



CHARLOTTE.

## **City Council Follow-Up Report From the October 16, 2017 Zoning Meeting**

**2017-117 Profile Homes** – located at the end of University East Drive, east of Old Concord Road, north of Rocky River Road. (Council District 4 – Phipps)

**Does the new school bond propose a new elementary school in the area since Newell Elementary School is at 164% capacity?**

Staff Response: There is a new 45-classroom school included in the bond intended to relieve overcrowding at Newell Elementary, Hidden Valley Elementary and J.W. Grier Elementary.

**2016-120 Charter Properties, Inc.** – located on the north side of Brown-Grier Road near the intersection of Steele Creek Road and Brown-Grier Road. (Council District 3 - Mayfield)

**Does the new school bond proposed a new high school in the area, since Olympic High is proposed to be 165% capacity?**

**Staff Response:** The bond proposes a new 125 classroom high school to relieve overcrowding at South Mecklenburg, Ardrey Kell, Myers Park and Olympic high schools. In addition, the bond proposes a new facility for Waddell Language Academy, a K through 8 school that currently utilizes Waddell High School. Once the language program has a new facility, it will allow Charlotte Mecklenburg Schools to use the Waddell facility as a high school choice program serving students in the blue zone, which includes Olympic High School.

**Is there water capacity in this area?**

**Staff Response:** Charlotte Water has water system availability for the rezoning via an existing 12-inch water distribution main located along Brown Grier Road.

**Provide a map showing other projects in the immediate area and recently approved rezonings in the area.**

**Staff Response:** The attached maps show other development projects in the area and nearby rezonings approved.

**Provide a map showing the airport flight path. Will there be any changes in the flight paths?**

**Staff Response:** A map showing the airport flight path is attached; however the Charlotte Douglas International Airport does not manage the National Air Space nor the scheduling or movements of aircraft. The Federal Aviation Administration (FAA) manages the National Air Space and aircraft flight routes. Their role is to determine routes, and consider security, safety and efficiency when making those decisions. However, the Charlotte Douglas International Airport staff indicate that they are not aware of any planned changes to the existing flight paths.

**2017-071 Saussy Burbank, LLC** – located on the north side of East 36<sup>th</sup> Street between Spencer Street and Charles Avenue. (Council District 1 - Kinsey)

**Provide elevations of the development.**

**Staff Response:** The elevations are attached, and are submitted as part of the site plan.

**2017-101 Optimist Park Partners, LLC** – located on the north and south sides of East 16<sup>th</sup> Street, and east of the intersection of East 16<sup>th</sup> Street and Parkwood Avenue. (Council District 1 – Kinsey)

**Provide elevations showing the scaled relationship between the single family homes and the four-story buildings.**

**Staff Response:** The petitioner has requested deferral of the Zoning Committee’s recommendation to the December 5, 2017 meeting. Therefore, the petitioner has not submitted a revised site plan and/or building elevations, and will not resubmit until November 27, 2017 for the December 5, 2017 Zoning Committee meeting.

**2017-104 Cambridge Properties, Inc.** – located on the south side of McKee Road between Providence Hills Drive and Carrington Forest Lane. (Council District 7 - Driggs)

**Provide elevations of the units.**

**Staff Response:** This proposed rezoning is for a detached, single family development. Neither staff nor City Council should ask the petitioner to provide elevations due to the approval of Session Law 2015-86, Senate Bill 25. This bill states that regulations related to “building design elements” may not be applied, directly or indirectly to a conditional zoning for one and two family dwellings unless voluntarily consented to by the owners of the property. “Building design elements” include exterior building color; type or style of exterior cladding material; style or materials of roof structures, or porches; exterior nonstructural architectural ornamentation location or architectural styling of windows and doors, including garage doors; the number and types of rooms and the interior layout of rooms.

**2017-114 Bainbridge Companies** – located on J.N. Pease Place, north of Ben Craig Drive and east of Mallard Creek Road. (Council District 4 – Phipps)

**How does Charlotte Department of Transportation (CDOT) analyze the transportation impacts of this proposal with other transportation projects and improvements planned for the area, including recently rezoned nearby properties?**

**Staff Response:** Under current CDOT guidelines a traffic impact study (TIS) is performed for a rezoning proposal that generates over 2,500 daily trips. Development proposals that fall under this threshold and development that occurs under existing zoning, otherwise known as “by-right” development, are not typically subject to a TIS requirement.

For developments that do not require a TIS, CDOT applies the principals of the adopted multimodal policy documents (like Urban Streets Design Guidelines), the area’s designation under the City’s Centers/Corridors/Wedges framework, and the engineering experience and judgement of the reviewers to identify turn lane needs, appropriate driveway placement, traffic signals, pedestrian signals, and other safety and operational requirements to maintain or enhance the multimodal transportation network near the project site.

