

**DINNER MEETING AGENDA  
Monday, February 16, 2015**

**1. Agenda Review – Tammie Keplinger**

**DEFERRAL / WITHDRAWAL REQUESTS**

<b>Item #</b>	<b>Petition #</b>	<b>Petitioner/Description</b>	<b>Update</b>
6	2014-110	<b>Unique Southern Estates, LLC</b> - southeast corner of the intersection of The Plaza and Belvedere Avenue	<b>Decision</b> – <ul style="list-style-type: none"> <li>• Defer to April</li> <li>• Protest Petition sufficient</li> </ul>
7	2014-113	<b>Dona Patterson</b> - east side of West Sugar Creek Road between Penny Way and North Tryon Street	<b>Decision</b> – Defer to April
11	2014-101	<b>LGI Homes NC, LLC</b> – east side of Reames Road between Bella Vista Court and Lawnmeadow Drive	<b>Hearing</b> - Defer to March (Community meeting report not submitted by deadline)
12	2014-109	<b>Midtown Area Partners II, LLC</b> - northeast corner of Baxter Street and South Kings Drive	<b>Hearing</b> – <ul style="list-style-type: none"> <li>• Defer to March</li> <li>• Protest Petition sufficient</li> </ul>
13	2014-115	<b>Satwinder Singh</b> – south side of Parker Drive between Remount Road and Berryhill Road	<b>Hearing</b> – Defer to March (Community meeting report not submitted by deadline)

**MISCELLANEOUS REQUESTS AND INFORMATION**

<b>Item #</b>	<b>Petition #</b>	<b>Petitioner/Description</b>	<b>Update</b>
2	2014-043	<b>Mark Patterson</b> – west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane	<b>Decision</b> - Protest Petition sufficient
3	2014-092	<b>Pavilion Development Company</b> - northeast corner at the intersection of Nations Ford Road and Tyvola Road	<b>Decision</b> – <ul style="list-style-type: none"> <li>• Council will have to vote whether or not to send back to Zoning Committee due to the change referenced under Item 3</li> <li>• Protest Petition insufficient</li> </ul>
4	2014-100	<b>Charlotte-Mecklenburg Planning Department</b> – southeast corner of West 30 <sup>th</sup> Street and Chick Godley Road	<b>New Public Hearing</b> –To allow the petition to be converted from conventional to conditional
5	2014-103	<b>Weekley Homes, LP</b> - north side of Endhaven Lane between North Community House Road and Misty Ridge Lane	<b>New Public Hearing</b> – <ul style="list-style-type: none"> <li>• Staff recommends a new public hearing be held on March 16, 2015 due to the significant changes since the Zoning Committee vote.</li> </ul>
9	2015-005	<b>SIM USA</b> – south side of Choate Circle at Moss Road and Choate Circle	<b>Decision</b> – Protest Petition insufficient
10	2014-078	<b>Park Selwyn, LLC</b> – north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue	<b>Hearing</b> – Protest Petition sufficient
19	2015-013	<b>Meeting Street Homes and Communities</b> - west side of Kenilworth Avenue between Buchanan Street and East Boulevard	<b>Hearing</b> - Protest Petition TBD
22	2015-018	<b>Laurel Street Residential, LLC</b> - west side of Baxter Street across from Avant Street	<b>Hearing</b> – Protest Petition TBD

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



CHARLOTTE.

## **City Council Follow-Up Report From the January 20, 2015 Zoning Meeting**

2014-074 What was the City's purchase price of the Ballantyne markers located on the northeast corner of North Community House Road and Bryant Farms Road? How many markers were purchased? Will the Ballantyne Business Association be purchasing some or all of the markers?

**Staff Response:** Two Ballantyne markers were purchased with the land as part of the right-of-way acquisition. The price of the markers was not itemized. The Ballantyne Business Association will pay for the relocation of the markers, but not be charged for the markers. If the markers are not removed, the City will have to pay the contractor of the project to remove the markers.

2015-002 Clarify the changes proposed for the text amendment sponsored by the Charlotte Montessori School related to the street frontage and primary access requirements for childcare centers.

**Staff Response:** Currently, large childcare centers (80 or more children) in non-residential zoning districts do not have any street frontage and access requirements. However, smaller childcare centers (13 to 79 children) located in non-residential zoning districts must have frontage along a collector or thoroughfare and access is allow from a local residential street but only if it directly intersects a collector or thoroughfare. For example, a childcare center in a business district with 100 children could have frontage and access from a local street, while a childcare center in the same zoning district, but with only 13 children, would have to front a collector or thoroughfare and would have access limitations.

This text amendment will make the frontage and access requirements for childcare centers (13 to 79 children) and large childcare centers (80 or more children) the same, by eliminating the requirement that a childcare center (13 to 79 children) with non-residential zoning has frontage on a collector or thoroughfare and access limitations.

## Rezoning Cases of Special Interest

March Hearings (25 scheduled)					
Petition	Petitioner	Council District	Location	Description	Additional Info
2014-049	SBBH, LLC	6 - Smith	South side of Morrison Boulevard between South Park Drive and Sharon Road.	Rezoning from CC (commercial center) to MUDD-O (mixed use development district, optional) for the development of up to 190,000 square feet of gross floor area of office uses and up to 12,500 square feet of gross floor area of retail and restaurant uses. Optional provisions pertain to building height, signage, and building frontage on a public street.	
2014-101	LGI Homes	2 - Austin	East side of Reames Road between Bella Vista Court and Lawnmeadow Drive.	Rezoning from UR-1(CD) (urban residential, conditional) to R-5(CD) (single family residential, conditional) to allow up to 71 single family residential lots at a density of 4.97 units per acre ( <i>new public hearing</i> ).	
2014-117	Fairview Plaza JLC, LLC	6 - Smith	East side of Park South Drive near the intersection of Fairview Road and Park South Drive, also abutting Piedmont Row Drive South.	Rezoning from O-3(CD) (office, conditional) to MUDD-O (mixed use development district, optional) for the development of up to 400 multifamily units; up to 300 hotel rooms; up to 75,000 square feet of gross floor area devoted to retail uses and eating, drinking and entertainment establishments; and, up to 125,000 square feet of gross floor area devoted to professional business and general offices. Optional provisions pertain to building height and location of parking.	
2015-001	Southern Apartment Group	1 - Kinsey	East side of North Davidson Street and bounded by East 27 <sup>th</sup> Street, and North Davidson Street.	Rezoning from MUDD-O (mixed use development district, optional) to TOD-M(O) (transit oriented development - mixed use, optional) for the development of up to 250 residential dwelling units, up to 7,500 square feet of gross floor area of non-residential uses as permitted in the TOD-M (transit oriented development, mixed use) district in Development Area A, and to allow residential and nonresidential uses as permitted in TOD-M (transit oriented development, mixed use) district in Development Area B. Optional provisions pertain to building height, parking, setbacks, streetscape, and active uses at the street level.	
2015-006	Sam's Investments IV, LLC	2 - Austin	West side of Northlake Centre Parkway between Point O'Woods and Madison Square Place.	Rezoning from R-3 (single family residential) to NS (neighborhood services) for the development of up to 3,600 square feet of retail including a convenience store with gasoline sales.	
2015-020	Carolina States Regional Center, LLC	4 - Phipps	Southwest corner at the intersection of US 29 By-Pass Highway and North Tryon Street	Rezoning from B-2 (general business) to UR-2 (CD) (urban residential, conditional) for the development of a multi-family complex.	

## Rezoning Cases of Special Interest

March Hearings cont'd (25 scheduled)					
Petition	Petitioner	Council District	Location	Description	Additional Info
2015-023	Weldegebriel Ucheab	Outside City Limits	Northeast corner at the intersection of Harrisburg Rd and Camp Stewart Road.	Rezoning from R-3 (single family residential) to NS (neighborhood services) to allow the redevelopment and expansion of an existing non-conforming convenience store with gasoline sales.	
2015-025	Circle K Stores	5 – Autry	Northwest corner at the intersection of Idlewild Road and East W. T. Harris Boulevard.	Rezoning from INST (CD) (institutional, conditional), R-4 (single family residential) and B-1 (neighborhood business) to B-1 (CD) (neighborhood business, conditional) to allow the redevelopment and expansion of the existing convenience store with gasoline sales.	
2015-033	Averitt Express, Inc.	3 – Mayfield	North side of Ed Brown Road between Westinghouse Boulevard and Steele Creek Road.	Rezoning from I-1 (light industrial, conditional) to I-2(CD) (general industrial, conditional) for the development of a warehouse for storage of inventory and a maintenance facility to clean and service trucks, and areas to park trucks and trailers.	

March Decisions (18 scheduled)					
Petition	Petitioner	Council District	Location	Description	Additional Info
2014-078	Park Selwyn, LLC	6 – Smith	North side of East Woodlawn Road between Brandywine Road and Selwyn Avenue	Rezoning from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment) for an additional eight multi-family residential dwelling units to a site on which 16 multi-family units currently exist, for a total of 24 units.	
2015-013	Meeting Street Homes and Communities	1 - Kinsey	West side of Kenilworth Avenue between Buchanan Street and East Boulevard.	Rezoning from R-22MF (residential multifamily) and B-1 (neighborhood business) to MUDD(CD) (mixed use development, conditional) to allow nine attached single family residential units at a density of 21.48 dwelling units per acre.	
2015-018	Laurel Street Residential, LLC	1 – Kinsey	South side of Baxter Street, west of Queens Road, east of Welker Street.	Rezoning from R-6 (single family residential) to UR-2(CD) (urban residential, conditional) to allow up to 30 multifamily residential dwelling units along with accessory uses at a density of 16.04 units per acre.	
2015-027 through 2015-030 and 2015-032	Charlotte Housing Authority	1 – Kinsey	Various locations within the Cherry Neighborhood.	Rezoning from R-8 (single family residential), R-12MF (multi-family residential) and R-22MF (multi-family residential) to R-22MF(CD) (multi-family residential, conditional) and UR-C(CD) (urban residential, commercial, conditional) for the development of multi-family residential housing.	

## Rezoning Cases of Special Interest

April Hearings (15 scheduled)					
Petition	Petitioner	Council District	Location	Description	Additional Info
2014-119	City of Charlotte	1 - Kinsey	South side of East Independence Boulevard and generally surrounded by Briar Creek Road, Television Place, Chipley Avenue, and Arena Boulevard.	Rezoning from R-22MF (residential multi-family) and B-2 (general business) to MUDD-O (mixed use development, optional) and B-2(CD) (general business, conditional) to allow up to 260,000 square feet of uses permitted in the MUDD (mixed use development) district including, but not limited to: eating, drinking, and entertainment establishments, retail, indoor recreation, hotel, office and personal service uses. Proposed maximum building height will be 120 feet. Optional provisions pertain to signage, vehicular maneuvering and parking, and street walls.	
2015-026	Bobby Drakeford	1 - Kinsey	North and south sides of McClintock Road near the intersection of St. Julien Street and McClintock Road.	Rezoning from R-5 (single family residential) to MUDD (CD) (mixed use development, conditional) to allow the development of up to 30 townhome units.	
2015-042	Jim Donaldson	1 - Kinsey	Northeast corner at the intersection of Statesville Avenue and Woodward Avenue.	Rezoning from NS (neighborhood services) and I-1 (light industrial) to NS (neighborhood services) and NS SPA (neighborhood services, site plan amendment) to allow the construction of a new Mecklenburg County Park and Recreation pool facility.	
2015-044	David Willis	7 - Driggs	East side of Providence Road across from Springs Farm Lane.	Rezoning from R-3 (single family residential) to UR-C(CD) (urban residential, commercial, conditional) to allow the development of a maximum 12,000 square foot building for a child care center that may serve a up to 200 children.	
2015-045	TWO Capital partners, LLC	3 - Mayfield	Southwest corner at the intersection of Brown-Grier Road, West Arrowood Road, and Sandy Porter Road.	Rezoning from R-3 (single family residential), INST(CD) (institutional, conditional), and R-8MF(CD) (multi-family residential, conditional) to UR-2(CD) (urban residential, conditional) will allow up to 291 multi-family dwelling units along with accessory uses.	
2015-046	Mallard Creek Associates #1, LLC	6 - Smith	Northwest corner at the intersection of Providence Road, Fairview Road, and Sardis Road.	Rezoning from R-12MF (multi-family residential) and B-1 (neighborhood business) to MUDD-O (mixed use development, optional) will allow up to 100,000 square feet of gross floor area devoted to retail, eating, drinking, entertainment establishments, general and medical office uses and personal service uses; and 225 residential dwelling units. Buildings with residential uses will not exceed 75 feet in height, or five (5) stories. Non-residential buildings will not exceed 45 feet, or two (2) stories.	

Mayor Daniel Clodfelter      Mayor Pro-Tem Michael D. Barnes

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

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**CITY COUNCIL ZONING AGENDA**  
*Monday, February 16, 2015*

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

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

## ACRONYMS

### Zoning District Acronyms

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

### Zoning Overlay District Acronyms

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **LNW** – Lake Norman watershed overlay
- **LWPA** – Lake Wylie protected area
- **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
- **INNOV** – innovative standards
- **SPA** – site plan amendment
- **O** – optional provisions

### Miscellaneous Other Acronyms

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



# ZONING DECISIONS

	<p>1. <a href="#"><u>Petition No. 2014-042</u></a> (Council District 3 - Mayfield) <b>by Moss Road Development Partners, LLC</b> for a change in zoning for approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p>The Zoning Committee found the proposed office building to be consistent with the <i>Steele Creek Area Plan</i> and the proposed retail/automobile services use to be inconsistent with the <i>Steele Creek Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends office uses for the subject property.</li> </ul> <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed retail use is less intense than office from a traffic perspective and the applicant has worked to develop a plan that addresses building elevations, site design, and relationship to the neighborhood.</li> </ul> <p>The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. A Development Data Table has been provided that includes proposed use(s) (general office, medical office, automotive services), and maximum building height (40 feet to top of highest ridge, 30 foot maximum).</li> <li>2. Labelling on the site plan has been corrected to reflect proposed six-foot sidewalk and eight-foot planting strip along Moss Road.</li> <li>3. CATS, CDOT, Engineering and Property Management, and Storm Water Services comments have been addressed as per the following:             <ol style="list-style-type: none"> <li>a. Added note stating petitioner will work with CATS on the location and timing of the installation of a future bus shelter pad on the site if location meets all of CATS and NCDOT requirements.</li> <li>b. Provided language and detail on site plan as provided in CDOT memorandum regarding extension of the existing eastbound right-turn lane on South Tryon Street. The exact configuration of the curb, sidewalk, and ramps will be determined during permitting.</li> <li>c. In response to Engineering and Property Management’s request, language has been provided under Environmental Features pertaining to tree protection and submittal of a tree survey.</li> <li>d. The petitioner has added language provided by Storm Water Services under the heading Environmental Features pertaining to compliance with the Charlotte City Council approved and adopted Post Construction Ordinance.</li> </ol> </li> <li>4. The petitioner has noted that freestanding lighting on the site will utilize full cut-off luminaries, and will be limited to a maximum 25 feet in height.</li> </ol> <p>Staff disagrees with the recommendation of the Zoning Committee, as the retail portion of the rezoning request is inconsistent with the <i>Steele Creek Area Plan</i>, which recommends office uses. In addition, the subject property is adjacent to single family residential and there are other opportunities for this type of use on South Tryon Street.</p> <p style="text-align: center;"><a href="#"><u>Attachment 1</u></a></p>
<p><b>Protest Petition (Sufficient)</b></p>	<p>2. <a href="#"><u>Petition No. 2014-043</u></a> (Council District 4 - Phipps) <b>by Mark Patterson</b> for a change in zoning for approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Northeast District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p>

	<ul style="list-style-type: none"> <li>The Plan recommends single family residential up to four dwelling units per acre for this site.</li> </ul> <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>Area plans typically do not specify locations for institutional uses; and</li> <li>The site has frontage along a major thoroughfare; and</li> <li>The proposed use would serve the needs of the surrounding neighborhoods.</li> </ul> <p>The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>Reduced the length of the new internal walkway by eliminating the portion that runs along the inside of the driveway and instead locating it along the guest parking area to connect to the sidewalk along Prosperity Church Road. This walkway may meander to preserve any existing trees.</li> <li>Removed the sign from the site plan.</li> <li>Added the heading "Signage" and a note stating that signage is permitted per the ordinance.</li> </ol> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p><a href="#">Attachment 2</a></p>
<p><b>Council will have to vote whether or not to send back to the Zoning Committee.</b></p> <p><b>Protest Petition (Insufficient)</b></p>	<p>3. <b>Petition No. 2014-092</b> (Council District 3 - Mayfield) <b>by Pavilion Development Company</b> for a change in zoning for approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).</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.</p> <p>The petitioner:</p> <ol style="list-style-type: none"> <li>Filed for an administrative amendment to Petition 1997-015 to remove building square footage from the allotment for Parcel 4 and reduce the eating/drinking/entertainment establishment's square footage allotment by 2,500 square feet. The administrative amendment has been filed and will be finalized if the rezoning is approved by Council.</li> <li>Amended Note B, Parcel 4A to remove "automobile service stations" and "Petitioner is currently showing unsupported use and proposed revision to special conditions for automobile service station use."</li> <li>Amended Note F to make the word "parcel" at the end of the first sentence plural.</li> <li>Deleted the proposed sign location and label.</li> <li>Increased the width of the sidewalks on the right and left side of the building from five feet to seven feet to allow for "shy zone" next to the building.</li> <li>Increased the width of the sidewalk in front of the building from six feet to eight feet to allow for a "shy zone" and parked cars. Curb stops will be used in front of the building.</li> <li>Swapped the labels of the left and right elevations to correctly match the images.</li> </ol> <p>The Zoning Committee found this petition to be inconsistent with the <i>Southwest District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>The Plan recommends retail uses with the exception of automobile service stations.</li> </ul> <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>This plan and the recommended uses were approved a long time ago. Given the context of area today, this is a reasonable land use for this particular site; and</li> <li>The petitioner has agreed to address site plan issues 2 through 8.</li> </ul>

The Zoning Committee voted 7-0 to **APPROVE** this petition with the following modifications and with the petitioner's commitment to address outstanding issues 2 through 8 prior to the City Council decision on this case:

1. CDOT withdrew their opposition to the left-in only access off the right-in driveway and no longer has any outstanding issues with the petition.
2. Provided building, dumpster enclosure and pump island elevations for all sides as part of the rezoning plans.
3. Revised the Site Area under Site Data for Parcel 4A to reflect the acreage for the parcel after the proposed subdivision (total site acreage minus acreage of parcel 4B).
4. Removed the "Max SF allowed: 16,000 SF. Office, 10,500 SF. Retail, 24,000 SF. Restaurant" from the Site Data.
5. Removed the "+/-" in proposed building height for Parcel 4A.
6. Revised the Proposed Floor Area Ratio, under the Site Data, for both parcels to reflect the proposed building area compared to proposed acreage for each parcel.
7. Removed Note B in its entirety and replaced with the following:
  - First paragraph - "Parcel 4A – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows."
  - Second paragraph – "Parcel 4B – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/ drinking/entertainment establishments with drive-in service windows. The building layout is conceptual in nature; the petitioner reserves the right to not develop this parcel or to make minor site plan adjustments that match the general intent of the plan as shown on this site plan and in accordance with Section 6.207."
8. Deleted Note C in its entirety and replaced with the following: "Parcel 4A may be developed with a maximum 3,010 SF building excluding permitted accessory structures. Parcel 4B may be developed with a maximum 2,500 SF building excluding permitted accessory structures."
9. Revised the second paragraph under Note E. as follows: "Landscape strips and islands shall be created to break the visual impact of the parking areas."
10. Revised the labels for the 35-foot setback to refer to the setback line.
11. Provided the 35-foot wide landscaped buffer with berm between Nations Ford Road and parking areas and dumpster enclosure north and south of the building.
12. Revised the third paragraph under Note E. as follows: "Continuous landscaping strips and islands shall be created along Nations Ford Road to break up the visual impact of the parking areas as shown on the site plan."
13. Provided a revised "Section Thru Landscaped Buffer" detail from Petition 1997-015 showing the eight-foot planting strip, six-foot sidewalk, 35-foot wide buffer with a three- to four-foot high berm, tiered evergreen plantings and small maturing trees on the rezoning site plan.
14. Amended the label "Landscaping per master plan" to state "Landscaped buffer (see inset detail)" and clearly indicate the locations of the berm on the site plan.
15. Revised Note F by removing the following language: "As stated in Note 16 of the special conditions associated with the overall rezoning plan, petition #97-15," and making all references to "parcel" and "building" plural.
16. Added the following paragraph to Note F: "The buildings must be designed to encourage and complement the pedestrian scale interest and activity by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street and right-in access driveway off Tyvola on at least 50% of the length of the first floor frontage facing the street and right-in access driveway."
17. Amended Note G to remove the following: "per Note 6 of the special conditions of the overall rezoning plan, petition #97-15."
18. Eliminated the language, under Note H, referring to Note 4 of the overall rezoning plan, petition #97-15 and references to the "shopping center" signs.
19. Added a note under General Provisions stating that the petitioner will be required to file an administrative amendment to Petition 1997-015.

Staff disagrees with the recommendation of the Zoning Committee. The petition is inconsistent with the Southwest District Plan, as amended by rezoning petition 1997-015. There have not been significant changes in development patterns in this area since petition

	<p>1997-015 was approved.</p> <p><a href="#">Attachment 3</a></p>
<b>New Public Hearing (TBD)</b>	<p>4. <a href="#">Petition No. 2014-100</a> (Council District 1 – Kinsey) by <b>Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road from UR-3(CD) (urban residential, conditional) to TOD-M (transit oriented development – mixed-use).</p> <p>The Zoning Committee voted 7-0 to recommend that this petition be returned to City Council for a new hearing to convert this conventional request to a conditional request.</p> <p><a href="#">Attachment 4</a></p>
<b>New Public Hearing (March)</b>	<p>5. <a href="#">Petition No. 2014-103</a> (Council District 7 – Driggs) by <b>Weekley Homes, LP</b> for a change in zoning for approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p><b>Note: Staff recommends a new public hearing be held on March 16, 2015 due to the significant changes since the Zoning Committee vote.</b></p> <p>The Zoning Committee found this petition to be consistent with the <i>South District Plan</i> and the <i>General Development Policies</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>The South District Plan recommends residential land uses for the site and the proposed density is slightly higher than the eight dwelling units per acre recommended by the <i>General Development Policies</i>.</li> </ul> <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>The petition is consistent with the South District Plan and the General Development Policies.</li> </ul> <p>The Zoning Committee voted 6-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>A note has been added that a pedestrian refuge will be provided along Endhaven Lane.</li> <li>Freestanding lighting has been limited to 20 feet.</li> <li>Possible on-street parking has been labeled and shown on the site plan</li> <li>Elevations have been provided for the facades facing Endhaven Lane.</li> </ol> <p>Staff agrees with the recommendation of the majority of the Zoning Committee.</p> <p><a href="#">Attachment 5</a></p>
<b>Deferral (to April)</b> <b>Protest Petition (Sufficient)</b>	<p>6. <a href="#">Petition No. 2014-110</a> (Council District 1 – Kinsey) by <b>Unique Southern Estates, LLC</b> for a change in zoning for approximately 4.54 acres located at the southeast corner of the intersection of The Plaza and Belvedere Avenue from R-5 (single family residential), R-5(HD-O) (single family residential, historic district overlay) and B-2(CD)(HD-O) (general business, conditional, historic district overlay) to MUDD-O (mixed use development, optional) and MUDD-O(HD-O) (mixed use development, optional, historic district overlay).</p> <p>The Zoning Committee voted 7-0 to <b>DEFER</b> this petition to the March 25, 2015 Zoning Committee meeting.</p> <p><a href="#">Attachment 6</a></p>
<b>Deferral (to April)</b>	<p>7. <a href="#">Petition No. 2014-113</a> (Council District 4 – Phipps) by <b>Dona M. Patterson</b> for a change in zoning for approximately 0.65 acres located on the east side of West Sugar Creek Road between Penny Way and North Tryon Street from R-12MF (multi-family residential) to O-1(CD) (office, conditional).</p> <p><b>Note: Staff recommends a deferral on the decision for this petition until</b></p>

	<p style="text-align: center;"><b>April 20, 2015 to allow the Zoning Board of Adjustment to rule on the proposed variance.</b></p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Northeast District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends multi-family uses for the site.</li> </ul> <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, because:</p> <ul style="list-style-type: none"> <li>• It allows the reuse of the existing residential structure for an office, retains the residential character of the structure, and serves as a transition between the cemetery and the residential land uses.</li> </ul> <p>The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Note 5 has been removed from the plan.</li> <li>2. Note 1 has been removed from the plan.</li> <li>3. The current use has been updated to reflect a single family home.</li> <li>4. The five-foot sidewalk from the existing structure to the public sidewalk system has been shown.</li> <li>5. The possible dumpster location has been shown.</li> <li>6. The proposed driveway has been shown with one-way access.</li> <li>7. A note has been added that the existing structure shall remain and any reference to a new structure has been removed.</li> <li>8. A note has been added that attached and detached lighting will be downwardly directed. Detached lighting will be limited to a height of 15 feet.</li> </ol> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p style="text-align: center;"><a href="#"><u>Attachment 7</u></a></p>
	<p>8. <a href="#"><u>Petition No. 2015-002</u></a> by <b>Charlotte Montessori School</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the street frontage and primary access requirements for child care centers.</p> <p>The Zoning Committee found this petition to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• It meets the plan goal to ensure a diverse, growing, and adaptable economy.</li> </ul> <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the text amendment:</p> <ul style="list-style-type: none"> <li>• Deletes the street frontage and primary access requirements for childcare centers located in non-residential districts; and</li> <li>• Clarifies the street frontage and primary access requirements for childcare centers located in residential zoning districts; and</li> <li>• Corrects the list of zoning districts in which childcare centers are currently permitted.</li> </ul> <p>The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p style="text-align: center;"><a href="#"><u>Attachment 8</u></a></p>

**Protest  
Petition  
(Insufficient)**

9. [Petition No. 2015-005](#) (Council District 4 – Phipps) **by SIM USA** for a change in zoning for approximately 89.96 acres located on the south side of Choate Circle and at the southern intersection of Moss Road and Choate Circle from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).

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

- The *Plan* recommends institutional uses for the subject property, and communication towers are a permitted use in the institutional zoning district.

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

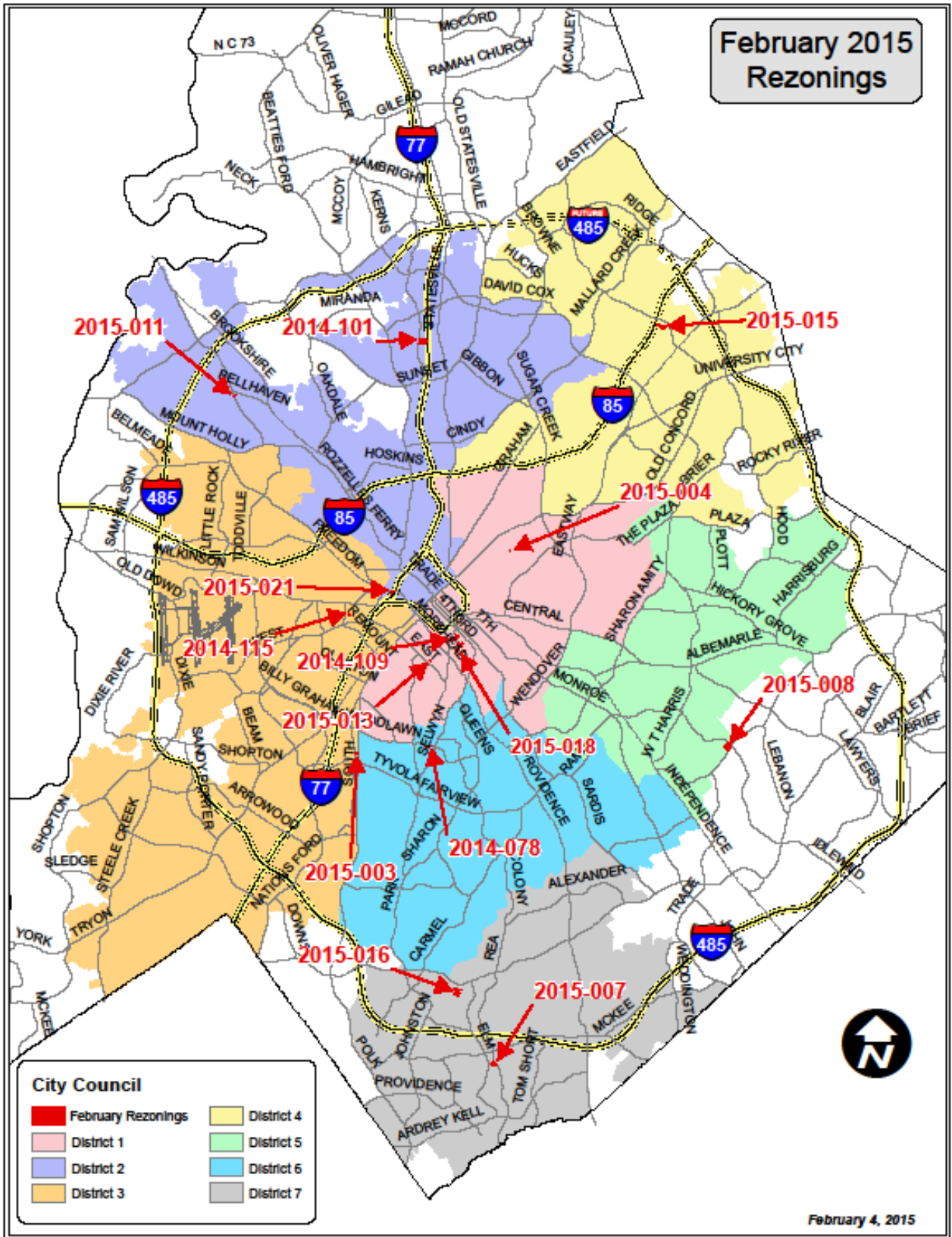
- The proposed communication tower is located over 1/3 of a mile from the nearest single family homes and approximately 1/3 of a mile from the nearest public street.

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

1. Addressed the CDOT issue by amending Note 3 to eliminate "...within a reasonable period of time after the Charlotte Department of Transportation has determined that any such left turn lane is warranted by reason of increased traffic volumes" and replaced with the following: "...upon future development of said Tracts (excluding the communications tower installation)."
2. Addressed the Park and Recreation issue by providing greenway documentation for easements for Polk Ditch, Walker Branch, and Steele Creek on this property for future greenway development.
3. Provided a note stating that construction plans for the six-foot sidewalk and eight-foot planting strip along Choate Circle would be submitted prior to issuance of final approvals for the telecommunications tower and that the sidewalk and planting strip would be constructed within six months of the approval of this rezoning.
4. Amended Transportation Note 4. to remove the words "contemporaneously with, and in sequences keyed to, new development taking place on each such Tract (excluding the communications tower installation), but in all events, no later than the fifth anniversary of the date on which this Rezoning Petition is approved by Charlotte City Council" and replaced with language requiring construction plans for the sidewalk and planting strip to be submitted to the City prior to issuance of the final approvals for the communications tower and that the sidewalk and planting strip be constructed within six months of the approval of the rezoning.
5. Removed all references to Tract II. Grayed the area of Tract II and labeled "Not included in rezoning." Amended the application and site plan data to reflect the reduced acreage.
6. Provided a note that prohibits all buffers from being reduced.
7. Amended Note 2 under Permitted Development within the Site by replacing "a 200-foot monopole communications tower" with "up to a 210-foot monopole communications tower."
8. Amended the definition of the term "Petitioners" to reflect a singular petitioner.

Staff agrees with the recommendation of the Zoning Committee.

[Attachment 9](#)



## ZONING HEARINGS

<p><b>Protest Petition (Sufficient)</b></p>	<p>10. <a href="#">Petition No. 2014-078</a> (Council District 6- Smith) <b>by Park Selwyn, LLC</b> for a change in zoning for approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 10</a></p>
<p><b>Deferral (to March)</b></p>	<p>11. <a href="#">Petition No. 2014-101</a> (Council District 2 – Austin) <b>by LGI Homes NC, LLC</b> for a change in zoning for approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive from UR-1(CD) (urban residential, conditional) to R-5(CD) (single family residential, conditional).</p> <p><a href="#">Attachment 11</a></p>
<p><b>Deferral (to March)</b></p> <p><b>Protest Petition (Sufficient)</b></p>	<p>12. <a href="#">Petition No. 2014-109</a> (Council District 1 -Kinsey) <b>by Midtown Area Partners II, LLC</b> for a change in zoning for approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street from R-8 (single family residential), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay) and B-1(PED) (neighborhood business, pedestrian overlay) to MUDD-O (mixed use development, optional) and MUDD-O(PED) (mixed use development, optional, pedestrian overlay).</p> <p><a href="#">Attachment 12</a></p>
<p><b>Deferral (to March)</b></p>	<p>13. <a href="#">Petition No. 2014-115</a> (Council District 3 – Mayfield) <b>by Satwinder Singh</b> for a change in zoning for approximately 1.13 acres located on the south side of Parker Drive between Remount Road and Berryhill Road from I-1 (light industrial) to I-2(CD) (general industrial, conditional).</p> <p><a href="#">Attachment 13</a></p>
	<p>14. <a href="#">Petition No. 2015-003</a> (Council District 3 – Mayfield) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 2.17 acres located on the west side of South Boulevard across from Seneca Place from B-2 (general business) to TOD-M (transit oriented development - mixed-use).</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 14</a></p>
	<p>15. <a href="#">Petition No. 2015-004</a> (Council District 1 – Kinsey) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.177 acres located on the east side of North Davidson Street between East 32nd Street and East 33rd Street from R-5 (single family residential) to TOD-MO (transit oriented development - mixed-use, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 15</a></p>
	<p>16. <a href="#">Petition No. 2015-007</a> (Council District 7 – Driggs) <b>by Village at Robinson Farm, LLC</b> for a change in zoning for approximately 5.69 acres located on the southwest corner at the intersection of Rea Road and Williams Pond Lane from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 16</a></p>



	<p>17. <a href="#"><u>Petition No. 2015-008</u></a> (Council District 5 – Autry) <b>by Mintworth DEI, LLC</b> for a change in zoning for approximately 10.01 acres located on the southwest corner at the intersection of Idlewild Road and Wyalong Drive from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#"><u>Attachment 17</u></a></p>
	<p>18. <a href="#"><u>Petition No. 2015-011</u></a> (Council District 2- Austin) <b>by Phyllis Hough</b> for a change in zoning for approximately 0.505 acres located on the east side of Valleydale Road across from Mellwood Drive from R-4 (LWPA) (single family residential, Lake Wylie Protected Area) to INST(CD) (LWPA) (institutional, conditional, Lake Wylie Protected Area).</p> <p>Staff does not recommend approval of this petition.</p> <p><a href="#"><u>Attachment 18</u></a></p>
<b>Protest Petition (TBD)</b>	<p>19. <a href="#"><u>Petition No. 2015-013</u></a> (Council District 1 – Kinsey) <b>by Meeting Street Homes and Communities</b> for a change in zoning for approximately 0.42 acres located on the west side of Kenilworth Avenue between Buchanan Street and East Boulevard from R-22MF (multi-family residential) and B-1 (neighborhood business) to MUDD(CD) (mixed use development, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#"><u>Attachment 19</u></a></p>
	<p>20. <a href="#"><u>Petition No. 2015-015</u></a> (Council District 4–Phipps) <b>by J.R. Davis, LLC</b> for a change in zoning for approximately 18.03 acres located on the north side of Berkeley Place Drive between Pinnacle Drive and Revenna Lane from BD(CD) (distributive business, conditional) and CC (commercial center) to CC (commercial center) and BD(CD) (distributive business, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#"><u>Attachment 20</u></a></p>
	<p>21. <a href="#"><u>Petition No. 2015-016</u></a> (Council District 7 – Driggs) <b>by Touchstone Village, LLC</b> for a change in zoning for approximately 10.24 acres located on the northwest corner at the intersection of Bevington Place and Carswell Lane from B-1(CD) (neighborhood business, conditional) to NS (neighborhood services).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#"><u>Attachment 21</u></a></p>
<b>Protest Petition (TBD)</b>	<p>22. <a href="#"><u>Petition No. 2015-018</u></a> (Council District 1 – Kinsey) <b>by Laurel Street Residential, LLC</b> for a change in zoning for approximately 1.87 acres located on the west side of Baxter Street across from Avant Street from R-6 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#"><u>Attachment 22</u></a></p>
	<p>23. <a href="#"><u>Petition No. 2015-021</u></a> (Council District 2 – Austin) <b>by CitiSculpt</b> for a change in zoning for approximately 1.38 acres located on the south side of West Morehead Street between South Summit Street and Interstate 77 from BD(CD) (PED-O) (distributive business, conditional, pedestrian overlay, optional) to O-1(PED) (office, pedestrian overlay).</p> <p>Staff recommends approval of this petition.</p> <p><a href="#"><u>Attachment 23</u></a></p>

<b>REQUEST</b>	Current Zoning: NS (neighborhood services) Proposed Zoning: NS SPA (neighborhood services, site plan amendment)
<b>LOCATION</b>	Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The site plan amendment proposes to allow for additional uses on the site to include up to 6,000 square feet of retail and/or automobile services, and to increase the square footage of a previously approved office building from 29,000 square feet to 30,000 square feet.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Moss Road Development Partners Moss Road Development Partners Walter Fields
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1
<b>STATEMENT OF CONSISTENCY</b>	The proposed office building is found to be consistent with the <i>Steele Creek Area Plan</i> and the proposed retail/automobile services use is found to be inconsistent with the <i>Steele Creek Area Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends office uses for the subject property.</li> </ul> <p>However, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed retail use is less intense than office from a traffic perspective and the applicant has worked to develop a plan that addresses building elevations, site design and relationship to the neighborhood;</li> </ul> <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Ryan).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications: <ol style="list-style-type: none"> <li>1. A Development Data Table has been provided that includes proposed use(s) (general office, medical office, automotive services), and maximum building height (40 feet to top of highest ridge, 30 foot maximum).</li> <li>2. Labelling on the site plan has been corrected to reflect proposed six-foot sidewalk and eight-foot planting strip along Moss Road.</li> <li>3. CATS, CDOT, Engineering and Property Management, and Storm Water Services comments have been addressed as per the following: <ol style="list-style-type: none"> <li>a. Added note stating petitioner will work with CATS on the location and timing of the installation of a future bus shelter pad on the site if location meets all of CATS and NCDOT requirements.</li> <li>b. Provided language and detail on site plan as provided in CDOT memorandum regarding extension of the existing eastbound right-turn lane on South Tryon Street. The exact configuration of the curb, sidewalk, and ramps will be determined during permitting.</li> <li>c. In response to Engineering and Property Management's request, language has been provided under Environmental Features pertaining to tree protection and submittal of a tree survey.</li> </ol> </li> </ol>
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d. The petitioner has added language provided by Storm Water Services under the heading Environmental Features pertaining to compliance with the Charlotte City Council approved and adopted Post Construction Ordinance.

4. The petitioner has noted that freestanding lighting on the site will utilize full cut-off luminaries, and will be limited to a maximum 25 feet in height.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Planning staff reviewed the request with the Committee, noting that all outstanding issues were addressed by the petitioner except for the inconsistency of the proposed retail use with the adopted plan. A Commissioner requested clarification regarding the sale of parts, and the Committee suspended the rules to allow the agent to speak.

Mr. Walter Fields clarified that parts would be sold only to customers having vehicles serviced at the proposed facility and is not a place to go to buy a case of oil or tires. Committee members then discussed transportation related items, including the angled intersection and trip generation for retail versus office.

Another Commissioner questioned staff’s rational for recommending denial when it is based on the existing conditional site plan which simply reflects what was previously approved. Staff noted that prior to the 2007 rezoning the site was zoned R-3 (single family residential) and that staff did not support the rezoning of the site to NS (neighborhood services).

**STAFF OPINION**

Staff disagrees with the recommendation of the Zoning Committee, as the retail portion of the rezoning request is inconsistent with the *Steele Creek Area Plan*, which recommends office uses. In addition, the subject property is adjacent to single family residential and there are other opportunities for this type of use on South Tryon Street.

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

**PLANNING STAFF REVIEW**

• **Background**

- The subject site was rezoned in 2007 (rezoning petition 2007-024) from R-3 (single family residential) to NS (neighborhood services), in order to allow up to 34,000 square feet of office uses in two buildings, of which one was a 5,000-square foot bank with a drive-thru window. The approved site plan allows a two-story office building and a financial institution, along with associated parking and service areas. Staff did not support this rezoning request because it was inconsistent with the *Southwest District Plan*, which recommended single family residential up to three dwelling units per acre.

• **Proposed Request Details**

The site plan amendment contains the following changes:

- Replaces the 5,000-square foot one story bank building shown on the approved site plan with a 6,000-square foot proposed automotive services center building and slightly shifts the location of the building footprint.
- Increases the square footage of the previously approved two-story office building from 29,000 square feet to 30,000 square feet.
- Modifies a development note currently committing to a minimum parking ratio of one space per 200 square feet of floor area for medical office and/or bank uses and one parking space per 300 square feet of floor area for office uses, to now state that parking will meet or exceed the

requirements of the ordinance. The NS (neighborhood services) district requires one space per 600 square feet for non-residential uses.

- Removes 25-foot height maximum for detached lighting.
  - Provides elevations of the proposed automotive services building.
  - **Public Plans and Policies**
    - The *Steele Creek Area Plan* (2012) recommends office land uses for this site.
    - The portion of the request involving the previously approved office building is consistent with the *Steele Creek Area Plan*. The retail portion of the petition is inconsistent with the *Steele Creek Area Plan*.
- 

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

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

1. The retail component of the proposed request is inconsistent with the adopted plan recommendation from office uses.
  2. Limit uses to personal services and eliminate retail uses.
- 

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

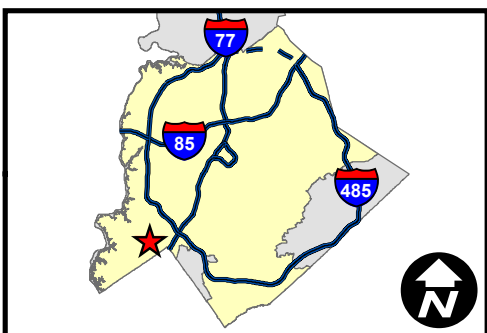
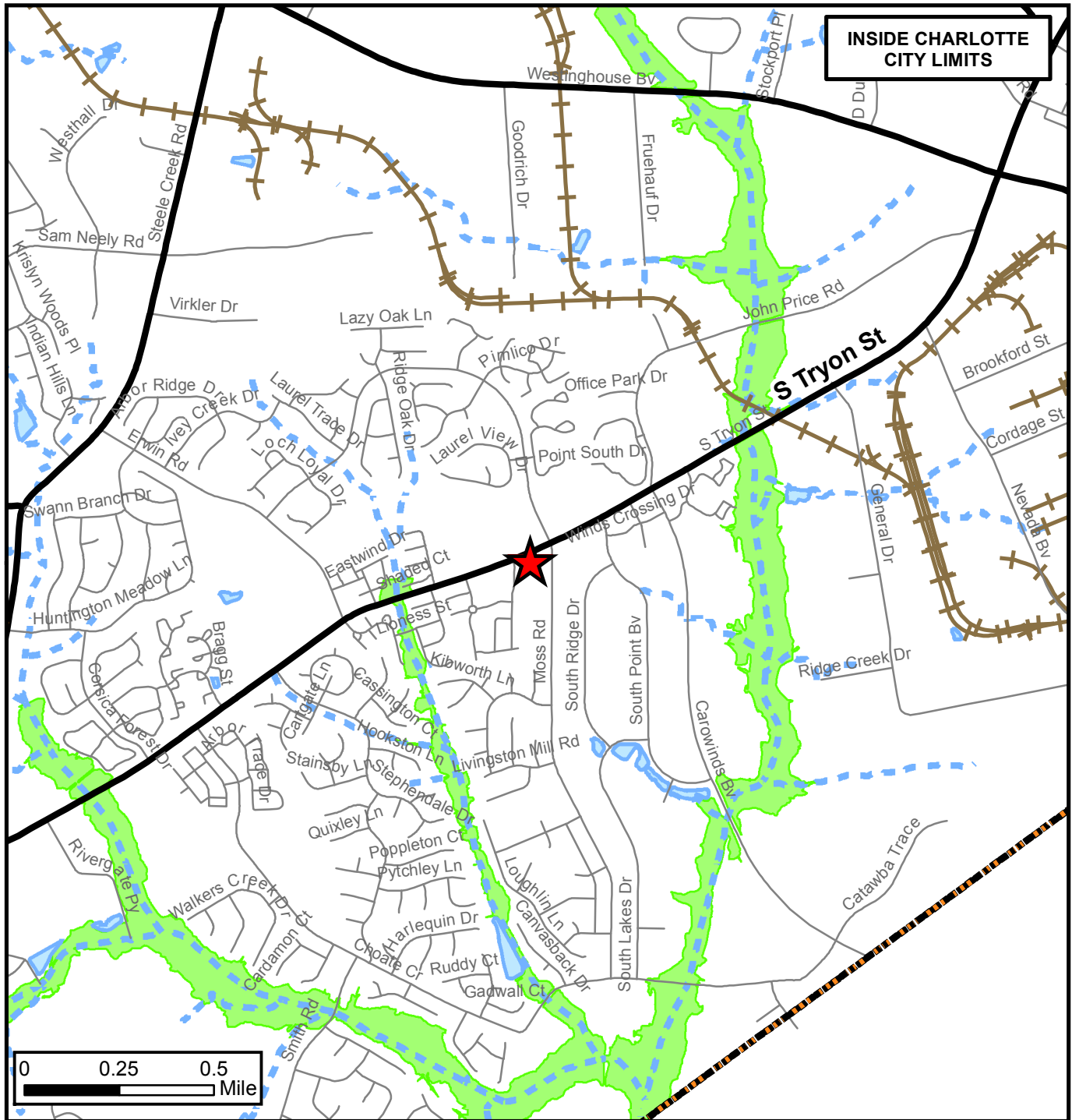
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering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

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

Petition #: **2014-042**

# Vicinity Map

**Acresage & Location :** Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road.



**★ Rezoning Petition: 2014-042**

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

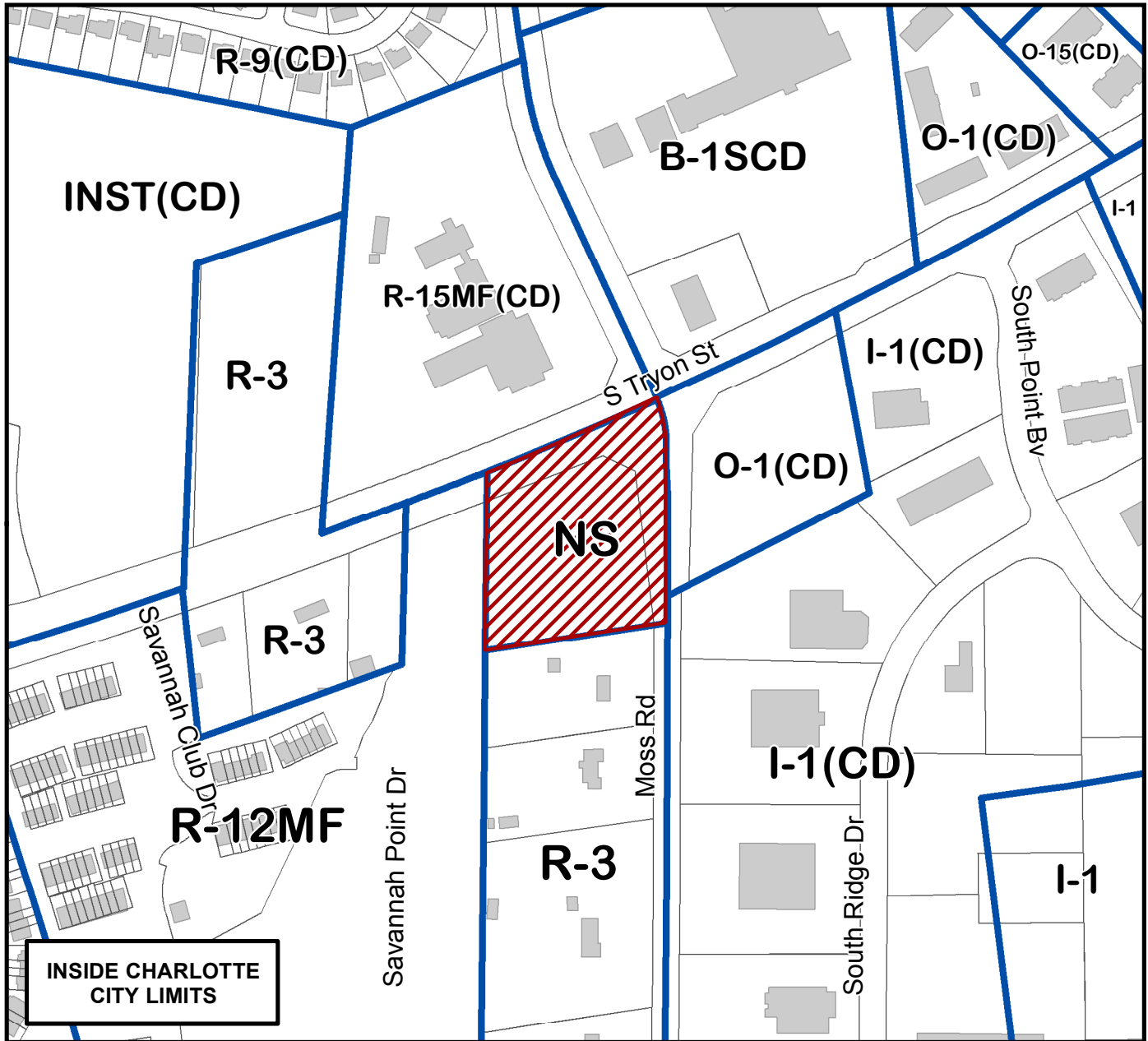
Petition #: **2014-042**

Petitioner: **Moss Road Development Partners, LLC**

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

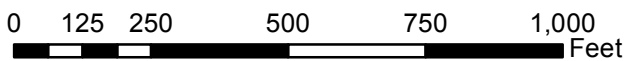
Zoning Classification (Requested): **NS (S.P.A.)**  
(Neighborhood Services, Site Plan Amendment)

Acreage & Location: Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road.



**INSIDE CHARLOTTE CITY LIMITS**

Map Produced by the Charlotte-Mecklenburg Planning Department, 11-6-14.



Zoning Map #(s)

**155**

	Requested NS (S.P.A.) from NS		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Pedestrian Overlay		







<b>REQUEST</b>	Current Zoning: R-3 (single family residential) Proposed Zoning: Inst (CD) (institutional, conditional)
<b>LOCATION</b>	Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to reuse an existing single family home to establish a daycare center.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	North End Homes, LLC Mark Patterson N/A
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be inconsistent with the <i>Northeast District Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The Plan recommends single family residential up to four dwelling units per acre for this site.</li> </ul> <p>However, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• Area plans typically do not specify locations for institutional uses; and</li> <li>• The site has frontage along a major thoroughfare; and</li> <li>• The proposed use would serve the needs of the surrounding neighborhoods;</li> </ul> <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Nelson).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications: <ol style="list-style-type: none"> <li>1. Reduced the length of the new internal walkway by eliminating the portion that runs along the inside of the driveway and instead locating it along the guest parking area to connect to the sidewalk along Prosperity Church Road. This walkway may meander to preserve any existing trees.</li> <li>2. Removed the sign from the site plan.</li> <li>3. Added the heading "Signage" and a note stating that signage is permitted per the ordinance.</li> </ol>
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<b>VOTE</b>	Motion/Second: Nelson/Eschert Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan and Walker Nays: None Absent: None Recused: None
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<b>ZONING COMMITTEE DISCUSSION</b>	Staff provided an update of the petition, noting that the petition is inconsistent with the Northeast District Plan's recommendation for residential uses up to four units per acre. However, area plans typically do not specify locations for institutional uses. In addition, the site has frontage along a major thoroughfare and the proposed use would serve the needs of the surrounding neighborhoods.
------------------------------------	--

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

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

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

The site plan accompanying this petition contains the following provisions:

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

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

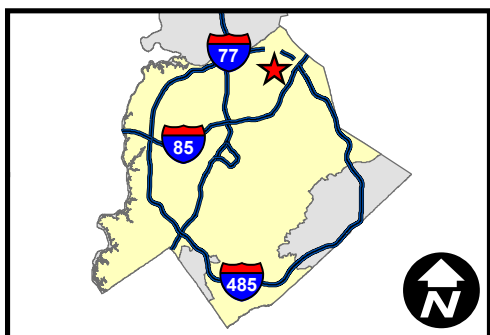
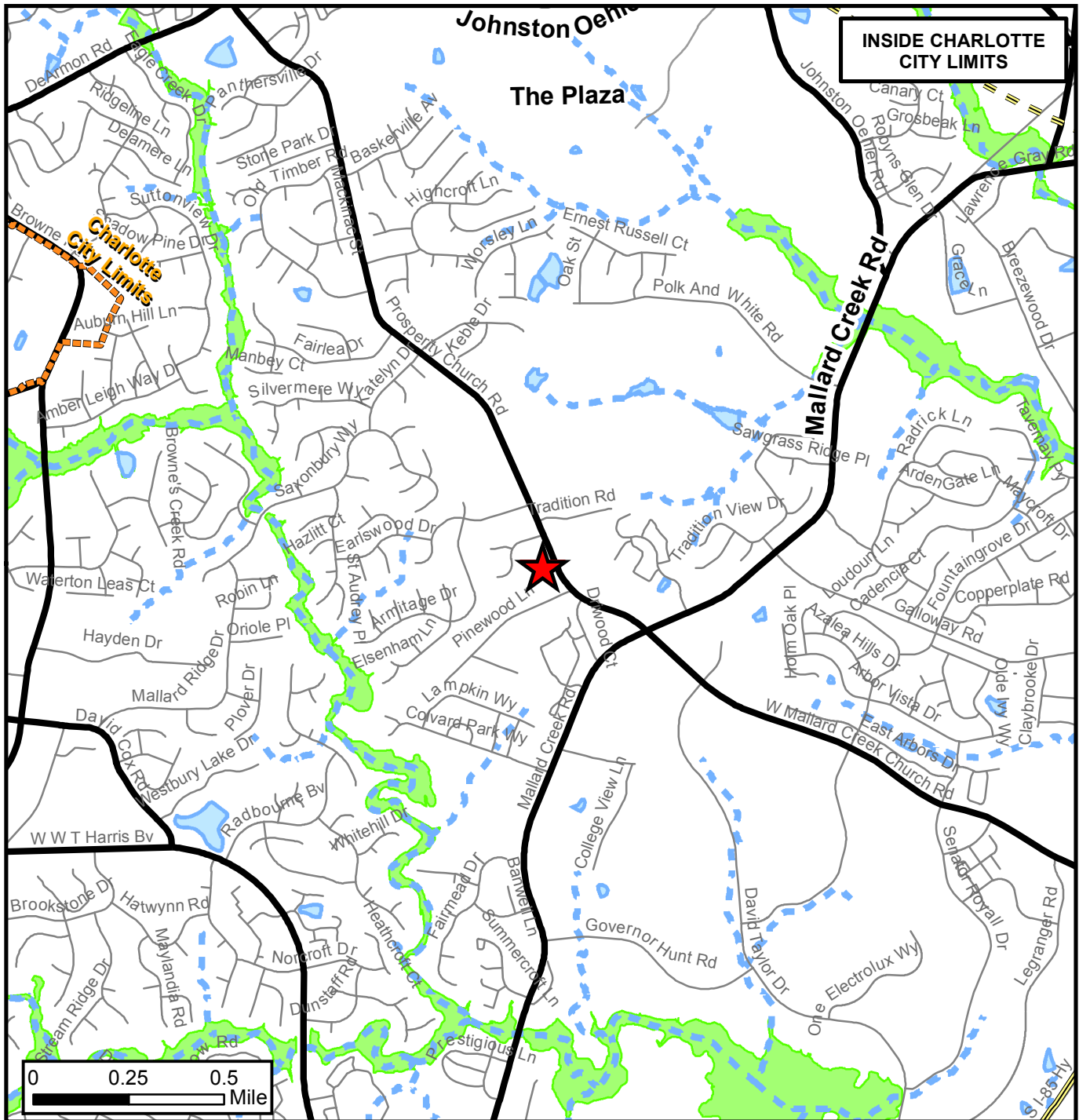
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte-Mecklenburg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

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

Petition #: **2014-043**

# Vicinity Map

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



**★ Rezoning Petition: 2014-043**

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

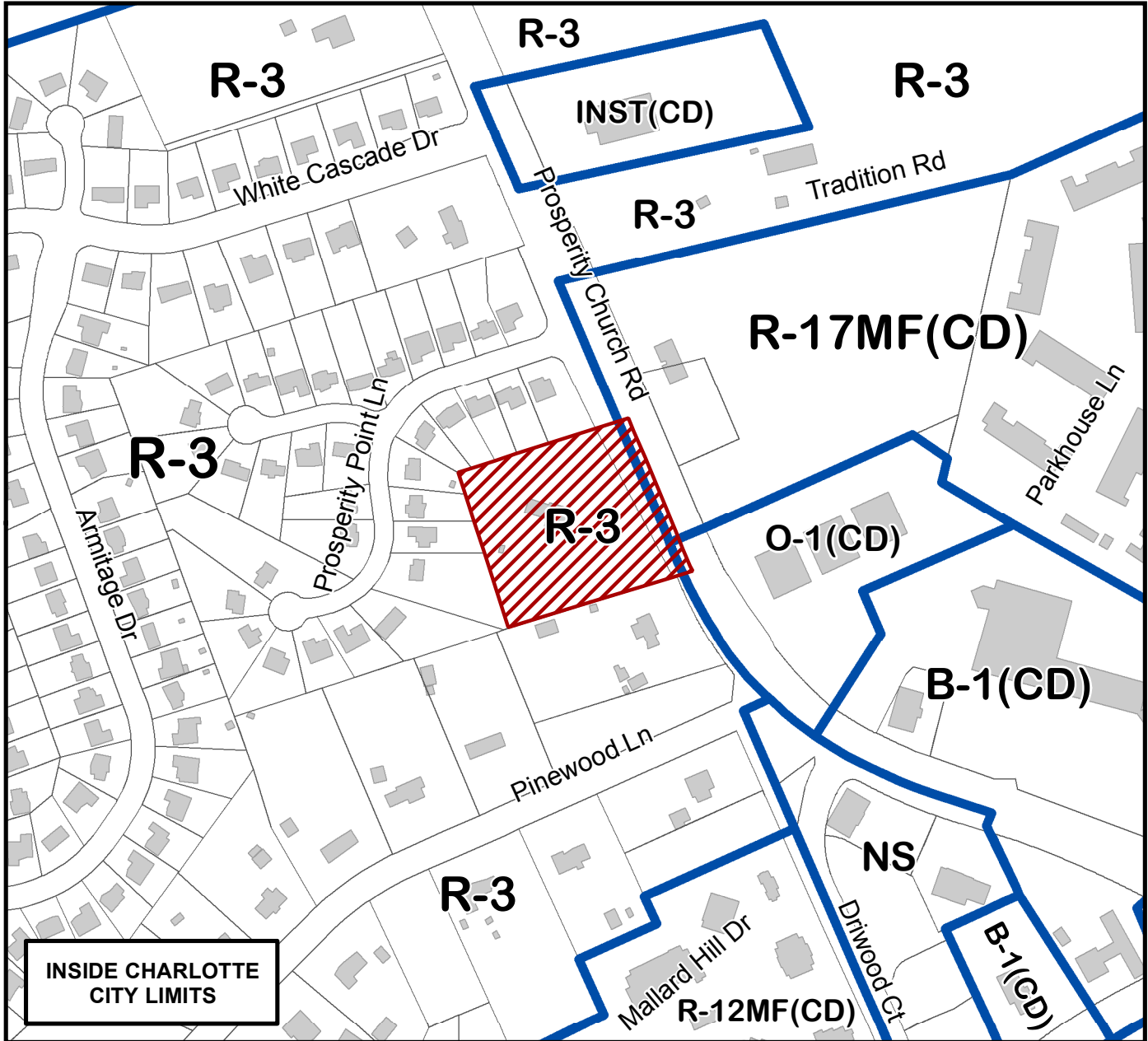
Petition #: **2014-043**

Petitioner: **Mark Patterson**

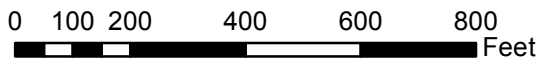
Zoning Classification (Existing): **R-3**  
(Single Family, Residential)

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

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

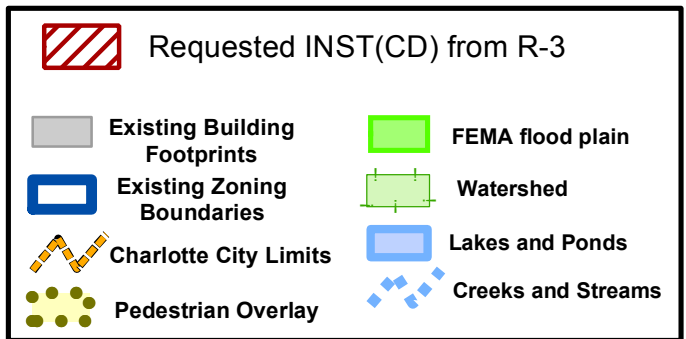


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-26-14.



Zoning Map #(s)

**53**



**SITE PLAN NOTES**

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

**1. DEVELOPMENT DATA**

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

**2. GENERAL PROVISIONS**

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

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

**4. PERMITTED USES**

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

**5. TRANSPORTATION**

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

PROPOSED SITE ENTRANCE IS RIGHT-IN MOVEMENT ONLY.

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

**6. ARCHITECTURAL STANDARDS**

EXISTING STRUCTURE TO REMAIN.

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

**7. STREETScape AND LANDSCAPING**

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

**8. ENVIRONMENTAL FEATURES**

MALLARD CREEK WATERSHED

**11. SIGNAGE**

ALL SIGNAGE IS PERMITTED THROUGH THE ORDINANCE

**12. LIGHTING**

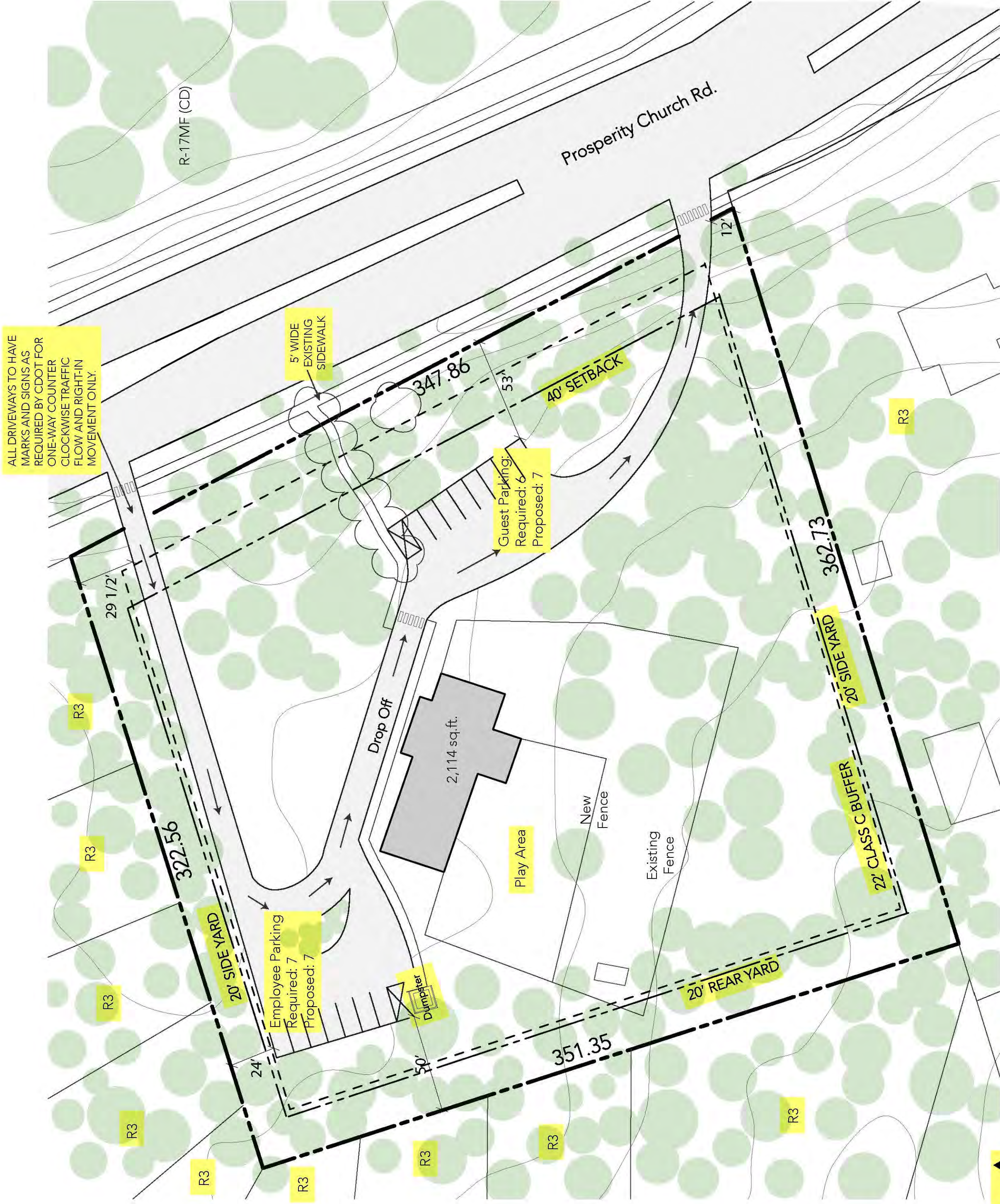
ALL HEADING LIGHTING WILL BE UNIFORM-IN-DESIGN AND PLACED WHERE REQUIRED.

FREESTANDING LIGHTING WILL BE LIMITED TO 25' IN HEIGHT.

ALL LIGHTING WILL HAVE FULL CUT-OFF LIGHTING FIXTURES.

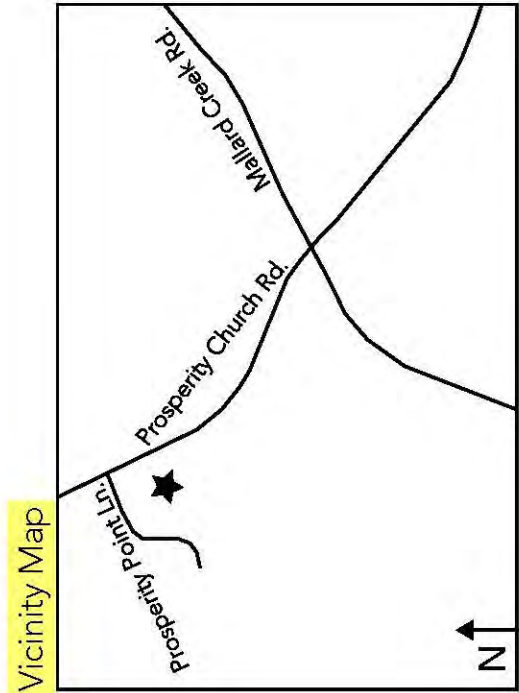
**14. OTHER**

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



ALL DRIVEWAYS TO HAVE MARKS AND SIGNS AS REQUIRED BY CDOT FOR ONE-WAY COUNTER CLOCKWISE TRAFFIC FLOW AND RIGHT-IN MOVEMENT ONLY.

Scale 1" = 40'



REZONING- RESIDENTIAL TO COMMERCIAL DAYCARE

3231 PROSPERITY CHURCH RD

<b>REQUEST</b>	Current Zoning: CC (commercial center) Proposed Zoning: CC SPA (commercial center, site plan amendment)
<b>LOCATION</b>	Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow a 3,010-square foot automobile service station and a 2,500-square foot commercial building.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Corporate Trust Properties NC LLC Pavilion Development Company Bohler Engineering, NC PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 19
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be inconsistent with the <i>Southwest District Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The Plan recommends retail uses with the exception of automobile service stations.</li> </ul> <p>However, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• This plan and the recommended uses were approved a long time ago. Given the context of area today, this is a reasonable land use for this particular site; and</li> <li>• The petitioner has agreed to address site plan issues 2 through 8;</li> </ul> <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Walker).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 7-0 to <b>APPROVE</b> this petition with the following modifications and with the petitioner's commitment to address outstanding issues 2 through 8 prior to the City Council decision on this case:</p> <ol style="list-style-type: none"> <li>1. CDOT withdrew their opposition to the left-in only access off the right-in driveway and no longer has any outstanding issues with the petition.</li> <li>2. Provided building, dumpster enclosure and pump island elevations for all sides as part of the rezoning plans.</li> <li>3. Revised the Site Area under Site Data for Parcel 4A to reflect the acreage for the parcel after the proposed subdivision (total site acreage minus acreage of parcel 4B).</li> <li>4. Removed the "Max SF allowed: 16,000 SF. Office, 10,500 SF. Retail, 24,000 SF. Restaurant" from the Site Data.</li> <li>5. Removed the "+/-" in proposed building height for Parcel 4A.</li> <li>6. Revised the Proposed Floor Area Ratio, under the Site Data, for both parcels to reflect the proposed building area compared to proposed acreage for each parcel.</li> <li>7. Removed Note B in its entirety and replaced with the following: First paragraph - "Parcel 4A - All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows." Second paragraph - "Parcel 4B - All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/</li> </ol>
--------------------------------	---

drinking/entertainment establishments with drive-in service windows. The building layout is conceptual in nature; the petitioner reserves the right to not develop this parcel or to make minor site plan adjustments that match the general intent of the plan as shown on this site plan and in accordance with Section 6.207.”

8. Deleted Note C in its entirety and replaced with the following: “Parcel 4A may be developed with a maximum 3,010 SF building excluding permitted accessory structures. Parcel 4B may be developed with a maximum 2,500 SF building excluding permitted accessory structures.”
9. Revised the second paragraph under Note E. as follows: “Landscape strips and islands shall be created to break the visual impact of the parking areas.”
10. Revised the labels for the 35-foot setback to refer to the setback line.
11. Provided the 35-foot wide landscaped buffer with berm between Nations Ford Road and parking areas and dumpster enclosure north and south of the building.
12. Revised the third paragraph under Note E. as follows: “Continuous landscaping strips and islands shall be created along Nations Ford Road to break up the visual impact of the parking areas as shown on the site plan.”
13. Provided a revised “Section Thru Landscaped Buffer” detail from Petition 1997-015 showing the eight-foot planting strip, six-foot sidewalk, 35-foot wide buffer with a three- to four-foot high berm, tiered evergreen plantings and small maturing trees on the rezoning site plan.
14. Amended the label “Landscaping per master plan” to state “Landscaped buffer (see inset detail)” and clearly indicate the locations of the berm on the site plan.
15. Revised Note F by removing the following language: “As stated in Note 16 of the special conditions associated with the overall rezoning plan, petition #97-15,” and making all references to “parcel” and “building” plural.
16. Added the following paragraph to Note F: “The buildings must be designed to encourage and complement the pedestrian scale interest and activity by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street and right-in access driveway off Tyvola on at least 50% of the length of the first floor frontage facing the street and right-in access driveway.”
17. Amended Note G to remove the following: “per Note 6 of the special conditions of the overall rezoning plan, petition #97-15.”
18. Eliminated the language, under Note H, referring to Note 4 of the overall rezoning plan, petition #97-15 and references to the “shopping center” signs.
19. Added a note under General Provisions stating that the petitioner will be required to file an administrative amendment to Petition 1997-015.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff reviewed the petition and noted that it is inconsistent with the *Southwest District Plan*. The petitioner addressed a number of outstanding issues and verbally agreed to address 2 through 8 of the remaining issues. One commissioner noted a desire for mechanical equipment to be move from the façade facing the public street. There was no further discussion.



**STAFF OPINION**

Staff disagrees with the recommendation of the Zoning Committee. The petition is inconsistent with the *Southwest District Plan*, as amended by rezoning petition 1997-015. There have not been significant changes in development patterns in this area since petition 1997-015 was approved.

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

**PLANNING STAFF REVIEW**

- **Background**

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

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Divides Parcel 4 into two parcels; Parcel 4A is 1.28 acres and Parcel 4B is 0.52 acres.
- Modifies the permitted uses for Parcel 4A to include automobile service stations.
- Reduces the maximum development area on Parcel 4 from 16,000 square feet of office or 10,500 square feet of retail to a 3,010-square foot automobile service station on Parcel 4A and a 2,500-square foot commercial building on Parcel 4B. Reduces the total maximum for eating/drinking/entertainment uses from 24,000 square feet to 21,500 square feet.
- Adds a limit of 19 feet, excluding the architectural roof feature, for building height on Parcel 4A.
- Changes the right-in/right-out access on the north side of the site on Nations Ford Road to a full movement access, with a southbound left-turn lane into the center.
- Replaces the existing back of curb sidewalk along Tyvola Road with an eight-foot planting strip and six-foot sidewalk.
- Provides a four-foot planting strip and five-foot sidewalk along the eastern edge of the site along the right-in access drive. Provides a five-foot screening strip and five-foot sidewalk along the northern boundary of the site along the existing private access easement named Tyvola Glen Circle.
- Adds a maximum height of 25 feet for freestanding lights on Parcels 4A and 4B.
- Adds a CATS bus stop and waiting pad on the north side of Tyvola Road between Nations Ford Road and the right-in access driveway.
- Provides four sided building elevations, elevations of the dumpster enclosure and pump islands.
- States that buildings must be designed to encourage and complement the pedestrian scale interest and activity by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street and the right-in access driveway off of Tyvola Road on at least 50% of the length of the first floor frontage facing the street and right-in access driveway.

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

- Provides a landscaped buffer along Nations Ford Road.
- Preserves existing trees in a tree save area near the intersection of Tyvola Road and Nations Ford Road.
- Limits the height of the building on Parcel 4B to a maximum of two stories.
- Specifies that building elevations fronting Nations Ford Road will include materials such as brick, masonry stucco, pitched, mansard roofs, decorative parapets, awnings, palladian windows, or mullioned windows in order to respect the residential nature of and view from residences fronting Nations Ford Road.

- 
- Limits ground mounted signage for the individual parcels to a maximum of four feet high and 50 square feet.
  - **Public Plans and Policies**
    - The *Southwest District Plan* (1991), as amended by Petition 1997-015, recommends a mix of uses including office, hotel and other uses permitted in the CC (commercial center) zoning district including eating/drinking/entertainment establishments and retail. Automobile service stations, building material sales and dwellings are prohibited uses. Prior to Petition 1997-015, the *Southwest District Plan* recommended a mixed use development, providing housing and employment with hotels and office uses at the northwest quadrant of the I-77 and West Tyvola Road intersection. Other business and retail uses were not permitted.
    - The petition is inconsistent with the *Southwest District Plan*, as amended by rezoning petition 1997-015. The proposed land use is also inconsistent with the intent of the *Southwest District Plan's* initial recommendation for mixed use development providing employment and housing opportunities. There have not been significant changes in development patterns in this area since petition 1997-015 was approved.

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

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

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

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

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Change the proposed use for Parcel 4A to a use that is permitted in CC excluding automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows.
    2. File for an administrative amendment to Petition 1997-015 to remove building square footage from the allotment for Parcel 4 and reduce the eating/drinking/entertainment establishment's square footage allotment by 2,500 square feet. The administrative amendment must be filed and ready for approval prior to a decision on the rezoning. Add a note to the site plan requiring filing on an administrative amendment as described in the previous sentence.
    3. Amend Note B, Parcel 4A to remove "automobile service stations" and "Petitioner is currently showing unsupported use and proposed revision to special conditions for automobile service station use."
    4. Amend Note F. to make the word "parcel" at the end of the first sentence plural.
    5. Delete the proposed sign location and label.
    6. Increased the width of the sidewalks on the right and left side of the building from five feet to six feet to allow for "shy zone" next to the building.
    7. Increase the width of the sidewalk in front of the building from six feet to eight feet to allow for the "shy zone" and parked cars, curb stops should be used in front of the building.
    8. Swap the labels of the left and right elevations to correct match the images.
-

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

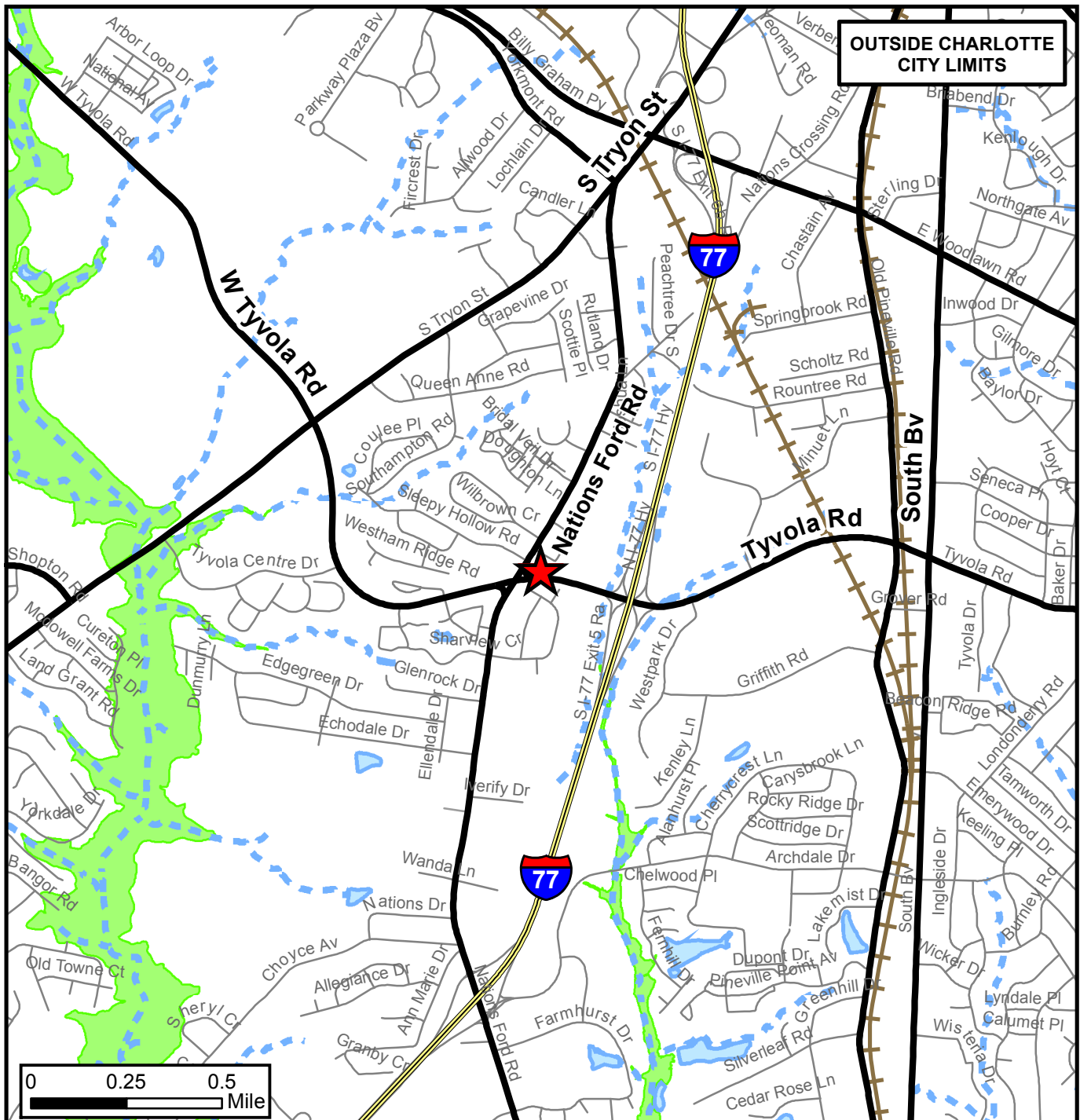
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- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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

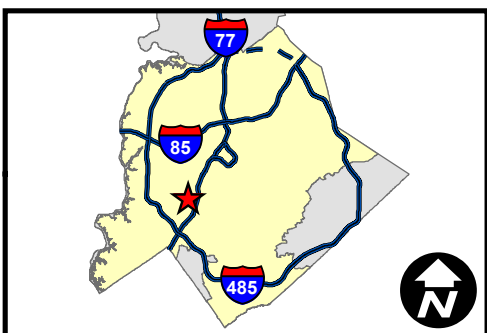
Petition #: **2014-092**

# Vicinity Map








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



**OUTSIDE CHARLOTTE CITY LIMITS**



**★ Rezoning Petition: 2014-092**

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

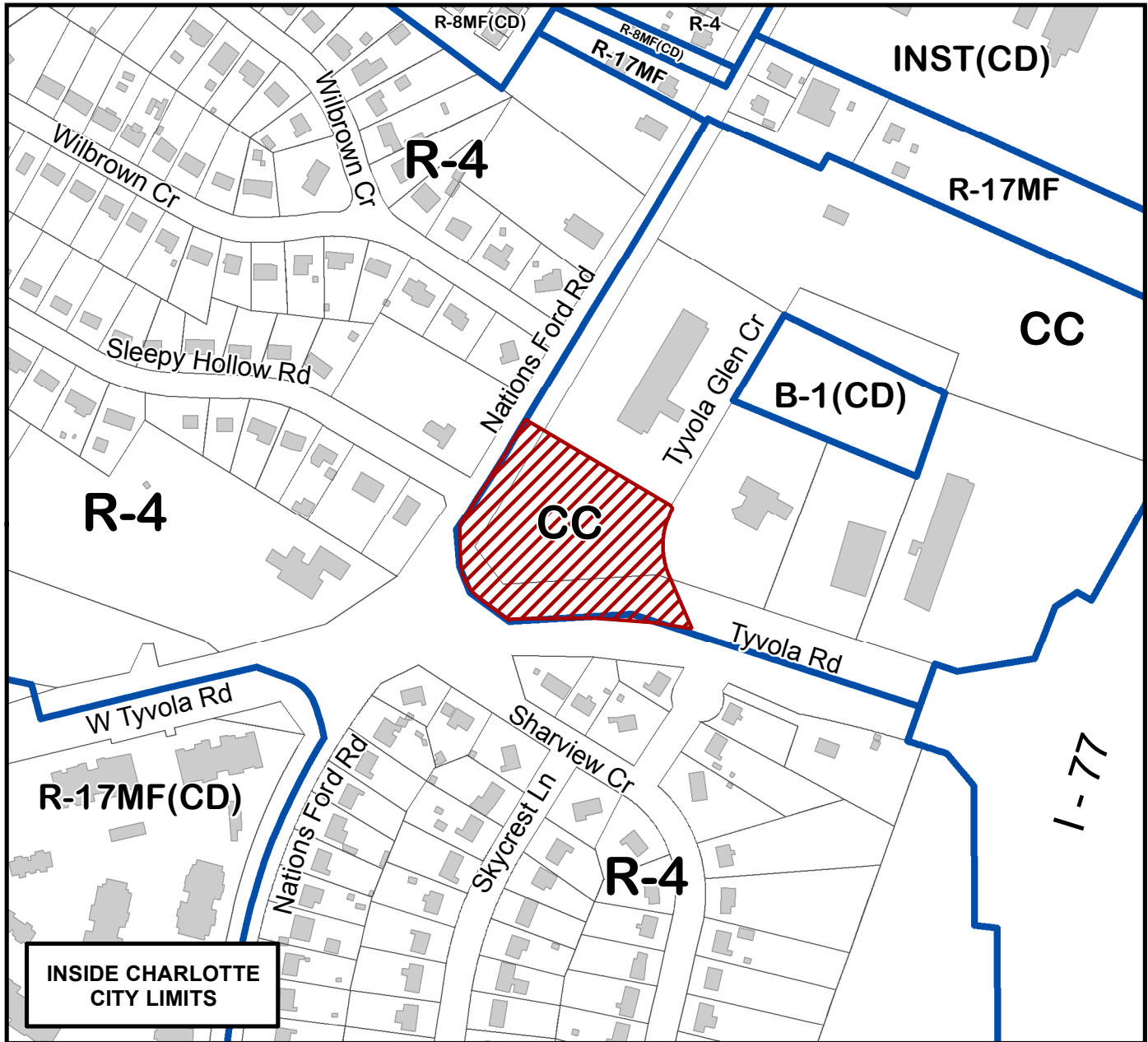
Petition #: **2014-092**

Petitioner: **Pavilion Development Company**

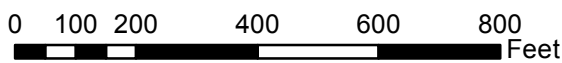
Zoning Classification (Existing): **CC**  
(Commercial Center)

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

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

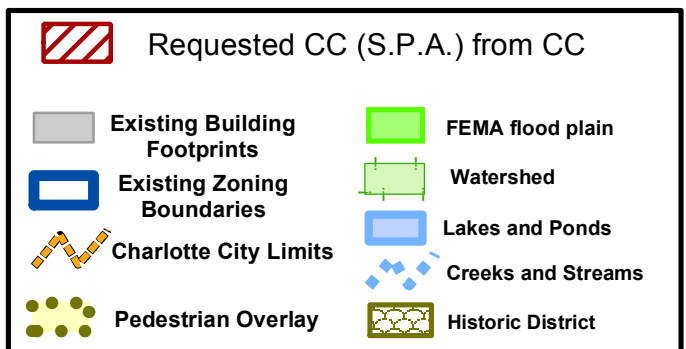


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.



