Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte, NC 28202



Meeting Agenda

Monday, November 16, 2015

Council Chambers

City Council Zoning Meeting

- 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

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

5:00 P.M. DINNER MEETING, CH-14

6:00 P.M. ZONING MEETING, COUNCIL CHAMBERS

- 1. Dinner Meeting Agenda
 - 1. Agenda Review Tammie Keplinger
- 2. Follow Up Report
- 3. Upcoming Cases of Special Interest

ZONING DECISIONS

4. Rezoning Petition: 2015-037 by Dominick Ristaino

Update: Requesting Deferral (to February 15, 2016)

Location: Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place. (Council District 3 - Mayfield)

Current Zoning: R-5 (HD-O) (single family residential, historic district overlay)

Proposed Zoning: O-1(CD) (HD-O) (office, historic district overlay)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to **DEFER** this petition to their January 27, 2016 meeting.

5. Rezoning Petition: 2015-054 by PMT Partners V, LLC

Update: Requesting Deferral (to December 14, 2015)

Location: Approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)

Current Zoning: B-1SC (business shopping center)

Proposed Zoning: B-1 (CD) (neighborhood business, conditional)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to **DEFER** this petition to their November 18, 2015 meeting.

6. Rezoning Petition: 2015-084 by StorCon Development, LLC

UPDATE: The City Council must determine by a 3/4 vote if the following changes to the text amendment after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review.

The petitioner:

- Restricted convenience stores and check cashing establishments from locating on the ground floor of warehousing buildings that contain an enclosed self-storage facility.
- Eliminated beauty and barber shops from the list of uses that can wrap the warehousing building on the ground floor.
- Restricted the height of a building containing a self-storage facility to 90 feet.
- Restricts signage from being installed or maintained above the third floor of a building containing a self-storage facility.
- Added urban design standards above what is required in the MUDD (mixed use development) district.

Request: A Text Amendment to the City of Charlotte Zoning Ordinances adding warehousing within an enclosed building, for a self-storage facility, as a use allowed in MUDD with prescribed conditions.

Zoning Committee Recommendation

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

The Zoning Committee found this petition to be consistent with the *Centers, Corridors and Wedges Growth Framework*, based on information from the staff analysis and the public hearing, and because:

 It meets the plan goal to provide a greater mix of commercial uses and a range of choices for employment opportunities.

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 amendment:

- Provides an alternative urban zoning district, MUDD (mixed use development), in which to locate these facilities when designed to meet prescribed conditions, and
- Ensures that these facilities located in MUDD zoning will be designed to fit into an urban context by requiring pedestrian friendly design with ground floor commercial uses along the street.

7. Rezoning Petition: 2015-103 by David Powlen

Location: Approximately 2.85 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Berkley Place Drive. (Council District 4 - Phipps)

Current Zoning: CC (commercial center)

Proposed Zoning: CC SPA (commercial center, site plan amendment)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition as modified.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

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

The plan recommends a mix of office and retail uses for the site.

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:

- When the site and surrounding properties were rezoned in 2008, the site was within a half mile of a transit station proposed as part of the 2025 Integrated Transit/Land Use Plan; and
- The LYNX Blue Line Extension is now designed to terminate at UNC Charlotte's main campus and will not extend to Mallard Creek Church Road; and
- Absent a transit station, the importance of denser two-story buildings is decreased, and well-designed retail uses are appropriate; and
- The proposed building is located to allow pedestrian access from surrounding buildings in Pinnacle Point and other nearby developments, and pedestrian connectivity within the development will be improved by the extension of the sidewalk along Pinnacle Drive and provision of a connection from Mallard Creek Church Road and Berkeley Place Drive; and
- The additional retail proposed for the site will provide neighborhood goods and services to nearby residents and employees, as there are several multi-family developments and businesses within a half mile that are accessible to this site.

8. Rezoning Petition: 2015-108 by Timothy Pratt, NVR, Inc

Location: Approximately 1.7 acres located on the southeast corner at the intersection of West Summit Avenue and South Church Street. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial)

Proposed Zoning: TOD-R (transit oriented development - residential)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

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

• The plan recommends residential transit supportive development for the site.

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 subject site is within a 1/4 mile walk of the Bland Street Transit Station on the LYNX Blue Line;
 and
- The proposal allows a site previously used for an industrial office to convert to more transit supportive land uses; and
- The request for residential and/or more transit supportive development will complement the recently constructed condos on an adjacent site, as well as the adjoining Wilmore neighborhood; and
- Use of conventional TOD-R (transit oriented development -residential) zoning applies all the standards and regulations to create the desired form and intensity of transit supportive development; and
- The TOD (transit oriented development) height limitations will insure that adjacent single family neighborhoods are not adversely impacted by tall buildings in close proximity.

Rezoning Petition: 2015-109 by WaterWalk Redevelopment Services, LLC

Update: Requesting Deferral (to December 14, 2015)

Location: Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive. (Council District 4 - Phipps)

Current Zoning: O-2 (CD) (office district, conditional)

Proposed Zoning: MUDD-O (mixed use development district, optional)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to **DEFER** this petition to their November 18, 2015 meeting.

10. Rezoning Petition: 2015-110 by Katarzyna Dec

Location: Approximately 2.8 acres located on the west side of Old Statesville Road and at the end of Burch Shire Road near the intersection of Holly Vista Avenue and Burch Shire Road. (Council District 2 - Austin)

Current Zoning: R-MH (residential manufacturing housing), B-2 (general business), and

I-1 (CD) (light industrial, conditional)

Proposed Zoning: B-2 (CD) (general business, conditional)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to recommend to **APPROVAL** of this petition as modified.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

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

■ The plan recommends office/industrial on the acreage zoned R-MH (single family, manufactured housing) and B-2 (general business), and light industrial on the portion zoned I-1(CD) (light industrial, conditional), as amended by rezoning petition 2001-056.

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 site is located in an area along Old Statesville Road that houses a concentration of uses that are related to motor vehicle service and sales; and
- The proposed rezoning will allow the expansion of an existing truck cab detailing business; and
- The request will bring all properties associated with the business under one zoning district; and
- A 38-foot wide buffer is being provided along the western property lines adjacent to residential zoning, which is greater than the 20-foot Type "B" buffer provided with the approval of rezoning petition 2001-056.

11. Rezoning Petition: 2015-112 by Tate Pappas SC Investors, LLC

Location: Approximately 0.55 acres located on the east of Sharon Road between Ashley Park Lane and Louisburg Square Lane. (Council District 6 - Smith)

Current Zoning: MUDD-O (mixed use development district, optional)

Proposed Zoning: MUDD-O (SPA) (mixed use development district, optional, site plan amendment)

Zoning Committee Recommendation

The Zoning Committee voted 5-0 to recommend APPROVAL of this petition as modified.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

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

 The plan, as amended by a previous rezoning, recommends a mix of uses, including eating/drinking/entertainment establishments (EDEEs), office, retail, personal service and other non-residential uses.

Therefore, this petition is found to be reasonable and in the public interest based on the information from

the staff analysis and the public hearing, and because:

- The property is part of a unified mixed use development located in an area that is transforming into the walkable, multi-story mixed use development recommended in the adopted plan; and
- The proposed rezoning will allow development of the site with a two-story building located directly at the corner of Sharon Road and Ashley Park Lane. The site and building design, with street front primary entrances, clear glass windows, and outdoor seating, will encourage pedestrian activity along these streets; and
- The drive-through service window is in a similar location as previously approved on the current zoning, with parking and maneuvering generally placed behind the building fronting Ashley Park Lane and behind the required building setback along Sharon Road, with a substantial landscaped buffer; and
- The proposed site plan eliminates a previously approved curb cut from Sharon Road into the site, which further enhances the pedestrian environment;

12. Rezoning Petition: 2015-115 by Skyhouse Charlotte II, LLC

Location: Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9th Street. (Council District 2 - Austin)

Current Zoning: UMUD (uptown mixed use)

Proposed Zoning: UMUD-O (uptown mixed use, optional)

Zoning Committee Recommendation

The Zoning Committee voted 5-0 to recommend APPROVAL of this petition as modified.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

The Zoning Committee found this petition to be consistent with the Charlotte Center City 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because:

While the plan does not make a specific land use recommendation for this site, it encourages active uses at the ground floor of buildings.

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 Center City Transportation Plan identifies the section of West 9th Street that abuts the site as a location where on-street parking is desired, and the proposed development will provide on-street parking along West 9th Street; and
- The provision of the on-street parking pushes the building setback further into the subject site. The allowance for the encroachment of the balconies into the setback helps to mitigate the increased setback required to accommodate the on-street parking; and
- The proposed balconies will not interfere with the street or sidewalk activity; and
- The proposed balcony encroachment is a site specific solution based on site constraints and is not intended to set a precedent for other projects; and
- If the proposed development includes ground floor retail, the inclusion of on-street parking will be especially valuable.

Rezoning Petition: 2015-117 by SLT Commercial Properties, LLC

Location: Approximately 0.52 acres located on the southeast corner at the intersection of South Boulevard and South Caldwell Street. (Council District 1 - Kinsey)

Current Zoning: R22MF (multi-family residential)

Proposed Zoning: TOD-MO (transit oriented development - mixed use, optional)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition as modified.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

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

• The plan recommends a mix of residential, office, retail and civic transit supportive uses in the area in which the site is located.

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:

- This proposal will allow the reuse of the building that most recently housed the City of Charlotte's Fire Investigation Unit; and
- The building was constructed in 1958 and is a significant landmark along South Boulevard; and
- The petition will allow the reuse of the existing building for all TOD-M (transit oriented development mixed-use) uses; and
- The building is within a 1/4 mile walk of the Carson Boulevard Transit Station; and
- The pedestrian activation of South Boulevard, as shown on the conditional site plan, will be achieved through the addition of an outdoor seating area between the building and the street.

ZONING HEARINGS

14. Rezoning Petition: 2015-094 by Charlotte-Mecklenburg Planning Department

UPDATE: Staff has requested a deferral of this petition until (January 19, 2016)

Location: A Text Amendment to the City of Charlotte Zoning Ordinance to 1) extend the validity period for a Historic District certificate of appropriateness from six months to twelve months from the date of issuance; and 2) modify the certificate of appropriateness renewal process.

15. Rezoning Petition: 2015-119 by Mary Cuthbertson

Location: Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane. (Council District 3 - Mayfield)

Current Zoning: R-4 (single- family residential) **Proposed Zoning:** R-8 (single-family residential)

Staff Recommendation

Staff recommends approval of this petition.

16. Rezoning Petition: 2015-127 by Roger and Kathe Ball

Location: Approximately 0.17 acres located on the northwest corner at the intersection of Winnifred Street and West Bland Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-M (transit oriented development - mixed use)

Staff Recommendation

Staff recommends approval of this petition.



Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte, NC 28202

Agenda Date: 11/16/2015

Agenda #: 1.File #: 15-1796 Type: Dinner Briefing

Dinner Meeting Agenda

1. Agenda Review - Tammie Keplinger

DINNER MEETING AGENDA Monday, November 16, 2015

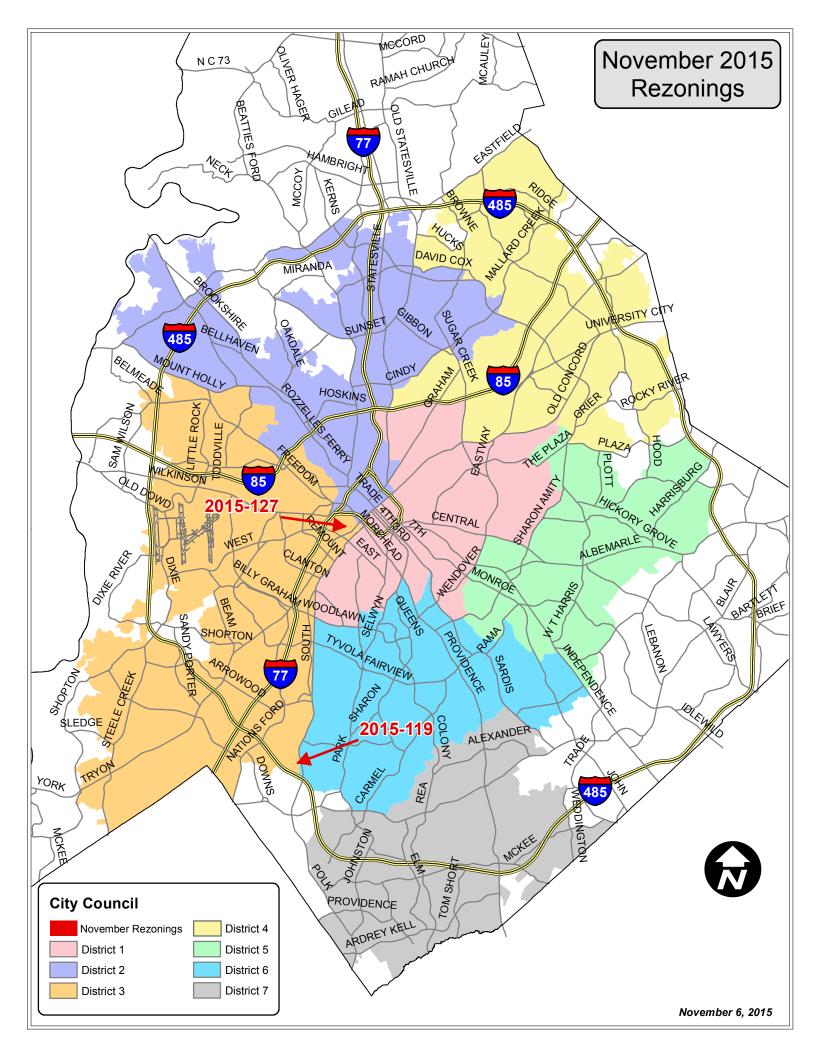
1. Agenda Review – Tammie Keplinger

DEFERRAL / WITHDRAWAL REQUESTS

| Item # | Petition # | Petitioner/Description | Update |
|--------|------------|---|--|
| 4 | 2015-037 | Dominick Ristaino – North side of West Boulevard between South Tryon Street and Wickford Place | Decision – • Defer to February 15, 2016 |
| 5 | 2015-054 | PMT Partners V, LLC – Northeast corner at the intersection of South Tryon Street and Moss Road | Decision – • Defer to December 14, 2015 |
| 9 | 2015-109 | WaterWalk Redevelopment – West side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive | Decision – • Defer to December 14, 2015 |
| 14 | 2015-094 | Charlotte-Mecklenburg Planning Department - A Text Amendment to to 1) extend the validity period for a Historic District certificate of appropriateness from six months to twelve months from the date of issuance; and 2) modify the certificate of appropriateness renewal process. | Hearing – • Defer to January 19, 2016 |

MISCELLANEOUS REQUESTS AND INFORMATION

| Item # | Petition # | Petitioner/Description | Update |
|--------|------------|---|---|
| 6 | 2015-084 | StorCon Development, LLC – A Text Amendment to add warehousing within an enclosed building for a self-storage facility as a use allowed in MUDD with prescribed conditions. | Decision – Council will have to vote whether or not to send back to Zoning Committee due to the changes referenced in Item 6. |





Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte, NC 28202

Agenda Date: 11/16/2015

Agenda #: 2.File #: 15-1797 Type: Dinner Briefing

Follow Up Report



City Council Follow-Up Report From the October 19, 2015 Zoning Meeting

2015-110 <u>Katarzyna Dec – located on the west side of Old Statesville Road and at the end of Burch Shire Road near the intersection of Holly Vista Avenue and Burch Shire Road</u>

Why did the *Northeast District Plan* recommend office/industrial for the portion of the rezoning site zoned R-MH (residential manufactured housing), thereby eliminating housing?

Staff Response: The *Northeast District Plan*, adopted in 1995, has an overall vision for the area that among other goals, seeks to "...provide opportunities for a variety of job types in the area, and to retain a strong employment base in Mecklenburg County." Specifically, the plan supports the continued development of the I-77/NC115 corridor as an industrial /business park concentration and the ideal use of the land between I-77 and NC 115 for industrial or business park use, since it has great access to the interstates and is in close proximity to an established rail line.

Under the section of the plan titled 'Employment Growth and Opportunities', there is a description of the recommended future land use for the area surrounding rezoning petition 2015-110, which contains the residential manufactured housing:

"Land south of Harris Boulevard has also developed with industrial and business park uses; however, the opportunity exists for even more. A large, older mobile home park and several smaller businesses are located between NC 115 and Statesville Road. The long term future of these uses remaining is questionable. This plan supports redevelopment of these areas for light industrial and/or business park development."

2015-112 <u>Tate Pappas SC Investors, LLC – located on the east side of Sharon Road between Ashley Park Lane and Louisburg Square Lane</u>

What alternatives are there to allow pedestrians to cross Sharon Road if you can't widen the street on both sides? Can the signal at Sharon and Fairview be modified to better accommodate pedestrians?

Staff Response: The existing signal operations for the Sharon Road and Ashley Park Lane intersection accommodate pedestrian crossings on all four corners of the intersection. The crossing of Sharon Road currently relies on actuation by a pedestrian through a pole mounted button to provide adequate time to cross. Although the intersection design does not include a pedestrian refuge median, all of the design features are suitable for pedestrian use. The existing driveway on the western approach to the Sharon Road/Ashley Park Lane intersection will soon be reconstructed as part of a different development project. This new construction will improve the crosswalk on the western side of the intersection by shortening the crossing distance for pedestrians.

<u>Is there adequate on-site queuing of vehicles waiting for the drive-through that won't result in spill-over onto the public streets?</u>

Staff Response: CDOT expects the vehicle queues could exceed the number of vehicles depicted on the site plan, but the site provides adequate internal storage to prevent the queue from backing into Ashley Park Lane.



Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte, NC 28202

Agenda Date: 11/16/2015

Agenda #: 3.File #: 15-1798 Type: Dinner Briefing

Upcoming Cases of Special Interest

| | Hearings (24 sche | | T | |
|----------|--|---------------------|---|---|
| Petition | Petitioner | Council District | Location | Description |
| 2014-019 | Carolina Development Services, LLC | 4 – Phipps | West corner of the intersection at Mallard Creek Road and Salome Church Road. | CC SPA (commercial center, site plan amendment) to allow up to 380 multi-family residential dwelling units at a density of 14.34 units per acre. This request was a staff initiated rezoning to implement recommendations within the Council District 4 Multi-family Assessment Report. The petition was presented as a conventional rezoning request at the February 17, 2014 City Council meeting. The Planning Department was originally the applicant, and staff has been working with the property owner to develop a site plan for the property. The property owner has taken on the role of applicant and converting the rezoning to a conditional request, resulting in a new public hearing. |
| 2015-058 | Childress Klein | 6 – Smith | Southwest corner at the intersection of Morrison Boulevard and Sharon Road. | Rezoning from R-3 (single family residential) and B-1SCD (neighborhood shopping center) to MUDD-O (mixed use development, optional) with five year vested rights, in order to allow up to 170,000 square feet of gross floor area of office, retail, restaurant, personal services and other commercial uses; hotel uses for up to 175 rooms; up to 450 residential dwelling units of all types; indoor recreation uses of up to 20,000 square feet of gross floor area; and religious institutions on Development Areas A, B, and C. Requested Optional provisions pertain to loading access; parking; signage; recessed doors; bike parking; location of certain accessory uses; private street cross-section; gross floor area; and cell tower. |
| 2015-092 | QuikTrip Corporation | 5 – Autry | Northwest corner at the intersection of East W.T. Harris Boulevard and The Plaza. | Rezoning from R-4 (single family residential) and B-1(CD) (neighborhood business, conditional) to B-1(CD) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment) to allow a convenience store with gasoline sales and accessory uses. |
| 2015-093 | 1531 Woodlawn (Melrose) | 1 – Kinsey | South side of Drexel Place and north side of Woodlawn Road | Rezoning from UR-3(CD) (urban residential, conditional) and R-4 (single family residential) to MUDD-O (mixed use development, optional) to allow up to 265 multifamily residential dwelling units. With a maximum building height of 60 feet and three (3) stories. Requested optional provision pertains to signage. |
| 2015-107 | D.R. Horton | 2 – Austin | South side of David Cox Road near the intersection of David Cox Road and Davis Lake Parkway. | Rezoning from INST(CD) (institutional, conditional) and MX-2 (Innov) (mixed use, innovative) to MX-2(Innov) (mixed use, innovative) and MX-2 (Innov) SPA (mixed use, innovative, site plan amendment) to allow up to 92 townhome units. |
| 2015-118 | Pavilion Development Co. | 3 - Mayfield | Northeast corner at the intersection of Nations Ford Road and Tyvola Road. | CC SPA (commercial center, site plan amendment) to allow a 3,010 square-foot convenience store with fuel sales, and a 2,500 square-foot commercial building. |
| 2015-120 | Grubb Properties | 6 - Smith | Bounded by Park Road, Abbey Place, Hedgemore Drive | Rezoning from O-1 (office) to MUDD-O (mixed use development district, optional) with five (5) year vested rights, to allow up to 600,000 square feet of commercial uses (inclusive of 228,324 square feet of existing office uses) and up to 450 residential units, |

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| | | | and Mockingbird Lane. | with conversion rights and a proposed maximum building height of 120 feet. |
|----------|---|--------------|---|--|
| | | | | Requested optional provisions pertain to parking, signage, recessed doorways, streetscape requirements, location of water quality and stormwater detention facilities, location of backflow prevention devices, and definition of the "base" of the building. |
| 2015-122 | David Weekley Homes | 7 – Driggs | West side of North Community House Road, north of Bryant Farms Road and south of Briarwick Lane. | Rezoning from R-3 (single family residential) to MX-2 (mixed use) with five (5) year vested rights to allow to allow 95 residential units (68 townhomes, 27 single family detached lots) at a density of 6.25 dwelling units per acre. |
| 2015-123 | Bainbridge Communities Acquisition I, LLC | 3 - Mayfield | West side of South Boulevard, north of Poindexter Drive. | Rezoning from I-2 (general industrial) and TOD-M (transit oriented development-mixed use) to TOD-R-O (transit oriented development, residential, optional) to allow up to 200 multifamily dwelling units and accessory uses. Proposed maximum building height is seven (7) stories. |
| 2015-128 | Cousins Acquisition Entity, LLC | 3 - Mayfield | Bounded by South Tryon Street, Camden Road, and West Park Avenue. | Requested optional provision pertains to maximum building height. Rezoning from TOD-M (transit oriented development-mixed use), B-1 (neighborhood business), and MUDD-O (mixed use development, optional) to TOD-M-O (transit oriented development, mixed use, optional) with five year vested rights to allow up to 285,000 square feet of gross floor area of office uses, which will include vertically integrated ground floor retail, restaurant, and/or personal services uses in an amount not to exceed 25,000 square feet of gross floor area of the total 285,000 square feet of uses, and other accessory uses. Proposed maximum building will be of up to 37 feet higher than the building height allowed in the TOD-M-O (transit oriented-mixed use, optional) district. Requested optional provisions pertain to maximum building height; mechanical |
| 2015-131 | Synco Properties | 6 – Smith | Southwest corner at the intersection of Colony and Sharon Roads. | Rezoning from R-17MF(CD) (multi-family residential) to MUDD-O (mixed use development district, optional) to allow up to 1,100 residential units, 250,000 square feet of office uses, 225 hotel rooms, and 300,000 square feet of retail. Proposed maximum building height of 160 feet within certain areas of development. Requested optional provisions pertain to parking; building height; streetscape; location of water quality and stormwater detention facilities, recessed entrances; innovative |
| 2015-133 | BRC Salome Church | 4 – Phipps | West side of | street designs; definition of the "base" of the building; drive-through service as an accessory to a bank or financial institution; and signage. Rezoning from R-3 (single family residential) and R-22MF (multi-family residential) to R- |
| 2010 100 | LLC | | Salome Church Road, north of North Tryon Street and east of I-485. | 12MF(CD) to allow up to 228 residential dwelling units (multi-family, duplex, triplex, and quadraplex) at a density of 11.07 units per acre. Maximum building height will not exceed three (3) stories or 48 feet. |

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| December | December Decisions (4 scheduled) | | | | |
|----------|--|---------------------|--|--|--|
| Petition | Petitioner | Council District | Location | Description | |
| 2015-054 | PMT Partners V, LLC | 3 – Mayfield | Northeast corner at the intersection of South Tryon Street and Moss Road. | Rezoning from B-1SCD (business shopping center) to B-1(CD) (neighborhood business, conditional) to allow up to 10,000 square feet of uses permitted in the B-1 (neighborhood business) district, including personal uses and one accessory drivethrough. | |
| 2015-078 | Taylor/Theus Development Holdings, LLC | 7 – Driggs | Northwest corner at the intersection of Ardrey Kell Road and Community House Road. | Rezoning from R-3 (single family residential) to BD(CD) (distributive business, conditional) to allow up to 32,500 square feet of of general and medical office uses; and up to 105,000 square feet of climate control storage. Building height will not exceed 40 feet. | |

| January H | January Hearings (17 scheduled) | | | | |
|-----------|---------------------------------|---------------------|---|---|--|
| Petition | Petitioner | Council District | Location | Description | |
| 2015-116 | Hwy. 521 Partners, LLC | 7 – Driggs | Southwest corner at the intersection of Providence Road West and Johnston Road. | Rezoning from O-1(CD) (office, conditional) to CC (commercial center) to allow bank office, retail, grocery store, restaurant uses and a hotel with up to 123 rooms. | |
| 2015-121 | CitiSculpt | 6 – Smith | Sharon Road, west of Sharon Hills Road and east of Sharon Acres Road. | Rezoning from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) with five year vested rights, to allow up to 160 age restricted dependent and/or independent living units/beds (nursing home, rest home, home for the aged, elderly, and disabled) together with accessory uses, as allowed in the UR-2 (urban residential) zoning district. | |
| 2015-126 | Parkwood Residences, LLC | 1 – Kinsey | North side of Parkwood Avenue bounded by North Caldwell Street, East 21 st Street and North Brevard Street | Rezoning from I-1 (light industrial) and I-2 (general industrial) to TOD-R(CD) (transit oriented development, residential, conditional) to allow up to 351 multi-family dwelling units at a density of 101.74 units per acre with a proposed building height of 85 feet (120 feet maximum). | |
| 2016-002 | Mosaic Village Holdings, LLC | 2 – Austin | West side of West Trade Street and south of South Bruns Avenue | Rezoning from R-8 (single family residential) and B-1 PED (neighborhood business, pedestrian overlay) to R-8(CD) (single family residential, conditional) and B-1 PED(O) (neighborhood business, pedestrian overlay, optional) to allow an additional 13 feet of height in order to enclose a portion of the existing roof terrace on top of the parking deck. Requested optional provision pertains to height. | |
| 2016-003 | Eastern Hospitality | 3 - Mayfield | East side of Nations Ford Road, north of Tyvola Road, and west of I-77. | CC SPA (commercial, site plan amendment) to allow office or a hotel on Parcels 1 and 2. Approved site plan restricts uses on Parcels 1 and 2 to office only. | |

10-27-15

| 2016-005 | WP Acquisitions, LLC | 1 – Kinsey | East side of North Brevard Street between East 24 th and East 25 th Streets. | Rezoning from I-2 (general industrial) to TOD-M(CD) (transit oriented-mixed, conditional) to allow up to 280 multi-family dwelling units and accessory uses, with a maximum building height of 120 feet. |
|----------|------------------------------|------------------------|---|---|
| 2016-007 | City of Charlotte | 5 – Autry | West side of Wilora Lake Road, north of Hollyfield Drive on property what used to be the old Eastland Mall Site. | Rezoning from B-1SCD (business shopping center), O-15 (office, conditional), and MUDD-O (mixed use development, optional) to R-4 (single family residential) to allow all uses in the R-4 (single family residential) district. |
| 2016-008 | City Center Hotel, Inc. | 4 – Phipps | West side of Collins-Aikman Drive, east of Brentmoor Drive. | Rezoning from B-2(CD) (general business, conditional) and O-2 (office, conditional) to B-2(CD) (general business, conditional) and B-2(CD) SPA (general business, conditional) to allow up to 392 residential units and 15,000 square feet of retail and/or restaurant space in Area A; and up to 100 residential units, up to 75,000 square feet of retail and/or restaurant space up to 200,000 square feet of office space, and two (2) limited service hotels with up to 300 rooms in Area B. Development standards for conversion rates with respect to office and hotel rooms; and provisions for mix of uses in buildings. |
| 2016-009 | Eastgroup Properties, LP | Outside City Limits | West side of Sandy Porter Road, north of I-485 and east of Gable Road. | Rezoning from R-3 (single family residential) to I-1(CD) (light industrial, conditional) to allow up to 525,000 square feet of industrial/office/distribution uses, with a maximum building height of 40 feet. |
| 2016-014 | Blanchard Family (NC) LLC | 6 – Smith | East side of Carmel Road, south of Carmel Hills Drive and north of Shadowlake Drive. | Rezoning from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow up to 40 attached dwelling units and one (1) detached dwelling unit together with accessory uses. |
| 2016-015 | FCD-Development, LLC | 1 – Kinsey | Northwest corner at the intersection of North Caswell Road and East 7 th Street. | Rezoning from NS (neighborhood services) to MUDD(CD) (mixed use development, conditional) to allow up to 150 multifamily residential units, with maximum building height of 60 feet. |
| 2016-016 | FCD-Development, LLC | 1 – Kinsey | West side of North Davidson Street and north of East 26 th Street. | Rezoning from I-2 (general industrial) to TOD-M(CD) (transit oriented development-mixed, conditional) and TOD-M (transit oriented development-mixed) to allow all uses permitted in the TOD-M (transit oriented development-mixed) district together with any incidental or accessory uses. Building height not to exceed 60 feet. |

Page **4** of **4** 10-27-15



Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte, NC 28202

Agenda Date: 11/16/2015

Agenda #: 4.File #: 15-1790 Type: Zoning Decision

Rezoning Petition: 2015-037 by Dominick Ristaino

Update: Requesting Deferral (to February 15, 2016)

Location: Approximately 0.46 acres located on the north side of West Boulevard between South Tryon

Street and Wickford Place. (Council District 3 - Mayfield)

Current Zoning: R-5 (HD-O) (single family residential, historic district overlay)

Proposed Zoning: O-1(CD) (HD-O) (office, historic district overlay)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to **DEFER** this petition to their January 27, 2016 meeting.

