City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 27.**File #:** 15-15580 **Type:** Zoning Hearing

Rezoning Petition: 2020-155 by Go Store It South Tryon, LLC

Update: Petitioner has withdrawn this petition

Location: Approximately 5.39 acres located along the north side of South Tryon, east of Whitehall Park Drive, and west of Interstate 485. (Council District 3-Watlington)

Current Zoning: I-1 (light industrial)
Proposed Zoning: I-2 (CD) (general industrial, conditional)

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 28.**File #:** 15-15579 **Type:** Zoning Hearing

Rezoning Petition: 2020-133 by D.R. Horton

Update: Petitioner is requesting deferral to May 17, 2021

Location: Approximately 26.195 acres located on the south side of Hamilton Road, east of Youngblood Road, and west of Steele Creek Road. (ETJ)

Current Zoning: R-3 (single-family residential)
Proposed Zoning: R-8 MF (CD) (multi-family residential, conditional)

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 29.**File #:** 15-15578 **Type:** Zoning Hearing

Rezoning Petition: 2020-122 by MVP Equities Corporation

Location: Approximately 50.03 acres located along the north side of Hucks Road, along the east side of Arthur Davis Road, and south of Interstate 485. (ETJ)

Current Zoning: MX-3 (mixed use)
Proposed Zoning: R-12 MF (CD) (multi-family residential, conditional)

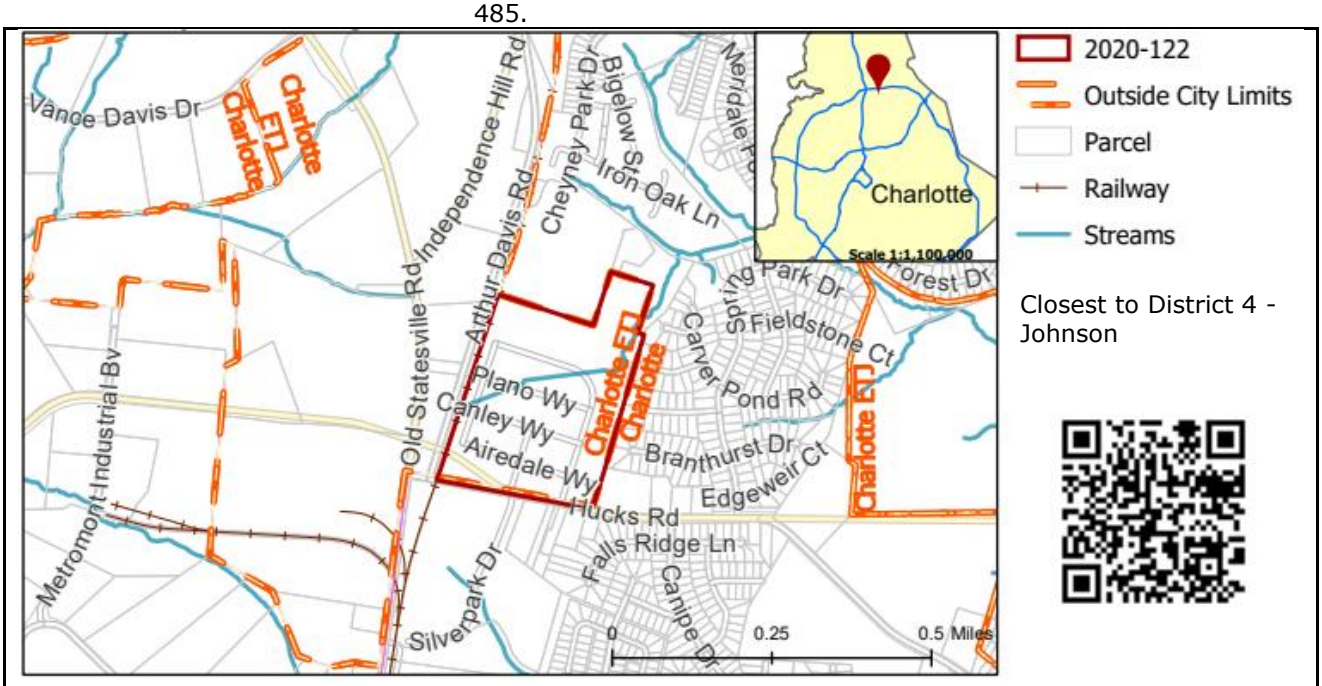
Staff Recommendation:
Staff recommends APPROVAL of this petition

Attachments:
Pre-Hearing Staff Analysis
Site Plan

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-122
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: MX-3 (mixed use) Proposed Zoning: R-12MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 50.03 located along the north side of Hucks Road, along the east side of Arthur Davis Road, and south of Interstate 485.



SUMMARY OF PETITION	The petition proposes a residential community with up to 110 for sale townhomes and up to 406 multi-family apartments for a density of 10.6 dwelling units on vacant land.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Phil M. Gandy, Jr. MVP Equities Corporation Paul Pennell, Urban Design Partners
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 31

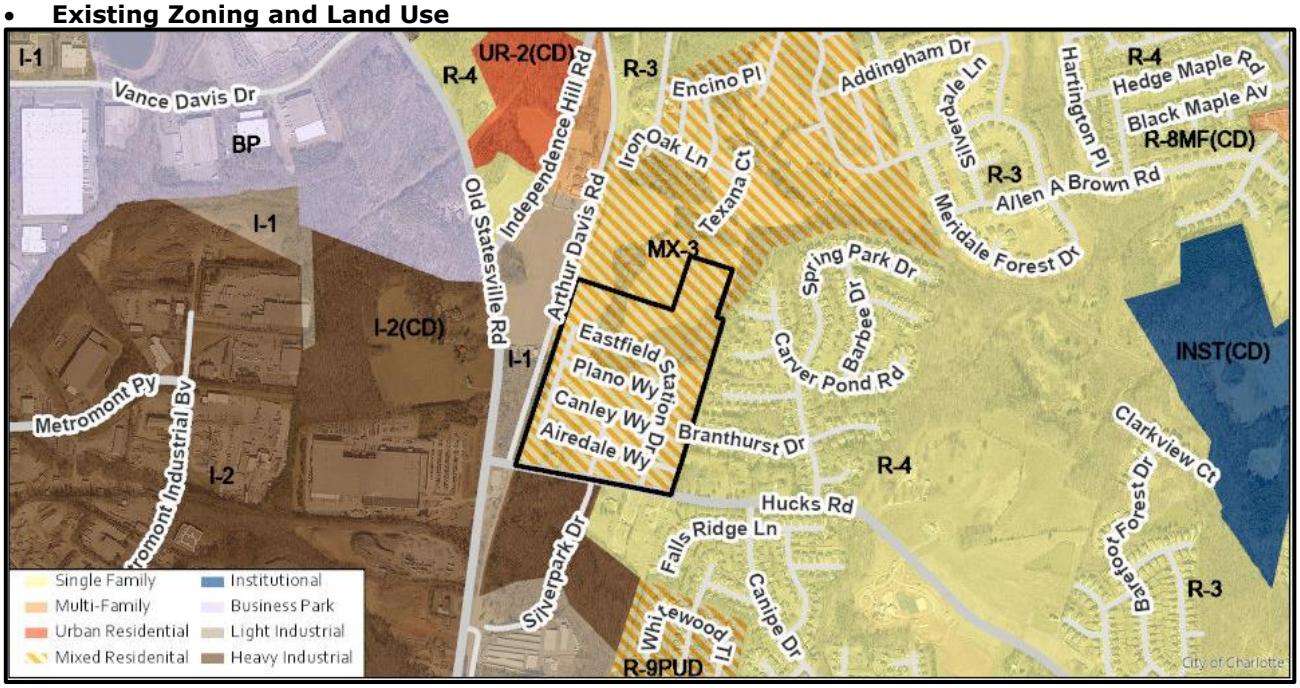
STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **consistent** with the *Northlake Area Plan (2008)* recommendation of Transit Oriented Development – Residential. <u>Rationale for Recommendation</u> • This petition proposes up to 110 single family attached dwelling units and up to 406 multi-family dwelling units, for a density of 10.6 DUA. • The site was previously part of a larger rezoning (2005-129) of 140 acres that proposed up to 975 single and multi-family dwelling

unit and 35,000-square feet of retail uses, but it was never developed.
- This proposal is consistent with the area plan's recommendation of Transit Oriented Residential Development.
- The proposal follows the area plan's recommendation of orienting buildings to front on public streets or open spaces by committing to place buildings to present a front or side façade to all public streets.
- The proposal commits to enhancing the pedestrian environment by including direct pedestrian connections between residential units and adjacent public streets, and by constructing a 6-foot sidewalk and minimum 8-foot wide landscape strip alongside all 3 public roads to be built.
- The petition commits to providing open space and amenity areas within the Site up to 19,000 square feet. Amenities may include, but not be limited to, community clubhouse, community pool, a pocket park, open air pavilion, and/or picnic tables.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 110 townhomes and up to 406 multi-family apartments.
  - Commits to a 6-foot sidewalk and an 8-foot planting strip along all public roads.
  - Provides pedestrian connections between residential units and adjacent public streets.
  - Provides 4 amenity areas throughout the Site for a total minimum of 19,000-square feet. Amenities may include, but not be limited to community clubhouse, community pool, a pocket park, open air pavilion, and/or picnic tables.
  - Commits to installing a traffic signal at the intersection of Old Statesville Road and Hucks Road.
  - Constructs a southbound left turn lane on Old Statesville Road with 150-feet of storage.
  - Constructs a westbound left turn lane on Hucks Road with 100-feet of storage.
  - Constructs a northbound right turn lane on Old Statesville Road with 100-feet of storage.
  - Constructs an eastbound left turn lane on Hucks Road with 100-feet of storage.
  - Commits to dedicate fee simple right-of-way to NCDOT for area associated with Hucks Road NCDOT STIP U-5772.
  - Architectural Details:
    - Building materials will be a combination of the following: Masonry, brick, concrete, pre-cast concrete, stone, precast stone, pre-finished metal, aluminum, steel, stucco, wood, ceramic tile, cementitious fiber board and glass fiber reinforced concrete. Vinyl, as a building material, will only be allowed on windows, soffits and trim features
    - Buildings will be placed so as to present a front or side façade to all public streets.
    - Usable porches or stoops may form an element of the building design and be located on the front and/or side of a building or residential unit.
    - The facades of first/ground floor of the buildings along public streets shall incorporate a minimum of 30% masonry materials such as brick or stone.
    - Building elevations will not have expanses of blank walls greater than 20-feet in all direction and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
    - Building elevations shall be designed with vertical bays or articulated architectural features which include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.
    - Pitched roofs will be symmetrically sloped no less than 5:12 except for roofs for porches that shall be no less than 2:12.

- **Existing Zoning and Land Use**



The site was part of a larger rezoning (2005-129) that proposed up to 975 single and multi-family dwelling unit and 35,000-square feet of retail uses. It was never developed. The surrounding land uses include large lot single family homes, single family homes, industrial uses, and undeveloped land.

The subject property denoted by red star.

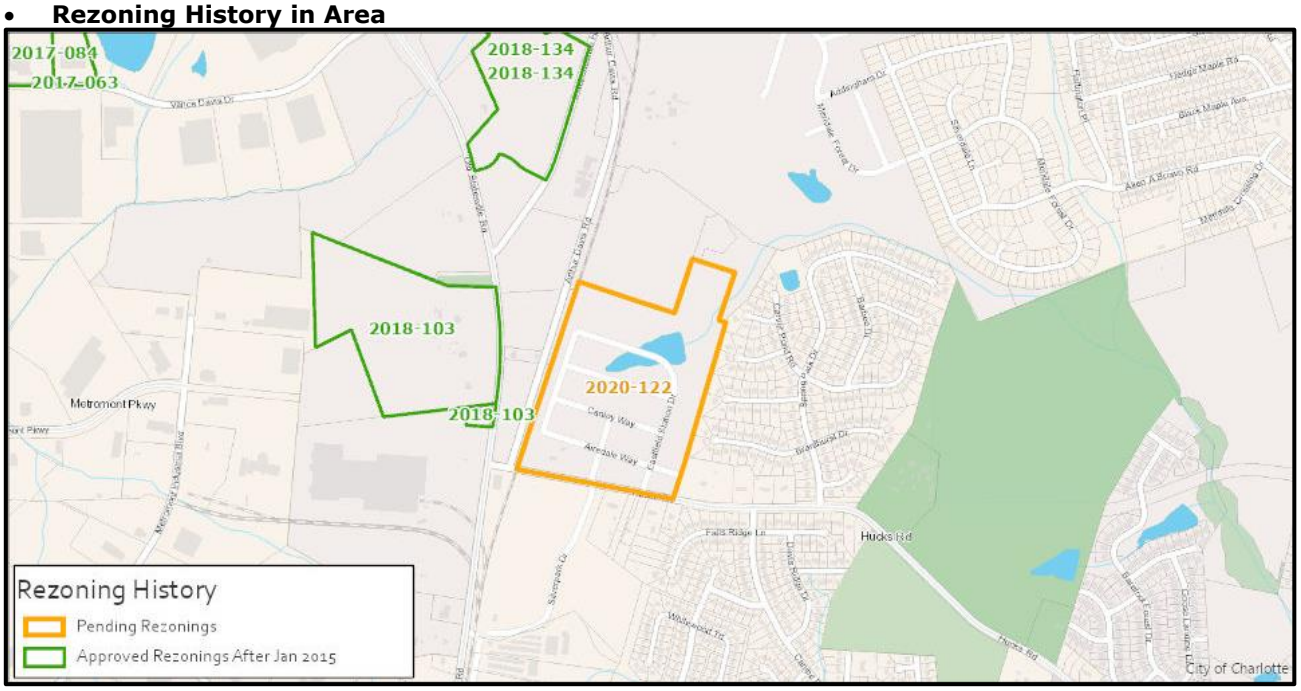
The property to the south along Hucks Road is developed with large lot single family homes and undeveloped land.

The area to the east along Harringham Lane is developed with single family homes.

The property to the west along Old Statesville Road is developed with large lot single family homes and undeveloped land.

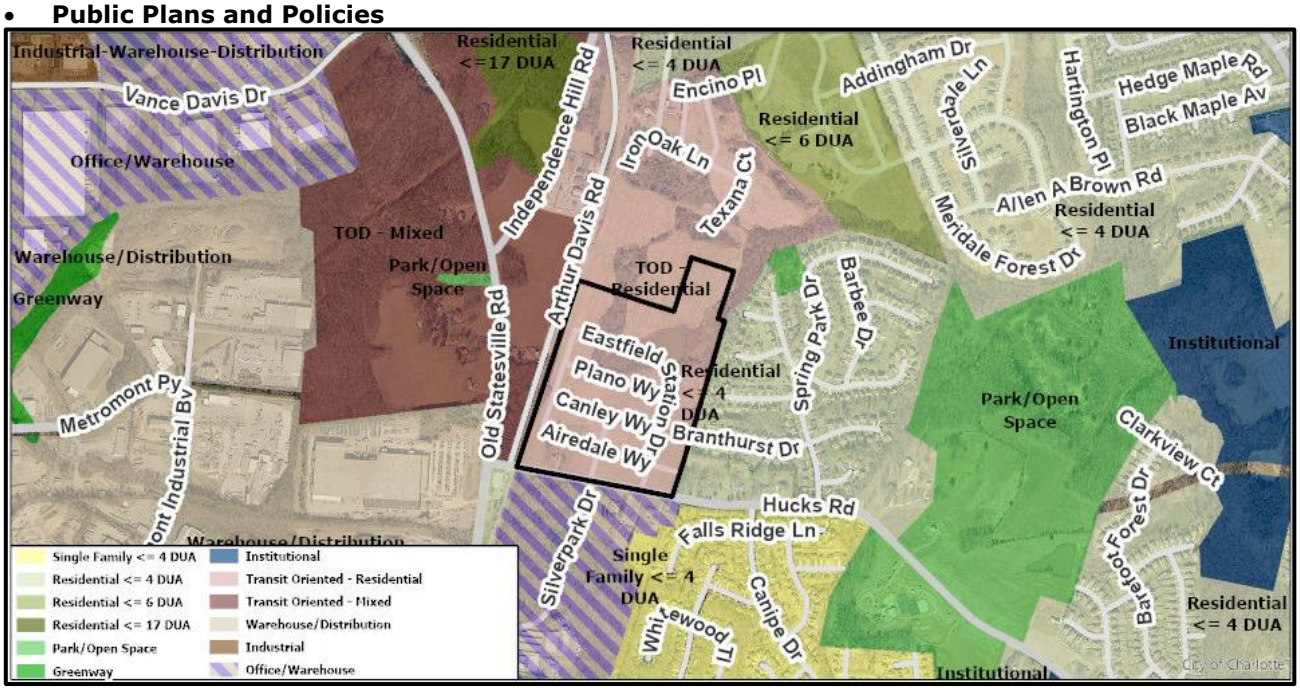
Industrial use to the west of the site along Old Statesville Road.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-063	Rezoned 3.2 acres to allow all uses permitted in the I-1 (light industrial) district.	Approved
2017-084	Rezoned 5.14 acres to allow all uses permitted in the I-1 (light industrial) district.	Approved
2018-103	Rezoned 35.91 acres to allow up to 550,000 square feet of warehousing, warehouse distribution, manufacturing, office, and industrial uses.	Approved
2018-134	Rezoned 20.03 acres to allow up to 335 multi-family units.	Approved

- **Public Plans and Policies**



  - The *Northlake Area Plan (2008)* calls for Transit Oriented Development – Residential for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located on Hucks Road, a City-maintained minor thoroughfare road. The TIS for this site was approved on March 15, 2021. This site contains a portion of the Hucks Road Realignment NCDOT project, which is part of the Comprehensive Transportation Plan (CTP), and the petitioner has committed to dedicating the right-of-way for this future project. As the realignment project is not anticipated until 2031, the petitioner has agreed to construct turn lanes at existing Hucks Rd and Old Statesville Rd before the first certificate of occupancy, while also installing a traffic signal that coordinates with the nearby railroad crossing prior to the last 129 of certificates of occupancy (25%). The timing difference in improvements is to allow for the full review of the signal and coordination with Norfolk Southern. All outstanding CDOT comments have been addressed.
  - **Active Projects:**
    - SDRC-2019-00034 – Griffin Industrial
      - This land development project will construct a portion of the Hucks Road Realignment thoroughfare and construct a northbound left-turn lane on Old Statesville Road at the Hucks Road Realignment future signalized intersection.
    - Old Statesville Road (NC-115) Widening – STIP U-5772
      - The project will widen Old Statesville Road between Harris Boulevard and I-485 and will extend and realign Hucks Road.
      - Completion date: delayed to 2031

  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 0 trips per day (based on vacant land)
    Entitlement: 10,995 trips per day (based on 925 single family dwelling units and 35,000 square feet of retail uses).
    Proposed Zoning: 3,005 trips per day (based on 110 townhomes and 406 apartments).

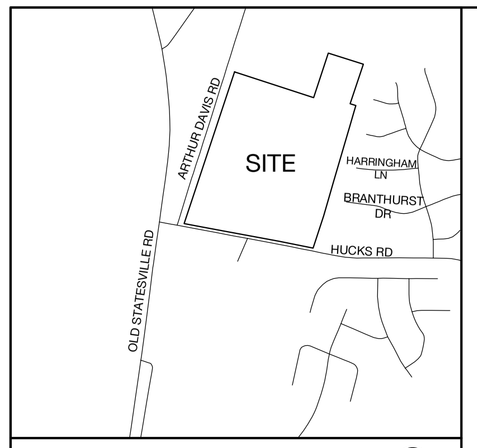
DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org

- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 84 students, while the development allowed under the proposed zoning may produce 70 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is zero students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Blythe Elementary from 106% to 110%
    - J.M. Alexander Middle from 89% to 91%
    - North Mecklenburg High from 108% to 109%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Hucks Road. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. It is recommended that the applicant contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

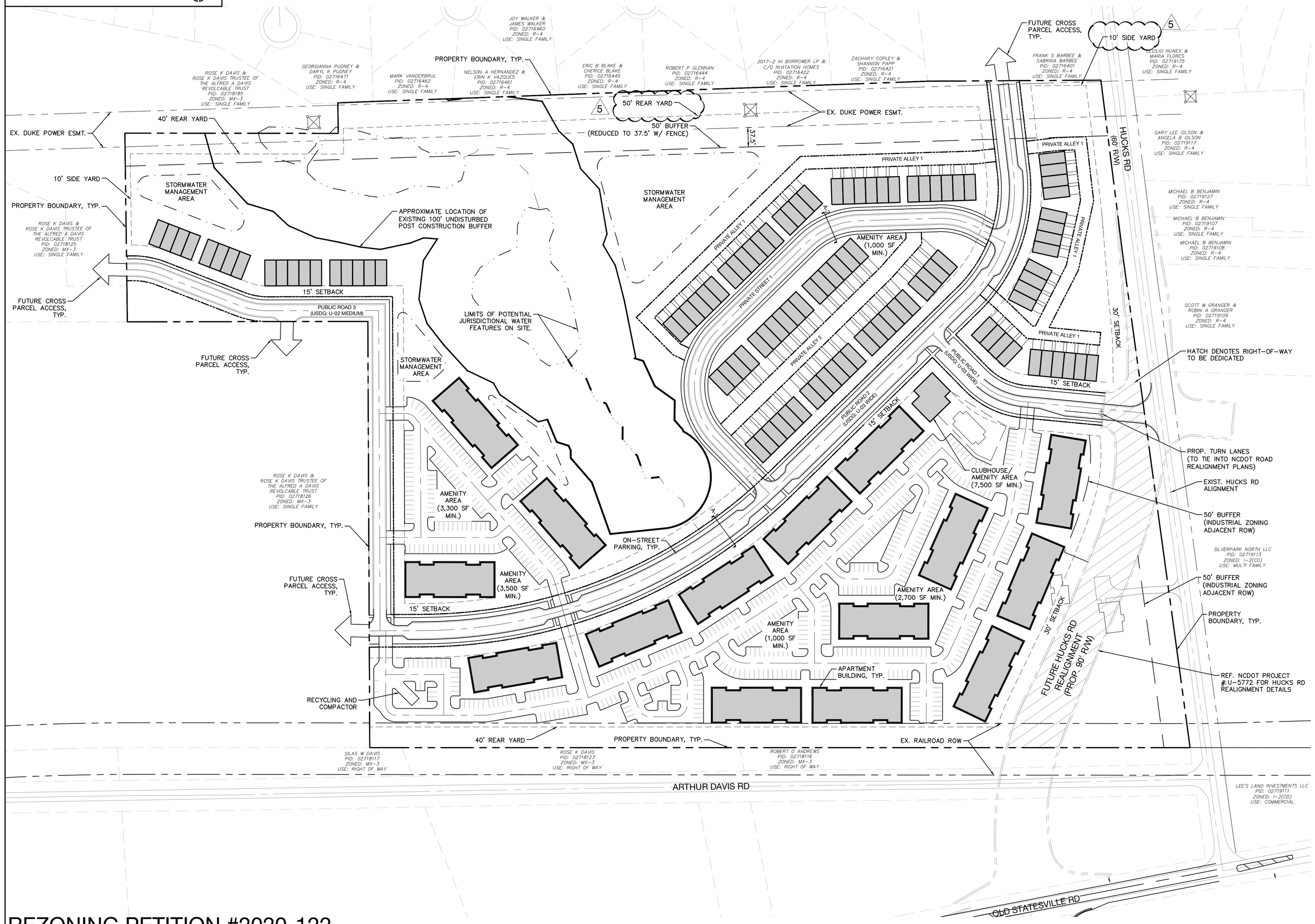
Planner: Michael Russell (704) 353-0225



VICINITY MAP

Site Development Data:

Acreage:	+/- 49.07 AC
Tax Parcel:	027-181-24
Existing Zoning:	MX-3
Proposed Zoning:	R-12MF (CD)
Existing Uses:	Single-Family
Proposed Uses:	Up to (110) For Sale Single Family Attached Residential Units
	Up to (406) Multi-Family Residential Units



GRAPHIC SCALE
100 0 50 100 200
1 INCH = 100 FEET

REZONING PETITION #2020-122

URBAN DESIGN PARTNERS
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urbandesignpartners.com
nc firm no: P-0418
sc coa no: C-03044

MVP Equities Corporation

Hucks Residential Rezoning

Rezoning Site Plan
6106 Hucks Rd, Charlotte, NC 28269

NO.	DATE:	BY:	REVISIONS:
1	10.12.20	UDP	PER CITY STAFF COMMENTS
2	11.16.20	UDP	PER CITY STAFF COMMENTS
3	12.14.20	UDP	PER CITY STAFF COMMENTS
4	01.11.21	UDP	PER CITY STAFF COMMENTS
5	03.17.21	UDP	PER CITY STAFF COMMENTS

Project No: 20-CLT-060
Date: 07.10.2020
Designed By: NCG
Checked By: GPP
Sheet No:

RZ-1.0

Site Development Data:

Acreage:	+/- 49.07 AC
Tax Parcel:	027-181-24
Existing Zoning:	MX-3
Proposed Zoning:	R-12MF (CD)
Proposed Uses:	Up to (110) For Sale Single-Family Attached Residential Units
	Up to (406) Multi-Family Residential Units

General Provisions:

1. These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by MVP Equities Corporation (the "Petitioner") to accommodate the development of a mix of single-family attached townhomes and multi-family residential unit types on an approximate 49.07 acre site located to the north of Hucks Road, which is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 027-181-24.
2. Development of the Site shall 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 "R-12MF" Zoning District shall govern all development taking place on the Site.
4. The development and street layout 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 final layout, location and sizes of the development and site elements depicted on the Rezoning Plan are graphic representation of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard(s), landscaping and tree save requirements set forth on the Rezoning Plan and the Development Standards, provided, however, that any such alterations and modification shall be minor in nature and 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 Zoning Ordinance. Minor alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

Permitted Uses:

1. Uses allowed within the rezoning area included in this Petition are those uses that are permitted within the R-12MF zoning district containing a maximum of (110) For Sale Single-Family Attached Townhomes and (406) Multi-Family Apartment units along with any incidental and accessory uses relating to and allowable within the associated zoning district.
2. Utilizing Section 11.207(2) of the Ordinance, common open space density bonus provisions shall be permissible above the base R-12MF zoning district maximum density.

Innovative Development Standards:

1. The Petitioner seeks the following innovative provisions described below:
   a) Non-residential buildings and accessory structures, including garages, pavilions and amenity structures must be separated by a minimum of 8'.

Transportation:

1. Vehicular access to public rights of way will be as generally depicted on the Rezoning Plan. Final locations, placements and configurations of the vehicular access points shown on the Rezoning Plan are subject to minor modification required to accommodate final permitting and construction plan adjustments as required by NCDOT and CDOT for approval.
2. The site shall be served by a combination of public roads, private roads and private alleys as depicted on the Rezoning Plan. Final locations of these drives are subject to minor modifications and adjustments to accommodate final permitting and construction plans as required to obtain final approval.
3. The petitioner agrees to provide accessible sidewalk ramps at each corner of Public Road 1 and Hucks Road as generally depicted on the Rezoning Plan. The petitioner shall also provide sidewalk and planting strip along Hucks Road adjacent The Site. The sidewalk may meander adjacent the property and final location shall be coordinated with NCDOT and CDOT.
4. The petitioner agrees to dedicate fee simple right of way to NCDOT for area associated with Hucks Road NCDOT STIP U-5772 as generally depicted on the Site Plan depicted with the associated hatched area.

5 5. The petitioner shall commit to the following "2023 Build Suggested Improvements" as described within the Hucks Road Site Traffic Impact Study dated March 2021, in coordination with NCDOT and CDOT:
   A. The following improvements shall be installed and accepted by CDOT and NCDOT prior to the first building certificate of occupancy being issued. Road improvements shall not be required within the existing adjacent railroad right-of-way within this off-site improvement phase.
   1. As related to Old Statesville Road (NC 115) & Hucks Road (Unsignalized):
      i. Construct a southbound left turn lane on Old Statesville Road with 150 feet of storage.
      ii. Construct a westbound left turn lane on Hucks Road with 100 feet of storage.
      iii. Construct a northbound right turn lane on Old Statesville Road with 100 feet of storage.
   2. Hucks Road & Silverpark Drive-Access "A" (Unsignalized without STIP U-5772):
      i. One ingress lane and two egress lanes on Access "A" (a southbound right turn lane with 100 feet of storage and a combined thru-left turn lane).
      ii. Construct an eastbound left turn lane on Hucks Road with 100 feet of storage.
      iii. Construct a de facto left turn lane on Hucks Road with 100 feet of storage.
   B. The following improvements shall be installed and accepted by CDOT and NCDOT prior to a certificate of occupancy being issued for the final remaining 25% of units (129) proposed within the project area.
   1. As related to Old Statesville Road (NC 115) & Hucks Road (Unsignalized)
      i. Install a traffic signal at the intersection of Old Statesville Road and Hucks Road.
      - All required accommodations will be made including upgrades to existing rail crossing.
6. The Petitioner agrees to install Public Road 1 and improvements indicated within Transportation note #3 above adjacent Hucks Road prior to the sites first certificate of occupancy being issued.
7. The Petitioner agrees to install Public Road 2 & 3 prior to the first certificate of occupancy being issued associated with the final 75% of the single family attached townhome units on site.
8. Installation of the road wearing/surface course for Public Roads 2 & 3 must be completed prior to first certificate of occupancy being issued associated with the final 80% of the single family attached townhome units on site.
9. The petitioner agrees to install a 6' sidewalk and minimum 8' wide landscape strip adjacent public road 1, 2, & 3. A sidewalk utility easement (SUE) shall be provided between the proposed right of way to 2' behind proposed sidewalk along all internal public roads as generally depicted on the Rezoning Plan.
10. Dedication of noted rights of way within the Site Plan shall be conveyed fee simple prior to the site's first certificate of occupancy being issued.

Architectural and Design Standards:

2. In addition to design provisions contained within the district regulations of the Zoning Ordinance for the R-12MF district, the development of the site will be governed by the following provisions and standards produced by the Petitioner and which will be binding on the development of the site.
3. A variety of principal building materials may be utilized on site and will be a combination of the following: Masonry, brick, concrete, pre-cast concrete, stone, precast stone, pre-finished metal, aluminum, steel, stucco, wood, ceramic tile, cementitious fiber board and glass fiber reinforced concrete. Vinyl, as a building material, will only be allowed on windows, soffits and trim features
4. Building placement and site design of the multi-family apartment buildings on site shall focus on and enhance the pedestrian environment adjacent public streets.
   a) Buildings shall be placed so as to present a front or side façade to all public streets.
   b) Usable porches or stoops may form an element of the building design and be located on the front and/or side of a building or residential unit.
   c) Direct pedestrian connections should be provided between residential units adjacent public streets.
   d) The facades of first/ground floor of the buildings along public streets shall incorporate a minimum of 30% masonry materials such as brick or stone.
   e) Building elevations shall not have expanses of blank walls greater than 20 feet in all direction and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
   f) Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.
5. Placement and design of single-family attached townhome residential units on site shall adhere to the following guidelines to enhance the architectural character or the proposed structures.
   a) Pitched roofs shall be symmetrically sloped no less than 5:12 except for roofs for porches that shall be no less than 2:12.
   b) Useable porches and stoops shall form a predominant feature of the building design and be located on the front of the building. Usable front porches may be covered but not enclosed.
   c) Walkways shall be provided to connect all residential entrances to sidewalks along public streets.
   d) All HVAC and mechanical equipment shall be screened from public view.
   e) Attached dwelling units shall be limited to a maximum of six (6) townhome units per building.
   g) The Site shall comply with Section 12.403 of the Zoning Ordinance. Dumpster and recycling service areas associated with residential uses shall be as generally depicted on the Site plan and shall be screened from public view and described within the ordinance. Final locations of dumpster locations shall be determined during the land development review permit process.

Amenities, Streetscape and Landscaping:

1. The Petitioner shall comply with with the City of Charlotte Tree Ordinance.
2. The Petitioner may subdivide the Site and create sublots withing the Site with no side or rear yards as part of the unified development plan.
3. The Petitioner shall provide open space and amenity areas within the Site, as generally depicted on the Rezoning Plan in the locations labeled as Amenity Area or Amenity Space, which may include, but shall not be limited to, community clubhouse, community pool, a pocket park, open air pavilion, hardscape patio areas, grills, fire pit, benches, and/or picnic tables.
4. The petitioner shall provide a minimum of 19,000sf of amenity area on site.

Environmental Features:

1. The Petitioner shall comply with the City of Charlotte Post Construction Ordinance.
2. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
3. Development within any SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services ad mitigated if required by City ordinance. Petitioner acknowledges intermittent/perennial stream delineation reports are subject to review and approval upon submission of development plans for permitting and are not approved with rezoning decisions.

Signage:

1. The Petitioner shall comply with the City of Charlotte Signage Ordinance.

Lighting:

1. All attached and detached lighting will be full cutoff fixtures and downwardly directed. However, upward facing architectural and landscape accent lighting shall be permitted.
2. Detached lighting on the site, except street lights located along public streets, will be limited to twenty-one (21') feet in height.

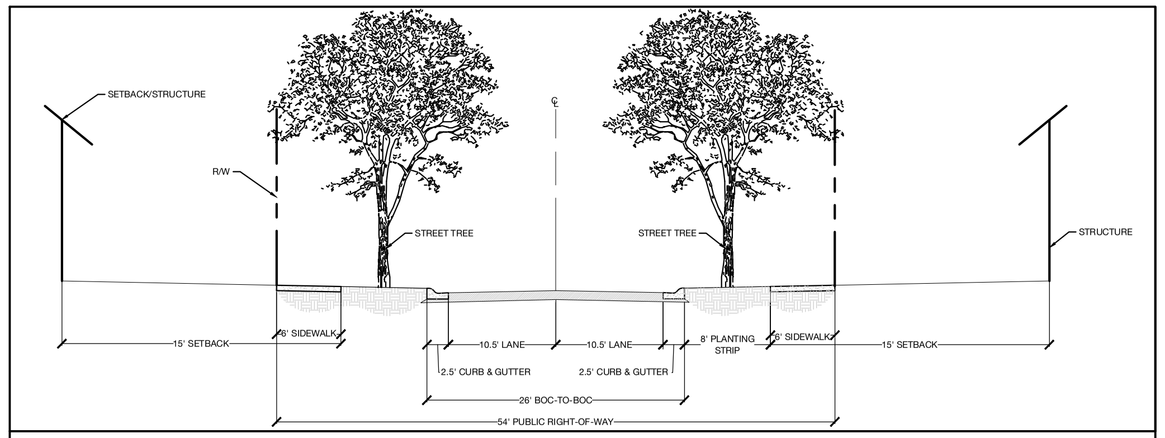
Amendments to Rezoning Plan:

Future amendments to these Development Standards may be applied for by the then Owner or Owners of the parcel or parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

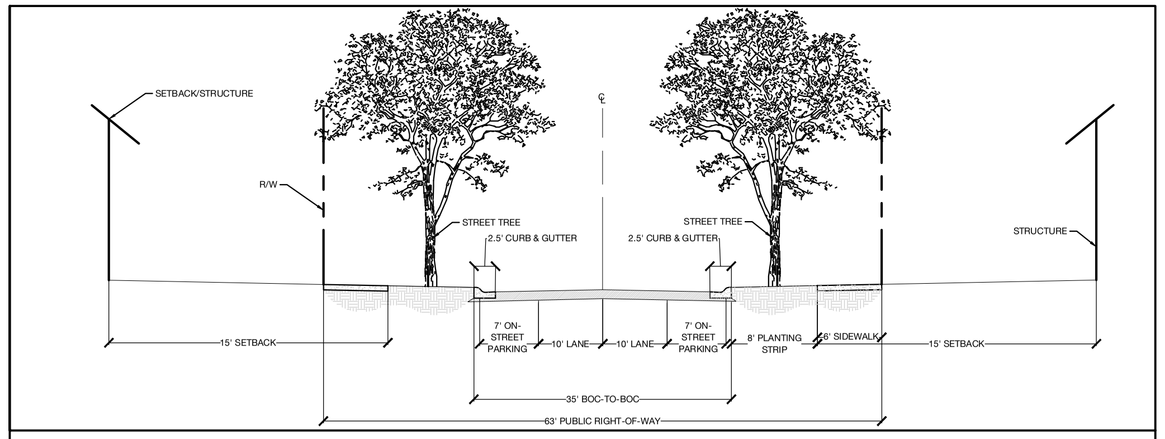
Further alterations or modifications to the Rezoning Plan which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the approved Technical Data Sheet or any of its conditions or which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

Binding Effect of the Rezoning Documents and Definitions:

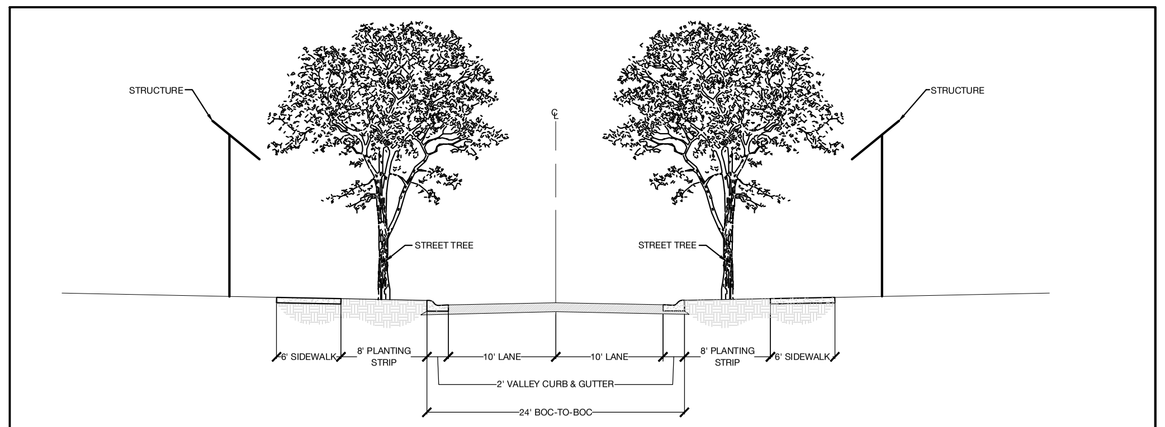
1. If this Site Plan Amendment is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of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



USDG U-02 LOCAL RESIDENTIAL MEDIUM



SECTION A-1: USDG U-03 LOCAL RESIDENTIAL WIDE



SECTION A-2: PRIVATE STREET CROSS-SECTION

REZONING PETITION #2020-122

URBAN DESIGN PARTNERS
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charlotte, nc 28205 F 704.334.3305
urbandesignpartners.com
nc firm no: P-0418
sc coa no: C-03044

MVP Equities Corporation

Hucks Residential Rezoning

Development Notes & Standards

6106 Hucks Rd, Charlotte, NC 28269

NO.	DATE:	BY:	REVISIONS:
1	10.12.20	UDP	PER CITY STAFF COMMENTS
2	11.16.20	UDP	PER CITY STAFF COMMENTS
3	12.14.20	UDP	PER CITY STAFF COMMENTS
4	01.11.21	UDP	PER CITY STAFF COMMENTS
5	03.17.21	UDP	PER CITY STAFF COMMENTS

Project No: 20-CLT-060
Date: 07.10.2020
Designed By: NCG
Checked By: GPP
Sheet No:

RZ-2.0

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 30.**File #:** 15-15584 **Type:** Zoning Hearing

Rezoning Petition: 2020-197 by The Paces Foundation, Inc.

Location: Approximately 4.54 acres located along the south side of Elmin Street, on the north side of West Boulevard, east of Old Steele Creek Road. (Council District 3 - Watlington)

Current Zoning: R-5 (single-family residential) and R-8 (single-family residential)
Proposed Zoning: UR-2 (CD) (urban residential, conditional)

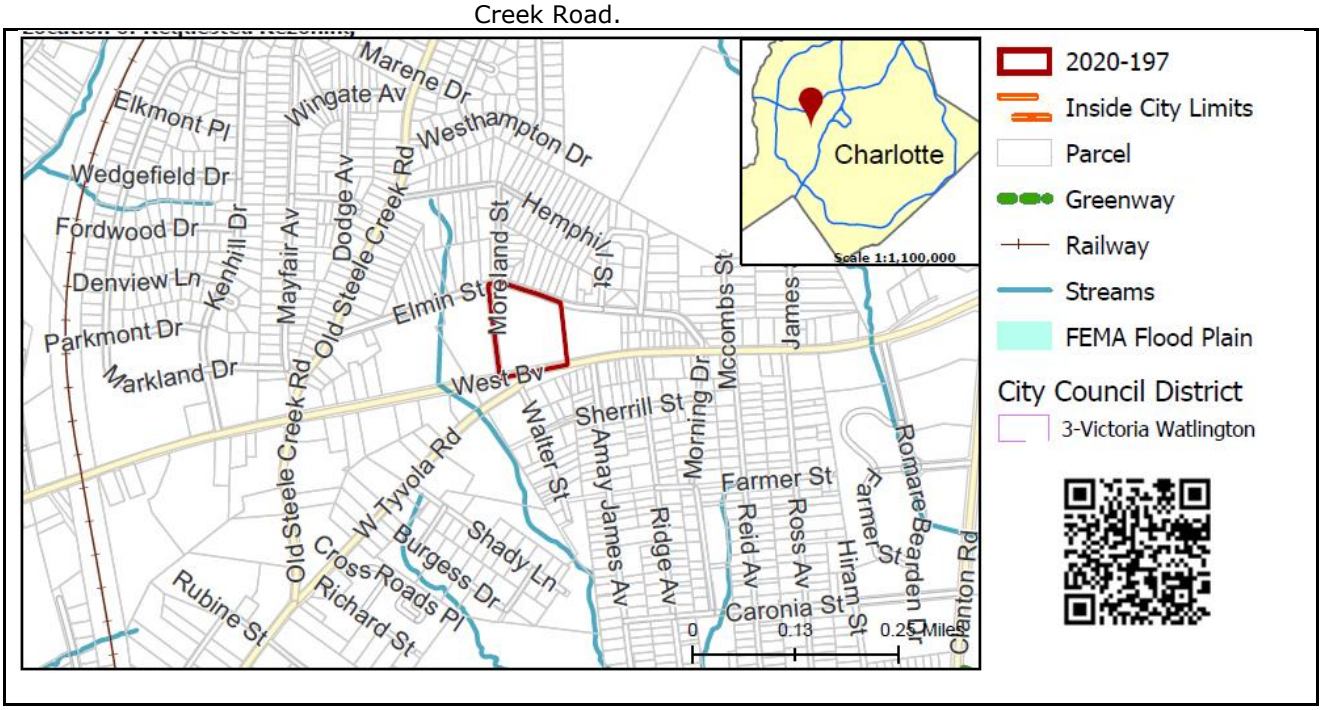
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Pre-Hearing Staff Analysis
Site Plan

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-197
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: R-5 (single family residential) and R-8 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 4.54 acres located along the south side of Elmin Street, on the north side of West Boulevard, east of Old Steele Creek Road.



SUMMARY OF PETITION	The petition proposes to allow an age-restricted, multifamily residential development at a density of 29.74 units per acre, on a vacant parcel located between Elmin Street and West Boulevard in West Charlotte.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	E&M Real Estate Management, LLC The Paces Foundation, Inc. Dujuana Keys 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: 16

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **inconsistent** with the *Central District Plan* (1993) recommendation for single family residential up to 5 units per acre and single family residential up 8 units per acre, but **consistent** with the *General Development Policies* recommendation for over 17 dwelling units per acre. <u>Rationale for Recommendation</u> • The petition meets the *General Development Policies* locational criteria for consideration of over 17 dwelling units per acre. • The request supports a desired mix of housing types in the area.

- Directly east of the site is a religious institution, and west are a mix of institutional, office, residential, and retail uses.
- The project commits to streetscape improvements along West Boulevard.
- The request commits to several transportation improvements, including provision of an 8-foot sidewalk adjacent to the unopened right-of-way located along the western property line. Pedestrian scale lighting will also be provided along this sidewalk.
- The petition proposes a new ADA compliant bus waiting pad per along West Boulevard for outbound bus stop #34580.
- The petition commits to installation of evergreen shrubs to enhance screening of the parking and refuse areas from existing residential and institutional uses along Elmin Street.
- The site plan clearly identifies proposed open space amenity area and urban open space area with associated conditional notes committing to their improvements.

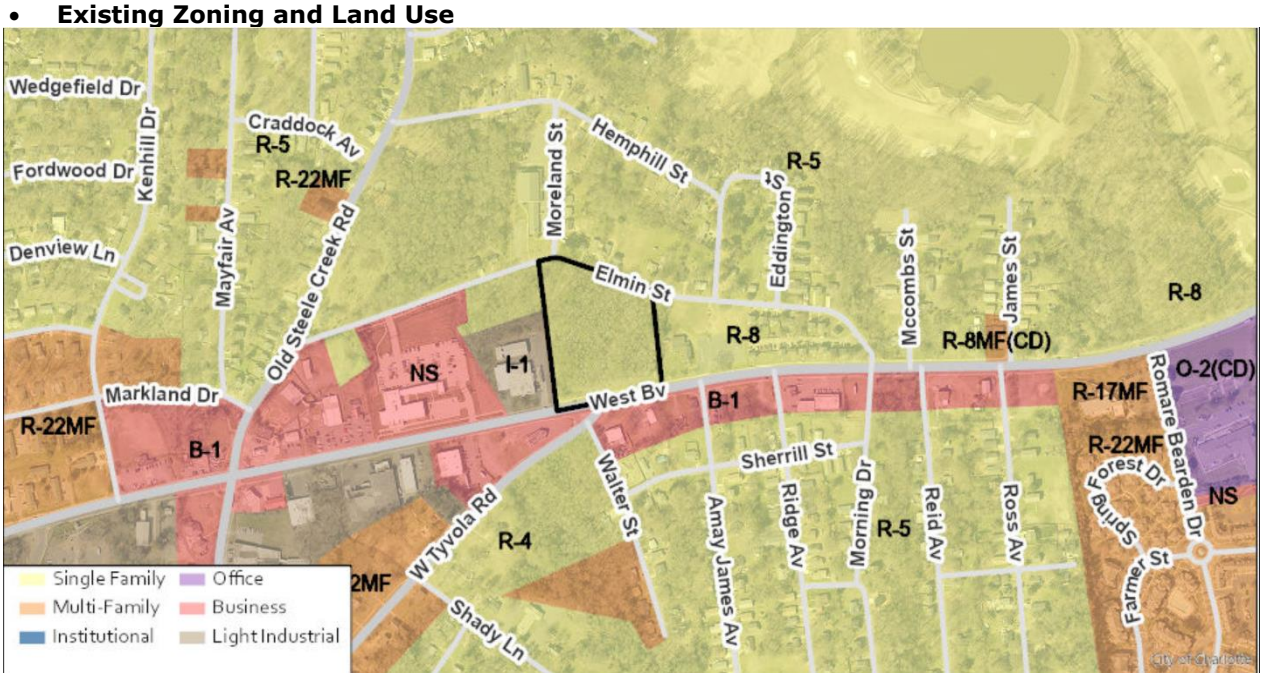
The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from current recommended single family residential up to 5 units per acre and single family residential up to 8 units per acre to new recommended residential over 17 units per acre for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Up to 125 age-restricted multi-family residential dwelling units in 1 building (29.74 units per acre).
  - Limits building height to 60 feet.
  - Proposes a workforce housing program to ensure that the proposed residential dwelling units constructed on the Site are reasonably priced for persons earning less than the median income for the area ("Affordable Units"). Ensures that all the proposed affordable Units constructed on the Site, for a period of not less than 20 years, maintain monthly rents that are income restricted for households earning up to 80% of area median income.
  - Provides a 24-foot building and parking setback along West Boulevard from back of future curb.
  - Provides a 20-foot building and parking setback along Elmin Street from back of future curb.
  - Provides a 16-foot setback along the existing unopened right-of-way located along the western property boundary.
  - Proposes access via West Boulevard and Elmin Street (gated).
  - Illustrates potential tree save areas along Elmin Street.
  - Proposes a staggered double row of evergreen screen shrubs along a portion of Elmin Street to screen proposed parking areas from the right-of-way and existing residential and institutional uses across the street.
  - Illustrates proposed large evergreen shrubs, a 6-foot masonry screening wall with gates to screen the proposed refuse area.
  - <u>Proposes the following transportation improvements:</u>
    - Improves West Boulevard with a 16-foot planting strip and an 8-foot sidewalk. The proposed sidewalk will extend across the unopened right-of-way.
    - Provides an 8-foot planting strip and an 8-foot sidewalk along Elmin Street. The proposed sidewalk will extend half-way across the unopened right-of-way. Additional improvements along Elmin Street will be provided as required by the Chapter 19 of the City Code. Elmin will be improved to meet a residential medium cross-section.
    - Provides an 8-foot sidewalk adjacent to the unopened right-of-way located along the western property line. Pedestrian scale lighting will also be provided along this sidewalk. The back of the proposed sidewalk will be located 29 feet from the center line of the unopened right-of-way. A sidewalk and utility easement will be provided for the portion of the sidewalk located outside of the right-of-way.
    - Constructs a curb ramp at the intersection of West Boulevard and the unopened street as generally depicted on the Rezoning Plan.
    - Constructs an accessible curb ramp on the south side of Elmin Street across from the intersection of Moreland Street as generally depicted on the Rezoning Plan. The Petitioner

will also bring the existing accessible curb ramp located on the north side of Elmin Street at the intersection of and Moreland Street to City Standards.
    - Dedicates and conveys to CDOT 54 feet of right-of-way from the center line of West Boulevard. as generally depicted on the Rezoning Plan.
    - Dedicates additional right-of-way along Elmin Street to accommodate a residential medium cross-section. A sidewalk easement may be provided to reduce the amount of right-of-way that is dedicated.
    - Dedicates 1-foot of additional right-of-way along the unopened street located along the western property boundary for a total of 21 feet from the center line.
    - Constructs a new ADA compliant bus waiting pad per Land Development Standards 60.01B along West Boulevard for outbound bus stop # 34580. The final location of the pad will be coordinated with CATS during the permitting process.
- <u>Proposes the following design guidelines:</u>
    - Proposes building materials used will be a combination of portions of some of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
    - Prohibits vinyl siding (but not vinyl handrails, windows or door trim).
    - Prohibits concrete masonry units not architecturally finished.
    - All principal and accessory buildings abutting West Boulevard, Elmin Street and the unopened right-of-way shall comprise a minimum of 20% of that building's entire façade facing such network street using brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Staff.
    - Prohibited exterior building materials are vinyl siding (but not vinyl hand rails, windows or door trim) and concrete masonry units not architecturally finished.
    - Notes buildings exceeding 135 feet in length along an existing or proposed right-of-way shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 4 feet extending up and down through the building façade.
    - Building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
    - Buildings shall be designed with a recognizable architectural base on all facades facing West Boulevard. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural façade features and color changes.
    - Building elevations facing West Boulevard, Elmin Street, and the unopened right-of-way shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but to limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
- Notes improved open space areas will be provided as generally depicted on the Rezoning Plan. The proposed open space amenity areas will be improved with landscaping, seating areas, hardscape elements and shade structures as applicable and appropriate to the proposed amenity area. The improved open space area will contain a minimum of 8,000 square feet.
- The Petitioner will design the storm water and water quality structure proposed along West Boulevard so that attractively landscaped and screened from West Boulevard. Flowering small-maturing trees are illustrated between the potential BMP area and proposed sidewalk along West Boulevard.
- Notes an improved urban open space area will also be provided along West Boulevard. This open space area will be improved with a seating area, landscaping, hardscape elements, and lighting.

- **Existing Zoning and Land Use**



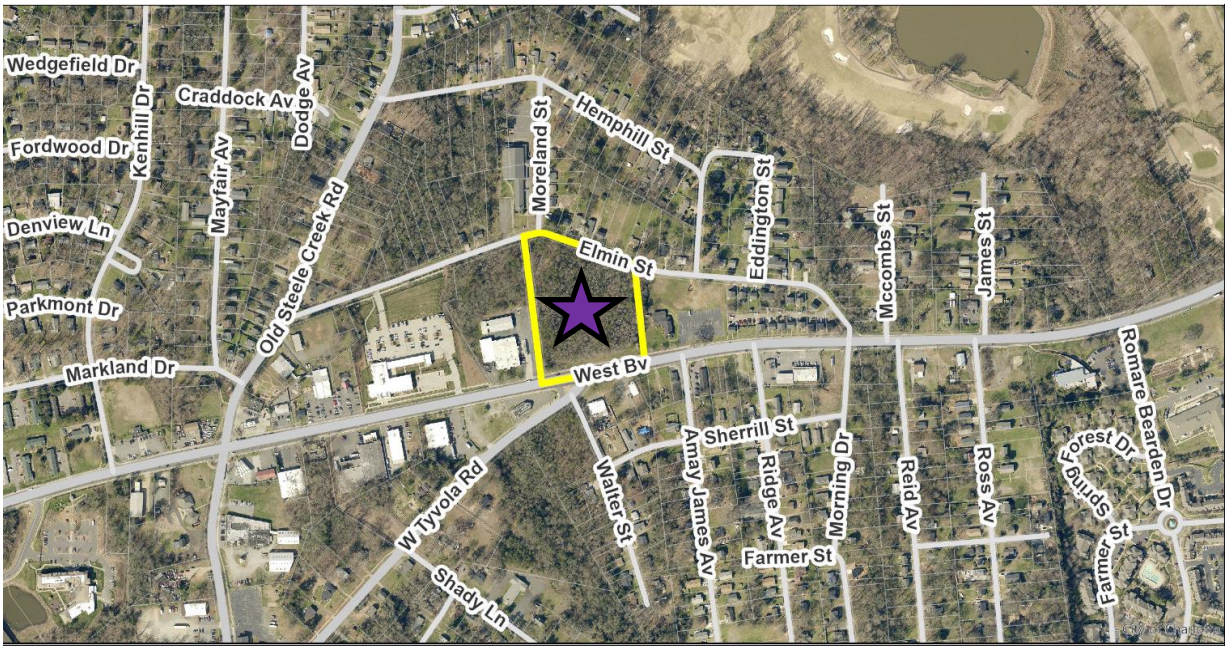
The site is currently vacant and is surrounded by a mix of single family and multi-family residential developments, institutional, office, and retail uses and vacant land on parcels in various zoning districts.

The rezoning site is vacant.

East is a religious institution.

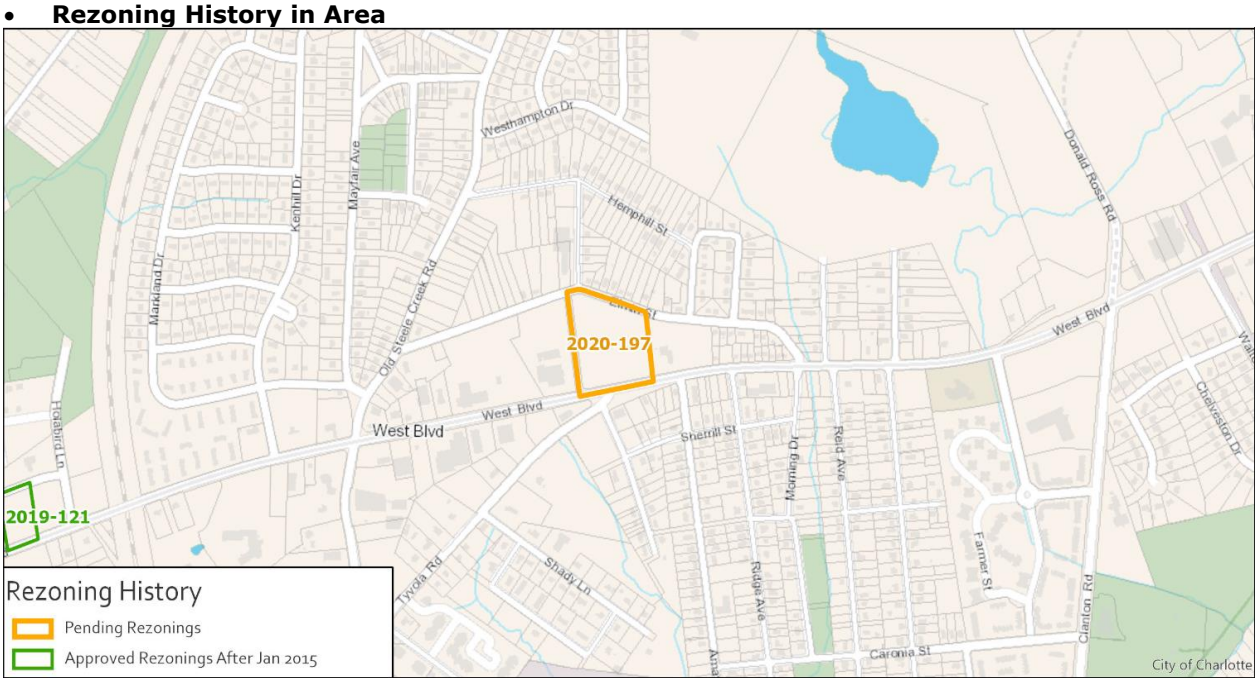
West, along West Boulevard are a mix of residential and nonresidential uses.

Along Elmin Street are single family homes and a religious institution.



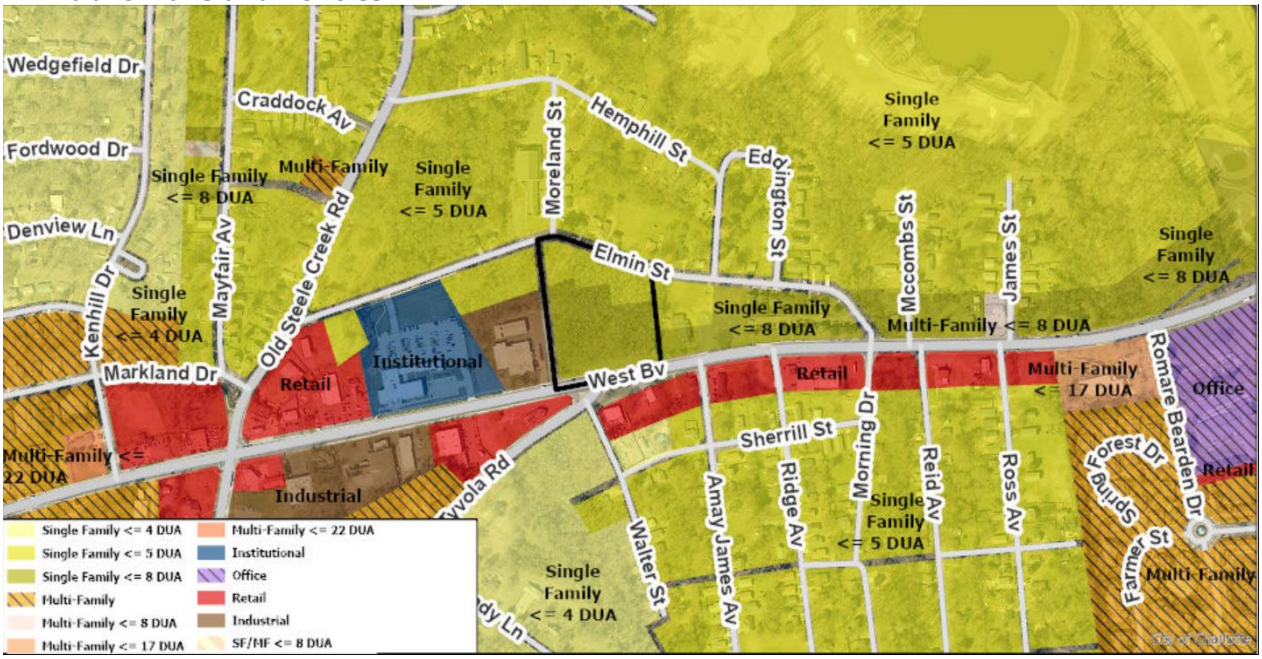
The site (denoted by purple star) is surrounded by a mix of residential and non-residential uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-121	Rezoned 1.15 acres from B-1(CD) to B-1.	Approved

- **Public Plans and Policies**



- The *Central District Plan* recommends single family residential up to 5 units per acre for a portion of the site, and single family residential up to 8 units per acre for the remainder of the parcel.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of over 17 dwelling units per acre as illustrated in the table below.

Assessment Criteria	**Density Category – Over 17 dua**
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	3
Connectivity Analysis	4
Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 14	**Total Points: 15**

- **TRANSPORTATION SUMMARY**
  - The site is located on West Boulevard, a State-maintained major thoroughfare, and Elmin Street, a City-maintained local road, at the intersection of West Boulevard and Tyvola Road. The proposed project is requesting to change the site's rezoning from R-5/R-8 to Urban Residential-2 (UR-2). In accordance with the City's Ordinances and WALKS Policy, the petitioner has committed to construct portion of a pedestrian network, in the form of an 8-foot planting strip and 8-foot sidewalk, along Elmin Street, West Boulevard, and the paper right-of-way along the western property line. This new pedestrian network will complement the bicycle and pedestrian infrastructure constructed as a part of the West Boulevard Corridor Implementation CIP Project. Lastly, the Petitioner has agreed to improve the CATS Bus Stop in front of the site on West Boulevard. There are no outstanding CDOT items.
  - **Active Projects Near the Site:**
    - West Boulevard Corridor Implementation, CIP Project ID# PMES181547
      - Construct numerous bicycle and pedestrian improvements along West Boulevard from Camden Road to Billy Graham Parkway.
        - New Pedestrian Hybrid Beacon between Morning Drive and Ridge Avenue
          - Ramp and flatwork construction starting 1st quarter 2021
          - Mast Arm 2nd quarter 2021
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**

    Current Zoning:

    Existing Use: Vacant

    Entitlement: 375 trips per day (based on 7 homes at R-5; 24 homes at R-8).

Proposed Zoning: 480 trips per day (based on 125 senior multi-family).

DEPARTMENT COMMENTS (see full department reports online)

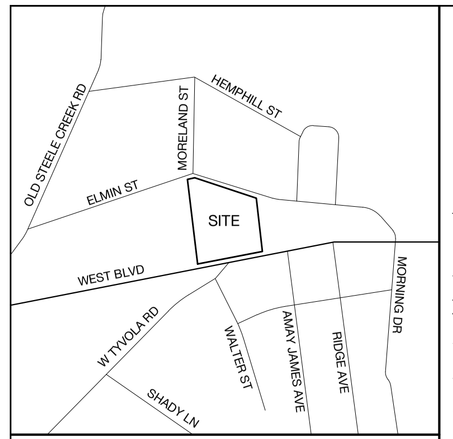
- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments received.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Elmin Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Elmin Street. See advisory comments at ww.rezoning.org.
- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at www.rezoning.org
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

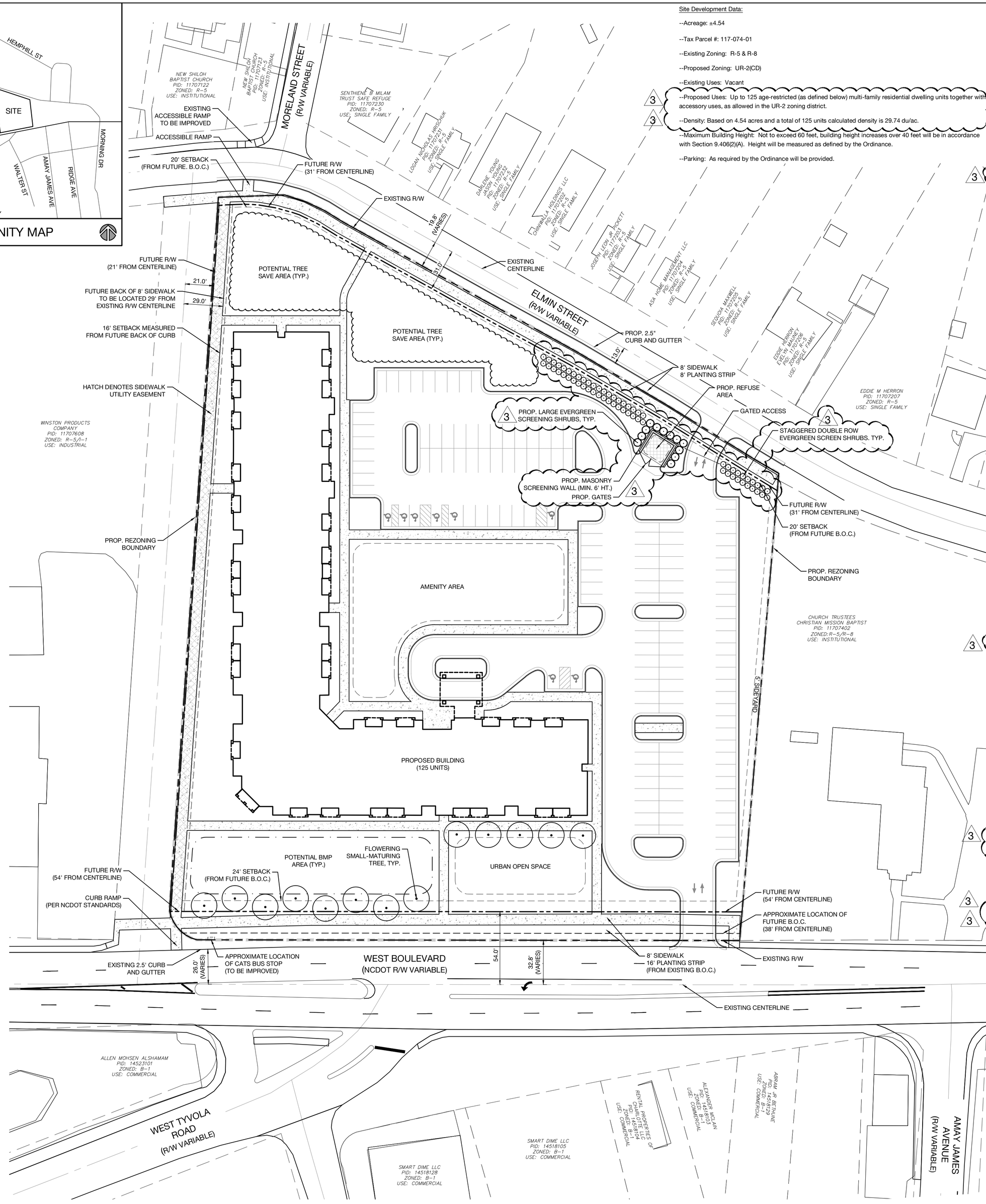
- None

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

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



VICINITY MAP



Site Development Data:

--Acreage: ±4.54

--Tax Parcel #: 117-074-01

--Existing Zoning: R-5 & R-8

--Proposed Zoning: UR-2(CD)

--Existing Uses: Vacant

--Proposed Uses: Up to 125 age-restricted (as defined below) multi-family residential dwelling units together with accessory uses, as allowed in the UR-2 zoning district.