Zoning Map #(s)

**134**







I, Richard Boyd Brooks, certify that this plat was drawn under my supervision from an actual survey made on the ground. I am a duly Licensed Professional Land Surveyor in the State of North Carolina. The boundaries shown on this plat were determined by the use of the following methods: that the ratio of precision as calculated is 1:10,000+; that this plat was prepared in accordance with C.S. 47-30 as amended. This is a survey of an existing parcel of land and does not create a new street or change an existing street. Subject to underground utilities and or any easements or right-of-ways of record, Area by the coordinate method of area computation. Copying this plat could be a violation of copyright laws. Witness my original signature, registration number and seal this 23rd day of November, A.D., 2007.

**Preliminary Plat**  
**For Review Only**  
**Not for Sales Conveyance**  
**or Recording**

Professional Land Surveyor, I-2689

RICHARD BOYD BROOKS  
 1200 JIMMINS DRIVE  
 RICHMOND, N.C. 28212  
 (704) 568-1719

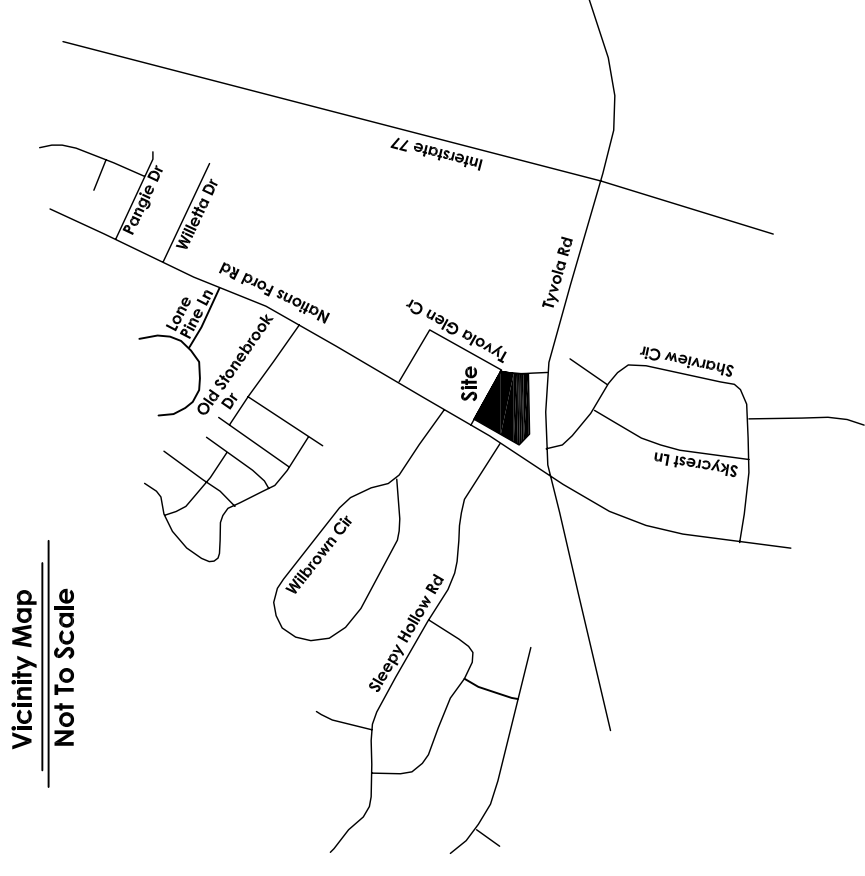
Notes:  
 1) The R/W of Nations Ford Rd. and Tyvola Rd. were taken from MB 40-179.

Tyvola Inn, LLC  
 DB 9320-8711  
 Lot 4, MB 40-179  
 PID 14912108  
 6057 Tyvola Glen Cr

1.79 Acres  
 DB 547-255  
 Lot 5, MB 40-179  
 PID 14912112

Trulliant Federal Credit Union  
 DB 16193-346  
 Lot 4, MB 40-179  
 PID 16912111  
 6051 Tyvola Glen Cr

B=504'38.27"W  
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 A=144.20  
 C=138.71

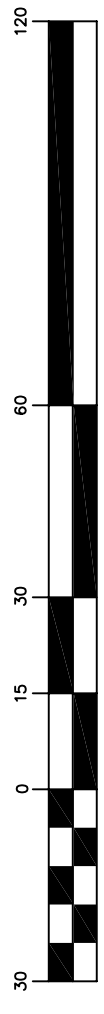


Vicinity Map  
 Not To Scale

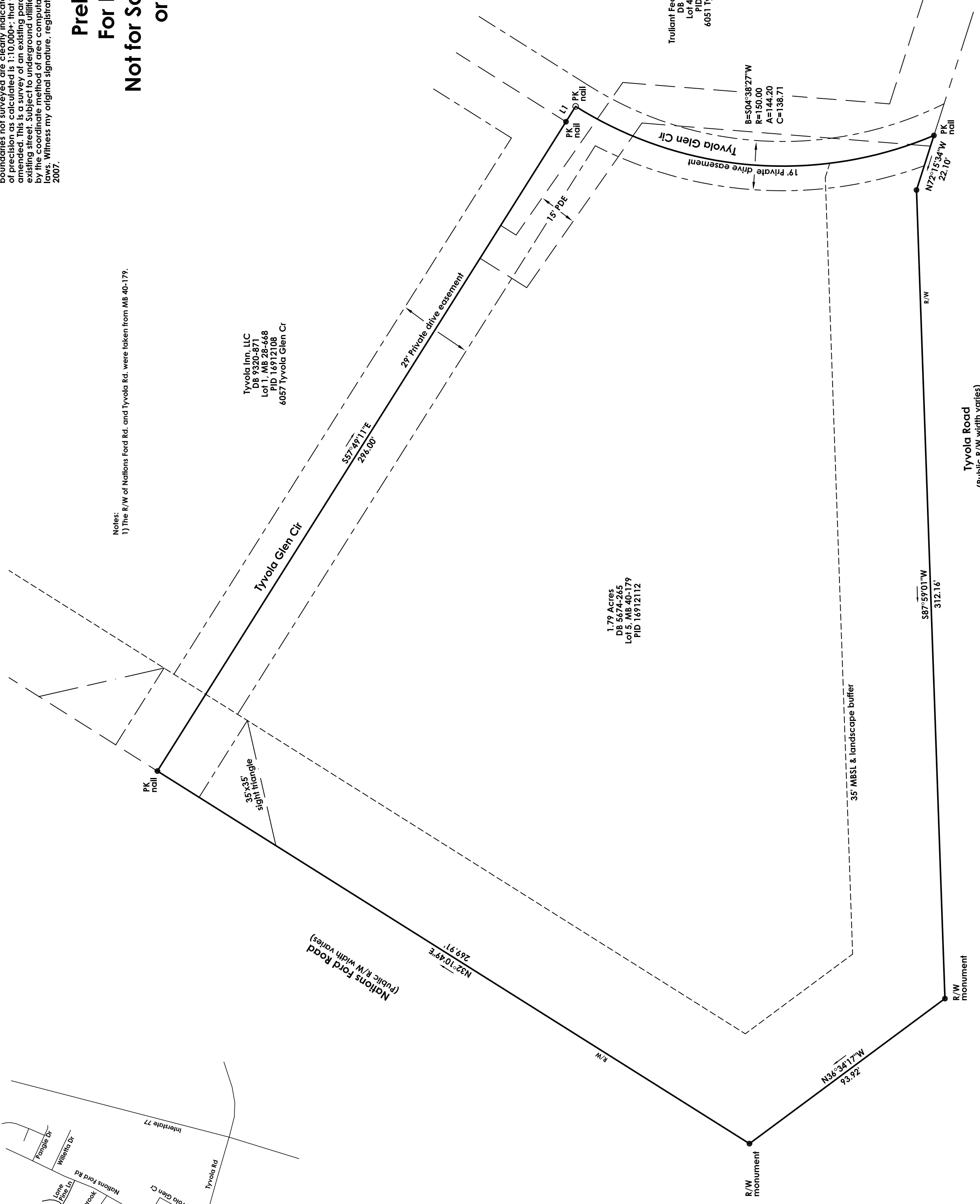


- LEGEND:
- = Existing Iron Pin
  - = New Iron Pin
  - = Right of Way
  - = Power Pole
  - = Minimum Building Setback Line
  - = Easement
  - = Manhole
  - = Edge of Pavement

GRAPHIC SCALE  
 ( IN FEET )  
 1 inch = 30 ft.



Line	Length	Bearing
L1	7.00	S57°49'11"E



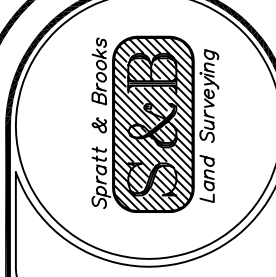
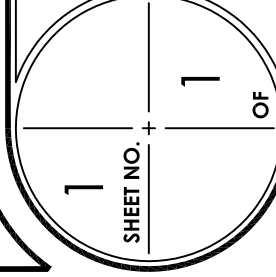
REVISIONS	BY

Spratt & Brooks  
 P.O. BOX 25175 - CHARLOTTE, NC  
**LAND SURVEYING**  
 (704) 568-1719

Boundary Survey  
 for  
 Stephen Lucas

City of Charlotte  
 Mecklenburg County, N.C.

DRAWN	S.R.S.
CHECKED	R.B.B.
DATE	11/23/07
SCALE	1"=30'
PLAN NO.	07296





<b>REQUEST</b>	Current Zoning: UR-3(CD) (urban residential, conditional) Proposed Zoning: TOD-M (transit oriented development – mixed-use)
<b>LOCATION</b>	Approximately 15.50 acres located on the southeast corner at the intersection of West 30 <sup>th</sup> Street and Chick Godley Road. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to rezone approximately 15.50 acres to allow all uses in the TOD-M (transit oriented development – mixed-use) district.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	First Industrial B & L, LLC Charlotte-Mecklenburg Planning Department Tony Kuhn – Flywheel Group, LLC
<b>COMMUNITY MEETING</b>	Meeting is not required.

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 7-0 to recommend that this petition be returned to City Council for a new hearing to convert this conventional request to a conditional request.
--------------------------------	---

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

**ZONING COMMITTEE DISCUSSION** Staff reviewed the petition and noted that the petitioner is in the process of seeking a conditional rezoning and a new public hearing would be required. One Commissioner asked if the petitioner was aware of the process for the new public hearing. Staff responded stating we have been working with the petitioner and he is aware of the requirements for the conditional request. There was no further discussion of this petition.

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

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

**PLANNING STAFF REVIEW**

- **Background**
  - In 2008 the subject property was rezoned from I-2 (general industrial) to UR-3(CD) (urban residential, conditional) for the development of 327 townhomes and flats with an option to add up to 44,000 square feet of ground floor office and retail (petition 2008-82). The overall density for the project was 20.45 units per acre.
- **Proposed Request Details**  
This is a conventional rezoning petition with no associated site plan.
- **Public Plans and Policies**
  - The *Blue Line Extension Station Area Plan – 36th Street Station* (2013) recommends transit supportive land uses for these parcels. A portion of the rezoning site is within 1/2 mile of the 36th Street Station on the LYNX Blue Line Extension.
  - This petition is consistent with *the Blue Line Extension Station Area Plans – 36th Street Station*.

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
  - **Charlotte-Mecklenburg Schools:** No comments received.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** This property is located in the Central Park Region and is on the Little Sugar Creek Greenway corridor as indicated on the 2008 Greenway Master Plan.
  - **Urban Forestry:** No issues.
- 

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

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

**OUTSTANDING ISSUES**

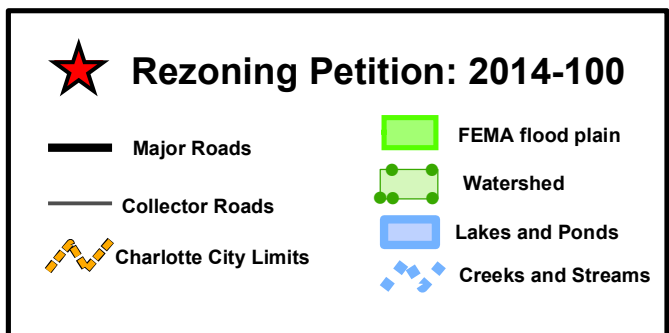
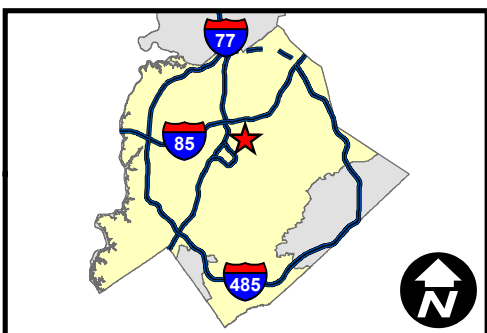
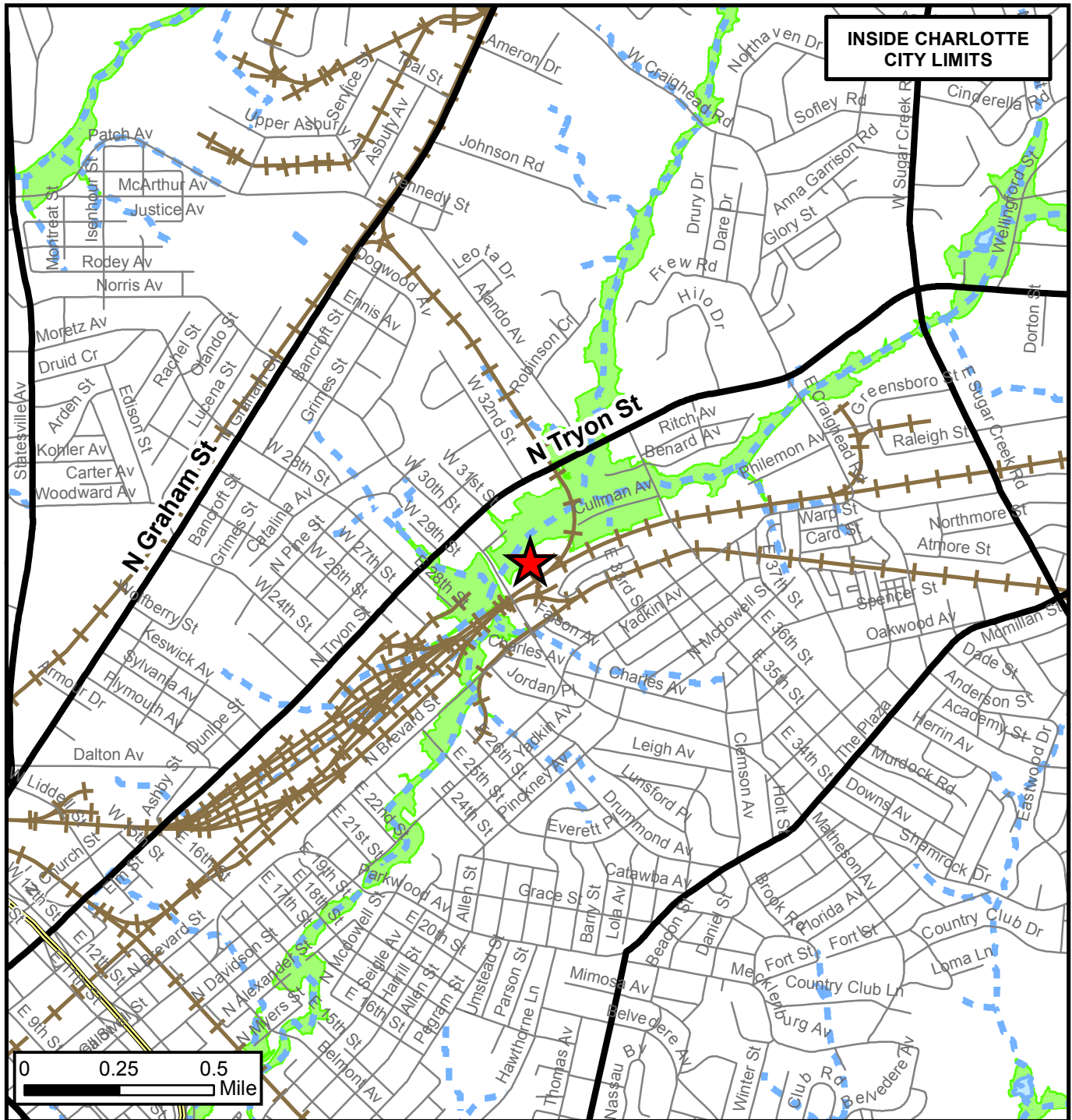
- No issues.
- 

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

- Application
- 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 Water 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

**Acreeage & Location :** Approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road.



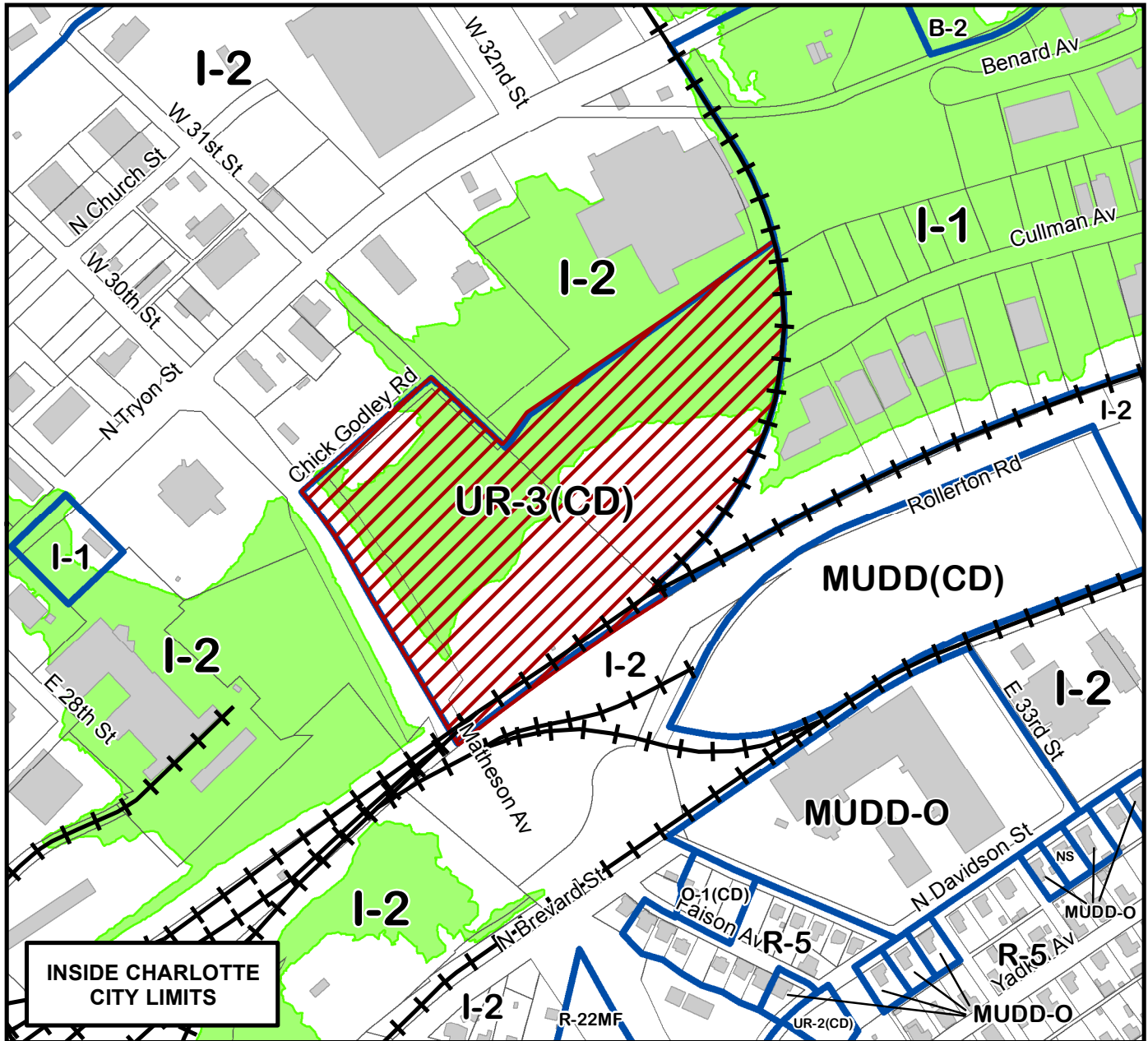
Petition #: **2014-100**

Petitioner: Charlotte-Mecklenburg Planning Department

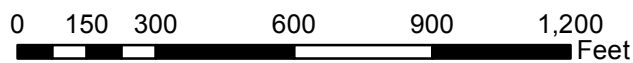
Zoning Classification (Existing): UR-3(CD)  
(Urban Residential, Conditional)

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

Acreage & Location: Approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road.

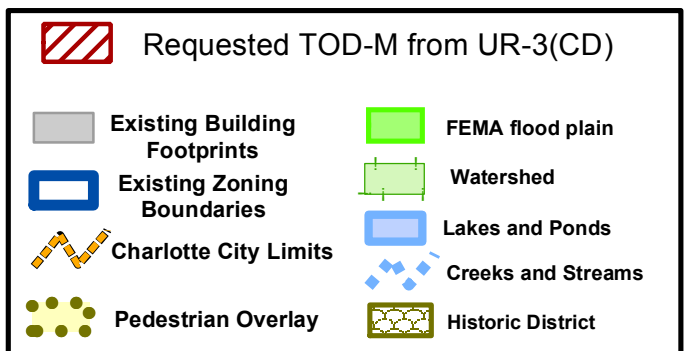


Map Produced by the Charlotte-Mecklenburg Planning Department, 8-29-2014.



Zoning Map #(s)

**89**



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

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

<b>VOTE</b>	<table border="0"> <tr> <td>Motion/Second:</td> <td>Nelson/Eschert</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Eschert, Labovitz, Nelson, Sullivan, and Walker</td> </tr> <tr> <td>Nays:</td> <td>Ryan</td> </tr> <tr> <td>Absent:</td> <td>None</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Nelson/Eschert	Yeas:	Dodson, Eschert, Labovitz, Nelson, Sullivan, and Walker	Nays:	Ryan	Absent:	None	Recused:	None
Motion/Second:	Nelson/Eschert										
Yeas:	Dodson, Eschert, Labovitz, Nelson, Sullivan, and Walker										
Nays:	Ryan										
Absent:	None										
Recused:	None										
<b>ZONING COMMITTEE DISCUSSION</b>	Staff presented this item and stated that all outstanding issues had been addressed. Staff reviewed the modifications to the site plan since the public hearing. One commissioner noted concerns about the proposal.										
<b>MINORITY OPINION</b>	The minority of the Committee had concerns regarding the building frontage along Endhaven Lane not providing enough eyes on the public street and design of the overall project.										

**STAFF OPINION**

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

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

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

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

• **Public Plans and Policies**

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

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

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

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

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

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

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

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





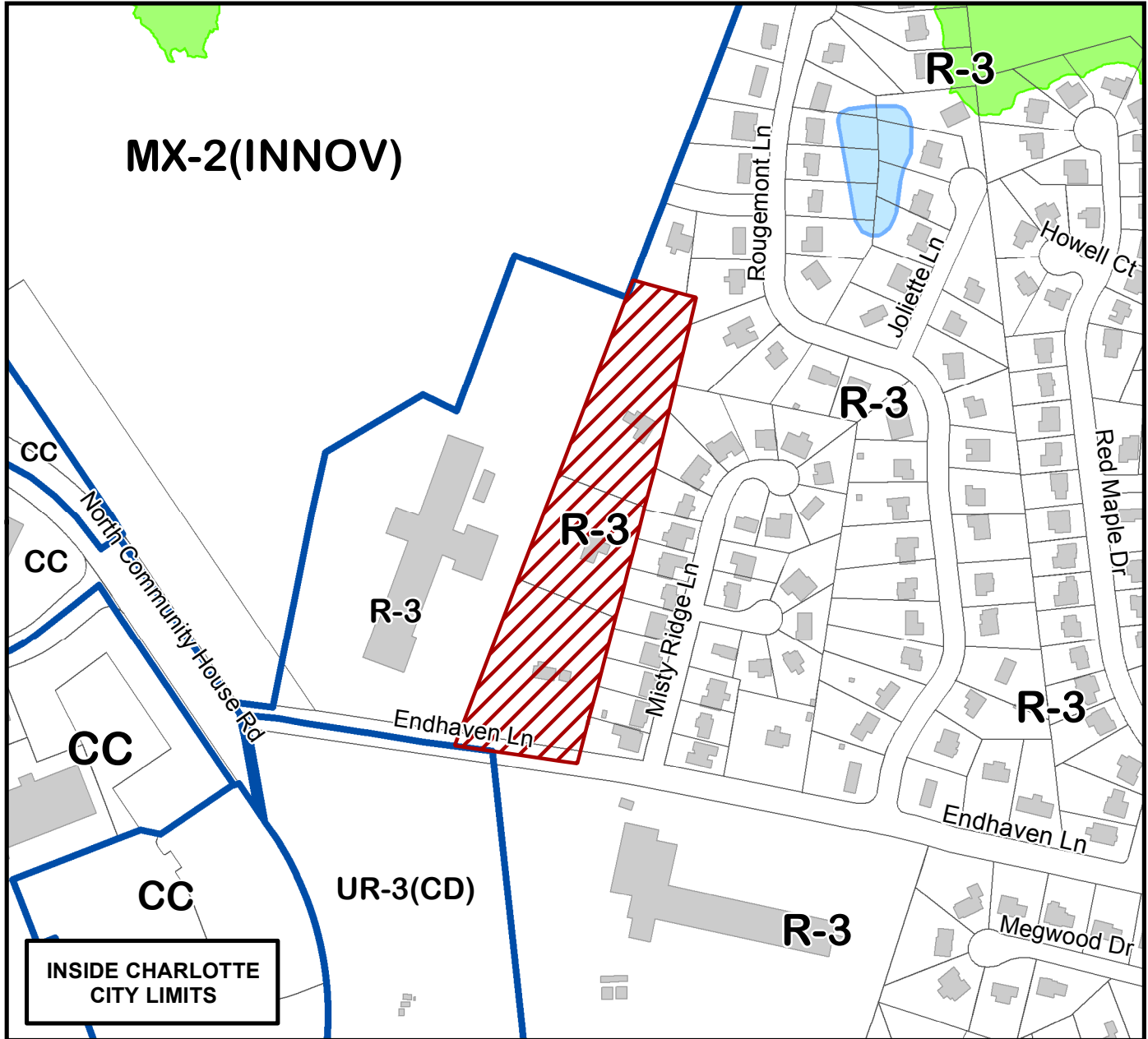
Petition #: **2014-103**

Petitioner: **Weekley Homes, LP**

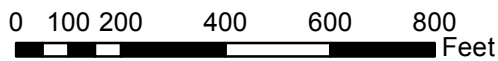
Zoning Classification (Existing): **R-3**  
(Single Family, Residential)

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

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

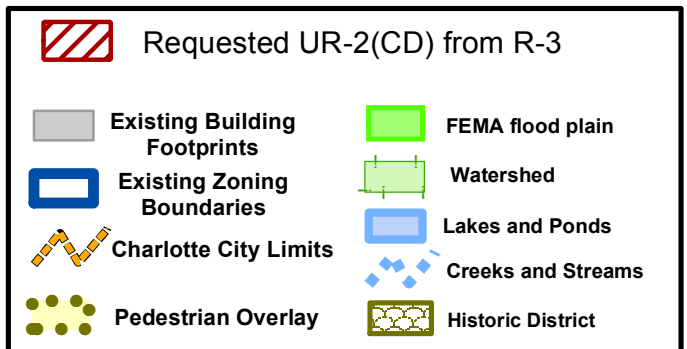


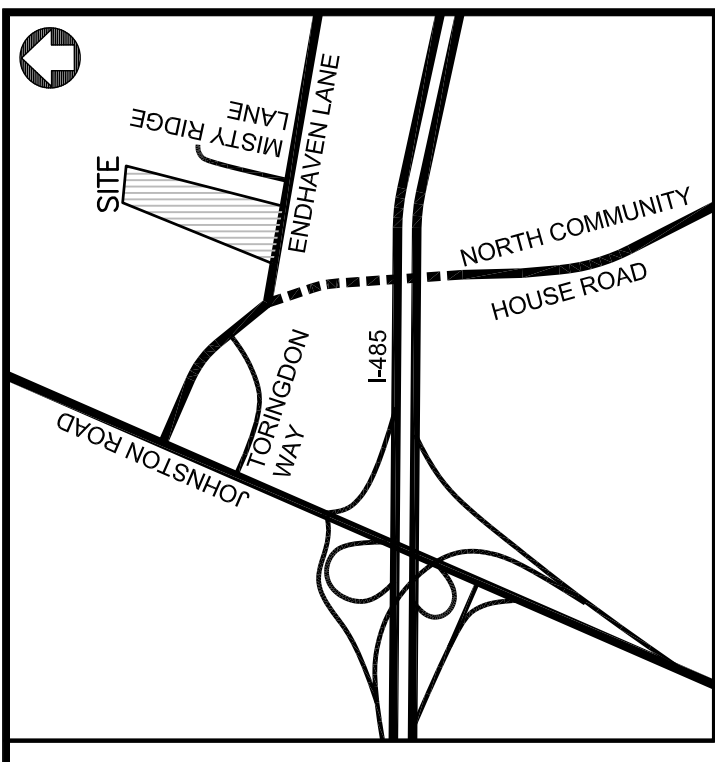
Map Produced by the Charlotte-Mecklenburg Planning Department, 8-29-2014.



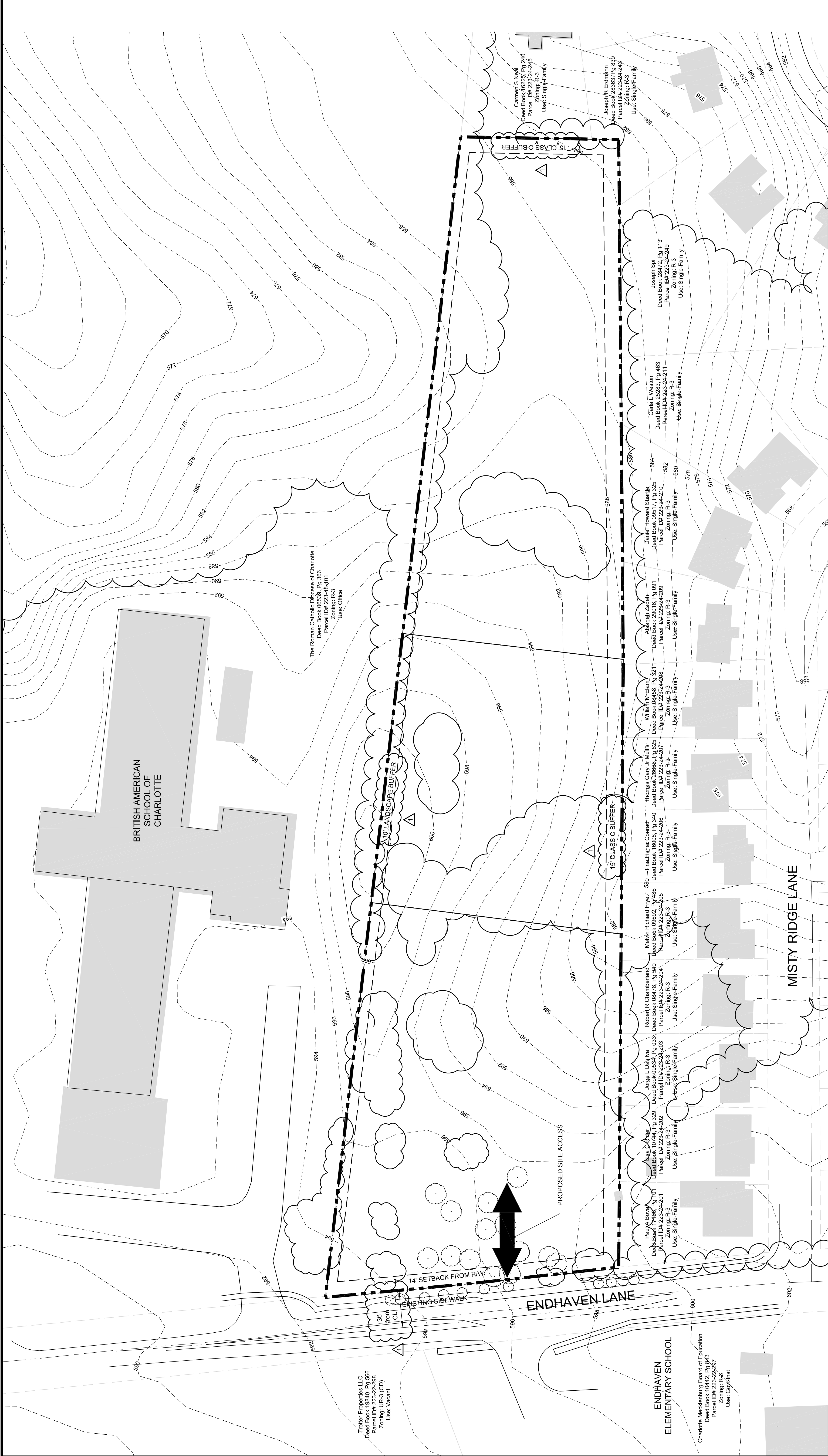
Zoning Map #(s)

**176**





VICINITY MAP  
(NOT TO SCALE)



**DEVELOPMENT DATA:**

TAX PARCEL ID: 22324248, 22324247, 22324246

EXISTING ZONING: R-3

PROPOSED ZONING: UR-2 (CD)

PROPOSED USE: Single-Family attached (For Sale)

UNITS PROPOSED: 45 Units

DENSITY PROPOSED: 8.2 UNITS / AC

FRONT YARD: 14' from Right-of-Way

REAR YARD: 10'

MAX. FAR: 1.0

PROPOSED BUILDING HEIGHT: 40' Max.

PARKING PROVIDED: Min.= 1 Per Unit; Max.= 2 Per Unit  
2 Car attached garage at each unit

TREE SAVE REQUIRED: 5.5 Ac X 15% = 0.825 Ac

WASTE MANAGEMENT: ROLL-OUT CONTAINER

**Endhaven Lane Development Standards**

- General Provisions:**
- Development of the site will be controlled by the standards depicted on this site plan and by the standards of the Charlotte Zoning Ordinance. The development depicted on this plan is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases as allowed under the provisions of Section 6.2 of the Zoning Ordinance.
  - The Petitioner acknowledges that other standard development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, drainage, and are not separate zoning conditions imposed by this site plan. Unless specifically noted in the conditions for this site plan, these other standard development requirements will be applied to the development of this site as defined by these other city ordinances.
  - Throughout this Rezoning Petition, the terms "Owner," "Petitioner" or "Petitioners," shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the owner or owners of the Site who may be involved in its development from time to time.
- Purpose:**  
The purpose of this Rezoning application is to provide for the development of a single family attached community. To achieve this purpose, the application seeks the rezoning of the site to the UR-2 (CD) district.
- Permitted Uses:**  
Uses allowed on the property included in this Petition will be residential single family attached dwelling units and related accessory uses as are permitted in the UR-2 district.
- Transportation:**  
The site will have access via a driveway connection to Endhaven Lane at a location prescribed by CDOT as generally identified on the concept plan for the site.
- Parking areas, including parking spaces in garages and on street parking, are generally indicated on the concept plan for the site.
  - Lighting fixtures will be located higher than 20' from the finished first floor elevation. In addition, the Petitioner will restrict the ability of home owners to add lighting to their individual townhomes except for ornamental or architectural lighting that would result in effects contrary to the standard above.

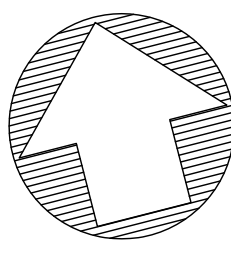
**Streetscape and Landscaping**

- The Petitioner reserves the right to install an entrance feature at the driveway connection to Endhaven Lane and an ornamental fence along the frontage of Endhaven Lane, subject to all sight distance restrictions. The Petitioner will increase the normal number of shrubs to be planted in the buffer along adjoining single family lots by 50%, and will increase the tree caliper size to be planted in the buffer along adjoining single family lots by 50%.
- Environmental Features**
- The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points. Storm water and water quality facilities will be designed as part of the overall site landscaping plan. Parks, Stormwater, and Open Space

**Environmental Features**

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

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



**REVISIONS:**

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

Date: 8/25/14  
Project Number: 14003

Project Manager: MDL  
Drawn By: MDL  
Checked By: MDL

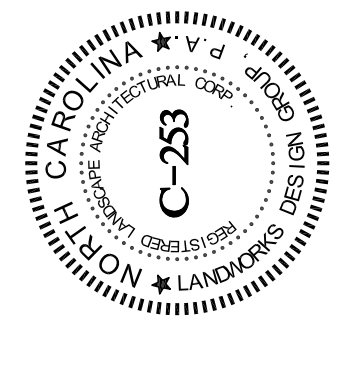
Sheet Number:

**RZ-1**

SHEET # 1 OF 3

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

TECHNICAL  
DATA SHEET





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

**SCHEMATIC**  
**SITE**  
**PLAN**



CORPORATE CERTIFICATIONS  
 NC PE: C-253 NC LA: C-253  
 SC ENG: MD-589 SC LA: MD-211

Project Manager: MDL

Drawn By: MDL

Checked By: MDL

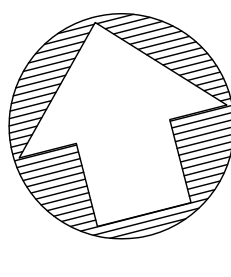
Date: 8/25/14

Project Number: 14003

Sheet Number:

**RZ-2**

SHEET # 2 OF 3



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



REVISIONS:

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

BRITISH AMERICAN  
 SCHOOL OF  
 CHARLOTTE

ENDHAVEN  
 ELEMENTARY SCHOOL

MISTY RIDGE LANE

ENDHAVEN LANE

The Roman Catholic Diocese of Charlotte  
 Deed Book 06539, Pg 366  
 Parcel ID# 223-48-101  
 Zoning: R-3  
 Use: Office

400 SF MIN.  
 PRIVATE OPEN  
 SPACE, TYP.

PROPOSED DRIVEWAY, TYPICAL  
 DRIVEWAYS SHALL BE LESS THAN 7 OR  
 GREATER THAN 20' FROM THE BACK OF  
 CURB OR SIDEWALK.

5' SIDEWALK TO  
 PRIVATE STREET  
 (TYP.)

14' SETBACK

PROPOSED  
 LEFT-TURN LANE,  
 150' STORAGE

EXISTING STREET  
 TREES

Triller Properties LLC  
 Deed Book 18640, Pg 566  
 Parcel ID# 223-22-298  
 Zoning: R-3 (D)  
 Use: Vacant

POSSIBLE TREE SAVE AREA

POSSIBLE TREE SAVE AREA

POSSIBLE TREE SAVE AREA

POSSIBLE TREE SAVE AREA

EXISTING SIDEWALK

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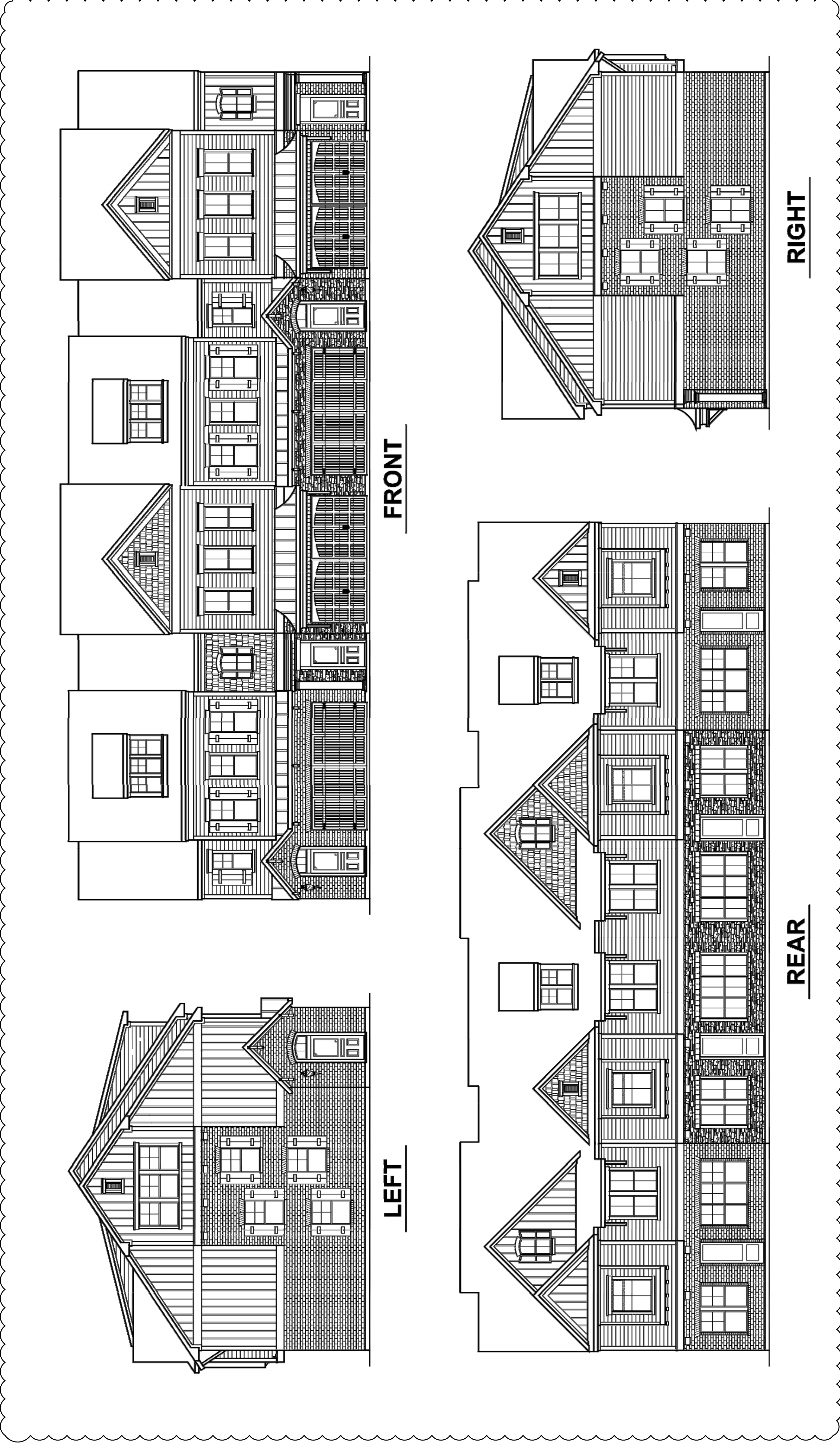
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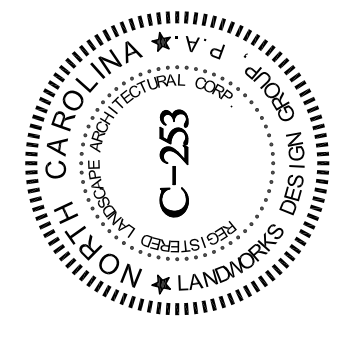
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**Charlotte, NC**

# ENDHAVEN

**David Weekley Homes**

**BUILDING  
ELEVATIONS**



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



**CORPORATE CERTIFICATIONS**  
NC P.E. C-2530 NC L.A. C-253  
SC ENG. NO. 5589 SC L.A. NO. 211

Project Manager: MDL

Drawn By: MDL

Checked By: MDL

Date: 8/25/14

Project Number: 14003

Sheet Number:

# RZ-3

SHEET # 3 OF 3

**REVISIONS:**

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

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

<b>REQUEST</b>	<p>Current Zoning: R-5 (single family residential), R-5(HD-O) (single family residential, historic district overlay) and B-2(CD)(HD-O) (general business, conditional, historic district overlay)</p> <p>Proposed Zoning: MUDD-O (mixed use development, optional) and MUDD-O(HD-O) (mixed use development, optional, historic district overlay)</p>
<b>LOCATION</b>	<p>Approximately 4.54 acres located at the southeast corner of the intersection of The Plaza and Belvedere Avenue (Vanlandingham Estate). (Council District 1 - Kinsey)</p>
<b>SUMMARY OF PETITION</b>	<p>The petition proposes to allow a spa, up to 19 single family attached dwelling units and a private neighborhood pool and swim club, in addition to the existing hotel and event facility.</p>
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	<p>Unique Southern Estates, LLC; Mark A. Maddalon Unique Southern Estates, LLC John Carmichael</p>
<b>COMMUNITY MEETING</b>	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 33.</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 7-0 to <b>DEFER</b> this petition to the March 25, 2015 Zoning Committee meeting.</p>
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<b>VOTE</b>	<p>Motion/Second: Ryan/Walker Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker Nays: None Absent: None Recused: None</p>
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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Background**
  - Petition 1987-050 rezoned the Vanlandingham Estate to B-2(CD) (general business, conditional) to allow functions to include, but not limited to, weddings and wedding receptions, small dinner parties, corporate meetings and social functions, birthday parties and other special events. Conditions on the approved site plan committed to maintenance of the house and grounds in accordance with their designation as a national historic landmark, with no subdivision of the property. Other commitments pertained to adherence with the City's Noise Control Ordinance, interior and exterior alterations, temporary structures, parking on the grounds, vegetation along the property line adjacent to residential properties, signage, permanent and temporary exterior lighting, occupation of the property by owner or agent, and an agreement with Holy Trinity Church for overflow parking.
  - In 1998, the City Council denied a site plan amendment (1998-030) to add 14 rooms for overnight guests, make additions to the main house and carriage house, and allow up to 15 "special events" per year.
  - In 2000, a site plan amendment (2000-017) was approved to modify the conditional plan governing the Vanlandingham Estate. The approval allowed the operation of a hotel in the style of a bed and breakfast, an addition of a garden room to the main house, a new greenhouse, and a condition that all events except one per year were are limited to a maximum of 325 guests.
- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:

- Allows the main house, carriage house porch and grounds to continue to be used for conferences, meetings, private events catered by the owner of the main house, social events sponsored by non-profit and charitable organizations, and neighborhood and community events to which the public is invited and food and beverages (non-alcoholic and alcoholic) may be served.
- Allows the continued use of a hotel with a maximum of nine rooms for overnight lodging of guests (five in the main house and four in the carriage house), including the serving of breakfast, other meals from time to time, and beverages to guests.
- Allows the addition of up to 19 for-sale single family attached dwelling units to be added to the perimeter of the site. The site plan shows two, five-unit buildings along the southern edge of the site that is currently zoned R-5 (single family residential) and occupied by two single family homes. A six-unit and a three-unit building are shown along Thurmond Place to the north and south of the existing carriage house.
- Allows the addition of a spa to be located in the main house.
- Allows the addition of a private neighborhood pool and swim club with associated accessory uses and structures which will be operated on a membership basis.
- Restricts the site from functioning as a public restaurant.
- Prohibits on-site food preparation for off-site sales or consumption including off-site catering.
- Requires amplified music on the site to end by 10:30 p.m. on weekdays and 11:00 p.m. on weekends.
- Specifies standards for the location, setup and dismantling of temporary structures such as stages and event tents.
- Existing driveways into the site will remain. An additional drive will be provided from The Plaza to Nassau Boulevard, along the southern edge of the site to provide access to the residential units and parking. Three additional drives are also proposed along Thurmond Place to provide direct access to the garages of three residential units south of the existing carriage house. The remainder of the residential units along Thurmond Place will be accessed internally.
- Provides a total of 160 parking spaces (88 on-site, 24 on-street along Belvedere Avenue and Thurmond Place, and commits to 48 off-site spaces located within 1,600 feet of the site.)
- Specifies that events with more than 40 guests will have at least one parking attendant, events with more than 75 guests will have at least two attendants, and events with more than 200 guests will have at least one off-duty police officer. The swim club/pool is exempted from these requirements except that when a swim meet is held then at least two parking attendants will be provided.
- Specifies that architectural and design standards will be subject to the review and approval of the Landmarks Commission and the Historic District Commission.
- Provides a four-foot tall hedge between the pool and Belvedere Avenue and ten-foot wide landscape screening between the proposed private drive, the church, and the single family residential property to the south.
- Limits the height of new detached lighting to 20 feet.
- Optional Provisions include the following:
  - A. Parking located between the buildings and the adjacent public streets as depicted on the rezoning plan.
  - B. The existing sidewalks and planting strips located along the public street frontages to remain.
  - C. Existing screening hedges located in portions of the setbacks to remain.
- **Public Plans and Policies**
  - The *Central District Plan* (1993), as amended by rezoning petition 2000-017, recommends retail for the majority of the site. The purpose of the retail land use designation and zoning was to allow the reuse of the existing historic site for a bed and breakfast style hotel with an events facility while also protecting the surrounding single family neighborhood. The *Plan* recommends single family uses for the 0.46 acre portion at the southern edge of the site zoned R-5 (single family residential).
  - The *General Development Policies (GDP)* support residential density over 17 dwelling units per acre. The proposed density of 14 dwelling units per acre, for the portions of the site to be residential use, meets the *General Development Policies (GDP)* for the density.

Assessment Criteria	Density Category Over 17 DUA
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	Medium (2)
Connectivity Analysis	High (5)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
<b>Total Points Needed: 14</b>	<b>Total Points: 14</b>

- The proposed neighborhood pool and single family attached dwellings are inconsistent with the *Central District Plan*; however, the density of the single family attached dwellings is supported by the *General Development Policies*.
- The proposed development represents a significant increase in the intensity of the uses on the site. The proposal could be appropriate for consideration provided issues related to site design and parking are addressed.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:**
  1. Revise the site plan so that proposed single family attached lots 11-13 along Thurmond Place are either "rear loaded" and face Thurmond Place or removed from the petition entirely. The current design creates too many driveways along Thurmond Place.
  2. Remove the existing holly hedges to prevent a sight distance obstruction and safety concern for vehicles and pedestrians at driveway locations along Thurmond Place.
  3. Improve any proposed off-site parking to meet the minimum requirements set forth in the Charlotte Land Development Standards Manual.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate one student, while the development allowed under the proposed zoning will produce one student. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **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 site.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Address CDOT issues.
  2. Provide a note restricting overlap in swimming pool hours with events at the house and

- grounds.
3. Limit events and swim club use or provide additional parking.
  4. Remove the off-site parking details from the site plan and provide a note committing to at least 48 off-site parking spaces that meet the standards of Section 9.8507 Parking Standards (6) in the Zoning Ordinance.
  5. Provide rear loaded garages for units at the southern end of Thurmond Avenue or change the building design to reduce the number of driveways and orient the units to the street.
  6. Break up the attached units along Thurmond north of the carriage house into multiple buildings. These could be duplexes, triplexes, and/or quadraplexes. Size, scale, and design of these residential structures should be similar to the existing carriage house and buildings should be oriented to the street.
  7. Provide pedestrian connections from the proposed residential units to the public sidewalk.
  8. Provide the required 10-foot buffer at the rear of the off-site parking lot and provide the required five-foot wide screening to the north and south, and along The Plaza.
  9. Eliminate Optional Provisions Note B. to reflect a rear loaded garage condition or amend the note to reflect a change in the design of the building.
  10. Amend existing and proposed zoning to include the historic district overlay designation.
- 

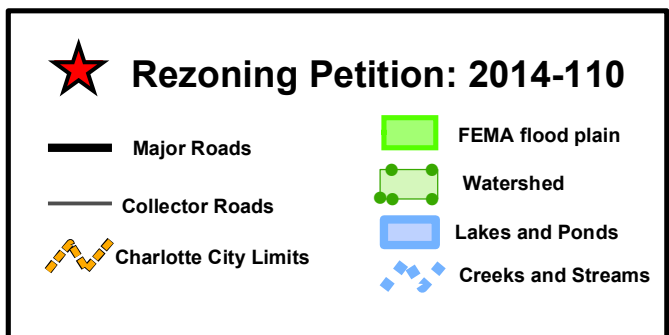
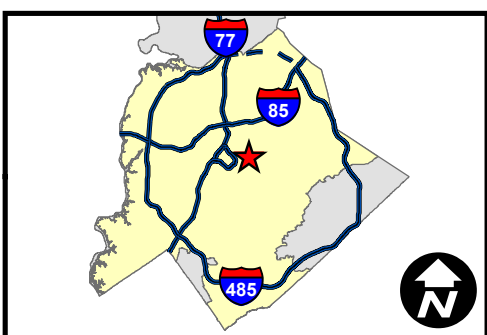
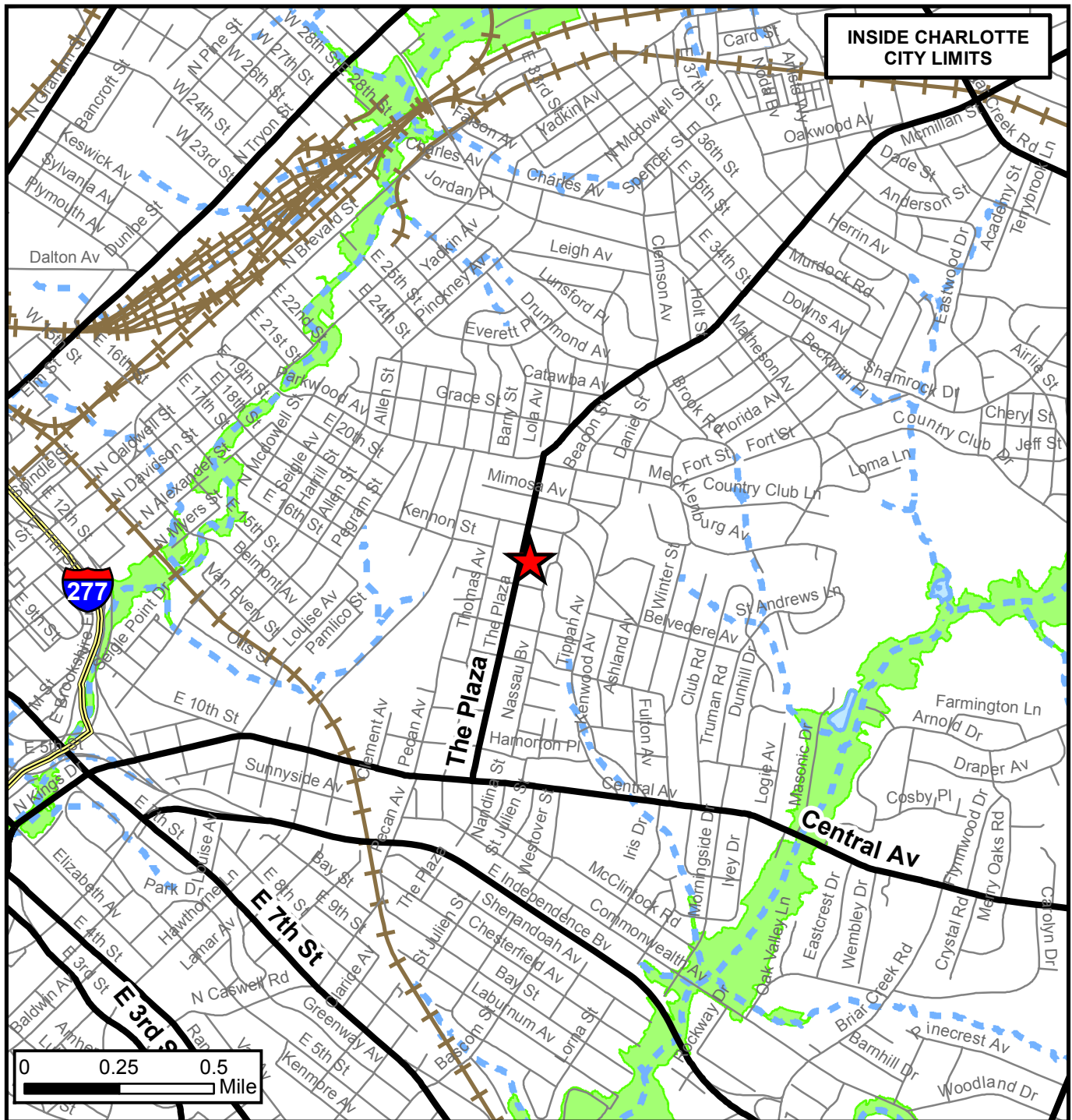
**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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



**Acreeage & Location :** Approximately 4.54 acres located on the southeast corner of the intersection between The Plaza and Belvedere Avenue.



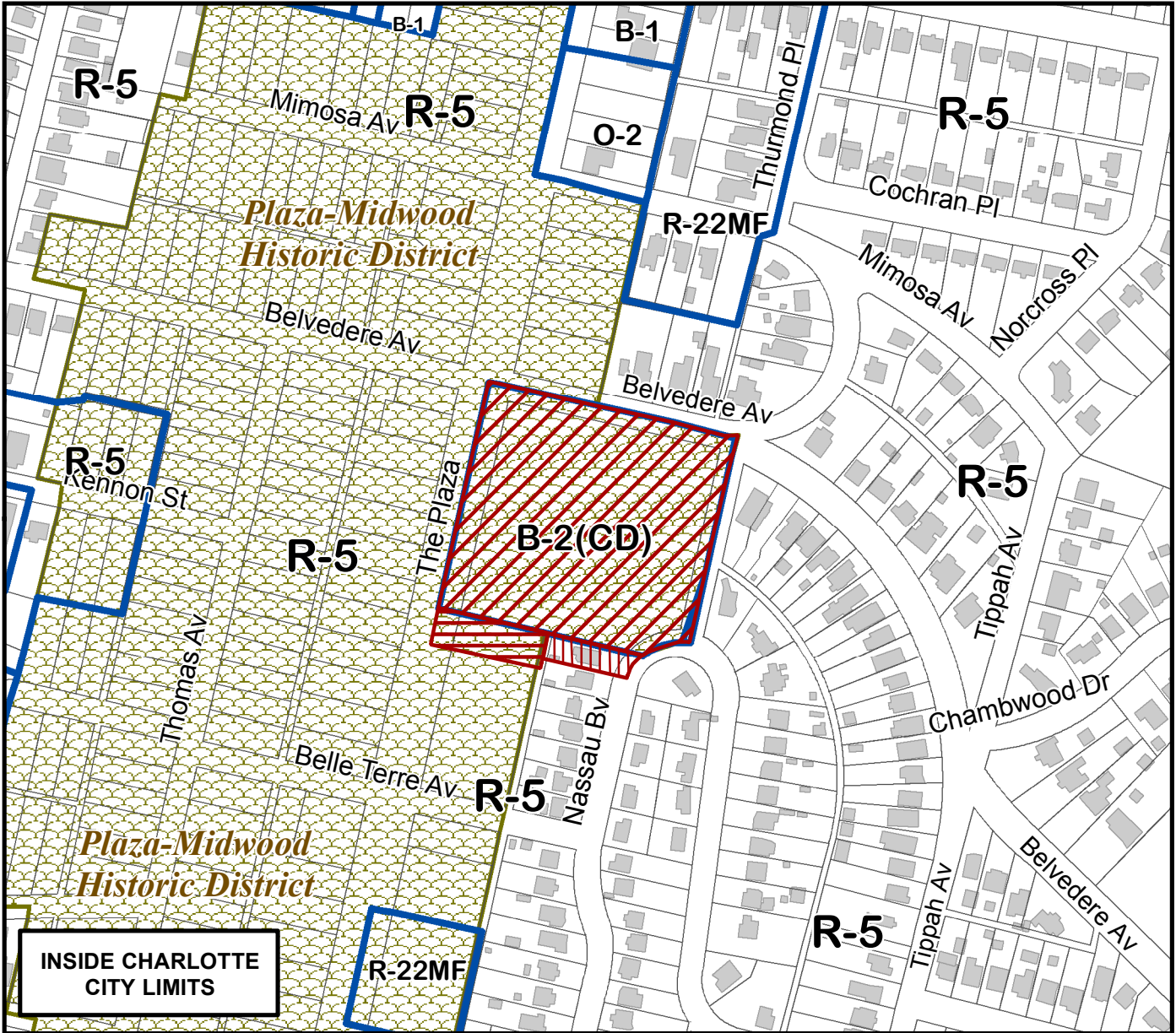
Petition #: **2014-110**

Petitioner: **Unique Southern Estates, LLC**

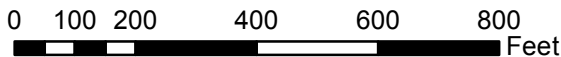
Zoning Classification (Existing): **R-5, R-5(HD-O) & B-2(CD)(HD-O)**  
(Single Family, Residential; Single Family, Residential, Historic District Overlay, and General Business, Conditional Historic District Overlay)

Zoning Classification (Requested): **MUDD-O & MUDD-O(HD-O)**  
(Mixed Use Development District, Optional and Mixed Use Development District, Optional, Historic District Overlay)

Acreage & Location: Approximately 4.54 acres located on the southeast corner of the intersection between The Plaza and Belvedere Avenue.

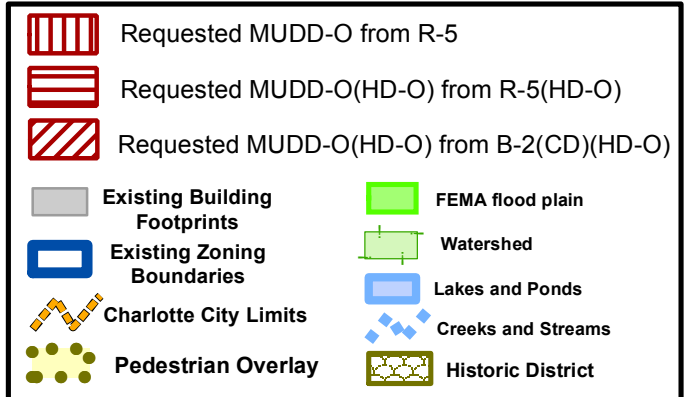


Map Produced by the Charlotte-Mecklenburg Planning Department, 1-5-2015.



Zoning Map #(s)

**101**



**Note: The decision on this petition should be deferred until April 20, 2015 to allow the Zoning Board of Adjustment to rule on the proposed variance.**

<b>REQUEST</b>	Current Zoning: R-12MF (multi-family residential) Proposed Zoning: O-1(CD) (office, conditional)
<b>LOCATION</b>	Approximately 0.65 acres located on the east side of West Sugar Creek Road between North Tryon Street and Penny Way. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes the reuse of a 1,603-square foot existing structure to allow general office uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Dona M. Patterson Dona M. Patterson None
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1.
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be inconsistent with the <i>Northeast District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends multi-family uses for the site.</li> </ul> <p>However, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, because:</p> <ul style="list-style-type: none"> <li>• It allows the reuse of the existing residential structure for an office, retains the residential character of the structure, and serves as a transition between the cemetery and the residential land uses;</li> </ul> <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Labovitz).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Note 5 has been removed from the plan.</li> <li>2. Note 1 has been removed from the plan.</li> <li>3. The current use has been updated to reflect a single family home.</li> <li>4. The five-foot sidewalk from the existing structure to the public sidewalk system has been shown.</li> <li>5. The possible dumpster location has been shown.</li> <li>6. The proposed driveway has been shown with one-way access.</li> <li>7. A note has been added that the existing structure shall remain and any reference to a new structure has been removed.</li> <li>8. A note has been added that attached and detached lighting will be downwardly directed. Detached lighting will be limited to a height of 15 feet.</li> </ol>
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<b>VOTE</b>	Motion/Second:	Ryan/Labovitz
	Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker
	Nays:	None
	Absent:	None
	Recused:	None

**ZONING COMMITTEE** Staff reviewed the petition and noted that there were only three

**DISCUSSION**

outstanding issues from the public hearing. At the hearing on this petition, the petitioner stated that they would resubmit their site plan with the requested changes prior to Council decision on this petition. The revised site plans were submitted a few hours before the Zoning Committee Work Session and staff had not had time to review them. The Zoning Committee waived the rules to allow the petitioner to address the outstanding issues.

The petitioner, Dona Patterson, indicated that the following issues had been addressed on the revised site plan:

- A note was added that the existing structure would remain and remove any reference to a new structure.

Note 10 was modified to read: "Attached and detached lighting will be downwardly directed. Detached lighting will be limited to a height of 15 feet." Staff noted that a variance is needed for the width of the buffer next to the home and that this petition would not move forward to City Council for a vote until the petitioner had been through the variance process. There was no further discussion of this petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**

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

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

- A conventional rezoning request (Petition 2009-075) for office uses was filed for the subject site in 2009. A public hearing was held for the petition and the Zoning Committee made a recommendation of denial, but several members commented that they could support the rezoning if a conditional request was submitted. The petitioner made a request to indefinitely defer the petition to have a conditional site plan developed. The petitioner has requested that petition 2009-075 be withdrawn.

**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Reuse of a 1,603-square foot existing structure to allow general office uses.
- The existing single family structure will remain.
- The maximum building height is 40 feet.
- A 12-foot Class "C" buffer will be provided abutting residential zoning.
- Blank walls of more than 15 feet in length are prohibited and will be broken up by using doors and windows.
- Attached and detached lighting will be downwardly directed and detached lighting will be limited to 15 feet in height.
- The existing sidewalk along West Sugar Creek Road will remain.

**• Public Plans and Policies**

- The *Northeast District Plan* (1996) recommends multi-family residential uses for the subject property.
- This petition is inconsistent with *Northeast District Plan*.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.

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

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

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

**OUTSTANDING ISSUES**

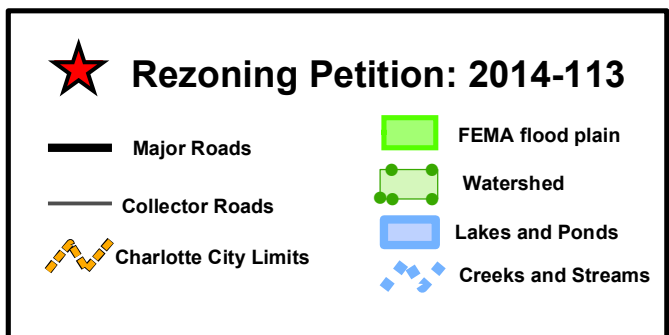
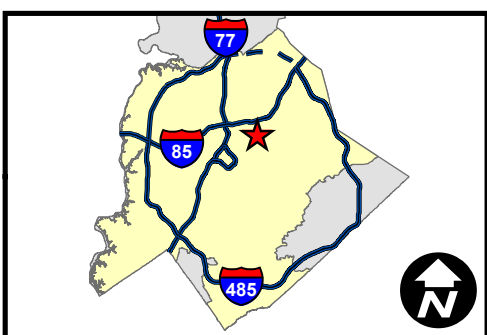
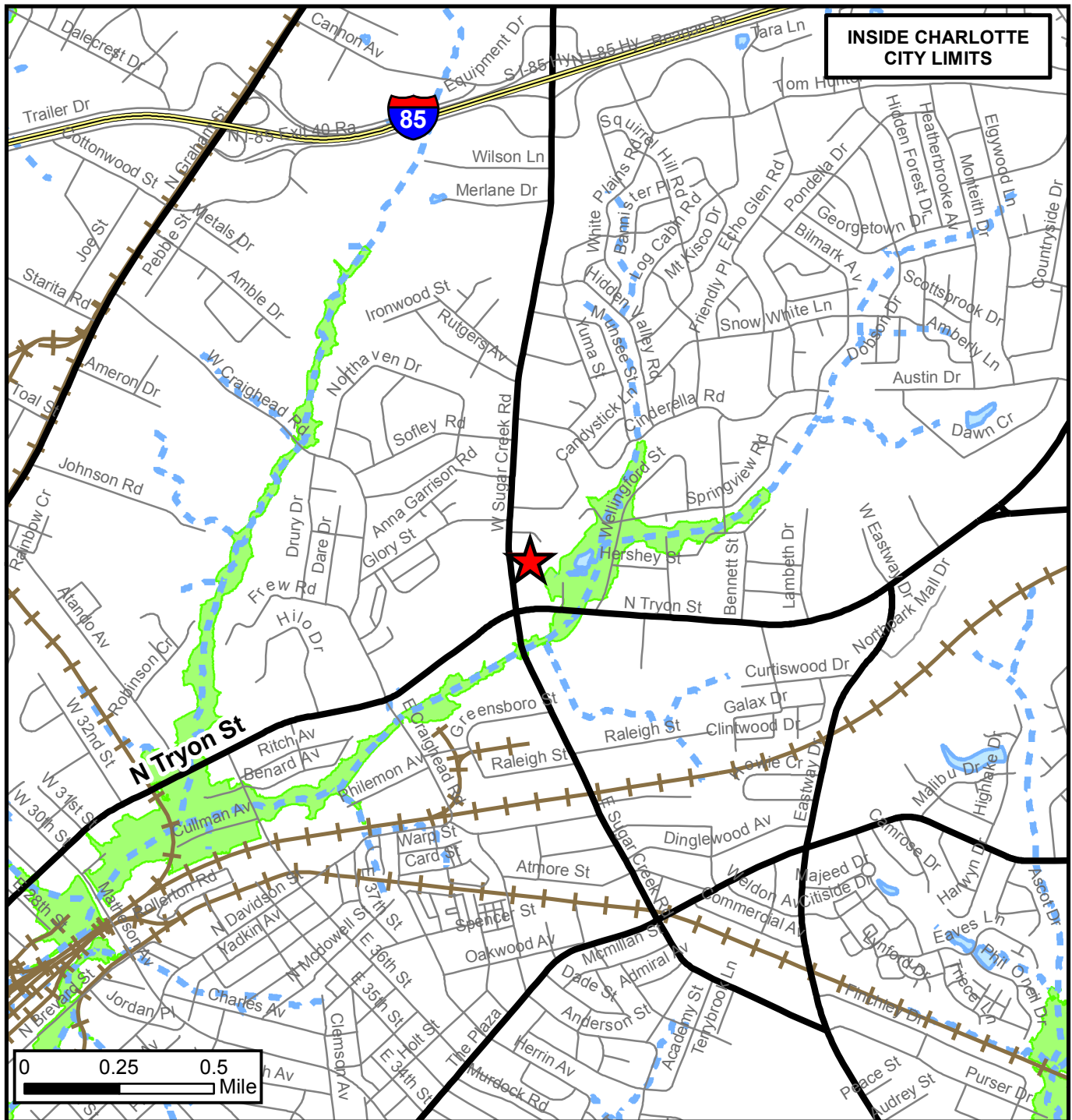
- The petitioner should:
    1. File a variance and receive approval prior to City Council decision on this petition to allow the encroachment of the existing structure into the required 12' foot buffer.
- 

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

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

**Acreeage & Location :** Approximately 0.65 acres located on the east side of West Sugar Creek Road between Penny Way and North Tryon Street.



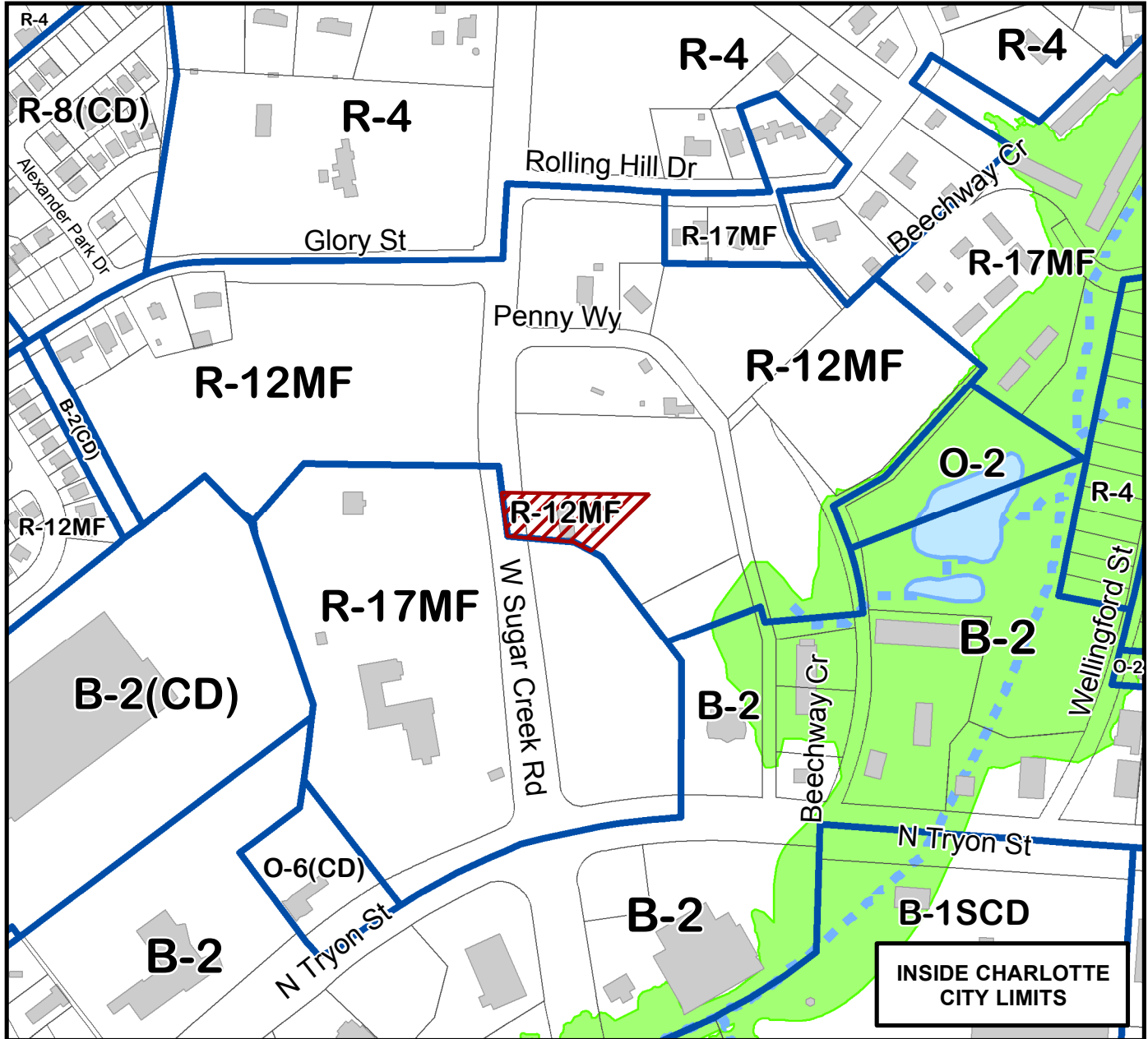
Petition #: **2014-113**

Petitioner: **Dona M. Patterson**

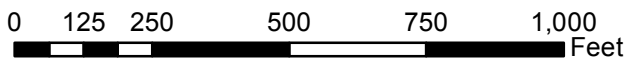
Zoning Classification (Existing): **R-12MF**  
(Multi-Family, Residential)

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

Acreage & Location: Approximately 0.65 acres located on the east side of West Sugar Creek Road between Penny Way and North Tryon Street.

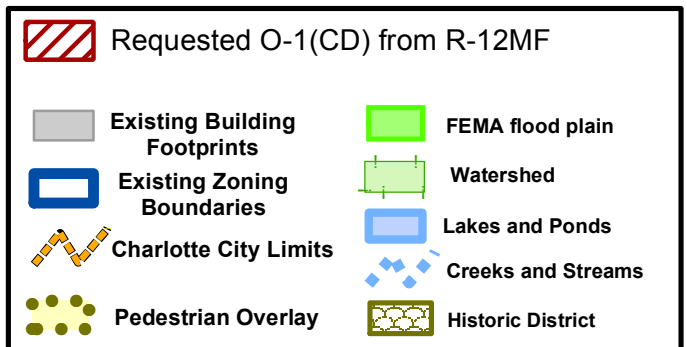


Map Produced by the Charlotte-Mecklenburg Planning Department, 10-22-2014.



Zoning Map #(s)

**78**



<b>REQUEST</b>	Text Amendment to Section 12.502
<b>SUMMARY OF PETITION</b>	The petition proposes to: 1) modify the street frontage and primary access requirements to only apply to childcare centers located in residential districts, not to those located in non-residential districts; and 2) correct the list of zoning districts in which childcare centers are permitted.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Charlotte Montessori School David Powlen, Little Diversified Architectural Consulting
<b>COMMUNITY MEETING</b>	Meeting is not required.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• It meets the plan goal to ensure a diverse, growing and adaptable economy.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the text amendment:</p> <ul style="list-style-type: none"> <li>• Deletes the street frontage and primary access requirements for childcare centers located in non-residential districts; and</li> <li>• Clarifies the street frontage and primary access requirements for childcare centers located in residential zoning districts; and</li> <li>• Corrects the list of zoning districts in which childcare centers are currently permitted;</li> </ul> <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Eschert).</p>

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

**ZONING COMMITTEE DISCUSSION** Staff presented a summary of the text amendment. There were no questions.

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

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

**PLANNING STAFF REVIEW**

- **Background**
  - Childcare centers for between thirteen (13) and seventy-nine (79) children are permitted, with prescribed conditions, in R-9MF, R-12MF, R-17MF, R-22MF, and R-43MF (multi-family residential), UR-2, UR-3, UR-C (urban residential), INST (institutional), RE-1, RE-2, and RE-3 (research), O-1, O-2, O-3 (office), MX-2 and MX-3 (mixed use), B-1 (neighborhood business), B-2 (general business), BD (distributive business), NS (neighborhood services), MUDD (mixed use development), UMUD (uptown mixed use), TOD-R, TOD-E, and TOD-M (transit oriented



development), U-I (urban industrial) and I-1 (light industrial) zoning districts.

- One of the prescribed conditions for childcare centers, as a principal use, is that the use is required to have frontage on a collector street or a minor or major thoroughfare. However, primary access may be provided by a local residential street that directly intersects a collector street, minor thoroughfare, or major thoroughfare, or by a collector street, a minor thoroughfare, or a major thoroughfare.
  - **Proposed Request Details**  
The text amendment contains the following provisions:
    - Deletes the street frontage and primary access requirements for childcare centers located in non-residential districts.
    - Clarifies that street frontage and primary access requirements for childcare centers only apply when the use is located in a residential district.
    - Corrects the list of zoning districts in which childcare centers are currently permitted.
  - **Public Plans and Policies**
    - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to ensure a diverse, growing and adaptable economy.
- 

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

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

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

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

#### **OUTSTANDING ISSUES**

- No issues.
- 

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

- Application
- Pre-Hearing Staff Analysis
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water 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: Childcare Centers - Street Frontage and Primary Access Requirements**

**1-23-15**

**2015-002**

**Purpose/Background:** The purpose of this text amendment is to 1) delete the street frontage and primary access requirements for childcare centers located in non-residential districts; 2) clarify that the street frontage and primary access requirements for childcare centers only applies when the use is located in a residential zoning district; and 3) corrects the list of zoning districts in which childcare centers are currently permitted.

	<b>Current Regulations</b>	<b>Proposed Regulations</b>	<b>Rationale</b>
<b>Zoning Districts</b>	<ul style="list-style-type: none"> <li>Childcare centers for between thirteen (13) and seventy-nine (79) children, are permitted, with prescribed conditions in R-9MF, R-12MF, R-17MF, R-22MF, and R-43MF (multi-family), UR-2, UR-3, UR-C (urban residential), INST (institutional), RE-1, RE-2, and RE-3 (research), O-1, O-2, O-3 (office), MX-2 and MX-3 (mixed use), B-1 (neighborhood business), B-2 (general business), BD (distributive business), NS (neighborhood service), MUDD (mixed use development), UMUD (uptown mixed use), TOD-R, TOD-E, and TOD-M (transit oriented development), U-I (urban industrial) and I-1 (light industrial) zoning districts.</li> </ul>	<ul style="list-style-type: none"> <li>Corrects the list of permitted districts to match those where the use is currently permitted, with prescribed conditions</li> </ul>	N/A
<b>Street Frontage Requirements</b>	<ul style="list-style-type: none"> <li>Childcare centers, as a principal use, are required to have frontage on a collector street or a minor or major thoroughfare.</li> </ul>	<ul style="list-style-type: none"> <li>Deletes the frontage requirement for childcare centers located in non-residential zoning districts.</li> <li>Clarifies that the requirement only applies to childcare centers located in a residential district.</li> </ul>	<ul style="list-style-type: none"> <li>Provides additional flexibility</li> </ul>
<b>Primary Access to the Site</b>	<ul style="list-style-type: none"> <li>Primary access may be provided by a collector street, minor thoroughfare, or major thoroughfare, or by a local residential street that directly intersects a collector street, minor thoroughfare, or major thoroughfare.</li> </ul>	<ul style="list-style-type: none"> <li>Deletes the primary access requirement for childcare centers located in non-residential zoning districts.</li> <li>Clarifies the requirement only applies to childcare centers located in residential district.</li> </ul>	<ul style="list-style-type: none"> <li>Provides additional flexibility</li> </ul>

Petition #: 2015-002

Petitioner: Charlotte Montessori School

AN ORDINANCE AMENDING APPENDIX A  
ORDINANCE NO. \_\_\_\_\_

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 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Amend Section 12.502, "Adult care homes, adult care centers, childcare centers, childcare centers in a residence, family childcare homes, and large childcare centers", subsection (3) "Childcare centers" by amending the first paragraph to correct the zoning districts in which the use is currently allowed. The revised text shall read as follows:

(3) Childcare centers

Childcare centers for between thirteen (13) and seventy-nine (79) children, licensed by the North Carolina Department of Health and Human Services, may be established in all multi-family districts, UR-2, UR-3, UR-C, INST, all research, all office, NS, B-1 and B-2, BD, MUDD, UMUD, ~~MX-1~~, MX-2, MX-3, TOD-R, TOD-E, and TOD-M, U-I, and I-1 districts, according to the requirements listed below. Childcare centers are also permitted as an accessory to uses permitted in the I-2 district, religious institutions, elementary, junior and senior high schools, and government buildings, and are exempt from the requirements listed below.

- b. Amend Section 12.502, "Adult care homes, adult care centers, childcare centers, childcare centers in a residence, family childcare homes, and large childcare centers", subsection (3) "Childcare centers" by amending subparagraph (d). All remaining subparagraphs shall remain unchanged. The new subparagraph shall read as follows:

- (d) In residential districts, childcare centers must have frontage on a collector street or a minor or major thoroughfare. Primary access to the center may be provided by way of a local residential street that directly intersects a collector street or a minor or major thoroughfare.