Attachments:

Zoning Committee Recommendation Vicinity Map Rezoning Map



Rezoning Petition 2015-037 Zoning Committee Recommendation

Dodson, Lathrop, Majeed, McClung, Sullivan, and

Eschert, Labovitz, and Nelson

October 28, 2015

| REQUEST | Current Zoning: R-5 (HD-O) (single family residential, historic district overlay) Proposed Zoning: O-1(CD) (HD-O) (office, conditional, historic district overlay) |
|--|--|
| LOCATION | Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place. (Council District 3 - Mayfield) |
| SUMMARY OF PETITION | The petition proposes to reuse an existing structure built in 1929 on one lot and to construct a new building on the second lot to accommodate office uses, with the exception of retail uses. The site is located in the Wilmore Historic District Overlay. |
| PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE | Dominick Ristaino Dominick Ristaino Craig W. Isaac |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1 |
| ZONING COMMITTEE ACTION | The Zoning Committee voted 6-0 to DEFER this petition to their January 27, 2016 meeting. |

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

Motion/Second: Dodson/Sullivan

Wiggins

None

None

Yeas:

Navs:

Absent:

Recused:

PLANNING STAFF REVIEW

Background

VOTE

- At its meeting on March 16, 2015, the City Council held a public hearing on a conventional request to rezone the subject site from R-5 (HD-O) (single family residential, historic district overlay) to B-1 (HD-O) (neighborhood business, historic district overlay). At that meeting some Council members expressed concerns about the absence of a site plan and permitting all uses in the B-1 (neighborhood business) district.
- At the March 25, 2015 Zoning Committee Work Session, the Committee discussed this request, with some members expressing concerns about its conventional status and echoed the City Council's concerns regarding the absence of a site plan. The Zoning Committee unanimously voted 5-0 to defer this petition so that staff could ask the petitioner if there was a willingness to convert the request to a conditional rezoning petition with a site plan.
- At the April 29, 2015 Zoning Committee Work Session, staff informed the Committee that the petitioner had submitted an amended application and site plan converting the request from a conventional to a conditional rezoning petition. The Zoning Committee unanimously voted 6-0 to send the petition back to City Council for a new public hearing. At its May 18, 2015 meeting, the City Council voted to set a new public hearing date for July 20, 2015. A new public hearing was held on July 20, 2015 and the petitioner requested a deferral at the Zoning Committee on July 29 and September 30.
- The Zoning Board of Adjustment (ZBA), at its meeting on May 26, 2015, granted a variance from the ten-foot "Class C" buffer and ten-foot required side yard to allow the existing principal structure and accessory structure on the subject site to remain as shown on the site plan subject to the following conditions: 1) the variance is subject to the installation of the fence and

planting requirements indicated on the proposed site plan presented to the Board; and, 2) the variance is contingent on Historic District Commission's approved application. The variance was granted for both parcels (316 and 320 West Boulevard).

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Convert existing residential structure to accommodate non-residential use with new parking area in the rear. Existing garage to remain.
- New structure on second lot with parking in the rear.
- Allow all uses in the O-1 (office) district, and prohibit retail uses.
- Parking areas behind buildings will connect and have a shared access onto West Boulevard via an existing concrete driveway.
- New six-foot high privacy fence along a portion of the west property line.
- Existing seven-foot planting strip and five-foot sidewalk along West Boulevard to remain to match existing conditions along West Boulevard.
- Proposes tree mitigation in lieu of 15% tree save area via additional plantings on site or within setback areas.
- Detached lighting limited to 20 feet in height.

Public Plans and Policies

- The Central District Plan (1993) recommends retail uses on this site.
- The petition is inconsistent with the *Central District Plan*, which recommends retail uses. However, the proposed office use is less intense than the retail use recommended by the plan and is therefore appropriate.
- Meets the intent of the General Development Policies-Environmental by minimizing the effect on the environment by reusing an existing structure and building on an infill lot.

Transportation Considerations: No issues.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: 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.
- Urban Forestry: No issues.

OUTSTANDING ISSUES

- The petitioner should:
 - 1. Label site plan "rezoning petition 2015-037."
 - 2. Rename heading Zoning/Development Data to Development Data Table.
 - 3. Under Development Data, remove the word "primarily" from proposed use information.
 - 4. Under Development Data Table, note property addresses.
 - 5. Remove heading Setback, Side Yards and Rear Yards and development note, and under heading Development Data, note that setback and yards will be provided per ordinance. Reference variance (case number 2015-026) granted by Zoning Board of Adjustment.
 - 6. Remove floorplan and existing conditions exhibit from the site plan.
 - 7. Remove General Notes from site plan.
 - 8. Remove heading statements with respect to the Graphics and associated language, and under heading General Provisions reference Section 6.207 of the ordinance.
 - 9. Building setback should be 20 feet, not 37 feet.
 - 10. Remove Perimeter Buffer Requirements and Interior Landscaping headings and language from site plan.

- 11. Show and label required ten-foot wide "Class C" buffer along the north property line.
- 12. Ensure the "Class C" buffer and fence treatment along the west property line shows conditions approved by the Zoning Board of Adjustment. New parking area must provide minimum five-foot side vard.
- 13. Remove Parking Space Table and Parking heading and associated notes from the site plan. Add a note under Development Data Table stating that parking will be provided per ordinance.
- 14. Remove "No wall pak lighting shall be used" from the Lighting development note.
- 15. Provide detail of proposed privacy fence.
- 16. Add a note under Permitted Uses heading to state that this is a unified development and the lots will be combined prior to building permit.
- 17. Remove variance box on site plan pertaining to sidewalk, planting strip, and garage.
- 18. Remove reference to variance under Streetscape heading.
- 19. Remove "Statements with respect to the graphics which are set forth on exhibits accompanying the rezoning plan" as this is covered by changes along in Section 6.207.
- 20. Amend Note 11.1 to reference Section 6.207.

Attachments Online at www.rezoning.org

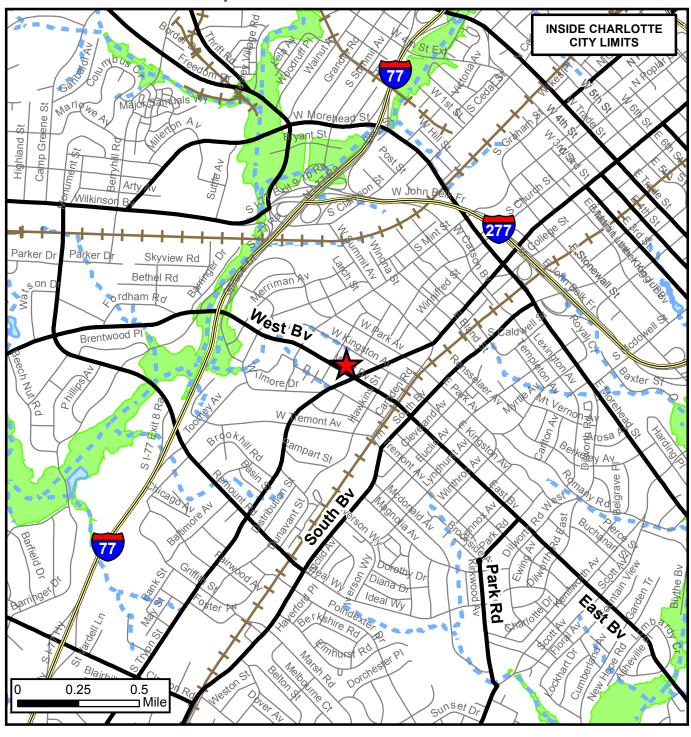
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Storm Water Services Review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

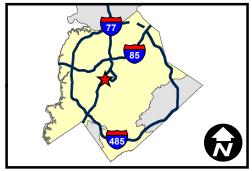
Planner: Claire Lyte-Graham (704) 336-3782

Petition #: 2015-037

Vicinity Map

Acreage & Location : Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place.







Petition #: 2015-037

Petitioner: <u>Dominick Ristaino</u>

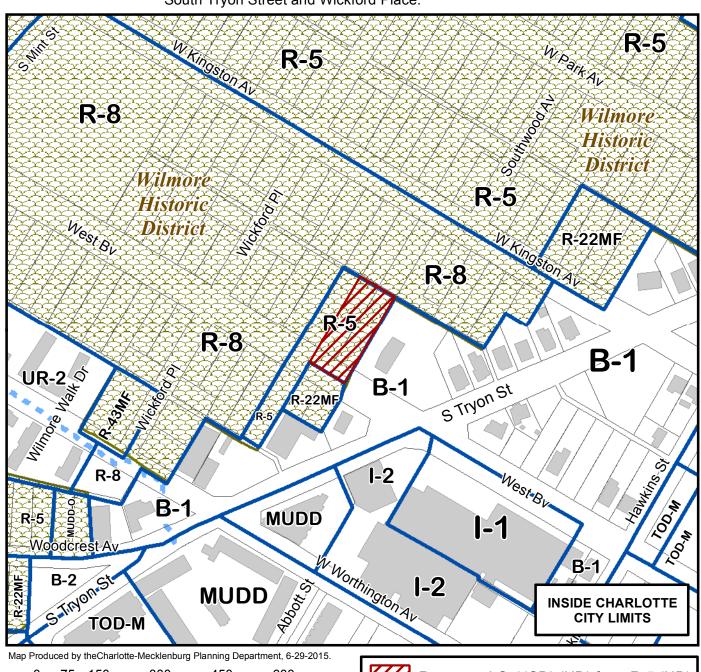
Zoning Classification (Existing): R-5 (HD)

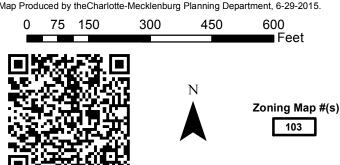
(Residential, Single Family, Historic District Overlay)

Zoning Classification (Requested): _____O-1(CD) (HD)

(Office, Conditional, Historic District Overlay)

Acreage & Location: Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place.









Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte, NC 28202

Agenda Date: 11/16/2015

Agenda #: 5.File #: 15-1799 Type: Zoning Decision

Rezoning Petition: 2015-054 by PMT Partners V, LLC

Update: Requesting Deferral (to December 14, 2015)

Location: Approximately 1.56 acres located on the northeast corner at the intersection of South Tryon

Street and Moss Road. (Council District 3 - Mayfield)

Current Zoning: B-1SC (business shopping center)

Proposed Zoning: B-1 (CD) (neighborhood business, conditional)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to **DEFER** this petition to their November 18, 2015 meeting.

Attachments:

Zoning Committee Recommendation Vicinity Map Rezoning Map



Rezoning Petition 2015-054 Zoning Committee Recommendation

October 28, 2015

REQUEST Current Zoning: B-1SCD (business shopping center)

Proposed Zoning: B-1(CD) (neighborhood business, conditional)

LOCATION Approximately 1.56 acres located on the northeast corner at the

intersection of South Tryon Street and Moss Road.

(Council District 3 - Mayfield)

SUMMARY OF PETITION The petition proposes to allow up 10,000 square feet of uses permitted

in the B-1 (neighborhood business) district including personal service

uses and one accessory drive-through window.

PROPERTY OWNER

PETITIONER

PMT Partners V, LLC PMT Partners V, LLC

AGENT/REPRESENTATIVE Jeff Brown and Keith MacVean/Moore & Van Allen

COMMUNITY MEETING Meeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 2

ZONING COMMITTEE The Zoning Committee voted 6-0 to **DEFER** this petition to their

ACTION November 18, 2015 meeting.

VOTE Motion/Second: Dodson/Sullivan

Yeas: Dodson, Lathrop, Majeed, McClung, Sullivan, and

Wiggins

Nays: None

Absent: Eschert, Labovitz, and Nelson

Recused: None

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

PLANNING STAFF REVIEW

Background

- Rezoning petition 1988-005C rezoned approximately 130 acres to allow a mix of single family and multi-family residential development, an institutional use, and up to 120,000 square feet of commercial uses. The subject property was included in the 13.9 acres that allowed commercial uses. The approved site plan for the commercial uses provides 50-foot landscaped buffers along Moss Road and South Tryon Street, a 50-foot landscaped buffer along the east property line, and a 25-foot landscaped buffer along the north property line. Subsequent administrative approvals for the site pertained to modifications to design to accommodate a new building on the outparcel, and a reduction in the 50-foot setback along South Tryon Street with the setback varying due to right-of-way required by NCDOT.
- At its June 24, 2015 meeting, the Zoning Committee voted 6-0 to recommend approval of the subject rezoning petition subject to modifications. The petitioner name has since changed (formerly Childress Klein). The site plan has also been amended and convenience stores with gasoline sales or automobile service stations with gasoline sales have been eliminated as allowed uses on the site.

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 10,000 square feet of gross floor area of office, retail EDEE (restaurants), personal services and other commercial uses as allowed in the B-1 (neighborhood business) zoning district.
- Prohibits a convenience store with gasoline sales use, an automobile service station, or an eating/drinking/entertainment establishment with drive-through facility.
- Commits to acquiring an administrative approval request accurately reflecting uses, maximum square footage, and required parking for the overall shopping center prior to the issuance of

building permits.

- Building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, metal panels, decorative block and/or wood.
- Buildings will be architecturally compatible with the existing shopping center.
- Allows only one use with an accessory drive-through window on the site.
- Maximum of two principal buildings.
- Modifications to existing shopping center parking lot to accommodate the new use and vehicular circulation.
- Modifications to an existing driveway on South Tryon Street.
- Provides a new sidewalk connecting the proposed parking area to the existing sidewalk along South Tryon Street.
- Provides a 35-foot building setback along South Tryon Street where 20 feet is required per the B-1 (neighborhood business) district. Current B-1SCD (business shopping center) zoning requires a 35-foot setback, and the proposed 35-foot setback will provide for uniformity with existing buildings.
- Maintains the existing 50-foot buffer along the eastern property boundary.
- Retains the existing sidewalk and planting strip along the project frontage on South Tryon Street.
- Detached lighting limited to 25 feet in height. All new lighting shall be full cut-off type fixtures.

Public Plans and Policies

- The Steele Creek Area Plan (2012) recommends retail uses for the northeast corner of South Tryon Street and Moss Road.
- The petition is consistent with the Steele Creek Area Plan.

Transportation Considerations: No issues.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Charlotte Fire Department: No issues.
- 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.
- Urban Forestry: No issues.

OUTSTANDING ISSUES

No issues.

Attachments Online at <u>www.rezoning.org</u>

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

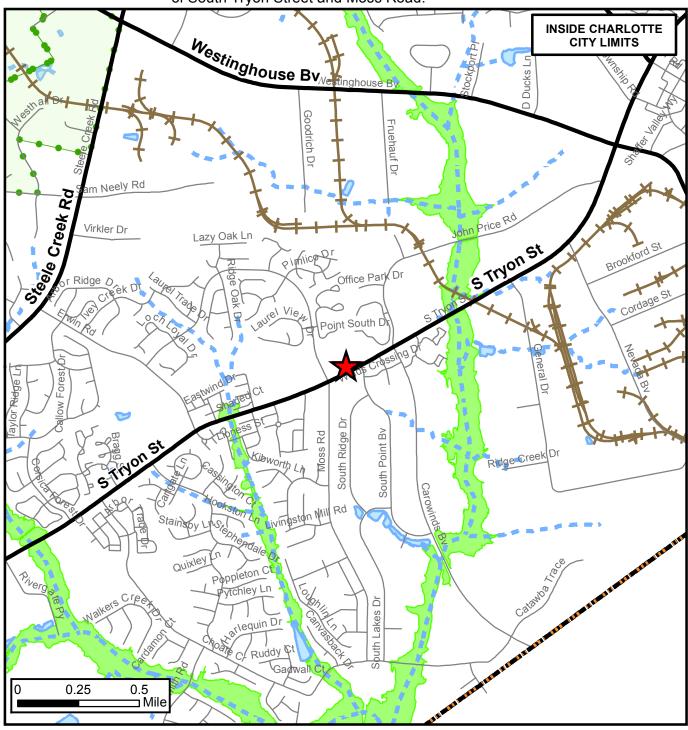
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

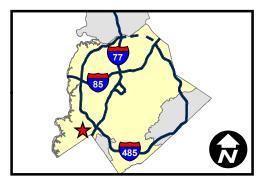
Planner: Claire Lyte-Graham (704) 336-3782

Petition #: 2015-054

Vicinity Map

Acreage & Location : Approximately 12.25 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road.







Petition #: 2015-054

Petitioner: PMT Partners V, LLC

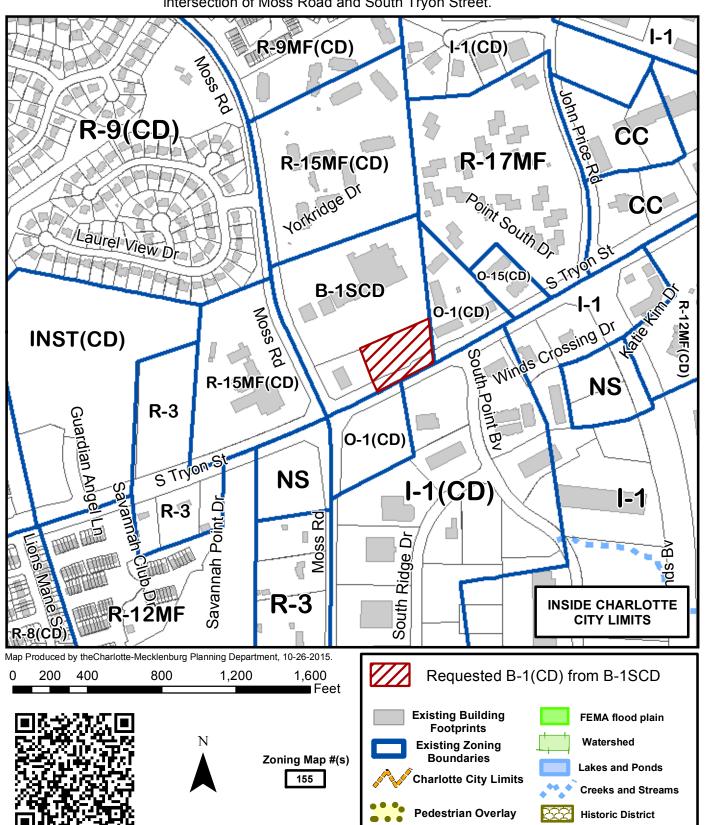
Zoning Classification (Existing): B-1SCD

(Business Shopping Center District)

Zoning Classification (Requested): <u>B-1(CD)</u>

(Neighborhood Business, Conditional)

Acreage & Location: Approximately 1.56 acres located on the north side of South Tryon Street near the intersection of Moss Road and South Tryon Street.





Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte. NC 28202

Agenda Date: 11/16/2015

Agenda #: 6.File #: 15-1794 Type: Zoning Decision

Rezoning Petition: 2015-084 by StorCon Development, LLC

UPDATE: The City Council must determine by a ¾ vote if the following changes to the text amendment after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review.

The petitioner:

- Restricted convenience stores and check cashing establishments from locating on the ground floor of warehousing buildings that contain an enclosed self-storage facility.
- Eliminated beauty and barber shops from the list of uses that can wrap the warehousing building on the ground floor.
- Restricted the height of a building containing a self-storage facility to 90 feet.
- Restricts signage from being installed or maintained above the third floor of a building containing a self-storage facility.
- Added urban design standards above what is required in the MUDD (mixed use development) district.

Request: A Text Amendment to the City of Charlotte Zoning Ordinances adding warehousing within an enclosed building, for a self-storage facility, as a use allowed in MUDD with prescribed conditions.

Zoning Committee Recommendation

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

The Zoning Committee found this petition to be consistent with the *Centers, Corridors and Wedges Growth Framework*, based on information from the staff analysis and the public hearing, and because:

 It meets the plan goal to provide a greater mix of commercial uses and a range of choices for employment opportunities.

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 amendment:

- Provides an alternative urban zoning district, MUDD (mixed use development), in which to locate these facilities when designed to meet prescribed conditions, and
- Ensures that these facilities located in MUDD zoning will be designed to fit into an urban context by requiring pedestrian friendly design with ground floor commercial uses along the street.

Agenda #: 6.File #: 15-1794 Type: Zoning Decision

Attachments:

Zoning Committee Recommendation Matrix Text Amendment



STAFF OPINION

Rezoning Petition 2015-084 Zoning Committee Recommendation

July 29, 2015

| REQUEST | Text Amendment to Sections 9.8503 and 9.8507 | |
|------------------------------------|---|--|
| SUMMARY OF PETITION | The petition proposes to: 1) allow warehousing within an enclosed building for a self-storage facility in the MUDD (mixed use development) zoning district, with prescribed conditions; and 2) add a new vehicular parking standard for self-storage facilities in the MUDD (mixed use development) zoning district. | |
| PETITIONER AGENT/REPRESENTATIVE | StorCon Development, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A. | |
| COMMUNITY MEETING | Meeting is not required. | |
| STATEMENT OF CONSISTENCY | This petition is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> , based on information from the staff analysis and the public hearing, and because: | |
| | It meets the plan goal to provide a greater mix of commercial uses and a range of choices for employment opportunities. | |
| | 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 amendment: | |
| | Provides an alternative urban zoning district, MUDD (mixed use development), in which to locate these facilities when designed to meet prescribed conditions, and Ensures that these facilities located in MUDD zoning will be designed to fit into an urban context by requiring pedestrian friendly design with ground floor commercial uses along the street. | |
| | By a 7-0 vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Nelson). | |
| ZONING COMMITTEE ACTION | The Zoning Committee voted 7-0 to recommend APPROVAL of this petition. | |
| VOTE | Motion/Second: Wiggins/Dodson Yeas: Dodson, Eschert, Labovitz, Lathrop, Nelson, Sullivan and Wiggins Nays: None Absent: None Recused: None | |
| ZONING COMMITTEE DISCUSSION | Staff presented a brief overview of the text amendment. A Commissioner stated that with greater density housing in urban areas it may be beneficial to have this use nearby. Another Commissioner | |

it may be beneficial to have this use nearby. Another Commissioner stated that in Gastonia, older factories were repurposed for self-storage uses and it has been effective there. There was no further discussion.

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

Background

- Currently, the Zoning Ordinance allows warehousing as follows:
 - Warehousing within enclosed buildings is allowed by-right in the B-D (distributive business), UMUD (uptown mixed use), I-1 (light industrial) and I-2 (heavy industrial) zoning districts.
 - Warehousing, excluding mini-warehousing, is allowed by-right in the BP (business park) zoning district.
 - <u>Warehousing, including mini-warehousing</u>, is allowed by-right in the I-2 (heavy industrial) zoning district.
- The vehicular parking requirements for warehouses currently is 0.25 spaces per 1,000 square feet for the warehousing portion plus one space per 400 square feet for any accessory office.
- Long-term bicycle parking requirements for warehouses is two, or one per 40,000 square feet.
- Short-term bicycle parking requirements for warehouses is one percent of the vehicular parking requirement.

Proposed Request Details

The text amendment contains the following provisions:

- Adds warehousing within an enclosed building for a self-storage facility only, in the MUDD (mixed use development) district, with prescribed conditions:
 - All storage shall be located within the building, and outside storage of any type, including the outside storage of moving vans, trailers, vehicles and boats, shall not be permitted.
- Any ground floor building facades that front a public street shall be wrapped with one or more of the following uses; however, no more than 50% of the ground floor building façade fronting a public street may be wrapped with the rental and management office associated with the selfstorage facility:
 - Professional business and general offices as allowed in the MUDD (mixed use development) zoning district, which shall include the rental and management office associated with the self-storage facility;
 - Retail sales as allowed in the MUDD (mixed use development) zoning district;
 - Beauty or barber shops:
 - Eating/drinking/entertainment establishments (Type 1 and 2), subject to the regulations of Section 12.546; and
 - Breweries, subject to Section 12.544.
- Direct access to the individual self-storage units located in the building shall not be provided from the exterior of the building. Access to the individual storage units shall be provided by internal hallways.
- Adds a new parking standard for warehousing within an enclosed building for a self-storage facility only, in the MUDD (mixed use development) district: 0.25 parking spaces per 1,000 square feet of self-storage and parking for all other uses, including the rental and management office, shall be in accordance with the requirements of the MUDD (mixed use development) zoning district. Long- and short-term bicycle parking requirements remain unchanged.

Public Plans and Policies

• This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to provide a greater mix of commercial uses, and a range of choices for employment opportunities.

DEPARTMENT COMMENTS (see full department reports online)

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

- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

· No issues.

Attachments Online at www.rezoning.org

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

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: Indoor Storage in MUDD

11-2-15

Purpose/Background: The purpose of this text amendment is to 1) allow warehousing within an enclosed building for a self-storage facility in the MUDD zoning district, with prescribed conditions and 2) add a parking standard for the use.

| | Current Regulations | Proposed Regulations | |
|--|--|--|--|
| Zoning Districts | Warehousing, within enclosed buildings is currently allowed in the following districts byright: • UMUD (uptown mixed use) • BD (distributive business) • I-1 (light industrial) • I-2 (heavy industrial) | Remains unchanged | |
| | Warehousing, excluding mini-warehousing is allowed in the following districts by-right: BP (business park) | Remains unchanged | |
| | Warehousing is allowed by right in the I-2 (heavy industrial) zoning district. | Remains unchanged | |
| New Zoning District and Prescribed Conditions | | Add warehousing within an enclosed building for a self-storage facility only, with prescribed conditions to the MUDD (mixed use development) district: All storage shall be located within the building, and outside storage of any type, include the outside storage of moving vans, trailers, vehicles and boats, shall not be permitted Any ground floor building facade that fronts a public street shall be wrapped with more of the following uses, however, no more than 50% of the ground floor but façade fronting a public street may be wrapped with the rental and manage office associated with the self-storage facility: | |

| | | Breweries, subject to Section 12.544. Direct access to the individual self-storage units located in the building shall not be provided from the exterior of the building. Access to the individual storage units shall be provided by internal hallways. The maximum height of a building containing a self-storage facility shall be 90 feet. Signs shall not be installed or maintained above the third story of a building containing a self-storage facility. In addition to the urban design standards of MUDD, the following design standards shall be met: Façades of each floor above the ground floor that front a public street must have windows or glass that cover at least 25% of the length of the façade. The windows and glass may be spandrel glass provided the reflectivity does not exceed 36%. No spandrel glass is allowed on the ground floor. Blank walls may not exceed 20 feet in length. Design elements may be utilized to break up the expanses of solid wall. At least one entrance shall be provided on each building façade fronting a public or private street. If located on a corner lot, one main entrance oriented to the corner may be provided, or facing either of the streets. The building shall incorporate architectural and design features common to commercial and multi-family development, including massing, proportion, façade modulation, exterior building materials and detailing, varied roof-line, pedestrian scale and fenestration. |
|----------------------|---|--|
| Parking Standards | Warehousing: .25 spaces per 1,000 sq. ft. of warehouse, plus 1 space per 400 sq. ft. of accessory office. | Warehousing within an enclosed building for a self-storage facility: .25 parking spaces per 1,000 sq. ft. of self-storage and parking for all other uses, including the rental and management office shall be in accordance with the requirements of the MUDD zoning district. |

Revised 10-29-15

Petition #: 2015-084

Petitioner: StorCon, c/o Reade DeCurtins

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 9: GENERAL DISTRICTS

- 1. PART 8.5: MIXED USE DEVELOPMENT DISTRICT
 - a. Amend Section 9.8503, "Mixed Use Development District; uses permitted under prescribed conditions," by adding a new listed use as follows:

Warehousing within an enclosed building for a self-storage facility only, provided that:

- (a) All storage shall be located within the building, and outside storage of any type, including the outside storage of moving vans, trailers, vehicles and boats, shall not be permitted.
- (b) Any ground floor building facade that fronts a public street shall be wrapped with one or more of the uses set out below, however, no more than 50 percent of the ground floor building facade fronting a public street may be wrapped with the rental and management office associated with the self-storage facility:
 - (i) professional business and general offices as allowed in the MUDD zoning district, which shall include the rental and management office associated with the self-storage facility;
 - (ii) retail sales as allowed in the MUDD zoning district with the exception that convenience stores and check cashing establishments shall not be a permitted use;
 - (iii) eating, drinking and entertainment establishments (Type 1), and eating, drinking and entertainment establishments (Type 2), subject to the regulations of Section 12.546; and
 - (iv) breweries, subject to Section 12.544.

