

Mayor Daniel Clodfelter **Mayor Pro-Tem Michael D. Barnes**
Al Austin **John Autry**
Ed Driggs **Claire Fallon**
David Howard **Patsy Kinsey**
Vi Alexander Lyles **LaWana Mayfield**
Greg Phipps **Kenny Smith**

CITY COUNCIL ZONING AGENDA

Monday, September 15, 2014

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

6:00PM – Zoning Meeting
Meeting Chamber

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org

DINNER MEETING AGENDA

Monday, September 20, 2014

1. Agenda Review – Tammie Keplinger

DEFERRAL / WITHDRAWAL REQUESTS

Item #	Petition #	Petitioner/Description	Update
2	2014-019	Charlotte-Mecklenburg Planning Department	Defer to December (Decision)
3	2014-021	Charlotte-Mecklenburg Planning Department	Defer to November (Decision)
21	2014-049	SBBH, LLC South side of Morrison Boulevard between South Park Drive and Sharon Road	Defer to November (Sufficient Protest) (Hearing)
35	2014-001SUB	Text Amendment	Defer to October (Hearing)

MISCELLANIOUS REQUESTS AND INFORMATION

Item #	Petition #	Petitioner/Description	Update
11	2014-063	Pulte Home Corporation South side of Atherton Street between Euclid Avenue and Marshall Place	Protest Sufficient (Decision)
14	2014-067	Aldersgate United Methodist Retirement Community, Inc. South side of Shamrock Drive across from Glenville Avenue and the east side of Eastway Drive across from Dunlavin Way	Council will have to vote whether or not to send back to Zoning Committee due to the change referenced on page 10.
18	2014-003	George Macon Southeast corner at the intersection of Ardrey Kell Road and Marvin Road	Protest Insufficient (Hearing)
19	2014-031	Wilkison Partners, LLC Southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive	Protest Sufficient (Hearing)
20	2014-043	Mark Patterson West side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane	Protest TBD (Hearing)
31	2014-084	7 th Street Progression Partners, LLC North side of East 7th Street between Clement Avenue and Pecan Avenue	Protest TBD (Hearing)
32	2014-085	New Carolina Income Northeast corner at the intersection of East Tremont Avenue and Euclid Avenue	Protest TBD (Hearing)

2. Follow-Up Report – Tammie Keplinger

3. Rezoning Cases of Special Interest – Tammie Keplinger

4. Area Plan Status and Text Amendment Update – Debra Campbell

ACRONYMS

Zoning District Acronyms

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

Zoning Overlay District Acronyms

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

Miscellaneous Zoning Acronyms

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

Miscellaneous Other Acronyms

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

HISTORIC LANDMARKS

RESOLUTIONS

	<p>1. A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting and 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>Attachment 1</p>
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ZONING DECISIONS

<p>Deferral (to December)</p>	<p>2. Petition No. 2014-019 (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road from CC (commercial center) to R-4 (single family residential).</p> <p>Staff is requesting this petition be deferred to December 15, 2014.</p> <p>Attachment 2</p>
<p>Deferral (to November)</p>	<p>3. Petition No. 2014-021 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to: 1) create a new definition for mobile farmer's market; 2) allow mobile farmer's markets in all zoning districts; and 3) create new prescribed conditions for mobile farmer's markets.</p> <p>The Zoning Committee voted 5-0 to defer this petition to their October 29, 2014 meeting.</p> <p>Attachment 3</p>
	<p>4. Petition No. 2014-027 (Council District 3 - Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place from I-2 (general industrial) to TOD-M (transit oriented development, mixed use).</p> <p>This petition is found to be consistent with the <i>New Bern Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Zoning Committee voted 7-0 to recommend APPROVAL of this petition at their March 26, 2014 meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>

	<p>5. Petition No. 2014-054 (Council District 5 - Autry) by QuikTrip for a change in zoning for approximately 2.40 acres located on the northeast corner at the intersection of North Sharon Amity Road and Central Ave from B-1 (neighborhood business district) and B-1SCD (business shopping center) to B-1(CD) (neighborhood business district, conditional).</p> <p>This petition is found to be consistent with the <i>Eastland Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. A note has been added that a building for any uses other than a convenience store with accessory pumps will be placed along the minimum 20-foot setback along Central Avenue and that parking or circulation will not be allowed between the building and the street. 2. A note has been added that only one principal building will be allowed on site. 3. A note has been added that accessory service windows will not be allowed on the site. 4. A note has been added that the petitioner will install the community entrance sign. 5. A note has been added that large expanses of wall exceeding 20-feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course. 6. A detail of the proposed retaining wall has been provided. 7. Note 8A has been removed from the site plan. 8. A note has been added that pole signs will not be allowed on the site and that monument signs will be limited to 14 feet in height. 9. The driveway along Sharon Amity Road has been removed and placed along the internal drive. <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 5</p>
	<p>6. Petition No. 2014-056 (Council District 1 - Kinsey) by Central Piedmont Community College for a change in zoning for approximately 4.19 acres generally surrounded by East 4th Street, Charlottetowne Avenue, South Torrence Street, and 3rd/4th Connector Street from B-2 (general business) to MUDD-O (mixed use development, optional) with five-year vested rights.</p> <p>A portion of this petition is found to be consistent with the <i>Elizabeth Area Plan</i> and to be reasonable and in the public interest while the remainder of the site is found to be inconsistent with the <i>Midtown Morehead Cherry Area Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Added a note stating "the ground floor of any parking decks along public streets will be wrapped in active uses oriented to the street, provided, however, nothing herein shall prohibit Petitioner from providing ground floor parking "behind" said active uses within parking deck." 2. Addressed Transportation comment by adding a note stating "If required by CDOT during the permitting process, the petitioner will conduct a traffic impact study to determine traffic impacts and associated mitigations, if any, caused by the development of the site before the first building permit is issued for any parcel covered under the current rezoning petition." <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 6</p>

	<p>7. Petition No. 2014-057 (Outside City Limits) by Craig and Amy Faile for a change in zoning for approximately 0.229 acres located on the south side of York Road at the intersection of Langston Drive and York Road from R-3 LLWCA (single family residential, Lower Lake Wylie, critical area) to O-2 LLWCA (office, Lower Lake Wylie, critical area).</p> <p>This petition is found to be consistent with the <i>Steele Creek Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p>8. Petition No. 2014-059 (Council District 6 - Smith) by Crosland LLC and Allen Tate for a change in zoning for approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive from R-17MF (multi-family residential) to MUDD-O (mixed use development, optional).</p> <p>This petition is found to be inconsistent with the <i>SouthPark Area Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Staff has rescinded the request to reduce the maximum height from 70 feet to 55 feet for the portions of the building adjacent to single family, based on the future benefit the internal street provides to the community. 2. Staff has rescinded the request to amend the development data to reflect a reduced height. 3. Staff has rescinded the request to revise the architectural perspectives to reflect the reduced height. 4. Provided a street connection along the petitioner’s site running parallel to the northernmost property line. 5. Amended note 4. (d) to specify that the CATS waiting pad will be provided according to standard detail 60.01B. 6. Revised optional provision 2. (c) to clearly explain what is requested by listing the items to be accommodated between the building and public and private streets to include: short term parking, drop off areas, valet parking, service areas for uses such as mail delivery, loading and delivery. 7. Amended optional provision 2. (d) to clearly explain what is meant by “innovative street design” to accommodate a private street connection, provided the design standards are acceptable to CDOT. 8. Amended optional provision 2. (e) to specify that one ground-mounted sign with a maximum sign face area of 30 square feet and a maximum height of seven feet to be allowed near the intersection of Sharon Road and the proposed private street. 9. Amended note 2. (e) by replacing the words “access driveway” with the words “private street.” 10. Provided minimum five-foot wide sidewalks and planting strips of varying widths as agreed upon with CDOT and Planning staff as opposed to eight-foot planting strips and six-foot sidewalks along both sides of the street extension. 11. Staff has rescinded the request for a 14-foot setback along the internal street because the street proposed is private. 12. Provided Type II modified driveways where drives intersect with the proposed internal street. 13. Provided a note 4. (d) stating that in the event CDOT is able to provide a vehicular access point connection the site to the adjacent parcel to the north, the petitioner shall allow such a connection to be made to provide public access through the site. The note further commits to allowing the City of Charlotte to install sidewalk improvements in order to link the site’s internal sidewalks to sidewalks on adjoining

	<p>property.</p> <ol style="list-style-type: none"> 14. Specified on the conceptual site plan that an eight-foot planting strip and six-foot sidewalk will be provided along Sharon Road from the proposed street to the northern property line. 15. Removed note 4. (c) and provided a note, 4. (b), that allows public access to the private street. 16. Amended note 6. (a) by listing adding additional notes to specify how headlights will be screened from view of the single family homes. 17. Provided a landscape plan the shows the locations of trees and shrubs located in the ten-foot wide buffer described in note 6. (b) and (c). 18. Replaced the words "Technical Data Sheet" with "Conceptual Site Plan" in note 8. 19. Provided a description of the open space to be provided. 20. Removed note 11. (d) as it is repeated. <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 8</p>
	<p>9. Petition No.2014-060 (Council District 1 - Kinsey) by Day Hixson for a change in zoning for approximately 0.46 acres located on the east side of North McDowell Street between East 35th Street and East 36th Street from R-5 (single family residential) to UR-1(CD) (urban residential, conditional).</p> <p>This petition is found to be consistent with the <i>Blue Line Extension 36th Street Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modification:</p> <ol style="list-style-type: none"> 1. A scale (1inch = 50 feet) has been added to the site plan. <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 9</p>
	<p>10. Petition No. 2014-061 (Council District 4 - Phipps) by Roman Catholic Diocese of Charlotte for a change in zoning for approximately 10.0 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>This petition is found to be consistent with <i>the Northeast District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The first sentence under General Provisions Note 1 has been removed. 2. The existing height limits from the previously approved plan have been placed on the site plan. 3. The maximum height of any new building has been limited to two stories. 4. The total number of seats has been limited to 1,116 seats. 5. "Approximate" has been removed from building square footages table. 6. The administrative approval letter has been removed from the site plan. 7. A note has been added referencing the approved variance including the file number and year approved. <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 10</p>

**Protest
Petition
Sufficient**

- 11. [Petition No. 2014-063](#) (Council District 1 - Kinsey) by **Pulte Home Corporation** for a change in zoning for approximately 2.68 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place from R-5 (single family residential) and B-2 (general business) to UR-2(CD) (urban residential, conditional).**

This petition is found to be inconsistent with the *Dilworth Land Use and Streetscape Plan* and the *New Bern Transit Station Area Plan* and to not be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Zoning Committee voted 5-0 to recommend **DENIAL** of this petition. The following modifications have been made to address the outstanding issues:

1. The petitioner has removed the language under Development Data with respect to Proposed Zoning that states "Parcel 12107605 will remain R-5 (single family residential) zoning" as the petitioner has stated the intent is to rezone entire property to UR-2(CD) (urban residential, conditional), and to be consistent with the application. This parcel is designated as possible Tree Save Area on the site plan.
2. The petitioner has added notes under Streetscape and Landscaping, committing to installation of planting strips and sidewalks along Euclid Avenue, Atherton Street, and Marshall Place (including required minimum widths of six-foot for sidewalks and eight-foot for planting strips).
3. The petitioner has specified in the development notes under Streetscape and Landscaping the intent to allow certain sections of the proposed sidewalk along Marshall Place to meander and to be located behind the back of proposed curb in order to preserve existing trees.
4. Petitioner has provided information under Development Data that notes the proposed units will have garages. The petitioner has added a note stating that each residential unit will be provided with a minimum of 400 square feet of private open space. The subplot must be sufficient to accommodate the dwelling unit and 400 square feet of private open space. Further, the petitioner has added a note reserving 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.
5. Staff has rescinded this request to realign units 10-16 to parallel Marshall Place to create a strong street edge.
6. A note has been added under Streetscape and Landscaping stating the private alleys that terminate perpendicular to Marshall Place will be screened with a combination of masonry walls and landscaping.
7. Petitioner has amended site plan to depict all units facing streets (i.e. Euclid Avenue, Marshall Place, and Atherton Street).
8. The elevations provided by the petitioner illustrate that the garage doors have been moved to the rear.
9. The elevations provided windows in place of previous garage doors.
10. Staff has rescinded this request to provide entrance doorways with porches or stoops on end elevations that front onto Euclid Avenue and Marshall Place. Petitioner has added a note under Architectural Standards that states small horizontally aligned windows on all elevations will not be allowed.
11. Petitioner has modified site plan (including typical private open space detail) to better distinguish between patios, porches, and balconies.
12. Petitioner has added a note that states the buildings will contain a minimum of 70% masonry (brick or stone) on all building faces.
13. The petitioner has added notes committing to building materials (to include brick, stone and/or other masonry products and hardy plank or other similar durable siding materials); and no expanses of blank wall exceeding 20 feet in length for end units will be permitted. In addition, a note has been added to state that the units will be offset by two feet to provide articulation along the front of the buildings, and that buildings will be aligned to face the adjacent roadway.
14. A note has been added under Lighting stating that freestanding lighting fixtures will be installed throughout the Site, fully capped and shielded with illumination downwardly directed. Mounting height for light fixtures will not exceed 12 feet.

	<p>15. Possible tree save areas are now labeled on the site plan.</p> <p>16. Addressed all CDOT and Engineering and Property Management comments.</p> <ol style="list-style-type: none"> a. City of Charlotte Land Development Standards allows a minimum 16-foot wide alley for double loaded, two-way operation. b. The petitioner has provided cross-sections for Marshall Place and Euclid Avenue on Sheet RZ-3. c. The petitioner has added a note on the site plan that states the petitioner is encouraged to provide on-street parking along the entire length of Euclid Avenue, provided it does not conflict with the private open space requirements for individual residential units. The extent of the on-street parking will be determined by the City staff through the site planning process. Further, the petitioner has provided language that states the petitioner will support the installation of on-street parking along Marshall Place, Atherton Street, and Euclid Avenue. d. With respect to Engineering and Property Management, the petitioner has identified possible tree save areas, including existing trees to remain. Adherence to the Tree Ordinance is a minimum requirement. <p>17. Locations of solid waste and recycling facilities are shown on the site plan.</p> <p>18. The petitioner has revised the driveway on Unit 32 so that it is consistent with the City of Charlotte Land Development Standards requiring a minimum of five feet but no greater than seven feet, or a minimum of 20 feet. The petitioner has also added a note to the site plan that states intent to comply with these regulations.</p> <p>The following items were added/modified after the public hearing:</p> <ol style="list-style-type: none"> 1. The petitioner has increased the number of units from 37 units to 39 units. 2. The petitioner has submitted revised elevations that include a rendering that was provided with the original submittal. 3. The petitioner has added the centerline of Marshall Place and a measurement of 26.5 feet of right-of-way measured from the existing centerline to the new right-of-way line. 4. The petitioner has amended the site plan to reflect the correct zoning district of the abutting parcel to the south. <p>Staff recommends denial of this petition.</p> <p>Attachment 11</p>
	<p>12. Petition No. 2014-065 (Council District 4 - Phipps) by Nasir Ahmad for a change in zoning for approximately 2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road from RE-3 (research) to RE-3 SPA (research, site plan amendment).</p> <p>This petition is found to be consistent with the <i>Northeast District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The proposed use has been modified to an Eating, Drinking and Entertainment Establishment, Type 2. 2. A note has been added that vinyl siding will be prohibited as an exterior building material. 3. A note has been added that expanses of blank wall will not exceed 20 continuous feet in length. 4. Building elevations have been labeled to correspond with the proposed building. 5. Note number "5" has been removed from the site data table. 6. The possible dumpster location has been shown and labeled on the site plan. 7. A note has been added in the development table that the existing cell tower will remain. 8. Staff has rescinded the request for the petitioner to show and label the required yard as undisturbed area. The required eight-foot planting strip and six-foot sidewalk has

	<p>been shown and labeled to the property line.</p> <p>9. The proposed street cross section has been removed from the site plan.</p> <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 12</p>
	<p>13. <u>Petition No. 2014-066</u> (Council District 1 - Kinsey) by Levine Properties, Inc. for a change in zoning for approximately 0.094 acres of existing right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard from R-5 (single family residential) to B-1(PED) (neighborhood business, pedestrian overlay).</p> <p>This petition is found to be consistent with the <i>Plaza Central Pedscape Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p>
<p>Council will have to vote whether or not to send back to the Zoning Committee.</p>	<p>14. <u>Petition No. 2014-067</u> (Council District 1 – Kinsey) by Aldersgate United Methodist Retirement Community, Inc. for a change in zoning for approximately 91.31 acres located on the south side of Shamrock Drive across from Glenville Avenue and the east side of Eastway Drive across from Dunlavin Way from R-17MF (multi-family residential) and INST(CD) (institutional, conditional) to INST(CD) (institutional, conditional) and INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>Note: The City Council must determine by a ¾ vote if the following changes to the site plan after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review. The two changes are:</p> <ul style="list-style-type: none"> • Deletion of a note on the technical plan denoting 16-foot setbacks from the back-of-curb for the proposed independent living <u>initial</u> phase; and • Deletion of a note on the technical plan denoting 16-foot setbacks from the back-of-curb for the proposed independent living <u>future</u> phase. <p>A portion of this petition is found to be consistent with the <i>Eastland Area Plan</i> while the remainder is inconsistent with the <i>Eastland Area Plan</i> but is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing as amended by a 5-0 vote of the Zoning Committee. The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended Development Data Table to only include information on proposed uses. 2. Amended development legend to reflect proposed 125 independent units and 153 dependent units, for a total of 800 existing and proposed units. Deleted reference to amenity services, which are allowed as accessory uses to the principal uses on the site. 3. Deleted Note 1H under Development Area A, which reflected information on existing development. 4. Staff rescinded the request to specify the alternate buffer request. 5. Amended Note 1J under Development Area A to reflect proposed maximum height of dependent and independent units as 72 feet and up to six stories. 6. Amended Note 7b to remove reference to Area B, which proposes no changes to existing entitlements. 7. Addressed Park and Recreation comment by providing a greenway easement within the 100-foot SWIM buffer to Park and Recreation. 8. Deleted the six-foot pedestrian access walk from Shamrock Drive to the existing access walks. The request for the six-foot pedestrian access walk was rescinded by staff due to topographical issues.

	<p>9. Labeled existing buffers.</p> <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 14</p>
	<p>15. <u>Petition No. 2014-069</u> (Outside City Limits) by Novant Health for a change in zoning for approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and I-485 from INST(CD) (institutional, conditional) and B-1(CD) (neighborhood business, conditional) to O-2(CD) (office, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment).</p> <p>This petition is found to be consistent with the <i>Albemarle Road/I-485 Interchange Study</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing as amended by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Removed the "Other TBD" under c. Graphics and Alterations. 2. Added a note entitled Alternative Phasing as follows: "Changes to the above referenced phasing can be approved through the administrative amendment process upon the determination and mutual agreement of Petitioner, CDOT, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate phasing provides comparable transportation improvements to the phasing identified in this petition." 3. Added a note requiring, at a minimum, 10,000 square feet of gross floor area of general or medical office uses to be developed within the area zoned B-1(CD) (neighborhood business, conditional). No more than two buildings containing only retail, restaurant or personal service uses may be constructed within the area zoned B-1(CD) (neighborhood business, conditional), prior to the construction of 10,000 square feet of gross floor area of general or medical office uses within the area zoned B-1(CD) (neighborhood business, conditional). 4. Addressed Transportation comments by adding notes under the headings of Transportation Improvements and Access and Right-of-way Dedication as follows: <ol style="list-style-type: none"> a. (Proposed Improvements) <u>At the intersection of Albemarle Road and the I-485 outer ramps</u>: Extend the westbound right-turn lane on Albemarle Road back to the right-in right-out driveway; b. (Proposed Improvements) <u>Along the Sites frontage on Albemarle Road</u> i) construct a right-in right-out driveway; and ii) construct a westbound right turn lane on Albemarle Road at the right-in right-out driveway with 50 feet of storage and an approximate taper. c. (Standards, Phasing and Other Provisions) <u>Right-in Right-out Driveway</u>: The right in right-out driveway to Albemarle Road will be closed and removed once Public Street #1 is extended to the east and connected to a north/south road that provides the site with full movement access to Albemarle Road. d. (Standards, Phasing and Other Provisions) <u>Contribution to Roadway Improvements</u>: The following provisions shall apply in addition to other commitments of Petitioner and provisions of this Section 3: <ol style="list-style-type: none"> i) In order to facilitate the construction of the extension of Public Street #1 to the east as a connection (the "Connector Road") to a north/south road that will provide full movement access to Albemarle Road (the approximate location of the Connector Road portion being shown on Sheet RZ-3.1), the Petitioner shall contribute to the design and construction costs of such Connector Road in an amount of up to the lesser of (A) one-third (1/3) of such design/construction costs evidenced by written bids for such work, or (B) \$360,000 (the "Contribution Amount"). ii) The contribution amount will be paid to the City of Charlotte to be held and then used solely for either (A) the construction of the connector road, or (B) if acceptable to CDOT and NCDOT the installation of certain roadway and/or

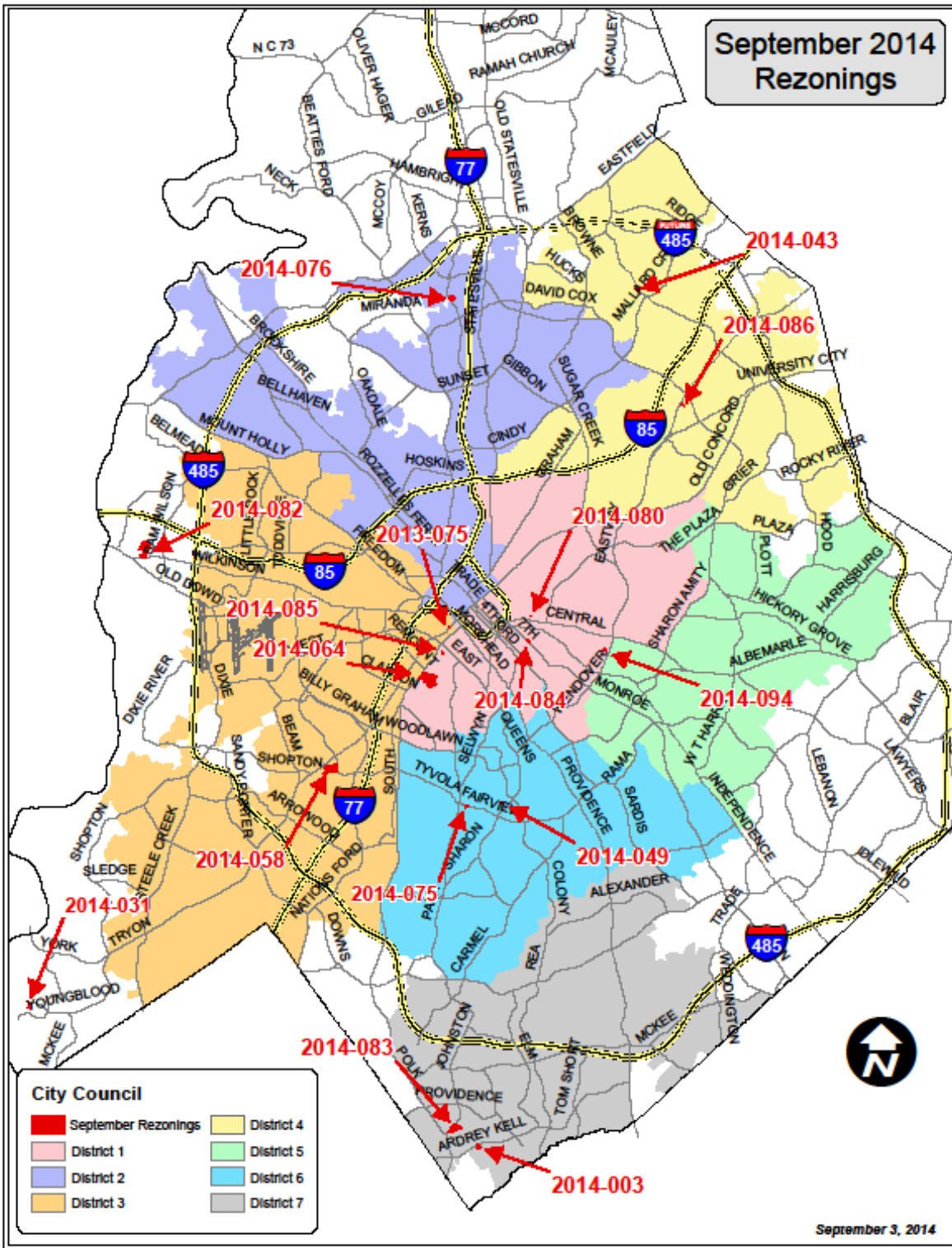
	<p>traffic signal improvements to the intersection of Public Street #1 and Albemarle Road (the "Intersection Improvements"), provided however, such intersection improvements must be of the nature that improve the access conditions at such intersection in a manner reasonably acceptable to petitioner and CDOT.</p> <ul style="list-style-type: none"> iii) In the event of scenario (A) of subsection c.ii immediately above, the contribution amount will be delivered to the City within 30 days of written notice from the city that (X) subdivision plans have been approved to allow the construction of the connector road and (Y) other parties, whether public sector or private parties, have committed to provide the balance of the funding of the design/construction costs needed above the contribution amount. In the event of scenario (B) of subsection c.ii. immediately above, the contribution amount will be delivered to the City within 30 days of written notice from the City that the City and NCDOT have decided to use the contribution amount to fund the intersection improvements (as reasonably approved by petitioner as set forth above) and written evidence that the costs of such intersection improvements can be covered by the contribution amount or in concert with other approved funding for such intersection improvements. iv) If (A) the City's written notice under subscription c.iii. above is not provided to petitioner within seven years of the date of approval of this rezoning petition, or (B) construction earnest of the connected road or the intersection improvements, as the case may be, is not commenced within eight years of the date of such approval, the City will return the contribution amount to the petitioner and petitioner shall have no further obligations to provide for such funding. <ul style="list-style-type: none"> e. (Standards, Phasing and Other Provisions) <u>Alternative Phasing</u>: Changes to the above referenced phasing can be approved through the administrative amendment process upon the determination and mutual agreement of petitioner, CDOT, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate phasing provides comparable transportation improvements to the phasing identified in this petition. f. <u>Access and Right-of-Way Dedication</u> <ul style="list-style-type: none"> i) Access to the site will be from Albemarle Road via a new public street and a right-in right-out driveway in the manner generally depicted on the rezoning plan. ii) The right-in right-out driveway to Albemarle Road will be closed and removed once Public Street #1 is extended to the east and connected to a north/south road that provides the site with full movement access to Albemarle Road. <p>5. Addressed CATS comments by adding a note "the petitioner will provide CATS a public access easement to allow CATS transit service to enter the site and utilize the site's private streets to turn around. The location and terms of the easement to be determined during the subdivision review process."</p> <p>6. Staff rescinded the request to define "personal services."</p> <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2014-070 (Council District 3 - Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.63 acres located on the east side of South Church Street between West Summit Avenue and West Bland</p>

Street from I-2 (general industrial) to TOD-M (transit oriented development – mixed-use).

This petition is found to be consistent with the *South End Transit Station Area Plan* and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a vote of the Zoning Committee. The Committee voted 5-0 to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

[Attachment 16](#)



ZONING HEARINGS

	<p>17. Petition No. 2013-075 (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.214 acres located on the west side of South Tryon Street between West Catherine Street and West Bland Street from I-2 (general industrial) to TOD-M (transit oriented development – mixed-use).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p>
Protest Petition (Insufficient)	<p>18. Petition No. 2014-003 (Council District 7 - Driggs) by George M. Macon for a change in zoning for approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road from R-3 (single family residential) and MX-2 (mixed use) to O-1(CD) (office, conditional).</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues</p> <p>Attachment 18</p>
Protest Petition (Sufficient)	<p>19. Petition No. 2014-031 (outside city limits) by Wilkison Partners, LLC for a change in zoning for approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie critical area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie critical area).</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p>Attachment 19</p>
Protest Petition TBD	<p>20. Petition No. 2014-043 (Council District 4- Phipps) by Mark Patterson for a change in zoning for approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane from R-3 to INST(CD) (institutional, conditional).</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p>Attachment 20</p>
Deferral (to November) Protest Petition Sufficient	<p>21. Petition No. 2014-049 (Council District 6 - Smith) by SBBH, LLC 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>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 21</p>
	<p>22. Petition No. 2014-058 (Council District 3 - Mayfield) by Switzenbaum & Associates for a change in zoning for approximately 30.9 acres located on the west side of W. Tyvola Road south of S. Tryon Street from BP(CD) (business park, conditional) to R-12MF(CD) (multi-family residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 22</p>

	<p>23. 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 district), 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).</p> <p>Staff does not support this petition in its current form.</p> <p>Attachment 23</p>
	<p>24. Petition No. 2014-072 by Tony A. Feismster for a Text Amendment to the City of Charlotte Zoning Ordinance to allow cultural facilities as a use allowed by right in I-1 (light industrial) and I-2 (general industrial) districts and in the U-I (urban industrial) district.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 24</p>
	<p>25. Petition No. 2014-073 by Brazwells Premium Pub for a Text Amendment to the City of Charlotte Zoning Ordinance to allow outdoor dining in a variety of zoning districts as an accessory use when associated with an eating, drinking and entertainment establishment, with prescribed conditions.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 25</p>
	<p>26. Petition No. 2014-075 (Council District 6 - Smith) by Crossroads Realty Group, LLC for a change in zoning for approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 26</p>
	<p>27. Petition No. 2014-076 (Council District 2 - Austin) by Northlake Health Investors, LLC for a change in zoning for approximately 6.94 acres located on the east side of Reames Road between Bayview Parkway and Finn Hall Avenue from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 27</p>
	<p>28. Petition No. 2014-080 (Council District 1 - Kinsey) by Campus Works/Mallie Colavita for a change in zoning for approximately 0.497 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>Staff recommends approval of this petition.</p> <p>Attachment 28</p>
	<p>29. Petition No. 2014-082 (Outside City Limits) by Brookwood Capital Partners for a change in zoning for approximately 46.34 acres located on the north side of Wilkinson Boulevard near the intersection of Old Dowd Road and Wilkinson Boulevard from R-3(LWPA) (single family residential, Lake Wylie protected area), I-1(LWPA) (light industrial, Lake Wylie protected area) and I-2(LWPA) (general industrial, Lake Wylie protected area) to I-2(CD)(LWPA) (general industrial, conditional, Lake Wylie protected</p>

	<p>area).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 29</p>
	<p>30. <u>Petition No. 2014-083</u> (Council District 7 - Driggs) by Childress Klein Properties for a change in zoning for approximately 18.8 acres located on the southwest corner at the intersection of Johnston Road and Marvin Road from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 30</p>
Protest Petition TBD	<p>31. <u>Petition No. 2014-084</u> (Council District 1 - Kinsey) by 7TH Street Progression Partners, LLC for a change in zoning for approximately 1.5 acres located on the north side of East 7th Street between Clement Avenue and Pecan Avenue from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 31</p>
Protest Petition TBD	<p>32. <u>Petition No. 2014-085</u> (Council District 1 - Kinsey) by New Carolina Income Properties, LLC for a change in zoning for approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue from UR-2(CD) (urban residential, conditional) to TOD-RO (transit oriented development - residential, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 32</p>
	<p>33. <u>Petition No. 2014-086</u> (Council District 4 - Phipps) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 1.83 acres located on the east side of North Tryon Street between McCullough Drive and Ken Hoffman Drive from INST (institutional) and I-2(CD) (general industrial, conditional) to TOD-M (transit oriented development - mixed-use).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 33</p>
	<p>34. <u>Petition No. 2014-094</u> (Council District 3 - Mayfield) by Eastway II Holdings LLC for a change in zoning for approximately 3.05 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive from B-1SCD (shopping center) and B-D(CD) (distributive business) to B-D(CD) (distributive business, conditional) and B-D(CD) SPA (distributive business, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 34</p>
Deferral (to October)	<p>35. <u>Petition No. 2014-001 SUB</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Subdivision Ordinance to: 1) modify the definition of planned development; 2) clarify existing regulations and update references, tables and formatting; 3) relocate regulations; 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</p>

	<p>standards for required streets when lots or buildings sites are part of a multi-family development; 8) update the notice and hearing requirements for variances and appeals; the standards for making decisions; and 9) update the appeal regulations.</p> <p>Staff is requesting a one-month deferral of this petition</p> <p>Attachment 35</p>
	<p>36. Petition No. 2014-087 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to update the regulations for the Board of Adjustment to clarify and modernize the language in accordance with new state legislation.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 36</p>
	<p>37. Petition No. 2014-088 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify and revise the setback measurement requirements for single family and multi-family zoning districts. Setbacks will be measured from the "right-of-way" instead of the back of curb.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 37</p>

A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the 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.

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 zoning jurisdiction-historic landmarks jurisdiction over the property pursuant to Part 3C of Article 19 of Chapter 160A of the General Statutes; and

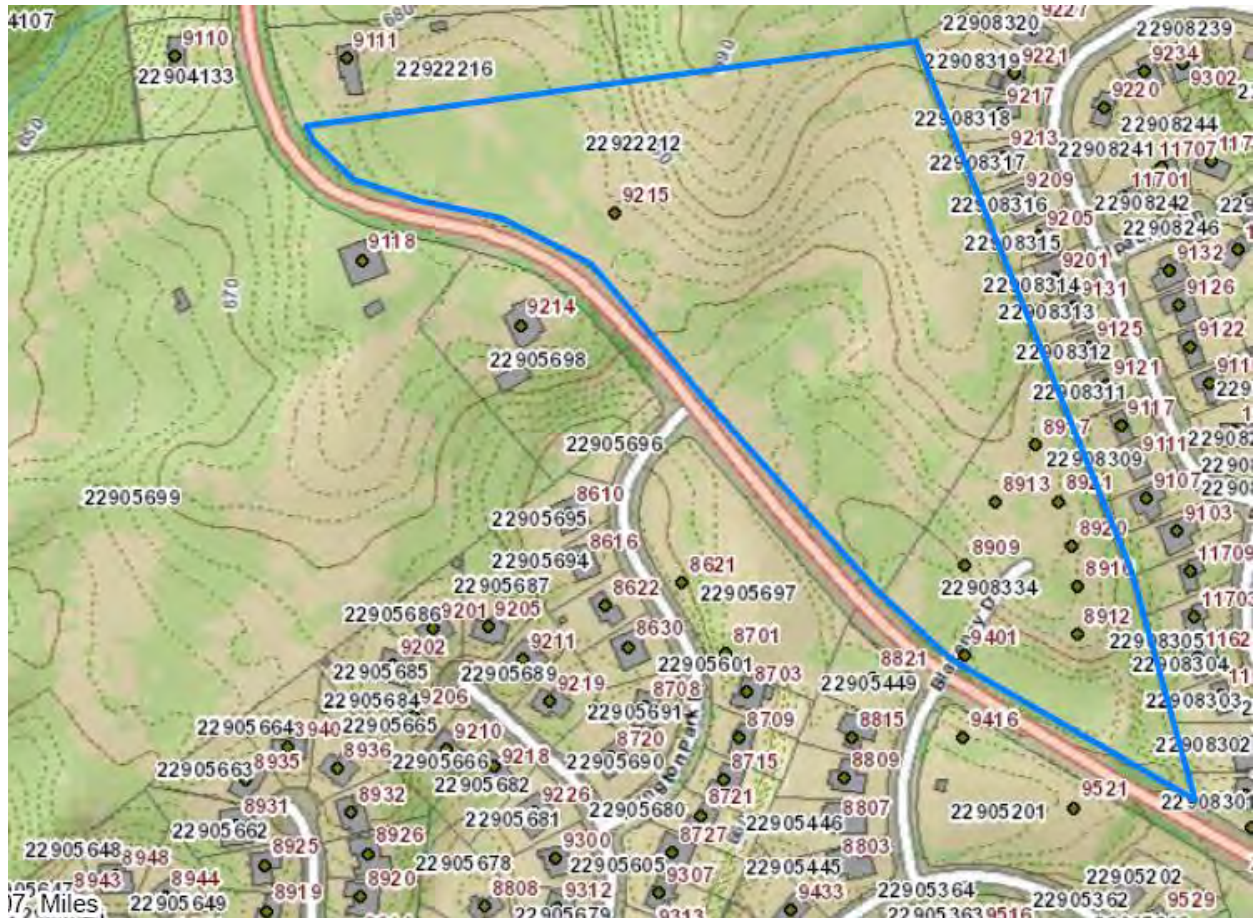
WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that to de-designate 7.829 acres of land in tax parcel 22922212, and to de-designate 2.244 acres of land in tax parcel 22908334 is appropriate because portions of the property have been approved for new development under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

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, Mecklenburg County, North Carolina, that the City Council will hold a public hearing at which interested parties will have an opportunity to be heard on the question of adopting an ordinance de-designating 7.829 acres of land in tax parcel 22922212, and de-designating 2.244 acres of land in tax parcel 22908334, which are portions of the property known as the “James A. Blakeney House.”

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

A Resolution to Call for a Public Hearing to Consider De-Designating a Portion of the Property Associated with the James A. Blakeney House.

In 1986, the approximately 15 acres shown below were included in the local historic landmark designation of the James A. Blakeney House. Through the Certificate of Appropriateness process, residential development has been approved for portions of the property, while leaving a wide “historic buffer” along Blakeney-Heath Road. The Charlotte-Mecklenburg Historic Landmarks Commission is recommending that the City Council adopt a resolution to hold a public hearing to consider adopting an ordinance that would de-designate approximately 10 acres of the property where the bulk of the development will occur.



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

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to DEFER this petition to their July 30, 2014 meeting.
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VOTE	Motion/Second: Allen/Eschert
	Yeas: Allen, Dodson, Eschert, Nelson, Ryan, and Sullivan
	Nays: None
	Absent: Labovitz and Walker
	Recused: None

ZONING COMMITTEE DISCUSSION Staff requested that this petition be deferred to the July meeting in order for staff to work with the property owner to resolve community design issues. There was no further discussion of this petition.

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

PLANNING STAFF REVIEW

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

supported by the *General Development Policies* (2003) due to lack of interconnected road network and design guidelines for the site.

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

- Prior to staff submitting an application for rezoning this site to R-4 (single family residential), staff sent two letters, one a certified letter, to the property owner to explain the report and to **request a meeting to share Planning staff’s desire to work with the property owner to update design guidelines for the property.** However, the property owner did not follow-up.
- **Proposed Request Details**
 - This is a conventional rezoning petition with no associated site plan.
- **Public Plans and Policies**
 - The petition is consistent with the *Northeast Area Plan* (2000), which recommends residential and retail land uses for this parcel. More specifically, the plan recommends that residential on the site be developed at a density up to eight dwelling units per acre.
 - While the *Northeast Area Plan* recommended a higher density, the *General Development Policies* (2007) supports a lesser density of four dwelling units per acre for the rezoning site.
 - The petition is consistent with the *Northeast Area Plan* and the *General Development Policies*.

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

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

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

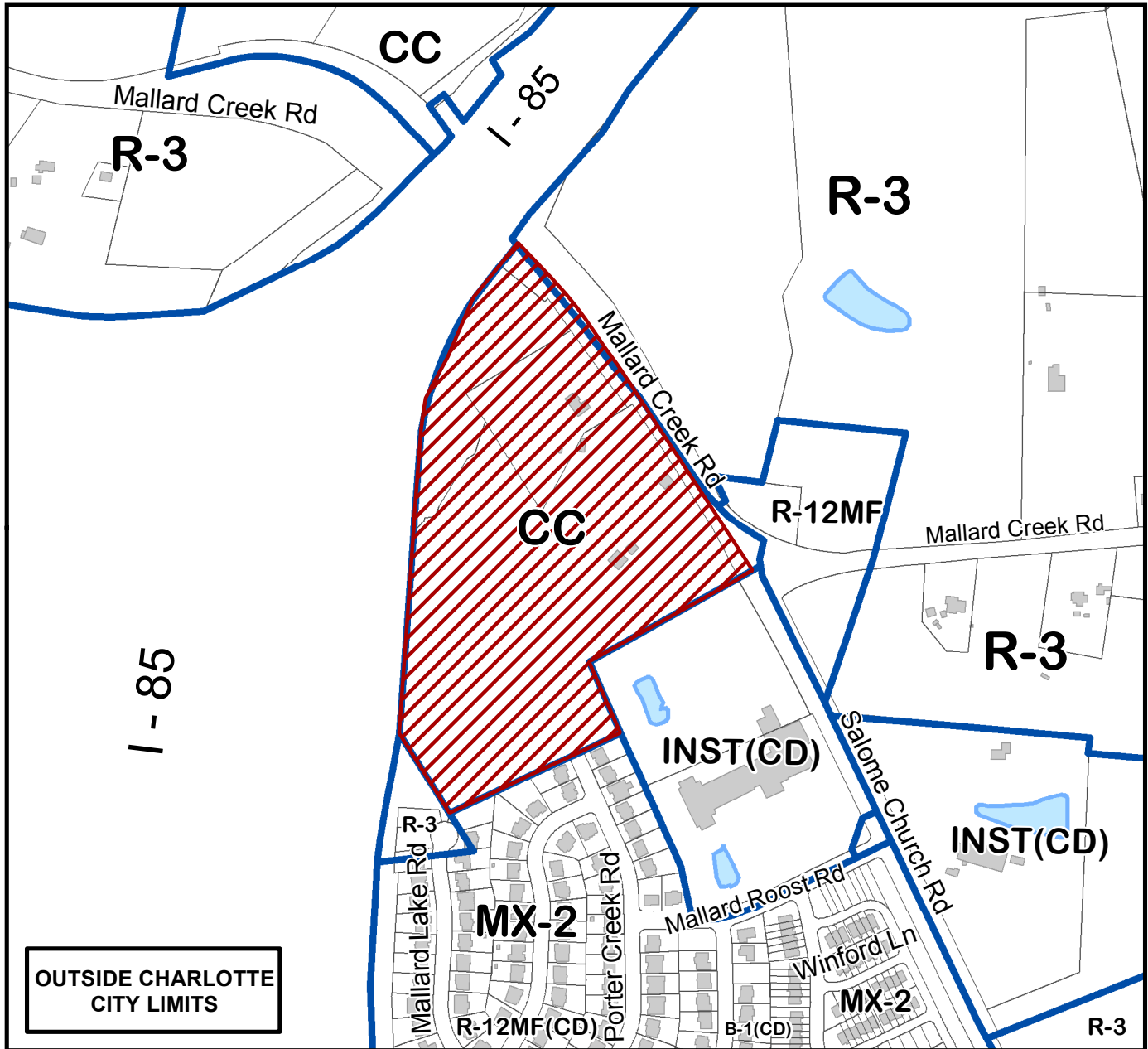
Petition #: **2014-019**

Petitioner: **Charlotte-Mecklenburg Planning Department**

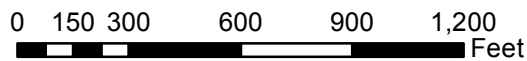
Zoning Classification (Existing): **CC**
(Commercial Center)

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

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

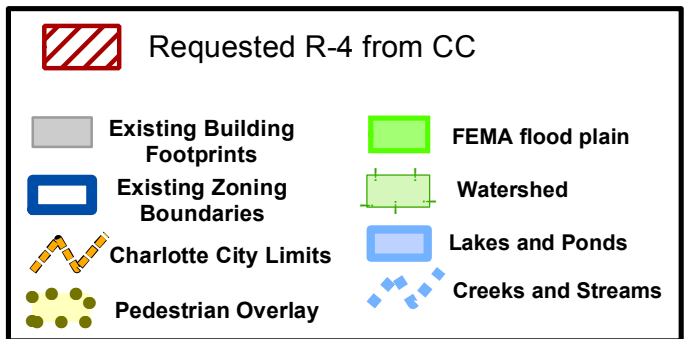


Map Produced by the Charlotte-Mecklenburg Planning Department, 11-26-13.



Zoning Map #(s)

41



REQUEST	Text amendment to Sections 2.201, 9.101, 9.204, 9.304, 9.404, 9.405, 9.504, 9.603, 9.604, 9.704, 9.803, 9.804, 9.8503, 9.8504, 9.903, 9.904, 9.1003, 9.1004, 9.1103, 9.1104, 9.1206, 9.1207, 11.204, 11.303A, 11.403, 11.404, 11.703, 11.704, and 12.547 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to: 1) Create a new definition for mobile farmer’s market; 2) Allow mobile farmer’s markets in all zoning districts. In some districts they will be allowed as a principal use, and in other districts they will be allowed as an accessory use; and 3) Create new prescribed conditions for mobile farmer’s markets.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required. Two community advisory group meetings were held on January 29 and June 3, 2014.

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to DEFER this petition to their October 29, 2014 meeting.
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VOTE	Motion/Second: Eschert/Nelson Yeas: Dodson, Eschert, Labovitz, Nelson, and Sullivan Nays: None Absent: Ryan and Walker Recused: None
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ZONING COMMITTEE DISCUSSION	Staff requested a two-month deferral to allow time to consider modifications to the text amendment.
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FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

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

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

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: Mobile Farmer's Market

6-13-14

2014-21

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

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

owner or designated agent (lessee) grants his/her permission to locate the mobile farmer's market on each property. This documentation shall be submitted to Neighborhood & Business Services and attached to the zoning use permit application.

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

		<ul style="list-style-type: none">• In the residential districts, only one mobile farmer's market shall be allowed per location at any one time.	
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REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-M (transit oriented development - mixed-use)
LOCATION	Approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow all uses in the TOD-M (transit oriented development - mixed-use) district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Dunavant Development, LLC Charlotte-Mecklenburg Planning Department Argos Real Estate Advisors, Inc.
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>New Bern Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Nelson).

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

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

PLANNING STAFF REVIEW

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

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

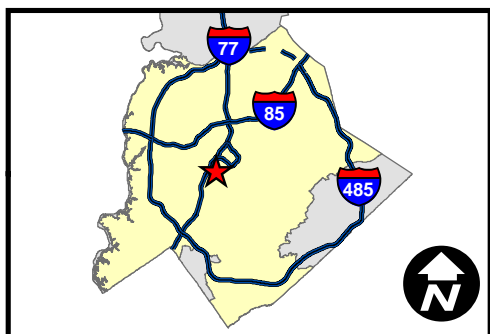
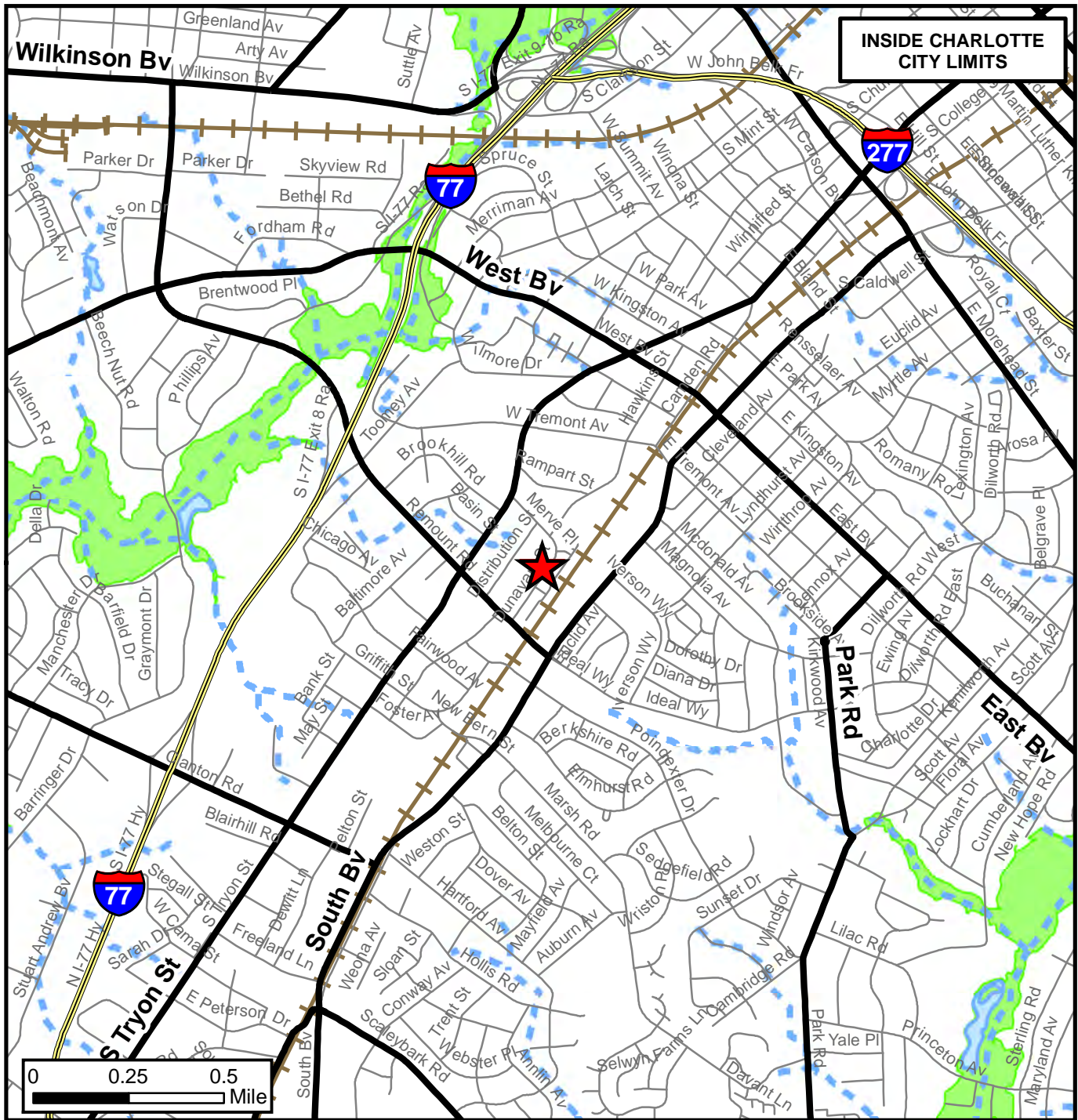
- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311

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



★ Rezoning Petition: 2014-027

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

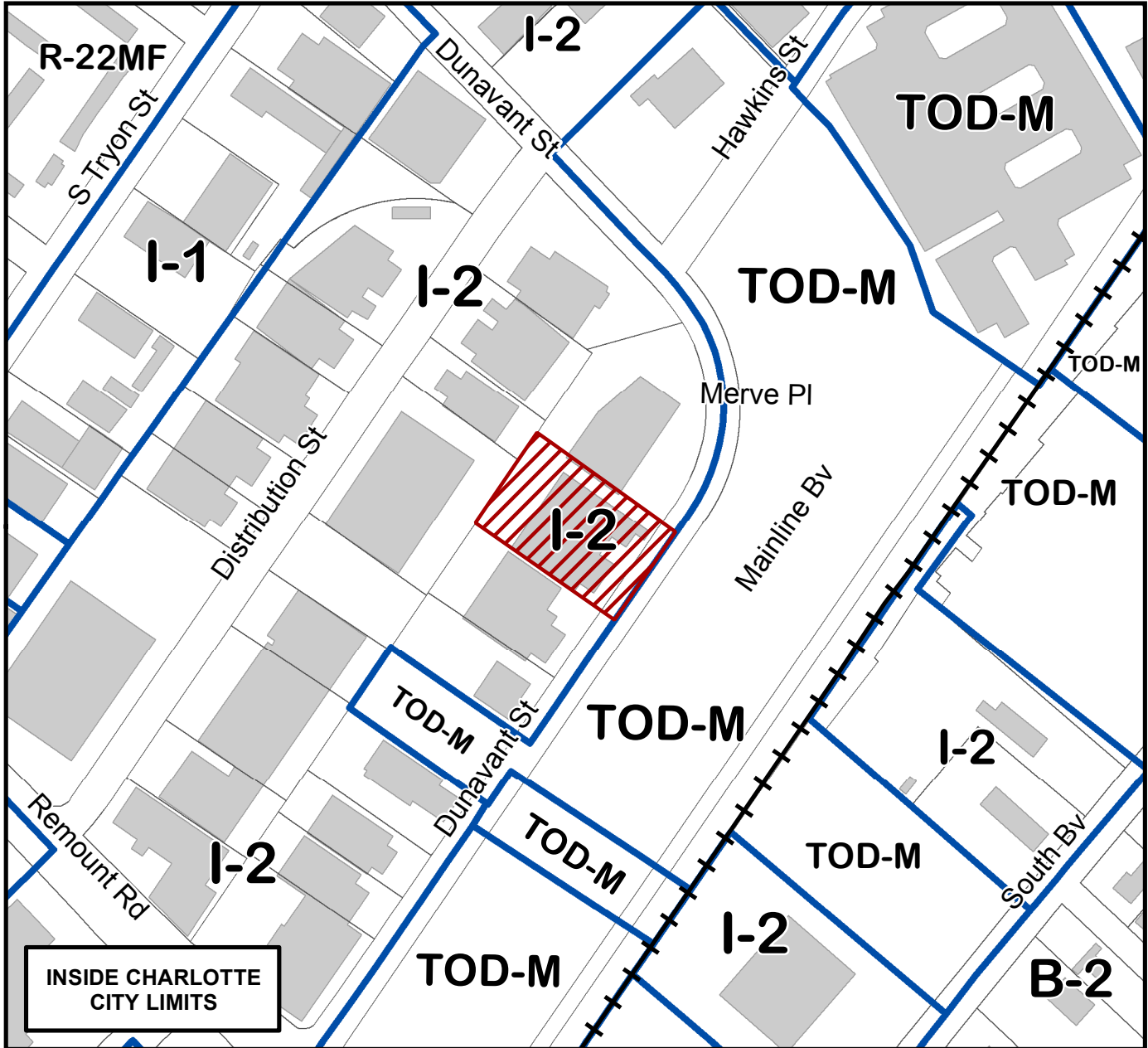
Petition #: **2014-027**

Petitioner: **Charlotte-Mecklenburg Planning Department**

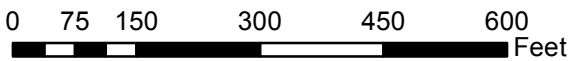
Zoning Classification (Existing): **I-2**
(General Industrial)

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

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

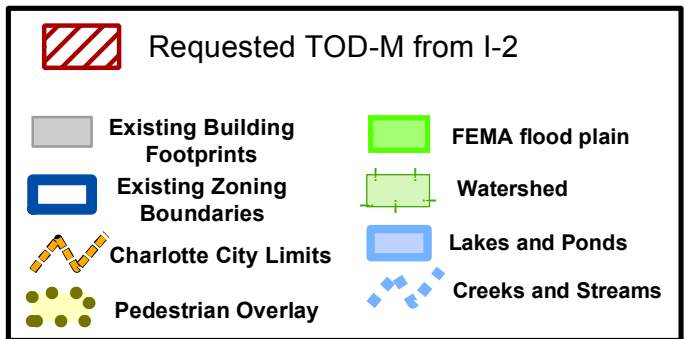


Map Produced by the Charlotte-Mecklenburg Planning Department, 12-27-13.



Zoning Map #(s)

110



REQUEST	Current Zoning: B-1 (neighborhood business) and B-1SCD (shopping center) Proposed Zoning: B-1(CD) (neighborhood business, conditional)
LOCATION	Approximately 2.4 acres located on the northeast corner at the intersection of North Sharon Amity Road and Central Ave. (Council District 5 - Autry)
SUMMARY OF PETITION	The petition proposes to allow the development of a 9,000-square foot building for a gasoline service station and convenience store with accessory pumps, retail and restaurant uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Morris Investment Company and Eastland, LTD QuikTrip Jeff Brown/Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Eastland Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. A note has been added that a building for any uses other than a convenience store with accessory pumps will be placed along the minimum 20-foot setback along Central Avenue and that parking or circulation will not be allowed between the building and the street. 2. A note has been added that only one principal building will be allowed on site. 3. A note has been added that accessory service windows will not be allowed on the site. 4. A note has been added that the petitioner will install the community entrance sign. 5. A note has been added that large expanses of wall exceeding 20-feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course. 6. A detail of the proposed retaining wall has been provided. 7. Note 8A has been removed from the site plan. 8. A note has been added that pole signs will not be allowed on the site and that monument signs will be limited to 14 feet in height. 9. The driveway along Sharon Amity Road has been removed and placed along the internal drive.
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VOTE	Motion/Second: Nelson/Labovitz
	Yeas: Dodson, Eschert, Labovitz, Nelson, and Sullivan
	Nays: None
	Absent: Ryan and Walker
	Recused: None

ZONING COMMITTEE DISCUSSION	Staff presented the petition to the Zoning Committee and indicated that all the outstanding issues had been addressed and that the
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petition is consistent with the *Eastland Area Plan*. There was no further discussion of this petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A 9,000-square foot structure for a gasoline service station and convenience store, restaurant and retail uses.
 - Accessory service pumps and canopy to serve the convenience store use along Sharon Amity Road.
 - An eight-foot planting strip and six-foot sidewalk along Sharon Amity Road, Central Avenue, and private internal drive.
 - Accessory service windows will not be permitted on the site.
 - Detached lighting limited to 22 feet in height.
 - Elevations of the proposed structures.
 - A note that building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, stucco, metal panels and wood.
 - A detail of the proposed retaining wall.
 - A note that all detached signage will be ground mounted and limited to 14 feet in height.
 - Rear solid wall enclosure of the proposed dumpster area will be screened with six-foot tree plantings.
 - Dedication of 50 feet of right-of-way from the centerline of Central Avenue and Sharon Amity Roads.
 - A 2.5-foot tall intermittent low screen wall along Central Avenue and Sharon Amity Road.
 - Proposed landscaping and tree planting detail has been provided along all public street frontages and the private drive.
 - Reservation of area at corner of North Sharon Amity Road and Central Avenue for a community entrance sign which will be installed by the petitioner
 - No more than one principal building.
 - Site access from Central Avenue and private drive, along with internal access to the abutting property.
 - A building for any uses other than a convenience store with accessory pumps will be placed along the minimum 20-foot setback along Central Avenue and parking or circulation will not be allowed between the building and the street.
 - Accessory service windows will not be allowed on the site.
 - 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.
 - Details of the proposed retaining wall are provided.
 - Pole signs will not be allowed on the site and monument signs will be limited to 14 feet in height.
- Public Plans and Policies**
- The *Eastland Area Plan* (2003) recommends single family, multi-family, office, and retail for the subject property.
 - This petition is consistent with the *Eastland Area Plan*.

DEPARTMENT COMMENTS (see full department reports online)

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

- **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **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*.
 - This site meets minimum ordinance standards.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

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

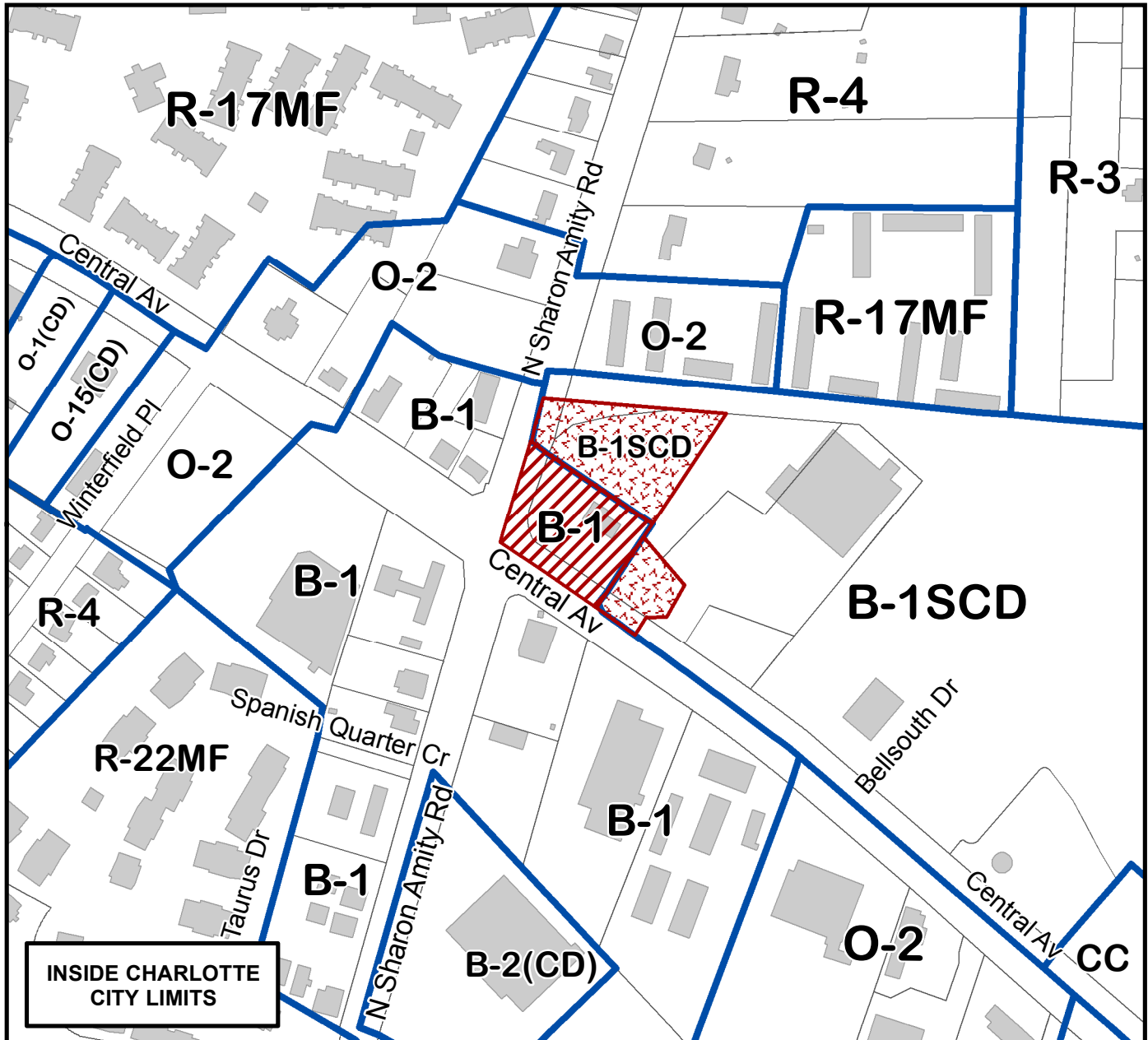
Petition #: **2014-054**

Petitioner: **QuikTrip**

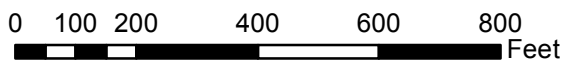
Zoning Classification (Existing): **B-1 and B-1SCD**
(Neighborhood Business and Business Shopping Center District)

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

Acreage & Location: Approximately 2.4 acres located on the northeast corner at the intersection of North Sharon Amity Road and Central Avenue.

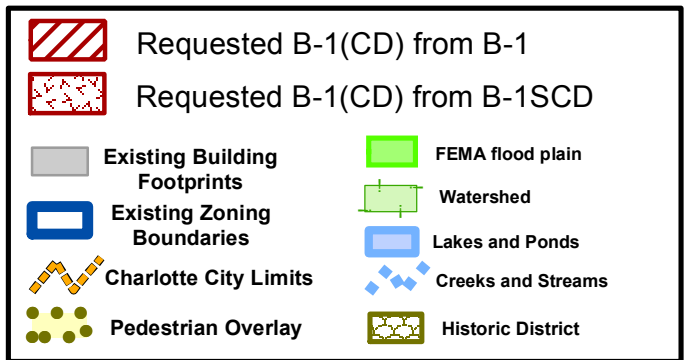


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-8-2014.



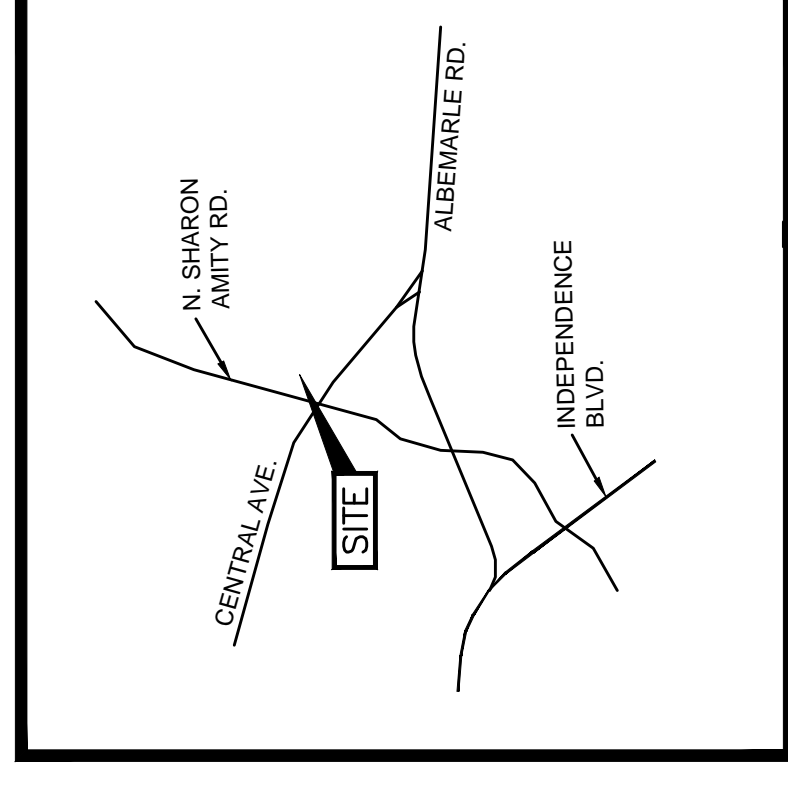
Zoning Map #(s)

113

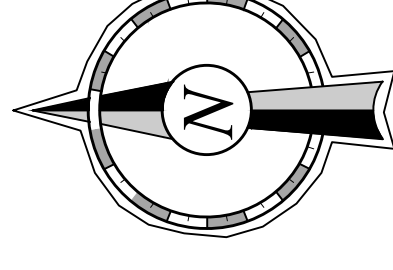


REZONING PLANS FOR **QUIKTRIP STORE #1059** 5201 CENTRAL AVENUE CHARLOTTE, NORTH CAROLINA

NO.	TITLE
C001	COVER SHEET
RZ-1	EXISTING CONDITIONS PLAN
RZ-2	SITE DATA SHEET
RZ-3	LANDSCAPE PLAN
RZ-4	BUILDING ELEVATIONS - MAIN SIGNAGE
RZ-5	SITE PERSPECTIVES - STREETSCAPE ELEVATIONS



Vicinity Map
 Not to Scale



PROJECT CONTACT LIST:

SURVEYOR OF RECORD
 THE JOHN R. MCADAMS COMPANY, INC.
 KEVIN S. BALCOM, PLS
 11301 CARMEL COMMONS BLVD
 SUITE 500
 CHARLOTTE, NC 28226
 TEL: (704) 527-0800
 FAX: (704) 527-2003

ENGINEER OF RECORD
 THE JOHN R. MCADAMS COMPANY, INC.
 BRANDON G. PLUNKETT, PE
 11301 CARMEL COMMONS BLVD
 SUITE 111
 CHARLOTTE, NC 28226
 TEL: (704) 527-0800
 FAX: (704) 527-2003

QT REAL ESTATE MANAGER
 QUIKTRIP CORPORATION
 JOHN DIBERNARDO
 3701 ARCO CORPORATE DRIVE
 SUITE 500
 CHARLOTTE, NC 28273
 TEL: (704) 559-5012
 FAX: (704) 615-7162

QT CIVIL PROJECT MANAGER
 QUIKTRIP CORPORATION
 TIM KELLY, PE
 4705 SOUTH 129TH EAST AVENUE
 TULSA, OK 74134
 TEL: (918) 615-7432
 FAX: (918) 615-7888

SELECT
 ONE-CALL
 FOR STATE
 LOCATION

PETITION NUMBER: 2014-054

QuikTrip No. 1059
 CENTRAL & SHARON AMITY
 CHARLOTTE, MECKLENBURG, NC



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PROTOTYPE: P-77 (11/01/13)
 DIVISION: 81
 VERSION: 001
 DESIGNED BY:
 DRAWN BY: KSR
 REVIEWED BY:

REV	DATE	DESCRIPTION
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2	06-20-14	2ND REZONING SUBMITTAL
3	07-25-14	3RD REZONING SUBMITTAL

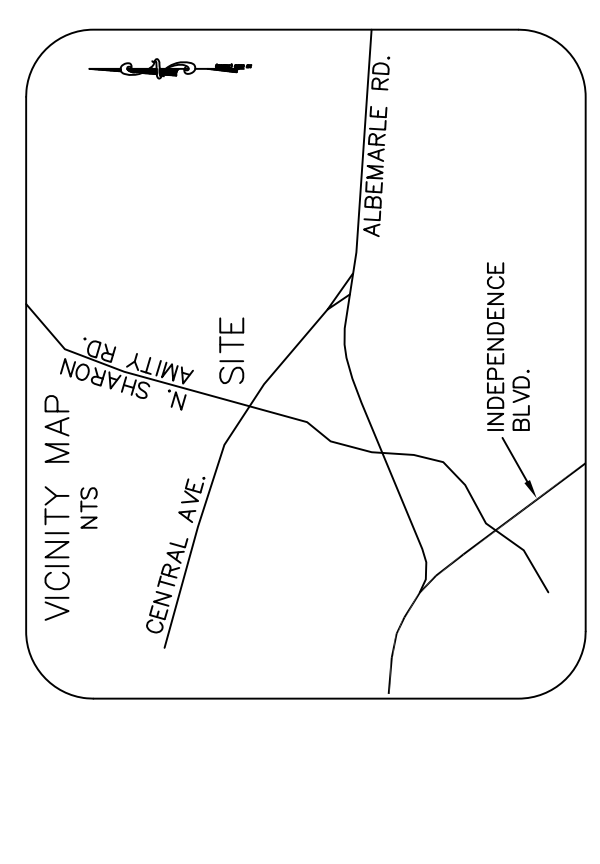
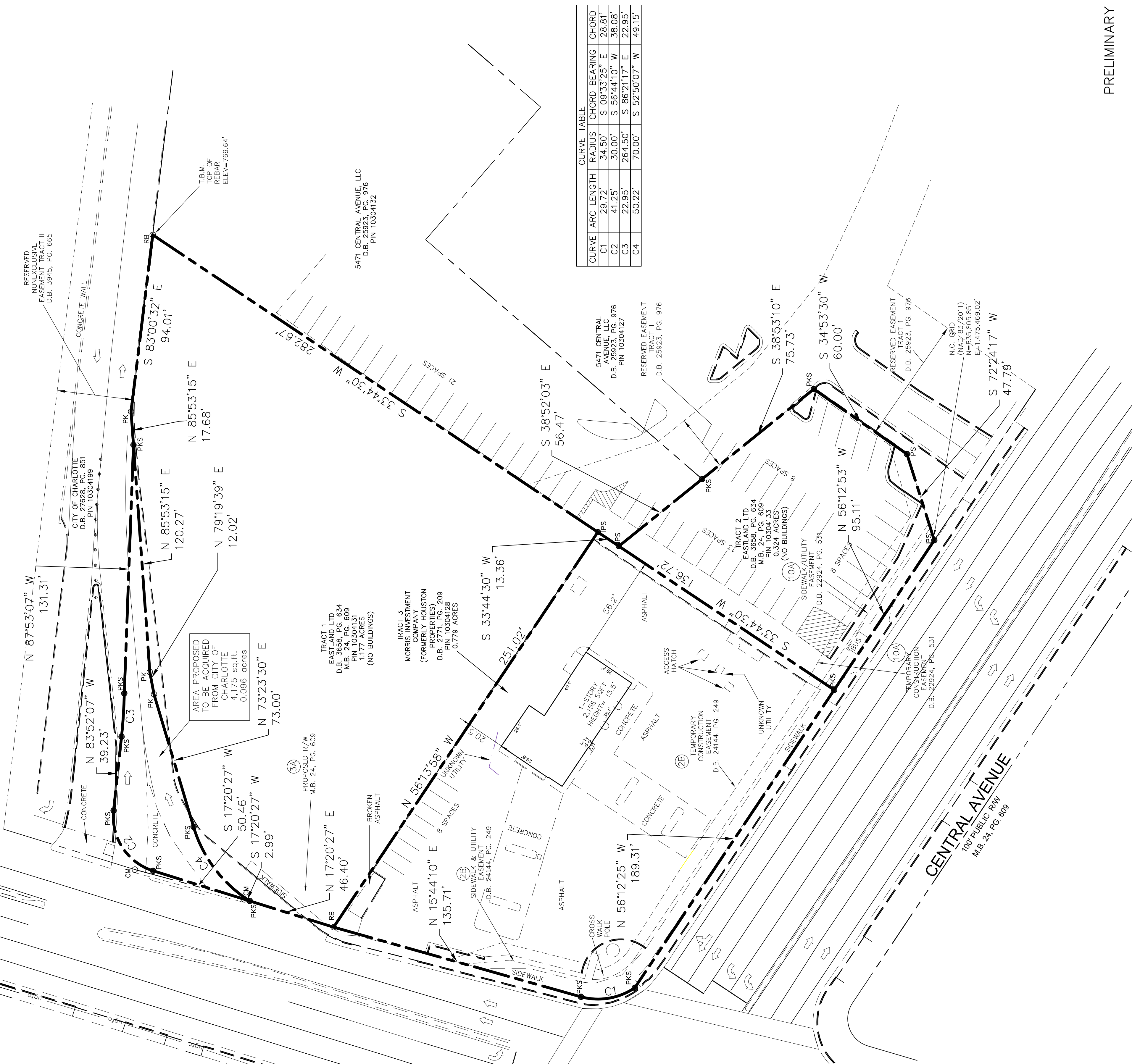
ORIGINAL ISSUE DATE: 04/28/14

SHEET TITLE:
 COVER SHEET

SHEET NUMBER:
 C001

GENERAL NOTES

- THIS IS A SURVEY OF AN EXISTING PARCELS OF LAND. THIS IS AN ALTA/CSM LAND TITLE SURVEY.
- THE STATE PLANE COORDINATES (SPC) FOR THIS PROJECT WERE PRECISION ADJUSTED TO THE 1983 NORTH CAROLINA DATUM. THE DATUM IS CONTINUOUSLY OPERATING REFERENCE STATIONS. DATE OF OBSERVATIONS WAS 07/2014. THE GPS NETWORK IS 410.4. THE FOLLOWING COGS WAS USED AS THE BASE STATION: M277
- VERTICAL POSITIONS ARE REFERENCED TO NAVD83 (2011) - NORTH CAROLINA DATUM. THE COMBINED SCALE FACTOR IS 0.99984038 - CONDITIONAL. ZONING: B-150D (BUSINESS SHOPPING CENTER - CONDITIONAL) FRONT: XX; SIDE: XX; REAR: XX.
- FLOOD NOTES: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA. THE FLOOD HAZARD MAP NO. 15088 USING GEOID2A ON FEMA MAP NO. 37104573001 DATED MARCH 2, 2009. (FEMA MAP NO. 37104573001 DATED MARCH 2, 2009).
- REFERENCES: THE MECKLENBURG COUNTY REGISTRY OF PLANS: 103044. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.



SURVEY LEGEND

- EXISTING UTILITIES**
- ugp Underground Electric
 - ugfo Underground Fiber Optic
 - gas Gas Line
 - ss Sanitary Sewer Line
 - ust Storm Sewer Line
 - utl Underground Telephone Line
 - wtr Water Line
 - Utility Pedestal— See Abbreviation
 - Utility Pole
 - Utility Pole W/Light
 - Utility Pole W/Transformer
 - Area Light
 - Valve — See abbreviation
 - Fire Hydrant
 - Single Post Sign
 - Traffic Arrows
 - Area Inlet
 - Meter—See abbreviation
 - Traffic Signal
 - Traffic Signal Control Box
 - Ballard
- EXISTING FEATURES**
- Center Line
 - Property R/W Line (OT Net)
 - Property-R/W Line (Others)
 - Curb Line
 - Edge Of Asphalt
 - Edge Of Concrete
 - Major Contour
 - Minor Contour
 - Fence
 - TC 150.50
 - G 750.00
 - 150.17 X
 - Spot Elevation

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD	BEARING	CHORD
C1	29.72'	34.50'	S 09°33'25" E	28.81'	
C2	41.25'	30.00'	S 56°44'10" W	38.08'	
C3	22.95'	264.50'	S 86°21'17" E	22.95'	
C4	50.22'	70.00'	S 52°50'07" W	49.15'	

PROJECT NO.: QTR-13040

THE JOHN R. MCADAMS COMPANY, INC.
 1301 Carmel Commons Boulevard,
 Suite 111
 Charlotte, North Carolina 28226
 License No.: C-0293
 (800) 733-6646 • McAdamsCo.com

QuikTrip No. 1059
 5217 CENTRAL AVE. & 3724 N. SHARON AMITY RD.
 CHARLOTTE, MECKLENBURG COUNTY, NC

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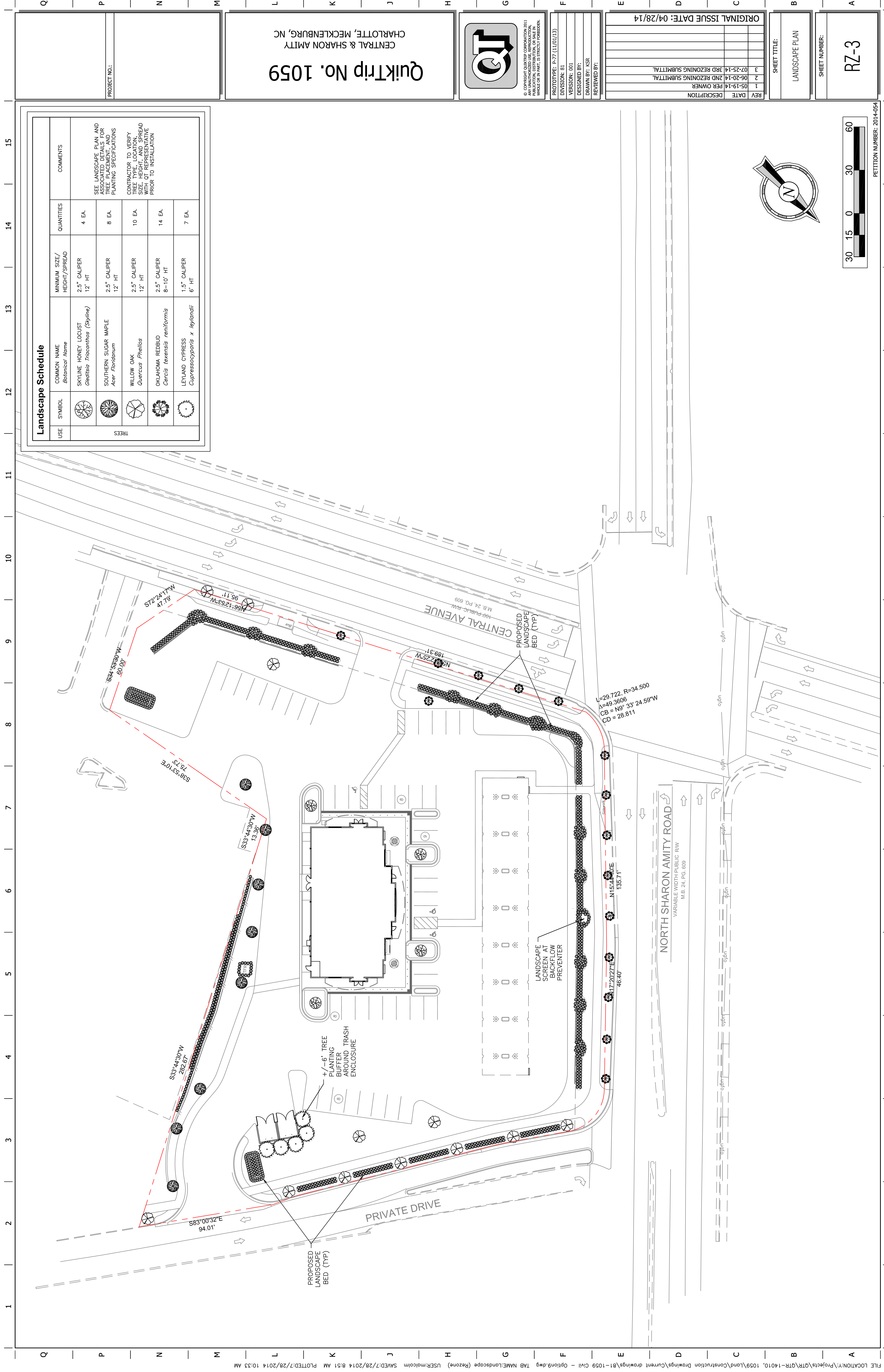
PROTOTYPE: P-25 (5/01/13)
 VERSION: 001
 DESIGNED BY:
 DRAWN BY: KSB
 REVIEWED BY:

ORIGINAL ISSUE DATE: 12/9/2013

REV	DATE	DESCRIPTION
1	12-11-14	ADDED PIN 10304128 TO SURVEY
2	12-22-14	DESCRIPTIONS
3	1-24-14	3RD REZONING SUBMITTAL
4	7-24-14	4TH REZONING SUBMITTAL

SHEET TITLE:
PROPERTY EXHIBIT

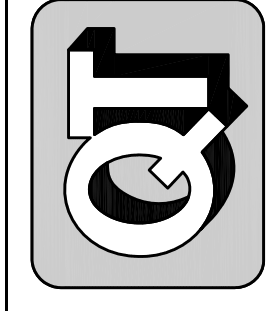
SHEET NUMBER:
EX-1



Landscape Schedule

USE	SYMBOL	COMMON NAME <i>Botanical Name</i>	MINIMUM SIZE/ HEIGHT/SPREAD	QUANTITIES	COMMENTS
TREES		SKYLINE HONEY LOCUST <i>Gleditsia triacanthos (Skyline)</i>	2.5" CALIPER 12' HT	4 EA.	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR TREE PLACEMENT, AND PLANTING SPECIFICATIONS CONTRACTOR TO VERIFY TREE TYPE, LOCATION, SIZE, HEIGHT, AND SPREAD WITH OT REPRESENTATIVE PRIOR TO INSTALLATION
TREES		SOUTHERN SUGAR MAPLE <i>Acer Floridanum</i>	2.5" CALIPER 12' HT	8 EA.	
TREES		WILLOW OAK <i>Quercus Phellos</i>	2.5" CALIPER 12' HT	10 EA.	
TREES		OKLAHOMA REDBUD <i>Cercis texensis reiniformis</i>	2.5" CALIPER 8-10' HT	14 EA.	
TREES		LEYLAND CYPRESS <i>Cupressocyparis x leylandii</i>	1.5" CALIPER 6' HT	7 EA.	

QuikTrip No. 1059
CENTRAL & SHARON AMITY
CHARLOTTE, MECKLENBURG, NC

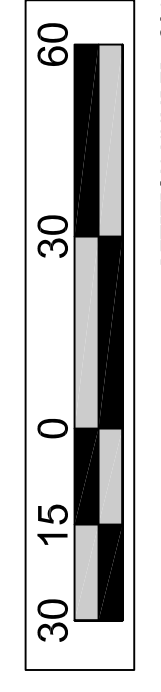
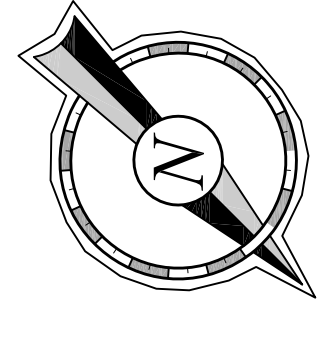


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 PROJECT NO.:
 DIVISION: 81
 VERSION: 001
 DESIGNED BY:
 DRAWN BY: KSR
 REVIEWED BY:

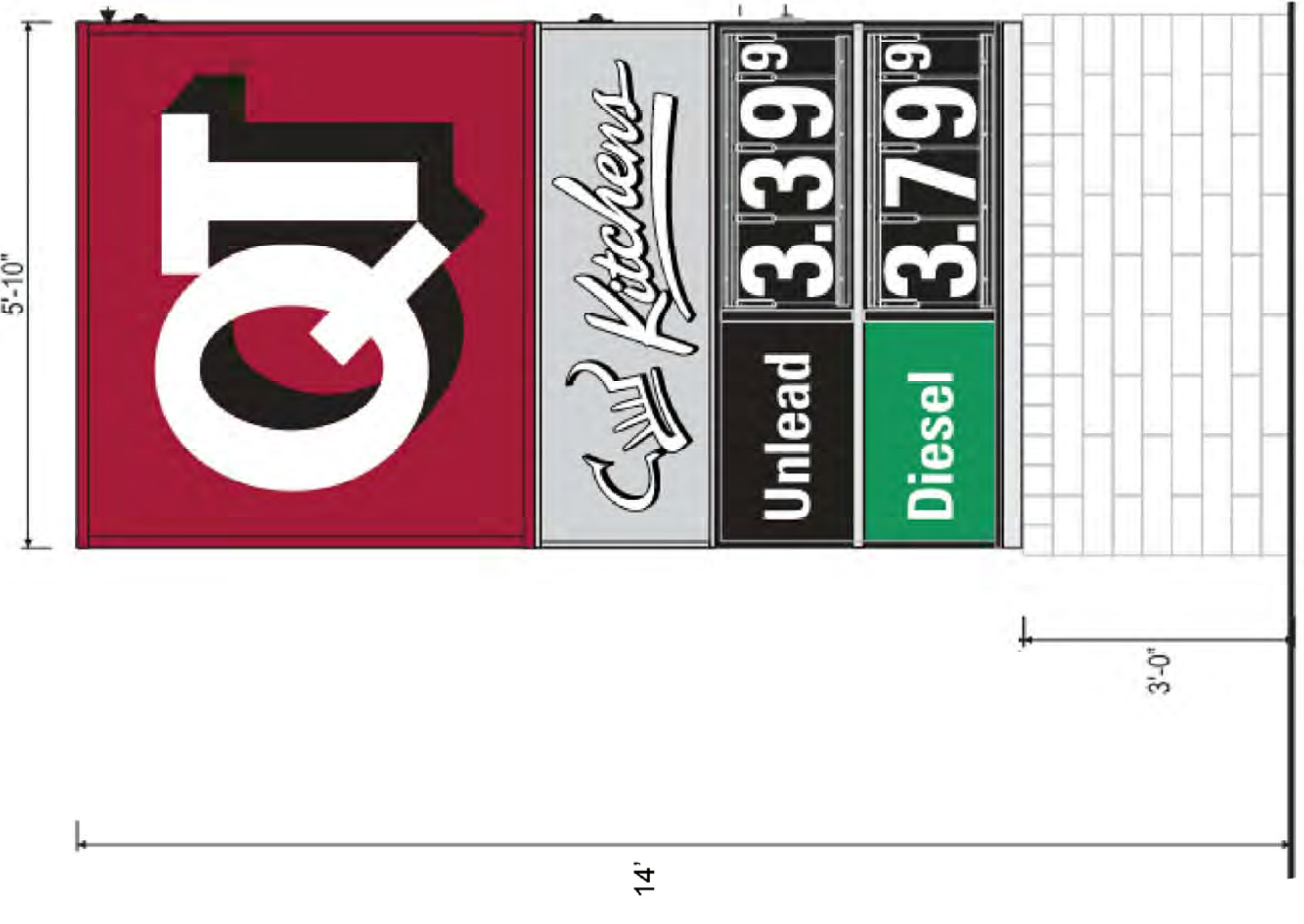
ORIGINAL ISSUE DATE: 04/28/14

REV	DATE	DESCRIPTION
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2	06-20-14	2ND REZONING SUBMITTAL
3	07-25-14	3RD REZONING SUBMITTAL

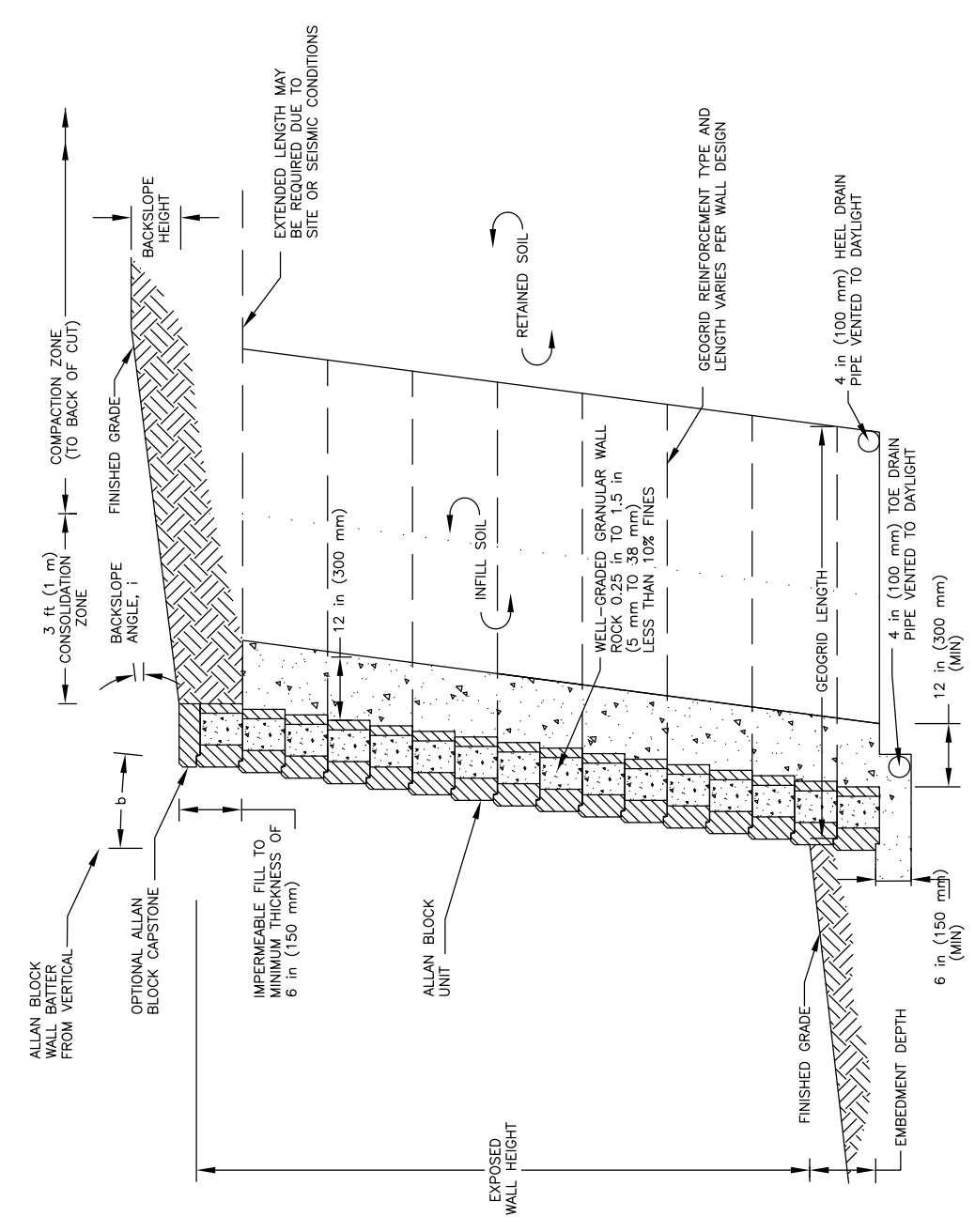
SHEET TITLE:
LANDSCAPE PLAN
 SHEET NUMBER:
RZ-3



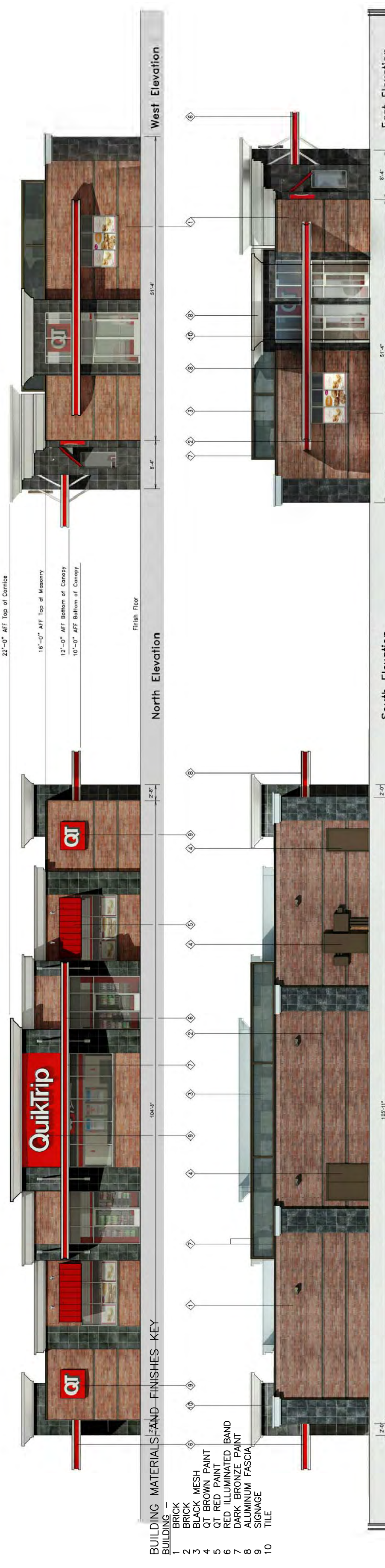
PETITION NUMBER: 2014-054



Front Elevation - Graphic Layout



RETAINING WALL SPECIFICATION



QuikTrip
 1059 Bigg. Elevations with Flat Entry & Rear Pilasters
 Store # 1059
 City: State: Charlotte, NC
 Address: NEC of Sharon Amity and Central
 Drawn By: BP
 Issue Date: 06/02/14
 Scale: 1/16" = 1'-0"
 81-1059-BFTI

QuikTrip No. 1059
 CENTRAL & SHARON AMITY
 CHARLOTTE, MECKLENBURG, NC

REV | **DATE** | **DESCRIPTION**

1	05-19-14	PER OWNER
2	06-20-14	2ND REZONING SUBMITTAL
3	07-25-14	3RD REZONING SUBMITTAL

ORIGINAL ISSUE DATE: 04/28/14

SHEET TITLE:
 BUILDING ELEVATIONS -
 MAIN SIGNAGE

SHEET NUMBER:
 RZ-4

PROJECT NO.:

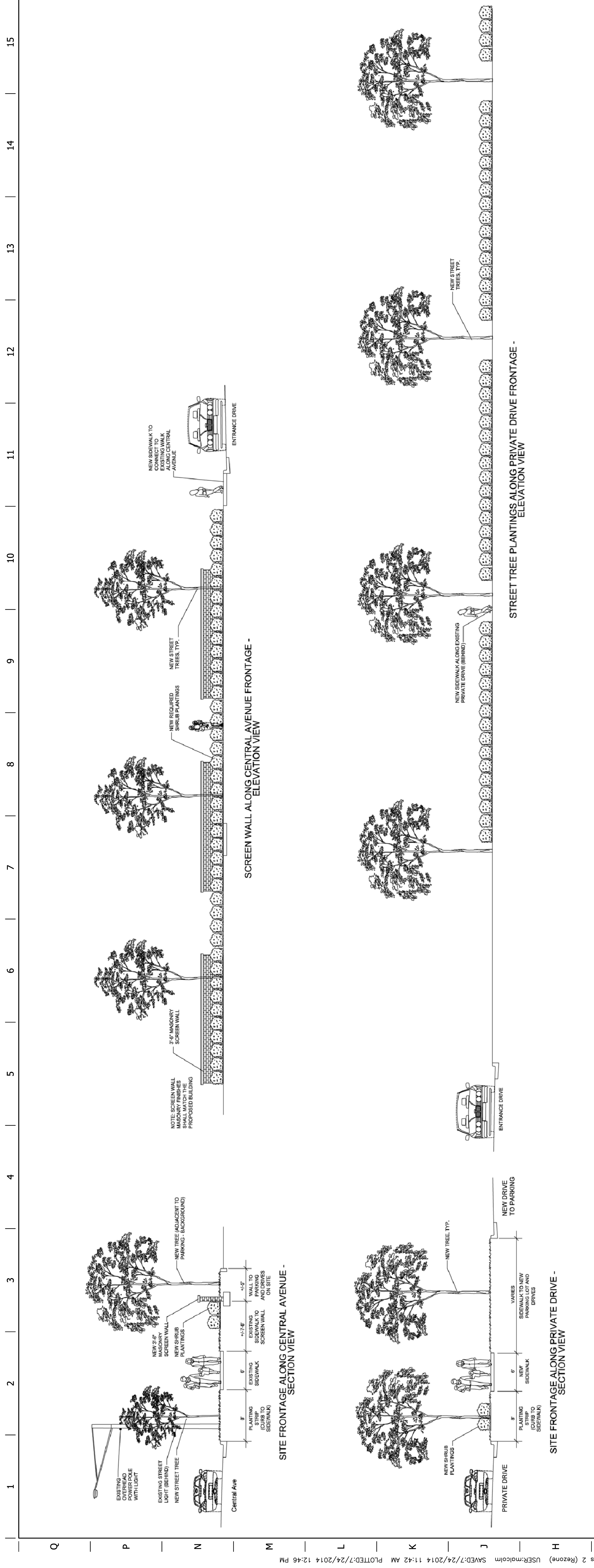
DESIGNED BY: BOI
 DRAWN BY: KSR
 REVIEWED BY:

PROTOTYPE: P-77 (11/01/13)
 DIVISION: 81

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THESE ELEVATIONS ARE PROVIDED TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE BUILDINGS THAT MAY BE CONSTRUCTED ON THE SITE (THE ACTUAL BUILDING CONSTRUCTED MAY VARY FROM THIS ILLUSTRATION AS LONG AS THE GENERAL ARCHITECTURAL CONCEPTS AND INTENT ILLUSTRATED IS MAINTAINED).
 PETITION NUMBER: 2014-054

PROJECT NO.:		QUICKTRIP No. 1059	CENTRAL & SHARON AMITY CHARLOTTE, MECKLENBURG, NC		© COPYRIGHT QUICKTRIP CORPORATION 2011 ALL RIGHTS RESERVED. REPRODUCTION, WHOLE OR IN PART, IS STRICTLY FORBIDDEN.																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>05-19-14</td> <td>PER OWNER</td> </tr> <tr> <td>2</td> <td>06-20-14</td> <td>2ND REZONING SUBMITTAL</td> </tr> <tr> <td>3</td> <td>07-25-14</td> <td>3RD REZONING SUBMITTAL</td> </tr> </table>		REV	DATE	DESCRIPTION	1	05-19-14	PER OWNER	2	06-20-14	2ND REZONING SUBMITTAL	3	07-25-14	3RD REZONING SUBMITTAL	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: right;">ORIGINAL ISSUE DATE: 04/28/14</td> </tr> <tr> <td colspan="2"> SHEET TITLE: SITE PERSPECTIVES - STREETScape ELEVATIONS </td> </tr> <tr> <td colspan="2" style="text-align: right;">SHEET NUMBER: RZ-5</td> </tr> </table>				ORIGINAL ISSUE DATE: 04/28/14		SHEET TITLE: SITE PERSPECTIVES - STREETScape ELEVATIONS		SHEET NUMBER: RZ-5	
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SHEET NUMBER: RZ-5																							



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 PETITION NUMBER: 2014-054

FILE LOCATION: Y:\Projects\QTR\14010_1059\Land\Construction Drawings\Current Drawings\81-1059 Civil - Option7.dwg
 TAB NAME: Elevations 2 (Reason)
 USER: mjc
 SWED: 7/24/2014 11:42 AM
 PLOTTED: 7/24/2014 12:46 PM

REQUEST	Current Zoning: B-2 (general business) Proposed Zoning: MUDD-O (mixed use development, optional), with five-year vested rights
LOCATION	Approximately 4.19 acres generally surrounded by East 4th Street, Charlottetowne Avenue, South Torrence Street, and 3rd/4th Connector Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes up to 909,000 square feet of institutional uses associated with Central Piedmont Community College, including classrooms, laboratories, a conference center, offices and associated accessory uses. Existing buildings may be renovated or redeveloped.
PROPERTY OWNER	Trustees of Central Piedmont Community College & Central Piedmont Community College Foundation, Inc.
PETITIONER AGENT/REPRESENTATIVE	Central Piedmont Community College Susanne Todd and Jim Allison, Johnston, Allison & Hord, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 7
STATEMENT OF CONSISTENCY	A portion of this petition is found to be consistent with the <i>Elizabeth Area Plan</i> and to be reasonable and in the public interest while the remainder of the site is found to be inconsistent with the <i>Midtown Morehead Cherry Area Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Eschert seconded by Commissioner Sullivan).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Added a note stating "the ground floor of any parking decks along public streets will be wrapped in active uses oriented to the street, provided, however, nothing herein shall prohibit petitioner from providing ground floor parking "behind" said active uses within parking deck." 2. Addressed Transportation comment by adding a note stating "If required by CDOT during the permitting process, the petitioner will conduct a traffic impact study to determine traffic impacts and associated mitigations, if any, caused by the development of the site before the first building permit is issued for any parcel covered under the current rezoning petition."
------------------------------------	--

VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Nelson/Labovitz</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Eschert, Labovitz, Nelson, and Sullivan</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Ryan and Walker</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Nelson/Labovitz	Yeas:	Dodson, Eschert, Labovitz, Nelson, and Sullivan	Nays:	None	Absent:	Ryan and Walker	Recused:	None
Motion/Second:	Nelson/Labovitz										
Yeas:	Dodson, Eschert, Labovitz, Nelson, and Sullivan										
Nays:	None										
Absent:	Ryan and Walker										
Recused:	None										

ZONING COMMITTEE DISCUSSION	Staff provided an overview of the petition, noting that the outstanding issues had been resolved. Staff noted that a portion of the site is consistent with the <i>Elizabeth Area Plan</i> recommendation for institutional land uses. The remainder of the site is inconsistent with the <i>Midtown Morehead Cherry Area Plan's</i> recommendation for a mixture of residential, office and retail uses, but consistent with the plan's land use goals and intent . A commissioner asked how the proposed trolley factored into the petition, from a transportation perspective. CDOT staff responded that traffic generated by the petition focuses on vehicular and pedestrian traffic demands. In
--	--

addition, CPCC has not master planned the campus, which makes it difficult to determine logical connections and assess demand, in association with the trolley. As such, CDOT did not factor in the trolley during the rezoning process but there is flexibility in the development process for CDOT to address such issues in the future. There were no further questions.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A maximum building area of 909,000 square feet for a community college campus.
- Building materials for new buildings will consist of brick and cast stone elements.
- Architectural styles for new building and/or any renovations to existing buildings on the site will harmonize with and be comparable to the materials and architectural styles of buildings located on the existing Central Piedmont Community College Central Campus. Vinyl or sheet metal siding will not be allowed as exterior building materials.
- Building heights will not exceed 120 feet.
- Detached lighting limited to 25 feet in height.
- Optional provisions requested include:
 - Allow existing uses on the site to remain until new development commences.
 - Allow existing parking and or maneuvering to remain between buildings and public streets until new development commences.
 - Allow existing bicycle parking conditions to remain until new development commences.
 - Allow existing development conditions to remain until new development commences.
 - Allow alterations and renovations to existing structures without requiring removal of the structure and/or compliance with the MUDD (mixed use development) district as long as existing buildings that are renovated do not increase in nonconformance through such renovations.
 - Allow existing sidewalks, street trees, and landscaping areas to remain as is or allow sidewalks to meander to protect existing trees.
 - Allow existing signage to remain until new development commences.
 - Allow existing lighting conditions to remain until new development commences.
- Commitment to wrap the ground floor of any parking decks along public streets with active uses oriented to the street, provided, however, nothing herein prohibits the petitioner from providing **ground floor parking "behind" said active uses within the parking deck.**
- Commitment by the petitioner to conduct a traffic impact study to determine traffic impacts and associated mitigations, if any, caused by the development of the site before the first building permit is issued for any parcel covered under the current rezoning petition, if required by CDOT during the permitting process.

• Public Plans and Policies

- The *Elizabeth Area Plan* (2011) recommends institutional land uses for a portion of the site. The plan recognized ownership by Central Piedmont Community College of some properties and the continued need for future expansion in the area.
 - The *Midtown Morehead Cherry Area Plan* (2012) recommends mixed use development, consisting of residential, office and retail land uses. Although the expansion of institutional uses is not specifically noted in the plan recommendations, the plan acknowledges the existence of uses related to Central Piedmont Community College in the area of the proposed rezoning. In addition, one of the Land Use Goals for the Midtown area is to capitalize on the proximity to the major institutional anchors.
 - The petition is consistent with the *Elizabeth Area Plan*.
 - The petition is inconsistent with the *Midtown Morehead Cherry 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 comments received.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

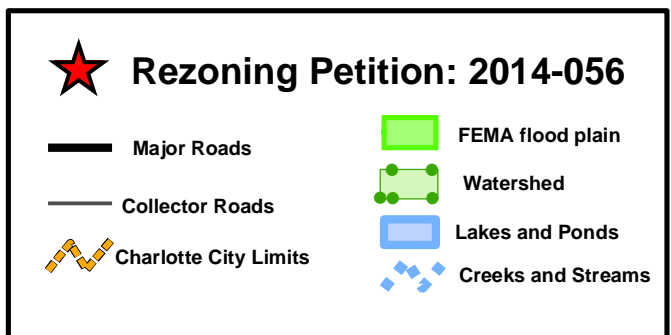
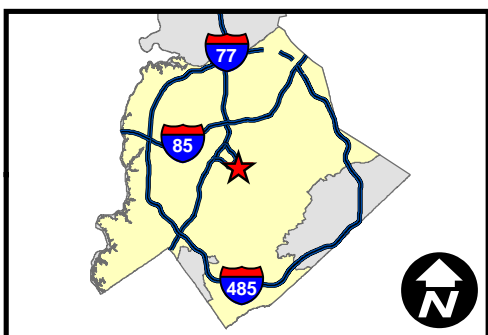
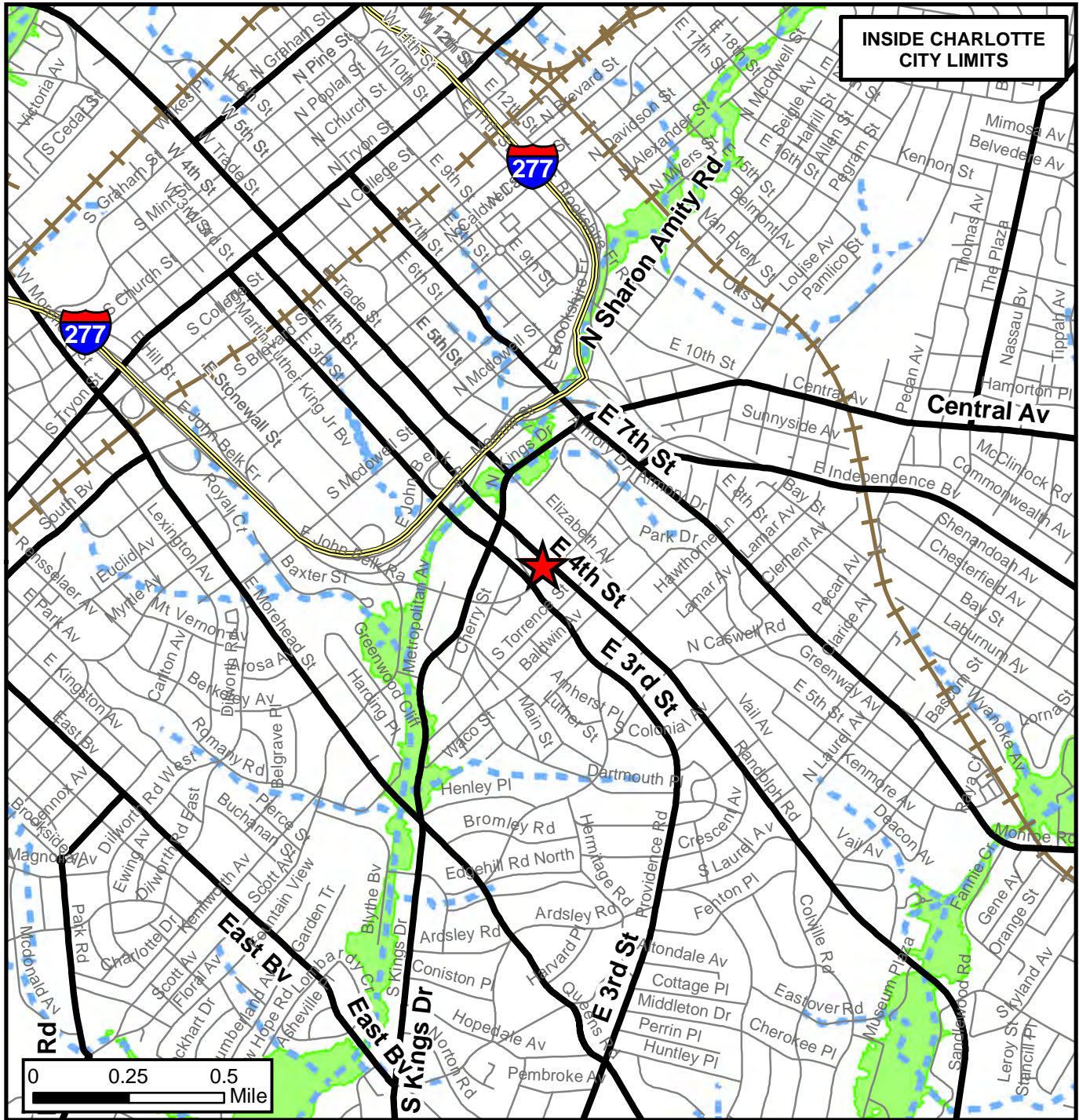
- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Sonja Sanders (704) 336-8327

Acreage & Location : Approximately 4.19 acres generally surrounded by East 4th Street, Charlottetowne Avenue, South Torrence Street, and 3rd-4th Connector Street.



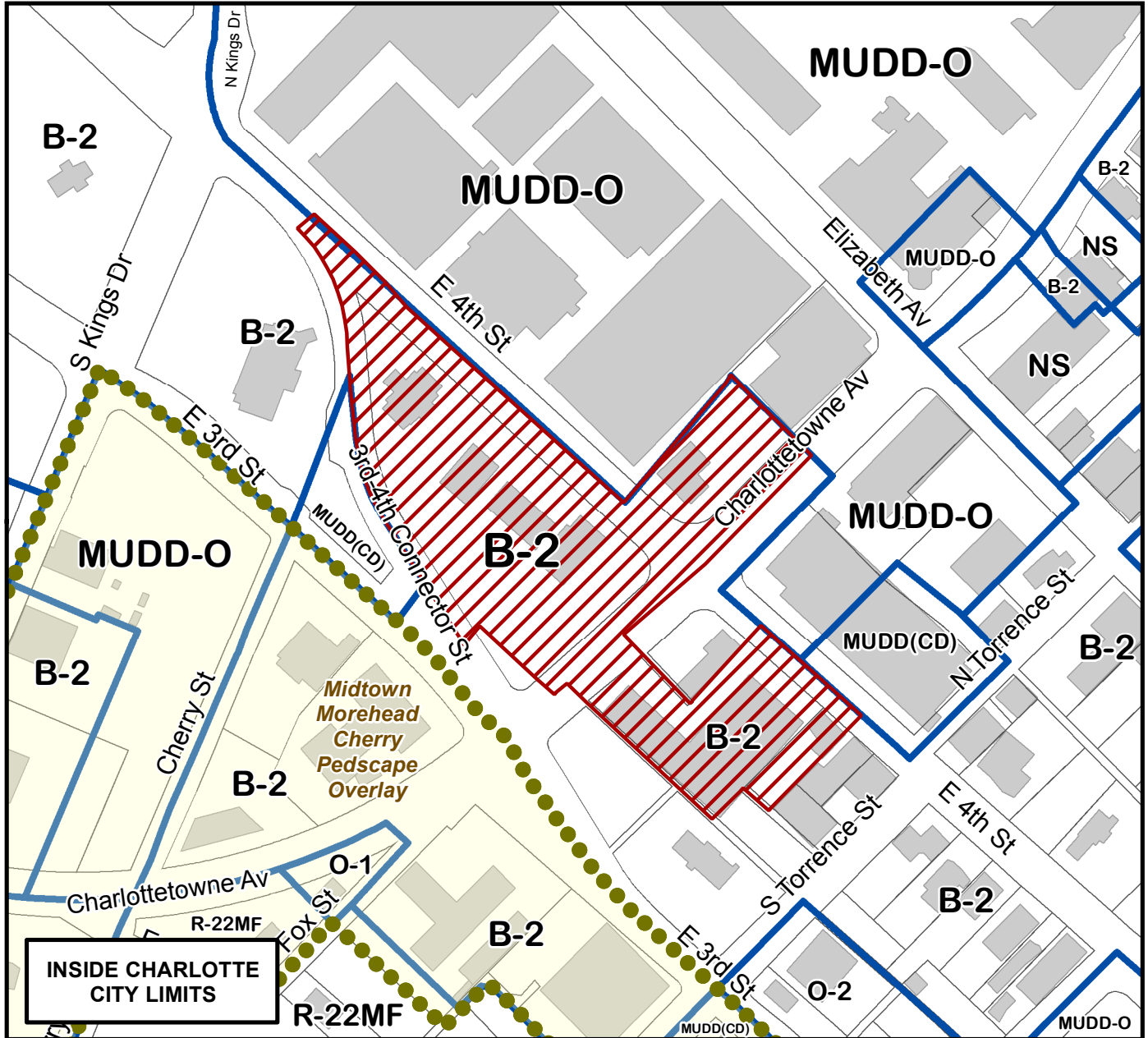
Petition #: **2014-056**

Petitioner: **Central Piedmont Community College**

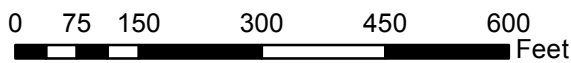
Zoning Classification (Existing): **B-2**
General Business

Zoning Classification (Requested): **MUDD-O (5-Year Vested Rights)**
(Mixed Use Development District, Optional, Five Year Vested Rights)

Acreage & Location: Approximately 4.19 acres generally surrounded by East 4th Street, CharlotteTowne Avenue, South Torrence Street, and 3rd-4th Connector Street.

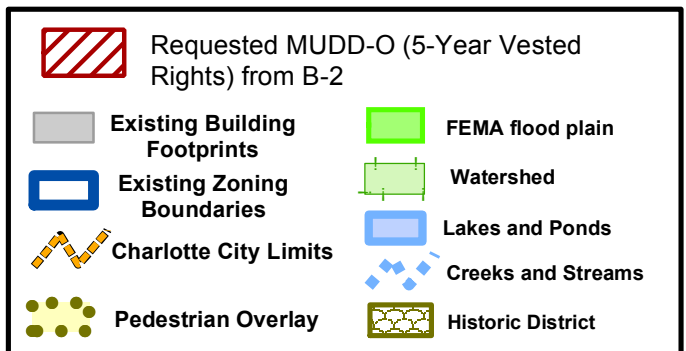


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-17-2014.



Zoning Map #(s)

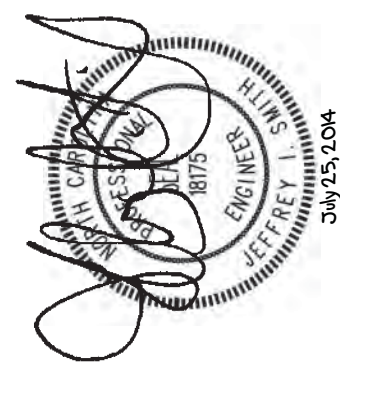
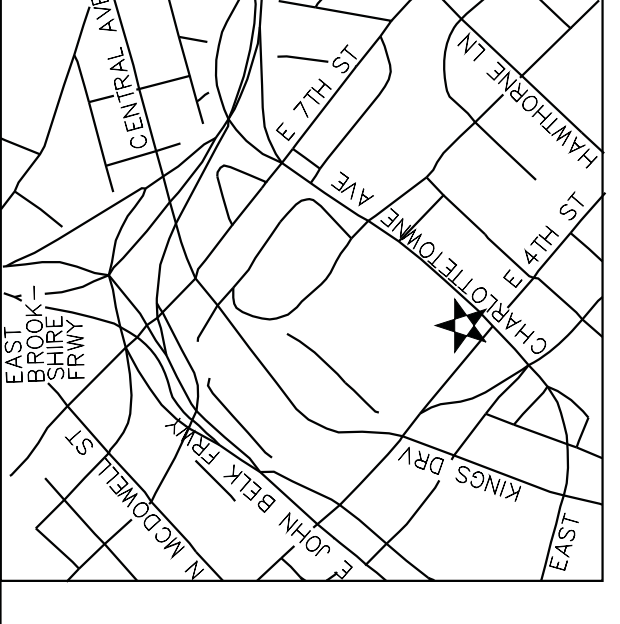
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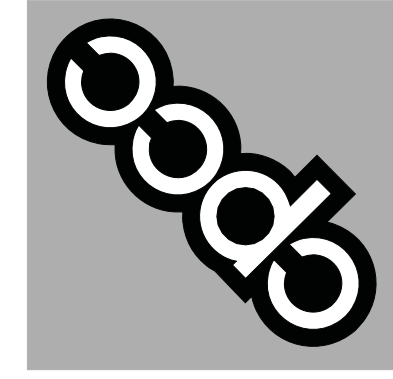
DEVELOPMENT DATA

TAX PARCEL	125-109-01	125-104-12	125-104-02
PARCEL ADDRESS	1300 E. 4TH ST	1422 E. 4TH ST	1412 E. 4TH ST
SITE ACREAGE	2.4272 AC	0.1850 AC	0.988 AC
EXISTING ZONING	B-2	B-2	B-2
PROPOSED ZONING	MUDD(O)	MUDD(O)	MUDD(O)
EXISTING USE	OFFICE	OFFICE	COMMERCIAL
PROPOSED USE	INSTITUTIONAL	INSTITUTIONAL	INSTITUTIONAL
BUILDING AREA	4614 SF (EXISTING)	0 SF (EXISTING)	4306 (EXISTING)
MAX. BLDG. AREA	400,000 SF	144,000 SF	385,000 SF (COMBINED)
MAXIMUM BLDG. HEIGHT	MAX. 120 FEET PER BUILDING	MAX. 120 FEET PER BUILDING	MAX. 120 FEET PER BUILDING
PROPOSED PARKING	AS REQUIRED BY THE ORDINANCE	AS REQUIRED BY THE ORDINANCE	AS REQUIRED BY THE ORDINANCE
OPEN SPACE AMOUNT	1 SF / 100 SF	1 SF / 150 SF	1 SF / 100 SF

VICINITY MAP



Submitted Date: April 28, 2014
 Revision Dates:
 Zoning Submittal No. 2 June 20, 2014
 Zoning Submittal No. 3 July 25, 2014

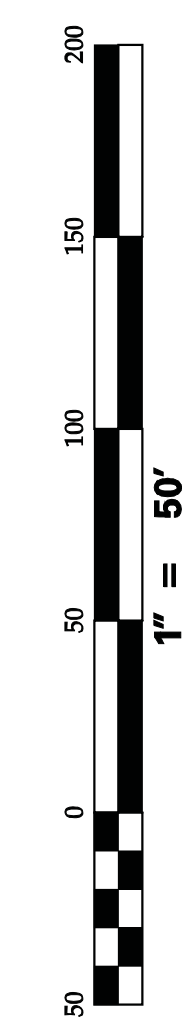
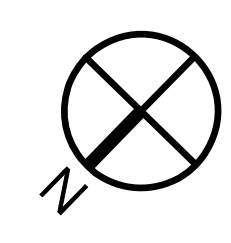


CPCC Central Campus
 Charlotte, NC

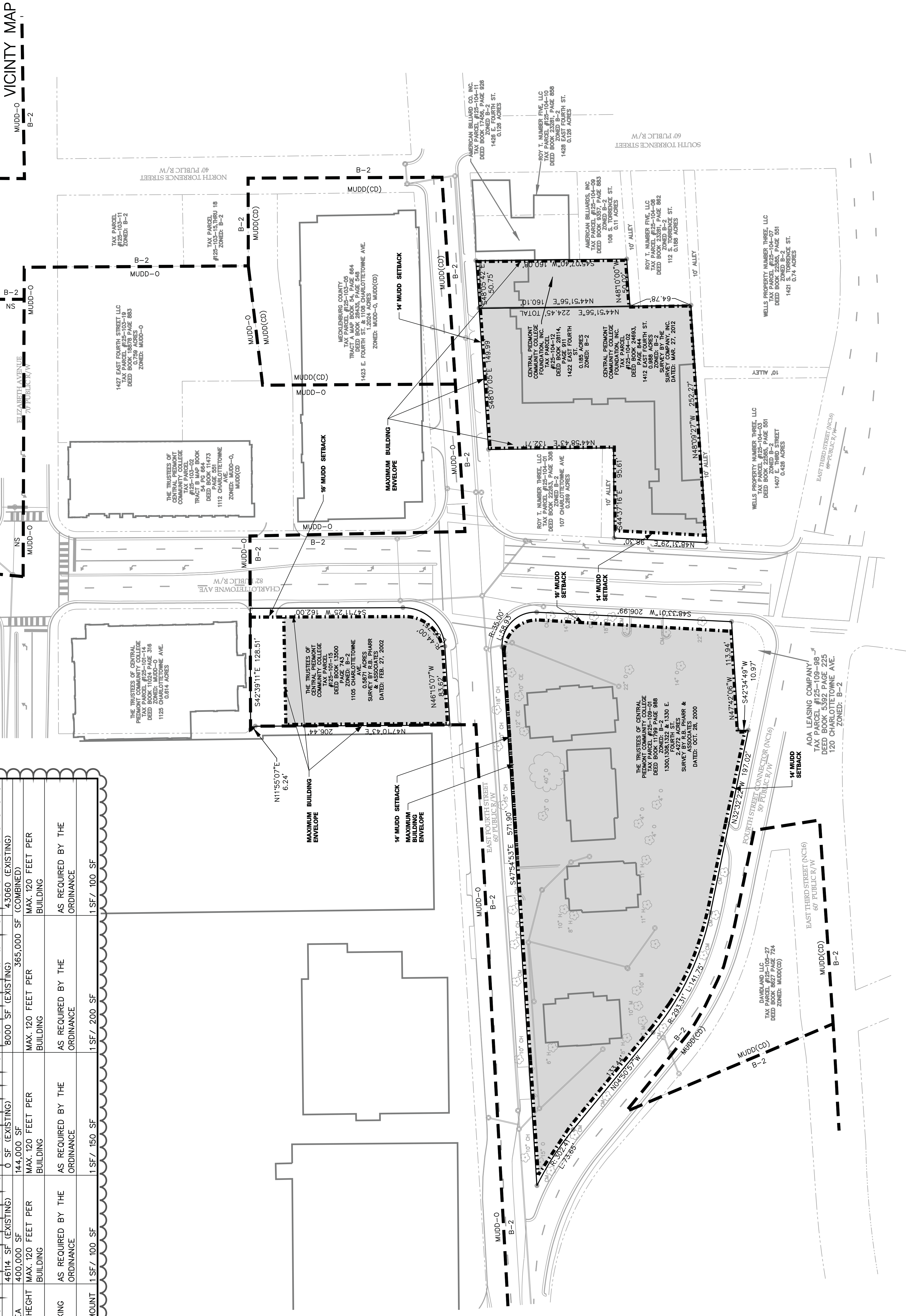
Rezoning Petition 2014-056 For Public Hearing

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Schematic Site Plan



RZ-1



1. SITE DEVELOPMENT DATA

SITE AREA: +/- 4.187 Acres
PARCEL ID NUMBERS: 125-101-15; 125-104-02; 125-104-12; 125-109-01

EXISTING ZONING: B-2

EXISTING USE: OFFICES, CLASSROOMS AND VACANT

PROPOSED ZONING: MUDD (O)

PROPOSED USE: COMMUNITY COLLEGE CAMPUS TO INCLUDE OFFICES, LABS AND CLASSROOMS, AND CONFERENCE CENTER

MAXIMUM BUILDING SF: PARCEL 125-109-01- 400,000 SF
PARCEL 125-101-15- 144,000 SF
PARCEL 125-104-12 & 02- 365,000 SF

BUILDING HEIGHT: MAXIMUM 120 FEET PER BUILDING

PARKING REQUIRED: AS REQUIRED BY THE ORDINANCE

OPEN SPACE: PARCEL 125-109-01- 1 SF/100 SF
PARCEL 125-101-15- 1 SF/150 SF
PARCEL 125-104-12- 1SF/200 SF
PARCEL 125-104-02- 1SF/100 SF

2. GENERAL PROVISIONS:

a. These Development Conditions form a part of the rezoning petition filed by Central Piedmont Community College ("Petitioner" or "Owner") to accommodate the future development of an approximately 4.187 acre site consisting of four 4 parcels located at the intersection of E. 4th Street and Charlotte Avenue in Charlotte, North Carolina, and which is more particularly depicted on the enclosed Site Plan (the "Site").

b. Petitioner desires to rezone the Site to a zoning classification compatible with its existing Central Campus to allow for seamless expansion of the Existing Campus and harmonious development of the Site.

c. Proposed plans currently call for the development of a Basic Skills Literacy Center on parcels 125-104-12 and 02 (former JLC and adjacent office building), said building to include intake/ Orientation facilities, classrooms and labs, offices, in addition to space for Social Services; development of a new classroom building on parcel 125-101-15 (vacant, former Athens restaurant site) to include classrooms and labs with a possible upper level connection to the adjacent IT Building. Proposed development of parcel 125-109-01 ("Colony Condos" site) to include maximum 400,000 SF building with structured parking. Petitioner reserves the right to alter the size and use of the proposed buildings so long as the proposed uses meet the conditions of MUDD subject to the conditions set forth in this Rezoning Petition.

d. These Development Conditions, the Site Plan, Petitioner's Application for Rezoning ("Application") and any revisions thereof are collectively referred to as the "Rezoning Petition" or "Conditional Plan".

e. The development of this Site will be governed by the Rezoning Petition, the Site Plan, and the applicable provisions of the City of Charlotte's Zoning Ordinance (the "Ordinance").

f. Alternations to the Conditional Plan are subject to Section 6.207 Alternations to Approval of the Ordinance.