The proposed development is within a designated Activity Center. Improvements asked of this development are consistent with those required for other developments in the area, which include additional street network along with traffic signals to provide route choices and safe movement along and across corridors for all modes.

To address long term regional growth, CDOT has an in-house traffic modelling team that develops the traffic model for the 14-county region. The traffic model contains traffic growth projections, the existing and future transportation network and transit systems, and land uses through 2045 to capture the capacity and operational impacts of regional growth. The results of this model are used by the CDOT planning section to develop the long range transportation priorities identified in CDOT’s 25-year Transportation Action Plan (TAP, updated in 2017) and by the Charlotte Regional Transportation Planning Organization (CRTPO) to develop the fiscally-constrained Metropolitan Transportation Plan (MTP, 2045 horizon year plan is in progress). The TAP and the MTP inform City and State capital project funding decisions.



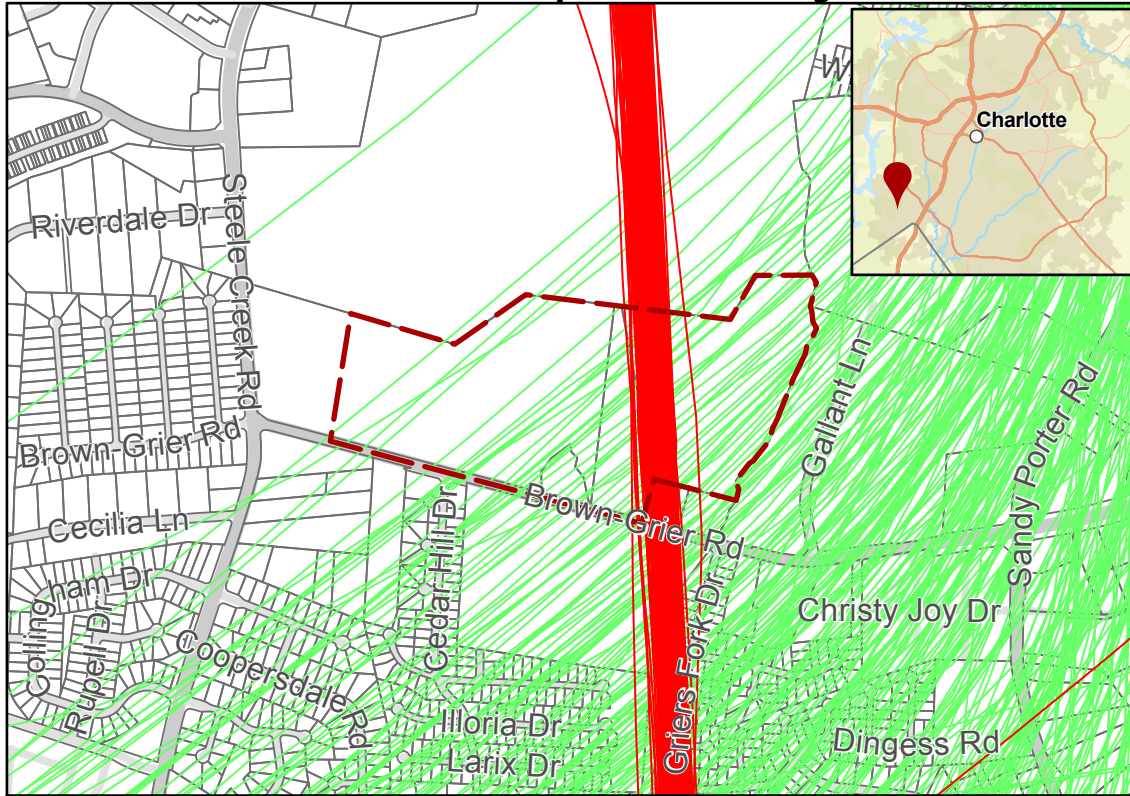


# Rezoning Map

## 2016-120 : Charter Properties, Inc.

**Current Zoning** R-3 (Single Family Residential)  
**Requested Zoning** R-12MF (CD)(Multi-Family Residential, Conditional)  
With 5 Year Vested Rights  
Approximately 76.77 acres