- (c) Direct access to the individual self-storage units located in the building shall not be provided from the exterior of the building. Access to the individual self-storage storage units shall be provided by internal hallways.
- (d) The maximum height of a building containing a self-storage facility shall be 90 feet.
- (e) In addition to the urban design standards of the MUDD zoning district, a building containing a self-storage facility must meet the following design requirements:
 - (i) The facade of each floor of the building above the ground floor that fronts a public street (but not an alley) must have windows or glass that cover at least 25% of the length of such street facing facade. The windows and glass may be spandrel glass provided that the reflectivity value does not exceed 36 percent as measured under the applicable provisions of Federal Specifications DD-G-451d 1977. In no event may spandrel glass be utilized on the ground floor of the building.
 - (ii) Where expanses of solid wall are necessary on the facade of any floor of the building located above the ground floor (including a facade that does not front a public street), they may not exceed 20 feet in length. A blank wall is a facade that does not contain windows, glass or sufficient ornamentation, decoration or articulation. Design elements that may be utilized to break up expanses of solid wall include, without limitation, ornamentation, molding, string courses, belt courses and changes in material or color.
 - (iii) If the building is located on a lot that abuts a public or private street, at least one entrance shall be provided on each building facade fronting a street. If the building is located on a corner lot, the building may provide one main entrance oriented to the corner or facing either of the streets.
 - (iv) In order to promote visual compatibility with commercial and multi-family development allowed in commercial zones, the building shall incorporate architectural and design features common to commercial and multi-family development. Examples of such architectural and design features that may be utilized include: massing, proportion, facade modulation, exterior building materials and detailing, varied roof-line, pedestrian scale and fenestration.

Signs may not be installed or maintained above the third floor of a building containing a self-storage facility. Amend Section 9.8507, "Mixed Use Development District; parking and loading b. standards," subsection (1) by adding a parking standard for warehousing within an enclosed building for self-storage facilities as follows: Warehousing within an enclosed .25 parking spaces per 1,000 building for self-storage only gross square feet for the self-storage portion of the building and parking for all other uses, including the rental and management office shall be in accordance with the requirements of the MUDD zoning district. Section 2. That this ordinance shall become effective upon its adoption Approved as to form: City Attorney 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___.



City of Charlotte

Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte. NC 28202

Agenda Date: 11/16/2015

Agenda # 7:File #: 15-1800 Type: Zoning Decision

Rezoning Petition: 2015-103 by David Powlen

Location: Approximately 2.85 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Berkley Place Drive. (Council District 4 - Phipps)

Current Zoning: CC (commercial center)

Proposed Zoning: CC SPA (commercial center, site plan amendment)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition as modified.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

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

The plan recommends a mix of office and retail uses for the site.

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:

- When the site and surrounding properties were rezoned in 2008, the site was within a half mile of a transit station proposed as part of the 2025 Integrated Transit/Land Use Plan; and
- The LYNX Blue Line Extension is now designed to terminate at UNC Charlotte's main campus and will not extend to Mallard Creek Church Road; and
- Absent a transit station, the importance of denser two-story buildings is decreased, and well-designed retail uses are appropriate; and
- The proposed building is located to allow pedestrian access from surrounding buildings in Pinnacle Point and other nearby developments, and pedestrian connectivity within the development will be improved by the extension of the sidewalk along Pinnacle Drive and provision of a connection from Mallard Creek Church Road and Berkeley Place Drive; and
- The additional retail proposed for the site will provide neighborhood goods and services to nearby residents and employees, as there are several multi-family developments and businesses within a half mile that are accessible to this site.

Attachments:

Zoning Committee Recommendation Vicinity Map Rezoning Map Site Plan



Rezoning Petition 2015-103 Zoning Committee Recommendation

October 28, 2015

REQUEST

Current Zoning: CC (commercial center)

Proposed Zoning: CC SPA (commercial center, site plan amendment)

LOCATION

Approximately 2.85 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Berkeley Place Drive. (Council District 4 - Phipps)

SUMMARY OF PETITION

The petition proposes a site plan amendment to vacant property that is part of the Pinnacle Point development. Specifically, the amendment proposes to:

- allow an additional 31,000 square feet of retail square footage on the subject property,
- eliminate the limitation that no single retail use can exceed 25,000 square feet, and
- eliminate the requirement for buildings with a retail component to be a minimum of two stories, with retail uses limited to the ground floor.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Meck-Pinnacle, LLC David Powlen David Powlen

COMMUNITY MEETING

Meeting is required and has been held. Report available online Number of people attending the Community Meeting: 5

STATEMENT OF CONSISTENCY

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

• The plan recommends a mix of office and retail uses for the site.

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:

- When the site and surrounding properties were rezoned in 2008, the site was within a half mile of a transit station proposed as part of the 2025 Integrated Transit/Land Use Plan; and
- The LYNX Blue Line Extension is now designed to terminate at UNC Charlotte's main campus and will not extend to Mallard Creek Church Road; and
- Absent a transit station, the importance of denser two-story buildings is decreased, and well-designed retail uses are appropriate; and
- The proposed building is located to allow pedestrian access from surrounding buildings in Pinnacle Point and other nearby developments, and pedestrian connectivity within the development will be improved by the extension of the sidewalk along Pinnacle Drive and provision of a connection from Mallard Creek Church Road and Berkeley Place Drive; and
- The additional retail proposed for the site will provide neighborhood goods and services to nearby residents and employees, as there are several multi-family developments and businesses within a half mile that are accessible to this site;

ZONING COMMITTEE ACTION

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

1. Specified the service area screen wall will not exceed 12 feet in height from the street it fronts and the materials will blend in with

the building.

- 2. Staff has rescinded the following request as it has been addressed in Note C under Part VI: Include language to ensure that the clerestory windows are on the Mallard Creek side to provide for appropriate street activation, and reflect additional landscaping along the streets fronting the development.
- 3. Amended Note C under Part VI as follows: "Buildings shall be designed so that the street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 20% of the length of the street frontage (applicable to Mallard Creek Church Road). When this approach is not feasible (on Berkeley Place and Pinnacle Drive), a combination of design elements may include but are not limited to the following: ornamentation, molding, string courses, changes in material or color, architectural lighting, works of art, fountains and pools, street furniture, landscaping and garden areas, and display areas."
- 4. Added Note D under Part VI that design and architecture will match the character and materials of the existing buildings, with a clear base, middle and cap.
- 5. Added a note committing to provide a bench pad built to CATS standard detail 60.02A for a proposed new bus stop along Mallard Creek Church Road before the right-turn lane.
- Showed and labeled six-foot sidewalk and eight-foot planting strip along all public streets.
- 7. Improved internal accessibility by adding an internal sidewalk from the parking area to the main building entrance.
- 8. Amended Note A under Part VII to specify that a five-foot sidewalk with five-foot planting strip will be provided along Pinnacle Drive.
- 9. Provided turn radius for delivery trucks entering the loading area from Pinnacle Drive.
- 10. Amended Part IV to reflect retail/grocery and office uses permitted under the ordinance in a CC zoning district.
- 11. Relocated the third paragraph under Part II and placed under Part VI.

VOTE Motion/Second: Wiggins/Sullivan

Yeas: Dodson, Lathrop, Majeed, McClung, Sullivan and

Wiggins

Nays: None

Absent: Eschert, Labovitz and Nelson

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition and noted that there are no

outstanding issues. There was no additional discussion.

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

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

PLANNING STAFF REVIEW

Background

Petition 2008-087 rezoned 27.2 acres, including the subject property, from CC (commercial center) to B-D(CD) (business distributive, conditional) and CC SPA (commercial center, site plan amendment) 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. The petition limited the size of a single retail use in a building to 25,000 square feet and required buildings with a retail component to be a minimum of two stories, with retail uses limited to the ground floor.

• The subject property was approved for the development of a two-story office/retail building and a commercial building with an accessory drive-through window but remains vacant.

Proposed Request Details

The site plan amendment contains the following changes:

- Adds 31,000 square feet of retail use on this site while retaining the current retail development rights for the larger development which includes this site, resulting in a total 89,000 square feet of retail square footage allowed for the larger development.
- Increases maximum retail tenant size from 25,000 square feet to 31,000 square feet.
- Eliminates requirement for buildings that include a retail component to be a minimum of two stories with retail limited to the ground floor, but requires a minimum building height of 22 feet for this site.
- Provides one building with a main building entry along Mallard Creek Church Road. Approved site plan for Petition 2008-87 reflected two buildings on the site.
- Specifies that the proposed building will allow a retail use/grocery store and office uses permitted under the ordinance in a CC zoning district whereas one building on the approved site plan for Petition 2008-87 was labeled as a retail/office building.
- Eliminates the accessory drive-through lane reflected for one building on the previously approved petition 2008-87.
- Provides building transparency and articulation on Berkeley Place Drive street frontage and articulation along Mallard Creek Church Road to avoid blank walls. Design and architecture will match the character and materials of the existing buildings, with a clear base, middle and cap.
- Service areas will be screened from public right-of-way and adjacent properties with a screen
 wall that will not exceed 12 feet in height from the street it fronts, and built with materials that
 will blend in with the building.
- A five-foot sidewalk with a five-foot planting strip will be provided along Pinnacle Drive other than where the existing retaining wall will not allow.
- Provides a driveway to access the site from Pinnacle Drive.
- Notes that stairs may be required for the direct sidewalk connection to Mallard Creek Church Road.
- Reflects location of a proposed CATS bus stop.

Public Plans and Policies

• The Northeast District Plan (1996), as amended by Petition 2008-087, recommends retail and/or office uses for the site as a part of a multi-use development.

Transportation Considerations: No issues.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Charlotte Fire Department: No issues.
- Charlotte-Mecklenburg Schools: No issues.
- 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: No issues.
- Urban Forestry: No issues.

OUTSTANDING ISSUES

No issues.

Attachments Online at www.rezoning.org

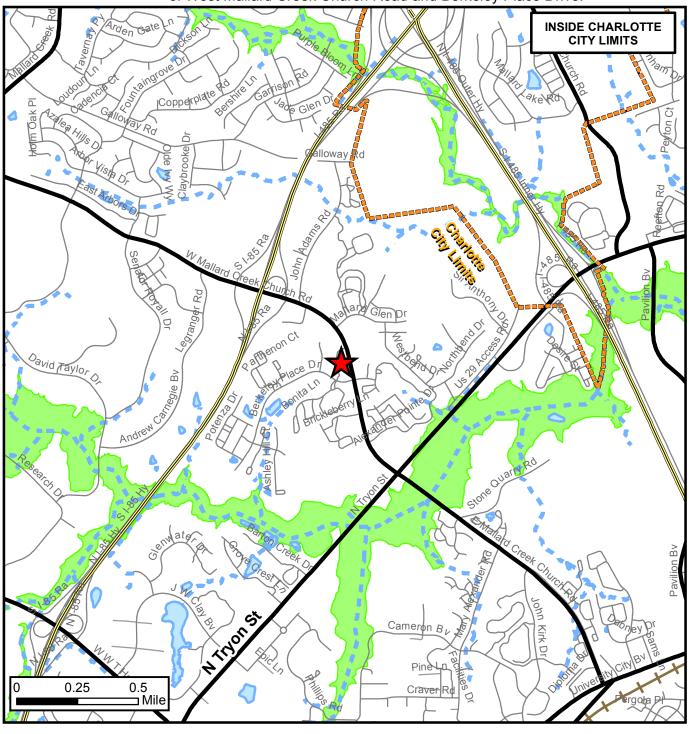
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments:
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg 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
 - Urban Forestry Review

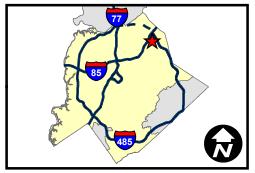
Planner: Sonja Strayhorn Sanders (704) 336-8327

Petition #: 2015-103

Vicinity Map

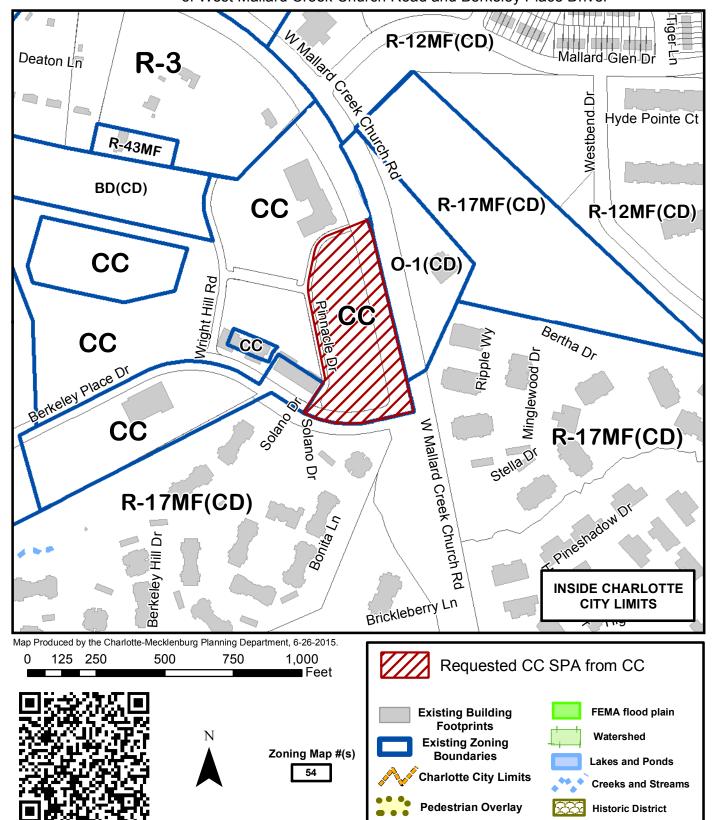
Acreage & Location: Approximately 2.85 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Berkeley Place Drive.

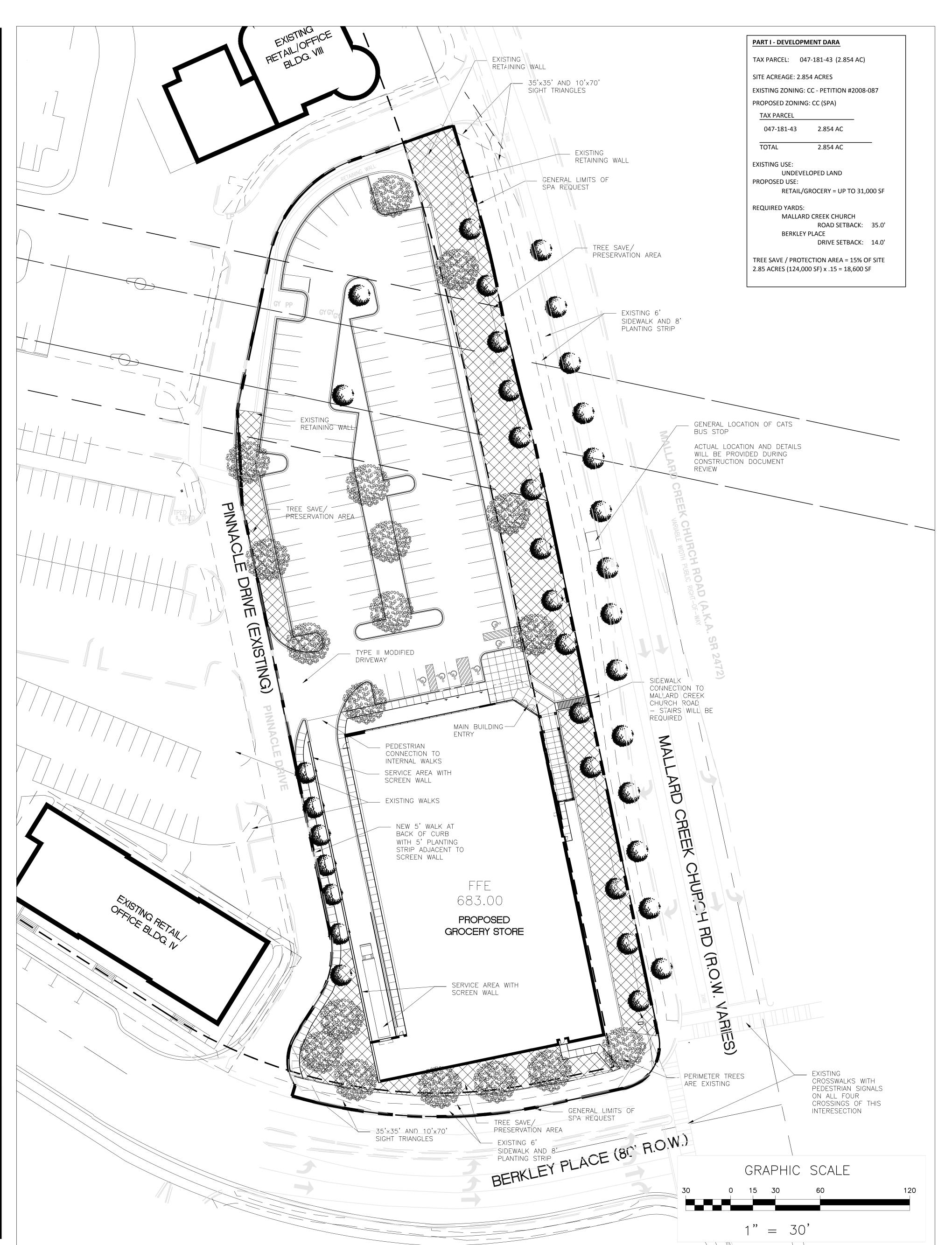






Acreage & Location: Approximately 2.85 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Berkeley Place Drive.





PART II - GENERAL PROVISIONS

UNLESS MORE STRINGENT STANDARDS ARE ESTABLISHED BY THE TECHNICAL DATA SHEET OR THESE DEVELOPMENT STANDARDS, ALL DEVELOPMENT STANDARDS ESTABLISHED UNDER THE CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE") FOR THE CC ZONING DISTRICT CLASSIFICATION SHALL BE FOLLOWED IN CONNECTION WITH DEVELOPMENT TAKING PLACE ON THE SITE

PART III OPTIONAL PROVISIONS:

NONE

PART IV PERMITTED USES

PER ZONING ORDINANCE WHICH INCLUDES RETAIL/GROCER AND OFFICE USES UNDER THE CC ZONING CLASSIFICATION.

PART V - TRANSPORTATION

DIRECT VEHICULAR ACCESS TO THE SITE FROM MALLARD CREEK CHURCH ROAD WILL BE LIMITED TO THE ACCESS THAT HAS ALREADY BEEN CONSTRUCTED.

OEE STREET DARKING

(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 THE STREET.
- (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. CROSS ACCESS EASEMENTS SHALL BE PROVIDED PRIOR TO THE CHANGE OF OWNERSHIP OF AN INTERNAL LOTS.

 PUBLIC TRANSPORTATION A CATS BENCH PAD PER DETAIL 60.02A WILL BE PROVIDED JUST PRIOR TO THE RIGHT TURN LAND INTO BERKELEY PLACE DRIVE.

PART VI - ARCHITECTURAL STANDARDS:

- (A) THE MAXIMUM RETAIL TENANT SIZE SHALL BE 31,000 SQUARE FEET.
- (B) THERE IS A MINIMUM HEIGHT OF 22'. THE SERVICE AREA SCREEN WALL SHALL NOT EXCEED 12' IN HEIGHT FROM THE STREET IT FRONTS ON AND THE MATERIALS WILL BLEND IN WITH THE BUILDINGS.
- (C) BUILDINGS SHALL BE DESIGNED SO THAT THE STREET FACADE ALONG ALL STREETS INCLUDE THE USE OF CLEAR GLASS WINDOWS AND DOORS ARRANGED SO THE THE USES ARE VISIBLE AND/OR ACCESSIBLE TO THE STREET ON AT LEAST 20% OF THE LENGTH OF THE STREET FRONTAGE (APPLICABLE TO MALLARD CREEK CHURCH ROAD). WHEN THIS APPROACH IS NOT FEASIBLE (ON BERKELEY PLACE AND PINNACLE DRIVE), A COMBINATION OF DESIGN ELEMENTS MAY INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING: ORNAMENTATION, MOLDING, STRING COURSES, CHANGES IN MATERIAL OR COLOR, ARCHITECTURAL LIGHTING, WORKS OF ART, FOUNTAINS AND POOLS, STREET FURNITURE, LANDSCAPE AND GREEN AREAS, AND DISPLAY AREAS.
- (D) THE BUILDING ARCHITECTURE WILL MATCH THE CHARACTER AND MATERIALS OF THE EXISTING BUILDING, WITH A CLEAR BASE, MIDDLE AND CAP.
- (E) 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, CONNECTIVITY WILL BE PROVIDED TO ABUTTING PROPERTIES IN THE GENERAL AREAS DEPICTED ON THE SCHEMATIC SITE PLAN.
- (F) THE SITE WILL COMPLY WITH SECTION 11.405 (7) OF THE CHARLOTTE ZONING ORDINANCE REGARDING REDUCTION OF THE SETBACK TO 14.0'.

PART VII - STREETSCAPE AND LANDSCAPING

- (A) A 5.0' SIDEWALK WITH A 5.0' PLANTING STRIP WILL BE PROVIDED ALONG PINNACLE DRIVE OTHER THAN WHERE THE EXISTING RETAINING WALL WILL NOT ALLOW.
- (B) SCREENING SHALL CONFORM WITH THE STANDARDS AND TREATMENTS SPECIFIED IN SECTION 12.303 OF THE ORDINANCE.
- (C) STREET TREES WILL BE PROVIDED ALONG THE PROJECT FRONTAGE OF BERKLEY PLACE AT THE RATE OF ONE LARGE MATURING TREE FOR EVERY 40 LINEAR FEET.
- (C) STREET TREES WILL BE PROVIDED ALONG THE PROJECT FRONTAGE OF BERKLEY PLACE AT THE RATE OF ONE LARGE MATURING TREE FOR EVERY 40 LINEAR FE
- (D) 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 STREET.
- (E) SERVICE AREAS WILL BE SCREENED FROM PUBLIC RIGHT-OF-WAY AND ADJACENT PROPERTIES

PART VII - STORM WATER MANAGEMENT:

- (A) THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROL ORDINANCES.
- (B) THE FOLLOWING AGENCIES MUST BE CONTACTED PRIOR TO CONSTRUCTION REGARDING WETLAND AND WATER QUALITY PERMITS:
- SECTION 401 PERMIT NCDEHNR RALEIGH OFFICE (919) 733-1786
- SECTION 401 PERMIT US ARMY CORPS OF ENGINEERS (704) 271-4854

PART IX - PARKS. GREENWAYS AND OPEN SPACE:

- (A) OPEN SPACE WILL MEET THE MINIMUM REQUIREMENTS OF THE ORDINANCE
- (B) NO PARK OR GREENWAY DEDICATION FOR THIS PROPERTY

PART X - FIRE PROTECTION:

(A) ADEQUATE FIRE PROTECTION IN THE FORM OF FIRE HYDRANTS WILL BE PROVIDED ACCORDING TO THE CITY OF CHARLOTTE FIRE MARSHAL'S SPECIFICATION

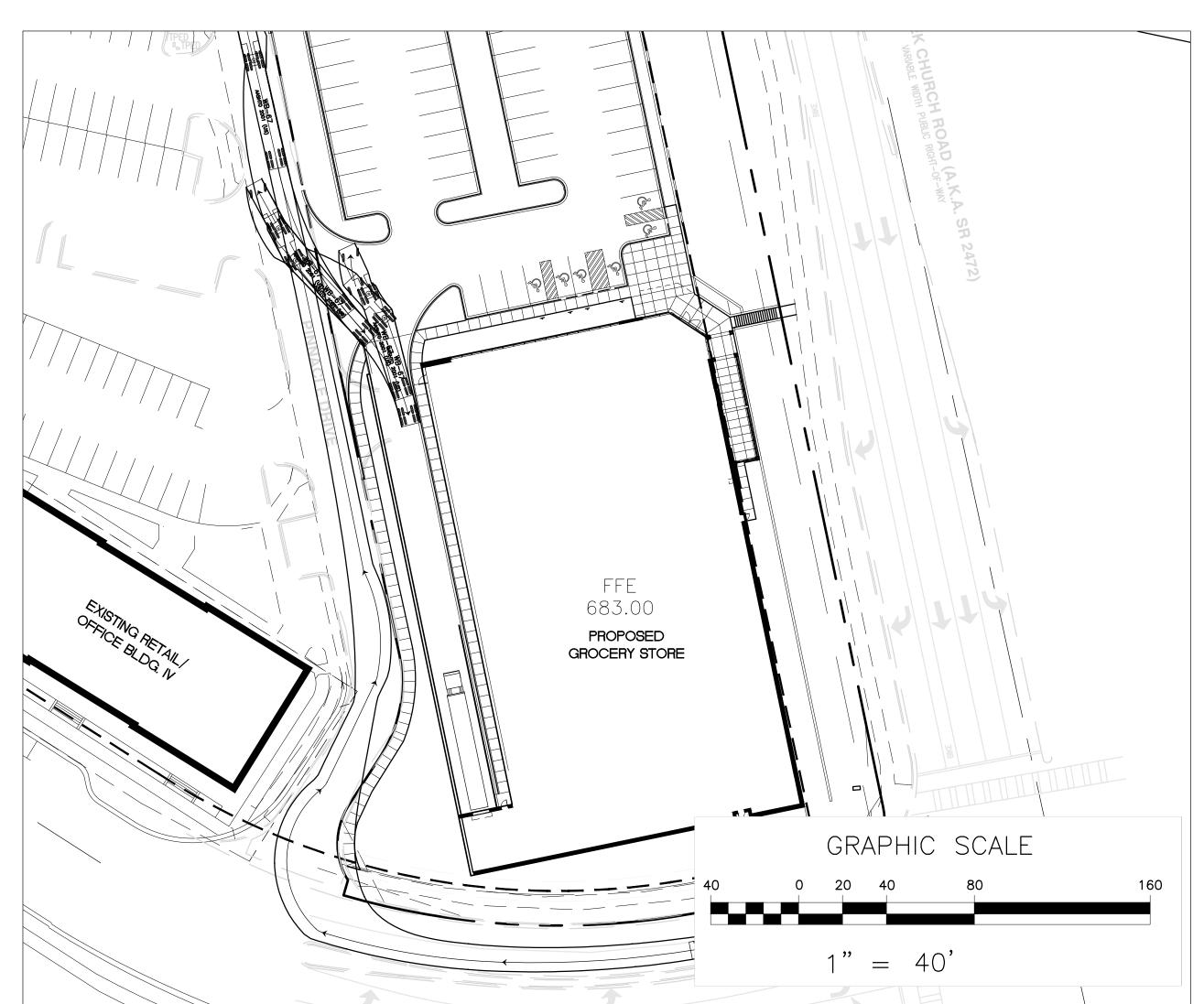
PART XI -SIGNAGE:

- (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

PART XII - LIGHTING

- (A) ALL FREESTANDING LIGHTING FIXTURES INSTALLED WILL BE UNIFORM IN DESIGN.
- (B) EXCEPT FOR PUBLIC STREET LIGHT, THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE, INCLUDING ITS BASE; SHALL NOT EXCEED 30.0' IN HEIGHT. LIGHTING FIXTURES ALONG THE COMMERCIAL COLLECTOR STREET SHALL BE A MAXIMUM OF 20.0' IN HEIGHT. MAXIMUM LIGHTING ILLUMINATION LEVELS SHALL 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 LIGHTING 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 SOURCES OF LIGHT, THE INTENT BEING TO ELIMINATE GLARE TOWARDS MALLARD CREEK CHURCH ROAD AND ADJACENT PROPERTIES. STREET LIGHTS AND PEDESTRIAN SCALE LIGHTS SHALL BE CAPPED TO PREVENT UPWARD LIGHTING OF THE NIGHT SKY.

PART XIII - PHASING:





5815 Westpark Drive Charlotte, NC 28217 T: 704.525.6350 F: 704.561.8700

www.littleonline.com

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infringement will be subject to legal action.

ISSUE FOR

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PER CITY COMMENTS

09.10.19

PER CITY COMMENTS

09.18.19

PER CITY COMMENTS

10.22.15

PROJECT TEAM

PRINCIPAL IN CHARGE

David Powlen, RLA

PROJECT MANAGER

PROJECT NAME
PINNACLE POINT

Shane Brandwood, RLA

PROJECT NUMBER
124-4114-00

DESIGN TEAM

SITE PLAN
AMMENDMENT
PETITION 2015-103

RZ-1



City of Charlotte

Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte. NC 28202

Agenda Date: 11/16/2015

Agenda #8 File #: 15-1801 Type: Zoning Decision

Rezoning Petition: 2015-108 by Timothy Pratt, NVR, Inc

Location: Approximately 1.7 acres located on the southeast corner at the intersection of West Summit Avenue and South Church Street. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial)

Proposed Zoning: TOD-R (transit oriented development - residential)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

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

The plan recommends residential transit supportive development for the site.