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

Approved as to form:

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

I, \_\_\_\_\_ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the reference having been made in Minute Book \_\_\_\_\_, and recorded in full in Ordinance Book \_\_\_\_\_, Page(s)\_\_\_\_\_.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

[www.charlotteplanning.org](http://www.charlotteplanning.org)

<b>REQUEST</b>	Current Zoning: INST(CD) (institutional, conditional) Proposed Zoning: INST(CD) SPA (institutional, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 89.96 acres located on the south side of Choate Circle and at the southern intersection of Moss Road and Choate Circle. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes a site plan amendment to allow the addition of a cell tower up to 210 feet in height on the site, along with other minor changes.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	SIM USA, Inc. SIM USA Jonathan L. Yates
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>Steele Creek Area Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The <i>Plan</i> recommends institutional uses for the subject property, and communication towers are a permitted use in the institutional zoning district.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed communication tower is located over 1/3 of a mile from the nearest single family homes and approximately 1/3 of a mile from the nearest public street;</li> </ul> <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Labovitz seconded by Commissioner Eschert).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications: <ol style="list-style-type: none"> <li>1. Addressed the CDOT issue by amending Note 3 to eliminate "...within a reasonable period of time after the Charlotte Department of Transportation has determined that any such left turn lane is warranted by reason of increased traffic volumes" and replaced with the following: "...upon future development of said Tracts (excluding the communications tower installation)."</li> <li>2. Addressed the Park and Recreation issue by providing greenway documentation for easements for Polk Ditch, Walker Branch and Steele Creek on this property for future greenway development.</li> <li>3. Provided a note stating that construction plans for the six-foot sidewalk and eight-foot planting strip along Choate Circle would be submitted prior to issuance of final approvals for the telecommunications tower and that the sidewalk and planting strip would be constructed within six months of the approval of this rezoning.</li> <li>4. Amended Transportation Note 4. to remove the words "contemporaneously with, and in sequences keyed to, new development taking place on each such Tract (excluding the communications tower installation), but in all events, no later than the fifth anniversary of the date on which this Rezoning Petition is approved by Charlotte City Council" and replaced with language requiring construction plans for the sidewalk and planting strip to</li> </ol>
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be submitted to the City prior to issuance of the final approvals for the communications tower and that the sidewalk and planting strip be constructed within six months of the approval of the rezoning.

5. Removed all references to Tract II. Grayed the area of Tract II and labeled "Not included in rezoning." Amended the application and site plan data to reflect the reduced acreage.
6. Provided a note that prohibits all buffers from being reduced.
7. Amended Note 2 under Permitted Development within the Site by replacing "a 200-foot monopole communications tower" with "up to a 210-foot monopole communications tower."
8. Amended the definition of the term "Petitioners" to reflect a singular petitioner.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Planning staff provided a summary of the rezoning request. Several commissioners asked staff to clarify the distance to the nearest single family homes. Staff responded that the nearest homes along Choate Circle and the neighboring subdivision are 1/3 of a mile or greater from the proposed communications tower location. Other commissioners noted that the site was a good choice for a communications tower because the property is very large, there are no residential uses nearby, and the property is wooded. Planning staff pointed out that at the public hearing the petitioner said the height of the tower would be 199 feet. The Zoning Committee mutually agreed that due to the site and tower location there was not a need to ask the petitioner to reduce the proposed height from 210 feet to 199 feet.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Background**
  - Rezoning petition 1996-027C rezoned the subject property from INST(CD) (institutional, conditional) and R-3 (single family residential) to INST(CD) (institutional, conditional) and INST (CD) SPA (institutional, conditional, site plan amendment) for the Gordon-Conwell Theological Seminary. The property included approximately 108 acres which was divided into two tracts with the following conditions:
    - Uses limited to corporate headquarters, training facilities, service facilities and housing facilities, a seminary and associated accessory uses.
    - Limits nonresidential buildings to 275,000 square feet on Tract I and limits buildings on Tract II to 31,000 square feet.
    - Allows up to 150 independent residential living units in the form of multi-family units as an integral part of the missionary headquarters and not owned by a third party.
    - Specifies transportation commitments related to right-of-way dedication, widening, left-turn lane, and sidewalk and planting strip along Choate Circle.
    - Specifies that buffer areas are to remain as open space, except to accommodate walls, fences, drainage, utilities, pedestrian pathways, and bicycle pathways.
    - Commits to the maintenance of existing natural vegetation within the setback along Choate Circle.
    - Prohibits buildings from being constructed within the floodplain except those depicted on the site plan.
    - Limits lighting to a maximum height of 20 feet.
    - Limits the maximum building height to two stories or 40 feet in height.

- In 2006, Tract II, approximately 19 acres, was subsequently rezoned by petition 2006-142 to increase the maximum building square footage from 31,000 square feet to 121,000 square feet and to prohibit the reduction of buffers on Tract II.
  - **Proposed Request Details**

The site plan amendment contains the following changes:

    1. Adds a 210-foot tall monopole communications tower to the allowed uses for Tract I. This use is in addition to the corporate headquarters, training facilities, services facilities and housing facilities.
    2. Specifies that buildings in Tract I may not exceed an aggregate of 275,000 square feet including any proposed equipment shelters in the communications tower compound.
    3. Adds a note specifying that the communication tower will only be illuminated as required by the Federal Communications Commission or other agency of jurisdiction.
    4. Adds a note specifying that the tower will be constructed of painted or unpainted galvanized steel according to the applicable standards of the Federal Aviation Authority or other agencies. No advertising shall be attached to the tower.
    5. Adds a note limiting the maximum height of the tower to 210 feet.
    6. Amends Transportation Note 4 to increase the required sidewalk from four feet to six feet.
    7. Commits to the submission of construction plans for the sidewalk and planting strip along Choate Circle prior to the issuance of final approvals for the communications tower and construction of the planting strip and sidewalk to be completed within six months of the approval of this rezoning petition.
    8. Removes references to Tract II because it was rezoned with another petition.
  - **Public Plans and Policies**
    - The *Steele Creek Area Plan* (2012) recommends institutional uses. Communication towers are a permitted use in the institutional district. The proposed communications tower is located over 1/3 of a mile from the nearest single family homes and approximately 1/3 of a mile from the nearest public street.
    - 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.
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
- 

**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 areas within the floodplain.
- 

**OUTSTANDING ISSUES**

- No issues.
-

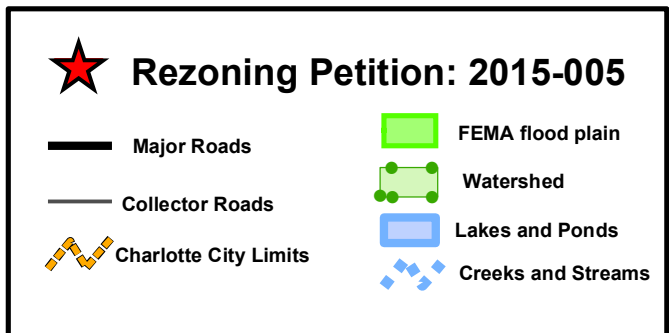
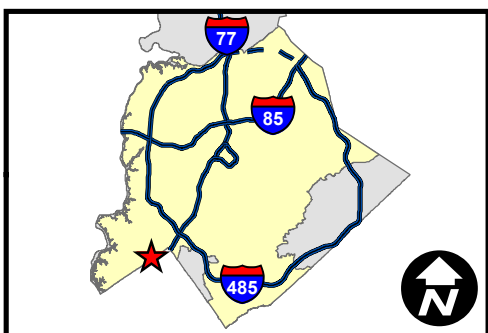
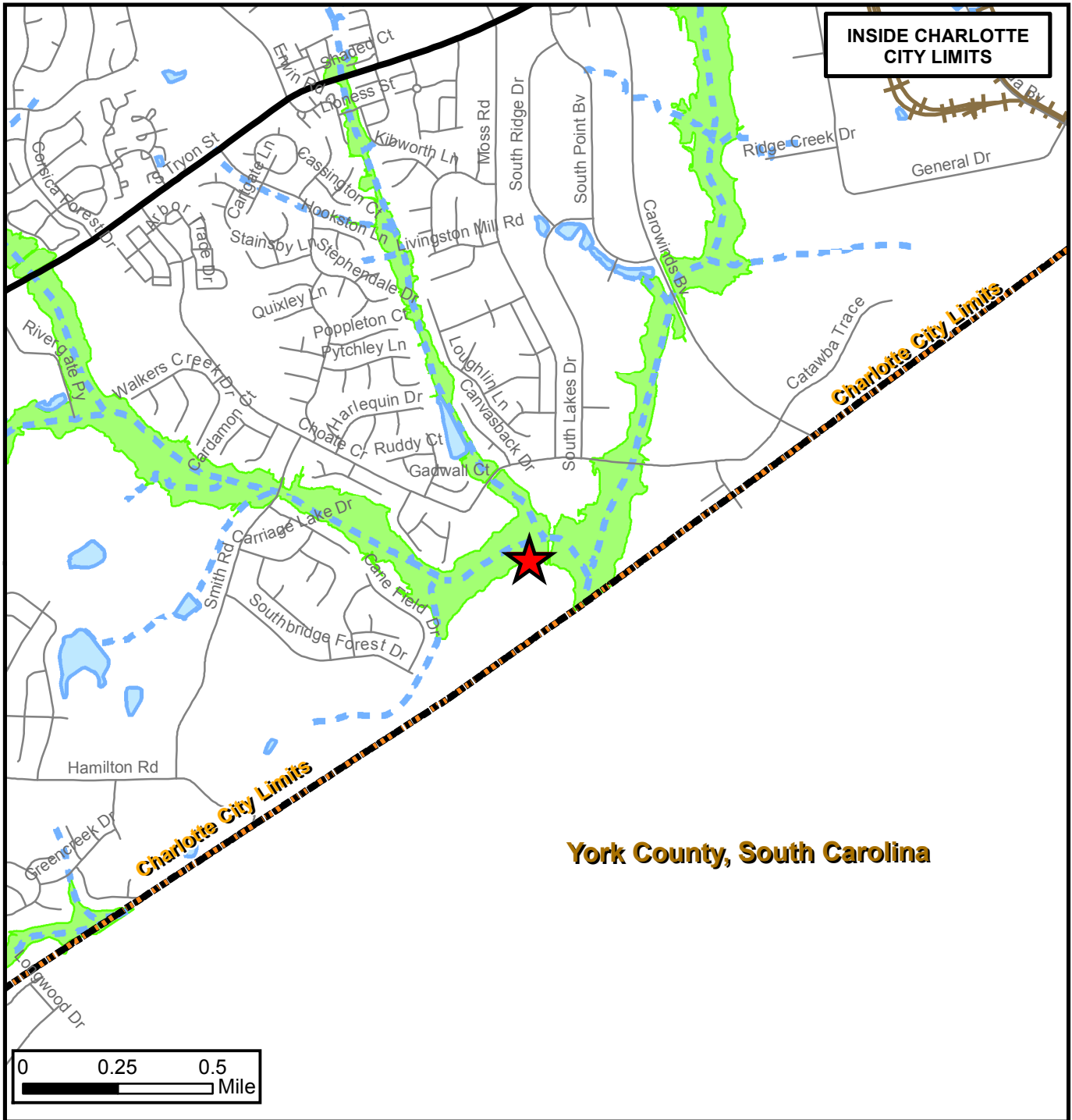
**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

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



**Acreage & Location** : Approximately 108.86 acres located on the south side of Choate Circle and at the southern intersection of Moss Road and Choate Circle.



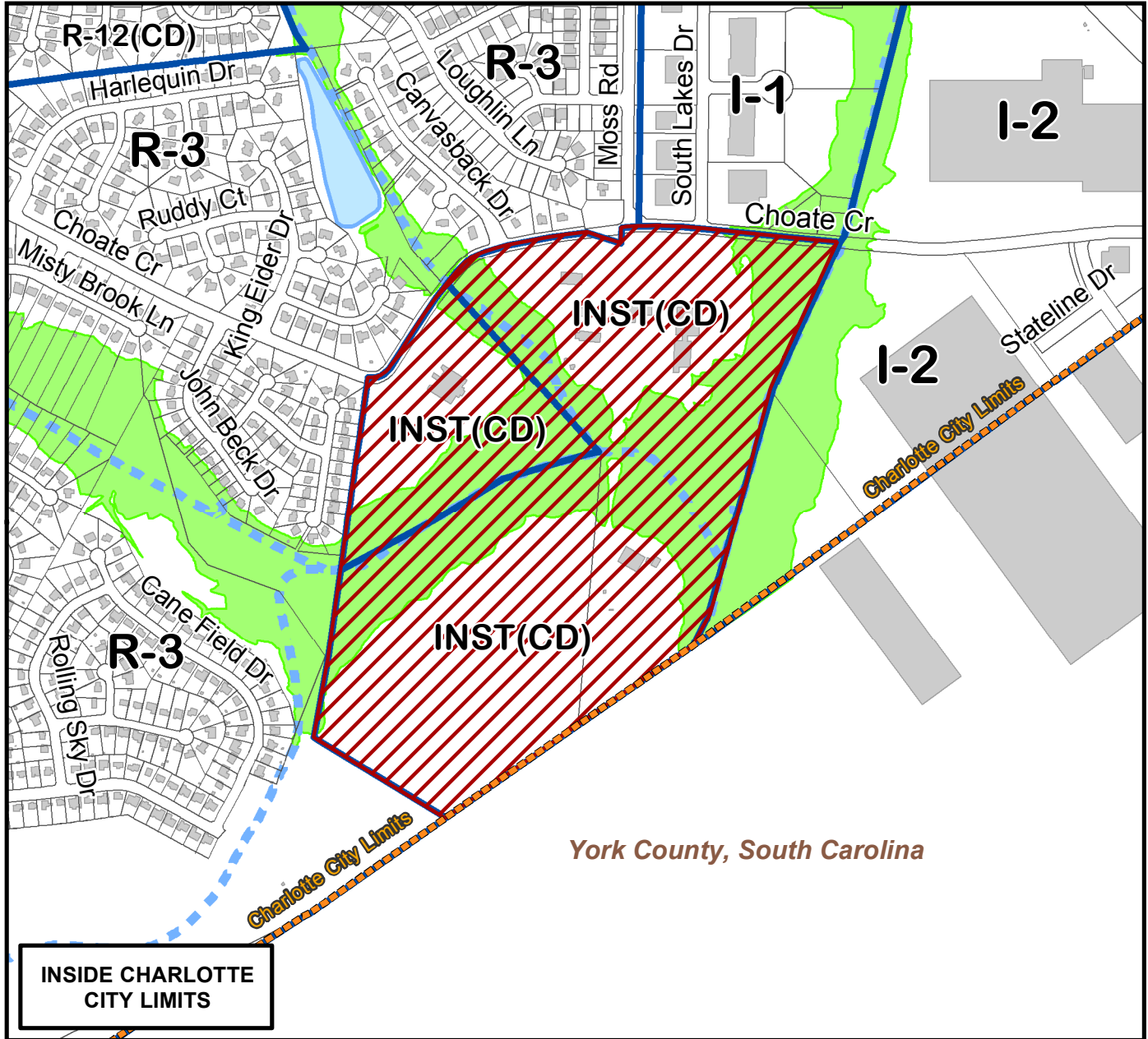
Petition #: **2015-005**

Petitioner: **SIM USA**

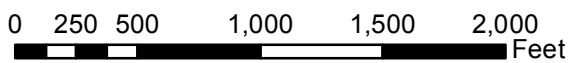
Zoning Classification (Existing): INST(CD)  
(Institutional, Conditional)

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

Acreage & Location: Approximately 108.86 acres located on the south side of Choate Circle and at the southern intersection of Moss Road and Choate Circle.

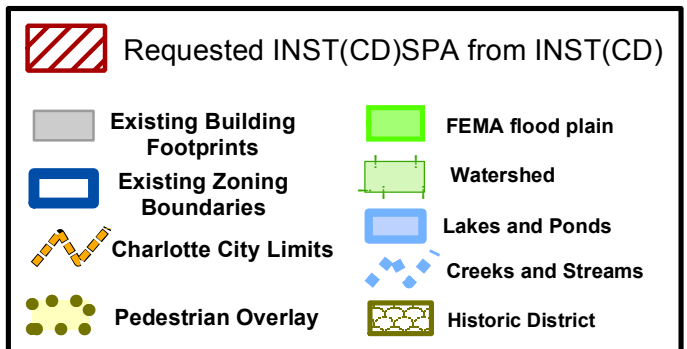


Map Produced by the Charlotte-Mecklenburg Planning Department, 10-31-2014.



Zoning Map #(s)

170





<b>REQUEST</b>	Current Zoning: UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the construction of eight multi-family residential dwelling units for an increase in the total number of units on the site from 16 to 24, and an increase in density from 13.2 units per acre to 19.8 units per acre.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The proposed residential use is consistent with the <i>Central District Plan</i> , as amended by a previous rezoning, but the proposed density exceeds the recommended density of up to 17 units per acre. However, the site fronts a major thoroughfare and the proposal is a minor expansion of an existing development.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Park Selwyn, LLC Park Selwyn, LLC Jeff Brown, Keith MacVean, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5

**PLANNING STAFF REVIEW**

- **Background**
  - The site plan approved with Petition 1999-034 and administratively amended in 1999 contains the following conditions:
    - Allowed the construction of 16 multi-family dwelling units in three buildings at a density of 13.2 units per acre.
    - Limits the maximum building height to 44 feet, 6 inches.
    - Provides parking at a rate of 1.5 spaces per unit.
    - Provides screening in the form of a six-foot high fence along the rear property line.
    - Specifies that the exterior building finish shall be a combination of brick and siding.
    - Preserves the lower/eastern portion of the site and floodplain as undisturbed open space.
    - Limits height of parking area lighting to ten feet and requires lighting to be designed to direct light away from or shield light from the residential area.
    - Places large maturing trees in the rear yard.
    - Specifies that rear building elevations shall consist of all masonry veneer and may be accented with siding on the perpendicular areas not facing Hassell Place residents.
    - Requires the lower/eastern portion of the site to be dedicated to Mecklenburg County Parks and Recreation and stipulates the dedication will occur prior to the issuance of any certificate of occupancy.
    - Commits to the construction and completion of the screening wall following the site work and grading prior to further development of the site.
    - Prohibits exterior construction work on Sundays.
- **Proposed Request Details**

The site plan amendment contains the following changes:

  - Increases the number of total dwelling units from 16 to 24 by allowing the construction of a fourth building containing eight units for an increase in density from 13.2 units per acre to 19.8 units per acre.
  - Removes the specified building height to allow height per the Zoning Ordinance standards and specifies that the building will have a three-story elevation as seen from Woodlawn Road.
  - Continues/extends the existing six-foot screening wall along the rear property line and commits to the construction of the wall prior to development of the new building.

- Provides building design, scale and architecture for the new building to match the existing buildings.
  - Shows that the lower/eastern portion of the site has been dedicated to Mecklenburg County Parks and Recreation and provides a reference to the Map Book and page on which it is recorded in the Mecklenburg County Register of Deeds.
  - Removes the notes committing to the preservation of the lower/eastern portion of the site and floodplain as undisturbed open space.
  - Removes the note requiring the installation of residential type building sprinklers.
  - Removes the note requiring a minimum building separation of 14 feet.
  - **Existing Zoning and Land Use**
    - The site is currently used for multi-family residential, with 16 existing dwelling units.
    - The property to the north and east of the site is zoned R-3 (single family residential) and R-5 (single family residential) and is developed with single family homes, duplexes and a church. Property to the south is zoned R-17MF (CD) (multi-family residential, conditional) and developed with a 17-unit multi-family building for a density of 11.4 units per acre. Property to the west is zoned B-1 (neighborhood business) and developed with a mix of non-residential uses.
  - **Rezoning History in Area**
    - Petition 2014-028 rezoned property located at the southeast corner of Abbey Place and Hedgemore Drive from O-1 (office) to MUDD(CD) (mixed use development, conditional) to allow 150 residential dwelling units at a density of 89.2 units per acre with potential ground floor nonresidential uses in a mid-rise building.
  - **Public Plans and Policies**
    - The *Central District Plan*, as amended by rezoning petition 1999-034, recommends multi-family residential use at a density of 17 units per acre.
    - The petition is consistent with the *Central District Plan* recommendation for residential land use but inconsistent with the recommended density. However, the site is located on a major thoroughfare, and is a minor expansion of existing development.
- 

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
    - **Vehicle Trip Generation:**  
Current Zoning: 100 trips per day.  
Proposed Zoning: 140 trips per day.
    - **Connectivity:** Not applicable.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 12 students, while the development allowed under the proposed zoning will produce 18 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is six students.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
-

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

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

**OUTSTANDING ISSUES**

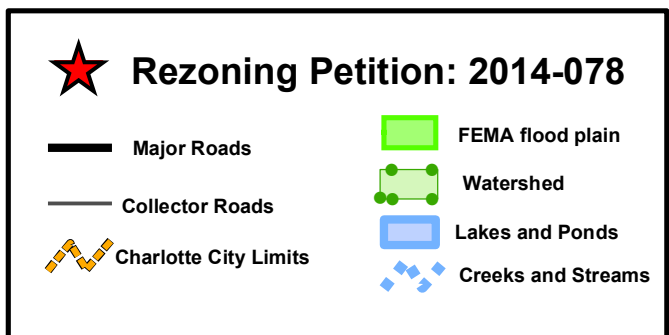
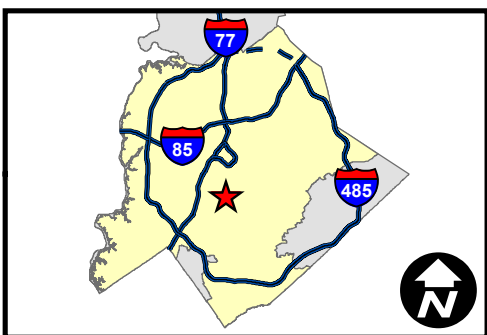
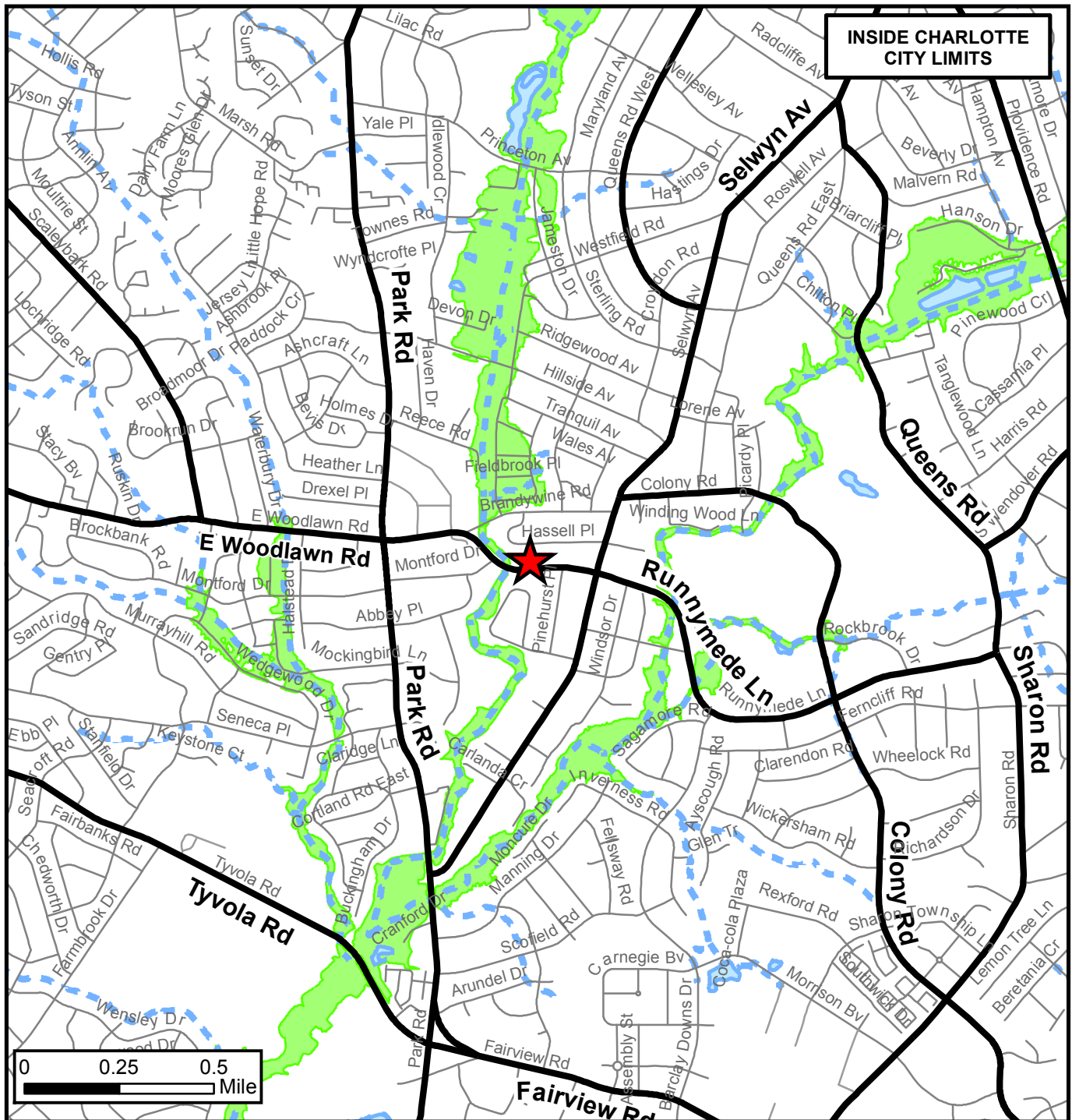
- The petitioner should:
    1. Provide and label a five-foot side yard between the proposed building and the area dedicated to Mecklenburg County Parks and Recreation.
    2. Show and label the temporary and permanent easements associated with the construction and maintenance of the building and the area dedicated to Parks and Recreation.
    3. Provide a note indicating that landscaping in the form of trees and shrubs will be replanted within the five-foot temporary easement and that the landscaping and large maturing trees will be extended, along the rear property line, across the 20 feet of easements.
- 

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

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water
- 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 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue.



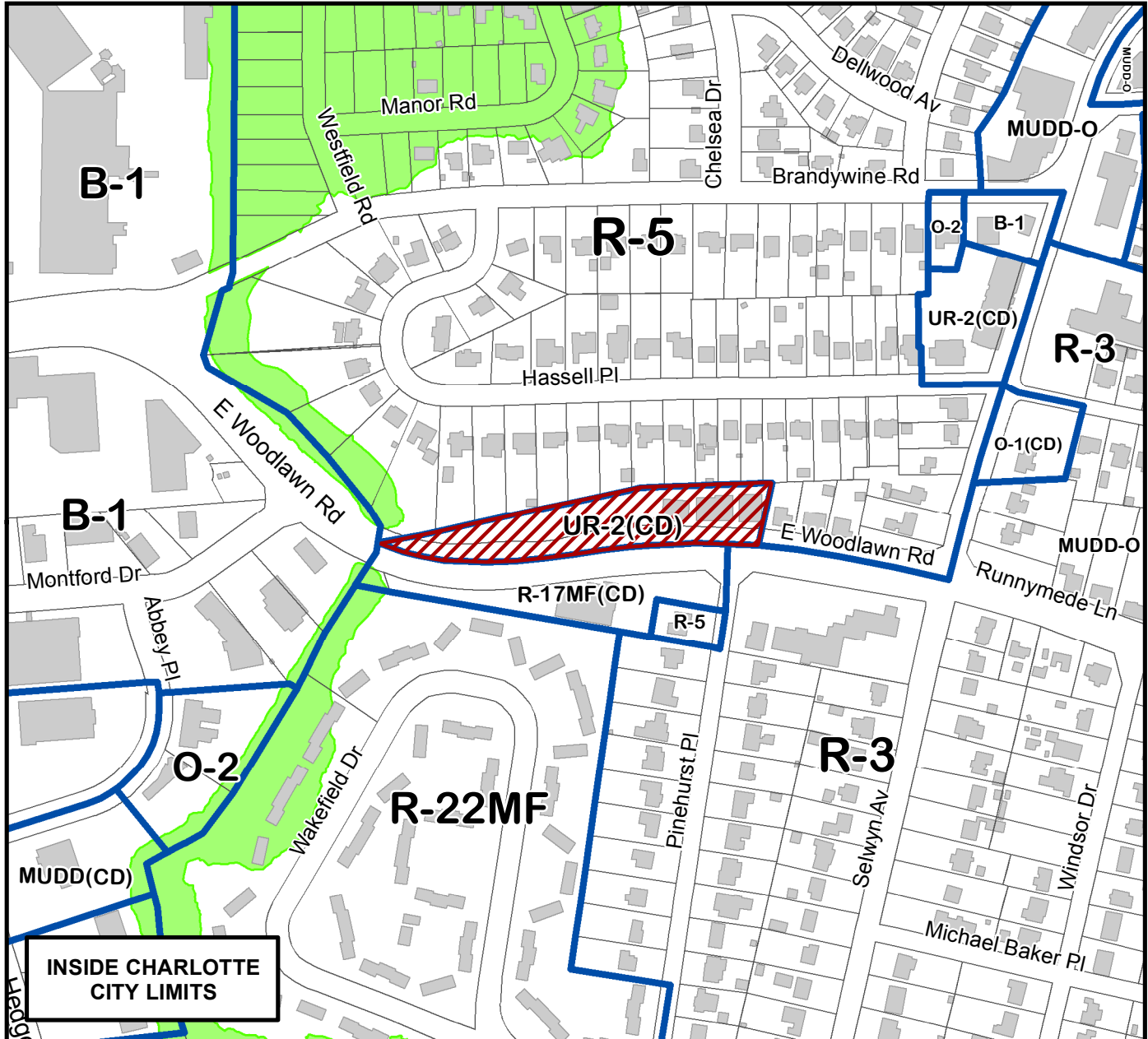
Petition #: **2014-078**

Petitioner: **Park Selwyn, LLC**

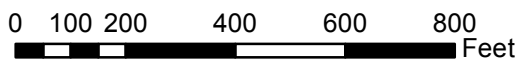
Zoning Classification (Existing): **UR-2(CD)**  
(Urban Residential, Conditional)

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

Acreage & Location: Approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue.

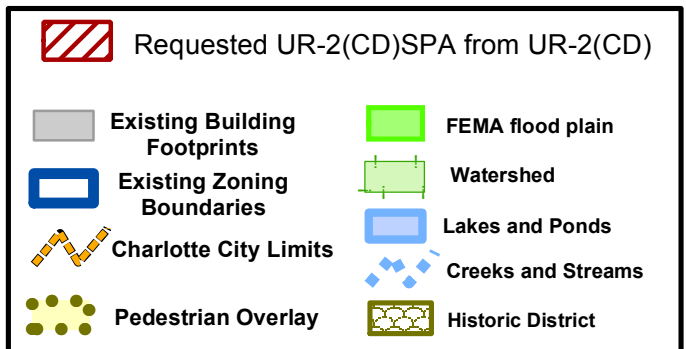


Map Produced by the Charlotte-Mecklenburg Planning Department, 12-4-2014.



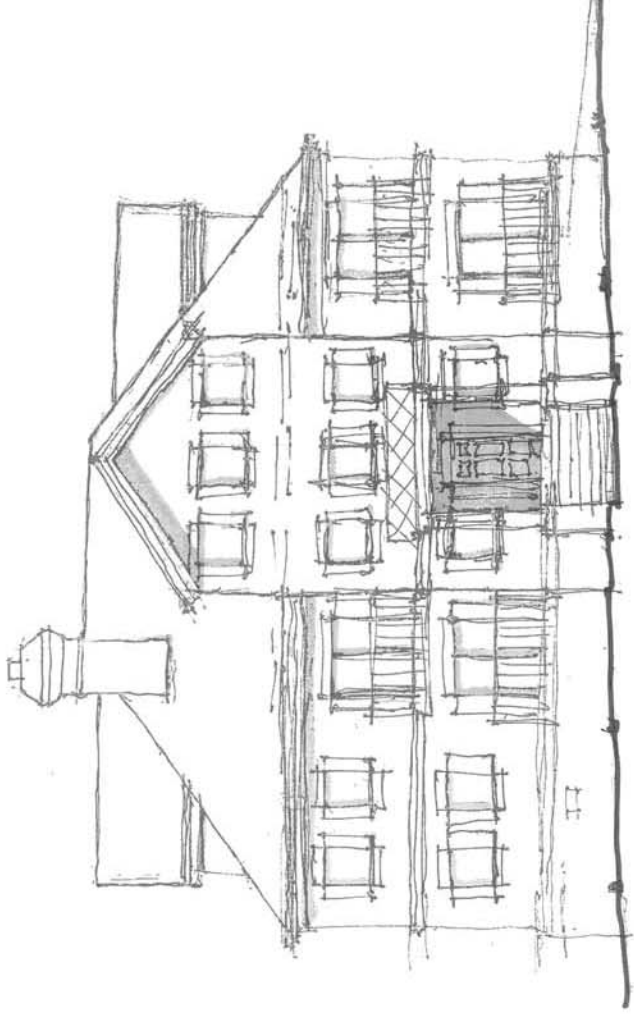
Zoning Map #(s)

**125**





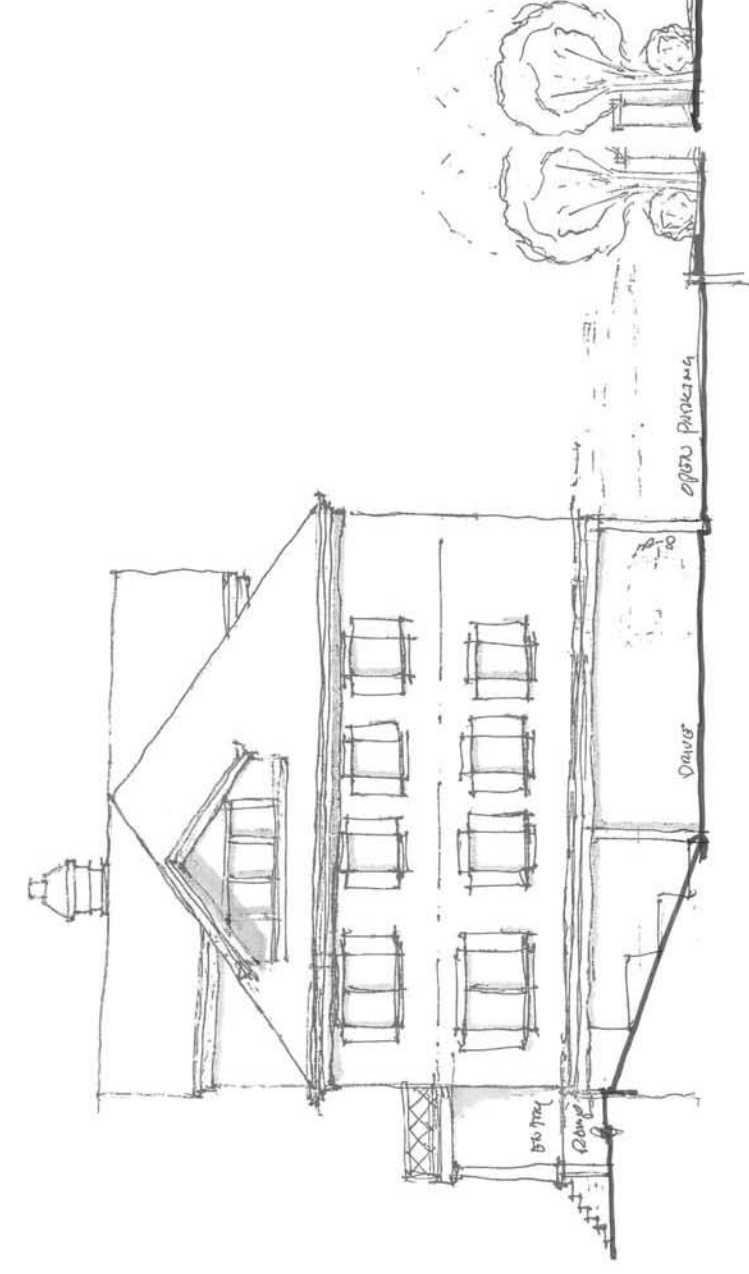




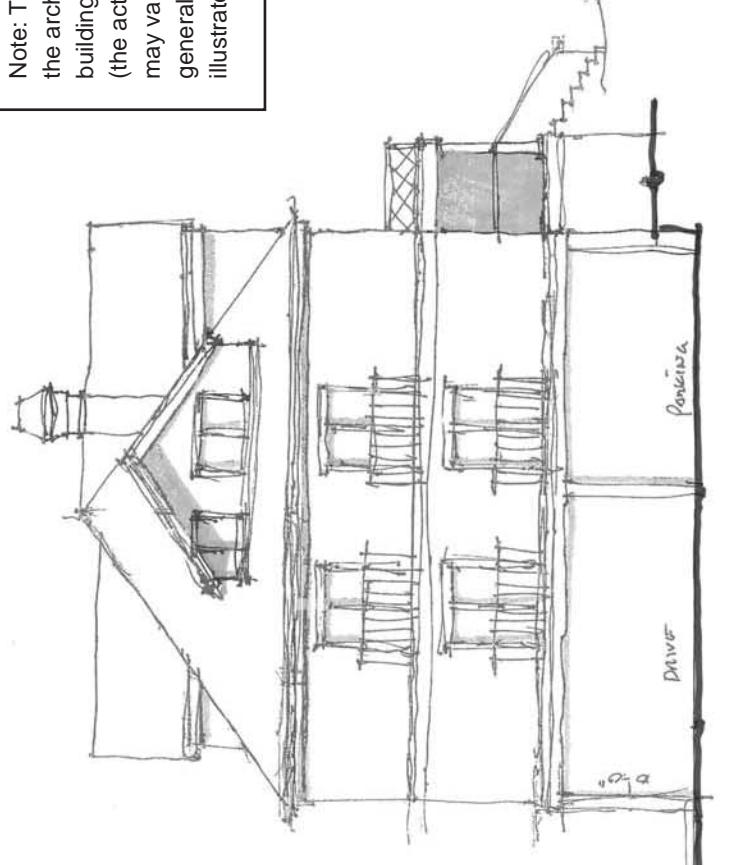
FRONT ELEVATION  
WOODLAWN ROAD



REAR ELEVATION



RIGHT ELEVATION



LEFT SIDE ELEVATION

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



Previously  
Approved  
Site  
Plan

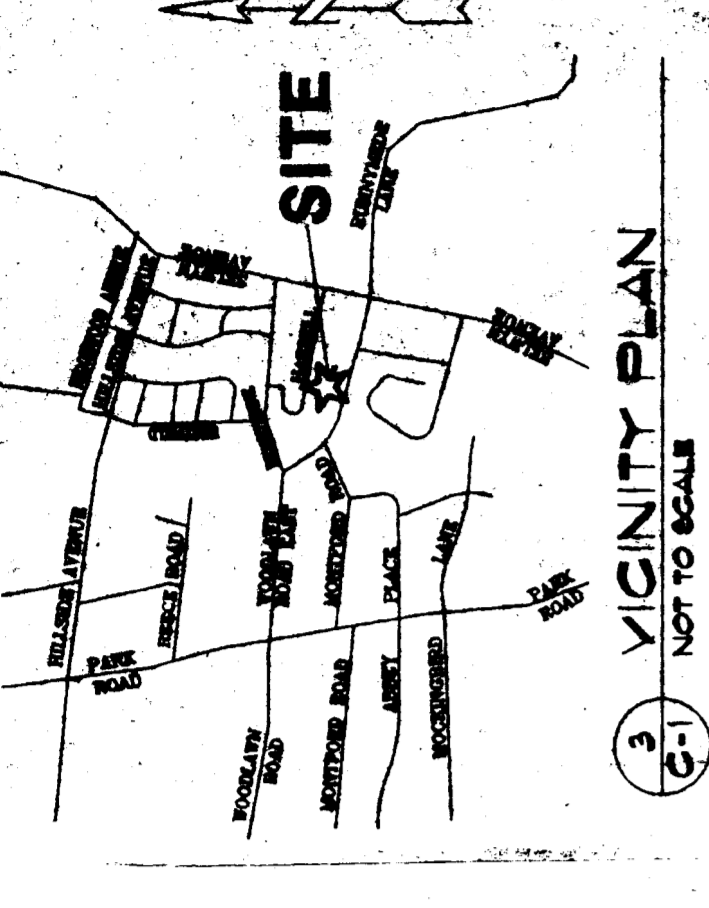
CL. Hest, Architect  
 1195 Greenwood  
 Charlotte, NC 28204  
 Ph. 704-543-1000  
 Fx. 704-343-0000  
 E-MAIL CHESTER@CLHEST.COM

WOODLAWN ROAD PROJECT  
 100 LANE RD  
 THE NC

SITE GRADING PLAN  
 SITE PLAN /  
 Sheet Description

ASSANTE  
 Checked by: C. I. MELT  
 Date: 10/15/98

Seal  
 Date: 10/15/98



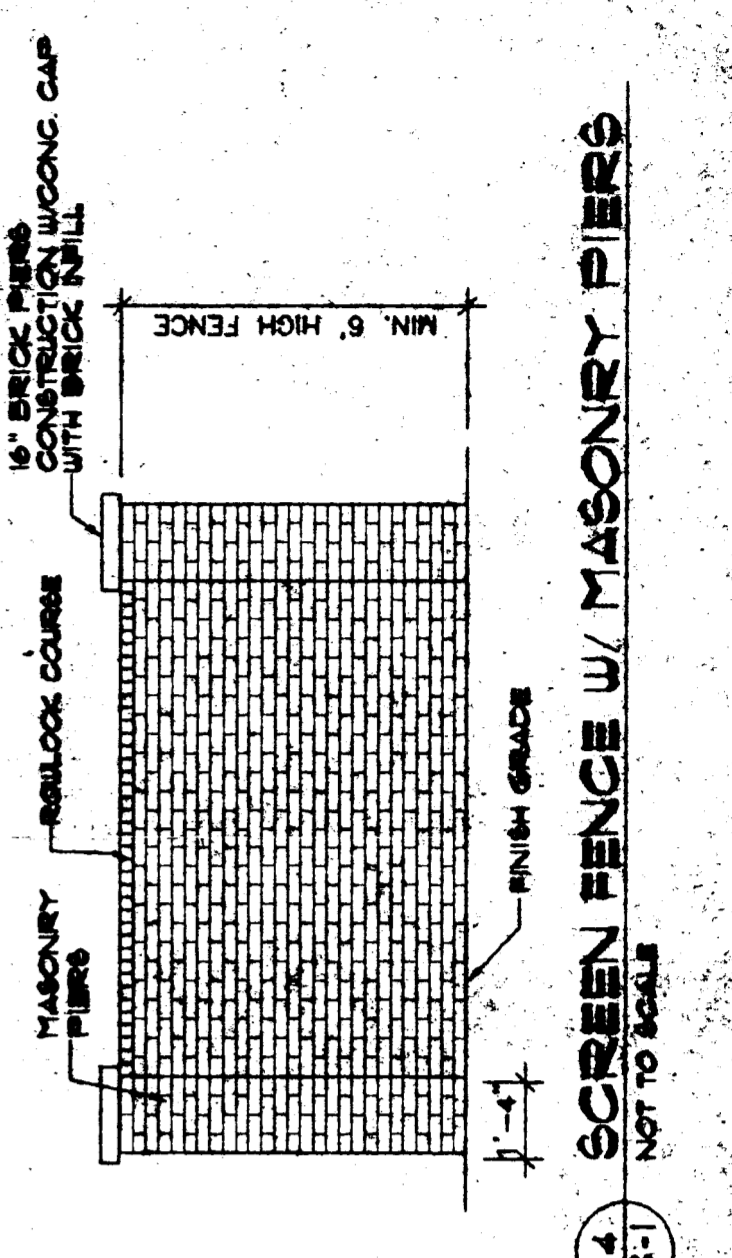
Petition No. 99-34  
 2003 WOODLAWN ROAD

**GENERAL NOTES:**

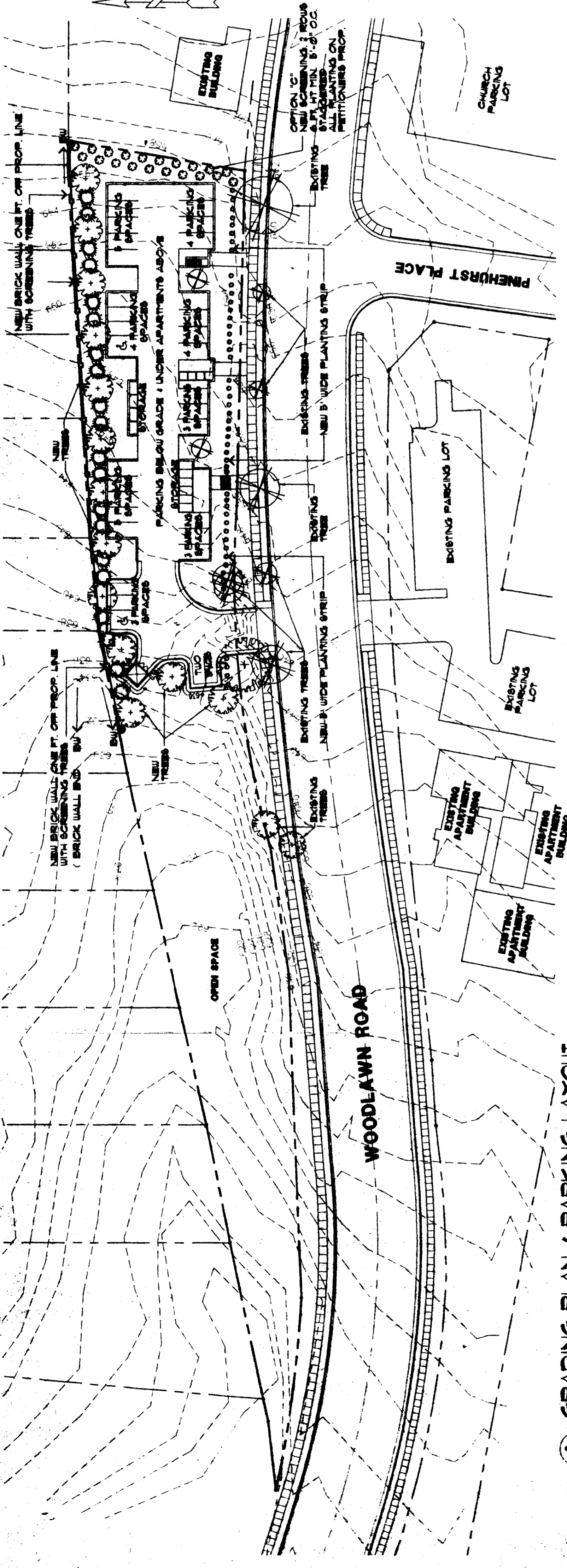
1. THIS PLAN REPRESENTS A FIRM CONCEPT TO THE ARRANGEMENT OF THE BUILDING, PARKING AND CIRCULATION LAYOUT. MINOR AND INCIDENTAL CHANGES ARE PERMITTED AS A MATTER OF RIGHT WHICH WOULD NOT AFFECT THE BASIC RELATIONSHIP TO ADJACENT LAND. SUCH CHANGES WOULD BE BASED UPON FINAL DESIGN AND CONSTRUCTION DRAWINGS. SITE AND TOPOGRAPHIC CONSTRAINTS, THESE PRESERVATION EFFORTS, ETC.
2. THE PROPOSED DEVELOPMENT SHALL BE LIMITED TO 3 MULTI-FAMILY DEVELOPMENT BUILDINGS. STRUCTURES NORMALLY ASSOCIATED WITH SUCH DEVELOPMENT ARE ALSO PERMITTED.
3. THE PROPOSED DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE ZONING ORDINANCE REGULATIONS PERTAINING TO, BUT NOT LIMITED TO, SUCH THINGS AS OFF-STREET PARKING, SIGNAGE, YARD DIMENSIONS, TREE ORDNANCE, SCREENING, ETC.
4. SCREENING SHALL BE PROVIDED AS A SIDE YARD HIGH BRICK WALL CONSTRUCTED OF WOOD AND SCREENING SHALL BE PROVIDED AS A SIDE YARD HIGH BRICK WALL CONSTRUCTED OF WOOD AND PLAN VEHICULAR INGRESS AND EGRESS SHALL BE PROVIDED FROM WOODLAWN ROAD BY WAY OF ONE DRIVEWAY CURB CUT. THE DRIVEWAY MAY SHIFT SLIGHTLY IF REQUIRED BY CHARLOTTE DEPARTMENT OF TRANSPORTATION REGULATIONS OR OTHER DESIGN NEEDS.
5. THE PROPOSED BUILDING EXTERIOR FINISH SHALL BE A COMBINATION OF BRICK AND SIDING. IN MATTER ALSO REFER TO ARCHITECTURAL ELEVATIONS.
6. THE FINISH GRADE OF THE SITE SHALL REMAIN AS UNDISTURBED OPEN SPACE EXCEPT FOR UTILITY CONNECTIONS AND/OR REQUIRED IMPROVEMENTS (SEE ALSO NOTE 19).
7. ANY TRASH DUMPSTER LOCATED ON THE SITE SHALL BE LOCATED WITHIN AN ENCLOSURE WITH A MAXIMUM HEIGHT OF PARKING AREA LIGHTING SHALL BE 10 FEET. ALL OUTDOOR LIGHTING SHALL BE DESIGNED IN A FASHION TO DIRECT THE LIGHT AWAY FROM OR SHIELD THE LIGHT FROM RESIDENTIAL AREAS.
8. THE PETITIONER SHALL INSTALL RESIDENTIAL TYPE BUILDING SPRINKLERS 30" x 4" x 5" THAT WILL BE DEPENDENT UPON THE REQUIREMENTS OF THE TREE ORDINANCE. THESE TREES WILL BE PLACED IN THE REAR YARD.
9. THE PETITIONER SHALL PROVIDE ADDITIONAL LAND ALONG THE SITES WOODLAWN ROAD AND WOODLAWN ROAD TO PROVIDE A HIGH QUALITY TRAIL AND BICYCLE PATH AS DESCRIBED FROM THE SITE PLAN TO THE REAR YARD. THE TRAIL AND BICYCLE PATH SHALL BE CONSTRUCTED TO THE DEDICATION SHALL COMPLY WITH THE REQUIREMENTS OF ANY BUILDING PERMITS ASSOCIATED WITH THE PROPOSED DEVELOPMENT.
10. UNDISTURBED EXCEPT FOR ANY INTERESTS ASSOCIATED WITH THE SITES SHALL REMAIN AND AVERAGE 24" x 8" IN THE SIDE YARD ADJACENT TO THE ROGERS.
11. THE REAR BUILDING ELEVATION FACING THE REAR OF THE HASSELL PLACE RESIDENTS ADJOINING THE SITE SHALL COMPLY WITH ALL MASONRY VENEER, WHICH MAY BE ACCEPTED BY THE CITY ENGINEER. THE REAR BUILDING ELEVATION FACING THE REAR OF THE HASSELL PLACE RESIDENTS SHALL BE FINISHED WITH MASONRY VENEER. FLOORPLAIN AND TRUS NO STORMWATER RETENTION IS REQUIRED OR PROVIDED.
12. THE ATTACHED ARCHITECTURAL ELEVATIONS ARE INTENDED TO DETAIL THE GENERAL APPEARANCE OF THE PROPOSED DEVELOPMENT. THE ARCHITECTURAL ELEVATIONS ARE BASED UPON THE OVERALL ARCHITECTURAL CONCEPTS AND SHALL BE SUBJECT TO CHANGE BASED UPON FINAL MASONRY CONSTRUCTION DRAWINGS. THE BUILDINGS MAY DISPLAY COMPLEMENTARY DIFFERENCES IN COLOR PERTAINING TO BRICK, BOOY SCULPTURES AND OTHER ARCHITECTURAL DETAILS.
13. AS INDICATED ON THE SITE PLAN, THE LOWER PORTION OF THE SITE SHALL BE DEDICATED TO MECHANICAL COUNTY PARKS AND RECREATION DEPARTMENT AS PASSIVE PUBLIC OPEN SPACE. THE AREA MAY BE IMPROVED BY THE ADDITION OF WALKING TRAILS, PLAYING FIELDS, OR OTHER RECREATION ACTIVITIES. ANY SUCH IMPROVEMENTS SHALL BE SUBJECT TO THE APPROVAL OF THE CITY ENGINEER.
14. OF ANY CERTIFICATE OF OCCUPANCY ASSOCIATED WITH THE PROPOSED DEVELOPMENT, THE WALLS SHALL BE BUILT AND COMPLETED IMMEDIATELY FOLLOWING THE GRADING AND SITEWORK FOR THE PROJECT. INCLUDING THE REPAIRING WALLS OF THE APARTMENT BUILDINGS AND PRIOR TO ANY ADDITIONAL CONSTRUCTION OR DEVELOPMENT BY PARK SELF LN LLC ON THE SITE.
15. THE HOURS OF CONSTRUCTION SHALL COMPLY TO APPLICABLE STATE AND LOCAL LAWS. TAKE PLACE ON SUNDAYS. THERE WILL BE NO RESTRICTIONS ON TILING, PAINTING, OR SIMILAR INTERIOR WORK.

**SITE DATA:**

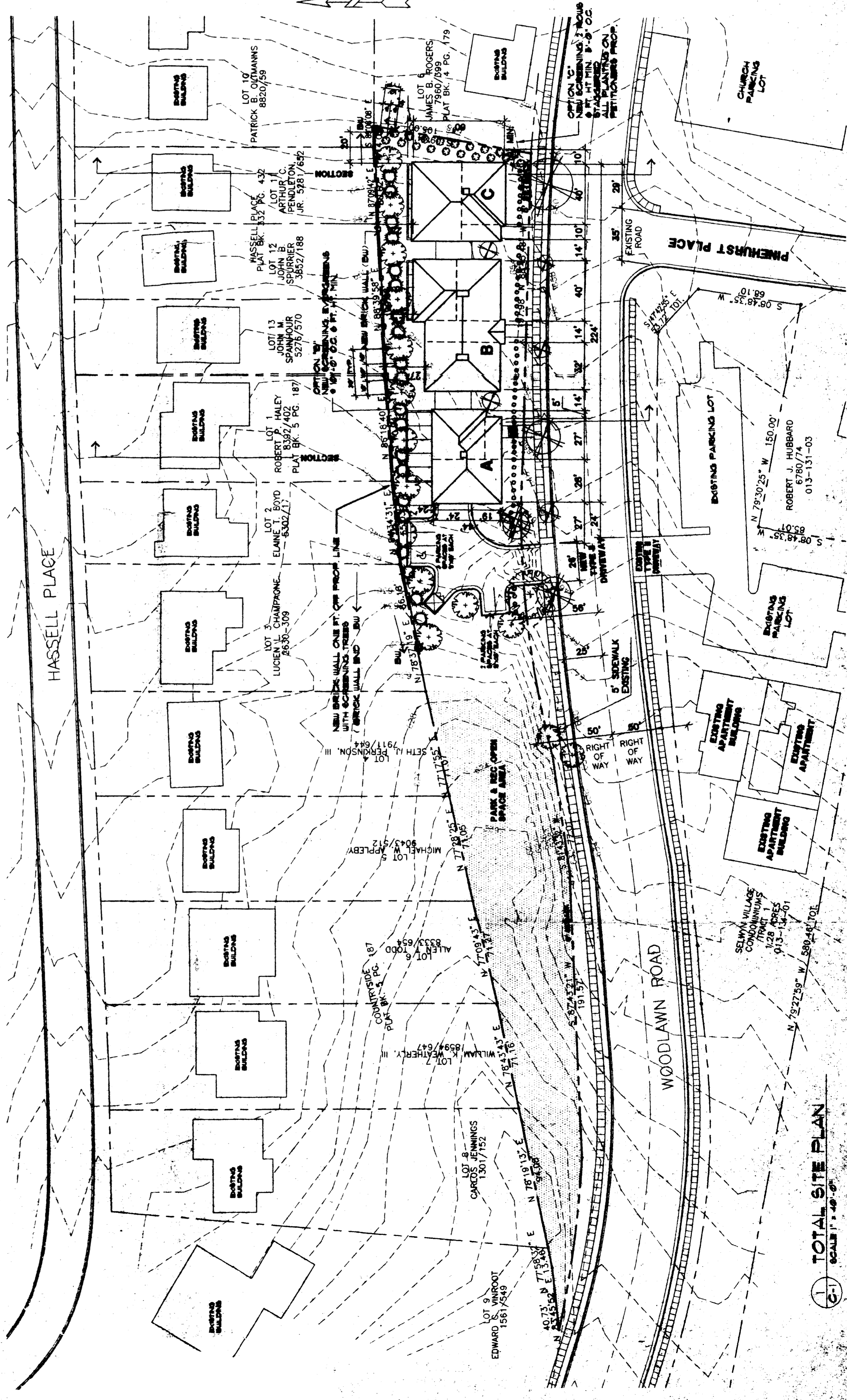
TOTAL ACRES: 1.21 ACRES  
 EXISTING ZONING: R-5 (CD)  
 PROPOSED ZONING: MULTIFAMILY RESIDENTIAL BLDGS  
 MAXIMUM NO. OF DWELLINGS: 18 units  
 MAXIMUM NO. OF UNITS: 24.0 spaces  
 MAXIMUM SIDE YARD: 5 FEET  
 MAXIMUM SIDE YARD: 10 FEET  
 MAXIMUM SIDE YARD: 20 FEET  
 MAXIMUM SIDE YARD: 23'-5" FEET (AT ENDS TO GARAGE ENTRY)  
 MAXIMUM SIDE YARD: 44'-6" FEET (AT ENDS TO GARAGE ENTRY)  
 MAXIMUM HEIGHT (TOP OF ROOF): 40 FEET FROM EXISTING GRADE TO TOP OF ROOF  
 MAXIMUM HEIGHT (TOP OF ROOF): 40 FEET FROM EXISTING GRADE TO TOP OF ROOF  
 MAXIMUM HEIGHT (TOP OF ROOF): 40 FEET FROM EXISTING GRADE TO TOP OF ROOF  
 SCREENING FOR PARKING: AS REQUIRED  
 SCREENING HEIGHT: MIN. 5' FEET WIDE  
 SCREENING HEIGHT: 2'-8" H (Evergreens) min. 5' O.C. / 6' H. abutting Residential Area



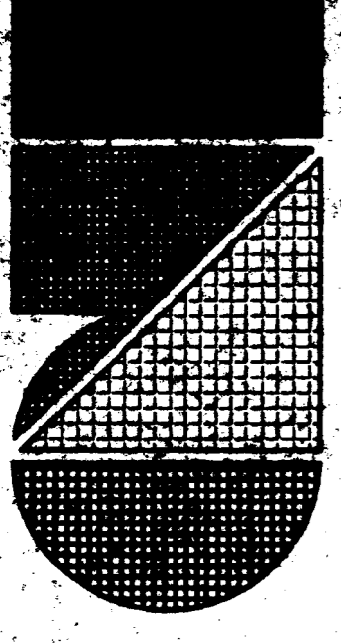
SCREEN FENCE W/ MASONRY PIERS  
 NOT TO SCALE



GRADING PLAN & PARKING LAYOUT  
 SCALE 1" = 40'-0"



TOTAL SITE PLAN  
 SCALE 1" = 40'-0"



C.L. Helt, Architect Inc.

1136 Greenwood Cliff  
Charlotte, NC 28204

Ph. 704-342-1686  
F.X. 704-343-0054  
E-MAIL CHELTHET@aol.com

ARCHITECT'S PROJECT • 98307.00

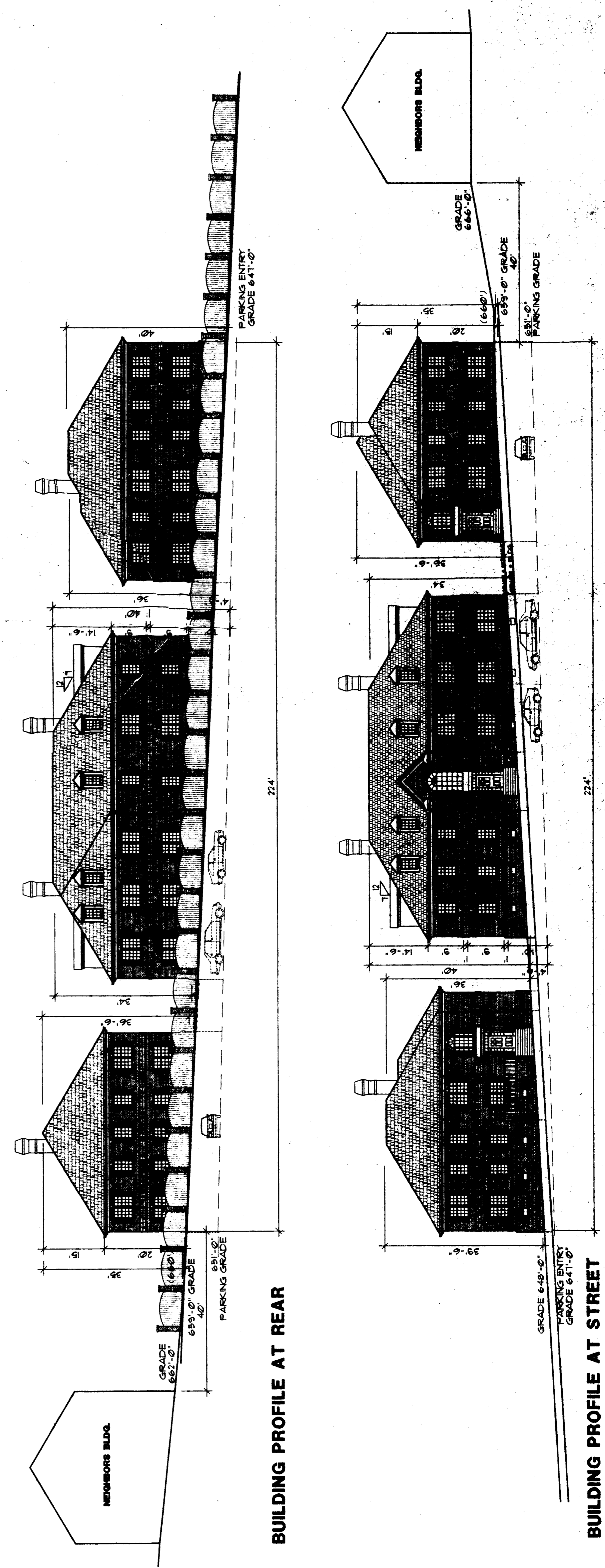
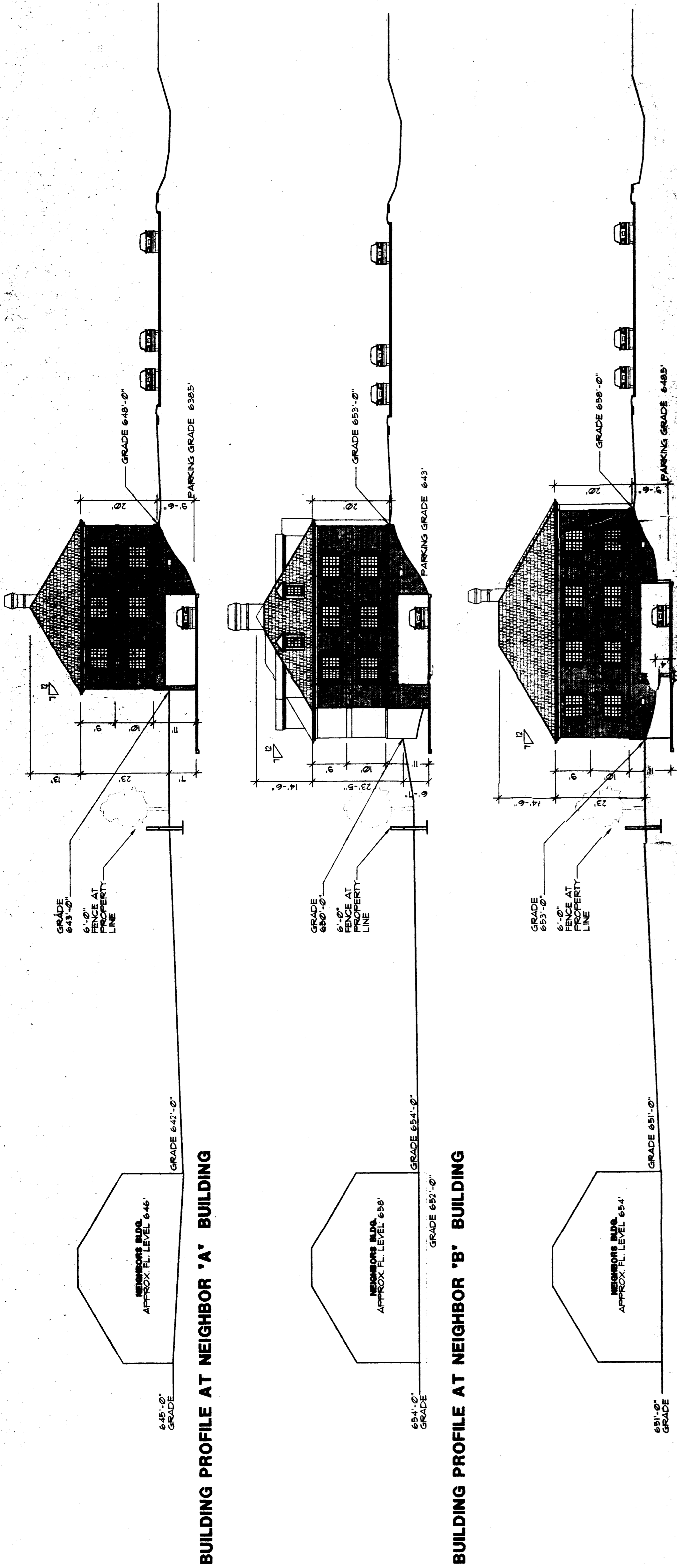
Project :  
WOODLAWN ROAD PROJECT  
LAWN RD  
N.C.

Sheet Description:  
SECTION STUDY

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Drawn By :	E.M.
Checked By :	C. L. HELT
Revisions :	<ul style="list-style-type: none"> <li>① 04/09/99</li> <li>② 04/21/00</li> <li>③ 05/20/99</li> </ul>
Date :	03/09/99
Sheet No.	A-2
of	1

Seal



# Petition Number 2014-101

A Community Meeting Report has not been submitted for this petition. Therefore a public hearing may not be held and the petition is automatically deferred to the March 16, 2015 meeting.

**Note: The petitioner has requested a deferral of this public hearing until March 16, 2015.**

<b>REQUEST</b>	<p>Current Zoning: UR-C(CD) (PED) (urban residential - commercial, conditional, pedestrian overlay), B-1 (PED) (neighborhood business, pedestrian overlay) and R-8 (single family residential)</p> <p>Proposed Zoning: MUDD-O (PED) (mixed use development, optional, pedestrian overlay) and MUDD-O (mixed use development, optional)</p>
<b>LOCATION</b>	<p>Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street. (Council District 1 - Kinsey)</p>
<b>SUMMARY OF PETITION</b>	<p>The petition proposes to allow a mixed use development including a 270,000-square foot building, a 187,450-square foot parking structure with up to 4,600 square feet of commercial uses on the street level, and up to eight single family attached dwelling units.</p>
<b>STAFF RECOMMENDATION</b>	<p>Staff does not recommend approval of this petition in its current form. The petition is consistent with the <i>Midtown Morehead Cherry Area Plan</i> land use recommendations for the majority of the site but inconsistent with the <i>Plan's</i> recommendations for building height, setbacks, streetscapes and residential use for a portion of the R-8 (single family residential) zoned land and density on Cherry Street. Although the land use is generally consistent, the deviations from the adopted <i>Plan</i> recommendations are too significant for staff to support the project as proposed.</p>
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	<p>Midtown Area Partners II, LLC and Stonehunt, LLC Midtown Area Partners II, LLC John Carmichael, Robinson Bradshaw &amp; Hinson, P.A.</p>
<b>COMMUNITY MEETING</b>	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6</p>

**PLANNING STAFF REVIEW**

- **Background**
  - Petition 2005-060 rezoned the portion of the site located between South Kings Drive and Cecil Street from B-1 (neighborhood business) to UR-C(CD) (urban residential, conditional) to allow up to 12,000 square feet of retail and restaurant uses and associated surface and structural parking.
  - Petition 2012-050 established PED (pedestrian overlay district) zoning over a majority of the site excluding the portion facing Cherry Street.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - Divides the site into three development areas (A, B, and C).
  - Permitted uses, except as noted below, include single family attached dwelling units, multi-family dwellings, eating/drinking/entertainment establishments Type 1 and 2, hotels, art galleries, colleges/universities/commercial and trade schools, business and general offices, retail sales, service uses, private postal services, studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths and jewelry designers.
  - Development Area A:
    - Allows a maximum of 270,000 square feet of building area.
    - Maximum building height of 140 feet.
    - Multi-family residential limited to 300 units.
    - Maximum of 225 hotel rooms.

- Requires ground floor uses located in the building to be devoted to non-residential use with primary street level access
- Prohibits single family attached dwelling units.
- Development Area B:
  - Allows a 187,450-square foot structured parking facility, and up to 4,600 square feet of ground floor nonresidential uses facing South Kings Drive.
  - Maximum building height of 65 feet along South Kings Drive.
  - Prohibits residential dwellings, hotels, colleges/universities/commercial and trade schools, and private postal services.
- Development Area C:
  - Allows up to eight single family attached dwelling units and associated accessory uses.
  - Requires the dwelling units to be constructed prior to the issuance of a Certificate of Occupancy for the parking structure.
  - Dwelling units are required to be constructed along the frontage on Cherry Street adjacent to the structured parking facility, in order to provide a residential edge.
  - Maximum height of heated area of the single family attached dwelling units limited to 30 feet along Cherry Street and 40 feet for portions of the dwelling units located at least 16 feet from the back of the proposed sidewalk on Cherry Street.
- Abandonment of Cecil Street right-of-way, which would be converted into a private drive providing access to adjacent parcels and the parking structure.
- Direct vehicular access between Baxter Street and Luther Street via the proposed private drive (formerly Cecil Street) through the parking structure on Development Area B.
- Vehicular access (ingress/egress) to site via Luther Street.
- Pedestrian stair access from South Kings Drive to private drive.
- Preserves the existing CATS bus stop on South Kings Drive.
- Specifies that tree grates, seat walls and other pedestrian amenities and features may be provided in the setback along the site's frontage on South Kings Drive.
- Provides building perspectives, elevations, and site cross sections.
- Limits height of freestanding lighting to 20 feet, except those on the top level of the parking structure that will be limited to 30 feet.
- Requests the following optional provisions:
  1. Allow the maximum height of the building located in Development Area A to be increased from 120 feet to 140 feet. The *Plan* recommends a height plane of one foot of building height increase per ten feet of distance from single family residential zoning.
  2. Eliminate the requirement for on-street parking along South Kings Drive. The MUDD (mixed use development) zoning district refers to the adopted streetscape plan which is part of the *Midtown Morehead Cherry Area Plan*, which recommends on-street parking.
  3. Allow a 24-foot setback along South Kings Drive at the first floor and 16-foot setback for all other floors in Development Area A. The MUDD (mixed use development) district refers to the adopted area plan, which recommends a building setback of 24 feet along South Kings Drive.
  4. Allow a 19-foot minimum setback for the structured parking facility along South Kings Drive. The MUDD (mixed use development) district refers to the adopted area plan, which recommends a building setback of 24 feet along South Kings Drive.
  5. Allow the setback, planting strip and sidewalk along the site's frontage on Luther Street that is depicted on the rezoning plan on sheet RZ1.1. The rezoning plan shows a 16-foot setback near the intersection of Luther Street and Cherry Street that increases in width towards South Kings Drive and a six-foot sidewalk and eight-foot planting strip with a one foot utility zone near the intersection of Luther Street and Cherry Street that increases in width towards South Kings Drive. The MUDD (mixed use development) district refers to the adopted area plan, which recommends a building setback of 16 feet with an eight-foot planting strip, six-foot sidewalk, and two-foot utility zone.
  6. Allow an eight-foot, six-inch setback with eight-foot sidewalk and no planting strip along Cecil Street. The MUDD (mixed use development) district refers to the adopted area plan which recommends a building setback of 16 feet with an eight-foot planting strip, six-foot sidewalk and two-foot utility zone; however, the *Plan* also recommends the consideration of the abandonment of Cecil Street if the abandonment is part of a redevelopment proposal that supports the transformation of Kings Drive into a pedestrian-friendly commercial district.
  7. Allow the setback along Cherry Street to be reduced to 16 feet. The adopted area plan recommends areas outside of the Pedestrian Overlay follow Zoning Ordinance standards; thus, a 32-foot setback would be required.
  8. Allow an eight-foot planting strip and an eight-foot sidewalk along the site's frontage on Baxter Street rather than an eight-foot planting strip, six-foot sidewalk and two-foot utility



zone.

- **Existing Zoning and Land Use**

- The majority of the site is used for surface parking and a portion of the site contains two single family homes.
- The property surrounding the site is zoned a mixture of B-1 (PED) (neighborhood business, pedestrian overlay), R-22MF (multi-family residential), R-8 (single family residential), O-2(CD) (PED) (office, conditional, pedestrian overlay), UR-C(CD) (PED) (urban residential – commercial, conditional, pedestrian overlay) and MUDD-O (mixed use development, optional) and is used for a mixture of single family residential, multi-family residential, commercial, office and institutional uses.

- **Rezoning History in Area**

- A number of rezonings have taken place to accommodate infill development and redevelopment for commercial and residential uses.

- **Public Plans and Policies**

- The *Midtown Morehead Cherry Area Plan* (2012) recommends a mixture of residential, office and retail for the majority of the site along South Kings Drive, Baxter Street, Cecil Street, and Luther Street. The *Plan* recommends residential uses at eight units per acre for the portion of the site fronting Cherry Street south of Main Street.
- The area plan recommends that as areas redevelop on the east side of South Kings Drive, a pedestrian-friendly environment with activation of buildings at street level should be provided.
- The site plan diverges from the recommendations of the *Midtown Morehead Cherry Area Plan* and pedestrian overlay standards in regards to building heights, setbacks, streetscapes, and residential density along Cherry Street south of Main Street. Additionally, the parking structure encroaches into a portion of the area recommended for residential use.
- The petition is inconsistent with the adopted plans for the following reasons:
  - The proposed building height is a 58-foot increase above the height recommended by the *Plan*.
  - The *Plan* recommends a 24-foot setback along South Kings Drive. The petition is proposing a setback of 24 feet at the ground floor, reduced to 16 feet for upper floors for Development Area A and a 19-foot setback for Development Area B.
  - The *Plan* recommends recessed on-street parking, an eight-foot curbed planter, and an eight-foot sidewalk along South Kings Drive. The rezoning proposes no on-street parking, an eight-foot planting strip, and a 16-foot sidewalk for Development Area A and an eight-foot planting strip and an 11-foot sidewalk for Development Area B. The sidewalk and planting strip along Kings Drive varies for Development Area B.
  - The *Plan* recommends an eight-foot planting strip and a six-foot sidewalk with a two-foot utility zone along Baxter Street. The petition proposed an eight-foot planting strip and an eight-foot sidewalk.
  - The *Plan* recommends setbacks along Cherry Street outside of the pedestrian overlay to comply with the Zoning Ordinance. The Zoning Ordinance requires a setback of 32 feet, which is greater than setbacks of the nearby homes on the street. The petition proposes a setback of 16 feet along Cherry Street.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**  
Current Zoning: 1,900 trips per day.  
Proposed Zoning: 3,000 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** Submit a tree survey for all trees 2" or larger located in

the right of way. Tree survey must show species and diameter. Parcel number 12522199 is located in the South Wedge per City Council's adopted Growth Framework and as a result is required to provide on-site tree save. Show on-site tree save for this parcel 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.

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

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - Facilitates the use of alternative modes of transportation by preserving an existing CATS bus stop, and providing an improved pedestrian experience through the site and along South Kings Drive with the provision of wide sidewalks.
  - Minimizes impacts to the natural environment by building on an infill lot.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Address Engineering and Property Management issue.
  2. Specify the width of the sidewalk along S. Kings Drive in front of Development Area B.
  3. Highlight the rezoning site boundary on Sheet RZ1.1.
  4. Label the zoning boundary line on Sheet RZ1.1.
  5. Reduce the font size of the existing and proposed zonings on Sheet RZ1.1.
  6. Provide a note or information in the development data table related to the percentage of open space provided.
  7. Remove driveways from single family attached dwelling units, as no garages should not be permitted fronting Cherry Street; set back the units to be consistent with most of the homes along the street; and enlarge porches and entry space in front of units.
  8. Eliminate note Optional Provisions E.
  9. Specify architectural details for the screen wall along Cecil Street.
  10. Provide an elevation of the residential units fronting Cherry Street.
  11. Amend "View of street-grade pedestrian & retail colonnade" on sheet RZ1.3 to reflect the changes made to the proposed streetscape or remove the image.
  12. Provide a note clarifying the building materials, etc., for the single family attached units.
  13. Specify that the ends of attached dwelling units shall contain a combination of windows, doors or other architectural details on each floor to break up blank walls and provide architectural interest.
  14. Provide more detailed commitments for the treatment of blank walls above the minimum MUDD (mixed use development) requirements.
  15. Amend Notes A. Development Area A and B. Development Area B to say ground floor uses along South Kings Drive "shall" be devoted to non-residential uses with primary street level access to said uses.
  16. File for and complete the abandonment of Cecil Street prior to the rezoning decision.
  17. Reorder the development standards to read top to bottom, left to right.
  18. Increase the setback on South Kings Drive for all floors and the parking structure to 24 feet as specified in the *Midtown Morehead Cherry Area Plan*.
  19. Increase the setback on Cherry Street to be consistent with most other homes on the street to match the context of the neighborhood.
  20. Reduce the proposed height for Development Areas A. The *Midtown Morehead Cherry Area Plan* recommends heights follow the standards of the Pedestrian Overlay District.
  21. Add back all notes under the headings Environmental Features, Signs, Lighting and Binding Effect, which were provided with the previous version of the site plan.

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

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

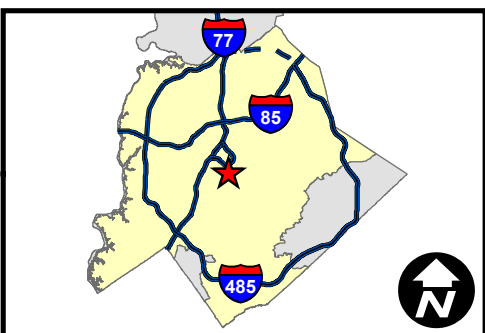
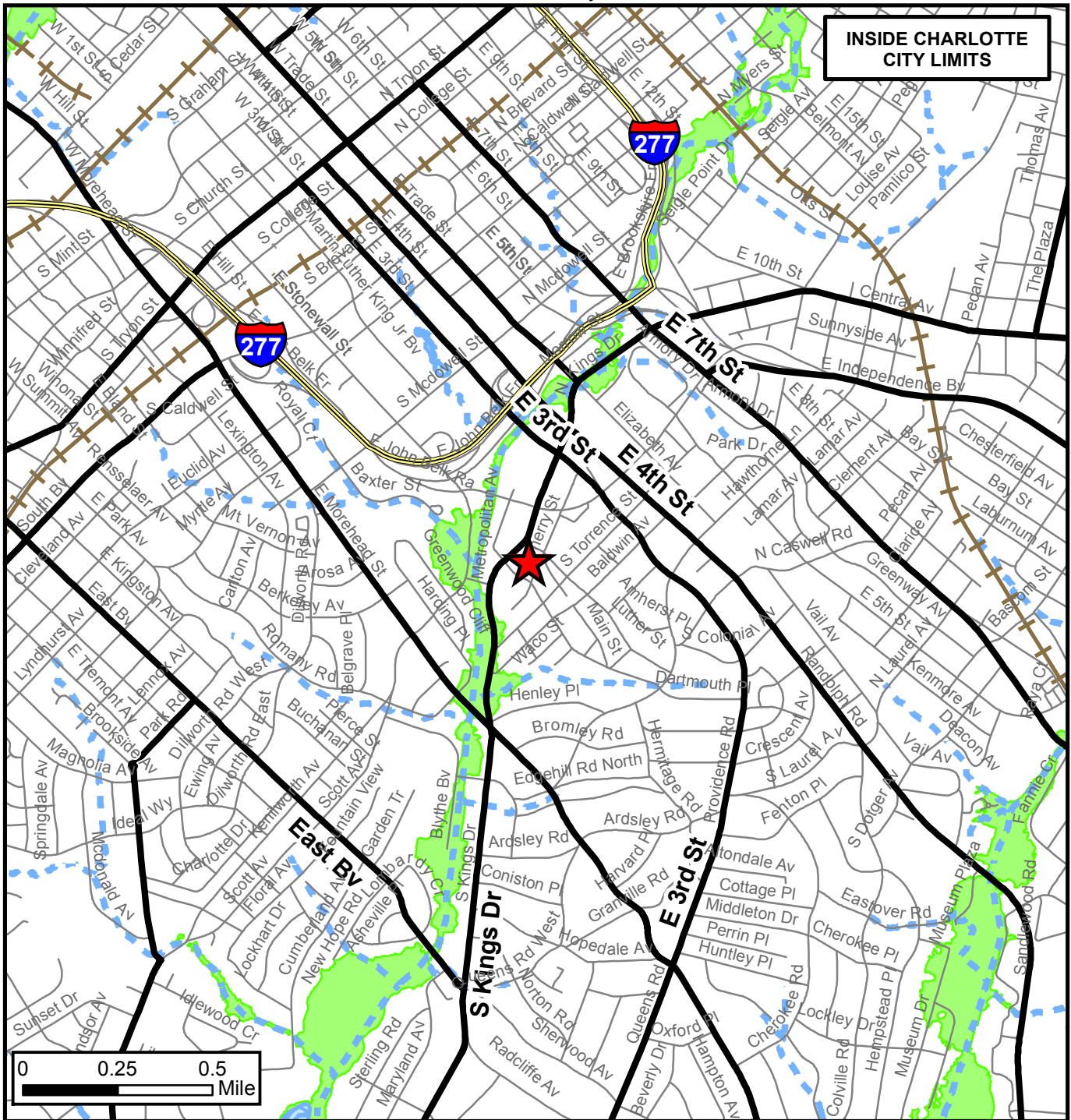
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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

Petition #: **2014-109**

# Vicinity Map

**Acreage & Location :** Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street.



**★ Rezoning Petition: 2014-109**

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

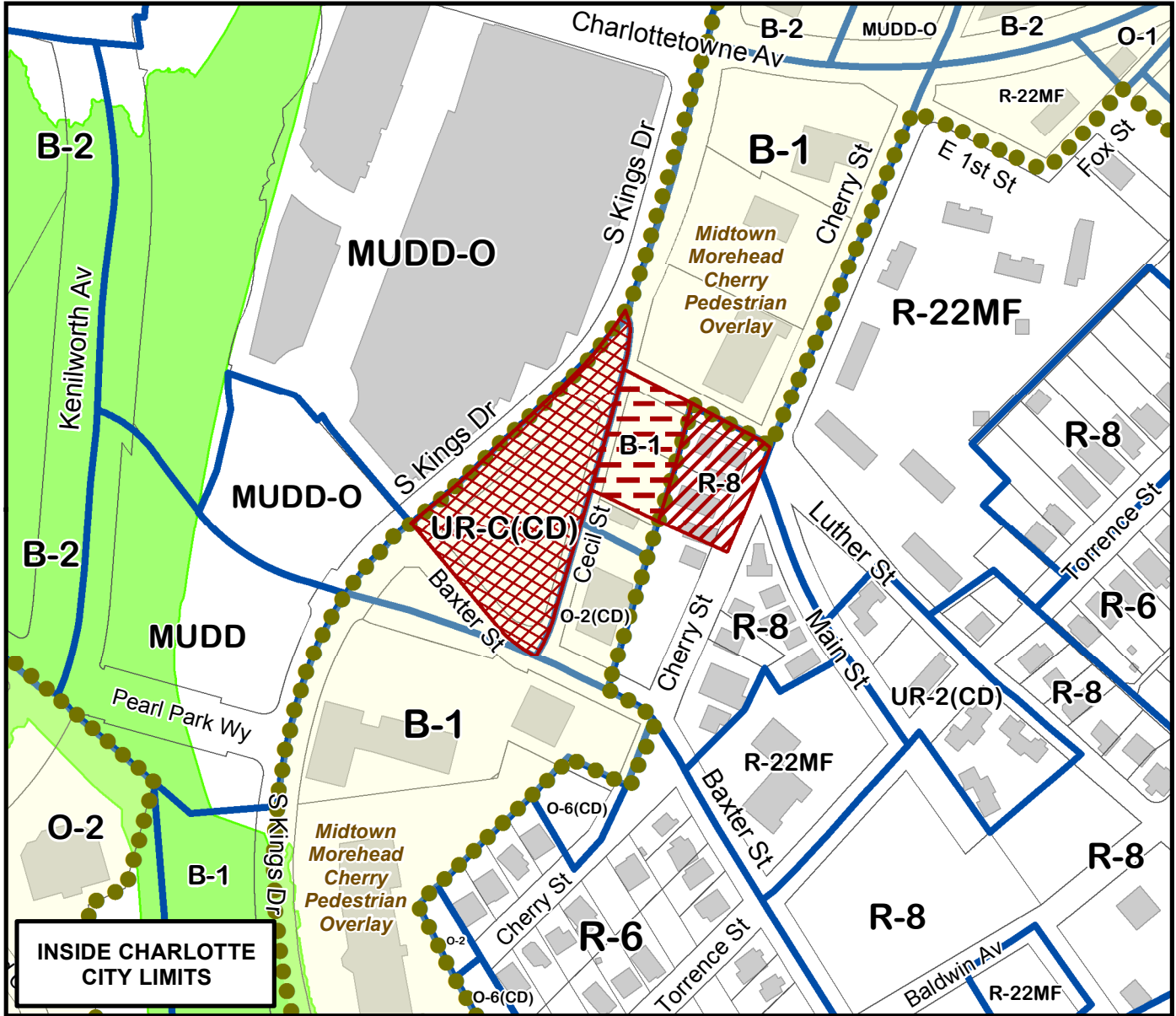
Petition #: **2014-109**

Petitioner: **Midtown Area Partners II, LLC**

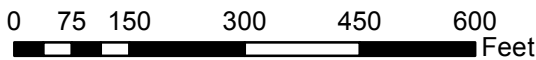
Zoning Classification (Existing): **R-8, UR-C(CD)(PED), & B-1(PED)**  
(Single Family, Residential; Urban Residential, Commercial, Conditional, Pedestrian Overlay District; and Neighborhood Business, Pedestrian Overlay District)

Zoning Classification (Requested): **MUDD-O & MUDD-O(PED)**  
(Mixed Use Development District, Optional and Mixed Use Development District, Optional, Pedestrian Overlay District)

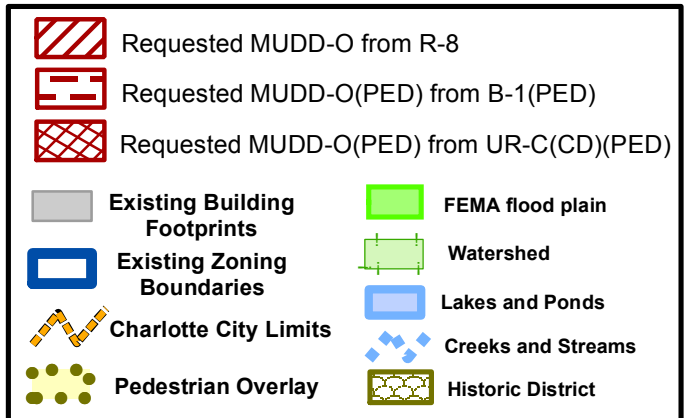
Acreage & Location: Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street.



