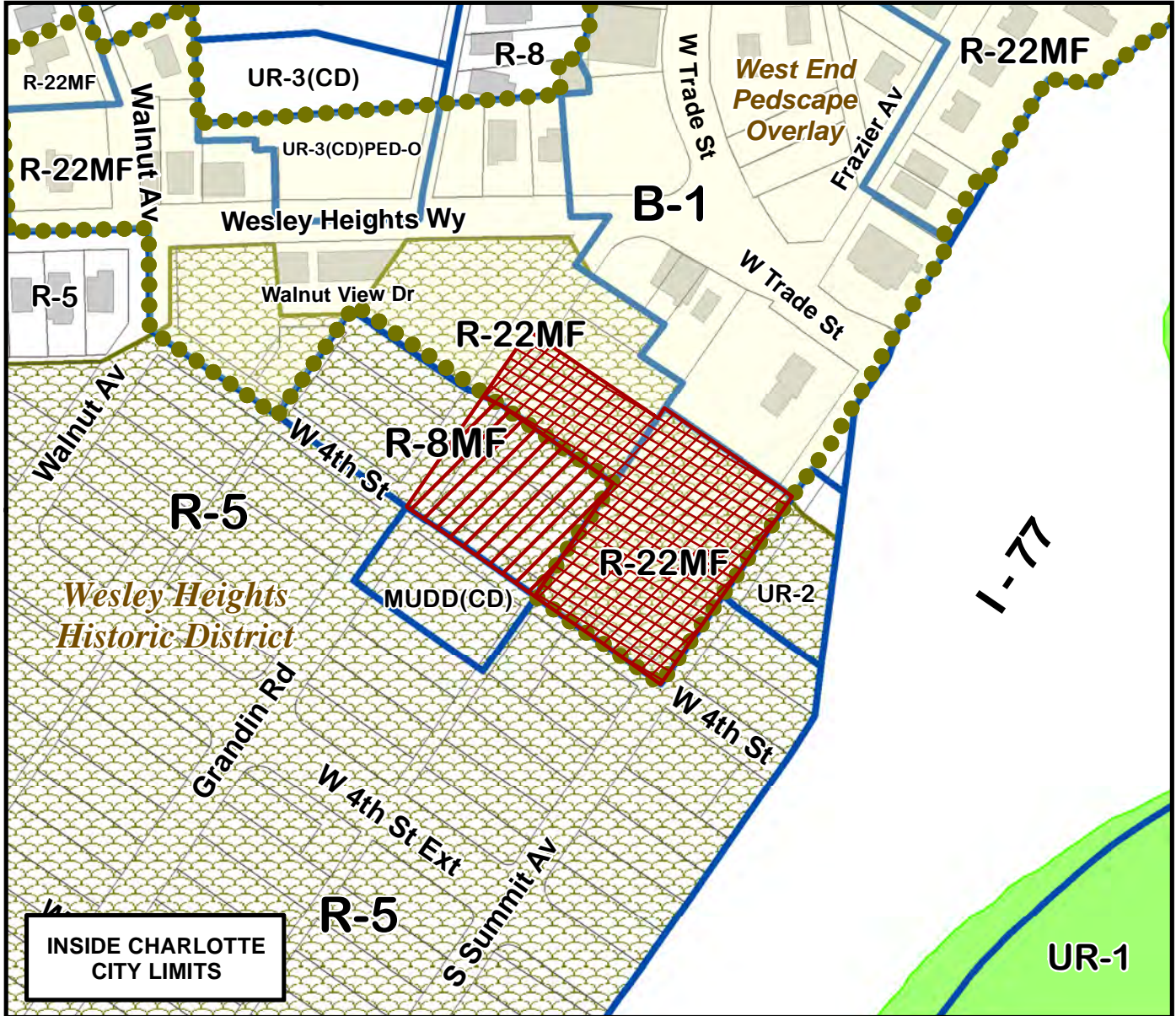
Petition #: **2014-089**

Petitioner: **Hopper Communities**

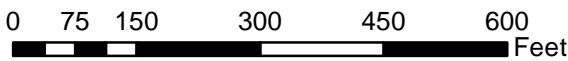
**Zoning Classification (Existing):** R-8MF(HD) and R-22MF(HD)(PED)  
(Multi-Family, Residential, Historic District Overlay and Multi-Family, Residential, Historic District Overlay, Pedestrian District Overlay)

**Zoning Classification (Requested):** UR-2(CD)(HD) and UR-2(CD)(HD)(PED)  
(Urban Residential, Conditional, Historic District Overlay and Urban Residential, Conditional, Historic District Overlay, Pedestrian District Overlay)

**Acreage & Location:** Approximately 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue.



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

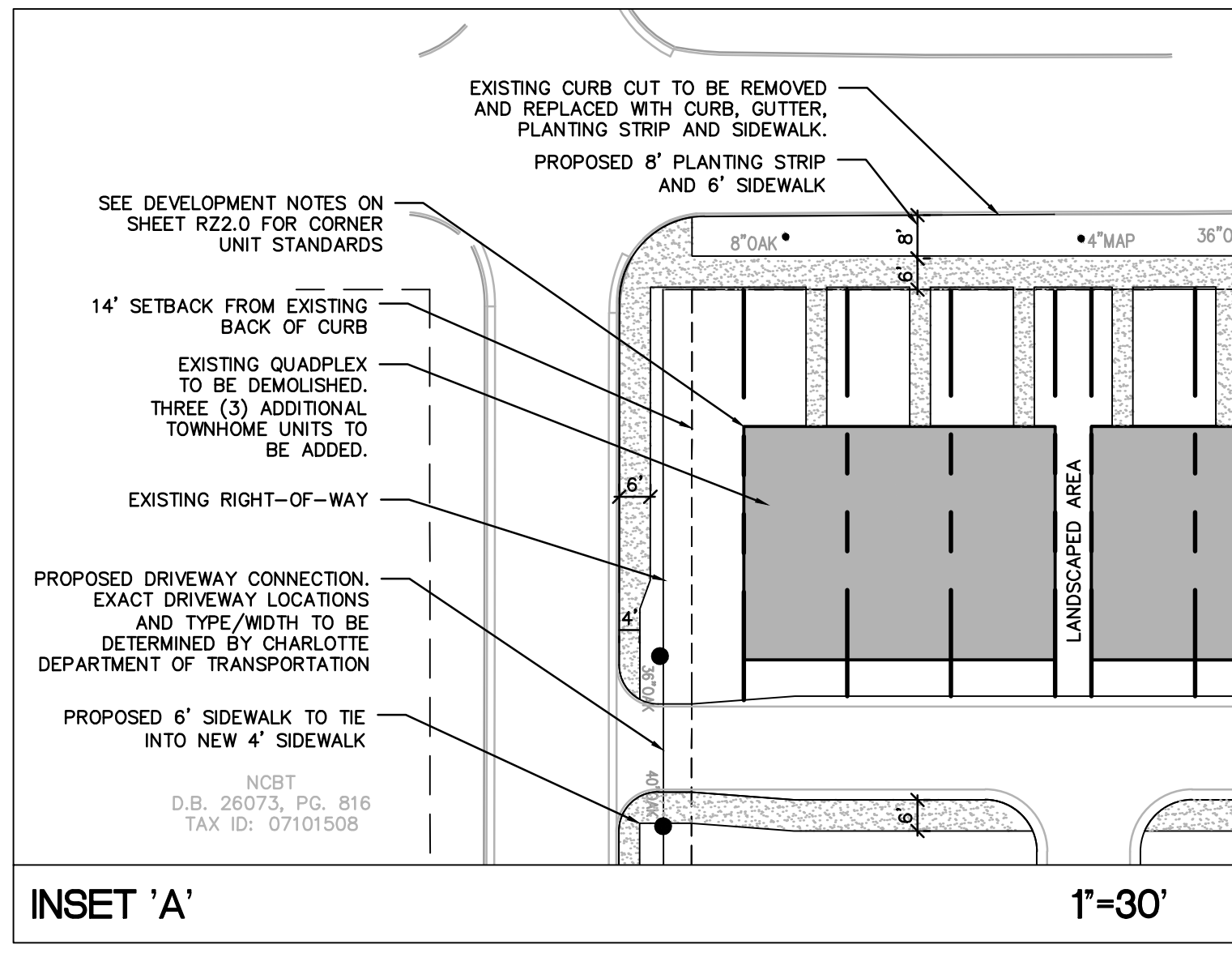
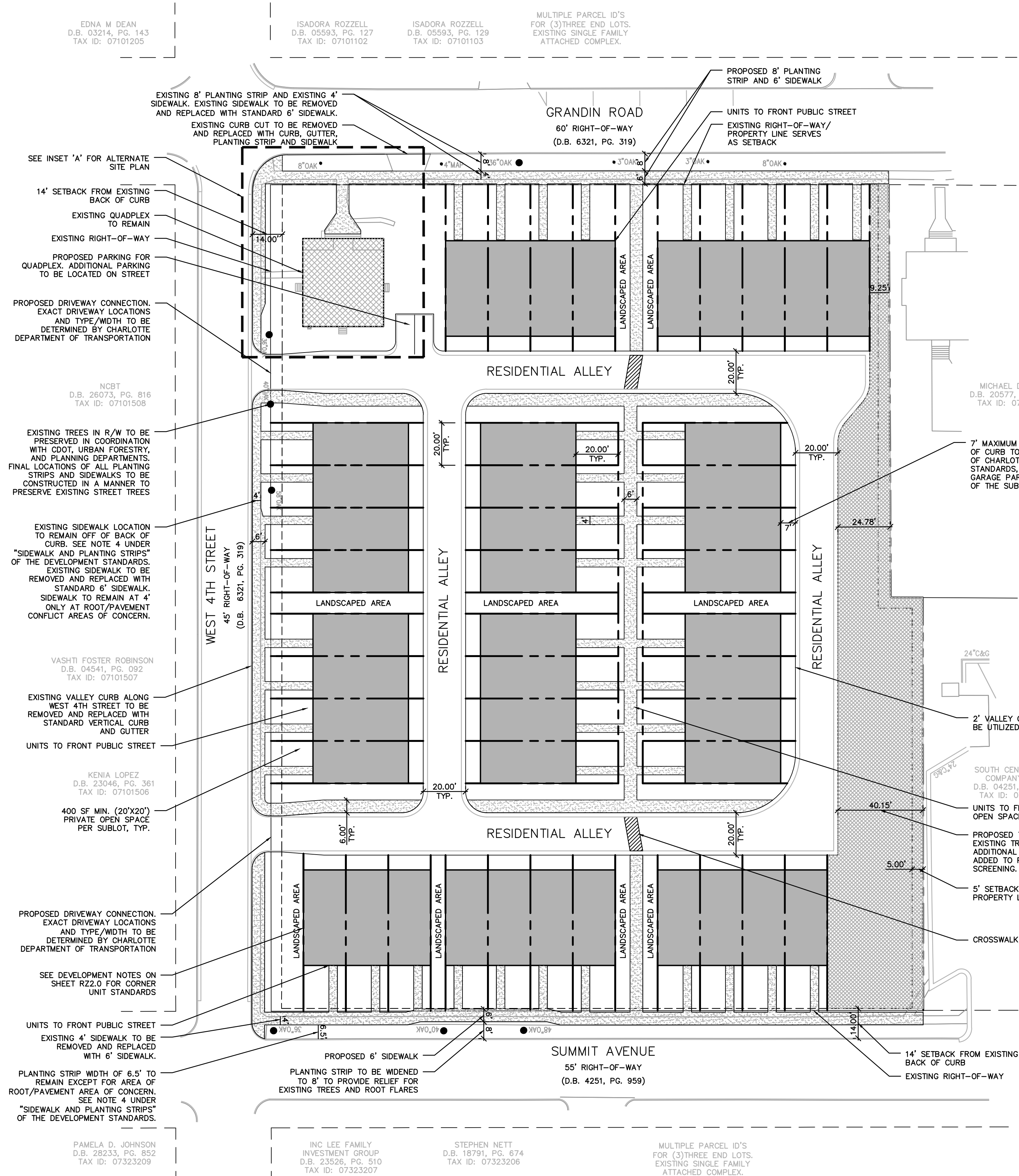


Zoning Map #(s)

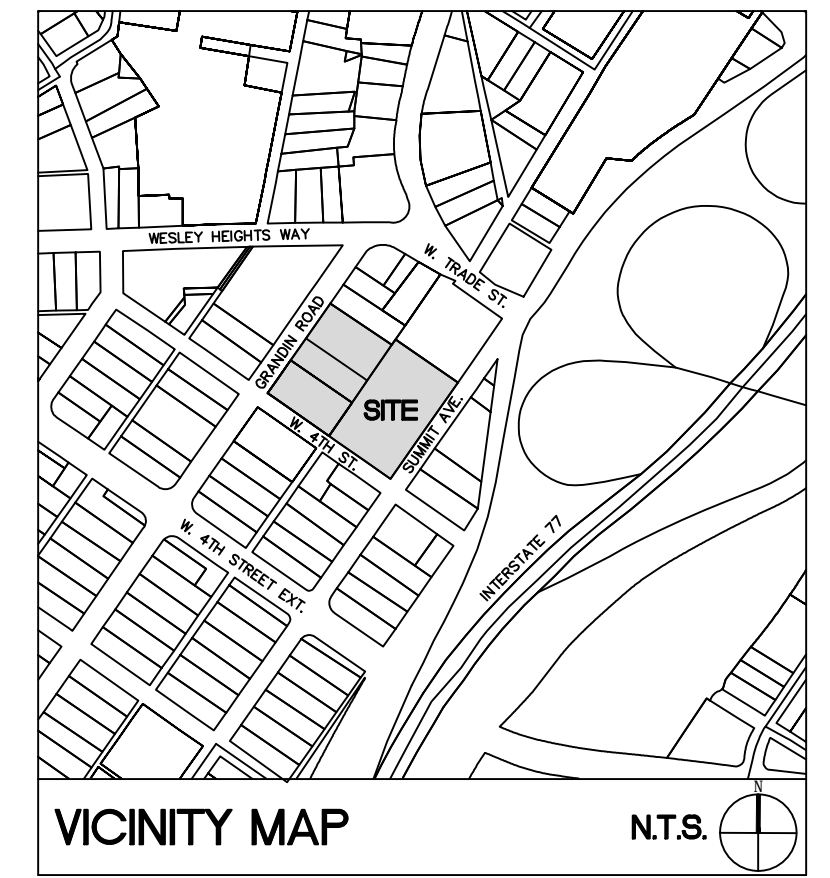
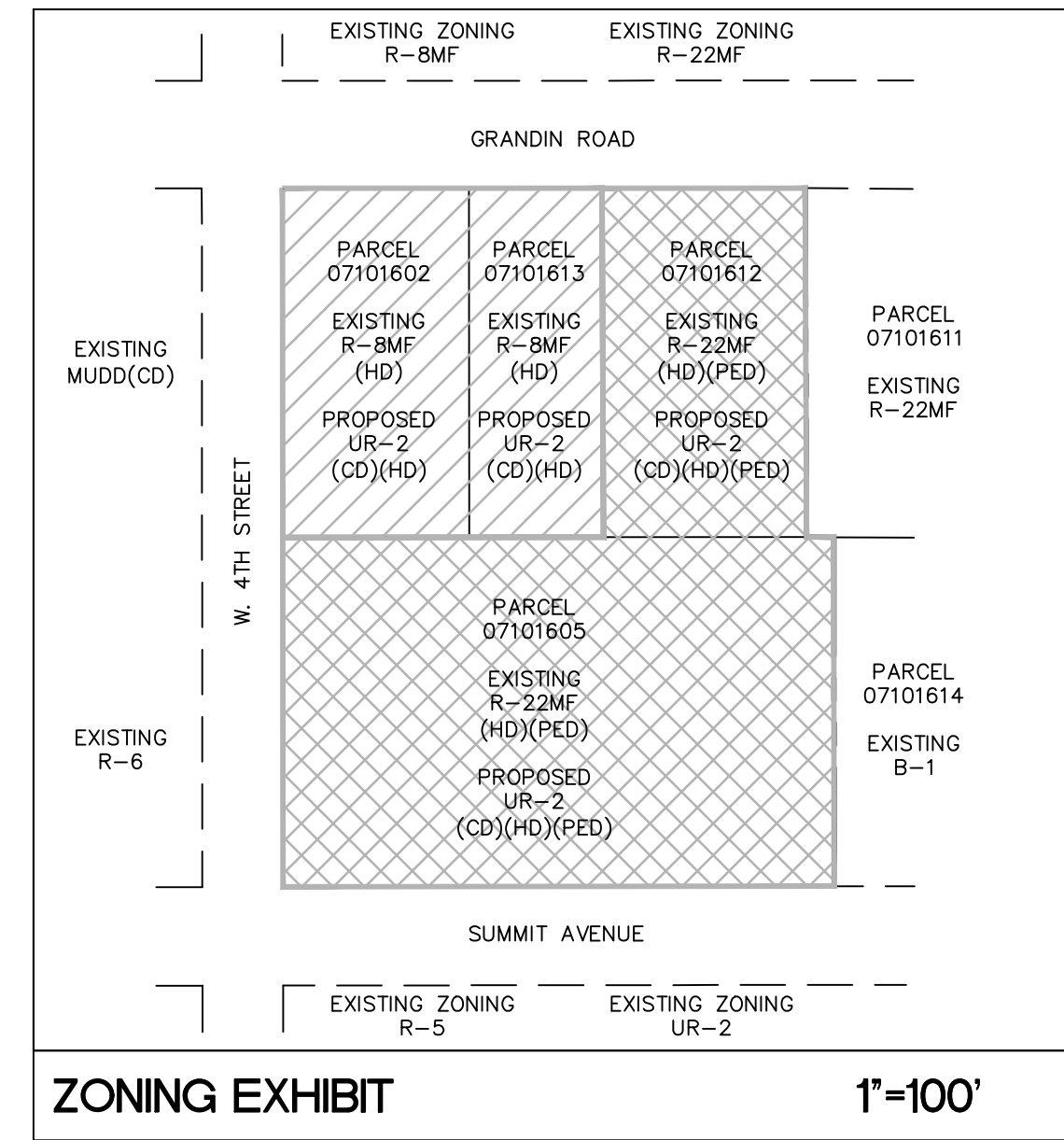
**88**

- Requested UR-2(CD)(HD) from R-8MF(HD)
- Requested UR-2(CD)(HD)(PED) from R-22MF(HD)(PED)
- Existing Building Footprints
- Existing Zoning Boundaries
- Charlotte City Limits
- Pedestrian Overlay
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams
- Historic District





SEE SHEET RZ2.0 FOR DEVELOPMENT NOTES



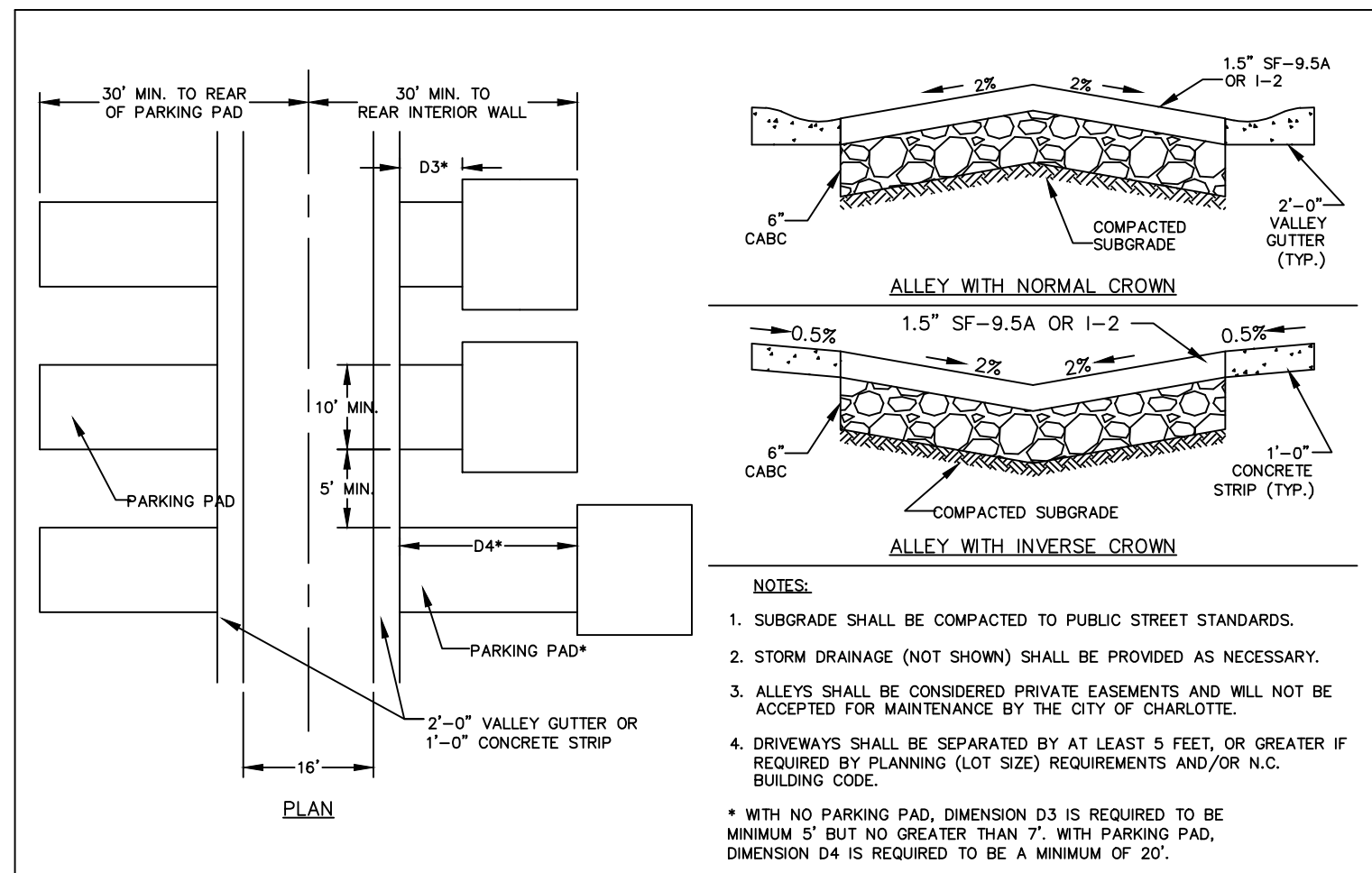
**SURVEY DISCLAIMER**  
ALTA SURVEY, ISSUE DATE JULY 08, 2014. PROVIDED BY R.B. PHARR & ASSOCIATES, P.A., 420 HAWTHORNE LANE, CHARLOTTE, NC 28204, (336) 782-3796

**LEGEND**

	PROPOSED VALLEY CURB PER CLDSM		PROPOSED STANDARD VERTICAL CURB AND GUTTER PER CLDSM
	PROPOSED SIDEWALK		PROPOSED TREE SAVE AREA

**REZONING SUMMARY**

<b>PETITIONER:</b>	HOPPER COMMUNITIES 228 EAST KINGSTON AVENUE CHARLOTTE, NC 28203
<b>PROPERTY OWNER:</b>	SOUTH CENTRAL OIL COMPANY, INC 2121 WEST MAIN STREET ALBEMARLE, NC 28001
<b>REZONING SITE AREA:</b>	2.683 ACRES
<b>TAX PARCEL #:</b>	07101602, 07101613 07101612, 07101605
<b>EXISTING ZONING:</b>	07101602 (R-8 MF) (HD) 07101613 (R-8 MF) (HD) 07101612 (R-22 MF) (HD) (PED) 07101605 (R-22 MF) (HD) (PED)
<b>PROPOSED ZONING:</b>	UR-2 (CD) (HD) UR-2 (CD) (HD) (PED)
<b>EXISTING USE:</b>	MULTI-FAMILY, CONDOMINIUM (QUADPLEX) VACANT
<b>PROPOSED USE:</b>	SINGLE FAMILY ATTACHED (PROPOSED TOWNHOMES) MULTI-FAMILY, CONDOMINIUM (QUADPLEX)
<b>NUMBER OF UNITS:</b>	4 (EXISTING QUADPLEX) 44 (PROPOSED TOWNHOMES) 48 TOTAL (47 WITH ALTERNATE PLAN ON CONVERTING EXISTING QUAD INTO (3) THREE TOWNHOMES. SEE INSET.)
<b>PROPOSED DENSITY:</b>	17.89 DUA
<b>PROPOSED FLOOR AREA RATIO:</b>	PER ORDINANCE STANDARDS
<b>MINIMUM SETBACK:</b>	EXISTING RIGHT-OF-WAY OR 14' FROM BACK OF CURB, WHICHEVER IS GREATER.
<b>OPEN SPACE:</b>	ALL UNITS SHALL BE PROVIDED A MINIMUM OF 400 SQUARE FEET OF PRIVATE OPEN SPACE PER THE CITY OF CHARLOTTE UR-2 ZONING ORDINANCE.
<b>MAX. BUILDING HEIGHT:</b>	AS ALLOWED BY THE ORDINANCE, BUT NOT TO EXCEED FOUR STORIES.



RESIDENTIAL ALLEY DETAIL NTS



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  
www.colejeneststone.com



229 East Kingston Avenue  
Charlotte, North Carolina 28203

# GRANDIN ROAD / W. 4TH STREET TOWNHOMES

Grandin Road / West 4th Street  
Charlotte, NC 28208

## REZONING PLAN

Project No.  
4328.00

Issued  
07/25/14

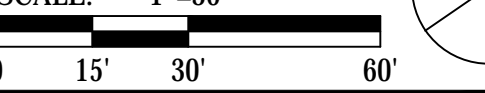
Petition Number  
2014-089

Revised

09/19/14 - PER CITY OF CHARLOTTE COMMENTS  
10/24/14 - PER CITY OF CHARLOTTE COMMENTS



SCALE: 1"=30'



## RZ1.0

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**GENERAL PROVISIONS**

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY HOPPER COMMUNITIES TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 2.663 ACRE SITE LOCATED AT THE NORTHEASTERN CORNER OF THE INTERSECTION OF WEST 4TH STREET AND GRANDIN ROAD, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE").
2. 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").
3. 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.
4. 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 ALLEYS 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.
5. 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**

1. THE SITE MAY BE DEVOTED ONLY TO A MAXIMUM OF 44 FOR SALE SINGLE FAMILY ATTACHED DWELLING UNITS AND TO A MAXIMUM OF 4 FOR SALE DWELLING UNITS LOCATED IN AN EXISTING QUADRAPLEX BUILDING LOCATED ON THE SITE, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE UR-2 ZONING DISTRICT.
2. NOTWITHSTANDING PARAGRAPH 1 ABOVE, THE PETITIONER MAY CONVERT THE EXISTING QUADRAPLEX BUILDING LOCATED ON THE SITE INTO A DUPLEX BUILDING WITH 2 FOR SALE DWELLING UNITS.
3. NOTWITHSTANDING PARAGRAPH 1 ABOVE, AT THE OPTION OF THE PETITIONER AND SUBJECT TO PARAGRAPH 5 BELOW, THE PETITIONER MAY DEMOLISH THE EXISTING QUADRAPLEX BUILDING LOCATED ON THE SITE AND CONSTRUCT UP TO 3 FOR SALE SINGLE FAMILY ATTACHED DWELLING UNITS IN THE GENERAL LOCATION OF THE EXISTING QUADRAPLEX BUILDING AS MORE PARTICULARLY DEPICTED ON INSET A ON THE REZONING PLAN.
4. THE TOTAL MAXIMUM FOR SALE DWELLING UNITS THAT MAY BE LOCATED ON THE SITE SHALL BE 48.
5. THE EXISTING QUADRAPLEX BUILDING LOCATED ON THE SITE IS A CONTRIBUTING STRUCTURE TO THE WESLEY HEIGHTS HISTORIC DISTRICT. THERE IS A 1 YEAR STAY ON THE DEMOLITION OF THE EXISTING QUADRAPLEX BUILDING THAT EXPIRES IN JUNE 2015. IF THE EXISTING QUADRAPLEX BUILDING IS ULTIMATELY DEMOLISHED, THE EXTERIOR PORTIONS OF THE 3 FOR SALE SINGLE FAMILY ATTACHED DWELLING UNITS PROPOSED TO BE CONSTRUCTED IN THE GENERAL LOCATION OF THE EXISTING QUADRAPLEX BUILDING ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE HISTORIC DISTRICT COMMISSION, AND A CERTIFICATE OF APPROPRIATENESS MUST BE ISSUED BY THE HISTORIC DISTRICT COMMISSION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT OR OTHER APPROVALS AUTHORIZING THE CONSTRUCTION OF SUCH FOR SALE SINGLE FAMILY ATTACHED DWELLING UNITS.

**TRANSPORTATION**

1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
2. AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY INTERNAL RESIDENTIAL ALLEYS.
3. THE EXACT ALIGNMENTS OF THE INTERNAL RESIDENTIAL ALLEYS MAY BE ALTERED DURING THE CONSTRUCTION PERMITTING PROCESS.
4. THE SITE SHALL COMPLY WITH THE PARKING REQUIREMENTS OF THE ORDINANCE FOR THE UR-2 ZONING DISTRICT.
5. 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 ANY EXISTING TREES.
6. THE EXISTING DRIVEWAY THAT SERVES THE QUADRAPLEX BUILDING LOCATED ON THE SITE WILL BE REMOVED DURING THE CONSTRUCTION PERMITTING PROCESS AND REPLACED WITH CURB, GUTTER, A PLANTING STRIP AND A SIDEWALK AS DEPICTED ON THE REZONING PLAN.

**ARCHITECTURAL STANDARDS**

1. THE EXTERIOR SIDING MATERIALS OF THE SINGLE FAMILY ATTACHED DWELLING UNITS TO BE CONSTRUCTED ON THE SITE SHALL BE COMPOSED OF A COMBINATION OF BRICK, STONE OR SIMILAR MASONRY PRODUCTS AND WOOD OR OTHER MATERIALS APPROVED BY THE HISTORIC DISTRICT COMMISSION.
2. VINYL, EIFS OR MASONITE MAY NOT BE USED AS AN EXTERIOR SIDING MATERIAL ON THE SINGLE FAMILY ATTACHED DWELLING UNITS TO BE CONSTRUCTED ON THE SITE.
3. BALCONY RAILINGS, IF INSTALLED ON THE SINGLE FAMILY ATTACHED DWELLING UNITS TO BE CONSTRUCTED ON THE SITE, WILL BE CONSTRUCTED OF A DURABLE PREFINISHED MATERIAL AND WILL NOT BE PAINTED PRESSURE TREATED LUMBER.
4. THE SITE IS LOCATED IN THE WESLEY HEIGHTS HISTORIC DISTRICT, AND THE EXTERIOR PORTIONS OF THE SINGLE FAMILY ATTACHED DWELLING UNITS AND CERTAIN OTHER IMPROVEMENTS TO BE CONSTRUCTED ON THE SITE ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE HISTORIC DISTRICT COMMISSION, AND A CERTIFICATE OF APPROPRIATENESS MUST BE ISSUED BY THE HISTORIC DISTRICT COMMISSION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT OR OTHER APPROVALS AUTHORIZING THE CONSTRUCTION OF SUCH IMPROVEMENTS. ACCORDINGLY, THE ARCHITECTURAL COMMITMENTS SET OUT HEREIN MAY BE ALTERED OR MODIFIED BY THE HISTORIC DISTRICT COMMISSION.
5. THE SINGLE FAMILY ATTACHED DWELLING UNITS THAT ABUT GRANDIN ROAD SHALL FRONT GRANDIN ROAD.
6. THE SINGLE FAMILY ATTACHED DWELLING UNITS THAT ABUT SUMMIT AVENUE SHALL FRONT SUMMIT AVENUE.
7. THE SINGLE FAMILY ATTACHED DWELLING UNITS THAT ABUT WEST 4TH STREET SHALL FRONT WEST 4TH STREET.
8. A MINIMUM OF 2 WINDOWS OR OTHER ARCHITECTURAL DETAILS SHALL BE INSTALLED ON EACH FLOOR OF THE SIDE ELEVATION OF AN END UNIT WHERE THE SIDE ELEVATION OF SUCH END UNIT IS ADJACENT TO A PUBLIC STREET TO AVOID BLANK WALLS.
9. IF THE EXISTING QUADRAPLEX BUILDING IS PRESERVED, THE EXISTING BRICK CLADDING WILL REMAIN IN PLACE. THE RAILINGS ON THE EXISTING QUADRAPLEX BUILDING WILL BE REPLACED AND THE NEW RAILINGS WILL BE CONSTRUCTED OF A DURABLE PREFINISHED MATERIAL AND WILL NOT BE PAINTED PRESSURE TREATED LUMBER.

**STREETSCAPE AND LANDSCAPING**

1. LANDSCAPING WILL MEET OR EXCEED THE REQUIREMENTS OF THE ORDINANCE.
2. INTERNAL LANDSCAPED AREAS SHALL BE INSTALLED AS DEPICTED ON THE REZONING PLAN.
3. SIDEWALKS AND PLANTING STRIPS LOCATED ALONG THE SITE'S FRONTAGES ON GRANDIN ROAD, WEST 4TH STREET AND SUMMIT AVENUE SHALL BE AS DEPICTED ON THE REZONING PLAN. SIDEWALKS MAY MEANDER TO SAVE EXISTING TREES.
4. PURSUANT TO SECTION 9.407(4)(C) OF THE ORDINANCE, THE WIDTHS AND LOCATIONS OF THE SIDEWALKS AND PLANTING STRIPS LOCATED ALONG THE SITE'S FRONTAGES ON WEST 4TH STREET AND SUMMIT AVENUE MAY VARY FROM THE STANDARD REQUIREMENTS AS PROVIDED ON THE REZONING PLAN TO MAINTAIN THE CONTEXT OF THE NEIGHBORHOOD AND TO PRESERVE EXISTING TREES.

**ENVIRONMENTAL FEATURES**

1. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.
2. 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.
3. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.
4. A MINIMUM OF 9 PERCENT OF THE SITE SHALL BE DEVOTED TO TREE SAVE AREAS.

**SIGNAGE**

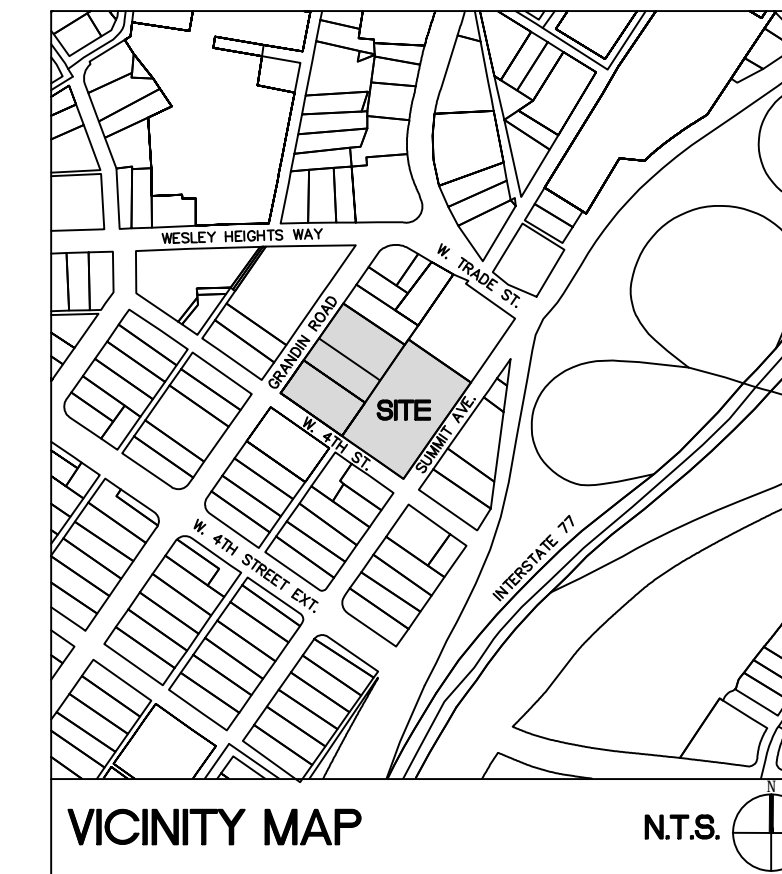
1. ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

**LIGHTING**

1. ANY FREESTANDING LIGHTING FIXTURES INSTALLED ON SITE SHALL HAVE A MAXIMUM HEIGHT OF 20 FEET, AND ALL SUCH FREESTANDING LIGHTING FIXTURES SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.
2. ANY ATTACHED LIGHTING WILL BE DOWNWARDLY DIRECTED AND A FULL CUTOFF FIXTURE.

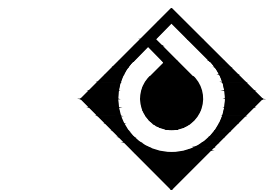
**BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS**

1. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
2. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
3. 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.



**SURVEY DISCLAIMER**

ALTA SURVEY, ISSUE DATE JULY 08, 2014, PROVIDED BY R.B. PHARR & ASSOCIATES, P.A., 420 HAWTHORNE LANE, CHARLOTTE, NC 28204, (336) 782-3796



**ColeJenest & Stone**

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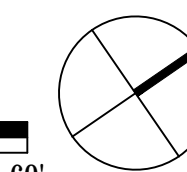
Petition Number  
2014-089

**Revised**

09/19/14 - PER CITY OF CHARLOTTE COMMENTS  
10/24/14 - PER CITY OF CHARLOTTE COMMENTS



SCALE: 1"=30'  
0 15' 30' 60'



# RZ2.0

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<b>REQUEST</b>	Current Zoning: R-3 (single family residential) and I-1(CD) (light industrial, conditional) Proposed Zoning: I-1(CD) (light industrial, conditional) and I-1(CD) SPA (light industrial, conditional, site plan amendment), with five-year vested rights
<b>LOCATION</b>	Approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road. (Outside City Limits)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the construction of 150,000 square feet of building area for the expansion of the existing Hendricks Motorsports complex.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	HSREI, LLC HSREI, LLC Walter Fields
<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>Northeast Area Plan</i> , with the exception of the portion of the site zoned R-3 (single family residential), based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• Rezoning the entire site will allow for a more cohesive site plan and organization of space for the expansion of the Hendricks Motorsports complex.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposal will continue to provide a substantial buffer along property lines abutting acreage that is zoned and/or in use for residential purposes; and</li> <li>• The use and its expansion will continue to provide a valuable regional community resource with respect to employment and recreational opportunities;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Eschert).</p>

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

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

**ZONING COMMITTEE DISCUSSION**

Staff presented this item to the Committee noting that the outstanding issues had been addressed and reading a new note on the site plan pertaining to compliance with the City of Charlotte Tree Ordinance. Staff noted that confirmation from the City Attorney's Office indicated that the Tree Ordinance does apply to the subject rezoning site. Staff also noted the addition of a community gathering space at the corner of the property.

A Committee member expressed concern that a developer should not be required to preserve community gathering space, and that this is an action that could cause some issues down the road. The Committee suspended the rules to allow the agent to speak about this item. The agent noted that the family that sold the property to the petitioner expressed interest in having a location on the site to mark where residents who no longer live in the area grew up. It was noted that the request did not come from staff. There was no further discussion of this petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Background**

- Portions of the subject properties were rezoned to I-1(CD) (light industrial, conditional) via petitions 1995-13c, 1998-51c, and 2009-062 to allow a maximum of 148,000 square feet of warehouse and motorsports related accessory uses.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allow an additional 150,000 square feet of building area in affiliation with the Hendricks Motorsports complex.
- Five-year vested rights.
- Proposed building to be used predominantly for storage of cars and other materials and products and may include other uses such as meeting and office space; tenant space for related uses and vendors; and other related accessory uses.
- Uses that will be prohibited include:
  - Petroleum storage facilities;
  - Junk yard;
  - Medical waste disposal;
  - Adult establishments;
  - Railroad freight yards;
  - Abattoir;
  - Construction and demolition landfills as a principal use;
  - Foundries;
  - Quarries;
  - Raceways or drag strips;
  - Waste incinerators; and
  - Outdoor storage on any portion of the site that fronts along or is within 100 feet of Stowe Lane or Morehead Road.
- A 38-foot Class "A" buffer with berm provided along project frontages on Morehead Road and Stowe Lane.
- A 78-foot Class "A" buffer provided abutting residential uses and/or zoning.
- All freestanding lights will have full cut-off fixtures, will be fully shielded and downwardly directed, and will be limited to a height of 30 feet.

- Access to the site provided via Union School Road and Stowe Lane.
  - Provision of a community gathering space on the property at the corner of Morehead Road and Stowe lane.
  - A note stating the following: "If the determination is made prior to the vote of the City Council on this Petition that the City of Charlotte has the legal authority and has properly adopted an ordinance pursuant to that authority for a tree ordinance that would be applicable in the City's Extraterritorial Jurisdiction, then the Petitioner will comply with that ordinance when the site development occurs."
  - **Public Plans and Policies**
    - The *Northeast Area Plan* (2000) recommends industrial and a mix of retail, industrial and office uses for the parcels zoned I-1(CD) (light industrial, conditional), and residential uses up to four dwelling units per acre for the parcels zoned R-3 (single family residential).
    - The petition is consistent with the *Northeast Area Plan*, with the exception of the portion of the subject site zoned R-3 (single family residential), which is recommended for residential land uses. However, rezoning the entire site will allow for a more cohesive site plan and organization of space for the expansion of the Hendricks Motorsports complex.
- 

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

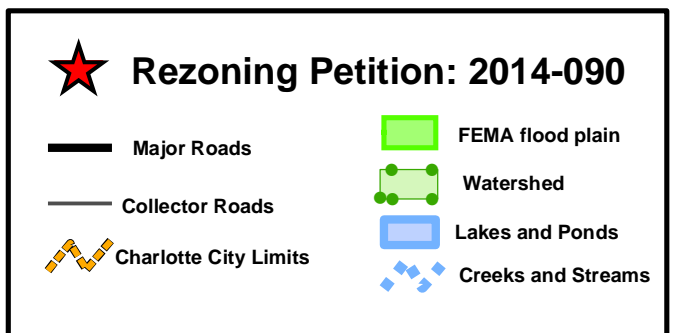
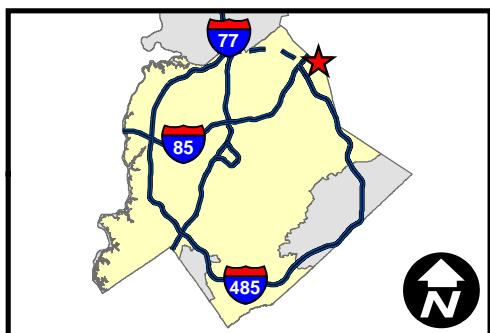
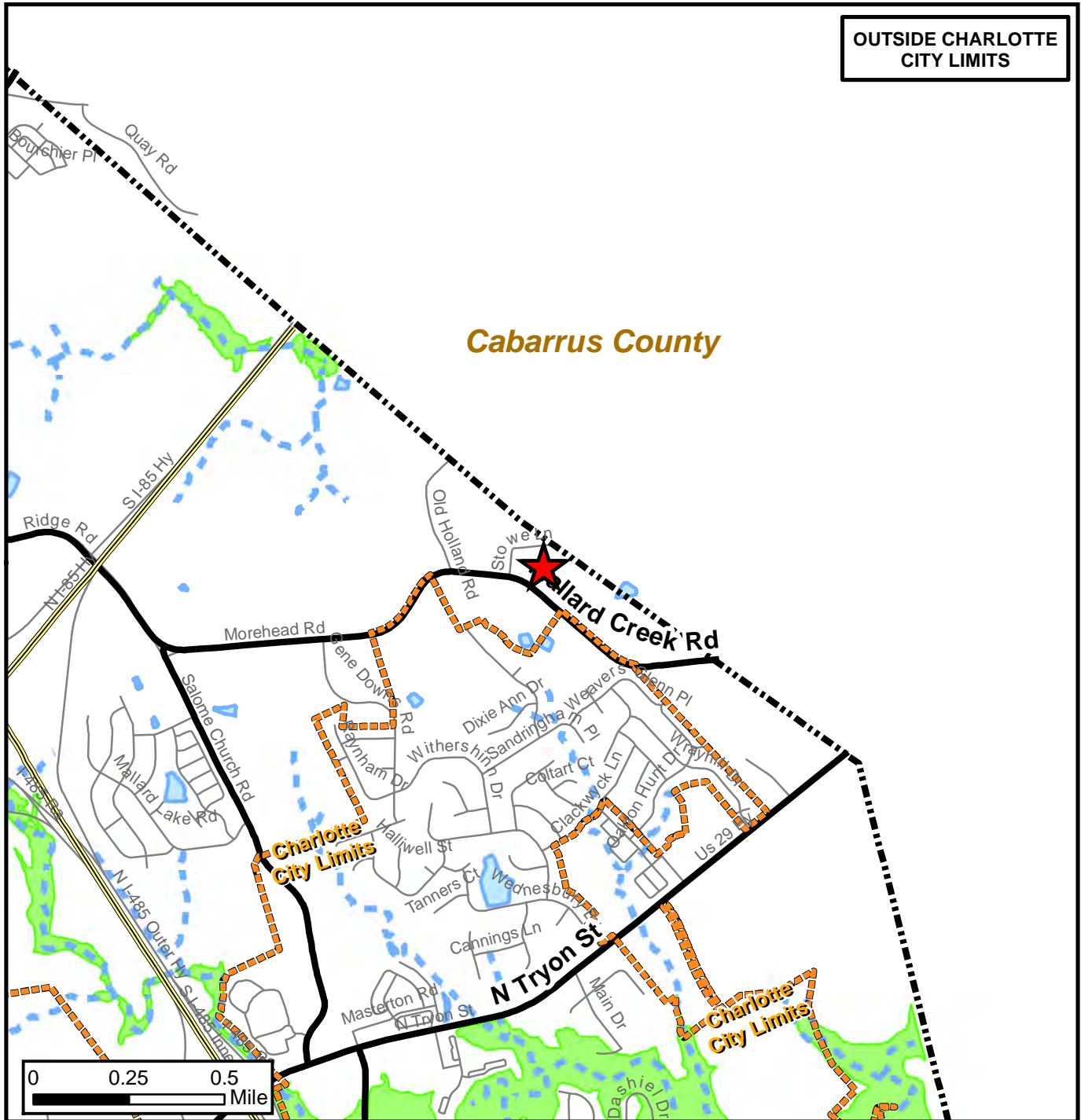
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

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

Petition #: **2014-090**

# Vicinity Map

**Acreage & Location :** Approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road.





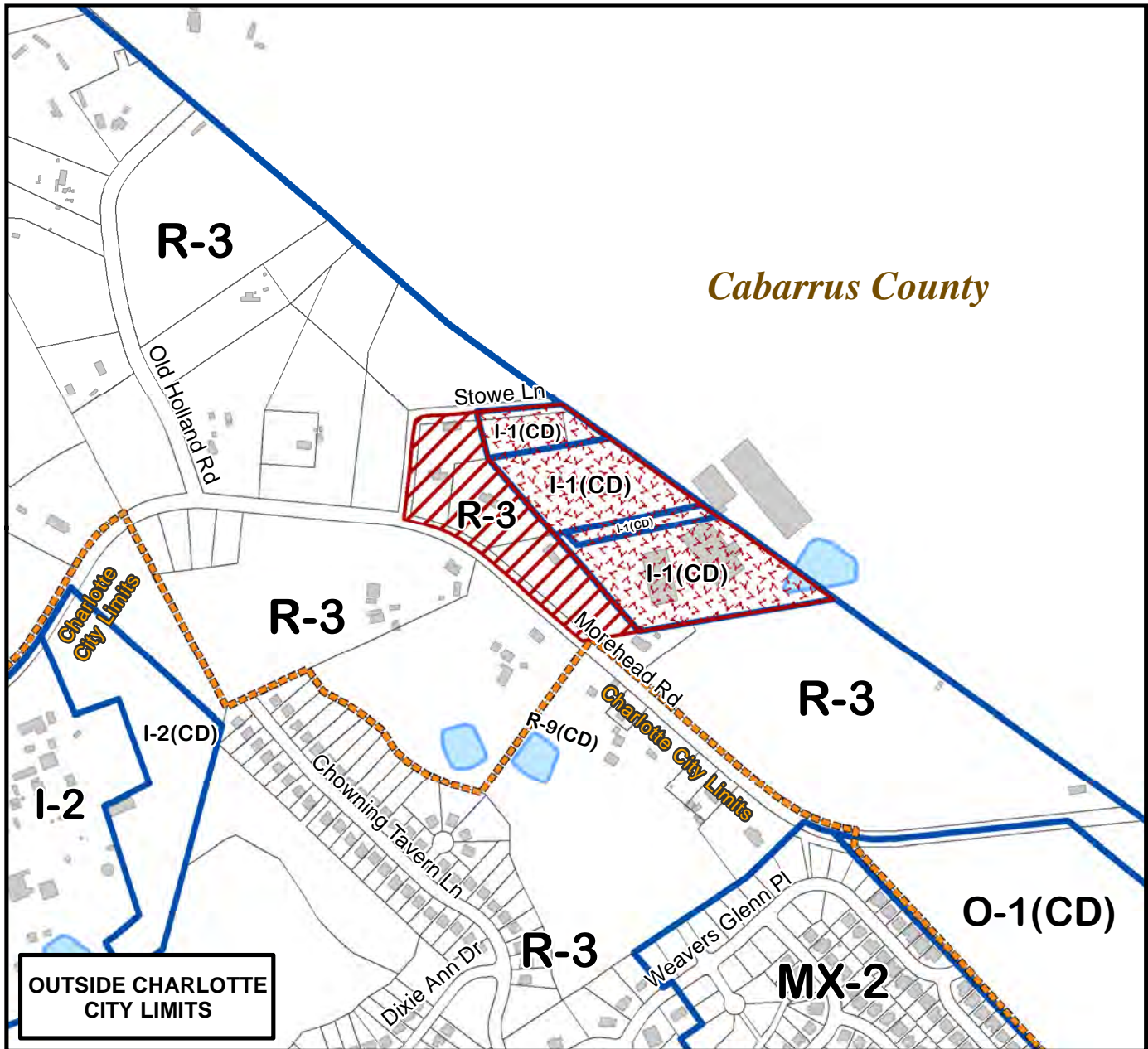
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Petitioner: **HSREI, LLC**

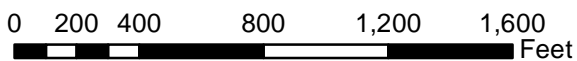
Zoning Classification (Existing): **R-3 & I-1(CD)**  
(Single Family, Residential and Light Industrial, Conditional)

Zoning Classification (Requested): **I-1(CD) & I-1(CD) S.P.A. (5-Year Vested Rights)**  
(Light Industrial, Conditional and Light Industrial, Conditional, Site Plan Amendment, Five Year Vested Rights)

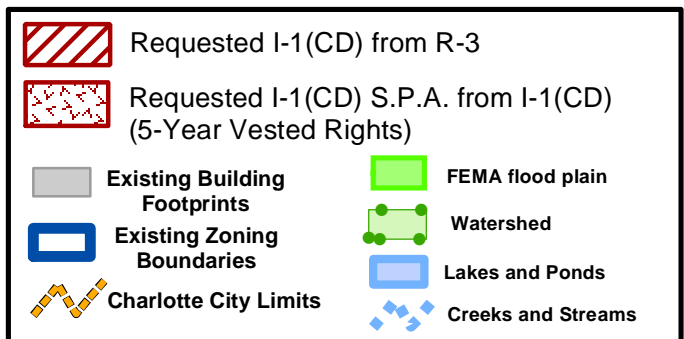
Acreage & Location: Approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road.



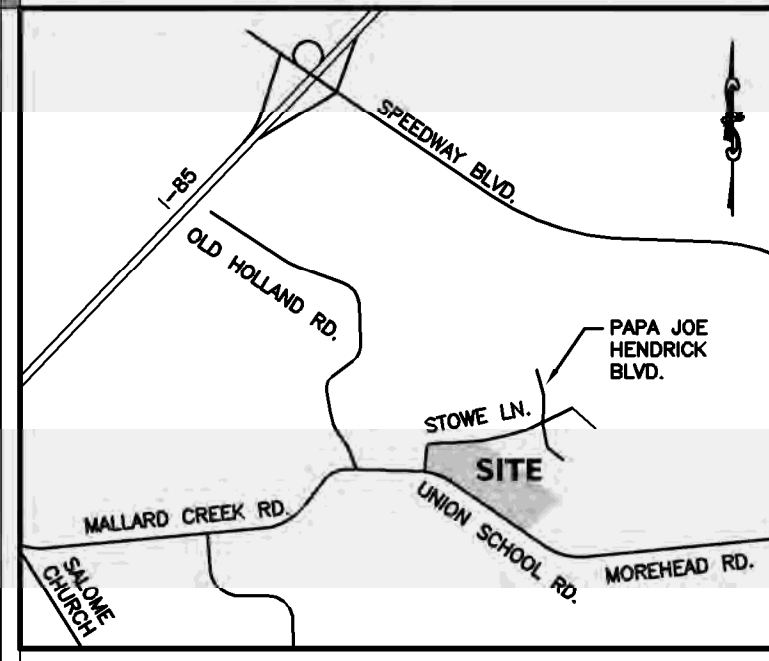
Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.



Zoning Map #(s)  
**41**







VICINITY MAP  
NTS

**REZONING NOTES**

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

Purpose

The proposed use of the property will be for the expansion of the existing Hendrick Motorsports complex that occupies a large site extending across the Mecklenburg Cabarrus County line, along with associated parking and service areas.

Permitted Uses

The site may be used for any use that is allowed in the I-1 district. More specifically, the building that would be constructed as part of this expansion will be used predominantly for storage of cars and other materials and products and may include other uses such as meeting and office space, tenant space for related uses and vendors, and other related accessory uses and parking. The following uses are specifically prohibited:

- Petroleum storage facilities
- Junk yard
- Medical waste disposal facilities
- Adult establishments
- Railroad freight yards
- Abattoir
- Construction and demolition landfills as a principal use
- Demolition landfills
- Foundries
- Quarries
- Raceways or drag strips
- Waste incinerators
- No outdoor storage will be permitted on any portion of the site that fronts along or is within 100' of Stowe Lane or Morehead Rd.

Transportation

- The site currently will have full access connections to Stowe Lane (SR 2839) and Morehead Road (also known as Union School Road) (SR 2467) as generally depicted on the site plan.
- 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 industrially zoned property that lies across a public street from residentially zoned property. This landscaped area may include existing trees and vegetation as well as new trees and evergreen shrubbery. Required buffers on the site may be eliminated or reduced if the adjoining parcels or parcels across a public street from the site are rezoned such that buffers are no longer required. The removal of such buffers will be approved administratively.

The Petitioner will install a 'community gathering space' as part of the development of the site located generally at the intersection of Morehead Rd. and Stowe Lane as generally depicted on the site plan. This space will include landscaping and seating so that members of the community may have a space to gather or visit in the area where they have lived and/or owned property.

All parking lots and loading docks will be screened in accordance with ordinance standards.

- Environmental Features
- Reserved
  - Parks, Greenways, and Open Space
  - Reserved
  - Site Protection
  - Reserved
  - Signage
  - Reserved
  - Lighting
  - Reserved
  - Planning
- All freestanding signs will have full cut off fixtures, be fully shielded, be downwardly directed, and be limited to a height of 30'.

In accordance with the provisions of Section 1.110 of the Ordinance, the Petitioner specifically requests that the development permitted by this site plan and conditions be vested for a period of 5 years.

Initial Submission-7-28-14  
Revised per staff comments-9-19-14  
Revised per staff analysis-10-24-14  
Revised per Zoning Committee Approval-10-29-14



**HSREI, LLC. WAREHOUSE**

Petitioner:  
**HSREI, LLC**

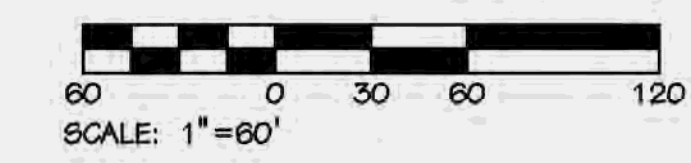
Conditional Zoning      Petition #2014-090

Project Number: 3534  
Drawn By: Site Solutions  
Designed By: Site Solutions  
Date: 07/23/14

Revisions:  
 1-18-14 Revised Per Staff Comments  
 10-22-14 Revised Per Staff Comments  
 11-11-14 Revised Per Staff Comments

**SITE DEVELOPMENT DATA**

ACREAGE:	17.66 ACRES TOTAL
TAX PARCEL:	029-071-03; 029-071-04; 029-071-05
EXISTING ZONING:	R-3 AND I-1 (CD)
PROPOSED ZONING:	I-1 (CD) & I-1 (CD)SPA
EXISTING USES:	VACANT AND SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	USES PERMITTED IN I-1 DISTRICT NOT OTHERWISE EXCLUDED
MAXIMUM GROSS S.F. OF DEVELOPMENT:	150,000 S.F.
MAXIMUM BUILDING HEIGHT:	AS ALLOWED BY THE ORDINANCE
PARKING:	AS REQUIRED BY THE ORDINANCE





<b>REQUEST</b>	Current Zoning: B-1(CD) (neighborhood business, conditional) and O-1(CD) (office, conditional) Proposed Zoning: O-1(CD) (office, conditional) and O-1(CD) SPA (office, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 85.3 acres located on the north side of West Arrowood Road between Woodknoll Drive and Red Oak Boulevard. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow an increase in the gross square footage of an existing office campus from 928,000 to 1,188,881 square feet of total building area.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Columbus Circle Indemnity, Inc. Time Warner Cable Jason Dolan, Cole Jenest & Stone
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be consistent with the <i>Southwest District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The area plan acknowledges the existing land use as amended by rezoning petition 1993-009, and recommends continued suburban employment land uses.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because :</p> <ul style="list-style-type: none"> <li>• The proposal confines expansion of the existing facility within the southern portion of the site and closer to West Arrowood Road; and</li> <li>• The proposal maintains previously approved substantial buffers along property lines abutting acreage that is zoned and/or in use for residential purposes; and</li> <li>• The proposal supports environmental policies and recreational opportunities through development notes committing to air quality initiatives; establishment of a proposed satellite dish farm within a proposed parking structure; and provision of an access easement for the future Sugar Creek Greenway;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Sullivan).</p>

<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 language in Environmental Features Note e that acknowledges the proposed development must comply with tree save requirements.</li> <li>2. Labeled the width of the sidewalk and planting strip along West Arrowood Road to show 9 feet and 18 feet (east of Crescent Executive Drive, and 5 feet and 4 feet (existing conditions west of Crescent Executive Drive).</li> <li>3. All buffers (including widths) are properly labeled (and as previously approved) on the site plan.</li> <li>4. Amended Site Summary on Sheet RZ1.0 to note site area is 85.3 acres.</li> <li>5. Removed Signage Note 8c regarding moving, rotating, or flashing signs from the site plan.</li> <li>6. Amended Architectural Standards Note 4a to specify building</li> </ol>
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materials will include but not be limited to the following: aluminum panels and soffits; painted aluminum fins and mullions; low E-Vision glass with ceramic frit; spandrel glass in various colors; and, stone panels in aluminum sub-frame.

7. Addressed CDOT and LUESA comments with the following:

CDOT

- a. Language describing proposed transportation improvements have been added to Sheet RZ-3.0 in lieu of a Transportation Plan.
- b. Petitioner will provide a 10-foot multi-use shared path and an 18-foot planting strip from Crescent Executive Drive to the westernmost property line.
- c. Re-worded conditional note i under the Access and Transportation section of the Development Standards to specifically include the proposed infrastructure phasing referenced in the last sentence of note i.
- d. Extended westbound dual left-turn lane storage on Arrowood Road at the intersection of Arrowood Road and South Tryon Street from 220 feet to approximately 345 feet each (within existing median).
- e. As per CDOT’s request the petitioner will not restripe the existing through lanes on the northern and southern approaches of the Arrowood/Crescent Drive signalized intersection to through-right lanes. Current pavement markings will remain in place.
- f. As per CDOT’s request, the petitioner will not restripe the northernmost outside lane from gore striping to a dedicated right turn-lane on Arrowood Road at Altacrest Place along with the proposed restriping of the adjacent lane from a through-right lane to a through lane. The current pavement markings will remain in place.
- g. The petitioner will extend the existing dual right-turn lanes to a combined 1,500 feet or construct a third right-turn lane on southbound I-77 off-ramp onto Arrowood Road with a combined total storage of approximately 1,500 feet, whichever option is agreed to by both NCDOT and CDOT.
- h. The petitioner will extend the eastbound dual left-turn lane storage on Arrowood Road at the intersection of Arrowood Road and Crescent Executive Drive to 310 feet and 430 feet (within the existing median).

LUESA

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

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff presented this item to the Committee, noting all outstanding issues had been addressed and that the petitioner had worked with CDOT to resolve all transportation related items. Staff also read the language the petitioner added on the site plan in response to LUESA’s comments pertaining to air quality. A Commissioner noted that this

request was a benefit in particular due to the potential in increased employment opportunities. It was also noted that the Committee should not consider employment in making land use decisions. Another Committee member commented on the project providing a good site plan. There was no further discussion of this petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

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

- A portion of the subject property was part of Petition 1987-009, which rezoned approximately nine acres from R-12 (single family residential) to B-1(CD) (neighborhood business, conditional) in order to allow an eight-story office/hotel complex or a six-story office building containing a maximum of 120,000 square feet.
- The majority of the subject property was rezoned via Petition 1988-095, which rezoned a 75-acre portion from R-12 (single family residential) to O-15(CD) (office, conditional) and R-12(CD) (single family residential, conditional) in order to allow up to 700,000 square feet of office uses and a maximum of 10 single family lots.
- Petition 1993-009 rezoned the 75 acres from R-12(CD) (single family residential, conditional) and O-15(CD) (office, conditional) to O-1(CD) SPA (office, conditional, site plan amendment) in order to remove the approved 10 single family lots and increase the office uses to a maximum of 808,000 square feet.
- Subsequent administrative approvals have accommodated new layout of buildings, modifications to development notes for phasing of roadway construction, and building elevations.

**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Accommodates expansion of an existing 660,881-square foot office campus on the southern portion of the site, closer to Arrowood Road.
  - Increases the total building area approved under previous rezonings from 928,000 square feet to 1,188,881 square feet.
  - Allows all uses permitted by right or under prescribed conditions in the O-1 (office) district.
  - Reflects three new office buildings (A, B, and C) and two new parking decks (A and B).
  - Total number of principal buildings to be developed on site will not exceed 12, including existing and proposed buildings and parking decks.
  - Development note reserving the right to locate a satellite dish farm within the proposed parking deck along West Arrowood Road, with equipment located in a sunken well within the deck to screen it from the public right-of-way.
  - Maximum building height of 78 feet (limited to six stories).
  - Maintaining 50-foot setback along Arrowood Road.
  - Continuation of internal interconnected pedestrian walkway system between existing facility and new buildings and parking areas.
  - Retaining 75-foot Class "B" buffer and 100-foot undisturbed buffer where site abuts single family homes.
  - Renderings and elevations of existing facility to identify architectural style and materials to be utilized with construction of new buildings.
  - A 60-foot wide access easement to be dedicated to Mecklenburg County Park and Recreation Department for future Sugar Creek Greenway access.
  - Up to three vehicular access points to the site on Arrowood Road.
  - Detached lighting limited to 15 feet in height.
  - New parking decks constructed as part of the project to be designed to complement the owner's existing parking initiatives including preferred parking for "clean commuters" (carpool and vanpool spaces) as well as potential consideration for hybrid and electrical vehicle spaces.
- Public Plans and Policies**
- The *Southwest District Plan* (1991) recognizes office and greenway for this acreage, as amended by rezoning petition 1993-009. The Plan recommends the continuation of existing

suburban employment land uses, and stipulates that future employment uses should not encroach on existing residential land uses.

- The petition is consistent with the *Southwest District Plan*.
- 

**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*.
    - Protects/restores environmentally sensitive areas by dedicating land and providing a 60-foot wide access easement for the future Sugar Creek Greenway.
- 

**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

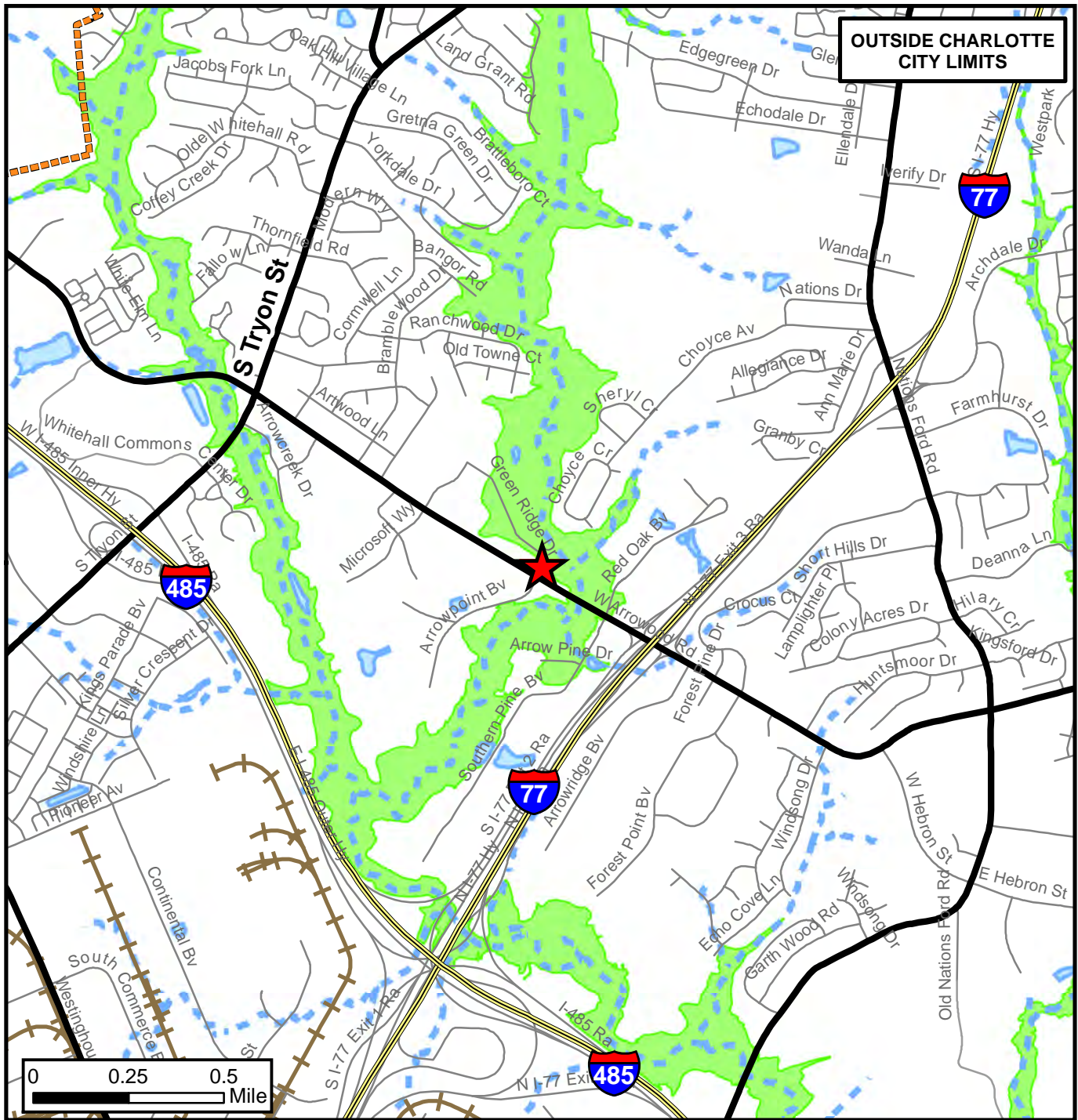
**Planner:** Claire Lyte-Graham (704) 336-3782



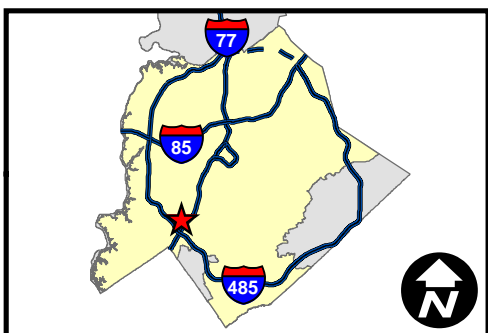
Petition #: **2014-091**

# Vicinity Map

**Acreage & Location :** Approximately 85.3 acres located on the north side of West Arrowwood Road between Woodknoll Drive and Red Oak Boulevard.



**OUTSIDE CHARLOTTE CITY LIMITS**



**★ Rezoning Petition: 2014-091**

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



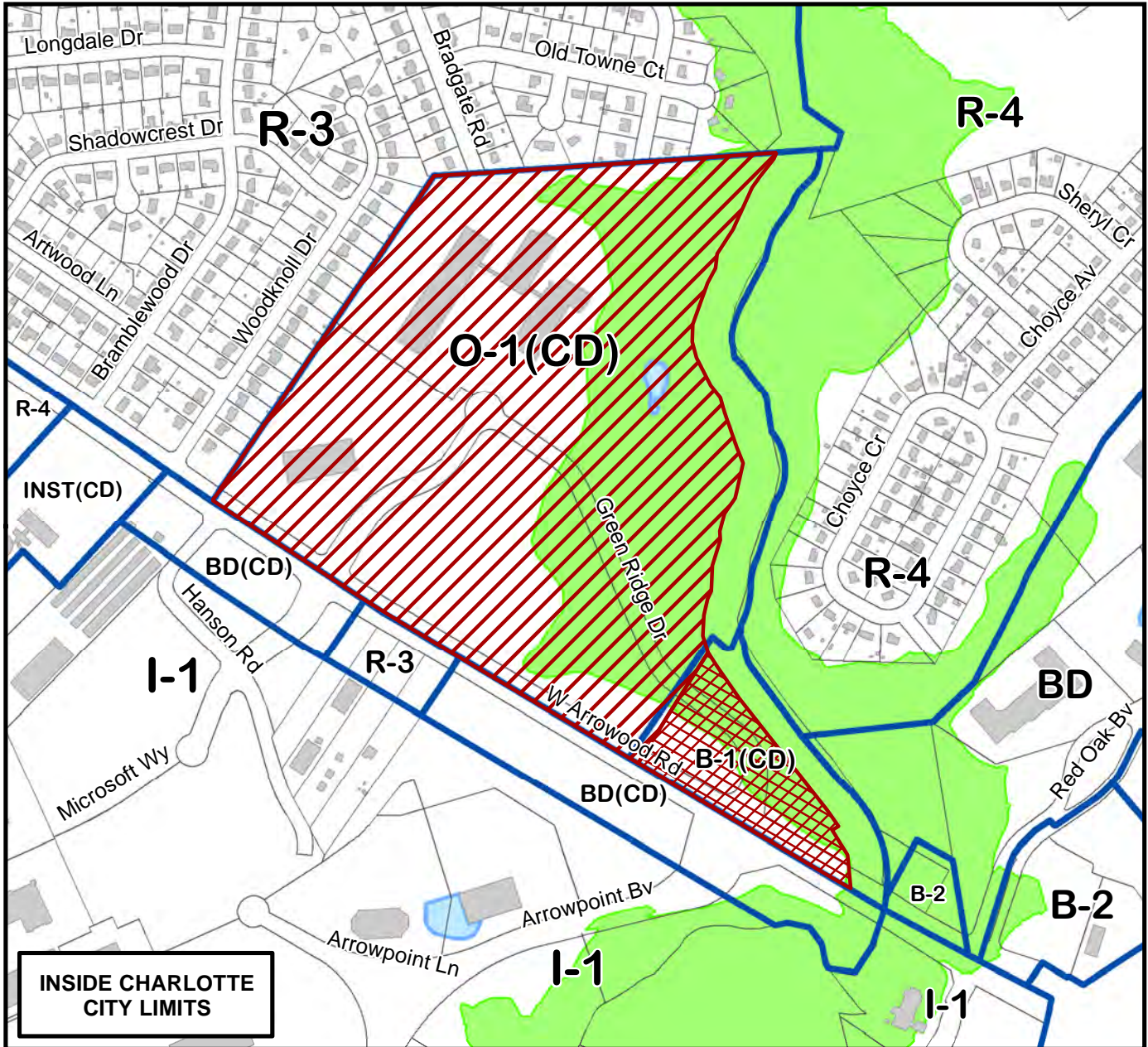
Petition #: **2014-091**

Petitioner: **Time Warner Cable**

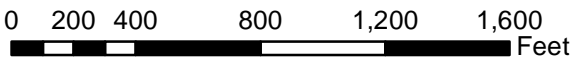
Zoning Classification (Existing): **B-1(CD) & O-1(CD)**  
(Neighborhood Business, Conditional and Office, Conditional)

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

Acreage & Location: Approximately 85.3 acres located on the north side of West Arrowood Road between Woodknoll Drive and Red Oak Boulevard.