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 subject site is within a 1/4 mile walk of the Bland Street Transit Station on the LYNX Blue Line;
- The proposal allows a site previously used for an industrial office to convert to more transit supportive land uses; and
- The request for residential and/or more transit supportive development will complement the recently constructed condos on an adjacent site, as well as the adjoining Wilmore neighborhood; and
- Use of conventional TOD-R (transit oriented development -residential) zoning applies all the standards and regulations to create the desired form and intensity of transit supportive development; and
- The TOD (transit oriented development) height limitations will insure that adjacent single family neighborhoods are not adversely impacted by tall buildings in close proximity.

Attachments:

Zoning Committee Recommendation Vicinity Map Rezoning Map



Rezoning Petition 2015-108 Zoning Committee Recommendation

October 28, 2015

REQUEST Current Zoning: I-1 (light industrial)

Proposed Zoning: TOD-R (transit oriented development - residential)

LOCATION Approximately 1.7 acres located on the southeast corner at the

intersection of West Summit Avenue and South Church Street.

(Council District 3 - Mayfield)

SUMMARY OF PETITION The petition proposes to allow all transit supportive uses per

conventional TOD-R (transit oriented development – residential) zoning on a 1.7 acre site located in South End near the Bland Street Light Rail Station. TOD-R requires residential development at a minimum density of 20 units per acre and also allows complimentary

uses such as office and retail.

PROPERTY OWNER PETITIONER

AGENT/REPRESENTATIVE

CTS Properties C/O FADELS, INC Timothy Pratt, NVR, INC.

Mac McCarley / Parker Poe Adams & Berstein LLP

COMMUNITY MEETING

7011110 0014141TTEE

STATEMENT OF CONSISTENCY

Meeting is not required.

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

 The plan recommends residential transit supportive development for the site.

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 subject site is within a 1/4 mile walk of the Bland Street Transit Station on the LYNX Blue Line; and
- The proposal allows a site previously used for an industrial office to convert to more transit supportive land uses; and
- The request for residential and/or more transit supportive development will complement the recently constructed condos on an adjacent site, as well as the adjoining Wilmore neighborhood; and
- Use of conventional TOD-R (transit oriented development residential) zoning applies all the standards and regulations to create the desired form and intensity of transit supportive development; and
- The TOD (transit oriented development) height limitations will insure that adjacent single family neighborhoods are not adversely impacted by tall buildings in close proximity;

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

| ACTION | petition. | | | |
|-----------------------------|---|--|--|--|
| VOTE | Motion/Second: Yeas: Nays: Absent: Recused: | Dodson/Wiggins Dodson, Wiggins, McClung, Lathrop, Sullivan, and Majeed None Eschert, Labovitz, and Nelson None | | |
| ZONING COMMITTEE DISCUSSION | Staff presented this item and noted that this was a conventional rezoning with no site plan and all uses in the TOD-R (transit oriented development - residential) district would be allowed. One | | | |

Commissioner asked why CMS could not provide a number of students generated for this request. Staff noted that due to the wide range of uses allowed in the proposed district, CMS cannot determine the impact of the development. There was no further discussion of the petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

Proposed Request Details

This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-R (transit oriented development – residential) zoning district.

Public Plans and Policies

- The South End Transit Station Area Plan (2005) recommends residential transit supportive development.
- The petition supports the *General Development Policies-Environment* by redeveloping an infill site at a transit station, thereby minimizing further environmental impacts while accommodating growth.

Transportation Considerations: No issues.

DEPARTMENT COMMENTS (see full department reports online)

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

OUTSTANDING ISSUES

No issues.

Attachments Online at www.rezoning.org

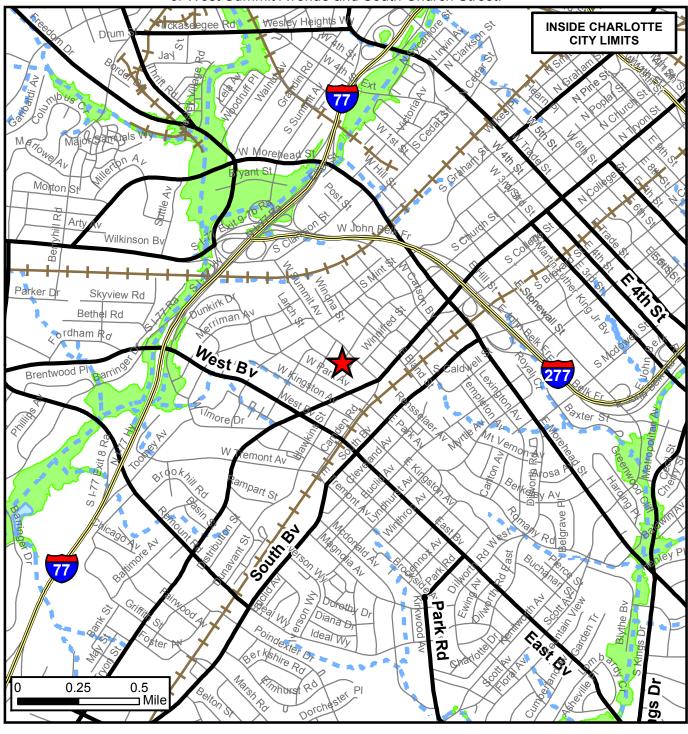
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering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

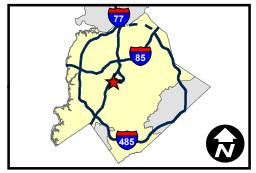
Planner: Solomon Fortune (704) 336-8326

Petition #: 2015-108

Vicinity Map

Acreage & Location: Approximately 1.7 acres located on the southeast corner at the intersection of West Summit Avenue and South Church Street.







Petition #: 2015-108

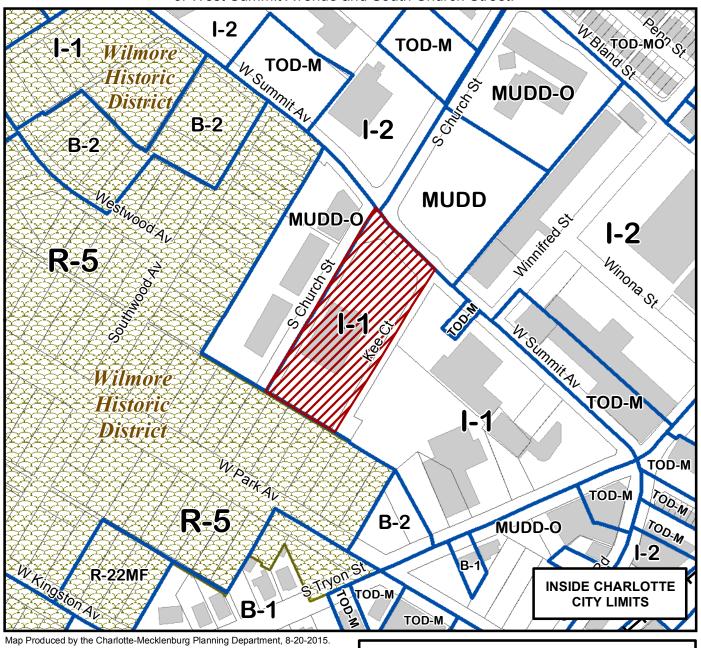
Petitioner: Timothy Pratt, NVR, Inc.

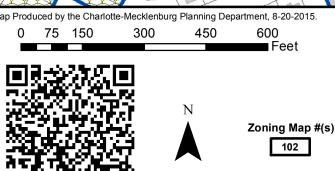
(Industrial)

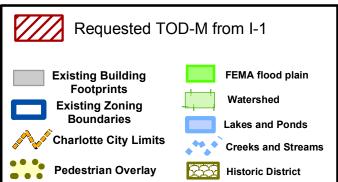
Zoning Classification (Requested): _____TOD-M

(Transit Oriented Development, Mixed Use)

Acreage & Location: Approximately 1.7 acres located on the southeast corner at the intersection of West Summit Avenue and South Church Street.









City of Charlotte

Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte, NC 28202

Agenda Date: 11/16/2015

Agenda #: 9.File #: 15-1802 Type: Zoning Decision

Rezoning Petition: 2015-109 by WaterWalk Redevelopment Services, LLC

Update: Requesting Deferral (to December 14, 2015)

Location: Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive. (Council District 4 - Phipps)

Current Zoning: O-2 (CD) (office district, conditional)

Proposed Zoning: MUDD-O (mixed use development district, optional)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to **DEFER** this petition to their November 18, 2015 meeting.

Attachments:

Zoning Committee Recommendation Vicinity Map Rezoning Map



Rezoning Petition 2015-109 **Zoning Committee Recommendation**

October 28, 2015

REQUEST Current Zoning: O-2(CD) (office, conditional)

Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION Approximately 5.05 acres located on the west side of University

Executive Park Drive near the intersection of West W. T. Harris

Boulevard and University Executive Park Drive.

(Council District 4 - Phipps)

The petition proposes to develop a vacant site located within a half SUMMARY OF PETITION

> mile of the proposed McCullough Transit Station for up to 150 hotel rooms and residential dwelling units in a single building designed to

serve as corporate housing units.

PROPERTY OWNER PETITIONER

Charlotte University Park, LLC

WaterWalk RE Development Services, LLC

AGENT/REPRESENTATIVE Jeff Brown and Keith MacVean, Moore & Van Allen

ZONING COMMITTEE The Zoning Committee voted 6-0 to **DEFER** this petition to their **ACTION** November 18, 2015 meeting.

VOTE Motion/Second: Dodson/Sullivan

> Dodson, Lathrop, Majeed, McClung, Sullivan, and Yeas:

> > Wiggins

Nays: None

Absent: Eschert, Labovitz and Nelson

Recused: None

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

PLANNING STAFF REVIEW

Background

Petition 1998-39 rezoned the subject property (identified as Area 2c) to O-2(CD) to allow two hotels with up to 384 rooms.

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- A mix of up to 150 hotel rooms and residential dwellings in one principal building designed to serve as corporate housing.
- Building height limited to four stories and 60 feet.
- Building materials to be a combination of 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 only to be used on windows, soffits and handrails/railings.
- A minimum of 40% of the exterior of the building, exclusive of windows, doors and roofs to be constructed with masonry materials such as brick, stone, precast stone and precast concrete.
- Building elevations have been provided.
- The portion of the building facing University Executive Park Drive not to have expanses of blank walls that exceed 20 continuous feet in length.
- A 16-foot setback to be provided along University Executive Park Drive and Collins Aikman
- Parking limited to 1.6 spaces per hotel room or residential unit. This is an increase in parking from one space per residential unit and 0.5 per hotel as required in MUDD (mixed use development).
- Petitioner to dedicate and convey a 25-foot wide area along the northern property boundary to provide a portion of the right-of-way that would allow for the construction, by the City, of a public street between Collins Aikman Drive and University Executive Drive.

- Site access proposed from University Executive Park Drive, with possible connection to Collins Aikman Drive or to a future street if such street is constructed along the site's northern property line.
- Provision of an eight-foot planting strip and eight-foot sidewalk along the site's frontage on University Executive Park Drive.
- A sidewalk and crosswalk network that links the buildings on the site to the sidewalks along University Executive Park Drive and Collins Aikman Drive to be provided along the site's internal parking area.
- Optional Provisions:
 - Allow parking between the building and Collins Aikman Drive and University Executive Park
 Drive as generally depicted on the rezoning site plan. Parking between buildings and streets
 is disallowed in the MUDD (mixed use development) except through an optional provision.
 - Allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less. The sign area of the wall signs may be increased by 10% if individual letters are used. The MUDD (mixed use development) district allows signs located on any building wall to have a maximum sign surface not to exceed 5 percent of the building wall area to which the sign is attached up to a maximum of 100 square feet.

Public Plans and Policies

- The University City Area Plan (2015) recommends a mix of residential, office and/or retail uses in this area, with a series of specific Land Use, Community Design, and Mobility Policies appropriate for transit station proximity.
- The plan calls for a new local street between Collins-Aikman Drive and University Executive Park Drive to provide a complete and connected street network with typical block lengths of 400 feet.
- The plan calls for buildings placed at or near the back of the sidewalk, with surface parking located to the rear or sides of buildings, and not between buildings and the street.

• Transportation Considerations: CDOT has the following comments:

- Since this site is located in close proximity to a transit station, a key transportation consideration is to improve walkability. This site partially achieves that by providing sidewalks along University Executive Park Drive, but the building relationship to the sidewalk could be improved to enhance the pedestrian experience.
- Extending Collins Aikman to connect with University Executive Park Drive is a key transportation goal for this area, consistent with the *University City Area Plan*. The site plan proposes dedicating 25' of right-of-way; however, this is inadequate to ensure that a proper street connection could be made.
- See outstanding issues, notes 8 and 9.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: 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.
- Urban Forestry: No comments received.

OUTSTANDING ISSUES

Site and Building Design

- 1. Delete optional request 2a, to allow parking between the building and streets as this is inconsistent with a pedestrian oriented environment.
- 2. Reorient building or shift location of primary entrance toward University Executive Park Drive.
- 3. Primary entrance should be prominent.

- 4. The petitioner should provide a 20-foot buffer to Class "A" standards along the property line with the existing multi-family use in O-3(CD) zoning as the proposed MUDD (mixed use development) does not require buffers.
- 5. Reduce parking to not exceed the ordinance requirement.
- 6. Amend Note 6a to state that a 16-foot setback measured from the future back of curb will be provided along University Executive Park Drive and Collins Aikman Drive.
- 7. Public open space should be oriented to be accessible from the street network.

Transportation

- 8. Provide the street connection from Collins Aikman Drive to University Executive Park Drive as depicted in the *University City Area Plan*, as this is a critical street connection between McCullough Drive and University Executive Park Drive. This street extension should be constructed as an office/commercial wide public street typical section as recommended per the *University City Area Plan*.
- 9. Reflect an eight-foot planting strip and an eight-foot sidewalk along the site's Collins Aikman Drive Extension, in addition to University Executive Park Drive, because the site is located within 1/2 mile of the McCullough BLE Transit Station.
- 10. Relocate the proposed detention area or commit to provide it underground, in order to allow the street connection of Collins Aikman Drive to University Executive Park Drive.

REQUESTED TECHNICAL REVISIONS

- 1. Delete Note 1(c)(i-iv) including the footnote.
- 2. Amend Note 4c to specify that the existing sidewalk and planting strip on portions of Executive Park Drive other than the site frontage will remain.
- 3. Delete Note 6c which indicates that screening will meet ordinance requirements.

Attachments Online at www.rezoning.org

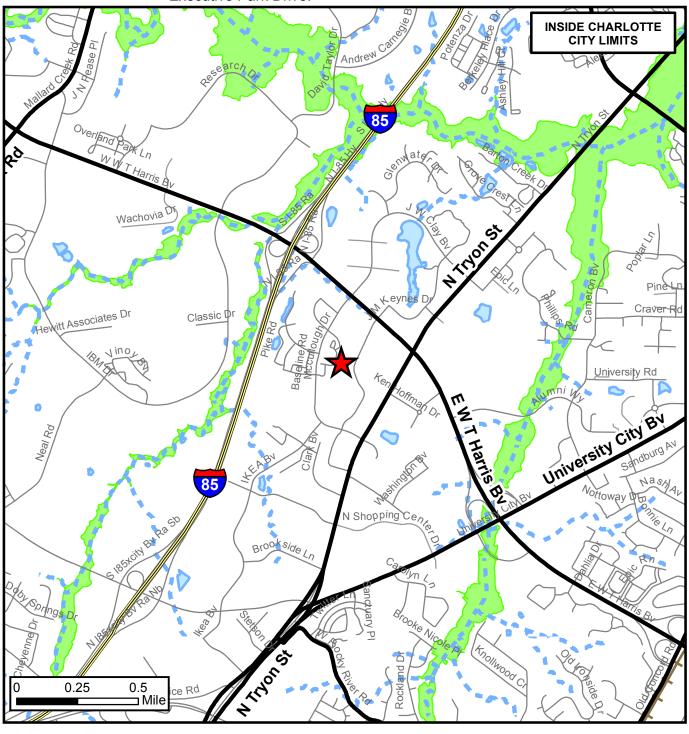
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
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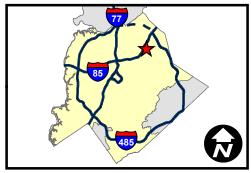
Planner: Sonja Strayhorn Sanders (704) 336-8327

Petition #: 2015-109

Vicinity Map

Acreage & Location: Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive.







Petition #: 2015-109

Petitioner: WaterWalk Redevelopment Services, LLC

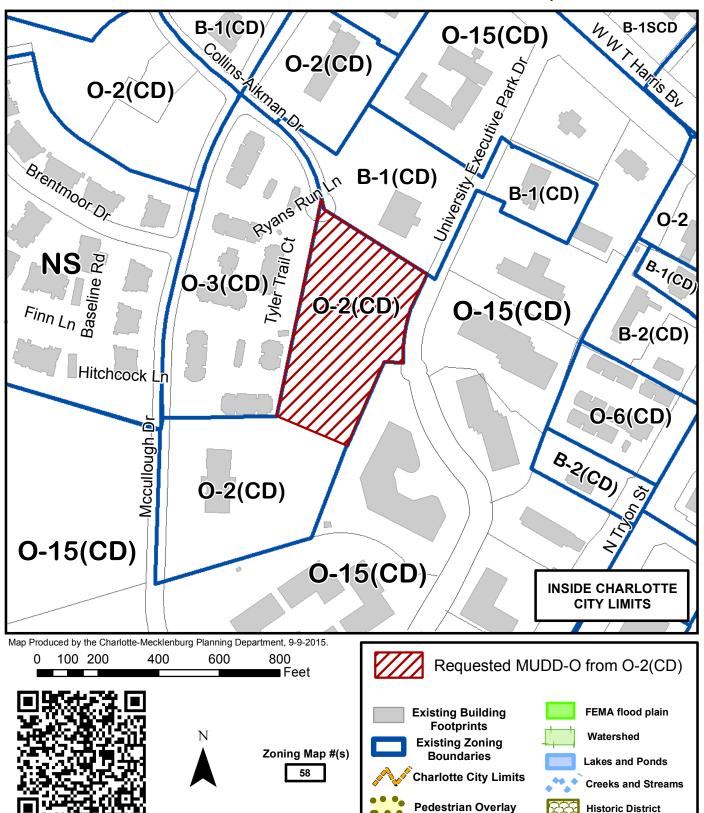
Zoning Classification (Existing): 0-2(CD)

(Office, Conditional)

Zoning Classification (Requested): MUDD-O

(Mixed Use Development District, Optional)

Acreage & Location: Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive.





City of Charlotte

Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte. NC 28202

Agenda Date: 11/16/2015

Agenda #: 10.File #: 15-1803 Type: Zoning Decision

Rezoning Petition: 2015-110 by Katarzyna Dec

Location: Approximately 2.8 acres located on the west side of Old Statesville Road and at the end of Burch Shire Road near the intersection of Holly Vista Avenue and Burch Shire Road. (Council District 2 - Austin)

Current Zoning: R-MH (residential manufacturing housing), B-2 (general business), and

I-1 (CD) (light industrial, conditional)

Proposed Zoning: B-2 (CD) (general business, conditional)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to recommend to **APPROVAL** of this petition as modified.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

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

 The plan recommends office/industrial on the acreage zoned R-MH (single family, manufactured housing) and B-2 (general business), and light industrial on the portion zoned I-1(CD) (light industrial, conditional), as amended by rezoning petition 2001-056.

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 site is located in an area along Old Statesville Road that houses a concentration of uses that are related to motor vehicle service and sales; and
- The proposed rezoning will allow the expansion of an existing truck cab detailing business; and
- The request will bring all properties associated with the business under one zoning district; and
- A 38-foot wide buffer is being provided along the western property lines adjacent to residential zoning, which is greater than the 20-foot Type "B" buffer provided with the approval of rezoning petition 2001 -056.

Attachments:

Zoning Committee Recommendation Vicinity Map Rezoning Map Site Plan



Rezoning Petition 2015-110 Zoning Committee Recommendation

October 28, 2015

REQUEST Current Zoning: R-MH (manufactured housing), B-2 (general

business), and I-1(CD) (light industrial, conditional)
Proposed Zoning: B-2(CD) (general business, conditional)

LOCATION Approximately 2.8 acres located on the west side of Old Statesville

Road and at the end of Burch Shire Road near the intersection of

Holly Vista Avenue and Burch Shire Road.

(Council District 2 - Austin)

Katarzyna Dec

SUMMARY OF PETITION The petition proposes to expand an existing truck cab detailing

business, add automotive sales and service, automotive engine and body repair and cleaning and bring all properties associated with the

business into one zoning category.

PROPERTY OWNER PETITIONER

CONSISTENCY

PETITIONER Katarzyna Dec AGENT/REPRESENTATIVE Wilber Associates

COMMUNITY MEETINGMeeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 2

STATEMENT OF This petition is found to be consistent with the *Northeast District Plan*,

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

 The plan recommends office/industrial on the acreage zoned R-MH (single family, manufactured housing) and B-2 (general business) and light industrial on the portion zoned I-1(CD) (light industrial, conditional), as amended by rezoning petition 2001-056.

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 site is located in an area along Old Statesville Road that houses a concentration of uses that are related to motor vehicle service and sales: and
- The proposed rezoning will allow the expansion of an existing truck cab detailing business; and
- The request will bring all properties associated with the business under one zoning district; and
- A 38-foot wide buffer is being provided along the western property lines adjacent to residential zoning, which is greater than the 20-foot Type "B" buffer provided with the approval of rezoning petition 2001-056;

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

ZONING COMMITTEE ACTION

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

- 1. Clarified that the use will be for a truck cab detailing business, automotive sales and service, automotive engine and body repair and cleaning.
- 2. Labeled five-foot existing sidewalk and five-foot planting strip along Old Statesville Road on the site plan.
- Identified proposed buffer along Burch Shire Road frontage as 38' Class "B" buffer.
- 4. Removed note "Internal parking trees and buffer trees to count toward tree save trees." Required internal trees and buffer required trees cannot count for required tree save tree count.

| 5. | Provided site plan on 24' x 36' sheet. |
|----|---|
| 6. | Noted existing property to the north is zoned I-1(CD). |
| 7. | Under Site Data, only listed tax parcel numbers and acres. |
| 8. | Under Site Notes, noted maximum 40-foot building height and two |
| | stories. |
| 9. | Removed notes on site plan within rezoning boundary, now only |
| | showing existing conditions and proposed improvements (i.e. |
| | building footprints, parking areas, buffer, and screening.) |

VOTE Motion/Second: Sullivan/Majeed

plan.

Yeas: Dodson, Lathrop, Majeed, McClung, Sullivan,

10. Removed "setback" from side yard and rear yard labels on site

and Wiggins

Nays: None

Absent: Eschert, Labovitz, and Nelson

Recused: None

ZONING COMMITTEE DISCUSSION

Planning staff presented this item to the petitioner, noting that the petitioner addressed all outstanding items. Staff indicated that as stated at the public hearing, the petitioner listed additional proposed uses on the site plan: automotive sales and service, and automotive engine and body repair and cleaning. There was no discussion of this

request.

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

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

PLANNING STAFF REVIEW

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows continued operation and expansion of an existing business involving cleaning and detailing tractor cabs (not trailers).
- Proposes automotive sales and service, and automotive engine and body repair and cleaning as additional allowed uses on the site.
- Provides additional parking for cabs, which will be temporary, with no parking of trailers.
- Allows a future 2,400-square foot building in addition to the existing 2,400-square foot structure
 on the site. The new building will be located between the existing building and the adjoining
 property to the south along Old Statesville Road.
- Provides a 38-foot Class "B" buffer along the western property line that abuts the unimproved portion of Burch Shire Road. This is an increase in width from the 20-foot wide Type "B" buffer currently required as per rezoning petition 2001-056.

Public Plans and Policies

- The Northeast District Plan (1996) recommends office/industrial for the portion of the rezoning site zoned R-MH (single family, manufactured housing) and B-2 (general business), and light industrial on the rear portion zoned I-1(CD) (light industrial, conditional), as amended by rezoning petition 2001-056.
- The petition supports the *General Development Policies Environment* by accommodating an expansion of an existing business on an underutilized site in a built up area, and by not increasing the impervious surface. The temporary parking areas will be earth lots and not asphalt or concrete.

TRANSPORTATION CONSIDERATIONS

- All streetscape and access conditions are unchanged under this proposal and since the rezoning will not increase traffic, CDOT has no concerns with this petition.
- **Vehicle Trip Generation:** There is no change in trip generation due to this being a parking lot expansion.

DEPARTMENT COMMENTS (see full department reports online)

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

OUTSTANDING ISSUES

No issues.

Attachments Online at www.rezoning.org

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

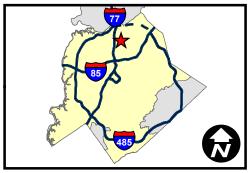
Planner: Claire Lyte-Graham (704) 336-3782

Petition #: 2015-110

Vicinity Map

Acreage & Location: Approximately 2.8 acres located on the wesst side of Old Statesville Road and at the end of Burch Shire Road near the intersection of Holly Vista Avenue and Burch Shire Road.







Petition #: 2015-110

Petitioner: Katarzyna Dec

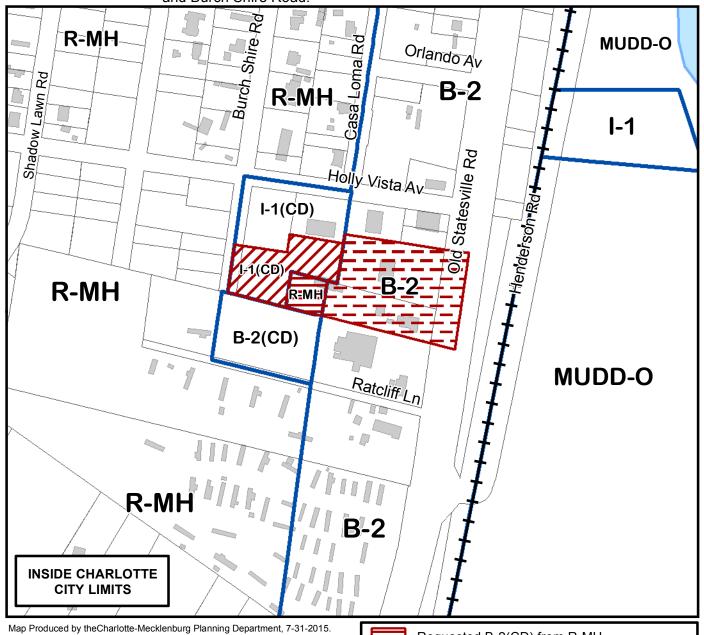
Zoning Classification (Existing): R-MH, B-2, & I-1(CD)

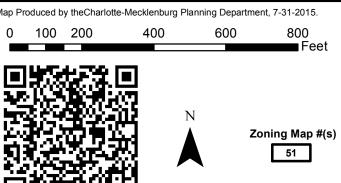
(Single Family, Manufactured Housing, General Business, and Light Industrial, Conditional)

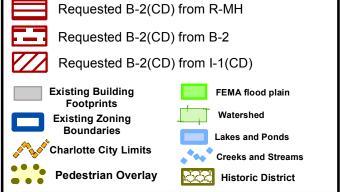
Zoning Classification (Requested): <u>B-2(CD)</u>

(General Business, Conditional)

Acreage & Location: Approximately 2.8 acres located on the wesst side of Old Statesville Road and at the end of Burch Shire Road near the intersection of Holly Vista Avenue and Burch Shire Road.

