City of Charlotte

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

Zoning Agenda

Wednesday, December 1, 2021

Charlotte-Mecklenburg Government Center - Virtual Meeting

Zoning Committee Work Session

Keba Samuel - Chairperson
Andrew Blumenthal
Astrid Chirinos
John Ham
Courtney Rhodes
Sam Spencer
Douglas Welton

Zoning Committee Work Session

Zoning Items

1. Rezoning Petition: 2020-181 by Albemarle Property Investors, LLC

Location: Approximately 11.24 acres located at the NW intersection of Rocky River Church Road and Albemarle Road in Unincorporated Mecklenburg County. (ETJ nearest CC: 5-Newton)

Current Zoning: NS, R-3 (neighborhood services, residential)
Proposed Zoning: NS (SPA), NS (neighborhood services, site plan amendment, neighborhood services) with 5-year vested rights

Public Hearing Held: November 15, 2021 - Item #5

Staff Resource: Will Linville

Staff Recommendation:
Staff does not recommend approval of this petition in its current form.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

2. 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)

Public Hearing Held: November 15, 2021 - Item #22

Staff Resource: Claire Lyte-Graham

Staff Recommendation:
Staff does not recommend approval of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

3. Rezoning Petition: 2021-028 by Childress Klein Properties

Location: Approximately 287.71 acres located northwest of Highway 85, south of Mallard Creek Road, and east of Ridge Road. (ETJ-BOCC: 3-Dunlap, nearest CC: 4-Johnson)

Current Zoning: CC (commercial center), R-8MF (CD) (multi-family residential, conditional)
Proposed Zoning: I-1 (CD) (light industrial, conditional), R-22MF (CD) (multi-family residential, conditional) with 5-year vested rights

Public Hearing Held: November 15, 2021 - Item #23

Staff Resource: Michael Russell

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

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

4. Rezoning Petition: 2021-033 by Charlotte Pipe & Foundry Co.

Location: Approximately 55 acres located along the north and south side of John Belk Freeway, east of Interstate 77, and northwest of South Mint Street. (Council District 2 - Graham, and Council District 3 - Watlington)

Current Zoning: MUDD-O (mixed-use development, optional) I-2 (general industrial), and I-2 (CD) (general industrial, conditional)
Proposed Zoning: UMUD-O (uptown mixed use, optional), with 5-year vested rights

Public Hearing Held: November 15, 2021 - Item #6

Staff Resource: Claire Lyte-Graham

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

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

5. Rezoning Petition: 2021-087 by Novant Health

Location: Approximately 1.91 acres located at the intersection of Amherst Place and Lillington Avenue, west of East 3rd Street, and northwest of Queens Road. (Council District 1 - Egleston)

Current Zoning: O-6 (CD) PED (office, conditional, pedscape overlay)
Proposed Zoning: MUDD (CD) PED (mixed-use development, conditional, pedscape overlay)

Public Hearing Held: November 15, 2021 - Item #24

Staff Resource: Dave Pettine

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

6. Rezoning Petition: 2021-092 by The Charlotte-Mecklenburg Hospital Authority

Location: Approximately 14.28 acres located on the south side of South McDowell Street, east of East Morehead Street, and west of Interstate 277. (Council District 1 - Egleston)

Current Zoning: MUDD-O PED (mixed-use development, optional, pedestrian overlay), B-2 PED (general business, pedestrian overlay), B-1 PED (neighborhood business, pedestrian overlay), and O-2 PED (office, pedestrian overlay)
Proposed Zoning: MUDD-O PED with 5-year vested rights (mixed-use development district, optional, pedestrian overlay)

Public Hearing Held: November 15, 2021 - Item #25

Staff Resource: Dave Pettine

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

7. Rezoning Petition: 2021-095 by Kenjoh Outdoor

Location: Approximately 2.85 acres located along the southeast interchange of Interstate 77 and Interstate 85, west of Statesville Avenue. (Council District 1 - Egleston)

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

Public Hearing Held: November 22, 2021 - Item #57

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

8. Rezoning Petition: 2021-097 by Mattamy Homes

Location: Approximately 56.98 acres located near SE intersection of The Plaza and E. W.T. Harris Boulevard in the Hickory Grove community. (Council District 5 - Newton)

Current Zoning: R-3 (single-family residential) & MX-2 (mixed-use)
Proposed Zoning: R-8MF (CD) (multi-family residential, conditional)

Public Hearing Held: November 15, 2021 - Item #26

Staff Resource: Will Linville

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

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

9. Rezoning Petition: 2021-102 by Ardent Acquisitions, LLC

Location: Approximately 6.96 acres located along the south side of Hamilton Street, northeast of Brookshire Freeway, and west of Statesville Avenue. (Council District 2 - Graham)

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

Public Hearing Held: November 15, 2021 - Item #27

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

10. Rezoning Petition: 2021-103 by Providence Group Capital, LLC

Location: Approximately 2.25 acres located on the north side of Blairhill Road, south of Clanton Road, and west of South Tryon Street. (Council District 3 - Watlington)

Current Zoning: I-1 (light industrial
Proposed Zoning: TOD-UC (transit-oriented development - urban center)

Public Hearing Held: November 15, 2021 - Item #7

Staff Resource: Holly Cramer

Staff Recommendation:
Staff does not recommend approval of this petition in its current form.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

11. Rezoning Petition: 2021-108 by Enquor Construction, LLC

Location: Approximately 7.4 acres located west of Korniv Drive between Lauren Kay Court and Coppola Drive. (Council District 2 - Graham)

Current Zoning: R-3, R-4 (single-family residential)
Proposed Zoning: R-6 (single-family residential)

Public Hearing Held: November 15, 2021 - Item #32

Staff Resource: Joe Mangum

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

12. Rezoning Petition: 2021-114 by Appaloosa Real Estate Partners

Location: Approximately 3.55 acres located on the southwest side of Ridge Road and northeast side of Interstate 485, west of Mallard Creek Road. (Council District 4 - Johnson)

Current Zoning: R-3 (single-family residential)
Proposed Zoning: B-D (CD) (business distribution, conditional)

Public Hearing Held: November 22, 2021 - Item #45

Staff Resource: Michael Russell

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

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

13. Rezoning Petition: 2021-115 by Ram Realty Acquisitions V, LLC

Location: Approximately 8.7 acres located on both the north and south side of State Street at the intersection of Gesco Street. (Council District 2 - Graham)

Current Zoning: I-2 (general industrial)
Proposed Zoning: MUDD-O (mixed-use development - optional)

Public Hearing Held: November 15, 2021 - Item #31

Staff Resource: Joe Mangum

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

14. Rezoning Petition: 2021-116 by Kevin Boyd

Location: Approximately 0.05 acres located at the intersection of East 35th Street and Whiting Avenue, southeast of North McDowell Street. (Council District 1 - Egleston)

Current Zoning: R-5 (single-family residential)
Proposed Zoning: MUDD-O (mixed-use development - optional)

Public Hearing Held: November 15, 2021 - Item #28

Staff Resource: Claire Lyte-Graham

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

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

15. Rezoning Petition: 2021-117 by Jeffrey Weiskopf

Location: Approximately 21.4 acres located west of the intersection of Moss Road and Yorkridge Drive. (Council District 3 - Watlington)

Current Zoning: R-9MF (CD) & R-15MF (CD) (multi-family residential, conditional)
Proposed Zoning: R-17MF (multi-family residential)

Public Hearing Held: November 22, 2021 - Item #46

Staff Resource: Joe Mangum

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

16. Rezoning Petition: 2021-121 by Anthony Fox

Location: Approximately 1.69 acres located on the east side of North Tryon Street, north of University City Boulevard, and west of East W.T. Harris Boulevard. (Council District 4 - Johnson)

Current Zoning: B-2 (general business)
Proposed Zoning: TOD-CC (transit-oriented development - community center)

Public Hearing Held: November 22, 2021 - Item #47

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

17. Rezoning Petition: 2021-122 by Kairol Residential

Location: Approximately 7.20 acres located along the south side of Clanton Road, north side of Blairhill Road, east of Interstate 77. (Council District 3 - Watlington)

Current Zoning: B-1 (neighborhood business)
Proposed Zoning: TOD-NC (transit-oriented development - neighborhood center)

Public Hearing Held: November 22, 2021 - Item #48

Staff Resource: Holly Cramer

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

18. Rezoning Petition: 2021-123 by Mill Creek Residential Trust

Location: Approximately 3.03 acres located on the east side of South Tryon Street, north of Clanton Road, and west of South Boulevard. (Council District 3 - Watlington)

Current Zoning: TOD-TR (transit-oriented development - transition)
Proposed Zoning: TOD-NC (transit-oriented development - neighborhood center)

Public Hearing Held: November 22, 2021 - Item #49

Staff Resource: Holly Cramer

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

19. Rezoning Petition: 2021-124 by Judson Stringfellow; JDSI, LLC

Location: Approximately 7.53 acres located on the west side of East W.T. Harris Boulevard, north of Albemarle Road, and south of Hickory Grove Road. (Council District 5 - Newton)

Current Zoning: R-12MF (CD) (multi-family residential, conditional)
Proposed Zoning: R-8 (single-family residential)

Public Hearing Held: November 22, 2021 - Item #50

Staff Resource: Holly Cramer

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

20. Rezoning Petition: 2021-126 by North Carolina Kenworth, Inc. dba. MHC Kenworth

Location: Approximately 5.57 acres located on the south side of east Westinghouse Bouleard, east of Nations Ford Road, and west of Downs Road. (Council District 3 - Watlington)

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

Public Hearing Held: November 22, 2021 - Item #51

Staff Resource: John Kinley

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

21. Rezoning Petition: 2021-130 by DRB Group

Location: Approximately 5.6 acres located on Rozzelles Ferry Road between Coronet Way and Bungalow Road. (Council District 2 - Graham)

Current Zoning: I-1 (CD) (light industrial, conditional) and R-22MF (multi-family residential)
Proposed Zoning: UR-2 (CD) (urban residential, conditional)

Public Hearing Held: November 15, 2021 - Item #29

Staff Resource: Joe Mangum

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

22. Rezoning Petition: 2021-131 by West Morehead Ventures, LLC

Location: Approximately 0.48 acres located on the eastern quadrant of the intersection of Harding Place and Kenilworth Avenue, west of South Kings Drive. (Council District 1 - Egleston)

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

Public Hearing Held: November 22, 2021 - Item #53

Staff Resource: Holly Cramer

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

23. Rezoning Petition: 2021-132 by EEA-Wildwood, LLC

Location: Approximately 16.58 acres located on the west side of Scaleybark Road, north of East Woodlawn Road, and east of Murrayhill Road. (Council District 1 - Egleston)

Current Zoning: R-12MF (CD) (multi-family residential, conditional)
Proposed Zoning: R-17MF (CD) (multi-family residential, conditional)

Public Hearing Held: November 22, 2021 - Item #54

Staff Resource: Dave Pettine

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

24. Rezoning Petition: 2021-134 by Greg Finnican

Location: Approximately 1.41 acres located at the southwest intersection of Statesville Road and Motorsports Lane, south of Cindy Lane, and east of Interstate 77. (Council District 2 - Graham)

Current Zoning: B-2 (general business)
Proposed Zoning: I-1 (light industrial)

Public Hearing Held: November 22, 2021 - Item #55

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

25. Rezoning Petition: 2021-187 by Dowell Finch

Location: Approximately 27.34 acres located east of Pavilion Boulevard, north of Harris Houston Road, and south of North Tryon Street. (Council District 4 - Johnson)

Current Zoning: MX-2 (CD) (mixed-use district, conditional)
Proposed Zoning: R-3 (single-family residential)

Public Hearing Held: November 15, 2021 - Item #30

Staff Resource: Claire Lyte-Graham

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 1.**File #:** 15-16936 **Type:** Zoning Item

Rezoning Petition: 2020-181 by Albemarle Property Investors, LLC

Location: Approximately 11.24 acres located at the NW intersection of Rocky River Church Road and Albemarle Road in Unincorporated Mecklenburg County. (ETJ nearest CC: 5-Newton)

Current Zoning: NS, R-3 (neighborhood services, residential)
Proposed Zoning: NS (SPA), NS (neighborhood services, site plan amendment, neighborhood services) with 5-year vested rights

Public Hearing Held: November 15, 2021 - Item #5

Staff Resource: Will Linville

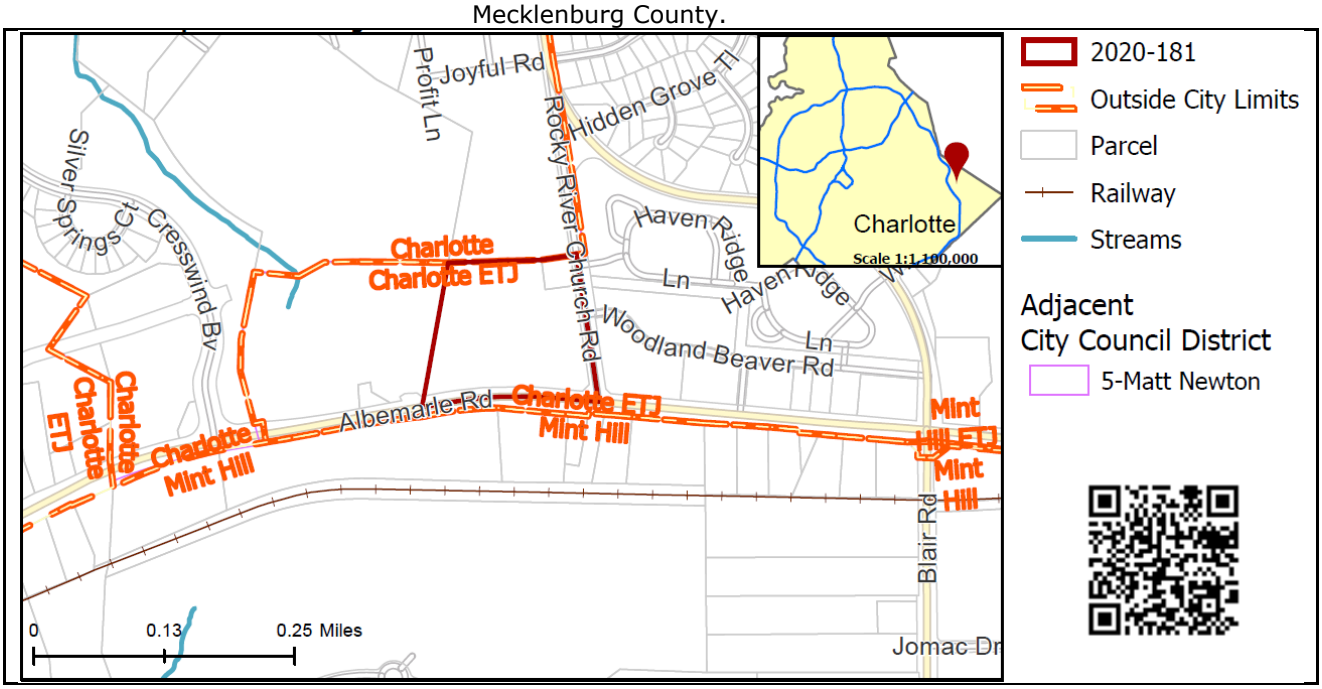
Staff Recommendation:
Staff does not recommend approval of this petition in its current form.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-181
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: NS, R-3 (neighborhood services, residential) Proposed Zoning: NS (SPA), NS (neighborhood services, site plan amendment, neighborhood services) with 5-year vested rights
LOCATION	Approximately 11.24 acres located at the NW intersection of Rocky River Church Road and Albemarle road in unincorporated Mecklenburg County.



SUMMARY OF PETITION	This site plan amendment/rezoning proposes to permit up to 75,000 SF of retail, EDEEs, and personal services uses as allowed within the NS zoning district. It also seeks to entitle 3 additional drive-through service windows, one being associated with an attached pharmacy associated with the proposed grocery anchor, and two others associated with the outparcels illustrated on the submitted site plan.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Mary L. Rhodes c/o John Rhodes; Square A Land Holdings, LLC Albemarle Property Investors, LLC Eric Hampton, BGE
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 50

STAFF RECOMMENDATION	Staff does not recommend approval of this petition in its current form. Staff may consider revising its recommendation upon a reduction in the overall number of requested accessory drive-through service windows for the site and the removal of the request for 5-year vested rights. <u>Plan Consistency</u> The petition is **inconsistent** the *Albemarle Road/I-485 Interchange Study's* recommendation for residential/office/retail and multi-family/office/retail uses for the site.

Rationale for Recommendation

- This request for additional auto-oriented uses is inconsistent with the overall vision/intent of Zone B of the area plan, which is to "create a viable pedestrian environment". However, the neighborhood services district addresses restaurant size for those with accessory drive-thru windows by providing a minimum seat count which assists in offsetting the intensity of the auto-oriented nature of the proposed use.
- While the petition is inconsistent with the intent of Zone B of creating a true town center, it fulfills the plan's land use goal to "provide for a mixture of integrated, appropriately scaled uses …at the intersection of Albemarle and Rocky River Roads" when viewed with the mixture of land uses entitled through the Cresswind development (2015-101).
- The petition will enhance the pedestrian environment through its commitment to provide intersection improvements to accommodate bicycle and pedestrian crossings at the Rocky River Church/Albemarle Road intersection.
- The provision of a grocery anchor proximal to a large amount of residential units provides necessary neighborhood services to a growing area of far east Charlotte.

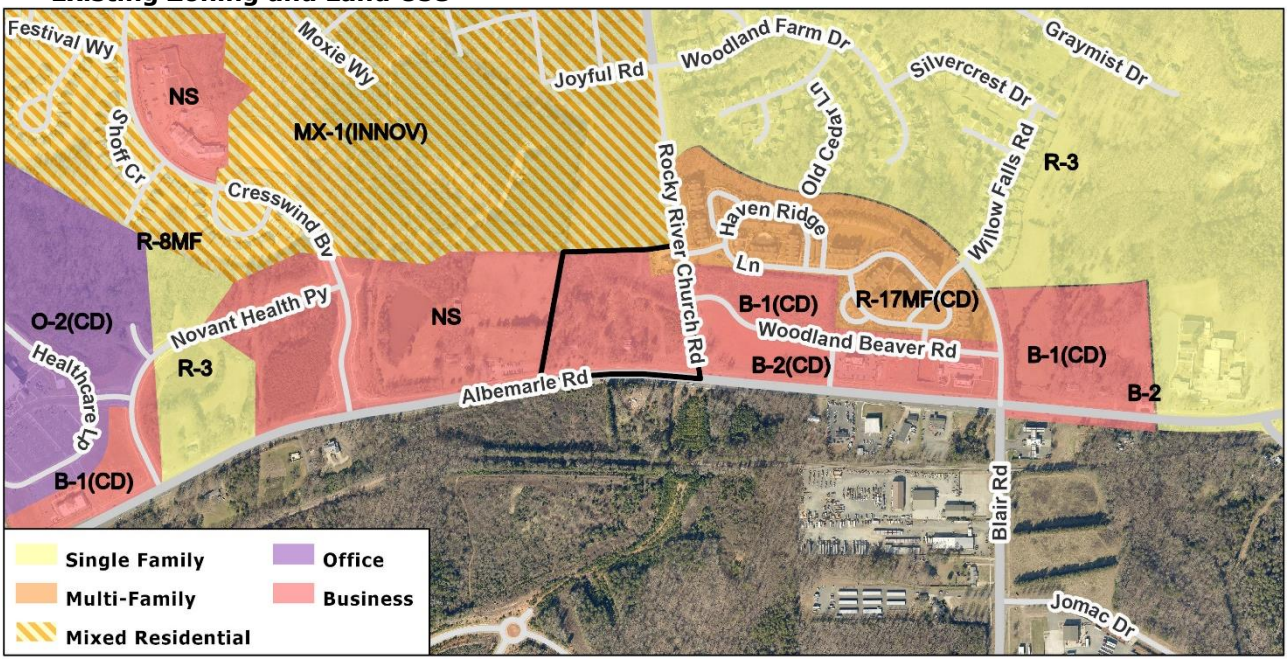
The approval of this petition will revise the adopted future land use as specified by the *Albemarle Road/I-485 Interchange Study*, from residential/office/retail and multifamily/office/retail to retail for the entire site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Proposes a maximum of 75,000 square feet of gross floor area dedicated to retail, EDEE, and personal service uses as allowed in the NS district. Additionally, permits up to 3 drive-thru windows, including one dedicated solely for pharmacy use.
  - Notes that Development Area B may be developed remaining net square footage entitled through 2015-101 and that area also keeps the original two (2) accessory drive-thru windows originally entitled for the entire Development Area B.
  - Adds a note attempting to differentiate the drive-thru windows requesting by classifying what restaurants may be considered a more traditional, sit-down restaurant; notes that one window would be for a pharmacy use related to the grocery anchor, one for a traditional EDEE/fast food-type restaurant, and one window for a sit down-type restaurant that is presumably less auto-oriented.
  - Commits to transportation improvements in locations proximal to the site that include:
    - Rocky River Church Road at Albemarle Road
      - Southbound will receive left turn and left through lanes with 250 feet of full storage; right turn lane with storage extended to proposed right-in/right-out driveway at site access B.
    - Site Access A (northern portion of site, along Rocky River Church Road)
      - Commits to an exclusive left turn lane on the northbound approach of Rocky River Church Road. Storage shall be provided to the maximum extent possible in coordination with the southbound left over turn lane to Woodland Beaver Road.
      - Shall provide a 100-foot internal protected stem from the proposed Rocky River Church Road ROW to the internal site access drive.
    - Site Access B (below site access A, also along Rocky River Church Road)
      - In lieu of a 100 foot internal protected stem, petitioner shall provide an exclusive right turn lane with a minimum 100 feet of full storage and appropriate bay taper on the southbound approach of Rocky River Church Road. Internal stem to be maximized based on current rezoning site plan.
      - Provides a southbound left over turn lane onto Woodland Beaver Road.
    - Site Access C (located along Albemarle Road near its intersection with Rocky River Church Road)
      - Shall provide an exclusive right turn lane on the eastbound approach of Albemarle Road. A minimum of 100 feet of full storage shall be provided.

    - Site Access D (located along Albemarle Road west of Site Access C)
        - Shall provide an exclusive left turn lane on the eastbound approach of Albemarle road with a minimum of 200 feet of full storage.
    - A two-lane cross section consisting of an ingress land and egress lane provided for development access.
    - Internal sidewalks and pedestrian connections.
    - Commits to providing intersection improvements to accommodate bike/ped crossings at the Rocky River Church/Albemarle Road intersection.
- Commits to architectural conditions as part of the approved 2015-101 rezoning.
- Permits freestanding lighting fixtures no greater than 21 feet in height.

- **Existing Zoning and Land Use**



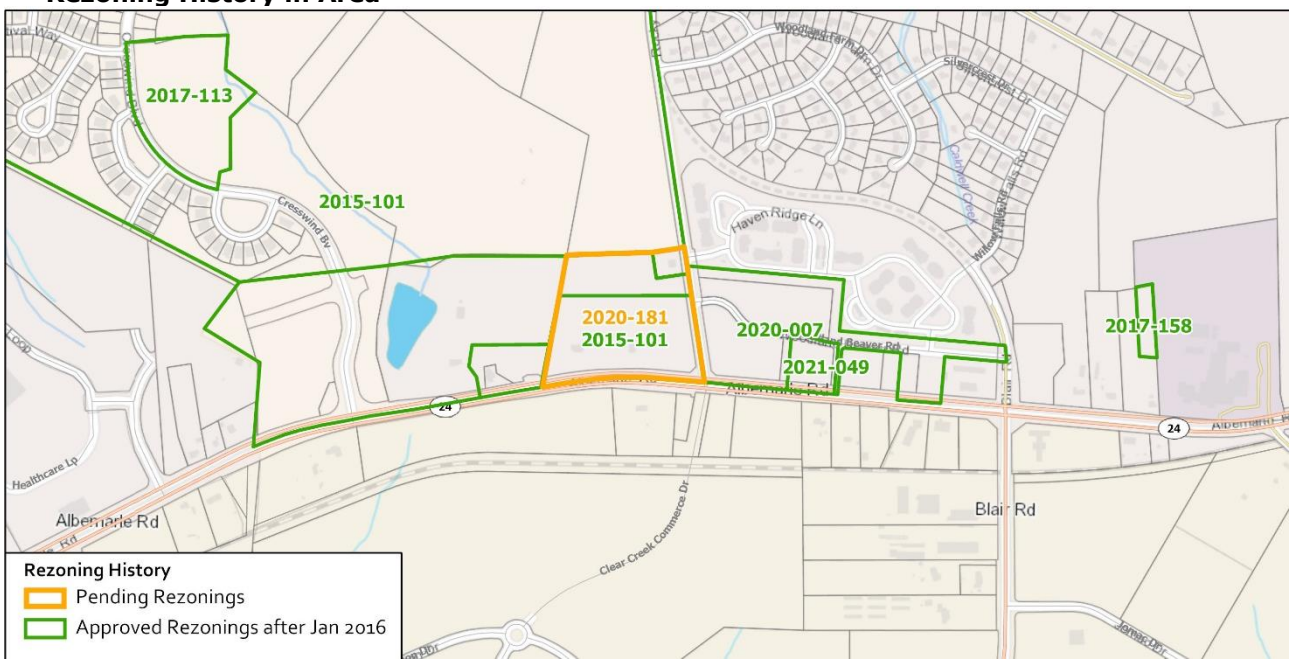
The site was most recently rezoned in 2016 (2015-101) as a part of the larger Cresswind mixed use development. The site is bordered to the south by Mint Hill's zoning jurisdiction (which is now being developed with EDEE uses such as Arby's), to the east by multi-family housing and retail uses along Woodland Beaver Road, and single family uses to the north and west.

General location of subject property denoted by red star. Early phases of Cresswind seen to left; Adjacent Woodland Beaver commercial center located directly to the right of the star.

Streetview along Albemarle Road looking NW toward the site. Left of the street is Mint Hill's zoning jurisdiction and is also seeing new development in the vicinity of the site.

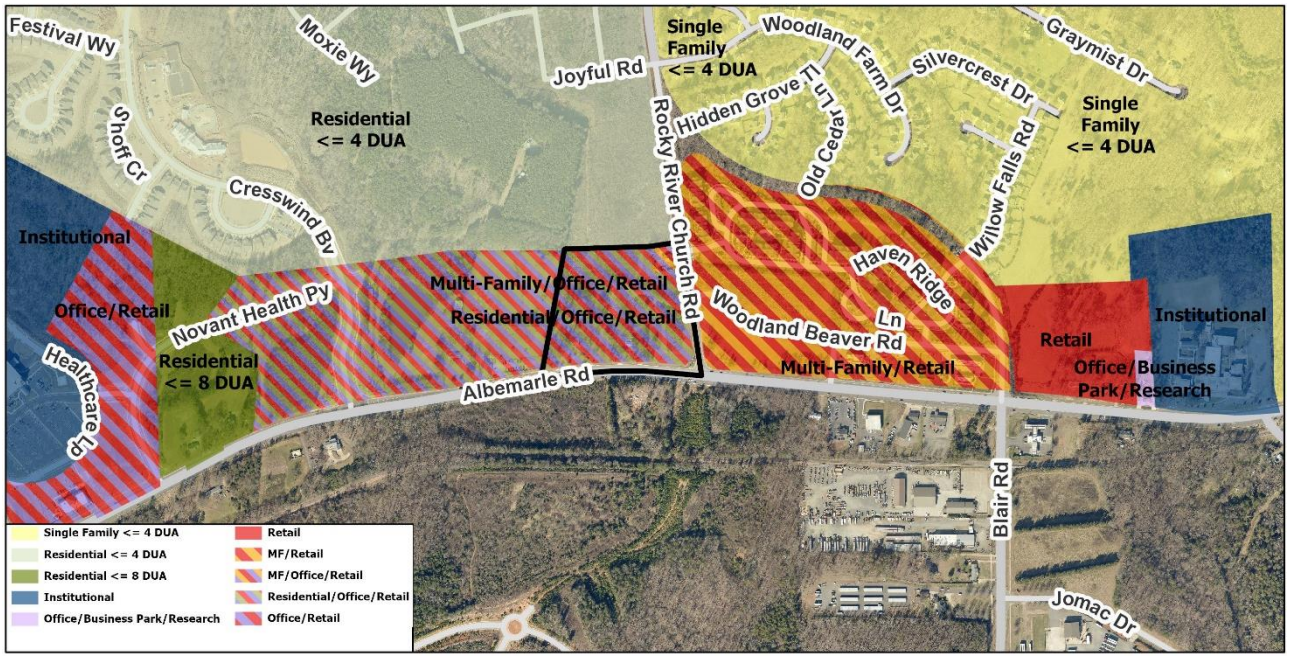
A construction office is currently located at the northernmost portion (along Rocky River Church Road) of the subject property and part of this rezoning request.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-049	Petition to allow car wash and other uses permitted within the B-2 zoning district.	Approved
2020-007	Petition to amend previously approved plan to permit additional auto-oriented uses.	Approved
2017-150	Petition to rezone from a multi-family zoning district to a commercial zoning district.	Approved
2017-113	Petition to rezone parcel that was part of original Cresswind rezoning to NS.	Approved
2015-101	Petition for Cresswind multiple-use development.	Approved

- **Public Plans and Policies**



  - The *Albemarle Road/I-485 Interchange Study* (2003) recommends residential/office/retail uses for Parcel 111-221-03 and multi-family/office/retail uses for Parcel 111-211-05.

- **TRANSPORTATION SUMMARY**
  - The site is located on a State-maintained major thoroughfare (Albemarle Road) and a State-maintained local road (Rocky River Church Road). A Traffic Impact Study (TIS) was needed for this site due to the estimated trip generation of 6,529 trips; a TIS Addendum was submitted on June 30, 2021 and has been approved by NCDOT and CDOT. NCDOT has requested an additional 12' right-of-way along the frontage of Rocky River Church Road to accommodate a future roadway widening. The Petitioner commits to constructing a 12' multi-use path with an 8' planting strip along the site's frontage in accordance with City ordinances and the Charlotte BIKES and Charlotte WALKS Policies. The site plan also shows a concrete median with a left-over on Rocky Rover Road to maintain left turns into Woodland Beaver Rd and prevent left turns into the site's southmost access into the site. The Petitioner commits to providing intersection improvements to include the recommended lane configuration on Albemarle Road at Rocky River Church Road per Rezoning Petition 2020-101. Improvements shall include the continuation of the curb and gutter around the curb return. Petitioner also commits to providing pedestrian and bicycle crossings at the Albemarle Road and Rocky River Church Road Intersection with channelization islands and all associated infrastructure modifications needed to provide a safe route for both bicyclists and pedestrians. The petitioner should coordinate with the developer of Approved Rezoning Petition 2020-007, ensure that intersection improvements provide continuity between the multi-use path and planting strip on both sides of Rocky River Church Road. Petitioner to coordinate detail right-of-way design with NCDOT during permitting. All CDOT and NCDOT comments have been addressed.
- **Active Projects**
  - N/A
- **Transportation Considerations**
  - N/A
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 50 trips per day (based on 1,200 SF warehouse use).

  Entitlement: 9,405

  5 trips per day (based on 130,000 SF retail; 60,000 SF office uses).