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



Zoning Map #(s)  
**133, 149**

	Requested O-1(CD) S.P.A. from O-1(CD)
	Requested O-1(CD) from B-1(CD)
	Existing Building Footprints
	Existing Zoning Boundaries
	Charlotte City Limits
	FEMA flood plain
	Watershed
	Lakes and Ponds
	Creeks and Streams

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

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to <b>DEFER</b> this petition until their December 1, 2014 meeting.
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<b>VOTE</b>	Motion/Second: Eschert/Labovitz
	Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan, and Sullivan
	Nays: None
	Absent: Walker
	Recused: None

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

**PLANNING STAFF REVIEW**

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

The site plan accompanying this petition contains the following provisions:

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



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

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

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

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following comments:
  1. Remove the proposed entrance only access located along the existing right-in driveway on Tyvola Road.
  2. Revise the first paragraph under Note D. to eliminate the following: "A separate drive is proposed off the right-in access off of Tyvola Road to the south."
  3. Remove the fourth paragraph under Note D.
- **Vehicle Trip Generation:**  
Current Zoning: 1,600 trips per day.  
Proposed Zoning: 3,300 trips per day.
- **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No Issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

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

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

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

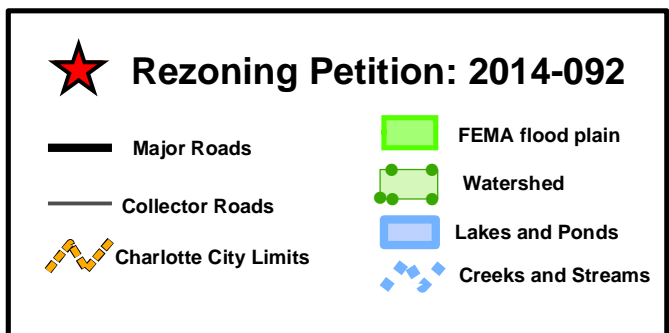
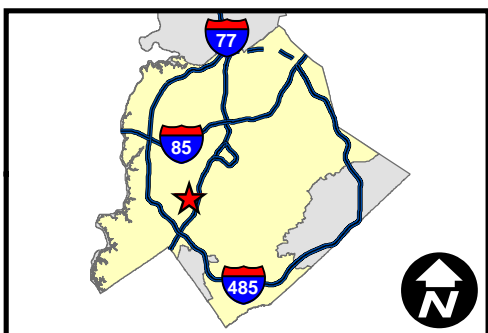
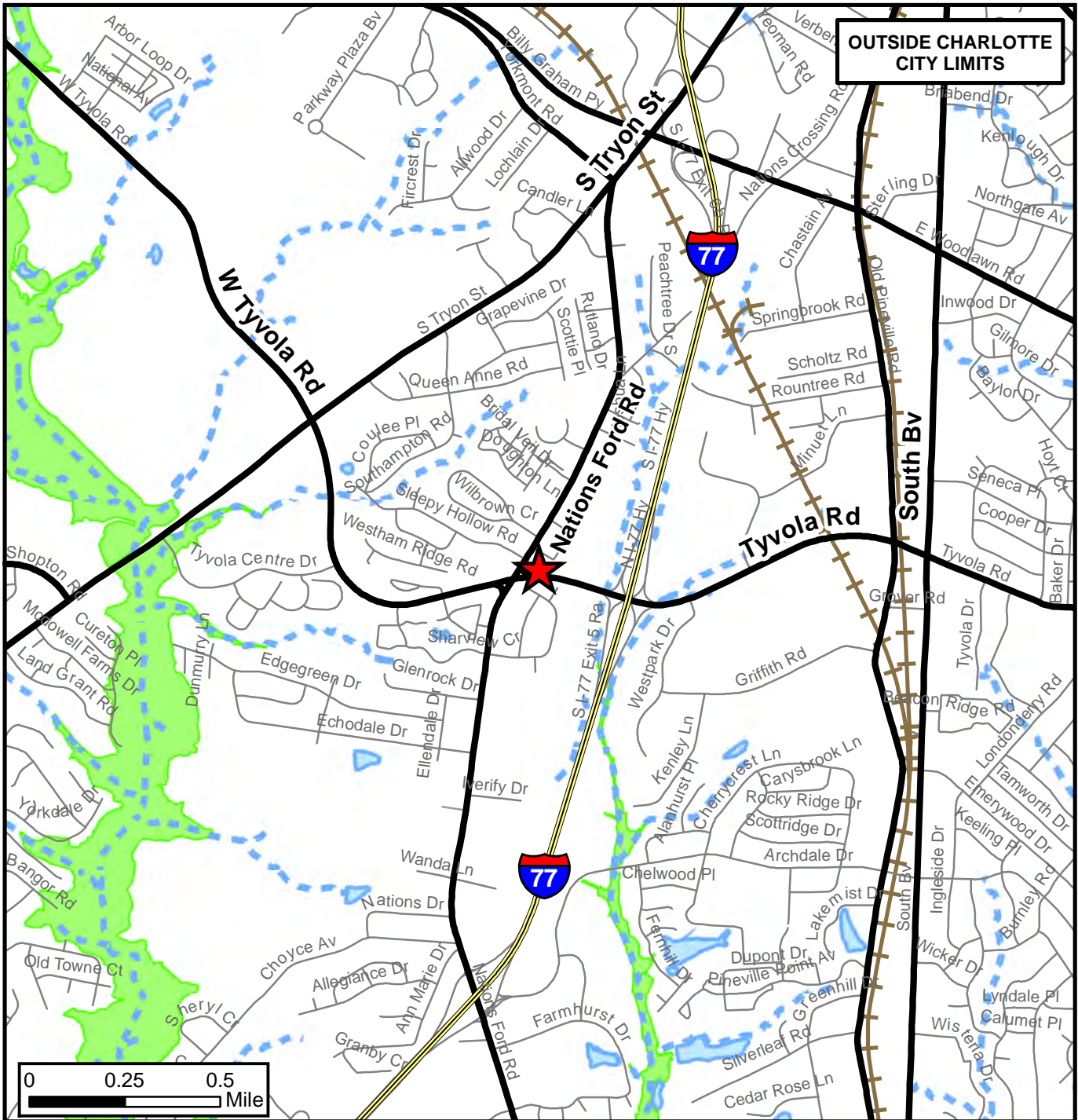
**Planner:** John Kinley (704) 336-8311



Petition #: **2014-092**

# Vicinity Map

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



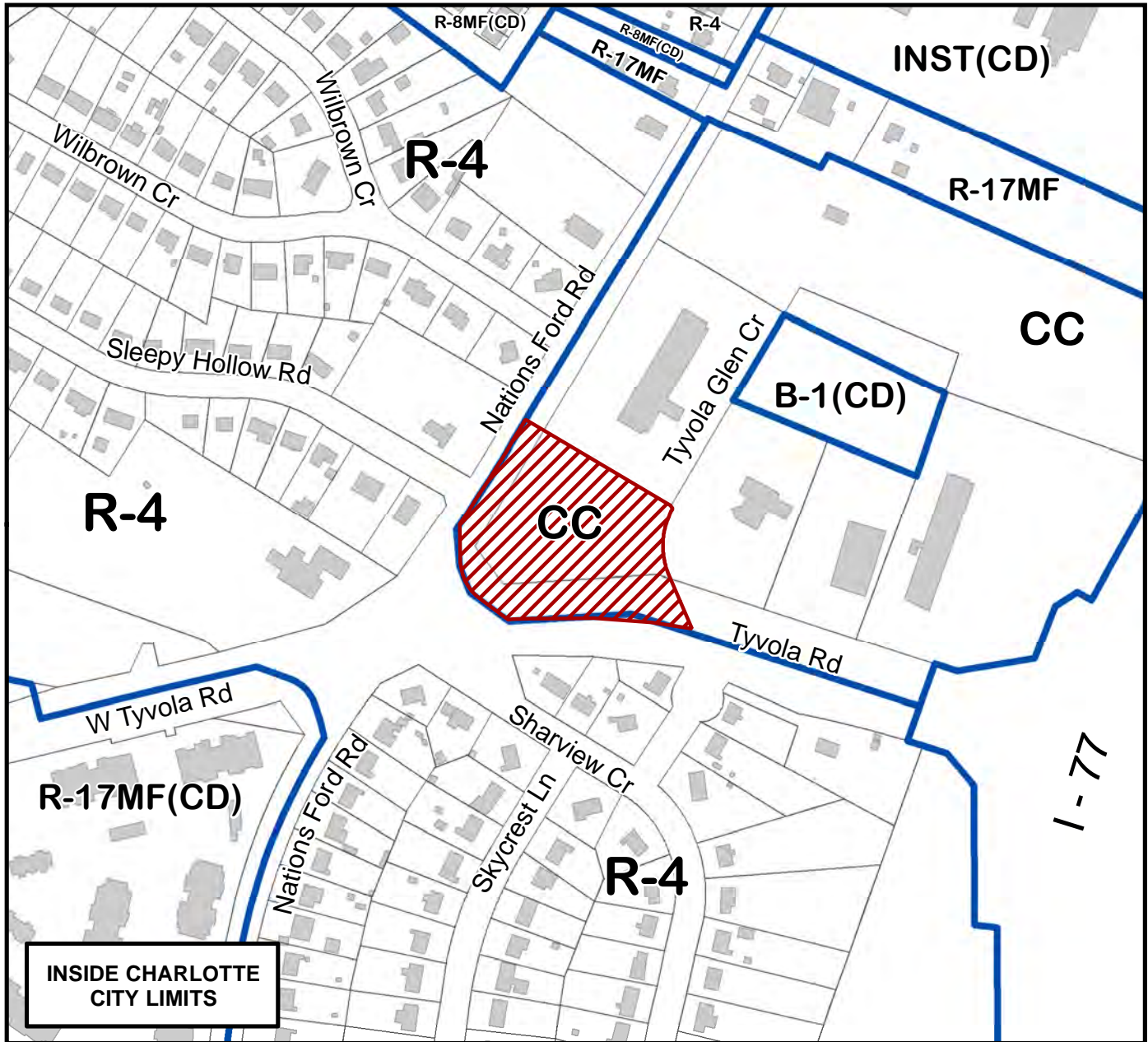
Petition #: **2014-092**

Petitioner: **Pavilion Development Company**

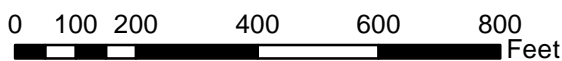
Zoning Classification (Existing): **CC**  
(Commercial Center)

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

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

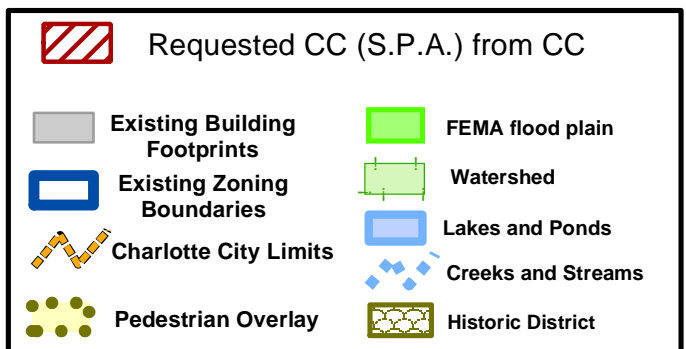


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.



Zoning Map #(s)

**134**



<b>REQUEST</b>	Current Zoning: O-15(CD) (office, conditional) Proposed Zoning: MUDD-O (mixed use development, optional), with five-year vested rights.
<b>LOCATION</b>	Approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes a maximum of 35,000 square feet of commercial floor area, with up to two drive-through service windows.
<b>PROPERTY OWNER</b>	Cynthia Smith, Robert Suther, Sarah Pollock, Erin Cole, Shannon Martin and Lynda Fagan
<b>PETITIONER</b>	Merrifield Patrick Vermillion, LLC
<b>AGENT/REPRESENTATIVE</b>	Collin Brown/Bailey Patrick, Jr., KL Gates
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be consistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The petition is compatible with adjoining land uses.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• Allows the redevelopment of an existing commercial site;</li> <li>• Provides for a CATS park and ride facility; and</li> <li>• Compatible with adjoining uses;</li> </ul> <p>By a 5-1 vote of the Zoning Committee (motion by Commissioner Eschert seconded by Commissioner Nelson).</p>

<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. Showed proposed dumpster and recycling location.</li> <li>2. Provided detail of proposed five-foot masonry that will be used to screen along public streets, and indicated that a portion of the wall may be in a retaining condition. Provided that the wall will match existing walls, and provided pictures of the existing walls along Sardis Road and Providence Road.</li> <li>3. Changed "restaurant" to "eating, drinking, and entertainment establishment."</li> <li>4. Deleted Note 2(d).</li> <li>5. Correctly numbered items under Note 2 and Note 4.</li> <li>6. Deleted Note 12.</li> <li>7. Amended Note 10 to state "signage as allowed by the Ordinance will be provided."</li> <li>8. Addressed CATS comments by adding the following verbiage to the note under Old Sardis Road Right-of-Way/CATS Park-and-Ride Facility:             <ol style="list-style-type: none"> <li>(a) In order to accommodate the abandonment, it would be necessary for the petitioner to provide an alternate CATS park-and-ride facility within permanent easement to replace the one currently located within the Old Sardis Road Right-of-way.</li> <li>(b) It is understood that no development activity can take place within the Old Sardis Road right-of-way unless and until that area is abandoned by the City of Charlotte, and a replacement park-and-ride facility is established for CATS.</li> </ol> </li> </ol>
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**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided an update of the petition, noting that there are no outstanding issues. Staff noted that the petition is consistent with the *South District Plan*.

A committee member stated that the drive-through nature of this development is inconsistent with the existing Strawberry Hill Shopping Center and questioned the lack of public space and tree save areas.

Other committee members commended the reuse of an oddly configured site that is currently disconnected from the abutting retail shopping center, adding that the proposed rezoning will make the site more visible, help connect it to the larger development, and be in keeping with the overall area. It was noted that the architecture of the proposed development is consistent with the remainder of Strawberry Hill and the development seems acceptable to the community.

**MINORITY OPINION**

A minority of the committee felt the petition was inconsistent with the quality of the existing Strawberry Hill shopping center, and lacked tree save areas and public open space areas.

**STAFF OPINION**

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

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

**PLANNING STAFF REVIEW**

- **Background**

- The subject property was rezoned via Petition 1976-53 to allow a 2,500-square foot financial institution.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum 35,000 square feet of floor area for commercial uses, including all principal and accessory uses permitted in the MUDD (mixed use development) district.
- Maximum of five buildings.
- Two accessory drive-through service windows allowed except prohibited as an accessory to an eating, drinking, entertainment establishment.
- Portion of Old Sardis Road to be abandoned.
- A new CATS Park-and-Ride facility, with up to 41 spaces to replace the existing facility located within the Old Sardis Road right-of-way, will be located on an adjacent property located north of Old Sardis Road identified as rezoning petition 2007-95. An administrative amendment will be submitted to accommodate the new facility.
- Existing CATS bus stop located on Providence Road to remain.
- Vehicular access to site via Old Sardis Road. Existing driveways on Sardis Road and Providence Road to be removed. Additional site access is proposed from the adjacent shopping center located north of Old Sardis Road.
- A pedestrian refuge island will be located within the right-of-way on Providence Road and Sardis Road.
- Exterior building materials consist of brick, stone, precast concrete, cementitious siding, stucco, EIFS and metal panel. Building elevations are provided.
- Roof mounted mechanical equipment will be screened from view from public rights-of-way and abutting properties as viewed from grade.
- An eight-foot wide planting strip, with an additional five feet dedicated for a future bike lane, and a six-foot sidewalk will be provided along the frontage on Sardis Road. Sidewalk may meander to save existing trees.
- Existing sidewalk along frontage on Providence Road to be widened to six feet. The existing

planting strip is to remain.

- A 19-foot setback on Sardis Road and a 20-foot setback on Providence Road.
  - A five-foot screen wall or landscaping will be provided along both street frontages.
  - Detached lighting not to exceed 20 feet in height.
  - Request for five-year vested rights.
  - Optional provisions include:
    - Allow two drive-through service windows, which will be screened from public streets by a wall or buildings. Drive-through service windows are prohibited as an accessory to restaurant uses.
    - Maintain existing planting strip and sidewalk location along frontage on Providence Road.
    - Allow parking and vehicle maneuvering between the buildings and Providence Road.
  - **Public Plans and Policies**
    - *South District Plan* (1993) recommends retail use on the subject property.
    - The petition is consistent with the *South District Plan*.
- 

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

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

#### **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.
- 

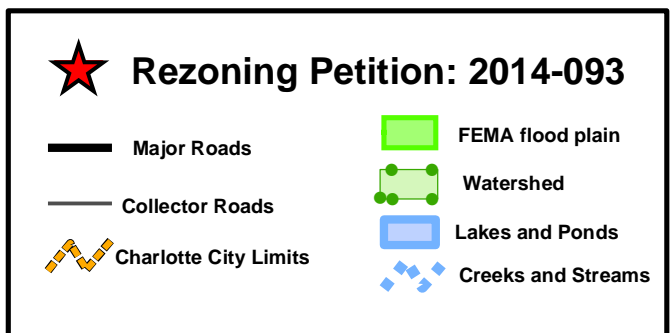
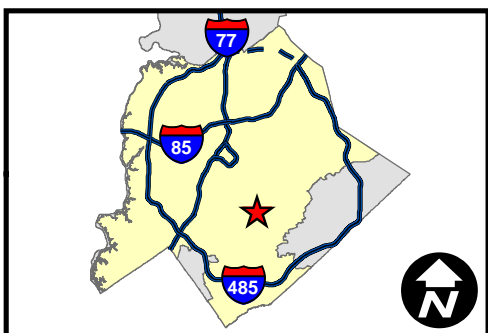
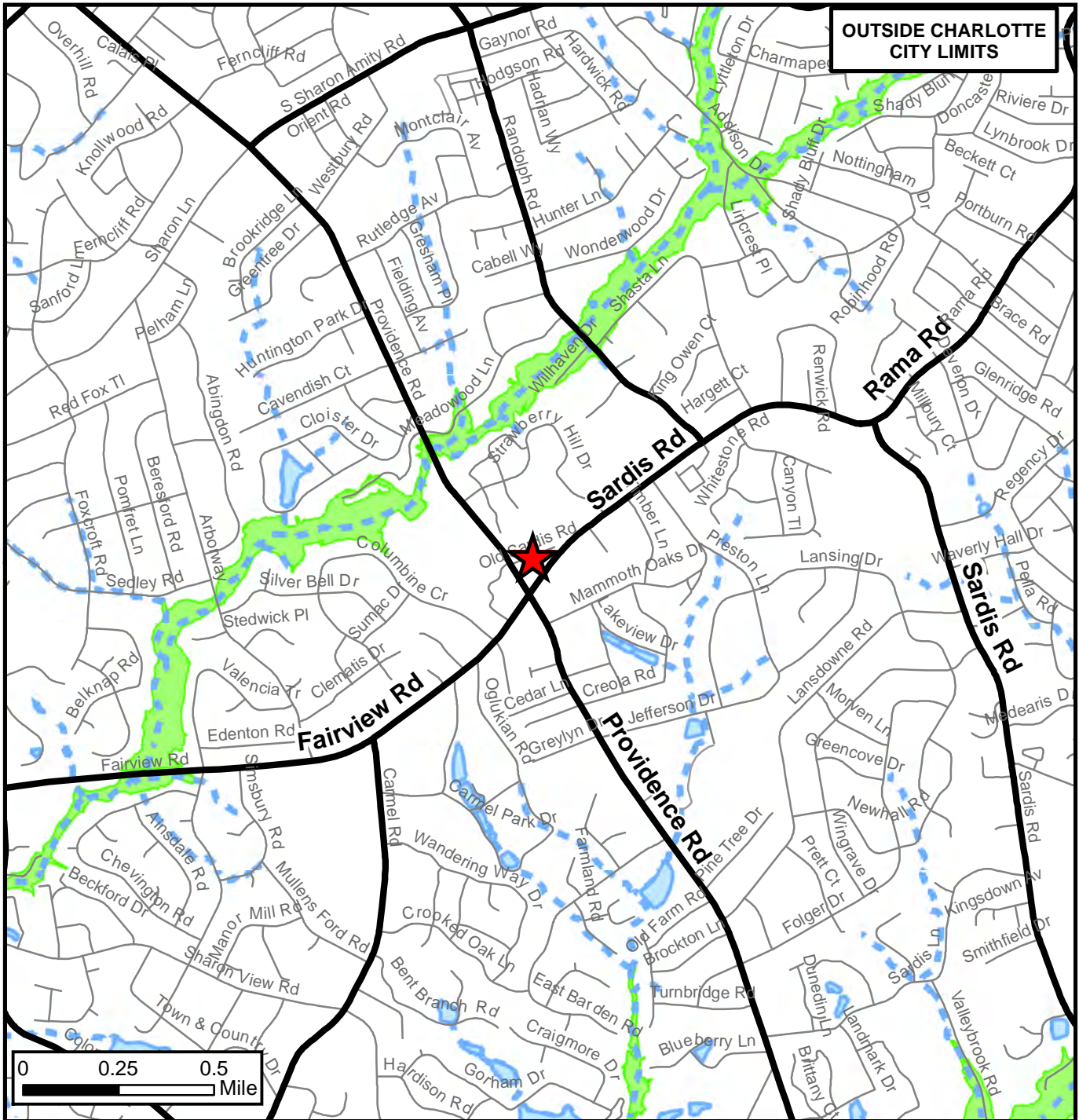
#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

Petition #: **2014-093**

# Vicinity Map

**Acreage & Location :** Approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road.





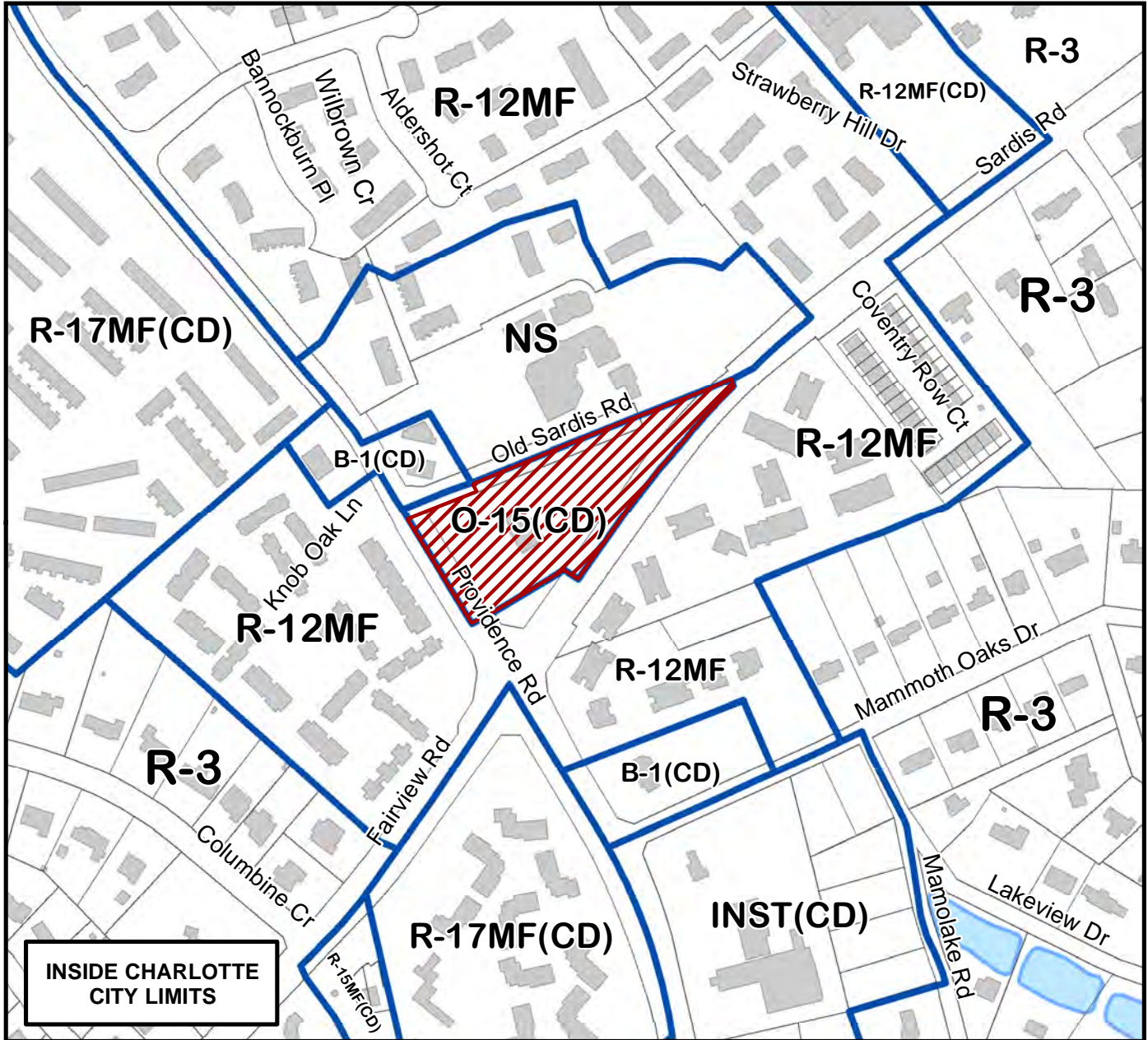
Petition #: **2014-093**

Petitioner: **Merrifield Patrick Vermillion, LLC**

Zoning Classification (Existing): **O-15(CD)**  
(Office, Conditional)

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

Acreage & Location: Approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road.



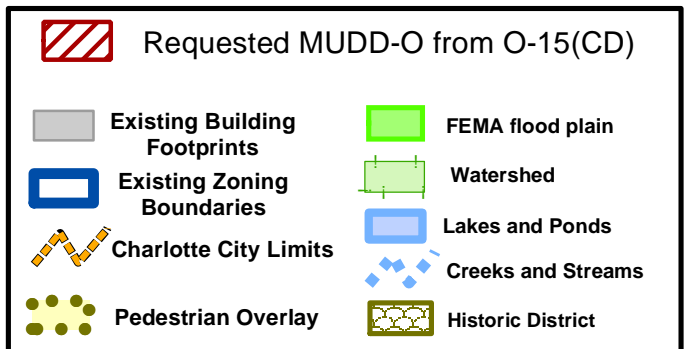
Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.

0 125 250 500 750 1,000 Feet



Zoning Map #(s)

**136**











DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

THE PURPOSE OF THIS ZONING REQUEST IS TO ACCOMMODATE THE REDEVELOPMENT OF AN APPROXIMATELY 3.6 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF PROVIDENCE ROAD AND SARDEN ROAD ALSO KNOWN AS HIGHLAND PARK CENTER AND SHALL BE KNOWN AS THE SITE.

THE 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").

EXCEPT AS OTHERWISE PROVIDED HEREIN, THE ACCOMPANYING PETITIONERS ARE NOT REQUESTING SECTION 2 RELIEF AND URGES THE TECHNICAL DATA SHEET AND THESE DEVELOPMENT STANDARDS BE ADOPTED AS A CONDITION OF ANY PERMIT UNDER THE ORDINANCE FOR THE ABOVE ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

THE DEVELOPMENT PETITIONERS FOR THE TECHNICAL DATA SHEET IS INTENDING TO PERMIT THE RETAIL, BUSINESS SERVICES AND OTHER ACCESS TO THE SITE RELATIVE TO THE PROPOSED DEVELOPMENT ON THE SITE.

IN THE EVENT THAT THIS ZONING PETITION IS APPROVED, THE PETITIONERS INTEND TO SUBMIT THE AMENDMENT OF A PORTION OF THE HIGHWAY OF OLD SARDEN ROAD, IN ORDER TO ACCOMMODATE THE AMENDMENT, IT SHALL BE NECESSARY FOR THE PETITIONERS TO PROVIDE AN ALL-TERRAIN CATERPILLAR FACILITY WITH A PAVEMENT SURFACE TO REPLACE THE OLD CURB/CLAY LOCALS WITHIN THE OLD SARDEN ROAD HIGHWAY. A PROPOSED DESIGN FOR THE ALL-TERRAIN CATERPILLAR FACILITY IS LOCATED ON THE ATTACHED SITE PLAN FOR ILLUSTRATION PURPOSES. THE PETITIONERS INTEND TO OBTAIN THE APPROVAL OF THE ZONING DEPARTMENT. THE PETITIONERS WILL SUBMIT A PROPOSAL FOR AN AMENDMENT TO PROVIDE PETROLEUM SERVICES TO ACCOMMODATE A NEW FARMHOUSE FACILITY ON THE PROPERTY NORTH OF THE OLD SARDEN ROAD HIGHWAY. SUBSEQUENT TO APPROVAL OF THE ZONING PETITION, THE PETITIONERS SHALL WORK WITH THE CITY AND GOVT. WITH REGARD TO THE PROPOSED AMENDMENT AND FARMHOUSE DEVELOPMENT. IT IS UNDERSTOOD THAT NO DEVELOPMENT ACTIVITY CAN TAKE PLACE WITHIN THE OLD SARDEN ROAD HIGHWAY WALKWAY UNTIL THE AREA IS MANAGED BY THE CITY OF CHARLOTTE AND REDEVELOPMENT PLAN AND RES. FACILITY (A TEMPORARY PARKING ARRANGEMENT MAY BE ALLOWED DURING THE CONSTRUCTION PERIODS ESTABLISHED FOR THE SITES).

THE PETITIONERS PROPOSE TO UTILIZE THE MINIMUM PROVISIONS OF THE ORDINANCE IN ORDER TO ACCOMMODATE THE DEVELOPMENT OF THE SITE.

A MAXIMUM OF TWO (2) STOREFRONT SERVICE WINDOWS, HOWEVER, STOREFRONT SERVICE WINDOWS SHALL NOT BE PERMITTED AS AN ACCESS POINT TO RECREATION, TRAIL, DRINKING AND ENTERTAINMENT ESTABLISHMENT USES, ALL OTHER WINDOW OR GLASS SHALL BE IDENTIFIED AS SERVICE WINDOWS BY THE PETITIONERS BY THE END OF THE CONSTRUCTION OF THE PROJECT.

PERMITTED USES AND MAXIMUM DEVELOPMENT

THE SITE MAY BE DEVELOPED WITH UP TO NINE (9) FEET OF COMMERCIAL FLOOR AREA WITH UP TO FIVE (5) STOREFRONT WINDOWS. THE SITE SHALL INCLUDE ALL MINIMUM AND ACCESSORY USES PLUMBED IN THE ABOVE ZONING DISTRICT AS WELL AS ANY OTHER THROUGH THE ZONING DISTRICT SUBJECT TO THE ORIGINAL PROVISIONS IN PARAGRAPHS ABOVE.

TRANSPORTATION

VEHICULAR ACCESS SHALL BE AS GENERALLY INDICATED ON THE TECHNICAL DATA SHEET. THE PROVISIONS AND LIMITATIONS OF THE VEHICULAR ACCESS POINT SHOWN ON THE TECHNICAL DATA SHEET ARE SUBJECT TO ANY OTHER REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, FINAL SITE AND CONSTRUCTION PLANS AND DESIGN AND TO ANY REQUIREMENTS REQUIRED BY THE CITY OF CHARLOTTE.

PETITIONERS SHALL MAINTAIN ONE (1) SIDEWALK OR ONE (1) SIDEWALK WITH ACCESS TO PROVIDENCE ROAD AND ONE (1) SIDEWALK WITH ACCESS TO SARDEN ROAD AS GENERALLY SHOWN ON THE TECHNICAL DATA SHEET.

THE PETITIONERS RESERVE THE RIGHT TO DEVOTE FROM THE STREET DESIGN DETICED IN THE TECHNICAL DATA SHEET, PROVIDED ANY PROPOSED CHANGE IS APPROVED IN ADVANCE BY THE CITY.

ALL PRIVATE STREETS MAY BE CONVERTED TO PUBLIC STREETS AT THE PETITIONERS' EXPENSE PROVIDED THEY ARE PERMITTED TO PUBLIC STREET STANDARDS.

PETITIONERS SHALL MAINTAIN PORTIONS OF PROVIDENCE ROAD AND SARDEN ROAD HIGHWAY TO PROVIDE ONE (1) SIDEWALK PER SIDE WITHIN EACH HIGHWAY. PETITIONERS SHALL COORDINATE WITH THE CITY WITH REGARD TO THE DESIGN AND LOCATION OF THE SIDEWALKS.

ARCHITECTURAL STANDARDS

THE ARCHITECTURE AND QUALITY OF BUILDINGS WITHIN THE CITY SHALL BE GENERALLY CONSISTENT WITH THE CHARACTER OF THE CITY AS PROVIDED IN THE CITY OF CHARLOTTE ZONING ORDINANCE.

EXTERIOR BUILDING MATERIALS MAY INCLUDE BRICK, STONE, CAST STONE, PRECAST CONCRETE, COMPOSITE SIDING, STUCCO OR METAL PANEL.

ALL ROOF ACQUITS WITH A MINIMUM OF 12% PITCH SHALL BE VISIBLE FROM VIEW FROM ADJACENT PUBLIC RIGHTS-OF-WAY AND ADJACENT PROPERTIES AS VIEWED FROM ON-SITE.

FURNITURE AREA SHALL BE ENCLOSED ON ALL FOUR SIDES BY AN OPAQUE WALL WITH ONE (1) SIDE BEING A HINGED DOUBLE DOOR. IF ONE (1) OR MORE SIDES OF A DISPLAY AREA ADJACENT TO A SIDE OF A BUILDING IS MORE THAN THE SEAL OF HEAR SHALL BE SUBJECT TO CITY OF CHARLOTTE.

STREETCARS AND BICYCLES

PETITIONERS SHALL PROVIDE A MAXIMUM TWO (2) FOOT SETBACK ALONG THE SARDEN ROAD FRONTAGE.

ALONG THE SARDEN ROAD FRONTAGE, PETITIONERS SHALL PROVIDE A FIVE (5) FOOT WIDE AREA ADJACENT TO THE EXISTING BACKLAP DRIVE TO ACCOMMODATE THE CONSTRUCTION OF A BIKE LANE IN THE FUTURE BY THE CITY OF CHARLOTTE. ADDITIONALLY, PETITIONERS SHALL PROVIDE AN EIGHT (8) FOOT REAR PLANTING STRIP AND TWO (2) FOOT SIDEWALK BEHIND THE AREA RESERVED FOR A FUTURE BIKE LANE.

PETITIONERS SHALL PROVIDE A TWENTY (20) FOOT SETBACK ALONG THE SARDEN ROAD FRONTAGE.

PETITIONERS SHALL MAINTAIN THE EXISTING PLANTING STRIP ALONG PROVIDENCE ROAD AND SHALL MAINTAIN THE EXISTING SIDEWALK ALONG THE SARDEN ROAD FRONTAGE ON PROVIDENCE ROAD TO AT LEAST SIX (6) FEET IN WIDTH.

ENVIRONMENTAL FEATURES

DEVELOPMENT ON THE SITE SHALL COMPLY WITH THE MOST STRINGENT ENVIRONMENTAL REGULATIONS.

DEVELOPMENT ON THE SITE SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE. TREE REMOVAL ACTIVITY ON THE SITE SHALL BE REPORTED TO THE CITY OF CHARLOTTE UNDER THE ORDINANCE. HOWEVER, PETITIONERS SHALL MAINTAIN TREES OVER FOUR (4) INCHES DBH LOCATED WITHIN THE PROVIDENCE ROAD ULTRINCH.

OPEN SPACE

OPEN SPACE SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

FIRE PROTECTION

FIRE PROTECTION SHALL BE PROVIDED IN CONFORMANCE WITH THE SPECIFICATIONS OF THE FIRE MARSHAL.

STORAGE

STORAGE SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

LIGHTING

PRESTANDING LIGHTS SHALL NOT EXCEED 25 FEET IN HEIGHT.

NO OTHER

LandDesign  
2214 GARDEN ST. CHARLOTTE, NC 28203  
704.333.1111  
LANDDESIGN.COM

REZONING PETITION  
#2014-093

STRAWBERRY HILL  
REZONING DOCUMENTS  
Pamphlet Pack, Version 1.0, October 2014  
DEVELOPMENT STANDARDS

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

<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. Provided a cross-section and elevations for the proposed six-foot wooden fence to be located in a portion of the 44-foot Class "B" buffer.</li> <li>2. Committed to a minimum office square footage of 25 percent.</li> <li>3. Eliminated reductions to buffers abutting residential zoning and/or use.</li> <li>4. Updated the site plan to reflect the approved variance for a 100-foot PCCO (Post Construction Controls Ordinance) buffer (approved October 16, 2014) and eliminated the architectural site plan page reflecting a 200-foot PCCO buffer.</li> <li>5. Amended Note 2b under Permitted uses and Development Area Limitations to add the following as prohibited uses: animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes &amp; embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites,</li> </ol>
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boarding houses, car washes, cemeteries, child care center in a residence/family childcare homes, rooming houses, construction & demolition landfills, dormitories, dwellings mixed use, jails & prisons, land clearing and inert debris landfills offsite, nursing homes/rest homes/homes for the aged, off-street parking as a principal use, open space recreational uses, orphanages/children’s homes and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands, single room occupancy residences, eating/drinking/entertainment establishments Type 1&2 with more than 5,000 square feet of gross floor area, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materials/stocks/equipment, and satellite dish farm in conjunction with a telecommunications and data storage facility/radio station/television station.

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

The following issues are outstanding:

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

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

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

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



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

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

#### **STAFF OPINION**

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

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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:

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

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

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

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

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

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

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

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

**OUTSTANDING ISSUES**

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

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

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

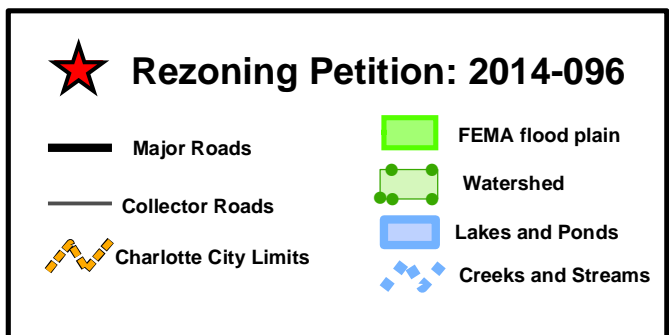
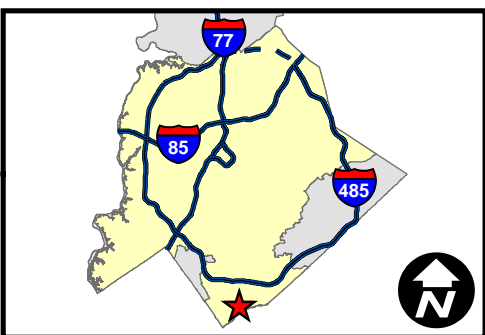
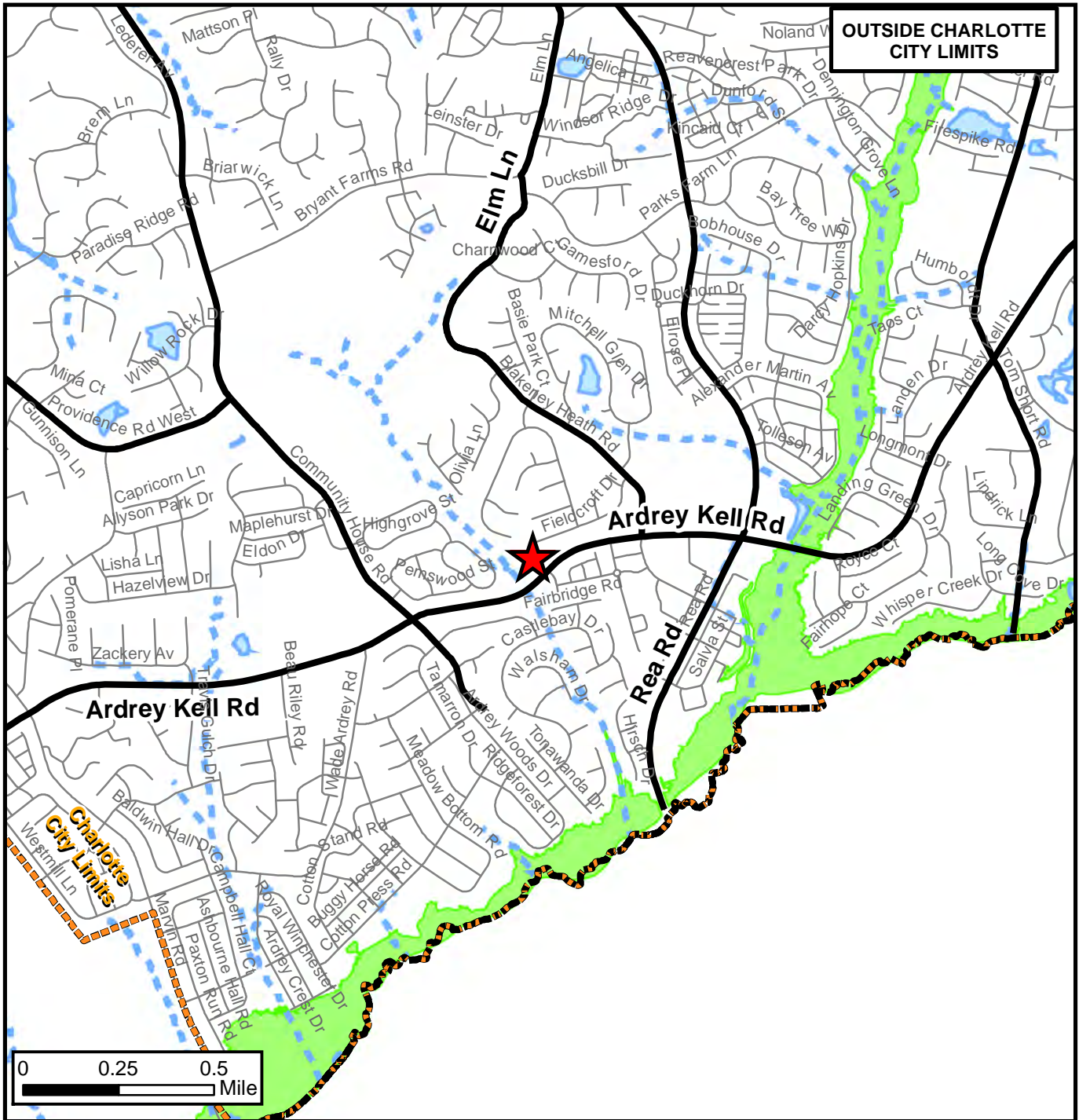
**Planner:** Sonja Sanders (704) 336-8327



Petition #: **2014-096**

# Vicinity Map

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





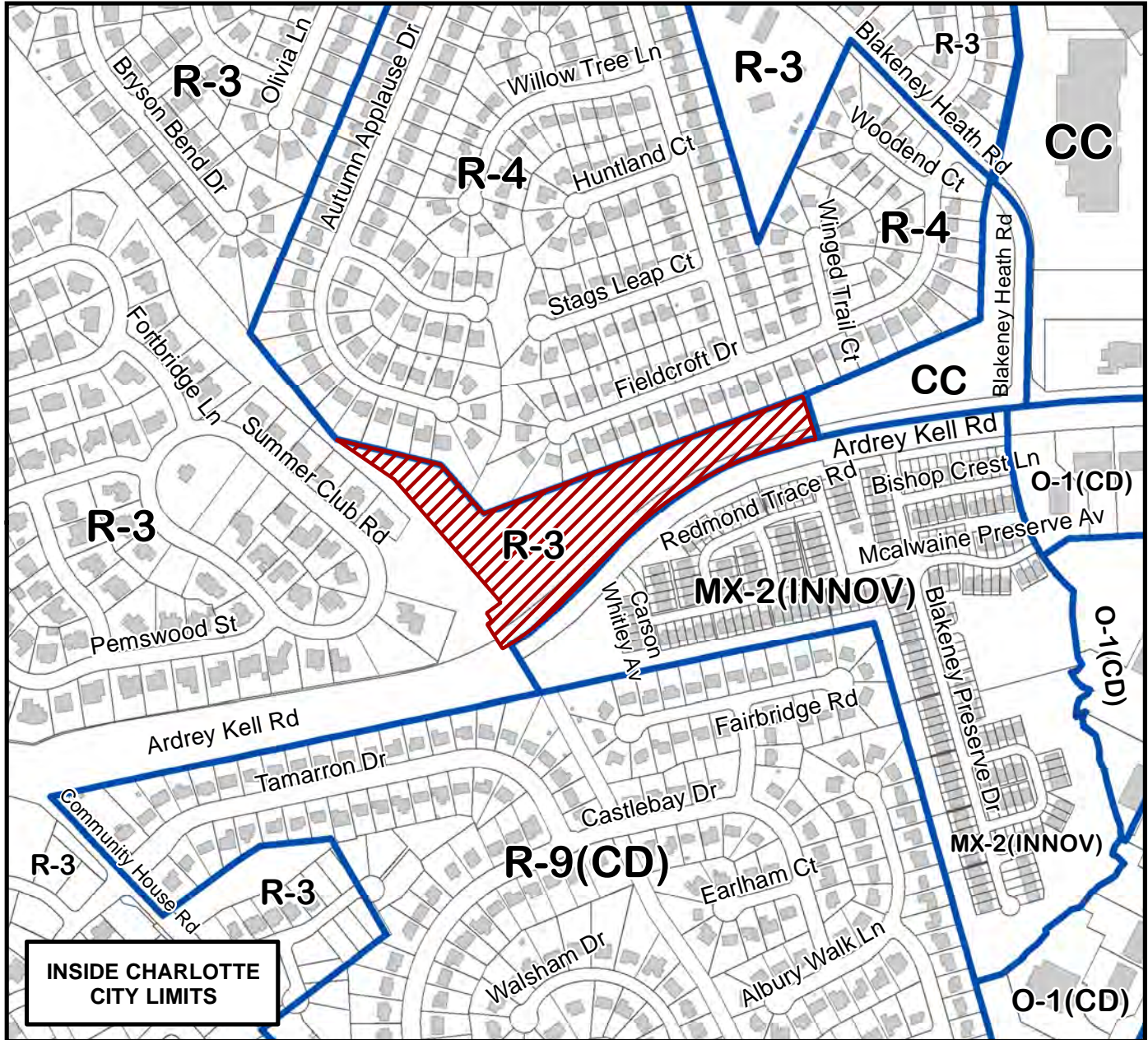
Petition #: **2014-096**

Petitioner: **Lenox Development Group, LLC**

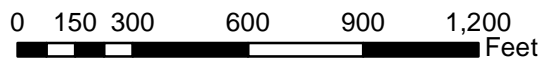
Zoning Classification (Existing): **R-3**  
(Single Family, Residential)

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

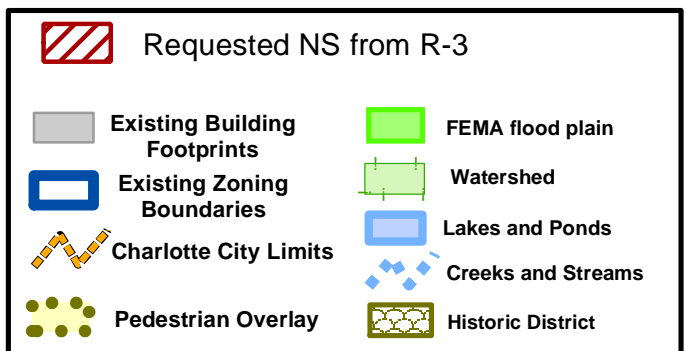
Acreage & Location: Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue.



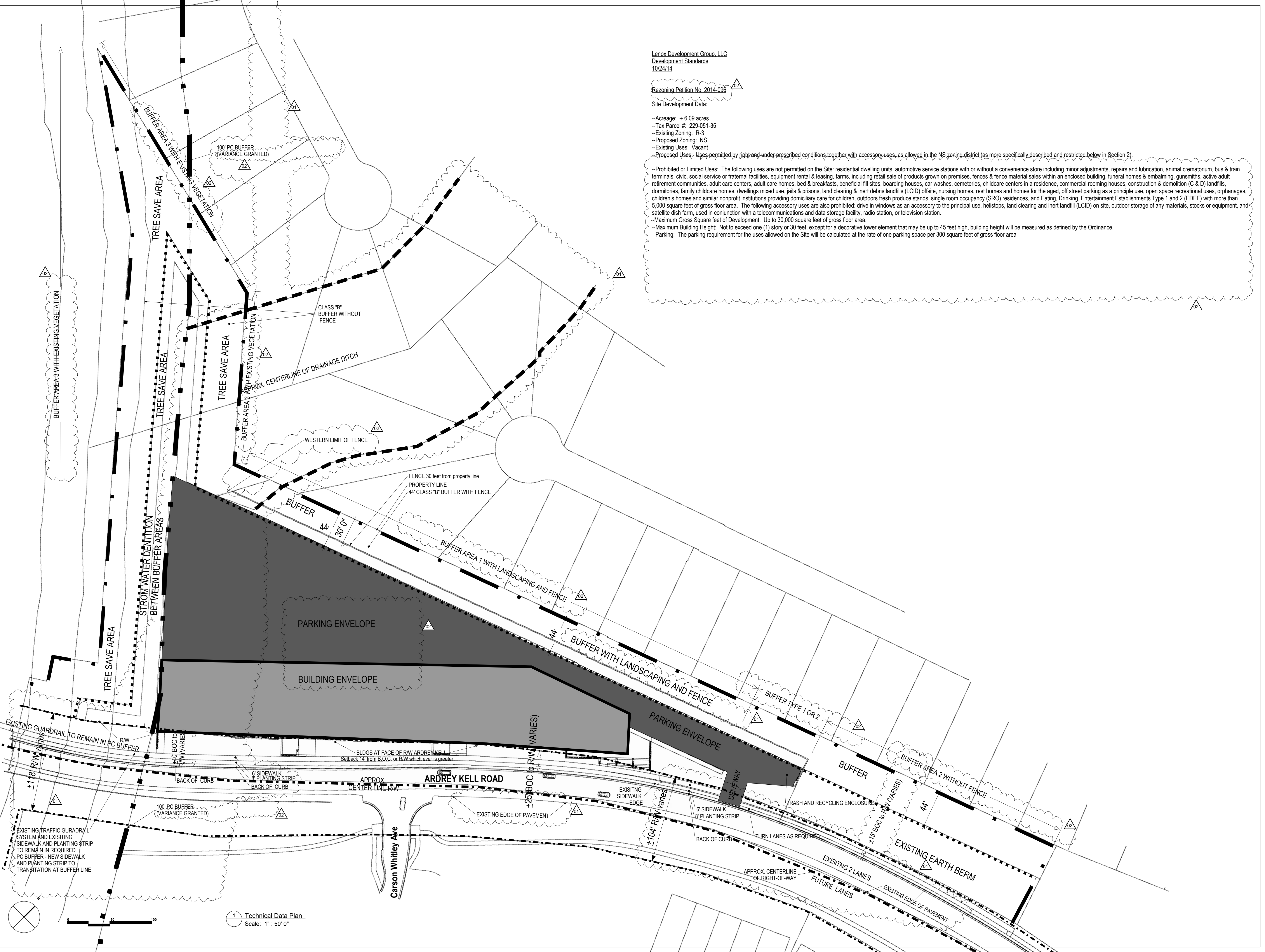
Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.



Zoning Map #(s)  
**185, 186**







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

Rezoning Petition No. 2014-096

Site Development Data:

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

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

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

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

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

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

REVISIONS	REMARKS
1	07/28/14
2	09/19/14 Revision 01 Planning Comments
3	10/21/14 Revision 02
4	
5	

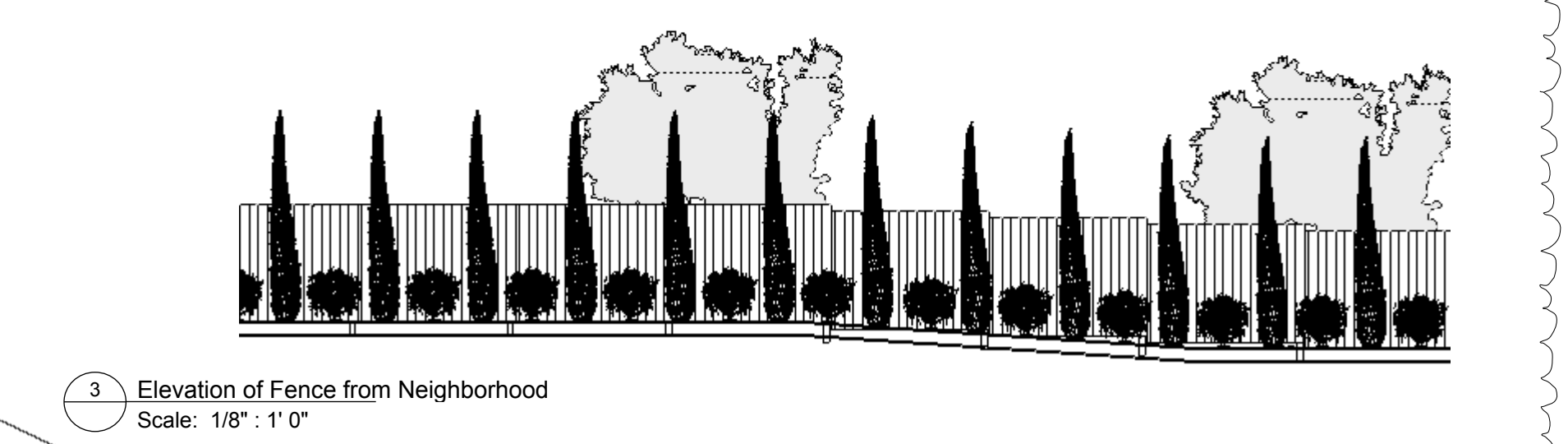
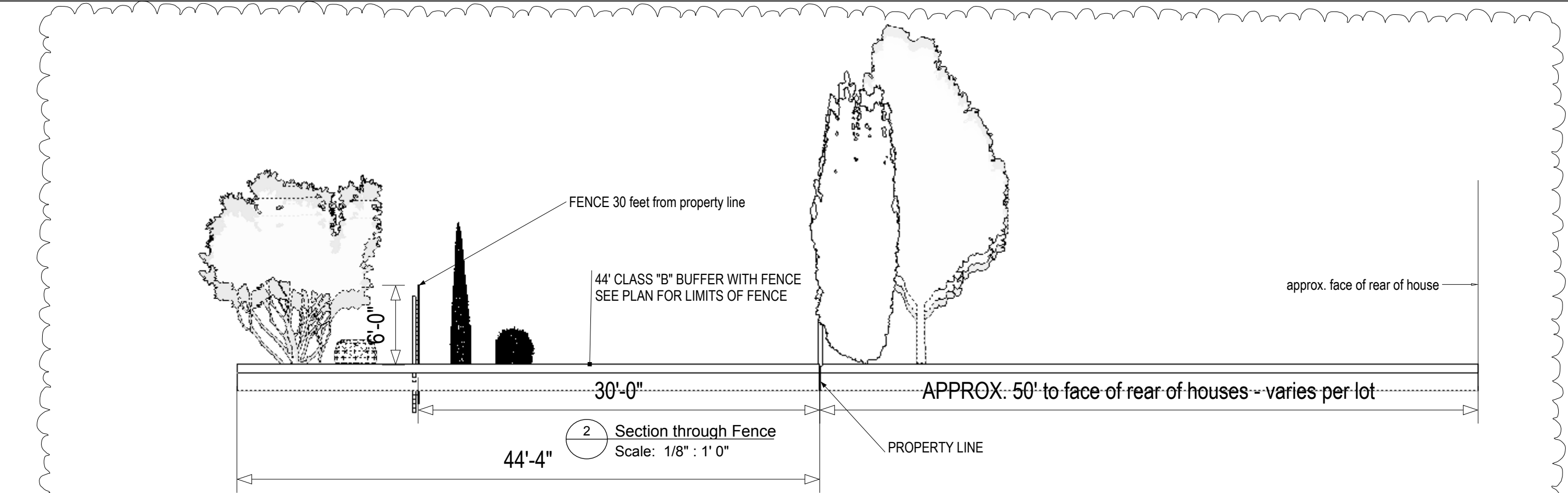
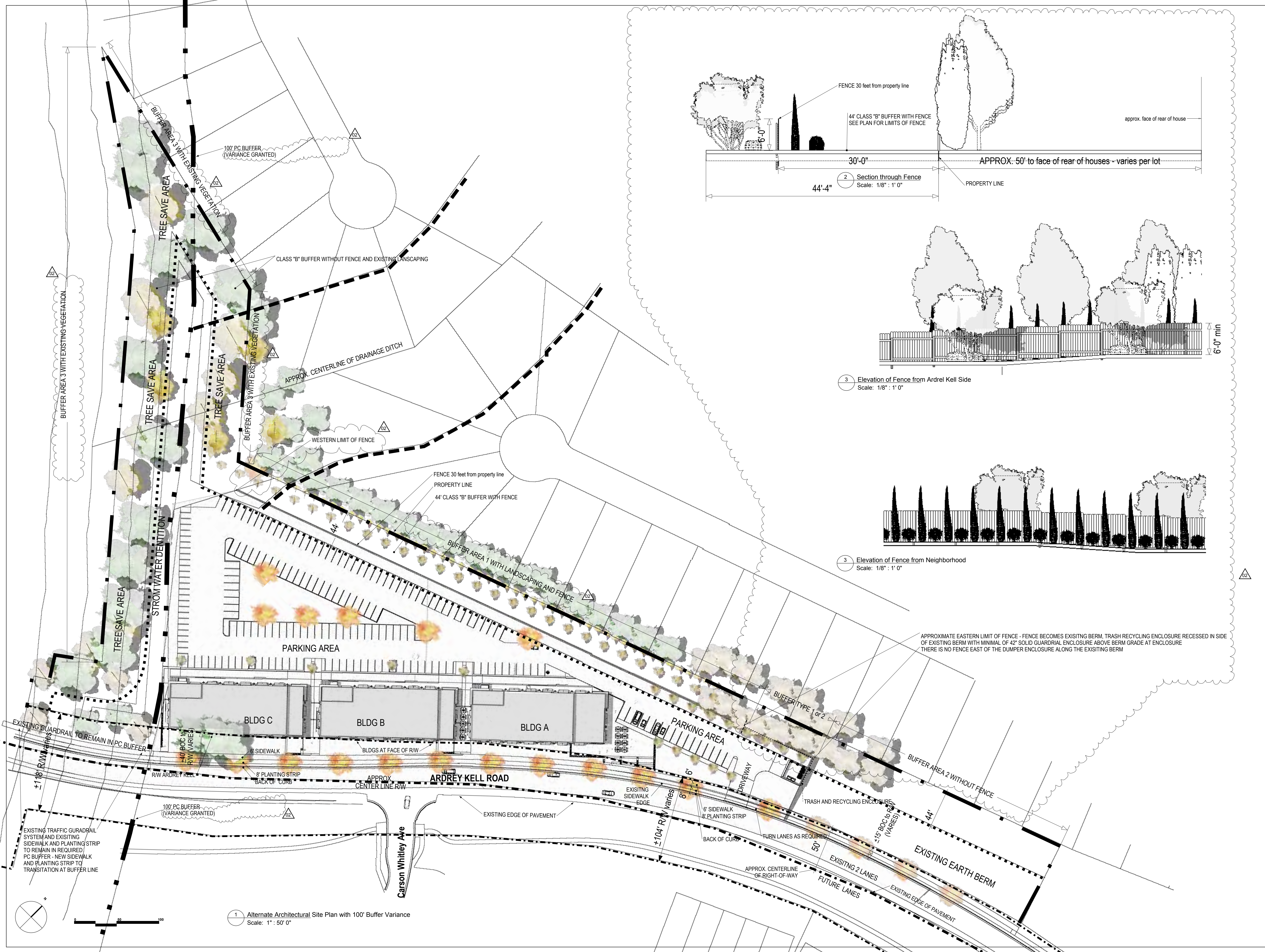
BURGESS DESIGN STUDIO

**ARDREY KELL ROAD**

TECHNICAL SITE DATA

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





1 Alternate Architectural Site Plan with 100' Buffer Variance  
Scale: 1" : 50' 0"

REVISIONS	REMARKS
1	07/28/14
2	09/19/14 Revision 01 Planning Comments
3	10/21/14 Revision 02
4	
5	

BURGESS DESIGN STUDIO

ARDREY KELL ROAD

ARCHITECTURAL SITE PLAN

ALTERNATE SITE PLAN WITH PC BUFFER VARIANCE APPROVAL

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

RZ 002a

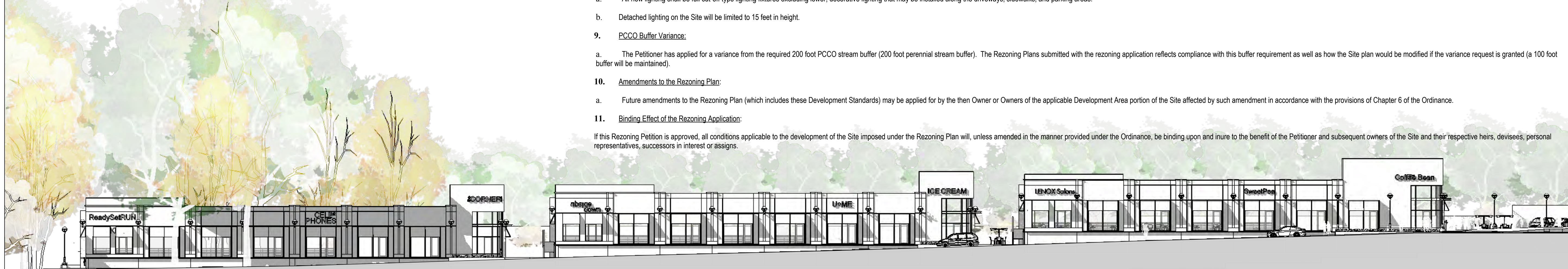


**I. General Provisions:**

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

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

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



**2. Permitted Uses & Development Area Limitation:**

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

**3. Access and Transportation:**

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

**4. Architectural Standards:**

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

**5. Streetscape, Buffers, Yards and Landscaping:**

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

**6. Environmental Features:**

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

**7. Signage:**

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

**8. Lighting:**

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

**9. PCCO Buffer Variance:**

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

**10. Amendments to the Rezoning Plan:**

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

**11. Binding Effect of the Rezoning Application:**

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

REVISIONS

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

BURGESS DESIGN STUDIO

ARDREY KELL ROAD

CHARACTER IMAGES

09/19/14 Revision 01

09/24/14 Revision 02



<b>REQUEST</b>	Text amendment to Sections 9.406, 9.805, 9.8505, 9.905, 9.906, 9.1005, 9.1208, 10.812, 10.907, 11.205, 11.304, 11.505, 11.705, and 12.108 of the Zoning Ordinance
<b>SUMMARY OF PETITION</b>	The petition proposes to clarify the height limitations in the Zoning Ordinance.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
<b>COMMUNITY MEETING</b>	Meeting is not required.
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because it:</p> <ul style="list-style-type: none"> <li>• Creates a vibrant economy; and</li> <li>• Preserves and enhances existing neighborhoods; and</li> <li>• Provides clarifications to the existing regulations.</li> </ul> <p>Therefore, this petition is reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The petition clarifies the height limitations located in various parts of the Zoning Ordinance;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Labovitz).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition.
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<b>VOTE</b>	<table border="0"> <tr> <td>Motion/Second:</td> <td>Sullivan/Labovitz</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Walker</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Sullivan/Labovitz	Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan	Nays:	None	Absent:	Walker	Recused:	None
Motion/Second:	Sullivan/Labovitz										
Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan										
Nays:	None										
Absent:	Walker										
Recused:	None										
<b>ZONING COMMITTEE DISCUSSION</b>	Staff provided a summary of the text amendment. There were no questions.										
<b>STAFF OPINION</b>	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 text amendment contains the following provisions:
  - Adds cross-references for additional height requirements in the UR-C (urban residential - commercial), MUDD (mixed use development), UMUD (uptown mixed use), TOD (transit oriented development), PED (pedestrian overlay), NS (neighborhood services), RE-3 (research), and TS (transit supportive) zoning districts.
  - Adds three new footnotes that describe the height limitations for buildings located in the U-I (urban industrial) zoning district, based on existing height limitations in Section 12.108.
  - Clarifies that in the MX-1 (mixed use), MX-2 (mixed use), and MX-3 (mixed use) districts, the



height standards of the B-1 (neighborhood business) district shall apply.

- Clarifies that in the R-MH (manufactured housing) district, the height standards of the R-5 (single family) zoning district shall apply.
    - Removes building height provisions in Section 12.108 that have been relocated into the zoning districts in previous text amendments, and clarified in this amendment.
  - **Public Plans and Policies**
    - The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals of creating a vibrant economy, and preserving and enhancing existing neighborhoods.
- 

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

- **Charlotte Area Transit System:** No comments received.
  - **Charlotte Department of Neighborhood & Business Services:** No comments received.
  - **Transportation:** No comments received.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** Not applicable.
  - **Charlotte-Mecklenburg Storm Water Services:** No comments received.
  - **Charlotte-Mecklenburg Utilities:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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#### **ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

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

- No issues.
- 

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

- Application
- Pre-Hearing Staff Analysis
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Parks and Recreation Review

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

**TEXT AMENDMENT SUMMARY: Height Limitations for Permitted Structures**  
**10-3-14**

**2014-098**

**Purpose/Background:** The purpose of this text amendment is clarify the height limitations for permitted structures in various zoning districts

<b>Topic</b>	<b>Current Regulations</b>	<b>Proposed Regulations</b>	<b>Rationale</b>
<b>Cross-references for other height requirements</b>	None	<ul style="list-style-type: none"> <li>• Add cross-references for additional height requirements that reads, “Height requirements for other permitted structures are set forth in Section 12.108” in the following zoning districts:               <ul style="list-style-type: none"> <li>• Urban residential – commercial (UR-C)</li> <li>• Mixed use development (MUDD)</li> <li>• Uptown mixed use (UMUD)</li> <li>• Transit oriented development (TOD)</li> <li>• Pedestrian overlay district (PED)</li> <li>• Neighborhood services (NS)</li> <li>• Research (RE-3)</li> <li>• Transit supportive (TS)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Ensure knowledge of additional height requirements for other permitted structures by cross-references.</li> </ul>
<b>Urban Industrial District</b>	<ul style="list-style-type: none"> <li>• The maximum height in the Urban Industrial district is 40’; except higher as specified under Section 12.108.</li> </ul>	<ul style="list-style-type: none"> <li>• Modify the height regulation by removing the reference to Section 12.108 and placing the information from that section into the height text. The revised standard:               <ul style="list-style-type: none"> <li>• 40’ within 100’ of any residential district</li> </ul> </li> <li>• Add three new footnotes to the height maximum:               <ul style="list-style-type: none"> <li>• Footnote 1: A building that is not adjacent to and located greater than 100 feet from a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet.</li> <li>• Footnote 2: A building which abuts a residential zoning district that is greater than 100 feet from such building or abuts a residential use shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Simplify the requirement by not requiring a citizen to flip to another section of the ordinance for the information, by adding the footnotes.</li> </ul>

		<p>building height in excess of 40 feet.</p> <ul style="list-style-type: none"> <li>Footnote 3: Height requirements for other permitted structures are set forth in Section 12.108.</li> </ul>	
<b>Mixed Use Districts</b>	<ul style="list-style-type: none"> <li>Nonresidential development within the MX districts shall meet the minimum lot area, lot width, and yard requirements established in Section 9.805 for the B-1 district. In no event shall nonresidential development in an MX district exceed a floor-area-ratio of 0.60.</li> </ul>	<ul style="list-style-type: none"> <li>Add the term “height” in the list of development standards that must be met for non-residential development in the MX districts:</li> <li>“Nonresidential development within the MX districts shall meet the minimum lot area, lot width, <u>height</u>, and yard requirements established in Section 9.805 for the B-1 district. In no event shall nonresidential development in an MX district exceed a floor-area-ratio of 0.60.”</li> </ul>	<ul style="list-style-type: none"> <li>Clarify that the height restrictions apply to non-residential development.</li> </ul>
<b>Manufactured Housing District</b>	<ul style="list-style-type: none"> <li>Each lot or space within a manufactured home park shall be at least 5,000 square feet in area and at least 40 feet wide. No more than one home may be erected on one space. In a subdivision, the lot and yards shall be developed to the standards of the R-5 district.</li> </ul>	<ul style="list-style-type: none"> <li>Add the term “ height” in the list of development standards that must be met in the R-5 district: <ul style="list-style-type: none"> <li>“Each lot or space within a manufactured home park shall be at least 5,000 square feet in area and at least 40 feet wide. No more than one home may be erected on one space. In a subdivision, the lot, yards, <u>and height</u> shall be developed to the standards of the R-5 district.”</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Clarify that the height restrictions apply to non-residential development.</li> </ul>
<b>Special height requirements – BP district</b>	<ul style="list-style-type: none"> <li>Special height requirements for the Business Park District are set forth in subsection 9.805(6).</li> </ul>	<ul style="list-style-type: none"> <li>Delete incorrect cross-references for special height requirements for the Business Park District.</li> </ul>	<ul style="list-style-type: none"> <li>Remove references that do not pertain to heights.</li> </ul>
<b>Height limitations</b>	<ul style="list-style-type: none"> <li>No structure shall exceed a height of 40’, except as follows: <ol style="list-style-type: none"> <li>A building that is not in or adjacent to a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet.</li> <li>A building located in any zoning district, except the residential districts, which abuts a residential use or residential zoning district shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>Deletes provision (1), (2), and (9) because height maximums are detailed within each zoning district.</li> <li>Modifies provision (3) by deleting reference to the deleted provision (1) and adding “in each zoning district”: <ol style="list-style-type: none"> <li>The height limitations established in <del>subsection (1) above</del> <u>in each zoning district</u> shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, firewalls, chimneys, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>Updates language to align with placing height limitations which are now within each zoning district.</li> </ul>



	<p>(4) The height limitations established in subsection (1) above shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, firewalls, chimneys, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.</p> <p>(9) The height limitations established in this section shall not apply to structures located in the PED, UI, UMUD, or UR-C, districts unless the districts are located next to a single family use or district as provided for in Chapter 9, Parts 4, 9 and 10.</p>		
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**AN ORDINANCE AMENDING APPENDIX A  
OF THE CITY CODE –ZONING ORDINANCE**

**ORDINANCE NO.**

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

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

A. CHAPTER 9: GENERAL DISTRICTS

1. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.406, "Urban Residential Districts; area, yard and height requirements" subsection (4), "UR-C" by 1) adding a new footnote reference for maximum height, and 2) adding a new footnote #5, that reads as follows:

- (4) UR-C: Dimensional requirements for the UR-C district are as follows:

Minimum lot area (square feet)	3,000
Minimum side yard (feet) <sup>4</sup>	5
Minimum setback (feet) <sup>3,4</sup>	14 from back of existing or proposed curb, whichever is greater
Minimum rear yard (feet) <sup>4</sup>	20
Maximum floor area ratio <sup>2</sup>	3.0
Maximum height (feet) <sup>1,5</sup>	60
Minimum lot width (feet)	20

<sup>1</sup> Maximum height may be increased above 60 feet provided all required side and rear yards are increased 1 foot for every 10 feet of building height over 40 feet.

<sup>2</sup> No more than 1.5 floor area ratio may be devoted to nonresidential and/or institutional purposes in mixed use structures.

<sup>3</sup> Minimum setback: 14 feet minimum from back of existing or proposed curb, whichever is greater, or as specified in a City Council adopted streetscape plan for the streets that the project abuts. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line will become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined by the Charlotte Department of Transportation in conjunction with the Planning Department staff. However, if new construction incorporates an existing structure located within the

required setback, the setback for the addition may be reduced to the established setback but in no event be less than 10 feet from the back of the existing curb.

For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented. All new transformer vaults, utility structures, air vents, backflow preventers, or any other similar devices, including such facilities when located below grade, must be behind the setback. No new doors shall be allowed to swing into the setback except emergency exit doors.

<sup>4</sup> Reduction of any required yard by up to 25 percent is permitted, provided that the reduction will result in more efficient use of the site, preserve natural features or will not unduly diminish the provision of light, air and privacy to abutting properties.

<sup>5</sup> Height requirements for other permitted structures are set forth in Section 12.108.

## 2. PART 8: BUSINESS DISTRICTS

a. Amend Section 9.805, “Development standards for business districts”, footnote #7, by deleting the last sentence in the footnote. All other footnotes remain unchanged. The revised footnote shall read as follows:

7. A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential zoning district, it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential zoning district is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108. ~~Special height requirements for the Business Park District are set forth in subsection 9.805(6).~~

## 3. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

a. Amend Section 9.8505, “Mixed Use Development District; area, yard and height regulations”, subsection (5) by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

(5) Maximum height: 120’

Height requirements for other permitted structures are set forth in Section 12.108.

## 4. PART 9: UPTOWN MIXED USE DISTRICT



- a. Amend Section 9.905, “Uptown Mixed Use District; area, yard and height regulations”, subsection (4) by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

- (4) Maximum height: With the exception of the Brevard Street area (see Section 9.906(2)(d)(2)(c)) and other permitted structures identified in Section 12.108, there is no maximum height, however, no structure, fixture or other objects over 60 feet in height on a lot abutting residentially zoned land which has residential structure of 40 feet or less in height may be situated so that it casts a shadow at a distance greater than 20 feet across any property line on either time of solstice between the hours of 9:00 a.m. and 3:00 p.m. Eastern Standard Time.

Height requirements for other permitted structures are set forth in Section 12.108.

- b. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards” subsection (2)(d)(2)(c), “Building Height” by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

- (a) Building Height. Building heights shall be a maximum of 60 feet along Brevard Street and Caldwell Street. Building heights can exceed 60 feet if the upper portion of the building is stepped back 20 feet from the minimum setback, as illustrated below. See also Section 9.905(4).

Height requirements for other permitted structures are set forth in Section 12.108.

5. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1005, “Urban Industrial District; area, yard and height requirements”, by adding three new footnotes for maximum height that clarify the references. The revised section shall read as follows:

**Section 9.1005. Urban Industrial District; area, yard and height requirements.**

Minimum lot area (square feet)	5,000
Minimum lot width (feet)	50
Minimum setback (feet)	5
Minimum side yard (feet)*	0; except 20 feet when abutting any residential or office district
Minimum rear yard*	0; except 50 feet when abutting any residential

or office district

Maximum floor area ratio 2.0

Maximum height (feet)<sup>1,2,3</sup> 40 within 100 feet of any residential district ; ~~except higher as specified under Section 12.108.~~

\* Subject to all applicable building and fire codes for separation.

<sup>1</sup> A building that is not adjacent to and located greater than 100 feet from a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet.

<sup>2</sup> A building which abuts a residential zoning district that is greater than 100 feet from such building or abuts a residential use shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet.

<sup>3</sup> Height requirements for other permitted structures are set forth in Section 12.108.

6. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

a. Amend Section 9.1208, “Development standards”, subsection (3), “Maximum height” by adding a new subsection (b) that shall read as follows:

(b) Height requirements for other permitted structures are set forth in Section 12.108(4), (5), and (6).

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

a. Amend Section 10.812, “Development standards” by modifying footnote #7 by adding a reference to Section 12.108.

<sup>7</sup> <b>Base Height</b>	<p>The base height for this district is 40 feet.</p> <p>For new development across a local (public or private) street from existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40’ base height shall be measured at the minimum setback line. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the minimum setback line.</p> <p>For new development abutting on the same side of a local (public or private) street as existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40’ base height shall be measured at the required yard. The height may increase one foot in height, over 40 feet,</p>
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	<p>for every 10 feet in distance the portion of the building is from the required yard.</p> <p>For all other parcels, the permitted maximum height shall be determined by the distance from the building to the boundary line of the nearest single family residential district (R-3, R-4, R-5, R-6, and R-8). The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from single family zoning district(s).</p> <p><u>Height requirements for other permitted structures are set forth in Section 12.108.</u></p>
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2. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

- a. Amend Section 10.907, “Development Standards”, subsection (3), “Maximum height”, by adding a new subsection (b) that shall read as follows:

(b) Height requirements for other permitted structures are set forth in Section 12.108.

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

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

- a. Amend Section 11.205, “Development standards for MX-1, MX-2 and MX-3 districts” by adding “height” in subsection (3). The revised subsection shall read as follows:

(3) Nonresidential development within the MX districts shall meet the minimum lot area, lot width, height, and yard requirements established in Section 9.805 for the B-1 district. In no event shall nonresidential development in an MX district exceed a floor-area-ratio of 0.60.

2. PART 3: MANUFACTURED HOUSING DISTRICT

- a. Amend Section 11.304, “Development standards; density; common area requirements”, by adding “height” in subsection (3). The revised subsection shall read as follows:

(3) Each lot or space within the park shall be at least 5,000 square feet in area and at least 40 feet wide. No more than one home may be erected on one space. In a subdivision, the lot, ~~and~~ yards, and height shall be developed to the standards of the R-5 district.

3. PART 5: NEIGHBORHOOD SERVICES DISTRICT

- a. Amend Section 11.505, “Development standards”, subsection (8) by adding an additional sentence referencing Section 12.108. The revised subsection shall read as follows:



- (8) Maximum height is 60 feet in the district. However, the maximum height in the district abutting property used or zoned for single family residential is 40 feet, except the height may exceed 40 feet if there is an increase in side and rear yards of one foot for every foot of building height over 40 feet up to the 60 feet maximum.

Height requirements for other permitted structures are set forth in Section 12.108.

4. PART 7: RE-3 RESEARCH DISTRICT

- a. Amend Section 11.705, “Development standards”, subsection (8), by adding a new subsection (c). The revised section shall read as follows:

- (1) Maximum height: 90’.

- (a) If a building abuts a residential zoning district or residential use that is not zoned RE-3, it shall not be erected to a height in excess of 40 feet unless the side and/or rear yard which adjoins the residential zoning district or use is increased one (1) foot for every foot of building height in excess of 40 feet.

- (b) If a building abuts a non-residential zoning district or residential use that is zoned RE-3, no increase in side/and or rear yard is required.

- (c) Height requirements for other permitted structures are set forth in Section 12.108.

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.108, “Height limitations” by deleting subsections (1), (2) and (9) and replacing them with “Reserved”. In subsection (4), delete the phrase “subsection (1) above” and replace it with “in each zoning district”. All remaining subsections shall remain unchanged. The revisions shall read as follows:

Section 12.108. Height limitations.

Height limitations are established to allow maximum development potential without adversely impacting the character of established single family neighborhoods and ensuring the development respects and complements the surrounding development.

No structure shall exceed a height of 40 feet, except as provided in this Section or elsewhere in these regulations.