3. OPTIONAL PROVISIONS

a. The MUDD (O) is provided herein to permit existing uses on the Site to remain until new development commences at a particular, individual portion on the Site, at which time said new development shall comply with the foregoing use provision.

b. The MUDD (O) is provided herein to permit existing parking and/or loading conditions on the Site to remain until new development commences at a particular, individual portion on the Site, at which time said new development shall comply with the provisions of the MUDD district, subject to the conditions set forth in this Rezoning Petition.

c. The MUDD (O) is provided herein to permit existing bicycle parking conditions on the Site to remain until new development commences at a particular, individual portion on the Site, at which time said new development shall comply with the bicycle parking provisions of the MUDD district, subject to the conditions set forth in this Rezoning Petition.

d. The MUDD (O) is provided herein to permit existing development conditions on the Site to remain until new development commences at a particular, individual portion on the Site, at which time said new development shall comply with the provisions of the MUDD district, subject to the conditions set forth in this Rezoning Petition.

e. New building construction on the Site shall comply with all applicable requirements and regulations of the MUDD zoning district, subject to the conditions set forth in this Rezoning Petition. The MUDD (O) is provided herein to permit existing development conditions on the Site to remain until new building construction commences at a particular, individual building on the Site, at which time said new building construction shall comply with the provisions of the MUDD district, subject to the conditions set forth in this Rezoning Petition.

f. Alterations and renovations to existing structures which do not require the removal of the structure and which do not otherwise comply with all applicable provisions of the MUDD district shall be permitted to undergo said alterations and renovations without compliance to those provisions of the MUDD district which said structure does not currently comply with. In any event, existing buildings which are renovated shall not increase in non-conformance through such renovations (for example: eliminating existing windows at street level).

g. The MUDD (O) is provided here to permit flexibility from the MUDD district streetscape design requirements (for example: the location of existing sidewalks, street trees, landscaping areas, etc.) as there may be instances when the established streetscape design shall remain "as is" or may be modified (for example, allow sidewalks to meander to protect existing trees) without strict adherence to the required streetscape design. Such optional design shall be jointly and respectively determined by the petitioner and the staff of the Charlotte-Mecklenburg Planning Commission on the basis of assessing the overall practicality of implementing the required streetscape design versus such factors as the locations and maturity of present trees and landscaping, the location and width of present sidewalks, the existence of other trees and landscaping which pose as an interference, the location of present and future buildings, whether or not pedestrian benefits are significantly enhanced, and other similar considerations which would have a practical bearing on the implementation of required streetscape designs or not.

h. The MUDD (O) is provided herein to permit existing signage on the Site to remain until new development commences at a particular, individual portion on the Site, at which time said new development shall comply with the lighting provisions of the MUDD district subject to the conditions set forth in this Rezoning Petition.

i. The MUDD (O) is provided herein to permit existing lighting conditions on the Site to remain until new development commences at a particular, individual portion on the Site, at which time said new development shall comply with the lighting provisions of the MUDD district, subject to the conditions set forth in this Rezoning Petition.

4. PERMITTED USES

a. Any new development on the Site will be devoted to use as a Community College Campus, including, but not limited to, classrooms, labs, conference rooms or centers and offices, together with incidental and/or accessory uses associated therewith, that are permitted under the Ordinance by right or under prescribed conditions in the MUDD Zoning District.

5. TRANSPORTATION:

a. Parking:

(1) Quantities and design of surface. New parking or loading areas developed on the Site shall comply with all applicable requirements and regulations of the MUDD zoning district. New bicycle parking spaces, long term and short term, developed on the Site shall be provided in accordance with the Ordinance.

(2) The ground floor of any parking decks along public streets will be wrapped in active uses oriented to the street; provided, however, nothing herein shall prohibit Petitioner from providing ground floor parking "behind" said active uses within parking deck.

b. Driveways:

(1) Access to the Site will be determined after orientation of the proposed buildings in relation to the adjacent rights of way is established; provided, however, each parcel shall have access along each right of way, it abuts.

(2) Adequate sight triangles for any new development of the Site shall be reserved at the street entrances(s). All proposed trees, berms, walls, fences, and/or identification signs must not interfere with sight distances at the entrances(s).

(3) If required by CDOT during the permitting process, Petitioner will conduct a traffic impact study to determine traffic impacts, and associated mitigations, if any, caused by the development of the site before a building permit is issued for any parcel covered under the current Rezoning Petition.

(4) Any existing/proposed driveway connections to 4th Street and Charlotte Avenue will require driveway permits to be submitted to CDOT for review and approval. The exact driveway locations and type/width of the driveways will be determined by CDOT during the driveway permit process, provided however, Petitioner shall be permitted to have access along each right of way a particular parcel abuts.

(5) All proposed commercial driveway connections to a future public street will require a driveway permit to be submitted to CDOT for review and approval.

(6) Any fence or wall constructed along or adjacent to any sidewalk or street right of way requires a certificate issued by CDOT.

(7) A Right of Way Encroachment Agreement is required for installation of any nonstandard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right of way by a private individual, group, business, or homeowner's/ business association. An encroachment agreement must be approved by CDOT prior to the construction/installation of the non-standard item(s). Contact CDOT for additional information concerning cost, submittal and liability insurance coverage requirements.

6. ARCHITECTURAL STANDARDS:

a. Building materials such as brick and cast stone elements and architectural styles for new building construction and/or any renovations to existing buildings on the Site will harmonize with, and be comparable to, the materials and architectural styles of those buildings located on Petitioner's existing Central Campus (the "Existing Campus"). Exterior building materials for new building construction and/or renovations to existing buildings will not include vinyl or sheet metal siding.

7. STREETScape AND LANDSCAPING:

a. Subject to the conditions set forth herein, it is intended that each building site shall comply with required streetscapes as each new building is constructed.

8. SIGNAGE

a. Any new signage on the Site shall be regulated by all applicable standards and requirements of the Ordinance, subject to the conditions set forth herein.

9. LIGHTING:

a. Subject to the conditions set forth herein, freestanding lighting will be limited to twenty five feet in height. All lighting to have full cut-off lighting fixtures.

b. Any new lighting on the Site shall be regulated by all applicable standards and requirements of the Ordinance and shall harmonize with and be comparable to the lighting located on the Existing Campus.

AMENDMENTS TO REZONING PLAN:

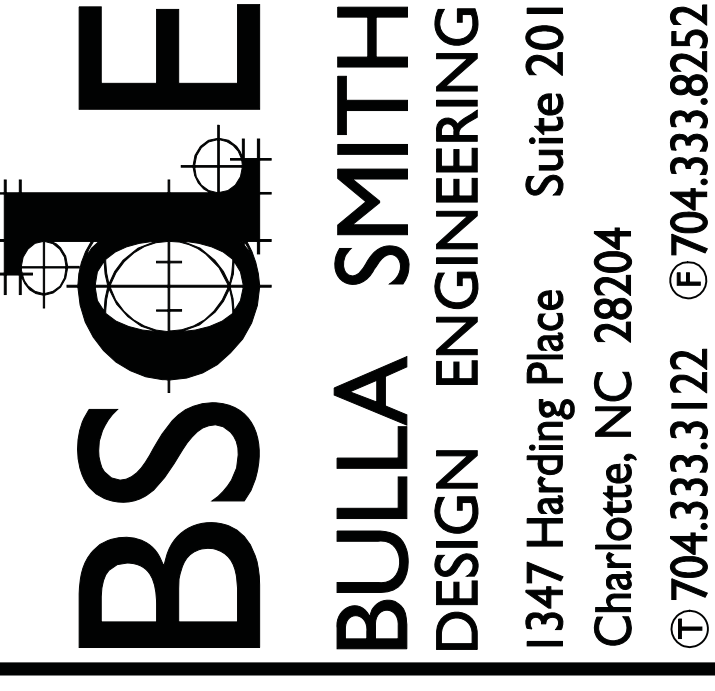
Future amendments to this Conditional Plan, including these development conditions may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.

VESTING:

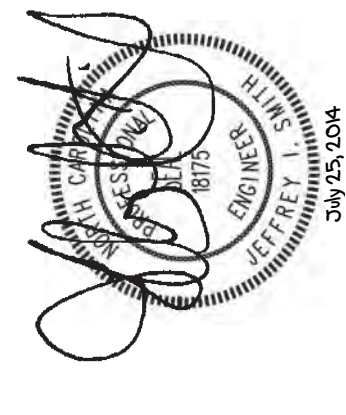
Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. §160A-385.1, due to the nature of the redevelopment, the level of investment, the timing of the redevelopment, and certain infrastructure, economic cycles and market conditions, this Rezoning Petition includes vesting of the approved Conditional Plan and conditional zoning district associated with this Rezoning Petition for a five (5) year period

BINDING EFFECT OF THE REZONING PETITION:

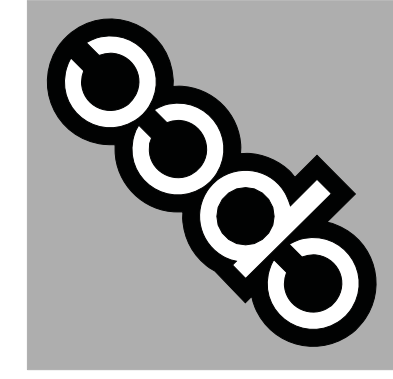
If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these development conditions and the Conditional Plan, will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns; throughout these development conditions, the terms Petitioner and Owner(s) shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.



BULLA SMITH DESIGN ENGINEERING
1347 Harding Place Suite 201
Charlotte, NC 28204
704.333.3122 704.333.8252



Submission Date: April 28, 2014
Revision Dates:
Zoning Submittal No. 2 June 20, 2014
Zoning Submittal No. 3 July 25, 2014



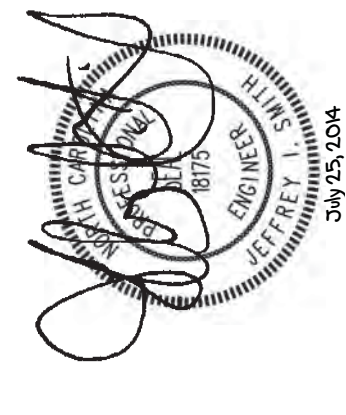
CPCC Central Campus
Charlotte, NC

Rezoning Petition
2014-056 For
Public Hearing

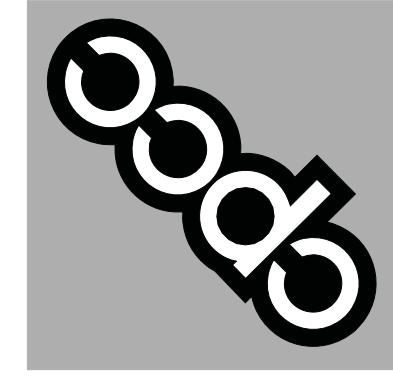
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Site Development Standards

RZ-2



Submittal Date: April 28, 2014
 Revision Dates:
 ▲ Zoning Submittal No. 2 June 20, 2014
 ▲ Zoning Submittal No. 3 July 25, 2014

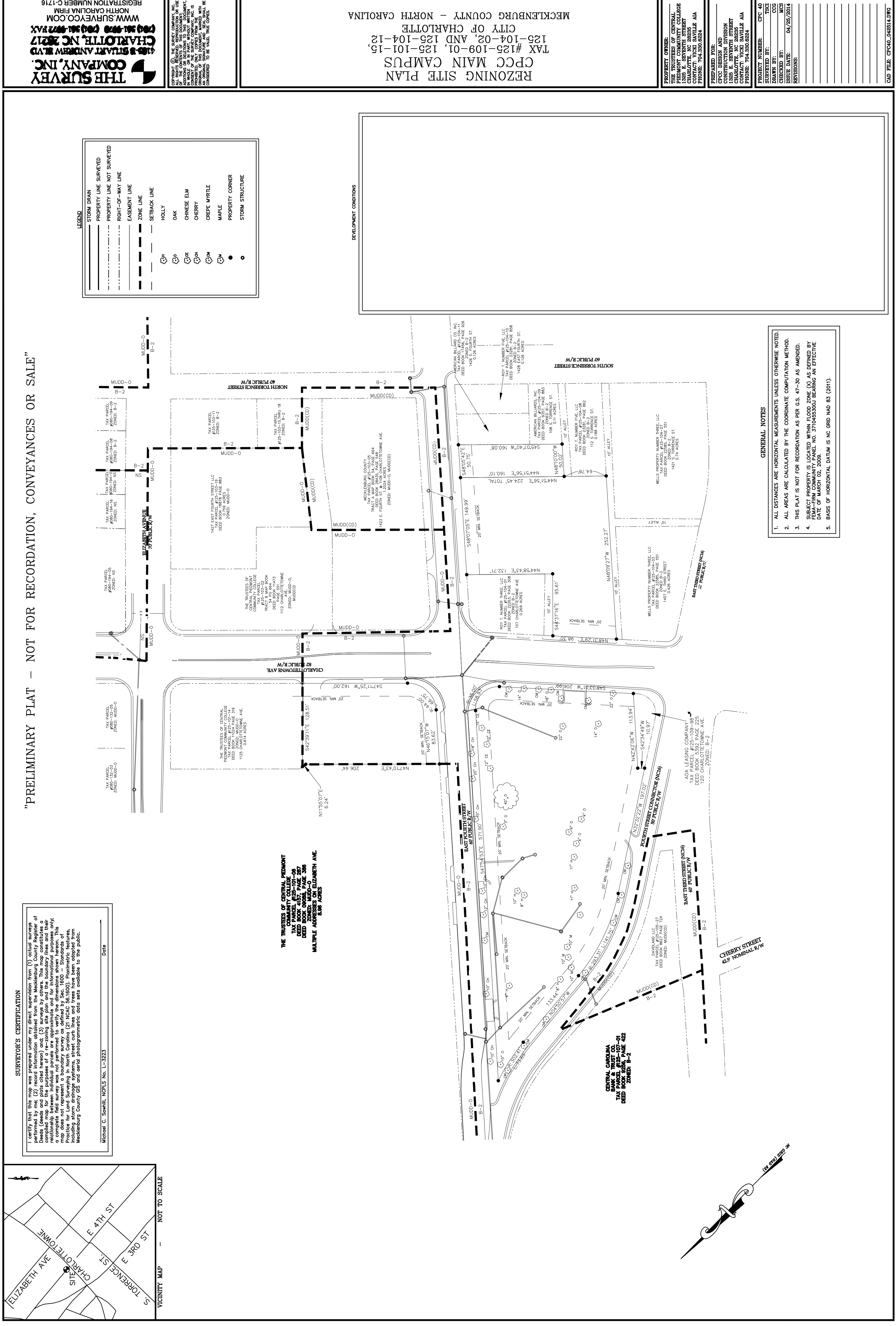
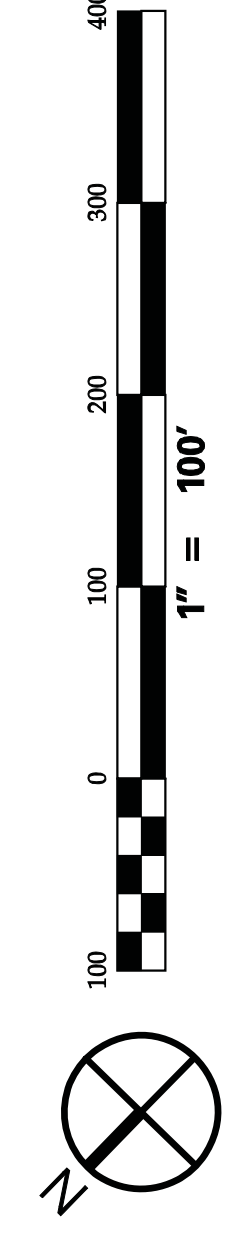


CPCC Central Campus
 Charlotte, NC

Rezoning Petition 2014-056 For Public Hearing

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Existing Conditions



REQUEST	Current Zoning: R-3 (LLWCA), single family residential, Lower Lake Wylie Critical Area Proposed Zoning: O-2 (LLWCA), office, Lower Lake Wylie Critical Area
LOCATION	Approximately 0.23 acres located on the south side of York Road at the intersection of Langston Drive and York Road. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes a change in zoning to allow all uses in the office district for the subject property.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Craig and Amy Faile Craig and Amy Faile N/A
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Steele Creek Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Eschert).

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

VOTE	Motion/Second: Sullivan/Nelson Yeas: Dodson, Eschert, Labovitz, Nelson, and Sullivan Nays: None Absent: Ryan and Walker Recused: None
ZONING COMMITTEE DISCUSSION	Staff presented the petition to the Zoning Committee. Staff noted that the petition is consistent with the <i>Steele Creek Area Plan</i> . There was no discussion on this item.
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

- **Proposed Request Details**
This is a conventional rezoning petition with no associated site plan.
- **Public Plans and Policies**
 - The *Steele Creek Area Plan* (2012) recommends mixed use (residential, office and/or retail) for this site if part of a well-designed pedestrian oriented master plan. Buildings should be oriented toward the street, scale should be compatible with scale and character of adjacent Palisades neighborhood, and the number of free standing single tenant buildings should be kept to a minimum so as not to compromise walkability.
 - The small size and character of the parcel will allow for compact office use consistent with the *Steele Creek Area Plan*.
 - The petition is consistent with the *Steele Creek Area Plan*.

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

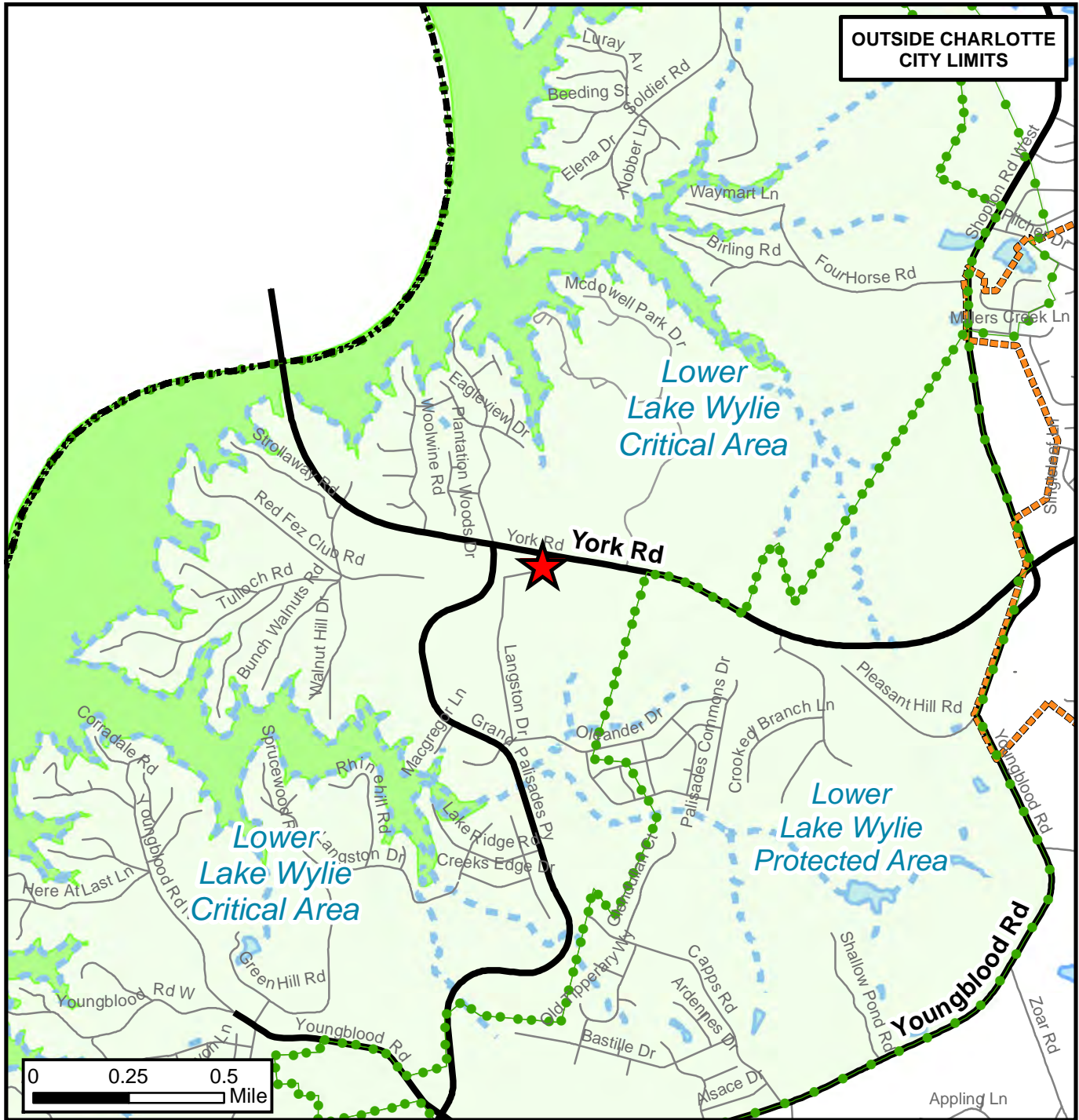
- No issues.
-

Attachments Online at www.rezoning.org

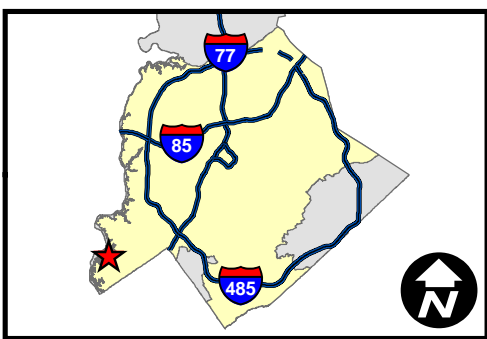
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

Planner: Sonja Sanders (704) 336-8327

Acreage & Location : Approximately 0.229 acres located on the south side of York Road at the intersection of Langston Drive and York Road.



OUTSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-057

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

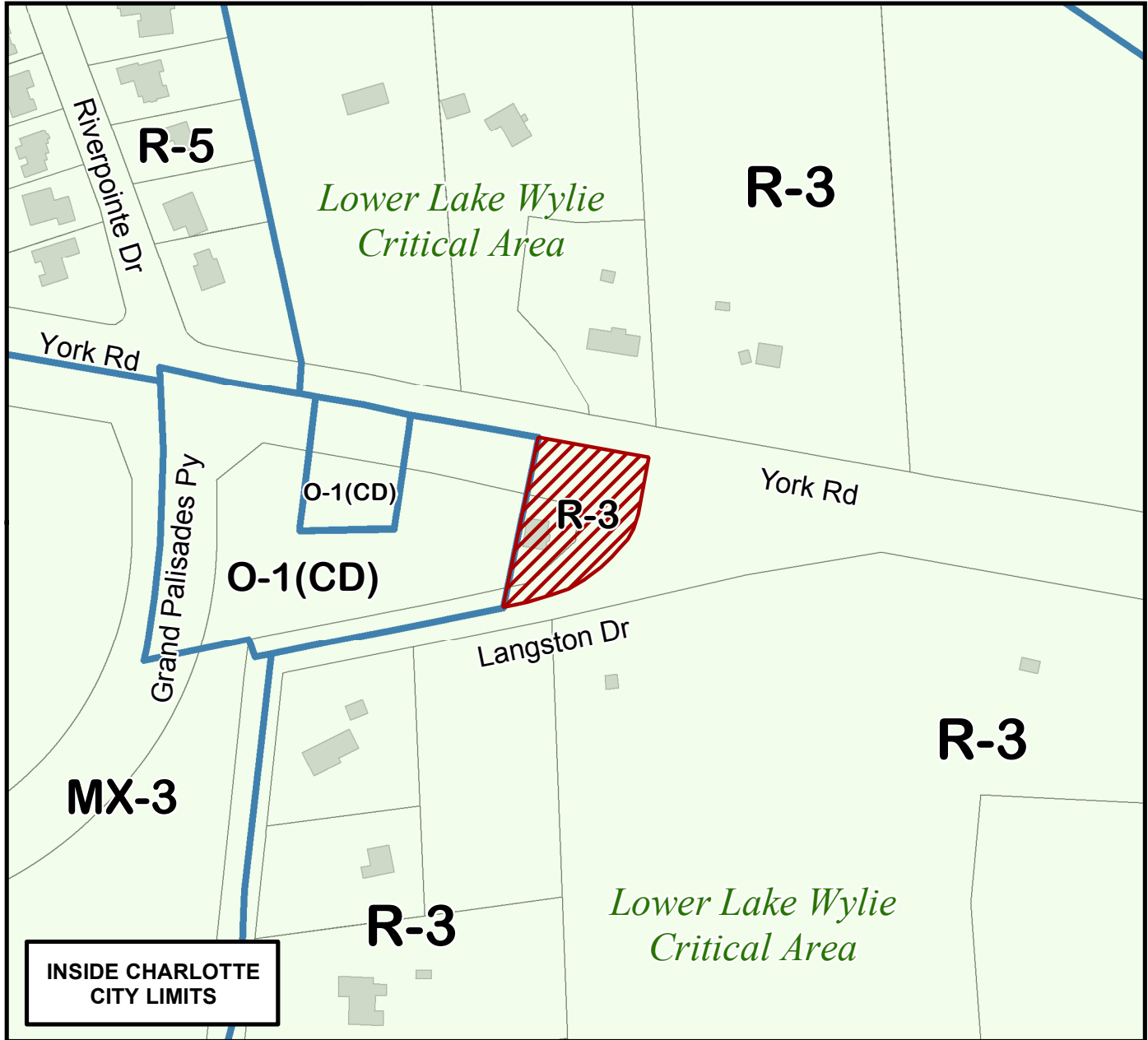
Petition #: **2014-057**

Petitioner: **Craig & Amy Faile**

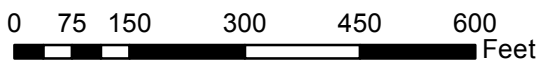
Zoning Classification (Existing): **R-3 (LLWCA)**
(Single Family, Residential, Lower Lake Wylie Critical Area)

Zoning Classification (Requested): **O-2 (LLWCA)**
(Office, Lower Lake Wylie Critical Area)

Acreage & Location: Approximately 0.229 acres located on the south side of York Road at the intersection of Langston Drive and York Road.

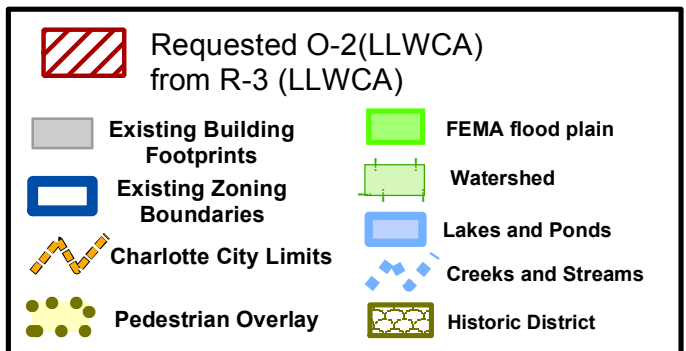


Map Produced by the Charlotte-Mecklenburg Planning Department, 5-19-2014.



Zoning Map #(s)

172



REQUEST	Current Zoning: R-17MF (multi-family residential) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to allow for the construction of a seven-story, 70-foot high building with two hotels containing a total of 285 rooms. Surface and structured parking will be provided as well as a street through the northern end of the site extending to the northwest corner of the property. The petitioner is requesting several optional provisions.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Old Towne Investments, LLC Crosland LLC and Allen Tate Collin Brown/ Bailey Patrick, Jr., K&L Gates, PA
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>SouthPark Area Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Lathrop seconded by Commissioner Eschert).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Staff has rescinded the request to reduce the maximum height from 70 feet to 55 feet for the portions of the building adjacent to single family, based on the future benefit the internal street provides to the community. 2. Staff has rescinded the request to amend the development data to reflect a reduced height. 3. Staff has rescinded the request to revise the architectural perspectives to reflect the reduced height. 4. Provided a street connection along the petitioner's site running parallel to the northernmost property line. 5. Amended note 4. (d) to specify that the CATS waiting pad will be provided according to standard detail 60.01B. 6. Revised optional provision 2. (c) to clearly explain what is requested by listing the items to be accommodated between the building and public and private streets to include: short term parking, drop off areas, valet parking, service areas for uses such as mail delivery, loading and delivery. 7. Amended optional provision 2. (d) to clearly explain what is meant by "innovative street design" to accommodate a private street connection, provided the design standards are acceptable to CDOT. 8. Amended optional provision 2. (e) to specify that one ground-mounted sign with a maximum sign face area of 30 square feet and a maximum height of seven feet to be allowed near the intersection of Sharon Road and the proposed private street. 9. Amended note 2. (e) by replacing the words "access driveway" with the word "private street." 10. Provided minimum five-foot wide sidewalks and planting strips of varying widths as agreed upon with CDOT and Planning staff as opposed to eight-foot planting strips and six-foot sidewalks along both sides of the street extension.
------------------------------------	---

11. Staff has rescinded the request for a 14-foot setback along the internal street because the street proposed is private.
12. Provided Type II modified driveways where drives intersect with the proposed internal street.
13. Provided a note 4. (d) stating that in the event CDOT is able to provide a vehicular access point connection the site to the adjacent parcel to the north, the petitioner shall allow such a connection to be made to provide public access through the site. The note further commits to allowing the City of Charlotte to install sidewalk improvements in order to link the site's internal sidewalks to sidewalks on adjoining property.
14. Specified on the conceptual site plan that an eight-foot planting strip and six-foot sidewalk will be provided along Sharon Road from the proposed street to the northern property line.
15. Removed note 4. (c) and provided a note, 4. (b), that allows public access to the private street.
16. Amended note 6. (a) by listing adding additional notes to specify how headlights will be screened from view of the single family homes.
17. Provided a landscape plan the shows the locations of trees and shrubs located in the ten-foot wide buffer described in note 6. (b) and (c).
18. Replaced the words "Technical Data Sheet" with "Conceptual Site Plan" in note 8.
19. Provided a description of the open space to be provided.
20. Removed note 11. (d) as it is repeated.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition. One commission member stated that at the public hearing a resident asked the petitioner to provide a fence taller than shown on the plan. The commissioner asked what fence height was allowed by the Ordinance. Staff responded that the Zoning Ordinance did not limit the height of fences for nonresidential development. The Committee suspended the rules and asked the petitioner's agent to explain the issues related to the height of the fence. The agent explained that plan requires a minimum height of eight feet but allows the petitioner the flexibility to work with the neighboring property owners to go up to ten feet. Another commissioner inquired about the building heights allowed for the developments across Sharon Road. Planning staff explained that the heights were limited to 55 feet adjacent to the residential uses with greater heights north towards Fairview Road. There was no further discussion.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows a single building with up to two hotels containing a total of 285 rooms and accessory structures.
- Provides surface and structured parking.

-
- Limits the maximum square footage of the building to 170,000 square feet and parking structure to 72,000 square feet for a maximum floor area ratio of 1.52.
 - Limits the building height to seven stories and 70 feet exclusive of architectural features.
 - Limits the parking structure to one above ground level and a maximum height of 25 feet.
 - Provides a private street through the site along the northern end of the property from Sharon Road to the northwestern corner of the site and allows for a future street connection as property to the northwest redevelops.
 - Commits to a minimum five-foot wide sidewalk along the south side and the majority of the north side of the private street and allows for future sidewalk connections upon further extension of the street.
 - Permits public access and use of the private street.
 - Allows the private street to be converted to a public street, provided it is acceptable to CDOT.
 - Provides a CATS waiting pad on the site adjacent to Sharon Road.
 - Specifies that buildings will be similar to the elevations shown on the "Conceptual Renderings" and states that exterior building materials may include brick, stone, cast stone, precast concrete, cementitious siding, stucco, EIFS, and metal panel.
 - Provides active ground floor uses along the site's Sharon Road frontage.
 - Specifies that at least 50% of the building wall elevation facing Sharon Road shall include clear glass windows or operable doors.
 - Commits to designing and constructing parking areas so headlights are not directly visible from single family uses along Walden Court and Hazelton Drive to the extent reasonably possible.
 - Provides a 20-foot rear yard along the site's western boundary and a ten-foot wide side yard along the site's southern boundary with a ten-foot wide landscape buffer with minimum eight-foot tall wood or PVC panel fence along the site's western and southern boundaries.
 - Provides a six-foot sidewalk and eight-foot planting strip along the site's frontage on Sharon Road, with a five-foot planting strip between the proposed structure and proposed sidewalk along Sharon Road.
 - Commits to screening the portions of the parking structure located near the southwest corner of the site.
 - Commits to an eight-foot tall vertical wall along the top level of the portion of the parking structure facing the neighboring residential dwellings along Walden Court.
 - Provides open space with a courtyard and pool amenity area.
 - Limits the height of building mounted signage to 20 feet for elevations facing Walden Court and Hazelton Drive.
 - Limits height of freestanding lighting to 20 feet and lighting on the top level of the parking structure to 12 feet. Requires all lighting to be shielded with full cut-off fixtures. Provides capped, downwardly directed attached lighting.
 - Optional requests:
 1. Water quality and stormwater facilities located within setbacks and beneath parking areas and sidewalks.
 2. Building access features extending into setback areas.
 3. Short-term surface level areas for parking, drive, drop off areas and valet parking, and service areas for deliveries and loading to be located between the building and streets.
 4. Innovative street design standards, provided that such designs are acceptable to CDOT.
 5. Detached ground mounted identification signage located at the intersection of the proposed street and Sharon Road.
 - **Public Plans and Policies**
 - The *SouthPark Small Area Plan* (2000) recommends multi-family with limited retail/service uses. The plan also states that new development should be compatible with surrounding development and specifically recommends building heights abutting single family neighborhoods be limited to 40 feet, with higher buildings permitted further from single family.
 - The petition is inconsistent with the *SouthPark Small Area Plan*. However, the proposal has some residential characteristics and is compatible with surrounding development. The proposed height exceeds the plan recommendation of 40 feet abutting single family residential uses. However, the existing zoning would allow a base height of 40 feet with tiered or setback buildings up to 100 feet. In addition, approved plans across Sharon Road permitted heights up to 55 feet adjacent to residential uses. The petitioner is also providing a requested private street connection, accessible to the public, through the site. Based on these reasons, staff could support a building with a height up to 70 feet.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - The project utilizes existing infrastructure through the redevelopment of the site.
-

OUTSTANDING ISSUES

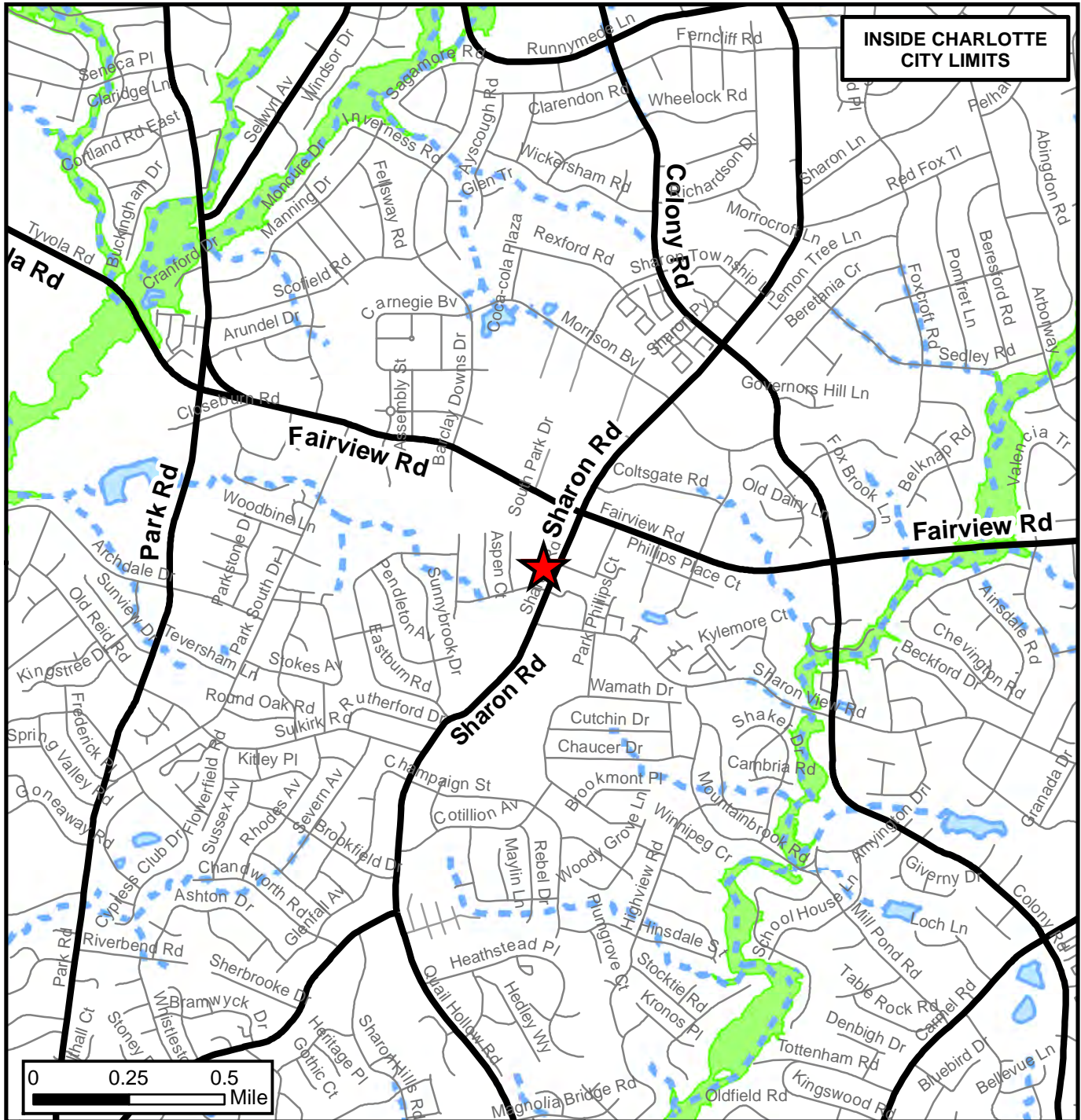
- No issues.
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Attachments Online at www.rezoning.org

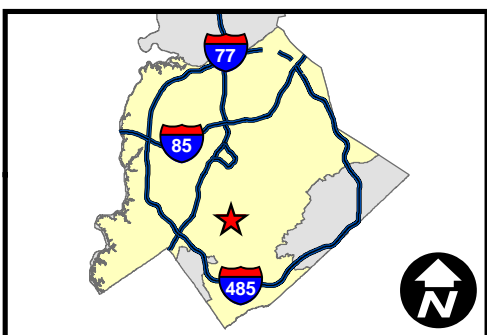
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte-Mecklenburg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

Planner: John Kinley (704) 336-8311

Acreage & Location : Approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive.



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-059

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

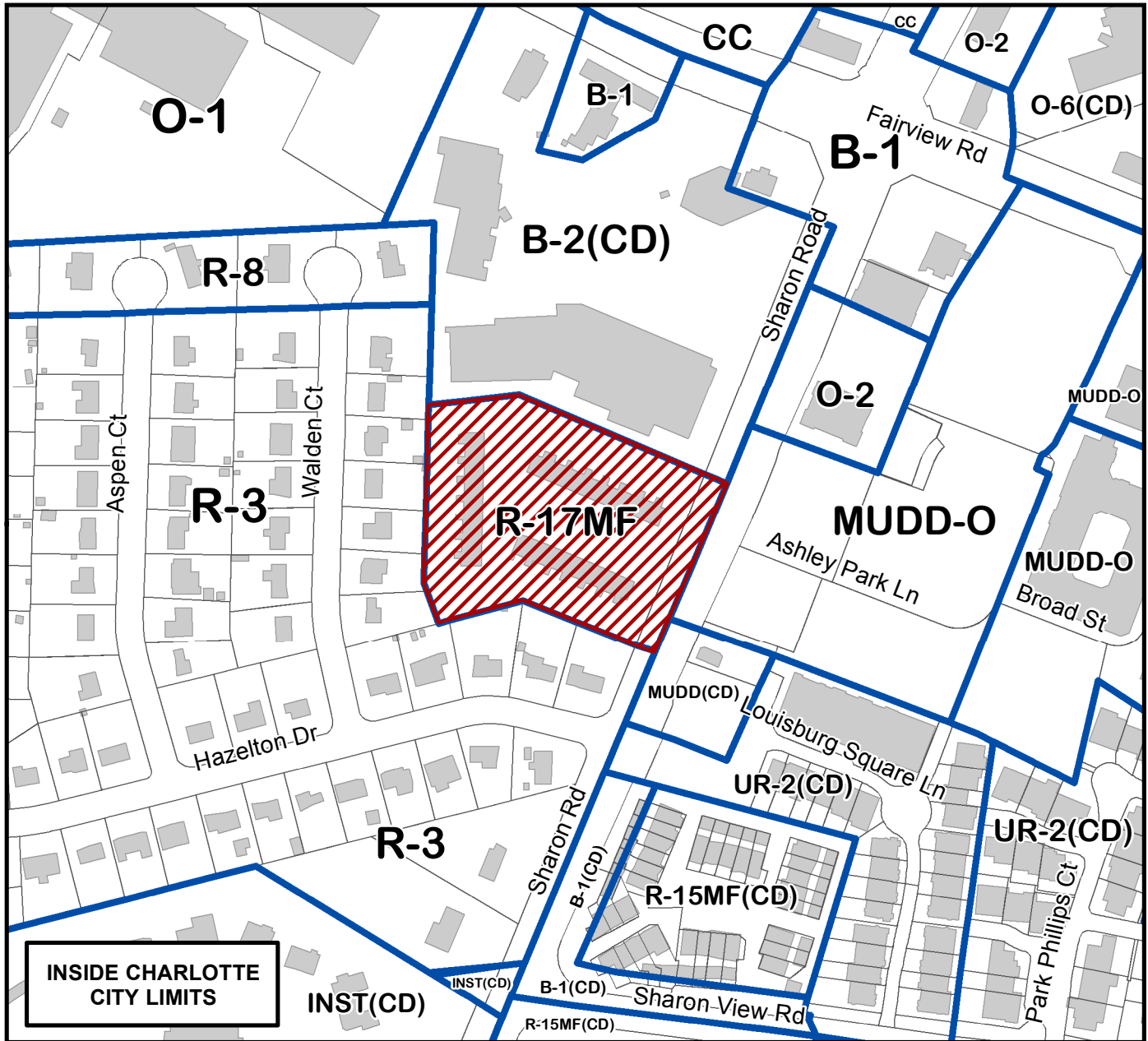
Petition #: **2014-059**

Petitioner: **Crosland LLC and Allen Tate**

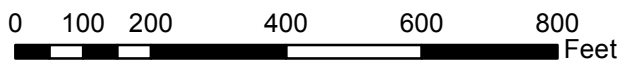
Zoning Classification (Existing): **R-17MF**
(Multi-Family, Residential)

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

Acreage & Location: Approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive.

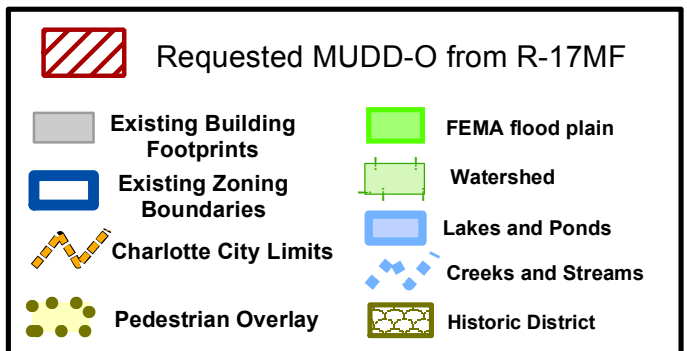


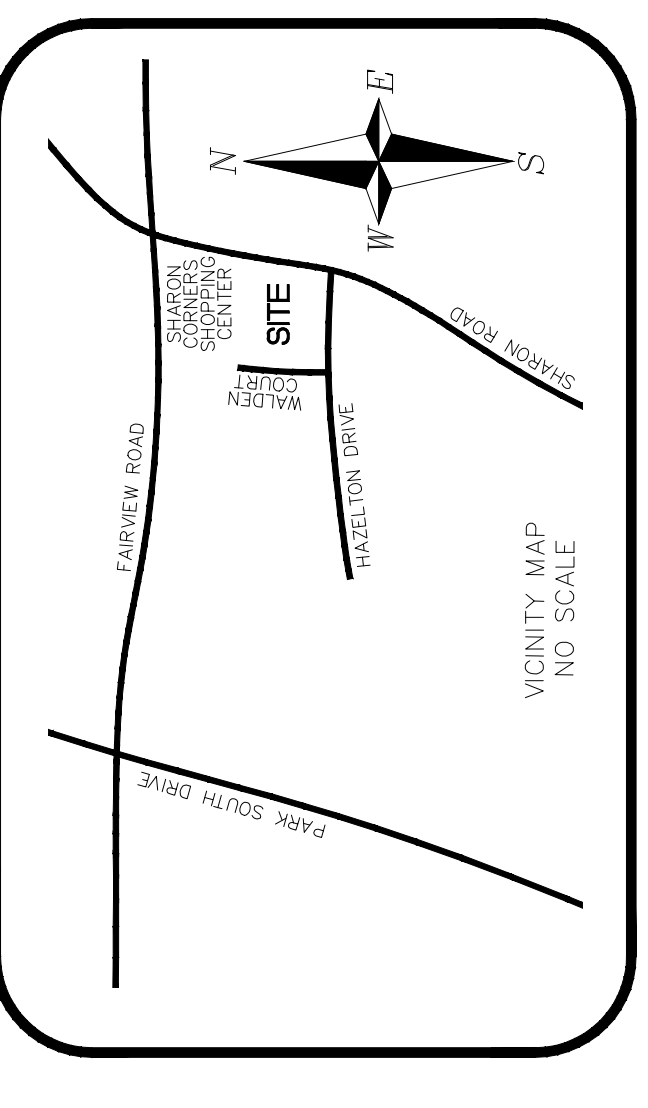
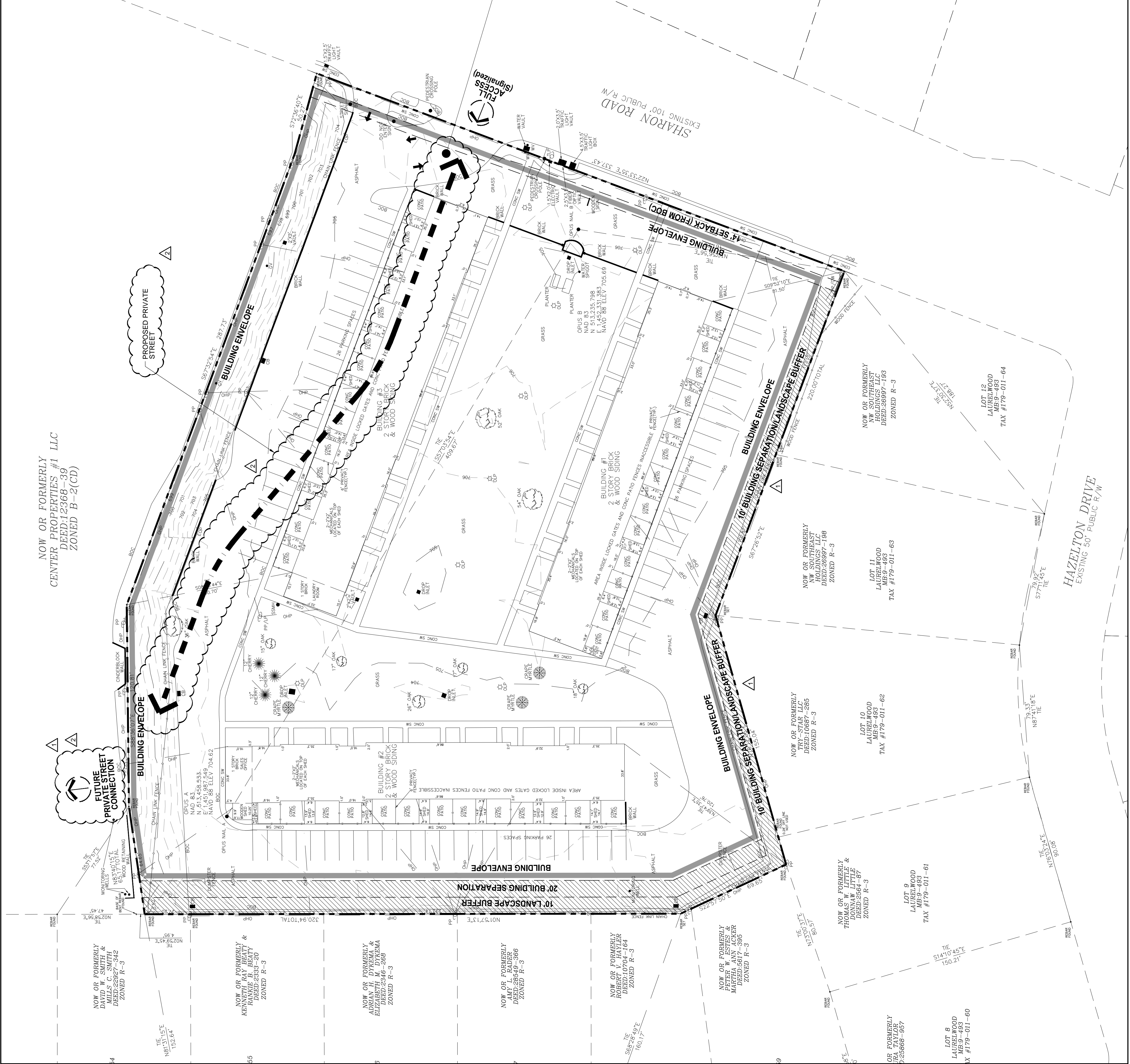
Map Produced by the Charlotte-Mecklenburg Planning Department, 5-2-2014.



Zoning Map #(s)

135





VICINITY MAP
NO SCALE

REZONING PETITION NO. 2014-059
DEVELOPMENT STANDARDS
CROSLAND, LLC and ALLEN TATE
July 25, 2014

DEVELOPMENT DATA TABLE

Site Area:	3.65 acres +/-
Tax Parcels:	179-011-65
Existing Zoning:	R-17MF
Proposed Zoning:	MUDD-O
Existing Uses:	Multi-family
Proposed Use:	Up to two hotels and accessory uses
Maximum Development:	Up to 285 Hotel Rooms
Maximum Square Footage:	170,000 (parking structure area)
Maximum FAR:	72,000 (including parking structure)
Maximum Building Height:	107' (1.52 including architectural/roof features)
Maximum Parking:	285 (including parking structure)
Maximum Building Height:	107' (1.52 including architectural/roof features)
Parking:	Parking shall meet or exceed Ordinance requirements.

1. General Provisions

The purpose of this rezoning request is to accommodate the redevelopment of an existing parcel located at the intersection of Sharon Road and Hazelton Drive also identified as Mecklenburg County Tax Parcel 179-011-65 (the "Site").

Development of the Site will be governed by the accompanying Technical Data Sheet, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Additionally, development of the Site shall be generally consistent with the design intent illustrated on the Conceptual Site Plan and Conceptual Architectural Renderings.

Except as otherwise provided under the MUDD-Optional provisions set forth under Section 2 hereof and unless the Technical Data Sheet or these Development Standards establish more restrictive provisions, the MUDD-Optional provisions shall govern all development taking place on the Site.

The development depicted on the Technical Data Sheet is intended to reflect the sketches, renderings and other information submitted by the Petitioners. The Petitioners have provided a Conceptual Site Plan (RZ-2) and Conceptual Architectural Renderings (RZ-3) which are conceptual in nature and therefore are subject to refinements as part of the overall design process. The Petitioners have also provided a Buffer Planning/Deck Screening Exhibit (RZ-4) to generally illustrate the planning, buffering and screening elements shown on this exhibit may be adjusted as necessary to accommodate utilities or requests from the City of Charlotte and other agencies.

Alterations or modifications which in the opinion of the Planning Director substantially alter the character of the development or significantly alter the Technical Data Sheet or its respective conditions as well as any changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.07(1) or (2) of the Ordinance, as applicable.

2. MUDD-Optional Provisions

The Petitioners propose to utilize the MUDD-O provisions of the Ordinance in order to accommodate the following:

- Water quality and stormwater detention facilities located within setback areas and beneath parking areas, sidewalks, private streets and the proposed parking structure.
- Building access features extending into setback areas.
- Short term parking, drop-off areas, valet parking and service areas for uses such as mail and delivery services within areas between public or private streets and buildings fronting these streets.
- Innovative design standards, in order to accommodate a private street connection extending from the traffic signal on Sharon Road and running through the Site towards the northwestern corner of the Site, provided that such design standards are acceptable to CDOT.
- One detached, ground-mounted project identification with a maximum sign face area of thirty (30) square feet and a maximum height of seven (7) feet located near the intersection of Sharon Road and the proposed private street connecting the Site to Sharon Road.

3. Permitted Uses and Maximum Development

The Site may be developed with up to two hotels containing, in the aggregate, up to 285 rooms and any accessory uses permitted in the MUDD-O zoning district.

4. Transportation

Vehicular access will be as generally depicted on the Technical Data Sheet. The placements and configurations of the vehicular access point shown on the Technical Data Sheet are subject to any modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval.

Petitioners shall design and construct a private street, which shall be accessible by the public, extending from the traffic signal on Sharon Road and running through the Site to the northwestern corner of the Site. The private street shall be shown on the Technical Data Sheet and Conceptual Re zoning Plan. Petitioners shall provide sidewalks and planting strips of varying widths (sidewalks shall be a minimum of five (5) feet in width), on each side of the private street in the areas generally depicted on the Conceptual Re zoning Plan.

Petitioners reserve the right to deviate from the schematic design of the internal street, sidewalks and parking areas depicted on the Technical Data Sheet and Conceptual Site Plan, provided any proposed change is approved in advance by CDOT.

In the event that CDOT is able to provide a vehicular access point connecting the Site's private street to the adjoining property lying to the north of Site (currently identified as Parcel 179-011-64), Petitioners shall be permitted to provide public access from the adjoining property through the Site to the traffic signal on Sharon Road. Additionally, at such time as a vehicular connection is made, Petitioners shall also allow the City of Charlotte to install sidewalk improvements in order to link the Site's internal sidewalks to sidewalks on the adjoining property. The installation of a comprehensive sidewalk system along the private street and sidewalk system, and any associated improvements, shall be the responsibility of the City of Charlotte.

Petitioners shall provide Type II modified driveway connections where internal driveways connect with the proposed private street.

Petitioners shall provide a bus stop waiting pad adjacent to Sharon Road. Unless otherwise approved by CATS, the waiting pad shall comply with the standards of CATS Detail 60.01B. The location of the waiting pad shall be determined during the development review process.

5. Architectural Standards

- Exterior building materials may include brick, stone, cast stone, precast concrete, masonry siding, stucco, EIFS, and metal panels.
- The building connected on the Site shall be substantially similar in all material respects to the building shown on the Conceptual Architectural Renderings. However, that change shall be permitted as long as the overall design intent is maintained.
- All roof mounted mechanical equipment will be screened from view from adjoining public right-of-way and abutting properties as viewed from grade.
- Dormer areas will be enclosed on all four sides by an opaque wall, with one side being a minimum of eight (8) feet high. A side or rear wall may be substituted for a side.
- Active ground-floor uses shall be provided along the Site's Sharon Road frontage. At least 50% of the proposed building wall elevation facing Sharon Road shall include clear glass windows or operable doors. Clear glass requirements shall not be satisfied through the use of display windows.
- The proposed parking structure shall be limited to one above-ground level and shall not exceed twenty five (25) feet in height.
- The maximum height of the proposed hotel structure shall not exceed seven (7) stories or 70 feet in height, exclusive of ornamental roof structures such as parapets, spires, mansards, domes, dormers or other architectural features.

6. Streetscape and Landscaping

- Petitioners shall provide a twenty (20) foot wide rear yard along the Site's western boundary.
- Petitioners shall provide a ten (10) foot wide side yard along the Site's southern boundary.
- Petitioners shall provide a ten (10) foot wide landscape buffer along the Site's western boundary and a ten (10) foot wide landscape buffer along the Site's eastern boundary in accordance with the Buffer Planning/Deck Screening Exhibit. However, the exact locations and species of plants shown on the Exhibit may be adjusted as necessary to accommodate utilities or requests from the City of Charlotte and other agencies.
- Petitioners shall provide an eight (8) foot tall, at minimum, opaque fence with brick piers and neutral colored composite panels within this landscape buffer area. Petitioner may provide for fence heights in excess of eight (8) feet in certain areas.
- Petitioners shall provide a six (6) foot wide sidewalk and eight (8) foot wide planting strip along the Site's frontage on Sharon Road. The sidewalk may meander into the planting strip as necessary to accommodate objects within the planting strip.
- Petitioners shall provide a planting strip at least five (5) feet in width between the proposed structure and the proposed sidewalk along Sharon Road.
- The top level of the proposed parking structure shall include an eight (8) foot tall vertical wall along portions of the southwestern corner of the structure as generally depicted on the Buffer Planning/Deck Screening Exhibit.
- The southern and western sides of the lower level of the proposed parking structure shall be enclosed by a solid wall.
- The vehicular ramp leading the second level of the proposed parking structure shall be shielded by a solid four foot wall (which shall slope with the ramp) along its western edge.

7. Environmental Features

Development on the Site shall comply with the Post Construction Control Ordinance.

8. Open Spaces

Open space areas may include a pool and outdoor amenity area adjacent to the southern boundary of the Site, a playground, and other outdoor amenities. Sharon Road and the proposed private street as generally depicted on the Conceptual Site Plan.

9. Fire Protection

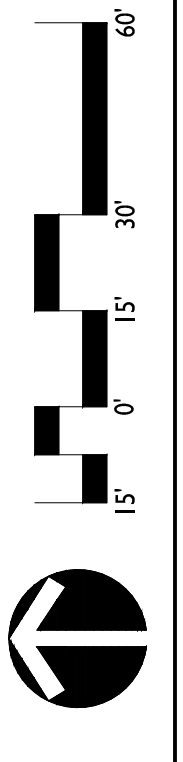
Fire protection shall be provided in conformity with the specifications of the Fire Marshal.

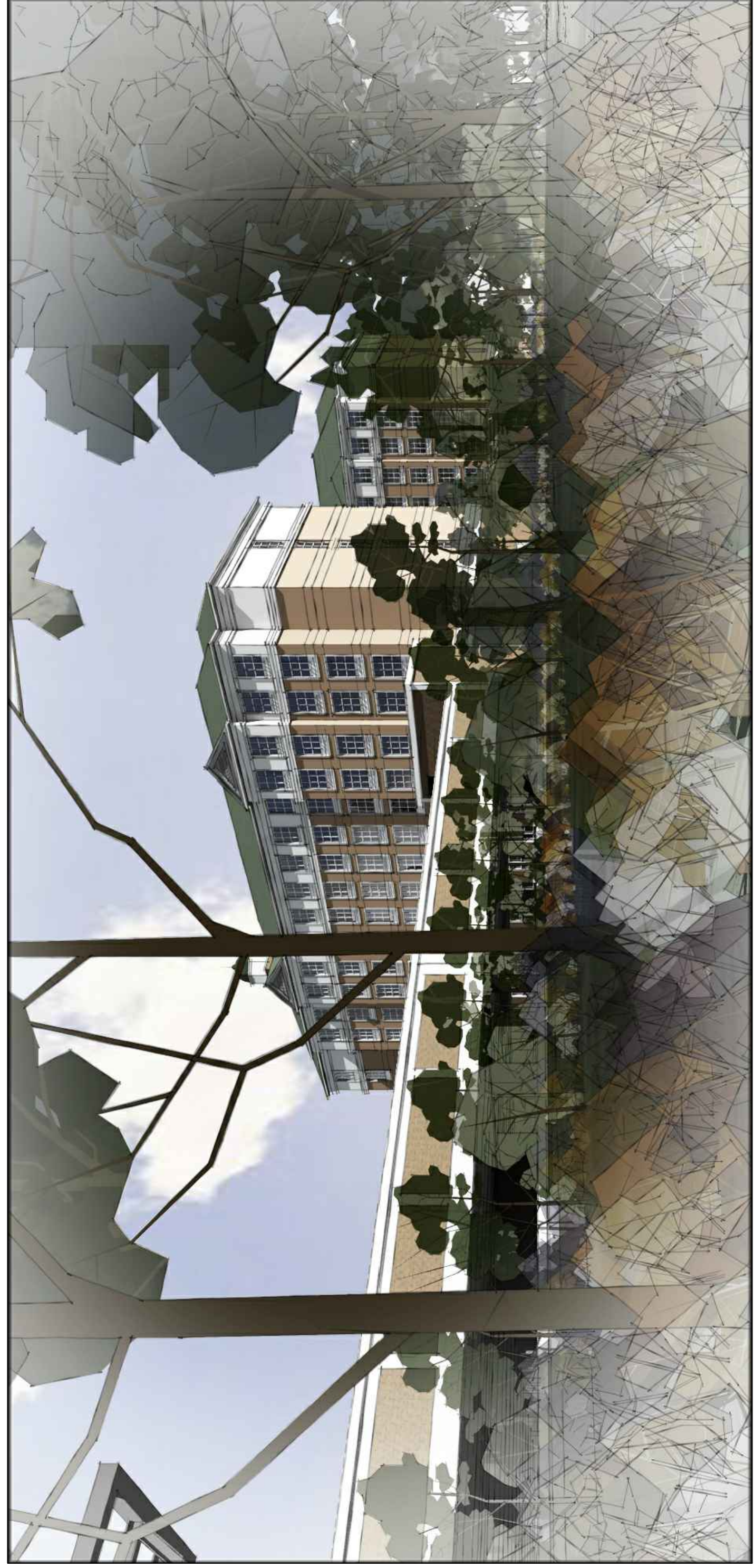
10. Signage

No building sign mounted over twenty feet above average grade on any building elevation which faces towards Walden Court or Hazelton Drive shall be permitted.

11. Lighting

- Light poles at the upper level of the proposed parking structure shall not exceed twelve (12) feet in height. Light poles at the lower level of the structure and shall be shielded with full cut-off fixtures.
- Freestanding lights located in areas other than the upper level of the proposed parking structure shall not exceed twenty (20) feet in height.
- Any lighting attached to an exterior building wall facing towards Walden Court or Hazelton Drive shall be cupped and downwardly directed.
- All parking lot lighting fixtures will be shielded with full cut-off fixtures.





WEST



SOUTH



EAST



NORTH

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: UR-1(CD) (urban residential, conditional)
LOCATION	Approximately 0.46 acres located on the east side of North McDowell Street between East 35th Street and East 36th Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to rezone the subject site in order to subdivide two single family parcels into three lots. One of the existing parcels is developed with two dwelling units, which is not in compliance with the current Ordinance. Creation of the third lot will allow all three dwellings to be located on individual parcels.
PROPERTY OWNER	Day Hixson and Hilary K. Belcher
PETITIONER	Day Hixson
AGENT/REPRESENTATIVE	N/A
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Blue Line Extension 36th Street Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Labovitz seconded by Commissioner Nelson).

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modification: 1. A scale (1 inch = 50 feet) has been added to the site plan.
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VOTE	Motion/Second: Labovitz/Nelson Yeas: Dodson, Eschert, Labovitz, Nelson, and Sullivan Nays: None Absent: Ryan and Walker Recused: None
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ZONING COMMITTEE DISCUSSION	Staff presented this item to the Zoning Committee, noting the purpose of the rezoning was to allow the subdivision of the parcels into three lots to correct a condition inconsistent with the current Ordinance involving two single family homes situated on the same lot. A Committee member inquired about what would occur in the event the a developer came in and wanted to tear down the houses and build six houses. Staff noted the site plan restricts use to single family homes, and further clarified that a redevelopment of the site would more than likely require a site plan amendment or full rezoning.
------------------------------------	---

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

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Rezone the subject sites which consists of two lots developed with three single family homes in order to allow the creation of three lots with existing homes to remain.
- Allow single family detached dwellings and related accessory uses as permitted in the UR-1 (urban residential) district.
- Development note stating that in the event the residential dwellings on the subject parcels are demolished and redevelopment occurs, the sidewalks and planting strips will be installed along abutting streets per ordinance and/or streetscape plan.

- **Public Plans and Policies**

- The *Blue Line Extension 36th Street Transit Station Area Plan* recommends low density residential development up to six dwelling units per acre in this area.
 - The proposed land use is consistent with the *Blue Line Extension 36th Street Transit Station Area Plan*. The proposal results in seven units per acre which is a slight increase in density (approximately 7 units per acre) over from what is recommended in the plan. However, the existing single family dwellings will remain, and this land use pattern is consistent and in character with the surrounding neighborhood.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

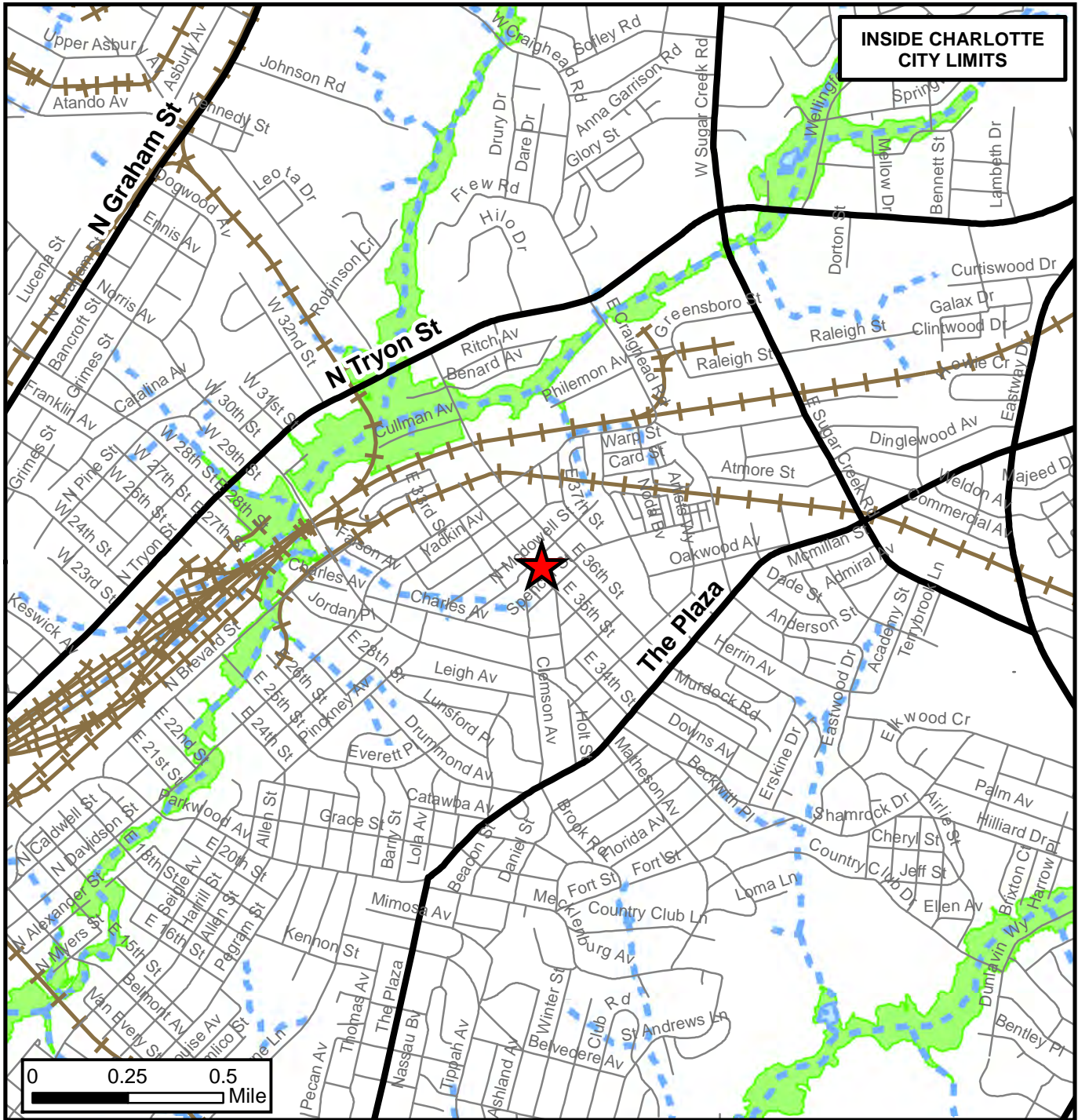
- No issues.
-

Attachments Online at www.rezoning.org

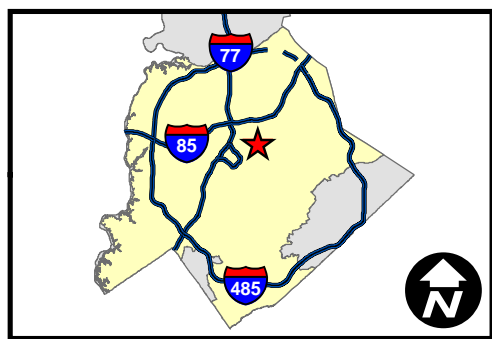
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property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

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








Acreage & Location : Approximately 0.47 acres located on the east side of North McDowell Street and between East 35th Street and East 36th Street.



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-060

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

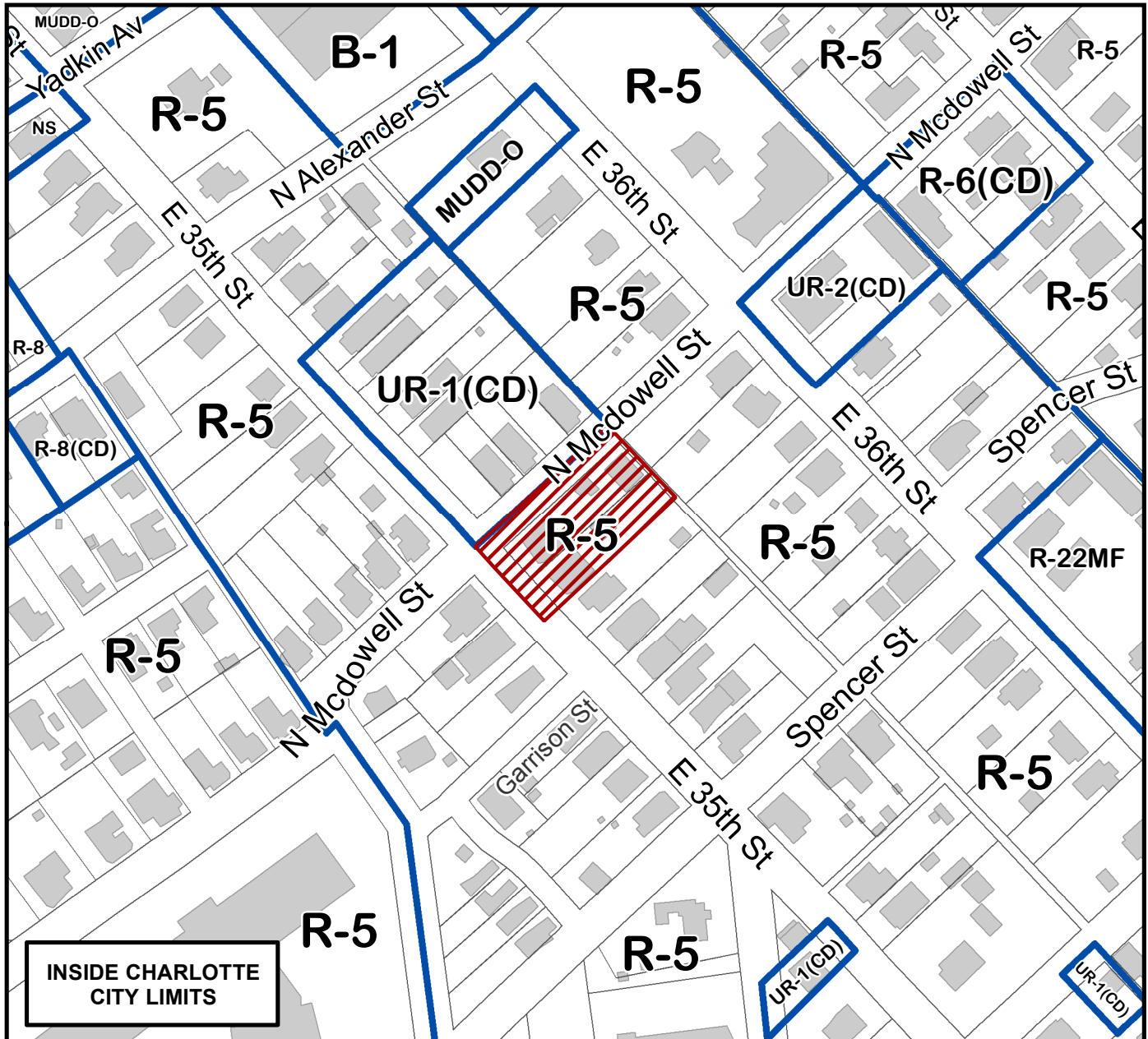
Petition #: **2014-060**

Petitioner: **Day Hixson**

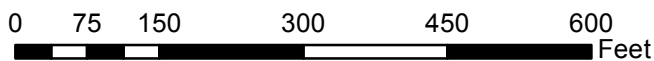
Zoning Classification (Existing): **R-5**
(Single Family, Residential)

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

Acreage & Location: Approximately 0.47 acres located on the east side of North McDowell Street between East 35th Street and East 36th Street.

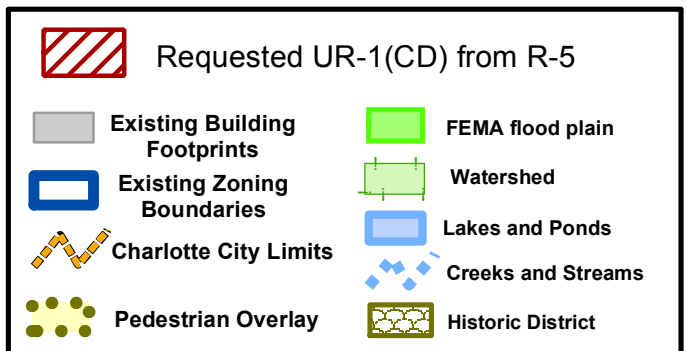


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-2014.



Zoning Map #(s)

89



Rezoning Petition 2014-060

Developmental Data

Tax ID numbers: 083-I23-01 and 083-I23-02
 Total Area: 19,485 sq.ft. or approximately .45 acres
 Existing Zoning: R-5
 Proposed Zoning: UR-1(CD)
 Proposed use: to create three lots out of two lots to allow single family detached residence on each lot
 Maximum building height: 40 feet

General Provisions

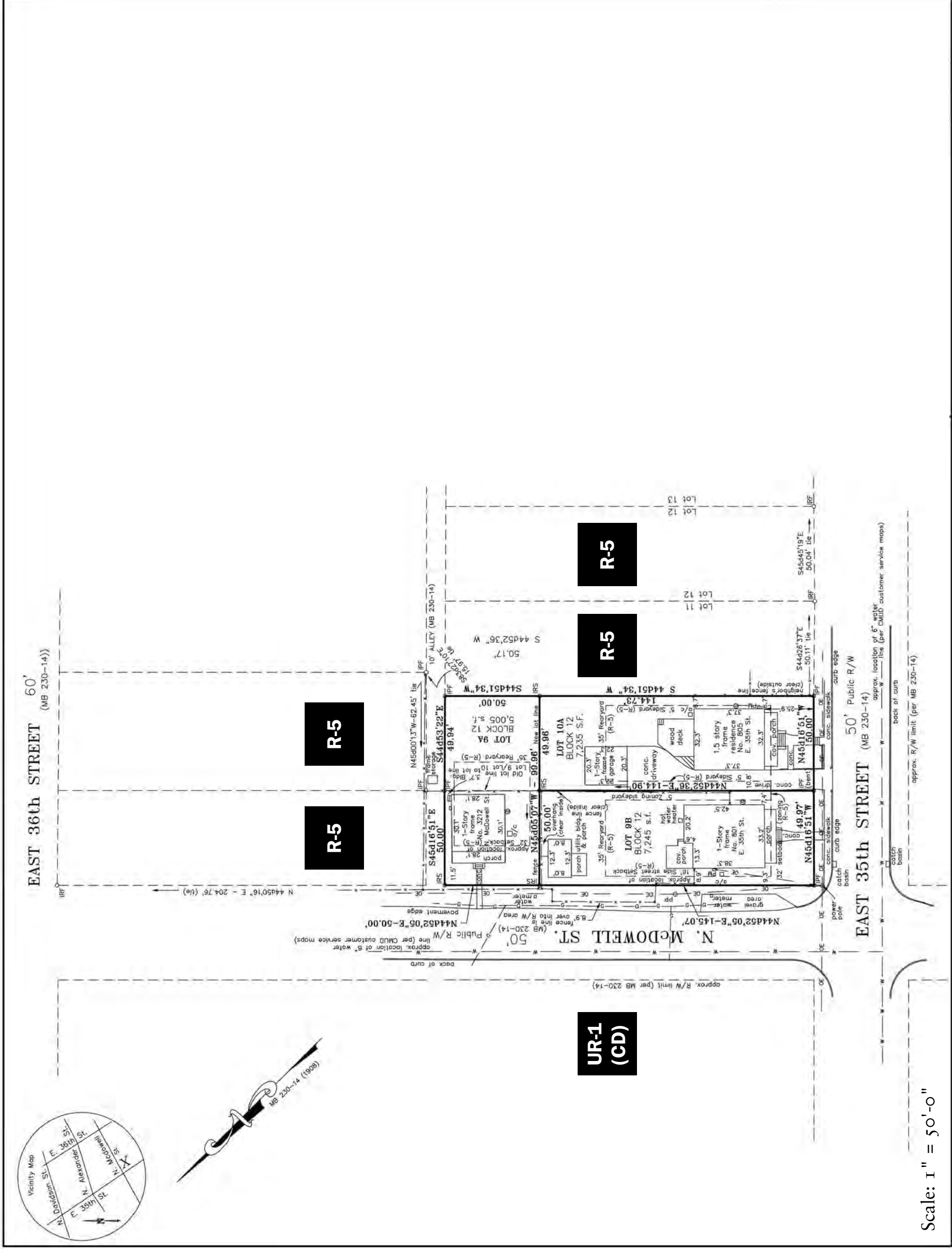
Alterations and modifications to the conditional plan are subject to Section 6.207 of the zoning ordinance

Permitted Uses

Single family detached residential dwelling and related residential accessory uses as permitted in the UR-1 district

Streetscape and Landscape

In the event the residential dwellings on the subject parcels are torn down or demolished and redevelopment occurs, then the required sidewalks and planting strips will be installed along the abutting streets per ordinance and or streetscape plan



Scale: 1" = 50'-0"

REQUEST	Current Zoning: INST(CD) (institutional, conditional) Proposed Zoning: INST(CD) SPA (institutional, conditional, site plan amendment)
LOCATION	Approximately 10 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to allow up to 70,888 square feet of building area through redevelop of existing buildings, building additions and/or new buildings.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Roman Catholic Diocese of Charlotte Roman Catholic Diocese of Charlotte David Powlen, Little Diversified Architectural Consulting
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Northeast District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Eschert seconded by Commissioner Sullivan).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The first sentence under General Provisions Note 1 has been removed. 2. The existing height limits from the previously approved plan have been placed on the site plan. 3. The maximum height of any new building has been limited to two stories. 4. The total number of seats has been limited to 1,116 seats. 5. "Approximate" has been removed from building square footages table. 6. The administrative approval letter has been removed from the site plan. 7. A note has been added referencing the approved variance including the file number and year approved.
--------------------------------	---

VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Eschert/Sullivan</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Eschert, Labovitz, Nelson, and Sullivan</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Ryan and Walker</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Eschert/Sullivan	Yeas:	Dodson, Eschert, Labovitz, Nelson, and Sullivan	Nays:	None	Absent:	Ryan and Walker	Recused:	None
Motion/Second:	Eschert/Sullivan										
Yeas:	Dodson, Eschert, Labovitz, Nelson, and Sullivan										
Nays:	None										
Absent:	Ryan and Walker										
Recused:	None										

ZONING COMMITTEE DISCUSSION Staff presented the petition to the Zoning Committee and indicated that all the outstanding issues had been addressed. Staff noted that the request is consistent with the *Northeast District Plan*. There was no further discussion of this petition.

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

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

PLANNING STAFF REVIEW**• Background**

- The subject parcel was rezoned from R-3 (single family residential) to INST(CD) (institutional, conditional) under petition 1995-029 for Saint Thomas Aquinas Church, with the following conditions:
 - Up to 39,059 square feet of development for a religious institutional use.
 - Maximum number of proposed seats to be 1,116.
 - A conditional note prohibiting access to Milay Avenue.
 - Variance for 42-foot side yard buffer along the adjacent property line.
 - A front setback reduced to 30 feet by a variance of 10 feet.
 - Maximum building heights for the proposed and existing structures range from 28 feet to 61 feet.
 - A 75-foot Class "B" buffer abutting the existing residential structures.

• Proposed Request Details

The site plan amendment contains the following changes:

- Up to 70,888 square feet of building area through redevelop of existing buildings, building additions and/or new buildings
- 25% reduction of the side yard buffer along the west side where "existing building 3,455" is located. This reduction is only for 150 linear feet to allow a one-way drive connection.
- A note limiting new buildings to a height of two stories.
- Eight-foot planting strip and six-foot sidewalk along Suther Road.
- Proposed driveway and drop-off along the western edge.
- Proposed covered drop-off area along the eastern edge.
- Allowance for existing buildings to be redeveloped.
- A note prohibiting a school or general education use allowed on the site.
- Eight-foot planting strip and six-foot sidewalk along Suther Road.
- The total number of seats has been limited to 1,116 seats.

• Public Plans and Policies

- The *Northeast District Plan* (1996) recommends institutional uses for the subject property.
 - The petition is consistent with the *Northeast District Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **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*.
 - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

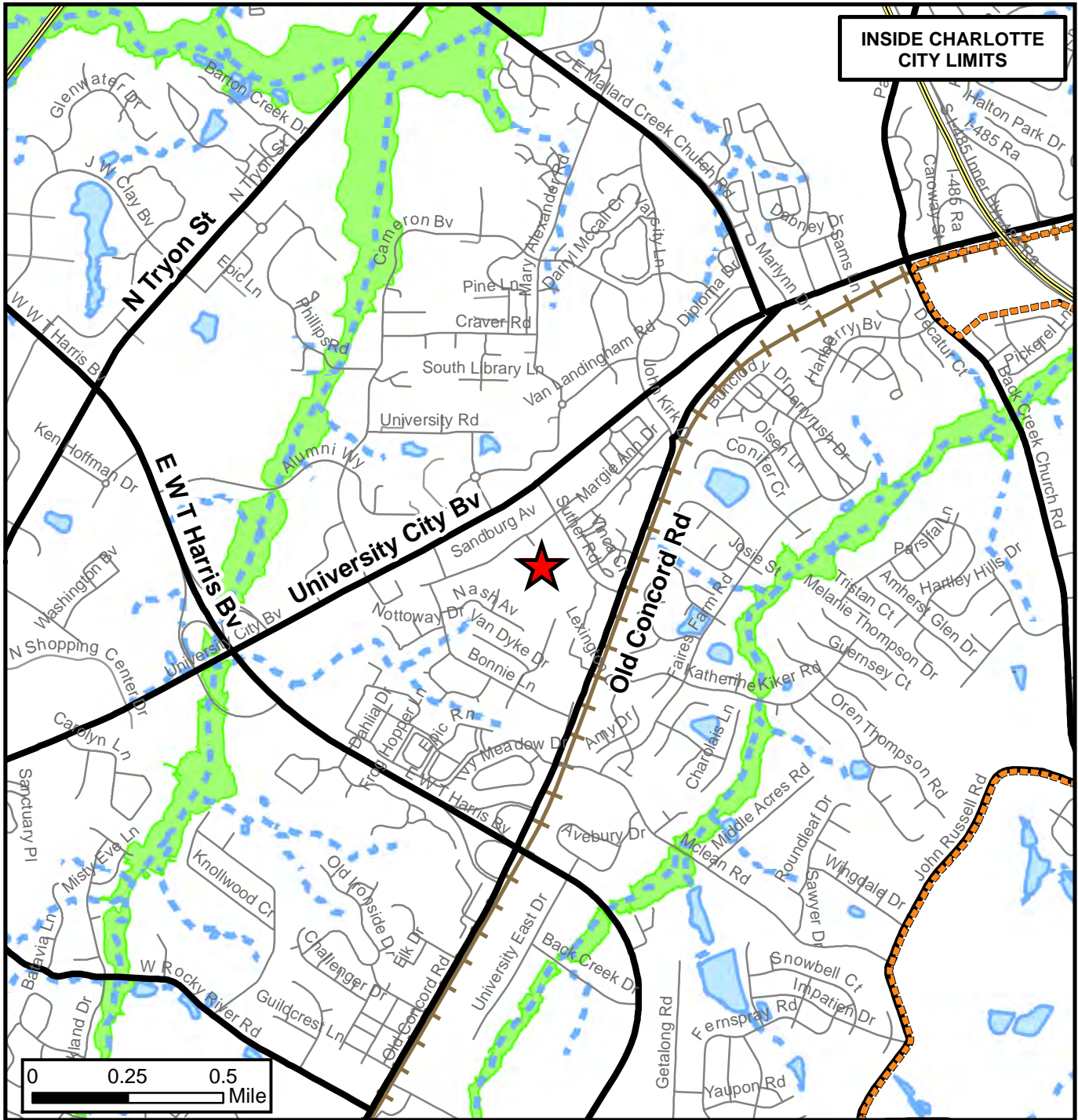
- No issues.
-

Attachments Online at www.rezoning.org

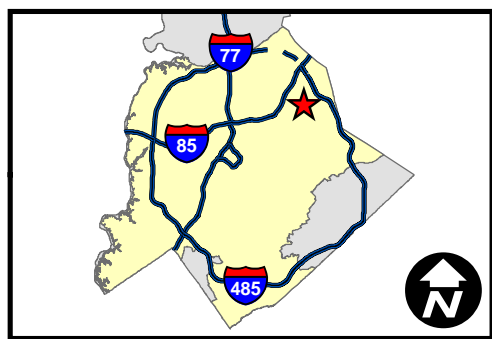
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- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
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- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property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

Planner: Solomon Fortune (704) 336-8326








Acreage & Location : Approximately 10 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue.



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-061

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

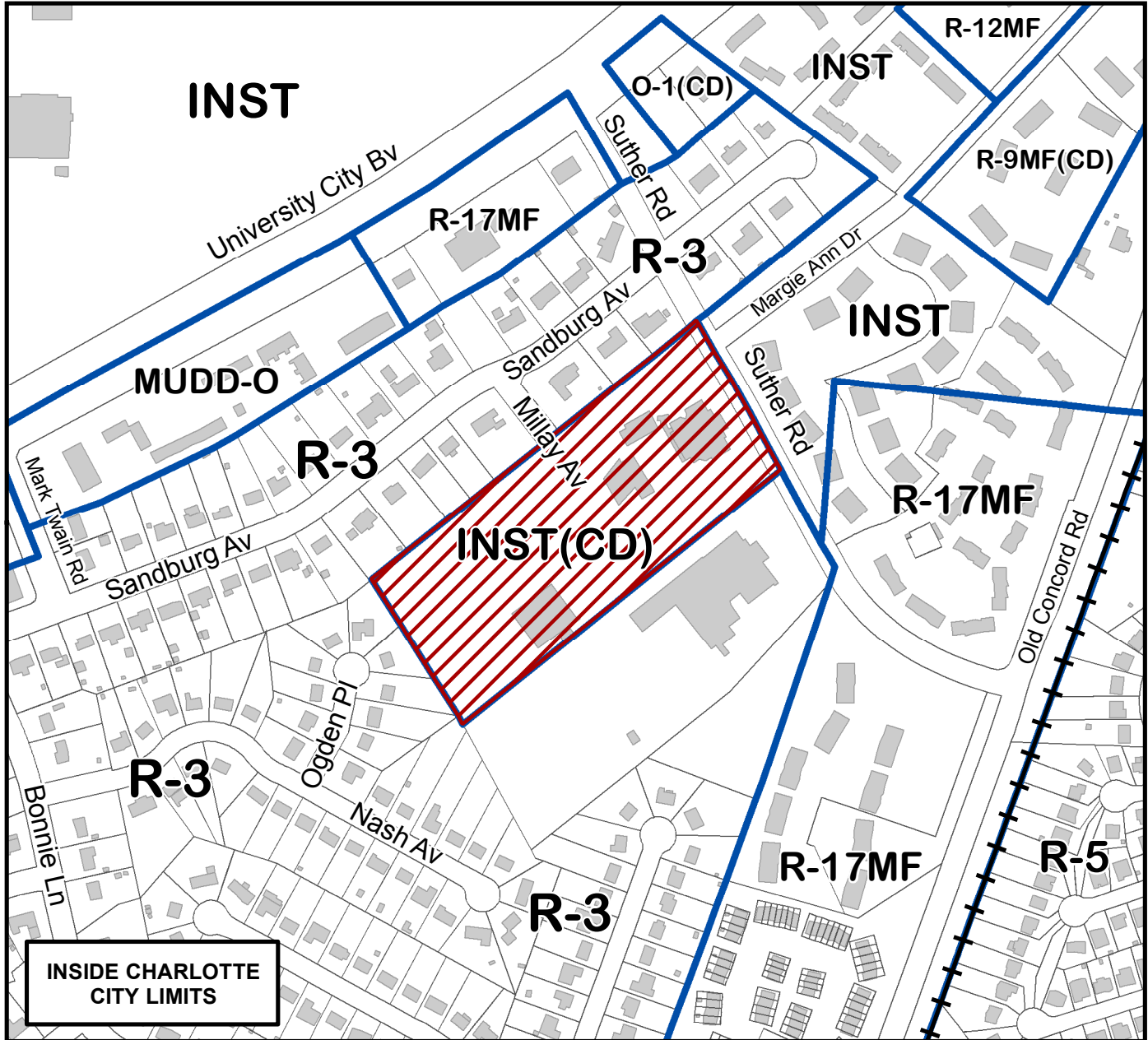
Petition #: **2014-061**

Petitioner: **Roman Catholic Diocese of Charlotte**

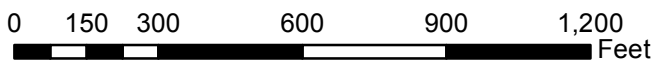
Zoning Classification (Existing): **INST(CD)**
(Institutional, Conditional)

Zoning Classification (Requested): **INST(CD) S.P.A.**
(Institutional, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 10 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue.

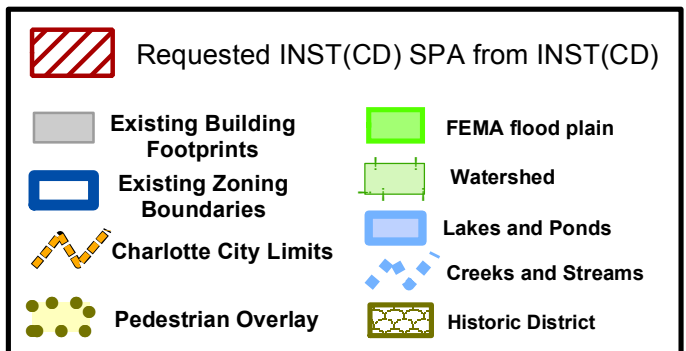


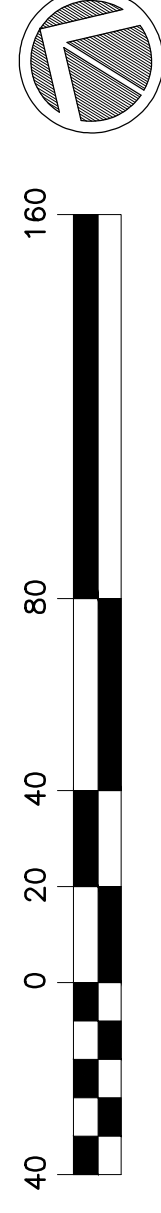
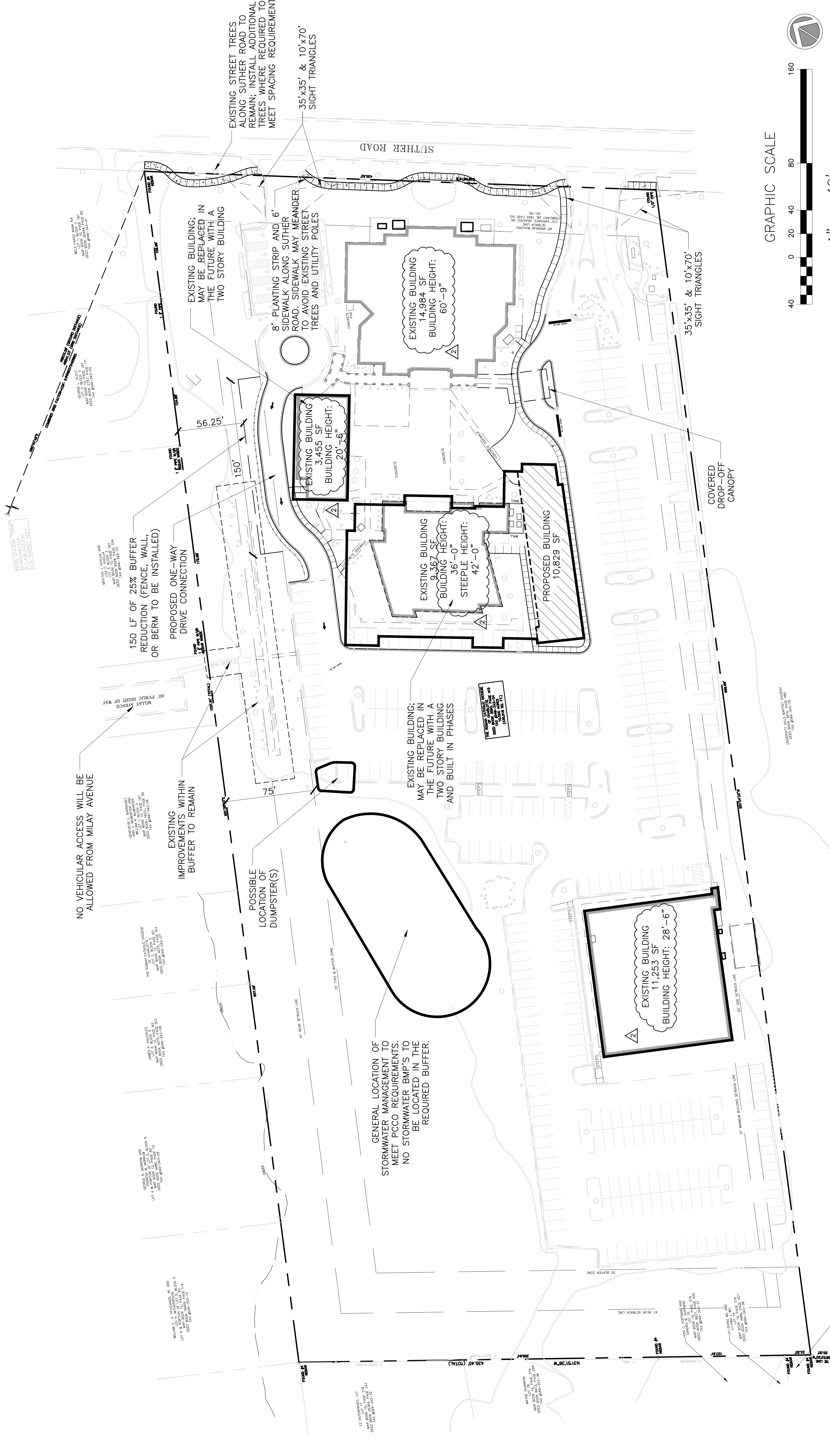
Map Produced by the Charlotte-Mecklenburg Planning Department, 5-2-2014.



Zoning Map #(s)

72





GENERAL PROVISIONS:

- ALTERATIONS TO THIS CONDITIONAL PLAN ARE SUBJECT TO SECTION 6.207 OF THE CITY OF CHARLOTTE ZONING ORDINANCE. SEE ADMINISTRATIVE APPROVAL AT RIGHT.
- DETACHED LIGHTING WILL BE LIMITED TO 20 FEET IN HEIGHT. ATTACHED AND DETACHED LIGHTING WILL BE DOWNWARDLY DIRECTED, FULLY SHIELDED, AND FULL CUTOFF FIXTURE.
- 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.
- NO ADDITIONAL RIGHT-OF-WAY IS REQUIRED BEYOND THE 30' FROM CENTER LINE PREVIOUSLY DEDICATED.
- THE PROPERTY WILL NOT BE USED FOR A SCHOOL OR FOR GENERAL EDUCATION.
- EXISTING VARIANCE PREVIOUSLY APPROVED ON JUNE 30, 1998 FOR REZONING PETITION NUMBER 95-29.
- TOTAL SEATS SHALL BE LIMITED TO 1,116.
- BUILDING HEIGHT FOR PROPOSED BUILDINGS SHALL NOT EXCEED TWO (2) STORIES.

DEVELOPMENT SUMMARY:

SITE ACREAGE: 10.0
TAX PARCEL: 049-343-04
EXISTING ZONING: INST-CD
PROPOSED ZONING: INST-CD (SPA)
EXISTING AND PROPOSED USE: RELIGIOUS
OPEN SPACE REQUIRED: N/A
MINIMUM SETBACK: 40'
MINIMUM SIDE YARD: 20'
MINIMUM REAR YARD: 20'

BUILDING SQUARE FOOTAGES:

EXISTING: 39,059 SF
PROPOSED: 10,829 SF
FUTURE: 21,000 SF
TOTAL: 70,888 SF

REQUEST	Current Zoning: R-5 (single family residential) and B-2 (general business) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 2.68 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow for the development of up to 39 single family attached units (for-sale) at a density of 14.55 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Charles Stack, et al (see website) Pulte Home Corporation Barry M. Fay, American Engineering
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 20
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>Dilworth Land Use and Streetscape Plan</i> and the <i>New Bern Transit Station Area Plan</i> and to not be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend DENIAL of this petition. The following modifications have been made to address the outstanding issues:</p> <ol style="list-style-type: none"> 1. The petitioner has removed the language under Development Data with respect to Proposed Zoning that states "Parcel 12107605 will remain R-5 zoning" as the petitioner has stated the intent is to rezone entire property to UR-2(CD), and to be consistent with the application. This parcel is designated as possible Tree Save Area on the site plan. 2. The petitioner has added notes under Streetscape and Landscaping, committing to installation of planting strips and sidewalks along Euclid Avenue, Atherton Street, and Marshall Place (including required minimum widths of six-foot for sidewalks and eight-foot for planting strips). 3. The petitioner has specified in the development notes under Streetscape and Landscaping the intent to allow certain sections of the proposed sidewalk along Marshall Place to meander and to be located behind the back of proposed curb in in order to preserve existing trees. 4. Petitioner has provided information under Development Data that notes the proposed units will have garages. The petitioner has added a note stating that each residential unit will be provided with a minimum of 400 square feet of private open space. The subplot must be sufficient to accommodate the dwelling unit and 400 square feet of private open space. Further, the petitioner has added a note reserving 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. 5. Staff has rescinded this request to realign units 10-16 to parallel Marshall Place to create a strong street edge. 6. A note has been added under Streetscape and Landscaping stating the private alleys that terminate perpendicular to Marshall Place will be screened with a combination of masonry walls and landscaping. 7. Petitioner has amended site plan to depict all units facing streets
------------------------------------	--

(i.e. Euclid Avenue, Marshall Place, and Atherton Street).

8. The elevations provided by the petitioner illustrate that the garage doors have been moved to the rear.
9. The elevations provided windows in place of previous garage doors.
10. Staff has rescinded this request to provide entrance doorways with porches or stoops on end elevations that front onto Euclid Avenue and Marshall Place. Petitioner has added a note under Architectural Standards that states small horizontally aligned windows on all elevations will not be allowed.
11. Petitioner has modified site plan (including typical private open space detail) to better distinguish between patios, porches, and balconies.
12. Petitioner has added a note that states the buildings will contain a minimum of 70% masonry (brick or stone) on all building faces.
13. The petitioner has added notes committing to building materials (to include brick, stone and/or other masonry products and hardy plank or other similar durable siding materials); and no expanses of blank wall exceeding 20 feet in length for end units will be permitted. In addition, a note has been added to state that the units will be offset by two feet to provide articulation along the front of the buildings, and that buildings will be aligned to face the adjacent roadway.
14. A note has been added under Lighting stating that freestanding lighting fixtures will be installed throughout the Site, fully capped and shielded with illumination downwardly directed. Mounting height for light fixtures will not exceed 12 feet.
15. Possible tree save areas are now labeled on the site plan.
16. Addressed all CDOT and Engineering and Property Management comments.
 - a. City of Charlotte Land Development Standards allows a minimum 16-foot wide alley for double loaded, two-way operation.
 - b. The petitioner has provided cross-sections for Marshall Place and Euclid Avenue on Sheet RZ-3.
 - c. The petitioner has added a note on the site plan that states the petitioner is encouraged to provide on-street parking along the entire length of Euclid Avenue, provided it does not conflict with the private open space requirements for individual residential units. The extent of the on-street parking will be determined by the City staff through the site planning process. Further, the petitioner has provided language that states the petitioner will support the installation of on-street parking along Marshall Place, Atherton Street, and Euclid Avenue.
 - d. With respect to Engineering and Property Management, the petitioner has identified possible tree save areas, including existing trees to remain. Adherence to the Tree Ordinance is a minimum requirement.
17. Locations of solid waste and recycling facilities are shown on the site plan.
18. The petitioner has revised the driveway on Unit 32 so that it is consistent with the City of Charlotte Land Development Standards requiring a minimum of five feet but no greater than seven feet, or a minimum of 20 feet. The petitioner has also added a note to the site plan that states intent to comply with these regulations.

The following items were added/modified after the public hearing:

1. The petitioner has increased the number of units from 37 units to 39 units.
2. The petitioner has submitted revised elevations that include a rendering that was provided with the original submittal.
3. The petitioner has added the centerline of Marshall Place and a measurement of 26.5 feet of right-of-way measured from the existing centerline to the new right-of-way line.

4. The petitioner has amended the site plan to reflect the correct zoning district of the abutting parcel to the south.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Zoning Committee, noting that since the public hearing the petitioner had redesigned the site so that all units face a street, and that the number of units had increased from 37 to 39. Staff also indicated that rather than submitting with revised site plans the elevations shown at the public hearing, the petitioner submitted elevations provided with the initial application package.

Staff noted the items addressed by the petitioner, modifications/additions made since the public hearing, as well as new outstanding issues resulting from project redesign. A Commissioner discussed the character of the immediate area along Euclid Avenue versus Marshall place and asked staff if there had ever been a discussion with the petitioner about single family residential detached homes on the rezoning site. Staff responded that the project was reviewed as submitted (proposed townhouse development), with staff providing information **about the proposal's inconsistency with the adopted land use recommendation**. A Committee member recommended that the rules be suspended to allow the petitioner to explain why this proposal is good for the neighborhood.

The agent for the petitioner noted that the project is lower in density than a nearby project recently rezoned (2014-001), and that the B-2 (general business) portion of the rezoning site is located within the **New Bern Station** plan area, which recommends transit supportive uses. He stated that it would be difficult to build a nice single family residential development that backs to commercial uses.

Staff clarified construction on the B-2 (general business) portion of the rezoning site would be challenging but not impossible, noting that up to 10 multifamily units could be built on that 0.692-acre portion. Staff also stated that up to 10 residential units could be built on the portion of the site zoned R-5 (single family residential).

A Commissioner inquired if the development would be built in one phase. The agent for the petition stated that the site would be cleared and infrastructure put in place, followed by construction of units in sections.

A Committee member inquired about a comment made by a resident about new single family residential (infill) housing in the area. The rules were suspended in order to allow neighborhood representative to respond to this question. The neighborhood representative noted the locations and status of this new housing. A Commissioner asked the representative how the neighborhood felt about the change in the elevations, and he responded that the residents were opposed to the project in general, and preferred single family detached homes on the rezoning site.

A Commissioner stated this was a difficult site; however, unlike the project at the corner (rezoning petition 2014-001), rezoning petition 2014-063 was situated more internally to the neighborhood. There was no further discussion of the petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 39 single family (for-sale) attached homes with garages, at a density of 14.55 units per acre.
- Maximum building height of 36 feet.
- Internal residential alleyways providing two points of access onto Euclid Avenue.
- Proposed on-street parking along all abutting streets (10 spaces on Euclid Avenue, nine spaces on Atherton Street, and 11 spaces on Marshall Place).
- Six-foot planting strips and eight-foot sidewalks along Euclid Avenue, Atherton Street, and Marshall Place.
- Modifications to the design of the planting strip and sidewalk along Marshall Place in order to preserve existing trees.
- Note committing to manage construction parking so that no construction vehicles will be allowed to park on the east side of Marshall Place.
- Building finishes will include brick, stone and/or other masonry products and hardy plank or other similar durable siding materials. Minimum 70% masonry (brick or stone) provided on all building faces.
- No expanses of blank wall exceeding 20 feet in length will be permitted for the two end units that have a side along Euclid Avenue and Marshall Place.
- Small horizontally aligned windows on all elevations will not be allowed.
- Individual residential units to be offset by two feet to provide articulation along the front of the buildings. Buildings will be aligned to face the adjacent roadway.
- Private alleys terminating perpendicular to Marshall Place will be screened with a combination of masonry walls and landscaping.
- Possible tree save areas.

• Public Plans and Policies

- The *Dilworth Land Use and Streetscape Plan* (2006) recommends residential at up to four dwellings per acre for the parcels zoned R-5 (single family residential), with the intent of preserving the character of the existing single family neighborhood.
- The *New Bern Transit Station Area Plan* (2008) recommends transit oriented development-mixed for the portion for the rezoning site that is zoned B-2 (general business) and supports a minimum density of 15 dwelling units per acre. The rezoning site is within ½ mile of the New Bern transit station.
- The petition is inconsistent with the *Dilworth Land Use and Streetscape Plan*. The petition is consistent with the *New Bern Transit Station Area Plan* with respect to land use and inconsistent with respect to recommended density.

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

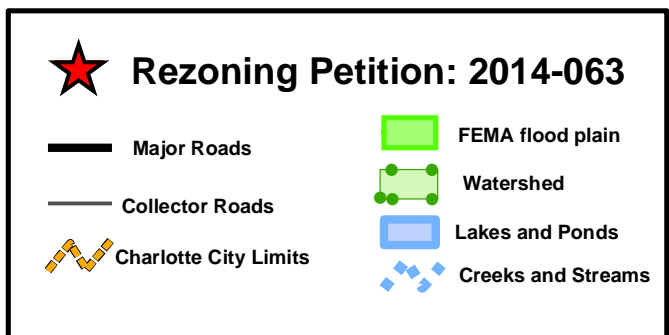
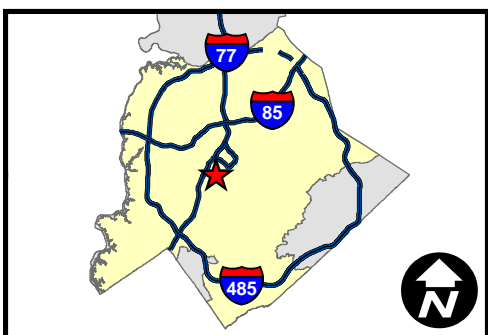
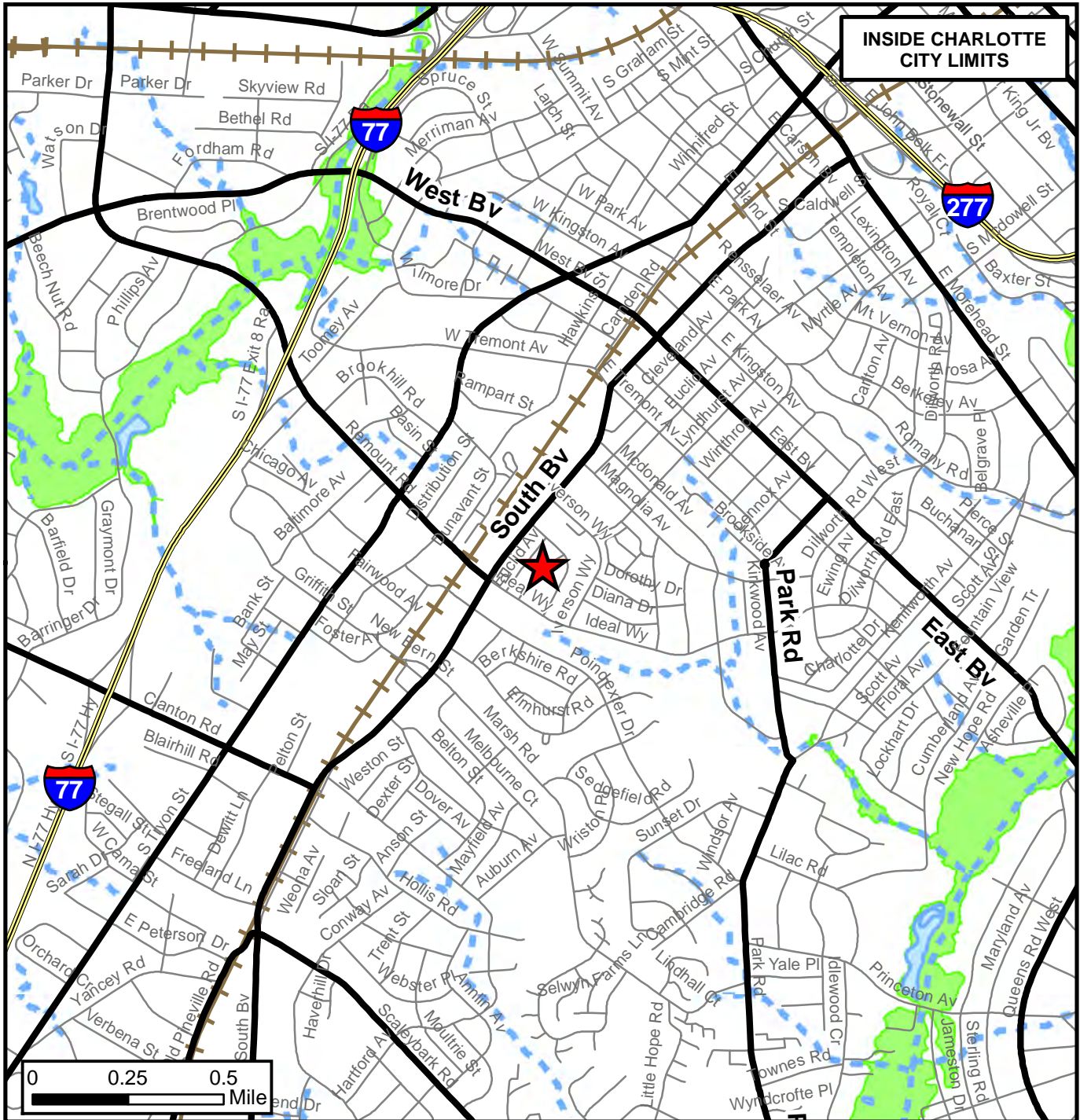
- Land use:
 1. The proposed density for the parcels zoned R-5 (single family residential) is inconsistent with the Dilworth and Land Use Streetscape Plan, which recommends up to four dwelling units per acre.
 - The petitioner should:
 1. The petitioner should provide a regular pattern of windows on end elevations, including the ground floors. Windows should be aligned to building levels and not set at varying heights. Windows on end elevations should maintain consistency in size and style. Staff notes that while the petitioner has provided this, it appears the side elevation with windows will be used only on Units 1 and 9. Staff would like to see the side elevation with windows (as shown on the plan) also used on Units 10, 16, 17, 24, 25, 28, 29, and 39.
 2. The Petitioner should integrate rear porches into the building design instead of attaching them to the face of the building on stilt-like supports. Petitioner has responded that this request is unable to be accommodated, but the petitioner will work with staff during the construction design development to minimize impact where possible. In addition, new layout has all units facing streets, so petitioner feels visual impact of rear porches is now minimal.
 3. The rear elevation should have a passage door on the ground level so residents can enter from the alley side without having to raise the overhead garage. Petitioner has responded that the proposed unit type does not have a provision for an exterior door at ground level along the rear elevation. The residents will access the unit through the garage door. The garage doors will be large enough to accommodate two vehicles and the overall unit width will be 24 feet.
-

Attachments Online at www.rezoning.org

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

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

Acreage & Location : Approximately 2.91 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place.



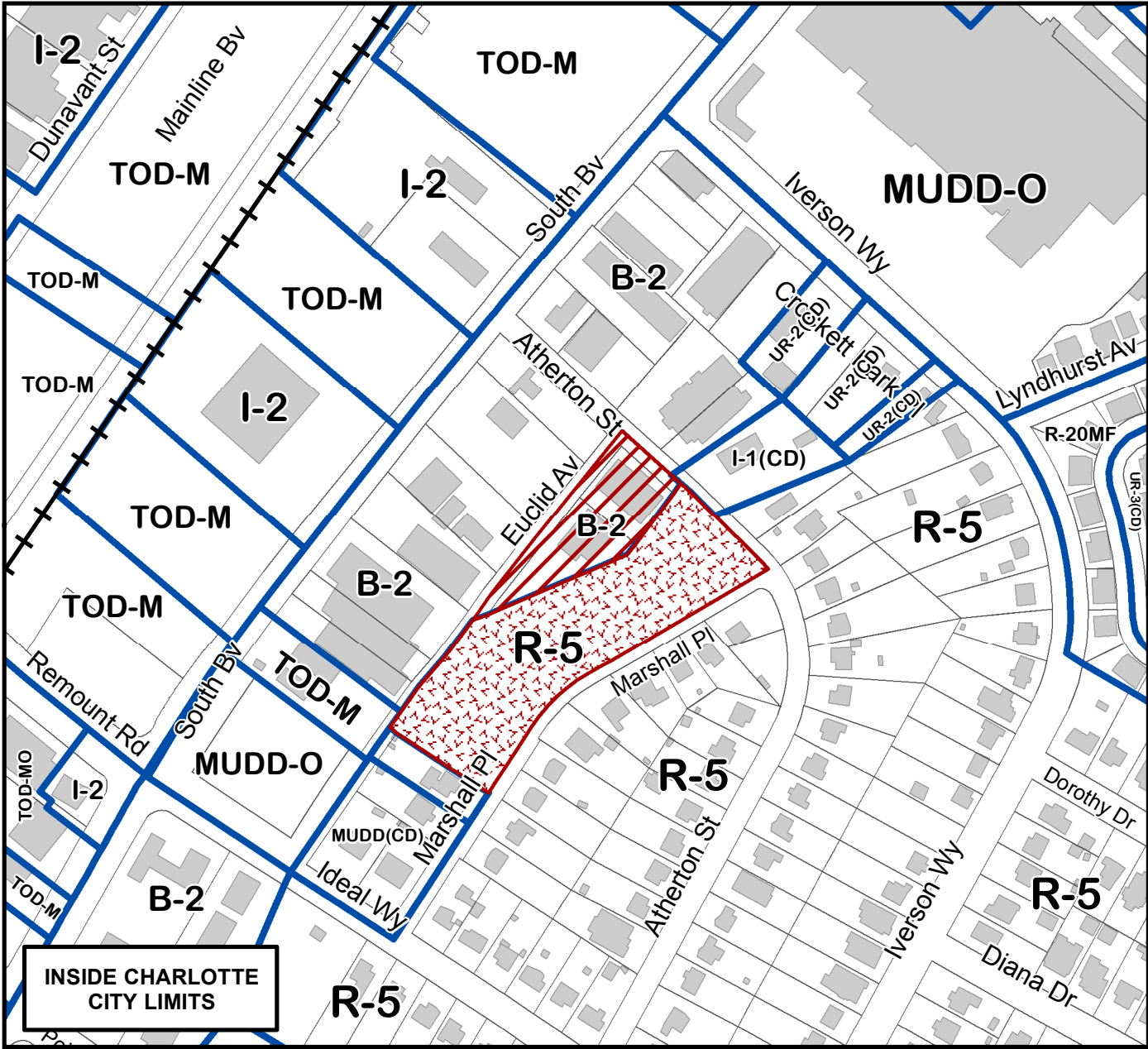
Petition #: **2014-063**

Petitioner: **Pulte Home Corporation**

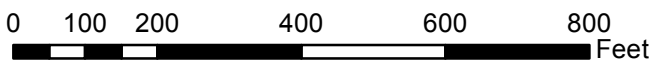
Zoning Classification (Existing): **R-5 and B-2**
(Single Family, Residential and General Business)

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

Acreage & Location: Approximately 2.68 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place.



Map Produced by the Charlotte-Mecklenburg Planning Department, 7-15-2014.



Zoning Map #(s)
110

	Requested UR-2(CD) from R-5		FEMA flood plain
	Requested UR-2(CD) from B-2		Watershed
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		Historic District
	Pedestrian Overlay		

REQUEST	Current Zoning: RE-3 (research) Proposed Zoning: RE-3 SPA (research, site plan amendment)
LOCATION	Approximately 2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to allow the development of a 6,375-square foot banquet hall facility and retention of an existing cell tower.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Saha International Corporation Nasir Ahmad James L. Walters
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Northeast District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Eschert).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The proposed use has been modified to an Eating, Drinking and Entertainment Establishment, Type 2. 2. A note has been added that vinyl siding will be prohibited as an exterior building material. 3. A note has been added that expanses of blank wall will not exceed 20 continuous feet in length. 4. Building elevations have been labeled to correspond with the proposed building. 5. Note number "5" has been removed from the site data table. 6. The possible dumpster location has been shown and labeled on the site plan. 7. A note has been added in the development table that the existing cell tower will remain. 8. Staff has rescinded the request for the petition to show and label the required yard as undisturbed area. The required eight-foot planting strip and six-foot sidewalk has been shown and labeled to the property line. 9. The proposed street cross section has been removed from the site plan.
------------------------------------	--

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

ZONING COMMITTEE DISCUSSION Staff presented the petition to the Zoning Committee and indicated that all the outstanding issues had been addressed. Staff noted that the petition is consistent with the *Northeast District Plan*. A Commissioner asked staff if there will be any outdoor entertainment. Staff responded that the establishment will be classified as an Eating,

Drinking and Establishment Type 2 since the petition proposes an outdoor terrace and alcohol could be served. There was no further discussion of this petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW**• Background**

- The subject property was part of a 16-acre rezoning from R-3 (single family residential) to RE-3(CD) (research, conditional) via Petition 1998-021C.
- Petition 2000-032 took the existing RE-3 (research) into the City limits but did not change any entitlements.
- The approved site plan allowed up to 160,000 square feet of RE-1 (research) and RE-2 (research) uses and only hotels and restaurants in RE-3 (research) and included the following conditions:
 - A 100-foot undisturbed building setback along John Adams Road.
 - A 35-foot undisturbed rear yard.
 - Accessory service windows for restaurant uses were prohibited.
 - Provided for a five-foot sidewalk and eight-foot planting strip along public street frontages.

• Proposed Request Details

The site plan amendment contains the following changes:

- A maximum of 6,375 square feet for a 4,875-square Eating, Drinking and Entertainment Establishment, Type 2 and a 1,500-square foot accessory storage building.
- A 900-square foot open terrace abutting a garden area.
- Existing wireless communication tower to remain.
- Eight-foot planting strip and six-foot sidewalk along John Adams Road.
- Building elevations and materials consisting of asphalt shingle, aluminum clad fascia, EIFS, and cultured stone wainscot.
- Prohibition on use of vinyl siding as a building material.
- Expanses of blank wall will not exceed 20 continuous feet in length.
- Double row of tree plantings along John Adams Road.
- Tree save area totaling 17 percent.
- Maximum building height limited to two stories and 45 feet.
- Prohibition of accessory service windows for all uses.
- Detached lighting limited to 20 feet in height.
- Setback of 24 feet along John Adams Road.