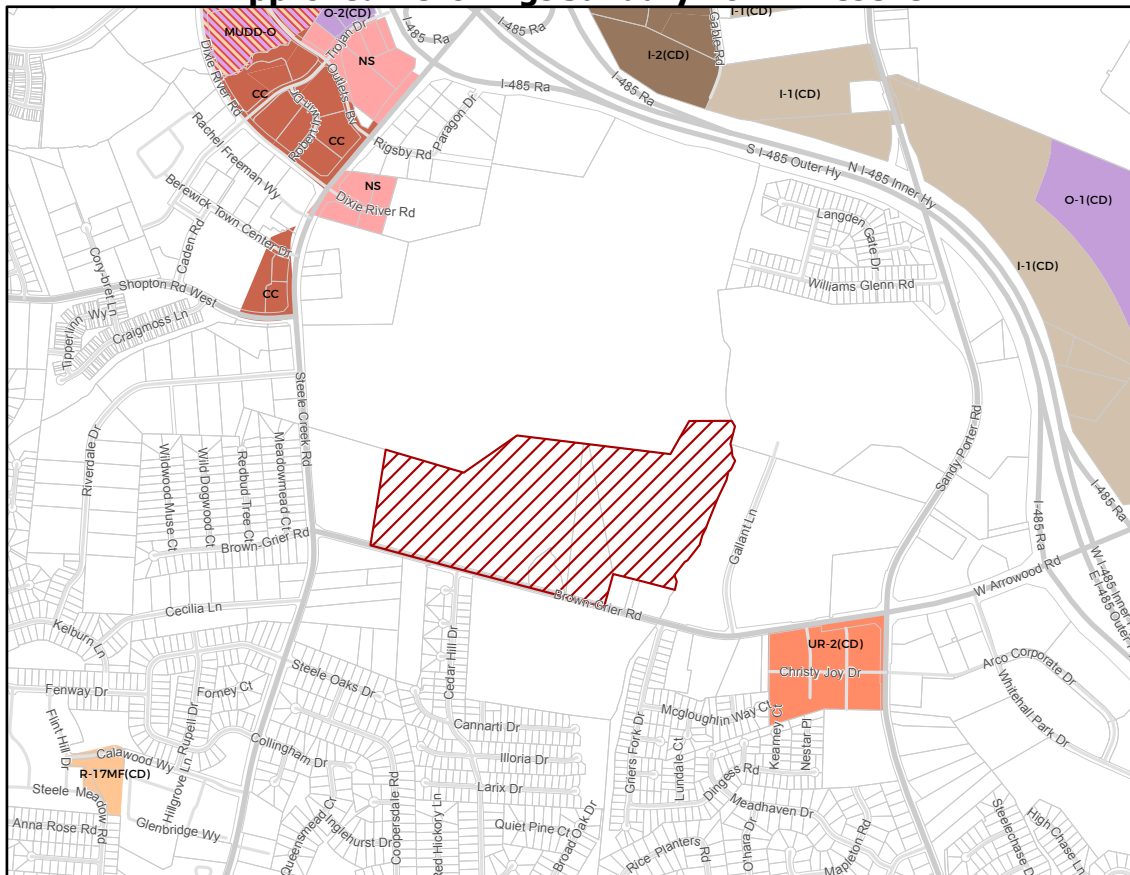
### Location of Requested Rezoning



- 2016-120
- Parcel
- Airport Traffic**
- North Flow Arrivals
- South Flow Departures

Scale 1:15,000

### Approved Rezoning January 2012-Present



- Requested R-12MF (CD)  
5 Year Vested Rights from R-3
- Parcel
- Zoning Classification**
- Multi-Family
- Urban Residential
- Office
- Business
- Commercial Center
- Light Industrial
- Heavy Industrial
- Mixed Use

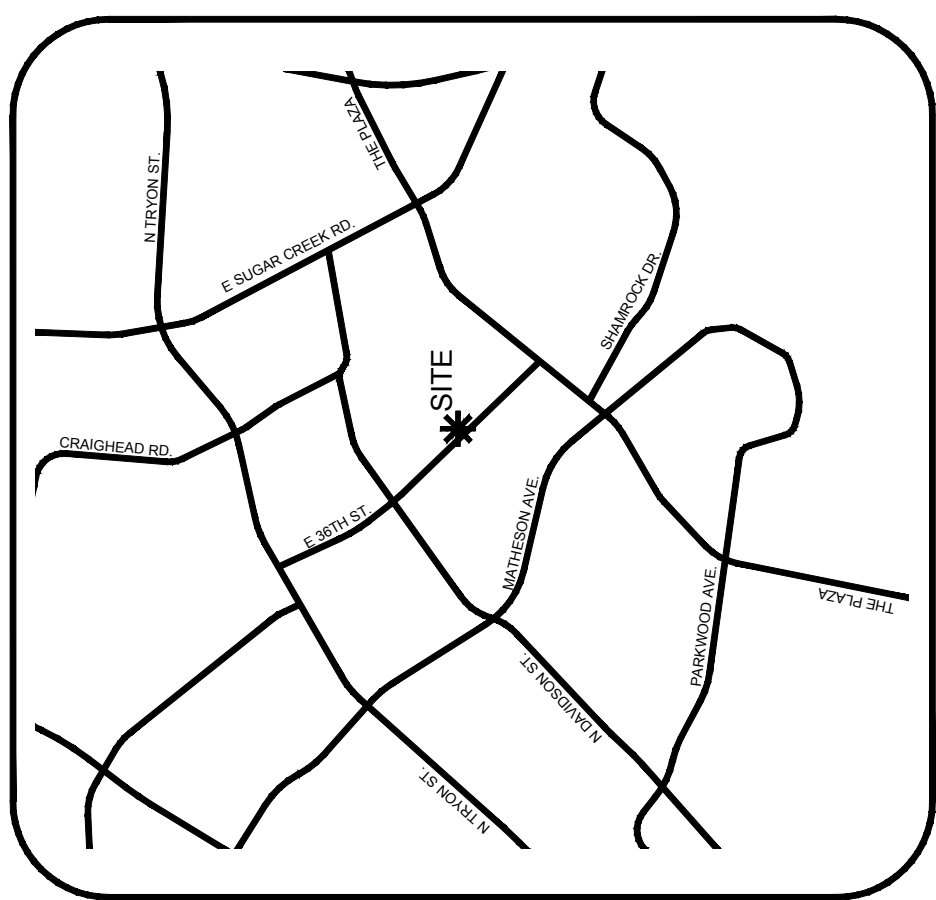
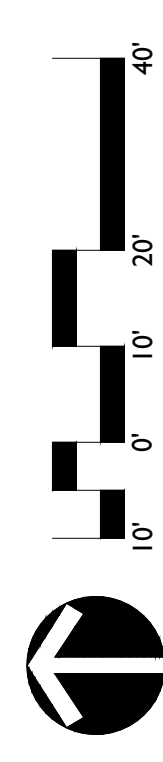
Approx. 1 mile from rezoning area