- (1) ~~A building that is not in or adjacent to a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet. Reserved.~~
- (2) ~~A building located in any zoning district, except the residential districts, which abuts a residential use or residential zoning district shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Reserved.~~
- (4) The height limitations established in ~~subsection (1) above~~ in each zoning district shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, firewalls, chimneys, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.
- (9) ~~The height limitations established in this section shall not apply to structures located in the PED, UI, UMUD, or UR-C, districts unless the districts are located next to a single family use or district as provided for in Chapter 9, Parts 4, 9 and 10. Reserved.~~

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

Approved as to form:

\_\_\_\_\_  
City Attorney

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

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

\_\_\_\_\_

<b>REQUEST</b>	Text amendment to Section 9.907 of the Zoning Ordinance
<b>SUMMARY OF PETITION</b>	The petition proposes to allow parking lot reconfiguration in the UMUD (uptown mixed use) zoning district under limited circumstances.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
<b>COMMUNITY MEETING</b>	Meeting is not required.
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because it:</p> <ul style="list-style-type: none"> <li>• Creates a vibrant economy.</li> </ul> <p>Therefore, this petition is reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• Parking lot reconfiguration that doesn't increase the size or number of parking spaces by more than five percent and that meets ordinance requirements and benefits property owners should be allowed;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Eschert/seconded by Commissioner Nelson).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition.
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<b>VOTE</b>	Motion/Second:	Eschert/Nelson
	Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan
	Nays:	None
	Absent:	Walker
	Recused:	None

<b>ZONING COMMITTEE DISCUSSION</b>	<p>Staff provided a summary of the text amendment. A question was asked about why this text amendment only applied to the UMUD zoning district and didn't include other districts. Staff replied that redevelopment of existing sites in Uptown are occurring where developers can design a better product if a land swap of equal size can be made, resulting in a better shaped site. Staff is not aware that other districts have been experiencing this problem.</p> <p>There were no further questions.</p>
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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**  
The text amendment contains the following provisions:
  - Allows existing parking lot reconfiguration by expanding the parking area onto abutting property and eliminating an equal area of existing parking in the UMUD (uptown mixed use) district if the following standards are met:



- Any parking lot reconfiguration shall not increase the square footage of the parking lot and shall not increase the number of parking spaces by more than five percent from the original number of parking spaces;
  - All parking spaces shall be located outside of the required setbacks; and
  - The existing and reconfigured portions of the parking lot shall meet the screening standards for grade level parking lots as a principal use.
- **Public Plans and Policies**
    - The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals and guiding principles to support a diverse and adaptable economy.
- 

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

- Application
- Pre-Hearing Staff Analysis
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Parks and Recreation Review

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

**TEXT AMENDMENT SUMMARY: RECONFIGURATION OF AN EXISTING PARKING LOT**

**8-18-14**

**2014-99**

**Purpose/Background:** The purpose of this text amendment is to allow parking lot reconfiguration in the Uptown Mixed Use District under limited conditions.

<b>Current Regulations</b>	<b>Proposed Regulations</b>	<b>Rationale</b>
<ul style="list-style-type: none"><li>• <b>None</b></li></ul>	<ul style="list-style-type: none"><li>• Allows reconfiguration of an existing parking lot by expanding the parking area onto abutting Uptown Mixed Use District zoned land and eliminating an equal area of existing parking if the following standards are met:<ul style="list-style-type: none"><li>• Any parking lot reconfiguration shall not increase the square footage of the parking lot and shall not increase the number of parking spaces by more than 5% from the original number of parking spaces;</li><li>• All parking spaces shall be located outside of the required setbacks; and</li><li>• The existing and reconfigured portions of the parking lot shall meet the screening standards of Section 9.906(2) (c) for grade level parking lots as a principal use.</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Adds flexibility for existing parking lots that are reconfigured.</li></ul>

Petition No: 2014-99

Petitioner: Charlotte-Mecklenburg Planning Department

ORDINANCE NO. \_\_\_\_\_

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

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

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

A. CHAPTER 9: GENERAL DISTRICTS

1. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.907, "Uptown Mixed Use District; parking and loading standards", subsection (1), "Parking standards", by adding a new subsection (l). All remaining subsections shall remain unchanged. The new subsection shall read as follows:

(l) The reconfiguration of an existing parking lot by expanding the parking area onto abutting UMUD zoned land and eliminating an equal area of existing parking shall be allowed if the following standards are met:

(a) Any parking lot reconfiguration shall not increase the square footage of the parking lot and shall not increase the number of parking spaces by more than 5% from the original number of parking spaces.

(b) All parking spaces shall be located outside of the required setbacks; and

(c) The existing and reconfigured portions of the parking lot shall meet the screening standards of Section 9.906(2)(c) for grade level parking lots as a principal use.



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

Approved as to form:

\_\_\_\_\_  
City Attorney

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

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

\_\_\_\_\_

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<b>REQUEST</b>	Current Zoning: B-1SCD (business shopping center district) Proposed Zoning: B-1SCD SPA (business shopping center district, site plan amendment)
<b>LOCATION</b>	Approximately 21.5 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow redevelopment of a limited portion of an existing shopping center. The part of the center that is included in the rezoning is currently developed with 212,654 square feet of retail uses including one freestanding parcel. Proposed changes include up to 225,753 square feet of building area through demolition and reallocation of a limited amount of existing building square footage, in addition to 17,500 square feet of new retail uses, and two accessory drive-through service windows.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval upon resolution of outstanding issues. The petition is consistent with the <i>Eastside Strategy Plan</i> , which recommends retail uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Eastway I Holdings, LLC Eastway Holdings, John Turner Kevin Ammons, ColeJenest and Stone
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

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#### **PLANNING STAFF REVIEW**

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

The site plan amendment contains the following changes:

  - Allows the demolition of a minimum 4,500 square feet of the existing buildings located along the north side of the property.
  - Adds a new 17,500-square foot building located on the north side of the property.
  - Allows two uses with accessory drive-through service windows.
  - Removes the note limiting building height above finished floor elevation to not exceed 30 feet.
  - Eliminates the three existing driveways and access points, in the event that the new building is constructed.
- **Existing Zoning and Land Use**
  - The subject property is part of an existing shopping center that consists of retail, office, distributive business and restaurant uses. Properties to the west and south are zoned R-4 (single family residential) and R-17MF (multi-family residential) and developed with single family dwellings. Properties across Eastway Drive are developed with single family and multi-family dwelling units, a strip shopping center containing retail and restaurant uses, and office uses in R-4 (single family residential), R-22MF (multi-family residential), B-1SCD (business shopping center district) and O-2 (office) zoning.

- **Rezoning History in Area**

- Petition 2014-94 rezoned 3.05 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive to B-D(CD) (distributive business, conditional) and B-D(CD) SPA (distributive business, conditional, site plan amendment) to allow reuse of a portion of an existing building for expansion of a self-storage facility.
- Petition 2013-073 rezoned 3.74 acres of an existing building vacated by Walmart from B-1SCD (business shopping center district) to B-D(CD) (distributive business, conditional) to allow reuse of the former Walmart building for a self-storage facility, rental management offices and accessory uses.

- **Public Plans and Policies**

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

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

- **Charlotte Area Transit System:** Provide a shelter pad for bus service along Central Avenue, which would replace the existing bus stop currently located near utility access panels.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** CDOT has the following requests:
    - Dedicate in fee simple additional right-of-way in the northwest quadrant of Central Avenue, in the amount of 12 feet x 115 feet on Central Avenue, and 19 feet x 125 feet on Eastway Drive.
    - Amend Note 5 as follows: Before the proposed Building A certificate of occupancy is issued, only one driveway will be permitted between Central Avenue and existing Building F. The location of Driveway #5 will be determined in the construction permitting phase and approved by CDOT and NCDOT.
    - **Vehicle Trip Generation:**  
Current Zoning: 11,240 trips per day.  
Proposed Zoning: 11,000 trips per day.
    - **Connectivity:** No issue.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Storm Water Services:** Amend Note 6 as follows: The petitioner shall comply with the approved and adopted Post Construction Controls Ordinance.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No comments received.
- 

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

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



**OUTSTANDING ISSUES**

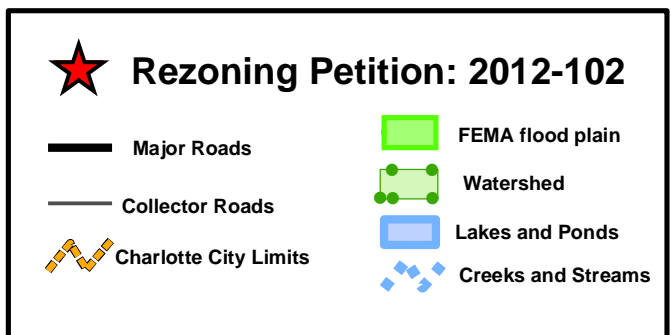
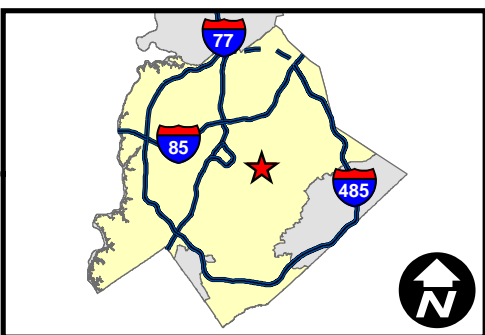
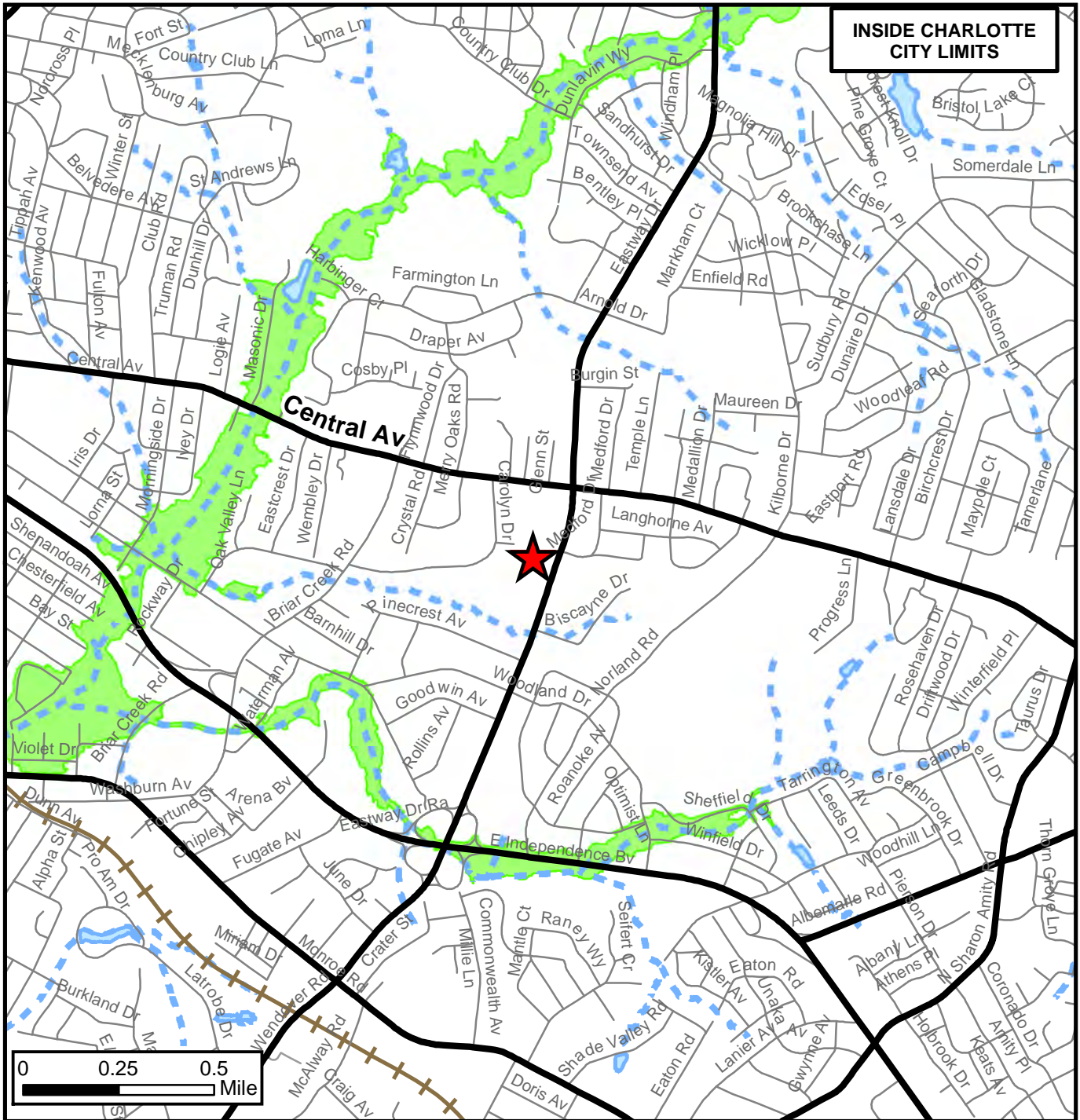
- The petitioner should:
    1. Amend Note 3 under Development Limitations to state that the minimum existing square footage of existing buildings E and D2 to be demolished will be 4,500. Specify the maximum amount of square footage from both buildings that may be demolished.
    2. Amend Proposed Development Summary to reflect total square footage for the B-1SCD SPA (business shopping center district, site plan amendment) as 225,753 square feet, which aligns with Note 3 under Development Limitations.
    3. Address CATS comment.
    4. Address CDOT comments.
    5. Address Charlotte Storm Water Services comment.
- 

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

1. Application
2. Site Plan
3. Community Meeting Report
4. Charlotte Area Transit System Review
5. Charlotte Department of Neighborhood & Business Services Review
6. Transportation Review
7. Charlotte-Mecklenburg Storm Water Services Review
8. Engineering and Property Management Review
9. Mecklenburg County Land Use and Environmental Services Agency Review
10. Mecklenburg County Parks and Recreation Review

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

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



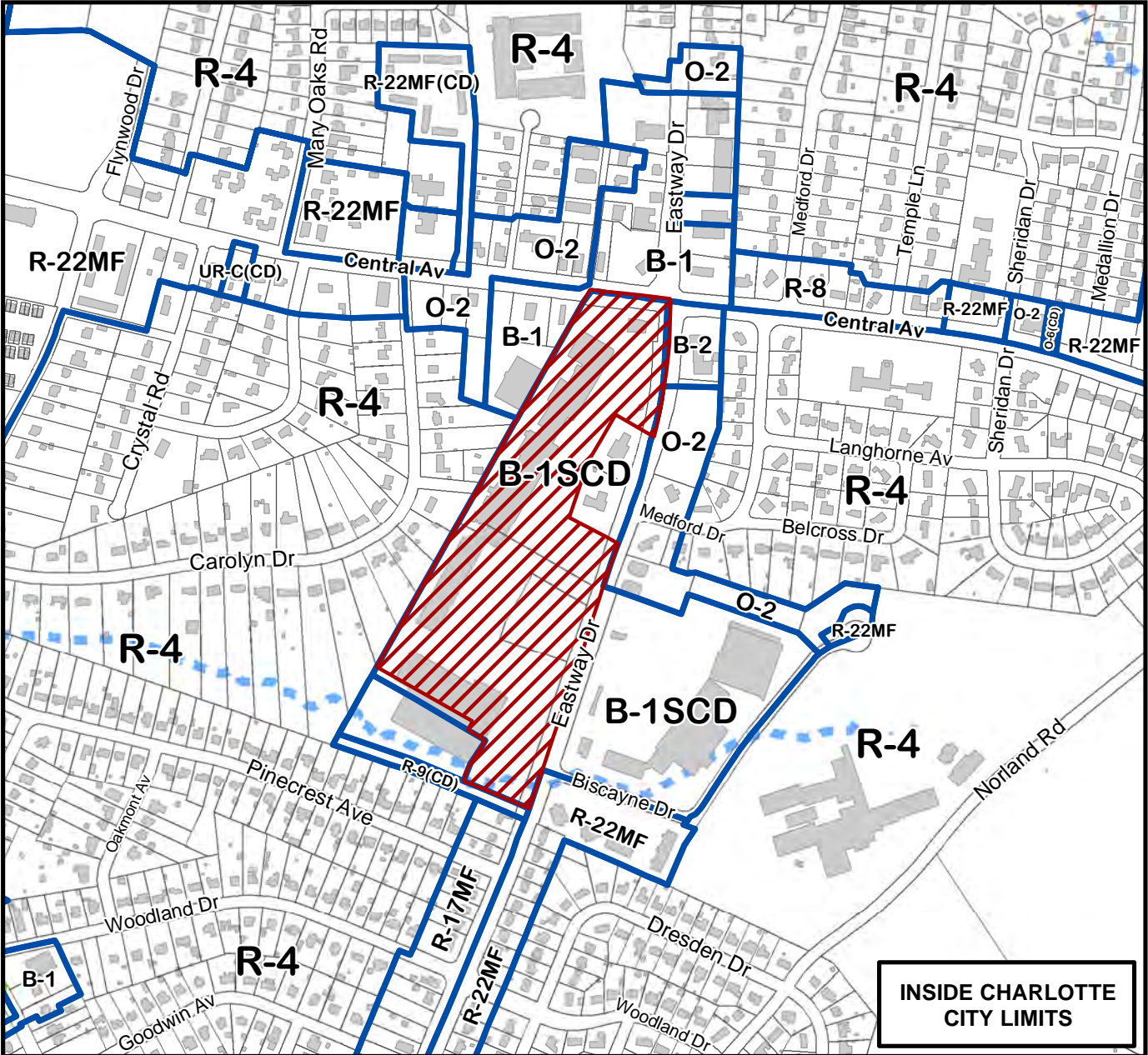
Petition #: **2012-102**

Petitioner: **Eastway Holdings**

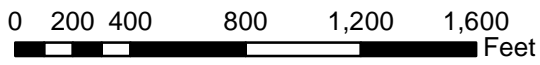
Zoning Classification (Existing): **B-1SCD**  
(Business Shopping Center District)

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

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



Map Produced by the Charlotte-Mecklenburg Planning Department, 10-30-2014.



Zoning Map #(s)  
**100, 101, 112, & 113**

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



<b>REQUEST</b>	Current Zoning: NS, neighborhood services Proposed Zoning: NS SPA, neighborhood services, site plan amendment
<b>LOCATION</b>	Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The site plan amendment proposes to allow for additional uses on the site to include up to 6,000 square feet of retail and/or automobile services, and to increase the square footage of a previously approved office building from 29,000 square feet to 30,000 square feet.
<b>STAFF RECOMMENDATION</b>	Staff does not support this petition in its current form. The approved office building is consistent with the <i>Steele Creek Area Plan</i> . However, the proposed retail automobile service center is inconsistent with the office uses recommended per the <i>Steele Creek Area Plan</i> , as amended by a previous petition.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Moss Road Development Partners, LLC Moss Road Development Partners, LLC Walter Fields
<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**

- **Background**
  - The subject site was rezoned in 2007 (rezoning petition 2007-024) from R-3 (single family residential) to NS (neighborhood services), in order to allow up to 34,000 square feet of office uses in two buildings, of which one was a 5,000-square foot bank with a drive-thru window. The approved site plan allows a two-story office building and a financial institution, along with associated parking and service areas. Staff did not support this rezoning request because it was inconsistent with the *Southwest District Plan*, which recommended single family residential up to three dwelling units per acre.
- **Proposed Request Details**

The site plan amendment contains the following changes:

  - Amends permitted uses to allow all uses in the NS (neighborhood services) district.
  - Replaces the 5,000-square foot one story bank building shown on the approved site plan with a 6,000-square foot proposed automotive services center building and slightly shifts the location of the building footprint.
  - Increases the square footage of the previously approved two-story office building from 29,000 square feet to 30,000 square feet.
  - Modifies a development note currently committing to a minimum parking ratio of one space per 200 square feet of floor area for medical office and/or bank uses and one parking space per 300 square feet of floor area for office uses, to now state that parking will meet or exceed the requirements of the Ordinance. The NS (neighborhood services) district requires one space per 600 square feet for non-residential uses.
  - Removes 25-foot height maximum for detached lighting.
  - Provides elevations of the proposed automotive services building.
- **Existing Zoning and Land Use**
  - The site is currently undeveloped and surrounded by a mix of attached and detached single family residential neighborhoods, multi-family residential, institutional, commercial, office, and warehouse uses, and undeveloped acreage on properties zoned various zoning districts.
- **Rezoning History in Area**
  - Rezoning petition 2009-002 rezoned approximately 4.80 acres located on the south side of Erwin Road between S. Tryon Street and Moss Road from R-3 (single family residential) to

I-1(CD) (general industrial, conditional), in order to allow the continuance of a public utility use on the site with the addition of a contractor's office within a recently renovated 20,000-square foot building.

- **Public Plans and Policies**

- The *Steele Creek Area Plan* (2012) recommends office land uses for this site, as amended by rezoning petition 2007-024.
- The portion of the request involving the previously approved office building is consistent with the *Steele Creek Area Plan*. The retail portion of the petition is inconsistent with the *Steele Creek Area Plan*.

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

- **Charlotte Area Transit System:** CATS has requested that the petitioner provide and construct a concrete waiting pad for the existing bus stop along South Tryon Street. The bus stop location may move to avoid blocking the proposed driveway. However, the bus stop location should remain outside of either right-turn lane to the new driveway or to Moss Road, since bus routes serving the stop continue straight on South Tryon Street. CATS has provided an image of the standard detail for the requested bus stop pad. The site plan may either show the conceptual location of the improved bus stop on South Tryon Street, or alternatively, include a development note to locate the bus stop pad during the development review and permitting process.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Transportation:**
  - CDOT will require that the petitioner extend the existing eastbound right-turn lane on South Tryon Street, back to the proposed driveway and use pavement markings to create a median curb radius extension and right-turn lane bay taper (depiction provided in CDOT memorandum).
  - **Vehicle Trip Generation:**  
Current Zoning: 1,500 trips per day.  
Proposed Zoning: 650 trips per day.
  - **Connectivity:** See comment above.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** Storm Water Services has requested that the following note be placed on the site plan under "Environmental Features": "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** The petitioner should address the following:
  - Correct the typographical error in the note under the Environmental Features heading to read: "The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review..."
  - Existing trees must be preserved to meet tree save requirements per Charlotte Tree Ordinance Section 21-94.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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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**

- Land use
    1. The retail portion of the rezoning request is inconsistent with the *Steele Creek Area Plan*, which recommends office as amended by rezoning petition 2007-024.
  - If this petition is considered for approval, the petitioner should:
    1. Provide a Development Data Table and include proposed use(s) and maximum building height.
    2. Limit uses to personal services and eliminate retail uses.
    3. Address CATS, CDOT, Engineering and Property Management, and Storm Water Services comments.
    4. Limit maximum height of detached lighting to 25 feet and note light fixtures will be full cut-off and downwardly directed.
- 

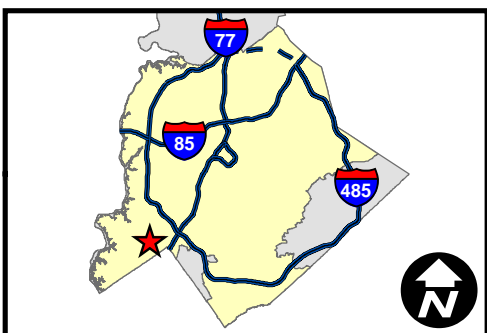
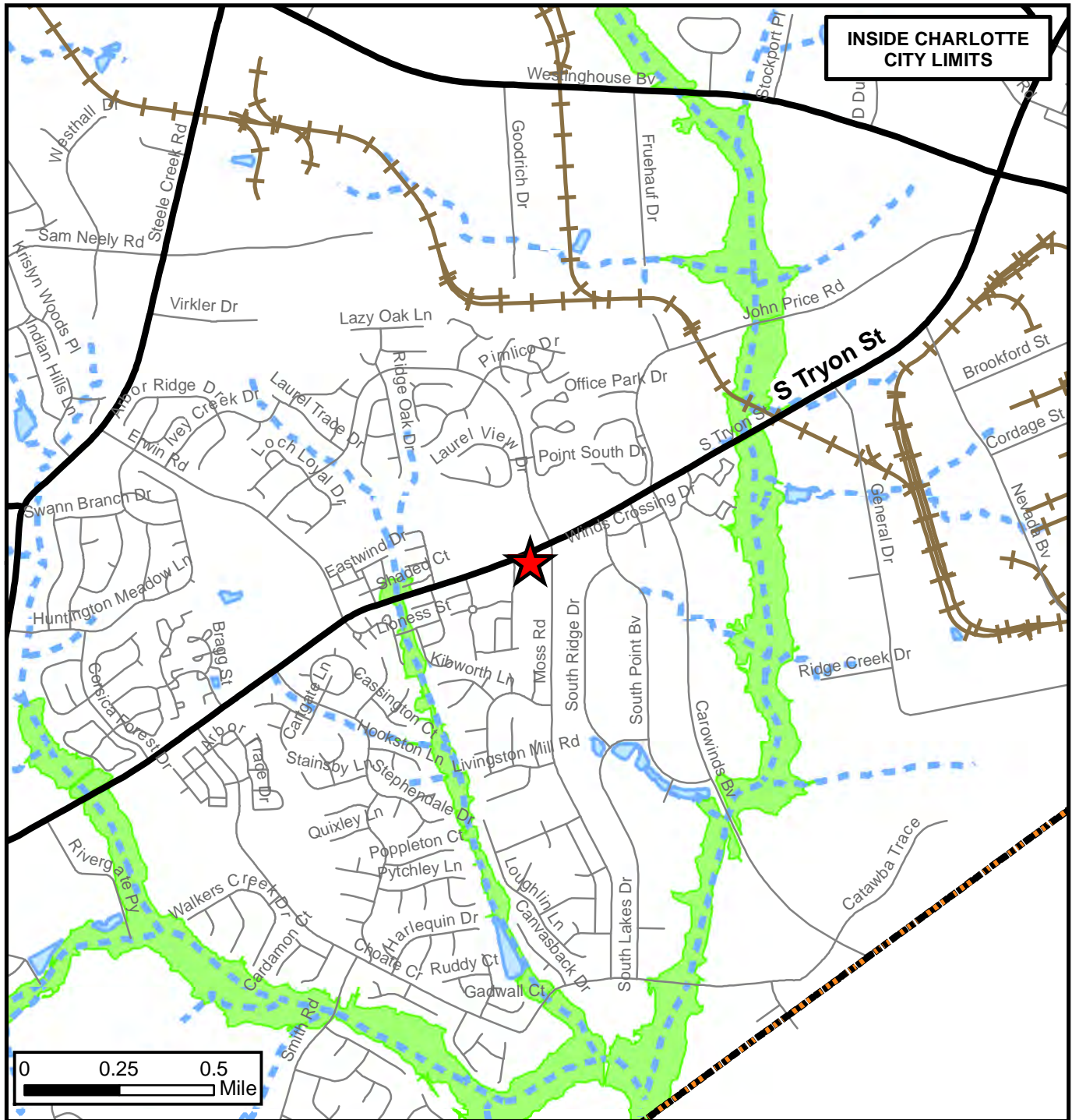
**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- 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
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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



**Acresage & Location :** Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road.



**★ Rezoning Petition: 2014-042**

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

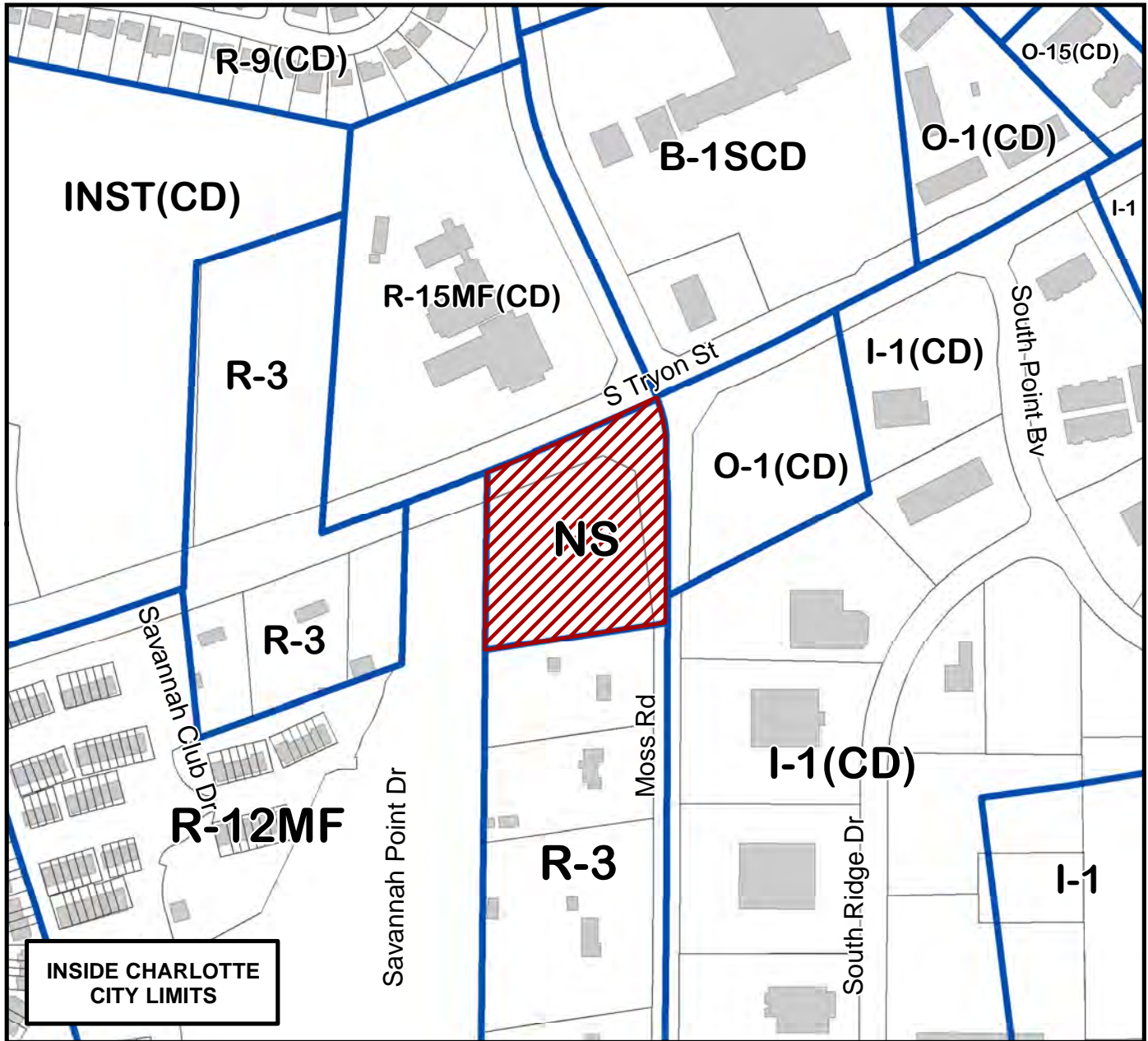
Petition #: **2014-042**

Petitioner: **Moss Road Development Partners, LLC**

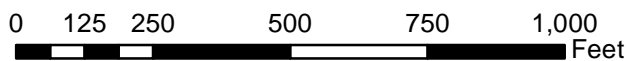
Zoning Classification (Existing): **NS**  
(Neighborhood Services)

Zoning Classification (Requested): **NS (S.P.A.)**  
(Neighborhood Services, Site Plan Amendment)

Acreage & Location: Approximately 2.81 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road.

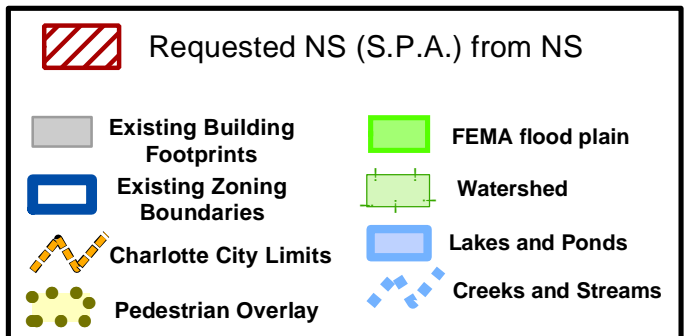


Map Produced by the Charlotte-Mecklenburg Planning Department, 4-8-14.



Zoning Map #(s)

**155**







08 | PEP BOYS REAR

scale: N.T.S.



07 | PEP BOYS ENTRY

scale: N.T.S.



06 | PEP BOYS S. TYRON

scale: N.T.S.



05 | OFFICE BUILDING FRONT ELEVATION

scale: 1/2" = 1'

Missouri State  
Conditional Development Standards

General Provisions

- Development of the site will be controlled by the standards depicted on this site plan and by the standards of the Missouri Zoning Ordinance. The development proposed on this plan is intended to conform to the requirements of the Missouri Zoning Ordinance, and the owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
- The Permittee acknowledges that other standard development requirements may apply to this development, such as those that regulate signs, setbacks, trees, historic preservation, and site development, and the Permittee agrees to comply with all applicable requirements. The Permittee shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
- Throughout this Ordinance, the terms "owner," "owner's agent," "applicant," "permittee," "owner's agent," and "owner's representative" shall mean the person or persons who are the owner or owners of the land on which the development is proposed to be located.

Purpose

The purpose of this site plan is to provide for the location of an automobile service center and to provide for the location of an office building on the site. The site plan is intended to provide for the location of an automobile service center and to provide for the location of an office building on the site. The site plan is intended to provide for the location of an automobile service center and to provide for the location of an office building on the site.

Permitted Uses

The uses permitted on this property are those uses that are permitted in the Missouri Zoning Ordinance, and the Permittee shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

Construction

- Access to the site will be provided by driveway connections to Missouri Road and NC 49 as presently depicted on this site plan. The driveway connections to NC 49 are subject to the review and approval of the Missouri Department of Transportation.
- Public uses are prohibited on this site. The site plan is intended to provide for the location of an automobile service center and to provide for the location of an office building on the site. The site plan is intended to provide for the location of an automobile service center and to provide for the location of an office building on the site.
- All new water service shall be installed along Missouri Road in accordance with the requirements of the Missouri Department of Transportation. The water service shall be installed along Missouri Road in accordance with the requirements of the Missouri Department of Transportation. The water service shall be installed along Missouri Road in accordance with the requirements of the Missouri Department of Transportation.
- The Permittee shall obtain all necessary permits and approvals from the appropriate authorities. The Permittee shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

Architectural Standards

The development of the site will be governed by the standards of the Missouri Zoning Ordinance for the NS district. The Permittee shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

Neighborhood and Landscaping

The landscape buffer along the western and southern property edges will include a wood fence and landscape materials as noted on the site plan.

Environmental Features

The location, use and type of storm water management systems required on the site shall be subject to the review and approval of the Missouri Department of Transportation. The Permittee shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

Parks, Open Space, and Open Space

Revised

Signage

Revised

Lighting

Exterior lighting on the site will utilize full cutoff luminaires and no "uplight" type lighting will be allowed, except that architectural lighting on the exterior of buildings will be permitted.

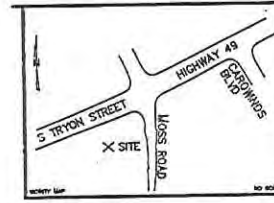
Planting

The Permittee may plant the development of the site and an ability will install the necessary and required tree plantings for the purposes of the site plan as developed at any one time, even if those plantings will be removed and replaced with the same or similar plants at a later date.

Final Submittals

Final Submittals 10/24/14

Revised per Missouri Department of Transportation 10/24/14



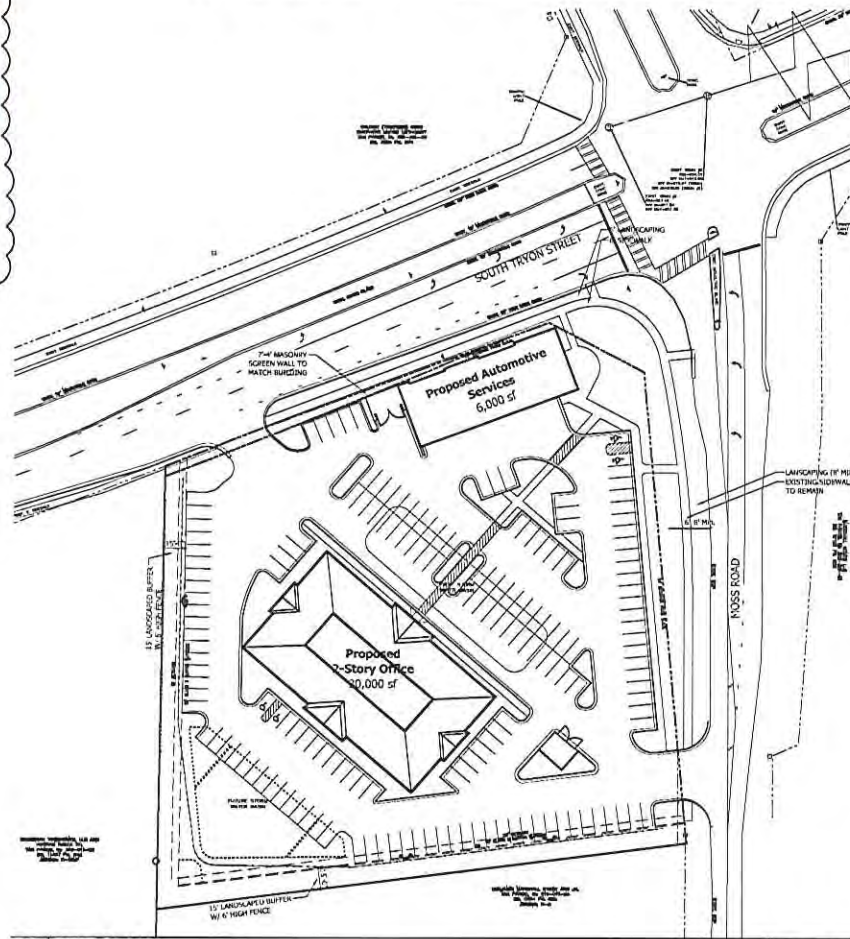
03 | VICINITY MAP

scale: N.T.S.

02 | SITE DATA

scale: N.T.S.

TAX PARCEL NO.: 219-011-05  
SITE AREA: Approx. 2.84 Acres  
EXISTING ZONING: NS  
PROPOSED ZONING: NS-SPA  
BUILDING AREA PROPOSED: 36,000 sf



01 | SITE PLAN

scale: 1" = 40'

04 | NOTES

scale: N.T.S.

OD  
overcash demmitt

2010 south union st. suite 10  
charlotte north carolina 28203  
office: 704.332.1615  
web: www.odarch.com



PROPOSED DEVELOPMENT

MOSS ROAD & SOUTH TRYON STREET  
CHARLOTTE, NORTH CAROLINA

For Public Hearing  
Petition No. 2014-42

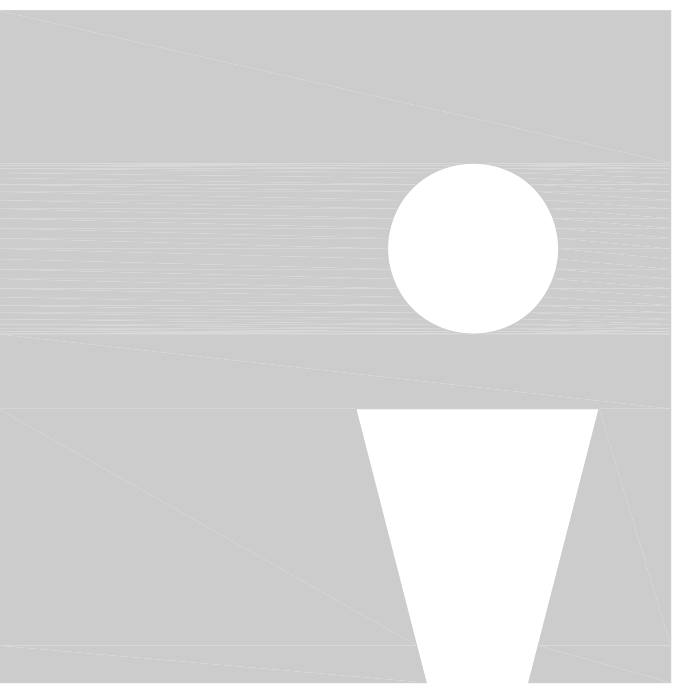
ISSUE	DATE
ZONING SUBMITTAL	03.24.14
REVISIONS	05.16.14
REVISIONS	07.24.14
REVISIONS	10.15.14

ILLUSTRATIVE PLAN & NOTES

RZ-1

Copyright 2014 Overcash Demmitt Architects  
00 No. 00001





**ODa**  
overcash demmitt

2010 south tryon st. suite 1a  
charlotte north carolina 28203  
office.704.332.1615  
web.www.odarch.com



**PROPOSED DEVELOPMENT**

MOSS ROAD & SOUTH TRYON STREET  
CHARLOTTE, NORTH CAROLINA

For Public Hearing  
Petition No. 2014-42

ISSUE	DATE
ZONING SUBMITTAL	03.24.14
COMMENT REVISIONS	05.16.14
REVISIONS	07.24.14
REVISIONS	10.15.14
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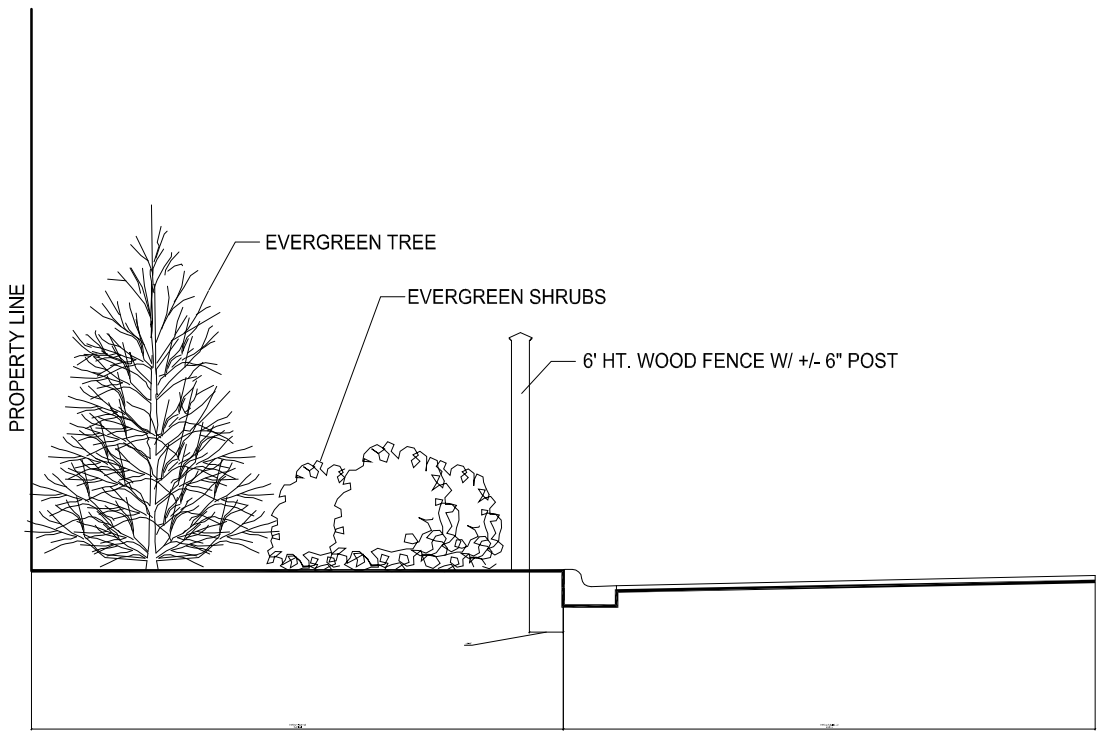
**PLANTING PLAN & NOTES**

**RZ-2**

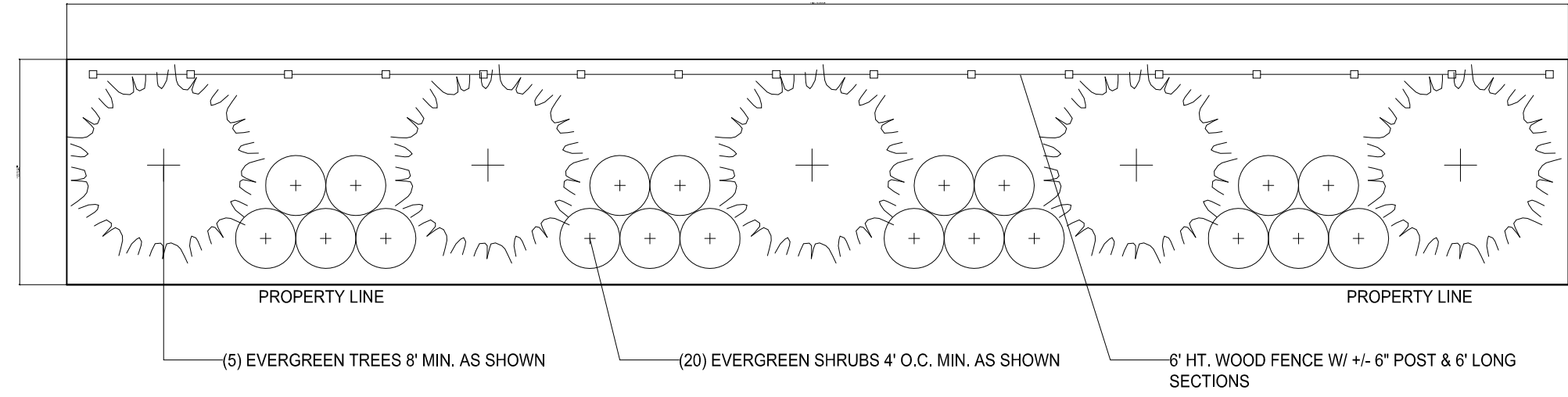
Copyright 2014 Overcash Demmitt Architects  
004 No. 062042 draw/2042\_RZ-1.dwg

CHARLOTTE PERIMETER TREE REQUIREMENT	CHARLOTTE INTERNAL PLANTING REQUIREMENT
LARGE MATURING TREES	IMPERVIOUS AREA: +/- 88,799 SF.
MOSS ROAD FRONTAGE: +/- 360.00 LF.	LANDSCAPE AREA: +/- 34,958 SF.
+/- 360.00LF. / 40 FT. SPACING = 9 TREES	
9 TREES PROVIDED ALONG MOSS ROAD & SMALL MATURING TREES	TOTAL SITE AREA: +/- 123,757 SF. (+/-2.84 AC.)
SOUTH TRYON STREET FRONTAGE: +/- 240.00 LF.	TOTAL SITE IMPERVIOUS: 71.75%
+/- 240.00 LF. / 30 FT. SPACING = 8 TREES	TOTAL SITE PERVIOUS: 28.25%
8 TREES PROVIDED ALONG SOUTH TRYON STREET	IMPERVIOUS AREA +/- 90,109 SF. / 10,000 SF. = 8.8799 TREES
	TOTAL INTERNAL TREES PROVIDED + 9

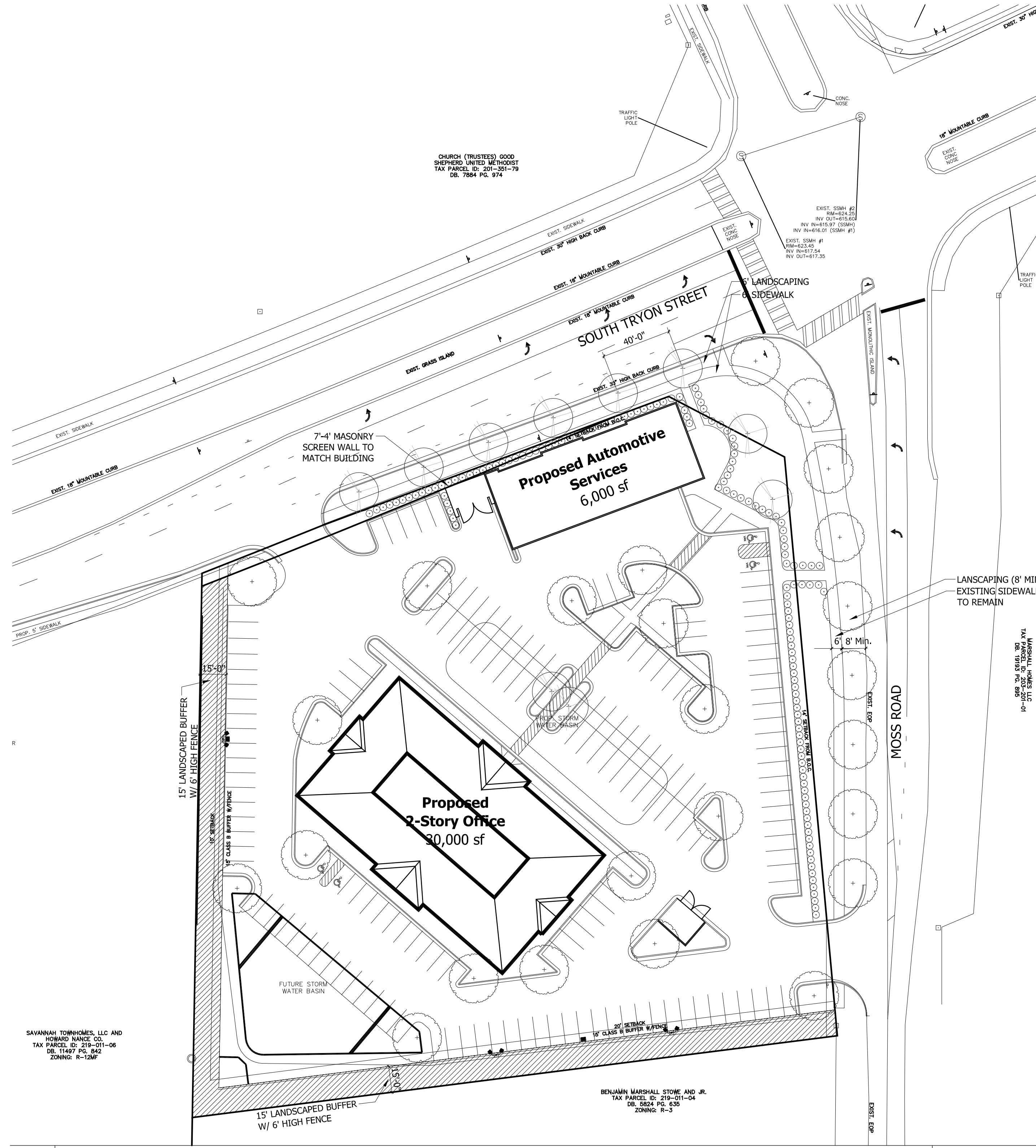
**04 PLANTING & SITE DATA** scale: N.T.S.



**03 TYPICAL SECTION BUFFER REQUIREMENTS PLAN** scale: 1"=5'



**02 TYPICAL PLAN BUFFER REQUIREMENT PLAN** scale: 1"=10'



**01 PLANTING PLAN** scale: 1"=40'

Previously  
Approved  
Site  
Plan







**Note: The petitioner is requesting a deferral of this petition to March 16, 2015.**

---

<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.
- 

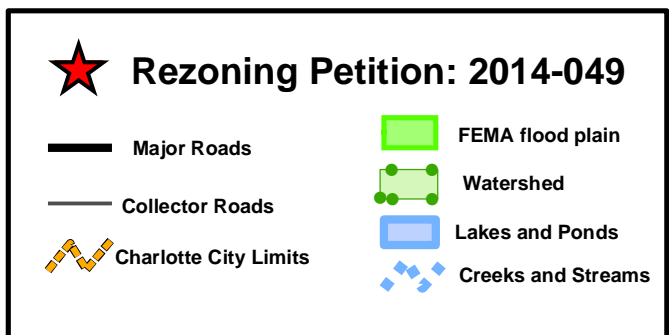
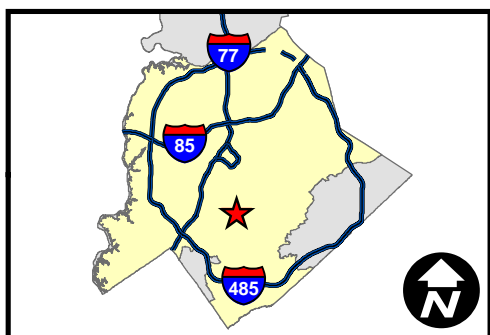
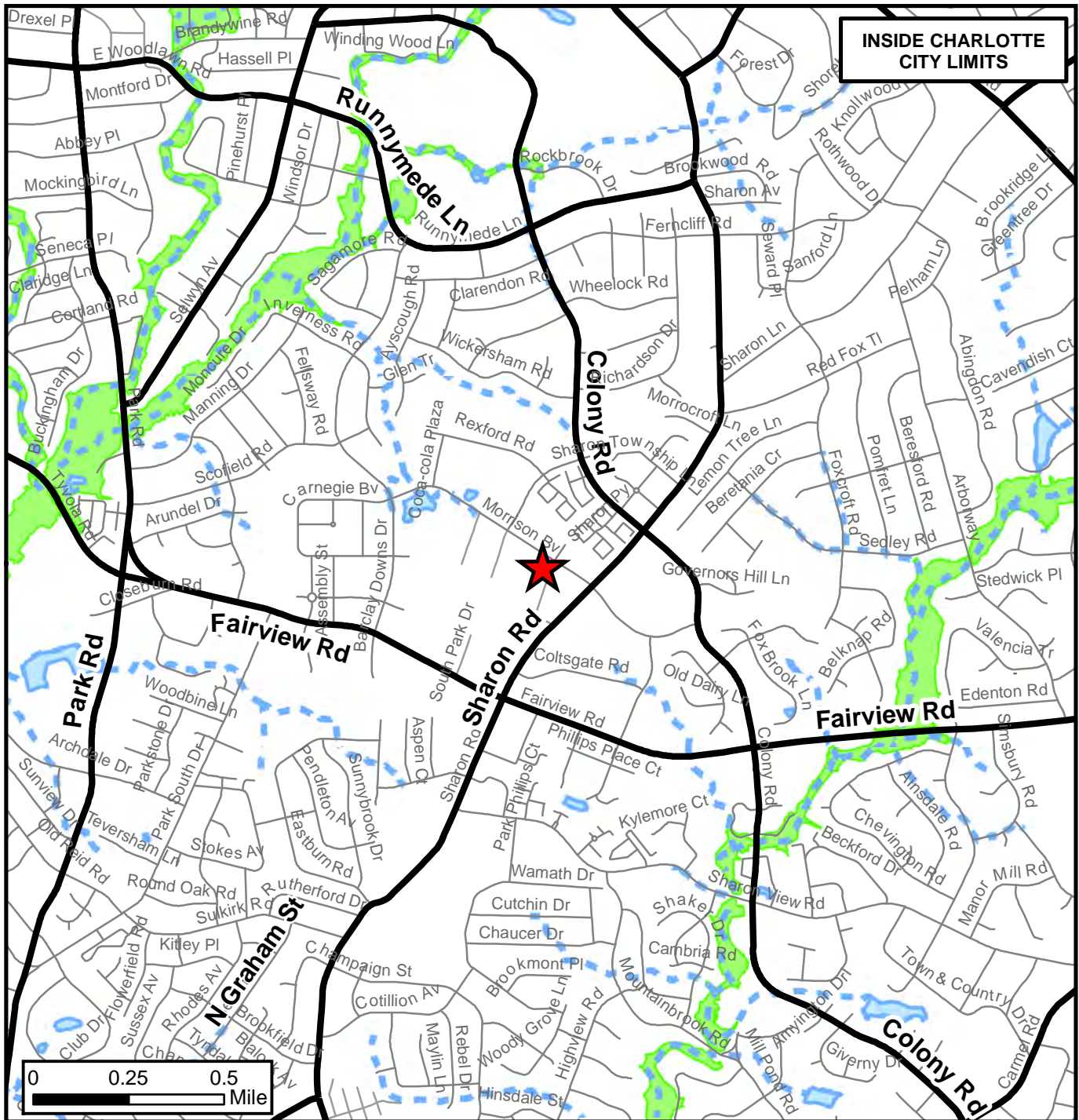
#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- 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.



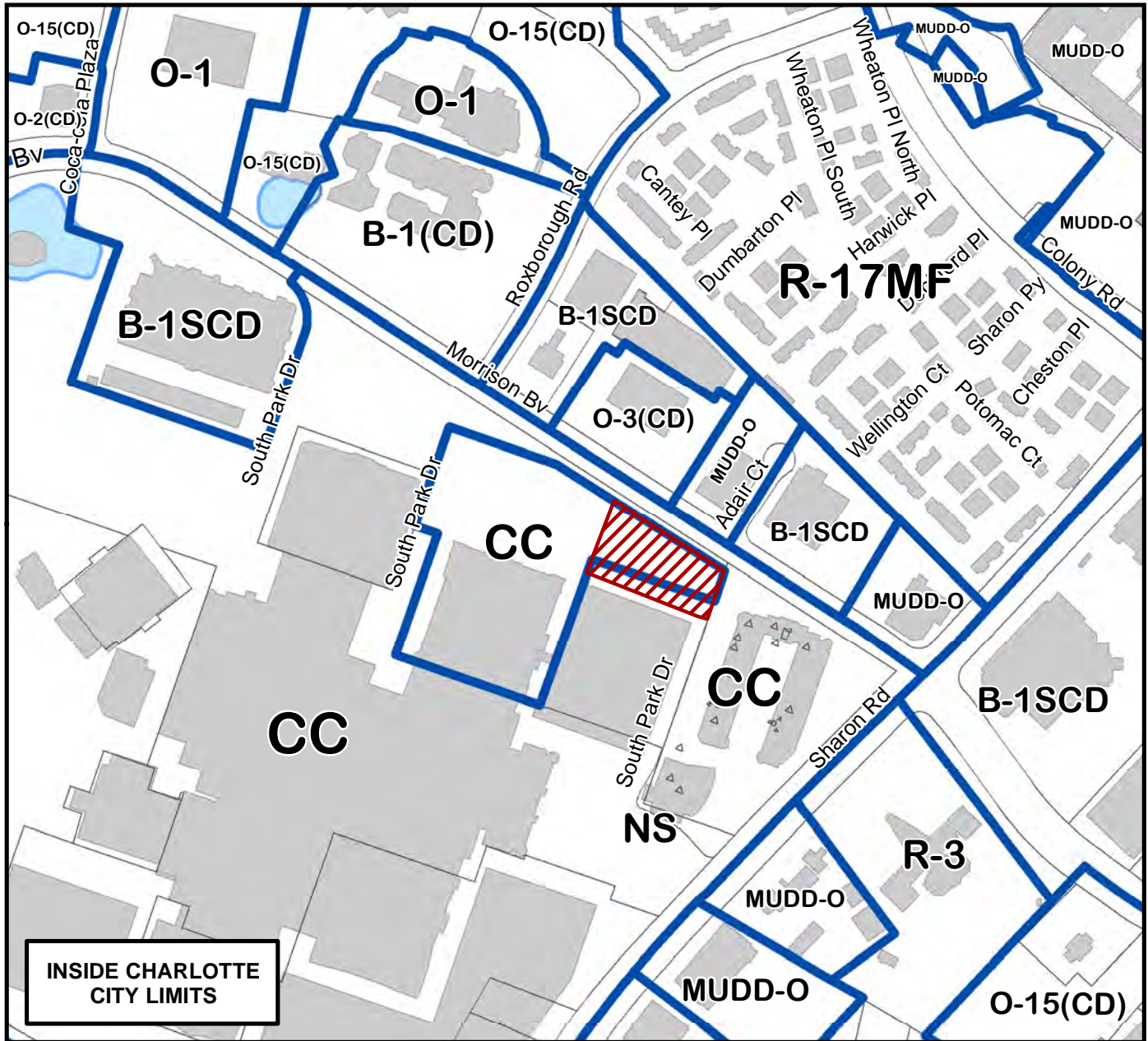
Petition #: **2014-049**

Petitioner: **SBBH, LLC**

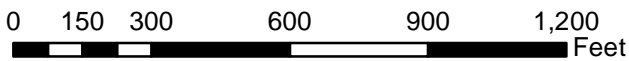
Zoning Classification (Existing): **CC**  
(Commercial Center)

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.

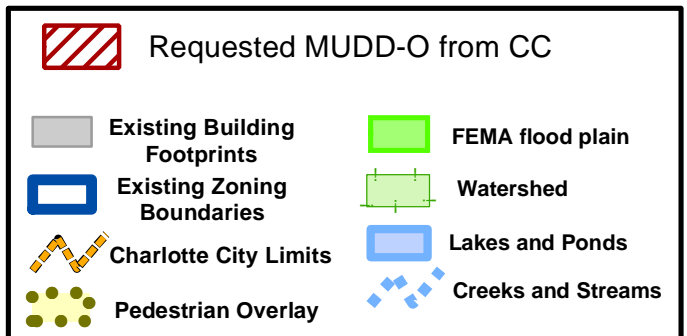


Map Produced by the Charlotte-Mecklenburg Planning Department, 4-17-14.



Zoning Map #(s)

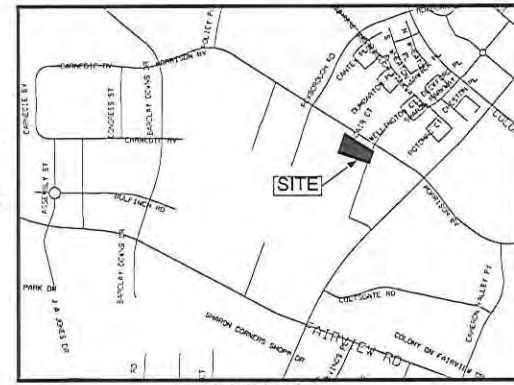
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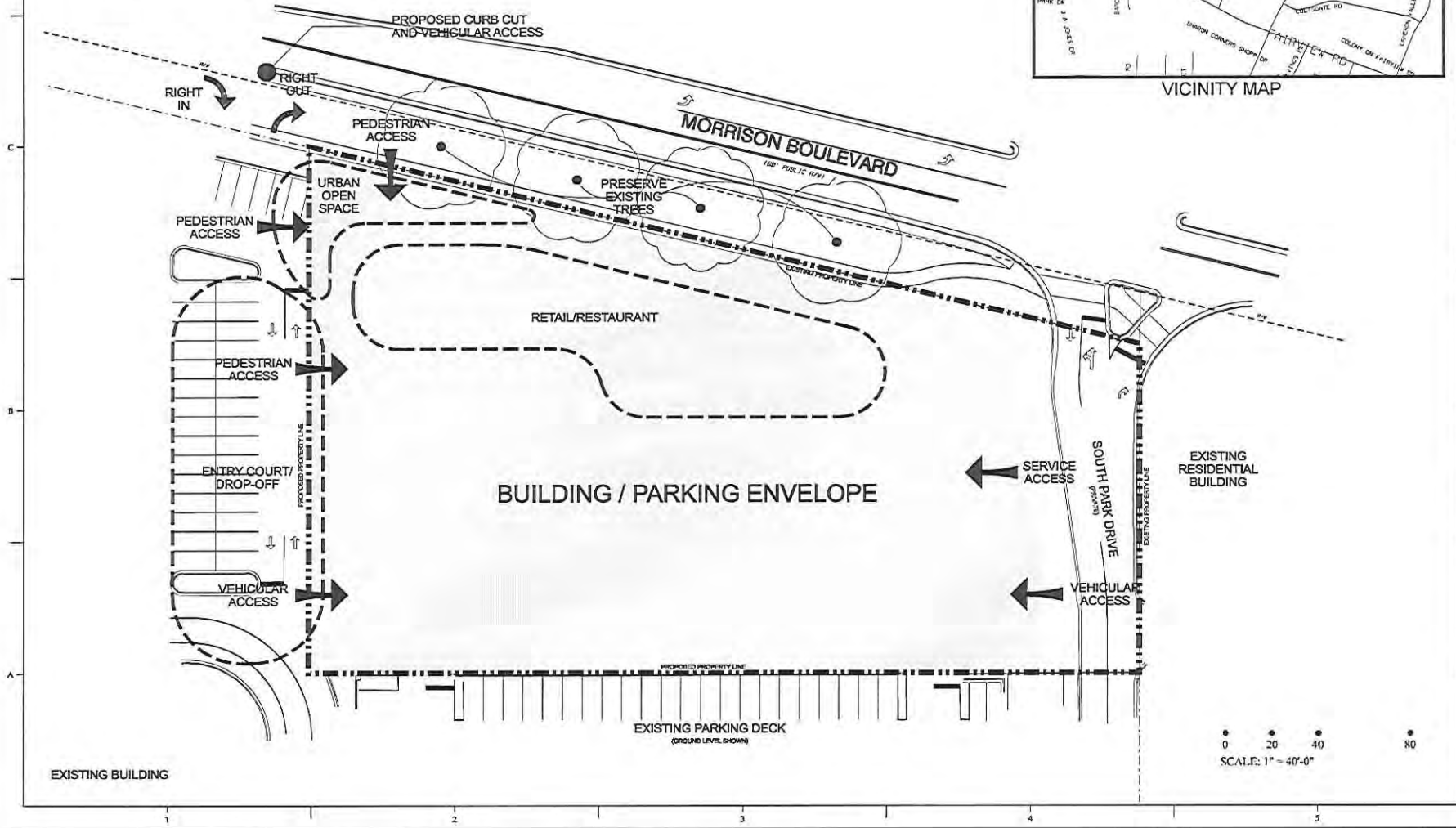


**Site Development Data:**

- 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.



VICINITY MAP



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SPECTRUM PROPERTIES



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PROJECT: 980-1388  
DATE: JUNE 26, 2014  
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**RZ-1.0**  
TECHNICAL DATA SHEET

SOLUTIONS THROUGH LISTENING  
NATIVE DESIGN  
REZONING PETITION # 1 2014-049



SBBH, LLC  
Development Standards  
06/18/14  
Rezoning Petition No. 2014-000

**Site Development Data:**

- Acreage: ± 1.53 acres
- Tax Parcel #: A portion of 177-051-11
- 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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RZ-2.0  
DEVELOPMENT  
STANDARDS

SOLUTIONS THROUGH LISTENING  
SERVICE THROUGH DESIGN

REZONING PETITION #: 2014-000



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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RZ-2.1  
DEVELOPMENT  
STANDARDS

SOLUTIONS THROUGH LISTENING  
NATURE Y DESIGN  
REZONING PETITION # 1 2014-040



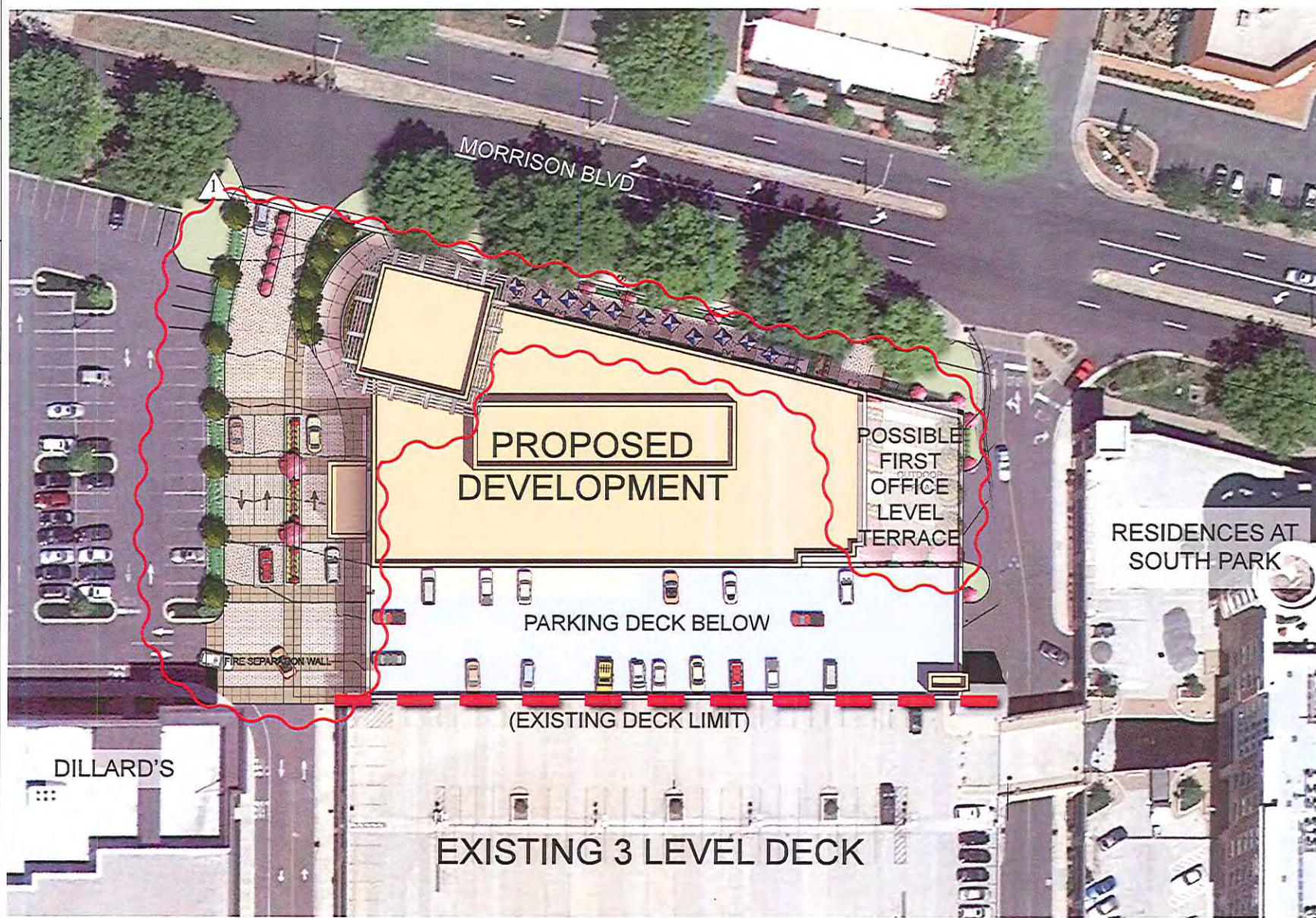


ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUDD REVIEW PROCESS.

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SCALE: 1" = 40'-0"

**MORRISON BLVD OFFICE PROJECT**  
CHARLOTTE, NC

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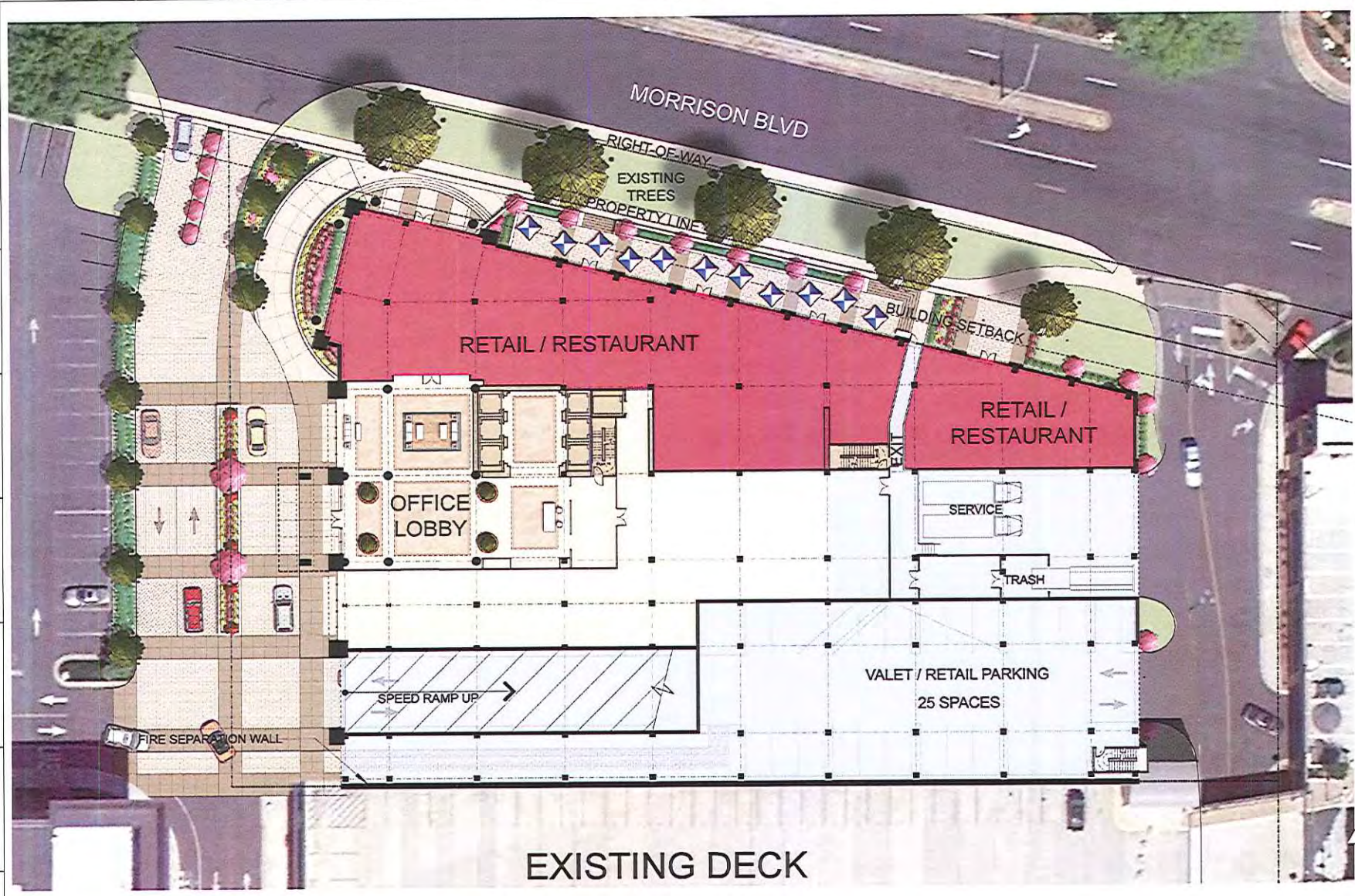
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PROJECT: 980-13488  
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**RZ-3.0**  
PROPOSED ILLUSTRATIVE MASTER PLAN

SOLUTIONS THROUGH LISTENING  
SERVICE BY DESIGN  
REZONING PETITION #: 2014-049



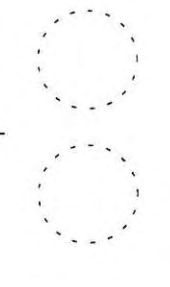


**MORRISON BLVD OFFICE PROJECT**  
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**RZ-3.1**  
 FIRST FLOOR  
 PLAN

SOLUTIONS THROUGH LISTENING  
 SERVICE DESIGN  
 REZONING PETITION #: 2014-048

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REVISIONS:

△ JUNE 30, 2014

PROJECT: 0103-13400

DATE: JUNE 26, 2014

DRAWN BY:

CHECKED BY:

RZ-4.0  
CONCEPTUAL  
RENDERING

SOLUTIONS THROUGH LISTENING  
NEWBOLD CONSULTING

REZONING PETITION #: 2014-049



ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUDD REVIEW PROCESS.





**MORRISON  
BLVD  
OFFICE  
PROJECT**  
CHARLOTTE, NC

SPECTRUM PROPERTIES

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REVISIONS:  
▲ JUNE 26, 2014

PROJECT: 13083-13088  
DATE: JUNE 26, 2014  
DRAWN BY:  
CHECKED BY:

**RZ-4.1**  
PROPOSED  
MORRISON  
BLVD (NORTH)  
ELEVATION

SOLUTIONS THROUGH LISTENING  
NEWBOLD DESIGN  
REZONING PETITION #: 2014-048

ILLUSTRATION IS SCHEMATIC AND PRELIMINARY IN NATURE AND SUBJECT TO MODIFICATIONS AFTER REZONING DURING THE MUDD REVIEW PROCESS.