Map Produced by the Charlotte-Mecklenburg Planning Department, 12-4-2014.



Zoning Map #(s)  
**102, 111**



# Petition Number 2014-115

A Community Meeting Report has not been submitted for this petition. Therefore a public hearing may not be held and the petition is automatically deferred to the March 16, 2015 meeting.

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<b>REQUEST</b>	Current Zoning: B-2 (general business) Proposed Zoning: TOD-M (transit oriented development - mixed-use)
<b>LOCATION</b>	Approximately 2.17 acres located on the west side of South Boulevard across from Seneca Place. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses in the TOD-M (transit oriented development - mixed-use) district.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition. The petition is consistent with the <i>Tyvola &amp; Archdale Transit Station Area Plan</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	De Nguyen Charlotte-Mecklenburg Planning Department N/A
<b>COMMUNITY MEETING</b>	Meeting is not required.

---

#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**  
This is a conventional rezoning petition with no associated site plan.
- **Existing Zoning and Land Use**
  - The site is currently occupied with a commercial use and is immediately surrounded by office, retail, and industrial uses on properties zoned B-2 (general business), B-D (CD) (distributive business, conditional), and I-2 (general industrial).
- **Rezoning History in Area**
  - There have been no recent rezonings in the immediate area.
- **Public Plans and Policies**
  - The *Tyvola & Archdale Transit Station Area Plan* (2008) recommends mixed use transit supportive development for the property.
  - The petition is consistent with the *Tyvola & Archdale Transit Station Area Plan*.

---

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** The developer must comply with the City's Housing policies if seeking public funding.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**  
Current Zoning: 6,100 trips per day.  
Proposed Zoning: 4,100 trips per day.
  - **Connectivity:** 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 Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.

- **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No comments received.
- 

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

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

**OUTSTANDING ISSUES**

- No issues.
- 

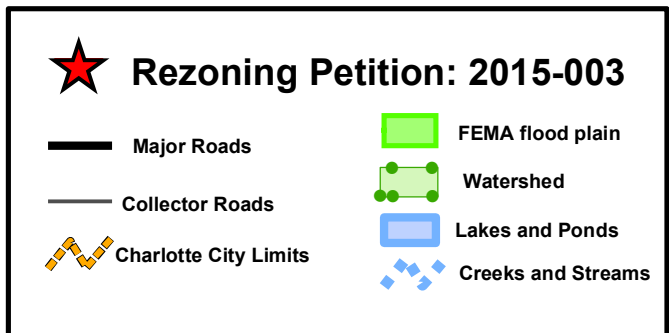
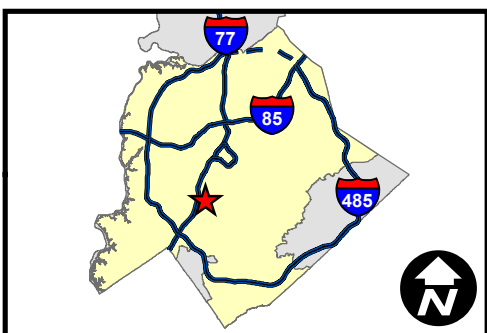
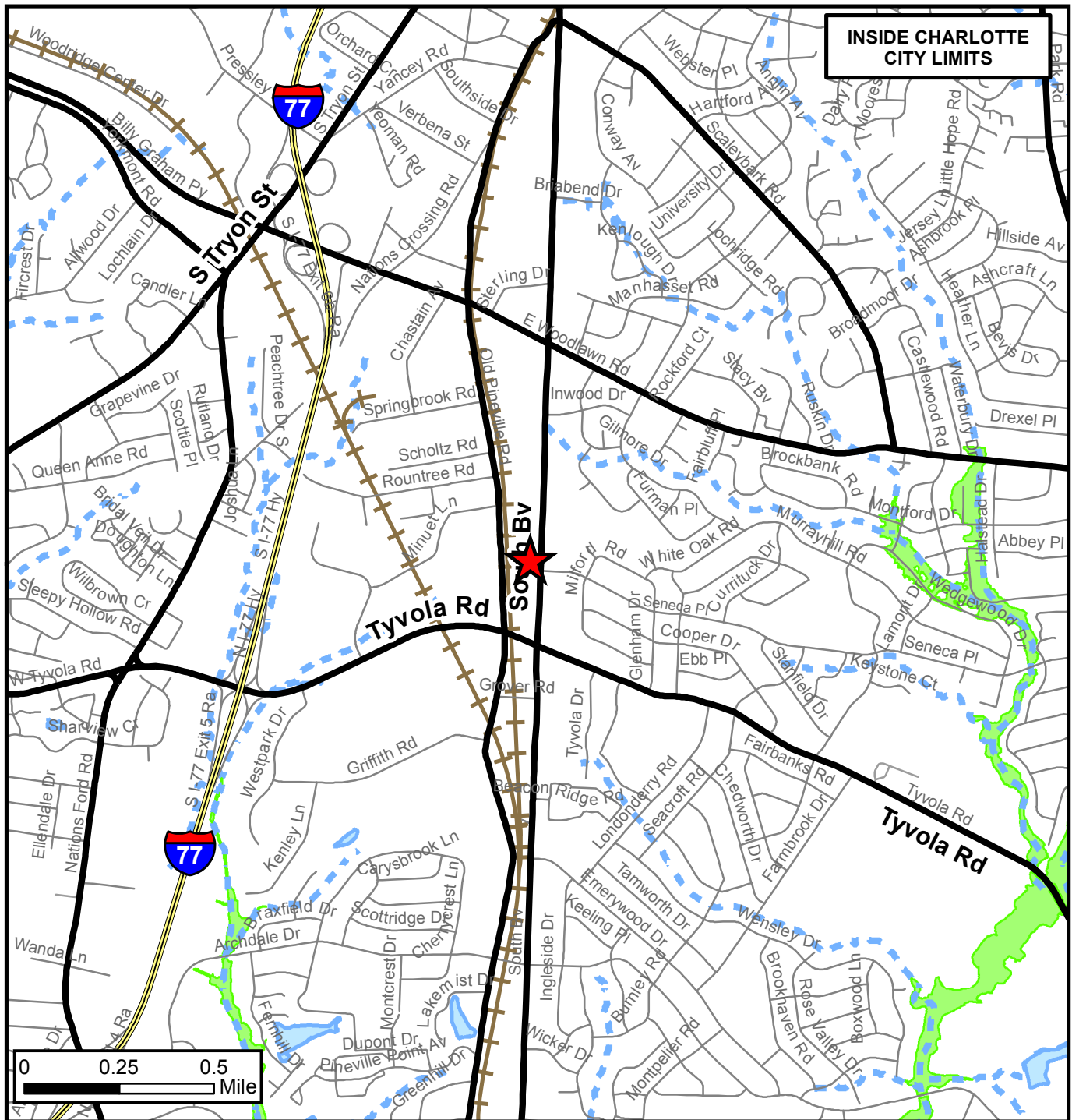
**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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



**Acreage & Location :** Approximately 2.17 acres located on the west side of South Boulevard across from Seneca Place.



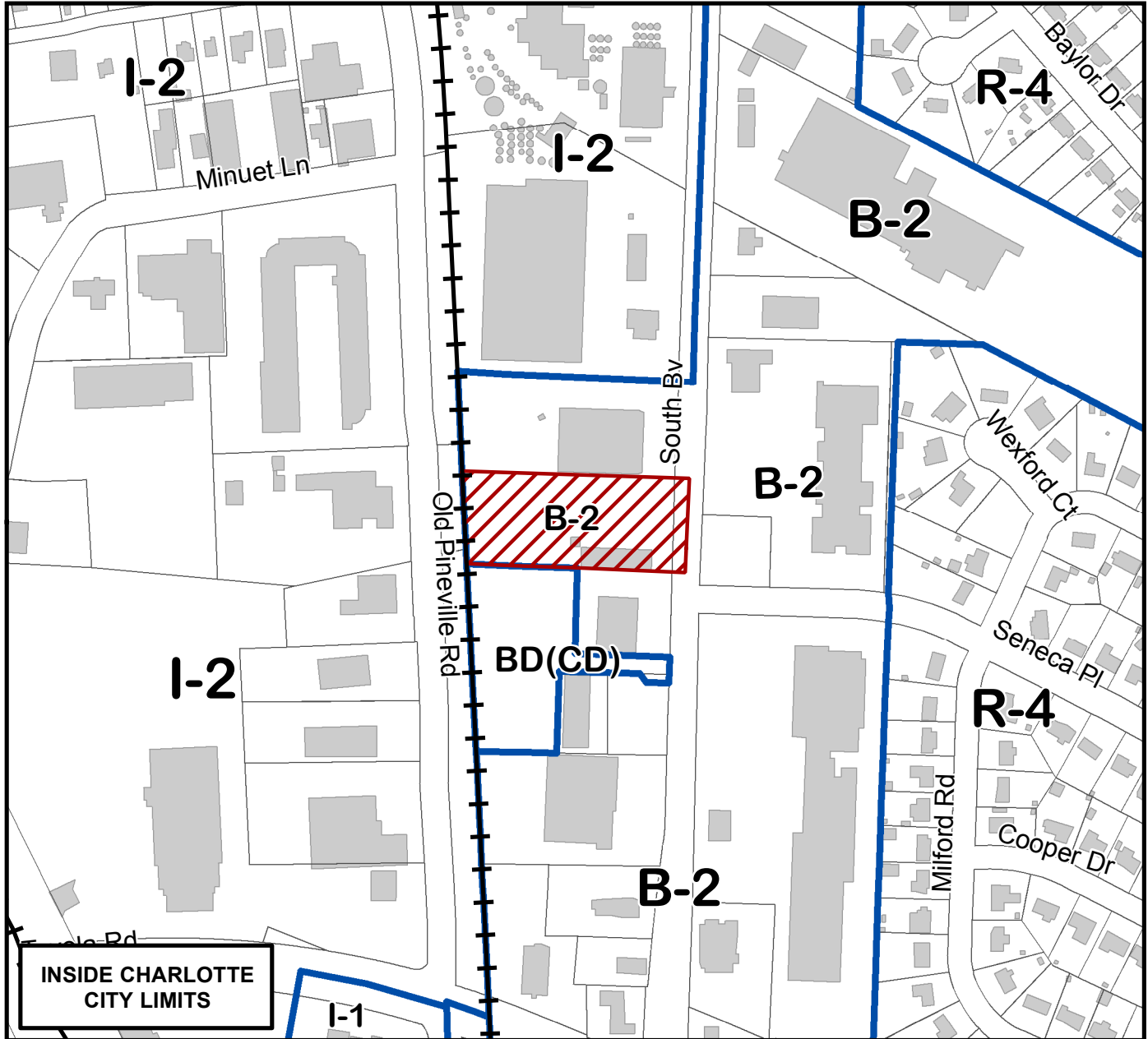
Petition #: **2015-003**

Petitioner: **Charlotte-Mecklenburg Planning Department**

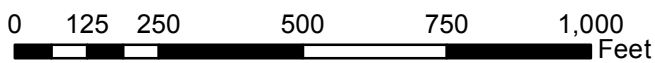
Zoning Classification (Existing): **B-2**  
(General Business)

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

Acreage & Location: Approximately 2.17 acres located on the west side of South Boulevard across from Seneca Place.

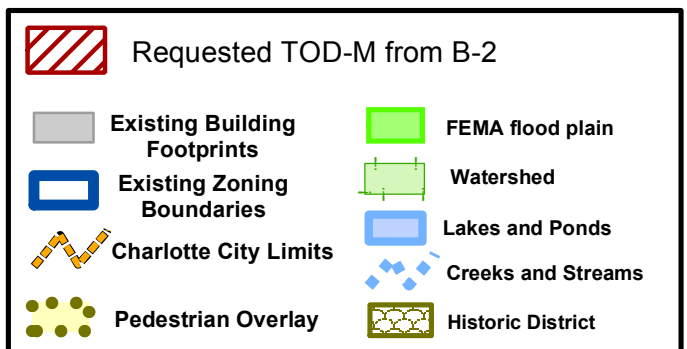


Map Produced by the Charlotte-Mecklenburg Planning Department, 10-31-2014.



Zoning Map #(s)

**126**



<b>REQUEST</b>	Current Zoning: R-5 (single family residential) Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional)
<b>LOCATION</b>	Approximately 0.177 acres located on the east side North Davidson Street between East 32nd Street and East 33rd Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses in the TOD (transit oriented development) district except eating, drinking and entertainment establishments, with the existing structure to remain.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. Staff also supports the optional provisions because they support maintaining the existing character of the neighborhood.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	John Ravelli Charlotte-Mecklenburg Planning Department John Ravelli
<b>COMMUNITY MEETING</b>	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:

- Proposes retail and office uses allowed in the TOD (transit oriented development) district and excludes eating/drinking/entertainment establishments.
- Provides four parking spaces.
- Preserves the existing mill house structure and commits to retaining the residential character including any additions and expansions.
- Specifies exterior lighting will be residential in character.
- Specifies that if dumpsters are required by the tenant they will be screened according to the standards of the Ordinance and that garbage pick-up will be after business hours.
- Optional requests include:
  - Reduce the required 16-foot setback along North Davidson Street to 11.25 feet to accommodate the existing porch.
  - Allow the existing four-foot wide sidewalk and 1.5-foot planting strip along North Davidson Street to remain.
  - Require no streetscape and sidewalk along East 32<sup>nd</sup> Street.
  - Reduce the required 16-foot setback along East 32<sup>nd</sup> Street to 6.25 feet to accommodate the existing structure.

• **Existing Zoning and Land Use**

- The property is currently a vacant single family home.
- Properties on the east side of North Davidson Street, north and east of the site, are zoned R-5 (single family residential) with single family uses. Properties to the south, across East 32<sup>nd</sup> Street, and west, across North Davidson Street, are zoned MUDD-O (mixed use development, optional) with a mixture of commercial uses, a brewery and multi-family residential.

• **Rezoning History in Area**

- There have been numerous rezonings in the area to accommodate transit supportive uses and the reuse of the existing mill homes along North Davidson for non-residential purposes.

• **Public Plans and Policies**

- The *Blue Line Extension Transit Station Area Plan* (2013) recommends transit supportive land uses, with a height limit of 50 feet.
- The plan contains recommended design policies for this area in which this site is located, including encouraging the preservation and adaptive reuse of the mill houses and ensuring adequate parking is provided as development occurs.
- The petition is consistent with the *Blue Line Extension 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.
    - **Vehicle Trip Generation:**  
Current Zoning: 15 trips per day.  
Proposed Zoning: 130 trips per day.
    - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** No comments received.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
- 

**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 facilitating the adaptive reuse of the existing structure.

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Revise the plan to show the existing four-foot wide sidewalk and 1.5-foot wide planting strip along North Davidson Street to remain.
    2. Revise the site plan to show nine required parking spaces in the rear of the site to meet the minimum parking requirements for an eating/drinking/entertainment establishment.
    3. Specify the maximum building height of 50 feet under the development notes.
    4. Delete the optional request 3 to allow the existing streetscape along North Davidson Street to remain as this it is covered through optional provision 2.
    5. Revise the proposed use and Note 5 under General Notes on the site plan to reflect all uses permitted in the TOD-M (transit oriented development – mixed-use) district.
    6. Change Note 2 under General Notes to say, "Existing building will remain and retain the existing mill house character with a porch along North Davidson Street, clear glass windows on all street fronting facades and entry door facing North Davidson Street".
    7. Amend Note 3 under General Notes limiting the height of detached, freestanding lighting to 15 feet.
    8. Delete Note 6. under General Notes.
    9. Change the label for the fence from "privace" to "privacy".
    10. Organize conditional notes under the appropriate categories.
- 

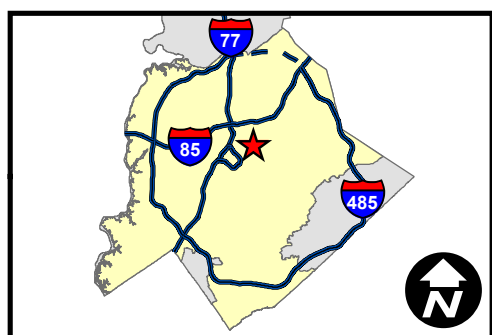
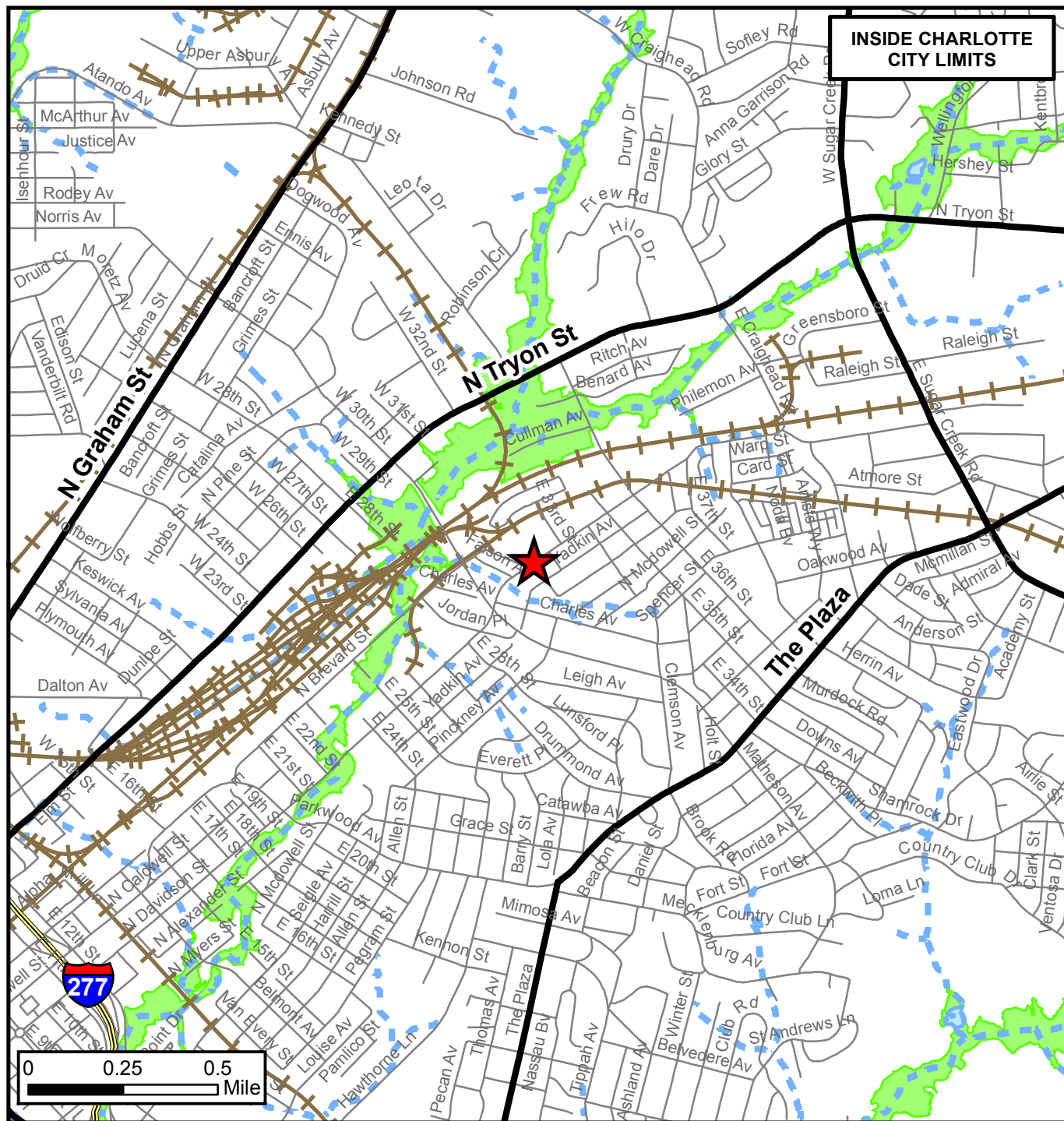
**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

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

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

**Acreage & Location :** Approximately 0.177 acres located on the east side North Davidson Street between East 32nd Street and East 33rd Street.



**★ Rezoning Petition: 2015-004**

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

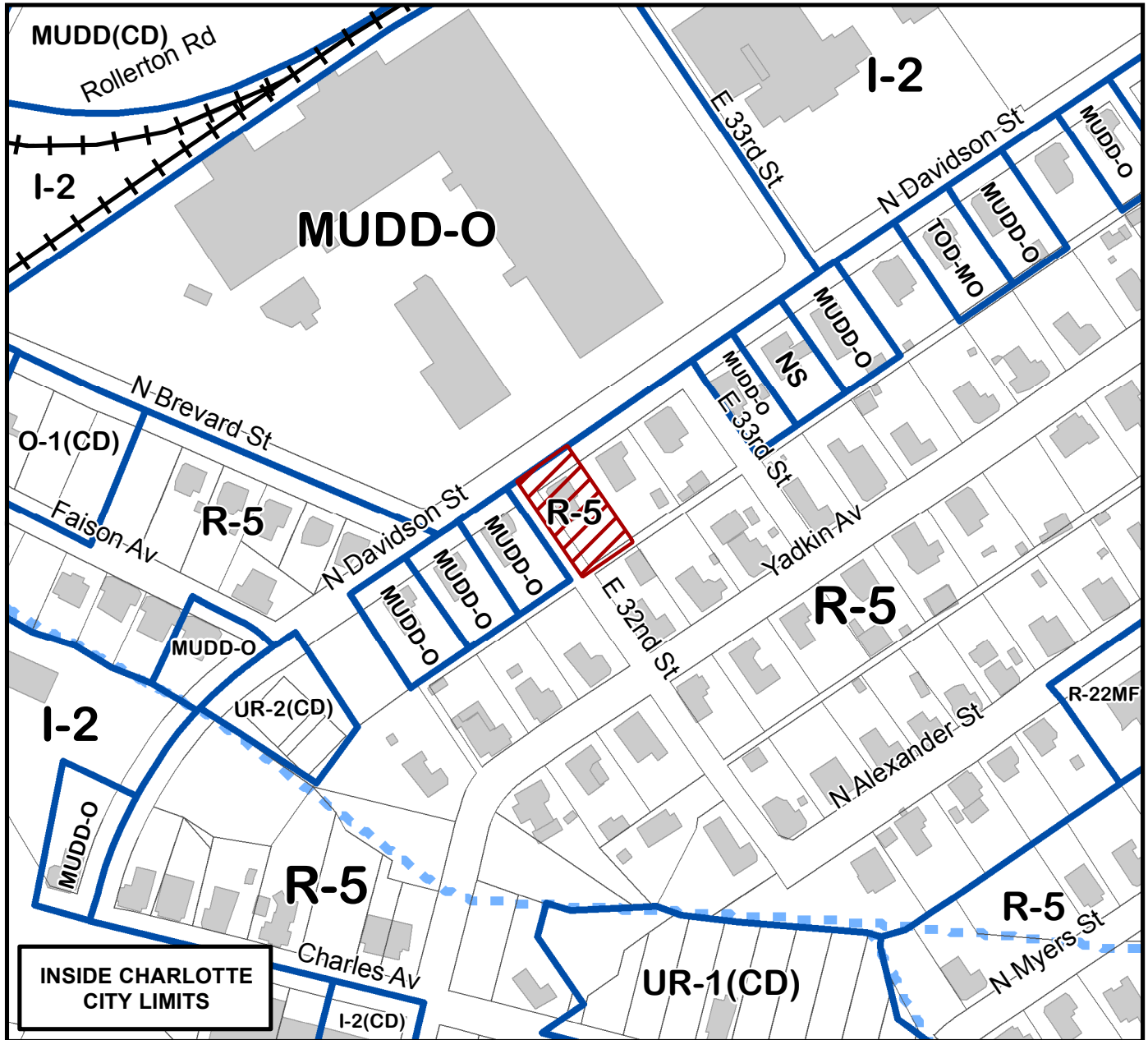
Petition #: **2015-004**

Petitioner: **Charlotte-Mecklenburg Planning Department**

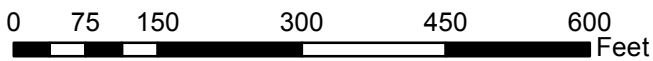
Zoning Classification (Existing): **R-5**  
(Single Family, Residential)

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

Acreage & Location: Approximately 0.177 acres located on the east side North Davidson Street between East 32nd Street and East 33rd Street.

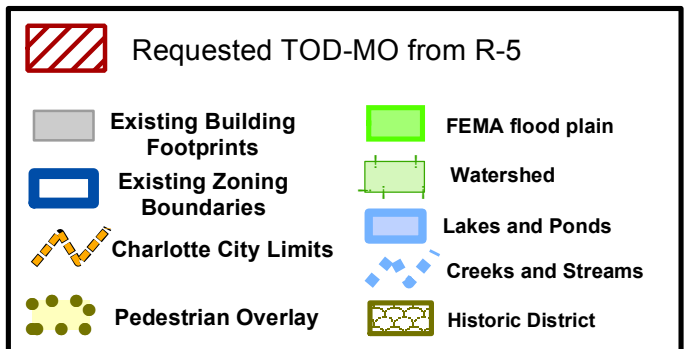


Map Produced by the Charlotte-Mecklenburg Planning Department, 1-30-2015.



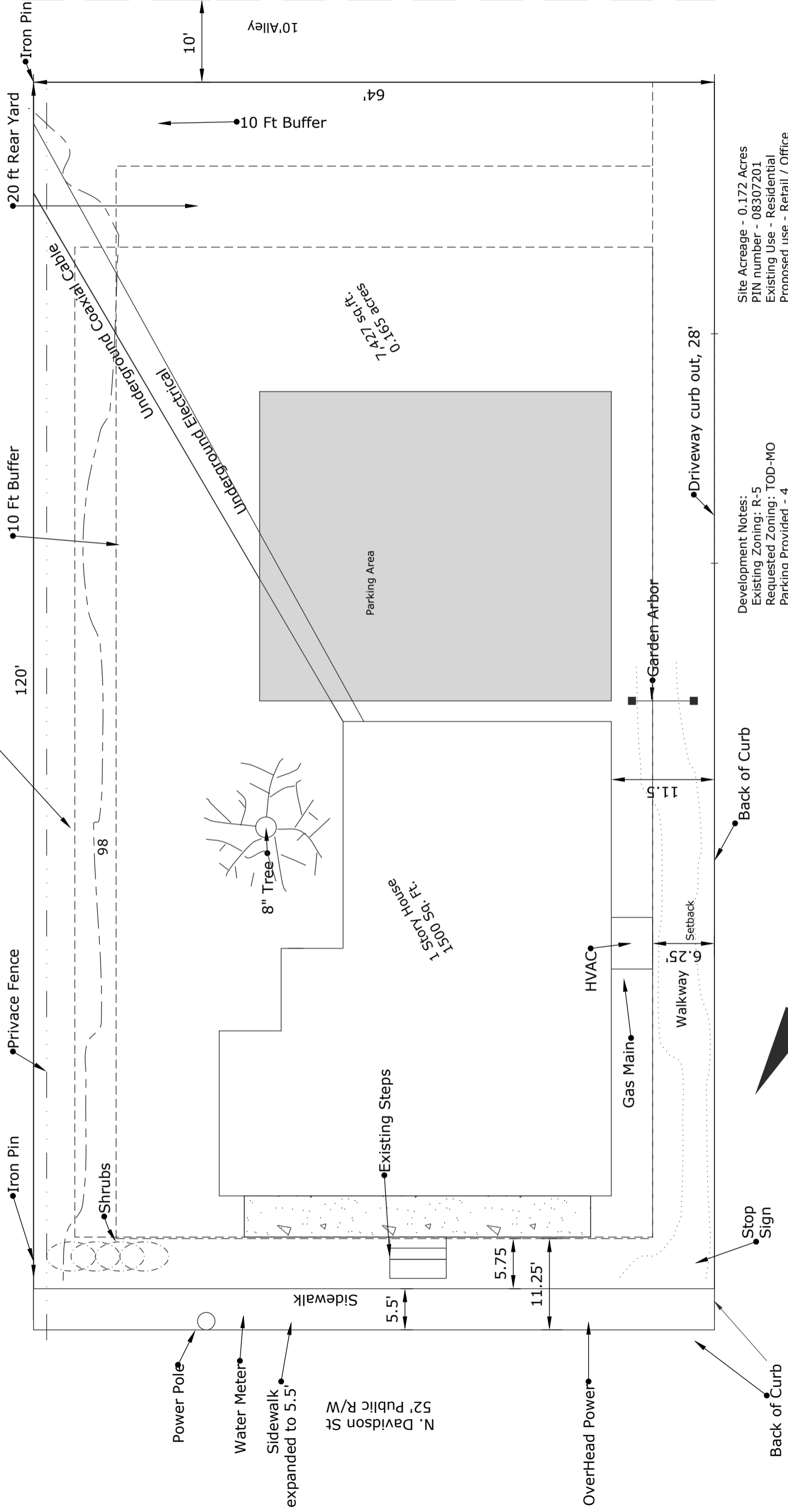
Zoning Map #(s)

**89**



Zoning R-5  
 Lot 115 #08307202 M6-899  
 N/F Johan Hellstrom

Zoning R-5  
 Lot 138 #08307206 M6-899  
 N/F Harold Cherry



Development Notes:  
 Existing Zoning: R-5  
 Requested Zoning: TOD-MO  
 Parking Provided - 4

Site Acreage - 0.172 Acres  
 PIN number - 08307201  
 Existing Use - Residential  
 Proposed use - Retail / Office

1. Reduce required 16 foot setback along N Davidson St. to 11.25 feet to accommodate existing porch.
2. Allow existing 4ft sidewalk and 1.5ft planting strip along North Davidson St. to remain.
3. Allow existing streetscape along North Davidson St to remain.
4. That no streetscape and sidewalk be required along East 32nd St.
5. Reduce required 16ft setback along E 32nd st to 6.25 to accommodate existing structure.

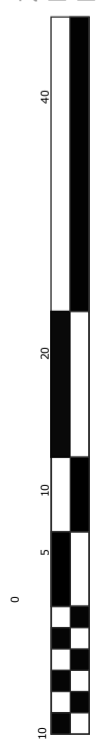
General Notes:

1. This drawing is in support of a rezoning application for Lot 139 of the Highland Park Co. Mfg Property City of Charlotte, Mecklenburg County, NC
2. Existing building will remain and will retain residential character including any additions and expansions.
3. Exterior lighting will be residential in character.
4. If dumpsters are required by tenant(s), they will be screened according to zoning requirements with an enclosure and gate
5. Uses permitted by the TOD-MO district will be permitted, excluding Eating, Drinking, and Entertainment Establishments.
6. Dumpster service to pick up after business hours.

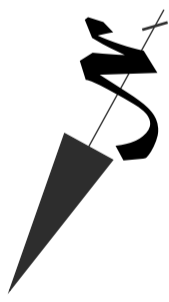


E. 32nd St  
 30' Public R/W

Site Plan for 2902 N Davidson St, Lot 139  
 City of Charlotte, Mecklenburg County, NC  
 Prepared for: John Ravelli  
 Date: Oct, 13, 2014  
 Petition number 2015-004



Zoning MUDD  
 Lot 140 #08307312 M6-899  
 N/F Orange Olive LLC



Zoning R-5  
 Lot 116  
 #08307203  
 M6-899  
 N/F Karla Brennan



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<b>REQUEST</b>	Current Zoning: NS (neighborhood services) Proposed Zoning: NS SPA (neighborhood services, site plan amendment)
<b>LOCATION</b>	Approximately 5.69 acres located on the southwest corner at the intersection of Rea Road and Williams Pond Lane. (Council District 7 - Driggs)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow an increase of 2,080 square feet of outdoor dining area.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the <i>South District Plan</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Village at Robinson Farm, LLC Village at Robinson Farm, LLC Jason Hood
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9

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#### **PLANNING STAFF REVIEW**

- **Background**
    - Petition 2006-081 approved up to 44,000 square feet of office, retail, and restaurant uses for the subject site with the following provisions:
      - Four commercial structures totaling 43,000 square feet have been constructed.
      - Outdoor dining area limited to 2,720 square feet.
      - 12,550-square foot plaza area.
      - Retention of the existing barn and farmhouse.
      - Pedestrian connections to adjacent residential properties.
      - Transportation improvements along Rea Road and Williams Pond Lane.
  - **Proposed Request Details**

The site plan amendment contains the following changes:

    - Add 2,080 square feet of outdoor dining area for an overall total outdoor dining area of 4,800 square feet.
    - Allow rooftop dining area to be included in the 2,080 square feet.
    - Added language stating that all conditions from the 2006-081 rezoning plan will be met, and that the only requested change is to allow the additional square footage for the outdoor dining area.
  - **Existing Zoning and Land Use**
    - The subject property is zoned NS (neighborhood services) and developed with several commercial structures. The surrounding properties are zoned R-3 (single family residential), R-5(CD) (single family residential, conditional), R-12MF (CD) (multi-family residential, conditional), INST (institutional), O-1(CD) (office, conditional), B-1(CD) (neighborhood business, conditional) and NS (neighborhood services) and developed with residential and commercial structures.
  - **Rezoning History in Area**
    - There have been no rezonings in the immediate area in recent years.
  - **Public Plans and Policies**
    - The *South District Plan* (1993), as amended by petition 2006-081, recommends retail for the subject parcel.
    - This petition is consistent with the *South District Plan*.
-

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
    - **Vehicle Trip Generation:**  
Current Zoning: 3,500 trips per day.  
Proposed Zoning: 3,800 trips per day.
    - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
- 

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

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

**OUTSTANDING ISSUES**

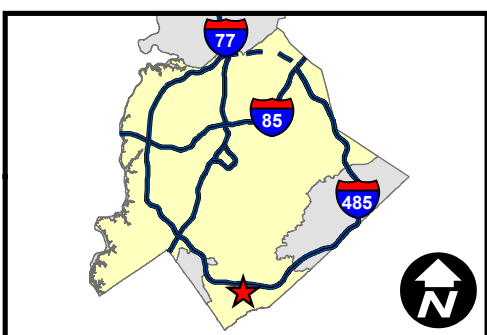
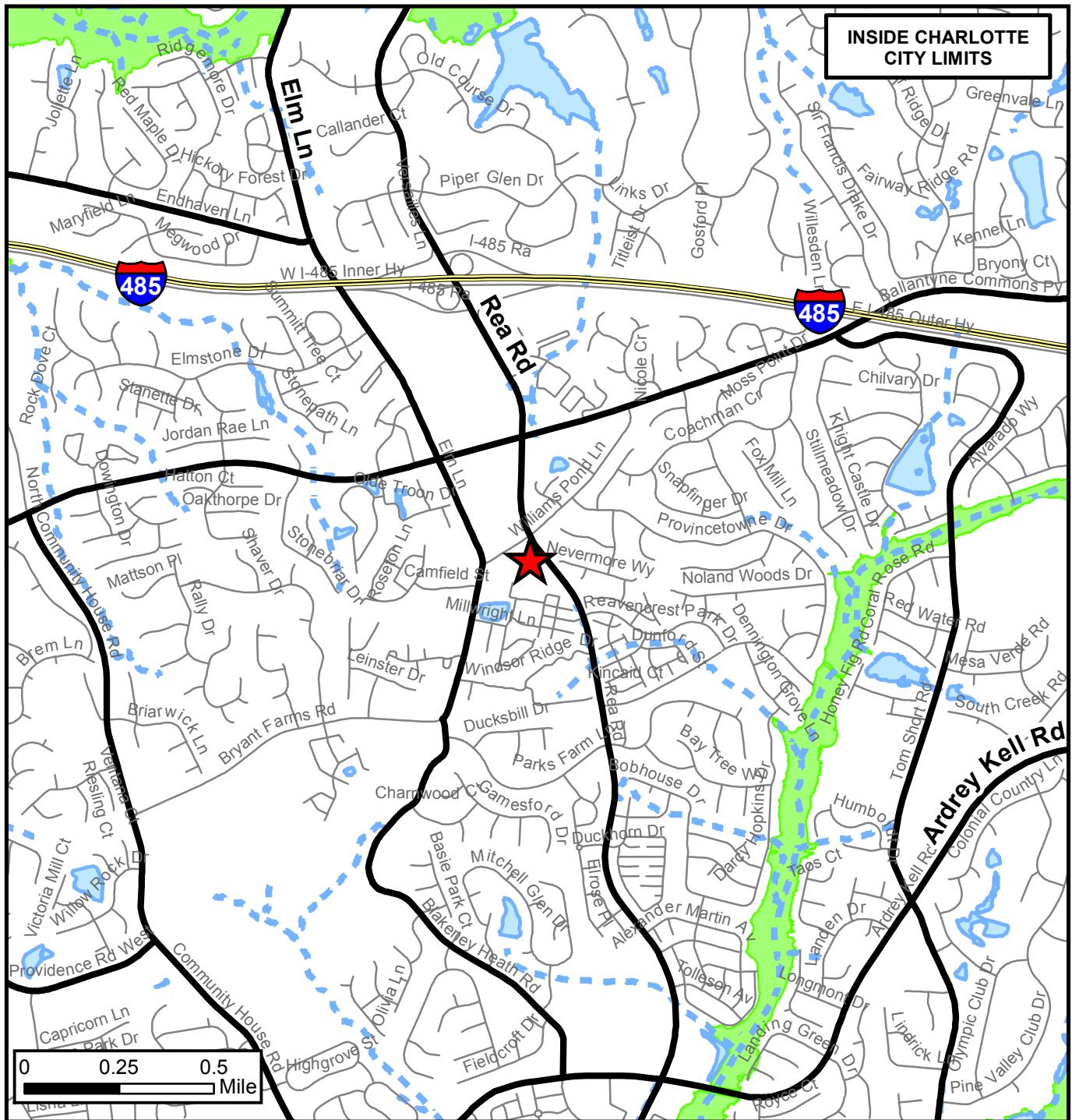
- No issues.
- 

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

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water 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 5.69 acres located on the southwest corner at the intersection of Rea Road and Williams Pond Lane.



**★ Rezoning Petition: 2015-007**

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

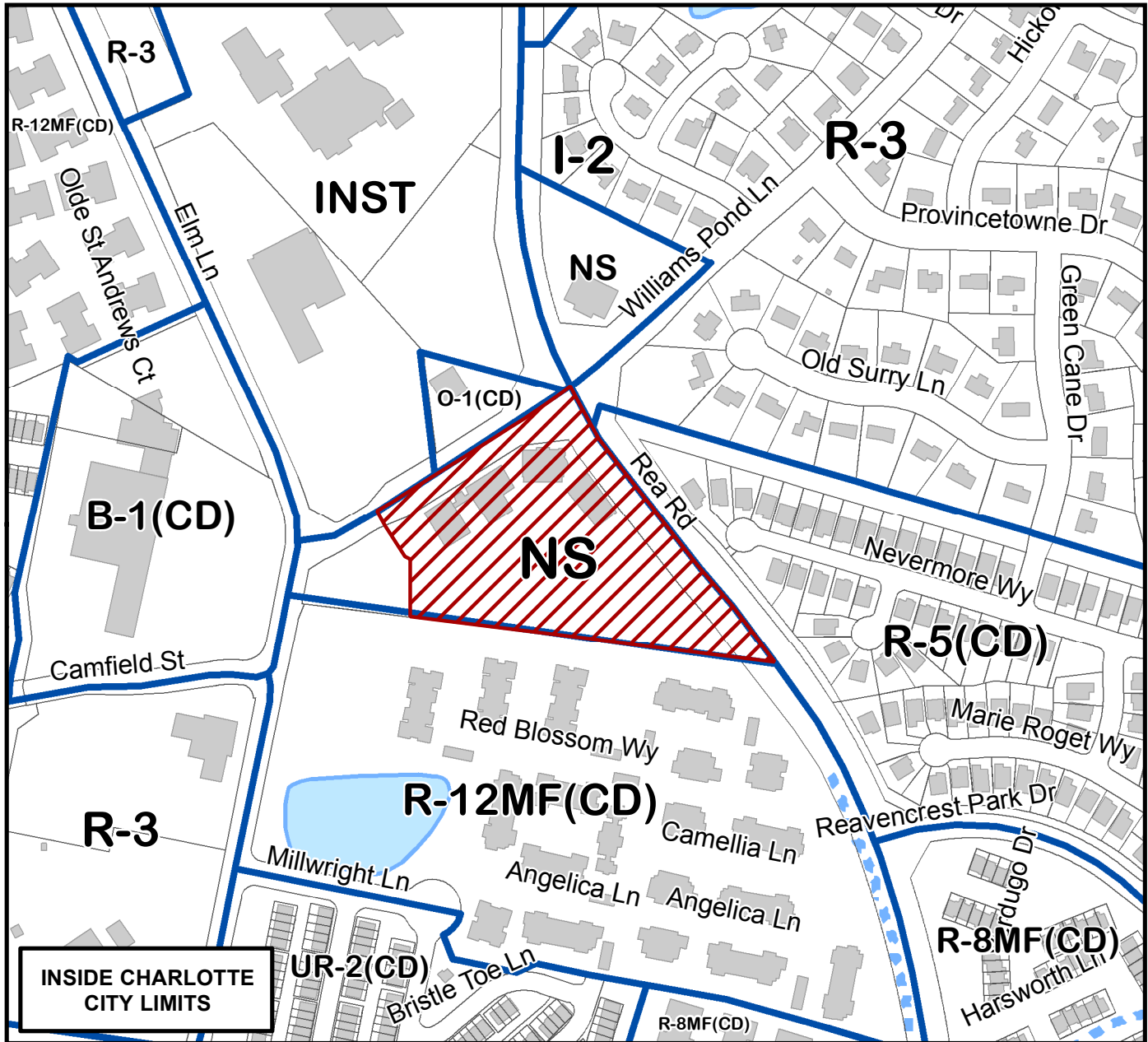
Petition #: **2015-007**

Petitioner: **Village at Robinson Farm, LLC**

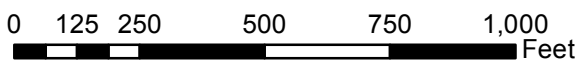
Zoning Classification (Existing): **NS**  
(Neighborhood Services)

Zoning Classification (Requested): **NS (SPA)**  
(Neighborhood Services, Site Plan Amendment)

Acreage & Location: Approximately 5.69 acres located on the southwest corner at the intersection of Rea Road and Williams Pond Lane.

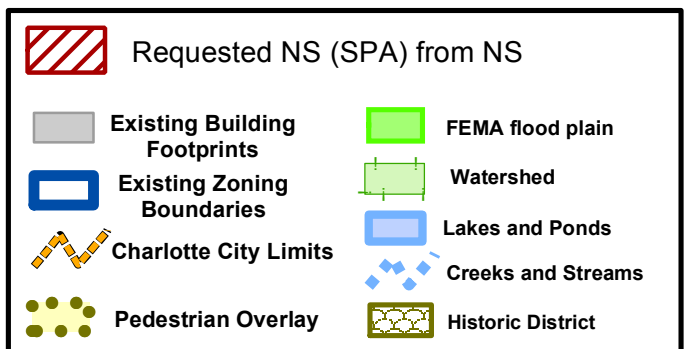


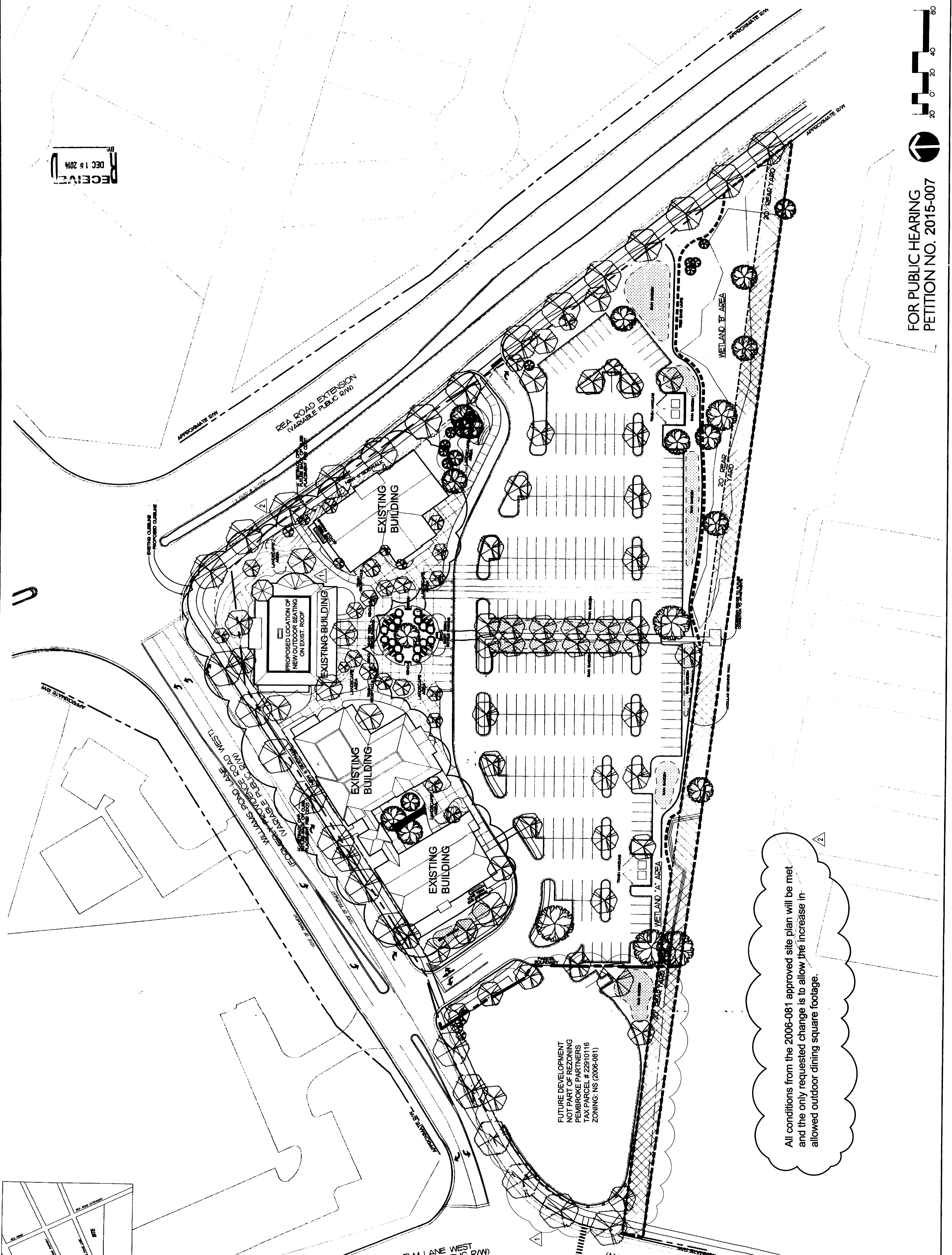
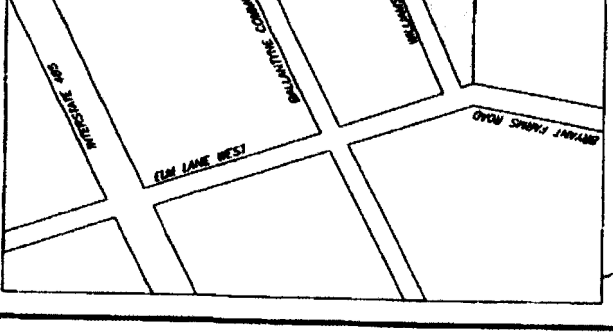
Map Produced by the Charlotte-Mecklenburg Planning Department, 10-31-2014.



Zoning Map #(s)

**181**





All conditions from the 2006-081 approved site plan will be met and the only requested change is to allow the increase in allowed outdoor dining square footage.

FUTURE DEVELOPMENT  
NOT PART OF REZONING  
PEMBROKE PARTNERS  
TAX PARCEL # 22910116  
ZONING: NS (2006-081)

RECEIVED  
DEC 18 2014

ARCHITECTURE  
HOOD PLLC  
4400 PARK ROAD  
CHARLOTTE, NC 28209  
704.976.1427

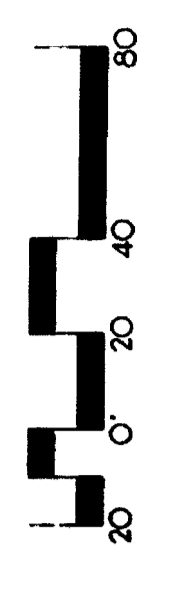
10/22/2014  
10444  
1000 P.L.L.C.  
CERT. NO. 28885  
REZONING PER REZONING REVIEW

THE VILLAGE AT ROBINSON FARM  
OFFICE AND RETAIL SPACE  
PEMBROKE PARTNERS LTD. PARTNERSHIP, CHARLOTTE, NC  
ILLUSTRATIVE SITE PLAN

REVISIONS:  
5/23/06 REVISED PER REZONING REVIEW  
10/22/2014 REVISED PER REZONING REVIEW  
12/12/2014 REVISED PER REZONING REVIEW

FOR PUBLIC HEARING  
PETITION NO. 2015-007

RZ-1  
SHEET #

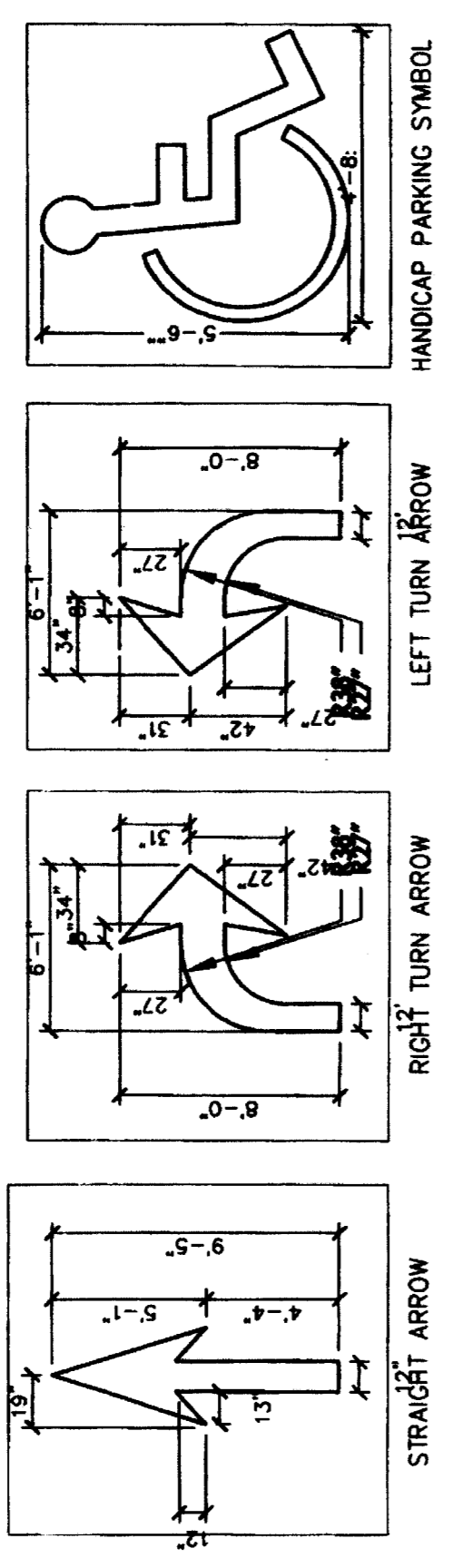
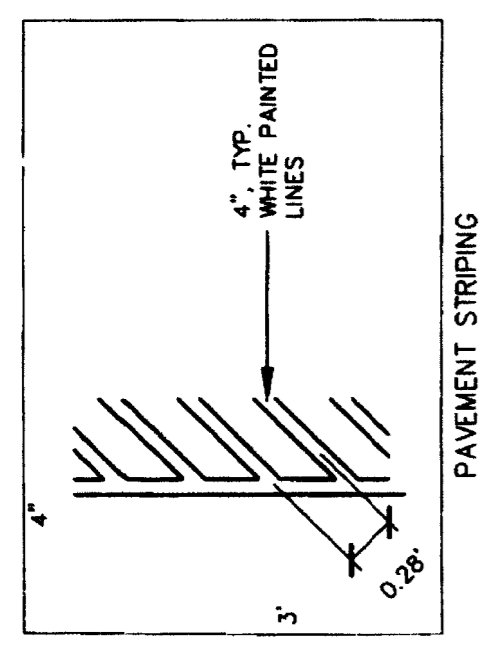




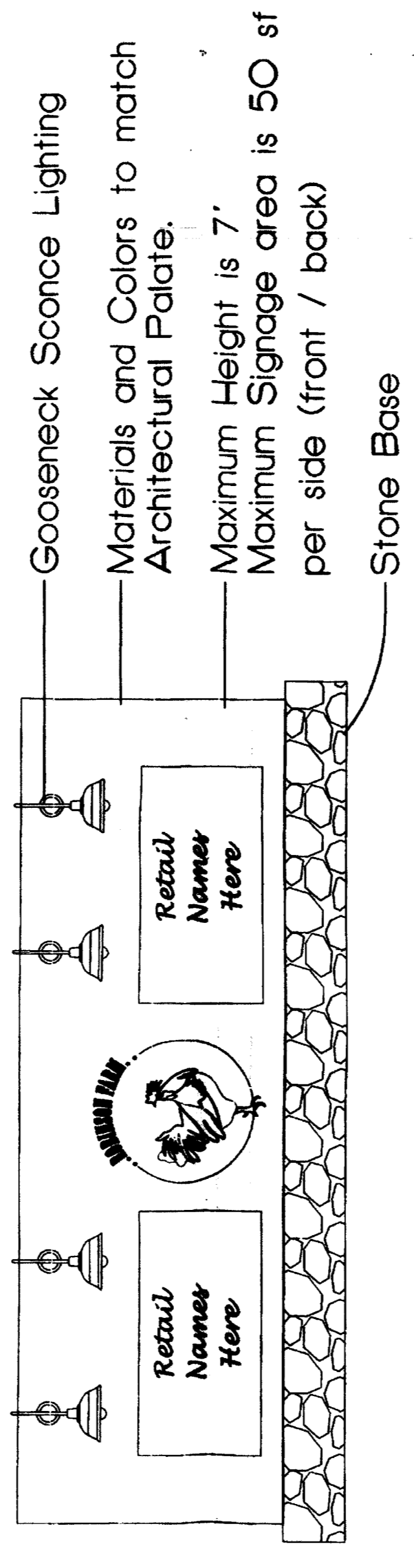


All conditions from the 2006-081 approved site plan will be met and the only requested change is to allow the increase in allowed outdoor dining square footage.

- NOTES:  
1. ALL SYMBOLS AND STRIPING TO BE PAINTED WITH WHITE PAINT, UNLESS OTHERWISE SPECIFIED.  
2. PAINT SYMBOLS ONTO PAVEMENT WITH 2 COATS OF WHITE PAINT.  
3. SEE SITE PLAN FOR LOCATION OF SYMBOLS AND STRIPING

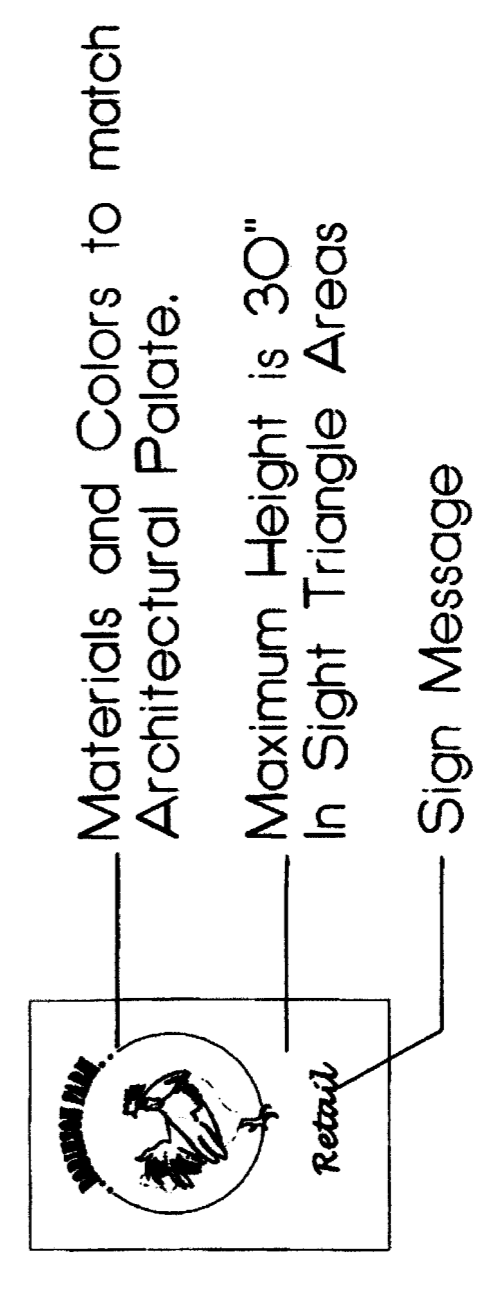


**1 PAVEMENT MARKINGS**  
RZ-4 SECTION  
NOT TO SCALE



**2 SIGNAGE**  
RZ-4 ELEVATION  
1/32" = 1'

NOTE: PROJECT SIGNAGE EXAMPLES ARE PRELIMINARY IN NATURE AND SUBJECT TO CHANGE.  
ALL SIGNAGE WILL MEET OR EXCEED THE CITY OF CHARLOTTE ZONING ORDINANCE REQUIREMENTS.



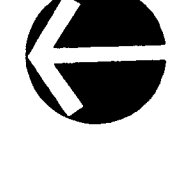
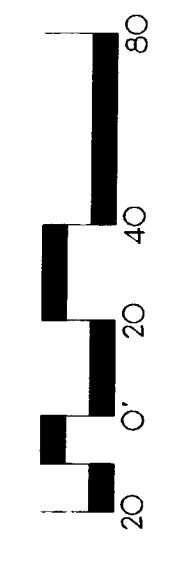
**3 PROJECT DIRECTIONAL SIGNAGE**  
RZ-4 ELEVATION  
1/16" = 1'

SHEET PROVIDED FOR REFERENCE ONLY  
NO CHANGES MADE TO APPROVED SHEET

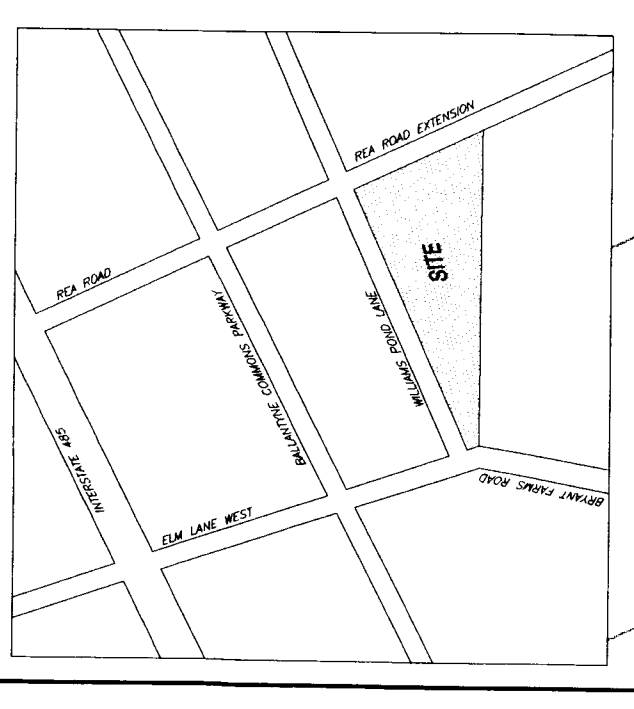
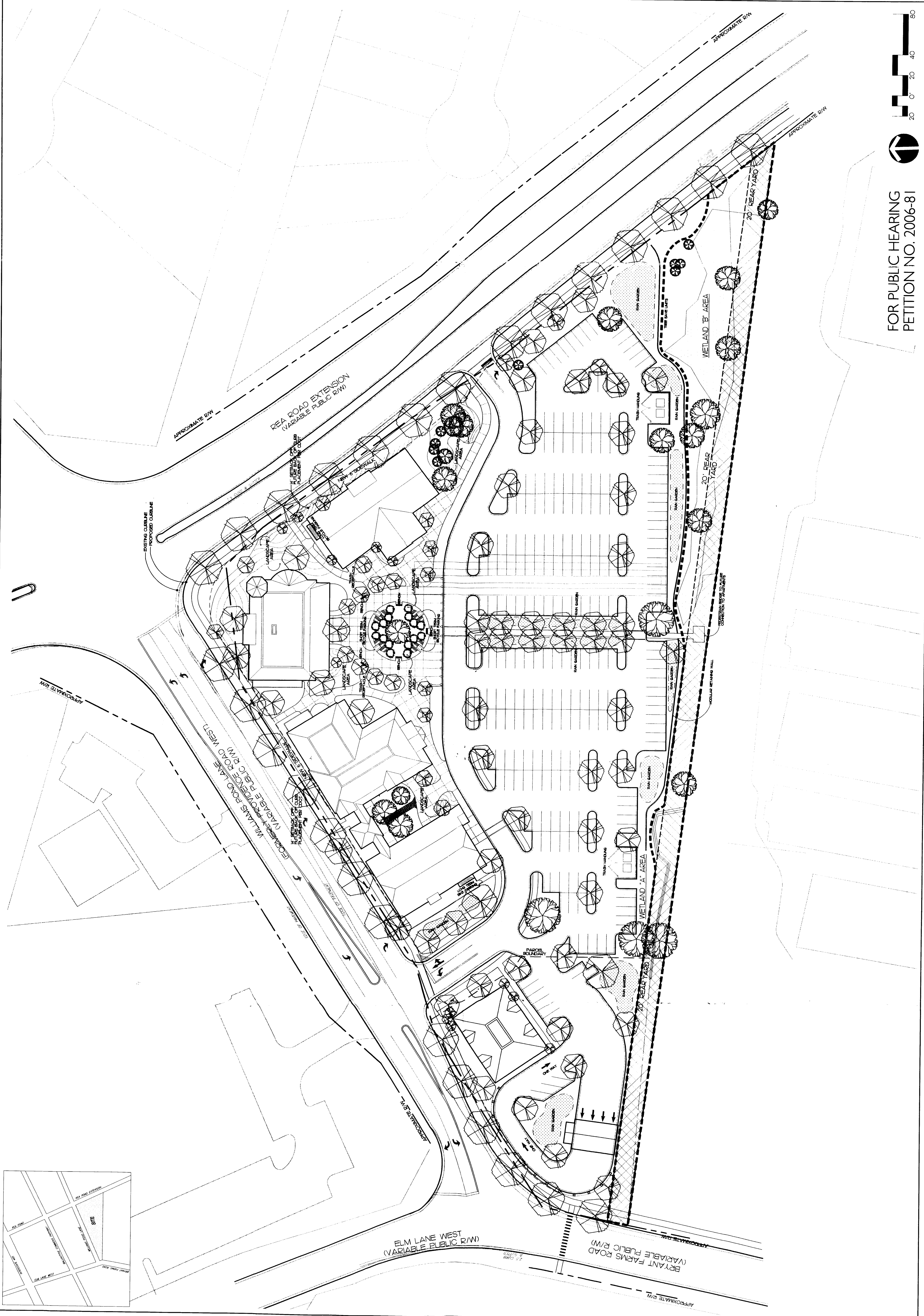
FOR PUBLIC HEARING  
PETITION NO. 2015-007



Previously  
Approved  
Site  
Plan

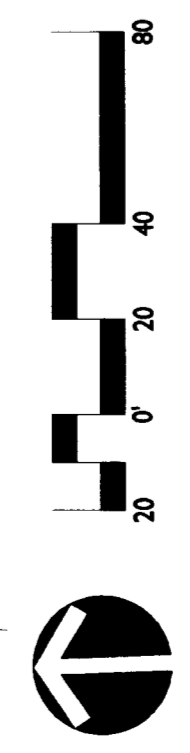
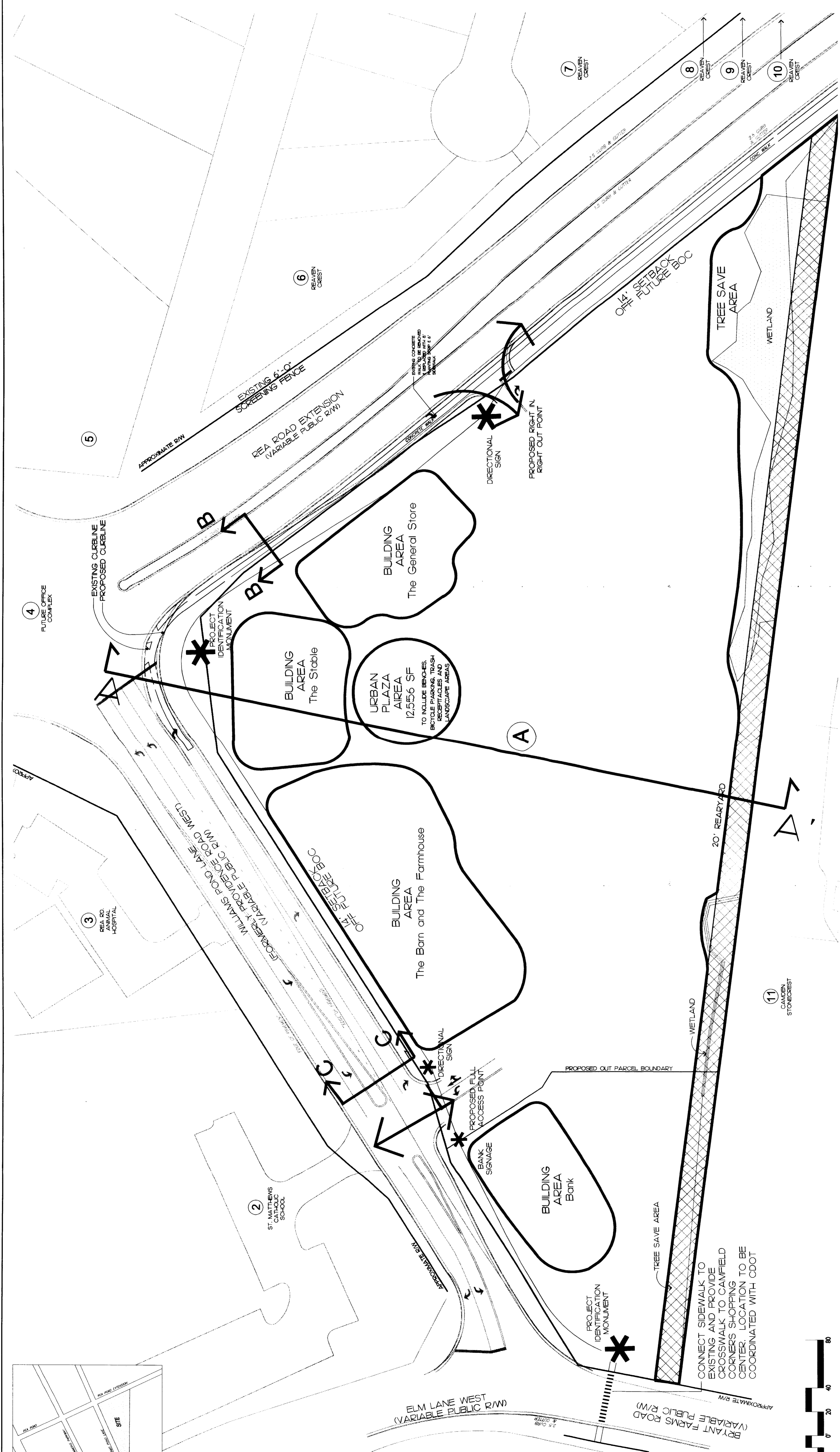
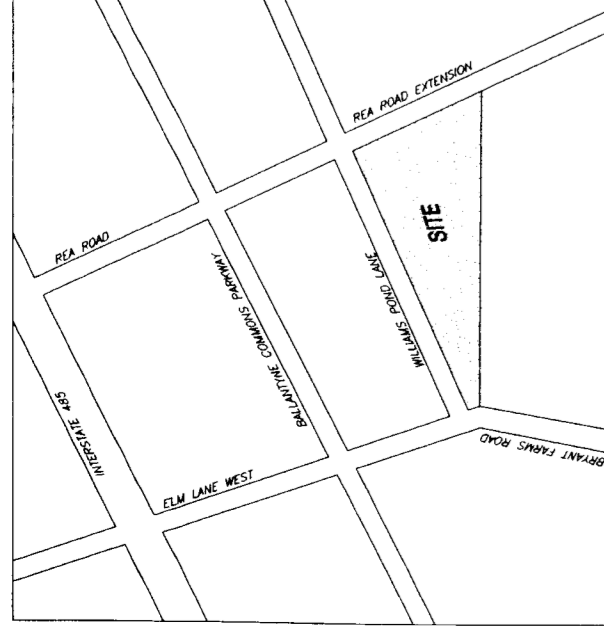


FOR PUBLIC HEARING  
PETITION NO. 2006-81



VICINITY MAP - NOT TO SCALE

VICINITY MAP - NOT TO SCALE



**PARCEL INFORMATION**

**PARCEL A # 229-101-09**  
 PEMBROKE PARTNERS LP  
 268 NORTON ROAD  
 CHARLOTTE, NC 28207-2112  
 EXISTING ZONING: R-3  
 EXISTING USE: VACANT  
 PROPOSED ZONING: NS  
 PROPOSED USE: OFFICE  
 RETAIL  
 RESTAURANT  
 BANK-OUT PARCEL

**SITE DEVELOPMENT DATA**

TOTAL AREA: 6.6966 ACRES  
 TOTAL OPEN SPACE AREA: 3.16 ACRES  
 RESTAURANT / RETAIL / OFFICE  
 PROPOSED SQUARE FOOTAGE: 44,000  
 OUTDOOR DINING AREA SF: 2,720  
 NS PARKING SPACES REQUIRED: 74 (241 PROVIDED)  
 AUTO  
 BICYCLE  
 PROPOSED ZONING: NS  
 PROPOSED USE: OFFICE  
 RETAIL  
 RESTAURANT  
 BANK-OUT PARCEL

**ADJACENT OWNERS**

- ① **#223-284-31**  
INLAND SOUTHEAST  
CAMFIELD LLC  
11414 REAL ESTATE  
ACQUISITIONS INC  
2901 BUTTERFIELD RD  
OAK BROOK, IL 60523  
EXISTING ZONING: B(H)(C)  
EXISTING USE: COMMERCIAL
- ② **#225-046-02**  
WEST MAURICIO W  
DIOCESAN  
ADMINISTRATOR OF THE  
PUBLIC DITCH  
PO BOX 34715  
CHARLOTTE, NC 28236  
EXISTING ZONING: INST  
EXISTING USE: CHURCH
- ③ **#225-046-05**  
JAMES ALLAN DOZIER  
AND REBECCA DOZIER  
8100 WILLIAMS POND LN  
CHARLOTTE, NC 28277  
EXISTING ZONING: O(H)(C)  
EXISTING USE: OFFICE /  
VET CLINIC
- ④ **#225-044-96**  
PO BOX 36776  
CHARLOTTE, NC 28236  
EXISTING ZONING: NS  
EXISTING USE: OFFICE  
\*NOTE: PARCEL HAS  
RECENTLY BEEN REZONED  
FROM R-3 TO NS
- ⑤ **#229-249-15**  
KIM OLD SLEERY LN  
CHARLOTTE, NC 28277  
EXISTING ZONING: R-3  
EXISTING USE: SINGLE FAMILY
- ⑥ **#229-102-52**  
MARY ELIZABETH WILKES  
11438 NEVERMORE WY  
CHARLOTTE, NC 28277  
EXISTING ZONING: R-5(CD)  
EXISTING USE: SINGLE FAMILY
- ⑦ **#229-102-51**  
L H GAMBLE  
10415 NEVERMORE WY  
CHARLOTTE, NC 28277  
EXISTING ZONING: R-5(CD)  
EXISTING USE: SINGLE  
FAMILY
- ⑧ **#229-102-50**  
DONALD E KNEBUSCH  
AND JEAN M KNEBUSCH  
11417 NEVERMORE WY  
CHARLOTTE, NC 28277  
EXISTING ZONING: R-5(CD)  
EXISTING USE: SINGLE  
FAMILY
- ⑨ **#229-102-145**  
CHRISTIAN P  
ROMBERG ERIN E WIFE  
10415 POE CT  
CHARLOTTE, NC 28277  
EXISTING ZONING: R-5(CD)  
EXISTING USE: SINGLE  
FAMILY
- ⑩ **#229-102-45**  
ECKER MILTON  
10611 POE COURT  
CHARLOTTE, NC 28277  
EXISTING ZONING: R-5(CD)  
EXISTING USE: SINGLE  
FAMILY

**REVISIONS**

05/23/06 REVISED PER REZONING REVIEW  
 07/10/06 REVISED PER REZONING REVIEW  
 DATE MAY 11, 2005  
 DESIGNED BY: CM  
 CHECKED BY: CM  
 SCALE: 1"=40'-0"  
 PROJECT #: 1002260  
 SHEET #:

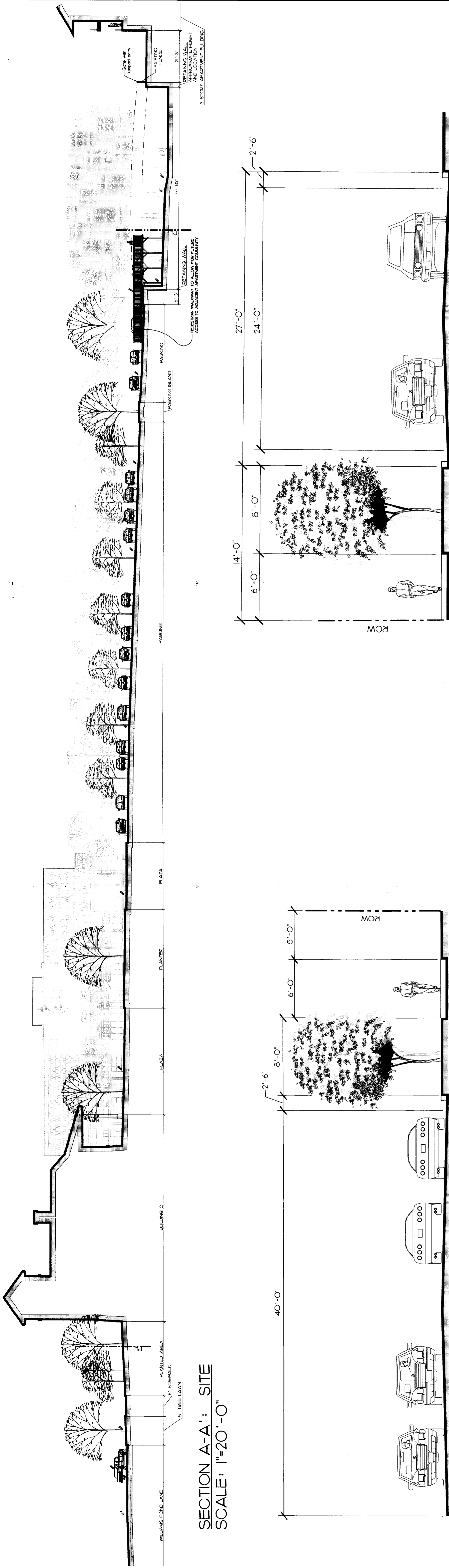
**THE VILLAGE AT ROBINSON FARM**  
**OFFICE AND RETAIL SPACE**  
 PEMBROKE PARTNERS LTD, PARTNERSHIP, CHARLOTTE, NC

TECHNICAL DATA SHEET

**LandDesign**  
 223 N Graham Street, Charlotte, NC 28202  
 V: 704.333.0225 F: 704.332.3246  
 www.LandDesign.com

**RZ-2**

**FOR PUBLIC HEARING**  
 PETITION NO. 2006-81



**SECTION A-A': SITE**  
SCALE: 1"=20'-0"

**SECTION B-B': REA RD.**  
NTS

CURB & GUTTER  
NEW SIDEWALK (PROVIDED BY PETITIONER)

NEW SIDEWALK (PROVIDED BY PETITIONER)  
PLANTING STRIP

WILLIAMS POND LN.  
CURB & GUTTER

**DEVELOPMENT STANDARDS**

**DEVELOPMENT STANDARDS FARM, WILLIAMS POND LANE AND REA ROAD EXTENSION**  
Revised 07/10/06

**SITE DATA:**  
Acreage: 6,696 acres  
Existing Zoning: R-3  
Maximum Floor Area: 44,000 square feet

**DEVELOPMENT STANDARDS**

Unless more stringent standards are established by the Technical Data Sheet (Sheet RZ-1), the Schematic Development Standards for the Farm, Williams Pond Lane and Rea Road Extension (Sheet RZ-2, RZ-3, RZ-4, RZ-5, RZ-6, RZ-7, RZ-8, RZ-9, RZ-10, RZ-11, RZ-12, RZ-13, RZ-14, RZ-15, RZ-16, RZ-17, RZ-18, RZ-19, RZ-20, RZ-21, RZ-22, RZ-23, RZ-24, RZ-25, RZ-26, RZ-27, RZ-28, RZ-29, RZ-30, RZ-31, RZ-32, RZ-33, RZ-34, RZ-35, RZ-36, RZ-37, RZ-38, RZ-39, RZ-40, RZ-41, RZ-42, RZ-43, RZ-44, RZ-45, RZ-46, RZ-47, RZ-48, RZ-49, RZ-50, RZ-51, RZ-52, RZ-53, RZ-54, RZ-55, RZ-56, RZ-57, RZ-58, RZ-59, RZ-60, RZ-61, RZ-62, RZ-63, RZ-64, RZ-65, RZ-66, RZ-67, RZ-68, RZ-69, RZ-70, RZ-71, RZ-72, RZ-73, RZ-74, RZ-75, RZ-76, RZ-77, RZ-78, RZ-79, RZ-80, RZ-81, RZ-82, RZ-83, RZ-84, RZ-85, RZ-86, RZ-87, RZ-88, RZ-89, RZ-90, RZ-91, RZ-92, RZ-93, RZ-94, RZ-95, RZ-96, RZ-97, RZ-98, RZ-99, RZ-100) shall apply to the development of the site.

- Permitted uses shall be those allowed in the NS zoning classification, however, the following uses will not be permitted on the Site:
    - Convenience stores.
    - Retail tenants of over 15,500 square feet in size, and Drive-through window facilities as an accessory to any establishment, with the sole exception of a bank or financial institution.
  - The gross floor area of all buildings constructed on the Site may not exceed, in the aggregate, 44,000 square feet.
  - At least 14,000 square feet of the authorized gross floor area must be devoted to bank or financial institution uses and/or general office uses.
    - While area devoted to outdoor dining and gallery area, courtyards, and porches as well as the elevator tower and outdoor covered walkways are not included in the square footages noted above, any off-street parking associated therewith that may be required by the Ordinance will be provided for these areas.
- B. SETBACKS, SIDE YARDS AND REAR YARDS**
- All buildings constructed on the Site shall comply with the setbacks, rear yard and side yard requirements established under the Ordinance for the NS zoning district.
  - Building setbacks on the Site shall be measured from the proposed curb line of the abutting public streets.
  - The Petitioner reserves the right to subdivide the Site and create lots within the interior of the development with no side and/or rear yards as part of a unified development plan.
  - No vehicular parking spaces shall be located on the Site along public streets in front of buildings.
- C. SCREENING AND STREETSCAPE TREATMENT**
- Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance.

- Any dumpsters located within the Site that are visible from a public street or from an external adjoining property will be screened from view by a solid enclosure with gates.
- The Site shall comply with the City of Charlotte Tree Ordinance.
- Roof-top mechanical equipment shall be screened from public view.
- All planting strips and landscaped areas shall be irrigated.

**DESIGN AND PERFORMANCE STANDARDS**

- The exterior elevations of each of the buildings on the Site will be constructed and constructed such that they are substantially similar to the elevations depicted on Sheets RZ-3A, RZ-3B, RZ-3C, and RZ-3D.
- No part of any building constructed on the Site other than the chimney of the barn building may exceed 48 feet in height from the average grade at the base of the building and no such building may exceed 2 stories in height.

**E. TREE SAVE AREA / OPEN SPACE**

- The Petitioner agrees to provide tree save areas totaling 10% of the Site and open spaces (including tree save areas) totaling 15% of the Site.
- The Tree Save Area depicted on the Technical Data Sheet along the southern portion of the site shall remain undisturbed, subject to the right of the Petitioner to engage in selective clearing of existing vines. The Tree Save Area shall be protected during the construction phase in accordance with a preservation plan prepared by a Landscape Architect.

**F. LIGHTING**

- All freestanding lighting fixtures will be uniform in design.
- All freestanding lighting fixtures shall be boxed and fully shielded and not exceed 20 feet in height, including its base.
- Wall pack lighting will not be allowed, however wall sconces may be utilized in such areas where they do not exceed 8 feet off the ground or concrete floor.
- Protection lighting will be provided for all pedestrian walkways established on the Site with maximum pole heights of 10 feet such that a safe level of lighting is achieved.
- Parking lot light poles shall not be placed in the tree islands.
- Signage shall conform to the provisions of the Ordinance.

- No more than two detached monumental project identification signs shall be permitted and they shall not exceed 7 feet in height and the actual signage area may not exceed 50 square feet on either side, than a bank or financial institution, which will be allowed one such sign.
- No freestanding identification signs will be allowed for any establishment located on the Site other than a bank or financial institution, which will be allowed one such sign.

**H. PARKING**

- Off street parking spaces will, at a minimum, satisfy the requirements of the Ordinance.
- Bicycle parking spaces (bike racks) shall be provided within the areas generally depicted on the Sheet RZ-1 in accordance with the Ordinance.

**I. SIDEWALKS, PLANTING STRIPS AND PEDESTRIAN CONNECTIONS**

- A sidewalk shall be provided along the Site side of each of Williams Pond Lane and Rea Road Extension which will be at least 6 feet in width and have a planting strip between the sidewalk and the street curb which is at least 8 feet in width, all as generally depicted on Sheet RZ-1.

- Planting strips and sidewalks may be located within the setback and/or the right-of-way subject to any necessary government approval.
- A sidewalk connection and associated HC ramps and crosswalks shall be provided to allow pedestrian access between Williams Pond Lane and the Subject Site, with the exact location to be coordinated with CDDOT during the Land Development Permitting Phase of the Project.