Scale 1:20,000

N



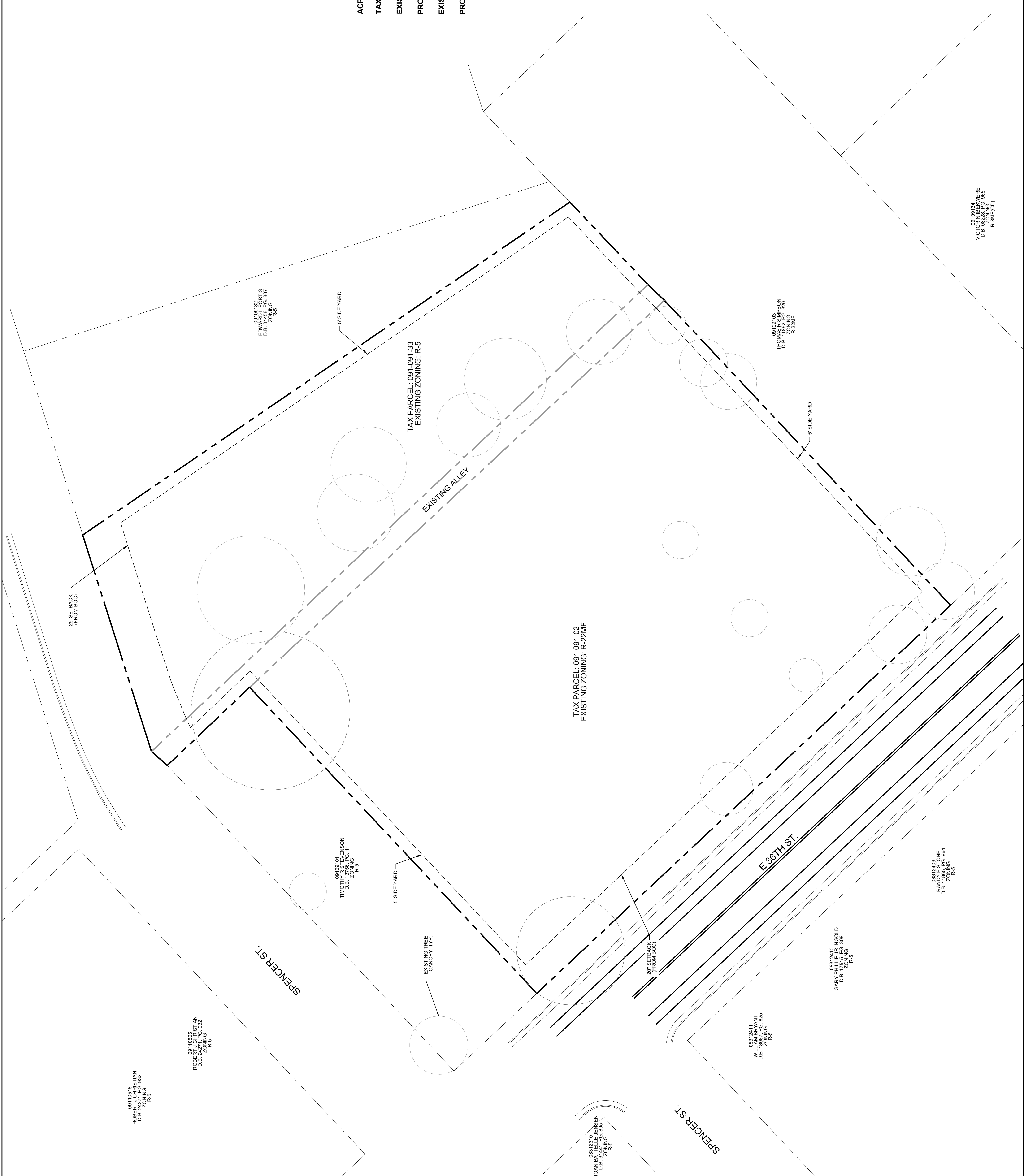
Map Created 11/15/2017



VICINITY MAP  
NTS

SITE DEVELOPMENT DATA

ACREAGE: ± 1.5 AC  
TAX PARCEL #S: 091-091-02, 091-091-33  
EXISTING ZONING: R-22MF, R-5  
PROPOSED ZONING: UR-2(CD)  
EXISTING USES: MULTI-FAMILY RESIDENTIAL AND VACANT  
PROPOSED USES: MULTI-FAMILY TOWNHOUSES, SINGLE FAMILY RESIDENTIAL



091-091-10  
VICTOR N. BERKEMERE  
D.B. 09293, PG. 965  
R-5M(PC)

091-091-03  
THOMAS SIMPSON  
D.B. 09293, PG. 965  
R-22MF

TAX PARCEL: 091-091-33  
EXISTING ZONING: R-5

TAX PARCEL: 091-091-02  
EXISTING ZONING: R-22MF