(NOT TO SCALE)

1 2 3 4 5





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(NOT TO SCALE)

**MORRISON  
BLVD  
OFFICE  
PROJECT**  
CHARLOTTE, NC

SPECTRUM PROPERTIES

**LS3P**

**LS3P ASSOCIATES LTD.**  
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**REVISIONS:**  
▲ JUNE 26, 2014

**PROJECT:** 9903-12488  
**DATE:** JUNE 26, 2014  
**DRAWN BY:**  
**CHECKED BY:**

**RZ-4.2**  
PROPOSED  
EAST  
ELEVATION

**SOLUTIONS THROUGH LISTENING**  
SERVICE • DESIGN  
**REZONING PETITION #: 2014-049**



POSSIBLE SIGN LOCATION

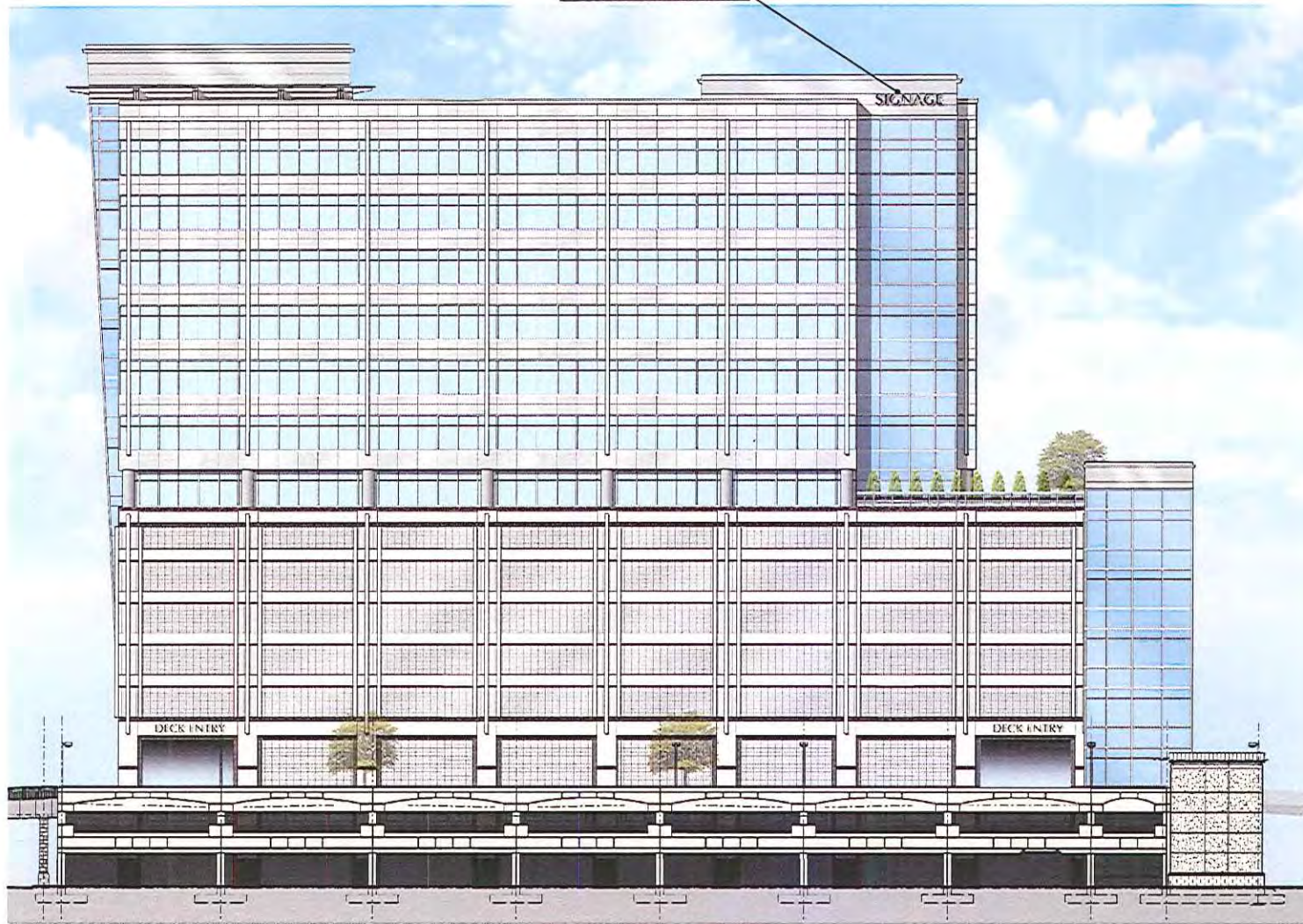


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(NOT TO SCALE)

MORRISON  
BLVD  
OFFICE  
PROJECT  
CHARLOTTE, NC

SPECTRUM PROPERTIES

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REVISIONS:

△ JUNE 30, 2014

PROJECT: 982-13488

DATE: JUNE 25, 2014

DRAWN BY:

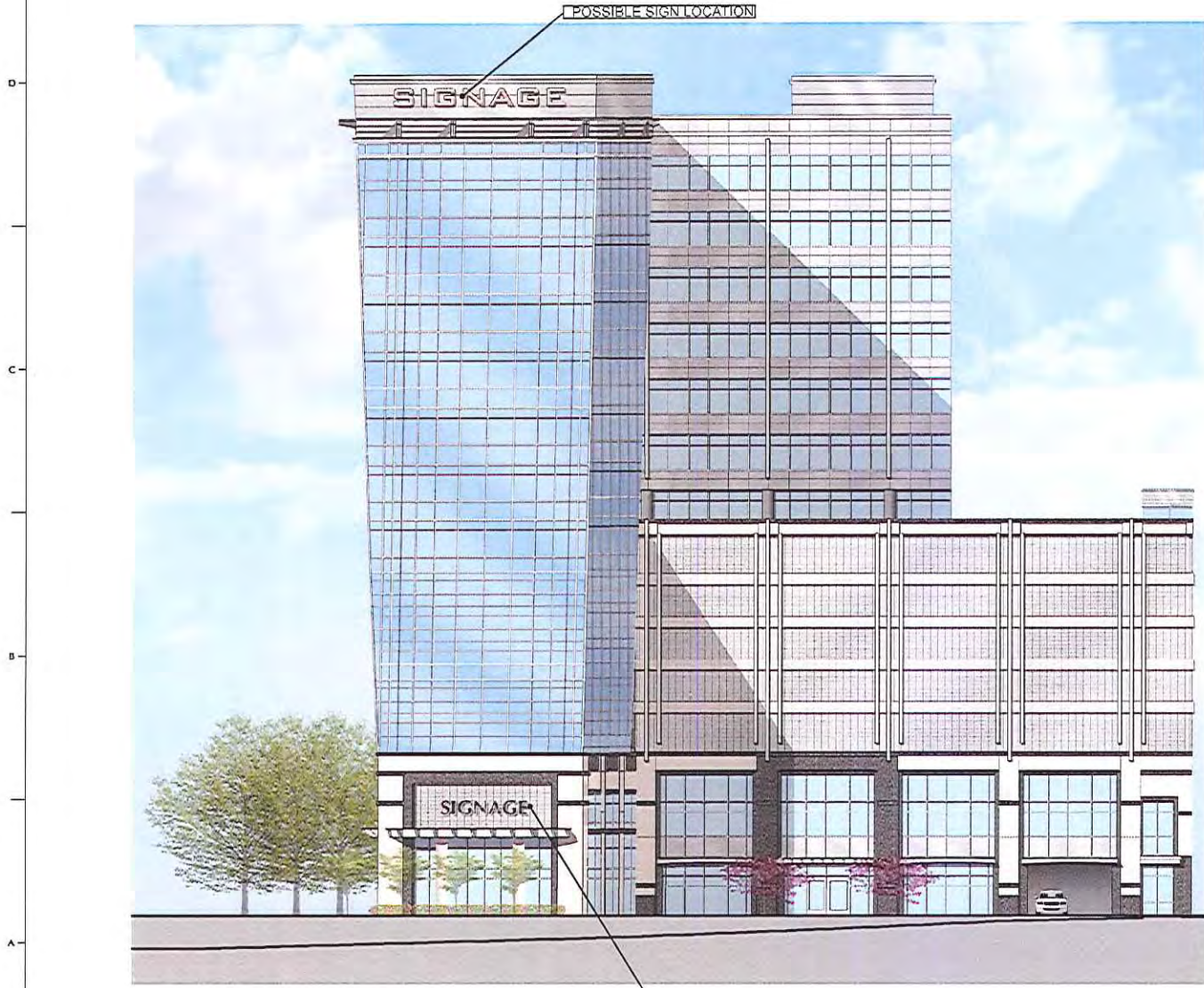
CHECKED BY:

RZ-4.3  
PROPOSED  
SOUTH  
ELEVATION

SOLUTIONS THROUGH LISTENING  
SERVICE DESIGN

REZONING PETITION #: 2014-040





D  
C  
B  
A

POSSIBLE SIGN LOCATION

SIGNAGE

SIGNAGE

POSSIBLE SIGN LOCATION

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(NOT TO SCALE)

1 2 3 4 5

**MORRISON  
BLVD  
OFFICE  
PROJECT**  
CHARLOTTE, NC

SPECTRUM PROPERTIES

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REVISIONS:  
▲ JUNE 26, 2014

PROJECT: 1308-13488  
DATE: JUNE 26, 2014  
DRAWN BY:  
CHECKED:

**RZ-4.4**  
PROPOSED  
WEST  
ELEVATION

SOLUTIONS THROUGH LISTENING  
SERVICE DESIGN  
REZONING PETITION #: 2014-049





---

<b>REQUEST</b>	Current Zoning: I-2 (general industrial) Proposed Zoning: MUDD-O (mixed use development, optional)
<b>LOCATION</b>	Approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive. (Council District 2 - Austin)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses permitted in the MUDD (mixed use development) zoning district.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is inconsistent with the <i>Central District Plan</i> ; however, the petition is consistent with the <i>Center City 2020 Vision Plan</i> and the development pattern in the area.
<b>PROPERTY OWNER</b>	City of Charlotte
<b>PETITIONER</b>	City of Charlotte
<b>AGENT/REPRESENTATIVE</b>	Jim Metze, 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: 6

---

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows all uses in the MUDD (mixed use development) district, with the intended use of the building to be constructed in Phase 1 as a government service facility and the building constructed in Phase 2 as any use permitted in the MUDD (mixed use development) district.
- Provides a new public street through the southern edge of the site with sidewalks and planting strips on both sides.
- Provides an 11.5-foot side yard along the northeastern property line.
- Provides a pedestrian refuge island along Statesville Avenue with the final location to be determined during construction plan review and permitting.
- Provides a 30-foot setback with a 12-foot planting strip, eight-foot sidewalk, and ten-foot amenity zone along Statesville Avenue, and an 18-foot setback with a 12-foot planting strip and six-foot sidewalk along North Graham Street.
- Provides pedestrian connections throughout the site and to adjacent properties.
- Phased development in two parts. Phase 1 includes:
  - Construction of a four-story government services building along Statesville Avenue.
  - A surface parking lot to the east and a landscaped building pad for Phase 2 development.
  - Building materials include a combination of brick veneer, glass, pre-finished metal panel accents, and solar screens.
  - Building may provide a metal canopy at the public/visitor entrance along Statesville Avenue and may project into the amenity zone of the Statesville Avenue setback.
  - Includes architectural renderings of the Phase 1 building.
  - Optional provision:
    - To allow parking between the building and North Graham Street setback during Phase 1, prior to the construction of the Phase 2 building.
- Phase 2 includes:
  - The development of a mixed-use building constructed to MUDD (mixed use development) standards on the pad provided in Phase 1 along North Graham Street and the construction of a parking deck over a portion of the surface parking lot constructed in Phase 1.
- **Existing Zoning and Land Use**
  - The majority of the property is currently vacant. A warehouse is located on Statesville Avenue just south of the railroad.
  - Properties north, south and east of the site are zoned I-2 (general industrial) and used for a mixture of government service, industrial and commercial uses. A high school is across North

Graham to the northeast of the site. Properties to the west are zoned R-17MF (multi-family residential) and O-6(CD) (office, conditional) and are developed with religious institution and office uses.

- **Rezoning History in Area**

- Petition 2013-096 rezoned property located on the west side of North Graham Street and Spratt Street between Music Factory Boulevard and Oliver Street from I-1 (light industrial) and I-1(CD) (light industrial, conditional) to I-1(CD) (light industrial, conditional) and I-1(CD) SPA (light industrial, conditional, site plan amendment) to allow the expansion of Second Harvest Food Bank and permitted office, warehouse and distribution uses.
- Petition 2012-043 rezoned property located on the north and south sides of NC Music Factory Boulevard near the intersection of Interstate 277 and North Graham Street from I-1 (light industrial), I-1(CD) (light industrial, conditional) and I-2 (general industrial) to MUDD(CD) (mixed used development, conditional) to allow for up to 250 multi-family residential units.
- Petition 2009-024 rezoned property located on the northwest corner of Keswick Avenue and Bancroft Street from O-2 (office) to I-2(CD) (general industrial) to allow a warehouse expansion with permitted uses including warehousing, manufacturing, and machine shop.

- **Public Plans and Policies**

- The *Central District Plan* (1993) recommends industrial uses for the site.
- The petition is inconsistent with the *Central District Plan*; however, the petition is consistent with the development pattern of the area.
- The site is located within the Applied Innovation Corridor, which is an area identified in the *Center City 2020 Vision Plan* for targeted economic growth and industry recruitment to leverage the City's academic and research capital with its business assets. The petition is consistent with the recommendations and goals of the *Center City 2020 Vision Plan*.

---

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**  
Current Zoning: 1,100 trips per day.  
Proposed Zoning: 3,500 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

---

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

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



**OUTSTANDING ISSUES**

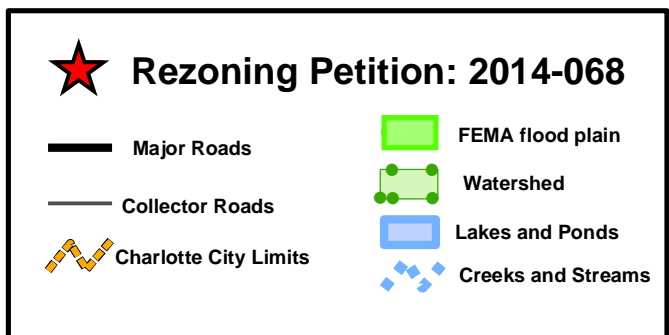
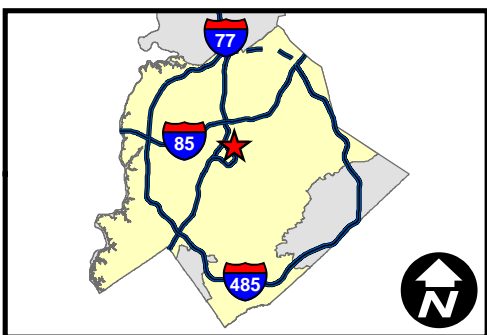
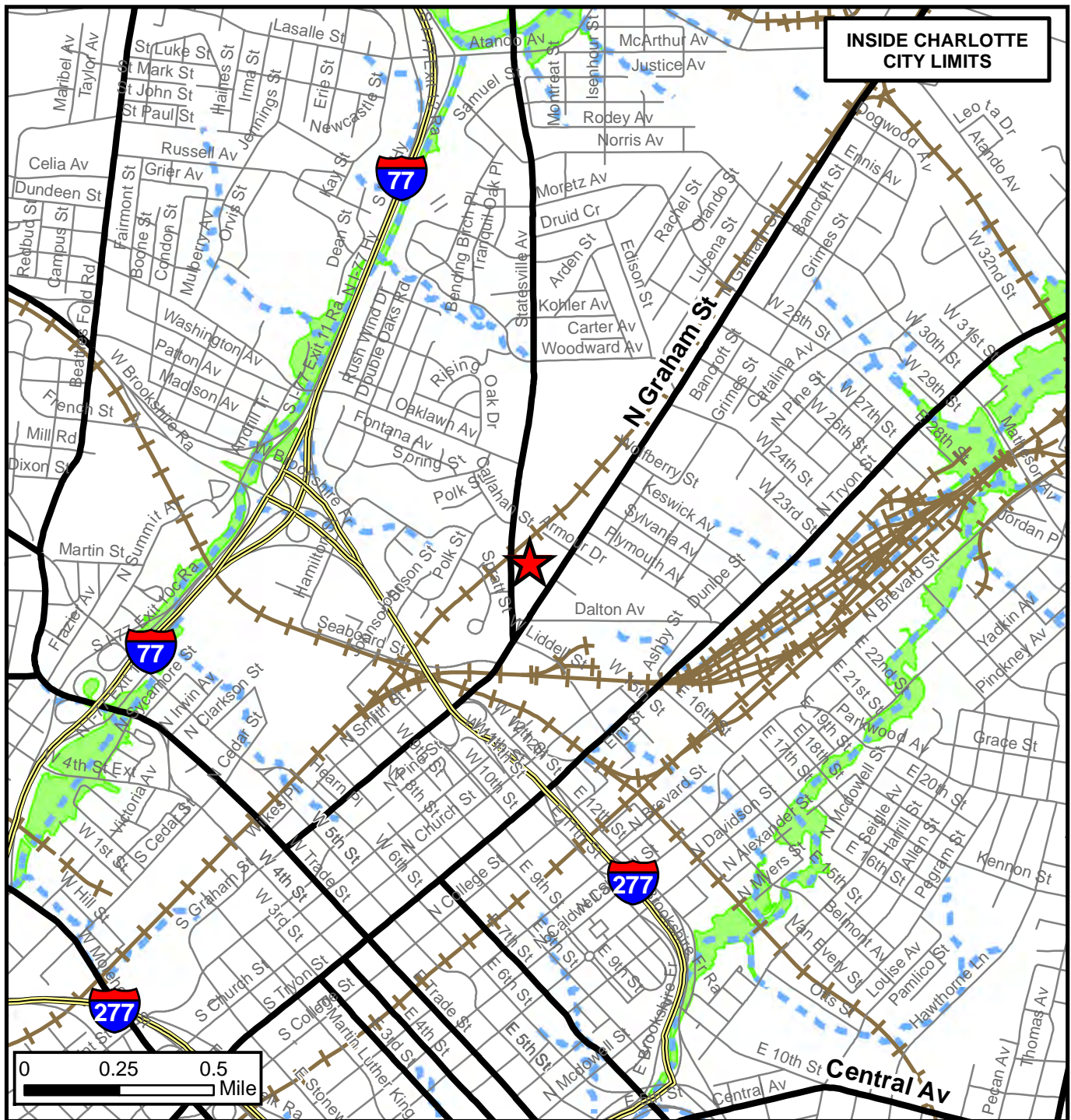
- The petitioner should:
    1. Darken and label the building overhang on the site plan.
    2. Clarify the proposed land use per the phasing. The building to be constructed in Phase 1 as a government service facility and the building to be constructed in Phase 2 will allow all uses permitted in the MUDD (mixed use development) district.
    3. Amend note 5. a. to identify design elements committed to be included in the building and specify that the provided building elevations provide the design intent and theme for the Phase 1 building only.
    4. Provide a note stating that Phase 2 building materials will be consistent with those provided in Phase 1 and the building design will meet the standards of the MUDD (mixed use development district)
- 

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

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

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

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



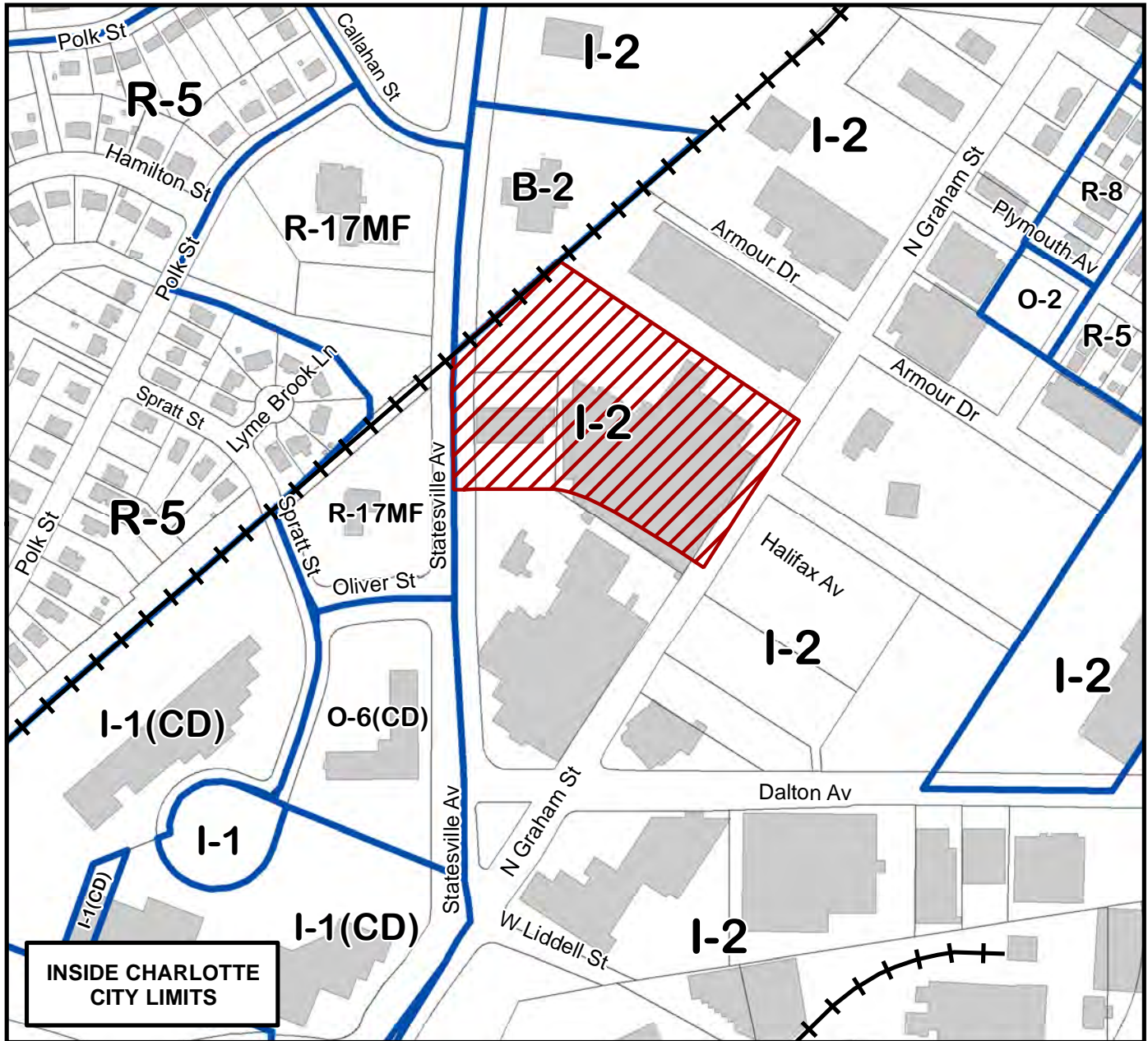
Petition #: **2014-068**

Petitioner: City of Charlotte

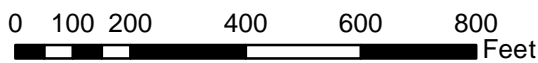
Zoning Classification (Existing): I-2  
(General Industrial)

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

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

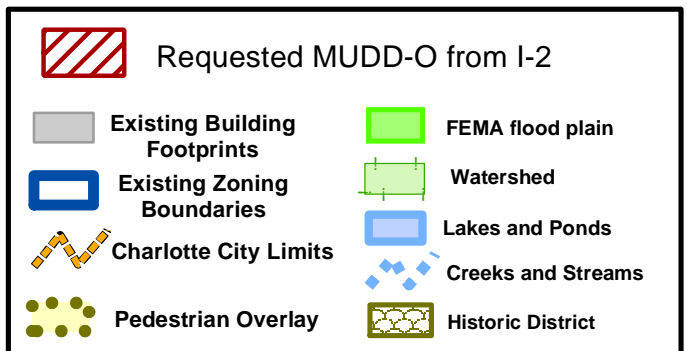


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-26-2014.



Zoning Map #(s)

**88**





F:\1 CEP\Civic\111782300 - Charlotte 911 Communication Center\Site\Rezoning MUDD\RZ1.00.dwg Oct 16, 2014-5:14pm

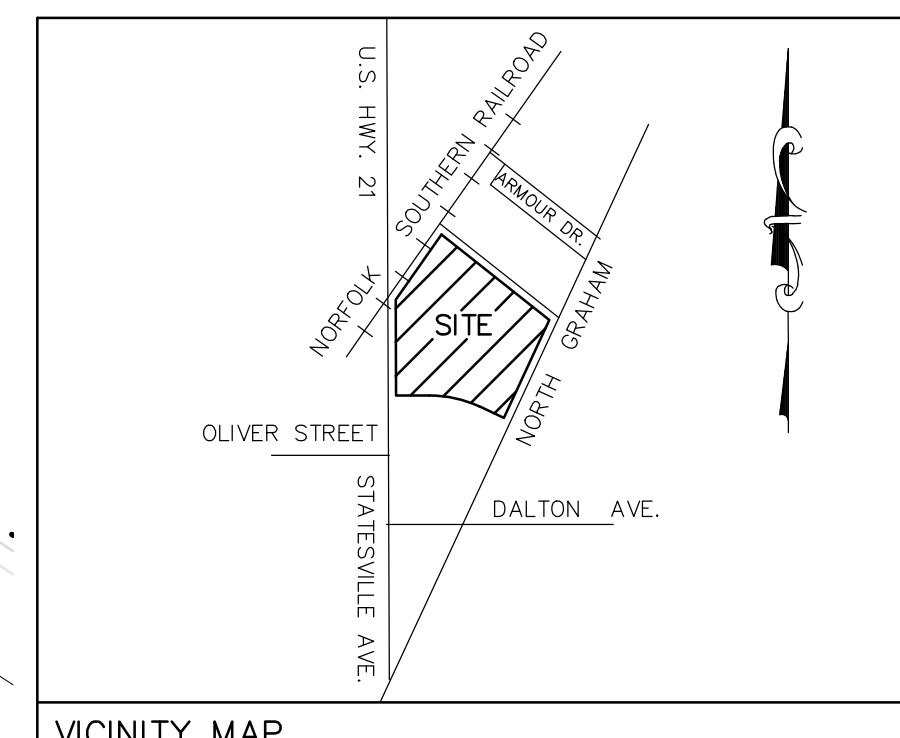
EXISTING ZONING:  
B-2 (#98-103)

EXISTING ZONING: I-2

EXISTING ZONING: I-2  
PROPOSED ZONING: MUDD-O

EXISTING ZONING: I-2

EXISTING ZONING: I-2  
CITY OF CHARLOTTE FIRE  
DEPARTMENT HEADQUARTERS



DEVELOPMENT SUMMARY:

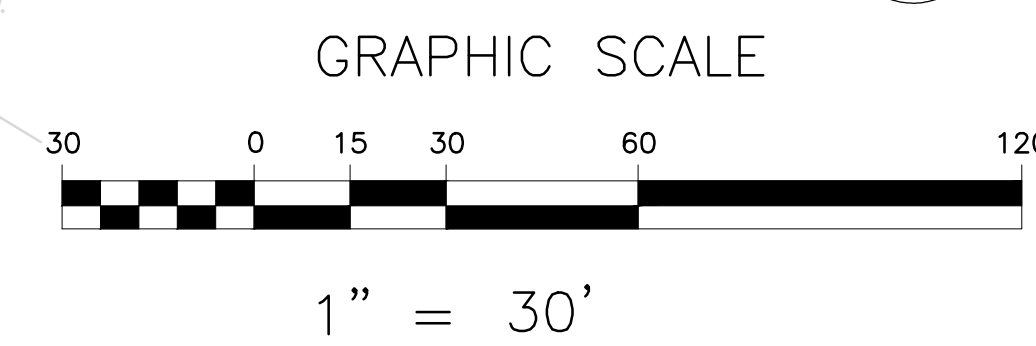
SITE ACREAGE:	5.59 AC
AREA TO BE REZONED:	5.82 AC
TAX PARCEL:	079-021-03 (PARTIAL) 079-021-04 (PARTIAL) 079-021-05 (PARTIAL)
EXISTING ZONING:	I-2
PROPOSED ZONING:	MUDD-O
EXISTING USE:	INDUSTRIAL/WAREHOUSE
PROPOSED USE:	GOVERNMENT SERVICE
OPEN SPACE REQUIRED:	PER ORDINANCE SECTION 9.8506(4)
MINIMUM SETBACK:	AS NOTED (VARIES)
SIDE YARD:	11.5' AS SHOWN; MAY BE REDUCED TO 0'
MINIMUM REAR YARD:	N/A
MAXIMUM BUILDING HEIGHT:	120'

DEVELOPMENT STANDARDS:

- GENERAL PROVISIONS
  - EXCEPT AS OTHERWISE PROVIDED UNDER THE MUDD-OPTIONAL PROVISIONS SET FORTH UNDER SECTION 2, THE REGULATIONS ESTABLISHED UNDER THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE") FOR THE MUDD ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON SITE.
  - ALTERATIONS OR MODIFICATIONS WHICH IN THE OPINION OF THE PLANNING DIRECTOR, SUBSTANTIALLY ALTER THE CHARACTER OF THE DEVELOPMENT OR SIGNIFICANTLY ALTER THE SITE PLAN OR ITS RESPECTIVE CONDITIONS SHALL NOT BE DEEMED TO BE MINOR AND MAY ONLY BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTIONS 6.207(1) OR (2) OF THE ORDINANCE, AS APPLICABLE.
- MUDD-OPTIONAL PROVISIONS
 

THIS PETITION PROPOSES UTILIZATION OF THE MUDD-O PROVISIONS TO ALLOW FOR THE FOLLOWING OPTIONAL DEVIATIONS:

  - DEVIATIONS FROM THE SURFACE PARKING LOCATION REQUIREMENT DURING PHASE ONE TO ALLOW PARKING BETWEEN THE PHASE ONE BUILDING AND THE SETBACK ALONG NORTH GRAHAM STREET
- PERMITTED USES
  - ALL USES WHICH ARE PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT
- TRANSPORTATION
  - DURING PHASE ONE, A PUBLIC STREET WILL BE CONSTRUCTED. RIGHT-OF-WAY WILL BE DEDICATED TO THE CITY OF CHARLOTTE DEPARTMENT OF TRANSPORTATION (COTD).
  - THE PROPOSED PUBLIC STREET WILL INTERSECT WITH STATESVILLE AVENUE AND NORTH GRAHAM STREET
  - PUBLIC STREET SHALL BE DESIGNED USING THE LOCAL OFFICE/COMMERCIAL NARROW SECTION CHARLOTTE LAND DEVELOPMENT STANDARDS DETAIL U-04
  - DURING PHASE ONE, REQUIRED PARKING SHALL BE PROVIDED IN SURFACE LOTS. A PARKING DECK IS PROPOSED IN THE FUTURE PHASE TWO DEVELOPMENT OF THE SITE.
  - BICYCLE PARKING SHALL MEET THE REQUIREMENTS OF THE ORDINANCE.
  - COTD AND NCDOT ARE FINALIZING DESIGN OF PROPOSED PUBLIC ROAD CONNECTION TO NORTH GRAHAM STREET
  - PETITIONER SHALL INSTALL PEDESTRIAN REFUGE AREA IN STATESVILLE AVENUE MEDIAN. FINAL LOCATION TO BE DETERMINED.
- ARCHITECTURAL STANDARDS
  - THE ATTACHED BUILDING ELEVATIONS AND RENDERINGS ARE INTENDED TO REPRESENT THE GENERAL ARCHITECTURAL THEME AND OVERALL DESIGN OF THE PROPOSED BUILDING(S) TO BE CONSTRUCTED ON THE SITE. PETITIONER RESERVES THE RIGHT TO ALTER THE VARIOUS BUILDING/DESIGN ELEMENTS SO LONG AS THE GENERAL OVERALL ARCHITECTURAL THEME IS PRESERVED.
  - THE PHASE ONE BUILDING IS ANTICIPATED TO BE A COMBINATION OF BRICK VENEER, GLASS, AND PRE-FINISHED METAL PANEL ACCENTS AND SOLAR SCREENS
  - THE PHASE ONE BUILDING WILL BE FOUR STORIES AND IS ANTICIPATED TO BE APPROXIMATELY 90 FEET TALL
  - ON THE PHASE ONE BUILDING, A METAL CANOPY MAY BE PROVIDED AT THE PUBLIC VISITOR ENTRANCE ALONG STATESVILLE AVENUE, AND MAY PROJECT INTO THE AMENITY ZONE OF THE STATESVILLE AVENUE SETBACK
  - ALL BUILDINGS CONSTRUCTED ON THIS SITE SHALL CONFORM TO THE MUDD URBAN DESIGN AND DEVELOPMENT STANDARDS OUTLINED IN SECTION 9.8506 OF THE ORDINANCE
  - SERVICE YARD/LOADING AREA SHALL BE ENCLOSED WITH A SCREEN WALL. SCREEN WALL SHALL MEET THE MINIMUM ORDINANCE STANDARDS FOR SCREENING OF SERVICE AREA
- STREETScape AND LANDSCAPING
  - STATESVILLE AVENUE: 30' SETBACK (12' PLANTING STRIP, 8' SIDEWALK, 10' AMENITY ZONE)
  - NORTH GRAHAM STREET: 18' SETBACK (12' PLANTING STRIP, 6' SIDEWALK)
  - INTERNAL AREAS OF THE SITE WILL BE LANDSCAPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE
- ENVIRONMENTAL FEATURES
  - TREE SAVE AREAS SHALL BE PROVIDED ON-SITE OR OFF-SITE, AS DESCRIBED IN THE CITY OF CHARLOTTE TREE ORDINANCE
  - THE PETITIONER SHALL SATISFY THE REQUIREMENTS OF THE POST CONSTRUCTION CONTROLS ORDINANCE
- OPEN SPACE
  - OPEN SPACE WILL BE PROVIDED PER REQUIREMENTS OF THE MUDD ZONING DISTRICT
- SIGNAGE
  - ALL SIGNAGE SHALL MEET THE REQUIREMENTS OF THE MUDD ZONING DISTRICT
- PHASING
  - PHASE ONE DEVELOPMENT INCLUDES THE PROPOSED PUBLIC STREET, PHASE ONE BUILDING, AND SURFACE PARKING
  - PHASE TWO DEVELOPMENT MAY INCLUDE A MIXED-USE BUILDING ALONG GRAHAM STREET AND A PARKING DECK
- TRASH & RECYCLE COLLECTION
  - TRASH AND RECYCLE CONTAINERS WILL BE LOCATED WITHIN SCREENING ENCLOSURES PER ZONING ORDINANCE
- SURFACE PARKING
  - SURFACE PARKING SHOWN IS SCHEMATIC IN NATURE AND MAY BE RECONFIGURED BASED ON FINAL DESIGN



**LITTLE**  
DIVERSIFIED ARCHITECTURAL CONSULTING

5815 Westpark Drive Charlotte, NC 28217  
T: 704.525.6350 F: 704.561.8700

www.littleonline.com

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REZONING SUBMITTAL

ISSUE DATE	08/25/14	
REVISIONS		
NO.	REASON	DATE
1	PER CITY STAFF COMMENTS	10/17/14

PROJECT TEAM	
PRINCIPAL IN CHARGE	JLM
PROJECT MANAGER	DCP
DESIGN TEAM	FGM

PROJECT NAME  
Joint Communications Center  
City of Charlotte

PROJECT NUMBER  
111.7823.00

SHEET TITLE  
SITE PLAN  
PETITION #2014-068

SHEET NUMBER  
RZ1.00

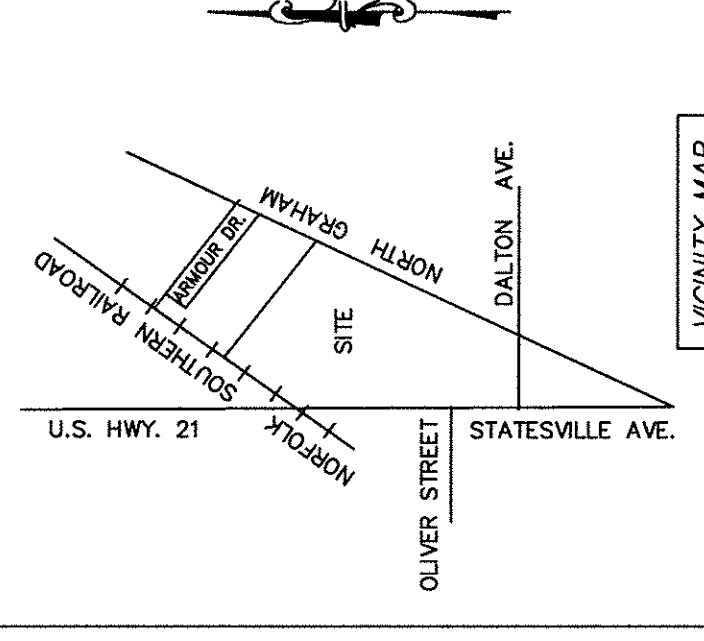
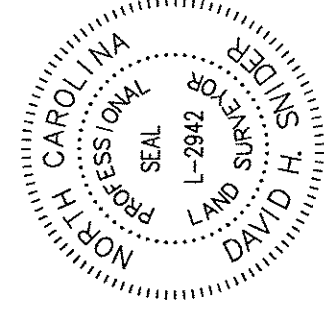




I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION, FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, AND THAT THE BOUNDARIES AND AREAS SHOWN ARE DRAWN FROM INFORMATION AS SHOWN; THAT THE RATIO OF PRECISION IS 1:10,000; AND THAT THIS MAP CONFORMS TO THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.600).

THIS 20th DAY OF AUGUST, 2014.

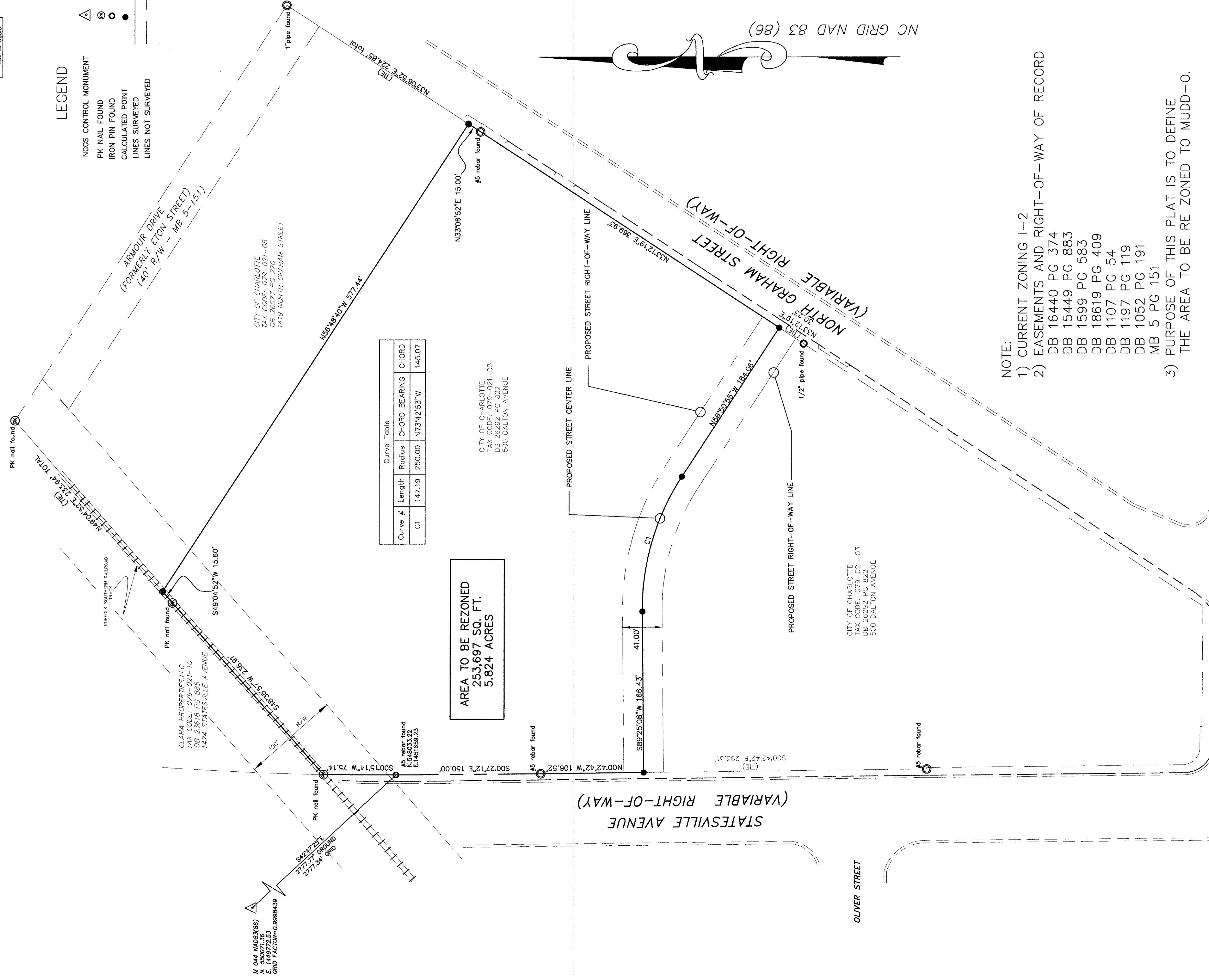
David H. Snider  
DAVID H. SNIDER, NC P.L.S. L-2842



VICINITY MAP  
"not to scale"

LEGEND

- △ NCGS CONTROL MONUMENT
- PK NAIL FOUND
- IRON PIN FOUND
- CALCULATED POINT
- LINES SURVEYED
- - - LINES NOT SURVEYED



Curve Table			
Curve #	Length	Radius	CHORD BEARING
C1	147.19	250.00	N73°42'53"W
			CHORD
			145.07

AREA TO BE REZONED  
253,697 SQ. FT.  
5.824 ACRES

- NOTE:
- 1) CURRENT ZONING I-2
  - 2) EASEMENTS AND RIGHT-OF-WAY OF RECORD  
DB 16440 PG 374  
DB 15449 PG 883  
DB 1599 PG 583  
DB 18619 PG 409  
DB 1107 PG 54  
DB 1197 PG 119  
DB 1052 PG 191  
MB 5 PG 151
  - 3) PURPOSE OF THIS PLAT IS TO DEFINE THE AREA TO BE RE ZONED TO MUDD-O.

DALTON AVENUE  
(VARIABLE RIGHT-OF-WAY)



PREPARED BY: OTTE  
ENGINEERING & PROPERTY MANAGEMENT DEPARTMENT  
600 EAST FOURTH STREET  
CHARLOTTE, NC 28202  
704-336-2251

ENGINEERING & PROPERTY MANAGEMENT DEPARTMENT  
CHARLOTTE

REZONING SURVEY

OWNER: CITY OF CHARLOTTE  
CHARLOTTE, MECKLENBURG CO., NC

DATE	DATE	DATE
AS BUILT	DATE	DATE
N/A		
SCALE	1"=50'	
P.S.	DATE	DATE
SURVEYED BY	PREPARED BY	APPROVED BY
SHEET	OF	SHEET
1	1	1

K:\AUTOCAD\en\_su-164\10n\_30882\ZONING MAP.dwg

REVISION

NO. DATE BY



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---

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
<b>LOCATION</b>	Approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to 27 attached residential units, at a density of 10.38 dwelling units per acre.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the residential use called for in the <i>South District Plan</i> . In addition, the site meets the criteria set forth in the <i>General Development Policies</i> for an increase in density up to 17 dwelling units per acre.
<b>PROPERTY OWNER</b>	5620 Fairview, LLC, 5628 Fairview, LLC, Miller Vanderlip, Dianah Colburn, Elsie White, Thomas B. Furr, Jr., Gail Furr, Judith Caston and H. Russell Caston
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Crossroads Realty Group, 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: 10

---

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

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

- Each unit will be connected to the sidewalks along public streets via a minimum five-foot sidewalk.
- Up to 50 feet of right-of-way from the centerline of Fairview Road will be dedicated to the City of Charlotte.
- A pedestrian refuge island will be constructed in the existing landscape median on Fairview Road near the intersection of Closeburn Road.
- Above ground backflow preventers and transformers will be located internally and not in the proposed setbacks.
- Detached lighting will be limited to 15 feet in height.
- **Existing Zoning and Land Use**
  - The subject properties are currently developed with single family homes and a duplex/triplex unit. Surrounding uses include single family, multi-family and office uses in R-3 (single family residential), R-12MF(CD) (multi-family residential, conditional), R-17MF and R-22MF (multi-family residential), UR-C(CD) (urban residential, conditional), MUDD-O (mixed use development, optional) and O-1 (office) districts.
- **Rezoning History in Area**
  - Recent rezonings approved in the area include:
    - Petition 2011-09 approved a MUDD-O (mixed use development, optional) site plan amendment for 7.81 acres located on Carnegie Boulevard to modify the existing approved building layout, increase the number of multi-family units, and reduce the building height.
    - Petition 2009-082 rezoned 0.55 acres located on the north side of Fairview Road from R-3 (single family residential) to O-1(CD) (office, conditional) to allow reuse of an existing single family home as an office.
    - Petition 2009-035 rezoned approximately 4.0 acres located on the southwest corner of Park South Drive and Fairview Road from R-43MF (multi-family residential) to MUDD-O (mixed use development, optional) to add 50 age restricted residential units and 10,000 square feet of ground floor retail to a site that contained a 163-unit age restricted housing tower.
- **Public Plans and Policies**
  - The *South District Plan* (1993) recommends residential land uses at this location.
  - The *General Development Policies* (GDP) (2003) support residential densities up to 17 units per acre.

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

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

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**
    - Current Zoning: 80 trips per day.
    - Proposed Zoning: 160 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.

- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate two students, while the development allowed under the proposed zoning will produce three students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is one student.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities:** No issues.
  - **Engineering and Property Management:**
    - Provide peak flow control for the 100-year, six-hour storm runoff from the developed site to the predevelopment peak flow rate.
    - Meet tree save requirements per the Charlotte Tree Ordinance.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
- 

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

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

#### **OUTSTANDING ISSUES**

- The petitioner should:
    - Specify minimum plantings within the 15-foot landscaped areas.
    - Remove pocket park designation or specify how the areas will be improved.
    - Address Engineering comments.
- 

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

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

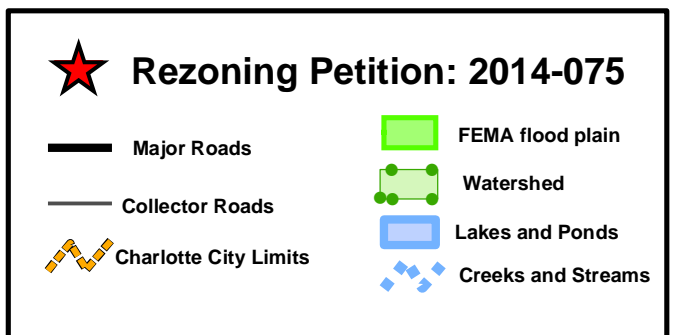
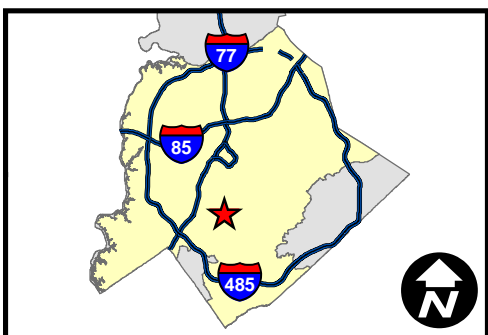
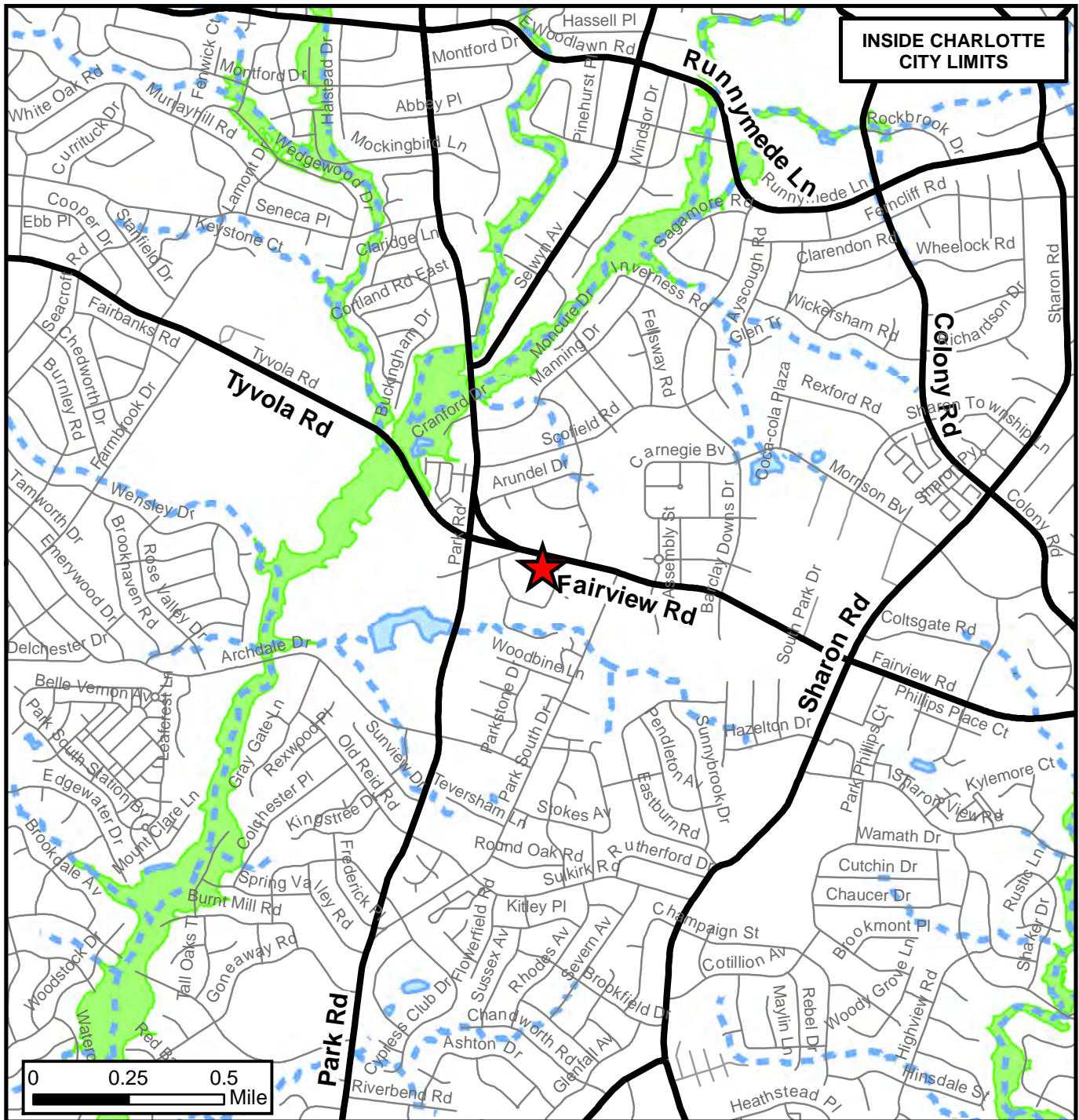
**Planner:** Sonja Sanders (704) 336-8327



Petition #: **2014-075**

# Vicinity Map

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



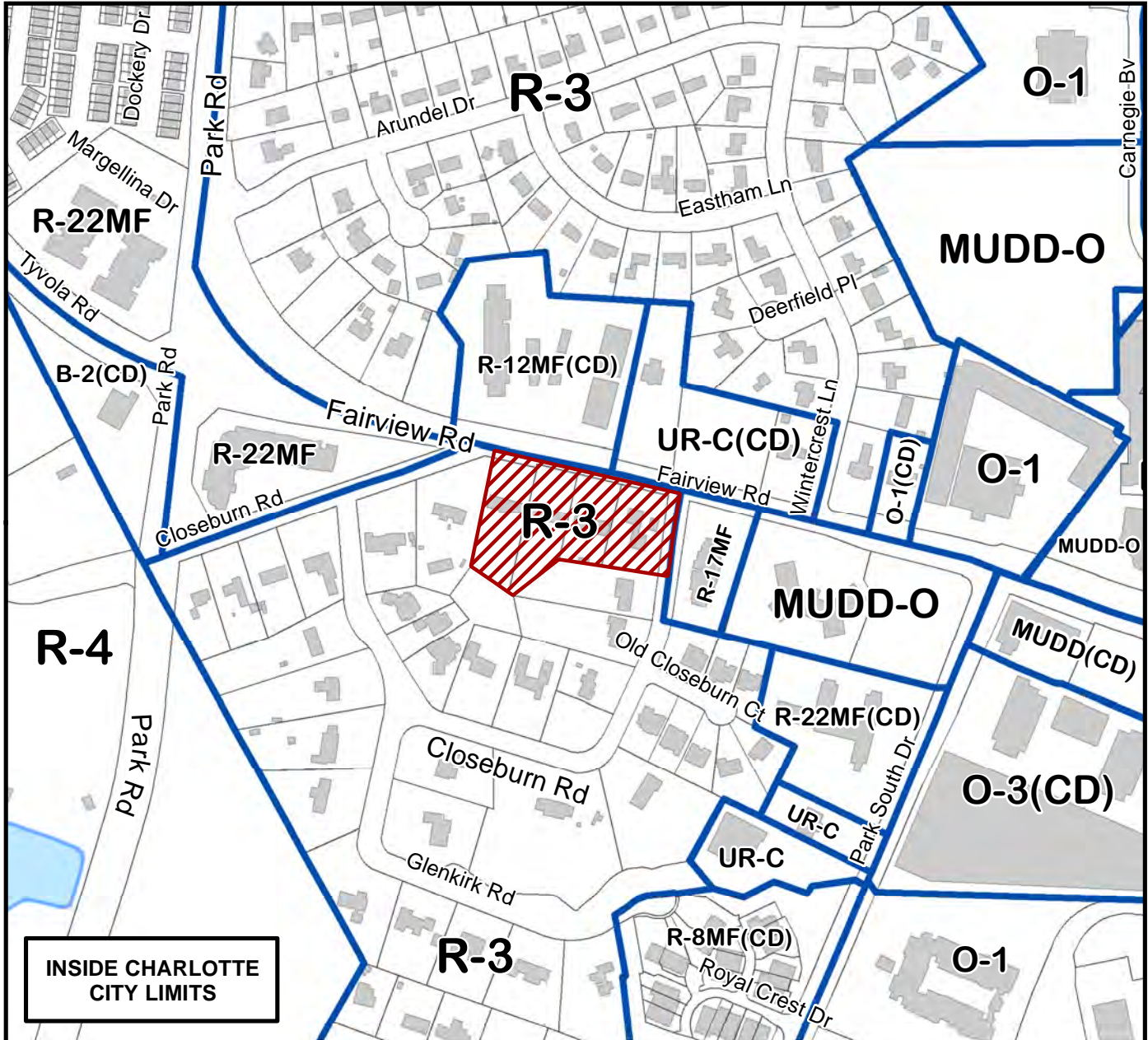
Petition #: **2014-075**

Petitioner: **Crossroads Realty Group, LLC**

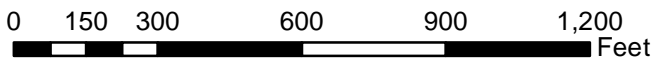
Zoning Classification (Existing): **R-3**  
(Single Family, Residential)

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

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



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



Zoning Map #(s)

**135**

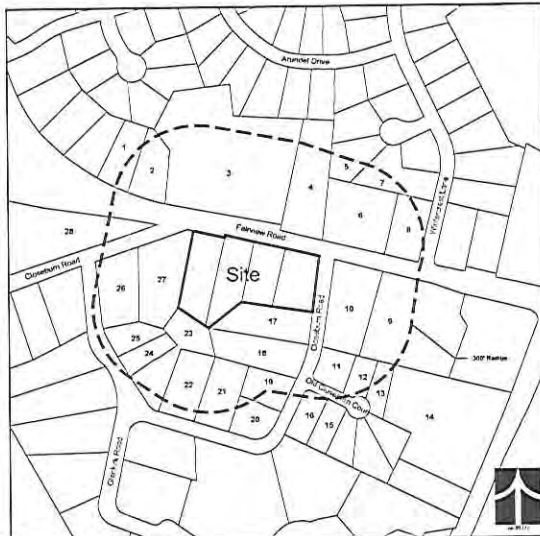
	Requested UR-2(CD) from R-3		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Pedestrian Overlay		Historic District



### Site Development Data:

- Acres: ± 2.00 acres
- Tax Parcel #: 171-251-01, 02, 03 and 04
- Existing Zoning: R-3
- Proposed Zoning: UR-2(CD)
- Existing Uses: Three detached dwellings and a duplex.
- Proposed Uses: Up to (27) attached dwelling units together with accessory uses, as allowed in the UR-2 zoning district.
- Maximum Building Height: Not to exceed three (3) stories or 45 feet, building height will be measured as defined by the Ordinance.
- Parking: A minimum of 2.0 parking spaces per unit will be provided.

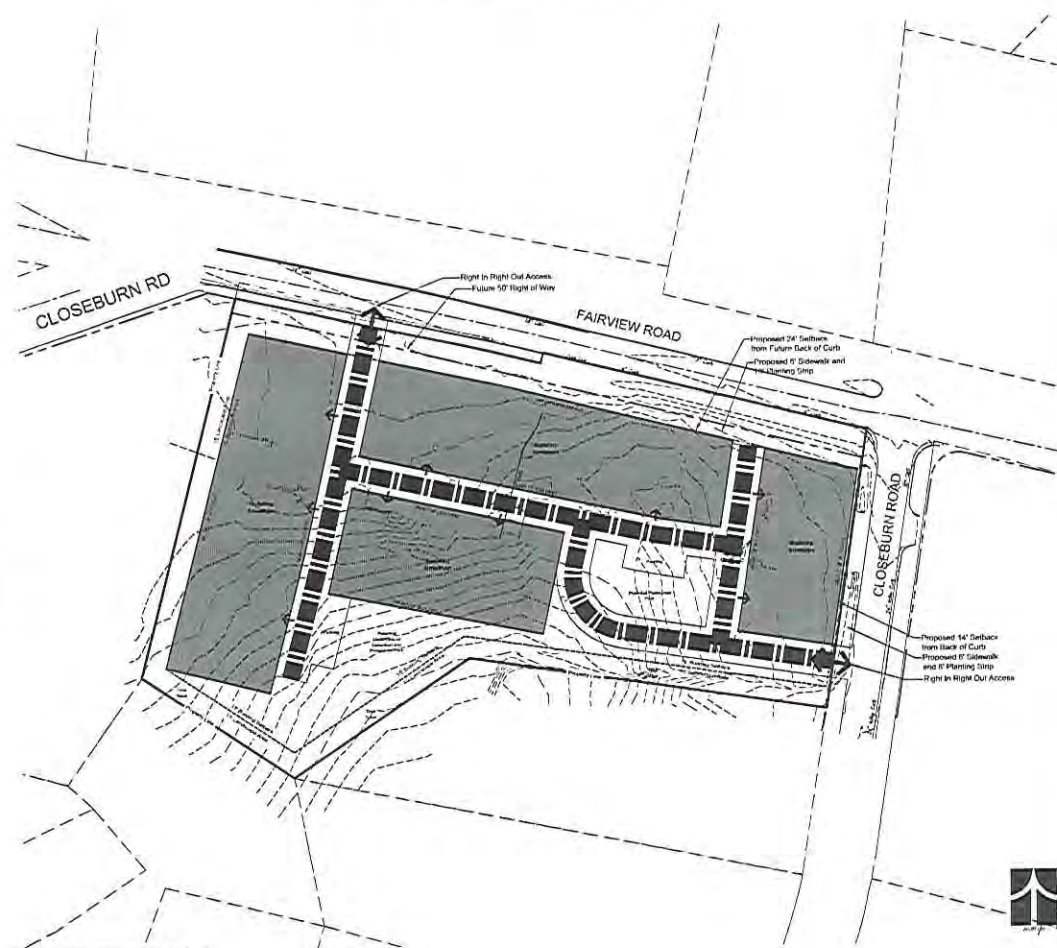
# Fairview at Closeburn Townhomes



Vicinity Map  
1" = 200'

### List of Adjacent Parcels & Zoning:

<p><b>1. PAR. 171-251-01</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>2. PAR. 171-251-02</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>3. PAR. 171-251-03</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>4. PAR. 171-251-04</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>5. PAR. 171-251-05</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>6. PAR. 171-251-06</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>7. PAR. 171-251-07</b> ZONING: R-3 OWNER: [illegible]</p>	<p><b>8. PAR. 171-251-08</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>9. PAR. 171-251-09</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>10. PAR. 171-251-10</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>11. PAR. 171-251-11</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>12. PAR. 171-251-12</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>13. PAR. 171-251-13</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>14. PAR. 171-251-14</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>15. PAR. 171-251-15</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>16. PAR. 171-251-16</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>17. PAR. 171-251-17</b> ZONING: R-3 OWNER: [illegible]</p>	<p><b>18. PAR. 171-251-18</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>19. PAR. 171-251-19</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>20. PAR. 171-251-20</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>21. PAR. 171-251-21</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>22. PAR. 171-251-22</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>23. PAR. 171-251-23</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>24. PAR. 171-251-24</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>25. PAR. 171-251-25</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>26. PAR. 171-251-26</b> ZONING: R-3 OWNER: [illegible]</p> <p><b>27. PAR. 171-251-27</b> ZONING: R-3 OWNER: [illegible]</p>
---	---	---



Schematic Plan  
1" = 40'



**ESP Associates, P.A.**  
*planning • surveying • planning*  
 P.O. Box 7838 1471 Lakewood Blvd.  
 Charlotte, NC 28241 Fort Mill, SC 29504  
 P - 704.581.8900 F - 803.542.2669  
 F - 704.581.8900 F - 803.542.2555  
 www.espsurvey.com

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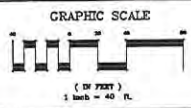


Pulte Group  
 11121 Carmel Commons Boulevard, Suite 450  
 Charlotte, NC 28226

## Fairview at Closeburn

### TECHNICAL DATA SHEET

Petition 2014-075  
**"For Public Hearing"**  
 PROJECT LOCATION CHARLOTTE, NC



PROJECT NO	2014-075		
DRAWING	075 - Fairview Closeburn - MASTING		
DATE	10-17-2014		
DRAWN BY	KM		
CHECKED BY	ML		
ESP / CLIENT REVISION			
NO.	DATE	BY	REVISION
1	10/27/14	KM	Resubmit per staff comments

AGENCY / SUBMITAL REVISION			
NO.	DATE	BY	REVISION





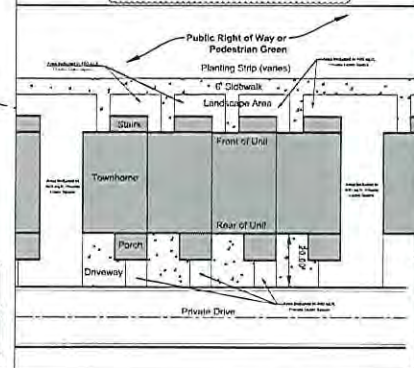
**Vicinity Map**  
Not to Scale

**Site Development Data:**

- Acres: ± 2.00 acres
- Tax Parcel #: 171-251-01, 02, 03 and 04
- Existing Zoning: R-3
- Proposed Zoning: UR-2(CD)
- Existing Uses: Three detached dwellings and a duplex.
- Proposed Uses: Up to (22) detached dwelling units together with necessary uses, as allowed in the UR-2 zoning district.
- Maximum Building Height: Not to exceed three (3) stories or 45 feet, building height will be measured as defined by the Ordinance.
- Parking: A minimum of 2.0 parking spaces per unit will be provided.

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

**Typical Unit Detail**  
Not to Scale



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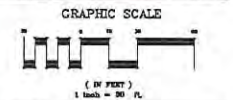
**Pulte Group**  
11721 Carmel Corporate Boulevard, Suite 450  
Charlotte, NC 28220

**Fairview at Closeburn**

**CONCEPTUAL SITE PLAN**

**Petition 2014-075  
"For Public Hearing"**

PROJECT LOCATION CHARLOTTE, NC



PROJECT NO	0706101		
DRAWING	0706 - Fairview Overlay - Initial		
DATE	10-17-2014		
DRAWN BY	KA		
CHECKED BY	AL		
ESP / CLIENT REVISION			
NO.	DATE	BY	REVISION
1	10/17/14	SA	Revisions per client comments

AGENCY / SUBMITTAL REVISION			
NO.	DATE	BY	REVISION









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



Conceptual Architectural Rear Elevation  
Along Alleys / Private Drives



Conceptual Architectural Side Elevation  
Along Fairview Road / Pedestrian Parks

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



**ESP Associates, P.A.**  
engineering • surveying • planning  
P.O. Box 7818 3475 Lakewood Blvd.  
Charlotte, NC 28241 East Hills, NC 28078  
P: 704.582.4949 P: 813.942.2448  
F: 704.582.4958 F: 813.942.2115  
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SCALE



DATE

**Fairview at Closeburn**

SCALE

**CONCEPTUAL ARCHITECTURAL ELEVATIONS**

Petition 2014-075  
"For Public Hearing"  
PROJECT LOCATION CHARLOTTE, NC

PROJECT NO	0726.101		
DRAWING	0726 - Fairview Closeburn - MASTING		
DATE	10-17-2014		
DRAWN BY	KM		
CHECKED BY	ME		
ESP / CLIENT REVISION			
NO.	DATE	BY	REVISION
1	10/17/14	KM	Revisions per staff comments

AGENCY / SUBMITTAL REVISION			
NO.	DATE	BY	REVISION



<b>REQUEST</b>	Current Zoning: UMUD (uptown mixed use) Proposed Zoning: UMUD-O (uptown mixed use, optional)
<b>LOCATION</b>	Approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses permitted in the UMUD (uptown mixed use) district and requests optional site modifications.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Crescent Resources, LLC and CLT Development, LLC Crescent Communities, LLC Collin Brown and Bailey Patrick, Jr., K&L Gates
<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**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows all uses permitted in the UMUD (uptown mixed use) district.
- Site will comply with UMUD requirements set forth in the zoning ordinance, with the exception of optional requests.
- Optional provisions requested include:
  - Two attached electronic signs (video or LED screen) with a maximum size of 300 square feet each.
  - Up to 3,000 square feet of wall signage per street frontage (in addition to any approved electronic signs).
  - Use of pavers and/or other materials in identified areas within the right-of-way, in order to highlight the entrance to the proposed building's main entrance on Tryon Street, subject to the approval of a related encroachment agreement.
  - Alternate tree location and spacing along Hill Street and within identified areas along Tryon Street.
  - Temporary retail vendor zones, within the right-of-way or setback, subject to the approval of any necessary encroachment agreements. Retail vendor zones may accommodate, but are not limited to, push-carts, tents, stands, tables, wagons and trailers and shall be allowed only in specified locations.
  - Reduced setback of 14 feet measured from the back of curb along the site's Stonewall Street frontage. Structures within the reduced setback area shall be limited to retaining walls and other features necessary to accommodate a publicly accessible plaza on-grade with Tryon Street. Any walls within the reduced setback area shall incorporate plantings, artistic designs or other features to stimulate pedestrian interest. No buildings permitted in the reduced setback.
  - Prescribed seating and tree requirements within any non-required, non-public open space areas. Standard seating and tree requirements will be met within portions of the urban open space required to meet the minimum UMUD urban open space requirement.
  - 50 percent reduction in the number of required loading spaces.

• **Existing Zoning and Land Use**

- The site is currently developed with two structures used for commercial and office uses, and surface parking. The site is surrounded by a mix of uses on properties zoned UMUD (uptown mixed use) and UMUD-O (uptown mixed use-optional).

• **Rezoning History in Area**

- Petition 2011-55 rezoned 10.96 acres bounded by South College Street, Martin Luther King, Jr. Boulevard, South Brevard Street and East Stonewall Street from UMUD (uptown mixed use) to UMUD-O (uptown mixed use, optional) to allow replacement of the existing Convention Center

identification sign along South College Street with an electronic video board sign up to 650 square feet per side, in addition to signage allowed per current sign regulations.

- Petition 2010-08 approved a UMUD-O (uptown mixed use, optional) request to allow various optional signage regulations for several cultural facilities within the Center City.
- **Public Plans and Policies**
  - *Charlotte Center City 2020 Plan* (2011) recognizes Center City as the central economic engine and diversified employment hub of the region, and encourages enhancement of the pedestrian environment through use of visual improvements as one means to identify, support, and retain retail and business activities.
  - The subject property will complete the Tryon Mall on the southern side of Tryon Street. The Tryon streetscape elements have been met by all new development along the mall. The required pavers and trees provide uniformity throughout the area and tie together the various architectural styles and unique urban spaces.
  - The petition is consistent with the *Charlotte Center City 2020 Plan*.

---

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following comments:
  - Several of the optional provisions have the effect of enabling the implementation of a streetscape design that departs from the Tryon Mall standard design. CDOT recommends continuing the Tryon Mall standard streetscape and it is unlikely that CDOT would approve nonstandard items in the right-of-way under the required encroachment agreement if the optional provisions remain.
  - Any vending in the right-of-way is subject to the Tryon Street Mall Vendor ordinance. The limits of the mall area would need to be amended to enable vending to occur on this block.
  - In order to limit the impact of valet operations associated with a potential hotel, CDOT will seek to avoid a porte-cochere on Stonewall Street if at all possible.
  - **Vehicle Trip Generation:** The trip generation for this site does not change with this proposed rezoning.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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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. Amend optional requests under Notes 2A and 2B to specify the need for the signage options requested, as the proposed use of the signage is unknown.

2. Remove optional request under Note 2C to allow banding that extends beyond the building entrance and traverses the entire frontage on Tryon Street and does not define the building entrance. The ordinance has architectural standards to announce the entrance for pedestrians and drivers.
  3. Add a note that no advertising signage is requested.
  4. Delete optional request Note 2D. Site should comply with ordinance requirements, in order to be consistent with the remainder of Tryon Street Mall.
  5. Amend optional request Note 2E to delete the following: "unless otherwise approved by the Planning Director, the temporary retail vendor zones may accommodate, but shall not be limited to push-carts, tents, stands, tables, wagons and trailers."
  6. Amend optional request Note 2E to state the site will adhere to existing street vendor program requirements.
  7. Delete vendor structures shown on Sheet RZ-09.
  8. Delete optional request Note 2F. Grade changes should be a feature, not blank walls.
  9. Address CDOT comments.
- 

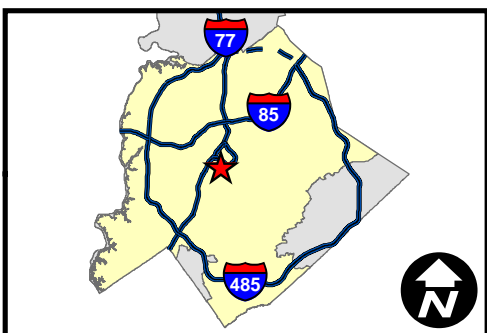
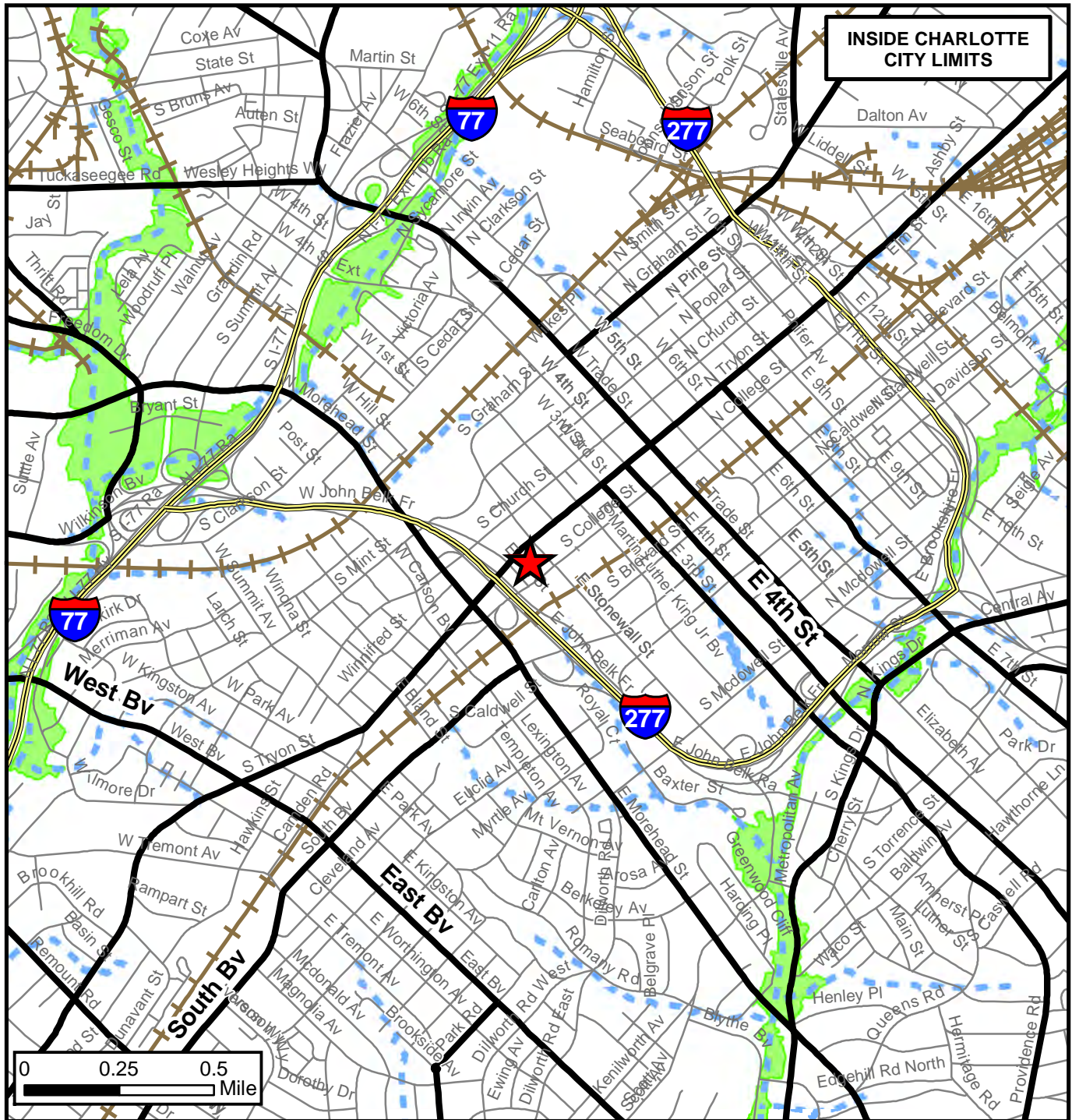
**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

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



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



	<b>Rezoning Petition: 2014-079</b>
	Major Roads
	Collector Roads
	Charlotte City Limits
	FEMA flood plain
	Watershed
	Lakes and Ponds
	Creeks and Streams

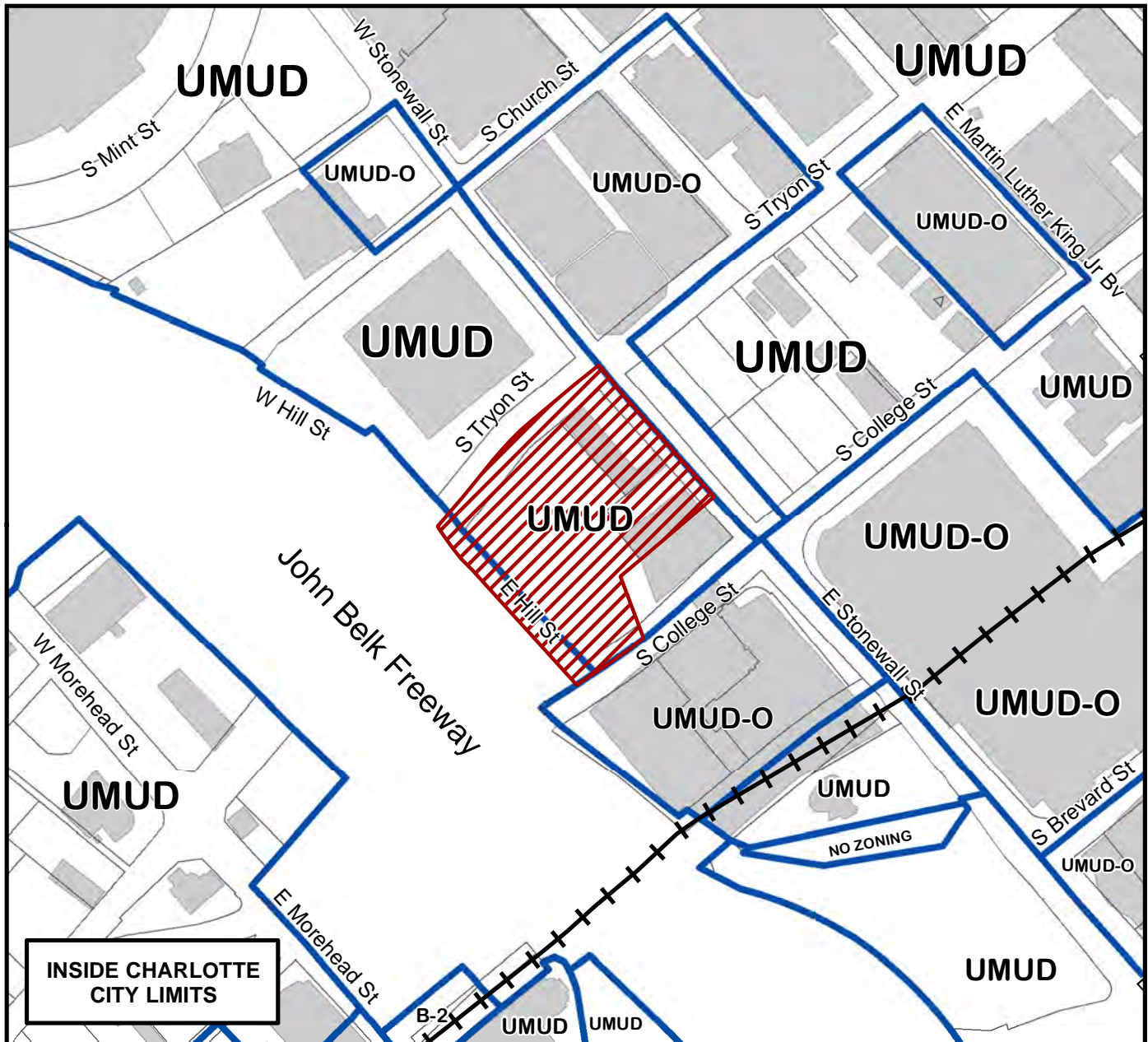
Petition #: **2014-079**

Petitioner: **Crescent Communities, LLC**

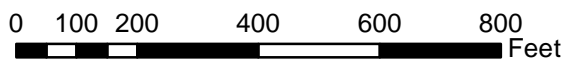
Zoning Classification (Existing): **UMUD**  
(Uptown Mixed Use District)

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

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

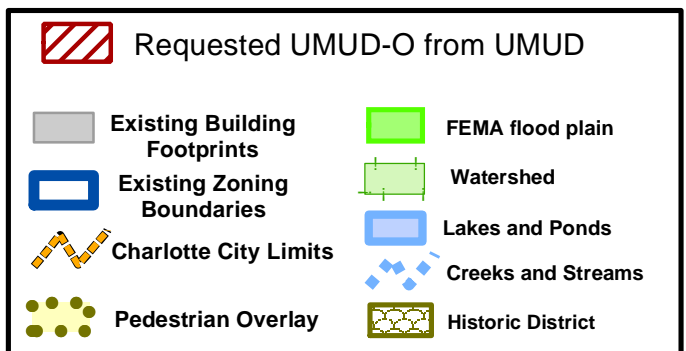


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-2014.