--Density: Based on 4.54 acres and a total of 125 units calculated density is 29.74 du/ac.

--Maximum Building Height: Not to exceed 60 feet, building height increases over 40 feet will be in accordance with Section 9.406(2)(A). Height will be measured as defined by the Ordinance.

--Parking: As required by the Ordinance will be provided.

1. General Provisions:

a. Site Location. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by The Paces Foundation, Inc. ("Petitioner") to accommodate the development of an age-restricted residential community on approximately 4.54-acre site generally located at north of the intersection of West Boulevard and West Tyvola Road (the "Site").

b. Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the UR-2 zoning classification shall govern.

c. Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and 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.

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.

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.

2. Permitted Uses & Development Area Limitation:

a. The Site may be developed with up to 125 age-restricted multi-family residential dwellings units together with accessory uses allowed in the UR-2 zoning district as generally depicted on the Rezoning Plan.

b. Parking, and vehicular circulation will not be permitted between the building and West Boulevard as generally depicted on the Rezoning Plan. Parking and vehicular circulation will be allowed to the side of the building and may extend beyond the building line toward West Blvd., as generally depicted on the Rezoning Plan.

c. Workforce Housing: The Petitioner shall provide a workforce housing program to ensure that the proposed residential dwelling units constructed on the Site are reasonably priced for persons earning less than the median income for the area ("Affordable Units"). The Petitioner shall ensure that all the proposed Affordable Units constructed on the Site, for a period of not less than 20 years, maintain monthly rents that are income restricted for households earning up to 80% of area median income.

Age-restricted or age-restricted community shall mean: a community intended and operated for regular occupancy by persons fifty-five (55) years of age or older such that 100% of the units have at least one occupant who is fifty-five (55) years of age or older; in addition, other senior based housing and services, including, without limitation, independent living, retirement care and the like are permitted as part of age-restricted housing or community, whether as principle or accessory uses.

3. Access, Transportation and Improvements:

a. Access to the Site will be from West Boulevard and Elmin Street as generally depicted on the Rezoning Plan. The proposed access to Elmin Street may be gated.

b. The Petitioner will improve West Boulevard with a 16-foot planting strip and an eight (8) foot sidewalk as generally depicted on the Rezoning Petition. The proposed sidewalk will extend across the unopened right-of-way.

c. The Petitioner will provide an eight (8) foot planting strip and an eight (8) foot sidewalk along improve Elmin Street. The proposed sidewalk will extend half-way across the unopened right-of-way. Additional improvements along Elmin Street will be provided as required by the Chapter 19 of the City Code. Elmin will be improved to meet a residential medium cross-section.

d. The Petitioner will provide an eight (8) foot sidewalk adjacent to the unopened right-of-way located along the western property line. Pedestrian scale lighting will also be provided along this sidewalk. The back of the proposed sidewalk will be located 29 feet from the center line of the unopened right-of-way. A sidewalk and utility easement will be provided for the portion of the sidewalk located outside of the right-of-way.

e. The Petitioner will construct a curb ramp at the intersection of West Blvd. and the unopened street as generally depicted on the Rezoning Plan.

f. The Petitioner will construct an accessible curb ramp on the south side of Elmin Street across from the intersection of Moreland Street as generally depicted on the Rezoning Plan. The Petitioner will also bring the existing accessible curb ramp located on the north side of Elmin at the intersection of and Moreland Street to City Standards.

g. The placement and configuration of the vehicular access point is subject to minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT and NCDOT in accordance with applicable published standards.

h. The alignment of the internal 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 CDOT in accordance with published standards.

i. The Petitioner will dedicate and convey to CDOT 54 feet of right-of-way from the center line of West Blvd. as generally depicted on the Rezoning Plan.

j. The Petitioner will dedicate additional r/w along Elmin Street to accommodate a residential medium cross-section. A sidewalk easement my be provided to reduce the amount of r/w that is dedicated.

k. The Petitioner will dedicate one (1) foot of additional right-of-way along the unopened street located along the western property boundary for a total of 21 feet from the center line.

l. The Petitioner will construct required roadway improvements and provide any required sidewalk and utility easements needed for these improvements prior to the issuance of the first certificate of occupancy, subject to the Petitioner's ability to request that CDOT allow a bond to be post for any roadway improvements not finalized at the time of the issuance of the certificate of occupancy, as allowed by City regulations.

m. The Petitioner will dedicate via fee simple conveyance any required right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

4. Streetscape, Buffers, Yards, Open Space and Landscaping:

a. A twenty-four (24) foot building and parking setback as measured from the future back of curb will be provided along West Boulevard as generally depicted on the Rezoning Plan.

b. A 20-foot building and parking setback as measured from the future back of curb will be provided along Elmin Street.

c. A 16-foot setback as measured from the future back of curb will be provided along the existing unopened right-of-way located along the western property boundary as generally depicted on the Rezoning Plan.

d. Side and rear yards will be provided as required by the Ordinance.

5. Architectural Standards, General Design Guidelines:

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of some of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.

b. Preferred Exterior Building Materials: All principal and accessory buildings abutting West Boulevard, Elmin Street and the unopened right-of-way shall comprise a minimum of 20% of that building's entire façade facing such network street using brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Staff.

c. Prohibited Exterior Building Materials:

i. Vinyl siding (but not vinyl handrails, windows or door trim).

ii. Concrete Masonry Units not architectural finished.

d. Building Massing and Height shall be designed to break up long monolithic building forms as follows:

i. Buildings exceeding 135 feet in length along an existing or proposed right-of-way shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 4 feet extending up and down through the building façade.

e. Architectural Elevation Design - elevations facing public streets shall be designed to create visual interest as follows:

i. Building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.

ii. Buildings shall be designed with a recognizable architectural base on all facades facing West Boulevard. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural façade features and color changes.

iii. Building elevations facing West Boulevard, Elmin, and the unopened right-of-way shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but to limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

f. Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:

i. Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.

ii. For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls. This standard will not apply to roofs on dormers, balconies, or other minor building elements that may have a pitched roof.

iii. Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.

g. Service Area Screening - service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures and in compliance with the requirements of the Ordinance. Such design shall include a minimum 20 percent Preferred Exterior Building Materials when walls or fences are used to screen these areas. The location of the proposed dumpster and recycling areas is generally depicted on the Rezoning Plan.

h. Meter banks will be screened from adjoining properties and from the abutting public streets including the unopened r/w along the western property boundary.

6. Open Space:

a. Improved open space areas will be provided as generally depicted on the Rezoning Plan. The proposed open space amenity areas will be improved with landscaping, seating areas, hardscape elements and shade structures as applicable and appropriate to the proposed amenity area. The improved open space area will contain a minimum of 8,000 square feet.

b. The Petitioner will design the storm water and water quality structure proposed along West Blvd. so that it is attractively landscaped and screened from West Boulevard.

c. An improved urban open space area will also be provided along West Blvd. This open space area will be improved with a seating area, landscaping, hardscape elements, and lighting.

7. Environmental Features:

a. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

b. The Site will comply with the Tree Ordinance.

8. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.

b. Detached lighting on the Site will be limited to 22 feet in height.

9. CATS West Blvd. Bus Stop Improvements:

a. The Petitioner will construct a new ADA compliant bus waiting pad per Land Development Standards 60.01B along West Blvd. for outbound bus stop # 34580. The final location of the pad will be coordinated with CATS during the permitting process.

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 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 under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

GRAPHIC SCALE
40 0 20 40 80
1 INCH = 40 FEET

REZONING PETITION #2020-197

URBAN DESIGN PARTNERS
1318-e6 central ave. P 704.334.3303
charlotte, nc 28205 F 704.334.3305
urbandesignpartners.com
nc firm no: P-0418
sc coa no: C-03044

The Paces Foundation, Inc.
2730 Cumberland Blvd. SE
Smyrna, GA 30080

Historical Nathaniel Carr Senior Community

Rezoning Site Plan
West Boulevard, Charlotte NC

NO.	DATE:	BY:	REVISIONS:
1	01.11.21	UDP	REVISIONS PER CITY PLANNING STAFF
2	02.08.21	UDP	REVISIONS PER CITY PLANNING STAFF
3	03.17.21	UDP	REVISIONS PER CITY PLANNING STAFF

Project No: 20-CLT-146
Date: 11.12.2020
Designed By: UDP
Checked By: UDP
Sheet No:

RZ-1.0

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 31.**File #:** 15-15590 **Type:** Zoning Hearing

Rezoning Petition: 2021-017 by Charlotte-Mecklenburg Housing Partnership

Location: Approximately 4.48 acres located on the west side of Yuma Street, east of West Sugar Creek Road, and south of Interstate 85. (Council District 4 - Johnson)

Current Zoning: MUDD-O (mixed-use development, optional) and UR-2 (CD) (urban residential, conditional)
Proposed Zoning: UR-2 (CD) SPA (urban residential, conditional, site plan amendment)

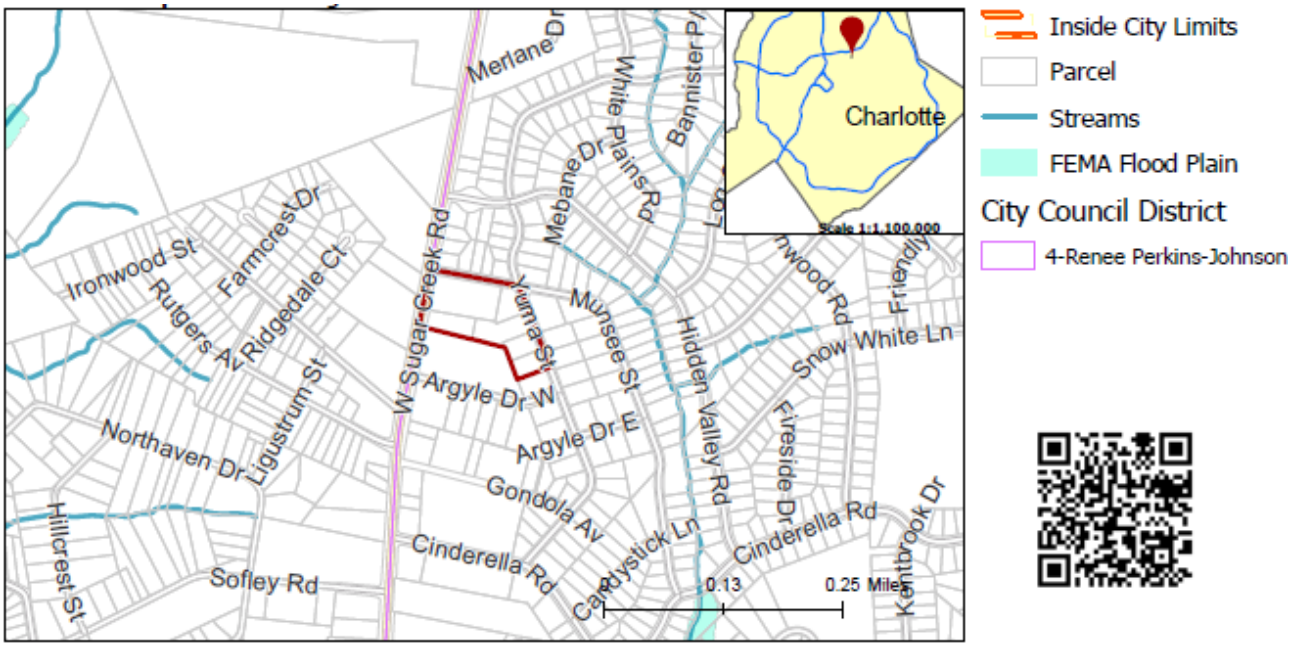
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and environment.

Attachments:
Pre-Hearing Staff Analysis
Site Plan

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-017
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: MUDD-O (mixed use development, optional) and UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment)
LOCATION	Approximately 4.48 acres located on the west side of Yuma Street, east of West Sugar Creek Road, and south of Interstate 85.



SUMMARY OF PETITION	The petition proposes to amend a previously approved rezoning 2018-154 to allow up to 52 multi-family residential dwelling units with a density of 11.6 dwelling units per acre.
PROPERTY OWNER	Charlotte-Mecklenburg Housing Partnership and Mayfield Memorial Baptist Church
PETITIONER	Charlotte-Mecklenburg Housing Partnership
AGENT/REPRESENTATIVE	Bridget Grant, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 54

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and environment.

Plan Consistency

The petition is **consistent** with the *Northeast District Plan (1996)* recommendation of residential use up to 12 units per acre.

Rationale for Recommendation

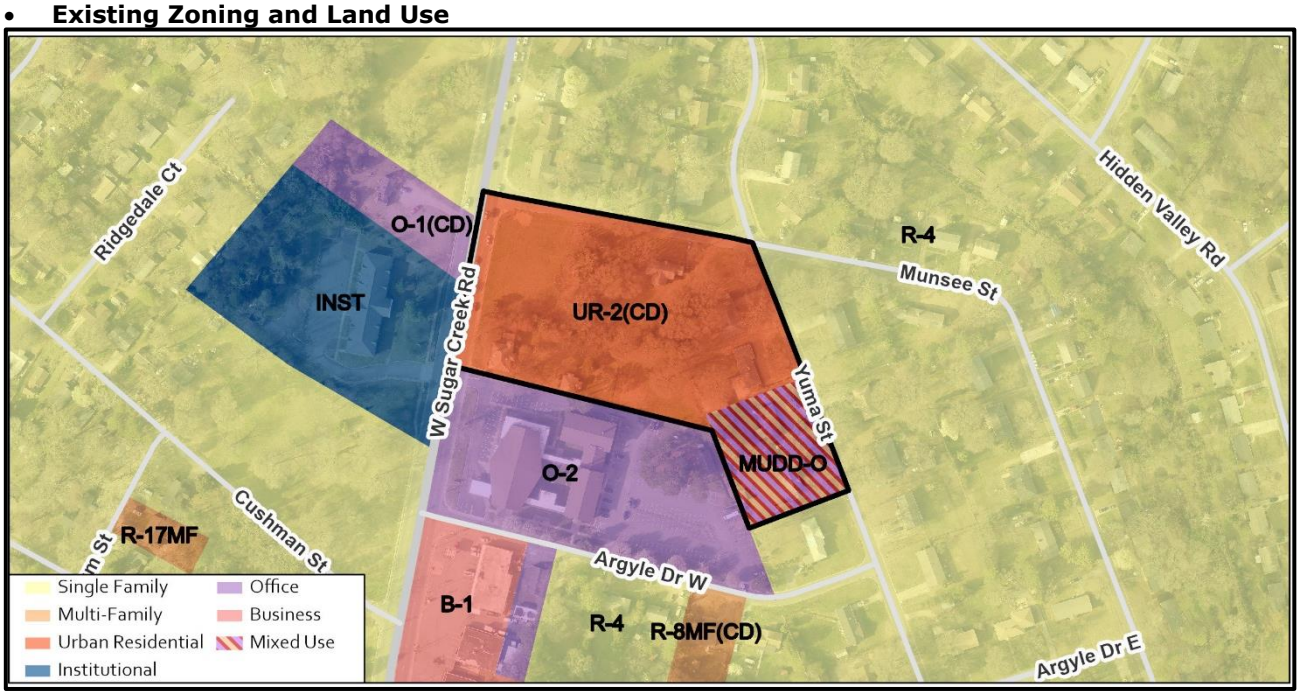
- This site was rezoned to UR-2(CD) and MUDD(O) as part of Rezoning Petition 2018-154. Petition 2018-154 proposed up to 50 multi-family dwelling units along with a park, retention of an

	existing single-family home, and expansion of a parking facility for a nearby church. • The current Rezoning Petition 2021-017 seeks to rezone the entire site to UR-2(CD) for a less intense development proposal, consisting of only the multi-family housing development and accessory uses and eliminating all other proposed developments from the 2018-154 rezoning. The site plan proposes two development areas. Development Area A includes the multi-family housing development and other accessory uses as allowed by UR-2 zoning, and Development Area B may be utilized as open space, an amenity area, and tree save. • Proposed development fronting Yuma Street provides a front or side façade to existing single family detached dwellings fronting Yuma Street. • The proposed density for the site is 11.6 DUA, consistent with the district plan recommendation of residential use up to 12 DUA.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan amendment contains the following changes:
  - Proposes two development areas:
    - Development area A allows up to 52 multi-family dwelling units. An increase of 2 units.
    - Development area B allows for open space, amenity area, and tree save uses.
  - Reduction in development areas from three to two.
  - Seeks to rezone the entire site to UR-2(CD) from UR-2(CD) and MUDD-O.
  - Retains a workforce housing program to ensure that at least 90% of the new residential units constructed within Development Area A are reasonably priced for persons earning less than the median income for the area. The Petitioner will ensure that all the proposed Affordable Units constructed within Development Area A, for a period of not less than 20 years, maintain monthly rents that are income restricted for households earning up to 80% of area median income.
  - Limits the site to two buildings.
  - Limits building height to 60-feet.
  - Retains the following architectural details:
    - Building materials will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows, soffits and on handrails/railings.
    - Buildings will be placed so as to present a front or side façade to the existing public streets.
    - Buildings will front a minimum of 60% of the total West Sugar Creek frontage.
    - Buildings exceeding 120-feet in length will include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations will be a minimum of 10-feet wide and shall project or recess a minimum of 4-feet extending through the building.
    - Building elevations will be designed with vertical bays or articulated architectural facade features which may include but not be limited to a combination of exterior wall offsets, projection recesses, pilasters, banding and change in materials or colors.
    - Building elevations facing the existing public streets will not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

- **Existing Zoning and Land Use**

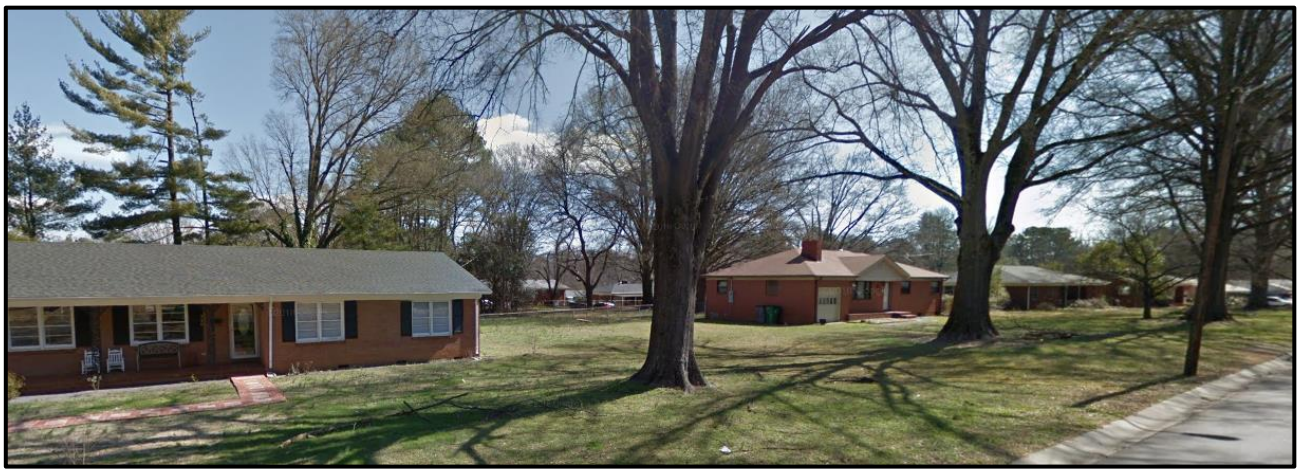


Rezoning 2018-154 for the subject site allowed up to 50 multi-family dwelling units, retention of an existing single-family dwelling for eventual reuse as a civic facility, a park, and additional parking for an abutting religious institution. Surrounding land uses on either side of West Sugar Creek Road include single family detached dwellings. In addition, a religious institution and retail uses are located on the east side of West Sugar Creek Road, and medical and general office uses are located on the west side of West Sugar Creek Road.

The subject property denoted by a red star.

The properties to the north along Munsee Street are developed with single family homes.

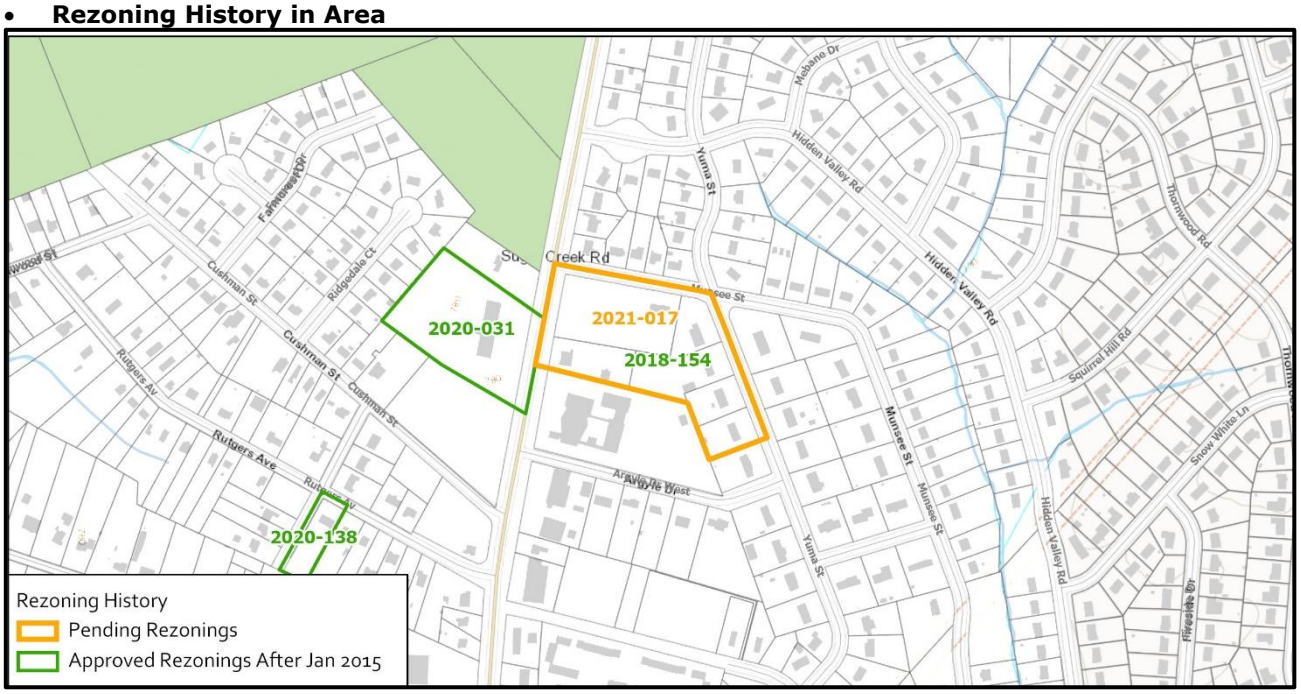
The property to the south along West Sugar Creek Road is developed with a religious institution.



The properties to the east along Yuma Street are developed with single family homes.

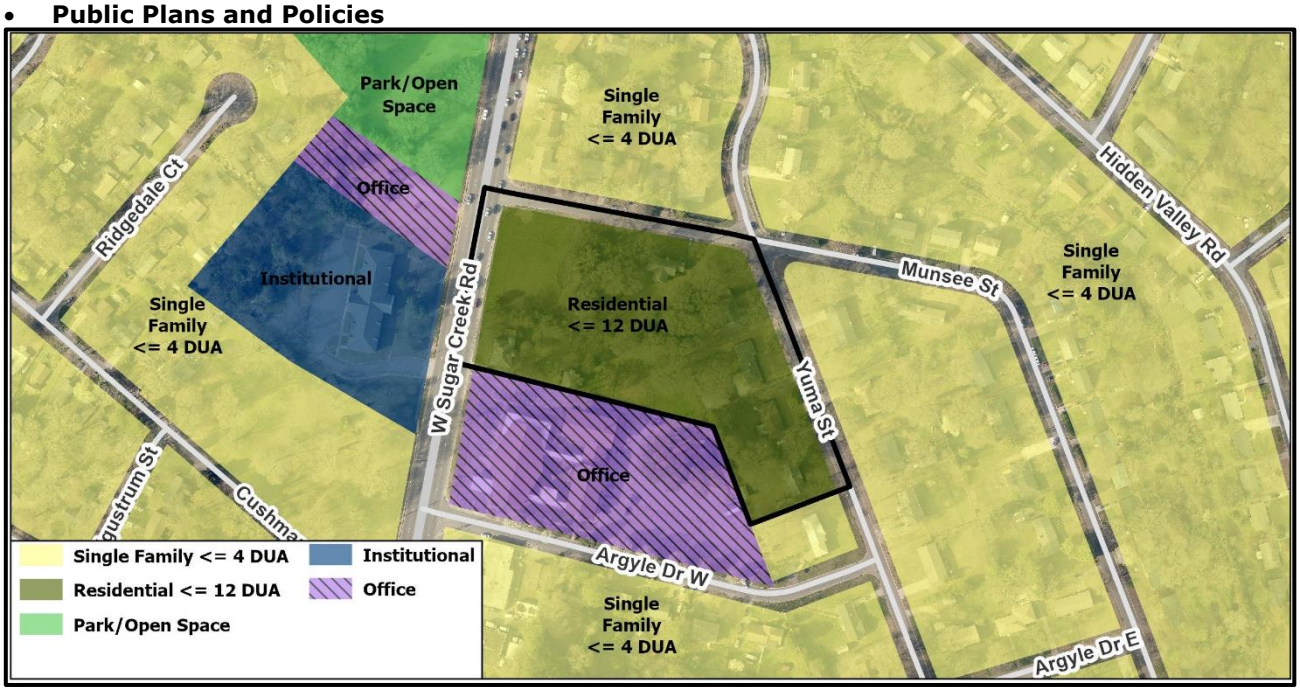
The property to the west along West Sugar Creek Road is a medical office.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-154	Rezoned 4.48 acres to allow redevelopment of the site to allow up to 50 multi-family dwelling units, retention of an existing single-family dwelling for eventual reuse as a civic facility, a park, and additional parking for an abutting religious institution.	Approved
2020-031	Rezoned 3.11 acres to a conventional district (INST) in order to allow all uses permitted by right and under prescribed conditions.	Approved
2020-138	Rezoned 0.472 acres to allow a new duplex and the retention of an existing duplex.	Approved

- **Public Plans and Policies**



- The *Northeast District Plan (1993)* calls for Residential up to 12 DUA.

- **TRANSPORTATION SUMMARY**
  - The site is located on Sugar Creek Road (a State-maintained, Major Thoroughfare Road), Munsee Street (City-maintained, Local Street) and Yuma Street (City-maintained, Local Street). While the proposed rezoning is designated as 285 vehicle trips/day based on apartment use, this is less than the entitlement zoning designation with 355 vehicle trips/day. This petition does not propose access off Sugar Creek Road and there is an existing southbound left-turn lane from Sugar Creek Road to Munsee Street, where a potential site access is planned. The proposed project is including Workforce Housing. Site plan revisions are needed to meet ordinance requirements and/or the outstanding items including, but not limited to widening the proposed sidewalks, replacing valley gutter for curb and gutter, dedicating additional public right-of-way, clarifying transportation improvement phasing, and clarifying accessible ramp construction. Further details are listed below.
- **Active Projects:**
  - None
- **Transportation Considerations**
  - See Outstanding Issues, Notes 1-6.
- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 95 trips per day (based on 7 single family homes).
  Entitlement: 355 trips per day (based on 50 apartments, 1 single family home, and a 2,500-square foot community center).
  Proposed Zoning: 285 trips per day (based on 52 apartments).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 13 students, while the development allowed under the proposed zoning may produce 14 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 1 student.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Hidden Valley Elementary remains at 126%

    - Martin Luther King, Jr. Middle remains at 94%
    - Vance High from remains at 126%

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along North Sugar Creek Road, a 6-inch water main along Yuma Drive, and a 6-inch main along Munsee Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along North Sugar Creek Road, an 8-inch main along Yuma Drive, and an 8-inch main along Munsee Street. See advisory comments at www.rezoning.org

- **Engineering and Property Management:**
    - **Arborist:** No comments submitted.
    - **Erosion Control:** No outstanding issues.
    - **Land Development:** No outstanding issues.
    - **Storm Water Services:** No comments submitted.
    - **Urban Forestry:** See Outstanding Issues, Note 7.

- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org

- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

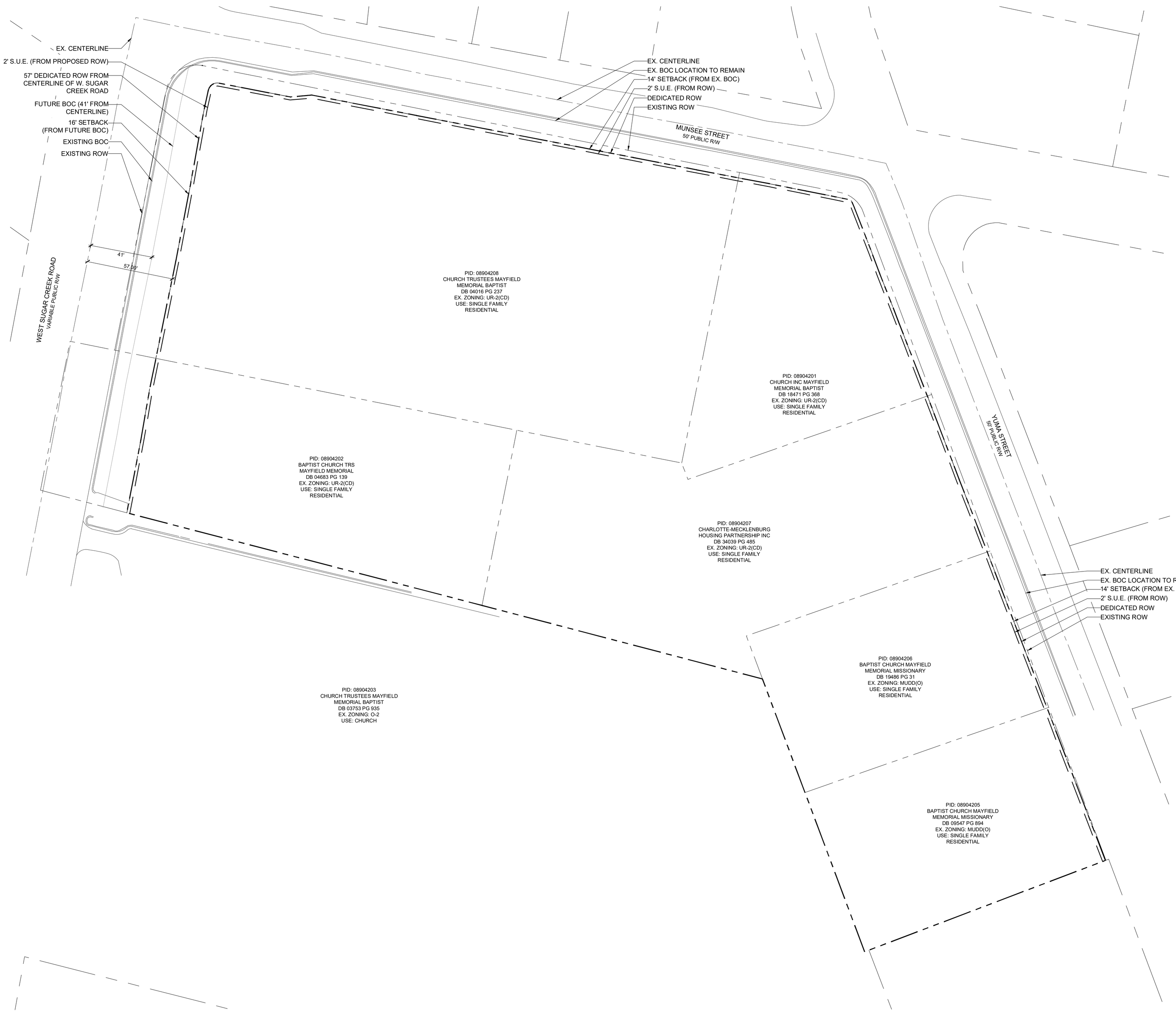
1. Label and dimension the curb and gutter from the centerline for each road on the site plan.
2. Munsee Street: Revise the back of curb label "To be replaced with CLDSM 10.17A Standard 2'-6" Curb and Gutter"
3. Yuma Street: Revise the back of curb label "To be replaced with CLDSM 10.17A Standard 2'-6" Curb and Gutter"
4. 8-foot sidewalk required on all frontages. Revise the site plan to incorporate the 8-foot sidewalk on Yuma Street and Munsee Street. The wider sidewalk also meets the Charlotte WALKS Policy.
5. Site plan and conditional note(s) revisions are needed to revise conditional note (Section 4.a.) to provide a recorded access easement with the owner of PID (08904203).
6. Revise note 4.a to read "Access to the site will be from Munsee Street and Yuma Street. Pending acquisition of a cross-access easement from Mayfield Memorial Baptist Church (PID 08904203), additional access may be provided in the form of an internal driveway connection"

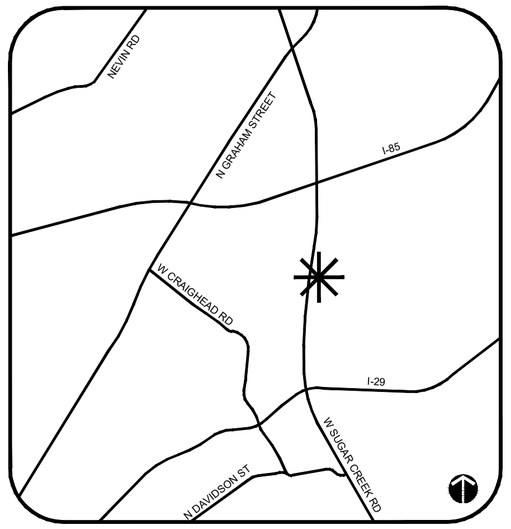
Environment

7. Add note that petitioner will comply with the City of Charlotte Tree Ordinance. The required 15% tree save must be preserved on site. Show on site plan with widths.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Michael Russell (704) 353-0225





VICINITY MAP

NTS

SITE DEVELOPMENT DATA

ACREAGE: ± 4.481 ACRES

TAX PARCEL #(S): 08904202, 08904208, 08904201, 08904205, 08904206, AND 08904207

EXISTING ZONING: UR-2(CD) AND MUDD(O)

PROPOSED ZONING: UR-2(CD) SPA

EXISTING USES: RESIDENTIAL (SINGLE FAMILY)

PROPOSED USES: UP TO FIFTY-TWO (52) MULTI-FAMILY RESIDENTIAL DWELLING UNITS AS ALLOWED IN THE UR-2 ZONING DISTRICT FOR DEVELOPMENT AREA A AS MORE SPECIFICALLY DESCRIBED BELOW IN SECTION 2.

MAXIMUM BUILDING HEIGHT: A MAXIMUM BUILDING HEIGHT (AS MEASURED PER ORDINANCE) OF UP TO SIXTY (60) FEET FOR THE BUILDING(S) CONSTRUCTED ON DEVELOPMENT AREA A.

PARKING: AS REQUIRED BY THE ORDINANCE FOR THE UR-2 ZONING CLASSIFICATIONS.

LandDesign.
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
WWW.LANDDESIGN.COM

KEY MAP

SEAL

PROJECT

MAYFIELD AFFORDABLE

CHARLOTTE, NC

REZONING #2021-017

LANDDESIGN PROJ.#

1019165

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
0	REZONING SUBMITTAL	12.21.2020
1	PER STAFF COMMENTS	03.15.2021

DESIGNED BY: JRY
DRAWN BY: CKS
CHECKED BY: FJM

SCALE

VERT: N/A
HORZ: 1"=30'

0 15' 30' 60'

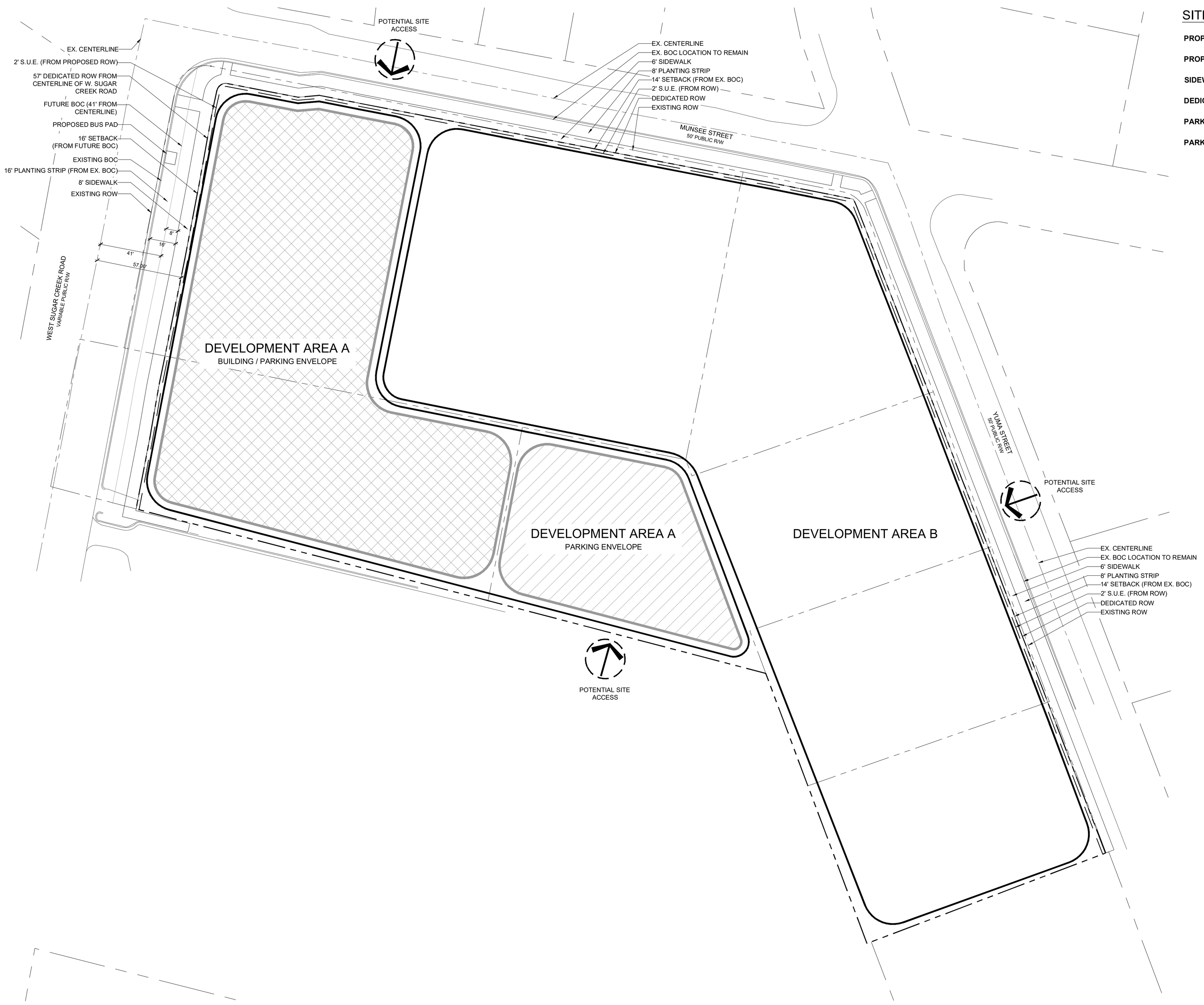
NORTH

SHEET TITLE

TECHINCAL DATA

SHEET NUMBER

RZ-1



SITE LEGEND

- PROPOSED SETBACK
- PROPOSED PROPERTY LINE
- SIDEWALK UTILITY EASEMENT
- DEDICATED R/W
- PARKING ENVELOPE
- PARKING/BUILDING ENVELOPE

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KEY MAP

SEAL

PROJECT

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CHECKED BY: FJM

SCALE

VERT: N/A
HORZ: 1"=30'

0 15' 30' 60'

NORTH

SHEET TITLE

SCHEMATIC SITE PLAN

SHEET NUMBER

RZ-2

Mayfield Memorial Baptist Church - Charlotte-Mecklenburg Housing Partnership, Inc.
Development Standards
5/14/21
Rezoning Petition No. 2021-017

Site Development Data:

--**Acreage:** ± 4.481 acres
--**Tax Parcel #(s):** 08904202, 08904208, 08904201, 08904205, 08904206, and 08904207
--**Existing Zoning:** UR-2(CD) and MUDD(O).
--**Proposed Zoning:** UR-2(CD) SPA
--**Existing Uses:** Residential (Single Family)
--**Proposed Uses:** Up to fifty-two (52) multi-family residential dwelling units as allowed in the UR-2 Zoning District for Development Area A as more specifically described below in Section 2.
--**Maximum Building Height:**
- A maximum building height (as measured per Ordinance) of up to sixty (60) feet for the building(s) constructed on Development Area A.

--**Parking:** As required by the Ordinance for the UR-2 zoning classifications.

1. General Provisions:

a. Site Location; Development Areas. These Development Standards, the Technical Data Sheet and other graphics set forth on attached RZ Sheets, form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Mayfield Memorial Baptist Church Rezoning Petition filed by Charlotte-Mecklenburg Housing Partnership, Inc. ("Petitioner") to accommodate development of an affordable residential community on an approximately 4.481 acre site located along W. Sugar Creek Road, Munsee St. and Yuma St., as generally depicted on the Rezoning Plan (the "Site).

For ease of reference, the Rezoning Plan sets forth two (2) development areas as generally depicted on Sheets RZ1 as Development Areas A and B (each a "Development Area" and collectively the "Development Areas").

b. Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the UR-2 zoning districts shall govern development taking place within Development Areas A and B.

c. Graphics and Alterations/Modifications. The conceptual depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, Development Areas (as defined below) 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 nor deemed by Planning Staff as so minor as not to require an administrative amendment, 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 documentation 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, as indicated above, there may be instances where minor modifications that don't materially change the overall design intent depicted on the Rezoning Plan such as minor modifications to the Development Areas (as defined below) or the Development/Site Elements, may be allowed by the Planning Staff/Planning Director, in their discretion, without requiring the administrative amendment process per Section 6.207 of the Ordinance; in other instances modifications shall be reviewed and approved as allowed by Section 6.207.

d. Number of Buildings Principal and Accessory. Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site shall not exceed two (2). 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) located within the same Development Area as the accessory structure/building.

e. Planned/Unified Development. The Site, as generally depicted on Sheet RZ1, shall 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. As such, setbacks, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other Development/Site Elements located on the Site. The Petitioner and/or owner(s) of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, all such separation standards 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 and in the applicable rezoning plan, taken as a whole and not individual portions or lots located therein.

f. Gross Floor Area Clarification. When determining the maximum development levels set forth in this Rezoning Plan, gross floor area as defined in the Ordinance shall exclude any surface parking facilities, service areas, balconies and exterior ground/street level outdoor gathering areas intended for recreational or special events.

g. Project Phasing. Development taking place on the Site may occur in phases and in such event, except as expressly required in this Rezoning Plan or by the Ordinance, certain streetscape and related improvements may take place in connection with the phase of development to which such improvements relate as described.

2. Permitted Uses and Development Area Limitations:

a. Permitted Uses. The Site may be developed as follows:

i. Development Area A may be developed with up to fifty-two (52) multi-family residential dwelling units together with accessory uses as allowed by the UR-2 zoning district.

ii. Development Area B may be utilized as open space, amenity area, tree save and/or to meet other Ordinance requirements.

b. Workforce Housing: The Petitioner shall provide a workforce housing program to ensure that at least 90% of the new residential units constructed within Development Area A are reasonably priced for persons earning less than the median income for the area ("Affordable Units"). The Petitioner shall ensure that all the proposed Affordable Units constructed within Development Area A, for a period of not less than 20 years, maintain monthly rents that are income restricted for households earning up to 80% of area median income.

4. Access:

a. Access. Access to the Site will be from Munsee Street and Yuma Street. Potential access may be provided from the adjoining Mayfield Memorial Baptist Church via an internal driveway as generally depicted on the Rezoning Plan.

b. Driveways/Pedestrian Connections. The driveways generally depicted on the Rezoning Plan will be designed as indicated on the Rezoning Plan and treated as private driveways. Driveway and pedestrian connections generally depicted on the Rezoning Plan from adjoining properties may be allowed in the location(s) shown on the Rezoning Plan subject to development issues and other constraints reasonably determined by Petitioner.

c. Alignment/Locations of Driveways. The exact alignment, dimensions and locations of the access points to the Site, the driveways on the Site may be modified from the elements shown on the Rezoning Plan provided that the overall design intent is not materially altered.

d. Additional Right-of-Way Along W. Sugar Creek Rd. The Petitioner will dedicate and convey fifty-seven (57) feet of right-of-way from the existing center line of W. Sugar Creek to CDOT/NCDOT as generally depicted on the Rezoning Plan.

e. Right-of-Way Dedication & Sidewalk Easement: The Petitioner will dedicate via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

f. The Petitioner will construct two (2) directional ADA ramps at the corner of Munsee Street and Yuma Street, and two (2) directional ADA ramps at the corner of Munsee and W. Sugar Creek Road as generally depicted on the Rezoning Plan.

g. The required transportation improvements shall be approved and constructed prior to the release of a certificate of occupancy for the first building on the Site subject to the Petitioner's ability to post a bond for any improvements not in place at the time of the issuance of the last certificate of occupancy.

5. Setbacks and Streetscape Improvements.

a. W. Sugar Creek Rd. A sixteen (16) foot setback shall be provided along W. Sugar Creek Rd as measured from the future back of curb and as generally depicted on the Rezoning Plan. A sixteen (16) foot planting strip and an eight (8) foot sidewalk shall be provided behind the existing back of curb as generally depicted on the Rezoning Plan.

b. **Munsee St.** A fourteen (14) foot setback shall be provided along Munsee Street as measured from the existing/future back of curb along as generally depicted on the Rezoning Plan. Within the setback area of Munsee Street, an eight (8) foot planting strip and a six (6) foot sidewalk shall be provided.

c. **Yuma St.** A fourteen (14) foot setback shall be provided along Yuma Street as measured from the existing/future back of curb as generally depicted on the Rezoning Plan. Within the setback area of Munsee Street, an eight (8) foot planting strip and a six (6) foot sidewalk shall be provided.

7. Open Space.

a. The Petitioner will provide a minimum of 250 square feet of open space. The open space areas will contain landscaping, seating areas and/or hardscape elements, and may also contain a lot lot, and a picnic area.

8. General and Architectural Design Guidelines.

a. The principal buildings used for multi-family residential uses constructed on the Site may use a variety of building materials. The building materials used for buildings will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows, soffits and on handrails/railings.

b. Accessory structures shall be consistent with the principal building in material, texture, and color.

c. Prohibited Exterior Building Materials:

i. Vinyl siding (but not vinyl hand rails, windows or door trim).

ii. Concrete Masonry Units not architecturally finished.

d. Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:

i. Buildings shall be placed so as to present a front or side façade to the existing public streets as generally depicted on the Rezoning Plan.

ii. Buildings shall front a minimum of 60% of the total W. Sugar Creek frontage on the Site (exclusive of driveways, pedestrian access, points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities).

e. Building Massing and Height shall be designed to break up long monolithic building forms as follows:

i. Buildings exceeding 120 feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 4 feet extending through the building.

f. Architectural Elevation Design - elevations shall be designed to create visual interest as follows:

i. Building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.

ii. Buildings shall be designed with a recognizable architectural base on all facades facing the existing public streets. Such base may be executed through use of the allowed building materials or articulated architectural façade features and color changes.

iii. Building elevations facing the existing public streets shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

g. Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:

i. Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.

ii. For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls. This standard will not apply to roofs on dormers, balconies, or other minor building elements that may have a pitched roof.

h. Screening - the follow shall apply to HVAC, dumpster, refuse, and storage areas:

i. Ground mounted HVAC will screened from public streets and abutting properties and shall not be located along the W. Sugar Creek Rd, Munsee St. or Yuma St. right-of-way edge.

ii. All roof mounted mechanical equipment on the new buildings to be constructed on the Site will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

iii. Service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures. The location of the proposed dumpster and recycling areas is generally depicted on the Rezoning Plan.

iv. New dumpster and recycling areas will be enclosed on all four sides by an opaque wall or fence with one side being a hinged opaque gate. If one or more sides of a new dumpster and recycling area adjoin a side wall or rear wall of a building, then the side wall or rear wall of the building may be substituted for the wall or fence along each such side.

10. Environmental Features:

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance and Tree Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan, if depicted, are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary, in order to accommodate actual storm water treatment requirements and natural site discharge points.

11. Signage on Site:

a. Signage as allowed by the Ordinance may be provided. The exact location of the site signage will be determined as part of the detailed engineering, construction and landscape plans for the Site and final locations may vary.

12. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures and downwardly directed, excluding lower decorative lighting that may be installed along the driveways, sidewalks, and parking areas. Flashing lighting shall not be permitted.

b. Detached lighting on the Site, except street lights located along public streets, will be limited to 20 feet in height except as may be required for public safety purposes.

c. Any lighting associated with fire lane/emergency access shall be limited to at grade low level lighting except as may be required for public safety purposes.

13. CATS Concrete Waiting Pad at the intersection of W. Sugar Creek Rd. and Munsee St.:

a. The Petitioner will install a concrete waiting pad (Charlotte Land Dev. Std. #60.01B) for CATS passengers at the intersection of W. Sugar Creek Road and Munsee St. as generally depicted on the Rezoning Plan. The exact location of the concrete pad to be determined during the land development permit process for the Site.

14. 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. Any reference to the Ordinance or Ordinances shall be deemed to refer to the requirements of the Ordinance or Ordinances in effect as of the date this Rezoning is approved.

15. 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.

LandDesign.
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
WWW.LANDDESIGN.COM

KEY MAP

SEAL

PROJECT

MAYFIELD AFFORDABLE

CHARLOTTE, NC

REZONING #2021-017

LANDDESIGN PROJ.#
1019165

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
0	REZONING SUBMITTAL	12.21.2020
1	PER STAFF COMMENTS	03.15.2021

DESIGNED BY: ----
DRAWN BY: ----
CHECKED BY: ----

SCALE
VERT: N/A
HORZ: N/A

NORTH

SHEET TITLE
DEVELOPMENT STANDARDS

SHEET NUMBER
RZ-3

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 32.**File #:** 15-15581 **Type:** Zoning Hearing

Rezoning Petition: 2020-173 by FC Odell School, LLC

Location: Approximately 9.3 acres located south of Carolina Lily Lane, west of Mallard Creek Road, and east of Beard Road. (ETJ; Closest to Council District 4 - Johnson)

Current Zoning: R-3 (single-family residential)
Proposed Zoning: UR-2 (CD) (urban residential, conditional)

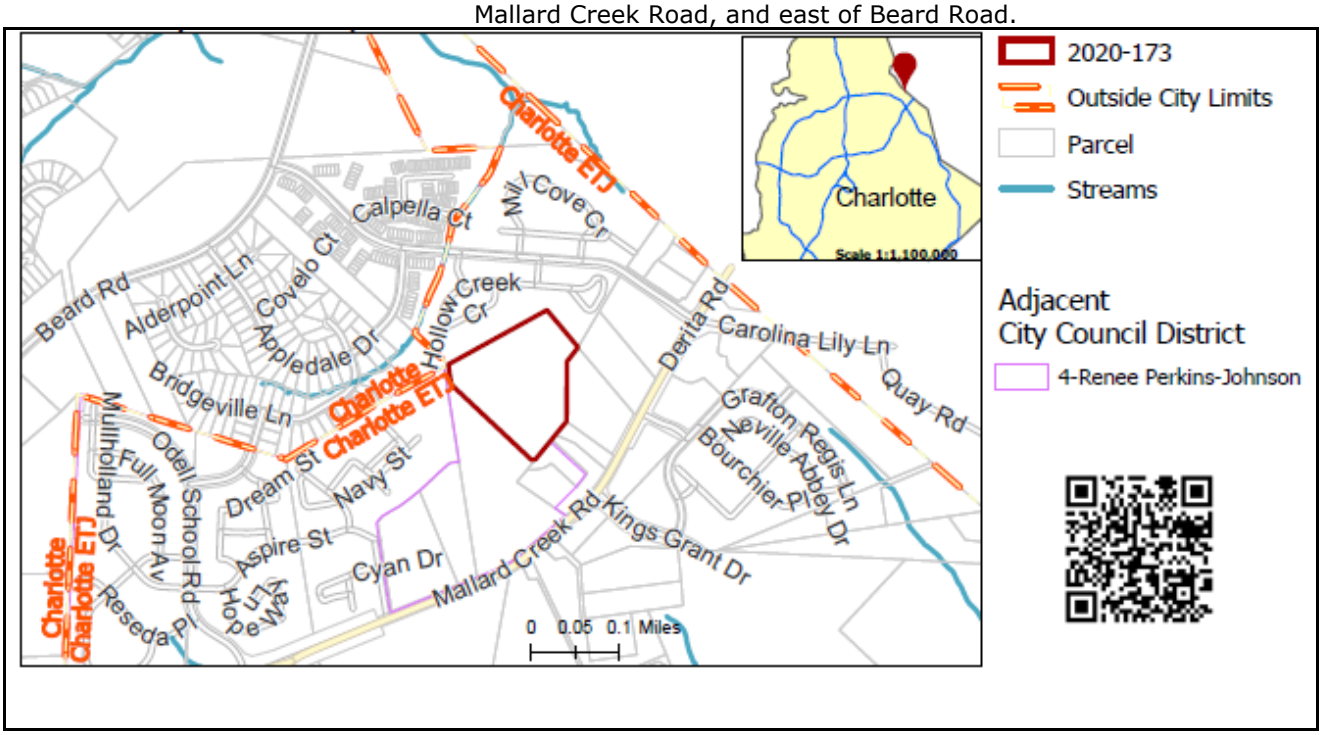
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Pre-Hearing Staff Analysis
Site Plan

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-173
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: R-3 (single family residential) and UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 9.3 acres located south of Carolina Lily Lane, west of Mallard Creek Road, and east of Beard Road.



SUMMARY OF PETITION	The petition proposes to develop up to 150 age-restricted multi-family units in one building with a density of 16.13 dwelling units per acre.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Stewart Phyllis FC Odell School, LLC Collin Brown & Brittany Lins, Alexander Ricks, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Northeast Area Plan (2000)* recommendation of residential use, but **inconsistent** with the density recommendation of 12 dwelling units per acre (DUA).

Rationale for Recommendation

- This petition proposes a senior multi-family development of up to 150 dwelling units, for a density of 16.13 DUA.
- While this density is higher than what the area plan recommends, this residential use is consistent with the area plan's recommendation to have a development pattern with varying densities and types of housing.
- Introducing senior housing to this area will accommodate for the growth of the senior population in Charlotte, and the location of

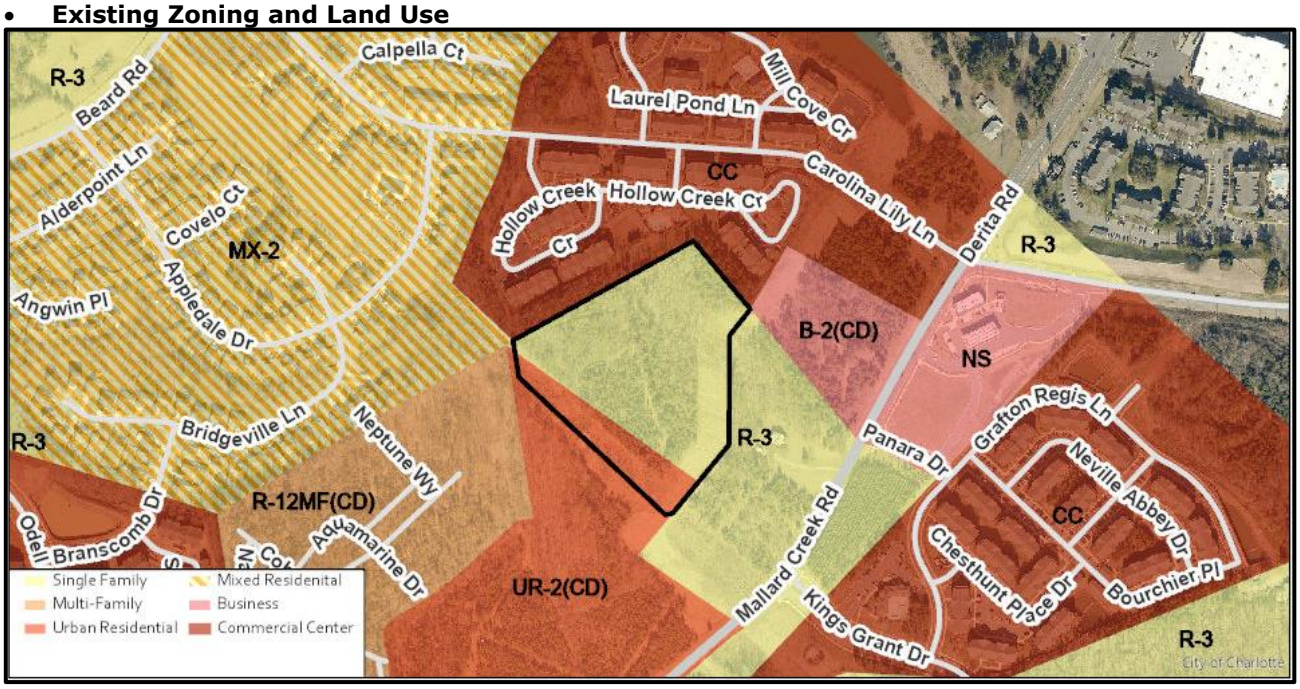
multi-family along Mallard Creek Road is conducive to the growing Concord Mills activity center about a mile north of the site.
- This petition's request for multi-family use is in character with surrounding parcels, as the two recently approved rezonings to the left of the site, 2017-179 and 2018-067, were approved for multi-family and single-family attached use.
- This petition commits to sidewalk extensions between all public and private streets, and proposes a unified streetscape including lighting, landscaping, and appropriate street furnishings throughout the development.

The approval of this petition will revise the adopted future land use as specified by the *Northeast Area Plan*, from Residential up to 12 DUA to Residential up to 17 DUA for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 150 senior multi-family units in one building.
  - Access for the site will be provided by the public street network constructed as a part of the adjacent Mallard Creek Townhome Development.
  - Provides a 7,000-square foot amenity area with landscaping, benches, and pool area.
  - Commits to sidewalk extensions between all public and private streets.
  - Architectural details include:
    - The principal building may use a variety of building materials with a combination of glass, brick, metal, natural stone, pre-cast stone, stucco.
    - Buildings exceeding 120-feet in length will include one or more modulations of the building massing/facade plane such as recesses, projections, and architectural details. Modulations will be a minimum of 5-feet wide and project or recess a minimum of one-foot extending through a full floor.
    - Building elevations designed with vertical bays or articulated architectural facade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
    - Long pitched or flat roof lines will avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.

- **Existing Zoning and Land Use**



Surrounding land uses include multi-family apartments, single family homes, and retail uses.

The subject property is denoted with a red star.

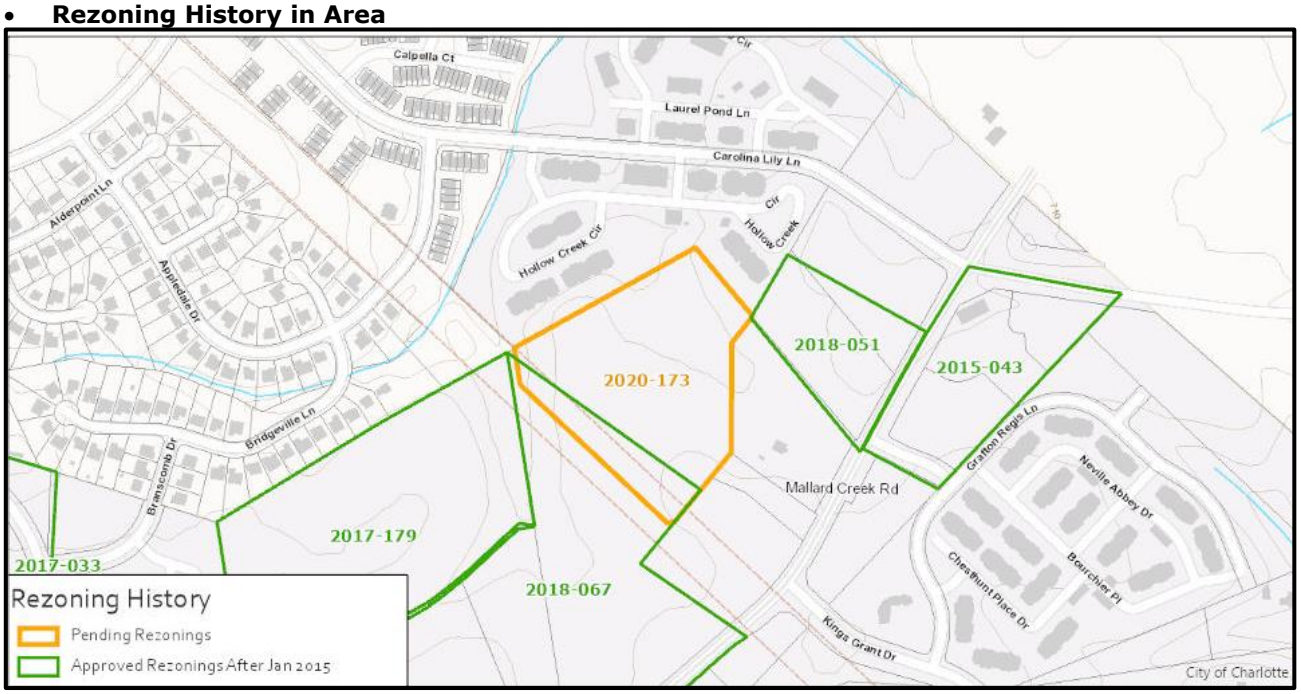
The property to the north along Carolina Lily Lane is developed with multi-family apartments.

The property to the south along Mallard Creek Road is developed with a single-family home.

The property to the west along Odell School Road is developed with multi-family apartments.