• Public Plans and Policies

- The *Northeast District Plan* (1996), as amended by rezoning petition 2000-32, recommends research uses for the subject parcel.
 - This petition is consistent with the *Northeast District Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **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*.
 - This site meets minimum ordinance standards.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

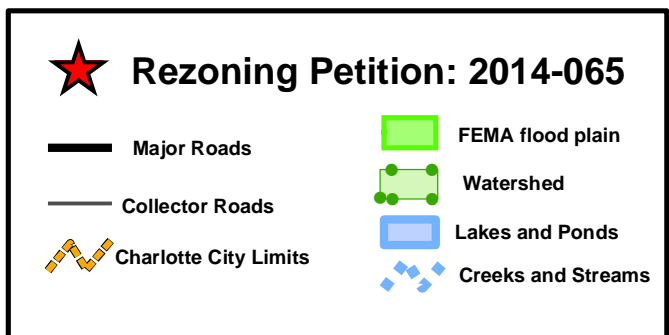
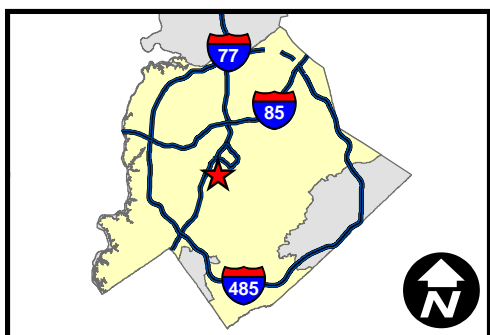
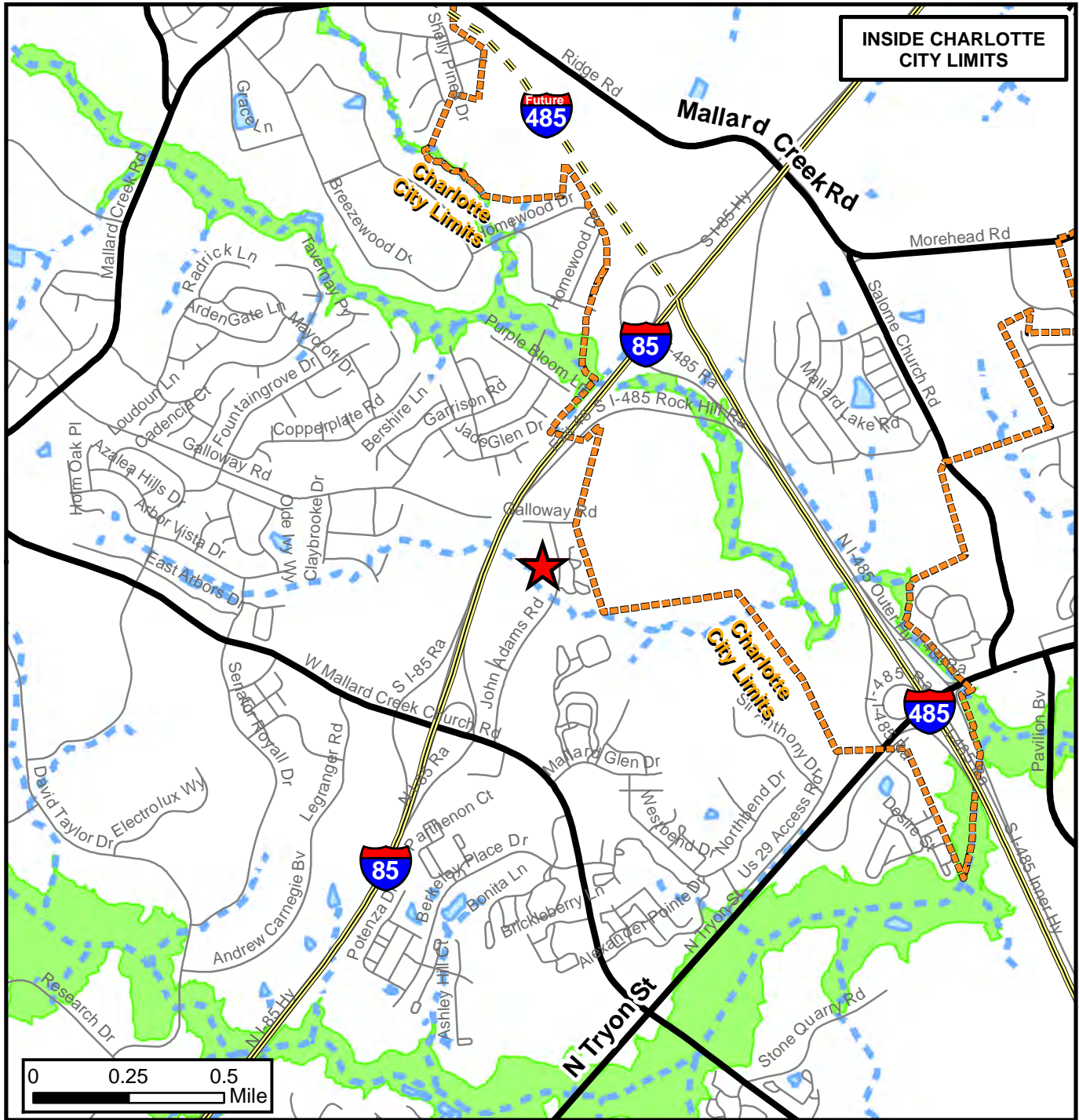
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property 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 #: **2014-065**

Vicinity Map

Acreage & Location : Approximately 2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road.



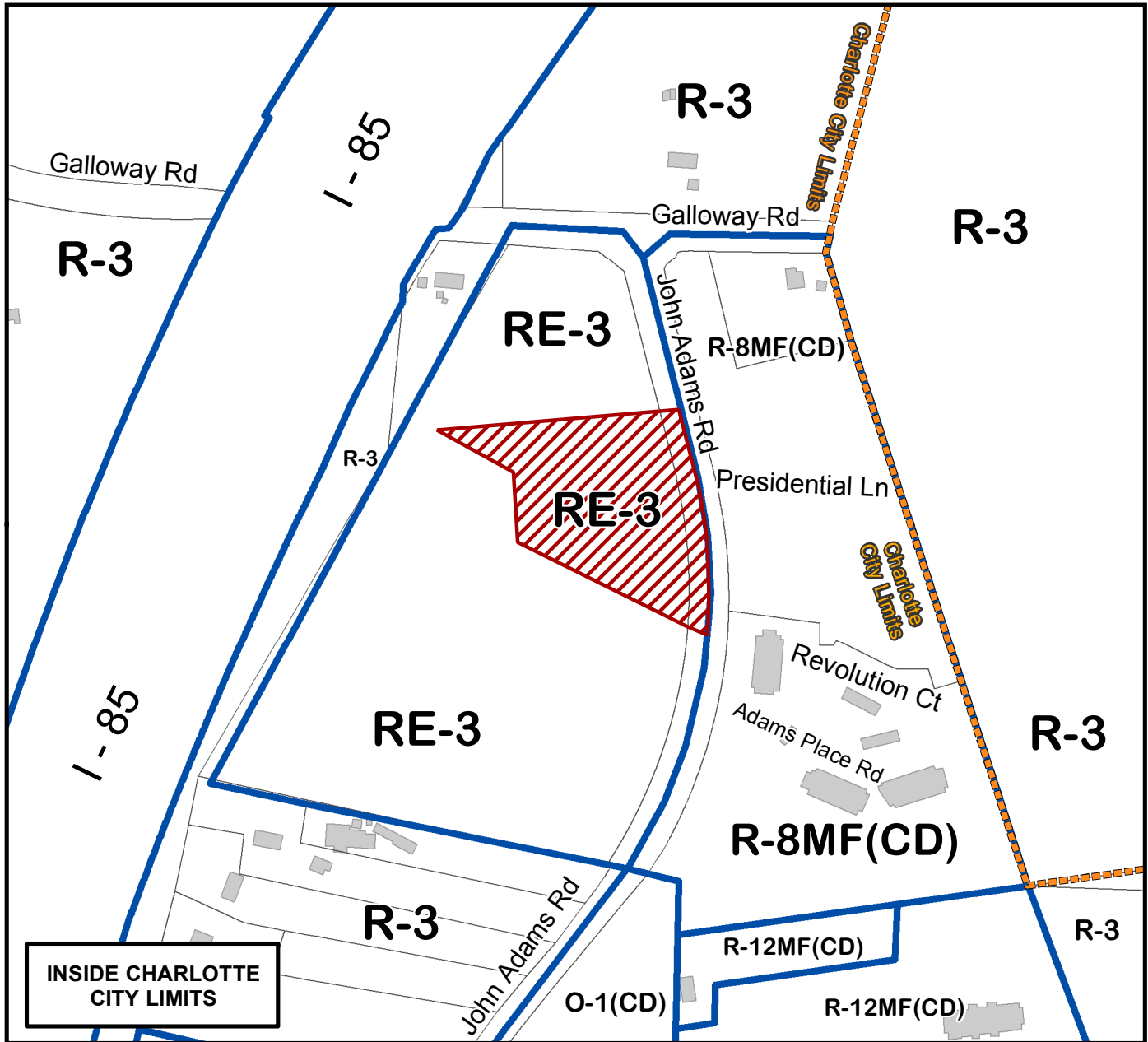
Petition #: **2014-065**

Petitioner: **Nasir Ahmad**

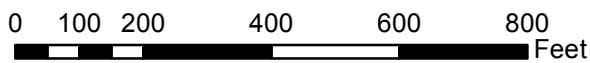
Zoning Classification (Existing): **RE-3**
(Research)

Zoning Classification (Requested): **RE-3 (S.P.A.)**
(Research, Site Plan Amendment)

Acreage & Location: Approximately 2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road.

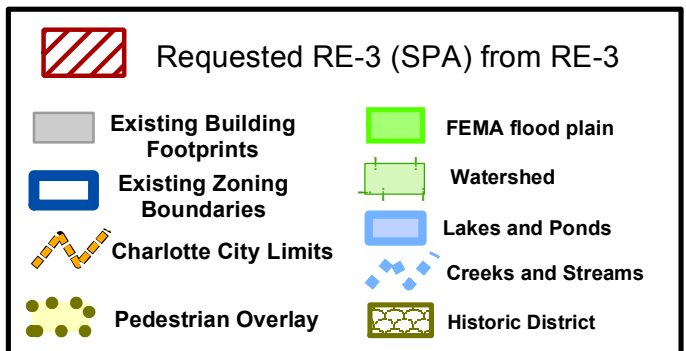


Map Produced by the Charlotte-Mecklenburg Planning Department, 5-2-2014.



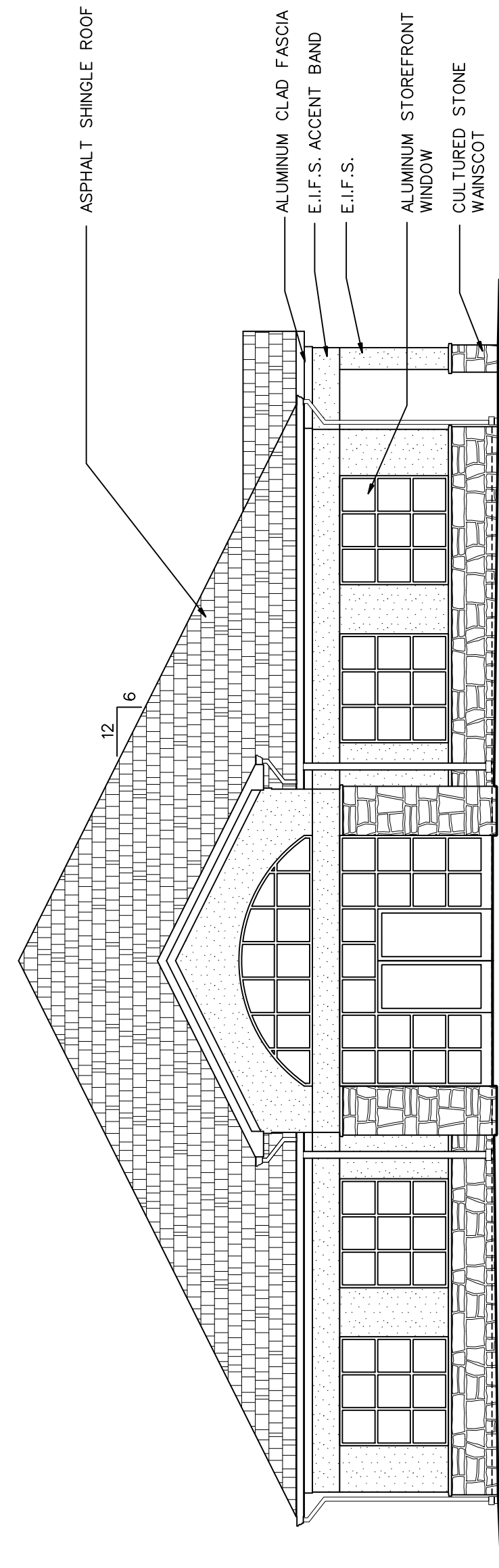
Zoning Map #(s)

54



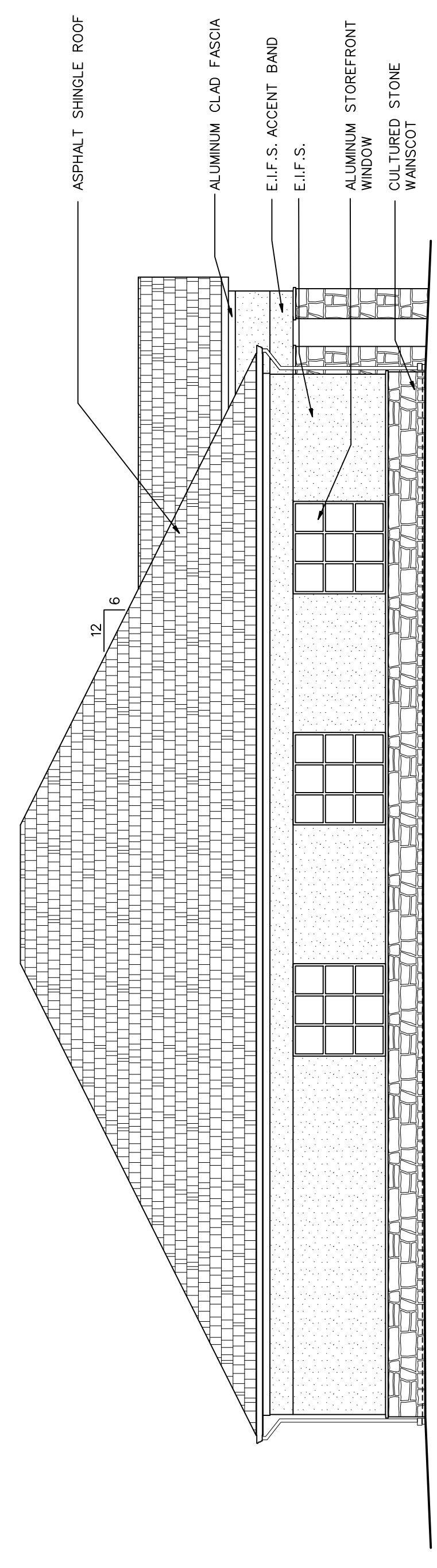
S E A L

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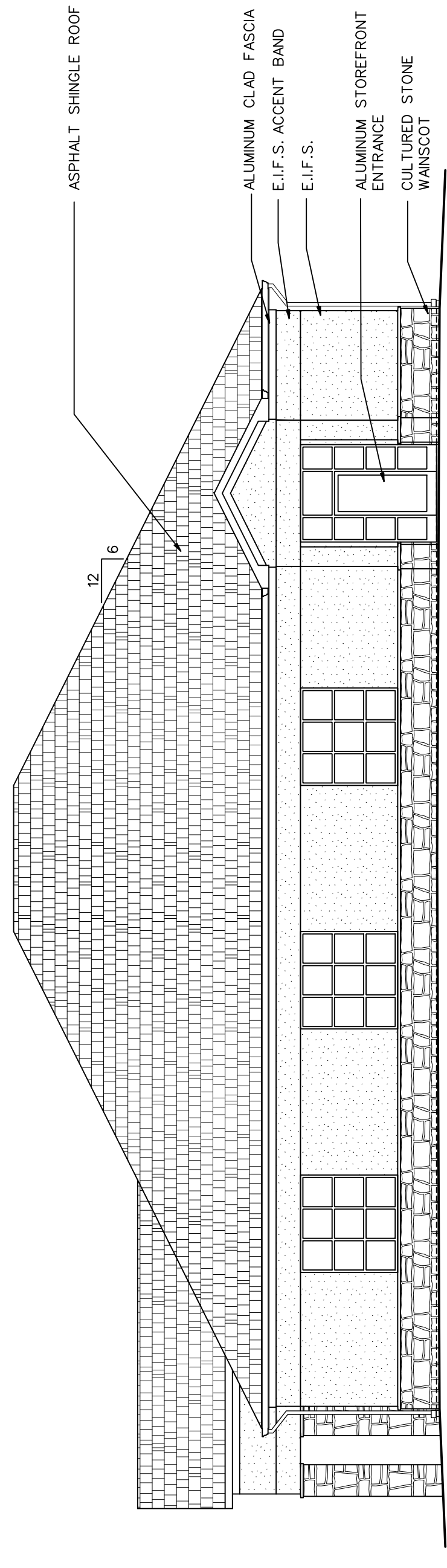
VINYL SIDING WILL BE PROHIBITED AS AN EXTERIOR BUILDING MATERIAL.
 EXPANSES OF BLANK WALL WILL NOT EXCEED 20 CONTINUOUS FEET IN LENGTH.

FRONT ELEVATION
 1/8"=1'-0"



VINYL SIDING WILL BE PROHIBITED AS AN EXTERIOR BUILDING MATERIAL.
 EXPANSES OF BLANK WALL WILL NOT EXCEED 20 CONTINUOUS FEET IN LENGTH.

LEFT SIDE ELEVATION
 1/8"=1'-0"



VINYL SIDING WILL BE PROHIBITED AS AN EXTERIOR BUILDING MATERIAL.
 EXPANSES OF BLANK WALL WILL NOT EXCEED 20 CONTINUOUS FEET IN LENGTH.

RIGHT SIDE ELEVATION
 1/8"=1'-0"

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: B-1(PED) (neighborhood business, pedestrian overlay)
LOCATION	Approximately 0.094 acres of existing right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to rezone a portion of St. Julien Street, that was abandoned in July 2014, to allow all uses permitted in the B-1(PED) (neighborhood business, pedestrian overlay) district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	William N. Devore, II (formerly street right-of-way) Levine Properties, Inc. Keith MacVean/Jeff Brown, Moore & Van Allen
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Plaza Central Pedscape Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.
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VOTE	Motion/Second: Nelson/Labovitz Yeas: Dodson, Eschert, Labovitz, Nelson, and Sullivan Nays: None Absent: Walker and Ryan Recused: None
ZONING COMMITTEE DISCUSSION	Staff presented a summary of the petition noting that the request is conventional and consistent with the <i>Plaza Central Pedscape Plan</i> . There was no further discussion.
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

- **Background**
 - Right-of way abandonment:
 - When a right-of-way is abandoned, ownership of the property is divided between the property owners on either side.
 - The adjacent property owners for the dead end portion of the St. Julien Street right-of-way between Commonwealth Avenue and Independence Boulevard requested abandonment according to City policies. The abandonment was completed in July 2014.
 - Zoning boundaries:
 - Typically, zoning boundaries are drawn to the center of street right-of-ways.
 - Therefore, the western half of the former right-of-way is zoned B-1(PED) (neighborhood business, pedestrian overlay) and the eastern half is zoned R-5 (single family residential).
 - This request will rezone the residential portion to B-1(PED) (neighborhood business, pedestrian overlay) and the full right-of-way will be developed with the adjoining property to the west.

- **Proposed Request Details**

This is a conventional rezoning petition with no associated site plan.

- **Public Plans and Policies**

- The *Plaza Central Pedscape Plan* (2003) recommends multi-family, office, and retail uses for the parcel on the west side of the right-of-way.
 - The *Central District Plan* (1993) recommends single family residential at four dwelling units per acre for the parcel on the east side of the right-of-way.
 - The petition is consistent with the adopted land use in the *Plaza Central Pedscape Plan* for the adjoining parcel to the west, with which the site will be developed.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

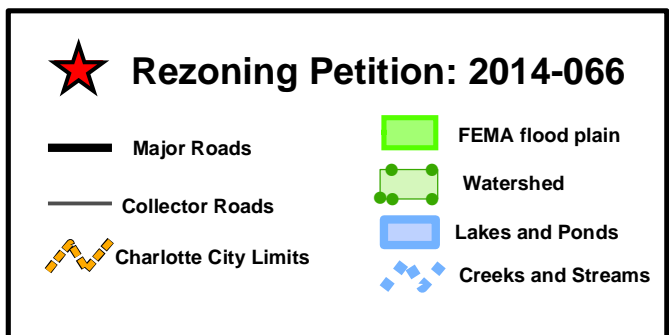
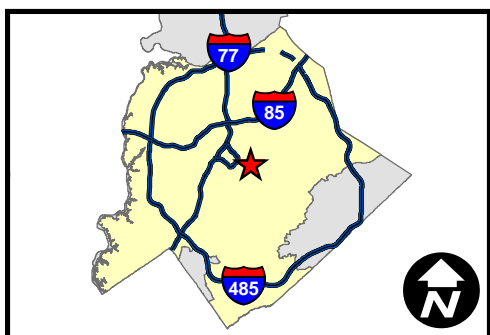
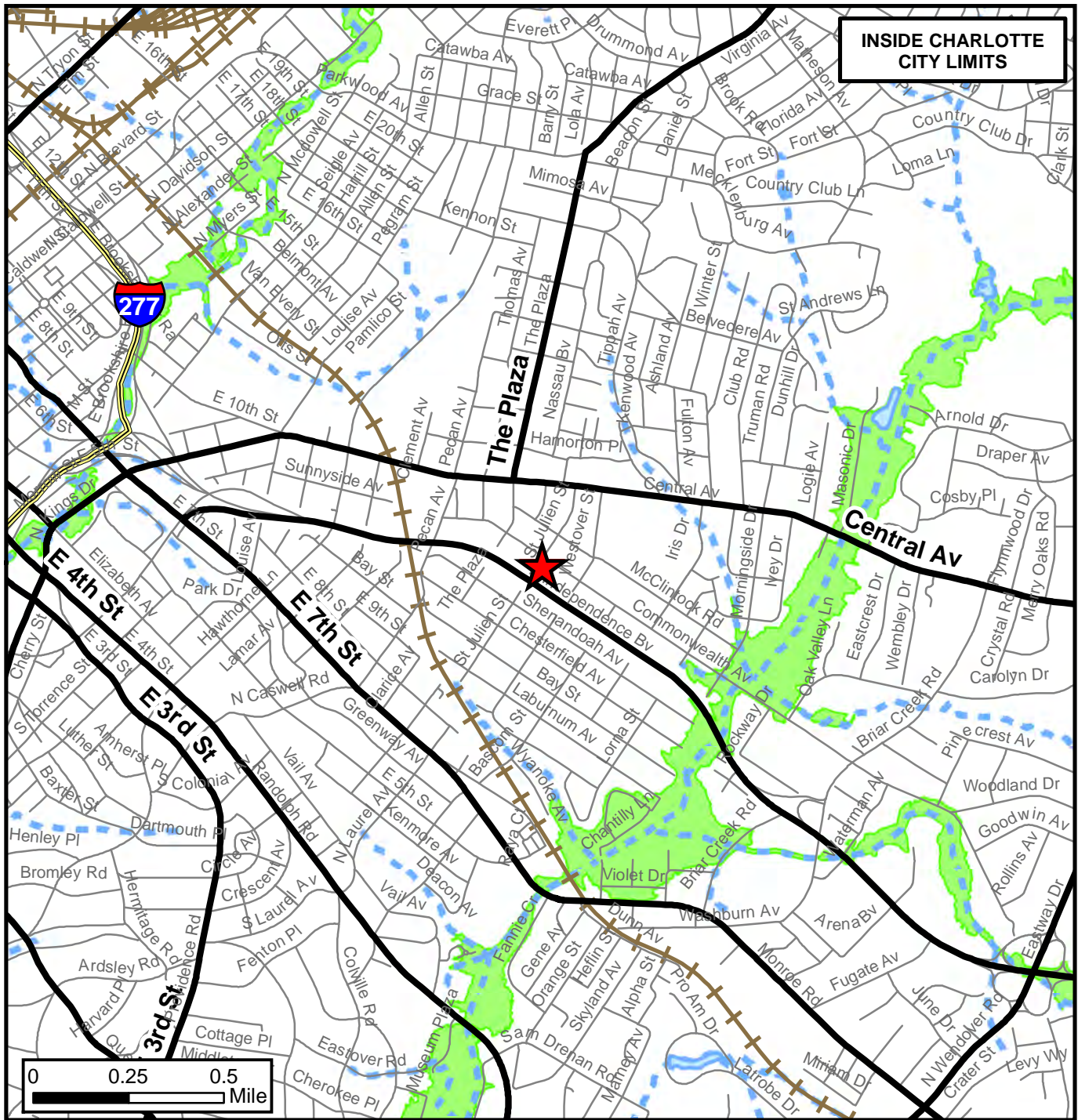
- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311

Acreage & Location : Approximately 0.094 acres of right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard.



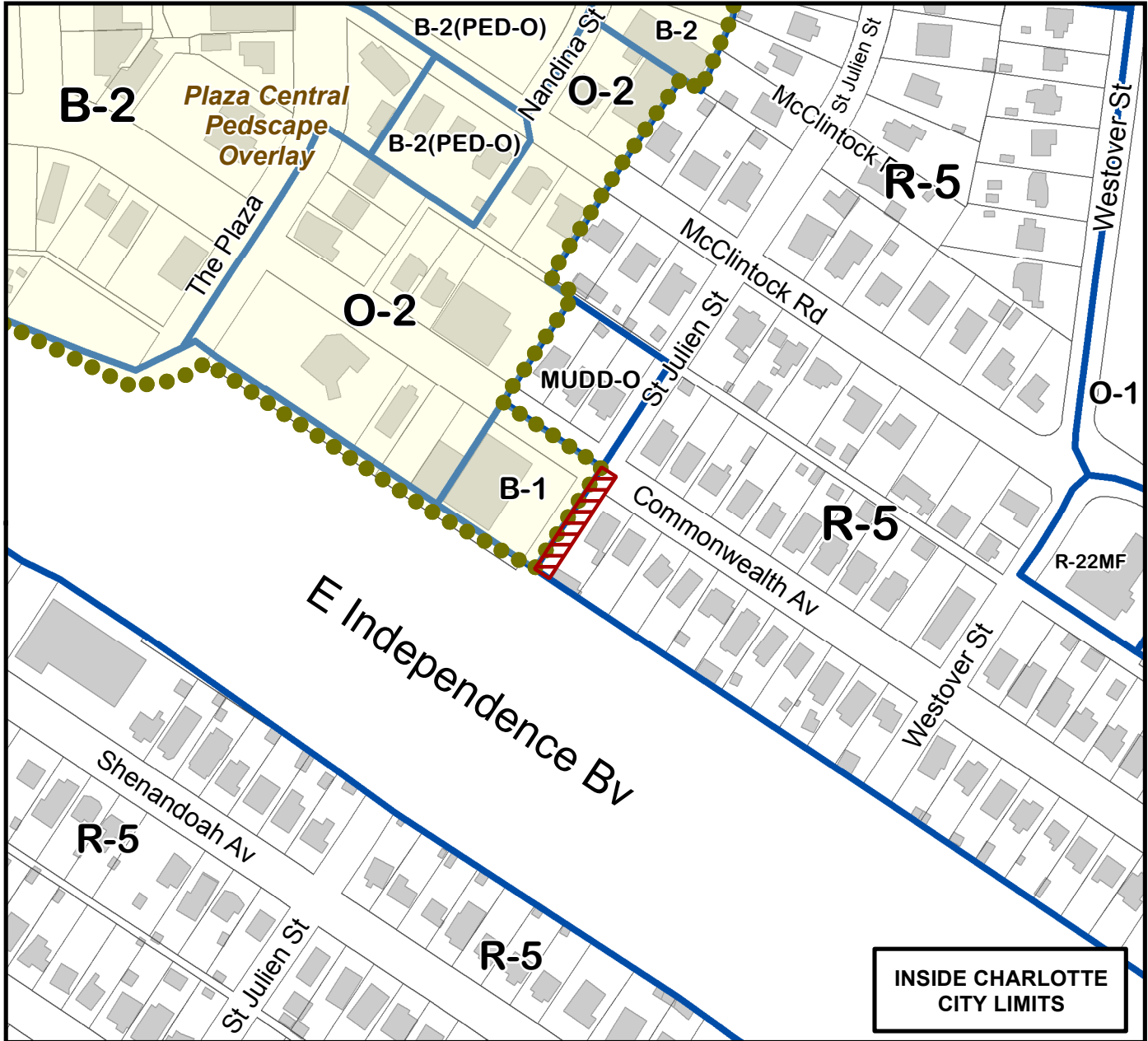
Petition #: **2014-066**

Petitioner: Levine Properties, Inc.

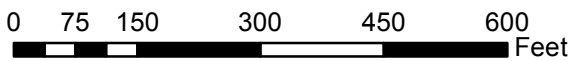
Zoning Classification (Existing): R-5
(Single Family, Residential)

Zoning Classification (Requested): B-1(PED)
(Neighborhood Business, Pedestrian Overlay)

Acreage & Location: Approximately 0.094 acres of right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard.

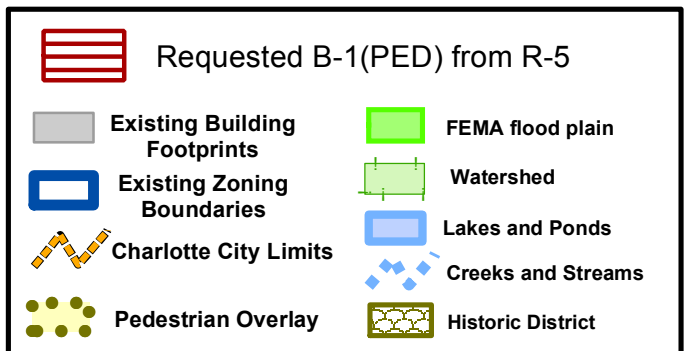


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-2014.



Zoning Map #(s)

101



REQUEST	Current Zoning: R-17MF (multi-family residential) and INST(CD) (institutional, conditional) Proposed Zoning: INST(CD) (institutional, conditional) and INST(CD) SPA (institutional, conditional, site plan amendment)
LOCATION	Approximately 91.31 acres located on the south side of Shamrock Drive across from Glenville Avenue and the east side of Eastway Drive across from Dunlavin Way. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes the expansion of an existing continuing care retirement community with the addition of 125 independent living units, 150 dependent beds, and up to 14,000 square feet for an environmental services/maintenance facility.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Aldersgate United Methodist Retirement Community, Inc. Aldersgate United Methodist Retirement Community, Inc. Frank Quattrocchi, Shook Kelley
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 18
STATEMENT OF CONSISTENCY	A portion of this petition is found to be consistent with the <i>Eastland Area Plan</i> while the remainder is inconsistent with the <i>Eastland Area Plan</i> but is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing as amended by a 5-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Sullivan).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended Development Data Table to only include information on proposed uses. 2. Amended development legend to reflect proposed 125 independent units and 153 dependent units, for a total of 800 existing and proposed units. Deleted reference to amenity services, which are allowed as accessory uses to the principal uses on the site. 3. Deleted Note 1H under Development Area A, which reflected information on existing development. 4. Staff rescinded the request to specify the alternate buffer request. 5. Amended Note 1J under Development Area A to reflect proposed maximum height of dependent and independent units as 72 feet and up to six stories. 6. Amended Note 7b to remove reference to Area B, which proposes no changes to existing entitlements. 7. Addressed Park and Recreation comment by providing a greenway easement within the 100-foot SWIM buffer to Park and Recreation. 8. Deleted the six-foot pedestrian access walk from Shamrock Drive to the existing access walks. The request for the six-foot pedestrian access walk was rescinded by staff due to topographical issues. 9. Labeled existing buffers.
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VOTE	Motion/Second: Nelson/Eschert
	Yeas: Dodson, Eschert, Labovitz, Nelson, and Sullivan
	Nays: None
	Absent: Ryan and Walker

	Recused:	None
ZONING COMMITTEE DISCUSSION	<p>Staff provided an overview of the petition, specifying that the proposed development consists of 125 independent and 153 dependent units, which, when added to the existing built units and entitlements, will result in a total of 800 units. Staff noted there are no outstanding issues.</p> <p>A commissioner questioned whether staff had heard from adjacent property owners in the R-4 (single family) zoning area. Staff responded that a number of property owners had called and inquired about the petition. A commissioner asked for the clarification on the total number of proposed units, which staff answered is 278 proposed units.</p> <p>A commissioner stated that the proposed development will be located within the existing campus of Aldersgate and should not change the impact on the surrounding community. Discussion ensued as to whether more traffic will be generated as a result of increased services that may be necessary to accommodate the number of units. It was stated that senior living facilities typically have minimal impact on the surrounding community, in terms of trip generation. CDOT staff confirmed this statement.</p>	
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.	

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

PLANNING STAFF REVIEW

• **Background**

- Petition 1987-07 rezoned 80 acres of the subject property from R-9MF (multi-family residential) to INST(CD) (institutional, conditional) to allow 171 dependent living units, 185 independent living units, commercial uses associated with the nursing home and a bank, a 6,000-square foot indoor pool and locker room expansion, and 25,800 square feet of office space.
- Petition 1999-116 approved an INST(CD) SPA (institutional, conditional, site plan amendment) for 80 acres of the subject property located on the south side of Shamrock Drive, east of Eastway Drive and north of Sudbury Road. This petition amended the previous rezoning to allow a total of 375 independent units and 150 dependent living units. The subject property is partially developed with a continuing care retirement community consisting of 294 independent and dependent living units and 90,000 square feet of common facilities, office and operational facilities, and amenities associated with the community.

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Addition of 125 independent living units in up to 16 buildings not to exceed two stories. Units will be in the form of apartments, townhomes, and detached, duplex, triplex, quadraplex, or multi-family cottages.
- Addition of 150 beds for dependent living units within a six-story skilled nursing facility consisting of memory care, assisted living, hospice, skilled nursing, and adult care facilities.
- Total of 800 existing and proposed dependent and independent living units.
- Addition of up to 14,000 square feet for an environmental services/maintenance facility.
- Proposed development to be completed in two phases.
- A 50-foot Class "C" buffer abutting residential zoning in northwestern area of the property (Area D).
- Maximum building height of 72 feet and six stories in Area A.
- Request for an alternate buffer.
- Providing a greenway easement within the 100-foot SWIM buffer to Park and Recreation.

Public Plans and Policies

- The *Eastland Area Plan* (2003) recommends institutional uses for the portion of the site currently zoned INST(CD). The smaller portion zoned R-17MF is recommended for multi-family residential, greenway/park/open space uses.
 - The portion of the petition zoned INST(CD) (institutional, conditional) is consistent with Eastland Area Plan.
 - The portion of the petition zoned R-17MF (multi-family) is inconsistent with the Eastland Area Plan. However, area plans typically do not provide recommendations for institutional uses, and the proposed development is compatible with surrounding institutional and residential uses.
-

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

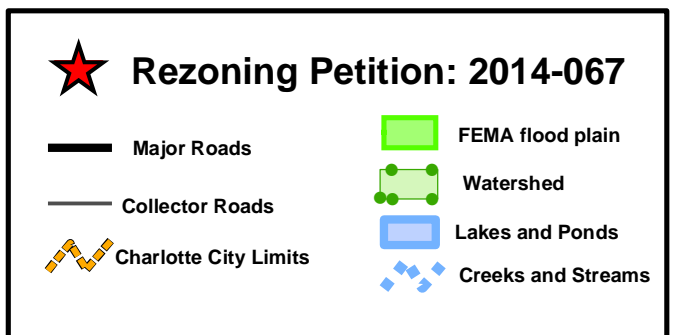
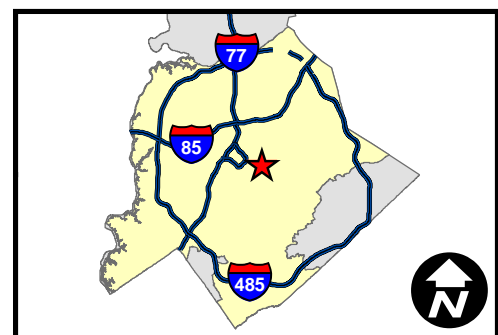
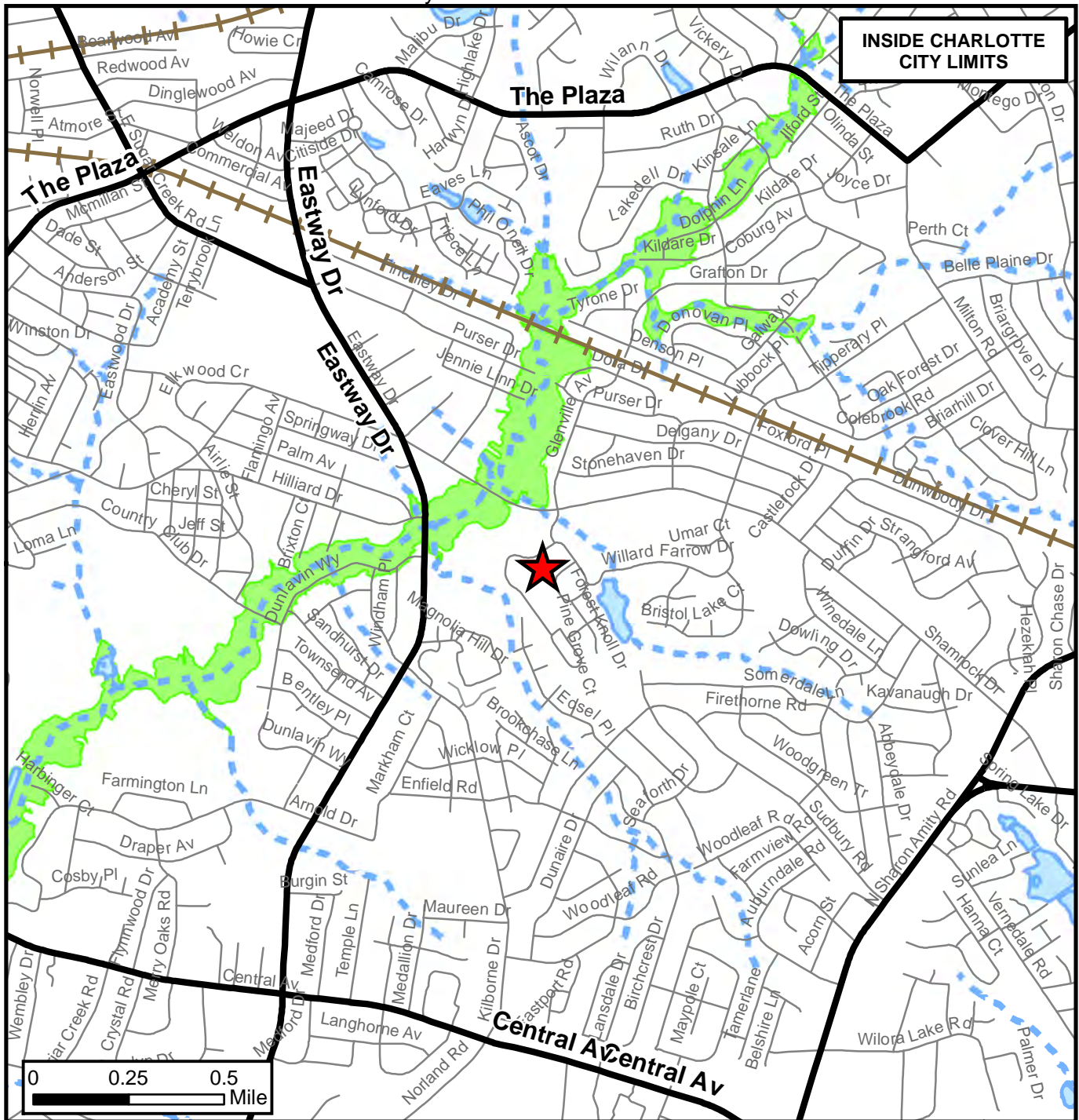
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property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

Planner: Sonja Sanders (704) 336-8327

Petition #: **2014-067**

Vicinity Map

Acreage & Location : Approximately 91.31 acres located on the south side of Shamrock Drive across Glenville Avenue and east side of Eastway Drive across from Dunlavin Way.



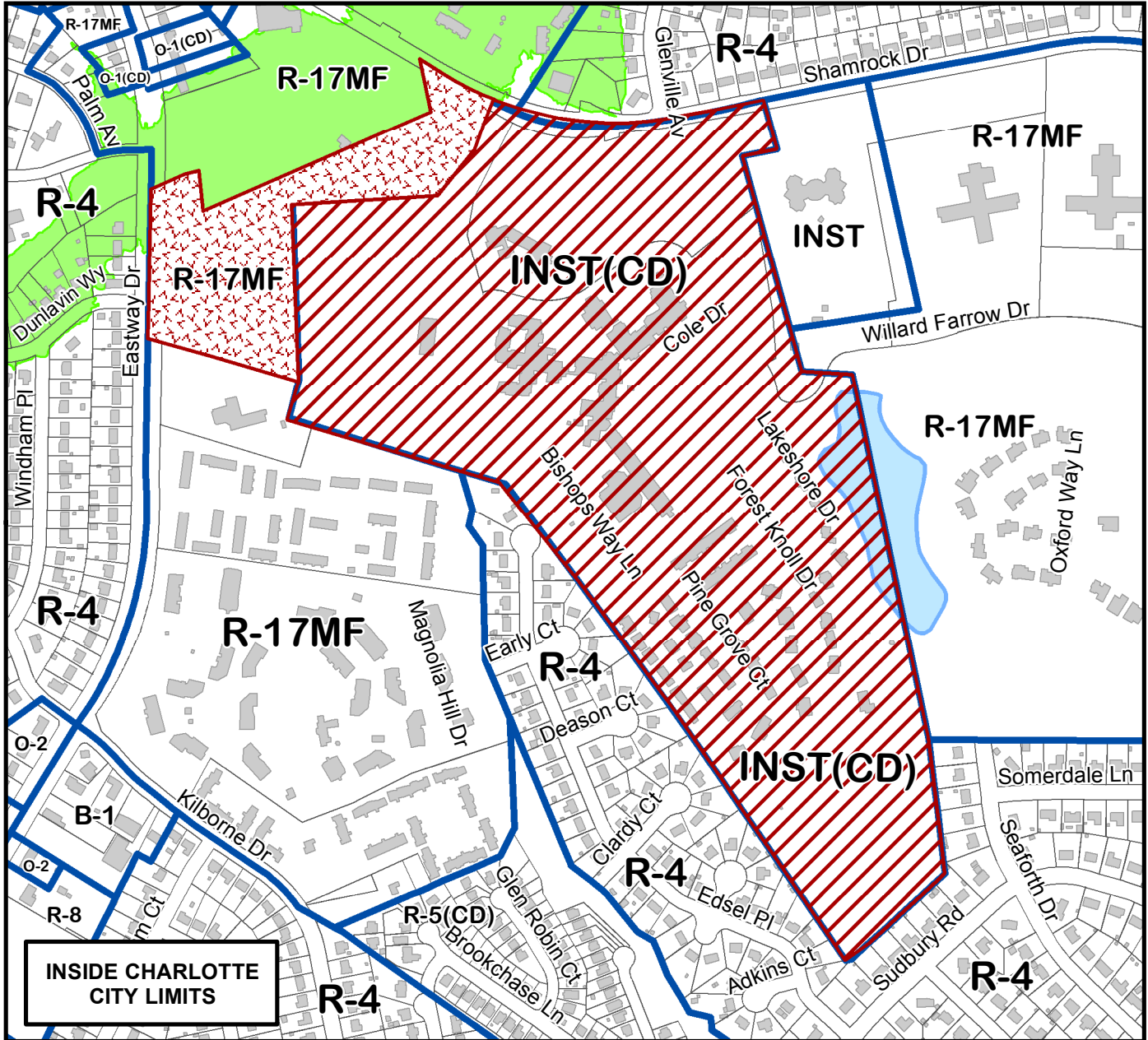
Petition #: **2014-067**

Petitioner: Aldersgate United Methodist Retirement Community, Inc.

Zoning Classification (Existing): R-17MF and INST(CD)
(Multi-Family, Residential and Institutional, Conditional)

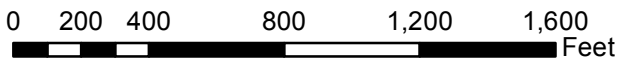
Zoning Classification (Requested): INST(CD) and INST(CD)(S.P.A.)
(Institutional, Conditional and Institutional, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 91.31 acres located on the south side of Shamrock Drive across from Glenville Avenue and east side of Eastway Drive across from Dunlavin Way.



INSIDE CHARLOTTE CITY LIMITS

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



Zoning Map #(s)

100

- Requested INST(CD)(SPA) from INST(CD)
- Requested INST(CD) from R-17MF
- Existing Building Footprints
- Existing Zoning Boundaries
- Charlotte City Limits
- Pedestrian Overlay
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams
- Historic District

REQUEST	Current Zoning: INST(CD) (institutional, conditional) and B-1(CD) (neighborhood business, conditional) Proposed Zoning: O-2(CD) (office, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment)
LOCATION	Approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and I-485. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes modifications to an approved planned development resulting in a 50-bed hospital, and up to 117,000 square feet of medical and general office, retail/commercial and personal services uses
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Novant Health Novant Health Jeff Brown/Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Albemarle Road/I-485 Interchanges Study</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing as amended by a 5-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Eschert).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Removed the "Other TBD" under c. Graphics and Alterations. 2. Added a note entitled Alternative Phasing as follows: "Changes to the above referenced phasing can be approved through the administrative amendment process upon the determination and mutual agreement of Petitioner, CDOT, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate phasing provides comparable transportation improvements to the phasing identified in this petition." 3. Added a note requiring, at a minimum, 10,000 square feet of gross floor area of general or medical office uses to be developed within the area zoned B-1(CD). No more than two buildings containing only retail, restaurant or personal service uses may be constructed within the area zoned B-1(CD), prior to the construction of 10,000 square feet of gross floor area of general or medical office uses within the area zoned B-1(CD). 4. Addressed Transportation comments by adding notes under the headings of Transportation Improvements and Access and Right-of-way Dedication as follows: <ol style="list-style-type: none"> a. (Proposed Improvements) <u>At the intersection of Albemarle Road and the I-485 outer ramps</u>: Extend the westbound right-turn lane on Albemarle Road back to the right-in right-out driveway; b. (Proposed Improvements) <u>Along the Sites frontage on Albemarle Road i)</u>construct a right-in right-out driveway; and ii) construct a westbound right turn lane on Albemarle Road at the right-in right-out driveway with 50 feet of storage and an approximate taper. c. (Standards, Phasing and Other Provisions) <u>Right-in Right-out Driveway</u>: The right in right-out driveway to Albemarle Road
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- will be closed and removed once Public Street #1 is extended to the east and connected to a north/south road that provides the site with full movement access to Albemarle Road.
- d. (Standards, Phasing and Other Provisions) Contribution to Roadway Improvements: The following provisions shall apply in addition to other commitments of Petitioner and provisions of this Section 3:
- i) In order to facilitate the construction of the extension of Public Street #1 to the east as a connection (the "Connector Road") to a north/south road that will provide full movement access to Albemarle Road (the approximate location of the Connector Road portion being shown on Sheet RZ-3.1), the Petitioner shall contribute to the design and construction costs of such Connector Road in an amount of up to the lesser of (A) one-third (1/3) of such design/construction costs evidenced by written bids for such work, or (B) \$360,000 (the "Contribution Amount").
 - ii) The contribution amount will be paid to the City of Charlotte to be held and then used solely for either (A) the construction of the connector road, or (B) if acceptable to CDOT and NCDOT the installation of certain roadway and/or traffic signal improvements to the intersection of Public Street #1 and Albemarle Road (the "Intersection Improvements"), provided however, such intersection improvements must be of the nature that improve the access conditions at such intersection in a manner reasonably acceptable to petitioner and CDOT.
 - iii) In the event of scenario (A) of subsection c.ii immediately above, the contribution amount will be delivered to the City within 30 days of written notice from the city that (X) subdivision plans have been approved to allow the construction of the connector road and (Y) other parties, whether public sector or private parties, have committed to provide the balance of the funding of the design/construction costs needed above the contribution amount. In the event of scenario (B) of subsection c.ii. immediately above, the contribution amount will be delivered to the City within 30 days of written notice from the City that the City and NCDOT have decided to use the contribution amount to fund the intersection improvements (as reasonably approved by petitioner as set forth above) and written evidence that the costs of such intersection improvements can be covered by the contribution amount or in concert with other approved funding for such intersection improvements.
 - iv) If (A) the City's written notice under subsection c.iii. above is not provided to petitioner within seven years of the date of approval of this rezoning petition, or (B) construction earnest of the connected road or the intersection improvements, as the case may be, is not commenced within eight years of the date of such approval, the City will return the contribution amount to the petitioner and petitioner shall have no further obligations to provide for such funding.
- e. (Standards, Phasing and Other Provisions) Alternative Phasing: Changes to the above referenced phasing can be approved through the administrative amendment process upon the determination and mutual agreement of petitioner, CDOT, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate phasing provides comparable transportation improvements to the phasing identified in this

- petition.
- f. Access and Right-of-Way Dedication
 - i) Access to the site will be from Albemarle Road via a new public street and a right-in right-out driveway in the manner generally depicted on the rezoning plan.
 - ii) The right-in right-out driveway to Albemarle Road will be closed and removed once Public Street #1 is extended to the east and connected to a north/south road that provides the site with full movement access to Albemarle Road.
5. Addressed CATS comments by adding a note "the petitioner will provide CATS a public access easement to allow CATS transit service to enter the site and utilize the site's private streets to turn around. The location and terms of the easement to be determined during the subdivision review process."
 6. Staff rescinded the request to define "personal services."

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition, noting that transportation improvements have been provided that support the proposed development on the site, and the petition is consistent with the *Albemarle Road/I-485 Interchange Study*. There was no further discussion.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

- **Background**
 - Petition 2008-052 rezoned the subject property from R-3 (single family residential) to B-1(CD) (neighborhood business, conditional) to allow a 100-bed hospital, up to 140,000 square feet of medical office space, and 20,000 square feet of retail/commercial space. The hospital was to be built in two 50-bed phases, and the medical offices in four buildings.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - A hospital consisting of 50 beds.
 - Up to 80,000 square feet of medical and general office uses and dental, medical, and optical laboratory uses, and accessory uses including a helistop in the proposed O-2(CD) (office, conditional) zoning.
 - Up to 37,000 square feet of general and medical office, retail, restaurant and personal services uses in the proposed B-1(CD) (neighborhood business, conditional) zoning, of which no more than 25,000 square feet may be used for retail, restaurant, and personal services uses.
 - A minimum 10,000 square feet of general or medical office uses must be developed within the area zoned B-1(CD) (neighborhood business, conditional). No more than two buildings containing only retail, restaurant or personal service uses may be constructed within the area zoned B-1(CD), prior to the construction of 10,000 square feet of gross floor area of general or medical office uses within the area zoned B-1(CD).
 - Total number of principal buildings will not exceed nine.
 - Up to 30,000 of the allowed square footage can be transferred from the O-2(CD) (office,

-
- conditional) to the B-1(CD) (neighborhood business, conditional) area.
- Up to 20,000 allowed square footage can be transferred from the B-1(CD) (neighborhood business, conditional) area to the O-2(CD) (office, conditional) area.
 - One accessory drive-through window is permitted in the B-1(CD) (neighborhood business, conditional) area but the accessory use may not be associated with a restaurant.
 - Surface parking and/or maneuvering areas, and drive-through window lanes will not be allowed between Albemarle Road and the proposed buildings.
 - Building material consisting of a combination of brick, stone, precast stone, precast concrete, synthetic stone, stucco, EIFS, decorative block and/or wood.
 - Building elevations for the health institution building that reflect the architectural style and quality.
 - A landscaped open space/court yard area that includes seating areas will be provided between proposed buildings along Albemarle Road.
 - A Class "C" buffer and undisturbed landscaping will be provided along Interstate 485.
 - A 75-foot Class "B" buffer will be provided along the site's other boundaries.
 - A public access easement will be provided to allow CATS transit service to enter the site and utilize the site's private streets to turn around.
 - Transportation improvements include:
 - Access to the site will be from Albemarle Road via a new public street and a right-in right-out driveway.
 - An eastbound restrictive leftover on Albemarle Road into the site at Public Street #1.
 - Median break on Albemarle Road to the west will be closed upon installation of the restrictive leftover.
 - Extension of existing left turn lane on Albemarle Road.
 - A channelized westbound right turn lane into the proposed development on Albemarle Road.
 - A two-lane cross-section with an ingress and egress lane at the intersection of Public Street #1 and Albemarle Road, with a channelized southbound egress lane placed under stop-controlled conditions.
 - An exclusive westbound turn lane on Albemarle Road to accommodate U-turn movements, and an accompanying modification of the traffic signal to incorporate an additional left-turn phase, in addition to construction of a bulb-out to accommodate the U-turning movements.
 - Certificates of occupancy for proposed uses contingent upon phased completion of roadway improvements and either re-evaluation of the operation of the roadway improvements to show that additional capacity is available that will support additional development or the extension of Public Street #1 to the east and connection to a north/south road that will provide full movement access to Albemarle Road.
 - A right-in right-out driveway along the site's frontage on Albemarle Road.
 - A westbound right-turn lane on Albemarle Road at the right-in right-out driveway with 50 feet of storage and an appropriate taper.
 - A right-in right-out driveway to Albemarle Road will be closed and removed once Public Street #1 is extended to the east and connected to a north/south road that provides the site with full movement access to Albemarle Road.
 - The petitioner shall contribute to the design and construction costs of the connector road in an amount of up to the lesser of (A) one-third of such design/construction costs or (B) \$360,000.
 - The contribution amount of \$360,000 will be paid to the City of Charlotte and used solely for either the construction of the connector road or the installation of certain roadway and/or traffic signal improvements to the intersection of Public Street #1 and Albemarle Road.
 - The City will return the contribution amount to the petitioner and the petitioner shall have no further obligations to provide for such funding if the City's written notice is not provided to the petitioner within seven years of the date of approval of the rezoning or if construction of the connector road or the intersection improvements have not commenced within eight years of such approval.
 - Phasing changes can be approved through the administrative amendment process if mutually agreed upon by the petitioner, CDOT, Planning Director and as applicable, NCDOT.
 - **Public Plans and Policies**
 - The *Albemarle Road/I-485 Interchange Study* (2003), as modified by a previous rezoning, recommends an institutional use and supporting office and retail uses.

- The petition is consistent with *the Albemarle Road/I-485 Interchange Study*.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

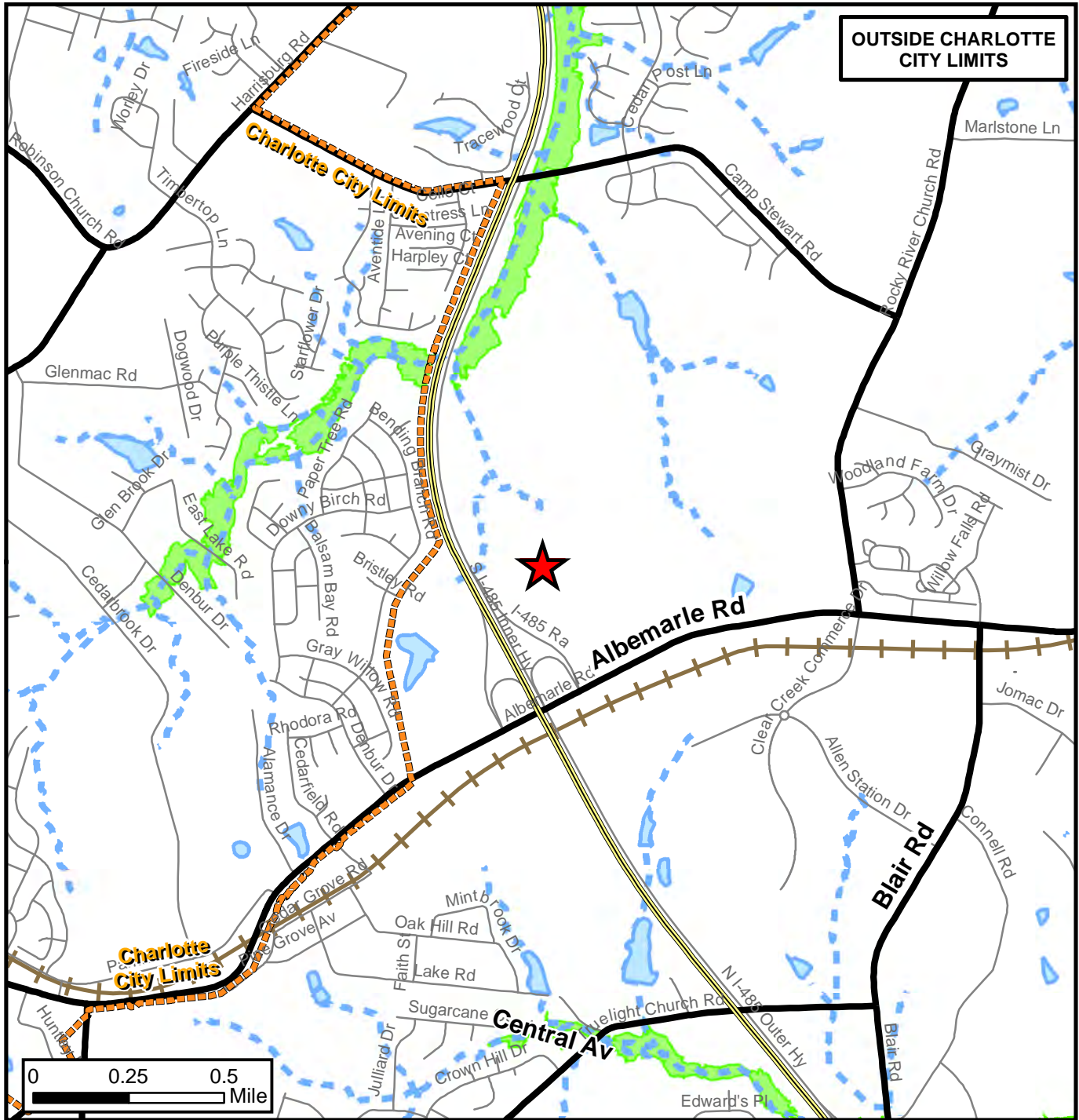
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- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review

Planner: Sonja Sanders (704) 336-8327

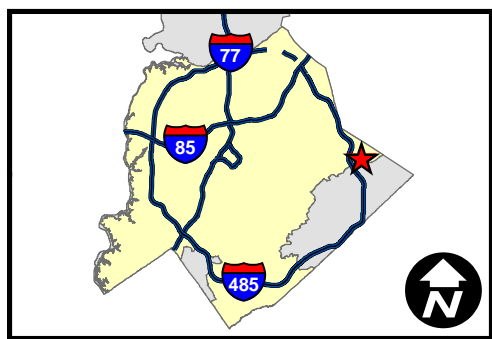
Petition #: **2014-069**

Vicinity Map

Acres & Location : Approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and Interstate 485.



OUTSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-069

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

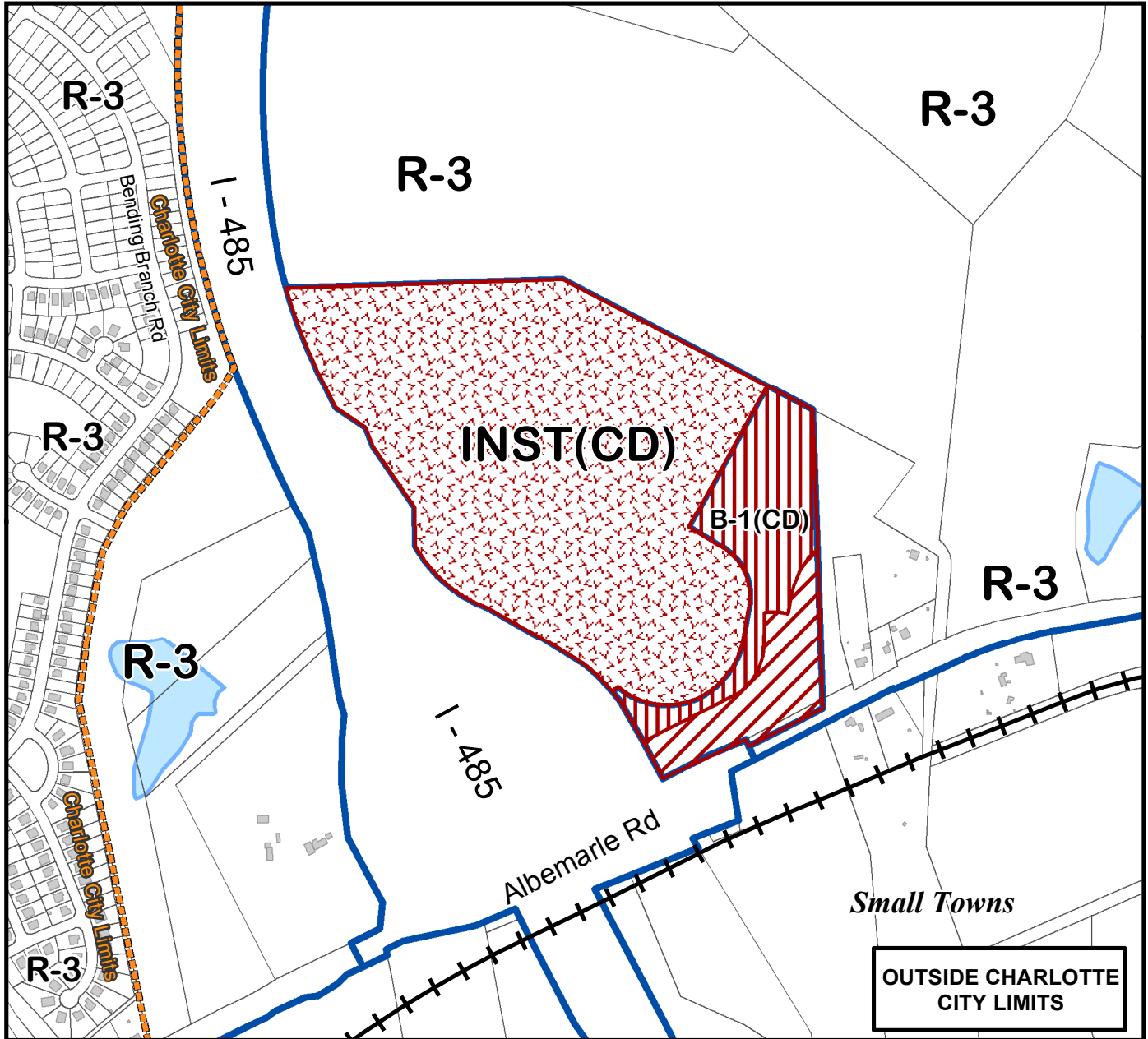
Petition #: **2014-069**

Petitioner: **Novant Health**

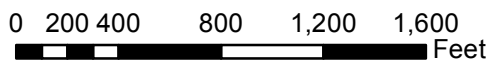
Zoning Classification (Existing): **INST(CD) and B-1(CD)**
(Institutional, Conditional and Neighborhood Business, Conditional)

Zoning Classification (Requested): **O-2(CD) and B-1(CD)(S.P.A.)**
(Office, Conditional and Neighborhood Business, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and Interstate 485.

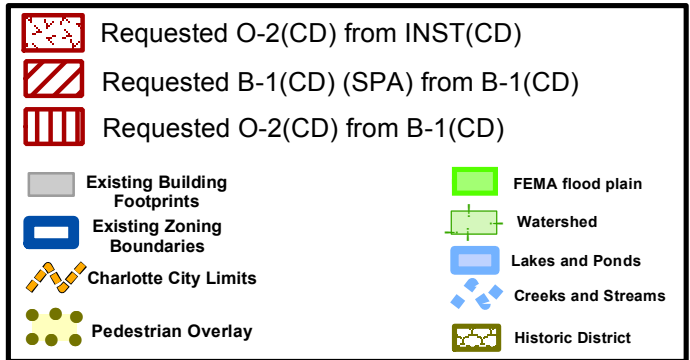


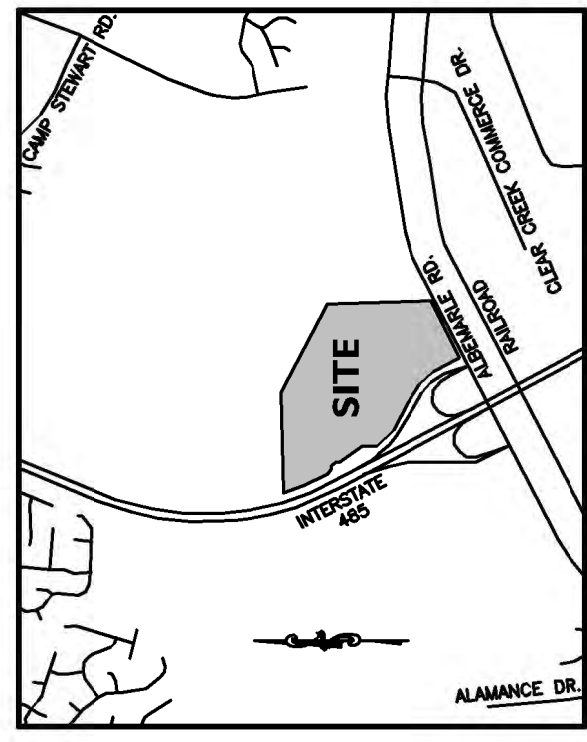
Map Produced by the Charlotte-Mecklenburg Planning Department, 6-23-2014.



Zoning Map #(s)

97





VICINITY MAP

Site Development Data:
 -Acreage: + 81.75 acres
 -Tax Parcel #: #11-201-003
 -Existing Zoning: INST(CD) and B-1(CD) (by Rezoning Petition No. 2008-052)
 -Proposed Zoning: O-2(CD) and B-1(CD)
 -Existing Uses: Vacant
 -Proposed Uses: Vacant
 -Maximum Gross Square Feet of Development: (i) within the O-2(CD) zoning district: a health institution with up to 50 beds; and up to 80,000 square feet of gross floor area of medical and general offices; and dental, optical and medical laboratory uses; and (ii) within the B-1(CD) zoning district: retail, restaurant and personal services uses of which no more than 25,000 square feet may be used for retail, restaurant and personal services uses.)
 -Maximum Building Height: As allowed by the Ordinance.
 -Parking: As required by the Ordinance.



Novant Health Mint Hill Medical Center

Tax Parcel #15 - 11120103
 Existing Zoning: INST(CD) & B1(CD)
 Proposed Zoning: O-2 & B1(CD)
 Rezoning Petition # 2014-039

Novant Health

Project Number: 285291
 Drawn By: Site Solutions
 Designed By: Site Solutions
 Date: 6.24.14

Conditional Zoning

Project Number: 285291
 Drawn By: Site Solutions
 Designed By: Site Solutions
 Date: 6.24.14

RZ-1: Technical Data Sheet

Revision per Staff Comments 7/24/14

2014
 W. Howard Street
 Charlotte, NC 28208

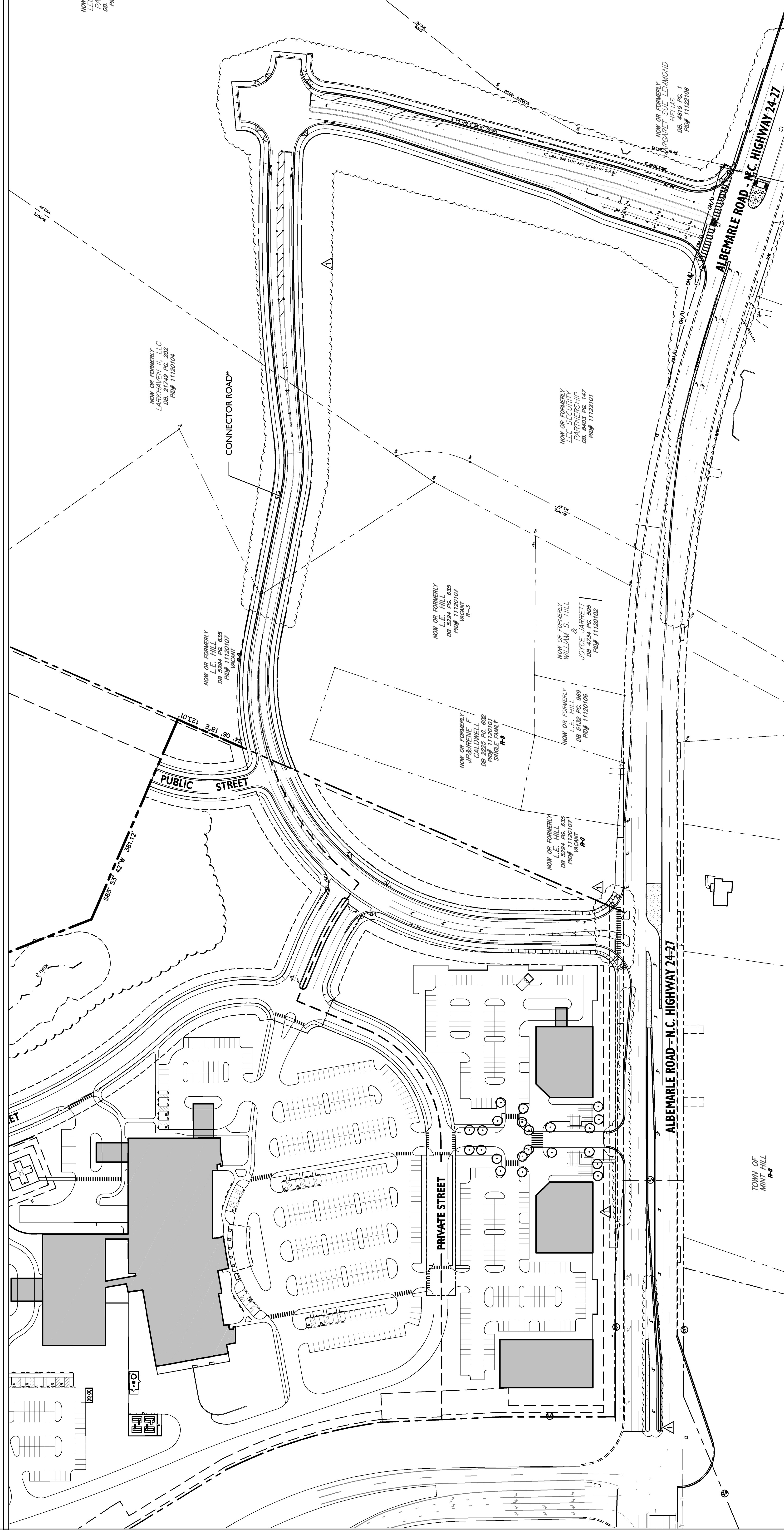
Telephone: 704-571-9880

LEGEND

- SETBACKS & YARDS
- LANDSCAPE BUFFER
- VEHICULAR ACCESS POINTS

SCALE: 1"=100'

INTERSTATE HIGHWAY 485
 VARIABLE PUBLIC R/W-NDOT PROJECT R-21239A



SITE SOLUTIONS

28591
306 Solutions
Site Solutions
7.24.14

2. 3. 2. 0
W. Howard Street
Charlotte, NC 28208

Landscape Architecture
Site Planning
Civil Engineering
www.sitesolutionspa.com

Telephone: 704-531-9880

Novant Health Mint Hill Medical Center

Petitioner:
Novant Health

Tax Parcel #3 - 11120103
Existing Zoning: M1 (CD) & B1 (CD)
Proposed Zoning: O3 & B1 (CD)
Resolving Petition # 2014-039

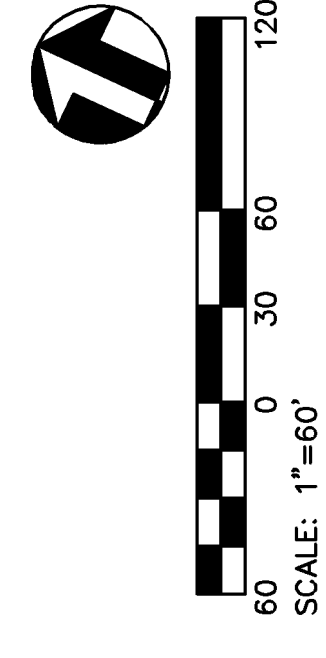
Conditional Zoning

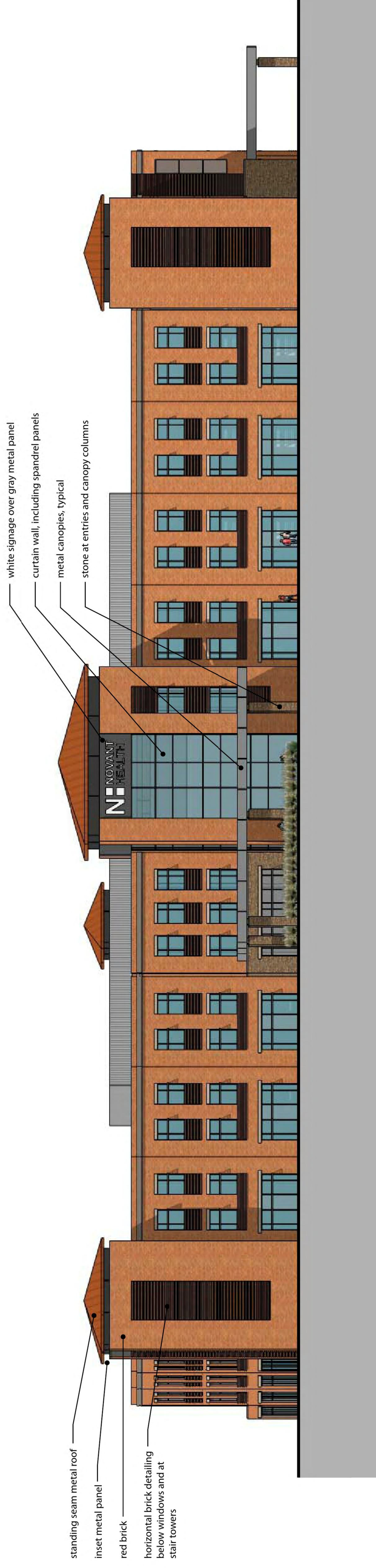
Project Number:
Drawn By:
Designed By:
Date:

RZ-3.1: Offsite Transportation Improvements Plan

Revisions:
1. Revision per staff comment 7/24/14

• SEE DEVELOPMENTS STANDARDS FOR PETITIONER'S "ROADWAY COMMITMENTS."





South Elevation



North Elevation

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

2 3 2 0
 W. Howard Street
 Charlotte, NC 28208
 Landscape Architecture
 Site Planning
 Civil Engineering
 www.sitesolutionspa.com
 Telephone: 704-571-9880

Novant Health Mint Hill Medical Center

Tax Parcel #13 - 11120103
 Existing Zoning: M1 (CD) & B1 (CD)
 Proposed Zoning: O2 & B1 (CD)
 Rezoning Petition # 20-14-09

Prepared by:
Novant Health

Conditional Zoning

Project Number: 28591
 Drawn By: Site Solutions
 Site Solutions
 Date: 7.24.14

RZ-4: Hospital Building Elevations

Revisions

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-M (transit oriented development - mixed-use)
LOCATION	Approximately 0.63 acres located on the east side of South Church Street between West Summit Avenue and West Bland Street. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to rezone approximately 0.63 acres to allow for all uses in the TOD-M (transit oriented development - mixed-use) district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Bascom V Belk, Jr. Charlotte-Mecklenburg Planning Department N/A
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>South End Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a vote of the Zoning Committee (motion by Eschert seconded by Labovitz).

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

VOTE	Motion/Second: Eschert/Labovitz Yeas: Dodson, Eschert, Labovitz, Nelson, and Sullivan Nays: None Absent: Ryan and Walker Recused: None
ZONING COMMITTEE DISCUSSION	Staff presented this item to the Zoning Committee, noting that this is a conventional petition with no associated site plan and that the petition is consistent with the <i>South End Transit Station Area Plan</i> .
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

- **Proposed Request Details**
This is a conventional rezoning petition with no associated site plan.
- **Public Plans and Policies**
 - The *South End Transit Station Area Plan* (2005) recommends mixed use transit supportive development for the property. The rezoning site is within ½ mile of the Bland Street Station on the LYNX Blue Line.
 - The petition is consistent with the *South End Transit Station Area Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **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 comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

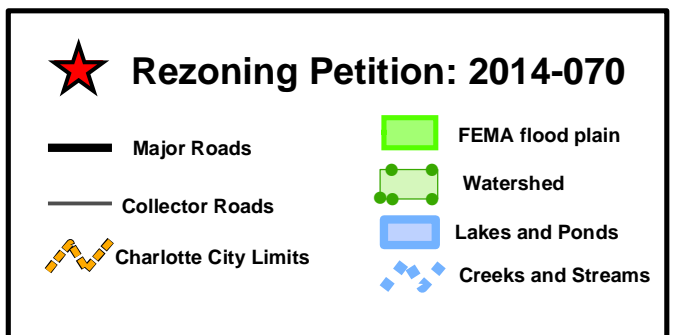
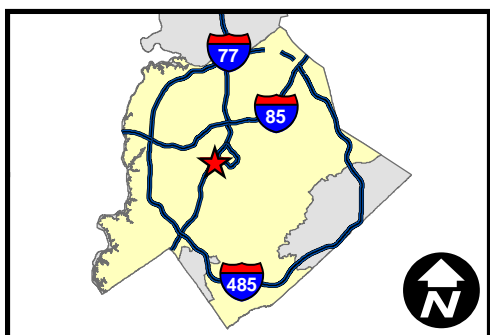
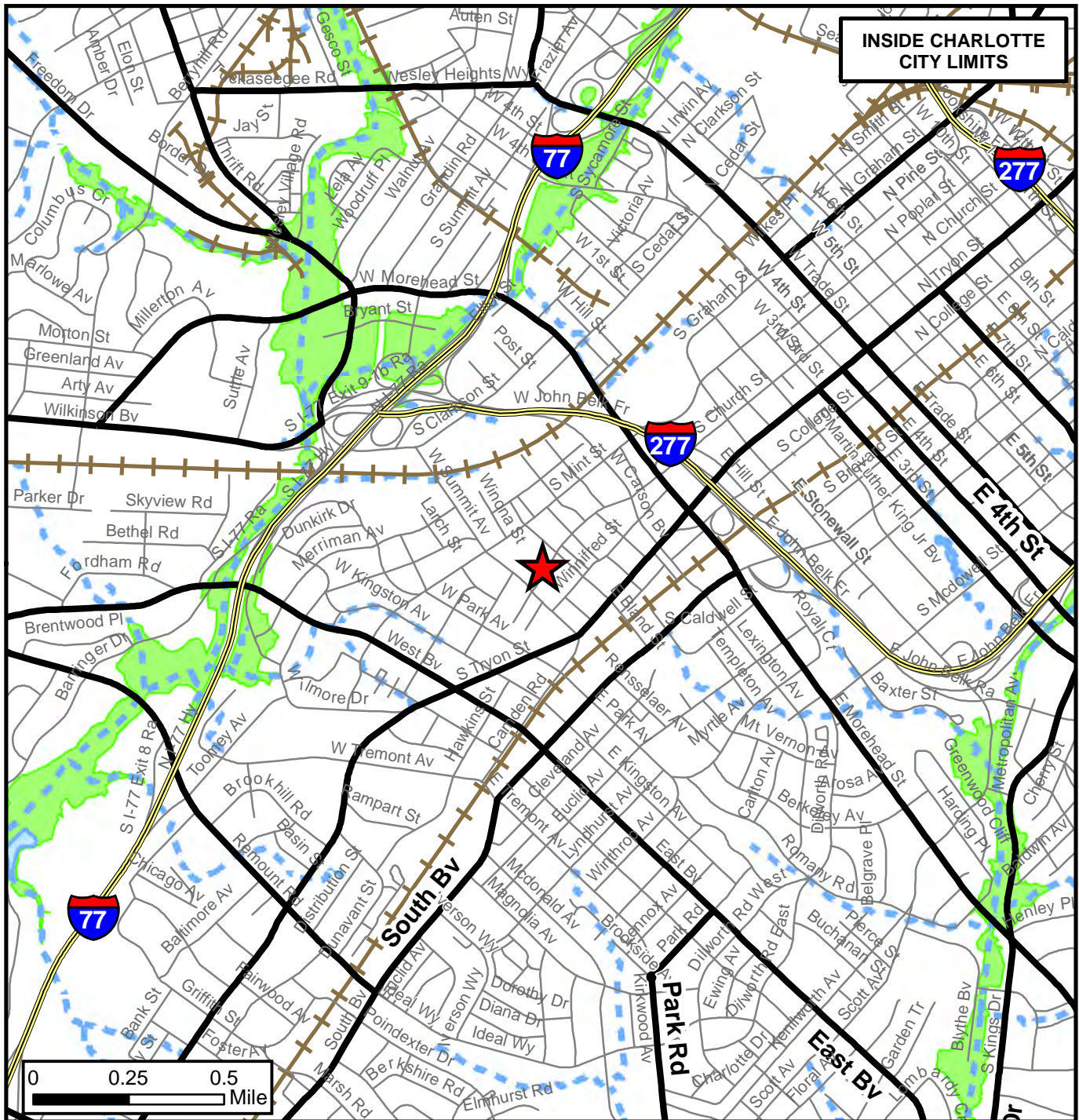
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban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

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

Petition #: **2014-070**

Vicinity Map

Acreage & Location : Approximately 0.63 acres located on the west side of South Church Street between West Summit Avenue and West Bland Street.



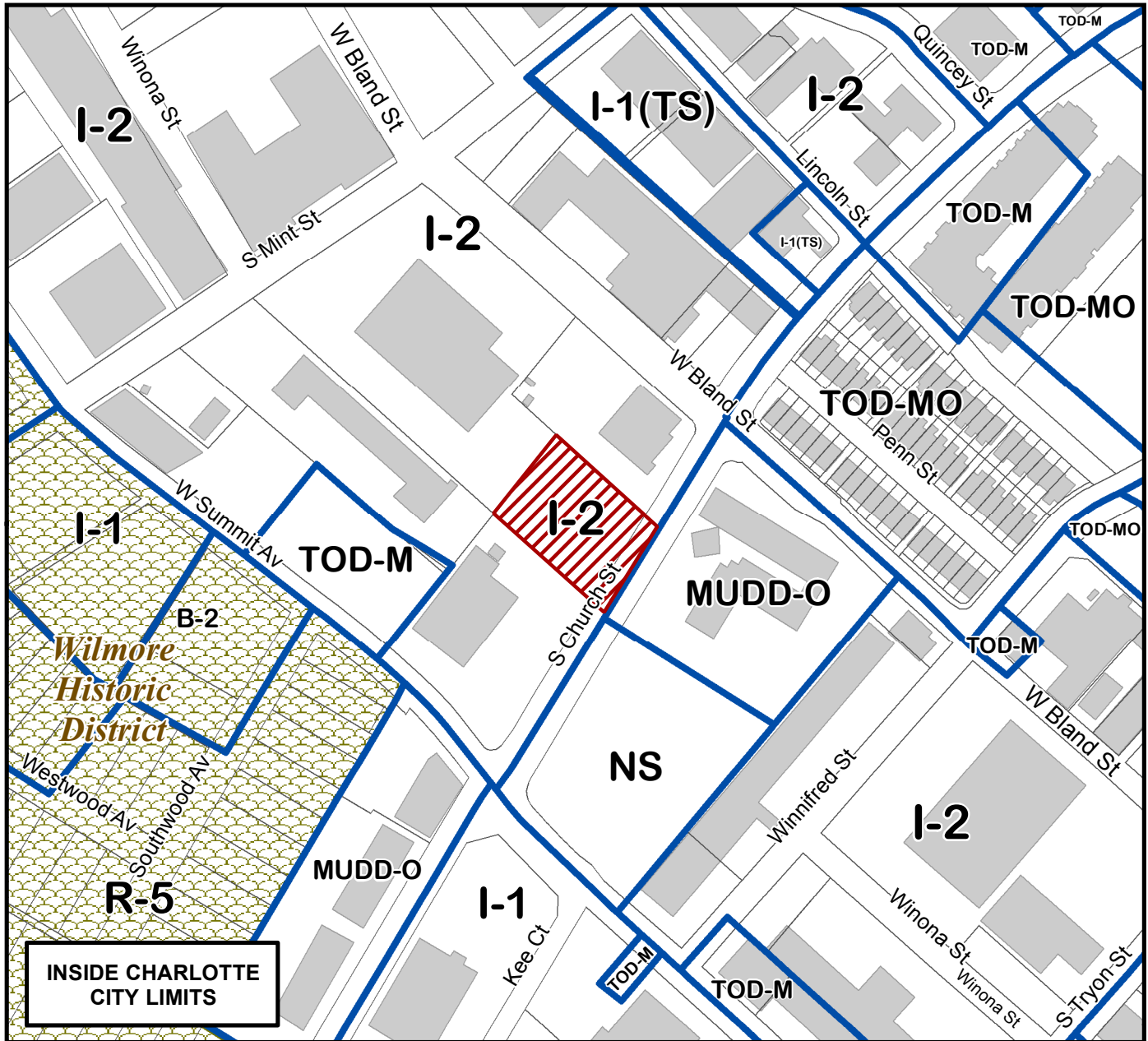
Petition #: **2014-070**

Petitioner: **Charlotte-Mecklenburg Planning Department**

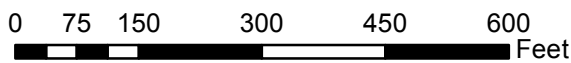
Zoning Classification (Existing): **I-2**
(General Industrial)

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

Acreage & Location: Approximately 0.63 acres located on the west side of South Church Street between West Summit Avenue and West Bland Street.

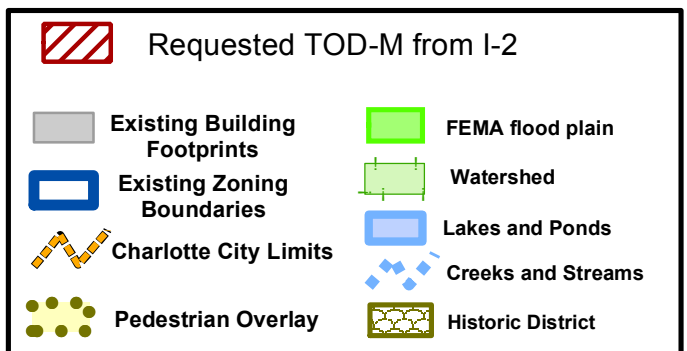


Map Produced by the Charlotte-Mecklenburg Planning Department, 5-21-2014.



Zoning Map #(s)

102



REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-M (transit oriented development – mixed-use)
LOCATION	Approximately 0.214 acres located on the west side of South Tryon Street between West Catherine Street and West Bland Street. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow all uses permitted in the TOD-M (transit oriented development – mixed-use) district.
STAFF RECOMMENDATION	Staff recommends approval of this petition. This petition is consistent with the <i>South End Transit Station Area Plan</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Thomas Wicker Charlotte-Mecklenburg Planning Department Thomas Wicker
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Proposed Request Details**
This is a conventional rezoning petition with no associated site plan.
 - **Existing Zoning and Land Use**
 - The subject property is developed with an industrial building. A majority of the adjacent properties are zoned I-2 (general industrial), TOD-M (transit oriented development – mixed-use) and TOD-MO (transit oriented development – mixed-use, optional) and are occupied with commercial, industrial/warehouse, office, and multi-family residential uses.
 - **Rezoning History in Area**
 - There have been numerous rezonings in this area to accommodate various transit oriented developments.
 - **Public Plans and Policies**
 - The *South End Transit Station Area Plan* (2005) recommends mixed use transit supportive development.
 - The petition is consistent with the *South End Transit Station Area Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
 - **Vehicle Trip Generation:** The petition will allow a wide range of trip generation based on the existing and proposed zoning classifications.
 - **Connectivity:** Not applicable.
- **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 comments received.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

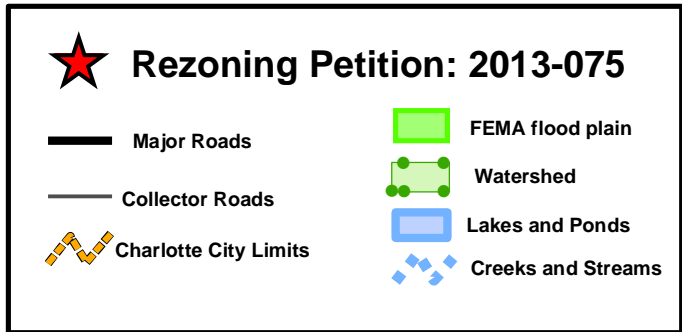
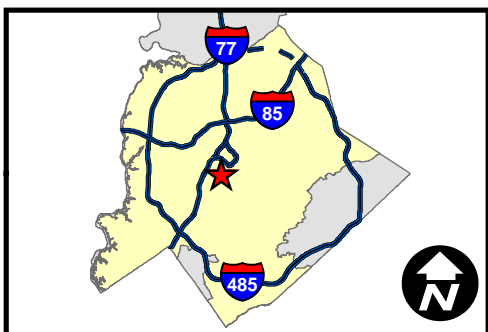
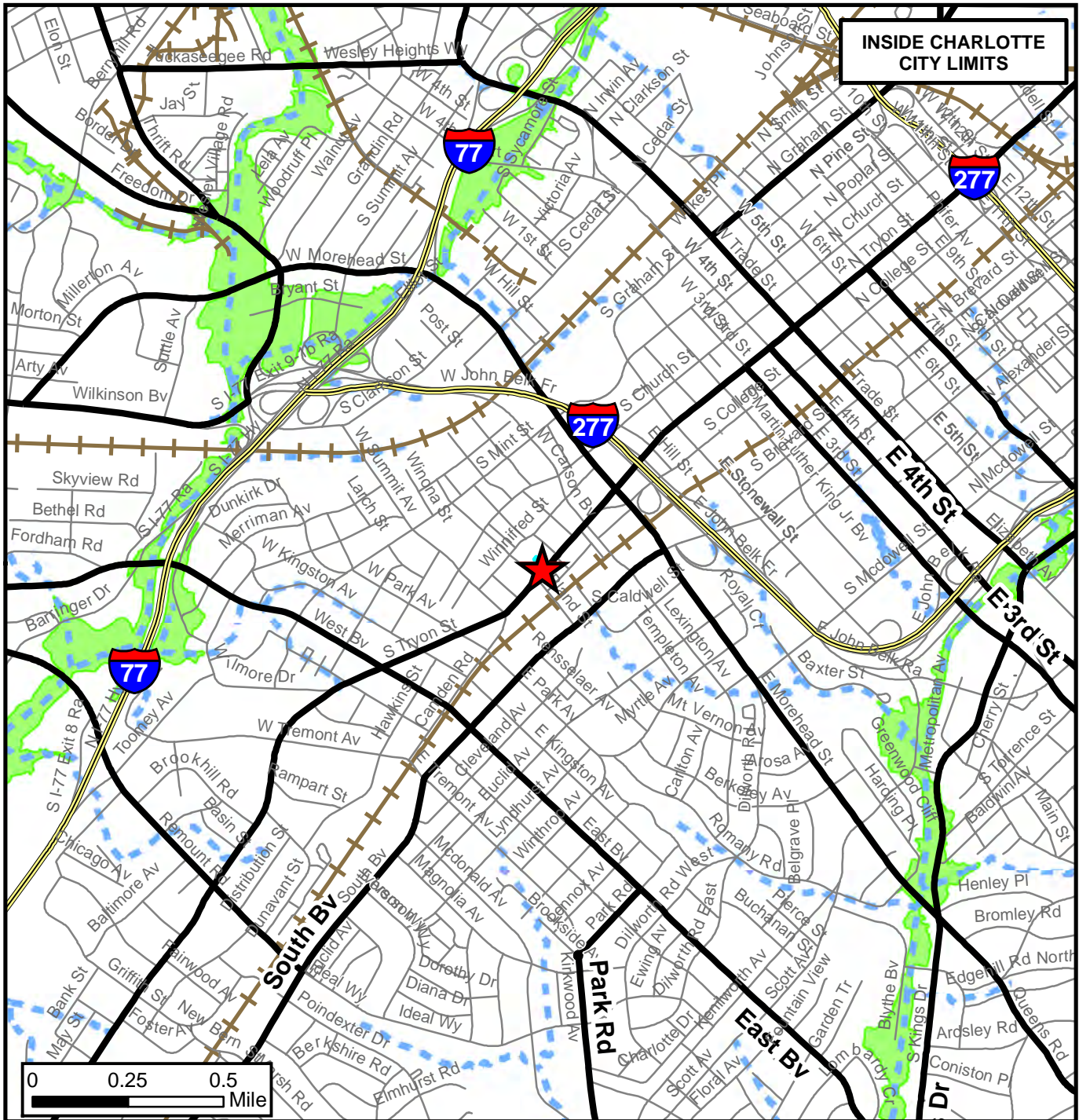
- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Locator Map
- 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

Planner: John Kinley (704) 336-8311

Acreage & Location : Approximately 0.214 acres located on the west side of South Tryon Street between West Catherine Street and West Bland Street.



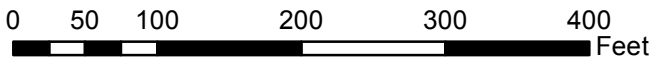
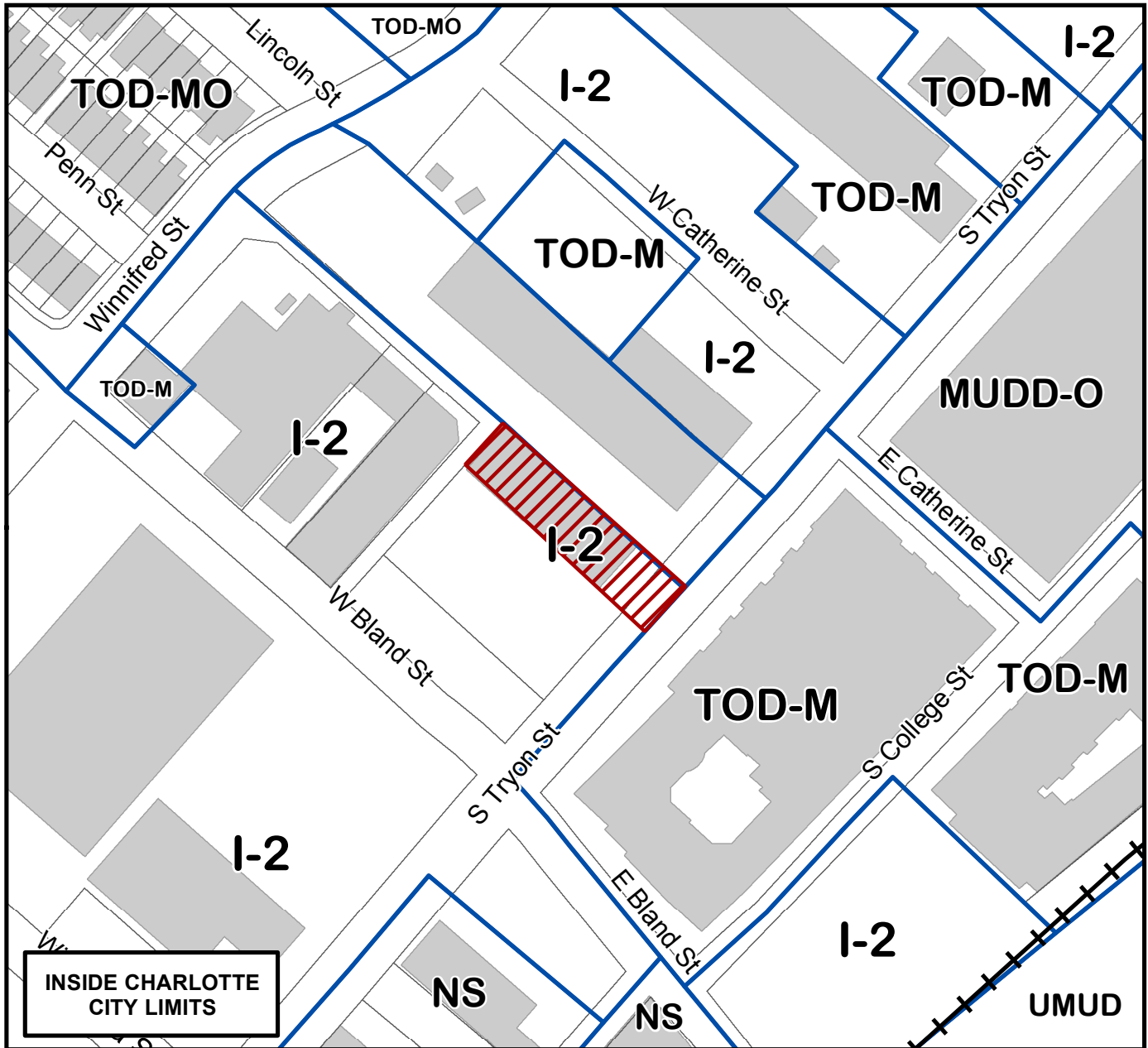
Petition #: **2013-075**

Petitioner: **Charlotte-Mecklenburg Planning Department**

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

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

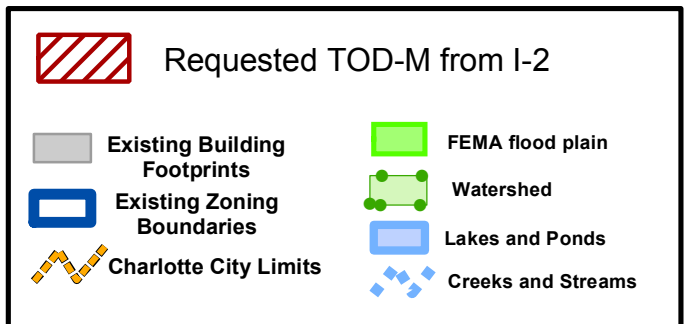
Acreage & Location: Approximately 0.214 acres located on the west side of South Tryon Street between West Catherine Street and West Bland Street.



Zoning Map #(s) **102**



Map Produced by the
Charlotte-Mecklenburg Planning Department
7-1-2013



REQUEST	Current Zoning: R-3 (single family residential) and MX-2 (mixed use) Proposed Zoning: O-1(CD) (office, conditional)
LOCATION	Approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes an office development limited to 50,000 square feet.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. This petition is inconsistent with the <i>South District Plan</i> which recommends single family residential uses. However, the size of the site, its orientation towards two thoroughfares, and its isolation from adjoining parcels make it difficult to develop a stand-alone single family development or use. With the commercial uses on two other intersection corners, the proposed office use serves as a transition to the adjoining residential townhomes.
PROPERTY OWNER	H. Melvin Johnston, Yvonne R. Johnston and Owners Association Princeton at South Hampton
PETITIONER AGENT/REPRESENTATIVE	George Macon N/A
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of People attending the Community Meeting: 4.

PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Maximum 50,000-square foot office development to allow medical, dental and optical clinics, barber and beauty shops, child care centers, cultural facilities, financial institutions, laboratories, offices 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 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 but are proposed, landscaping and tree plantings equal to a ten-foot buffer will be used to screen any parking until future buildings are constructed.
 - 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.
- **Existing Zoning and Land Use**
 - The subject property is currently zoned R-3 (single family) and developed with a residential structure. The surrounding properties are zoned MX-1 (mixed use), MX-2 (mixed use), and NS (neighborhood services) and developed with residential and commercial structures.
- **Rezoning History in Area**
 - Petition 2010-023 was a site plan amendment to NS (neighborhood services) and UR-2(CD) (urban residential, conditional) zoned property located just west of the site to allow up to 9,000 square feet of office and convert 30 live/work units to townhomes.

- **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 comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 160 trips per day.
Proposed Zoning: 780 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

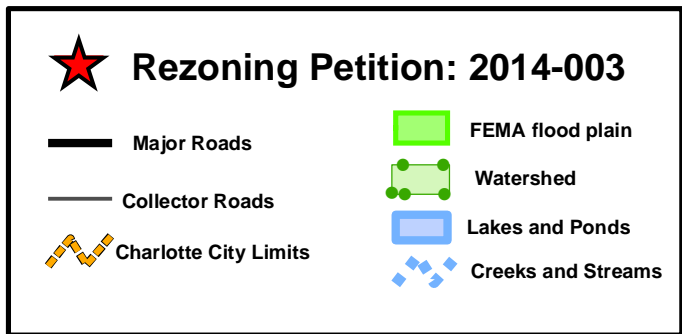
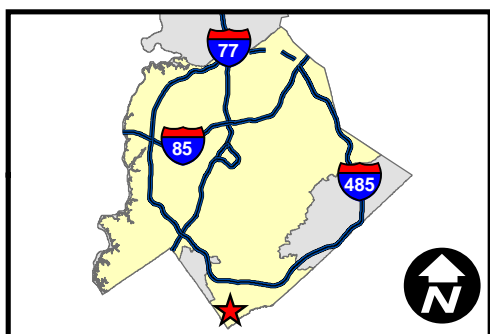
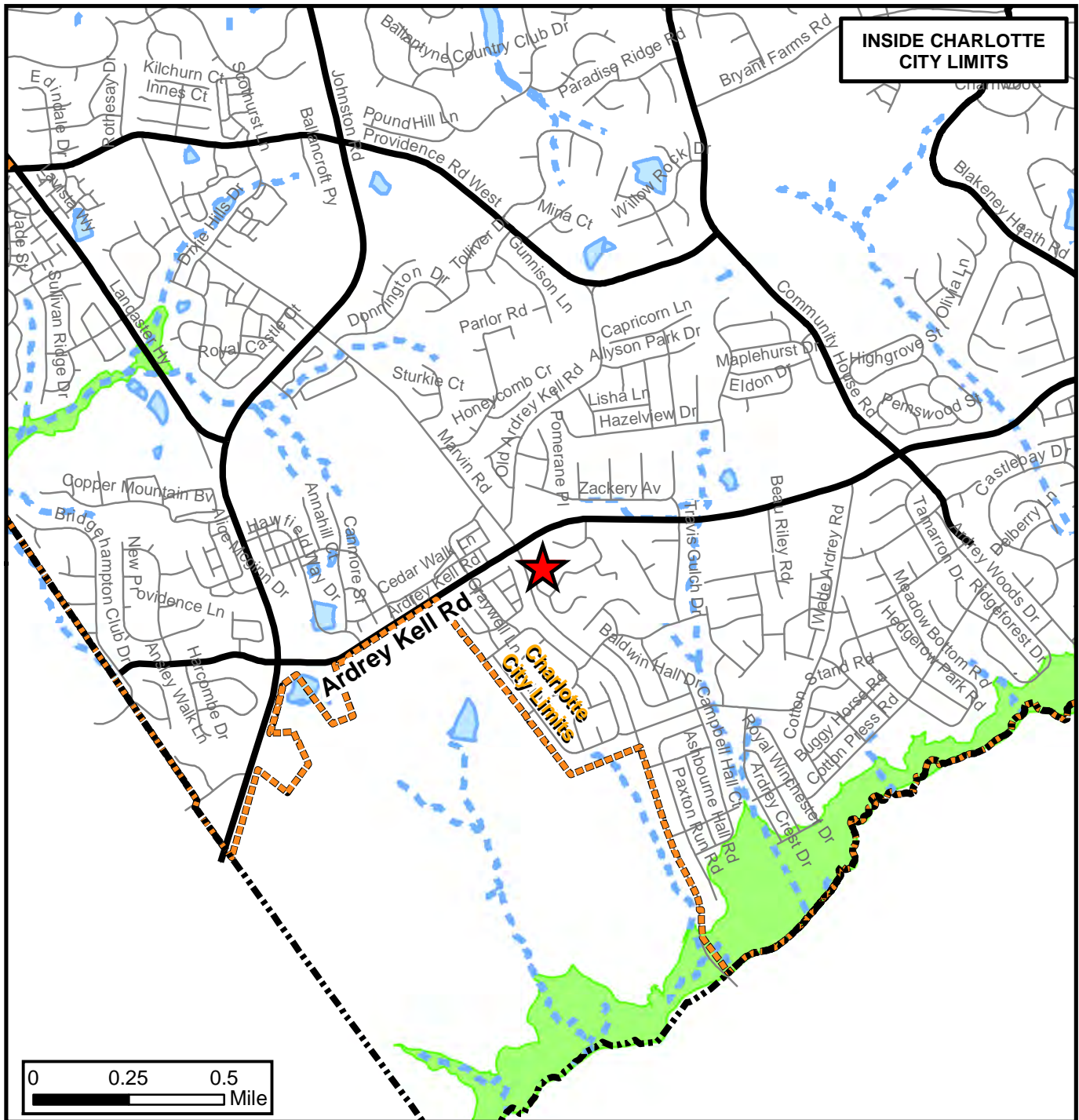
- The petitioner should:
 1. Modify Note D3 to read "no parking will be allowed between the building and the public streets."
 2. Modify and relocate proposed dumpster location to the rear of the site near the proposed tree save area.
 3. Modify the proposed uses to: "all O-1 uses except financial institutions, laboratories, child care centers and residential uses" and change "restaurants" to "Eating, Drinking and Entertainment Establishments (Type 1)".
 4. Provide building elevations.
 5. Show where all three proposed buildings will be located within the building envelope.
 6. Remove note H.2 and modify to read: "A signed approval letter from the South Hampton Home Owners Association agreeing upon the final locations of the proposed tree save and dumpster areas during site design will be provided to the Charlotte-Mecklenburg Planning Department prior to submitting for any permit on the subject site."
 7. Amend Development Conditions to add MX-2 under proposed zoning and the accompanying parcel number.
 8. Modify the Class "C" buffer along the driveway to Ardrey Kell Road to 30 feet.
 9. Label and show sidewalk connections from the proposed buildings to Marvin Road along both sides of the proposed driveway.
 10. Clarify the meaning of the following note: "Street trees along Marvin and Ardrey Kell Road will match the adjacent street trees."
-

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326

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



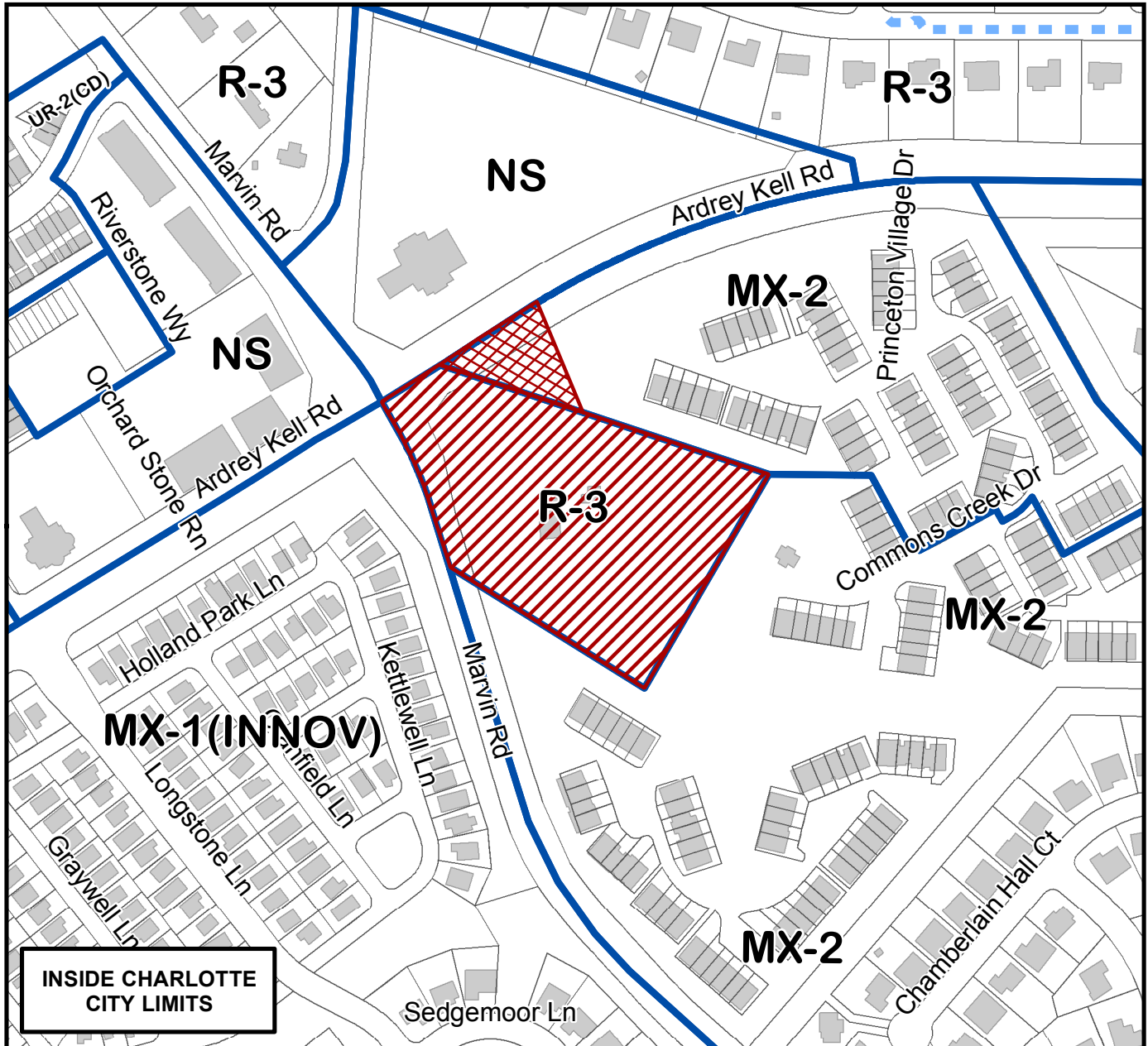
Petition #: **2014-003**

Petitioner: **George W. Macon**

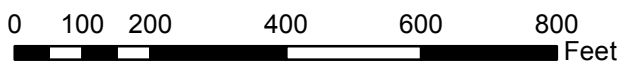
Zoning Classification (Existing): **R-3 and MX-2**
(Single Family, Residential and Mixed Use)

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.

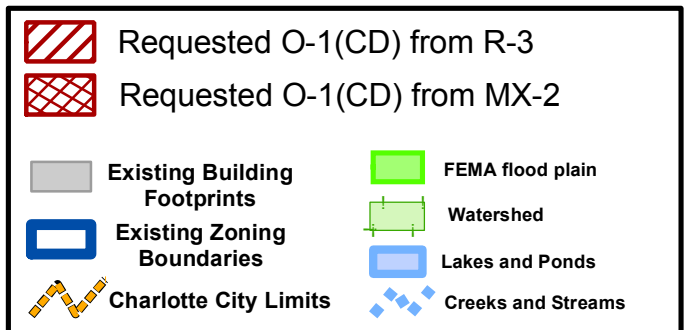


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-14.



Zoning Map #(s)

185



DEVELOPMENT CONDITIONS

- SITE AREA: 4.6 AC
- PARCEL ID NUMBER: 22902120
- EXISTING ZONING: R-3
- 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: BUFFER WILL COMPLY WITH SECTION 12.304 ALTERNATIVE BUFFER; IF NOT A BUFFER WILL BE INSTALLED ON THE O-1 PORTION OF THIS PLAN

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) barber, beauty shops, civic, child care centers, cultural facilities, financial institutions, laboratories, offices, and studios which are permitted under the Ordinance by right or under prescribed conditions in the O1 Zoning District. Retail and restaurants may be permitted as accessory uses, as described in ordinance.

B. Maximum Building Areas and Development Limitations

- 1. 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 match adjacent street trees.
- 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 and glass with stone or EIFS accenting.
- 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. Circulation and parking spaces will not be located in between buildings on the Site and abutting public streets without screening.
- 4. Buildings will utilize 4-sided architecture.

E. LIGHTING

- 1. All freestanding lighting fixtures will be uniform in design and will be shielded from adjacent residential area.
- 2. Freestanding lighting fixtures, including the base, may not exceed 25 feet and shall be fully-shielded and capped so that lighting is downwardly directed.
- 3. 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

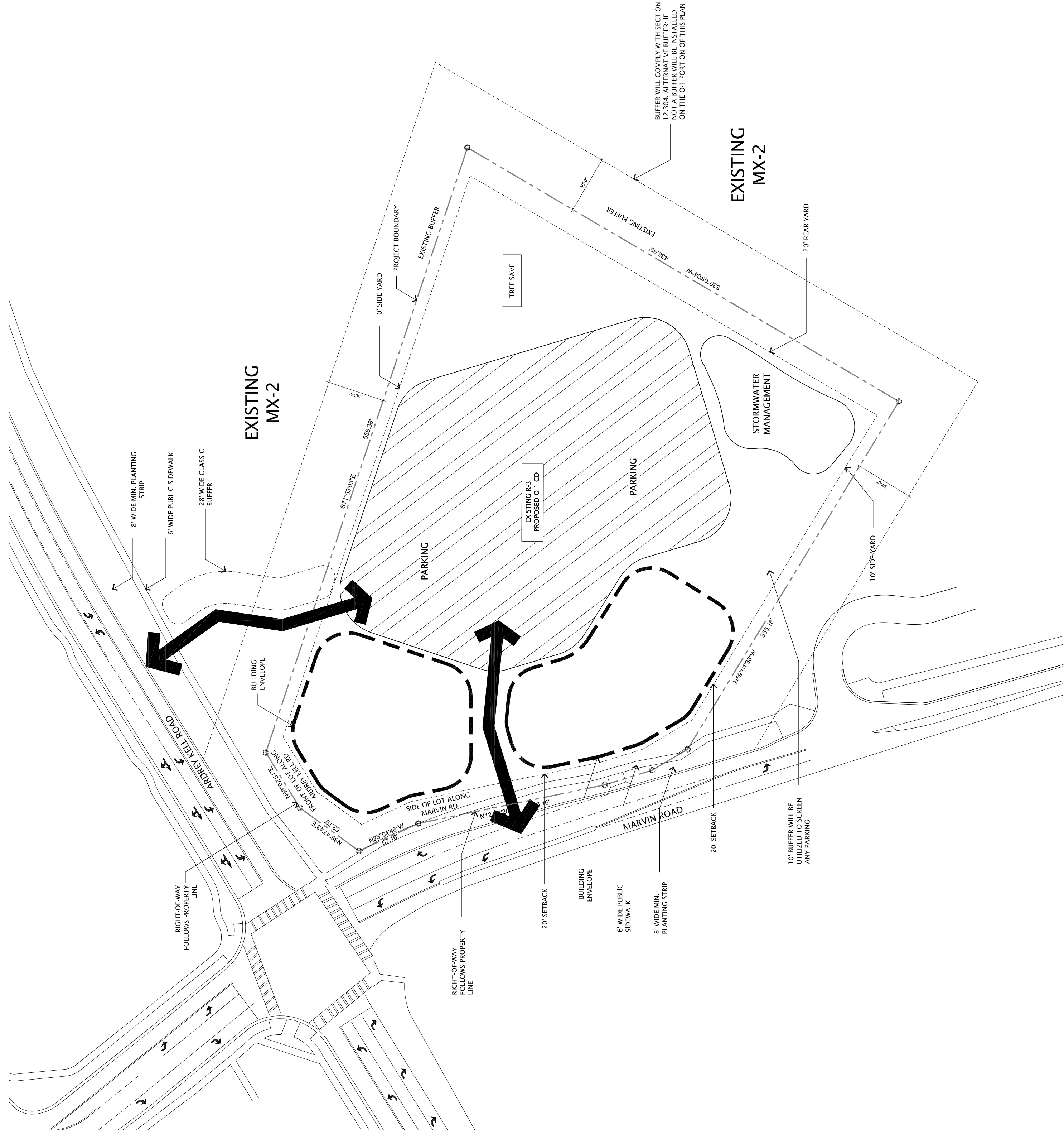
- 1. Surface level storm water detention will not be located in required setbacks.
- 2. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this 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

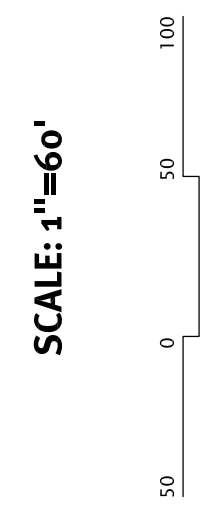
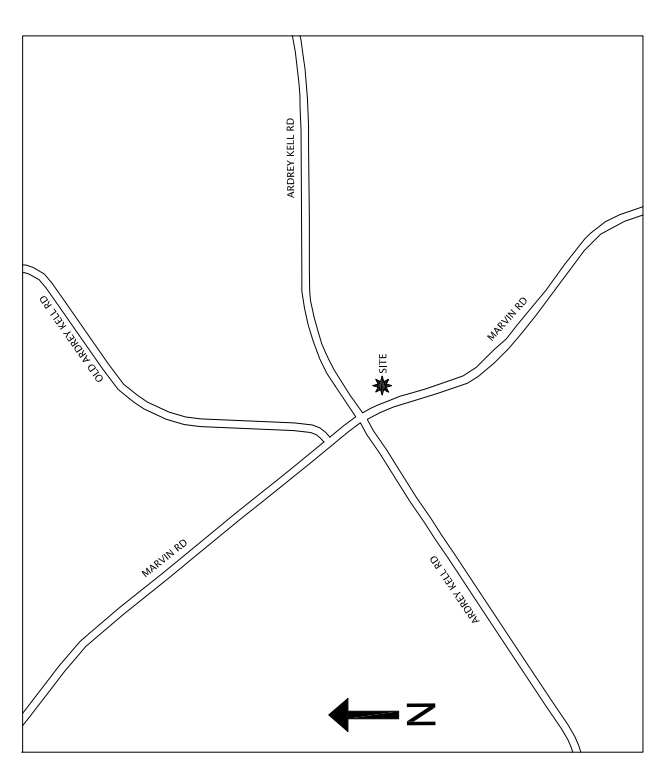
- 1. Future amendments to this Site Plan and these Development Standards may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.
- 2. The location of the trash facility and the tree save area, as shown on Page 2 of this Plan, require the approval of the Princeton at Southampton 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



SURVEY INFORMATION TAKEN FROM SURVEY BY GEOSCIENCE GROUP INCORPORATED
DATE: 10.30.2013



ROBERT JOHNSON architects
1668 WEST MOREHEAD ST.
CHARLOTTE, NC 28208
704 / 342-1058
F 704 / 342-3043
E INFO@RJARCHITECTS.COM

CONSULTANT

STAMPS

ARDREY KELL ROAD

16833 MARVIN RD
CHARLOTTE, NC

PROJECT NUMBER 597726

ISSUE DATE
INITIAL REZONING REVIEW 10.28.13
REVISED PER COMMENTS 02.14.14
REVISED PER COMMENTS 06.26.14

DRAWING DATA

DRAWN BY: JRY
CHECKED BY: RJJ
FILE NUMBER:

SHEET TITLE

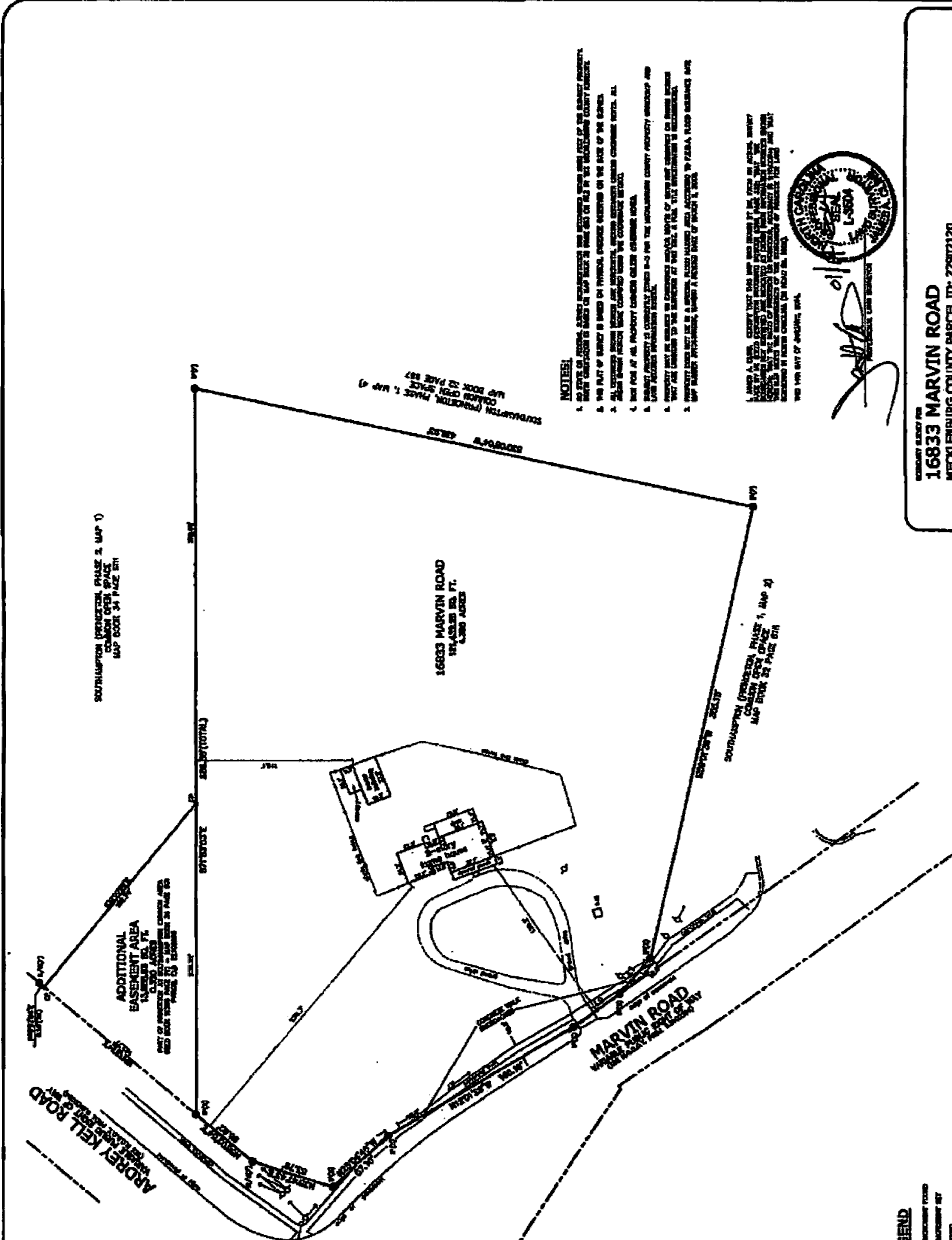
TECHNICAL DATA SHEET

THIS DRAWING IS THE PROPERTY OF ROBERT JOHNSON ARCHITECTS, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ROBERT JOHNSON ARCHITECTS, INC. THIS DRAWING IS NOT TO BE USED ON ANY OTHER PROJECT. IT IS TO BE RETURNED UPON REQUEST.