091-091-09  
GARY  
D.B. 11865, PG. 964  
R-5

091-091-08  
GARY  
D.B. 11515, PG. 308  
R-5

091-091-07  
WILLIAM BRYANT  
D.B. 10945, PG. 825  
R-5

091-091-06  
JOAN BATTELLE JENSEN  
D.B. 31441, PG. 895  
R-5

091-091-05  
ROBERT J. CHRISTIAN  
D.B. 22045, PG. 932  
R-5

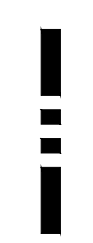
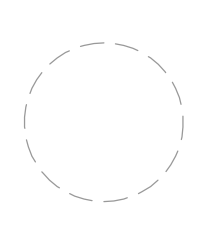
091-091-04  
ROBERT J. CHRISTIAN  
D.B. 22045, PG. 932  
R-5

091-091-01  
TIMOTHY BENSON  
D.B. 13785, PG. 11  
R-5

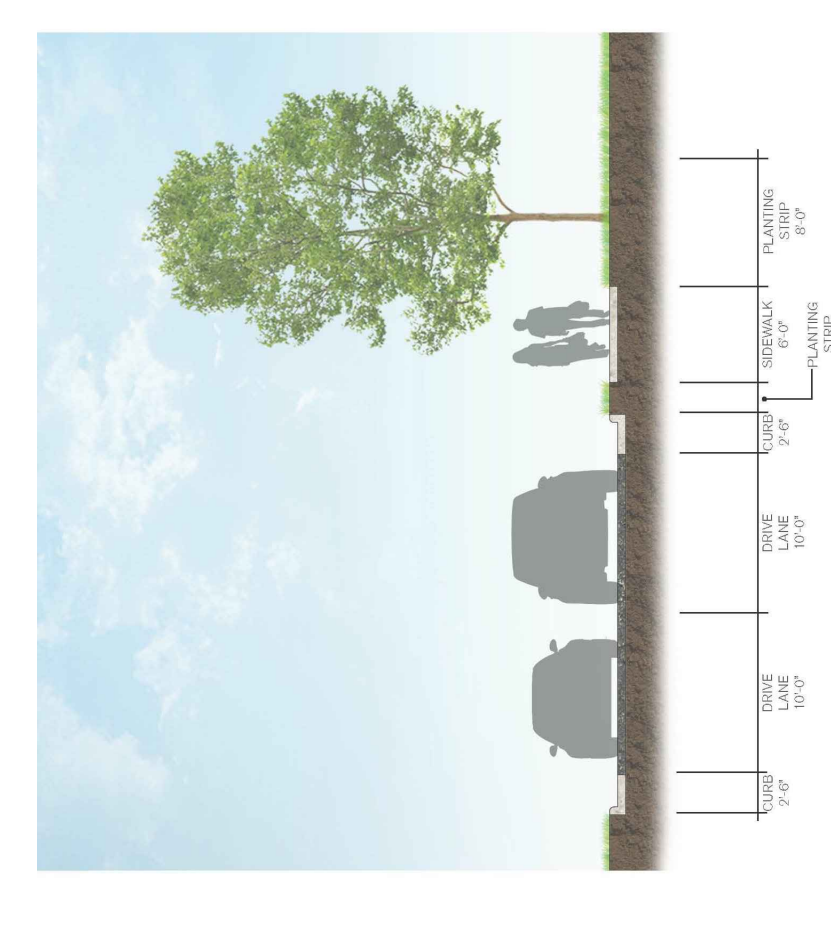
091-091-02  
EDWARD J. FORTIS  
D.B. 09293, PG. 965  
R-5