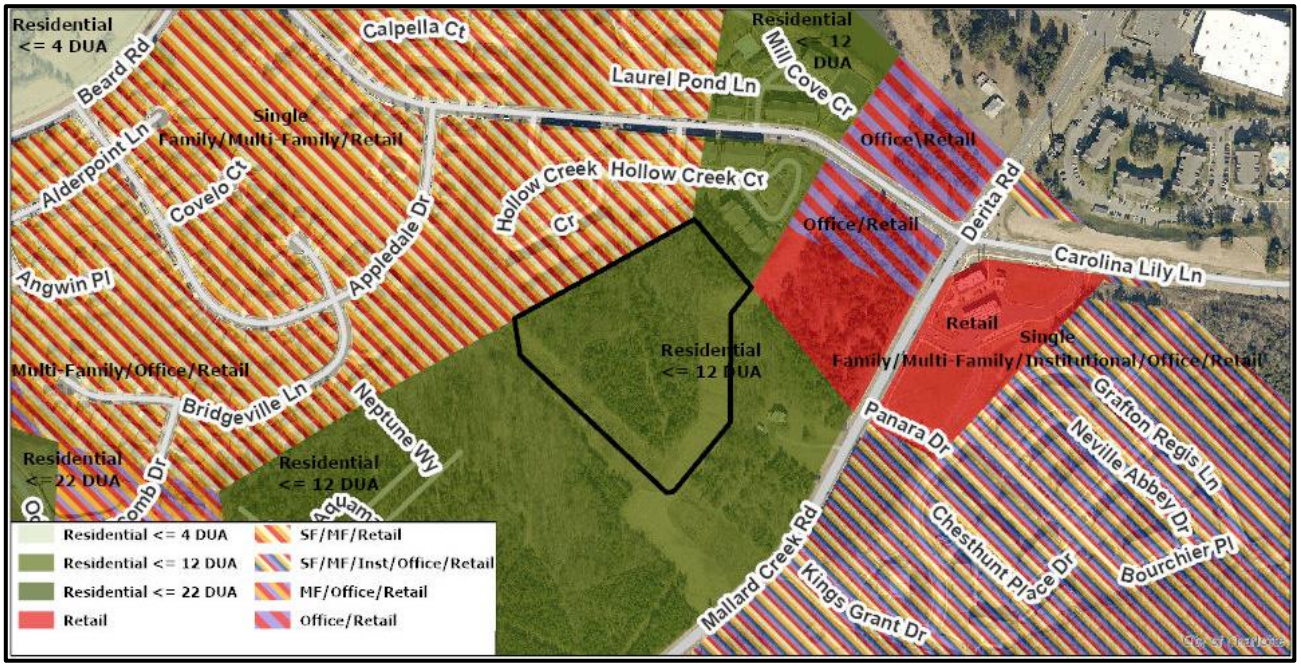
The property to the east across Mallard Creek Road is developed with multi-family apartments.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-043	Rezoned 4.98 acres to allow up to 20,000-square feet of commercial uses, with one accessory drive-through service window.	Approved
2017-033	Rezoned 29.01 acres to allow up to 322 multi-family units.	Approved
2017-179	Rezoned 19.52 acres to allow up to 234 multi-family units.	Approved
2018-051	Rezoned 3.72 acres to allow a 4,200 square-foot car wash and a fuel canopy with 12 fuel stations.	Approved
2018-067	Rezoned 18.06 acres to allow up to 186 townhouse units.	Approved

- **Public Plans and Policies**



- The *Northeast Area Plan (2000)* calls for Residential up to 12 DUA.

- **TRANSPORTATION SUMMARY**
  - This site is located near Kings Grant Drive (privately maintained, local street) and Mallard Creek Road (State-maintained, major thoroughfare). The vehicular access for the site will be provided by the public street network constructed as a part of the adjacent Mallard Creek Townhome Development. Additionally, in-line with the City's WALKS policy, the petitioner has committed to provide a pedestrian network that will connect to the adjacent Mallard Creek Townhomes' pedestrian infrastructure. CDOT has no outstanding items with this petition.
  - **Active Projects:**
  - Mallard Creek Rd. Widening (NCDOT TIP U-6032)
  - Widen Mallard Creek Road to 6 lanes from I-485 to Concord Mills Boulevard.
  - Project status: Right-of-way acquisition in 2022, construction in 2025 – schedule subject to delay.
- **Transportation Considerations**
  - No outstanding issues
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 0 trips per day (based on vacant land).

  Entitlement: 315 trips per day (based on 27 single family dwellings).

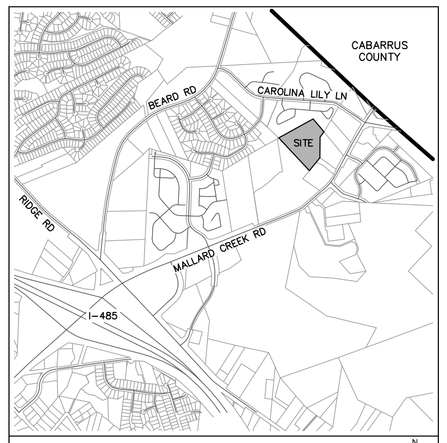
  Proposed Zoning: 580 trips per day (based on 150 senior multi-family units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Age-restricted housing, no significant CMS impact.
- **Charlotte Water:** Charlotte Water currently does not have water system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** See advisory comments at www.rezoning.org
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

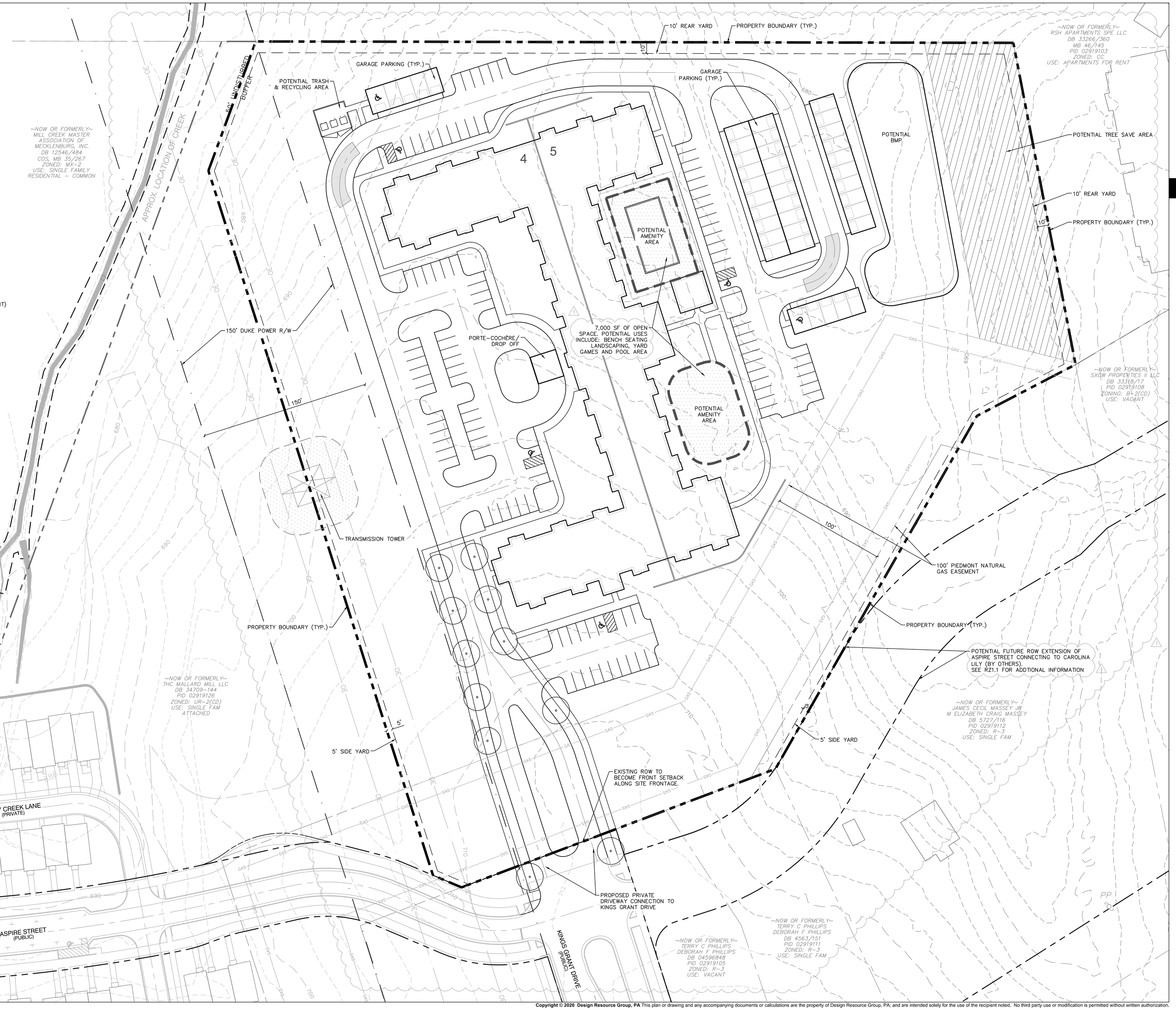
Planner: Michael Russell (704) 353-0225



VICINITY MAP
NTS

SITE DATA

TAX MAP NO:	02919113
CURRENT ZONING:	R-3
PROPOSED ZONING:	UR-2(CD)
SITE AREA:	±9.3 ACRES (405,096 SF)
PROPOSED USE:	AGE RESTRICTED MULTI-FAMILY (FOR RENT)
PROPOSED UNITS:	150
PROPOSED DENSITY:	16.129
BUILDING HEIGHT:	SHALL MEET ORDINANCE REQUIREMENTS
PARKING REQUIRED:	SHALL MEET ORDINANCE REQUIREMENTS
OPEN SPACE:	SHALL MEET ORDINANCE REQUIREMENTS
TREE SAVE REQUIRED:	SHALL MEET THE TREE ORDINANCE REQUIREMENTS (CORRIDOR)



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NORTH CAROLINA DESIGN RESOURCE GROUP, P.A. CORPORATE SEAL C-95 C-2165 NCBELS

REZONING PETITION

FOR PUBLIC HEARING

2020-173

REZONING DOCUMENT

MALLARD CREEK SENIORS

CHARLOTTE, NORTH CAROLINA ETJ

FC ODELL SCHOOL, LLC
7315 WISCONSIN AVENUE
SUITE 925W
BETHESDA, MARYLAND 20814

SCHEMATIC SITE PLAN

20 0 20 40
SCALE: 1" = 40'

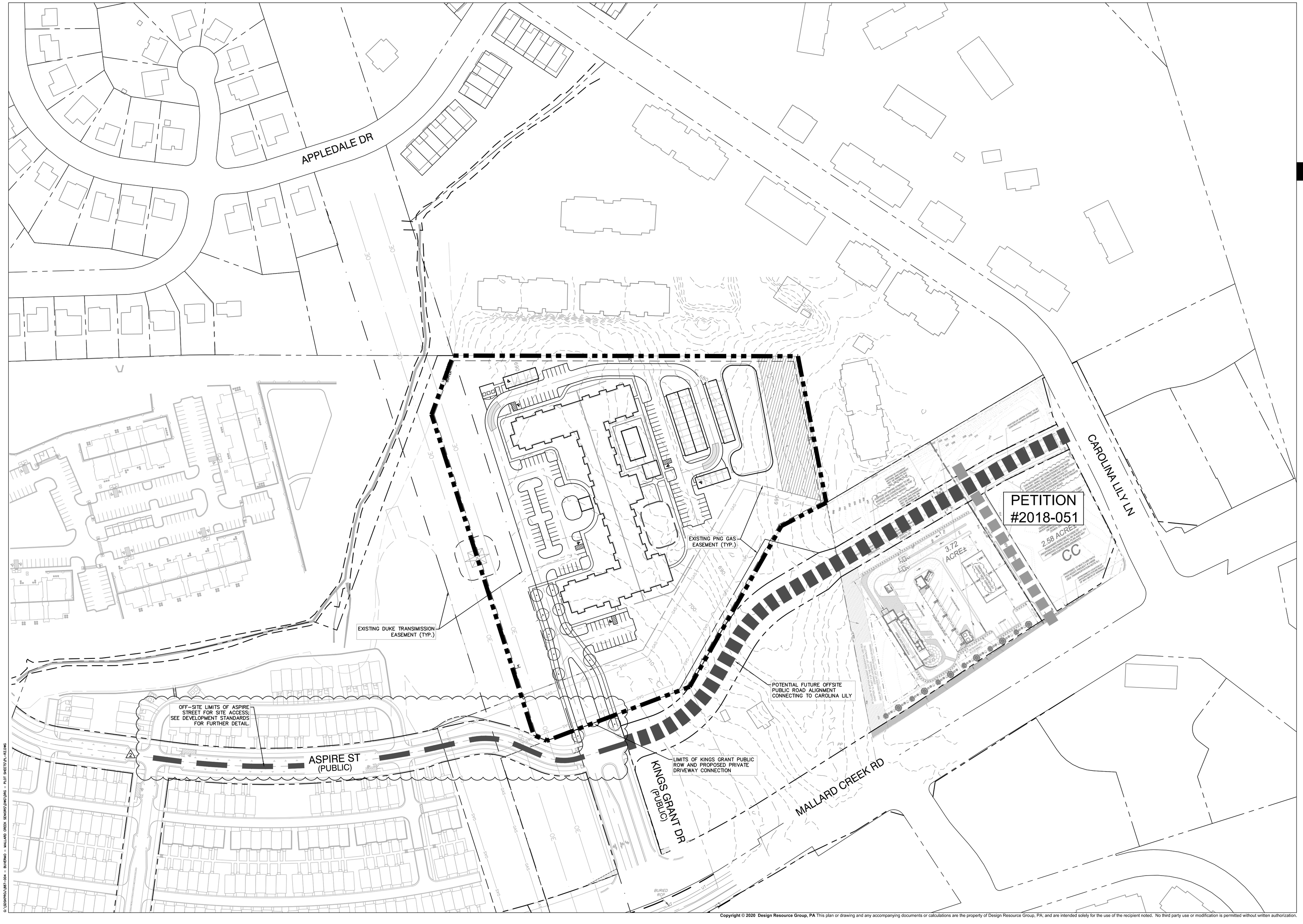
PROJECT #:	887-004
DRAWN BY:	JO
CHECKED BY:	NB

OCTOBER 19, 2020

REVISIONS:

1. 01/11/21 - PER REVIEW COMMENTS
2. 03/08/21 - PER REVIEW COMMENTS

RZ1.0



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REZONING PETITION

FOR PUBLIC HEARING

2020-173

REZONING DOCUMENT

MALLARD CREEK SENIORS

CHARLOTTE, NORTH CAROLINA ETJ

FC ODELL SCHOOL, LLC
7315 WISCONSIN AVENUE
SUITE 925W
BETHESDA, MARYLAND 20814

FUTURE AREA ACCESS PLAN

40 0 40 80
SCALE: 1" = 80'

PROJECT #:	887-004
DRAWN BY:	JO
CHECKED BY:	NB

OCTOBER 19, 2020

REVISIONS:

2 1. 01/11/21 - PER REVIEW COMMENTS
2. 03/08/21 - PER REVIEW COMMENTS

RZ1.1

G:\2020PROJ\887-004 - BUVENO - MALLARD CREEK SENIORS\DWG\RZ0 - PLOT SHEETS\FL-RZ2.DWG

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DEVELOPMENT DATA TABLE:

SITE AREA:	+/– 9.3 ACRES
TAX PARCEL:	029–191–13
EXISTING ZONING:	R–3
PROPOSED ZONING:	UR–2(CD)
EXISTING USE:	VACANT
PROPOSED USES:	UP TO 150 AGE–RESTRICTED MULTI–FAMILY DWELLING UNITS
MAXIMUM BUILDING HEIGHT:	PER THE ORDINANCE
PARKING:	SHALL MEET OR EXCEED ORDINANCE STANDARDS

I. GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY FC ODELL SCHOOL, LLC (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF AN AGE–RESTRICTED RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 9.3–ACRE SITE LOCATED NEAR THE SOUTHWEST INTERSECTION OF MALLARD CREEK ROAD AND CAROLINA LILLY LANE, MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NUMBER 029–191–13. 1
2. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE").
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 STREET LAYOUT 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 BE MINOR IN NATURE AND 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. MINOR ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

II. PERMITTED USES

THE SITE MAY BE DEVOTED ONLY TO AN ACTIVE ADULT RETIREMENT COMMUNITY CONTAINING A MAXIMUM OF ONE HUNDRED FIFTY (150) MULTI–FAMILY ATTACHED DWELLING UNITS AND ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE PERMITTED IN THE UR–2 ZONING DISTRICT.

ACTIVE ADULT RETIREMENT COMMUNITY SHALL BE DEFINED PER THE ORDINANCE. IN ADDITION, THE PETITIONER SHALL PROVIDE A MINIMUM OF FIVE (5) OF THE FOLLOWING AMENITIES

a. CONTROLLED ACCESS TO BUILDING(S);
b. PROPERTY MANAGEMENT SERVICES SUCH AS LAWN SERVICE, EXTERIOR MAINTENANCE, AND/OR TRASH SERVICE;
c. COMMUNITY ROOM;
d. FITNESS FACILITIES ON SITE
e. BUSINESS CENTER;
f. MEAL SERVICE OR LIMITED FOOD SERVICE SUCH AS COFFEE BAR, CONTINENTAL BREAKFAST OR MARKETPLACE;
g. EMERGENCY PULL CORDS IN LIVING SPACES OF UNITS;
h. LOCAL TRANSPORTATION SERVICES EITHER PROVIDED BY FACILITY OR IN COORDINATION WITH PUBLIC TRANSPORTATION IF WITHIN SHORT WALKING DISTANCE WITH PEDESTRIAN ACCESSIBILITY;
i. INTERIOR ELEVATORS
j. SALON ON SITE;
k. CONDITIONED CORRIDORS;
l. INTERIOR TRASH CHUTES; AND/OR
m. INDOOR COMMUNITY MAIL ROOM AND PACKAGE CENTER

III. TRANSPORTATION

1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND AS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT).
2. AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY INTERNAL PUBLIC AND/OR PRIVATE STREETS, AND MINOR ADJUSTMENTS TO THE LOCATION OF THESE STREETS SHALL BE ALLOWED DURING THE CONSTRUCTION PERMITTING PROCESS IN COORDINATION WITH CDOT.
3. PETITIONER WILL COMPLETE THE PORTIONS OF ASPIRE STREET NEEDED FOR SITE ACCESS IF THE RELEVANT PORTIONS OF ASPIRE STREET ARE NOT COMPLETED BY OTHERS PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY. 2
4. PETITIONER SHALL DEDICATE ALL RIGHTS–OF–WAY WHERE NECESSARY, IN FEE SIMPLE CONVEYANCE TO THE CITY OF CHARLOTTE PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY.
5. UNLESS STATED OTHERWISE HEREIN, THE PETITIONER SHALL ENSURE THAT ALL TRANSPORTATION IMPROVEMENTS ARE SUBSTANTIALLY COMPLETED PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY.

IV. ARCHITECTURAL STANDARDS

1. THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING MATERIALS. THE BUILDING MATERIALS USED FOR BUILDINGS WILL BE A COMBINATION OF ANY OF THE FOLLOWING: GLASS, BRICK, METAL, STONE, SIMULATED STONE, PRE–CAST STONE, ARCHITECTURAL PRECAST CONCRETE, SYNTHETIC STONE, STUCCO/E.I.F.S., CEMENTITIOUS SIDING (SUCH AS HARDI–PLANK), OR WOOD/COMPOSITE WOOD. VINYL, AS A BUILDING MATERIAL, WILL ONLY BE ALLOWED ON WINDOWS, SOFFITS AND TRIM FEATURES.
2. BUILDING MASSING AND HEIGHT SHALL BE DESIGNED TO BREAK UP LONG MONOLITHIC BUILDING FORMS AS FOLLOWS:

a. BUILDING SIDES GREATER THAN 120 FEET IN LENGTH SHALL INCLUDE MODULATIONS OF THE BUILDING MASSING/FAÇADE PLANE (SUCH AS RECESSES, PROJECTIONS, AND ARCHITECTURAL DETAILS). MODULATIONS SHALL BE A MINIMUM OF FIVE (5) FEET WIDE AND SHALL PROJECT OR RECESS A MINIMUM OF ONE (1) FOOT EXTENDING THROUGH AT LEAST A FULL FLOOR.

3. ARCHITECTURAL ELEVATION DESIGN – ELEVATIONS SHALL BE DESIGNED TO CREATE VISUAL INTEREST AS FOLLOWS:

b. BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FAÇADE FEATURES WHICH MAY INCLUDE BUT NOT BE LIMITED TO A COMBINATION OF EXTERIOR WALL OFFSETS, PROJECTIONS, RECESSES, PILASTERS, BANDING AND CHANGE IN MATERIALS OR COLORS.

4. ROOF FORM AND ARTICULATION – ROOF FORM AND LINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE AS FOLLOWS:

c. LONG PITCHED OR FLAT ROOF LINES SHALL AVOID CONTINUOUS EXPANSES WITHOUT VARIATION BY INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM, TO INCLUDE BUT NOT BE LIMITED TO GABLES, HIPS DORMERS OR PARAPETS.

5. SIDEWALK EXTENSIONS SHALL BE PROVIDED BETWEEN ALL NETWORK–REQUIRED PUBLIC AND PRIVATE STREETS WHEN PARKING IS ADJACENT.
6. STREETSCAPE TREATMENT WILL BE A UNIFYING ELEMENT THROUGH THE USE OF CONSISTENT PAVING, LIGHTING, LANDSCAPING, AND, WHEN PROVIDED, SITE FURNISHINGS, THROUGHOUT THE LOTS.
7. METER BANKS SHALL BE LOCATED OUTSIDE OF THE SETBACK.
8. ALL DUMPSTER ENCLOSURE AREAS SHALL BE SCREENED FROM NETWORK REQUIRED PUBLIC OR PRIVATE STREETS, COMMON OPEN SPACES AND ANY ADJACENT RESIDENTIAL USES WITH MATERIALS COMPLIMENTARY TO THE PRINCIPAL STRUCTURE.

V. ENVIRONMENTAL FEATURES

1. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE. THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS
2. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE.

VI. LIGHTING

1. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE GREATER THAN TWENTY–ONE (21) FEET IN TOTAL HEIGHT (I.E., EXCLUDING DECORATIVE LIGHTING LESS THAN 21' IN HEIGHT THAT MAY BE INSTALLED ALONG THE DRIVEWAYS AND SIDEWALKS AS PEDESTRIAN/LANDSCAPING LIGHTING) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED.

VII. 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.

G:\2020PROJ\887-004 - BUVERNO - MALLARD CREEK SENIORS\DWG\DRG - PLOT SHEETS\PL-REZ.DWG

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NORTH CAROLINA CORPORATE SEAL C–95 C–2165 NCBELS DESIGN RESOURCE GROUP, P.A.

REZONING PETITION

FOR PUBLIC HEARING

2020-173

REZONING DOCUMENT

MALLARD CREEK SENIORS

CHARLOTTE, NORTH CAROLINA ETJ

FC ODELL SCHOOL, LLC
7315 WISCONSIN AVENUE
SUITE 925W
BETHESDA, MARYLAND 20814

TECHNICAL DATA SHEET

PROJECT #:	887-004
DRAWN BY:	JO
CHECKED BY:	NB

OCTOBER 19, 2020

REVISIONS:

2
1. 01/11/21 - PER REVIEW COMMENTS
2. 03/08/21 - PER REVIEW COMMENTS

RZ2.0

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City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 33.**File #:** 15-15582 **Type:** Zoning Hearing

Rezoning Petition: 2020-182 by Circle G, LLC

Location: Approximately 0.18 acre located along the northeast side of East 5th Street, southwest of Park Drive, and east of Charlottetowne Avenue. (Council District 1 - Egleston)

Current Zoning: O-2 (office)
Proposed Zoning: MUDD-O (mixed-use development, optional)

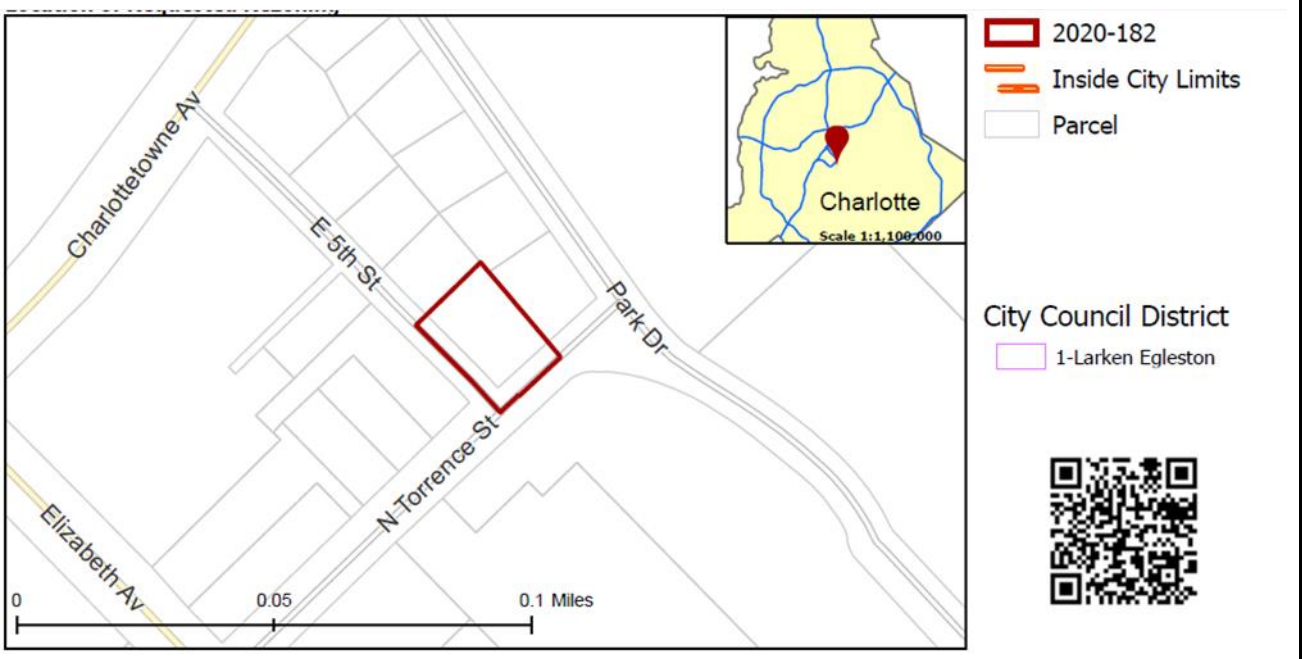
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and land use and site design.

Attachments:
Pre-Hearing Staff Analysis
Site Plan

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-182
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: O-2 (office) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 0.18 acres located along the northeast side of East 5th Street, southwest of Park Drive, and east of Charlottetowne Avenue.



SUMMARY OF PETITION	The petition proposes to allow a single building with 9 multifamily residential units and an office on a lot currently developed with a single family residential home located between Elizabeth Avenue and Park Drive, just west of Independence Park.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Circle G LLC Circle G LLC Kristina Held, Deepak Raj
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 18

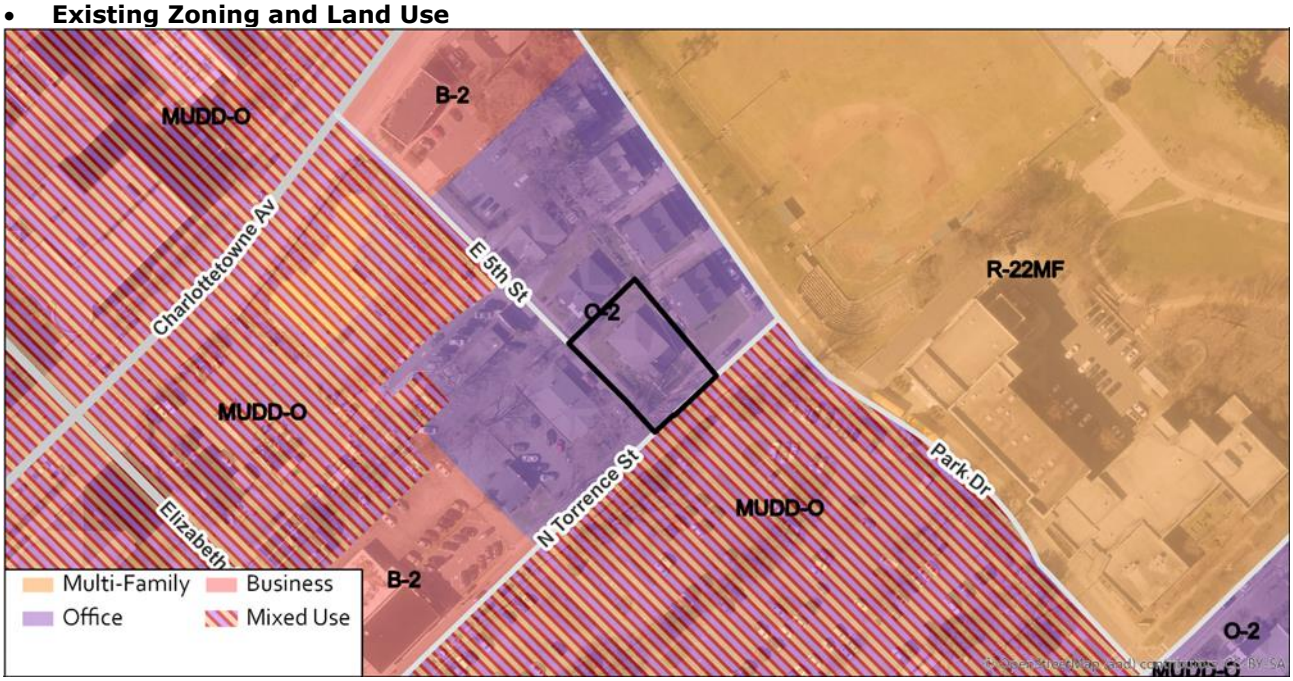
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and land use and site design. <u>Plan Consistency</u> The petition is consistent with the *Elizabeth Area Plan* (2011) recommendation for residential/office/retail uses on this site. <u>Rationale for Recommendation</u> • The adopted plan supports the proposed mix of uses. • The request is consistent with the mix of residential and non-residential uses in the area. • Several parcels in the immediate area are zoned MUDD.

- The project commits to streetscape improvements along E. 5th Street and N. Torrence Street.
- The site is within walking distance (100 feet) of Independence Park.
- The site is within 0.25 mile of the Elizabeth and Hawthorne Stop on the Gold LYNX Streetcar Line.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Proposes 9 apartment units and 1 office on the first floor in a single building limited to 50 feet in height.
  - Illustrates parking area on the site plan (parking will be provided per ordinance).
  - Proposes a decorative perforated screening wall along the northeastern and northwestern property lines.
  - Proposes ingress/egress off East 5th Street.
  - Proposes an 8-foot sidewalk and 8-foot planting strip along East 5th Street and North Torrence Road.
  - Proposes the following optional provisions:
    - Allow a minimum 7-foot setback towards the back and side existing residential use properties. Both properties are zoned O-2 with current multi-family uses.
    - Provide planted screening in the side setbacks between the building and property line.
  - Proposes the following architectural standards:
    - Façade fronting N. Torrence Street to include a combination of windows and operable doors for a minimum of 80% of each frontage elevation transparent glass between 2 feet and 10 feet on the first floor. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4 feet above the adjacent street sidewalk. Façade fronting E. 5th Street will have a minimum 45%, in addition to decorative architectural screen (or art panels on parking lot screening).
    - Facades of first/ground floor of the buildings along streets shall incorporate a minimum of 20% masonry materials such as brick or stone.
    - Prohibits expanses of blank walls greater than 20 feet in all directions by using architectural and/or design features.
    - Notes building elevations will be designed with vertical bays or articulated architectural features which include a combination of at least 3 of the following: a combination of exterior wall offsets, columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.

- **Existing Zoning and Land Use**



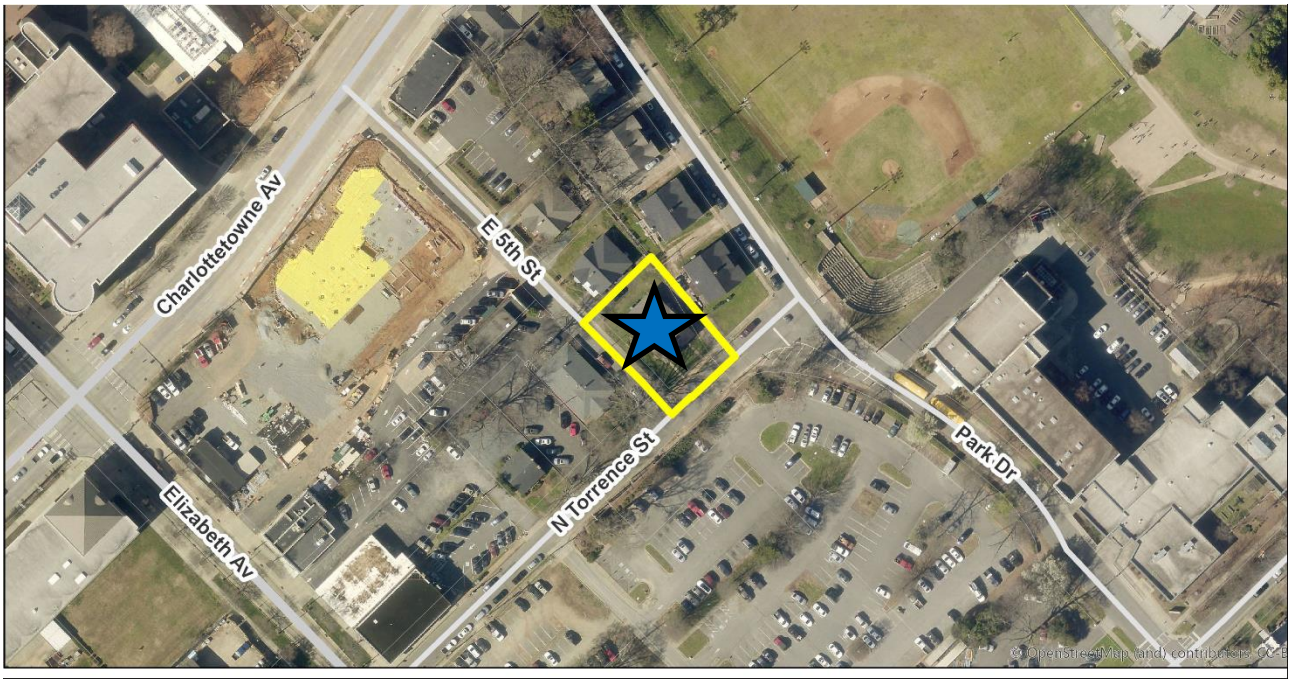
The rezoning site is developed with a single family residential house and is surrounded by a mix of institutional, office, recreation, residential, and retail uses in various zoning districts.

The subject site is developed with a single family residential home.

Along E. 5th Street are a mix of residential and non-residential uses.

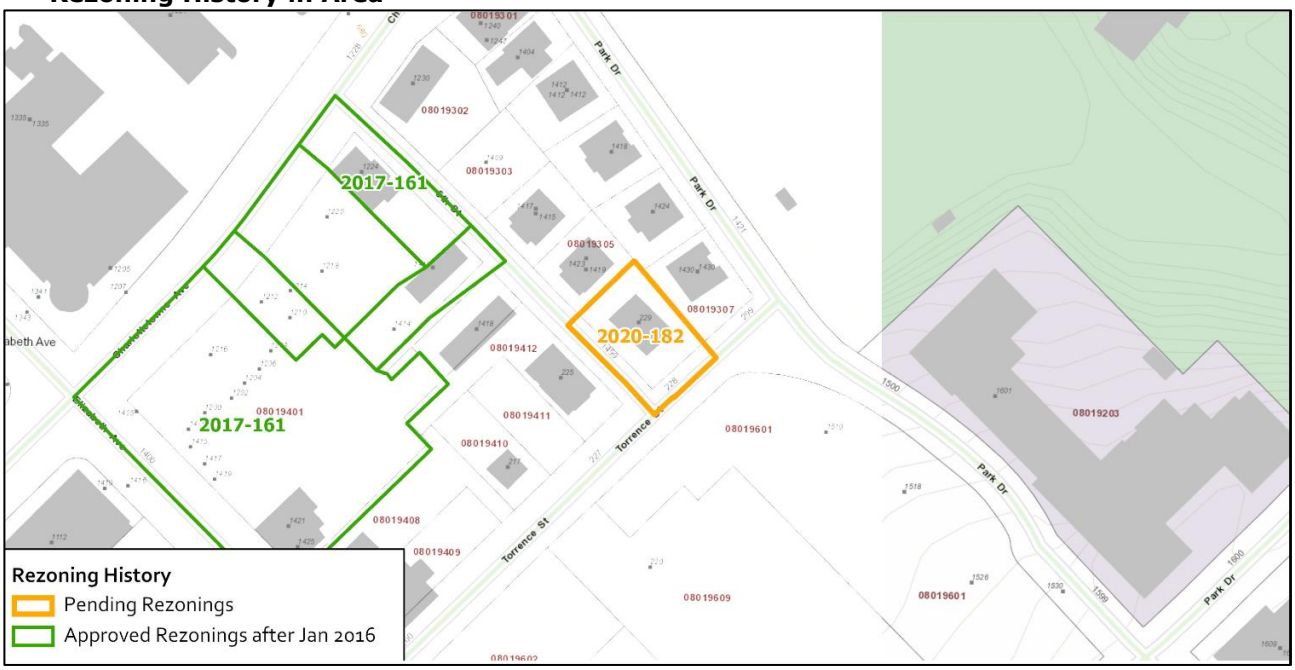
The rezoning site is located in close proximity to institutional uses (above and below).

Across Park Drive is Independence Park.



The rezoning site (denoted by blue star) is surrounded by a mix of residential and non-residential uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-161	Rezoned 1.76 acres from B-2, O-2, and NS to MUDD-O	Approved

- **Public Plans and Policies**

  - The *Elizabeth Area Plan* recommends residential/office/retail uses on the subject site.

- **TRANSPORTATION SUMMARY**
  - The site is located at the intersection of City-maintained local roads (East 5th Street and Torrence Street). The petitioner commits to constructing an 8-foot sidewalk with an 8-foot planting strip along the frontages of both streets, as recommended in the Council-Adopted Elizabeth Area Plan. The site plan also commits to installing two accessible ramps on the north quadrant of the intersection of 5th street and Torrence Street per ADA and PROWAG standards. CDOT continues to request site plan revisions to include conditional notes specifying dedication and fee simple conveyance of all rights-of-way and specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. Further details are listed below.
- **Active Projects:**
  - N/A
- **Transportation Considerations**
  - See Outstanding Issues, Notes 1-2.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 30 trips per day (based on 2,211 square foot office).

  Entitlement: 40 trips per day (based on 2,700 square foot office).

  Proposed Zoning: 55 trips per day (based on office and 9 apartment units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the current zoning could generate 1 student, while the development allowed under the proposed zoning may produce 1 student. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Eastover Elementary remains at 98%
    - Sedgefield Middle remains at 72%
    - Myers Park High remains at 121%.

- See advisory comments at www.rezoning.org

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along E 5th Street and via an existing 6-inch water distribution main along N Torrence Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 6-inch gravity sewer main located along E 5th Street.

- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** See Outstanding Issues, Notes 5-6.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org

- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

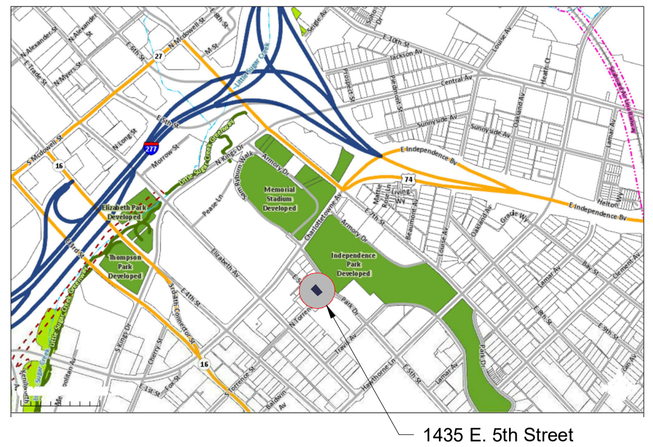
1. Add a site plan note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests rights-of-way set at 2' behind back of sidewalk where feasible.
2. Add a site plan note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.

Site and Building Design

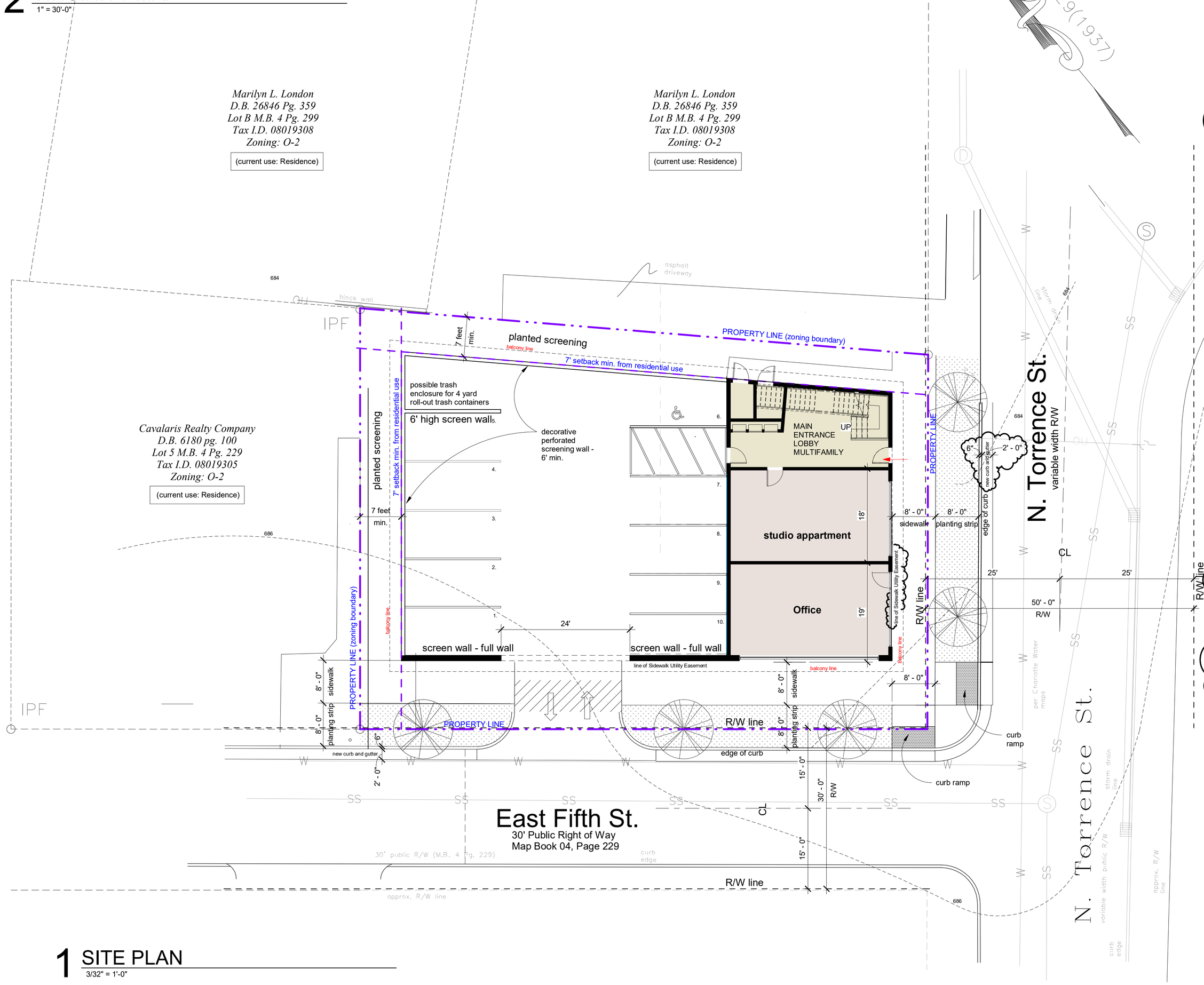
3. Remove optional provision pertaining to building separation as this is a fire/safety/health issue. Add a conditional note committing to the 7-foot side and rear yards along the east and north property lines.
4. Remove the optional provision pertaining to the planted screening and add a conditional note committing to a landscape strip planted to Class C buffer standards.
5. Add an optional provision to allow 45% transparency along public street (minimum 50% is required).
6. Label setback from the correct location along E. 5th Street and N. Torrence Street.
7. Modify building to show building envelope. Do not need to show use locations.
8. Add a note stating modifications may be permitted per Section 6.207.
9. Under Development Data Table remove FAR.
10. Under Development Data Table replace proposed 9 apartments and replace with 9 residential units. Specify square footage of the non-residential uses. Please remember project must meet parking requirements.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

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



2 VINCINITY MAP
1" = 30'-0"



1 SITE PLAN
3/32" = 1'-0"

PETITION NO. 2020-182

DEVELOPMENT STANDARDS

Petitioner: Circle G LLC

March 15, 2021

1. Development Data Table:

a. Site Acreage:	0.18 acres (7,840 sf)
b. Tax parcels included in Rezoning:	08019306
c. Existing Zoning:	O-2
d. Proposed Zoning:	MUDD-O
e. Existing Use:	single family home, residential
Proposed Use:	Residential Use (9 apartments max.) Non-residential use (1 office max)
f. Number of Residential Units by Housing Type:	9 residential units max.
h. Floor/ Area Ratio:	FAR = +/-1.42
i. Maximum Building Heights:	maximum 50 feet.
j. Maximum Number of Buildings:	1 (one)
k. Parking:	per ordinance.

2. General Provisions:

a) These Development Conditions form a part of the rezoning petition filed by Circle G LLC ("petitioner" or "owner") to accommodate the future development of a three-story building. The building will consist of 9 residential units and one office on the first floor.
b) The development of this site will be governed by the Conditional Plan and the applicable provisions in the City of Charlotte Zoning Ordinance (the "Ordinance").

3. Optional Provisions:

a) The MUDD – O is provided herein to allow a min. 7-feet setback towards the back and side existing residential use properties. Both properties are zoned O-2 with current multifamily uses.
b) Provide Planted Screening in the side setbacks between the building and property line.

4. Permitted Uses: Per ordinance.

5. Transportation:

a) East 5th Street right of way to be 30' per Elizabeth Area Plan.
b) North Torrence Street right of way to be 50' per Elizabeth Area Plan.
c) A 6" curb and a 2'-0" gutter will be installed on E. 5th Street and N. Torrence Street.
d) The Sidewalk Utility Easement to be set at the face of the building on E. 5th Street and N. Torrence Street.
e) Two 8' sidewalk curb cuts will be provided at the intersection of E. 5th Street and N. Torrence Street.
f) Per Elizabeth Area Plan an 8' planting strip and 8' continuous sidewalk will be provided.
g) One driveway curb cut will be provided on E. Fifth Street.

6. Architectural Standards:

1. Building Placement and Site Design shall focus on and enhance the pedestrian environment on public or private network required streets, through the following:
   a. Buildings shall be placed so as to present a front or enhanced side façade to all streets.
   b. Buildings shall be placed so as to present a front or enhanced side façade to all streets.
   c. Facade fronting N Torrance street shall include a combination of windows and operable doors for a minimum of 80% of each frontage elevation transparent glass between 2' and 10' on the first floor. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk. Facade fronting E Fifth shall have minimum 45%, in addition to decorative architectural screen (or art panels on parking lot screening.
   d. The facades of first/ground floor of the buildings along streets shall incorporate a minimum of 20% masonry materials such as brick or stone.
   e. Direct pedestrian connection should be provided between street facing doors, corner entrance features to sidewalks on adjacent streets.
   f. Operable doors will be located on both frontages and shall not exceed 75 feet spacing.
   g. Building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but to limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls
   h. Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.
   i. Ground floor shall be taller than and architecturally different than upper floors with more transparency than upper floors.
   j. Upper story transparency should exceed 20% per floor on all levels.

7. Streetscape and Landscaping

Site will comply with Tree Ordinance

8. Environmental Features:

New 8' planting strip according to Urban Forestry Guidelines.

9. Parks, Greenways and Open Space: NA

10. Fire Protection

Fire Lane Treatment:

a) Building will be NFPA 13R sprinklered. Firetrucks parked on 5th Street or North Torrence Street can reach around the building with the hose of less than 200 feet (450 feet allowed).
b) Fire hydrant shall be located within 750' to the most remote point of building as truck travel for all buildings.

11. Signage: Per ordinance

12. Lighting: Per ordinance.

13. Phasing: NA

insight ARCHITECTS

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KRISTINA HELD REGISTERED ARCHITECT 10764 CHARLOTTE, N.C.
INSIGHT ARCHITECTS, P.C. REGISTERED ARCHITECTURAL CORPORATION CERT. NO. 51477 NORTH CAROLINA CHARLOTTE, N.C.

3/15/2021

REZONING PETITION 2020-182

1435 E. 5th STREET
CHARLOTTE NC 28204

Prepared for:
Circle G LLC

Date	3/15/2021
Architect's Project #	1934

#	REVISION	DATE
1	Site Review Comments	3/15/2021

This Drawing is the property of Insight Architects and is not to be reproduced in whole or in part. It is to be used for the project and site specifically identified herein and is not to be used on any other project.

REZONING SITE PLAN

A110

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 34.**File #:** 15-15583 **Type:** Zoning Hearing

Rezoning Petition: 2020-194 by Toomey Avenue, LLC

Location: Approximately 8.8 acres located along the north side of West Tremont Avenue, east of Toomey Avenue, and west of South Tryon Street. (Council District 3 - Watlington)

Current Zoning: I-1 (light industrial) and R-5 (single-family residential)
Proposed Zoning: MUDD (CD) (mixed-use development, conditional)

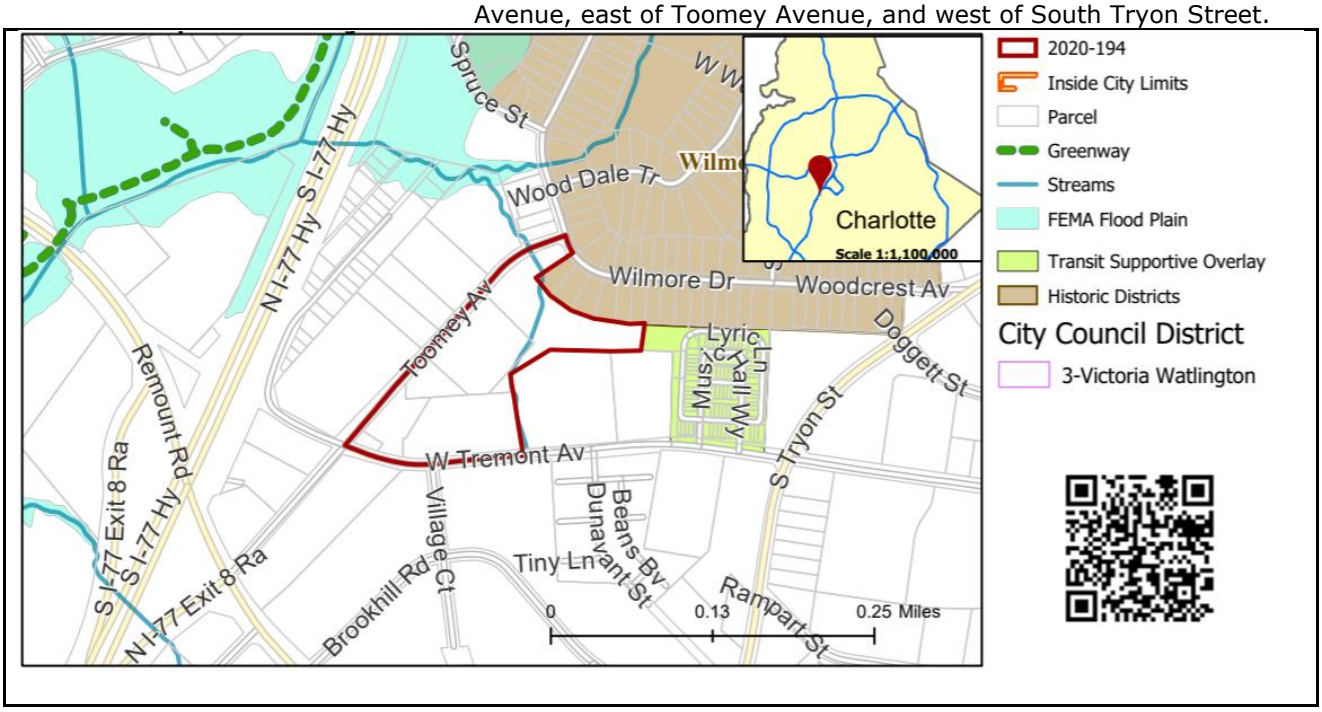
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and site and building design.

Attachments:
Pre-Hearing Staff Analysis
Site Plan

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-194
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: I-1 (light industrial) and R-5 (single family residential) Proposed Zoning: MUDD(CD) (mixed use development, conditional)
LOCATION	Approximately 8.8 acres located along the north side of Tremont Avenue, east of Toomey Avenue, and west of South Tryon Street.



SUMMARY OF PETITION	The petition proposes to allow up to 325 residential units and up to 61,000 square feet of non-residential uses on a site developed with residential, retail, and industrial uses and vacant land located between Interstate 77 and South Tryon Street.
PROPERTY OWNER	Summit Avenue Tremont LLC; 2315 Toomey Avenue LLC; Carolina Custom Tank LLC
PETITIONER	Toomey Avenue, LLC
AGENT/REPRESENTATIVE	Collin Brown and Brittany Lins/Alexander Ricks
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: First Meeting held on 01/26/2021 -11 attendees; Second Meeting held on 03/24/2021 – 1 attendee

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and building design. <u>Plan Consistency</u> The petition is **consistent** with the *New Bern Transit Station Area Plan* recommendation for residential and office uses, but **inconsistent** with the *New Bern Transit Station Area Plan's* recommended industrial/warehouse/distribution land uses and multi-family residential up to 22 units per acre. The petition is also **consistent** with the *Central District Plan's* recommended residential uses, but

inconsistent with *the Central District Plan's* recommendation for single family residential up to 5 units per acre.

Rationale for Recommendation

- The project site directly abuts to the east a recently approved development allowing 300 multi-family residential units and 5,000 square feet of non-residential uses.
- The project is an infill development that will contribute to a mix of housing types.
- The proposed site plan will enhance the connectivity and walkability of the emerging mixed-use neighborhood.
- The request limits the building height to 55 feet. The site is located within 1 mile of the East/West Boulevard Transit Station along the LYNX Blue Line. TOD-NC is applicable within 1 mile of the station and allows a building height up to 75 feet.
- The parcels surrounding this site are being redeveloped from former industrial and vacant sites into a mixed-use area with office, residential and retail uses.
- The development commits to streetscape improvements and on street parking.

The approval of this petition will revise the adopted future land use as specified by the *New Bern Transit Station Area Plan* from multi-family residential up to 22 dwelling units to acre and office/industrial-warehouse-distribution and *Central District Plan* from single family residential up to 5 dwelling units per acre to residential greater than 22 dwelling units per acre, retail, and office.

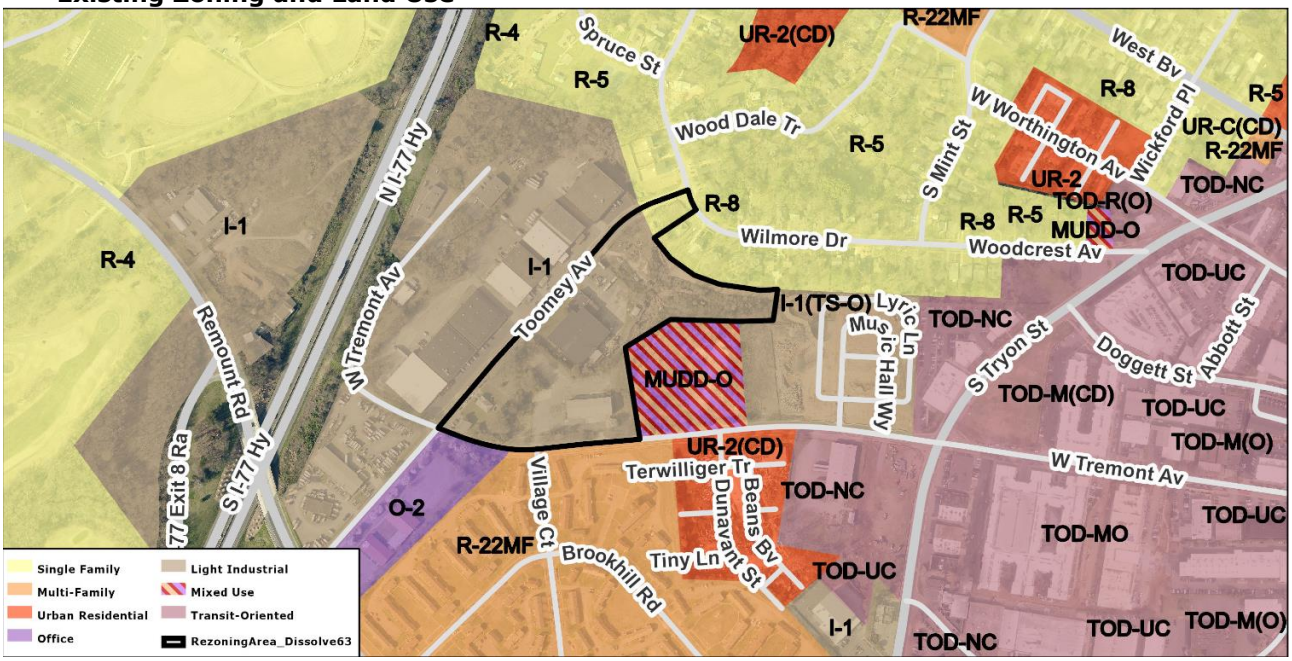
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Up to 325 single-family attached and/or multi-family residential units (36.93 units per acre) and 61,000 square feet of non-residential uses.
  - Non-residential uses include but are not limited to office, retail, personal service, EDEE, and other commercial uses permitted by right and under prescribed conditions in the MUDD zoning district.
  - Prohibits car washes (except for residential car wash stations), automobile service stations, and EDEEs with accessory drive-through service windows.
  - Limits building height to 55 feet for multi-family residential buildings, 50 feet for single family attached (townhome) buildings, and 40 feet for commercial buildings.
  - Prohibits multi-family residential uses and commercial uses in the portion of the site currently zoned R-5, fronting Wilmore Drive.
  - Limits the maximum amount of retail uses to 20,000 square feet.
  - Allows unused residential units to be converted to additional office or other non-residential square footage at a rate of 1 residential unit to 1,000 square feet of office/non-residential square footage, subject to specified restrictions.
  - Proposes the following transportation improvements:
    - Proposes access to the site from Toomey Avenue and W. Tremont Avenue as shown on the site plan.
    - Proposes an 8-foot amenity zone with an 8-foot sidewalk along the site's frontages.
    - Proposes on-street parking along Toomey Avenue and W. Tremont Avenue.
    - Notes prior to issuance of the final certificate of occupancy for the site, the petitioner will install a traffic signal at the intersection of Remount Road and I-77 off-ramp/Toomey Avenue. Notes the signal will be of a wood pole design and include pedestrian crossings on all sides of the intersection.
    - Petitioner will coordinate with Mecklenburg County Park and Recreation to create a connection to the Irwin Creek Greenway that runs along the south side of Tremont Avenue, if reasonably feasible.
    - Constructs a curb ramp at the southeast corner of the Toomey Avenue and Wilmore Drive intersection.
  - Proposes the following design guidelines:
    - Proposes to preserve existing building for adaptive reuse (unless deemed impractical or unreasonable due to structural or environmental issues). Limits renovations and demolitions

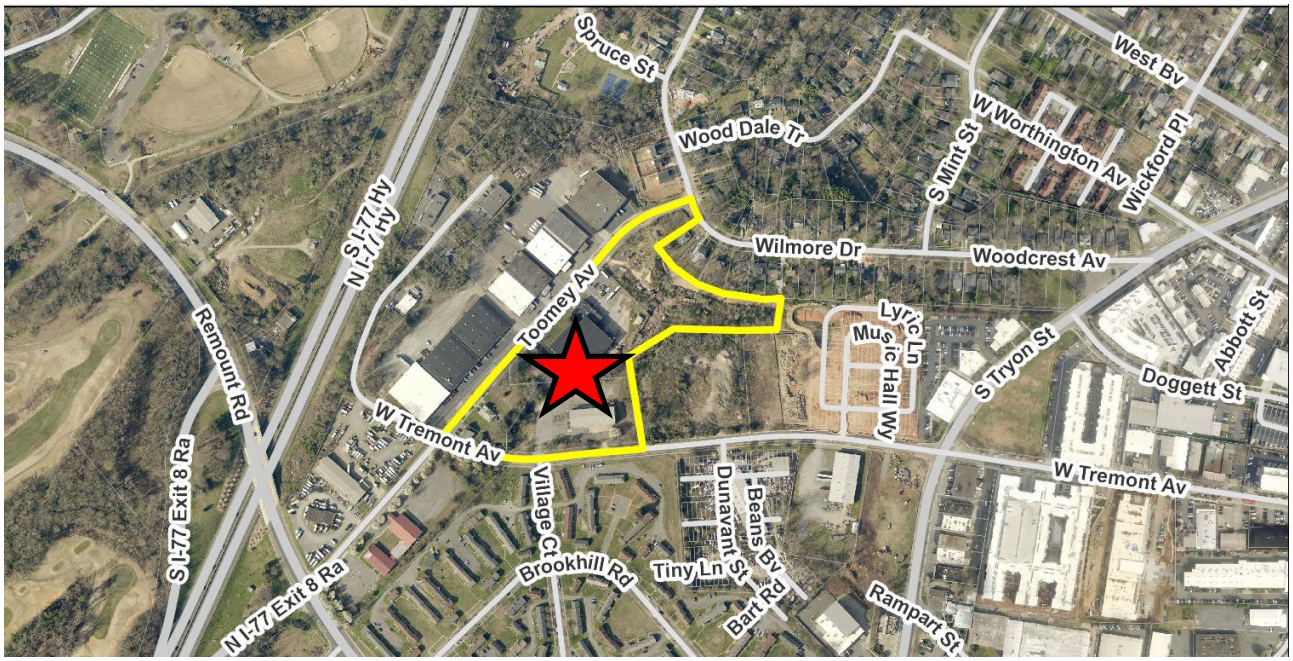
to portions of the building to 20% of the building footprint. Building may be expanded and/or mezzanine added to the existing footprint for a maximum of 61,000 square feet of total building square footage.

- Proposes a combination of any of the following building materials: glass, brick, metal, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco/EIFS, cementitious siding (such as hardi-plank), or wood/composite wood. Vinyl, as a building material, will only be allowed on windows, soffits and trim features. Concrete masonry units not architecturally finished will not be permitted.
- Notes design standards related to residential uses will address breaking up monolithic building via modulations (recesses, projections, and architectural details).
- Notes architectural elevations will be designed to create visual interest features such as exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
- Notes if structured parking is developed, exposed multi-level parking decks will provide screening so that cars are not visible from network-required public streets.
- *Additional design standards for single-family attached (townhome) units:*
  - Notes all principal and accessory buildings will be comprised of a combination of portions of brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement (hardi plank) and/or other approved materials.
  - Prohibits vinyl siding, excluding vinyl handrails, windows, soffits, doors or door trim, and concrete masonry units not architecturally finished.
  - Notes townhome units will front either Wilmore Drive or Toomey Avenue.
  - Notes no garage doors of townhome units will be visible from Wilmore Drive or Toomey Avenue.
  - If provided, individual unit driveway lengths will be either between 5 and 7 feet in length for rear loaded alley fed townhomes or a minimum of 20 feet in length from back of sidewalk along the public street network.
  - Corner/end units fronting public streets will have enhanced side elevations with a front or rear stoop and /or porch or otherwise provide windows or other architectural details to limit the maximum blank wall expanse to 15 feet on each level of the unit.
- Proposes a minimum 4,500 square feet of amenity areas, which may include a combination of hardscape and softscape, seating, landscaping, art, fountains, pool, cabana, garden, clubhouse, mail kiosk, dog park, and/or other similar amenities. A minimum of 2,000 square feet of publicly accessible urban open space will be provided in front of 2213 Toomey Avenue.

- **Existing Zoning and Land Use**



- The site is currently vacant and surrounded by a mix of industrial, residential, commercial uses and vacant land on parcels in various zoning districts.



The rezoning site (denoted by the blue star) is surrounded by a mix of residential and non-residential uses.

A portion of the rezoning site is developed with an industrial building constructed in 1969.

A portion of the rezoning site is developed with a retail use and a single family home built in 1931.

A portion of the site is developed with a warehouse.

A portion of the rezoning site is vacant.