  Proposed Zoning: 10,870 trips per day (based on 48,848 SF supermarket; 18,152 SF retail; 8,000 SF drive-thru restaurant).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **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 16-inch water distribution main located along Albemarle Road. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 1,400 feet south of the rezoning boundary on Clear Creek Commerce Road. A developer donated project will be required in cases there is not direct service. See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.
- **Erosion Control:** 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 comments submitted.
- **Stormwater Services Land Development Engineering:** See advisory comments at www.rezoning.org
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. To more closely follow the intent of the Council-approved land use plan's recommendations for Zone B and to more closely align with the entitlements of 2015-101, staff requests the total amount of accessory drive-thru windows for this rezoning boundary to be limited to two (2), with one being utilized only for a pharmacy-related use. OUTSTANDING
2. Remove request for 5-year vested rights. OUTSTANDING
3. **NEW COMMENT** - Please remove all language in the proposed uses section that attempts to describe the end user of the third accessory drive-through location. As noted previously, listing the type of restaurants that are meant to locate there may cause issues in permitting – staff does not differentiate between retailers, only the number of seats for EDEE uses with accessory drive-through service windows. The third bullet should be removed completely with the second bullet reading as follows "Up to two (2) uses with an accessory drive-through window associated with any use allowed within NS not withstanding the list of restricted uses for the site noted in this section."
4. **NEW COMMENT** - One bullet should be added to Section II of the conditional notes to more clearly illustrate the uses that the petitioner has agreed to remove from the site following the November 2021 Zoning Committee Meeting. The note should read as follows: Prohibited uses at the site include retail with accessory fueling stations (e.g., gas stations), automotive service stations, and car washes.

Transportation

5. ~~R/W line should be straight along the Albemarle Road frontage. Remove the taper.~~ ADDRESSED
6. ~~Please revise site plan and conditional notes to reserve an additional 12-foot ROW along the frontage of Rocky River Church Road to accommodate a future roadway widening~~. ADDRESSED

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

Planner: William Linville (704) 336-4090

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

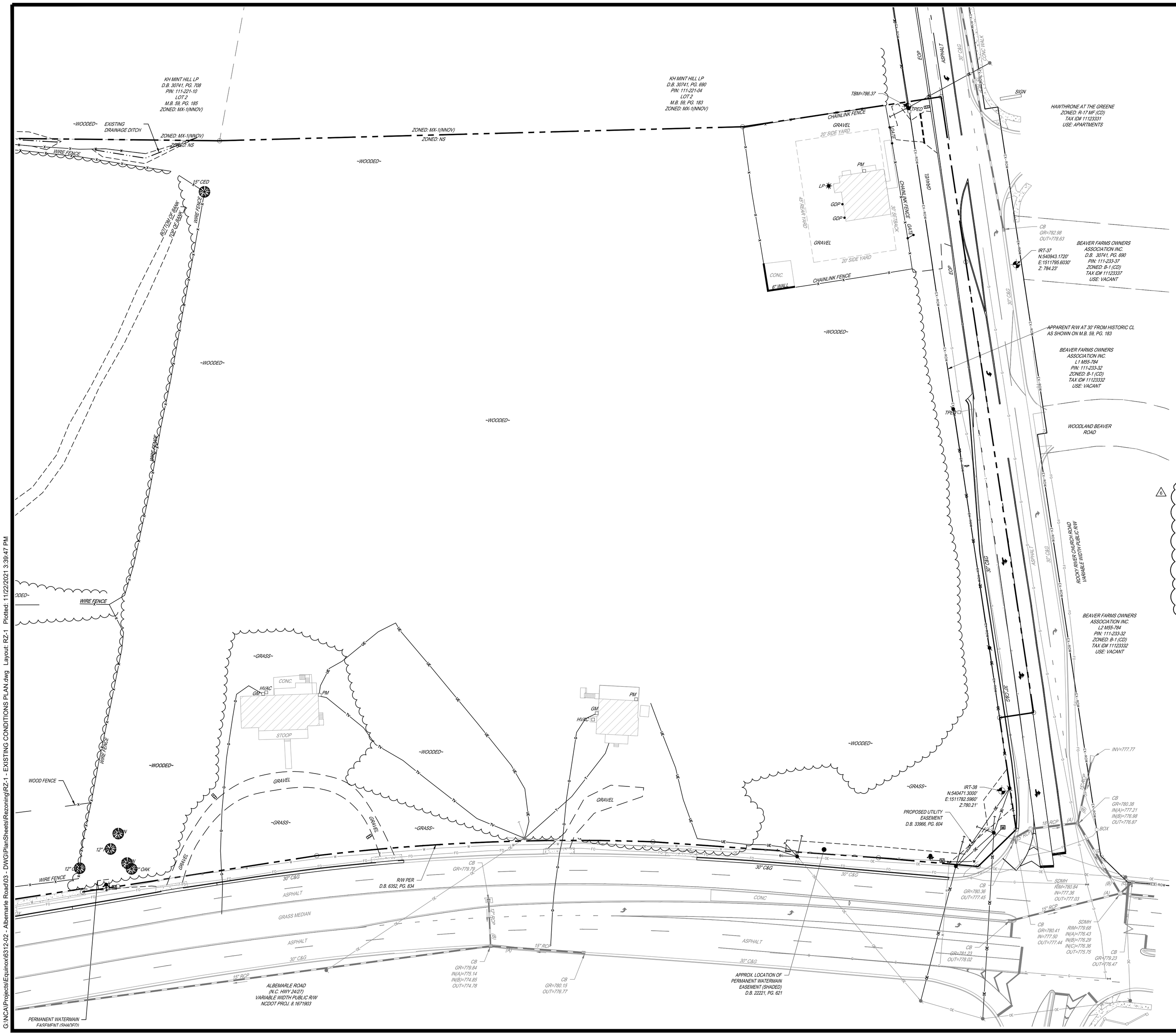
Rezoning Petition # 2020-181

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	**N/A**
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**N/A**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	**N/A**

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	✓
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	✓
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	**N/A**
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**



REZONING SUMMARY

PETITIONER:	ALBEMARLE PROPERTY INVESTORS, LLC 630 S. MAITLAND AVE., SUITE 100 MAITLAND, FL 32751 C/O AMY McCOOK
TAX PARCEL(S) ID:	11122103 & 11122105
PROPERTY OWNER (S):	PARCEL 11122103 MARY L. RHODES 13849 BEATTIES FORD RD HUNTERVILLE NC 28078 PARCEL 11122105 SQUARE A LAND HOLDINGS, LLC 11525 ROCKY RIVER CHURCH ROAD CHARLOTTE NC 28215
ACREAGE:	11.24 ACRES
EXISTING ZONE:	PARCEL 11122103: NS ZONE PARCEL 11122105: R-3 ZONE
PROPOSED ZONING:	NS (SPA), NS WITH 5 YEARS VESTED RIGHTS
EXISTING USES:	PARCEL 11122103: VACANT LAND PARCEL 11122105: AN EXISTING INDUSTRIAL BUILDING

PROPOSED USES: USED PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE NS ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW).

6 MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 75,000 SF OF GROSS FLOOR AREA OF RETAIL, EATING DRINKING ENTERTAINMENT ESTABLISHMENT (EDEE), AND PERSONAL SERVICES USES AS ALLOWED IN THE NS ZONING DISTRICT. UP TO A TOTAL OF THREE (3) USES WITH DRIVE-THROUGH WINDOWS WITHIN THE DEVELOPMENT AREA AS FOLLOWS:

- UP TO ONE (1) USE WITH AN ACCESSORY PHARMACY PICK-UP WINDOW
- UP TO ONE (1) USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW (ASSOCIATED WITH ANY USE ALLOWED WITHIN NS).
- UP TO ONE (1) USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW (ASSOCIATED WITH ANY USE ALLOWED WITHIN NS WITH THE EXCEPTION THAT THIS USE SHALL NOT BE A TRADITIONAL FAST FOOD RESTAURANT OR AUTO ORIENTED USE). FAST FOOD SHALL INCLUDE ESTABLISHMENTS SUCH AS CHICK-FIL-A, MCDONALDS, BURGER KING, ETC. AND AUTO ORIENTED USE SHALL INCLUDE ESTABLISHMENTS SUCH AS CAR WASH, CAR CARE, GAS STATION OR SERVICE STATION. THE FORGOING SHALL NOT RESTRICT FAST CASUAL FOOD USERS SUCH AS PANERA, CHIPOTLE, ETC. ALL OTHER USERS ALLOWED WITH NS WOULD BE PERMISSIBLE INCLUDING USES WHICH HAVE A PRIMARY OFFERING SUCH AS COFFEE OR BLENDED BEVERAGES AS WELL AS A BANKING AND/OR FINANCIAL INSTITUTION.

MAX. BUILDING HEIGHT:	BUILDING HEIGHTS WILL BE LIMITED TO A MAXIMUM OF FOUR (4) STORIES AND 60 FEET. BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
PARKING REQUIRED:	AS DEFINED BY THE ORDINANCE
STORMWATER:	PROPOSED STORMWATER BMP(S)

PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE NS ZONING DISTRICT.

MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: WITHIN THE NS ZONING DISTRICT UP TO: (I) 290,000 SQUARE FEET OF GROSS FLOOR AREA OF RETAIL, GENERAL AND MEDICAL OFFICE USES, EATING DRINKING ENTERTAINMENT ESTABLISHMENTS (EDEE), PERSONAL SERVICES AND OTHER COMMERCIAL USES , A CONTINUING CARE RETIREMENT COMMUNITY (CCRC).

*SEE SHEET RZ-3.0 FOR REZONING DEVELOPMENT STANDARDS

REV	DATE	DESCRIPTION
6	11/22/2021	UPDATED REZONING PLANS
5	10/21/2021	UPDATED REZONING PLANS
4	09/13/2021	UPDATED REZONING PLANS
3	05/17/2021	UPDATED REZONING PLANS
2	04/09/2021	UPDATED REZONING PLANS

DESIGNED BY: DMH / LL
DRAWN BY: DMH / LL
REVIEWED BY: ECH / MS

BCE
1111 METROPOLITAN AVE, SUITE 250
CHARLOTTE, NC 28204
www.bgeinc.com
NC LICENSE #C-4397
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ALBEMARLE PROPERTY INVESTORS, LLC
630 S MAITLAND AVE, SUITE 100
MAITLAND, FL 32751

ALBEMARLE ROAD RETAIL
ALBEMARLE ROAD
CHARLOTTE / NC / 28227

EXISTING CONDITIONS PLAN

SEAL

NOT FOR CONSTRUCTION

FILE NUMBER: 6312-02

DATE: 10/19/2020

RZ-1

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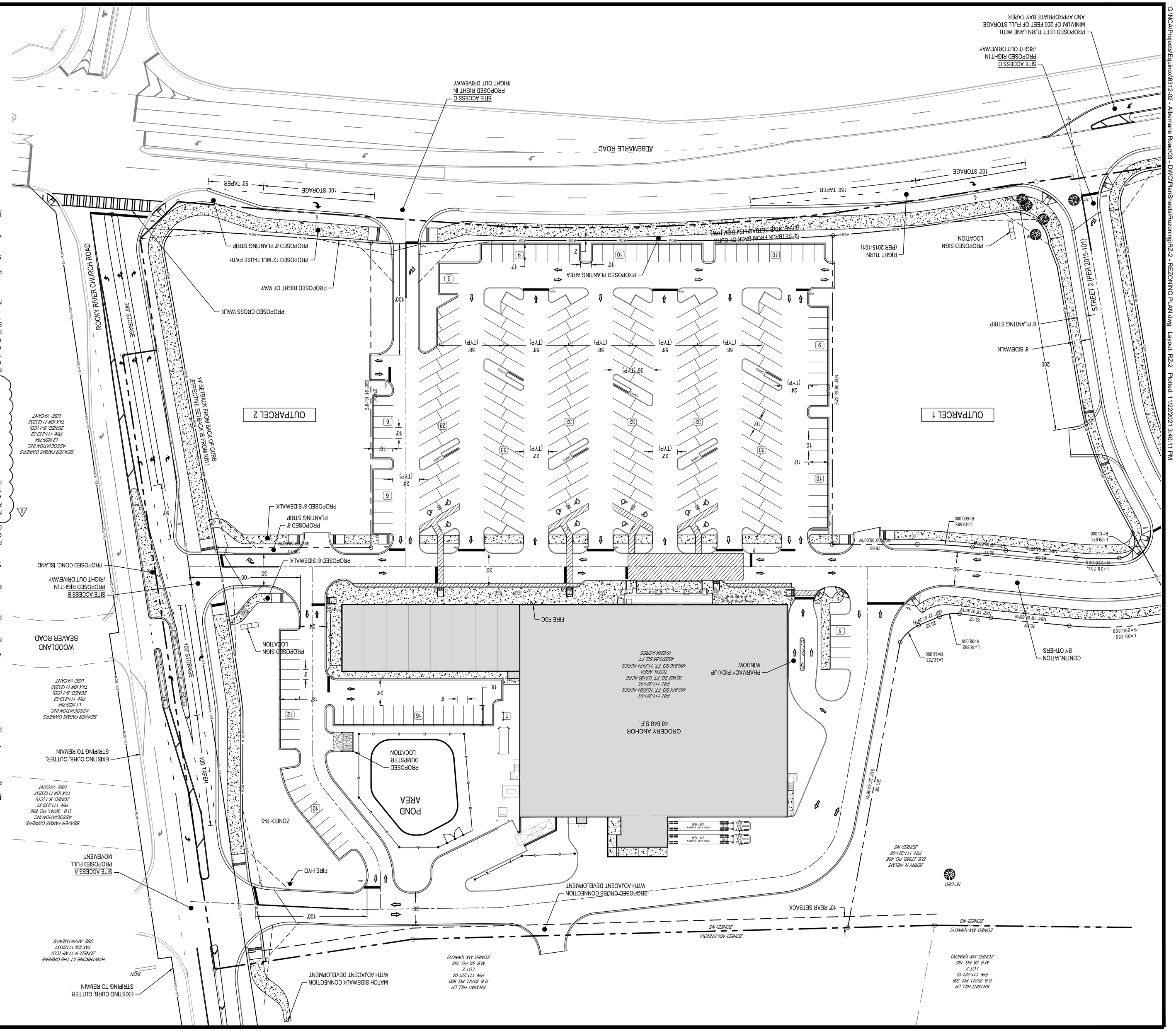

FIRE DEPARTMENT NOTES

1. FIRE DEPARTMENT ROAD SHALL HAVE A MIN. 20' UNOBSTRUCTED CLEAR WIDTH AND SHALL BE CAPABLE OF SUPPORTING 80,000 LBS.
2. TURN RADIUS SHALL BE 30' INSIDE AND 42' OUTSIDE
3. FOR BUILDING ARE ARE EQUIPPED WITH A SPRINKLER SYSTEM, A FIRE DEPARTMENT CONNECTION SHALL BE LOCATED WITHIN 200' OF A FIRE HYDRANT FOR A NFPA 13 SPRINKLER SYSTEM.
4. FDC SHALL BE LOCATED ON THE ADDRESS/FRONT SIDE OF BUILDING.
5. FIRE HYDRANT SHALL BE LOCATED WITHIN 750' TO THE MOST REMOTE POINT OF THE BUILDING AS THE TRUCK TRAVELS FOR ALL BUILDINGS.

*SEE SHEET RZ-3.0 FOR REZONING DEVELOPMENT STANDARDS

STORMWATER:	AS REQUIRED BY THE ORDINANCE
PARKING REQUIRED:	AS DEFINED BY THE ORDINANCE
MAX. BUILDING HEIGHT:	BUILDING HEIGHTS WILL BE LIMITED TO A MAXIMUM OF FOUR (4) STORIES AND 60 FEET. BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

FIRE DEPARTMENT ACCESS ROAD SHALL HAVE A MIN. 20' UNOBSTRUCTED CLEAR WIDTH AND SHALL BE CAPABLE OF SUPPORTING 80,00 LBS. IT SHALL ALSO HAVE A TURN SPRINKLER SYSTEMS, A FIRE DEPARTMENT CONNECTION SHALL BE LOCATED WITHIN 200', O A FIRE HYDRANT FOR A NFPA 13 SPRINKLER SYSTEM. THE FDC SHALL BE LOCATED ON THE ADDRESS/ FRONT SIDE OF BUILDING. THE FIRE HYDRANT SHALL BE LOCATED WITHIN 750', TO THE MOST REMOTE POINT OF BUILDING AS TRUCK TRAVEL FROM ALL BUILDINGS.

MAX. BUILDING HEIGHT:	BUILDING HEIGHTS WILL BE LIMITED TO A MAXIMUM OF FOUR (4) STORIES AND 60 FEET. BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

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3. FDC SHALL BE LOCATED ON THE ADDRESS/FRONT SIDE OF BUILDING.
4. FIRE HYDRANT SHALL BE LOCATED WITHIN 750' TO THE MOST REMOTE POINT OF THE BUILDING AS THE TRUCK TRAVELS FOR ALL BUILDINGS.

SCALE: 1" = 40'

0 20' 40' 80'

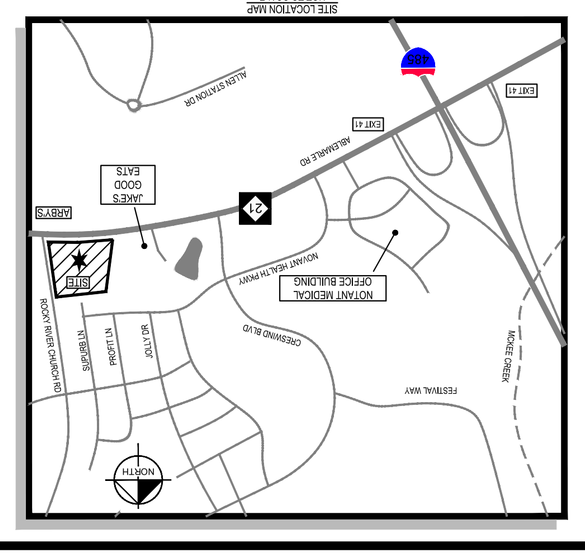
Know what's below. Call before you dig.

811

N

REZONING SUMMARY

PETITIONER:	ALBEMARLE PROPERTY INVESTORS, LLC 630 S. MAITLAND AVE., SUITE 100 MAITLAND, FL 32751 C/O AMY MCCOOK
TAX PARCEL(S) ID:	111222103 & 111222105
PROPERTY OWNER (S):	PARCEL 111222103 MARY L. RHODES 13849 BEATTIES FORD RD HUNTERSVILLE NC 28078 PARCEL 111222105 SQUARE A LAND HOLDINGS, LLC 11525 ROCKY RIVER CHURCH ROAD CHARLOTTE NC 28215
ACREAGE:	11.24 ACRES
EXISTING ZONE:	PARCEL 111222103: NS ZONE PARCEL 111222105: R-3 ZONE
PROPOSED ZONING:	NS (SPA), NS WITH 5 YEARS VESTED RIGHTS (PRIOR REZONING 2015-101 WILL BE AMENDED WITH THIS PETITION)
EXISTING USES:	PARCEL 111222103: VACANT LAND PARCEL 111222105: AN EXISTING INDUSTRIAL BUILDING
SETBACKS:	14' FROM BACK OF CURB 10' REAR SETBACK
PROPOSED USES:	USED PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE NS ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW). MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 75,000 SF OF GROSS FLOOR AREA OF RETAIL, EATING DRINKING ENTERTAINMENT ESTABLISHMENT (EDEE), AND PERSONAL SERVICES USES AS ALLOWED IN THE NS ZONING DISTRICT. UP TO A TOTAL OF THREE (3) USES WITH DRIVE-THROUGH WINDOWS WITHIN THE DEVELOPMENT AREA AS FOLLOWS: • UP TO ONE (1) USE WITH A ACCESSORY PHARMACY PICK-UP WINDOW • UP TO ONE (1) USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW (ASSOCIATED WITH ANY USE ALLOWED WITHIN NS; • UP TO ONE (1) USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW (ASSOCIATED WITH TRADITIONAL FAST FOOD RESTAURANT OR AUTO ORIENTED USE). FAST FOOD SHALL INCLUDE ESTABLISHMENTS SUCH AS CHICK-FIL-A, MCDONALDS, BURGER KING, ETC. AND AUTO ORIENTED USE SHALL INCLUDE ESTABLISHMENTS SUCH AS CAR WASH, CAR CARE, GAS STATION OR SERVICE STATION. THE FOREGOING SHALL NOT RESTRICT FAST CASUAL FOOD USERS SUCH AS PANERA, CHIPOTLE, ETC. ALL OTHER USERS ALLOWED WITH NS WOULD BE PERMISSIBLE INCLUDING USES WHICH HAVE A PRIMARY OFFERING SUCH AS COFFEE OR BLENDED BEVERAGES AS WELL A BANKING AND/OR FINANCIAL INSTITUTION.



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MAITLAND, FL 32751

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1111 METROPOLITAN AVE. SUITE 250
CHARLOTTE, NC 28204
www.bgeinc.com
NC LICENSE #C-4397

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REV	DATE	DESCRIPTION	DESIGNED BY:	DRAWN BY:	REVIEWED BY:
1	11/22/2021	UPDATED REZONING PLANS	DMH / LL	DMH / LL	ECH / MS
2	10/21/2021	UPDATED REZONING PLANS			
3	09/13/2021	UPDATED REZONING PLANS			
4	05/17/2021	UPDATED REZONING PLANS			
5	04/09/2021	UPDATED REZONING PLANS			

ALBEMARLE ROAD RETAIL

ALBEMARLE ROAD
CHARLOTTE / NC / 28227

REZONING PLAN

SEAL

NOT FOR CONSTRUCTION

FILE NUMBER: 6312-02

DATE: 10/19/2020

RZ-2

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I. GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY EQUINOX DEVELOPMENT PROPERTIES, INC. (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A GROCERY ANCHORED RETAIL CENTER ON THAT APPROXIMATELY 11.24-ACRE SITE LOCATED ON THE NORTHWEST CORNER OF ALBEMARLE ROAD AND ROCKY RIVER CHURCH ROAD, MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TWO TAX PARCELS, PARCEL ID NUMBERS 11122103 AND 11122105.

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 NS 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

USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE NS ZONING DISTRICT. UP TO 75,000 SF OF GROSS FLOOR AREA OF RETAIL, EATING DRINKING ENTERTAINMENT ESTABLISHMENT (EDEE), AND PERSONAL SERVICES USES AS ALLOWED IN THE NS ZONING DISTRICT AND SHALL BE LOCATED IN OUTPARCELS ILLUSTRATED IN THE PLAN. UP TO A TOTAL OF THREE (3) USES WITH DRIVE-THROUGH WINDOWS WITHIN THE DEVELOPMENT AREA AS FOLLOWS:

- UP TO ONE (1) USE WITH AN ACCESSORY PHARMACY PICK-UP WINDOW
- UP TO ONE (1) USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW (ASSOCIATED WITH ANY USE ALLOWED WITHIN NS).
- UP TO ONE (1) USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW (ASSOCIATED WITH ANY USE ALLOWED WITHIN NS WITH THE EXCEPTION THAT THIS USE SHALL NOT BE A TRADITIONAL FAST FOOD RESTAURANT OR AUTO ORIENTED USE). FAST FOOD SHALL INCLUDE ESTABLISHMENTS SUCH AS CHICK-FIL-A, MCDONALDS, BURGER KING, ETC. AND AUTO ORIENTED USE SHALL INCLUDE ESTABLISHMENTS SUCH AS CAR WASH, CAR CARE, GAS STATION OR SERVICE STATION. THE FORGOING SHALL NOT RESTRICT FAST CASUAL FOOD USERS SUCH AS PANERA, CHIPOTLE, ETC. ALL OTHER USERS ALLOWED WITH NS WOULD BE PERMISSIBLE INCLUDING USES WHICH HAVE A PRIMARY OFFERING SUCH AS COFFEE OR BLENDED BEVERAGES AS WELL AS A BANKING AND/OR FINANCIAL INSTITUTION. AS ALLOCATED IN THE COUNCIL APPROVED REZONING PETITION 2015-101, THE REMAINING PORTION OF DEVELOPMENT AREA B AS OUTLINED IN THAT PETITION WILL UTILIZE THE REMAINING ENTITLED ALLOWABLE GROSS FLOOR AREAS THAT ARE ABOVE THE REQUESTED USES OUTLINED IN THIS PETITION. THIS REMAINING AREA WILL ALSO MAINTAIN UP TO TWO (2) DRIVE THROUGH WINDOWS AS ALLOCATED IN THAT PETITION.

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 NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) AND CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT).
2. AS DEPICTED ON THE REZONING PLAN, THE PROJECT WILL BE REQUIRED TO CONTSTRUCT THE FOLLOWING:

ROCKY RIVER CHURCH ROAD AT ALBEMARLE ROAD:

- SOUTHBOUND: LEFT TURN AND LEFT-THROUGH LANES WITH 250 FEET OF FULL STORAGE AND APPROPRIATE BAY TAPER SHOULD BE PROVIDED.
- SOUTHBOUND: RIGHT TURN LANE WITH STORAGE EXTENDED TO PROPOSED RIGHT-IN/RIGHT-OUT DRIVEWAY AT SITE ACCESS B.
- NORTHBOUND: NO IMPROVEMENTS REQUIRED.
- EASTBOUND AND WESTBOUND: NO IMPROVEMENTS REQUIRED.

SITE ACCESS A:

- AN EXCLUSIVE LEFT TURN LANE ON THE NORTHBOUND APPROACH OF ROCKY RIVER CHRUCH ROAD. STORAGE SHALL BE PROVIDED TO THE MAXIMUM EXTENT POSSIBLE IN COORDINATION WITH THE SOUTHBOUND LEFT OVER TURN LANE TO WOODLAND BEAVER ROAD.
- PROVIDE A 100 FOOT INTERNAL PROCTECTED STEM FROM THE PROPOSED ROCKY RIVER CHRUCH ROAD RIGHT-OF-WAY TO THE INTERNAL SITE ACCESS DRIVE.

SITE ACCESS B:

- IN LIEU OF A 100 FOOT INTERNAL PROTECTED STEM, PROVIDE AN EXCLUSIVE RIGHT TURN LANE WITH A MINIMUM OF 100 FEET OF FULL STORAGE AND APPROPRIATE BAY TAPER ON THE SOUTHBOUND APPRACH OF ROCKY RIVER CHURCH ROAD. INTERNAL STEM TO BE MAXIMIZED BASED ON CURRENT REZONING SITE PLAN. ON-SITE STEM IN COMBINATION WITH INCREASED STORAGE IN RIGHT TURN LANE EXCEEDS THE STORAGE RQUESTED.
- PROVIDE A SOUTHBOUND LEFT OVER TURN LANE ONTO WOODLAND BEAVER ROAD.

SITE ACCESS C:

- AN EXCLUSIVE RIGHT TURN LANE ON THE WESTBOUND APPROACH OF ALBEMARLE ROAD. A MINIMUM OF 100 FEET OF FULL STORAGE AND APPROPRIATE BAY TAPER SHOULD BE PROVIDED.

SITE ACCESS D:

- AN EXCLUSIVE LEFT TURN LANE ON THE EASTBOUND APPROACH OF ALBEMARLE ROAD. A MINIMUM OF 200 FEET OF FULL STORAGE AND APPROPRIATE BAY TAPER SHOULD BE PROVIDED.

3. A TWO-LANE CROSS SECTION CONSISTING OF AN INGRESS LANE AND EGRESS LANE SHOULD BE PROVIDED FOR THE DEVELOPMENT ACCESS.
4. AS DEPICTED ON THE REZONING PLAN, THE EAST-WEST SITE ACCESS DRIVE CONNECTING STREET 2 TO ROCKY RIVER CHURCH ROAD WILL BE A PRIVATE ACCESS DRIVE.
5. PETITIONER SHALL PROVIDE INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.
6. PETITIONER COMMITS TO PROVIDING INTERSECTION IMPROVEMENTS TO ACCOMMODATE PEDESTRIAN AND BICYCLE CROSSINGS AT THE ALBEMARLE ROAD AND ROCKY RIVER CHURCH ROAD INTERSECTION. THESE IMPROVEMENTS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN AND SHALL INCLUDE ACCESSIBLE RAMPS AND ALL ASSOCIATED INFRASTRUCTURE MODIFICATIONS NEEDED TO PROVIDE A SAFE ROUTE FOR BOTH BICYCLISTS AND PEDESTRIANS AND SHALL ALIGN WITH THOSE IMPROVEMENTS FOUND AND APPROVED AS PART OF RZP 2020-007.
7. 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. RIGHT OF WAY DEDICATED SHALL BE 2' BEHIND SIDEWALK WHERE FEASIBLE.
8. UNLESS STATED OTHERWISE HEREIN, THE PETITIONER SHALL ENSURE THAT ALL TRANSPORTATION IMPROVEMENTS ARE APPROVED AND CONSTRUCTED PRIOR TO 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.
9. PETITIONER WILL COORDINATE WITH CDOT AND NCDOT STAFF TO PRODUCE BICYCLE AND PEDESTRIAN FACILITIES AT THE ALBEMARLE ROAD AND ROCKY RIVER CHURCH ROAD INTERSECTION.

IV. ARCHITECTURAL STANDARDS

1. ARCHITECTURAL STANDARDS SHALL COMPLY WITH SECTION 5, DESIGN INTENT STATEMENT, AND SECTION 6, ARCHITECTURAL STANDARDS AND PARKING LOCATION RESTRICTIONS. THE PRIOR COMMITTED REQUIREMENTS AS SHOWN ON THE COUNCIL APPROVED REZONING PETITION 2015-101.

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. STREETSCAPE AND LANDSCAPING

1. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE.

VII. 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.

VIII. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

1. 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 INSURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
2. 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.

Know what's below. Call before you dig.