Zoning Map #(s)

**102**





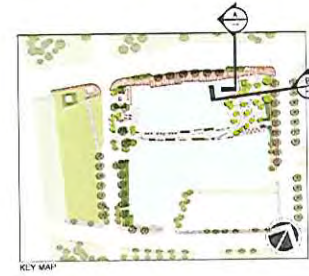
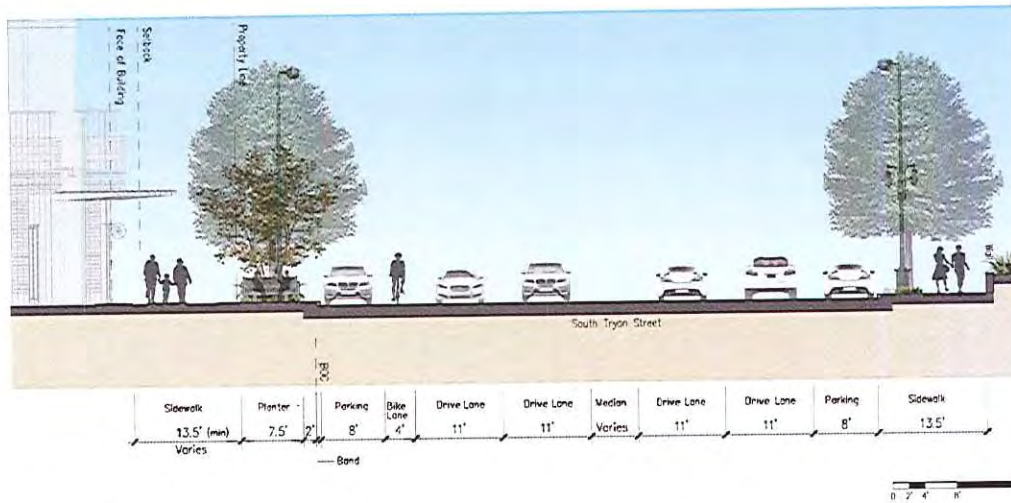




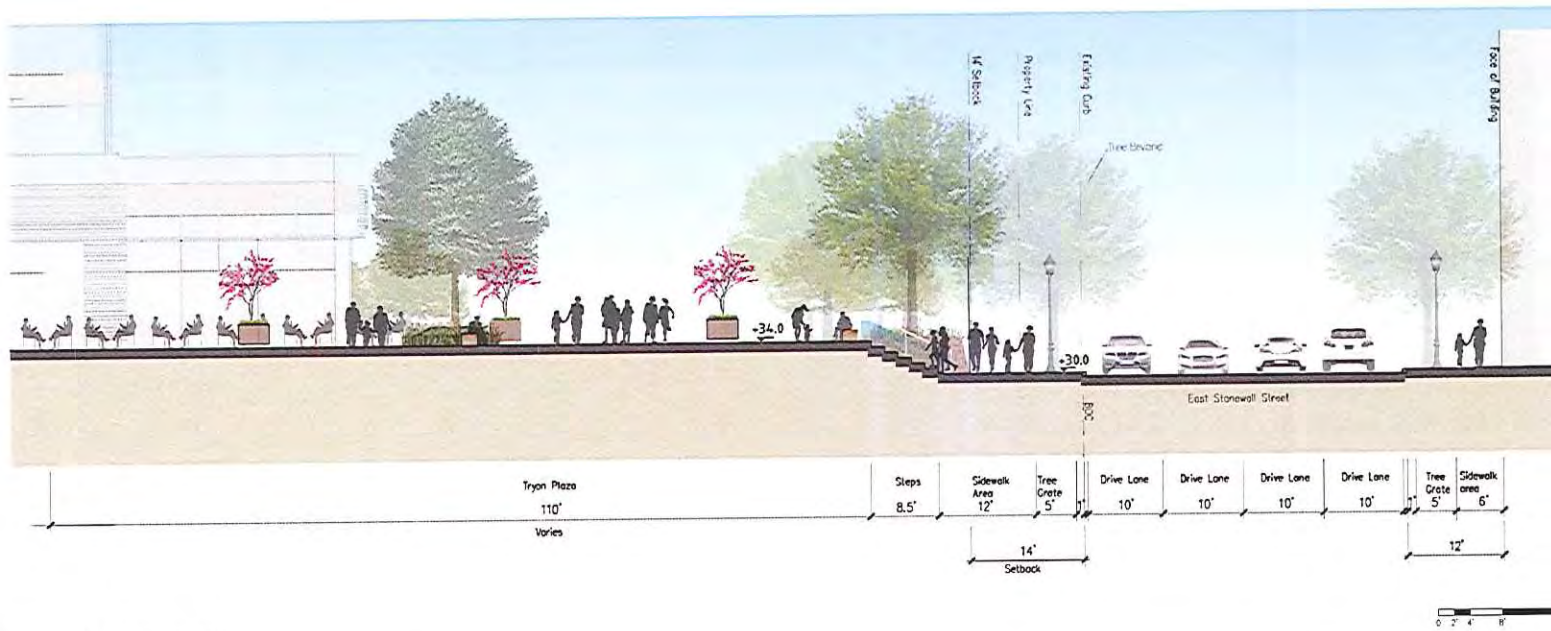




# STREET CROSS SECTIONS



**A** TRYON STREET



**B** STONEWALL @ TRYON PLAZA







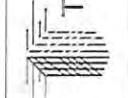








TRYON PLACE



Requing Pattern 2014ed79

DIRTY	DIRTY	DIRTY
DIRTY	DIRTY	DIRTY
DIRTY	DIRTY	DIRTY

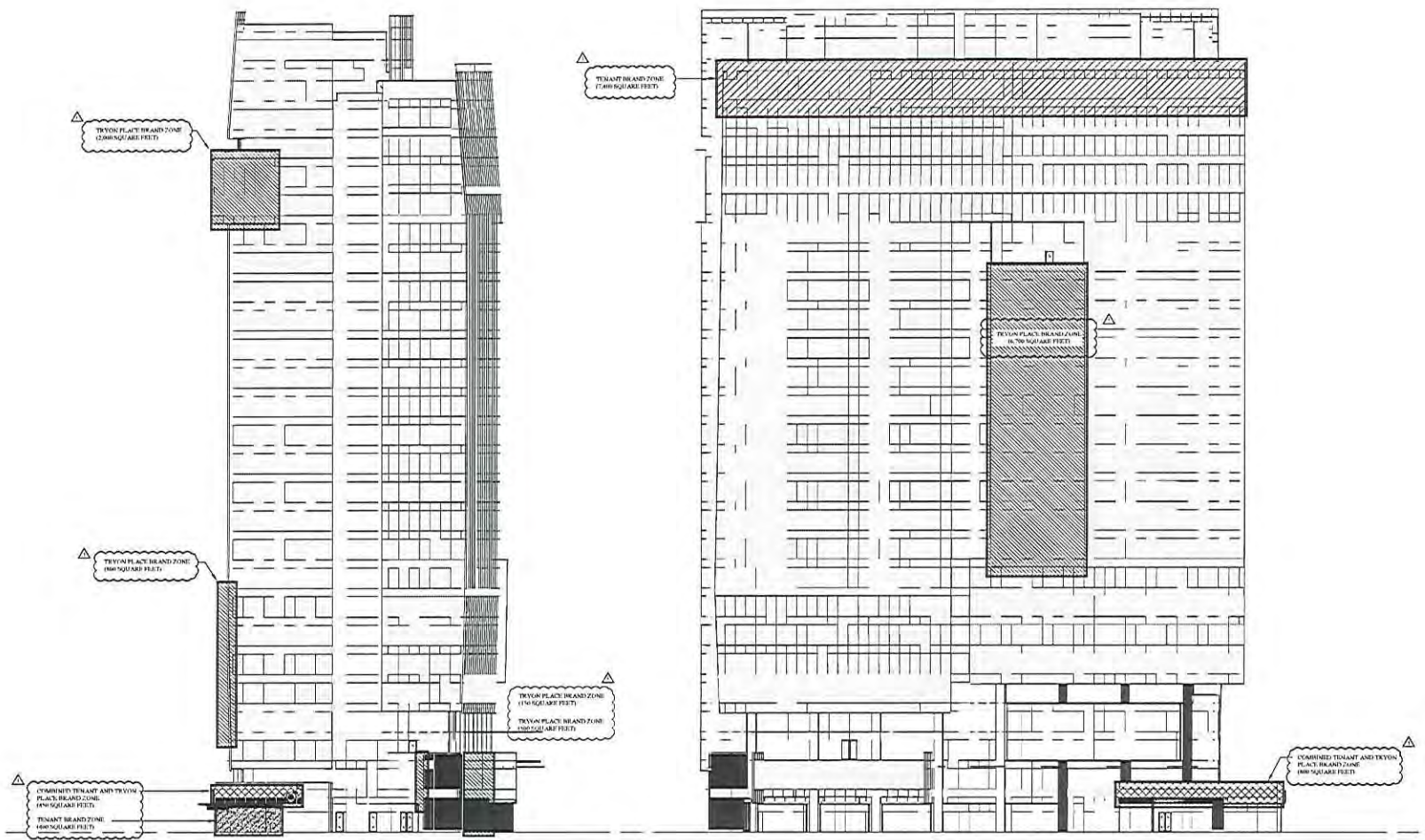
DIRTY	DIRTY	DIRTY
DIRTY	DIRTY	DIRTY
DIRTY	DIRTY	DIRTY

TRYON PLACE  
EDGE PORTALS AND LOGOS  
FRANK DENNY, AIA, LEED  
CHRISTOPHER HUNT, AIA

TRYON PLACE OFFICE  
801 SOUTH TRYON  
CHARLOTTE, NC

132.9153.00

SIGN ZONES



HILL STREET ELEVATION

COLLEGE STREET ELEVATION

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



**Legend**

- ① Building entry, color and pattern to announce arrival into entry zone (see sheet RZ-09)
- ② Paving, color and material to match
- ③ Tryon Mall standard (see sheet RZ-09)
- ④ Retail vendor zone (see sheet RZ-09)
- ⑤ Tryon Plaza monument signage
- ⑥ "Movable" trees (see sheet RZ-09)
- ⑦ Outdoor dining terrace
- ⑧ Fireplace (see sheet RZ-09)
- ⑨ Bike rack
- ⑩ Wayfinding signage
- ⑪ Media towers (4)
- ⑫ Retaining wall
- ⑬ Seat walls
- ⑭ Tryon Plaza paver (see RZ-09)
- ⑮ Additional Tryon street trees (see RZ-09)

Revising: 03/2014-07/14

DATE	BY	REVISION

PROJECT MANAGER  
**EDDIE PORTIS, AIA, LEED**  
PROJECT ARCHITECT  
**FRANK DEBOLT, AIA, LEED**  
PROJECT MANAGER  
**CHRISTOPHER HOFF, AIA**

TRYON PLACE OFFICE  
601 SOUTH TRYON  
CHARLOTTE, NC

132.9153.00  
CONCEPTUAL SITE PLAN







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<b>REQUEST</b>	Current Zoning: R-3 (single-family) and NS (neighborhood services) Proposed Zoning: B-1(CD) (neighborhood business, conditional)
<b>LOCATION</b>	Approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow an 8,000-square foot building for a convenience store with gasoline sales, retail, and eating, drinking and entertainment uses.
<b>STAFF RECOMMENDATION</b>	Staff recommends denial of this petition. This petition is inconsistent with the <i>Northeast Area Plan</i> , which recommends residential land uses, up to 12 units per acre for the parcels zoned R-3 (single family, residential) and office land uses for the parcels zoned NS (neighborhood services). In addition, the adopted area plan limits most of the retail uses to the opposite side of North Tryon Street and there exists a large amount of undeveloped land zoned appropriately for the proposed use. The proposed site design and layout is inconsistent with adopted policies.
<b>PROPERTY OWNER</b>	Lester Herlocker and Associates, Inc., Goldwyn Flanders Owusu, James E. Flanders, Jr., Gwendolyn Flanders Blackmon, Abigail L. Flanders, and Hwy 29 Lot LLC.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	QuikTrip Corporation John Carmichael; Robinson Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

---

## PLANNING STAFF REVIEW

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

The site plan accompanying this petition contains the following provisions:

  - An 8,000-square foot building for a convenience store with gasoline sales; eating, drinking and entertainment establishments; and retail uses.
  - Accessory service pumps and canopy to serve the convenience store use will be located along North Tryon Street.
  - An eight-foot planting strip and six-foot sidewalk along North Tryon Street and Salome Church Road.
  - Elevations of the proposed structures.
  - Maximum building height of 25 feet.
  - Detached lighting limited to 24 feet in height.
  - Building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, stucco, metal panels, and/or wood.
  - A 49-foot Class "B" buffer adjacent to residentially zoned properties.
  - Proposed screening shrubs and tree plantings provided along all public street frontages.
  - Dedication of future right-of-way for future West Pavilion Boulevard Extension.
  - Site access from Salome Church Road and West Pavilion Boulevard.
- **Existing Zoning and Land Use**
  - The subject property is currently zoned R-3 (single family residential) and NS (neighborhood services) and is vacant.
  - The surrounding properties are zoned R-3 (single family residential), R-12MF (CD) (multi-family

residential, conditional), R-22MF(multi-family residential), NS (neighborhood services), and CC (commercial center) and are vacant or developed with residential and commercial structures.

- **Rezoning History in Area**
  - There have been no rezonings in the immediate area in recent years.
- **Public Plans and Policies**
  - *The Northeast Area Plan* (2000) recommends residential land uses up to 12 dwelling units per acre for the existing R-3 (single family) zoned portion of the site, and the Plan, as amended by Petition 2007-143 for a portion of the site, recommends office uses for the existing NS (neighborhood services) zoned portion.
  - This petition is inconsistent with the *Northeast Area Plan*.

---

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** The petitioner should show and add the following transportation improvements to the site plan:
  - Add a southbound right turn-lane with a minimum of 100 feet of storage on West Pavilion Boulevard at its intersection with North Tryon Street.
  - Provide a northbound right turn-lane with a minimum of 100 feet of storage on Salome Church Road at the site's proposed access "A."
  - Extend the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet.
  - **Vehicle Trip Generation:**  
Current Zoning: 600 trips per day.  
Proposed Zoning: 10,800 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** Petitioner should provide a wetlands letter for the subject site.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.

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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**

- Land Use
  - The *Northeast Area Plan* (2000) recommends residential land uses up to 12 dwelling units per acre for the existing R-3 (single family) zoned portion of the site and the Plan, as amended by Petition 2007-143, recommends office uses for the existing NS (neighborhood services) zoned portion of the site. Therefore, the proposed use is inconsistent with the adopted plan and not appropriate for this location.

- If considered for approval, the petitioner should:
    1. Modify the proposed principal structure to front along North Tryon Street, with accessory pumps behind.
    2. Add a note that accessory service windows will not be allowed on the site.
    3. Remove the proposed parking from the 42-foot setback along Salome Church Road.
    4. Remove the proposed dumpster from the 42-foot setback along Salome Church Road.
    5. Label the width and amount of land being dedicated for West Pavilion Boulevard extension. Petitioner should dedicate 65 feet from centerline along both sides of the proposed thoroughfare.
    6. Show possible tree save areas on the site plan.
    7. Modify conditional note under Maximum Gross Floor Area to read "The maximum gross square footage allowed on site shall be 8,000 square feet. The area under the canopy over the gas pumps associated with a convenience store shall not be included in the calculation of the maximum gross square footage."
    8. Modify Note 1 under Architectural Standards to add "changes will be allowed per section 6.207 of the City of Charlotte Zoning Ordinance."
    9. Remove Note 3 under Architectural Standards. Label the proposed building materials on the proposed elevations.
    10. Add a note that large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course.
    11. Add a note stating that pole signs will not be allowed on the site and that monument signs will be limited to seven feet in height and 50 square feet.
    12. Remove references to proposed locations for detached signage.
    13. Amend Note 4 under Architectural Standards to include "above ground backflow preventer assemblies."
    14. Replace "restaurant" with "eating, drinking and entertainment establishment" under Permitted Uses.
    15. Address discrepancy of site area as listed in Note 1 under General Provisions and the Site Data Table.
    16. Address Transportation comments.
    17. Address Engineering and Property Management comment.
- 

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

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

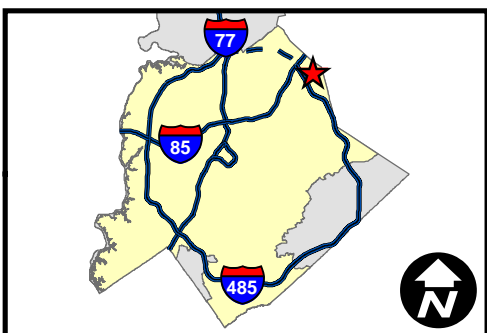
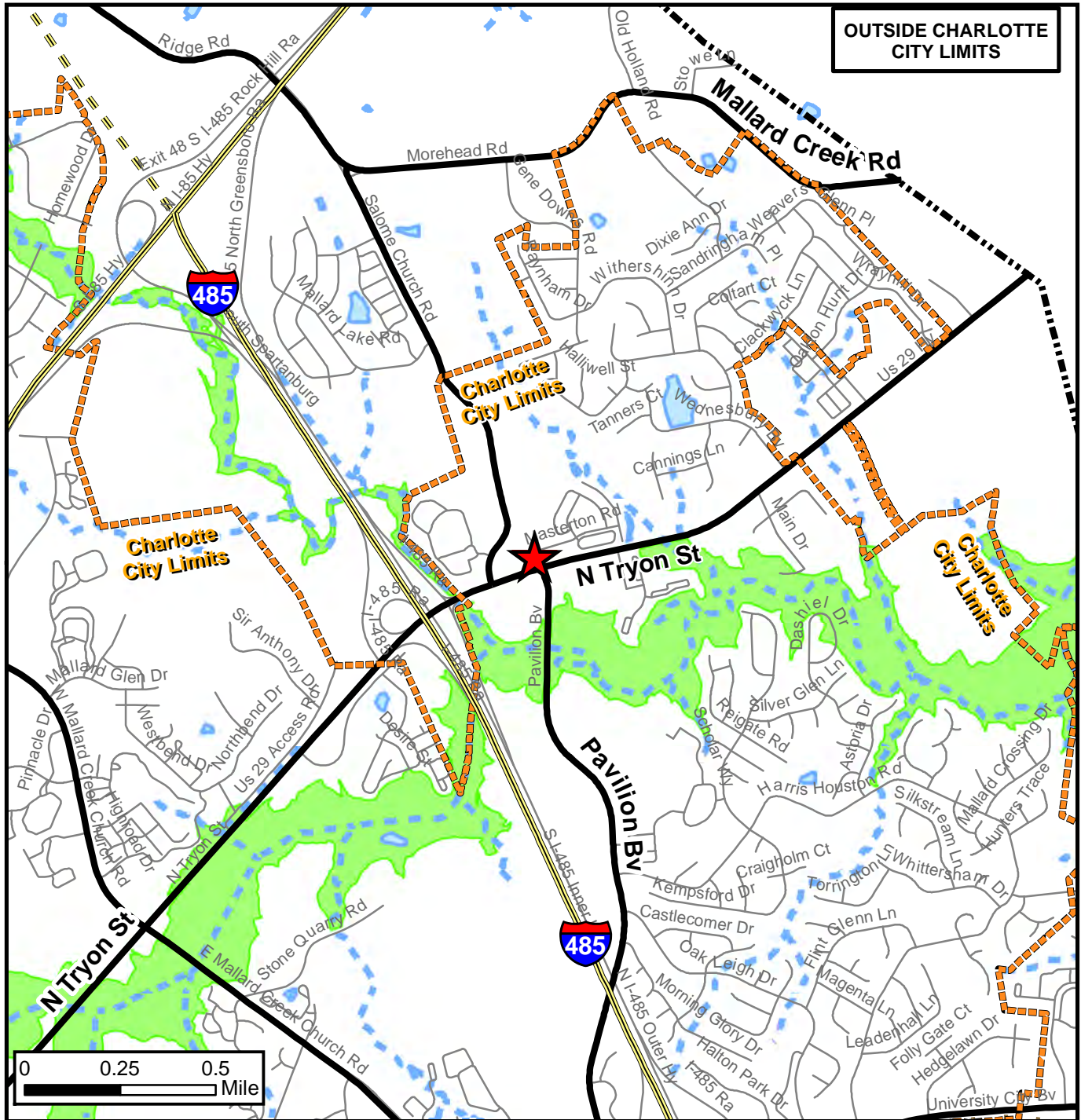
**Planner:** Solomon Fortune (704) 336-8326



Petition #: **2014-095**

# Vicinity Map

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



**★ Rezoning Petition: 2014-095**

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

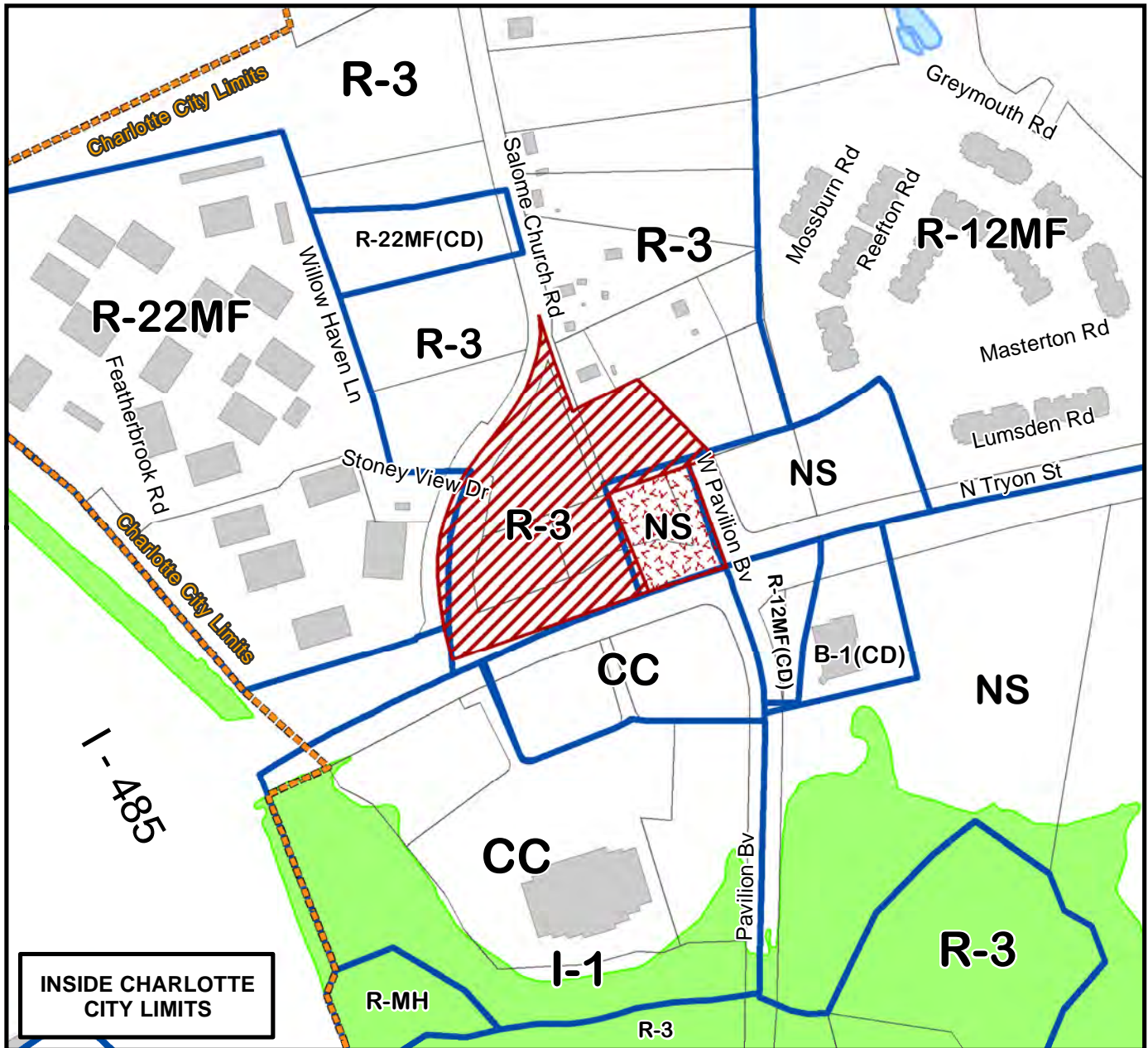
Petition #: **2014-095**

Petitioner: **QuikTrip Corporation**

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

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

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



**INSIDE CHARLOTTE CITY LIMITS**

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

0 125 250 500 750 1,000 Feet

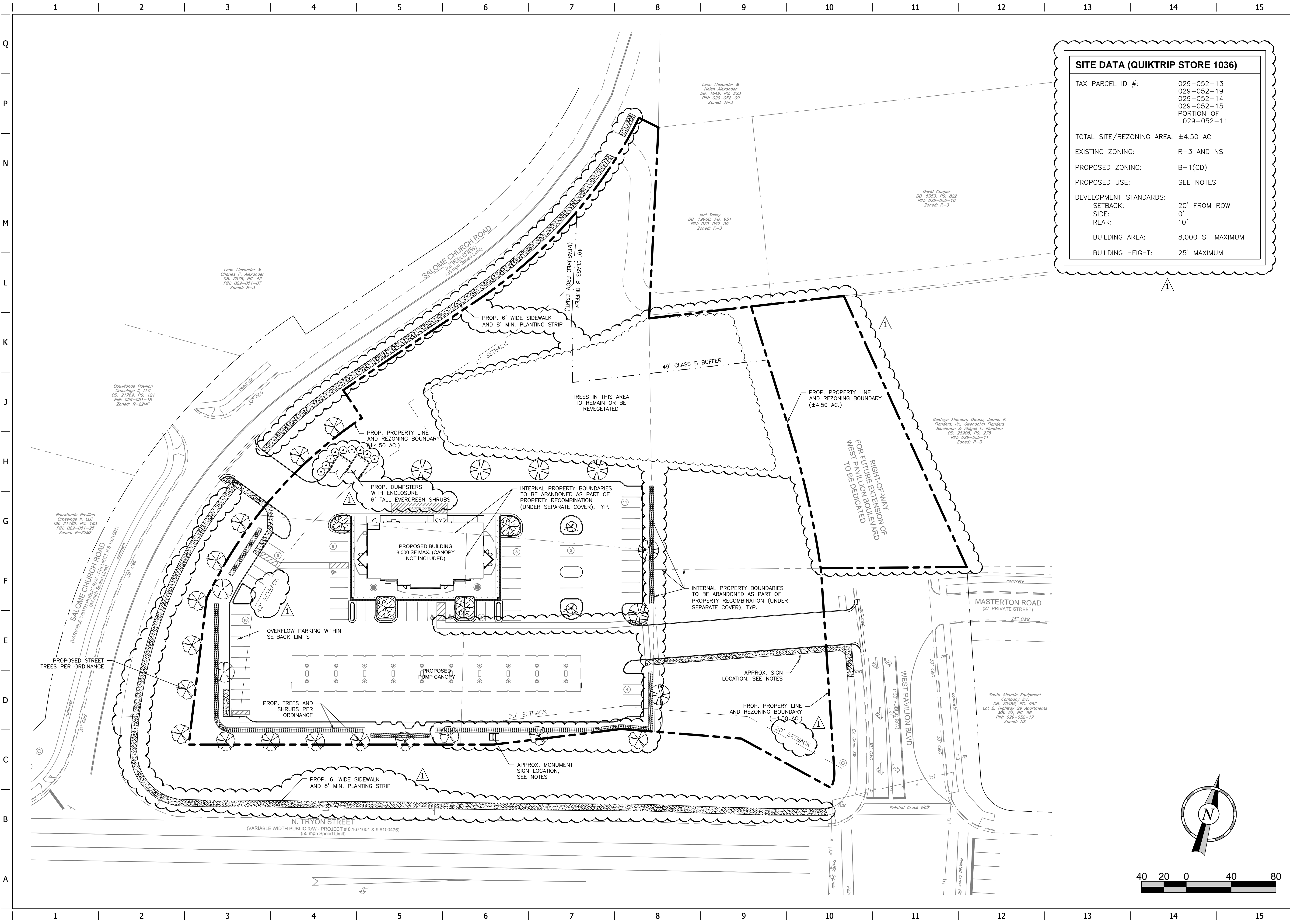


Zoning Map #(s)  
**54**

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



FILE LOCATION: \\QuikTrip\14-050 - 1036.Dwg\81-1036 Rezoning.dwg TAB NAME: Rezoning USER: cobeflyson SWED: 9/19/2014 9:53 AM PLOTTED: 9/19/2014 9:56 AM



SITE DATA (QUIKTRIP STORE 1036)	
TAX PARCEL ID #:	029-052-13 029-052-19 029-052-14 029-052-15 PORTION OF 029-052-11
TOTAL SITE/REZONING AREA:	±4.50 AC
EXISTING ZONING:	R-3 AND NS
PROPOSED ZONING:	B-1(CD)
PROPOSED USE:	SEE NOTES
DEVELOPMENT STANDARDS:	
SETBACK:	20' FROM ROW
SIDE:	0'
REAR:	10'
BUILDING AREA:	8,000 SF MAXIMUM
BUILDING HEIGHT:	25' MAXIMUM

PROJECT NO.: 14-050

**URBAN DESIGN PARTNERS**  
 1316 old central ave # 704-334-3303  
 charlotte, nc 28205 F 704-334-3305  
 urban@designpartners.com  
 website: www.udp.com

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

<b>QT</b>	
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PROTOTYPE:	P-70
DIVISION:	CAROLINAS (81)
VERSION:	001
DESIGNED BY:	UDP
DRAWN BY:	UDP
REVIEWED BY:	TK

REV	DATE	DESCRIPTION
1	09/19/14	PER CITY COMMENTS

ORIGINAL ISSUE DATE: 07.28.14

SHEET TITLE:  
 REZONING PLAN

SHEET NUMBER:  
 RZ-1.0

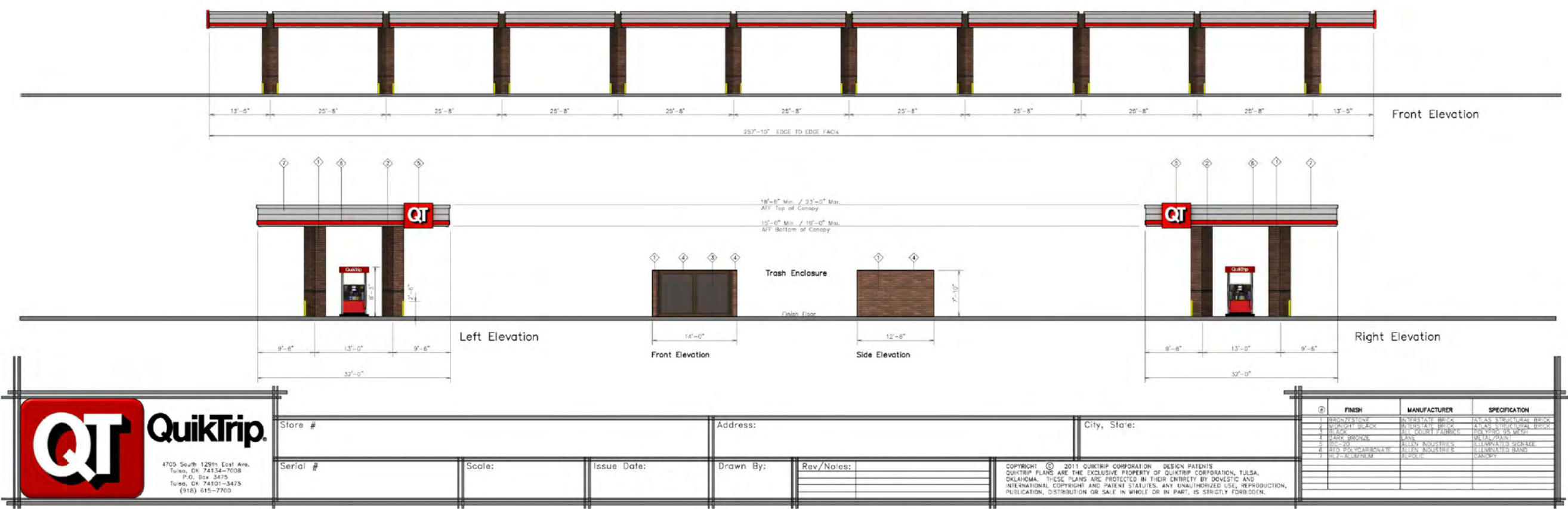






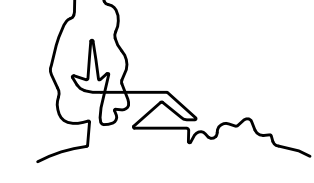
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1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15

PROJECT NO.: 14-050



**URBAN  
DESIGN  
PARTNERS**  
1315-46 central ave • 704.334.3303  
charlotte, nc 28205 • 704.334.3300  
urbandesignpartners.com  
Registered: E2418

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



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DIVISION: CAROLINAS (81)  
VERSION: 001  
DESIGNED BY: UDP  
DRAWN BY: UDP  
REVIEWED BY: TK

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: 07.28.14

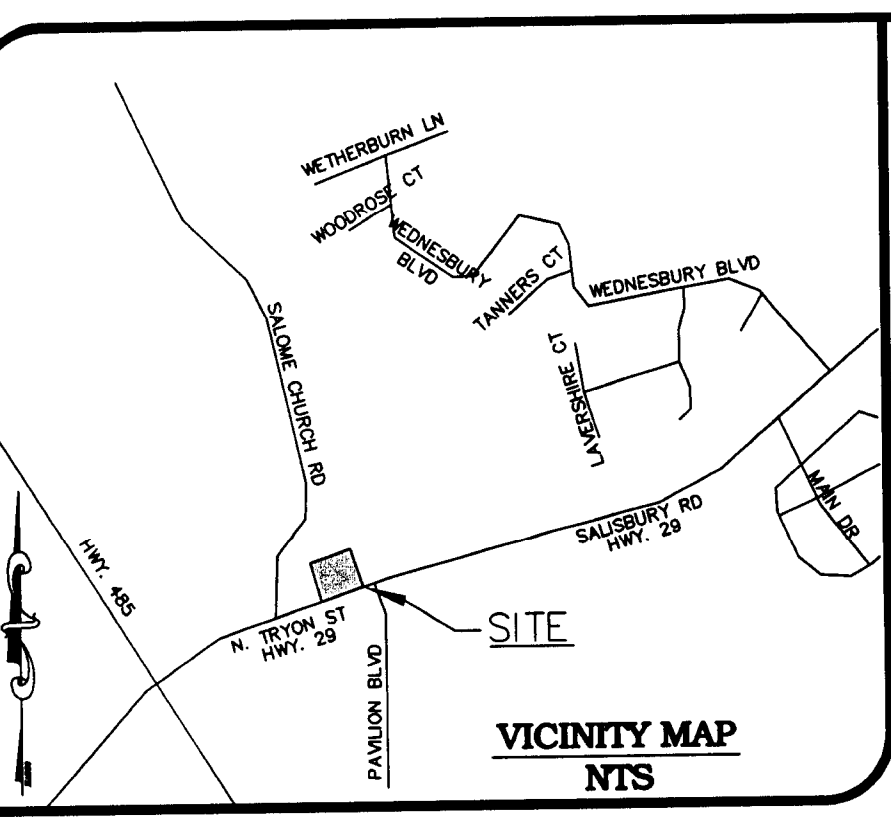
SHEET TITLE:  
BUILDING ELEVATIONS AND  
ILLUSTRATIVES

SHEET NUMBER:  
**RZ-3.0**



Previously  
Approved  
Site  
Plan



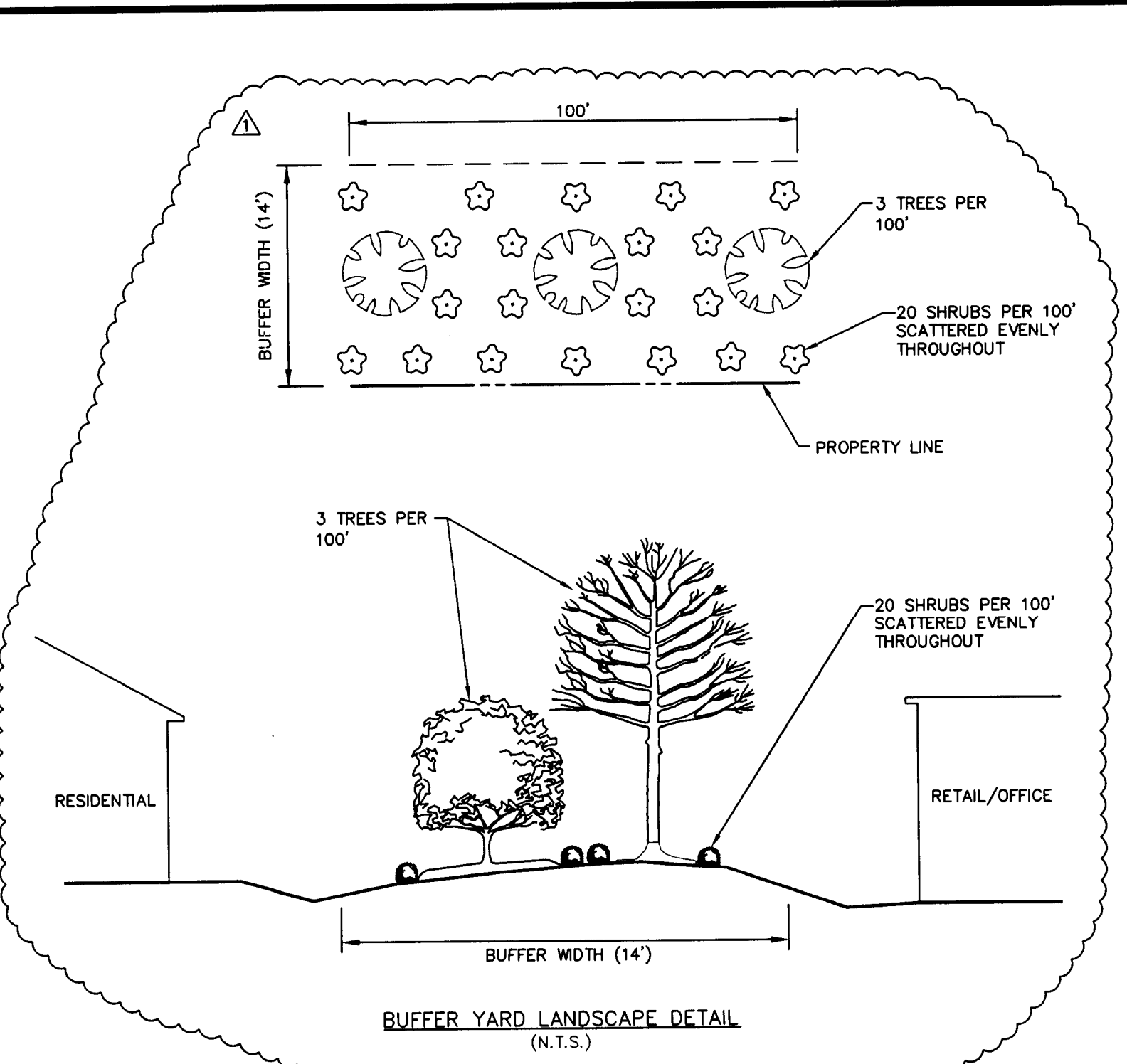


**PARCEL INFORMATION**

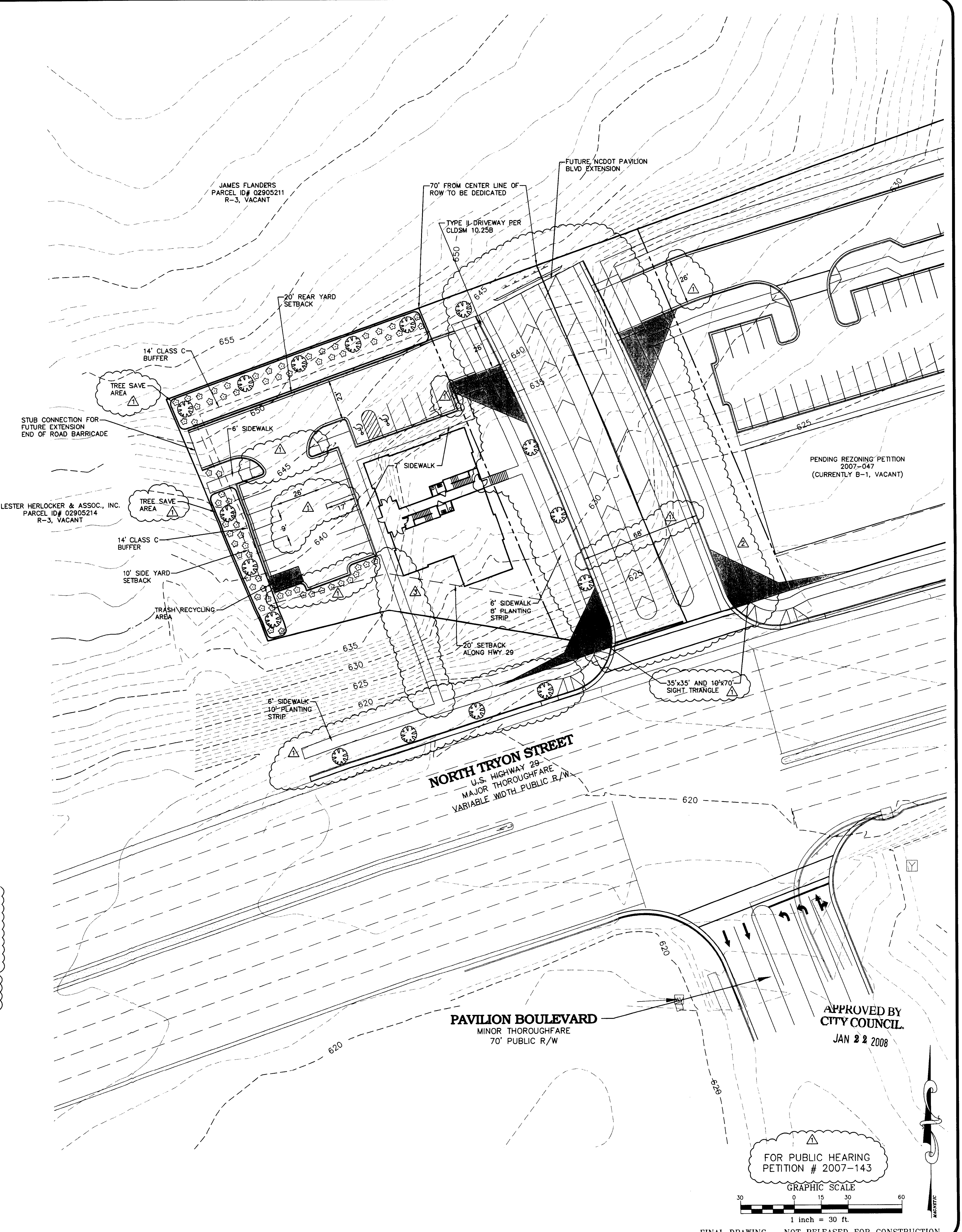
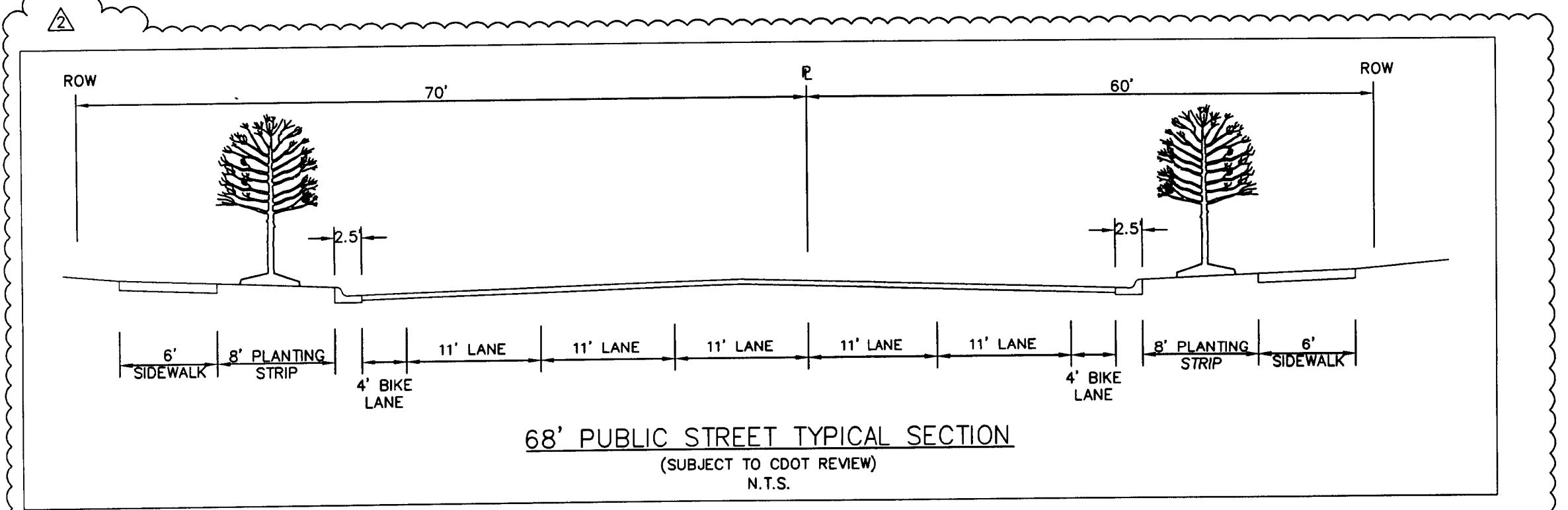
APPLICANT: OWNER:  
 GATEWAY HOMES, LLC CARRIE BELL McCELLAN  
 11121 CARMEL COMMONS BLVD. 11413 N. TRYON ST.  
 SUITE 260 CHARLOTTE, NC 28262  
 CHARLOTTE, NC 28226

PARCEL NUMBER:	02905215 & 02905216
TOTAL AREA:	0.90 ACRES
FUTURE ROW TO BE DEDICATED:	0.34 ACRES
EXISTING ZONING:	R-3
EXISTING USE:	VACANT & RESIDENTIAL
PROPOSED ZONING:	OFFICE UP TO 10,000 SF
PROPOSED USE:	(1/800) = 17
MINIMUM PARKING:	19
PROPOSED PARKING:	1
MINIMUM HC SPACES:	1
PROPOSED HC PARKING SPACES:	1
MINIMUM HC VAN SPACES:	1
PROPOSED HC VAN SPACES:	1
BICYCLE PARKING:	2
BUILDING HEIGHT:	34'
TREE SAVE AREA:	±17%

- DEVELOPMENT STANDARDS:**
- A) PERMITTED USES:**  
 1) PERMITTED USES SHALL BE THOSE ALLOWED IN THE NS ZONING CLASSIFICATION, FOR GENERAL AND MEDICAL OFFICE USES.  
 2) THE GROSS FLOOR AREA OF THE SITE MAY NOT EXCEED, IN AGGREGATE, 10,000 SQUARE FEET.
- B) SETBACKS, SIDE YARDS AND REAR YARDS:**  
 1) BUILDING SETBACKS ON THE SITE SHALL BE 20' MEASURED FROM THE ROW ALONG HWY 29, AND 14' FROM THE PROPOSED CURB LINE OF THE NEW PUBLIC STREET (EXTENSION OF PAVILION BLVD) OR RIGHT-OF-WAY WHICHEVER IS GREATER.  
 2) SIDE YARD SETBACKS SHALL BE 10' FROM THE SIDE OF THE BUILDING.  
 3) REAR YARD SETBACKS SHALL BE 20' FROM THE REAR OF THE BUILDING.
- C) SCREENING AND STREETScape TREATMENT:**  
 1) SCREENING SHALL CONFORM WITH THE STANDARDS AND TREATMENTS SPECIFIED IN SECTION 12.303 OF THE ORDINANCE.  
 2) ANY DUMPSTERS LOCATED WITHIN THE SITE THAT ARE VISIBLE FROM A PUBLIC STREET OR FROM AN EXTERNAL ADJOINING PROPERTY WILL BE SCREENED FROM VIEW BY A SOLID ENCLOSURE WITH GATES.  
 3) THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.  
 4) ROOF-TOP MECHANICAL EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW.
- D) DESIGN AND PERFORMANCE STANDARDS:**  
 1) NO SPANDREL GLASS SHALL BE ALLOWED ALONG STREET FRONTS. GLASS DOORS WITH EMERGENCY ACCESS BARS ALONG THE STREET SHALL BE PROVIDED.  
 2) LIGHTING: ALL FREESTANDING LIGHTING FIXTURES WILL BE UNIFORM IN DESIGN.  
 3) ALL FREESTANDING LIGHTING FIXTURES SHALL BE BOXED AND FULLY SHIELDED AND NOT EXCEED 20 FEET IN HEIGHT, INCLUDING ITS BASE.  
 4) WALL "FRAM" LIGHTING SHALL NOT BE PERMITTED.
- E) SIGNAGE:**  
 1) SIGNS IN THE NS DISTRICT ARE PERMITTED IN ACCORDANCE WITH SECTION 11.509, PER SECTION 11.509(d), DETACHED IDENTIFICATION SIGNS FOR FREE-STANDING BUSINESSES ARE ALLOWED IN ACCORDANCE WITH SECTION 13.109(4), WITH THE EXCEPTION THAT THE MAXIMUM SIGN SURFACE AREA SHALL NOT EXCEED 32 SQUARE FEET AND THE MAXIMUM HEIGHT SHALL NOT EXCEED 7 FEET, PER SECTION 11.509(1)(c). DETACHED IDENTIFICATION SIGNS FOR SHOPPING CENTERS AND OTHER MULTI-TENANT BUILDINGS ARE PERMITTED AND SHALL NOT EXCEED 64 SQUARE FEET, AND THE MAXIMUM HEIGHT SHALL NOT EXCEED 4 FEET.
- F) PARKING:**  
 1) OFF STREET PARKING SPACES WILL, AT A MINIMUM, SATISFY THE REQUIREMENTS OF THE NS ZONING DISTRICT AT 1 SPACE PER 600 SQUARE FEET.  
 2) PARKING SHALL NOT BE LOCATED BETWEEN THE BUILDING AND HIGHWAY 29 OR PAVILION BOULEVARD EXTENSION.  
 3) BICYCLE PARKING SPACES (BIKE RACKS) SHALL BE PROVIDED IN ACCORDANCE WITH THE ORDINANCE.
- G) SIDEWALKS, PLANTING STRIPS AND PEDESTRIAN CONNECTIONS:**  
 1) SIDEWALK SHALL BE PROVIDED ALONG THE SITE SIDE OF THE PROPOSED EXTENSION OF PAVILION BLVD AND ALONG US HWY 29 WHICH WILL BE AT LEAST 6 FEET IN WIDTH AND HAVE A PLANTING STRIP BETWEEN THE SIDEWALK AND THE STREET CURB OR EDGE OF PAVEMENT WHICH IS AT LEAST 8 FEET IN WIDTH.  
 2) PLANTING STRIPS AND SIDEWALKS MAY BE LOCATED WITHIN THE SETBACK AND/OR THE RIGHTS-OF-WAYS SUBJECT TO ANY NECESSARY GOVERNMENT APPROVAL.
- H) RIGHT-OF-WAY DEDICATION:**  
 1) THE PETITIONER AGREES TO DEDICATE AND CONVEY (BY QUITCLAIM DEED AND SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THAT PORTION OF THE SITE THAT MAY BE REQUIRED TO PROVIDE RIGHT-OF-WAY AS FOLLOWS PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR THE SITE:  
 PAVILION BLVD EXTENSION - 70 FEET FROM CENTER LINE OF PAVILION BLVD.
- I) ACCESS POINTS (DRIVEWAYS) / ROAD IMPROVEMENTS:**  
 1) THE NUMBER OF VEHICULAR ACCESS POINTS TO THE SITE SHALL BE LIMITED TO THE NUMBER DEPICTED ON THIS SHEET, CONNECTING TO THE WESTERN PROPERTY LINE.  
 2) THE PLACEMENT AND CONFIGURATION OF EACH ACCESS POINT ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND ARCHITECTURAL CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CITY OF CHARLOTTE AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
- J) FIRE PROTECTION:**  
 1) ADEQUATE FIRE PROTECTION IN THE FORM OF FIRE HYDRANTS WILL BE PROVIDED TO THE FIRE MARSHAL'S SPECIFICATIONS.
- K) AMENDMENTS TO REZONING PLAN:**  
 1) FUTURE AMENDMENTS TO THIS SHEET AND 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.

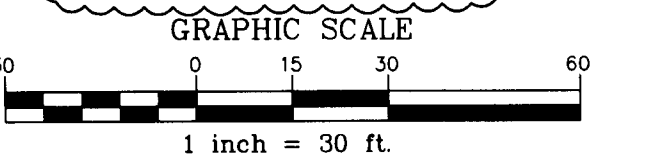


- M) BINDING EFFECT OF THE REZONING APPLICATION:**  
 1) IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THIS SHEET WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INSURE TO 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 STANDARDS, 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.
- ADDITIONAL NOTES:**
- 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, REGULATE STREETS, SIDEWALKS, TREES, STORMWATER, AND SITE DEVELOPMENT, ETC.), WILL APPLY TO THE DEVELOPMENT SITE. THIS INCLUDES CHAPTERS 6, 9, 12, 17, 18, 19, 20, AND 21 OF THE CITY CODE. CONDITIONS SET FORTH IN THIS PETITION ARE SUPPLEMENTAL REQUIREMENTS IMPOSED ON THE DEVELOPMENT IN ADDITION TO OTHER STANDARDS, WHERE CONDITIONS ON THIS PLAN DIFFER FROM ORDINANCES, STANDARDS, POLICIES, AND APPROACHES IN EXISTENCE AT THE TIME OF FORMAL ENGINEERING PLAN REVIEW SUBMISSION, THE STRICTER CONDITION OR EXISTING REQUIREMENTS SHALL APPLY.
  - ANY JURISDICTIONAL WETLANDS OR STREAMS, IF PRESENT, NEED TO BE PROTECTED OR PROPER ENVIRONMENTAL PERMITS OBTAINED PRIOR TO THEIR DISTURBANCE. FOR 401 PERMITS CONTACT DENR. FOR 404 PERMITS CONTACT THE ARMY CORPS OF ENGINEERS.
  - LOCATION, SIZE, AND TYPE OF ANY STORMWATER MANAGEMENT SYSTEMS DEPICTED ON REZONING SITE PLAN IS SUBJECT TO REVIEW AND APPROVAL WITH FULL DEVELOPMENT PLAN SUBMITTAL AND IS NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS TO SITE LAYOUT MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORMWATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.
  - STORM WATER QUANTITY CONTROL - THE PETITIONER SHALL TIE-IN TO EXISTING STORM WATER SYSTEM(S). THE PETITIONER SHALL HAVE THE RECEIVING DRAINAGE SYSTEM(S) ANALYZED TO ENSURE THAT IT WILL NOT BE TAKEN OUT OF STANDARD DUE TO THE DEVELOPMENT. IF IT IS FOUND THAT DEVELOPMENT WILL CAUSE THE STORM DRAINAGE SYSTEM(S) TO BE TAKEN OUT OF STANDARD, THE PETITIONER SHALL PROVIDE ALTERNATE METHODS TO PREVENT THIS FROM OCCURRING.
  - STORM WATER QUALITY TREATMENT - FOR PROJECTS WITH DEFINED WATERSHEDS GREATER THAN 24% BUILT-UPON AREA, CONSTRUCT WATER QUALITY BEST MANAGEMENT PRACTICES (BMPs) TO ACHIEVE 85% TOTAL SUSPENDED SOLID (TSS) REMOVAL FOR THE ENTIRE POST DEVELOPMENT RUNOFF VOLUME FOR THE RUNOFF GENERATED FROM THE FIRST 1-INCH OF RAINFALL. BMPs MUST BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE N.C. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (NCDENR) BEST MANAGEMENT PRACTICES MANUAL, APRIL 1998, SECTION 4.0 (DESIGN STANDARDS SHALL BE MET ACCORDING TO THE CITY OF CHARLOTTE BEST MANAGEMENT PRACTICES MANUAL, WHEN AVAILABLE). USE OF LOW IMPACT DEVELOPMENT (LID) TECHNIQUES IS OPTIONAL.
  - VOLUME AND PEAK CONTROL - FOR PROJECTS WITH DEFINED WATERSHEDS GREATER THAN 24% BUILT-UPON AREA, CONTROL THE ENTIRE VOLUME FOR THE 1-YEAR, 24-HOUR STORM. RUNOFF VOLUME DRAWDOWN TIME SHALL BE A MINIMUM OF 24 HOURS, BUT NOT MORE THAN 120 HOURS FOR RESIDENTIAL PROJECTS WITH GREATER THAN 24% BUA. CONTROL THE PEAK TO MATCH THE PREDEVELOPMENT RUNOFF RATES FOR THE 10-YEAR AND 25-YEAR, 6-HOUR STORMS OR PERFORM A DOWNSCREEN ANALYSIS TO DETERMINE WHETHER PEAK CONTROL IS NEEDED, AND IF SO, FOR WHAT LEVEL OF STORM FREQUENCY. "RESIDENTIAL" SHALL BE DEFINED AS A DEVELOPMENT CONTAINING DWELLING UNITS WITH OPEN YARDS ON AT LEAST TWO SIDES WHERE LAND IS SOLD WITH EACH DWELLING UNIT.
  - FOR COMMERCIAL PROJECTS WITH GREATER THAN 24% BUA, CONTROL THE PEAK TO MATCH THE PREDEVELOPMENT RUNOFF RATES FOR THE 10-YEAR, 6-HOUR STORM AND PERFORM A DOWNSCREEN FLOOD ANALYSIS TO DETERMINE WHETHER ADDITIONAL PEAK CONTROL IS NEEDED AND IF SO, FOR WHAT LEVEL OF STORM FREQUENCY. IF A DOWNSCREEN ANALYSIS IS NOT PERFORMED, CONTROL THE PEAK FOR THE 10-YEAR, AND 25-YEAR, 6-HOUR STORMS.
  - FOR COMMERCIAL PROJECTS WITH LESS THAN OR EQUAL TO 24% BUA, BUT GREATER THAN ONE ACRE OF DISTURBED AREA, CONTROL THE PEAK TO MATCH THE PREDEVELOPMENT RUNOFF RATES FOR THE 2 AND 10-YEAR, 6-HOUR STORMS.
  - TREE SAVE AREA IS GENERALLY DEPICTED ON THIS PLAN BUT MAY ADJUST DUE TO GRADING REQUIREMENTS NEEDED FOR THE EAST/WEST PRIVATE DRIVE AND SITE PARKING. THE TREE SAVE PERCENTAGE MAY BE APPROXIMATELY 17% OF THE TOTAL EXISTING TREE COVERED AREA OF THE SITE. SAVED TREES MAY BE INCORPORATED INTO THE 14' CLASS C BUFFERS ALONG THE NORTH AND WEST PROPERTY LINES.
  - THE DEVELOPER IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH MODIFYING THE EXISTING SIGNAL ALONG HWY 29 AND PAVILION BLVD. EXTENSION TO INCLUDE THE 4TH LEG ACCESS TO THE SITE.
  - A PROPOSED STORMWATER PIPE WILL RUN EAST ALONG HWY 29 COLLECTING THE STORMWATER GENERATED BY THIS SITE AND BY THE SITE AFFECTED BY REZONING PETITION 2007-047. THE STORMWATER WILL BE TREATED BY THE PROPOSED FACILITY AT THE GATEWAY HOMES MULTI-FAMILY SITE ALONG HWY 29. THE PROPOSED STORMWATER FACILITY HAS BEEN ENGINEERED TO ACCOMMODATE ADDITIONAL RUNOFF FROM THESE SITES.
  - THE PETITIONER AND SUBSEQUENT OWNERS HAVE THE OPTION TO FILE A VARIANCE TO THE ZONING BOARD OF APPEALS FOR THE SIDEWALK CONNECTION FROM THE FRONT OF THE BUILDING (WESTERN SIDE OF BUILDING) TO NORTH TRYON STREET BY SECTION 12.529 OF THE ZONING ORDINANCE. FROM NORTH TRYON STREET TO THE FRONT OF THE BUILDING, THERE IS AN INCREASE IN ELEVATION OF APPROXIMATELY 15 FEET.



APPROVED BY  
CITY COUNCIL  
JAN 22 2008

FOR PUBLIC HEARING  
PETITION # 2007-143



FINAL DRAWING - NOT RELEASED FOR CONSTRUCTION

**THE JOHN R. McADAMS COMPANY, INC.**  
 ENGINEERS/PLANNERS/SURVEYORS  
 RESEARCH TRIANGLE PARK, NC  
 P.O. BOX 14005 ZIP 27709-4005  
 (919) 361-5000

**REVISIONS:**

11-16-2007	REVISIONS PER FIRST REVIEW COMMENTS
12-17-2007	REVISIONS PER CDDT COMMENTS
12-20-2007	REVISIONS PER PLANNING COMMENTS

**APPLICANT:**  
 GATEWAY HOMES, LLC  
 11121 CARMEL COMMONS BOULEVARD  
 SUITE 260  
 CHARLOTTE, NORTH CAROLINA 28226

**HIGHWAY 29 SITE OFFICE DEVELOPMENT REZONING PLAN**

PROJECT NO: GWH-07010  
 FILENAME: GWH07010RZ  
 DESIGNED BY: SMM  
 DRAWN BY: CSS  
 SCALE: 1"=30'  
 DATE: 07-18-2007  
 SHEET NO: C-1  
 McADAMS

---

<b>REQUEST</b>	Current Zoning: UR-3(CD) (urban residential, conditional) Proposed Zoning: TOD-M (transit oriented development – mixed-use)
<b>LOCATION</b>	Approximately 15.50 acres located on the southeast corner at the intersection of West 30 <sup>th</sup> Street and Chick Godley Road. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to rezone approximately 15.50 acres to allow all uses in the TOD-M (transit oriented development – mixed-use) district.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition. This petition is consistent with the <i>Blue Line Extension Station Area Plan – 36th Street Station</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	First Industrial B & L, LLC Charlotte-Mecklenburg Planning Department Tony Kuhn – Flywheel Group, LLC
<b>COMMUNITY MEETING</b>	Meeting is not required.

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#### PLANNING STAFF REVIEW

- **Background**
  - In 2008 the subject property was rezoned from I-2 (general industrial) to UR-3(CD) (urban residential, conditional) for the development of 327 townhomes and flats with an option to add up to 44,000 square feet of ground floor office and retail (petition 2008-82). The overall density for the project was 20.45 units per acre.
- **Proposed Request Details**

This is a conventional rezoning petition with no associated site plan.
- **Existing Zoning and Land Use**
  - The site is generally surrounded by residential, commercial, and industrial development on properties zoned I-1 (light industrial), I-2 (general industrial), and MUDD(CD) (mixed use development, conditional).
- **Rezoning History in Area**
  - There have been numerous rezonings in the area to support the Blue Line Extension. The property located immediately to the south of the subject site was rezoned in 2007 to allow up to 340 multi-family residential units at a density of 33.1 dwelling units per acre. This project is currently under construction. The majority of recent rezonings in the area have occurred to the south along North Davidson Street to allow a mix of office, retail, and residential development.
- **Public Plans and Policies**
  - The *Blue Line Extension Station Area Plan – 36th Street Station* (2013) recommends transit supportive land uses for these parcels. A portion of the rezoning site is within 1/2 mile of the 36th Street Station on the LYNX Blue Line Extension.
  - This petition is consistent with *the Blue Line Extension Station Area Plans – 36th Street Station*.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** Based on the Housing Locational Policy, public funds for any residential development will require a waiver.
- **Charlotte Department of Solid Waste Services:** No comments received.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**  
Current Zoning: 2600 trips per day.

Proposed Zoning: A wide range of trip generation is possible.

- **Connectivity:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** No comments received.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** This property is located in the Central Park Region and is on the Little Sugar Creek Greenway corridor as indicated on the 2008 Greenway Master Plan.
  - **Urban Forestry:** No issues.
- 

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

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

#### **OUTSTANDING ISSUES**

- No issues.
- 

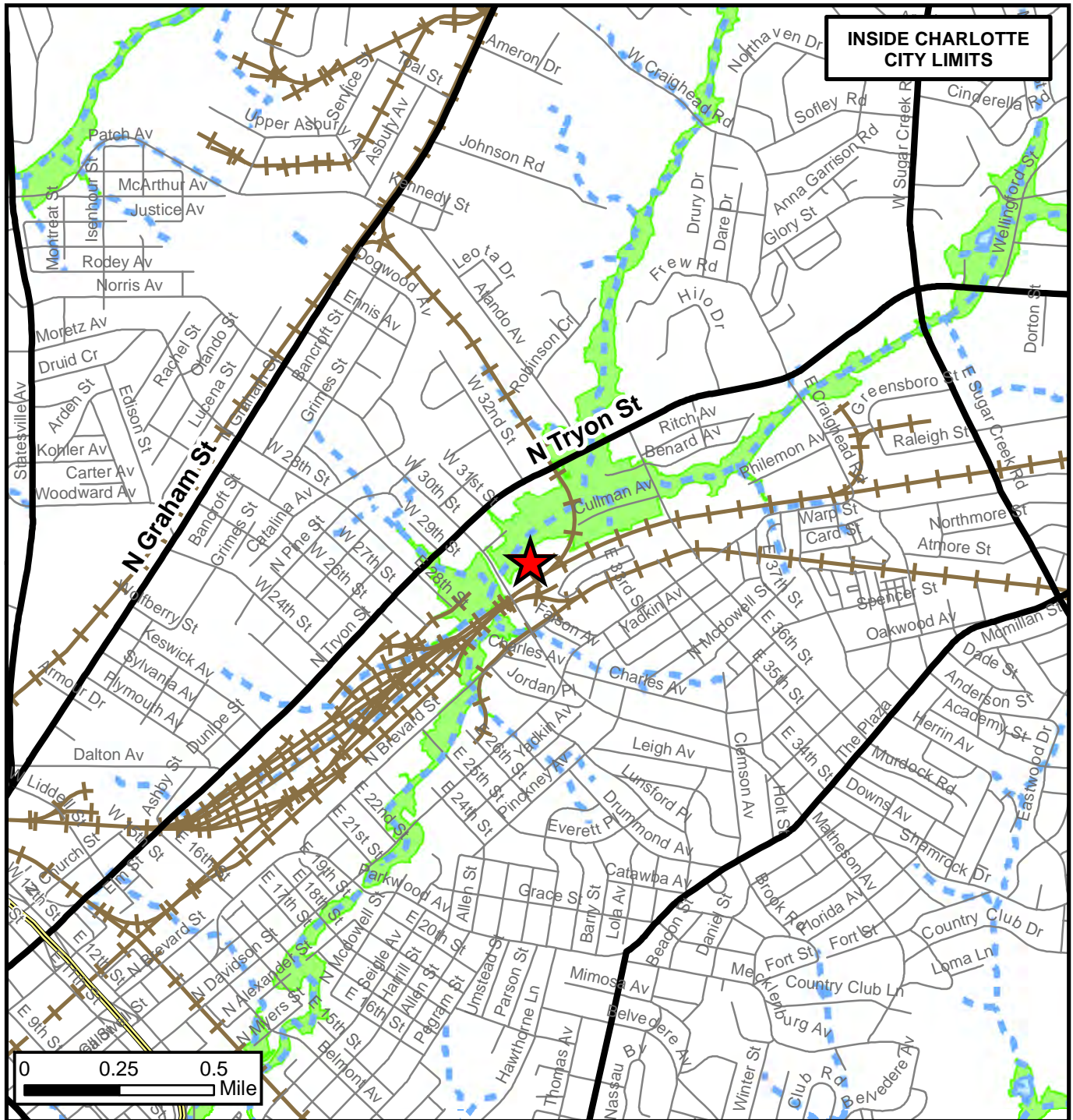
#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

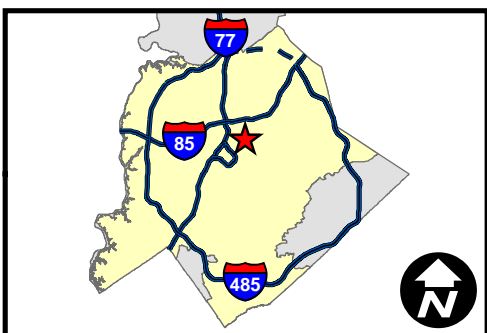
**Planner:** Solomon Fortune (704) 336-8326



**Acres & Location :** Approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road.



**INSIDE CHARLOTTE CITY LIMITS**



**★ Rezoning Petition: 2014-100**

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



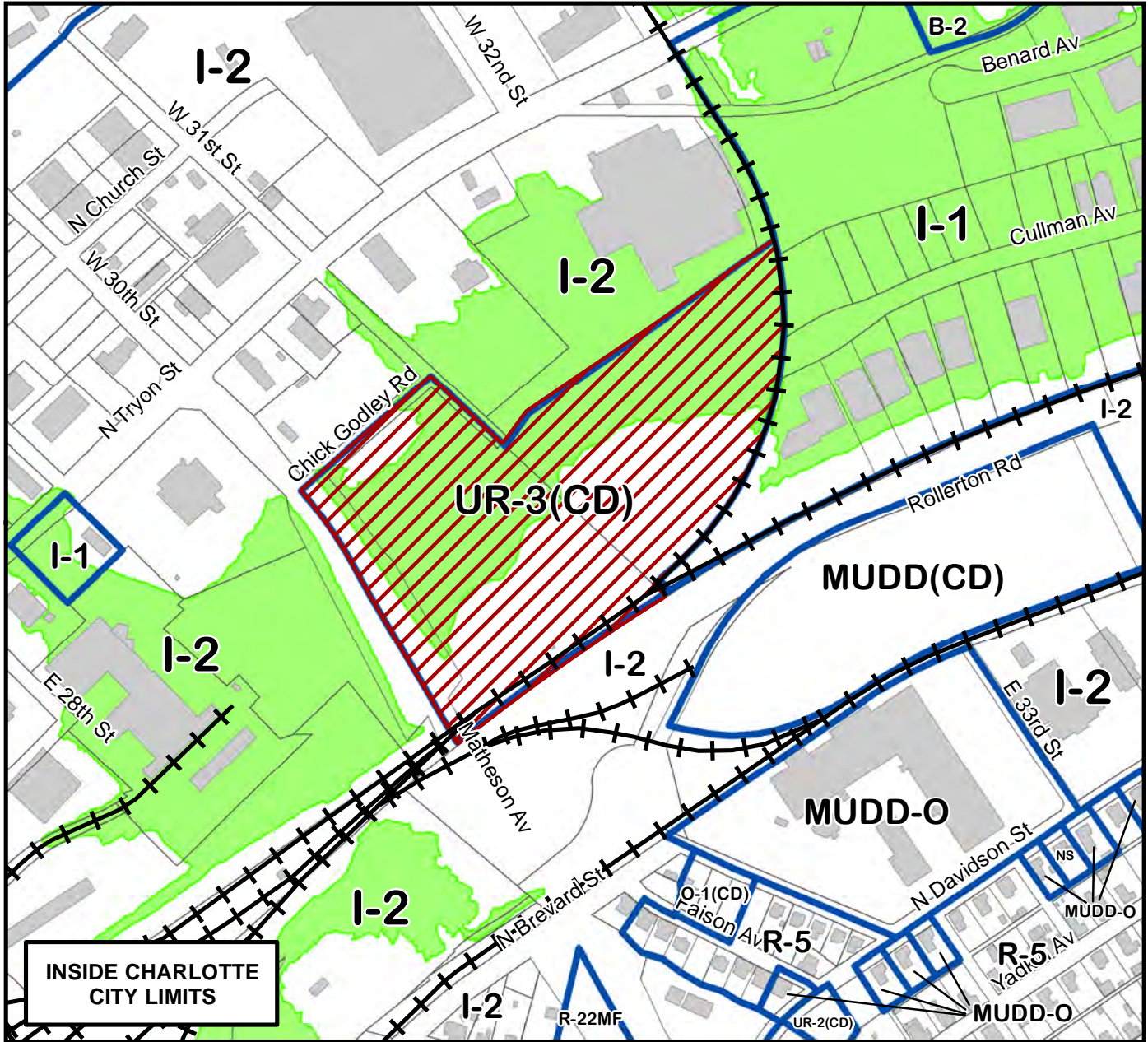
Petition #: **2014-100**

Petitioner: Charlotte-Mecklenburg Planning Department

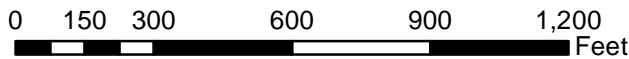
Zoning Classification (Existing): UR-3(CD)  
(Urban Residential, Conditional)

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

Acreage & Location: Approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road.