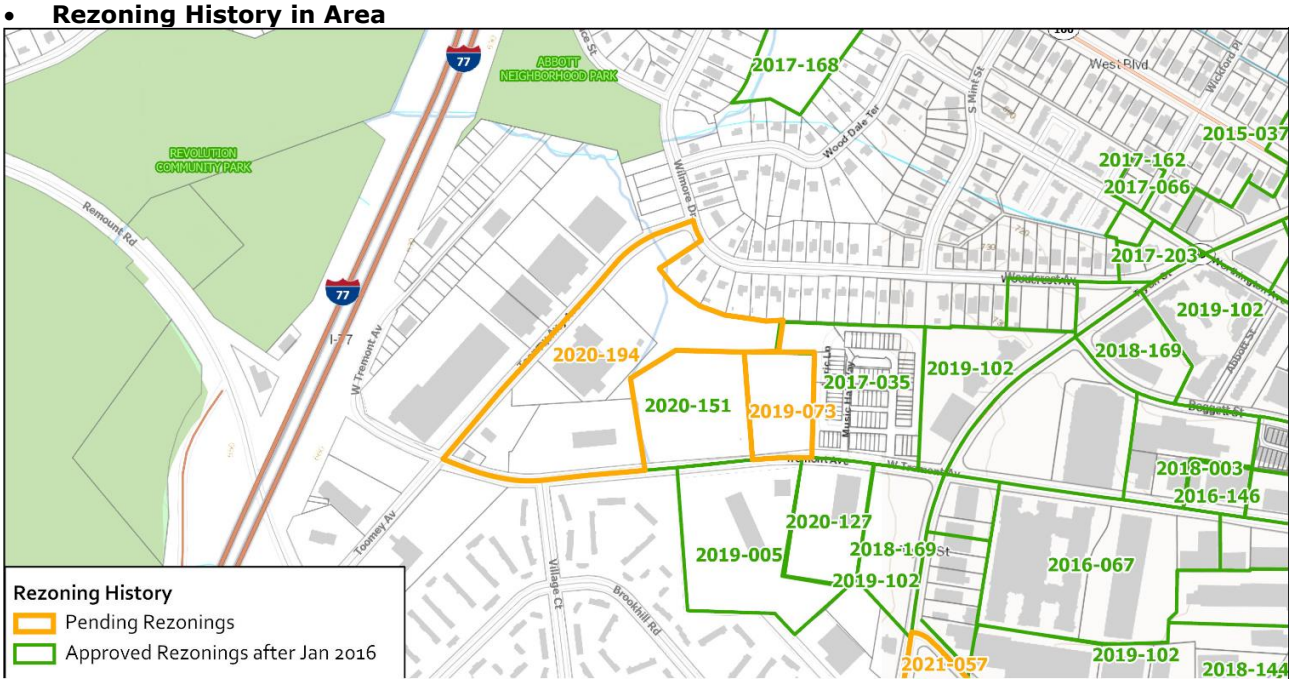
North are single family homes.

East, along W. Tremont Avenue, are warehouses, commercial uses, residential uses, residential development under construction, and vacant land.

South, across W. Tremont Avenue, is a multi-family residential community.

West, across Toomey Avenue, are warehouses.

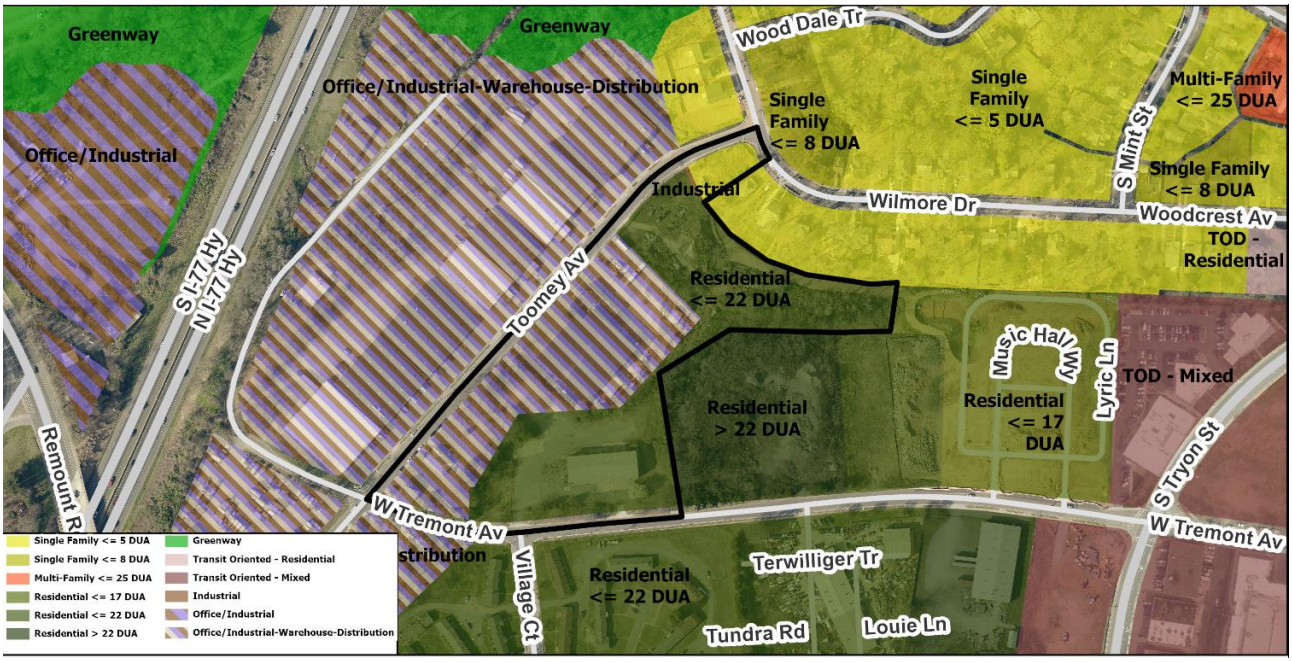
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-057	Rezone 1.132 acres from TOD-NC to TOD-UC.	Pending
2020-151	Rezoned 3.455 acres from I-1 to MUDD-O.	Approved
2020-127	Rezone 2.60 acres from I-1 to TOD-NC.	Approved
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2019-073	Rezone 1,91 acres from I-1 to MUDD(CD).	Pending
2019-005	Rezoned 5.58 acres from I-2(CD) to UR-2(CD).	Approved
2018-169	Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations.	Approved
2018-144	Rezoned 2.21 acres from MUDD-O to TOD-M(O).	Approved
2018-003	Rezoned 0.739 acres from TOD-R(O) to TOD-M(O).	Approved
2017-203	Rezoned 0.75 acres from B-1 and R-8 to TOD-R(O).	Approved
2017-168	Rezoned 3.70 acres from R-5 and R-22MF to UR-2(CD).	Approved

2017-162	UR-1(CD) SPA for 0.35 acres.	Approved
2017-035	Rezoned 4.39 acres from I-1 to I-1 TS-O.	Approved
2016-146	Rezoned 0.74 acres from I-2 to TOD-R(O).	Approved
2016-067	Rezoned 8.36 acres from I-2 to TOD-M(O).	Approved
2016-066	Rezoned 5.32 acres from O-1 and O-15(CD) to MUDD-O.	Approved

- **Public Plans and Policies**



- The *New Bern Transit Station Area Plan* (2008) recommends residential up to 22 dwelling units per acre and office/industrial-warehouse-distribution for the majority of the site. The *Central District Plan* (2003) recommends single family residential up to 5 units per acre for the lot located at the corner of Wilmore Drive and Toomey Avenue.

- **TRANSPORTATION SUMMARY**
  - The site is located along Toomey Avenue, a City-maintained minor collector, and Tremont Avenue, a City-maintained local street. The petitioner has agreed to incorporate vehicular, bicycle, and pedestrian infrastructure that supports the City's Ordinances and BIKES and WALKS Policies, but also complements the surrounding TOD-zoned development. Additionally, the petitioner has agreed to construct a traffic signal at the Remount Road and Toomey Avenue/I-77 Off-Ramp intersection with pedestrian crossings at each quadrant of the intersection. Site plan revisions are needed address the outstanding items including, but not limited to extending the appropriate streetscape(s) and including ADA curb ramps. Further details are listed below.
  - **Active Projects:**
    - N/A
  - **Transportation Considerations**
    - See Outstanding Issues, Notes 1-2.
  - **Vehicle Trip Generation:**

    Current Zoning:

    Existing Use: 600 trips per day (based on 34,427 square feet warehouse; 2,550 square feet convenience market)

    Entitlement: 190 trips per day (based on 1 single family dwelling and 84,400 square feet warehouse).

    Proposed Zoning: 6,070 trips per day (based on 325 apartments, 61,000 square feet of retail).

DEPARTMENT COMMENTS (see full department reports online)

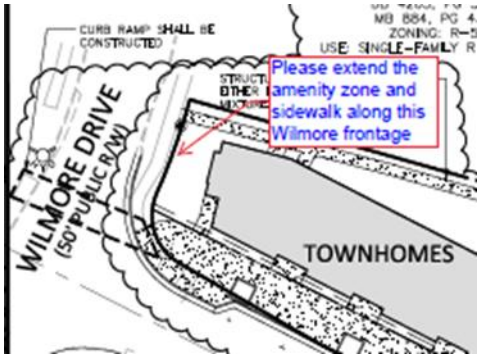
- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org.

- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning could generate 59 students. Therefore, the net increase allowed under the proposed zoning is 59 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Barringer Elementary from 92% to 97%
    - Sedgefield Middle from 72% to 74%
    - Harding University High from 129% to 130%.
  - See advisory comments at www.rezoning.org.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along W Tremont Ave and via an 8-inch main along Toomey Ave. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located W Tremont Ave and via an 8-inch main along Toomey Ave.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** See Outstanding Issues, Notes 3-4.
  - **Storm Water Services:** See advisory comments at www.rezoning.org.
  - **Urban Forestry:** See advisory comments at www.rezoning.org.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

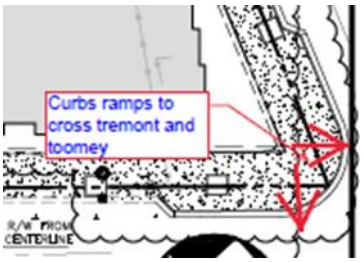
OUTSTANDING ISSUES

Transportation

1. Extend the amenity zone and sidewalk across the Wilmore Street frontage of PID 11906424.



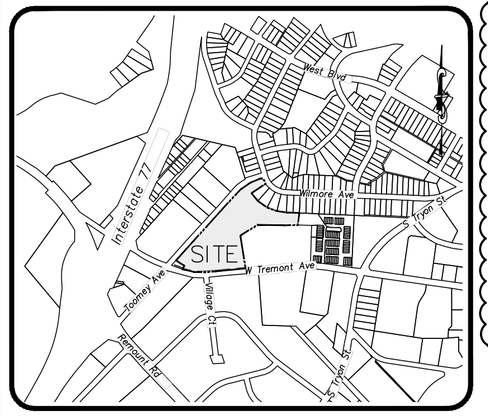
2. Revise the site plan and conditional notes to commit to construct two ADA curb ramps, in accordance with CLDSM, at the corner of Tremont Avenue and Toomey Avenue.



Site and Building Design

3. Provide a dimension and width for the proposed Class C buffer. Provide a development note committing to the Class C buffer.
4. Adjust information to specify the number of multi-family units proposed and number of townhomes proposed.
5. Label setbacks along Toomey Avenue and W. Tremont Avenue in the correct location.

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



VICINITY MAP

SCALE: 1" = 1000'

SITE LEGEND

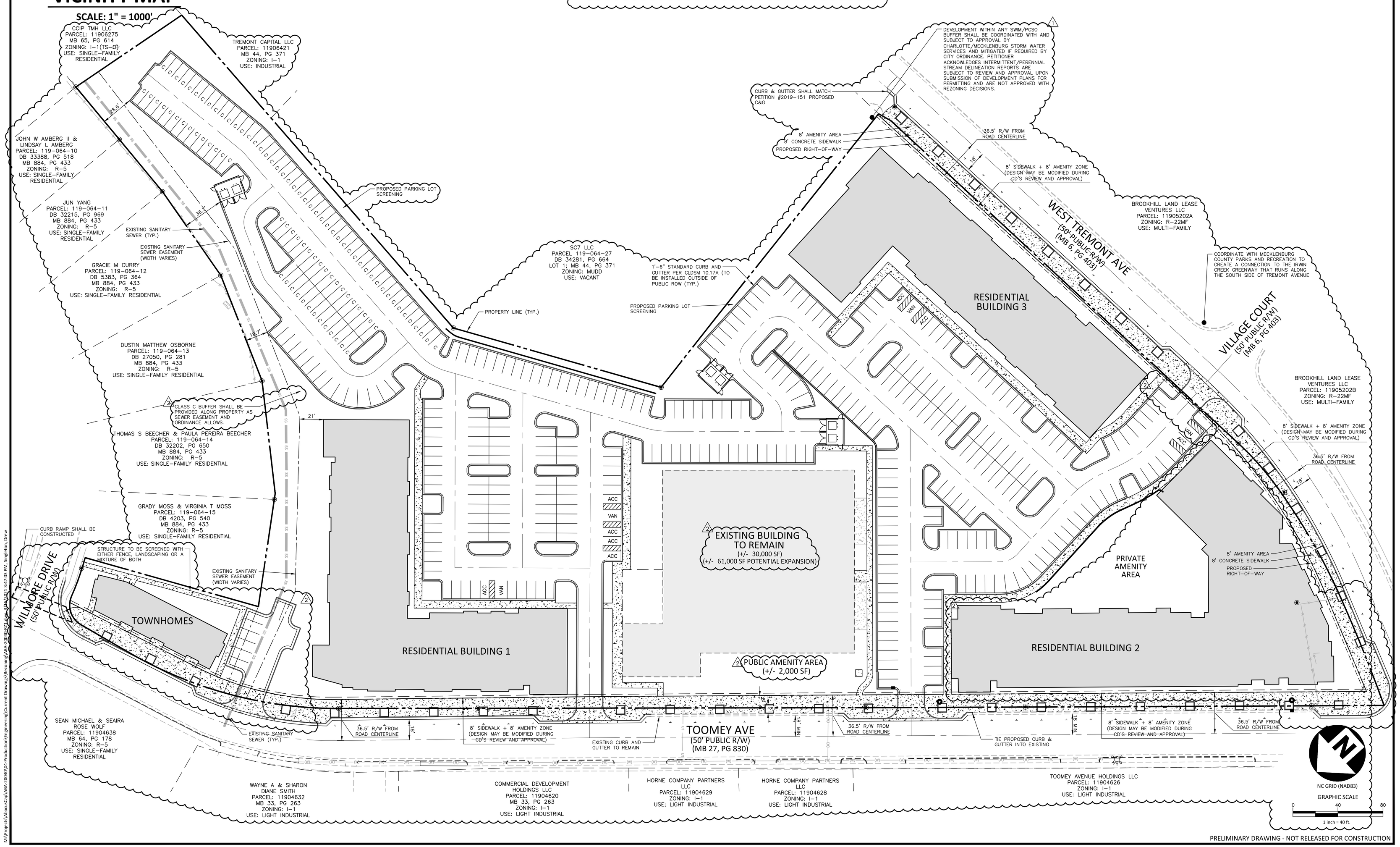
- SIGNAGE
- ACC — ACCESSIBLE PARKING STALL
- XX — PARKING SPACE COUNT
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- CENTERLINE
- CONCRETE SIDEWALK OR HEAVY DUTY CONCRETE (WHERE SPECIFIED)

EXISTING LEGEND

- EXISTING IRON PIPE/REBAR
- IRON PIPE SET
- EXISTING CONCRETE MONUMENT
- CONCRETE MONUMENT SET
- CALCULATED POINT
- WATER METER
- FIRE HYDRANT
- LIGHT POLE
- POWER POLE WITH GUY ANCHOR
- OU — OVERHEAD UTILITY LINE
- FENCE LINE
- PROPERTY LINE NOT SURVEYED
- POST CONSTRUCTION BUFFER
- RIGHT-OF-WAY
- PROPERTY BOUNDARY

SITE DATA

OWNER:	ABACUS CAPITAL 1200 E MOREHEAD STREET, SUITE 280 CHARLOTTE, NC 28204
PREPARED BY:	MCADAMS COMPANY 3430 TORINGDON WAY, SUITE 110 CHARLOTTE, NC 28277 704-527-0800
TAX ID NUMBERS: 119-064-24, 119-064-28, 119-064-29, 199-064-17, 119-064-20 AND 119-064-26	
TOTAL SITE ACREAGE:	18.8 AC
ZONING:	MUDD (CD)
CURRENT USE:	LIGHT INDUSTRIAL
PROPOSED USE:	MULTI-FAMILY RESIDENTIAL & COMMERCIAL
SETBACKS	
PUBLIC STREETS:	16 FT MIN. (8 FT PLANTING STRIP AND 8 FT AMENITY ZONE)
SIDE YARD:	NONE, BUT 10' BUILDING SEPARATION ADJACENT TO RESIDENTIAL USE
REAR YARD:	NONE, BUT 10' BUILDING SEPARATION ADJACENT TO RESIDENTIAL USE
MAXIMUM BUILDING HEIGHT PROPOSED:	TOWNHOMES - 40 FT, APARTMENT - 55 FT, COMMERCIAL - 40 FT
MAXIMUM RESIDENTIAL UNITS ALLOWED:	325 UNITS
PARKING REQUIREMENTS:	PROVIDED PER ORDINANCE



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

McADAMS

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www.mcadamsco.com

CLIENT

MR. MASON ELLERBE
ABACUS CAPITAL
1200 E MOREHEAD ST., SUITE 280
CHARLOTTE, NORTH CAROLINA 28204

TOOMEY AVENUE EAST ASSEMBLAGE

REZONING PETITION #2020-194
TOOMEY AVENUE
CHARLOTTE, NORTH CAROLINA, 28203

REVISIONS

NO.	DATE	
1	02. 08. 2021	PER CITY AND CDOT COMMENTS
2	03. 15. 2021	PER CITY AND CDOT COMMENTS

PLAN INFORMATION

PROJECT NO.	ABA-20040
FILENAME	ABA-20040-RZ1
CHECKED BY	EM
DRAWN BY	JDS
SCALE	1"=40'
DATE	11. 10. 2020

SHEET

REZONING PLAN

RZ.01

M:\Projects\Abacus Cap\ABA-20040\04-Production\Engineering\Current Drawings\Rezoning\ABA-20040-RZ1.dwg, 3/15/2021 3:47:03 PM, Singleton, Drew

DEVELOPMENT STANDARDS
Petitioner: Toomey Avenue, LLC
Rezoning Petition No. 2020-194
3/15/2021

Site Development Data:

--**Acreage:** ± 8.8 acres
--**Tax Parcels:** 119-064-24, 119-064-28, 119-064-29, 119-064-17, 119-064-20, and 119-064-26
--**Existing Zoning:** I-1
--**Proposed Zoning:** MUDD(CD)
--**Existing Uses:** Light Industrial
--**Proposed Uses:** Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district not otherwise limited herein
--**Maximum Development:** Subject to conversion rights in Section II below,
a. Up to 325 single-family attached and/or multi-family residential units; and
b. 61,000 square feet of non-residential uses
--**Maximum Building Height:** Maximum of fifty-five (55) for multi-family buildings, fifty (50) feet for single-family attached (townhome) buildings, and forty (40) feet for commercial buildings
--**Parking:** As required by the Ordinance for the MUDD zoning district.

VI. General Provisions:

a. **Site Description.** These Development Standards and the Technical Data Sheet form the rezoning plan (hereafter collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Toomey Avenue, LLC ("Petitioner") to accommodate development of a mixed use community on an approximately 8.8-acre site located at the western intersection of West Tremont Avenue and Toomey Avenue, more particularly described as Mecklenburg County Tax Parcel Numbers 119-064-24, 119-064-28, 119-064-29, 119-064-17, 119-064-20, and 119-064-26 (the "Site").

b. **Intent.** This Rezoning is intended to accommodate development on the Site of an integrated mixture of MUDD-permitted uses including but not limited to office, residential, retail and other commercial uses, including the adaptive reuse of an existing industrial/commercial building.

c. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the Mecklenburg County Zoning Ordinance (the "Ordinance").

Unless the Rezoning Plan establishes more stringent standards or as otherwise provided in the Optional Provisions below, the regulations established under the Ordinance for the MUDD zoning district shall govern all development taking place on the Site.

d. **Planned/Unified Development**. The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, setbacks, side and rear yards, buffers, building height separation standards, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, and public/private street frontage requirements, provided, however, that all such separation standards along the exterior boundary of the Site shall be adhered to and treated as the Site as a whole and not individual portions or lots located therein.

VII. Permitted Uses & Maximum Development

Subject to the Maximum Development, Restrictions and Conversion Rights set forth below, the Site may be devoted to all uses permitted by right or under prescribed conditions in the MUDD Zoning District, together with any incidental or accessory uses associated therewith.

a. Subject to the restrictions, limitations, and conversion rights listed below, the principal buildings constructed may be developed with up to: 325 residential units and (ii) 61,000 square feet of non-residential uses, including but not limited to office, retail, personal service, EDEE, and other commercial uses permitted by right and under prescribed conditions in the MUDD zoning district, along with any accessory uses allowed in the MUDD zoning district.

b. **Prohibited Uses**: Car washes (except for residential car wash stations); Automobile Service Stations; EDEEs with accessory drive-through service windows.

c. **Restrictions**.

ii. Multi-family residential uses and commercial uses shall not be permitted in the portion of the Site currently zoned R-5, fronting Wilmore Drive.

iii. The maximum amount of retail uses shall be limited to 20,000 square feet.

d. **Conversion Rights**. Unused residential units may be converted to additional office or other non-residential square footage at a rate of one (1) residential unit to 1,000 square feet of office/non-residential square footage, subject to the restrictions above.

VIII. Transportation

a. Final vehicular access will be as generally depicted on the Rezoning Plan. Temporary construction access may be provided in addition to the vehicular access points as shown. 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.

b. The Petitioner shall construct a minimum eight (8) foot wide sidewalk and eight (8) foot wide amenity zone, with concrete tree wells, along the Site's frontages of Tremont Avenue and Toomey Avenue.

c. The Petitioner shall connect the curb and gutter, planting strip and amenity zone to the streetscape associated with Rezoning Petition 2020-151 (adjacent property along Tremont Avenue).

d. Prior to the issuance of the final certificate of occupancy for the Site, the Petitioner shall install a traffic signal at the intersection of Remount Road and I-77 off-ramp/Toomey Avenue. The signal shall be of a wood pole design and include pedestrian crossings on all sides of the intersection.

e. The Petitioner shall incorporate on-street parking along the Site's frontage of Toomey Avenue and Tremont Avenue, in accordance with the CLDSM Detail(s) 50.09C and 50.09D (as necessary).

f. The Petitioner shall coordinate with Mecklenburg County Parks and Recreation to create a connection to the Irwin Creek Greenway that runs along the south side of Tremont Avenue, if reasonably feasible.

g. The Petitioner shall construct a CLDSM 10.31A curb ramp at the southeast corner of the Toomey Avenue and Wilmore Drive intersection.

h. Where necessary, the Petitioner shall dedicate and convey in fee simple all rights-of-way to the City of Charlotte before the Site's first building certificate of occupancy is issued.

i. Unless otherwise stated herein, all transportation improvements shall be substantially completed prior to the issuance of the first building certificate of occupancy for the Site.

IX. Design Guidelines:

1. The Petitioner shall preserve the existing footprint of the commercial building located at 2213 Toomey Avenue (Parcel #119-064-28), for adaptive reuse (unless deemed impractical or unreasonable due to structural or environmental issues as determined by a third-party engineer licensed in North Carolina). Minor renovations and demolitions to portions of the building shall be permitted, not to exceed 20% of the building footprint. The building may be expanded and/or mezzanine added to the existing footprint for a maximum of 61,000 square feet of total building square footage at 2213 Toomey Avenue.

2. The principal buildings constructed on the Site may use a variety of building materials. The building materials used for buildings will be a combination of any of the following: glass, brick, metal, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco/E.I.F.S., cementitious siding (such as hardi-plank), or wood/composite wood. Vinyl, as a building material, will only be allowed on windows, soffits and trim features. Concrete masonry units not architecturally finished shall not be permitted.

3. Meter banks shall be located outside of the setback.

4. All dumpster enclosure areas shall be screened from network required public or private streets, common open spaces and any adjacent residential uses with materials complimentary to the principal structure.

5. Petitioner shall screen all parking areas adjacent to single-family zoning districts and/or uses, as required by the Ordinance. If single-family attached (townhome) units are provided adjacent to parcel 119-064-15, Petitioner shall provide a fence or landscape screening along the entirety of the parcel where abutting single-family residential zoning.

6. Petitioner shall create an internal network of pedestrian pathways connecting the Site's buildings, amenity areas, and parking areas to be connected to required sidewalks along Toomey Avenue and Tremont Avenue.

7. **Design Standards Related to Residential Uses:**

1. Building Massing and Height shall be designed to break up long monolithic building forms as follows:

i. Building sides greater than 120 feet in length shall include modulations of the building massing/façade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of five (5) feet wide and shall project or recess a minimum of one (1) foot extending through at least a full floor.

2. Architectural Elevation Design - elevations shall be designed to create visual interest as follows:

i. Building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.

3. If structured parking is developed, exposed multi-level parking decks shall provide screening so that cars are not visible from network-required public streets.

4. Sidewalk extensions shall be provided between all network-required public and private streets when parking is adjacent. Direct pedestrian connections will be provided on all buildings for all frontages. The spacing of those entrances shall not exceed 150 feet.

5. **Additional Design Standards for Single-Family Attached (Townhome) Units:**

i. Preferred Exterior Building Materials: All principal and accessory buildings shall be comprised of a combination of portions of brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or other materials approved by the Planning Director.

ii. Prohibited Exterior Building Materials: (i) vinyl siding, excluding vinyl handrails, windows, soffits, doors or door trim, and (ii) concrete masonry units not architecturally finished.

iii. Townhome units shall front either Wilmore Drive or Toomey Avenue. No garage doors of townhome units shall be visible from Wilmore Drive or Toomey Avenue.

iv. Pitched roofs, if provided, shall be symmetrically sloped no less than 4:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.

v. Usable porches or stoops shall form a predominant feature of the building design for units fronting public streets and shall be located on the front and/or side of the building. Stoops may be covered but shall not be enclosed. There shall be no minimum stoop dimension.

vi. Attached dwelling units shall be limited to a maximum of six (6) units per building or fewer.

vii. If provided, individual unit driveway lengths shall either be between five (5) and seven (7) feet in length for rear-loaded alley-fed townhomes or a minimum of twenty (20) feet in length from the back of sidewalk along the public street network.

viii. Corner/end units fronting public streets (Wilmore Drive or Toomey Avenue) shall have enhanced side elevations with a front or rear stoop and/or porch or otherwise provide windows or other architectural details to limit the maximum blank wall expanse to fifteen (15) feet on each level of the unit. If a porch is utilized, it may be located on the second story of such unit.

ix. For all units, Petitioner shall provide blank wall provisions that limit the maximum blank wall expanse to twenty (20) feet on all building levels, including but not limited to doors, windows, awnings, material or color changes, and/or architectural design elements.

x. Vehicular access shall only be permitted off Toomey Avenue (not Wilmore Drive).

Internal vehicular parking and driveway location shall be located behind the townhome building(s) and/or incorporated into the parking areas of the multi-family portion of the Site, and not along Toomey Avenue and Wilmore Drive.

xi. The maximum building height for townhome buildings shall be forty (40) feet, exclusive of parapets and other decorative roof features. The unit fronting Wilmore Drive shall be a maximum of two (2) stories (approximately thirty (30) feet exclusive of roof features), which may step up to a maximum of three (3) stories for all other units along Toomey Avenue.

X. Open Space and Amenity Areas.

8. Petitioner shall provide open spaces throughout the Site per Ordinance standards. At a minimum, the Petitioner shall provide a minimum 4,500 square feet of amenity areas, as generally depicted on the Rezoning Plan, which may include amenities, such as but not limited to, a combination of hardscape and softscape, seating, landscaping, art, fountains, pool, cabana, garden, clubhouse, mail kiosk, dog park, and/or other similar amenities. A minimum of 2,000 square feet of publicly accessible urban open space shall be provided in front of 2213 Toomey Avenue as generally depicted on the Rezoning Plan.

XI. Environmental Features:

a. The Petitioner shall comply with the Post Construction Controls Ordinance. The location, size, and type of storm water management systems that may be depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

b. The Petitioner shall comply with the Tree Ordinance.

XII. Amendments to the Rezoning Plan:

Future amendments to the Rezoning Plan may be applied for by the then Owner or Owners of the applicable Lot of the Site affected by such amendment in accordance with the provisions herein and of Section 6.207 of the Ordinance.

XIII. Binding Effect of the Rezoning Application:

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 Lot(s), as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.

McADAMS
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license number: C-0293, C-187
www.mcadamsco.com

CLIENT
MR. MASON ELLERBE
ABACUS CAPITAL
1200 E MOREHEAD ST., SUITE 280
CHARLOTTE, NORTH CAROLINA 28204

TOOMEY AVENUE EAST ASSEMBLAGE
REZONING PETITION #2020-194
TOOMEY AVENUE
CHARLOTTE, NORTH CAROLINA, 28203

REVISIONS

NO.	DATE	
1	02. 08. 2021	PER CITY AND CDOT COMMENTS
2	03. 15. 2021	PER CITY AND CDOT COMMENTS

PLAN INFORMATION

PROJECT NO.	ABA-20040
FILENAME	ABA-20040-RZ1
CHECKED BY	EM
DRAWN BY	JDS
SCALE	
DATE	11. 10. 2020

SHEET
REZONING NOTES
RZ.02

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 35.**File #:** 15-15585 **Type:** Zoning Hearing

Rezoning Petition: 2021-001 by BIRDCO, Inc.

Location: Approximately 0.24 acre bound by Shamrock Drive and Downs Avenue, east of The Plaza, and west of Eastway Drive. (Council District 1 - Egleston)

Current Zoning: R-5 (single-family residential)
Proposed Zoning: R-8 (single-family residential)

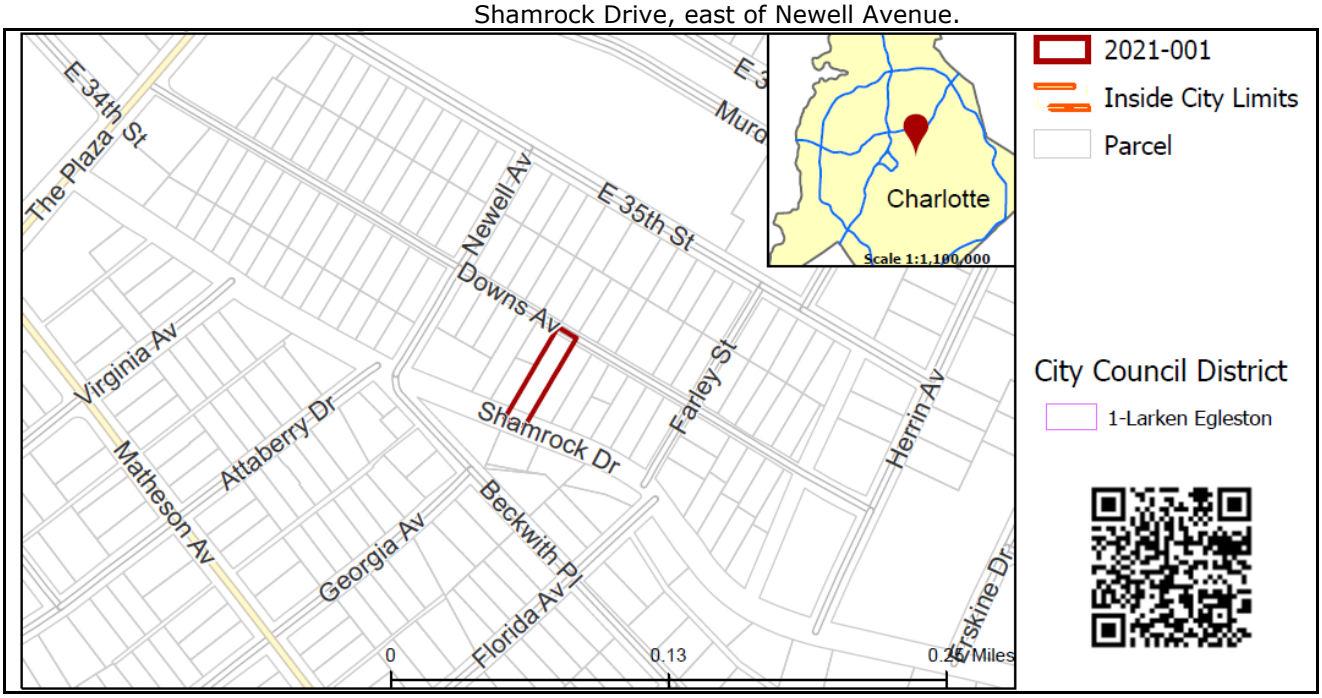
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Pre-Hearing Staff Analysis

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-001
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: R-5 (residential) Proposed Zoning: R-8 (residential)
LOCATION	Approximately .24 acres with frontages along Downs Avenue and Shamrock Drive, east of Newell Avenue.



SUMMARY OF PETITION	The petition proposes to rezone a single family residential parcel to a conventional residential district to allow all permitted uses, either by-right or under prescribed conditions, at the site.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Birdco, Inc. Coley Scagliarini, Birdco, Inc. Birdco, Inc.
COMMUNITY MEETING	Meeting is not required.

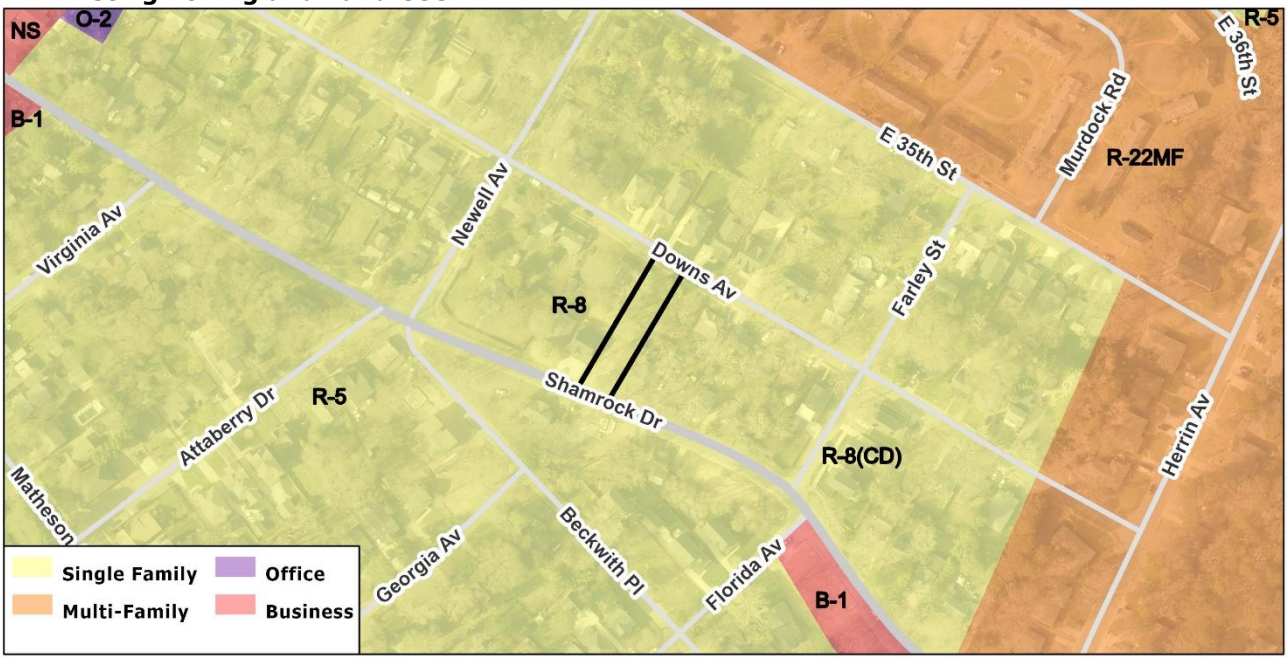
STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **inconsistent** with the *Central District Plan's* (1993) recommendation for single family residential uses up to five dwelling units per acre (DUA). However, it is **consistent** with *General Development Policy's* (GDP) recommendation for eight to 12 DUA. <u>Rationale for Recommendation</u> • The request mirrors a recently approved rezoning petition two lots to the east (2020-170). • While over the *Central District Plan's* recommended density, the petition meets *GDP's* locational criteria for consideration of 8 to 12 dwellings per acre. • The request aligns with the *Central District Plan's* policy recommendation of promoting "more urban scale infill development…". The R-8 district's intent is address "urban single family living."

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from single family up to five dwelling units per acre to residential uses up to eight dwelling units per acre for the site.

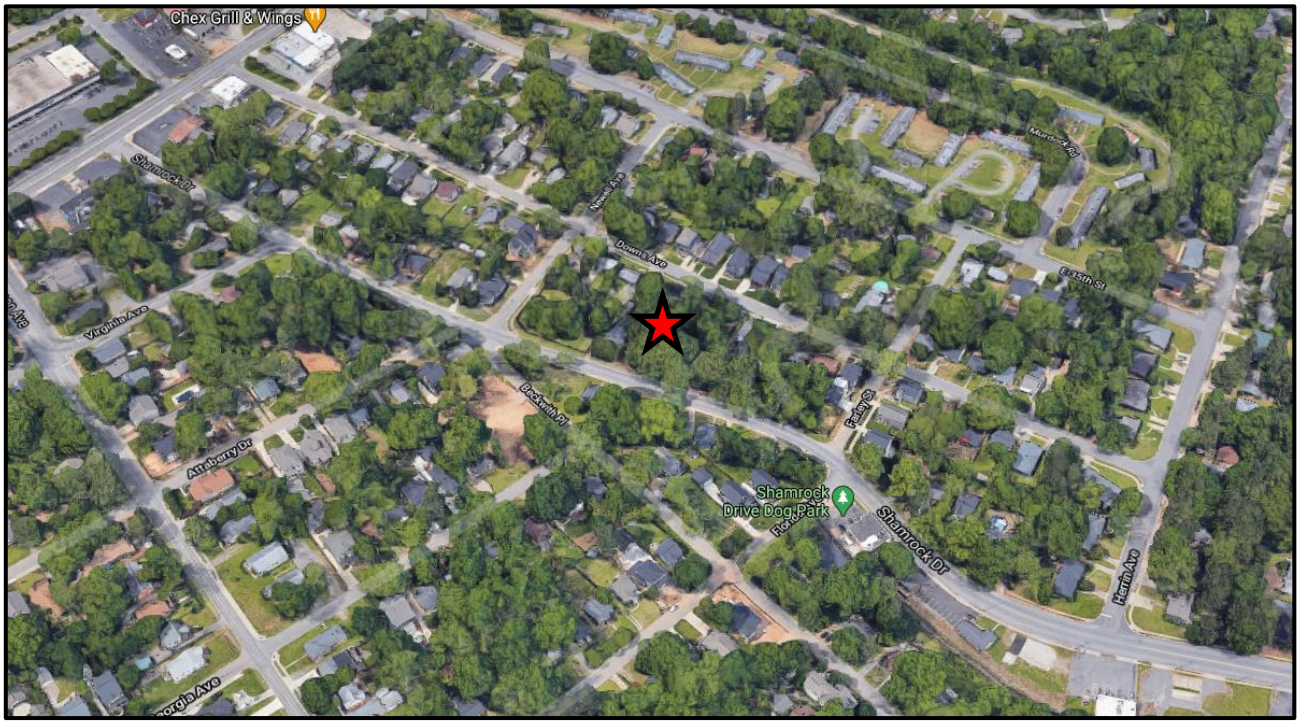
PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.

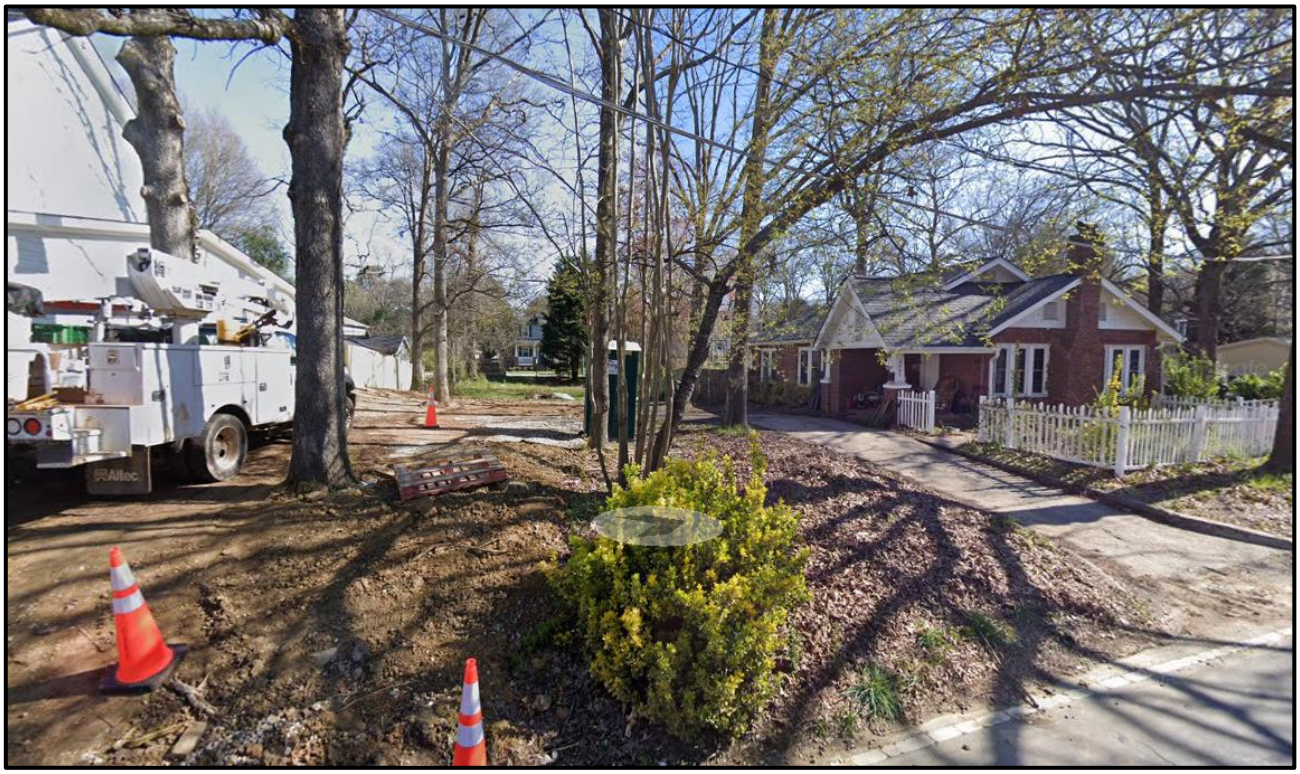
- **Existing Zoning and Land Use**



There have been no recent rezonings of this parcel. The subject property is located in a detached single family residential neighborhood. Multi-family uses are located north and east along Herrin Avenue and E. 35th Street, respectively. Commercial uses are found to the west along The Plaza.



Approximate location of subject property denoted by red star.

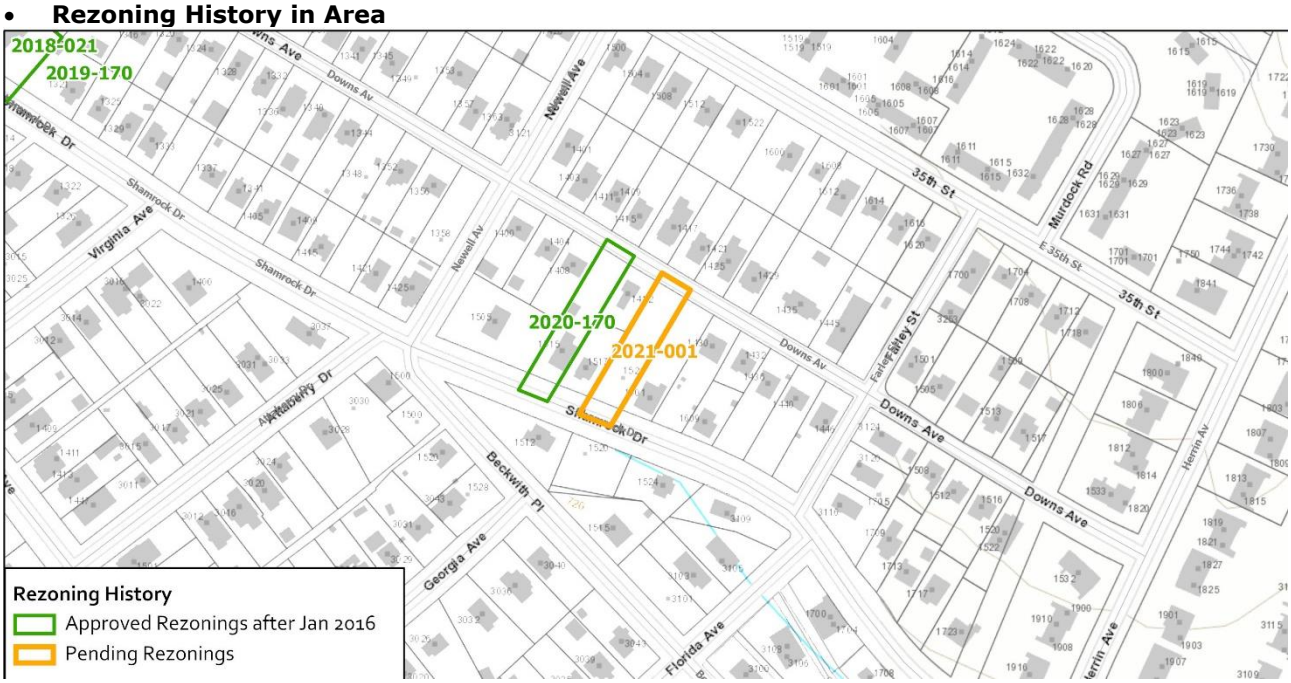


Streetview looking north toward subject property. Lot is currently vacant and located between new construction (image left) and an older home (image right).

Streetview along Downs Avenue looking south toward the subject property.

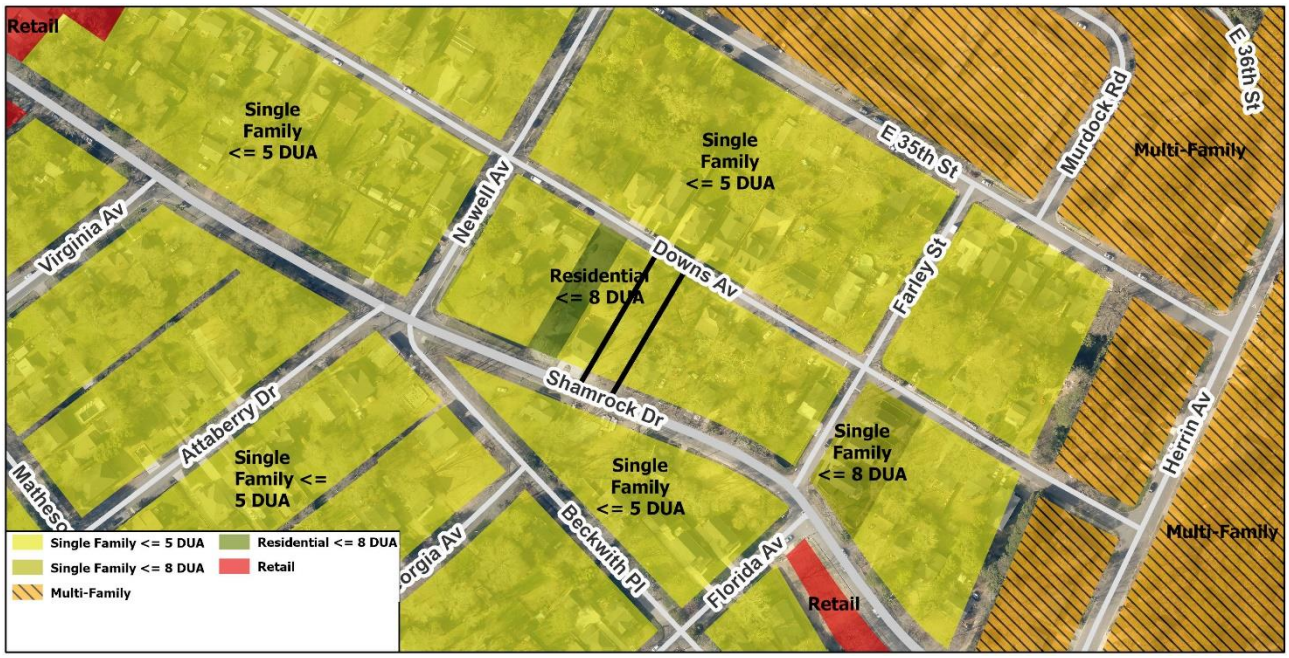
Example of new infill and existing homes along Downs Ave.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-170	Request to rezone to conventional residential district.	Approved
2019-170	Petition to rezone former auto service station to NS to accommodate EDEE/non-residential uses.	Approved
2018-021	Request to rezone from conditional business to conventional business district.	Approved

- **Public Plans and Policies**



- The *Central District Plan* (1993) recommends single family uses up to five DUA for the site.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of eight to 12 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – 8 up to 12 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	3
Connectivity Analysis	5
Road Network Evaluation	1
Design Guidelines	0
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	**Total Points: 12**

- **TRANSPORTATION SUMMARY**
  - The site is located on a City-maintained minor thoroughfare (Shamrock Drive) and a City-maintained local road (Downs Avenue). As this is a conventional rezoning, a Traffic Impact Study (TIS) is not required as part of the rezoning process. The petitioner's site is within the limits of the City's Shamrock Drive Complete Street Project. The CIP will upgrade Shamrock Drive from Newell Avenue to Flamingo Avenue to better serve bicyclists, pedestrians, motorists and adjacent neighborhoods and businesses. CDOT will work with the petitioner during permitting to coordinate with this project, and any other projects in the area, and determine development requirements. There are no outstanding CDOT issues.
- **Active Projects:**
  - Shamrock Drive Complete Street Project
    - Constructing buffered bike lanes, pedestrian crossings, and streetscape improvements from Newell Ave to Flamingo Ave
    - 90% Design / Real Estate early 2021
    - General Services PM: Mark Grimshaw
    - https://charlottenc.gov/Projects/Pages/ShamrockDriveStreetUpgrade.aspx
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 0 trips per day (based on vacant land use).

  Entitlement: 10 trips per day (based on one dwelling).

  Proposed Zoning: 20 trips per day (based on two dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate one student, while the development allowed under the proposed zoning may produce one student. Therefore, there is no net increase in the number of students generated from existing zoning to proposed zoning.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Shamrock Gardens Elementary remains at 83%
    - Eastway Middle remains at 117%
    - Garinger High remains at 117%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Shamrock Drive. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Shamrock Drive. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at www.rezoning.org
  - **Urban Forestry:** No outstanding issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: William Linville (704) 336-4090

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 36.**File #:** 15-15586 **Type:** Zoning Hearing

Rezoning Petition: 2021-003 by Hopeway Foundation

Location: Approximately 19.78 acres located on the north side of Sharon Road West, east of South Boulevard, and west of Park Road. (Council District 6 - Bokhari)

Current Zoning: R-17 MF (multi-family residential)
Proposed Zoning: MUDD-O (mixed-use development, optional) with 5-year vest rights

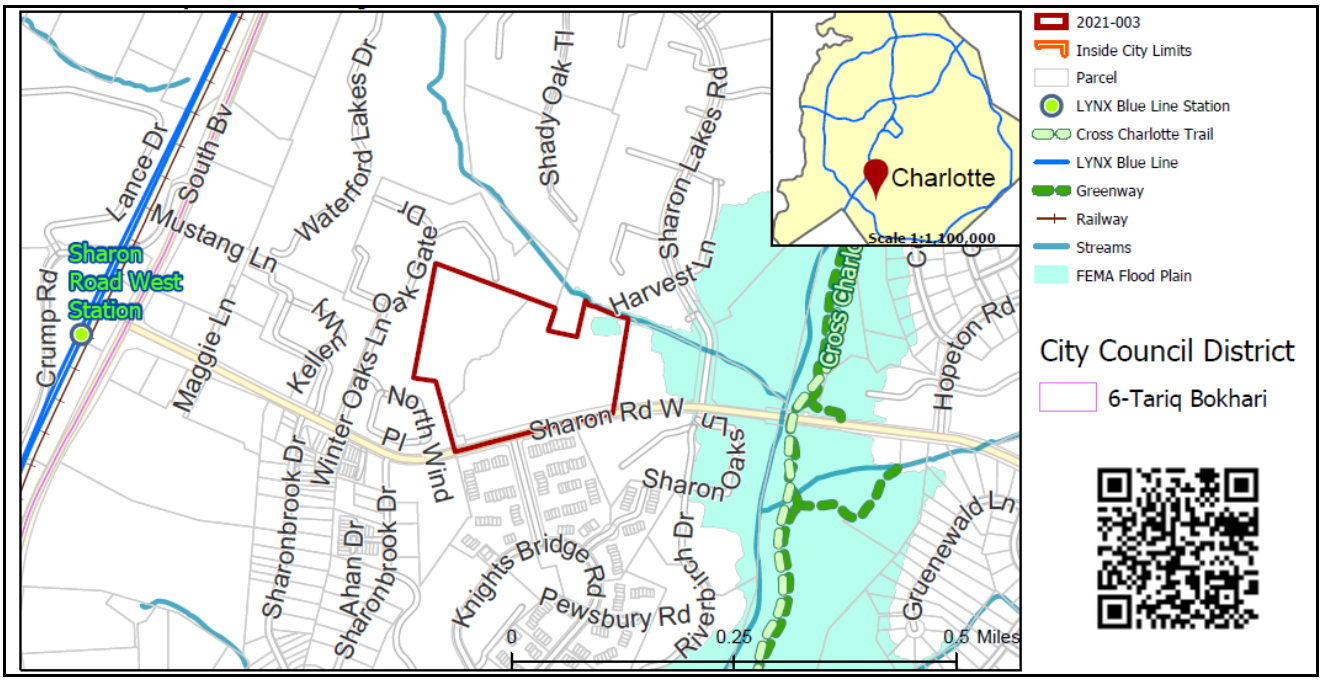
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to site and building design and transportation, and requested technical revision related to site and building design.

Attachments:
Pre-Hearing Staff Analysis
Site Plan

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-003
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: R-17MF (multi-family residential) Proposed Zoning: MUDD-O (mixed use development, optional) with 5-year vested rights.
LOCATION	Approximately 19.78 acres located on the north side of Sharon Road West, east of South Boulevard, and west of Park Road



SUMMARY OF PETITION	The petition proposes to allow institutional and accessory uses including expansions of the existing institutional use known as the HopeWay foundation facilities.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	HopeWay Foundation HopeWay Foundation Collin Brown/ Brittany Lins, Alexander Ricks
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9.

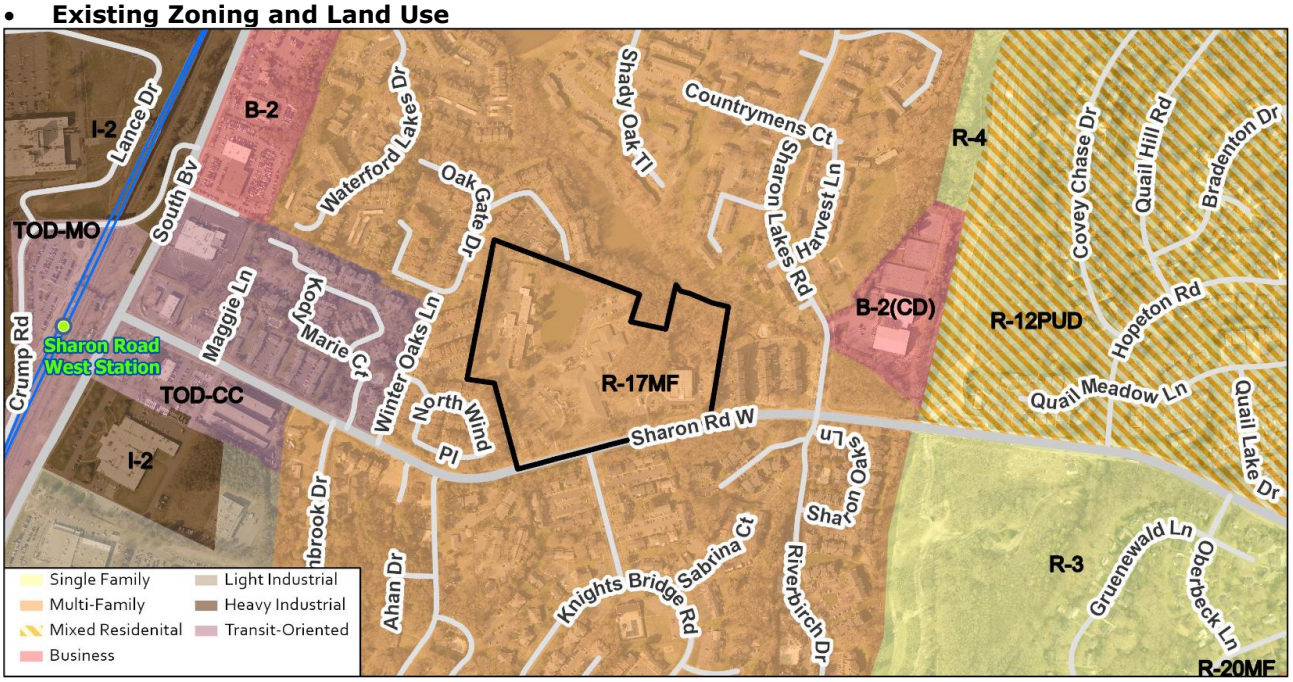
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design and transportation, and requested technical revision related to site and building design. <u>Plan Consistency</u> The petition is **consistent** with the *Sharon & I-485 Transit Station Area Plan* recommendation for institutional use. <u>Rationale for Recommendation</u> • The petition limits the allowed uses to institutional uses and associated accessory uses. • The proposal allows the redevelopment and expansions of portions of the site.

- The site is surrounded by multi-family residential and the site plan provides a 75 foot wide buffer around the perimeter of the site.
- The institutional use provides services to the community.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Indicates two redevelopment areas on the east and west side of the existing facility.
  - Limits the permitted uses to institutional uses and associated accessory uses allowed in the MUDD (mixed use development district).
  - Allows a maximum building height of 60 feet.
  - Installs 8 foot planting strip and 12 foot multi-use path and a CATS bus waiting pad along Sharon Road West.
  - Provides a number of architectural standards including specified building materials, standards for massing, articulation and modulation, roof forms, ground floor transparency and limits on blank walls.
  - Requests optional provision to allow parking and maneuvering between the building and streets to remain.

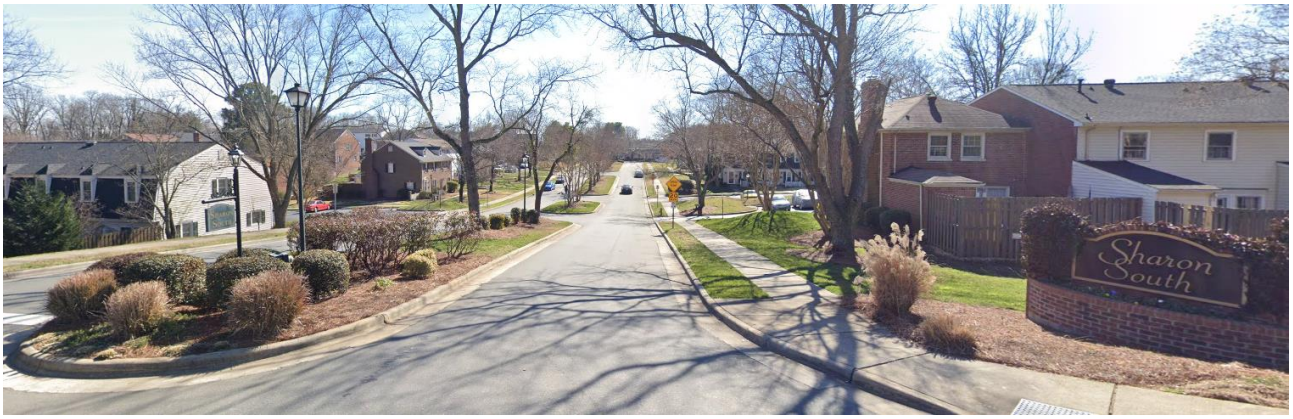
- **Existing Zoning and Land Use**



There is a mixture of uses in the general area. Lower density signal family attached and detached residential is located to the east north and south of Sharon Road West. There are multi-family uses surrounding the site. Commercial uses are located along South Boulevard.

The site (indicated by red star below) is currently developed with institutional uses.

East of the site, on the north side of Sharon Road West is multi-family residential use.

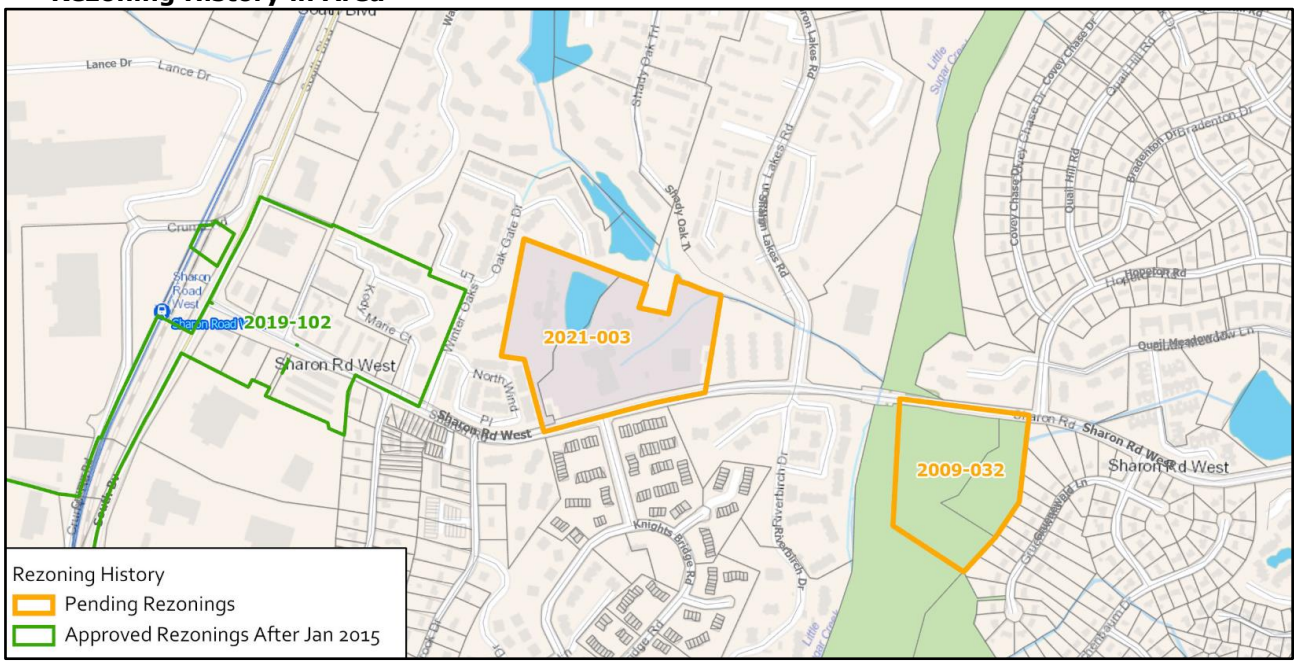


South of the site, across Sharon Road West is multi-family residential and townhomes.

West of the site, on the north side of Sharon Road West is multi-family residential use.

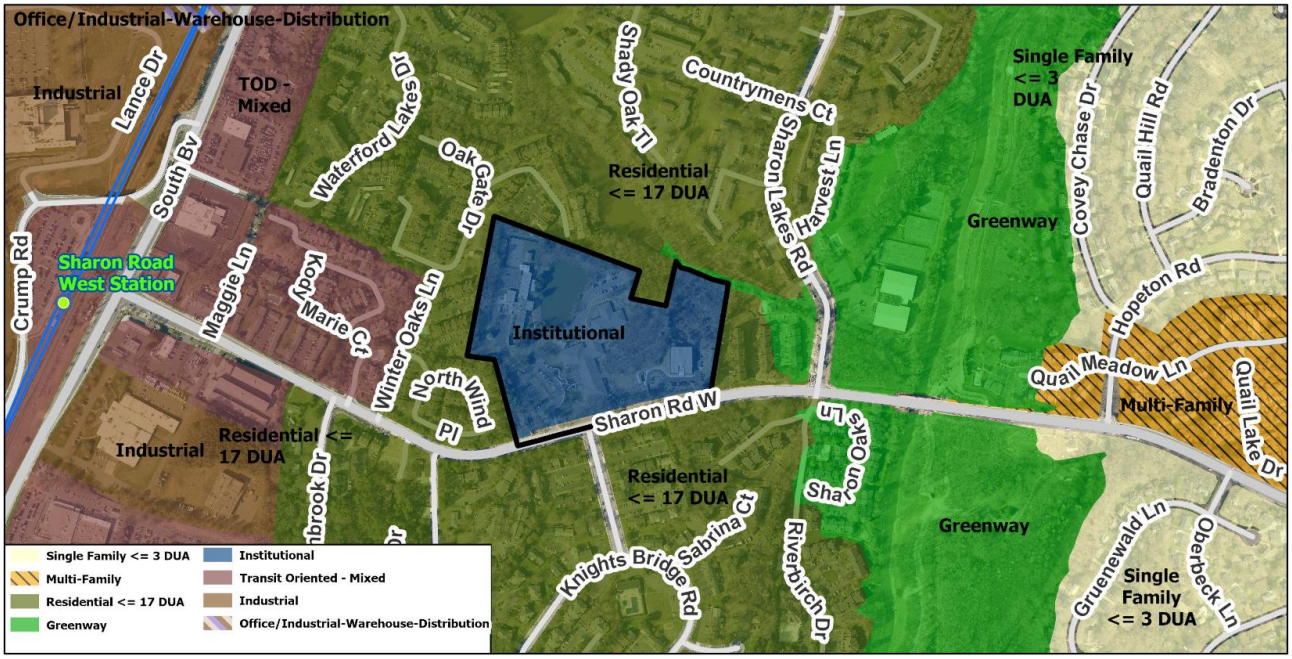
North of the site is multi-family residential uses located off Sharon Lakes Road.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2009-032	Proposed rezoning from R-3 to INST to allow a branch Library, nature center and passive recreation.	Indefinite Deferral
2019-102	Rezoning for 1,771 acres along the Light-rail line to align TOD zoning with transit station area recommendations.	Approved

- **Public Plans and Policies**



- The *Sharon & I-485 Transit Station Area Plan* (2009) recommends institutional use for the site.