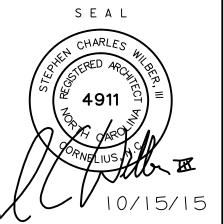






| W r Moon | REZONING PETITION 2015 | 5-110 FOR KATARZYNA DEC | SITE NOTES | | | | | |
|--|---|--|---|--|---|--|--------------------|---|
| 2 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 | SITE DA | TA TABLE | PURPOSE OF REZONING PROPOSED USE: TRUCK CAB DETAILING | | | | | |
| W T Harrie Bv | TAX PARCEL NUMBERS SIZE | CURRENT ZONING PROPOSED ZONING | PROPOSED USE: TRUCK CAB DETAILING ADDITIONAL PROPOSED USES: AUTOMOTIVE SALES & SERVICE, AUTOMOTIVE ENGIN AND BODY REPAIR & CLEANING | | | | | |
| Strown Dr | *037-221-01 .94 ACRES | B-2 & R-MH B-2 (CD) | NOTES: 1. NO TRAILERS WILL BE ALLOWED ON SITE 2. MAXIMUM BUILDING HEIGHT WILL NOT EXCEED 2 STORIES OR 40' | | | | | Wilber Architectu |
| S S S S S S S S S S S S S S S S S S S | #037-221-02 .98 ACRES | B-2 B-2 (CD) | 1. NO TRAILERS WILL BE ALLOWED ON SITE 2. MAXIMUM BUILDING HEIGHT WILL NOT EXCEED 2 STORIES OR 40' 3. SUFFICIENT VEGETATIVE GROUND COVER SHALL BE MAINTAINED ON ALL "EARTH LOTS" TO PREVENT EROSION. 4. ALTERATIONS & MODIFICATIONS TO THE SITE PLAN MAY BE SUBJECT TO REQUIREMENTS CONTAINED IN SECTION 6.207 OF THE ZONING ORDINANCE. | 80. | | W | | P.O. Box 428 Corneliu 704 cwilber3 |
| The state of the s | #037-221-10 .81 ACRES | I-1 (CD) B-2 (CD) | CDOT REQUIREMENTS | | | S | | This drawing |
| SITE LOCATION | YARD REQUIREMENTS FRONT YARD SETBACK — 20'-0" | | 1. ADEQUATE SIGHT TRIANGLES TO BE RESERVED AT EXISTING/PROPOSED STREET ENTRANCES. TWO 35'x35' AND TWO 10'x70' SIGHT TRIANGLES ARE REQUIRED FOR ENTRANCES TO MEET REQUIREMENTS. ALL PROPOSED TREES, BERMS, WALLS, FENCES AND/OR IDENTIFICATION SIGNS MUST NOT INTERFERE WITH SIGHT DISTACE AT THE ENTRANCE. 2. THE PROPOSED DRIVEWAY CONNECTION TO OLD STATESVILLA REQUIRE A DRIVEWAY PERMIT TO BE SUBMITTED TO COOT AND NO DOT FOR REVIEW AND APPROVAL THE FXACT DRIVEWAY LOCATION AND TYPE/WIDTH. | | | | | the firm, W Reproduction part or in w written per |
| / / VICINITY MAP | SIDE YARD 8'-0" REAR YARD 10'-0" | | 2. THE PROPOSED DRIVEWAY CONNECTION TO OLD STATESVILLE RD. WILL REQUIRE A DRIVEWAY PERMIT TO BE SUBMITTED TO CDOT AND NC DOT FOR REVIEW AND APPROVAL. THE EXACT DRIVEWAY LOCATION AND TYPE/WIDTH OF THE DRIVEWAY WILL BE DETERMINED BY CDOT DURING THE DRIVEWAY PERMIT PROCESS. THE LOCATIONS OF THE DRIVEWAY SHOWN ON THE SITE PLAN ARE SUBJECT TO CHANGE IN ORDER TO ALIGN WITH DRIVEWAY ON THE OPPOSITE SIDE OF THE STREET AND COMPLY WITH CITY DRIVEWAY REGULATIONS AND CITY TREE ORDINANCE. 3. ALL PROPOSED COMMERCIAL DRIVEWAY CONNECTIONS TO A FUTURE PUBLIC STREET WILL REQUIRE A DRIVEWAY PERMIT TO BE SUBMITTED TO CDOT FIR REVIEW AND APPROVAL. | | | | | forbidden. |
| VICINITY MAP NOT TO SCALE | | | 4. ANY WALL OR FENCE CONSTRUCTED ALONG OR ADJACENT TO ANY SIDEWALK OR STREET RIGHT-OF-WAY REQUIRES A CETIFICATED ISSUED BY CDOT. | W S A | | | | |
| | | | 5. A RIGHT-OF-WAY ENCROACHMENT AGREEMENT IS REQUIRED FOR THE INSTALLATION IF 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 ENCROACHEMENT AGREEMENT MUST BE APPROVED BY CDOT PRIOR TO THE CONSTRUCTION/INSTALL- ATION OF THE NON-STANDARD ITEM(S). CONTACT CDOT FOR ADDITIONAL INFORMATION CONCERNING COST, SUBMITTAL AND LIABILITY INSURANCE COVERAGE REQUIREMENTS. | | | | | |
| | | | | | | | | |
| | | | HOLLYV | ISTA AVEN | | | | |
| | WILLIAM H. & ROSEMARY BALLARD PROPERTY ADDRESS: | | | ISTA AVENUE | | ·—···································· | | |
| | WILLIAM H. & ROSEMARY BALLARD PROPERTY ADDRESS: 7623 BURCHSHIRE RD. TAX NUMBER: 037-221-19 USE: RESIDENTIAL | | | | | | | |
| | ZONED R-MH | | | | | | | ST S |
| | | | | | ·—·—·—·—·—·—·—·—· | | | |
| | ·—·—·—·—·—·—·—·—·—·—· | JOHN W & BARBARA FDW | R & K ENTERPRISES, LLC PROPERTY ADDRESS: | | | | | |
| | | PROPERTY ADDRESS: 7622 BURCHSHIRE RD. | R & K ENTERPRISES, LLC PROPERTY ADDRESS: 4905 HOLLY VISTA AVE. TAX NUMBER: 037-221-12 USE: BUSINESS | PERF PROF 4825 | ORMANCE AQUISITIONS, LLC PERTY ADDRESS: 5 HOLLY VISTA AVE. | DANNY & KIMBERLY BALLARD PROPERTY ADDRESS 7619 OLD STATESVILLE RD. TAX NUMBER: 037-221-06 USE: BUSINESS | | |
| | CLARNECE D. SHARPE PROPERTY ADDRESS: 7614 BURCHSHIRE RD. TAX NUMBER: 037-221-21 USE: RESIDENTIAL | $\vec{\tau}$ 70MFD L-1/CD) LIS | / ZONED I-1 USE: BUSINESS / | TAX USE: | PERTY ADDRESS: 5 HOLLY VISTA AVE. NUMBER: 037-221-07 BUSINESS B-2 USE: BUSINESS | TAX NUMBER: 037-221-06 USE: BUSINESS ZONED B-2 USE: BUSINESS | | |
| | TAX NUMBER: 037-221-21 USE: RESIDENTIAL ZONED R-MH | $\frac{1}{2}$ | | J ZUNLD | D-Z USL: DUSINESS | | | |
| | | | | | | DANNY & KIMPERI Y RALLARD | | A A A |
| | | $\frac{1}{2}$ | | | | DANNY & KIMBERLY BALLARD PROPERTY ADDRESS 7615 OLD STATESVILLE RD. TAX NUMBER: 037-221-05 USE: BUSINESS | | |
| PI 70 | CHARLES G. & JOANNE S. WALKER PROPERTY ADDRESS: 7611 BURCHSHIRE RD. | | | <u></u> | | USE: BUSINESS / ZONED B-2 USE: BUSINESS / | | |
| / / U: | TAX NUMBER: 037-221-18 JSE: RESIDENTIAL ZONED R-MH | | 8' SIDE YARD 124.82 S82° 00'45"E | X X X X X X X X X X X X X X X X X X X | 31 SIDFYARD \$82° 00'45"E | | | ET C |
| | | PROVIDE INTEL PARKING TRE 124.33 @ 40'-0'' O. | RNAL EES C. で記し、 で記し、 で記し、 で記し、 で記し、 で記し、 で記し、 で記し、 | 82° 00'45"E | * * | X X X X X X X X X X X X X X X X X X X | | |
| J.W. AL PROPE | ALLEN HEIRS ERTY ADDRESS: | \$82°00'45"E 8' SIDEYAR | | | | * · · · · · · · · · · · · · · · · · · · | | PRE |
| 7607 TAX N USE: R | ALLEN HEIRS ERTY ADDRESS: BURCHSHIRE RD. NUMBER: 037-221-17 RESIDENTIAL | | I–1 (CD) TO B–2 (CD) | | | | | |
| / | ED R-MH | | | RD 115.74, | | EXISTING DRIVE, WAY | | Mo X |
| CHARLES G | G. & JOANNE S.WALKER | 38' WIDE BUFFER: | 0 | RE ARY A. | WASH BAY EXISTING BUILDING: | PARCEL #037-221-02 | | |
| PROPERTY 7603 BURC TAX NUMBE | G. & JOANNE S.WALKER ADDRESS: CHSHIRE RD. ER: 037-221-16 ENTIAL | 38' WIDE BUFFER: PROVIDE 7 TREES 40 SHRUBS PER 100 | & 10' 8' SIDEYARD | 10' R | 2,400 SQ.FT. B- | 2 TO B-2 (CD) | | |
| USE: RESIDE ZONED | R-MH | 38 BUTE | 132.21' S75° 30'S | | | BACK 170" 2038"W ISWALK | | |
| | | NOTE: THERE WILL BE TO BURCHSHIRE | NO ACCESS & S | k i | | RD SETTE SOBE STRING ST | | |
| | | NOTE: THERE WILL BE TO BURCHSHIRE | ROAD (学) 会と TAX NUMBER: 037-221-01 | IDEYARD | <u> </u> | RONTY A. | | |
| ANGIE M. KFY | | | R-MH TO B-2 (CD) | N | 276.4' 76° 02'54"W | 50, Fi | | |
| ANGIE M. KEY PROPERTY ADDRESS: NOT LISTED TAX NUMBER: 037-221-04 USE: RESIDENTIAL | | 8'SIDEV | | TAX NUMBER: 037-221-01 | 8' SIDEYARD | | | |
| use: residential ZONED R-MH | | S7 | 142.14' 75° 38'00'' | | | ***** | | XOZ |
| | | | S OU'IE | B-2 TO B-2 (CD) | FUTURE BUILDING: | | | CHARLOTTE Y ADDRESS: TESVILLE RD. TE, NC 28269 CEL#043-088-20 EVELOPED RATARZYNA F |
| | | | | | 2,400 SQ.FT. | ESIGNATED— | TAX!PARC USE! UNDE | TE, NC 28269 CEL#043-088-20 EVELOPED PROPERTY O KATARZYNA [|
| | | WALTER & KAY BALLARD | 8'5 | DEYARD | THIS AREA DE FOR FUTURE | SOUTH SET TOO! WANTING STRIP | | KATARZYNA E MAILING ADDR 708 HOUSTOI MONROE, NC nowak51368@y |
| | | WALTER & KAY BALLARD PROPERTY ADDRESS 5725 RATCLIFF LN TAX NUMBER: 037-214-04 USE:NOT USED | | \$21.94' \$75° 75 | | SQ8° 1 SYQ8° 1 STRING SI PLAN | | nowak51368@y |
| | | use:not used ZONED:B-2 USE:BUSINESS | WALTER & PROPERTY A | (AY BALLARD ADDRESS ATESVILLE RD. 1: 037-214-04 ED | | 20 Z | | DATE 10, |
| | | | | | | EXISTING DRIVE CUT TO REMAIN | | |
| | | SITE | - PLAN | -2 USE:BUSINESS | | | | |
| | | 0 7.5'15 1''=30' | 5' 30' 60' 120' | | | | | SI |
| | | | | | | | | |
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lber Associates
tecture / Planning
: 428 - 20044 N. Zion St.
fornelius, N.C. 28031
704-892-3633
wilber 303@aol.com
NOTE
rawing is property of m, Wilber Associates.
duction or reuse in r in whole without a permission is den.



TITLE

ROAD DEC

Y OWNER: 'NA DEC ADDRESS: 0-7307 oo.com

| 708 HOUSTON DR. MONROE, NC 28110- nowak51368@yahoo. |
|---|
| COMM NO |

10/15/15 REVISIONS

SHEET



City of Charlotte

Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte. NC 28202

Agenda Date: 11/16/2015

Agenda #: 11.File #: 15-1804 Type: Zoning Decision

Rezoning Petition: 2015-112 by Tate Pappas SC Investors, LLC

Location: Approximately 0.55 acres located on the east of Sharon Road between Ashley Park Lane and Louisburg Square Lane. (Council District 6 - Smith)

Current Zoning: MUDD-O (mixed use development district, optional)

Proposed Zoning: MUDD-O (SPA) (mixed use development district, optional, site plan amendment)

Zoning Committee Recommendation

The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition as modified.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

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

 The plan, as amended by a previous rezoning, recommends a mix of uses, including eating/drinking/entertainment establishments (EDEEs), office, retail, personal service and other non-residential uses.

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

- The property is part of a unified mixed use development located in an area that is transforming into the walkable, multi-story mixed use development recommended in the adopted plan; and
- The proposed rezoning will allow development of the site with a two-story building located directly at the corner of Sharon Road and Ashley Park Lane. The site and building design, with street front primary entrances, clear glass windows, and outdoor seating, will encourage pedestrian activity along these streets; and
- The drive-through service window is in a similar location as previously approved on the current zoning, with parking and maneuvering generally placed behind the building fronting Ashley Park Lane and behind the required building setback along Sharon Road, with a substantial landscaped buffer; and
- The proposed site plan eliminates a previously approved curb cut from Sharon Road into the site, which further enhances the pedestrian environment;

Attachments:

Zoning Committee Recommendation Vicinity Map Rezoning Map Site Plan



Rezoning Petition 2015-112 Zoning Committee Recommendation

October 28, 2015

REQUEST Current Zoning: MUDD-O (mixed use development, optional)

Proposed Zoning: MUDD-O SPA (mixed use development, optional, site

plan amendment)

LOCATION Approximately 0.55 acres located on the east side of Sharon Road

between Ashley Park Lane and Louisburg Square Lane.

(Council District 6 - Smith)

SUMMARY OF PETITION The petition proposes to allow the addition of an

eating/drinking/entertainment establishment (EDEE) with an accessory drive-through window to the currently approved uses for the site,

which include retail, office, eating/drinking/entertainment

establishment (EDEE) without drive-through service and a bank with one drive-through service window with one lane and one pass-by lane.

The site is the final parcel to be developed as part of the Sharon Square, mixed use, pedestrian oriented development, located in

SouthPark.

PROPERTY OWNER PETITIONER

AGENT/REPRESENTATIVE

Tate Pappas SC Investors, LLC Tate Pappas SC Investors, LLC Jeff Brown & Keith MacVean

COMMUNITY MEETING

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

STATEMENT OF CONSISTENCY

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

 The plan, as amended by a previous rezoning, recommends a mix of uses, including eating/drinking/entertainment establishments (EDEEs), office, retail, personal service and other non-residential uses.

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

- The property is part of a unified mixed use development located in an area that is transforming into the walkable, multi-story mixed use development recommended in the adopted plan; and
- The proposed rezoning will allow development of the site with a
 two-story building located directly at the corner of Sharon Road
 and Ashley Park Lane. The site and building design, with street
 front primary entrances, clear glass windows, and outdoor seating,
 will encourage pedestrian activity along these streets; and
- The drive-through service window is in a similar location as previously approved on the current zoning, with parking and maneuvering generally placed behind the building fronting Ashley Park Lane and behind the required building setback along Sharon Road, with a substantial landscaped buffer; and
- The proposed site plan eliminates a previously approved curb cut from Sharon Road into the site, which further enhances the pedestrian environment;

By a 5-0 vote of the Zoning Committee (motion by Commissioner Wiggins seconded by Commissioner Majeed).

ZONING COMMITTEE ACTION

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

Land Use

1. Removed definition and reference to limited service restaurant and

- replaced with eating/drinking/entertainment establishment (EDEEs) with an associated drive-through service window and limited to 4,000 square feet.
- Staff rescinded the request to add specification that the maximum building footprint will be no more than 2,700 square feet to be constructed in the location generally depicted on the site plan because the petitioner has provided a note committing to a minimum two story building.
- 3. Amended optional provision Note C to allow, regardless of the use, a single-lane, drive-through service window with no pass-by lane, as generally depicted on the site plan.

Site and Architectural Design

- 4. Provided a building envelope with a build-to corner on Ashley Park Lane, directly beside the existing monument sign.
- 5. Showed landscaping commitments for the area between the drive-through service lane screen wall and the sidewalk on the landscape plan.
- 6. Amended the building elevations to clearly depict a two-story condition.

Administrative

7. Filed an administrative amendment to the previously approved petition establishing the allotted square footage remaining for the overall development as a result of this proposal and reduced the allowed number uses with drive-through service windows from two to one.

Technical Revisions

- 1. Showed right-of-way trees to be protected.
- 2. Changed to engineering scale.
- 3. Enlarged site plan drawing to 24" x36".
- 4. Provided response to outstanding issues showing how the petitioner is addressing them and indication of notes carried over and/or modified from the previously approved petition in a separate document.
- 5. Clouded individual changes not the entire block of notes so they will be easily identified.
- 6. Amended Note C related to allowable changes to the site plan and added that all changes will be in accordance with Section 6.207.
- 7. Corrected "Access" Note A that indicates access will be provided from Ashley Park Lane and Sharon Road. No access to Sharon Road is proposed on the site plan.
- 8. Clarified that the ordinance standard will be used for signage except for an optional provisions to allow wall signs up to 200 square feet or 10% of the wall area and to allow detached signs at the intersection of Sharon Road and Ashley Park Lane as approved by the approved administrative amendment on the previously approved rezoning.
- 9. Deleted sheet reference notes and provided labels within the site plan drawing.
- 10. Showed all setbacks measured from the future back of curb.
- 11. Deleted all minimum ordinance requirements.
- 12. Measured building height as defined by the Ordinance.
- 13. Amended the note related to how gross floor area will be calculated and used the zoning ordinance standard but stated the items that won't be counted towards the gross floor area.
- 14. Numbered conditional note sections.
- 15. Corrected references to other sections under Proposed Uses and Planned Unit Development section.
- 16. Indicated the assigned petition number in the side bar and in Notes heading.
- 17. Removed repeated development data table.
- 18. Eliminated all notes, including optional provisions, which do not specifically apply to this site and the proposed site plan.
- 19. Corrected formatting of notes so that words are not split between

| | paragraphs. |
|-----|---|
| 20. | Reduced the building square footage from 4,300 square feet to |
| | 4,000 square feet. |
| 21. | Added a landscape plan. |
| 22. | Provided a note stating the existing temporary monument sign |
| | along Sharon Road will be removed. |

VOTE Motion/Second: Dodson/Wiggins

Yeas: Dodson, Majeed, McClung, Sullivan, Wiggins

Nays: None

Absent: Eschert, Nelson, Labovitz

Recused: Lathrop

ZONING COMMITTEE DISCUSSION

Staff provided a brief summary of the petition and the changes since

the public hearing. There was no further discussion.

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

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

PLANNING STAFF REVIEW

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Land Use:
 - Adds a eating, drinking, entertainment establishment (EDEE) with an accessory drivethrough window to the currently approved uses for the site, which include retail, office, eating/drinking/entertainment establishment (EDEE) without drive-through service and a bank with one drive-through service window with one lane and one pass-by lane.
 - Specifies that the accessory drive-through window on the site can only be associated with a bank or an EDEE. Limits the number of lanes to a single lane with no pass-by lane.
 - Limits the services of an EDEE with a drive through to serving primarily items such as coffee, ice cream, yogurt, juices, bagels, muffins, pastries, sandwiches, and similar foods that do not require on premise cooking.
 - Prohibits gasoline sales.
- Site and Architectural Design:
 - Limits the total number of buildings on the site to one, at a maximum size of 4,000 square feet, and a maximum height of 55 feet.
 - Commits to a minimum two-story building.
 - Provides a building envelope and build to line along Sharon Road and Ashley Park Lane.
 - Provides parking and maneuvering generally behind the building fronting Ashley Park Lane and behind the required building setback along Sharon Road with a substantial landscaped buffer as depicted on the site plan.

Transportation and Access:

- Provides pedestrian access from Sharon Road and Ashley Park Lane with public entrances facing each street and outdoor patio space oriented to Sharon Road and Ashley Park Lane.
- Provides vehicular access from Ashley Park Lane.
- Provides access to the parking structure located east of the site and provides a cross-access connection to the adjacent property south of the site.
- General Commitments:
 - Carries over a number of conditional notes from the previously approved rezoning.
- The following optional provisions are being requested:
 - Allow reduction in the width of the required setback along interior or private streets from 14
 feet to ten feet from the nearest face of building to either the back of curb or edge of tree
 grate or planting area, whichever is greater. Street trees are not required along the private
 street but if provided may be placed in tree wells.
 - Allow wall signs up to 200 square feet or 10% of the wall whichever is less. Sign area may be increased if individual letters are used.
 - Allow previously approved signs at the corner of Sharon Road and Ashley Park Lane.
 - Allow either a limited service restaurant or a bank with an accessory drive-through window to be located on the site. Drive-through facilities are limited to a single lane. Drive-through facilities are only allowed as an optional provision in the MUDD (mixed use development)

district

• Allow the definition of gross floor area as defined in the Ordinance to be applied in a manner described on the site plan.

Public Plans and Policies

- South Park Small Area Plan, as amended by petition 2006-042, recommends for the larger development in which this site is located a mix of uses, including eating/drinking/entertainment establishments (EDEEs), office, retail, personal service and other non-residential uses, with an emphasis on creating a pedestrian-friendly environment. The existing zoning prohibits accessory drive-through service windows associated with eating/drinking/entertainment establishments.
- The petition supports the *General Development Policies-Environment* by developing an infill site, thereby minimizing further environmental impacts while accommodating growth.

TRANSPORTATION CONSIDERATIONS

- The primary transportation concerns for this zoning proposal are to ensure that the internal storage of vehicles using the drive-through is adequate to ensure that vehicles do not queue into public streets. While we expect that the queuing could exceed what is depicted on the plan, there is adequate room on-site to handle the expected queuing. Similarly, the site plan does not provide many on-site parking spaces, but there appears to be adequate parking in the area and many of the trips are expected to be served internally to the larger development or as pass-by trips through the drive-through. Given that many of the trips will be "pass-by" trips, meaning trips from vehicles already passing by the site on Sharon Road, this rezoning is not expected to significantly impact the amount of traffic on the surrounding throughfares.
 - Vehicle Trip Generation:

Current Zoning: 6,700 trips per day
Proposed Zoning: 8,300 trips per day

DEPARTMENT COMMENTS (see full department reports online)

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

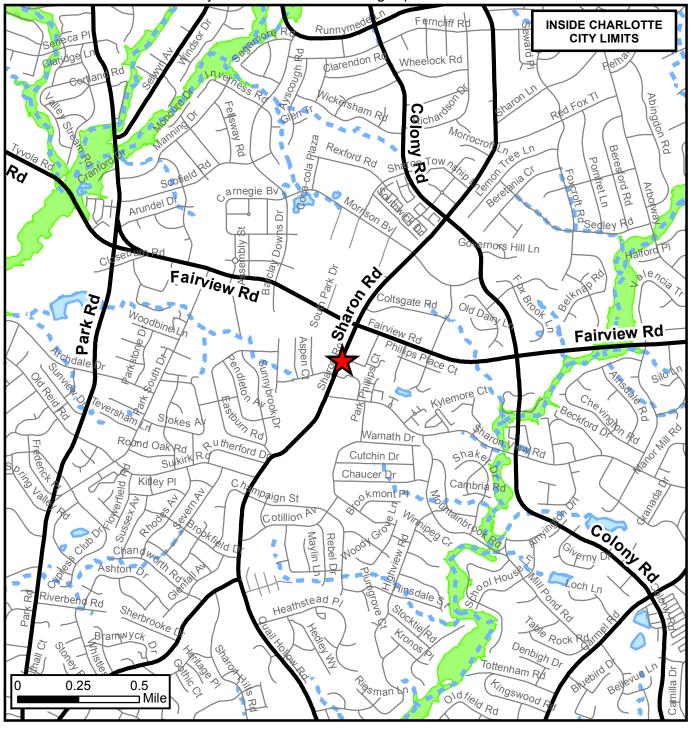
Attachments Online at www.rezoning.org

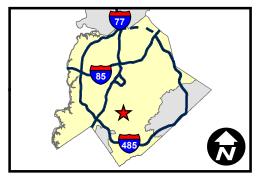
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water
 - Engineering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

Vicinity Map

Acreage & Location: Approximately 0.55 acres located on the east of Sharon Road between Ashley Park Lane and Louisburg Square Lane.







Petitioner: Tate Pappas SC Investors, LLC

MUDD-O Zoning Classification (Existing):

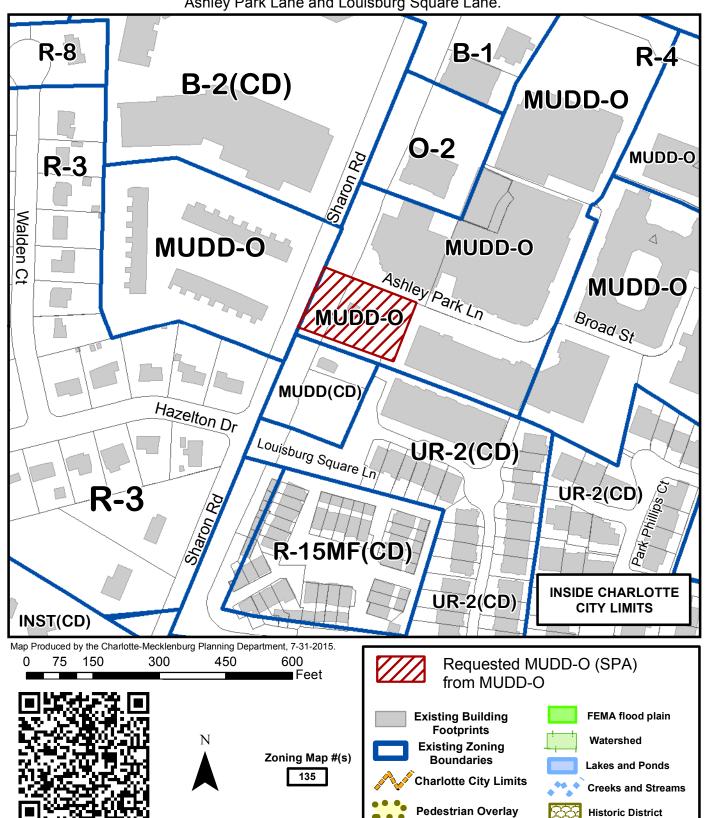
(Mixed Use Development District, Optional)

MUDD-O (SPA) Zoning Classification (Requested): ___

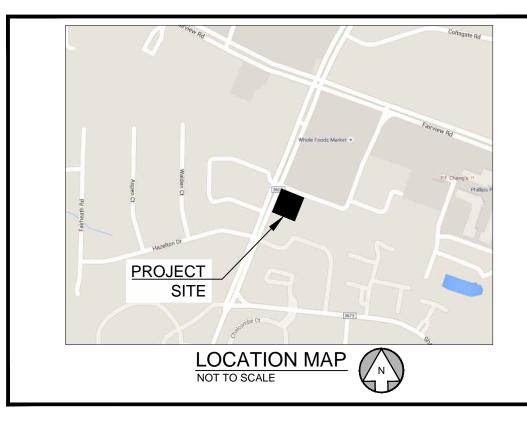
(Mixed Use Development District, Optional, Site Plan Amendment)

Acreage & Location: Approximately 0.55 acres located on the east of Sharon Road between

Ashley Park Lane and Louisburg Square Lane.



This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization by LeCraw Engineering, Inc. Shall be without liability to LeCraw Engineering, Inc. Copyright LeCraw Engineering, Inc. 2015



DEVELOPMENT DATA TABLE

| ITE AREA | |
|------------------------------|--|
| SITE AREA: | 0.55 ACRES |
| TAX PARCEL #: | 183-133-76 |
| EXISTING USES: | SALES CENTER AND PARKING |
| PROPOSED USES: | OFFICE, RETAIL, EDEE, EDEE WITH DRIVE THRU |
| JURISDICTION: | CHAROLTTE-MECKLENBURG COUNTY |
| EXISTING ZONING: | MUDD-C |
| PROPOSED ZONING: | MUDD-0 (SPA) |
| ZONING PETITION #: | 2015-112 |
| ADJACENT ZONING: | MUDD-0 |
| UILDING SUMMARY | |
| MAX. BLDG. HEIGHT: | 55 |
| MAX. GROSS DEVELOPMENT AREA: | 4,000 S.F.** |

* OFFICE, RETAIL, EDEE, EDEE WITH AN ACCESSORY DIRVE-THROUGH WINDOW (AS FURTHER RESTRICTED BELOW), PERSONAL SERVICES AND OTHER NON-RESIDENTIAL USES AS PERMITTED BY RIGHT UNDER PRESCRIBED CONDITIONS AND BY THE OPTIONAL PROVISIONS BELOW TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE MUDD ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3)

**UP TO 4,000 SQUARE FEET OF GROSS FLOOR AREA OF OFFICE, RETIAL, EDEE, EDEE TYPE 1 WITH AN ACCESSORY DRIVE-THROUGH WINDOW (AS FURTHER RESTRICTED BELOW), PERSONAL SERVICES AND OTHER NON-RESIDENTIAL USES AS ALLOWED BY THE MUDD ZONING DISTRICT AND THE OPTIONAL PROVISIONS BELOW.

***BUILDING HEIGHT WILL BE LIMITED TO 55 FEET. BUILDING HEIGHT SHALL BE MEASURED AS DEFINED PER THE ZONING ORDINANCE.



STARBUCKS COFFEE COMPANY

2401 UTAH AVENUE SOUTH SEATTLE, WASHINGTON 98134 (206) 318-1575

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ABOVE) UNTIL A WRITTEN AĞREEMENT IS FULLY EXECUTED BY BOTH PARTIES.