**SITE LEGEND**

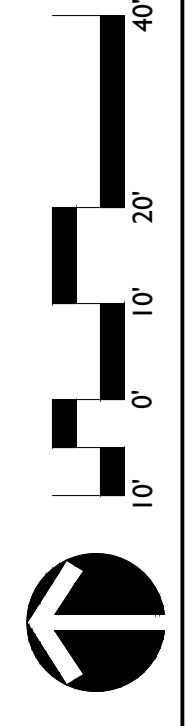
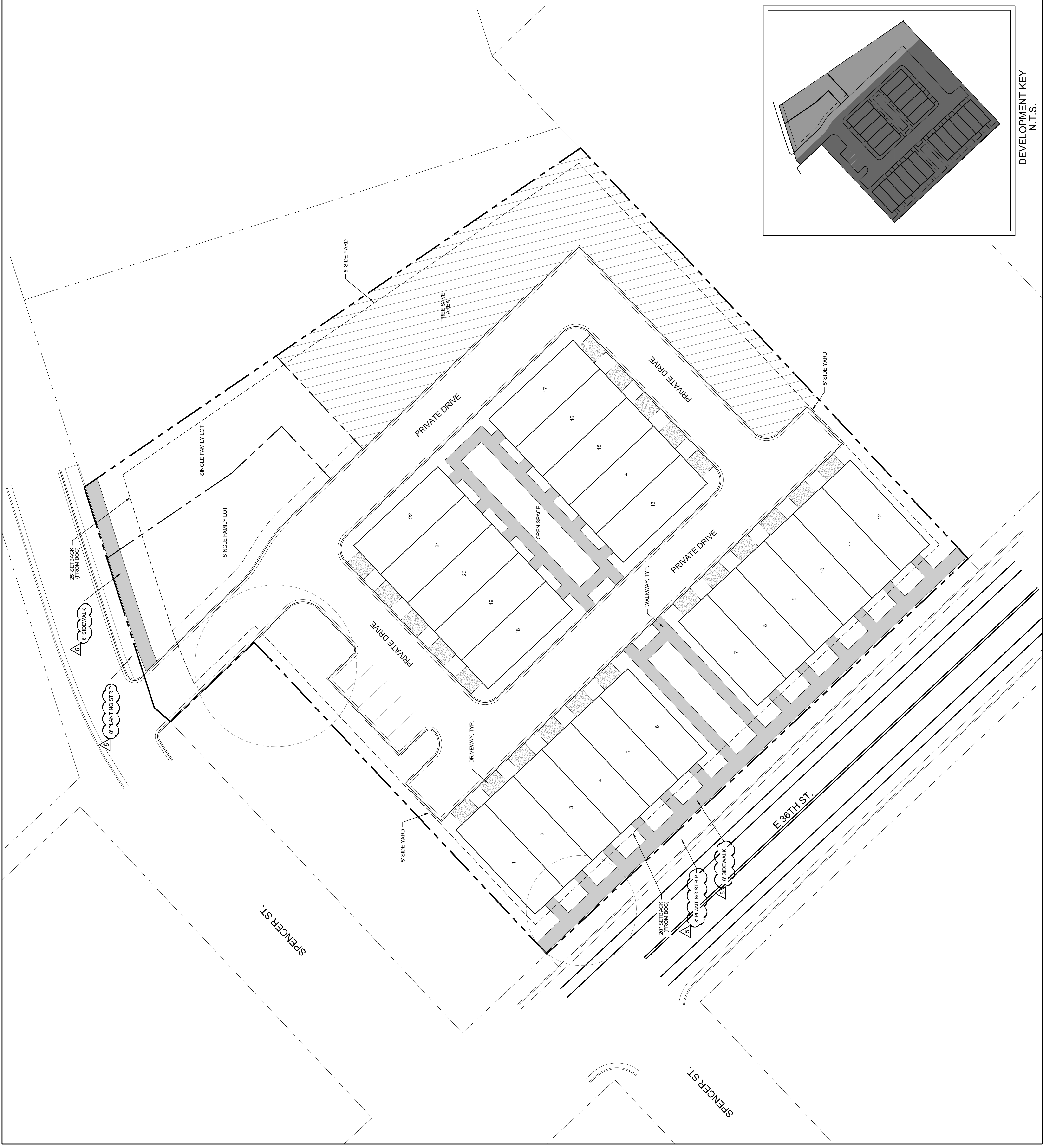
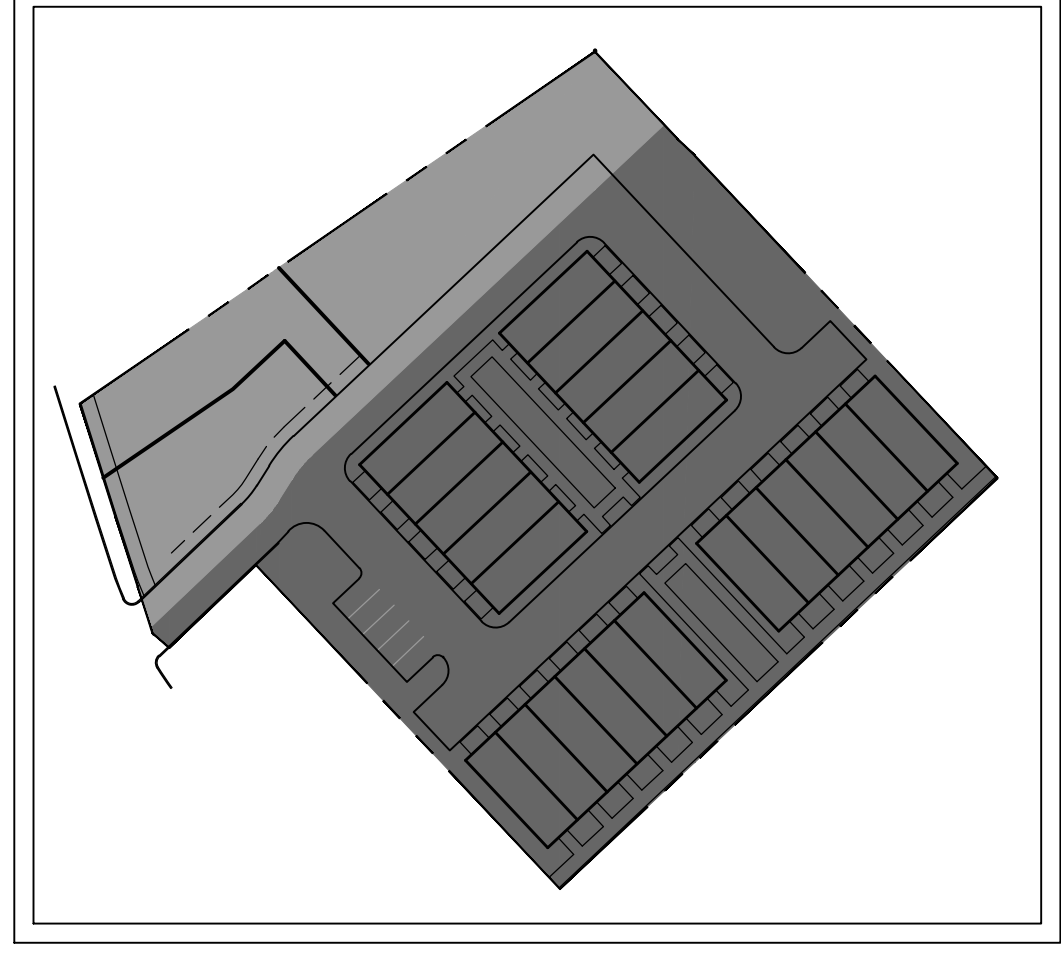
-  PROPERTY LINE
-  EXISTING TREES TO REMAIN

