



**City of Charlotte  
Rezoning Packet**

As of July 1, 2019

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**I. REZONING APPLICATION  
CITY OF CHARLOTTE**

Petition #:	_____
Date Filed:	_____
Received By:	_____

**Complete All Fields (Use additional pages if needed)**

Property Owner: JFW REALTY, INC

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Owner's Address: 435 E MOREHEAD ST City, State, Zip: CHARLOTTE, NC 28202

Date Property Acquired: FEBRUARY 2, 1993

Property Address: 435 E MOREHEAD ST, CHARLOTTE, NC 28202

Tax Parcel Number(s): 12513704

Current Land Use: OFFICE Size (Acres): 0.368

Existing Zoning: B-1 Proposed Zoning: TOD-UC

Overlay: SOUTH END/UPTOWN RAIL CORRIDOR Tree Survey Provided: Yes:  N/A:

Required Rezoning Pre-Application Meeting\* with: CLAIRE LYTE-GRAHAM AND CITY STAFF

Date of meeting: 1/15/2020

(\*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team is held.)

**For Conditional Rezoning Only:**

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): \_\_\_\_\_

Purpose/description of Conditional Zoning Plan: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MARK KIME, PLA  
Name of Rezoning Agent

223 N GRAHAM ST  
Agent's Address

CHARLOTTE, NC 28202  
City, State, Zip

704-333-0325 704-332-3246  
Telephone Number Fax Number

mkime@landdesign.com  
E-Mail Address

James F. Wyatt III  
Signature of Property Owner

James F. Wyatt III  
(Name Typed / Printed)

JFW REALTY, INC  
Name of Petitioner(s)

435 E MOREHEAD ST  
Address of Petitioner(s)

CHARLOTTE, NC 28202  
City, State, Zip

704-331-0767 704-331-0773  
Telephone Number Fax Number

jwyatt@wyattlaw.net  
E-Mail Address

James F. Wyatt III  
Signature of Petitioner

James F. Wyatt III  
(Name Typed / Printed)

**I. REZONING APPLICATION  
CITY OF CHARLOTTE**

Petition #:	_____
Date Filed:	_____
Received By:	_____

**Complete All Fields (Use additional pages if needed)**

Property Owner: FIVE HUNDRED ONE ASSOCIATES, LLC

Owner's Address: 1521 PROVIDENCE DR City, State, Zip: CHARLOTTE, NC 28211

Date Property Acquired: NOVEMBER 7, 1996

Property Address: 501 E MOREHEAD ST, CHARLOTTE, NC 28202

Tax Parcel Number(s): 12517503

Current Land Use: COMMERCIAL Size (Acres): 0.391

Existing Zoning: UMUD Proposed Zoning: TOD-UC

Overlay: SOUTH END/UPTOWN RAIL CORRIDOR Tree Survey Provided: Yes:  N/A:

Required Rezoning Pre-Application Meeting\* with: CLAIRE LYTE-GRAHAM AND CITY STAFF

Date of meeting: 1/15/2020

(\*Rezoning applications will not be processed until a required pre-application meeting with a rezoning team is held.)

**For Conditional Rezoning Only:**

Requesting a vesting period exceeding the 2 year minimum? Yes/No. Number of years (maximum of 5): \_\_\_\_\_

Purpose/description of Conditional Zoning Plan: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MARK KIME, PLA  
Name of Rezoning Agent

223 N GRAHAM ST  
Agent's Address

CHARLOTTE, NC 28202  
City, State, Zip

704-333-0325 704-332-3246  
Telephone Number Fax Number

mkime@landdesign.com  
E-Mail Address

  
Signature of Property Owner

Mark W. Erwin  
(Name Typed / Printed)

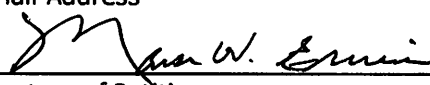
501 Associates, LLC  
%ERWIN CAPITAL  
Name of Petitioner(s)