STARBUCKS TEMPLATE VERSION i2015.01.19

PETITION NUMBER

2015-112



3475 CORPORATE WAY, SUITE A
DULUTH, GA 30096
PHONE - 678.546.8100 FAX - 770.441.0298
WWW.LECRAWENGINEERING.COM C-3545

D & FAIRVIEW ROAD

DJECT ADDRESS:

STORE #: 25058
PROJECT #: 64210-001
CASEWORK CONCEPT: CONCEPT

CASEWORK CONCEPT: CONCEPT
ISSUE DATE: JULY 27, 2015
DESIGN MANAGER: E. ZAKAMAREN
LEED® AP: LEED AP
PRODUCTION DESIGNER: MAT
CHECKED BY: MSL

 Revision Schedule

 Rev
 Date
 By
 Description

 1
 9/18/15
 MSL
 CLIENT COMMENTS

 2
 10/21/15
 MSL
 CITY COMMENTS

SHEET TITLE:

SCHEMATIC SITE PLAN

SCALE: AS SHOWN

SHEET NUMBER:

SD-1

SCALE IN FEET

10 0 10 20 40

1" = 20'

TATE PAPPAS SC INVESTORS, LLC. **DEVELOPMENT STANDARDS** RÉZONING PETITION NO. 2015-112

1. GENERAL PROVISIONS

. SITE LOCATION. THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN AND OTHER GRAPHICS SET FORTH ON ATTACHED SHEETS SD-1, SD-2, SD-3 AND SD-4 FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY TATE PAPPAS SC INVESTORS. LLC. ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A PORTION OF A HIGH QUALITY RETAIL/OFFICE AND RESIDENTIAL MIXED USE CENTER ON AN APPROXIMATELY .55 ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF SHARON ROAD AND ASHLEY PARK LANE (THE "SITE").

b. ZONING DISTRICTS/ORDINANCE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN OR THE PREVIOUS REZONING PETITION ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED 5. STREETSCAPE, LANDSCAPING OPEN SPACE AND SCREENING: UNDER THE ORDINANCE FOR THE MUDD-O ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED BELOW.

GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, DRIVEWAYS, STREETS AND OTHER DEVELOPMENT MATTERS AND SITE FLEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE FLEMENTS") 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. MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN; OR II. MODIFICATIONS TO MOVE STRUCTURES GRAPHICALLY DEPICTED ON THE REZONING PLAN CLOSER TO ADJACENT PROPERTIES BUT NO CLOSER THAN THE "BUILDING AND PARKING ENVELOPE LINE" INDICATED ON SHEET SD-1; OR iii. MODIFICATIONS TO ALLOW MINOR INCREASES OR DECREASES 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.

NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY. THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED ONE (1). ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDING(S) TO WHICH SUCH THE ACCESSORY STRUCTURE/BUILDING SHALL RELATE.

e. PLANNED/UNIFIED DEVELOPMENT. THE SITE, INCLUDING THE AREAS INDICATED AND REFERENCED IN THE PREVIOUS REZONING PETITION, SHALL BE VIEWED IN THE AGGREGATE AS A PLANNED/UNIFIED DEVELOPMENT PLAN AS TO THE DEVELOPMENT/SITE ELEMENTS GENERALLY DEPICTED ON THE REZONING PLAN. AS SUCH. SIDE AND REAR YARDS, BUFFERS BUILDING HEIGHT SEPARATIONS, FAR REQUIREMENTS, AND SIMILAR ZONING STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER DEVELOPMENT/SITE ELEMENTS LOCATED ON SITE AND THE ADJOINING PROPERTY THAT WAS PART OF PREVIOUS REZONING PETITION. THE PETITIONER AND/OR OWNERS OF PORTIONS OF THE SITE, INCLUDING FOR INSTANCE THE ADJOINING DEVELOPMENT SHOWN ON THE PREVIOUS REZONING PETITION, MAY SUBDIVIDE PORTIONS OF THE SITE AS WELL AS CREATE LOTS WITHIN THE INTERIOR OF THE SITE WITHOUT REGARD TO ANY INTERNAL SEPARATION STANDARDS, PUBLIC/PRIVATE STREET FRONTAGE REQUIREMENTS AND FAR REQUIREMENTS, PROVIDED, HOWEVER ALL SUCH SEPARATION STANDARDS THAT ARE APPLICABLE ALONG THE EXTERIOR BOUNDARY OF THE SITE SHALL BE ADHERED TO AND ALL FAR REQUIREMENTS WILL BE REGULATED BY ANY DEVELOPMENT LIMITATIONS SET FORTH IN SECTION 3 BELOW AS TO THE SITE TAKEN AS A WHOLE AND NOT INDIVIDUAL PORTIONS, DEVELOPMENT AREAS OR LOTS LOCATED THEREIN.

2. OPTIONAL PROVISIONS

EACH OF THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE SITE:

a. ALONG THE INTERIOR PRIVATE STREET. THE PETITIONER SEEKS THE FOLLOWING OPTIONAL PROVISIONS:

- A REDUCTION IN THE WIDTH OF THE REQUIRED SETBACK ALONG INTERIOR PRIVATE STREET TO TEN (10) FEET FROM THE NEAREST FACE OF BUILDING TO EITHER THE BACK OF CURB. STREET TREES ALONG THE PRIVATE STREET ARE NOT REQUIRED; HOWEVER, IF THEY ARE PROVIDED THEY MAY BE PLACED EITHER IN PLANTING ISLANDS ALONG THE PROPOSED ANGLED PARKING, OR WITHIN TREE GRATES WITHIN THE SIDEWALK AREAS WITHIN THE CONDITIONS AS DESCRIBED ABOVE.
- b. TO ALLOW WALL SIGNS TO HAVE UP TO 200 SQUARE FEET OF SIGN SURFACE AREA PER WALL OR 10% OF THE WALL AREA, TO WHICH THEY ARE ATTACHED, WHICHEVER IS LESS. THE SIGN AREA OF THESE ALLOWED WALL SIGNS MAY BE INCREASED BY 10% IF INDIVIDUAL LETTERS ARE USED.
- c. TO ALLOW THE DETACHED SIGN(S) AT THE CORNER OF SHARON ROAD AND ASHLEY PARK LANE AS APPROVED BY THE ADMINISTRATIVE AMENDMENT DATED 9/19/13 (PLANS STAMPED APPROVED ON 9/20/13) FOR REZONING PETITION NO. 2006-042, AND AS GENERALLY DEPICTED ON THE REZONING PLAN
- d. THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW EITHER A BANK OR AN EDEE TYPE 1 WITH AN ACCESSORY DRIVE-THROUGH WINDOW TO BE LOCATED ON THE SITE. ANY SUCH DRIVE THROUGH FACILITIES ASSOCIATED WITH EITHER USE SHALL BE LIMITED TO A SINGLE LANE.
- e. THE DEFINITION OF "GROSS FLOOR AREA" OR "GFA" SET FORTH IN THE ORDINANCE AND LISTED BELOW SHALL BE PERMITTED AND APPLIED IN THE MANNER DESCRIBED BELOW.

FOR PURPOSES OF THE DEVELOPMENT LIMITATIONS SET FORTH IN THESE DEVELOPMENT STANDARDS (BUT NOT TO BE CONSTRUED AS A LIMITATION ON FAR REQUIREMENTS), THE FOLLOWING ITEMS WILL NOT BE COUNTED AS PART OF THE ALLOWED GROSS FLOOR AREA (FLOOR AREA AS DEFINED BY THE ORDINANCE) FOR THE SITE: SURFACE OR c. AS AVAILABLE, THE USE OF PROPRIETARY PRE-MANUFACTURED DEVICES TO BE USED SHALL BE APPROVED AND STRUCTURED PARKING FACILITIES, ALL LOADING DOCK AREAS (OPEN OR ENCLOSED), AND OUTDOOR DINING AREAS WHETHER ON THE ROOF OF THE BUILDING(S) OR AT STREET LEVEL (PARKING FOR OUTDOOR DINING AREAS WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE OR THESE DEVELOPMENT STANDARDS).

NOTE: THE OPTIONAL PROVISION REGARDING SIGNS IS AN ADDITION/MODIFICATION TO THE STANDARDS FOR SIGNS IN THE MUDD DISTRICT AND IS TO BE USED WITH THE REMAINDER OF MUDD STANDARDS FOR SIGNS NOT MODIFIED BY THESE

PARKING BETWEEN THE EXISTING BUILDINGS IN SHARON SQUARE AND SHARON ROAD WILL NOT BE CONSTRUCTED AS PARKING BETWEEN A BUILDING AND A STREET, AS THESE BUILDINGS ARE NOT PART OF THIS REZONING PETITION OR SITE.

3. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:

- a. SUBJECT TO THE RESTRICTIONS AND LIMITATIONS LISTED BELOW, THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE SITE MAY BE DEVELOPED WITH UP TO 4,000 SQUARE FEET OF GROSS FLOOR AREA.
- b. THE FOLLOWING USES ARE ALLOWED ON THIS SITE: OFFICE, RETAIL, EDEE, EDEE TYPE 1 WITH AN ACCESSORY DRIVE-THROUGH WINDOW (AS FURTHER DEFINED BELOW), PERSONAL SERVICES AND OTHER COMMERCIAL USES AS PERMITTED BY RIGHT, UNDER PRESCRIBED CONDITIONS AND BY THE OPTIONAL PROVISIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE MUDD ZONING DISTRICT.
- c. ONLY ONE USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW WILL BE ALLOWED ON THE SITE. THE FOLLOWING USES WILL BE ALLOWED ON THE SITE WITH AN ACCESSORY DRIVE-THROUGH WINDOW: (I) A BANK: OR (II) EDEE TYPE 1. PROVIDE THE EDEE SHALL BE LIMITED TO PRIMARILY SERVING ITEMS SUCH AS COFFEE, ICE CREAM, YOGURT, JUICES, BAGELS, MUFFINS, PASTRIES, SANDWICHES AND SIMILAR FOODS THAT DO NOT REQUIRE ON PREMISE COOKING OF FOOD (OTHER THAN HEATING AND THE BAKING OF PREMIXED DOUGH). ANY SUCH DRIVE THROUGH FACILITIES ASSOCIATED WITH EITHER USE SHALL BE LIMITED TO A SINGLE LANE AS GENERALLY DEPICTED ON THE REZONING PLAN.

d. NO GASOLINE SALES FACILITIES SHALL BE PERMITTED ON THE SITE.

e. BUILDINGS WITHIN THE SITE SHALL BE DESIGNED SO AS TO ENSURE CONSTRUCTION OF A MINIMUM OF TWO STORIES OF IMPROVEMENTS WITH HEATED FLOOR AREA. IT IS UNDERSTOOD THAT USES WITHIN A BUILDING MAY BE PHASED SUCH THAT PORTIONS OF THE BUILDING WILL CONSIST OF "SHELLED" SPACE FOR FUTURE OCCUPANCY (I.E. SUBJECT TO INDIVIDUAL UNIT OR SPACE UPFITTING) PRIOR TO COMPLETION BASED UPON MARKET DEMAND AND PROJECT NEEDS.

PERSONAL SERVICES" USES WILL BE DEFINED AS USES THAT PRIMARILY PROVIDE OR SELL A SERVICE TO CUSTOMERS ERSUS THE SELLING OF GOODS. A PERSONAL SERVICE USE MAY ALSO SELL PRODUCTS OR MERCHANDISED BUT THE SALE OF PRODUCTS AND MERCHANDISE IS TYPICALLY ANCILLARY. EXAMPLES OF PERSONAL SERVICE USES INCLUDE BUT ARE NOT LIMITED TO: BEAUTY SALONS AND BARBER SHOPS, SPA'S, YOGA AND EXERCISE STUDIOS, NAIL SALONS, MASSAGE SHOPS, MARTIAL ART TRAINING STUDIOS, DRY CLEANING ESTABLISHMENTS, LOCKSMITHS, AND ALIKE.

4. ACCESS

- a. ACCESS TO THE SITE WILL BE FROM ASHLEY PARK LANE AS GENERALLY DEPICTED ON THE REZONING PLAN, SUBJECT TO ADJUSTMENTS AS SET FORTH BELOW. THERE IS NO PROPOSED ACCESS TO THE SITE FROM SHARON ROAD.
- b. THE ALIGNMENT OF THE VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) IN ACCORDANCE WITH PUBLISHED STANDARDS SO LONG AS THE NETWORK SET FORTH ON THE REZONING PLAN IS NOT MATERIALLY ALTERED.

- a. BUILDINGS AND PARKING SHALL NOT BE LOCATED WITHIN A LANDSCAPE/STREETSCAPE AREA EXTENDING 22 FEET IN WIDTH AS MEASURED FROM THE BACK OF THE EXISTING/FUTURE BACK OF CURB ALONG SHARON ROAD AND SUCH LANDSCAPE/STREETSCAPE AREA SHALL INCLUDE A 6 FOOT SIDEWALK AND TWO (2) EIGHT FOOT PLANTING AS GENERALLY DEPICTED ON THE REZONING PLAN.
- b. A BUILDING EDGE LINE HAS BEEN ESTABLISHED ALONG SHARON ROAD AND ASHLEY PARK LANE AS GENERALLY DEPICTED ON THE REZONING PLAN. PARKING AND MANEUVERING FOR PARKING WILL NOT BE ALLOWED BETWEEN THE PROPOSED BUILDING AND THE BUILDING EDGE LINE DEPICTED ON THE REZONING PLAN. HOWEVER, PARKING AND MANEUVERING FOR PARKING WILL BE ALLOWED NEXT TO THE BUILDING AS GENERALLY DEPICTED ON THE REZONING PLAN
- c. A LOW MASONRY WALL (NO LESS THAN 3.0 FEET HIGH) WILL BE PROVIDED BETWEEN THE PROPOSED DRIVE-THROUGH SERVICE LANE AND SHARON ROAD AS GENERALLY DEPICTED ON THE SITE PLAN. THE PETITIONER WILL ALSO PROVIDE LOW ACCENT PLANTING BETWEEN THE WALL AND SIDEWALK ALONG SHARON ROAD. THE LOW ACCENT PLANTING WILL CONSIST OF A MINIMUM OF 10 SHRUBS PER 100 LINEAR FEET
- d. ALL SIDEWALKS INSTALLED WITHIN THE INTERIOR OF THE SITE LOCATED BETWEEN THE FACE OF BUILDINGS AND THE EXISTING PRIVATE STREET (ASHLEY PARK LANE) AS DEPICTED ON THE SHEET SD-1 SHALL BE AT LEAST TEN (10) FEET IN WIDTH AS MEASURED FROM THE BACK OF ADJOINING CURB ON THE SITE. ALL OTHER SIDEWALKS WITHIN THE SITE WILL BE A MINIMUM OF SIX FEET IN WIDTH.
- e. STREETS WITHIN THE SITE MAY BE EITHER PUBLIC OR PRIVATE. REGARDLESS OF WHETHER THE INTERNAL STREETS ARE PUBLIC OR PRIVATE, THEY SHALL REMAIN OPEN AND ACCESSIBLE TO THE PUBLIC.

f. A STUB STREET AND PEDESTRIAN CONNECTION SHALL BE PROVIDED TO THE LONG'S CLEANERS SITE GENERALLY AS

- DEPICTED ON THE SCHEMATIC SITE PLAN. THE STUB STREET AND PEDESTRIAN CONNECTION SHALL BE EXTENDED ONTO THE LONG'S CLEANERS SITE (TAX PARCEL 183-133-08) SUBJECT TO THE PETITIONER AND THE OWNER OF THE LONG'S CLEANERS SITE EXECUTING AN ACCESS EASEMENT AGREEMENT ON REASONABLE AND CUSTOMARY TERMS.
- g. URBAN OPEN SPACE WILL BE PROVIDED ON THE SITE AS REQUIRED BY THE ORDINANCE. THE LOCATION OF THE PROPOSED URBAN OPEN SPACE IS GENERALLY DEPICTED ON THE REZONING PLAN.

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

i. ROOF TOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE LEVEL

GENERAL DESIGN GUIDELINES

- f. GROUND FLOOR ELEVATIONS OF THE PRINCIPAL USE BUILDINGS LOCATED ALONG SHARON ROAD AND ASHLEY PARK LANE SHALL BE TREATED WITH A COMBINATION OF FENESTRATION, CLEAR GLASS, PROMINENT ENTRANCES, CHANGES IN MATERIALS, AND LANDSCAPING.
- g. THE ATTACHED ILLUSTRATIVE BUILDING ELEVATIONS SET FORTH ON SHEET SD-4 ARE INCLUDED TO REFLECT AN ARCHITECTURAL STYLE AND A QUALITY OF THE BUILDING(S) THAT MAY BE CONSTRUCTED ON THE SITE (THE ACTUAL BUILDING(S) CONSTRUCTED ON THE SITE MAY VARY FROM THESE ILLUSTRATIONS PROVIDED THAT THE OVERALL DESIGN

7. PARKING AND MANEUVERING RESTRICTIONS.

a. PARKING MAY BE PROVIDED BY WAY OF SURFACE OR STRUCTURED PARKING FACILITIES.

8. ENVIRONMENTAL FEATURES:

- a. STORM WATER RUNOFF AND TREATMENT SYSTEMS FOR THE SITE MAY BE DESIGNED, CONSTRUCTED, AND FUNCTION AS A UNIFIED STORM WATER MANAGEMENT SYSTEM IN CONJUNCTION WITH THE PROPOSED INFRASTRUCTURE DEVELOPMEN AS DESCRIBED IN ADJOINING PETITION NO. 2006-22. RUNOFF SHALL NOT BE REDIRECTED FROM ITS EXISTING AND/OR
- b. THE PETITIONER SHALL CONTROL AND TREAT THE ENTIRE RUNOFF VOLUME FOR THE POST DEVELOPMENT 1 YEAR 24 HOUR STORM. RUN OFF DRAW DOWN TIME SHALL BE A MINIMUM OF 24 HOURS. BUT NOT MORE THAN 120 HOURS. PEAK STORM WATER RELEASE RATES SHOULD MATCH PRE-DEVELOPMENT RATES FOR THE 2 YEAR AND 10 YEAR 6 HOUR STORM EVENTS. THE PETITIONER WILL PERFORM A DOWNSTREAM FLOOD ANALYSIS OF THE IMMEDIATELY ADJACENT PROPERTIES TO DETERMINE WHETHER ADDITIONAL PEAK CONTROL IS NEEDED. AND IF SO, FOR WHAT LEVEL OF STORM FREQUENCY, OR IF A DOWNSTREAM ANALYSIS IS NOT PERFORMED, CONTROL AS A MAXIMUM, THE 10 YEAR AND 25 YEAR SIX HOUR STORMS. THE USE OF MULTIPLE TYPES OF STRUCTURAL STORM WATER TREATMENT SYSTEMS AND DEVICES (FOR EXAMPLE: WET PONDS, EXTENDED DETENTION WETLANDS, BIO-RETENTION, SAND FILTER DEVICES, GRASS SWALES, RAIN GARDENS AND PROPRIETARY METHODS INCLUDING CHAMBERED STRUCTURES) UTILIZING BOTH APPROVED (PER NCDENR BMP MANUAL) AND UNAPPROVED METHODS (PROPRIETARY PRE-MANUFACTURED DEVICES) MAY BE INCORPORATED INTO THE SITE. APPROVED METHODS WILL BE DESIGNED AND CONSTRUCTED TO ACHIEVE AN AVERAGE 85% TOTAL SUSPENDED SOLID (TSS) REMOVAL TO TREAT THE ENTIRE POST-DEVELOPMENT RUNOFF VOLUME FOR THE RUNOFF GENERATED FROM THE FIRST 1-INCH OF RAINFALL. UNAPPROVED METHODS SHALL FOLLOW THE REQUIREMENTS
- SELECTED BY THE CITY OF CHARLOTTE STORM WATER SERVICES (CSWS) PRIOR TO BEING INCORPORATED IN TO THE PROJECT DESIGN AND MUST BE INCORPORATED INTO THE CSWS TEST PILOT BMP STUDY PROGRAM. CSWS WILL PROVIDE THE PETITIONER OR ITS REPRESENTATIVE, A MINIMUM OF FOUR CHOICES OF PROPRIETARY DEVICE BRANDS FOR CONSIDERATION OF USE ON THE PROJECT. THE PETITIONER OR ITS REPRESENTATIVES RESERVE THE RIGHT TO REQUEST

CONSIDERATION OF PROPRIETARY DEVICE BRANDS NOT CURRENTLY PROVIDED BY CSWS FOR CONSIDERATION OF USE ON THE PROJECT. THE PETITIONER AGREES TO PURCHASE, OPERATE AND MAINTAIN THE DEVICES SELECTED BY CSWS AND ENTER A MONITORING AGREEMENT WITH CSWS. SOME OF THE STUDY PROGRAM CRITERIA ARE, BUT NOT LIMITED TO,

- WHERE MULTIPLE STORM WATER TREATMENT DEVICES (BMPS) WILL BE UTILIZED TO MEET THE STORM WATER QUALITY REQUIREMENTS WITHIN THE PROJECT. THE DESIGN OF THE PROJECT SHALL UTILIZE NO MORE THAN TWO (2) PROPRIETARY DEVICES OF A PARTICULAR BRAND NAME WITHIN THE PROJECT UNLESS AGREED TO IN ADVANCE BY
- 2. ALL PROPRIETARY PRE-MANUFACTURED STORM WATER TREATMENT DEVICES (BMPS) MUST BE APPROPRIATELY DESIGNED AND SIZED TO TREAT THE WATER QUALITY RUNOFF FLOW RATE FROM THE 1-YEAR, 6-HOUR STORM FOR CHARLOTTE, NC. THE RUNOFF FLOW RATE FOR THIS DESIGN STORM SHALL BE DERIVED UTILIZING A TR-55 BASED MODELING PROGRAM TO CREATE A TYPE II - CENTER WEIGHTED STORM WITH THE APPROPRIATE LOCAL RAINFALL INTENSITIES.
- 3. ALL PROPRIETARY PRE-MANUFACTURED STORM WATER TREATMENT DEVICES (BMWS) SHALL BE LOCATED WITHIN THE STORM WATER SYSTEM DESIGN UPSTREAM OF ANY STORM WATER DETENTION STRUCTURES TO ENSURE THAT THE OPPORTUNITY FOR STORM WATER QUALITY TREATMENT MONITORING OCCURS FIRST PRIOR TO DETENTION. 4. ALL PROPRIETARY PRE-MANUFACTURED STORM WATER TREATMENT DEVICES (BMPS) SHALL BE DESIGNED TO INCLUDE MONITORING ACCESS MANHOLES AND SAMPLING CONDUITS WITHIN THE STORM DRAINAGE SYSTEM AND PROJECT DESIGN THAT ARE LOCATED INDEPENDENTLY AND IMMEDIATELY UPSTREAM AND DOWNSTREAM OF EACH STORM WATER TREATMENT DEVICE (BMP). ACCESS MANHOLE AND SAMPLING CONDUIT LOCATIONS SHALL BE REVIEWED AND APPROVED BY CSWS.
- THE PETITIONER SHALL GRANT A TEMPORARY MONITORING AND MAINTENANCE EASEMENT TO THE CITY OF CHARLOTTE TO ALLOW FOR ACCESS TO THE TREATMENT DEVICES (BMPS) BY THE CITY. THE LENGTH OF THE MONITORING PERIOD WILL BE ESTABLISHED UPON THE APPROVAL OF THE EASEMENT AGREEMENT. THE CITY OF CHARLOTTE WILL PROVIDE MONITORING DATA RESULTS TO THE PETITIONER OR ITS REPRESENTATIVES.
- THE PETITIONER SHALL PROVIDE PROPER OPERATION AND MAINTENANCE (O&M) OF ALL STORM WATER TREATMENT DEVICES WITHIN THE PROJECT DURING THE LIFE OF THE PROJECT, AND THE O&M AGREEMENT FOR THE DEVICES SHALL BE TIED TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE SITE. UPON REQUEST, THE PETITIONER WILL PROVIDE ANNUAL COPIES OF THE MAINTENANCE REPORT TO THE CITY OF CHARLOTTE, UPON COMPLETION OF THE MONITORING PERIOD AS CONDUCTED BY THE CITY OF CHARLOTTE

9. SIGNAGE:

a. SIGNAGE AS ALLOWED BY THE ORDINANCE AND BY THE OPTIONAL PROVISIONS LISTED ABOVE MAY BE PROVIDED b. THE TEMPORARY PLANNED DEVELOPMENT SIGN LOCATED ON THE SITE WILL BE MOVED WHEN CONSTRUCTION OF THE SITE BEGINS

10. AMENDMENTS TO THE REZONING PLAN:

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

11. BINDING EFFECT OF THE REZONING APPLICATION:

a. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.



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REFLECT ACTUAL SITE CONDITIONS. NEITHER

PARTY SHALL HAVE ANY OBLIGATION NOR

LIABILITY TO THE OTHER (EXCEPT STATED

(BOVE) UNTIL A WRITTEN AĞREEMENT IS FULLY

PETITION NUMBER

2015-112



TORE #: PROJECT #: ASEWORK CONCEPT:

64210-001 CONCEPT SUE DATE: JULY 27, 2015 DESIGN MANAGER: E. ZAKAMAREK LEED® AP: LEED AP PRODUCTION DESIGNER: MAT

25058

CHECKED BY:

Description 1 9/18/15 MSL CLIENT COMMENTS 2 10/21/15 MSL CITY COMMENTS

Revision Schedule

SHEET TITLE:

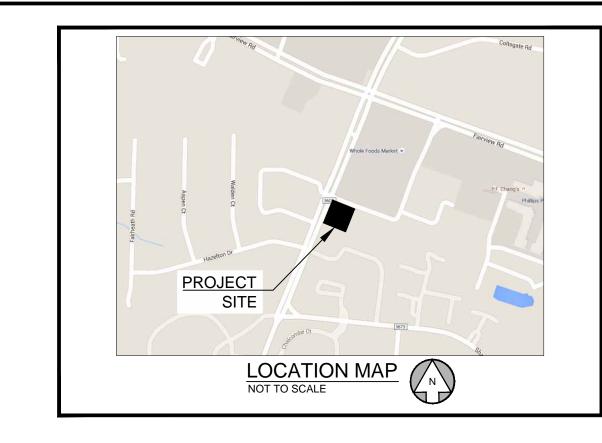
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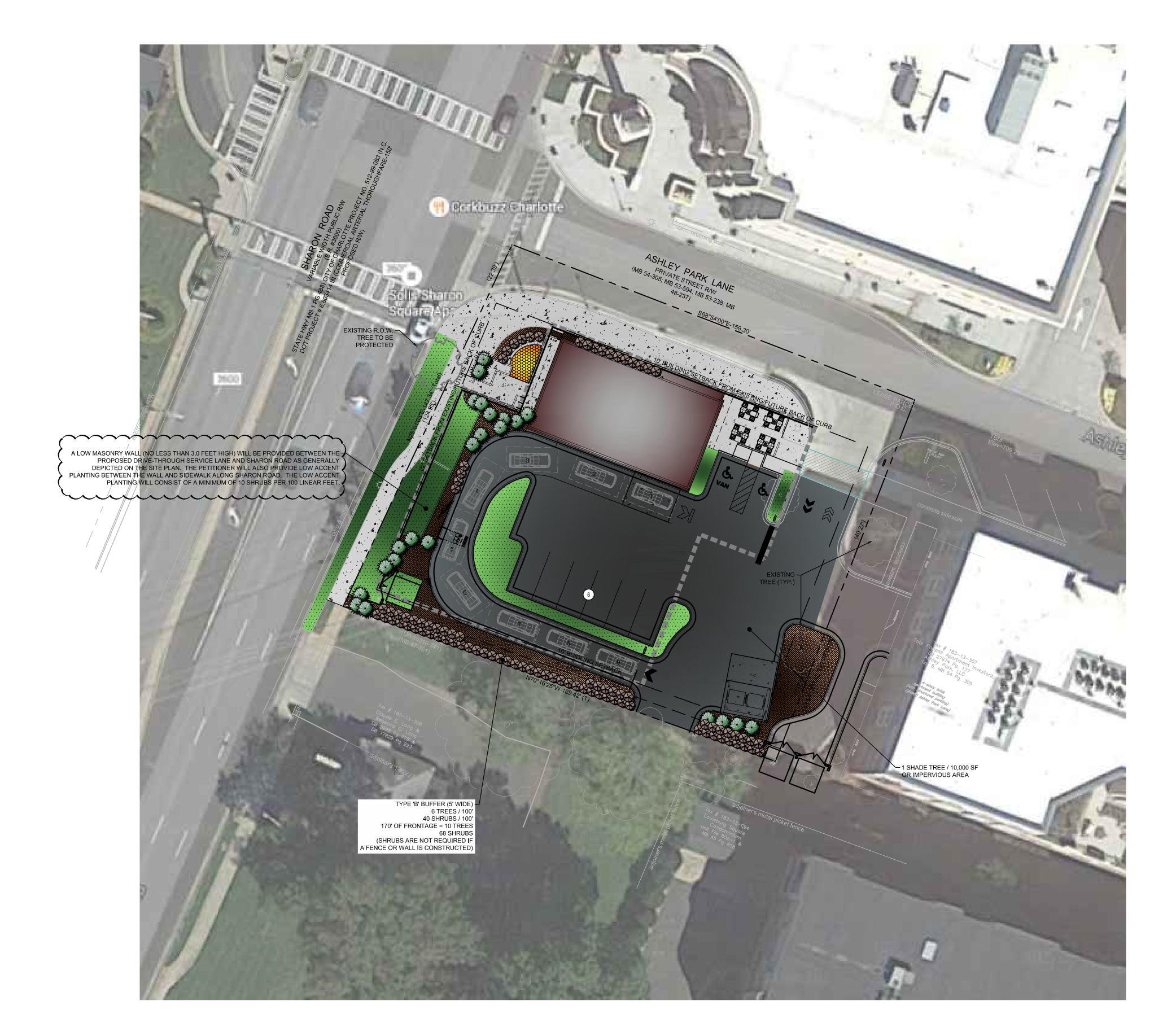
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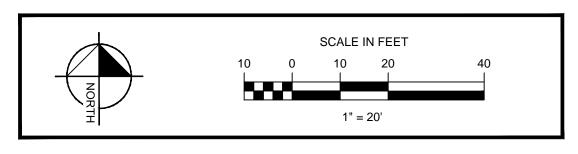
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PETITION NUMBER

2015-112



: OAD & FAIRVIEW ROAD

PROJECT ADDRESS:
4805 SHARON ROAD

STORE #: 25058

PROJECT #: 64210-001

CASEWORK CONCEPT: CONCEPT

SSUE DATE: JULY 27, 2015

DESIGN MANAGER: E. ZAKAMAREK

LEED® AP: LEED AP

PRODUCTION DESIGNER: MAT

Revision Schedule

 Rev
 Date
 By
 Description

 1
 9/18/15
 MSL
 CLIENT COMMENTS

 2
 10/21/15
 MSL
 CITY COMMENTS

HEET TITLE:

SCHEMATIC LANDSCAPE PLAN SCALE: AS SHOWN

SHEET NUMBER:

SD-3

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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).



