

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

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## ***CITY COUNCIL ZONING AGENDA*** ***Monday, March 16, 2015***

- 4:00PM     Council Closed Session  
                 Meeting Chamber Conference Room
  
- 5:00PM     Council/Manager Dinner  
                 Meeting Chamber Conference Room
  
- 6:00PM     Zoning Meeting  
                 Meeting Chamber

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## 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-15PUD** – residential, planned unit development
- **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

# AGENDA

<b>Closed Session</b>	1. Closed Session of Council to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered.
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## ZONING DECISIONS

<b>Deferral (to April)</b>  <b>Protest (sufficient)</b>	<p>2. <a href="#">Petition No. 2014-019</a> (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road from CC (commercial center) to R-4 (single family residential).</p> <p>The Zoning Committee voted 6-0 to <b>DEFER</b> this petition to their March 25, 2015 meeting.</p> <p style="text-align: center;"><a href="#">Attachment 2</a></p>
<b>Deferral (to April)</b>  <b>Protest (sufficient)</b>	<p>3. <a href="#">Petition No. 2014-031</a> (Outside city limits) <b>by Wilkison Partners, LLC</b> for a change in zoning for approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie critical area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie critical area).</p> <p>The Zoning Committee voted 6-0 to <b>DEFER</b> this petition until their March 25, 2015 meeting.</p> <p style="text-align: center;"><a href="#">Attachment 3</a></p>
<b>Protest (sufficient)</b>	<p>4. <a href="#">Petition No. 2014-043</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 at up to four dwelling units per acre.</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>• Area plans typically do not specify locations for institutional uses; and</li> <li>• The site has frontage on a major thoroughfare; and</li> <li>• The proposed use will 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>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> <p>Staff recommends approval of this petition.</p> <p style="text-align: center;"><a href="#">Attachment 4</a></p>

	<p>5. <a href="#">Petition No. 2014-068</a> (Council District 2 - Austin) <b>by City of Charlotte</b> for a change in zoning for approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive from I-2 (general industrial) to MUDD-O (mixed use development, optional).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Central District Plan</i>, however, to be consistent with the <i>Center City 2020 Vision Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The <i>Central District Plan</i> recommends industrial uses for the subject property; and</li> <li>• The <i>Center City 2020 Vision Plan</i> includes this property in the Applied Innovation Corridor; and</li> <li>• Because it is a good urban design plan that is much improved over what first came in.</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 development is consistent with the development pattern of the area; and</li> <li>• The development provides a pedestrian friendly, activated street presence with wide sidewalks and planting strips, public entrances and a pedestrian refuge island along Statesville Avenue.</li> </ul> <p>The Zoning Committee voted 6-0 to <b>APPROVE</b> this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Darkened and labeled the building overhang on the site plan.</li> <li>2. Clarified the proposed land use per the phasing. The building to be constructed in Phase 1 is a government service facility and the building(s) to be constructed in Phase 2 will allow all uses permitted in the MUDD (mixed use development) district.</li> <li>3. Amended Note 5. a. to identify design elements committed to be included for the building and specified that the building elevations provide the design intent and theme for the Phase 1 building only.</li> <li>4. Provided a note stating that Phase 2 building materials will be consistent with those provided in Phase 1 and the building design will meet the standards of the MUDD (mixed use development) district.</li> <li>5. Added an additional driveway connection from the new public street to the parking lot and modified the internal parking and drive circulation accordingly.</li> <li>6. Removed the proposed driveway connection to the adjacent property to the north.</li> </ol> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 5</a></p>
<p><b>Council will have to vote whether or not to send back to the Zoning Committee.</b></p> <p><b>Protest (insufficient)</b></p>	<p>6. <a href="#">Petition No. 2014-092</a> (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>1. 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>2. 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>3. Amended Note F to make the word "parcel" at the end of the first sentence plural.</li> <li>4. Deleted the proposed sign location and label.</li> <li>5. 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> </ol>

6. 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.
7. Swapped the labels of the left and right elevations to correctly match the images.

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

- The plan recommends retail uses with the exception of automobile service stations.

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:

- 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
- The petitioner has agreed to address site plan issues 2 through 8.