PETITION NUMBER
2014-003

SHEET NUMBER

RZ - 1.0



- SYMBOL LEGEND**
- CHY D CONCRETE BLOCKWORK FOUNDATION
 - CHY E CONCRETE BLOCKWORK SET
 - CHY F CONCRETE BLOCKWORK SET
 - CHY G CONCRETE BLOCKWORK SET
 - CHY H CONCRETE BLOCKWORK SET
 - CHY I CONCRETE BLOCKWORK SET
 - CHY J CONCRETE BLOCKWORK SET
 - CHY K CONCRETE BLOCKWORK SET
 - CHY L CONCRETE BLOCKWORK SET
 - CHY M CONCRETE BLOCKWORK SET
 - CHY N CONCRETE BLOCKWORK SET
 - CHY O CONCRETE BLOCKWORK SET
 - CHY P CONCRETE BLOCKWORK SET
 - CHY Q CONCRETE BLOCKWORK SET
 - CHY R CONCRETE BLOCKWORK SET
 - CHY S CONCRETE BLOCKWORK SET
 - CHY T CONCRETE BLOCKWORK SET
 - CHY U CONCRETE BLOCKWORK SET
 - CHY V CONCRETE BLOCKWORK SET
 - CHY W CONCRETE BLOCKWORK SET
 - CHY X CONCRETE BLOCKWORK SET
 - CHY Y CONCRETE BLOCKWORK SET
 - CHY Z CONCRETE BLOCKWORK SET



DATE	10/11/2023
BY	GEOSCIENCE GROUP
PROJECT	16833 MARVIN ROAD
CLIENT	YOUNG & RUBICAM
ADDRESS	500-K Clanton Road, Charlotte, NC 28217
PHONE	704-332-3000
FAX	704-332-3001
EMAIL	info@geosciencegroup.com

16833 MARVIN ROAD
 RECORDER'S COUNTY PARCEL ID: 22902120
 YOUNG & RUBICAM
 500-K CLANTON ROAD
 CHARLOTTE, NC 28217
 704-332-3000
 704-332-3001 (fax)

GEOSCIENCE GROUP
 CONSULTING ENGINEERS

APPROVED BY: [Signature]
 DATE: 10/11/2023



JAMES A. COOK, CIVIL ENGINEER, LICENSE NO. 15304, STATE OF NORTH CAROLINA. I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATIONS FOR THE PROPOSED CONSTRUCTION OF THE 16833 MARVIN ROAD PROJECT, INCLUDING THE ADDITIONAL BASEMENT AREA, HAVE BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER IN THE STATE OF NORTH CAROLINA.

- NOTES:**
- NO STATE OR FEDERAL AGENCY REGULATIONS HAVE BEEN REVIEWED WITH RESPECT TO THE PROPOSED PROJECT. THE USER OF THIS PLAN IS ADVISED THAT THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
 - THIS PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE USER. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
 - ALL DIMENSIONS ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN TO THE CENTERLINE UNLESS OTHERWISE NOTED.
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 - THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
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SOUTHAMPTON CONDOMINIUM, PHASE 2, MAP 1)
 CONDOMINIUM CONVERSION, PHASE 1, MAP 2)
 CONDOMINIUM CONVERSION, PHASE 1, MAP 2)
 CONDOMINIUM CONVERSION, PHASE 1, MAP 2)

REQUEST	Current Zoning: MX-3 (LLWCA) (mixed use, Lower Lake Wylie Critical Area) Proposed Zoning: MX-3 SPA (LLWCA) (mixed use, site plan amendment, Lower Lake Wylie Critical Area)
LOCATION	Approximately 6.23 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes a site plan amendment to increase the single family density for a portion of the original Palisades rezoning from 3.9 units per acre to 4.815 dwelling units per acre for a total of 30 attached dwelling units. The overall density of the original Palisades rezoning increases from 3.87 to 3.89 dwelling units per acre.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The proposed land use is consistent with the recommendation of the <i>Steele Creek Area Plan</i> , which calls for an overall density at four dwelling units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Wilkison Partners Palisades, LLC Wilkison Partners, LLC Michael L. Boston
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 10

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.
 - **Existing Zoning and Land Use**
 - The subject property is currently zoned MX-3 (mixed use) and partially developed with an outdoor recreation use. The surrounding properties are zoned R-3 (single family residential) and MX-3 (mixed use) and are developed with residential structures or vacant.
 - **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
 - **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.
 - **Vehicle Trip Generation:**
Current Zoning: The petition will allow a wide range of trip generation based on the existing zoning classification.
Proposed Zoning: 335 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 19 students, while the development allowed under the proposed zoning will produce 16 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0 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.
-

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 preserving existing trees.

OUTSTANDING ISSUES

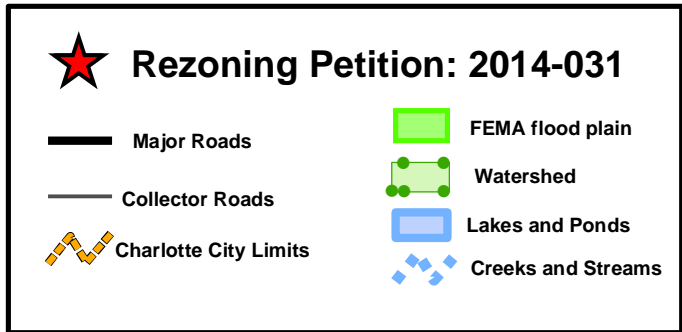
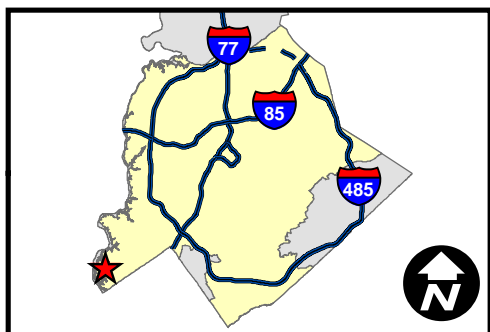
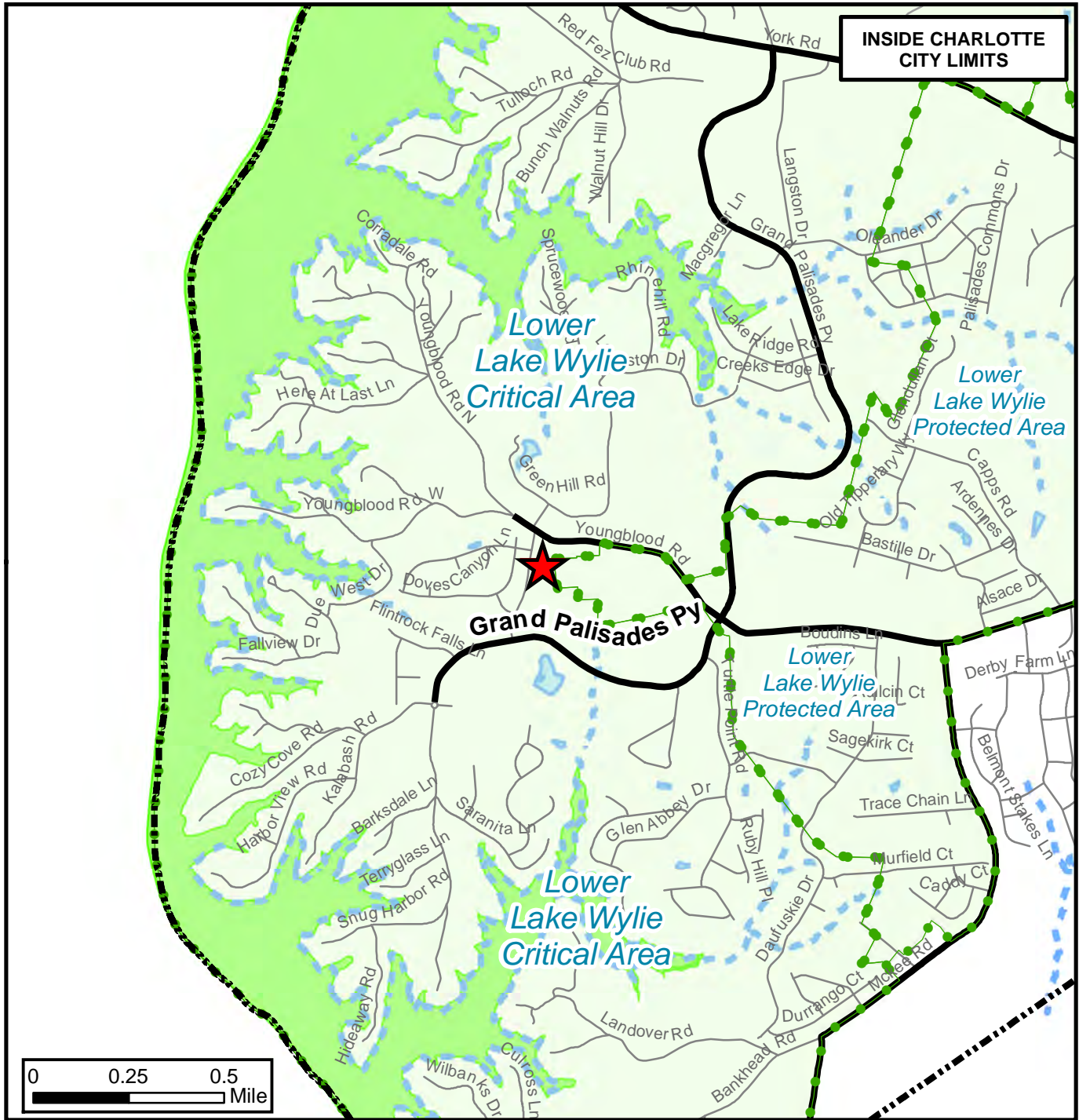
- The petitioner should:
 1. Submit an administrative request for Petition 2001-**016C** and **reduce the number of "village residential" units by 30 units prior to** the City Council decision.
 2. Clearly show which areas along Shelburne Farms Drive will have a berm and which areas will have a buffer.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

Attachments Online at www.rezoning.org

- Application
- 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

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



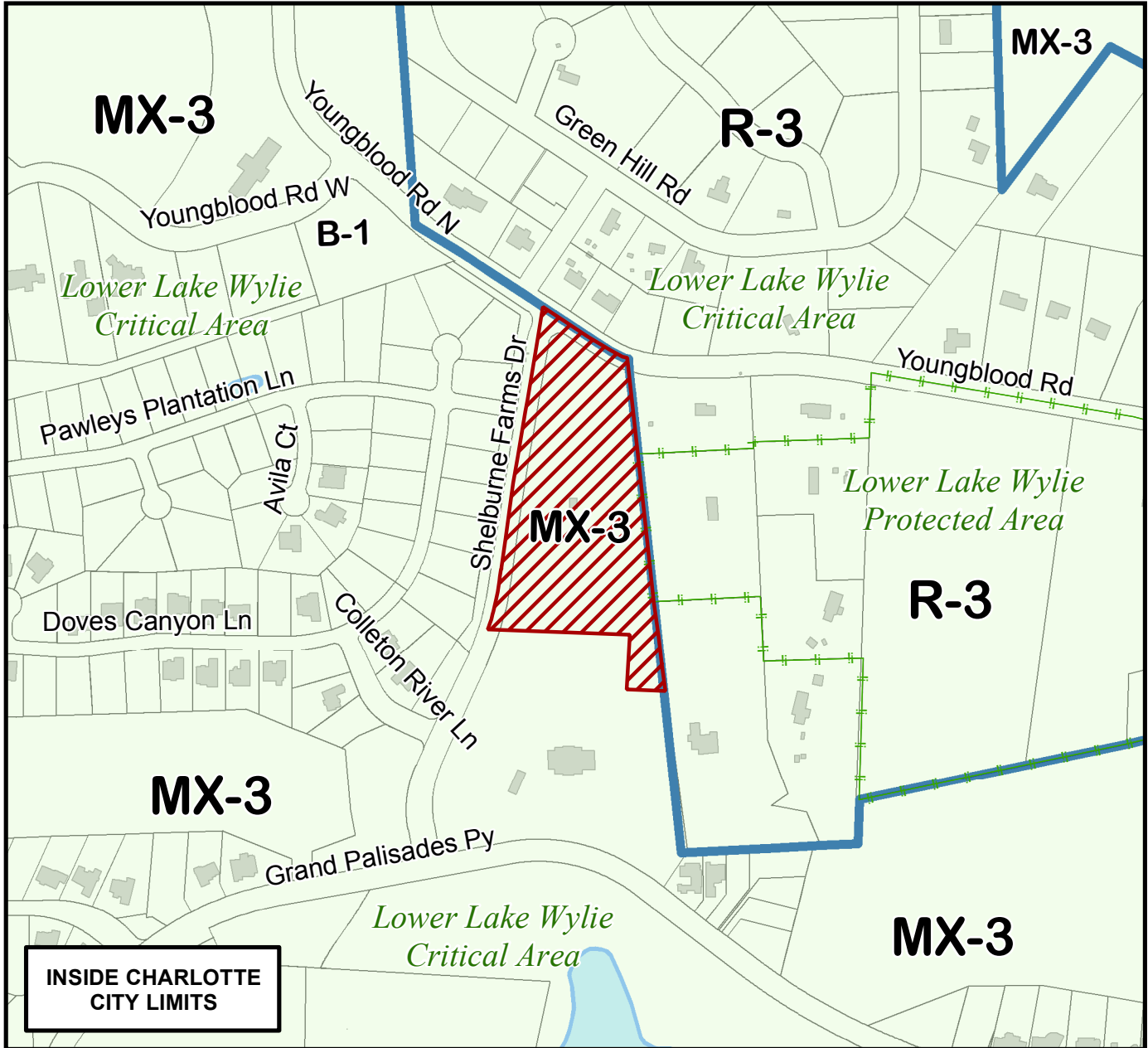
Petition #: **2014-031**

Petitioner: **Wilkison Partners, LLC**

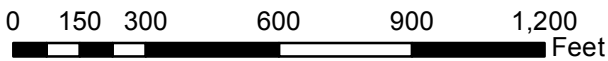
Zoning Classification (Existing): **MX-3 (LLWCA)**
(Mixed Use District, Lower Lake Wylie Critical Area)

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.

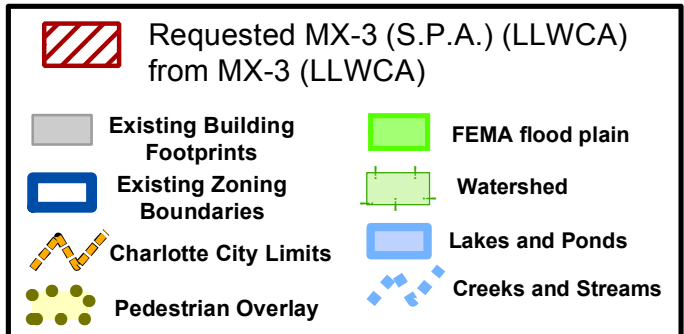


Map Produced by the Charlotte-Mecklenburg Planning Department, 9-3-14.



Zoning Map #(s)

173



DEVELOPMENT DATA TABLE:

TOTAL SITE AREA: 6.23 ACRES

TAX PARCELS # 217-071-98

EXISTING ZONING: MX-3 PETITION #2001-16(C)

PROPOSED ZONING: MX-3 SITE PLAN AMENDMENT

EXISTING USE: VACANT

PROPOSED ATTACHED SINGLE FAMILY UNITS: 30

DENSITY: 4.815 DU/A

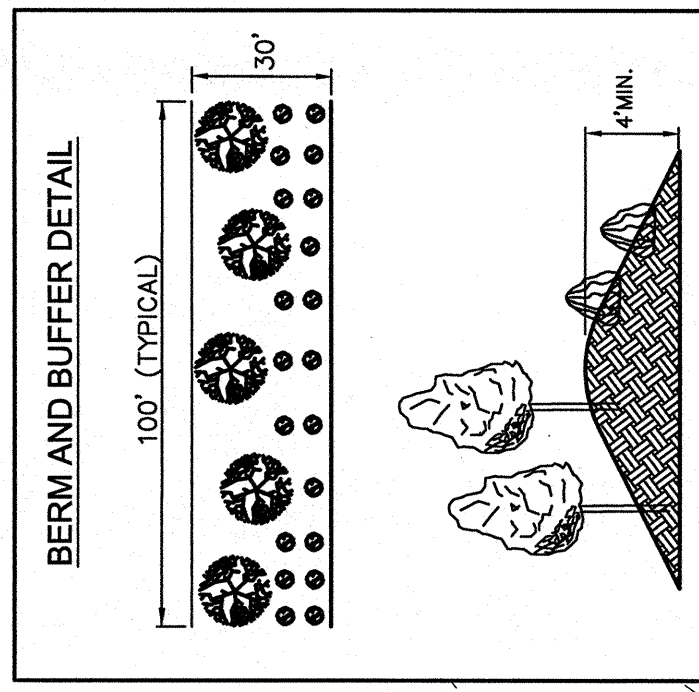
MAXIMUM BUILDING HEIGHT: 40'

FLOOR AREA RATIO NOT TO EXCEED 10

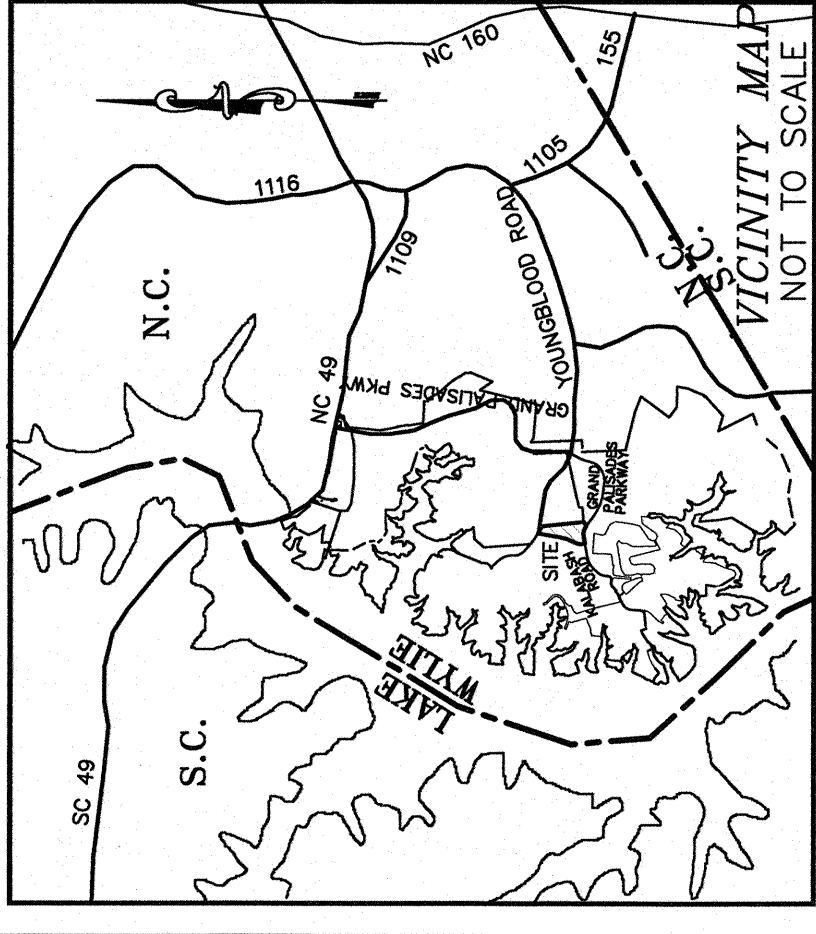
PARKING WILL MEET OR EXCEED ORDINANCE REQUIREMENTS

OPEN SPACE: 0.63 ACRES (10%)

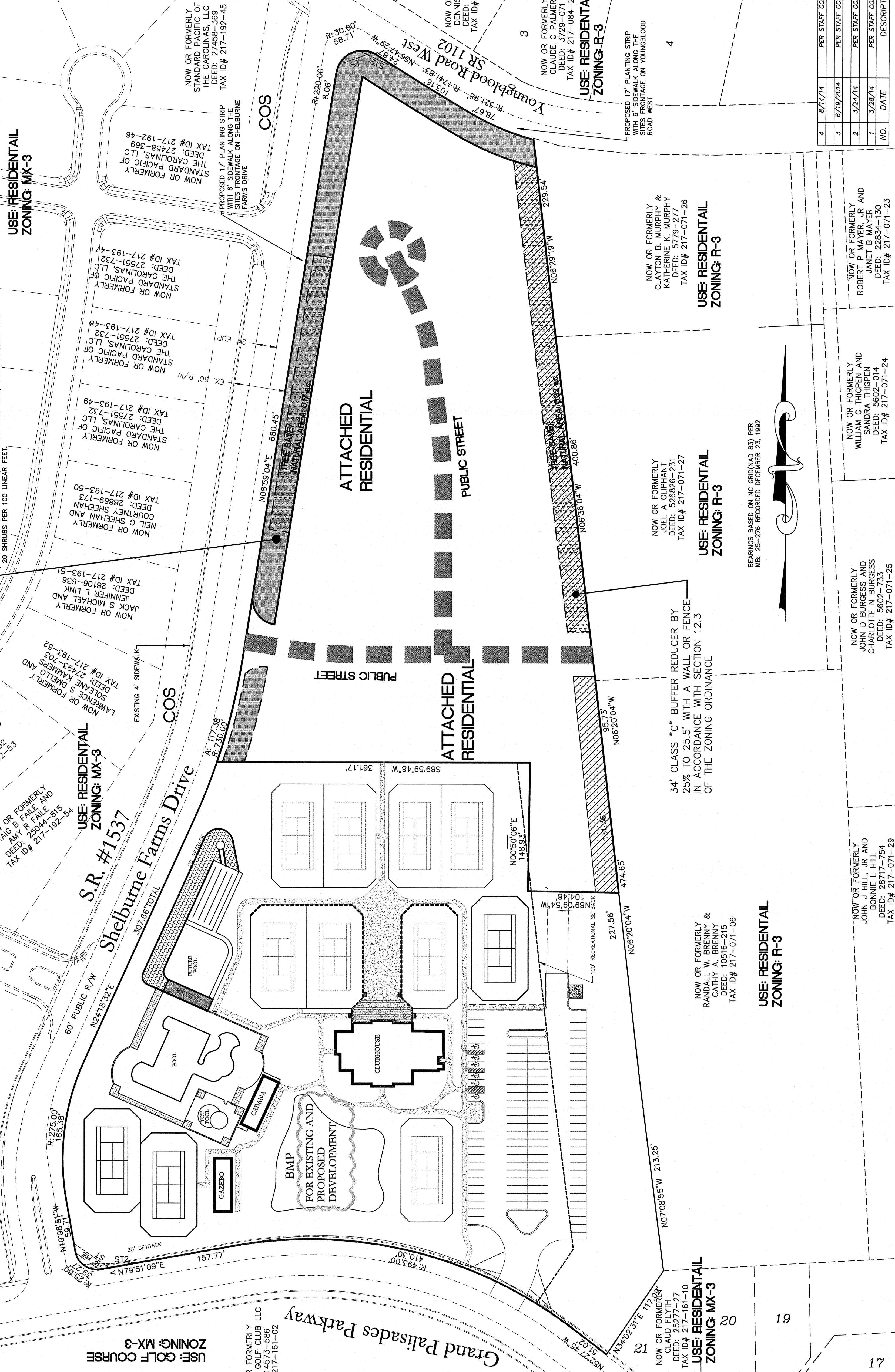
USE: RESIDENTIAL ZONING: MX-3



- CLASS "C" BUFFER - 0.47 AC.
- TREE SAVE/NATURAL AREA - OFFSITE - 0.60 AC.(10%)
- PERIMETER C.O.S./BUFFER - 0.67 AC.



NOTE: A 30' MINIMUM COMMON OPEN SPACE ADJACENT TO THE R/W OF YOUNGBLOOD ROAD WEST AND SHELBYNE FARMS DRIVE SHALL MEET THE REQUIREMENTS OF SECTION 6.2 OF THE ZONING ORDINANCE. COMMON OPEN SPACE SHALL CONTAIN A MINIMUM 4' HIGH BERM OR WALL FENCE AND PLANTINGS CONSISTING OF 6 TREES AND 20 SHRUBS PER 100 LINEAR FEET. AREAS QUALIFIED AS TREE SAVE, SHALL REQUIRE ONLY 20 SHRUBS PER 100 LINEAR FEET.



Architectural Standards

The Petitioner has also provided 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 designs but the overall design and construction character will be as illustrated. Changes will be allowed per section 6.207. To further define the character of the buildings to be constructed on the site, the Petitioner will include the following elements or features:

- The building exteriors located below the roof line, excluding areas devoted to windows, doors, garage doors, gables, and porches, shall be finished with a material or materials such as brick, architectural CMU, cultured stone, flat tile, slate, or other similar durable material.
- No vinyl, EIFS, or masonry will be used for siding materials but vinyl may be used for eoffit and trim including windows and doors.
- Roofing materials will be minimum thirty year architectural roof shingles(asphalt).

Environmental Features

The location, size and type of storm water management systems depicted on the Proposed Plan are subject to review and approval as part of the final 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 discharge points.

Parks, Greenways, and Open Space

Reserved

Fire Protection

Reserved

Signage

Reserved

Lighting

Reserved

Preexisting lighting on the site will utilize full cut-off luminaires and be limited to 20' of total height.

Detached lighting will be downwardly directed.

Phasing

Reserved

Initial Submission- 01-27-14

Streetscape and Landscaping

The petitioner reserves the right to install an entrance feature at the driveway connection to Shelburne Farms Drive subject to approval by North Carolina and Charlotte Departments of Transportation.

General Provisions

a. Development of this 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 requirements and are not subject to review and approval as part of this rezoning petition. The Petitioner acknowledges that 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", "Developer", "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 residential community composed of single family attached dwellings. To achieve this purpose, the application seeks a site plan amendment to the MX-3 district.

Permitted Uses

Uses allowed on the property included in this Petition will be single family attached dwelling units and related accessory uses as are permitted in the MX-3 district.

Transportation

a. The site will have access via a new standard residential medium public street connection to Shelburne Farms Drive as generally identified on the concept plan for the site.

b. No driveways serving individual residences will be permitted to connect to Shelburne Farms Drive or Youngblood Road West.

Architectural Standards

The Petitioner has also provided 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 designs but the overall design and construction character will be as illustrated. Changes will be allowed per section 6.207. To further define the character of the buildings to be constructed on the site, the Petitioner will include the following elements or features:

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Reserved

Fire Protection

Reserved

Signage

Reserved

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Phasing

Reserved

Initial Submission- 01-27-14

Streetscape and Landscaping

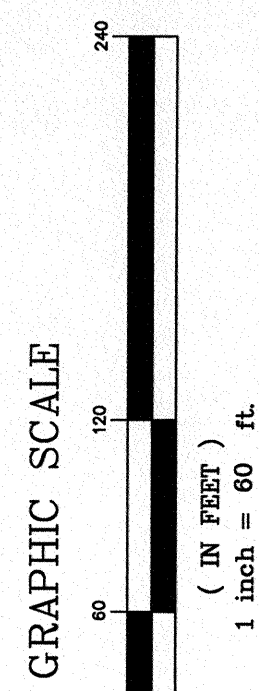
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b. The Petitioner acknowledges that other standard development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, trees, bicycle parking, and site development, may apply to the development of this site. These are not zoning requirements and are not subject to review and approval as part of this rezoning petition. The Petitioner acknowledges that 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", "Developer", "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.



TECHNICAL DATA SHEET

PALISADES TENNIS COMMUNITY

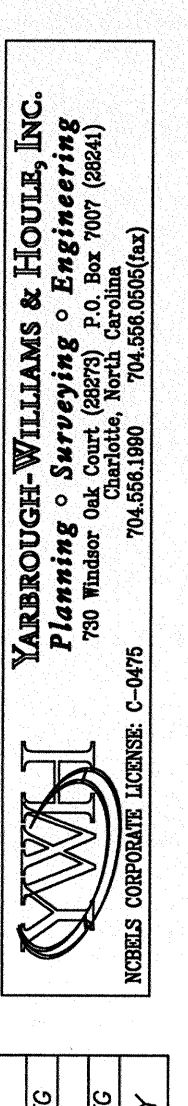
STEELE CREEK TWP., MECK. CO., NC CHARLOTTE (ETJ)

FOR: WILKISON PARTNERS, LLC

DATED: 1/27/14

SCALE: 1" = 60'

FOR PUBLIC HEARING
REZONING PETITION #2014-031



NO.	DATE	DESCRIPTION	BY
4	8/14/14	PER STAFF COMMENTS	BTG
3	6/19/2014	PER STAFF COMMENTS	BTG
2	3/24/14	PER STAFF COMMENTS	BTG
1	3/29/14	PER STAFF COMMENTS	BTG

PROPOSED 17' PLANTING STRIP WITH 6' SIDEWALK ALONG THE SITES FRONTAGE ON YOUNGBLOOD ROAD WEST

NOW OR FORMERLY CLAYTON B. MURPHY & KATHERINE K. MURPHY DEED: 5779-2777 TAX ID# 217-071-26

USE: RESIDENTIAL ZONING: R-3

NOW OR FORMERLY NOEL O. MURPHY DEED: 528226-231 TAX ID# 217-071-27

USE: RESIDENTIAL ZONING: R-3

NOW OR FORMERLY JOHN D. BURGESS AND CHARLOTTE N. BURGESS DEED: 5602-014 TAX ID# 217-071-24

USE: RESIDENTIAL ZONING: R-3

NOW OR FORMERLY RANDALL W. BRENNY & CATHY A. BRENNY DEED: 10516-215 TAX ID# 217-071-06

USE: RESIDENTIAL ZONING: R-3

NOW OR FORMERLY JOHN J. HILL, JR AND BONNIE L. HILL DEED: 2871-754 TAX ID# 217-071-23

USE: RESIDENTIAL ZONING: R-3

NOW OR FORMERLY ROBERT G. MAYER AND JANET B. MAYER DEED: 22834-130 TAX ID# 217-071-23

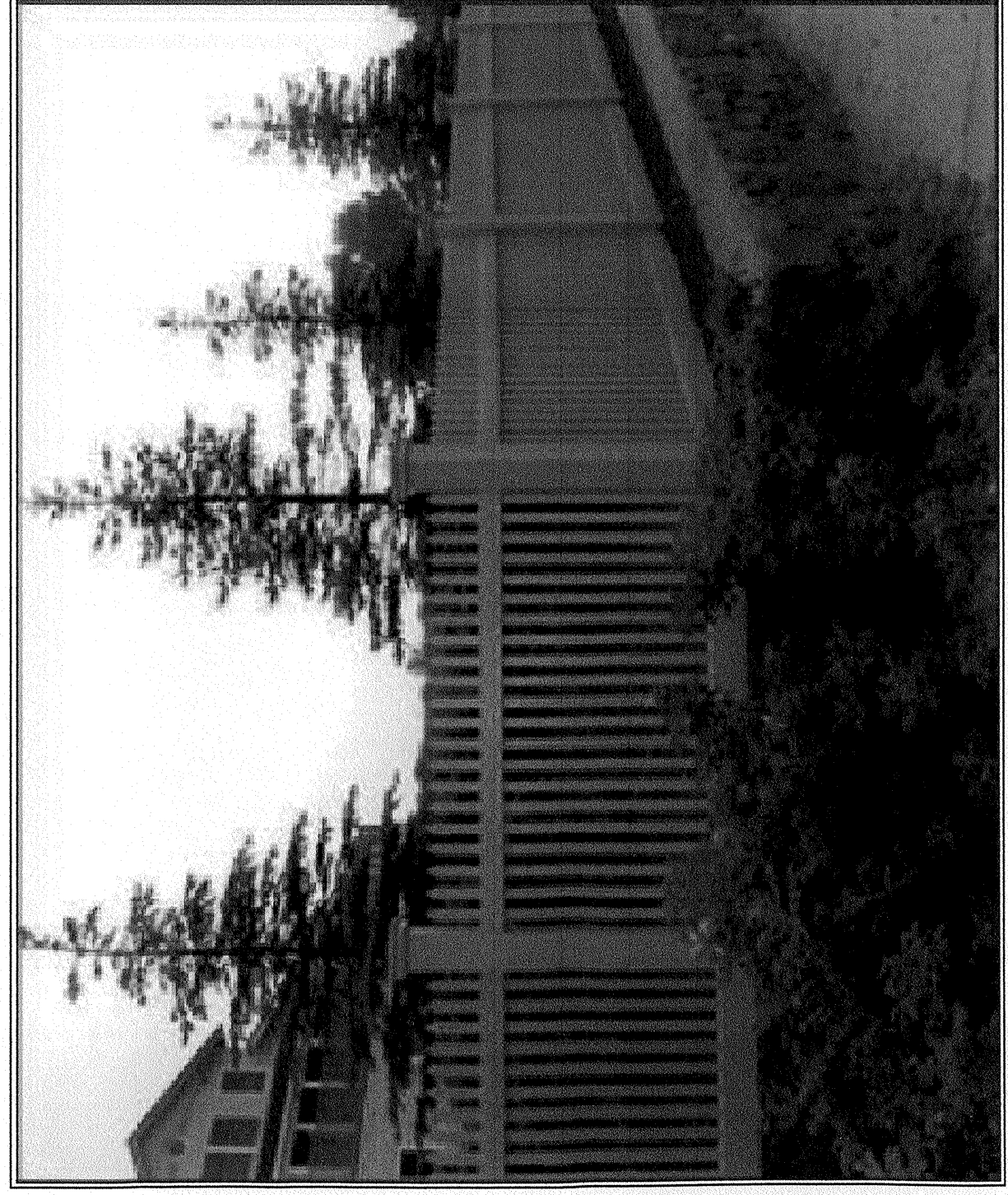
USE: RESIDENTIAL ZONING: R-3

BEARINGS BASED ON NC GRID (NAD 83) PER MB: 25-276 RECORDED DECEMBER 23, 1992

TYPICAL BUILDING ELEVATION



ELEVATED NANTUCKET FENCE



BUILDING ELEVATION/
FENCE DETAIL

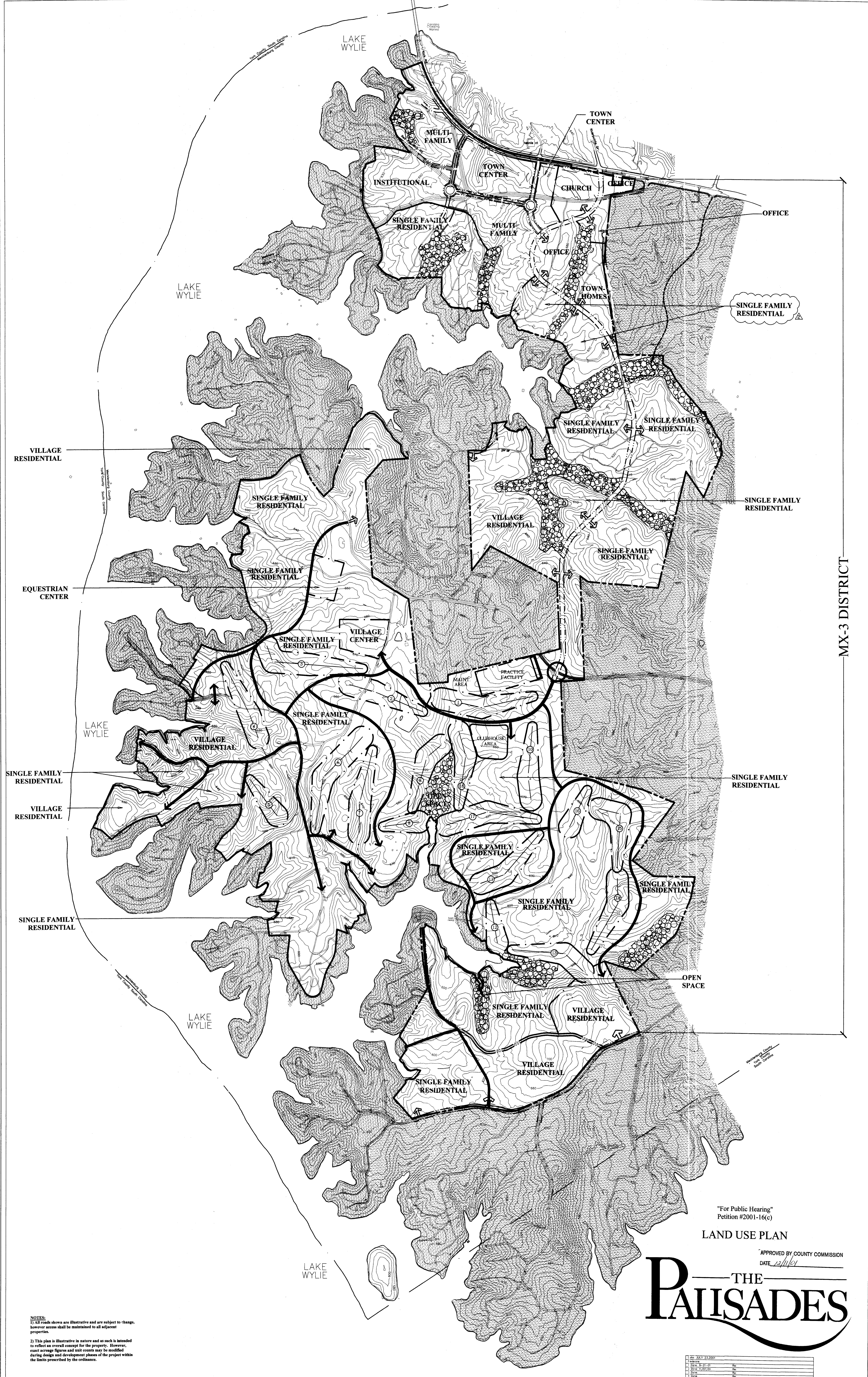
PALISADES TENNIS COMMUNITY
 STEELE CREEK TWP, MECK. CO., NC CHARLOTTE ET.U)
 FOR: WILKISON PARTNERS, LLC
 DATED: 1/27/14
 SCALE: 1" = 60'

FOR PUBLIC HEARING
 REZONING PETITION #2014-031

NO.	DATE	DESCRIPTION	BY
1	8/12/14	PER STAFF COMMENTS	BJG

YARBROUGH-WILLIAMS & HODGE, INC.
 Planning & Surveying & Engineering
 700 Wilshire Oak Court (Bldg 2) P.O. Box 7007 (28241)
 Charlotte, NC 28220-7007
 704.536.1000 FAX 704.536.0202 (ext.)
 NCBELS CORPORATE LICENSE: C-4178

Previously
Approved
Site
Plan



MX-3 DISTRICT

"For Public Hearing"
Petition #2001-16(c)

LAND USE PLAN

APPROVED BY COUNTY COMMISSION
DATE 12/11/01

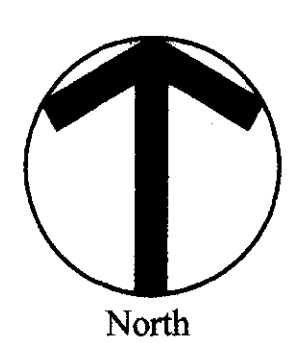
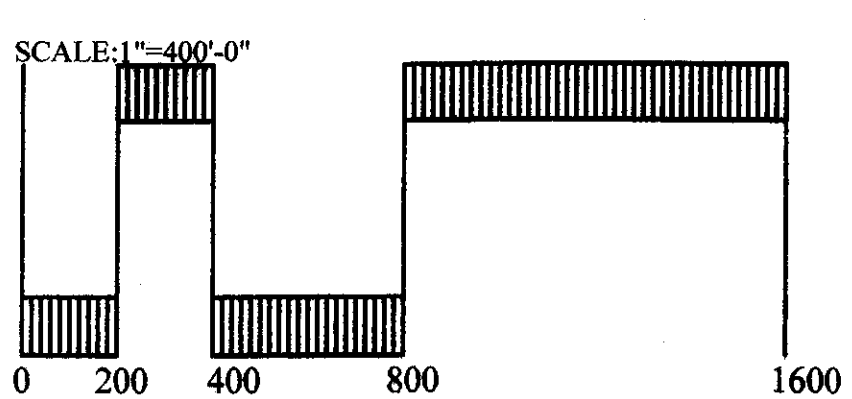
THE PALISADES

NOTES:
1) All roads shown are illustrative and are subject to change, however access shall be maintained to all adjacent properties.
2) This plan is illustrative in nature and as such is intended to reflect an overall concept for the property. However, exact acreage figures and unit counts may be modified during design and development phases of the project within the limits prescribed by the ordinance.

DATE	NOV 23, 2001
REVISION	
NO. 1	NOV 27, 01
NO. 2	12/27/01
NO. 3	
NO. 4	

PREPARED BY: **Wirth & Associates**
PLANNING - SURVEYING - ENGINEERING
1100 W. 10th St., Suite 202
Charlotte, NC 28202
Phone: 704-375-2844
Fax: 704-375-2844

PETITIONERS: **Crescent Resources Inc.**
400 South Tryon Street, Suite 1300
Charlotte, North Carolina
ROBERT C. RHEIN INTERESTS, INC.
5200 77 Conder Drive
Suite 141
Charlotte, North Carolina 28217
(704) 587-2233
FAX (704) 527-9726



LAKE WYLIE

SITE DEVELOPMENT DATA:

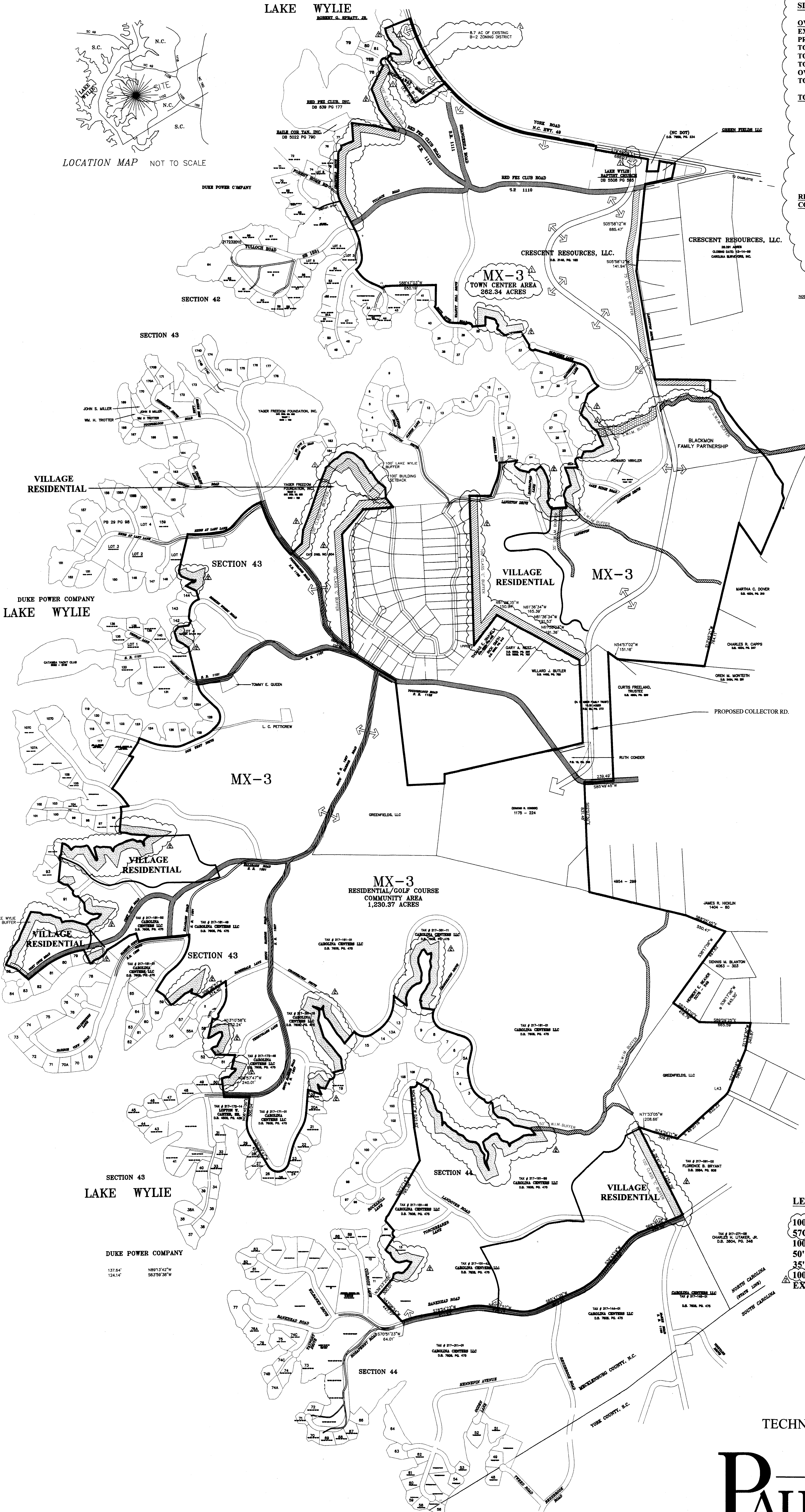
OVERALL PROJECT SUMMARY	
EXISTING ZONING:	R-5 & B-2
PROPOSED ZONING:	MX-3
TOTAL AREA:	1,492.71 AC
TOTAL RESIDENTIAL AC:	1,068.2 AC
TOTAL RESIDENTIAL UNITS:	4,145 UNITS
OVERALL RESIDENTIAL DENSITY:	3.9 DU/AC
TOTAL OPEN SPACE:	301.9 AC (20%)

TOWN CENTER AREA:	262.34 AC
RESIDENTIAL DEVELOPMENT:	
SINGLE FAMILY:	67.5 AC 375 UNITS 5.6 DU/AC
MULTI-FAMILY:	45.0 AC 700 UNITS 15.6 DU/AC
TOWNHOMES:	11.3 AC 150 UNITS 12.7 DU/AC
RETAIL:	
OFFICE:	29.2 AC 200,000 SF*
CHURCH:	11.8 AC
INSTITUTIONAL:	27.0 AC
OPEN SPACE:	31.9 AC
ROAD R.O.W.:	18.9 AC

RESIDENTIAL/GOLF COURSE COMMUNITY AREA:	1,230.37 AC
RESIDENTIAL DEVELOPMENT:	
SINGLE FAMILY:	769.2 AC 2,030 UNITS 2.6 DU/AC
VILLAGE RESIDENTIAL:	175.4 AC 890 UNITS 5.1 DU/AC
VILLAGE CENTER:	9.0 AC 10,000 SF
PASSIVE OPEN SPACE:	70.0 AC
EQUESTRIAN CENTER:	6.8 AC
GOLF COURSE:	200.0 AC

NOTE: Average figures are approximations. Exact average will get determined in the design development phase of the project. All acreage for the development will cover the underlying parcel and will be in the reference or as specified herein.

LOCATION MAP NOT TO SCALE



LEGEND:

- 100' LAKE WYLIE BUFFER (FROM: 570 CONTOUR)
- 100' S.W.I.M. BUFFER:
- 50' S.W.I.M. BUFFER:
- 35' S.W.I.M. BUFFER:
- (100'/50') CLASS 'C' BUFFER:
- EXISTING ROAD R.O.W.:

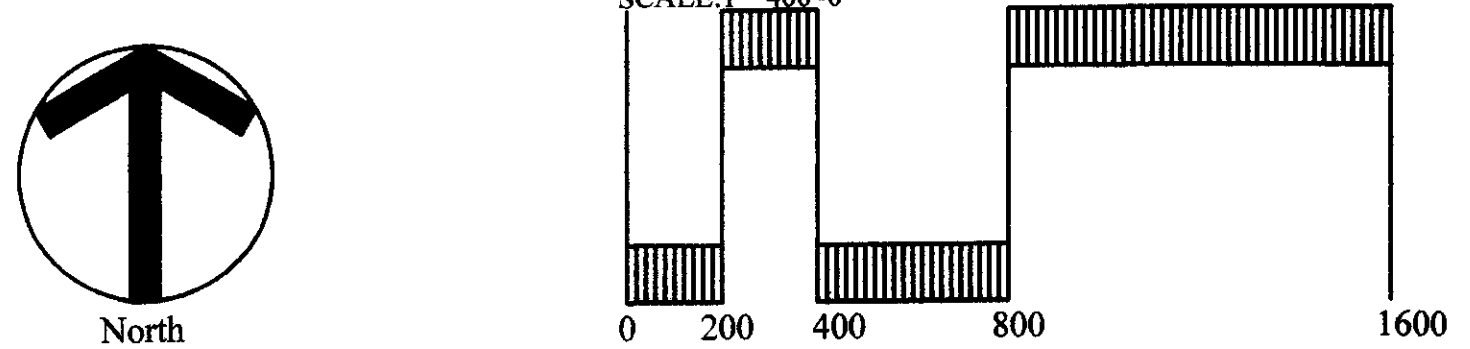
"For Public Hearing"
Petition #2001-16(c)

TECHNICAL DATA SHEET

THE PAISADES

APPROVED BY COUNTY COMMISSION
DATE 12/11/01

NOTES:
1) This plan is illustrative in nature and as such is intended to reflect an overall concept for the property. However, exact acreage figures and unit counts may be modified during design and development phases of the project within the limits prescribed by the ordinance.



DATE: JULY 23, 2001	NO. Change Project Name/Assess. Problem: /
REVISION:	NO. File Comments/ Public Input
1. DATE: 11/26/01	NO.
2. DATE:	NO.
3. DATE:	NO.
4. DATE:	NO.

PREPARED BY: **Wirth & Associates**
LANDSCAPE ARCHITECTS AND PLANNERS
1000 W. BROAD ST., SUITE 200
CHARLOTTE, NC 28202
PHONE: 704-375-1000 FAX: 704-375-1001
WWW.WIRTHANDASSOCIATES.COM

PETITIONERS: **Crescent Resources, Inc.**
400 South Tryon Street, Suite 1300
Charlotte, North Carolina

ROBERT C. RHIN INTERESTS, INC.
5200 77 Center Drive
Suite 141
Charlotte, North Carolina 28217
(704) 527-2333
FAX (704) 527-0750

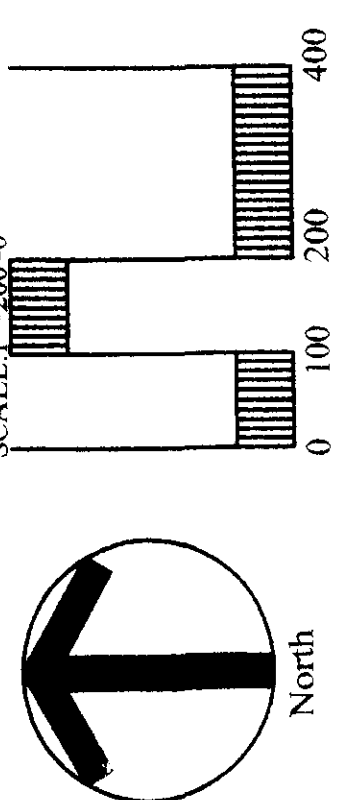
THE PAISADES

DATE	DESCRIPTION
12/11/01	Final Public Hearing
11/15/01	Public Hearing
11/08/01	Public Hearing
10/25/01	Public Hearing
10/18/01	Public Hearing
10/11/01	Public Hearing
10/04/01	Public Hearing

PREPARED BY:
Wirth & Associates
 1000 W. 10th Street, Suite 212
 Charlotte, NC 28202
 Phone: 704.375.1000 Fax: 704.375.1001

PREPARED FOR:
Crescent Resources Inc.
 400 South Tryon Street, Suite 1300
 Charlotte, North Carolina

ROBERT C. REHR INTERESTS, INC.
 6200 77 Center Drive
 Suite 141
 Charlotte, North Carolina 28217
 Phone: 704.527.0269 FAX: 704.527.0269



MULTIFAMILY
 LAKE WYLIE
 OPEN SPACE

TOWNHOMES
 5.0 AC 40 UNITS

SCHOOL SITE
 7.1 AC

PARK SITE/OPEN SPACE
 18.4 AC

DAY CARE

LAKE WYLIE

SINGLE FAMILY
 45.3 AC 150 UNITS

PEDESTRIAN/BICYCLE PATHWAYS

MULTI-FAMILY
 17.5 AC 235 UNITS

MULTI-FAMILY
 20.0 AC 250 UNITS

RETAIL
 22.8 AC 150,000 SF

RETAIL
 5.6 AC 50,000 SF

FIRE STATION
 1.5 AC

OFFICE
 14.7 AC 90,000 SF

OFFICE
 3.0 AC 10,000 SF

MCDOWELL PARK
 ENTRANCE

NC HWY 49

OPEN SPACE

TOWNHOMES
 17.3 AC 88 UNITS

POTENTIAL BMP POND

LANGSTON DRIVE
 W/75' BUFFER

SINGLE FAMILY
 30.0 AC 150 UNITS

FUTURE PATH/TRAIL CONNECTION
 TO MCDOWELL PARK

STUDMAN BRANCH

NOTE:
 This plan is illustrative in nature and as such is intended to reflect an overall concept for the property. However, exact acreage figures and unit counts may be modified during design and development phases of the project with the limits prescribed within the limits.

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: INST(CD) (institutional, conditional)
LOCATION	Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to reuse an existing single family home to establish a child care center for up to 60 children.
STAFF RECOMMENDATION	Staff recommends approval of the petition upon resolution of outstanding issues. The petition is inconsistent with the <i>Northeast District Plan</i> , which recommends single family residential up to four dwelling units per acre. However, area plans typically do not specify locations for institutional uses. In addition, the site has frontage along a major thoroughfare and the proposed use would serve the needs of the surrounding neighborhoods.
PROPERTY OWNER	North End Homes, LLC
PETITIONER	Mark Patterson
AGENT/REPRESENTATIVE	N/A
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8.

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.

- **Existing Zoning and Land Use**

- The rezoning site is developed with a 2,114-square foot single family home constructed in 1983, and surrounded by primarily single family neighborhoods with some multi-family, commercial, office and institutional uses on properties zoned a variety of zoning districts.

- **Rezoning History in Area**

- A pending staff-initiated rezoning petition (2014-018) proposes to rezone approximately 8.81 acres located on the east side of Prosperity Church Road across from Prosperity Point Lane from R-17MF (CD) (multi-family residential) to R-4 (single family residential). This rezoning will implement recommendations within the Council District 4 Multi-family Assessment Report.

- **Public Plans and Policies**

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

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 80 trips per day.
Proposed Zoning: 270 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** Urban Forestry comments that any existing street trees must be protected during all phases of construction.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- 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.

Attachments Online at www.rezoning.org

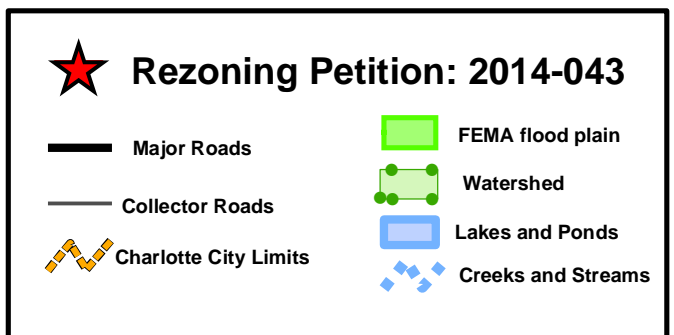
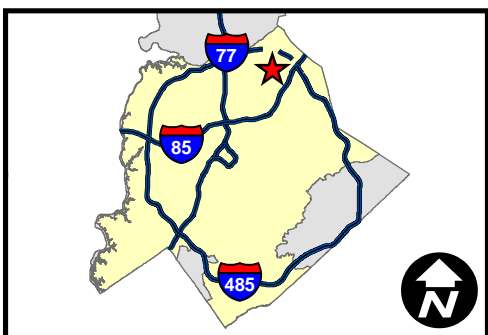
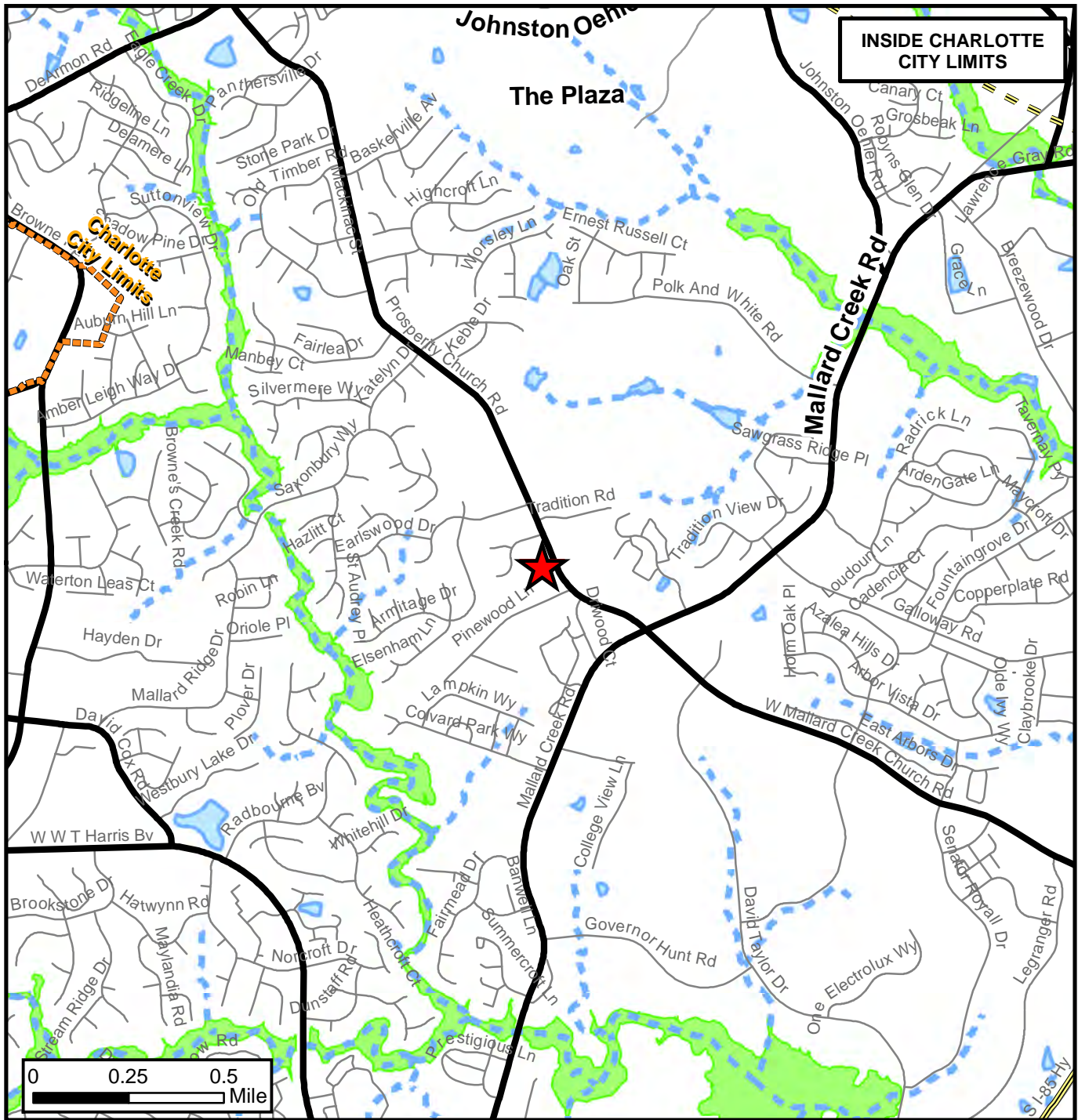
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and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

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

Petition #: **2014-043**

Vicinity Map

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



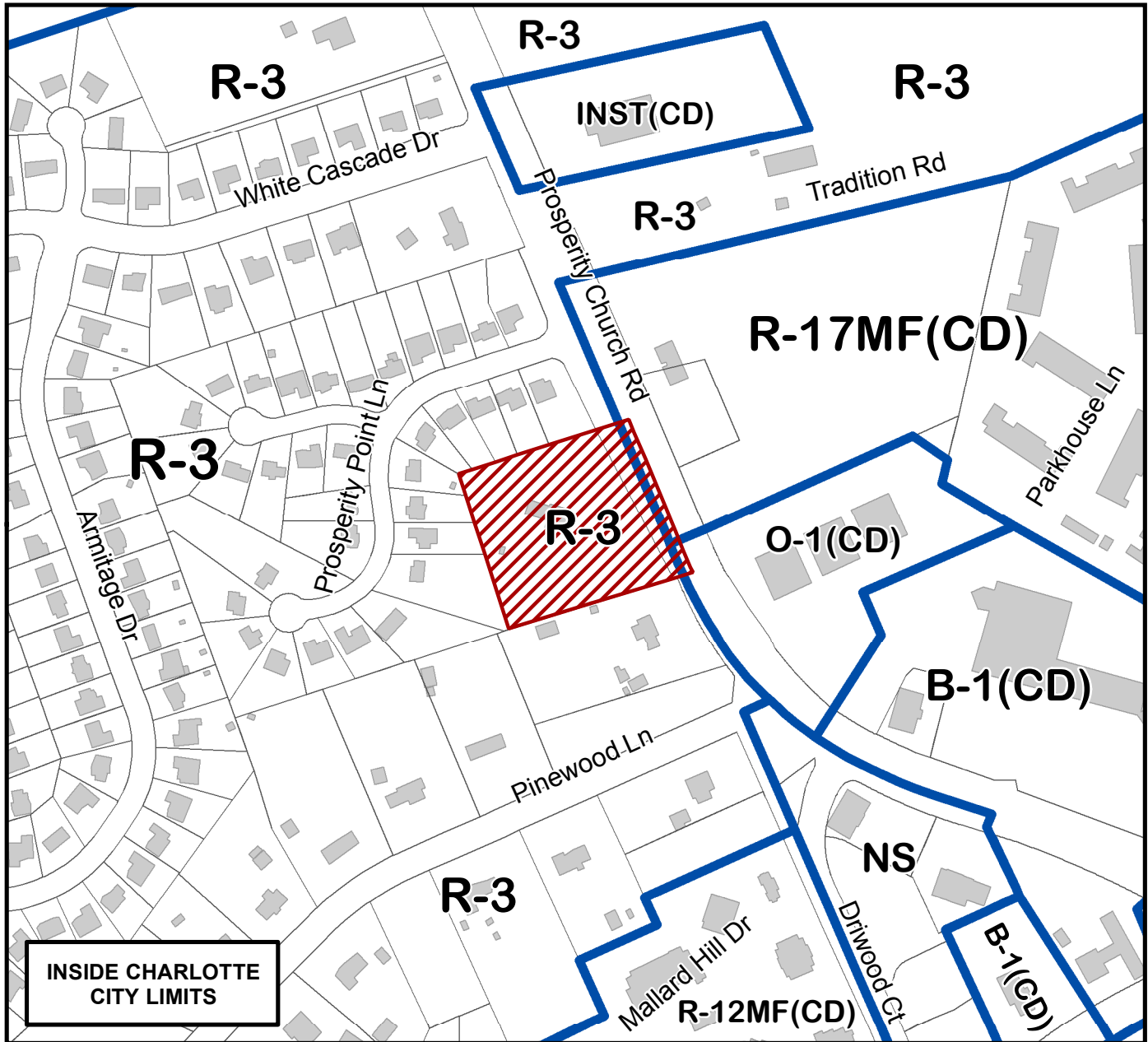
Petition #: **2014-043**

Petitioner: **Mark Patterson**

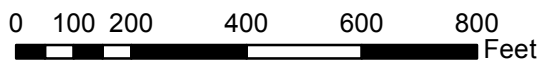
Zoning Classification (Existing): **R-3**
(Single Family, Residential)

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

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

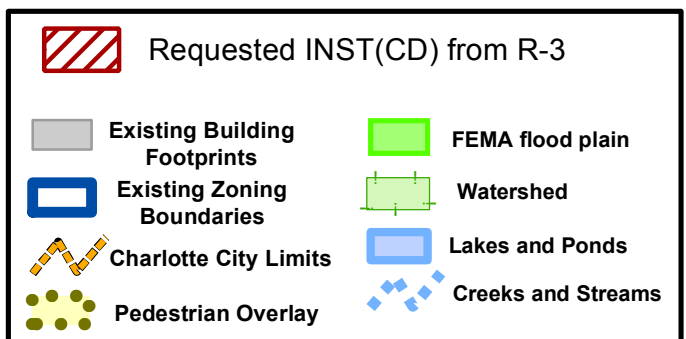


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-26-14.



Zoning Map #(s)

53



SITE PLAN NOTES

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

1. DEVELOPMENT DATA

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

2. GENERAL PROVISIONS

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

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

4. PERMITTED USES

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

5. TRANSPORTATION

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

PROPOSED SITE ENTRANCE IS RIGHT-IN MOVEMENT ONLY.

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

6. ARCHITECTURAL STANDARDS

EXISTING STRUCTURE TO REMAIN.

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

7. STREETSCAPE AND LANDSCAPING

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

8. ENVIRONMENTAL FEATURES

MALLARD CREEK WATERSHED

11. LIGHTING

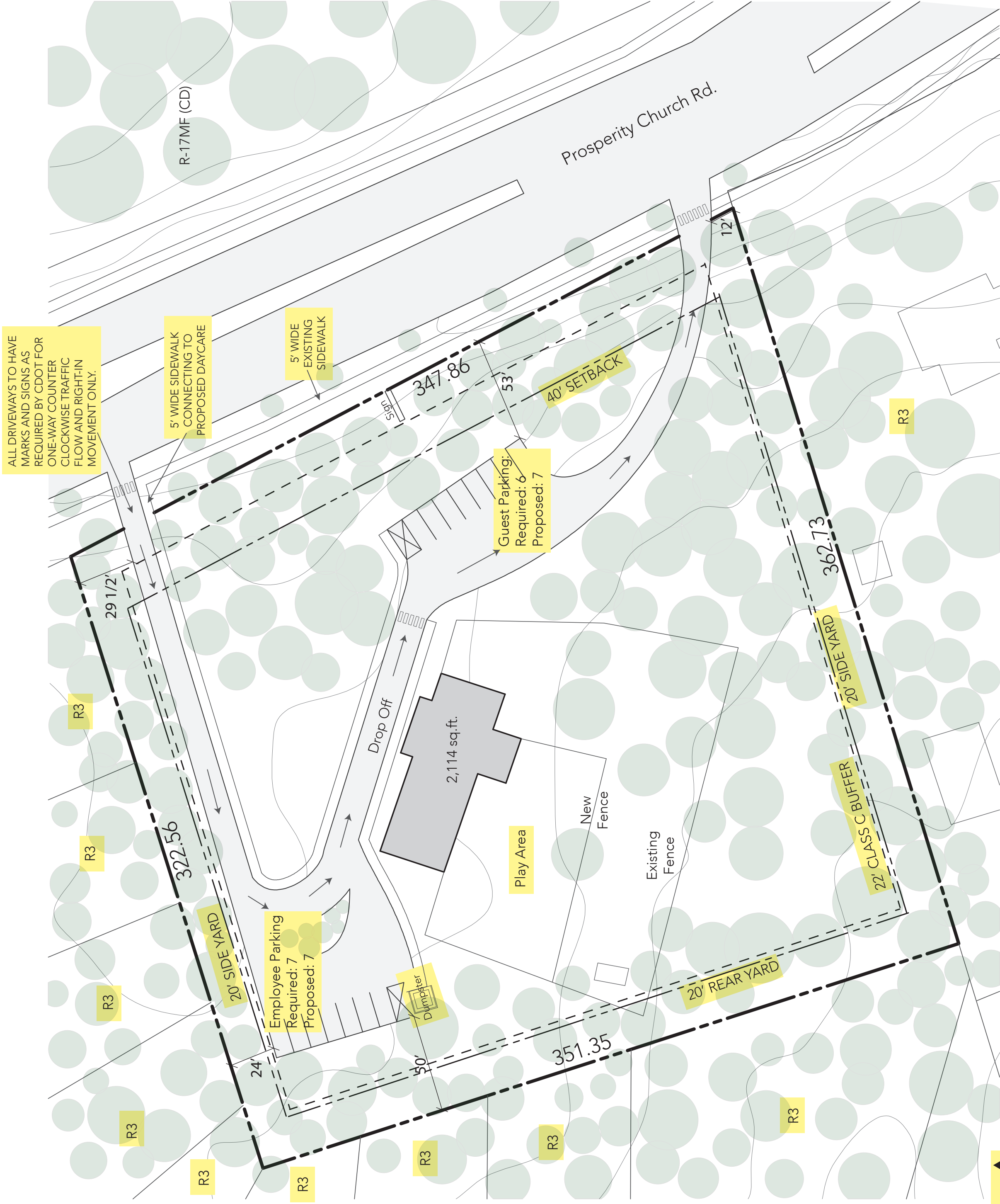
ALL HEADING LIGHTING WILL BE UNIFORM IN DESIGN AND PLACED WHERE REQUIRED.

FREESTANDING LIGHTING WILL BE LIMITED TO 25' IN HEIGHT.

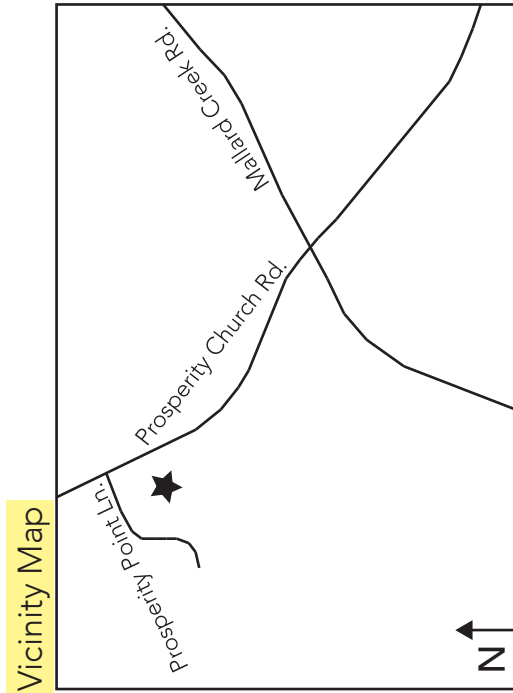
ALL LIGHTING WILL HAVE FULL CUT-OFF LIGHTING FIXTURES.

14. OTHER

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



Scale 1" = 40'



REZONING- RESIDENTIAL TO COMMERCIAL DAYCARE

3231 PROSPERITY CHURCH RD



September 15, 2014

Note: The petitioner is requesting a deferral of this petition to November 17, 2014.

REQUEST	Current Zoning: CC (commercial center) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 1.53 acres located on the south side of Morrison Boulevard between SouthPark Drive and Sharon Road. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes up to 190,000 square feet of office uses and up to 12,500 square feet of retail and restaurant uses as part of the SouthPark Mall development.
STAFF RECOMMENDATION	Staff recommends approval of the petition upon resolution of outstanding issues. The proposed use is not consistent with the specific retail use recommended in the <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.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Higbee LANCOMS, LP, a Delaware Limited Partnership SSBH, LLC Jeff Brown/Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: No attendees

PLANNING STAFF REVIEW

• Background

- The subject property was part of a larger site that was rezoned from R-12 (single family residential) and O-15 (office) to B-1SCD (business shopping center district) via petition 1965-045 for a 758,000-square foot regional shopping center, identified as SouthPark Mall, bounded by Morrison Boulevard, Sharon Road, Fairview Road and Barclay Downs Drive.
- Subsequent rezoning petitions 1986-046, 2000-052 and 2005-113 incorporated additional parcels and increased square footage.
- Current development rights for the overall mall site are approximately 1.2 million square feet of retail space.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- A maximum of 190,000 square feet of office uses and up to 12,500 square feet of retail and restaurant uses, along with accessory uses permitted in the MUDD (mixed use development) district.
- A financial institution with accessory drive-through windows may be located on the site.
- Building height not to exceed 200 feet.
- Vehicular and pedestrian access to the site via Morrison Boulevard, the internal private drives, and the parking areas of SouthPark Mall.
- Parking provided in a new structured parking deck.
- Building material to include brick, natural stone, architecturally finished precast concrete, decorative concrete masonry units, architectural metal panels, glazing, stucco, and tile cladding. Vinyl siding and unfinished concrete masonry units will be prohibited as exterior building materials.
- A recognizable building base will be provided through material transitions and building articulation.
- The portion of the building occupied by ground floor uses and facing Morrison Boulevard will be designed to create an interesting and activated building façade for pedestrians. A sense of entry

-
- will be provided along Morrison Boulevard.
 - Pedestrian connections to the existing Pedestrian Promenade along Morrison Boulevard and to the sidewalk located along Morrison Boulevard will be provided.
 - Any outdoor amenity/dining areas located along Morrison Boulevard will include seating areas, landscaping and decorative paving, and will be connected to the sidewalk along Morrison Boulevard via a sidewalk.
 - Detached lighting will be limited to a maximum height of 15 feet.
 - The existing bus waiting pad along Morrison Boulevard will be modified/replaced if the existing curb along Morrison Boulevard is reconstructed.
 - Optional provisions requested include:
 - Building height to a maximum of 200 feet.
 - Wall signs up to 200 square feet of surface area per wall or 10 percent of the wall to which attached, whichever is least.
 - Ground floor tenants to have wall signs with up to 100 square feet of sign area on each wall.
 - Ground mounted identification signs to have up to 36 square feet of sign area and up to seven feet in height.
 - Allow the site to not have frontage on a public street.
 - **Existing Zoning and Land Use**
 - The subject property is currently used as a surface parking lot associated with SouthPark Mall. It is **part of a separate ownership parcel that includes the Dillard's department store and the adjoining multi-level parking garage**. The site is surrounded to the south and west by the remainder of SouthPark Mall. Immediately east is a seven-story, mixed use development that contains residential and retail uses, in CC (commercial center) zoning. Across Morrison Boulevard to the north exists office, retail and mixed use properties in MUDD-O (mixed use development, optional), B-1SCD (business shopping center), O-3(CD) (office, conditional), and B-1(CD) (neighborhood business, conditional) districts.
 - **Rezoning History in Area**
 - Petition 2010-054 rezoned 2.96 acres located along the east side of Sharon Road between Morrison Boulevard and Coltsgate Road from O-1(CD) (office, conditional) to MUDD-O (mixed use development, optional) to allow up to 80,000 square feet of professional business, general and medical office uses, retail establishments, personal services uses and restaurants.
 - Petition 2010-053 rezoned 2.27 acres located along the east side of Sharon Road between Morrison Boulevard and Coltsgate Road from O-2 (office) to MUDD-O (mixed use development, optional), and proposed two development scenarios. The "Existing Development/Alteration" scenario will allow for the continued use of the six existing buildings with an allowance for up to 11,000 square feet to be converted to retail or restaurant uses and allow for building expansions of up to 2,500 square feet. The "Redevelopment" scenario will allow for a 105,000-square foot multi-story office building with retail and restaurant uses limited to the lesser of i) 20,000 square feet or ii) the ground floor of the principal building(s).
 - **Public Plans and Policies**
 - The *SouthPark Small Area Plan* (2000) shows the subject property as commercial or a mixture of commercial and residential uses. **At the time of the plan's adoption, there was concern** about the amount of office space that could be built within the plan area. As such, the plan refers to retail uses as distinct from office uses. However, in intervening years substantive areas of the plan area previously designated for office use have been rezoned or redeveloped for residential, retail and mixed use, reducing the potential amount of office development that could be constructed. Therefore, additional office development is appropriate.
 - Plan implementation items note that office development as part of an integrated, mixed use development is appropriate, and that expansion of SouthPark Mall should further the vision of transitioning the plan area into a mixed use town center.
 - The proposed petition is inconsistent with the specific mapped use in the *SouthPark Small Area Plan*. However, it is consistent with the intent of the plan and its implementation measures to promote a transition of the plan area and the mall into a mixed use town center. The building height proposed is consistent with other buildings already constructed in the SouthPark area such as South Park Towers at 207 feet and Piedmont Town Center at 140 feet. Further, **the site's** location at the center of the district and at a distance from surrounding neighborhoods makes it an appropriate location for a high-rise building.
-

DEPARTMENT COMMENTS (see full department reports online)

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

-
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** CDOT is currently reviewing a required traffic impact study that was submitted by the petitioner and will identify transportation mitigation requirements that may be needed. The petitioner should address the following comment:
 - Provide information for the remaining entitlements for the SouthPark site, in order to estimate trip generation for the existing zoning.
 - **Vehicle Trip Generation:**
Current Zoning: Trips per day cannot be determined based on current information.
Proposed Zoning: 3,500 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** Remove the following sentence in Note 7a under Environmental Features in its entirety: "Since the site is a redevelopment site it will be allowed to utilize the buy down or fee in lieu options of the PCCO regulations at the time the site is redeveloped."
 - **Charlotte-Mecklenburg Utilities:** The proposed project plans show construction in the location of an existing sewer main. The developer will need to work with CMUD to plan and design the relocation of the infrastructure.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
 1. Limit number of drive-through accessory windows to no more than two.
 2. Add a commitment to provide outdoor amenity areas.
 3. Amend Note 2D to delete request for maximum sign height of seven feet.
 4. Add a note that requires the drive-through windows including stacking and circulation to be totally located in the parking deck.
 5. Address Transportation comment.
 6. Address CMUD comment.
 7. Address Storm Water Services comment.
-

Attachments Online at www.rezoning.org

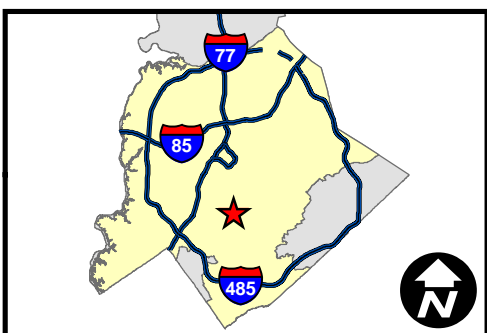
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and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

Planner: Sonja Sanders (704) 336-8327

Acreage & Location : Approximately 1.53 acres located on the south side of Morrison Boulevard between South Park Drive and Sharon Road.



INSIDE CHARLOTTE CITY LIMITS



	Rezoning Petition: 2014-049
	Major Roads
	Collector Roads
	Charlotte City Limits
	FEMA flood plain
	Watershed
	Lakes and Ponds
	Creeks and Streams

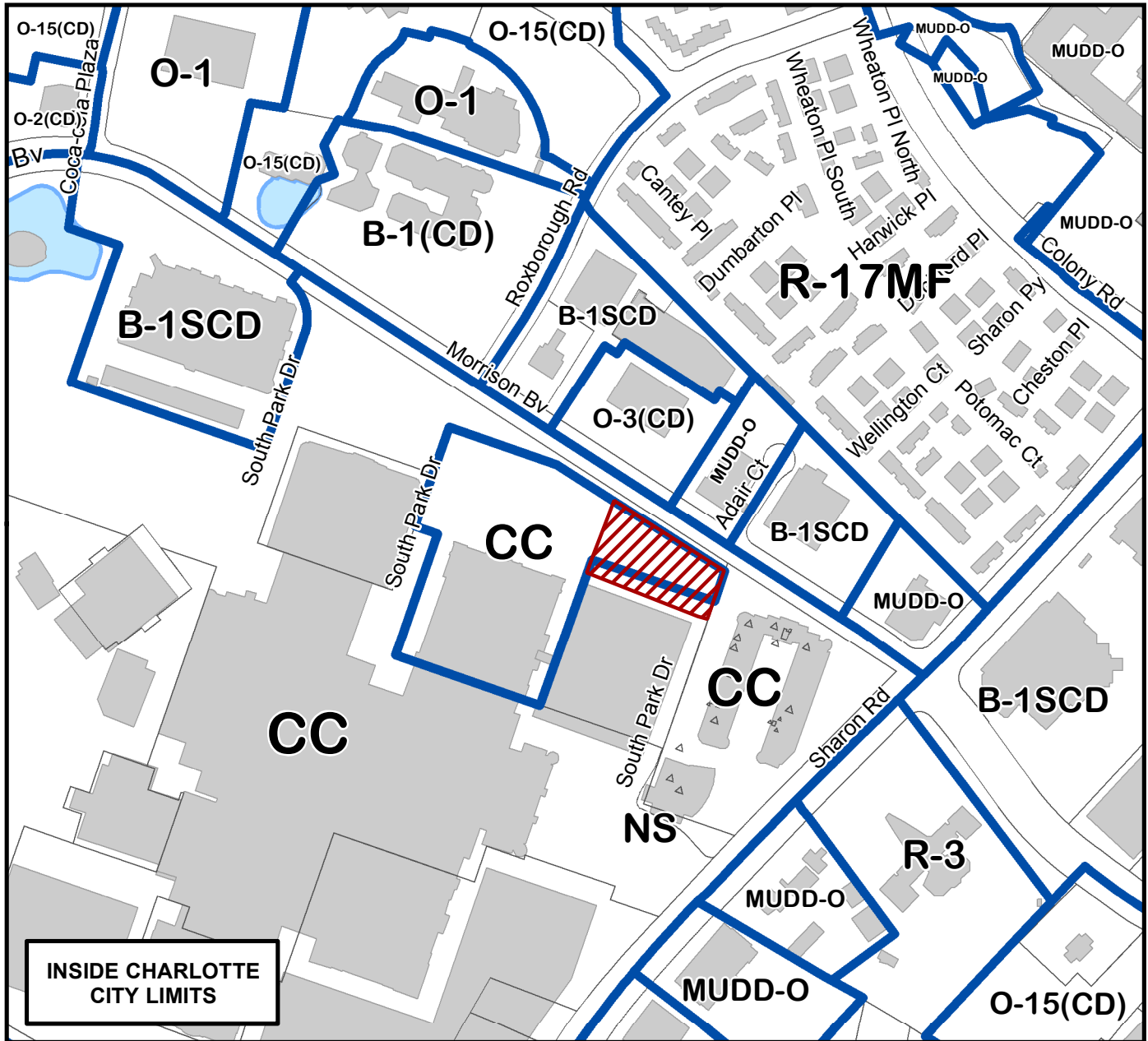
Petition #: **2014-049**

Petitioner: **SBBH, LLC**

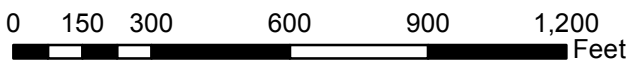
Zoning Classification (Existing): **CC**
(Commercial Center)

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

Acreage & Location: Approximately 1.53 acres located on the south side of Morrison Boulevard between South Park Drive and Sharon Road.

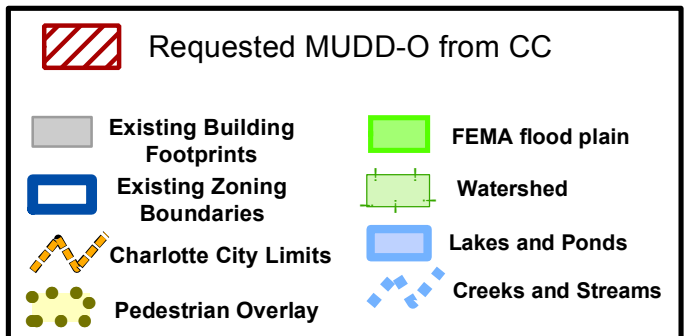


Map Produced by the Charlotte-Mecklenburg Planning Department, 4-17-14.



Zoning Map #(s)

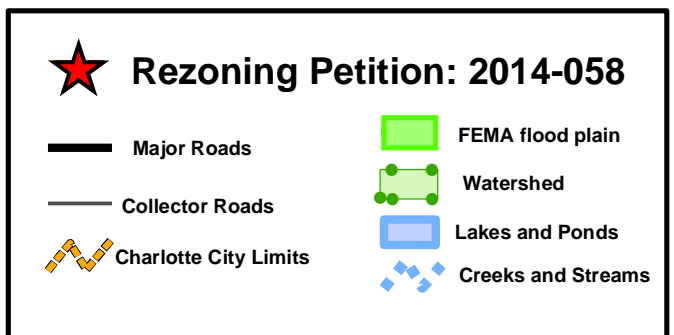
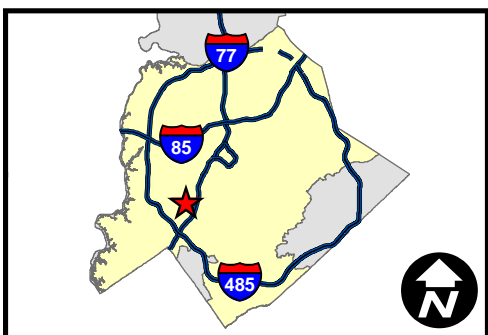
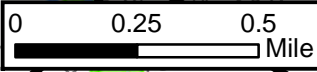
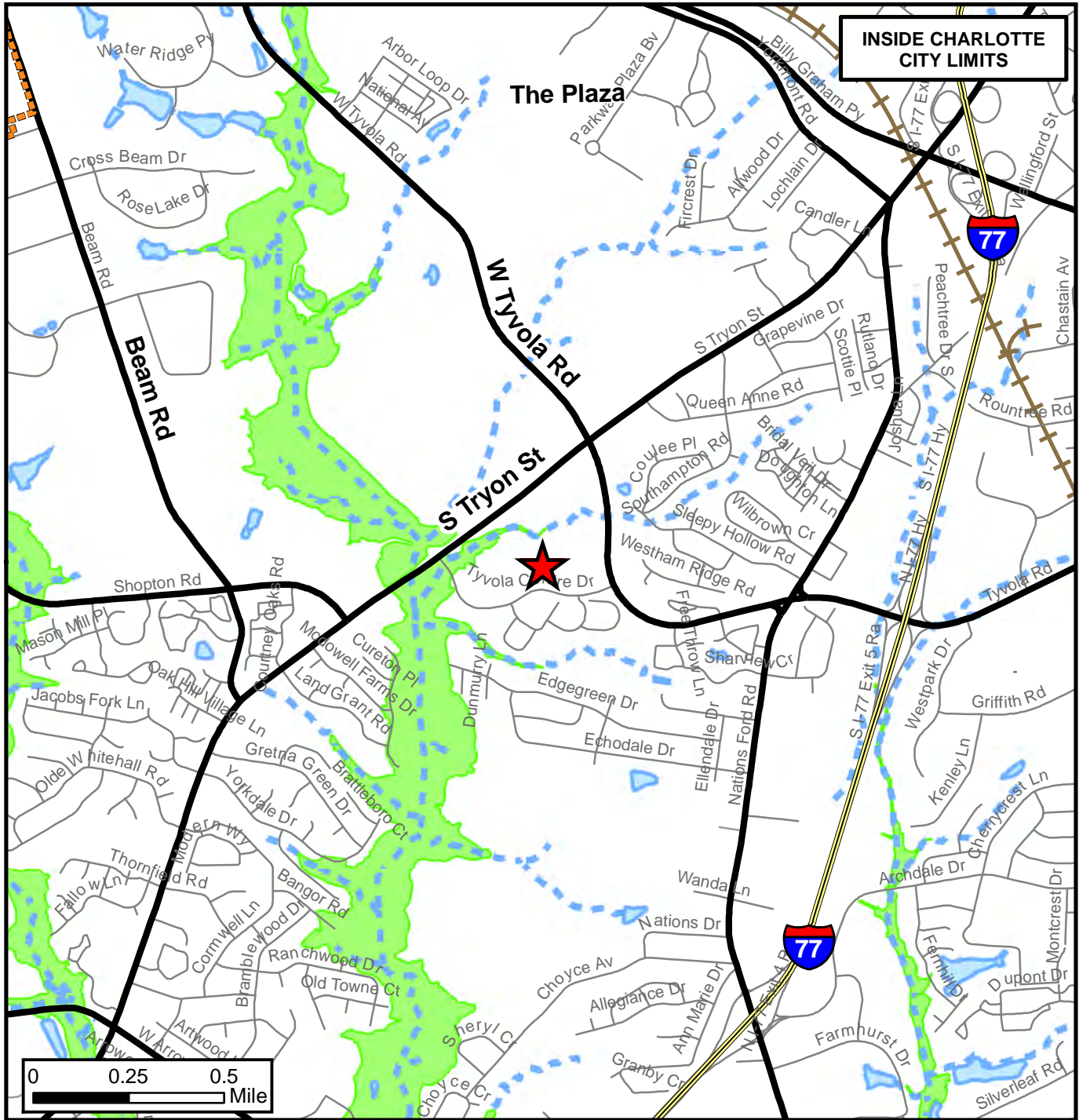
135



Petition #: **2014-058**

Vicinity Map

Acreage & Location : Approximately 30.9 acres located on the northwest corner at the intersection of West Tyvola Road and Tyvola Centre Drive.



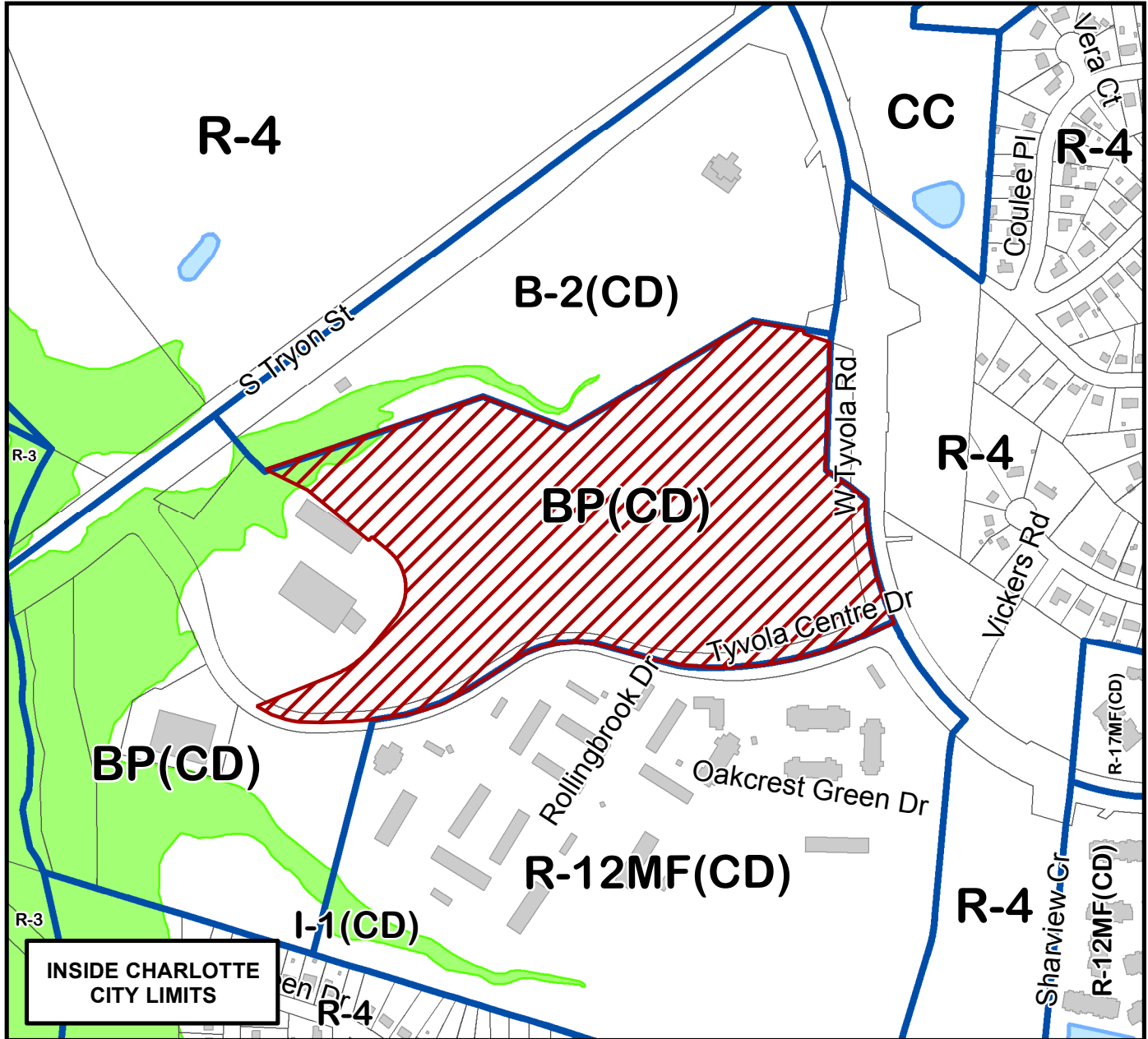
Petition #: **2014-058**

Petitioner: **Switzenbaum & Associates**

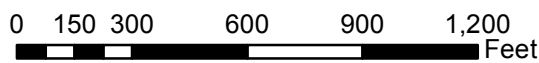
Zoning Classification (Existing): **BP(CD)**
(Business Park, Conditional)

Zoning Classification (Requested): **R-12MF(CD)**
(Multi-Family, Residential, Conditional)

Acreage & Location: Approximately 30.9 acres located on the northwest corner at the intersection of West Tyvola Road and Tyvola Centre Drive

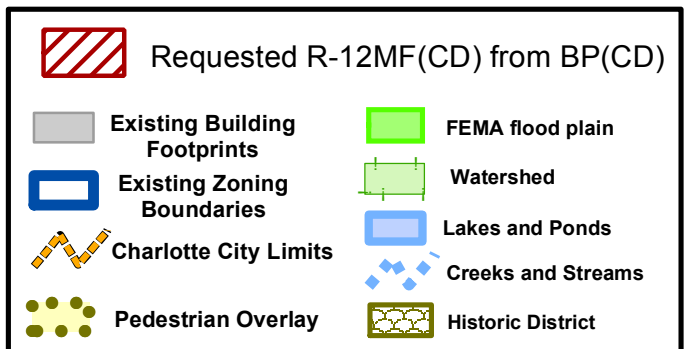


Map Produced by the Charlotte-Mecklenburg Planning Department, 5-22-2014.



Zoning Map #(s)

133



REQUEST	Current Zoning: BP(CD) (business park, conditional) Proposed Zoning: R-12MF(CD) (multi-family, conditional)
LOCATION	Approximately 30.93 acres located on the west side of West Tyvola Road south of South Tryon Street. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow the construction of up to 295 multi-family residential units at a density of 9.54 units per acre.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The proposed use is inconsistent with the <i>Southwest District Plan</i> , which recommends business park land uses as amended by rezoning petition 1997-043. The proposed density is inconsistent with the <i>General Development Policies (GDP)</i> , which recommends up to six (6) dwelling units per acre. However, the proposed use is compatible with surrounding single family and multi-family developments, including the existing 404-unit apartment community on the south side of Tyvola Centre Drive that has a density of 8.11 dwelling units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Ross Land Company and Big B&G LLC Switzenbaum & Associates Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3

PLANNING STAFF REVIEW

- **Background**
 - The rezoning site is part of a previous rezoning petition (1997-043) for approximately 113 acres. That petition rezoned "Parcel A" from R-4 (single family residential) to BP (CD) (business park, conditional) and "Parcel B" from R-4 (single family residential) to R-12MF (CD) (multi-family residential, conditional). The petition allowed a maximum of 534,800 square feet of business park uses on "Parcel A," and up to 596 multi-family dwelling units on "Parcel B." The current rezoning site is part of "Parcel A." "Parcel B" is currently developed with a 404-unit apartment community on approximately 49.81 acres, at a density of 8.11 units per acre.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Up to 295 multi-family residential units in six buildings with detached garages at a density of 9.54 units per acre.
 - Security gate proposed at both project access points.
 - Internal driveways with main entrance access and proposed exit only drive onto Tyvola Centre Drive.
 - Active and passive recreation facilities that include a walking/amenity trail with locations for individual exercise activities. Outdoor seating/conversation areas associated with each building, and active recreation amenities including a pool, meeting spaces, congregation and seating areas, and outdoor cooking facilities. Exact locations and design to be established during the design and development process.
 - Freestanding lighting on site will utilize full cut-off luminaries and be limited to a maximum height of 25 feet.
- **Existing Zoning and Land Use**
 - The site is currently undeveloped and surrounded by primarily single family and multi-family development with some park/recreation facilities, institutional uses and office uses on properties zoned various residential, institutional, and business districts.
- **Rezoning History in Area**
 - There have been no recent rezonings in the immediate area.

• **Public Plans and Policies**

- The *Southwest District Plan* (1991) as amended by rezoning petition 1997-043 recommends business park land uses on the subject property.
- The proposed use is inconsistent with the *Southwest District Plan*, but consistent with the Plan’s recommendation prior to the 1997 rezoning, which supported multi-family with densities consistent with the *General Development Policies* on the rezoning site. The proposed use is compatible with surrounding land uses, which are predominantly single family and multi-family developments.
- The *General Development Policies* suggest that multi-family development at a density up to six (6) dwelling units per acre is appropriate for the subject site.

Assessment Criteria	Density Category > 4 up to 6 DUA
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	1 (Low)
Connectivity Analysis	2 (Med-Low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	Yes
Minimum Points Needed: 10	Total Points: 10

- The proposed density is inconsistent with the *General Development Policies* (GDP), which recommends up to six (6) dwelling units per acre. However, the proposed use is compatible with surrounding single family and multi-family developments, including the existing 404-unit apartment community on the south side of Tyvola Centre Drive that has a density of 8.11 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:** CDOT has the following comments:
 - CDOT requests that the petitioner relocate the proposed westernmost driveway further west and align it with the existing driveway on the south side of Tyvola Centre Drive. Additionally, CDOT requests the petitioner convert this driveway from exit only to both an ingress and egress driveway.
 - CDOT requests that the petitioner relocate the easternmost main entrance driveway further east and align it with the existing driveway on the south side of Tyvola Centre Drive.
 - 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 southernmost proposed 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 driveway connection provided that a left-turn lane is constructed on Tyvola Centre Drive. CDOT recommends the rezoning plan reflect the design of this required left-turn lane prior to submittal/approval of the public street/private driveway connection(s). The left-turn lane needs to be designed using NCDOT standards with a minimum 100 feet of storage. This roadway improvement is required to meet the traffic demands of the proposed development.
 - **Vehicle Trip Generation:**
Current Zoning: 6,000 trips per day.
Proposed Zoning: 1,900 trips per day.
 - **Connectivity:** See comments above.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 40 students, while the development allowed under the proposed zoning will product 20 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is a reduction of 20 students.

- **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** Delineate any wetlands on the 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*.
 - Proposes to provide 25% of site as tree save area.

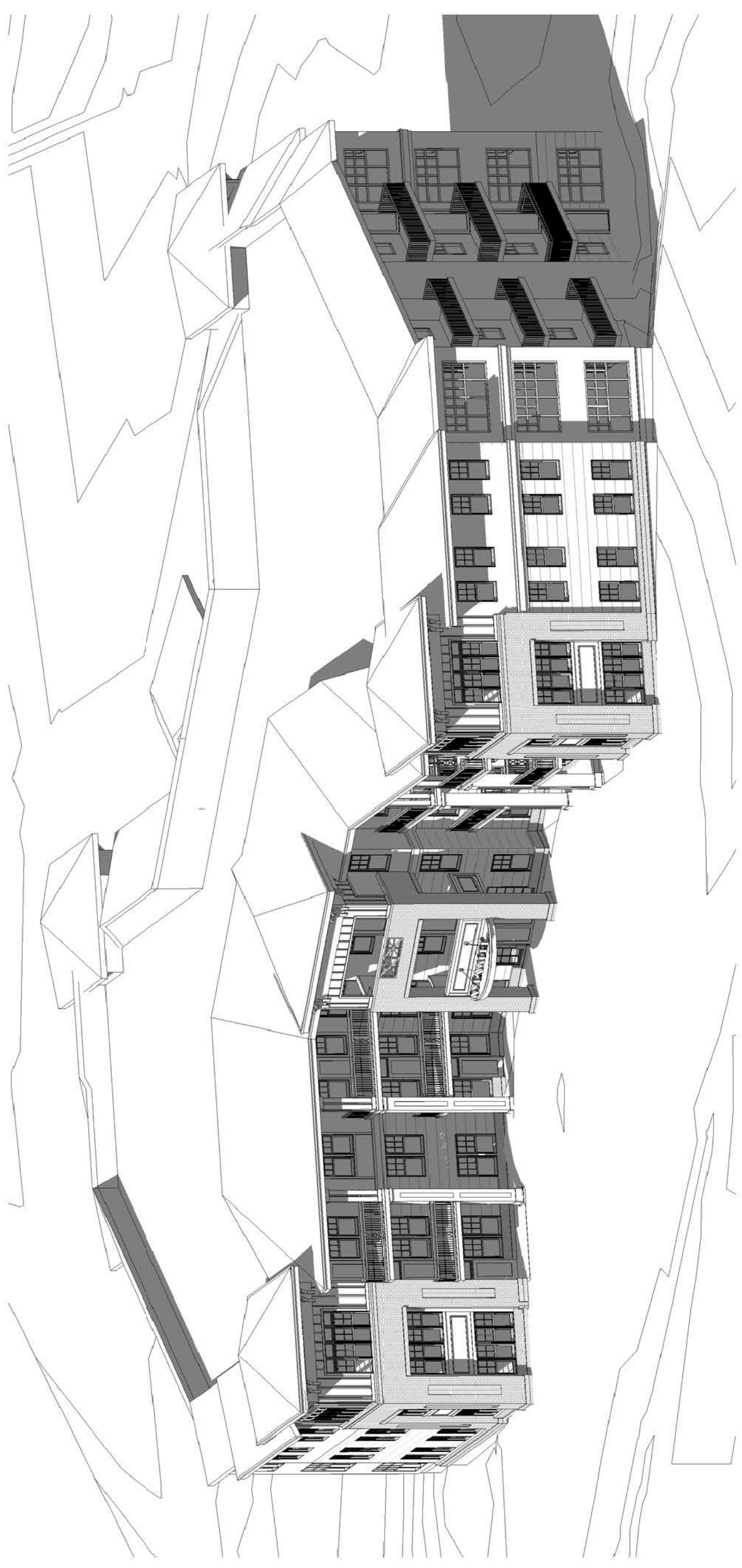
OUTSTANDING ISSUES

- The petitioner should:
 1. Show on the site plan that a Class "C" buffer will be provided along property lines abutting R-4 zoned property, as required by the Zoning Ordinance.
 2. Label the widths of the existing sidewalks along Tyvola Centre Drive and West Tyvola Road.
 3. Under the Architectural Standards development note, remove the following language from the second sentence: "Although the designs for the building have not been completed..."
 4. The Parks, Greenways, and Open Space note commits to several improvements, most of which are not shown on the site plan. The petitioner should either show the trails or commit to a certain number of feet/miles of trail.
 5. Correct the zoning for parcel 167-081-07 located on the south side of Tyvola Centre Drive, which should be R-12MF (CD), not R-2 MF (CD).
 6. Address CDOT and Engineering and Property Management comments.
-

Attachments Online at www.rezoning.org

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



② Bird's Eye Perspective



① Perspective of Lobby Entrance

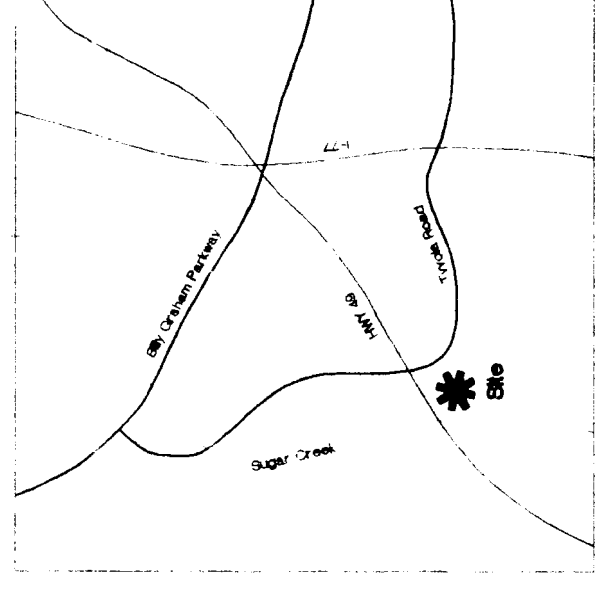
PETITION # 14-058
The Sycamore at Tyvola
 Perspective
 June 19, 2014



Previously
Approved
Site
Plan

Ross Property

Charlotte, North Carolina



Vicinity Map (Not To Scale)

Development Summary

The intent of this rezoning request is to permit the establishment of a combination employment center and housing complex. The employment center shall be promoted through the utilization of the Business Park District standards, and the residential component through the use of the R-12MF district.

All development within Parcel A shall conform to the standards of the Business Park District, and any uses allowed in that district shall be permitted. All development in Parcel B shall adhere to the standards of the R-12MF district, and all uses allowed in that district may also be permitted.

A traffic impact analysis has been prepared by Kubitzy Traffic Consulting, Inc., and is based upon the construction of a spine road that will connect the project property to connect to both West Tyvola Road and South Tyson Street. Intersections of the spine road shall be in accordance with the specifications of the Charlotte Department of Transportation and the North Carolina Department of Transportation.

Development of the property shall be subject to the standards imposed by the Technical Data Sheet indicating maximum development, setback and buffer areas, and greenway areas. The schematic site plan is intended to reflect a general plan of development but may be altered within the maximum building envelope lines established on the Technical Data Sheet.

The indicated buffer areas shall remain undisturbed except for necessary utility easings, which shall generally penetrate as close to 90 degrees as possible. Any area where the buffer does not naturally meet the requirements of the Zoning Ordinance or where areas have been disturbed for utility purposes shall be planned to conform to minimum Ordinance requirements. Buffers will not be reduced in width.

As shown on the Technical Data Sheet, an area varying in width extending from Sugarland Creek to the east side of Parcel A shall be reserved for future development. This dedication shall occur prior to the development of any property adjacent to the greenway area.

Any detached lighting placed on the site shall not exceed 20 feet in height and shall be shielded to prevent glare onto adjacent residential properties.

Signage shall be permitted on the site in accordance with applicable zoning standards.

All parking, screening, and landscaping requirements of the Zoning Ordinance shall be adhered to.

Charitable Storm Water Department shall be designed to meet applicable standards of the Department. No fill material may be placed in the floodplain fringe except as required to provide for the construction of roads, utilities and trails.

If property to the west of the site is rezoned to a residential use, the property limitation shall be removed.

The traffic study performed for this project indicates that at some future date a traffic signal is recommended at the intersection of Highway 49 and the proposed public street. The petitioner commits that the cost of the traffic signal and interconnect cable installation, estimated to be approximately \$10,000, will be provided by the petitioner.

The petitioner commits that the cost of installing electronic variable message signs at the intersection of Transportation and the proposed public street will be provided by the petitioner.

It is recognized that, during certain events, access to and from the proposed project's public street will be restricted at the Tyvola Road intersection. The petitioner will be responsible for the cost of installing electronic variable message signs to control these patterns of travel at a cost of approximately \$15,000.

The location of the proposed public street intersection with Tyvola Road will be designed to be located between the existing steel polemast arm gantries for the reversible electronic signaling system. The exact location will be determined by actual field survey.

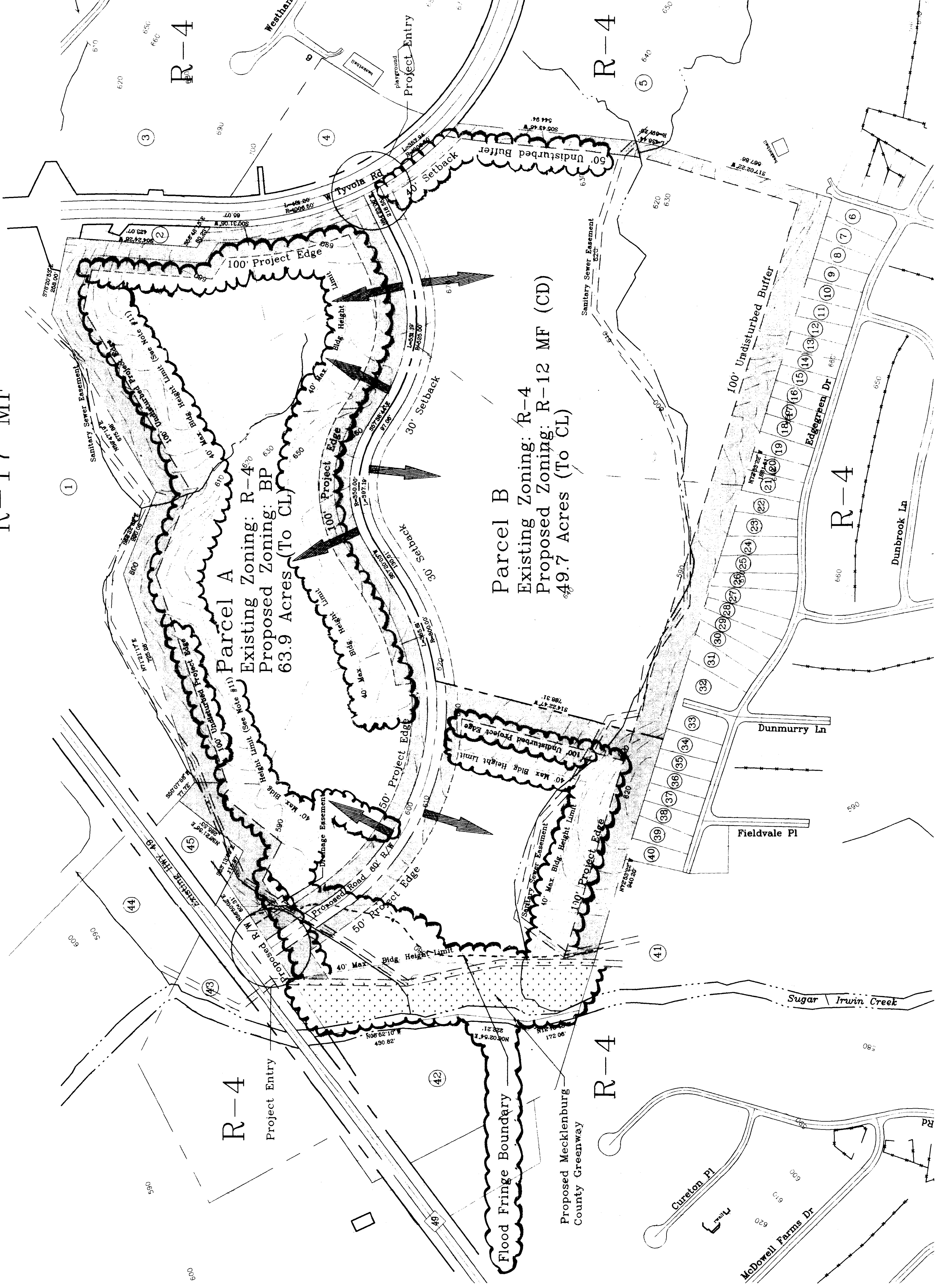
The proposed public street connection to Tyvola Road will be constructed to include an entrance lane from Tyvola and at least one right turn and one left turn lane exiting onto Tyvola Road. The required storage lanes for the turn lanes will be provided, and additional right-of-way shall be made available to accommodate this proposed median intersection. Should left turn volumes from the proposed public street to Tyvola create congestion and unreasonable delays which warrants a traffic signal, the left turn lane will be provided to accommodate this proposed median intersection. Sufficient right-of-way shall be indicated in the plan to provide for the construction of the remaining right turn lane to accommodate the potential right turn-only condition.

The proposed public street intersection at N.C. Highway 49 (York Road) shall include at least one existing right turn lane and one existing left turn lane, as well as an entrance lane. The proper storage lanes for the required turn lanes shall be provided and any additional right-of-way shown necessary to accommodate the proposed median section. Right-of-way shall be provided for a possible future additional left turn lane in the event volumes at this intersection make this necessary.

Additional right-of-way along York Road equal to 50 feet from center line will be provided by the petitioner prior to the issuance of any building permits on the site.

The petitioner commits that there will be no development or filling within the floodway fringe except that which will be necessary to accommodate the public street crossing.

R-17 MF



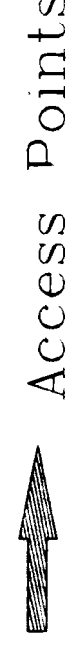
Development Summary

Total Site Area: 113.6 Acres
Existing Zoning: R-4

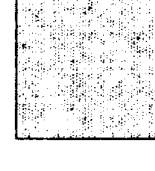
Parcel A: 63.9 Acres
Proposed Zoning: BP
Maximum SF: 534,800 SF

Parcel B: 49.7 Acres
Proposed Zoning: R-12 MF (CD)
Max. # of Dwelling Units: 596

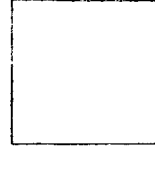
Legend



Access Points



Buffer or Project Edge



Setbacks

APPROVED BY CITY COUNCIL
DATE: JUNE 16, 1997

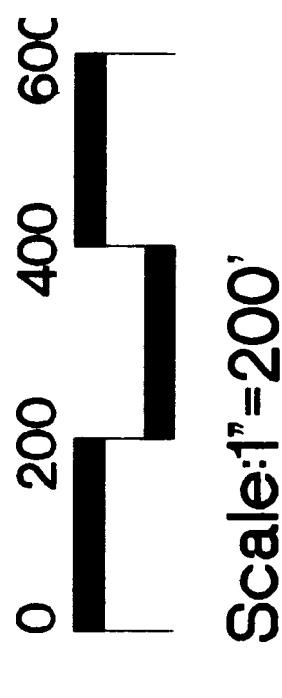
1997-43

Petitioner: William Ross, R. Marion Ross Jr., Robbie G. Ross

Technical Data Sheet

Petition # 97-43

Scale: 1" = 200'



PROJECT NO.: 16288
DATE: February 24, 1997

REVISIONS:
April 18, 1997 - as for public hearing
May 30, 1997 - per planning commission
comments

LAND DESIGN INC.
Landscape Architecture Land Planning
Urban Design

REQUEST	Current Zoning: B-1 (neighborhood business), B-2 (general business), O-2 (office), R-17MF (multi-family residential) and R-8 (single family residential) Proposed Zoning: MUDD-O (mixed used development, optional) with 5-year vested rights and UR-2(CD) (urban residential, conditional) with 5-year vested rights
LOCATION	Approximately 59.4 acres generally located on the east side of South Boulevard on both sides of Poindexter Drive and Elmhurst Road. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow for the redevelopment of the site with a transit supportive mixed/multi-use community consisting of up to 198,000 square feet of non-residential uses and up to 980 residential units, with non-residential to residential conversion rights.
STAFF RECOMMENDATION	Staff does not recommend approval of this petition in its current form. While the petition is consistent with the land use recommendations in the <i>New Bern Transit Station Area Plan</i> , there are a number of transportation and design issues that remain outstanding.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Marsh Properties, LLC Marsh Properties, LLC Jeff Brown and Keith MacVean, Moore and Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 57.

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"> • 98,000 square feet of retail, restaurants, personal services • 100,000 square feet of office or residential units subject to the allowed conversions 	<ul style="list-style-type: none"> • 1,000 square feet of retail, restaurants, personal services to one residential unit up to 50 units in areas A-D • 100,000 square feet of office to 150 units in areas A-D 	<ul style="list-style-type: none"> • Up to six commercial buildings • Up to six residential buildings
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 50 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	40/50 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 abandonment of an existing unopened right-of-way within Area L and commits to provide a 30-foot wide pedestrian access easement in its place to allow the City of other Public entity to construct an accessible pedestrian connection from Poindexter Road to Ideal Way.
 - Preserves a minimum of 50 percent of the existing trees 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 restaurants, excluding "limited service restaurants" 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**
 - 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 Elmhurt 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.
- **Transportation**
 - 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, sidewalk, bike lanes 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 streets, except South Boulevard, 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 opaque fence within a ten-foot landscaped buffer in Areas I, J, K, and G 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.
 - 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 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. Allow one new use with an accessory drive-through windows to be constructed on Development Area B as part of the redevelopment. A restaurant with an accessory drive-through window, other than a "Limited Service Restaurant", will not be allowed. The new allowed accessory drive-through windows 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.
 - d. Allow modifications to the streetscape treatments called for by the *New Bern Transit Station Area Plan* as part of the MUDD requirements along specified streets.
 - e. Allow detached and wall signs located on the Site to rotate.
 - f. 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.
 - g. Allow identification signs for the residential portions of the Site to be located on the detached Shopping Center Signs.
 - h. 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 30 square feet of sign area.
 - 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 window signs located within Development Area A that face Poindexter Drive and are located 10 feet or more above the finished floor elevation of the building to have copy area equal to 100% of the external glazing of the window and to allow all other window signs on Development Area A and B to have a total sign copy area not exceeding 50% of the external glazing of the window or door onto which the sign(s) are located.
 - l. Allow a Sedgefield 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 and if detached up to 12 feet high. The sign area of the Sedgefield neighborhood identification sign is in addition to the tenant signage allowed by these Optional provisions and the Ordinance.
 - m. Allow the uses 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.
 - n. Require doorways not to be recessed into the face of the building(s) when the abutting sidewalk width is greater than eight (8) feet.
 - o. 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.
 - p. Delay the widening of South Boulevard to the cross-section indicated on the Rezoning Plan until Development Area B is redeveloped.
 - q. Allow within Development Area A along Poindexter Road "trellises" to be located within the 20 foot setback and cross the sidewalk.
- **Existing Zoning and Land Use**
 - The portions of the site zoned B-2 (general business) and O-2 (office) are developed with nonresidential uses including retail, restaurant, personal service and office uses. The remainder of the site is developed with duplex, triplex, quadraplex and multi-family residential units.
 - Property to the north, south and east is zoned R-4 and R-5 (single family, residential) and developed with single family homes and a church. The rezoning site surrounds a property at the corner of Elmhurst Road and Berkshire Road zoned R-8 (single family, residential) and developed with a church. A mixture of business, industrial and transit oriented zoned property abuts the site along South Boulevard and is developed with a mix of residential and non-residential uses.
 - **Rezoning History in Area**
 - A number of rezonings have taken place west of the site and along the LYNX Blue Line to accommodate transit supportive development. There have been no other recent rezonings in the area.
 - **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, 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:** CDOT has the following requests and comments:
 1. Change the proposed private street D to a public street.
 2. CDOT desires a public street connection between Poindexter Drive and Ideal Way at Iverson Way and will continue discussions with the petitioner about this connection.
 3. Provide development phasing in the Development Standards to better match infrastructure mitigation to the construction of the proposed entitlements.
 4. 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.
5. Increase the storage for the "back to back" left-turn lanes on South Boulevard between Poindexter and Ideal Way by reconstructing the monolithic median to compress the bay taper length in Phase I.
 6. Provide a dedicated left-turn lane with a minimum 100 feet of storage on South Boulevard at Elmhurst Road in Phase I.
 7. Provide a minimum six-foot wide pedestrian refuge island on the southbound side of the South Boulevard/Elmhurst intersection in Phase I.
 8. Construct the "Potential New Private Street" located in the rear of Development Area B during Phase II as a public street.
 9. Provide a pedestrian refuge island and crossing midblock between Poindexter and Elmhurst Road. The final location will be determined during permitting, and more detailed feedback will be provided upon CDOT review of the revised site plan.
 10. Cross reference the proposed street cross sections shown on RZ-3.0 with the site plan (RZ-1.1). As shown, it is not clear where the petitioner plans to implement each respective street cross section.
 11. Show 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.
- **Vehicle Trip Generation:**
Current Zoning: 9,300 trips per day.
Proposed Zoning: 13,100 trips per day.
 - **Connectivity:** See comments above.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 114 students, while the development allowed under the proposed zoning will produce 894 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 780 students.
 1. The petitioner should schedule a meeting with CMS staff to discuss any opportunities that the petitioner/developer may propose to improve the adequacy of school capacity in the immediate area of the proposed development.
 - **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:**
 1. Alter the language of Note 6. f. on sheet RZ-2.0 and Noted. 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.
 2. Clarify 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.
 3. Revise 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. All City trees within the right-of-way are protected and can't be removed without a permit. A reference to a minimum 50% of trees outside of the City right-of-way but within 15 feet of the right-of-way is permissible.
 4. Amend 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.

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

- The petitioner should:
 1. Address CDOT issues.
 2. Address CMS issue.
 3. Complete Note 4. I. to provide Transportation improvement details.
 4. Address Urban Forestry issues.
 5. Change all references to restaurants to Eating, Drinking, Entertainment Establishments (EDEE).
 6. 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."
 7. Amend Note 2.f. to limit the number of rotating signs to two wall signs and one detached sign.
 8. Remove RZ-6.1.
 9. 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 also include development areas C&D.
 10. Specify that the minimum two acres of open space is in addition to the open space required in each development area.
 11. Label the adjacent zoning of neighboring parcels on RZ-2.1.
 12. Amend 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.
 13. Change the word "homes" to "zoning" in Note 6. h.
 14. Provide a statement of Overall Design Intent.
 15. Revise the Poindexter elevation with a combination of landscaping and architectural features to break up blank walls.
 16. Revise Note 2. l. to limit the percentage of window sign area to 50% along Poindexter and 25% for all other window signs in Development Areas A & B.
 17. Eliminate the optional provision to allow detached signs for each building in Development Areas A and B.
 18. Eliminate the optional provision to allow detached signs for each use within Development Areas C and D.
 19. Reduce the size of the neighborhood identification sign to 32 square feet.
 20. Remove Note 10.b regarding "sign flex."
 21. Amend Note 1.d. to indicate the total number of principle buildings allowed in the MUDD zoning.
 22. Amend Note 2.o. to only allow doors to not be recessed when the sidewalk is 12 feet wide or greater.
 23. Describe phasing in Note 4.b.
 24. Specify building materials for structured parking facilities.
 25. Provide 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 consistent paving, lighting, landscaping and, when provided, site furnishings 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.
 - 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. Blank walls cannot be addressed with landscape elements only.
 - f) Development areas C-I shall include a mix of building massing and building heights.
 - 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.
 - 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.
 - 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.