1521 PROVIDENCE ROAD  
Address of Petitioner(s)

CHARLOTTE, NC 28211  
City, State, Zip

704-201-0689 \_\_\_\_\_  
Telephone Number Fax Number

mark@erwincapital.com  
E-Mail Address

  
Signature of Petitioner

MARK W. ERWIN  
(Name Typed / Printed)

## II. Rezoning Application Checklist

### PRE-SUBMITTAL REQUIREMENTS:

Any Petitioner filing for rezoning is required to discuss the proposal with a Charlotte Planning, Design & Development Department, Rezoning Team members within six months of filing of the petition. To schedule a pre-submittal meeting go to [www.rezoning.org](http://www.rezoning.org) and click on the image to the left, fill out the form and submit. You will then be contacted regarding a pre-submittal meeting.



### SUBMITTAL REQUIREMENTS:

Upon submittal of the petition, all required items must be verified by the rezoning gatekeeper before an application is considered completed and filed for processing. Incomplete applications can be returned to the petitioner (see Section 6.202). No applications will be accepted after the closing deadline for each month's cases. There is a limit of 16 cases per month. Case submitted after the limit, if complete, will be counted toward the next month's case load.

#### **All petitions:**

1. Two signed official applications;
2. If only a portion of a lot is being rezoned, and/or if the rezoning boundaries do not follow property lines, and/or if there is more than one requested zoning classification that does not follow a property line; submit a survey map delineating the property or area in question;
3. A tree survey for all trees two (2) inches in diameter at breast height (DBH) or larger located in the public right of way. Tree survey may be completed by landscape architect, surveyor, or other land development professional. See Section 2191 of the Tree Ordinance. (This is not required for detached single family residential).
4. Filing Fee (see fee schedule on page 6).

#### **Conditional Petitions Only:**

- A. Items 1-4 above
- B. All property owners must sign the conditional rezoning application.
- C. If the request is for a site plan amendment (SPA), a list of changes to the site plan must be provided.
- D. A site plan must accompany each conditional rezoning application and be submitted as follows (If you are not able to provide this information, please contact the Planning Department at 704-336-2205):
  - drawn to scale
  - a maximum size of 24" x 36"
  - one (1) copy, folded to 8½" x 11"
  - a digital version on R-CD (PDF format) of a site plan with an 8 ½ x 11 copy included
  - a "Word" version of the site plan notes on the CD
- E. A "determination" letter as to the presence of jurisdictional Wetlands on the site may be needed. If one is required, it will be listed in the "site plan comments" and sent to the petitioner from a rezoning team member. The petitioner will be notified if one is required. If not provided by the date of the Public Hearing, the Public Hearing will be automatically deferred to the next Council-zoning meeting.

*For Staff Use:*

(Circle One) **Complete**      **Incomplete**      \_\_\_\_\_  
*Staff signature and date*

*If deemed incomplete, agent or petitioner will be contacted with a deadline to provide the required information. If the information is not submitted as requested, the petition will not be processed.*

### III. Process Information

The time frame for rezoning is dependent upon the complexity of the rezoning petition. After an application has been accepted there are three (3) meetings for conventional rezoning petitions and four (4) meetings for conventional rezoning meetings. The petitioner and/or his representative should attend each of these meetings. The meetings are as follows:

- Community meeting (only required for conditional petitions)
- City Council Public Hearing
- Zoning Committee Work Session
- City Council decision meeting

Optional Meeting:

- City Council Lunch briefing (on the day of the public hearing)