The Zoning Committee voted 7-0 to recommend **APPROVAL** of 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 follow: First paragraph - "Parcel 4A – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows." Second paragraph – "Parcel 4B – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/ drinking/entertainment establishments with drive-in service windows. The building layout is conceptual in nature; the petitioner reserves the right to not develop this parcel or to make minor site plan adjustments that match the general intent of the plan as shown on this site plan and in accordance with Section 6.207."
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

	<p>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.”</p> <ol style="list-style-type: none"> <li>17. Amended Note G to remove the following: “per Note 6 of the special conditions of the overall rezoning plan, petition #97-15.”</li> <li>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.</li> <li>19. Added a note under General Provisions stating that the petitioner will be required to file an administrative amendment to Petition 1997-015.</li> </ol> <p>Staff recommends denial of this petition. The petition is inconsistent with the <i>Southwest District Plan</i>, 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.</p> <p><a href="#">Attachment 6</a></p>
	<ol style="list-style-type: none"> <li>7. <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).</li> </ol> <p>The Zoning Committee found this petition to be consistent with the <i>Tyvola &amp; Archdale Transit Station Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The <i>Tyvola &amp; Archdale Transit Station Plan</i> recommends transit supportive uses for the subject property.</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 request will allow all uses in the TOD-M district; and</li> <li>• The property is located within ½ mile of the Tyvola Road Station.</li> </ul> <p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 7</a></p>
	<ol style="list-style-type: none"> <li>8. <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).</li> </ol> <p>The Zoning Committee found this petition to be consistent with the <i>Blue Line Extension Transit Station Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The <i>Blue Line Extension Transit Station Area Plan</i> recommends transit supportive uses for the subject property.</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 request limits the building height to 50 feet as recommended in the plan; and</li> <li>• The petition allows the preservation of the existing mill home; and</li> <li>• The property is located within ½ mile of the future 36th Street Transit Station.</li> </ul> <p>The Zoning Committee voted 5-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Revised the plan to show the existing four-foot wide sidewalk and 1.5-foot wide planting strip along North Davidson Street to remain.</li> <li>2. Revised the site plan to show nine required parking spaces in the rear of the site to</li> </ol>

	<p>meet the minimum parking requirements for an eating/drinking/entertainment establishment.</p> <ol style="list-style-type: none"> <li>3. Specified the maximum building height of 50 feet under the development notes.</li> <li>4. Deleted the optional request 3 to allow the existing streetscape along North Davidson Street to remain as this it is covered through optional provision 2.</li> <li>5. Revised 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.</li> <li>6. Changed 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.”</li> <li>7. Amended Note 3 under General Notes limiting the height of detached, freestanding lighting to 15 feet.</li> <li>8. Amended the note at the request of the neighborhood association to say “Dumpster service to pick up during normal business hours.”</li> <li>9. Changed the label for the fence from “privece” to “privacy.”</li> <li>10. Organized conditional notes under the appropriate categories.</li> </ol> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 8</a></p>
<p><b>Protest Petition (Insufficient)</b></p>	<ol style="list-style-type: none"> <li>9. <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).</li> </ol> <p>The Zoning Committee found this petition to be consistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The <i>South District Plan</i> recommends retail uses for the subject property.</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 request does not increase the building area on the site; and</li> <li>• The additional outdoor dining area will be located on the roof of an existing building.</li> </ul> <p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 9</a></p>
	<ol style="list-style-type: none"> <li>10. <a href="#">Petition No. 2015-011</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).</li> </ol> <p>The Zoning Committee found this petition to be inconsistent with the <i>Northwest 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 <i>Northwest District Plan</i> recommends residential uses for the subject property.</li> </ul> <p>Therefore, this petition is found to not 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 request is incompatible with the residential context in which it is located; and</li> <li>• The property is in close proximity to adjacent single family homes; and</li> <li>• The proposed parking area is located in what is considered the front yard; and</li> <li>• There is no drop off area.</li> </ul> <p>The Zoning Committee voted 5-1 to recommend <b>DENIAL</b> of this petition. The following changes have been made since the public hearing:</p>

	<ol style="list-style-type: none"> <li>1. Corrected Note 2A under Permitted Uses to accurately reflect the proposed building square footage and number of children, to be consistent with the information provided in the Development Data Table.</li> <li>2. Amended information regarding Amount of Open Space under Development Data Table to read "Per Ordinance."</li> <li>3. Removed Architectural Standards Note 4A that read, "The site will comply with All Architectural standards set forth in the Ordinance" from the site plan.</li> <li>4. Added Architectural Standards language that states there will be no expanse of blank walls greater than 20 feet.</li> <li>5. Added Architectural Standards note that states proposed building will be residential in character.</li> <li>6. Amended Existing and Proposed Zoning information under Development Data Table to note LWPA, not LWWPA.</li> <li>7. Labeled zoning of abutting properties.</li> <li>8. Labeled width of Valleydale Road and Mellwood Drive.</li> <li>9. Added a note that the required buffers will not be reduced 25% with a wall or a fence.</li> <li>10. Labeled height of proposed chain link fence (with plastic coating) to surround playground.</li> <li>11. Corrected misspellings on the site plan.</li> </ol> <p>Staff recommends denial of this petition.</p> <p><a href="#">Attachment 10</a></p>
	<p>11. <a href="#">Petition No. 2015-015</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>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 <i>Northeast District Plan</i> recommends office, retail, and industrial/warehouse/distribution for Parcel 1 and office/retail for Parcel 2.</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 uses are currently allowed on the site in a different configuration; and</li> <li>• It allows the office/retail uses to be near Berkeley Place Drive and other office and retail uses.</li> </ul> <p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Removed the note under streetscapes and landscaping, as self-storage facilities are exempt from the sidewalk connection requirements.</li> <li>2. Amended the notes under Architectural Standards to describe building materials, and to add that blank walls exceeding 20 feet in length will be screened from adjoining properties or avoided through articulation.</li> <li>3. Added a note under Architectural Standards that reserves the right to alter the arrangement of buildings on the site which may reduce the number of buildings but in no circumstances shall the front building be replaced with a smaller building. Such rearrangements will be administratively reviewed by the planning staff.</li> <li>4. Added a building elevation for the front of the storage facility.</li> <li>5. Changed the word "approve" to "review" on the note related to future administrative approvals.</li> </ol> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 11</a></p>