- **TRANSPORTATION SUMMARY**
  - The site is located on a City-maintained Major Thoroughfare (Sharon Road). The Petitioner has relocated back of curb 30' from centerline of Sharon Road and is providing a 12-foot shared-use path to allow for improved pedestrian connectivity in the area, as well as a waiting pad in conjunction with CATS bus stop number 29080. Site plan revisions are needed to address the outstanding request for rights-of-way set at 2' behind back of sidewalk where feasible.
- **Active Projects:**
  - No Active Projects at this time.
- **Transportation Considerations**
  - See Outstanding Issues, Note 2.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: No data (based on existing institutional facility).

  Entitlement: 1830 trips per day (based on 336 multi-family dwellings).

  Proposed Zoning: No data (based on proposed institutional facility).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Sharon Road West. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Sharon Road West. No outstanding issues.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at www.rezoning.org
  - **Urban Forestry:** No outstanding issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. Provide the existing, new square footage and total square footage allowed on the site.

Transportation

2. CDOT requests that right-of-way be set 2 feet behind the sidewalk where feasible.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

3. Amend the Development Summary table to state "Institutional" use as the existing use and remove required buffer and description as the provided buffer is required per the conditions of the rezoning plan.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: John Kinley (704) 336-8311

HOPEWAY FOUNDATION

RZP-2021-003

CHARLOTTE, NC

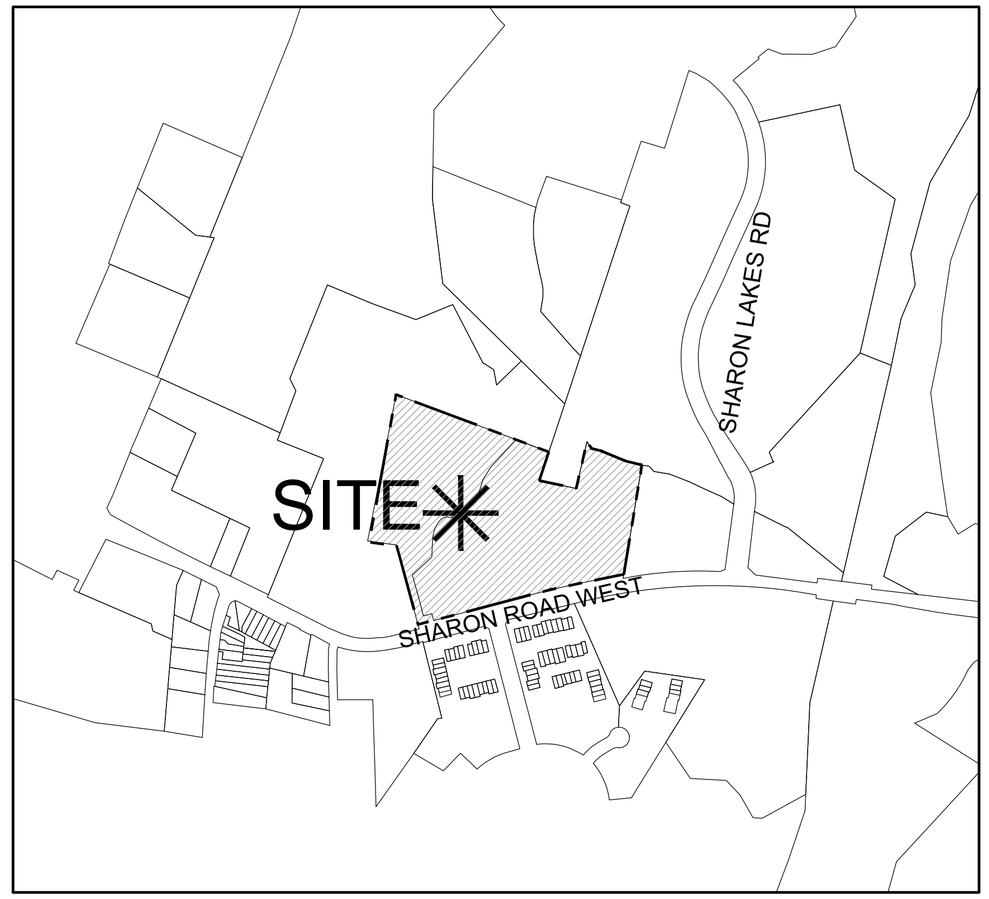
DATE: 3/15/2021

SHEET INDEX

Sheet List Table

Sheet Number	Sheet Title
RZ-1.0	COVER SHEET
RZ-2.0	TECHNICAL DATA
RZ-3.0	DEVELOPMENT STANDARDS

VICINITY MAP



SCALE: 1"=500'
0 250' 500' 1000'

PROJECT TEAM

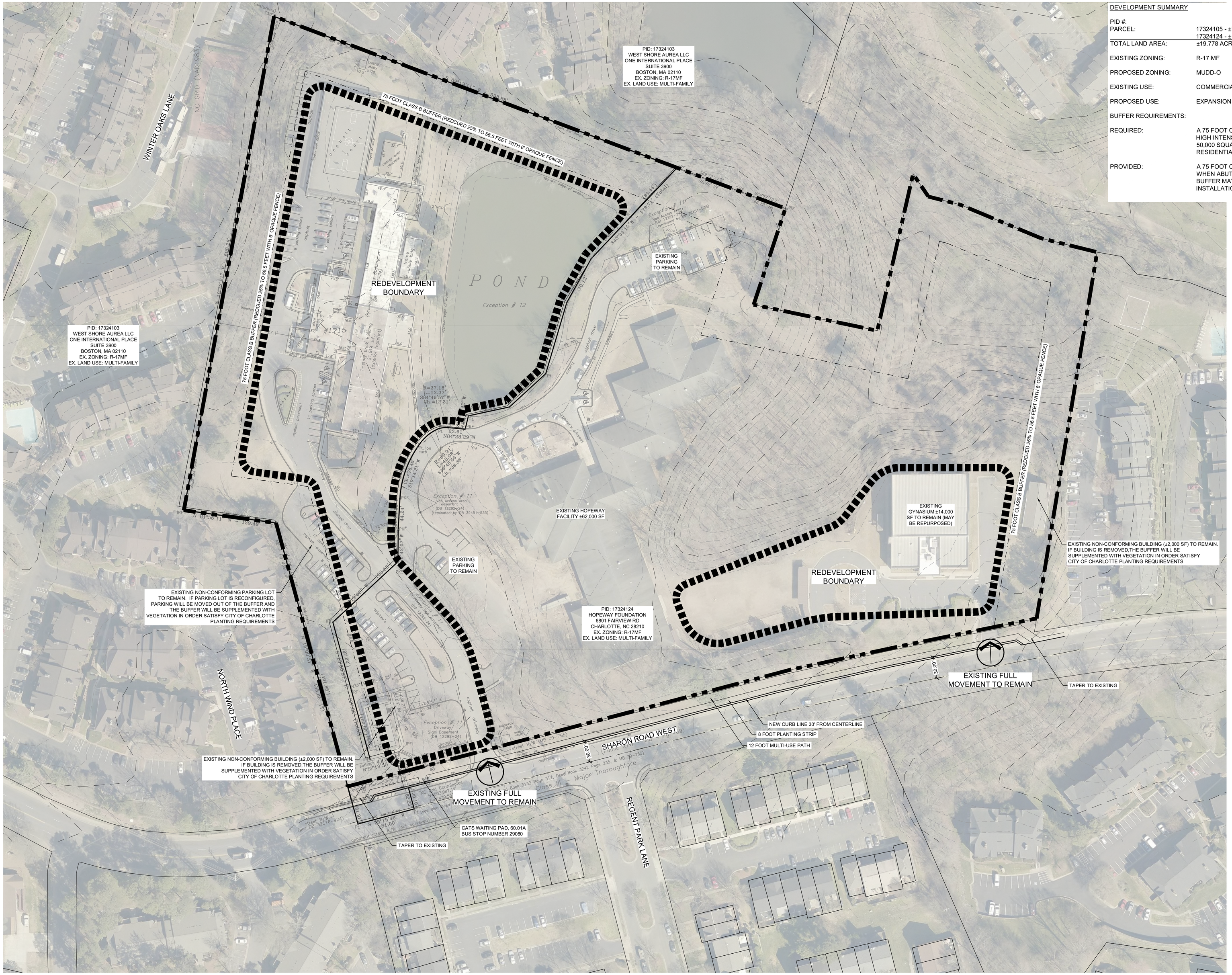
DEVELOPER
PRIMAX PROPERTIES
1100 EAST MOREHEAD ST.
CHARLOTTE, NC 28204
704.954.7211
CONTACT: WILLIAM SEYMOUR

OWNERS
HOPEWAY FOUNDATION
1717 SHARON ROAD WEST
CHARLOTTE, NC 28210

LANDSCAPE ARCHITECT
LANDDESIGN
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
CONTACT: MARK KIME

CIVIL ENGINEER
LANDDESIGN
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
CONTACT: MASON GREESON

LandDesign.



DEVELOPMENT SUMMARY

PID #:	
PARCEL:	17324105 - ±7.166 AC. 17324124 - ±12.612 AC.
TOTAL LAND AREA:	±19.778 ACRES
EXISTING ZONING:	R-17 MF
PROPOSED ZONING:	MUDD-O
EXISTING USE:	COMMERCIAL
PROPOSED USE:	EXPANSION OF EXISTING INSTITUTIONAL USE
BUFFER REQUIREMENTS:	
REQUIRED:	A 75 FOOT CLASS B BUFFER IS REQUIRED FOR HIGH INTENSITY DEVELOPMENT IN EXCESS OF 50,000 SQUARE FEET WHEN ABUTTING RESIDENTIAL ZONING
PROVIDED:	A 75 FOOT CLASS B BUFFER IS PROPOSED WHEN ABUTTING RESIDENTIAL ZONING. THIS BUFFER MAY BE REDUCED BY 25% WITH THE INSTALLATION OF A 6 FOOT OPAQUE FENCE.

LandDesign.
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
WWW.LANDDESIGN.COM
NC ENG. FIRM LICENSE # C-0658

KEY MAP

SEAL

NOT FOR CONSTRUCTION

PROJECT

HOPEWAY FOUNDATION RZP-2021-003

HOPEWAY FOUNDATION
1717 SHARON RD WEST
CHARLOTTE, NC 28210

LANDDESIGN PROJ.#
1019438

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING SUBMITTAL	12/11/20
2	REZONING RE-SUBMITTAL	3/15/21

DESIGNED BY: MEK
DRAWN BY: JAL
CHECKED BY: LDI

SCALE
VERT: ###
HORZ: 1"=60'
0 30' 60' 120'

NORTH

SHEET TITLE
TECHNICAL DATA SHEET

SHEET NUMBER
RZ-2.0

HOPEWAY FOUNDATION
REZONING PETITION NO. 2021-003
3/15/2021

Development Data Table:

Site Area:	+/- 19.778 acres
Tax Parcels:	173-241-05 and 173-241-24
Existing Zoning:	R-17MF
Proposed Zoning:	MUDD-O
Existing Use:	Institutional
Proposed Uses:	Expansion of Existing Institutional Use
Maximum Building Height:	Up to 60 feet, as measured per MUDD Ordinance standards
Parking:	Will meet Ordinance standards

I. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Hopeway Foundation (the "Petitioner") to accommodate the expansion of the existing institutional facilities on that approximately 19.778-acre site located on the north side of Sharon Road West, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 173-241-05 and 173-241-24.

2. Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").

3. Unless the Rezoning Plan or these Development Standards establish more stringent standards, or as otherwise requested in the optional provisions below, the regulations established under the Ordinance for the MUDD zoning district shall govern the development and use of the Site.

4. The development 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 be minor in nature and 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. Minor alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

II. Optional Provisions

The Petitioner requests deviations from the standard MUDD Ordinance requirements for the following:

1. Parking and maneuvering between the building and street to remain, where currently existing.

III. Permitted Uses

The Site may be devoted to institutional uses and any incidental and accessory uses relating thereto that are allowed in the MUDD zoning district.

IV. Transportations

1. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points 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. The Petitioner shall install an eight (8) foot wide planting strip and twelve (12) foot multi-use path along the Site's frontage of Sharon Road West prior to the issuance of building certificates of occupancy for new construction buildings exceeding 30,000 square feet in the aggregate.

3. The Petitioner shall install a CATS bus waiting pad (60.01A) along the Site's frontage of Sharon Road West at bus stop number 29080 prior to the issuance of building certificates of occupancy for new construction buildings exceeding 30,000 square feet in the aggregate.

4. The Petitioner shall dedicate all rights-of-way in fee simple conveyance to the City of Charlotte before the Site's first building certificate of occupancy is issued.

5. Unless otherwise stated herein, all transportation improvements shall be completed prior to the issuance of the Site's first building certificate of occupancy unless otherwise stated herein.

V. Architectural Standards

1. New construction building(s) on the Site may use a variety of building materials. The building materials will be a combination of the following: brick, glass, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or other materials approved by the Planning Director.

2. Prohibited Exterior Building Materials: (i) vinyl siding, excluding vinyl handrails, windows, soffits or door trim, and (ii) concrete masonry units not architecturally finished.

3. Building massing shall be designed to break up long monolithic building forms as follows: New construction building(s)exceeding 120 feet in length shall include modulations of the building massing/façade plane (such as recesses, projections, wall offsets, pilasters, and other architectural details). Modulations shall be a minimum of ten (10) feet wide and shall project or recess a minimum of one (1) foot extending through at least a full floor.

4. Architectural elevations for new construction buildings shall be designed to create visual interest as follows:

   a. New construction buildings shall be designed with a recognizable architectural base on all facades facing Sharon Road West. Such base may be executed through the use of articulated architectural façade features, changes in building materials, or color changes;

   b. Ground floor transparency area (measured 3' to 10' from grade) shall be a minimum of 40% transparency and all upper floor transparency shall be a minimum of 15% transparency. The minimum transparency for facades fronting Sharon Road West shall be 50%; and

   c. New construction building elevations facing Sharon Road West shall not have expanses of blank walls greater than twenty (20) feet in all directions and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

5. Roof form and articulation -- roof form lines of new construction buildings shall be designed to avoid the appearance of a large monolithic roof structure as follows:

   a. Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers, or parapets.

   b. Roof top HVAC and related mechanical equipment will be screened from public view at grade from network required streets.

VI. Environmental Features

1. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points

2. The Petitioner shall comply with the Charlotte Tree Ordinance.

VII. 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.

LandDesign.
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
WWW.LANDDESIGN.COM
NC ENG. FIRM LICENSE # C-0658

KEY MAP

SEAL

NOT FOR CONSTRUCTION

PROJECT

HOPEWAY FOUNDATION RZP-2021-003

HOPEWAY FOUNDATION
1717 SHARON RD WEST
CHARLOTTE, NC 28210

LANDDESIGN PROJ # 1019438

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING SUBMITTAL	12/11/20
2	REZONING RE-SUBMITTAL	3/15/21

DESIGNED BY: MEK
DRAWN BY: JAL
CHECKED BY: LDI

SCALE
VERT: ###
HORZ: N/A

NORTH

SHEET TITLE
DEVELOPMENT STANDARDS

SHEET NUMBER
RZ-3.0

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 37.**File #:** 15-15587 **Type:** Zoning Hearing

Rezoning Petition: 2021-011 by Movement Resources

Location: Approximately 4.14 acres located at the eastern intersection of Central Avenue and Sharon Amity Road, west of the former Eastland Mall site. (Council District 5-Newton)

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

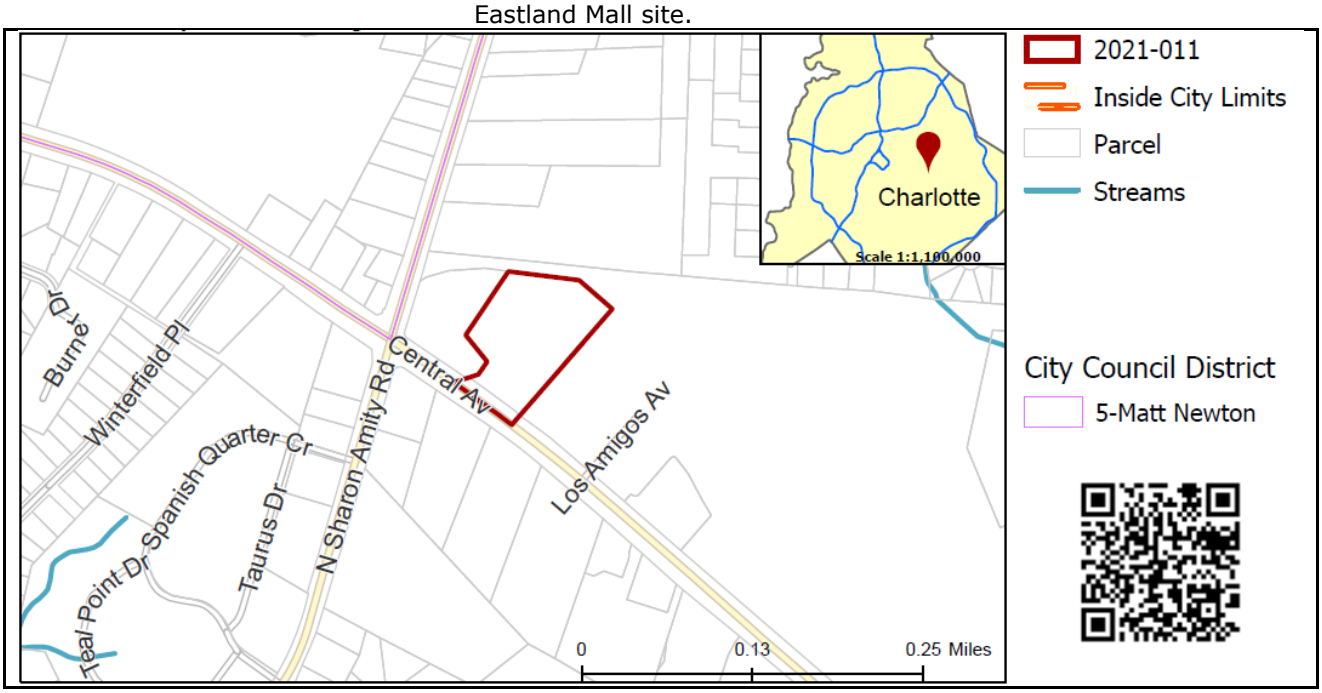
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues and technical revisions related to site and building design.

Attachments:
Pre-Hearing Staff Analysis
Site Plan

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-011
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: MUDD-O (mixed-use development) Proposed Zoning: MUDD-O SPA (mixed-use development, site plan amendment)
LOCATION	Approximately 4.14 acres located at the eastern intersection of Central Avenue and Sharon Amity Road, west of the former Eastland Mall site.



SUMMARY OF PETITION	The petition proposes to amend a previously approved rezoning (2019-055) to permit a 6,000 square foot expansion by way of a proposed outparcel building located toward the project's frontage with Central Avenue.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Movement Resources Movement Resources John Carmichael, Robinson Bradshaw
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 6

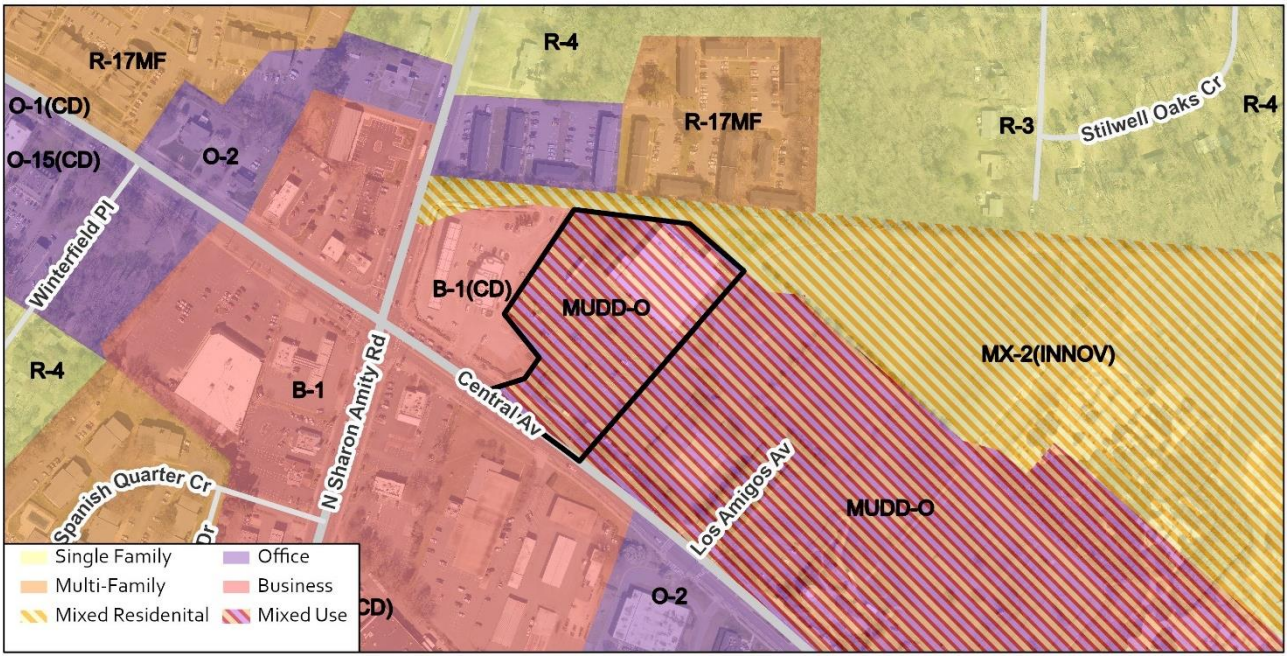
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues and technical revisions related to site and building design. <u>Plan Consistency</u> The petition is **consistent** with the *Eastland Area Plan's* (2003) recommendation for residential, civic, office, and retail uses within a Town Center environment. <u>Rationale for Recommendation</u> • The site plan amendment only moderately expands existing entitlements by adding 6,000 SF within an outparcel building that would accommodate retail and/or restaurant uses.

- The request is complimentary of both existing surrounding land uses and nearby entitlements such as the proposed Eastland Mall redevelopment.
- The proposal is consistent with the area plan's recommendation for a mix of uses, including entertainment and civic uses, in a compact, pedestrian-oriented town center.
- The area plan states "the Town Center will not be successful without careful attention to design elements" such as vehicular and pedestrian connections, preservation of existing structures, and providing a mixture of uses. This proposal provides an even greater mixture of uses by providing up to 6,000 SF of commercial/retail uses in proximity to a charter school.

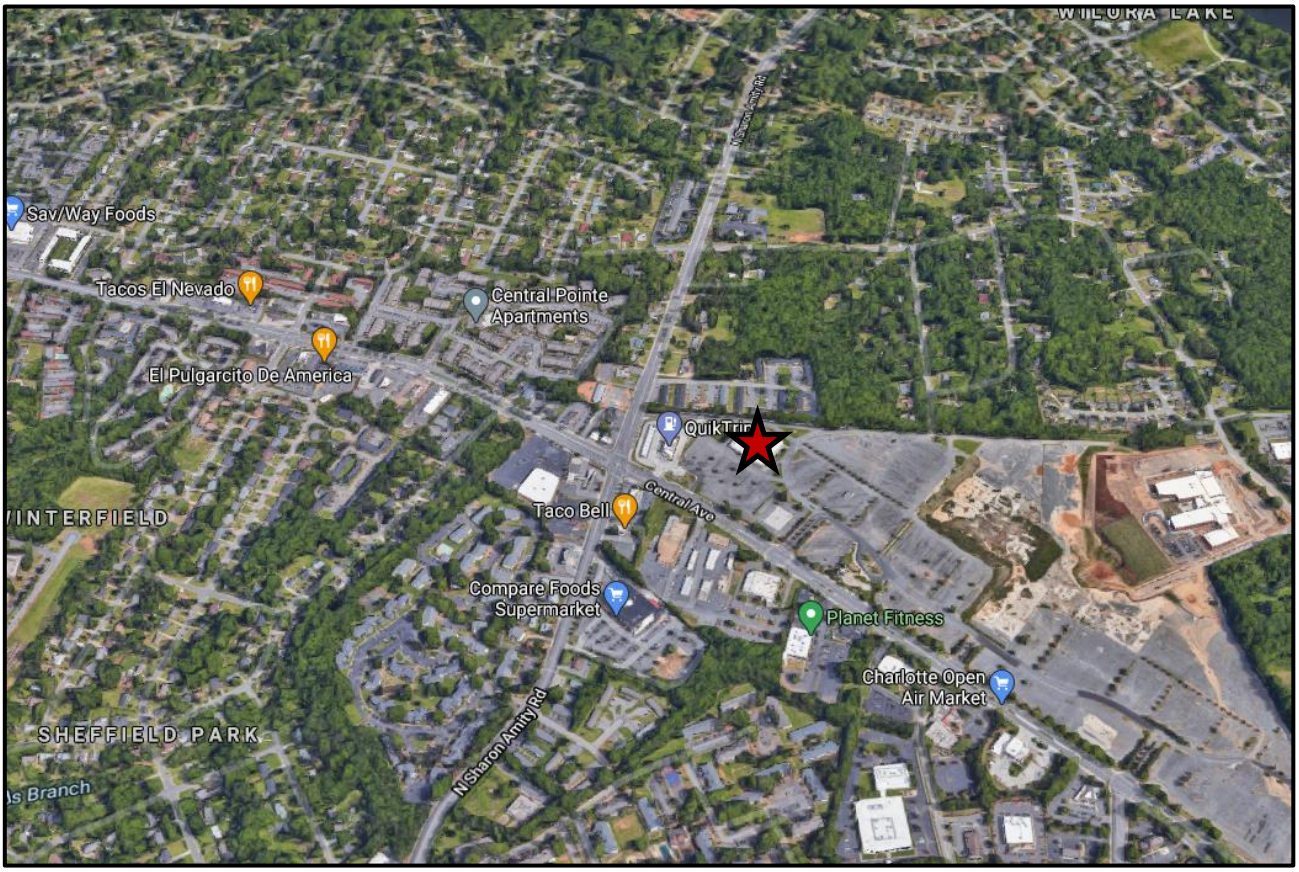
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - All previous entitlements and conditional notes carry over from approved petition no. 2019-055.
  - Adds an optional provision that notes "the existing sidewalk and planting strip located along the site's frontage on Central Avenue may remain in place."
  - The total square footage dedicated to EDEE, retail and/or service uses increases from 2,000 square foot to 8,000 square foot, a 6,000 square foot increase.
  - Expands permitted uses to include EDEEs (Type 1 and/or Type 2), professional businesses and general office uses such as banks, clinics, medical/dental offices, etc., and retail sales limited to uses permitted in the B-1 district. Drive-in/drive-thru service lanes/windows are prohibited on site.
  - Increases the maximum principal buildings on site from two (2) to three (3).
  - Proposes the following architectural standards for the additional proposed principal structure:
    - Building shall be sited so as to present a front or side façade to all streets.
    - Facades fronting streets shall include a combination of windows and/or doors to provide a minimum 60 percent transparent glass between two and 10 feet on the first floor.
    - Facades of first/ground floor of building along streets shall incorporate a min. 30 percent masonry materials.
    - Limitations on blank wall expanses greater than 20 feet.
    - Minimum height of 22 feet.
    - Minimum 20 percent transparency on all upper floors.

- **Existing Zoning and Land Use**



The site was most recently rezoned in 2019 to accommodate the construction of a charter school. The site is located near the intersection of N. Sharon Amity Road and Central Avenue and shares a property line with the proposed Eastland Mall redevelopment to the east of the site. This intersection is largely a mixture of business and office uses with residential uses of varying type and density along the intersection's periphery.

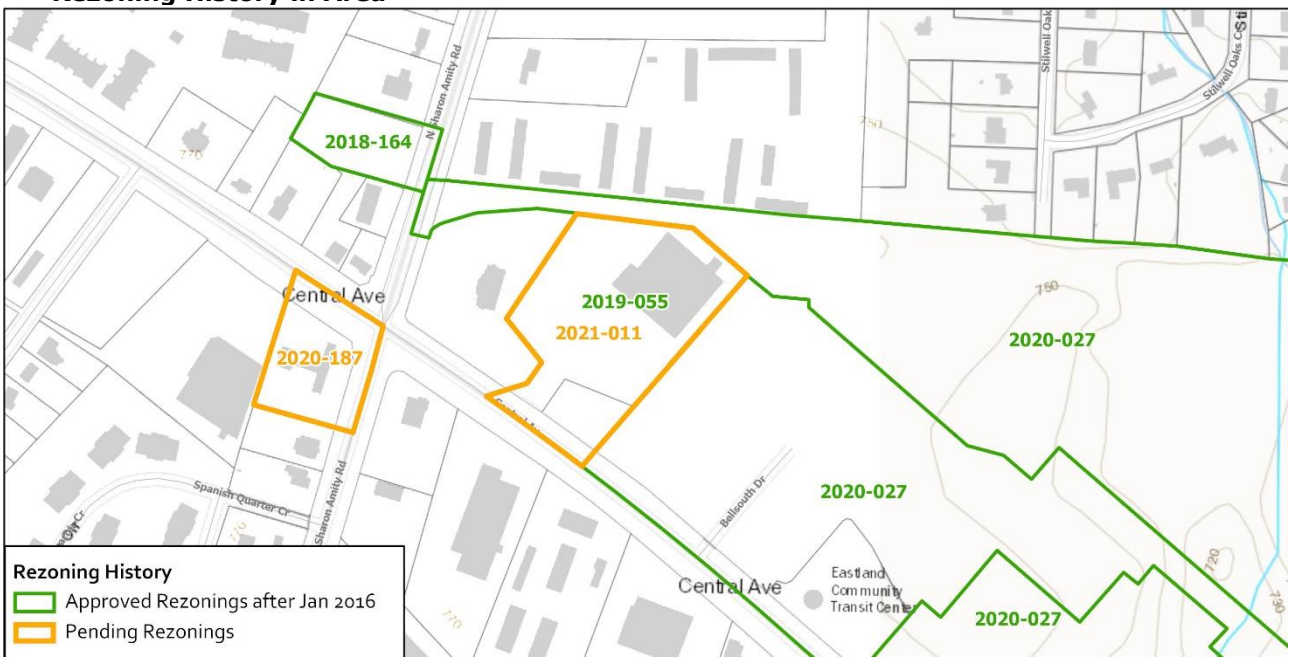


General location of site denoted by red star.

Location of Movement School as seen looking north from Central Ave. A gas station is located to the left of the site, while the former Eastland Mall site is located to the right of the picture.

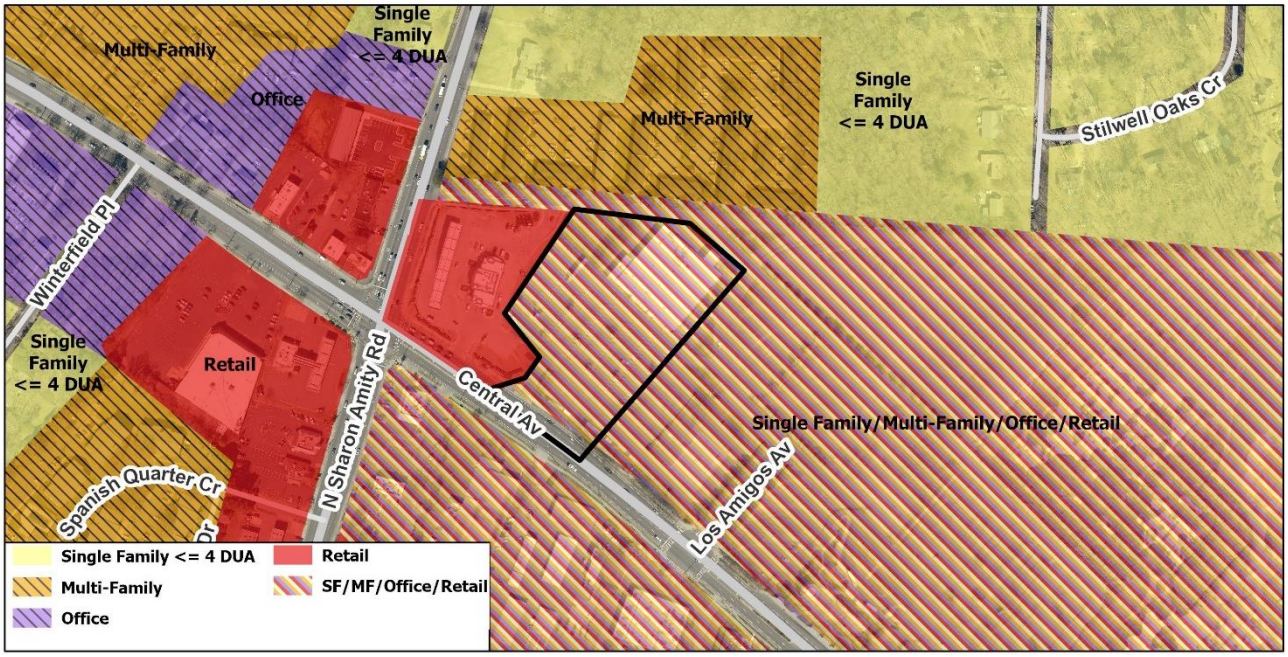
Looking west toward the rear of the subject property. Granville Apartments can be seen to the right of the picture.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-187	Petition to propose B-2 conventional zoning at a gasoline station.	Pending
2020-027	Rezoning of former Eastland Mall site to a mixed-use development district.	Approved
2019-055	Petition to permit school and other non-residential uses within two primary structures.	Approved
2018-164	Petition to allow retail uses permitted in the B-1 district.	Approved
2016-007	Petition to allow all uses permitted in the R-4 zoning district.	Approved

- **Public Plans and Policies**



- The *Eastland Area Plan* (2003) recommends for residential, civic, office, and retail uses within a Town Center environment.

- **TRANSPORTATION SUMMARY**
  - The site is located on a City-maintained major thoroughfare (Central Avenue), within the study limits of the Eastland Mall TIS and the CATS Streetcar Project. The CDOT-approved Eastland Mall TIS conducted capacity analysis and recommended improvements to intersections, signals and multi-modal transportation infrastructure, enhancing vehicular, bicycle and pedestrian connectivity in this area. This petitioner will need to coordinate with the Eastland Mall and the CATS Streetcar Projects to ensure continuity of pedestrian and bicycle facilities within the site's vicinity. All outstanding CDOT comments have been addressed.
- **Active Projects:**
  - None
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 0 trips per day (based on vacant building).

  Entitlement: 1,750 trips per day (based on 98,000 SF charter school and 2,000 SF EDEE).

  Proposed Zoning: 2,630 trips per day (based on 98,000 SF charter school, 2,000 SF EDEE, and 6,000 SF retail).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Central Ave. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Central Ave. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at www.rezoning.org
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. Clarify notes for proposed retail/EDEE square footage. Plan shows 6,000 SF for restaurant but also limits EDEE Type 1 to 2,000 SF.
2. Amend development table to include Type 2 EDEE as notes on second page state Type 2 is allowed.

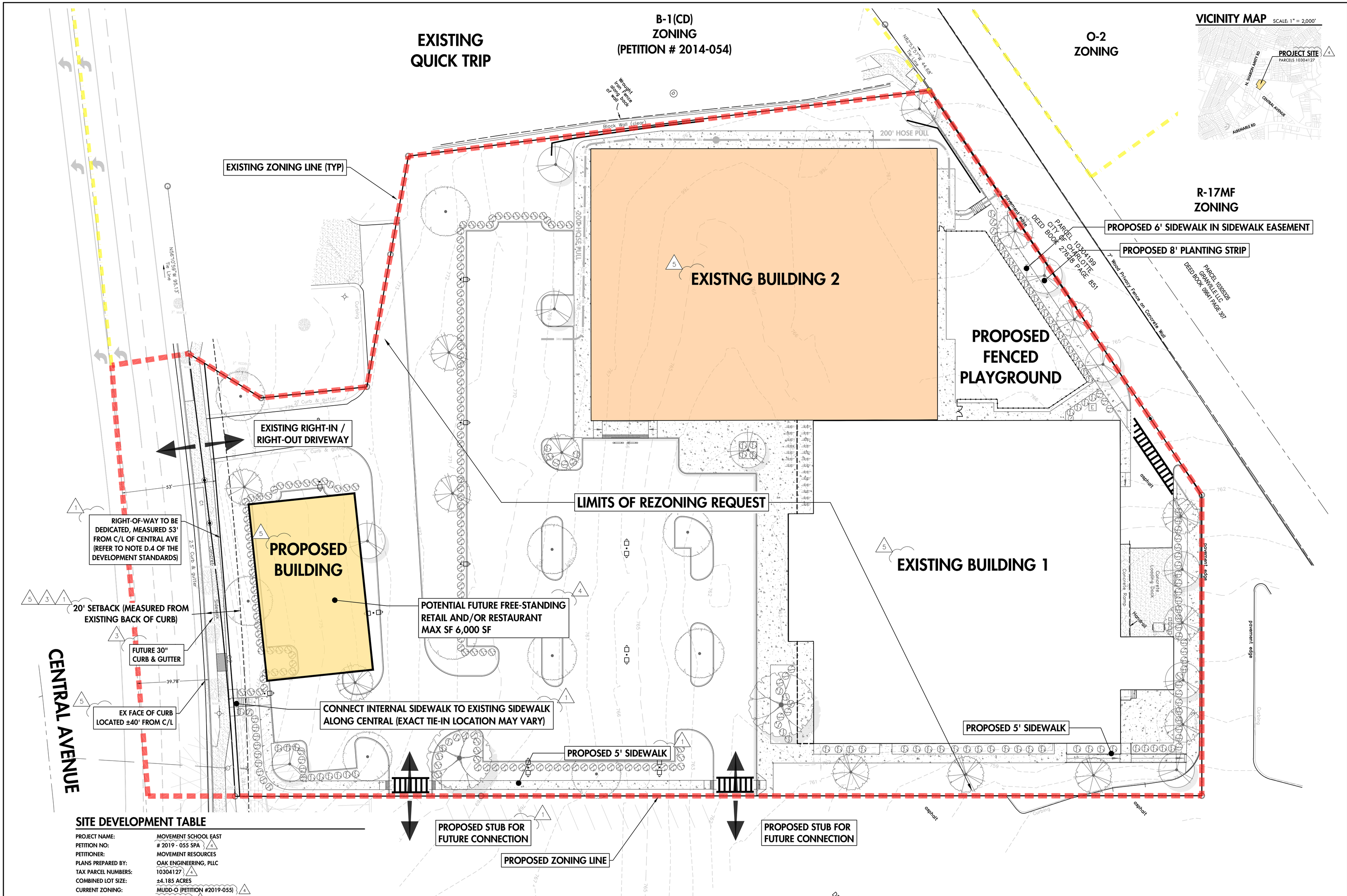
REQUESTED TECHNICAL REVISIONS

Site and Building Design

3. Add rezoning petition number to site plan.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: William Linville (704) 336-4090



SITE DEVELOPMENT TABLE

PROJECT NAME:	MOVEMENT SCHOOL EAST
PETITION NO:	# 2019 - 055 SPA 4
PETITIONER:	MOVEMENT RESOURCES
PLANS PREPARED BY:	OAK ENGINEERING, PLLC
TAX PARCEL NUMBERS:	10304127 4
COMBINED LOT SIZE:	±4.185 ACRES
CURRENT ZONING:	MUDD-O (PETITION #2019-055) 4
PROPOSED ZONING:	MUDD-O SPA 4
OVERLAY DISTRICT:	NONE
EXISTING LAND USE:	ELEMENTARY & SECONDARY SCHOOL, RELIGIOUS INSTITUTION, TYPE 1 EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT
PROPOSED LAND USE:	ELEMENTARY & SECONDARY SCHOOL, RELIGIOUS INSTITUTION, TYPE 1 EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT, HEALTHCARE CLINIC, AND 6,000 SF FREE STANDING RETAIL OR RESTAURANT 4
MAXIMUM GFA:	4 106,000 SF (2,000 SF OF WHICH MAY BE DEVOTED TO A TYPE 1 EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT
JURISDICTION:	CITY OF CHARLOTTE
WATERSHED DISTRICT:	MCALPINE CREEK (CENTRAL CATAWBA PC)
FEMA INFORMATION:	MAP NO. 3710457300K MAP DATES: 2/19/2014 FLOOD ZONE: N/A

DRAWING INFORMATION

20 0 20 40
SCALE: 1" = 20'

OAK ENGINEERING
4929 MONROE ROAD - CHARLOTTE, NC 28205
NORTH CAROLINA FIRM LICENSE #P1742
oak.engineering

PE SEAL:

NORTH CAROLINA PROFESSIONAL SEAL 33996 ENGINEER GREGORY T. WELSH

MOVEMENT SCHOOL EAST

CENTRAL AVENUE
CHARLOTTE, NORTH CAROLINA
MOVEMENT FOUNDATION

SITE PLAN AMENDMENT FOR PETITION # 2019-055

REVISIONS:
1. 06/10/19 - PER CITY COMMENTS
2. 08/16/19 - PER CDOT COMMENT
3. 09/16/19 - PER CITY COMMENTS
4. 12/07/20 - SITE PLAN AMENDMENT
5. 03/15/21 - PER CITY COMMENTS

ENGINEER: GTW
DRAWN BY: GTW
CHECKED BY: LJB

PROJECT #: 019.011

SHEET
RZ-1
SHEET 1 OF 2

DEVELOPMENT STANDARDS
FOR SITE PLAN AMENDMENT TO REZONING PETITION NO. 2019 -055

MARCH 15, 2021

A. GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY MOVEMENT RESOURCES TO ACCOMMODATE THE DEVELOPMENT AND OPERATION OF AN ELEMENTARY AND SECONDARY SCHOOL AND OTHER USES SPECIFIED IN THESE DEVELOPMENT STANDARDS ON THAT APPROXIMATELY 4.140 ACRE SITE LOCATED ON THE NORTH SIDE OF CENTRAL AVENUE BETWEEN NORTH SHARON AMITY ROAD AND LOS AMIGOS AVENUE, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NO. 103-041-27.

2. THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). SUBJECT TO THE OPTIONAL PROVISIONS SET OUT BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MIXED USE DEVELOPMENT DISTRICT ("MUDD") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.

3. THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDING FOOTPRINTS AS WELL AS THE INTERNAL DRIVES AND PARKING AREAS DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.

4. THE PURPOSE OF THIS REZONING PETITION IS TO AMEND THE APPROVED MUDD-O CONDITIONAL REZONING PLAN FOR THE SITE TO ACCOMMODATE THE DEVELOPMENT OF A NEW MAXIMUM 6,000 SQUARE FOOT BUILDING ON THE SITE (THE "PROPOSED NEW BUILDING") AND TO ALLOW ADDITIONAL USES ON THE SITE AS DESCRIBED BELOW. THE SITE IS CURRENTLY IMPROVED WITH TWO EXISTING BUILDINGS THAT ARE DESIGNATED AS "EXISTING BUILDING 1" AND "EXISTING BUILDING 2" ON THE REZONING PLAN AND SURFACE PARKING AREAS.

5. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6.207 OF THE ORDINANCE.

B. OPTIONAL PROVISIONS

THE OPTIONAL PROVISIONS SET OUT BELOW SHALL APPLY TO THE SITE.

1. PARKING, VEHICULAR CIRCULATION AND VEHICULAR MANEUVERING SPACE MAY BE LOCATED BETWEEN THE BUILDINGS LOCATED ON THE SITE AND THE REQUIRED SETBACK FROM CENTRAL AVENUE.

2. VALET PARKING SERVICE AREA(S) MAY BE LOCATED BETWEEN THE BUILDINGS LOCATED ON THE SITE AND CENTRAL AVENUE.

3. THE BUILDING ENTRANCE REQUIREMENTS OF SECTION 9.8506(2)(H) OF THE ORDINANCE SHALL NOT APPLY TO THE BUILDINGS LOCATED ON THE SITE.

4. AN EXISTING BUILDING LOCATED ON THE SITE SHALL NOT BE REQUIRED TO MEET THE URBAN DESIGN AND DEVELOPMENT STANDARDS SET OUT IN SECTION 9.8506(2)(A) OF THE ORDINANCE.

5. THE EXISTING SIDEWALK AND PLANTING STRIP LOCATED ALONG THE SITE'S FRONTAGE ON CENTRAL AVENUE MAY REMAIN IN PLACE.

C. PERMITTED USES/DEVELOPMENT LIMITATIONS

1. SUBJECT TO THE LIMITATIONS SET OUT BELOW IN PARAGRAPHS 2 THROUGH 6, THE SITE MAY BE DEVOTED ONLY TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT.

(A) AN ELEMENTARY AND SECONDARY SCHOOL COMPRISED OF A KINDERGARTEN, AN ELEMENTARY SCHOOL AND A MIDDLE SCHOOL (THE "SCHOOL").

(B) EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND/OR TYPE 2).

(C) PROFESSIONAL BUSINESS AND GENERAL OFFICES SUCH AS BANKS, CLINICS, MEDICAL, DENTAL AND DOCTORS OFFICES, VETERINARY CLINICS, GOVERNMENT, POST OFFICES, OPTICIANS' OFFICES, AND SIMILAR USES.

(D) RETAIL SALES LIMITED TO USES PERMITTED IN THE B-1 ZONING DISTRICT.

(E) SERVICES SUCH AS BEAUTY SHOPS AND BARBERSHOPS.

(F) A RELIGIOUS INSTITUTION AS A SECONDARY, NON-PRINCIPAL AND/OR ACCESSORY USE TO THE SCHOOL. AS A RESULT, IN THE EVENT THAT THE SCHOOL USE IS DISCONTINUED FOR 6 CONSECUTIVE MONTHS (EXCLUDING SUMMER VACATION AND SCHOOL HOLIDAYS) AND NOT RE-ESTABLISHED WITHIN SUCH 6 MONTH PERIOD, THEN THE RELIGIOUS INSTITUTION SHALL NO LONGER BE A PERMITTED USE ON THE SITE AND SHALL BE DISCONTINUED.

2. A MAXIMUM OF THREE PRINCIPAL BUILDINGS MAY BE LOCATED ON THE SITE.

3. THE TOTAL MAXIMUM GROSS FLOOR AREA OF THE PRINCIPAL BUILDINGS LOCATED ON THE SITE SHALL BE 106,000 SQUARE FEET.

4. OF THE ALLOWED 106,000 SQUARE FEET OF GROSS FLOOR AREA THAT MAY BE LOCATED ON THE SITE, A TOTAL MAXIMUM OF 8,000 SQUARE FEET MAY BE DEVOTED TO EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 OR TYPE 2), RETAIL SALES AND SERVICE USES.

5. OF THE ALLOWED 106,000 SQUARE FEET OF GROSS FLOOR AREA THAT MAY BE LOCATED ON THE SITE, A TOTAL MAXIMUM OF 15,000 SQUARE FEET MAY BE DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES SUCH AS BANKS, CLINICS, MEDICAL, DENTAL AND DOCTORS' OFFICES, VETERINARY CLINICS, GOVERNMENT, POST OFFICES, OPTICIANS' OFFICES, AND SIMILAR USES.

6. DRIVE-IN AND DRIVE-THROUGH SERVICE LANES/WINDOWS ARE PROHIBITED ON THE SITE.

D. TRANSPORTATION

1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

2. INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS (5' WIDE MINIMUM) SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.

3. A VEHICULAR CONNECTION SHALL BE MADE FROM THE SITE TO THE ADJACENT PARCEL OF LAND LOCATED TO THE EAST OF THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.

4. PETITIONER WILL DEDICATE TO THE CITY OF CHARLOTTE VIA FEE SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY INDICATED ON THE REZONING PLAN AS RIGHT-OF-WAY TO BE DEDICATED, AND THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE PROPOSED NEW BUILDING. THE PETITIONER WILL PROVIDE A PERMANENT SIDEWALK EASEMENT FOR ANY OF THE PROPOSED SIDEWALKS LOCATED ALONG THE PUBLIC STREETS LOCATED OUTSIDE OF THE RIGHT-OF-WAY. THE PERMANENT SIDEWALK EASEMENT WILL BE LOCATED A MINIMUM OF TWO (2) FEET BEHIND THE SIDEWALK WHERE FEASIBLE

5. ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE PROPOSED NEW BUILDING.

E. ARCHITECTURAL STANDARDS

1. THE MAXIMUM HEIGHT IN FEET OF ANY BUILDING CONSTRUCTED ON THE SITE SHALL BE 55 FEET AS MEASURED UNDER THE ORDINANCE.

2. ATTACHED TO THE REZONING PLAN IS A CONCEPTUAL, ARCHITECTURAL PERSPECTIVE THAT DEPICTS THE FRONT ELEVATION (THE ELEVATION FACING CENTRAL AVENUE) OF THE RENOVATED EXISTING BUILDING 1 AND THE CENTRAL AVENUE FACING AND EASTERN FACING ELEVATIONS OF EXISTING BUILDING 2 THAT ARE INTENDED TO DEPICT THE GENERAL CONCEPTUAL ARCHITECTURAL STYLE AND CHARACTER OF THESE BUILDING ELEVATIONS. THE FRONT ELEVATION (THE ELEVATION FACING CENTRAL AVENUE) OF THE RENOVATED EXISTING BUILDING 1 AND THE CENTRAL AVENUE FACING AND EASTERN FACING ELEVATIONS OF EXISTING BUILDING 2 HAVE BEEN DESIGNED AND CONSTRUCTED SO THAT THESE ELEVATIONS ARE SUBSTANTIALLY SIMILAR IN APPEARANCE TO THE ATTACHED ARCHITECTURAL PERSPECTIVE. NOTWITHSTANDING THE FOREGOING, CHANGES AND ALTERATIONS TO THESE BUILDING ELEVATIONS THAT DO NOT MATERIALLY CHANGE THE OVERALL CONCEPTUAL ARCHITECTURAL STYLE AND CHARACTER SHALL BE PERMITTED.

3. THE ARCHITECTURAL STANDARDS SET OUT BELOW SHALL APPLY TO THE PROPOSED NEW BUILDING TO BE CONSTRUCTED ON THE SITE.

(A) BUILDING PLACEMENT AND SITE DESIGN SHALL FOCUS ON AND ENHANCE THE PEDESTRIAN ENVIRONMENT ON PUBLIC OR PRIVATE NETWORK REQUIRED STREETS, THROUGH THE FOLLOWING:

(1) BUILDINGS SHALL BE PLACED SO AS TO PRESENT A FRONT OR SIDE FACADE TO ALL STREETS.

(2) FACADES FRONTING STREETS SHALL INCLUDE A COMBINATION OF WINDOWS AND OPERABLE DOORS FOR A MINIMUM OF 60% OF EACH FRONTAGE ELEVATION WITH TRANSPARENT GLASS BETWEEN 2 FEET AND 10 FEET ON THE FIRST FLOOR. UP TO 20% OF THIS REQUIREMENT MAY BE COMPRISED OF DISPLAY WINDOWS. THESE DISPLAY WINDOWS MUST MAINTAIN A MINIMUM OF 3'- 0" CLEAR DEPTH BETWEEN WINDOW AND REAR WALL. WINDOWS WITHIN THIS ZONE SHALL NOT BE SCREENED BY FILM, DECALS, AND OTHER OPAQUE MATERIAL, GLAZING FINISHES OR WINDOW TREATMENTS. THE MAXIMUM SILL HEIGHT FOR REQUIRED TRANSPARENCY SHALL NOT EXCEED 4' - 0" ABOVE ADJACENT STREET SIDEWALK.

(3) THE FACADES OF FIRST/GROUND FLOOR OF THE BUILDINGS ALONG STREETS SHALL INCORPORATE A MINIMUM OF 30% MASONRY MATERIALS SUCH AS BRICK OR STONE.

(4) DIRECT PEDESTRIAN CONNECTION SHOULD BE PROVIDED BETWEEN STREET FACING DOORS, CORNER ENTRANCE FEATURES TO SIDEWALKS ON ADJACENT STREETS.

(5) BUILDING ELEVATIONS SHALL NOT HAVE EXPANSES OF BLANK WALLS GREATER THAN 20 FEET IN ALL DIRECTIONS AND ARCHITECTURAL FEATURES SUCH AS BUT NOT LIMITED TO BANDING, MEDALLIONS OR DESIGN FEATURES OR MATERIALS WILL BE PROVIDED TO AVOID A STERILE, UNARTICULATED BLANK TREATMENT OF SUCH WALLS.

(6) BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FEATURES WHICH SHALL INCLUDE A COMBINATION OF AT LEAST THREE OF THE FOLLOWING: A COMBINATION OF EXTERIOR WALL OFFSETS (PROJECTIONS AND RECESSES), COLUMNS, PILASTERS, CHANGE IN MATERIALS OR COLORS, AWNINGS, ARCADES, OR OTHER ARCHITECTURAL ELEMENTS.

(7) BUILDINGS SHALL HAVE A MINIMUM HEIGHT OF 22 FEET.

(8) MULTI-STORY BUILDINGS SHALL HAVE A MINIMUM OF 20% TRANSPARENCY ON ALL UPPER STORIES.

F. STREETSCAPE AND LANDSCAPING

1. PETITIONER SHALL INSTALL A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 6 FOOT WIDE SIDEWALK ALONG THE SITE'S FRONTAGE ON THE UNNAMED SHARED ACCESS ROAD LOCATED ALONG THE NORTHERN PROPERTY LINE OF THE SITE AND AS GENERALLY DEPICTED ON THE REZONING PLAN.

2. THE EXISTING PLANTING STRIP AND SIDEWALK LOCATED ALONG THE SITE'S FRONTAGE ON CENTRAL AVENUE SHALL REMAIN IN PLACE.

G. LIGHTING

1. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING STREET LIGHTS AND LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS AND PARKING AREAS AND IN THE LANDSCAPED AREAS) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.

2. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE SHALL BE 21 FEET.

H. ENVIRONMENTAL

1. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.

I. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

1. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.

2. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

3. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.

OAK ENGINEERING
4929 MONROE ROAD - CHARLOTTE, NC 28205
NORTH CAROLINA FIRM LICENSE #P1742
oak.engineering

PE SEAL:

NORTH CAROLINA PROFESSIONAL SEAL 33996 ENGINEER GREGORY T. WELSH

MOVEMENT SCHOOL EAST

CENTRAL AVENUE
CHARLOTTE, NORTH CAROLINA
MOVEMENT FOUNDATION

SITE PLAN AMENDMENT FOR PETITION # 2019-055

REVISIONS:
1. 06/10/19 - PER CITY COMMENTS
2. 08/16/19 - PER CDOT COMMENT
3. 09/16/19 - PER CITY COMMENTS
4. 12/07/20 - SITE PLAN AMENDMENT
5. 02/15/21 - PER CITY COMMENTS

ENGINEER: GTW
DRAWN BY: GTW
CHECKED BY: LJB

PROJECT #: 019.011

SHEET
RZ-2
SHEET 2 OF 2

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 38.**File #:** 15-15588 **Type:** Zoning Hearing

Rezoning Petition: 2021-012 by Hopper Communities

Location: Approximately 4.57 acres located on the west side fo Wilora Lake Road, east of Central Avenue, and north of Albemarle Road. (Council District 5 - Newton)

Current Zoning: R-4 (single-family residential)
Proposed Zoning: MUDD-O (mixed-use development, optional)

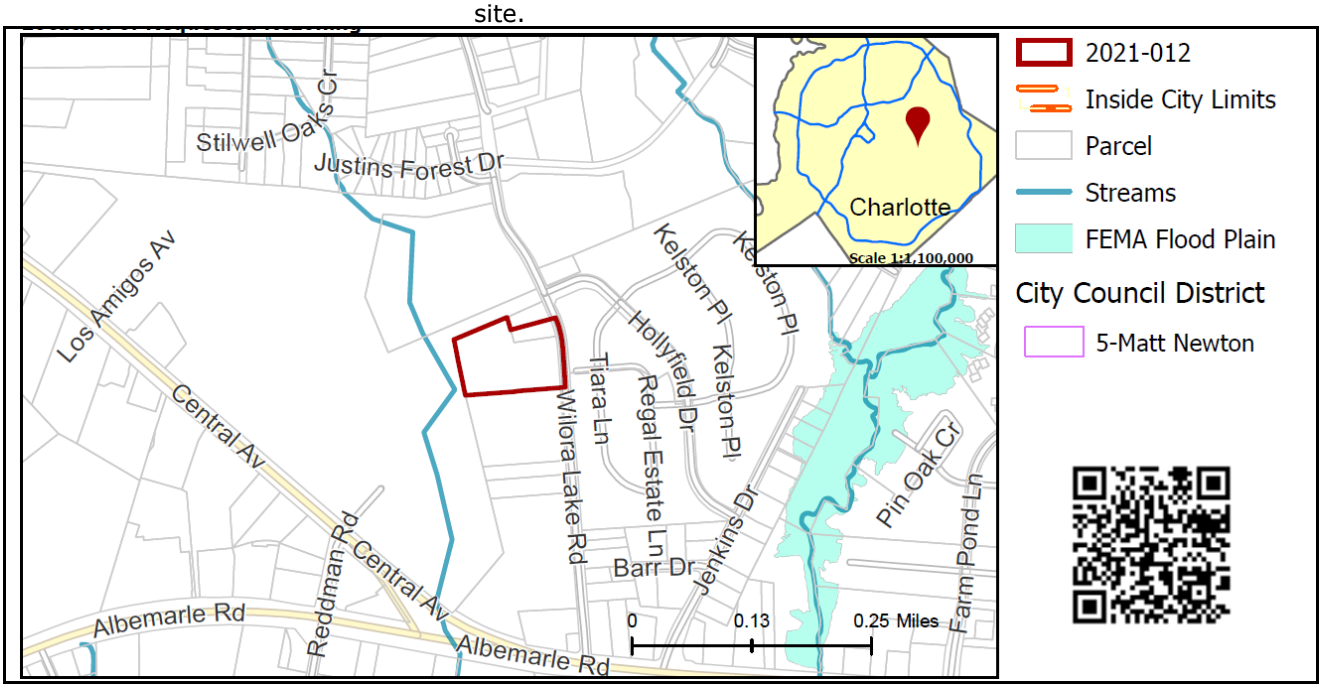
Staff Recommendation:
Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, environment, and site and building design.

Attachments:
Pre-Hearing Staff Analysis
Site Plan

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-012
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: R-4 (residential) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 4.57 acres located along Wilora Lake Road, south of Hollyfield Drive and immediately east of the former Eastland Mall site.



SUMMARY OF PETITION	The petition proposes to rezone to an optional mixed use development district to accommodate the development of up to 89 single family attached dwellings units along with all other incidental and/or accessory uses permitted within the MUDD zoning district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	W. Banks McClintock, III; Mevludin and Tima Smajlovic Hopper Communities John Carmichael, Robinson Bradshaw
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 4

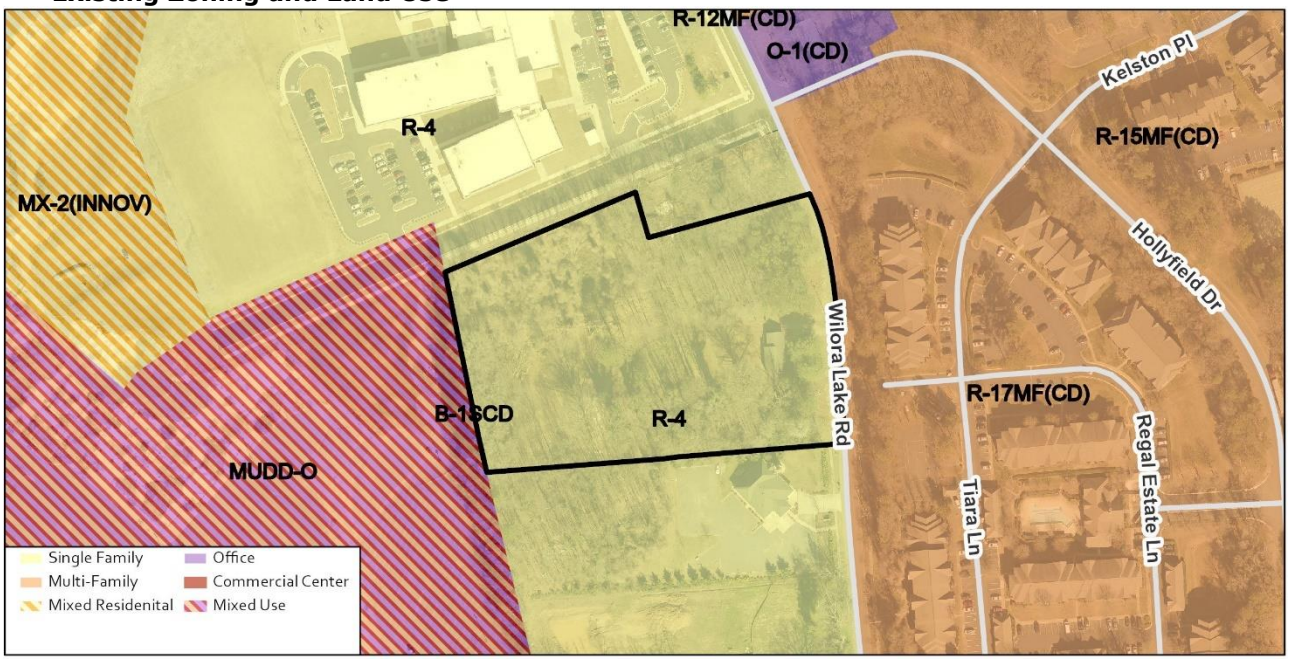
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, environment, and site and building design. <u>Plan Consistency</u> The petition is **consistent** with the *Eastland Area Plan's* (2003) recommendation for single family/multi-family/office/retail uses for the area. <u>Rationale for Recommendation</u> • The increased residential density at this location is contextually appropriate considering the location's proximity to the proposed Eastland Mall redevelopment, the school, and the existing multi-family development across Wilora Lake Road to the east.

- While adjacent to the proposed Eastland Mall redevelopment, the proposal still falls within the area plan's recommendation for a mix of uses in a compact, pedestrian-oriented town center.
- The area plan states "the Town Center will not be successful without careful attention to design elements" such as vehicular and pedestrian connections. This proposal commits to improving the pedestrian experience along Wilora Lake Road.
- A primary objective of the area plan is to embrace and build a range and balance of shopping choices, housing types, and places of entertainment and recreation in the Eastland Mall area. The petition complements this objective through its commitment to single family attached dwellings and its adjacency to the proposed Eastland Mall redevelopment.