The Petitioner will grant to residents of the Camden Stonecrest Apartment Project and their guests and invites a perpetual pedestrian cross-access easement allowing them to gain access to and from the Site and its walkway system within the area generally depicted on the Technical Data Sheet. The Petitioner shall provide the necessary signage and landscaping to facilitate pedestrian access to the Site. This access location will align with sidewalks within the site directing pedestrians to the Urban Plaza Area as depicted on Sheets RZ-1 and RZ-2.

- If it is able to obtain the necessary right of way or an easement to accommodate this improvement within the 150-foot setback, the Petitioner shall provide the necessary signage and landscaping to facilitate pedestrian access to the Site from its intersection with Elm Lane to Provincetown Drive.

**J. RIGHT-OF-WAY DEDICATION**

- The Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) that portion of the Site that may be required to provide right of way as follows if such right-of-way does not exist ready prior to the issuance of any building permits for the Site:
  - Rea Road Extension: 65 feet from centerline
  - Williams Pond Lane: 35 feet from centerline

**K. ACCESS: POINTS (DRIVEWAYS) / ROAD IMPROVEMENTS**

- The number of vehicular access points to the Site shall be limited to the number depicted on this Technical Data Sheet.
- 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.
- Prior to the issuance of any certificates of occupancy for any buildings on the Site, the Petitioner shall provide the following road improvements:
  - Williams Pond Lane
  - Access 'A'

Construct a westbound left turn lane on Williams Pond Lane at Access 'A' with 150 feet of storage and a 15'1" bay taper.

**L. INTERSECTION BETWEEN WILLIAMS POND LANE AND REA ROAD**

Construct an eastbound right turn lane on Williams Pond Lane at Rea Road with full 150 feet of storage and a 20'1" bay taper. Currently, there are eastbound left turn lanes on Williams Pond Lane at its intersection with Rea Road Extension with 50 feet of storage. Because only 300 feet of storage is required to accommodate the 201 projected volumes, the Petitioner is able to obtain permission from CDDOT to do so. The Petitioner shall provide 350 feet of total storage at the existing intersection. The Petitioner shall provide 350 feet of total storage at the existing intersection for the left turn lane on Williams Pond Lane at Access 'A'.

**Rea Road Extension**

Access 'B'

Construct a southbound right turn lane on Rea Road at Access 'B' with 100 feet of storage and 150 feet of taper. This access will be limited to right-in/right-out only movements.

**SECTION C-C': WILLIAMS POND LN.**  
NTS

- Construct an eastbound right turn-lane on Williams Pond Lane at its intersection with Elm Lane with 200 feet of storage and a 20'1" bay taper.
- If off site right of way is required to accommodate any identified developer improvements described above, the developer will make a good faith effort (which shall include the use of an independent appraiser to assess property values) to secure the necessary off site right of way prior to issuance of certificates of occupancy, the developer will cause any such improvements to be completed.
- If right of way not owned by the developer is required to complete any such improvements and the developer fails in its good faith attempt to secure the right of way, the developer may request the City to condemn the property and agrees to pay for all costs and expenses associated therewith.

**L. FIRE PROTECTION**

Adequate fire protection in the form of fire hydrants will be provided to the Fire Marshal's specifications.

**M. STORM WATER MANAGEMENT**

- Storm water runoff from the Site will be managed via best management practices through proven techniques which satisfy the standards, if any, imposed by the City of Charlotte Engineering Department at the time this Rezoning Petition is allowed.
- Although the Petitioner intends to utilize underground detention, in the case that surface level storm water detention is used, it will not be located in the required setbacks.

The Petitioner shall tie in to the existing storm water systems. The Petitioner shall have the responsibility to determine the location of storm water detention basins and to provide for the necessary storm water management systems to be taken out of standard, the Petitioner shall provide alternate methods to prevent this from occurring.

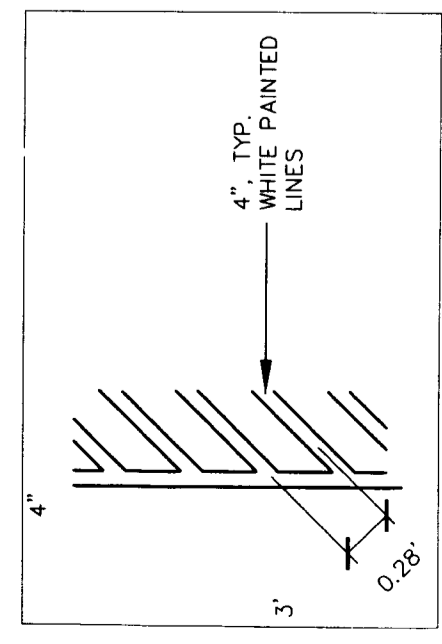
The Petitioner will construct water quality best management practices (BMP's) to achieve 85% Total Suspended Solids (TSS) removal for the first inch of rainfall. BMP's must be designed and constructed in accordance with the Department of Environment and Natural Resources (DENR) Best Management Practices Manual, April 1999, Section 4.0. The entire volume of storm water will be controlled for the 1 year 24 hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours. The peak drawdown time shall be a minimum of 10 years, 6 hour storm and a drawdown time shall be a minimum of 10 years, 6 hour storm and a drawdown time shall be a minimum of 10 years, 6 hour storm.

**N. AMENDMENTS TO REZONING PLAN**

Future amendments to this Technical Data Sheet and these Development Standards may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 9 of the Ordinance.

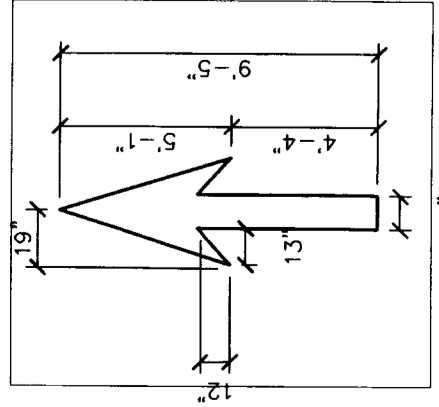
**O. BINDING EFFECT OF THE REZONING APPLICATION**

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and this Technical Data Sheet 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 all future heirs, devisees, personal representatives, successors in interest or assigns. The Petitioner and the Petitioner's 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.

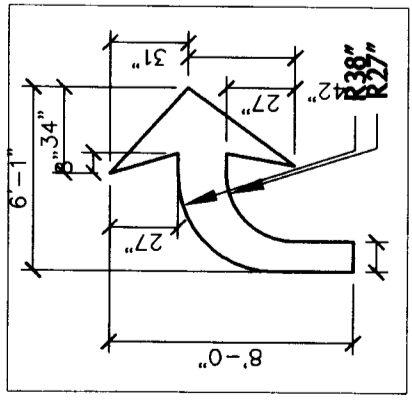


PAVEMENT STRIPING

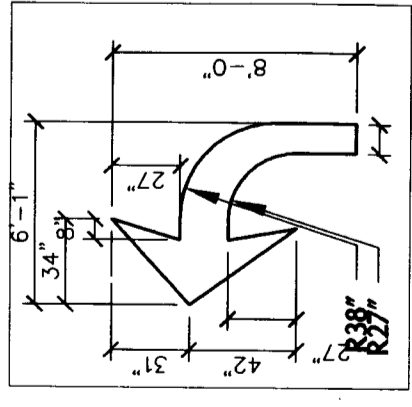
NOTES: SYMBOLS AND STRIPING TO BE PAINTED WITH WHITE PAINT UNLESS OTHERWISE SPECIFIED.  
 1. PAINT HANDICAP PARKING SYMBOL ONTO PAVEMENT WITH 2 COATS OF WHITE PAINT.  
 2. SEE SITE PLAN FOR LOCATION OF SYMBOLS AND STRIPING



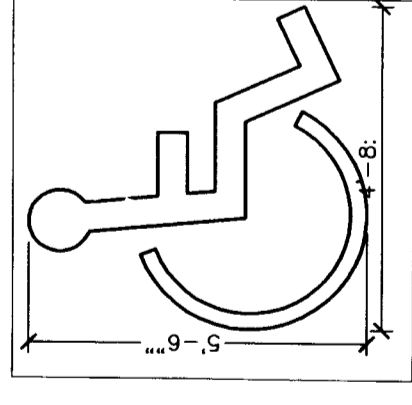
STRAIGHT ARROW



RIGHT TURN ARROW



LEFT TURN ARROW

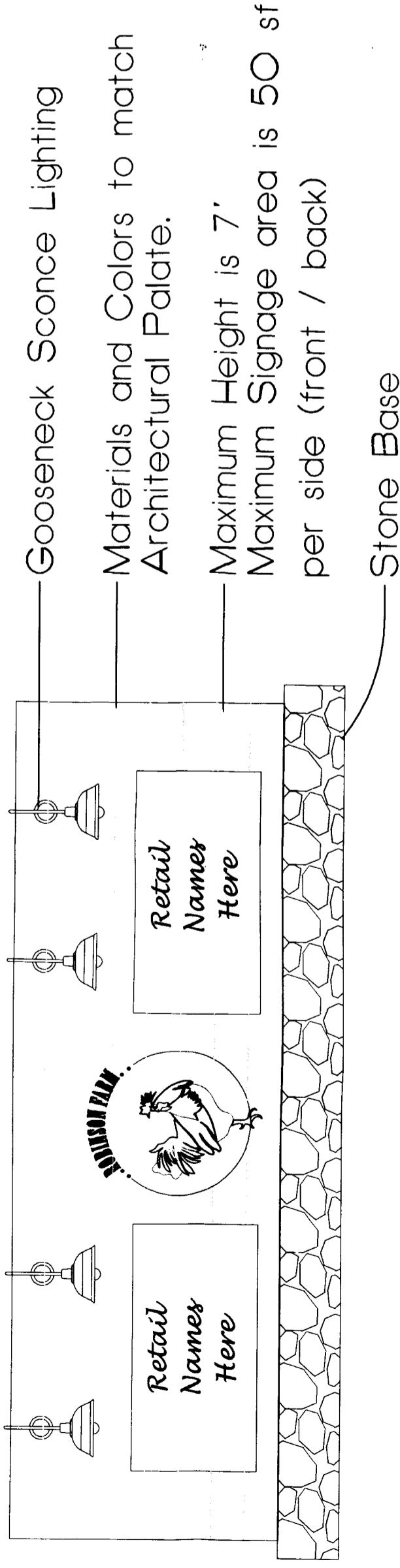


HANDICAP PARKING SYMBOL

**1 PAVEMENT MARKINGS**

RZ-4 SECTION

NOT TO SCALE

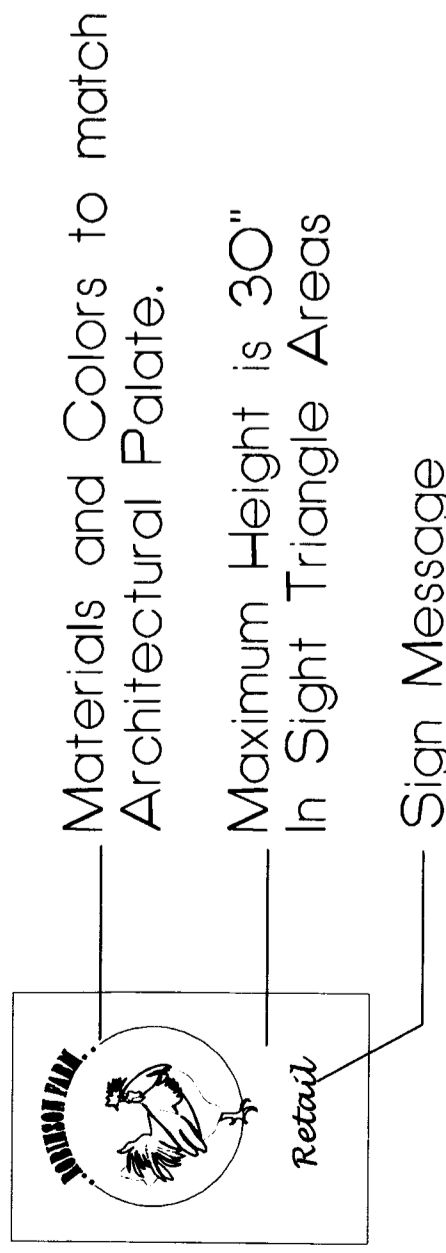


**2 PROJECT IDENTIFICATION SIGNAGE**

RZ-4 ELEVATION

1/32" = 1'

NOTE: PROJECT SIGNAGE EXAMPLES ARE PRELIMINARY IN NATURE AND SUBJECT TO CHANGE.  
 ALL SIGNAGE WILL MEET OR EXCEED THE CITY OF CHARLOTTE ZONING ORDINANCE REQUIREMENTS.



**3 PROJECT DIRECTIONAL SIGNAGE**

RZ-4 ELEVATION

1/16" = 1'

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<b>REQUEST</b>	Current Zoning: NS (neighborhood services) Proposed Zoning: NS SPA (neighborhood services, site plan amendment)
<b>LOCATION</b>	Approximately 10.01 acres located on the southwest corner at the intersection of Idlewild Road and Wyalong Drive. (Council District 5 - Autry)
<b>SUMMARY OF PETITION</b>	The petition proposes a site plan amendment to allow a minor increase in building square footage, to amend development standards regarding the number, placement, and type of eating/drinking/entertainment establishments and associated drive-through windows allowed on the site, and allow an automotive service station without gasoline sales.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>Eastside Strategy Plan</i> , as amended by a previous petition.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Mintworth DEI, LLC Mintworth DEI, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 10

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## **PLANNING STAFF REVIEW**

- **Background**
  - Rezoning petition 2003-044 rezoned the subject property as part of 46.6 acres consisting of Parcels A and B, from R-4 (single family residential), R-17MF (multi-family residential) and B-1 (neighborhood business) to R-8(CD) (single family residential, conditional) and NS (neighborhood services) to allow 90,000 square feet of retail or restaurant uses, 30,000 square feet of office space and 135 single family detached dwelling units. Two detached single story retail buildings are shown along Idlewild Road. The approved rezoning permitted three freestanding buildings with drive-through facilities, one of which may be a bank, one may be a Chick-Fil-A restaurant, and one may be any other retail or office use. Prohibited uses include convenience stores, car washes, automobile service stations, and restaurants with drive-through facilities, with the exception of a Chick-Fil-A restaurant.
  - Rezoning Petition 2004-038 rezoned 22.02 acres consisting of Parcels A and C, from B-1 (neighborhood business) and NS (neighborhood services) to NS (neighborhood services) and NS SPA (neighborhood services, site plan amendment), to allow a total of 92,550 square feet of retail or restaurant uses, and 30,000 square feet of office uses. Two detached single story retail buildings are shown along Idlewild Road at 3,000 and 4,000 square feet respectively. Parcel C allowed the existing buildings and uses to remain as grandfathered, along with an expansion of up to 432 square feet. Permitted and prohibited uses and freestanding drive-through building limitations were carried over from the previous rezoning.
- **Proposed Request Details**

The site plan amendment contains the following changes:

  - Replaces the term "restaurant" with "eating, drinking and entertainment establishments, Type 1 and 2."
  - Identifies an area of the site on which the "Idlewild Road Freestanding Buildings" will be located, referred to as "Idlewild Road Building Envelope."
  - Amends permitted uses to include personal services and eating/drinking/entertainment establishments Type 1 and 2, and automotive service station (without gasoline sales) including minor adjustments, repairs, and lubrication.
  - Removes automobile service stations as a prohibited use.
  - Specifies that two uses on the site may have accessory drive-through windows, and both uses may be eating/drinking/entertainment establishments Type 1 and 2.

- Removes the restriction that a drive-through restaurant must be a Chick-Fil-A.
- Specifies that accessory drive-through windows may only be located within the "Idlewild Road Building Envelope," that both uses may be an eating/drinking/entertainment establishment (Type 1 or 2), or may be associated with a bank or financial institution.
- Specifies that an automotive service station (without gasoline sales), including minor adjustments, repairs, and lubrication, may only be located within the "Idlewild Road Building Envelope."
- Amends the maximum development area allowed on the site to 80,300 square feet of gross floor area.
- Excludes areas devoted to surface parking from being counted toward the maximum allowed gross floor area.
- Increases the allowed square footage within the "Idlewild Road Building Envelope" from 7,000 to 10,580 square feet. The maximum size of an eating/drinking/entertainment establishment located within the "Idlewild Road Building Envelope" is 4,000 square feet. However, if both buildings located within the "Idlewild Road Building Envelope" are devoted to an eating/drinking/entertainment establishment, the combined maximum size of the two buildings shall be 7,500 square feet. The maximum size of a building devoted to a bank or financial institution is 5,500 square feet. The maximum size of a building devoted to an automotive service station is 6,580 square feet.
- Adds a note that any drive-through window located within the "Idlewild Road Building Envelope" shall not be located on the side of the building that directly fronts Idlewild Road.
- Adds a note that service areas associated with buildings located within the "Idlewild Road Building Envelope" shall not directly front Idlewild Road.
- Notes that internal sidewalks, pedestrian connections, and sidewalk connections to the adjoining public streets shall be provided as generally depicted on the site plan.
- Notes that the existing sidewalks and planting strips along Margaret Wallace Road, Idlewild Road, Wyalong Drive, and Mintworth Avenue will remain in place except that a portion of the sidewalk along Idlewild Road shall be relocated, in coordination with the City of Charlotte Urban Forestry staff.
- Adds a note that the streetscape treatment along Margaret Wallace Road and Idlewild Road will include large maturing trees and supplemental shrubbery, which may be located within the right-of-way and/or within easements.
- Outdoor dining and courtyard areas may be located within the established setback along Margaret Wallace Road and Idlewild Road.
- Vehicular drives may be located between the Idlewild Road freestanding buildings and Idlewild Road.
- Adds Note C under "Binding Effect of the Rezoning Documents and Definition" as follows: "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."
- **Existing Zoning and Land Use**
  - The subject property is currently developed with a retail shopping center. Surrounding properties are developed with single family and multi-family residential dwellings, manufactured housing, retail and office uses in R-8(CD) (single family residential, conditional), R-17MF (multi-family residential), and NS (neighborhood services) zoning districts. To the north and east are scattered residential, office, retail uses, and undeveloped acreage in the Towns of Matthews and Mint Hill.
- **Rezoning History in Area**
  - Petition 2011-16 rezoned 0.26 acres located on the west side of Margaret Wallace Road near the intersection with Idlewild Road from B-1 (neighborhood business) to NS (neighborhood services) to allow the construction of a convenience store without gasoline sales.
- **Public Plans and Policies**
  - The *Eastside Strategy Plan* (2001) recommends retail uses on the subject property, as amended by rezoning petition 2004-38.
  - The request is consistent with the *Eastside Strategy Plan*.

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

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

- **Vehicle Trip Generation:**  
Current Zoning: 3,200 trips per day.  
Proposed Zoning: 4,800 trips per day.
  - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** This site plan amendment will not impact the number of students attending local schools.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No comments received.
- 

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

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

#### **OUTSTANDING ISSUES**

- The petitioner should:
    1. Define personal services as referenced in Note 1 under Permitted Uses.
    2. Add a note under General Provisions that prior to the Council's decision on this rezoning petition, the petitioner shall file with the Planning Department a request for an administrative amendment to the approved rezoning plan relating to Petition 2004-038 to amend the remaining development rights. Specify the maximum gross floor area allowed on the remaining portion of the 2004 rezoning site, parking standards, and the maximum number of drive-through service windows allowed on the site.
    3. Identify back of house or service areas for the drive-through uses.
    4. Provide elevations to depict primary building orientation, pedestrian access, and how service areas will be designed.
    5. Amend Note 1 under Architectural Standards to add the following: "Buildings constructed along Margaret Wallace Road and Idlewild Road will contain clear glass windows facing the street. All sides of the buildings shall avoid expanses of blank wall 20 feet or greater. All elevations shall be treated with some combination of fenestration, building articulation, landscaping and specially designed architectural elements."
    6. Amend Note 2 under Architectural Standards to add the following: "Dumpster and recycling areas will be enclosed on all four sides by an opaque wall that is constructed of materials complementary to the primary use."
    7. Amend Note A1 under Development Limitations to delete surface parking from the second sentence.
    8. Delete Note C under Binding Effect of the Rezoning Documents and Definition. Conditional petitions automatically adhere to the Zoning Ordinance in effect at the time of approval but the site must comply with current regulations for other codes and ordinances.
    9. Amend Parking Calculations on Sheet RZ-100 for required parking to reflect one space per 600 square feet, and change the calculations accordingly.
- 

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

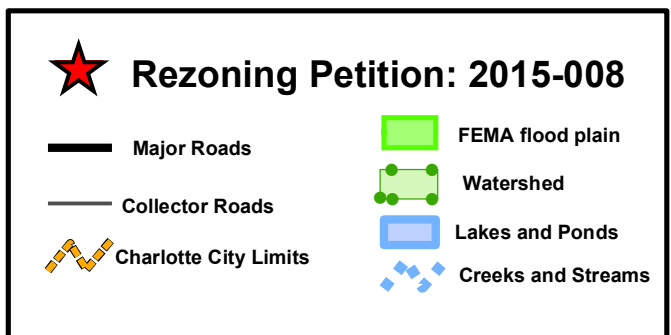
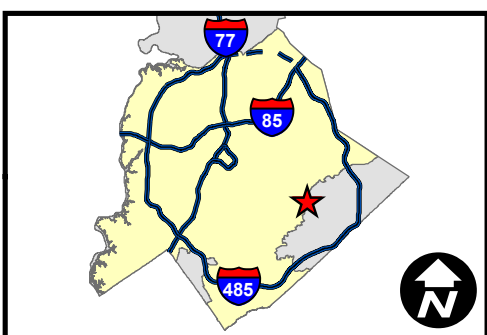
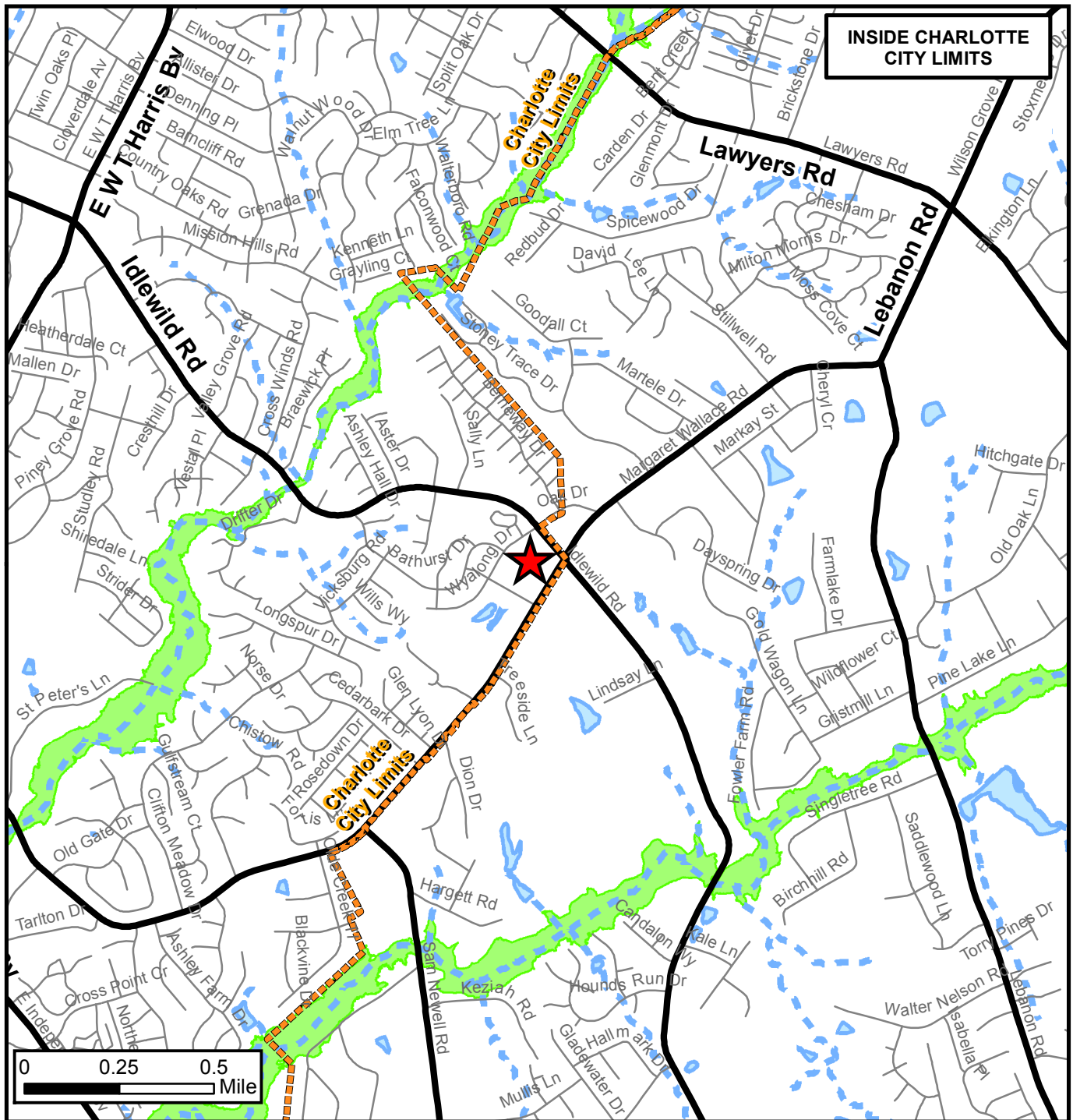
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review



- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water 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 10.01 acres located on the southwest corner at the intersection of Idlewild Road and Wyalong Drive.



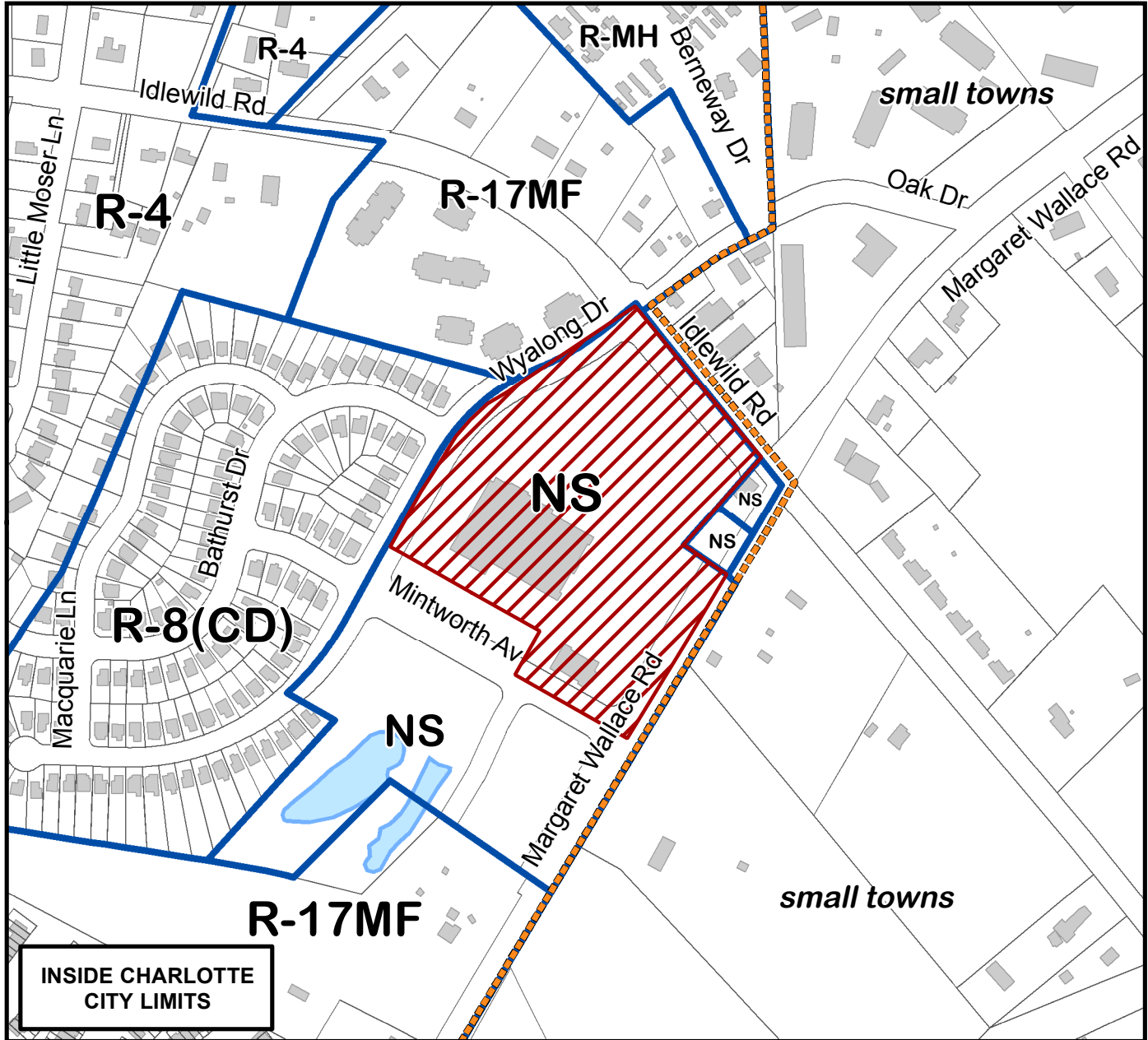
Petition #: **2015-008**

Petitioner: **Mintworth DEI, LLC**

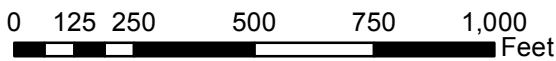
Zoning Classification (Existing): **NS**  
(Neighborhood Services)

Zoning Classification (Requested): **NS (SPA)**  
(Neighborhood Services, Site Plan Amendment)

Acreage & Location: Approximately 10.01 acres located on the southwest corner at the intersection of Idlewild Road and Wyalong Drive.

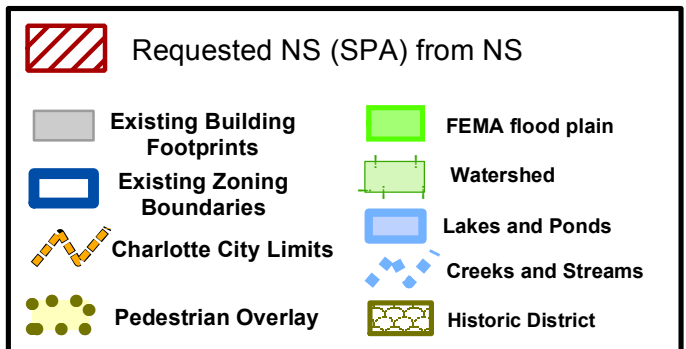


Map Produced by the Charlotte-Mecklenburg Planning Department, 10-31-2014.



Zoning Map #(s)

**122**





## DEVELOPMENT STANDARDS

January 16, 2015

### GENERAL PROVISIONS

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Mintworth DEI, LLC to amend the approved NS conditional rezoning plan for an approximately 10,007 acre site located on the southwest corner of the intersection of Idlewild Road and Margaret Wallace Road, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site").
- The Site is designated as Tax Parcel No. 193-043-68, and the Site is an approximately 10,007 acre portion of an approximately 22.02 acre site (the "Original Rezoning Site") that was the subject of a site plan amendment approved by the Charlotte City Council on April 19, 2004 pursuant to Rezoning Petition No. 2004-038. The purpose of the 2004 site plan amendment is to accommodate the development of a mixed use center on the Original Rezoning Site that may contain up to 122,550 square feet of gross floor area devoted to retail, office and restaurant uses. The maximum amount of gross floor area that can be devoted to retail and restaurant uses under the approved conditional rezoning plan relating to the 2004 site plan amendment (the "2004 Rezoning Plan") is 92,550 square feet. The Original Rezoning Site is designated as Parcels A and C on the 2004 Rezoning Plan.
- The 2004 Rezoning Plan prohibits restaurants with drive through facilities on the Original Rezoning Site, with the exception that one Chick-Fil-A restaurant with drive through facilities is permitted on the Original Rezoning Site. The 2004 Rezoning Plan limits the number of freestanding buildings that may have drive through facilities to three and the following limitations apply to these uses:
  - One of the three freestanding buildings with drive through facilities may be a bank;
  - One of the three freestanding buildings with drive through facilities may be a Chick-Fil-A restaurant; and
  - One of the three freestanding buildings with drive through facilities may be any other retail or office use.
- Mintworth Commons Shopping Center is located on the Site.
- The 2004 Rezoning Plan depicts, among other things, an approximately 4,000 square foot freestanding building and an approximately 3,000 square foot freestanding building located along the Site's frontage on Idlewild Road (the "Idlewild Road Freestanding Buildings"). Pursuant to this Rezoning Petition, the Petitioner is requesting an amendment to the 2004 Rezoning Plan as it relates to the Site to allow each of the Idlewild Road Freestanding Buildings to have accessory drive through windows, and to allow such drive through windows to be associated with eating, drinking and entertainment establishments (Type 1 and Type 2), a bank or financial institution or a retail use. Additionally, as set forth below, the Petitioner is requesting to increase the permitted size of the Idlewild Road Freestanding Buildings, and to allow an automotive service station (without gasoline sales) to be located on the Site. The area of the Site on which the Idlewild Road Freestanding Buildings will be located is hereinafter referred to as the "Idlewild Road Building Envelope."
- The requested site plan amendment applies only to the Site and not to any other portions of the Original Rezoning Site.
- The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). The regulations established under the Ordinance for the NS zoning district shall govern the development of the Site.
- The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the parking areas and internal drive network depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, may be altered or modified during design development and construction document phases.
- Future amendments to the Rezoning Plan and 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 or these Development Standards are subject to Section 6.207 of the Ordinance.

### PERMITTED USES

- The Site may be devoted to retail uses, office uses, personal service uses, eating, drinking and entertainment establishments (Type 1 and Type 2) and an automotive service station (without gasoline sales), including minor adjustments, repairs and lubrication, together with any incidental or accessory uses relating thereto that are permitted in the NS zoning district.
- Notwithstanding anything contained herein to the contrary, a maximum of two uses located on the Site may have accessory drive through windows. At the option of the Petitioner, both such uses may be eating, drinking and entertainment establishments (Type 1 and Type 2).
- Notwithstanding anything contained herein to the contrary, a maximum of one automotive service station (without gasoline sales), including minor adjustments, repairs and lubrication, may be located on the Site.
- Notwithstanding paragraph 1 above, the following uses shall be prohibited on the Site: convenience stores and car washes.

### DEVELOPMENT LIMITATIONS

#### A. Site

- A maximum of 80,300 square feet of gross floor area may be located on the Site. Areas devoted to surface parking, outdoor dining and seating, and courtyards and plazas shall not be counted towards the maximum allowed gross floor area, however, outdoor dining areas shall be considered when determining the amount of required off-street parking for the Site.
- Accessory drive through windows may only be located within the Idlewild Road Building Envelope.
- An automotive service station (without gasoline sales), including minor adjustments, repairs and lubrication, may only be located within the Idlewild Road Building Envelope.

#### B. Idlewild Road Building Envelope

- Up to two buildings may be located within the Idlewild Road Building Envelope.
- Subject to the limitations set out below, a maximum of 10,580 square feet of gross floor area may be located within the Idlewild Road Building Envelope.
- A maximum of two uses located in the Idlewild Road Building Envelope may have accessory drive through windows. Both uses may be an eating, drinking and entertainment establishment (Type 1 or Type 2) at the option of the Petitioner. The accessory drive through windows may also be associated with a bank or financial institution or a retail use.
- The maximum size of a building located within the Idlewild Road Building Envelope that is devoted to an eating, drinking and entertainment establishment (Type 1 or Type 2) shall be 4,000 square feet of gross floor area. In the event that both buildings located within the Idlewild Road Building Envelope are devoted to an eating, drinking and entertainment establishment (Type 1 or Type 2), the combined maximum size of the two buildings shall be 7,500 square feet of gross floor area.
- The maximum size of a building devoted to a bank or financial institution shall be 5,500 square feet of gross floor area.
- The maximum size of a building devoted to an automotive service station (without gasoline sales), including minor adjustments, repairs and lubrication, shall be 6,580 square feet of gross floor area.

### TRANSPORTATION

- Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by the Charlotte Department of Transportation.
- Off-street parking will meet the minimum requirements of the Ordinance.
- Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.
- Sidewalk connections to the adjoining public streets shall be provided as generally depicted on the Rezoning Plan.

### ARCHITECTURAL STANDARDS

- Buildings constructed along Margaret Wallace Road and Idlewild Road will contain windows that face these streets. Large expanses of solid walls for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements.
- 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 a building, then the side wall or rear wall of such building may be substituted for the wall or fence along each such side.
- All roof mounted mechanical equipment will be screened from view from adjoining public rights of way and abutting properties as viewed from grade.
- The design treatment shall include, at a minimum, outdoor dining and seating areas.
- In the event that a building or buildings located within the Idlewild Road Building Envelope have accessory drive through windows, the accessory drive through windows shall not be located on the side of the building that directly fronts Idlewild Road.
- Service areas associated with a building located within the Idlewild Road Building Envelope shall not directly front Idlewild Road.

### STREETSCAPE AND LANDSCAPING

- The existing sidewalks and planting strips located along the Site's frontages on Margaret Wallace Road, Idlewild Road, Wyalong Drive and Mintworth Avenue shall remain in place; provided, however, that a portion of the sidewalk located along the Site's frontage on Idlewild Road shall be relocated as generally depicted on the Rezoning Plan in coordination with City of Charlotte Urban Forestry Staff.

- The streetscape treatment along the Site's frontages on Margaret Wallace Road and Idlewild Road shall include large maturing trees and supplemental shrubbery. The streetscape treatment may be located within the right of way and/or within easements.

- Outdoor dining and courtyard areas may be located within the established setback along Margaret Wallace Road and Idlewild Road, but outside of the required setback.
- Parking areas may not be located between a building and the adjoining public street. However, vehicular drives may be located between the Idlewild Road Freestanding Buildings and Idlewild Road as depicted on the Rezoning Plan.

### SIGNS

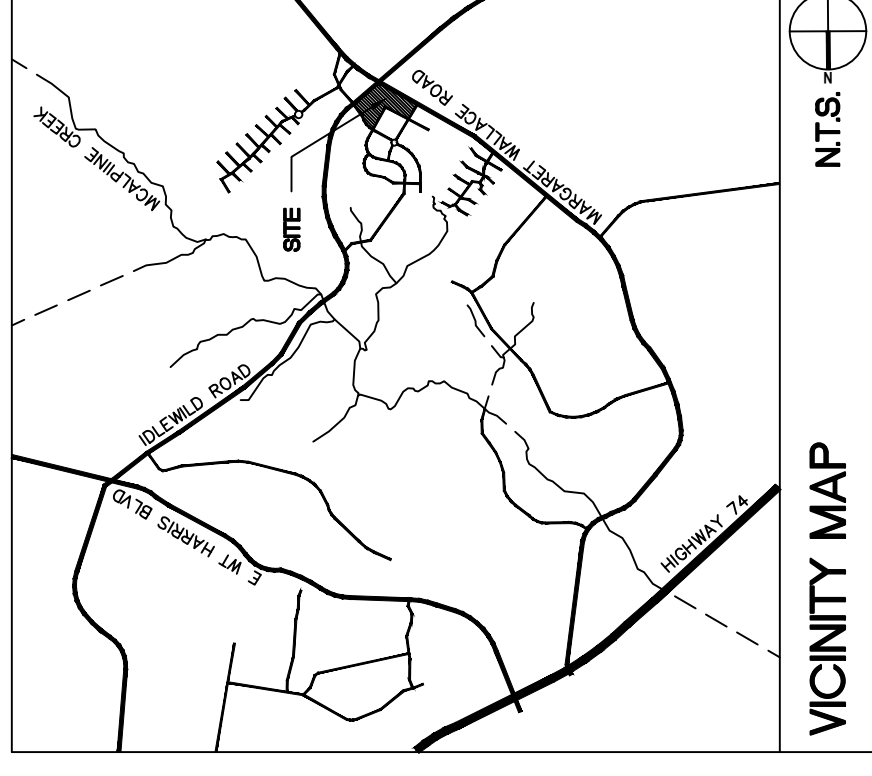
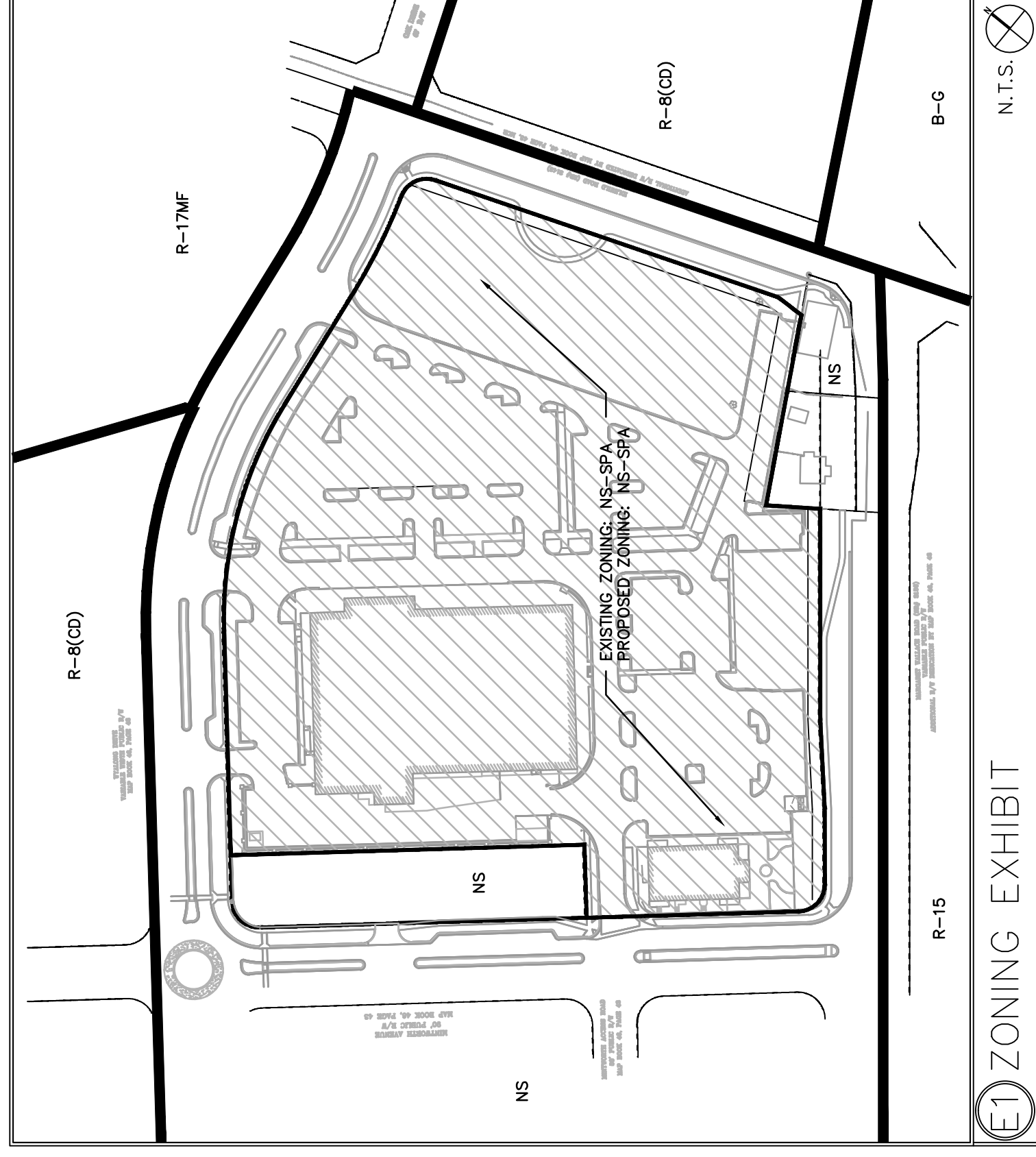
All signs installed on the Site shall comply with the requirements of the Ordinance.

### LIGHTING

- All newly installed freestanding lighting fixtures on the Site (excluding lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
- The maximum height of any newly installed freestanding lighting fixture on the Site shall be 25 feet.
- Any newly installed lighting fixtures attached to the structures on the Site shall be decorative, capped and downwardly directed.

### BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

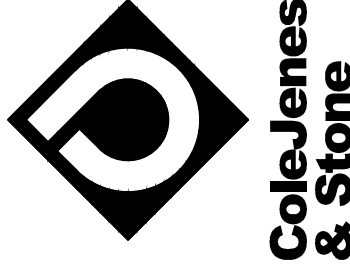
- If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current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



### VICINITY MAP

#### SURVEY DISCLAIMER

"ALTA/ASCM LAND TITLE SURVEY" SURVEY ISSUE DATE MAY 19, 2004. THIS SURVEY WAS CONDUCTED BY THE SURVEYING COMPANY, ANDREW STUART ANDREW BLO, CHARLOTTE, NC 28217, 704-581-3970



**ColeJenest & Stone**

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Realizing the Possibilities

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200 South Tryon Street, Suite 1400  
Charlotte, North Carolina 28202  
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www.colejenest.com

**MINTWORTH  
DEI, LLC**  
1531 Ormsby Station Court  
Louisville  
Kentucky 40223

**MINTWORTH  
COMMONS  
REZONING**

Charlotte  
North Carolina 28284

## DEVELOPMENT STANDARDS

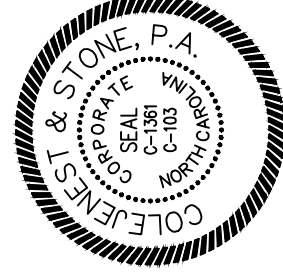
Project No.  
4360.00

Issued  
10/27/14

Revised

12/19/14 - CITY OF CHARLOTTE COMMENTS

01/16/15 - 3RD REZONING SUBMITTAL

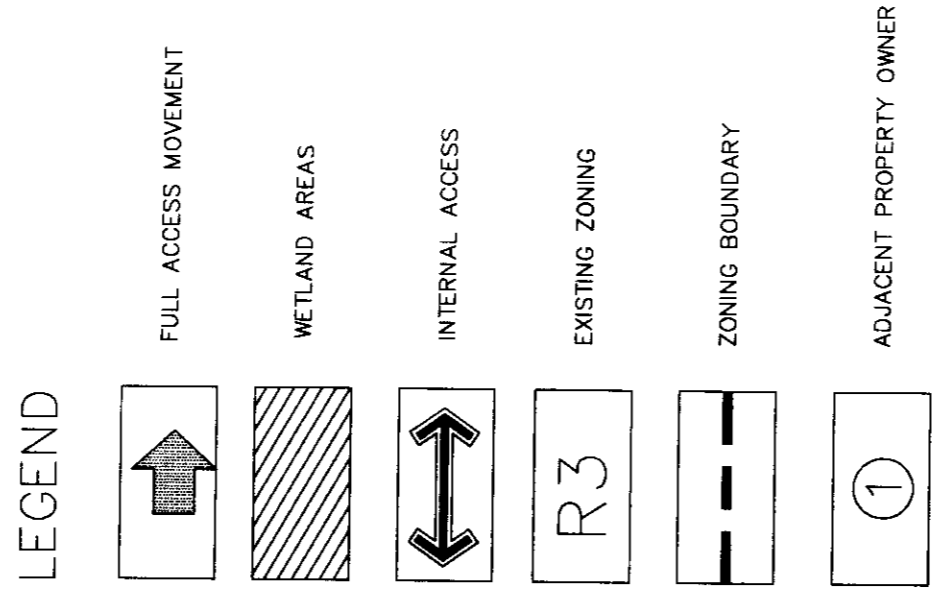
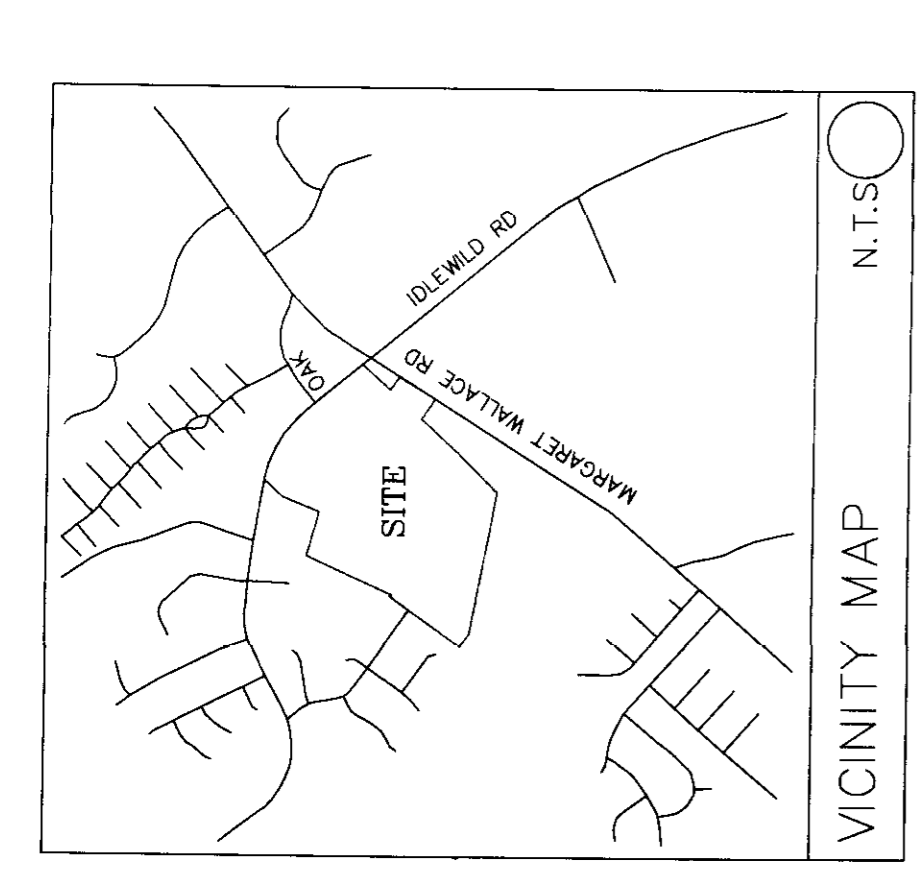


R O O O O O

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Previously  
Approved  
Site  
Plan

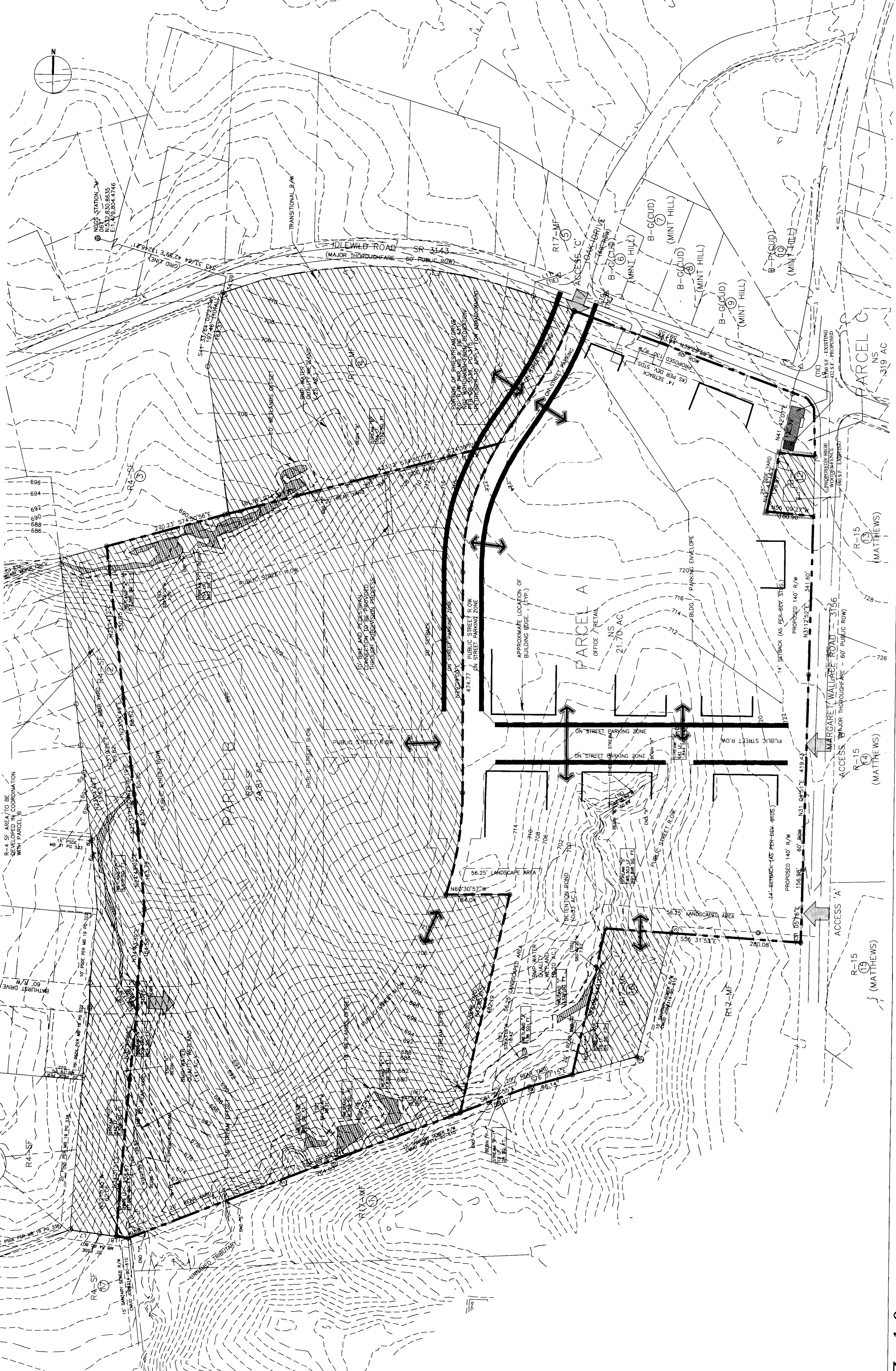


DEVELOPMENT SUMMARY

PARCELS	GROSS AC.	EXISTING ZONING	PROPOSED ZONING	RETAIL SF	OFFICE SF
A	21.70 AC.	NS	NS	90,000	30,000
B	NOT INCLUDED IN REZONING				
C	31.9 AC.	B-1	NS	2,532	
TOTAL	22.02 AC.			92,532	30,000

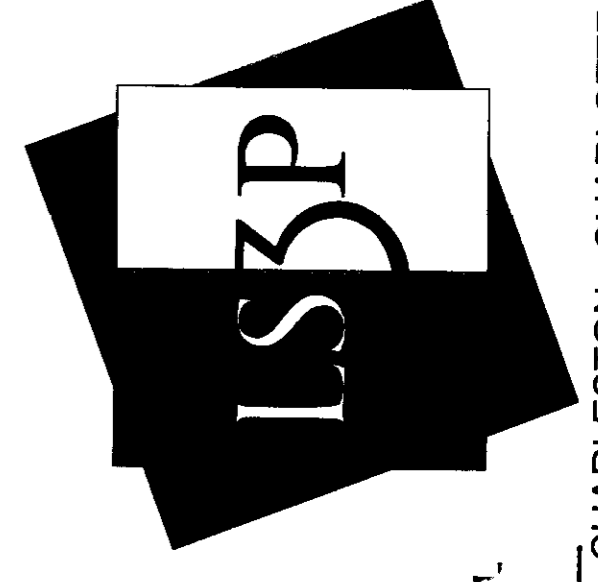
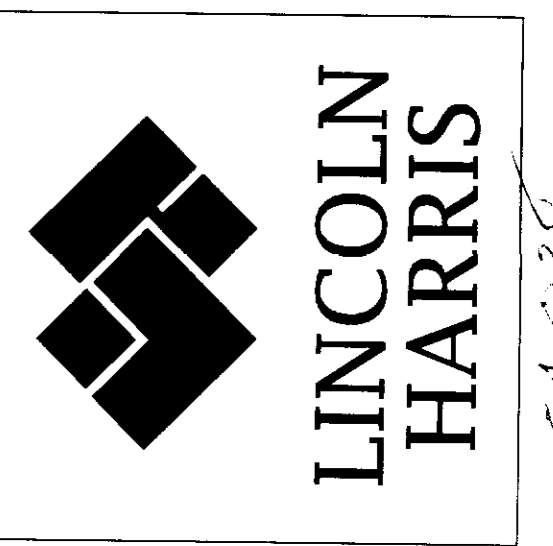
TAX PARCEL #S:  
193-043-02  
193-043-03  
193-043-04  
193-043-09

BUILDING HEIGHT: 40' MAXIMUM



# MINTWORTH COMMONS

TECHNICAL DATA SHEET  
19 APRIL 2004  
SCALE: 1" = 100'-0"





**General Provisions**

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Harris-Murr and Vermillion to accommodate development of a mixed use, pedestrian-friendly village type center on an approximately 22.02 ± acre site located on Margaret Wallace Road at Idlewild Road (the "Site"). Development of the Site will be governed by the Technical Data Sheet, the 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, the regulations established under the Ordinance for the NS zoning classification shall govern all development taking place on the Site.

**1. Permitted Uses**

(a) The Site may be devoted to retail, office and restaurant uses together with any incidental or accessory uses associated therewith which are permitted under the Ordinance by right or under prescribed conditions in the NS Zoning District, with the exception of the following disallowed uses:

- convenience stores,
- car washes,
- automobile service stations, and
- restaurants with drive-through facilities with the exception that one Chick-Fil-A restaurant with a drive-through facility may be located on the Site.

(b) The number of freestanding buildings with drive-through facilities is limited to no more than three and the following usage limitations apply to those outparcels:

1. One of the three freestanding buildings with drive-through facilities may be a bank.
2. One of the three freestanding buildings with drive-through facilities may be a Chick Fil A restaurant.
3. One of the three freestanding buildings with drive-through facilities may be any other retail or office use.

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

The Site may be developed with up to 122,550 square feet of gross floor area of which no more than 92,550 square feet may be devoted to retail or restaurant uses. While areas devoted to outdoor dining, courtyards and plazas are not included in the square footage noted above, any off street parking required by the Ordinance will be provided for these areas.

**3. Setbacks, Side Yards and Rear Yards**

All buildings constructed on each Parcel of the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the NS zoning classification. Buildings and parking areas may be located within the building and parking envelopes.

**4. Design and Performance Standards**

The development depicted on the Conceptual Master Plan (Sheet Z-3.0) is 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 shown on the Conceptual Master Plan (Sheet Z-3.0) are schematic in nature and, subject to the provisions set forth above under Architectural Controls, may be altered or modified during design development and construction phases within the maximum development area boundaries established on the Technical Data Sheet. Parking layouts may also be modified to accommodate final building locations.

**(a) Architectural Controls**

(i) Buildings constructed along Margaret Wallace Road and Idlewild Road in Parcel A will contain windows which face these streets. Large expanses of solid walls for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements, all as generally depicted on the elevations which accompany the Technical Data Sheet.

(ii) Dumpster areas will be enclosed on all four sides by an opaque wall with one side being a hinged opaque gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall of that building may be substituted for a side.

(iii) The design treatment shall include, at a minimum, the following amenities:

- outdoor dining and seating area(s)
- outdoor seating areas

(iv) All buildings in Parcel A shall be generally compatible with the conceptual elevations depicted on Sheet Z-5.

**(b) Landscaping and Screening**

(i) Internal areas of the Site shall be landscaped in accordance with the requirements of the Code of the City of Charlotte.

(ii) All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

(iii) All other screening and landscaping shall conform to the standards of the Ordinance.

**(c) Streetscape Treatment**

(i) The streetscape treatment along the portion of the Site's frontage on Margaret Wallace Road and Idlewild Road within Parcel A will conform to the Ordinance and include large maturing trees, supplemental shrubbery, sidewalks which are at least 6 feet in width and planting strips which are at least 8 feet in width. The streetscape treatment along the portion of the Site's frontage on Margaret Wallace Road and Idlewild Road within Parcel C will include sidewalk of 6 feet in width. In addition, the streetscape treatment for Parcel C will include planting strips of 8 feet in width where sufficient space permits without impacting any existing buildings or storage units. The streetscape treatment for the Site may be located within the right-of-way and/or within easements.

(ii) The Petitioner shall install monolithic sidewalk of six feet in width along that portion of the western frontage of Margaret Wallace Road which abuts Tax Parcel No. 193-043-08 adjoining the Site, contingent upon the existing right-of-way being sufficient to accommodate it. In the event the existing right-of-way is insufficient to accommodate a six foot sidewalk but could accommodate a sidewalk of a lesser width, a narrower sidewalk may be installed. Should the available right-of-way be insufficient to accommodate sidewalk of any width, then the Petitioner shall not be required to install sidewalk along this portion of the frontage of Margaret Wallace Road.

(iii) Outdoor dining and courtyard areas may be located within the established setback along Margaret Wallace Road and Idlewild Road, but outside of the required setback.

**(d) Lighting**

- (i) All new freestanding lighting fixtures installed will be uniform in design.
- (ii) The maximum height of any new freestanding lighting fixture, including its base, may not exceed 25 feet.
- (iii) All new parking lot lighting shall be capped and downwardly directed.
- (iv) Any new lighting attached to a building shall be capped and downwardly directed.
- (v) Wall-mounted decorative light fixtures such as sconces are permitted.
- (v) Existing lighting within Parcel C may remain.

**(e) Parking**

(i) New off-street parking and loading areas will satisfy the standards established under the Ordinance.

(ii) New off-street parking shall not be located within areas between buildings fronting public streets and the adjoining public streets.

(iii) Except for on-street parking within the areas generally depicted on the Conceptual Master Plan, there shall be no parking between the entry roads and the retail or office buildings fronting on these roads, the

(iv) The existing parking on Parcel C may remain.

**5. Storm Water Management**

(a) Storm water runoff from the Site will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte Ordinances and the Charlotte-Mecklenburg Storm Water Design Manual. Surface level storm water detention, if provided, may be located in the common open space but shall not be located in the setback.

(b) The detention for Parcel A of the Site shall tie-in to the existing abutting storm water system(s). Prior to the development of Parcel A of the Site, the Petitioner shall have the receiving drainage system abutting the Site analyzed to ensure that it will not be taken out of standard due to this development. If it is found that the development of Parcel A will cause the receiving storm drainage system to be taken out of standard, the Petitioner shall provide adequate detention to prevent this from occurring. Should the existing receiving drainage system be deemed to be out of standard prior to development of Parcel A of the Site, the Petitioner agrees to provide adequate detention to ensure that the system will not be additionally overburdened.

(c) The following agencies must be contacted prior to construction within Parcel A regarding wetland and water quality permits:

Section 401 Permit NCDEHNR-Raleigh Office

Section 404 Permit US Army Corps of Engineers

**6. Water Quality Protection Measures**

(a) SWIM buffers shall be provided as required by the Ordinance.

(b) The Petitioner will provide bioretention areas to provide additional treatment of storm water runoff for parking and driveway areas within Parcel A of the Site.

**7. Vehicular Access and Road Improvements**

- (a) Vehicular access to Margaret Wallace Road and Idlewild Road shall be as generally depicted on the Technical Data Sheet.
- (b) The placements and configurations of these access points 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 Charlotte Department of Transportation. Any internal lot movement access to any of the interior roadways leading to Idlewild Road or Margaret Wallace Road shall not be located within 150 feet of the respective rights-of-way for Idlewild Road or Margaret Wallace Road.
- (c) The Petitioner agrees to dedicate and convey (by quietclaim deed and subject to a reservation for any necessary utility easements) prior to the issuance of any certificate of occupancy for development taking place on Parcel A that portion of Parcel A that may be required to provide right of way as follows:

**Idlewild Road**

65 feet from centerline for 500 feet from the intersection with Margaret Wallace Road then tapering down to 50 feet from centerline at a 20:1 taper.

**Margaret Wallace Road**

70 feet from centerline for 500 feet from the intersection with Idlewild Road then tapering down to 65 feet from centerline at a 20:1 taper.

**Corner Clip**

A "corner clip" measuring 20 feet along Margaret Wallace Road and 50 feet along Idlewild Road.

Nothing in the above Note 7(c) shall be deemed as a commitment by the Petitioner to provide for dedication of right-of-way of any property located outside the boundaries of this Rezoning Petition.

(d) Prior to the issuance of any certificates of occupancy for any buildings within Parcel A of the Site, the Petitioner shall provide for the following road improvements:

**Margaret Wallace Road / Idlewild Road**

Construct a southbound right-turn lane on Idlewild Road with 150 feet of storage and a 20:1 bay taper.

**Margaret Wallace Road / Access "A"**

Construct a northbound left-turn lane on Margaret Wallace Road with 150 feet of storage, a 15:1 bay taper and 45:1 through-lane tapers.

**Margaret Wallace Road / Access "B"**

Construct a northbound left-turn lane on Margaret Wallace Road with 150 feet of storage, a 15:1 bay taper and 45:1 through-lane tapers.

**Idlewild Road / Oak Drive/ Access "C"**

Construct a westbound left-turn lane on Idlewild Road with 150 feet of storage and a 15:1 bay taper.

Construct an eastbound left-turn lane on Idlewild Road (to oppose the westbound left turn lane) with 150 feet of storage and a 15:1 bay taper. Construct these improvements while providing for 300 feet of storage for the Idlewild Road eastbound left-turn lane to Margaret Wallace Road.

Construct the northbound approach to include one ingress and two egress lanes consisting of a left-turn lane with a minimum of 150 feet of storage and a right-turn lane with a minimum of 100 feet of storage.

**Scope of Improvements**

The Petitioner will be responsible for the costs associated with the design and construction of the above described improvements, and all other associated intersection and roadway modifications necessary as a result of these improvements as determined by CDOT and NCDOT, to include but not be limited to: lane realignments, median modifications, utility relocations, traffic signal modifications, pavement markings, and right-of-way acquisition and dedication. The design of these improvements must meet applicable requirements as determined by and be subject to the review approval of CDOT and the NCDOT.

**8. Connectivity**

Pedestrian and vehicular connections to the Site will be provided in the manner generally depicted as shown on the Technical Data Sheet.

**9. Landscape Areas and Screening**

(a) The landscape areas established on this Technical Data Sheet shall contain landscape materials typically associated with a Class B buffer. The landscape areas may be reduced or eliminated if the use of an adjacent parcel changes to a non-residential use.

(b) Storm water detention may not be located within landscape areas or in the

(c) Utility installations may only cross landscape areas at interior angles measured at property lines which are not less than 75 degrees.

(d) No buildings, parking spaces or maneuvering areas may be located within the landscape area.

(e) The Petitioner shall install a wooden fence of eight feet in height in the area of the shared property line between the Site and adjoining Tax Parcel No. 193-043-08 as indicated on the Conceptual Master Plan prior to the issuance of building permits for development taking place within Parcel A. The fence may be eliminated subject to the approval of the owner of Tax Parcel No. 193-043-08.

**10. Bicycle Parking**

Bicycle parking spaces (bike racks) shall be provided at the front of the commercial buildings within Parcel A of the Site. The number of bicycle parking spaces provided shall be at least one bicycle parking space for every 20 vehicle parking spaces provided.

**11. Fire Protection**

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of that building commences.

**12. Signs**

(a) All signs placed on the Site will be erected in accordance with the requirements of the Ordinance, unless more restricted requirements are imposed below.

(b) No more than 2 freestanding monumental type identification signs may be erected on the Site, with one being erected along Idlewild Road and one along Margaret Wallace Road. These freestanding monumental signs may not exceed 15 feet in height.

(c) A uniform signage and graphic system will be employed throughout the Site.

(d) Any existing signage located on Parcel C may remain and shall not be included in the maximum number of freestanding signs outlined in Paragraph 12(b) above.

**13. Provisions Related to Parcel C**

(a) The existing building, use, parking areas, storage units, signage and any other conforming and/or non-conforming features located on Parcel C may remain with any and all grandfathering rights under the Ordinance. The building may also be expanded by up to 432 square feet generally as depicted on the Technical Data Sheet and Conceptual Master Plan. In addition, new signage may be placed on the building or grounds of Parcel C in accordance with the provisions of the Ordinance. While a portion of the existing building is located within the future right-of-way of Margaret Wallace Road, any building expansion shall be located outside of the future right-of-way as indicated on the Technical Data Sheet.

(b) The required 14 foot building setback on Parcel C is located at the edge of and within the future right-of-way line along Margaret Wallace Road and Idlewild Road, as depicted on the Technical Data Sheet. The existing building may remain within this setback but any expansion shall be located outside of the setback.

(c) Parcel C's existing driveway on Margaret Wallace Road and Idlewild Road shall be removed after the completion of the construction of Access "B" and the portion of the parking area within Parcel A located to the west and south of Parcel C. Upon the closure of the existing driveway, Parcel C shall obtain access through and utilize parking within Parcel A of the Site.

**14. Amendments to Rezoning Plan**

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

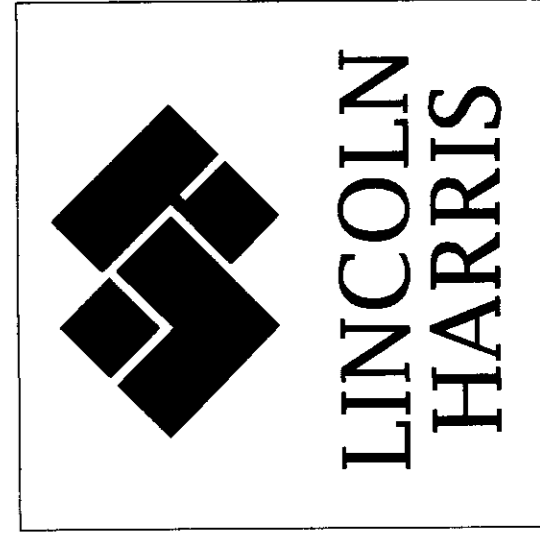
**15. Binding Effect of the Rezoning Documents and Definitions**

(a) If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under 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.

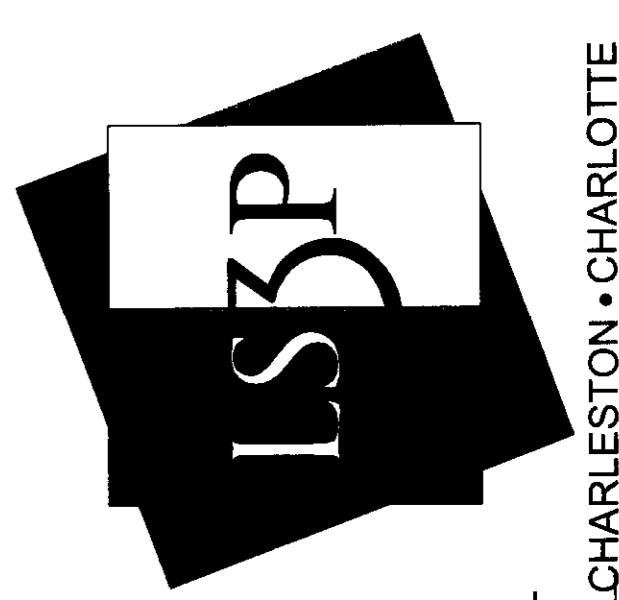
(b) Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future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

ADJACENT PROPERTY OWNERS

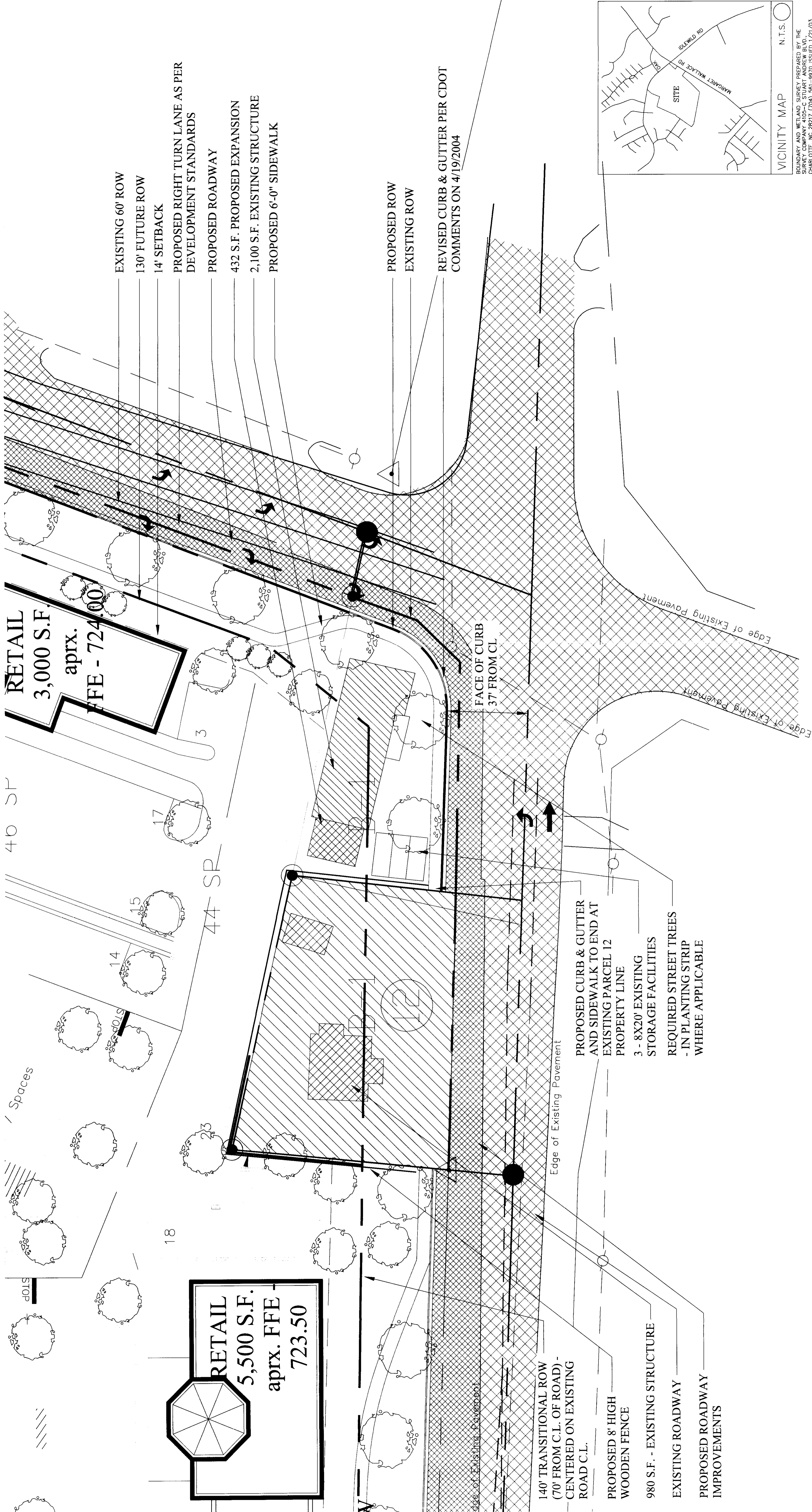
1. 193-043-24 SAMUEL W. & FRANCES W. LULLY  
4213 MARGARET WALLACE ROAD  
MATTHEWS, NORTH CAROLINA 28105
2. 193-043-28 AM OF CHARLOTTE, LLC  
PO BOX 36469  
CHARLOTTE, NC 28236
3. 193-043-33 WILLIAM & SYBIL PARSON  
9412 IDLEWILD ROAD  
CHARLOTTE, NORTH CAROLINA 28227
4. 193-043-28 AM OF CHARLOTTE, LLC  
PO BOX 36469  
CHARLOTTE, NC 28236
5. 135-163-13 WILLIAM GILL III HOLLIS  
9531 IDLEWILD ROAD  
CHARLOTTE, NORTH CAROLINA 28227
6. 135-162-03 GARY S. MOCHMAN  
9539 IDLEWILD ROAD  
CHARLOTTE, NORTH CAROLINA 28227
7. 135-162-02 SHERLEY B. FARLTON  
MATTHEWS, NORTH CAROLINA 28105
8. 135-162-07 SHERLEY B. FARLTON  
9807 IDLEWILD ROAD  
CHARLOTTE, NORTH CAROLINA 28227
9. 135-162-04 CHARLETTE B. GORDON  
9731 IDLEWILD ROAD  
CHARLOTTE, NORTH CAROLINA 28227
10. 135-162-08 CDS INVESTMENTS BOULEVARD  
CHARLOTTE, NORTH CAROLINA 28205
11. 193-043-09 JAMES E. HENDERSON  
9744 IDLEWILD ROAD  
CHARLOTTE, NORTH CAROLINA 28227
12. 193-043-08 CRAIG R. HPKINS  
4541 MARGARET WALLACE ROAD,  
CHARLOTTE, NORTH CAROLINA 28227
13. 193-051-19 ELIZABETH COFFEY R/T JUTEN  
MATTHEWS, NORTH CAROLINA 28105
14. 193-051-20 JO ANNE & KATHERINE LULLY  
4420 MARGARET WALLACE ROAD  
MATTHEWS, NORTH CAROLINA 28105
15. 193-511-01 MECKLENBURG COUNTY  
600 EAST FOURTH STREET, 11TH FLOOR  
CHARLOTTE, NORTH CAROLINA 28262
16. 193-043-28 AM OF CHARLOTTE, LLC  
PO BOX 36469  
CHARLOTTE, NC 28236
17. 193-032-34 RICHARD W. WEAVER  
4310 WILLS WAY  
CHARLOTTE, NC 28227



MINTWORTH COMMONS  
TECHNICAL DATA SHEET  
19 APRIL 2004

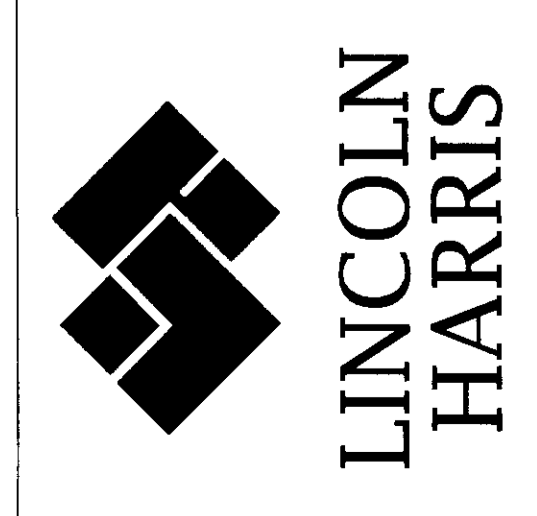






VICINITY MAP N.T.S.  
 BOUNDARY AND METLAND SURVEY PREPARED BY THE SURVEY COMPANY 4105-C STUART ANDREW BLVD., CHARLOTTE, NC 28217 (704) 561-9970 ISSUED 1/21/03, REVISED 1/21/03  
 TOPOGRAPHY OBTAINED FROM MECKLENBURG COUNTY MAPPING/GIS SERVICES

Z - 3.1 OF 5



# MINTWORTH COMMONS

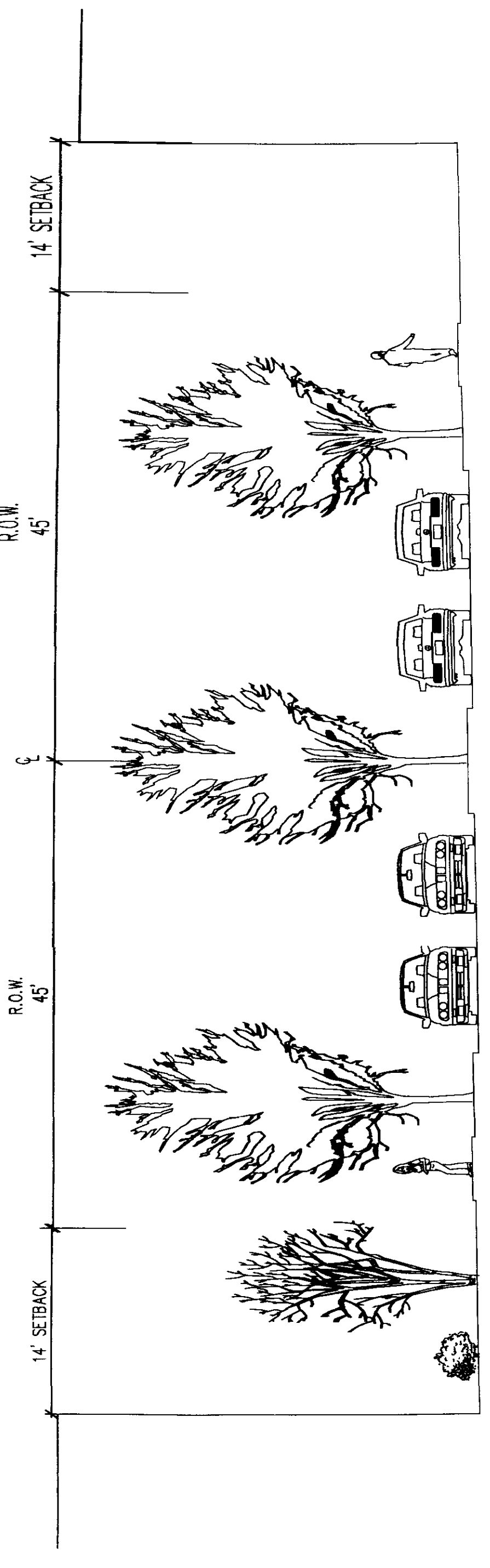
CONCEPTUAL MASTER PLAN  
 19 APRIL 2004  
 SCALE: 1" = 20'-0"

APPROVED BY CITY COUNCIL  
 Date: 4/15/04  
 CHARLESTON • CHARLOTTE

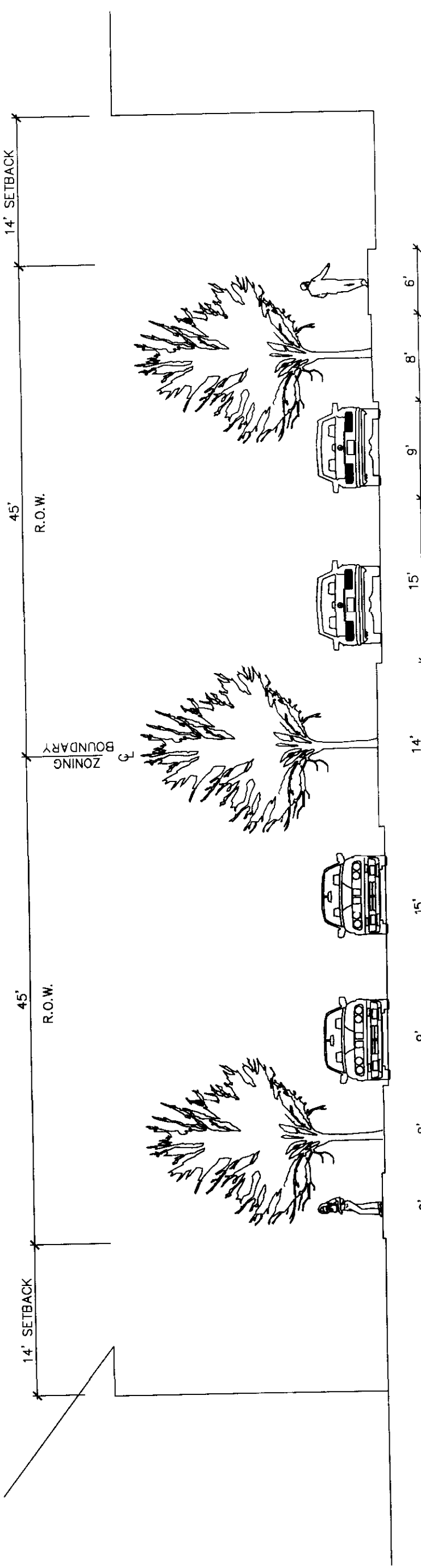
# MINTWORTH COMMONS

## ILLUSTRATIVE STREET SECTIONS

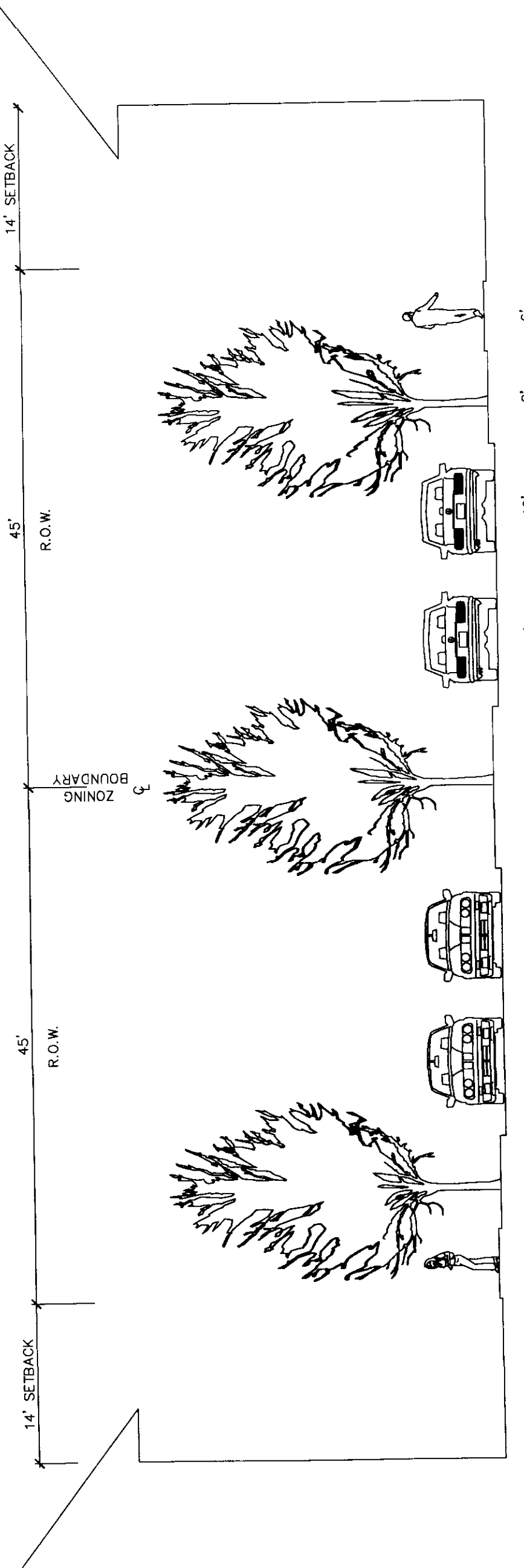
19 APRIL 2004  
SCALE: 1" = 10'-0"