- j) Facades above the first story shall incorporate windows, arches, balconies, or other architectural details.
-

Attachments Online at www.rezoning.org

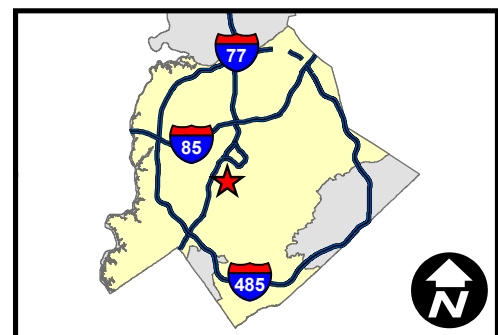
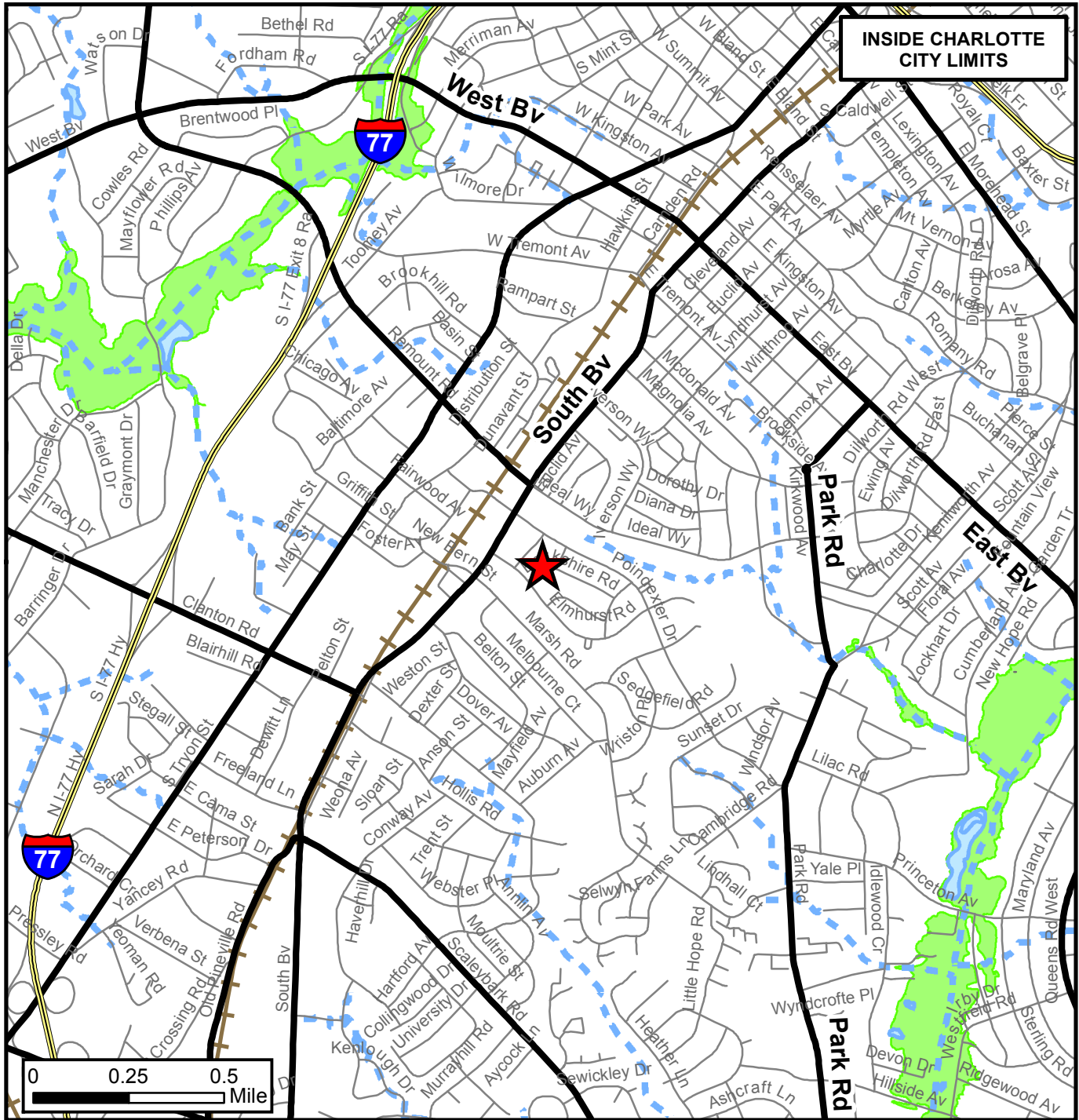
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

Planner: John Kinley (704) 336-8311

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.



★ Rezoning Petition: 2014-064

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

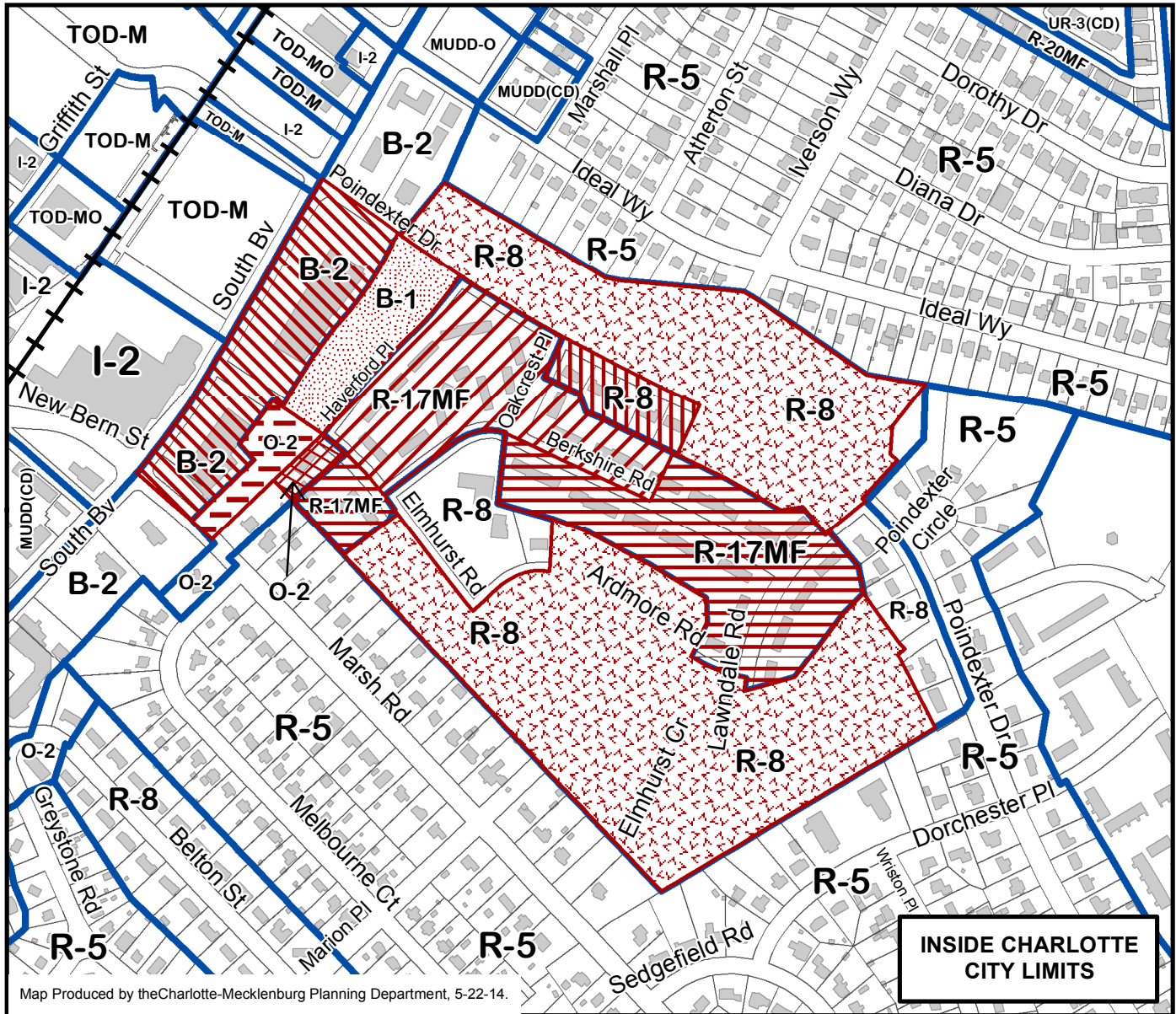
Petition #: **2014-064**

Petitioner: **Marsh Properties, LLC**

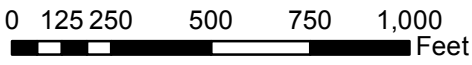
Zoning Classification (Existing): **B-1, B-2, O-2, R-17MF and R-8**
(Neighborhood Business, General Business, Office, Multi-Family, Residential, and Single Family, Residential)

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.

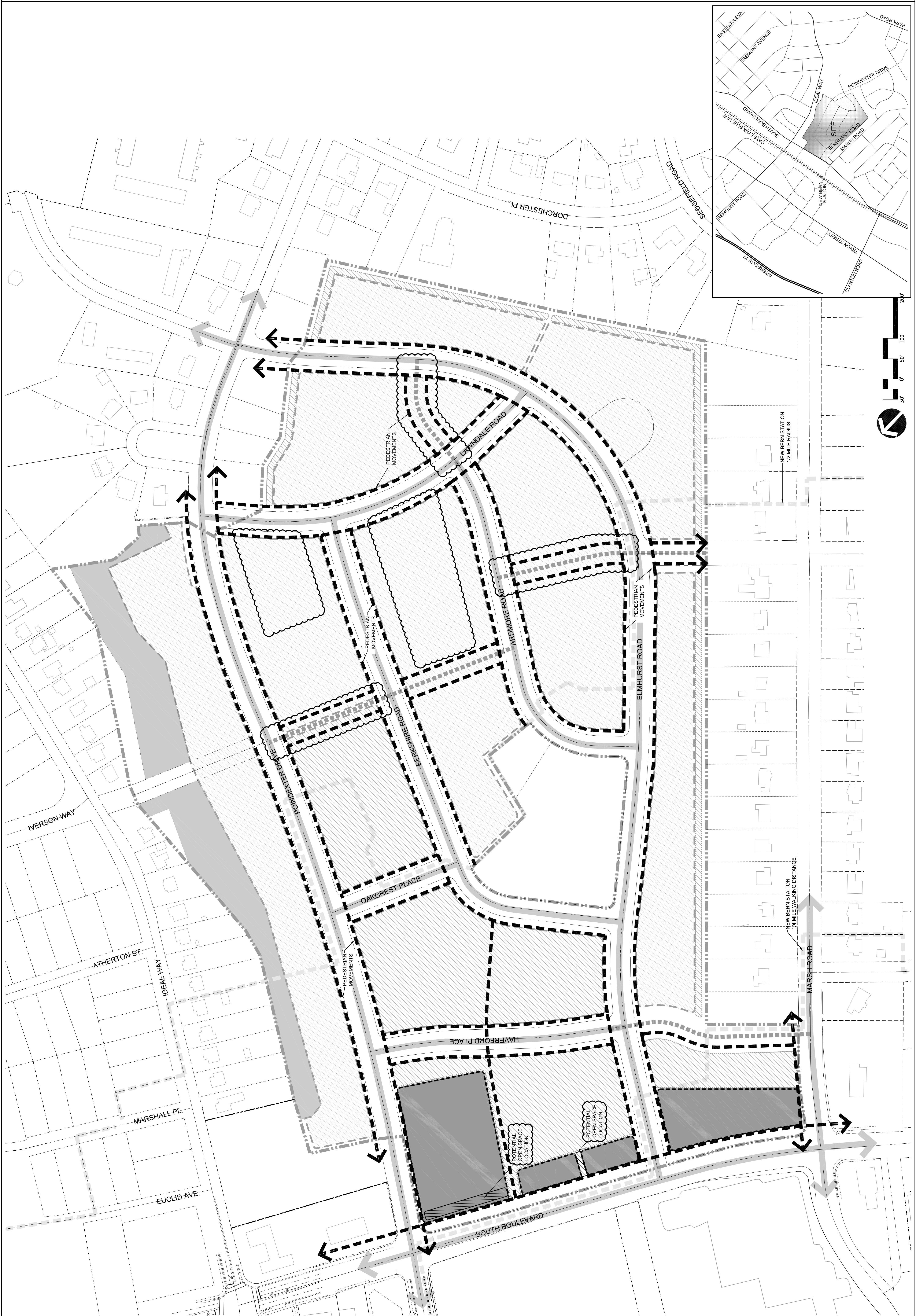
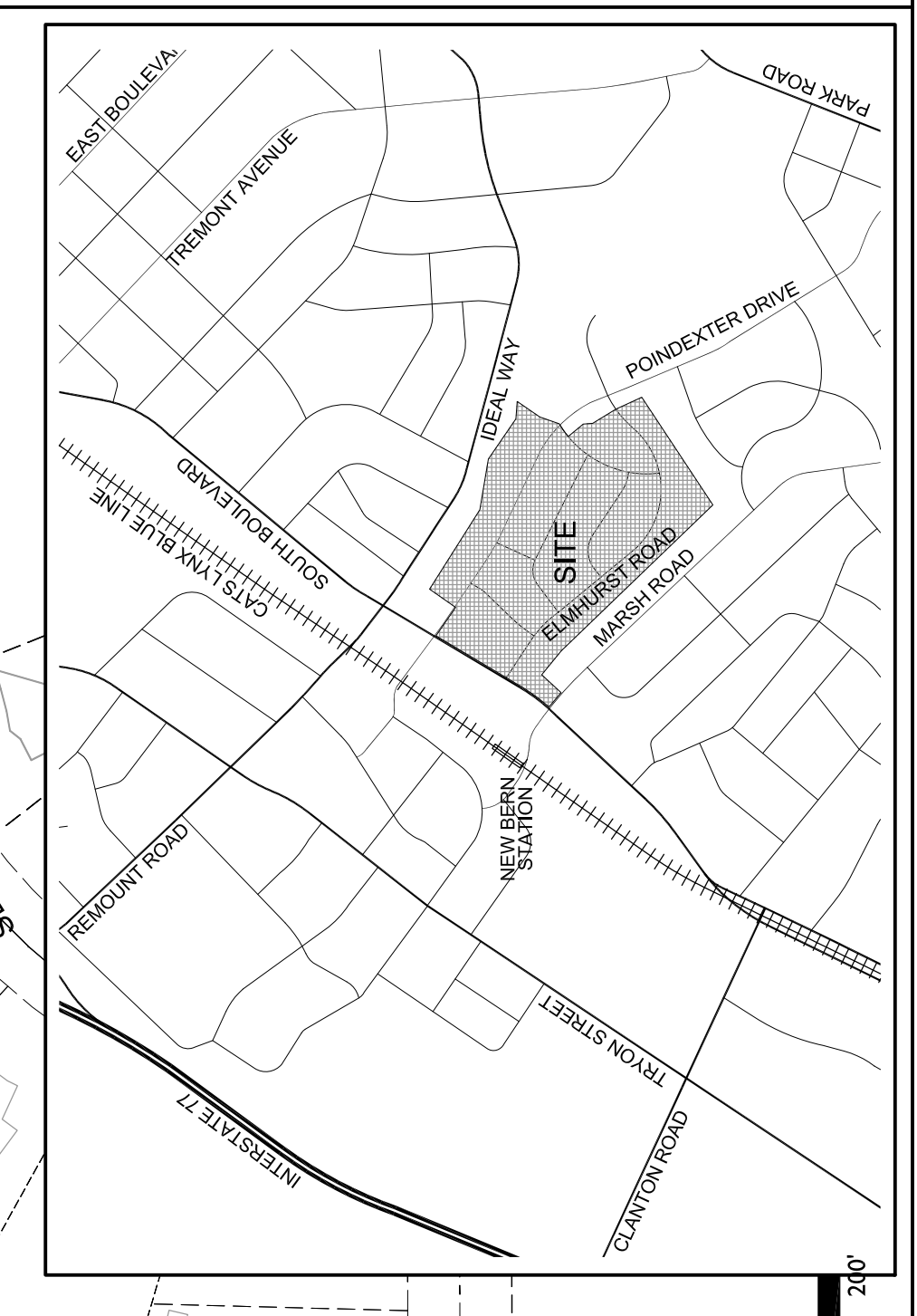


Map Produced by the Charlotte-Mecklenburg Planning Department, 5-22-14.



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

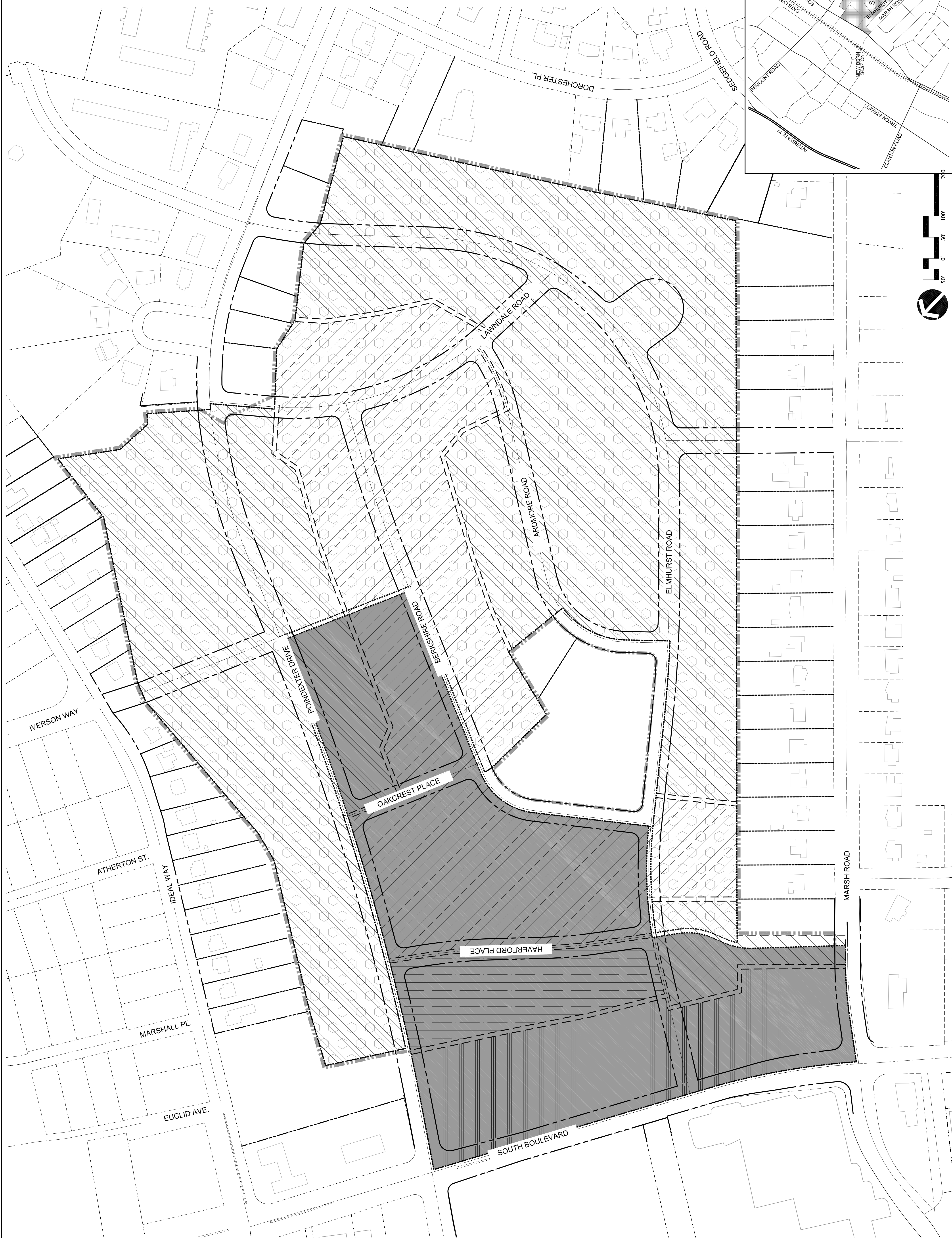
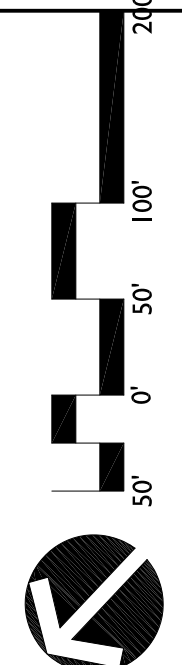


SEDGEFIELD NEIGHBORHOOD MIXED-USE DEVELOPMENT MARSH PROPERTIES | CHARLOTTE, NORTH CAROLINA ZONING BOUNDARY EXHIBIT

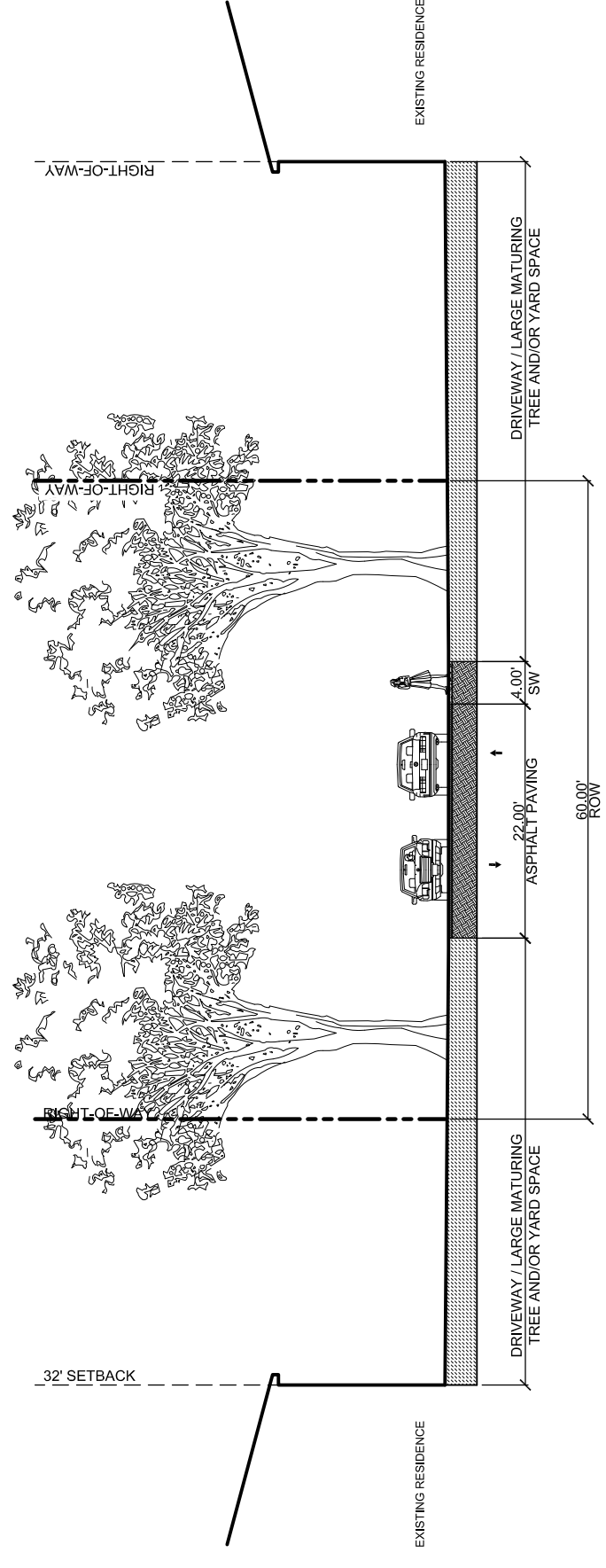
PETITION NO. 2014-064

ZONING LEGEND

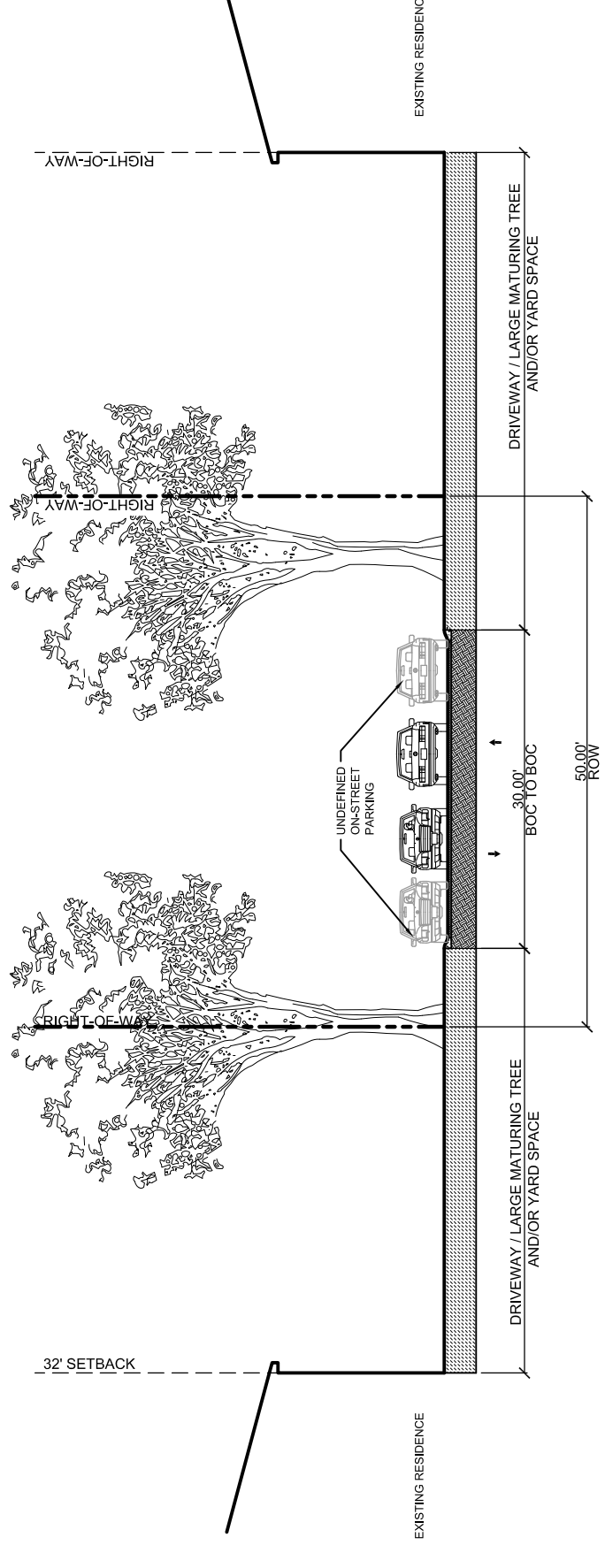
EXISTING:	B-2	B-1	O-2	R-7MF	R-8	PROPOSED:	MUDD-O	UR-2(CD)



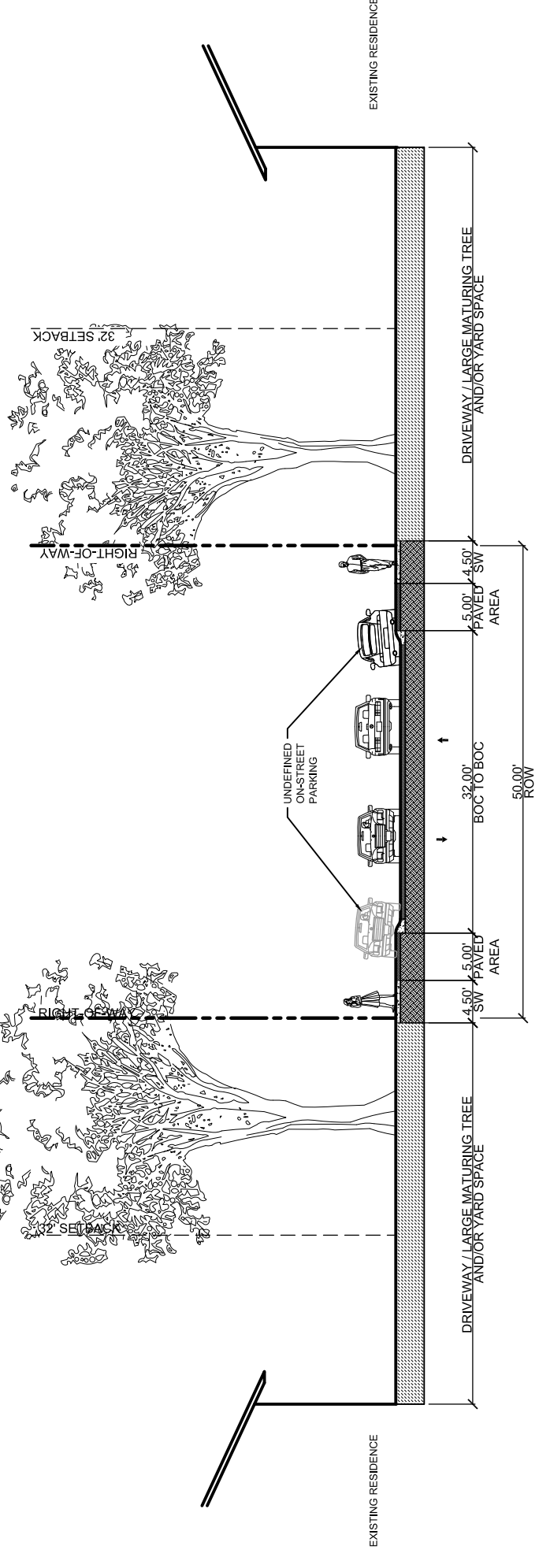
EXISTING STREET SECTIONS



EXISTING TYPICAL SECTION - VARIATION 01

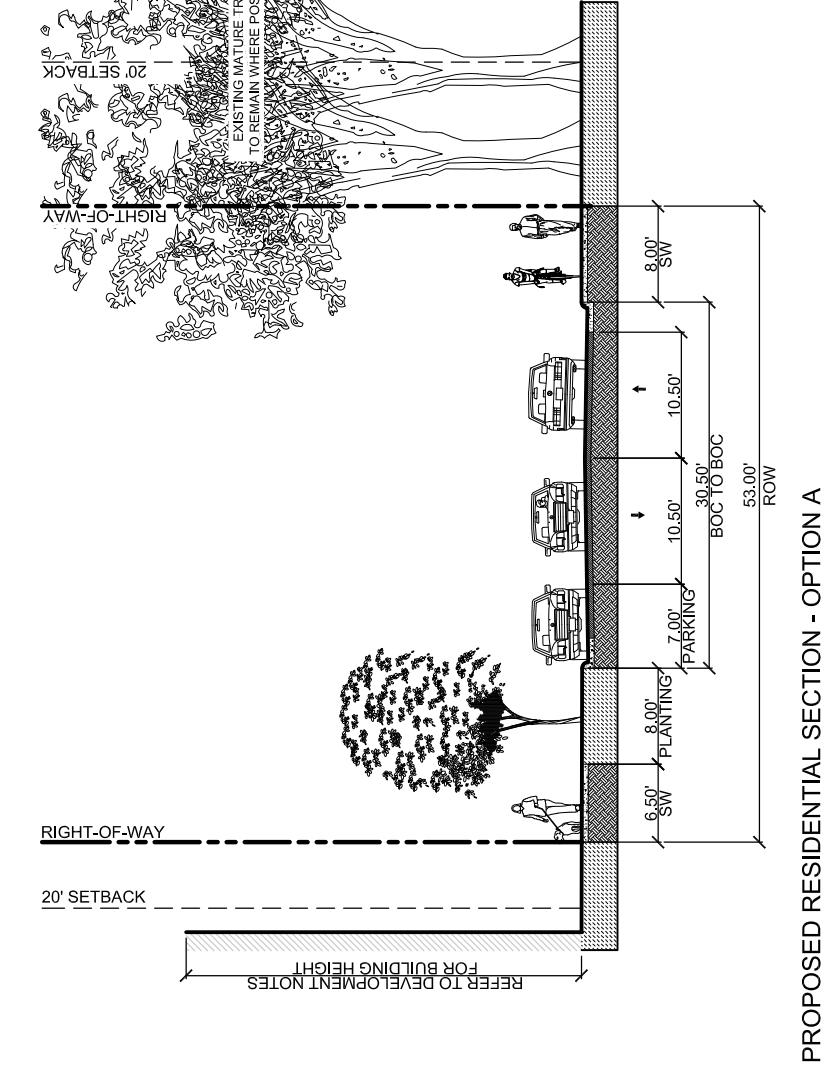


EXISTING TYPICAL SECTION - VARIATION 02

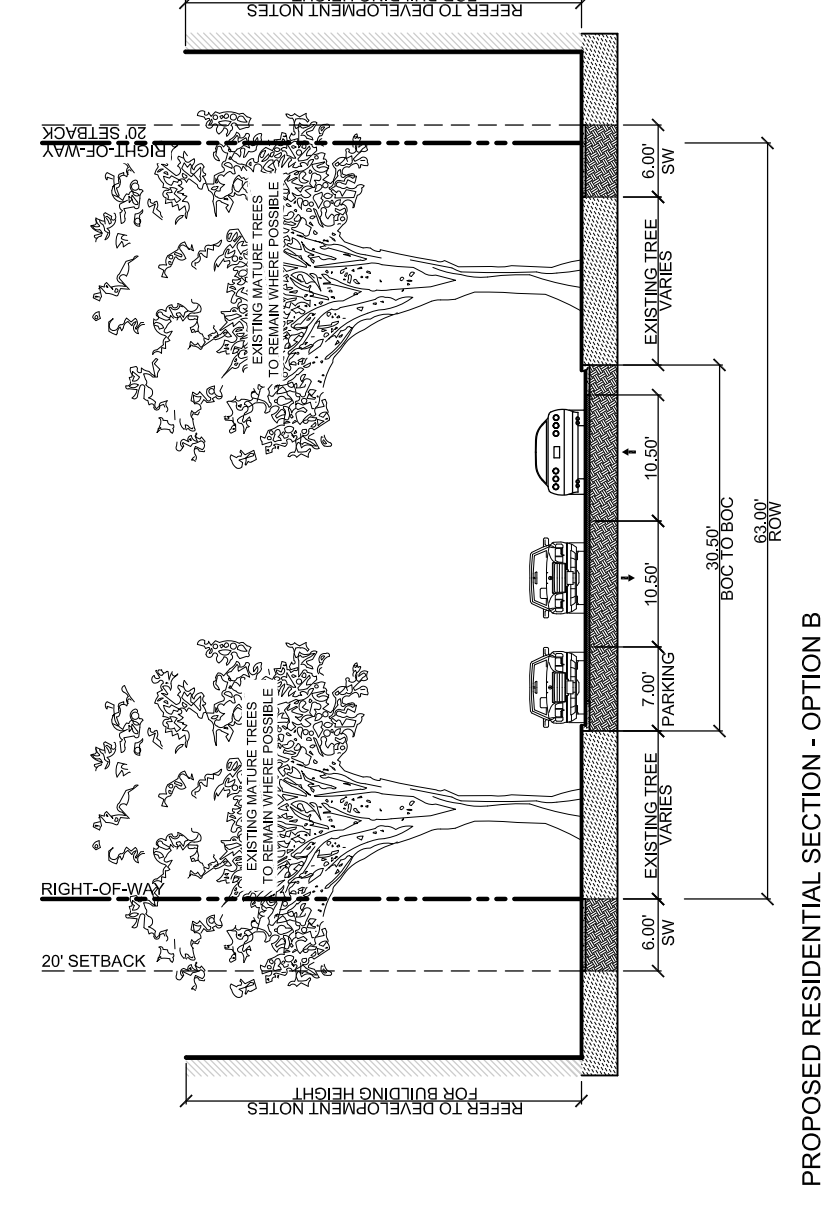


EXISTING TYPICAL SECTION - VARIATION 03

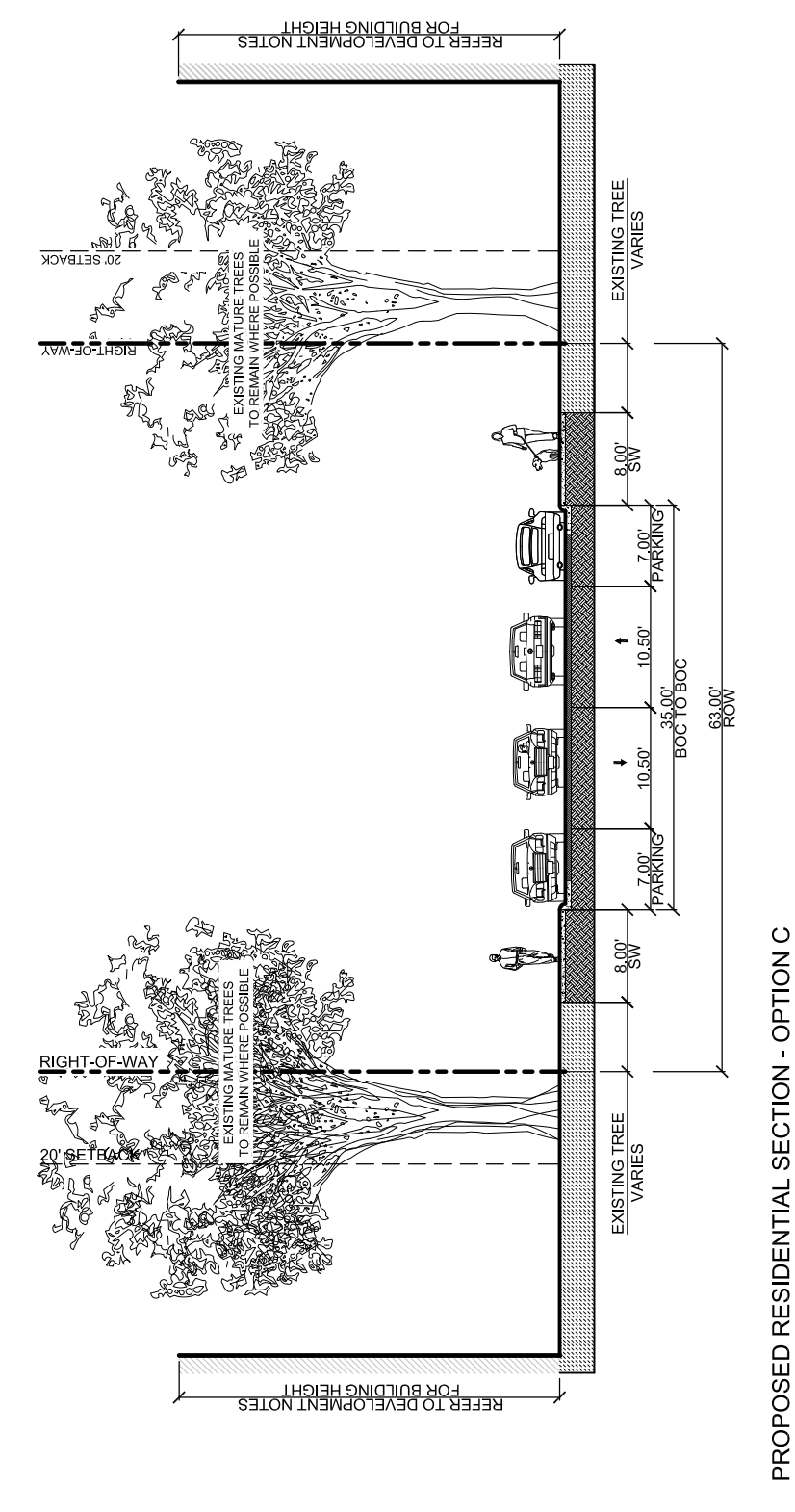
PROPOSED STREET SECTIONS



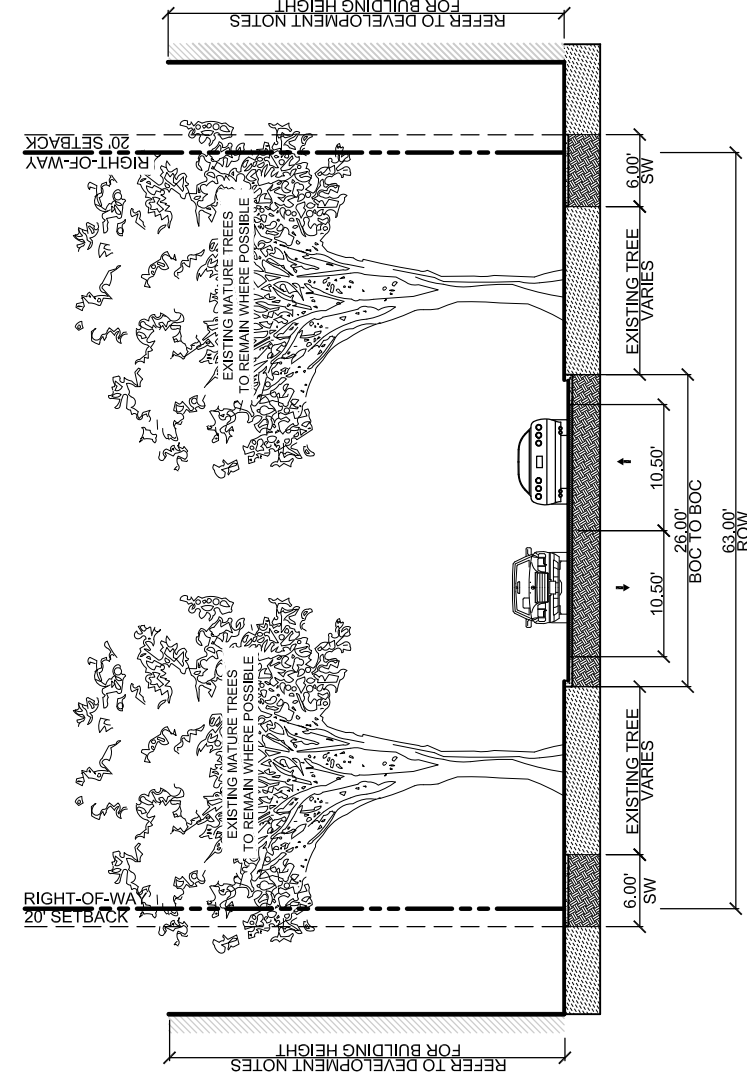
PROPOSED RESIDENTIAL SECTION - OPTION A



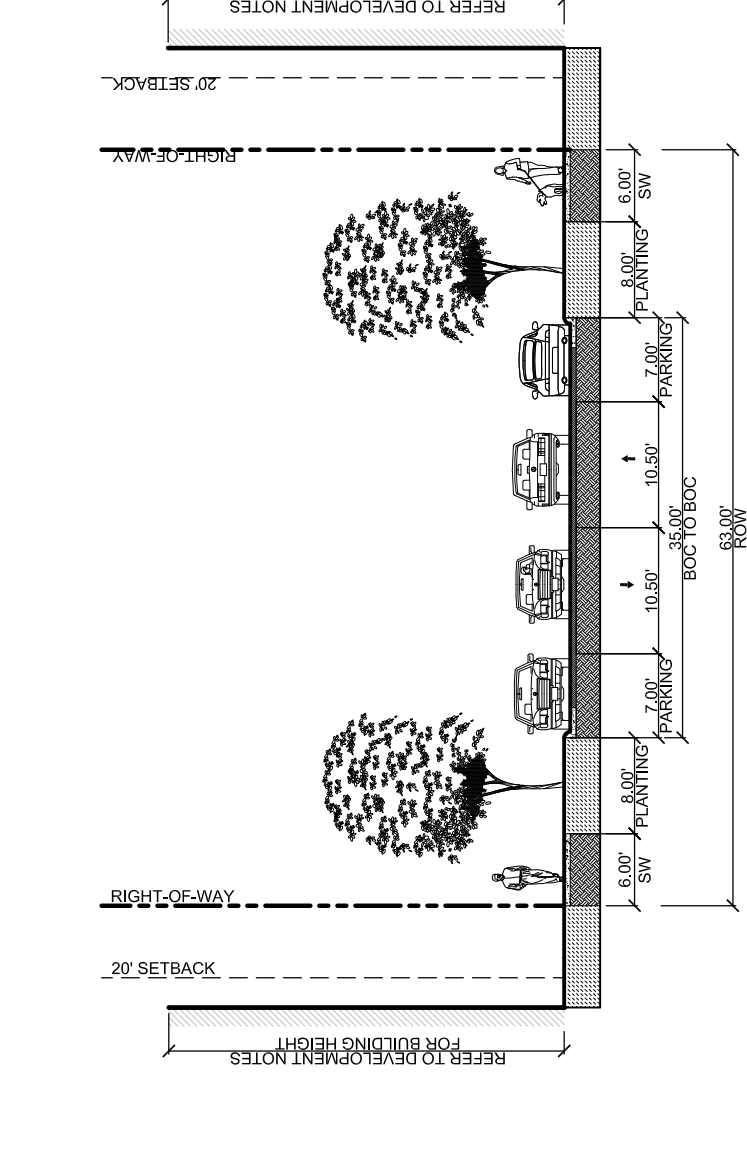
PROPOSED RESIDENTIAL SECTION - OPTION B



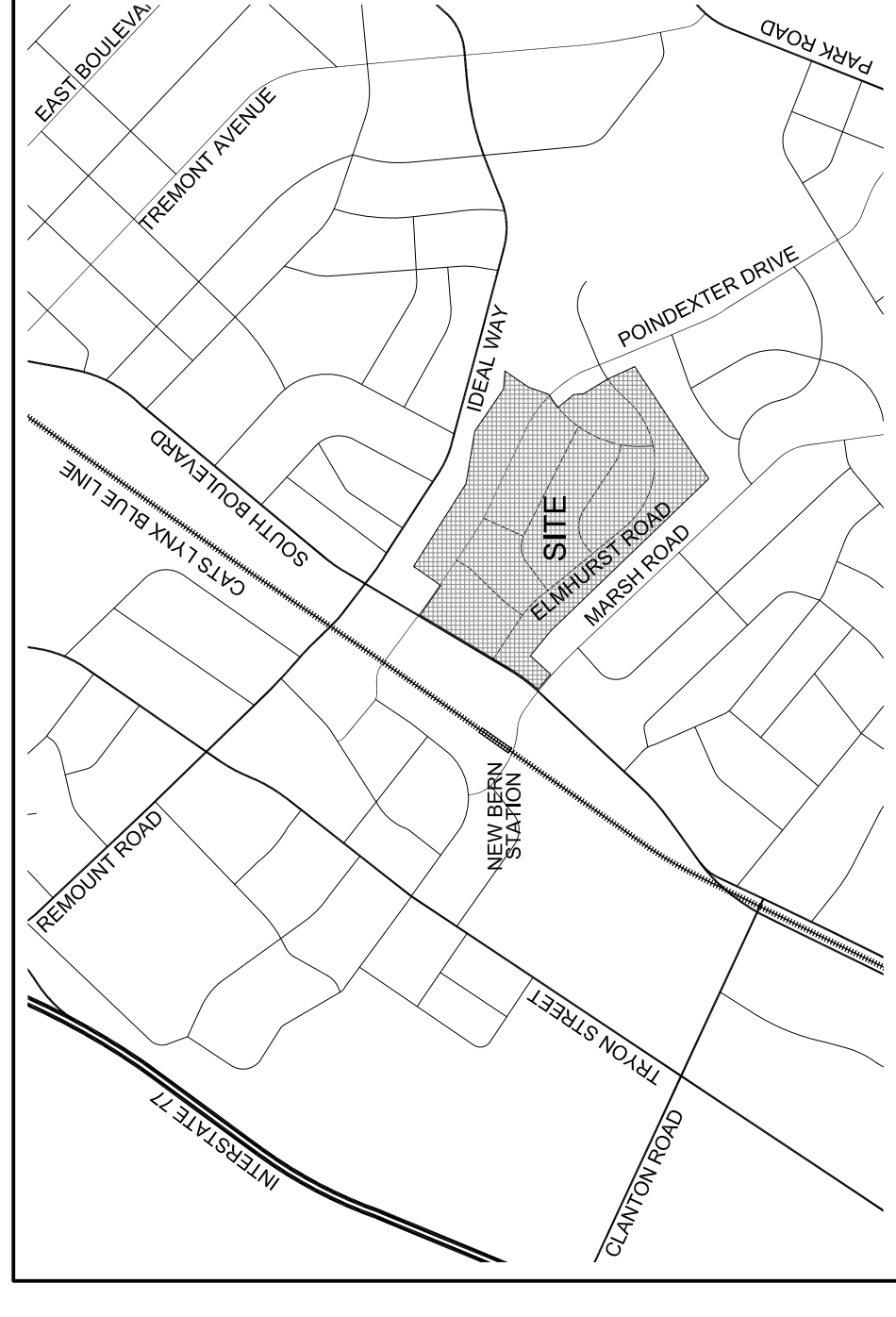
PROPOSED RESIDENTIAL SECTION - OPTION C



PROPOSED RESIDENTIAL SECTION - OPTION D



PROPOSED RESIDENTIAL SECTION - OPTION E



NOTES:

1. ALL SECTION SHOWN ARE TYPICAL AND MAY BE IMPLEMENTED AS NECESSARY TO ACCOMMODATE DEVELOPMENT
2. ALL SECTIONS TO BE COORDINATED WITH CDDT AND CITY OF CHARLOTTE PLANNING DEPARTMENT.
3. BUILDING HEIGHTS SHOWN THIS SHEET ARE CONCEPTUAL AND FOR INTENT PURPOSES ONLY. REFER TO SHEET RZ4.0 FOR FINAL BUILDING HEIGHTS AND DEVELOPMENT SUMMARY.
4. ALL DIMENSIONS AND RESPONSIBILITIES TO TREE COPYRIGHTS ARE SHOWN.
5. ALL BUILDINGS SHOWN THIS SHEET ARE PROPOSED UNLESS OTHERWISE NOTED.

SEDGFIELD NEIGHBORHOOD MIXED-USE DEVELOPMENT MARSH PROPERTIES | CHARLOTTE, NORTH CAROLINA

REVISIONS:
1.08/15/2014 REVISED PER STAFF COMMENTS.

DATE: 04/28/2014
DESIGNED BY: DAWM
CHECKED BY: RJP
SCALE: 1/8" = 1'-0"
PROJECT #: 1012267
SHEET #: RZ-3.0

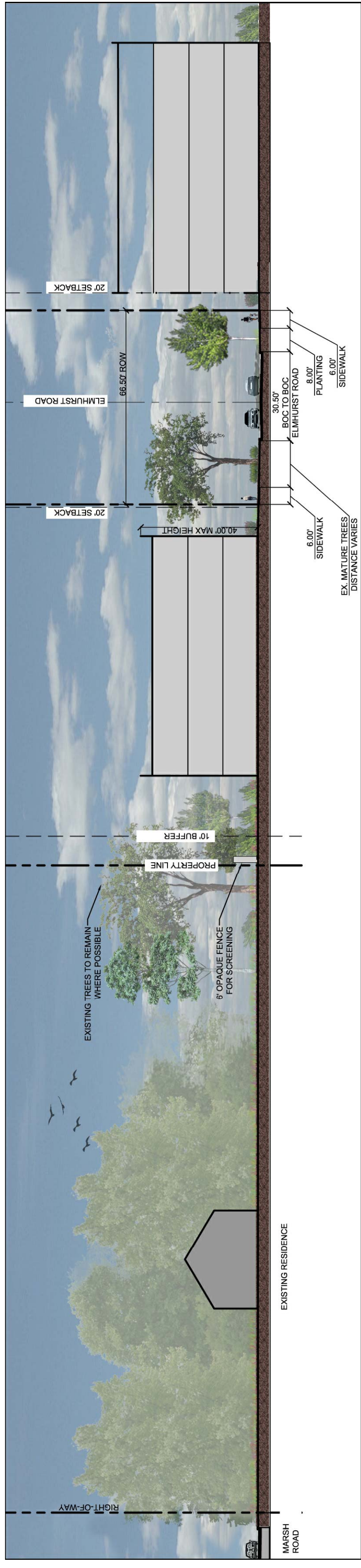
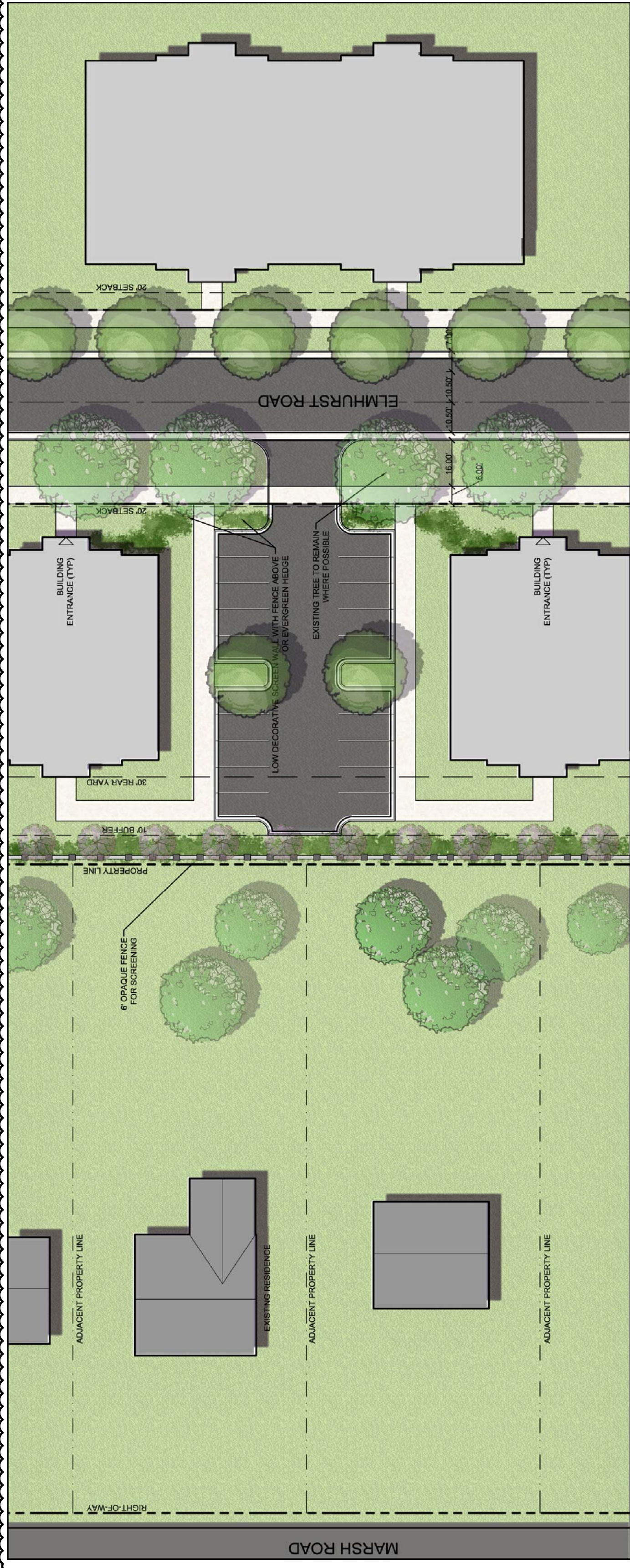
PETITION NO. 2014-064

PLAN

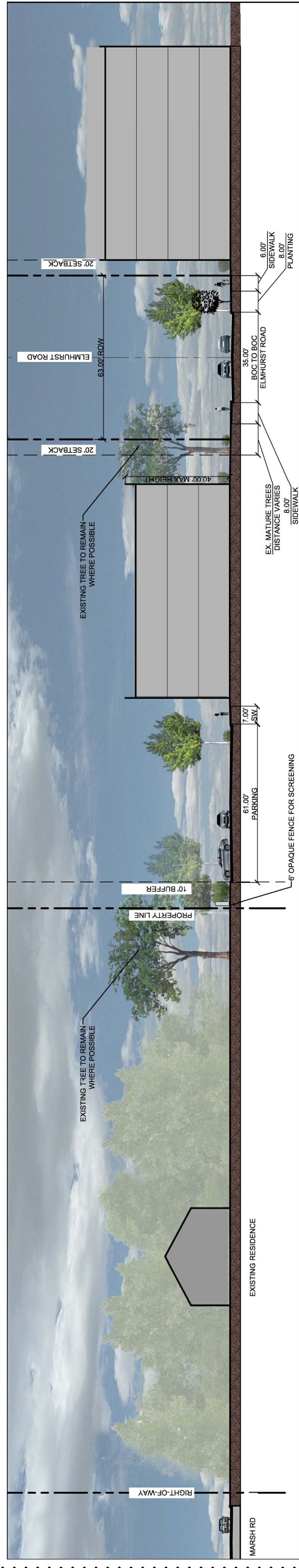
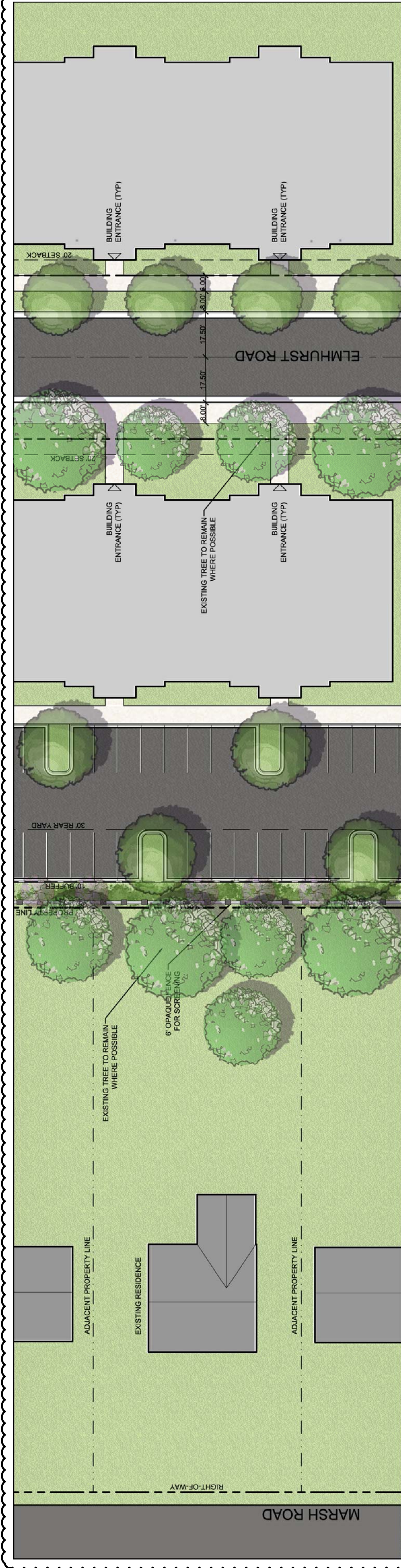
SECTION

PLAN

SECTION



A DEVELOPMENT AREA T, OR 'K' - RESIDENTIAL BUILDING OPTION 1
PLAN / SECTION



B DEVELOPMENT AREA T, OR 'K' - RESIDENTIAL BUILDING OPTION 2
PLAN / SECTION

SEDGEFIELD 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. ORIENT BUILDINGS IN A WAY TO ENCLOSE AND DEFINE PUBLIC SPACE, OPEN SPACE AND GREEN SPACE.
 - ii. INCLUDING FEATURES SUCH AS PORCHES, PATIOS, STOOPS, FRONT WALKWAYS AND CENTRALIZED DOORWAYS OR GREENWAYS SHALL FRONT THE PUBLIC OR PRIVATE STREETS, 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.
 - iii. ARCHITECTURAL TREATMENT SHALL CONTINUE ON ALL SIDES OF A BUILDING EXCEPT AS SPECIFICALLY NOTED OTHERWISE.
 - iv. ALL BUILDING ENTRANCES WILL BE CONNECTED TO THE STREET NETWORK SUBJECT TO GRADE 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, FENESTRATIONS MAY BE USED TO PROVIDE A SIMILAR VERTICAL APPEARANCE. SQUARE WINDOWS MAY BE USED AS A SECONDARY DESIGN ELEMENT.
- c. FACADES SHALL INCORPORATE WINDOWS AND DOORS AS FOLLOWS:
 - i. WINDOWS AND DOORS SHALL BE PROVIDED FOR AT LEAST 25% OF THE TOTAL FACADE AREA ALONG THE PRIMARY AND SECONDARY STREETS, WITH EACH FLOOR 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.
 - ii. THE ABOVE REQUIREMENT MAY BE REDUCED WHERE A FACADE IS NOT VISIBLE FROM A PUBLIC OR PRIVATE STREET.
 - iii. THE FACADES OF FIRST-GROUND FLOOR OF THE BUILDINGS ALONG PUBLIC AND PRIVATE STREETS SHALL INCORPORATE A MINIMUM OF 25% MASONRY MATERIALS SUCH AS BRICK, STUCCO OR STONE.
- d. FACADE ARTICULATION:
 - i. FACADES OVER 75 FEET IN LENGTH SHALL INCORPORATE WALL PROJECTIONS OR RECESSES A MINIMUM OF 12 INCHES IN DEPTH. THE COMBINED LENGTH OF SAID RECESSES AND PROJECTIONS SHALL CONSTITUTE AT LEAST 20% OF THE TOTAL FACADE LENGTH FOR FACADES OVER 75 FEET IN LENGTH. PATIOS AND BALCONIES ARE ACCEPTABLE PROJECTIONS.
- e. ADDITIONAL STREET FRONTING FACADE REQUIREMENTS ON PUBLIC AND PRIVATE STREETS:
 - i. STREET FRONTING FACADES SHALL BE ARTICULATED AND DESIGNED TO CREATE ADDITIONAL VISUAL INTEREST BY VARYING ARCHITECTURAL DETAILS, BUILDING MATERIALS, THE ROOF LINE, AND BUILDING OFFSETS.
 - ii. 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 EMBELLISHMENTS AT THE CORNER.
 - iii. INCORPORATE COLUMN AWNINGS, ARCHES, PORCHES, STOOPS, WINDOWS, DOORS, OR OTHER ARCHITECTURAL ELEMENTS.
 - iv. FACADES ABOVE THE FIRST STORY SHALL INCORPORATE WINDOWS, ARCHES, BALCONIES, OR OTHER ARCHITECTURAL DETAILS.
 - v. 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.
 - vi. MATERIALS MAY BE COMBINED HORIZONTALLY OR VERTICALLY, WITH THE HEAVIER BELOW THE LIGHTER.
 - vii. VINYL OR ALUMINUM SIDING, EXPOSED STANDARD CONCRETE MASONRY UNIT (CMU) BLOCK, CORRUGATED STEEL, PREFABRICATED METAL, EXPOSED PLYWOOD, AND EXPOSED PRESSBOARD ARE PROHIBITED, EXCEPT WHEN USED AS A DECORATIVE FEATURE OR ACCENT.
 - viii. 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.
 - ix. ACCESSORY STRUCTURES SHALL BE CONSISTENT WITH THE PRINCIPAL BUILDING IN MATERIAL, TEXTURE, AND COLOR.
- f. 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.
- g. 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 PARAPETS OR ROOF SHALL BE SCREENED FROM THE VIEW OF THE PUBLIC AND PRIVATE STREETS BY A PARAPET OR OTHER ARCHITECTURAL FEATURE.
 - ii. PERMITTED SLOPED ROOF MATERIALS ARE ASPHALT SHINGLES, COMPOSITION SHINGLES, WOOD SHINGLES, TIN, STANDING SEAM METAL, AND WOOD SHAKES.
 - iii. 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.
- h. ADDITIONAL DESIGN STANDARDS
 - i. NO PARKING OR MANEUVERING FOR PARKING WILL BE ALLOWED BETWEEN THE BUILDINGS LOCATED ON DEVELOPMENT AREAS E THROUGH L AND THE ABUTTING 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 BETWEEN THE ALLOWED RESIDENTIAL BUILDINGS THE WIDTH OF THE PARKING AREA ALONG THE PUBLIC STREET MAY NOT EXCEED 70 FEET.
 - ii. IF GARAGES ARE CONSTRUCTED ON THE SITE THEY MAY NOT BE ORIENTED TOWARD THE EXISTING OR PROPOSED PUBLIC OR PRIVATE STREETS.
 - iii. ALONG THE EXISTING PUBLIC STREETS ABUTTING DEVELOPMENT AREAS C THROUGH L, THE PETITIONER WILL PRESERVE A MINIMUM OF 50% OF THE EXISTING STREET TREES ALONG EACH SIDE OF THE STREET. THE PRESERVED TREES SHALL BE MAINTAINED AND REPLACED AS NECESSARY TO BE IN GOOD HEALTH BY THE CITY, ARBORISTS, URBAN FORESTRY, OR A PRIVATE ARBORIST AT THE TIME DEVELOPMENT ALONG EACH BLOCK FACE OCCURS.

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

SEDGEFIELD NEIGHBORHOOD
 MIXED-USE DEVELOPMENT
 MARSH PROPERTIES | CHARLOTTE, NORTH CAROLINA

PETITION NO. 2014-064

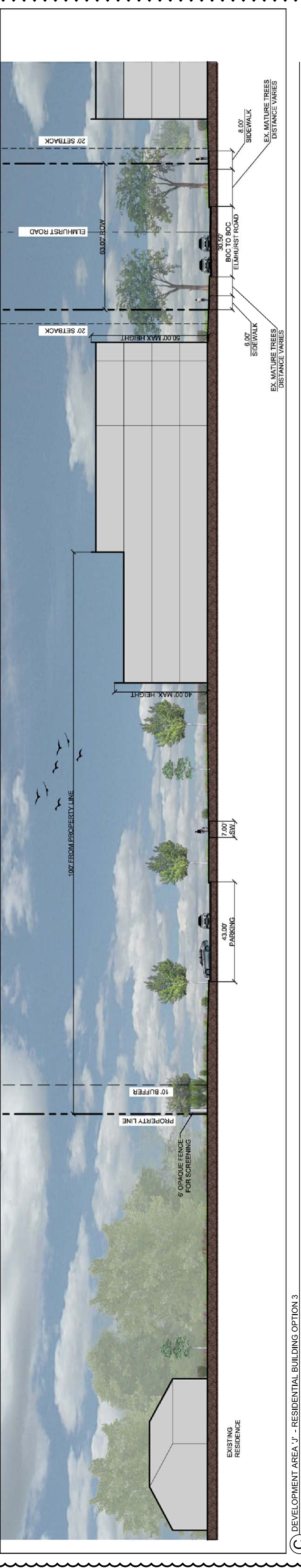
SEDGEFIELD MULTI-FAMILY DESIGN GUIDELINES

MULTIFAMILY DESIGN GUIDELINES

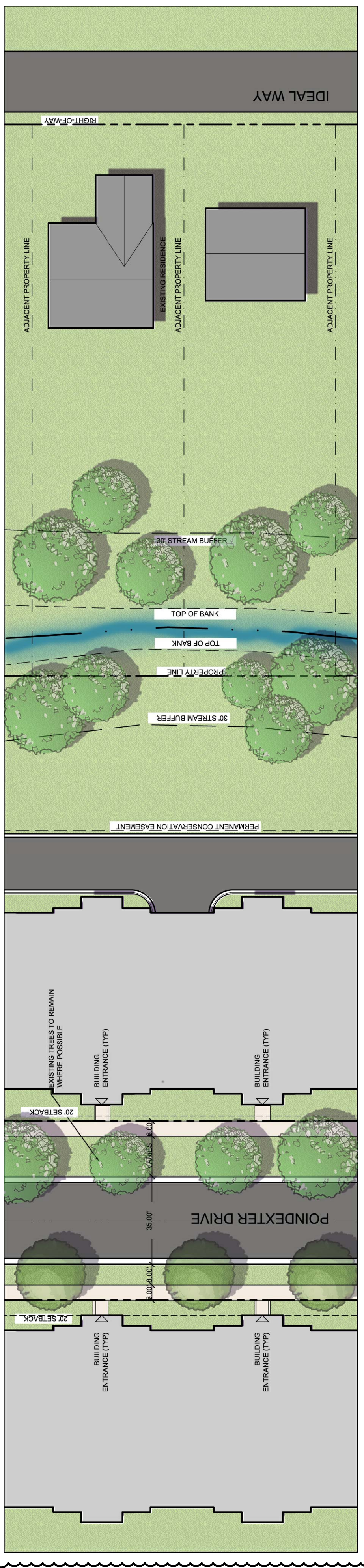
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 - ON CORNER LOTS, THE ARCHITECTURAL TREATMENT OF A BUILDING'S INTERSECTING STREET FRONTING FACADES SHALL BE SUBSTANTIALLY SIMILAR, EXCEPT THAT SAID BUILDING MAY EMPHASIZE THE CORNER LOCATION BY INCORPORATING ADDITIONAL HEIGHT AT THE CORNER, VARYING THE ROOF FORM AT THE CORNER, OR PROVIDING OTHER ARCHITECTURAL EMBELLISHMENTS AT THE CORNER.
 - ON CORNERS OF BUILDINGS, PRIMARY AND SECONDARY STREETS SHALL INCORPORATE COLUMN AWNINGS, ARCHES, PORCHES, STOOPS, WINDOWS, DOORS, OR OTHER ARCHITECTURAL ELEMENTS.
 - FACADES ABOVE THE FIRST STORY SHALL INCORPORATE WINDOWS, ARCHES, BALCONIES, OR OTHER ARCHITECTURAL DETAILS.
 - 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.
 - VENTS FOR ALUMINUM SIDING, EXPOSED STANDARD CONCRETE MASONRY UNIT (CMU) BLOCK, CORRUGATED STEEL, PREFABRICATED METAL, EXPOSED PLYWOOD, 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 CONSISTENT WITH THE PRINCIPAL BUILDING IN MATERIAL, TEXTURE, AND COLOR.
 - (6) 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.
- ROOFS**
- 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 OR OTHER ARCHITECTURAL FEATURE.
 - ACCESS TO ROOFS SHALL BE PROVIDED 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.
- ADDITIONAL DESIGN STANDARDS**
- NO PARKING OR MANEUVERING FOR PARKING WILL BE ALLOWED BETWEEN THE BUILDINGS LOCATED ON DEVELOPMENT AREAS E THROUGH L 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 BETWEEN THE ALLOWED RESIDENTIAL BUILDINGS THE WIDTH OF THE PARKING AREA ALONG THE PUBLIC STREET MAY NOT EXCEED 70 FEET.
 - IF GARAGES ARE CONSTRUCTED ON THE SITE THEY MAY NOT BE ORIENTED TOWARD THE EXISTING OR PROPOSED PUBLIC OR PRIVATE STREETS.
 - ALONG THE EXISTING PUBLIC STREETS ADJUTING DEVELOPMENT AREAS C THROUGH L, THE PETITIONER WILL PRESERVE A MINIMUM OF 50% OF THE EXISTING STREET TREES ALONG EACH SIDE OF THE STREET. THE REMAINING TREES SHALL BE MAINTAINED AND REPLACED AS NECESSARY TO BE IN GOOD HEALTH BY THE CITY, ARBORIST/URBAN FORESTRY OR A PRIVATE ARBORIST AT THE TIME DEVELOPMENT ALONG EACH BLOCK FACE OCCURS.



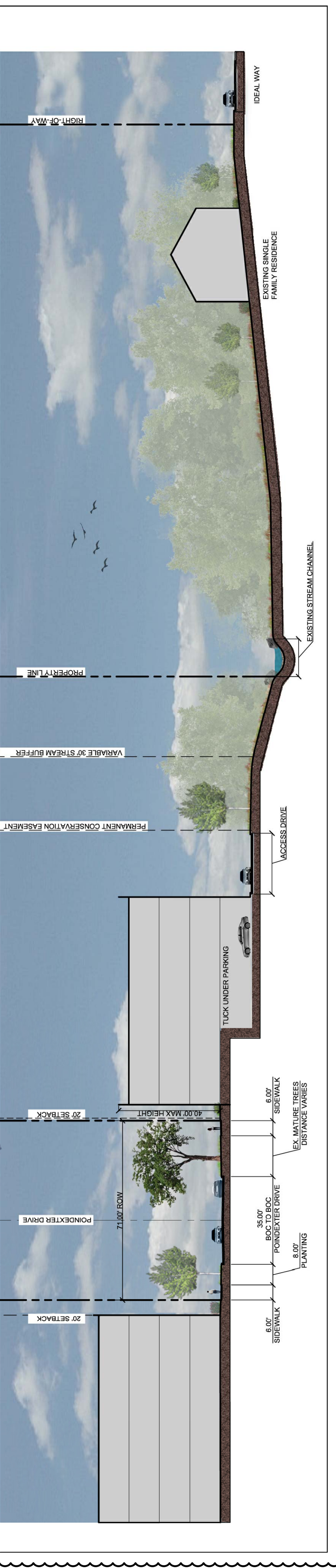
PLAN



SECTION

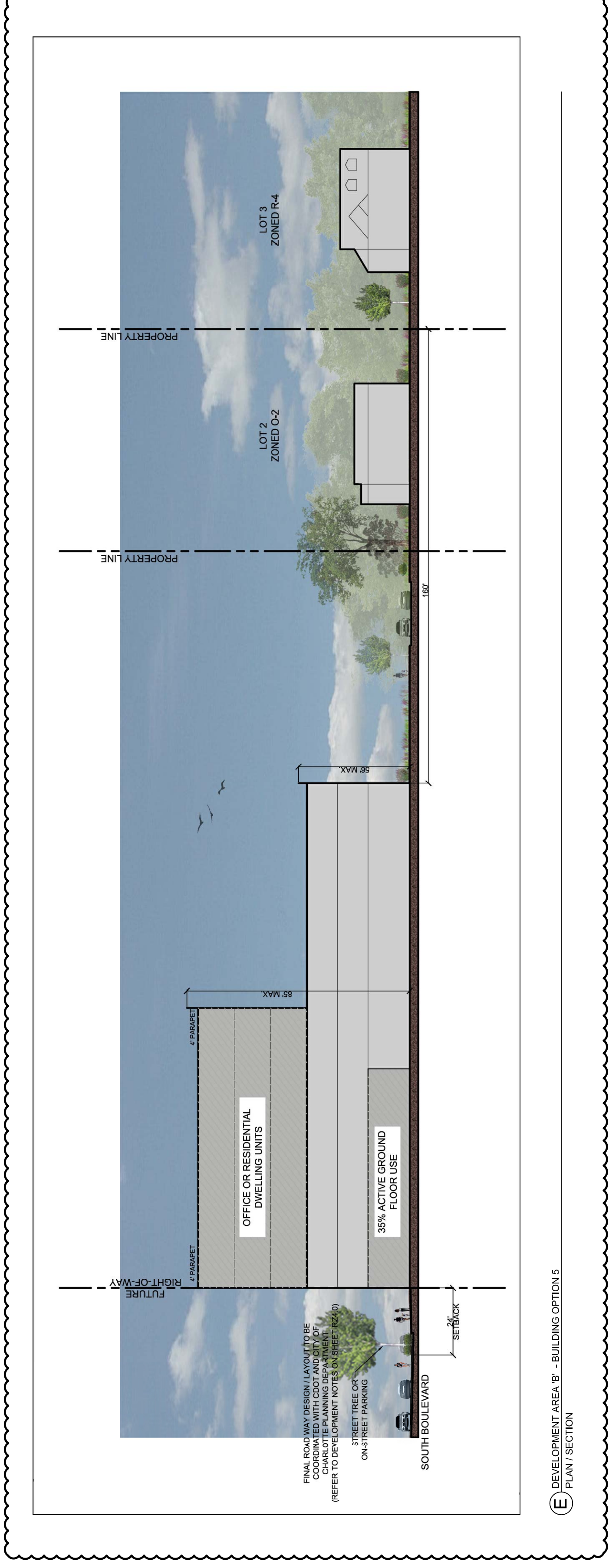


PLAN



SECTION

SECTION



(E) DEVELOPMENT AREA 'B' - BUILDING OPTION 1.5
PLAN / SECTION

SEDGEFIELD 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. ORIENT BUILDINGS IN A WAY TO ENCLOSE AND DEFINE PUBLIC SPACE, OPEN SPACE AND GREEN SPACE.
 - ii. DESIGN FEATURES SUCH AS PORCHES, PATIOS, STOOPS, FRONT WALKWAYS AND CENTRALIZED DOORWAYS OR BREEZEWAYS SHALL FRONT THE PUBLIC OR PRIVATE STREETS, 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.
 - iii. ARCHITECTURAL TREATMENT SHALL CONTINUE ON ALL SIDES OF A BUILDING EXCEPT AS SPECIFICALLY NOTED OTHERWISE.
 - iv. ALL BUILDING ENTRANCES WILL BE CONNECTED TO THE STREET NETWORK SUBJECT TO GRADE 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, FENESTRATIONS MAY BE USED TO PROVIDE A SIMILAR VERTICAL APPEARANCE. SQUARE WINDOWS MAY BE USED AS A SECONDARY DESIGN ELEMENT.
- c. FACADES SHALL INCORPORATE WINDOWS AND DOORS AS FOLLOWS:
 - i. WINDOWS AND DOORS SHALL BE PROVIDED FOR AT LEAST 25% OF THE TOTAL FACADE AREA ALONG THE PRIMARY AND SECONDARY STREETS, WITH EACH FLOOR 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.
 - ii. THE ABOVE REQUIREMENT MAY BE REDUCED WHERE A FACADE IS NOT VISIBLE FROM A PUBLIC OR PRIVATE STREET.
 - iii. THE FACADES OF FIRST-GROUND FLOOR OF THE BUILDINGS ALONG PUBLIC AND PRIVATE STREETS SHALL INCORPORATE A MINIMUM OF 25% MASONRY MATERIALS SUCH AS BRICK, STUCCO OR STONE.

FACADE ARTICULATION:

- i. FACADES OVER 75 FEET IN LENGTH SHALL INCORPORATE WALL PROJECTIONS OR RECESSES A MINIMUM OF 12 INCHES IN DEPTH. THE COMBINED LENGTH OF SAID RECESSES AND PROJECTIONS SHALL CONSTITUTE AT LEAST 20% OF THE TOTAL FACADE LENGTH FOR FACADES OVER 75 FEET IN LENGTH. PATIOS AND BALCONIES ARE ACCEPTABLE PROJECTIONS.
- ii. ADDITIONAL STREET FRONTING FACADE REQUIREMENTS ON PUBLIC AND PRIVATE STREETS:
 - i. STREET FRONTING FACADES SHALL BE ARTICULATED AND DESIGNED TO CREATE ADDITIONAL VISUAL INTEREST BY VARYING ARCHITECTURAL DETAILS, BUILDING MATERIALS, THE ROOF LINE, AND BUILDING OFFSETS.
 - ii. 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 EMBELLISHMENTS AT THE CORNER.
 - iii. INCORPORATE COLUMN AWNINGS, ARCADES, PORCHES, STOOPS, WINDOWS, DOORS, OR OTHER ARCHITECTURAL ELEMENTS.
 - iv. FACADES ABOVE THE FIRST STORY SHALL INCORPORATE WINDOWS, ARCHES, BALCONIES, OR OTHER ARCHITECTURAL DETAILS.
 - v. 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.
 - vi. MATERIALS MAY BE COMBINED HORIZONTALLY OR VERTICALLY, WITH THE HEAVIER BELOW THE LIGHTER.
 - vii. VENTILATION SHALL BE PROVIDED FOR ALL BUILDINGS, INCLUDING THROUGH THE ROOF VIA VINYL OR ALUMINUM SIDING, EXPOSED STANDARD CONCRETE MASONRY UNIT (CMU) BLOCK, CORRUGATED STEEL, PREFABRICATED METAL, EXPOSED PLYWOOD, AND EXPOSED PRESSBOARD.
 - viii. 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, CEMENTITIOUS SIDING, GLASS, MANUFACTURED STONE OR GRANITE.
 - x. ACCESSORY STRUCTURES SHALL BE CONSISTENT WITH THE PRINCIPAL BUILDING IN MATERIAL, TEXTURE, AND COLOR.

FOUNDATIONS:

- (g) 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.

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 PARAPETS OR SCREENING WALLS. PARAPETS SHALL BE 4 FEET HIGH. ACCESS STAIRS TO ROOFS OR TO ROOF SHALL BE SCREENED FROM THE VIEW OF THE PUBLIC AND PRIVATE STREETS BY A PARAPET OR OTHER ARCHITECTURAL FEATURE.
- ii. PERMITTED SLOPED ROOF MATERIALS ARE ASPHALT SHINGLES, COMPOSITION SHINGLES, WOOD SHINGLES, TIN, STANDING SEAM METAL, AND WOOD SHAKES.
- iii. 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.

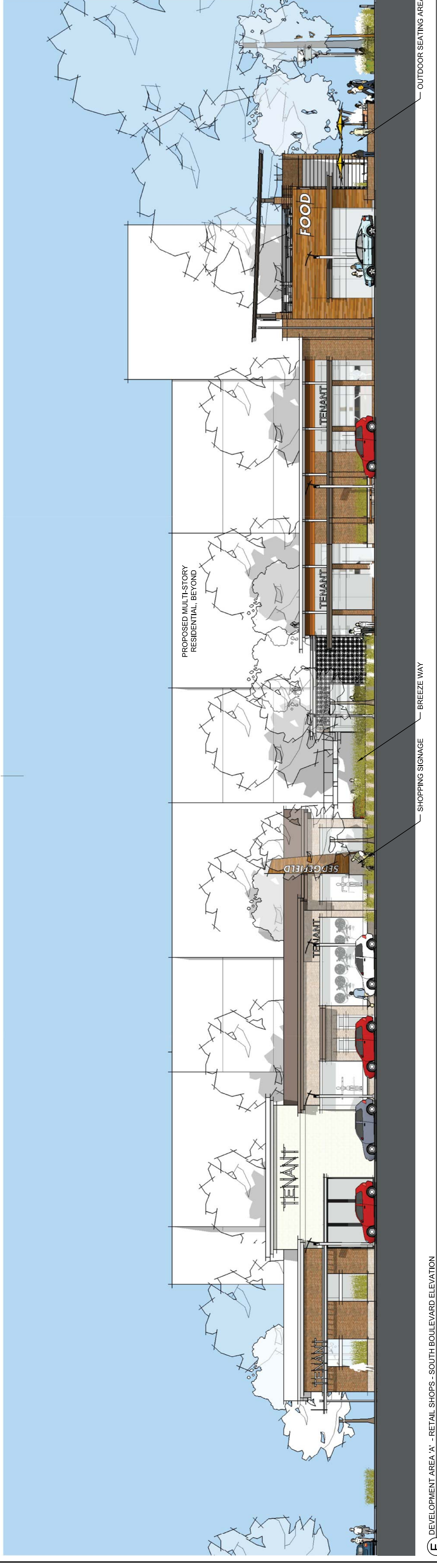
ADDITIONAL DESIGN STANDARDS

- i. NO PARKING OR MANEUVERING FOR PARKING WILL BE ALLOWED BETWEEN THE BUILDINGS LOCATED ON DEVELOPMENT AREAS E THROUGH L AND THE ABUTTING 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 BETWEEN THE ALLOWED RESIDENTIAL BUILDINGS THE WIDTH OF THE PARKING AREA ALONG THE PUBLIC STREET MAY NOT EXCEED 70 FEET.
- ii. IF GARAGES ARE CONSTRUCTED ON THE SITE THEY MAY NOT BE ORIENTED TOWARD THE EXISTING OR PROPOSED PUBLIC OR PRIVATE STREETS.
- iii. ALONG THE EXISTING PUBLIC STREETS ABUTTING DEVELOPMENT AREAS C THROUGH L THE PETITIONER WILL PRESERVE A MINIMUM OF 50% OF THE EXISTING STREET TREES ALONG EACH SIDE OF THE STREET. THE REMAINING 50% OF THE EXISTING STREET TREES THAT ARE DETERMINED TO BE IN GOOD HEALTH BY THE CITY ARBORIST/URBAN FORESTRY OR A PRIVATE ARBORIST AT THE TIME DEVELOPMENT ALONG EACH BLOCK FACE OCCURS.

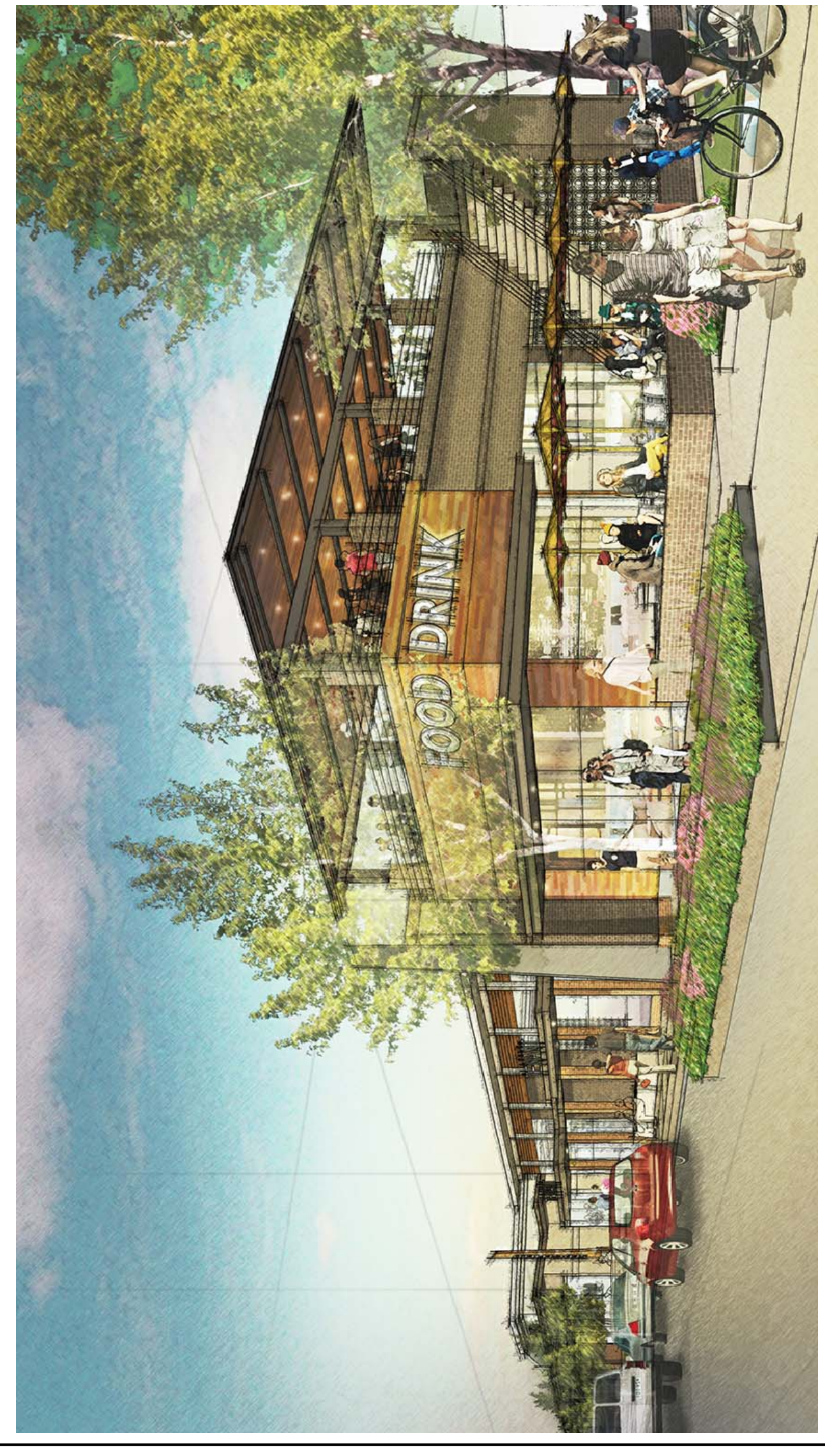
REVISIONS:
 1. 08/15/2014 REVISED PER STAFF COMMENTS.

SEDGEFIELD NEIGHBORHOOD
 MIXED-USE DEVELOPMENT
 MARSH PROPERTIES | CHARLOTTE, NORTH CAROLINA
 SCHEMATIC BUILDING ELEVATIONS

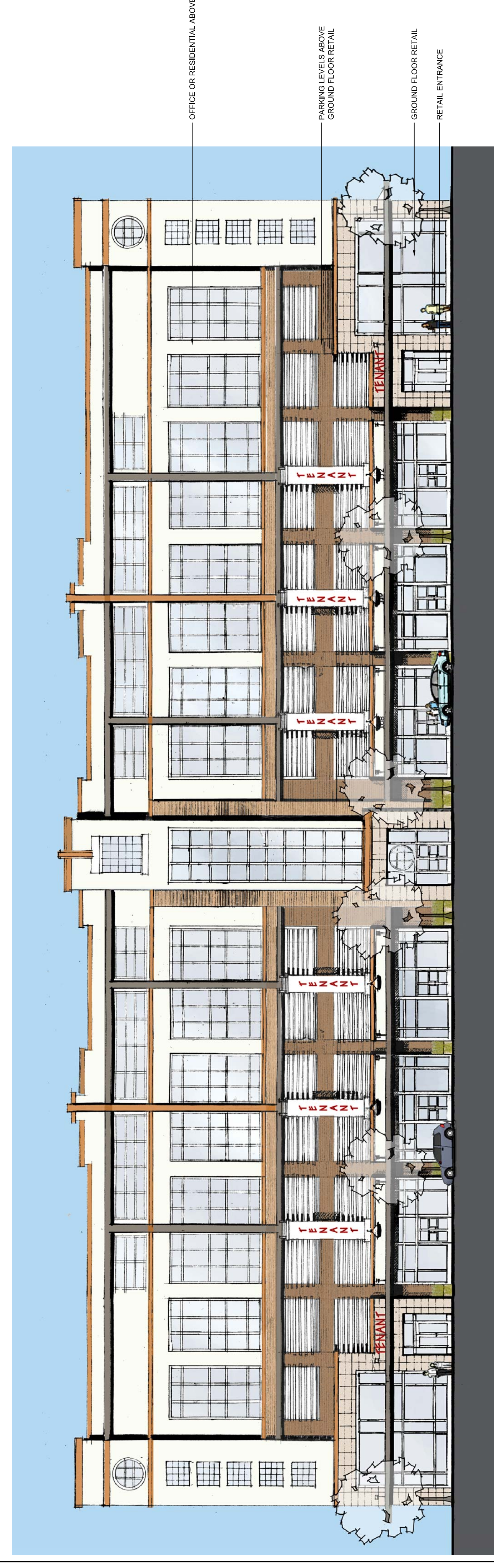
PETITION NO. 2014-064



F DEVELOPMENT AREA 'A' - RETAIL SHOPS - SOUTH BOULEVARD ELEVATION



G DEVELOPMENT AREA 'A' - RETAIL SHOPS - SOUTH BOULEVARD SCHEMATIC PERSPECTIVE



H DEVELOPMENT AREA 'B' - MIXED-USE GROUND FLOOR RETAIL WITH OFFICE/RESIDENTIAL ABOVE - SOUTH BOULEVARD ELEVATION

GARDEN APARTMENT DESIGN CONCEPTS



LANDSCAPING PLANTERS WITH MULTIPLE ENTRIES



BUILDING UNDULATION WITH ARTICULATED PEDESTRIAN SIDEWALK



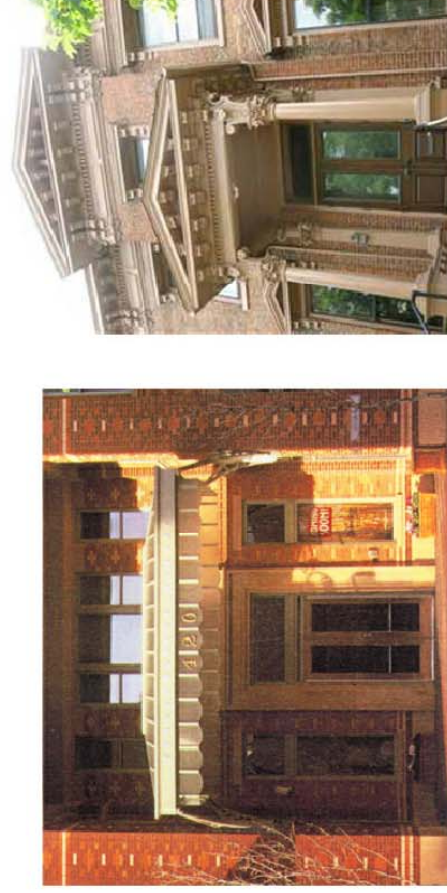
PORCHES & DEFINED ENTRY



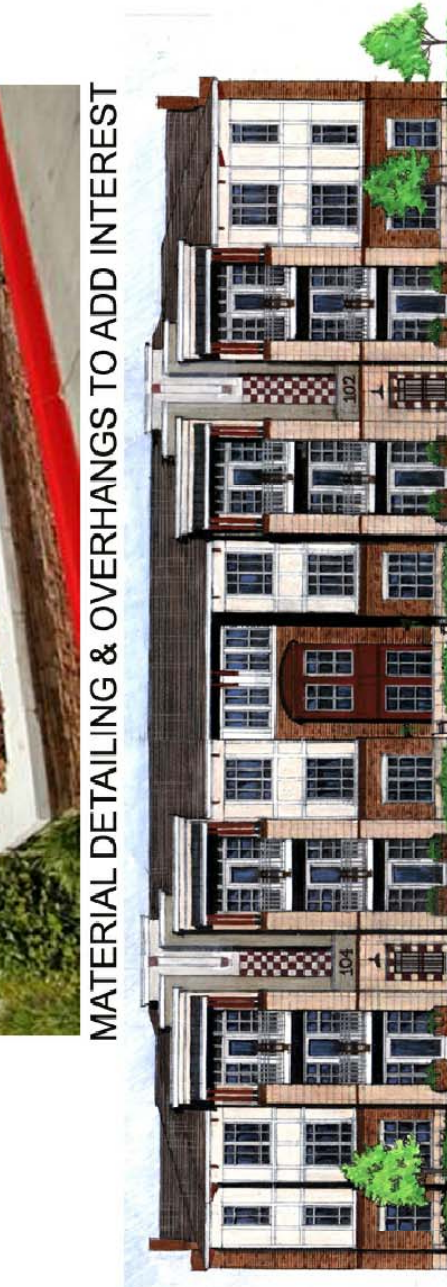
LARGE SETBACK FROM STREET TO MAINTAIN MATURE TREES, & GOOD LANDSCAPE BUFFERS



MATERIAL DETAILING & OVERHANGS TO ADD INTEREST



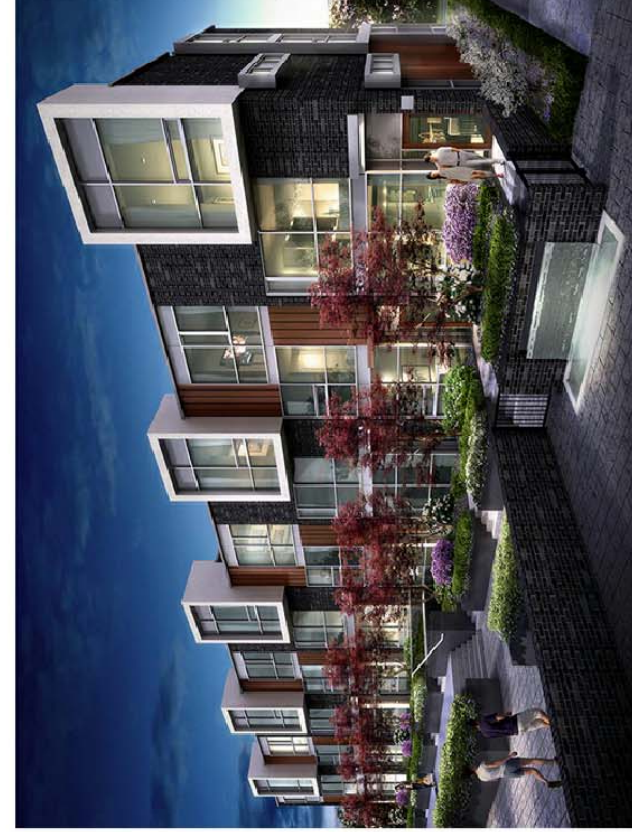
ARTICULATION OF ENTRY



MULTIPLE ENTRY POINTS ALONG STREETSCAPE

(A) DEVELOPMENT AREAS 'E', 'F', 'G', 'H', 'I', 'J', 'K', & 'L'

TOWNHOME DESIGN CONCEPTS



LANDSCAPED AREAS AT PEDESTRIAN ENTRIES



REAR PARKING PODS



MULTIPLE CLEARLY EXPRESSED ENTRIES



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



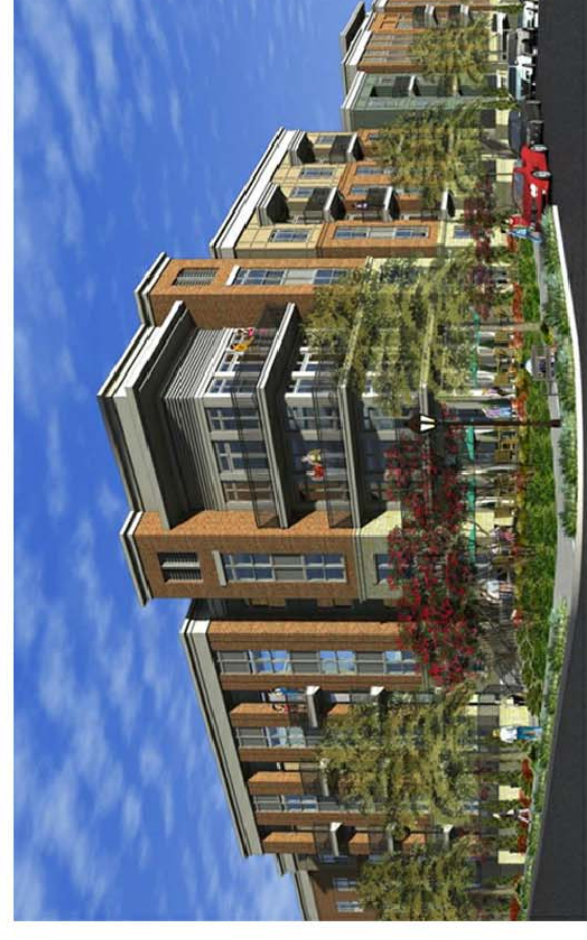
TRADITIONAL ROWHOUSE STREET FRONT



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

(C) DEVELOPMENT AREAS 'I', 'K', & 'L'

LARGER APARTMENT/PARKING DECK DESIGN CONCEPTS



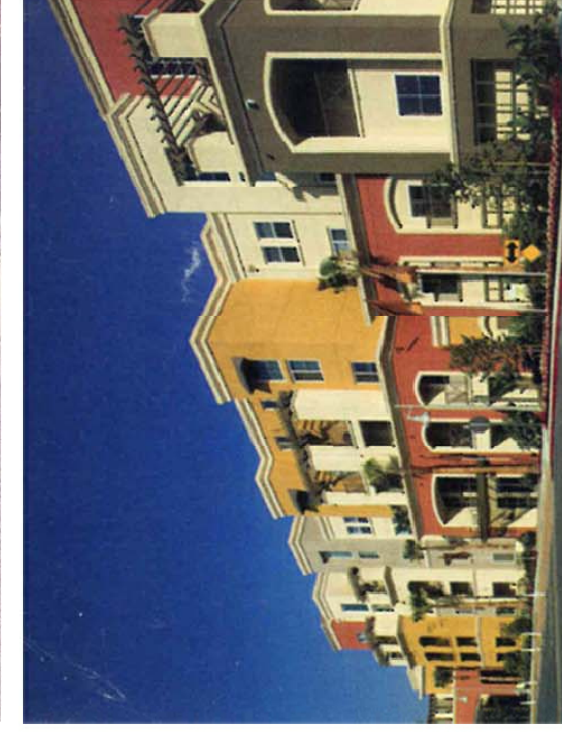
LARGE SETBACK FROM STREET TO MAINTAIN MATURE TREES, & GOOD LANDSCAPE BUFFERS



ACTIVATION OF CORNERS & STREET EDGE WITH AMENITY/PUBLIC AREAS



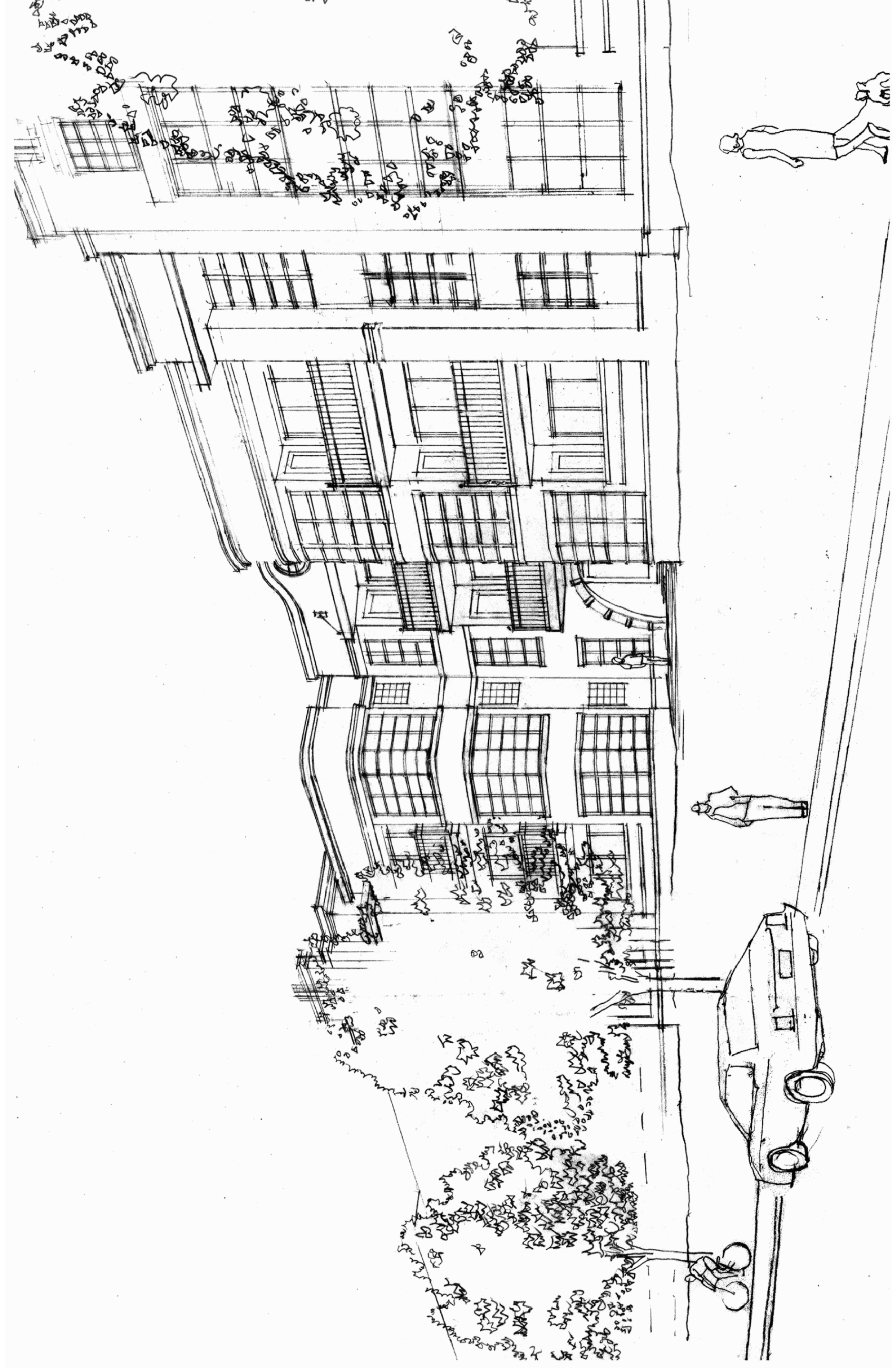
UNDULATION/VARIATION IN FACADE & MATERIAL TO HELP BREAK UP LARGE SCALE OF BLDG



PARKING SCREENED FROM MAIN STREETS (PODIUM & WRAPPED GARAGES)



(B) DEVELOPMENT AREAS 'B', 'C', & 'D'



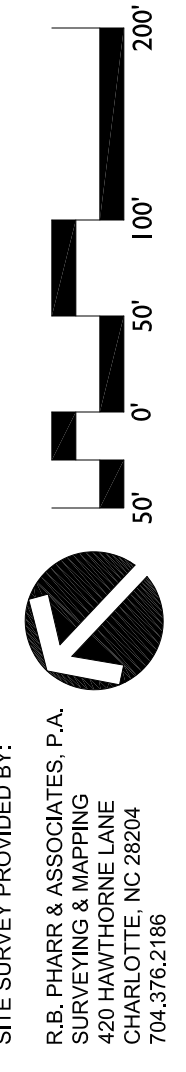
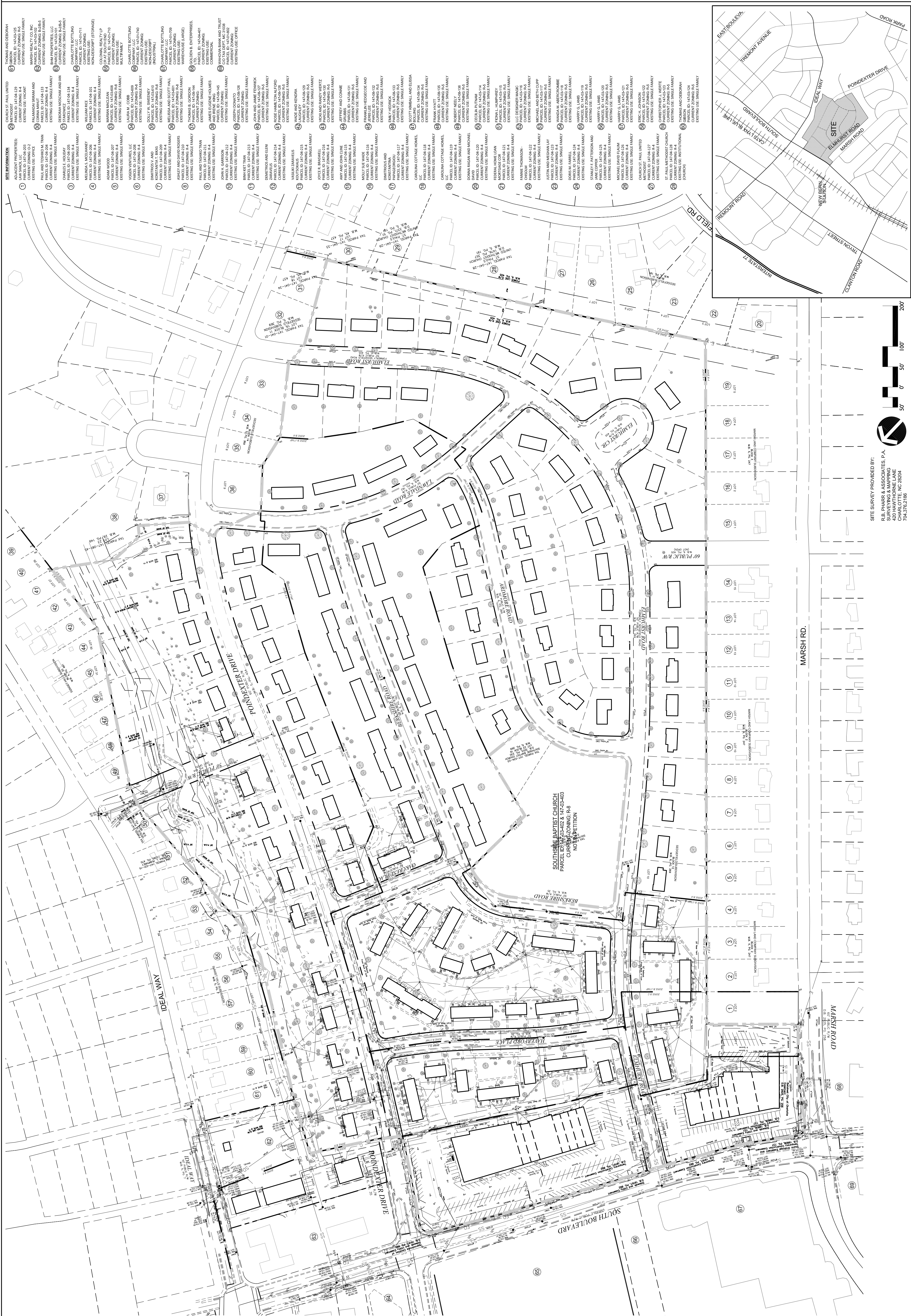
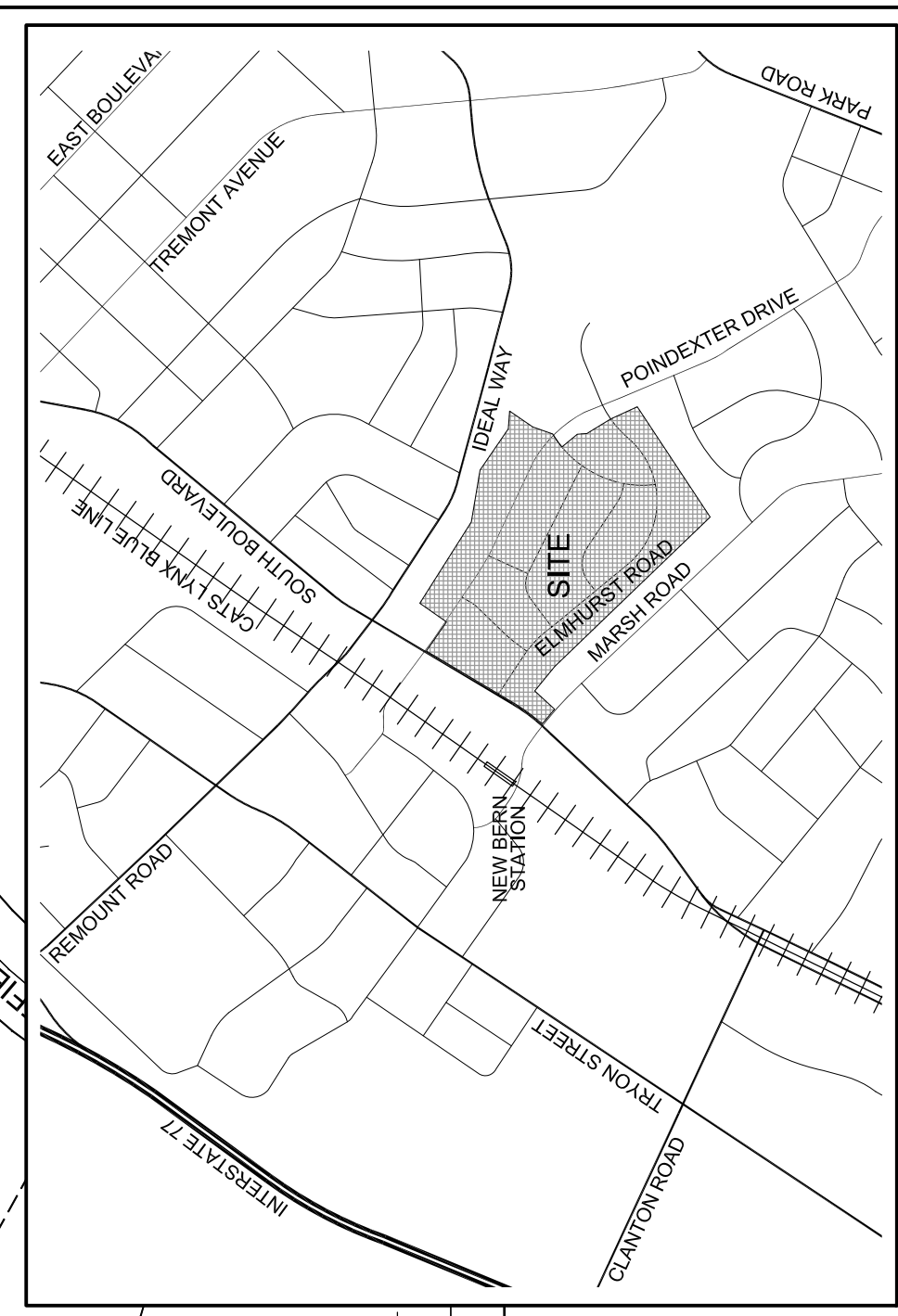
(D) DEVELOPMENT AREAS 'C', 'D', 'E', 'F', 'G', 'H', 'I', 'J', 'K', AND 'L' - RESIDENTIAL STREET SCHEMATIC PERSPECTIVE

SEDGEFIELD NEIGHBORHOOD MIXED-USE DEVELOPMENT MARSH PROPERTIES | CHARLOTTE, NORTH CAROLINA

EXISTING CONDITIONS PLAN

PETITION NO. 2014-064

LandDesign
223 N Graham Street
Charlotte, NC 28202
F: 704.333.0322
www.LandDesign.com



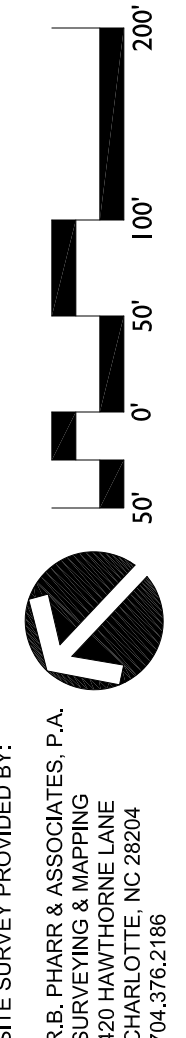
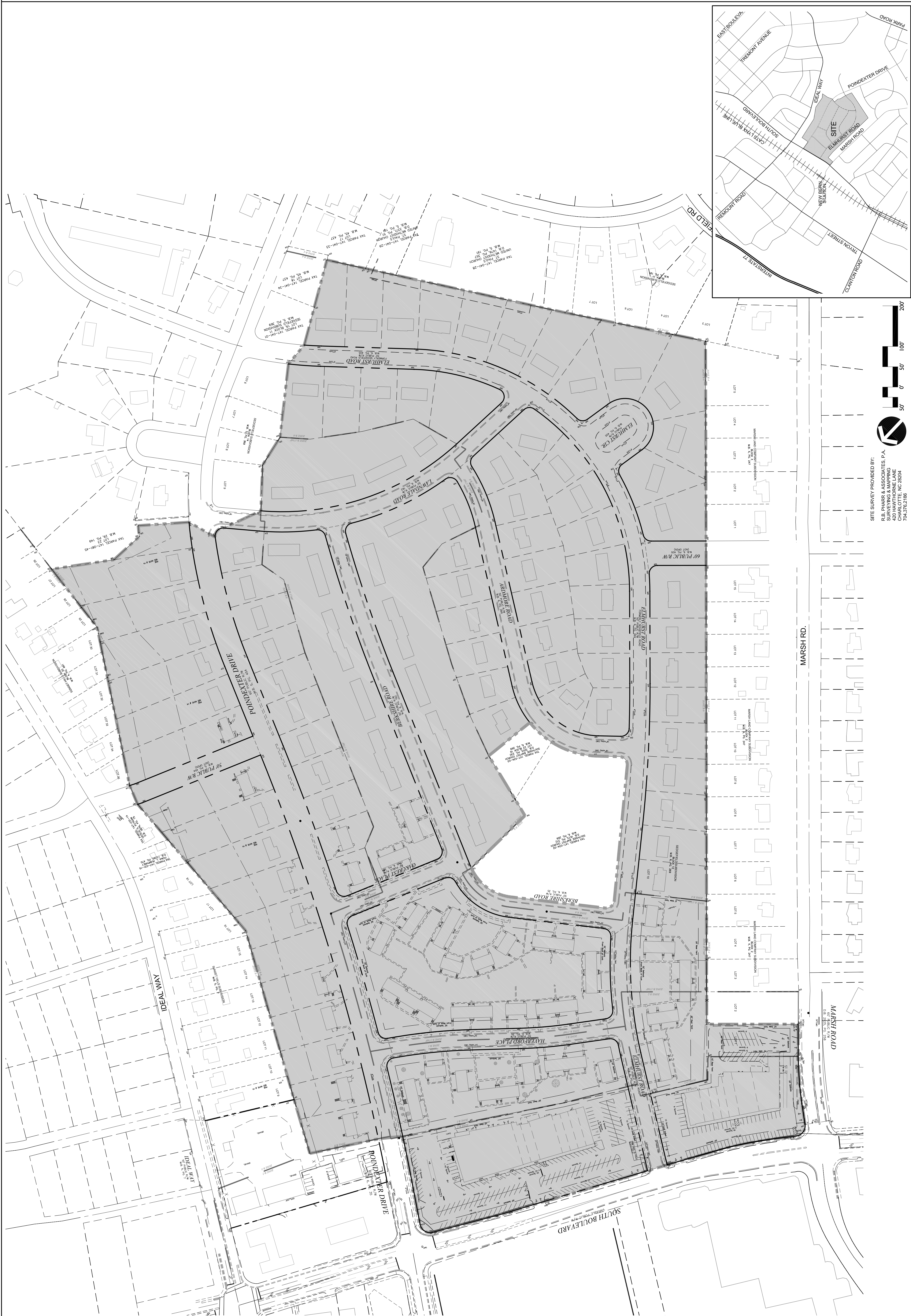
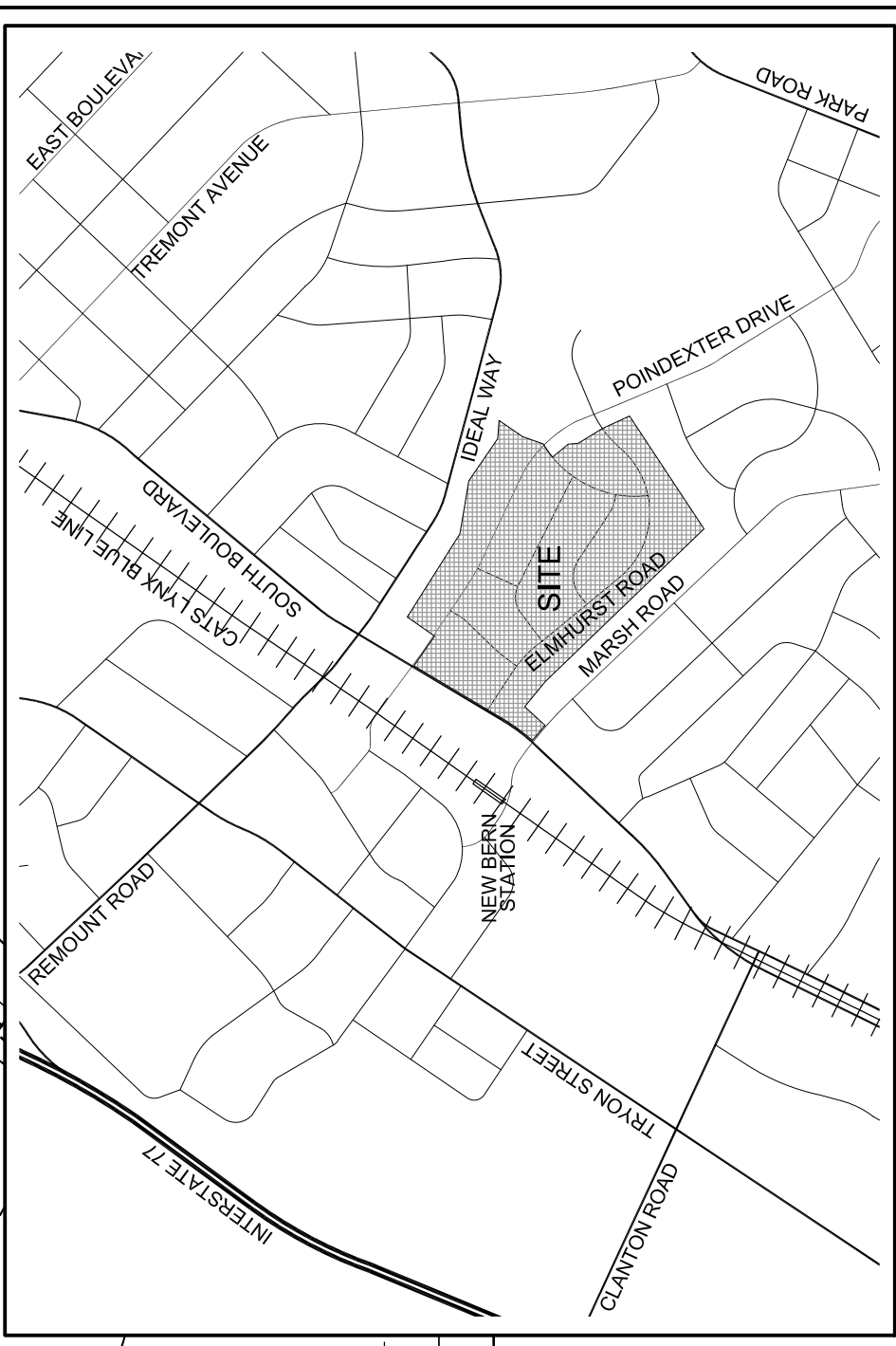
SITE SURVEY PROVIDED BY:
R.B. PHARR & ASSOCIATES, P.A.
SURVEYING & MAPPING
420 HAWTHORNE LANE
CHARLOTTE, NC 28204
704.370.2186

- SITE INFORMATION**
- 1 CHURCH ST. PAUL LIMITED
 - 2 ADJACENT PROPERTIES:
 - 3 LAW SHELL, LLC
 - 4 CURRENT ZONING R-4
 - 5 EXISTING USE: VACANT
 - 6 CURRENT ZONING O-2
 - 7 PAUL AND TISHARA M. TRAN
 - 8 CURRENT ZONING R-4
 - 9 EXISTING USE: SINGLE FAMILY
 - 10 CURRENT ZONING R-4
 - 11 EXISTING USE: SINGLE FAMILY
 - 12 ADAM MOORE
 - 13 CURRENT ZONING R-4
 - 14 EXISTING USE: SINGLE FAMILY
 - 15 PAVEL ID: 147-04-200
 - 16 CURRENT ZONING R-4
 - 17 EXISTING USE: SINGLE FAMILY
 - 18 VOZEN VENTURES, LLC
 - 19 PAVEL ID: 147-04-207
 - 20 CURRENT ZONING R-4
 - 21 EXISTING USE: SINGLE FAMILY
 - 22 DANIEL V. AND
 - 23 DANIELA V. AND
 - 24 KONSTANTIN ERBAS
 - 25 CURRENT ZONING R-4
 - 26 EXISTING USE: SINGLE FAMILY
 - 27 MEGAN AND SCOTT HALL
 - 28 PAVEL ID: 147-04-201
 - 29 EXISTING USE: SINGLE FAMILY
 - 30 THOMAS R. GORDON
 - 31 CURRENT ZONING R-4
 - 32 EXISTING USE: SINGLE FAMILY
 - 33 JAMES EUGENE HOLMES
 - 34 PAVEL ID: 147-04-145
 - 35 EXISTING USE: SINGLE FAMILY
 - 36 JOSEPH DONATO
 - 37 CURRENT ZONING O-2
 - 38 EXISTING USE: SINGLE FAMILY
 - 39 BRAD KET TRAM
 - 40 PAVEL ID: 147-04-213
 - 41 EXISTING USE: SINGLE FAMILY
 - 42 JOHN W. GARDNER
 - 43 PAVEL ID: 147-04-211
 - 44 EXISTING USE: SINGLE FAMILY
 - 45 JOHN AND JAMIE STEWICK
 - 46 PAVEL ID: 147-04-215
 - 47 EXISTING USE: SINGLE FAMILY
 - 48 DANIELA AND DEAN
 - 49 PAVEL ID: 147-04-212
 - 50 EXISTING USE: SINGLE FAMILY
 - 51 ZARAVELIS
 - 52 PAVEL ID: 147-04-214
 - 53 EXISTING USE: SINGLE FAMILY
 - 54 VASSILIOZAKIS
 - 55 PAVEL ID: 147-04-216
 - 56 EXISTING USE: SINGLE FAMILY
 - 57 JOYCE R. BRADWELL
 - 58 PAVEL ID: 147-04-218
 - 59 EXISTING USE: SINGLE FAMILY
 - 60 AMY AND JOHN CLINE
 - 61 PAVEL ID: 147-04-219
 - 62 EXISTING USE: SINGLE FAMILY
 - 63 JEFFREY AND CORNIE
 - 64 PAVEL ID: 147-04-220
 - 65 EXISTING USE: SINGLE FAMILY
 - 66 FRANKLIN HEDGECOCK AND
 - 67 PAVEL ID: 147-04-221
 - 68 EXISTING USE: SINGLE FAMILY
 - 69 FRANKLIN HEDGECOCK AND
 - 70 PAVEL ID: 147-04-222
 - 71 EXISTING USE: SINGLE FAMILY
 - 72 DANIELA AND
 - 73 PAVEL ID: 147-04-223
 - 74 EXISTING USE: SINGLE FAMILY
 - 75 CAROLINA COTTAGE HOMES,
 - 76 PAVEL ID: 147-04-224
 - 77 EXISTING USE: SINGLE FAMILY
 - 78 CAROLINA COTTAGE HOMES,
 - 79 PAVEL ID: 147-04-225
 - 80 EXISTING USE: SINGLE FAMILY
 - 81 LUCY AND
 - 82 PAVEL ID: 147-04-226
 - 83 EXISTING USE: SINGLE FAMILY
 - 84 DONNA MAGNAN AND MICHEL
 - 85 PAVEL ID: 147-04-227
 - 86 EXISTING USE: SINGLE FAMILY
 - 87 MORTGAGE CORP
 - 88 PAVEL ID: 147-04-228
 - 89 EXISTING USE: SINGLE FAMILY
 - 90 FEDERAL HOME LOAN
 - 91 PAVEL ID: 147-04-229
 - 92 EXISTING USE: SINGLE FAMILY
 - 93 FANNIE THOMASON
 - 94 PAVEL ID: 147-04-230
 - 95 EXISTING USE: SINGLE FAMILY
 - 96 JUSTIN AND MEGHAN LAY
 - 97 PAVEL ID: 147-04-231
 - 98 EXISTING USE: SINGLE FAMILY
 - 99 DOUGLAS M. FABELL
 - 100 PAVEL ID: 147-04-232
 - 101 EXISTING USE: SINGLE FAMILY
 - 102 STANLEY F. PATTERSON AND
 - 103 PAVEL ID: 147-04-233
 - 104 EXISTING USE: SINGLE FAMILY
 - 105 MARSH PROPERTIES
 - 106 PAVEL ID: 147-04-234
 - 107 EXISTING USE: SINGLE FAMILY
 - 108 CHURCH ST. PAUL LIMITED
 - 109 PAVEL ID: 147-04-235
 - 110 EXISTING USE: SINGLE FAMILY
 - 111 MATHIAS AND
 - 112 PAVEL ID: 147-04-236
 - 113 EXISTING USE: SINGLE FAMILY
 - 114 ST. PAUL LUTHERAN CHURCH
 - 115 PAVEL ID: 147-04-237
 - 116 EXISTING USE: SINGLE FAMILY
 - 117 JAMES AND DEBORAH
 - 118 PAVEL ID: 147-04-238
 - 119 EXISTING USE: SINGLE FAMILY

SEDGEFIELD NEIGHBORHOOD MIXED-USE DEVELOPMENT EXISTING CONDITIONS PARCEL PLAN

MARSH PROPERTIES | CHARLOTTE, NORTH CAROLINA

PETITION NO. 2014-064



SITE SURVEY PROVIDED BY:
R.B. PHARR & ASSOCIATES, P.A.
SURVEYING & MAPPING
420 HAWTHORNE LANE
CHARLOTTE, NC 28204
704.370.2186

REQUEST	Text Amendment to Sections 9.1002 and 9.1102, and Table 9.101 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to allow cultural facilities as a use by-right in the urban industrial and industrial zoning districts.
STAFF RECOMMENDATION	Staff recommends approval of this petition. This petition is consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> goal to provide a range of choices for entertainment and employment.
PETITIONER AGENT/REPRESENTATIVE	Tony A. Feimster (T'Afo) Tony A. Feimster (T'Afo)
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Background**

- Cultural facilities are defined as an indoor or outdoor theater (excluding commercial motion picture theater), auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.
- Cultural facilities are allowed by-right in the following zoning districts: INST (institutional), RE-1, RE-2 and RE-3 (research), O-1, O-2 and O-3 (office), B-1 (neighborhood business), B-2 (general business), BP (business park), MUDD (mixed use development), NS (neighborhood services), CC (commercial center), and TOD-R, TOD-E and TOD-M (transit oriented development).
- Cultural facilities are allowed in the following zoning districts with prescribed conditions: UR-1, UR-2, UR-3, and UR-C (urban residential), UMUD (uptown mixed use) and U-I (urban industrial).