#### Overview (after pre-submittal meeting and formal application submittal)

1. **Submittal Date:** Planning staff accepts up to sixteen rezoning applications each month. The deadline for case submittal is the fourth Monday of each month. Cases which are not complete or do not meet ordinance requirements will be returned to the petitioner and resubmittal will be necessary.
2. **Initial Staff Review:** After submittal, City and County staff will perform a review of each case. Staff comments will be provided per the attached schedule. Subsequent reviews should not result in new comments, unless resulting from petitioner changes to the submittal.
3. **Meeting with Staff to Review Initial Comments:** After the initial review, a meeting may be scheduled with staff and petitioner to discuss comments, if needed. The meeting will focus on questions the petitioner has about comments, as well as discussion about potential ways to resolve staff concerns.
4. **Petitioner's Community Meeting (conditional petitions):** The required community meeting for conditional/optional cases must be held within approximately two months of the original submittal (see the attached schedule) and the community meeting report must be included with the subsequent submittal. There is not a required community meeting for conventional cases or for text amendments.
5. **Additional Full Reviews:**
  - a. After the initial submittal, the petitioner has two options for resubmittal. The petitioner may: 1) resubmit for an additional full review, or 2) submit an updated site plan and notes with a request to be scheduled for the next public hearing (see #6 below).
  - b. It is not uncommon for cases to require more than one full review due to the complexity of the case or number of substantive issues. Additional full reviews must be submitted by the date on the attached schedule and, in most cases, staff comments will be provided to the petitioner in two weeks. If major revisions to the previous submittal are made, additional review time may be required.
6. **Petitioner Requests to be Scheduled for Next Public Hearing:**
  - a. Staff will review the updated site plan to determine whether it meets the following:
    - Submittal is compliant with zoning and subdivision ordinance;
    - Transportation analysis (if required) submitted three months prior to requested hearing date, and analysis determined to be adequate by CDOT.
    - Small number of outstanding issues (typically five or less) and no foundational outstanding issues that will require site redesign. If staff and the petitioner have reached an impasse on an issue and cannot reach resolution, this issue will not be considered in the determination about whether a case is to be scheduled for hearing.
  - b. Staff will inform petitioner about whether the case meets the criteria to be scheduled for public hearing. If a case does not meet the criteria, it will be scheduled for another full review.
  - c. Even if a case meets the criteria to be scheduled for a public hearing, the petitioner may request a deferral of the case. The deadline for deferral prior to advertising for the public hearing is shown on the attached schedule.
7. **Public Hearing:** The City Council and Planning Commission's Zoning Committee attend the scheduled public hearing for each case. As part of the hearing, staff presents an overview of the case and staff's

recommendation, and supporters and opponents of each case are given time to speak to the Council and Zoning Committee. On the day of the public hearing, there is an optional Lunch Briefing held for City Council. The public is invited to attend but may only comment if questioned by the Mayor or City Council. The meeting is at noon in the Uptown Conference Room on the 8<sup>th</sup> floor of the Government Center.

8. **Submittal for Zoning Committee Review:** The Planning Commission's Zoning Committee reviews each case and makes a recommendation to Council. An updated submittal for Zoning Committee review may be submitted after the public hearing for the case and by the deadline shown on the attached schedule.
9. **Zoning Committee Meeting:** The Zoning Committee meeting is not a public hearing, but it is recommended that the petitioner attend in case the Zoning Committee members have questions for the petitioner about the case.
10. **City Council Decision:** The City Council makes the final decision on each rezoning case.

## Community Meeting Information

- a) **When a Community Meeting is required, the City Council requests that a notice of that meeting be sent to them.**
- b) **A report on the community meeting with appropriate parties is required to be filed in the Charlotte City Clerk's Office a copy should also be sent to the rezoning planner assigned to the petition in accordance with the City of Charlotte Rezoning Schedule. Failure to meet the deadline will result in an automatic deferral of the public hearing.**

Rezoning Applicants and Agents:

As a part of the conditional rezoning process, you are required to have a "community meeting" and submit a written report to the Office of the City Clerk. This meeting is instrumental in providing information to the public regarding your rezoning request. For this reason, the following should be considered when planning your meeting:

- Hold the meeting at 6:00 pm or later to allow citizens time to arrive after work or at a time that is suitable for the target audience. For example: if your adjacent property owners are located within an office park, a 5:00 pm meeting may be more appropriate.
- Hold the meeting in the community where the rezoning is located. If this is not possible, the meeting should be held in a location that is as close as possible to the area to be rezoned.
- Avoid holding the meeting on holidays.
- Invite your City Council representative.
- Mail out notices of the meeting no less than 10 days prior to the meeting.
- If no citizens attend your meeting, consider having a second meeting.