REV	DATE	DESCRIPTION
6	11/22/2021	UPDATED REZONING PLANS
5	10/21/2021	UPDATED REZONING PLANS
4	09/13/2021	UPDATED REZONING PLANS
3	05/17/2021	UPDATED REZONING PLANS
2	04/09/2021	UPDATED REZONING PLANS

DESIGNED BY: DMH / LL
DRAWN BY: DMH / LL
REVIEWED BY: ECH / MS

BGE
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ALBEMARLE PROPERTY INVESTORS, LLC
630 S MAITLAND AVE, SUITE 100
MAITLAND, FL 32751

ALBEMARLE ROAD RETAIL
ALBEMARLE ROAD
CHARLOTTE / NC / 28227

TECHNICAL DATA SHEET

SEAL

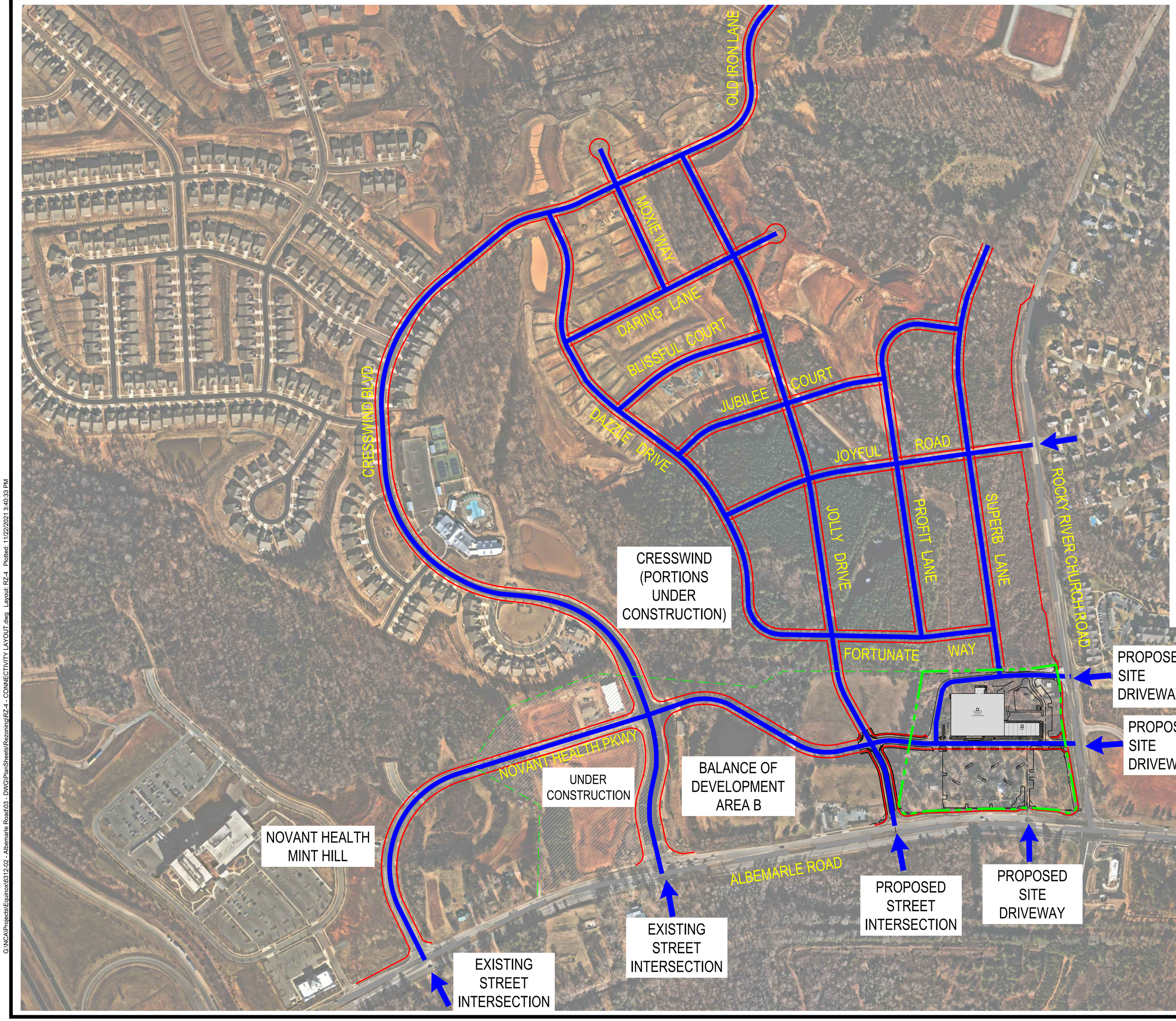
NOT FOR CONSTRUCTION

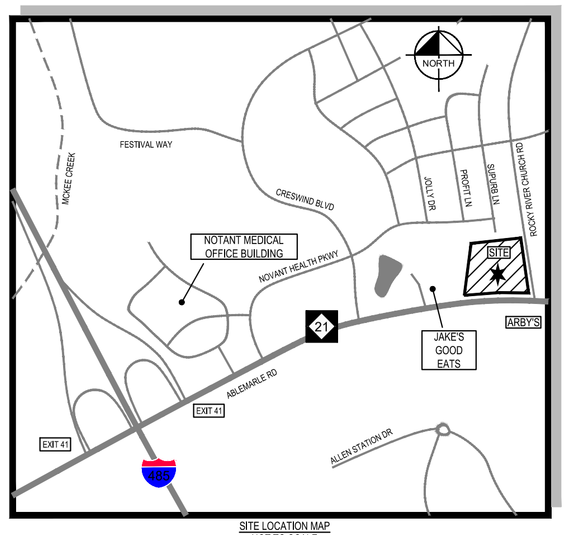
FILE NUMBER: 6312-02

DATE: 10/19/2020

RZ-3

G:\NCA\Projects\Equinox\6312-02 - Albemarle Road\03 - DWG\PlanSheets\Rezoning\RZ-3 -TECHNICAL DATA SHEET.dwg Layout: RZ-3 Plotted: 11/22/2021 3:40:16 PM





SITE LOCATION MAP
NOT TO SCALE

LEGEND

- ACCESS POINT
- EXISTING ROAD
- PROPOSED ROAD ACCESS
- PEDESTRIAN NETWORK
- 2020-181 REZONING BOUNDARY

N

0 100' 200' 400'
SCALE: 1" = 200'

811 Know what's below. Call before you dig.

REV	DATE	DESCRIPTION
5		
4		
3		
2		
1		

DESIGNED BY: DMH
DRAWN BY: DMH
REVIEWED BY: ECH

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CONNECTIVITY LAYOUT PLAN

SEAL

NOT FOR CONSTRUCTION

FILE NUMBER: 6312-02

DATE: 01/18/2021

RZ-4

G:\NCA\Projects\Equinox\6312-02 - Albemarle Road\03 - DWG\PlanSheets\Rezoning\RZ-4 - CONNECTIVITY LAYOUT.dwg Layout: RZ-4 Plotted: 11/22/2021 3:40:33 PM

Petition 2020-181 by Albemarle Property Investors, LLC

To Approve:

This petition is found to be **inconsistent** with the *Albemarle Road/I-485 Interchange Study* with respect to proposed land use, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential/office/retail and multi-family/office/retail for the site.

However, we find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

The approval of this petition will revise the adopted future land use as specified by the *Albemarle Road/I-485 Interchange Study*, from residential/office/retail and multifamily/office/retail to retail for the entire site.

To Deny:

This petition is found to be **inconsistent** with the *Albemarle Road/I-485 Interchange Study* with respect to proposed land use, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential/office/retail and multi-family/office/retail for the site.

Therefore, we find this petition to not be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- This request for additional auto-oriented uses is inconsistent with the overall vision/intent of Zone B of the area plan, which is to "create a viable pedestrian environment".
- While the petition is inconsistent with the intent of Zone B of creating a true town center, it fulfills the plan's land use goal to "provide for a mixture of integrated, appropriately scaled uses …at the intersection of Albemarle and Rocky River Roads" when viewed with the mixture of land uses entitled through the Cresswind development (2015-101).
- The petition will enhance the pedestrian environment in the overall area through its commitment to provide intersection improvements to accommodate bicycle and pedestrian crossings at the Rocky River Church/Albemarle Road intersection.
- The provision of a grocery anchor proximal to a large amount of residential units provides necessary neighborhood services to a growing area of far east Charlotte.
- The conditional notes regarding drive-thru uses will further help limit the outcome of traditional drive-thru uses for one of the development areas, and will be more geared toward pick-up options and less auto-intense uses.

The approval of this petition will revise the adopted future land use as specified by the *Albemarle Road/I-485 Interchange Study*, from residential/office/retail and multifamily/office/retail to retail for the entire site.

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 2.**File #:** 15-16937 **Type:** Zoning Item

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)

Public Hearing Held: November 15, 2021 - Item #22

Staff Resource: Claire Lyte-Graham

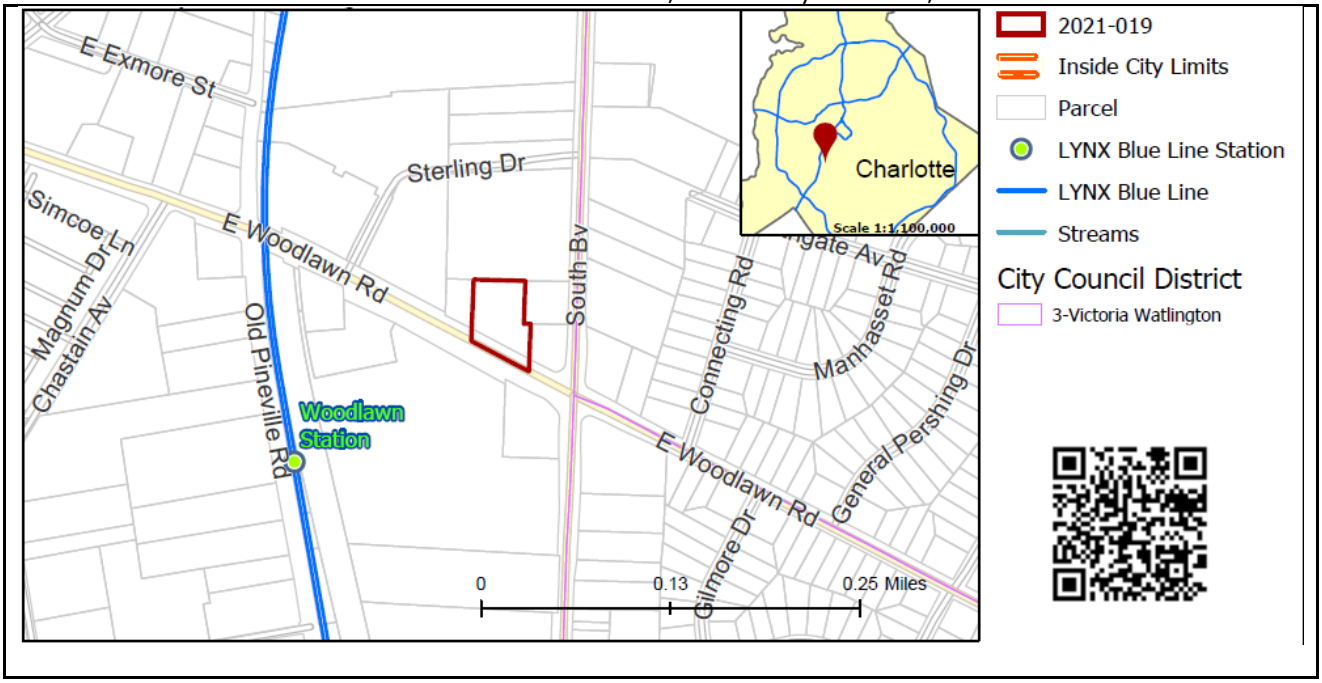
Staff Recommendation:
Staff does not recommend approval of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-019
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: TOD-CC (transit-oriented development-community center) Proposed Zoning: TOD-TR(CD) (transit-oriented development-transitional, conditional)
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 including a financial institution with drive-through facility, 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 required and has been held. Report available online. Number of persons in attendance: 1

STAFF RECOMMENDATION

Staff does not recommend approval of this petition.

Plan Consistency

The petition is **consistent** with the *Woodlawn Transit Station Area Plan* recommendation for transit-oriented development.

Rationale for Recommendation

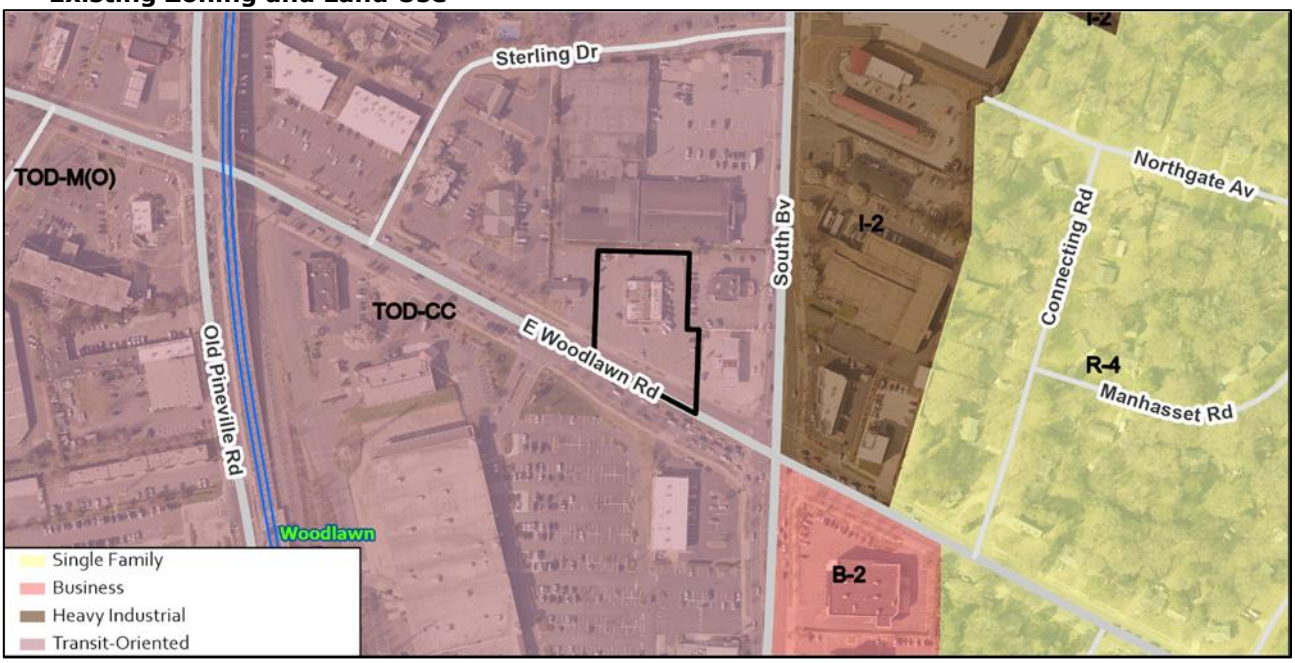
- This site is within a 1/2-mile walk of Woodlawn Station on the LYNX Blue Line and generally consistent with the long-term vision of the plan to provide a mix of transit supportive, non-auto oriented uses within walking distance of the transit station.
- The current TOD-CC zoning applies commitments 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**
  The site plan accompanying this petition contains the following provisions:
  - Illustrates a proposed 2,530 square foot financial institution with 2 drive-through facilities.
  - Allow all uses by right and under prescribed conditions in the TOD-TR district.
  - Note stating accessory drive through use shall only be permitted in association with a financial institution.
  - Provides a public art component using local artist(s) in the area as generally depicted on the rezoning plan.
  - Proposes bus stop enhancements at location(s) along Bus Route #12, to be coordinated with CATS and the Madison Park community to serve as potential community benefits in the area.
  - Adds the following note: "Petitioner shall coordinate the installation of bus stop improvements or realignment of future bus stops along the south boulevard corridor of bus route #12 within a two (2) mile radius of the site, in coordination with the charlotte area transit system (cats). Such coordination shall involve either petitioner's construction/installation or a monetary contribution to cats in an amount not to exceed $75,000. The contribution or installation shall be provided prior to the issuance of a certificate of occupancy for the site."
  - Illustrates cross-section from *Woodlawn Transit Station Area Plan* as it pertains to improvements along Woodlawn Road.

- **Existing Zoning and Land Use**



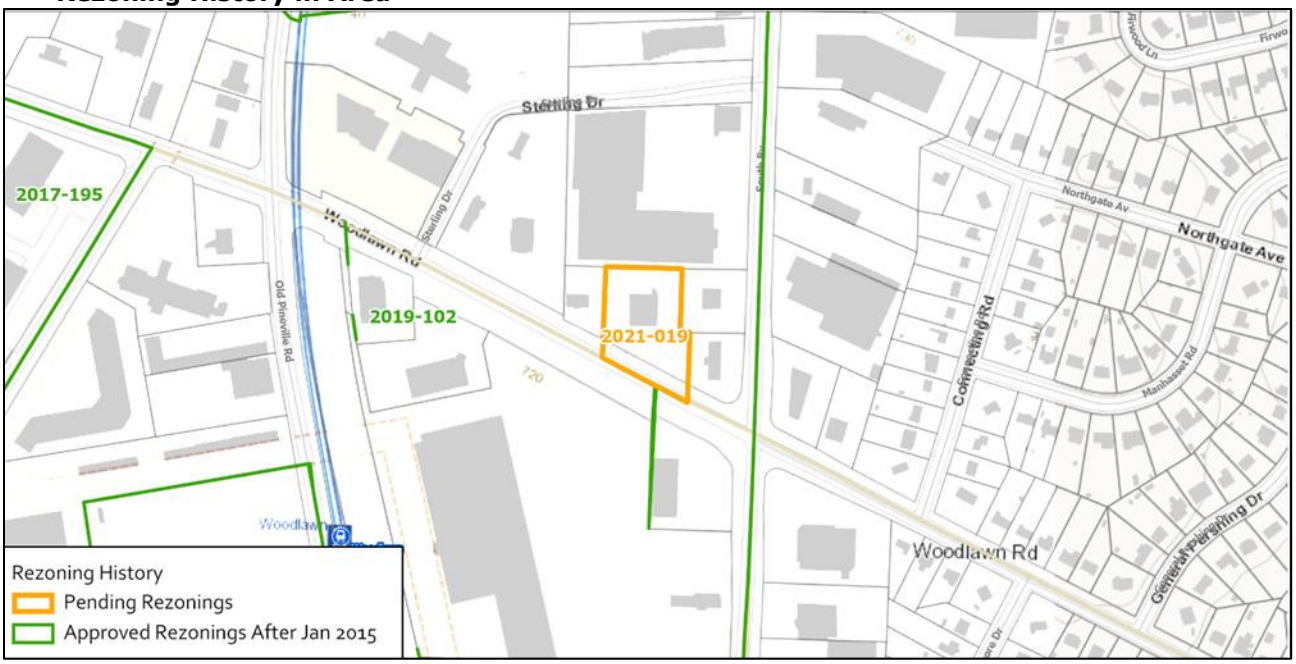
The rezoning site is immediately surrounded by retail and office/warehouse uses on parcels zoned TOD-CC, TOD-M(O), B-2, and I-2. Single family neighborhoods are located further east across South Boulevard.

The site is currently developed with an EDEE (eating drinking entertainment establishment).

The site is immediately surrounded by retail uses.

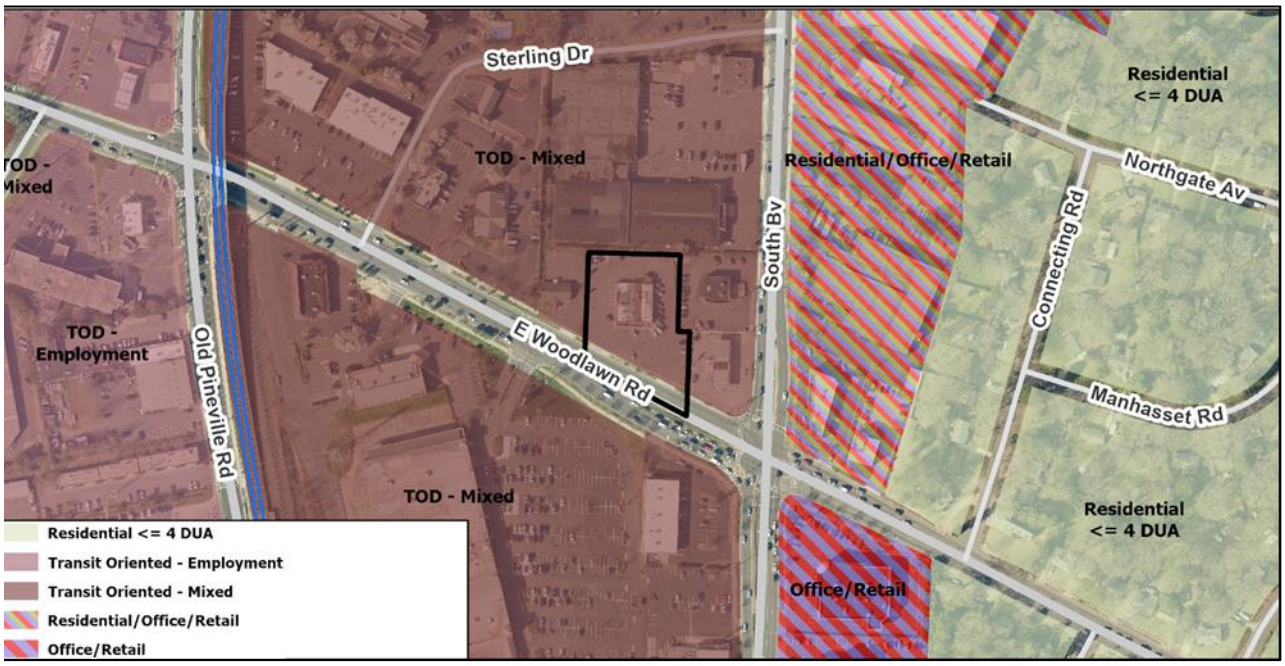
The rezoning site is within ½ mile of the Woodlawn Station.

- **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. In accordance with City Ordinances and WALKS Policy, the petitioner has committed to pedestrian improvements along the site's frontage of Woodlawn Road. CDOT has no outstanding items.
  - **Active Projects:**
    - None
  - **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: 330 (based on 2,530 square foot bank; site plan)

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** The site is located along near CATS local bus route #12 along South Blvd. and within .5 mile of the Woodlawn Blue Line Station and Park and Ride lot. The petitioner is requesting improvement of CATS bus amenities near the proposed bank location. CATS will work the petitioner and Planning to determine the location and type of improvements for community benefit as a condition of the rezoning petition. See Outstanding Issue 1.
- **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:** Nonresidential petitions do not impact the number of students generated.
- **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.

OUTSTANDING ISSUES

Site and Building Design

1. ~~CATS will work the petitioner and Planning to determine the location and type of improvements for community benefit as a condition of the rezoning petition~~. - ADDRESSED

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

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

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

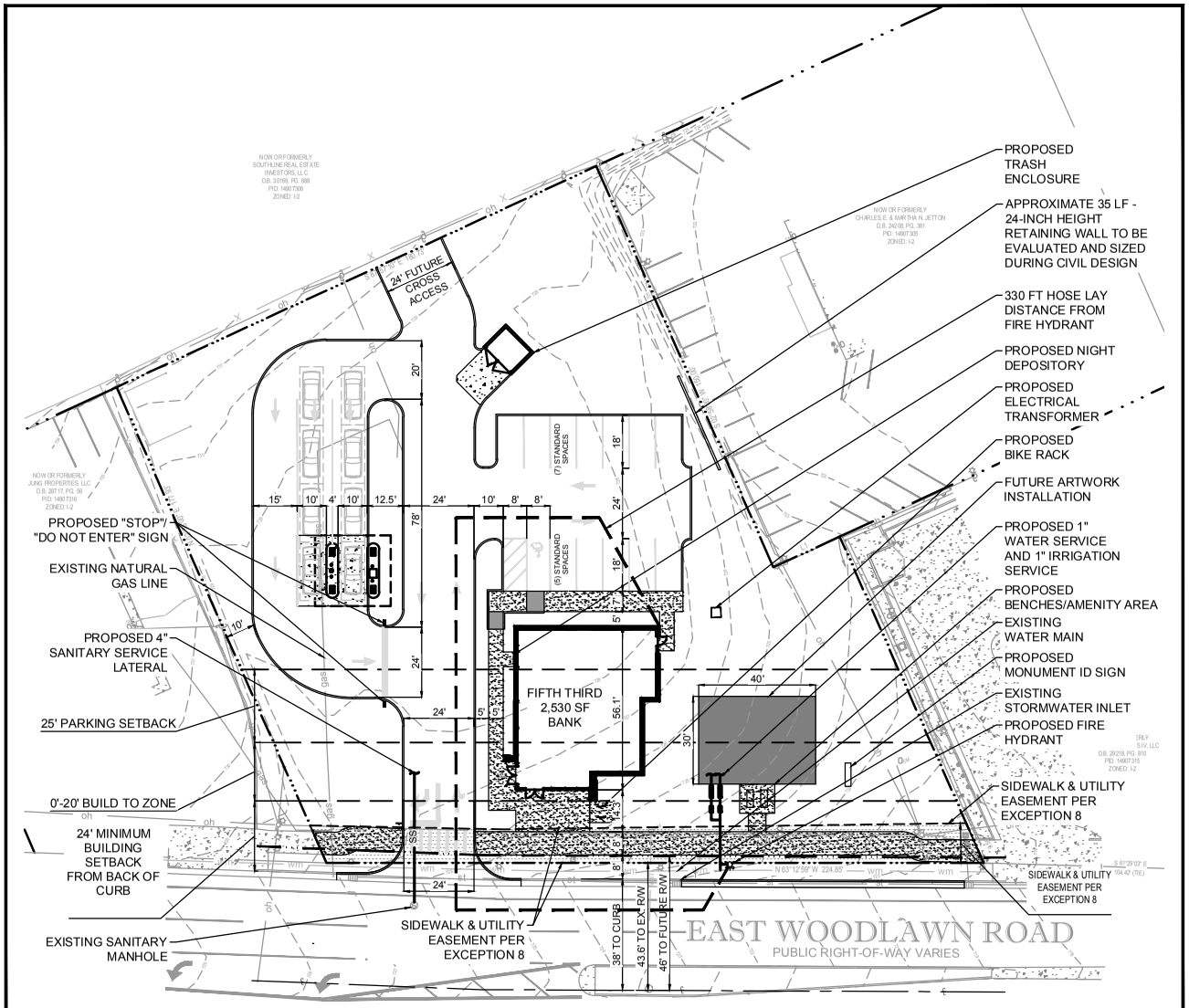
Rezoning Petition # 2021-019

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when Policy Mapping is completed (anticipated early 2022) and when the **Policy Map** is adopted (anticipated summer 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	N/A
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	N/A
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✓

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	N/A
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	N/A
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	✓
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	N/A
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	N/A



REZONING SITE PLAN | SCALE 1" = 60' | -

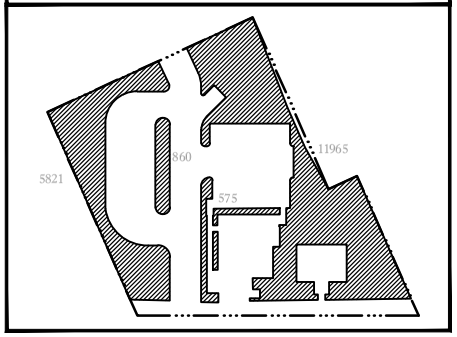
DEVELOPMENT DATA TABLE

SITE ADDRESS:	355 E WOODLAWN RD CHARLOTTE, NC
SITE AREA:	42,529 SF / 0.976 AC. ±
TAX PARCEL:	149-073-04
EXISTING ZONING:	TOD-CC
PROPOSED ZONING:	TOD-TR (CD)
EXISTING USE:	COMMERCIAL
PROPOSED USES:	USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN TOD-TR ZONING DISTRICT, INCLUDING A FINANCIAL INSTITUTION WITH DRIVE-THROUGH FACILITY, AS FURTHER RESTRICTED BELOW.
MAXIMUM BUILDING HEIGHT:	AS PERMITTED IN TOD-TR ZONING DISTRICT.
PARKING:	NOT TO EXCEED TOD-TR STANDARDS.
BICYCLE PARKING:	BICYCLE PARKING WILL BE PER ORDINANCE.
OPEN SPACE AREA:	19,221 SF / 0.441 AC. ±

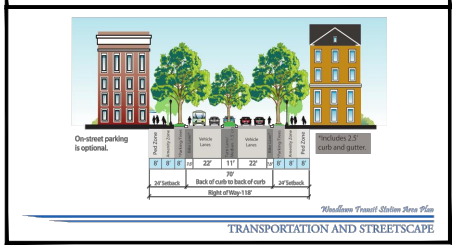
LANDSCAPE REQUIREMENTS:	REQUIRED
LANDSCAPE BUFFER - FRONT (EAST WOODLAWN RD, SOUTH)	= 8'
LANDSCAPE BUFFER - SIDE (WEST)	= 0'
LANDSCAPE BUFFER - SIDE (EAST)	= 0'
LANDSCAPE BUFFER - REAR (NORTH)	= 0'

BUILDING REQUIREMENTS:	REQUIRED
BUILDING SETBACK - FRONT (EAST WOODLAWN RD, SOUTH)	= 24'
BUILDING SETBACK - SIDE (WEST)	= 0'
BUILDING SETBACK- SIDE (EAST)	= 0'
BUILDING SETBACK- REAR (NORTH)	= 0'

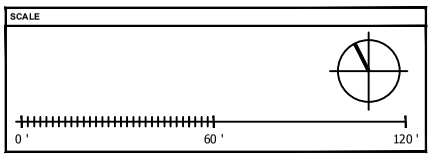
OPEN SPACE EXHIBIT:



WOODLAWN TRANSIT STATION AREA PLAN



SCALE



I. GENERAL PROVISIONS:

1. SITE DESCRIPTION. THE APPROXIMATELY 0.976-ACRE PROPERTY IS LOCATED AT 355 E WOODLAWN ROAD IN CHARLOTTE. MORE PARTICULARLY DESCRIBED AS MECKLENBURG COUNTY TAX PARCEL NUMBER 149-073-04 (THE "SITE"). THE SOLE PURPOSE OF THIS TOD-CONDITIONAL REQUEST IS TO ALLOW FOR A DRIVE-THROUGH ACCESSORY USE TO A FINANCIAL INSTITUTION AND PROVIDE ADDITIONAL COMMITMENTS FOR COMMUNITY BENEFITS.

2. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE TOD-TR ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.

3. 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. DEVELOPMENT STANDARDS:

a. THE PRIMARY USES ON THE SITE SHALL BE LIMITED TO A FINANCIAL INSTITUTION WITH DRIVE-THROUGH FACILITY.

b. BUILDING PLACEMENT AND CIRCULATION SHALL BE AS GENERALLY DEPICTED ON THE ACCOMPANYING REZONING PLAN.

c. ACCESSORY DRIVE THROUGH USE SHALL ONLY BE PERMITTED IN ASSOCIATION WITH A FINANCIAL INSTITUTION.

d. BUILDING DESIGN SHALL MEET THE TOD-CC DIMENSIONAL AND DESIGN STANDARDS WHERE MORE STRINGENT THAN THE TOD-TR STANDARDS, AS CONTAINED IN SECTION 15.2 AND 15.3 OF THE ORDINANCE

III. TRANSPORTATION:

a. THE PROPOSED SITE ACCESS OFF WOODLAWN ROAD, WILL BE SUBJECT TO NCDOT RECOMMENDATIONS AND APPROVAL, TO BE COORDINATED DURING THE PERMITTING PROCESS.

b. ALL RIGHTS-OF-WAY SHALL BE DEDICATED AND CONVEYED IN FEE SIMPLE TO THE CITY AND/OR NCDOT BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY.

c. ALL TRANSPORTATION IMPROVEMENTS, AS APPLICABLE, SHALL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY.

d. IF APPLICABLE, ALL PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AND NCDOT, AS APPLICABLE, TO THE ROADWAY IMPROVEMENTS WITHIN THEIR RESPECTIVE ROAD SYSTEM AUTHORITY. IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY THE PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER DEVELOPMENT OR ROADWAY PROJECTS TAKING PLACE WITHIN THE BROAD SOUTH MECKLENBURG AREA, BY WAY OF PRIVATE/PUBLIC PARTNERSHIP EFFORTS OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

IV. PUBLIC AMENITIES:

a. THE PETITIONER SHALL PROVIDE A PUBLIC ART COMPONENT USING LOCAL ARTIST(S) IN THE AREA AS GENERALLY DEPICTED ON THE REZONING PLAN.

b. THE PETITIONER SHALL PROVIDE BUS STOP ENHANCEMENTS AT LOCATION(S) ALONG BUS ROUTE # 12, TO BE COORDINATED WITH CATS AND THE MADISON PARK COMMUNITY TO SERVE AS POTENTIAL COMMUNITY BENEFITS IN THE AREA.

BUS STOP NOTES:

PETITIONER SHALL COORDINATE THE INSTALLATION OF BUS STOP IMPROVEMENTS OR REALIGNMENT OF FUTURE BUS STOPS ALONG THE SOUTH BOULEVARD CORRIDOR OF BUS ROUTE #12 WITHIN A TWO (2) MILE RADIUS OF THE SITE, IN COORDINATION WITH THE CHARLOTTE AREA TRANSIT SYSTEM (CATS). SUCH COORDINATION SHALL INVOLVE EITHER PETITIONER'S CONSTRUCTION/INSTALLATION OR A MONETARY CONTRIBUTION TO CATS IN AN AMOUNT NOT TO EXCEED $75,000. THE CONTRIBUTION OR INSTALLATION SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE SITE.

ARCHITECT/ ENGINEER OF RECORD

BDG ARCHITECTS
100 S Ashley Dr Ste 100
Tampa, Florida 33602

P: 813.323.9233
F: 813.323.9238
www.bdgltp.com

bdg architects

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FIFTH THIRD BANK
BONSAI DRAGON
355 E WOODLAWN ROAD
CHARLOTTE, NC

FIFTH THIRD BANK

JOB NO.	183494
DATE:	11-18-21
DRAWN BY:	PV
SCALE:	1" = 60'

SHEET TITLE:
REZONING PETITION 2021-019

SHEET NUMBER:
3F

Petition 2021-019 by Fifth Third Bank

To Approve:

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

- The adopted plan calls for transit-oriented development.

(Therefore, we find) this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

To Deny:

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

- The adopted plan calls for transit-oriented development.