- **Proposed Request Details**

The text amendment contains the following provisions:

- Adds cultural facilities as a use allowed by right in the urban industrial and industrial districts. This change will allow cultural facilities to locate in older and underutilized buildings, as well as in new structures in industrial districts.

- **Public Plans and Policies**

- This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to provide a range of choices for entertainment and employment.

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 issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Transportation 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: Claire Lyte-Graham (704) 336-3782

TEXT AMENDMENT SUMMARY: CULTURAL FACILITIES

8-18-14

2014-72

Purpose/Background: The purpose of this text amendment is to add cultural facilities as a use allowed by right in the urban industrial and industrial zoning districts.

	Current Regulations	Proposed Regulations	Rationale
Definition	<ul style="list-style-type: none">• Cultural facility definition: An indoor or outdoor theater (excluding commercial motion picture theater), auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other performances, or a museum or gallery operated primarily for the display, rather than the sale of works of art.	<ul style="list-style-type: none">• Definition remains unchanged	
Zoning districts	<ul style="list-style-type: none">• Allowed as a use by right in the institutional, research, office, neighborhood business, general business, business park, mixed use development, neighborhood services, commercial center, and transit oriented development districts.• Allowed with prescribed conditions in the urban residential and uptown mixed use districts with prescribed conditions.	<ul style="list-style-type: none">• Cultural facilities remain allowed by right and with prescribed conditions in the same zoning districts.• Adds cultural facilities as a use allowed by right in the urban industrial and industrial districts.	<ul style="list-style-type: none">• Adds the use to zoning districts where they should be allowed.

Petition No: 2014-72
Petitioner: Tony Feimster (T'Afo)

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 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Section 9.101, "Table of Uses" by adding "cultural facilities", in alphabetical order, as a use allowed by right in the I-1, I-2, and UI districts, under the "Industrial Uses" header.

INDUSTRIAL USES			
	U-1	I-1	I-2
<u>Cultural facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>

2. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend 9.1002, "Urban Industrial District; uses permitted by right" by adding a new item (2.5) titled, "Cultural facilities" to the list of uses. The new entry shall read as follows:

(2.5) Cultural facilities.

3. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1102, "Uses permitted by right" by adding a new item (21.5) titled, "Cultural facilities" to the list of uses. The new entry shall read as follows:

(21.5) Cultural facilities.

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

Approved as to form:

City Attorney

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

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

REQUEST	Text amendment to 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
SUMMARY OF PETITION	The petition proposes to allow outdoor dining as a permitted accessory use, when associated with an eating, drinking and entertainment establishment, with prescribed conditions in any district in which these establishments are allowed.
STAFF RECOMMENDATION	Staff recommends approval of this petition. This petition is consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> goals to provide a range of choices for entertainment and encourage a more pedestrian-oriented form of development.
PETITIONER AGENT/REPRESENTATIVE	Brazwells Premium Pub, Britton McCorkle Robert L. Brandon, Planning & Zoning Consultants
COMMUNITY MEETING	Meeting is not required.

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 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.

- **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.
 - **Vehicle Trip Generation:** Not applicable.
 - **Connectivity:** Not applicable.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- 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

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:

MULTI-FAMILY					
	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
ACCESSORY USES & STRUCTURES					
<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>

URBAN RESIDENTIAL				
	UR-1	UR-2	UR-3	UR-C
ACCESSORY USES & STRUCTURES				
<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>

MUDD & UMUD COMMERCIAL CENTER TRANSIT ORIENTED DEVELOPMENT						
	MUDD	UMUD	CC	TOD-R	TOD-E	TOD-M
ACCESSORY USES & STRUCTURES						
<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>

URBAN INDUSTRIAL INDUSTRIAL			
	U-I	I-1	I-2
ACCESSORY USES & STRUCTURES			
<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>

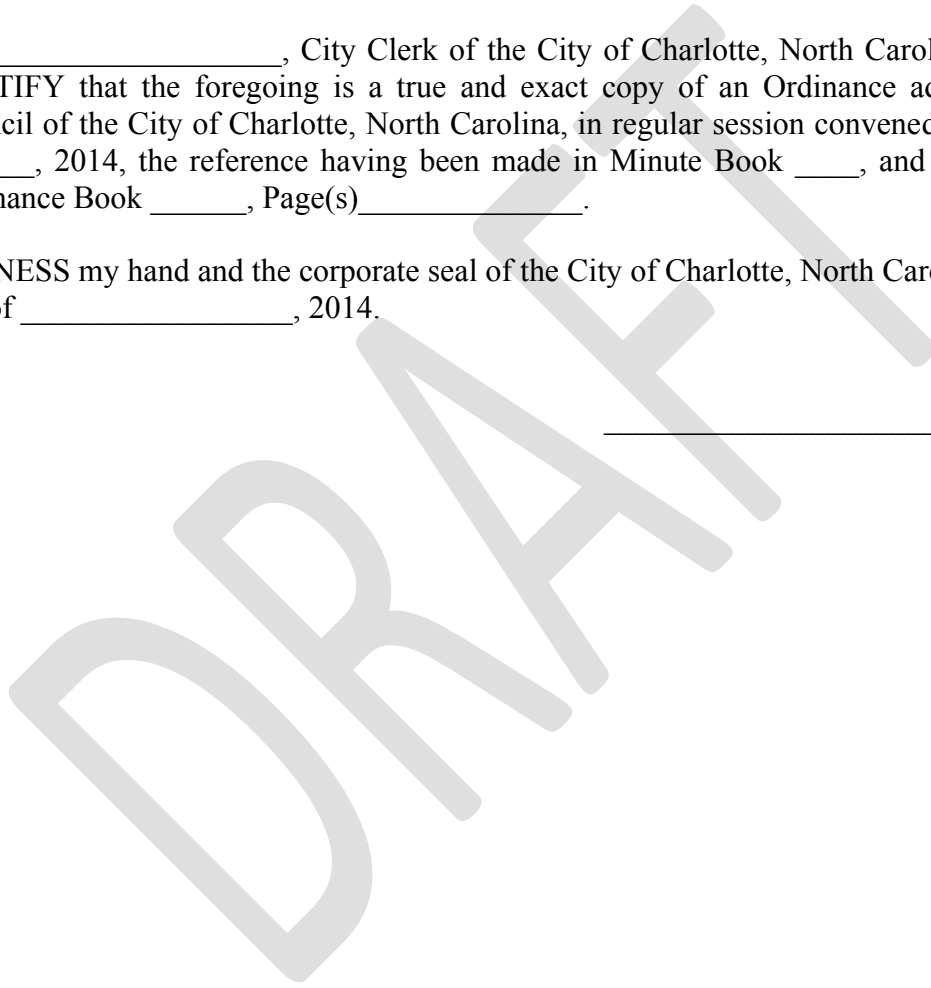
Section 2. That this ordinance shall become effective upon its adoption.

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.



REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to allow up to 28 attached residential units, at a density of 10.8 dwelling units per acre.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the residential use called for in the <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.
PROPERTY OWNER	5620 Fairview, LLC, 5628 Fairview, LLC, Miller Vanderlip, Dianah Colburn, Elsie White, Thomas B. Furr, Jr., Gail Furr, Judith Caston and H. Russell Caston
PETITIONER AGENT/REPRESENTATIVE	Crossroads Realty Group, LLC Jeff Brown and Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 10

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Maximum of 28 attached dwelling units, with 400 square feet of private open space per unit.
- Building height not to exceed two stories and 40 feet in height.
- Minimum of two parking spaces per unit will be provided via either an attached or detached one or two-car garage.
- Visitor parking located along **the site's internal driveways**.
- Total 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 23 to 29-foot setback along Fairview Road measured from the back of the existing curb.
- A garden wall measuring up to eight feet in height **will be provided along the site's frontage on Closeburn Road and Fairview Road**. The garden wall will be constructed with materials similar to those allowed for the residential buildings and will provide openings to break up the wall.
- Access to the site will be provided via a private 20-foot wide driveway on Fairview Road and a 20-foot driveway on Closeburn Road. Access to each unit will be from an internal private drive or alley.
- Building materials 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.
- 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 either front doors or side of units front the street. Units abutting Fairview Road will be constructed so the side of the units will be oriented toward the street. The rear of units may not be located along Fairview Road or Closeburn Road.
- 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 minimum five-foot sidewalk will be provided along one side of the internal private drives.
- 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.
- 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 single family 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 du/a
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium)
Connectivity Analysis	3 (Medium)
Road Network Evaluation	1 (Yes)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	Total Points: 13

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

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Transportation:** No issues.
 - **Vehicle Trip Generation:**
 Current Zoning: 80 trips per day.
 Proposed Zoning: 170 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:** No issues.

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
 - Provide details of the garden wall.
 - Provide a minimum five-foot planting strip between the back of sidewalk and the proposed wall on both street frontages. Utilize the five-foot planting strip for a variety of plant materials that will provide visual interest and address the solid spans of blank wall.
 - Provide a minimum 20-foot setback from the future back of curb on Fairview Road.
 - Remove text from Note 1.c. as follows: "**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.**"
 - Modify note 3.b. to state: Vehicular access to each until will be from an internal private drive or alley."
-

Attachments Online at www.rezoning.org

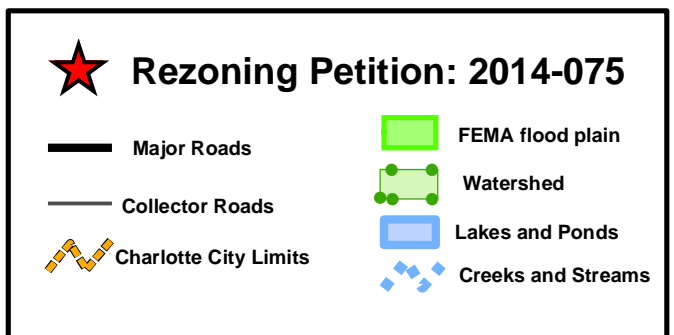
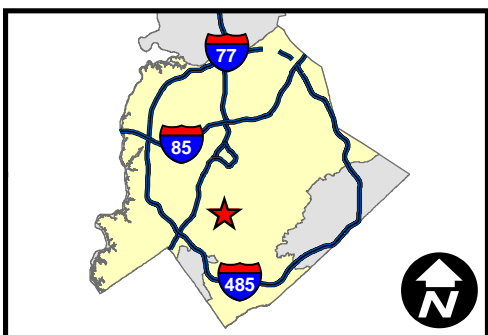
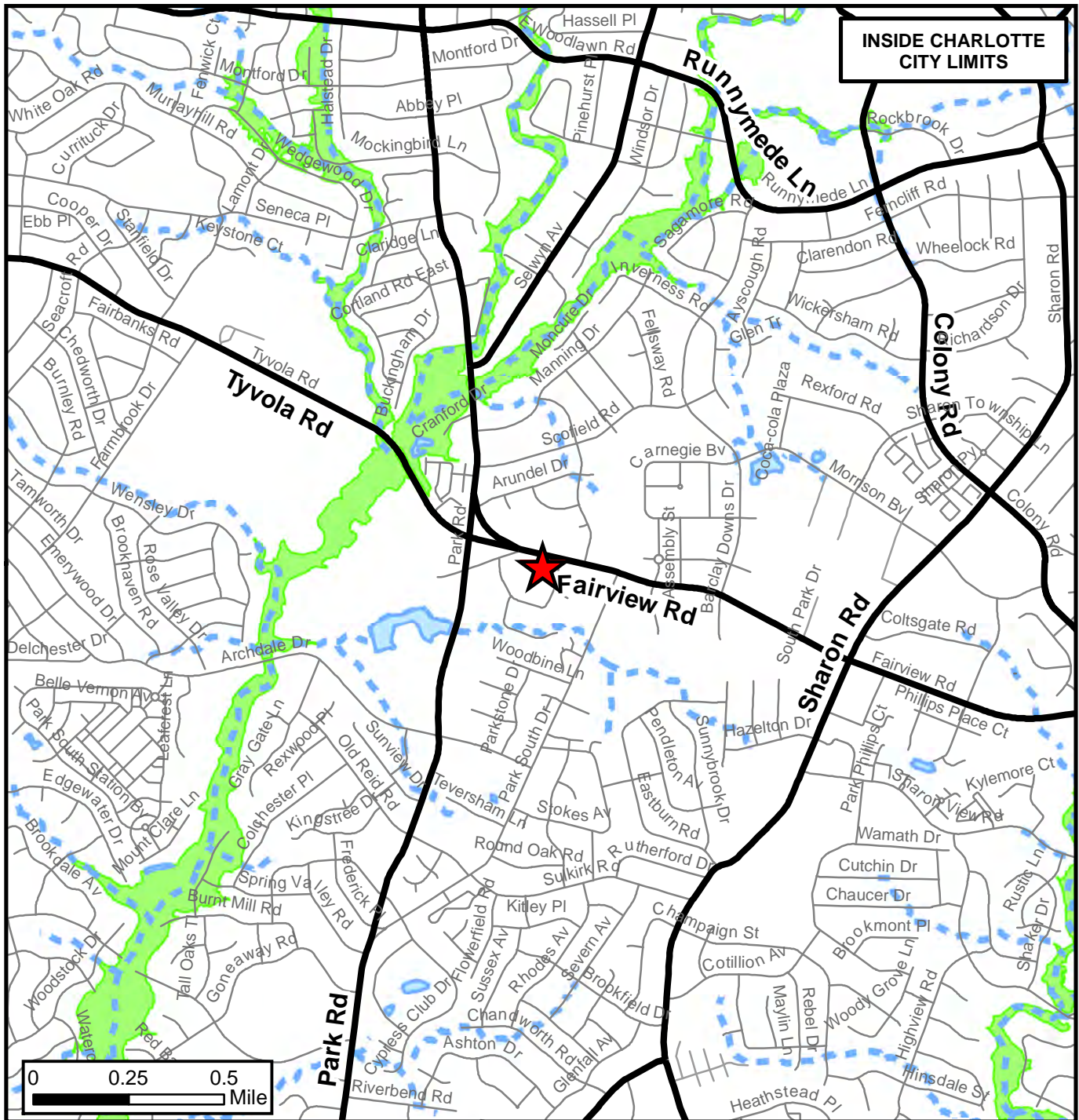
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review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

Planner: 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.



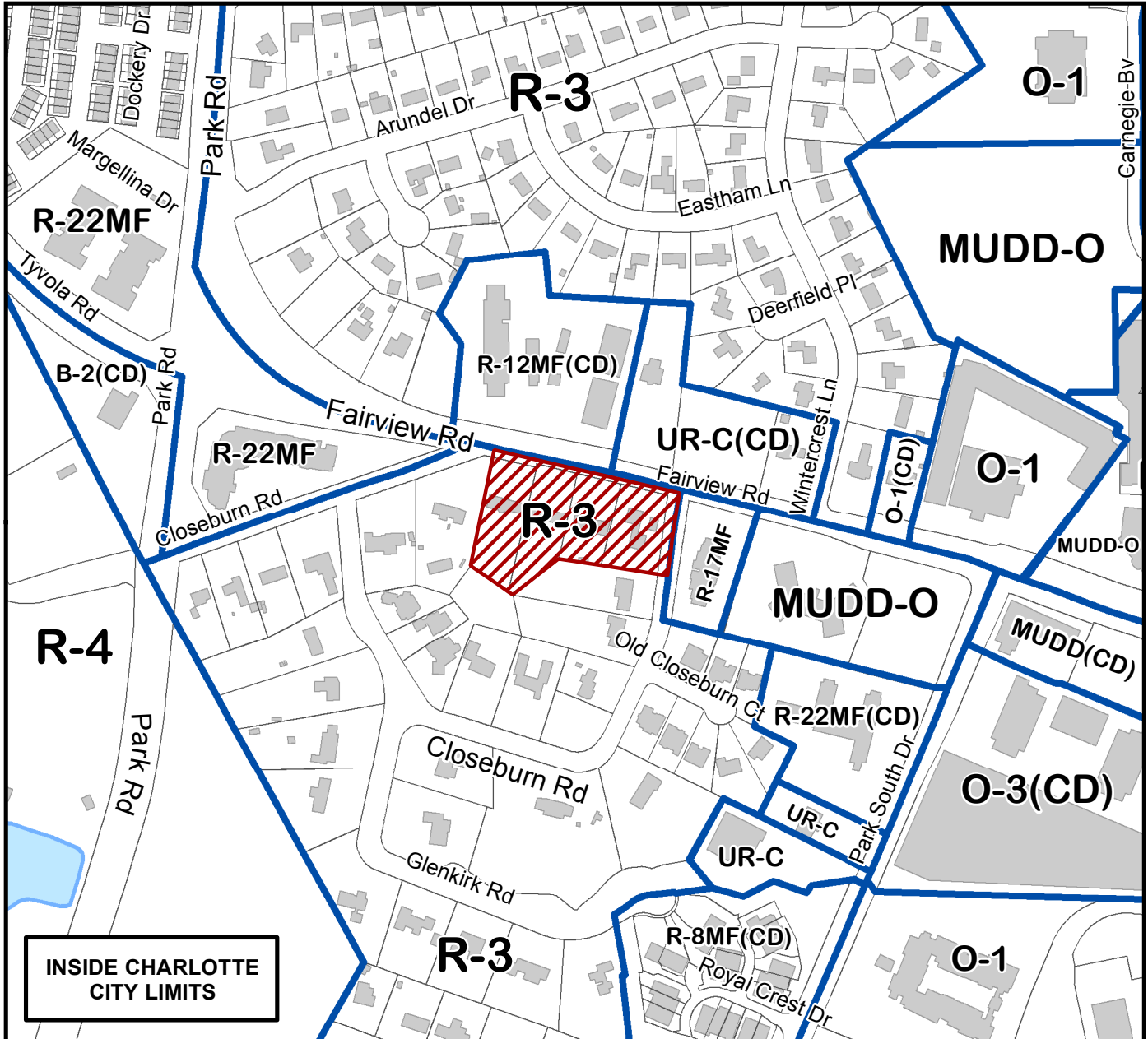
Petition #: **2014-075**

Petitioner: **Crossroads Realty Group, LLC**

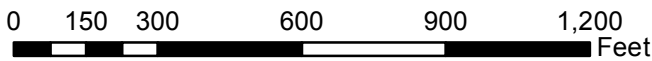
Zoning Classification (Existing): **R-3**
(Single Family, Residential)

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

Crossroads Realty Group, LLC
 Development Standards
 08/15/14
 Rezoning Petition No. 2014-0013
 Site Development Data

-Acreage: ± 2.60 acres
 -Tax Parcel #: 171-251-01, 02, 03 and 04
 -Existing Zoning: R-3
 -Proposed Zoning: UR-2(CD)
 -Existing Uses: Three detached dwellings and a duplex.
 -Proposed Uses: Up to 28 attached dwelling units together with accessory uses, as allowed in the UR-2 zoning district.
 -Minimum Building Height: Not to exceed two (2) stories or 40 feet; building height will be measured as defined by the Ordinance.
 -Parking: A minimum of 2.0 parking spaces per unit will be provided.

- 1. General Provisions:**
- Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Crossroads Realty Group, LLC ("Petitioner") to accommodate the development of a 28 attached dwelling units on approximately ± 2.6 acre site located on the south side of Fairview Road between the open and closed portions of Clossburn Road (the "Site").
 - 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 UR-2 zoning classification shall govern.
 - 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 the Rezoning Plan provide for flexibility in allowing some alterations or modifications to 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 (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 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.

2. Number of Buildings Principal and Accessory. The total number of principal buildings to be developed on the Site shall not exceed 12. 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.

- 3. Permitted Uses & Development Area Limitation:**
- The Site may be developed with up to 28 attached dwelling units together with accessory uses allowed in the UR-2 zoning district.
 - Surface parking areas will not be allowed between the proposed buildings and Fairview Road or Clossburn Road.
 - Along Fairview Road the Petitioner will provide a minimum setback that varies between 23 feet and 29 feet as measured from the back of the existing curb to the principal face of the attached dwelling units located along Fairview Road (window boxes, telises, roof overhangs, a garden wall, court yards, gardens, electrical transformers and back flow preventers may be located within this setback). The garden wall located within the setback will be located between six (6) feet and zero (0) feet behind the new sidewalk constructed along Fairview Road and within four (4) feet of the principal face of the attached dwelling units as generally depicted on Sheet RZ-201 and 002 of the Rezoning Plan (the portion of the garden wall located at the ends of the proposed alleys may be bumped out toward the sidewalk to allow the placement of electrical transformers and back flow preventers behind the garden wall and in the setback). In no case will the setback be less than 14 feet as measured from the back of the future curb.
 - Along Clossburn Road a 14 foot setback as measured from the back of the proposed curb will be provided as generally depicted on the Rezoning Plan.

- 4. Access and Transportation:**
- Access to the Site will be from Fairview Road and Clossburn Road in the manner generally depicted on the Rezoning Plan.
 - The Petitioner will modify and improve the existing landscape median in Fairview Road near the intersection of Clossburn Road to accommodate pedestrian crossings by constructing a pedestrian refuge island within the median. As part of the construction of the pedestrian refuge island the Petitioner will construct accessible ramps on both sides of Fairview Road to facilitate pedestrian crossings. The design of the pedestrian refuge island will be determined during the planning multi-family review process. The pedestrian refuge island will be completed before the first certificate of occupancy for the Site is issued.
 - The Petitioner will dedicate in fee-simple to the City of Charlotte up to 50 feet of right-of-way from the center line of Fairview Road. This right-of-way dedication will occur prior to the issuance of a certificate of occupancy for the first building constructed on the Site.
 - Access to each unit will be from an internal private drive or alley.
 - 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.
 - 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.

- 5. Architectural Standards:**
- The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast concrete, synthetic stone, cementitious siding (such as hard-panels), stucco, EPS, decorative metal panels, decorative block and/or wood. At least 65% of the exterior of each building, exclusive of windows, doors and roofs will be constructed of brick, stone, precast concrete, decorative block or stucco. Vinyl as a building material may only be used on windows, soffits, garage doors and on handrails/railings.
 - The units constructed on the Site abutting Clossburn Road will be designed and constructed so that either the front doors or the side of the units are oriented to Clossburn Road. The rear of the units may not be located along Fairview Road or Clossburn Road.
 - Along Fairview Road and Clossburn Road a Garden Wall will be constructed as generally depicted on the Rezoning Plan. The Garden Wall may be up to eight (8) feet high. The garden wall will be constructed with a variety of building materials similar to the building materials used at the Site (masonry, wood). The design of the wall will utilize the variety of building materials as well as openings to break up the wall and create a visually interesting design.
 - Each attached unit will have either, an attached or detached one or two car garage.
 - Visitor parking spaces will be provided along the Site's internal driveways as generally depicted on the Rezoning Plan.
 - Each unit will have a private court yard. These private court yards may be used to meet the minimum 400 square foot private open space requirement of the Ordinance.
 - The majority of the roofs on the buildings will be constructed utilizing architectural shingles. Portions of the roofs may also be constructed utilizing metal materials.

- 6. Streetscape, Buffers, Yards and Landscaping:**
- Along Fairview Road and Clossburn Road a six (6) foot sidewalk will be provided behind the required planting strip as generally depicted on the Rezoning Plan (the planting strip along Fairview Road will be eight (8) feet wide).
 - Shrubs trees will be provided within the planting strips located along Fairview Road and Clossburn Road.
 - Side and rear yards as required by the UR-2 zoning district will be provided along the exterior property lines.
 - Along the southern property line an open space area and trees save area will be provided as generally depicted on the Rezoning Plan.
 - The Petitioner will provide a sidewalk network that links to each unit on the Site and to the sidewalk along Fairview Road and Clossburn Road as required by section 12.529 of the Ordinance. A five (5) foot sidewalk will be provided along one side of the internal private drives. If additional internal sidewalks are provided, the width of these additional sidewalks may be less than five (5) feet (i.e. sidewalks not required to meet section 12.529).
 - Screening requirements of the Ordinance will be met.
 - Above ground backflow preventers and transformers will be located internally to the Site and behind the proposed Garden Wall located along Fairview Road and Clossburn Road.

- 7. Environmental Features:**
- The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
 - The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submission and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
 - The Site 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.
- 8. Signage:**
- Signage as allowed by the Ordinance will be provided.
- 9. Lighting:**
- 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.
 - Detached lighting on the Site will be limited to 15 feet in height.

- 10. Amendments to the Rezoning Plan:**
- Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable 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.

NO.	REVISIONS	DATE
1	MDDCVY	06/17/14
2	Revision 1 (adding substantial comments)	08/15/14
3		
4		
5		



1. Technical Data Plan.
 Scale: 1" = 40' 0"

2. Site Plan.
 Scale: 1" = 40' 0"

3. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

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141. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

142. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

143. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

144. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

145. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

146. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

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 See sheets RZ 002 and RZ 003

152. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

153. Private Garden Wall and Main Face of Houses Varies from Setback.
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154. Private Garden Wall and Main Face of Houses Varies from Setback.
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155. Private Garden Wall and Main Face of Houses Varies from Setback.
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156. Private Garden Wall and Main Face of Houses Varies from Setback.
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 See sheets RZ 002 and RZ 003

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 See sheets RZ 002 and RZ 003

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 See sheets RZ 002 and RZ 003

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 See sheets RZ 002 and RZ 003

162. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

163. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

164. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

165. Private Garden Wall and Main Face of Houses Varies from Setback.
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167. Private Garden Wall and Main Face of Houses Varies from Setback.
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168. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

169. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

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 See sheets RZ 002 and RZ 003

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182. Private Garden Wall and Main Face of Houses Varies from Setback.
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 See sheets RZ 002 and RZ 003

184. Private Garden Wall and Main Face of Houses Varies from Setback.
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185. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

186. Private Garden Wall and Main Face of Houses Varies from Setback.
 See sheets RZ 002 and RZ 003

187. Private Garden Wall and

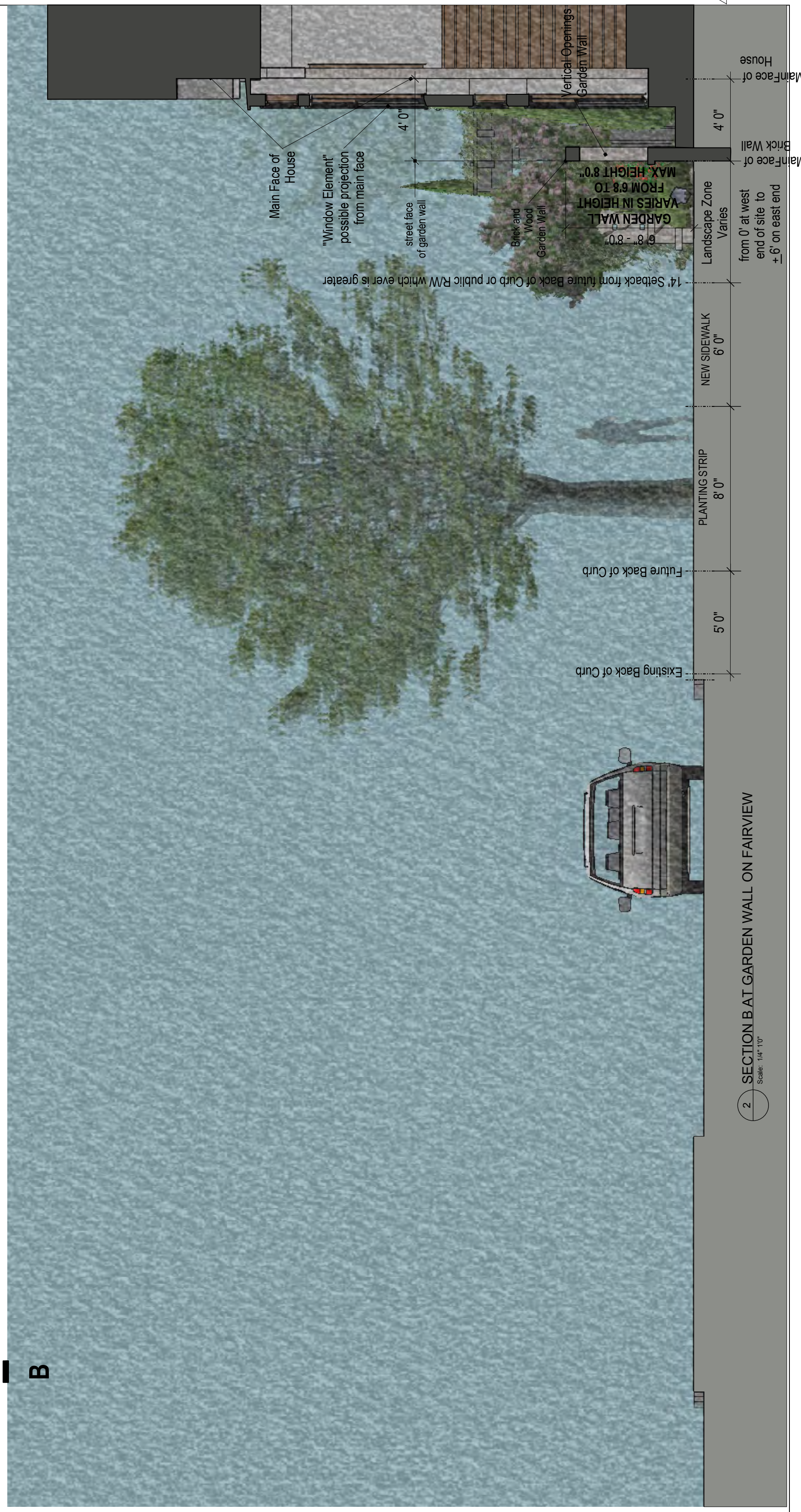
NO.	DATE	REVISIONS
1	06/17/14	MADDOXY
2	08/15/14	Revision 1 (adding substantial comments)
3		
4		
5		

FAIRVIEW AT CLOSEBURN

BURGESS DESIGN STUDIO

Garden Wall on Fairview Road

RZ 002 08/15/14



2 ENLARGED PARTIAL FAIRVIEW ELEVATION
Scale: 1/4" = 10'-0"

2 SECTION B.B.T. GARDEN WALL ON FAIRVIEW
Scale: 1/4" = 10'-0"

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: INST(CD) (institutional, conditional)
LOCATION	Approximately 6.94 acres located on the east side of Reames Road between Bayview Parkway and Finn Hall Avenue. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes to allow the redevelopment of the site for a 24,075-square foot dependent living facility, with up to 50 beds, and associated accessory uses.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>Northlake Area Plan</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Northlake Health Investors, LLC Northlake Health Investors, LLC (Hunter Trefzger) Jeff Brown/ Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Development of a 24,075-square foot dependent living facility with up to 50 beds and associated accessory uses.
- Limits building height to two stories and 40 feet.
- Allows one principal building with accessory buildings.
- Removes existing curb cuts and provides a single, full movement access point on Reames Road.
- Replaces existing two-way left turn lane north of the proposed driveway with a southbound left turn lane into the site.
- Dedicates up to 35 feet of right-of-way along Reames Road.
- Provides a 50-foot long and eight-foot wide raised concrete pedestrian refuge island in the center of Reames Road and accessible pedestrian ramps on both sides of Reames Road about 240 feet north of the proposed driveway.
- Maintains the existing sidewalk and planting strip along Reames Road.
- Provides a 38-foot Class "C" buffer along the site's boundaries abutting multi-family zoning to the north, east and south.
- Specifies that building materials will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits, and handrails/railings.
- Provides four-sided building elevations.
- Limits lighting to full cut-off type fixtures excluding low, decorative lighting along drives, sidewalks and parking areas and limits the height of detached lighting to 15 feet.
- Provides a concrete waiting pad for the existing CATS bus stop.

• Existing Zoning and Land Use

- There is an existing abandoned building on the site formerly used as a nursing home. The properties to the east, northeast and south are zoned R-12MF (CD) (multi-family residential, conditional) with multi-family development. Property northwest of the site is zoned INST (CD) (institutional, conditional) with a child care center. The property to the west, across Reames Road, is zoned R-8MF (CD) (multi-family residential, conditional) with multi-family development.

- **Rezoning History in Area**
 - A number of rezonings have taken place to accommodate multi-family development in the immediate area.
 - **Public Plans and Policies**
 - The *Northlake Area Plan* (2008) recommends institutional uses for this site.
 - The petition is consistent with the *Northlake Area Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
 - Current Zoning: 200 trips per day.
 - Proposed Zoning: 130 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No 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 developing on an infill lot.
 - Facilitates alternative modes of transportation by providing a CATS waiting pad and improving pedestrian access to the existing bus stop.

OUTSTANDING ISSUES

- The petitioner should:
 1. Amend the Development Data and Note 2.a. to specifically prohibit jails, prisons, stadiums and arenas.
 2. Amend Note 4.a. to indicate a singular principal building. The note should read: **"The building materials used on the principal building..."**
 3. Remove the word "one-story" from the label on the building on Sheet 1.
 4. Note on the site plan that the existing building is to be demolished
 5. Specify the width of the existing sidewalk and planting strip to remain.
 6. Revise the text from Note 1.e. as follows: "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.**"
 7. **Clarify in the "Site Development Data" that the use is limited to 50 beds as noted in Note 2.a.**
 8. Add the following to the last sentence in Note 3.e.: "... and Planning in accordance with Section 6.207."
-

Attachments Online at www.rezoning.org

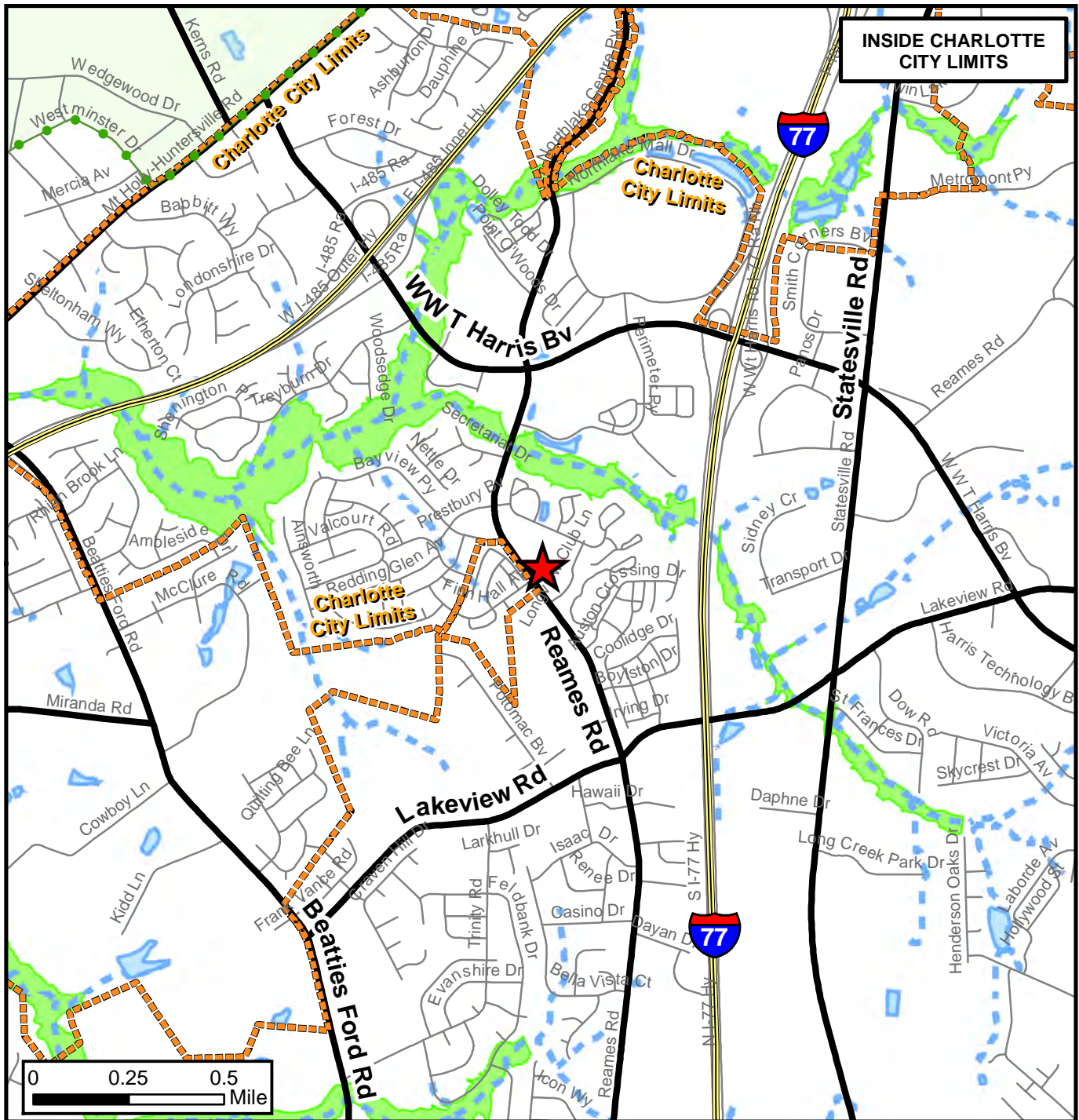
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

Planner: John Kinley (704) 336-8311

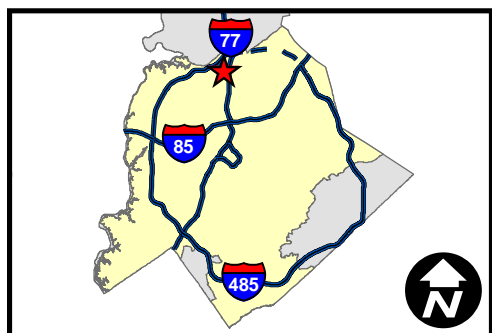
Petition #: **2014-076**

Vicinity Map

Acreage & Location : Approximately 6.94 acres located on the east side of Reames Road between Bayview Parkway and Finn Hall Avenue.



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-076

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

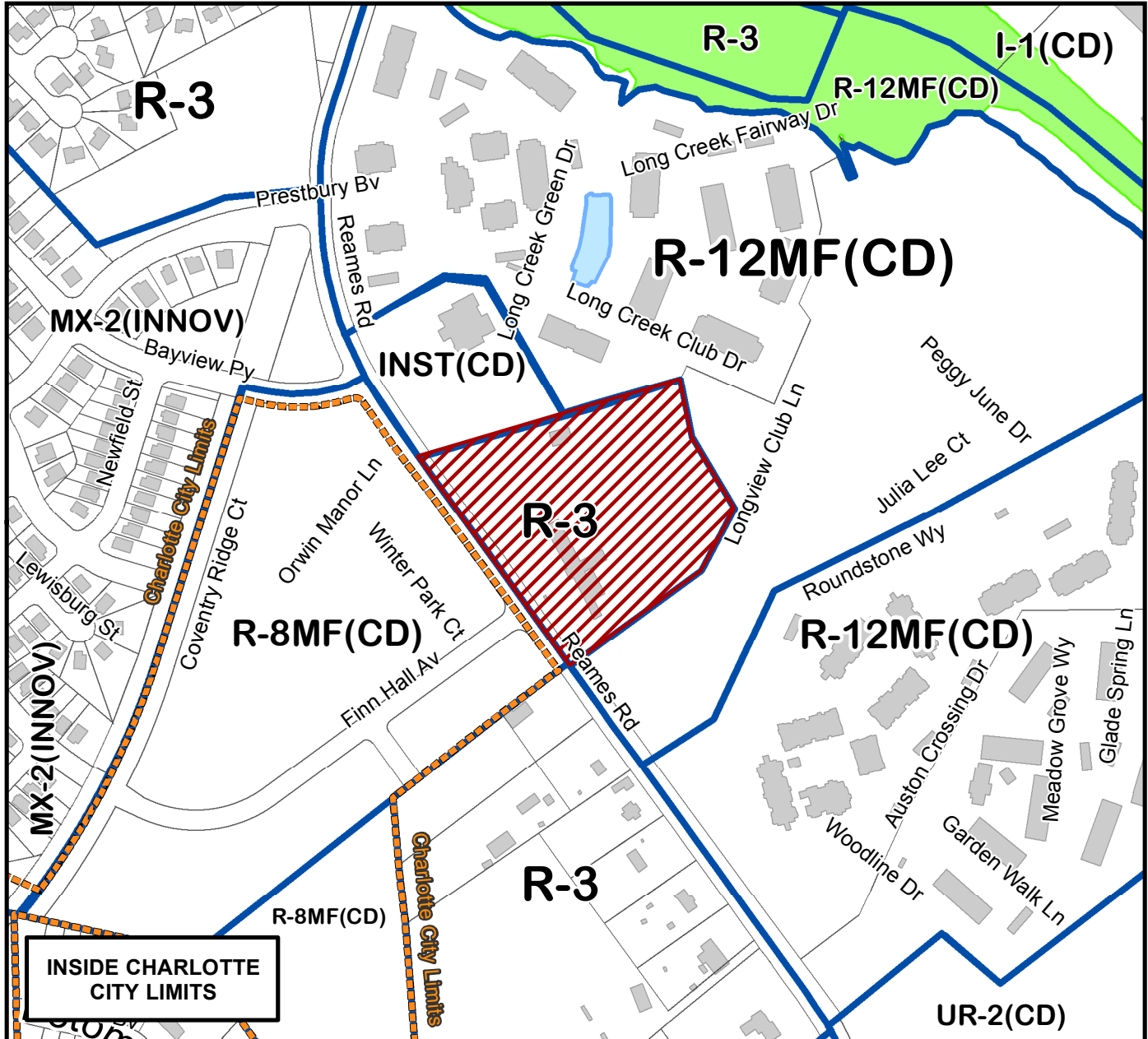
Petition #: **2014-076**

Petitioner: **Northlake Health Investors, LLC**

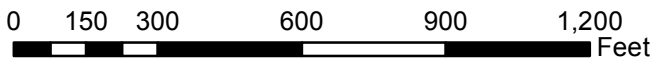
Zoning Classification (Existing): **R-3**
(Single Family, Residential)

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

Acreage & Location: Approximately 6.94 acres located on the east side of Reames Road between Bayview Parkway and Finn Hall Avenue.

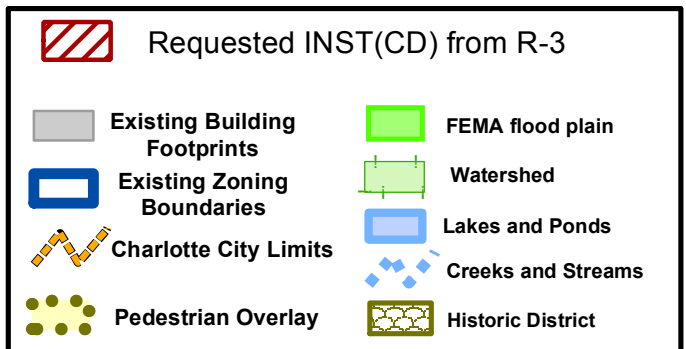


Map Produced by the Charlotte-Mecklenburg Planning Department, 6-27-2014.



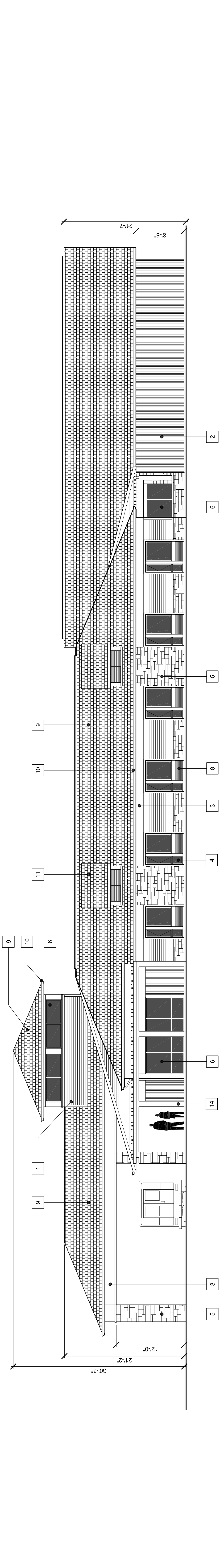
Zoning Map #(s)

51

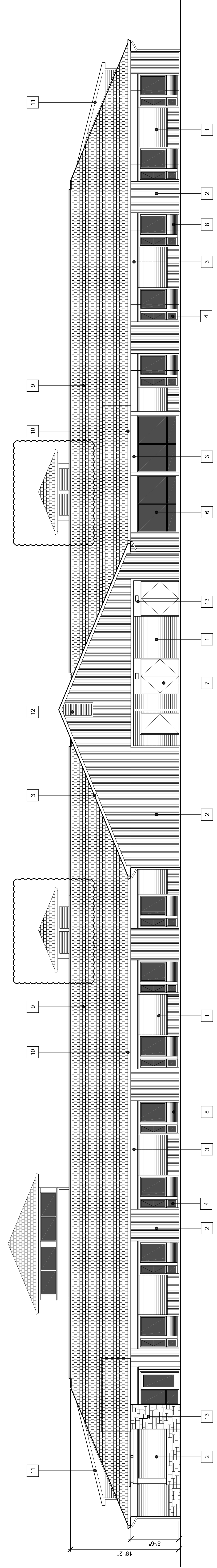


Elevation Key Notes

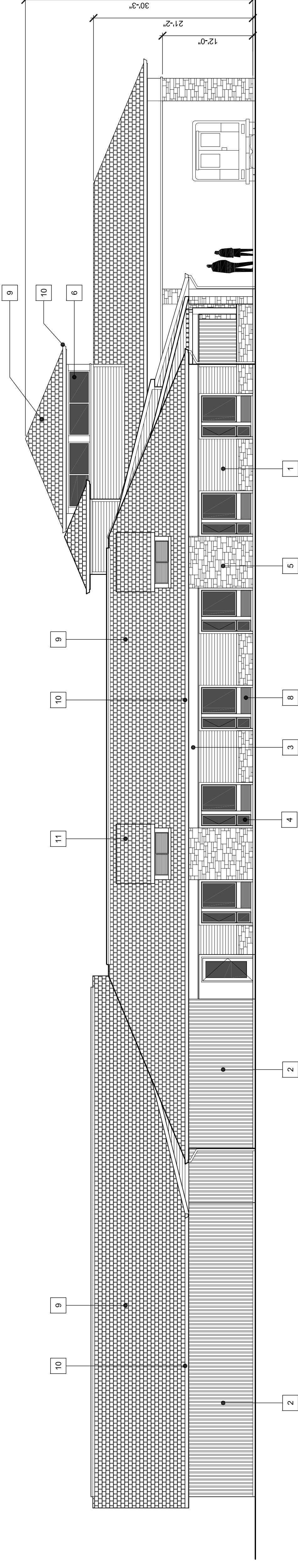
- 1 FIBER CEMENT SIDING - TYPE 1 - CLAPBOARD STYLE HORIZONTAL SIDING
- 2 FIBER CEMENT SIDING - TYPE 2 - BOARD & BATTEN VERTICAL SIDING
- 3 PAINTED COMPOSITE TRIM
- 4 VINYL WINDOW W/ PAINTED COMPOSITE TRIM
- 5 CULTURED STONE VENEER
- 6 ALUMINUM STOREFRONT SYSTEM
- 7 PAINTED METAL DOOR
- 8 PTAC ARCHITECTURAL GRILL
- 9 ASPHALT SHINGLE ROOF W/ RIDGE VENT
- 10 PREFINISHED ALUMINUM GUTTERS & DOWNSPOUTS, I.M.E.
- 11 DORMER WITH PAINTED COMPOSITE TRIM, VINYL LOUVER & SIDING TYPE 1
- 12 VINYL LOUVER
- 13 EXTERIOR WALL MOUNTED LIGHT FIXTURE
- 14 PAINTED COMPOSITE COLUMN ENCLOSURE & TRIM
- 15 CUPOLA W/ PAINTED COMPOSITE TRIM, VINYL LOUVER & SIDING TYPE 1



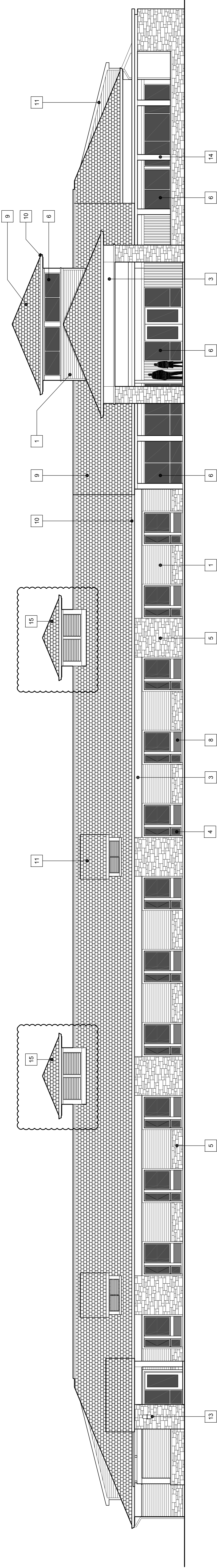
4 Proposed South Elevation
SCALE: 1/8" = 1'-0"



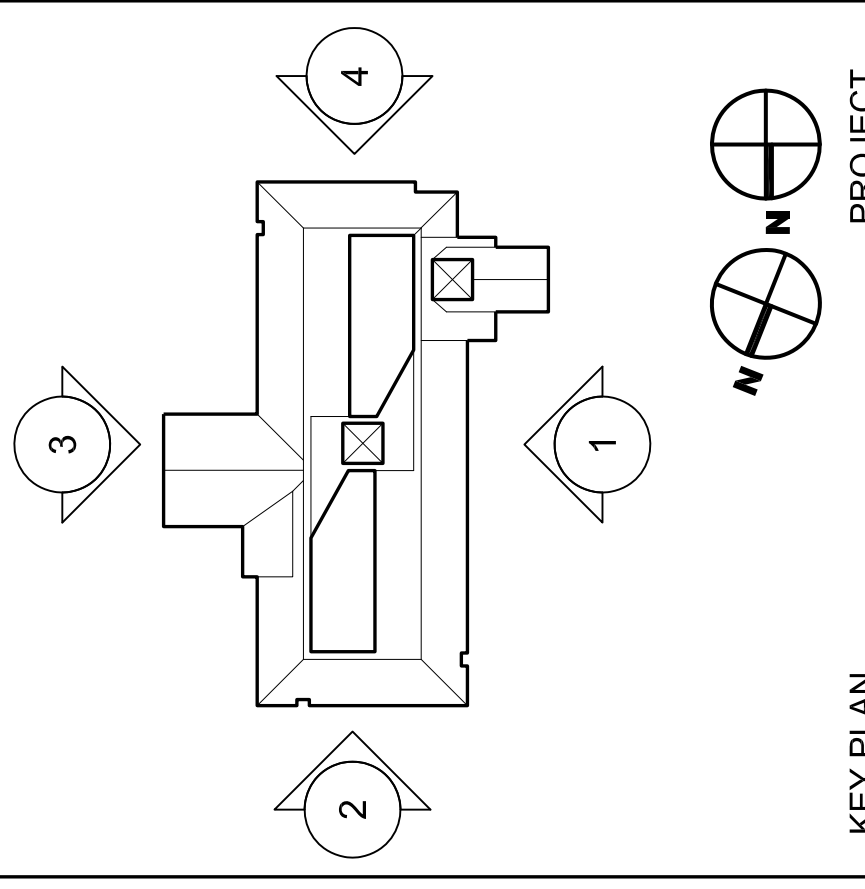
3 Proposed East Elevation
SCALE: 1/8" = 1'-0"



2 Proposed North Elevation
SCALE: 1/8" = 1'-0"



1 Proposed West Elevation
SCALE: 1/8" = 1'-0"



KEY PLAN	PROJECT
08/11/2014	SITE PLAN COMMENTS

DIGroupArchitecture
NEW JERSEY ARCHITECTS
PENNSYLVANIA ARCHITECTS
No. 10000, Suite 1000
1732 JEFFERSON AVE.
HARRISBURG, PA 17104

Project:
NORTHLAKE HOUSE
48 BED ADULT CARE HOME
9108 REAMES ROAD
CHARLOTTE, NORTH CAROLINA 28202

Owner:
NORTHLAKE HEALTH INVESTORS, LLC
1270 25TH STREET SE
HICKORY, NORTH CAROLINA 27602

Drawing Title:
Proposed Exterior Elevations
Project No.: 2014-012.00
Date: 08/11/14
Scale: AS NOTED
File Location: NB

Drawn By: SDH
Checked By:
File No.:

Drawn By: SDH
Checked By:
File No.:

Dep. No. **A201**

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: B-2(PED) (general business, pedestrian overlay)
LOCATION	Approximately 0.50 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow all uses permitted in the B-2(PED) (general business, pedestrian overlay district).
STAFF RECOMMENDATION	Staff recommends approval of this petition. This petition is inconsistent with the <i>Belmont Revitalization</i> Plan, which recommends industrial land uses. However, the site is separated from the existing industrial land uses by railroad tracks, and the requested district is consistent with the zoning and development pattern of the abutting property to the south.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Cole Properties & Investments, Inc. Campus Works/ Mallie Colavita Jim Gamble & David Malcolm: McAdams Company
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Proposed Request Details**
This is a conventional rezoning petition with no associated site plan.
- **Existing Zoning and Land Use**
 - The subject property is currently vacant. The surrounding properties are zoned B-2 (general business) and I-2 (general industrial) and are vacant or developed with various commercial and industrial structures.
- **Rezoning History in Area**
 - Petition 2013-059 rezoned property located northwest of the site from I-2 (general industrial) to MUDD-O (mixed use development, optional) to allow the development of 150 multi-family units and 10,000 square feet of commercial space.
- **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:** The petition will allow a wide range of trip generation based on the existing and proposed zoning classifications.
 - **Connectivity:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce eight students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is eight students.

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

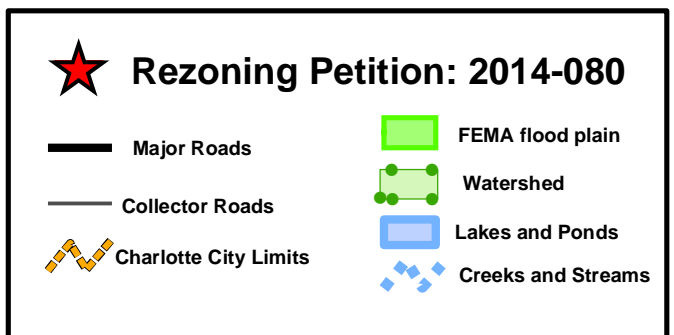
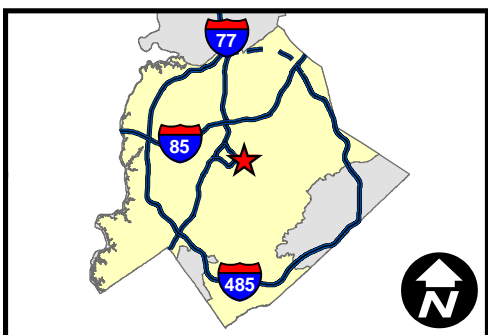
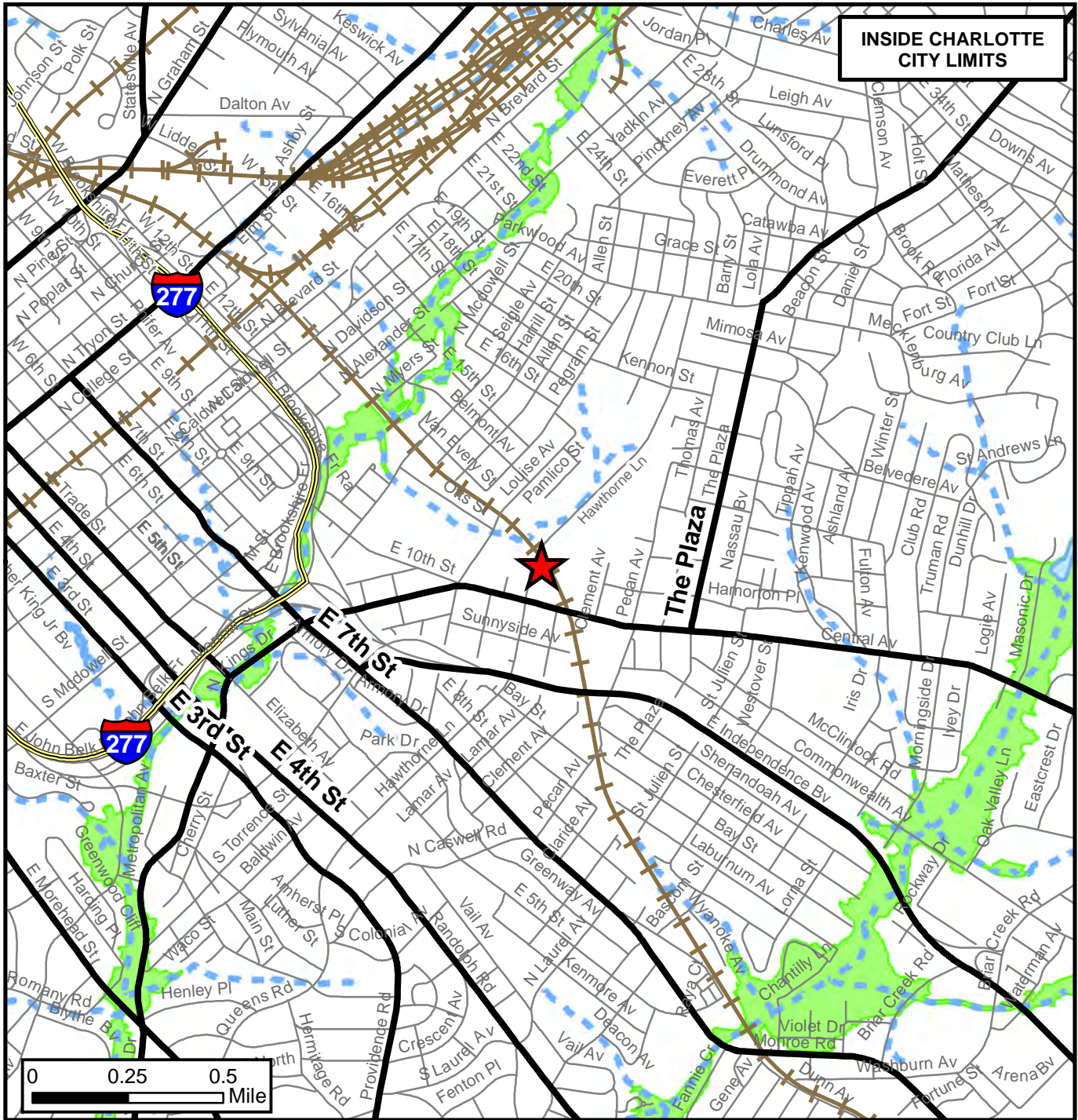
- Application
- Locator Map
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg 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.



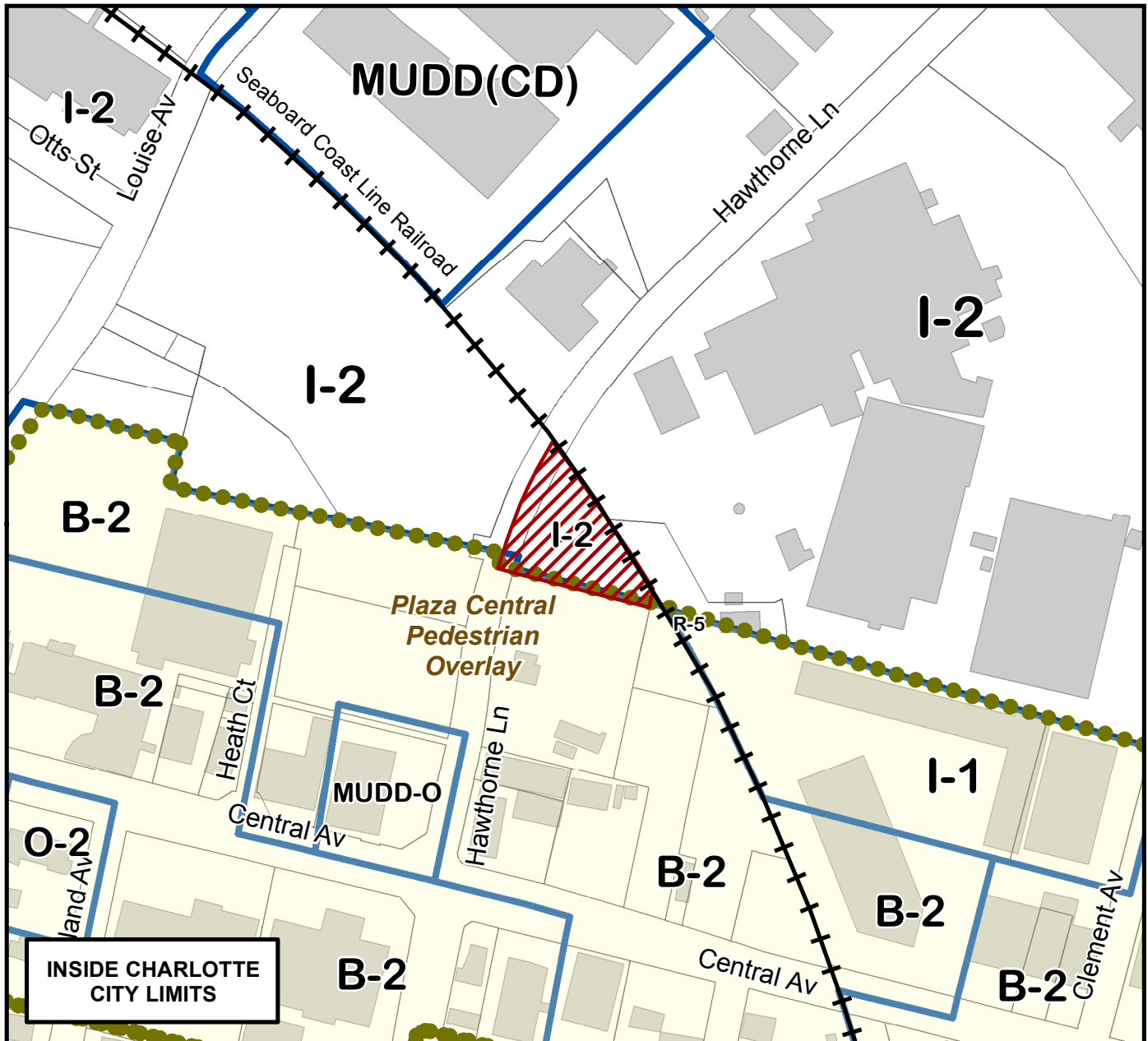
Petition #: **2014-080**

Petitioner: **Campus Works / Mallie Colavita**

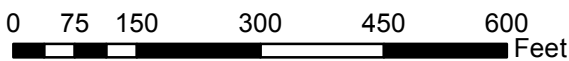
Zoning Classification (Existing): **I-2**
(General Industrial)

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.

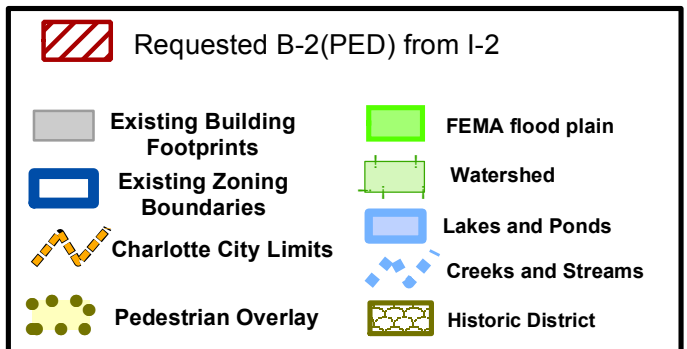


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-7-2014.



Zoning Map #(s)

101



REQUEST	Current Zoning: R-3 (LWPA) (single family residential, Lake Wylie Protected Area), I-1 (LWPA) (light industrial, Lake Wylie Protected Area), and I-2 (LWPA) (general industrial, Lake Wylie Protected Area) Proposed Zoning: I-2(CD) (LWPA) (general industrial, Lake Wylie Protected Area)
LOCATION	Approximately 46.34 acres located on the north side of Wilkinson Boulevard near the intersection of Old Dowd Road and Wilkinson Boulevard. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes to allow up to 430,000 square feet of industrial uses with associated parking and permitted accessory uses.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is inconsistent with the <i>Dixie Berryhill Strategic Plan</i> , which recommends multi-family/retail mixed land uses. However, conditions have changed since the plan's adoption in 2003, and the proposed use is consistent with the surrounding land use pattern, as well as appropriate for a General Corridor Area as defined in the <i>Centers, Corridors, and Wedges Growth Framework</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Amos E. and Wilma L. Parrott Brookwood Capital Partners Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending Community Meeting: 10.

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Industrial uses up to 430,000 square feet.
- Prohibits the following uses:
 - petroleum storage facilities;
 - junk yards;
 - medical waste disposal facilities;
 - adult establishments;
 - railroad freight yards;
 - abattoirs;
 - construction and demolition landfills as a principal use;
 - demolition landfills;
 - foundries;
 - quarries;
 - raceways or drag strips; and,
 - waste incinerators.
- No outdoor storage will be permitted on any portion of the site that fronts along or is within 100 feet of Wilkinson Boulevard.
- Maximum of six (6) principal structures on the site.
- Installation of a six-foot sidewalk and eight-foot planting strip along Wilkinson Boulevard as permitted by NCDOT.
- Petitioner will work with CATS to determine a mutually agreeable location for a transit pad to be constructed by the petitioner at the time of the construction of the sidewalk along Wilkinson Boulevard.
- Providing 100-foot Class "A" landscape buffers abutting residential zoning and/or residential use.
- Vehicular access via two driveway connections to Wilkinson Boulevard.
- Internal sidewalk system that connects to public sidewalk along Wilkinson Boulevard.

- **Existing Zoning and Land Use**
 - The rezoning site currently consists of industrial structures and is surrounded by a mix of residential, industrial, and business uses and undeveloped acreage on properties zoned various districts and all located either within the Lake Wylie Critical Area or Lake Wylie Protected Area.
- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- **Public Plans and Policies**
 - The *Dixie Berryhill Strategic Plan* (2003) identifies the site as part of a transit oriented community and recommends multi-family/retail mixed use land uses. The mixed use land uses, recommended along Wilkinson Boulevard, are intended to provide a higher intensity of employment uses.
 - The proposed land use is inconsistent with the *Dixie Berryhill Strategic Plan*. However, conditions have changed since the plan was adopted in 2003, when rapid transit was anticipated along Wilkinson Boulevard. Currently, there are no plans to provide rapid transit along this corridor. As such, the proposed use is consistent with surrounding land uses, and an appropriate use for a General Corridor Area as defined in the *Centers, Corridors, and Wedges Growth Framework (2010)*. The General Corridor Area is appropriate for a range of low to moderate intensity uses, including single use, business type services; multi-family; industrial/warehouse; and civic uses. Design characteristics in General Corridor areas will vary, depending on the land use and transportation context. An industrial-based employment area within a General Corridor Area should be designed primarily to accommodate vehicular circulation. Development should usually be low-rise and in some cases mid-rise.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** The petitioner should amend Transportation Note F to state that "The petitioner will provide and construct a concrete bench pad for a new bus stop along Wilkinson Boulevard. The petitioner will work with CATS to determine a mutually agreeable location for a transit pad during the development review and permitting process."
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following comments:
 - CDOT requests the petitioner provide a minimum six-foot sidewalk and eight-foot planting strip along Wilkinson Boulevard. The sidewalk needs to be located 25 feet from the edge of the existing outside travel lane on Wilkinson Boulevard. It appears that the detention/water quality proposed along the property frontage will need to shift to the north, or away from the Wilkinson Boulevard frontage to accommodate the requested streetscape.
 - Wilkinson Boulevard is a Class III-C Major Thoroughfare according to the CRPTO Thoroughfare Plan and requires a minimum of 75 feet of right-of-way dedication. The petitioner should dedicate and convey right-of-way measuring 75 feet from the centerline of Wilkinson Boulevard.
 - **CDOT requests that the petitioner restrict the easternmost driveway to "trucks only" and the westernmost driveway to passenger vehicles only.**
 - Currently, a median break with opposing left-turn lanes exists on Wilkinson Boulevard for the **western access point that serves the passenger car parking lot along the site's frontage** (Driveway 1). A second access point exists at the easternmost property boundary which would serve the internal roadway currently indicated as a private drive (Driveway 2). CDOT will support a full-movement intersection at Driveway 1 only if trucks are prohibited from using this access point. Otherwise, CDOT would require this intersection to be converted from full movement access to a directional cross-over.
- **Vehicle Trip Generation:**
 - Current Zoning: 2,000 trips per day.
 - Proposed Zoning: 3,000 trips per day.
- **Connectivity:** See comments above.
- **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:** Storm Water Services requests that the last sentence under "Environmental Features" be removed in its entirety.

- **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** Engineering and Property Management requests the following:
 - Stream buffer and wetland need delineation.
 - Add the following note to the site plan: "This Site will comply with the Charlotte Tree Ordinance. Tree save is required."
 - **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*.
 - Protects/restores environmentally sensitive areas by allowing a substantial portion of the property to remain undisturbed.

OUTSTANDING ISSUES

- The petitioner should:
 1. Move the water quality detention area out of the setback to accommodate streetscape improvements.
 2. **Amend Transportation Note D to state that "The petitioner will install a six-foot sidewalk behind an eight-foot planting strip along Wilkinson Boulevard."**
 3. Label center line for Wilkinson Boulevard.
 4. Petitioner should confirm that language provided under Transportation Note G is acceptable to CDOT as it appears to provide several alternatives rather than to provide specificity with respect to access.
 5. **As per CDOT's request for dedication of right-of-way**, ensure the required setback is taken from the correct right-of-way line.
 6. Address CATS comment.
 7. Address CDOT comments.
 8. Address Storm Water comment.
 9. Address City Engineering comments.
-

Attachments Online at www.rezoning.org

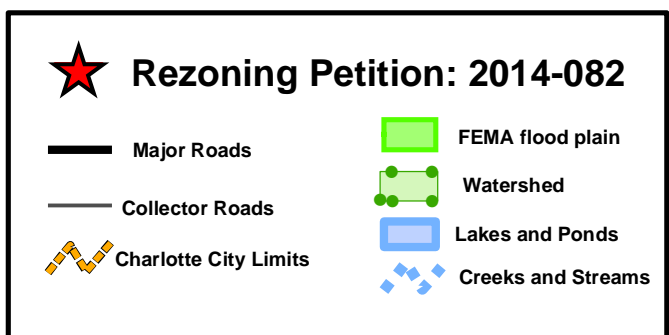
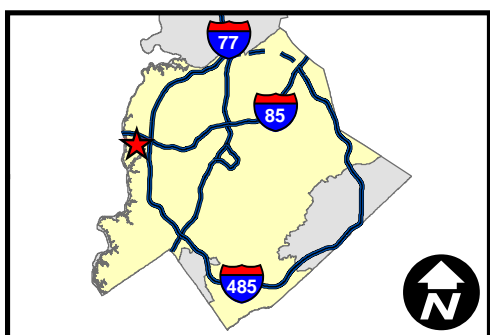
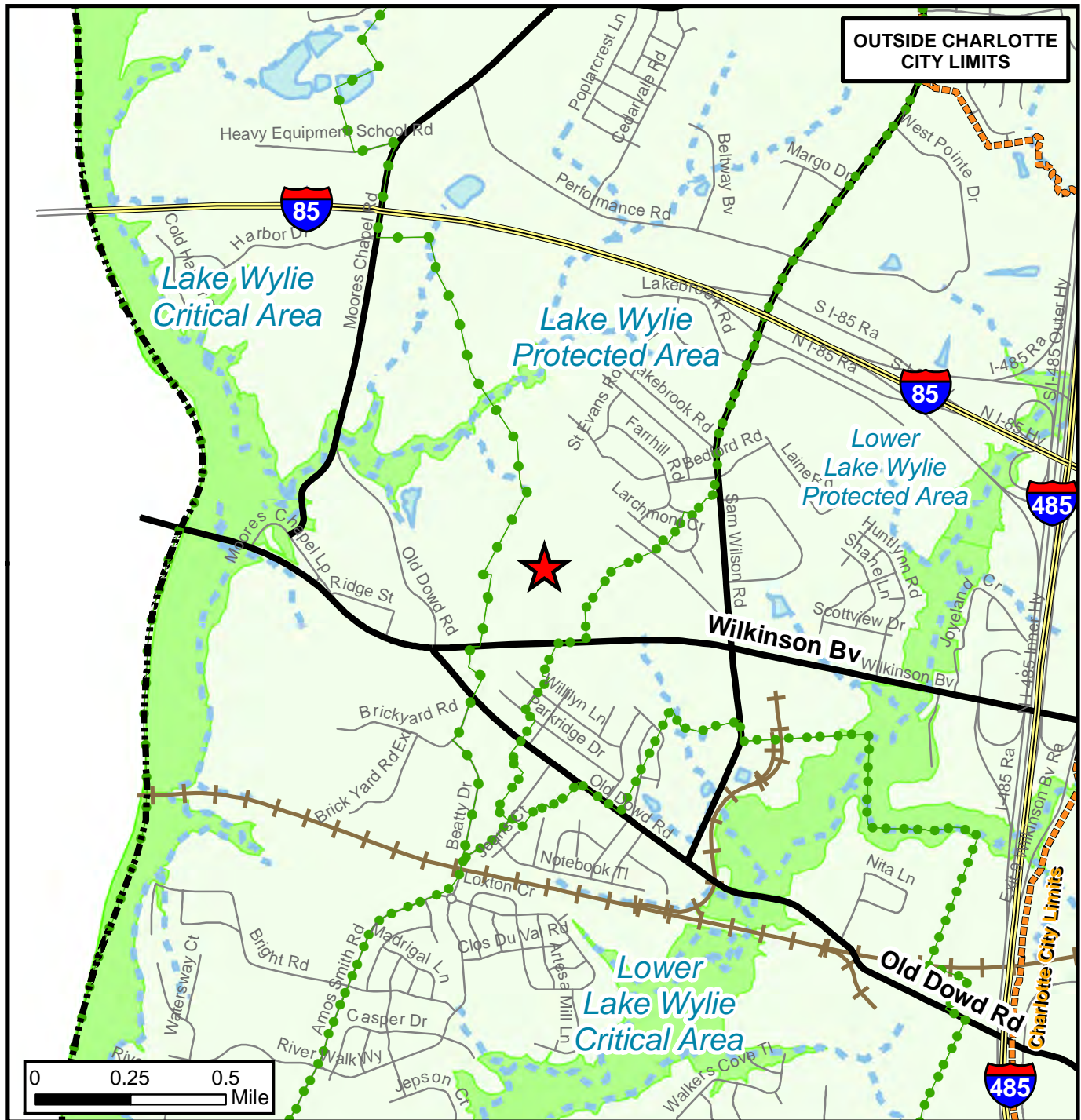
- Application
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- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
-

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

Petition #: **2014-082**

Vicinity Map

Acreage & Location : Approximately 46.34 acres located on the north side of Wilkinson Boulevard near the intersection of Old Dowd Road and Wilkinson Boulevard.



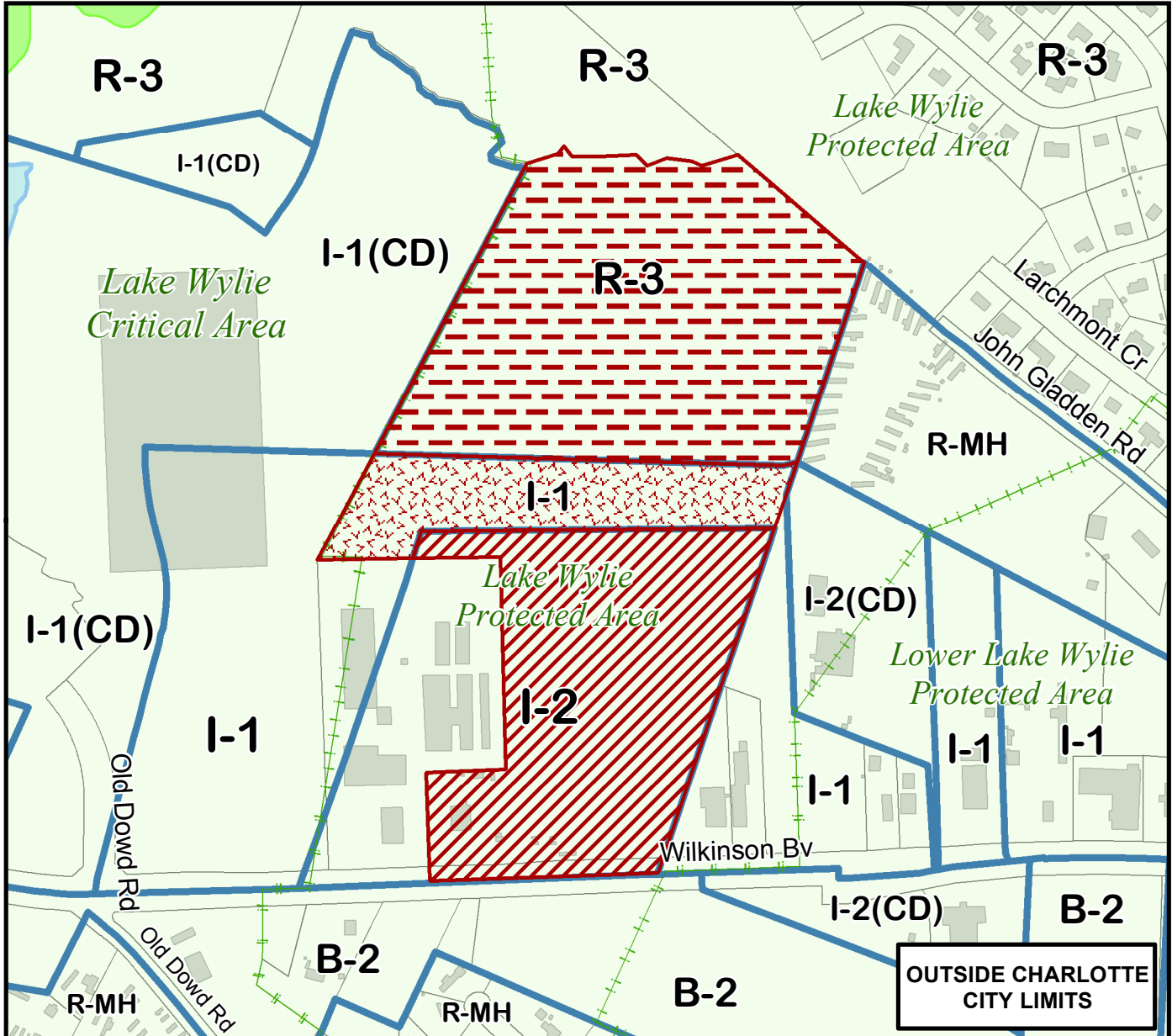
Petition #: **2014-082**

Petitioner: **Brookwood Capital Partners**

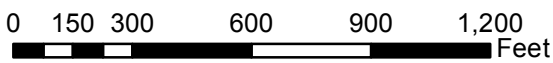
Zoning Classification (Existing): **R-3(LWPA), I-1(LWPA), I-2(LWPA)**
(Single Family, Residential, Lake Wylie Protected Area; Light Industrial, Lake Wylie Protected Area; General Industrial, Lake Wylie Protected Area)

Zoning Classification (Requested): **I-2(CD) (LWPA)**
(General Industrial, Conditional, Lake Wylie Protected Area)

Acreage & Location: Approximately 46.34 acres located on the north side of Wilkinson Boulevard near the intersection of Old Dowd Road and Wilkinson Boulevard.



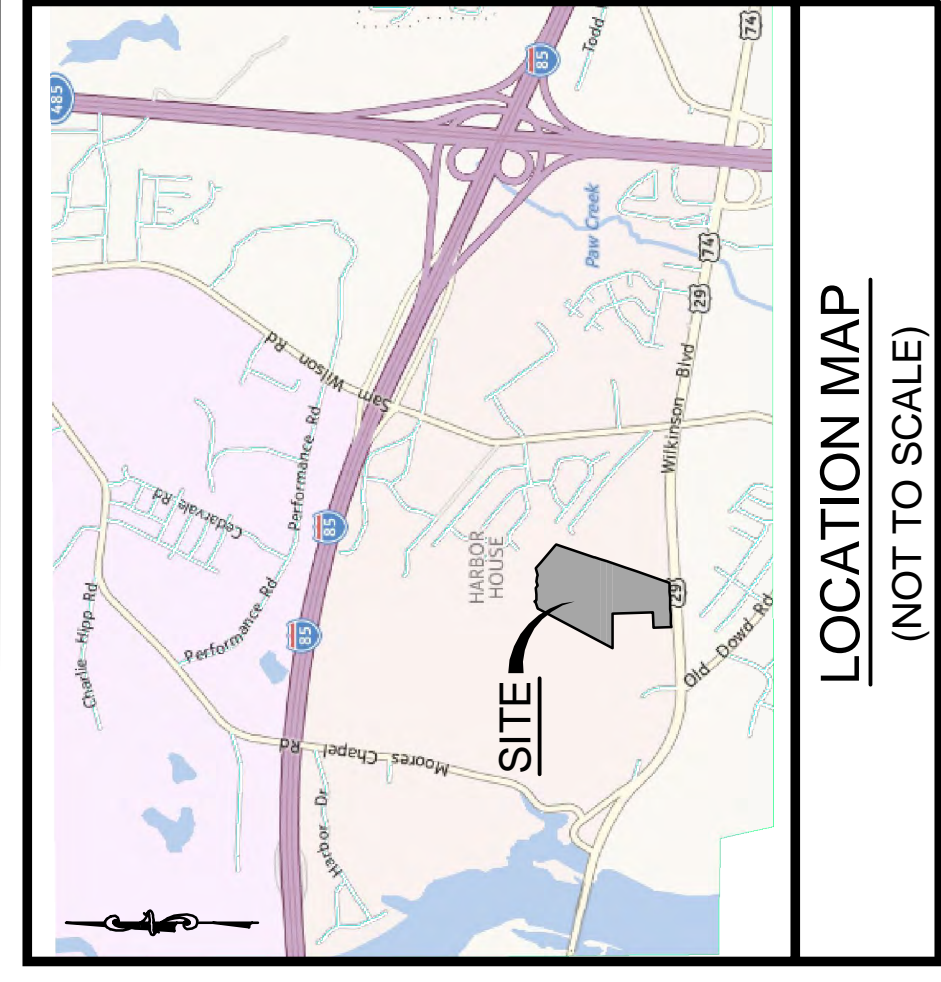
Map Produced by the Charlotte-Mecklenburg Planning Department, 6-27-2014.



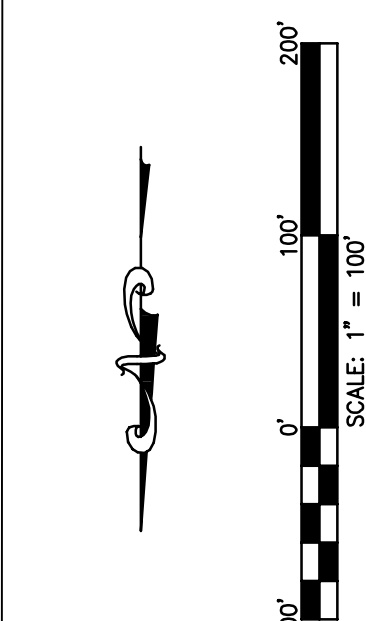
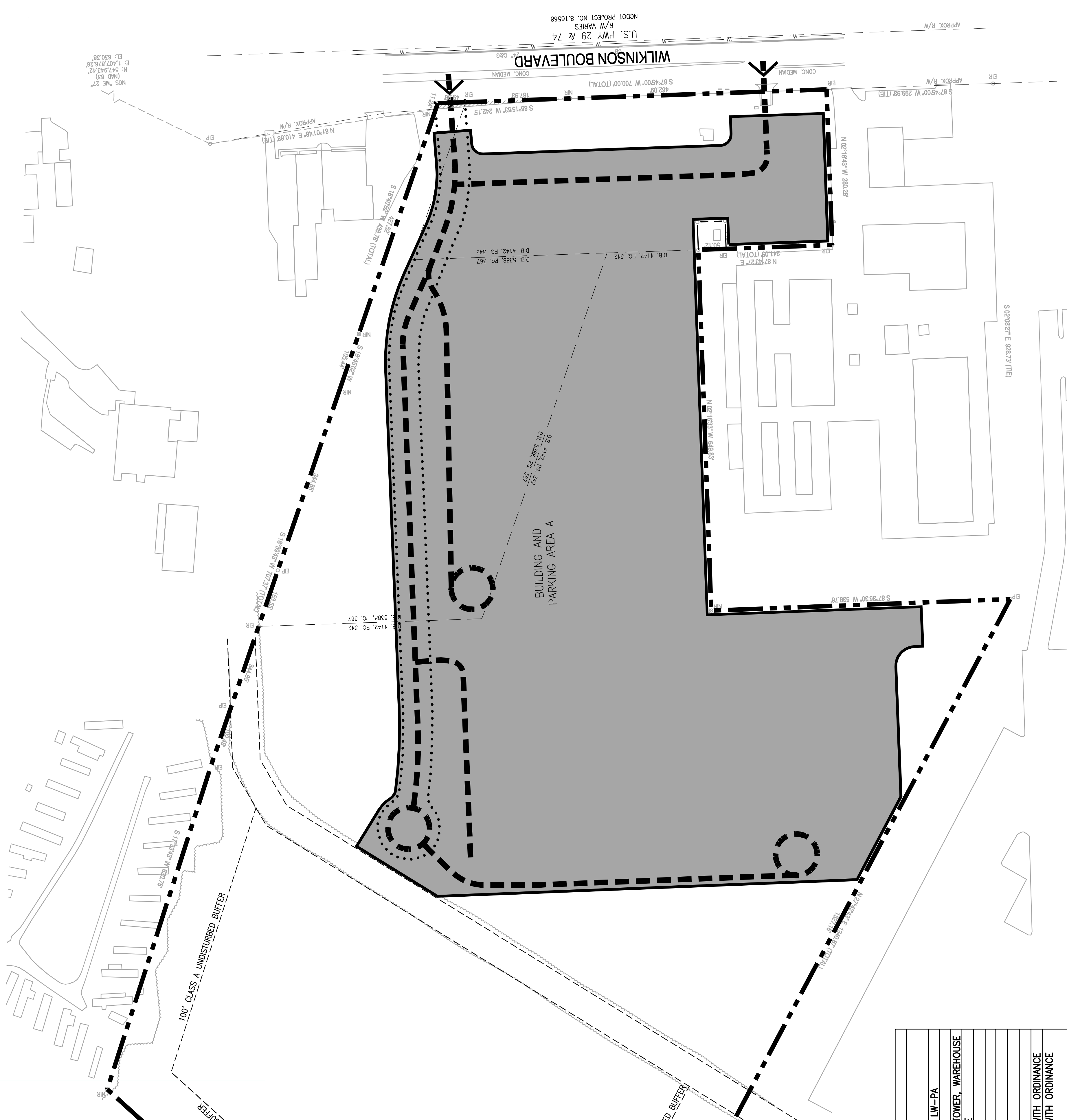
Zoning Map #(s)

84

	Requested I-2(CD)(LWPA) from R-3(LWPA)		FEMA flood plain
	Requested I-2(CD)(LWPA) from I-1(LWPA)		Watershed
	Requested I-2(CD)(LWPA) from I-2(LWPA)		Lakes and Ponds
	Existing Building Footprints		Creeks and Streams
	Existing Zoning Boundaries		Historic District
	Charlotte City Limits		
	Pedestrian Overlay		



DEVELOPMENT DATA TABLE	
SITE AREA	46.25 ACRES
TAX PARCEL INCLUDED WITHIN THE AREA TO BE REZONED	05321103
EXISTING ZONING	I-1, I-2, R-3 LW-PA
PROPOSED ZONING	I-2 CD LW-PA
EXISTING USES	VACANT, CELL TOWER, WAREHOUSE
PROPOSED USES	INDUSTRIAL USE
MAXIMUM FLOOR AREA	430,000 S.F.
MAXIMUM FLOOR AREA RATIO	100% (I-2)
MINIMUM SETBACK	20'
MINIMUM SIDE YARD	5'
MINIMUM REAR YARD	10'
MAXIMUM BUILDING HEIGHT	WILL COMPLY WITH ORDINANCE
NUMBER OR RATIO OF PARKING SPACES REQUIRED	WILL COMPLY WITH ORDINANCE STANDARDS



WILKINSON BOULEVARD
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 OF THE SITE SHALL 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 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 SEPARATE ZONING CONDITIONS IMPOSED BY THIS 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 "OWNERS," "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 THE SITE FOR INDUSTRIAL USES. TO ACHIEVE THIS PURPOSE, THE APPLICATION SEEKS THE REZONING OF THE SITE TO THE I-2 DISTRICT AS A CONDITIONAL DISTRICT (I-2 (CD)).

PERMITTED USES

USES ALLOWED ON THE PROPERTY INCLUDED IN THIS PETITION ARE THOSE USES AND ACTIVITIES THAT ARE PERMITTED BY THE SPECIFIC PROVISIONS OF THIS SITE PLAN. THE PETITIONER RESERVES THE RIGHT TO CONSTRUCT AS MANY AS SIX (6) PRINCIPAL STRUCTURES ON THE SITE AS GENERALLY DEPICTED ON THE CONCEPT SITE PLAN. THE FOLLOWING USES ARE SPECIFICALLY PROHIBITED.

- PETROLEUM STORAGE FACILITIES
- JUNK YARD
- MEDICAL WASTE DISPOSAL FACILITIES
- ADULT ESTABLISHMENTS
- RAILROAD FREIGHT YARDS
- ABANDON
- CONSTRUCTION AND DEMOLITION LANDFILLS AS A PRINCIPAL USE
- INDUSTRIAL WASTE TREATMENT PLANTS
- 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 WILKINSON BLVD.

TRANSPORTATION

A. THE SITE WILL HAVE A TWO DRIVEWAY CONNECTIONS TO WILKINSON BLVD AS GENERALLY DEPICTED ON THE SITE PLAN. FINAL DRIVEWAY LOCATION AND DESIGN WILL BE SUBJECT TO NCDOT APPROVAL.

B. THE PETITIONER WILL RESERVE RIGHT OF WAY AREA ON THE SITE SUFFICIENT TO PROVIDE FOR 75' OF RIGHT OF WAY MEASURED FROM THE CURRENT RIGHT OF WAY CENTERLINE FOR FUTURE ROAD EXPANSION, IF NEEDED BY NCDOT. ALL THE SITE PLANS WILL BE MEASURED FROM THIS LINE AS GENERALLY DEPICTED ON THE SITE PLAN.

C. PARKING AREAS ARE GENERALLY DEPICTED ON THE CONCEPT PLAN FOR THE SITE.

D. THE PETITIONER WILL INSTALL A SIX FOOT SIDEWALK BEHIND AN EIGHT FOOT PLANTING STRIP ALONG THE WILKINSON BLVD. FRONTAGE IF ALLOWED BY NCDOT.

E. THE PETITIONER WILL INSTALL SIDEWALKS IN THE INTERIOR OF THE SITE TO CONNECT BUILDING ENTRANCES AND PARKING AREAS TO EACH OTHER AND TO THE PUBLIC SIDEWALK TO BE CONSTRUCTED ALONG WILKINSON BLVD.

F. THE PETITIONER WILL WORK WITH CATS TO DETERMINE A MUTUALLY AGREEABLE LOCATION FOR A TRANSIT PAO TO BE CONSTRUCTED BY THE PETITIONER AT THE TIME THAT SIDEWALK ALONG WILKINSON BLVD. IS CONSTRUCTED.

G. THE PETITIONER RESERVES THE RIGHT TO PROPOSE ALTERATIONS TO THE EXISTING FULL ACCESS MEDIAN OPENING THAT SERVES THE SITE UP TO AND INCLUDING THE PROPOSED TRANSIT PAO. ANY SUCH ALTERATIONS TO THE MEDIAN OPENING THAT COULD BE FULL ACCESS OR LIMITED TO A DIRECTIONAL CROSS OVER, ALL OF WHICH WOULD BE REVIEWED AND APPROVED BY NCDOT. THIS PROPOSAL WOULD BE REVIEWED AS PART OF THE DRIVEWAY PERMITTING PROCESS.

ARCHITECTURAL STANDARDS

THE PETITIONER WILL UTILIZE FOUR SIDED ARCHITECTURE FOCUSED ON THE BUILDING FACADES THAT ARE IN PROXIMITY TO AND READILY VISIBLE FROM WILKINSON BLVD.

STREETSCAPE AND LANDSCAPING

THE PETITIONER WILL INSTALL LANDSCAPE SCREENING ALONG THE FRONT OF THE SITE TO SCREEN SURFACE PARKING AND TO PROVIDE A VISUAL TRANSITION TO THE TRUCK MANUFACTURING AREAS ON THE SITE.

ENVIRONMENTAL FEATURES

THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS SHALL BE DETERMINED BY THE PETITIONER AND SHALL BE SUBMITTED TO AND APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DRAINAGE PATTERNS. THE PETITIONER SHALL BE CONSIDERED PART OF THE OVERALL LANDSCAPE PLAN FOR THE SITE AND WILL BE LOCATED OUTSIDE OF THE FUTURE RIGHT OF WAY...

PARKS, GREENWAYS, AND OPEN SPACE

RESERVED

FIRE PROTECTION

RESERVED

SIGNAGE

RESERVED

LIGHTING

RESERVED

A. FREESTANDING LIGHTING ON THE SITE WILL UTILIZE FULL OUT-OFF LUMINAIRES. DETACHED LIGHTING WILL BE LIMITED TO 30' IN HEIGHT.

PHASING

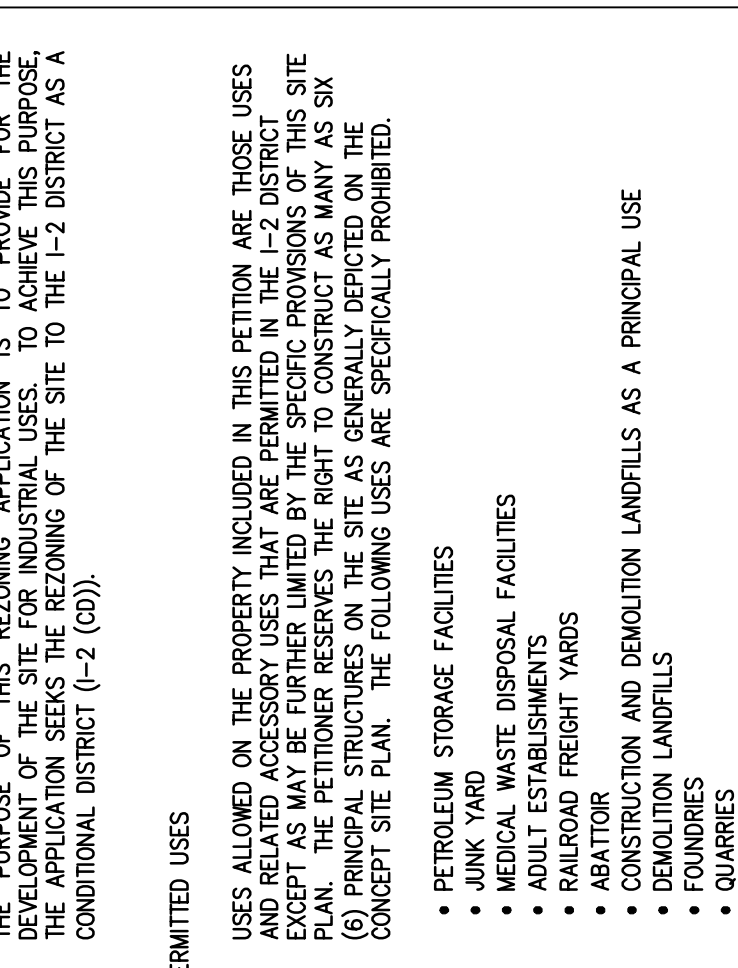
NO DEVELOPMENT WILL OCCUR ON THE PORTION OF THE REAR OF THE SITE THAT LIES ACROSS THE NATURAL GAS PRELINE RIGHT-OF-WAY AND THIS AREA WILL REMAIN AS OPEN SPACE. HOWEVER, THIS AREA MAY BE SUBDIVIDED INTO A SEPARATE PARCEL AT THE SOLE DISCRETION OF THE PETITIONER SO LONG AS THE RESTRICTIONS ABOVE ARE MAINTAINED.

INITIAL SUBMISSION- 6-23-14, 11
 REVISED PER STAFF COMMENTS- 8-15-14

NEW PROJECT FOR:
BROOKWOOD CAPITAL PARTNERS
CONDITIONAL REZONING
 9040 WILKINSON BOULEVARD
 CHARLOTTE, NC 28214

COLE Design Group, Inc.
 401 S. 18th Street
 Suite 200
 ST. LOUIS, MO 63103
 314.984.9887

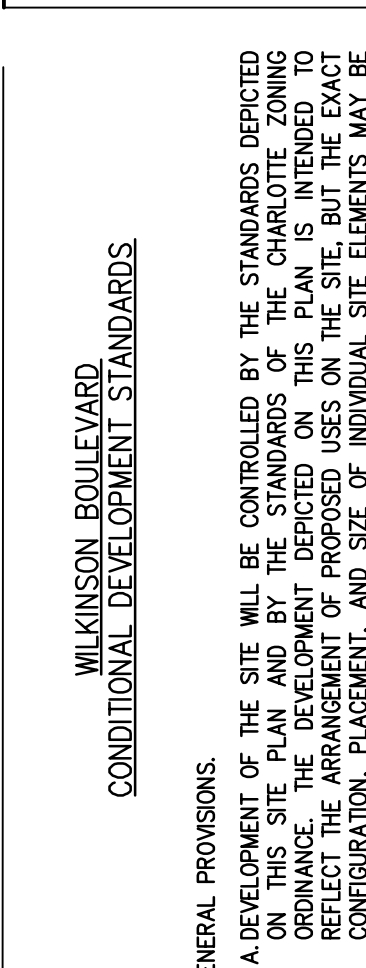
FOR PUBLIC HEARING
PETITION NO. 2014-082

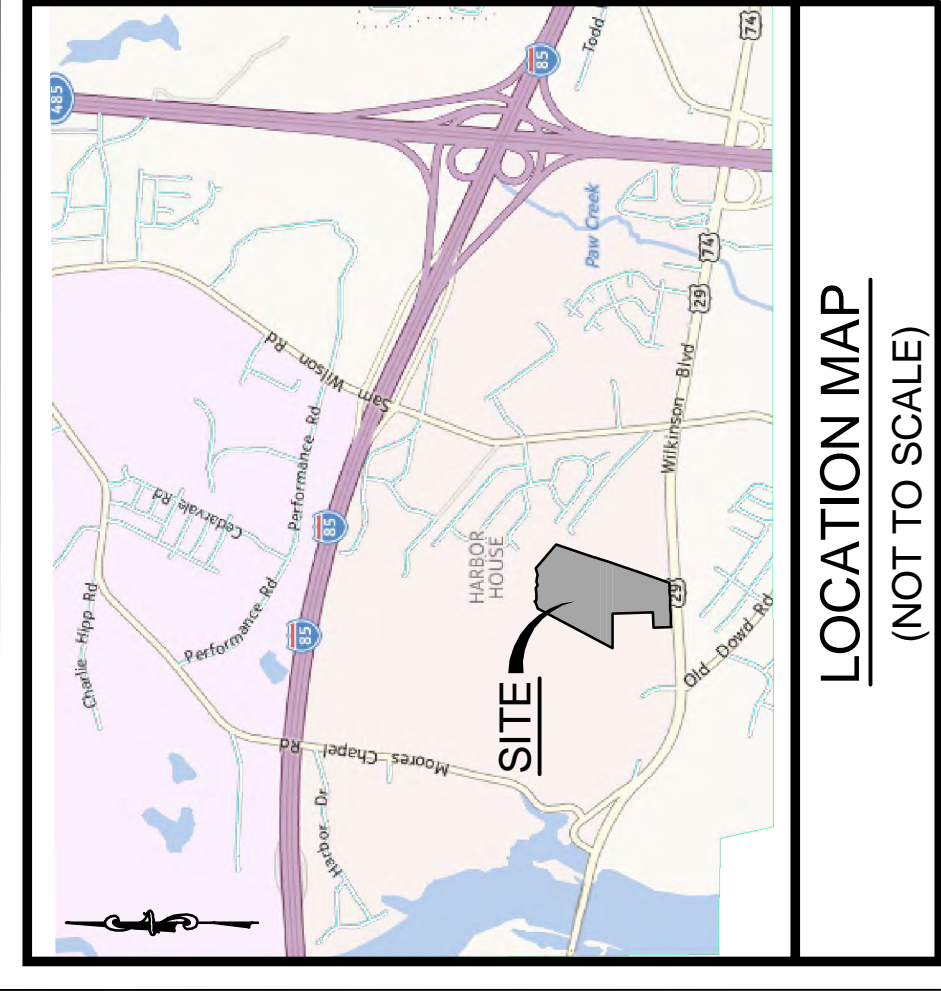


Issue Date:	08/20/14
Job Number:	13-1012
Drawn By:	BSJ
Checked By:	EWM

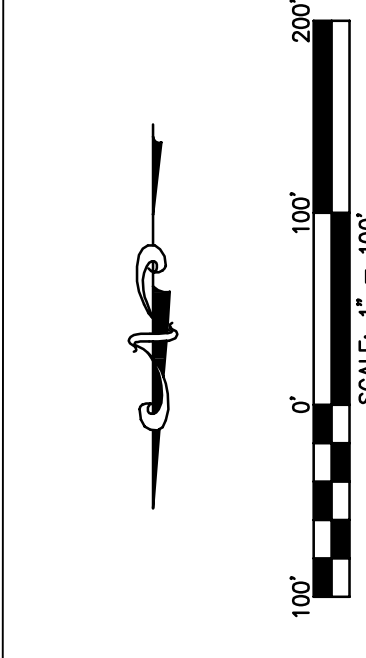
TECHNICAL DATA SHEET

Z-1.0

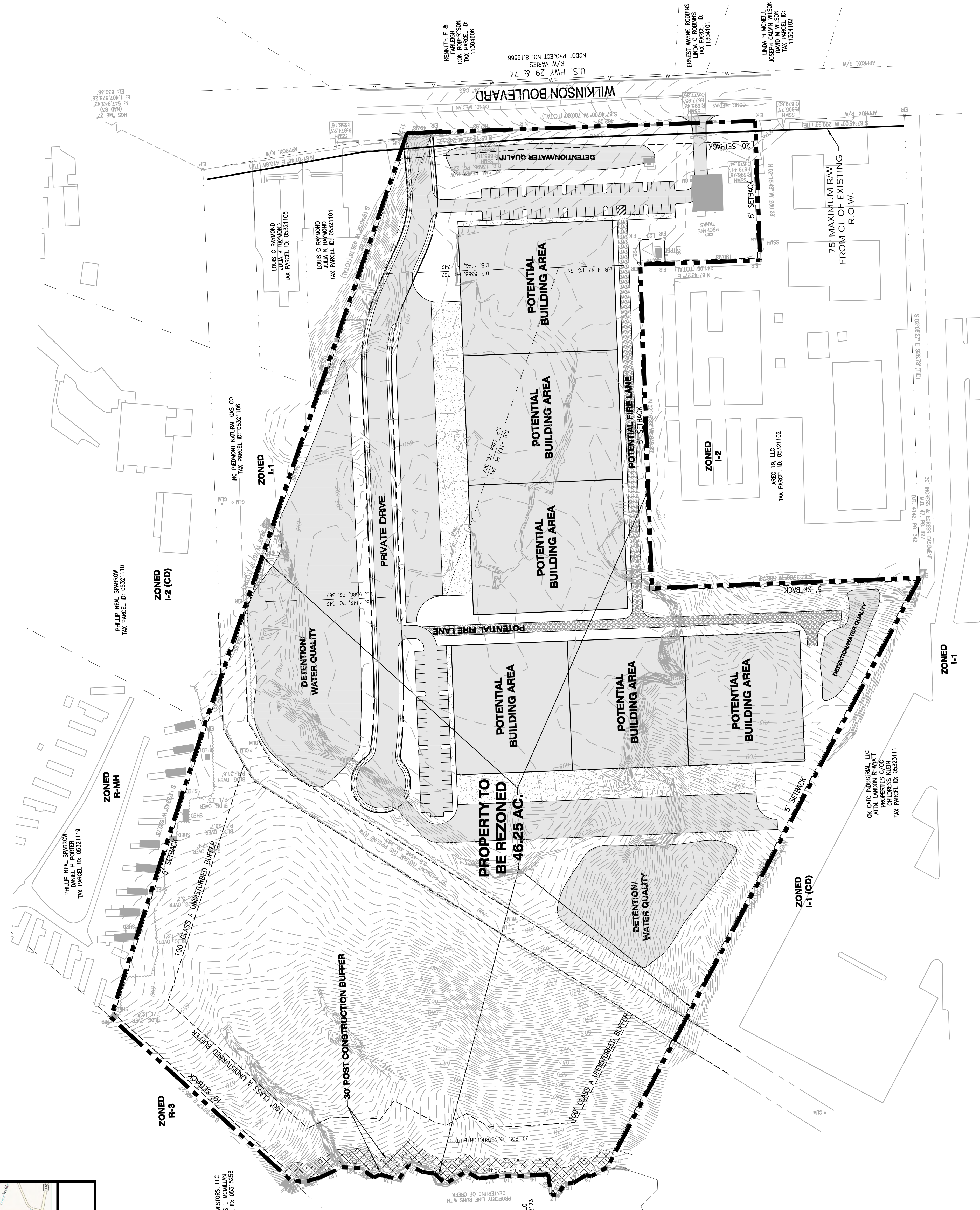




9040 WILKINSON BOULEVARD



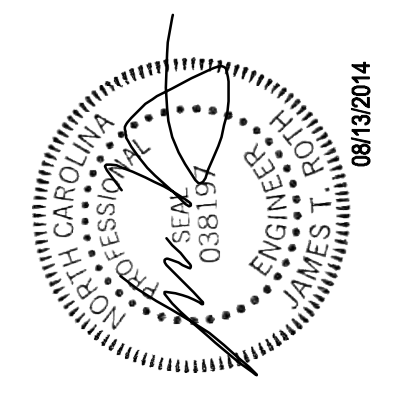
LOCATION MAP
(NOT TO SCALE)



COLE Design Group, Inc.
401 S. 18th Street
Suite 200
St. Louis, MO 63103
314.984.9887

FOR PUBLIC HEARING
PETITION NO. 2014-082

NEW PROJECT FOR:
BROOKWOOD CAPITAL
PARTNERS
CONDITIONAL REZONING
9040 WILKINSON BOULEVARD
CHARLOTTE, NC 28214



Issue Date:	08/20/14
Job Number:	13-4102
Drawn By:	BSJ
Checked By:	EWM
Drawing Title:	CONCEPT PLAN

Z-2.0

REQUEST	Current Zoning: UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment)
LOCATION	Approximately 18.8 acres located on the southeast corner at the intersection of Johnston Road and Marvin Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes a modification in height to allow a second story for carriage units above the proposed garage structures.
STAFF RECOMMENDATION	Staff recommends approval of this petition. This petition is consistent with the <i>South District Plan</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Johnston Road Apartments, LLC Childress Klein Properties Bailey Patrick, Jr. and Collin W. Brown
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Four people attended the community meeting.: 4

PLANNING STAFF REVIEW

- **Background**

- Petition 2012-085 approved up to 281 multi-family dwelling units with the following provisions:
 - Transportation improvements:
 - Access to the site from Johnston Road and Marvin Road.
 - Provision of a traffic signal at the intersection of Johnston Road and Marvin Road.
 - Extension of the southbound left-turn lane on Johnston Road.
 - Installation of a left-over and a northbound right-turn lane on Johnston Road.
 - Provision of a new public street from Johnston Road to the southern property boundary.
 - A 30-foot wide buffer and six-foot high wooden fence along the southern property boundary abutting R-3 (single family residential) zoning to the south.
 - Building and garage elevations.
 - Provision of 34 percent open space.
 - A pedestrian bridge connection across the creek.
 - Detached lighting limited to 20 feet in height.

- **Proposed Request Details**

The site plan amendment contains the following changes:

- A reallocation of the existing units to allow 12 two-story garage and carriage units along Johnston Road.
- Provides building elevations for the proposed garage and carriage units consisting of stone veneer, horizontal lap siding, and asphalt shingles.
- Allows two options in the style of garage & carriage units reflecting differences in the width of garage doors, rear entrances to some garages, and the addition of a porte cochere.
- Garage and carriage units limited to a maximum height of 26½ feet and two stories.
- All other previously approved conditional notes remain unchanged.

- **Existing Zoning and Land Use**

- The subject property is currently being developed with a multi-family project. Properties north of Johnston Road and east of Lancaster Highway are zoned INST (institutional), MX-2 (mixed use), NS (neighborhood services), O-1(CD) (office, conditional), R-12MF(CD) (multi-family, conditional), and R-3 (single family) and developed with a religious institution, multi-family and single family dwellings. Properties on the south side of Johnston Road are zoned R-3 (single family), R-4 (single family), B-1(CD) (neighborhood business, conditional), NS (neighborhood services) and MX-2 (mixed use) and are developed with single family dwellings on either side of Marvin Road and commercial uses that front Johnston Road.

- **Rezoning History in Area**

- Recent rezonings approved in the area include:

- Petition 2013-091 approved a change in zoning to MX-1 (mixed use) to allow the development of 52 single family structures.
 - Petition 2008-93 approved a NS (neighborhood services) site plan amendment for four acres located at the northeast intersection of Lancaster Highway and Johnston Road to allow two sites providing office and retail uses to be developed as a unified development allowing cross-access, shared signage and a minor increase in building height.
 - Petition 2007-117 approved an O-1(CD) (office, conditional) site plan amendment for 4.5 acres located on the east side of Lancaster Highway between Springwell Street and Johnston Road to increase the maximum square footage for a health club from 30,000 to 40,000 square feet.
- **Public Plans and Policies**
 - The *South District Plan* (1993), as amended by Petition 2012-085, recommends multi-family up to 15 units per acre for the subject site.
 - This 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:** The trip generation is the same under the proposed and existing zoning.
 - **Vehicle Trip Generation:**
Current Zoning: 1,830 trips per day.
Proposed Zoning: 1,830 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 63 students, while the development allowed under the proposed zoning will produce 63 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 0 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*.
 - Protects/restores environmentally sensitive areas by preserving a portion of an environmentally sensitive area along Clems Branch to be dedicated and conveyed to Mecklenburg County Park and Recreation Department, and building and maintaining a 10-foot asphalt greenway trail from Marvin Road to the greenway corridor.

OUTSTANDING ISSUES

- The petitioner should:
 1. Clearly label the carriage unit height on the site plan.
 2. Add a note under Architectural Standards detailing the options for the garage & carriage units.
-

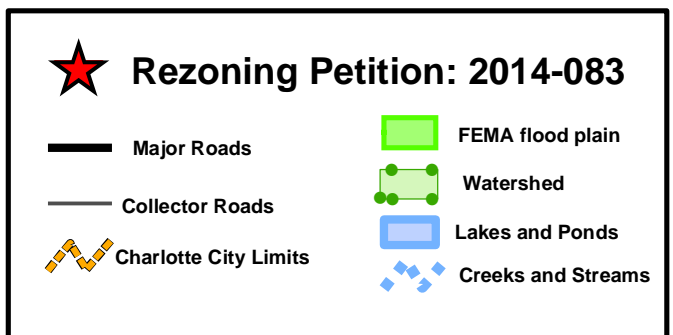
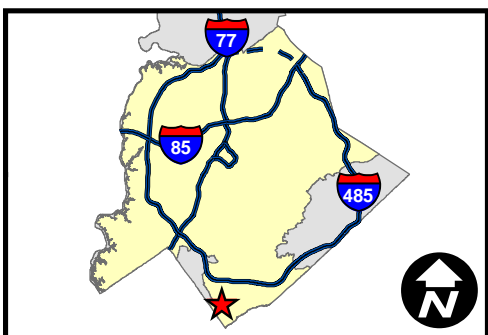
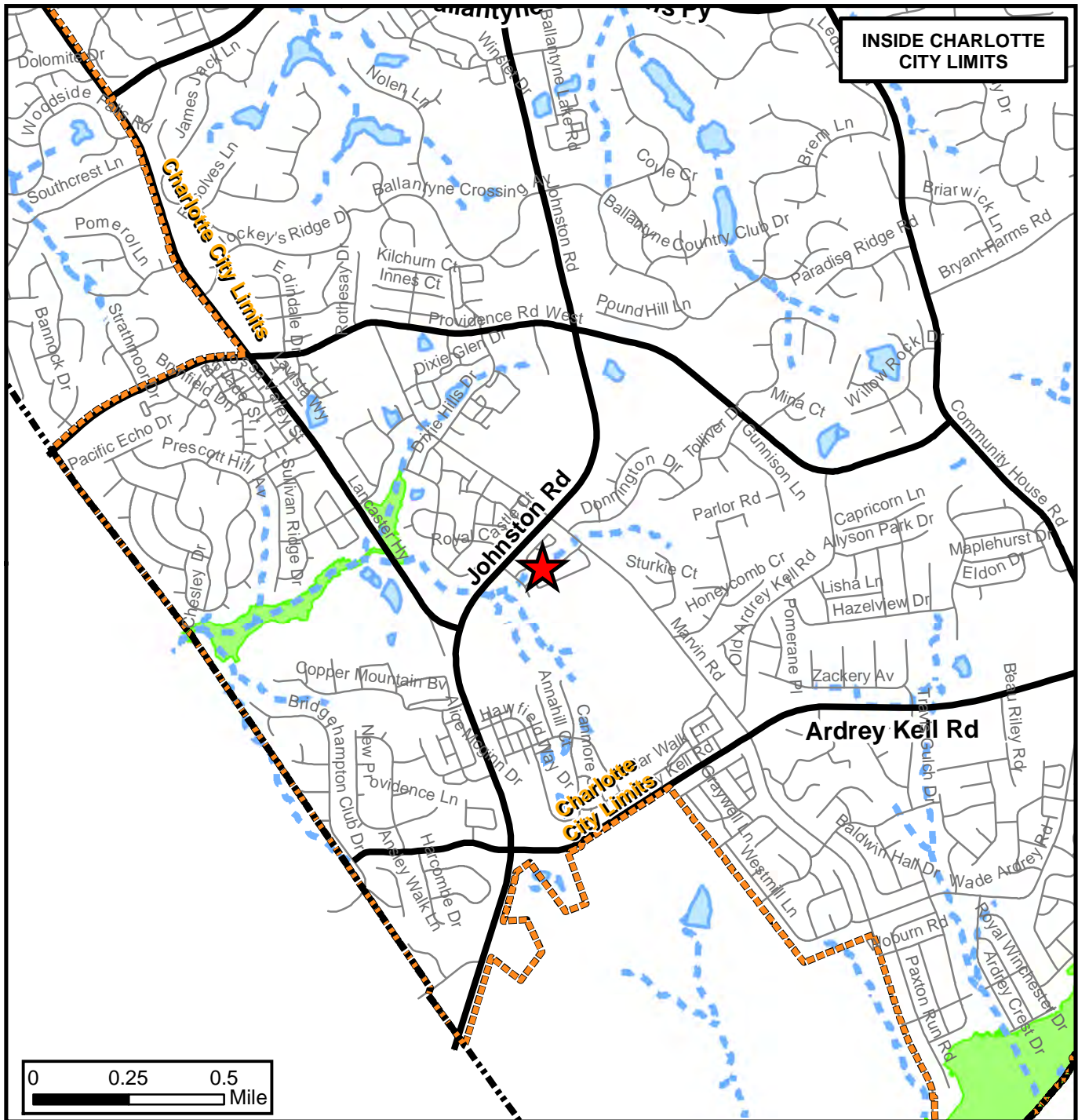
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- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review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

Planner: Solomon Fortune (704) 336-8326

Petition #: **2014-083**

Vicinity Map

Acreage & Location : Approximately 18.8 acres located on the southwest corner at the intersection of Johnston Road and Marvin Road.



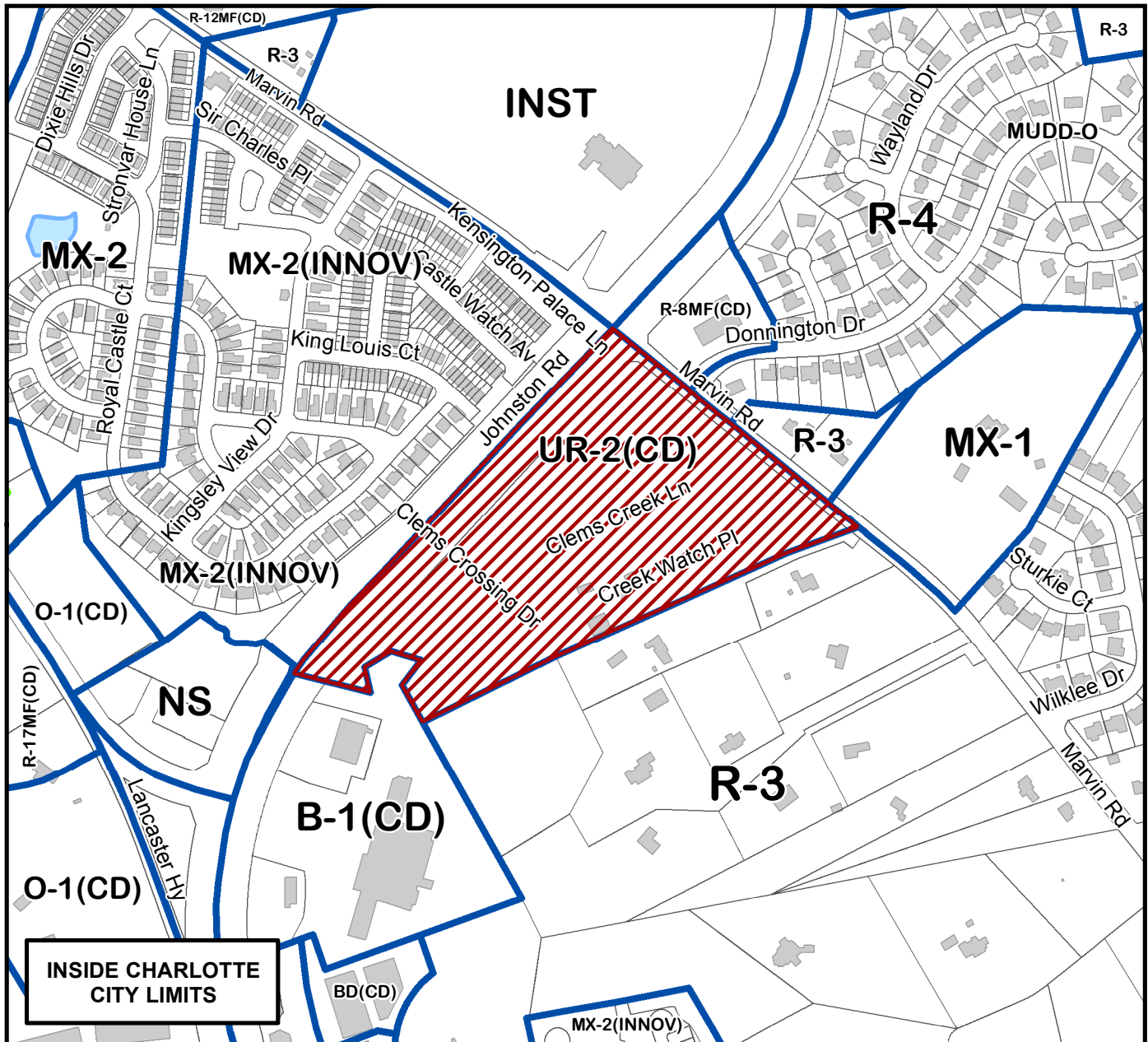
Petition #: **2014-083**

Petitioner: **Childress Klein Properties**

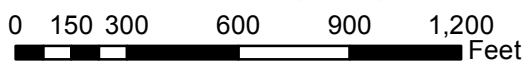
Zoning Classification (Existing): **UR-2(CD)**
(Urban Residential, Conditional)

Zoning Classification (Requested): **UR-2(CD) S.P.A.**
(Urban Residential, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 18.8 acres located on the southwest corner at the intersection of Johnston Road and Marvin Road.