Attached is a copy of the Zoning Ordinance requirements for the meeting and an example of a community meeting report. If you have any questions about this process, please contact a rezoning staff member at 704-336-2205.

## Site Plan Information

Notes:

1. **Revised site plans (a PDF formatted version on an R-CD that is searchable) is due by 5:00 p.m., five weeks prior to the scheduled public hearing (see rezoning schedule) and should be emailed to Michel Russell ([mrussell@charlottenc.gov](mailto:mrussell@charlottenc.gov)) and the rezoning planner assigned to the petition. Failure to meet the deadline will result in a request for a one-month deferral of the public hearing.**
2. **Revised site plans (a PDF formatted version on an R-CD that is searchable) for the Zoning Committee meeting should be emailed to Michel Russell ([mrussell@charlottenc.gov](mailto:mrussell@charlottenc.gov)) and the rezoning planner assigned to the petition by 5:00 pm on the Monday following the public hearing (see rezoning schedule).**

## Fees

### CITY OF CHARLOTTE REZONING FILING FEES:

Effective July 1, 2019

Rezoning are categorized as either conventional, conditional major or conditional minor as described below:

- Conventional rezonings will not require a site plan.
- Conditional Major rezonings will involve more than 10 acres of land and/or have traffic volumes of 2,500 trips per day or more.
- Conditional Minor rezonings will be for sites less than 10 acres or land and traffic volumes of less than 2,500 trips per day.

<u>Type of Rezoning</u>	<u>Planning</u>	<u>Land Development</u>	<u>General Services</u>	<u>CDOT</u>	<u>Fire</u>	<u>Clerk*</u>	<u>Total Fee</u>
<b>Conventional</b>	\$ 2,550	\$ 1,110	\$ 255	\$ 870	\$ 35	\$270*	<b>\$ 5,090</b>
<b>Conditional Minor</b>	\$ 4,370	\$ 1,110	\$ 255	\$ 870	\$ 35	\$270*	<b>\$ 6,910</b>
<b>Conditional Major</b>	\$ 8,320	\$ 1,110	\$ 255	\$ 4,745	\$ 70	\$ 270*	<b>\$ 14,770</b>

Fee due upon submittal of application, payable by check or money order to the City of Charlotte

***\* If the petitioner defers their Rezoning Petition more than once after the initial Public Hearing has been advertised by the City Clerk's Office, there will be a \$270 fee for each additional advertisement.***

To check the status of a Rezoning Petition, please visit our Web Site: [www.rezoning.org](http://www.rezoning.org)

## IV. Site Plan Note Format (Conditional Petitions Only)

Site plan notes on conditional plans are required to be organized as indicated below. Site plans should contain heading and each item following it. If the item is not applicable, it should be noted as such.

For example:

**1. Development Data Table**

- a. Site Acreage: 5.0
- b. Tax Parcels included in Rezoning: xxx-xx-xxx
- c. Existing Zoning (including overlays and vesting): I-1
- d. Proposed Zoning (including overlays and vesting): I-2
- e. Existing and Proposed Uses: All uses in I-2
- f. Number of Residential Units by Housing Type: NA
- g. Residential Density: NA

The following items should be included in the site plan notes (and shown on the drawing when applicable). There may be other items that are not listed but are appropriate for inclusion.

**1. Development Data Table** (items may need to be supplemented with additional notes or site plan annotation)

- a. Site Acreage
- b. Tax Parcels included in Rezoning
- c. Existing Zoning (including overlays and vesting)
- d. Proposed Zoning (including overlays and vesting)
- e. Number of Residential Units by Housing Type
- f. Residential Density
- g. Square footage of Non-Residential Uses by Type (retail, office, industrial, etc.)
- h. Floor Area Ratio
- i. Maximum Building Height
- j. Maximum Number of Buildings
- k. Number and/or Ratio of Parking Spaces
- l. Amount of open space

**2. General Provisions**

- a. Note addressing applicability of ordinances
- b. Note that alterations to the conditional plan are subject to Section 6.207 Alterations to Approval.