PLANNING STAFF REVIEW

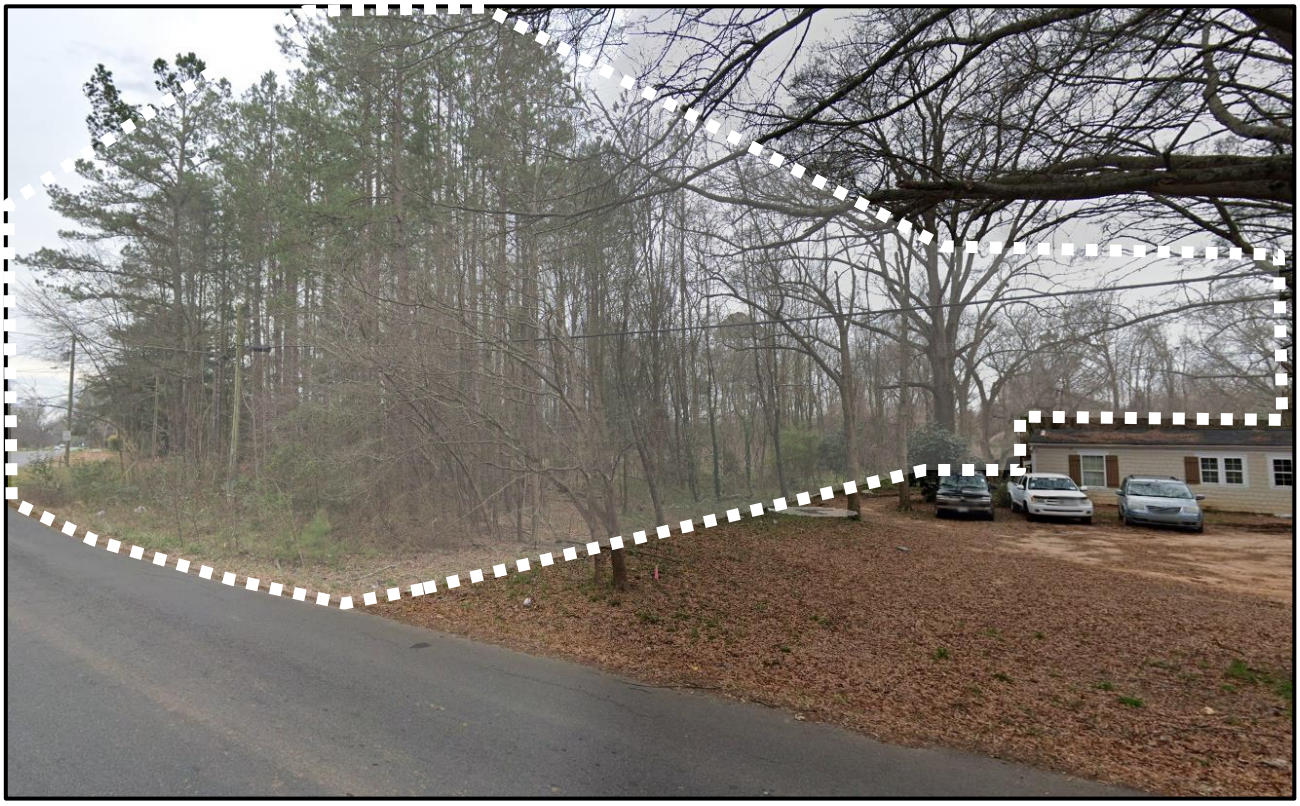
- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Proposes up to 89 single family attached units at an overall density of 19.47 DUA.
  - Max. building height of 55 feet.
  - Requests the following optional provisions:
    - An alternative to section 9.8506(2)(H) that would permit the allowance of a covered front stoop that may be covered by an architectural feature chosen by the petitioner.
    - The sidewalk along Hollyfield Drive may remain in place.
  - Proposes internal connectivity by means of private alleyways/streets.
  - Commits to architectural standards including:
    - Construction of units with preferred primary building materials.
    - Excludes vinyl except for windows, doors, garage doors, soffits, etc.
    - The front elevation of each unit shall have windows or other architectural details that limit the maximum blank wall expanse to 15 feet on each level of the dwelling unit.
    - All corner or end units facing a public street shall have windows or other architectural details that limit the blank wall expanse to 15 feet on each level.
    - Garages provided for each unit and shall be alley/rear loaded.
    - Walkways provided from residential entrances to sidewalks.
    - The singular end unit that presents a side to Wilora Lake Road shall have a porch or stoop that wraps a portion of the front or rear of the unit and may be located on the second floor.
  - Transportation improvements including an 8-foot planting strip and 8-foot sidewalk along the site's frontage with Wilora Lake Road.
  - Provides a min. 20-foot wide landscape buffer provided against the existing single family residence located at the corner of Wilora Lake and Hollyfield.
  - Proposes a minimum of 1,750 SF of green/amenity space containing a minimum of grass, shrubs, trees, sidewalk and seating.

- **Existing Zoning and Land Use**



There have been no historic rezonings for this site. The site is located immediately south of the Charlotte East Language Academy and east of the proposed Eastland Mall redevelopment site. A religious center is located directly south of the subject property.

General location of subject property denoted by red star.

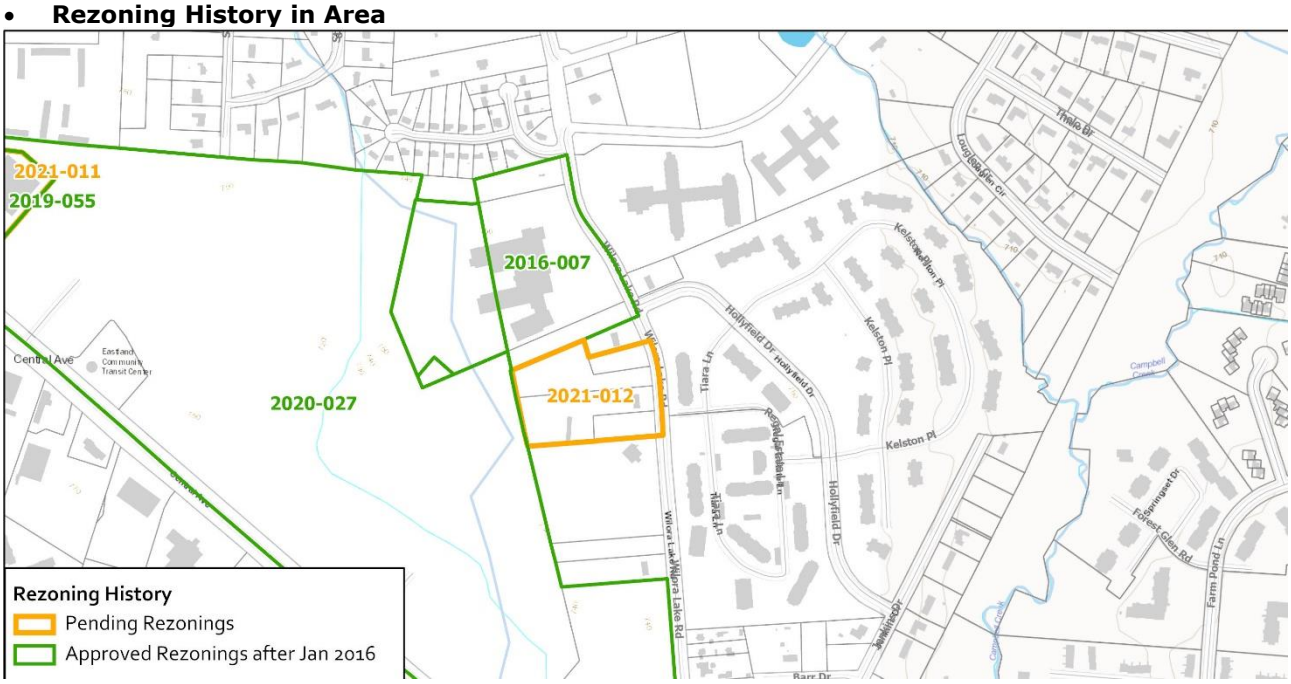


Looking SW from Wilora Lake Road toward the subject property. The site's approximate location is illustrated by the white dotted polygon. The house to the right (at the corner of Wilora Lake and Hollyfield Drive) is not included in the rezoning.

Religious center immediately south of the subject property along Wilora Lake Road.

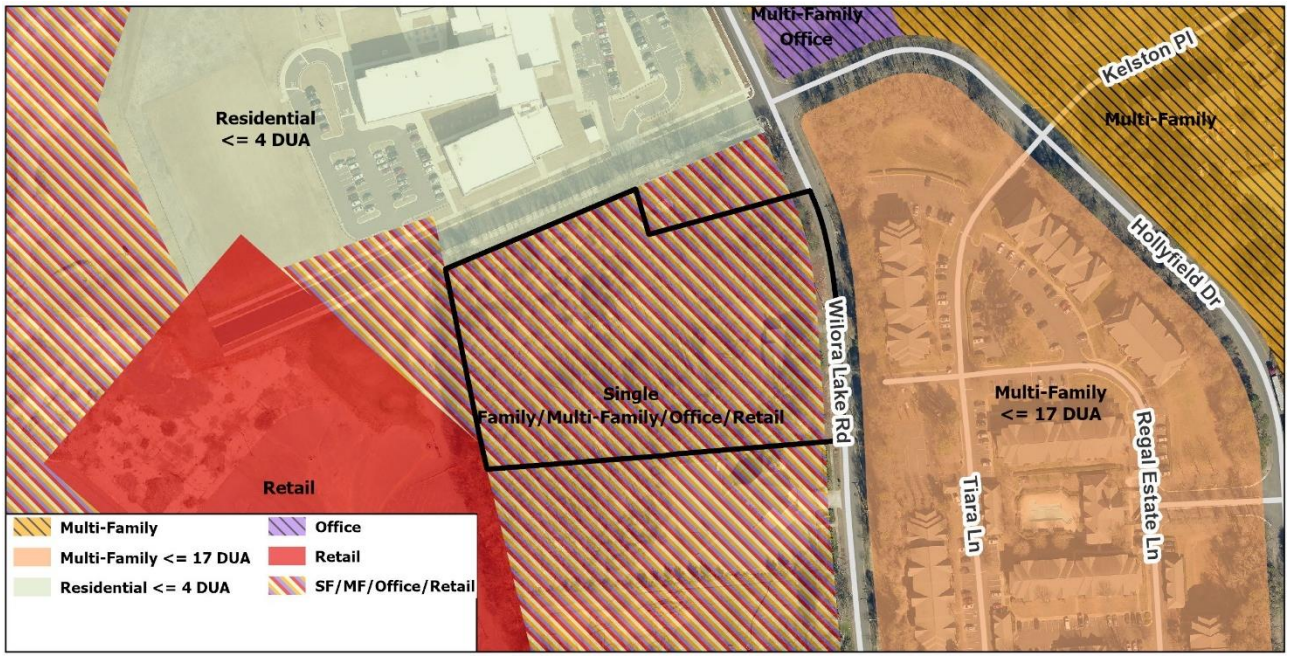
Charlotte East Language Academy is directly north of the site and located at the corner of Hollyfield Drive and Wilora Lake Road.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-011	Site plan amendment to existing Movement School site to allow additional commercial square footage.	Pending
2020-027	Rezoning of former Eastland Mall site.	Approved
2019-055	Rezoning to permit charter school.	Approved
2016-007	City-sponsored rezoning to permit all uses allowed within the R-4 zoning district.	Approved

- **Public Plans and Policies**



- The *Eastland Area Plan* (2003) recommends single family/multi-family/office/retail uses for the site.

- **TRANSPORTATION SUMMARY**
  - The site is located on two City-maintained, minor collector roads, Wilora Lake Road and Hollyfield Drive. The site abuts the northern limits of the Eastland Mall TIS study area. The site plan commits to constructing an 8-foot planting strip and an 8-foot sidewalk along the site's Wilora Lake Road frontage leaving a sidewalk gap of less than 100' north of the site. Site plan revisions are needed to meet ordinance requirements and/or the outstanding items including, but not limited to constructing curb and gutter along the site's Wilora Lake Road frontage at 17.5-feet from the centerline per Chapter 20 (Subdivision ordinance) and extending the proposed construction of an 8-foot planting strip and 8-foot sidewalk northward and beyond the site's frontage to the Hollyfield Drive intersection. The sidewalk extension will provide pedestrian connectivity and accessibility in accordance with Council-Approved Charlotte Walks Plan and help CDOT close a gap of less than 100' in the pedestrian infrastructure of the area. Further details are listed below.
- **Active Projects:**
  - Wilora Lake Minor Gap Sidewalk Project
    - Queued for construction
    - General Services PM: Becky Chambers
- **Transportation Considerations**
  - See Outstanding Issues, Notes 1-2.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 10 trips per day (based on one dwelling).

  Entitlement: 215 trips per day (based on four dwellings).

  Proposed Zoning: 635 trips per day (based on 89 townhome units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 10 students, while the development allowed under the proposed zoning may produce 15 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is five students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:

    - Charlotte East Language from remains at 92%
    - Independence High remains at 119%

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Wilora Lake Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an 8-inch gravity sewer main located along Wilora Lake Road. See advisory comments at www.rezoning.org

- **Engineering and Property Management:**
    - **Arborist:** No comments submitted.
    - **Erosion Control:** No outstanding issues.
    - **Land Development:** No outstanding issues.
    - **Storm Water Services:** See advisory comments at www.rezoning.org
    - **Urban Forestry:** See Outstanding Issues, Note 3.

- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org

- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. The proposed zoning district has a setback measured from back of existing or proposed future curbline. The curb and gutter needs to be at 17.5 feet from the Wilora Lake centerline. Label and dimension the back of curb and gutter from the road centerline.
2. Revise plan and conditional notes to commit to extend the proposed 8-foot planting strip and 8-foot sidewalk to the Hollyfield Drive intersection and tie into the newly constructed ADA curb ramps to assist CDOT in closing a gap in pedestrian infrastructure. Label and dimension both items from the back of curb and gutter.

Environment

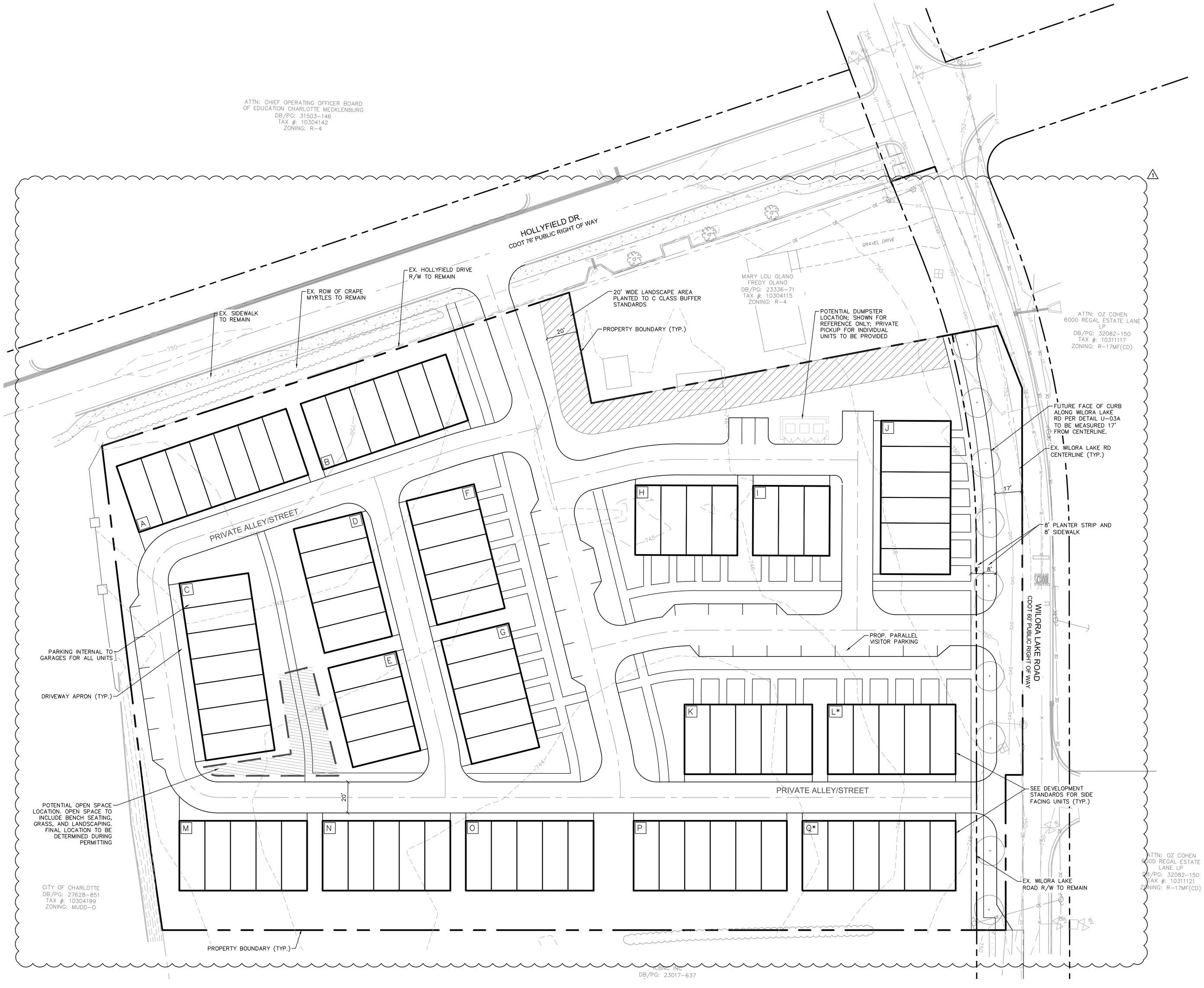
3. If sidewalk connection is provided to Hollyfield Drive as CDOT is requesting, healthy trees located on public street ROW are protected assets of the City. Include tree protection plan and/or consider meandering sidewalk to minimize impacts to critical root zones.

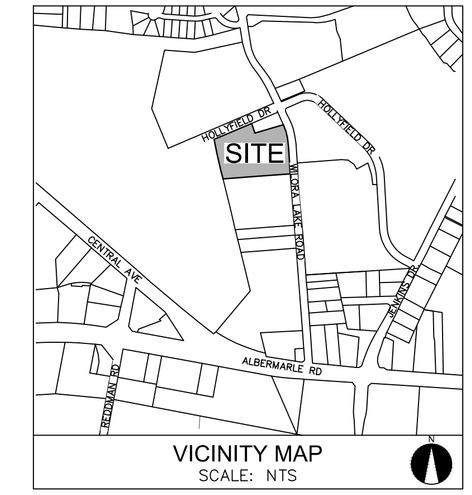
Site and Building Design

4. Improve the entirety of the green pedestrian alley created between buildings C, D, and E.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: William Linville (704) 336-4090





SITE DATA

TAX MAP NO:	10304112 & 10304114
SITE AREA:	±4.57 AC (198,957 SF)
EXISTING ZONING: PROPOSED ZONING:	R-4 MUDD-O
EXISTING USE: PROPOSED USE:	VACANT (WOODED LOT) SINGLE FAMILY ATTACHED TOWNHOMES
PROPOSED UNITS: PROPOSED DENSITY:	89 UNITS 19.47 DUA
PARKING REQUIRED:	SHALL MEET ORDINANCE REQUIREMENTS
TREE SAVE:	SHALL MEET ORDINANCE REQUIREMENTS (LOCATED IN CENTER)
MAX BUILDING HEIGHT:	55'; SEE DEVELOPMENT STANDARD NOTES FOR MORE INFORMATION 1

SITE PLAN IS SCHEMATIC IN NATURE. SOME VARIATION TO PLAN MAY OCCUR IN FINAL DESIGN BUT SHALL MEET THE OVERALL INTENT OF THIS PLAN AND SHALL COMPLY WITH THE APPLICABLE ORDINANCE REQUIREMENTS

DESIGN RESOURCE GROUP

LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

O 2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
P 704.343.0608
W www.drgrp.com

NORTH CAROLINA CORPORATE SEAL C-95 C-2165 NCBELS DESIGN RESOURCE GROUP, P.A.

REZONING PETITION

FOR PUBLIC HEARING

2021-012

REZONING DOCUMENT

WILORA LAKE RD SITE

CHARLOTTE, NC

HOPPER COMMUNITIES
1616 CLEVELAND AVENUE
CHARLOTTE, NC 28203
704.805.4810

SCHEMATIC SITE PLAN

15 0 15 30
SCALE: 1" = 30'

PROJECT #:	598-022
DRAWN BY:	JG
CHECKED BY:	NB

NOVEMBER 30, 2020

REVISIONS:
1 03/15/21 - PER REVIEW COMMENTS

RZ1.0

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C:\USERPROJ\598-022 EASTLAND MALL\DWG\DRG - PLOT SHEETS\PL-REZONED\12/2021 5:16 PM

SITE DATA

TAX MAP NO:	10304112 & 10304114
SITE AREA:	±4.57 AC (198,957 SF)
EXISTING ZONING:	R-4
PROPOSED ZONING:	MUDD-O
EXISTING USE:	VACANT (WOODED LOT)
PROPOSED USE:	SINGLE FAMILY ATTACHED TOWNHOMES
PROPOSED UNITS:	89 UNITS
PROPOSED DENSITY:	19.47 DUA
PARKING REQUIRED:	SHALL MEET ORDINANCE REQUIREMENTS
TREE SAVE:	SHALL MEET ORDINANCE REQUIREMENTS (LOCATED IN CENTER)
MAX BUILDING HEIGHT:	55'; SEE DEVELOPMENT STANDARD NOTES FOR MORE INFORMATION

GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY HOPPER COMMUNITIES TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 4.57 ACRE SITE LOCATED ON THE WEST SIDE OF WILORA LAKE ROAD BETWEEN HOLLYFIELD DRIVE AND ALBEMARLE ROAD, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NOS. 103-041-12 AND 103-041-14.
2. THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). SUBJECT TO THE OPTIONAL PROVISIONS SET OUT BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MIXED USE DEVELOPMENT DISTRICT ("MUDD") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
3. THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDING FOOTPRINTS AS WELL AS THE INTERNAL PRIVATE ALLEYS/STREETS AND PARKING AREAS DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.
4. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6.207 OF THE ORDINANCE.

B. OPTIONAL PROVISIONS

THE OPTIONAL PROVISIONS SET OUT BELOW SHALL APPLY TO THE SITE.

1. EACH SINGLE FAMILY ATTACHED DWELLING UNIT SHALL COMPLY WITH THE BUILDING ENTRANCE REQUIREMENTS OF SECTION 9.8506(2)(H) OF THE ORDINANCE OR, ALTERNATIVELY, EACH SINGLE FAMILY ATTACHED DWELLING UNIT SHALL HAVE A COVERED FRONT STOOP. THE FRONT STOOP MAY BE COVERED BY AN AWNING, CANOPY, ROOF EXTENSION OR OTHER ARCHITECTURAL FEATURE CHOSEN BY PETITIONER.
2. THE EXISTING SIDEWALK AND PLANTING STRIP LOCATED ALONG THE SITE'S FRONTAGE ON HOLLYFIELD DRIVE MAY REMAIN IN PLACE.

C. PERMITTED USES

1. THE SITE MAY BE DEVOTED ONLY TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 89 SINGLE FAMILY ATTACHED DWELLING UNITS AND TO ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE MUDD ZONING DISTRICT.

D. TRANSPORTATION

1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION.
2. AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY INTERNAL PRIVATE ALLEYS/STREETS. MINOR ADJUSTMENTS TO THE LOCATIONS OF THE INTERNAL PRIVATE ALLEYS/STREETS SHALL BE ALLOWED DURING THE CONSTRUCTION PERMITTING PROCESS.
3. INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE INTERNAL SIDEWALKS MAY MEANDER TO SAVE EXISTING TREES.
4. PETITIONER WILL DEDICATE TO THE CITY OF CHARLOTTE VIA FEE SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY INDICATED ON THE REZONING PLAN AS RIGHT-OF-WAY TO BE DEDICATED, AND THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST NEW BUILDING CONSTRUCTED ON THE SITE. THE PETITIONER WILL PROVIDE A PERMANENT SIDEWALK EASEMENT FOR ANY OF THE PROPOSED SIDEWALKS LOCATED ALONG THE PUBLIC STREETS LOCATED OUTSIDE OF THE RIGHT-OF-WAY. THE PERMANENT SIDEWALK EASEMENT WILL BE LOCATED A MINIMUM OF TWO (2) FEET BEHIND THE SIDEWALK WHERE FEASIBLE.
5. ALL TRANSPORTATION IMPROVEMENTS REQUIRED TO BE CONSTRUCTED BY PETITIONER UNDER THESE DEVELOPMENT STANDARDS, INCLUDING THE STREETSCAPE IMPROVEMENTS, WILL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST NEW BUILDING CONSTRUCTED ON THE SITE.

E. ARCHITECTURAL STANDARDS

1. THE MAXIMUM HEIGHT OF ANY BUILDING CONSTRUCTED ON THE SITE SHALL BE 55 FEET AS MEASURED UNDER THE ORDINANCE.
2. THE PRIMARY EXTERIOR BUILDING MATERIALS FOR THE SINGLE FAMILY ATTACHED DWELLING UNITS TO BE CONSTRUCTED ON THE SITE WILL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK VENEER OR SIMILAR MASONRY PRODUCTS, STONE, MANUFACTURED STONE, STUCCO AND CEMENTITIOUS SIDING.
3. VINYL, EIFS OR MASONITE MAY NOT BE USED AS AN EXTERIOR BUILDING MATERIAL ON ANY BUILDING TO BE CONSTRUCTED ON THE SITE. NOTWITHSTANDING THE FOREGOING, VINYL MAY BE UTILIZED ON WINDOWS, DOORS, GARAGE DOORS, SOFFITS, TRIM AND RAILINGS.
4. THE ACTUAL WIDTHS OF THE SINGLE FAMILY ATTACHED DWELLING UNITS TO BE CONSTRUCTED ON THE SITE MAY VARY FROM THE WIDTHS DEPICTED ON THE REZONING PLAN.
5. 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.
6. THE FRONT ELEVATION OF EACH SINGLE FAMILY ATTACHED DWELLING UNIT SHALL HAVE WINDOWS OR OTHER ARCHITECTURAL DETAILS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 15 FEET ON EACH LEVEL OF THE SINGLE FAMILY ATTACHED DWELLING UNIT.
7. ALL CORNER OR END SINGLE FAMILY ATTACHED DWELLING UNITS THAT FACE A PUBLIC STREET SHALL HAVE WINDOWS OR OTHER ARCHITECTURAL DETAILS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 15 FEET ON EACH LEVEL OF THE SINGLE FAMILY ATTACHED DWELLING UNIT.
8. EACH SINGLE FAMILY ATTACHED DWELLING UNIT TO BE CONSTRUCTED ON THE SITE SHALL HAVE A GARAGE.
9. EACH SINGLE FAMILY ATTACHED DWELLING UNIT TO BE CONSTRUCTED ON THE SITE WILL BE ALLEY OR REAR LOADED.
10. WALKWAYS SHALL BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS ALONG PUBLIC/PRIVATE STREETS.
11. THE REQUIREMENT SET OUT BELOW IN SUBPARAGRAPH (A) SHALL APPLY TO THE BUILDINGS THAT ABUT WILORA LAKE ROAD AND ARE DESIGNATED ON THE REZONING PLAN WITH AN ASTERISK.

(a) THE END DWELLING UNIT THAT ABUTS WILORA LAKE ROAD SHALL HAVE A PORCH OR STOOP THAT WRAPS A PORTION OF THE FRONT OR REAR OF THE UNIT AND THE SIDE OF THE UNIT THAT FACES WILORA LAKE ROAD. IF A PORCH IS UTILIZED, IT MAY BE LOCATED ON THE SECOND STORY OF SUCH UNIT.

12. EACH SINGLE FAMILY ATTACHED DWELLING UNIT SHALL COMPLY WITH THE BUILDING ENTRANCE REQUIREMENTS OF SECTION 9.8506(2)(H) OF THE ORDINANCE OR, ALTERNATIVELY, EACH SINGLE FAMILY ATTACHED DWELLING UNIT SHALL HAVE A COVERED FRONT STOOP. THE FRONT STOOP MAY BE COVERED BY AN AWNING, CANOPY, ROOF EXTENSION OR OTHER ARCHITECTURAL FEATURE CHOSEN BY PETITIONER.

F. STREETSCAPE AND LANDSCAPING

1. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 8 FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG THE SITE'S FRONTAGE ON WILORA LAKE ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.
2. THE EXISTING SIDEWALK AND PLANTING STRIP LOCATED ALONG THE SITE'S FRONTAGE ON HOLLYFIELD DRIVE SHALL REMAIN IN PLACE.
3. THE SIDEWALKS DESCRIBED ABOVE IN PARAGRAPH 1 AND PARAGRAPH 2 MAY BE LOCATED IN A SIDEWALK UTILITY EASEMENT.
4. A MINIMUM 20 FOOT WIDE LANDSCAPE AREA PLANTED TO THE STANDARDS OF A CLASS C BUFFER SHALL BE PROVIDED ON THE SITE AS DEPICTED ON THE REZONING PLAN.

G. ENVIRONMENTAL

1. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.
2. PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE.

H. CENTRAL GREEN/AMENITY SPACE

1. THE MINIMUM SIZE OF THE CENTRAL GREEN/AMENITY SPACE SHALL BE 1,750 SQUARE FEET, AND THE CENTRAL GREEN/AMENITY SPACE SHALL, AT A MINIMUM, CONTAIN GRASS, SHRUBS, TREES, PEDESTRIAN WALKWAYS AND SEATING.

I. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

1. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
2. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
3. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.

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DESIGN RESOURCE GROUP
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www.drgrp.com

NORTH CAROLINA PROFESSIONAL ENGINEERING CORPORATE SEAL C-95 C-2165 NCBELS DESIGN RESOURCE GROUP, P.A.

REZONING PETITION

FOR PUBLIC HEARING

2021-012

REZONING DOCUMENT

WILORA LAKE RD SITE

CHARLOTTE, NC

HOPPER COMMUNITIES
1616 CLEVELAND AVENUE
CHARLOTTE, NC 28203
704.805.4810

TECHNICAL DATA SHEET

PROJECT #:	598-022
DRAWN BY:	JG
CHECKED BY:	NB

NOVEMBER 30, 2020

REVISIONS:
1 03/15/21 - PER REVIEW COMMENTS

RZ 2.0

G:\598PROJ\598-022 EASTLAKE MALL\DWG\598 - PLOT SHEETS\PL-REZNING\12/2021 5:14 PM

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 39.**File #:** 15-15589 **Type:** Zoning Hearing

Rezoning Petition: 2021-016 by Urban Trends Real Estate, Inc.

Location: Approximately 7.02 acres located south of Interstate 85, west of Beatties Ford Road, and north of Brookshire Freeway. (Council District 2 - Graham)

Current Zoning: R-5 (single-family residential)
Proposed Zoning: R-22 MF (CD) (multi-family residential, conditional)

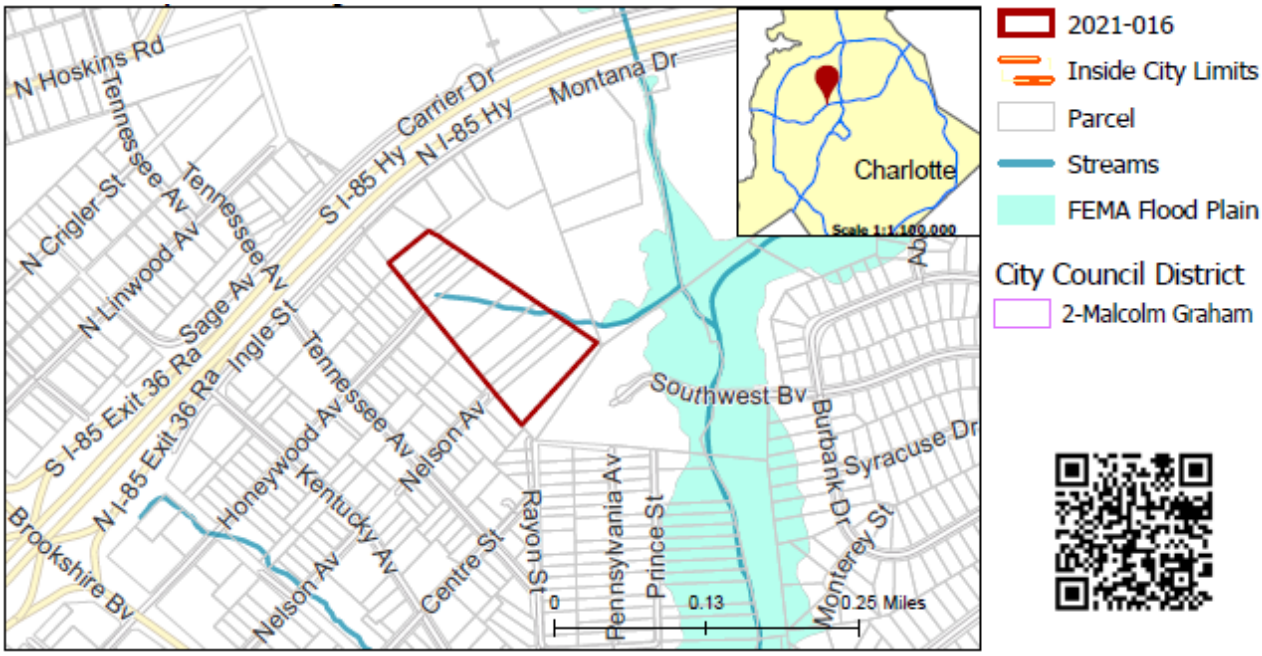
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of technical issues related to site design.

Attachments:
Pre-Hearing Staff Analysis
Site Plan

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-016
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: R-22MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 7.02 acres located south of Interstate 85, west of Beatties Ford Road, and north of Brookshire Freeway.



SUMMARY OF PETITION	The petition proposes a residential community to allow up to 150 multi-family dwelling units on vacant land for a density of 21.36 dwelling units per acre.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Nathaniel Jones Urban Trends Real Estate, Inc. Chris Ogunrinde
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of technical issues related to site design. <u>Plan Consistency</u> The petition is **inconsistent** with the *Central District Plan (1993) recommendation* of single-family residential use up to 4 dwelling units per acre, but **consistent** with the General Development Policies (GDP) recommendation of over 17 DUA. <u>Rationale for Recommendation</u> • This petition proposes up to 150 multi-family dwelling units for a density of 21.36 dwelling units per acre (DUA).

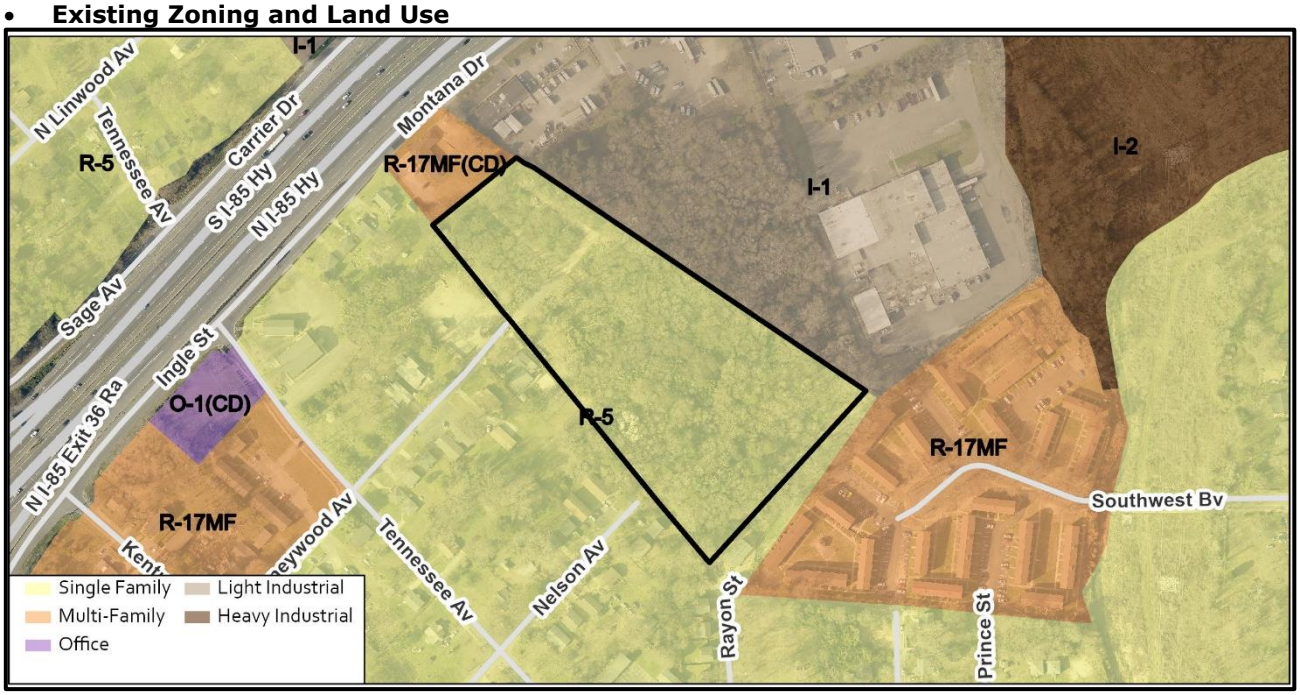
- The General Development Policies (2007) provide policy guidance and locational criteria for evaluating applicable parcels previously recommended for residential uses for density. The General Development Policies' locational criteria would score this site for over 17 dwelling units per acre with design guidelines. At over 17 dwelling units per acre, this petition includes adequate additional commitments to design.
- This petition helps to fulfill the district plan's goal of increasing infill housing units on vacant or underutilized properties to increase the current housing stock.
- The site plan proposes to increase the pedestrian experience within the development by including open space areas with amenities such as seating areas, hardscape elements and shade structures, and committing to provide a minimum 5-foot sidewalk and cross-walk network that links to the buildings on the site and to the sidewalks along the abutting public streets.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from Single Family up to 4 DUA to Residential up to 22 DUA for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 150 multi-family dwelling units.
  - Limits principle buildings on the site not to exceed 7 buildings.
  - Limits building height to 40-feet.
  - Provides access off Honeywood Avenue and Nelson Avenue.
  - Provides 2 areas of open/amenity space: 4,320 square-feet and 9,010 square-feet with amenities such as seating areas, hardscape elements and shade structures.
  - Limits detached lighting to 22-feet in height.
  - Provides a minimum 5-foot sidewalk and crosswalk network that links to the buildings on the Site and to the sidewalks along the abutting public streets.
  - Provides a 38-foot Class C Buffer to abutting residential properties.
  - Architectural Details:
    - Building materials will be a combination of portions of some of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood.
    - Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
    - Building Massing and Height shall be designed to break up long monolithic building forms as follows: Buildings exceeding 135-feet in length will include modulations of the building massing/facade plane such as recesses, projections, and architectural details. Modulations will be a minimum of 10-feet wide and shall project or recess a minimum of 4-feet and extend up and down along the exterior of the building façade.
    - Building elevations will be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projection recesses, pilasters, banding and change in materials or colors.
    - Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.

- **Existing Zoning and Land Use**



The rezoning site is undeveloped. It is surrounded by a mix of single family homes, multi-family apartments, office and industrial uses in various zoning districts.

The rezoning site denoted by red star.

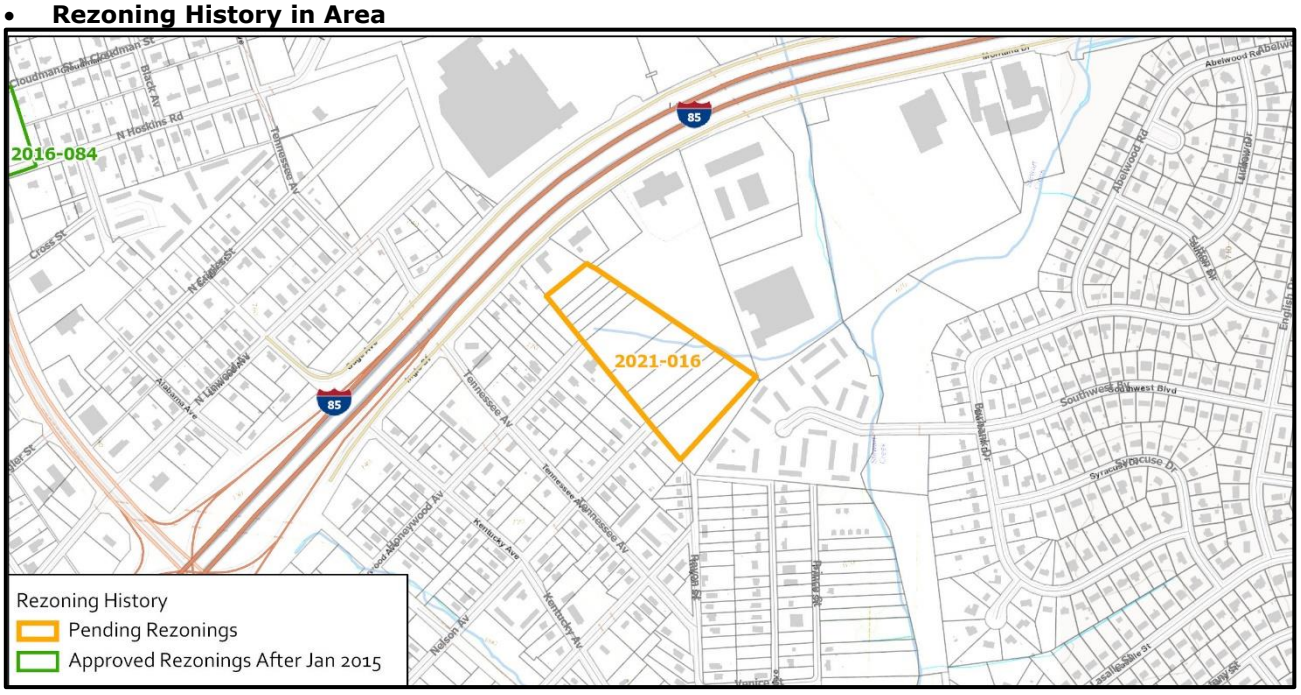
The property to the west along Honeywood Avenue includes single family and multi-family dwellings.

The property to the north along Montana Drive includes office, distribution, and industrial uses.

The property to the east along Montana Drive includes distribution and industrial uses.

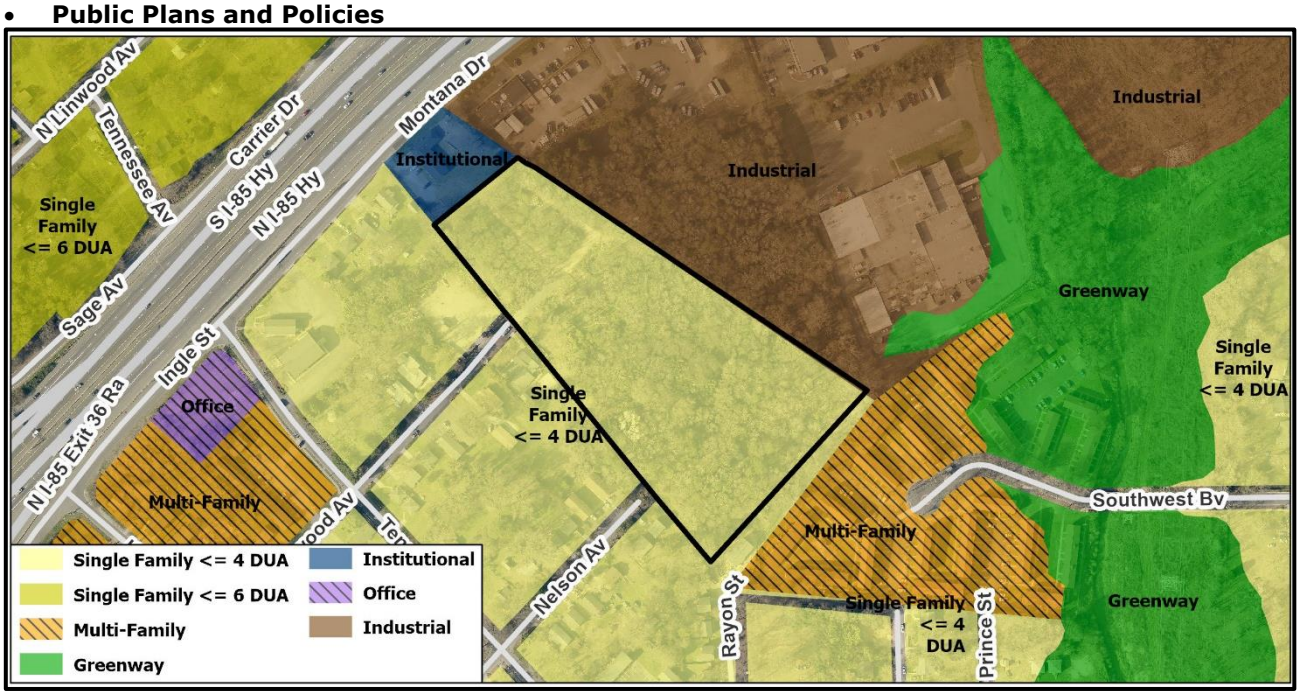
The property to the south along Southwest Boulevard is developed with multi-family apartments.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-084	Rezoned 1.85 acres to allow a convenience store to be redeveloped with Quik Trip convenience store.	Approved

- **Public Plans and Policies**



- The *Central District Plan (1993)* calls for single family up to 4 DUA.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of to 22 dwellings per acre as illustrated in the table below.

Assessment Criteria	**Density Category – up to 22 dua**
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	3
Connectivity Analysis	4
Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 14	**Total Points: 15**

- **TRANSPORTATION SUMMARY**
  - The site is located at the dead-ends of two city-maintained local roads (Honeywood Avenue and Nelson Avenue). Access is proposed off the dead-ends of both existing public roads, and the driveway connections will be reviewed during permitting in accordance with the Charlotte Land Development Standards Manual (CLDSM). As this site is adjacent to Industrial-zoned parcels, no stub streets will be required. There are no outstanding CDOT items.
- **Active Projects:**
  - None
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 0 trips per day (based on vacant land).

  Entitlement: 400 trips per day (based on 25 single family dwellings).

  Proposed Zoning: 850 trips per day (based on 156 apartments).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org

- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 17 students, while the development allowed under the proposed zoning may produce 29 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 12 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Thomasboro K-8 from 128% to 131%
    - West Charlotte High remains at 96%
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Montana Drive. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along the center of the rezoning boundary. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

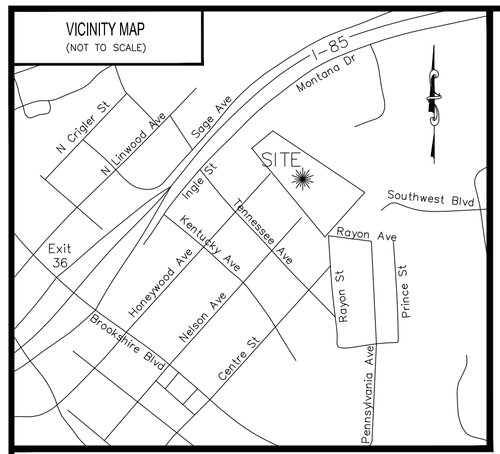
REQUESTED TECHNICAL REVISIONS

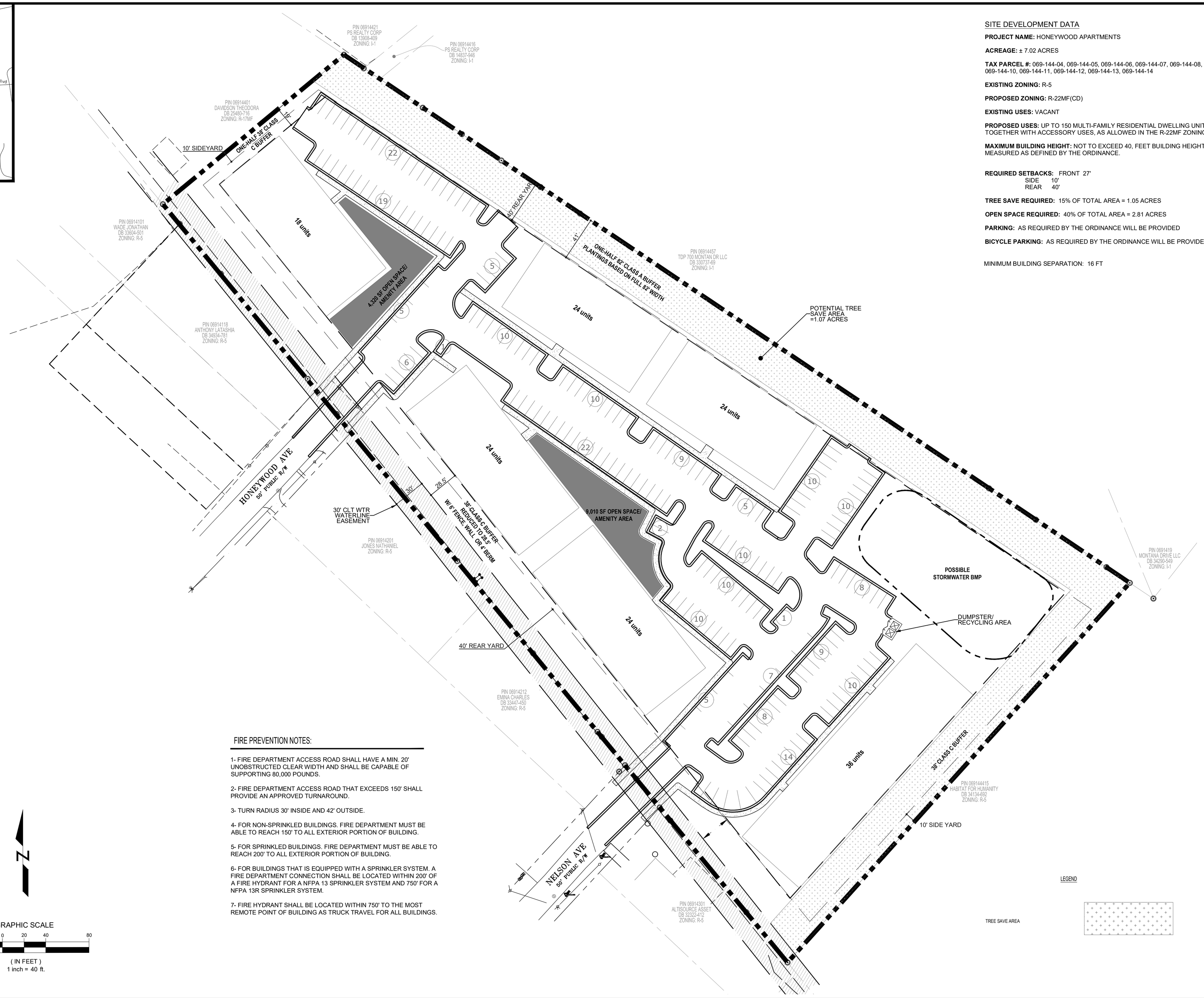
Site and Building Design

1. Revise Note 2a. to state 150 multi-family units not 154 multi-family units.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Michael Russell (704) 353-0225





SITE DEVELOPMENT DATA

PROJECT NAME: HONEYWOOD APARTMENTS

ACREAGE: ± 7.02 ACRES

TAX PARCEL #: 069-144-04, 069-144-05, 069-144-06, 069-144-07, 069-144-08, 069-144-09, 069-144-10, 069-144-11, 069-144-12, 069-144-13, 069-144-14

EXISTING ZONING: R-5

PROPOSED ZONING: R-22MF(CD)

EXISTING USES: VACANT

PROPOSED USES: UP TO 150 MULTI-FAMILY RESIDENTIAL DWELLING UNITS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE R-22MF ZONING DISTRICT.

MAXIMUM BUILDING HEIGHT: NOT TO EXCEED 40, FEET BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

REQUIRED SETBACKS: FRONT 27'
SIDE 10'
REAR 40'

TREE SAVE REQUIRED: 15% OF TOTAL AREA = 1.05 ACRES

OPEN SPACE REQUIRED: 40% OF TOTAL AREA = 2.81 ACRES

PARKING: AS REQUIRED BY THE ORDINANCE WILL BE PROVIDED

BICYCLE PARKING: AS REQUIRED BY THE ORDINANCE WILL BE PROVIDED

MINIMUM BUILDING SEPARATION: 16 FT

FIRE PREVENTION NOTES:

1- FIRE DEPARTMENT ACCESS ROAD SHALL HAVE A MIN. 20' UNOBSTRUCTED CLEAR WIDTH AND SHALL BE CAPABLE OF SUPPORTING 80,000 POUNDS.

2- FIRE DEPARTMENT ACCESS ROAD THAT EXCEEDS 150' SHALL PROVIDE AN APPROVED TURNAROUND.

3- TURN RADIUS 30' INSIDE AND 42' OUTSIDE.

4- FOR NON-SPRINKLED BUILDINGS. FIRE DEPARTMENT MUST BE ABLE TO REACH 150' TO ALL EXTERIOR PORTION OF BUILDING.

5- FOR SPRINKLED BUILDINGS. FIRE DEPARTMENT MUST BE ABLE TO REACH 200' TO ALL EXTERIOR PORTION OF BUILDING.

6- FOR BUILDINGS THAT IS EQUIPPED WITH A SPRINKLER SYSTEM. A FIRE DEPARTMENT CONNECTION SHALL BE LOCATED WITHIN 200' OF A FIRE HYDRANT FOR A NFPA 13 SPRINKLER SYSTEM AND 750' FOR A NFPA 13R SPRINKLER SYSTEM.

7- FIRE HYDRANT SHALL BE LOCATED WITHIN 750' TO THE MOST REMOTE POINT OF BUILDING AS TRUCK TRAVEL FOR ALL BUILDINGS.

N

GRAPHIC SCALE
40 0 20 40 80
(IN FEET)
1 inch = 40 ft.

SEEDWATER ENGINEERING
120 Academy Street
Fort Mill, SC 29715
(704) 996-0890
www.seedwatergroup.com
NC Firm License No. C-1622

Revisions			
No.	Name	Date
1.	REVISED PER CITY STAFF COMMENTS	3-15-21

Drawing Information	
SW Project No.	20-015
Drawn By	
Date	09-21-2020
Checked By	
Approved By	

REZONING PETITION 2021-016

Owner/Developer:

HONEYWOOD APARTMENTS

HONEYWOOD AVE
CHARLOTTE, NC 28216

Drawing Title

REZONING PLAN

Drawing No.

RZ-1.0

Honeywood Apartments
Development Standards
03/15/2021
Rezoning Petition No. 2021-016

Site Development Data:
--Acreage: ± 7.02 acres
--Tax Parcel #: 069-144-04, 069-144-05, 069-144-06, 069-144-07, 069-144-08, 069-144-09, 069-144-10, 069-144-11, 069-144-12, 069-144-13, 069-144-14
--Existing Zoning: R-5
--Proposed Zoning: R-22MF(CD)
--Existing Uses: Vacant
--Proposed Uses: Up to 150 multi-family residential dwelling units together with accessory uses, as allowed in the R-22MF zoning district.
--Maximum Building Height: Not to exceed 40, feet building height will be measured as defined by the Ordinance.
--Required setbacks: Front 27'
Side 10'
Rear 40'

--Tree Save required: 15% of total area = 1.05 acres
--Open Space Required: 40% of total area = 2.81 acres
--Parking: As required by the Ordinance will be provided
--Bicycle Parking: As required by the Ordinance will be provided

1. General Provisions:

a. Site Location. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Urban Trends Real Estate. ("Petitioner") to accommodate the development of a residential community on approximately 7.02-acre site, made up of 11 parcels, generally located at the northeast end of Honeywood Avenue and Nelson Avenue (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 R-22MF zoning classification shall govern.

c. Graphics and Alterations. The schematic depictions of the uses, parking areas, 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.
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.

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

d. Number of Buildings Principal and Accessory. The total number of principal residential buildings to be developed on the Site shall not exceed seven (7). 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, architectural elements and designs as the principal buildings located on the Site.

2. Permitted Uses & Development Area Limitation:

a. The Site may be developed with up to 154 multi-family residential dwellings units together with accessory uses allowed in the R-22MF zoning district as generally depicted on the Rezoning Plan.

3. Access, Transportation and Improvements:

a. Access to the Site will be from Honeywood Avenue and Nelson Avenue as generally depicted on the Rezoning Plan.
b. Any required roadway improvement will be approved and constructed prior to the issuance of the certificate of occupancy for the first building on the Site subject to the Petitioner's ability to request that CDOT allow a bond to be post for any improvements not in place at the time of the issuance of the first certificate of occupancy.
c. The placement and configuration of the vehicular access point is subject to minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT in accordance with applicable published standards.
d. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

4. Streetscape, Buffers, Yards, Open Space and Landscaping:

a. Buffers along property lines will be provided as required by the Ordinance and per the Planned Multi-family standards.
b. Side and rear yards will be provided as required by the Ordinance and per the Planned Multi-family standards.
c. Along the Site's internal parking areas, the Petitioner will provide a sidewalk and cross-walk network that links to the buildings on the Site and to the sidewalks along the abutting public streets. The minimum width for this internal sidewalk will be five (5) feet.

5. Architectural Standards, General Design Guidelines:
a. The building materials used on the principal buildings constructed on Site will be a combination of portions of some of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
b. Preferred Exterior Building Materials: All principal and accessory buildings shall comprise a minimum of 20% of that building's entire façade facing such network street using brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Staff.
c. Prohibited Exterior Building Materials:
i. Vinyl siding (but not vinyl hand rails, windows or door trim).
ii. Concrete Masonry Units not architecturally finished.

d. Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:

e. Building Massing and Height shall be designed to break up long monolithic building forms as follows:
i. Buildings exceeding 135 feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 4 feet and extend up and down along the exterior of the building façade.

f. Architectural Elevation Design - elevations shall be designed to create visual interest as follows:
i. Building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
ii. Buildings shall be designed with a recognizable architectural base on all facades. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural façade features and color changes.

g. Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:
i. Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.
ii. For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls. This standard will not apply to roofs on dormers, balconies, or other minor building elements that may have a pitched roof.
iii. Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.

h. Service Area Screening - service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures.
i. Meter banks will be screened from adjoining properties and from the abutting public streets.

6. Open Space:
a. Improved open space areas will be provided as generally depicted on the Rezoning Plan. The proposed open space amenity areas will be improved with landscaping, seating areas, hardscape elements and shade structures as applicable and appropriate to the proposed amenity area.

7. Environmental Features:
a. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
b. Development within the SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance. Stream Delineation Reports are subject to review and approval by Charlotte Storm Water Services.
c. The Site will comply with the Tree Ordinance.

8. Lighting:
a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.
b. Detached lighting on the Site will be limited to 22 feet in height.

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

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

SEEDWATER ENGINEERING
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Fort Mill, SC 29715
(704) 940-0991
www.seedwatergroup.com
NC Firm License No. C-1622

Revisions			
No.	Name		Date
1.	REVISED PER CITY STAFF COMMENTS		3-15-21

Drawing Information	
SW Project No.	20-015
Drawn By:	
Date	09-21-2020
Checked By:	
Approved By:	

REZONING PETITION 2021-016

Owner/Developer:
HONEYWOOD APARTMENTS
HONEYWOOD AVE
CHARLOTTE, NC 28216

Drawing Title
REZONING PLAN

Drawing No.
RZ-2.0

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 40.**File #:** 15-15591 **Type:** Zoning Hearing

Rezoning Petition: 2021-018 by Poplar Development Partners

Location: Approximately 10.81 acres located in the western quadrant of the intersection of North Poplar Street and West 28th Street, south of Atando Avenue. (Council District 1 - Egleston)

Current Zoning: R-22 MF (CD) (multi-family residential, conditional)
Proposed Zoning: UR-2 (CD) (urban residential, conditional)

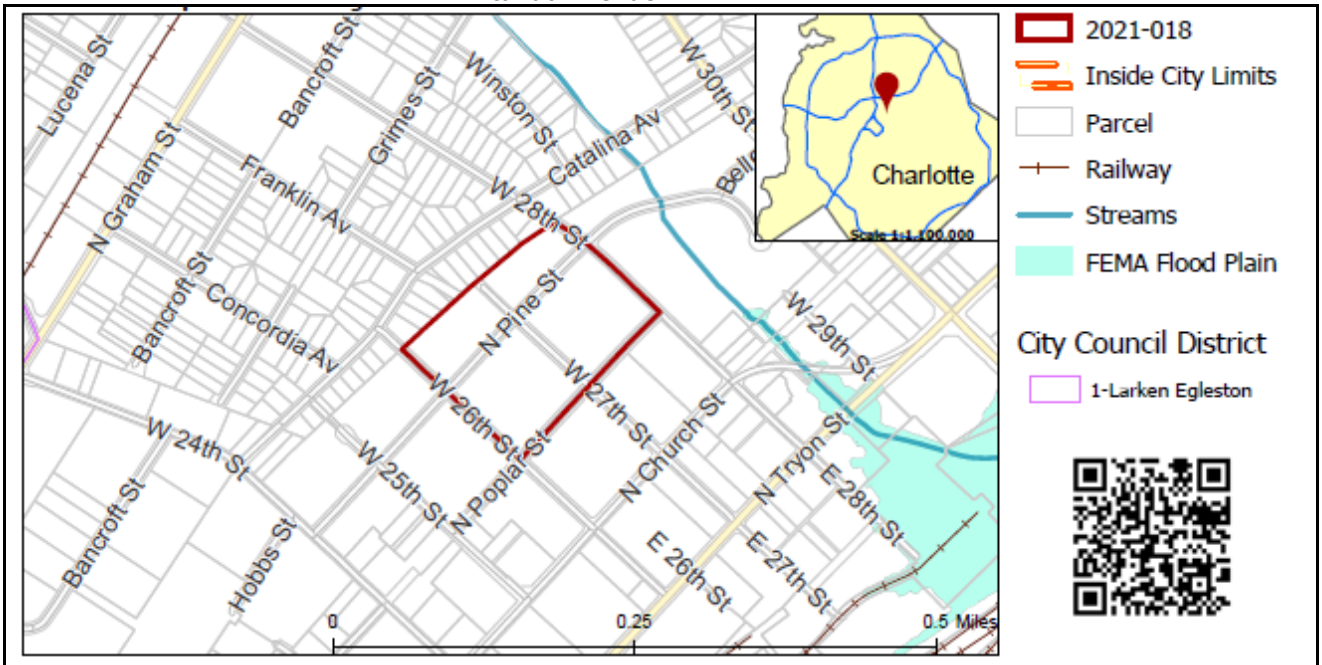
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and site design.

Attachments:
Pre-Hearing Staff Analysis
Site Plan

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-018
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: R-22MF(CD) (multi-family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 10.81 acres located in the western quadrant of the intersection of North Poplar Street and West 28th Street, south of Atando Avenue.



SUMMARY OF PETITION	The petition proposes to develop a vacant site located in the Tryon Hills neighborhood with up to 323 residential dwelling units consisting of single family detached, single family attached, and multi-family residential dwellings, at a density of 29.3 units per acre.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	MREC Vision Northend, LLC Poplar Development Partners Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site design. <u>Plan Consistency</u> The petition is **consistent** with the *North Tryon Area Plan (2010)* recommendation of residential use, but **inconsistent** with the plan's recommended density of up to 22 dwelling units per acre. <u>Rationale for Recommendation</u> • This petition's proposal of multi-family units up to 29.3 dwelling units per acre (DUA) is inconsistent with the area plan's recommendation of up to 22 DUA, but the area plan does mention

that a density increase of up to 30 DUA could be considered with the appropriate transition to existing single family.

- The site plan commits to establishing a 15-foot buffer between the single-family homes at the back of the site along with a 6-foot fence and commits to limiting building height up to 50-feet, per ordinance requirements.
- The petition follows the area plan's recommendation of incorporating sidewalks within the development that connect to public or existing sidewalks by improving and adding 8-foot sidewalks and 8-foot planting strips along all portions of public streets.
- The area plan recommends front porches, balconies, and varying façades on new development. This petition proposes that all first story facades of all buildings along streets shall incorporate columns, awnings, arcades, porches, stoops, windows, doors, or other architectural elements, so as to provide an improved pedestrian experience and to provide visual divisions between the first and second stories if the building is more than one story.

The approval of this petition will revise the adopted future land use as specified by the *North Tryon Area Plan (2010)*, from Residential up to 22 DUA to Residential over 22 DUA for the site.