Council will have to vote whether or not to send back to the Zoning Committee.

12. [Petition No. 2015-016](#) (Council District 7 – Driggs) by **Touchstone Village, LLC** 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).

Note: The City Council must determine by a  $\frac{3}{4}$  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:

1. Added a note that no water supply wells will be constructed on the property.
2. Added a note that the properties shall be inspected for groundwater monitoring wells. Any groundwater monitoring wells identified shall be protected from damage by flagging and fencing during site development or abandoned in accordance with Mecklenburg County Groundwater Well Regulations.

The Zoning Committee found the retail component of this petition is consistent with the *South District Plan* and the office component is inconsistent with the *South District Plan*; based on information from the staff analysis and the public hearing, and because:

- The *South District Plan* recommends retail uses for the subject property.

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

- The proposed uses are allowed and appropriate in a commercial environment; and
- The proposed use provides a less intense redevelopment of an existing retail site.

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

1. Amended Note G under Transportation to reference the office building.
2. Provided proof of a mutual overlapping parking easement for the Touchstone development that includes all of the property and uses. The site plan shows the existing child care center facility and 21 associated parking spaces, which are not included in the rezoning petition.
3. Amended Notes F and G under Transportation to clarify that construction traffic will be required to arrive from and depart directly to NC 51 via Carswell Lane or Baybrook Lane.
4. Amended note under Purpose as follows: "To redevelop a portion of an obsolete neighborhood shopping center to accommodate a corporate office building and to provide for a portion of the existing retail on the site to redevelop and remain."
5. Added the following note under Architectural Standards: "As part of the redevelopment of the retail portion of the site outdoor patios will only be permitted on the north side of the building facing the parking area. The existing patio on the rear of the building will be allowed to remain but will not be allowed to be re-established once the existing tenant vacates the space, for which the patio as constructed. Thereafter, any patio that is constructed will not be allowed to have amplified sound, any live musical, or other live performances."
6. Added the following note under Environmental Features: "As part of the redevelopment of the site, the petitioner may be required to conduct remedial maintenance or to reconstruct portions of the storm water facilities on the site including the detention basin. If trees and screening materials installed as part of the original development of the site to screen the storm water facilities are removed, they will be replaced with a combination of evergreen trees and shrubs to restore the screening of the site at double the rate prescribed by the ordinance. This planting will be constructed on the south side of the site adjacent to Bevington Place to address the homes to the south of the site."
7. Amended 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."
8. Established 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.
9. Added the following note under Environmental Features: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance."

	<p>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 requirements and natural site discharge points."</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 12</a></p>
<p><b>Protest Petition (Sufficient)</b></p>	<p>13. <a href="#">Petition No. 2015-018</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>The Zoning Committee found this petition to be inconsistent with the density recommendation of the <i>Midtown Morehead Cherry Area Plan</i>, however, to be consistent with the residential uses recommended by the plan, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends residential up to six units per acre for the subject property.</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 building form along Baxter Street is consistent with the general heights, setbacks, massing, and building orientation of existing homes in the immediate area; and</li> <li>• Multi-family buildings are located to rear of the site with building heights limited; and</li> <li>• Buffers and landscaping are provided adjacent to single family properties; and</li> <li>• The height of the buildings is two and three stories.</li> </ul> <p>The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. A ten-foot buffer and proposed fence has been labelled adjacent to parcels 125-245-04 and 125-245-03.</li> <li>2. A fence along property 125-245-03 will be installed by the petitioner or property owner.</li> <li>3. The petitioner is working with Charlotte Department of Transportation to submit for the right-of-way abandonment.</li> </ol> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 13</a></p>
	<p>14. <a href="#">Petition No. 2015-021</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>The Zoning Committee found this petition to be consistent with the <i>West Morehead Land Use and Pedscape 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 and indoor storage facility uses for the subject property.</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 request allows all uses permitted in O-1 (PED) (office, pedestrian overlay).</li> </ul> <p>The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 14</a></p>

15. [Petition No. 2015-028](#) (Council District 1 - Kinsey) by **Charlotte Housing Authority** for a change in zoning for approximately 1.035 acres located on the southeast corner at the intersection of Baldwin Avenue and Luther Street from R-8 (single family residential) to R-22MF(CD) (multi-family residential, conditional).