(However, we find) this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- 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.

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 3.**File #:** 15-16938 **Type:** Zoning Item

Rezoning Petition: 2021-028 by Childress Klein Properties

Location: Approximately 287.71 acres located northwest of Highway 85, south of Mallard Creek Road, and east of Ridge Road. (ETJ-BOCC: 3-Dunlap, nearest CC: 4-Johnson)

Current Zoning: CC (commercial center), R-8MF (CD) (multi-family residential, conditional)
Proposed Zoning: I-1 (CD) (light industrial, conditional), R-22MF (CD) (multi-family residential, conditional) with 5-year vested rights

Public Hearing Held: November 15, 2021 - Item #23

Staff Resource: Michael Russell

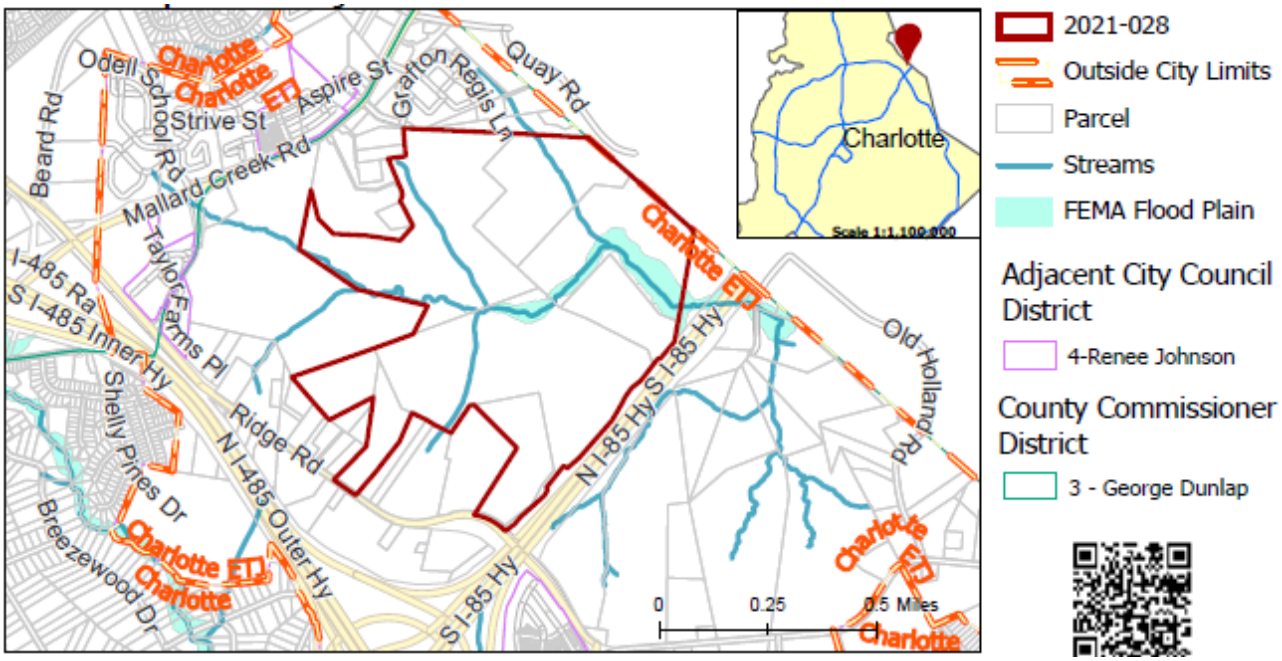
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to site design.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-028
Post-Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: CC, (commercial center), R-8MF(CD) (multi-family residential, conditional) Proposed Zoning: I-1(CD) (light industrial, conditional), R-22MF(CD) (multi-family residential, conditional) with 5-year vested rights.
LOCATION	Approximately 287.71 acres located northwest of Highway 85, south of Mallard Creek Road, and east of Ridge Road.



SUMMARY OF PETITION	The petition proposes to develop 287.71 acres into two development areas. Development area 1 (274.33 acres) proposes 2,750,000 square feet of warehousing, warehouse distribution, logistics, office, manufacturing, and all other uses permitted by right as allowed in the I-1 zoning district. Development area 2 (36.67 acres) proposes up to 488 multi-family residential units.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Aurora Company, LLC Childress Klein Properties Jeff Brown, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9 (2 meetings)

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to site design. <u>Plan Consistency</u> The proposed Warehouse/Distribution use on the southern part of this petition is **inconsistent** with the *Northeast Area Plan (2000)* recommendation of Single Family/Multi-Family Institutional/Office/ Retail.

The proposed residential use up to 13.3 dwelling units per acre (DUA) in the northern part of this position, bordering Cabarrus County, is **consistent** with the area plan's recommendation of Single Family/Multi-Family/Institutional/Office/Retail use up to 12+ DUA.

Rationale for Recommendation

- This petition proposes up to 2.75 million square feet of gross floor area for warehouse/distribution and other permitted uses allowed in the I-1 district for 274.33 acres at the southern portion of the site, and up to 488 multi-family dwelling units covering 36.67 acres on the northern part which borders Concord/Cabarrus County of the site.
- The residential area will have 13.3 DUA, which is consistent with the area plan's land use recommendation of Single Family/Multi-Family/Institutional/Office/Retail at 12+ DUA.
- The residential area fulfills the area plan's goal of providing a mix of housing types and densities in this area. The residential area will also be developed in conjunction with a residential development on an adjacent parcel in Concord/Cabarrus County. This combined development will increase connectivity in this site and provide pedestrian and car access to the commercial and retail areas north of this site and located in Concord/Cabarrus County.
- While the uses proposed in the warehouse/distribution are not consistent with the area plan, they are consistent with the area plan's goal of establishing a mix of employment, civic, and retail uses in this area.
- The uses proposed in the warehouse/distribution area will establish a job center in this area of Charlotte, and the residential use proposed on the northern portion of the site will provide potential opportunity for employees to live in proximity to jobs.
- The petition's proximity to I-485 provide direct access to transportation infrastructure desired by warehouse/distribution uses.
- This petition commits to establishing a 100-foot Class A buffer in Development Area 1 along the site's western boundary and a 100-foot Class C buffer between the residential and warehouse/distribution area, as depicted on the rezoning plan.
- The petition commits to establishing a trail network linking the residential area to the warehouse/distribution area and to a 12-foot multi-use path to be established along Public Street A, which will cross through the site.
- The petition commits to establishing an 8-foot planting strip and 8-foot sidewalk on both sides of Public Road B, which connects the residential area to the warehouse/distribution area.
- The proposed site plan includes 2 site access points on Ridge Road, 1 access point on Kings Grant Drive, and 1 access point on Quay Drive, as well as the establishment of 3 public roads. These multiple access points ensure general connectivity throughout the site and will increase connectivity and access to other amenities in this area.

The approval of this petition will revise the adopted future land use for the warehouse/distribution portion of this site as specified by the *Northeast Area Plan* from Single Family/Multi-Family/Institutional/Office/Retail to Industrial for the site.

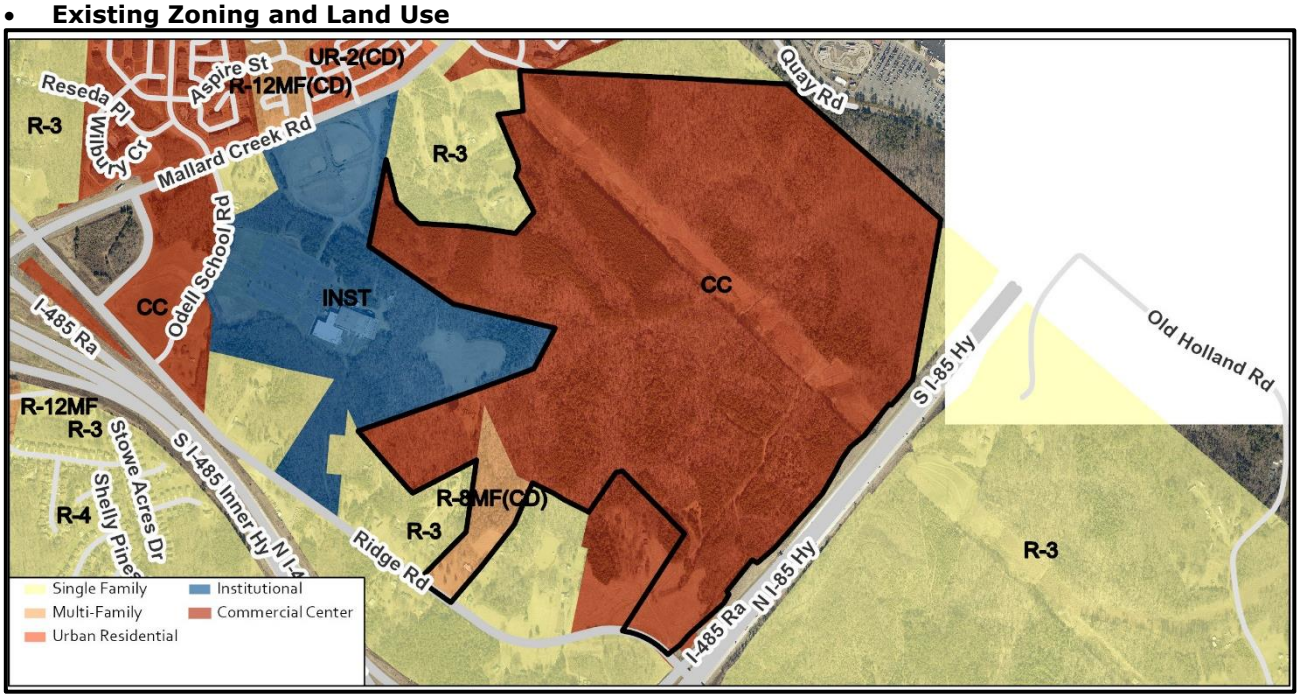
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - **Development area 1** (274.33 acres)
    - Allows 2,750,000 square feet of warehousing, warehouse distribution, logistics, office, manufacturing, and all other uses permitted by right as allowed in the I-1 zoning district. It prohibits auction sales, auto, truck and utility trailer rental, automotive repair garages, sales, and service stations, manufactured housing sales or repair, petroleum storage facilities, and recycling or drop off centers.
    - Proposes the principal number of buildings will not exceed ~~15~~ 12 buildings.
  - **Development area 2** (36.67 acres)
    - Allows up to 488 multi-family residential units with a density of 13.3 dwelling units per acre.
    - Proposes principal number of buildings will not exceed ~~30~~ 20 buildings.
    - Additionally, 212 multi-family units are proposed on an adjacent parcel (10.42 acres) in the jurisdiction of the City of Concord.
    - Commits to provide a workforce housing program that no fewer then 5% of the total number of units constructed in Development Area 2 of the site for a period of 15 years will maintain monthly rents that are income restricted for households earning 80% or less of the area median income.
  - **Transportation Improvements**
  - A Traffic Impact Study (TIS) has been approved by CDOT and NCDOT.
  - Commits to construct three internal public streets within the rezoning site.
  - Provides 2 site access points on Ridge Road, 1 access point on Kings Grant Drive, and 1 access point on Quay Drive.
  - Road improvements will be completed in phases, or subphases, that align with the permitted uses and development levels.
    - **Turn Lane/Intersection Improvements**
      - Construct a northbound right turn lane on Carolina Lily Lane with 250-feet of storage.
      - Construct an additional northbound left turn lane on Odell School Road with 425-feet of storage.
      - Construct a southbound right turn lane on Odell School Road with 125-feet of storage. Implement right turn overlap phasing on the southbound leg of the intersection.
      - Restripe the existing westbound approach on Odell School Road to provide a terminating westbound left turn lane and a separate right turn lane with 100-feet of storage. Install a traffic signal.
      - Convert the intersection of Carolina Lily Lane and Quay Road to all-way stop control.
      - Remark the existing pavement to allow for a separate eastbound left turn lane on Quay Road with 100 feet of storage.
      - Construct a southbound left turn lane with 100-feet of storage on Ridge Road and Access A.
      - Construct a northbound right turn lane with 100-feet of storage on Ridge Road and Access A.
      - Construct a southbound left turn lane with 100-feet of storage on Ridge Road and Access B.
      - Construct a northbound right turn lane with 100-feet of storage on Ridge Road and Access B.
      - One ingress lane and one egress lane (a combined eastbound left-right turn lane on Access C).
    - **Road Widening Improvements**
      - Widen Ridge Road corridor (travel lanes) from 10-feet to 12-feet from Odell School Road to the end of the Site's frontage on Ridge Road.
      - Widen Quay Road corridor (travel lanes) from 9-feet to 11-feet from Carolina Lily Lane to the end of the Site's frontage on Quay Road.
    - **Pedestrian Improvements**
      - Provides an 8-foot planting strip and 8-foot sidewalk on both sides of Public Road B connecting the residential area to the warehouse/distribution area.
      - An 8-foot planting strip and a 6-foot sidewalk will be provided on both sides of Public Road C. For Public Street A, an 8-foot planting strip and a 6-foot sidewalk will be provided on one side, and an 8-foot planting strip and a 12-foot MUP will be provide on the other side.
      - A 12-foot shared-use path and a minimum of an 8-foot planting strip will be provided along the site's frontage of Ridge Road.
  - **Open Space**
    - A minimum of ~~15%~~ 20% of the site or approximately ~~46.65~~ 62.2 acres will be set aside as open space (tree save areas, stream buffers, landscape buffers, landscape areas, improved open space areas).

- A minimum of 5% of the open space (approximately 15.55 acres) must be developed as improved open space. Improved open space will have landscape areas, walking paths, and/or seating areas.
- Within the proposed Open Space area, the Petitioner will create a trail network that will link the proposed multi-family residential area to the industrial area and to the 12-foot MUP located along Public Street A.
- Commits to establishing a 100-foot Class A buffer in Development Area 1 along the site's western boundary and a 100-foot Class C buffer between the residential and warehouse/distribution area, as depicted on the rezoning plan.

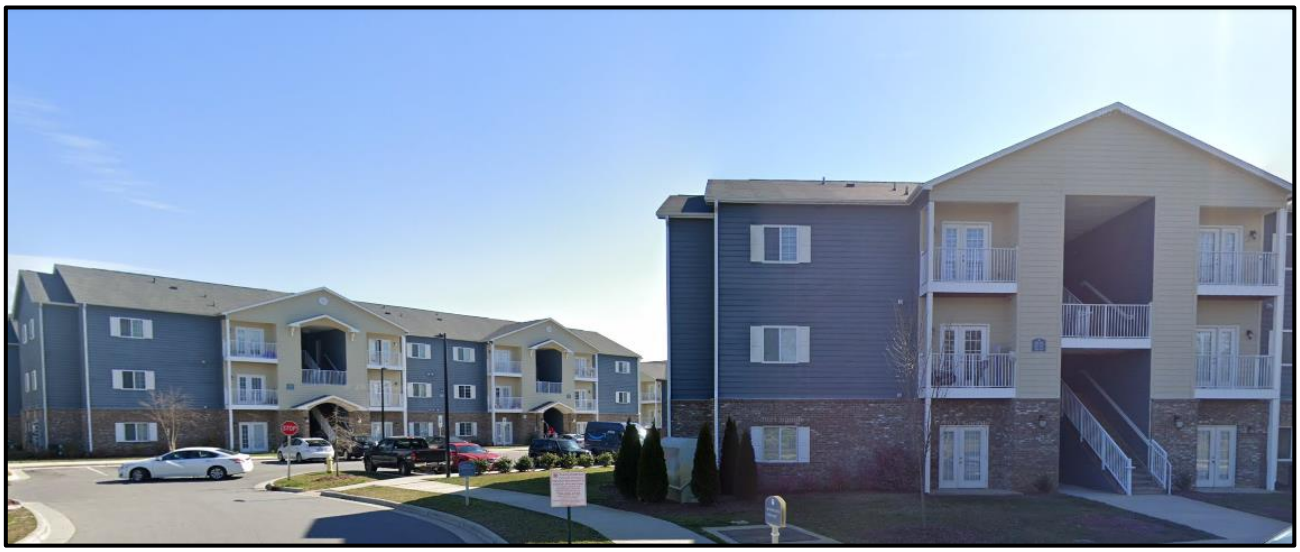
- **Architectural Standards (Development Area 1)**
  - The principal buildings constructed on the portion of the Site zoned I-1(CD) may use a variety of building materials. The building materials will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast or site-cast concrete, synthetic stone, stucco, cementitious siding, metal panels, EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
  - Primary pedestrian entrances will be architecturally defined with glazing, awnings, canopies and/or other architectural elements, and have a connection to adjacent Public Streets.
- **Architectural Standards (Development Area 2)**
  - Buildings shall be placed to present a front or side façade to Public Road B, and Quay Road.
  - A minimum of 30% of the building's entire façade facing a network street will be a combination of the following: brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director. Vinyl shall be prohibited except for handrails, windows, or door trim.
  - Building elevations facing Public Roads will 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.
  - 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, 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**



The site was rezoned in 2003 (petition 2003-076) to allow a retail/office/residential mixed-use concept design but was never developed. The surrounding land uses include multi-family, single-family, religious institution, retail, and office uses.

The subject property is denoted with a red star.

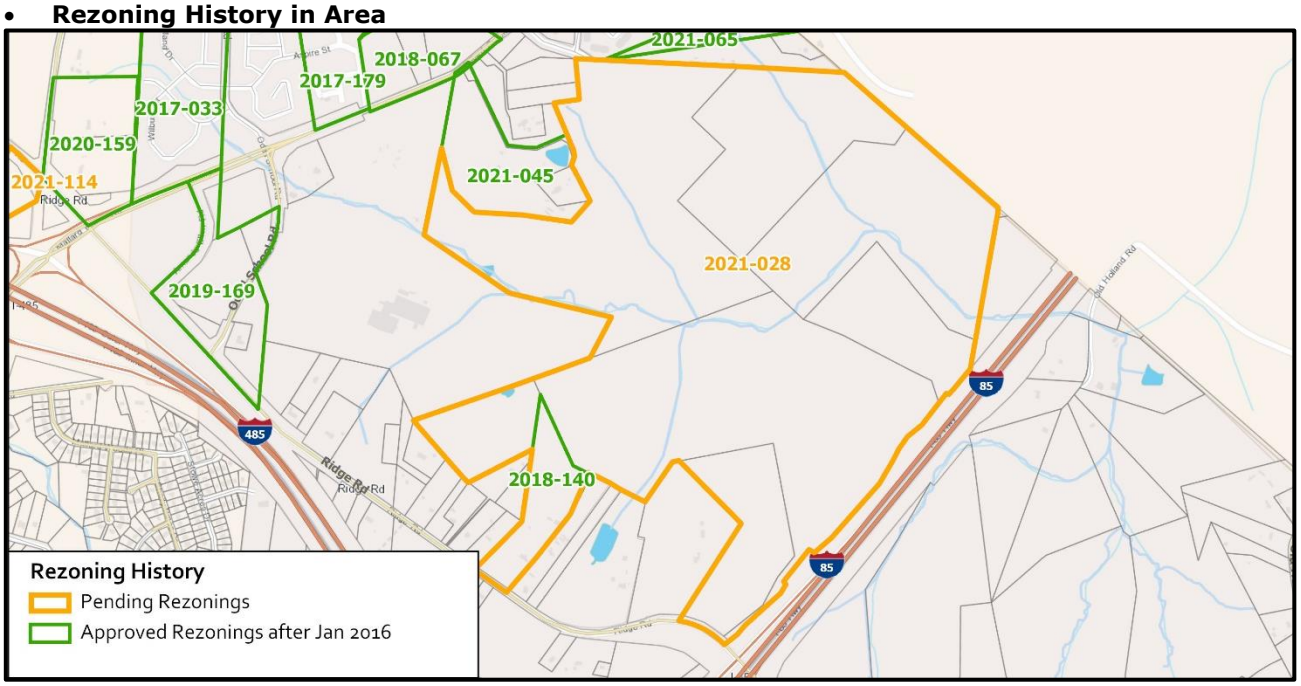


The property to the north along Grafton Regis Lane is developed with multi-family apartments.

To the east of the site is Concord Mills Shopping Center.

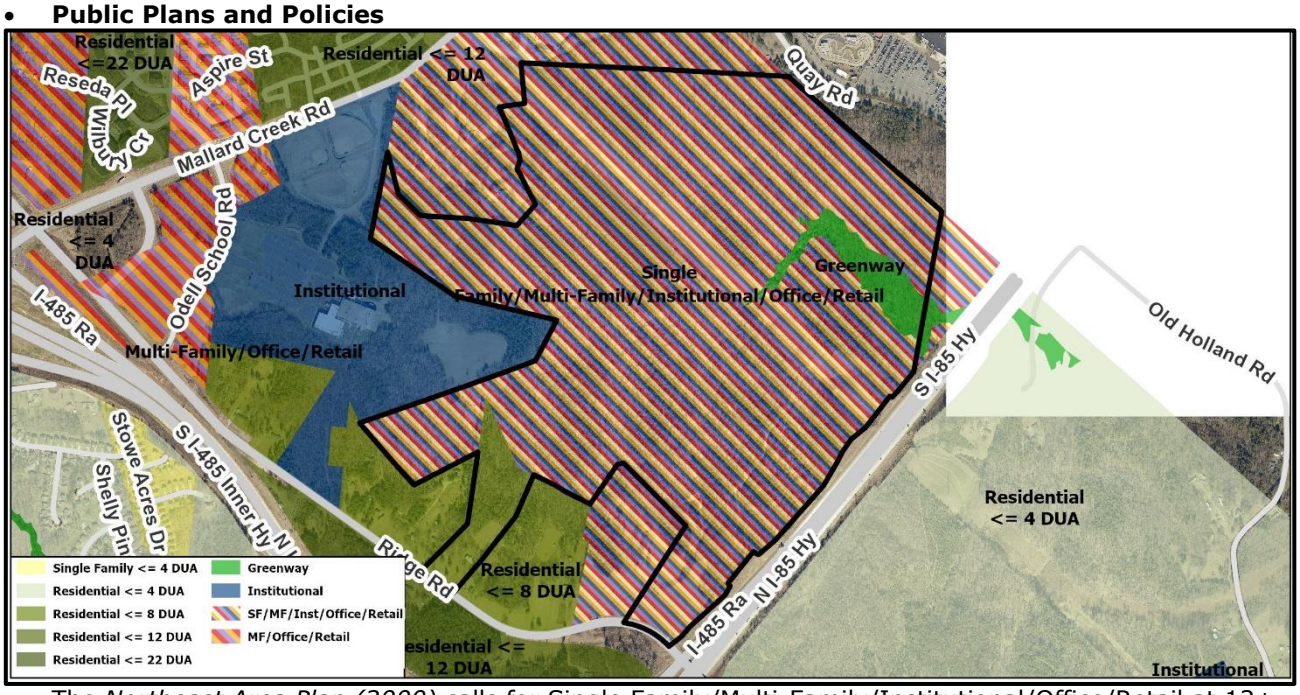
The property to the west along Odell School Road is Hickory Grove Church.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
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
2018-067	Rezoned 18.06 acres to allow up to 186 townhome units.	Approved
2018-140	Rezoned 11.87 acres to allow up to 93 multi-family units.	Approved
2019-169	Rezoned 15.9 acres to allow up to 280 multi-family units.	Approved
2020-159	Rezoned 14.83 acres to allow up to 325 multi-family units.	Approved
2021-045	Rezoned 19 acres to allow up to 288 multi-family units.	Approved
2021-065	Rezoned 13 acres to allow all uses in the R-22MF zoning district.	Approved
2021-114	Proposes to rezone 3.55 acres to allow up to 120,000 square-feet indoor climate-controlled storage facility.	Pending

- **Public Plans and Policies**



The *Northeast Area Plan (2000)* calls for Single Family/Multi-Family/Institutional/Office/Retail at 12+ DUA and Greenway uses for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located on a State-maintained freeway (I-85) and major thoroughfare road (Ridge Road). This project crosses the Charlotte ETJ/Mecklenburg County line and includes a portion of the site in Concord/Cabarrus County. As the trip generation is higher than the 2,500 threshold, a Traffic Impact Study (TIS) is required for this site. The TIS was submitted to CDOT and NCDOT for review on 6/10/2021; and comments were provided by all review agencies. A revised TIS was submitted on 8/23/2021 and has been approved by CDOT and NCDOT. The petitioner has committed to construct three internal public streets within the rezoning site and will accommodate the future road widening that is planned along Ridge Road that includes constructing a 12-foot shared-use path per Charlotte BIKES. Proposed public roads A and C will exceed ordinance standards by providing wider sidewalks along both sides of these proposed roads.
- **Active Projects:**
  - None
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 44,000 trips per day (based on 730,000 square feet of retail, 1,000,000 square feet of office, and 2,100 multi-family residential).

  Proposed Zoning: 8,990 trips per day (based on 2,750,000 square feet of warehouse, 700 apartments, and 5,000 square feet of 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:** The development allowed under the existing zoning could generate 27 students, while the development allowed under the proposed zoning may produce 60 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 33 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Mallard Creek Elementary from 75% to 78%

  - Ridge Road Middle from 125% to 127%
  - Mallard Creek High from 121% to 122%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along Ridge Road and via an existing 12-inch water distribution main located along Kings Grant Drive.

  The proposed rezoning is in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—Charlotte Water's Mallard Creek WWTP Expansion. See advisory comments at www.rezoning.org

- **City Arborist:** See advisory comments at www.rezoning.org
- **Erosion Control:** 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:** See Outstanding Issues, Note 1.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** See advisory comments at www.rezoning.org

OUTSTANDING ISSUES

Site and Building Design

1. MCPR requests a dedication of a minimum of 23.75 acres for a future public neighborhood park within or adjacent to the area requested for multi-family rezoning as this site is within a gap area for park and recreation facilities in the County.

~~2. Please align the number of principle buildings requested for development area 1 to better align with what is shown on the site plan (15 requested with 8 shown).~~ Addressed

~~3. Please align the number of principle buildings requested for development area 2 to better align with what is shown on the site plan (30 requested with 12 shown).~~ Addressed

REQUESTED TECHNICAL REVISIONS

Site and Building Design

~~4. Revise note II. a. iii. to replace the word Planning Director with Zoning Administrator.~~ Addressed

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

Planner: Michael Russell (704) 353-0225

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

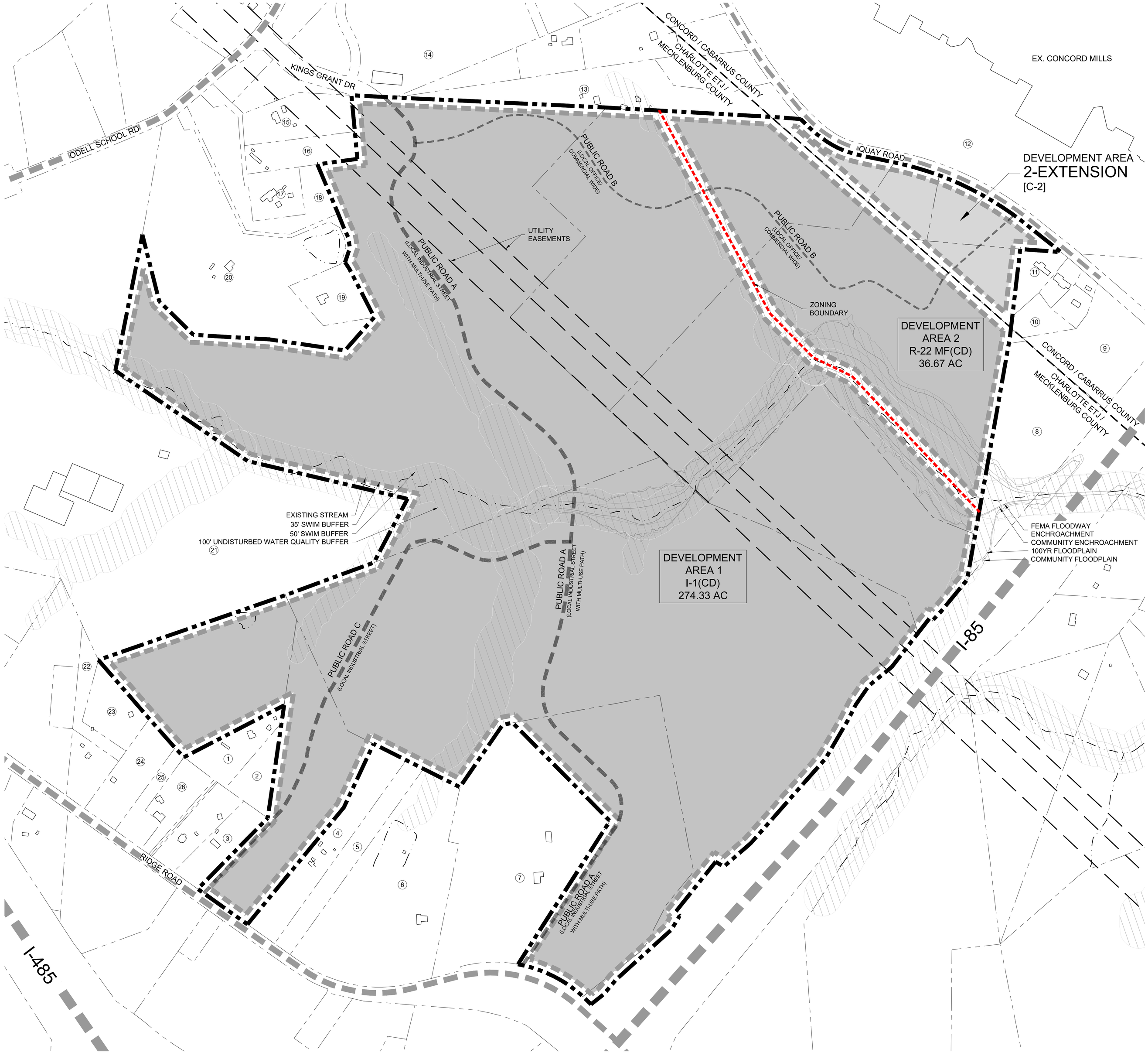
Rezoning Petition # 2021-028

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	✗
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	✗
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	N/A

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	**N/A**
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	✓
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	**N/A**
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**



VICINITY MAP

NTS

SITE DEVELOPMENT DATA

ACREAGE: ± 311.0 ACRES FOR REZONING SITE IN CHARLOTTE ETJ

TAX PARCEL #S: 029-591-05, 029-591-03, 029-591-04, 029-581-21, 029-581-15, 029-581-03, 029-581-110 AND 029-181-10

EXISTING ZONING: CC

PROPOSED ZONING: I-1(CD) & R-22MF(CD), FIVE YEARS VESTED RIGHTS

EXISTING USES: VACANT

PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN (I) THE I-1 ZONING DISTRICT FOR THE PORTION OF THE SITE SHOWN AS ZONED I-1(CD) (AS GENERALLY DEPICTED ON THE REZONING PLAN) AND (II) THE R-22MF ZONING DISTRICT FOR THE PORTION OF THE SITE SHOWN AS ZONED R-22MF(CD) (AS GENERALLY DEPICTED ON THE REZONING PLAN), EACH AS MORE SPECIFICALLY DESCRIBED BELOW IN SECTION 2 (WHICH SHALL CONTROL).

MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:

A. WITHIN THE I-1(CD) ZONING DISTRICT ON A PHASED BASIS, UP TO 2.75 MILLION SQUARE FEET OF GROSS FLOOR AREA OF WAREHOUSE, DISTRIBUTION AND OTHER PERMITTED USES AS ALLOWED IN THE I-1 ZONING DISTRICT, AS MORE PARTICULARLY DESCRIBED BELOW IN SECTION 2 (WHICH SHALL CONTROL).