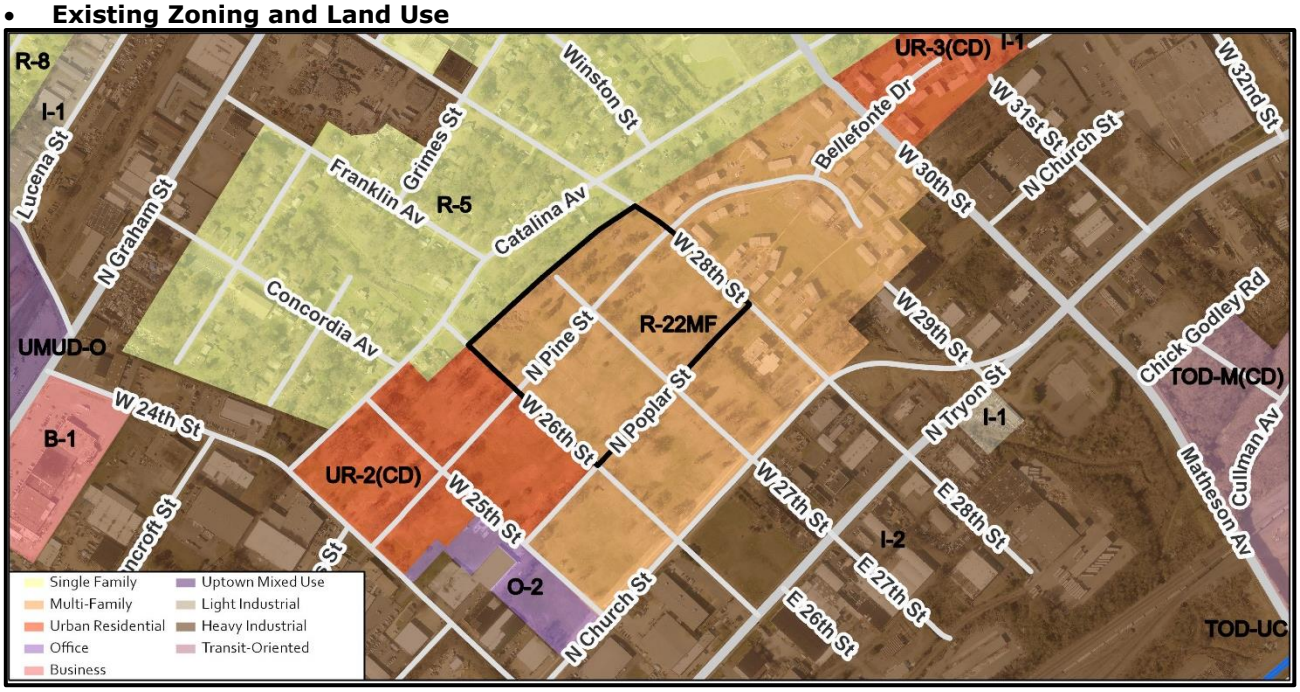
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 323 residential dwelling units.
  - Provides a workforce housing program to ensure that some residential units are reasonably priced for persons earning less than the Area Median Income (AMI). The Petitioner will ensure that no fewer than 16 of the units located on the Site (equal to 5% of the total number of units allowed on the Site), for a period of not less than 15 years, maintain monthly rents that are income restricted for households earning 80% or less as defined by the AMI.
  - Commits to installing an 8-foot planting strip and 8-foot sidewalk along street frontages.
  - Utilizes existing road network to preserve connectivity.
  - Commits to a three-foot high masonry wall to screen surface parking areas over 100-feet in length fronting an existing public street.
  - An improved open space area will be provided within each of the 4 Development areas. Each open space area will be improved with a combination of landscaping including lawn panels, walkways, seating areas, as well as other amenities appropriate to the design of the open space.
  - Architectural Details:
    - Building materials will be a combination of glass, brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, cementitious siding, EIFS, or wood. Vinyl is prohibited as a building material except on windows, soffits and handrails/railings.
    - Garages constructed on the site may not be oriented toward the existing or proposed public street, except when the garage is located behind the principal structure.
    - Proposed buildings will be oriented toward existing public streets to reinforce the streetscape.
    - Ground floor elevations will be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, changes in materials, building step backs, artwork and landscaping. Blank walls cannot be addressed with landscape elements only.
    - Ground floor units facing public streets will have an entrance from the street. Principal entrances of buildings shall be articulated and expressed in greater architectural detail than other building entrances.
    - Windows shall be vertically shaped, with a height greater than their width. Fenestrations may be used in instances of large, feature windows, and square windows may be used as a secondary design element.
    - Windows and doors comprise at least 20% of the total façade along the proposed streets, with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 20-feet in height and 20-feet in length. This requirement may be reduced by 50% when a façade is not visible from a public street,

and, in that case, the maximum contiguous area without windows or doors on any floor shall not exceed be 20-feet in height and 40-feet in length.

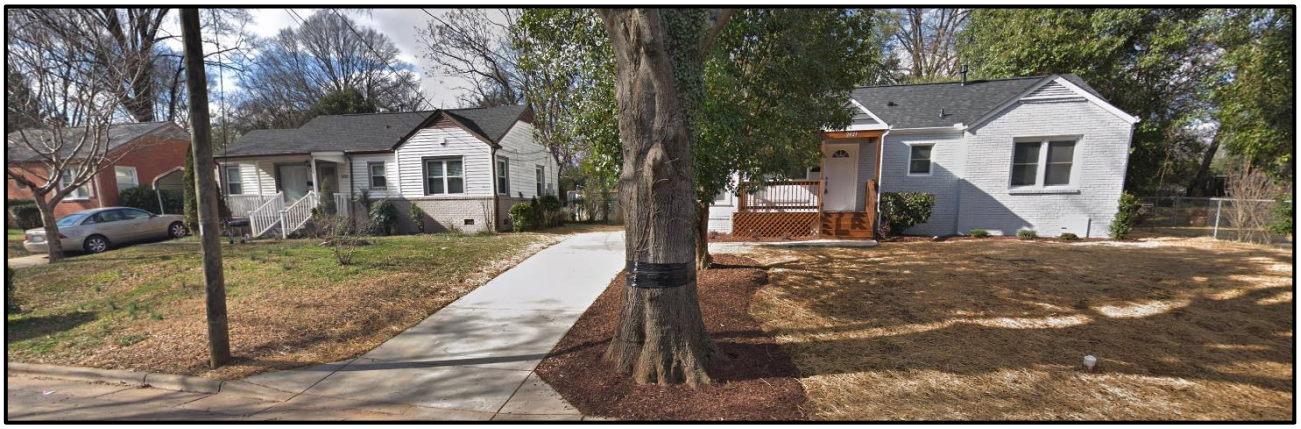
- A minimum 25% of masonry materials shall be incorporated on the first/ground floor of the buildings that front public streets.
- Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of three feet in depth, the combined length of which will constitute at least 20% of the total façade.
- Additional street fronting façade requirements will apply to public streets as detailed in site plan notes.

- **Existing Zoning and Land Use**



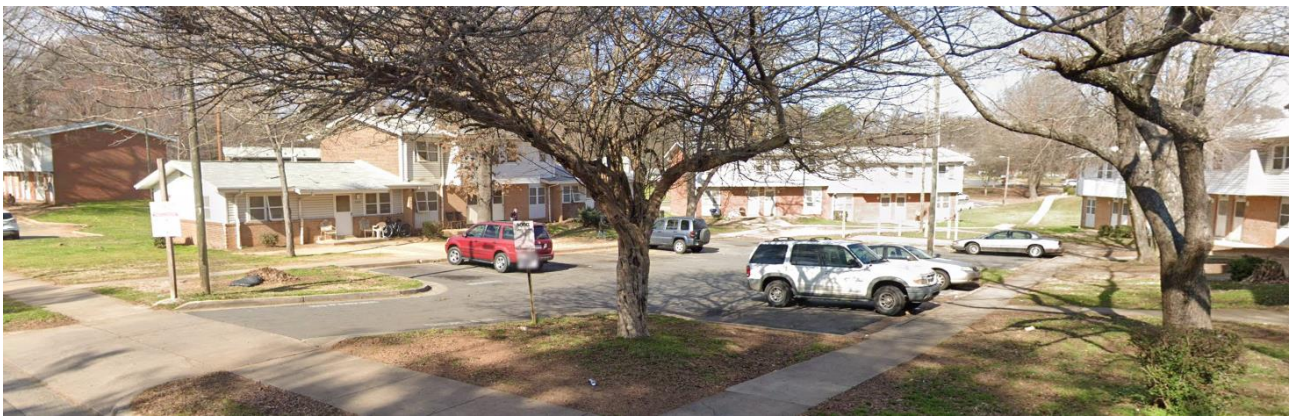
The surrounding land uses include single family homes, multi-family apartments, religious institution, retail, and industrial uses.

The subject property is denoted by a red star.



The property to the north along Catalina Avenue is developed with single family homes.

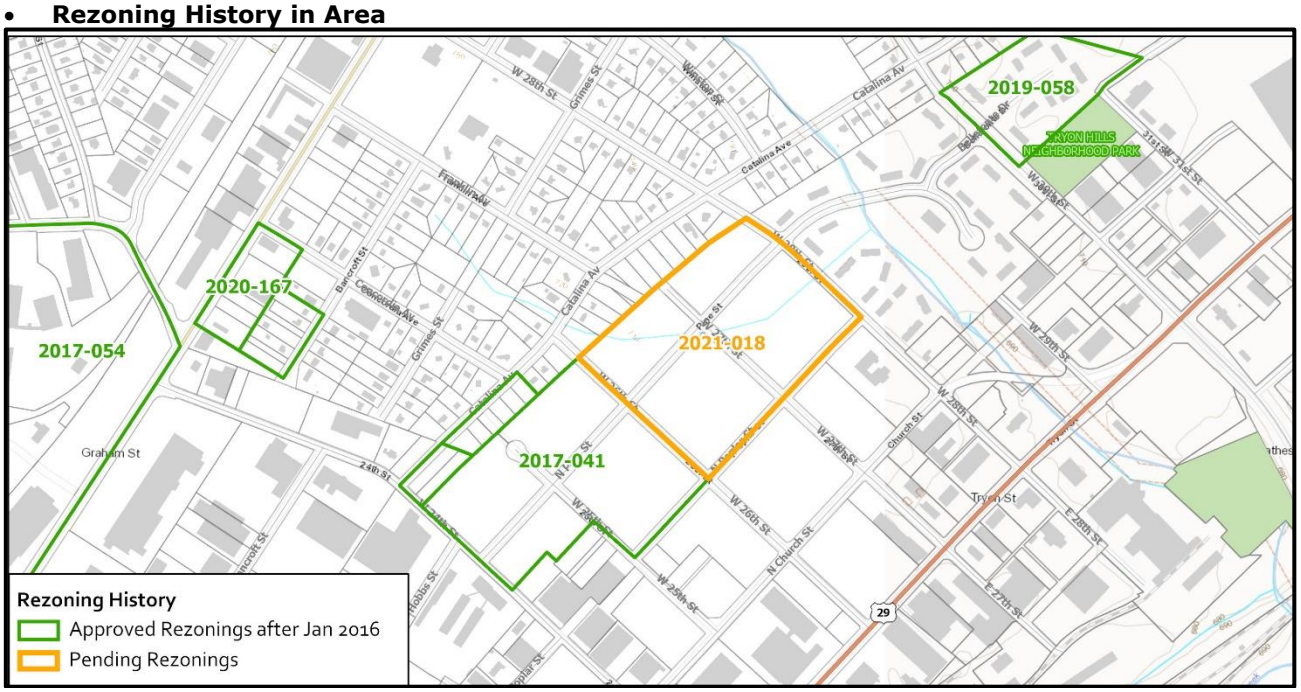
The property to the south along North Poplar Street is vacant land.



The property to the east along West 28th street is developed with multi-family apartments.

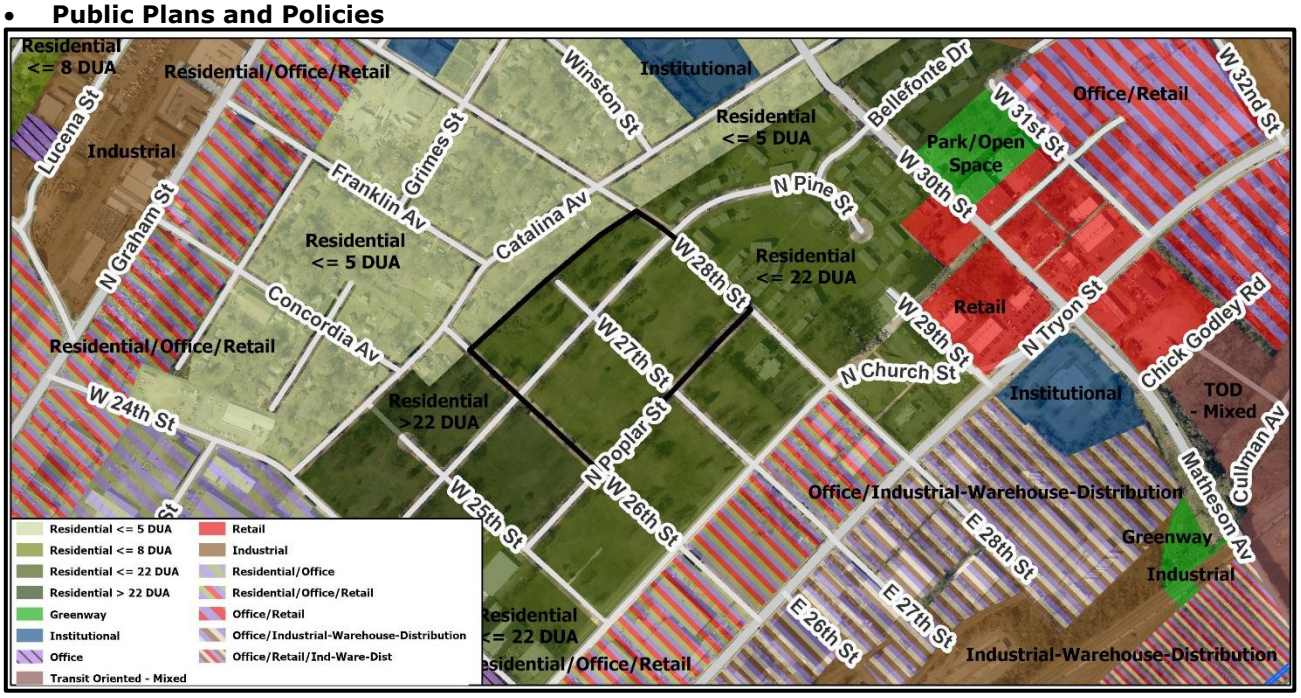
The property to the west along West 26th Street is currently vacant but was recently rezoned for residential.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-041	Rezoned 12.67 acres to allow up to 314 residential units.	Approved
2017-054	Rezoned 72 acres to allow a mix of uses allowed in the UMUD (uptown mixed use) district, including office, retail, eating/drinking entertainment uses, hotels, multi-family residential, and light industrial.	Approved
2019-058	Rezoned 4.27 acres to allow up to 140 multi-family units.	Approved
2020-167	Rezoned 3.08 acres to allow up to 69 townhomes.	Approved

- **Public Plans and Policies**



- The *North Tryon Area Plan (2010)* calls for Residential up to 22 DUA.

- **TRANSPORTATION SUMMARY**
  - The site is located on City-maintained local roads (North Pine Street, North Poplar Street, West 26th, 27th, and 28th Streets). There is already an existing road network within this site that will be largely preserved to serve connectivity goals for the area. The project commits to installing an 8-foot planting strip and 8-foot sidewalk, which supports the Charlotte WALKS policy. Site plan revisions are needed to address outstanding items including, but not limited to including a conditional note to implement recessed on-street parking referenced and clarifying the request to abandon the existing public right-of-way northwest of North Pine Street. Further details are listed below.
- **Active Projects:**
  - None
- **Transportation Considerations**
  - See Outstanding Issues, Notes 1-3.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 0 trips per day (based on vacant land).

  Entitlement: 1,290 trips per day (based on 237 apartments).

  Proposed Zoning: 1,760 trips per day (based on 323 apartments).

DEPARTMENT COMMENTS (see full department reports online)

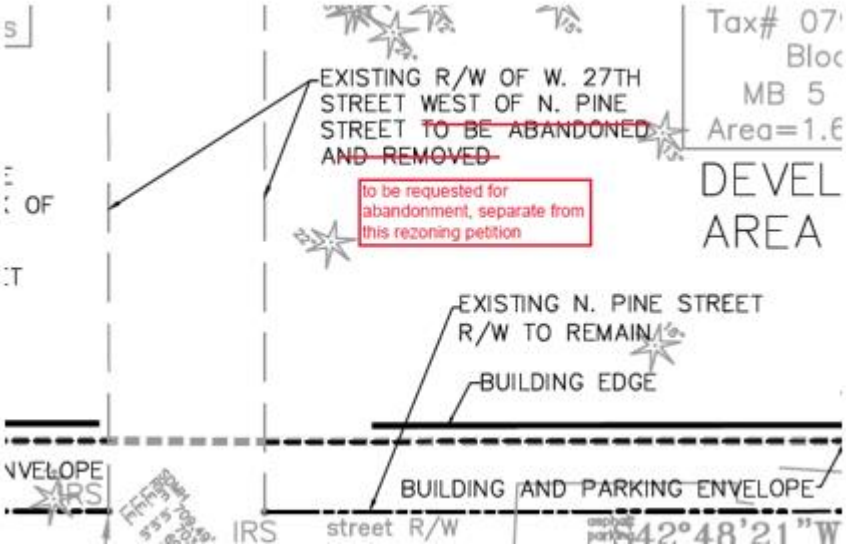
- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 43 students, while the development allowed under the proposed zoning may produce 59 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 16 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Highland Renaissance Elementary from 74% to 79%
    - Martin Luther King, Jr. Middle from 94% to 96%
    - Garinger High from 117% to 119%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along North Pine Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along North Pine Street. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. Add a conditional note that recessed on-street parking will be provided along all street frontages in accordance with CLDSM.
2. On sheets RZ-1 and RZ-2, remove call-out to abandon and remove W. 27th Street. Also, remove the site conditional note 3. Access, Buffers, Screening, Open Space and Pedestrian Circulation.

Note I. The abandonment of W. 27th Street is not consistent with the USDG Standards.



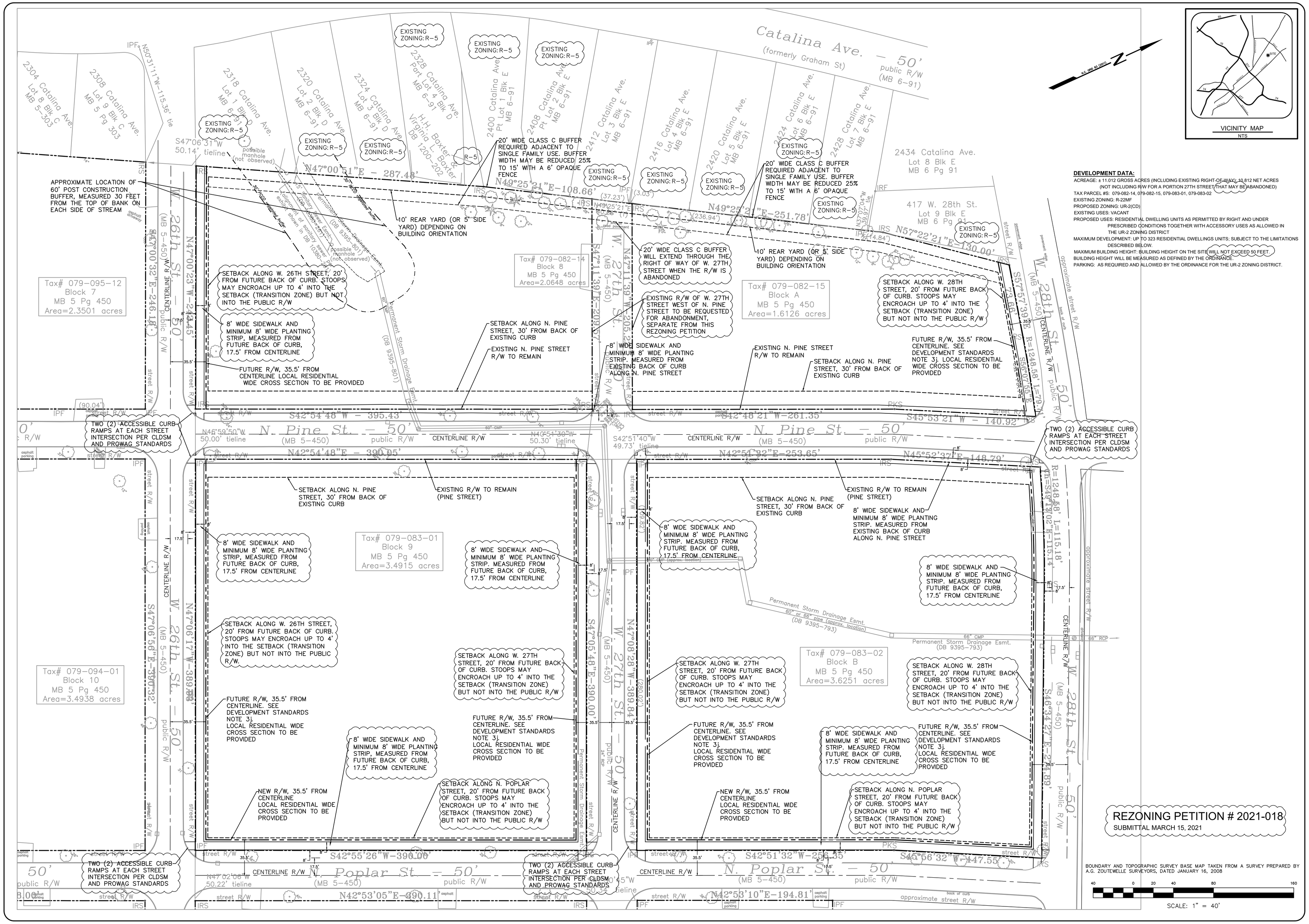
3. Remove note 3.K. This is covered in the site plan call-out and is a separate process from the rezoning.

<u>Site Design</u>

4. Clarify site plan note 3b. that the 3-foot wall is in addition to parking lot screening per section 12.303.
5. Clarify site plan note 2i. to state how frequently the modulation will occur.

See Attachments (applications, department memos, maps etc.) Online at <u>www.rezoning.org</u>

Planner: Michael Russell (704) 353-0225



DEVELOPMENT DATA:

ACREAGE: ± 11.012 GROSS ACRES (INCLUDING EXISTING RIGHT-OF-WAY), 10.812 NET ACRES (NOT INCLUDING R/W FOR A PORTION 27TH STREET THAT MAY BE ABANDONED)

TAX PARCEL #S: 079-082-14, 079-082-15, 079-083-01, 079-083-02

EXISTING ZONING: R-22MF

PROPOSED ZONING: UR-2(CD)

EXISTING USES: VACANT

PROPOSED USES: RESIDENTIAL DWELLING UNITS AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE UR-2 ZONING DISTRICT

MAXIMUM DEVELOPMENT: UP TO 323 RESIDENTIAL DWELLINGS UNITS; SUBJECT TO THE LIMITATIONS DESCRIBED BELOW.

MAXIMUM BUILDING HEIGHT: BUILDING HEIGHT ON THE SITE WILL NOT EXCEED 50 FEET.

BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

PARKING: AS REQUIRED AND ALLOWED BY THE ORDINANCE FOR THE UR-2 ZONING DISTRICT.

GEOSCIENCE GROUP
500-K Clanton Road
Charlotte, NC 28217
(704) 525-2323
NC FIRM LICENSE: C-0595(GG)
NC FIRM LICENSE: C-279(LA)

DATE	REV.

DRAWING SCALE: 1" = 40'
PROJECT DATE: 3-15-2021
PROJECT NUMBER: 2021-0018
TASK: PRIVATE
SHT DATE:
FILE NAME:
PROJECT MANAGER: KMc
DESIGNED BY: KMc
APPROVED BY: KMc

NORTH POPLAR MULTI–FAMILY

NORTH POPLAR DEVELOPMENT PARTNERS LLC

TECHNICAL DATA SHEET

REZONING PETITION # 2021-018

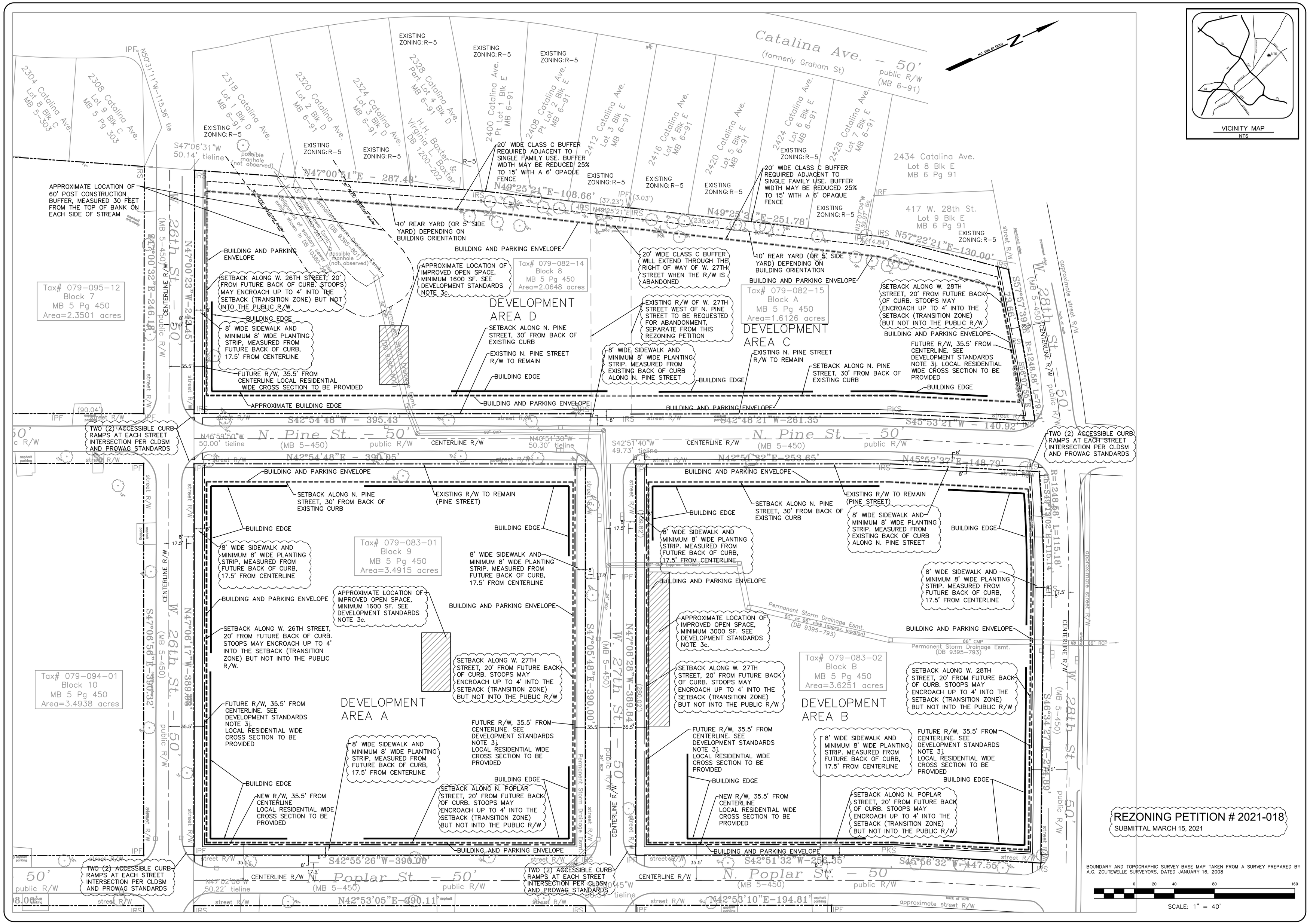
SUBMITTAL MARCH 15, 2021

BOUNDARY AND TOPOGRAPHIC SURVEY BASE MAP TAKEN FROM A SURVEY PREPARED BY A.G. ZOUTEWELLE SURVEYORS, DATED JANUARY 16, 2008

40 0 20 40 80 160

SCALE: 1" = 40'

RZ–1



DATE	REV.	

DRAWING SCALE: 1" = 40'
PROJECT DATE: FEBRUARY 22, 2021
PROJECT MANAGER: KMc
DESIGNED BY: KMc
APPROVED BY: KMc
TASK: PHASE:
FILE NAME: SDIT DATE:

GEOSCIENCE GROUP
ENVIRONMENTAL ENGINEERING
500-K Clanton Road
Charlotte, NC 28217
(704) 525-1203
NC FIRM LICENSE:C-0595(ENG)
NC FIRM LICENSE:C-279(LA)

NORTH POPLAR MULTI-FAMILY

NORTH POPLAR DEVELOPMENT PARTNERS LLC

SCHEMATIC SITE PLAN

RZ-2

North Poplar Development Partners
Development Standards
03/15/2021
Rezoning Petition No. 2021-018

Site Development Data:

--**Acreage:** ± 11.012 gross acres (including existing right-of-way); 10.812 net acres (not including r/w for a portion 27th Street that may be abandoned)
--**Tax Parcel #s:** 079-082-14, 079-082-15, 079-083-01, 079-083-02
--**Existing Zoning:** R-22MF
--**Proposed Zoning:** UR-2(CD)
--**Existing Uses:** Vacant
--**Proposed Uses:** Residential Dwelling units as permitted by right and under prescribed conditions together with accessory uses as allowed in the UR-2 zoning district (as more specifically described and restricted below in Section 3).
--**Maximum Development:** Up to 323 residential dwellings units, subject to the limitations described below.
--**Maximum Building Height:** Building height on the Site will not exceed 50 feet. Building height will be measured as defined by the Ordinance.
--**Parking:** As required and allowed by the Ordinance for the UR-2 zoning district.

1. General Provisions:

a. **Site Location**. These Development Standards, the Technical Data Sheet and Schematic Site Plan, and related graphics form the Rezoning Plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by North Poplar Development Partners ("Petitioner") to accommodate development of a residential community on an approximately 10.812 acre site generally bounded by W. 26th and W. 28th and located on the west side of N. Poplar Street and both sides of N. Pine (the "Site").

b. **Zoning Districts/Ordinance**. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the UR-2 zoning classification shall govern all development taking place on the Site.

c. **Graphics and Alterations**. The general depictions of sidewalks, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.
Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

i. minor and don't materially change the overall design intent depicted on 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.

2. Permitted Uses, Development Area Limitations:
a. The Site may be developed with up to 323 residential dwellings units together with accessory uses allowed in the UR-2 zoning district as generally depicted on the Rezoning Plan.

b. Workforce Housing: The Petitioner shall voluntarily provide a workforce housing program to ensure that some residential units are reasonably priced for persons earning less than the Area Median Income (AMI). The Petitioner shall ensure that no fewer than 16 of the units located on the Site (equal to 5% of the total number of units allowed on the Site), for a period of not less than 15 years, maintain monthly rents that are income restricted for households earning 80% or less as defined by the AMI.

3. Access, Buffers, Screening, Open Space and Pedestrian Circulation.

a. Access to the Site will be from W. 26th Street, W. 27th Street, W. 28th Street, N. Pine, and N Poplar Street. The number and location of access points will be determined during the land development approval process.

b. Surface parking areas over 100 feet in length with frontage on an existing public street will be screened by a low (3.0) foot masonry wall.

c. An improved open space area will be provided within each Development area as generally depicted on the Rezoning Plan. Each open space area will be improved with a combination of landscaping including lawn panels, walkways, seating areas, as well as other amenities appropriate to the design of the open space. The minimum size of each open space area is indicated on the Rezoning Plan.

d. All portions of the existing public streets that abut the Site will be improved with eight (8) foot sidewalks, and a minimum of eight (8) foot planting strips. Two accessible ramps will be provided at each accessible street crossing across each road adjacent to the Site. Accessible ramps will meet CLDSM standards and Public Right-of-way Accessible Guidelines (PROWAG).

e. The Petitioner will work with the City Arborist and the Urban Forestry staff to determine the health of the existing street trees on the Site during the land development approval process.

f. The portions of the following streets that abut the Site or both sides of the street if wholly located within the Site will be improved to a residential wide Street cross-section where possible) W. 26th Street, W. 27th Street, W, 28th St and N. Poplar Street.

g. The existing street cross-section for N. Pine Street will not be improved in order to match the cross-section of N. Pine that was developed on the abutting parcel to the south of the Site.

h. On-street parking will not be allowed on streets with less than 26 feet clear width.

i. The Petitioner will construct required roadway improvements and provide any required sidewalk and utility easements needed for these improvements prior to the issuance of the first certificate of occupancy, subject to the Petitioner's ability to request that CDOT allow a bond to be post for any roadway improvements not finalized at the time of the issuance of the certificate of occupancy, as allowed by City regulations.

j. The Petitioner will dedicate via fee simple conveyance any required right-of-way as indicated on the Rezoning Plan as right-of-way to be dedicated, the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

k. The Petitioner will be seeking to abandon the portion of W. 27th Street located between N. Pine Street and the western property boundary as generally depicted on the Rezoning Plan.

4. Architectural Standards and Parking Location Restrictions:

a. The principal buildings used for multi-family residential uses constructed on the Site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities, if any) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), EIFS or wood. Aluminum siding exposed standard concrete masonry unit (CMU) block, corrugated steel, prefabricated metal, exposed plywood, and exposed pressboard are prohibited, except when used as a decorative feature or accent. Vinyl as a building material will not be allowed except on windows, soffits and on handrails/railings.

b. A minimum of a 20-foot setback as measured from the future back of curb will be provided along each side of the following existing public streets W. 26th Street, W. 27th Street, W. 28th, N. Pine Street and N. Poplar Street. The last four (4) feet of the proposed 20-foot setback will be a transition zone in which stairs and stair rails, stoops, one-story open-air porches, and other architectural features will be allowed as long as they do not extend into the right-of-way.

c. "Building Edges/Build-to-Lines" have been provided along the existing public streets as generally depicted on the Technical Data Sheet. The buildings constructed on the Site must adhere to the Building Edges/Build-to-Lines generally depicted on the Technical Data Sheet (plaza/outdoor dining areas will be considered part of the buildings for the purposes of compliance with this provision). Parking areas may be located between buildings and to the rear of the proposed buildings but not between the buildings and the Building Edges/Build-to-Lines.

g. **General Site Considerations**

i. The proposed buildings will be oriented toward the existing Public Streets to reinforce the streetscape.
ii. Orient buildings in a way to enclose and define public space, open space and green space.
iii. Building features such as porches, patios, stoops, front walkways and centralized doorways or breezeways shall front the public streets, except where ends of buildings front these streets. When the ends of buildings front streets, walkways will be provided to clearly connect the building entrances with the street network.
iv. Architectural treatment shall continue all sides of a building except as specifically noted otherwise.
v. Ground floor elevations shall be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building step backs, artwork and landscaping. Blank walls shall not exceed 20 feet in any direction and cannot be addressed with landscape elements only.
vi. All building entrances will be connected to the street network subject to grade and ADA standards (private patios will not be considered a building entrance).

g. **Facade Composition**

h. The Principal Entrance of a building shall be articulated and expressed in greater architectural detail than other building entrances. Ground floor units facing the public streets will have an entrance that is designed as a main entrance from the street.
ii. Windows shall be vertically shaped with a height greater than their width. However, in instances of large, feature windows, fenestrations may be used to provide a similar vertical appearance. Square windows may be used as a secondary design element.

1. Facades shall incorporate windows and doors as follows:

i. Windows and doors shall be provided for at least 20% of the total Facade area along the proposed streets, with each floor calculated independently. The maximum contiguous area without windows or doors on any floor facing a public street shall not exceed 20 feet in height and 20 feet in length in any direction. Changes in materials and other treatments may be used to break up walls where windows are not possible due to building layout (e.g. stairwells and/or mechanical/utility rooms).
ii. The above requirement for windows and doors may be reduced by 50% where a Facade is not visible from a public street and the maximum contiguous area without windows or doors on any floor may be increased to 20 feet in height and 40 feet in length.
iii. The Facades of first/ground floor of the buildings along the public streets shall incorporate a minimum of 25% masonry materials such as brick, stucco or stone.

During the land development approval process for the Site the design team will provide the necessary calculations demonstrating compliance with the standards indicated above.

2. Façade articulation:

i. Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of three feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total Facade length for Facades over 75 feet in length. Patios and balconies are acceptable projections.

3. Additional Street Fronting Facade requirements on Public Streets:

i. Street fronting Facades and End fronting Facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets.
ii. On corner lots, the architectural treatment of a building's intersecting Street Fronting Facades shall be substantially similar, except that said building may emphasize the corner location by incorporating additional height at the corner, varying the roof form at the corner, or providing other architectural embellishments at the corner.
iii. First Story Facades of all buildings along streets shall incorporate columns, awnings, arcades, porches, stoops, windows, doors, or other architectural elements.
iv. Facades shall provide visual divisions between the first and second stories, when the building height is more than two stories, through architectural means such as courses, awnings, or a change in primary façade materials or colors.
v. Facades above the first Story shall incorporate windows, arches, balconies, or other architectural details.
vi. No more than four different materials, textures, colors, or combinations thereof may be used on a single building. This requirement shall not include materials used on windows, doors, porches, balconies, foundations, awnings or architectural details.
vii. Materials may be combined horizontally or vertically, with the heavier below the lighter when horizontal.
viii. Exterior materials of buildings along the Public Streets shall be limited to brick, stone, pre-cast concrete, wood, stucco, cementitious siding, glass, manufactured stone or granite.
ix. Accessory Structures shall be consistent with the Principal Building in material, texture, and color.

(a) Foundations, where provided, shall be constructed as a distinct building element that contrasts with Facade materials. Exposed above-ground foundations shall be coated or faced in cement, stucco, brick, manufactured stone, or natural stone to contrast with facade materials.

i. **Roofs**

i. Pitched or flat roofs are acceptable. The pitch of the building's primary roof shall have a minimum slope of 4:12. Flat roofs shall be screened from the view of Public Streets by a parapet.
ii. Accessory features on a roof shall be screened from the view of the Public Streets by a parapet or other architectural feature.
iii. Permitted sloped roof materials are asphalt shingles, composition shingles, wood shingles, tin, standing seam metal, and wood shakes.
iv. Vents, stacks, and roof fans are to be painted to blend with the roof color and hidden from Public Street view to the greatest extent possible.

j. **Additional Design Standards**

i. If garages are constructed on the Site they may not be oriented toward the existing or proposed public streets, except when the garage is located behind the principal structure.

5. Environmental Features:

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems if depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

b. Development within any SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigation if required by City Ordinance. Petitioner acknowledges intermittent/perennial stream delineation reports are subject to review and approval upon submission of development plans for permitting and are not approved with rezoning decisions.

c. The Site will comply with the Tree Ordinance. Trees located in the City of Charlotte public street right-of-way are protected by the Tree Ordinance; Landscape Management must be contacted before any disturbance or removal of trees in the public street right-of-way occurs. Removal of trees located in the righ-of-way will require permits and mitigation prior to removal.

6. Lighting:

a. Detached lighting on the Site, except streetlights located along public streets, will be limited to 21 feet in height.

7. Solid Waste Areas:

a. Locations for solid waste containers including recycling containers will be provided as required by the Ordinance.

8. Amendments to the Rezoning Plan:

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

9. 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 and their respective heirs, devisees, personal representatives, successors in interest or assigns.

REZONING PETITION # 2021-018
SUBMITTAL MARCH 15, 2021

REV.	DATE

DRAWING SCALE: N/A
PROJECT DATE: 3-15-21
PROJECT NUMBER:
TASK: PHASE:
SCOT DATE:

PROJECT MANAGER: KMc
DESIGNED BY: KMc
REVIEWED BY: KMc
APPROVED BY: KMc
FILE NAME:

GEOSCIENCE GROUP
ENGINEERING
500-K Clanton Road
Charlotte, NC 28217
(704) 525-2003
NC FIRM LICENSE:C-0595(ENG)
NC FIRM LICENSE:C-279(LA)

NORTH POPLAR MULTI-FAMILY

NORTH POPLAR DEVELOPMENT PARTNERS LLC

DEVELOPMENT STANDARDS

RZ-3

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 41.**File #:** 15-15592 **Type:** Zoning Hearing

Rezoning Petition: 2021-019 by Fifth Third Bank

Location: Approximately 0.976 acre located on the north side of Woodlawn Road, east of Tryon Street, and west of South boulevard. (Council District 3 - Watlington)

Current Zoning: TOD-CC (transit-oriented development-community center)
Proposed Zoning: TOD-TR (transit-oriented development-transitional)

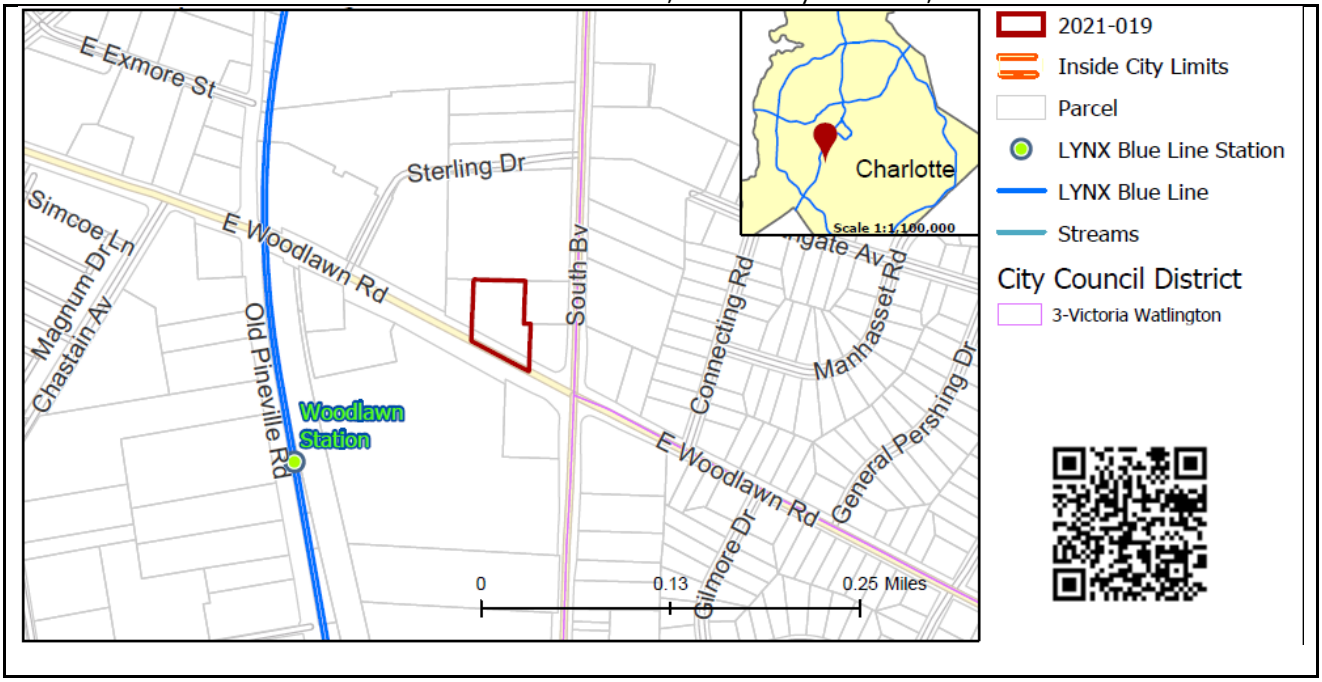
Staff Recommendation:
Staff does not recommend approval of this petition.

Attachments:
Pre-Hearing Staff Analysis

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-019
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: TOD-CC (transit-oriented development-community center) Proposed Zoning: TOD-TR (transit-oriented development-transitional)
LOCATION	Approximately 0.976 acres located on the north side of East Woodlawn Road, east of Tryon Street, and west of South Boulevard.



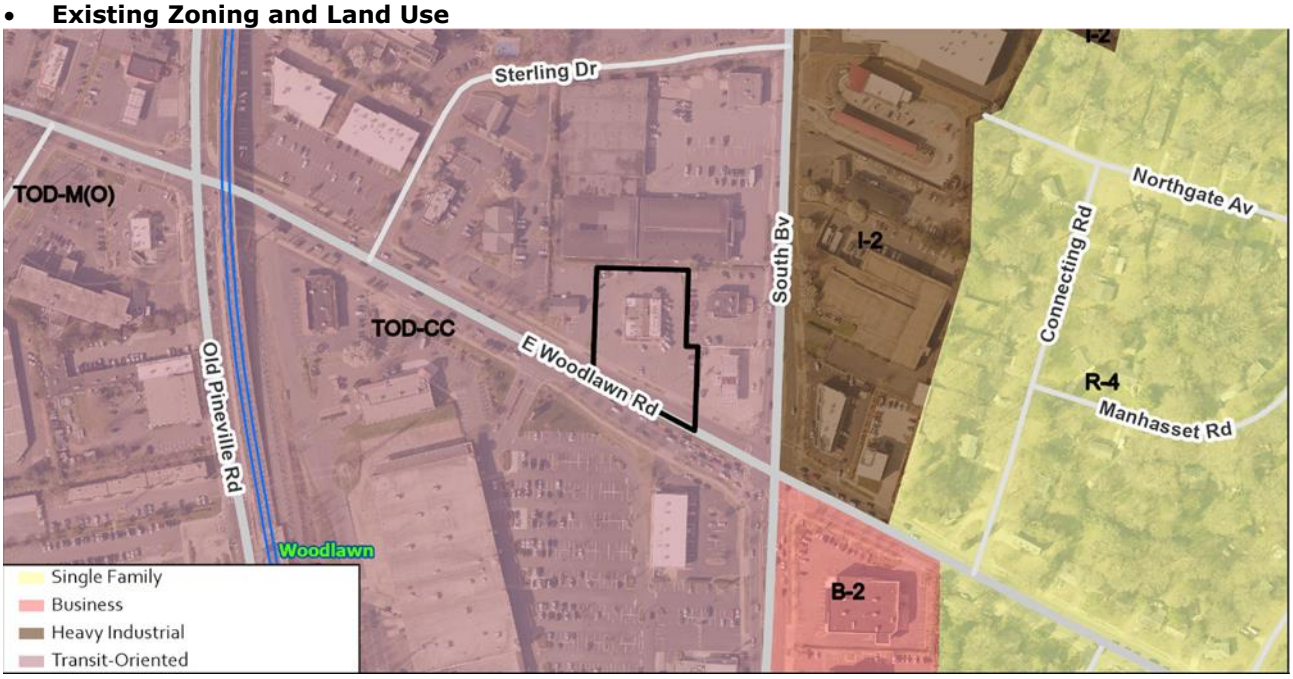
SUMMARY OF PETITION	The petition proposes to allow all uses in the TOD-TR district for a site developed with an EDEE located near the northwest intersection of East Woodlawn Road and South Boulevard.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	R &M Properties Charlotte Fifth Third Bank Jill Bryan
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **consistent** with the *Woodlawn Transit Station Area Plan* recommendation for transit-oriented development. <u>Rationale for Recommendation</u> • This site is within a 1/2-mile walk of Woodlawn Station on the LYNX Blue Line and generally consistent with the long-term vision of the plan to provide a mix of transit supportive, non-auto oriented uses within walking distance of the transit station. • The current TOD-CC zoning applies commitments to create the desired form and intensity of non-auto-oriented, transit supportive development including architectural building design standards, pedestrian infrastructure, and open space amenities.

- Application of TOD-TR is not appropriate at the location proposed. TOD-TR zoning is intended to provide a transition from higher intensity TOD districts to adjacent existing neighborhoods or allow for rehabilitation of buildings to preserve existing character.
- The rezoning site is surrounded by retail uses. Use of TOD-TR does not meet the intent and goals of the transit station area plan and new TOD standards.
- TOD-TR is intended in transitional areas where TOD development is not as intense or the market isn't fully developed for TOD yet. This rezoning is in a prime TOD-CC area in close proximity to the Woodlawn Station.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
- **Existing Zoning and Land Use**



The rezoning site is immediately surrounded by retail and office/warehouse uses on parcels zoned TOD-CC, TOD-M(O), B-2, and I-2. Single family neighborhoods are located further east across South Boulevard.

The site is currently developed with an EDEE (eating drinking entertainment establishment).

The site is immediately surrounded by retail uses.

The rezoning site is within ½ mile of the Woodlawn Station.

- **Rezoning History in Area**

Petition Number	Summary of Petition	Status
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2017-195	Rezoned 19.78 acres from I-2 to TOD-M(O).	Approved
2018-169	Text amendment to modify TOD requirements.	Approved

- **Public Plans and Policies**

  - The *Woodlawn Transit Station Area Plan* (2008) recommends transit oriented – mixed for the subject parcel.

- **TRANSPORTATION SUMMARY**
  - The site is located near the northwest corner of the South Boulevard and Woodlawn Road, City-maintained and State-maintained major thoroughfares. This site is requesting a TOD-TR zoning and will be subject to transportation improvements in accordance with the TOD Ordinance and the adopted CDOT Streets Map. CDOT will work with the petitioner during the permitting process to pursue all options to provide additional forms of connectivity that reflect the types of development associated in the TOD-zoned areas.
  - A Traffic Impact Study (TIS) is not necessary for the complete review of this petition due to the site generating less than 2,500 daily trips. If during the permitting process the site generates more than 2,500 daily trips, then a traffic study will be required.
- **Active Projects:**
  - N/A
- **Transportation Considerations**
  - No outstanding issues. See advisory comments at www.rezoning.org.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 605 trips per day (based on 5,396 square foot restaurant)

  Entitlement: N/A (based on TOD-CC too many uses to determine)

  Proposed Zoning: N/A (based on TOD-TR too many uses to determine).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** In an effort to increase the supply of Affordable Housing units in the City of Charlotte, developers are encouraged to assist in providing homes at diverse price points to meet increased housing demand.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** No comments submitted.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.

- **Urban Forestry:** No outstanding issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

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

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 42.**File #:** 15-15593 **Type:** Zoning Hearing

Rezoning Petition: 2021-023 by Carolina Properties

Location: Approximately 4.81 acres at the intersection of Marvin Road and Old Ardrey Kell Road, on the eastern side of Johnston Road. (Council District 7 - Driggs)

Current Zoning: R-3 (single-family residential)
Proposed Zoning: UR-2 (CD) (urban residential, conditional)

Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues and technical revisions related to site and building design and environment.

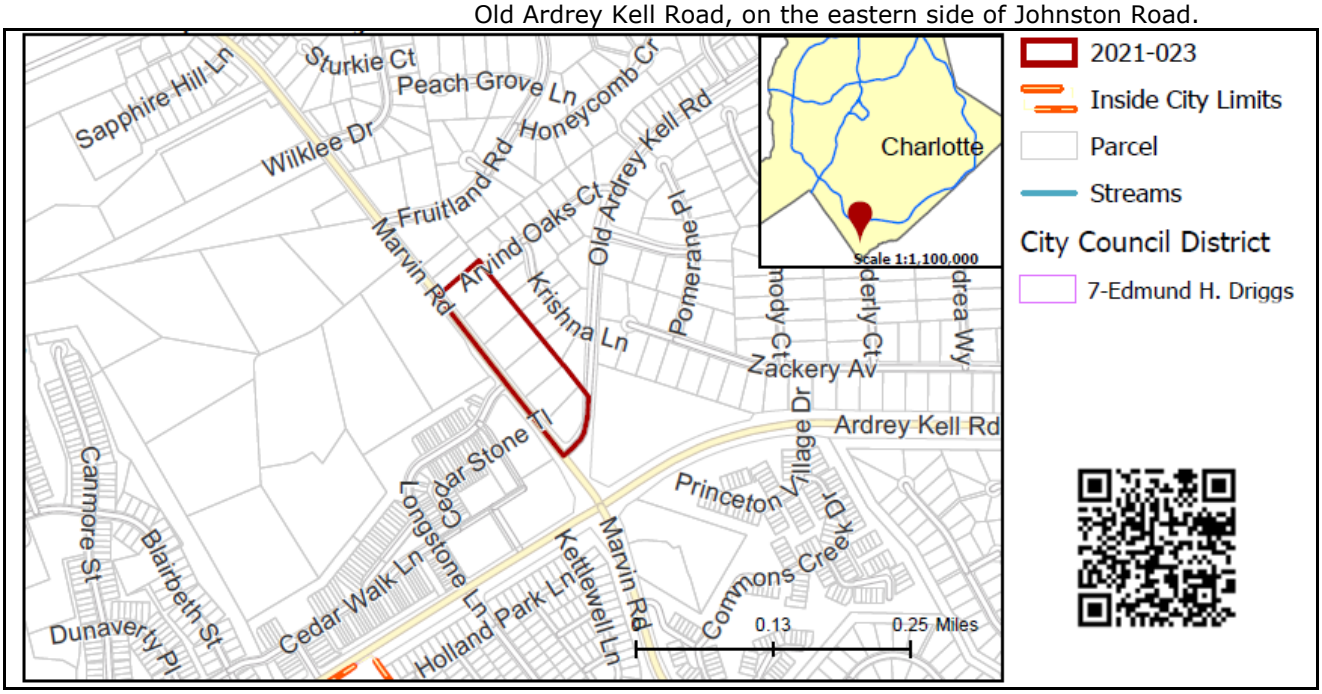
Attachments:
Pre-Hearing Staff Analysis
Site Plan

powered by Legistar™

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-023
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 4.81 acres at the intersection of Marvin Road and Old Ardrey Kell Road, on the eastern side of Johnston Road.



SUMMARY OF PETITION	The petition proposes redevelopment of 6 single family homes for a single family attached development with up 42 units at a density of 8.7 units per acre.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Bene Properties, LLC & Carolina Properties, LLC Carolina Properties John Carmichael, Robinson Bradshaw
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 16.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues and technical revisions related to site and building design and environment.

Plan Consistency

The petition is **inconsistent** with the *South District Plan* recommendation for single family use at 3 units per acre. However, the *General Development Policies* support the density requested of less than or equal to 12 DUA.

Rationale for Recommendation

- The *General Development Policies* would support up to 17 units per acre on this site. However, the petition proposed single family attached use with density limited to 8.7 units per acre.
- The development provides a transitional land use for subdivisions on Old Ardrey Kell Rd to Marvin Road and the commercial node.

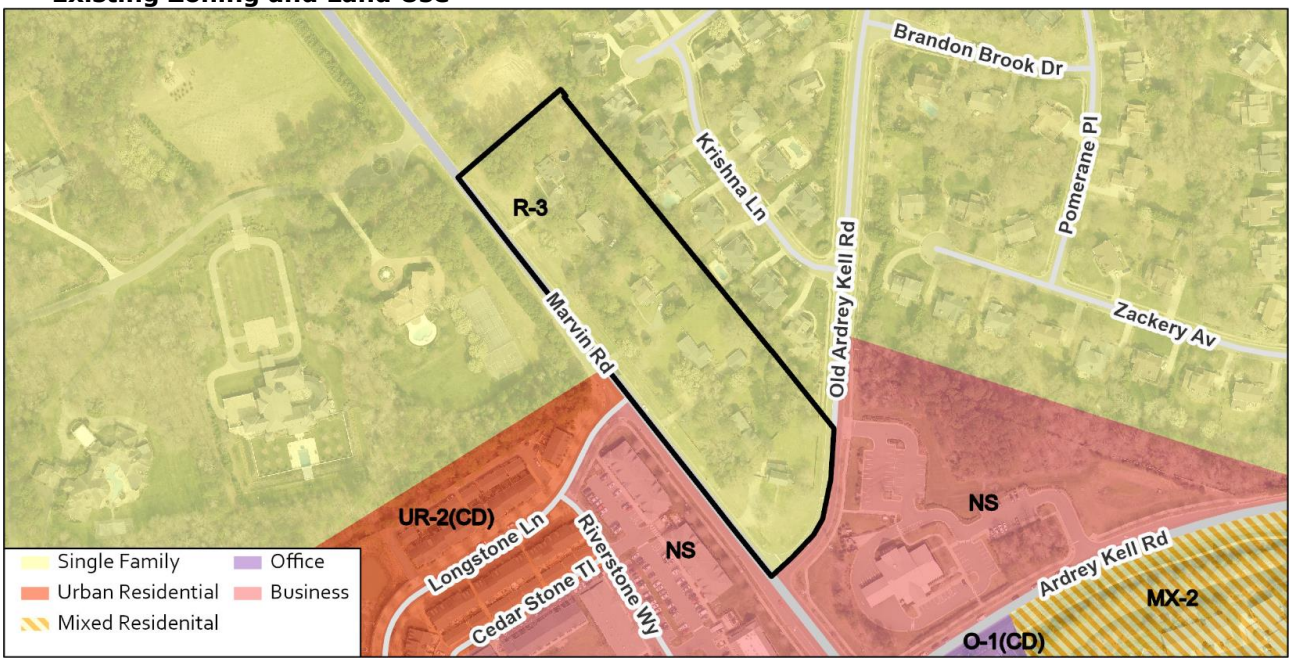
- The site plan provides a minimum 30 foot wide tree save and landscape area along the rear and side of the site abutting single family homes.
- Limits the height of units nearest to single family homes to 39 feet, same as the base height in R-3 zoning and limits the height of all other units to 48 feet.
- Provides architectural design standards and conceptual renderings that ensure buildings are developed with residential character.
- The site is on a minor thoroughfare, in an area with a mix of uses including detached residential, attached residential, office and financial institution uses across Marvin Road and around the intersection of Marvin Road and Ardrey Kell Road.

The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from single family residential <=3 units per acre to residential <= 12 units per acre.

PLANNING STAFF REVIEW

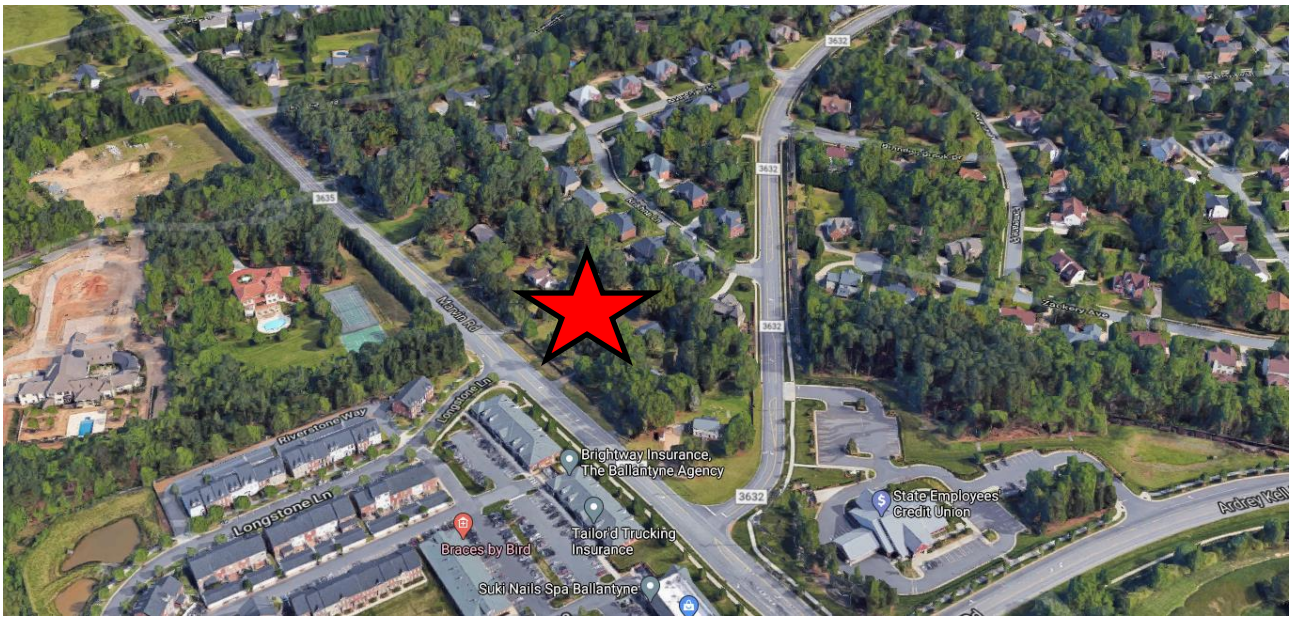
- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows 42 single family attached dwellings.
  - Access via private alley connecting to Old Ardrey Kell Road and Marvin Road.
  - Pedestrian walkways throughout the site.
  - Installs a southbound left turn lane at the site's northern driveway on Marvin Road and restricts the entrance on Old Ardrey Kell Road to right-in/right out.
  - Provides a minimum of 7 visitor parking spaces.
  - Limits the heights of 4 buildings at the northeast corner of the site, nearest to single family homes, to 39 feet. All other units are limited to 48 feet.
  - Provides conceptual renderings and building design standards related to raised entrances and allowed building materials.
  - Provides a minimum 30 foot wide tree save and landscape area along the northern and eastern property lines planted to a Class C standard.
  - Provides areas of shared improved open space.

- **Existing Zoning and Land Use**



There is a mix of uses including detached residential, attached residential, office and financial institution uses in the area, across Marvin Road and around the intersection of Marvin Road and Ardrey Kell Road.

The site (indicated by red star below) is developed with 6 single family detached homes.



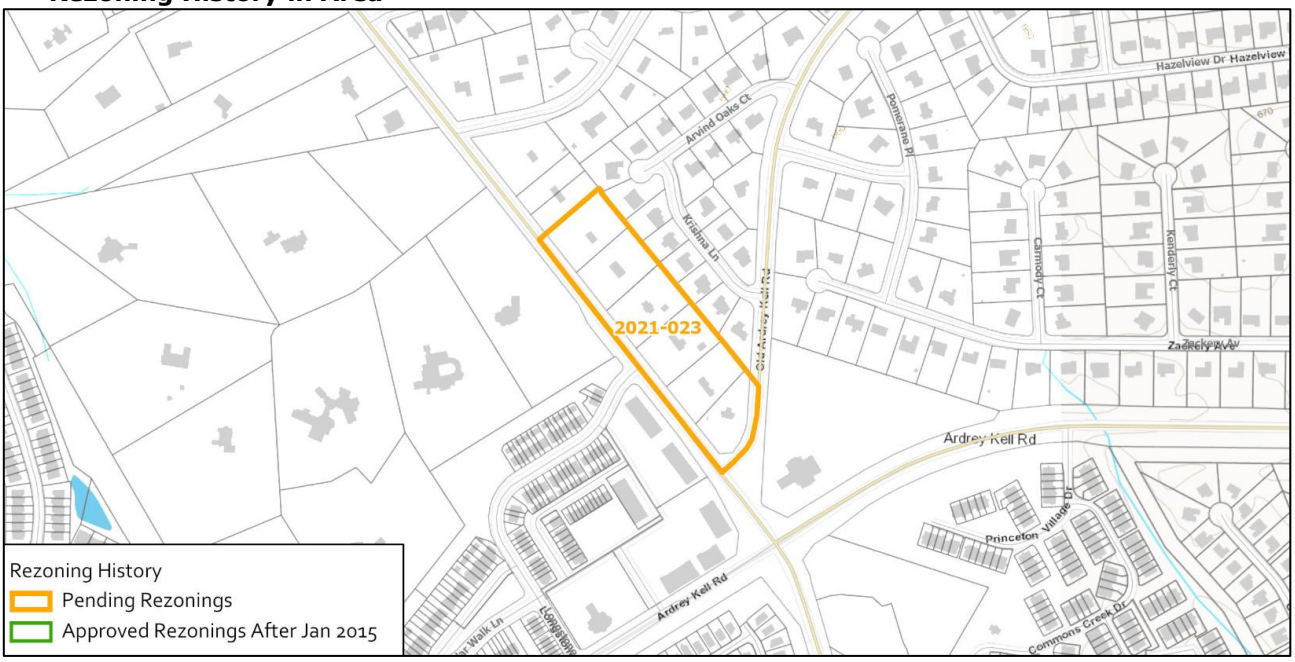
North of the site, on the east side of Marvin Road, are single family homes.

East of the site, along Krishna Lane, are single family homes.

South of the site, across Old Ardrey Kell Road, is a financial institution.

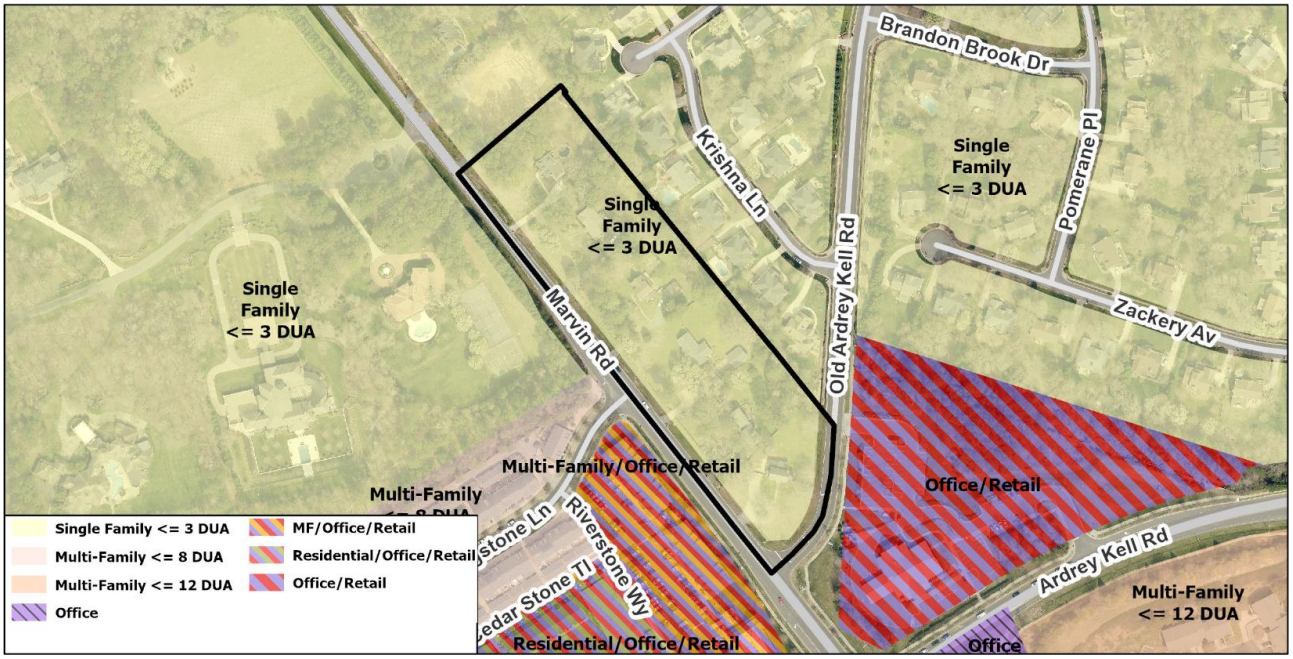
West of the site, across Marvin Road, there are office and personal service uses within the Cedar Walk development.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
NA	No recent rezonings in the immediate area.	NA

- **Public Plans and Policies**



- The *South District Plan* (1993) recommends single family residential use up to 3 DUA.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for the density requested as illustrated in the table below. The petitioner is requesting 8.7 units per acre.