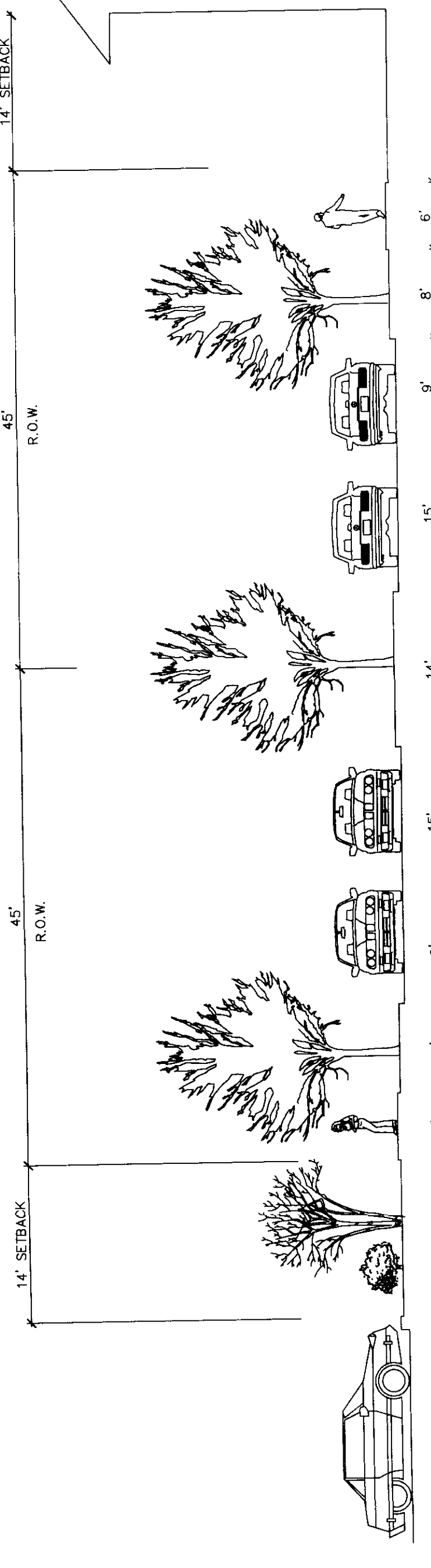
SECTION A-A: MAIN ENTRY ROAD FROM MARGARET WALLACE W/O PARALLEL PARKING (PUBLIC STREET)



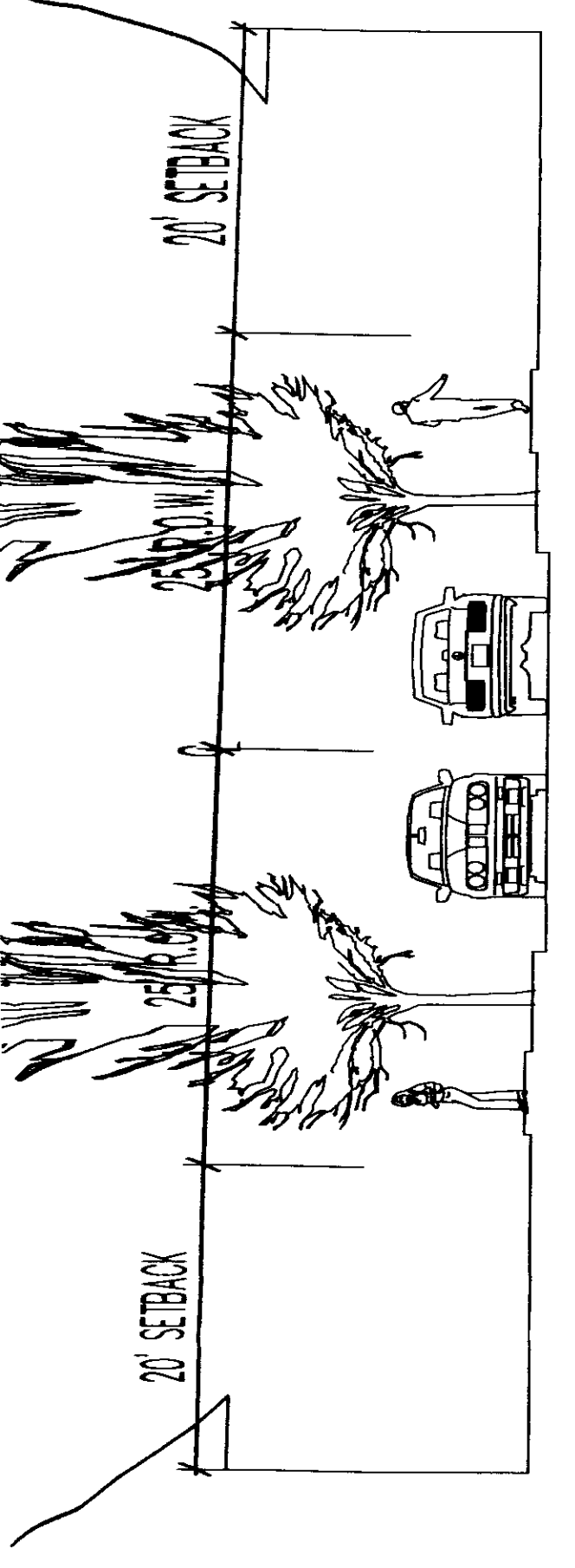
SECTION B-B: MAIN ENTRY ROAD FROM MARGARET WALLACE W/PARALLEL PARKING (PUBLIC STREET)



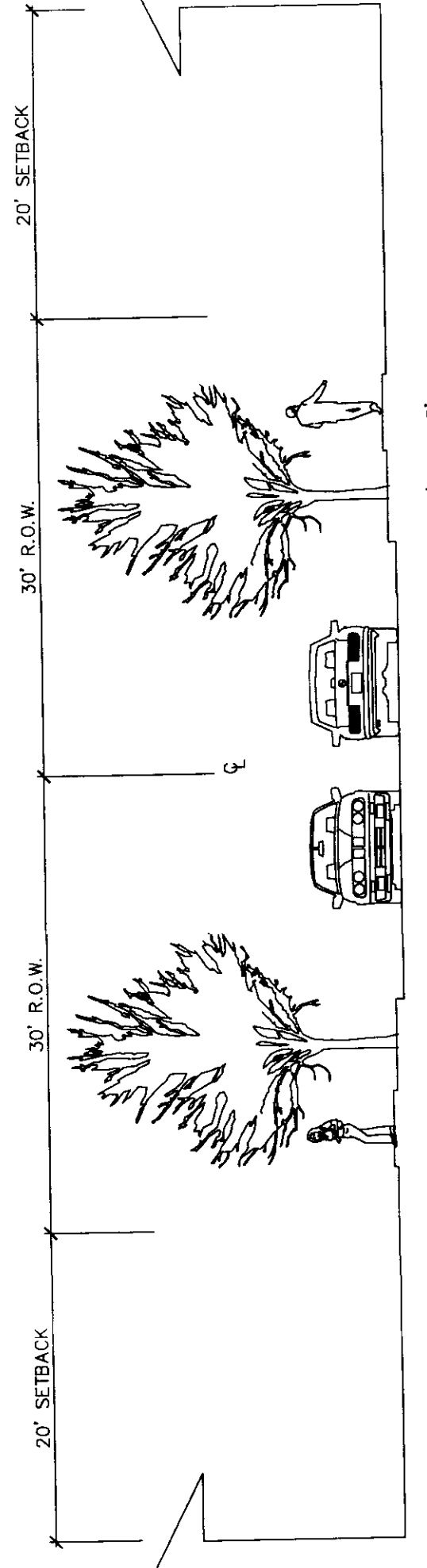
SECTION C-C: MAIN ENTRY ROAD FROM IDLEWILD W/O PARALLEL PARKING (PUBLIC STREET)



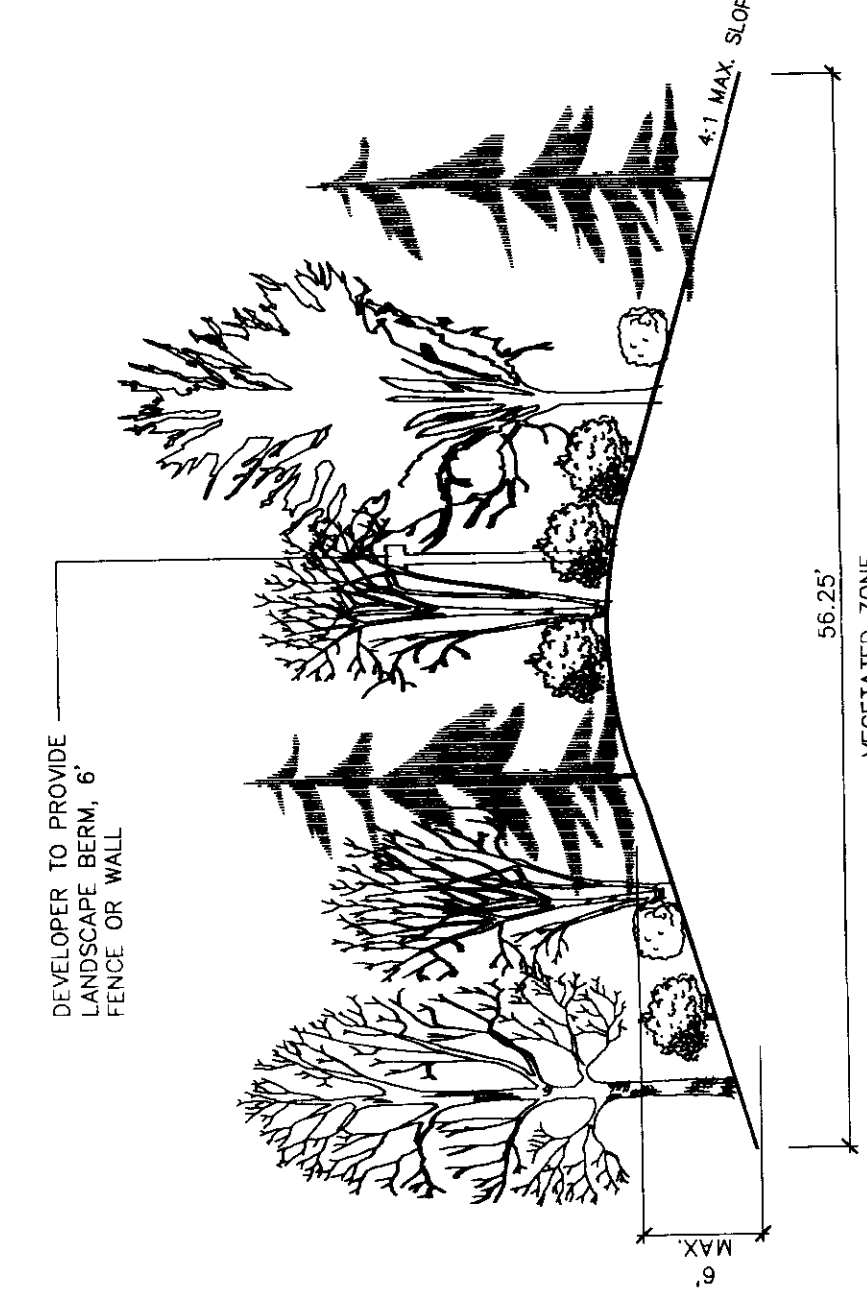
SECTION D-D: MAIN ENTRY ROAD FROM IDLEWILD W/PARALLEL PARKING (PUBLIC STREET)



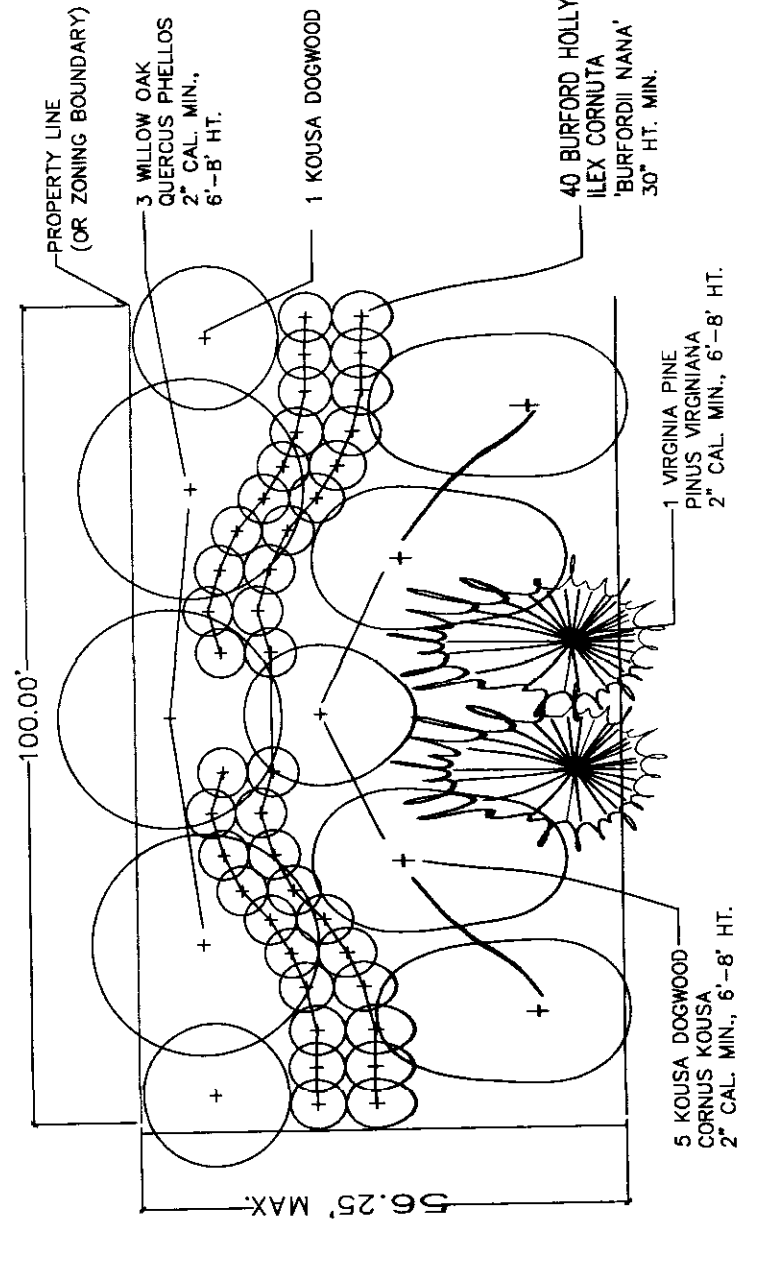
SECTION E-E: TYPICAL RESIDENTIAL STREET 50' R.O.W. (PUBLIC)



SECTION F-F: TYPICAL RESIDENTIAL COLLECTOR STREET 60' R.O.W. (PUBLIC)

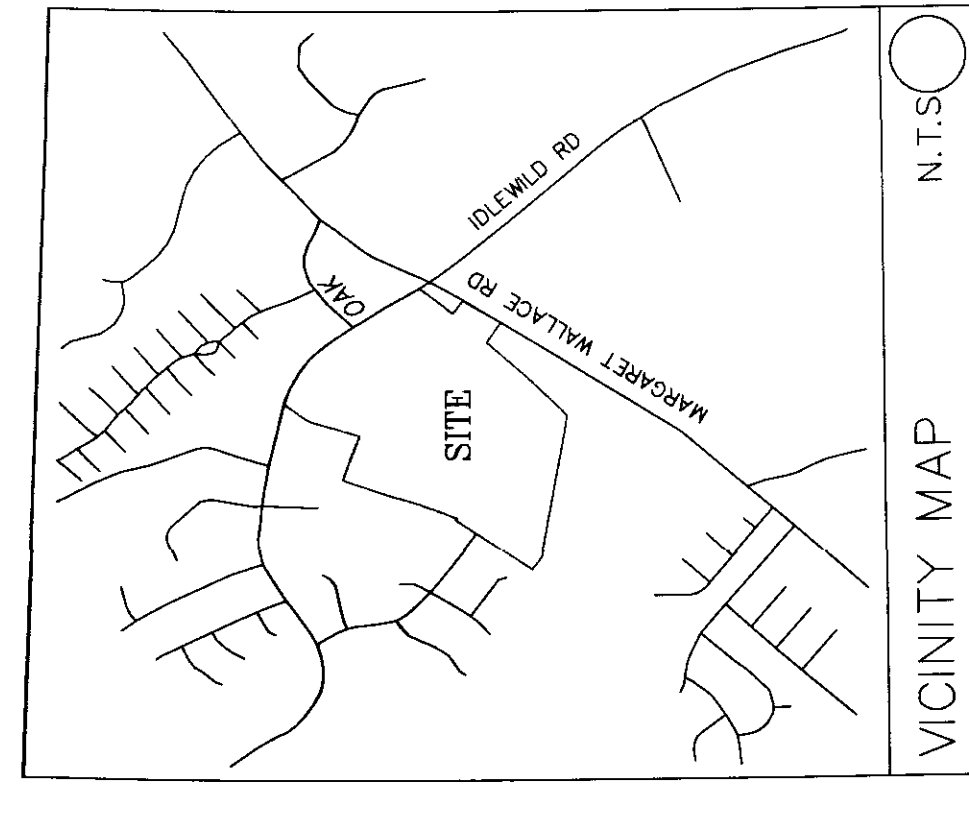


SECTION G-G: 56.25' LANDSCAPE AREA WITH BERM, WALL OR FENCE



PLAN - 56.25' LANDSCAPED AREA, TYP. 100' SECTION (NT)

NOTE: WITHIN THE BENTONED LANDSCAPE AREA, TREES AND SHRUBS SHALL BE PLANTED AT THE PROPOSED LOCATIONS AND SPACING INDICATED. THE QUANTITY OF PLANT MATERIAL SHALL BE AS SHOWN. QUANTITIES OF PLANT MATERIAL MAY VARY DEPENDING ON THE QUANTITY OF EXISTING PLANT MATERIAL THAT CAN BE SAVED.



BOUNDARY AND UTILITIES SURVEY PREPARED BY THE SURVEY COMPANY, 4105-C STUART ANDREW BLVD., CHARLOTTE, NC 28217 (704) 561-9970 ISSUED 1/21/03. REVISION 1/31/03. TOPOGRAPHY OBTAINED FROM MECKLENBURG COUNTY MAPPING/GIS SERVICES.

<b>REQUEST</b>	Current Zoning: R-4 (LWPA) (single family residential, Lake Wylie Protected Area) Proposed Zoning: INST(CD) (LWPA) (institutional, conditional, Lake Wylie Protected Area)
<b>LOCATION</b>	Approximately 0.504 acres located on the east side of Valleydale Road across from Mellwood Drive. (Council District 2 - Austin)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the construction of a child care facility, for up to 40 children.
<b>STAFF RECOMMENDATION</b>	Staff does not recommend approval of this petition. This petition is inconsistent with the <i>Northwest District Plan</i> , which recommends single family residential uses at a density of up to four dwelling units per acre. In addition, the proposed use is incompatible with the residential context in which it is located. The proposed child care building is located within close proximity to the adjoining single family homes, the parking is proposed along Valleydale Road in what is considered the front yard for residential properties and does not provide a drop off area, and there are no design commitments to ensure that the building will be designed to maintain the residential character of the area.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Phyllis Hough Phyllis Hough Harold J. Jordan
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Allows for the construction of a child care facility for up to 40 children within a new 2,900-square foot building, along with playground area behind the building.
  - Limits building height to 40 feet and one story.
  - Provides 11 parking spaces, including one space for every 10 children and one space for every teacher.
  - All freestanding lighting and all exterior lighting on buildings will be full cut-off type fixtures and shielded in such a way that the light source shall not cast light directly on adjacent residentially used/zoned property. Maximum height of any freestanding lighting shall not exceed 15 feet.
  - Front building elevations with siding of residential style and color to be selected by owner.
  - A 12-foot wide Class "C" buffer abutting residential zoning and/or use, with a six to eight-foot tall wood fence.
  - Detail of proposed wood fence for inclusion as part of required Class "C" buffer.
  - A six-foot sidewalk extending from the building to the public sidewalk along Valleydale Road.
  - A six-foot sidewalk and eight-foot planting strip along the project frontage on Valleydale Road.
- **Existing Zoning and Land Use**
  - The rezoning site is currently undeveloped and immediately surrounded to the north, east, and south by single family residential homes on properties zoned R-3 and R-4(LWPA) (single family residential, Lake Wylie Protected Area). Directly to the east (to the rear of the subject property) is a child day care facility affiliated with a church on property zoned R-4 (LWPA) (single family residential, Lake Wylie Protected Area).
- **Rezoning History in Area**
  - Rezoning petition 2011-074 rezoned approximately 18.60 acres located on the south side of Bellhaven Boulevard and across from Oakridge Drive and Westbourne Drive and immediately to the rear of the subject property from R-8MF(CD) (LWPA) (multi-family residential, conditional,

Lake Wylie Protected Area) to R-4 (LWPA) (single family residential, Lake Wylie Protected Area), in order to allow all uses permitted in the R-4 (single family residential) zoning district. The property has not redeveloped.

- **Public Plans and Policies**

- The *Northwest District Plan* (1990) recommends single family residential uses at a density of up to four dwelling units per acre. Area plans do not typically provide recommendations for institutional uses, and these uses are considered on a case-by-case basis.
- The petition is inconsistent with the *Northwest District Plan*.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT states that, after reviewing the subject site, the proposed trip generation, and CDOT's experience with drop-off and pick-up operations for day care facilities, CDOT does not believe the site is large enough to accommodate the necessary traffic circulation for the proposed land use.
  - **Vehicle Trip Generation:**  
Current Zoning: 110 trips per day.  
Proposed Zoning: 175 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 Water:** No issues.
- **Engineering and Property Management:**
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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

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

**OUTSTANDING ISSUES**

- Land use
  1. The rezoning request is inconsistent with the *Northwest District Plan*, which recommends single family residential up to four dwelling units per acre.
- If this petition is considered for approval, the petitioner should:
  1. Correct Note 2A under Permitted Uses to accurately reflect the proposed building square footage and number of children, as this language is not consistent with the information provided in the Development Data Table.
  2. Amend information regarding Amount of Open Space under Development Data Table to read "Per Ordinance."
  3. Remove Architectural Standards Note 4A from the site plan.
  4. Add Architectural Standards language that states there will be no expanse of blank walls greater than 20 feet.
  5. Add Architectural Standards note that states proposed building will be residential in character.
  6. Amend Existing and Proposed Zoning information under Development Data Table to note LWPA, not LWWPA.

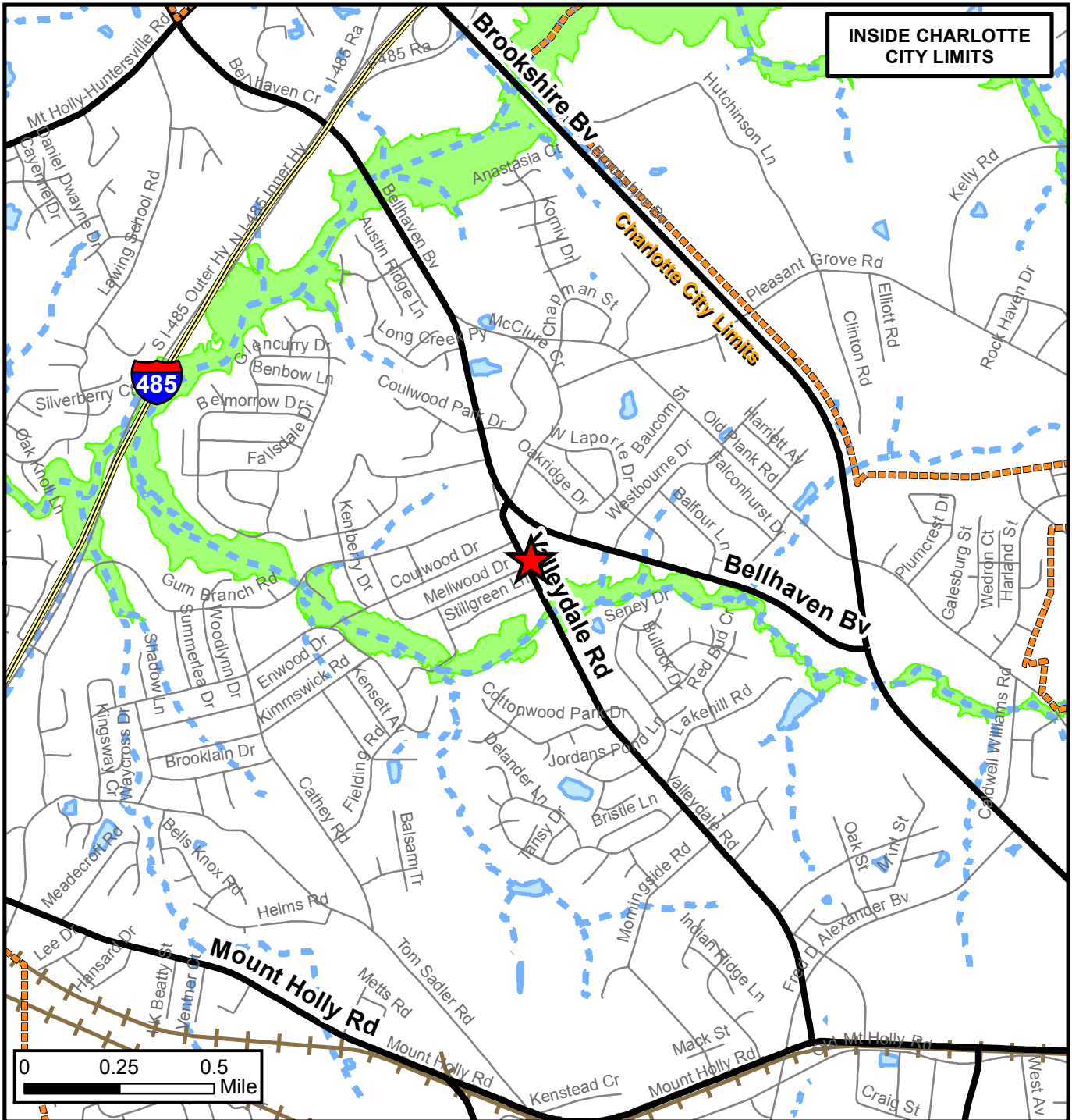
7. Label on site plan zoning of abutting properties.
  8. Label width of Valleydale Road and Mellwood Drive.
  9. Add a note that the required buffers will not be reduced 25% with a wall or a fence.
  10. Label height of proposed chain link fence (with plastic coating) to surround playground.
  11. Correct misspellings on the site plan.
- 

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

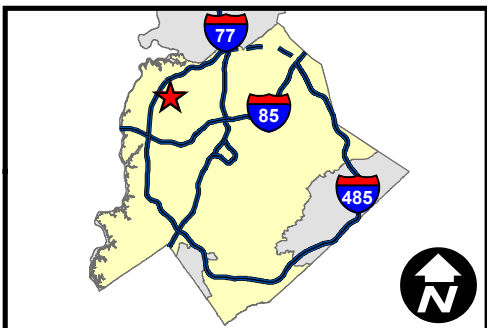
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water
- Engineering and Property Management 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 0.505 acres located on the east side of Valleydale Road across from Mellwood Drive.



**INSIDE CHARLOTTE CITY LIMITS**



**★ Rezoning Petition: 2015-011**

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



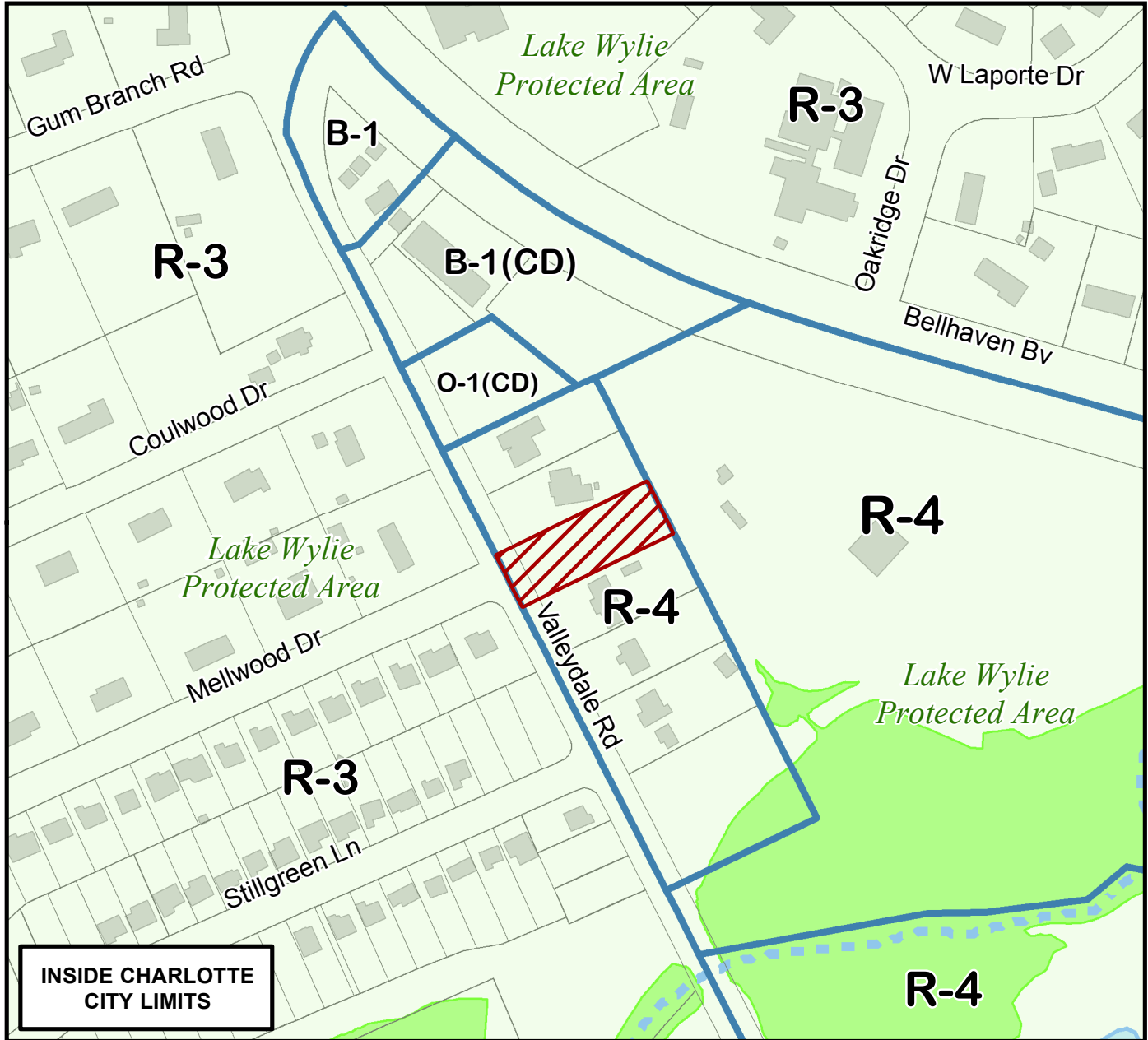
Petition #: **2015-011**

Petitioner: **Phyllis Hough**

Zoning Classification (Existing): **R-4(LWPA)**  
(Residential, Single Family, Lake Wylie Protected Area)

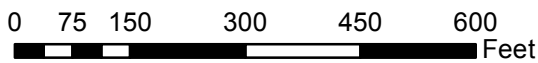
Zoning Classification (Requested): **INST(CD)(LWPA)**  
(Institutional, Conditional, Lake Wylie Protected Area)

Acreage & Location: Approximately 0.505 acres located on the east side of Valleydale Road across from Mellwood Drive.



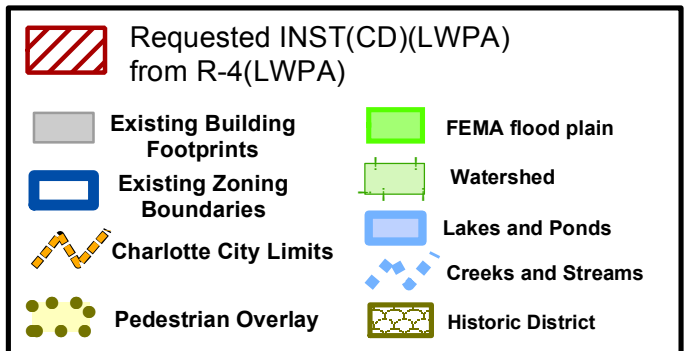
**INSIDE CHARLOTTE CITY LIMITS**

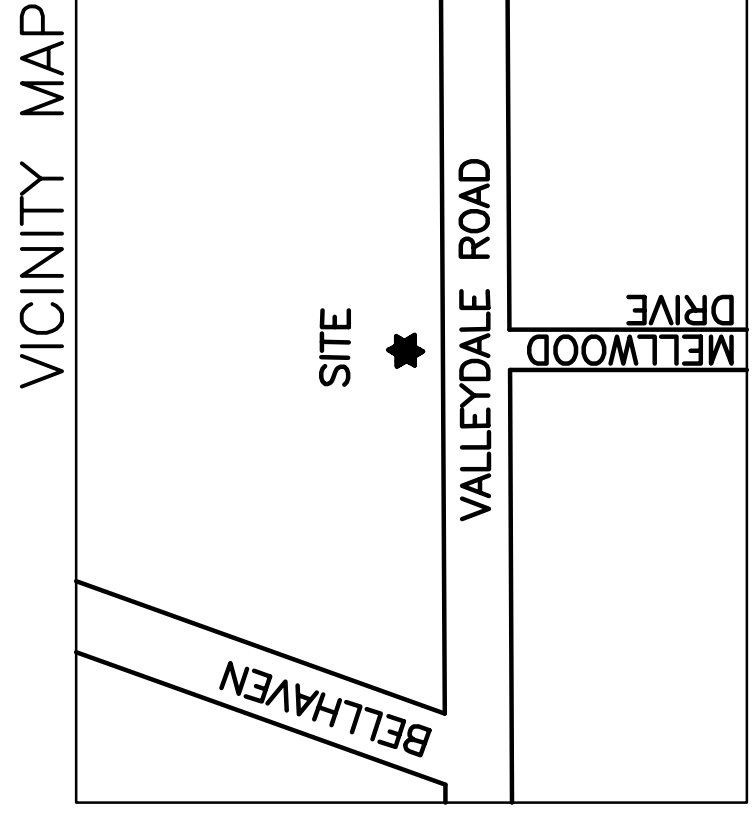
Map Produced by the Charlotte-Mecklenburg Planning Department, 12-18-2014.



Zoning Map #(s)

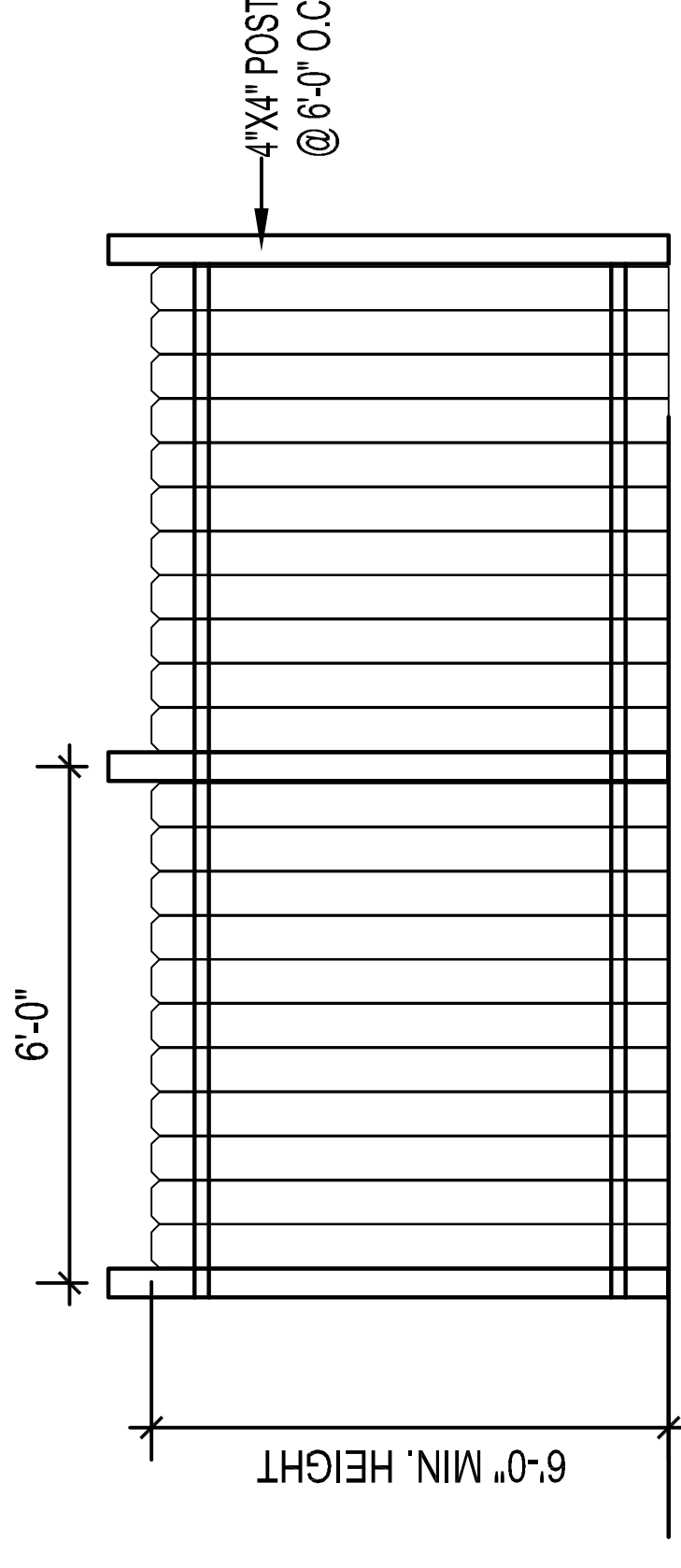
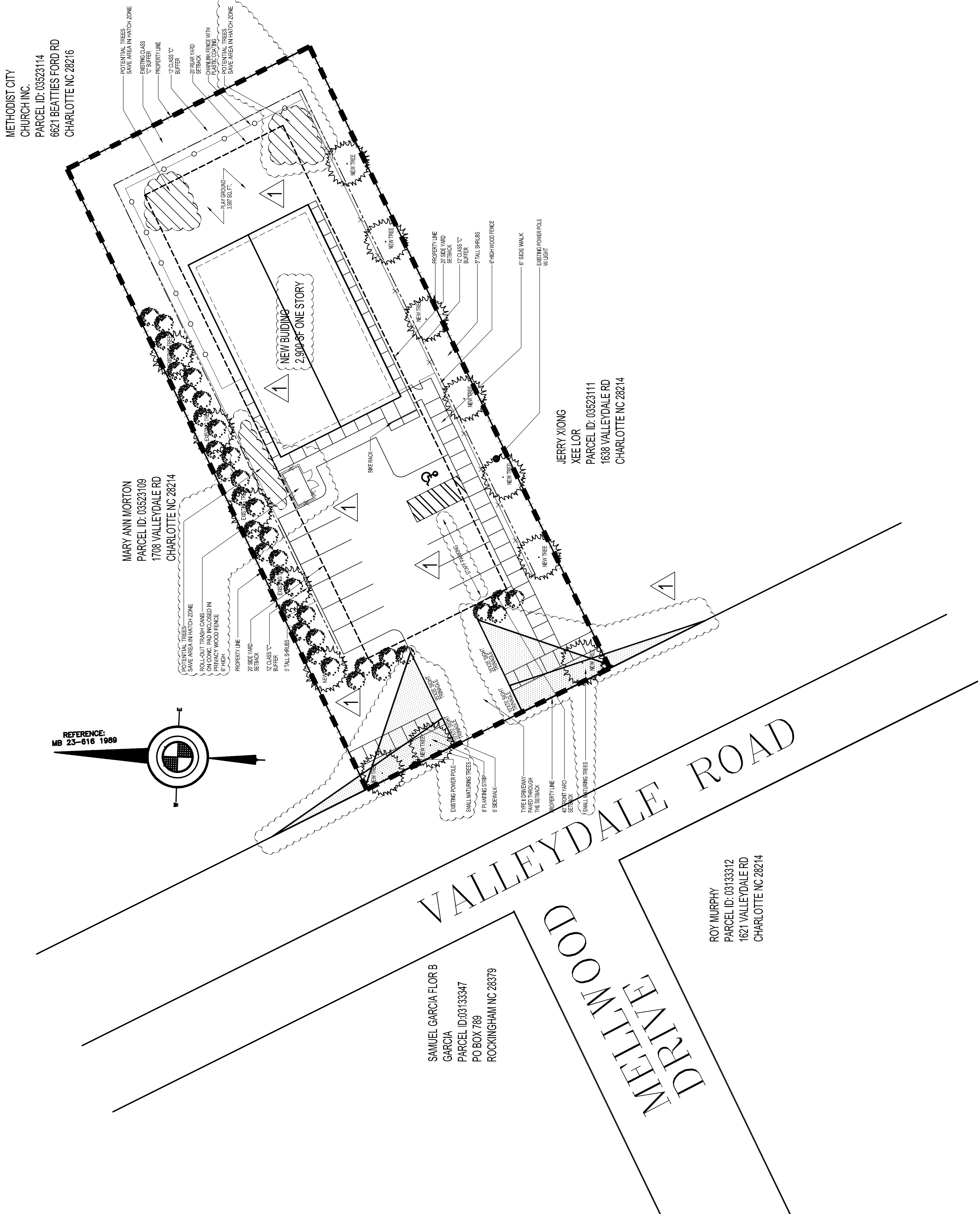
**62**





NOT TO SCALE

REFERENCE:  
MB 23-616 1989



NOTES:

1. SOLID WOOD FENCE SIMILAR IN DESIGN TO THAT SHOWN ON DETAIL MAY BE USED AS AN ALTERNATE IN PERIMETER BUFFER IN LIEU OF SHRUBS PER ZONING. ORD. SECTION 12.302
2. FENCE / WALL HEIGHT WILL BE A MINIMUM OF SIX FEET IN HEIGHT AND A MAXIMUM OF EIGHT FEET.
3. THE FINISH SIDE OF THE FENCE SHALL FACE ADJACENT PROPERTY.

2 BUFFER FENCE DETAIL

SCALE: NTS

DEVELOPMENT DATA TABLE	
SITE ACREAGE	504 AC
TAX PARCELS	03523109
EXISTING ZONING	R-4 (LWMPA)
PROPOSED ZONING	INST (CD) (LWMPA)
EXISTING USES	OPEN LOT
PROPOSED USES	40 CHILD CARE
PROPOSED BUILDING AREA	2,900 SQ. FT. PROPOSED
FLOOR AREA RATIO	
MAXIMUM BUILDING HEIGHT	40 FT. (MEASURED FROM THE AVERAGE FINL GRADE)
PROPOSED PARKING SPACES	1 SPACE FOR EVERY 10 CHILDREN / 1 SPACE FOR EVERY 1 TEACHER / 1 PARKING SPACE FOR 1 VEHICLE
AMOUNT OF OPEN SPACE	N/A

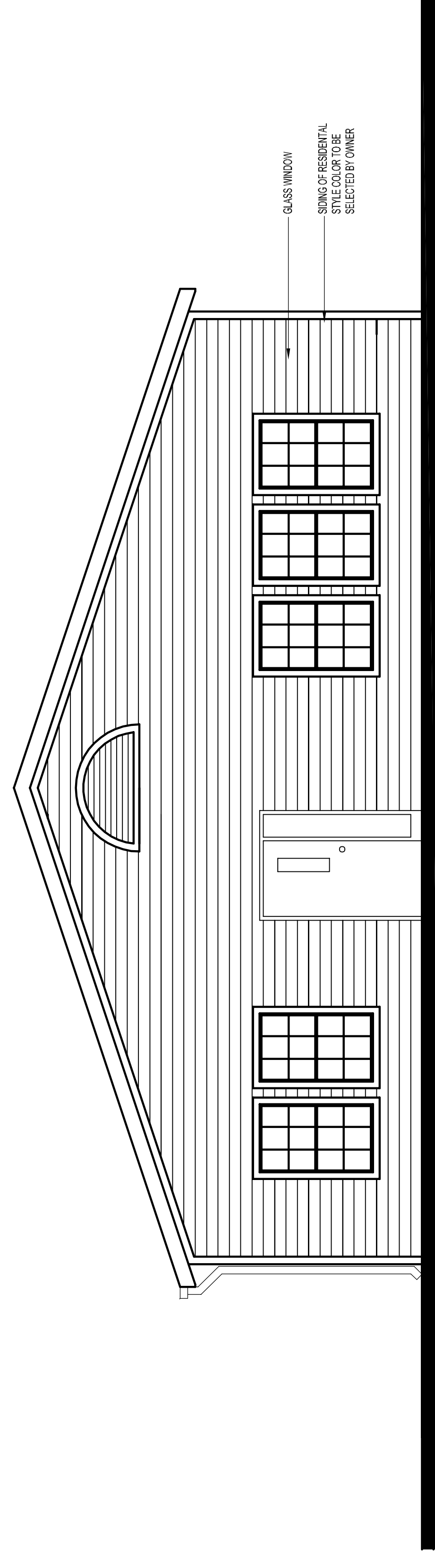
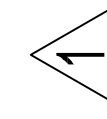
1. GENERAL PROVISIONS:
  - A. These Development Standards form a part of the Rezoning Plan associated with this INST as soon as possible after the rezoning plan is adopted. Development of this site will be governed by the attached plans and these Development Standards together with the provisions of the City of Charlotte's Zoning Ordinance, the City of Charlotte's Comprehensive Zoning Ordinance (the "Ordinance"), and the rezoning plan (the "Rezoning Plan"). The Development Standards establish more stringent standards, the regulations established under the Ordinance for the INST Zoning Classification shall govern development on the site.
  - B. Except as otherwise expressly specified on the Rezoning Plan, site elements may be subject to alterations or modifications, during the design / development construction process, that are consistent with the intent of the Rezoning Plan and the accompanying Development Standards and Section 2.07 of the Ordinance.
  - C. To the extent of any conflict between the matters contained in other areas of the Rezoning Plan and the matters set forth in the Development Standards, the more restrictive shall govern.
2. PERMITTED USES:
  - A. The Petitioner's intent for the site is to develop the existing open lot and add a 3,000 sq. ft. building to accommodate for child day care installation.
3. TRANSPORTATION:
  - A. The site will be accessed via the new type II driveway.
  - B. The site will be accessed via the existing driveway located in the front with turning applied on a paved surface with wheel stops provided on the side of the building under the over hang.
  - C. Bike racks to be located on the side of the building under the over hang.
4. ARCHITECTURAL STANDARDS:
  - A. The site will comply with all architectural standards set forth in the Ordinance.
  - B. The building will not exceed the required 40' height.
5. STREETScape AND LANDSCAPING:
  - A. To the extent possible, the Petitioner seeks to protect and preserve as many existing large mature trees on site.
  - B. The site will be landscaped with native plants and trees.
  - C. All parking spaces and drive aisles shall be landscaped with native plants and trees.
  - D. Shrubs are not required if a fence or wall is constructed in accordance with the Ordinance.
6. ENVIRONMENTAL FEATURES:
  - A. The Petitioner shall comply with the Charlotte City Council approved and adopted Final Construction Controls Ordinance.
  - B. The site will comply with Chapter 21 - Tree Ordinance.
7. PARKS, GREENWAYS AND OPEN SPACE:
  - A. The Petitioner shall address to the requirements of the Ordinance for Open Space within the development area.
8. FIRE PROTECTION:
  - A. The site shall conform to the requirements of the Charlotte Fire Department for this Development area.
9. SIGNAGE:
  - A. Signage will comply with the Ordinance.
10. LIGHTING:
  - A. All lighting shall conform to the Ordinance.
  - B. All exterior lighting and all interior lighting on buildings will use all energy efficient fixtures and ballasts in such a way that the light source shall not cast light directly on adjacent properties or onto the street. The maximum height of any landscaping lighting shall be not exceed 15 feet.

**AMERICAN ARCHITECTURE**  
**COLLABORATIVE, LLC**  
1913 N. TRYON ST.  
CHARLOTTE, NC 28206  
TEL: 704.333.1965  
FAX: 704.376.7122

REZONING PETITION #  
PHYLIS HOUGH  
CHILD CARE CENTER  
1700 VALLEYDALE ROAD  
CHARLOTTE, N.C.

REVISIONS:  
NO. DATE DESCRIPTION  
1 12.15 1800/2004/01  
DATE: OCT 28, 2014  
SCALE:  
DRAWN BY:  
CHECKED BY:  
JOB NO. 10-0016  
CAD FILE: CHILD CARE

**C0100**



GLASS WINDOW  
SPECIES OF RESIDENTIAL  
SPECIES OF RESIDENTIAL  
SELECTED BY OWNER

CAD FILE: CHILD CARE

CHECKED BY:

JOB NO. 10-0016

DRAWN BY:

SCALE:

DATE: OCT 28, 2014

REVISIONS:

NO.	DATE	DESCRIPTION
1	12.15	ISSUED FOR PERMITS

REZONING PETITION #  
 PHYLLIS HOUGH  
 CHILD CARE CENTER  
 1700 VALLEYDALE ROAD  
 CHARLOTTE, N.C.

THIS DOCUMENT IS THE PROPERTY OF AMERICAN ARCHITECTURE COLLABORATIVE, LLC. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF AMERICAN ARCHITECTURE COLLABORATIVE, LLC.

AMERICAN ARCHITECTURE COLLABORATIVE, LLC

1313 N. TRYON ST.  
CHARLOTTE, NC 28206

**AMERICAN ARCHITECTURE COLLABORATIVE, LLC**  
 TEL: 704.333.1965  
 FAX: 704.376.7122

<b>REQUEST</b>	Current Zoning: R-22MF (multi-family residential) and B-1 (neighborhood business) Proposed Zoning: MUDD(CD) (mixed use development, conditional)
<b>LOCATION</b>	Approximately 0.42 acres located on the west side of Kenilworth Avenue between Buchanan Street and East Boulevard. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the development of up to nine single family attached dwelling units for a density of 21.48 units per acre.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>Dilworth Land Use &amp; Streetscape Plan</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Kenilworth Lofts, LLC Meeting Street Homes & Communities Teresa Hawkins
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to nine single family attached dwelling units, with private courtyards and a one car garage on the lower level of each unit.
- Specifies that no non-residential uses shall be permitted.
- Provides access to the site via a private right-in/right-out driveway onto Kenilworth Avenue constructed of a combination of concrete and decorative paving.
- Provides a six-foot sidewalk and eight-foot planting strip along Kenilworth Avenue.
- Dedication of 40 feet of right-of-way along Kenilworth Avenue as measured from the existing centerline of the road.
- Provides a 28-foot setback from the existing back of curb.
- Provides four-foot tall masonry walls screening HVAC units and utility transformers and a six-foot tall decorative wood fence with evergreen and small maturing deciduous trees, shrubs and ornamental grasses within an eight-foot wide strip between the driveway and the adjacent single family residential home to the east.
- Limits the height of detached lighting to 20 feet.
- Provides a waiting pad for the existing bus stop.
- Provides a pedestrian crosswalk across Kenilworth Avenue at Fillmore Street.
- Proposes a pedestrian connection from the internal sidewalk to the adjacent shopping center.
- Provides 4,135 square feet of tree save area and 2,128 square feet of open space, which includes the private courtyards.
- Garbage and recycling to be handled with rollout containers for each unit.
- Limits the building height to 45 feet and not to exceed three stories.
- Provides four-sided building elevations.
- Specifies building materials to include brick, cedar siding, precast stone, synthetic stone, cementitious siding and trim, decorative metal panels, decorative block and/or wood.
- Prohibits vinyl as a building material except for windows, soffits, attic vents and handrails and railings.
- Specifies that units constructed on the site abutting Kenilworth Avenue will be designed and constructed so that entrance doors on the side of the units are oriented to Kenilworth Avenue and connected by a four-foot minimum sidewalk to the public sidewalk.
- Provides visitor parking in the internal driveways.
- Specifies that the majority of the roofing material will be architectural shingles and portions of the roofs may be constructed using metal or cedar shingles.

- **Existing Zoning and Land Use**

- The subject property is currently undeveloped.
- Properties to the north and east are zoned R-22MF (multi-family residential) and developed with single family land uses. Properties to the south are zoned MUDD (CD) PED (mixed use development, conditional, pedestrian overlay) with a mixture of multi-family residential and non-residential uses. Property to the west is zoned B-1 PED (neighborhood business, pedestrian overlay) and developed with a commercial shopping center.

- **Rezoning History in Area**

- Petition 2010-027 rezoned property located at Scott Avenue, East Boulevard, and Floral Avenue from B-1(PED) (neighborhood business, pedestrian overlay) to B-1(PED-O) (neighborhood business, pedestrian overlay, optional) to allow the redevelopment of a portion of a shopping center.

- **Public Plans and Policies**

- The *Dilworth Land Use & Streetscape Plan* (2006) recommends residential uses up to 22 dwelling units per acre for the site.
  - The plan includes 13 design recommendations for the plan study area. Below are three applicable design recommendations and explanations on how the petitioner addresses the recommendations with the proposed site plan:
    - **Building Orientation:** Orient buildings toward the street and public space, where provided. The petitioner is accomplishing this recommendation by including doors, windows and a courtyard on the elevation facing the public street and by not locating parking between the building and the street.
    - **Setbacks:** Ensure that building setbacks are consistent with existing neighboring development, are unimpeded by parking areas, and include pedestrian-oriented amenities. The petitioner is accomplishing this recommendation by providing a 28-foot setback from the existing back of curb which provides a transition from the non-residential building to the west, which are setback 14 feet from the back of curb, and the single-family homes to the east, which are setback approximately 50 feet from the back of curb. There is no parking between the building and the street. The end unit has a door facing Kenilworth Avenue with a private courtyard parallel to the street and a sidewalk connection to the public sidewalk.
    - **Street and Streetscape Design:** Preserve Dilworth's traditional grid street pattern and provide streetscapes that create a safe and enjoyable travel environment for vehicles, pedestrians, bicyclists and transit riders. The petitioner is accomplishing this recommendation by providing sidewalk connections from the units to the public sidewalk, a pedestrian crosswalk across Kenilworth at Fillmore Street, and a waiting pad for the existing bus stop.
  - The petition is consistent with the *Dilworth Land Use & Streetscape Plan*.
- 

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** Provide a note that says "The petitioner shall install two accessible ramps, along with any necessary signage, at the intersection of Kenilworth Avenue and Fillmore Street. The exact configuration and location of this pedestrian crossing is to be determined by CDOT during the construction permitting phase."
  - **Vehicle Trip Generation:**
    - Current Zoning: 200 trips per day.
    - Proposed Zoning: 100 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate seven students, while the development allowed under the proposed zoning will produce five students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.

- **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **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 site.
  - Facilitates the use of alternative modes of transportation by providing a CATS bus waiting pad, providing a pedestrian crossing across Kenilworth Avenue at Fillmore Street, and proposing a pedestrian connection between the site and the adjacent shopping center.

**OUTSTANDING ISSUES**

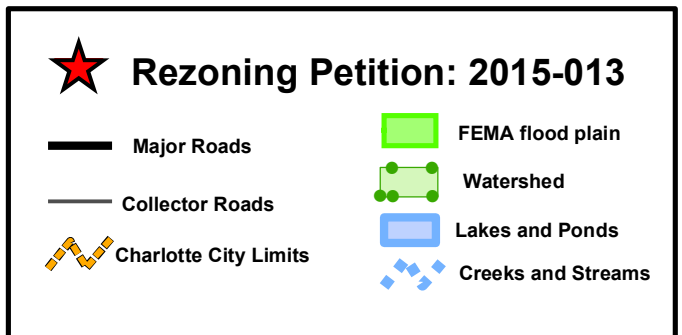
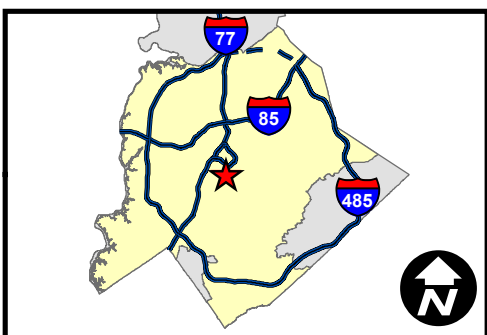
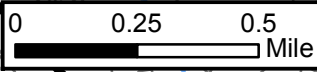
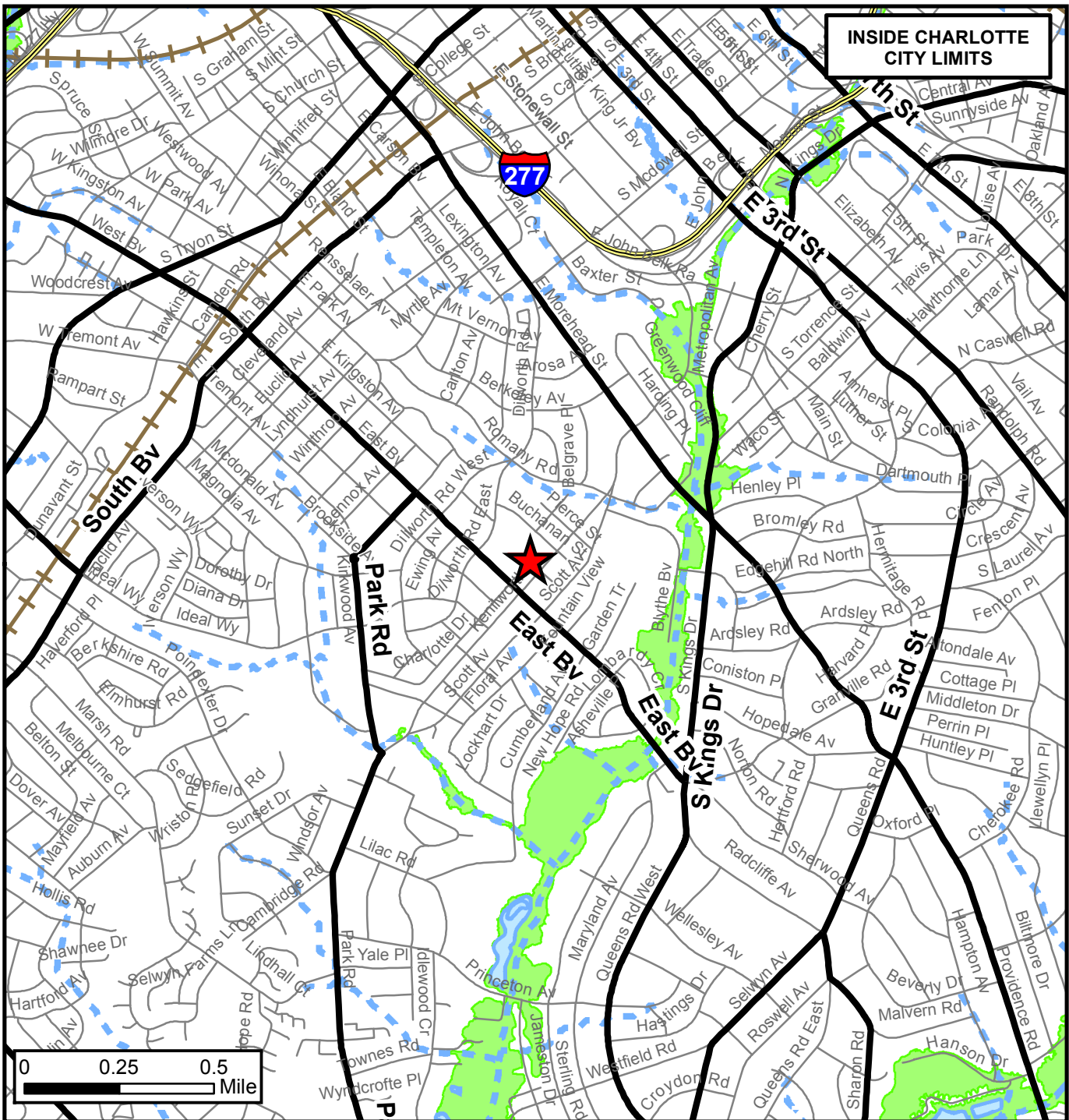
- The petitioner should:
    1. Address the transportation issue.
    2. Increase the drive aisle width to a minimum of 18 feet to accommodate two-way traffic and check with the Fire Department to determine if additional width would be required.
    3. Increase the width of the common sidewalk serving the units from four feet to five feet.
    4. Amend Note B to say "five (5) foot minimum width sidewalk" rather than four foot.
    5. Cross-hatch the courtyard along Kenilworth Avenue with the same pattern as the courtyards in front of the units.
    6. Remove Transportation Notes D through I as these are standard notes that are addressed during the construction permitting process.
- 

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

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

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

**Acreage & Location :** Approximately 0.42 acres located on the west side of Kenilworth Avenue between Buchanan Street and East Boulevard.



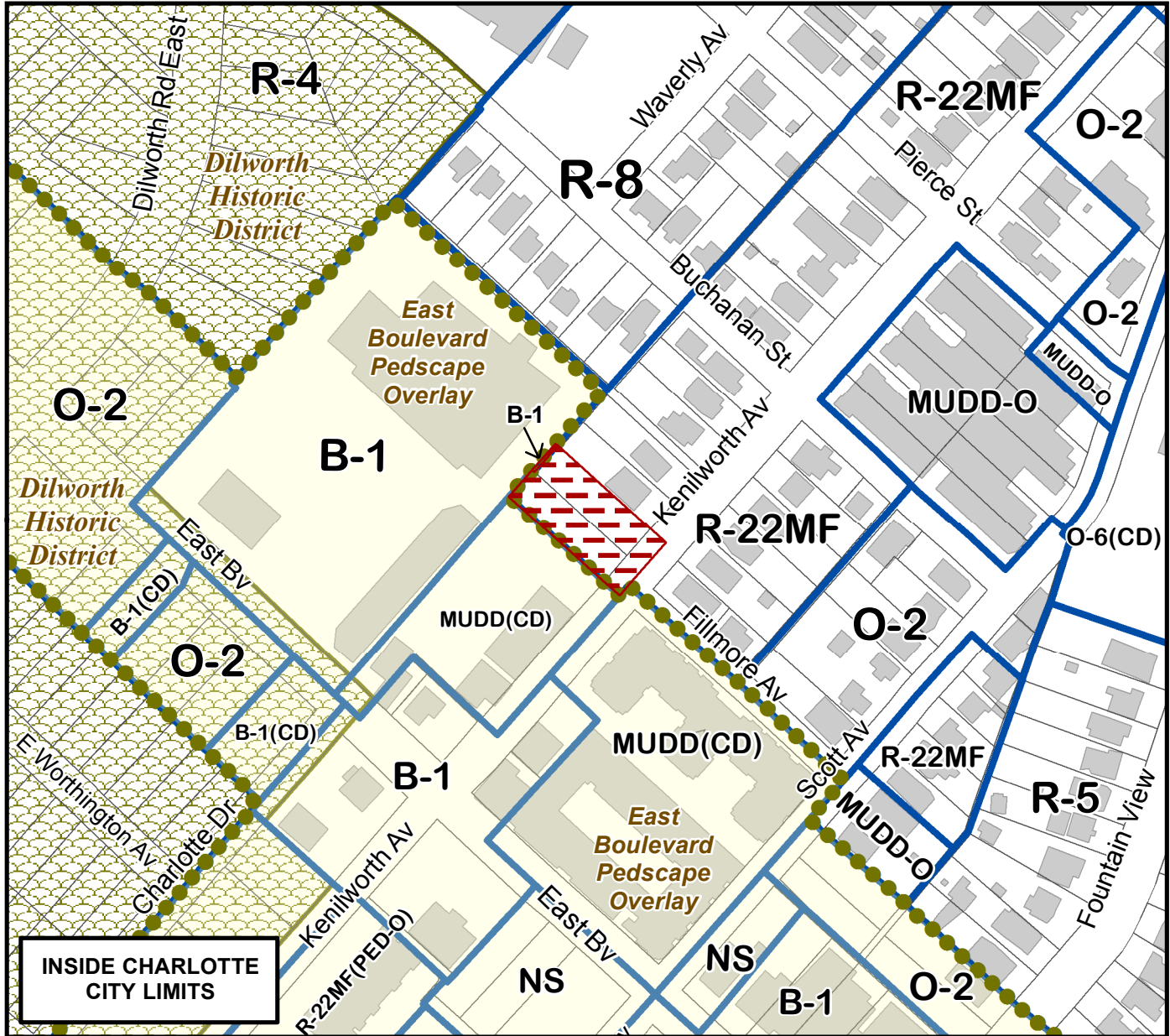
Petition #: **2015-013**

Petitioner: **Meeting Street Homes & Communities**

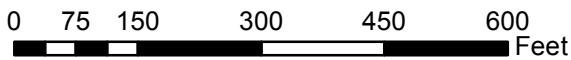
Zoning Classification (Existing): **R-22MF & B-1**  
(Residential, Multi-Family and Neighborhood Business)

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

Acreage & Location: Approximately 0.42 acres located on the west side of Kenilworth Avenue between Buchanan Street and East Boulevard.

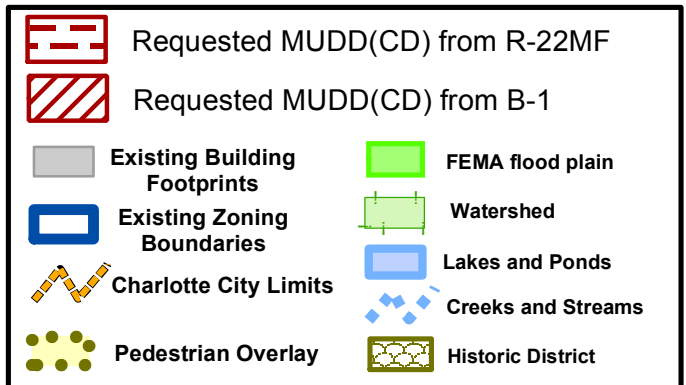


Map Produced by the Charlotte-Mecklenburg Planning Department, 12-1-2014.

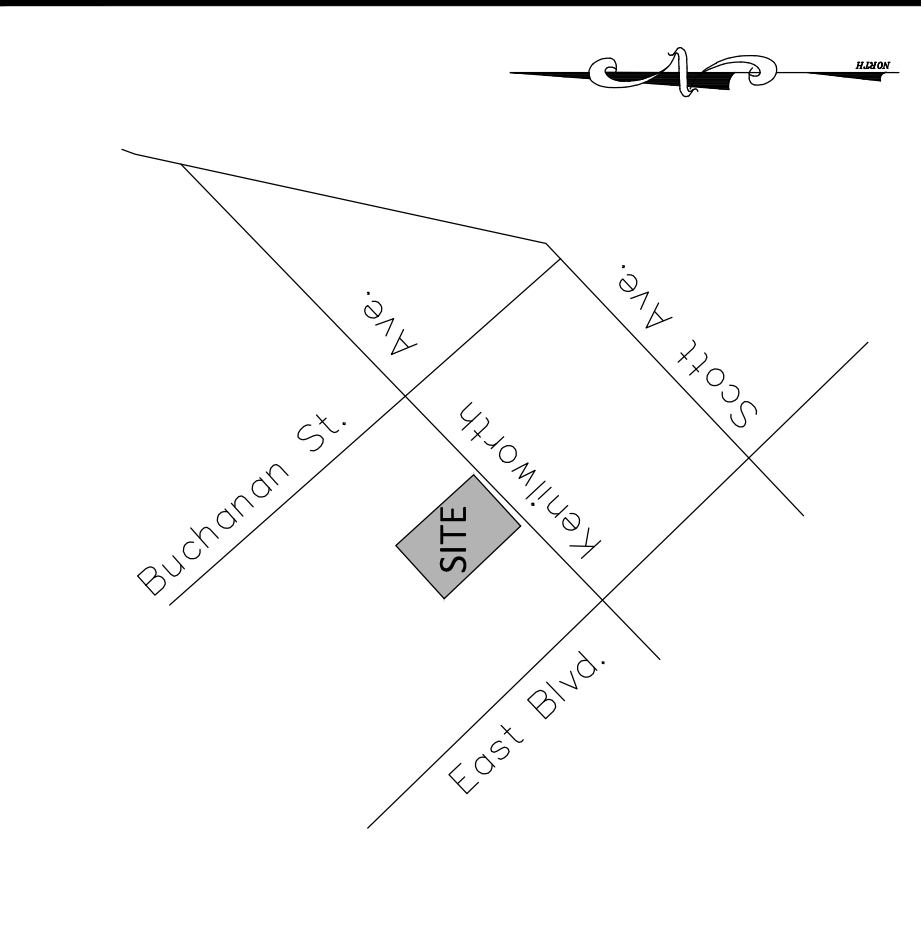


Zoning Map #(s)

**100**







**VICINITY MAP**  
NOT TO SCALE

**CONDITIONAL NOTES AND DEVELOPMENT STANDARDS:**

GENERAL PROVISIONS:

A) THE DEVELOPMENT OF THIS SITE WILL BE CONTROLLED BY THE STANDARDS DEPICTED ON THIS SITE PLAN AND BY THE STANDARDS SET FORTH IN THE CITY OF CHARLOTTE ZONING ORDINANCE AND APPLICABLE LAND DEVELOPMENT CODES. THE DEVELOPMENT DEPICTED ON THIS PLAN IS INTENDED TO REFLECT THE ARRANGEMENT OF THE PROPOSED SINGLE FAMILY ATTACHED TOWNHOME UNITS ON THIS SITE, BUT THE EXACT CONFIGURATION, PLACEMENT AND SIZE OF THE INDIVIDUAL SITE ELEMENTS MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE CITY OF CHARLOTTE ZONING ORDINANCE DURING THE DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENT/PERMITTING AND CONSTRUCTION PHASES AS ALLOWED UNDER THE PROVISIONS OF SECTION 6/207 OF THE ZONING ORDINANCE.

B) THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES AND CODES, SUCH AS THOSE THAT REGULATE STREETS, DRIVEWAYS, SIDEWALKS, STORM WATER, EROSION CONTROL AND TREES MAY APPLY TO THE DEVELOPMENT OF THIS SITE.

PURPOSE:

A) USES ALLOWED ON THE SUBJECT PROPERTY WILL BE LIMITED TO RESIDENTIAL SINGLE FAMILY ATTACHED DWELLING UNITS AND RELATED RESIDENTIAL ACCESSORY USES AS PERMITTED IN THE MUDD ZONING DISTRICT. NO NON-RESIDENTIAL USES SHALL BE PERMITTED AS PART OF THIS DEVELOPMENT PROJECT.

B) THE SUBJECT PARCEL WILL BE SUBDIVIDED VIA A RECORDED PLAT INTO 9 TOWNHOME FEE SIMPLE LOTS AND 1 OR MORE COMMON AREAS

TRANSPORTATION:

A) THIS SITE WILL HAVE ACCESS VIA A SINGLE PRIVATE 26 FOOT WIDE 2 WAY DRIVEWAY (RIGHT IN/RIGHT OUT) ONTO KENILWORTH AVENUE IN THE LOCATION AS GENERALLY IDENTIFIED ON THIS SITE PLAN.

B) IMPROVEMENTS BY THE PETITIONER ALONG THE FRONTAGE OF THE SUBJECT PROPERTY WITH KENILWORTH AVENUE SHALL INCLUDE THE CLOSURE OF TWO EXISTING DRIVEWAYS WITH STANDARD CURB AND GUTTER FOLLOWED BY AN 8 FOOT WIDE TREE PLANTING STRIP, FOLLOWED BY A 6 FOOT WIDE SIDEWALK.

C) PETITIONER WILL DEDICATE 40 FEET OF RIGHT-OF-WAY ALONG THE FRONTAGE WITH KENILWORTH AVE. AS MEASURED FROM THE EXISTING CENTERLINE OF KENILWORTH AVE.

D) ACCORDING TO THE CITY OF CHARLOTTE 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.

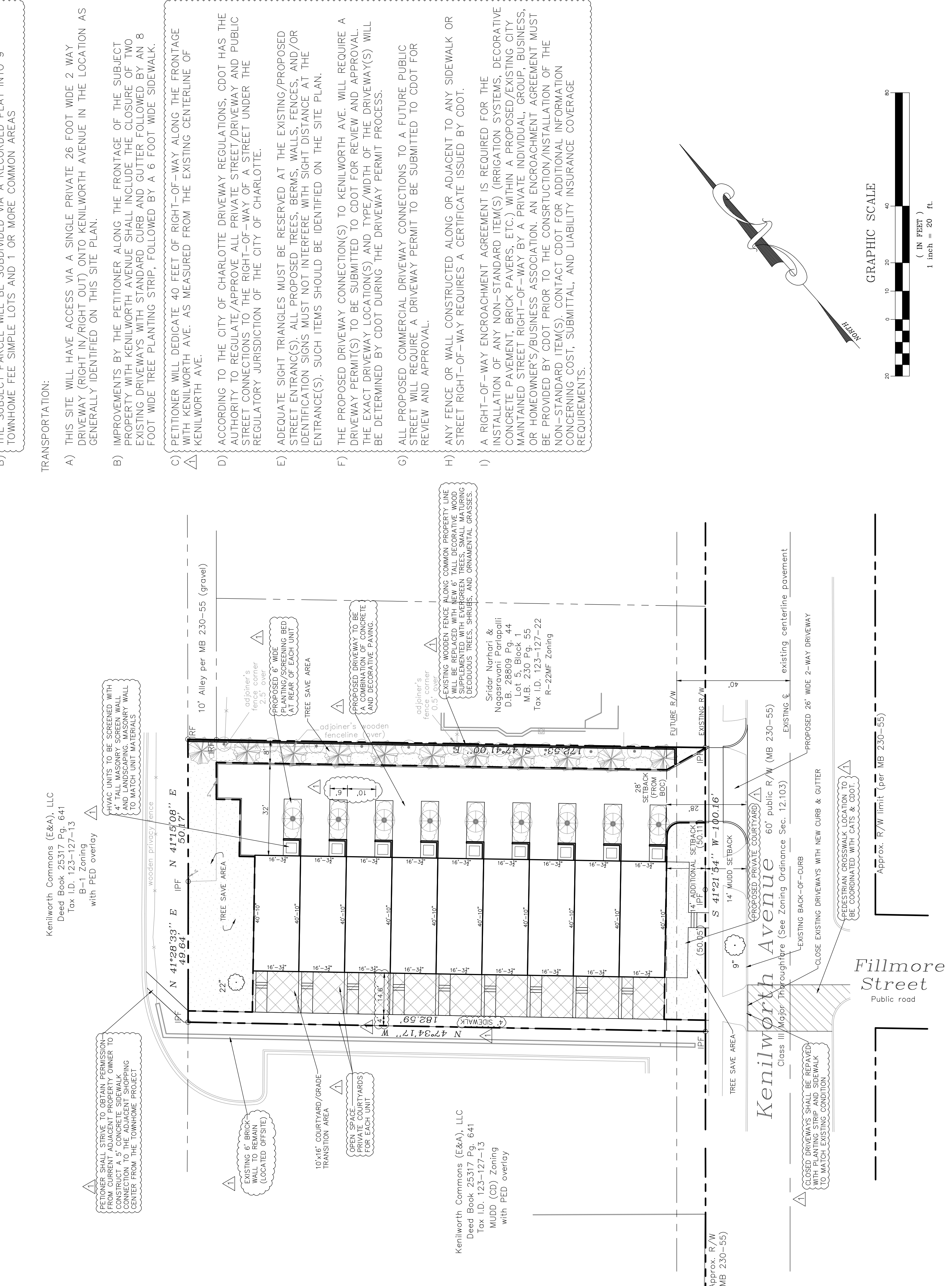
E) ADEQUATE SIGHT TRIANGLES MUST BE RESERVED AT THE EXISTING/PROPOSED STREET ENTRANCE(S), ALL PROPOSED TREES, BERMS, WALLS, FENCES, AND/OR IDENTIFICATION SIGNS MUST NOT INTERFERE WITH SIGHT DISTANCE AT THE ENTRANCE(S). SUCH ITEMS SHOULD BE IDENTIFIED ON THE SITE PLAN.

F) THE PROPOSED DRIVEWAY CONNECTION(S) TO KENILWORTH AVE. WILL REQUIRE A DRIVEWAY PERMIT(S) TO BE SUBMITTED TO CDOT FOR REVIEW AND APPROVAL. THE EXACT DRIVEWAY LOCATION(S) AND TYPE/WIDTH OF THE DRIVEWAY(S) WILL BE DETERMINED BY CDOT DURING THE DRIVEWAY PERMIT PROCESS.

G) ALL PROPOSED COMMERCIAL DRIVEWAY CONNECTIONS TO A FUTURE PUBLIC STREET WILL REQUIRE A DRIVEWAY PERMIT TO BE SUBMITTED TO CDOT FOR REVIEW AND APPROVAL.

H) ANY FENCE OR WALL CONSTRUCTED ALONG OR ADJACENT TO ANY SIDEWALK OR STREET RIGHT-OF-WAY REQUIRES A CERTIFICATE ISSUED BY CDOT.

I) A RIGHT-OF-WAY ENCROACHMENT AGREEMENT IS REQUIRED FOR THE INSTALLATION OF ANY NON-STANDARD ITEM(S) (IRRIGATION SYSTEMS, DECORATIVE CONCRETE PAVEMENT, BRICK PAVERS, ETC.) WITHIN A PROPOSED/EXISTING CITY MAINTAINED STREET RIGHT-OF-WAY BY A PRIVATE INDIVIDUAL, GROUP, BUSINESS, OR HOMEOWNER'S/BUSINESS ASSOCIATION. AN ENCROACHMENT AGREEMENT MUST BE PROVIDED 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.



**CONDITIONAL NOTES AND DEVELOPMENT STANDARDS CONT.:**

TREES, SCREENING AND LANDSCAPING:

A) THE DEVELOPMENT OF THIS SITE SHALL ADHERE TO THE STANDARDS OF THE CITY OF CHARLOTTE TREE ORDINANCE AND OF THE CITY OF CHARLOTTE ZONING ORDINANCE FOR SCREENING.

B) A FOUR FOOT TALL MASONRY WALL WILL BE INSTALLED TO SCREEN ALL UTILITY TRANSFORMERS. MASONRY SCREEN WALL TO MATCH UNITS

STORMWATER:

A) STORMWATER RUNOFF FOR THIS DEVELOPMENT WILL MEET ORDINANCE REQUIREMENTS FOR THE PCCO.

LIGHTING:

A) ALL EXTERIOR SITE LIGHTING SHALL BE DECORATIVE PEDESTRIAN LIGHTING VIA A COMBINATION OF LIGHT FIXTURES ON POLES (NOT TO EXCEED 20 FEET IN HEIGHT), LOW LEVEL GROUND LIGHTING AND RESIDENTIAL SCALE FIXTURES MOUNTED ON THE EXTERIOR WALLS OF THE UNITS. ALL LIGHTING WILL BE DIRECTED INTO THE INTERIOR OF THE SITE.

CATS:

A) PETITIONER SHALL PROVIDE AND CONSTRUCT A PAD FOR THE EXISTING BUS STOP ON KENILWORTH AVE. PER CITY STANDARD DETAIL 60.01B. THE BUS STOP WILL BE LOCATED PER CATS DURING THE URBAN REVIEW PROCESS.

PHASING:

A) THIS DEVELOPMENT WILL BE PERMITTED AND CONSTRUCTED IN ONE PHASE.

ARCHITECTURAL STANDARDS AND MATERIALS:

A) THE BUILDING MATERIALS USED ON THE PRINCIPAL BUILDINGS CONSTRUCTED ON THIS SITE WILL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK, CEDAR SIDING, PRECAST STONE, SYNTHETIC STONE, CEMENTITIOUS SIDING AND TRIM (SUCH AS HARDI-PANEL), DECORATIVE METAL PANELS, DECORATIVE BLOCK AND/OR WOOD. THE EXTERIOR OF EACH BUILDING, EXCLUSIVE OF WINDOWS, DOORS AND ROOFS WILL BE CONSTRUCTED OF BRICK, CEDAR SIDING, CEMENTITIOUS SIDING AND TRIM AND/OR WOOD, VINYL AS A BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS, ATTIC VENTS AND ON HANDRAILS/RAILINGS.

B) THE UNITS CONSTRUCTED ON THE SITE ABUTTING KENILWORTH AVENUE WILL BE DESIGNED AND CONSTRUCTED SO THAT ENTRANCE DOORS ON THE SIDE OF THE UNITS ARE ORIENTED TO KENILWORTH AVENUE, AND CONNECTED BY A FOUR (4) FOOT MINIMUM WIDTH SIDEWALK TO THE PUBLIC SIDEWALK.

C) EACH ATTACHED UNIT WILL HAVE A ONE CAR GARAGE, ON THE LOWER LEVEL.

D) VISITOR PARKING SPACES WILL BE PROVIDED ALONG THE SITE'S INTERNAL DRIVEWAYS AS GENERALLY DEPICTED ON THE REZONING PLAN.

E) EACH UNIT WILL HAVE A PRIVATE COURT YARD.

F) THE MAJORITY OF THE ROOFS ON THE BUILDINGS WILL BE CONSTRUCTED UTILIZING ARCHITECTURAL SHINGLES. PORTIONS OF THE ROOFS MAY ALSO BE CONSTRUCTED UTILIZING METAL OR CEDAR SHINGLES.

**DEVELOPMENT DATA SUMMARY**

TAX PARCEL ID: 123-127-20, 123-127-21, 123-127-98  
 EXISTING SITE AREA: 18,247 SF (0.4188 ACRES)  
 EXISTING ZONING: R-22MF AND B-1  
 PROPOSED ZONING: MUDD(CD)  
 EXISTING LAND USE: VACANT  
 PROPOSED LAND USE: 9 ATTACHED SINGLE FAMILY RESIDENTIAL UNITS  
 PROPOSED DENSITY: 21.48 DU/ACRE

**MUDD ZONING DIMENSIONAL REQUIREMENTS**

FUTURE R/W: MEASURED 40' FROM EXISTING KENILWORTH AVE. CENTERLINE

SETBACK:  
 PROVIDED: 14' FROM EXISTING BACK OF CURB  
 28' FROM EXISTING BACK OF CURB  
 NONE REQUIRED  
 MINIMUM LOT AREA: NONE REQUIRED  
 MINIMUM SIDE YARDS: NONE REQUIRED  
 MINIMUM REAR YARD: ADJACENT TO RESIDENTIAL USE  
 MAXIMUM HEIGHT: NONE REQUIRED, 10' BUILDING SEPARATION ADJACENT TO RESIDENTIAL USE, 45' (NOT TO EXCEED 3 STORIES)

**PARKING**

1 SPACE/UNIT = 9 SPACES REQUIRED  
 9 SPACES PROVIDED (IN GARAGE)  
 + EXTERIOR PARKING PAD AVAILABLE FOR EACH UNIT

BICYCLE PARKING: PER ORDINANCE STANDARDS

**TREE SAVE / OPEN SPACE CALCULATIONS**

0.4188 AC x 135% = 0.06282 AC (2,737 SF) REQUIRED  
 0.0959 AC (4,135 SF) PROVIDED (22.67%)  
 OPEN SPACE PROPOSED: 2,128 SF (11.66%)  
 (OPEN SPACE IS IN ADDITION TO TREE SAVE AREA, AND INCLUDES THE PRIVATE COURTYARDS)

**WASTE MANAGEMENT:**  
 INDIVIDUAL ROLLOUT CONTAINERS FOR BOTH TRASH & RECYCLE. TRASH AND RECYCLE CANS WILL BE STORED INSIDE GARAGES AS STATED IN HOA DOCUMENTS.