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3475 CORPORATE WAY, SUITE A
DULUTH, GA 30096
PHONE — 678.546.8100 FAX — 770.441.0298
WWW.LECRAWENGINEERING.COM C—3545

STORE #: 25058 64210-001

PROJECT #: CASEWORK CONCEPT: SSUE DATE: DESIGN MANAGER: EED[®] AP: PRODUCTION DESIGNER: MAT

CONCEPT

JULY 27, 2015

E. ZAKAMAREK

CHECKED BY: **Revision Schedule**

Date By Description
9/18/15 MSL CLIENT COMMENTS 2 10/21/15 MSL CITY COMMENTS

BUILDING ELEVATIONS

SCALE: AS SHOWN

SHEET NUMBER:

SD-4



City of Charlotte

Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte. NC 28202

Agenda Date: 11/16/2015

Agenda #: 12.File #: 15-1805 Type: Zoning Decision

Rezoning Petition: 2015-115 by Skyhouse Charlotte II, LLC

Location: Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9th Street. (Council District 2 - Austin)

Current Zoning: UMUD (uptown mixed use)

Proposed Zoning: UMUD-O (uptown mixed use, optional)

Zoning Committee Recommendation

The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition as modified.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

The Zoning Committee found this petition to be consistent with the Charlotte Center City 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because:

• While the plan does not make a specific land use recommendation for this site, it encourages active uses at the ground floor of buildings.

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 Center City Transportation Plan identifies the section of West 9th Street that abuts the site as a location where on-street parking is desired, and the proposed development will provide on-street parking along West 9th Street; and
- The provision of the on-street parking pushes the building setback further into the subject site. The allowance for the encroachment of the balconies into the setback helps to mitigate the increased setback required to accommodate the on-street parking; and
- The proposed balconies will not interfere with the street or sidewalk activity; and
- The proposed balcony encroachment is a site specific solution based on site constraints and is not intended to set a precedent for other projects; and
- If the proposed development includes ground floor retail, the inclusion of on-street parking will be especially valuable.

Attachments:

Zoning Committee Recommendation Vicinity Map Rezoning Map Site Plan



Rezoning Petition 2015-115 Zoning Committee Recommendation

October 28, 2015

REQUEST Current Zoning: UMUD (uptown mixed use)

Proposed Zoning: UMUD-O (uptown mixed use, optional)

LOCATION

Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9th Street.

(Council District 2 - Austin)

SUMMARY OF PETITION

The petition proposes to allow all uses permitted in the UMUD (uptown mixed use), including high intensity residential, office, and retail, and requests optional site modification for balconies extending into the building setback.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Skyhouse Charlotte II, LLC Skyhouse Charlotte II, LLC

Jeff Brown & Keith MacVean / Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the *Charlotte Center City* 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because:

 While the plan does not make a specific land use recommendation for this site, it encourages active uses at the ground floor of buildings.

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 Center City Transportation Plan identifies the section of West 9th Street that abuts the site as a location where on-street parking is desired, and the proposed development will provide on-street parking along West 9th Street; and
- The provision of the on-street parking pushes the building setback further into the subject site. The allowance for the encroachment of the balconies into the setback helps to mitigate the increased setback required to accommodate the on-street parking; and
- The proposed balconies will not interfere with the street or sidewalk activity; and
- The proposed balcony encroachment is a site specific solution based on site constraints and is not intended to set a precedent for other projects; and
- If the proposed development includes ground floor retail, the inclusion of on-street parking will be especially valuable;

By a 5-0 vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Wiggins).

ZONING COMMITTEE ACTION

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

- A note has been added that "The Petitioner will work with the City Urban Forester and the Planning Department on the location and selection of the proposed street trees along W. 9th Street to minimize the potential conflict with the proposed balconies."
- 2. Pages two, three and four have been removed from the submittal.

VOTE Motion/Second: Wiggins/Majeed

Yeas: Dodson, Wiggins, McClung, Sullivan, and

Majeed

Nays: None

Absent: Eschert, Labovitz, and Nelson

Recused: Lathrop

ZONING COMMITTEE

DISCUSSION

Staff presented this item and noted that all the outstanding issues had

been addressed. There was no further discussion of the petition.

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

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

PLANNING STAFF REVIEW

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- A new 24-story building.
- All uses permitted in the UMUD (uptown mixed use) district in the new building.
- A 16-foot setback along West 9th Street and a 14-foot setback along North Church Street.
- Recessed on-street parking on West 9th Street.
- Site will comply with UMUD (uptown mixed use) requirements set forth in the Zoning Ordinance, with the exception of the following optional request:
 - To allow balconies to extend up to seven feet into the required setback along West 9th Street. The proposed balconies will maintain a minimum clearance of 15 feet between the bottom of the balconies and the sidewalk above West 9th Street, and will not encroach into the street right of way. This is a site-specific proposal which will allow the indicated addition of on-street parking along the West 9th Street frontage.

Public Plans and Policies

- The Charlotte Center City 2020 Vision Plan (2011) does not make a specific land use recommendation for this site. However, the plan encourages active uses at the ground floor of buildings.
- The Center City Transportation Plan (2006) encourages recessed on-street parking on both the north and south sides of West 9th Street, although this has been foregone in some residential locations.
- The petition supports the *General Development Policies Environment* by redeveloping an infill site, thereby minimizing further environmental impacts while accommodating growth.

Transportation Considerations: No issues.

DEPARTMENT COMMENTS (see full department reports online)

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

OUTSTANDING ISSUES

No issues.

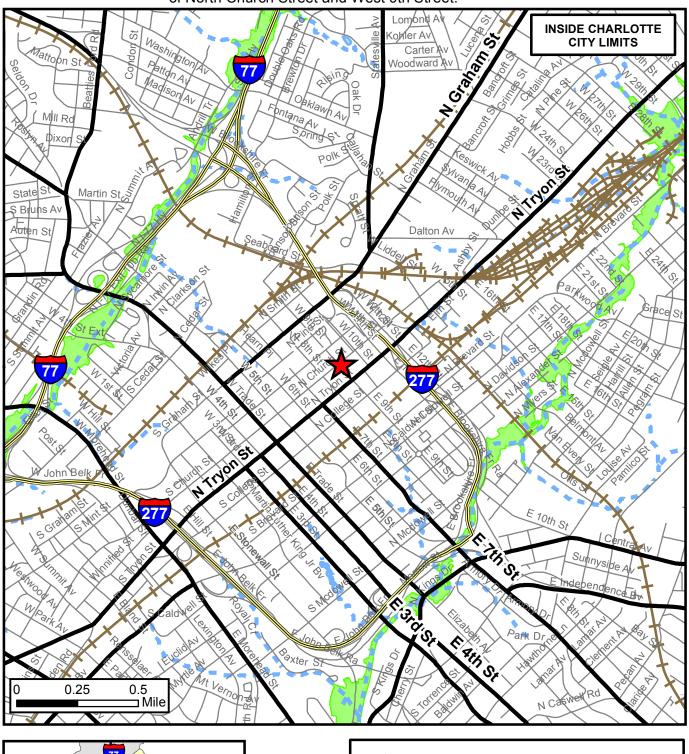
Attachments Online at www.rezoning.org

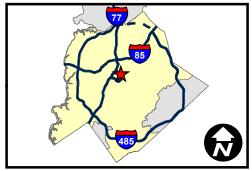
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Storm Water Services Review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

Planner: Solomon Fortune (704) 336-8326

Vicinity Map

Acreage & Location: Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9th Street.







Petitioner: Skyhouse Charlotte II, LLC

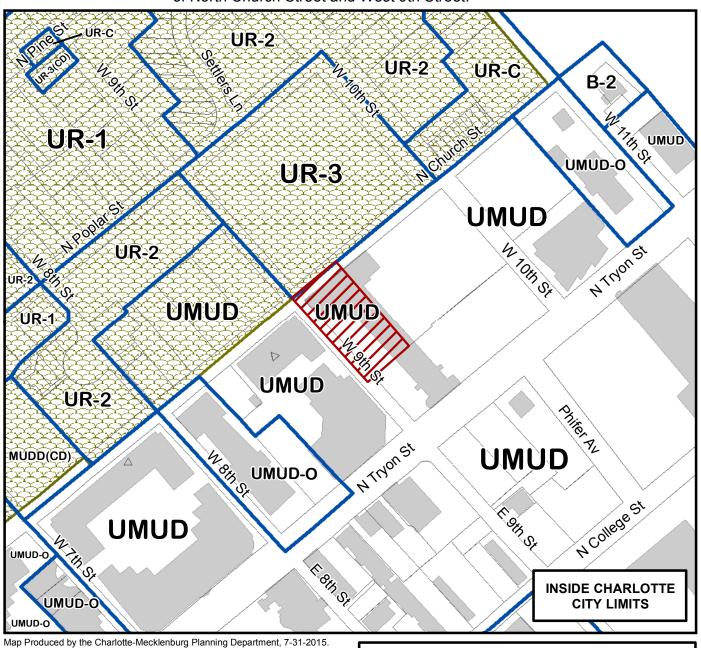
Zoning Classification (Existing): <u>UMUD</u>

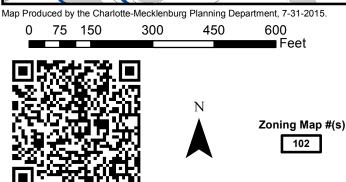
(Uptown Mixed Use District)

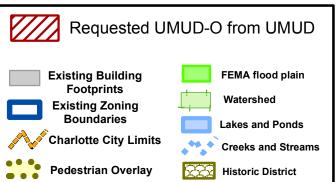
Zoning Classification (Requested): <u>UMUD-O</u>

(Uptown Mixed Use District, Optional)

Acreage & Location: Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9th Street.







SKYHOUSE CHARLOTTE II, LLC. DEVELOPMENT-STANDARDS 10/22/15) REZONING PETITION NO. 2015-115

SITE DEVELOPMENT DATA:

--ACREAGE: ± .669 ACRES --TAX PARCEL #S: 078-033-02 --EXISTING ZONING: UMUD --PROPOSED ZONING: UMUD-O

-- EXISTING USES: VACANT. --PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN UMUD ZONING DISTRICT AND BY THE OPTIONAL PROVISIONS BELOW TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE UMUD ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).

--MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: AS ALLOWED BY THE

* DEVELOPMENT STANDARDS/PROVISIONS NOT SPECIFICALLY LISTED (E.G. BUILDING HEIGHT) WILL BE GOVERNED BY THE STANDARDS OF THE UMUD ZONING DISTRICT.

1. GENERAL PROVISIONS:

SITE LOCATION. THESE DEVELOPMENT STANDARDS AND THE TECHNICAL DATA SHEET AND OTHER GRAPHICS SET FORTH ON ATTACHED SHEET RZ-1 FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY SKYHOUSE CHARLOTTE II, LLC ("PETITIONER") FOR AN APPROXIMATELY .669 ACRE SITE LOCATED AT 620 N. CHURCH 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 UMUD-O ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED BELOW.

c. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, 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.

d. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY. THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED TO ONE (1). ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDING(S) TO WHICH SUCH THE ACCESSORY STRUCTURE/BUILDING SHALL RELATE.

e. <u>PLANNED/UNIFIED</u> <u>DEVELOPMENT</u>. THE SITE TOGETHER WITH THAT CERTAIN SITE LOCATED ADJACENT TO THE SITE AND DESIGNATED AS TAX PARCEL NO. 078-033-03 (THE "ADJACENT SKYHOUSE SITE") MAY BE VIEWED IN THE AGGREGATE AS A PLANNED/UNIFIED DEVELOPMENT PLAN AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN AND THOSE DEPICTED ON THE APPLICABLE BUILDING PLANS FOR THE ADJACENT SKYHOUSE SITE. AS SUCH, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, AND OTHER SIMILAR ZONING STANDARDS, IF APPLICABLE, WILL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER SITE ELEMENTS LOCATED ON THE SITE AND THE ADJACENT SKYHOUSE SITE.

2. OPTIONAL PROVISIONS .
THE FOLLOWING OPTIONAL PROVISION SHALL APPLY TO THE SITE:

a. TO ALLOW BALCONIES TO EXTEND UP TO SEVEN (7) FEET INTO THE REOUIRED 16 FOOT SETBACK ALONG W. 9TH STREET AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PROPOSED BALCONIES WILL MAINTAIN A MINIMUM CLEARANCE OF 15 FEET BETWEEN THE BOTTOM OF THE BALCONIES AND THE SIDEWALK ALONG W. NINTH STREET. THE UNDERSIDE OF THE BALCONIES DIRECTLY ABOVE THE SIDEWALK (2ND FLOOR BALCONIES) WILL BE FINISHED WITH MATERIALS THAT MATCH THE EXTERIOR FINISHES OF THE REMAINDER OF THE BUILDING, EXPOSED CONCRETE WILL NOT BE ALLOWED.

- THE PETITIONER WILL WORK WITH THE CITY URBAN FORESTER AND THE PLANNING DEPARTMENT ON THE LOCATION AND SELECTION OF THE PROPOSED STREET TREES ALONG W. 9TH STREET TO MINIMIZE THE POTENTIAL CONFLICT WITH THE PROPOSED BALCONIES.

PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:

a. THE SITE MAY BE DEVELOPED WITH USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE UMUD ZONING DISTRICT TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE UMUD ZONING DISTRICT, SUBJECT TO THE

4. ACCESS:

a. ACCESS TO THE SITE WILL BE FROM N. CHURCH STREET AND W. NINTH STREET AS GENERALLY DEPICTED ON THE REZONING PLAN.

5. <u>AMENDMENTS TO THE REZONING PLAN:</u>

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

6. <u>BINDING EFFECT OF THE REZONING APPLICATION:</u>

a. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR

ZONING CODE SUMMARY

PROJECT NAME: SKYHOUSE UPTOWN II SKYHOUSE CHARLOTTE II, LLC OWNER:

CLIENT NAME: NOVARE GROUP PHONE# (404) 815-1234 KIMLEY-HORN AND ASSOCIATES PHONE# (704)333-5131 PLANS PREPARED BY: TAX PARCEL ID: 07803302

620 NORTH CHURCH STREET STREET ADDRESS: **EXISTING ZONING:** UMUD

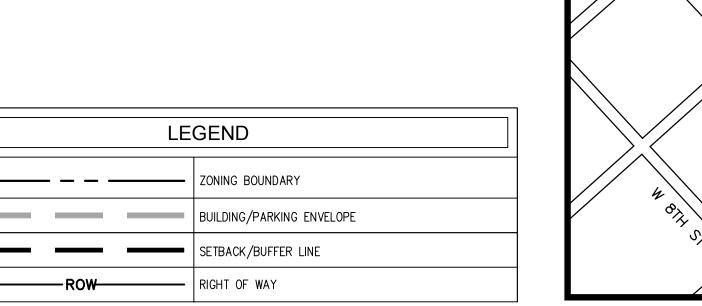
7∩NE- HMHID

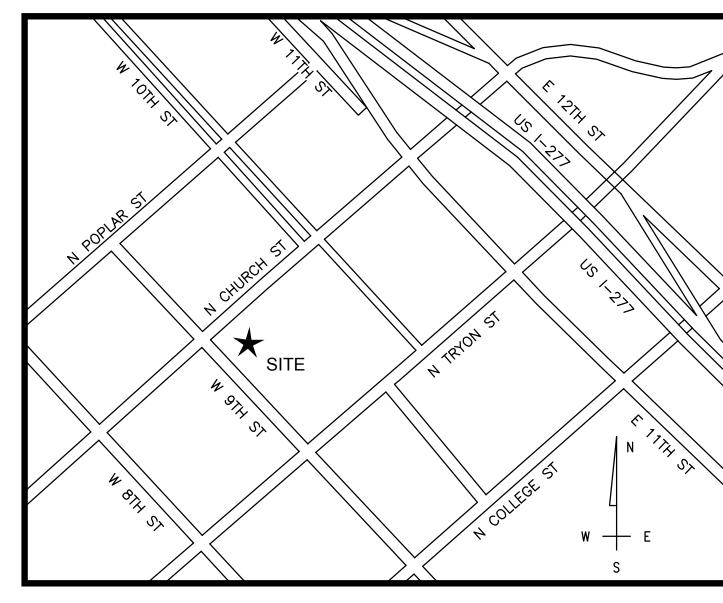
UMUD-O PROPOSED ZONING: **EXISTING LOT SIZE:** ±0.67 ACRES CITY OF CHARLOTTE JURISDICTION:

STREE

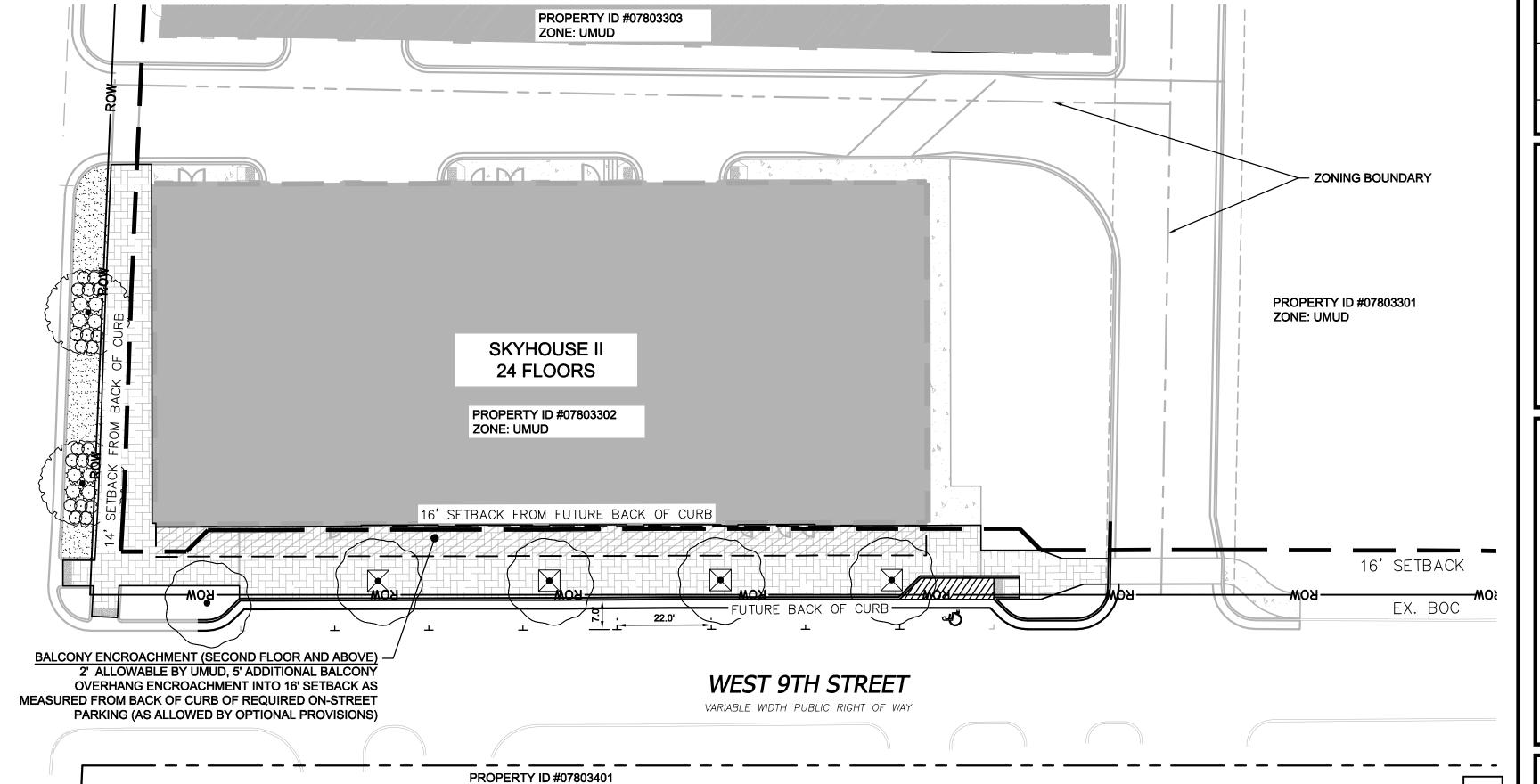
NORTH

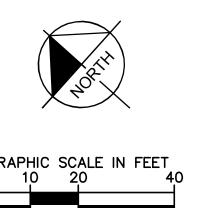
THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.





VICINITY MAP NOT TO SCALE



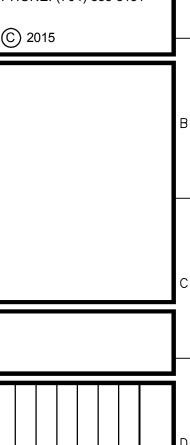


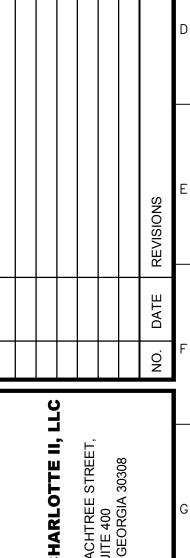


2

20

Kimley Horn NC License #F-0102 200 SOUTH TRYON ST. SUITE 200 CHARLOTTE, NC 28202 PHONE: (704) 333-5131





DESIGNED BY: DRAWN BY: DMH CHECKED BY: ECH

7/10/2015

018176003

RZ-1

PROJECT#:



City of Charlotte

Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte. NC 28202

Agenda Date: 11/16/2015

Agenda #: ÁFHÁFile #: 15-1550 ÁType: Zoning Decision

Rezoning Petition: 2015-117 by SLT Commercial Properties, LLC

Location: Approximately 0.52 acres located on the southeast corner at the intersection of South

Boulevard and South Caldwell Street. (Council District 1 - Kinsey)

Current Zoning: R22MF (multi-family residential)

Proposed Zoning: TOD-MO (transit oriented development - mixed use, optional)

Zoning Committee Recommendation

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition as modified.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency

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

• The plan recommends a mix of residential, office, retail and civic transit supportive uses in the area in which the site is located.

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:

- This proposal will allow the reuse of the building that most recently housed the City of Charlotte's Fire Investigation Unit; and
- The building was constructed in 1958 and is a significant landmark along South Boulevard; and
- The petition will allow the reuse of the existing building for all TOD-M (transit oriented development mixed-use) uses; and
- The building is within a 1/4 mile walk of the Carson Boulevard Transit Station; and
- The pedestrian activation of South Boulevard, as shown on the conditional site plan, will be achieved through the addition of an outdoor seating area between the building and the street.

Attachments:

Zoning Committee Recommendation Vicinity Map Rezoning Map Site Plan



Rezoning Petition 2015-117 Zoning Committee Recommendation

October 28, 2015

REQUEST Current Zoning: R-22MF (multi-family residential)

Proposed Zoning: TOD-MO (transit oriented development -

mixed-use, optional)

LOCATION Approximately 0.52 acres located on the southeast corner at the

intersection of South Boulevard and South Caldwell Street.

(Council District 1 - Kinsey)

SUMMARY OF PETITION The petition proposes to reuse a former fire station located in South

End for any use allowed in the TOD-M (transit oriented development – mixed-use) district. Potential uses include retail, office, residential and

civic uses designed to support pedestrian activity.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

City of Charlotte

SLT Commercial Properties, LLC

Mark Miller

COMMUNITY MEETING

Meeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 7

STATEMENT OF CONSISTENCY

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

• The plan recommends a mix of residential, office, retail and civic transit supportive uses in the area in which the site is located.

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:

- This proposal will allow the reuse of the building that most recently housed the City of Charlotte's Fire Investigation Unit; and
- The building was constructed in 1958 and is a significant landmark along South Boulevard; and
- The petition will allow the reuse of the existing building for all TOD-M (transit oriented development – mixed-use) uses; and
- The building is within a 1/4 mile walk of the Carson Boulevard Transit Station; and
- The pedestrian activation of South Boulevard, as shown on the conditional site plan, will be achieved through the addition of an outdoor seating area between the building and the street;

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

ZONING COMMITTEE ACTION

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

- 1. An optional request has been added to allow parking and maneuvering between the building and South Boulevard.
- 2. Petitioner has agreed to add a note that trees in the required setback will be required to be saved.

VOTE Motion/Second: Lathrop/Wiggins

Yeas: Dodson, Lathrop, Majeed, McClung, Sullivan,

and Wiggins

Nays: None

Absent: Eschert, Labovitz, and Nelson

Recused: None

ZONING COMMITTEE

Staff presented this item and noted that all but two outstanding issues had been addressed. One Commissioner asked about the outstanding

issue in regards to the driveway being removed. Staff responded that the request to remove was to enhance and improve the pedestrian environment along South Boulevard. There was no further discussion of the petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

Background

- The subject property was constructed as a fire station in 1958 and has been used for the Fire Investigation Unit since a new fire station was built at 1819 South Boulevard. Fire Investigation staff moved from the building to the new Fire Administration campus in early 2015.
- The property was marketed by the Engineering and Property Management Department and Council approved a sales contract on June 8, 2015.

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- The reuse of an existing 7,000-square foot fire station, with the addition of an outdoor terrace between the existing building and South Boulevard.
- Allow all uses in the TOD-M (transit oriented development mixed-use) district.
- Eight-foot planting strip and eight-foot sidewalk will be provided along South Caldwell Street.
- Eight-Foot planting strip, eight-foot sidewalk and eight-foot amenity zone will be provided along South Boulevard.
- Parking will be located to the side and rear of the existing building, and will be screened with a three-foot masonry screen wall along all public streets.
- The following optional provisions are being requested:
 - To allow a F.A.R. (floor area ratio) less than 0.75 as required in transit districts.
 - To allow parking between the existing building along South Boulevard and South Caldwell Street.
 - To allow parking to the side of the primary structure to exceed 35 percent of the lot width.
 - Existing trees in the setback will be preserved.
 - Allow parking and maneuvering between the building and South Boulevard.

Public Plans and Policies

- The South End Transit Station Area Plan (2005) recommends transit supportive mixed uses for the subject site and surrounding properties. Appropriate uses include office, multi-family residential, retail and civic uses designed to support walkability and transit use.
- The petition supports the *General Development Policies-Environment* by reusing an existing structure near a transit station, thereby minimizing further environmental impacts while accommodating growth.

Transportation Considerations: See outstanding issue, note 2.

DEPARTMENT COMMENTS (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
 - 1. Show and label recessed parking along South Boulevard.
 - 2. Remove driveway along South Boulevard.