The Zoning Committee found this petition to be inconsistent with the density recommendation of the *Midtown Morehead Cherry Area Plan*, however, to be consistent with the residential uses recommended by the plan, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential at up to eight dwelling units per acre for the subject property.

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

- The proposed building form along Luther and Main Streets is consistent with the general heights, setbacks, and building orientation of existing homes on these streets; and
- Two-story residential structures are located between existing single family homes and proposed three-story buildings to provide a transition in height and massing; and
- Buffers and landscaping are provided abutting single family properties; and
- The parking lot is located behind the buildings fronting Luther and Main Streets with limited visibility and no vehicular access from these streets.

The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Redesigned the site so that buildings front on Luther Street and Main Street.
2. Reduced the visibility and exposure of the site's parking lot on Luther Street and Main Street by redesigning the site and placing the parking behind the buildings on these streets.
3. Adjusted the building design by eliminating the attached exterior stairways.
4. Revised the overall three-story height and massing of the buildings to provide an appropriate scale transition by reducing the height of the buildings abutting existing single family residential to two stories.
5. Specified the density of the proposal as 21.26 units per acre under heading Development Data Table.
6. Labeled the edge of rights-of-way for Luther Street, Baldwin Avenue, and Main Street.
7. Labeled and showed the tree save area on the site plan.
8. Amended language under heading Signage to state: "Signage will be provided per the Ordinance."
9. Renumbered notes under each heading on the site plan.
10. Addressed CDOT, Engineering and Property Management, and Storm Water Services comments as follows:
  - a) CDOT:
    1. Petitioner has provided an eight-foot sidewalk along Baldwin Avenue that is placed a minimum of 13 feet from the back of the existing curb between the proposed buildings and existing trees.
    2. A conditional note has been added to the site plan that states the petitioner will have a certified arborist evaluate the health of the existing trees along Luther Street and Baldwin Street. If the arborist determines that the trees are in poor health, the petitioner will remove the subject trees and not meander the sidewalk.
  - b) Showed the tree save areas.
  - c) Removed following language in the note under Environmental Features that reads, "Each development parcel shall be evaluated for PCCO requirements individually."

Staff recommends approval of this petition.

[Attachment 15](#)