**STREETSCAPE SECTIONS: ALTERNATIVE STANDARDS**



\* Petitioner intends to provide an alternative streetscape plan along Spencer Street and East 36th Street, see above. However, if during the design and permitting phase of development it is determined that this alternative streetscape plan is not approved, the Petitioner will provide a streetscape plan in accordance with the City's typical streetscape standards.

-  DEVELOPMENT AREA A
-  DEVELOPMENT AREA B









**Saussy Burbank, LLC**  
**REZONING PETITION NO. 2017-071**  
**DEVELOPMENT STANDARDS**

10/23/2017

**Development Data Table:**

Site Area:	+/- 1.5 acres
Tax Parcels:	091-091-02 and 091-091-33
Existing Zoning:	R22-MF; R-5
Proposed Zoning:	UR-2(CD)
Existing Use:	Multi-family Residential and Vacant
Proposed Uses:	Up to 22 Townhome Units and 2 Single-family Residential Units
Maximum Building Height:	Fifty (50) feet; 3 stories
Parking:	Shall satisfy or exceed UR-2 minimum requirements

**I. General Provisions**

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Saussy Burbank, LLC (the "Petitioner") to accommodate the development of a residential community on that approximately 1.5 acre site located on the south-east side of East 36th Street and Spencer Street, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 091-091-02 and 091-091-33.
2. As depicted on the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
3. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-2 zoning district shall govern the development and use of the Site.
4. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard, landscaping and tree save requirements set forth on this Rezoning Plan and the Development Standards, provided, however, that any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan.
5. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner(s) of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

**II. Permitted Uses**

The Site may be devoted only to a residential community containing a maximum of 22 townhome units, two (2) single-family residential units, and any incidental and accessory uses relating thereto that are allowed in the UR-2 zoning district.