B. WITHIN THE R-22MF(CD) ZONING DISTRICT, UP TO 488 MULTI-FAMILY RESIDENTIAL UNITS, AS MORE SPECIFICALLY SET FORTH IN SECTION 2 (WHICH SHALL CONTROL). [***NOTE FOR INFORMATION****: ADDITIONAL 212 MULTI-FAMILY UNITS DESIGNATED FOR 10.42 ACRE ADJACENT PARCEL WITHIN CONCORD FOR PROJECT TOTAL OF 700 MULTI-FAMILY UNITS*]

MAXIMUM BUILDING HEIGHT: IN THE AREA ZONED I-1(CD) BUILDING HEIGHTS SHALL BE AS SET FORTH IN THE ORDINANCE FOR THE I-1 ZONING DISTRICT. BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE. IN THE AREA ZONED R-22MF(CD) ALLOWED BUILDING HEIGHTS WILL BE LIMITED TO 65 FEET.

PARKING: AS REQUIRED BY THE ORDINANCE.

1	029-581-18	WENDY DAWN COPENHAVER	08697-410	R-3
2	029-581-07	NORMAN J PENNINGER	04415-422	R-3
3	029-581-09	JAMES EDWARD JR SHAVER	10202-684	R-3
4	029-581-12	AMH NC DEVELOPMENT LP	34410-379	R-3
5	029-581-22	AMH NC DEVELPOMENT LP	34410-379	R-3
6	029-581-13	AMH NC DEVELOPMENT LP	34410-379	R-3
7	029-581-14	AMH NC DEVELOPMENT LP	33132-74	CC
8	029-591-01	DAVIDLAND LLC	08627-724	R-3
9	458-791-1759-0000	DAVIDLAND LLC / A NC LLC	03033-0044	LI
10	458-961-8976-0000	QUAY LLC / A NC LLC	09853-0036	LI
11	458-962-8251-0000	HARKER RONNIE R / MARTHA H WF	12242-0271	LI
12	458-963-6730-0000	MALL AT CONCORD MILLS LP	10206-0313	C-2
13	029-181-04	ROBERT LUNN	33182-1	R-3
14	029-181-26	KINGS GRANT APARTMENTS LLC	33318-17	CC
15	029-181-12	PIEDMONT NATURAL GAS COMPANY INC	30216-687	R-3
16	029-181-22	PIEDMONT NATURAL GAS COMPANY INC	30216-687	R-3
17	029-181-21	WINNIE N FOX LLC	35142-558	R-3
18	029-181-20	WINNIE N FOX LLC	35142-558	R-3
19	029-181-19	FIVE FOX LLC	35142-556	R-3
20	029-181-18	FIVE FOX LLC	35142-556	R-3
21	029-171-02	HICKORY GROVE BAPTIST CHURCH	08023-218	INST
22	029-581-20	JAMES E JR SHAVER	31515-280	R-3
23	029-581-02	STEPHEN LAWRENCE	04917-540	R-3
24	029-581-04	R FRANCES (N/C) BELT	08930-877	R-3
25	029-581-05	ALICE C WIKE	02315-592	R-3
26	029-581-06	ALICE COVINGTON WIKE	03855-473	R-3

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

KEY MAP

SEAL

PROJECT

KINGS GRANT

CHARLOTTE, NC

REZONING

#2021-028

LANDDESIGN PROJ # 1020184

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	INITIAL SUBMITTAL	03.09.21
2	PER STAFF COMMENTS	04.12.21
3	PER STAFF COMMENTS	05.17.21
4	PER STAFF COMMENTS	06.14.21
5	PER STAFF COMMENTS	08.16.21
6	PER STAFF COMMENTS	09.08.21
7	PER STAFF COMMENTS	11.18.21

DESIGNED BY: JYK
DRAWN BY: JYK
CHECKED BY: KST

SCALE

VERT: N/A
HORZ: 1"=200'

0 100' 200' 400'

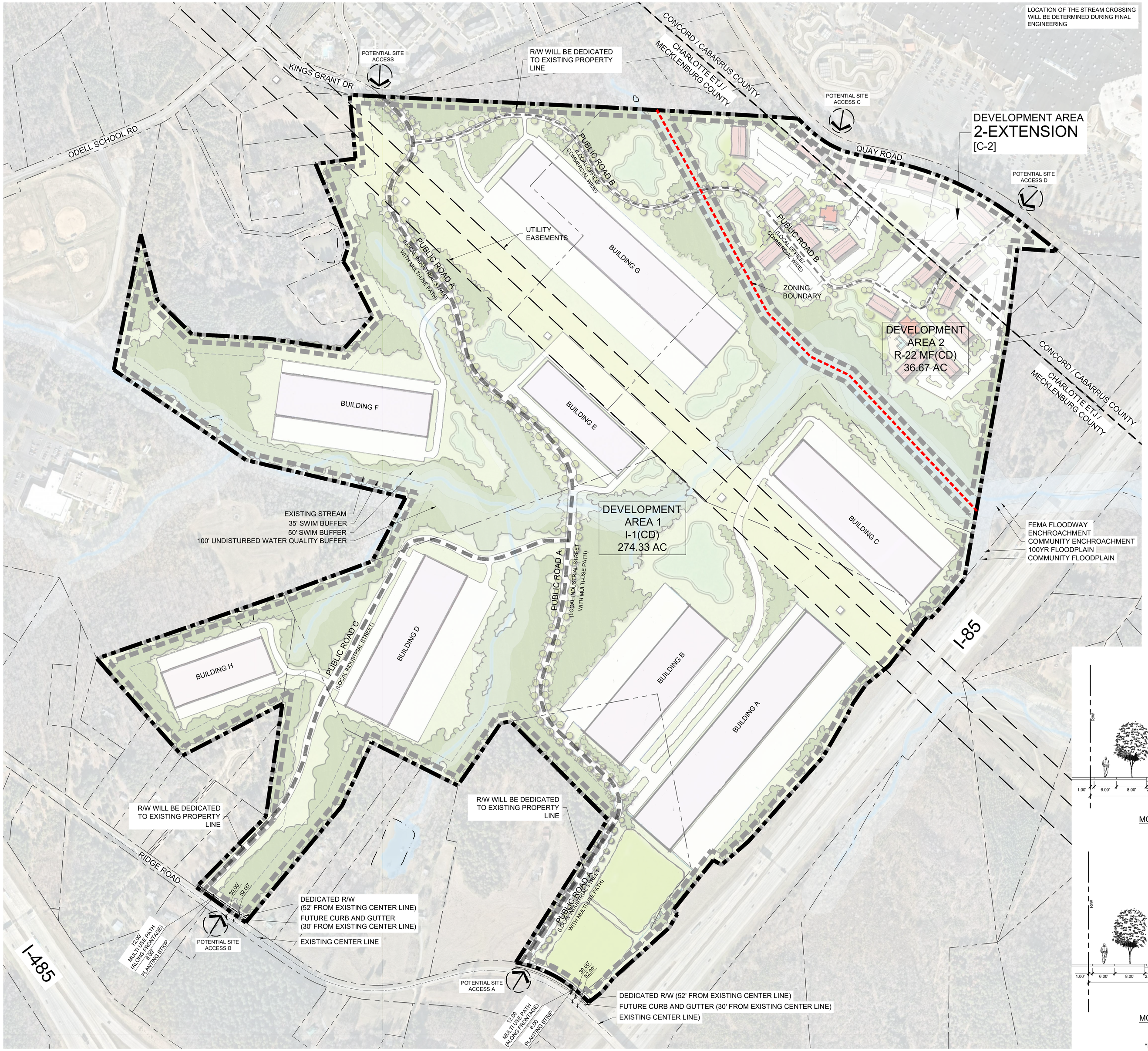
NORTH

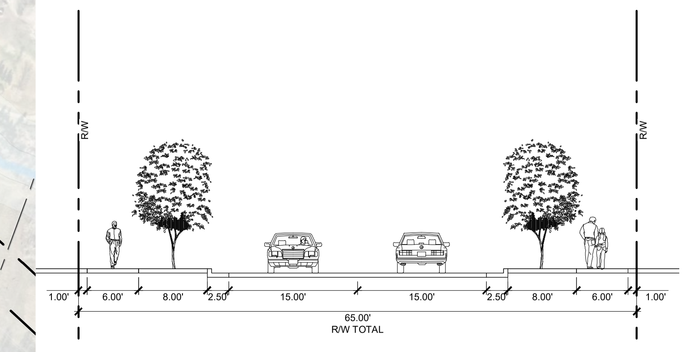
SHEET TITLE

TECHNICAL DATA

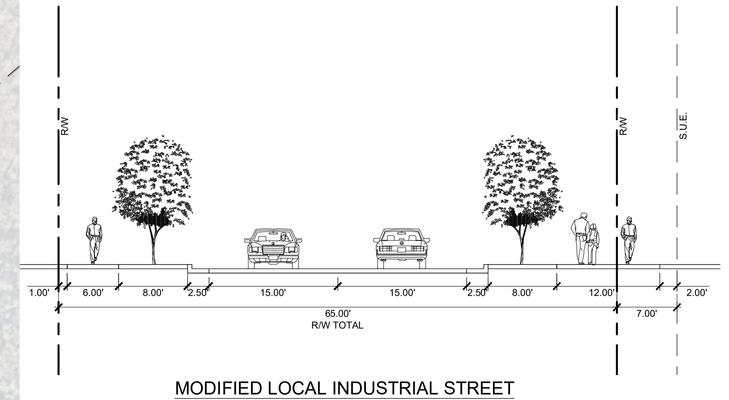
SHEET NUMBER

RZ-1





MODIFIED LOCAL INDUSTRIAL STREET
1"=10'



MODIFIED LOCAL INDUSTRIAL STREET
WITH MULTI-USE PATH*
1"=10'
*MULTI-USE PATH CAN BE INSTALLED ON EITHER SIDE OF STREET

SITE LEGEND

- PROPOSED PROPERTY LINE
- COUNTY LINE
- DEVELOPMENT AREA
- ZONING BOUNDARY
- PUBLIC ROAD A
- PUBLIC ROAD B
- POTENTIAL ACCESS

LandDesign.
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CHARLOTTE, NC 28202
704.333.0325
WWW.LANDDESIGN.COM

KEY MAP

SEAL

PROJECT

KINGS GRANT

CHARLOTTE, NC

REZONING

#2021-028

LANDDESIGN PROJ.#
1020184

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	INITIAL SUBMITTAL	03.09.21
2	PER STAFF COMMENTS	04.12.21
3	PER STAFF COMMENTS	05.17.21
4	PER STAFF COMMENTS	06.14.21
5	PER STAFF COMMENTS	08.16.21
6	PER STAFF COMMENTS	09.08.21
7	PER STAFF COMMENTS	11.18.21

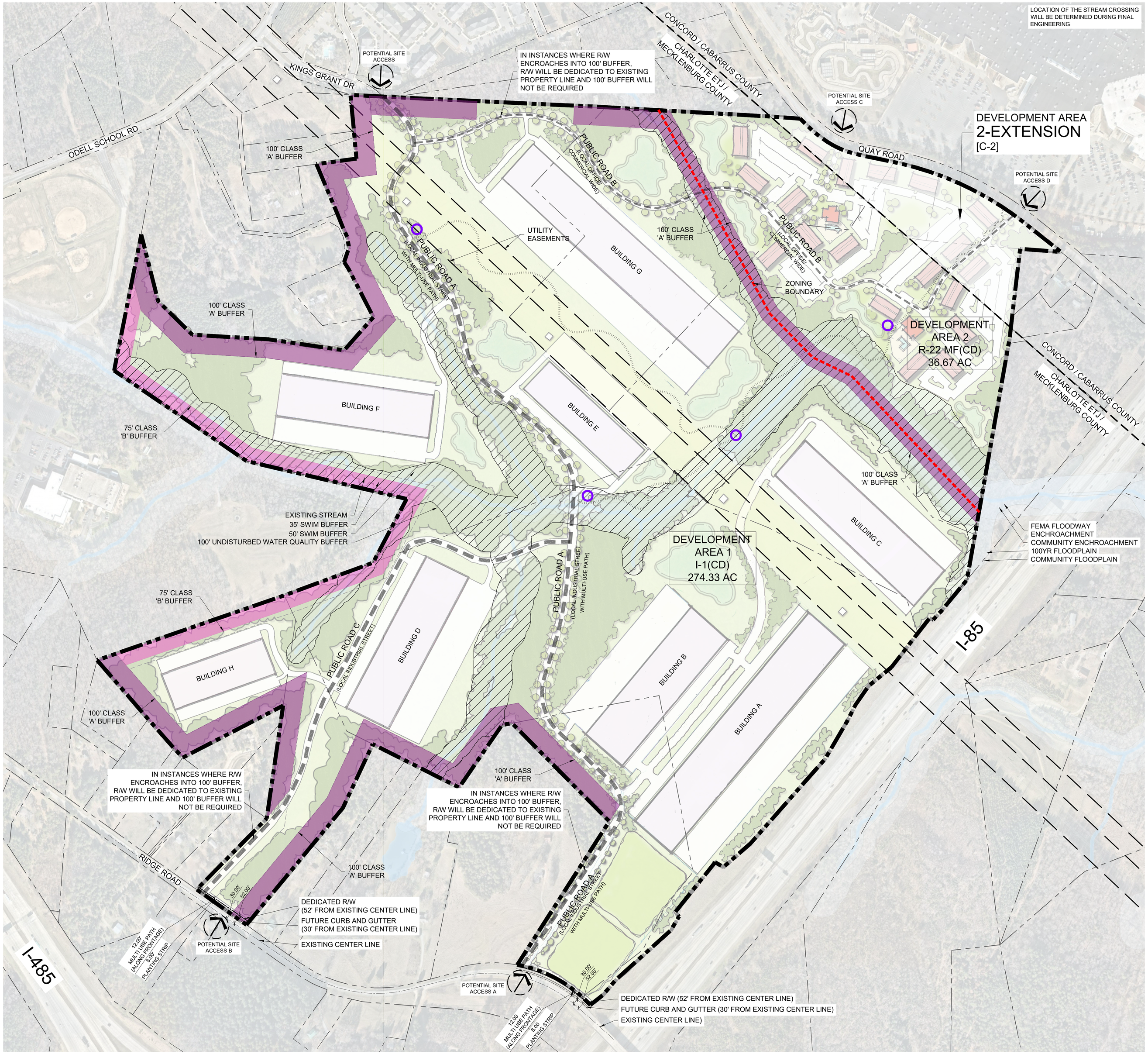
DESIGNED BY: JYK
DRAWN BY: JYK
CHECKED BY: KST

SCALE
VERT: N/A
HORZ: 1"=200'
0 100' 200' 400'

NORTH

SHEET TITLE
SCHEMATIC SITE PLAN

SHEET NUMBER
RZ-2



BUFFER LEGEND

- 100' CLASS 'A' BUFFER
- 75' CLASS 'B' BUFFER
- POTENTIAL TREE SAVE/ OPEN SPACE
- POTENTIAL TRAIL NETWORK
- POTENTIAL GATHERING SPOTS

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KEY MAP

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DESIGNED BY: JYK
DRAWN BY: JYK
CHECKED BY: KST

SCALE

VERT: N/A
HORZ: 1"=200'
0 100' 200' 400'

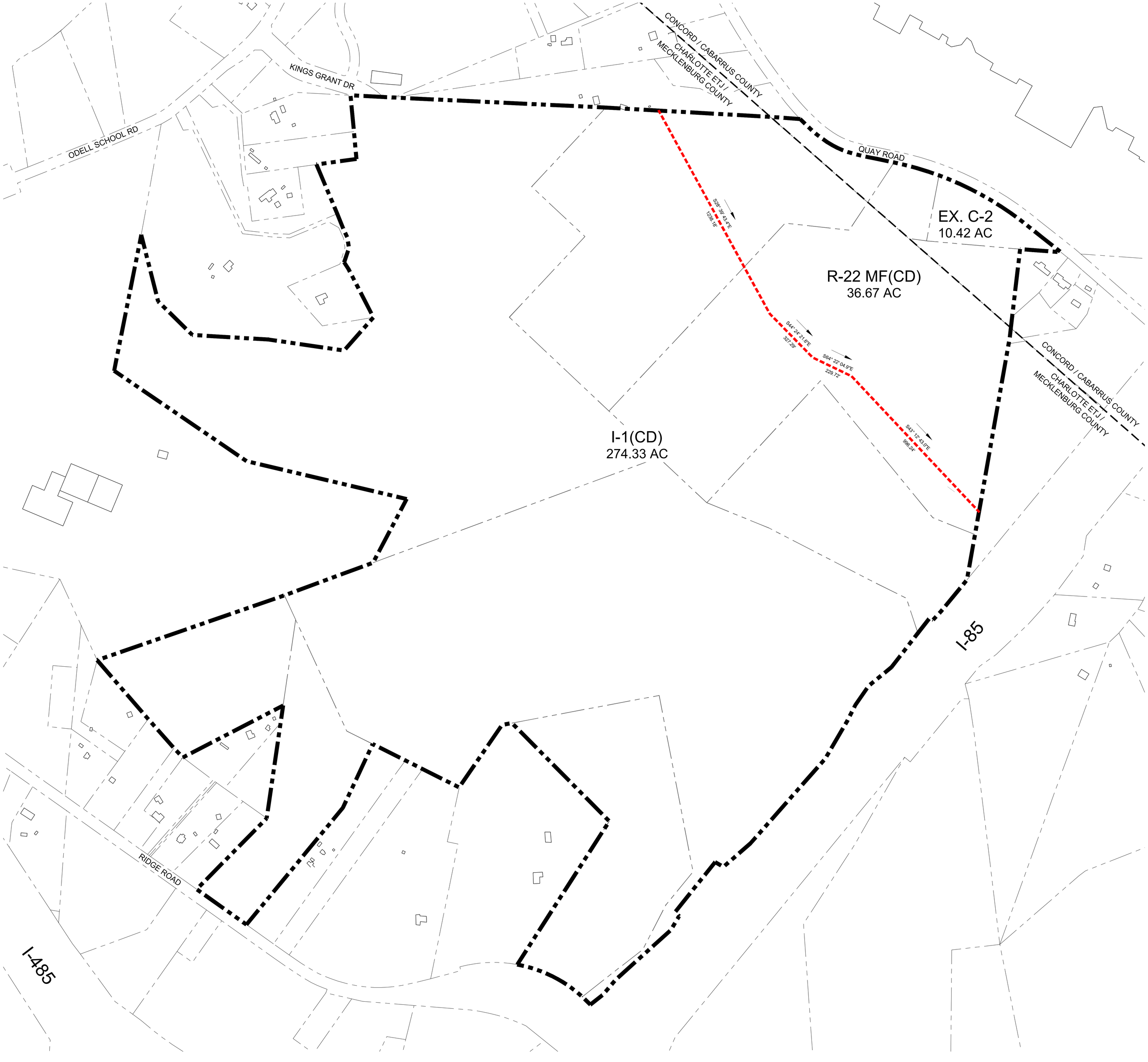
NORTH

SHEET TITLE

PROPOSED BUFFERS

SHEET NUMBER

RZ-3



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DESIGNED BY: JYK
DRAWN BY: JYK
CHECKED BY: KST

SCALE

VERT: N/A
HORZ: 1"=200'

0 100' 200' 400'

NORTH

SHEET TITLE

ZONING BOUNDARY

SHEET NUMBER

RZ-4

Childress Klein - Kings Grant
Development Standards
11/18/2021
Rezoning Petition No. 2021-028

Site Development Data:

--**Acreage:** ± 311.0 acres for Rezoning Site in Charlotte ETJ (Mecklenburg County - *see below for additional 10.42 acres in Concord/Cabarrus County*)
--**Tax Parcel #s:** 029-591-05, 029-591-03, 029-591-04, 029-581-21, 029-581-15, 029-581-03, 029-581-110 and 029-181-10
--**Existing Zoning:** CC
--**Proposed Zoning:** I-1(CD) & R-22MF(CD), five years vested rights
--**Existing Uses:** Vacant
--**Proposed Uses:** Uses permitted by right and under prescribed conditions together with accessory uses as allowed in (i) the I-1 zoning district for the portion of the Site shown as zoned I-1(CD) (as generally depicted on the Rezoning Plan) and (ii) the R-22MF zoning district for the portion of the Site shown as zoned R-22MF(CD) (as generally depicted on the Rezoning Plan), each as more specifically described below in Section 2 (which shall control).
--**Maximum Gross Square feet of Development:**
A. Within the I-1(CD) zoning district on a phased basis, up to 2.75 Million square feet of gross floor area of warehouse, distribution and other permitted uses as allowed in the I-1 zoning district, as more particularly described below in Section 2 (which shall control).
B. Within the R-22MF(CD) zoning district, up to 488 multi-family residential units, as more specifically set forth in Section 2 (which shall control). [***NOTE FOR INFORMATION****: additional 212 multi-family units designated for 10.42 acre adjacent parcel within Concord for project total of 700 multi-family units*]
--**Maximum Building Height:** In the area zoned I-1(CD) building heights shall be as set forth in the Ordinance for the I-1 zoning district. Building height will be measured as defined by the Ordinance. In the area zoned R-22MF(CD) allowed building heights will be limited to 65 feet.
--**Parking:** As required by the Ordinance.

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 Childress Klein Properties("Petitioner") to accommodate development on the approximately 311.0 acre site located at the northeast intersection of I-85 and Ridge Road, as generally depicted on Sheet RZ-1 (the "Site") of: (i) a residential community on the portion of the Site zoned R-22MF(CD) (as generally depicted on the Rezoning Plan), and (ii) distribution/logistics/warehouse and other allowed uses on the portion of the Site zoned I-1(CD) (as generally depicted on the Rezoning Plan).

[***NOTE FOR INFORMATION - ADDITIONAL PROPERTY WITHIN CITY OF CONCORD****: This Rezoning Plan seeks rezoning of the Site located within Mecklenburg County, but the Rezoning Plan sets forth for conceptual site planning purposes only an additional ±10.42 acres of adjacent land fronting Quay Road located within the City of Concord, Cabarrus County (the "Concord Property) and generally depicted on the Rezoning Plan as an extension of Development Area 2 (the "Development Area 2 Extension"). This Rezoning Plan and accompanying City of Charlotte Ordinance provisions governs the Site located within Mecklenburg County, and the Concord Property is shown for conceptual site planning purposes to generally depict the overall master plan development by including all of the proposed multifamily based development, whether located within Mecklenburg County or within the City of Concord. The zoning for the Concord Property shall be governed the zoning regulations of the City of Concord, with the understanding that it is intended that the Site and the Concord Property are intended to constitute a seamless planned/unified development as generally depicted on portions of the Rezoning Plan.]*

b. Development Areas. For ease of reference, the Rezoning Plan sets forth two (2) development areas as generally depicted on Sheet RZ-1 as Development Area 1 and Development Area 2 (each a "Development Area" and collectively the "Development Areas"); [***NOTE FOR INFORMATION****: it is understood that the for the purposes of adherence to the requirements of this Rezoning Plan portion of Development Area 2 generally depicted as "Development Area 2 Extension" and located within Concord shall be governed under the Concord Property zoning.]*

c. 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, (i) the regulations established under the Ordinance for the I-1(CD) zoning classification for the portion of the Site so designated on the Rezoning Plan (i.e. consisting of Development Area 1) shall govern all development taking place on such portion of the Site, and (ii) the regulations established under the Ordinance for the R-22MF(CD) zoning classification for the portion of the Site so designated on the Rezoning Plan (i.e. consisting of Development Area 2) shall govern all development taking place on such portion of the Site.

d. Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Development Areas 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) expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or
(ii) minor and don't materially change the overall design intent generally 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.

e. Number of Buildings Principal and Accessory; Accessory Building Design. Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed: (i) on the portion of the Site zoned I-1(CD) shall not exceed twelve (12) and (ii) in the R-22MF(CD) zoned portion of the Site shall not exceed twenty (20). [***NOTE FOR INFORMATION****: this number of building limitation only applies to the portion of the Site located within Mecklenburg County*] ; provided, further, the maximum number of principal buildings in each instance above may be reduced. 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. The size of accessory structures/buildings located within the portion of the Site zoned R-22MF(CD) will be limited to 20% of the building area of the principal buildings constructed within such Development Areas to which the accessory structure/building (other than parking structures) relate.

f. Planned/Unified Development. The Site (including the various Development Areas) 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, 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 site elements located on the Site. Furthermore, the Petitioner and/or owners 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 as a whole and not individual portions or lots located therein. [***NOTE FOR INFORMATION****: as stated above, while the Concord Property as generally depicted on the Rezoning Plan shall be governed by the Concord zoning regulations, it is intended that the Site and the Concord Property shall be deemed a planned/unified development as generally depicted on the Rezoning Plan.*]

g. Five Year Vested Rights. Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period, but such provisions shall not be deemed a limitation on any other vested rights whether at common law or otherwise.

h. Gross Floor Area. When determining the maximum development levels set forth in this Rezoning Plan, gross floor area as defined in the Ordinance shall exclude any surface or structured parking facilities (including, without limitation, corridors and elevators within such facilities), utility or similar pump-station facilities, enclosed loading dock/service areas, balconies, outdoor dining areas and all gathering areas whether on the roof of a building or at street level.

i. 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 improvements, roadway improvements and the like may take place in connection with the phase of development to which such improvements relate as described herein (in Section 3 below.)

2. Permitted Uses & Development Area Limitations:

I. Uses within the I-1(CD) Areas. The provisions of this Section 2.I shall apply only to the I-1(CD) zoned portion of the Site.

a. Development Area 1. Subject to the restrictions and limitations listed below in subsection 2.I.b below, the principal buildings constructed on the I-1(CD) portion of the Site may be developed with up to 2,750,000 square feet gross floor area of warehousing, warehouse distribution, logistics, office, manufacturing, and all other uses permitted by right and under prescribed conditions together with accessory uses, all as allowed in the I-1 zoning district. Of the allowed square footage in Development Area 1, no more than 5,000 square feet of gross floor area may be utilized for retail/EDEE uses.

b. Prohibited Uses. In no event shall the following uses be permitted in the I-1(CD) portion of the Site as a principle use:

- auction sales,
- automobiles, truck and utility trailer rental,
- automotive repair garages,
- automotive sales and repair,
- automotive service stations,
- manufactured housing sales or repair,
- petroleum storage facilities,
- recycling or drop off centers

II. Uses within R-22MF(CD) Area. The following provisions of Section 2.I. shall apply to the R-22MF(CD) area only.

a. Development Area 2. Development Area 2 on the Site may be developed with up to 488 multi-family residential units and other uses permitted by-right or under prescribed conditions together with accessory uses, all as allowed in the R-22MF zoning district. [***NOTE FOR INFORMATION****: additional 212 multi-family units designated for 10.42 acre adjacent parcel within Concord for project total of 700 multi-family units.*]

b. Workforce Housing. The Petitioner shall voluntarily provide a workforce housing program to ensure that no fewer than 5% of the total amount of rental units developed within Development Area 2 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 of the area median income.

3. Transportation Improvements and Access/Pedestrian Circulation:

I. Proposed Improvements:

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

a. The following roadway improvements will be made by the Petitioner as part of the redevelopment of the Site as proposed by the Rezoning Plan in accordance with the phasing described below(it is understood that the dates listed as part of Phases in the list of improvements set out in the approved traffic study are illustrative most aggressive targets, and the applicable roadway improvements shall be provided in connection with the applicable Phased development levels set forth in Section 3.II.b below):

1. Derita Road & Concord Mills Boulevard/Christenbury Parkway (Signalized)

Phase 1

- No suggested improvements

Phase 1A

- No suggested improvements

Phase 2

- No suggested improvements

2. Mallard Creek Road & Carolina Lily Lane (Signalized)

Phase 1

- Implement pedestrian improvements such as APS pushbuttons

Phase 1A

- No suggested improvements

Phase 2

- Construct a northbound right turn lane on Carolina Lily Lane with 250 feet of storage

3. Mallard Creek Road & Kings Grant Drive (Unsignalized)

Phase 1

- No suggested improvements

Phase 1A

- Though the intersection does not meet signal warrants, due to the future signalized nature of this intersection under STIP U-6032 the following is suggested:
  - Install a traffic signal when warrants are met
    or
  - Make a monetary contribution towards the installation of the currently planned signal at this intersection

Phase 2

- No suggested improvements

4. Mallard Creek Road & Odell School Road (Signalized)

Phase 1

- Construct an additional northbound left turn lane on Odell School Road with 425 feet of storage

Phase 1A

- No suggested improvements

Phase 2

- Construct a southbound right turn lane on Odell School Road with 125 feet of storage
- Implement right turn overlap phasing on the southbound leg of the intersection

5. Mallard Creek Road & I-485 Outer Ramps (Signalized)

Phase 1

- No suggested improvements

Phase 1A

- No suggested improvements

Phase 2

- No suggested improvements

6. Mallard Creek Road & I-485 Inner Ramps (Signalized)

Phase 1

- No suggested improvements

Phase 1A

- No suggested improvements

Phase 2

- No suggested improvements

7. Ridge Road & Odell School Road (Unsignalized)

Phase 1

- Restripe the existing westbound approach on Odell School Road to provide a terminating westbound left turn lane and a separate right turn lane with 100 feet of storage

Phase 1A

- No suggested improvements

Phase 2

- Construct a northbound right turn lane on Ridge Road with 100 feet of storage
- Install a traffic signal

8. Carolina Lily Lane & Quay Road (Unsignalized)

Phase 1

- No suggested improvements

Phase 1A

- Convert the intersection to all-way stop control

Phase 2

- Remark the existing pavement to allow for a separate eastbound left turn lane on Quay Road with 100 feet of storage

9. Ridge Road & Access "A" (Unsignalized)

Phase 1

We propose the following access configuration:

- One ingress lane and two egress lanes (a terminating westbound right turn lane and a separate left turn lane with 100 feet of storage)
- Construct a southbound left turn lane with 100 feet of storage on Ridge Road
- Construct a northbound right turn lane with 100 feet of storage on Ridge Road
- 100-foot internal protected stem

Phase 1A

- No suggested improvements

Phase 2

- No suggested improvements

11. Quay Road & Access "C" (Unsignalized)

Phase 1A

We propose the following access configuration:

- One ingress lane and one egress lane (a combined eastbound left-right turn lane on Access "C")
- 100-foot internal protected stem

Phase 2

- No suggested improvements

12. Quay Road & Access "D" (Unsignalized)

Phase 1A

We propose the following access configuration:

- One ingress lane and one egress lane (a combined eastbound left-right turn lane on Access "C")
- 100-foot internal protected stem

Phase 2

- No suggested improvements

13. Ridge Road

Phase 1

- Widen Ridge Road corridor (travel lanes) from 10 feet to 12 feet from Odell School Rd. to the end of the Site's frontage on Ridge Rd.

14. Quay Road

Phase 1A

- Widen Quay Road corridor (travel lanes) from 9 feet to 11 feet from Carolina Lily Ln. to the end of the Site's frontage on Quay Rd.

b. The Petitioner will construct the portion of Public Street B within Development Area 1 as part of the construction on Building G as generally depicted on the Rezoning Plan. This portion of Public Street B will be substantially completed prior to the issues of a certificate of occupancy for Building G.

c. The Petitioner shall dedicate additional right of way along the Site's frontage of Ridge Road to result in fifty-two (52) feet of right-of-way as measured from the existing centerline of Ridge Road along the Site's frontage.

II. Standards, Phasing and Other Provisions.

a. CDOT Standards. All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, (as it relates to the roadway improvements within its road system authority). It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad Mallard Creek Road area, by way of any applicable private/public partnership effort or other public sector project support.

b. Phasing. Road improvements shall be completed in phases, or subphases, that align with the permitted uses and development levels described above Section 2, subject to the adjustments permitted by Section 2. above such as conversions/transfers of uses and other provisions of Section 3. Prior to the development proceeding in a subsequent phase or subphase of development for transportation purposes, the roadway improvements listed for the given phase (or subphase) shall be substantially completed prior to issuance of the first certificate of occupancy for development to take place in such next subsequent Phase or subphase, subject to other provisions of this Section 3.II. The primary phases for transportation purposes and accompanying improvements are set forth below.