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



Zoning Map #(s)

185

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

SITE PLAN AMENDMENT
2014-083

The Development Standards set forth below are identical to the Development Standards submitted and approved as a part of Rezoning Petition 2012-085. The purpose of this Site Plan Amendment is to modify the Schematic Site Plan to specifically indicate that two-story "carriage unit" buildings shall be permitted in the location identified on the Schematic Site Plan. The total number of dwelling units allowed by 2012-085 is not altered by this Site Plan Amendment.

DEVELOPMENT STANDARDS

SITE DATA TABLE	
Site Acreage:	18.8 acres +/-
Tax Parcels:	223-531-06 and 223-531-08
Existing Zoning:	R-3 UR-2 (CD)
Proposed Zoning:	UR-2 (CD) S.P.A.
Existing Uses:	Single-family/Vacant Multi-family Community Under Development
Proposed Uses:	Multi-family Dwelling Units together with accessory structures and uses as allowed in the UR-2 Zoning District
Maximum Dwelling Units:	281
Maximum Density:	14.94 DUA
Maximum Building Height:	As allowed by Ordinance, but not to exceed 75 feet and four stories
Parking:	Max. 2 spaces per unit/ Min. 1.5 spaces per unit
Minimum Open Space:	34%

DEVELOPMENT STANDARDS
General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Childress Klein Properties, to rezone an approximately 18.8 acre site located at the southeastern quadrant of the intersection of Johnston Road (US 521) and Marvin Road (the "Site").

The purpose of this Petition is to request rezoning of the Site to the UR-2(CD) Zoning District in order to accommodate the construction of up to 281 Multi-family Dwelling units. UR-2 Zoning will enable the Petitioner to develop the Site in a manner that will preserve and emphasize the Site's unique environmental features, create a harmonious transition between the project and the adjoining properties to the south, and provide significant traffic improvements not only for the project but for the intersection between Johnston Road and Marvin Road as well which will benefit the surrounding community.

Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-2 Zoning District shall govern all development taking place on the Site.

The development depicted on the Schematic Site Plan is intended to reflect the arrangement of proposed uses on the Site, but the final configurations, placements and sizes of individual Site elements may be altered or modified so long as the maximum building envelope lines and intensity limitations established on the Technical Data Sheet are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the UR-2 Zoning District. However, any alterations or modifications which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the Technical Data Sheet or its respective conditions as well as any changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

- 1. Permitted Uses**
- The Site may be developed with up to 281 Multi-Family Dwelling Units together with accessory structures and uses allowed in the UR-2 Zoning District.
- 2. Transportation**
- All transportation improvements described in this section shall be implemented prior to the issuance of the first certificate of occupancy for a building on the Site.
- Vehicular access to the Site will be provided from both Marvin Road and Johnston Road, as generally depicted on the Technical Data Sheet.
 - Petitioner shall cause the installation of a partial traffic signal at the intersection of Johnston Road and Marvin Road which provides signaling for phasing to allow protected and permitted turning movements for southbound left turns from Johnston Road and northbound right turns from Marvin Road.
 - Petitioner shall cause the existing southbound left-turn lane on Johnston road to be extended in order to provide 425 feet of total storage.
 - Petitioner shall cause construction of a southbound directional crossover with a minimum of 150 feet of storage on Johnston Road to provide left-over access to the Site's access point to Johnston Road.
 - Petitioner shall cause the construction of a northbound right-turn lane on Johnston Road that will provide a minimum of 100 feet of storage to serve the Site's access point to Johnston Road.
 - Petitioner shall construct a new public street that meets the Residential Wide standards of the Urban Street Design Guidelines extending from Johnston Road in a southeasterly direction to the Site's boundary with Mecklenburg County Tax Parcel 223-531-09 as generally depicted on the Technical Data Sheet.
 - Petitioner shall cause the installation of an eastbound left turn lane on Marvin Road with 100 feet of storage and 65 feet of taper to serve Domington Drive.
 - Petitioner shall cause the portion of Marvin Road between Johnston Road and the Site's access point to Marvin Road to be widened to a three-lane section.

- Petitioner shall cause the construction of a westbound left-turn lane on Marvin Road to serve the Site's access point to Marvin Road with 150 feet of storage and 280 feet of taper.
- Petitioner shall install a 6 foot sidewalk and 8 foot planting strip along Site's Marvin Road frontage. Petitioner shall dedicate additional right-of-way necessary to accommodate the planting strip and sidewalk.
- Petitioner shall install a 6 foot sidewalk and 8 foot planting strip along the Site's Johnston Road frontage extending from Marvin Road south to the new public street connection to Johnston Road.
- Petitioner shall work the City Staff to ensure compliance with the Subdivision Ordinance and will provide a pedestrian connection from the southern boundary of the new public street connection to Johnston Road to the existing sidewalk on Mecklenburg County Tax Parcel 223-531-03. Approval of this connection as well as requirements for signage, lighting, maintenance and confirmation of appropriate easements will be handled through the Subdivision review process. Petitioner shall have the option of providing this connection via a CDOT compliant sidewalk connection along the right-of-way of Johnston Road or via a Mecklenburg County Parks and Recreation Department compliant greenway trail, both options as generally depicted on the Schematic Site Plan. In the event that the Petitioner chooses to provide the connection via a greenway trail, such trail shall be dedicated to and owned by Mecklenburg County Parks and Recreation Department, however Petitioner shall be responsible for maintaining said greenway trail until the City's Creek Greenway is developed by Mecklenburg County or until January 1, 2033, whichever occurs first. The pedestrian connection and related improvements shall be installed prior to the issuance of the first certificate of occupancy for a building on the Site. The placements and configurations of all proposed 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 ("CDOT"), and the North Carolina Department of Transportation (NCDOT), whichever may be applicable, as including alterations to accommodate any right of way needs and/or construction easements.

3. Architectural Standards

- Conceptual Schematic:** Architectural Renderings which accompany these Development Standards are intended to depict the general conceptual architectural style, character and elements of the buildings proposed to be constructed on the Site. Accordingly, any building constructed on the Site must be substantially similar in appearance to the relevant attached Conceptual Schematic Architectural Renderings in terms of its architectural style, character and elements. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.
- The primary exterior building materials for the multi-family dwellings to be constructed on the Site shall be a combination of brick, stone, precast stone, precast concrete, synthetic stone, wood, shake, hardi-plank, or cementitious siding material. Vinyl siding shall not be permitted as an exterior building material. However, vinyl elements may be used as architectural accent materials.
- At least 20% of the exterior of each building, exclusive of windows, doors and roofs, will be constructed of masonry materials, including but not limited to brick, stone, precast stone, synthetic stone, or precast concrete.
- Petitioner may construct garage structures as generally depicted on the Schematic Site Plan. The garage structures will reflect the architectural style and quality of the buildings constructed on the Site.
- With regard to buildings to be constructed within the area currently designated as Mecklenburg County Tax Parcel 223-531-06, second and third floor units that face Mecklenburg County Tax Parcel 223-531-08 shall incorporate sunrooms in lieu of balconies. Facades subject to these provisions are highlighted on sheet RZ-2.

- 4. Streetscape and Landscaping**
- A 30 foot-wide landscaping buffer shall be installed and maintained along the Site's boundaries with Mecklenburg County Tax Parcels 223-531-08 and 223-531-09, all as generally depicted on RZ-2. At a minimum, the combination of existing vegetation and new vegetation to be planted within this buffer will meet or exceed the planting requirements for a Class B buffer.
 - Within the portion of the landscaping buffer that abuts Mecklenburg County Tax Parcel 223-531-08 and extending south to the northern boundary of the new public street extending from Johnston Road to Mecklenburg County Tax Parcel 223-531-09, the Petitioner shall install and maintain Chesapeake Holly trees and Japanese Cedars planted twelve feet on center. Chesapeake Hollies shall measure at least four feet in height at the time of installation. Japanese Cedars shall measure at least six feet in height at the time of installation. An illustration of the buffer plan is shown on the Schematic Site Plan.
 - The Petitioner shall install and maintain a six-foot high, engineered precast wall, using materials similar to a Carolina Wall Crete, along the property line between the Site and Mecklenburg County Tax Parcel 223-531-08. Stone finish, style and quarried stone caps to be agreed upon with the adjoining neighbor. This wall shall extend from the southern boundary of the right-way-of-Marvin Road to Johnston Road to Mecklenburg County Tax Parcel 223-531-09, as generally depicted on RZ-2. The Petitioner shall install and maintain a six-foot high solid wood privacy fence at the end of the above precast wall and continue along the property edge to the SWIM buffer abutting Mecklenburg County Tax Parcel 223-531-09, as generally depicted on RZ-2.
 - Petitioner shall provide eight foot planting strips and six foot sidewalks along all public streets.
 - Petitioner shall provide a five foot wide sidewalk and cross-walk network that links the buildings on the Site with one another and links each building to a sidewalk along an adjoining street.
 - Petitioner shall provide a 10-foot asphalt greenway-style pedestrian corridor running through the Site along the S.W.I.M buffer area as generally depicted on the Schematic Site Plan. This trail will be built to Mecklenburg County Park and Recreation Department standards but will be privately owned, maintained and controlled.
 - Petitioner shall provide a pedestrian bridge connection across the creek as generally depicted on the Schematic Site Plan.
 - An amenity area shall be provided in the location generally shown on the Schematic Site Plan. Amenities shall include a swimming pool, seating areas and landscaping.
 - Meter boxes and back flow preventors will be screened.
 - All other screening and landscaping shall conform to the standards of the Ordinance.

- 5. Environmental Features**
- The Site shall comply with the requirements of the 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 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.
 - No vertical development shall take place south of the proposed public street extending from Johnston Road to Mecklenburg County Tax Parcel 223-531-09.
- 6. Parks, Greenways and Open Space**
- Tree save areas equating at least 15% of the area of the Site shall be provided.
 - Prior to the issuance of the final certificate of occupancy for buildings on the Site, the Petitioner shall convey a portion of the Site to the Mecklenburg County Park and Recreation Department for use as a greenway. The area to be dedicated is generally depicted on the Technical Data Sheet, however the exact parameters of the dedication shall be determined by the Petitioner based on the final BMP and grading design.
- 7. Signage**
- Signage shall comply with the requirements of the Ordinance.
- 8. Lighting**
- The maximum height of any detached lighting fixtures erected on the Site shall not exceed twenty (20) feet in height.
 - All freestanding lighting fixtures installed within the Site shall be shielded with full cut-off fixtures, capped and downwardly directed. However, low-level decorative lighting may be installed along driveways, sidewalks and parking areas.
 - Wall-pak lighting will be prohibited throughout the Site.

9. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, other sheets accompanying the Petition and these Development Standards may be applied for by the then Owner or Owners in accordance with the provisions of Chapter 6 of the Ordinance.

10. Binding Effect of the Rezoning Documents and Definitions

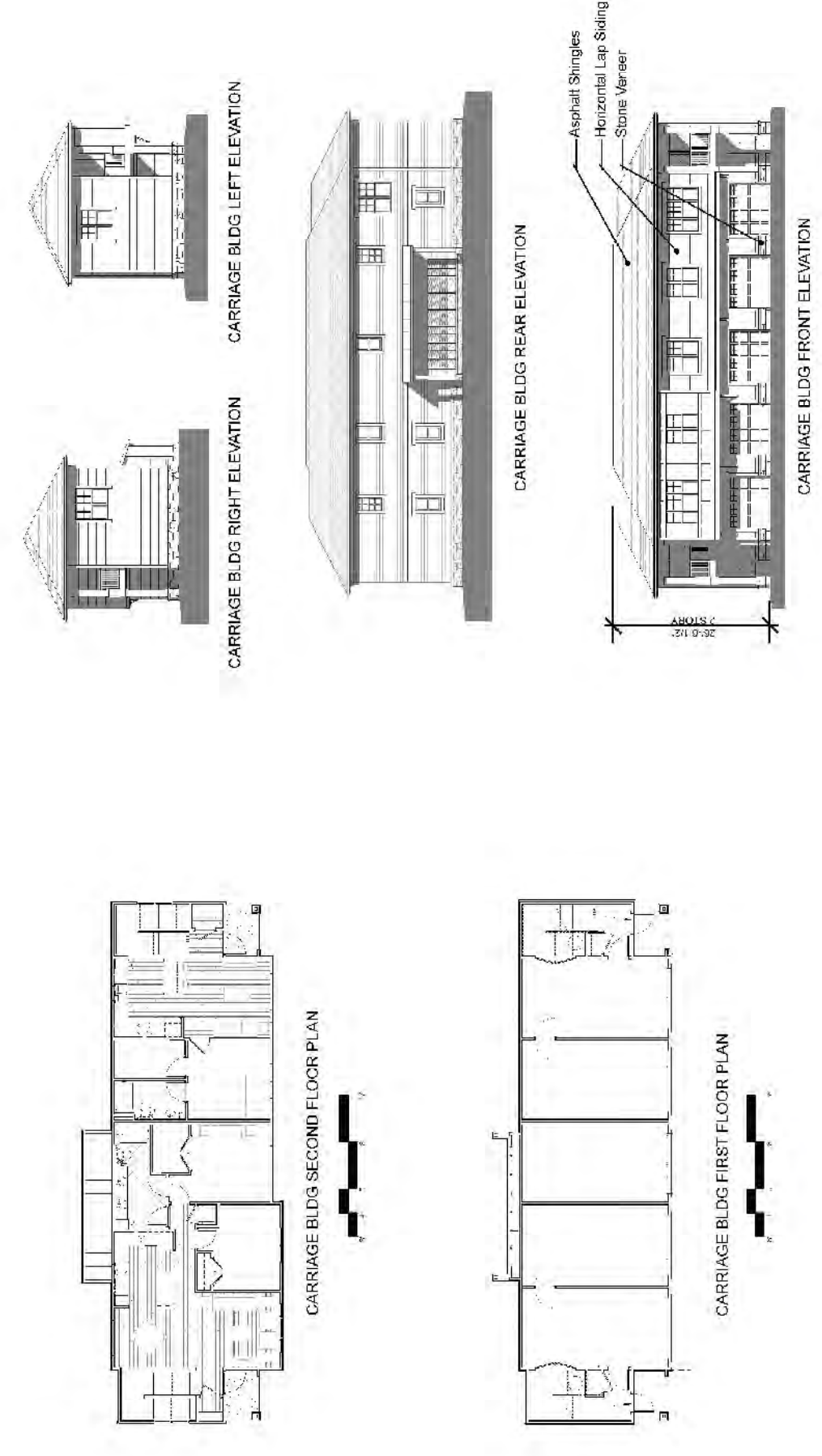
- If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the Owner or Owners of the Site from time to time who may be involved in any future development thereof.
- Any reference to any City of Charlotte Ordinances or Policies herein shall be deemed to refer to the requirements of the Ordinance or Policy in effect as of the date this Rezoning Petition is approved.



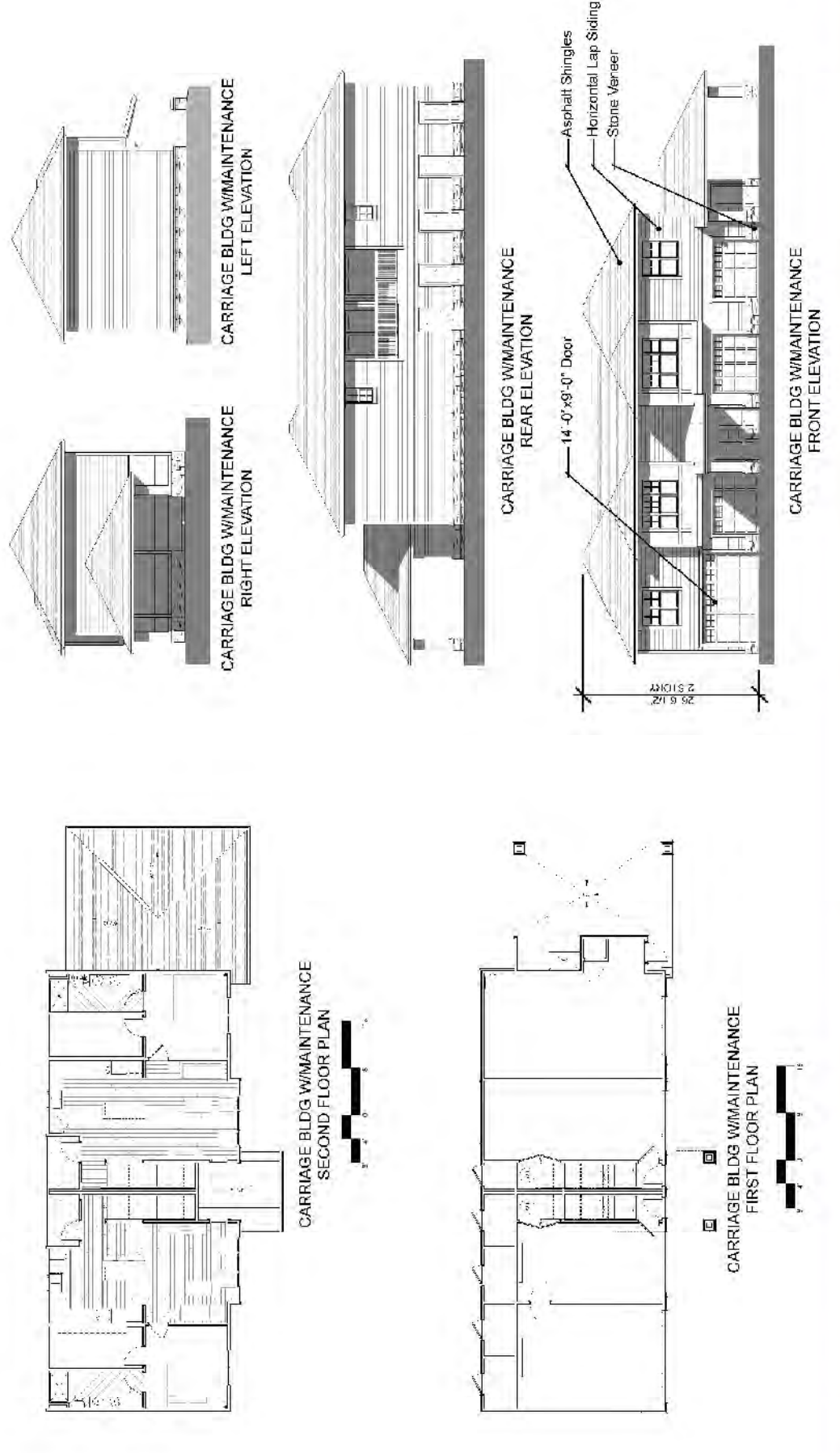


6

CLINE DESIGN
Marvin Road Apartments
Charlotte, North Carolina



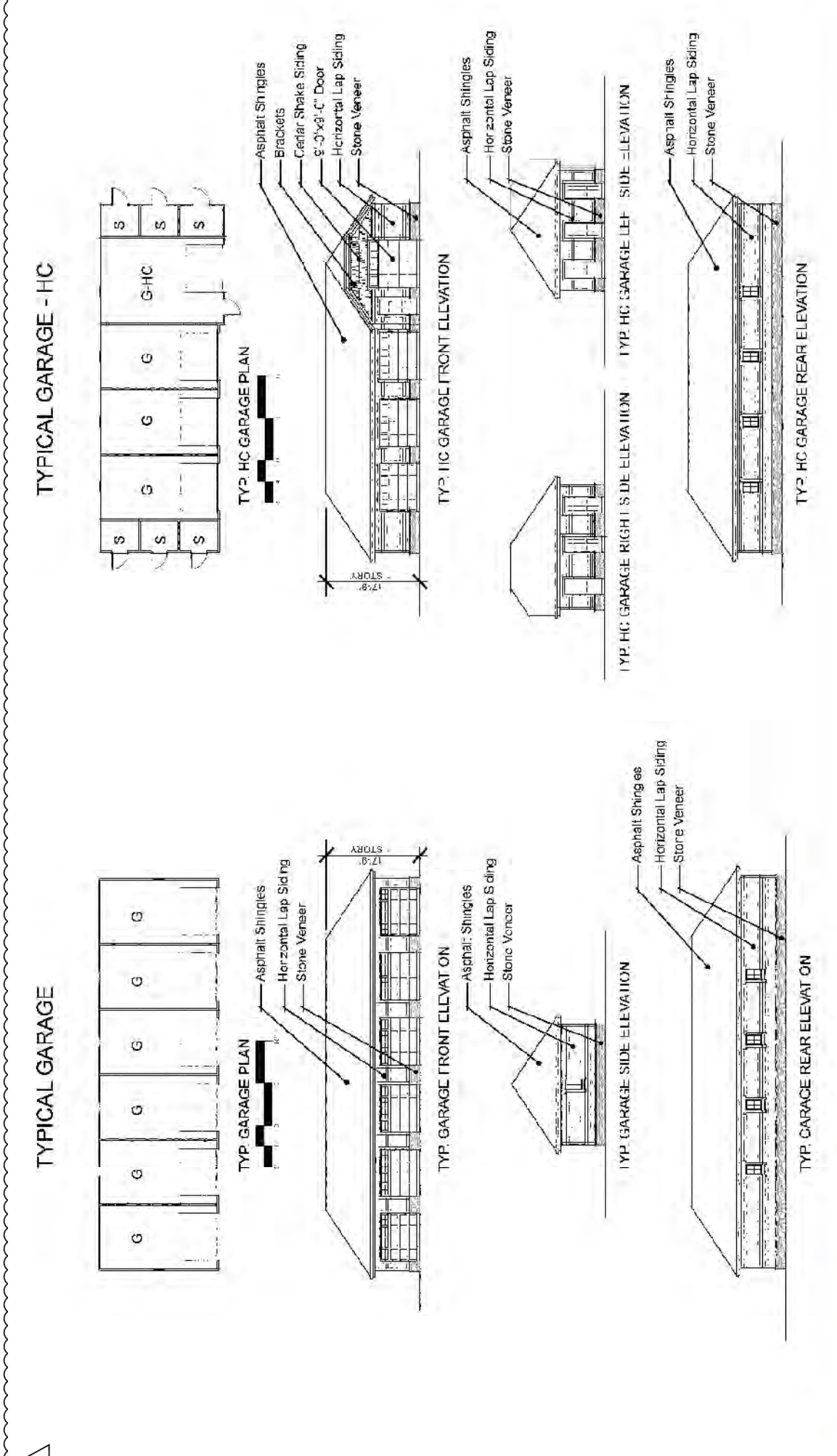
CLINE DESIGN
Garages & Carriage Units
Charlotte, North Carolina



CLINE DESIGN
Marvin Road Apartments
Charlotte, North Carolina



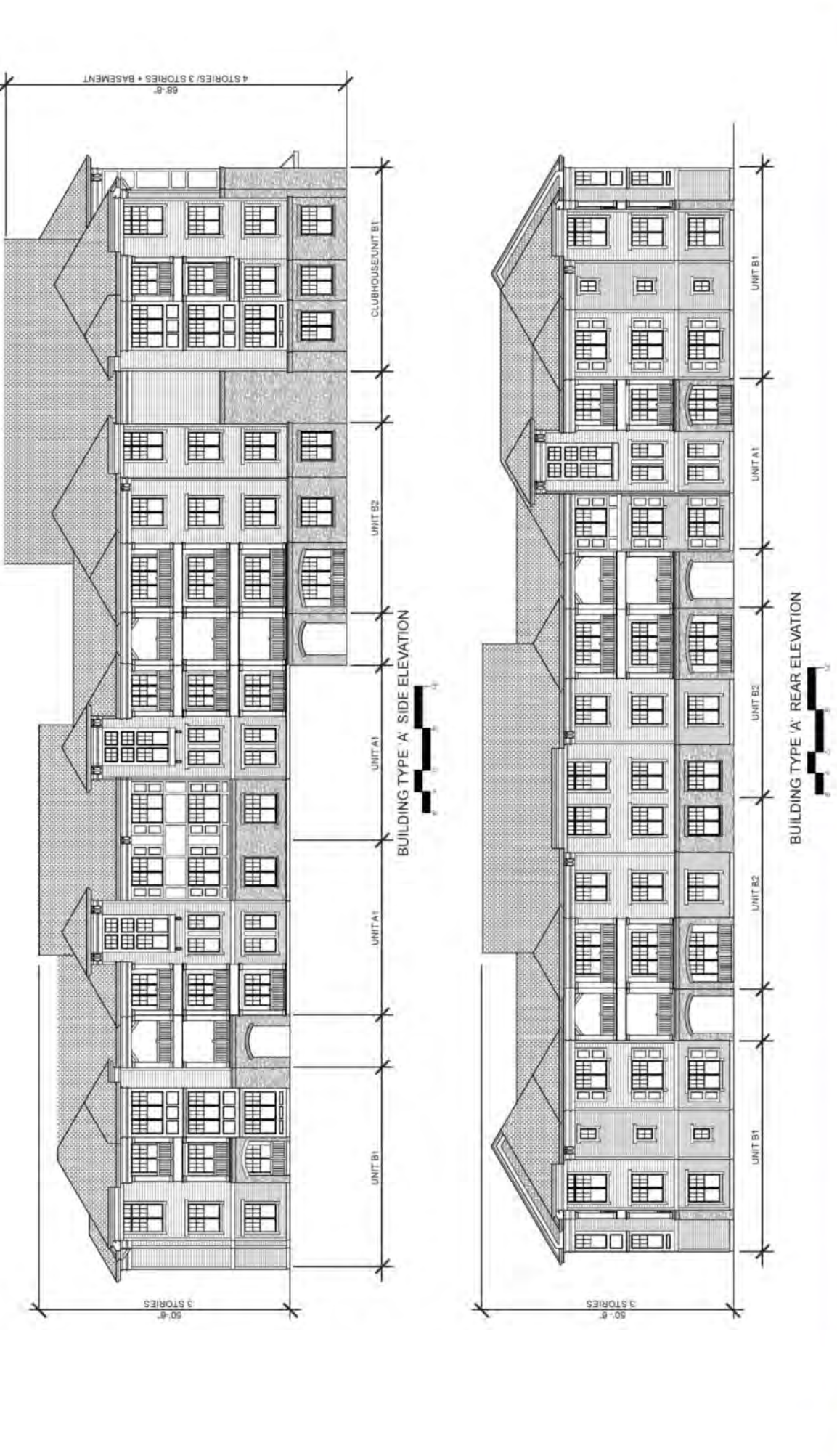
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Garages
Charlotte, North Carolina



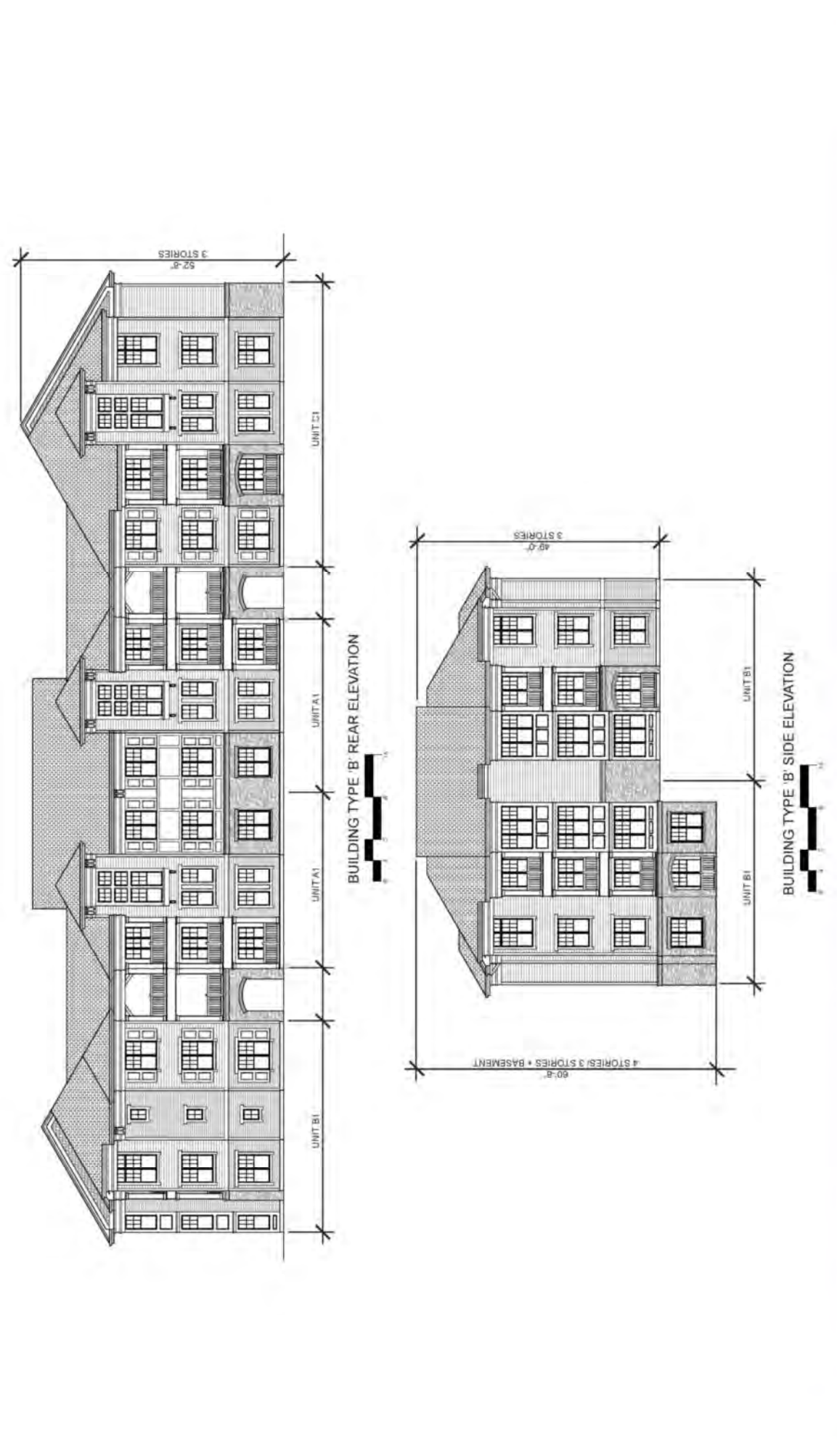
CLINE DESIGN
Marvin Road Apartments
Charlotte, North Carolina



CLINE DESIGN
Marvin Road Apartments
Charlotte, North Carolina



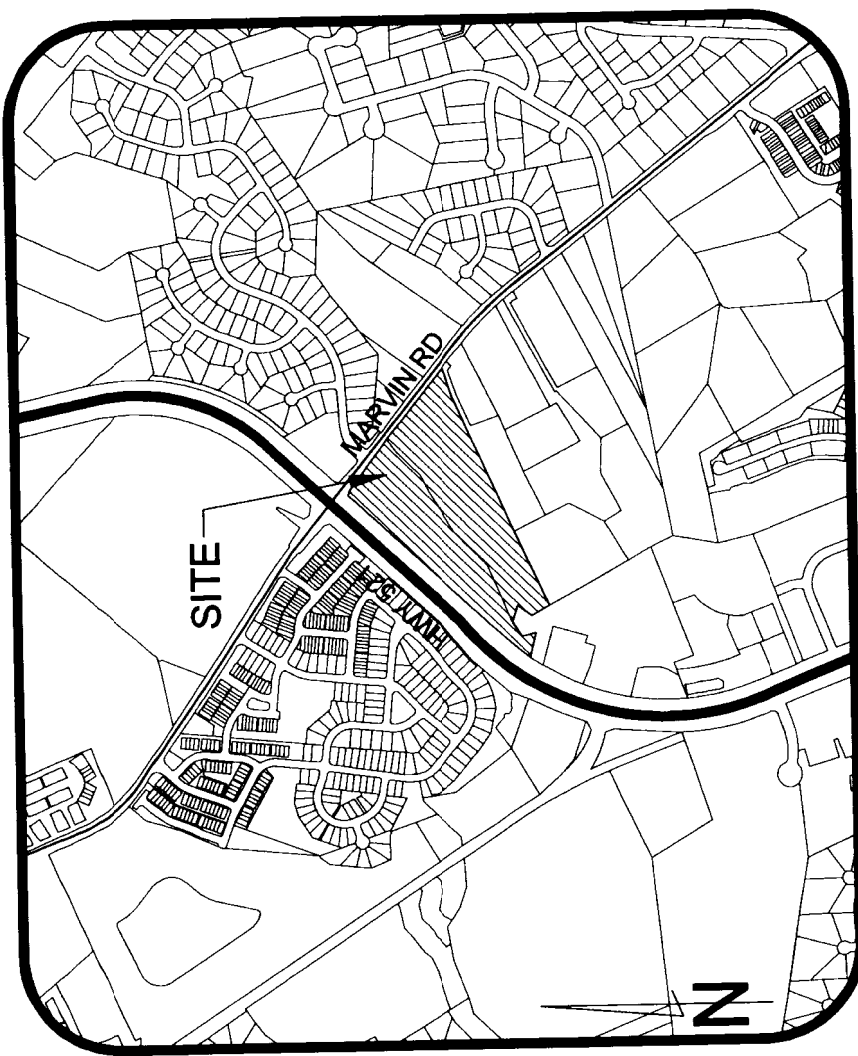
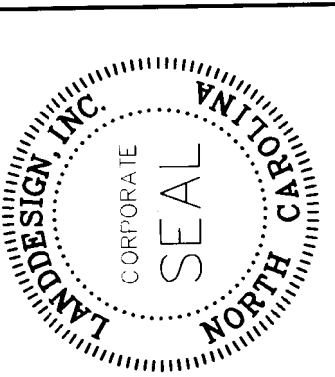
CLINE DESIGN
Marvin Road Apartments
Charlotte, North Carolina



CLINE DESIGN
Marvin Road Apartments
Charlotte, North Carolina



Previously
Approved
Site
Plan



VICINITY MAP
 NTS

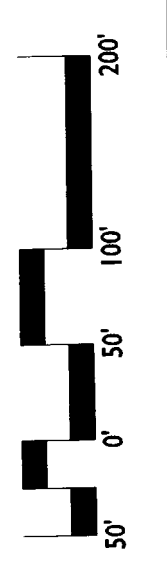
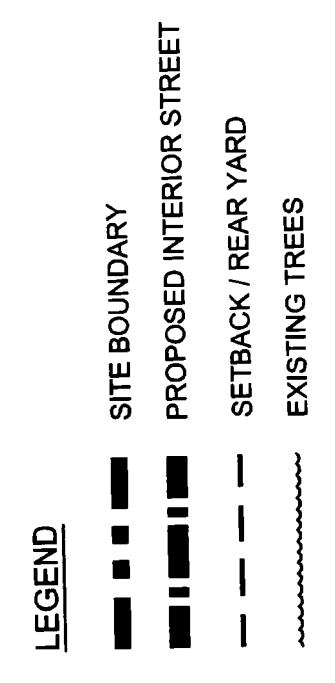
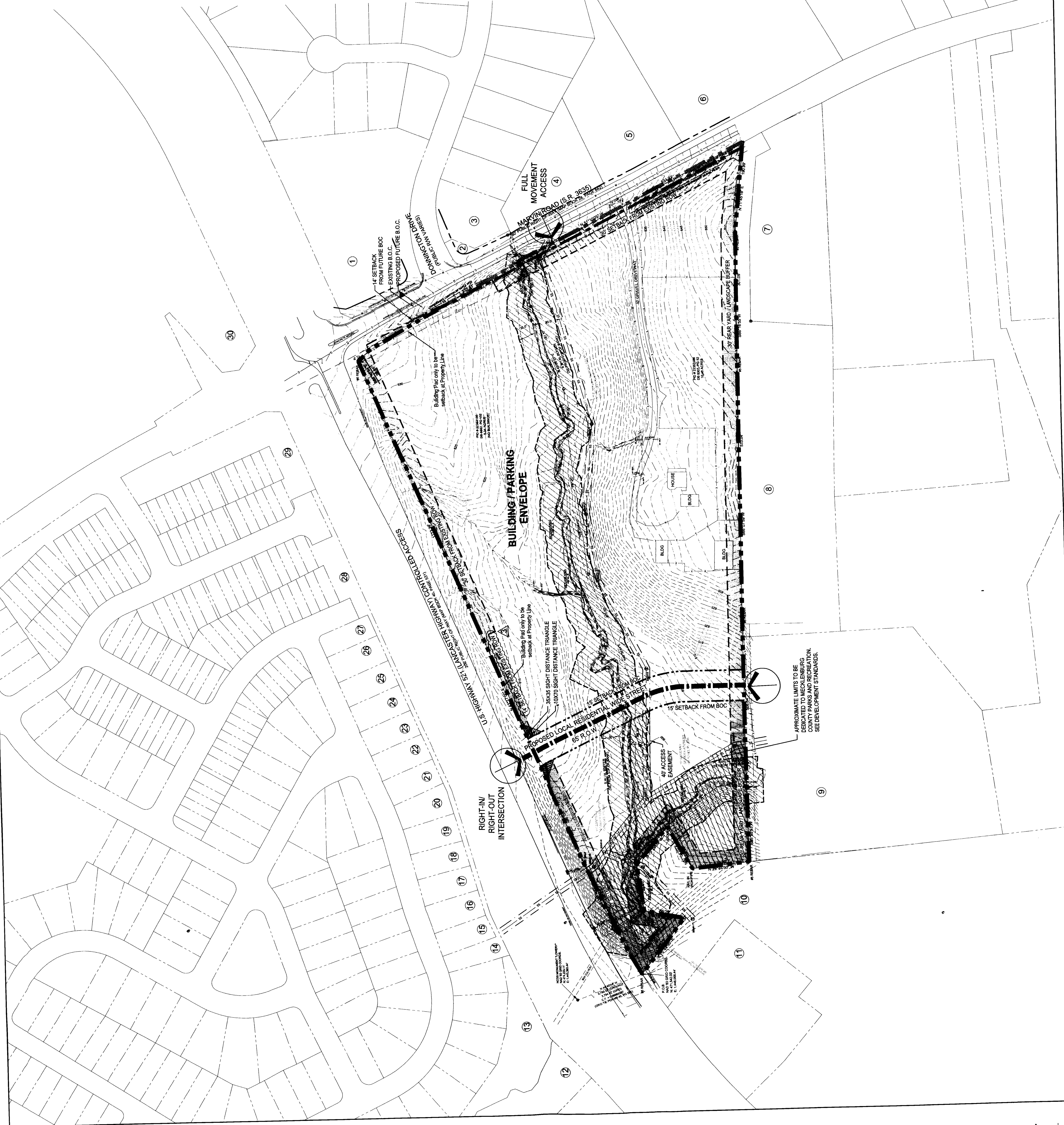
APPROVED BY
 CITY COUNCIL
 DEC 17 2013

SITE DEVELOPMENT DATA

Site Acreage: 18.8 acres +/-
 Tax Parcels: 223-531-105 and 223-531-106
 Zoning: R-3
 UR-2 (CD)
 Existing Zoning: Single-family/Vacant
 Proposed Zoning: Multi-family Dwelling Units together with accessory structures and uses as allowed in the UR-2 Zoning District
 Proposed Uses: 281
 Maximum Dwelling Units: 14.94 DUA
 As allowed by Ordinance, but not to exceed 75 feet and four stories
 Maximum Density: As allowed by Ordinance, but not to exceed 75 feet and four stories
 Maximum Building Height: As allowed by Ordinance, but not to exceed 75 feet and four stories
 Maximum/Minimum Parking: Maximum 2 spaces per unit / Minimum 1.5 spaces per unit.
 Minimum Open Space: 34%

ADJACENT PROPERTY OWNER

- | | | | | | |
|----|---|----|--|----|---|
| 1 | R-3 (CD)
WILLIAM PATRICK KERNS
1803 BAYVIEW DR NE
GREENWOOD, SC 29649 | 12 | NS
PREMONTE HOMES INC.
11719 ROYAL CASTLE CT.
CHARLOTTE, NC 28277 | 23 | MX2 (INNOV)
JOHN C. BOTTOMS AND DANIEL
BOTTOMS
11719 ROYAL CASTLE CT.
CHARLOTTE, NC 28277 |
| 2 | R-4
KENL WORTHAMBERLEIGH
OWNERS AND ASSOCIATION
2501 W. 10TH ST
CHARLOTTE, NC 28247 | 13 | MX2 (INNOV)
INC KINGSLEY HOMEOWNERS
ASSOC
PO BOX 11906
CHARLOTTE, NC 28220 | 24 | MX2 (INNOV)
SARAH B. RYME
22309704
11707 ROYAL CASTLE CT.
CHARLOTTE, NC 28277 |
| 3 | R-4
JAMES A. III MORSE AND ERICA
2212686
1847 DONNINGTON DR
CHARLOTTE, NC 28277 | 14 | MX2 (INNOV)
KINGSLEY HOMEOWNERS
ASSOC
PO BOX 11906
CHARLOTTE, NC 28220 | 25 | MX2 (INNOV)
BARBYE MARTIN AND
CATHERINE S. MARTIN
11707 ROYAL CASTLE CT.
CHARLOTTE, NC 28277 |
| 4 | R-3
DALE D. CARPENTER
1807 MARVIN RD.
CHARLOTTE, NC 28277 | 15 | MX2 (INNOV)
JILL CARROLL SANDROCK
11821 ROYAL CASTLE CT.
CHARLOTTE, NC 28277 | 26 | MX2 (INNOV)
JASON B. DARDEN AND
JILL CARROLL SANDROCK
11707 ROYAL CASTLE CT.
CHARLOTTE, NC 28277 |
| 5 | R-3
JOHN R. JR. HAYES AND MARY L.
2227165
1804 MARVIN RD.
CHARLOTTE, NC 28277 | 16 | MX2 (INNOV)
POLLY ANN RYAN
WARRSHAWSKY
11813 ROYAL CASTLE CT.
CHARLOTTE, NC 28277 | 27 | MX2 (INNOV)
BRIAN GASIOROWSKI AND
MICHELLE GASIOROWSKI
11707 ROYAL CASTLE CT.
CHARLOTTE, NC 28277 |
| 6 | R-3
DAVID L. MYERS AND
HEATHER L. MYERS
1804 MARVIN RD.
CHARLOTTE, NC 28277 | 17 | MX2 (INNOV)
NEAL T. SAUNDERS
11801 ROYAL CASTLE CT.
CHARLOTTE, NC 28277 | 28 | MX2 (INNOV)
KINGSLEY HOMEOWNERS
ASSOC
141 SCALEYBARK RD.
CHARLOTTE, NC 28209 |
| 7 | R-3
ROLLI M. WILSON
1804 MARVIN RD.
CHARLOTTE, NC 28277 | 18 | MX2 (INNOV)
JOSEPH R. GREGORY AND
LIAN GREGORY
11801 ROYAL CASTLE CT.
CHARLOTTE, NC 28277 | 29 | MX2 (INNOV)
KINGSLEY HOMEOWNERS ASSOC
W TRADE ST SUITE 800
CHARLOTTE, NC 28202 |
| 8 | R-3
KENNETH G. HAMMOND AND
DENISE H. HAMMOND
CHARLOTTE, NC 28277 | 19 | MX2 (INNOV)
DAVID E. HAGEY AND JENNIFER
HAGEY
11801 ROYAL CASTLE CT.
CHARLOTTE, NC 28277 | 30 | NOT
2231217
GRACE CHRISTIAN CENTER
PO BOX 4028
CHARLOTTE, NC 28277-0075 |
| 9 | B-3
ASHLEY REA BLOCK AND
DAVID BLOCK
2022 HARTWICK PL
CHARLOTTE, NC 28270 | 20 | MX2 (INNOV)
ENRIQUE GONZALEZ AND
GLADYS GONZALEZ
5248 NORTH EAST 6TH AVE
FT LAUDERDALE, FL 33334 | | |
| 10 | B-1 (CD)
RICHIEAR MANASSIS CROSSING
LLC AND TERANCROFT
HUNTERS CROSSING LLC
CHARLOTTE, NC 28203 | 21 | MX2 (INNOV)
JOSEPH RAMEY AND HEMENYA
22309707
11729 ROYAL CASTLE CT.
CHARLOTTE, NC 28277 | | |
| 11 | B-3
SUZANNE C. LOPEZ
150 N. COLLEGE ST.
NC 108-29-03
CHARLOTTE, NC 28265 | 22 | MX2 (INNOV)
ROBERTA M. HARRIS AND
O. PUGLIALI ANGELO
11729 ROYAL CASTLE CT.
CHARLOTTE, NC 28277 | | |



2012-085

NOV 9 2012

APPROXIMATE LIMITS TO BE MAINTAINED FOR COUNTY PARKS AND RECREATION. SEE DEVELOPMENT STANDARDS.

DEVELOPMENT STANDARDS

SITE DATA TABLE

Site Acreage: 18.8 acres +/-
 Tax Parcels: 223-531-05 and 223-531-06
 Existing Zoning: R-3
 Proposed Zoning: UR-2 (CD)
 Existing Uses: Single-family/Vacant
 Proposed Uses: Multi-family Dwelling Units together with accessory structures and uses as allowed in the UR-2 Zoning District

Maximum Dwelling Units: 281
 Maximum Density: 14.94 DU/A
 Maximum Building Height: As allowed by Ordinance, but not to exceed 75 feet and four stories
 Parking: Max. 2 spaces per unit/ Min. 1.5 spaces per unit
 Minimum Open Space: 34%

DEVELOPMENT STANDARDS

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Childress Klein Properties, to rezone an approximately 18.8 acre site located at the southeastern quadrant of the intersection of Johnston Road (US 521) and Marvin Road (the "Site").

The purpose of this Petition is to request rezoning of the Site to the UR-2(CD) Zoning District in order to accommodate the construction of up to 281 Multi-family Dwelling units. UR-2 Zoning will enable the Petitioner to develop the Site in a manner that will preserve and emphasize the Site's unique environmental features, create a harmonious transition between the project and the adjoining properties to the south, and provide significant traffic improvements not only for the project but for the intersection between Johnston Road and Marvin Road as well which will benefit the surrounding community.

Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-2 Zoning District shall govern all development taking place on the Site.

The development depicted on the Schematic Site Plan is intended to reflect the arrangement of proposed uses on the Site, but the final configurations, placements and sizes of individual Site elements may be altered or modified so long as the maximum building envelope lines and intensity limitations established on the Technical Data Sheet are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the UR-2 Zoning District. However, any alterations or modifications which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the Technical Data Sheet or its respective conditions as well as any changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

1. Permitted Uses

The Site may be developed with up to 281 Multi-Family Dwelling Units together with accessory structures and uses allowed in the UR-2 Zoning District.

2. Transportation

All transportation improvements described in this section shall be implemented prior to the issuance of the first certificate of occupancy for a building on the Site.

- (a) Vehicular access to the Site will be provided from both Marvin Road and Johnston Road, as generally depicted on the Technical Data Sheet.
- (b) Petitioner shall cause the installation of a partial traffic signal at the intersection of Johnston Road and Marvin Road which provides signaling for phasing to allow protected and permitted turning movements for southbound left turns from Johnston Road and northbound right turns from Marvin Road.
- (c) Petitioner shall cause the existing southbound left-turn lane on Johnston Road to be extended in order to provide 425 feet of total storage.
- (d) Petitioner shall cause construction of a southbound directional crossover with a minimum of 150 feet of storage on Johnston Road to provide left-over access to the Site's access point to Johnston Road.
- (e) Petitioner shall cause the construction of a northbound right-turn lane on Johnston Road that will provide a minimum of 100 feet of storage to serve the Site's access point to Johnston Road.
- (f) Petitioner shall construct a new public street that meets the Residential Wide standards of the Urban Street Design Guidelines extending from Johnston Road in a southeasterly direction to the Site's boundary with Mecklenburg County Tax Parcel 223-531-09 as generally depicted on the Technical Data Sheet.
- (g) Petitioner shall cause the installation of an eastbound left turn lane on Marvin Road with 100 feet of storage and 65 feet of taper to serve Dominington Drive.
- (h) Petitioner shall cause the portion of Marvin Road between Johnston Road and the Site's access point to Marvin Road to be widened to a three-lane section.
- (i) Petitioner shall cause the construction of a westbound left-turn lane on Marvin Road to serve the Site's access point to Marvin Road with 150 feet of storage and 280 feet of taper.
- (j) Petitioner shall install a 6 foot sidewalk and 8 foot planting strip along Site's Marvin Road frontage. Petitioner shall dedicate additional right-of-way necessary to accommodate the planting strip and sidewalk.

(k) Petitioner shall install a 6 foot sidewalk and 8 foot planting strip along the Site's Johnston Road frontage extending from Marvin Road south to the new public street connection to Johnston Road.

(l) Petitioner shall work the City Staff to ensure compliance with the Subdivision Ordinance and will provide a pedestrian connection from the southern boundary of the new public street connection to Johnston Road to the existing sidewalk on Mecklenburg County Tax Parcel 223-531-06. Approval of this connection as well as requirements for signage, lighting, maintenance and confirmation of appropriate easements will be handled through the Subdivision review process. Petitioner shall have the option of providing this connection via a CDOT compliant sidewalk connection along the right-of-way of Johnston Road or via a Mecklenburg County Parks and Recreation Department compliant greenway trail, both options as generally depicted on the Schematic Site Plan. In the event that the Petitioner chooses to provide the connection via a greenway trail, such trail shall be dedicated to and owned by Mecklenburg County Parks and Recreation Department, however Petitioner shall be responsible for maintaining said greenway trail until the Client's Creek Greenway is developed by Mecklenburg County or until January 1, 2033, whichever occurs first. The pedestrian connection and related improvements shall be installed prior to the issuance of the first certificate of occupancy for a building on the Site. The placements and configurations of all proposed 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 ("CDOT"), and the North Carolina Department of Transportation (NCDOT), whichever may be applicable, as including alterations to accommodate any right of way needs and/or construction easements.

3. Architectural Standards

- (a) The Conceptual Schematic Architectural Renderings which accompany these Development Standards are intended to depict the general conceptual architectural style, character and elements of the buildings proposed to be constructed on the Site. Accordingly, any building constructed on the Site must be substantially similar in appearance to the relevant attached Conceptual Schematic Architectural Renderings in terms of its architectural style, character and elements. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.
- (b) The primary exterior building materials for the multi-family dwellings to be constructed on the Site shall be a combination of brick, stone, precast stone, precast concrete, synthetic stone, wood, shake, hard-plank, or cementitious siding material. Vinyl siding shall not be permitted as an exterior building material. However, vinyl elements may be used as architectural accent materials.
- (c) At least 20% of the exterior of each building, exclusive of windows, doors and roofs, will be constructed of masonry materials, including but not limited to brick, stone, precast stone, synthetic stone, or precast concrete.
- (d) Petitioner may construct garage structures as generally depicted on the Schematic Site Plan. The garage structures will reflect the architectural style and quality of the buildings constructed on the Site.
- (e) With regard to buildings to be constructed within the area currently designated as Mecklenburg County Tax Parcel 223-531-06, second and third floor units that face Mecklenburg County Tax Parcel 223-531-08 shall incorporate sunrooms in lieu of balconies. Facades subject to these provisions are highlighted on sheet RZ-2.

4. Streetscape and Landscaping

- (a) A 30 foot-wide landscaping buffer shall be installed and maintained along the Site's boundaries with Mecklenburg County Tax Parcels 223-531-08 and 223-531-09, all as generally depicted on RZ-2. At a minimum, the combination of existing vegetation and new vegetation to be planted within this buffer will meet or exceed the planting requirements for a Class B buffer.
- (b) Within the portion of the landscaping buffer that abuts Mecklenburg County Tax Parcel 223-531-08 and extending south to the northern boundary of the new public street extending from Johnston Road to Mecklenburg County Tax Parcel 223-531-09, the Petitioner shall install and maintain Chesapeake Holly trees and Japanese Cedars planted twelve feet on center. Chesapeake Hollies shall measure at least four feet in height at the time of installation. Japanese Cedars shall measure at least six feet in height at the time of installation. An illustration of the buffer plan is shown on the Schematic Site Plan.
- (c) The Petitioner shall install and maintain a six-foot high, engineered precast wall, using materials similar to a Carolina Wall Creek, along the property line between the Site and Mecklenburg County Tax Parcel 223-531-08. Stone-finish style and quarter stone caps to be agreed upon with the abutting neighbor. This wall shall extend from the southern boundary of the right-way-of Marvin Road to the northern boundary of the new public street extending from Johnston Road to Mecklenburg County Tax Parcel 223-531-09, as generally depicted on RZ-2.
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- (b) No vertical development shall take place south of the proposed public street extending from Johnston Road to Mecklenburg County Tax Parcel 223-531-09.

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- (a) Tree save areas equaling at least 15% of the area of the Site shall be provided.
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7. Signage

- (a) Signage shall comply with the requirements of the Ordinance.

8. Lighting

- (a) The maximum height of any detached lighting fixtures erected on the Site shall not exceed twenty feet (20) feet in height.
- (b) All freestanding lighting fixtures installed within the Site shall be shielded with full cut-off fixtures, capped and downwardly directed. However, low-level decorative lighting may be installed along driveways, sidewalks and parking areas.
- (c) Wall-pak lighting will be prohibited throughout the Site.

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- (b) Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the Owner or Owners of the Site from time to time who may be involved in any future development thereof.
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**APPROVED BY
CITY COUNCIL**

DEC 17 2013



LandDesign
 223 N Graham Street, Charlotte, NC 28202
 V: 704.333.0325 F: 704.332.3246
 www.LandDesign.com
 NC License # C-0658

JOHNSTON ROAD
 Development Standards
 CHILDRESS KLEIN
 REZONING PETITION NO. 2012-085

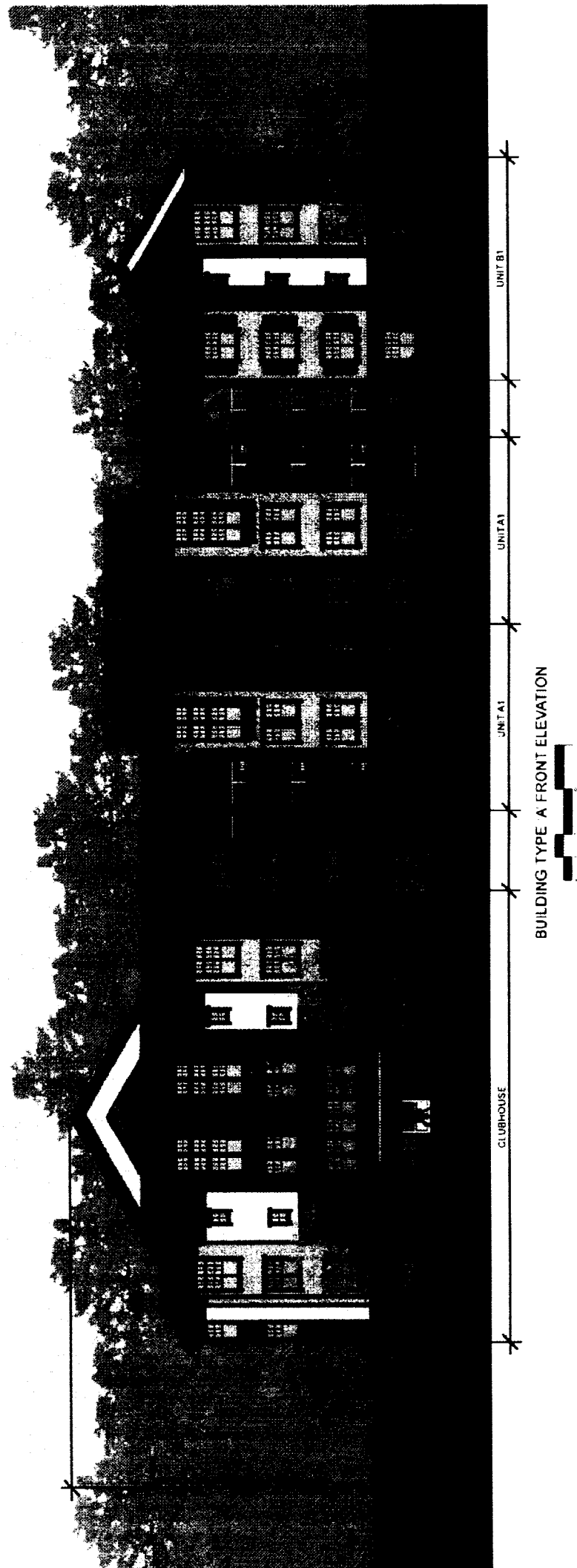
REVISIONS:
 (1) 09.14.12 CMPD COMMENTS
 (2) 10.05.12 ADJ. PROPERTY, MPD & CDOT COMMENTS
 (3) 11.18.12 CMPD COMMENTS

DATE: JULY 23, 2012
 DESIGNED BY: MRC
 DRAWN BY: KJK
 CHECKED BY: MRC
 O.C. BY: MRC
 SCALE: 1"=100'
 PROJECT #1011302

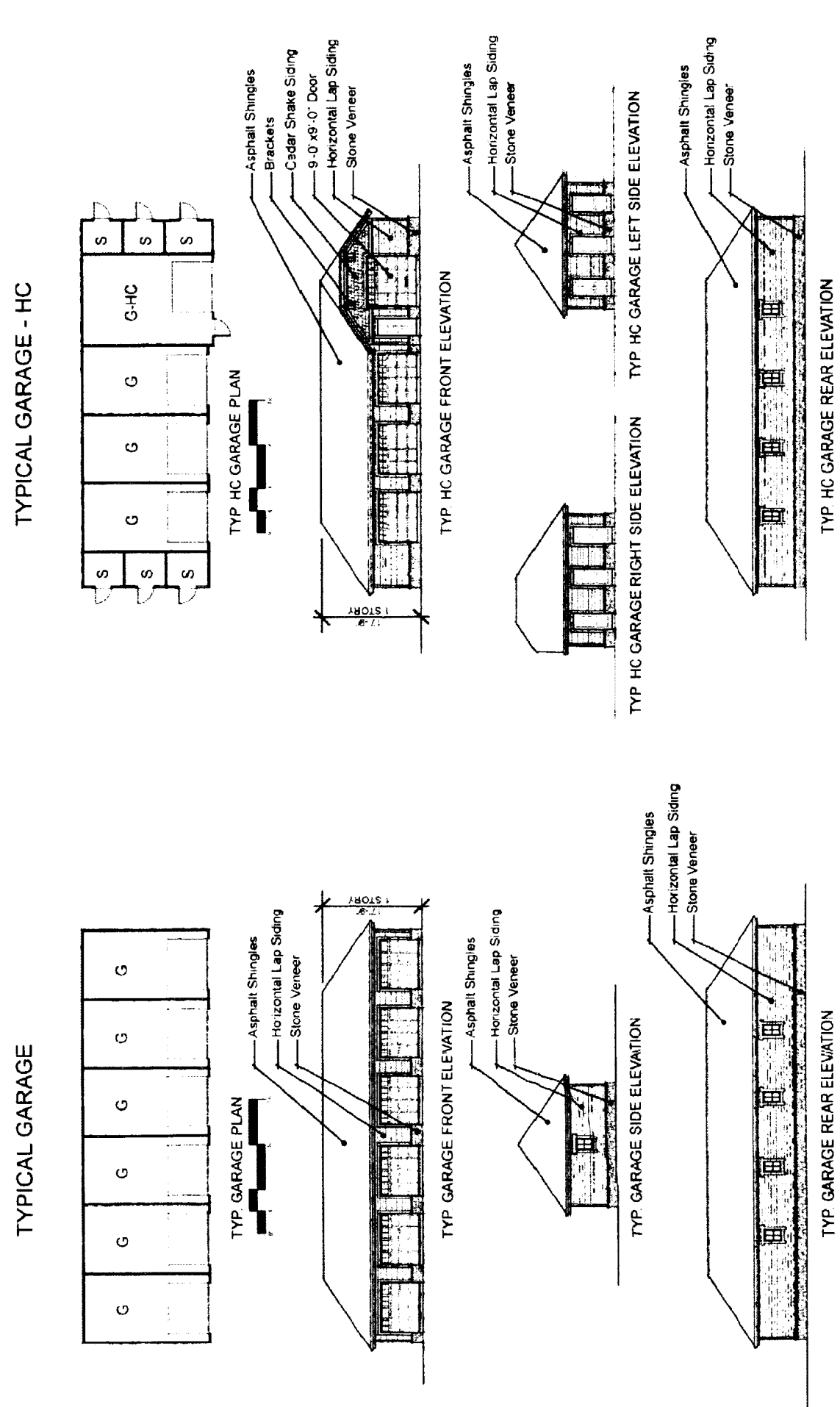
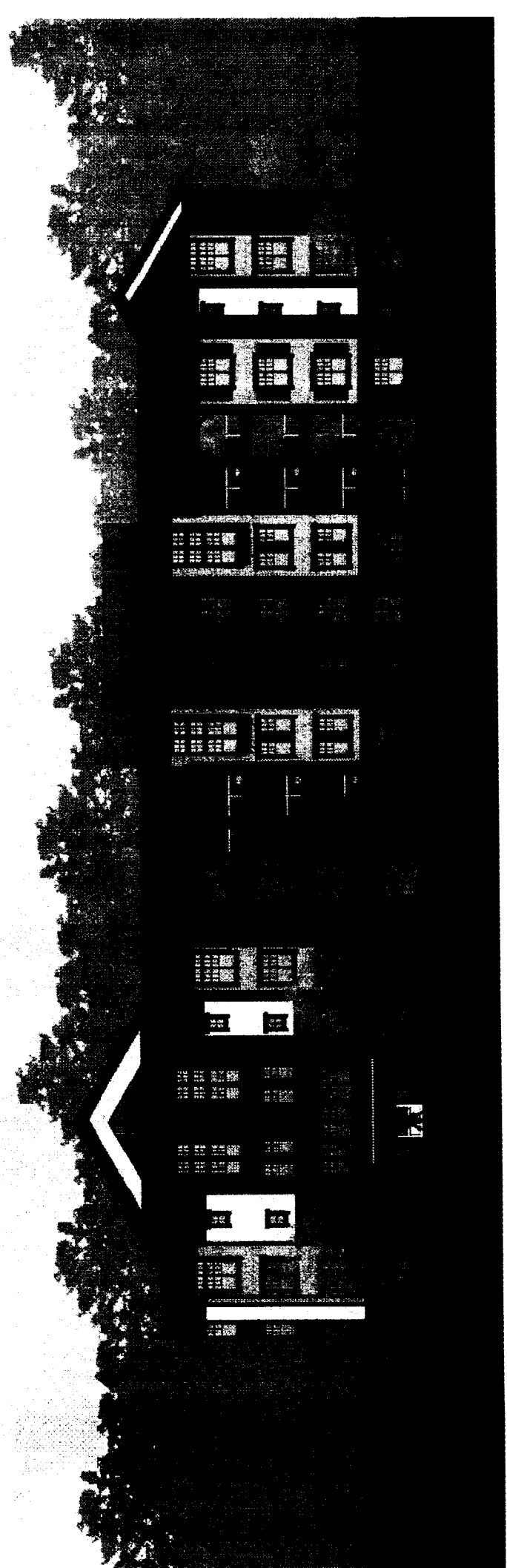
RZ-3
 SHEET #:



APPROVED BY
CITY COUNCIL
DEC 17 2013

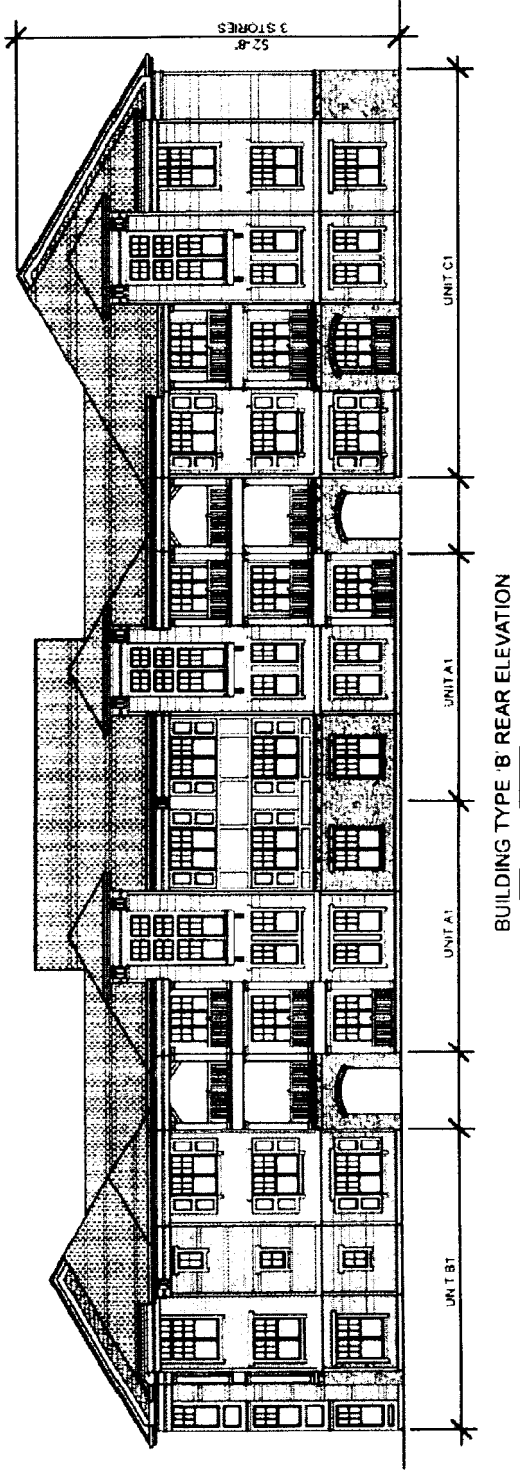


BUILDING TYPE A FRONT ELEVATION

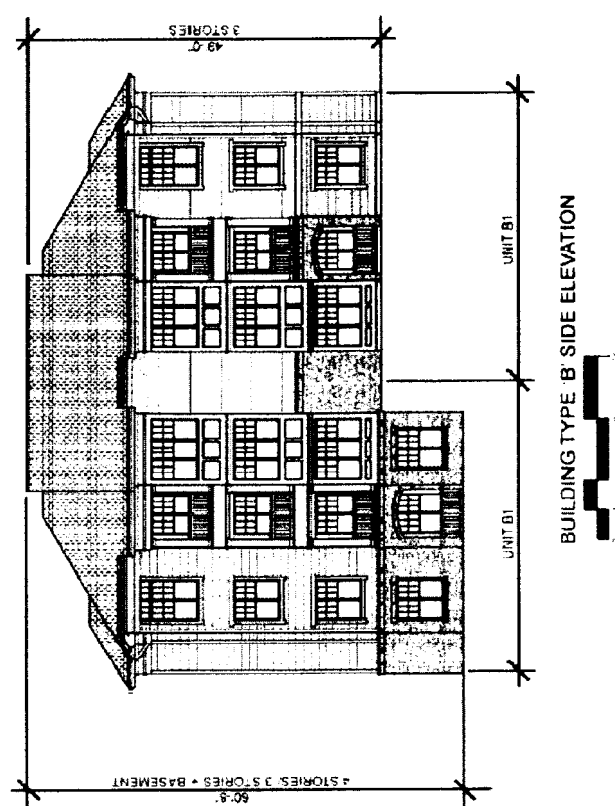


TYPICAL GARAGE - HC

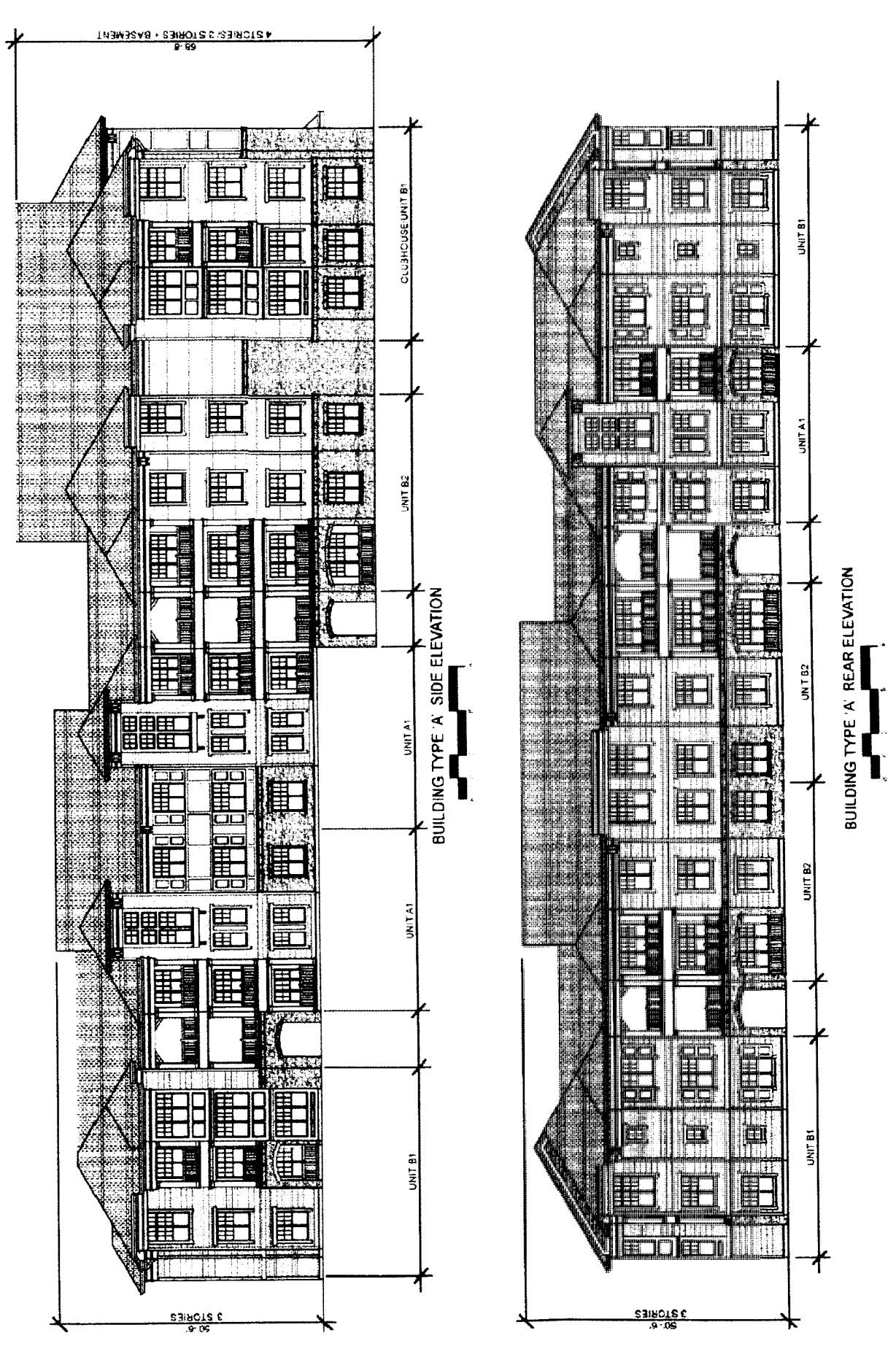
TYPICAL GARAGE



BUILDING TYPE B REAR ELEVATION



BUILDING TYPE B SIDE ELEVATION



BUILDING TYPE A SIDE ELEVATION

BUILDING TYPE A REAR ELEVATION



BUILDING TYPE B FRONT ELEVATION



REQUEST	Current Zoning: B-1 (neighborhood business) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 1.5 acres located on the north side of East 7 th Street between Clement Avenue and Pecan Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow the development of up to 95 multi-family residential dwelling units, at a density of 63 units per acre, with related amenities and accessory uses.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The proposed use and density is consistent with the <i>Elizabeth Area Plan</i> , which supports densities greater than 22 dwelling units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Various 7 th Street Progression Partners, LLC c/o Bryan Barwick John Carmichael, Robinson Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 33

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 95 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.
- Building height ranging from 40 feet where adjacent to residential homes or zoning, up to a maximum 52 feet (three to four stories maximum).
- Installation of an eight-foot planted landscape buffer in front of a seven-foot opaque wall to screen the rear of buildings and parking areas from abutting or adjacent residential properties. A six-foot high opaque gated screen wall will be provided between the proposed building and the abutting existing single family home at the corner of East 7th Street and Clement Avenue.
- 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 25-foot setback along East 7th Street from future back of curb.
- Optional requests include:
 - On-street parking on East 7th Street adjacent to the site may be installed if approved by all applicable governmental agencies.
 - Building entrances and entry features including but not limited to: decorative paving, steps, stoops, courtyards, and courtyard walls may encroach into the setback.
 - The width of **the sidewalk to be installed along the site's frontage on East 7th Street** may vary from a minimum of eight feet to 13 feet.
 - Outdoor tables, chairs, and dining may be located on the 13-foot wide portion of the **sidewalk to be installed along the site's frontage on East 7th Street**.
 - In the event that on-street parking is installed on East 7th Street adjacent to the Site, the width of the eight-foot planting strip may be reduced to accommodate the on-street parking spaces.
- **Existing Zoning and Land Use**
 - The site is surrounded by single family and multi-family residences, office, retail, restaurant and entertainment uses, and recreational activities on properties in various zoning districts.
- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.

- **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:** CATS notes that the proposed site plan appears to provide an accessible, widened sidewalk in the vicinity of the existing bus stop. During the urban review process, CATS will more closely review the accessibility of the site design and determine if there is room to add a bench.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 2,300 trips per day.
Proposed Zoning: 650 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 25 students, while the development allowed under the proposed zoning will produce 71 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 46 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:** Urban Forestry notes that there are no existing street trees. If on-street parking is required, the planting strip behind the sidewalk must be a minimum of 8 feet to accommodate tree planting. The root system of the Willow Oak must be protected during all phases of construction.
-

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. Remove courtyard walls from Optional Provision B. Specify 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 encroachments. In addition, steps are only permitted perpendicular to the setback.
 2. Clarify the intent of Optional Provision D that proposes outdoor tables, chairs, and dining to be located on the portion of the sidewalk along a site intended for a multi-family residential development. In addition, confirm that these features will not obstruct the sidewalk and that an

- eight-foot clear sidewalk zone will remain in all cases.
3. Remove Architectural Standards Note D as the zoning standards allow balconies to project up to two feet with a minimum clearance of 10 feet from grade.
 4. Remove references to adopted area plans on Sheet RZ-1.0 of the site plan.
 5. Confirm type of residential product proposed and note under Development Information on Sheet RZ-2.0, as this line item currently proposes apartments, condominiums, townhomes.
 6. A portion of the proposed planted buffer and wall appear to be located outside of the rezoning area and in the alley. Place any proposed buffer and screening materials on the rezoning site or abandon the alleyway.
 7. Address Urban Forestry's comments.
 8. Under Lighting Note B, specify maximum height of freestanding lighting.
 9. Remove Note C from the "General Provisions" as the issue is addressed under Note D.
-

Attachments Online at www.rezoning.org

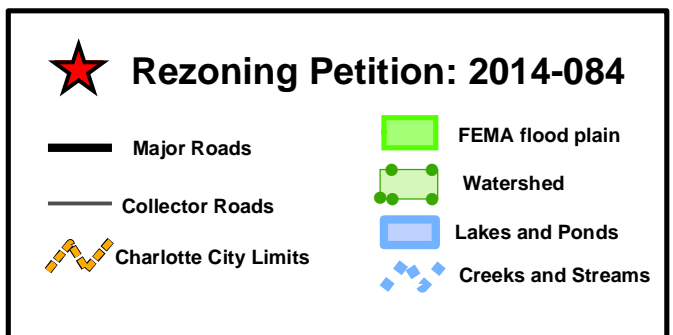
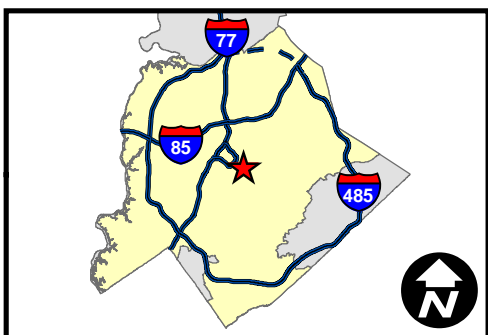
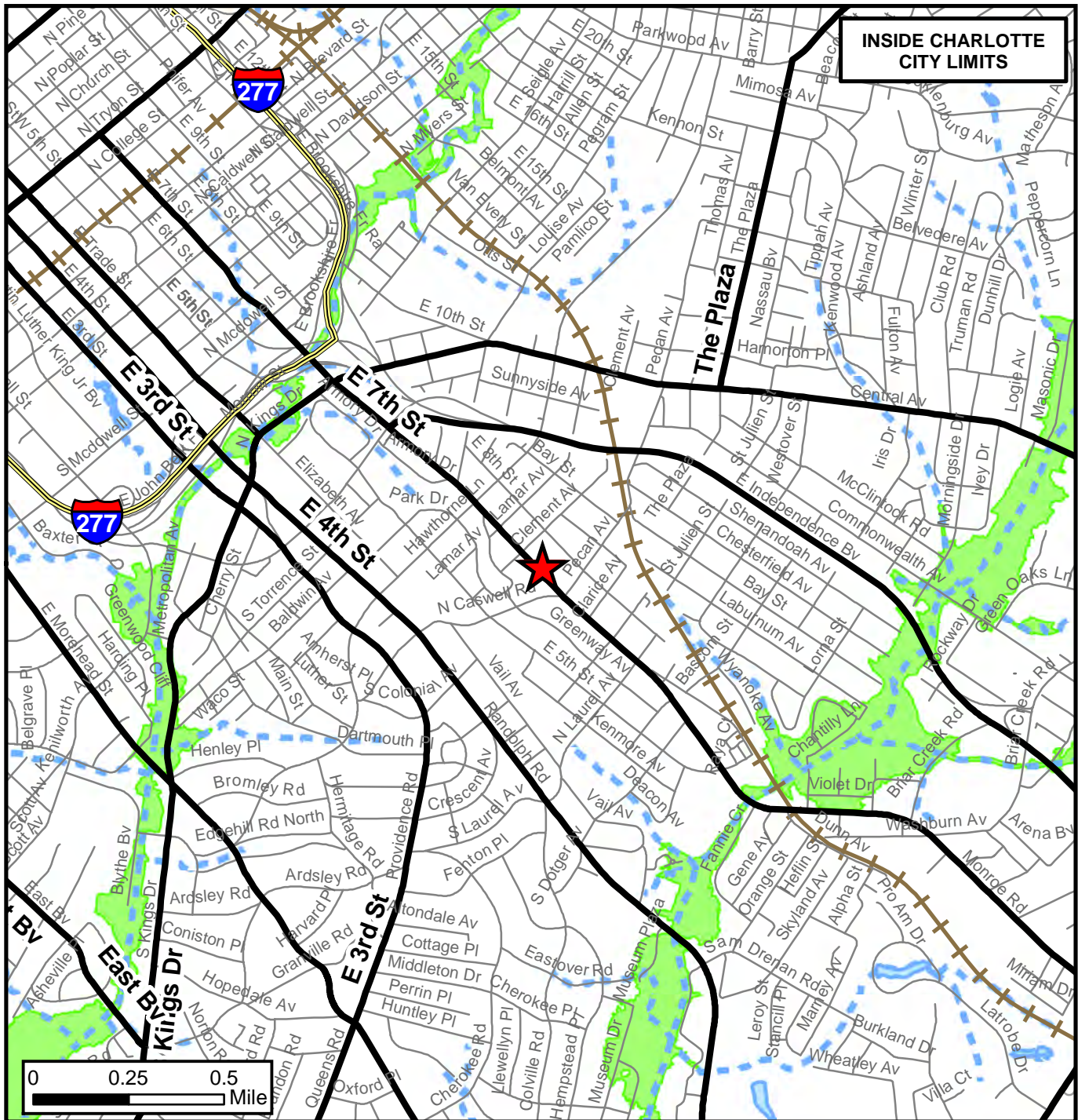
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Fire Department Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water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

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

Petition #: **2014-084**

Vicinity Map

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



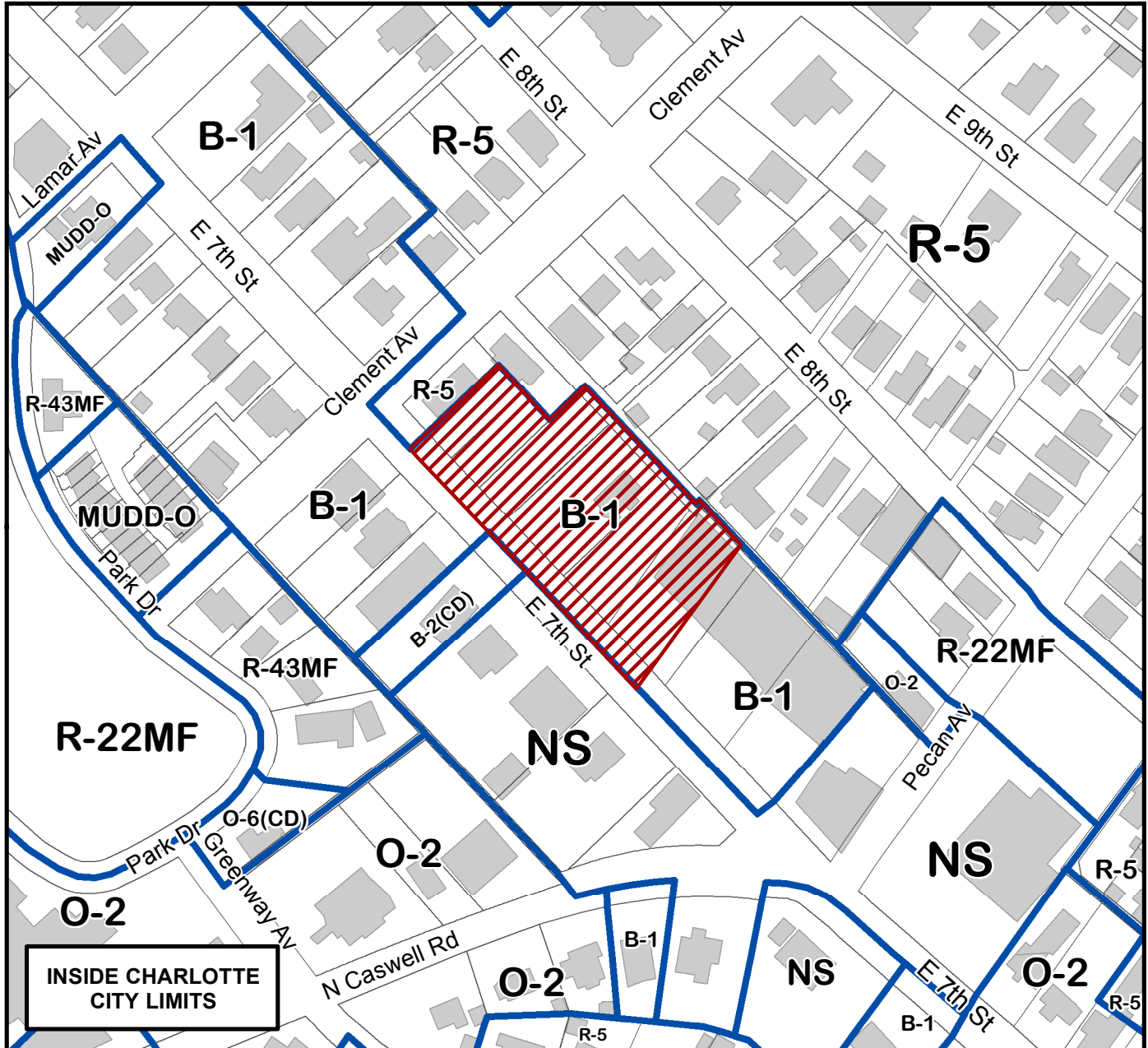
Petition #: **2014-084**

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

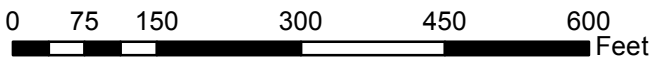
Zoning Classification (Existing): **B-1**
(Neighborhood Business)

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.

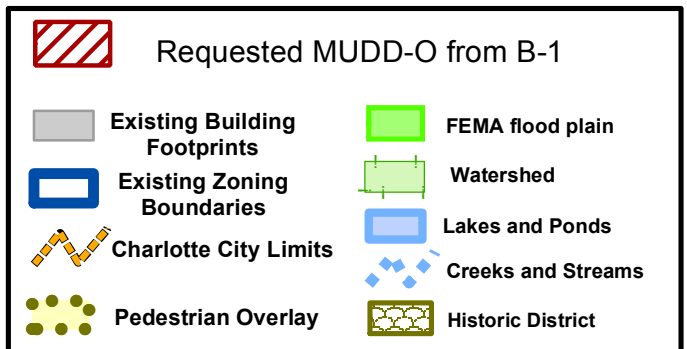


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-22-2014.



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
EDWARD A. WHITE
1905 E. 7TH STREET
CHARLOTTE, NC 28204

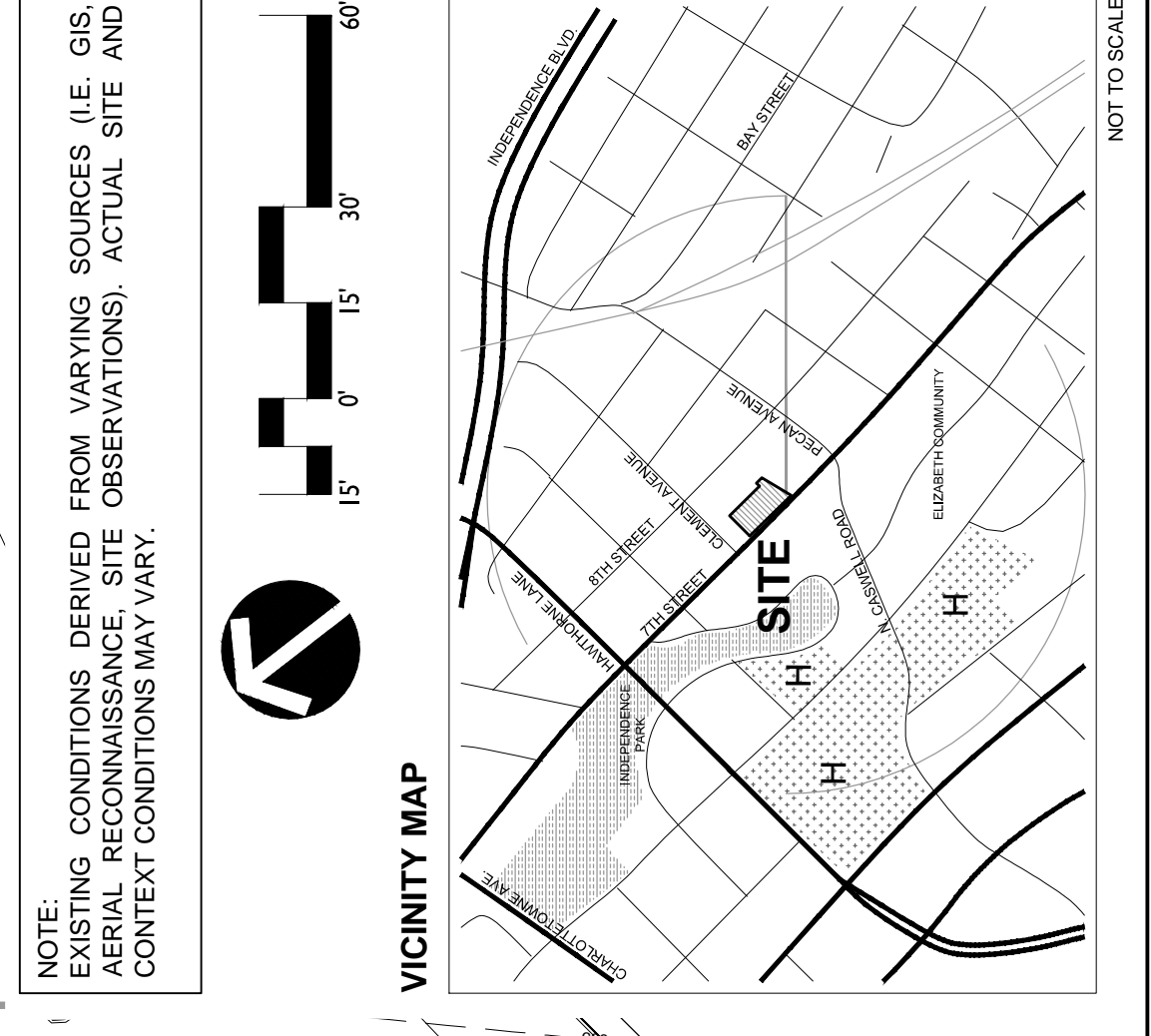
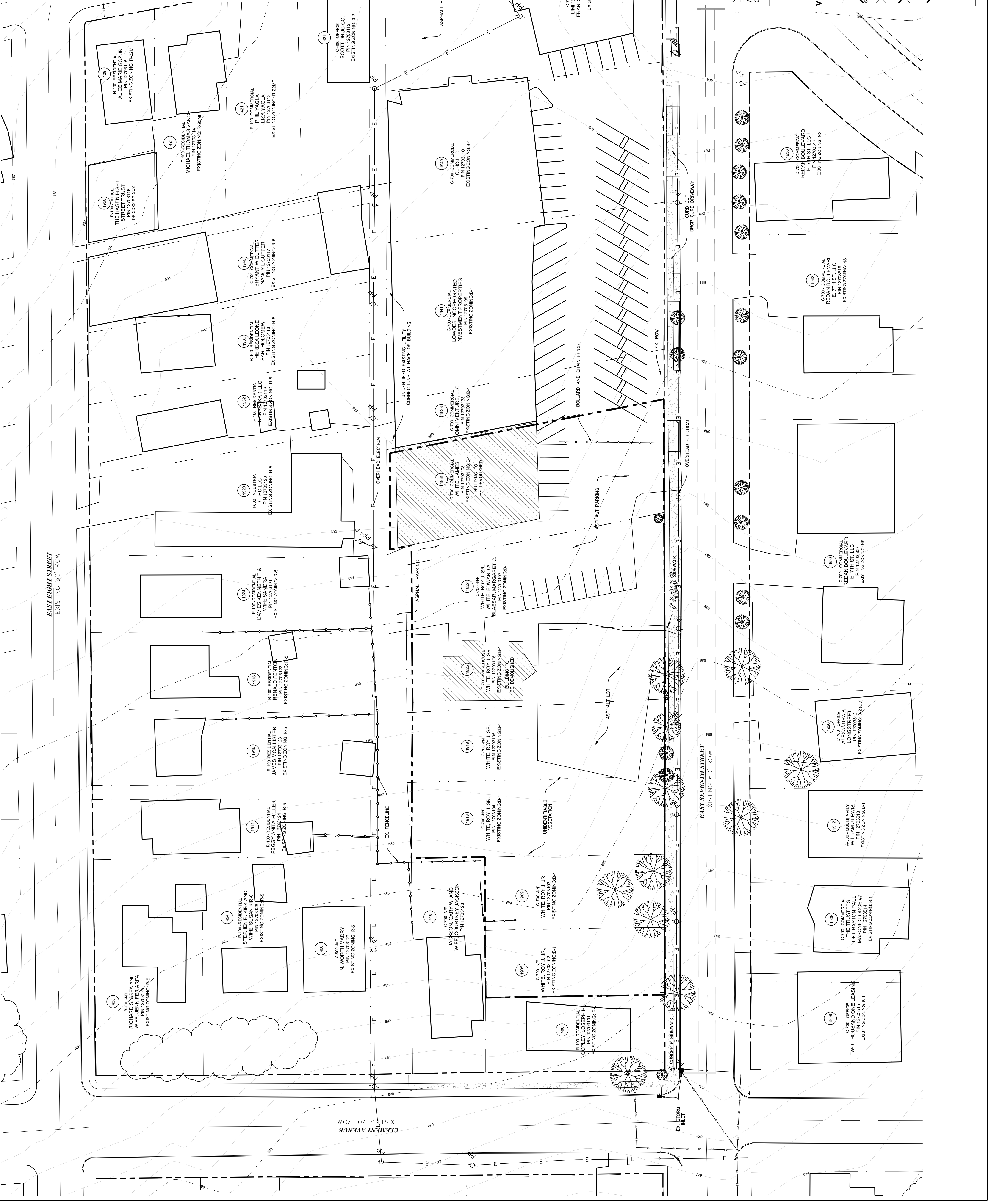
PROPERTY DEVELOPER(S):
7TH STREET PROGRESSION
PARTNERS, LLC
CHARLOTTE, NC 28202

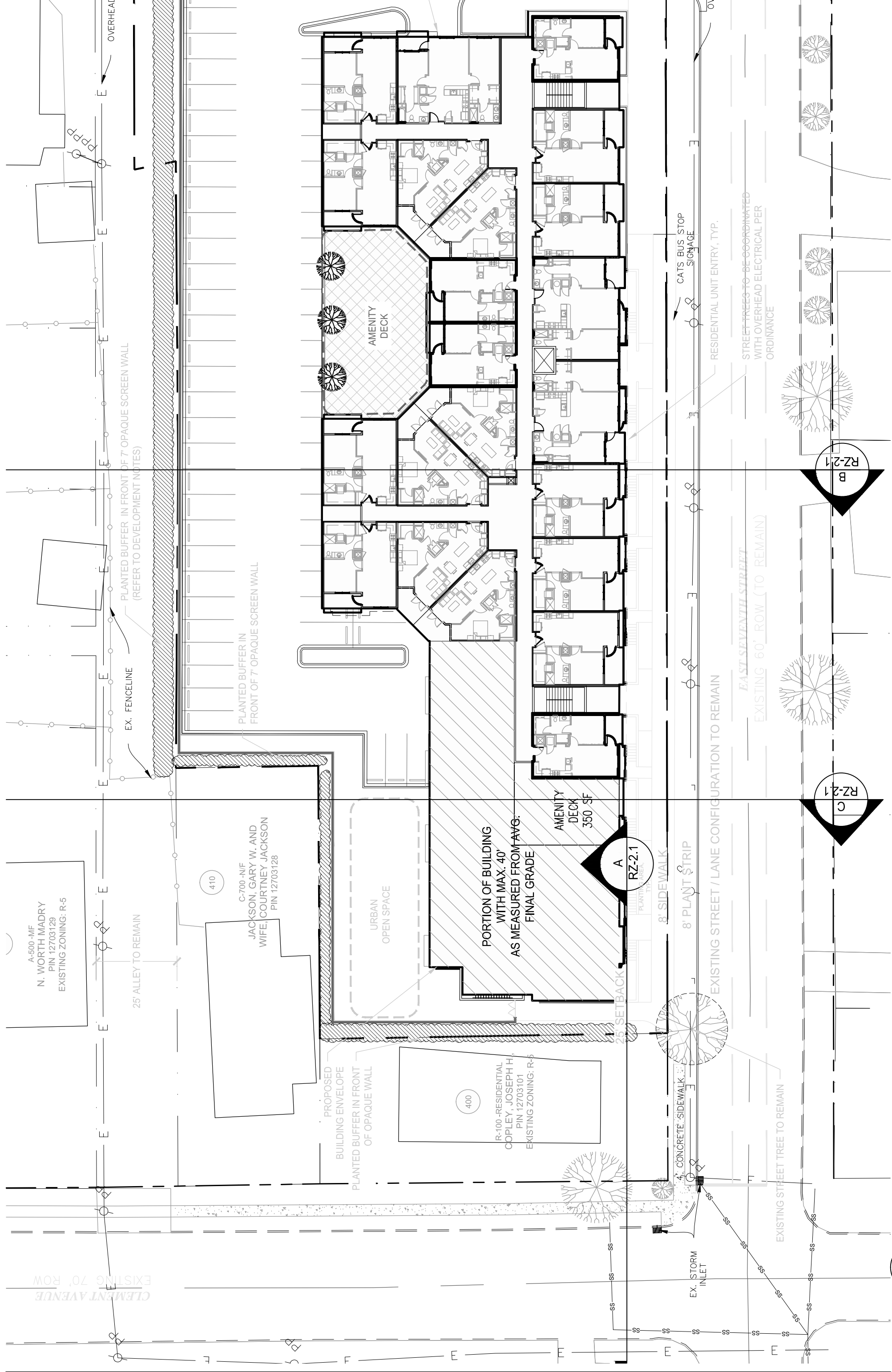
TAX PARCEL ID #:
12703102, 12703103
12703104, 12703105
12703106, 12703107
12703108

EXISTING ZONING:
B-1

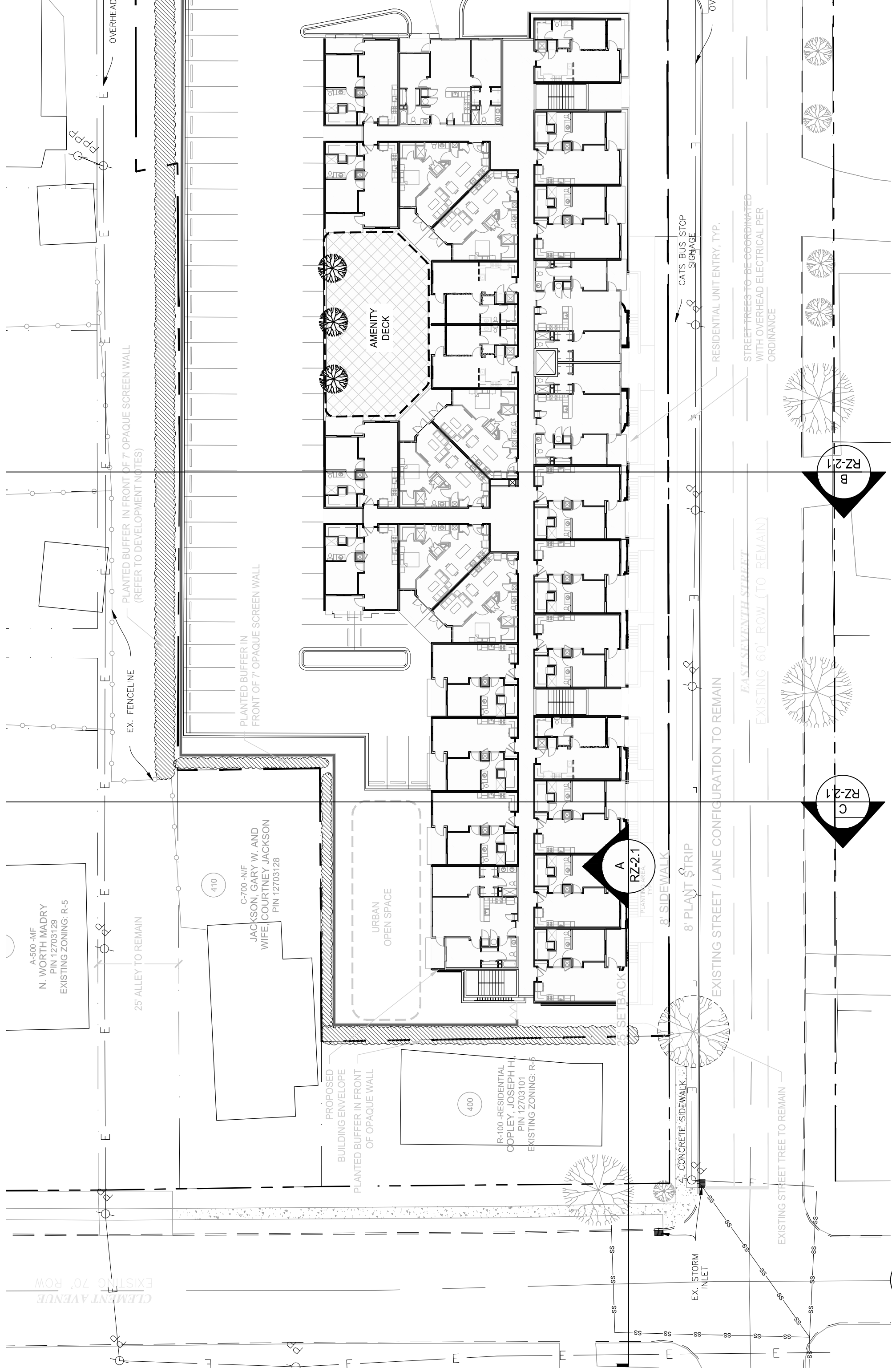
TOTAL SITE SF (ACREAGE):
+- 65,037.09 (1.50 AC)

AREA PLANS:
- ELIZABETH AREA PLAN
- ADOPTED 2011
- CENTER CITY 2020 VISION PLAN
- ADOPTED 2011

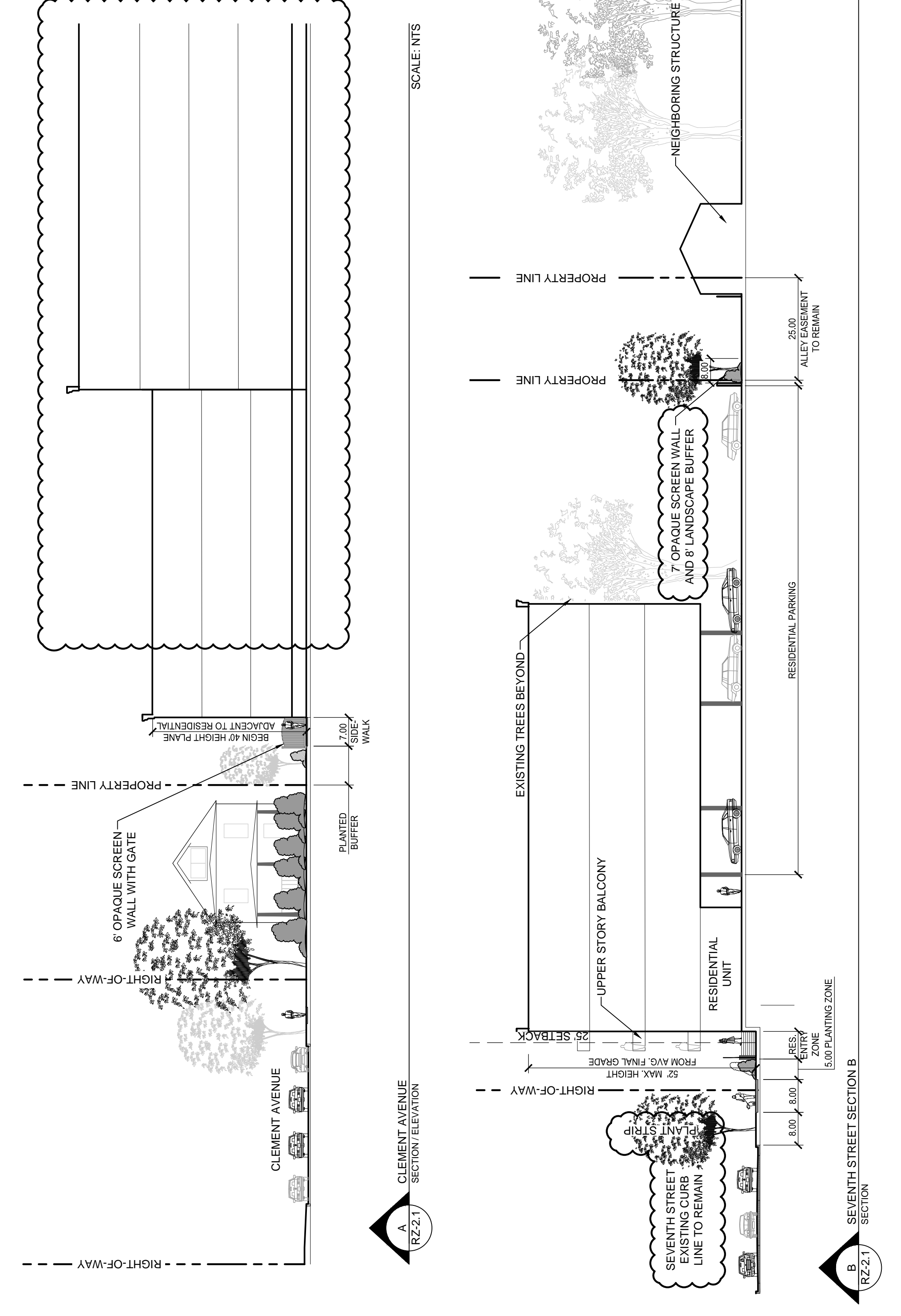




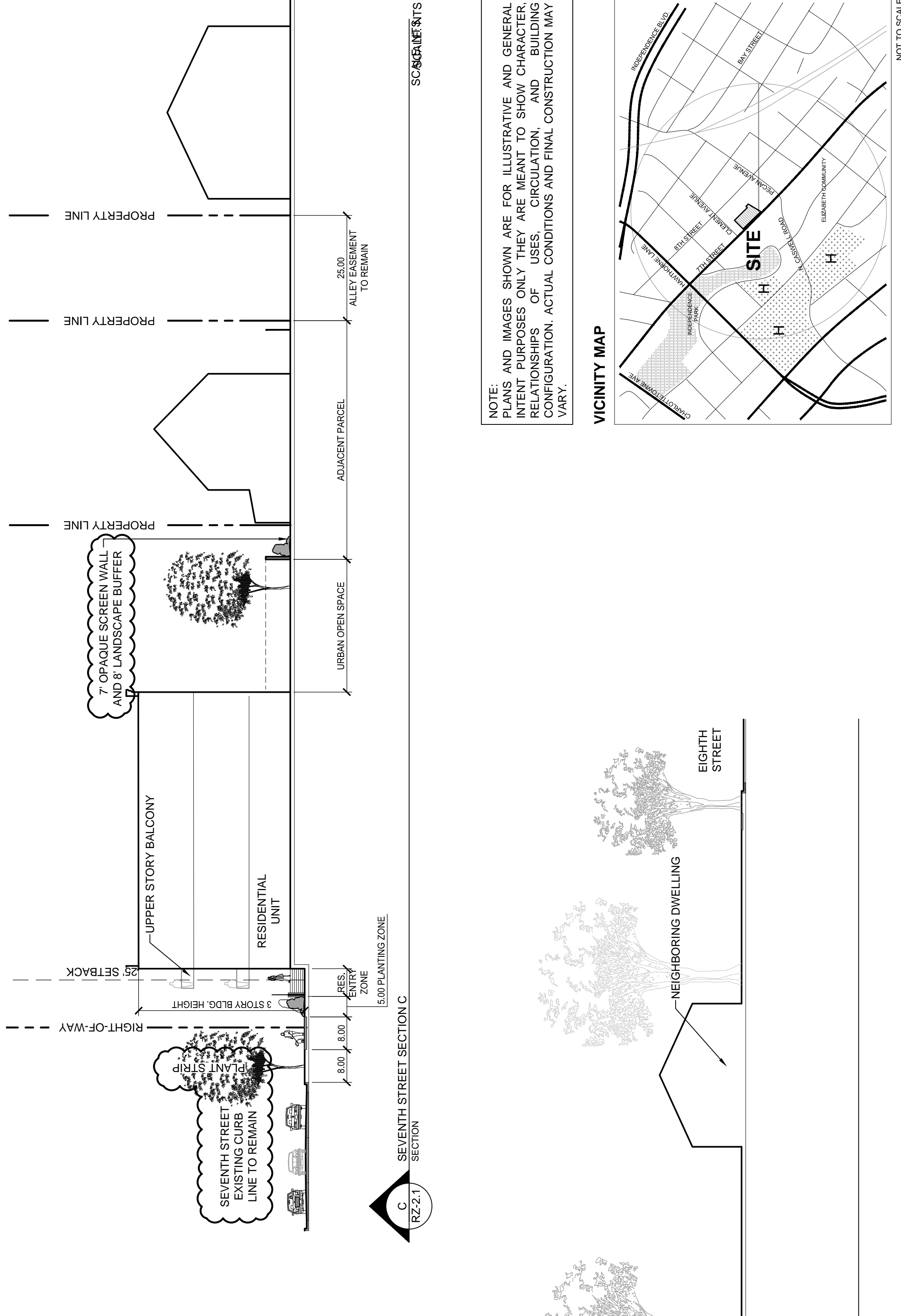
2 FOURTH LEVEL SCHEMATIC ARCHITECTURE
RZ-2.1 PLAN
SCALE: 1/40



1 SECOND AND THIRD LEVEL SCHEMATIC ARCHITECTURE
RZ-2.1 PLAN
SCALE: 1/40

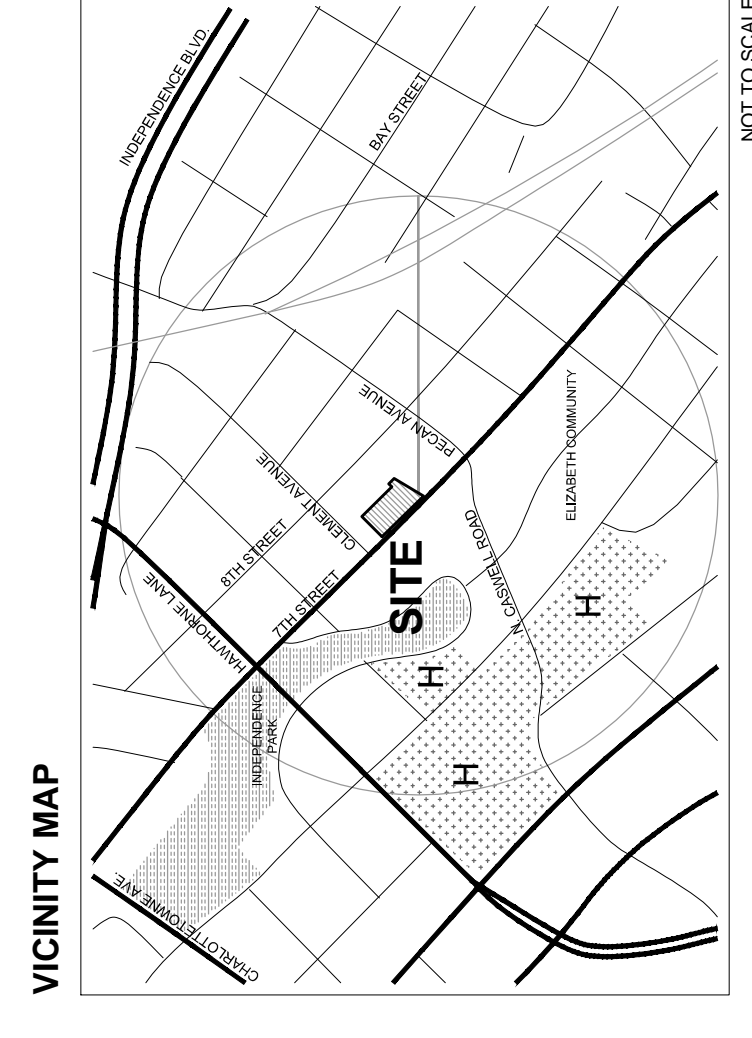


B SEVENTH STREET SECTION B
RZ-2.1 SECTION
SCALE: NTS



C SEVENTH STREET SECTION C
RZ-2.1 SECTION
SCALE: NTS

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. ACTUAL CONDITIONS AND FINAL CONSTRUCTION MAY VARY.



NOT TO SCALE



7TH STREET ELEVATION

7TH STREET
REDEVELOPMENT
MULTIFAMILY DEVELOPMENT

7TH STREET
PROGRESSION
PARTNERS, LLC

LOCATION / CHARLOTTE, NC
PROJECT # / 14SEV71
DATE / 08.15.14
DRAWN / NB
COPYRIGHT 2014 BB+M ARCHITECTURE PLLC

ELEVATIONS



EAST ELEVATION

DEVELOPMENT STANDARDS

August 15, 2014

GENERAL PROVISIONS

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by 7th Street Redevelopment Partners, LLC, 1300 East 7th Street, Charlotte, NC. The north side of East 7th Street between Clement Avenue and Precast 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"). Subject to the optional provisions set out below, the regulations established under the Ordinance for the Mixed Use Development District ("MUDD") zoning district shall govern the development of the Site.
- C. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general layout of the site and the location of the Site. Accordingly, the configuration, placement and size of the building footprint as well as the location of parking and circulation areas 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.
- 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. 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. On-street parking on East 7th Street adjacent to the Site may be installed if approved by all applicable governmental agencies.
- B. Building entrances and entry features including but not limited to: decorative paving, steps, stoops, courtyards and courtyard walls may encroach into the setback as shown on the Rezoning Plan.
- C. The width of the sidewalk to be installed along the Site's frontage on East 7th Street may vary from a minimum of 6 feet to 13 feet as depicted on the Rezoning Plan.
- D. Outdoor tables, chairs and dining may be located on the 13 foot wide portion of the sidewalk to be installed along the Site's frontage on East 7th Street.
- E. 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.

PERMITTED USES

The Site may only be devoted to a residential community containing a maximum of 95 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 leasing 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 as required by any minor modification required by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT").
- 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.

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. The maximum height in stories of each component or segment of the building is designated on the Rezoning Plan by a number on the building footprint. For example, a component or segment of the building designated with a "3" shall have a maximum height of 3 stories.
- B. The maximum height of the building to be constructed on the Site as measured in feet shall be 52 feet as measured from the average final grade on portions of the building shown as 4 stories as generally depicted on sheet RZ-2.1.
- C. The building to be constructed on the Site shall meet the applicable urban design standards of Section 9.8506 of the Ordinance.
- D. All setback commitments that exceed Ordinance standards shall apply to the ground level of the proposed building, above the ground level, window projections, balconies, architectural elements may encroach a maximum of 6' into said setbacks or yards for up to 25% of the building along that facade. The intent of this provision is to allow some building articulation, in order to avoid a stale or industrial, solid-face appearance.
- E. Set out on Sheet RZ-2.2 are schematic architectural renderings of the front elevation (the elevation facing East 7th Street) of the building proposed to be constructed on the Site that are intended to depict the general conceptual architectural style, character and quality of the front elevation of the building. Accordingly, the front elevation of the building proposed to be constructed on the Site shall be designed and constructed so that it is substantially similar in appearance to the schematic architectural renderings set out on Sheet RZ-2.2. Notwithstanding the foregoing, changes and alterations which do not materially change the overall conceptual architectural style, character and quality of the proposed building are permitted.

SETBACK AND YARDS/SCREENING

- A. Subject to the Optional Provisions set out above, development of the Site shall comply with the setback, 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. 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. The dumpster and recycling areas shall be screened from view from the Site and adjacent residents of this community. The trash and recycling containers shall be screened from view from East 7th Street and adjoining parcels of land except on those days when trash and recycling are picked up by the City of Charlotte.
- D. Any landscape materials and screen wall or fence installed within the 25 foot alley located along the Site's rear property line is subject to removal 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 landscape materials and screen wall or fence.
- E. 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 Facility 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 submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
- C. 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 (excluding street 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.
 - B. Any lighting fixtures attached to the building 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.

REQUEST	Current Zoning: UR-2(CD) HD-O (urban residential, conditional, historic district overlay) Proposed Zoning: TOD-RO HD-O (transit oriented development - residential, optional, historic district overlay)
LOCATION	Approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes townhomes at a density of 16 dwelling units per acre.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>Dilworth Land Use and Streetscape Plan</i> , as amended by petition 2013-027, which recommends up to 47.3 dwelling units acre. The proposed density of 16 units per acre is less than the density of 47.3 units per acre called for by the updated plan, but meets the minimum density requirement of 15 dwelling units per acre for TOD (transit oriented development).
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Betsy S. Bullard New Carolina Income Properties, LLC Matthew G. Majors, Axiom Architecture
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

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.
 - 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.
 - **Existing Zoning and Land Use**
 - An office building and an apartment with 11 units exists on the site.
 - The site is located within the Dilworth Historic District Overlay.
 - The site is adjacent to properties zoned TOD-RO HD-O (transit oriented development – residential, optional, historic district overlay), TOD-M(CD) HD-O (transit oriented development – mixed-use, conditional, historic district overlay), O-2 HD-O (office, historic district overlay), R-22MF HD-O (multi-family residential, historic district overlay) and R-5 HD-O (single family residential, historic district overlay). Current land uses adjacent to the site include a mixture of single family and multi-family residential, a mixed-use development, and office uses.
 - **Rezoning History in Area**
 - There have been a number of rezonings north, west, and south of the site to allow for transit oriented developments within the East/West Boulevard Transit Station Area.
 - **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:** The development allowed under the existing zoning would generate 40 students, while the development allowed under the proposed zoning will produce nine students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0 students.
 - **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

- The petitioner should:
 1. Show the 20-foot rear yard line adjacent to the R-22MF (multi-family residential) zoned parcel to the northeast.
 2. Delete "Fire Protection" sections on the site plan.
 3. Show and label open space and specify improvements/amenities.
 4. Under "Parks Greenways and Open Space" delete Notes a., b. and c.
 5. Under "Environmental Features" delete Note c.
 6. Under "Transportation" delete Notes b., d., and e.
 7. Under "Permitted Uses" delete Note c.
 8. Under "Development Data Table" delete Note h.

Attachments Online at www.rezoning.org

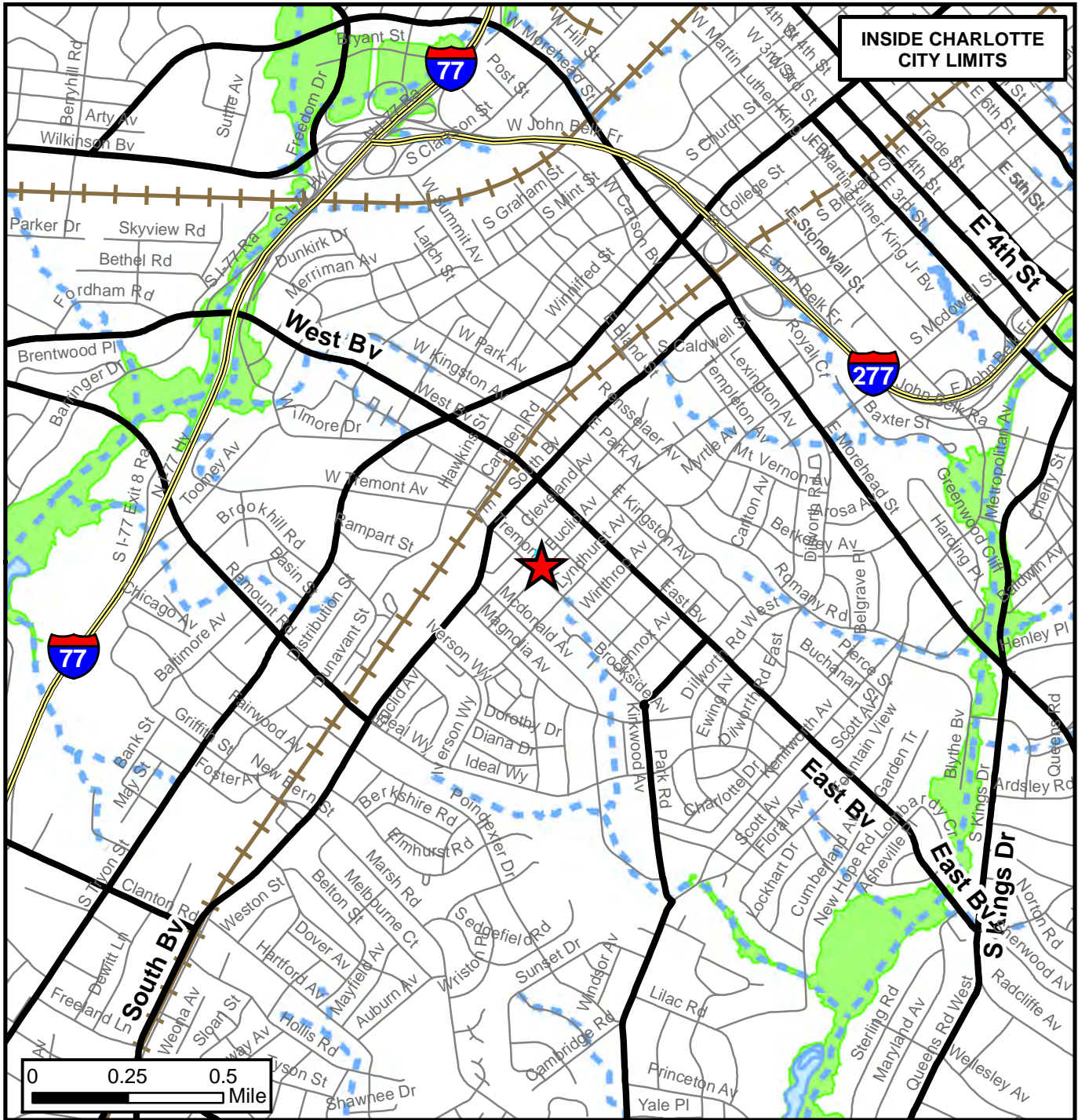
- Application
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- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: John Kinley (704) 336-8311

Petition #: **2014-085**

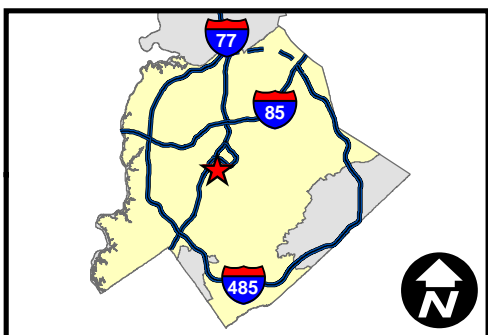
Vicinity Map

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

0 0.25 0.5 Mile



★ Rezoning Petition: 2014-085

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

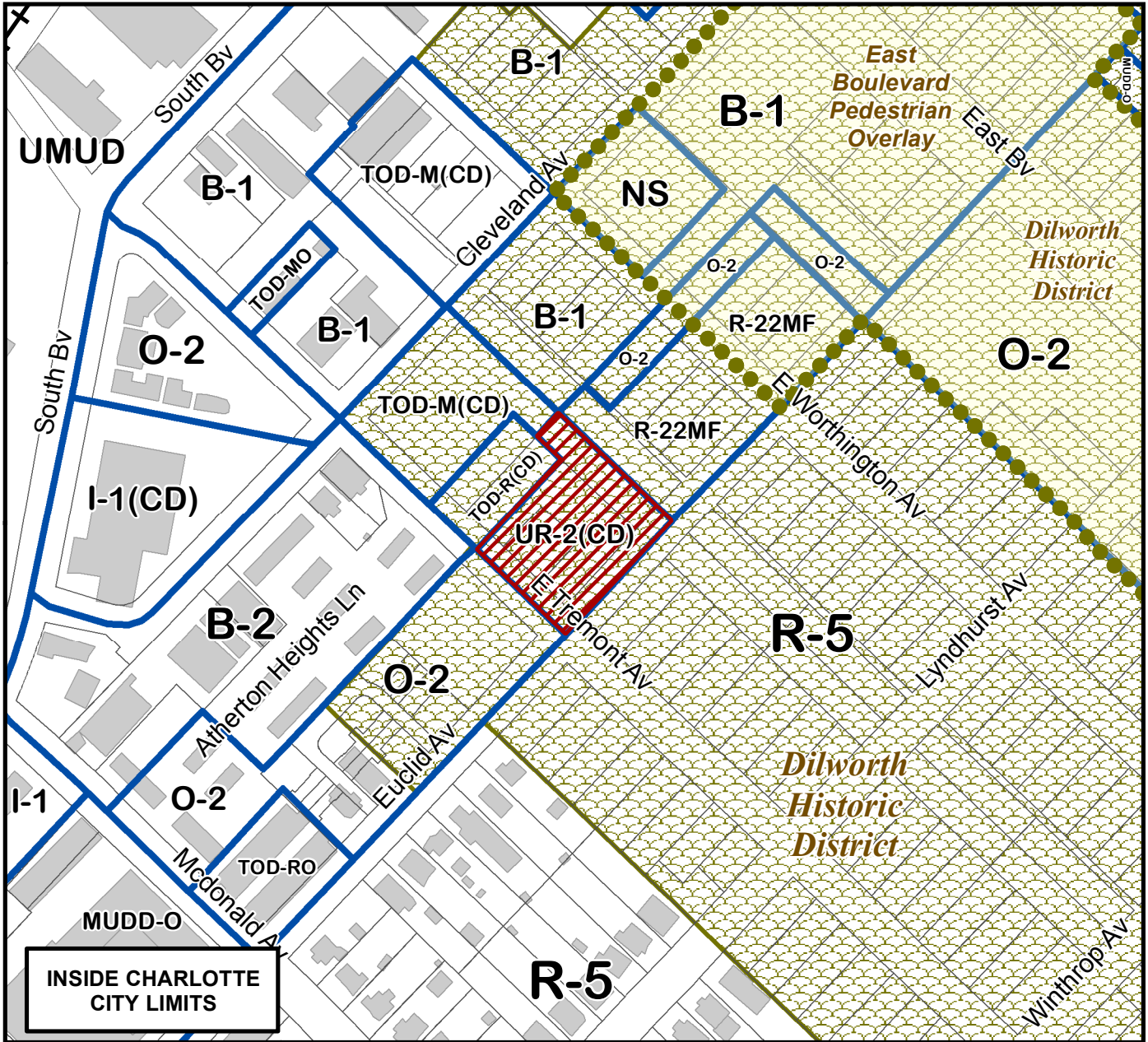
Petition #: **2014-085**

Petitioner: **New Carolina Income Properties, LLC**

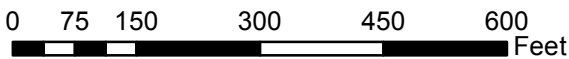
Zoning Classification (Existing): **UR-2(CD) (HD)**
(Urban Residential, Conditional, Historic District Overlay)

Zoning Classification (Requested): **TOD-RO (HD)**
(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, 7-22-2014.