Assessment Criteria	**Density Category – up to 12 DUA**
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	4
Connectivity Analysis	2
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	**Total Points: 13**

- **TRANSPORTATION SUMMARY**
- The site is located on a State-maintained Minor Thoroughfare road (Marvin Road) and a City-maintained Collector road (Old Ardrey Kell Road). There is an active project in the area, titled Marvin Road Sidewalk Project, which has constructed sidewalk on Marvin Rd. from Johnston to Ardrey Kell Rd. The Petitioner has coordinated with General Services regarding Marvin Road Sidewalk Project for pedestrian sidewalk and refuge access. The petitioner shows on their site plan relocated driveways on Marvin Road and Old Ardrey Kell Road, a left turn lane with 100-foot storage lane on Marvin Road, a right in/right out (RI/RO) access with both a porkchop and centerline median on Old Ardrey Kell Road, and utilizing 100-foot protected driveway stems. There are no outstanding CDOT items. **Active Projects:**
  - Project Marvin Road Sidewalk Project
    - Install sidewalk on northeast side of Marvin Rd. from Johnston Rd/US-521 to Ardrey Kell Rd (proposed mid-block crossing/pedestrian refuge near Longstone Ln)
    - Out for Bid
    - General Services PM: Derrel Poole
    - https://charlottenc.gov/Projects/Pages/MarvinRdSidewalk.aspx
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 50 trips per day (based on 5 single family homes).

  Entitlement: 175 trips per day (based on 14 single family homes).

  Proposed Zoning: 280 trips per day (based on 42 townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **Charlotte Department of Solid Waste Services:** See Requested Technical Revisions, Note 4.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 9 students, while the development allowed under the proposed zoning may produce 14 students. Therefore, the net increase in the number of students generated from existing zoning to proposed 5 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Elon Park Elementary at 137%
    - Community House Middle at 142%
    - Ardrey Kell High at 164%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Marvin Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Marvin Road. No outstanding issues.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See Requested Technical Revisions, Note 6 & 7.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. Amend the site plan to provide masonry screen walls and landscaping at the end of each private alley facing the public streets.
2. Provide setbacks from Marvin and Old Ardrey Kell Roads as measured from future back of curb. The setback along both frontages should reflect the location of the buildings depicted on the plan, not the Ord. minimum.
3. Annotate the concept renderings to point out key features of the proposed building design.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

4. Show space for solid waste and recycle receptacles even if private, rollout collection is planned.
5. Amend note H.1 to specify a minimum size for open space areas.

Environment

6. Add the following note to the site plan, "The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."
7. Add the following note to the site plan, "For adjoining parcels receiving storm water discharge the petitioner shall analyze the adequacy of the existing storm water conveyance on the adjoining parcels to the nearest public R/W. If the existing storm water conveyance on the adjoining parcels is found to be inadequate, the Petitioner shall make a good faith effort with the property owner(s) to improve the storm water conveyance or mitigate the storm water discharge onto the adjoining parcels."

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: John Kinley (704) 336-8311

DEVELOPMENT STANDARDS

March 15, 2021

A. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Carolinas Properties, LLC (the "Petitioner") to accommodate the development of that approximately 4.801 acre site located on the east side of Marvin Road between Fruitland Road and Old Ardrey Kell Road, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Nos. 223-271-47, 223-271-48, 223-271-49, 223-271-50, 223-271-51 and 223-271-52.

2. The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").

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 depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the internal private drives/alleys and parking areas depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, are subject to minor alterations or modifications during the design development and construction document phases.

5. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

B. Permitted Uses/Development Limitations

1. The Site may be devoted only to a residential community containing a maximum of 42 single family attached dwelling units and to any incidental and accessory uses relating thereto that are allowed in the UR-2 zoning district.

2. Single family detached dwelling units shall not be permitted on the Site.

C. Transportation

1. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT").

2. As depicted on the Rezoning Plan, the Site will be served by internal private drives/alleys. Minor adjustments to the locations of the internal private drives/alleys shall be allowed during the construction permitting process.

3. Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan. The internal sidewalks may meander to save existing trees.

4. Prior to the issuance of a certificate of occupancy for the first new building constructed on the Site, Petitioner shall dedicate and convey to the City of Charlotte or to NCDOT as applicable (subject to a reservation for any necessary utility easements) those portions of the Site located immediately adjacent to Marvin Road as required to provide right of way measuring 35 feet from the existing centerline of Marvin Road, to the extent that such right of way does not already exist.

5. Prior to the issuance of a certificate of occupancy for the first new building constructed on the Site, Petitioner shall dedicate and convey to the City of Charlotte or to NCDOT as applicable (subject to a reservation for any necessary utility easements) those portions of the Site located immediately adjacent to Old Ardrey Kell Road as required to provide right of way measuring 30 feet from the existing centerline of Old Ardrey Kell Road, to the extent that such right of way does not already exist.

6. Petitioner shall install a southbound left turn lane on Marvin Road at the northernmost vehicular access point on Marvin Road into the Site as generally depicted on the Rezoning Plan. This left turn lane shall have 100 feet of storage.

7. The vehicular access point on Old Ardrey Kell Road shall be limited to right-in, right-out movements. Petitioner shall construct a porkchop median within this vehicular access point and a concrete median on Old Ardrey Kell Road as generally depicted on the Rezoning Plan.

8. A minimum of 7 visitor parking spaces shall be provided on the Site.

9. Each driveway pad shall be at least 20 feet in length as measured from the back of curb to the garage face.

10. Petitioner will dedicate to the City of Charlotte via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, and the additional right-of-way will be dedicated prior to the issuance of a certificate of occupancy for the first new building constructed on the Site. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

11. All transportation improvements required to be constructed by Petitioner under these Development Standards, including the streetscape improvements, will be approved and constructed prior to the issuance of a certificate of occupancy for the first new building constructed on the Site.

D. Architectural Standards

1. The maximum height of Building 14, Building 15, Building 16 and Building 17 shall be 39 feet.

2. The maximum height of all other buildings shall be 48 feet.

3. Attached to the Rezoning Plan are a series of conceptual, architectural perspectives of the single family attached dwelling units to be constructed on the Site that are intended to depict the general conceptual architectural style and character of the single family attached dwelling units to be constructed on the Site. Accordingly, each single family attached dwelling unit to be constructed on the Site shall be designed and constructed so that it is substantially similar in appearance to one of the attached conceptual, architectural perspectives with respect to architectural style, design and character. Notwithstanding the foregoing, changes and alterations to the exterior of the single family attached dwelling units to be constructed on the Site that do not materially change the overall conceptual architectural style and character shall be permitted.

4. The side elevations of those single family attached dwelling units designated on the Rezoning Plan as Units 1, 10, 11, 20, 21, 27, 28 and 31 that face Marvin Road shall be substantially similar in appearance to the side elevations depicted on the elevation labeled as "Marvin Road Side Elevation" with respect to architectural style, design and character. Notwithstanding the foregoing, changes and alterations to the side elevations of these single family attached dwelling units that face Marvin Road that do not materially change the overall conceptual architectural style and character shall be permitted.

5. The primary exterior building materials for the single family attached dwelling units to be constructed on the Site will be one of or a combination of portions of the following: brick veneer or similar masonry products, stone, manufactured stone and cementitious siding.

6. Vinyl, EIFS or masonite may not be used as an exterior building material on any single family attached dwelling unit constructed on the Site. Notwithstanding the foregoing, vinyl may be utilized on windows, doors, garage doors, soffits, trim and railings.

7. The actual sizes of the single family attached dwelling units/lots may vary from the sizes depicted on the Rezoning Plan.

8. Each single family attached dwelling unit constructed on the Site shall have a two car garage.

9. The finished floor elevation of each single family attached dwelling unit located within 15 feet of a public sidewalk shall be a minimum of 12 inches above the average sidewalk grade of the public sidewalk.

10. Walkways shall be provided to connect all residential entrances to sidewalks fronting public streets.

E. Streetscape and Landscaping

1. A minimum 8 foot wide planting strip and a minimum 6 foot wide sidewalk shall be installed along the Site's frontages on Marvin Road and Old Ardrey Kell Road as generally depicted on the Rezoning Plan. The sidewalks may be located in a sidewalk utility easement.

2. A minimum 30 foot wide tree save and landscape area shall be established along the Site's northern and eastern boundary lines as more particularly depicted on the Rezoning Plan. At a minimum, this 30 foot wide tree save and landscape area shall meet the tree and shrub requirements of a Class C buffer. If the existing trees and shrubs located within this 30 foot wide tree save and landscape area do not meet the tree and shrub requirements of a Class C buffer, then Petitioner shall plant and install supplemental trees and shrubs to bring the 30 foot wide tree save and landscape area into compliance with the tree and shrub requirements of a Class C buffer.

F. Lighting

1. All freestanding lighting fixtures installed on the Site by Petitioner (excluding street lights, lower, decorative lighting that may be installed along the driveways, private alleys, sidewalks and walkways and 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 freestanding lighting fixture installed on the Site by Petitioner, including its base, shall not exceed 21 feet.

G. Environmental

1. Development of the Site shall comply with the City of Charlotte Tree Ordinance.

2. Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance.

H. Improved Open Space Areas

1. Each of the three improved open space areas on the Site shall contain, at a minimum, hardscape, landscaping and seating.

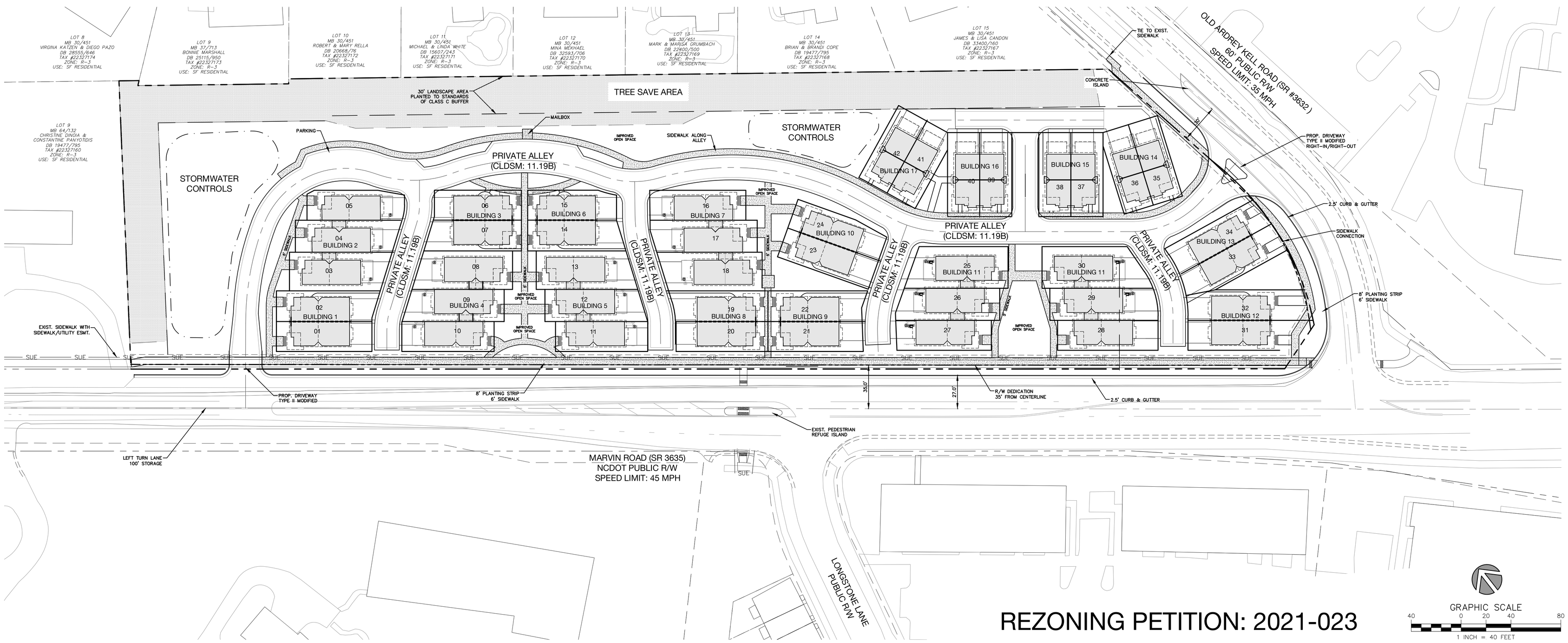
I. Binding Effect of the Rezoning Documents and Definitions

1. If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

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

DEVELOPMENT SUMMARY

TAX PARCEL ID #:	223-271-47 223-271-48 223-271-49 223-271-50 223-271-51 223-271-52
SITE AREA:	4.81 AC
EXISTING ZONING:	R3
PROPOSED ZONING:	UR-2 (CD)
BUILDING SEPARATION:	10'



REZONING PETITION: 2021-023

URBAN DESIGN PARTNERS
1213 w morehead st., suite 450
charlotte, nc 28208
urbandesignpartners.com
nc firm no: P-0418 P 704.334.3303
sc coa no: C-03044 F 704.334.3305

Carolinas Properties, LLC
Mukesh Guntaka
1410 Funny Cide Drive
Waxhaw, NC 28173

Rayna Homes

Rezoning Plan
Marvin Road Charlotte, NC

NO. DATE: BY: REVISIONS:

Project No: 20-067
Date: 01.25.2021
Designed By: udp
Checked By: udp
Sheet No:

RZ-1.0

MARVIN ROAD SIDE ELEVATION

REZONING PETITION: 2021-023

URBAN DESIGN PARTNERS

1213 w morehead st., suite 450
charlotte, nc 28208
urbandesignpartners.com
nc firm no: P-0418 P 704.334.3303
sc coa no: C-03044 F 704.334.3305

Carolinas Properties, LLC
Mukesh Guntaka

1410 Funny Cide Drive
Waxhaw, NC 28173

Rayna Homes

Conceptual Elevations

Marvin Road Charlotte, NC

NO.	DATE:	BY:	REVISIONS:

Project No: 20-067
Date: 01.25.2021
Designed By: udp
Checked By: udp
Sheet No:

RZ-1.1

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 43.**File #:** 15-15594 **Type:** Zoning Hearing

Rezoning Petition: 2021-024 by Carlevatti Holdings, LLC

Location: Approximately 0.616 acre located on the west side of the intersection of Old Plank Road and Chapman Street, south of Interstate 485. (Council District 2 - Graham)

Current Zoning: R-3 LWPA (single-family residential, Lake Wylie Protected Area)
Proposed Zoning: R-4 LWPA (single-family residential, Lake Wylie Protected Area)

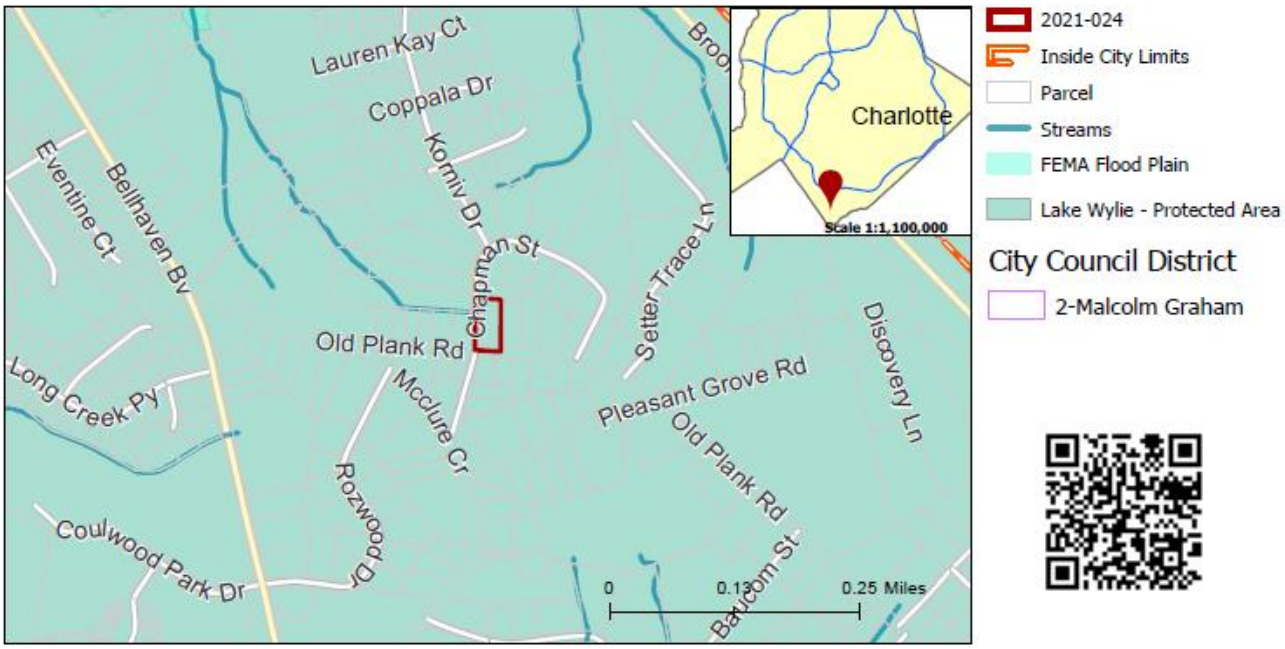
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Pre-Hearing Staff Analysis

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-024
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: R-3 LWPA (single family residential, Lake Wylie Protected Area) Proposed Zoning: R-4 LWPA (single family residential, Lake Wylie Protected Area)
LOCATION	Approximately 0.62 acres located at the northeast corner of the intersection of Old Plank Road and Chapman Street.



SUMMARY OF PETITION	The petition proposes to rezone a property occupied by one single family home to allow for all uses permitted in the R-4 zoning district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Carlevatti Holdings LLC Carlevatti Holdings LLC Paul Pennell
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **consistent** with the single family up to four dwellings per acre recommendation, as per *the Brookshire/I-485 Interchange Study*. <u>Rationale for Recommendation</u> • The proposed rezoning is consistent with the land use recommendation for this site. • The subject parcel is a corner lot with frontage on both Old Plank Road and Chapman Street. • Future development of this site would be consistent with the established development pattern in the surrounding area.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.

- **Existing Zoning and Land Use**

All nearby properties are zoned R-3 for single family residential use.

The property is developed with one single family home and is surrounded by other single family homes zoned R-3 in the Coulwood community. The location of the subject parcel is marked with a red star.

The properties to the north along Chapman Street are developed with single family homes.

The properties to the east along Old Plank Road are developed with single family homes.

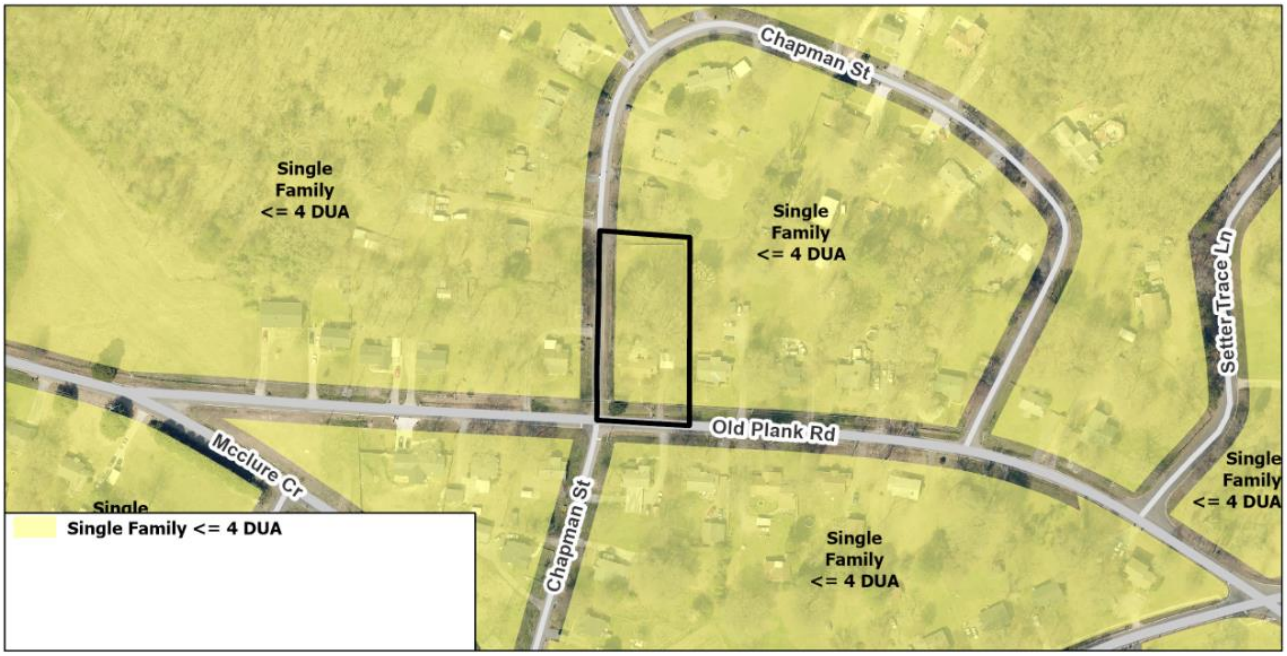
The properties to the south across Old Plank Road are developed with single family homes.

The properties to the west along Old Plank Road and Chapman Street are developed with single family homes.

- **Rezoning History in Area**

There have been no recent rezonings in the vicinity of this site.

- **Public Plans and Policies**



The *Brookshire Boulevard/I-485 Area Plan* recommends single family residential at no more than four dwelling units per acre for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located at the corner of a City-maintained minor thoroughfare road (Old Plank Road) and a City-maintained, Local Street (Chapman Street). As this is a conventional rezoning petition, CDOT staff will review the proposed site plan in accordance with all ordinance requirements, within the permitting review process. CDOT will request an 8-foot planting strip and 12-foot shared-use path along Old Plank Road, in accordance with the Charlotte BIKES Policy.

  - **Active Projects:**
  - None

- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 10 trips per day (based on one single family dwelling).
  Entitlement: 10 trips per day (based on one single family dwelling).
  Proposed Zoning: 20 trips per day (based on two single family dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 1 student, while the development allowed under the proposed zoning may produce 2 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 1 student.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Mountain Island Lake Academy Pre-K-8 from 133% to 133%
    - West Mecklenburg High from 78% to 78%.
- **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Chapman Street and a 12-inch main along Old Plank Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Chapman Street and an 8-inch main along Old Plank Road. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** No comments submitted.
  - **Storm Water Services:** See advisory comments at www.rezoning.org
  - **Urban Forestry:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Joe Mangum (704) 353-1908

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 44.**File #:** 15-15595 **Type:** Zoning Hearing

Rezoning Petition: 2021-026 by Hendrick Automotive Group

Location: Approximately 15.2 acres bound by the east side of Old Statesville Road, the south side of Eastfield Road, and north of Interstate 485. (ETJ-BOCC: 1-Powell nearest CC: 2 - Graham)

Current Zoning: R-4 (single-family residential)
Proposed Zoning: I-1 (CD) (light industrial, conditional)

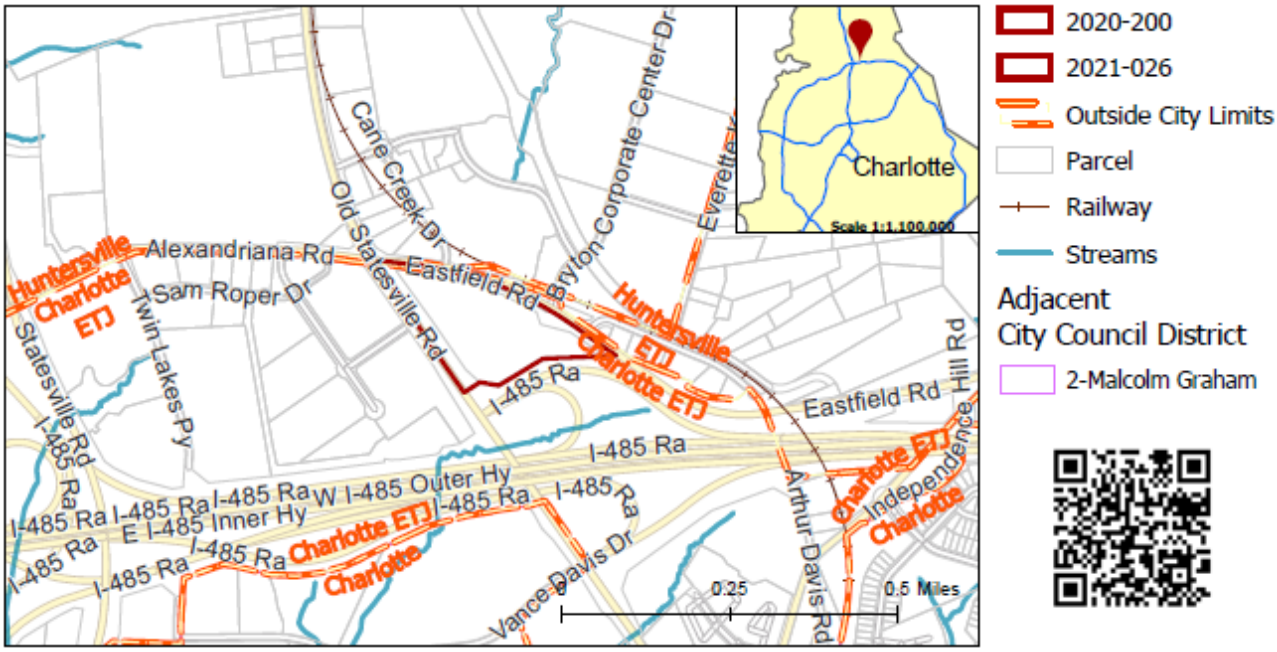
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and environment.

Attachments:
Pre-Hearing Staff Analysis
Site Plan

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-026
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: R-4 (single family residential) Proposed Zoning: I-1(CD) (light industrial, conditional)
LOCATION	Approximately 20.55 acres bound by the east side of Old Statesville Road, the south side of Eastfield Road, and north of Interstate 485.



SUMMARY OF PETITION	The petition proposes to develop an area of automobile sales and repair/service centers along with accessory uses on vacant land.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Hendrick Automotive Group Hendrick Automotive Group Justin Maxwell, EMH&T
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and environment.

Plan Consistency

The petition is **inconsistent** with the *Northlake Area Plan (2008)* recommendation of office use.

Rationale for Recommendation

- This petition proposes an expansion of the existing car dealership located on the other side of Old Statesville Road.
- While inconsistent with the area plan's recommendation for office use, the proposed development would be consistent with the land uses surrounding the site.
- The petition commits to increasing pedestrian access and mobility into and around the site by proposing a 12-foot shared-use path

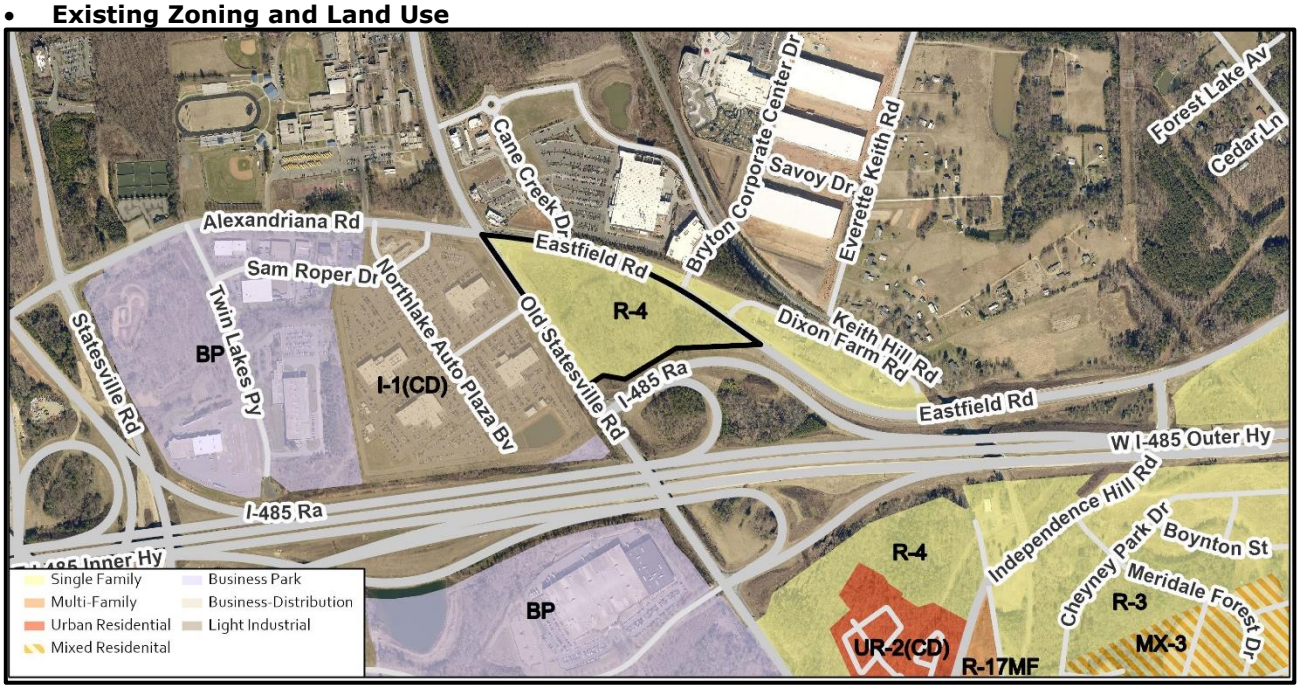
and an 8-foot planting strip along Statesville road, and a 6-foot sidewalk and an 8-foot planting strip along Eastfield Drive.

The approval of this petition will revise the adopted future land use as specified by the *Northlake Area Plan (2008)*, from Office to Light Industrial for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 3 automobile sales and service centers.
  - Limits the size of the largest building to 80,000-square feet.
  - Limits a car wash to customers and staff.
  - Prohibits encroachment into Interstate 485 ramp for car display.
  - Commits to a 12-foot shared-use path and an 8-foot planting strip along Statesville road, and a 6-foot sidewalk and an 8-foot planting strip along Eastfield Drive.
  - Provides access to the site with connections to Old Statesville Road and Eastfield Road.

- **Existing Zoning and Land Use**



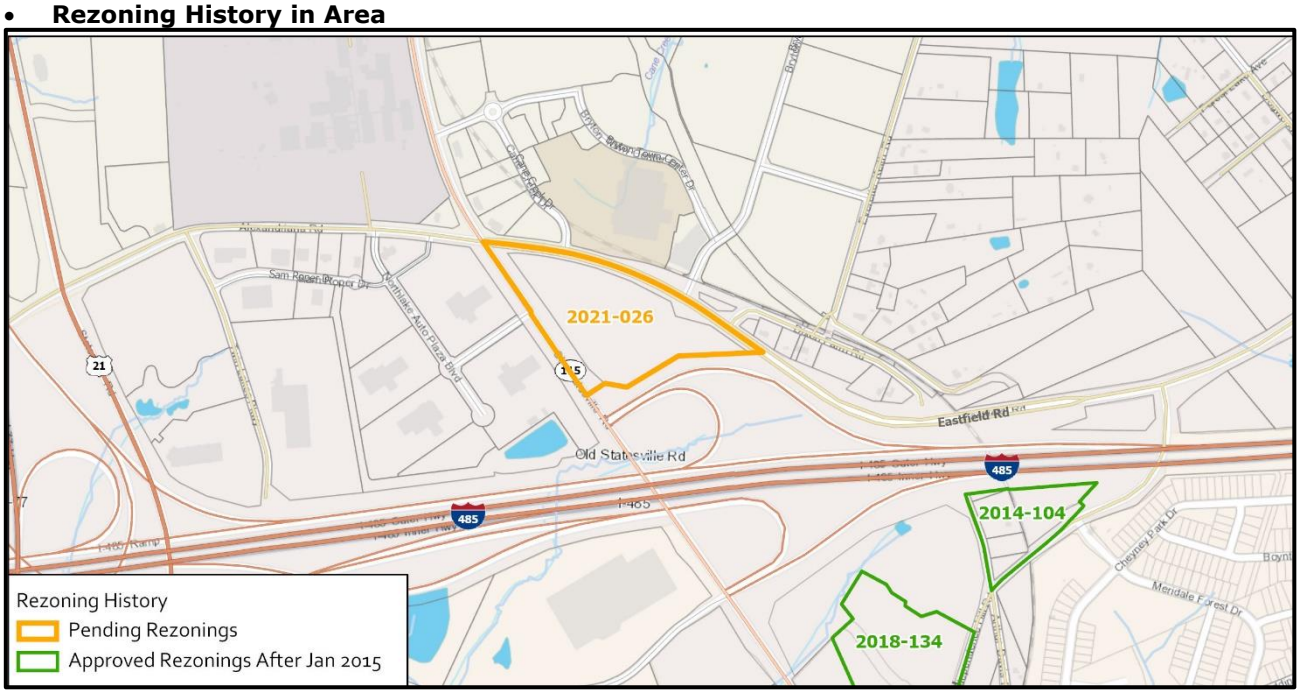
The subject property is vacant. The surrounding land uses include automobile sales and service centers, retail, commercial, schools, and single-family homes.

The subject property is denoted by a red star.

The property to the north along Eastfield Road is developed with a Walmart shopping center.

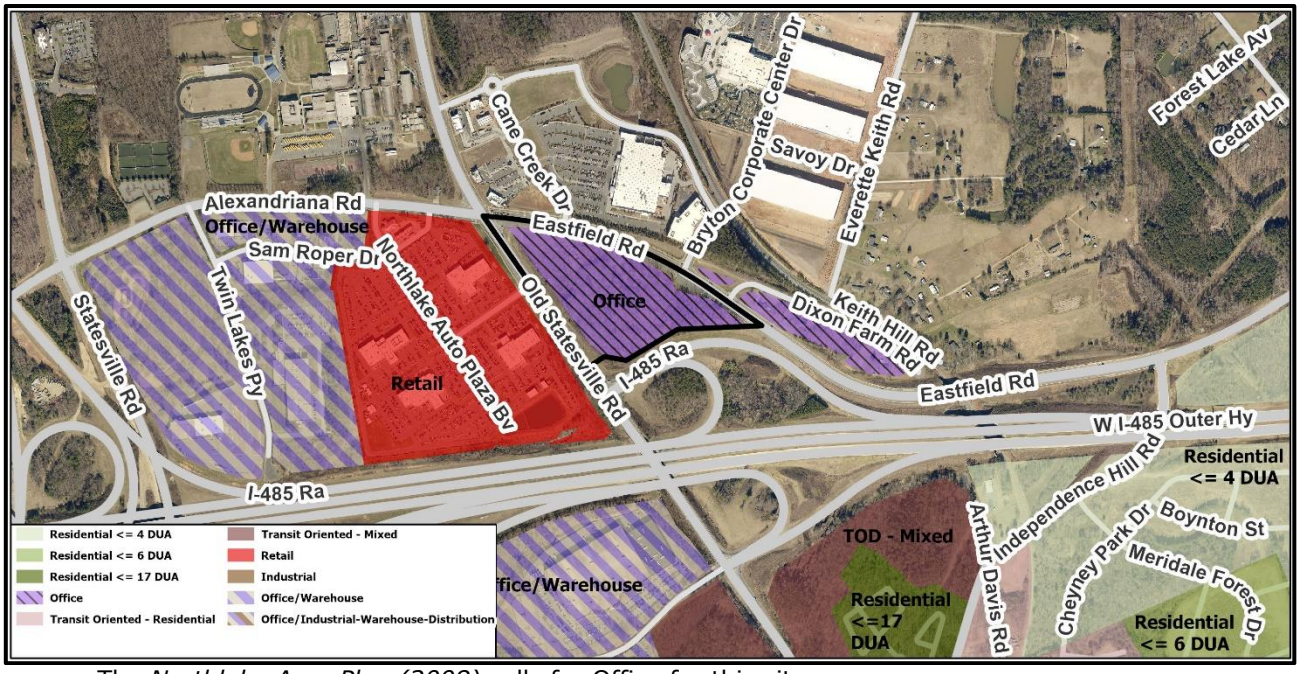
The property to the southwest along Old Statesville Road is developed with a Hendrick automobile sales and service centers.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2014-104	Rezoned 6.77 acres to establish City of Charlotte zoning for five tax parcels that were previously in the zoning jurisdiction of the Town of Huntersville.	Approved
2018-134	Rezoned 20.03 acres to allow up to 335 multi-family units.	Approved

- **Public Plans and Policies**



- The *Northlake Area Plan (2008)* calls for Office for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located on a State-maintained major thoroughfare road (Old Statesville Road) and Eastfield Road (State-maintained, Minor Thoroughfare). The site abuts the I-485 Interchange, which is located to the south of this site. The TIS was approved on March 17, 2021 and requires turn lane improvements at the intersections of Old Statesville Road & Eastfield Road/Alexandriana Road and Eastfield Road & Bryton Corporate Center Drive/Site Access 1. Additionally, there will be required improvements along Old Statesville Road at Site Access 2 and Eastfield Road at Site Access 3. Lastly, in accordance with the City's WALKS and BIKES policies, CDOT is coordinating with the petitioner to construct a 12-foot shared-use path along Eastfield Road and Old Statesville Road. Site plan revisions are needed to meet ordinance requirements and/or the outstanding items including, but not limited to installing curb and gutter along Old Statesville Road, installing an 8-foot planting strip and 12-foot shared-use path along Eastfield Road and Old Statesville Road, and incorporating additional conditional notes regarding right-of-way dedication and transportation improvement commitments. Further details are listed below.
- **Active Projects:**
  - Old Statesville Rd (NC 115) Widening – Harris Blvd to I-485
  - NCDOT State Transportation Improvement Program (STIP) Project# U-5772
  - Right-of-way Acquisition in 2029 (Construction Year undetermined)
- **Transportation Considerations**
  - See Outstanding Issues, Notes 1-5.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 0 trips per day (based on vacant land).

  Entitlement: 870 trips per day (based on 82 single family dwellings).

  Proposed Zoning: 3,410 trips per day (based on 120,000 square-foot of automobile sales).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Alexandria Road. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 600 feet north of the rezoning boundary on Bryton Corporate Center Drive. A developer donated project will be required in cases there is not direct service. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** See Outstanding Issues, Note 6.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. Old Statesville Road: The future location of curb and gutter needs to be installed at the existing edge of pavement, per Chapter 19-174 of the City Code.
2. Please include the transportation improvements, established in the TIS, in the conditional notes. Additionally, revise the site plan to reflect these transportation improvements at the relative intersections and site accesses.

Table A - Recommended Improvements

Intersection	Recommendations
Old Statesville Road at Eastfield Road / Alexandriana Road	• Provide a northbound right turn lane on Old Statesville Road with 200 feet of storage and appropriate taper • Extend westbound left turn lane on Eastfield Road by an additional 300 feet of storage
Old Statesville Road at I-485 Outer Loop Ramps	• No improvements recommended
Old Statesville Road at I-485 Inner Loop Ramps / Vance Davis Drive	• No improvements recommended
Eastfield Road at Bryton Corporate Center Drive / Site Access 1	• Provide northbound left turn lane on proposed Site Access with 200 feet of storage and appropriate taper • Provide an eastbound right turn lane on Eastfield Road with 100 feet of storage and appropriate taper • Modify traffic signal accordingly • Design site access according to NCDOT standards
Old Statesville Road at Site Access 2	• Provide a northbound right turn lane on Old Statesville Road with 125 feet of storage and appropriate taper • Design site access according with NCDOT standards
Eastfield Road at Site Access 3 (Option B Only)	• Provide an eastbound right turn lane on Eastfield Road with 100 feet of storage and appropriate taper • Design site access according with NCDOT standards

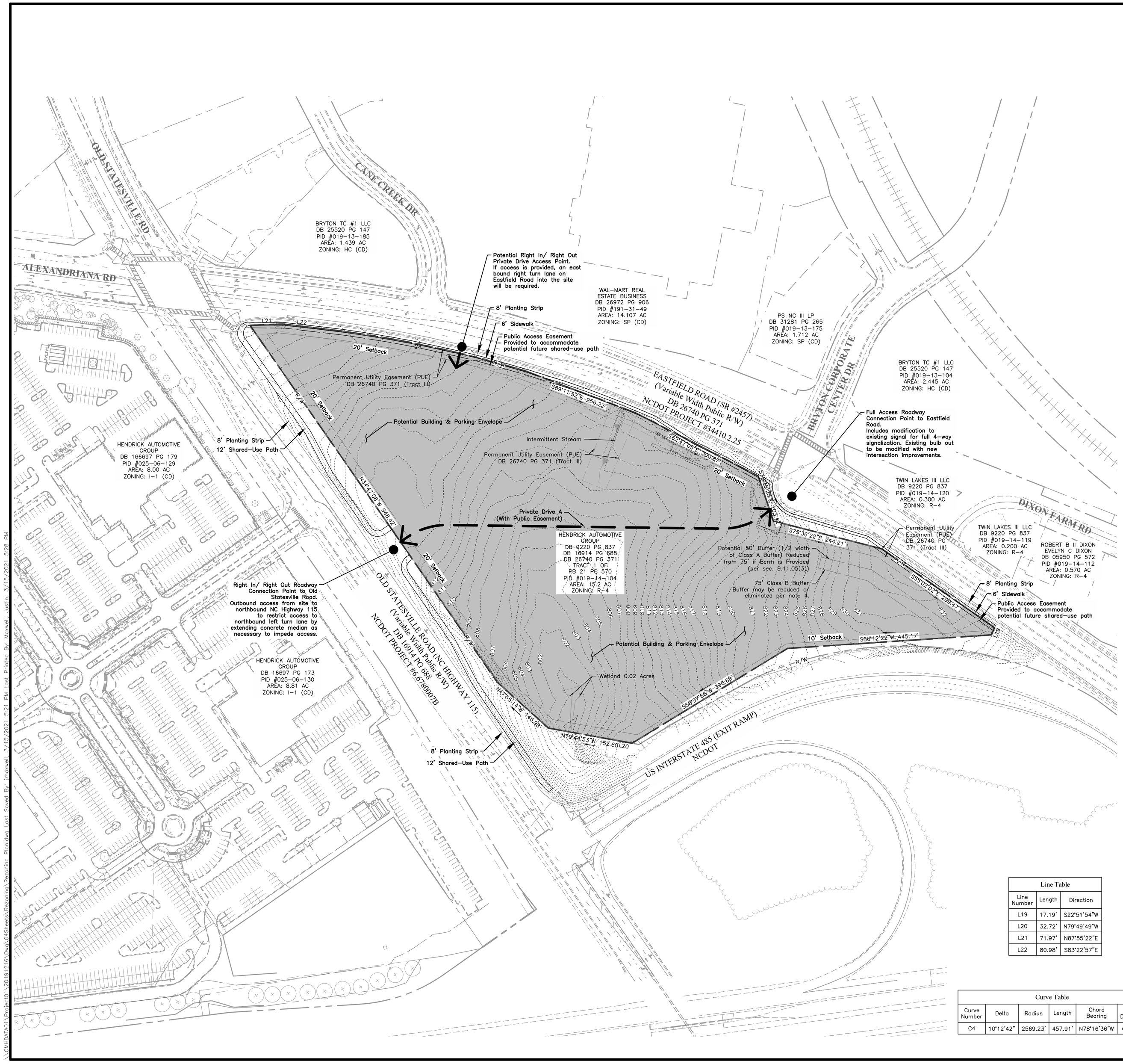
3. Revise the site plan by changing the "Public Access Easement" call out, along Eastfield Road, to "Sidewalk Utility Easement".
4. A site plan note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued is needed. CDOT requests rights-of-way set at 2' behind back of sidewalk where feasible. The site plan shall label and dimension the proposed right-of-way to be dedicated from the road centerline.
5. A site plan note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued is needed. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.

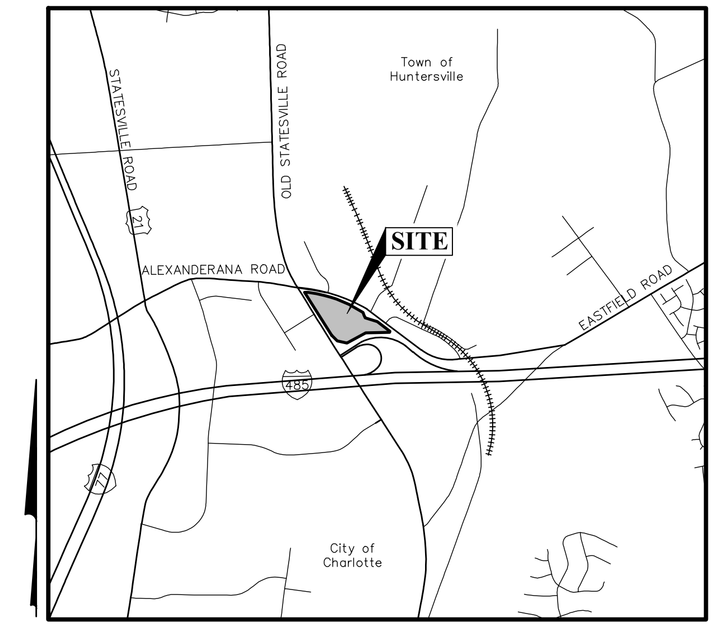
Environment

6. Revise site plan note 5b. to state: Tree save areas will be provided or mitigated for in accordance with the City of Charlotte Tree Ordinance.
7. Revise site plan to show that the required buffer cannot be reduced with a fence.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Michael Russell (704) 353-0225





VICINITY MAP

Not to Scale

RPZ-2021-026

--Acreage: ±15.2 acres
--Tax Parcel #: 019-14-104
--Existing Zoning: R-4
--Proposed Zoning: I-1 (CD)
--Existing Uses: Vacant
--Proposed Uses: Uses as allowed by right and under prescribed conditions together with accessory uses, all as allowed in the I-1 zoning districts.
--Square Footage: As required by the Ordinance.
--Maximum Building Height: As required by the Ordinance.
--Maximum Number of Primary Buildings: Three (3)
--Number and/or Ratio of Parking Spaces: As required by the Ordinance.
--Setbacks and Buffers: As required by the Ordinance.

1. General Provisions
   1.a. Development of the site will controlled by the standards depicted on this site plan and by the standards of the City of Charlotte Zoning Ordinance. The development depicted on the site is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance, during the design development and construction phases. The illustrations contained on this sheet are not specified engineering, landscape design, or architectural drawings which will be developed for the site based on the approval of the Petition.
   1.b. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.
2. Permitted Uses
   2.a. The proposed zoning district for the site I-1(CD). The proposed use of the site is for the development of a complex that could accommodate a wide variety of non-residential uses. The uses on the site will be limited to those allowed by the Industrial district and automobile sales and service centers and related uses. The intent of the Petitioner is to develop a complex of up to (3) automobile sales and service centers along with other minor uses that relate to or support the sales and service of automobile sales and service centers along with other customers and employees of the site. No single building on the site will exceed a total of 80,000 square feet. Any car wash facility that may be constructed on the site will be restricted to use by the customers and staff of the facilities on the site and will not be available to the general public.
3. Transportation
   3.a. The Petitioner will construct a 12 foot shared-use path behind an 8 foot planting strip along Old Statesville Road.
   3.b. The Petitioner will construct a 6 foot sidewalk behind an 8 foot planting strip along Eastfield Road and provide a public access easement where necessary to accommodate a potential future 12 foot shared-use path.
   3.c. Access to the site will be provided by connections to Old Statesville Road and Eastfield Road as generally depicted on the site plan. Private Drive A shown within the site will be constructed to public street standards but will remain a private street.
   3.d. No encroachment permitted into NCDOT 1-485 ramp for car display.
4. Landscape and Buffers
   4.a. Buffer areas, if required, will be developed in accordance with the provisions of the City of Charlotte Zoning Ordinance. Required buffers on the site may be eliminated or modified if the adjoining parcels are rezoned or the use changes such that buffers are no longer required.
5. Environmental Features
   5.a. Development of the Site shall comply with the City of Charlotte Tree Ordinance.
   5.b. Tree save areas, if required, will be provided or mitigated for in accordance with the provisions of the City of Charlotte Zoning Ordinance.
   5.c. Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance.
   5.d. Jurisdictional Delineation Report was completed by Carolina Wetland Services. Wetlands and streams are depicted on this plan by report dated August 9, 2019. Any disturbance of these areas shall abide by local and state regulations.
   5.e. Development within any SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance. Petitioner acknowledges intermittent/perennial stream delineation reports are subject to review and approval upon submission of development plans for permitting and are not approved with rezoning decisions.
6. Lighting
   6.a. All freestanding lighting fixtures installed on the Site (excluding street lights, lower, decorative lighting that may be installed along the driveways and sidewalks and 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.
7. Fire
   7.a. Fire department access road shall have a min. 20' unobstructed clear width and shall be capable of supporting 80,000 pounds.
   7.b. Fire department access road that exceeds 150' shall provide an approved turnaround.
   7.c. Turn radius 30' inside and 42' outside.
   7.d. For non-sprinkled buildings. Fire department must be able to reach 150' to all exterior portion of building.
   7.e. For sprinkled buildings. Fire department must be able to reach 200' to all exterior portion of building.
   7.f. For buildings that is equipped with a sprinkler system. A fire department connection shall be located within 200' of a fire hydrant.
   7.g. Fire hydrant shall be located within 750' to the most remote point of building as truck travel for all buildings.

Line Table

Line Number	Length	Direction
L19	17.19'	S22°51'54"W
L20	32.72'	N79°49'49"W
L21	71.97'	N87°55'22"E
L22	80.98'	S83°22'57"E

Curve Table

Curve Number	Delta	Radius	Length	Chord Bearing	Chord Distance
C4	10°12'42"	2569.23'	457.91'	N78°16'36"W	457.30'

GRAPHIC SCALE

0 50 100 200

1 inch = 100 feet

NORTH CAROLINA
EVANS MECHWART HAMBLETON & TILTON, INC.
No. F-1016
CERTIFICATE OF AUTHORIZATION

REVISIONS

MARK	DATE	DESCRIPTION

Hendrick AUTOMOTIVE GROUP

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA
REZONING SUBMITTAL
FOR
HENDRICK NORTHLAKE
SITE PLAN - RPZ-2021-026

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
301 McCullough Dr., Ste. 100, Charlotte, NC 28204
Phone: 704.333.5131 Fax: 704.333.7928
emht.com

DATE
March 15, 2021

SCALE
As Noted

JOB NO.
20191216

SHEET
1/1

L:\Civil\DATA\1 Project\1 2019\20191216\Dwg\04Sheets\Rezoning\Rezoning Plan.dwg Last Saved By: jmxwell, 3/15/2021 5:26 PM Last Printed By: Maxwell, Justin, 3/15/2021 5:21 PM

City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 45.**File #:** 15-15596 **Type:** Zoning Hearing

Rezoning Petition: 2021-029 by Derek Rothaupt

Location: Approximately 6.33 acres located on the west side of Rozzelles Ferry Road, north of Hart Road, and southwest of Brookshire Boulevard. (Council District 2 - Graham)

Current Zoning: R-3 LWPA (single-family residential, Lake Wylie Protected Area)
Proposed Zoning: I-2 LWPA (general industrial, Lake Wylie Protected Area)

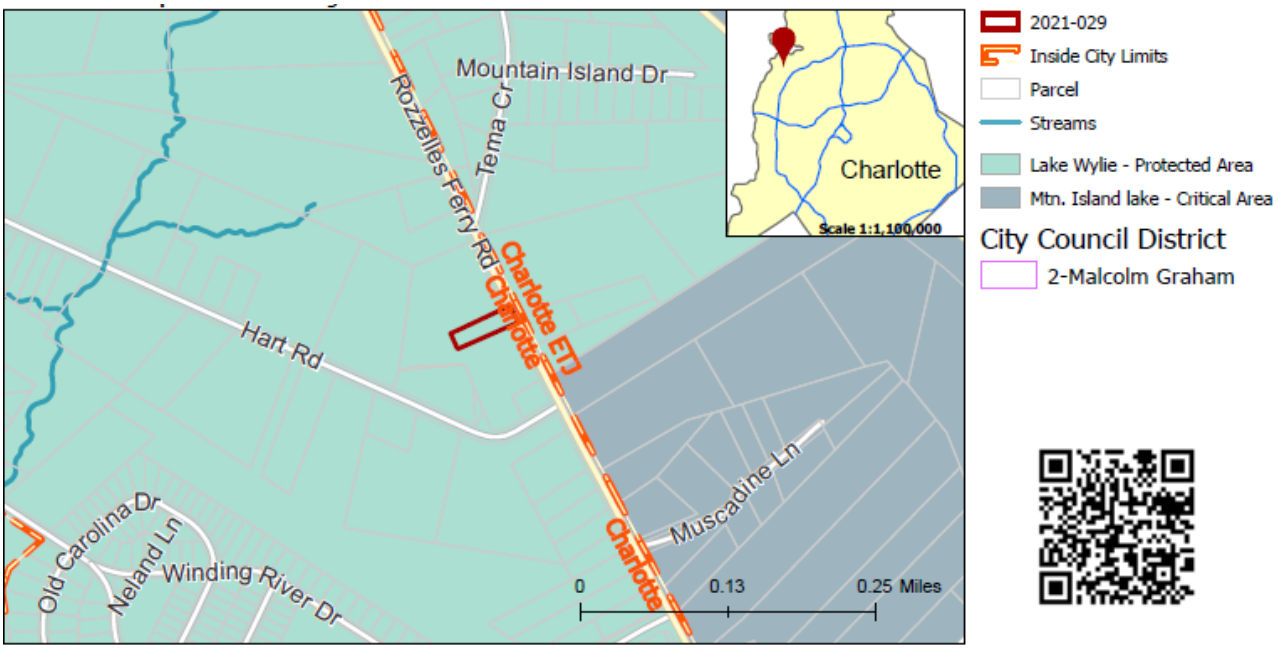
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Pre-Hearing Staff Analysis

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-029
Pre-Hearing Staff Analysis
April 19, 2021

REQUEST	Current Zoning: R-3 LWPA (single family residential, Lake Wylie protected area) Proposed Zoning: I-2 LWPA (general industrial, Lake Wylie protected area)
LOCATION	Approximately 0.54 acres located on the west side of Rozzelles Ferry Road, north of Hart Road, and southwest of Brookshire Boulevard



SUMMARY OF PETITION	The petition proposes to rezone a vacant parcel in northwest Charlotte to allow all uses permitted in the I-2 zoning district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Roth4 Holdings LLC Derek Rothaupt, Roth4 Holdings LLC Daniel Renckens, Bohler
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **inconsistent** with the single family up to 4 dwelling units per acre land use recommendation for this site, as per the *Northwest District Plan*. <u>Rationale for Recommendation</u> • Even though the proposed rezoning petition is inconsistent with the adopted land use for this site, the existing use has been grandfathered in and was in existence prior to the district plan. • The property currently is split zoned between R-3 and I-2. Only 0.54 acres of the R-3 portion will be rezoned under this petition

and will be joined with the existing industrial development. This rezoning leaves the R-3 portion with the house remaining as single family.

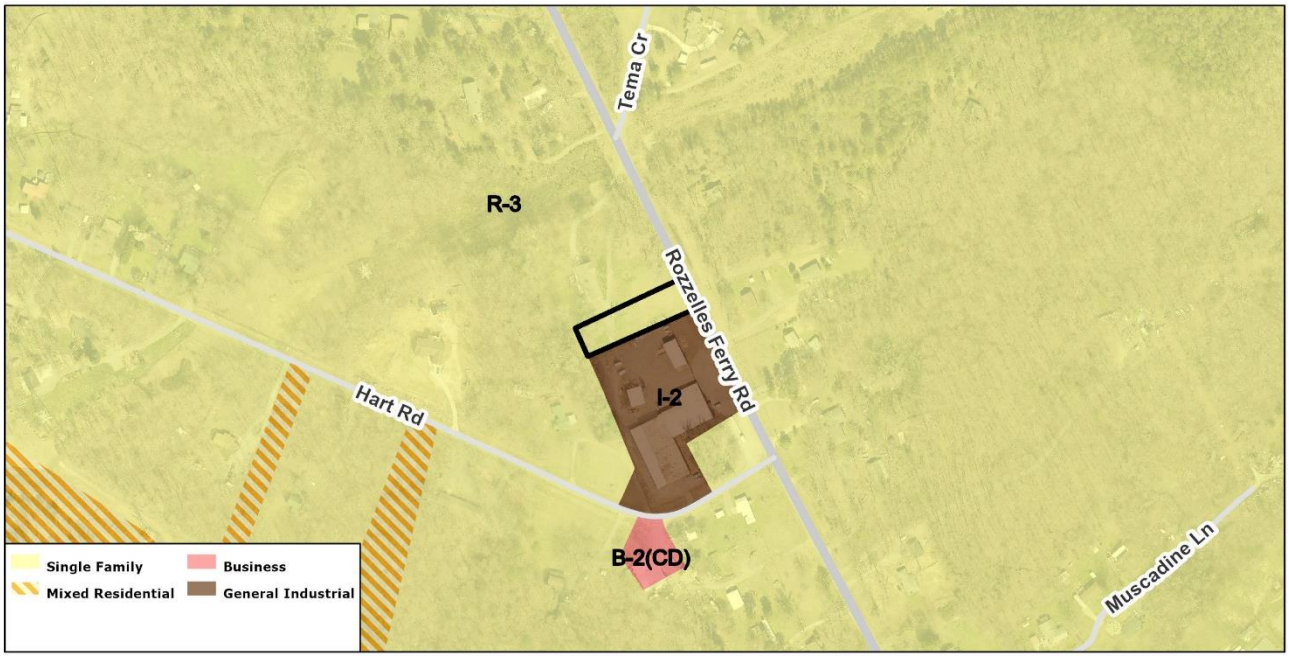
- The added industrial zoned property will provide additional room to operate an industrial use on the parcel while maintaining buffer requirements.
- The I-2 industrial zoning district includes required buffers when adjacent to residential uses.

The approval of this petition will revise the adopted future land use of single family up to 4 dwelling units per acre by the *Northwest District Plan*, to industrial land use for the site.

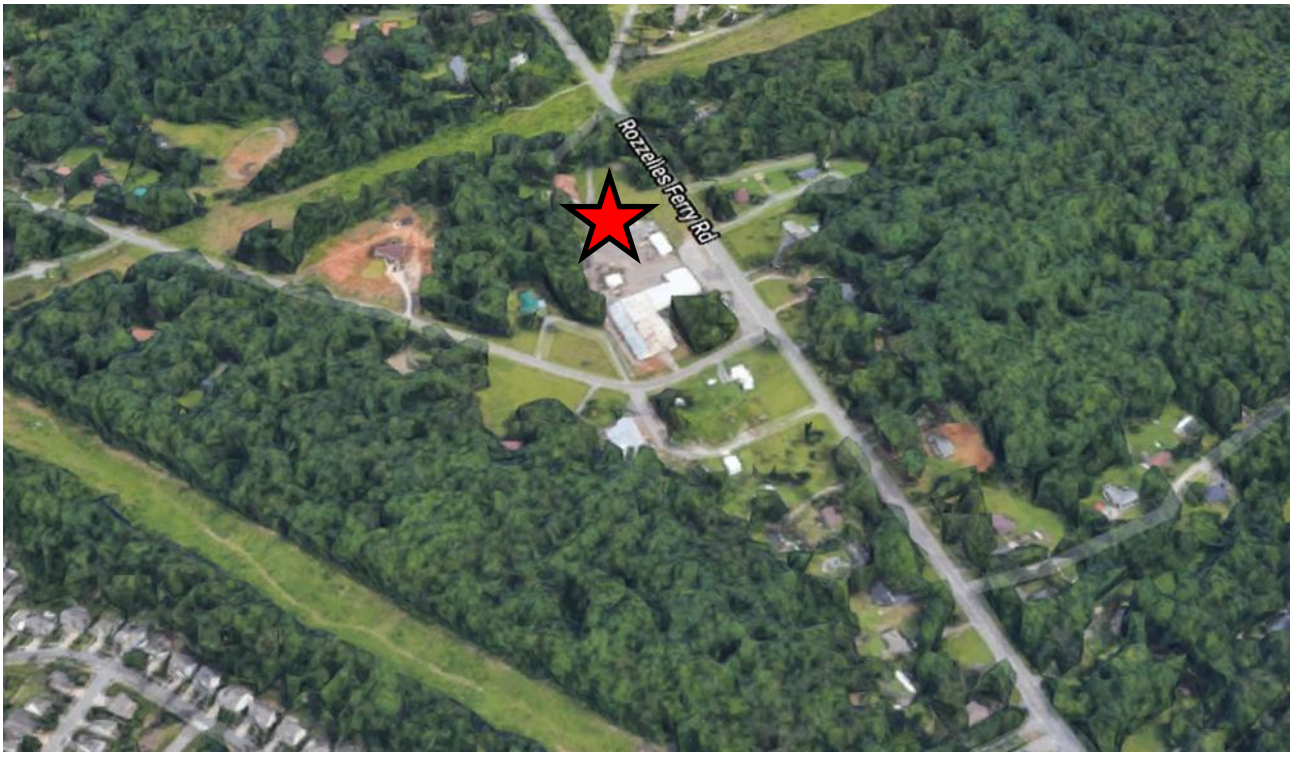
PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.

- **Existing Zoning and Land Use**



The subject area on the property for the rezoning request is currently zoned R-3. The surrounding land uses include single family residential and a business use.



The site is marked with a red star.

Part of the parcel is developed with an industrial use and the R-3 portion of the property that is included in this petition is currently undeveloped.

The site to the north is developed with a single family house.

The site to the south is developed with a single family house.

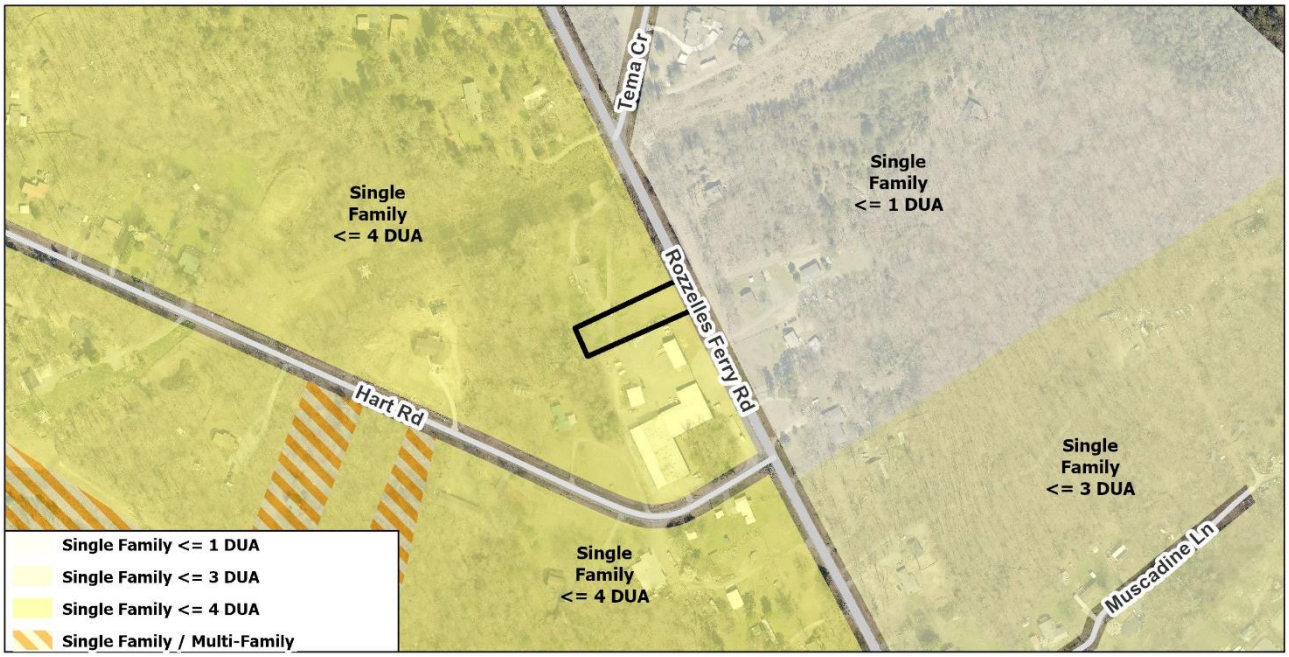
The property to the west is developed with a single family house.

The properties to the east are developed with single family houses.

- **Rezoning History in Area**

There are no recent petitions within the surrounding area.

- **Public Plans and Policies**



- The *Northwest District Plan* (adopted 1990) recommends single family up to 4 dwelling units per acre for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located adjacent to Rozzelles Ferry Road (State-maintained, Minor Thoroughfare) near Hart Road (State-maintained, Minor Collector). The petition is in the Northwest Wedge and is outside Route 4. Applicable area plans include the Northlake Area Plan.
- **Active Projects:**
  - There are no active projects near the site.
- **Transportation Considerations**
  - No outstanding issues.

- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 0 trips per day (based on vacant land).
  Entitlement: 10 trips per day (based on 1 single family dwelling).
  Proposed Zoning: 0 trips per day (based on 0.55 acres of parking/maneuvering area).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Hart Road.

  Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Hart Road. No outstanding issues.
- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Lisa Arnold (704) 336-5967