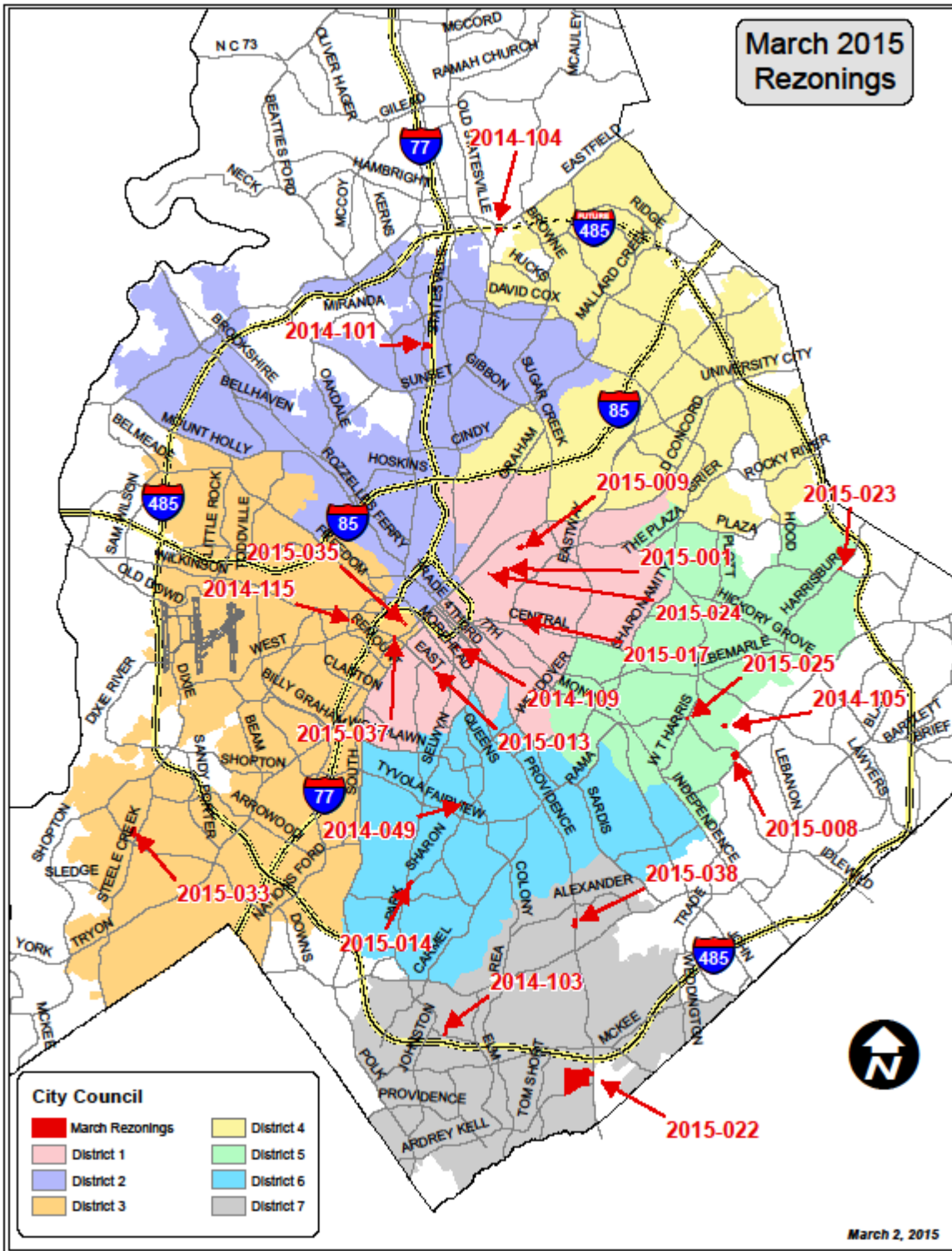
<p><b>Protest Petition (Sufficient)</b></p>	<p>16. <a href="#">Petition No. 2015-029</a> (Council District 1 - Kinsey) <b>by Charlotte Housing Authority</b> for a change in zoning for approximately 0.43 acres located on the southeast corner at the intersection of Lillington Avenue and Amherst Place from R-8 (single family residential) to R-22MF(CD) (multi-family residential, conditional).</p> <p>The Zoning Committee found this petition to be inconsistent with the density recommendation of the <i>Midtown Morehead Cherry Area Plan</i>, however, to be consistent with the residential uses recommended by the plan, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends residential at up to eight dwelling units per acre for the subject property.</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 buildings along Amherst Place are consistent with the general heights, setbacks, and building orientation and single family residential form of the existing homes in the immediate area; and</li> <li>• Buffers and landscaping are provided against abutting properties; and</li> <li>• Parking is located to the rear and sides of the proposed residential structures with vehicular access limited to Lillington Avenue; and</li> <li>• The elevations are "terrific."</li> </ul> <p>The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Showed a minimum 16-foot building separation between the proposed structures including the external stairs between the structures.</li> <li>2. Relocated proposed northeastern structure out of the required buffer.</li> <li>3. Revised elevations showing the proposed north and south buildings.</li> <li>4. Added a note that detached lighting will be limited to 15 feet in height.</li> <li>5. Added a note that attached and detached lighting will be fully shielded and full cut-off fixtures.</li> <li>6. Added a note that no expanse of blank wall will exceed 20 feet in length.</li> <li>7. Labeled the edge of rights-of-way for Lillington Avenue and Amherst Place.</li> <li>8. Added a note that the site will comply with the Post Construction Controls Ordinance.</li> </ol> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 16</a></p>
	<p>17. <a href="#">Petition No. 2015-030</a> (Council District 1 - Kinsey) <b>by Charlotte Housing Authority</b> for a change in zoning for approximately 0.562 acres located on the west side of Luther Street between Baldwin Avenue and Eli Street from R-8 (single family residential) to R-22MF(CD) (multi-family residential, conditional).</p> <p>The Zoning Committee found this petition to be inconsistent with the density recommendation of the <i>Midtown Morehead Cherry Area Plan</i>, however, to be consistent with the residential uses recommended by the plan, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends residential at up to eight dwelling units per acre for the subject property.</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 buildings along Luther are consistent with the general heights, setbacks and building orientation of existing homes in the immediate area; and</li> <li>• Buffers and landscaping are provided against abutting properties; and</li> <li>• Parking is located to the rear and sides of the proposed residential structures with only one driveway on Luther Street and Morgan Park Drive.</li> </ul> <p>The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p>