**3. Optional Provisions (applicable only for proposed zoning to UMUD-O, MUDD-O, PED-O, TOD-O, or TS-O)**

- a. Listing of all optional provisions  
Note: All optional provisions to standards should be listed in this section and shown under the applicable heading below.

**4. Permitted uses**

- a. Allowed uses or prohibited uses
- b. Other Use Restrictions

**5. Transportation**

- a. Dedication and reservation of street right-of-way to City/ NCDOT
- b. Transportation Improvements constructed in conjunction with development

**6. Architectural Standards**

- a. Building Materials
- b. Building Scale
- c. Treatment of urban design and architectural elements, such as street walls, building entrances, canopies and balconies
- d. Fence/Wall standards

**7. Streetscape and Landscaping**

- a. Streetscape (sidewalk and planting strip) standards
- b. Special landscape, buffer, screening treatment



## **8. Environmental Features**

- a. Proposed Tree save areas
- b. Proposed PCSO treatment areas
- c. Environmental provisions per Environmental General Development Policies (reference the EGDP in packet)

## **9. Parks, Greenways, and Open Space**

- a. Reservation/Dedication of park and/or greenway
- b. Park and/or greenway improvements
- c. Connections to park and/or greenway
- d. Privately constructed open space

## **10. Fire Protection**

- a. Fire lane treatment

## **11. Signage**

- a. Sign limitations – size, type, location if different from ordinance requirements

## **12. Lighting**

- a. Limitations on type or location of lighting
- b. Location and height of special lighting, such as pedestrian scale lighting

## **13. Phasing**

- a. Development phasing by use, area and/or square footage and trigger for each phase

## **14. Other**

- a. Indicate if a request for right-of-way abandonment or a variance has been submitted for the subject property. Such request may need approval prior to a City Council vote on the rezoning.
- b. Property corner tie points for mapping
- c. Public facilities/sites to be provided
- d. Proposed dumpster locations
- e. Provision of public art
- f. Underground utilities
- g. Other conditions not previously listed.

**The following items should be shown on site plan drawing. There may be other items that are not listed but are appropriate for inclusion:**

### **1. General**

- a. Date of site plan
- b. Rezoning petition number (added to revised site plan)
- c. Vicinity Map
- d. North arrow
- e. If more than one zoning district is requested, the zoning boundary should be clearly identified and labeled
- f. Topography at four-foot contour intervals or less (existing and, in some cases proposed).
- g. All existing easements, reservations and rights-of-way
- h. Surface Water Improvement and Management ("SWIM") buffers and delineation of areas within the regulatory floodplain as shown on the Official Flood Hazard Boundary Maps for Mecklenburg County

### **2. Specific to the proposed development**

- a. All yards, buffers, screening, and landscaping required or proposed
- b. Areas designated for structures and/or parking (surface or deck to be noted)
- c. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development
- d. Proposed treatment of any existing natural features
- e. Building elevations (if provided)
- f. Public or private streets labeled
- g. Transit facilities
- h. Location of proposed bike/pedestrian improvements
- i. Location of existing and proposed thoroughfares



## VI. Example of Community Meeting Report

COMMUNITY MEETING REPORT **Petitioner: ABC  
Development, LLC** Rezoning Petition No. 2019-000

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning Commission pursuant to the provisions of the City of Charlotte Zoning Ordinance.

**PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:**

A representative of the Petitioner mailed a written notice of the date, time, and location of the Community Meeting to the individuals and organizations set out on Exhibit A attached hereto by depositing such notice in the U.S. mail on (Date). A copy of the written notice is attached hereto as Exhibit B.