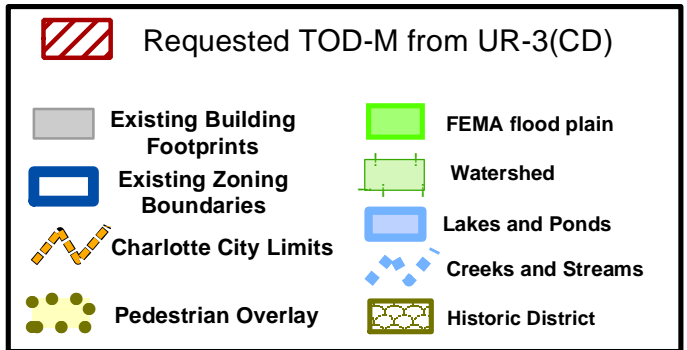


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-29-2014.



Zoning Map #(s)

**89**



Previously  
Approved  
Site  
Plan







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

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#### PLANNING STAFF REVIEW

- **Background**
  - Rezoning petition 2007-140 rezoned the site from R-3 (single family residential) to UR-1(CD) (urban residential, conditional) to allow up to 95 for-sale dwelling units (duplexes and single family homes), at a density of 6.64 units per acre.
- **Proposed Request Details**

This is a conventional rezoning petition with no associated site plan.
- **Existing Zoning and Land Use**
  - A portion of the rezoning site is developed with a single family home and the remaining acreage is vacant. Surrounding uses include single family neighborhoods and undeveloped land zoned R-3 (single family residential), and some office/warehouse to the south zoned I-2(CD) (general industrial, conditional). The rezoning site's east property line abuts I-77.
- **Rezoning History in Area**
  - There have been no recent rezonings in the immediate area.
- **Public Plans and Policies**
  - The *Northwest District Plan* (1990) recommends single-family residential up to 6.6 dwelling units per acre, as amended by rezoning petition 2007-140.
  - The petition is consistent with the *Northwest District Plan*.

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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.
  - **Vehicle Trip Generation:**

Current Zoning: 670 trips per day.  
Proposed Zoning: 680 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.

- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 28 students, while the development allowed under the proposed zoning will produce 40 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 12 students.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
- 

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

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

#### **OUTSTANDING ISSUES**

- No issues.
- 

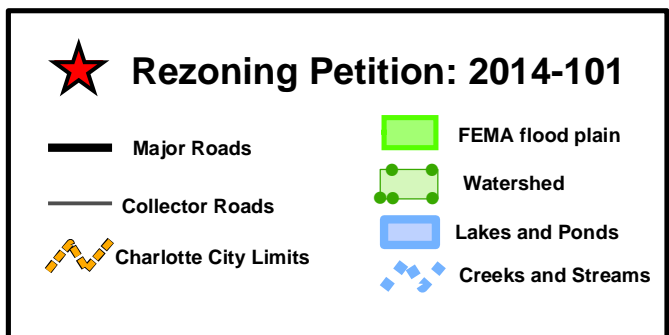
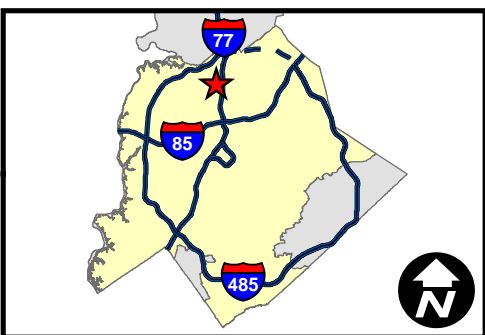
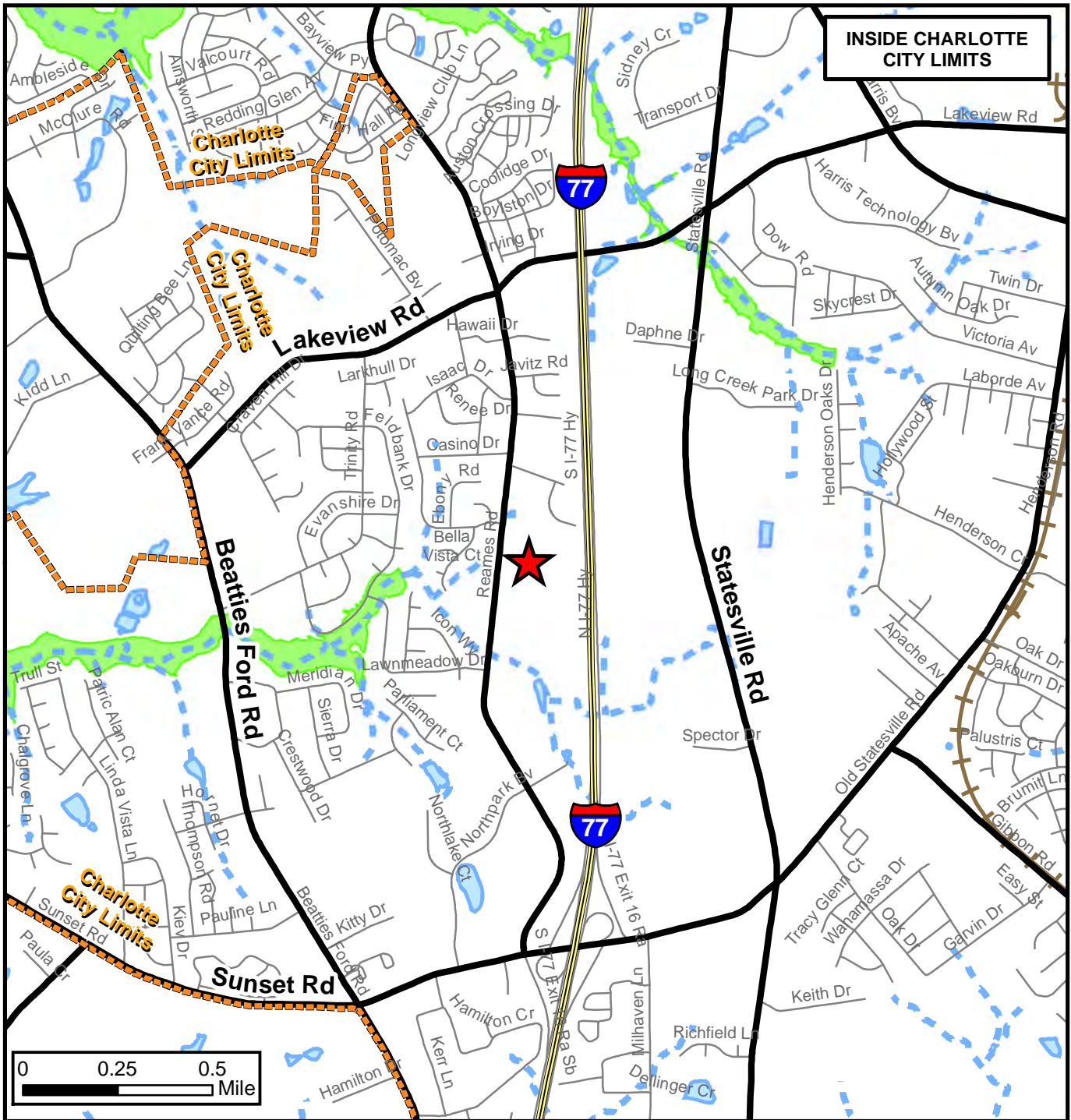
#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

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



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



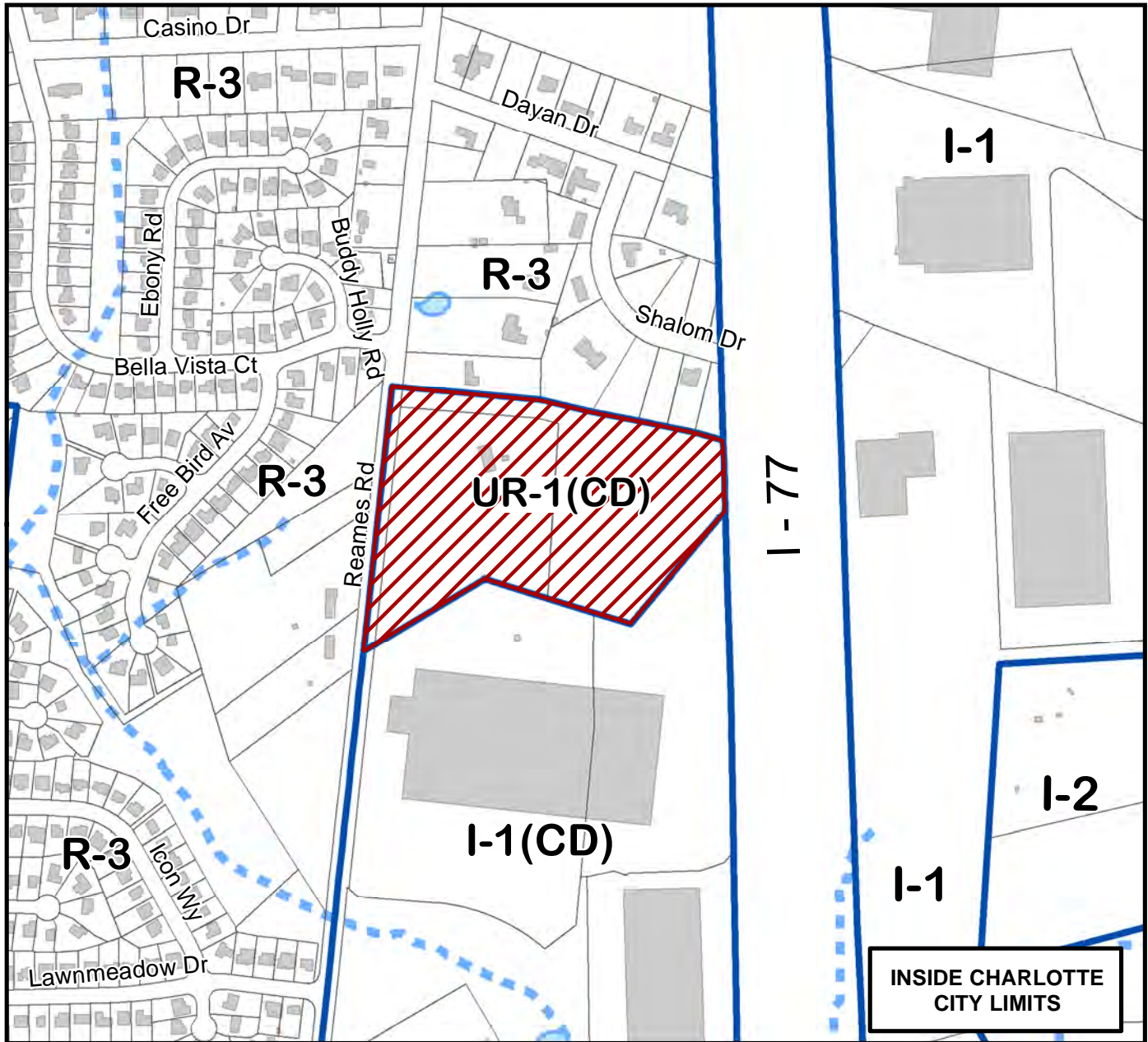
Petition #: **2014-101**

Petitioner: **LGI Homes NC, LLC**

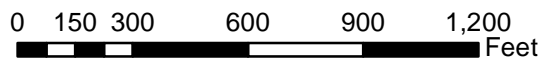
Zoning Classification (Existing): **UR-1(CD)**  
(Urban Residential, Conditional)

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

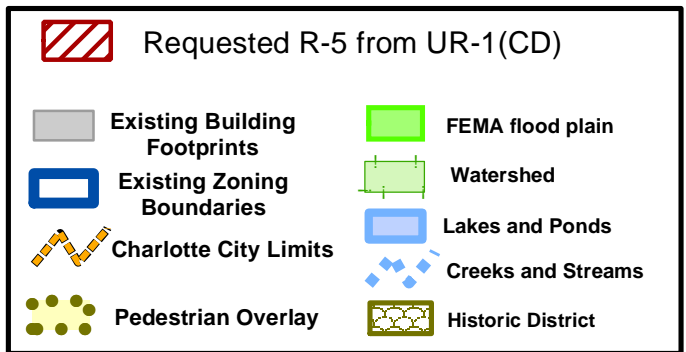
Acreage & Location: Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive.



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



Zoning Map #(s)  
**51, 60**



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<b>REQUEST</b>	Current Zoning: None Proposed Zoning: UMUD (uptown mixed use)
<b>LOCATION</b>	Approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses in UMUD (uptown mixed use).
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition. The petition is consistent with the <i>2020 Vision Plan</i> .
<b>PROPERTY OWNER</b>	CNM Enterprises, LLC
<b>PETITIONER</b>	Charlotte-Mecklenburg Planning Department
<b>AGENT/REPRESENTATIVE</b>	N/A
<b>COMMUNITY MEETING</b>	Meeting is not required.

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#### PLANNING STAFF REVIEW

- **Background**

- The property is a remnant parcel resulting from the reconfiguration of the I-277/Caldwell Street right-of-way. Because the parcel was formerly NCDOT right-of-way, there was no zoning designation for the property.

- **Proposed Request Details**

This is a conventional rezoning petition with no associated site plan.

- **Existing Zoning and Land Use**

- The property is currently used as a surface parking lot.
- The surrounding properties are zoned UMUD (uptown mixed use) and UMUD-O (uptown mixed use, optional) with a mixture of residential and nonresidential uses. Parcels to the southeast on either side of South Caldwell Street are undeveloped.

- **Rezoning History in Area**

- 2011-055 rezoned approximately 11 acres bounded by South College Street, Martin Luther King Jr. Boulevard, South Brevard Street, and East Stonewall Street from UMUD (uptown mixed use) to UMUD-O (uptown mixed use, optional) to allow for changes to signage for the existing Convention Center.
- 2010-029 rezoned approximately 0.54 acres located on the northern corner of the intersection of South Caldwell Street and East 3<sup>rd</sup> Street from UMUD-O (uptown mixed use, optional) to UMUD-O SPA (uptown mixed use, optional, site plan amendment) to allow for all uses in the uptown mixed use district.
- 2010-008 rezoned approximately 4.62 acres located at the intersection of South Church Street and West Stonewall Street extending along East Stonewall Street ending at South College Street from UMUD-O (uptown mixed use, optional) to UMUD-O SPA (uptown mixed use, optional, site plan amendment) to allow for additional signage options for facilities and exhibits.

- **Public Plans and Policies**

- The *2020 Vision Plan* (2011) recommends mixed residential and non-residential uses.
- The petition is consistent with the *2020 Vision 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.
  - **Vehicle Trip Generation:**  
Current Zoning: The site currently has no zoning or trip-generating land use.



Proposed Zoning: The petition will allow a wide range of trip generation based on the proposed zoning classification.

- **Connectivity:** Not applicable.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
- 

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

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

#### **OUTSTANDING ISSUES**

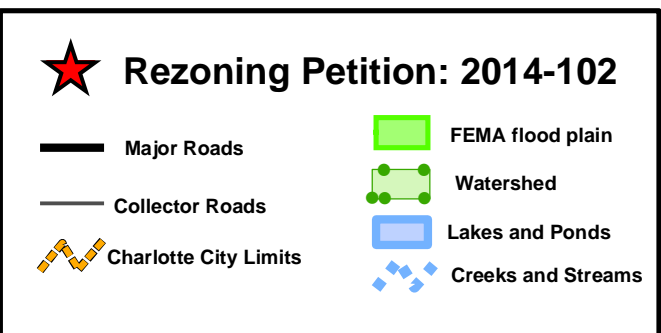
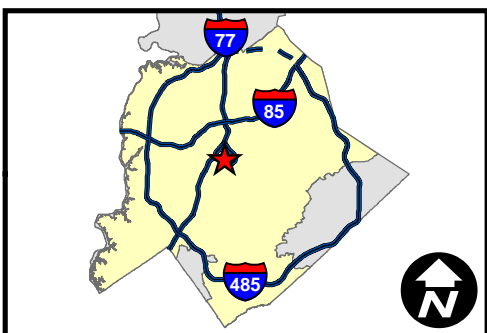
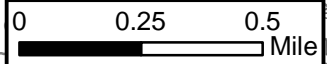
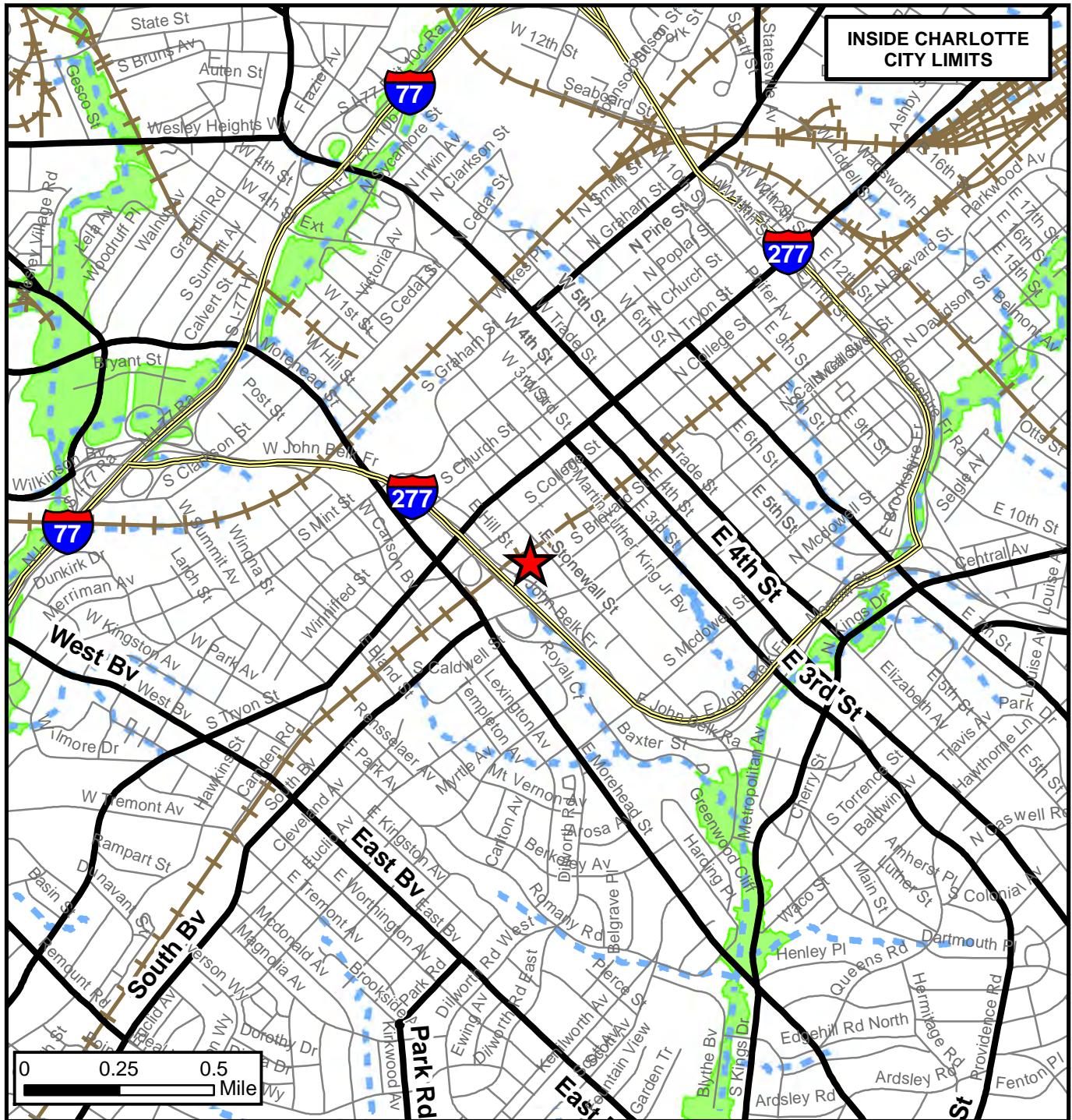
- No issues.
- 

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

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

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

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



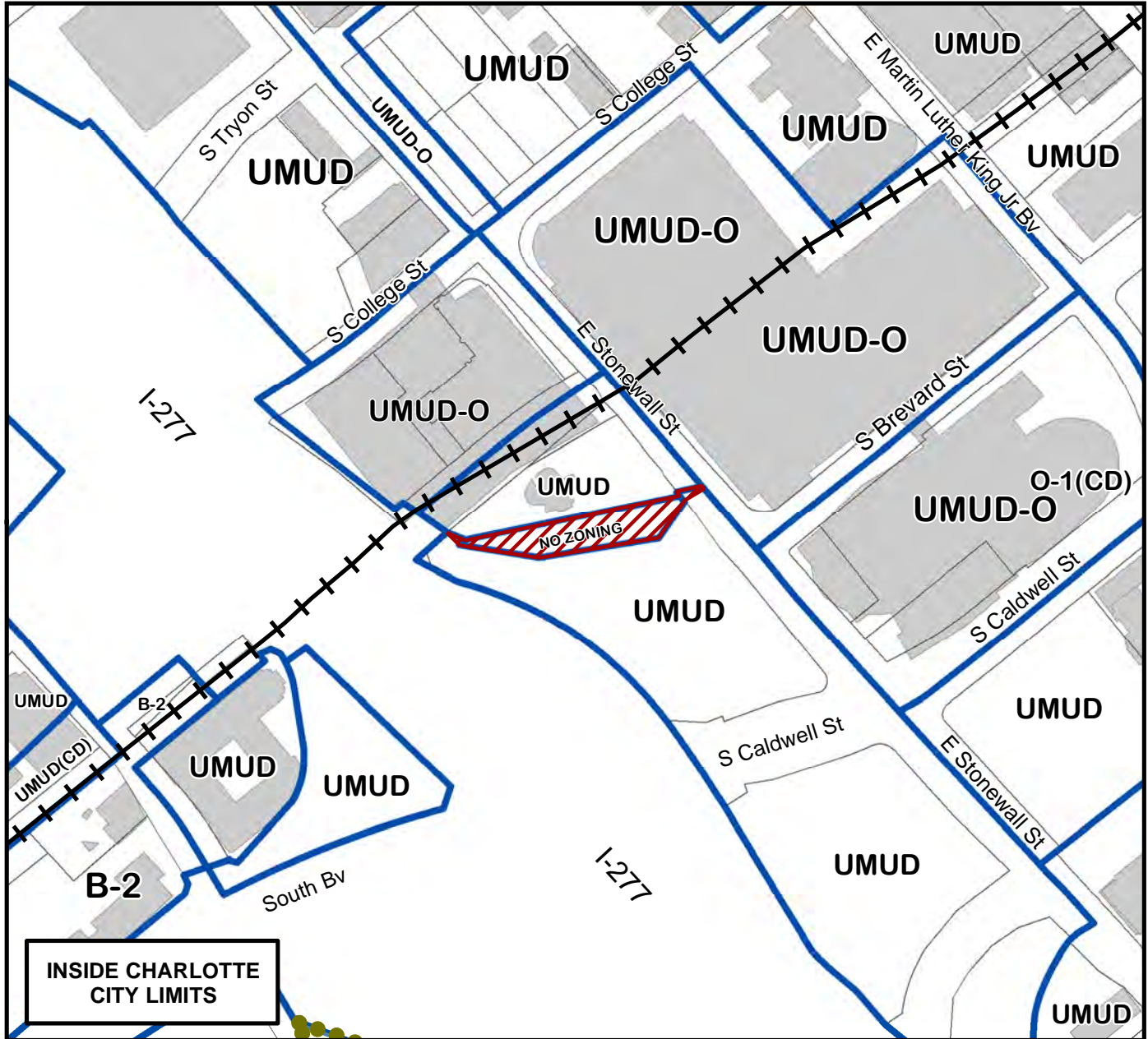
Petition #: **2014-102**

Petitioner: **Charlotte-Mecklenburg Planning Department**

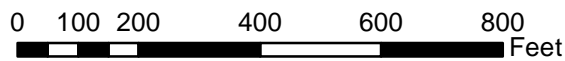
Zoning Classification (Existing): **None**  
(No Current Zoning)

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

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

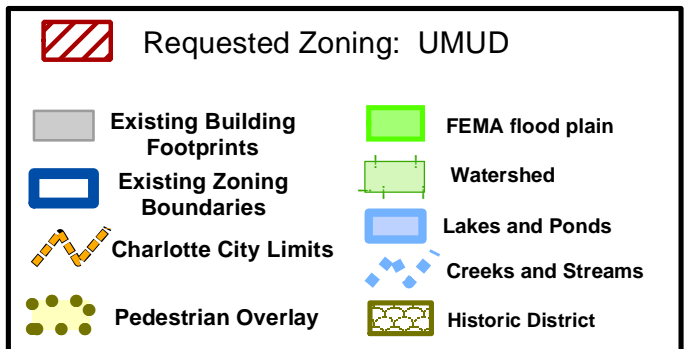


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-29-2014.



Zoning Map #(s)

**102**





<b>REQUEST</b>	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-2 (CD) (urban residential, conditional)
<b>LOCATION</b>	Approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane. (Council District 7 - Driggs)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow 45 single family attached dwelling units at a density of 8.2 units per acre.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The proposed residential use is consistent with the <i>South District Plan</i> , but the proposed density of 8.2 units per acre is slightly higher than the maximum density of eight (8) units per acre supported by the <i>General Development Policies</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Numerous. See application on website. Weekley Homes LP, c/o Shannon Boling Walter Fields
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report will be available online when received. Number of people attending the Community Meeting: 11

## **PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows 45 for-sale single family attached dwelling units at a density of 8.2 units per acre.
- Maximum building height limited to 40 feet.
- Provides two parking spaces within garages for each unit.
- Provides 0.825 acres (15%) of tree save area.
- Provides site access via driveway connection to Endhaven Lane with internal alleyways serving the units.
- Provides front building elevations.
- Specifies building materials to include brick, stone, and/or other masonry products and hardy plank or other similar siding materials. Prohibits vinyl as a siding material.
- Prohibits blank walls exceeding 20 feet for all end units that have a side along Endhaven Lane.
- Reserves the right to install ornamental fencing within the site for decoration and delineation of private open spaces.
- Provides a 15-foot Class "C" buffer adjacent to single family residential uses and a ten-foot landscaped buffer adjacent to the British American School.
- Provides internal sidewalks along the proposed alleyways and serving each dwelling unit.

- **Existing Zoning and Land Use**

- There are three single family detached dwellings location on the site.
- The majority of the property surrounding the site is zoned R-3 (single family residential) and is developed with single family detached uses and two schools. The property to the northwest is zoned MX-2(INNOV) (mixed use, innovative) and is undeveloped. Property to the southwest is zoned UR-3(CD) (urban residential, conditional) and is undeveloped, except for a cell tower.

- **Rezoning History in Area**

- There have been a number of site plan amendments for the Toringdon development zoned CC (commercial center) located at the terminus of Endhaven Lane between North Community House Road and Johnston Road.
- Petition 2014-045 approved a CC SPA (commercial center, site plan amendment) on property located on the northeast corner at the intersection of Johnston Road and North Community House Road, in order to accommodate a 40-room expansion to an existing hotel, for a total of 164 hotel rooms.
- Petition 2013-098 rezoned property located on the south side of Endhaven Lane and the north side of Interstate 485 near the intersection of Endhaven Lane and Misty Ridge Lane from R-3

(single family residential) to UR-3(CD) (urban residential, conditional) to allow 200 multi-family dwelling units.

- **Public Plans and Policies**

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

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

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

---

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT requests that the petitioner construct a pedestrian refuge island along with accompanying concrete, signage, markings, and associated appurtenances, at the location of the existing mid-block crosswalk in front of Endhaven Lane Elementary School.
  - **Vehicle Trip Generation:**
    - Current Zoning: 200 trips per day.
    - Proposed Zoning: 320 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 11 students, while the development allowed under the proposed zoning will produce 18 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is seven students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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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 petitioner should:
    1. Address the CDOT comment.
    2. Limit the height of freestanding lighting to 20 feet.
    3. Label areas for on-street parking on the site plan as indicated in noted. under "Transportation".
    4. Provide elevations for all facades facing Endhaven Lane.
- 

**Attachments Online at [www.rezoning.org](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
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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





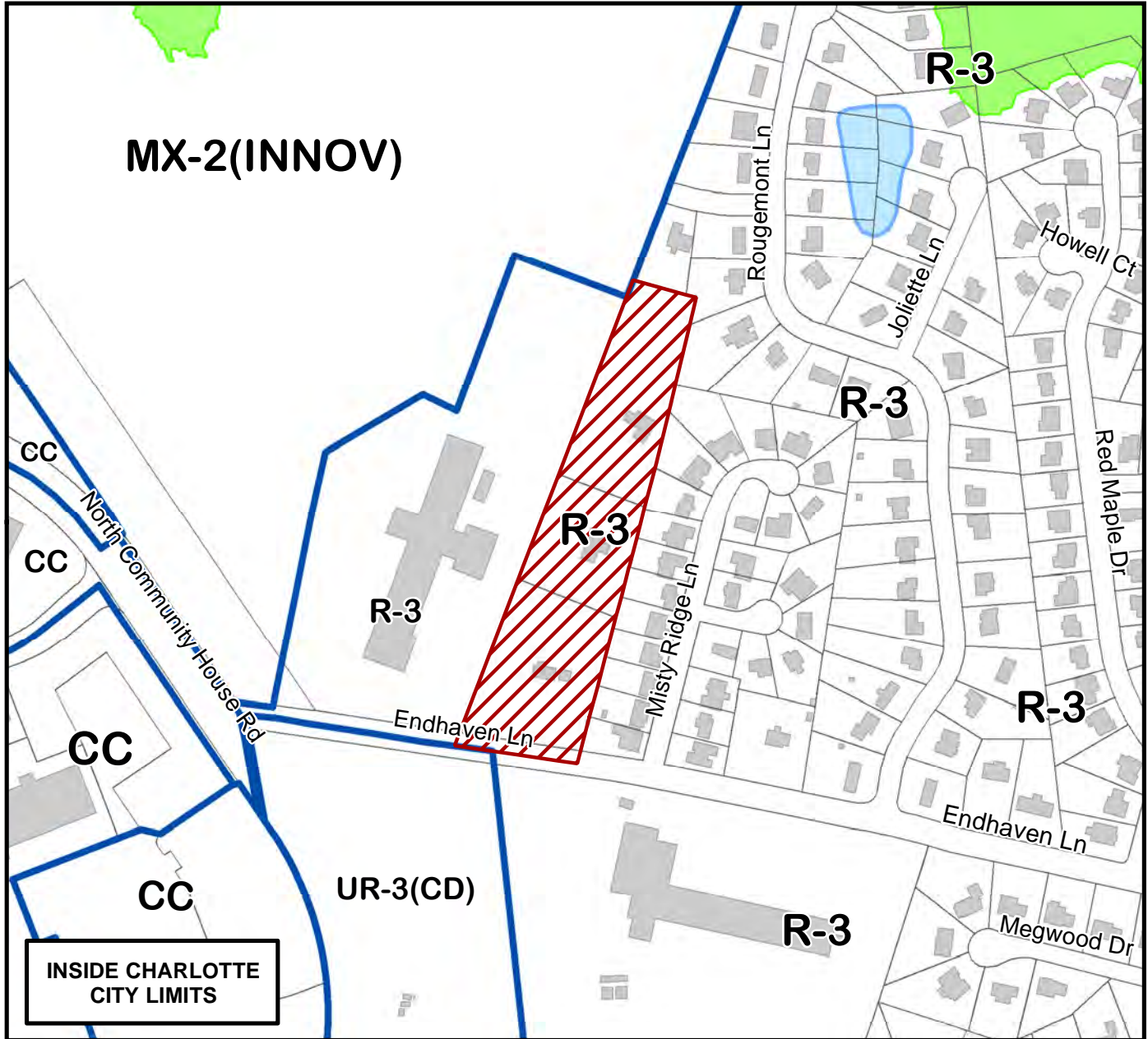
Petition #: **2014-103**

Petitioner: **Weekley Homes, LP**

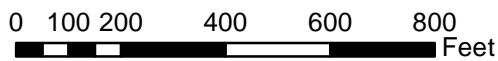
Zoning Classification (Existing): **R-3**  
(Single Family, Residential)

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

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

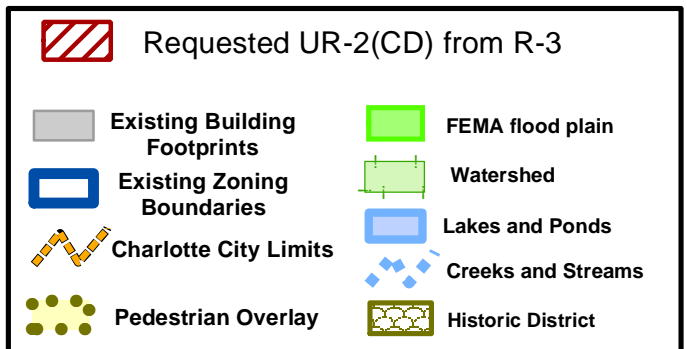


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-29-2014.

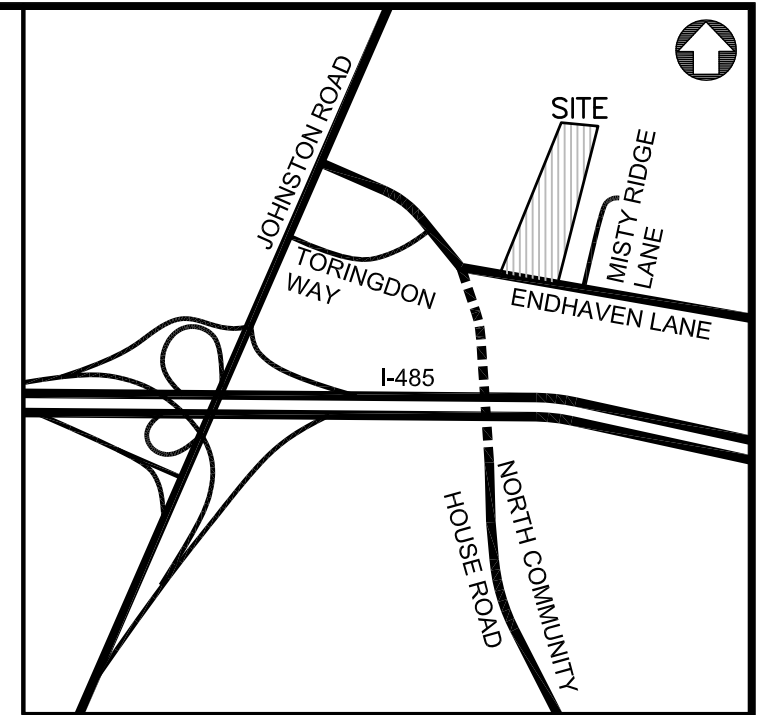
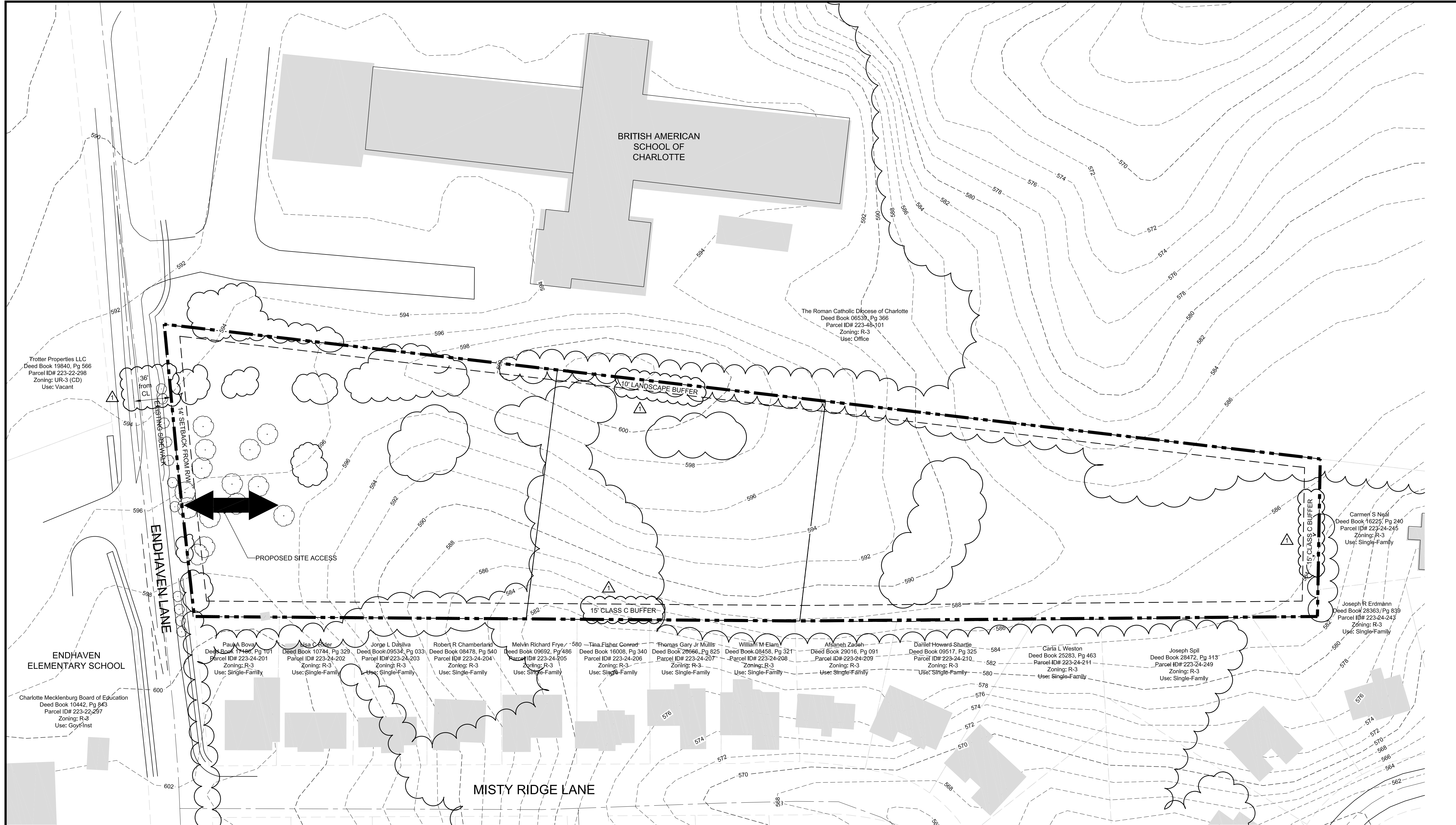


Zoning Map #(s)

**176**







VICINITY MAP  
(NOT TO SCALE)

**DEVELOPMENT DATA:**

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

**Endhaven Lane Development Standards**

**General Provisions.**

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

**Purpose**

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

**Permitted Uses**

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

**Transportation**

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

**Architectural Standards**

The development of the site will be governed by the district regulations of the Zoning Ordinance for the UR-2 district. The Petitioner has also provided typical elevation images of the buildings that represent the overall scale, character, and quality of the building proposed to be constructed on the site. The Petitioner reserves the right to make minor architectural changes to these building design but the overall design and construction character will be as illustrated. Each residential unit will be provided with a minimum of 400

square feet of private open space as generally depicted on the site plan and may be composed of a combination of landscape and hardscape elements. Each residential unit will provide for a front loaded 2-car garage and the garage doors will be within 7' or more than 20' from the back of curb. The Petitioner reserves the right to install ornamental fencing on the site for decoration and to aid in delineating the areas devoted to private open space. Any such fencing will not exceed 4 feet in height and will not be opaque. The buildings finishes will include brick, stone and/or other masonry products and Hardy Plank or other similar durable siding materials. No vinyl will be used as siding material. No expanses of blank wall exceeding 20 feet in length will be permitted for all end units that have a side along Endhaven Lane. Trash and recycling will be provided by individual roll-out containers.

**Streetscape and Landscaping**

Reserved

**Environmental Features**

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

**Parks, Greenways, and Open Space**

Reserved

**Fire Protection**

Reserved

**Signage**

Reserved

**Lighting**

a. Freestanding lighting on the site will utilize full cut-off luminaires.

**Phasing**

Reserved

Initial Submission: 8-25-14, 1.0  
Revised per staff comments: 10-17-14, 1.1

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



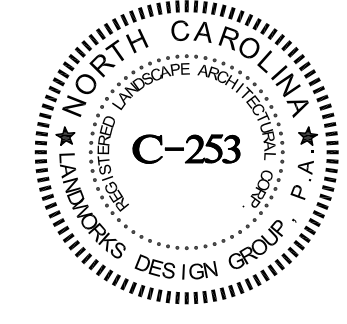
**REVISIONS:**

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



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

TECHNICAL  
DATA SHEET



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

Project Manager: MDL

Drawn By: MDL

Checked By: MDL

Date: 8/25/14

Project Number: 14003

Sheet Number:

RZ-1

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







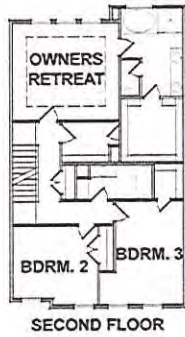
ENDHAVEN TOWNHOMES  
 WEEKLEY HOMES, LP  
 CHARLOTTE, NC  
 REZONING PETITION: 2014-103

BUILDING  
 ELEVATIONS



CONTRACT CERTIFICATIONS  
 Project Manager: MDL  
 Drawn By: MDL  
 Checked By: MDL  
 Date: 8/25/14  
 Project Number: 14003

Sheet Number:  
**RZ-3**  
 SHEET # 3 OF 3



CHARLOTTE, NC  
**ENDHAVEN**

David Weekley Homes

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

REV#	DATE	BY	DESCRIPTION
1	10/20/14	PGJ	Per Staff Comments - Added Sheet

P:2014.06/1023-EndhavenTownhomesWeekley20140231REZONEBASE-07

<b>REQUEST</b>	Current Zoning: CC (commercial center) Proposed Zoning: CC SPA (commercial center, site plan amendment)
<b>LOCATION</b>	Approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes a site plan amendment to allow modifications to and reallocation of development rights and reconfiguration of site layout.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>South District Plan</i> , which recommends a mixture of retail, office, and residential uses as amended per a previous rezoning.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Quail Hollow Village, LLC Quail Hollow Village, LLC c/o Harris Land Company Walter Fields
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 17

## **PLANNING STAFF REVIEW**

### **• Background**

- The subject property was rezoned from B-1SCD (business shopping center) to CC (commercial center) via Petition 2001-048 with the following conditions:
  - 120,000 square feet of office uses, 165,000 square feet of retail uses, and a 200-room hotel, within Building Envelopes A, B, C and D are allowed.
  - Prohibited uses include fast food restaurants, restaurants with drive-through window service, gas stations, convenience stores and automobile service facilities.
  - Up to 85,000 square feet of additional retail may be added by converting office square footage at a rate of one square foot of retail/restaurant floor area for one square foot of office floor area.
  - Up to 45,000 square feet of accessory retail/restaurant uses are permitted with the hotel.
  - Hotel rooms may be converted into residential dwelling units, at a rate of one hotel room per residential dwelling unit that is not constructed up to a maximum of 200 residential dwelling units.
  - No individual tenant may occupy more than 45,000 square feet of floor area of a single building or space for retail use, except Building Envelopes B and C shall have no individual tenant that occupies more than 20,000 square feet of a single building or space for retail use.
  - Site access provided via one right-in/right-out access on Park Road, and one right-in/right-out access and one full access on Glen Eagles Road.
  - Class "B" buffers provided abutting residential zoning and/or land use to the north and east. The 56.25-foot wide buffer to the north will include a screen wall and the 37.5-foot wide buffer to the east will include a screen fence.
  - Reflects an existing controlled private access from the Seven Eagles neighborhood.
  - An eight-foot sidewalk and eight-foot planting strip to be provided along frontage on Park Road and Glen Eagles Road.

### **• Proposed Request Details**

The site plan amendment contains the following changes:

- Reconfigures Building Envelopes A, B, C, and D and internal site configuration.
- Amends permitted uses to allow:
  - 76,000 square feet of retail and eating/drinking/entertainment uses.
  - 60,000 square feet of office uses (30,000 square feet each of medical office and other office).
  - 100,000 square feet of specialty retail and related accessory uses.



- A 200-room hotel.
- 290 residential dwelling units that may include for-sale and rental units, including condominiums and/or townhomes. Maximum density of 22 units per acre.
- Allows two uses with accessory drive-through service windows, only one of which may be for an eating/drinking/entertainment establishment.
- Amended building height to comply with the zoning ordinance requirements for the CC (commercial center) district, thus eliminating the four-story height restriction in Building Envelopes A, B, C, and D, and the two-story height limit for buildings in Building Envelope D adjacent to neighborhoods.
- Eliminates open space/garden area component reflected in Building Area B.
- Increases size of a single retail use to 60,000 square feet on a single level.
- Adds a right-in/right-out site entrance on Park Road.
- Amends and allows new use/square footage conversions as follows:
  - Up to 85,000 square feet of retail and eating/drinking/entertainment establishment uses can be substituted for office uses, at a rate of one square foot of retail and eating/drinking/entertainment establishment floor area for one square foot of office floor area.
  - Up to 85,000 square feet of office floor area can be substituted for retail and eating/drinking/entertainment floor area, at a rate of one square foot of office floor area for one square foot of retail and eating/drinking/entertainment floor area.
  - Hotel rooms may be converted to office space, at the rate of one hotel room for 300 square feet of office floor area, up to a maximum of 30,000 square feet.
  - Hotel rooms may be substituted for residential units, at the rate of one hotel room for each residential unit, up to a maximum of 200 residential units.
  - Residential units may be converted to retail, eating/drinking/entertainment establishments, or office space, at the rate of one residential unit for 300 square feet of retail, eating/drinking/entertainment or office up to a limit of 30,000 square feet of retail, eating/drinking/entertainment or office floor area so converted.
  - Hotel rooms may be converted to either office or residential units and may only be counted toward conversion to one use or the other; once counted may not be counted or developed in any other fashion.
- Type I and Type II eating/drinking and entertainment establishments permitted.
- All development types and amounts and conversion rights are subject to a total trip generation of 13,250 vehicles.
- Petitioner to construct an additional eastbound through lane on Glen Eagles Road along the site's frontage starting from Park Road and extending to the eastern most access where it will terminate as an eastbound right-turn lane.
- Providing a six-foot sidewalk and eight-foot planting strip along frontages on Park Road and Glen Eagles Road. Sidewalk may meander.
- Eliminated Open Space/Garden Area B.
- Providing a concrete bench pad for a new bus stop to be constructed by the petitioner, the location of which will be determined in conjunction with CATS during the development review and permitting process.
- Deleted a listing of what provisions the restrictive covenants will establish.
- Deleted note prohibiting exterior corridors for hotels.
- Eliminated Access Drives A and B and the restriction of parking between Access Drive A and buildings located along the drive due to reconfiguration of site layout.
- Added 20-foot height limitation for free standing lighting located between buildings and the residential properties to the east to 20 feet.
- Added service hour limitations for deliveries and trash collection to the hours of 6:00 a.m. to 9:00 a.m. for buildings located in Building Envelopes A and B.
- **Existing Zoning and Land Use**
  - The subject property is currently vacant. Surrounding uses include an elementary school, a shopping center, multiple multi-family developments and single family dwellings in various zoning districts.
- **Rezoning History in Area**
  - Petition 2010-72 approved a CC (commercial center) site plan amendment for 4.4 acres located at the southwest corner of the intersection of Park Road and Sharon Road West to allow renovation of an existing shopping center, which included the creation of an additional outparcel, up to two drive-through service windows, and up to 10,078 square feet of new retail, office, and restaurant uses.

- **Public Plans and Policies**

- The *South District Plan* (1993), as amended by previous rezoning petition 2001-48, recommends a mixture of retail, office, and residential uses.
  - The petition is consistent with the *South District Plan*
- 

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** CDOT requests the following:
    - Provide a technical memorandum to update the original traffic study.
    - Revise Note D under Transportation to remove the last sentence.
    - **Vehicle Trip Generation:**  
Current Zoning: 13,200 trips per day.  
Proposed Zoning: 13,240 trips per day.
    - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** No comments received.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities:** No issues.
  - **Engineering and Property Management:** Show required on-site tree save areas on site plan.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
- 

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

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

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Amend Note e under permitted uses to read as follows: "Residential units may be converted to retail, eating/drinking/entertainment or office space at the rate of one residential unit for 300 square feet of retail, eating/drinking/entertainment or office floor area up to a limit of 30,000 square feet of retail, eating/drinking/entertainment or office floor area so converted."
  2. Replace "restaurant" with "eating/drinking and entertainment establishments."
  3. Amend the note under Permitted Uses to delete the following: "For the purposes of determining individual development restrictions that may apply, the term 'restaurant' will be deemed to include both 'eating, drinking and entertainment establishments'. Specify that Type I and Type II eating/drinking and entertainment establishments are permitted."
  4. Note that parking is not permitted as a ground floor use along Glen Eagles Road or Park Road.
  5. Provide elevations and/or detailed written commitments for any elevation that fronts or is visible from a public street.
  6. Delete reference to specialty retail.
  7. Provide note requiring any drive-through to be internal as opposed to freestanding, and incorporated into the building's architectural design and materials.
  8. Add notes making the following commitments related to conversion allowances:
    - a. Square footage/use conversions will be documented through Administrative Amendments submitted to the Planning Department.
    - b. No more than two square footage/use conversions will be approved.
    - c. Once a use has been converted to another use, it cannot be converted to a third use.

9. Add a note committing to a minimum amount of office and residential uses.
  10. Add a note committing to providing urban open space for the commercial component, and include the minimum amount, location and amenities on the site plan.
  11. Amend Note E under Transportation to specify conditions under which sidewalks can meander.
  12. Add note prohibiting exterior corridors for hotels.
  13. Amend note under Permitted Uses as follows: "All of the foregoing development types and amounts listed and the conversion rights reserved above are subject to a total trip generation of 13,250 trips per day as specified in the Transportation Memorandum that accompanies this plan amendment. A running traffic count will be provided with each permitting submittal to ensure that the total trip generation does not exceed 13,250 trips per day."
- 

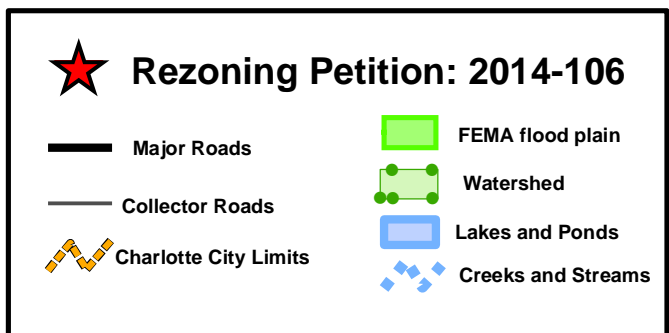
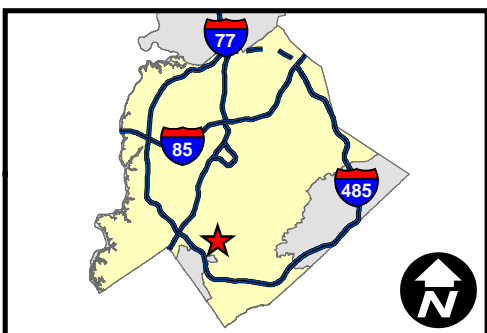
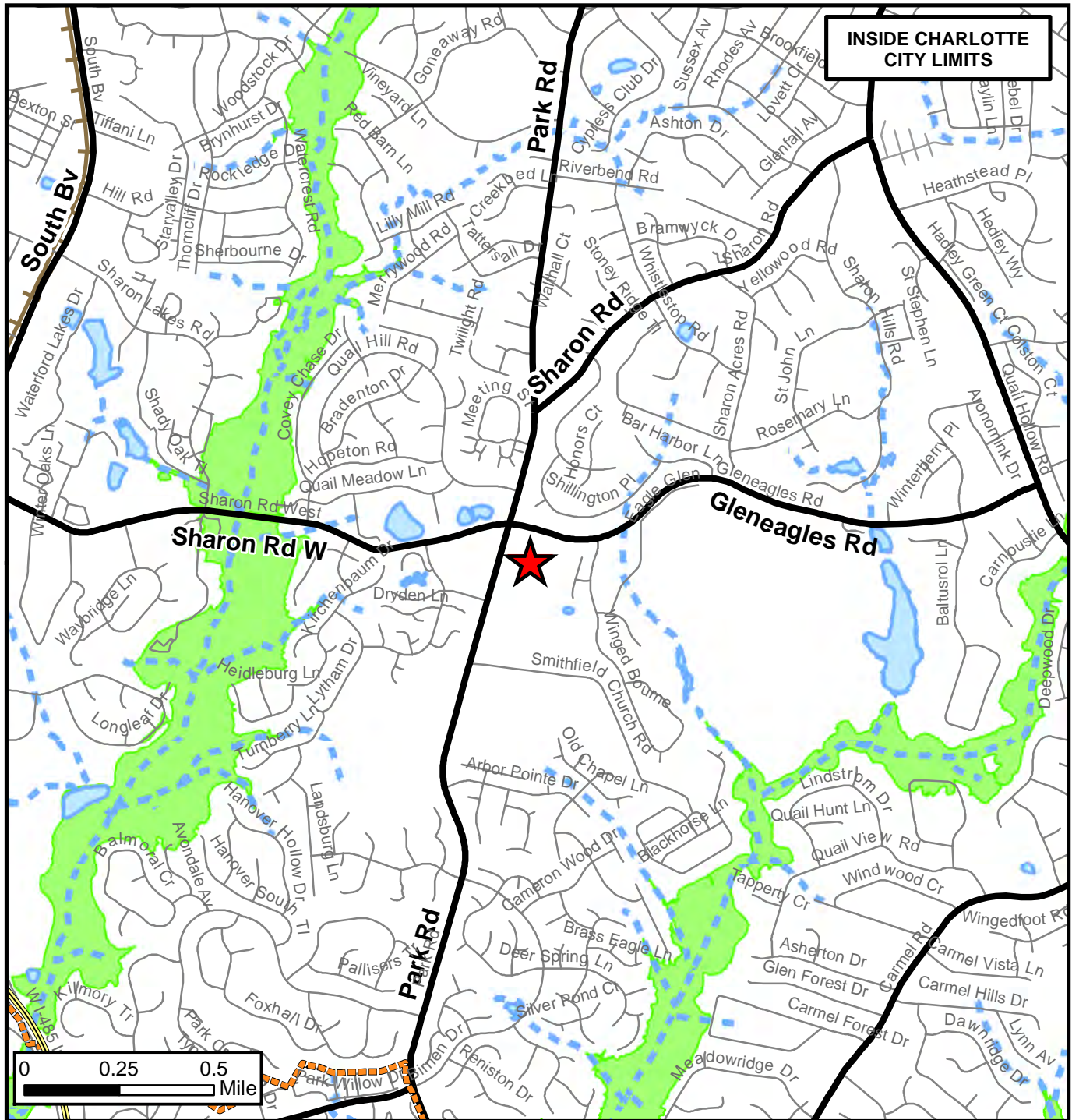
**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

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



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



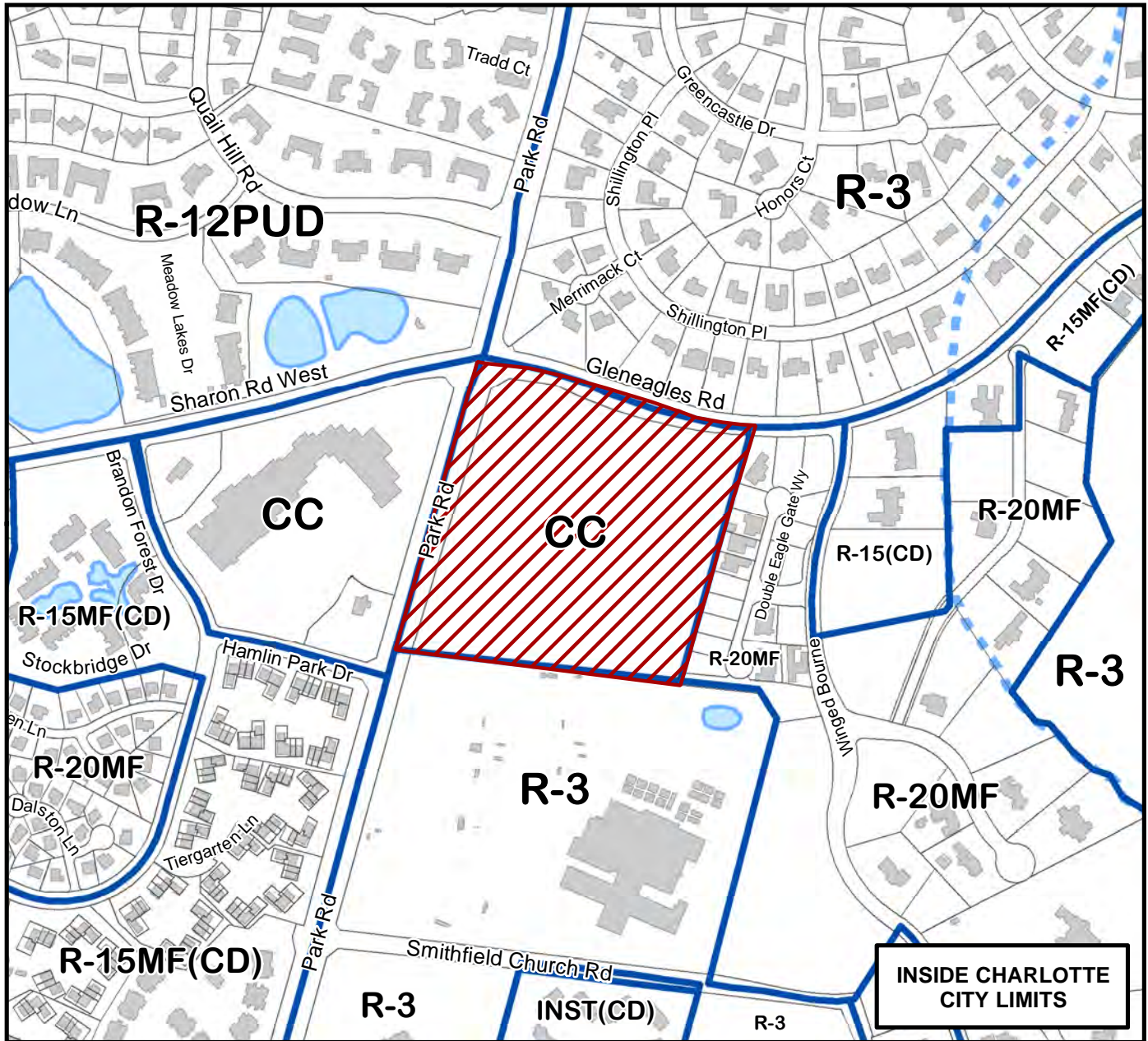
Petition #: **2014-106**

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

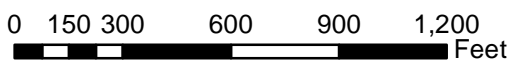
Zoning Classification (Existing): **CC**  
(Commercial Center)

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

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

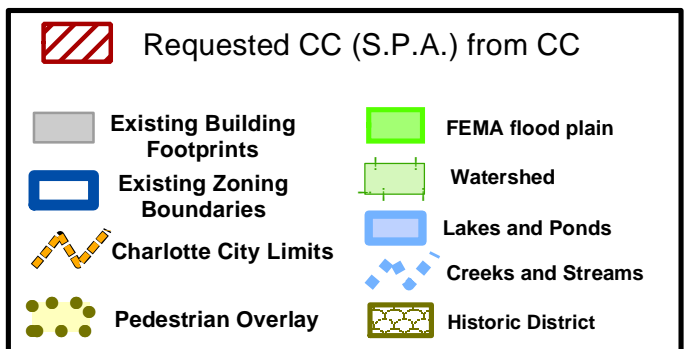


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-29-2014.

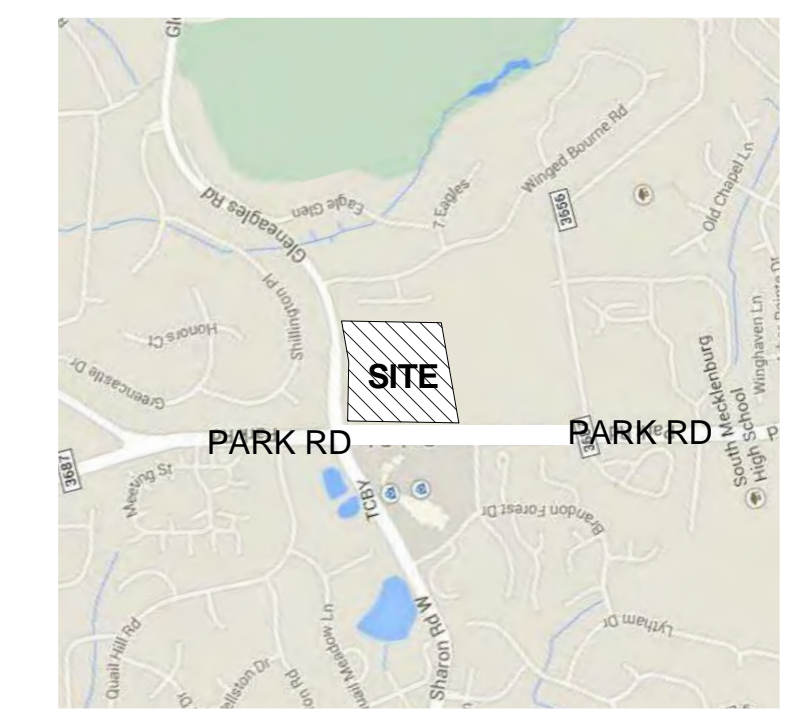


Zoning Map #(s)

**158**







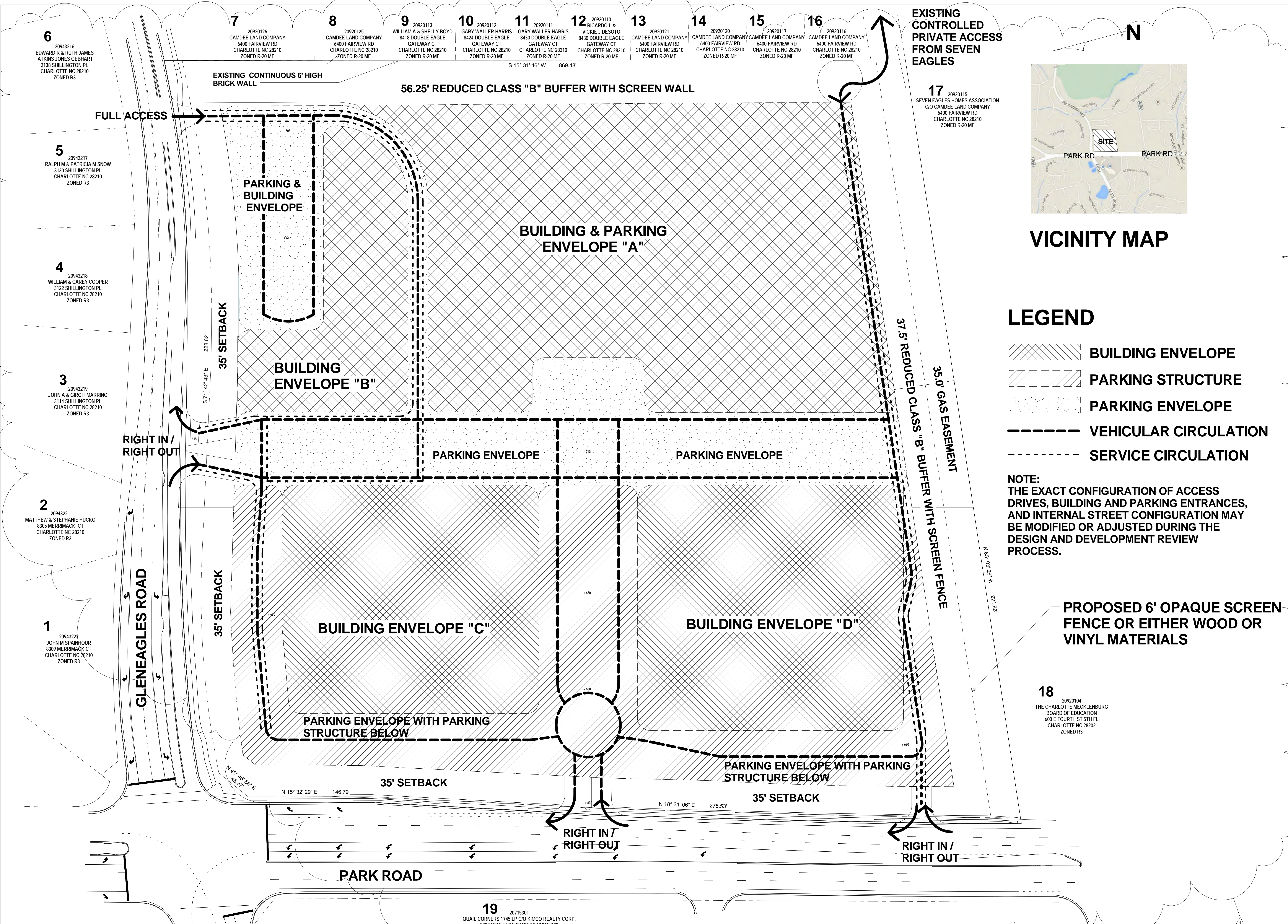
**VICINITY MAP**

**LEGEND**

- BUILDING ENVELOPE
- PARKING STRUCTURE
- PARKING ENVELOPE
- VEHICULAR CIRCULATION
- SERVICE CIRCULATION

**NOTE:**  
THE EXACT CONFIGURATION OF ACCESS DRIVES, BUILDING AND PARKING ENTRANCES, AND INTERNAL STREET CONFIGURATION MAY BE MODIFIED OR ADJUSTED DURING THE DESIGN AND DEVELOPMENT REVIEW PROCESS.

**PROPOSED 6' OPAQUE SCREEN FENCE OR EITHER WOOD OR VINYL MATERIALS**



No.	Description	Date
1	Revision 1	10/17/14

No.	Description	Date

No.	Description	Date

No.	Description	Date

No.	Description	Date

No.	Description	Date

No.	Description	Date

No.	Description	Date

No.	Description	Date

No.	Description	Date

No.	Description	Date

No.	Description	Date

No.	Description	Date



**SITE DEVELOPMENT DATA**

**AREA:** 19.1 Acres +/-

**TAX PARCEL NO:** 20920103

**EXISTING ZONING:** CC

**PROPOSED ZONING:** CC-SPA

**EXISTING USE:** VACANT LAND

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

**BUILDING HEIGHT:** WILL COMPLY WITH ORDINANCE

**RESIDENTIAL UNITS:** 290 UNITS

**NON RESIDENTIAL FLOOR AREA:** 76,000 SF RETAIL/RESTAURANT  
100,000 SF SPECIALTY RETAIL/SERVICE  
60,000 SF OFFICE TOTAL  
30,000 SF MEDICAL OFFICE  
30,000 SF OTHER OFFICE  
200 ROOMS HOTEL

**RESIDENTIAL PARKING:** WILL COMPLY WITH ORDINANCE

**NONRESIDENTIAL PARKING:** WILL COMPLY WITH ORDINANCE

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

**Purpose**

The purpose of this Rezoning application is to amend the currently approved mixed use development conditional zoning plan to provide for the addition of residential uses to the project and to adjust the project entitlements to reflect the evolution of the plan since its original approval in 2001. To achieve this purpose, the application seeks a Site Plan Amendment to the previously approved CC zoning classification.

**Permitted Uses**

The Site may be developed for any uses (including accessory uses) which are permitted by right or under prescribed conditions under the Ordinance for the Commercial Center (CC) District, except that gas stations, convenience stores, and automobile service facilities shall not be permitted. The Petitioner may develop up to two uses with accessory drive through service windows on the site but only one such accessory drive through service windows shall be allowed for a restaurant.

Up to 76,000 square feet of retail/restaurant uses together with associated surface and structured parking spaces may be constructed within the Building Parking Envelopes. Outdoor seating areas, retail display areas, and space within buildings devoted to architectural embellishment, display windows, etc. shall not be counted toward the floor area limit. This floor area limit will also be subject to the conversion allowance below.

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

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

The site may also include up to 100,000 sq. ft. of space devoted to specialty retail and related accessory uses.

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

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

- a. Retail and restaurant floor area may be substituted for office floor area at a rate of one square foot of retail and restaurant floor area for one square foot of office floor area up to a maximum of 85,000 square feet of floor area so substituted.
- b. Office floor area may be substituted for retail and restaurant floor area at a rate of one square foot of office floor area for one square foot of retail and restaurant floor area up to a maximum of 85,000 square feet of floor area so substituted.
- c. Hotel rooms may be converted to office space at the rate of one hotel room for 300 square feet of office floor area up to a limit of 30,000 square feet of office floor area so substituted.
- d. Hotel rooms on the site may be substituted for residential units at the rate of one hotel room for each residential unit so substituted up to a maximum of 200 residential units.
- e. Residential units may be converted to retail/restaurant or office space and the rate of one residential unit for 300 square feet of retail/office or office floor area up to a limit of up to a limit of 30,000 square feet of retail/restaurant or office floor area so converted.

Hotel rooms that may be converted to either office floor area or residential units may only be counted toward conversion to one use or the other and once counted may not be counted or developed in any other fashion.

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

For the purposes of determining individual development restrictions that may apply, the term 'restaurant' will be deemed to include both 'eating, drinking and entertainment establishments' Type I and Type II.

All of the foregoing development types and amounts listed and the conversion rights reserved above are subject to a total trip generation of 13,250 vehicles as specified in the Transportation Memorandum that accompanies this plan amendment.

**Transportation**

- a. The number of access points to Park Road shall be limited to two right in/right-out driveways and along Glen Eagles Road to one right-in/right-out access and one full access, as generally depicted on the site plan. The placement and configuration of these access points are subject to minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
- b. The existing controlled private access from the Seven Eagles neighborhood as generally depicted on the site plan will use the gate and electronic card access equipment that currently exists to provide controlled private vehicular and pedestrian access from the Seven Eagles neighborhood to the Site
- c. Construct an additional eastbound through lane on Glen Eagles Road along the site's frontage starting from Park Road and extending to the eastern most access where it will terminate as an eastbound right turn lane.
- d. Construct an additional westbound left turn lane on Glen Eagles Road with 440 feet of combined storage and a 15:1 bay taper. It is anticipated that this lane can be developed within the existing median
- e. Petitioner shall install a 6 foot wide sidewalk with a minimum 8 foot wide planting strip along the Site's frontage on Park Road and Glen Eagles Road, and the sidewalk may meander.

f. As more conceptually depicted on the site plan, the Petitioner shall install internal sidewalks on the Site that will provide pedestrian connections between the various buildings located thereon and to the sidewalks installed along Park Road and Glen Eagles Road.

g. Except where necessary to accommodate special design and architectural elements associated with the development on the Site, internal streets located on the Site shall be designed to have street trees at an average separation of 40 feet on center, and sidewalks a minimum of 6 feet in width that may meander around planting beds and trees.

h. The Petitioner will work with CATS during the development review and permitting process to determine a mutually agreeable location for a concrete bench pad for a new bus stop to be constructed by the Petitioner. Such construction will occur at the time that sidewalk along the street where the pad is to be located is constructed.

**Architectural Standards**

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

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

Dumpster areas that are not located within buildings or parking decks will be enclosed on all four sides by a 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.

Buildings constructed on the Site along Park Road and Gleneagles Road will have windows that face these streets and shall avoid long expanses of solid walls through the introduction of articulated facades and other specifically designed architectural elements.

Buildings constructed in the interior of the site that orient to internal streets will have doors and windows facing principal internal roads on the Site.

The street wall of all above grade internal parking decks shall be treated in such a manner as to partially screen street level and higher floors.

Service hours for deliveries and for trash collection will be limited to the hours of 6:00 a.m. to 9:00 p.m. for buildings and uses located in Building Envelopes "A" and "B".