	<ol style="list-style-type: none"> <li>1. Specified the density of the proposal as 14.24 units per acre under heading Development Data Table.</li> <li>2. Labeled the edge of rights-of-way for Luther Street and Morgan Park Drive on the site plan.</li> <li>3. Designated the right-of-way width for Morgan Park Drive as 50 feet as per rezoning petition 2014-024.</li> <li>4. Amended the Development Data Table to limit maximum number of stories to two and limit maximum height to 35 feet.</li> <li>5. Labeled and showed tree save areas on the site plan.</li> <li>6. Revised the elevations to match the building footprints on the site plan.</li> <li>7. The massing of the six-unit building was reduced by reducing the number of units to four (4).</li> <li>8. Removed language under heading Signage and replaced with: "Signage will be provided per the Ordinance."</li> <li>9. Renumbered under each heading on the site plan.</li> <li>10. Addressed Transportation and Storm Water Services comments as follows: <ol style="list-style-type: none"> <li>a) CDOT comment has been addressed by the addition of a conditional note to the site plan that states the petitioner will have a certified arborist evaluate the health of the existing trees along Luther Street and Baldwin Street. If the arborist determines that the trees are in poor health, CDOT requests the petitioner remove the subject trees and not meander the sidewalk.</li> <li>b) Storm Water Services comment has been addressed by removing following language from the note under Environmental Features that read, "Each development parcel shall be evaluated for PCCO requirements individually."</li> </ol> </li> </ol> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 17</a></p>
<p><b>Protest Petition (Sufficient)</b></p>	<p>18. <a href="#">Petition No. 2015-032</a> (Council District 1 - Kinsey) <b>by Charlotte Housing Authority</b> for a change in zoning for approximately 0.305 acres located on the north side of Baxter Street between Queens Road and Eli Street from R-12MF (multi-family residential) to R-8(CD) (single family residential, conditional).</p> <p>The Zoning Committee found this petition to be inconsistent with the density recommendation of the <i>Midtown Morehead Cherry Area Plan</i>, however, to be consistent with residential uses recommended by the plan based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends residential at up to 12 units per acre for the subject property.</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 building form along Baxter Street is consistent with the general heights, setbacks, massing and building orientation of existing homes in the immediate area; and</li> <li>• A buffer and tree save area is provided abutting the single family properties to the rear; and</li> <li>• Only a small increase in density from 12 dwelling units per acre to 13.1 dwelling units per acre is allowed; and</li> <li>• Parking is located to the side of the proposed residential structures with only one driveway on Baxter Street.</li> </ul> <p>The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Amended Development Data Table, General Provisions, and Permitted Uses to reflect the proposed zoning as R-8(CD).</li> <li>2. Amended Note D under Architectural Standards as follows: "Rollout collection will be used."</li> <li>3. Deleted the following note under Streetscape and Landscaping: "Buffer areas required by the zoning ordinance will be developed in accordance with Section 12.302."</li> </ol>

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|  | <ol style="list-style-type: none"><li>4. Amended Note A under Signage to delete "the exact location of the site signage will be determined as part of the detailed construction and landscaping plans for the site."</li><li>5. Amended Note B under Lighting to state detached lighting will be full cut-off lighting fixtures excluding any decorative lighting.</li><li>6. Addressed Charlotte-Mecklenburg Storm Water Services comment by deleting the following from Note A under Environmental Features: "Each development parcel shall be evaluated for PCCO requirements individually."</li><li>7. Amended building elevations as viewed from Baxter Street.</li></ol> |
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Staff recommends approval of this petition.

[Attachment 18](#)



# ZONING HEARINGS

<p><b>Protest Petition (Insufficient)</b></p> <p><b>Withdrawal</b></p>	<p>19. <a href="#">Petition No. 2014-049</a> (Council District 6 - Smith) <b>by SBBH, LLC</b> for a change in zoning for approximately 1.53 acres located on the south side of Morrison Boulevard between South Park Drive and Sharon Road from CC (commercial center) to MUDD-O (mixed used development, optional).</p> <p>The petitioner is requesting to withdraw this petition. The sufficient protest petition has been withdrawn.</p> <p><a href="#">Attachment 19</a></p>
	<p>20. <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, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 20</a></p>
	<p>21. <a href="#">Petition No. 2014-103</a> (Council District 7 – Driggs) <b>by Weekley Homes, LP</b> for a change in zoning for approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 21</a></p>
<p><b>Deferral (to June)</b></p>	<p>22. <a href="#">Petition No. 2014-104</a> (Outside City Limits) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 6.77 acres located at the northeast corner of the intersection of Arthur Davis Road and Independence Hill Road from Town of Huntersville zoning to R-4 (single family residential).</p> <p><a href="#">Attachment 22</a></p>
<p><b>Deferral (to June)</b></p>	<p>23. <a href="#">Petition No. 2014-105</a> (Outside City Limits) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 9 acres located at the end of Lea Woods Lane and between Grayling Court and Falconwood Court from Town of Mint Hill zoning to R-4 (single family residential).</p> <p><a href="#">Attachment 23</a></p>
<p><b>Deferral (to April)</b></p> <p><b>Protest (sufficient)</b></p>	<p>24. <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 UR-C(CD) (urban residential - commercial, conditional), B-1 (neighborhood business) and R-8 (single family residential) to B-2 (PED-O) (general business, pedestrian overlay, optional), UR-C (PED-O) (urban residential, pedestrian overlay, optional) and R-8MF (PED-O) (multi-family residential, pedestrian overlay, optional), with five-year vested rights.</p> <p><a href="#">Attachment 24</a></p>