**III. Transportation**

1. Vehicular access will be as generally depicted on the Rezoning Plan. The placements and configurations of the vehicular access points shown on the Rezoning Plan are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval.
2. As depicted on the Rezoning Plan, the Site will be served by internal private drives, and minor adjustments to the locations of the internal private drives shall be allowed during the construction permitting process. Individual vehicular driveways shall not be provided along East 36th Street or Spencer Street. Townhome and single-family residential units shall be accessed from the proposed private drive, as generally depicted on the Rezoning Plan.
3. The Petitioner may provide on-street parking along the Site's frontage of East 36th Street, as shown on the Rezoning Plan.
4. Petitioner shall dedicate in fee simple conveyance a right of way to the City of Charlotte, set at two (2) feet behind the back of sidewalk along Spencer Street and East 36th Street, before the site's first building certificate of occupancy is issued.

**IV. Architectural Standards**

1. Architectural standards for the townhome units in Development Area A shall consist of the following:
  - a. The townhome units fronting East 36th Street shall face toward the street and units along the internal courtyard will face towards the internal courtyard, as depicted on the Rezoning Plan. Garages of townhome units shall face the private drive.
  - b. Preferred Exterior Building Materials: All principal and accessory buildings abutting East 36th Street shall comprise of a combination of portions of brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or other material approved by the Planning Director.
  - c. Prohibited Exterior Building Materials:
    - i. Vinyl siding (but not vinyl hand rails, windows or door trim); and
    - ii. Concrete Masonry Units not architecturally finished.
  - d. To provide privacy, all residential entrances within 15 feet of the sidewalk along East 36th Street shall be raised from the average sidewalk grade a minimum of twelve (12) inches.
  - e. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
  - f. Usable porches and stoops shall form a predominant feature of the building design and be located on the front and/or side of the building. Usable front porches shall be covered and be at least six (6) feet deep. Stoops and entry-level porches may be covered but should not be enclosed.
  - g. All corner/end units that face a public or private street shall have a porch or stoop that wraps a portion of the front and side of the unit or provide blank wall provisions that limit the maximum blank wall expanse to fifteen (15) feet on all building levels.
  - h. The Petitioner will minimize the visual impact of any garage doors visible from the public or private streets by providing a 12 to 24 inch setback from the front wall plane and adding additional architectural treatments such as translucent windows or projecting elements over the garage door opening.
  - i. Walkways of at least five (5) feet in width shall be provided to connect all residential entrances to sidewalks along public and private streets.

- j. Townhouse buildings should be limited to six (6) individual units or fewer.
2. Architectural standards for the single-family residential units in Development Area B shall consist of the following:
    - a. Preferred Exterior Building Materials: All principal and accessory buildings shall comprise of a combination of portions of brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or other material approved by the Planning Director.
    - b. Prohibited Exterior Building Materials:
      - i. Vinyl siding (but not vinyl hand rails, windows or door trim); and
      - ii. Concrete Masonry Units not architecturally finished.
    - c. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
    - d. Detached garages shall be provided but shall not front Spencer Street.

**V. Streetscape and Landscaping**

1. The Petitioner shall provide a minimum eight (8) foot wide planting strip and a minimum six (6) foot wide sidewalk along the Site's frontage on East 36th Street.
2. The Petitioner may subdivide the Site and create lots within the Site with no side or rear yards as part of a unified development plan.
3. Petitioner shall provide a minimum setback of at least twenty (20) feet from the existing back of curb of East 36th Street. Stoops and stairs may encroach four (4) feet into the setback as a "transition zone."
4. Petitioner shall provide a minimum setback of at least twenty five (25) feet from the existing back of curb of Spencer Street.
5. Petitioner intends to provide an alternate streetscape plan along Spencer Street and East 36th Street, as shown on the site plan. However, if during the design and permitting phase of development it is determined that this alternative streetscape plan is not approved, the Petitioner will provide a streetscape plan in accordance with the City's typical streetscape standards.

**VI. Open Space**

The Petitioner shall comply with the Post Construction Controls Ordinance and tree save requirements.

**VII. Lighting**

1. All freestanding lighting fixtures installed on the Site (excluding lower, decorative lighting that may be installed along the driveways and sidewalks as landscaping lighting) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
2. The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed fifteen (15) feet.
3. Any lighting fixtures attached to the buildings to be constructed on the site shall be decorative, capped and downwardly directed.

**VIII. Amendments to Rezoning Plan**

Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of a particular Tract within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

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

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