**Streetscape and Landscaping**

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

**Environmental Features**

Reserved

**Parks, Greenways, and Open Space**

Reserved

**Fire Protection**

Reserved

**Signage**

Reserved

**Lighting**

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

**Phasing**

Reserved

Initial Submission- 8-25-14, 1.2  
Revised per staff comments- 10-17-14, 1.3.3a

**The Harris Land Company**

The Quail Hollow Village at Seven Eagles  
Mixed Use Development

No.	Description	Date
1	Revision 1	10/17/14



Project Number	-
Date	8/25/14
	-
	-

**Development Notes**

**SHEET RZ 2.0**  
Scale











**The Harris Land Company**

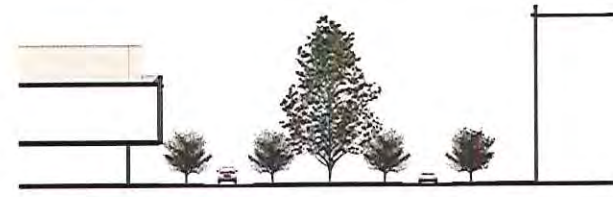
The Quail Hollow Village  
at Seven Eagles  
Mixed Use Development



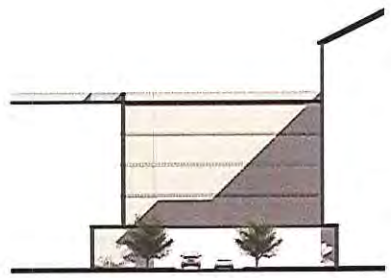
1 Site Section 1  
1" = 40'-0"



2 Street Section A  
1" = 20'-0"



3 Street Section B  
1" = 20'-0"



4 Street Section C  
1" = 20'-0"



5 Street Section D  
1" = 20'-0"

No.	Description	Date
1	Revision 1	10/17/14

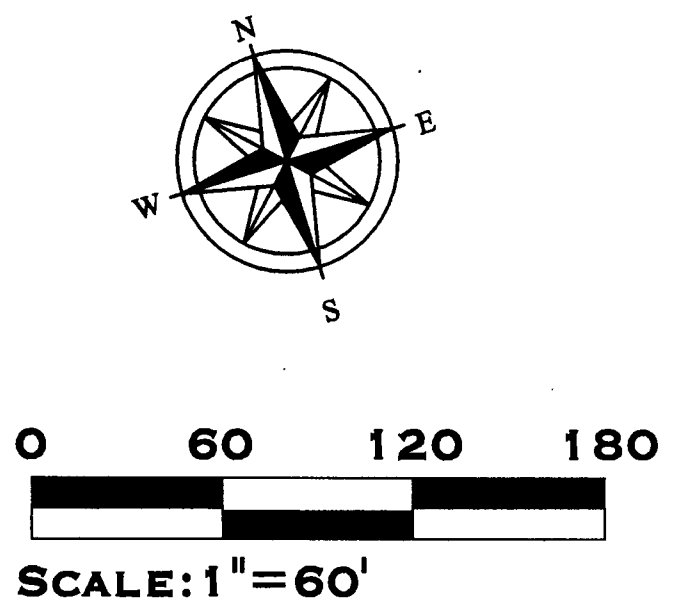
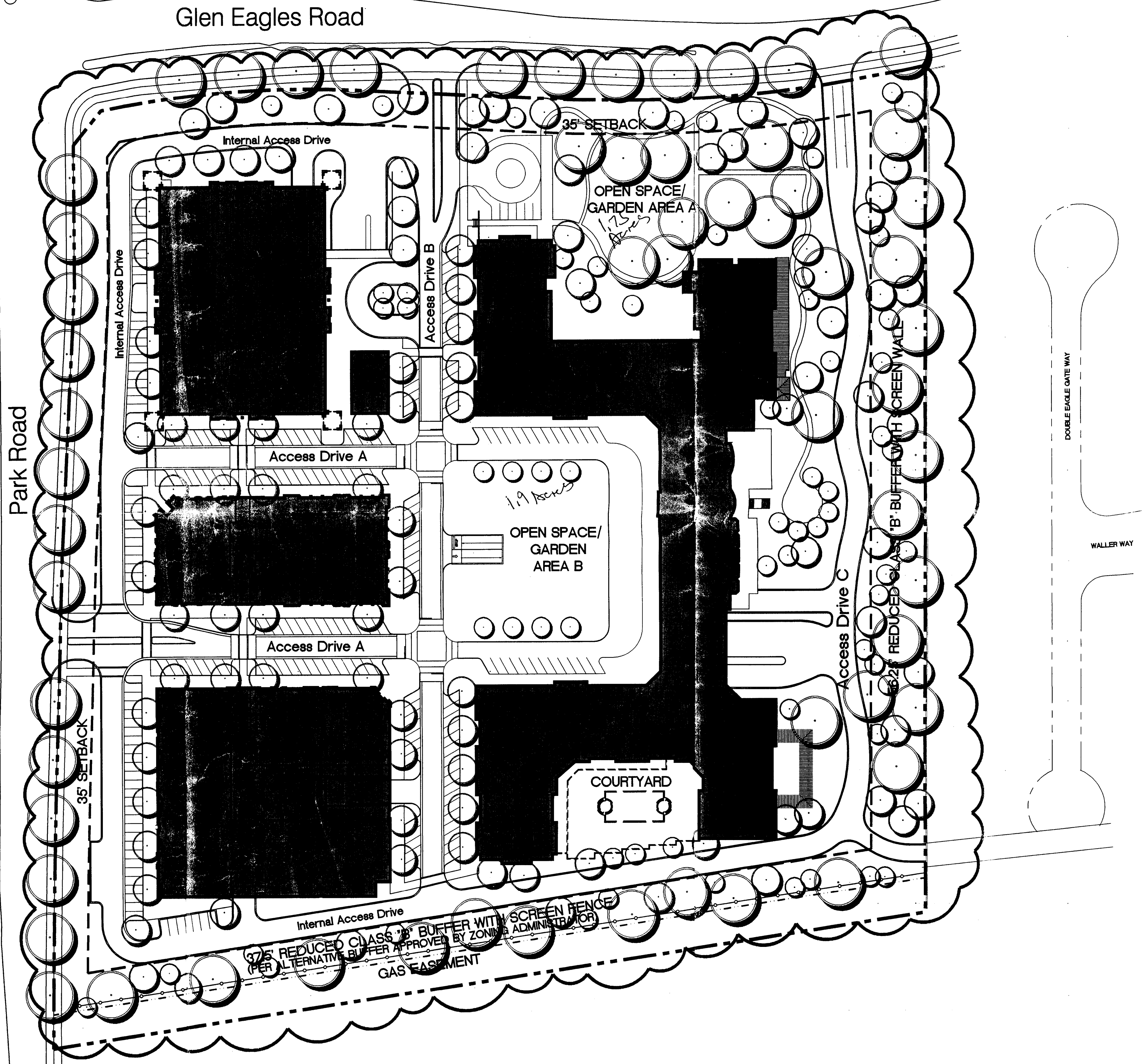
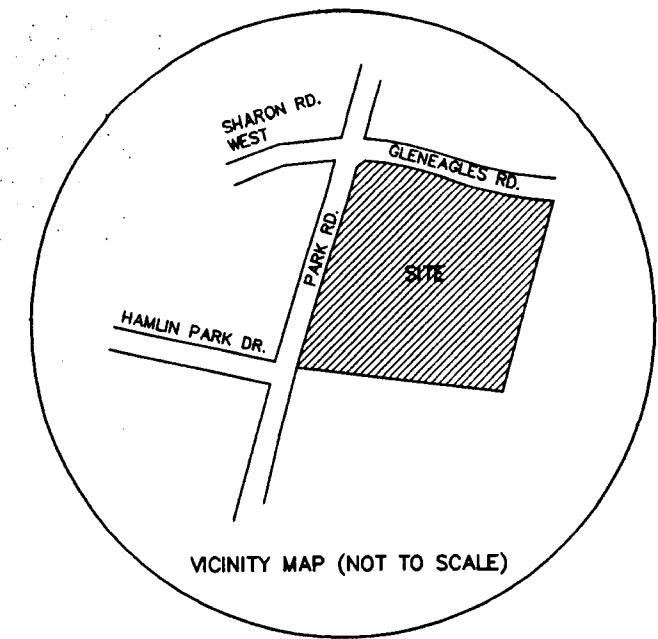
**bhm**  
ARCHITECTS P.A.  
1928 South Boulevard  
Charlotte, NC 28203  
704.333.5931  
www.bhmrc.com

Project Number	
Date	8/25/14

**Site Sections**

SHEET **RZ 5**  
Scale

Previously  
Approved  
Site  
Plan



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<b>REQUEST</b>	<p>Current Zoning: UR-C(CD)(PED) (urban residential - commercial, conditional, pedestrian overlay), B-1(PED) (neighborhood business, pedestrian overlay) and R-8 (single family residential)</p> <p>Proposed Zoning: MUDD-O(PED) (mixed use development, optional, pedestrian overlay) and MUDD-O (mixed use development, optional)</p>
<b>LOCATION</b>	<p>Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street. (Council District 1 - Kinsey)</p>
<b>SUMMARY OF PETITION</b>	<p>The petition proposes to allow a mixed use development including a 270,000-square foot building, a 187,450-square foot parking structure with up to 4,000 square feet of commercial uses on the street level, and up to eight single family attached dwelling units.</p>
<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>Midtown Morehead Cherry Area Plan</i> land use recommendations for the majority of the site and inconsistent with the <i>Plan's</i> recommendations for height, streetscape on South Kings Drive, and residential use and density on Cherry Street. However, the petition is appropriate and compatible with surrounding development in the area.</p>
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	<p>Midtown Area Partners II, LLC and Stonehunt, LLC Midtown Area Partners II, LLC John Carmichael, Robinson Bradshaw &amp; Hinson, P.A.</p>
<b>COMMUNITY MEETING</b>	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6</p>

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## PLANNING STAFF REVIEW

- **Background**
  - Petition 2005-060 rezoned the portion of the site located between South Kings Drive and Cecil Street from B-1 (neighborhood business) to UR-C(CD) to allow up to 12,000 square feet of retail and restaurant uses and associated surface and structural parking.
  - Petition 2012-050 established the PED (pedestrian overlay district) over a majority of the site excluding the portion facing Cherry Street.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - Divides the site into three development areas (A, B, and C).
  - Permitted uses, except as noted below, include single family attached dwelling units, multi-family dwellings, eating/drinking/entertainment establishments Type 1 and 2, hotels, art galleries, colleges/universities/commercial and trade schools, business and general offices, retail sales, service uses, post offices, studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths and jewelry designers.
  - Development Area A:
    - Allows a maximum of 270,000 square feet of building area.
    - Maximum building height of 140 feet.
    - Prohibits single family attached dwelling units.
  - Development Area B:
    - Allows an 187,450-square foot structured parking facility, and up to 4,000 square feet of ground floor nonresidential uses facing South Kings Drive.
    - Maximum building height of 75 feet.
    - Prohibits residential dwellings, hotels, colleges/universities/commercial and trade schools, and post offices.

- **Development Area C:**
  - Allows up to eight single families attached dwelling units and associated accessory uses.
  - Dwelling units are required to be constructed along the frontage on Cherry Street adjacent to the structured parking facility, in order to provide a residential edge.
  - Maximum height of heated area of the single family attached dwelling units limited to 30 feet along Cherry Street and 40 feet for portions of the dwelling units located at least 16 feet from the back of the proposed sidewalk on Cherry Street.
  - Abandonment of Cecil Street right-of-way, which would be converted into a private drive providing access to adjacent parcels and the parking structure.
  - Direct vehicular access between Baxter Street and Luther Street via the proposed private drive (formerly Cecil Street) through the parking structure on Development Area B.
  - Vehicular access (ingress/egress) to site via Luther Street.
  - Pedestrian stair access from South Kings Drive to private drive.
  - Preserves the existing CATS bus stop on South Kings Drive provided it may be relocated on the site's frontage with the approval of CATS and CDOT.
  - Provides building perspectives, elevations, and site cross sections.
  - Limits freestanding lighting to 20 feet, except those on the top level of the parking structure that will be limited to 30 feet.
  - Requests the following optional provisions:
    1. Allow the maximum height of the building located in development area A to be increased from 120 feet to 140 feet.
    2. Eliminate the requirement for on-street parking along South Kings Drive.
    3. Allow a 24-foot setback along South Kings Drive at the first floor and 16 feet setback for all other floors in development area A.
    4. Allow a 16-foot minimum setback for the structured parking facility along South Kings Drive.
    5. Allow a 14-foot setback with eight-foot planting strip and six-foot sidewalk along Luther Street.
    6. Allow an eight-foot, six-inch setback with eight-foot sidewalk and no planting strip along Cecil Street if it is not abandoned.
- **Existing Zoning and Land Use**
  - The majority of the site is used for surface parking and a portion of the site contains two single family homes.
  - The property surrounding the site is zoned a mixture of B-1(PED) (neighborhood business, pedestrian overlay), R-22MF (multi-family residential), R-8 (single family residential), O-2(CD)(PED) (office, conditional, pedestrian overlay), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay) and MUDD-O (mixed use development, optional) and used for a mixture of single family residential, multi-family residential, commercial, office and institutional uses.
- **Rezoning History in Area**
  - A number of rezonings have taken place to accommodate infill development and redevelopment for commercial and residential uses.
- **Public Plans and Policies**
  - The *Midtown Morehead Cherry Area Plan* (2012) recommends a mixture of residential, office and retail for the majority of the site along South Kings Drive, Baxter Street, Cecil Street and Luther Street. The *Plan* recommends residential use at eight units per acre for the portion of the site fronting Cherry Street south of Main Street.
  - The Area Plan recommends that as areas redevelop on the east side of South Kings Drive, a pedestrian friendly environment with activation of buildings at street level should be provided.
  - The site plan diverges from the recommendations of the *Midtown Morehead Cherry Area Plan* and pedestrian overlay standards in regards to building height, setback, and streetscape along South Kings Drive, and residential density along Cherry Street south of Main Street. Additionally, the parking structure encroaches into a portion of the area recommended for residential use.
  - The petition is consistent with the *Midtown Morehead Cherry Area Plan* land use recommendations for the majority of the site and inconsistent with the *Plan's* recommendations for height and streetscape on South Kings Drive, and residential use and density on Cherry Street. However, the petition is appropriate and compatible with surrounding development in the area for the following reasons:
    - The proposed building height for development area C meets the standards of the Zoning Ordinance. The proposed height of 50 feet, for the portions of development area B nearest the single family use is a minor increase of seven feet above the pedestrian overlay standards. The proposed building height for development area A of 140 feet is a 58-foot

increase above the pedestrian overlay standards. The building is approximately 225 feet from the existing single family residential uses on the east side of Cherry Street and due to the topography the site sits lower than homes along Cherry Street.

- Rather than provide the recommended on-street parking along South Kings Drive, the petition proposes creating an improved pedestrian experience with buildings setback 24 feet from the back of curb with a planting strip and a wide sidewalk.
- The residential density of the single-family attached units is greater than the eight units per acre recommended by the Plan. However, the units provide a separation between the parking structure and the neighborhood, a residential edge to the site adjacent to the single family homes and a transition in building type and height from the more intense uses along South Kings Drive to the single family uses in the Cherry neighborhood.

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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.
  - **Vehicle Trip Generation:**  
Current Zoning: 1,900 trips per day.  
Proposed Zoning: 3,000 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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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*.
  - Facilitates the use of alternative modes of transportation by preserving an existing CATS bus stop, and provides an improved pedestrian experience through the site and along South Kings Drive with the provision of wide sidewalks and active street level uses.
  - Minimizes impacts to the natural environment by building on an infill lot.

#### **OUTSTANDING ISSUES**

- The petitioner should:
  1. Label the CATS bus stop on South Kings Drive.
  2. Specify the dimensions of the planting strip and sidewalk along South Kings Drive.
  3. Label possible pedestrian refuge island on South Kings Drive.
  4. Add the word "Transportation" to label "see note d for street abandonment" on Sheet RZ1.1
  5. Remove the label of 5'6" planting strip, 4' sidewalk, 12'8" min. setback along Luther Street on Sheet RZ1.1.
  6. Provide revised elevations illustrating the changes made to the plans.
  7. Label the PED standards lines on the site cross sections.
  8. Provide a maximum number of multi-family dwelling units and maximum number of hotel rooms allowed in development area A.
  9. Remove driveways from single family attached dwelling units, as no garages will be permitted fronting Cherry Street, and enlarge porch and entry space in front of units.



10. Provide a development data table, with parcel ID numbers, existing uses, proposed floor area ratio (FAR), percentage of open space and the revised site acreage that includes the area in the proposed Cecil Street right-of-way abandonment.
  11. Provide a note under Streetscape to indicate that tree grates, seat walls and other pedestrian amenities may be provided in the setback along South Kings Drive.
  12. Specify architectural details for the screen wall along Cecil Street.
  13. Provide a note describing the architectural intent for the single family detached units.
  14. Specify that end attached dwelling units will provide windows, doors or other architectural details on each floor.
  15. Provide more detailed commitments for the treatment of blank walls above the minimum MUDD (mixed use development) requirements.
  16. Provide the acreage to be rezoned on the site plan (1.99 acres) and submit a revised application form reflecting the correct acreage.
  17. Change Post offices in A. (9) to private postal services.
  18. Add a note stating that the single family attached units will be constructed prior to the issuance of a certificate of occupancy for the parking structure.
  19. Clarify how the site will be designed in terms of building placement in the event that Cecil Street abandonment is not approved.
  20. Reorder the development standards to read top to bottom, left to right.
- 

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

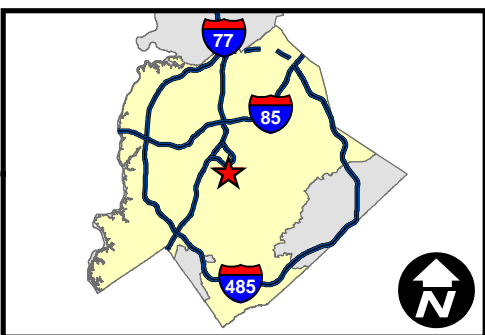
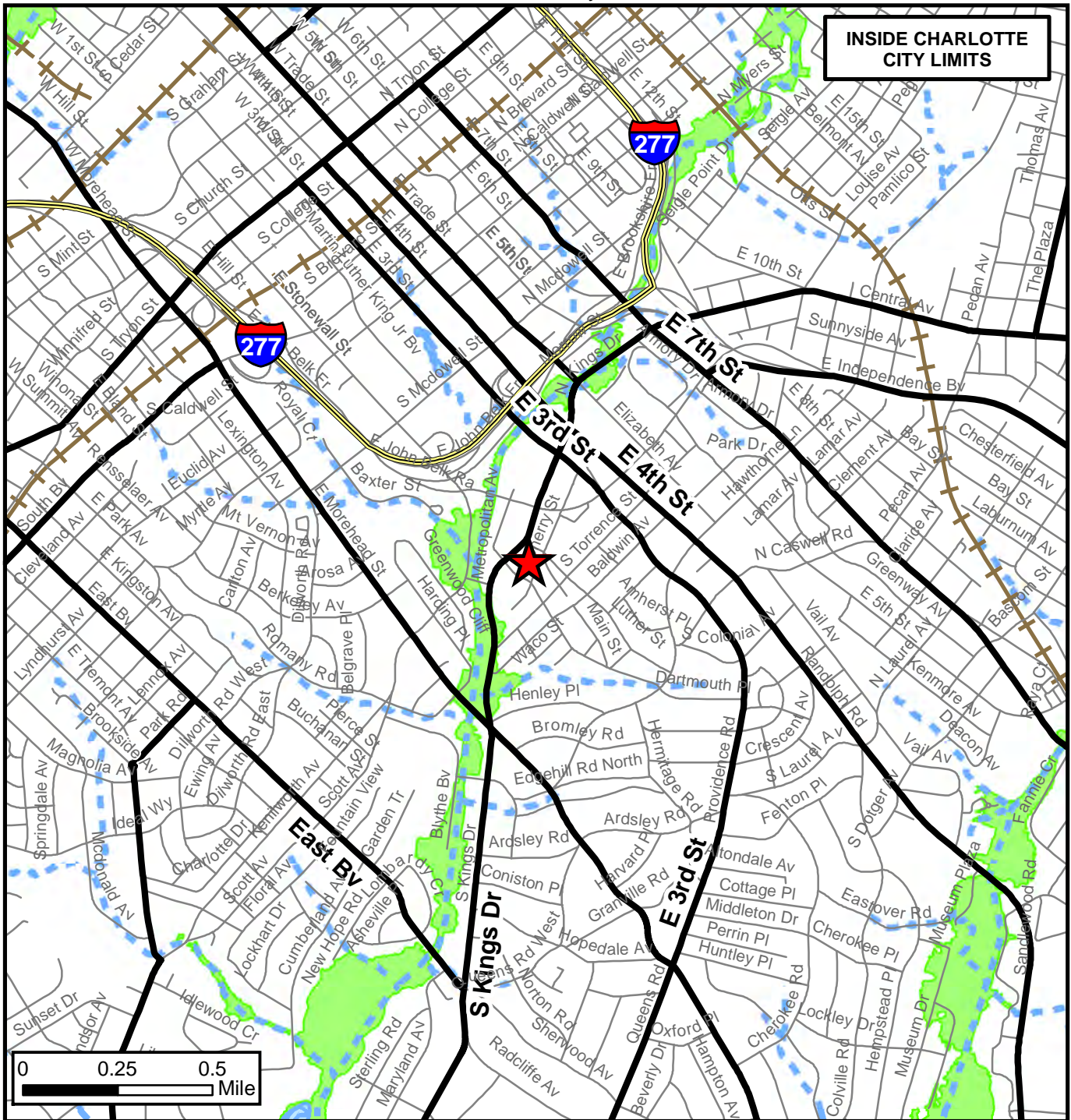
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

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

Petition #: **2014-109**

# Vicinity Map

**Acreage & Location :** Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street.



**★ Rezoning Petition: 2014-109**

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



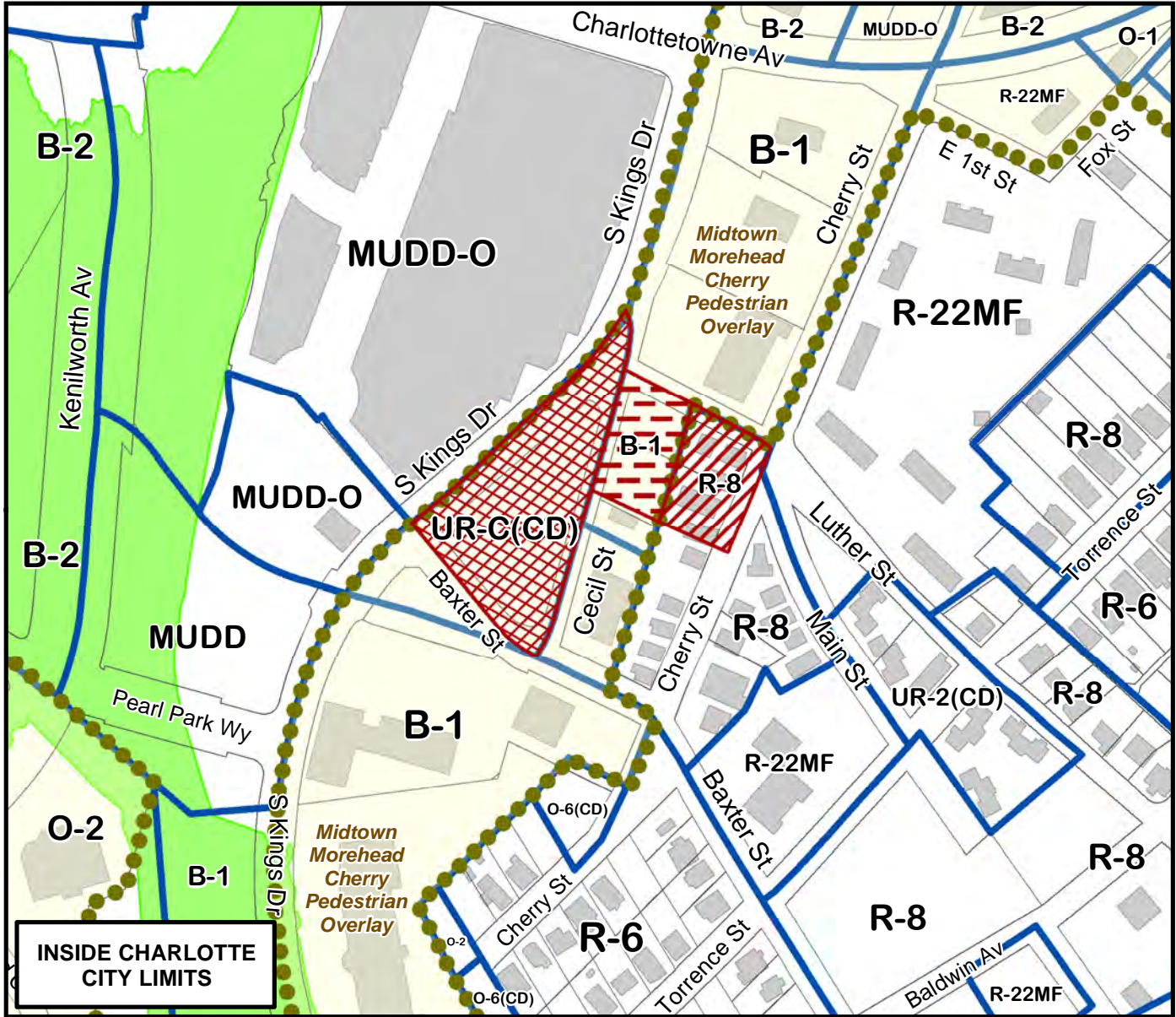
Petition #: **2014-109**

Petitioner: **Midtown Area Partners II, LLC**

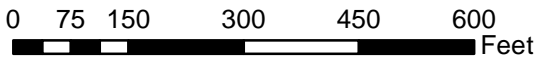
Zoning Classification (Existing): **R-8, UR-C(CD)(PED), & B-1(PED)**  
(Single Family, Residential; Urban Residential, Commercial, Conditional, Pedestrian Overlay District; and Neighborhood Business, Pedestrian Overlay District)

Zoning Classification (Requested): **MUDD-O & MUDD-O(PED)**  
(Mixed Use Development District, Optional and Mixed Use Development District, Optional, Pedestrian Overlay District)

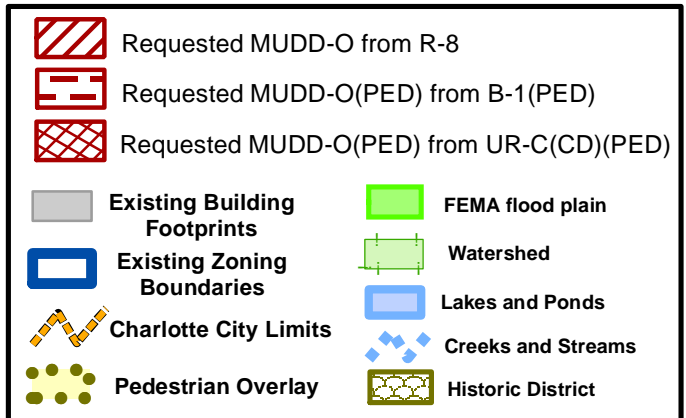
Acreage & Location: Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street.



Map Produced by the Charlotte-Mecklenburg Planning Department, 10-29-2014.



Zoning Map #(s)  
**102, 111**









KINGS DRIVE MIXED USE PROJECT



DEVELOPMENT STANDARDS  
Adopted 24 October 2014

**GENERAL PROVISIONS**

A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Williams Area Partners II, LLC to accommodate the development of a mixed use development that could contain office, retail, hotel and residential uses on that approximately 1.698 acre site generally bounded by South Kings Drive, Luther Street, Cherry Street and Fowler Street, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site").

B. The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"), subject to the optional provisions set out below, the regulations established under the Ordinance for the Mixed Use Development District ("MUD") zoning district shall govern the development of the Site.

C. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the ultimate layout, location and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback and yard requirements set forth on this Rezoning Plan and the development standards, provided, however, that any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan.

D. ~~Substantive amendments to the Rezoning Plan may be proposed by subsequent rezoning petitions. The parcels of land that comprise the Site may be recombined into one parcel at the option of the Petitioner, or further subdivided.~~

~~Future amendments to the Rezoning Plan and 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.~~

**OPTIONAL PROVISIONS**

Petitioner requests the approval of the following optional provisions:

A. The building to be located on that portion of the Site designated as "Development Area A" on the Rezoning Plan shall have a maximum height of 140 feet as provided below.

B. One-tree parking along the Site's frontage on South Kings Drive shall not be required.

C. The minimum setback on South Kings Drive for the ground floor of the building to be located on Development Area A shall be 24 feet from the back of the existing curb. The minimum setback on South Kings Drive for all floors of such building above the ground floor shall be 16 feet from the back of the existing curb.

~~D. The minimum setback on South Kings Drive for the structured parking facility to be located on Development Area II shall be 16 feet from the back of the existing curb.~~

~~E. To allow the vertical signage signs and sidewalk located along the Site's frontage on Luther Street that is more particularly depicted on the Rezoning Plan.~~

~~F. In the event that a street is not abandoned to allow the setback and sidewalk system a planter area located along the Site's frontage on Cecil Street that is more particularly depicted on the Rezoning Plan.~~

**PERMITTED USES**

A. **Development Area A**

The building to be located on Development Area A may be devoted only to the uses set out below (including any combination of such uses, together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the MUD zoning district):

- (1) Multi-family dwelling units;
- (2) Eating, drinking and entertainment establishments (Type 1 and Type 2), subject to the regulations of Section 12.546 of the Ordinance;
- (3) Hotels;
- (4) Art galleries;
- (5) Colleges, universities, commercial schools and schools providing adult training in any of the sciences, trades and professions;
- (6) Professional business and general offices;
- (7) Retail sales;
- (8) Services, including, without limitation, beauty shops and barbershops, spas and fitness centers;
- (9) Post offices; and

(10) Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.

**Development Area II**

That portion of the Site designated as "Development Area IV" on the Rezoning Plan shall be devoted primarily to a structured parking facility and to any incidental or accessory uses relating thereto as depicted on the Rezoning Plan.

Notwithstanding the foregoing, that portion of the ground or street level floor of the structured parking facility facing South Kings Drive that is more particularly depicted on the Rezoning Plan may be devoted to the uses set out below (including any combination of such uses), together with any incidental or accessory uses relating thereto that are permitted under the Ordinance in the MUD zoning district:

- (1) Eating, drinking and entertainment establishments (Type 1 and Type 2), subject to the regulations of Section 12.546 of the Ordinance;
- (2) Retail sales;
- (3) Art galleries;
- (4) Professional business and general offices;
- (5) Services, including, without limitation, beauty shops and barbershops, spas and fitness centers; and
- (6) Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.

~~A. **Development Area C**~~

~~The portion of the Site designated as "Development Area C" on the Rezoning Plan may be devoted only to a maximum of a single family attached dwelling units as depicted on the Rezoning Plan, together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the MUD zoning district.~~

**Developmental Limitations/Requirements**

A. The maximum gross floor area of the building to be located on Development Area A shall be 220,000 square feet, and the maximum height of the building shall be 140 feet.

B. The maximum gross floor area of the structured parking facility to be located on Development Area II shall be 187,450 square feet, and the maximum height of the structured parking facility shall be 75 feet. ~~The gross floor area of the multi-family attached dwelling units to be located on Development Area II shall be 220,000 square feet.~~

C. The maximum gross floor area of the commercial (nonresidential) uses located on the ground or street level of the structured parking facility located on Development Area II facing South Kings Drive shall not be considered or counted when determining the maximum gross floor area of the structured parking facility.

D. ~~Substantive amendments to the Rezoning Plan may be proposed by subsequent rezoning petitions. The parcels of land that comprise the Site may be recombined into one parcel at the option of the Petitioner, or further subdivided.~~

**TRANSPORTATION**

A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access ~~provisions~~ are subject to any minor modifications required by the Charlotte Department of Transportation.

B. Off-street vehicular parking shall meet the minimum requirements of the Ordinance.

C. Bicycle parking will be provided on the Site as required by the Ordinance.

D. Petitioner shall be submitting a Petition to the City of Charlotte requesting that Cecil Street be abandoned by the City of Charlotte. In the event that this Petition is approved by City Council, Cecil Street shall be converted to a private drive serving the adjacent parcels of land and the structured parking facility to be located on Development Area II.

~~E. The expense for the fire hydrant along the Site's frontage on South Kings Drive shall be allocated pro-rata between the owners of Lots 27 and 27A. The expense for the hydrant shall be allocated by the Petitioner to another location along the Site's frontage on South Kings Drive.~~

~~F. Direct vehicular access from Luther Street to Cecil Street through the structured parking facility located on Development Area II shall be provided.~~

**ARCHITECTURAL AND DESIGN STANDARDS**

A. The maximum height of the building to be constructed on Development Area A shall be 140 feet.

B. The maximum height of the structured parking facility to be constructed on Development Area II shall be 75 feet.

C. ~~The maximum height of the single family attached dwelling units to be constructed on Development Area C shall be 75 feet. Signs, signs, and the maximum height of the single family attached dwelling units to be constructed on Development Area C shall be 75 feet from the back of the proposed sidewalk on Cherry Street.~~

D. Development of the Site shall comply with the applicable urban design standards of Section 12.556 of the Ordinance.

~~E. All roof mounted mechanical equipment will be screened from view from adjoining public right-of-way and abutting properties as viewed from grade.~~

~~F. Dumpster and recycling areas will be enclosed on all four sides by an opaque wall or fence with one side being a hinged opaque gate. If one or more sides of a dumpster and recycling area adjoin a side wall or rear wall of the building, then the side wall or rear wall of the building may be substituted for the wall or fence along each such side. Alternative curb cut facilities may be located within or under any of the structures proposed to be constructed on Development Area A or Development Area II.~~

~~G. Attached to the Rezoning Plan are conceptual, schematic images of the various exterior components and elements of the buildings and the structured parking facility to be constructed on the Site that are intended to depict the general conceptual architectural style, character and quality of the buildings and the structured parking facility. Accordingly, the buildings and structured parking facility to be constructed on the Site shall be designed and constructed so that the exterior components and elements of the buildings and the structured parking facility are substantially similar in appearance to the attached conceptual, schematic images with respect to architectural style, character and quality. Notwithstanding the foregoing, changes and alterations to the exterior components and elements of the buildings and the structured parking facility which do not materially change the overall conceptual architectural style, character and quality shall be permitted.~~

**SETBACK AND YARDSTREETScape**

A. Subject to the optional provisions set out above, the development of the Site shall comply with the setback, side yard and rear yard requirements of the MUD zoning district.

B. ~~Subject to the optional provisions set out above, Petitioner shall install planting strips and sidewalks along the Site's public street frontages as generally depicted on the Rezoning Plan.~~

**ENVIRONMENTAL FEATURES**

A. Development of the Site shall be in compliance with the Charlotte City Council approval and adopted Post Construction Controls Ordinance.

B. The location, size, and type of storm water management systems are subject to review and approval as part of the full development plan submitted and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

C. Development of the Site shall comply with the City of Charlotte Tree Ordinance.

**SIGNS**

All signs installed on the Site shall comply with the requirements of the Ordinance.

**LIGHTING**

A. All freestanding lighting fixtures installed on the Site (including street lights and towers, decorative lighting that may be installed along the driveway, sidewalks and parking areas) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend over any property line of the Site. ~~The maximum height of any freestanding lighting fixtures installed on the Site shall be 70 feet. A parking deck light at the top level shall be 50 feet.~~

D. Any lighting fixtures attached to the structures to be constructed on the Site shall be decorative, capped and downwardly directed.

**BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS**

A. If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

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

C. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.





BELT COURSES AND MOLDING ARTICULATE EACH LEVEL OF BUILDING HEIGHT.

FURTHER DIFFERENTIATION OF STRING-COURSE HEIGHT + DEPTH AND COLUMN WIDTH + DEPTH ARTICULATES UPPER STORES AS DISCRETE PARTS OF BUILDING FORM.

15 STORY BUILDING BASE, SCALED TO PEDESTRIAN STREET ACTIVITY.

PEDESTRIAN WALKWAY (15' DEEP) GIVES PEDESTRIAN SPACE THAT EXCEEDS MINIMUM SETBACK REQUIREMENTS AND ORDINANCE RECOMMENDATIONS.

ARCHITECTURAL CANDRY ACCENTS 'CEILING' OF PEDESTRIAN SPACE.

GOODE PROPERTIES

DESIGN INTENTIONS



GOODE PROPERTIES

MIDTOWN CENTER  
VIEW OF STREET-GRADE PEDESTRIAN &  
RETAIL COLONNADE



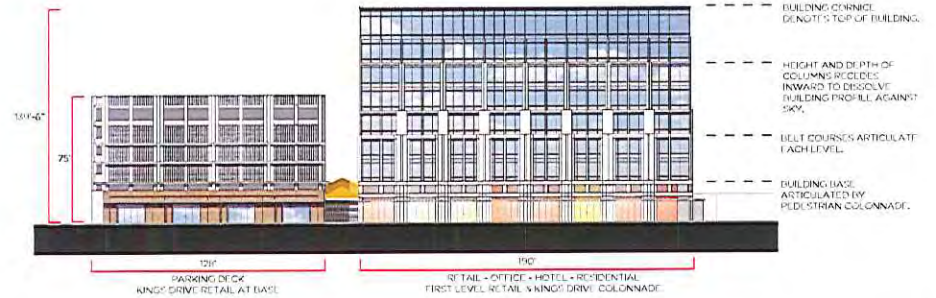
STREET-LEVEL RETAIL

PEDESTRIAN CONNECTION TO CECIL STREET

PEDESTRIAN RETAIL COLONNADE

GOODE PROPERTIES

MIDTOWN CENTER  
KINGS DRIVE ELEVATION



GOODE PROPERTIES

MIDTOWN CENTER  
ELEVATION GUIDE







GOODE PROPERTIES

MIDTOWN CENTER  
CECIL STREET ELEVATION



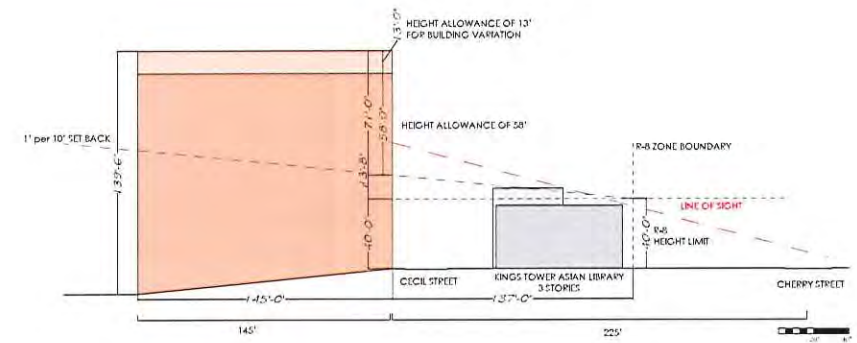
GOODE PROPERTIES

MIDTOWN CENTER  
VIEW OF OFFICE AND PARKING DECK  
AT CECIL STREET



GOODE PROPERTIES

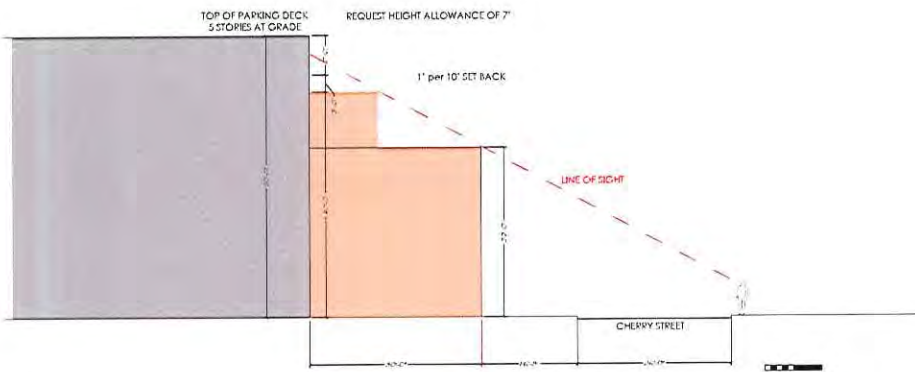
MIDTOWN CENTER  
BAXTER STREET ELEVATION



GOODE PROPERTIES

MIDTOWN CENTER  
SIGHTLINE DIAGRAM AT CECIL AND BAXTER STREET

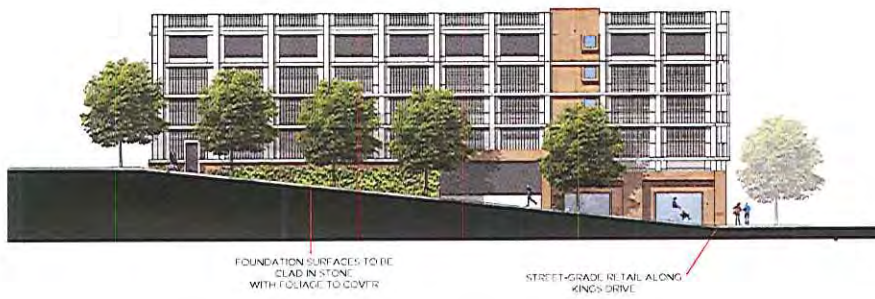




GOODE PROPERTIES  
MIDTOWN CENTER TOWNHOMES  
SIGHT LINE DIAGRAM FROM CHERRY STREET



GOODE PROPERTIES  
MIDTOWN CENTER TOWNHOMES  
VIEW OF TOWNHOMES ALONG CHERRY STREET

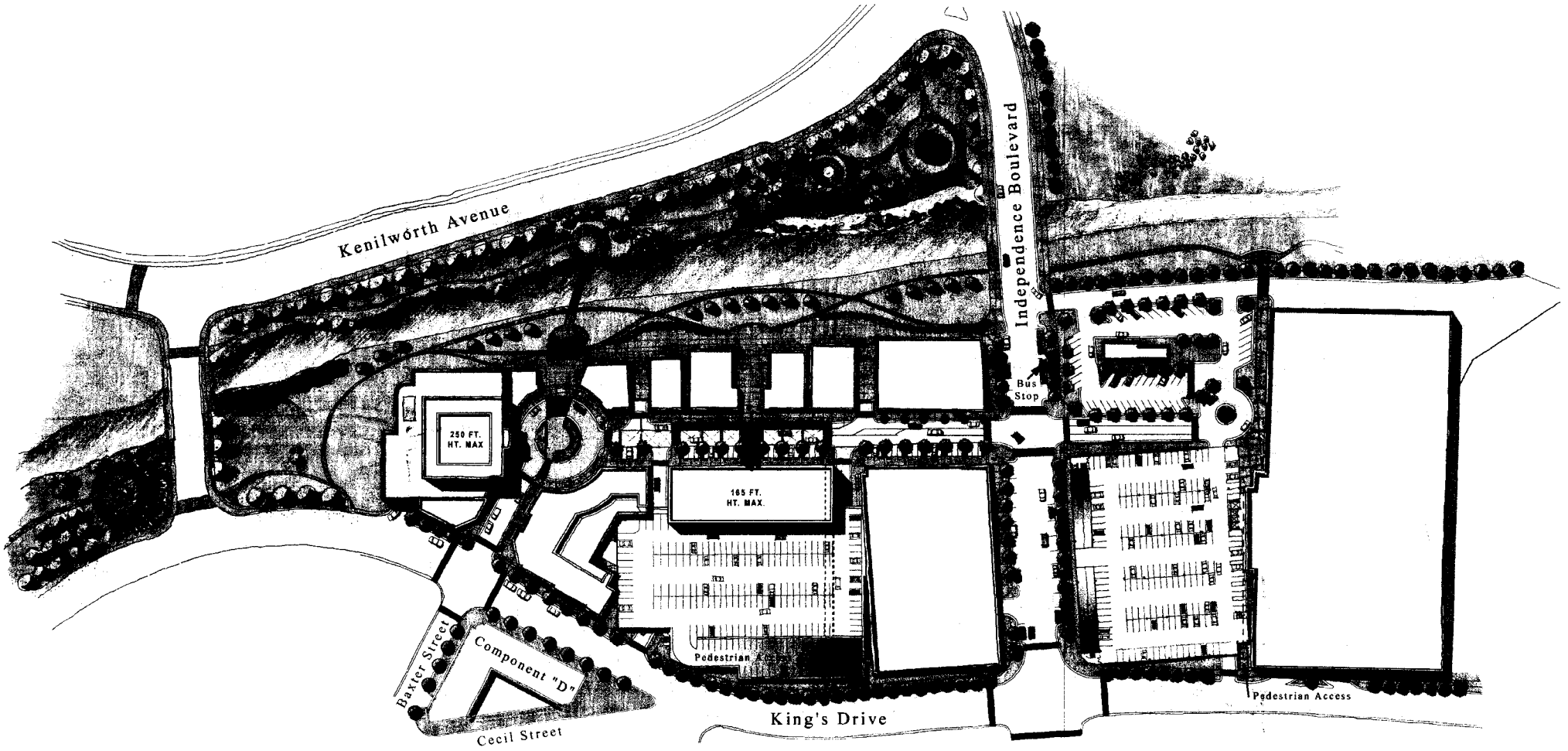


GOODE PROPERTIES  
MIDTOWN CENTER PARKING DECK  
VIEW ALONG LUTHER STREET





Previously  
Approved  
Site  
Plan



APPROVED BY CITY COUNCIL  
 DATE 5/16/05  
 2005-000

CONCEPTUAL SCHEMATIC SITE PLAN  
 IN ACCORDANCE WITH THE DEVELOPMENT STANDARDS, THIS SCHEMATIC SITE PLAN THAT ACCOMPANIES THE TECHNICAL DATA SHEET IS SCHEMATIC IN NATURE AND THE EXACT ALIGNMENT OF STREETS, ACCESS POINTS, THE CONFIGURATION AND PLACEMENTS OF PARKING AND SERVICE AREAS AND THE PRECISE LOCATION, HEIGHTS AND MASSES OF THE BUILDINGS AND PARKING AREAS, SERVICE AREAS AND OTHER INDIVIDUAL SITE ELEMENTS MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ORDINANCE DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES OF THE PROJECT.



COLLETT'S  
 ASSOCIATES

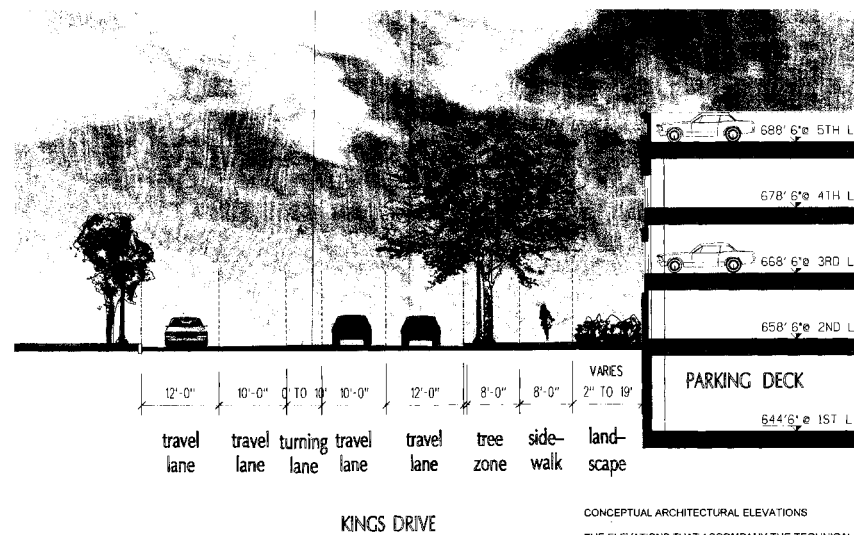
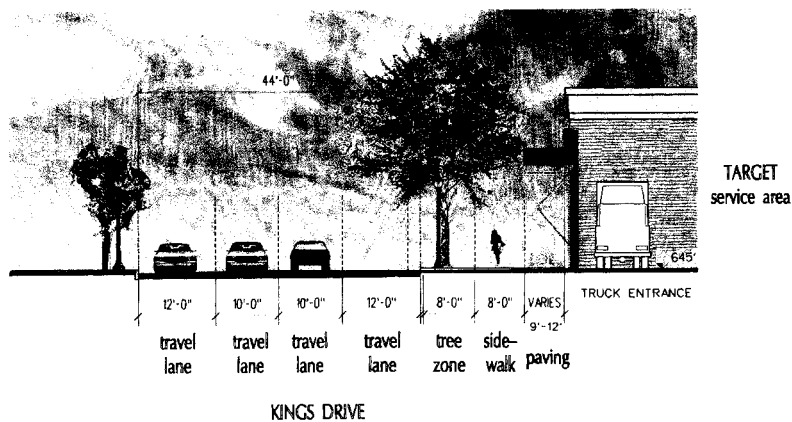
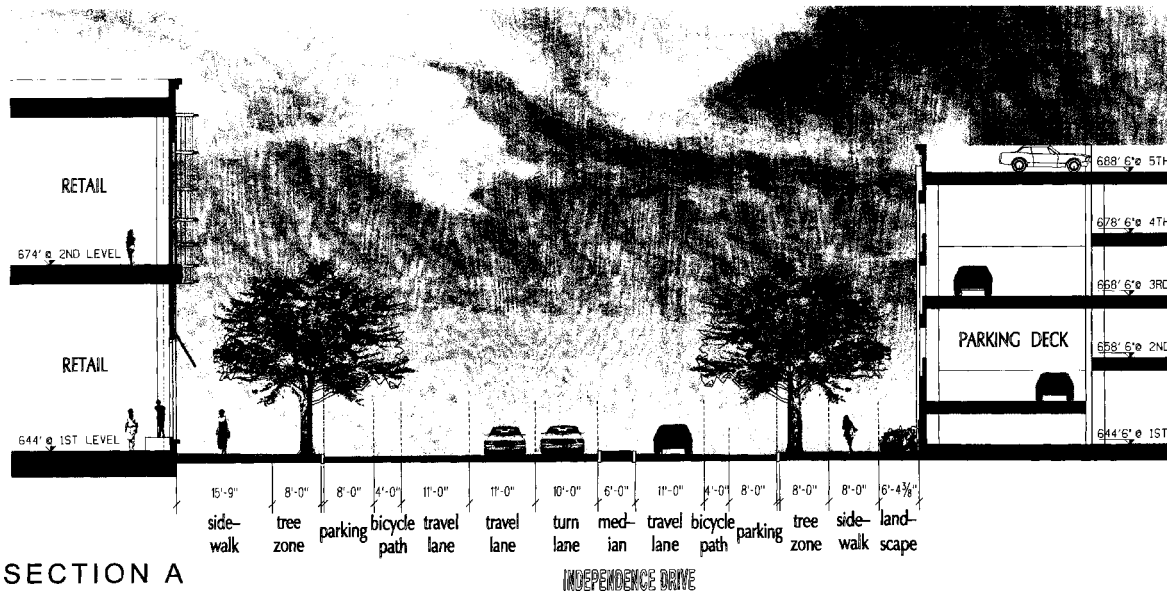
MIDTOWN MIXED USE

Charlotte, North Carolina

April 18, 2005



COOPER CARRY



CONCEPTUAL ARCHITECTURAL ELEVATIONS

THE ELEVATIONS THAT ACCOMPANY THE TECHNICAL DATA SHEET ARE CONCEPTUAL IN NATURE AND ARE PRELIMINARY GRAPHIC REPRESENTATIONS OF THE TYPES OF ARCHITECTURAL DESIGNS AND QUALITY OF DEVELOPMENT PROPOSED FOR PORTIONS OF THE SITE. IT BEING UNDERSTOOD THAT MODIFICATIONS MAY BE MADE DURING THE DESIGN/DEVELOPMENT AND CONSTRUCTION OF THE PROJECT.



COLLETTI & ASSOCIATES

MIDTOWN MIXED USE

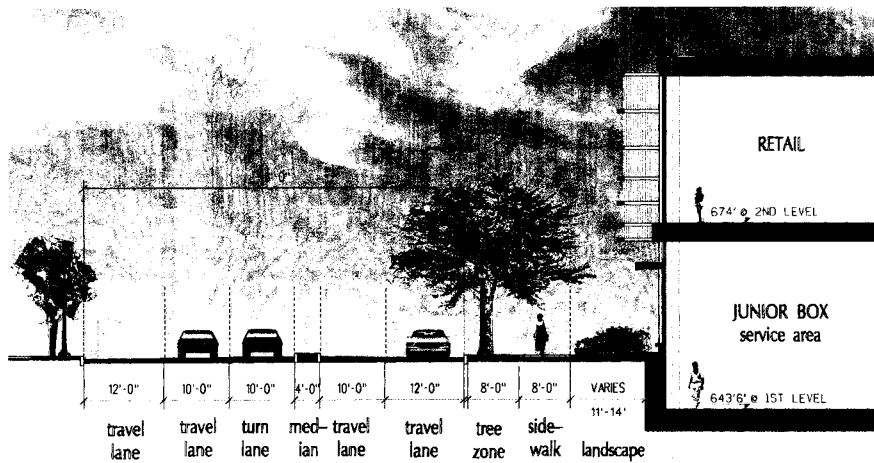
Charlotte, North Carolina

18 April 2005

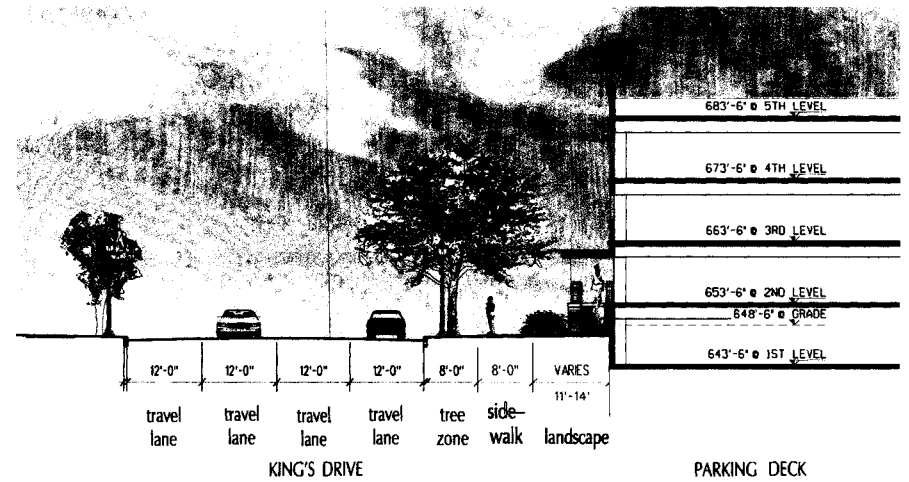
COOPER CARRY



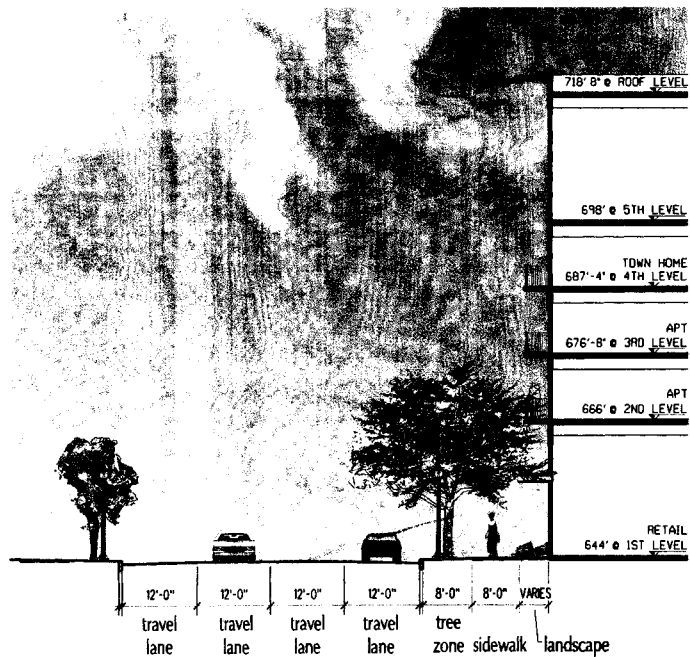




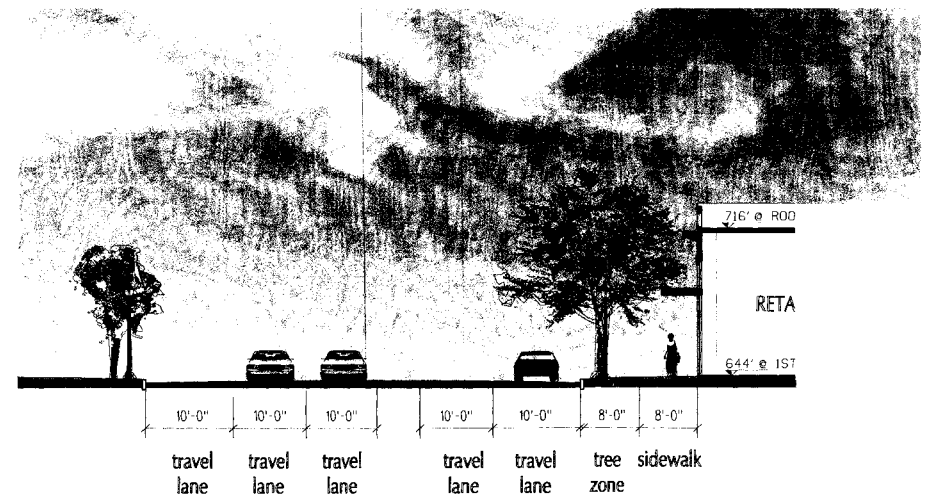
KING'S DRIVE  
SECTION D



SECTION E  
(STREET WIDTH TO BE DETERMINED)



SECTION F  
(STREET WIDTH TO BE DETERMINED)



SECTION G  
(STREET WIDTH TO BE DETERMINED)

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COLLETT &  
ASSOCIATES

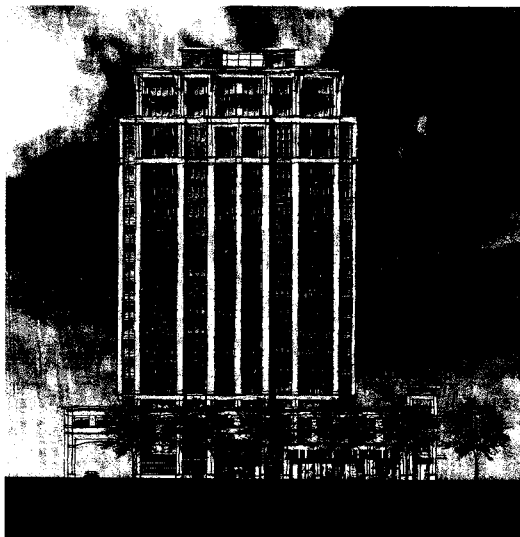
MIDTOWN MIXED USE

Charlotte, North Carolina

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COOPER CARRY





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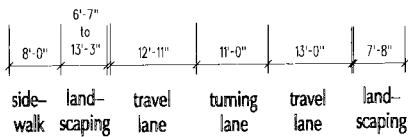


COLLETT & ASSOCIATES

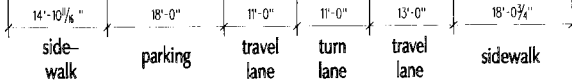
MIDTOWN MIXED USE  
Charlotte, North Carolina  
18 April 2005



COOPER CARRY  
ARCHITECTS



MAIN STREET  
SECTION



MAIN STREET  
SECTION

CONCEPTUAL ARCHITECTURAL ELEVATIONS  
THE ELEVATIONS THAT ACCOMPANY THE TECHNICAL DATA SHEET ARE CONCEPTUAL IN NATURE AND ARE PRELIMINARY GRAPHIC REPRESENTATIONS OF THE TYPES OF ARCHITECTURAL DESIGNS AND QUALITY OF DEVELOPMENT PROPOSED FOR PORTIONS OF THE SITE, IT BEING UNDERSTOOD THAT MODIFICATIONS MAY BE MADE DURING THE DESIGN/DEVELOPMENT AND CONSTRUCTION OF THE PROJECT.



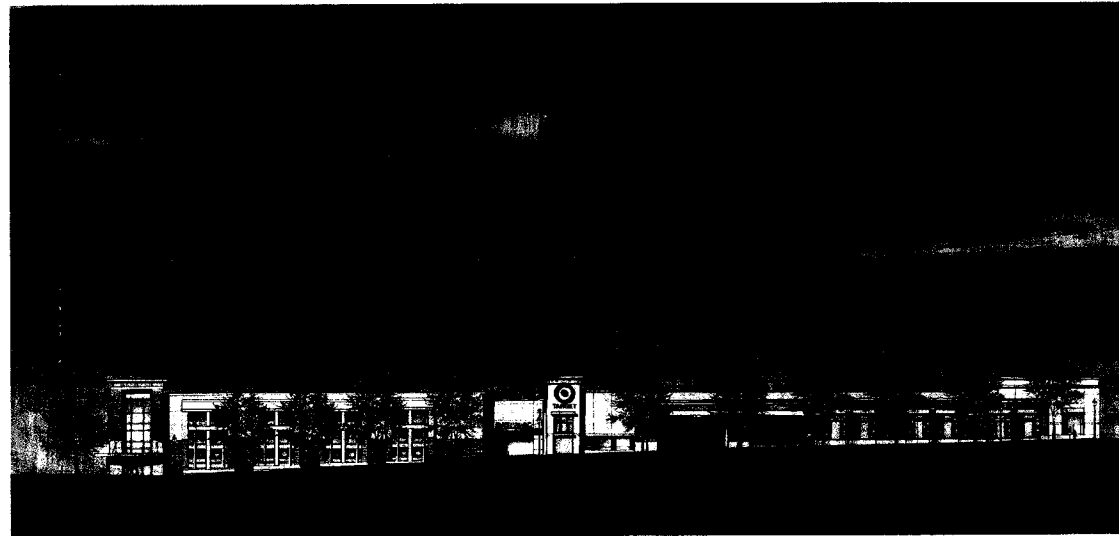
COLLETTA & ASSOCIATES

MIDTOWN MIXED USE  
Charlotte, North Carolina  
18 April 2005



COOPER CARRY





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COLLETTI  
ASSOCIATES

MIDTOWN MIXED USE

Charlotte, North Carolina

18 April 2005

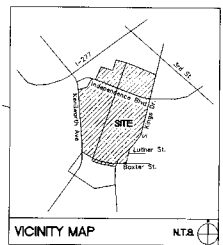
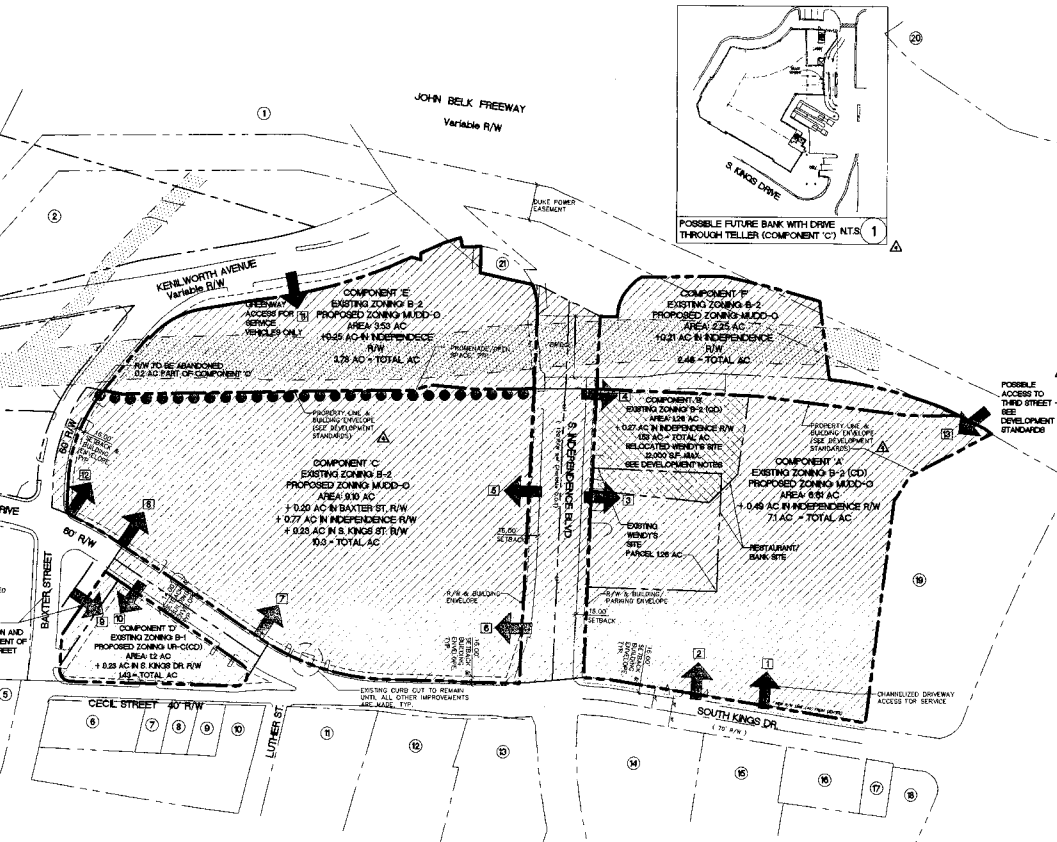


COOPER CARRY

201103

ADJACENT PROPERTY OWNERS

- 1. MEADOWS COUNTY... 2. ORIGINAL DEVELOPER OF... 3. MEADOWS COUNTY... 4. ACCORDION INVESTMENTS, LLC... 5. WADSWORTH PROPERTIES... 6. THE ASIAN (ORHANA) HERALD, INC... 7. THE ASIAN (ORHANA) HERALD, INC... 8. THE ASIAN (ORHANA) HERALD, INC... 9. CHERRY COMMUNITY ORGANIZATION... 10. PAW-JAC, INC... 11. BREZ A. BREZ, INC... 12. APC OF PROPERTIES, INC... 13. WELLS PROPERTY NUMBER ONE, LLC... 14. THE WILGUSARS FAMILY LIMITED PARTNERSHIP... 15. BICE S. MATTHEW... 16. A. NIRMAL EKKA EARLE(B/W)... 17. MATTHEW MICHAEL J... 18. STATE EMPLOYEES... 19. SEVEN SEVENTEEN HB...



SITE SUMMARY: EXISTING ZONING B-1 (AND B-2(CD)) PROPOSED ZONING MIDD-O (AND UP-CCD) PARCEL AREA TOTALS APPROX AREA APPROX AREA NET USE R/W APPROX AREA APPROX AREA COMPONENT B: 128 AC 153 AC COMPONENT C: 61 AC 103 AC COMPONENT D: 12 AC 140 AC COMPONENT E: 133 AC 378 AC COMPONENT F: 225 AC 248 AC (APPROX. 424 AC)

- MAXIMUM BUILDING SF: SEE DEVELOPMENT STANDARDS FOR LIST OF PERMITTED USES, ALLOCATIONS, COMMISSION RIGHTS AND ADDITIONAL INFORMATION COMPONENT 'A' UP TO 300,000 SF OF COMMERCIAL USES (RETAIL RESTAURANT/BANK/OFFICE) COMPONENT 'B' UP TO 12,000 SF (RETAIL RESTAURANT/BANK/OFFICE) COMPONENT 'C' UP TO 40,000 SF OF COMMERCIAL USES (RETAIL RESTAURANT/OFFICE) COMPONENT 'D' UP TO 208 RESIDENTIAL UNITS COMPONENT 'E' AND 'F' UP TO 12,000 SF OF COMMERCIAL USES (RETAIL RESTAURANT) ASSOCIATED SURFACE AND STRUCTURAL PARKING



PETITIONERS: PAPPAS PROPERTIES DEVELOPMENT, LLC 4025 CONGRESS STREET, SUITE 405 CHARLOTTE, NC 28209

MIDTOWN MIXED-USE VILLAGE

TECHNICAL DATA SHEET

FOR PUBLIC HEARING - PETITION NUMBER 2005-060 Project No. 3214 Issued 02/26/05

Revised

- 02/27/05 REVISIONS TO INCLUDE COUNTY PARCEL AND HIGHWAY CORRECTIONS FROM DTP 02/17/05 REVISIONS TO NOTES 02/18/05 REVISIONS TO NOTES PER COMMENTS 02/28/05 TO CORRECT PLAN NUMBER TO SECTION 14(B)

(CHANGES TO THE LEFT OF THE SHEETWORK STANDARDS DESIGNATED BY A CHECK MARK ARE IN GOLD BUT DO NOT SHOW ON THIS SHEET)



SCALE: 1" = 100'



RZ1.0 of 2

The Petitioners hereby certify that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief.

1. GENERAL PROVISIONS: This plan was prepared and submitted to the Planning Board for review and approval in accordance with the provisions of the Zoning Ordinance. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief.

2. THE USE OF THE LAND: The use of the land is proposed to be consistent with the zoning regulations. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief.

3. THE USE OF THE LAND: The use of the land is proposed to be consistent with the zoning regulations. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief.

4. THE USE OF THE LAND: The use of the land is proposed to be consistent with the zoning regulations. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief.

5. THE USE OF THE LAND: The use of the land is proposed to be consistent with the zoning regulations. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief.

6. THE USE OF THE LAND: The use of the land is proposed to be consistent with the zoning regulations. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief.

7. THE USE OF THE LAND: The use of the land is proposed to be consistent with the zoning regulations. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief.

8. THE USE OF THE LAND: The use of the land is proposed to be consistent with the zoning regulations. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief. The Petitioners warrant that the information provided in this Technical Data Sheet is true and correct to the best of their knowledge and belief.





<b>REQUEST</b>	Current Zoning: B-1(CD) (neighborhood business, conditional) and R-3 (single family residential) Proposed Zoning: B-1C(D) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 3.32 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road. (Council District 5 - Autry)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to three commercial buildings on three individual lots.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The B-1(CD) (neighborhood business, conditional) portion of the petition is consistent with the <i>East District Plan</i> , as amended by a previous rezoning, which recommends retail uses. The acreage zoned R-3 (single family residential) is inconsistent with the <i>East Side Strategy Plan</i> , which recommends institutional uses. However, this portion of the rezoning is situated between two properties zoned B-1(CD) (neighborhood business, conditional). The requested rezoning will allow for a more consistent development pattern.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Fifth Third Bank Cambridge Properties, Inc. George Maloomian and Jay Priester
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report will be available online when received. Number of people attending the Community Meeting: 5

**PLANNING STAFF REVIEW**

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

The site plan accompanying this petition contains the following provisions:

  - Allows up to three (3) separate parcels (Parcels 1, 2, and 3), with each lot having its own individual building footprint and associated parking area.
  - Allows all uses in the B-1 (neighborhood business) zoning district, except the following uses will be restricted:
    - Land clearing and inert debris landfills (LCID);
    - Construction and Demolition (C & D) Landfills;
    - Automotive service stations selling gasoline and diesel fuel;
    - Jails and prisons;
    - Heavy motive repair shops. This does not restrict minor automotive adjustments, repairs and/or lubrications; and
    - Car washes.
  - Allows no more than one (1) drivethrough window within the site.
  - Provision of a 41-foot Class "B" buffer along property lines adjacent to a residential use. A Class "C" buffer may be required along a portion of the northern property line that abuts acreage owned by Cornerstone Baptist Church (parcel 10910206), depending upon the proposed use of the developed parcel. Buffers may be reduced by 25% with installation of a fence.
  - Proposed left-in/right-in/right-out driveway providing access onto Albemarle Road with proposed left-turn lane into the site.

- All three (3) parcels within the site will have vehicular and pedestrian interconnectivity and cross-access easements.
- Provide stub connections to the adjacent parcels to the east and west for possible future interconnectivity.
- Install a minimum six-foot sidewalk and eight-foot planting strip along Albemarle Road measured from back of curb. If sidewalk cannot be installed in the NCDOT right-of-way, petitioner will install the sidewalk within the site along the right-of-way line with Albemarle Road.
- All elevations fronting Albemarle Road to be treated with a minimum of 35% fenestration.
- All exterior walls to be constructed with a minimum of 70% masonry products including any combination of brick, stone and pre-cast concrete.
- Parking lot lighting to have a maximum height of 25 feet.
- **Existing Zoning and Land Use**
  - A former garden center with associated parking and storage, and vacant land is currently situated on the rezoning site, which is primarily surrounded by single family neighborhoods zoned R-3 (single family residential). Commercial, institutional, and industrial uses are generally located at and around the intersections of Albemarle, Circumferential, and Harrisburg Roads on properties located in various zoning districts.
- **Rezoning History in Area**
  - Petition 2008-106 rezoned property on Albemarle Road located directly east of the rezoning site from R-3 (single family residential) to B-1(CD) (neighborhood business, conditional) in order to allow a two-story medical office and retail pharmacy with a walk-in and drive-through pharmacy.
- **Public Plans and Policies**
  - The *East District Plan* (1990) recommends retail for the portion of the property zoned B-1(CD) (neighborhood business, conditional).
  - The *East Strategy Plan* (2001) recommends institutional for the portion of the property currently zoned R-3 (single family residential). However, the portion of the rezoning site zoned R-3 (single family residential) is situated between properties zoned B-1(CD) (neighborhood business, conditional). Therefore, it is not inappropriate to rezone the R-3 acreage in order to allow for a more consistent development pattern with similar development requirements at this location.
  - The portion of the petition currently zoned R-3 (single family residential) is inconsistent with the *East Strategy Plan*. The portion of the petition zoned B-1(CD) is consistent with the *East District Plan*.

---

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT notes that the petitioner has removed the proposed building size(s) from the site plan, and requests that this information be provided so that CDOT can produce trip generation estimates.
  - **Vehicle Trip Generation:**
    - Current Zoning: 1,000 trips per day.
    - Proposed Zoning: Not available.
  - **Connectivity:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** Please remove notes 7a and 7b under PCCO Treatment in their entirety and replace with the following: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.