	<p>25. <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>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 25</a></p>
<b>Protest (TBD)</b>	<p>26. <a href="#">Petition No. 2015-001</a> (Council District 1 – Kinsey) <b>by Southern Apartment Group</b> for a change in zoning for approximately 3.63 acres located on the east side of North Davidson Street and bounded by East 27th Street, Yadkin Avenue, and East 26th Street from MUDD-O (mixed use development, optional) to TOD-M(O) (transit oriented development – mixed-use, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 26</a></p>
<b>Deferral (to April)</b>	<p>27. <a href="#">Petition No. 2015-008</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><a href="#">Attachment 27</a></p>
	<p>28. <a href="#">Petition No. 2015-009</a> (Council District 1 - Kinsey) <b>by Crescent Communities, LLC</b> for a change in zoning for approximately 6.98 acres located on the west side of East 36th Street between Cullman Avenue and North Davidson Street from I-2 (general industrial) to TOD-M(O) (transit oriented development – mixed-use, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 28</a></p>
<b>Protest (sufficient)</b>	<p>29. <a href="#">Petition No. 2015-013</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="#">Attachment 29</a></p>
<b>Deferral (to April)</b>	<p>30. <a href="#">Petition No. 2015-014</a> (Council District 6 – Smith) <b>by Park Sharon Properties, LLC</b> for a change in zoning for approximately 4.66 acres located on the northeast corner at the intersection of Park Road and Sharon Road from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p><a href="#">Attachment 30</a></p>
	<p>31. <a href="#">Petition No. 2015-017</a> (Council District 1 – Kinsey) <b>by Mark A. Brummond</b> for a change in zoning for approximately 0.63 acres located on the northwest corner at the intersection of Hamorton Place and Landis Avenue from B-2(CD) (general business, conditional) to UR-2(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 31</a></p>

	<p>32. <a href="#">Petition No. 2015-022</a> (Council District 7 – Driggs) <b>by Lincoln Harris, LLC</b> for a change in zoning for approximately 194 acres located on the north side of Ardrey Kell Road near the intersection of Providence Road and Ardrey Kell Road from R-3 (single family residential) and NS (neighborhood services) to MUDD-O (mixed use development, optional) and MX-1(INNOV) (mixed use, innovative standards), with 5-Year Vested Rights.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p><a href="#">Attachment 32</a></p>
<b>Protest (TBD)</b>	<p>33. <a href="#">Petition No. 2015-023</a> (Outside City Limits) by <b>Weldegebriel Ucbeab</b> for a change in zoning for approximately 1.25 acres located on the northeast corner at the intersection of Harrisburg Road and Camp Stewart Road from R-3 (single family residential) to NS (neighborhood services).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 33</a></p>
	<p>34. <a href="#">Petition No. 2015-024</a> (Council District 1 – Kinsey) <b>by Jeffrey Smith</b> for a change in zoning for approximately 0.413 acres located on the southeast corner at the intersection of East 22nd Street and North Brevard Street from I-2 (general industrial) to I-1 (TS) (light industrial, transit supportive overlay).</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 34</a></p>
	<p>35. <a href="#">Petition No. 2015-025</a> (Council District 5 - Autry) <b>by Circle K Stores, Inc</b> for a change in zoning for approximately y 1.03 acres located on the northwest corner at the intersection of Idlewild Road and East W.T. Harris Boulevard from R-4 (single-family residential), INST(CD) (institutional, conditional), and B-1 (neighborhood business) to NS (neighborhood service).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 35</a></p>
	<p>36. <a href="#">Petition No. 2015-033</a> (Council District 3 - Mayfield) <b>by Averitt Express, Inc.</b> for a change in zoning for approximately 15.88 acres located on the north side of Ed Brown Road between Westinghouse Boulevard and Steele Creek Road from I-1 (light industrial) to I-2(CD) (general industrial, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 36</a></p>
	<p>37. <a href="#">Petition No. 2015-035</a> (Council District 3 – Mayfield) <b>by Paul Kardous</b> for a change in zoning for approximately 0.85 acres located on the southwest corner at the intersection of West Bland Street and South Church Street from I-2 (general industrial) to TOD-M (transit oriented development – mixed-use).</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 37</a></p>
	<p>38. <a href="#">Petition No. 2015-037</a> (Council District 3 – Mayfield) <b>by Dominick Ristaino</b> for a change in zoning for approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place from R-5 (HD-O) (single family residential, historic district overlay) to B-1 (HD-O) (neighborhood business, historic district overlay) .</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 38</a></p>