In addition, Petitioner may seek to adjust the primary phasing set forth above and the accompanying development levels set forth below to reflect variations in the nature and amount of development from the phasing set forth herein or by way of "sub-phases" within the primary phases, administratively upon the reasonable approval of CDOT, or NCDOT (as applicable) which approval may be based upon appropriate adjustments reflecting ITE daily or peak hour trip generation assessments, or CDOT or NCDOT (as applicable) may require for such approval the completion of traffic impact analysis or technical transportation memorandum, as applicable, following customary standards supporting adjustments to the applicable phases or sub-phases of development and the accompanying transportation improvements.

Transportation Phase 1 Development Levels:
- Up to 1,750,000 gross square feet of uses allowed in Development Area 1

Transportation Phase 1A Development Levels:
- The development associated with Transportation Phase 1 Development Level set forth above; and
- Up to 700 multi-family residential dwelling units (488 in Mecklenburg Co. and 212 allowed in the portion of the Site located in the City of Concord.

Transportation Phase 2 Development Levels:
- The development associated with Transportation Phase I and Phase 1A Development Levels set forth above; and
- Up to an additional 1,000,000 gross square feet of uses allowed in Development Area 1

c. Right of-Way Dedication. Subject to the qualifications set forth herein, right-of-way to be dedicated for the required roadway improvements described in above will be dedicated via fee simple conveyance before the certificate of occupancy is issued for the level of improvements required by the phasing tied to the identified roadway improvements as described above and on this Rezoning Plan. The Petitioner will provide a sidewalk utility easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The sidewalk utility easement will be located at a minimum of two (2) feet behind the sidewalk where feasible.

d. **Substantial Completion.** Reference to "substantial completion" or "substantially completed" for certain improvements as set forth in the provisions of this Section 3 above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 3.II. provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT, or NCDOT, as applicable) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT, or NCDOT, as applicable, will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

e. Right-of-way Availability. It is understood that some of the public roadway improvements referenced in subsection I. above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60 day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body may agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein or for other similar reasons and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT (with the concurrence of NCDOT, as applicable), upon a review of the current status and scheduled progress of the transportation improvements, will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

f. Alternative Improvements. In addition to other provisions set forth herein, changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT and the Planning Director; provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

III. Access, and Pedestrian Circulation.

a. **External Access Points.** Access to the Site will be from: (i) the intersection of Public Road A, and C with Ridge Road; (ii) a continuation of Public Road A through the Site to connect with Kings Grant Drive at the north of the Site; and (iii) a connection by way of Public Road B extending from its intersection with Public Road A from Development Area 1 across Development Area 2 and across the Concord Property to intersect with Quay Road; and an additional driveway connection from the Concord Property to Quay Road shall be made.

b. **Internal Access Points**. The number and location of access points internal to the Site to and from the Public Roads and internal driveways will be determined during the building permit process and thereafter additional or fewer driveways and/or additional roads may be installed or removed with approval from appropriate governmental authorities subject to applicable statutes, ordinances and regulations.

c. **Cross-section for Designated Public Network Streets.** The Public Roads as generally depicted on Sheet RZ-1 will be designed to meet the applicable public street cross-section set forth on the Rezoning Plan or if not set forth as required by the Subdivisions regulations and the Ordinance. Where such cross-sections are set forth on the Rezoning Plan and exceed the requirements of the Subdivision regulations such cross-sections shall control over those contained in the Subdivision regulations.

d. Modifications. Minor modifications to the alignment of the internal vehicular circulation and driveways may be made by the Petitioner, with the approval of Planning and CDOT, to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval in accordance with published standards.

e. Public Road Designations and Installations. Public Road A, B and C will be extended, constructed, and dedicated as public roads in accordance with the phasing plan described above in this Section 3. Public Road A and C will be constructed to local industrial cross section standards. Public Street B will be constructed to local/office commercial wide standards. Public Road A will include a 12-foot multi-use path (MUP) along one side of the street as generally depicted on the Rezoning Plan.

4. Architectural Standards and Parking Location Restrictions:

I. I-1(CD) Zoned Areas. The following provisions of this Section 4.I. shall apply to Development Area 1, only.

a. Building Materials. The principal building(s) constructed on the portion of the Site zoned I-1(CD) may use a variety of building materials. The building materials used for such buildings will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast or site-cast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), metal panels, EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.

b. Screening of Structures. Meter banks, transformers and similar utility structures will be screened where visible from public view at grade level, provided, however, that for any such structures located within loading areas, the Ordinance required screening for such loading areas shall also suffice as the required screening for such structures.

c. Backflow Preventers. Above ground back flow preventers and transformers will not be located within the Open Space Areas or within the required Urban Open Space unless they are required to serve the Open Space Areas in which they are located. Above ground back flow preventers and transformers that are located within the Open Space Areas as allowed by this Section will be screened. A minimum of 10% of the area zoned I-1(CD) will be set aside as open space areas this may include tree save areas.

d. **Mechanical Equipment Screening.** Roof top HVAC and related mechanical equipment will be screened from public view at grade level on the Site.

e. Pedestrian Entrances. Each tenant primary pedestrian entrance will be architecturally defined with glazing, awnings, canopies and/or other architectural element, and have a connection to adjacent Public Streets.

II. Multi-Family Design Guidelines for R-22MF(CD) Area.

The following provisions shall only apply to Development Area 2 [***NOTE FOR INFORMATION:*** *it is contemplated that similar design guidelines shall apply to the Development Area 2 Extension located within the Concord Property.]*

a. **General Site Considerations**

(i) Buildings shall be placed so as to present a front or side façade to Public Road B, and Quay Road.

(ii) Buildings shall front a minimum of 50% of the total required street frontage for Public Road B and Quay Road (exclusive of driveways, pedestrian access, points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities).

(iii) All principal and accessory buildings abutting Public Road B and Quay Road shall comprise a minimum of 30% 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 Zoning Administrator. Vinyl shall be prohibited except for handrails, windows or door trim.

b. **Facade Composition & Articulation**

(i) The principal entrance of a building shall be articulated and expressed in greater architectural detail than other building entrances, by providing some of these or similar type of features; changes in materials, larger openings, columns pilasters or other architectural features in keeping with the architectural vernacular of the building, roof overhangs or canopies, light fixtures and/or additional landscaping treatments.
(ii) Ground floor elevations shall be treated with a combination of fenestration, clear glass, prominent entrances, change in materials, building step backs, artwork and landscaping. Blank walls cannot be addressed with landscape elements only.
(iii) Public Road 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.
(iv) On corner lots, the architectural treatment of a building's intersecting Public Road 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.
(v) First Story Facades of all buildings along Public Roads shall incorporate columns, awnings, arcades, windows, doors, or other architectural elements.
(vi) Facades shall provide visual divisions between the first two stories and the upper level 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.
(vii) Facades above the first two stories shall incorporate windows, arches, or other architectural details.
(viii) 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.
(ix) 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.
(x) Buildings shall be designed with a recognizable architectural base on all facades facing Public Roads. Such base may be executed through use of preferred exterior building materials or articulated architectural façade features and color changes.
(xi) Building elevations facing Public Roads 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.
(xii) 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.
(xiii) For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls.

5. Streetscape, Landscaping and Buffer:

a. **Quay Road.** [***NOTE FOR INFORMATION****: while setback and streetscape requirements along Quay Road shall be governed by Concord zoning regulations, to the extent permitted by such regulations, Petitioner shall seek to provide; (i) a 25 foot setback as measured from the existing back of curb of Quay Road in Development Area 2 Extension and (ii) a six (6) foot sidewalk and minimum eight (8) foot planting strip along Quay Road.*]

b. Ridge Road. A 30-foot setback as measured from the future right-of-way line of Ridge Road will be provided along the Site's frontage on Ridge Road. A 12-foot shared-use path and a minimum of an eight (8) foot planting strip will be provided along the Site's frontage of Ridge Road. The future back of curb along Ridge Road will be located and constructed 30 feet from the existing center line of Ridge Road as required by CDOT/NCDOT or Chapter 19.

c. Public Road A and C. Along Public Road A and C within Developments Area 1, a 20-foot setback as measured from the right of way line will be provided. An eight (8) foot planting strip and a six (6) foot sidewalk will be provided on both sides of Public Road C. For Public Street A, an eight (8) foot planting strip and a six (6) foot sidewalk will be provided on one side, and an eight (8) foot planting strip and a 12 foot MUP will be provide on the other side.

d. **Public Road B:** Along Site's frontage on Public Road B within the portion of the Site zoned R-22MF(CD), the setback shall follow the requirements of the Ordinance for the R-22MF district. Along the Site's frontage on Public Road B within the portion of the Site zoned I-1(CD), a 20-foot setback as measured from the right of way will be provided. An eight (8) foot planting strip and an eight (8) foot sidewalk will be provided on both sides of the street.

It is noted that the streetscape standards set forth above shall control over those set forth in the land development standards manual.

e. Buffer and/or Landscape Areas.

(i) A 100-foot wide Class A buffer (which may use existing trees & vegetation) shall be provided in Development Area 1 along the Site's westerly boundary, as generally depicted on the Rezoning Plan and except as otherwise indicated therein.
(ii) A 100-foot wide Class C buffer (which may use existing trees & vegetation) shall be provided between Development Areas 1 & 2 as generally depicted on the Rezoning Plan.

All buffers can be reduced per the provisions of the Ordinance.

f. Open Space.

(i) A minimum of 20% of the Site (Dev. Area 1 and Dev. Area 2) or approximately 62.2 acres will be set aside as open space (e.g. tree save areas, stream buffers, landscape buffers, landscape areas, improved open space areas, as well as other similar areas). The open space may be distributed throughout the Site.
(ii) A minimum of 5% of the open space (approximately 15.55 acres) must be developed as improved open space. Improved open space will have landscape areas, walking paths, and/or seating/gathering areas. Additional improvements, such as lighting, shade structures, water features, play structures, outdoor exercise areas etc. may be provided in some of the improved open space areas but are not required. Improved open space areas may distributed throughout the Site.
(iii) Within the proposed Open Space area, the Petitioner will create a trail network that will link the proposed multi-family residential area to the industrial area and to the 12 foot MUP located along Public Street A as generally depicted on the Rezoning Plan. The trail will be six (6) feet wide and will be improved with either gravel, mulch, or other natural materials, or compacted earth. The trail network will also include occasional gathering areas as generally depicted on the Rezoning Plan. The gathering areas will be improved with seating.

6. Environmental Features

a. **Post Construction Ordinance**. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. **Storm Water Approval**. The location, size, and type of storm water management system 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.

c. Tree Ordinance. The Site shall comply with the Tree Ordinance.

d. **SWIM/PCSO.** 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.

7. Signage:

a. Signage as allowed by the Ordinance may be provided.

8. CATS:

a. Reserved

9. Lighting:

a. All new lighting within the R-22MF(CD) portion of the Site shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas in the R-22MF(CD) portion of the Site.

b. Detached lighting within the R-22MF(CD) portion of the Site, except street lights located along Public Roads, will be limited to 20 feet in height.

c. Lighting for the portion of the Site zoned I-1 (CD) shall comply with Ordinance standards.

10. Amendments to the Rezoning Plan:

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

11. Binding Effect of the Rezoning Application:

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site 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

KINGS GRANT

CHARLOTTE, NC

REZONING

#2021-028

LANDDESIGN PROJ # 1020184

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	INITIAL SUBMITTAL	03.09.21
2	PER STAFF COMMENTS	04.12.21
3	PER STAFF COMMENTS	05.17.21
4	PER STAFF COMMENTS	06.14.21
5	PER STAFF COMMENTS	08.16.21
6	PER STAFF COMMENTS	09.08.21
7	PER STAFF COMMENTS	11.18.21

DESIGNED BY: XX
DRAWN BY: XX
CHECKED BY: XX

SCALE

NORTH

VERT: N/A
HORZ: NTS
(NOT TO SCALE)

SHEET TITLE

DEVELOPMENT STANDARDS

SHEET NUMBER

RZ-5

Petition 2021-028 by Childress Klein Properties

To Approve:

The proposed Warehouse/Distribution use on the southern part of this petition is inconsistent with the *Northeast Area Plan* (2000) recommendation of Single Family/Multi-Family Institutional/Office/ Retail.

The proposed residential use up to 13.3 dwelling units per acre (DUA) in the northern part of this position, bordering Cabarrus County, is consistent with the area plan's recommendation of Single Family/Multi-Family/Institutional/Office/Retail use up to 12+ dwelling units per acre based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family/multi-family/institutional/office/retail at 12+ dwelling units per acre and greenway uses.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- This petition proposes up to 2.75 million square feet of gross floor area for warehouse/distribution and other permitted uses allowed in the I-1 district for 274.33 acres at the southern portion of the site, and up to 488 multi-family dwelling units covering 36.67 acres on the northern part which borders Concord/Cabarrus County of the site.
- The residential area will have 13.3 DUA, which is consistent with the area plan's land use recommendation of Single Family/Multi-Family/Institutional/Office/Retail at 12+ DUA.
- The residential area fulfills the area plan's goal of providing a mix of housing types and densities in this area. The residential area will also be developed in conjunction with a residential development on an adjacent parcel in Concord/Cabarrus County. This combined development will increase connectivity in this site and provide pedestrian and car access to the commercial and retail areas north of this site and located in Concord/Cabarrus County.
- While the uses proposed in the warehouse/distribution are not consistent with the area plan, they are consistent with the area plan's goal of establishing a mix of employment, civic, and retail uses in this area.
- The uses proposed in the warehouse/distribution area will establish a job center in this area of Charlotte, and the residential use proposed on the northern portion of the site will provide potential opportunity for employees to live in proximity to jobs.
- The petition's proximity to I-485 provide direct access to transportation infrastructure desired by warehouse/distribution uses.
- This petition commits to establishing a 100-foot Class A buffer in Development Area 1 along the site's western boundary and a 100-foot Class C buffer between the residential and warehouse/distribution area, as depicted on the rezoning plan.
- The petition commits to establishing a trail network linking the residential area to the warehouse/distribution area and to a 12-foot multi-use path to be established along Public Street A, which will cross through the site.
- The petition commits to establishing an 8-foot planting strip and 8-foot sidewalk on both sides of Public Road B, which connects the residential area to the warehouse/distribution area.
- The proposed site plan includes 2 site access points on Ridge Road, 1 access point on Kings Grant Drive, and 1 access point on Quay Drive, as well as the establishment of

3 public roads. These multiple access points ensure general connectivity throughout the site and will increase connectivity and access to other amenities in this area.

The approval of this petition will revise the adopted future land use for the warehouse/distribution portion of this site as specified by the *Northeast Area Plan* from Single Family/Multi-Family/Institutional/Office/Retail to Industrial for the site.

To Deny:

The proposed Warehouse/Distribution use on the southern part of this petition is inconsistent with the *Northeast Area Plan* (2000) recommendation of Single Family/Multi-Family Institutional/Office/ Retail.

The proposed residential use up to 13.3 dwelling units per acre (DUA) in the northern part of this position, bordering Cabarrus County, is consistent with the area plan's recommendation of Single Family/Multi-Family/Institutional/Office/Retail use up to 12+ dwelling units per acre based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family/multi-family/institutional/office/retail at 12+ dwelling units per acre and greenway uses.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 4.**File #:** 15-16939 **Type:** Zoning Item

Rezoning Petition: 2021-033 by Charlotte Pipe & Foundry Co.

Location: Approximately 55 acres located along the north and south side of John Belk Freeway, east of Interstate 77, and northwest of South Mint Street. (Council District 2 - Graham, and Council District 3 - Watlington)

Current Zoning: MUDD-O (mixed-use development, optional) I-2 (general industrial), and I-2 (CD) (general industrial, conditional)
Proposed Zoning: UMUD-O (uptown mixed use, optional), with 5-year vested rights

Public Hearing Held: November 15, 2021 - Item #6

Staff Resource: Claire Lyte-Graham

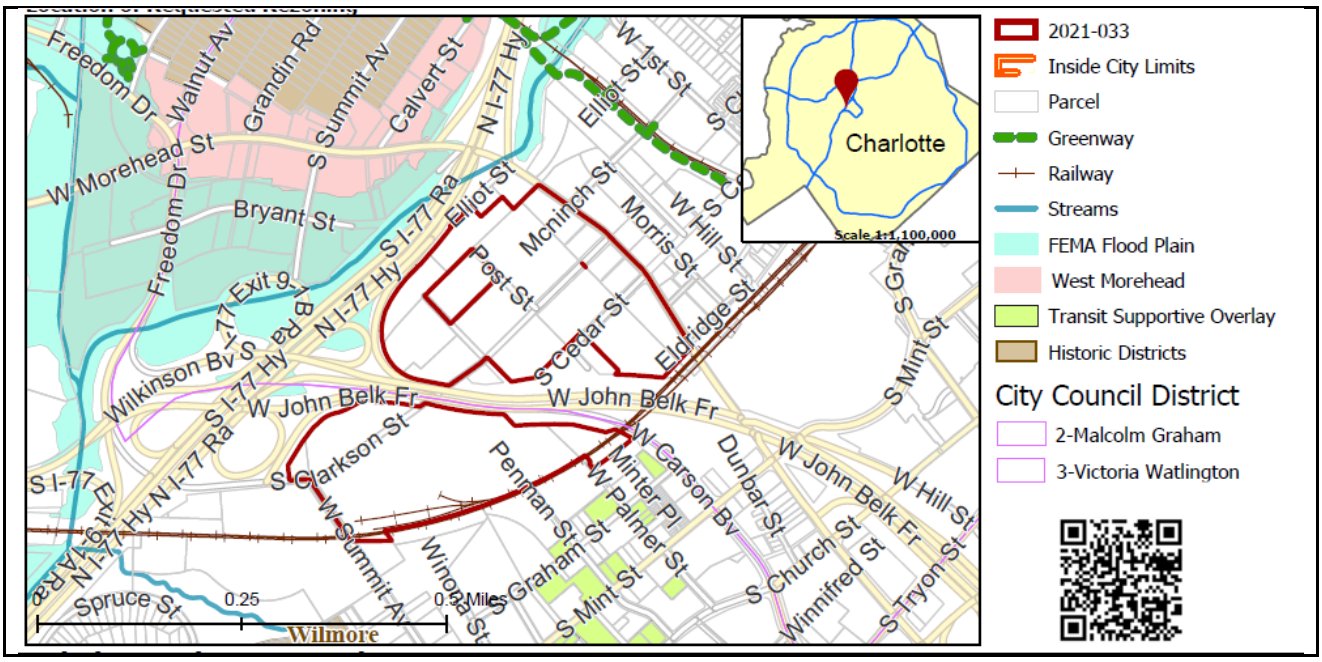
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and environment.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-033
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: MUDD-O (mixed use development, optional), I-2 (general industrial), and I-2(CD) (general industrial, conditional) Proposed Zoning: UMUD-O (uptown mixed use, optional), with 5-year vested rights
LOCATION	Approximately 55 acres located along the north and south side of John Belk Freeway, east of Interstate 77, and northwest of South Mint Street.



SUMMARY OF PETITION	The petition proposes to permit all uses in the UMUD by right and under prescribed conditions; to allow optional provisions pertaining to frontage, special event off-street parking, and signage; and to provide phased transportation commitments that address the master planned nature of the proposed development of the site.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Charlotte Pipe & Foundry Co Charlotte Pipe & Foundry Co Collin Brown and Brittany Lins/Alexander Ricks PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and environment. <u>Plan Consistency</u> The petition is **consistent** for the parcels north of I-277, with the land use recommendation of mixed-use, as specific in the adopted *West Morehead Corridor Vision & Concept Plan (2001)*. However, it is **inconsistent** with the adopted *Central District Plan (1993)* recommendation for industrial uses for the parcels south of I-277.

Rationale for Recommendation

- The subject site is within Center City and adjacent to a proposed future LYNX Silver Line station.
- The petition encourages future development to contribute to the overall viability and livability of Center City.
- The petition supports the *Center City 2020 Vision Plan (2010)* recommendation of enhancing existing neighborhoods with the concentrated development of high-density mixed-use neighborhood centers.
- The petition supports the *Center City 2020 Vision Plan (2010)* recommendation of creating mixed use neighborhoods near transit stations.
- The petition aligns with the zoning of many of the adjacent parcels.
- The petition also aligns with the draft *Charlotte Center City 2040 Vision Plan (not yet adopted)* idea to create a lively mixed-use district at this site.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan (1993) from industrial uses* to *mixed-uses* for the site.

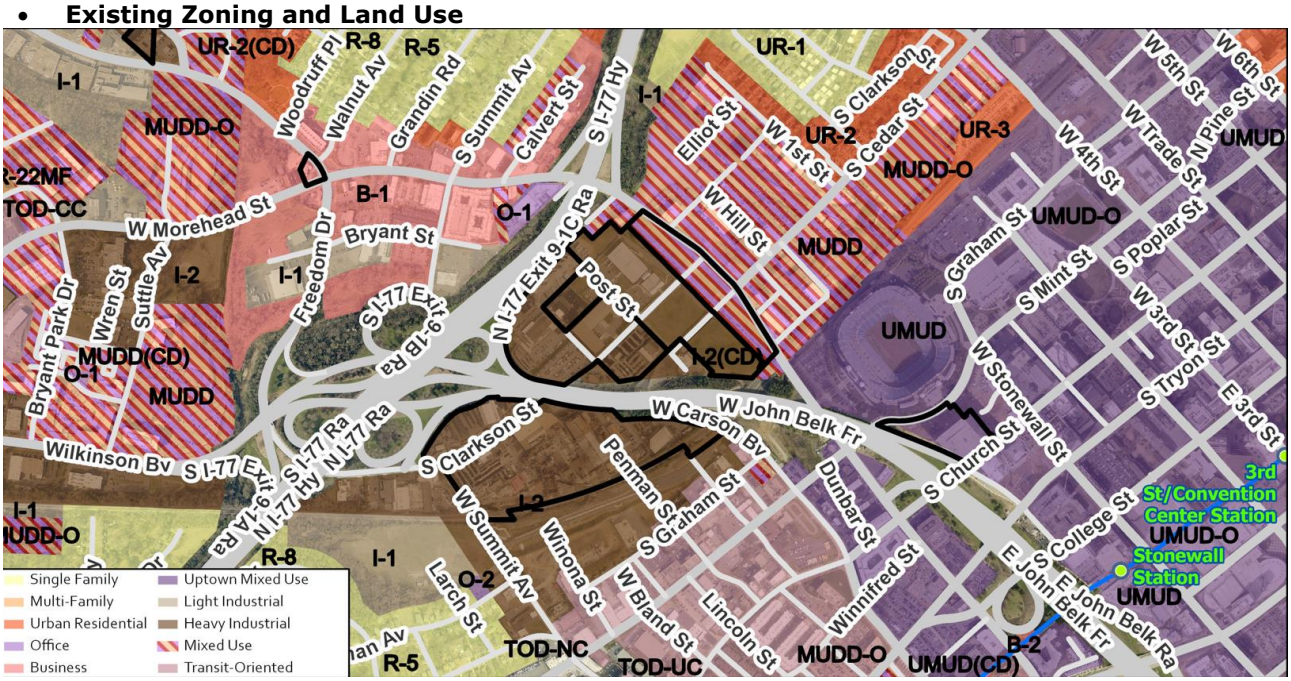
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows uses permitted by right or under prescribed conditions in the UMUD Zoning District, together with any incidental or accessory uses associated therewith.
  - Illustrates site as Development Area A and Development Area B.
  - **Proposes the following optional provisions:**
    - Except as may be expressly set forth in the Rezoning Plan, the frontage of the Site with I-77 and I-277 shall not be deemed public street frontage for design or other types of zoning regulations (see Section 9.906(2) of the Ordinance).
    - Allow temporary special event off-street parking as a principal use, for an unlimited number of special events per year, not to exceed 7 days in duration per event **and not to run seven-day events consecutively, and not to exceed a total of 150 events per year**. The use shall be exempt from any requirements related to installation of sidewalks, trees, and buffering or screening of parking. The use shall be exempt from any requirements related to installation of sidewalks, trees, and buffering or screening of parking until a certificate of occupancy for a new building is issued for the associated block of development, at which time sidewalks, trees, buffering and screening will be required per Ordinance. The use shall be located a distance of at least 200 feet from any single-family residential zoning district or land use (See Section 9.903(16.1) of the Ordinance for comparison).
    - ~~Petitioner may seek approval by the Planning Director of a master signage package for the site in the manner set forth in Section 13.12.B of the Ordinance and such master signage package may provide additional flexibility that the Planning Director deems appropriate for the mixed-use integrated development of the kind contemplated by this rezoning (See Chapter 13 of Ordinance).~~ Petitioner requests the ability to deviate from the standard provisions of Section 9.906(4)(a) in order to provide a master-planned park and/or amenitized open space areas for the overall site. This optional provision shall allow the Petitioner to satisfy the urban open space requirements of Section 9.906(4)(a) by aggregating the open space requirements for individual lots or buildings and to provide the open spaces anywhere within the Site.
  - **Transportation (Improvements) Phase 1A:**
    - Up to 500 residential units
    - Up to 500,000 square feet of office uses
    - Up to 6,250 square feet of EDEE uses
    - Development is subject to specified conversion rates.
    - Phase IA may be modified in coordination with the Planning Director (or its assignee) so long as the resulting development is traffic neutral to these requested entitlements. Phase IA will be located within Development Area A, except up to 25% of Phase I may be located within Development Area B.
  - **Transportation (Improvements) Phase 1B:**

    - Up to 500 additional residential units above the Phase IA entitlements
    - Up to 1,500,000 square feet of additional office uses
    - Up to 18,750 square feet of additional retail uses
    - Up to 18,750 square feet of additional EDEE uses
    - Phase IB may be located within Development Area A, except up to 25% of Phase I may be located within Development Area B.
- **Transportation Phase I Alternative:** Phases IA and IB may alternatively be combined to include a sports/entertainment complex with a maximum of 250 residential units and 500,000 square feet of non-residential uses, subject to specified conversion rates. Phase I Alternative may be located within Development Area A, except that up to 25% of Phase I Alternatively may be located within Development Area B.
- **Transportation Phase II** may include all development in excess of 1,000 residential units, 2,000,000 square feet of office, 50,000 square feet of retail uses, subject to conversion rights. Phase II may be located within Development Area A and B.
- **Transportation Conversion Rights:**
    - Residential dwelling units may be converted to hotel rooms (and vice versa) at a rate of 1 residential dwelling unit to 2 hotel rooms.
    - Residential dwelling units may be converted to non-residential uses (and vice versa) at a rate of 1 residential per 1,000 square feet of non-residential gross floor area.
    - A master development chart will be maintained and submitted with each new development.
- **NCDOT Interchange No Build Zone:** Temporarily designates a NCDOT interchange "No Build Zone" as generally depicted on the Rezoning Plan. The Petitioner shall work with NCDOT and CDOT on furthering the I-277 / I-77 interchange design in order to reach an agreement of future right-of-way reservation/dedication. No development shall occur in the No Build Zone(s) until an agreement of future right-of-way reservation/dedication occurs.
- **Transportation Improvement Phasing:**
    - *Phase 1A (required prior to issuance of first building certificate of occupancy for Phase IA)*
        - West Morehead and Cedar Street-install a westbound left turn lane on West Morehead Street maximizing the storage and taper prior to the railroad bridge. Install an eastbound left turn lane with ~~215~~ **200** linear feet of storage.
    - *Phase 1B Off-site Transportation Improvements (required to be completed prior to the issuance of the first building certificate of occupancy for Phase IB)*
        - Install an additional left turn lane on the I-77 southbound ramp to West Morehead Street. The ramp will include dual left turn lanes and a dedicated turn lane maximizing storage to the gore area on the highway.
        - Install left turn lane improvements and a new traffic signal at McNinch Street and West Morehead Street.
        - Install a traffic signal and intersection improvements at Elliott Street/West Morehead Street/I-77 northbound ramp when development on the site creates a connection at Elliot Street to this intersection.
        - Modify the Carson Street off-ramp laneage to accommodate dual left turn lanes and a thru right lane.
        - Install a traffic signal at the intersection of Summit Avenue and Clarkson Street.
        - **Provide a study of 30% of the Freedom Drive ramp design, to be coordinated with CDOT/NCDOT.**
        - Alternative Compliance: if all parties in coordination with CDOT, NCDOT and the City of Charlotte as applicable, find that alternative transportation improvements may be preferred, above commitments may be modified by such parties.
    - *Phase 2* is intended to anticipate and accommodate additional development in excess of Phase IA and IB maximums. No permits nor certificates of occupancy may be issued with respect to Phase II development without both the determination, occurrence and documentation of Major Transportation/Improvement and additional transportation impact study(s) reasonably defined and reasonably acceptable to CDOT and NCDOT.
    - **Phase 2 Major Transportation Investment/Improvements:**
        - The provision of Phase II Development is intended to anticipate and accommodate additional development in excess of Phase IA and IB maximums associated with, and supportive of, planned major transportation commitments, investments and improvements within Areas A and B.
        - Definition, determination and approval of an appropriate combination of major transportation investment/improvements necessary for any consideration of Phase 2 development will be made jointly and reasonably by the directors of Planning, CDOT, and NCDOT, as required, in accordance with customary guidelines for the same.
    - **Reservation and Dedication of CATS Right-of-Way:**

- Reserves the area identified on the rezoning plan as the "Light Rail Conceptual Right-of-Way Reservation," generally following parallel to the heavy rail alignment but may slightly deviate from this area, not to extend 100' from the heavy rail right-of-way, as shown on the plan. Right-of-way area, once the final location is determined, will not exceed 70 feet in width.

- **Existing Zoning and Land Use**



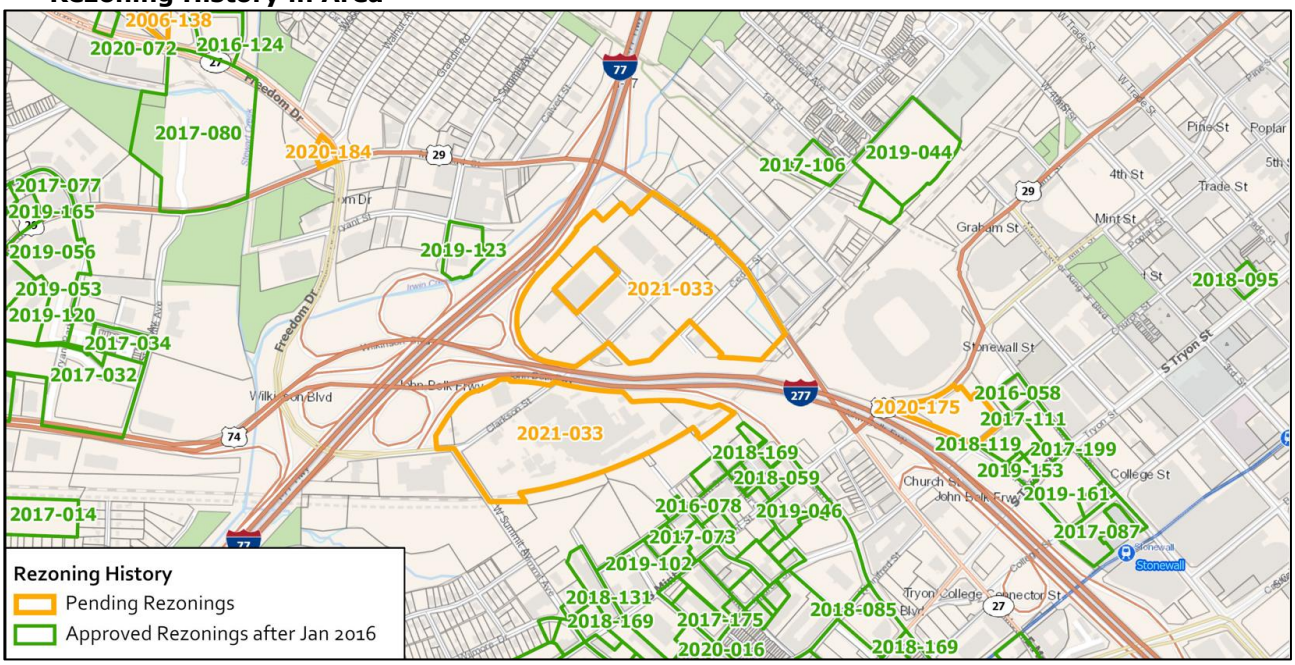
- The rezoning site is developed with the Charlotte Pipe and Foundry and industrial uses and bisected by John Belk Freeway. A portion of the site abuts I-77 and Norfolk Southern Railroad.
- Approximately 17 acres of the subject site was rezoned from MUDD to MUDD-O and I-2(CD) via petition 2012-038, in order to allow uses as permitted in MUDD and industrial uses affiliated with Charlotte Pipe and Foundry.