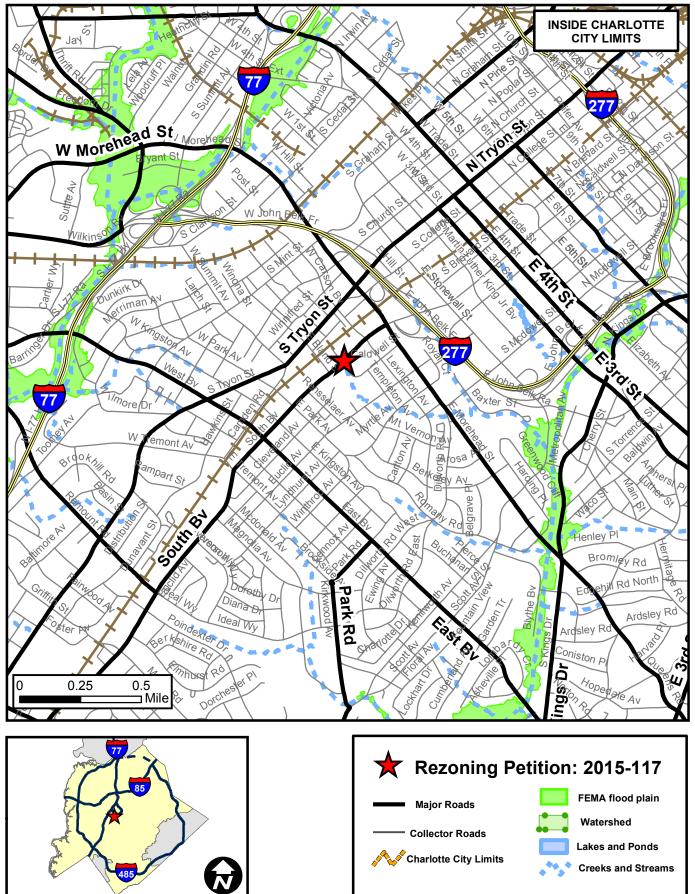
Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
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 - 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

Vicinity Map

Acreage & Location: Approximately 0.52 acres located on the southeast corner at the intersection of South Boulevard and South Caldwell Street.



Petitioner: SLT Commercial Properties, LLC

Zoning Classification (Existing): R-22MF

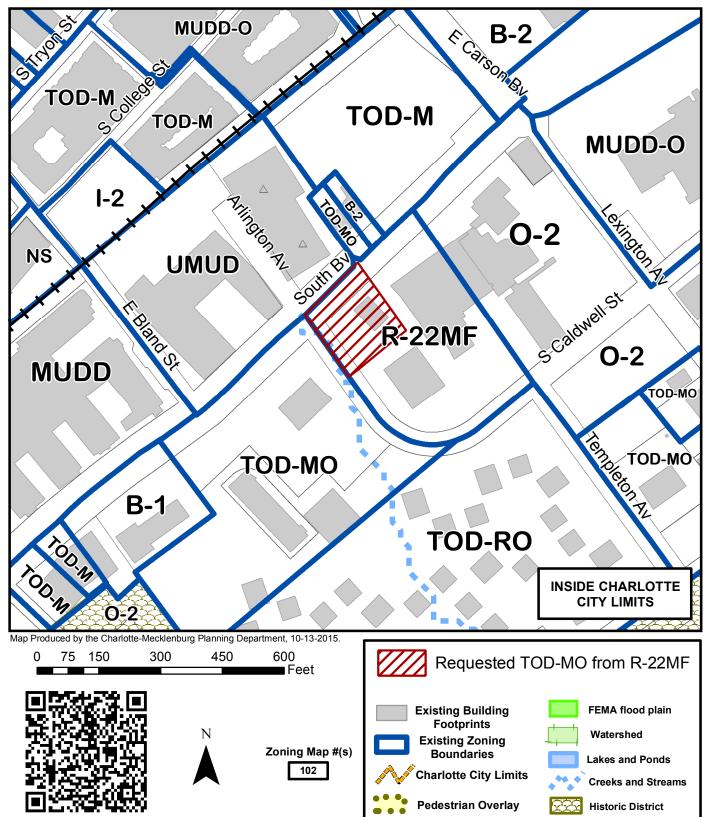
(Multi-Family, Residential)

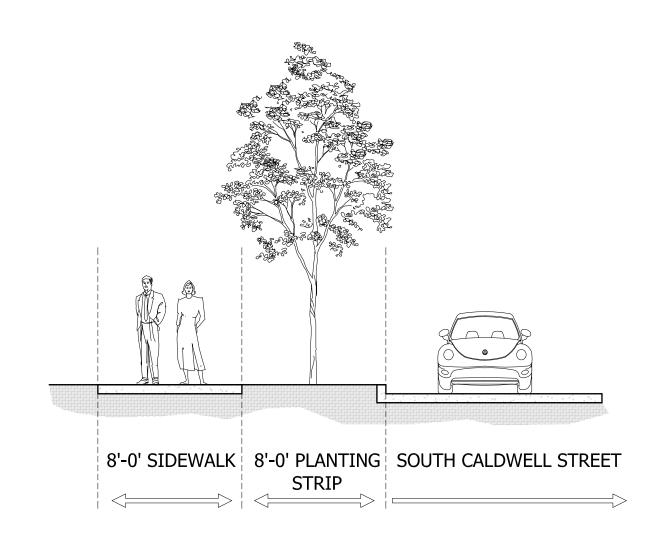
Zoning Classification (Requested): _____TOD-MO

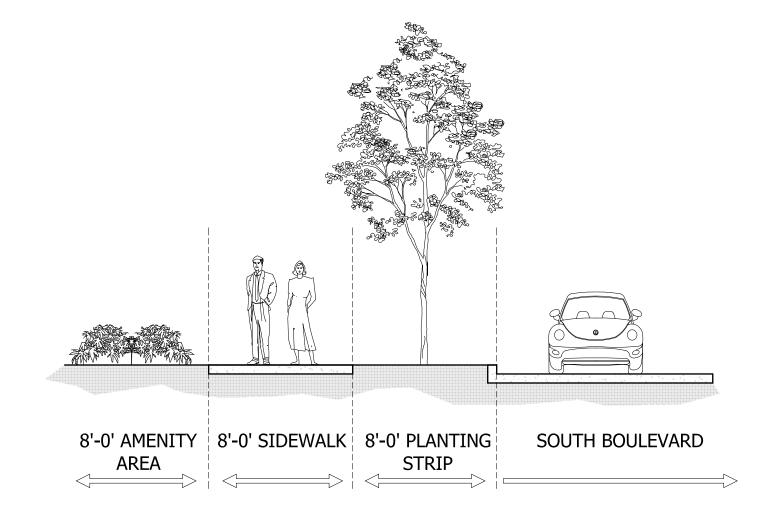
(Transit Oriented Development, Mixed Use, Optional)

Acreage & Location: Approximately 0.52 acres located on the southeast corner at the

intersection of South Boulevard and South Caldwell Street.









07 CALDWELL CROSS SECTION

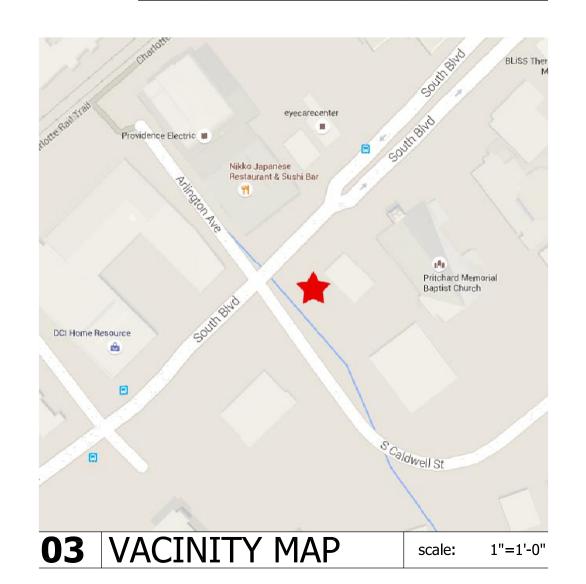
General Provisions

06 SOUTH BOULEVARD CROSS SECTION

Development Summary

Tax Parcel ID#: 123-025-05 .4947 acres **Total Site Acreage:** R-22MF **Existing Zoning:** TOD-MO **Proposed Zoning: Total Building Area** 7,000 sf (existing):

FAR: **04 SITE DATA** scale: 1"=1'-0"



development site. This includes Chapters 6,9,12,17,18,19,20,21 of the City Code. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards. Where specified conditions on this plan differ from ordinances, standards, policies and approaches in existence at the time of formal engineering plan review submission, the conditional notes on this plan shall apply.

1. The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design

manuals will exist. Those criteria (for example, those that require buffers, regulate

streets, sidewalks, trees, stormwater, and site development, etc...) will apply to the

2. The Site Plan is schematic in nature and represents a firm concept of development with regard to the arrangement of buildings, parking, and circulation patterns. Minor changes of detail which do not alter the basic layout and relationships to abutting sites are permitted as a matter of right for the petitioner / developer and shall be handled in accordance to the Zoning Ordinance, Section 6.207.

Options Requested

- 3. to allow a less F.A.R. than .75.
- 4. to allow parking between the existing building and South Blvd. as well as South Caldwell St.
- 5. to allow parking to the side of the primary structure to exceed 35% of the lot width

Permitted Uses

6. Uses allowed on the property included in this Petition are those uses that are permitted in the TOD-M district.

Lighting

7. The maximum height of any freestanding light fixture shall not exceed 20 feet including its base.

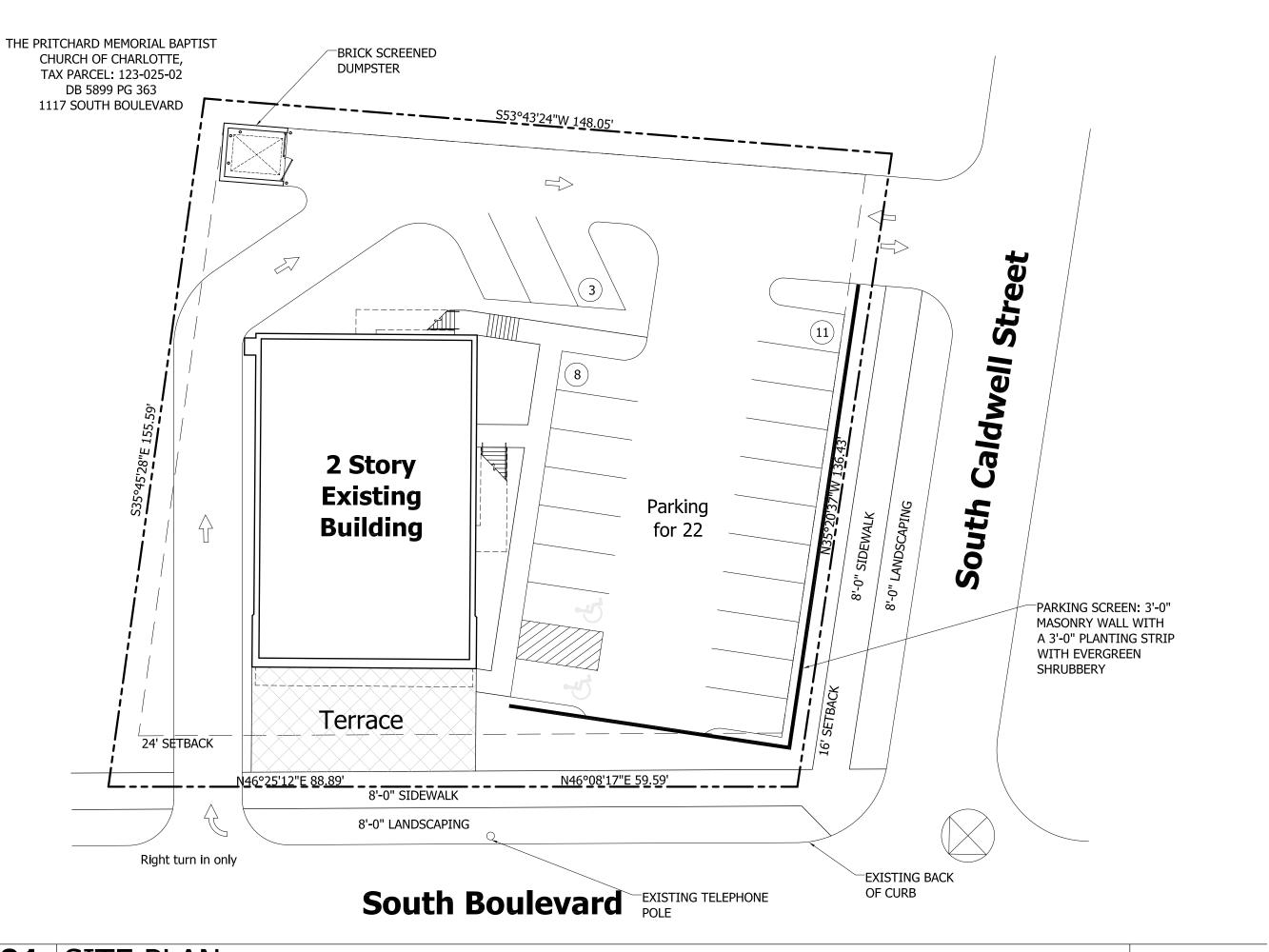
Transportation

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

Streetscape & Landscaping

- 9. Petitioner to provide 8' landscaping and 8' sidewalk along South Boulevard and South Caldwell Street.
- 10. Parking spaces are within 40 feet of existing and new perimeter trees. 11. Extend painted bike lane and tie it to the existing bike lane on S. Boulevard.
- 12. Existing trees and setback will be preserved.

02 NOTES



1215 SOUTH BLVD CHARLOTTE, NORTH CAROLINA

overcash demmitt

2010 south tryon st. suite 1a charlotte north carolina 28203

office.704.332.1615

web.www.odarch.com

Petition No. 2015-117 For Public Hearing

| ISSUE | : | DATE |
|--------------------|---|----------|
| REZONING SUBMITTAL | | 07.24.15 |
| REZONING REVISION | | 09.16.15 |
| REZONING REVISION | | 10.30.15 |
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SITE PLAN, LANDSCAPE PLAN, ELEVATIONS

RZ-1

scale:

Copyright 2015 Overcash Demmitt Architects
ODA No. 152922 draw/2859_xsiteplan.dwg

01 SITE PLAN



City of Charlotte

Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte, NC 28202

Agenda Date: 11/16/2015

Agenda #: 14.File #: 15-1807 Type: Zoning Hearing

Rezoning Petition: 2015-094 by Charlotte-Mecklenburg Planning

Department

UPDATE: Staff has requested a deferral of this petition until (January 19,

2016)

Location: A Text Amendment to the City of Charlotte Zoning Ordinance to 1) extend the validity period for a Historic District certificate of appropriateness from six months to twelve months from the date of issuance; and 2) modify the certificate of appropriateness renewal process.



City of Charlotte

Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte, NC 28202

Agenda Date: 11/16/2015

Agenda #: 15.File #: 15-1810 Type: Zoning Hearing

Rezoning Petition: 2015-119 by Mary Cuthbertson

Location: Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane. (Council District 3 - Mayfield)

Current Zoning: R-4 (single- family residential) **Proposed Zoning:** R-8 (single-family residential)

Staff Recommendation

Staff recommends approval of this petition.

Attachments:

Staff Analysis Vicinity Map Rezoning Map







REQUEST Current Zoning: R-4 (single family residential)

Proposed Zoning: R-8 (single family residential)

LOCATION Approximately 0.338 acres located on the east side of China Grove

Church Road between Aileen Circle and Ervin Lane.

(Council District 3 - Mayfield)

SUMMARY OF PETITION The petition proposes to allow all uses in the R-8 (single family

residential) zoning district.

PROPERTY OWNER

PETITIONER
AGENT/REPRESENTATIVE

Mary Cuthbertson Trust Mary Cuthbertson

Luella Hinson

COMMUNITY MEETING Meeting is not required.

| STAFF | Staff recommends approval of this petition. |
|----------------|---|
| RECOMMENDATION | |

<u>Plan Consistency</u>
The petition is consistent with the *Sharon & I-485 Transit Station Area Plan* recommendation for residential use at eight dwelling units per

acre.

Rationale for Recommendation

- Staff supports this petition because:
 - The subject site is within ¼ mile walk of the I-485 Transit Station on the LYNX Blue Line.
 - The subject site is divided into two parcels, one of which is unbuildable in its current configuration. A rezoning to R-8 would allow the parcels to be reconfigured into two buildable lots
 - The proposed zoning is consistent with current zoning of most of the other residential parcels along and off China Grove Church Road.
 - The proposed zoning will help to maintain the low to moderate density residential character of the Sterling neighborhood.

PLANNING STAFF REVIEW

Proposed Request Details

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

Allows all uses permitted in the R-8 (single family residential) zoning district. The uses allowed by right include single family dwellings, duplex, triplex and quadraplex units, farms and parks and greenways. Uses allowed with prescribed conditions include elementary and secondary schools, government buildings, and religious institutions.

Existing Zoning and Land Use

- The site is currently undeveloped and zoned R-4 (single family residential). It was occupied by two single family homes in years past.
- The southern and western boundary of the site abuts Sterling Elementary School which is zoned R-4 (single family residential).
- On the northern and eastern side of the site fronting China Grove Church Road property is zoned R-4 (single family residential) and R-8(CD) (single family residential, conditional) and developed with single family homes.
- See "Rezoning Map" for existing zoning in the area.

Rezoning History in Area

• Petition 2010-005 rezoned approximately 7.95 acres located on the west side of China Grove Church Road, the south side of Ervin Lane, both sides of Dendy Lane, and both sides of Packard Street from R-17MF (multi-family residential) to R-8 (single family residential) to allow all uses in the R-8 (single family residential) district. This was a corrective rezoning in accordance with the Sharon & I-485 Transit Station Area Plan.

Public Plans and Policies

• The Sharon & I-485 Transit Station Area Plan recommends residential use at eight dwelling units per acre. The site is within a ¼ mile walk of the I-485/South Boulevard Transit Station, but is recommended for continued lower density residential to preserve the character of the Sterling neighborhood.

TRANSPORTATION CONSIDERATIONS

- As a small conventional district with low trip generation potential, CDOT does not have any
 concerns with this petition. CDOT will ensure proper site design during the subsequent
 permitting phase.
- Vehicle Trip Generation:

Current Zoning: 15 trips per day. Proposed Zoning: 29 trips per day.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Charlotte Department of Solid Waste Services: No issues.
- Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate 1 student, while the development allowed under the proposed zoning will produce 1 student. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 0 students. Therefore, the schools are anticipated to remain at the current utilization shown below.
 - McAlpine Elementary at 87%
 - South Charlotte Middle at 100%
 - South Mecklenburg High at 138%
- Engineering and Property Management: The Engineering Department requested the petitioner show the tree save area on the site plan. As this is a conventional rezoning the information will be shown on the plan when the site plan is submitted for review. The petitioner has been made aware that this will be a requirement during permitting.
- Charlotte-Mecklenburg Storm Water: No issues.
- Charlotte Water: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.

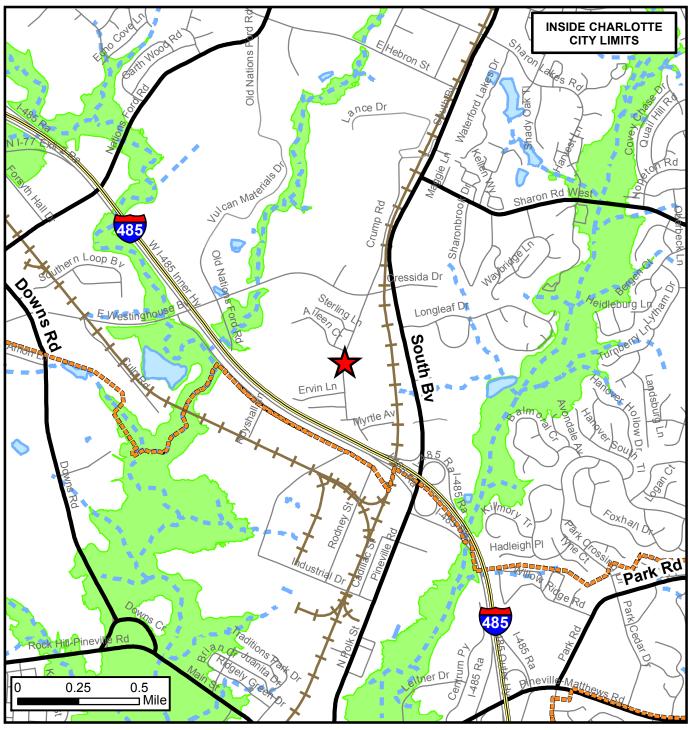
Attachments Online at www.rezoning.org

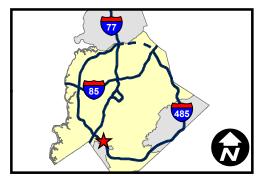
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Department of Solid Waste Services Review
 - Charlotte-Mecklenburg Schools
 - Charlotte-Mecklenburg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

Planner: John Kinley (704) 336-8311

Vicinity Map

Acreage & Location : Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane.







Petitioner: Mary Cuthbertson

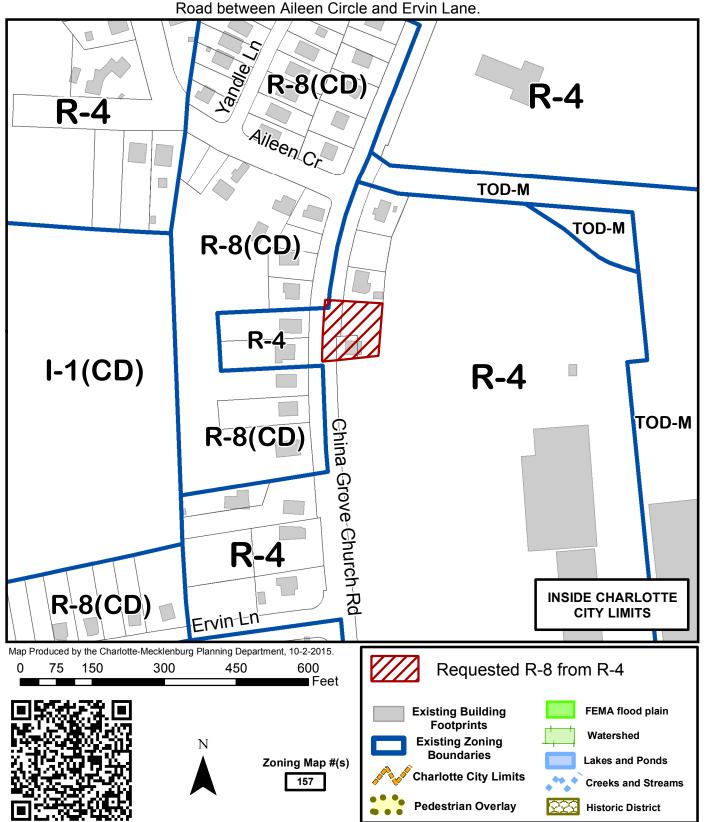
Zoning Classification (Existing): R-4

(SIngle Family, Residential)

Zoning Classification (Requested): R-8

(Sinlge Family, Residential)

Acreage & Location: Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane.





City of Charlotte

Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte, NC 28202

Agenda Date: 11/16/2015

Agenda #: 16.File #: 15-1812 Type: Zoning Hearing

Rezoning Petition: 2015-127 by Roger and Kathe Ball

Location: Approximately 0.17 acres located on the northwest corner at the intersection of Winnifred

Street and West Bland Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-M (transit oriented development - mixed use)

Staff Recommendation

Staff recommends approval of this petition.

Attachments:

Staff Analysis Vicinity Map Rezoning Map





REQUEST Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-M (transit oriented development – mixed-use)

LOCATION Approximately 0.17 acres located on the west corner at the

intersection of Winnifred Street and West Bland Street.

(Council District 3 - Mayfield)

SUMMARY OF PETITION The petition proposes to allow all transit supportive uses per

conventional TOD-M (transit oriented development – mixed-use) zoning for a 0.17 acre Site that is located in South End and is within a $\frac{1}{2}$ mile walk of the Bland Street light rail station. Uses allowed in the

TOD-M district include office, residential, retail and civic uses.

PROPERTY OWNER

CHARLOTTE-MECKLENBURG

PLANNING

PETITIONER

AGENT/REPRESENTATIVE

Roger D. and Kathe W. Ball Roger and Kathe Ball

Not applicable

Plan Consistency

COMMUNITY MEETING Meeting is not required.

| STAFF | Staff recommends |
|----------------|------------------|
| RECOMMENDATION | |

Staff recommends approval of this petition.

The petition is consistent with the *South End Transit Station Area Plan* recommendation for mixed use transit supportive development.

Rationale for Recommendation

- Staff supports this petition because:
 - The subject site is within a 1/2 mile walk of the Bland Street Transit Station on the LYNX Blue Line.
 - The proposal allows a site previously used for an industrial office to convert to transit supportive land uses.
 - Use of conventional TOD-M (transit oriented development mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive
 - development, and a conditional rezoning is not necessary.

 TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and

screening.

PLANNING STAFF REVIEW

Proposed Request Details

This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-M (transit oriented development – mixed-use) zoning district.

Existing Zoning and Land Use

- The subject property is currently developed with an industrial office building and is zoned I-2 (general industrial).
- The south and east boundary of the site abuts property which is zoned I-2 (general industrial) and is developed with industrial and office uses.
- On the north side of the site across Bland Street property is zoned TOD-MO (transit oriented development mixed-use, optional) and TOD-M (transit orientated development mixed-use) and developed with residential townhomes and a commercial building.
- On the west side of the site property is zoned MUDD-O (mixed use development, optional) and developed with commercial uses.
- See "Rezoning Map" for existing zoning in the area.

Rezoning History in Area

Since the construction of the LYNX Blue Line and the light rail station at Bland Street, there have been a number of rezonings to conventional TOD-M (transit oriented development –

mixed-use) and MUDD (mixed use development). These rezonings have supported the transition of the area from an industrial district to a walkable transit supportive district.

Public Plans and Policies

- The South End Transit Station Area Plan (2005) recommends mixed use transit supportive development for the subject site and surrounding properties.
- The petition supports the *General Development Policies-Environment* by redeveloping an infill site near a transit station, thereby minimizing further environmental impacts while accommodating growth.

TRANSPORTATION CONSIDERATIONS

- This site is located a 1/2 mile from a light rail transit station. CDOT supports intensive transit oriented development adjacent to transit stations. Since this is a conventional rezoning, CDOT will address any transportation issues during the permitting phase of development.
- **Vehicle Trip Generation:** The existing and proposed zoning both allow a wide variety of uses. Current Zoning: 10 trips per day.

Proposed Zoning: Allows for a wide variety of uses.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: 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: The Engineering Department requested the petitioner show the tree save area on the site plan. As this is a conventional rezoning the information will be shown on the plan when the site plan is submitted for review. The petitioner has been made aware that this will be a requirement during permitting.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.

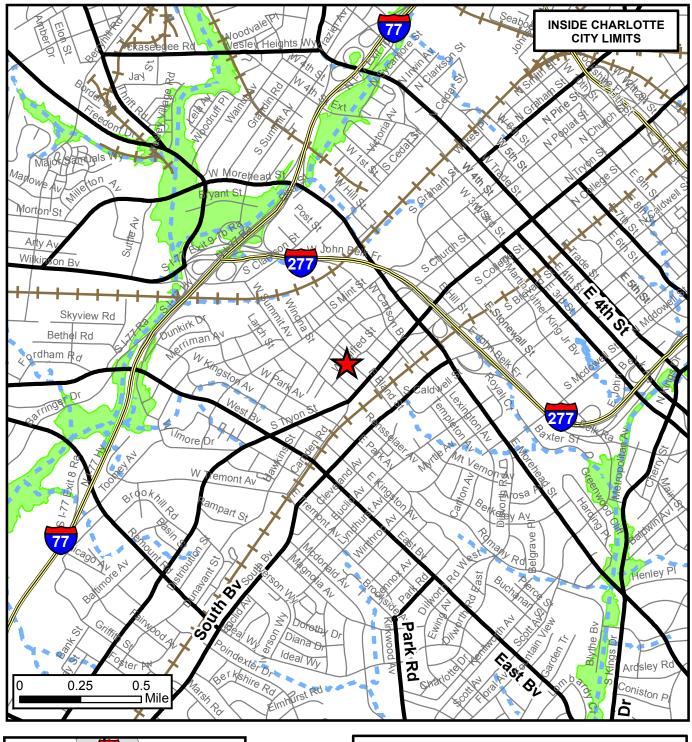
Attachments Online at www.rezoning.org

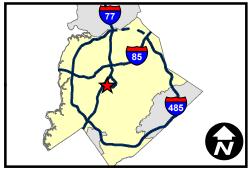
- Application
- Locator Map
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water
 - Engineering and Property Management Review
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

Planner: Solomon Fortune (704) 336-8326

Vicinity Map

Acreage & Location : Approximately 0.17 acres located on the northwest corner at the intersection of Winnifred Street and West Bland Street.







Petitioner: Roger and Kathe Ball

Zoning Classification (Existing): 1-2

(General Industrial)

Zoning Classification (Requested): ____TOD-M

(Transit Oriented Development, Mixed Use)

Acreage & Location: Approximately 0.17 acres located on the northwest corner at the

intersection of Winnifred Street and West Bland Street.