	<p>39. <a href="#">Petition No. 2015-038</a> (Council District 7 – Driggs) <b>by Meritage Homes of the Carolinas</b> for a change in zoning for approximately 9.48 acres located on the west side of Providence Road between Cedar Croft Drive and Candlewyck Lane from R-15PUD (planned unit development) to R-4(CD) (single family residential, conditional) and INST(CD) (institutional, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 39</a></p>
	<p>40. <b>Sale of Parcel 1, Interstate-277 Surplus Land</b></p> <div data-bbox="383 533 1484 793" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p><b>Action: Adopt a resolution approving the private sale of Parcel 1 of the Interstate-277 Surplus Land, PID #125-135-04, to Crescent Communities, LLC, for the amount of \$10,300,000, for development of a mixed use project incorporating three adjacent parcels in the block along Stonewall Street between S. Caldwell Street and the Westin Hotel.</b></p> </div> <p><b>Staff Resource(s):</b> Ron Kimble, City Manager’s Office  Tony Korolos, Engineering &amp; Property Management  Catherine Cooper, City Attorney’s Office</p> <p><b>Explanation</b></p> <ul style="list-style-type: none"> <li>▪ In March 2014, Council accepted the purchase offer from Crescent Communities, LLC to Purchase Parcel 1 for \$10,300,000, subject to the upset bid process. After the upset bid process, Crescent’s offer remained the highest qualified bid, and the City and Crescent entered into a Purchase and Sale Contract in April 2014.</li> <li>▪ Terms of the 2014 Contract included: <ul style="list-style-type: none"> <li>– \$515,000 deposit</li> <li>– 6-month due diligence period (until October, 2014, with “going hard”),</li> <li>– Closing by December 5, 2014 and</li> <li>– Development by any plan permitted under UMUD zoning</li> </ul> </li> <li>▪ In September 2014 the Contract was revised administratively to lengthen the due diligence period to 8 months with closing March 31, 2015 and half the deposit “going hard” October 5, 2014 and half “going hard” December 5, 2014.</li> <li>▪ Throughout the life of the Contract, Crescent’s objective has been to gain control of two properties adjacent to Parcel 1 for inclusion in a mixed-use development incorporating all three properties. Crescent’s efforts have been successful, and Crescent proposes to build a mixed use development, to include at least 400 residential units, 55,000 square feet of retail, and 300 hotel rooms, in the block extending from S. Caldwell St. to the Westin Hotel along Stonewall St.</li> </ul> <p><b>Request</b></p> <ul style="list-style-type: none"> <li>▪ Crescent desires to modify its existing contract with the City to a private sale/purchase contract based on the following terms: <ul style="list-style-type: none"> <li>– Price of \$10,300,000</li> <li>– \$515,000 non-refundable deposit</li> <li>– Closing date of March 31, 2015 with ability to extend the closing up to seven 30-day extension periods at a cost of \$50,000 per extension. Extension payments are non-refundable and not applicable to purchase price.</li> </ul> </li> </ul>

- Crescent Communities has committed to develop a mixed-use project subject to UMUD zoning to include the following components and construction start dates:
  - o 400 apartments and 40,000 SF of retail by Nov. 1, 2016;
  - o 150 hotel rooms and 15,000 SF retail by Nov. 1, 2017 and
  - o 150 hotel rooms by Nov. 1, 2019.
- Delay fees are due to the City of construction start dates in schedule are not met. The fee structure is based on the cost of funds, actual construction start dates, and land area.

**Background**

- In accordance with the Center City Transportation Plan and the NASCAR Hall of Fame Project, the City modified the Interstate-277/Caldwell Street interchange, resulting in surplus North Carolina Department of Transportation right-of-way.
- After the interchange modifications were complete, NCDOT deeded to the City five parcels of the surplus land, and the City marketed them nationwide for sale.
- The Mandatory Referral has been completed for all five parcels.
- One parcel (Parcel Five) was sold in mid-2013 for \$3,839,000.
- The proceeds of all land sales must first be applied as payment on the \$20,000,000 "land loan" from Wells Fargo and Bank of America used for the construction of the NASCAR Hall of Fame.
- The current outstanding loan balance is \$20,017,102.75 and includes a principal balance of \$16,230,794.76 plus accrued interest of \$3,786,307.99.
- Private development of the land will create millions of dollars of tax base, providing annual tax revenue to both the City and County.
- In addition to the surplus land, NCDOT also provided \$5,000,000 in construction funding for the interchange modifications.

**Attachments**

Location Map  
Resolution  
Summation Table on Parcel 1 Sales History  
Purchase and Sale Agreement  
Conceptual Project Rendering