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

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

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

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Note under Development Data the maximum square footages of each of the three buildings on the rezoning site. Replace "restricted" with "prohibited" in the first sentence under Permitted Uses.
    2. Reduce parking between the building and the street and design the parking in a pattern consistent with other new development along this segment of Albemarle Road.
    3. Label proposed elevations.
    4. Address interior elevations to provide some level of visual interest, architectural detailing or landscaping.
    5. Rename heading PCCO Treatment to Environmental Features.
    6. Delete Note 9a as the 30-foot setback is shown on the site plan. Place notes 9b and 9c under Streetscape and Landscaping.
    7. Remove Sideyards/Buffers heading from site plan.
    8. Modify site plan to state only one sign is permitted or signage will be per ordinance.
    9. Address CDOT and Storm Water Services.
- 

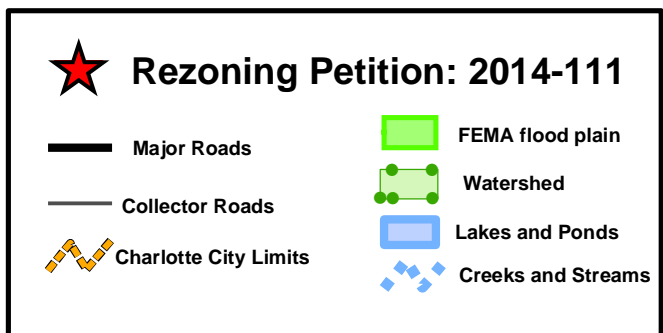
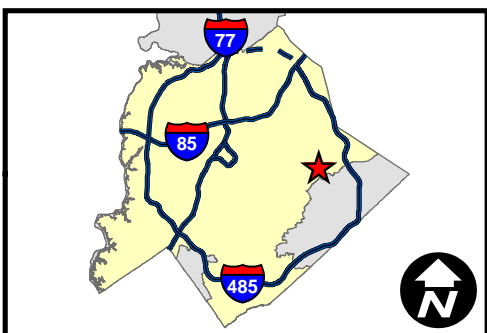
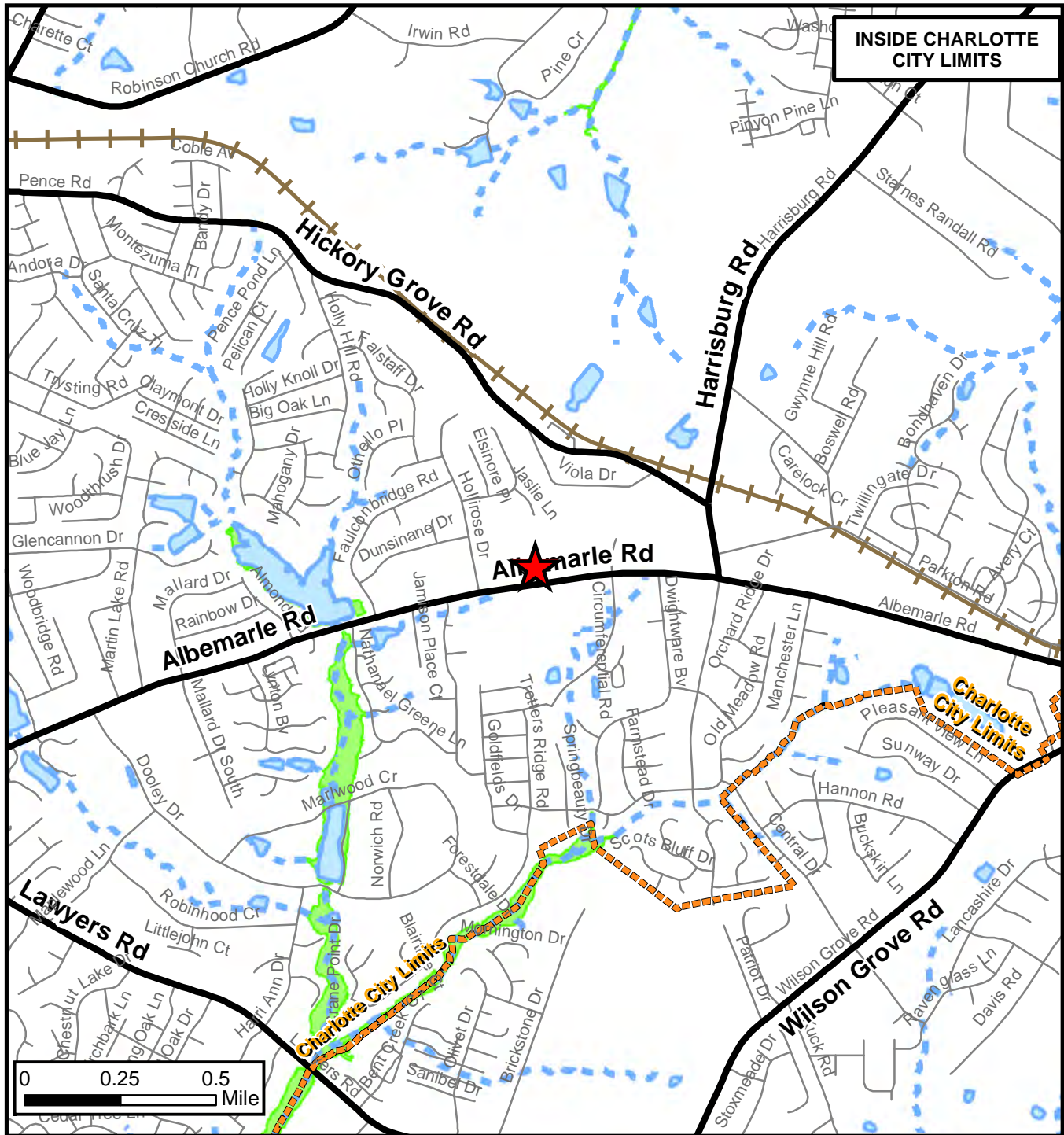
**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

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



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



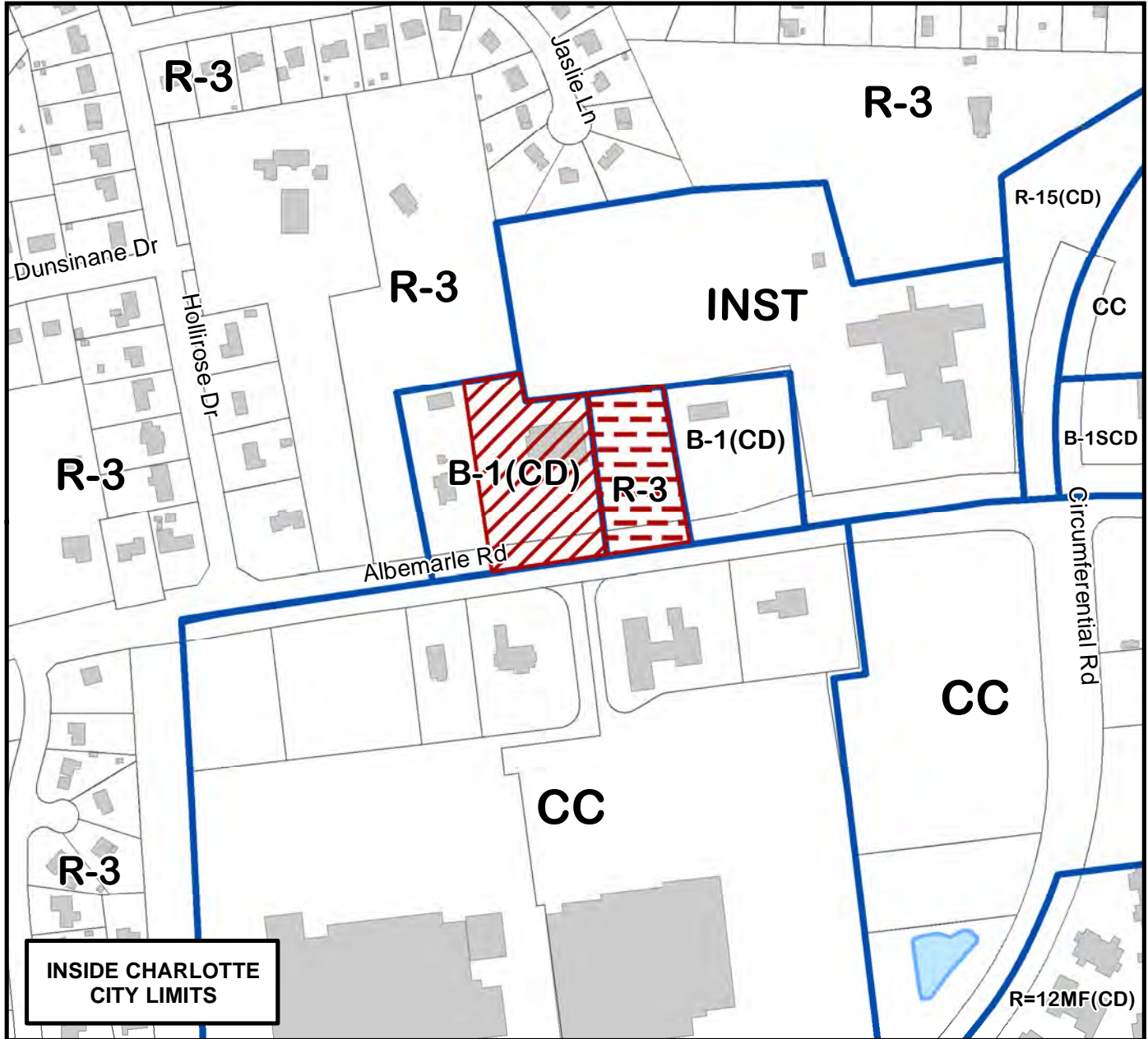
Petition #: **2014-111**

Petitioner: **Cambridge Properties, Inc.**

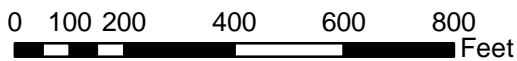
Zoning Classification (Existing): **R-3 & B-1(CD)**  
(Single Family, Residential and Neighborhood Business, Conditional)

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

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

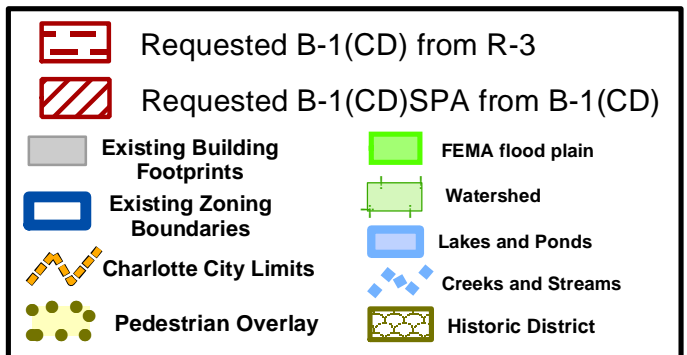


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-29-2014.

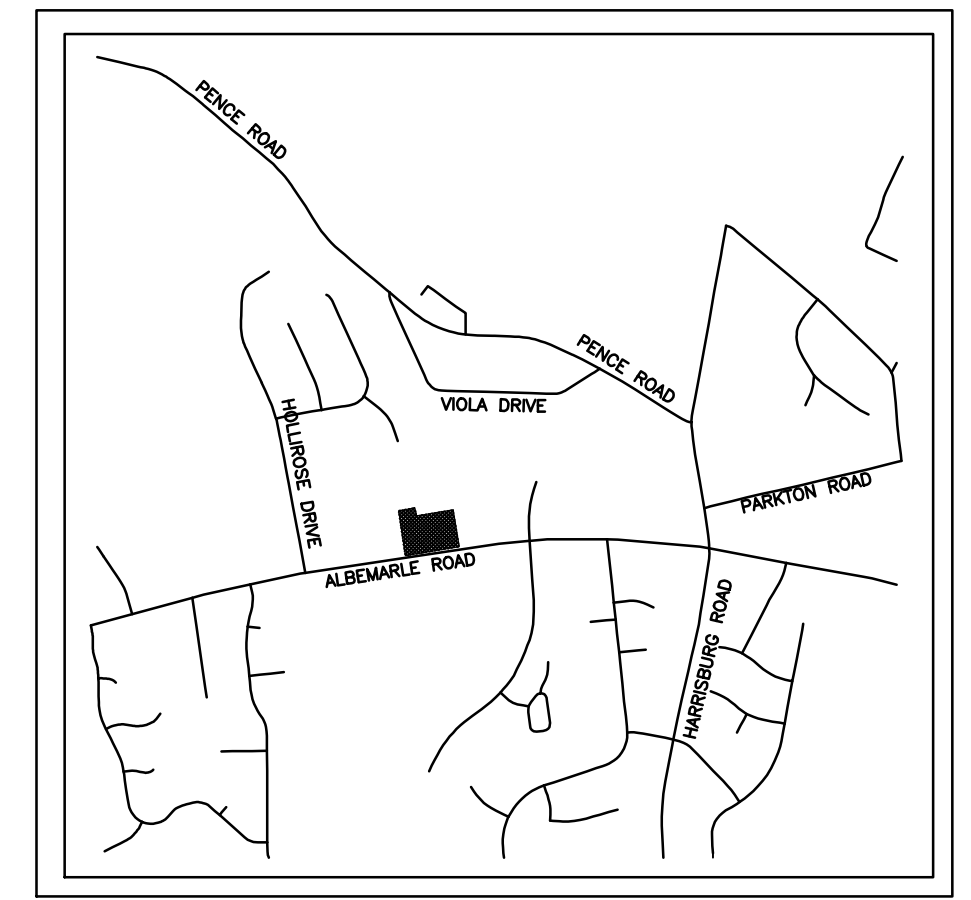
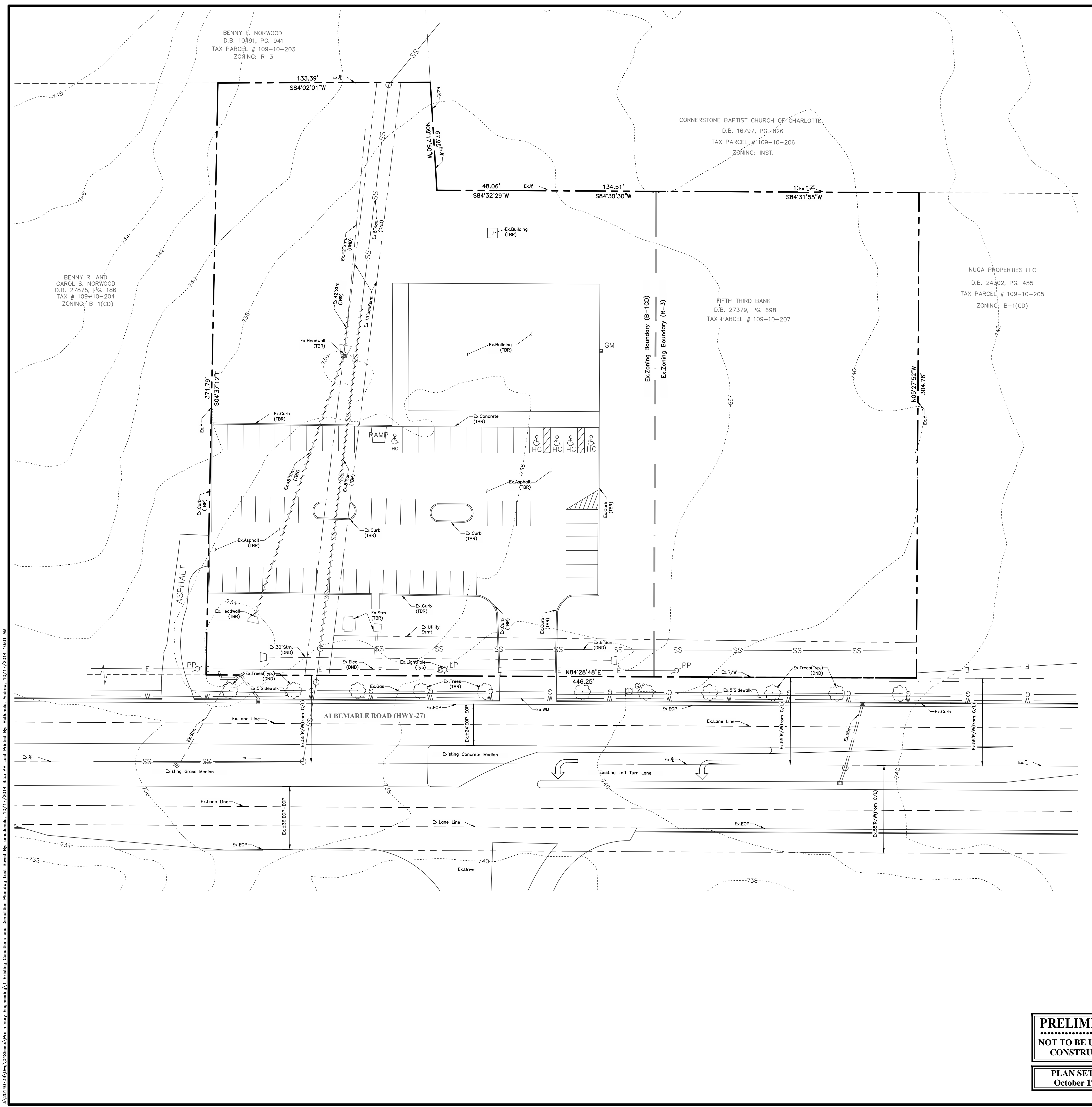


Zoning Map #(s)

**115**



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**LOCATION MAP**  
Not to Scale

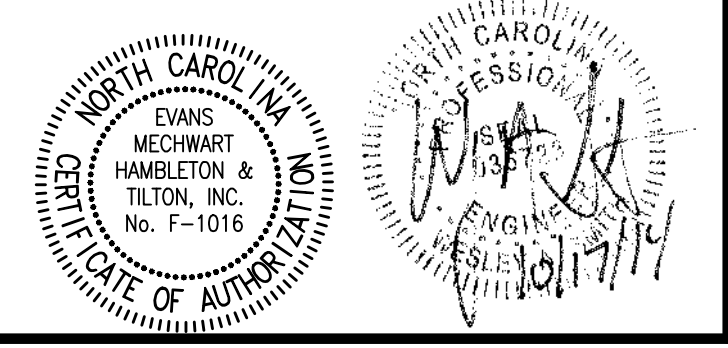
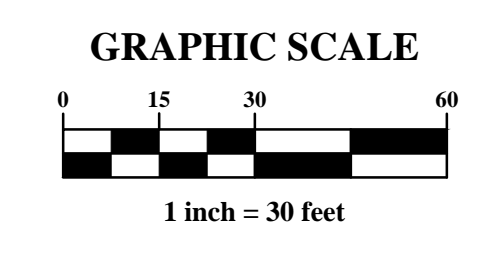
DEVELOPMENT DATA	
<b>Site Acreage</b>	
Tax Parcel:	109-10-207
Existing Total:	3.32 Acres (144,619 SF)
Probable Parcel Size:	Parcel 1: 1.49± Acres (64,904 SF) Parcel 2: 0.98± Acres (42,689 SF) Parcel 3: 0.85± Acres (37,026 SF)
<b>Zoning</b>	
Existing:	R-3/B-1(CD)
Proposed:	B-1(CB)
Area to be Rezoned:	3.32± Acres (144,619 SF)
Existing User:	Vacant
Proposed Use:	All uses allowed within B-1(CD) District Subject to uses restricted herein
<b>Building Data</b>	
Floor Area Ratio:	As permitted by B-1(CD) District
Maximum Building Height:	40'
<b>Tree Save Area</b>	
Required:	144,619 SF x 15% = 21,693 SF
Provided:	22,684 SF = 0.52 Acres
<b>Parking</b>	
Required:	As required by proposed use in B-1(CD) Zoning
Provided:	Per ordinance

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

TBR = To Be Removed  
TBR/L = To Be Relocated  
DND = Do Not Disturb

**PRELIMINARY**  
NOT TO BE USED FOR  
CONSTRUCTION  
  
PLAN SET DATE  
October 17, 2014

REZONING PETITION 2014-111



MARK	DATE	DESCRIPTION
1	10/17/14	ISSUED FOR CITY OF CHARLOTTE COMMENTS

**REVISIONS**

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

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

**EMH**  
EVAN MECHWART, HAMBLETON & TILTON, INC.  
Engineers - Surveyors - Planners - Scientists  
Professional Seal No. 10116  
Phone: 704.546.0333  
emh.com

DATE: October 17, 2014  
SCALE: 1" = 30'  
JOB NO.: 2014-0739  
SHEET: RZ-1.0



J:\2014\07\2014\04\Sheets\Pre\Pre\Engineering\3\_Site\_Plan.dwg, Last Saved By: amcdonald, 10/17/2014 9:55 AM, L:\Print\Bk\_McDonald, 10/17/2014 10:01 AM

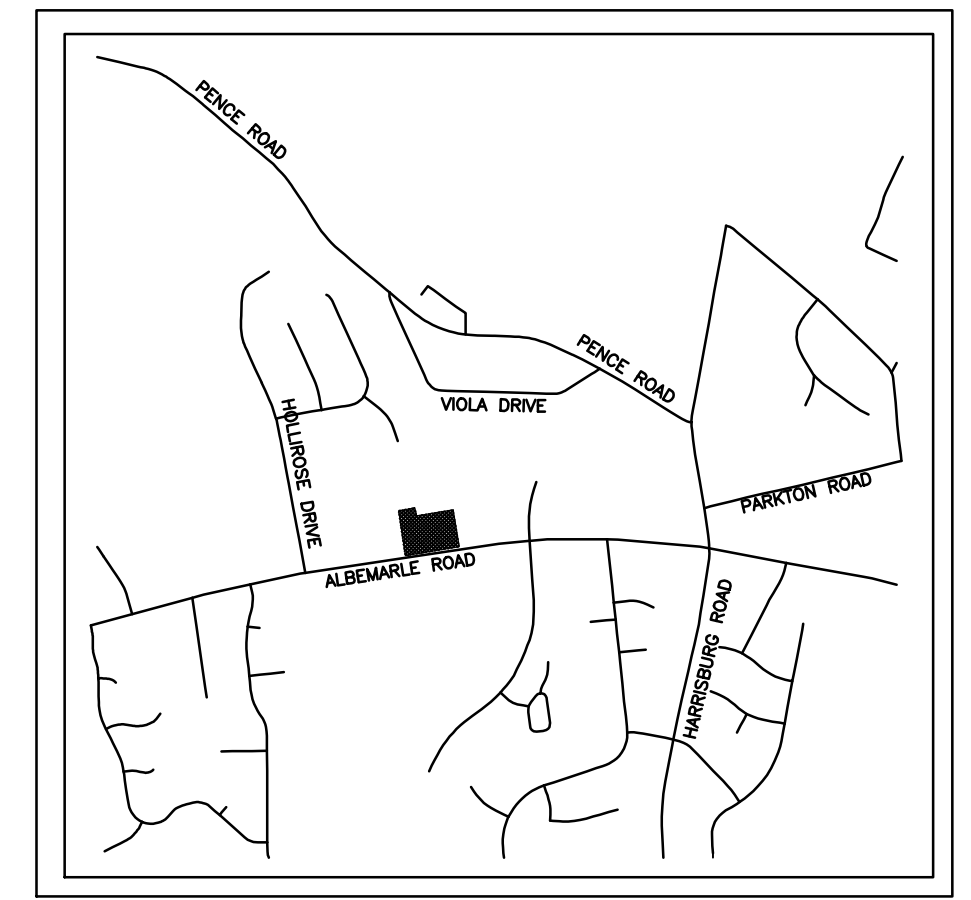
BENNY F. NORWOOD  
D.B. 10491, PG. 941  
TAX PARCEL # 109-10-203  
ZONING: R-3

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

CORNERSTONE BAPTIST CHURCH OF CHARLOTTE  
D.B. 16787, PG. 826  
TAX PARCEL # 109-10-206  
ZONING: INST.

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

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



LOCATION MAP  
Not to Scale

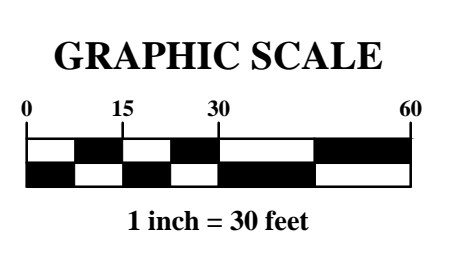
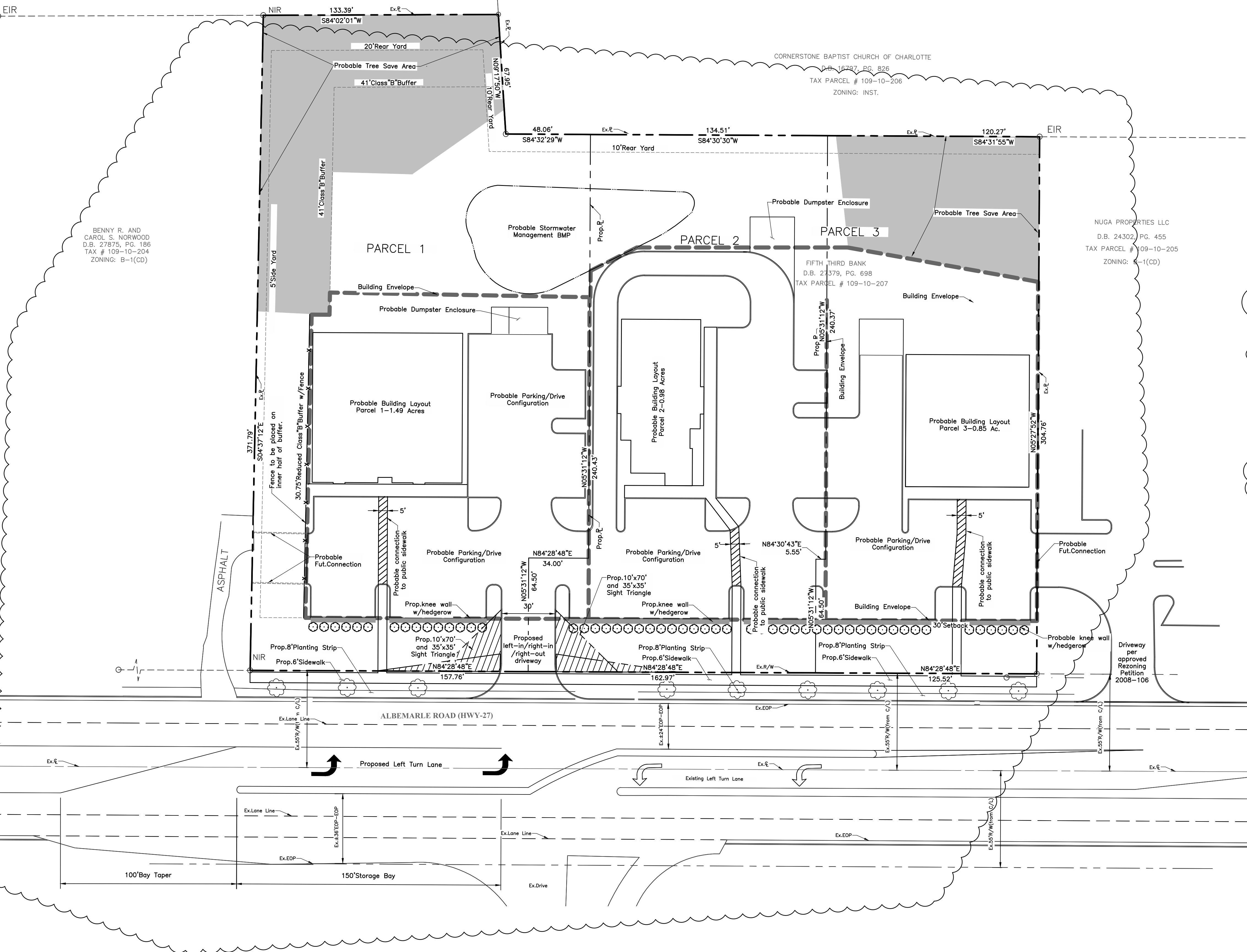
DEVELOPMENT DATA	
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<b>Zoning</b>	
Existing:	R-3/B-1(CD)
Proposed:	B-1(CB)
Area to be Rezoned:	3.32± Acres (144,619 SF)
Existing Use:	Vacant
Proposed Use:	All uses allowed within B-1(CD) District Subject to uses restricted herein
<b>Building Data</b>	
Floor Area Ratio:	As permitted by B-1(CD) District
Maximum Building Height:	40'
<b>Tree Save Area</b>	
Required:	144,619 SF x 15% = 21,693 SF
Provided:	22,684 SF = 0.52 Acres
<b>Parking</b>	
Required:	As required by proposed use in B-1(CD) Zoning
Provided:	Per ordinance

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

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

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

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



REZONING PETITION 2014-111

**PRELIMINARY**  
NOT TO BE USED FOR  
CONSTRUCTION

PLAN SET DATE  
October 17, 2014



MARK	DATE	DESCRIPTION
1	10/17/14	ISSUED FOR CITY OF CHARLOTTE COMMENTS

**CAMBRIDGE PROPERTIES**  
INCORPORATED  
831 East Morehead Street, Suite 245  
Charlotte, North Carolina 28202  
Phone: 704.535.2894

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA  
FOR  
REZONING PLAN  
**HOLLROSE DEVELOPMENT**  
SITE PLAN

**EMH**  
EVANS, MECHWART, HAMBLETON & TILTON, INC.  
Engineers - Surveyors - Planners - Scientists  
100 South Tryon Street, Suite 1000  
Charlotte, NC 28202  
Phone: 704.546.0333  
emh.com

DATE	October 17, 2014
SCALE	1" = 30'
JOB NO.	2014-0739
SHEET	RZ-2.0



**1. GENERAL PROVISIONS**

- a. The development depicted on this Site Plan is intended to reflect the arrangement of proposed uses on the Site, but the exact configuration placement, and size of the specific building or parking elements may be altered or modified within the limits prescribed by the Ordinance during the design development and construction phases as allowed under the provisions of Section 6.2 of the Zoning Ordinance
- b. Throughout this Rezoning Petition, the terms "Owner", "Owners", "Petitioner", or "Petitioners" shall be deemed to include the heirs devisees, personal representatives, successors in interest and assignees of the owners or owners of the Site who may be involved in its development from time to time.

**2. PURPOSE**

This Rezoning Application request is to allow the Site to be developed with up to three (3) separate land parcels with uses that are permitted under the B-1 zoning district as restricted herein.

**3. PERMITTED USES**

- All uses under the B-1 zoning district shall be permitted except the following uses shall be restricted:
  - a. Land clearing and inert debris landfills (LCID).
  - b. Construction and Demolition (C&D) Landfills.
  - c. Automotive Service Stations selling gasoline and diesel fuel.
  - d. Jails and prisons.
  - e. No more than 1 drive thru window within the Site.
  - f. Heavy automotive repair shops. This does not restrict minor automotive adjustments, repairs and/or lubrications.
  - g. Car washes

**4. TRANSPORTATION**

- a. Subject to NCDOT and CDOT approval, the Site shall have one direct access point on Albemarle Road, which shall be a right in/right out with a protected left turn into the Site approximately as shown on the Site Plan and Petitioner may construct the right in/right out access, as approved, on the parcel adjoining the east side of the Site.
- b. All three (3) parcels within the Site shall have vehicular and pedestrian inner-connectivity and cross access easements among them.
- c. Petitioner will establish stub streets connecting to the adjacent parcels adjoining the east and west sides of the Site along Albemarle Road for future interconnectivity.
- d. Each building shall have a minimum of a 5ft wide pedestrian walkway connecting to the existing sidewalks along Albemarle Road.
- e. According to the City of Charlotte's Driveway Regulations, CDOT has the authority to regulate/approve all private street/driveway and public street connections to the right-of-way of a street under the regulatory jurisdiction of the City of Charlotte. CDOT has determined that a left-turn lane is necessary to serve the traffic using the proposed public street/private driveway connection for this site. The engineering design and construction of the left-turn lane is the responsibility of the owner, and shall be performed by a professional engineer registered in the State of North Carolina who has roadway-design experience. CDOT will only approve the proposed public street/private driveway connection provided that an eastbound directional left-turn lane is constructed on Albemarle road. The left-turn lane needs to be designed using NCDOT standards with a minimum 150 feet of storage. This roadway improvement is required to meet the traffic demands of the proposed development.
- f. Adequate sight triangles must be reserved at the existing/proposed street entrance. Two 35'x35' and two 10'x70' sight triangles are required for the entrance to meet requirements. All proposed trees, berms, walls, fences, and/or identification signs must not interfere with sight distance at the entrance. Such items should be identified on the site plan.
- g. The proposed driveway connection to Albemarle Road will require driveway permits to be submitted to CDOT and NCDOT for review and approval. The exact driveway location and type/width of the driveway will be determined by CDOT during the driveway permit process. The locations of the driveway shown on the site plan are subject to change in order to align with the driveway shown on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.
- h. All proposed commercial driveway connections to a future public street will require a driveway permit to be submitted to CDOT for review and approval.
- i. Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.
- j. A right-of-way encroachment agreement is required for the installation of any non-standard items (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to the construction/installation of the non-standard items. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.

**5. ARCHITECTURAL STANDARDS**

- a. All elevations fronting Albemarle Road shall be treated with a minimum of 35% fenestration.
- b. All exterior walls shall be constructed with a minimum of 70% masonry products including any combination of brick, stone and pre-cast concrete.
- c. All trash and recycling containers shall be fully enclosed.
- d. All HVAC units shall be screened from view from Albemarle Road.
- e. Any loading docks shall be screened from view from Albemarle Road.

**6. SITE LIGHTING**

- a. All parking lot lighting shall be shielded and downward facing.
- b. Exterior lighting on the buildings will be directed or shielded to prevent glare on nearby residential properties.
- c. The parking lot lighting shall be a maximum height of 25 feet in height.

**7. STREETScape AND LANDSCAPE**

- a. There shall be a minimum of an 8 ft planting strip and 6 ft sidewalk along Albemarle Road measured from the back of curb. The sidewalk and planting strip shall be installed in front of each parcel as such parcel is developed with vertical improvements. If the sidewalk cannot be installed in the NCDOT right of way, Petitioner shall install the sidewalk within the Site along the ROW line with Albemarle Road.
- b. All parking areas shall be adequately screened from the right of way along Albemarle Road with a 2.5 ft screen wall with hedgerow.
- c. All landscaping shall meet or exceed the requirement of the Ordinance.

**8. PCCO TREATMENT**

- a. The Tree Save and Open Space requirement for the three parcels shall be viewed comprehensively as part of the entire Site and not each parcel. The location of the Tree Save and Open Space is shown approximately on the Site Plan and adjustments to the actual location may be made during the engineering design and construction provided that minimum areas are provided.
- b. The location, size, and type of storm water management systems depicted on the Site Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

**9. SIDEYARDS/BUFFERS**

- a. The front yard setback shall be 30 ft from the right of way of Albemarle Road.
- b. The side yard and rear yard buffers adjacent to a residential use shall be a 41 ft class "B" buffer. A 24' class "C" buffer may be required adjacent to parcel 109-10-206 depending on the proposed use of the developed parcel. Buffer requirements to be determined during final engineering.
- c. The side yard and rear yard buffer maybe reduced by 25% as allowed by Section 12.302(8). If Petitioner elects a fence to reduce the buffer it shall be placed in the inner half of the buffer closest to the Site boundary.

**10. SIGNAGE**

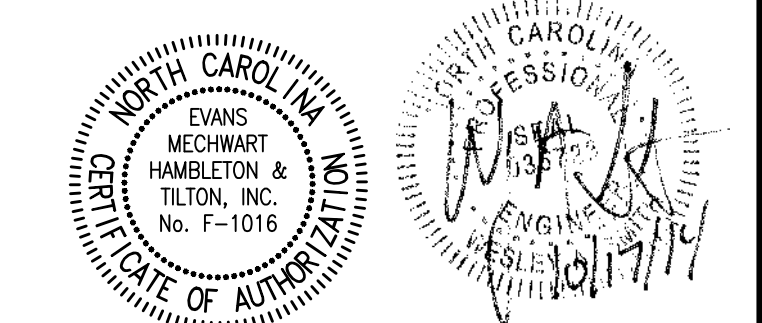
- a. Each parcel may have one (1) ground mounted monument sign as allowed in the Zoning Ordinance. Ground mounted monuments shall be constructed of masonry products, as described herein, and shall be standard designs for each of the three (3) parcels.



**PARCEL 1 ARCHITECTURAL RENDERING**

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**PRELIMINARY**  
NOT TO BE USED FOR CONSTRUCTION  
**PLAN SET DATE**  
October 17, 2014



REZONING PETITION 2014-111

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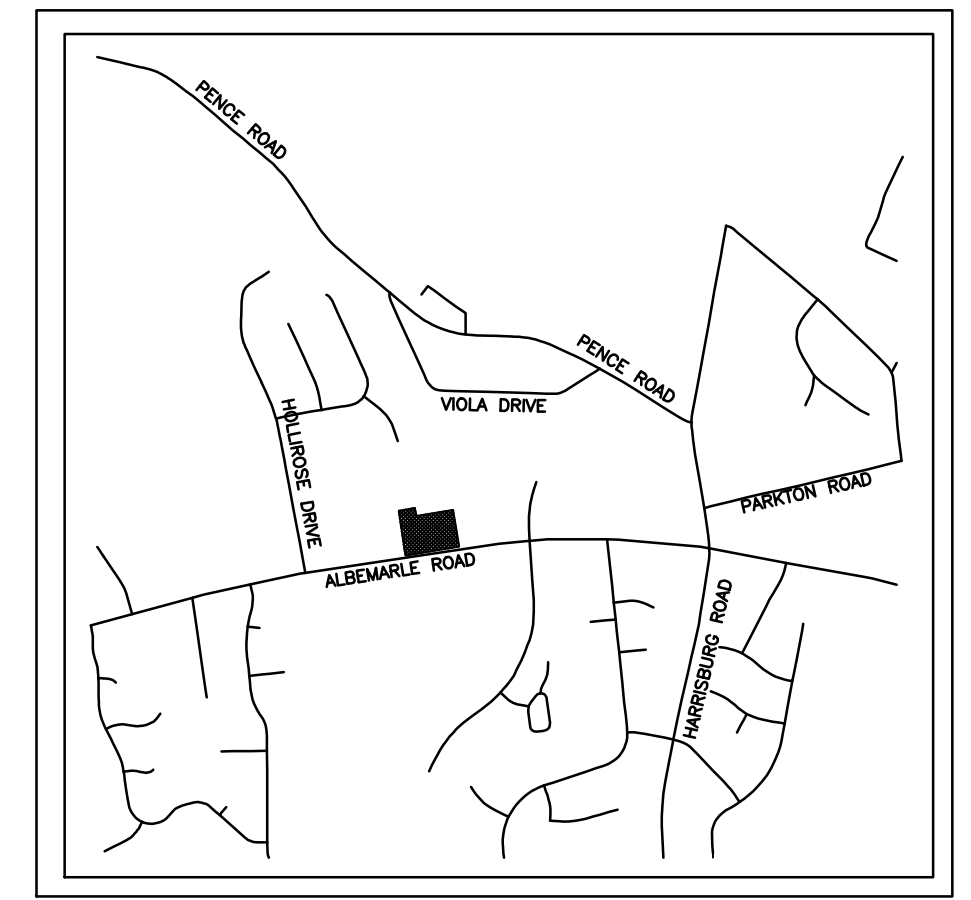
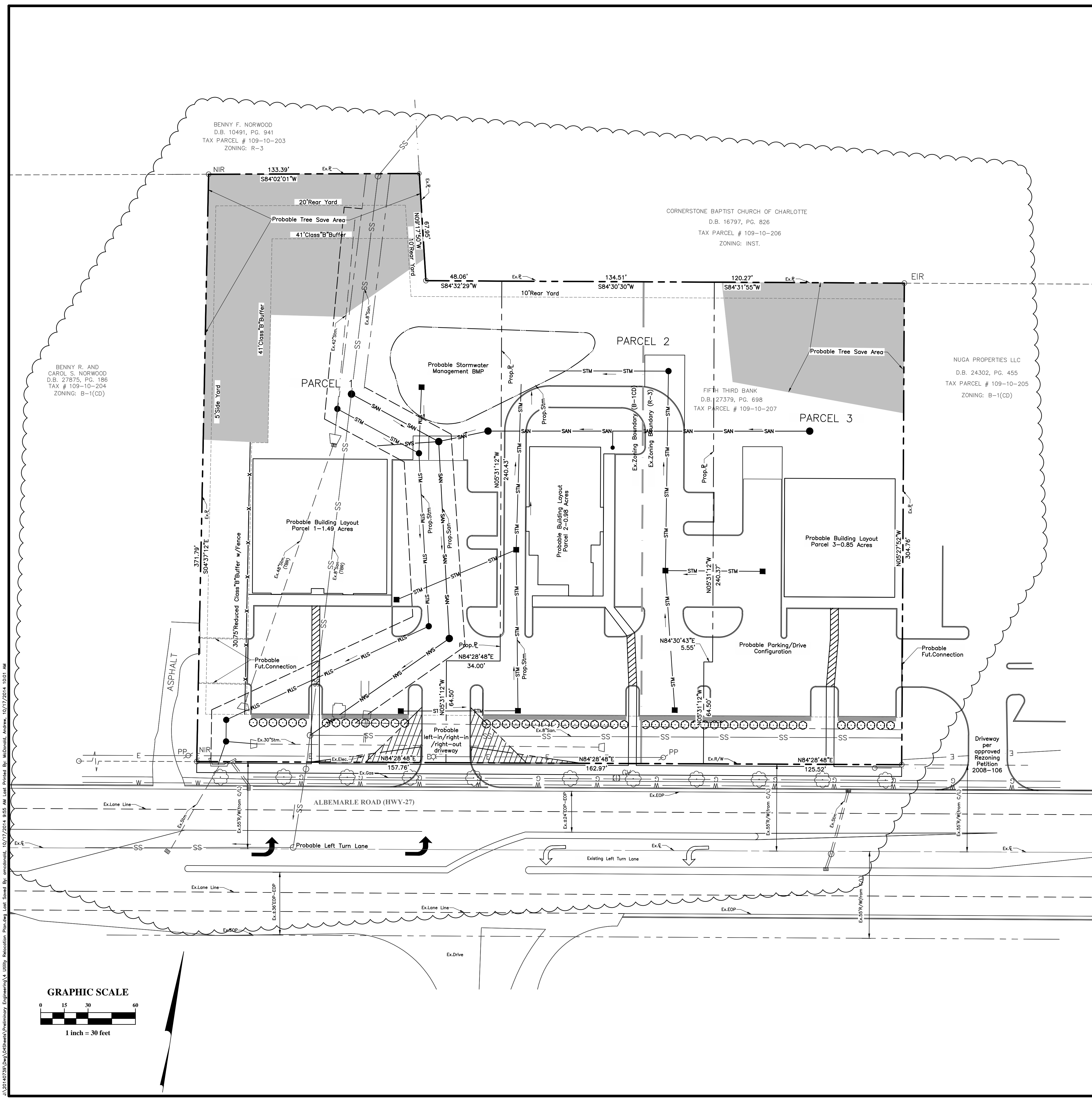
  

CAMBRIDGE PROPERTIES INCORPORATED 831 East Morehead Street, Suite 245 Charlotte, North Carolina 28206 Phone: 704/355-2894 Fax: 704/355-2894	CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA FOR REZONING PLAN <b>HOLLROSE DEVELOPMENT</b> REZONING NOTES
--	--

<b>EMH</b> Evans, Mechwart, Hamilton & Tilton, Inc. Engineers - Surveyors - Planners - Scientists 700 S. Tryon Street, Suite 1000 Charlotte, NC 28202 Phone: 704.546.0333 emht.com	DATE October 17, 2014 SCALE 1" = 30' JOB NO. 2014-0739 SHEET <b>RZ-3.0</b>
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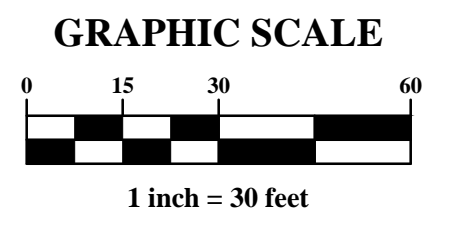


LOCATION MAP  
Not to Scale

DEVELOPMENT DATA	
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Tax Parcel:	109-10-207
Existing Total:	3.32 Acres (144,619 SF)
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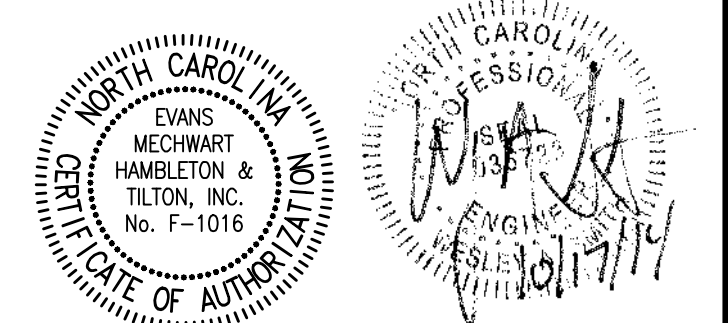
**NOTE:**  
This utility layout is strictly for preliminary purposes and is subject to change during the permitting process.



REZONING PETITION 2014-111

**PRELIMINARY**  
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PLAN SET DATE  
October 17, 2014



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1	10/17/14	REVISION: REVISION PER CITY OF CHARLOTTE COMMENTS

**CAMBRIDGE PROPERTIES**  
INCORPORATED  
831 East Morehead Street, Suite 545 • Charlotte, NC 28202  
Phone: 704.535.2894 Fax: 704.535.2894

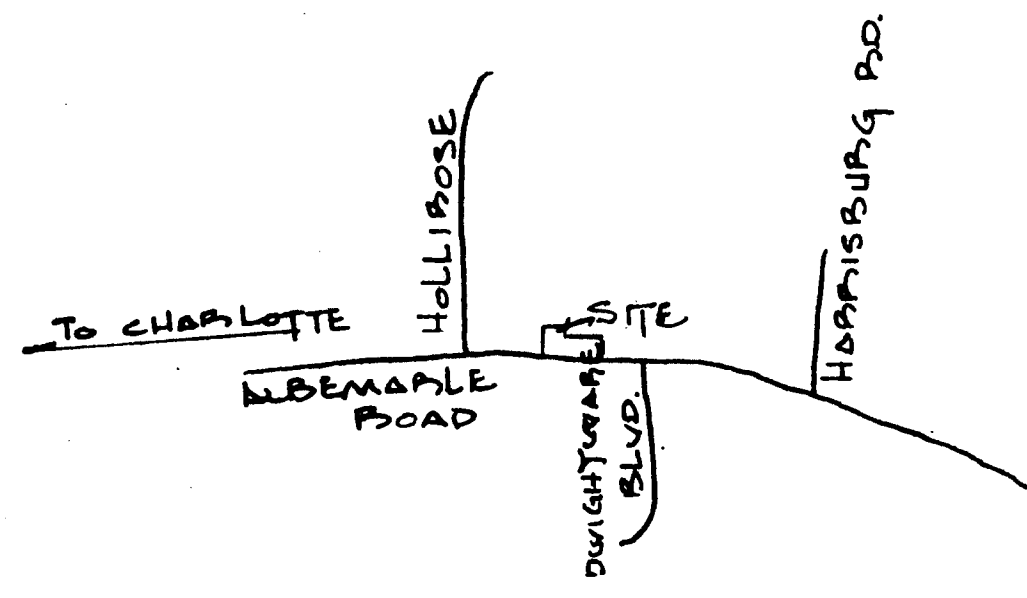
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA  
FOR  
**HOLLYROSE DEVELOPMENT**  
UTILITY RELOCATION PLAN

**EMHT**  
EVAN MECHWART, HAMILTON & TILTON, INC.  
Engineers - Surveyors - Planners - Scientists  
Charlotte, North Carolina. Do Not Recycle This Paper  
Phone: 704.546.0333 emht.com

DATE	October 17, 2014
SCALE	1" = 30'
JOB NO.	2014-0739
SHEET	RZ-4.0



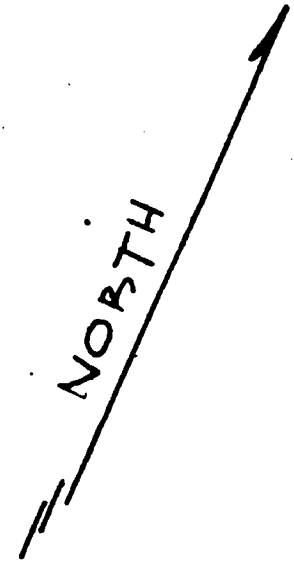
Previously  
Approved  
Site  
Plan



VICINITY MAP N.T.S.

R. NORMAN JUNKER  
18919 HIGHWAY 75  
HUNTERSVILLE, N.C. 28078  
109-102-03

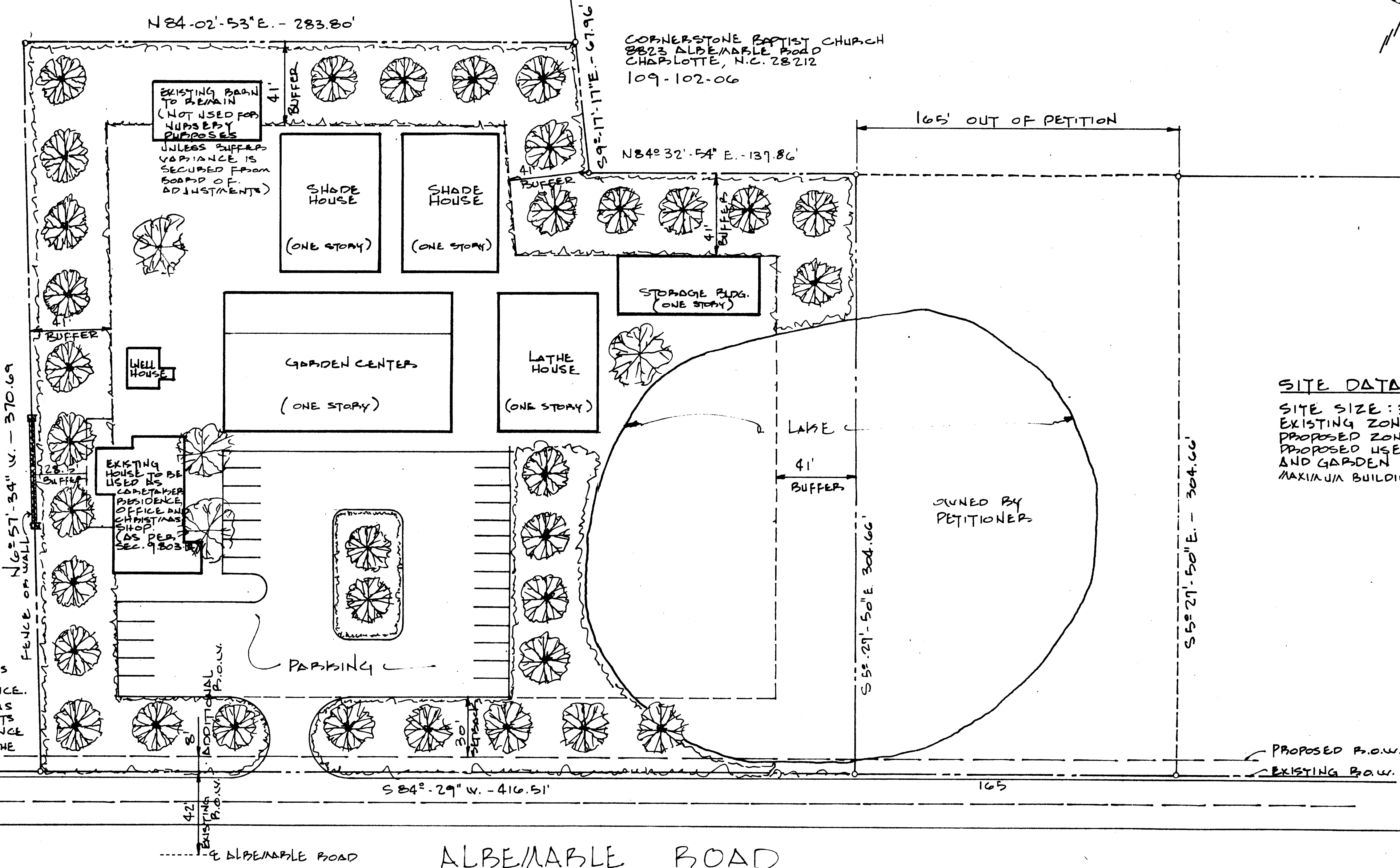
CORNERSTONE BAPTIST CHURCH  
8823 ALBEMARLE ROAD  
CHARLOTTE, N.C. 28212  
109-102-06



R. NORMAN JUNKER  
18919 HIGHWAY 75  
HUNTERSVILLE, N.C. 28078  
109-102-03

**GENERAL NOTES:**

1. WHILE THIS PLAN DEPICTS A FIRM CONCEPT OF DEVELOPMENT, MINOR RELOCATION AND DIMENSIONAL CHANGES IN BUILDINGS MAY OCCUR PROVIDED THE TOTAL PERMITTED BUILDING AREA IS NOT EXCEEDED.
2. RIGHT-OF-WAY EQUAL TO 50 FEET FROM CENTERLINE OF ALBEMARLE ROAD WILL BE DEDICATED FOR PUBLIC PURPOSES PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. (EXISTING RIGHT-OF-WAY IS LOCATED 42 FEET FROM CENTERLINE.)
3. THE BUFFER AREAS SHALL BE IMPROVED USING BOTH EXISTING VEGETATION AND ADDED TREES AND SHRUBS TO MEET OR EXCEED MINIMUM REQUIREMENTS OF SECTION 12.302 OF THE CHARLOTTE ZONING ORDINANCE.
4. SCREENING TO BE INSTALLED AROUND PARKING AREAS SHALL MEET OR EXCEED THE MINIMUM REQUIREMENTS OF SECTION 12.303 OF THE CHARLOTTE ZONING ORDINANCE.
5. SIGNAGE SHALL BE PERMITTED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 13 OF THE CHARLOTTE ZONING ORDINANCE.
6. STORMWATER CONTROLS SHALL BE INSTALLED TO MEET THE REQUIREMENTS OF APPLICABLE REGULATIONS UTILIZING TO THE EXTENT FEASIBLE THE EXISTING LAKE.
7. PARKING SHALL BE PROVIDED TO MEET OR EXCEED ZONING ORDINANCE REQUIREMENTS.
8. THE BUFFER ALONG THE EASTERLY PROPERTY LINE (WHERE REQUIRED) SHALL BE INSTALLED TO MEET ORDINANCE STANDARDS OR BE APPROVED AS "ALTERNATIVE BUFFER" UNDER SECTION 12.304



**SITE DATA:**

SITE SIZE: 3.39 ACRES  
EXISTING ZONING: P-3  
PROPOSED ZONING: B-1 (CD)  
PROPOSED USE: NURSERY (PLANT) AND GARDEN CENTERS  
MAXIMUM BUILDING AREA: 30,000 SQ. FT.

MAYE B. JUNKER BY ENTIRETY ET. AL  
1927 QUEENS ROAD  
CHARLOTTE, N.C. 28207  
109-301-12

MAYE B. JUNKER BY ENTIRETY ET AL  
1927 QUEENS ROAD  
CHARLOTTE, N.C. 28207  
109-301-55

JAMES L. WYLIE, SR. EST.  
1458 CAMELOT LANE  
TUCKER, GA. 30084  
109-301-10

**FOR PUBLIC HEARING**

REZONING PLAN FOR:	
NORWOOD GARDEN CENTERS	
SCALE 1"=30'	DRAWN MEL ACKIE
APPROVED BY CITY COUNCIL	
DATE January 19, 1993	DRAWING NUMBER
92-10	

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<b>REQUEST</b>	Text Amendment to Contents, Section 20-6, 20-10, 20-14, 20-16, 20-18, 20-22, 20-23, 20-25, 20-59, 20-88, 20-90, 20-91, 20-94, 20-95, 20-97, 20-99 through 20-114, and 20-115 of the Subdivision Ordinance
<b>SUMMARY OF PETITION</b>	The petition proposes to: 1) modify the definition of planned development; 2) clarify existing regulations and update references, formatting, and tables; 3) relocate regulations into the proper section; 4) correct the dimension of the right-of-way requirements for local residential wide streets; 5) remove the requirement for delivery of final plats to the Planning Department and remove references to the County and Board of Commissioners; 6) clarify the street spacing requirements; 7) clarify the standards for required streets when lots or building sites are part of a multi-family development; 8) update the notice and hearing requirements for variances and appeals; the standards for granting a variance; and the standards for making decisions; and 9) update the appeal regulations.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition. This petition is consistent with the North Carolina General Statutes, and consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> goal to preserve and enhance existing neighborhoods. This petition makes the written regulations in the Subdivision Ordinance consistent with updated state legislation.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
<b>COMMUNITY MEETING</b>	Meeting is not required.

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## **PLANNING STAFF REVIEW**

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

The text amendment contains the following provisions:

  - Modifies the definition of planned development to include a multi-family residential building, including a single building with more than 12 units.
  - Updates the name of the metropolitan planning organization from "Mecklenburg-Union Metropolitan Planning Organization" to "Charlotte Regional Transportation Planning Organization" throughout the Ordinance.
  - Corrects section references and misspellings.
  - Modifies formatting of text for clarity.
  - Removes the requirement that a sealed and recorded final plat must be delivered to the



Planning staff within five days of recording because final plats are now digitally recorded at the Register of Deeds Office.

- Relocates requirements that existing local streets do not have to dedicate or reserve right-of-way from the incorrect subsection titled "Non-local street right-of-way" into the subsection titled "Local street right-of-way".
- Clarifies the preferred and maximum street spacing requirements and provides an illustration.
- Clarifies tables and provide titles related to the text for preferred and maximum street spacing.
- Clarifies the design standards for lots. Where lots or building sites that are part of a multi--family development exceed the maximum street spacing, at least one street extending through the development shall be a public street, in "both directions", instead of in "either direction."
- Removes references to inspections by the County, filing fees set by the Board of Commissioners, and variance forms prepared by the Board of Commissioners.
- Replaces the existing findings of fact and conditions that constitute a practical difficulty or unnecessary hardship with new language to align with new North Carolina General Statute legislation. The new language states that when unnecessary hardships would result from carrying out the strict letter of the Subdivision Ordinance, the Planning Commission or the hearing committee, shall vary any of the provisions of the Subdivision Ordinance upon a showing in the affirmative of all of the following findings of fact:
  - Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
  - The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
  - The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
  - The requested variance is consistent with the spirit, purpose, and intent of the Subdivision Ordinance, such that public safety is secured, and substantial justice is achieved.
- Adds new language that appropriate conditions may be imposed on any variance, provided they are reasonably related to the variance.
- Adds new requirements detailing the mailing of notices of hearings for variance and appeal petitions including:
  - Notices shall be mailed to the person who is the subject of the hearing, the owners of the property, and owners of abutting properties.
  - County tax listings shall be used to determine owners of property, unless there is evidence to the contrary.
  - Notices shall be mailed at least 10 days but not more than 25 days prior to the date of the hearing.
  - Notices shall be posted on the property that is the subject of the hearing, or an adjacent street right-of-way.
- Adds new requirements about the Planning Commission or hearing committee's decisions and evidence:
  - The hearing shall be conducted in a quasi-judicial manner.
  - The Planning Commission (or hearing committee) must determine contested facts and make its decision within a reasonable time.
  - Every quasi-judicial decision shall be based on competent, material, and substantial evidence in the record.
  - Each quasi-judicial decision shall be reduced to writing and reflect the Planning Commission's (or hearing committee's) determination of contested facts and their application to the applicable standards.
  - The written decision shall be signed by the chair or other duly authorized member of the Planning Commission (or hearing committee).
  - A quasi-judicial decision is effective upon filing the written decision with the clerk to the Planning Commission (or hearing committee).
- Adds new requirements as to who is notified of the decision of the Planning Commission (or hearing committee), and how notice is delivered. Delivery methods for variance and appeal decisions include personal delivery, electronic mail or first-class mail. The decision is to be delivered to the applicant, property owner (if not the applicant), and to abutting property owners of the parcel of land that is the subject of the hearing.
- Modifies when an appeal of the Planning Commission's (or hearing committee's) decision to the Superior Court must be filed with the clerk of the Superior Court. Currently, an aggrieved party

has 30 days from the date the decision is filed in the Charlotte-Mecklenburg Planning Department, or 30 days after a written copy of the decision is mailed to every aggrieved party who has filed a written request or such a copy with the Planning Director at the time of the hearing, whichever is later. This text amendment modifies the language, aligning with new state legislation, to allow an appeal to be filed with the clerk of Superior Court by the later of 30 days after the decision is effective, or 30 days after a written copy of the decision is given by personal delivery, electronic mail or first-class mail. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

- **Public Plans and Policies**

- This petition is consistent with the North Carolina General Statutes, and consistent with the *Centers, Corridors and Wedges Growth Framework* goal to preserve and enhance existing neighborhoods.
  - This petition makes the written regulations in the Subdivision Ordinance consistent with updated state legislation.
- 

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

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

**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 Utilities Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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

**TEXT AMENDMENT SUMMARY: SUBDIVISION ORDINANCE REGULATIONS**

**8-15-14**

**2014-001 SUB**

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

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



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

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

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



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

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

9-3-14

Petition No. 2014-001 SUB

Petitioner: Charlotte-Mecklenburg Planning Department

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

**ORDINANCE NO.**

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

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



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## **ARTICLE I. IN GENERAL**

### **Sec. 20-1. - Short title.**

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

(Code 1985, § 20-1)

### **Sec. 20-2. - Purpose.**

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

(Code 1985, § 20-2)

### **Sec. 20-3. - Jurisdiction.**

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

(Code 1985, § 20-3)

### **Sec. 20-4. - Compliance.**

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

(Code 1985, § 20-5)

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

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



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

**Sec. 20-6. - Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*LUESA* means the Mecklenburg County Land Use and Environmental Services Agency

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

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

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

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

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

*Parks department* means the county park and recreation department.

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

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

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

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

*School board* means the Charlotte-Mecklenburg School Board.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

Cross reference—Definitions generally, § 1-2.

## **Sec. 20-7. - Rules of construction.**

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

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

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

(Code 1985, § 20-9)

### **Sec. 20-8. - Planning staff.**

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

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

(Code 1985, § 20-10)

### **Sec. 20-9. - Planning commission.**

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



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

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

### **Sec. 20-10. – Development Review Board.**

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

Architect (City Council)

Civil Engineer (Mayor)

Landscape Architect (Mayor)

Bicycle Advocate (Mayor)

Planning Commissioner (City Council)

Public Health Professional (City Council)

Real Estate Attorney (City Council)

Real Estate Development Industry Representative (City Council)

Transportation Planner or Urban Planner (City Council)

Architect – Alternate (Mayor)

Civil Engineer – Alternate (City Council)

Landscape Architect – Alternate (City Council)

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

**Sec. 20-11. - Amendments.**

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

(Code 1985, § 20-12)

**Sec. 20-12. - Compliance required.**

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

(Code 1985, § 20-13)

**Sec. 20-13. – Intent**

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

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

#### **Sec. 20-14. - General requirements.**

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



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

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

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

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

(Code 1985, § 20-14)

### **Sec. 20-15. - Sketch plan.**

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

(Code 1985, § 20-15)

## **Sec. 20-16. - Preliminary plan requirements.**

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

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



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

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

(Code 1985, § 20-16)

**Sec. 20-17. - Procedures for approval.**

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

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

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

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

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

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

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

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

(Code 1985, § 20-17)

### **Sec. 20-18. - Final plat requirements.**

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

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



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

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

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

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

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

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

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

(Code 1985, § 20-19)

## **Sec. 20-20. - Planned developments.**

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

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

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

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

(Code 1985, § 20-21)

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

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

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

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



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

(d) Local street right-of-way.

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

Wide	77 feet	57 feet
<b>Local Industrial Streets</b>		
All local Industrial Streets	65 feet	51 feet
Collector	72 feet	51 feet

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

(e) Local Street Cross-Section Application.

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

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

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

(Code 1985, § 20-22)

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

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

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

(b) External Connectivity

(1) Existing Street Stubs

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

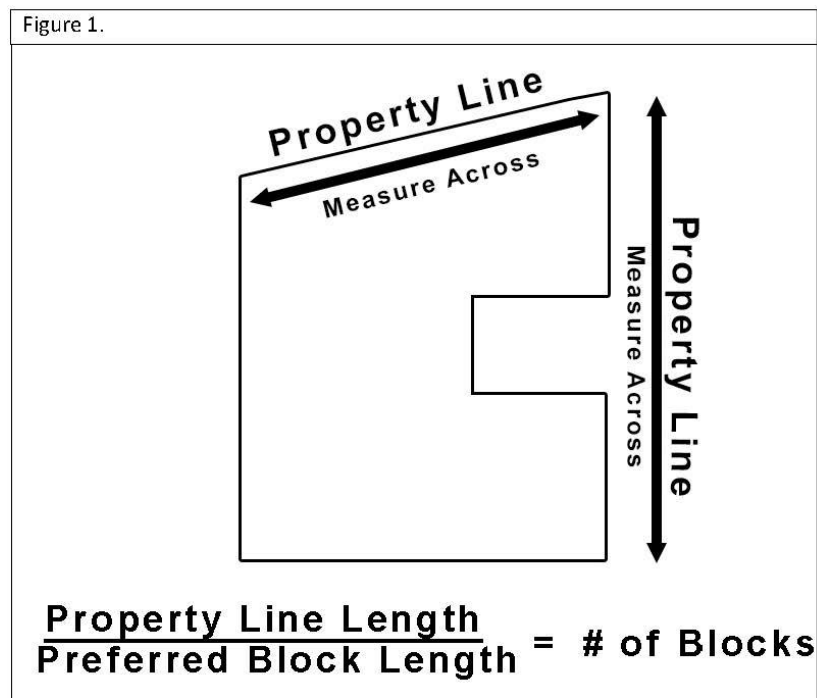
(2) Additional new local streets shall be required as follows:

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



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

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



**Table 1  
Preferred Street Spacing**

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

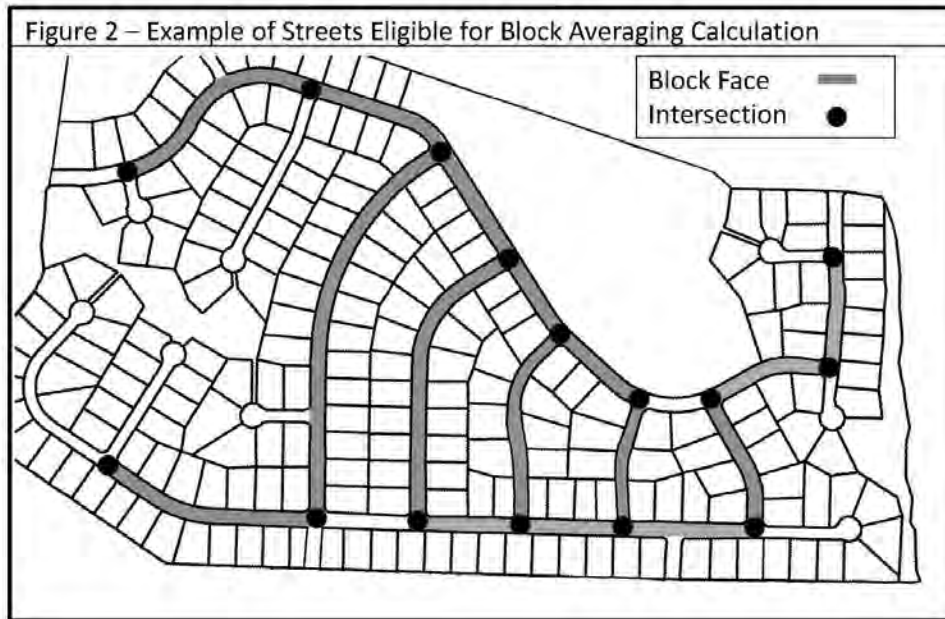
<sup>1</sup>Boundaries for Activity Centers, Growth Corridors, Transit Station Areas and Wedges defined by the official map maintained by the Charlotte-Mecklenburg Planning Department.

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

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

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

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



**Table 2**  
**Maximum Street Spacing**

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

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

(3) New Street Stubs

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



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

(4) Ingress and Egress

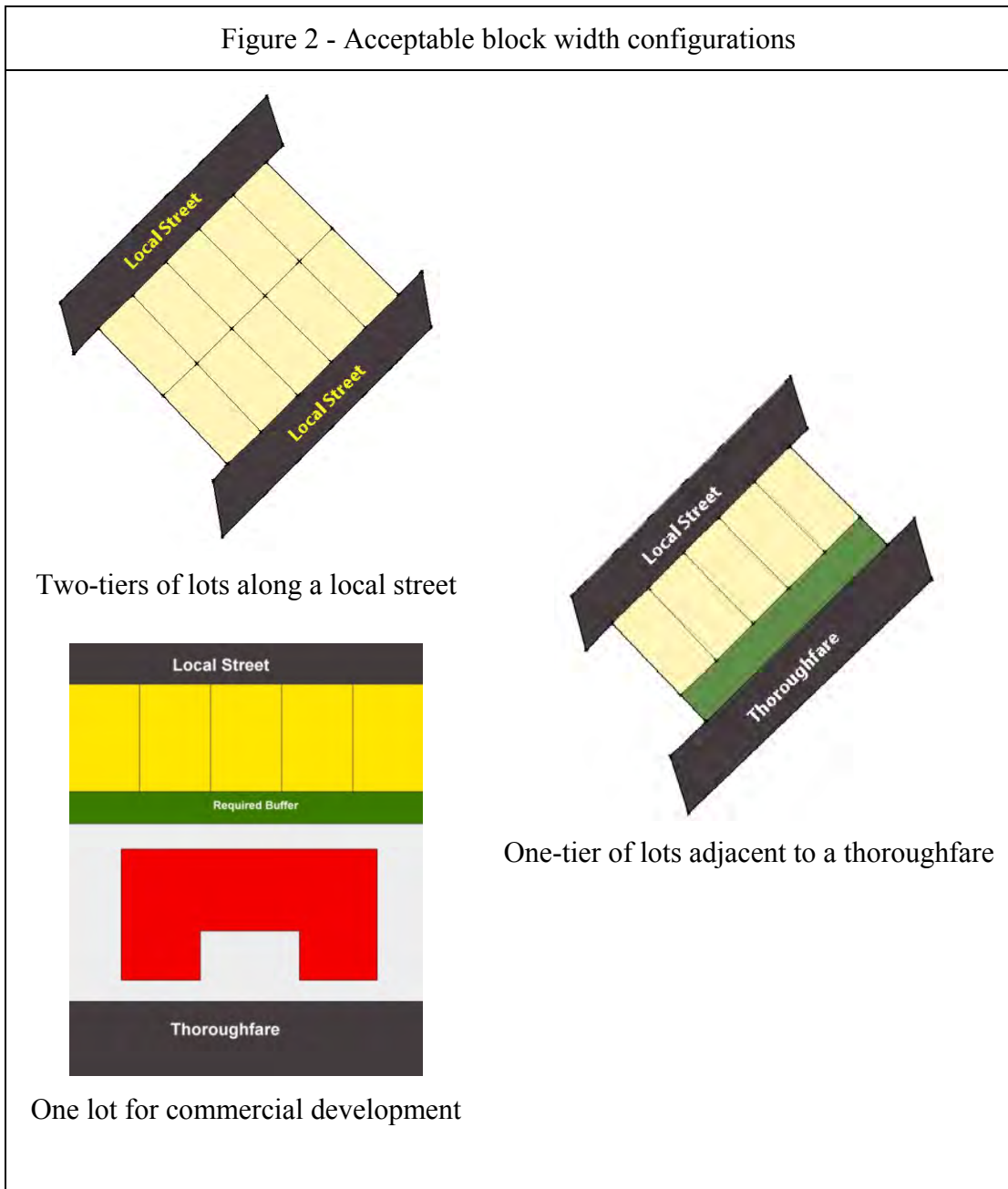
- a. All new development should provide for more than one access for ingress and egress at the time of development, if feasible.
- b. New streets and driveways should align with existing streets across intersections to create four-way intersections.

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

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

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

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



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



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

## **Sec. 20-24 Alternative Compliance for Street Design**

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

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

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

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

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

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



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

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

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

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

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

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

## **Sec. 20-26. - Enforcement.**

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

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

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

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

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

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

(Code 1985, § 20-25)

### **Secs. 20-28—20-50. - Reserved.**

## **ARTICLE II. REQUIRED IMPROVEMENTS**

### **Sec. 20-51. - Standards and specifications.**

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

(Code 1985, § 20-36)



## **Sec. 20-52. - Improvement responsibility.**

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

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

(5) Major thoroughfare:

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

(6) Minor thoroughfare:

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

(7) Collector:

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

(Code 1985, § 20-37)

### **Sec. 20-53. - Drainage.**

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



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

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

- (c) Reserved

(Code 1985, § 20-38)

### **Sec. 20-54. - Curb and gutter.**

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

(Code 1985, § 20-39)

### **Sec. 20-55. - Sidewalks.**

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

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

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

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

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

(Code 1985, § 20-40)

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

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

(Code 1985, § 20-41)

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

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

(Code 1985, § 20-42)

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

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

(Code 1985, § 20-44)

**Sec. 20-59. - Inspection.**

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



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

(Code 1985, § 20-45)

**Secs. 20-60—20-85. – Reserved.**

**ARTICLE III. APPEALS AND VARIANCES**

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

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

(Code 1985, § 20-56; Ord. No. 2960, § 3, 5-16-2005)

**Sec. 20-87. - Initiation.**

- (a) An appeal of a decision on a subdivision preliminary plan may be initiated by any person aggrieved or by any officer, department, board or bureau of the city or the county. However, only the applicant has the right to appeal from the disapproval of a final plat as required by section 20-18.

- (b) A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

(Code 1985, § 20-57)

### **Sec. 20-88. - Filing of notice of appeal.**

- (a) A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council ~~and/or board of commissioners~~. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section.
- (b) The filing of such notice will require the officer whose action is appealed to transmit to the planning commission all administrative papers, records, and other information regarding the subject matter of the appeal.
- (c) Except as provided in this article, the filing of such notice shall stay any proceedings in furtherance of the contested action.

(Code 1985, § 20-58)

### **Sec. 20-89. - Standards for granting appeal.**

- (a) The planning commission, or the hearing committee, may reverse or modify the order, decision, determination, or interpretation under appeal upon finding an error in the application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.
- (b) In modifying the order, decision, determination, or interpretation, the planning commission, or the hearing committee, will have all the powers of the officer from whom the appeal is taken.

(Code 1985, § 20-59; Ord. No. 2960, § 4, 5-16-2005)

### **Sec. 20-90. - Filing of variance petition.**

A petition for a variance from this chapter, in the form prescribed by the planning ~~commission~~ staff, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council ~~or board of commissioners~~.

(Code 1985, § 20-60)

## **Sec. 20-91. - Standards for granting variance.**

~~Before granting a variance, the planning commission, or the hearing committee, must determine that: When unnecessary hardships would result from carrying out the strict letter of the Subdivision Ordinance, the planning commission, or the hearing committee, shall vary any of the provisions of the Subdivision Ordinance upon a showing of all of the following:~~

- ~~(1) The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; or~~
  - ~~(2) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or~~
  - ~~(3) The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or~~
  - ~~(4) The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or~~
  - ~~(5) The granting of a variance would permit the preservation of an historic structure or site.~~
- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
  - (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
  - (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
  - (4) The requested variance is consistent with the spirit, purpose, and intent of the Subdivision Ordinance, such that public safety is secured, and substantial justice is achieved.

Appropriate conditions may be imposed on any variance, provided that the conditions are related to the variance.

(Code 1985, § 20-61; Ord. No. 2960, § 5, 5-16-2005)

## **Sec. 20-92. - Determination of completeness.**

- (a) Within ten days of receiving a notice of appeal or a variance petition, the planning director will determine whether the notice or petition is complete. If the planning director determines that the notice or petition is not complete, he or she will notify the appellant or petitioner specifying the notice's or petition's deficiencies. The planning director will take no further action on the petition until the deficiencies are remedied. If the planning director fails to notify the appellant or petitioner, the notice or petition will be deemed complete. If the notice or petition is deemed complete, the planning director will schedule the appeal or



variance for consideration at a hearing before the planning commission, or the hearing committee, within 30 days.

- (b) A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the appeal of variance to proceed under this section. In the event that the notice or petition is automatically deemed complete due to the failure of the planning director to notify the appellant or petitioner of any deficiencies in the notice or petition, the deficiency of information may result in rejection of the appeal or variance by the planning commission, or the hearing committee.

(Code 1985, § 20-62; Ord. No. 2960, § 6, 5-16-2005)

### **Sec. 20-93. - Staff review.**

After receipt of a complete variance petition or notice of appeal from an action taken, the planning director will review the notice or petition and send a written recommendation to the planning commission, or the hearing committee, setting forth whether the appeal or variance should be granted or denied and the reasons for such recommendation. In making such recommendation, the planning director may consult with other city and county agencies and may allow them to review the notice of appeal or variance petition. The recommendation of the planning director will be submitted to the planning commission and mailed to the appellant or petitioner at least five days prior to the scheduled public hearing.

(Code 1985, § 20-63; Ord. No. 2960, § 7, 5-16-2005)

### **Sec. 20-94. - Notice and hearing.**

- (a) The planning commission, or the hearing committee, will hold ~~public~~ quasi-judicial hearings on any appeal or variance petition which comes before it in accordance with rules adopted by it for such purpose.
- (b) ~~The planning commission will mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing. As per G.S. 160A-388(a2), notices of hearings shall be mailed to (1) the person or entity whose appeal, application or request is the subject of the hearing; (2) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and (3) to the owners of all parcels of land abutting the parcel of land that is the subject to the hearing.~~

In the absence of evidence to the contrary, the county tax listing shall be used to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(Code 1985, § 20-64; Ord. No. 2960, § 8, 5-16-2005)

### **Sec. 20-95. - Action by planning commission.**

The planning commission, or the hearing committee, will grant or deny the variance or will reverse, affirm, or modify the order, decision, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting. ~~The resolution must state the reasons that the planning commission used to reach its decision.~~ The planning commission, or the hearing committee, shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the commission's (or committee's) determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the commission or committee. A quasi-judicial decision is effective upon filing the written decision with the clerk to the planning commission or hearing committee.

The decision of the planning commission, or the hearing committee, shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(Code 1985, § 20-65; Ord. No. 2960, § 9, 5-16-2005)

### **Sec. 20-96. - Rehearing.**

The planning commission, or hearing committee, will refuse to hear an appeal or variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

(Code 1985, § 20-66; Ord. No. 2960, § 10, 5-16-2005)

### **Sec. 20-97. - Appeal from planning commission.**

- (a) ~~Any appeal of a decision rendered by the planning commission, or the hearing committee under this section must be to the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court within 30 days after the decision of the planning commission, or the hearing committee is filed in the office of the planning director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the planning director at the time of the hearing, whichever is later.~~ Every quasi-judicial decision of the planning commission, or the hearing committee, shall be subject to judicial review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. Any petition for a review of the planning commission's, or hearing committee's decision in the nature of certiorari by the superior court must be filed with the clerk of superior court by the later of (1) 30 days after the decision is effective, or (2) 30 days after a written copy of the decision is given in accordance with Section 20-95 of this ordinance. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.
- (b) If there is an appeal from the decision of the planning staff taken to the planning commission, or the hearing committee, then the person filing the appeal may not file a

revised preliminary plan or revised final plat for the portion of the subject site affected by the appeal until the completion of the appeal, or any final judicial determination. The planning staff may approve a preliminary plan or final plat for that portion of the property not affected by the action of the appeal.

(Code 1985, § 20-67; Ord. No. 2960, §§ 11, 12, 5-16-2005)

### **Sec. 20-98. - Effect of grant of variance.**

After the approval of a variance by the planning commission, or the hearing committee, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the variation in these regulations granted to the petitioner by the planning commission, hearing committee, or court.

(Code 1985, § 20-68; Ord. No. 2960, § 13, 5-16-2005)

### **Sec. 20-99. ---20.114. - Reserved**

### **Sec. 20-115. – Applicability.**

(a) Section 2. These amendments shall apply to all development and redevelopment within the corporate limits of this city and its extraterritorial jurisdiction, unless one of the following exemptions applies as of the effective date:

- (1) Residential and nonresidential development and redevelopment plans submitted and accepted for review;
- (2) Zoning use application submitted and accepted for review for uses that do not require a building permit;
- (3) Common law vested right established (e.g., the substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid governmental approval to proceed with a project); and/or
- (4) A conditional zoning district (including those districts which previously were described variously as conditional district, conditional use district, parallel conditional district and parallel conditional use district) approved prior to the effective date of this article/ordinance, provided formal plan submission has been made and accepted for review either prior to five years from January 1, 2011 in the case of conditional zoning districts approved on or after January 1, 2002, or prior to two years from January 1, 2011 in the case of conditional zoning districts approved prior to January 1, 2002. If no such formal plan submission occurs within the above –described five-or two-year time frames the requirements of Section I shall be applied to the project.