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

**ORSBORN ENGINEERING GROUP**  
 610 EAST MOREHEAD STREET, SUITE 106  
 CHARLOTTE, NC 28202  
 P) 704-749-1432 • F) 704-749-1433

**PROJECT:**  
 MEETING STREET TOWNHOMES @ KENILWORTH  
 1620-1624 KENILWORTH AVE., CHARLOTTE, NC  
 DEVELOPED BY:  
 1930 ABBOTT ST., SUITE 400  
 CHARLOTTE, NC 28203

**SHEET TITLE:**  
 ILLUSTRATIVE SITE PLAN/TECHNICAL DATA SHEET

DATE	REVISIONS
01/16/15	REVISED PER CITY DEPARTMENT/STAFF COMMENTS, DUA & ADJUSTMENTS.

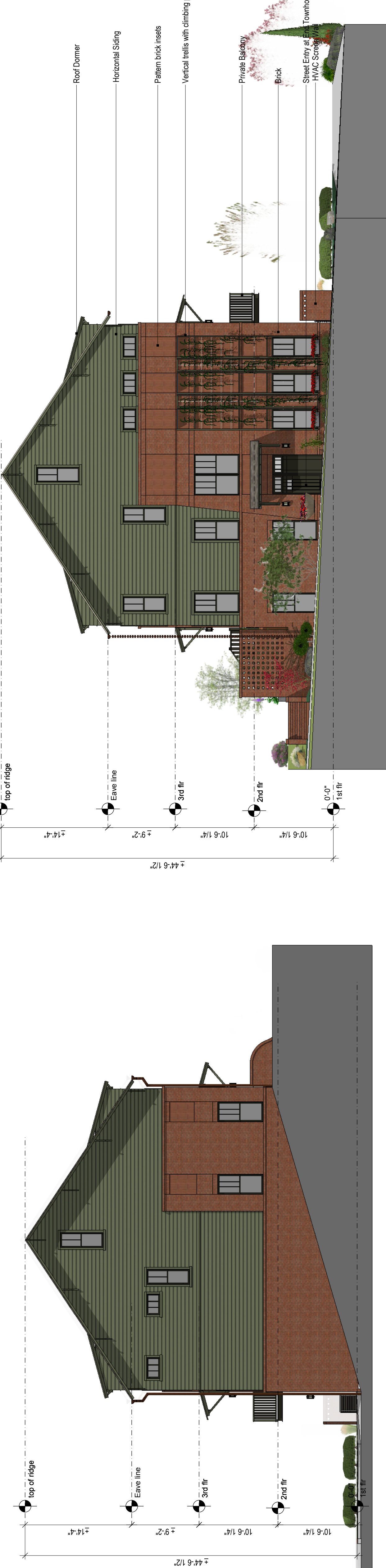
**RZ-2**

JOB # 2014-10 & 14040  
 DATE: (INITIAL FILING): 11/24/14  
 SCALE: 1" = 20'  
 DRAWN BY: JAW  
 TLU/JCO  
 APPROVED BY:

**A :: North Elevation**  
RZ3 scale: 1/8"=1' 0"



**B :: West Elevation**  
RZ3 scale: 1/8"=1' 0"



**D :: South Elevation**  
RZ3 scale: 1/8"=1' 0"



**C :: East Elevation (Kenilworth Avenue)**  
RZ3 scale: 1/8"=1' 0"



NO.	DATE	REVISIONS
1	01/16/15	Revision 1 Planning comments
2		
3		
4		
5		

REVISIONS

MADDOXY

<b>REQUEST</b>	Current Zoning: B-D(CD) (distributive business, conditional) and CC (commercial center) Proposed Zoning: CC (commercial center) and B-D(CD) (distributive business, conditional)
<b>LOCATION</b>	Approximately 18.03 acres located on the north side of Berkeley Place Drive between Pinnacle Drive and Revenna Lane. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes exchanging existing development rights and zoning for a 130,000-square foot self-storage facility with the development rights and zoning for a 258,000-square foot retail/office component, both of which were included in rezoning Petition 2008-087.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. This petition is inconsistent with the <i>Northeast District Plan</i> as amended by the previous petition. However staff feels the petition is appropriate for the following reasons: <ul style="list-style-type: none"> <li>• The uses proposed are already allowed on the site, only in a different configuration.</li> <li>• The proposed location of the storage facility allows the office and retail uses to be focused near Berkley Place Drive, the private streets and the existing office and retail uses.</li> </ul>
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Meck-Pinnacle LLC J.R. Davis, LLC Walter Fields
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8

**PLANNING STAFF REVIEW**

- **Background**
  - Petition 1999-67(c) rezoned approximately 116.7 acres, including the subject property, to R-12MF (multi-family residential) and CC (commercial center) to allow 75,000 square feet of retail uses and 225,000 square feet of office uses, with 915 multi-family residential units.
  - Petition 2002-127 rezoned 33 acres, including the subject property, to CC (commercial center) and CC SPA (commercial center, site plan amendment) to allow the expansion of the maximum office square footage from 225,000 to 255,000 square feet.
  - Petition 2008-087 rezoned 27.2 acres, including the subject property, to B-D (CD) (business distributive, conditional) and CC (commercial center) to allow for 58,000 square feet of retail, 200,000 square feet of office and a 130,000-square foot climate controlled self-storage facility.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - Exchanges a portion of the zoning and permitted land uses between the northern portion of the site and the southern portion. The existing approved plan from 2008 allows a 130,000-square foot climate controlled self-storage facility in the 2.81 acre southern portion currently zoned B-D(CD) (business distributive, conditional) and office/retail uses in the 6.41 acre northern portion currently zoned CC (commercial center)
  - Changes the self-storage facility from a single climate controlled building to a facility with both climate controlled and unconditioned space.
  - Provides access via a private drive in the Pinnacle Point development from Berkley Place Drive.
  - Specifies that architectural compatibility of buildings within the development shall be assured by an architectural review committee with jurisdiction over the acceptable materials and details.
  - Reserves the right to apply for a variance for the requirement that buildings are connected via sidewalks to the public street.
  - Commits to providing documentation during construction permitting phase confirming storm

water easements and that the pond has been designed and constructed to manage storm water runoff for all parcels served in the development.

- Limits the height of detached lighting to 20 feet.
- Commits to submitting an administrative amendment that will adjust the site plan for Petition 2008-087 to account for the existing development of the property and adjust the development rights based on this rezoning. The administrative amendment will be filed and ready for approval pending the approval of this rezoning.
- Provides a 56.25-foot Class "B" buffer reduced with a fence or berm along the northern edge of the site adjacent to single family zoning.
- Stipulates that the area to be rezoned from B-D (CD) (business distributive, conditional) to CC (commercial center) will be subject to the development standards approved with 2008-087.
- **Existing Zoning and Land Use**
  - The subject property is currently undeveloped.
  - Properties to the north are zoned R-3 (single family residential) and R-43MF (multi-family residential) and developed with single family uses. Property to the east and south is zoned CC (commercial center) and developed with non-residential and institutional uses. Property to the west is zoned R-12MF (CD) (multi-family residential, conditional) and developed with multi-family residential.
- **Rezoning History in Area**
  - Recent rezonings approved in the area include:
    - Petition 2014-065, north of the site, rezoned property 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) to allow a banquet hall facility and existing communications tower.
- **Public Plans and Policies**
  - The *Northeast District Plan* (1996), as amended by Petition 2008-087, recommends retail, office and industrial/warehouse/distribution uses for the southern portion of the site and office and retail uses for the northern portion.
  - The petition is inconsistent with the *Northeast District Plan*.

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
    - **Vehicle Trip Generation:**  
Current Zoning: 325 trips per day.  
Proposed Zoning: Trip generation not available.
    - **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:** Provide the following note under the heading Environmental Features: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance."
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
-

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

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

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Address the Charlotte-Mecklenburg Storm Water Services issue.
    2. Remove the note under streetscapes and landscaping as self-storage facilities are exempt from the sidewalk connection requirements.
- 

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

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



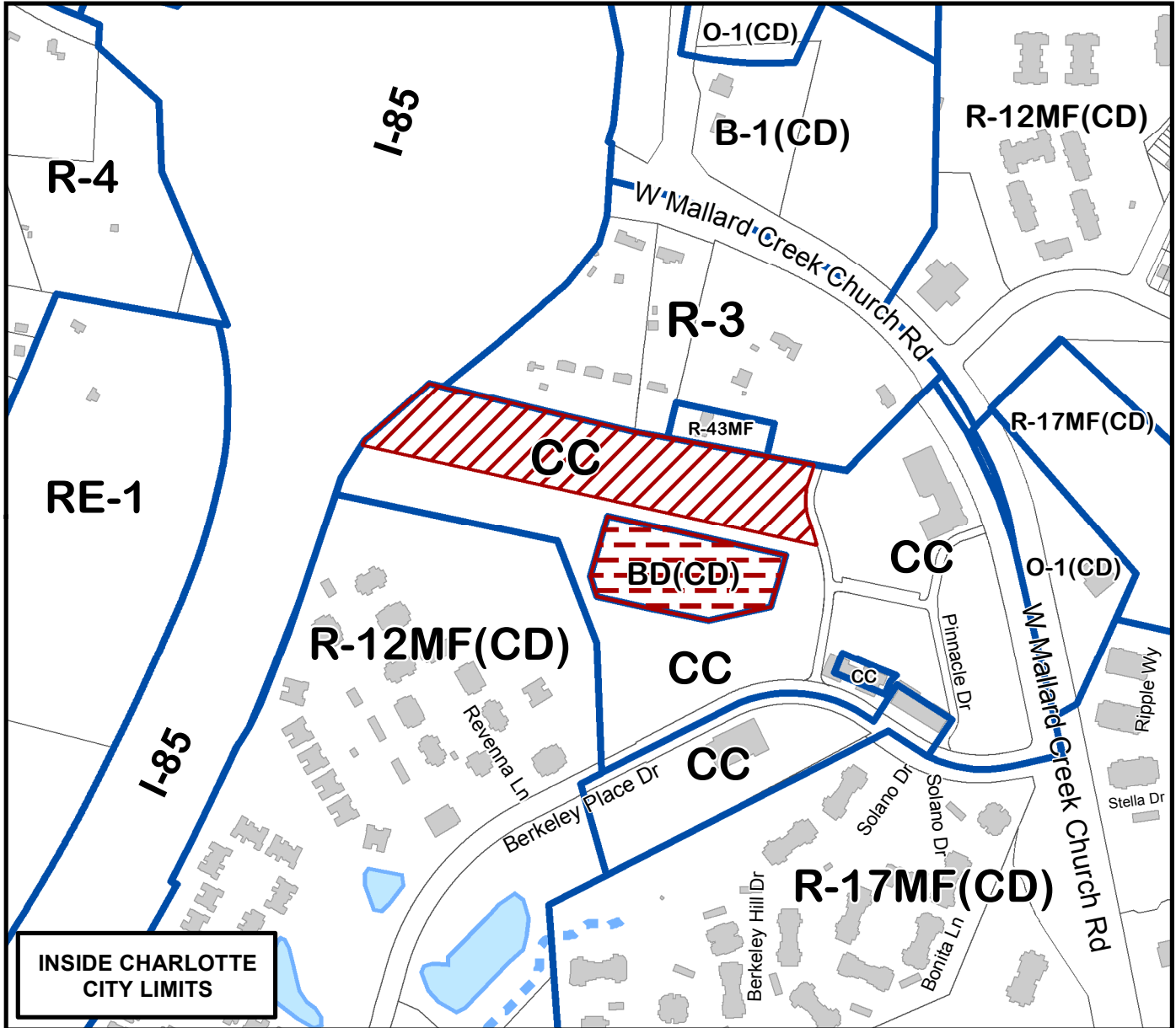
Petition #: **2015-015**

Petitioner: **J.R. Davis, LLC**

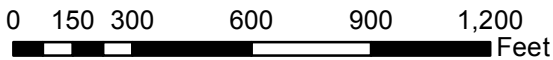
Zoning Classification (Existing): **BD(CD) & CC**  
(Distributive Business, Conditional and Commercial Center)

Zoning Classification (Requested): **CC & BD(CD)**  
(Commercial Center and Distributive Business, Conditional)

Acreage & Location: Approximately 18.03 acres located on the north side of Berkeley Place Drive between Pinnacle Drive and Revenna Lane.

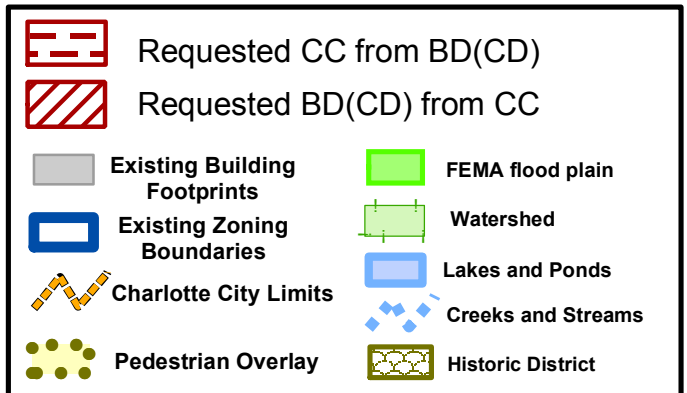


Map Produced by the Charlotte-Mecklenburg Planning Department, 12-18-2014.



Zoning Map #(s)

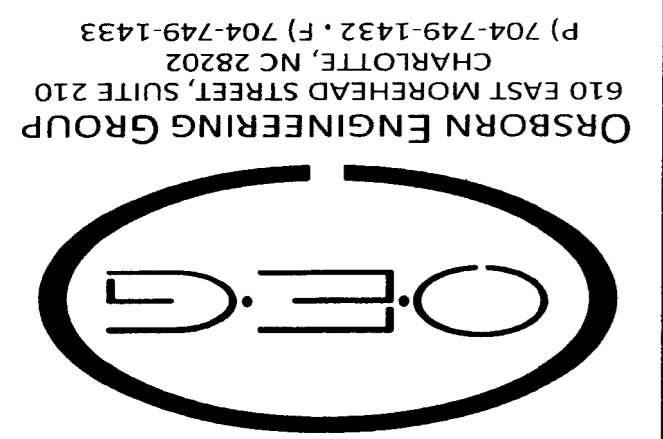
**53, 54**







Previously  
Approved  
Site  
Plan



ORSBORN ENGINEERING GROUP  
610 EAST MOREHEAD STREET, SUITE 210  
CHARLOTTE, NC 28202  
(704) 749-1432 (F) 704-749-1433

ILLUSTRATIVE SITE PLAN  
FOR  
PINNACLE POINT  
DEVELOPMENT, LLC.  
CHARLOTTE, NC 28202

610 EAST MOREHEAD ST.  
CHARLOTTE, NC 28202

DATE	REVISIONS
06/23/08	STAFF COMMENT & COMMUNITY MEETING
05/15/08	STAFF COMMENT & COMMUNITY MEETING

JOB #	08009
DATE	03/03/08
SCALE	1" = 100'
DRAWN BY	JAW
APPROVED BY	JCO

C2.1

APPROVED BY  
CITY COUNCIL  
JUL 18 2008

DEVELOPMENT STANDARDS (CONT.)  
PART IV (CONT.)  
DESIGN GUIDELINES: (CONT.)  
SECTION 6: BUFFER AREAS

DEVELOPMENT SUMMARY  
TAX PARCELS: 047-181-07 (20,959 AC)  
047-181-42 (4,046 AC)  
047-181-43 (2,854 AC)  
047-181-44 (2,854 AC)  
047-181-45 (2,854 AC)

EXISTING ZONING: CC (CD) PETITION #2002-127  
PROPOSED ZONING: CC (CD) PETITION #2002-127  
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(A) THE BUFFER AREAS ESTABLISHED ON THE SCHEMATIC SITE PLAN SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE, SUBJECT, HOWEVER, TO THE PROVISIONS OF SECTION 12.304, THEREOF.

(B) THE PETITIONER RESERVES THE RIGHT TO CLEAR, GRADE, AND FILL THROUGHOUT THE ENTIRE WIDTH OF THE BUFFER AREA AND WHERE A BUFFER AREA CONTAINS A SPARSE AMOUNT OF VEGETATION, THE PETITIONER RESERVES THE RIGHT TO GRADE AND CREATE BERMS WITHIN THAT AREA.

(C) WHERE THERE ARE EXISTING TREES WITHIN BUFFER AREAS ALONG TAX PARCELS 047-181-02 THRU 04, THE PETITIONER SHALL MAINTAIN AND PROTECT SUCH TREES TO REMAIN UNDISTURBED.

(D) THE PETITIONER RESERVES THE RIGHT WITHIN ALL PORTIONS OF BUFFER AREA TO INSTALL UTILITIES AND PEDESTRIAN PATHS. HOWEVER, UTILITY INSTALLATIONS MAY ONLY CROSS BUFFER AREAS AT INTERIOR ANGLES MEASURED AT THE PROPERTY LINE WHICH ARE NOT LESS THAN 75 DEGREES.

(E) NO BUILDINGS, PARKING SPACE, OR MANEUVERING AREAS MAY BE PLACED WITHIN THE BUFFER AREAS.

(F) WHERE EXISTING TREES AND NATURAL VEGETATION WITHIN THE BUFFER AREAS HAVE BEEN CLEARED TO ACCOMMODATE GRADING, PEDESTRIAN PATHS, OR DRIVEWAYS, THE PETITIONER SHALL RE-INSTALL SUCH TREES AND SHRUBS IN A MANNER WHICH COMPLES WITH SECTION 12.302 OF THE ORDINANCE.

(G) THE PETITIONER SHALL MAINTAIN THE BUFFER AREAS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 12.302 OF THE ORDINANCE EXCEPT THAT BUFFER WIDTH REDUCTIONS SHALL MEET THE REQUIREMENTS OF SECTION 12.302 OF THE ORDINANCE EXCEPT THAT BERMS SHALL BE A MINIMUM HEIGHT OF SIX FEET.

SECTION 7: SIDEWALKS  
(A) A 6.0' SIDEWALK WITH AN 8.0' PLANTING STRIP WILL BE PROVIDED ALONG BERKELEY PLACE DRIVE.

(B) A PEDESTRIAN CONNECTION SHALL BE PROVIDED FROM THE WESTMOST PARKING AREA TO THE ADJOINING MULTI-FAMILY PARCEL TO THE WEST. THE LOCATION OF THIS CONNECTION WILL BE COORDINATED WITH THE ADJOINING DEVELOPER. FURTHERMORE, THE PRECISE LOCATION OF THIS CONNECTION WILL BE DETERMINED BY THE LOCATION OF AN EXISTING METEOROLOGICAL STATION WHICH STRADDLES THE TWO DEVELOPMENTS AND IS THE LOCATION OF THE PEDESTRIAN CONNECTION ACCORDINGLY.

SECTION 8: LIGHTING  
(A) ALL FREESTANDING LIGHTING FIXTURES INSTALLED WILL BE UNIFORM IN DESIGN.

(B) EXCEPT FOR PUBLIC STREET LIGHTS, THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE, INCLUDING ITS BASE, SHALL NOT EXCEED 30.0' IN HEIGHT. MAXIMUM LIGHTING EXPOSURE ALONG THE COMMERCIAL COLLECTOR STREET SHALL BE A MAXIMUM OF 20.0' IN HEIGHT. MAXIMUM LIGHTING ILLUMINATION LEVELS BE EIGHT FOOTCANDLES (8.0 fc) FOR THE 30.0' HEIGHT FIXTURES AND SIX FOOTCANDLES (6.0 fc) FOR THE 20.0' HEIGHT FIXTURES.

(C) ALL DIRECT LIGHT INSTALLED WITHIN THE SITE SHALL BE DESIGNED SUCH THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE. CONSIDERATION WILL BE GIVEN TO THE IMPACT OF LIGHTING BOTH WITHIN AND WITHOUT THE PERIMETER OF THE SITE. ITEMS FOR CONSIDERATION WILL INCLUDE INTENSITY, CUTOFF ANGLES, COLOR, ENERGY EFFICIENCY AND SHIELDING OF SOURCE LIGHT. THE INTENT BEING TO ELIMINATE GLARE TOWARDS ADJACENT PROPERTIES AND TO PREVENT UPWARD LIGHTING OF THE NIGHT SKY.

SECTION 9: FIRE PROTECTION  
ADEQUATE FIRE PROTECTION IN THE FORM OF FIRE HYDRANTS WILL BE PROVIDED ACCORDING TO THE CITY OF CHARLOTTE FIRE MARSHAL'S SPECIFICATIONS.

SECTION 10: DESIGN STANDARDS  
(A) THE SITE WILL COMPLY WITH SECTION 11.405 (7) OF THE CHARLOTTE ZONING ORDINANCE REGARDING REDUCTION OF THE SETBACK TO 14.0'.

(B) DUMPSTER AREAS, WHERE PROVIDED, WILL BE SCREENED IN ACCORDANCE WITH THE ORDINANCE. EACH DUMPSTER AREA WILL BE ENCLOSED ON ALL FOUR SIDES BY A WALL WITH ONE SIDE BEING A HINGED GATE. ARCHITECTURAL DESIGN OF THE DUMPSTER ENCLOSURES WILL BE COMPATIBLE WITH BUILDINGS WITHIN THE DEVELOPMENT.

(C) ARCHITECTURAL COMPATIBILITY OF BUILDINGS WITHIN THE DEVELOPMENT SHALL BE ASSURED BY THE ESTABLISHMENT OF AN ARCHITECTURAL REVIEW COMMITTEE WITH JURISDICTION OVER THE ACCEPTABLE MATERIALS AND DETAILS.

(D) EXCEPT AS NOTED ELSEWHERE IN THESE DEVELOPMENT STANDARDS, BUILDINGS THAT INCLUDE A RETAIL COMPONENT WILL BE A MINIMUM OF TWO STORES WITH RETAIL LIMITED TO THE GROUND FLOOR.

(E) THE MAXIMUM RETAIL TENANT SHALL BE 25,000 SQUARE FEET. THE BUILDINGS SHOWN ON THE SCHEMATIC SITE PLAN REPRESENT THE MAXIMUM NUMBER OF BUILDINGS ALLOWED. SOME BUILDINGS MAY BE COMBINED TO CREATE FEWER BUILDINGS, BUT IN NO EVENT SHALL THE MAXIMUM TENANT SIZE BE INCREASED AS INDICATED.

(F) DUE TO EXISTING TOPOGRAPHY/GRADING CONDITIONS, BUILDINGS 'I' AND 'II' SHOWN ON THE ILLUSTRATIVE SITE PLAN MAY BE DESIGNED WITH A LOWER LEVEL FRONTING BERKELEY PLACE DRIVE. A SECOND FLOOR LEVEL WITH THE PARKING LOT IN THE REAR, AND AN OPTIONAL THIRD FLOOR IN THIS EVENT, RETAIL USES MAY OCCUPY BOTH FLOOR LEVELS. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 40% OF THE TOTAL BUILDING SQUARE FOOTAGE. SEE INSERT 'A' ON THE SCHEMATIC SITE PLAN.

(G) DRIVE-THRU WINDOWS SHALL BE LIMITED TO FINANCIAL INSTITUTIONS, PHARMACY USES LIMITED TO 4000 SF AND ACCESSORY TO MEDICAL OFFICE, AND DRY CLEANER USES LIMITED TO 2500 SF.

(H) BUILDINGS 'VI' AND 'VII' ARE DESIGNED TO APPEAR AS ONE BUILDING INCLUDING A COMBINATION OF A ONE STORY PORTION CONTAINING A RESTAURANT/CAFE/ATERIA AND MULTI-STORY RETAIL SHOPS AND OFFICE. THE BUILDINGS ARE CONFIGURED AS FOLLOWS: ONE STORY  
- RETAIL SHOPS/FIRST FLOOR: 11,600 SF  
- OFFICE/SECOND FLOOR: 11,600 SF

(I) PRIOR TO PERMIT APPROVAL OF EACH PHASE OF WORK, THE PETITIONER SHALL SUBMIT A BUILDING SUMMARY TO THE CITY OF CHARLOTTE FOR REVIEW AND APPROVAL. THE BUILDING SUMMARY WILL SEPARATELY IDENTIFY THE PROPOSED BUILDING AREA.

SECTION 11: AIR QUALITY  
DEVELOPMENT OF THIS SITE MAY REQUIRE SUBMISSION OF AN ASBESTOS NOTIFICATION OF DEMOLITION AND RENOVATION TO MCOA DUE TO POSSIBLE DEMOLITION OR RENOVATION OF AN EXISTING STRUCTURE. A LETTER OF NOTIFICATION AND THE REQUIRED FORMS WILL BE MAILED DIRECTLY TO THE PETITIONER BY MCOA.

SECTION 12: SOIL WASTE  
MEKLENBURG SOLID WASTE ACTIVITIES THE PETITIONER SHALL SUBMIT A SOLID WASTE MANAGEMENT PLAN PRIOR TO LAND CLEARING AND/OR CONSTRUCTION ACTIVITIES TO INCLUDE, AT A MINIMUM, THE PROCEDURES THAT WILL BE USED TO RECYCLE ALL CLEAN WOOD, METAL, AND CONCRETE GENERATED DURING DEMOLITION AND CONSTRUCTION ACTIVITIES. ALL OTHER SOLID WASTE INCLUDING HOUSEHOLD WASTE AND INERT DEBRIS SHALL BE TAKEN TO AN APPROVED PROPERLY PERMITTED FACILITY. THE PLAN SHALL ALSO SHOW THE LOCATION OF ALL SOLID WASTE RECEIVING FACILITIES AND RECYCLED AND RECYCLED WILL BE MADE TO THE MEKLENBURG COUNTY SOLID WASTE PROGRAM. THE REPORT SHALL INCLUDE THE IDENTIFICATION AND LOCATION OF ALL FACILITIES RECEIVING DISK/SED OR RECYCLED MATERIALS.

PART V  
FUTURE AMENDMENTS TO THE TECHNICAL DATA SHEET AND THE PROPOSED ILLUSTRATIVE ZONING PLAN MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PARCEL OR PARCELS INVOLVED IN ACCORDANCE WITH CHAPTER 6 OF THE ORDINANCE.

PART VI  
BINDING EFFECT OF THE ZONING APPLICATION  
(A) IF THE PETITIONER'S ZONING PETITION IS APPROVED, THE DEVELOPMENT PROGRAM ESTABLISHED UNDER THESE DEVELOPMENT STANDARDS SHALL BE BINDING ON THE PETITIONER AND ALL SUCCESSORS, HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, AND SUBSEQUENT OWNERS OF THE SITE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS.

(B) THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS "PETITIONER" AND "OWNERS" SHALL BE DEEMED TO INCLUDE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE WHO, FROM TIME TO TIME, MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT OF THE SITE.

SECTION 1: YARD RESTRICTIONS  
ALL BUILDINGS CONSTRUCTED WITHIN THE SITE SHALL SATISFY OR EXCEED THE APPLICABLE SETBACK, REAR YARD, AND SIDE YARD REQUIREMENTS ESTABLISHED UNDER THE ORDINANCE. IN ADDITION, CONNECTIONS WILL BE PROVIDED TO ADJUTING PROPERTIES IN THE GENERAL AREAS DEPICTED ON THE SCHEMATIC SITE PLAN.

SECTION 2: OFF STREET PARKING & INTERNAL CIRCULATION  
(A) THE PARKING SPACES DEPICTED ON THE SCHEMATIC SITE PLAN MAY VARY IN LAYOUT AND LOCATION, BUT, IN ALL EVENTS, WILL BE SUFFICIENT TO SATISFY THE MINIMUM OFF STREET PARKING STANDARDS ESTABLISHED UNDER THE ORDINANCE.

(B) NO PARKING WILL BE PERMITTED WITHIN BUFFER OR SETBACK AREAS.

(C) NO PARKING WILL BE PERMITTED BETWEEN THE BUILDINGS AND MALLARD CREEK CHURCH ROAD OR BERKELEY PLACE DRIVE.

(D) PARKING AND DRIVES WILL BE CONSTRUCTED IN PHASES AND IN SEQUENCES WITH DEVELOPMENT TAKING PLACE ON THE SITE.

(E) PARKING MAY BE SHARED ACROSS USES AND INTERNAL LOT LINES WITHIN THE UNIFIED DEVELOPMENT. GROSS ACCESS EASEMENTS SHALL BE PROVIDED PRIOR TO THE CHANGE OF OWNERSHIP OF ANY INTERNAL LOTS.

SECTION 3: LANDSCAPING AND SCREENING  
(A) SCREENING SHALL CONFORM WITH THE STANDARDS AND TREATMENTS SPECIFIED IN SECTION 12.303 OF THE ORDINANCE.

(B) STREET TREES WILL BE PROVIDED ALONG THE PROJECT FRONTAGE OF BERKELEY PLACE DRIVE AT THE RATE OF ONE LARGE MATURING TREE FOR EVERY 40' LINEAR FEET.

(C) STREET TREES WILL BE PROVIDED ALONG BOTH SIDES OF THE PRIVATE DRIVES AT A RATE OF ONE LARGE MATURING TREE PER 40' LINEAR FEET OR ONE SMALL MATURING TREE PER 30' LINEAR FEET. EXISTING VEGETATION ON THE EAST SIDE OF THE EXISTING PRIVATE DRIVE WILL SATISFY THIS REQUIREMENT FOR THAT SIDE OF THE DRIVE.

SECTION 4: SIGNAGE  
(A) ARCHITECTURAL COMPATIBILITY AND UNIFORMITY OF THE SIGNAGE WITHIN THE DEVELOPMENT SHALL BE ASSURED BY THE ESTABLISHMENT OF AN ARCHITECTURAL REVIEW COMMITTEE WITH JURISDICTION OVER THE SIZE, LOCATION, ACCEPTABLE MATERIALS, AND DETAILS.

(B) ALL SIGNS PLACED ON THE SITE WILL BE ERECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

(C) PETITIONER WILL INSTALL WAYFINDING SIGNAGE FOR TRUCK TRAFFIC NEEDING TO ENTER THE SITE TO SERVICE THE SELF-STORAGE FACILITY AS WELL AS OTHER USES RECEIVING TRUCK TRAFFIC.

SECTION 5: STORM WATER MANAGEMENT  
(A) THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

(B) THE FOLLOWING AGENCIES MUST BE CONTACTED PRIOR TO CONSTRUCTION REGARDING METLAND AND WATER QUALITY PERMITS: PERMIT NO. 08-019-1788  
SECTION 401 PERMIT NO. 08-019-1788  
SECTION 401 PERMIT NO. 08-019-1788

SECTION 6: BUFFER AREAS  
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DEVELOPMENT SUMMARY

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	047-181-44	(2,854 AC)
	047-181-45	(2,854 AC)
<b>TOTAL</b>	<b>25,049 AC</b>	<b>2,810 AC</b>

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<b>REQUEST</b>	Current Zoning: B-1(CD) (neighborhood business, conditional) Proposed Zoning: NS (neighborhood services)
<b>LOCATION</b>	Approximately 10.24 acres located on the northwest corner at the intersection of Bevington Place and Carswell Lane. (Council District 7 - Driggs)
<b>SUMMARY OF PETITION</b>	The petition proposes to redevelop an existing shopping center by retaining 18,000 square feet of retail uses and allowing a new 89,000-square foot office building.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The retail component of the petition is consistent with the <i>South District Plan</i> , which reflects the existing retail use. The office component is inconsistent with the adopted plan. However, the proposed uses are allowed and appropriate in a commercial environment, and will be less traffic intensive than the current development.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Touchstone Village, LLC Touchstone Village, LLC Walter Fields, Walter Fields Group
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 15

**PLANNING STAFF REVIEW**

- **Background**
  - The subject property was rezoned as part of a larger 12.8-acre rezoning via Petition 1990-13, which allowed 64,140 square feet of retail uses and a 3,000-square foot community building. The community building, which is now a day care, is not included in the subject rezoning.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - A maximum 89,000-square foot, three-story office building.
  - Retaining 18,000 square feet of the existing retail building for retail uses.
  - Enhanced internal pedestrian network and new sidewalk from new building to Baybrook Lane.
  - Installation of painted crosswalks at all adjoining public intersections and at all driveway connections from the site to public streets to enhance pedestrian safety in the community.
  - Option to add on-street parking on the north side of the existing private driveway between Bevington Place and Carswell Lane. At such time as parking is added along the driveway, the petitioner shall install a sidewalk on the north side of the private driveway from Carswell Lane to Baybrook Lane.
  - Converting driveway that intersects with Carswell Lane to a full movement driveway, with no left-turn restrictions.
  - Construction traffic and employees of the building will be required to arrive from and depart directly to NC 51.
  - Use of articulated facades to avoid large expanses of building wall exceeding 20 feet in length.
  - Building elevations.
  - Allowance for existing buffer on the north side of the property abutting the elementary school to be reduced to accommodate additional parking and a sidewalk that may be installed on the north side of the private drive.
  - Retention of existing buffers along the site's frontage on Baybrook Lane, Bevington Plan, and Carswell Lane.
  - Replacement trees provided along Bevington Lane to replace existing trees that are dead.
  - Establishment of a maintenance program for buffer areas that will be repeated at least once annually.
  - Detached lighting will utilize full cut-off luminaries and be limited to 25 feet in height, and will use designs and fixtures that minimize light from any freestanding lighting installed in the new

parking area from leaving the site.

- **Existing Zoning and Land Use**
    - The subject property is currently developed with 51,314 square feet of retail uses in a strip shopping center. Adjacent properties are zoned R-15(CD) (single family residential, conditional), R-20MF (multi-family residential), R-9(CD) (single family residential, conditional), and R-3 (single family residential) and developed with an elementary school, single family housing and multi-family residential dwellings.
  - **Rezoning History in Area**
    - There have been no rezonings in the immediate area in recent years.
  - **Public Plans and Policies**
    - The *South District Plan* (1993) recognizes the existing retail use.
    - The retail component is consistent with the *South District Plan* but the office component is inconsistent with the *South District Plan*.
- 

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:**
    1. Amend Note C to state "Conversion of existing Carswell Lane driveway to a full-movement access point will be subject to review and approval by CDOT during the construction permitting phase."
    2. Establish a pedestrian connection within the parking lot between the proposed sidewalk on the north side of the proposed three-story office building and the existing sidewalk on the north side of the child care facility.
  - **Vehicle Trip Generation:**
    - Current Zoning: 5,400 trips per day.
    - Proposed Zoning: 3,300 trips per day.
  - **Connectivity:** See comments above.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** Comments about wells and monitoring wells have been passed on to the petitioner.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
- 

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

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

#### **OUTSTANDING ISSUES**

- The petitioner should:
  1. Amend Note G under Transportation to specify which building is referenced.
  2. Indicate if there is a parking/cross access agreement with the existing day care. Indicate the required parking for the day care and its location.
  3. Amend wording of Notes F and G under Transportation, as the site does not have frontage on or

direct access to Highway 51.

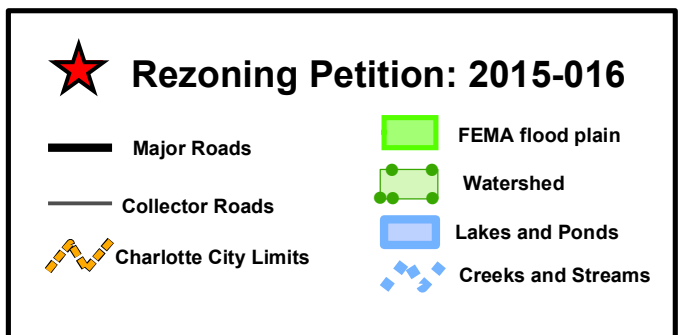
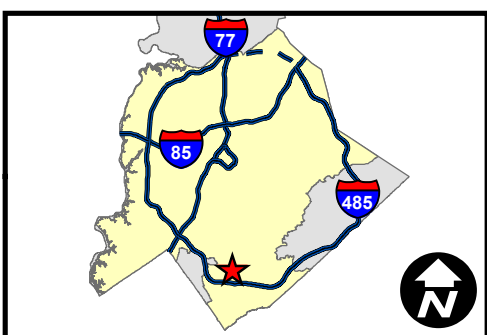
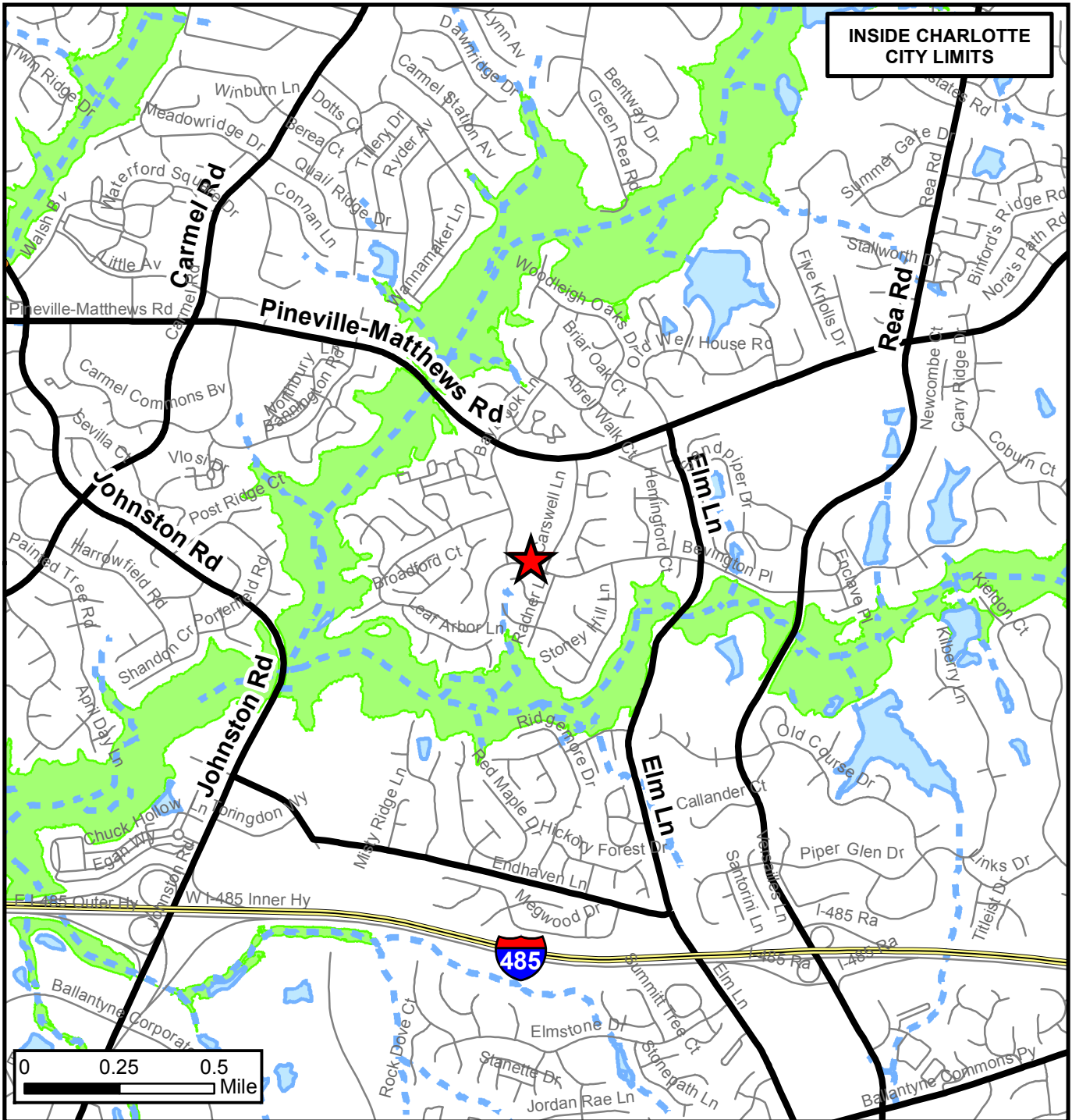
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

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

**Acreage & Location :** Approximately 10.24 acres located on the northwest corner at the intersection of Bevington Place and Carswell Lane.



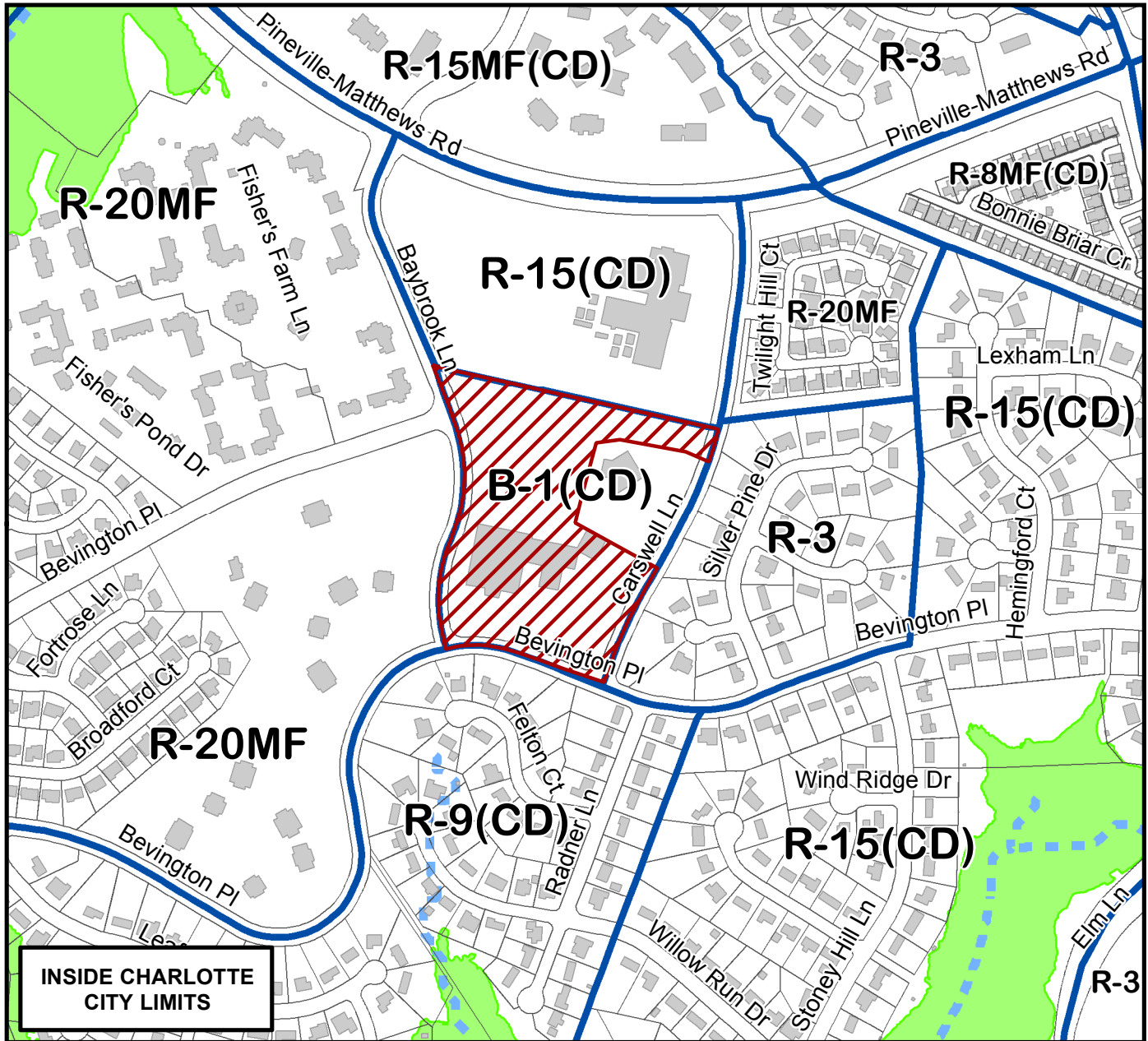
Petition #: **2015-016**

Petitioner: **Touchstone Village, LLC**

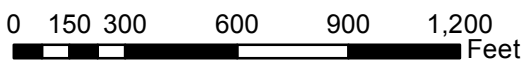
Zoning Classification (Existing): **B-1(CD)**  
(Neighborhood Business, Conditional)

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

Acreage & Location: Approximately 10.24 acres located on the northwest corner at the intersection of Bevington Place and Carswell Lane.

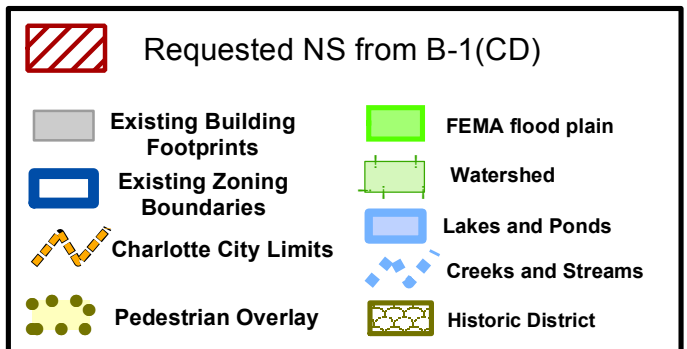


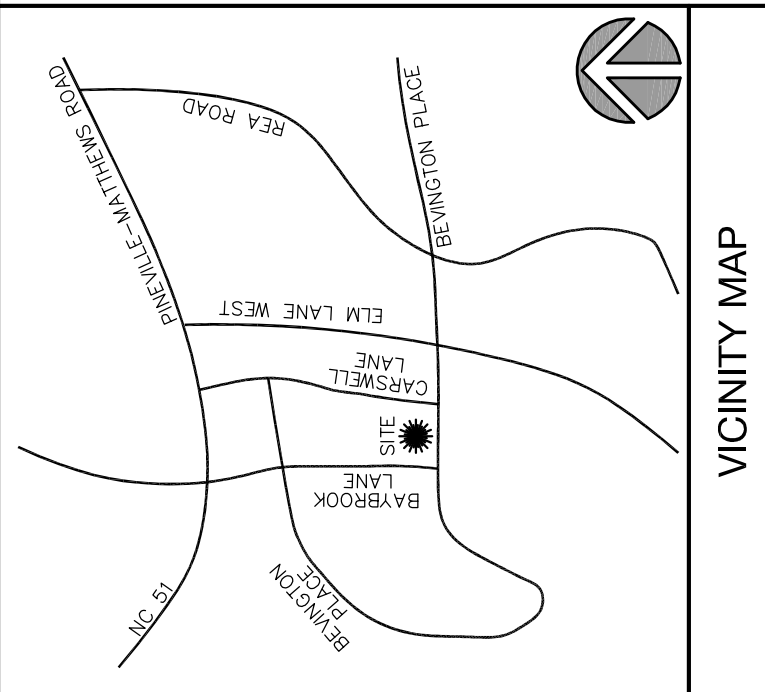
Map Produced by the Charlotte-Mecklenburg Planning Department, 12-1-2014.



Zoning Map #(s)

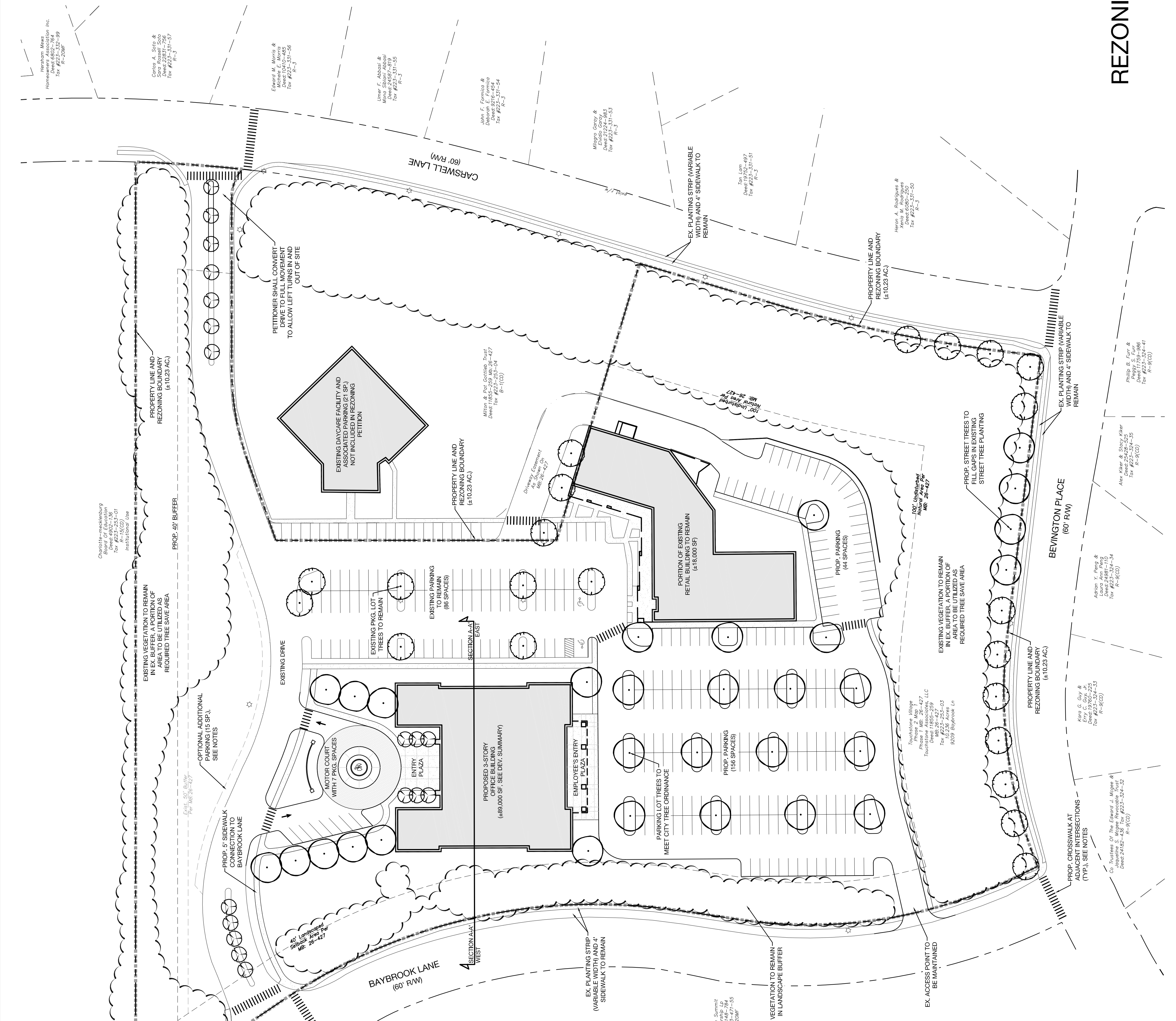
**167, 176**





VICINITY MAP

DEVELOPMENT SUMMARY	
TAX PARCEL ID #:	22325303
TOTAL SITE AREA:	10.23
ZONING:	B-1(CD) NS (Neighborhood Svcs.)
SETBACKS:	14' From B.O.C. 10' Provided 20' Adjacent to Res.
FRONT:	60'
SIDE:	
REAR:	
MAX. BUILDING HEIGHT:	Office and Neighborhood Retail
PROPOSED USE:	
BUILDING AREA:	+71,700 SF
OFFICE STORAGE:	+17,300 SF
ACCESSORY STORAGE:	+18,000 SF
INTERNAL TO OFFICE:	
EX. NEIGHBORHOOD RETAIL:	
VEHICULAR PARKING:	150 Spaces (1 Sp./600 SF)
REQUIRED:	283 Spaces
PROPOSED:	



**Conditional Development Standards**  
General Provisions.

- 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 6.207 of the Zoning Ordinance.
  - The Petitioner acknowledges that other standard development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, bicycle parking, and site development, may apply to the development of this site. These are not zoning regulations, and are not intended to be construed as such. The Petitioner agrees to comply with all other standard development requirements that may be applicable to the development of this site as defined by those other city ordinances that may be applicable to the site.
  - Throughout this Rezoning Petition, the terms "Owner", "Owners", "Petitioner" or "Petitioners" shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.
- Purpose**  
To redevelop a portion of an obsolete neighborhood shopping center to accommodate a corporate office building.
- Permitted Uses**  
Uses allowed on the property included in this Petition are those uses that are permitted in the NS district except as may be further limited by the specific provisions of this site plan.
- Transportation**
- The site will utilize the existing driveway connections to Baybrook Lane and Carswell Lane.
  - Parking areas are generally depicted on the concept plan for the site.
  - The connection to Carswell Lane may be converted to a full access driveway with no left turn restriction.
  - The Petitioner reserves the right to add additional parking on the north side of the private driveway as generally depicted on the site plan. At such time as parking is added along the north side of the private drive, the Petitioner will install a sidewalk on the north side of the private drive from Carswell Lane to Baybrook Lane.
  - The Petitioner will install painted crosswalks, subject to CDOT approval, at all public street intersections that adjoin the site and at all of the driveway connections from the site to public streets to enhance pedestrian safety in the community.
  - The Petitioner will require that all construction traffic arrive from and depart directly to NC 51.
  - The Petitioner will require that the employees of the building arrive from and depart directly to NC 51.

**Architectural Standards**  
The exterior of the site will be governed by the district regulations of the Zoning Ordinance for the NS. 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, different colors of paint, glass windows, water table, and/or soldier courses. The Petitioner has also provided typical elevation images of the building that represent the overall scale, character, and quality of the building proposed to be constructed. The Petitioner agrees to maintain or restore the existing character of the site through building design, but the wall design and construction will be subject to CDOT approval. If a generator will be installed as part of the office building construction, it will be located inside of the building with the exhaust directed to exit from the north side of the building and directed toward the ground or vertically to exit from the roof to minimize the sound of the generator when in operation.

**Streetscape and Landscaping**  
The existing buffers on the site will remain, except that the buffer on the northern side of the site will be replaced with a new sidewalk and additional parking and a new sidewalk that may be installed on the north side of the private drive.

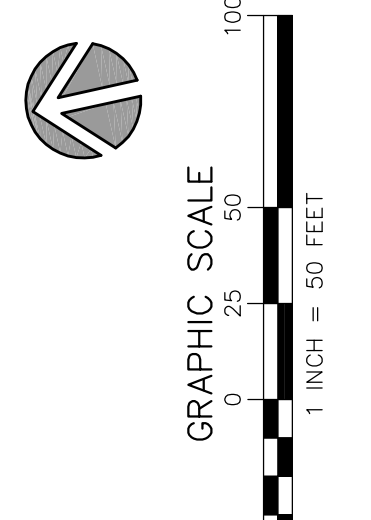
In addition the Petitioner will install replacement trees along Bevington Lane where trees planted as part of the original plan have died.

Further, the Petitioner will establish a maintenance program for the buffer areas on the site that will include the removal of dead material and trash that may have been illegally deposited in the buffer areas. This program will include an initial maintenance of the buffer areas that will be performed by the Petitioner and a Certificate of Occupancy for the building and that will be repeated at least once per year thereafter.

- Environmental Features**  
Reserved
- Parks, Greenways, and Open Space**  
Reserved
- Fire Protection**  
Reserved
- Signage**  
Reserved
- Lighting**
- Freesanding lighting on the site will be limited to 25' in total height and will utilize full cut-off luminaires and no "wall pack" type lighting will be utilized, except that architectural lighting on the exterior of buildings will be permitted.
  - During the design of the site renovations, the Petitioner will evaluate and employ designs and fixtures that are designed to minimize the light from any free standing lighting installed in the new parking area leaving the site. These methods may include but are not limited to the reduced height of freesanding lighting, the utilization of timers to control when lights are needed to be in operation, the design of fixtures that would direct light downward or away from the site, and the use of a canopy to such a way as concerns for security and safety of the property are not compromised.
  - Once installed, the Petitioner will maintain both the existing and new lighting installed on the site such that the fixtures are operational at times when the lights designed and operated to be on.

**Phishing**  
Reserved

Initial submission 11-24-11  
Revised per staff comments 1/14/15, 1.1  
Revised per community comments 1/15/15, 1.2

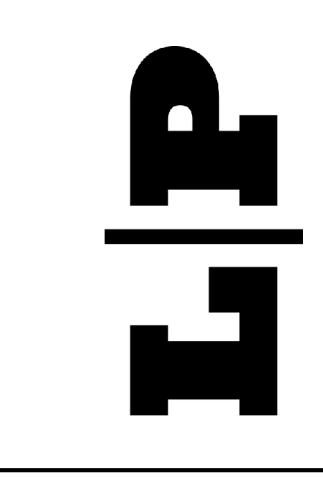


**REZONING PETITION**  
**#2015-016**

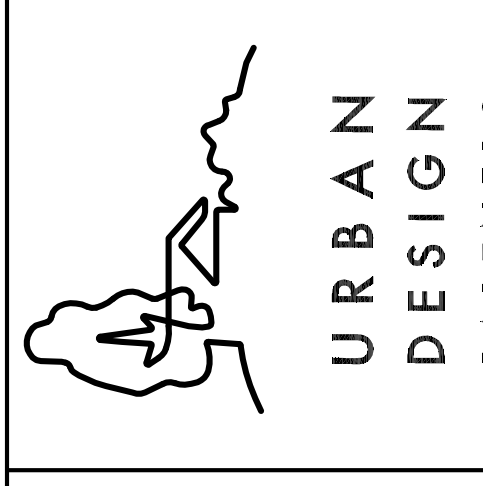
NO.	DATE:	BY:	REVISIONS:
1	01.16.15	UDP	PER CITY COMMENTS

**Touchstone Village**  
Rezoning Site Plan  
9209 Baybrook Lane, Charlotte, NC 28277

Mr. James Sankey, LLC  
Touchstone Village, LLC



1815 E. Matthews Ave. # 200  
Charlotte, NC 28205  
Phone: 704.334.3365  
Fax: 704.334.3365  
urban@l/pdesign.com



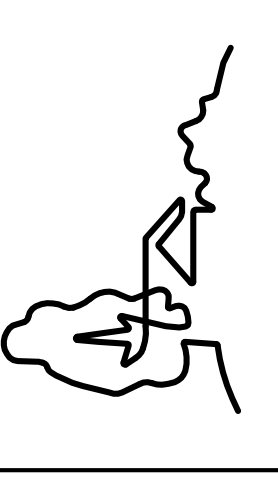


NO.	DATE:	BY:	REVISIONS:
1	01.16.15	UDP	PER CITY COMMENTS

Touchstone Village  
 Building Elevations / Site Section  
 9209 Baybrook Lane, Charlotte, NC 28277

Mr. James Sankey, LLC  
 Touchstone Village, LLC

**L/P**  
 URBAN DESIGN PARTNERS



1318 E. South Ave. • 704.334.3303  
 2000 W. 10th St. • 704.334.3305  
 urbandesignpartners.com



SOUTH VIEW

L/P ARCHITECTURE  
 InVUE Corporate Campus at Touchstone | 2



WEST VIEW

L/P ARCHITECTURE  
 InVUE Corporate Campus at Touchstone | 4



NORTH VIEW

L/P ARCHITECTURE  
 InVUE Corporate Campus at Touchstone | 1

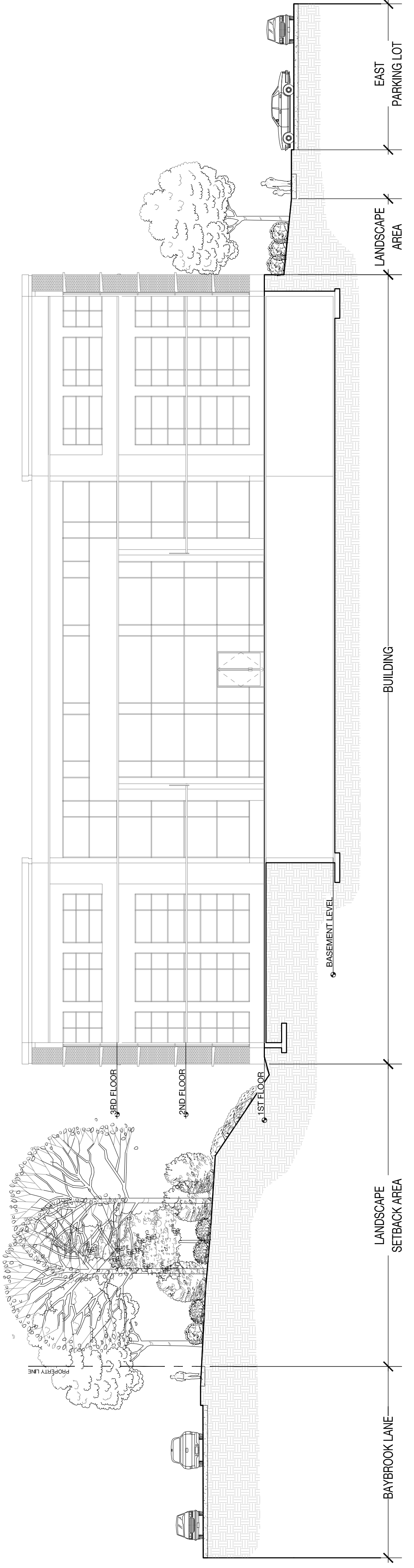


EAST VIEW

L/P ARCHITECTURE  
 InVUE Corporate Campus at Touchstone | 3

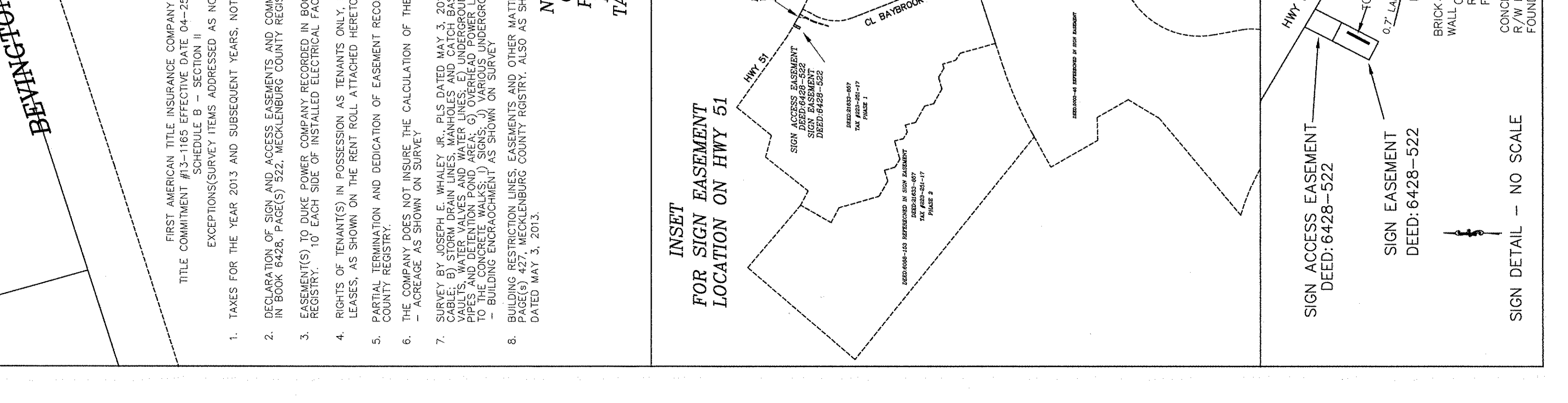
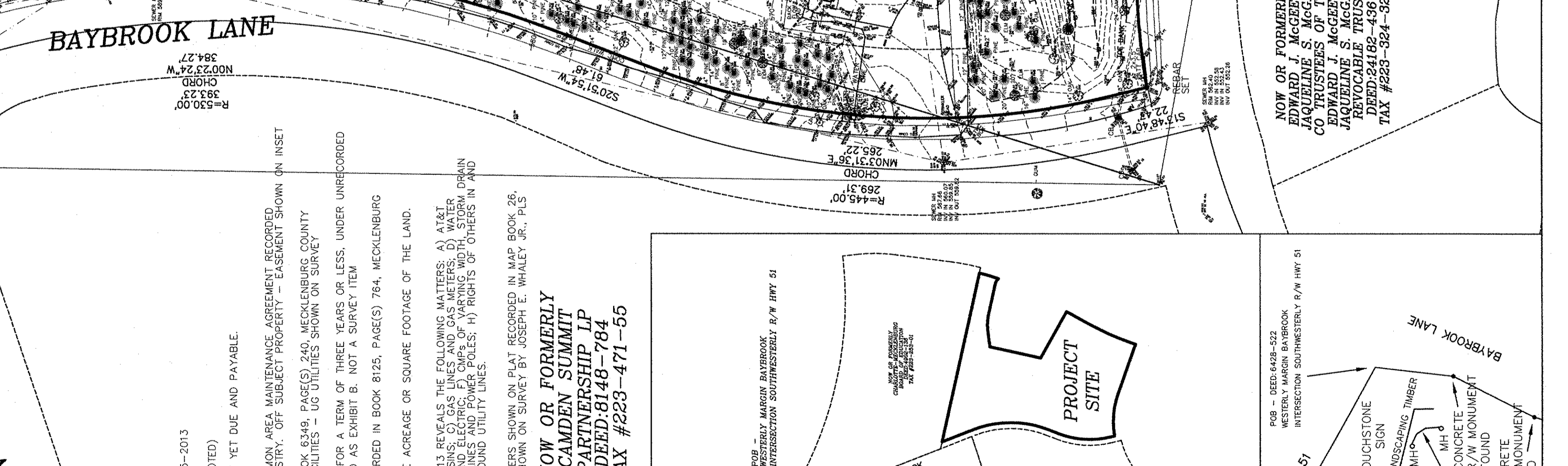
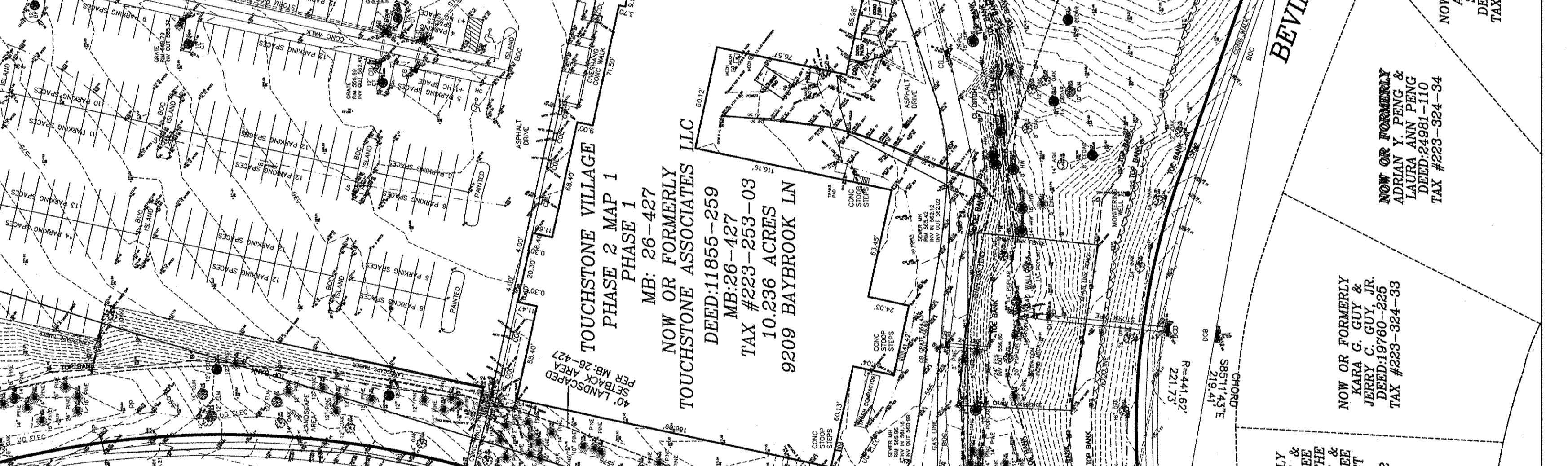
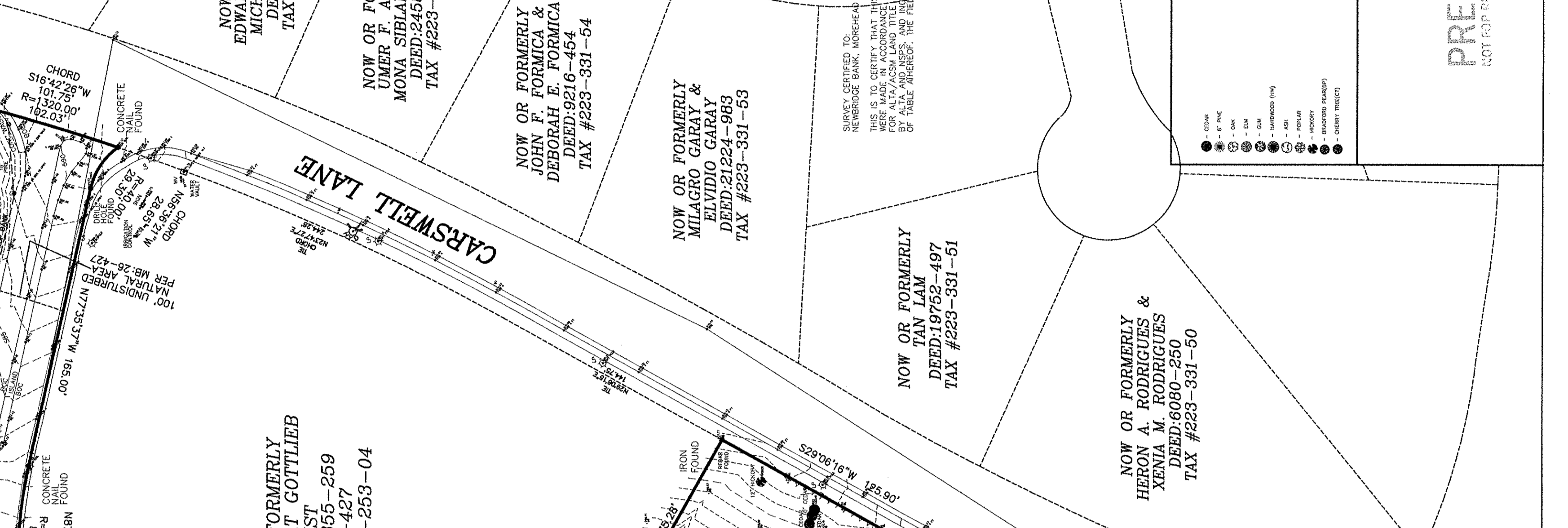
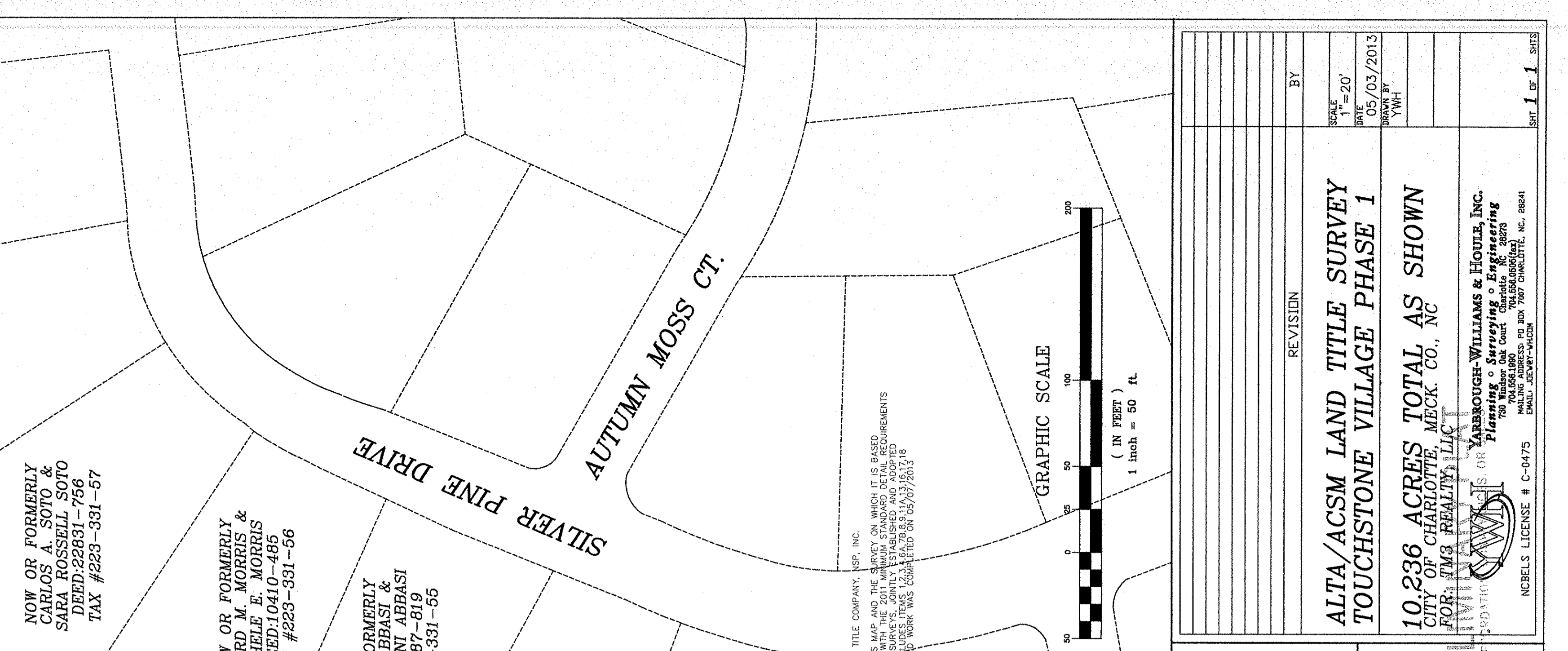
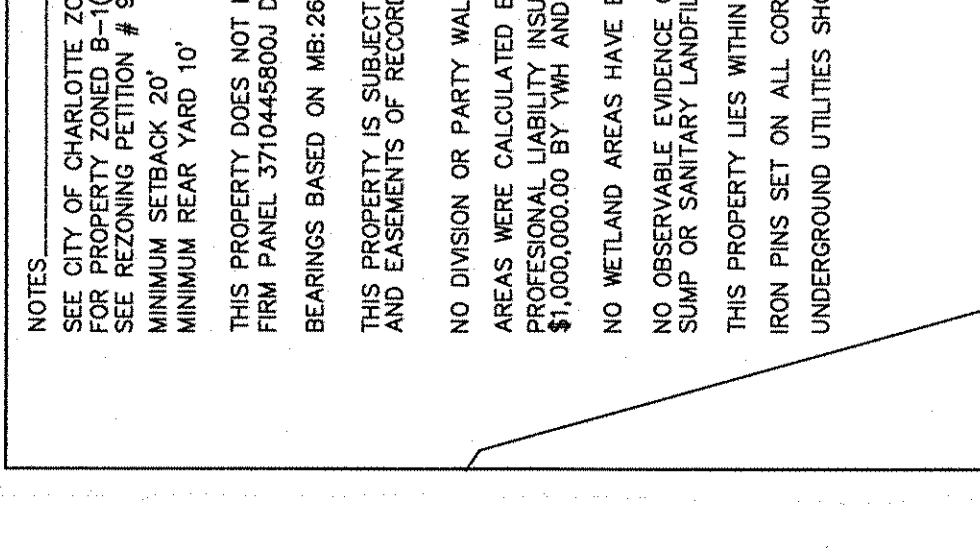
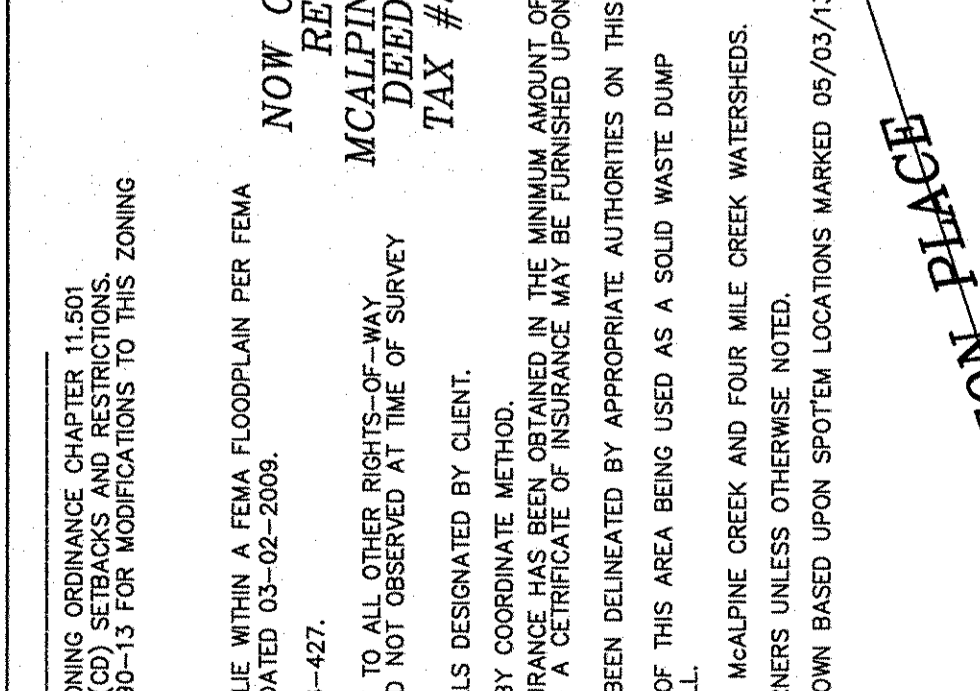
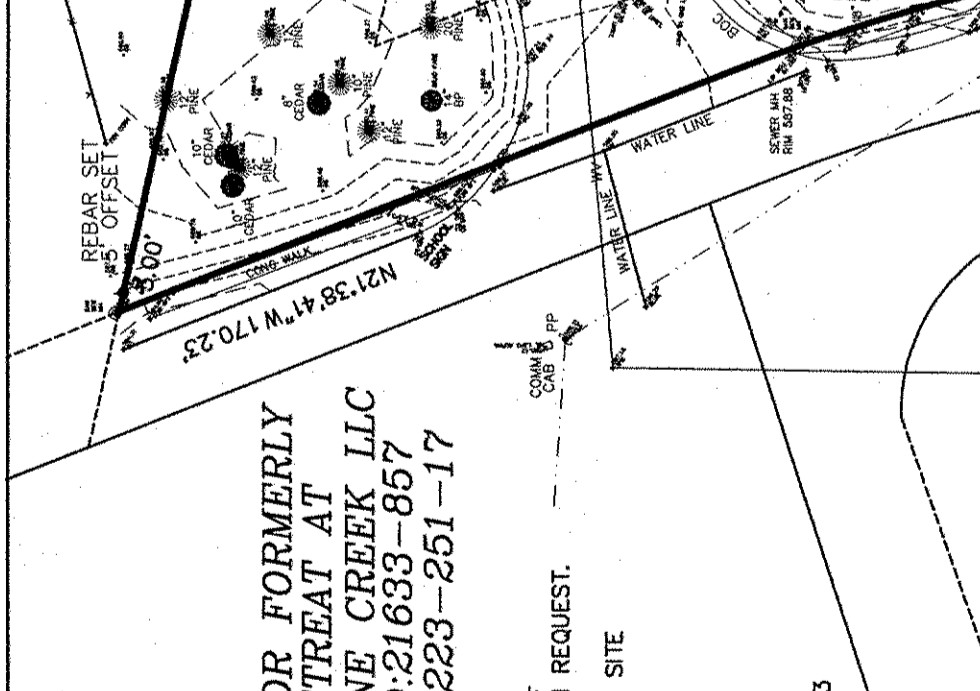
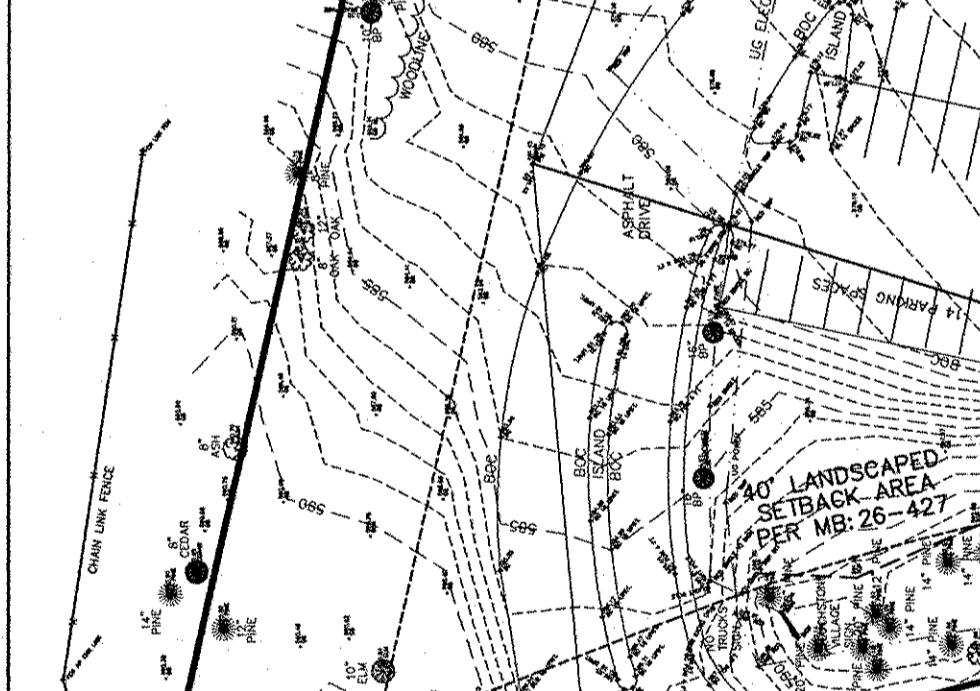
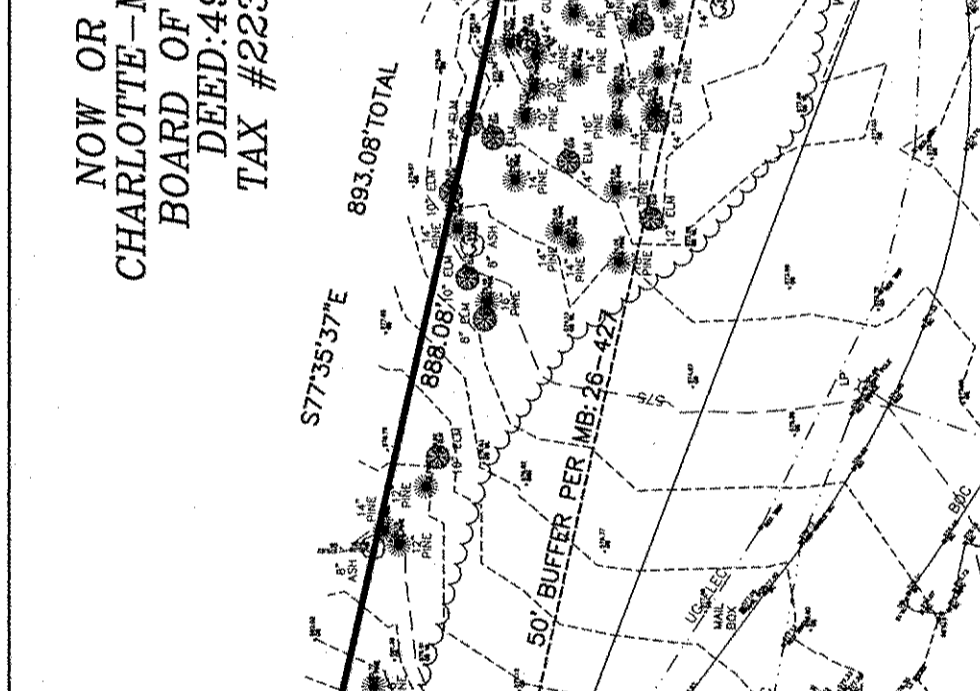
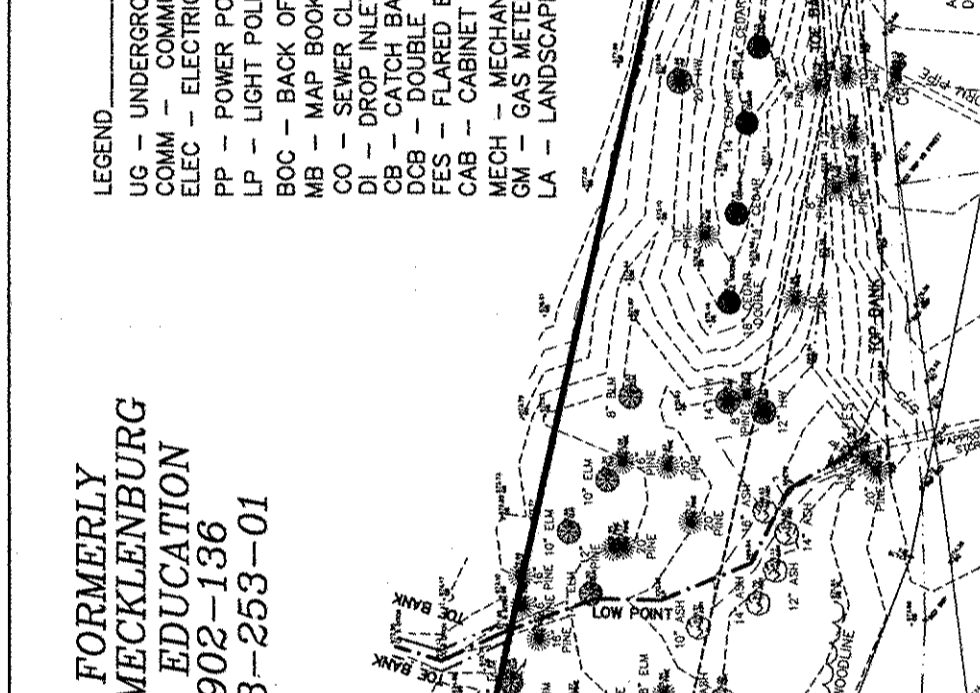
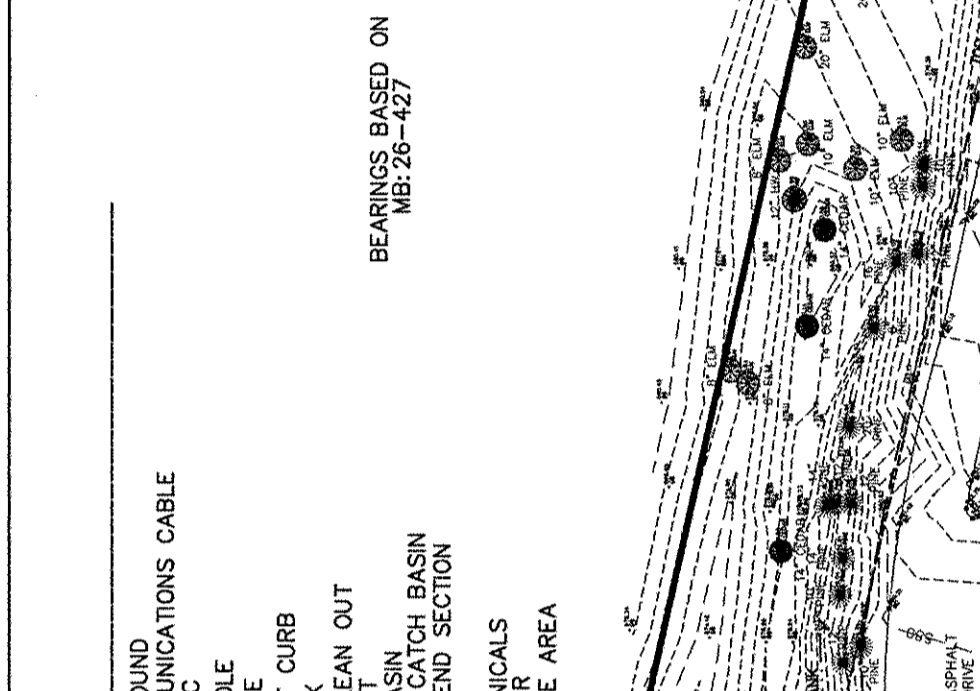
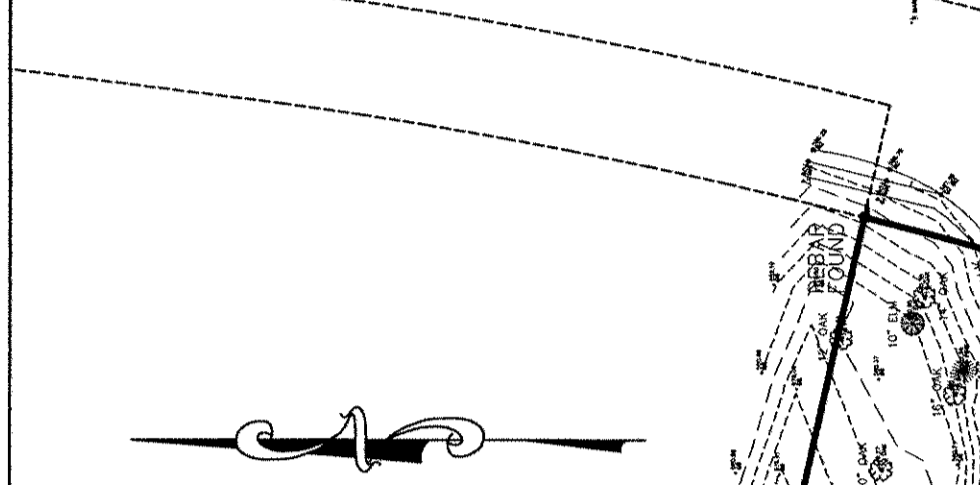
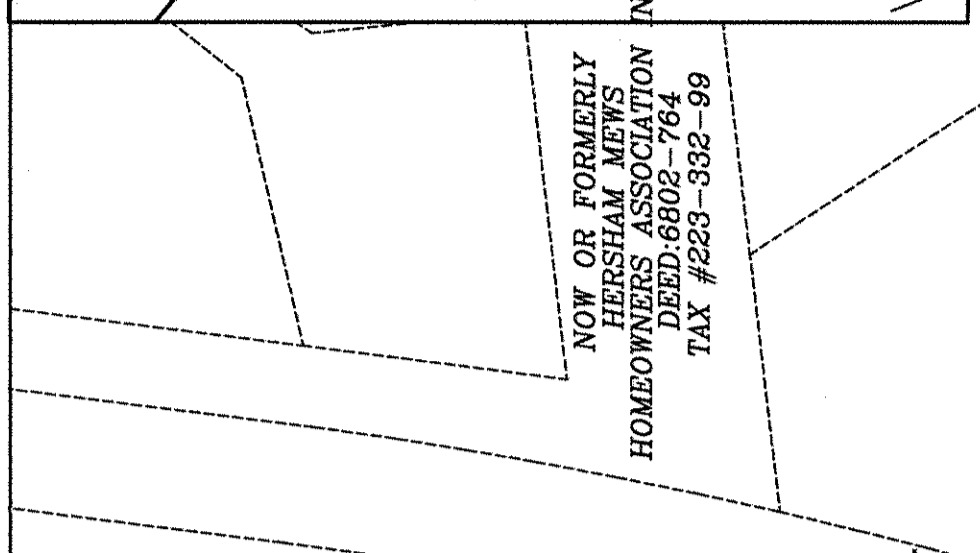
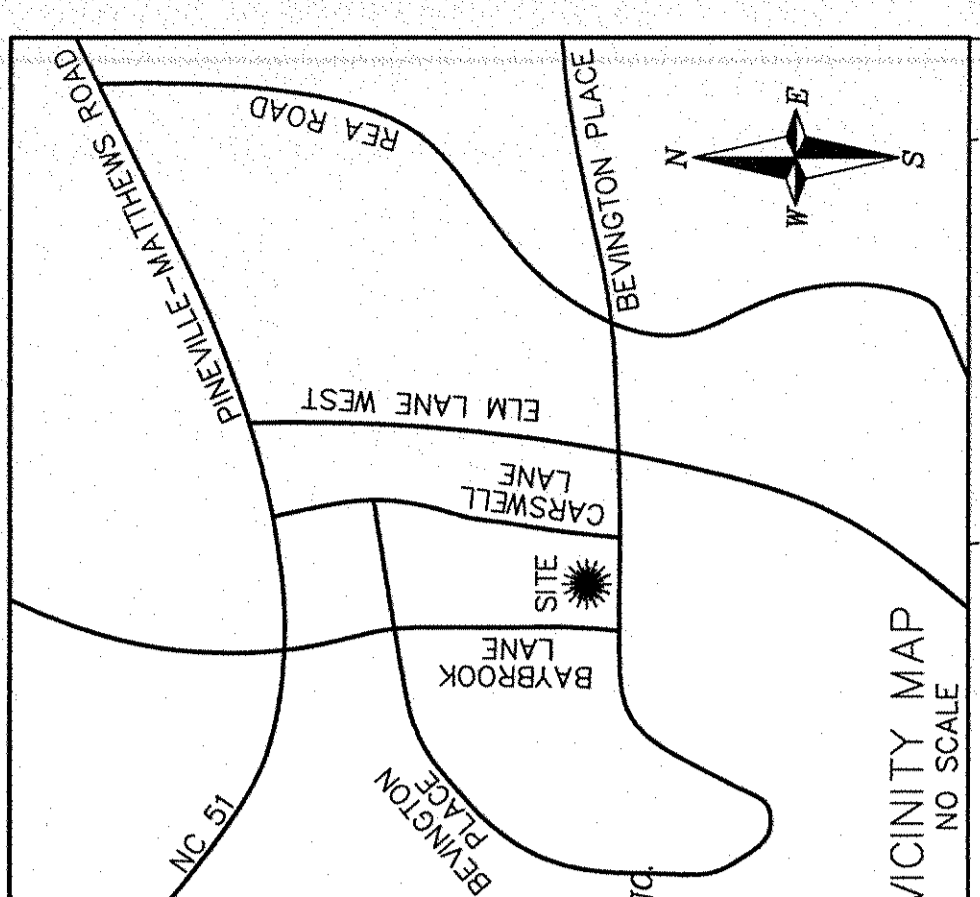
**BUILDING ELEVATIONS**