Zoning Map #(s)

111

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

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 -
 REVISION 3 -
 REVISION 4 -

DEVELOPMENT DATA TABLE

- SITE AREA - 0.75 ACRES
- PARCEL NUMBERS - 121-066-07 AND 121-066-08
- EXISTING ZONING - TOD-RO HD-O (Dwarfed)
- PROPOSED ZONING - TOD-RO HD-O
- EXISTING USE - SINGLE FAMILY AND MULTIFAMILY
- PROPOSED USE - MULTIFAMILY (RESIDENTIAL ONLY)
- MULTIFAMILY DWELING UNITS = 12
- NON-RESIDENTIAL SQUARE FOOTAGE - "NON-APPLICABLE"
- PROPOSED F.A.R. = 1.00
- MAXIMUM HEIGHT OF 30' - NOT TO EXCEED THREE STORIES - SHOWN WITH 2.5 STORES AND 50' ALLOWED EUCD
- PARKING REQUIRED - 1 CAR PER UNIT (TOD-R) = 12 CARS PARKING PROVIDED - 26 SPACES (SEE OPTIONAL REQUEST BELOW) MAX ALLOWED = 18 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 THE ADDITION OF A 6' HIGH PRIVACY FENCE.
- REQUEST FOR 10% INCREASE IN ORDINANCE MAXIMUM FOR PLANTING PER UNIT FROM 22 SHRUBS TO 24 SHRUBS. REQUEST FOR ADDITIONAL INCREASE FOR COMMUNITY/STREET PARKING OVERFLOW.

PERMITTED USES

- ALLOWED USES = MULTIFAMILY RESIDENTIAL
- PROHIBITED USES = NON-RESIDENTIAL
- OTHER RESTRICTIONS (N/A)

TRANSPORTATION

- 8' PLANTING STRIP AND 6' SIDEWALK TO BE CONSTRUCTED WITHIN EXISTING 60' RW.
- TRANSPORTATION IMPROVEMENTS (N/A)
- PARKING TO BE STRUCTURED - BELOW PRIMARY STRUCTURE
- TRANSIT FACILITIES (N/A)
- RIGHT-OF-WAY ABANDONMENT (N/A)
- SIDEWALKS AND PLANTING STRIPS ALONG THE SITES 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 STREETS; GLASS TO WINDOWS FROM THE PRIMARY BALCONIES AND THEY MAY ENVELOPE 2 FEET INTO THE SETBACK PROVIDED THEY ARE 10 FEET MIN ABOVE GRADE PER SECTION 9.04B 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, POLICES 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, 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, POLICES 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 BUFFERSCREENING - SEE OPTIONAL PROVISIONS ABOVE

ENVIRONMENTAL FEATURES

- TREE SAVE - PER ORDINANCE
- EUCD TREATMENT - PER ORDINANCE
- ENVIRONMENTAL PROVISIONS (N/A)

PARKS GREENWAYS AND OPEN SPACE

- RESERVATION/DEDICATION OF PARK OR GREENWAY (N/A)
- PARK AND/OR GREENWAY IMPROVEMENTS (N/A)
- CONNECTIONS TO PARK AND/OR GREENWAYS (N/A)
- IMMEDIATELY CONSTRUCTED OPEN SPACE DESIGNED TO MEET REQUIREMENTS OF SECTION 5.1.208(12)

FIRE PROTECTION

NECESSARY DRIVE, SURFACE AND TURN RADI STANDARDS.

SIGNAGE

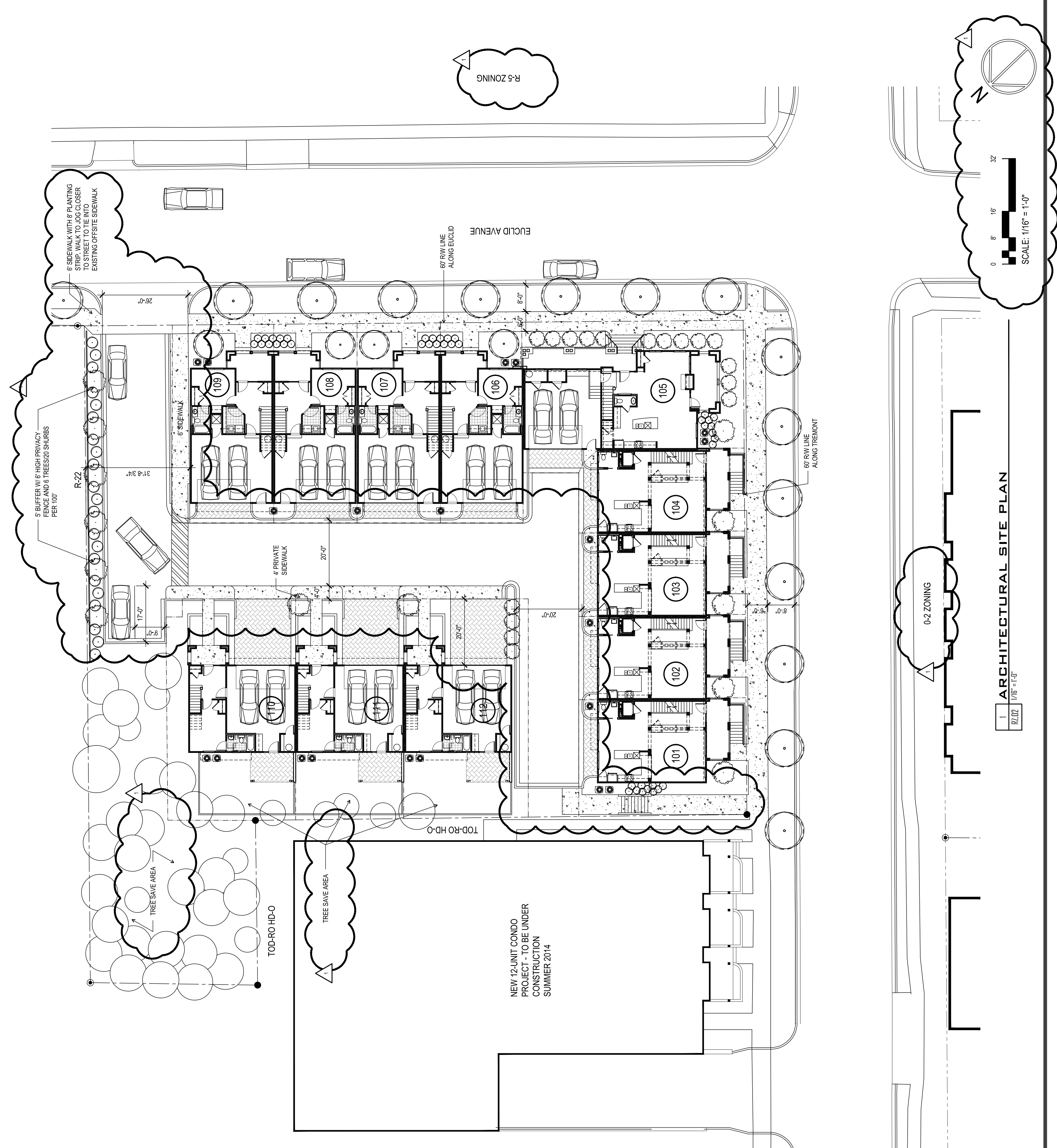
- SIGN LIMITATIONS (N/A)

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)



ARCHITECTURAL SITE PLAN
 RZ.02 1/8" = 1'-0"



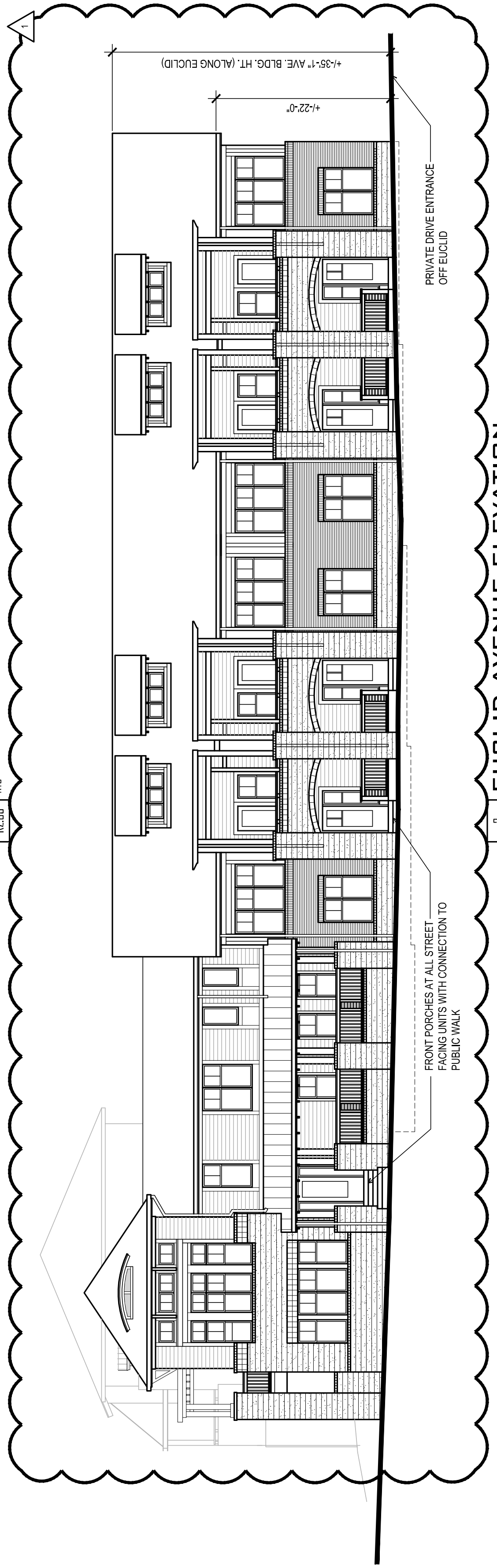
DILWORTH COURT TOWNHOMES

CHARLOTTE, NORTH CAROLINA
 NEW CAROLINA INCOME PROPERTIES

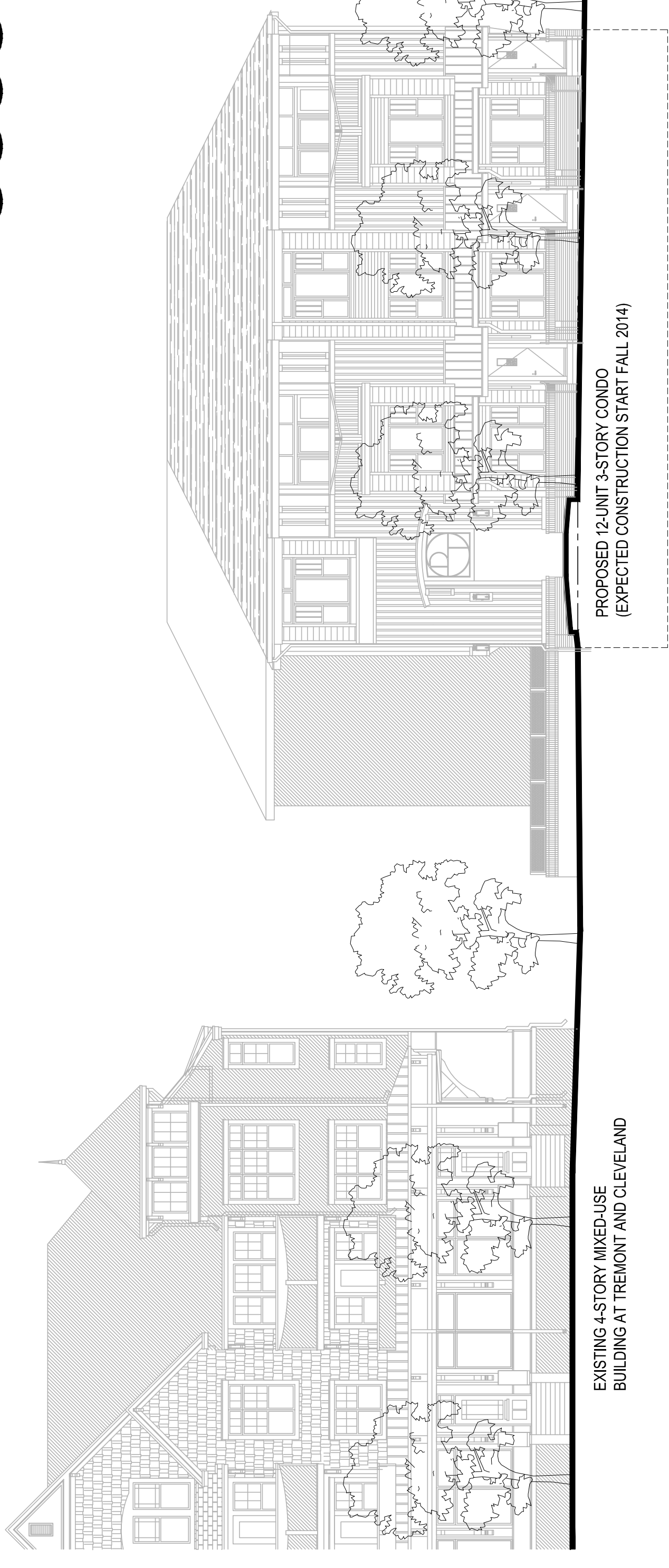
EXTERIOR BUILDING MATERIAL KEY

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 WOOD - STAINED OR PAINTED
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 FRIEZE 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/MISC: PRECAST AND POURED CONCRETE PORCH, STEPS, AND WALL ACCENTS

3 PROJECT RENDERING
 RZ.03 3/24" = 1'-0"



7 EUCLID AVENUE ELEVATION
 RZ.03 3/24" = 1'-0"



1 TREMONT AVENUE ELEVATION
 RZ.03 3/24" = 1'-0"

PROJECT A-405

STREET ELEVATIONS AND RENDERING

RZ PET# - 2014-085

AUGUST 15, 2014

REVISION 1 - 08.01.14 REVISION COMMENTS

REVISION 2 -

REVISION 3 -

REVISION 4 -

PROPOSED 12 UNIT 3-STORY CONDO (EXPECTED CONSTRUCTION START FALL 2014)

EXISTING 4-STORY MIXED-USE BUILDING AT TREMONT AND CLEVELAND

Previously
Approved
Site
Plan

REQUEST	Current Zoning: INST (institutional) and I-2(CD) (general industrial, conditional) Proposed Zoning: TOD-M (transit oriented development - mixed-use)
LOCATION	Approximately 1.83 acres located on the east side of North Tryon Street between McCullough Drive and Ken Hoffman Drive. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to rezone approximately 1.83 acres to allow all uses permitted in the TOD-M (transit oriented development - mixed-use) district.
STAFF RECOMMENDATION	Staff recommends approval of this petition. The petition is consistent with the <i>University City Area Plan</i> .
PROPERTY OWNER	Peak Properties I, LLC
PETITIONER	Charlotte-Mecklenburg Planning Department
AGENT/REPRESENTATIVE	None
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Background**
 - A portion of the site was rezoned to I-2(CD) (general industrial, conditional) under petition 1977-016(C) to allow the development of a utility storage facility.
 - **Proposed Request Details**

This is a conventional rezoning petition with no associated site plan.
 - **Existing Zoning and Land Use**
 - The subject property is currently developed with an existing commercial structure and associated parking. The surrounding properties are zoned O-15(CD) (office, conditional), INST (institutional), and I-2(CD) (general industrial, conditional) and developed with various commercial and industrial structures.
 - **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
 - **Public Plans and Policies**
 - The draft update of the *University City Area Plan* recommends transit supportive uses for the subject property.
 - The *University City Area Plan* (2007) recommends transit oriented development for the subject property.
 - The petition is consistent with the *University City 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 petition will allow a wide range of trip generation based on the proposed zoning classification.
 - **Vehicle Trip Generation:**
Current Zoning: 530 trips per day.
 - **Connectivity:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore,

the impact on local schools cannot be determined.

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

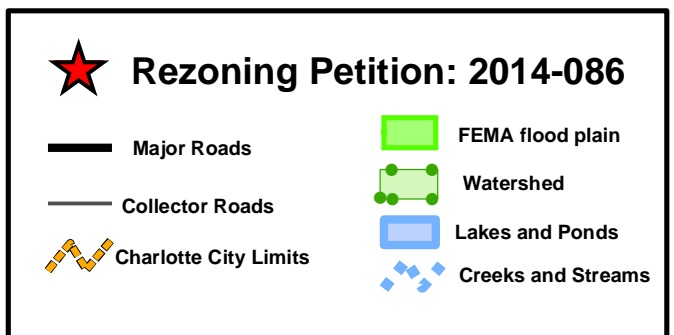
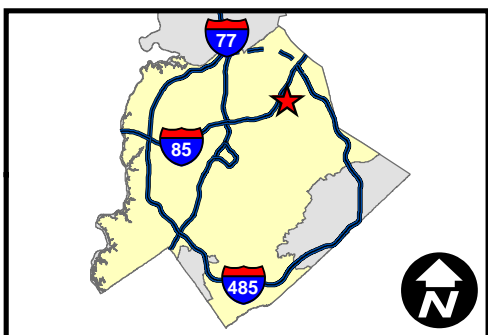
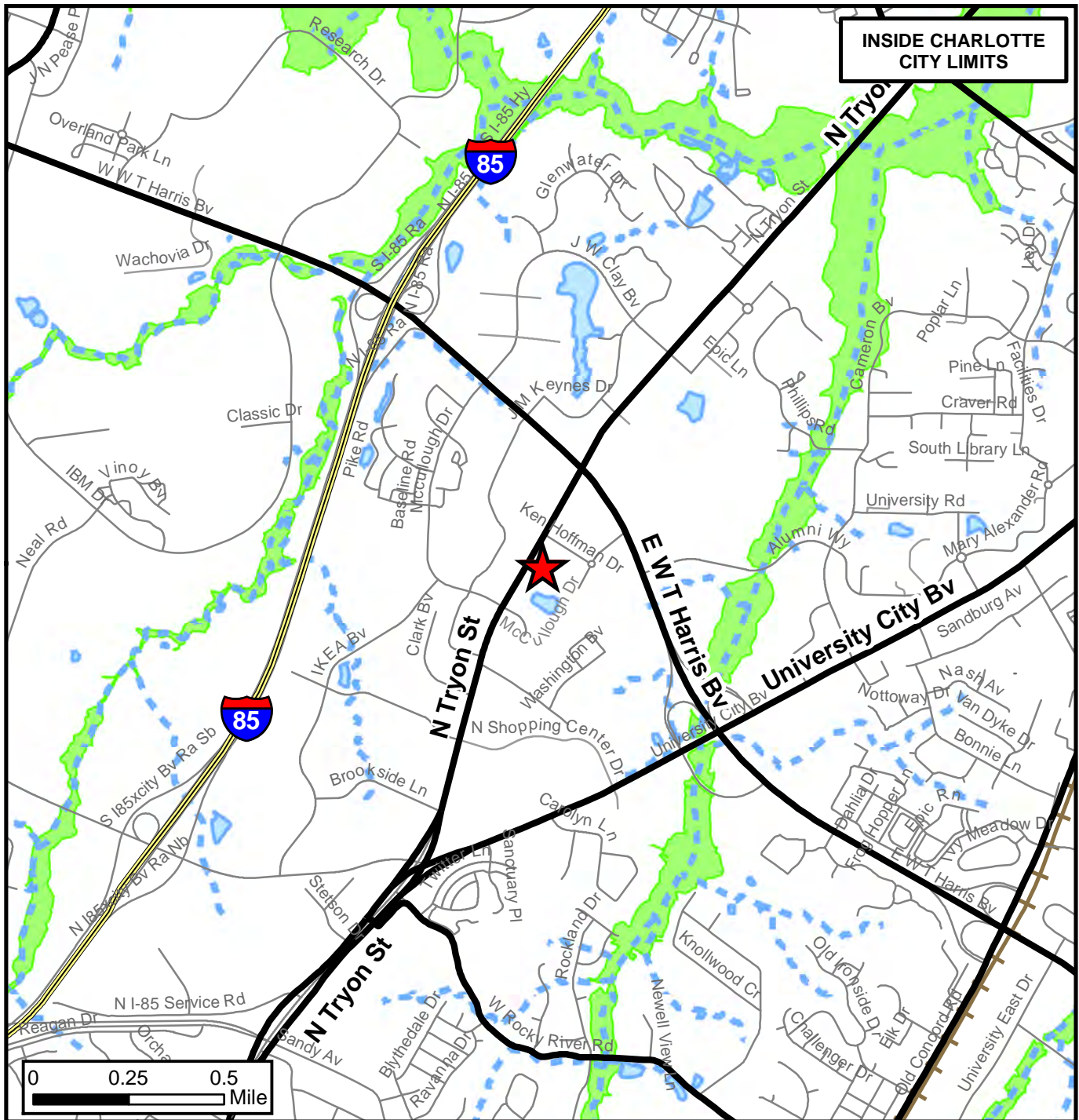
- Application
-
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- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Solomon Fortune (704) 336-8326

Petition #: **2014-086**

Vicinity Map

Acreage & Location : Approximately 1.83 acres located on the east side of North Tryon Street between McCullough Drive and Ken Hoffman Drive.



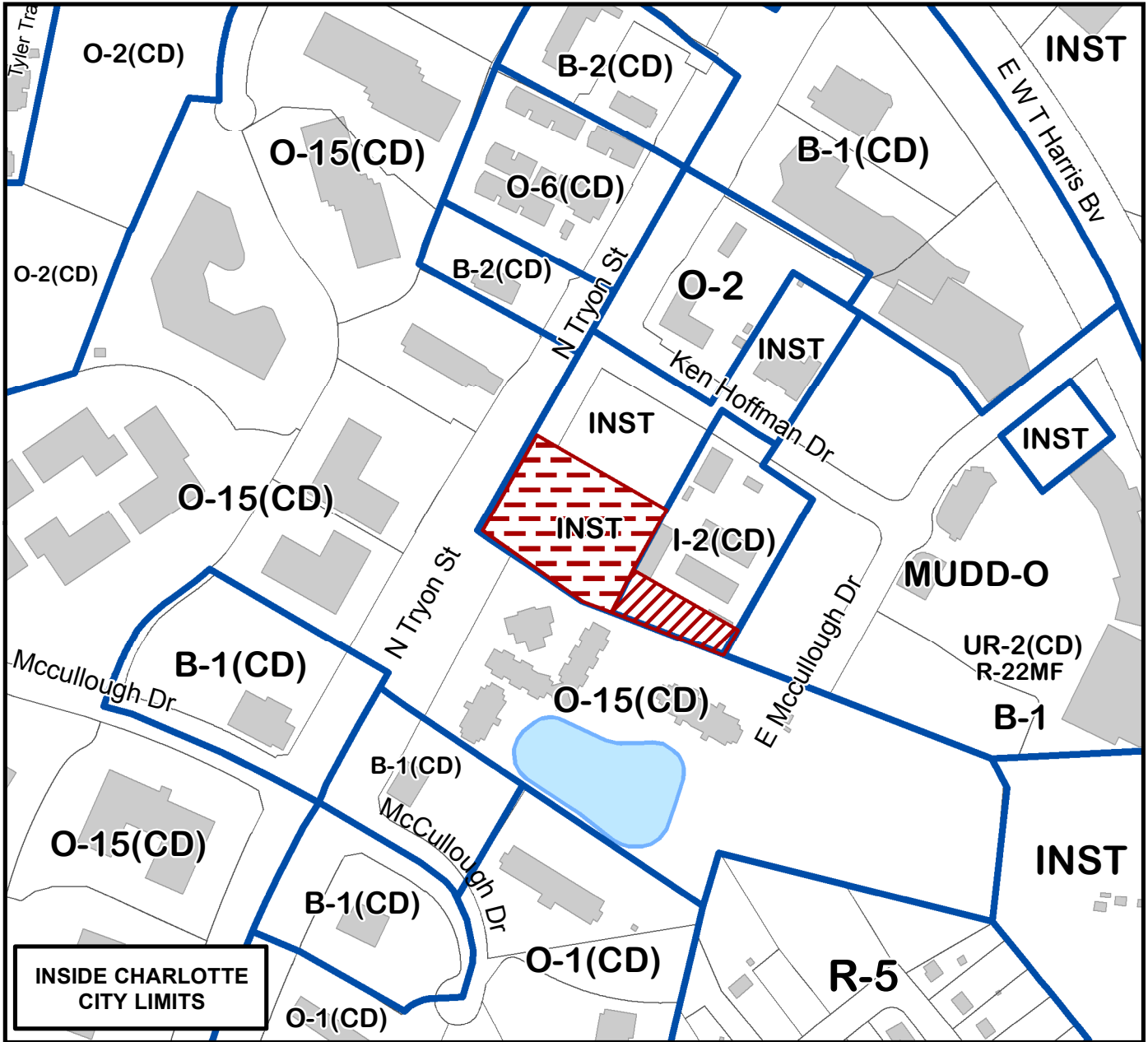
Petition #: **2014-086**

Petitioner: **Charlotte-Mecklenburg Planning Department**

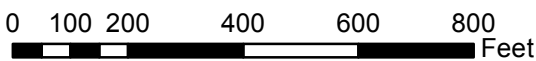
Zoning Classification (Existing): **INST and I-2(CD)**
(Institutional and General Industrial, Conditional)

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

Acreage & Location: Approximately 1.83 acres located on the east side of North Tryon Street between McCullough Drive and Ken Hoffman Drive.

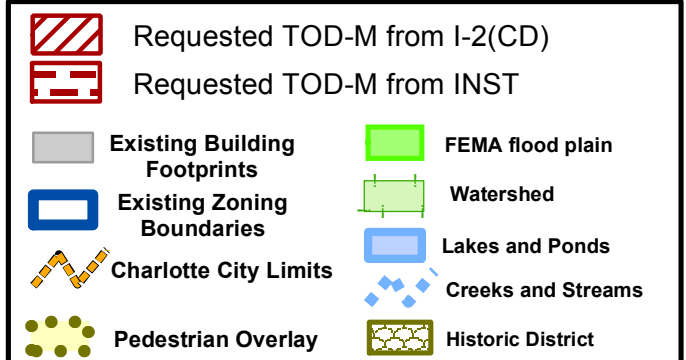


Map Produced by the Charlotte-Mecklenburg Planning Department, 6-27-2014.



Zoning Map #(s)

58



REQUEST	Current Zoning: B-1SCD (business shopping center district) and B-D(CD) (distributive business, conditional) Proposed Zoning: B-D(CD) (distributive business, conditional) and B-D(CD) SPA (distributive business, conditional, site plan amendment)
LOCATION	Approximately 3.05 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes reuse of a portion of an existing building to allow expansion of a self-storage facility.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. Most of the area covered by the petition is consistent with the <i>Central District Plan</i> , as amended by a previous rezoning on the site. The remaining portion is inconsistent with the adopted plan, which recommends retail land uses. However, the proposed rezoning will expand the area available for a self-storage facility that is adaptively reusing a formerly vacant big box.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Eastway II Holdings, LLC Eastway II Holdings, LLC Kevin Ammons
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0

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.
- 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 46,892 square feet of the overall 128,314-square foot building for a self-storage facility, rental management offices and accessory uses.
- Current petition proposes to add 2,850 square feet of building area for the self-storage facility and related accessory uses.

• Proposed Request Details

The site plan amendment contains the following changes:

- Allows a maximum of 49,742 square feet of the existing building for use as a self-storage facility. This will include the 46,892 square feet approved by petition 2013-073 and an additional 2,850 square feet.

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

- Reuse of an additional 2,850 square feet of an overall 128,314-square foot building to allow expansion of an existing self-storage facility.

• 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

- Pending petition 2012-102 proposes a B-1SCD site plan amendment to a 10.4-acre portion of the overall 30-acre site to allow an existing 20,830-square foot retail building to be removed and replaced with a 15,000-square foot building for a drug store and a new 3,300-square foot restaurant.
 - **Public Plans and Policies**
 - The *Central District Plan* (1993) recognizes the existing retail land use on the site.
 - The existing B-D(CD) (distributive business, conditional) zoned portion of the site is consistent with the *Central District Plan*, as amended by a previous petition. The remaining portion is inconsistent with the recommendation of the *Central District Plan*. However, adaptive reuse of a partially vacant big box building will help to maintain an active retail center.
-

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: 125 trips per day.
Proposed Zoning: 140 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No comments received.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No comments received.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
 1. Amend proposed zoning to reflect B-D(CD) and B-D(CD) SPA.
-

Attachments Online at www.rezoning.org

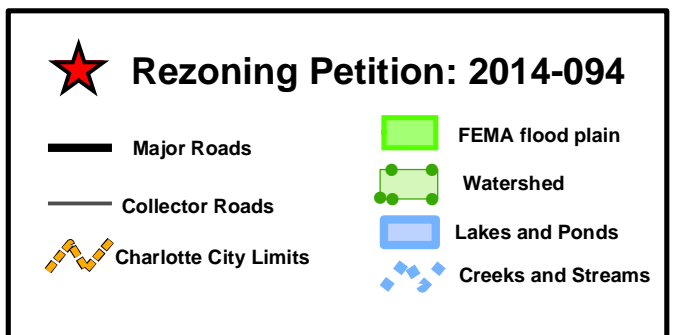
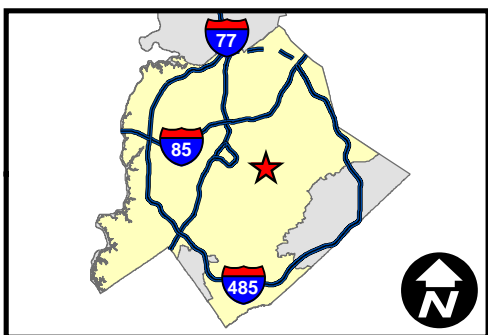
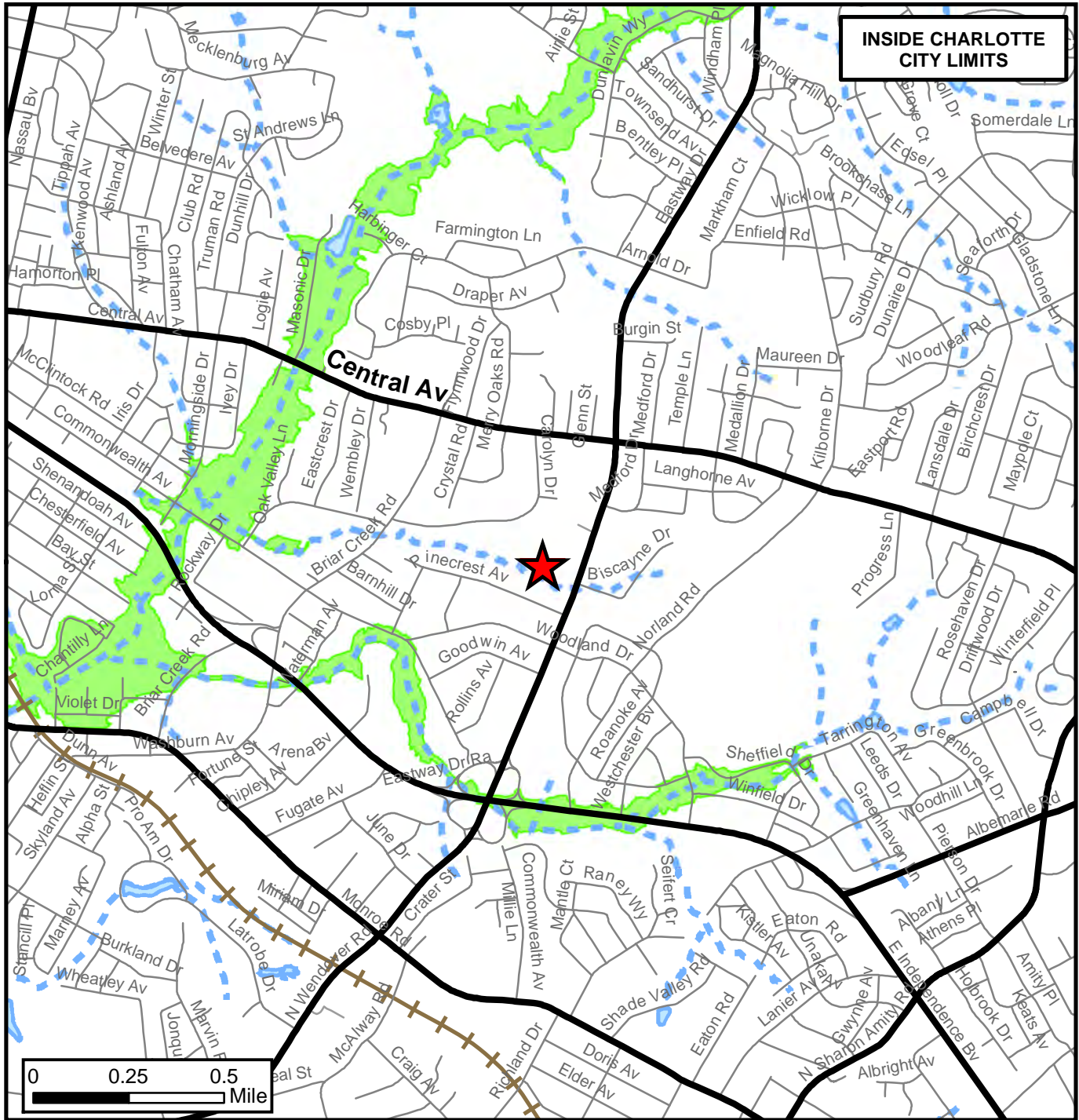
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- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sonja Sanders (704) 336-8327

Petition #: **2014-094**

Vicinity Map

Acreeage & Location : Approximately 3.74 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive.



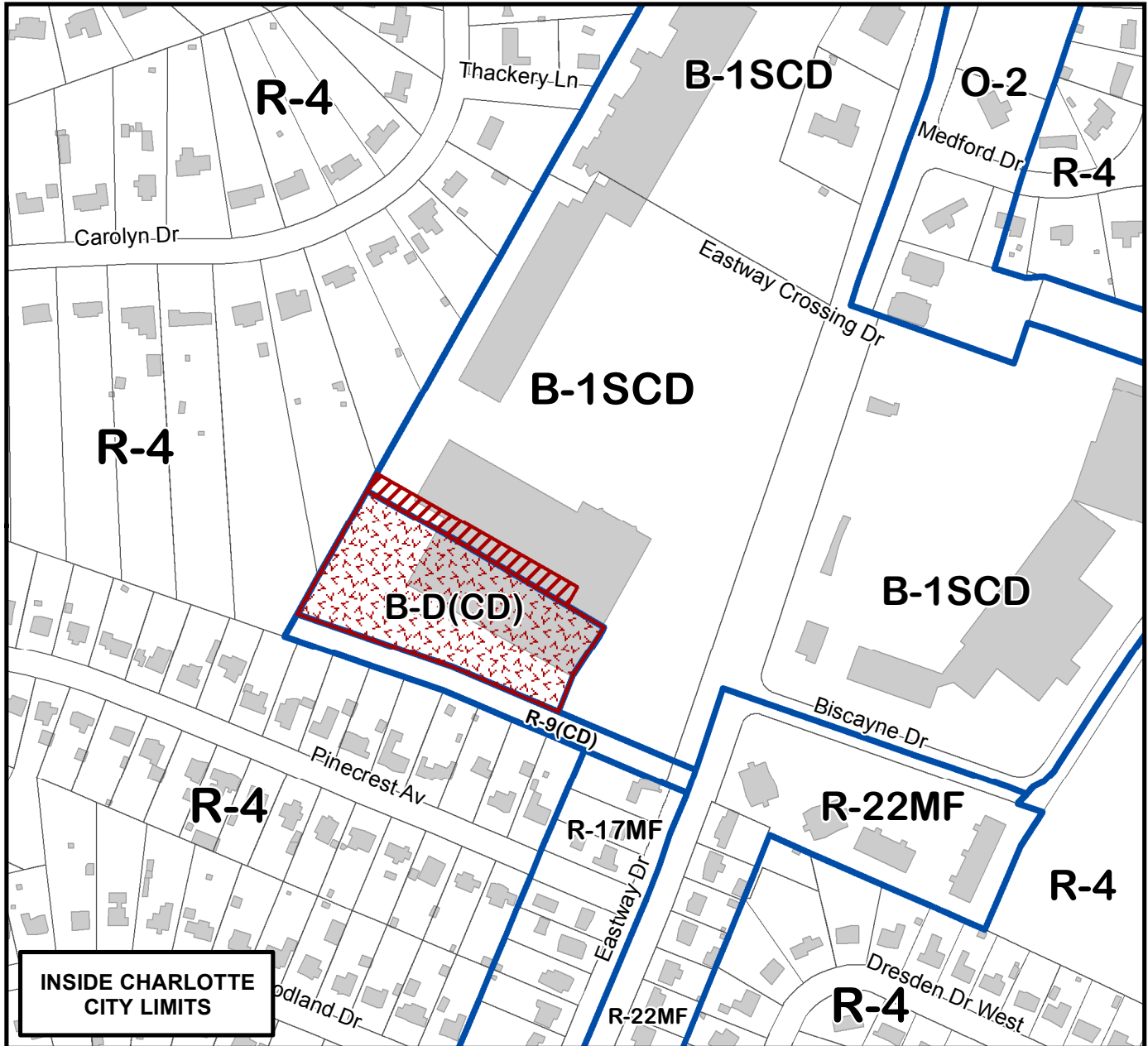
Petition #: **2014-094**

Petitioner: **Eastway II Holdings, LLC**

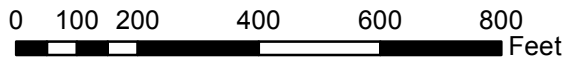
Zoning Classification (Existing): **B-1SCD & B-D(CD)**
(Business Shopping Center District and Distributive Business, Conditional)

Zoning Classification (Requested): **B-D(CD) & B-D(CD) S.P.A.**
(Distributive Business, Conditional and Distributive Business, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 3.05 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive.



Map Produced by the Charlotte-Mecklenburg Planning Department, 8-13-2014.



Zoning Map #(s)
101, 112

	Requested B-D(CD) from B-1SCD		FEMA flood plain
	Requested B-D(CD) S.P.A. from B-D(CD)		Watershed
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

DEVELOPMENT STANDARDS

GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY EASTWAY HOLDINGS II, LLC TO ACCOMMODATE THE CONVERSION OF AN APPROXIMATELY 49,742 SQUARE FOOT PORTION OF A RETAIL BUILDING FORMERLY OCCUPIED BY THE CHARLOTTE SKATING CENTER TO A SELF-STORAGE FACILITY. THE SITE IS LOCATED ON THE WESTERN SIDE OF EASTWAY DRIVE SOUTH OF THE INTERSECTION OF EASTWAY DRIVE AND CENTRAL AVENUE (THE "SITE").
2. THE SITE IS A PORTION OF AN APPROXIMATELY 15.98 ACRE PARCEL OF LAND DESIGNATED AS TAX PARCEL NO. 129-091-21 (THE "PROPERTY"), AND THAT PORTION OF THE PROPERTY THAT IS NOT SUBJECT TO THIS REZONING PLAN IS THE SUBJECT OF A PENDING REZONING PETITION DESIGNATED AS REZONING PETITION NO. 2012-102.
3. THESE STANDARDS ARE ESTABLISHED BY THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS DO NOT SUPERSEDE OR ESTABLISH STANDARDS ESTABLISHED UNDER THE CITY OF CHARLOTTE ZONING ORDINANCE.
4. 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 SECTION 6.207 OF THE ORDINANCE.

PERMITTED USES

1. THE SITE MAY BE DEVOTED ONLY TO A SELF-STORAGE FACILITY, SUCH AS FACILITY'S RENTAL AND THEREOF.
2. THE STORAGE OF HAZARDOUS MATERIALS IS PROHIBITED.

TRANSPORTATION

1. ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE REZONING PLAN AND ARCHITECTURAL PLAN FOR EACH ACCESS POINT SHALL BE SUBJECT TO ANY MORE 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. OFF STREET PARKING WILL MEET THE MINIMUM STANDARDS ESTABLISHED UNDER THE ORDINANCE.

ARCHITECTURAL STANDARDS

1. THE MAXIMUM HEIGHT OF THE BUILDING LOCATED ON THE SITE SHALL BE AS PERMITTED UNDER THE ORDINANCE.
2. NEW DUMPSTER AND RECYCLING AREAS WILL BE ENCLOSED ON ALL FOUR SIDES BY AN OPAQUE WALL WITH A MAXIMUM HEIGHT OF 10 FEET. THE WALLS SHALL BE CONSTRUCTED OF CONCRETE OR METAL SIDING. THE WALLS SHALL BE 12 INCHES THICK AND SHALL BE SET BACK FROM THE SIDE WALL OR REAR WALL OF THE BUILDING BY A MINIMUM OF 10 FEET. THE WALLS SHALL BE SET BACK FROM THE SIDE WALL OR REAR WALL OF THE BUILDING BY A MINIMUM OF 10 FEET. THE WALLS SHALL BE SET BACK FROM THE SIDE WALL OR REAR WALL OF THE BUILDING BY A MINIMUM OF 10 FEET. THE WALLS SHALL BE SET BACK FROM THE SIDE WALL OR REAR WALL OF THE BUILDING BY A MINIMUM OF 10 FEET.

SCAPE AND LANDSCAPING

1. LANDSCAPING WILL MEET OR EXCEED THE REQUIREMENTS OF THE ORDINANCE.
2. A 100 FOOT CLASS B BUFFER SHALL BE ESTABLISHED ALONG THE SITE'S SOUTHERN BOUNDARY LINE AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, WHICH BUFFER SHALL CONFORM TO THE STANDARDS ESTABLISHED UNDER THE ORDINANCE. THIS 100 FOOT CLASS B BUFFER SHALL BE ESTABLISHED ALONG THE SOUTHERN BOUNDARY LINE OF THE SITE. THE BUFFER SHALL BE ESTABLISHED ALONG THE SOUTHERN BOUNDARY LINE OF THE SITE. THE BUFFER SHALL BE ESTABLISHED ALONG THE SOUTHERN BOUNDARY LINE OF THE SITE. THE BUFFER SHALL BE ESTABLISHED ALONG THE SOUTHERN BOUNDARY LINE OF THE SITE.

3. A 38 FOOT CLASS B BUFFER SHALL BE ESTABLISHED ALONG THE SITE'S WESTERN BOUNDARY LINE AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, WHICH BUFFER SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE. PURSUANT TO SECTION 12.302(6) OF THE ORDINANCE, PETITIONER MAY REDUCE THE WIDTH OF THE 38 FOOT CLASS B BUFFER BY 25% BY INSTALLING A WALL, FENCE OR BERM THAT MEETS THE STANDARDS OF SECTION 12.302(6) OF THE ORDINANCE.
4. THE 38 FOOT CLASS B BUFFER SHALL NOT BE DISTURBED, EXCEPT FOR REQUIRED DRIVEWAYS, SIDEWALKS, OR OTHER PEDESTRIAN PATHS, WALLS, FENCES, REQUIRED LANDSCAPING, MAINTENANCE AND REPLACEMENT OR THE INSTALLATION AND MAINTENANCE OF UTILITY LINES IN ACCORDANCE WITH SECTION 12.302(12) OF THE ORDINANCE.
5. WHERE EXISTING TREES AND NATURAL VEGETATION HAVE BEEN CLEARED WITHIN THE 38 FOOT CLASS B BUFFER TO ACCOMMODATE THESE NEW SETBACKS, THE PETITIONER SHALL CLEAR AND REPLANT UNIMPROVED AREAS WITH TREES AND SHRUBS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.
6. IN THE EVENT THAT AN ADJACENT PARCEL OF LAND IS EITHER REZONED TO A ZONING DISTRICT OR PETITIONER MAY REDUCE OR ELIMINATE AS THE CASE MAY BE, THE RELEVANT BUFFER AREAS SET OUT ON THE REZONING PLAN ACCORDINGLY.

SIGNS

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

LIGHTING

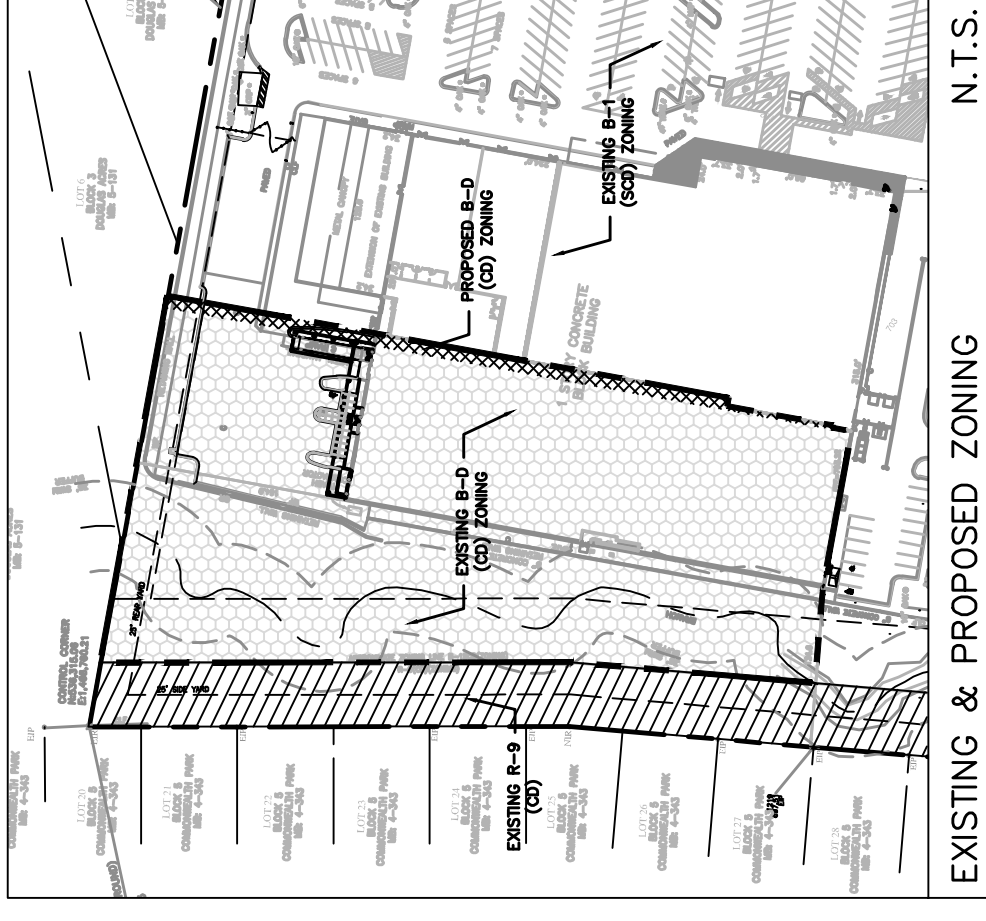
1. ALL NEWLY INSTALLED FREESTANDING LIGHTING FIXTURES ON THE SITE (EXCLUDING STREET LIGHTS) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXCEED PAST ANY PROPERTY LINE OF THE SITE.
2. THE MAXIMUM HEIGHT OF ANY NEWLY INSTALLED FREESTANDING LIGHTING FIXTURE ON THE SITE SHALL BE 25 FEET.
3. ANY NEW LIGHTING FIXTURES ATTACHED TO THE BUILDING LOCATED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

1. THIS REZONING PETITION APPROVED BY THE BOARD OF ZONING ADJUSTMENTS TO THE REZONING PLAN SHALL BE BINDING ON THE PETITIONER AND ALL OTHERS WHOSE INTERESTS IN THE PROPERTY ARE AFFECTED BY THE REZONING PLAN AND SHALL BE BINDING ON THE PETITIONER AND ALL OTHERS WHOSE INTERESTS IN THE PROPERTY ARE AFFECTED BY THE REZONING PLAN AND SHALL BE BINDING ON THE PETITIONER AND ALL OTHERS WHOSE INTERESTS IN THE PROPERTY ARE AFFECTED BY THE REZONING PLAN.
2. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO REFER TO THE THEN OWNER OR OWNERS OF THE SITE FROM THE TIME TO THE 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.

ADJACENT PROPERTY OWNERS

PROPERTY	PARCEL	OWNER	ADDRESS
1	12900144	DOUGLAS FRANKSON SHERMAN AND PATRICIA FALKNER	1452 CAROLYN DR. CHARLOTTE, NC 28205
2	12900143	GENE T. WINGSTON	1458 CAROLYN DR. CHARLOTTE, NC 28205
3	12900142	MABLE VEY	1466 CAROLYN DR. CHARLOTTE, NC 28205
4	12900141	JAMES LAMARR JR. DRUMM AND EDWARD GRANT CURTIS JR.	1476 CAROLYN DR. CHARLOTTE, NC 28205
5	12900140	JOHN R. JR. ASBURY AND CAROL W.	1482 CAROLYN DR. CHARLOTTE, NC 28205
6	12900139	EASTWAY HOLDINGS LLC	P.O. BOX 36799 CHARLOTTE, NC 28236
7	12900122	THE SOUTH STREET GROUP LLC (GO SOLID ROCK PROPERTIES)	436 GARRISON SUITE A, GATONIA, NC 28054
8	12900117	EUDY CLARKSON, JR. COX	1545 PINECREST AVE. CHARLOTTE, NC
9	12900116	MUHAMMAD HUTHASHUT	807 EAST NEW ORLEANS AVE. TAMPA, FL 33603
10	12900115	HARRY R. FLOKKE	1533 PINECREST AVE. CHARLOTTE, NC 28205
11	12900114	WILLIAM J. JOYNA	1527 PINECREST AVE. CHARLOTTE, NC 28205
12	12900113	JOSEPH C. SOLANI	1524 PINECREST AVE. CHARLOTTE, NC 28205
13	12900112	JOSEF P. KAVRER	1515 PINECREST AVE. CHARLOTTE, NC 28205
14	12900111	GRACE M. WATKINS	1514 PINECREST AVE. CHARLOTTE, NC 28205
15	12900110	LEE BELEGAR, JR.	1501 PINECREST AVE. CHARLOTTE, NC 28205
16	12900109	MORCEAU PROPERTIES, LLC	3710 ASHFORD LEGAL CT. CHARLOTTE, NC 28209
17	12900108	MARGARET FISHER	1442 CAROLYN DR. CHARLOTTE, NC 28205



LEGEND	PROPERTY TO BE RE-ZONED TO B-(GD)	SITE PLAN AMENDMENT; PETITION NO. 2012-102	EXISTING R-9(CD) ZONING	100' UNDISTURBED BUFFER AREA
[Hatched Pattern]	[Solid Grey]	[Diagonal Lines]	[Dotted Pattern]	[Solid Black]

PETITIONER: EASTWAY HOLDINGS II, LLC
P.O. BOX 36799
CHARLOTTE, NORTH CAROLINA 28236

ACREAGE: 3.05 ± INCLUDED IN REZONING
TAX PARCEL # 12909121 (PORTION OF)

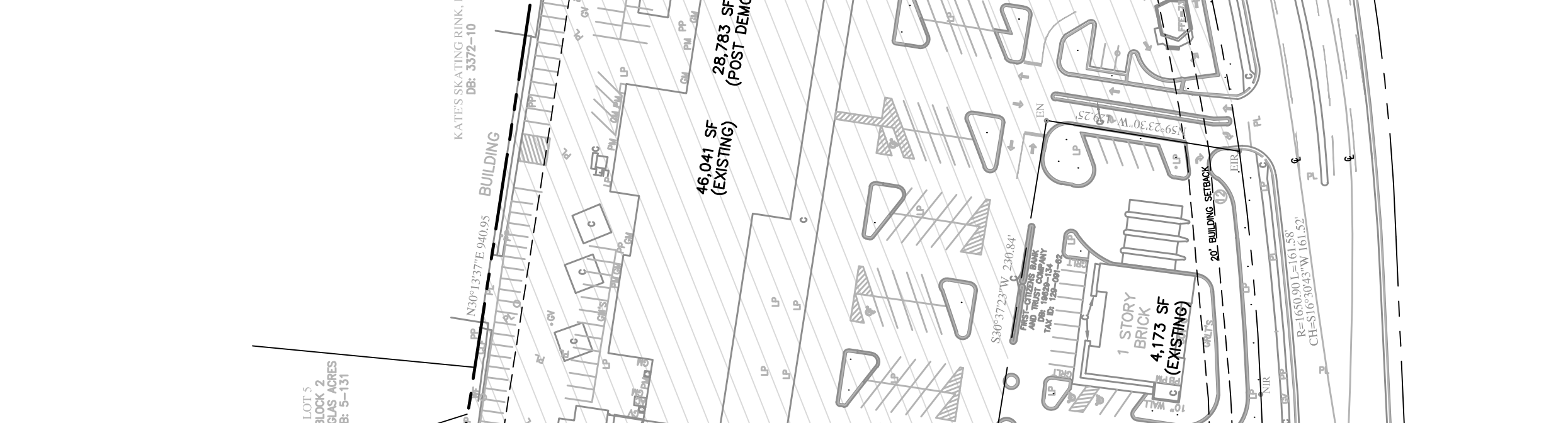
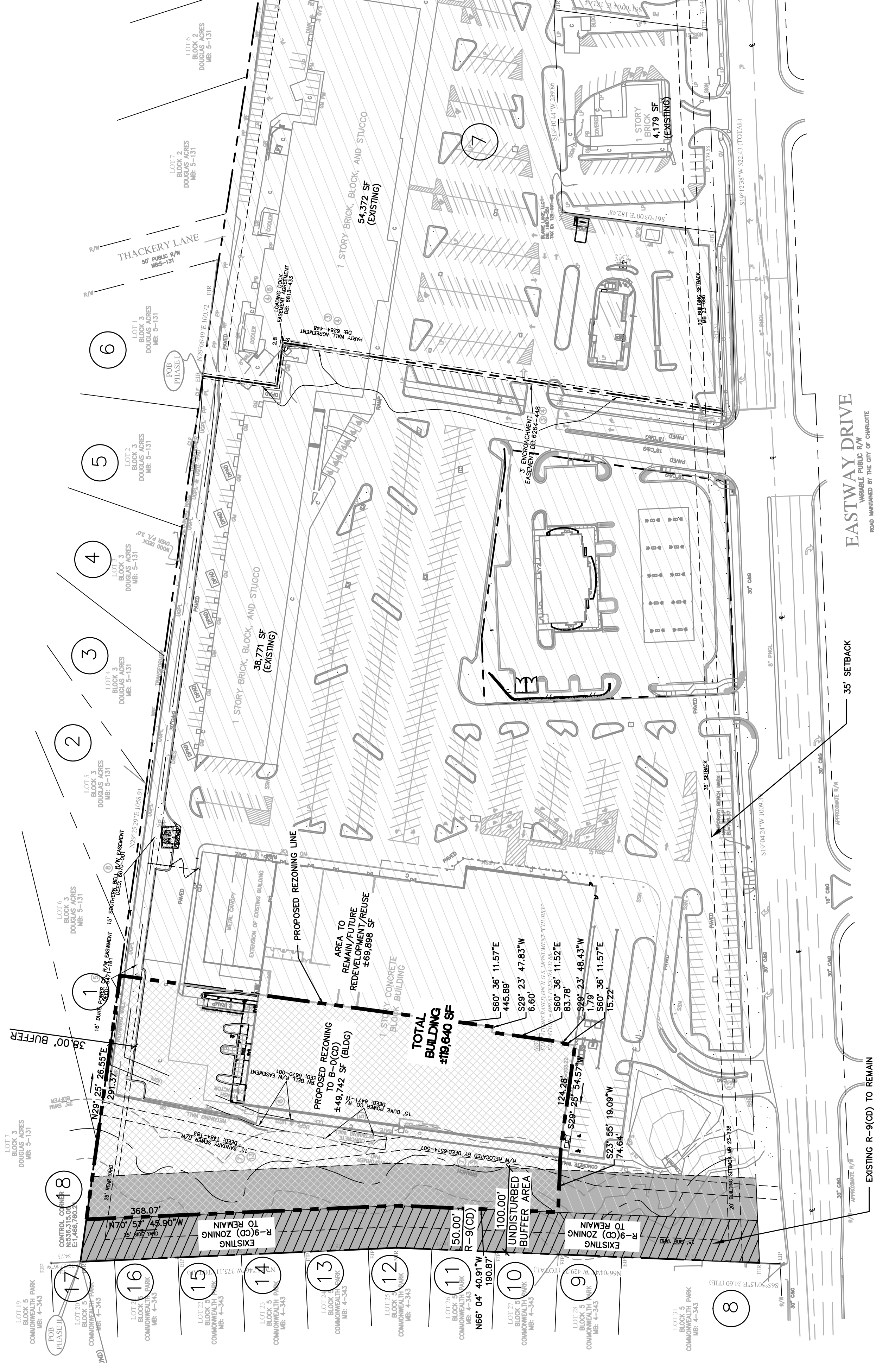
EXISTING ZONING: B-1(SCD) / B-D (CD)
PROPOSED ZONING: B-D (CD)

EXISTING USES: COMMERCIAL / RETAIL
PROPOSED USE: SELF STORAGE

MAX. BUILDING HEIGHT PER THE ORDINANCE
PARKING: 13 SPACES
REQUIRED: 13 SPACES

TOTAL EXISTING BUILDING SF: 119,640 SF
PROPOSED BUILDING SUMMARY:
EXISTING BUILDING TO REMAIN B-1(SCD): 69,896 SF
EXISTING BUILDING TO BE REZONED: 49,742 SF

MAX. ALLOWABLE FAR: 0.70 AS DEFINED BY THE ORDINANCE
PROPOSED FAR: 0.33



PETITIONER: EASTWAY HOLDINGS II, LLC
P.O. BOX 36799
CHARLOTTE, NORTH CAROLINA 28236

ACREAGE: 3.05 ± INCLUDED IN REZONING
TAX PARCEL # 12909121 (PORTION OF)

EXISTING ZONING: B-1(SCD) / B-D (CD)
PROPOSED ZONING: B-D (CD)

EXISTING USES: COMMERCIAL / RETAIL
PROPOSED USE: SELF STORAGE

MAX. BUILDING HEIGHT PER THE ORDINANCE
PARKING: 13 SPACES
REQUIRED: 13 SPACES

TOTAL EXISTING BUILDING SF: 119,640 SF
PROPOSED BUILDING SUMMARY:
EXISTING BUILDING TO REMAIN B-1(SCD): 69,896 SF
EXISTING BUILDING TO BE REZONED: 49,742 SF

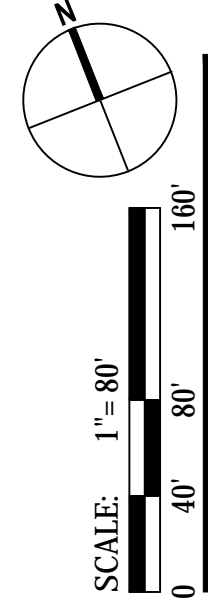
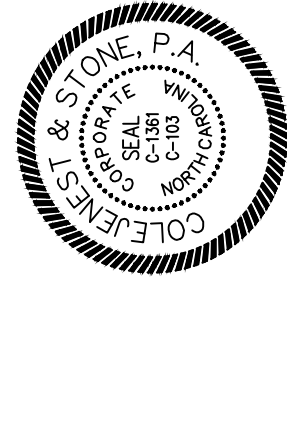
MAX. ALLOWABLE FAR: 0.70 AS DEFINED BY THE ORDINANCE
PROPOSED FAR: 0.33

REZONING PLAN PETITION # 2014-XXX

Project No.
4189

Issued
07/28/14

Revised



RZ1.0

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Previously
Approved
Site
Plan

DEVELOPMENT STANDARDS

GENERAL PROVISIONS

- THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY EASTWAY HOLDINGS II, LLC TO ACCOMMODATE THE CONVERSION OF AN EXISTING BUILDING TO A CLIMATE CONTROLLED SELF-STORAGE FACILITY ON THAT APPROXIMATELY 2.95 ACRE SITE LOCATED ON THE WEST SIDE OF EASTWAY DRIVE SOUTH OF THE INTERSECTION OF EASTWAY DRIVE AND CENTRAL AVENUE (THE "SITE").
- THE SITE IS A PORTION OF AN APPROXIMATELY 15.88 ACRE PARCEL OF LAND DESIGNATED AS TAX SUBSECT. NO. 124-081-27-010 (THE "PROPERTY"), AND THAT PORTION OF THE PROPERTY THAT IS NOT SUBJECT TO A CLIMATE CONTROLLED SELF-STORAGE FACILITY REZONING PETITION DESIGNATED AS REZONING PETITION NO. 2012-102.
- UNLESS MORE STRINGENT STANDARDS ARE ESTABLISHED BY THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS, ALL DEVELOPMENT STANDARDS ESTABLISHED UNDER THE CITY OF CHARLOTTE ZONING ORDINANCE FOR THE B-D (GD) ZONING DISTRICT SHALL GOVERN THE USE AND DEVELOPMENT OF THE SITE.
- APPROVED AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED TO OTHER OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6.207 OF THE ORDINANCE.

PERMITTED USES

- THE SITE MAY BE DEVOTED, ONLY, TO A SELF-STORAGE FACILITY, SUCH FACILITY'S RENTAL AND MANAGEMENT OFFICES AND TO ANY ACCESSORY USES THAT ARE CLEARLY INCIDENTAL AND RELATED THERETO.
- THE STORAGE OF HAZARDOUS MATERIALS IS PROHIBITED.

TRANSPORTATION

- VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF EACH VEHICULAR ACCESS POINT ARE SUBJECT TO ANY MINOR MODIFICATIONS NECESSARY TO ACCOMMODATE FINISH, SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY REGULATIONS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
- OFF STREET PARKING WILL MEET THE MINIMUM STANDARDS ESTABLISHED UNDER THE ORDINANCE.

ARCHITECTURAL STANDARDS

- THE MAXIMUM HEIGHT OF THE BUILDING LOCATED ON THE SITE SHALL BE AS PERMITTED UNDER THE ORDINANCE.
- NEW 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 NEW DUMPSTER AND RECYCLING AREA ADJOIN A SIDE WALL OR REAR WALL OF THE BUILDING, THEN THE REAR WALL OF THE BUILDING MAY BE SUBSTITUTED FOR THE WALL OR FENCE ALONG EACH SUCH SIDE.

STREETSCAPE AND LANDSCAPING

- LANDSCAPING WILL MEET OR EXCEED THE REQUIREMENTS OF THE ORDINANCE.
- A 100 FOOT CLASS B BUFFER SHALL BE ESTABLISHED ALONG THE SITE'S SOUTHERN BOUNDARY LINE AND A 100 FOOT CLASS B BUFFER SHALL BE ESTABLISHED ALONG THE SITE'S WESTERN BOUNDARY LINE. THE 100 FOOT CLASS B BUFFER SHALL REMAIN UNDISTURBED, PROVIDED, HOWEVER, THAT IN THE EVENT THAT THE EXISTING VEGETATION USES NOT MEET THE TREE AND SHRUB REQUIREMENTS OF A CLASS B BUFFER, PETITIONER MAY SUBMIT COMPLEMENTARY PLANNINGS TO BRING THIS CLASS B BUFFER INTO COMPLIANCE WITH THESE REQUIREMENTS.

- THE 38 FOOT CLASS B BUFFER SHALL BE ESTABLISHED ALONG THE SITE'S WESTERN BOUNDARY LINE AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, WHICH BUFFER SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE. PURSUANT TO SECTION 12.302(B) OF THE ORDINANCE, PETITIONER MAY REDUCE THE WIDTH OF THE 38 FOOT CLASS B BUFFER BY 25% BY INSTALLING A WALL, FENCE OR BERM THAT MEETS THE STANDARDS OF SECTION 12.302(B) OF THE ORDINANCE.

- THE 38 FOOT CLASS B BUFFER SHALL NOT BE DISTURBED EXCEPT FOR REQUIRED DRIVEWAYS, SIDEWALKS, OR OTHER PEDESTRIAN PATHS, WALLS, FENCES, REQUIRED LANDSCAPING, LANDSCAPING MAINTENANCE AND REPLACEMENT OR THE INSTALLATION AND MAINTENANCE OF UTILITY LINES IN ACCORDANCE WITH SECTION 12.302(A)(2) OF THE ORDINANCE.

- WHERE EXISTING TREES AND NATURAL VEGETATION HAVE BEEN CLEARED WITHIN THE 38 FOOT CLASS B BUFFER TO ACCOMMODATE THOSE ITEMS SET OUT ABOVE IN PARAGRAPH 4, THE CLEARED AND UNIMPROVED AREAS WILL BE LANDSCAPED WITH TREES AND SHRUBS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

- IN THE EVENT THAT AN ADJACENT PARCEL OF LAND IS EITHER REZONED TO A ZONING DISTRICT OR DEVOTED TO A USE THAT ELIMINATES OR REDUCES THE BUFFER REQUIREMENTS ON THE SITE, PETITIONER MAY REDUCE OR ELIMINATE, AS THE CASE MAY BE, THE RELEVANT BUFFER AREAS SET OUT ON THE REZONING PLAN ACCORDINGLY.

SIGNS

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

LIGHTING

- ALL NEWLY INSTALLED FREESTANDING LIGHTING FIXTURES ON THE SITE (EXCLUDING STREET 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.
- SHALL BE 15% FREE.
- ANY NEW LIGHTING FIXTURES ATTACHED TO THE BUILDING LOCATED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

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

ADJACENT PROPERTY OWNERS

PROPERTY	PARCEL	OWNER	ADDRESS
1	12009144	DOUGLAS FRANKSON STEWART AND PATRICK FALKNER	1405 CAROLYN DR CHARLOTTE, NC 28205
2	12009143	GENE L LIVINGSTON	1404 CAROLYN DR CHARLOTTE, NC 28205
3	12009142	MABLE KEY	1406 CAROLYN DR CHARLOTTE, NC 28205
4	12009141	JAMES LAMARR JR DRUMM AND EDWARD GRANT CURTIS JR.	1402 CAROLYN DR CHARLOTTE, NC 28205
5	12009140	JOHN R L ASBURY AND CAROL W	1402 CAROLYN DR CHARLOTTE, NC 28205
6	12009139	PAULINE J ASBURY	1402 CAROLYN DR CHARLOTTE, NC 28205
7	12009120	EASTWAY HOLDINGS LLC	P O BOX 36799 CHARLOTTE, NC 28236
8	12009117	THE SOUTH STREET GROUP LLC (C/O SLOD ROCK PROPERTIES)	438 GARRISON SUITE A, GAITHERS NC 28854
9	12009116	EROTY CARLSON JR COX	1545 PINECREST AVE, CHARLOTTE, NC
10	12009115	MUHAMMAD HUTASHUHUT	807 EAST NEW ORLEANS AVE, TAMPA, FL 33603
11	12009114	HARRY R FLORENCE	1537 PINECREST AVE, CHARLOTTE, NC 28205
12	12009113	WELIAM J URUYAN	1537 PINECREST AVE, CHARLOTTE, NC 28205
13	12009112	JOSEPH C SOJAN	1537 PINECREST AVE, CHARLOTTE, NC 28205
14	12009111	JOSE P JAVIER	1516 PINECREST AVE, CHARLOTTE, NC 28205
15	12009110	GENE LIVINGSTON	1509 PINECREST AVE, CHARLOTTE, NC 28205
16	12009109	LEE SEIGLER	1507 PINECREST AVE, CHARLOTTE, NC 28205
17	12009108	MORDECAI PROPERTIES, LLC	3110 LEIGH CT, CHARLOTTE, NC 28205
18	12009105	MARGARET FISHER	1442 CAROLYN DR, CHARLOTTE, NC 28205



PETITIONER: EASTWAY HOLDINGS II, LLC
P.O. BOX 36799
CHARLOTTE, NORTH CAROLINA 28236

ACREAGE: 2.95 ± INCLUDED IN REZONING

EXISTING ZONING: B-1(CD)

PROPOSED ZONING: B-D (GD)

EXISTING USES: COMMERCIAL / RETAIL

PROPOSED USE: SELF STORAGE

MAX. BUILDING HEIGHT PER THE ORDINANCE: 12 SPACES

REQUIRED: 12 SPACES

TOTAL PROVIDED: 12 SPACES

EXISTING BUILDING SUMMARY: 96,096 SF EXISTING U.S. FOODS

EXISTING BUILDING: 32,228 SF

TOTAL EXISTING BUILDING SF: 128,314 SF

PROPOSED BUILDING SUMMARY: 446,892 SF EXISTING BUILDING TO REMAIN B-1(CD); 46,892 SF EXISTING BUILDING TO BE REZONED;

MAX ALLOWABLE FAR: 0.70, AS DEFINED BY THE ORDINANCE

PROPOSED FAR: 0.53



EXISTING BUILDING CONDITIONS

EXISTING BUILDING TO REMAIN: 32,228 SF

EXISTING BUILDING (VACANT): 497,106 SF

TOTAL BUILDING: 428,934 SF

EXISTING U.S. FOODS: 32,228 SF

EASTWAY HOLDINGS II, LLC

PO BOX 36799
Charlotte
North Carolina 28236

EASTWAY CROSSINGS II

EASTWAY RD/CENTRAL AVE
Charlotte
North Carolina 28236
OCT 2 0 2019

REZONING PLAN

PETITION # 2013-073



ColeJenest & Stone
Shaping the Environment
Realizing the Possibilities

Lead Planning
Landscape Architecture
Civil Engineering
Urban Design

205 South Tryon Street, Suite 400
Charlotte, North Carolina 28202
P: 704.375.1558 F: 704.375.1861
www.colejenestandstone.com

VICINITY MAP

N.T.S.

LEGEND

- PROPERTY TO BE RE-ZONED TO B-1(CD)
- SITE PLAN AMENDMENT; PETITION NO. 2012-102
- R-9(CD) ZONING
- 100' UNDISTURBED BUFFER AREA

APPROVED BY
CITY COUNCIL

OCT 2 1 2013

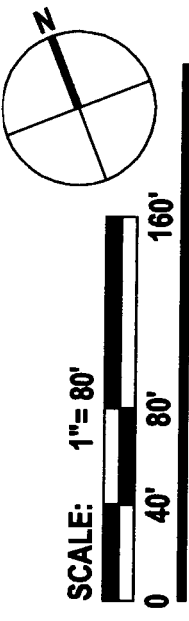
Project No.
4189

Issued
08/29/13

Revised
08/16/13 - PER CITY REVIEW COMMENTS
09/20/13 - PER OWNER REVISIONS



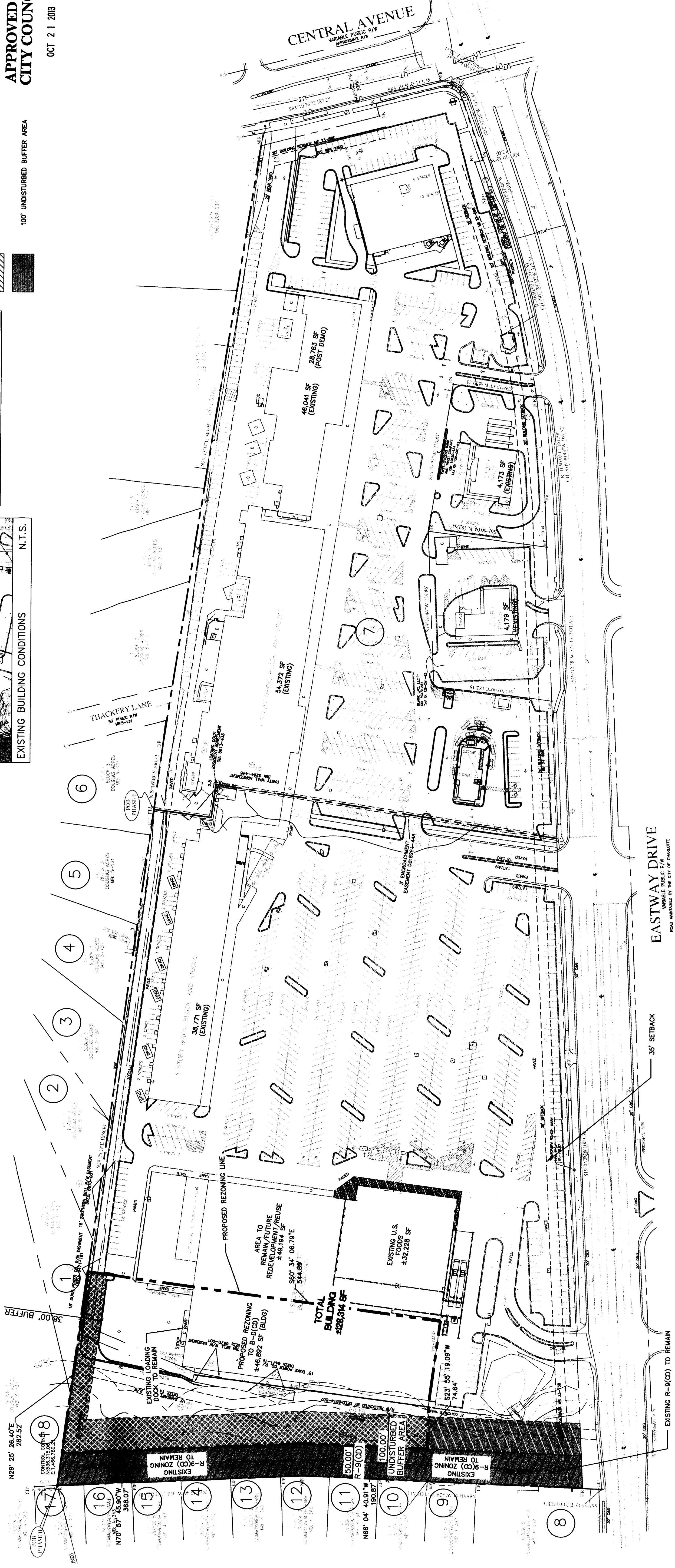
2013-073



RZ1.0

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September 15, 2014

Note: Staff is requesting a one-month deferral of this text amendment to October 20, 2014

REQUEST	Text Amendment to Contents, Section 20-6, 20-10, 20-14, 20-16, 20-18, 20-22, 20-23, 20-25, 20-59, 20-88, 20-90, 20-91, 20-94, 20-95, 20-97, 20-99 through 20-114, and 20-115 of the Subdivision Ordinance
SUMMARY OF PETITION	The petition proposes to: 1) modify the definition of planned development; 2) clarify existing regulations and update references, formatting, and tables; 3) relocate regulations into the proper section; 4) correct the dimension of the right-of-way requirements for local residential wide streets; 5) remove the requirement for delivery of final plats to the Planning Department and remove references to the County and Board of Commissioners; 6) clarify the street spacing requirements; 7) clarify the standards for required streets when lots or building sites are part of a multi-family development; 8) update the notice and hearing requirements for variances and appeals; the standards for granting a variance; and the standards for making decisions; and 9) update the appeal regulations.
STAFF RECOMMENDATION	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.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

• Background

- The Subdivision Ordinance regulations were updated by City Council on December 20, 2010, to implement the *Urban Street Design Guidelines*.
- Since adoption, staff has identified a number of clarifications, modifications, reformatting, and updates to section references that are needed.
- New North Carolina General Statute legislation was approved on June 19, 2013 that clarified and modernized the statutes regarding variance 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 section 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 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 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 variances 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.
-

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

- 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) correct 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; and 9) updating the appeal regulations.

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

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

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

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

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

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

REQUEST	Text amendment to Sections 3.301, 3.303, 5.101, 5.107, 5.108, 5.110, and 5.113 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to update the regulations for the Board of Adjustment to clarify and modernize the language in accordance with new state legislation.
STAFF RECOMMENDATION	Staff recommends approval of this petition. This petition is consistent with the North Carolina General Statutes.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

• Background

- New North Carolina General Statute legislation was approved on June 19, 2013 that clarified and modernized the statutes regarding Zoning Boards of Adjustment. The old statutes were first adopted in 1923, and underwent a number of legislative changes over the past decades.
- The practices of the Zoning Board of Adjustment were changed immediately after the new state legislation was adopted last year.
- 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 by boards of adjustment.
- This text amendment aligns the Charlotte Zoning Ordinance with the new legislation.

• Proposed Request Details

The text amendment contains the following provisions:

- Modifies the voting requirements to grant a variance from a majority of members of the Board of Adjustment to a concurring vote of four-fifths of the Board.
- Modernizes the language allowing the Board of Adjustment to have authority to hear and decide variances from the requirements of the Zoning Ordinance by:
 - 1) **adding that the "purpose and intent of the Zoning Ordinance" shall be met, "such that public safety is secured and substantial justice is achieved", and**
 - 2) removing references requiring that public welfare be secured in the granting of a variance.
- Adds new language detailing the mailing notices for hearings for variance and appeal petitions including:
 - Notices shall be mailed to the person who is the subject of the hearing, the owner 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 on an adjacent street right-of-way.
- Replaces the existing findings of fact and conditions that constitute a practical difficulty or unnecessary hardship with new language to align with new state legislation. The new language states that when unnecessary hardships would result from carrying out the strict letter of the Zoning Ordinance, the Board of Adjustment can vary any of the provisions of the Zoning Ordinance, upon a showing 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 Zoning 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 more detail about the Board of Adjustment decisions and evidence:
 - The Board 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 board'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 board.
 - A quasi-judicial decision is effective upon filing the written decision with the clerk to the board.
 - Adds details to who is notified of the decision of the Board of Adjustment, and how notice is delivered. Delivery methods include personal delivery, electronic mail, or first-class mail. The decision is to be delivered to the applicant, property owner, and to any person who has submitted a written request for a copy of the decision prior to the date the decision becomes effective.
 - **Modifies when an appeal of the Board'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 from receipt of the decision to file an appeal. This text amendment modifies the language, aligning with new state legislation, to allow an appeal to be filed 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.
 - Updates General Statute section references.
 - **Public Plans and Policies**
 - This petition is consistent with the North Carolina General Statutes.
-

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 issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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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

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

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: MODERNIZATION OF BOARD OF ADJUSTMENT REGULATIONS 2014-87

Purpose/Background: The purpose of this text amendment is to update the regulations for the Board of Adjustment to clarify and modernize the language in accordance with new state legislation.

		Current Regulations	Proposed Regulations	Rationale
Powers and Duties	<ul style="list-style-type: none"> To hear and decide appeals from and to review any specific order, requirement, decision, or determination made under these regulations by the Zoning Administrator. 	<ul style="list-style-type: none"> To hear and decide appeals from and to review any specific order, requirement, decision, or determination made under these regulations by the Zoning Administrator. 	<ul style="list-style-type: none"> Add “authorized designees” to the language: <ul style="list-style-type: none"> To hear and decide appeals from and to review any specific order, requirement, decision, or determination made under these regulations by the Zoning Administrator, <u>or by his or her authorized designee”.</u> 	<ul style="list-style-type: none"> Aligns with new legislation
Voting	<ul style="list-style-type: none"> The concurring vote of <u>majority</u> of the members of the Board of Adjustment is required to reverse or modify any order, requirement, decision, or determination made by the Zoning Administrator or to grant a variance from the requirements of these regulations. 	<ul style="list-style-type: none"> The concurring vote of <u>majority</u> of the members of the Board of Adjustment is required to reverse or modify any order, requirement, decision, or determination made by the Zoning Administrator or to grant a variance from the requirements of these regulations. 	<ul style="list-style-type: none"> Modify the section on voting to match new state legislation: <ul style="list-style-type: none"> The concurring vote of <u>four-fifths</u> of the Board of Adjustment shall be necessary to grant a variance. A <u>majority</u> of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. (Vacant positions and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.) 	<ul style="list-style-type: none"> Aligns with new legislation
Modernize Language of when variances should be granted	<ul style="list-style-type: none"> The Board of Adjustment shall have the authority to hear and decide petitions for variances from the requirements of these regulations so that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done. 	<ul style="list-style-type: none"> The Board of Adjustment shall have the authority to hear and decide petitions for variances from the requirements of these regulations so that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done. 	<ul style="list-style-type: none"> Modernize the language to meet new legislation intent: <ul style="list-style-type: none"> The Board of Adjustment shall have the authority to hear and decide petitions for variances from the requirements of these regulations so that the spirit, <u>purpose and intent of the Zoning Ordinance is met, such that public safety is secured, and substantial justice is achieved.</u> 	<ul style="list-style-type: none"> Aligns with new legislation
Notice and Hearing	<ul style="list-style-type: none"> The Board of Adjustment shall, in accordance with rules adopted by it for such purpose, hold public hearings on any appeal or variance petition, which comes before it. 	<ul style="list-style-type: none"> The Board of Adjustment shall, in accordance with rules adopted by it for such purpose, hold public hearings on any appeal or variance petition, which comes before it. 	<ul style="list-style-type: none"> Maintains the existing language, but adds new language detailing the mailing of notices: <ul style="list-style-type: none"> Notices of hearings shall be mailed to 1) the person whose appeal, application, or request is the subject of the hearing; 2) the owner of the property that is the subject of the hearing; and 3) to owners of land abutting the parcel of land that is the subject of the hearing. County tax listings shall be used to determine owners of property, unless there is evidence to the contrary. Notices shall be mailed at least 10 days, but not more than 25 days prior to the date of the hearing Notices shall be posted on the property that is the subject of the hearing, or on an adjacent street or highway right-of-way. 	<ul style="list-style-type: none"> Aligns with new legislation

Current Regulations	Proposed Regulations	Rationale	Current Regulations
<p>Standards for Granting a Variance</p> <ul style="list-style-type: none"> • Before granting a variance, the Board of Adjustment shall find: <ul style="list-style-type: none"> • That practical difficulties or unnecessary hardship would result from the strict application of these regulations; and • That the spirit of these regulations should be observed by taking into consideration the general intent of these regulations. The Zoning Board of Adjustment may also consider any adopted district plan or area plan covering the property, any other adopted written policies governing land development and the construction and improvement of public facilities; and • That the public safety and welfare have been protected and substantial justice done. • Only the following three conditions shall constitute a practical difficulty or unnecessary hardship and all must be met: <ul style="list-style-type: none"> • The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and • The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties in the same neighborhood and/or used for the same purposes; and • The difficulty or hardship resulting from the application of these regulations would prevent the owner from securing a reasonable return or making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance. 	<ul style="list-style-type: none"> • Removes the existing findings and conditions that constitute a practical difficulty or unnecessary hardship and replaces them with new language to align with new state legislation: <ul style="list-style-type: none"> • When unnecessary hardships would result from carrying out the strict letter of the Zoning Ordinance, the Board of Adjustment shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following: <ul style="list-style-type: none"> • Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. • The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. • The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. • The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, such that public safety is secured, and substantial justice is achieved. • Adds language that appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance. 	<ul style="list-style-type: none"> • Aligns findings with new state legislation. 	

Current Regulations	Proposed Regulations	Rationale	Current Regulations
<p>Action by the Board of Adjustment</p> <ul style="list-style-type: none"> The Board of Adjustment shall grant or deny the variance or shall reverse, affirm, or modify the order, decision, requirement, or determination under appeal. <u>The Board of Adjustment shall make findings of fact and conclusions of law to support its decision.</u> If any aggrieved party wishes to receive a written copy of the decision of the Zoning Board of Adjustment, then the aggrieved party, as stated in G.S. Sec. 160A-388(e), must file a written request for a copy of the Board's decision with the Secretary or Chairperson of the Zoning Board of Adjustment at the time of the hearing of the case. 	<ul style="list-style-type: none"> Adds more detail about the Board of Adjustment's decision and evidence. Plus, updates General Statutes section references and aligns language with the new state legislation: <ul style="list-style-type: none"> The Board of Adjustment shall grant or deny the variance or shall reverse, affirm, or modify the order, decision, requirement, or determination under appeal. The board shall determine contested facts and make its decision within a reasonable time. <u>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 board'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 board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board.</u> If any aggrieved party wishes to receive a written copy of the decision of the Zoning Board of Adjustment pursuant to Section 5.113(1), then the aggrieved party, as stated in G.S. Sec. 160A-388(e)(1), <u>should file a written request for a copy of the Board's decision with the Secretary or Chairperson of the Zoning Board of Adjustment at the time of the hearing of the case prior to the date the decision becomes effective.</u> 	<ul style="list-style-type: none"> Aligns with new legislation 	
<p>Appeal from Board of Adjustment</p> <ul style="list-style-type: none"> If no aggrieved party files a written request for a copy of the decision at the time of the hearing of the case, then any petition for a review of the Board's decision in the nature of certiorari by Superior Court must be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board of Adjustment is filed in the Charlotte-Mecklenburg Planning Department. If any aggrieved party has filed a written request for a copy of the decision at the time of the hearing of the case, then a decision of the Board may be delivered to that aggrieved party either by personal service or by registered or certified mail with return written receipt requested. Any aggrieved party, who has filed a written request for a copy of the decision at the time of the hearing of the case, will have thirty (30) days from receipt of the decision of the Board of Adjustment to file the petition for review in 	<ul style="list-style-type: none"> Deletes the first 3 bullets of provisions and replaces with updated language to match new legislation: <ul style="list-style-type: none"> The decision of the Board of Adjustment 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. Every quasi-judicial decision of the Board 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 Board'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 subsection (1) of this section. When first-class mail is used to deliver notice, three days shall be added to the 	<ul style="list-style-type: none"> Aligns with new legislation 	

the nature of certiorari in Superior Court with the Clerk of Superior Court, or will have thirty (30) days from the date of the filing of the decision in the Charlotte-Mecklenburg Planning Department, whichever is later.

- If a petition for review is filed pursuant to G.S. §160A-388(e) then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the secretary of the Zoning Board of Adjustment for preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the City shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

time to file the petition.

- Adds an updated section reference to the General Statutes citation:
 - If a petition for review pursuant to G.S. §160A-388(e2) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the secretary of the Zoning Board of Adjustment for preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the City shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

Petition No. 2014-87
Petitioner: Charlotte-Mecklenburg Planning Department

**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 3: BOARD OF ADJUSTMENT

1. Amend Section 3.301, “Powers and duties”, subsection (1) by adding “or by his or her authorized designee” to the sentence to clarify that appeals can be made to any specific order, requirement, decision, or determination made by the Zoning Administrator, or designee. This also matches the language used in Section 5.101, subsection (1). All remaining subsections shall remain unchanged. The revised subsection shall read as follows:

Section 3.301. Powers and duties.

The Zoning Board of Adjustment shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To hear and decide appeals from and to review any specific order, requirement, decision, or determination made under these regulations by the Zoning Administrator, or by his or her authorized designee.
2. Amend Section 3.303, “Meetings, hearings and procedures”, subsection (5) by updating the language to match that of the modernized language adopted by the State. The revised subsection shall read as follows:
 - (5) ~~The concurring vote of majority of the members of the Board of Adjustment is required to reverse or modify any other, requirement, decision or determination made by the Zoning Administrator or to grant a variance from the requirements of these regulations.~~ The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to

determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

B. CHAPTER 5: APPEALS AND VARIANCES

1. Amend Section 5.101, “Authority of City of Charlotte”, subsection (2), by updating the language to match that of the modernized language adopted by the State. Also modify the reference to the N.C. General Statutes in subsection (5). All other subsections remain unchanged. The two revised subsections shall read as follows:

Section 5.101. Authority of City of Charlotte.

- (2) The Board of Adjustment shall have the authority to hear and decide petitions for variances from the requirements of these regulations so that the spirit, purpose, and intent of the Zoning Ordinance is met, ~~of the ordinance is observed, such that public safety and welfare is secured, and substantial justice done is achieved.~~
 - (5) Pursuant to G.S. §160A-388(b) ~~and (d)~~, the Board of Adjustment only has the statutory authority to grant or to deny variances and to determine if the zoning administrator correctly or incorrectly interpreted and applied the zoning ordinance in rendering a decision. The Board of Adjustment does not have jurisdiction to address or rule upon constitutional and federal and state statutory issues or any other legal issues beyond its statutory authority.
2. Amend Section 5.107, “Notice and hearing” by adding language that clarifies that the Board of Adjustment holds quasi-judicial hearings on variances and appeals. In addition, add new language that describes the mailing of notices of hearings, as per the new legislation. The revised section shall read as follows:

Section 5.107. Notice and hearing.

The Board of Adjustment shall, in accordance with rules adopted by it for such purpose, hold ~~public~~ quasi-judicial hearings on any appeal or variance petition, which comes before it.

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 of 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.

3. Amend Section 5.108, “Standards for granting a variance”, subsection (1) by deleting the current language and replacing it with the modernized language in Session Law 2013-126 approved by the state in June of 2013. Also remove the last sentence in subsection (2), and delete subsection (3) and replace it with new text allowing the Board of Adjustment to add appropriate conditions to a variance. The entire revised section shall read as follows:

Section 5.108. Standards for granting a variance.

- (1) ~~Before granting a variance, the Board of Adjustment shall find:~~
 - (a) ~~That practical difficulties or unnecessary hardship would result from the strict application of these regulations; and~~
 - (b) ~~That the spirit of these regulations should be observed by taking into consideration the general intent of these regulations. The Zoning Board of Adjustment may also consider any adopted district plan or area plan covering the property, any other~~

~~adopted written policies governing land development and the construction and improvement of public facilities; and~~

~~(e) That the public safety and welfare have been protected and substantial justice done.~~

(1) When unnecessary hardships would result from carrying out the strict letter of the Zoning Ordinance, the Board of Adjustment shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:

(a) 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.

(b) 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.

(c) 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.

(d) The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, such that public safety is secured, and substantial justice is achieved.

(2) The Board of Adjustment shall not grant a variance which would allow the establishment of a use which is not otherwise permitted in the district, would result in the extension or expansion of a nonconforming use, or would change the district boundary, or zoning classification of any or all of

the subject property. ~~Except under circumstances described in subsection (3) below, the Board of Adjustment shall not grant a variance.~~

~~(3) Only the following three conditions shall constitute a practical difficulty or unnecessary hardship and all must be met:~~

~~(a) 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; and~~

~~(b) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties in the same neighborhood and/or used for the same purposes; and~~

~~(c) The difficulty or hardship resulting from the application of these regulations would prevent the owner from securing a reasonable return or making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.~~

~~(3) Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.~~

4. Amend Section 5.110, “Action by the Board of Adjustment”, subsection (1) by deleting the last sentence and (2) by updating references to the General Statutes and replacing the word, “must” to “should”. Subsection (1) remains unchanged. The new section shall read as follows:

Section 5.110. Action by the Board of Adjustment.

- (1) The Board of Adjustment shall grant or deny the variance or shall reverse, affirm, or modify the order, decision, requirement, or determination under appeal. ~~The Board of Adjustment shall make findings of fact and conclusions of law to support its decision.~~

(2) The board 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 board'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 board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board.

(23) If any aggrieved party wishes to receive a written copy of the decision of the Zoning Board of Adjustment pursuant to Section 5.113(1), then the aggrieved party, as stated in G.S. Sec. 160A-388(e2)(1), ~~must~~ should file a written request for a copy of the Board's decision with the Secretary or Chairperson of the Zoning Board of Adjustment ~~at the time of the hearing of the case~~ prior to the date the decision becomes effective.

5. Amend Section 5.113, "Appeal from the Board of Adjustment", by deleting subsections (1), (2), and (3) and replacing them with updated modernized language, new regulations for delivery of decisions and time-frames to file a petition for review, and updated N.C. General Statutes references.

Section 5.113. Appeal from Board of Adjustment.

~~(1) — If no aggrieved party files a written request for a copy of the decision at the time of the hearing of the case, then any petition for a review of the Board's decision in the nature of certiorari by Superior Court must be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board of Adjustment is filed in the Charlotte-Mecklenburg Planning Department. Upon the filing of the decision in the Planning Department, the Zoning Administrator, or his designee will make a notation on the filed decision stating the date upon which the decision has been filed.~~

~~(2) If any aggrieved party has filed a written request for a copy of the decision at the time of the hearing of the case, as stated in G.S. Sec. §160A-388(e), then a decision of the Board may be delivered to that aggrieved party either by personal service or by registered or certified mail with return written receipt requested.~~

~~(3) Any aggrieved party, who has filed a written request for a copy of the decision at the time of the hearing of the case, will have thirty (30) days from receipt of the decision of the Board of Adjustment to file the petition for review in the nature of certiorari in Superior Court with the Clerk of Superior Court, or will have thirty (30) days from the date of the filing of the decision in the Charlotte-Mecklenburg Planning Department, by the Zoning Administrator, as stated above in Subsection (1), whichever is later.~~

(1) The decision of the Board of Adjustment 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.

(2) Every quasi-judicial decision of the Board 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 Board'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 subsection (1) of this section. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

- (43) If a petition for review pursuant to G.S. §160A-388(e2) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the secretary of the Zoning Board of Adjustment for preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the City shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

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

Approved as to form:

City Attorney

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

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

REQUEST	Text amendment to Sections 9.205, 9.303, 9.305, 12.102, 12.805 and Figures 12.102(a) and 12.102(b) of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to clarify and revise the setback measurement requirements for single family and multi-family zoning districts. Setbacks will be measured from the "right-of-way" instead of the back of curb.
STAFF RECOMMENDATION	Staff recommends approval of this petition. This petition is consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> goal to preserve and enhance existing neighborhoods.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

• Background

- The current setback regulations were part of petition 2010-073, adopted by City Council on December 20, 2010, to implement the *Urban Street Design Guidelines*. The update to the Zoning Ordinance changed the requirements of where setbacks were measured.
- Internal and external customers have provided feedback since the adoption of petition 2010-073 indicating there are issues with measuring the setback from the existing or future back of curb.
- Staff is recommending this petition to address the customer concerns. This text amendment changes the location from where the setback is measured by measuring the required setback from the right-of-way. This is where the setback was measured prior to the adoption of petition 2010-073.
- While this text amendment will make changes to where the setback is measured, it will not impact the other ordinance changes that were made in 2010 to implement the *Urban Street Design Guidelines*.

• Proposed Request Details

The text amendment contains the following provisions:

- Single family and multi-family districts:
 - Revises the measurement of the minimum front setback from "the existing or future back of curb" to "the right-of-way".
 - Revises the minimum setback requirements for lots along local and collector street right-of-way approved prior to 12-20-10.
 - Adds footnotes to:
 - 1) reference the corner lot setback requirements in Section 12.102;
 - 2) reference the standards for the location of parking in Section 12.206(3); and
 - 3) state that setbacks on a recorded plat at the Register of Deeds shall supersede required setbacks in the Zoning Ordinance.
- Multi-family districts:
 - Adds a footnote allowing for the use of alternative setbacks when an established block face is at least 25 percent developed, or has at least four existing dwellings.
- Special setback requirements in all zoning districts:
 - Adds a requirement for corner lots that the required side yard may not be reduced to less than 10 feet from the right-of-way.
- Lots in a Surface Water Improvement and Management Stream buffer:
 - Limits the ability to reduce the front setbacks for local and collector streets.
 - Deletes references to the existing or future back of curb.
 - Deletes the default street type requirement for local streets where no curb exists.

• Public Plans and Policies

- This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to

preserve and enhance 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 issues.
 - **Vehicle Trip Generation:** Not applicable.
 - **Connectivity:** Not applicable.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: SETBACK AND YARD REQUIREMENTS IN SINGLE FAMILY AND MULTI-FAMILY DISTRICTS

8-7-14

2014-88

Purpose/Background: The purpose of this text amendment is to revert the measurement of the front setback from the back of curb to the right of way for single family and multi-family zoning districts. The current standard was implemented with the Urban Street Design Guidelines in 2011.

TOPIC		Current Regulations	Proposed Regulations	Rationale
SINGLE FAMILY ZONING DISTRICTS				
Footnotes for the Minimum Setback	<ul style="list-style-type: none"> Footnote 1: Reserved Footnote 8: Along a local street where no curb exists, the default street type shall be a Local Residential-Medium. The future back of curb for a Local Residential-Narrow shall be measured 10' from the existing centerline, Local Residential-Medium shall be measured 13.5' from the existing centerline, and Local Residential-Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline. 	<ul style="list-style-type: none"> Replace footnote 1 and 8: Footnote 1: Setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning setbacks. Footnote 8: As per the Subdivision Ordinance, public streets approved after 12-20-10 may have a right-of-way width that varies from the total width for a Residential Medium Street. If so, the minimum setback from the right-of-way will be shown and recorded on the final plat. Add two new footnotes related to minimum setbacks in the single family districts: <ul style="list-style-type: none"> For lots which abut more than one public street, reference is made to Section 12.102. The location of parking shall meet the minimum standards in Section 12.206(3). 	<ul style="list-style-type: none"> Modifications at request of internal and external customers. 	
Minimum Setback	<ul style="list-style-type: none"> Minimum setbacks are measured from the existing or future back of curb along local and collector streets. 	<ul style="list-style-type: none"> Reverts the minimum setback measurement to the right-of-way along local and collector streets. Modifies the setbacks along local and collector streets accordingly: <ul style="list-style-type: none"> R-3 and R-4: Changes minimum setback from 42' to 27' R-5, R-6, and R-7: Changes minimum setback from 32' to 17' Adds new minimum setbacks for lots along local and collector street right-of-way approved prior to 12-20-10 accordingly: <ul style="list-style-type: none"> R-3 and R-4: 30' R-5, R-6, and R-7: 20' 	<ul style="list-style-type: none"> Although setback numbers vary, the setback itself is unchanged, based on the fact that the distance between measuring from the right-of-way and the back of curb is 15'. <ul style="list-style-type: none"> New standards area added to reflect setback approved prior to 12-20-10 	

TOPIC	Current Regulations	Proposed Regulations	Rationale
Mixed Income Housing Development Regulations	<ul style="list-style-type: none"> Minimum setbacks are based on the street frontage types: <ul style="list-style-type: none"> Along a designated thoroughfare the setback shall be 20 feet for front loaded garages and 15 feet for all other portions of the structure from the right-of-way. Along local and collector streets the setback shall be 32 feet for front loaded garages and 27 feet for all other portions of the structure from the existing or future back of curb. 	<ul style="list-style-type: none"> Remove reference to street frontage type; delete the minimum setback requirements along local and collector streets; and add a section reference. <ul style="list-style-type: none"> The setback shall be 20 feet for front loaded garages and 15 feet for all other portions of the structure from the right-of-way. (Section 12.206(3)). 	<ul style="list-style-type: none"> Revert to previous standards at request of internal and external customers.
MULTI-FAMILY ZONING DISTRICTS			
Separation Distances	<ul style="list-style-type: none"> When a public street, other than a thoroughfare abuts the site, or when both sides of a public street, other than a thoroughfare, are located within or run through the boundaries of a planned multi-family and attached development; a single multi-family or attached building on a lot with more than 12 units in a building: <ul style="list-style-type: none"> All buildings shall have a minimum 27' separation from the existing or future back of curb. Architectural features and fire escapes may project up to 3' into the 27' separation area. Garages must have a minimum 33' separation from existing or future back of curb, with the remainder of the structure located at the 27' separation from the existing or future back of curb. All dwelling units with the 27' separation must have the building elevation facing the street as a front architectural façade with an entrance doorway. Rear and back facades are not permitted to face the street. No parking or maneuvering space is permitted in the 27' separation area, with exceptions. Minimum setbacks are required along a designated thoroughfare. 	<ul style="list-style-type: none"> Modify the separation requirements: <ul style="list-style-type: none"> Change the dimension of the separation distance from 27' to 15'. Change how the separation distance is measured from "the existing or future back of curb" to the "existing or future right-of-way". 	<ul style="list-style-type: none"> Revert to previous standards at request of internal and external customers.
Minimum setbacks	<ul style="list-style-type: none"> Minimum setbacks are required along a designated thoroughfare. 	<ul style="list-style-type: none"> Modify the minimum setback requirements to also apply to public streets. 	<ul style="list-style-type: none"> Modifications requested by internal and external customers.

TOPIC	Current Regulations	Proposed Regulations	Rationale
<p>Minimum setback measurements</p>	<ul style="list-style-type: none"> Minimum setbacks are measured from the existing or future back of curb along local and collector streets. R-8MF, R-12MF, R-17MF, R-22MF, R-43MF: 32' for detached, duplex, triplex and quadraplex dwellings and 42' for all other buildings, including planned multi-family developments, except as provided for in 9.303(19)(f). 	<ul style="list-style-type: none"> Revert to measuring setbacks from the right-of-way along local and collector streets: R-8MF, R-12MF, R-17MF, R-22MF, R-43MF: 17' for detached, duplex, triplex and quadraplex dwellings and 27' for all other buildings, including planned multi-family developments, except as provided for in 9.303(19)(f). Add new setback requirements for lots along right-of-way approved prior to 12-20-10: R-8MF, R-12MF, R-17MF, R-22MF, R-43MF: 20' for detached, duplex, triplex and quadraplex dwellings and 30' for all other buildings, including planned multi-family developments, except as provided for in 9.303(19)(f). 	<ul style="list-style-type: none"> Revert to previous standards at request of internal and external customers.
<p>Footnotes</p>	<ul style="list-style-type: none"> Footnote 10: Along a local street where no curb exists, the default street type shall be a Local Residential-Medium. The future back of curb for a Local Residential-Medium shall be measured 10' from the existing centerline, Local Residential-Medium shall be measured 13.5' from the existing centerline, and Local Residential-Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline. 	<ul style="list-style-type: none"> Replace footnote 10 with: As prescribed by Chapter 20 (Subdivision Ordinance) public streets approved after 12-20-2010 may have a right-of-way width that varies from the total width for a Residential Medium Street. If so, the minimum setback from the right-of-way will be shown, and recorded on the final plat. Add four new footnotes: <ul style="list-style-type: none"> Footnote 11: For lots which abut more than one public street refer to Section 12.102. Footnote 12: The location of parking shall meet the minimum standards in Section 12.206(3). Footnote 13: Alternative Setback: The following setback standards may be used for an established block face that is at least 25 percent developed, or has at least four existing dwellings: <ul style="list-style-type: none"> A single-family detached dwelling in an established block face may be located no closer to the street than the two closest structures on the same block face. In no case shall the minimum setback be less than 10 feet, or intrude into a required clear sight triangle at an intersection. The location of parking shall meet the minimum setback standards in Section 12.206(3). Footnote 14: Setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning setbacks. 	<ul style="list-style-type: none"> Clarify language for certain lot situations and location of parking and alternative setback requirements.

TOPIC	Current Regulations	Proposed Regulations	Rationale
CHAPTER 12: SPECIAL SETBACK REQUIREMENTS			
<p>When 1) two lots are separated by a common rear lot line; 2) a corner lot has a rear lot line in common with a side lot line of an abutting lot; or 3) a lot is fronted on three sides by streets.</p>	<ul style="list-style-type: none"> If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be a minimum of 50 percent of the required setback for the district in which the structure is located as illustrated in Figure 12.102(a). If, in any district, a corner lot has a rear lot line in common with a side lot line of an abutting lot, then the side yard on the street side of the corner lot must be at least 50 percent of the required setback for the abutting lot from the right of way as illustrated in Figure 12.102(b). If a lot is fronted on three sides by streets, the setback requirement for the district shall be applied only on the two opposing street fronts. The required side yard on the third street front must be at least one-half the required setback in that district. The yard opposite the third street front must be at least the minimum side yard requirement for the district. If the lot is fronted on four sides by streets, two opposing streets shall have the minimum required setbacks and the other two streets must have side yards of one-half the required setback. 	<ul style="list-style-type: none"> Modify the requirement by adding that the minimum setback or yards cannot be less than 10' from the right-of-way in the text and in Figure 12.102(a) and Figure 12.102(b). If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be a minimum of 50 percent of the required setback for the district <u>but not less than 10 feet</u> from the right of way in which the structure is located as illustrated in Figure 12.102(a). If, in any district, a corner lot has a rear lot line in common with a side lot line of an abutting lot, then the side yard on the street side of the corner lot must be at least 50 percent of the required setback for the abutting lot but not less than 10 feet from the right of way as illustrated in Figure 12.102(b). If a lot is fronted on three sides by streets, the setback requirement for the district shall be applied only on the two opposing street fronts. The required side yard on the third street front must be at least one-half the required setback in that district <u>but not less than 10 feet from the right of way</u>. The yard opposite the third street front must be at least the minimum side yard requirement for the district. If the lot is fronted on four sides by streets, two opposing streets shall have the minimum required setbacks and the other two streets must have side yards of one-half the required setback, <u>but not less than 10 feet from the right-of-way</u>. 	<ul style="list-style-type: none"> Modifications requested by internal and external customers.
Location of parking	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> Add language that the location of parking shall meet the minimum standards in Section 12.206(3). 	<ul style="list-style-type: none"> Clarify the parking standards shall be met.
Setback measurements	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> Add text to describe how setbacks shall be measured: Setbacks measured from right-of-way shall be measured from the total right-of-way as defined by Chapter 20 (Subdivision Ordinance). 	<ul style="list-style-type: none"> Clarify how setbacks are measured.
SURFACE WATER IMPROVEMENT AND MANAGEMENT STREAM BUFFERS			
Incentives	<ul style="list-style-type: none"> For lots in a SWIM buffer: Front setbacks can be reduced to a minimum of 15 feet as measured from the right-of-way line for all lots along a designated thoroughfare or 27 feet from the existing or future back of curb for all lots along local and collector streets. However, front loaded garages must maintain a minimum setback of 20 feet measured from the back of sidewalk or back of right-of-way, whichever is greater. (Section 12.206(3)). 	<ul style="list-style-type: none"> Delete the language, “along a designated thoroughfare or 27’ from the existing or future back of curb for all lots” and add a reference to Section 12.206(3): Front setbacks can be reduced to a minimum of 15 feet as measured from the right-of-way line for all lots along local and collector streets. However, front loaded garages must maintain a minimum setback of 20 feet measured from the back of sidewalk or back of right-of-way, whichever is greater. (Section 12.206(3)). 	<ul style="list-style-type: none"> Modifications requested by internal and external customers.

	<ul style="list-style-type: none"> For lots in a SWIM buffer: Along a local street where no curb exists, the default street type shall be a Local Residential-Medium. The future back of curb for a Local Residential-Narrow shall be measured 10' from the existing centerline, Local Residential-Medium shall be measured 13.5' from the existing centerline, and Local Residential-Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline. 	<ul style="list-style-type: none"> Delete the default street type requirement for local streets where no curb exists. 	
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Petition No. 2014-88
Petitioner: Charlotte-Mecklenburg Planning Department

**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 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (e1) by adding three new footnote references, and bolding the word, "thoroughfare". The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(e1) Minimum setback from the right-of-way along a designated thoroughfare (feet) ^{1, 3, 10, 11}	30	30	20	20	20

- b. Amend Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (e2) by 1) modifying the setback numbers and deleting "existing or future back of curb" and replacing it with "the right-of-way"; 2) adding three new footnote references; 3) adding new setback requirements for "lots along right-of-way approved prior to 12-20-2010"; and 4) bolding the words, "local and collector street" and "Approved prior to 12-20-2010". The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(e2) Minimum setback from existing or future back of curb <u>the right-of-way</u> along local and collector streets (feet) ^{1, 3, 8, 9, 10, 11}	42 <u>27</u>	42 <u>27</u>	32 <u>17</u>	32 <u>17</u>	32 <u>17</u>

or

Lots along right-of-way Approved prior to 12-20-2010 below:

- c. Amend Section 9.205, “Development standards for single family districts”, subsection (1), “Density, area, yard and bulk regulations”, subsection (f) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(f) Minimum side yard (feet) ^{4,10}					
- Residential	6	5	5	5	5
- Non-residential	20	20	20	20	20

- d. Amend Section 9.205, “Development standards for single family districts”, subsection (1), “Density, area, yard and bulk regulations”, subsection (g) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(g) Minimum rear yard (feet) ¹⁰					
- Residential	45	40	35	30	20
- Non-residential	45	40	35	35	35

- e. Amend Footnotes to Section 9.205(1) by modifying footnote 1 and 8 and adding two new footnotes 10 and 11. All other footnotes remain unchanged. The revised and new footnotes shall read as follows:

¹ ~~Reserved.~~ Setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning setbacks.

⁸ As prescribed by Chapter 20 (Subdivision Ordinance) public streets approved after 12-20-2010 may have a right-of-way width that varies from the total width for a Residential Medium Street. If so, the minimum setback from the right-of-way will be shown, and recorded on the final plat. Along a local street where no curb exists, the default street type shall be a Local Residential Medium. The future back of curb for a Local Residential Narrow shall be measured 10’ from the existing centerline, Local Residential-Medium shall be measured 13.5’ from the existing centerline, and Local Residential-Wide shall be measured 17.5’ from the existing centerline. The future back of curb for a collector street shall be measured 18’ from the existing centerline.

¹⁰ For lots which abut more than one public street refer to Section 12.102.

¹¹ The location of parking shall meet the minimum standards in Section 12.206(3).

f. Amend Section 9.205, “Development standards for single family districts”, subsection (9), “Mixed Income Housing Development”, subsection (d), “Development Standards”, subsection (iii) by 1) removing text regarding street frontage types; 2) adding a section number reference; and 3) removing subsection (b) in its entirety. The revised subsection shall read as follows:

(iii) The minimum setbacks are as follows ~~based on the street frontage type~~:

a. ~~Along a designated thoroughfare~~ The setback shall be 20 feet for front loaded garages and 15 feet for all other portions of the structure from the right-of-way. (Section 12.206(3))

b. ~~Along local and collector streets the setback shall be 32 feet for front loaded garages and 27 feet for all other portions of the structure from the existing or future back of curb.~~

2. PART 3: MULTI-FAMILY DISTRICTS

a. Amend Section 9.303, “Uses permitted under prescribed conditions”, item (19), “Planned multi-family and attached developments, a single multi-family or attached building on a lot with more than 12 units in a building”, subsection (f) by modifying the separation distances in subsections (i) through (v) as well as how they are measured. Also add a section number reference in subsection (iii). The revised section shall read as follows:

(f) The following standards shall apply when a public street, other than a thoroughfare abuts the site, or when both sides of a public street, other than a thoroughfare, are located within or runs through the boundaries of a project subject to this Section:

(i) All buildings may have a minimum ~~27~~ 15-foot separation from the existing or future ~~back of curb~~ right-of-way provided the conditions listed below are met.

(ii) Architectural features such as cornices, eaves, steps, gutter, and fire escapes may project up to 3 feet into this ~~27~~ 15-foot separation area.

(iii) All garages must have a minimum separation of ~~33~~ 20 feet from the existing or future ~~back of curb~~ right-of-way while the remainder of the structure

may be located at the minimum ~~27~~ 15-foot separation from the existing or future ~~back of curb~~ right-of-way. (Section 12.206(3))

- (iv) All dwelling units with the ~~27~~ 15-foot minimum street separation must have the building elevation facing the street as a front architectural facade with an entrance doorway. Rear and back facades are not permitted to face the street.
- (v) No parking or maneuvering space is permitted in the ~~27~~ 15-foot separation area, except that common driveways providing access to parking areas may be installed across it. However, parking behind garages is allowed so long as the parking is out of the required planting strip and sidewalk area or the right-of-way, whichever is greater.

b. Amend Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (e1) by adding text regarding public streets and adding three footnote references. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
e1) Minimum setback from the right-of-way along a designated thoroughfare <u>and public streets</u> (feet) ^{3,11,13,14}					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(19)(f))	30	30	30	30	30

c. Amend Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (e2) by 1) replacing “existing or future back of curb” with “right-of-way”; 2) modifying the setbacks; 3) adding four new footnote references; 4) adding a new section and setbacks for “lots along right-of-way approved prior to 12-20-2010”; and 5) bolding the words, “Approved prior to 12-20-2010”. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(e2) Minimum setback from existing or future back of curb <u>right-of-way</u> along local and collector streets (feet) ^{3,10,11,12,13,14}					
- Detached, duplex, triplex and quadraplex dwellings	32 <u>17</u>	32 <u>17</u>	32 <u>17</u>	32 <u>17</u>	32 <u>17</u>
- All other buildings, including planned multi-family developments	42 <u>27</u>	42 <u>27</u>	42 <u>27</u>	42 <u>27</u>	42 <u>27</u>

(except as provided for in Section 9.303(19)(f))

or
Lots along right-of-way Approved prior to 12-20-2010 below:

- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(19)(f))	30	30	30	30	30

- d. Amend Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (f) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(f) Minimum side yard (feet) ^{4,11}					
-Detached, duplex, triplex and quadraplex dwellings	5	5	5	5	5
- Planned multi-family developments adjoining single family developed or zoned land ⁵	20	20	10	10	10
-Non-residential buildings adjoining single family zoning districts	20	20	20	20	20
-All other planned multi-family developments and all other nonresidential buildings ⁵	10	10	10	5	5

- e. Amend Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (g) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(g) Minimum rear yard (feet)					
-Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
-All other buildings, including planned multi-family developments (except as required below)	40	40	40	40	40
-Planned multi-family developments adjoining single family developed or zoned land ^{5, 8,11}	50	50	50	40	40

- f. Amend Footnotes to Section 9.305(1) by modifying footnote 10 and adding four new footnotes. All other footnotes remain unchanged. The revised and new footnotes shall read as follows:

¹⁰ As prescribed by Chapter 20 (Subdivision Ordinance) public streets approved after 12-20-2010 may have a right-of-way width that varies from the total width for a Residential Medium Street. If so, the minimum setback from the right-of-way will be shown, and

~~recorded on the final plat. Along a local street where no curb exists, the default street type shall be a Local Residential Medium. The future back of curb for a Local Residential Narrow shall be measured 10' from the existing centerline, Local Residential Medium shall be measured 13.5' from the existing centerline, and Local Residential Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline.~~

¹¹ For lots which abut more than one public street refer to Section 12.102.

¹² The location of parking shall meet the minimum standards in Section 12.206(3).

¹³ Alternative Setback: The following setback standards may be used for an established block face that is at least 25 percent developed, or has at least four existing dwellings:

(a) A single-family detached dwelling in an established block face may be located no closer to the street than the two closest structures on the same block face.

(b) In no case shall the minimum setback be less than 10 feet, or intrude into a required clear sight triangle at an intersection.

(c) The location of parking shall meet the minimum setback standards in Section 12.206(3).

¹⁴ Setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning setbacks.

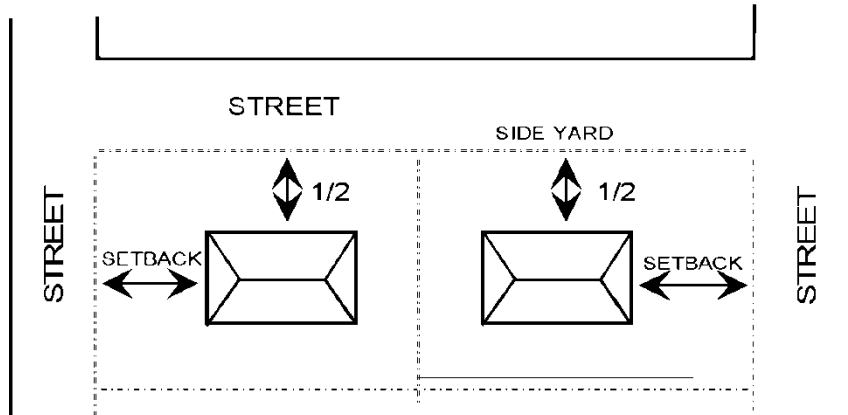
B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.102, "Special lot, setback, yard and building envelope requirements", by modifying subsection (6); Figure 12.102(a); subsection (7); Figure 12.102(b); and subsection (8) by adding text that reads: "but not less than 10 feet from the right-of-way" to all subsections and figures. Also add two new subsections 11 and 12. All remaining subsections are unchanged. The revised subsections and figures shall read as follows:

(6) If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be a minimum of 50 percent of the required setback for the district but not less than 10 feet from the right of way in which the structure is located as illustrated in Figure 12.102(a).

Figure 12.102(a)

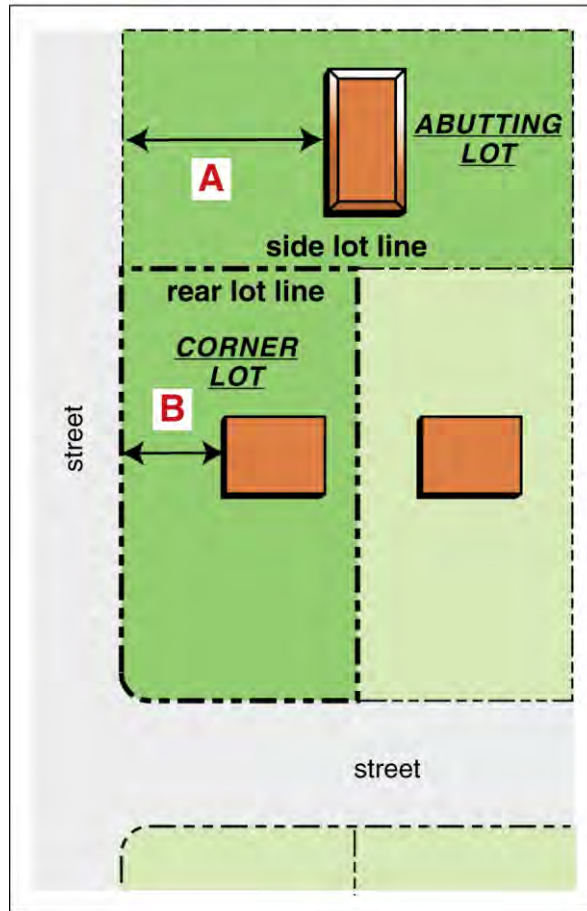


SIDE YARD IS 1/2 REQUIRED SETBACK
BUT NOT LESS THAN 10 FEET FROM THE RIGHT-OF-WAY

(Continued on next page)

- (7) If, in any district, a corner lot has a rear lot line in common with a side lot line of an abutting lot, then the side yard on the street side of the corner lot must be at least 50 percent of the required setback for the abutting lot but not less than 10 feet from the right of way as illustrated in Figure 12.102(b).

FIGURE 12.102(b)



- A** Setback
B Side yard for corner lot shall be at least 50 percent of Setback A but not less than 10 feet from the right-of-way

- (8) If a lot is fronted on three sides by streets, the setback requirement for the district shall be applied only on the two opposing street fronts. The required side yard on the third street front must be at least one-half the required setback in that district but not less than 10 feet from the right of way.

The yard opposite the third street front must be at least the minimum side yard requirement for the district. If the lot is fronted on four sides by streets, two opposing streets shall have the minimum required setbacks and the other two streets must have side yards of one-half the required setback, but not less than 10 feet from the right-of-way.

- (9) The location of required setback, side and rear yards on irregularly shaped lots will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings on individual lots.
- (10) All residential lots shall have a building envelope sufficient to meet the requirements of the Minimum Housing Code.
- (11) The location of parking shall meet the minimum standards in Section 12.206(3).
- (12) Setbacks measured from right-of-way shall be measured from the total right-of-way as defined by Chapter 20 (Subdivision Ordinance).

2. PART 8: S.W.I.M (SURFACE WATER IMPROVEMENT AND MANAGEMENT STREAM BUFFERS)

- a. Amend Section 12.805, “Incentives”, subsection (3)(a) by 1) deleting “along a designated thoroughfare or 27 feet from the existing or future back-of-curb for all lots”; 2) add a section number reference, and 3) delete the entire second paragraph. All other subsections remain unchanged. The revised section shall read as follows:

(3) Relax lot setback requirements

For all lots within a development requiring a SWIM buffer, setback requirements as specified in Section 9.205(4) are reduced as follows:

- (a) Front setbacks can be reduced to a minimum of 15 feet as measured from the right-of-way line for all lots ~~along a designated thoroughfare or 27 feet from the existing or future back of curb for all lots~~ along local and collector streets. However, front loaded garages must maintain a minimum setback of 20 feet measured from the back of sidewalk or back of right-of-way, whichever is greater. (Section 12.206(3)).

~~Along a local street where no curb exists, the default street type shall be a Local Residential-~~

~~Medium. The future back of curb for a Local Residential Narrow shall be measured 10' from the existing centerline, Local Residential Medium shall be measured 13.5' from the existing centerline, and Local Residential Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline.~~

- (b) Rear yards can be located 100 % within a SWIM buffer. Rear yards can be reduced to 30 feet on all internal lots. Rear yards forming the outer boundary of a project must conform to the minimum of subsection 9.205(1)(g) for the zoning district in which the development is located.

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.