**DATE, TIME AND LOCATION OF MEETING:**

The Community Meeting was held on (Day and Date) at (Time) at (Name of place meeting was held and address).

**PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):**

The Community Meeting was attended by those individuals identified on the sign-in sheet attached hereto as Exhibit C. The Petitioner was represented at the Community Meeting by (list all persons present representing the petitioner).

**SUMMARY OF PRESENTATION/DISCUSSION:**

Example of minutes: The Petitioner's agent, (Name), welcomed the attendees and introduced the Petitioner's team. (Petitioner's agent) indicated that the Petitioner proposed to rezone an approximately (acreage) site (the "Site") (location) from the (zoning district) to (zoning district). The (agent) explained the rezoning process in general and stated that the purpose of the meeting was to discuss the rezoning request and the conditional site plan and respond to questions and concerns from nearby residents and property owners.

(A team member) provided background information about the Petitioner's experience and the typical operation of its facilities. He/she then presented the site plan and pointed out various commitments made by the Petitioner. (A team member) showed proposed architectural elevations and discussed the design of the proposed facility. He/she used the elevations and renderings to explain the facility's design concepts, and operations.

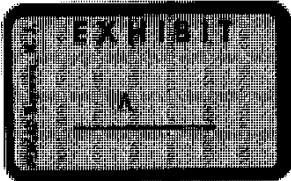
(Detailed minutes of the conversation about the rezoning should be provided including questions, responses and any commitments made by the petitioner.)

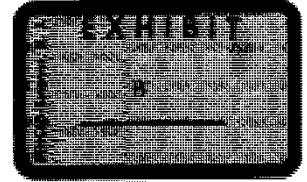
Respectfully submitted, this (Date) day of (Month), (2019).

cc: Charlotte Planning, Design & Development Department – Rezoning staff

Pet. No.	FirstName	LastName	OrgLabel	MailAddress	MailCity	MailState	MailZip
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List of Property Owners  
 Provided by the Charlotte  
 Planning, Design and  
 Development and Based on  
 Current Tax Records and  
 Neighborhood Organization List





NOTICE TO INTERESTED PARTIES  
OF COMMUNITY MEETING

**Subject:** Community Meeting - Rezoning Petition filed by ABC Development, LLC to rezone approximately XX acres located XX to allow development of a XX.

**Date and Time of Meeting:** (Day), (Month/Date/Year) at (Time).

**Place of Meeting:** (Name of facility and address)

**Petitioner:** ABC Development, LLC

**Petition No.:** 2019-000

We are assisting ABC Development, LLC (the "Petitioner") with a Rezoning Petition filed with the Charlotte Planning, Design & Development Department seeking to rezone an approximately XX-acre site (the "Site") located (location) from the XX zoning district to XX zoning district. The purpose of the rezoning is to permit the development of (describe proposed development).

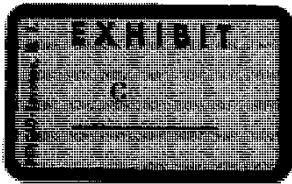
In accordance with the requirements of the City of Charlotte Zoning Ordinance, the Petitioner will hold a Community Meeting prior to the Public Hearing on this Rezoning Petition to discuss this rezoning proposal with nearby property owners and organizations. The Charlotte Planning, Design and Development Department's records indicate that either you are a representative of a registered neighborhood organization or an owner of property that adjoins, is located across the street from, or is near the Site.

Accordingly, on behalf of the Petitioner, we give you notice that representatives of the Petitioner will hold a Community Meeting regarding this Rezoning Petition on (Day, Date, Time, and Location). The Petitioner's representative's look forward to sharing this rezoning proposal with you and to answering any questions, you may have with respect to this Rezoning Petition.

In the meantime, should you have any questions or comments about this matter, please call (contact person and phone number).

**cc:** (City Council representative)

**Date Mailed:** XXX



Community Meeting Sign-In Sheet  
Petitioner: ABC Development  
Rezoning petition Number 2019-000  
Date

Name	Address	Phone	Email