NOT TO SCALE



**SITE SECTION A-A' (WEST-EAST)**

NOT TO SCALE



LEGEND  
 UG - UNDERGROUND UTILITY  
 ELEC - ELECTRIC  
 PP - POWER POLE  
 LP - LIGHT POLE  
 BOC - BACK OF CURB  
 DR - DRAINAGE  
 CB - CATCH BASIN  
 FES - FLARED END SECTION  
 CAB - CABINET  
 MCH - METER  
 LA - LANDSCAPE AREA

BEARINGS BASED ON MB-26-427

BEARINGS BASED ON MB-26-427

BEARINGS BASED ON MB-26-427

BEARINGS BASED ON MB-26-427

NOW OR FORMERLY HERSHAM MEWS HOMEOWNERS ASSOCIATION INC. DEED:4902-766 TAX #223-332-99

NOW OR FORMERLY CARLOS A. SOTO & SARA ROSSELL SOTO DEED:22831-756 TAX #223-331-57

NOW OR FORMERLY EDWARD M. MORRIS & MICHELE E. MORRIS DEED:10410-465 TAX #223-331-56

NOW OR FORMERLY LINDA F. ABRASI & MONA SIBHANI ABRASI DEED:24587-819 TAX #223-331-55

NOW OR FORMERLY JOHN F. FORMICA & DEBORAH E. FORMICA DEED:9216-454 TAX #223-331-54

NOW OR FORMERLY MILTON & PAT GOTTLIEB TRUST DEED:11855-259 MB-26-427 TAX #223-253-04

NOW OR FORMERLY TOUCHSTONE VILLAGE PHASE 2 MAP 1 TOUCHSTONE ASSOCIATES LLC DEED:11855-259 MB-26-427 TAX #223-253-03 10.236 ACRES 9209 BAYBROOK LN

NOW OR FORMERLY EDWARD J. MCGEE & JACQUELINE S. MCGEE CO. TRUSTEES OF THE REVOCABLE TRUST DEED:24162-436 TAX #223-324-32

NOW OR FORMERLY KARA G. GUY & JERRY G. GUY, JR. DEED:24981-110 TAX #223-324-33

NOW OR FORMERLY STACY KIKER & PHILLIP B. FURR & PEGGY S. FURR DEED:11759-896 TAX #223-324-41

NOW OR FORMERLY HERON A. RODRIGUES & XENIA M. RODRIGUES DEED:6090-250 TAX #223-331-50

NOW OR FORMERLY TAN LAM DEED:19752-497 TAX #223-331-51

NOW OR FORMERLY MILEGO CARAY & DEVIDO CARAY DEED:21224-983 TAX #223-331-53

NOW OR FORMERLY JOHN F. FORMICA & DEBORAH E. FORMICA DEED:9216-454 TAX #223-331-54

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NOTES  
 SEE CITY OF CHARLOTTE ZONING ORDINANCE CHAPTER 11.501 (SEE PROPERTY ZONED B-(OD) SETBACKS AND RESTRICTIONS. MINIMUM SETBACK 20' MINIMUM REAR YARD 10'  
 THIS PROPERTY DOES NOT LIE WITHIN A FEMA FLOODPLAIN PER FEMA FIRM PANEL 3710448800 DATED 03-02-2008.  
 BEARINGS BASED ON MB-26-427.  
 THIS PROPERTY IS SUBJECT TO ALL OTHER RIGHTS-OF-WAY AND EASEMENTS OF RECORD NOT OBSERVED AT TIME OF SURVEY.  
 NO DIVISION OR PARTY WALLS DESIGNATED BY CLIENT.  
 AREAS WERE CALCULATED BY COORDINATE METHOD.  
 PROFESSIONAL LIABILITY INSURANCE HAS BEEN OBTAINED IN THE MINIMUM AMOUNT OF \$1,000,000 BY TWM AND A CERTIFICATE OF INSURANCE MAY BE FURNISHED UPON REQUEST.  
 NO WETLAND AREAS HAVE BEEN DELINEATED BY APPROPRIATE AUTHORITIES ON THIS SITE.  
 NO OBSERVABLE EVIDENCE OF THIS AREA BEING USED AS A SOLID WASTE DUMP SUMP OR SANITARY LANDFILL.  
 THIS PROPERTY LIES WITHIN McALPINE CREEK AND FOUR MILE CREEK WATERSHEDS.  
 IRON PINS SET ON ALL CORNERS UNLESS OTHERWISE NOTED.  
 UNDERGROUND UTILITIES SHOWN BASED UPON SPOT LOCATIONS MARKED 05/03/13

FIRST AMERICAN TITLE INSURANCE COMPANY  
 TITLE COMMITMENT #13-1165 EFFECTIVE DATE 04-25-2013  
 SCHEDULE B - SECTION II  
 EXCEPTIONS/SURVEY ITEMS ADDRESSED AS NOTED

- TAXES FOR THE YEAR 2013 AND SUBSEQUENT YEARS, NOT YET DUE AND PAYABLE.
- DECLARATION OF SIGN AND ACCESS EASEMENTS AND COMMON AREA MAINTENANCE AGREEMENT RECORDED IN BOOK 8428, PAGE(S) 522, MECKLENBURG COUNTY REGISTRY. OFF SUBJECT PROPERTY - EASEMENT SHOWN ON INSET
- EASEMENT(S) TO DUKE POWER COMPANY RECORDED IN BOOK 6349, PAGE(S) 245, MECKLENBURG COUNTY REGISTRY. 10' EACH SIDE OF INSTALLED ELECTRICAL FACILITIES - US UTILITIES SHOWN ON SURVEY
- RIGHTS OF TENANTS IN POSSESSION ONLY, FOR A TERM OF THREE YEARS OR LESS, UNDER UNRECORDED LEASES, AS SHOWN ON THE RENT ROLL ATTACHED HERETO AS EXHIBIT B, NOT A SURVEY ITEM
- PARTIAL TERMINATION AND DEDICATION OF EASEMENT RECORDED IN BOOK 8126, PAGE(S) 784, MECKLENBURG COUNTY REGISTRY.
- THE COMPANY DOES NOT INSURE THE CALCULATION OF THE ACREAGE OR SQUARE FOOTAGE OF THE LAND, SURVEY BY JOSEPH E. WHALEY, JR., PLS DATED MAY 3, 2013 REVEALS THE FOLLOWING MATTERS: A) ALIEN VALVES, WATER VALVES AND WATER LINES; E) UNDERGROUND ELECTRIC; F) CHOPS OF VARYING WIDTH, STORM DRAIN PIPES AND DEDICATION POND AREAS; G) OVERHEAD POWER LINES AND POWER POLES; H) RIGHTS OF OTHERS IN AND TO BUILDING ENCROACHMENT AS SHOWN ON SURVEY
- BUILDING RESTRICTION LINES, EASEMENTS AND OTHER MATTERS SHOWN ON PLAT RECORDED IN MAP BOOK 26, PAGE(S) 427, MECKLENBURG COUNTY REGISTRY, ALSO AS SHOWN ON SURVEY BY JOSEPH E. WHALEY, JR., PLS DATED MAY 3, 2013.

NOW OR FORMERLY CHARLOTTE-MECKLENBURG BOARD OF EDUCATION DEED:4902-136 TAX #223-253-01

NOW OR FORMERLY MILTON & PAT GOTTLIEB TRUST DEED:11855-259 MB-26-427 TAX #223-253-04

NOW OR FORMERLY TOUCHSTONE VILLAGE PHASE 2 MAP 1 TOUCHSTONE ASSOCIATES LLC DEED:11855-259 MB-26-427 TAX #223-253-03 10.236 ACRES 9209 BAYBROOK LN

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NOW OR FORMERLY STACY KIKER & PHILLIP B. FURR & PEGGY S. FURR DEED:11759-896 TAX #223-324-41

BEARINGS BASED ON MB-26-427

BEARINGS BASED ON MB-26-427

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NOW OR FORMERLY HERSHAM MEWS HOMEOWNERS ASSOCIATION INC. DEED:4902-766 TAX #223-332-99

NOW OR FORMERLY CARLOS A. SOTO & SARA ROSSELL SOTO DEED:22831-756 TAX #223-331-57

NOW OR FORMERLY EDWARD M. MORRIS & MICHELE E. MORRIS DEED:10410-465 TAX #223-331-56

NOW OR FORMERLY LINDA F. ABRASI & MONA SIBHANI ABRASI DEED:24587-819 TAX #223-331-55

NOW OR FORMERLY JOHN F. FORMICA & DEBORAH E. FORMICA DEED:9216-454 TAX #223-331-54

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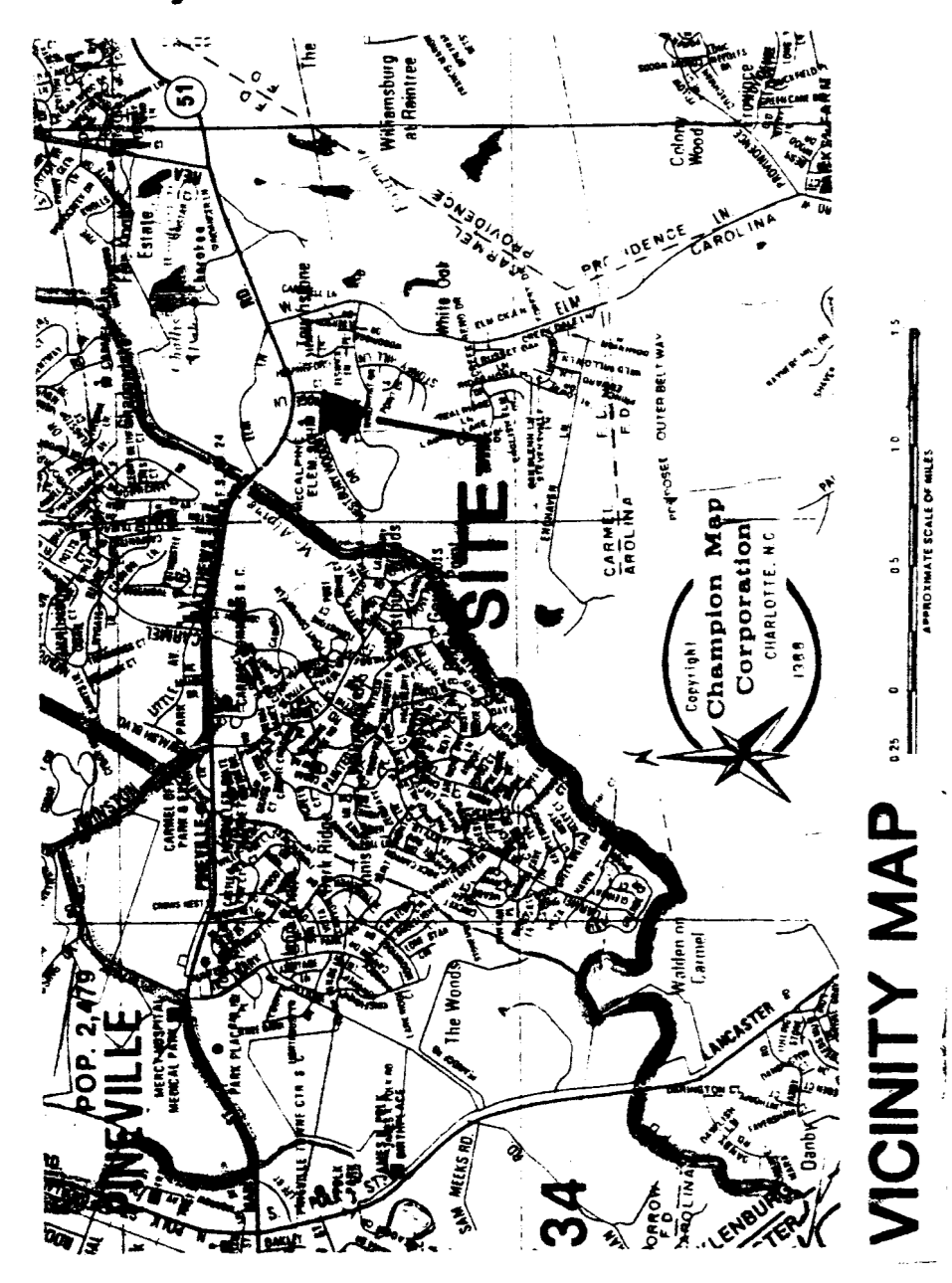
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NOW OR FORMERLY CARLOS A. SOTO & SARA ROSSELL SOTO

Previously  
Approved  
Site  
Plan

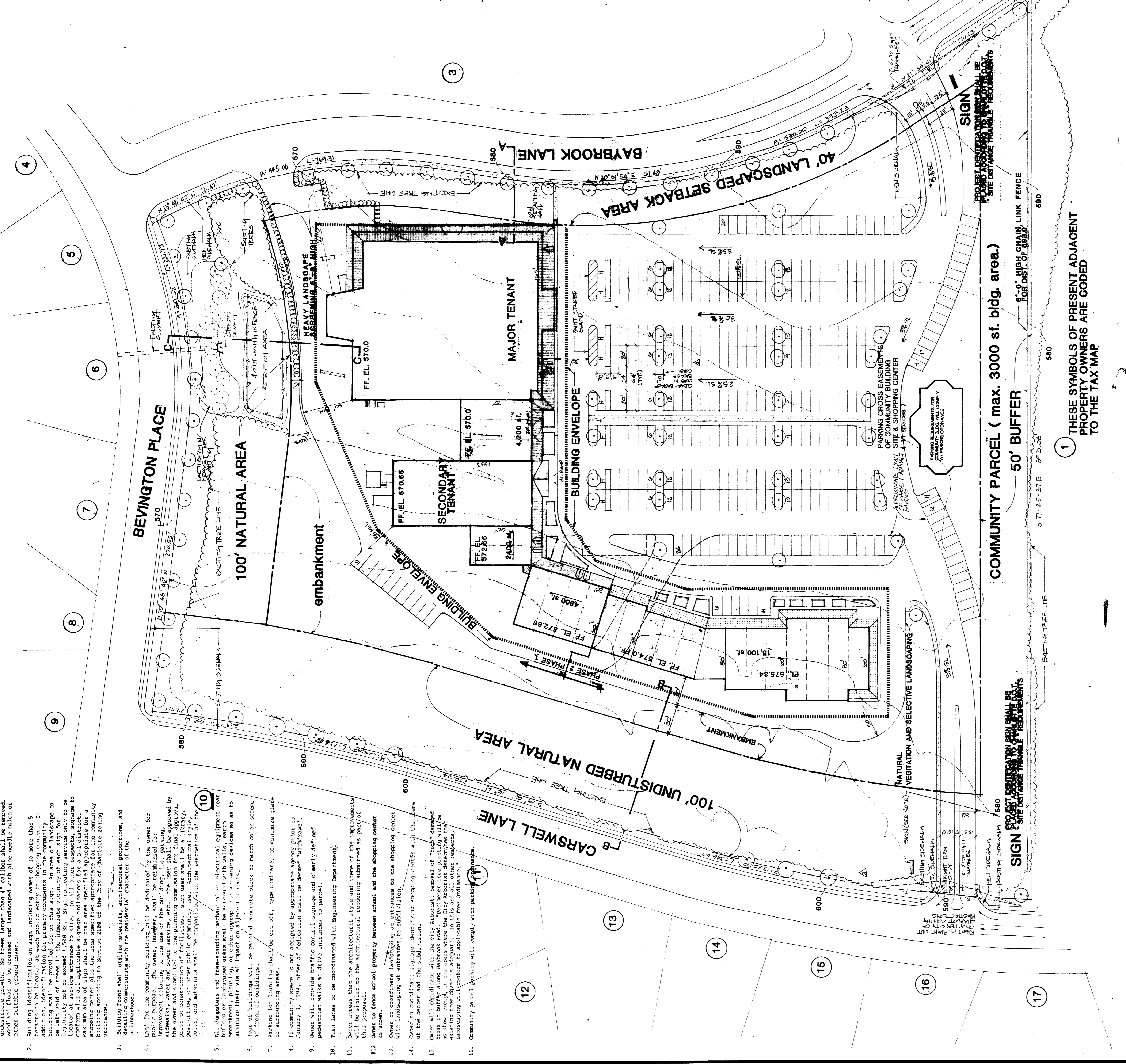


**SITE DATA - PHASE I**

PROBABLE COMPLETION BY 1985		PROBABLE COMPLETION BY 1990	
Net Acreage	29.888	Net Acreage	29.888
Secondary Tenant	9,548	Secondary Tenant	9,548
Local Shops	11,400	Local Shops	11,400
Total	51,116 SF (Net)	Total	39,232 SF (Net)
	51,116 ± 288 = 257		39,232 ± 480 = 197

TOTAL BUILDING AREA		EXISTING ZONING	
Community Building	3888 SF (Net)	B1-CD	12.80 ±
Secondary Tenant	28		5.50 AC.
Local Shops	6		.358 AC.
Parking	257		6.95 AC.
Total	4129		



ATTACHED TO ADMINISTRATIVE  
 APPEAL DATED 8/8/90  
 BY MARTIN R. TREATON, JR.  
 See Administrative Appeal  
 Dated 12/18/90 for details  
 P

CHARLOTTE-MECKLENBURG  
 PLANNING COMMISSION  
 INTER-OFFICE COMMUNICATION

TO: Robert Braddon, County Administrator  
 FROM: Martin R. Treaton, Jr., Planning Director  
 DATE: August 28, 1990

SUBJECT: Administrative Approval for Petition #90-13 Touchstone Assoc. Ltd.  
 Partnership, Tax Parcel 8223-025-02

Attached is a revised site plan for the above mentioned zoning petition. The plan is being provided to show a new location for the proposed sign along Carwell Lane. The sign is being moved from the north side of the driveway to the south side of the driveway. The developer has agreed to move the trees between the driveway and the school property to the north.

Permitted to the authority as outlined in the zoning ordinance, I am recommending approval of this plan. Please use it when evaluating requests for building permits.

- NOTES:**
- Selective pruning only to occur in the landscaped setback area on Bay Brook Lane. This pruning shall clear unobstructed views, and other trees to be removed shall be replaced with trees of similar size and species to be planted and landscaped with pine needle mulch or other suitable ground cover.
  - Building identification on sign including names of no more than 5 letters to be located at each public entry to shopping center. In addition, the sign shall be provided for on this sign. An area of landscape to be left void of trees in the immediate vicinity of each sign for a minimum of 10 feet. Signs shall be located at service entrance to site. In all other respects, signs to be located shall be in accordance with applicable signage ordinances for a B-1 district. Shopping center plus the tree specified appropriate for the community according to Section 2108 of the City of Charlotte zoning ordinance.
  - Building Phase shall be the same as the existing structure, and detailing commensurate with the residential character of the neighborhood.
  - Land for the community building will be dedicated by the owner for public purposes. The owner, however, shall be retained for the use of the community building, water and sewer service, etc. The use shall be approved by the Planning Commission. The use shall be approved by the Planning Commission prior to construction of the community building. The use shall be approved by the Planning Commission prior to construction of the community building. The use shall be approved by the Planning Commission prior to construction of the community building.
  - All trees and landscaping shall be maintained in accordance with the site plan. The owner shall be responsible for the maintenance of the trees and landscaping. The owner shall be responsible for the maintenance of the trees and landscaping. The owner shall be responsible for the maintenance of the trees and landscaping.
  - Signs shall be placed on the building facade. The signs shall be placed on the building facade. The signs shall be placed on the building facade. The signs shall be placed on the building facade.
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1 THESE SYMBOLS OF PRESENT ADJACENT PROPERTY OWNERS ARE CODED TO THE TAX MAP

COMMUNITY PARCEL ( max. 3000 sq. bldg. area.)  
 50' BUFFER

PROJECT DESIGN SIGN SHALL BE LOCATED WITHIN THE SETBACKS

PROJECT DESIGN SIGN SHALL BE LOCATED WITHIN THE SETBACKS

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<b>REQUEST</b>	Current Zoning: R-6 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
<b>LOCATION</b>	Approximately 1.87 acres located on the west side of Baxter Street across from Avant Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes 30 multi-family residential units in three structures, at a density of 16.04 units per acre.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The petition inconsistent with the <i>Midtown Morehead Cherry Area Plan</i> , which recommends residential housing up to six dwelling units per acre. However, the petition is consistent with the neighborhood form and character proposed in the plan including: <ul style="list-style-type: none"><li>• Building form along Baxter Street that is consistent with the heights, setbacks, massing, and building orientation of the existing homes within the immediate area.</li><li>• Multi-family buildings located to the rear of the site.</li><li>• Buffers and landscaping adjacent to single family properties.</li><li>• Limited height of multi-family buildings.</li></ul>
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	City of Charlotte Laurel Street Residential, LLC Jeff Brown & Keith MacVean/ Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 51

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## **PLANNING STAFF REVIEW**

- **Background**
  - The subject property was rezoned from R-22MF (multi-family) to R-6 (single family) via Petition 1993-79B as recommended per the Central District Plan.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - Construct up to three structures containing up to 30 multi-family dwelling units.
  - Front building elevations for Buildings A, B and C.
  - A 19-foot front setback along Baxter Street.
  - Eight-foot planting strip and six-foot sidewalk along the frontage on Baxter Street.
  - Proposed amenity areas with possible active and passive open space.
  - Proposed building materials to be a combination or portions of the following: brick, stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block, and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
  - Each building elevation will contain a minimum of 15 percent of brick, stone, precast stone, precast concrete, or synthetic stone per building elevation, with an average percentage on all principal buildings of not less than 20 percent.
  - Maximum building height of 40 feet. Buildings A and B not to exceed two stories and Building C to have a three-story central element and two-story ends.
  - Internal sidewalk and crosswalk network, with a minimum sidewalk width of five feet.
  - Detached lighting limited to 15 feet in height.
  - A 16-foot buffer with a decorative aluminum fence along the northwest edge of the site.
  - Five-foot buffer along the northern edge adjacent to the existing single family zoned properties fronting Baxter Street.
  - Proposed tree save at the rear of the site.
  - Additional landscaping to be planted along the rear property line.
  - Three amenity areas, two of which will be either active or active open space areas.
  - A portion of Woodard Street (also known as Avant Street) located within the site, and a portion

of Eli Street to be requested for abandonment.

- **Existing Zoning and Land Use**
    - The subject site is currently vacant and surrounded by single family homes, commercial structures, and vacant land which is all zoned R-6 (single family residential) and UR-2(CD) (urban residential, conditional).
  - **Rezoning History in Area**
    - Rezoning petitions 2015-027 through 2015-030 and 2015-032 are generally located between Cherry Street, East 3rd Street and Baxter Street and propose residential developments of different housing types at varying densities. These petitions are scheduled to be heard at the February 23, 2015 City Council rezoning meeting.
    - Rezoning petition 2014-109 consists of approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street. The proposed rezoning from UR-C(CD) (PED) (urban residential - commercial, conditional, pedestrian overlay), B-1 (PED) (neighborhood business, pedestrian overlay), and R-8 (single family residential) to MUDD-O (mixed use development, optional) and MUDD-O (PED) (mixed use development, optional, pedestrian overlay), with five-year vested rights, is requesting development rights to allow a mixed use development with office, retail, hotel, residential uses, and a structured parking facility within three development areas (A, B, and C). This petition is pending.
    - Rezoning petition 2014-024 rezoned approximately 5.71 acres located on the west side of Luther Street generally surrounded by Cherry Street, Main Street, Baxter Street and Eli Street to UR-2(CD) SPA (urban residential, conditional, site plan amendment), in order to allow the development of 39 single family detached dwellings and two duplexes.
  - **Public Plans and Policies**
    - The *Midtown Morehead Cherry Area Plan* (2012) recommends residential housing up to six dwelling units per acre.
    - 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:** The developer must comply with the City's Housing policies if seeking public funding.
  - **Transportation:** No issues.
    - **Vehicle Trip Generation:**  
Current Zoning: 120 trips per day.  
Proposed Zoning: 180 trips per day.
    - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate seven students, while the development allowed under the proposed zoning will produce 23 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 16 students.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **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**

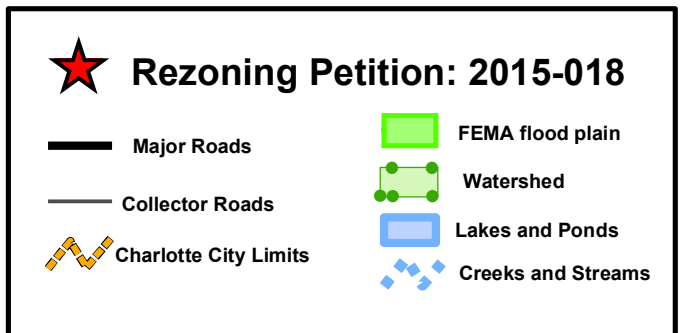
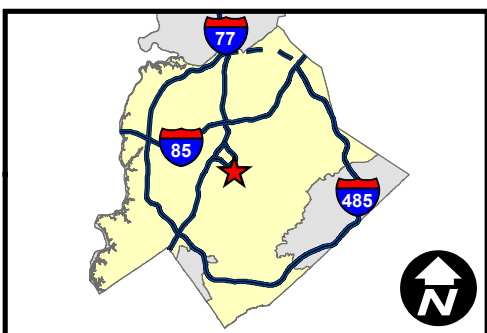
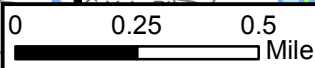
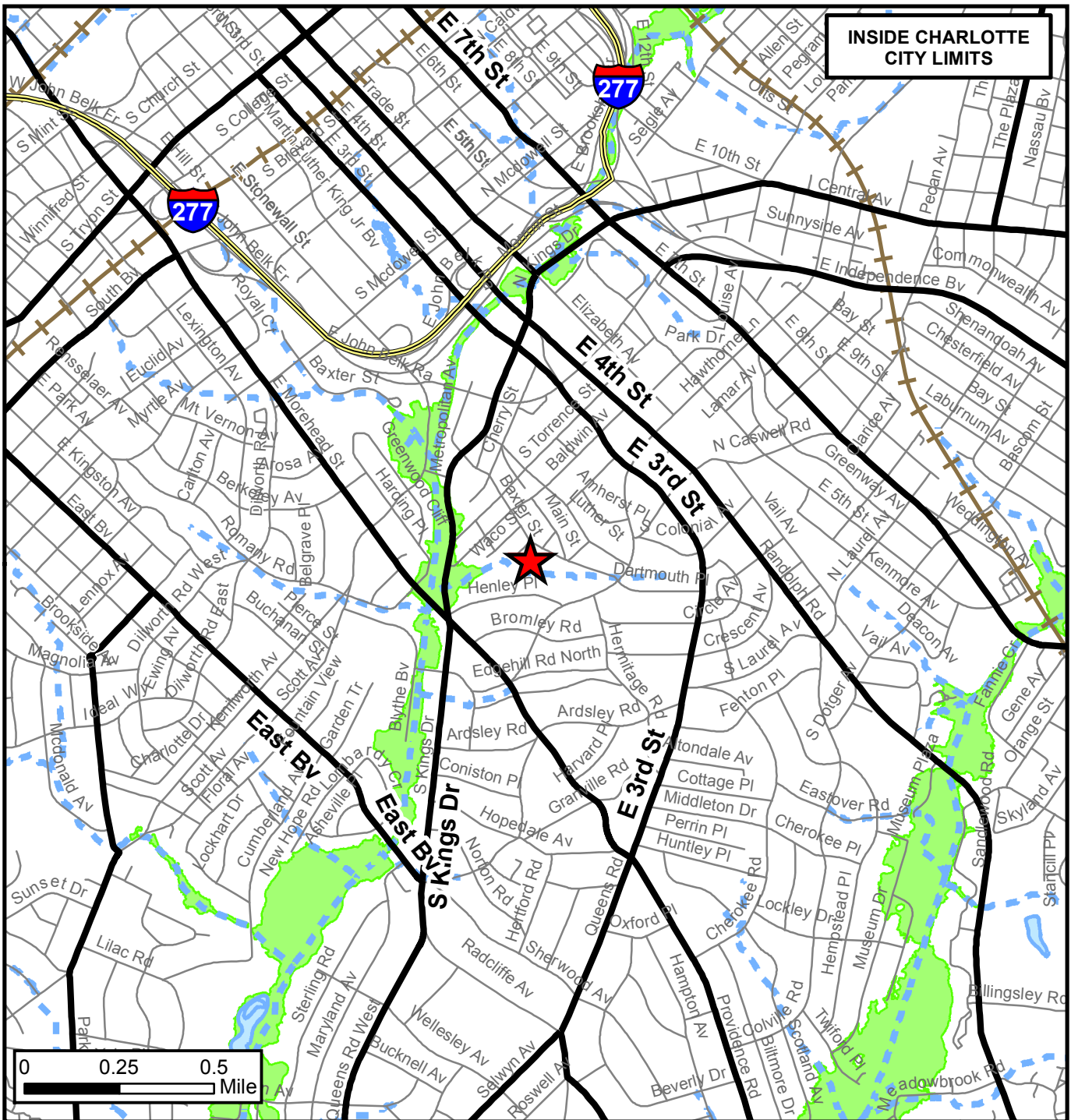
- The petitioner should:
    1. Have an approved right-of-way abandonment prior to City Council decision on the petition.
    2. Clearly label the proposed buffer width adjacent to parcels 125-245-04 and 125-245-03.
- 

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

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water
- 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 1.87 acres located on the west side of Baxter Street across from Avant Street.





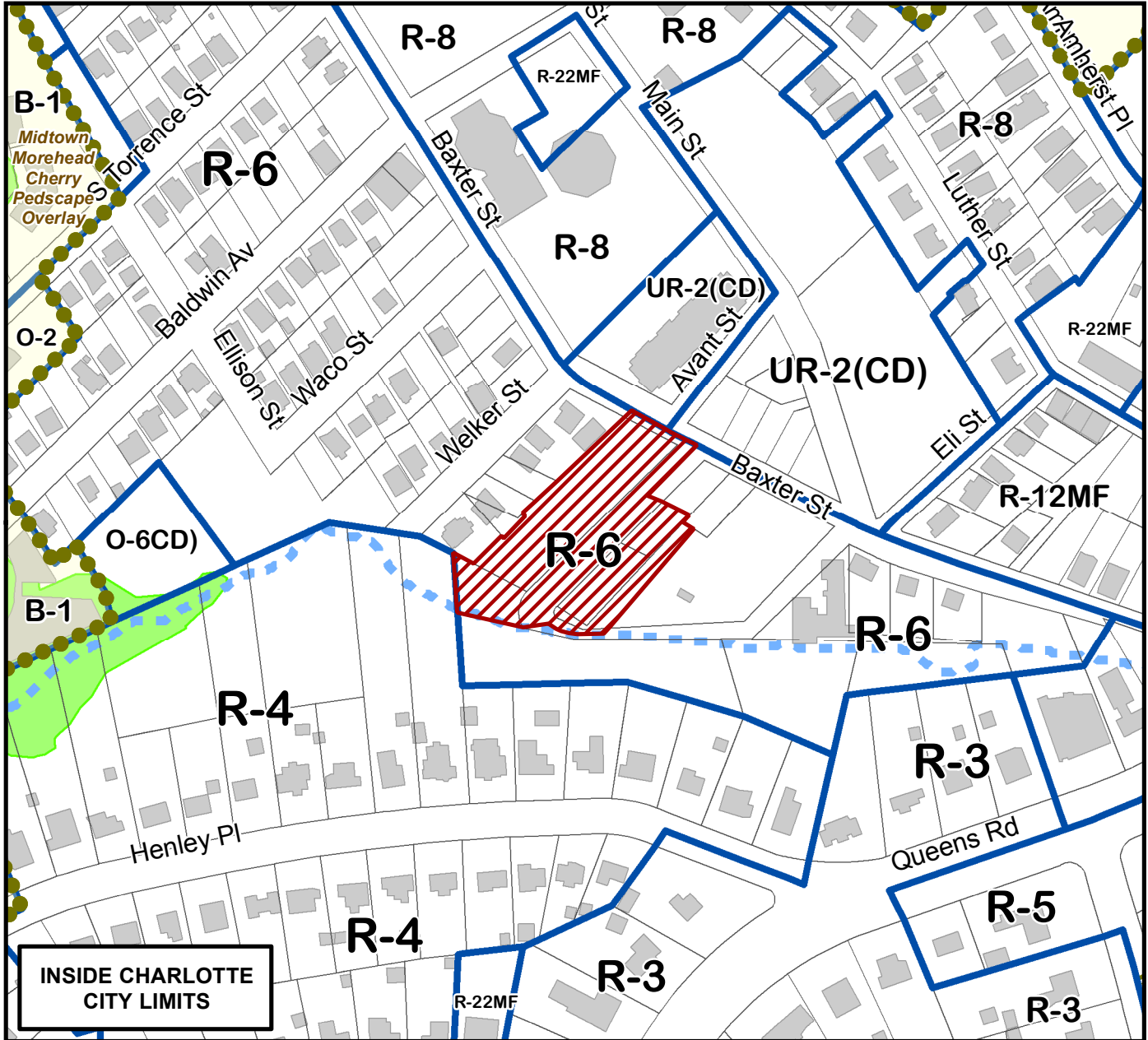
Petition #: **2015-018**

Petitioner: **Laurel Street Residential, LLC**

Zoning Classification (Existing): **R-6**  
(Single Family, Residential)

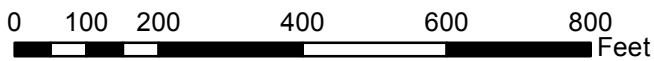
Zoning Classification (Requested): **UR-2(CD)**  
(Urban Residential, Conditional)

Acreage & Location: Approximately 1.87 acres located on the west side of Baxter Street across from Avant Street.



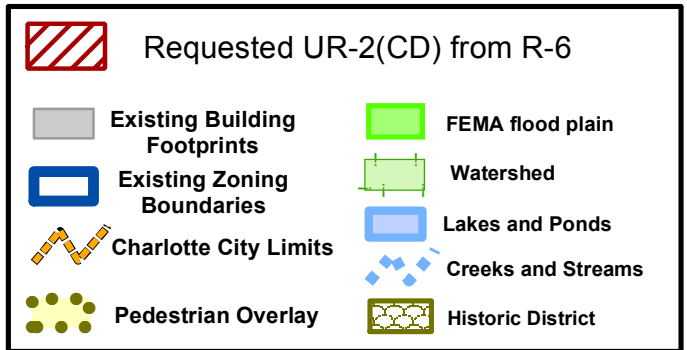
**INSIDE CHARLOTTE CITY LIMITS**

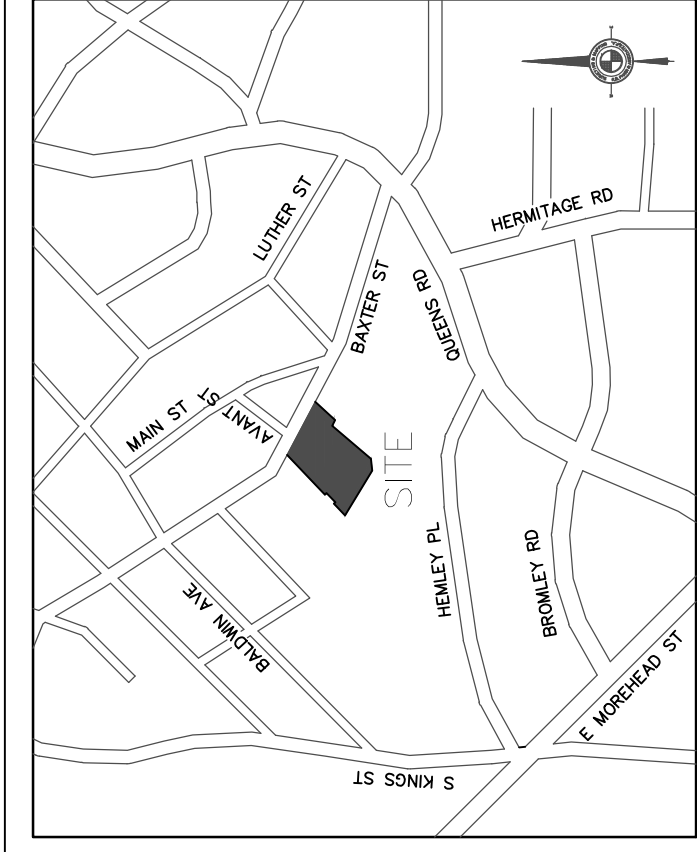
Map Produced by the Charlotte-Mecklenburg Planning Department, 12-1-2014.



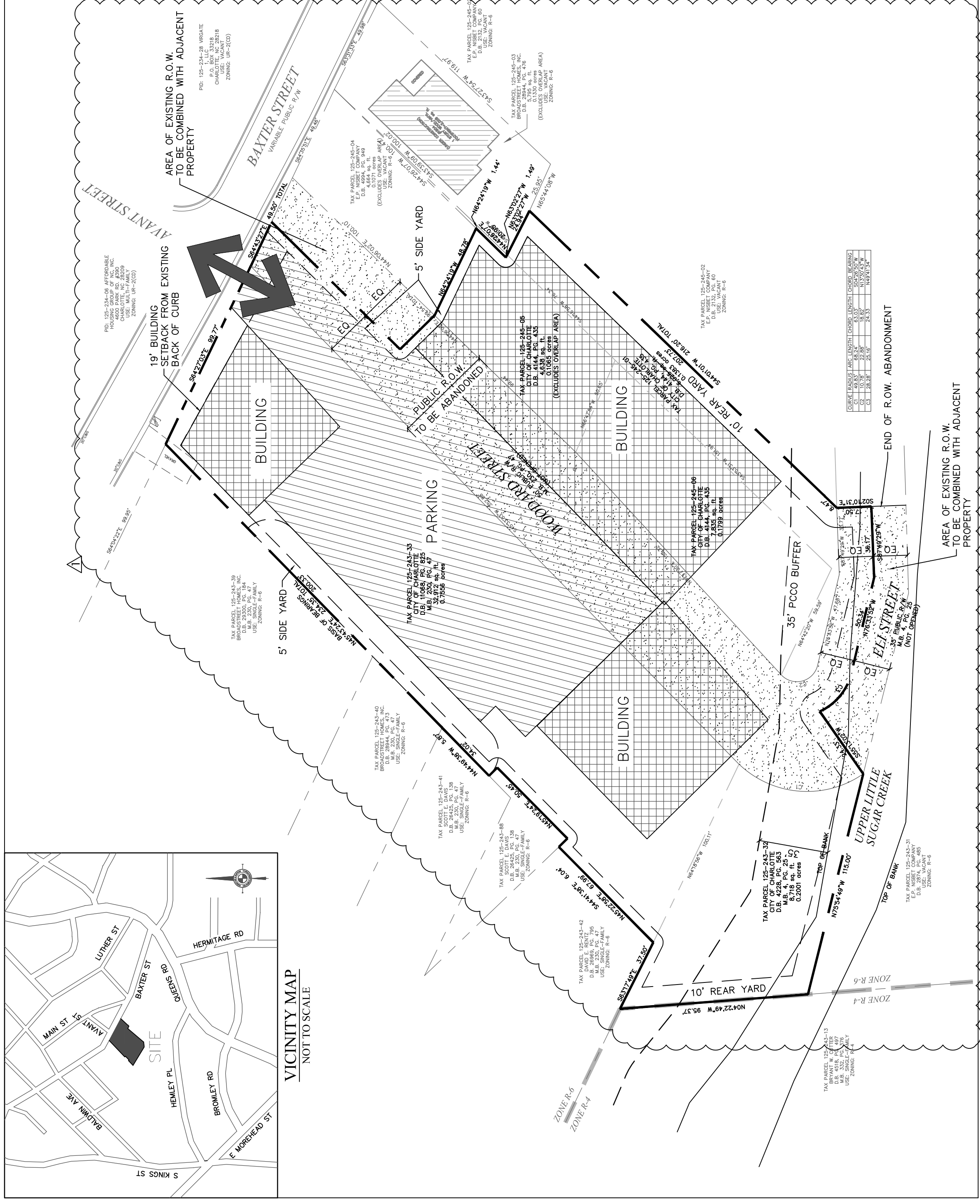
Zoning Map #(s)

**111**





VICINITY MAP  
NOT TO SCALE



TECHNICAL DATA PLAN

Site Development Data:

- Acreage: ± 1.87 acres including portions of the right-of-way of Woodard (a.k.a. Avant) and Eli Street that are to be abandoned.
- Tax Parcel #: 125-243-32 and 33 and 125-245-01, 05, and 06
- Existing Zoning: R-6
- Proposed Zoning: UR-2(CD)
- Existing Uses: Vacant.
- Proposed Uses: Up to 30 multi-family dwelling units together with accessory uses, as allowed in the UR-2 zoning district.
- Proposed Floor Area Ratio: As allowed by the UR-2 Zoning District
- Maximum Building Height: Not to exceed two (2) and three (3) stories or 40 feet (as more specifically described below and illustrated on the attached building elevations); building height will be measured as defined by the Ordinance. Building A and B as indicated on the schematic Site plan will not exceed two (2) stories. Building C as indicated on the Schematic Site Plan will be designed to have a three (3) story central element and two (2) story ends as generally depicted on the attached building elevations.

General Provisions:

- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Laurel Street Residential, LLC. ("Petitioner") to accommodate the development of a 30 unit multi-family community on approximately 1.87 acre site located on Baxter Street across from Avant Street and between Welker Street and Eli Street (the "Site").
  - b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the UR-2 zoning classification shall govern.
  - c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.
- Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore,

there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

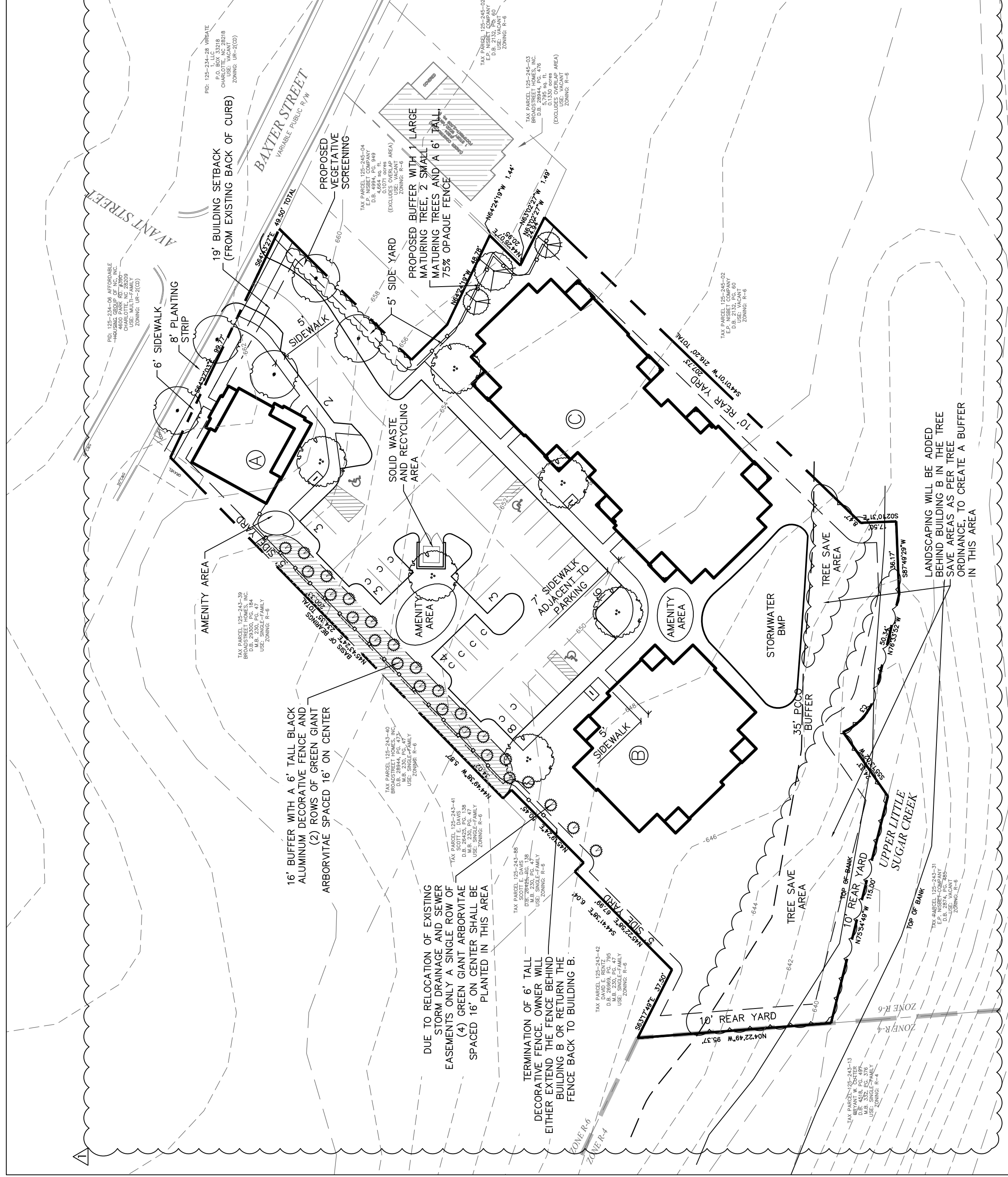
- i. expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or
- ii. minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
- iii. modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties in a residential district or abutting residential use but no closer than the "external building line" (in this case the external setbacks, rear yards or buffer areas) indicated on Sheet RZ-1.0; or
- iv. modifications to allow minor increases in the mass of the buildings that do not materially change the design intent depicted on or described in the Rezoning Plan.

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

- d. **Number of Buildings Principal and Accessory.** The total number of principal buildings to be developed on the Site shall not exceed three (3). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building located on the Site.

Permitted Uses & Development Area Limitation:

- a. The Site may be developed with up to 30 multi-family dwellings units together with accessory uses allowed in the UR-2 zoning district.
- b. Surface parking areas will not be allowed between Building A and Baxter Street as generally depicted on the Schematic Site Plan on Sheet RZ-1.0 of the Rezoning Plan.
3. **Access and Transportation:**
  - a. Access to the Site will be from Baxter Street in the manner generally depicted on the Rezoning Plan. Access to the Site from the un-abandoned portion of Eli Street is not required.
  - b. As part of the Development of the Site the Petitioner will request the abandonment of Woodard Street (a.k.a. Avant Street) located within the Site, as well as the abandonment of a portion of Eli Street, as generally depicted on the Rezoning Plan.



SCHEMATIC SITE PLAN

- c. The placement and configuration of the vehicular access point is subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT in accordance with applicable published standards.
- d. The alignment of the internal vehicular circulation areas may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

4. Architectural Standards, Courtyards/Amenity Areas:

- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
  - b. The principal buildings constructed on the Site will be constructed so the percentage of brick, stone, precast stone, precast concrete, synthetic stone per building may vary but in no case be less than 15%, as long as the average of the percentage of brick, stone, precast stone, precast concrete, synthetic stone on all the principal buildings constructed on the Site is not less than 20%.
  - c. The attached illustrative building elevations are included to reflect an architectural style and a quality of the building that may be constructed on the Site (the actual building constructed on the Site may vary from these illustrations provided that the design intent is preserved).
  - d. Building A will front on Baxter Street as generally depicted on the attached illustrative building elevations.
  - e. Three Amenity Areas have been generally depicted on the Rezoning Plan. A minimum of two of these three Amenity Areas will be improved and designed as either passive or active open space areas for the residents of the Site. The two Amenity Areas will be improved, at a minimum with a covered picnic area, a playground, lighting and landscaping; additional features such as but not limited to: water features, specialty paving, signage (e.g. wayfind, directional), art work and other elements may also be provided.
  - f. Meter banks will be screened from adjoining properties and from Baxter Street.
  - g. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.
  - h. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal building. The location of the proposed dumpster and recycling areas is generally depicted on the Rezoning Plan.
5. **Streetscape, Buffers, Yards, and Landscaping:**
- a. A 19 foot setback measured from the back of the curb will be provided along Baxter Street.
  - b. A six (6) foot sidewalk and an eight (8) foot planting strip will be provided along the Site's

- c. Screening as generally depicted and as required by the Ordinance will be provided along the exterior property lines to screen the proposed parking area from the adjoining properties.
- d. Buffers as described and generally illustrated on the Schematic Site Plan will be provided.
- e. Along the Site's internal parking area, the Petitioner will provide a sidewalk and cross-walk network that links to the buildings on the Site and to the sidewalks along Baxter Street in the manner depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be five (5) feet.
- f. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

6. Environmental Features:

- a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- b. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and rainfall site discharge projects.
- c. The Site will comply with the Tree Ordinance. The approximate locations of the required tree save areas have been indicated on Schematic Site Plan, the final locations may vary from what is illustrated.

7. Lighting:

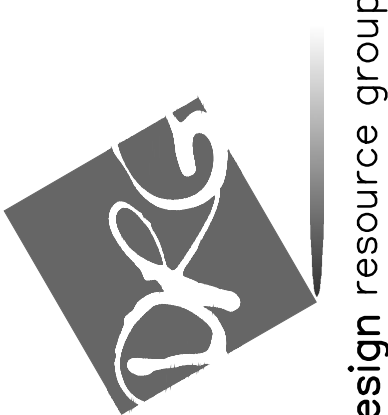
- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.
- b. All detached and attached lighting will be downwardly directed.
- c. Detached lighting on the Site will be limited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

8. Amendments to the Rezoning Plan:

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

Binding Effect of the Rezoning Application:

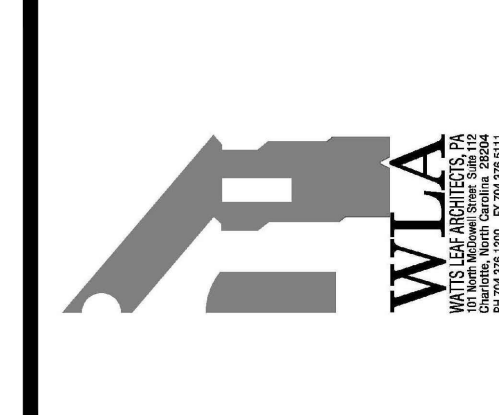
- a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their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



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charlotte, nc 28208  
p 704.343.0608 f 704.358.3093  
www.drg.com

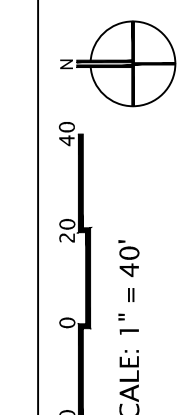


BAXTER STREET REZONING  
CHARLOTTE, NORTH CAROLINA

LAUREL STREET RESIDENTIAL  
511 EAST BOULEVARD  
CHARLOTTE, NORTH CAROLINA 28203

FOR PUBLIC HEARING

REZONING PETITION  
2015-018



PROJECT #: 479-002  
DRAWN BY: [signature]  
CHECKED BY: [signature]

REZONING PLANS

NOVEMBER 24, 2014

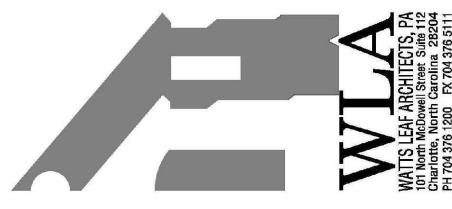
REVISIONS:  
△ 0.1:16 PER CITY COMMENTS



design resource group

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**BAXTER STREET REZONING**  
 CHARLOTTE, NORTH CAROLINA

**LAUREL STREET RESIDENTIAL**  
 511 EAST BOULEVARD  
 CHARLOTTE, NORTH CAROLINA 28203

FOR PUBLIC HEARING

REZONING  
 PETITION  
 2015-018

SCALE: NTS

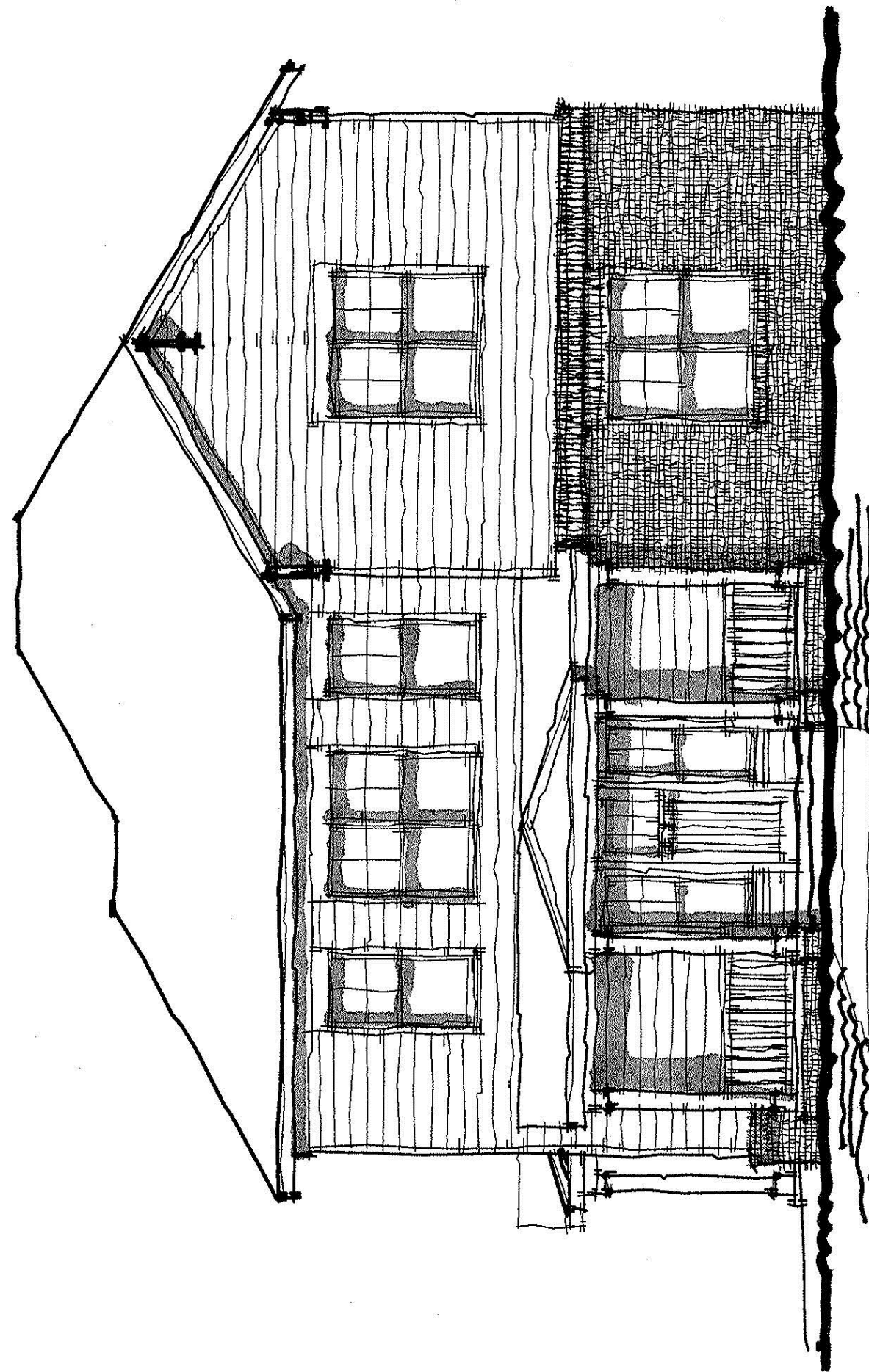
PROJECT #: 479-002  
 DATE: 08/08/14  
 CHECKED BY: [signature]

**SCHEMATIC  
 BUILDING  
 ELEVATIONS**

NOVEMBER 24, 2014

REVISIONS:  
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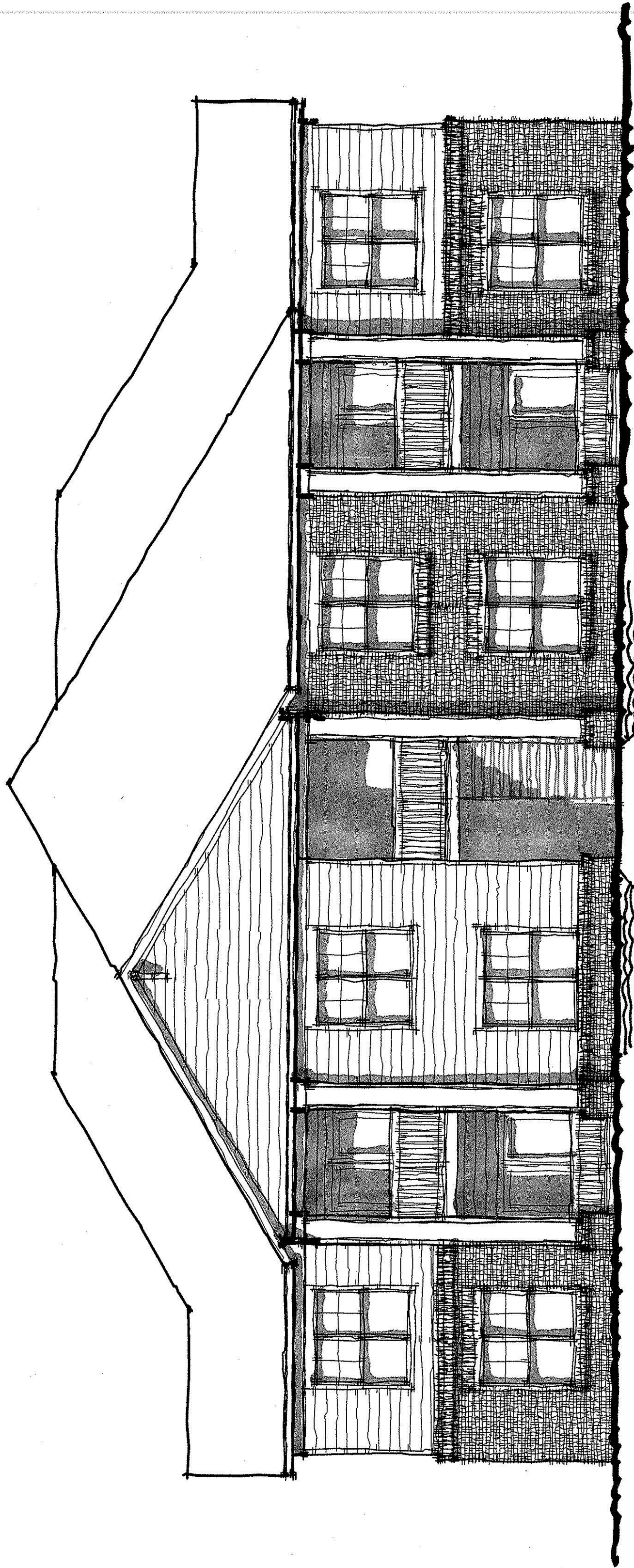
RZ-2.0



**3 BUILDING A - FRONT ELEVATION**

**RZ2**

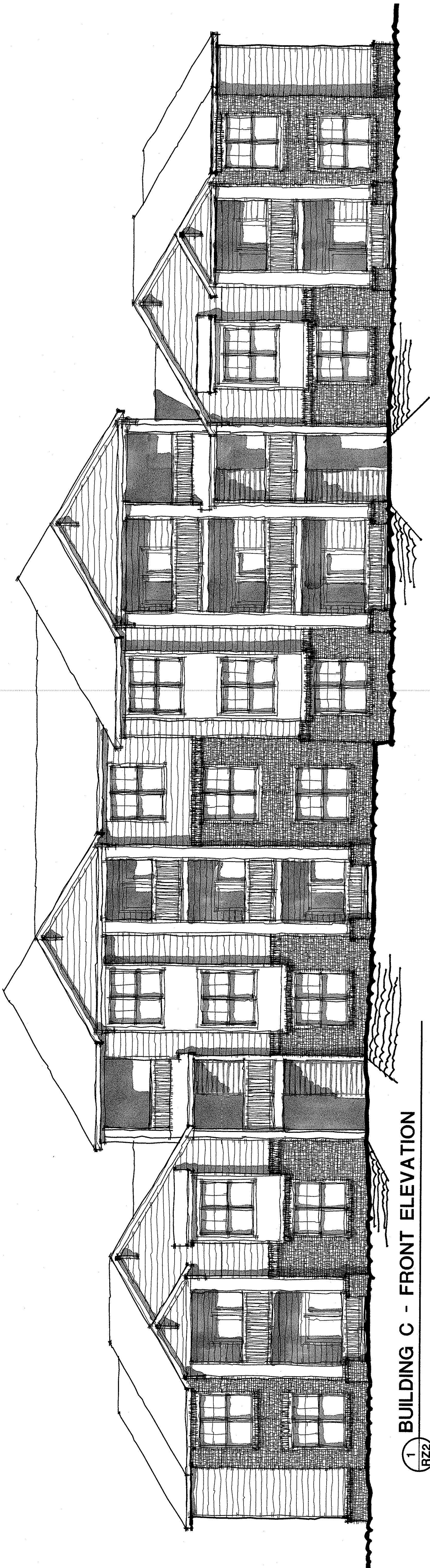
BUILDING A ELEVATION  
NOT TO SCALE



**2 BUILDING B - FRONT ELEVATION**

**RZ2**

BUILDING B ELEVATION  
NOT TO SCALE



**1 BUILDING C - FRONT ELEVATION**

**RZ2**

BUILDING C ELEVATION  
NOT TO SCALE

NOTE:  
 THESE ELEVATIONS ARE PROVIDED TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE  
 PROPOSED BUILDINGS THAT MAY BE CONSTRUCTED ON THE SITE. THE ACTUAL BUILDING CONSTRUCTED  
 ON THE SITE MAY VARY FROM THE ILLUSTRATION AS LONG AS THE GENERAL ARCHITECTURAL CONCEPT  
 AND INTENT ARE MAINTAINED.

<b>REQUEST</b>	Current Zoning: B-D(CD) (PED-O) (distributive business, conditional, pedestrian overlay, optional) Proposed Zoning: O-1 (PED) (office, pedestrian overlay)
<b>LOCATION</b>	Approximately 1.38 acres located on the south side of West Morehead Street between South Summit Street and Interstate 77. (Council District 2 - Austin)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses permitted in B-1 (PED) (neighborhood business, pedestrian overlay).
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition. The petition is consistent with the <i>West Morehead Land Use and Pedscape Plan</i> as amended by a previous rezoning.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Ark Ventures, Inc. CitiSculpt Jeff Brown and Keith MacVean
<b>COMMUNITY MEETING</b>	Meeting is not required.

**PLANNING STAFF REVIEW**

- **Background**
  - The subject site was part of approximately 1.88 acres rezoned in 2007 (rezoning petition 2007-113) in order to allow the construction of 210,000 square feet of office and storage uses. The approved maximum building height was 75 feet, not to exceed six (6) stories. The optional provision allowed off-street parking at the rate of .25 spaces per 1,000 square feet of area devoted to self-storage use.
- **Proposed Request Details**  
This is a conventional rezoning petition with no associated site plan.
- **Existing Zoning and Land Use**
  - The site is developed with a 17,722-square foot office/industrial building constructed in 1947 and is surrounded by a mix of office, retail, and industrial uses zoned various zoning districts. A portion of the rezoning site is located adjacent to Irwin Creek and Interstate 77.
- **Rezoning History in Area**
  - Rezoning petition 2012-038 rezoned approximately 17.91 acres located on the south side of West Morehead Street near the intersection of Interstate 77 and Interstate 277 from MUDD (mixed use development) to MUDD-O (mixed use development, optional) and I-2(CD) (general industrial, conditional) to reestablish industrial zoning to allow limited industrial uses associated with the abutting Charlotte Pipe and Foundry facility, and to maintain mixed use development zoning on acreage fronting West Morehead Street.
- **Public Plans and Policies**
  - The *West Morehead Land Use and Pedscape Plan* (2004), as amended by petition 2007-113, recommends office and indoor storage facility uses.
  - The petition is consistent with of the *West Morehead Land Use and Pedscape Plan*.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT requests that the current petition be changed from conventional to a conditional site plan to ensure consistency and participation in the Transportation Action Plan (TAP).
  - **Vehicle Trip Generation:**  
Current Zoning: 900 trips per day.  
Proposed Zoning: Given the proposed zoning and the absence of a conditional rezoning plan, it

is not possible to determine the approximate number of trips per day the site will generate.

- **Connectivity:** See comments above.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** 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:** The rezoning site is adjacent to Irwin Creek which is a future greenway corridor indicated on the 2008 Mecklenburg County Greenway Master Plan. The Mecklenburg County Park and Recreation Department requests that the petitioner dedicate and convey the 100-foot SWIM buffer portion of the property or an easement to Mecklenburg County for the future Irwin Creek Greenway.
  - **Urban Forestry:** No comments received.
- 

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

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

#### **OUTSTANDING ISSUES**

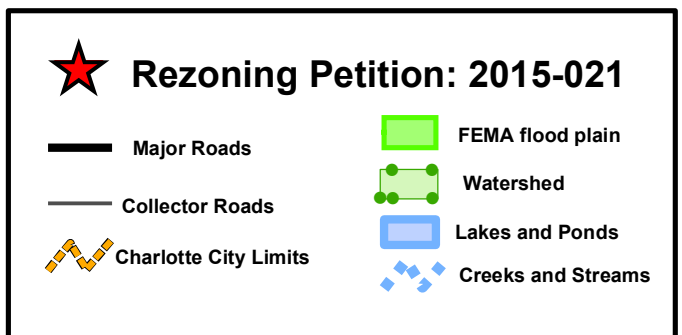
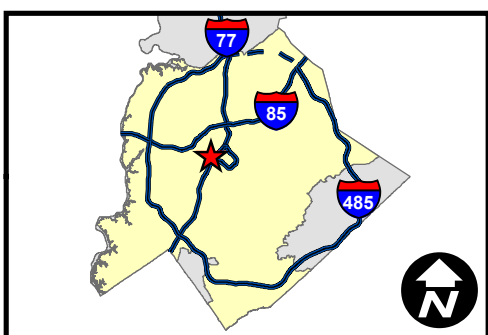
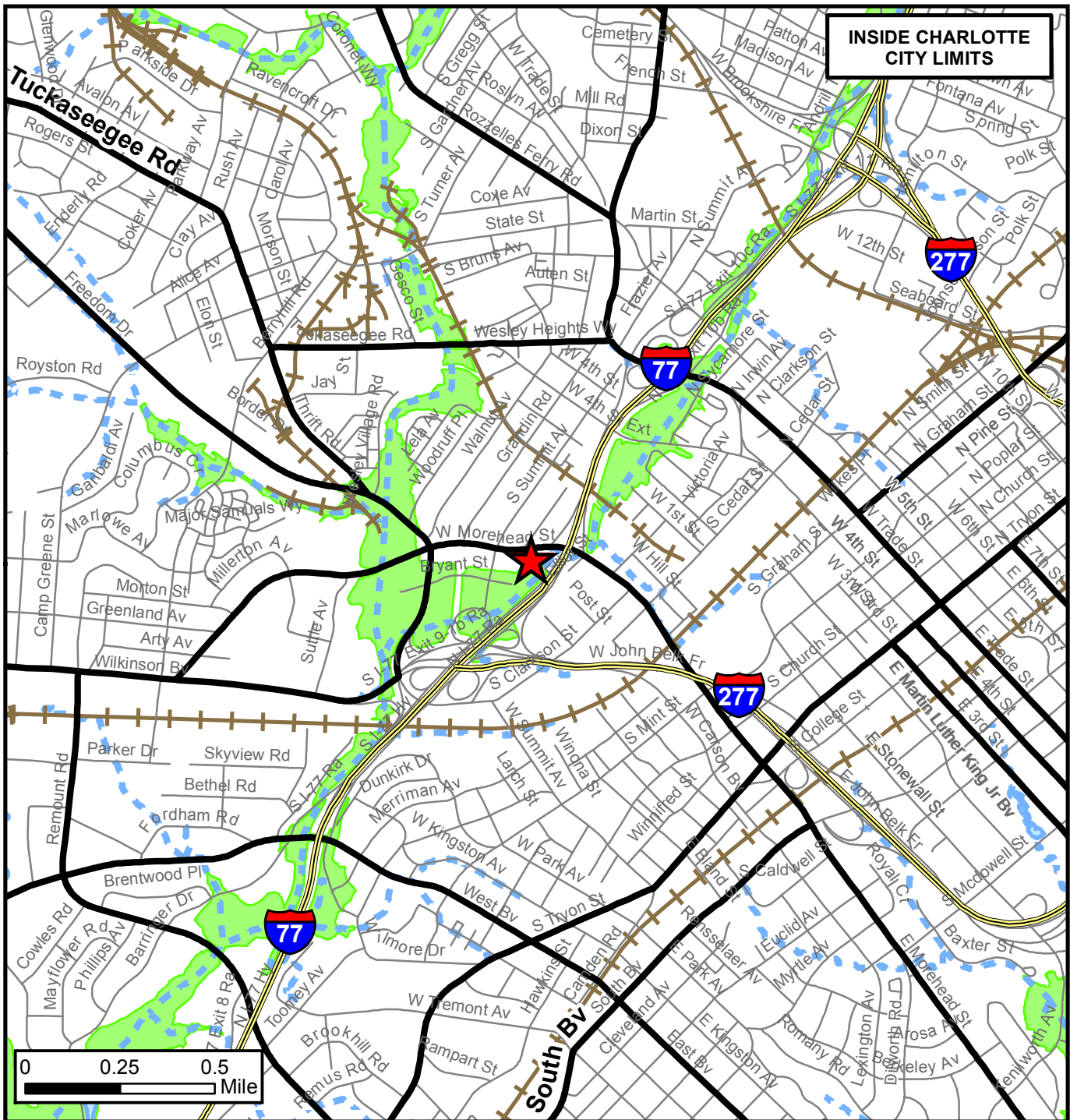
- No issues.

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

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

**Acreeage & Location :** Approximately 1.38 acres located on the south side of West Morehead Street between South Summit Street and Interstate 77.



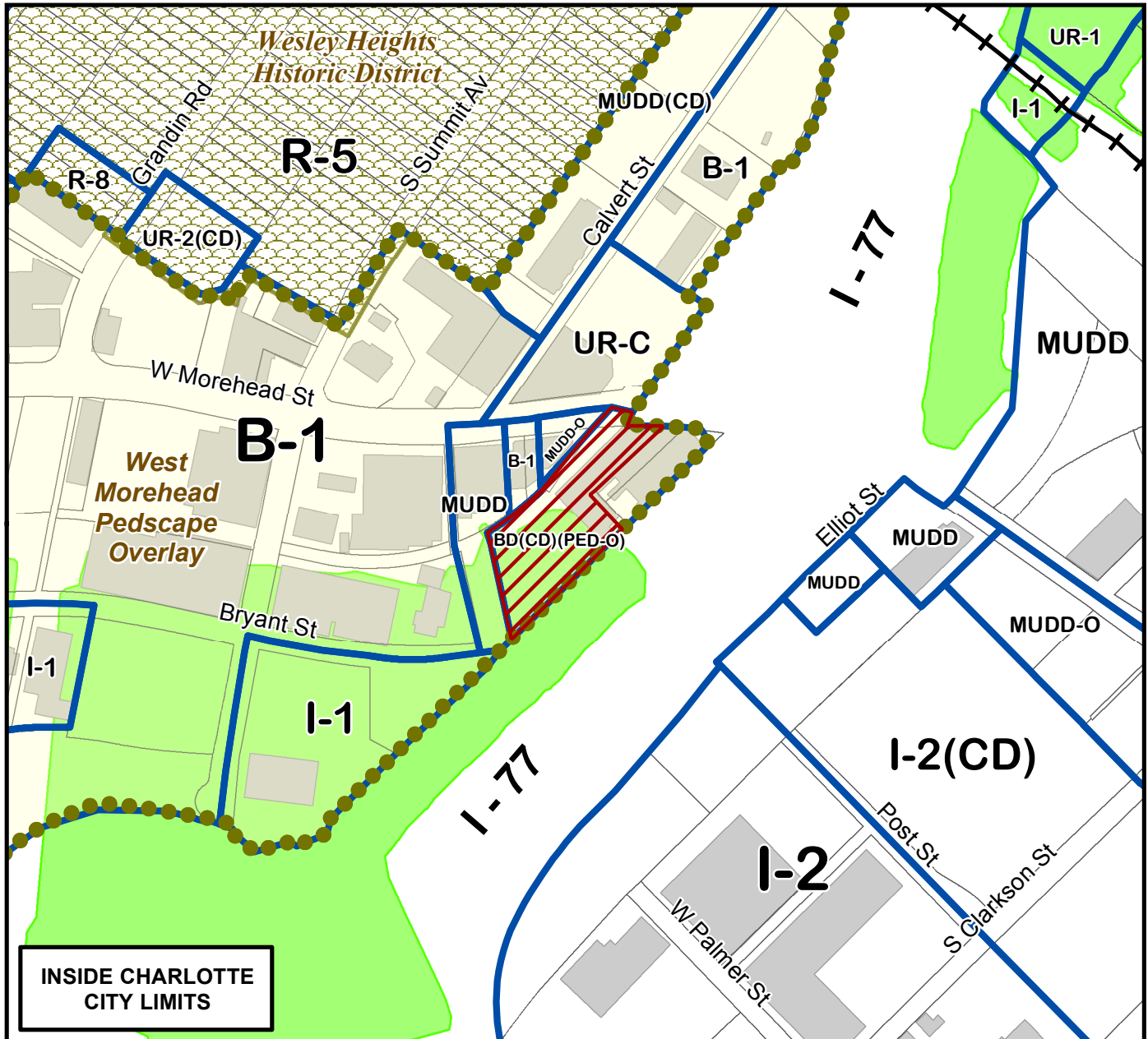
Petition #: **2015-021**

Petitioner: **CitiSculpt**

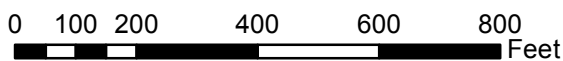
Zoning Classification (Existing): **BD(CD)(PED-O)**  
(Distributive Business, Conditional, Pedestrian Overlay District, Optional)

Zoning Classification (Requested): **O-1(PED)**  
(Office, Pedestrian Overlay District)

Acreage & Location: Approximately 1.38 acres located on the south side of West Morehead Street between South Summit Street and Interstate 77.



Map Produced by the Charlotte-Mecklenburg Planning Department, 12-18-2014.



Zoning Map #(s)

**102, 103**