The rezoning site located along S. Clarkson Street (above and below).

The site along W. Palmer Street.

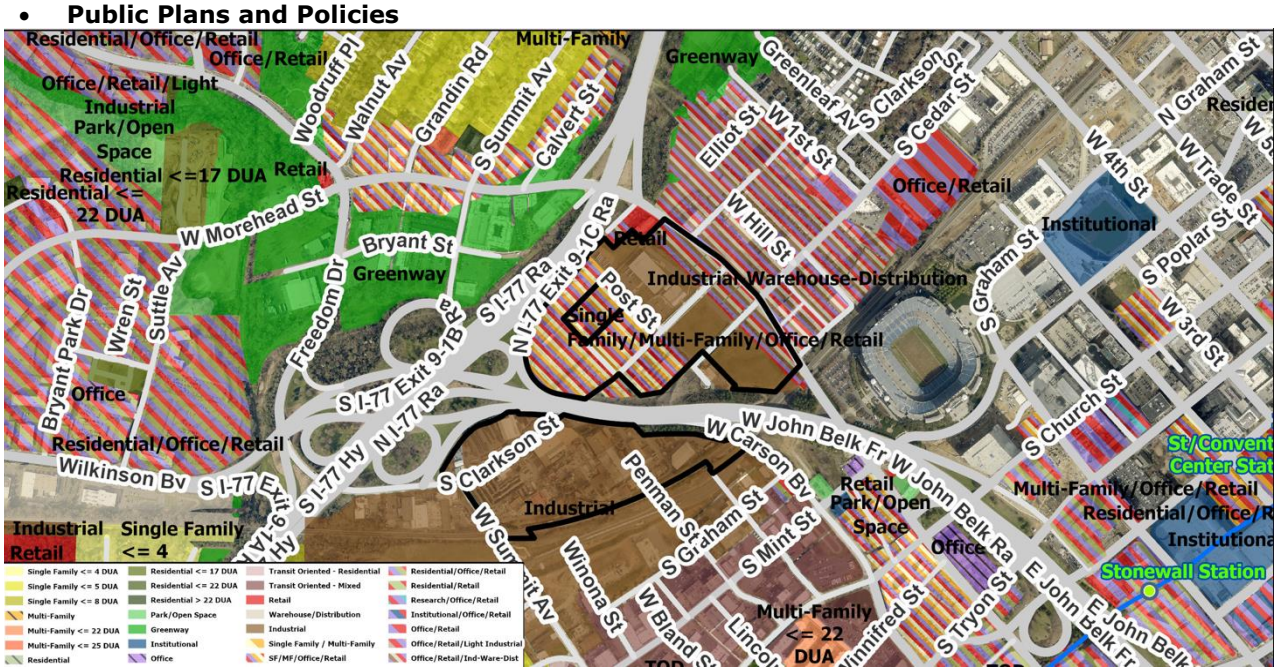
The site along W. Summit Avenue.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
	There have been numerous rezonings in the area over the past 5 years to accommodate a residential and nonresidential uses, including several transit oriented development rezonings along and adjacent to the LYNX Blue Line and LYNX Silver Line.	

- **Public Plans and Policies**



- *West Morehead Corridor Vision & Concept Plan (2001)* – The plan calls for the parcels in the petition that are north of I-277 to be mixed-use.
- *Central District Plan (1993)* – The plan calls for the parcels in the petition that are south of I-277 for industrial uses.
- *Charlotte Center City 2020 Vision Plan (2010)* – The plan recommends the creation of mixed-use neighborhoods near transit stations.

- **TRANSPORTATION SUMMARY**
  - The petition is located adjacent to West Morehead Street, a State-maintained major thoroughfare, South Clarkson Street, a City-maintained major collector, and South Cedar Street, a City-maintained local street, and east of the I-277 and I-77 freeway interchange (State-maintained). The petitioner submitted a Traffic Impact Study (TIS) to CDOT and NCDOT on 6/18/2021. All transportation improvements have been agreed upon between CDOT, NCDOT, and the petitioner. The petitioner has agreed to dedicate the right of way for the future Lynx Silver Line Light Rail and Rail Trail projects as well as commit to a "no-build" zone for a future I-77 and I-277 interchange improvements project. The petitioner is to coordinate remaining NCDOT TIS comments and update the site plan notes as needed to reflect those revisions. All CDOT comments have been addressed.
  - **Active Projects:**
    - LYNX Silver Line Light Rail (and Rail Trail)
      - The refined alignment of the Silver Line will follow the freight rail corridor, with a planned station at Morehead St. The Rail Trail is also studying using some combination of Clarkson/Morehead/Cedar
      - https://charlottenc.gov/cats/transit-planning/Pages/silver-line.aspx
    - I-77 Managed Lanes (South Carolina state line to I-277/US-74)
      - Unfunded but Planned to begin ROW in FY 2029
      - NCDOT TIP# I-5718A
      - Widen existing freeway to 10 lanes by constructing managed lanes, reconstructing I-77/I-277 (Belk Freeway) interchange
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 2,048 trips per day (based on 597,544 square feet of manufacturing).
    Entitlement: Too many uses to determine (based on 597,544 square feet Manufacturing, MUDD).
    Proposed Zoning: 34,165 trips per day (based on 1,000 apartments, 50,000 square feet of retail, and 1,950,000 square feet of office/TIS submitted 06/18/2021).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** For over 20 years the Charlotte Area Transit System (CATS) has identified Independence Blvd as a rapid transit corridor. Various transit stations and vehicle technology have been studied during that time. In 2016, a 13-mile LYNX Silver light rail Locally Preferred Alternative (LPA) from Uptown Charlotte to the Town of Matthews was adopted by the Metropolitan Transit Commission (MTC). In November 2017, CATS staff began identifying alternative Silver Line light rail corridor alignments from Center City to Gaston County with the goal of completing the complete east - west Silver Line system by the year 2030. In January 2019, CATS staff recommended that the Southeast LYNX Silver Line continue through Uptown Charlotte to Wilkinson Blvd. with a terminus in the City of Belmont in Gaston County. The MTC adopted that recommendation, formally creating a continuous LYNX Silver Line light rail project from the Matthews to Belmont. Staff will present revisions of the adopted LPA to the MTC in April 2021. See Outstanding Issue 3.
- **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:** Too many uses to determine.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. 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. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along S Clarkson St. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.

- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** See Outstanding Issue
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** See advisory comments at www.rezoning.org

OUTSTANDING ISSUES

Transportation

1. ~~Right-of-Way Reservation Area Provisions. The Petitioner shall reserve, for the sole benefit of the City of Charlotte (and, as applicable, of any successor entity that assumes some or all of the City's responsibilities for providing light-rail service, such as a regional transit authority, with the City and all such successor entities collectively referred to as "CATS"), the area (the "Reservation Area") that is identified on the Rezoning Plan as the "Light Rail Conceptual Right-of-Way Reservation," which follows parallel to the heavy rail alignment but, subject to written approval of CATS, may slightly deviate from this area. The Reservation Area shall not extend more than one hundred (100) feet from the heavy rail right-of-way, as generally depicted on the Rezoning Plan.~~ **Addressed**
   a. ~~Reservation Area Time Period. The Petitioner shall maintain the Reservation Area in full compliance with this Section V.f – including, by example only, in full compliance with Sections V.f.1.c and V.f.1.d – in perpetuity (subject to the reversion language in subsection V.f.1.e.)~~
   b. ~~The Reservation Area shall be seventy (70) feet in width and cannot be any wider. If CATS should determine, in its sole discretion, that the full seventy (70) feet is unnecessary for CATS's purposes, CATS shall, in writing to the Petitioner, release from the requirements of this Section V.f that portion of the Reservation Area that CATS determines is unnecessary.~~
   c. ~~Only the following construction, installation, and development activities are allowed within the Reservation Area, and no others: grading and the installation and maintenance of pavement, driveways, sidewalks, surface parking areas for bicycle, scooter or similar vehicles but excluding automobiles and trucks, landscaping, and comparable non-vertical improvements. For clarification only, none of the following may be placed, developed, constructed, installed, or maintained anywhere within the Reservation Area: (1) buildings or other vertical structures, (2) utility lines or facilities, (3) detention facilities, or (4) Wi-Fi, telecommunication or similar antennas or transmission devices for use by third parties to provide services to customers.~~
   d. ~~Nothing (including, by example only, any pavement, driveways, sidewalks, surface parking areas, landscaping, or other non-vertical improvements) may be placed, developed, constructed, installed, or maintained anywhere within the Reservation Area that, if the same is ever removed, would cause the Site or any part of it to violate any applicable law, ordinance, or regulation, including by example only any zoning or land use regulation or any provision of the approved Rezoning Plan.~~
   e. ~~If any portion of the Reservation Area is removed by CATS or the Metropolitan Transit Commission (the Metropolitan Transit Commission and, as applicable, any successor organizations to it are the "MTC") from the MTC's adopted plans and is not, within ninety (90) days, restored to an MTC transit plan, the requirements of this Section V shall cease applying to that portion of the Reservation Area, and this shall be documented by an administrative amendment to the Rezoning Plan.~~

~~2.~~ **Right-of-Way Dedication-** **Addressed**
   a. ~~The Petitioner shall permanently, irrevocably, and unconditionally (for any portion of the Reservation Area to which the requirements of this Section V.f have not ceased applying per operation of subsection V.f.1.e.), dedicate the Reservation Area (except for any portion of it that has been released by the City under Section V.f.1.b.) to CATS, without being owed any damages or compensation by CATS, upon the occurrence of either of the following:~~
      i. ~~The Petitioner notifying the City (including by notifying the Director of CATS or, if CATS no longer exists, the director of the successor agency or entity that provides public transit services for the City) in writing that the Petitioner seeks to dedicate all or a portion of the Reservation Area, and the City agreeing to accept that dedication; or~~
      ii. ~~Upon CATS securing sufficient funding – through a full funding grant agreement from the Federal Transit Administration ("FTA") or any other funding source or combination of sources – to commence construction of a light rail project on the Site, as well as CATS~~

~~obtaining, to the extent applicable, any other approvals from the FTA necessary for CATS to begin developing that light rail project.~~

~~b. If the Reservation Area is dedicated to the City under this Section, at the Petitioner's request, CATS shall continue good-faith discussions with the Petitioner regarding the aesthetics of the light rail's alignment through the Site and will meet in good faith to discuss any questions, concerns, or ideas that Petitioner might have.~~

3. **New:** If the Reservation Area is dedicated to the City under this Section, at the Petitioner's request, CATS shall continue good-faith discussions with the Petitioner regarding the aesthetics of the light rail's alignment through the Site, but CATS agrees such aesthetics will be consistent with at least the standards in place in 2021 related to the portions of the Blue Line through the South End and CBD areas and will at least maintain that aesthetics. Petitioner reserves the non-exclusive right to have, by example, "Iron District" branding (or other similar branding reflecting the historical significance of the area) at the station which will likely include some art elements that are mutually agreed to that reflect the history of the site as a foundry for Charlotte Pipe. **Outstanding**

Site and Building Design

4. ~~Provide some level of limitation on the number of days per year special events will be allowed or the number of special events per year. As written, this could be allowed every day of the year and would not be temporary.~~ **Petitioner added the following language: "…event and not to run seven-day events consecutively**…" **Addressed**
5. ~~Special event optional request references the language under Section 16.1, but omits 16.1(b) regarding the use not being for commercial parking.~~ **Rescinded**
6. ~~Clarify special event optional request language to specify when temporary parking areas are developed with a long-term use, streetscape provisions are required.~~ **Addressed**
7. ~~Delete the optional sign request. The flexibility being sought is already provided by the ordinance and this language is not necessary.~~ **Addressed**

Environment (New)

8. **New Outstanding Issue**: Mecklenburg County Park and Recreation requests a minimum of 2 acres to be dedicated and conveyed to Mecklenburg County for a future neighborhood park. This requested park land shall be adjacent to a public right-of-way for access and is conducive for the development of the typical amenities found in a neighborhood park and cannot include tree save parcels. Contact MCPR with any questions/comments.

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

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

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

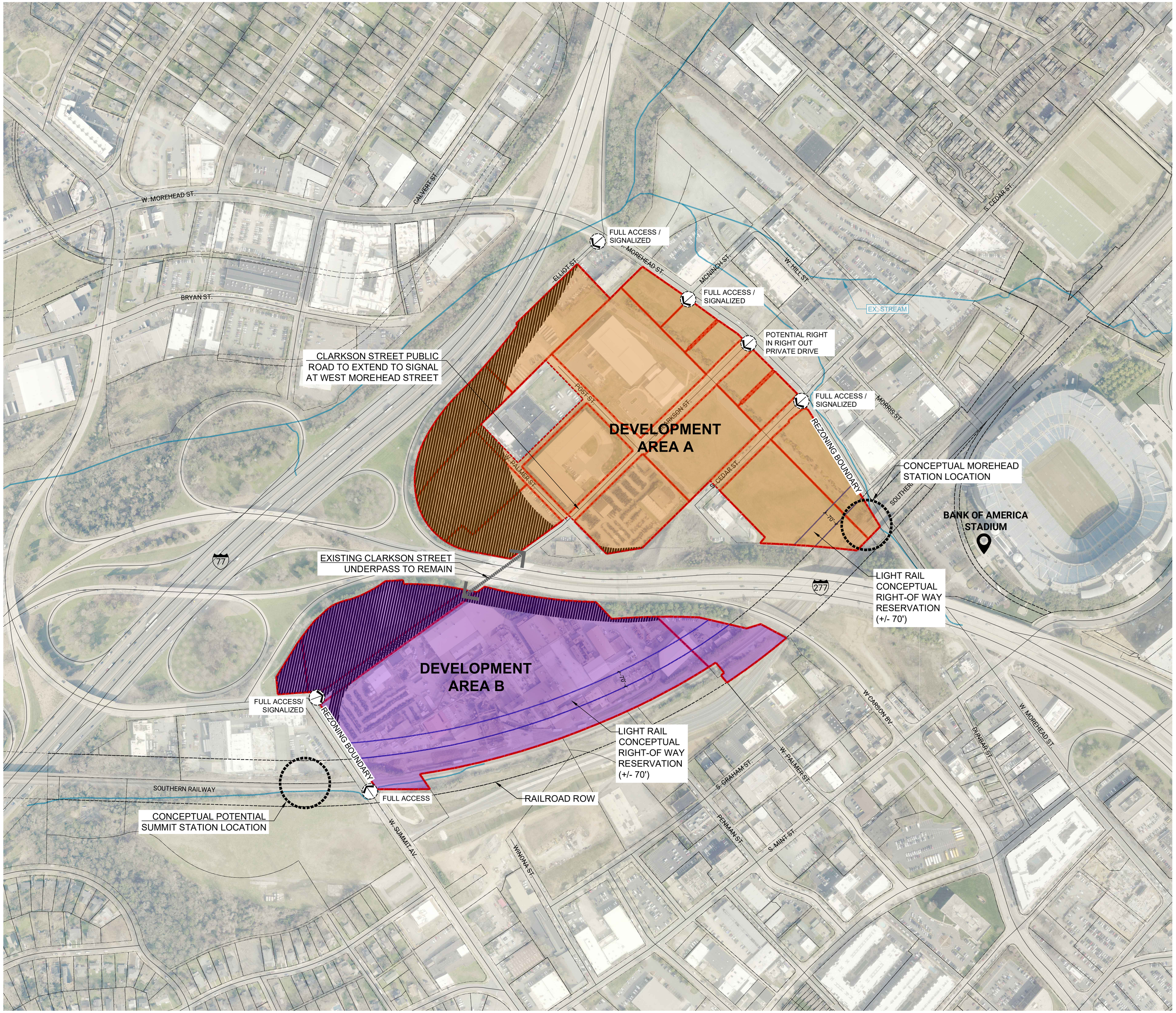
Rezoning Petition # 2021-033

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	**N/A**
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**N/A**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✓

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✔
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	✔
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	**N/A**
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**



SITE DEVELOPMENT DATA:

ACREAGE: ± 55 ACRES
TAX PARCELS: 073-261-02, 119-102-01, 073-262-30A, 073-262-30B, 073-268-01, 073-252-13, 073-252-15, 073-252-11, 073-252-07, 073-252-02, 073-252-16, 073-252-17, 073-256-01, 073-256-02, 073-255-01, 073-251-14, 073-141-05, 073-142-01, 073-252-10, and 073-252-09

EXISTING ZONING: I-2, I-2(CD), MUDD-O

PROPOSED ZONING: UMUD-O WITH 5-YEAR VESTED RIGHTS

MAXIMUM BUILDING HEIGHT: AS REQUIRED BY THE ORDINANCE FOR THE UMUD ZONING DISTRICT.

PARKING: AS REQUIRED BY THE ORDINANCE FOR THE UMUD ZONING DISTRICT.

PROPOSED DEVELOPMENT ON SITE WILL COMPLY WITH SUBDIVISION ORDINANCE.

LEGEND:

- DEVELOPMENT AREA A
- DEVELOPMENT AREA B
- CONCEPTUAL LIGHT RAIL RIGHT-OF-WAY RESERVATION (+/- 70')
  * REFER TO NOTE IN DEVELOPMENT STANDARDS
- CONCEPTUAL TEMPORARY NO-BUILD ZONE RESERVATION

TRANSPORTATION PHASING:

PHASE 1A:
- 500,000 SF OFFICE
- 6,250 SF RESTAURANT
- 6,250 SF RETAIL
- 500 RESIDENTIAL UNITS

PHASE 1B:
- 1,500,000 SF ADDITIONAL OFFICE
- 18,750 SF ADDITIONAL RESTAURANT
- 18,750 SF ADDITIONAL RETAIL
- 500 ADDITIONAL RESIDENTIAL UNITS

NOTE: PHASE 1 DEVELOPMENT LOCATED IN DEVELOPMENT AREA A. UP TO 25% OF PHASE 1A AND PHASE 1B MAY BE LOCATED WITHIN DEVELOPMENT AREA B.

NOTE: SEE TRANSPORTATION NOTES WITHIN DEVELOPMENT STANDARDS FOR FULL COMMITMENTS.

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

KEY MAP

SEAL

NOT FOR CONSTRUCTION

PROJECT

CHARLOTTE PIPE FOUNDRY

REZONING PETITION 2021-033

LANDDESIGN PROJ.#: 1020131

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE

DESIGNED BY: LRM
DRAWN BY: LRM
CHECKED BY: LRM

SCALE

VERT: N/A
HORZ: 1" = 200'

0 100 200 400
ORIGINAL SHEET SIZE: 24" X 36"

NORTH

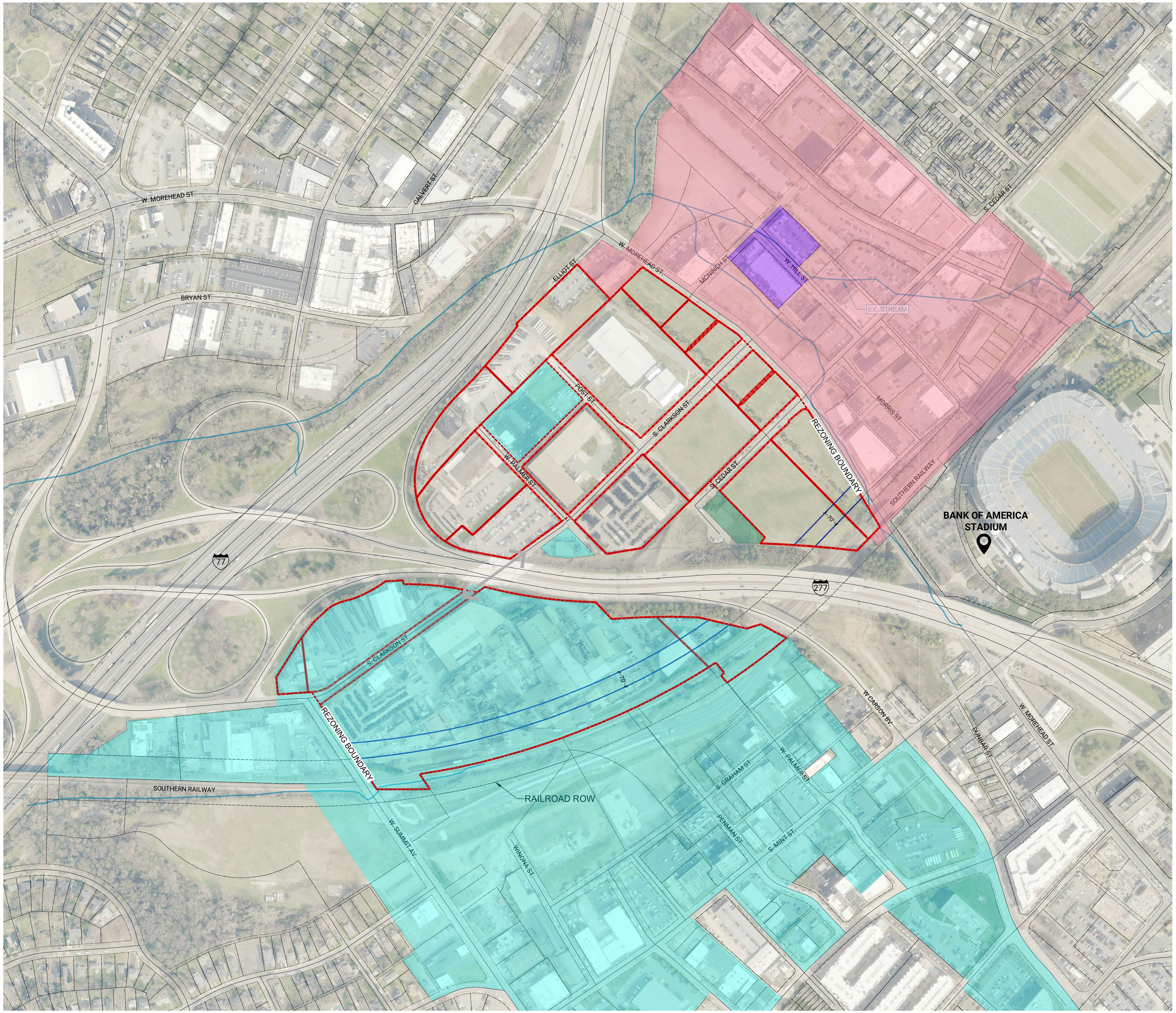
SHEET TITLE

TECHNICAL DATA SHEET

SHEET NUMBER

RZ-1.0

10/29/2021 9:09 AM



ADJACENT PARCELS EXISTING ZONING LEGEND:

- EXISTING ZONING MUDD
- EXISTING ZONING MUDD-O
- EXISTING ZONING I-2
- EXISTING ZONING I-2 (CD)

LandDesign.
223 NORTH GRAHAM STREET
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KEY MAP

SEAL

NOT FOR CONSTRUCTION

PROJECT

CHARLOTTE PIPE FOUNDRY

REZONING PETITION 2021-033

LANDDESIGN PROJ.#
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VERT: N/A
HORZ: 1" = 200'

0 100 200 400
ORIGINAL SHEET SIZE: 24" X 36"

SHEET TITLE

ADJACENT PARCEL ZONING DATA

SHEET NUMBER

RZ-1.1

10/29/2021 6:09 PM

CHARLOTTE PIPE & FOUNDRY COMPANY REZONING
DEVELOPMENT STANDARDS
Rezoning Petition No. 2021-033
11/18/2021

Site Development Data:

--**Acreage:** ± 55 acres
--**Tax Parcels:** 073-261-02, 119-102-01, 073-262-30A, 073-262-30B, 073-268-01, 073-252-13, 073-252-15, 073-252-11, 073-252-07, 073-252-02, 073-252-16, 073-252-17, 073-256-01, 073-256-02, 073-255-01, 073-251-14, 073-141-05, -73-142-01, 073-252-10, and 073-252-09
--**Existing Zoning:** I-2, I-2(CD), MUDD-O
--**Proposed Zoning:** UMUD-O with 5-year vested rights
--**Existing Use:** Industrial
--**Proposed Uses:** Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the UMUD zoning district not otherwise limited in the Rezoning Plan.
--**Maximum Building Height:** As required by the Ordinance for the UMUD zoning district.
--**Parking:** As required by the Ordinance for the UMUD zoning district.

I. 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 Charlotte Pipe & Foundry Co. ("Petitioner") to accommodate development of an urban mixed-use project on an approximately 55-acre site located along the north and south side of John Belk Freeway, east of Interstate 77, and northwest of South Mint Street, more particularly described as Mecklenburg County Tax Parcel Numbers 073-261-02, 119-102-01, 073-262-30A, 073-262-30B, 073-268-01, 073-252-13, 073-252-15, 073-252-11, 073-252-07, 073-252-02, 073-252-16, 073-252-17, 073-256-01, 073-256-02, 073-255-01, 073-251-14, 073-141-05, -73-142-01, 073-252-10, and 073-252-09 (the "Site").

b. **Intent.** This Rezoning is intended to provide the framework to accommodate development on the Site for a mixture of UMUD-permitted uses including but not limited to residential, office, commercial, recreational, hospitality, and sports entertainment uses.

c. **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, or as requested in the Optional Provisions below, the regulations established under the Ordinance for the UMUD zoning district shall govern all development taking place on the Site.

d. **Flexibility in Placement of Development/Site Elements; Alterations/Modifications**. The Development Area layout depicted on the Rezoning Plan is schematic in nature and

intended to depict the possible general arrangement of permitted uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements generally depicted on the Rezoning Plan, if provided, are graphic representations of the possible proposed development and site elements; but since the project has not undergone design development, it is intended that this Rezoning Plan provide for flexibility in ultimate layout, locations and sizes of development and site elements including allowing alterations or modifications to graphic representations in accordance with the setback, yard, landscaping and tree save requirements set forth on this Rezoning Plan and the Development Standards.

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 not otherwise contemplated by this Rezoning Plan are subject to Section 6.207 of the Ordinance.

e. **Planned/Unified Development.** The Site and each Development Area and parcel created therein shall be viewed as a planned/unified development plan as may be generally depicted on the Rezoning Plan; as such, except where design guidelines or standards are set forth in the Rezoning Plan, 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 within the Site. Furthermore, the Petitioner and/or owner of the applicable portion of the Site reserve the right to subdivide portions or all of the Site and create lots within the interior of the portion of the Site without regard to any such internal separation standards; provided, however, all such separation standards applied to the Site along the exterior boundary of the Site shall be adhered to.

f. **Five Year Vested Rights**. Per Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development & its timing, and the level of investment, among other factors, this Petition includes vesting of the Rezoning Plan and the Rezoning Site for a five (5) year period, but such provisions shall not limit any other vested rights at common law or otherwise.

II. Permitted Uses:

The Site may be devoted to any uses permitted by right or under prescribed conditions in the UMUD Zoning District, together with any incidental or accessory uses associated therewith.

III. Optional Provisions:

The Petitioner requests the following deviations from the UMUD Zoning Ordinance:

a. Except as may be expressly set forth in the Rezoning Plan, the frontage of the Site with I-77 and I-277 shall not be deemed public street frontage for design or other types of zoning regulations *(See Section 9.906(2) of the Ordinance)*.

b. To allow temporary special event off-street parking as a principal use, for an unlimited number of special events per year, not to exceed seven (7) days in duration per event and not to run seven-day events consecutively, and not to exceed a total of 150 events per year.

The use shall be exempt from any requirements related to installation of sidewalks, trees, and buffering or screening of parking until a certificate of occupancy for a new building is issued for the associated block of development, at which time sidewalks, trees, buffering and screening will be required per Ordinance. The use shall be located a distance of at least 200 feet from any single-family residential zoning district or land use. *(See Section 9.903(16.1) of the Ordinance for comparison).*

c. Petitioner requests the ability to deviate from the standard provisions of Section 9.906(4)(a) in order to provide a master-planned park and/or amenitized open space areas for the overall site. This optional provision shall allow the Petitioner to satisfy the urban open space requirements of Section 9.906(4)(a) by aggregating the open space requirements for individual lots or buildings and to provide the open spaces anywhere within the Site.

IV. Transportation Phasing and Conversion Rights:

a. Development Areas. The Technical Data Sheet (RZ-1.0) depicts the general location of Development Areas A and B that are associated with the Transportation Phasing described below.

b. Transportation Phase IA may include a maximum of 500 residential units,500,000 square feet of office uses, 6,250 square feet of retail uses, and 6,250 square feet of EDEE uses as permitted in the UMUD Zoning District as not otherwise restricted herein and subject to the conversion rights allowing for conversions to residential uses at the rate stated in IV.f. below. The requested maximum entitlements for Phase IA may be modified in coordination with the Planning Director (or its assignee) as long as the resulting development is traffic neutral to these requested entitlements. Phase IA shall be located within Development Area A, as generally depicted on the Rezoning Plan, except that up to 25% of Phase I may be located within Development Area B.

c. Transportation Phase IB may include a maximum of 1,500,000 square feet of additional office uses, 18,750 square feet of additional retail uses, 18,750 square feet of additional EDEE uses, and 500 additional residential units above the Phase IA entitlements, as permitted in the UMUD Zoning District as not otherwise restricted herein and subject to the conversion rights in Section IV.f. The requested maximum entitlements for Phase IB may be modified in coordination with the Planning Director (or its assignee) as long as the resulting development is traffic neutral to these requested entitlements. Phase IB may be located within Development Area A, as generally depicted on the Rezoning Plan, except that up to 25% of Phase I may be located within Development Area B.

d. Transportation Phase I Alternative. Phase IA and IB may alternatively be combined to include a sports/entertainment complex with a maximum of 250 residential units and 500,000 square feet of non-residential uses as permitted in the UMUD Zoning District as not otherwise restricted herein and subject to the conversion rights allowing for conversions to residential uses at the rate stated in IV.f. Phase I Alternative may be located within Development Area A, as generally depicted on the Rezoning Plan, except that up to 25% of Phase I Alternative may be located within Development Area B.

e. Transportation Phase II may include all development, as permitted in the UMUD Zoning District as not otherwise restricted herein, exceeding 1,000 residential units, 2,000,000 square feet of office, 50,000 square feet of retail uses (i.e., the Phase IA and Phase IB entitlements outlined above), subject to conversion rights listed below. Phase II may be located within Development Area A and B as generally depicted on the Rezoning Plan.

f. Transportation Conversion Rights:

1. Residential dwelling units may be converted to hotel rooms (and vice versa) at a ratio of one (1) residential dwelling unit to two (2) hotel rooms.

2. Residential dwelling units may be converted to non-residential uses (and vice versa) at a rate of one (1) residential unit per 1,000 square feet of non-residential gross floor area.

g. A master development chart will be maintained and submitted with each new development.

V. Transportation Commitments:

a. **Street Network and Connectivity**. Due to the master planned nature of the development of the Site which will occur over many years, the applicable transportation network will be implemented over time and may adapt to the timing of development, availability of public and private funding and other factors, and if needed, in coordination with NCDOT/CDOT approval.

1. **Vehicular access** will be as generally depicted on the Rezoning Plan. The placements and configurations of the vehicular access points shown on the Rezoning Plan are subject to any minor modifications required to accommodate final site and construction plans and designs.

2. **Public Street Connectivity.** A public street connection shall be maintained between Morehead Street and Summit Avenue (currently Clarkson Street).

3. **Bicycle and Pedestrian Connectivity.** A multimodal facility connecting Morehead Street to Summit Avenue shall be created through the site as development occurs. The exact alignment and design of this facility will be determined during the land development permitting process but will at a minimum consist of a twelve (12) foot wide multi use path or a comparable alternative (e.g., cycle track), inclusive of integration with the sidewalk system.

4. **Cedar Street and Clarkson Street** shall be maintained as public streets into the site providing access to Morehead Street but may be realigned/relocated in order to serve the future development.

5. **McNinch Street** shall be extended as a public street into the site providing access to Morehead Street and connected to the future street network of the site.

6. **Elliot Street** shall be extended (subject to NCDOT approval, if necessary) as a public street into the site providing access to Morehead Street and connected to the future street network of the site.

7. **Internal Streets**: All internal streets shall follow Land Development Standards for a commercial-wide street cross section, including a minimum eight (8) foot wide amenity zone and eight (8) foot wide sidewalk.

b. **Morehead Street.** The required future cross section of Morehead Street is described/illustrated in the development standards on RZ-2.1.

1. The necessary right-of-way for this future cross section shall be reserved by the petitioner for future dedication as adjacent development occurs.

2. The additional travel/turn lanes, planting strip and multi-use path shall be constructed by the petitioner as adjacent development occurs and as described in Section V.d.

3. The streetscape improvements (multi-use path and planting strip) may be modified to accommodate the existing School Supply and Boxer Buildings as determined during land development permitting.

c. **NCDOT Interchange No Build Zone.** The Petitioner shall temporarily designate a NCDOT interchange "No Build Zone" as generally depicted on the Rezoning Plan. The Petitioner shall work with NCDOT and CDOT on furthering the I-277 / I-77 interchange design in order to reach an agreement of future right-of-way reservation/dedication. No development shall occur in the No Build Zone(s) until an agreement of future right-of-way reservation/dedication occurs. Should an agreement not be reached by both parties prior to December 31, 2023, development rights defer back to the rezoning boundary and associated rezoning conditions, thereby extinguishing the No Build Zone.

d. **Transportation Improvement Phasing.** The overall development will be phased with the required transportation improvements described below.

1. **Phase IA Transportation Improvements.** The following shall be required prior to the issuance of the first building certificate of occupancy for Phase IA:

a. **West Morehead and Cedar Street.** The Petitioner shall install a westbound left turn lane on West Morehead Street maximizing the storage and taper prior to the railroad bridge with approximately 300 linear feet of storage and a 100 linear foot taper. The Petitioner shall install an eastbound left turn lane on West Morehead Street with approximately 200 linear feet of storage and a 50 linear foot taper, maximizing storage between McNinch Street and Cedar Street. The Petitioner shall reconstruct the northbound approach of the intersection to include an exclusive left turn lane (400 linear foot storage or what block spacing permits and 100 linear foot taper), one through lane, and exclusive right turn lane (100 linear foot storage and 100 linear foot taper). The northbound approach design may to modified to allow for dual left turn lanes and a shared through-right lane. This modification would permit reduced left-turn storage bays.

2. **Phase IB Transportation Improvements.** The following shall be required to be completed prior to the issuance of the first building certificate of occupancy for Phase IB:

a. **I-77 and Morehead Street.** Petitioner shall install an additional left turn lane on the I-77 southbound ramp to West Morehead Street. The ramp shall include dual left turn lanes and a dedicated right turn lane maximizing storage to the gore area on the highway. Additionally, the Petitioner shall restripe the eastbound approach to gain an additional through lane at the intersection;

b. **West Morehead and McNinch Street.** Petitioner shall install a traffic signal and an eastbound left turn lane on West Morehead Street maximizing the storage and taper prior to the 1023 West Morehead property existing building, with approximately 150 linear feet of storage and a 50 linear foot taper. The Petitioner shall install a westbound left turn lane on West Morehead Street with approximately 285 linear feet of storage and a 50 linear foot taper, maximizing storage between McNinch Street and Cedar Street. The Petitioner shall construct a northbound left turn lane along McNinch Street with approximately 175 linear feet of storage and 100 linear foot taper. The Petitioner shall install a southbound left turn lane along McNinch Street with approximately 125 linear feet of storage and 100 linear foot taper;

c. **Elliot Street and Morehead Street.** Petitioner shall install a traffic signal and intersection improvements at Elliot Street/West Morehead Street/I-77 northbound ramp when new development on the Site creates a connection at Elliot Street to this intersection (certificate of occupancy to be tied to first building after such connection is made). Elliot Street exists inside of NCDOT right-of-way, and any additional widening to support a dedicated 150 linear foot right turn lane will require approval from NCDOT for additional improvements and widening adjacent to I-77. The existing driveway to 1023 West Morehead Street shall remain;

d. **Carson Street and Mint Street.** Petitioner shall modify the Carson Street off-ramp laneage to accommodate dual left turn lanes and a thru right lane;

e. **Clarkson Street and Summit Avenue.** Petitioner shall install a traffic signal at the intersection of Summit Avenue and Clarkson Street.

f. Petitioner shall provide a study of 30% of the Freedom Drive ramp design, to be coordinated with CDOT/NCDOT.

g. Alternative Compliance: As an alternative to the improvements listed in this Section V.d.2.a-d, above, if all parties in coordination with CDOT, NCDOT and the City of Charlotte as applicable, find that alternative transportation improvements may be preferred, the above commitments may be modified by such parties.

3. **Phase I Alternative Transportation Improvements.** No permits nor certificates of occupancy may be issued with respect to Phase I Alternative Development

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KEY MAP

SEAL

NOT FOR CONSTRUCTION

PROJECT

CHARLOTTE PIPE FOUNDRY

REZONING PETITION 2021-033

LANDDESIGN PROJ.# 1020131

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE

DESIGNED BY: LRM
DRAWN BY: LRM
CHECKED BY: LRM

SCALE NORTH

VERT: N/A
HORZ:

ORIGINAL SHEET SIZE: 24" X 36"

SHEET TITLE

DEVELOPMENT STANDARDS

SHEET NUMBER

RZ-2.0

10/29/2021 5:09 PM

without additional transportation impact study(s) reasonably defined by and reasonably acceptable to CDOT and NCDOT, as applicable, in accordance with customary guidelines for the same to quantify and evaluate the transportation adequacy of Phase I Alternative (including, but not limited to, the mix of use, development levels, phasing and site location) relative to defined transportation investments/improvements.

4. **Phase II Major Transportation Investment/Improvements**: The provision of Phase II Development is intended to anticipate and accommodate additional development in excess of Phase IA and IB maximums associated with, and supportive of, planned major transportation commitments, investments and improvements within Areas A and B.

   a. **Utilization of Phase II Development.** It is expressly understood that no permits nor certificates of occupancy may be issued with respect to the Phase II Development (or any portion thereof) without BOTH:

      i. The determination, occurrence and documentation of a Major Transportation/Improvement (as defined in Section V.d.4.b below); AND

      ii. Additional transportation impact study(s) reasonably defined by and reasonably acceptable to CDOT and NCDOT, as applicable, in accordance with customary guidelines for the same to quantify and evaluate the transportation adequacy of Phase II Development (including, but not limited to, the mix of use, development levels, phasing and site location) relative to defined Major Transportation Investments/Improvements, except where additional transportation analysis is not required, as stated in Section V.d.4.b.i.

   b. **Major Transportation Investments/Improvements** shall be defined as transportation related commitment(s), improvement(s), investment(s), and/or future technological mobility advancement(s) that can be quantified and demonstrated to significantly alter the transportation/congestion management environment for the Site. The definition, determination and approval of an appropriate Major Transportation Investments/Improvement commitment or combination thereof necessary for any consideration of Phase II Development shall be made jointly and reasonably by the Directors of Planning, CDOT, CATS and NCDOT, as required, in accordance with customary guidelines for the same and could include by way of illustration only:

      i. A commitment to light rail service to the Site, which shall not require additional traffic analysis by the Petitioner, that could include either:

         1. The dedication of corridor right-of-way by Petitioner, which, if this occurs, the Petitioner shall be entitled to all permitted commercial and/or residential uses in the UMUD zoning district, limited only by the constraints of the UMUD Ordinance; or

         2. The adoption of a Full Funding Grant Agreement, and/or operational light rail service, which, if this occurs, the Petitioner shall be entitled to the full amount of development permitted under the UMUD zoning district, limited only by the constraints of the UMUD Ordinance.

      ii. A combination of two or more of the following improvements (for example):

         1. Operational bus rapid transit service to the Site;
         2. Major capacity, operational and/or reconfiguration improvements to West Morehead Street and/or the I-77/I-277 interchange;
         3. New local street network connections and/or intersection improvements; and/or
         4. Future technological mobility advancements that reduce vehicle trips (such as micro/shared mobility service and/or autonomous vehicles).

e. **Right-of-Way Acquisition.** It is understood that some of the public roadway improvements required herein to be completed by the Petitioner may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts, as specified and administered by the City of Charlotte right-of-way acquisition process as administered by the City of Charlotte Department of General Services or the North Carolina Department of Transportation (NCDOT), the Petitioner, or assigns (or third parties), are unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, NCDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body may agree to proceed with acquisition of any such land. In such event, Petitioners, or assigns (or third parties), shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings.

f. **Reservation and Dedication of CATS Right-of-Way.**

   1. **Right-of-Way Reservation Area Provisions.** The Petitioner shall reserve, for the sole benefit of the City of Charlotte, or the Charlotte Area Transit Agency or a successory entity such as a regional transit authority (collectively referred to as "CATS") the area (the "Reservation Area") that is identified on the Rezoning Plan as the "Light Rail Conceptual Right-of-Way Reservation," which follows parallel to the heavy rail alignment but, subject to written City/CATS approval, may slightly deviate from this area. The Reservation Area shall not extend more than one hundred (100) feet from the heavy rail right-of-way, as generally depicted on the Rezoning Plan.

      a. **Reservation Area Time Period.** The petitioner shall maintain reservation of this area in perpetuity (except as provided in the reversion language in

subsection V.f.1.e. and further subject to the limitations in subsection V.f.1.c. below).

b. The Reservation Area shall not exceed seventy (70) feet in width. At the time of the dedication of a portion of the Reserved Area, Petitioner and CATS will agree on the final determination of the area to be dedicated and CATS will provide commercially reasonable evidence as to why they are seeking the land area desired (not to exceed 70' in width at any point along the corridor). Petitioner agrees to act in good faith in reviewing such evidence and both parties pledge to act in good faith in settling on the final dedication area.

c. Only the following construction, installation, and development activities are allowed within the Reservation Area, and no others: a passenger service rail line with at least one stop adjacent to a portion of the Petitioner's property, grading and the installation and maintenance of pavement, driveways, sidewalks, surface parking areas for bicycle, scooter or similar vehicles but excluding automobiles and trucks, landscaping, and comparable non-vertical improvements. For clarification only, none of the following may be placed, developed, constructed, installed, or maintained anywhere within the Reservation Area: (1) buildings or other vertical structures, (2) utility lines or facilities other than overhead lines exclusively serving passenger rail vehicles, (3) detention facilities, or (4) Wi-Fi, telecommunication or similar antennas or transmission devices for use by third parties to provide services to customers.

d. Nothing (including, by example only, any pavement, driveways, sidewalks, surface parking areas, landscaping, or other non-vertical improvements) may be placed, developed, constructed, installed, or maintained anywhere within the Reservation Area that, if the same is ever removed, would cause the Site or any part of it at the time of its installation to have violated any applicable law, ordinance, or regulation, including by example only any zoning or land use regulation or any provision of the approved Rezoning Plan.

e. If any portion of the Reservation Area is removed by CATS or the Metropolitan Transit Commission (the Metropolitan Transit Commission and, as applicable, any successor organizations to it are the "MTC") from the MTC's adopted plans and is not, within ninety (90) days, restored to an MTC transit plan, the requirements of this Section V shall cease applying to that portion of the Reservation Area, and this shall be documented by an administrative amendment to the Rezoning Plan. If the property has already been dedicated, then the deed or plat associated with such dedication shall contain reversion language such that the Petitioner, or its successor by assignment of this reversion right, shall have a right to take possession of the land for no consideration.

2. **Right-of-Way Dedication.**

a. The Petitioner shall permanently, irrevocably, and unconditionally (except for any portion of the Reservation Area to which the requirements of this Section V.f. do not apply per operation of the reversion clause contained in subsection V.f.1.e., above), dedicate the Reservation Area (except for any portion of it that has been released by the City under Section V.f.1.b.) to CATS, without being owed any damages or compensation by the City, upon the occurrence of either of the following:

   i. The Petitioner notifying the City (including by notifying the Director of CATS or, if CATS no longer exists, the director of the successor agency or entity that provides public transit services for the City) in writing that the Petitioner seeks to dedicate all or a portion of the Reservation Area, and the City agreeing to accept dedication of a portion of the Reservation Area; or

   ii. Upon CATS securing sufficient funding – through a full funding grant agreement from the Federal Transit Administration (FTA) or any other funding source or combination of sources – to commence construction of a light rail project on the Site, as well as CATS obtaining, to the extent applicable, any other approvals from the FTA and State agencies necessary for CATS to begin developing that light rail project.

b. If the Reservation Area is dedicated to the City under this Section, at the Petitioner's request, CATS shall continue good-faith discussions with the Petitioner regarding the aesthetics of the light rail's alignment through the Site, but CATS agrees such aesthetics will be consistent with at least the standards in place in 2021 related to the portions of the Blue Line through the South End and CBD areas and will at least maintain that aesthetics. Petitioner reserves the non-exclusive right to have, by example, "Iron District" branding (or other similar branding reflecting the historical significance of the area) at the station which will likely include some art elements that are mutually agreed to that reflect the history of the site as a foundry for Charlotte Pipe.

g. **Substantial Completion**. Reference to substantial completion for certain improvements as set forth herein shall mean completion of the improvements in accordance with the standards set forth in this Section V provided, however, in the event certain non-essential transportation improvements (as reasonably determined by CDOT/NCDOT, as required) are not completed at the time that the Petitioner(s) seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT/NCDOT, as required, will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner(s) may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

h. The Site will comply with the Subdivision Ordinance.

VI. **Environmental Features:**

a. The Petitioner shall comply with the Post Construction Stormwater Ordinance, which may be satisfied cumulatively across the Site rather than parcel by parcel within the Site.

b. The Petitioner shall comply with the Tree Ordinance, which may be satisfied cumulatively across the Site rather than parcel by parcel within the Site.

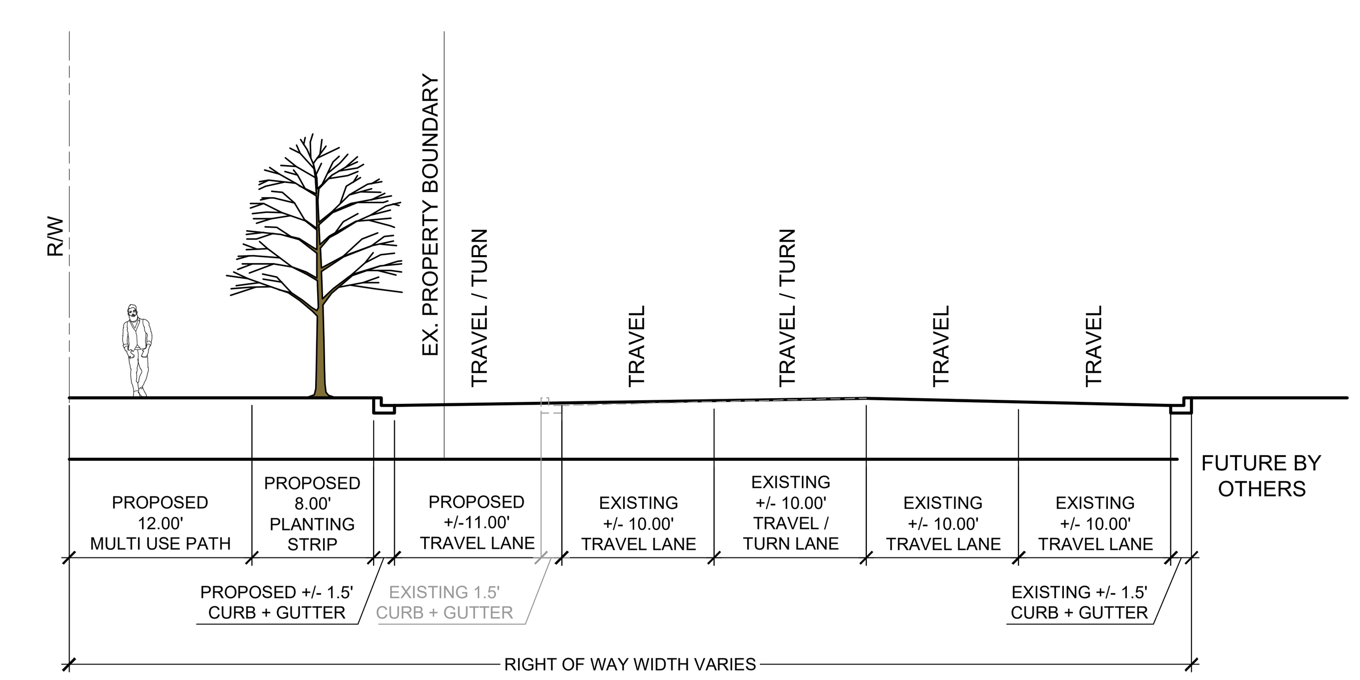
VII. **Binding Effect of the Rezoning Application and Definitions:**

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

b. 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(s) of any part of the Site from time to time who may be involved in any future development thereof.

c. The term "CATS" as referenced herein shall be understood to also include a successor regional transportation authority if applicable.

W MOREHEAD STREET PROPOSED SECTION



(RIGHT OF WAY TO BE RESERVED BY PETITIONER FOR FUTURE DEDICATION WHEN ADJACENT DEVELOPMENT OCCURS)

NOTE: STREETSCAPE IMPROVEMENTS MAY BE ADJUSTED BASED ON EXISTING BUILDING CONFLICTS, TO BE DETERMINED DURING LAND DEVELOPMENT PERMITTING.

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KEY MAP

SEAL

NOT FOR CONSTRUCTION

PROJECT

CHARLOTTE PIPE FOUNDRY

REZONING PETITION 2021-033

LANDDESIGN PROJ.# 1020131

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE

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DRAWN BY: LRM
CHECKED BY: LRM

SCALE NORTH

VERT: N/A
HORZ:

ORIGINAL SHEET SIZE: 24" X 36"

SHEET TITLE

DEVELOPMENT STANDARDS

SHEET NUMBER

RZ-2.1

Petition 2021-033 by Charlotte Pipe and Foundry

To Approve:

This petition is found to be **inconsistent** with the *Central District Plan* (1993) and **consistent** with the *West Morehead Corridor Vision & Concept Plan* (2001) based on the information from the staff analysis and the public hearing, and because:

- The petition is **consistent** for the parcels north of I-277, with the land use recommendation of mixed-use, as specified in the adopted *West Morehead Corridor Vision & Concept Plan (2001)*. However, it is **inconsistent** with the adopted *Central District Plan (1993)* recommendation for industrial uses for the parcels south of I-277.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The subject site is within Center City and adjacent to a proposed future LYNX Silver Line station.
- The petition encourages future development to contribute to the overall viability and livability of Center City.
- The petition supports the *Center City 2020 Vision Plan (2010)* recommendation of enhancing existing neighborhoods with the concentrated development of high-density mixed-use neighborhood centers.
- The petition supports the *Center City 2020 Vision Plan (2010)* recommendation of creating mixed use neighborhoods near transit stations.
- The petition aligns with the zoning of many of the adjacent parcels.
- The petition also aligns with the draft *Charlotte Center City 2040 Vision Plan (not yet adopted)* idea to create a lively mixed-use district at this site

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan (1993) from industrial uses* to *mixed-uses* for the site.

To Deny:

This petition is found to be **inconsistent** with the *Central District Plan* (1993) and consistent with the *West Morehead Corridor Vision & Concept Plan* (2001) based on the information from the staff analysis and the public hearing, and because:

- The petition is **consistent** for the parcels north of I-277, with the land use recommendation of mixed-use, as specified in the adopted *West Morehead Corridor Vision & Concept Plan (2001)*. However, it is **inconsistent** with the adopted *Central District Plan (1993)* recommendation for industrial uses for the parcels south of I-277.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 5.**File #:** 15-16940 **Type:** Zoning Item

Rezoning Petition: 2021-087 by Novant Health

Location: Approximately 1.91 acres located at the intersection of Amherst Place and Lillington Avenue, west of East 3rd Street, and northwest of Queens Road. (Council District 1 - Egleston)

Current Zoning: O-6 (CD) PED (office, conditional, pedscape overlay)
Proposed Zoning: MUDD (CD) PED (mixed-use development, conditional, pedscape overlay)

Public Hearing Held: November 15, 2021 - Item #24

Staff Resource: Dave Pettine

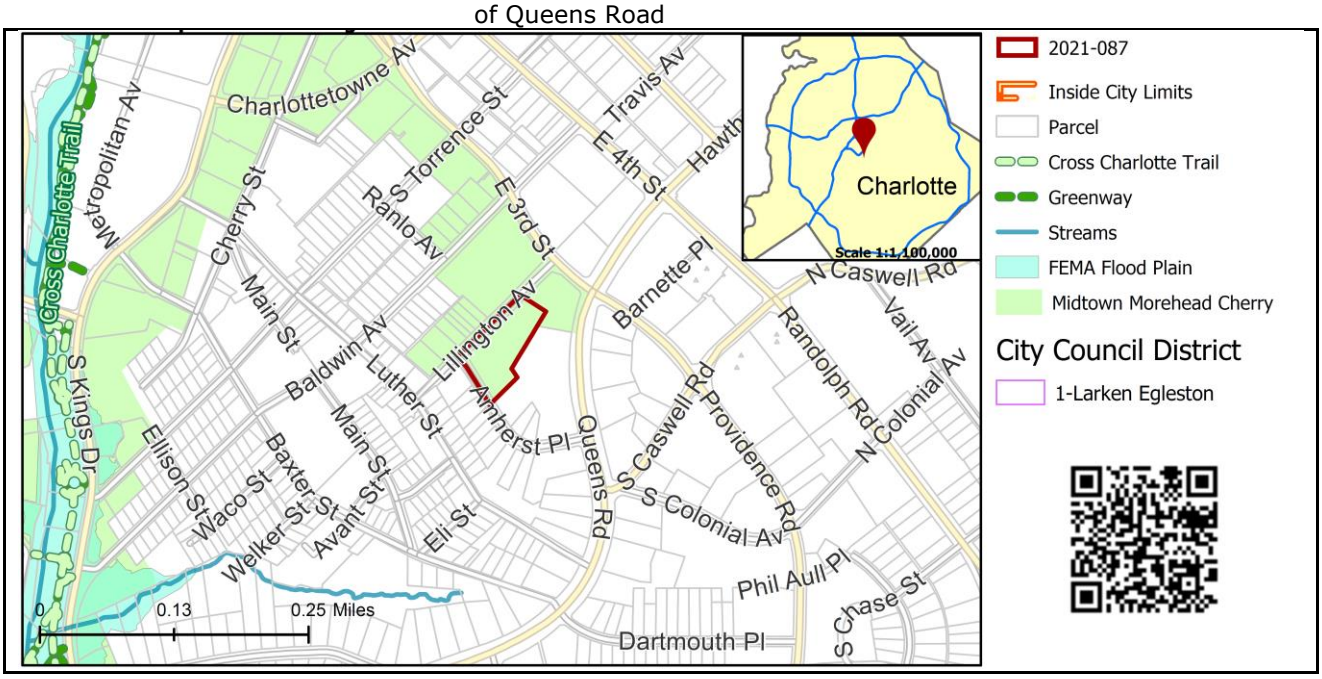
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-087
Post-Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: O-6(CD) PED (office, conditional, pedscape overlay) Proposed Zoning: MUDD(CD) PED (mixed use development, conditional, pedscape overlay)
LOCATION	Approximately 1.91 acres located at the intersection of Amherst Place and Lillington Avenue, west of East 3rd Street, and northwest of Queens Road



SUMMARY OF PETITION	The petition proposes to allow up to 15,000 SF of office, medical office, or institutional including health clinics in the MUDD district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Novant Health Novant Health Dan Blackman, Stimmel
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 19

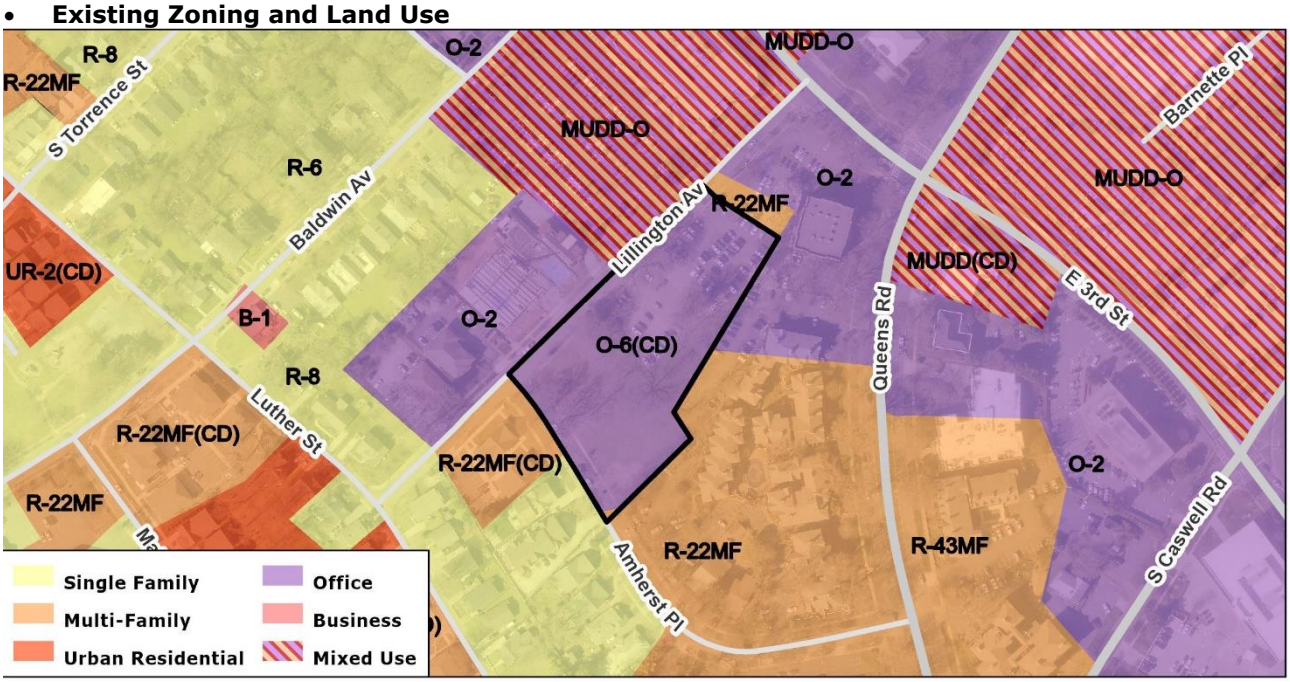
STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **consistent** with the *Midtown Morehead Cherry Area Plan's* recommended land use of residential or office uses at this site. <u>Rationale for Recommendation</u> • The *Midtown Morehead Cherry Area Plan* recommends residential or office land uses at this site, and also states that mixed use development is appropriate at this location. • The maximum building height of 30' will provide an appropriate building scale and context with the existing uses in the area and is consistent with existing entitled height. • Proposed square footage of 15,000 in two buildings is a reduction from the previously entitled 31,600 SF single building reducing the

overall footprint and providing a better building orientation to the street frontages.
- The project includes 6' sidewalks while maintaining the existing planting strips and street trees along the site's frontages to maintain and enhance the pedestrian infrastructure.

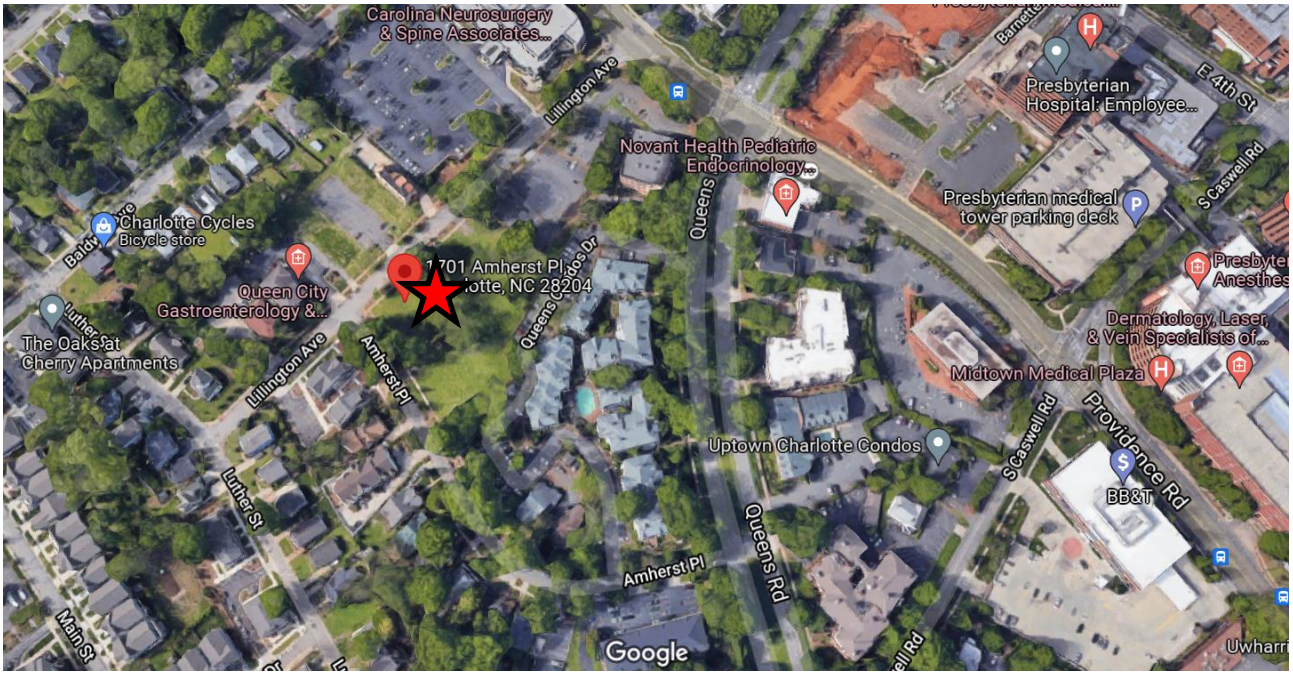
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Up to 15,000 SF of proposed office, medical office, or institutional, including health clinics and similar uses.
  - Limits buildings on site to 2 with a maximum height of 30 feet.
  - Vehicular access to be provided through 1 point on Amherst Place, and a maximum of 2 points of access on Lillington Avenue.
  - Setbacks will be 16 feet on both Amherst Place and Lillington Ave.
  - Existing planting strips to be maintained and a 6' sidewalk to be installed along both frontages.
  - Architectural standards include:
    - Facades fronting streets shall include a combination of windows, operable doors, public plaza space, or wall art for a minimum of 60% of the length of building façade along each street
    - Limitations on blank wall expanses.
    - Direct pedestrian connections provided between street facing doors and corner entrance features to sidewalks on adjacent streets.
  - Detached lighting shall be full cutoff, excluding lower decorative lighting along driveways, sidewalks and parking area.
  - Lighting to be limited to 25 feet in height.

- **Existing Zoning and Land Use**



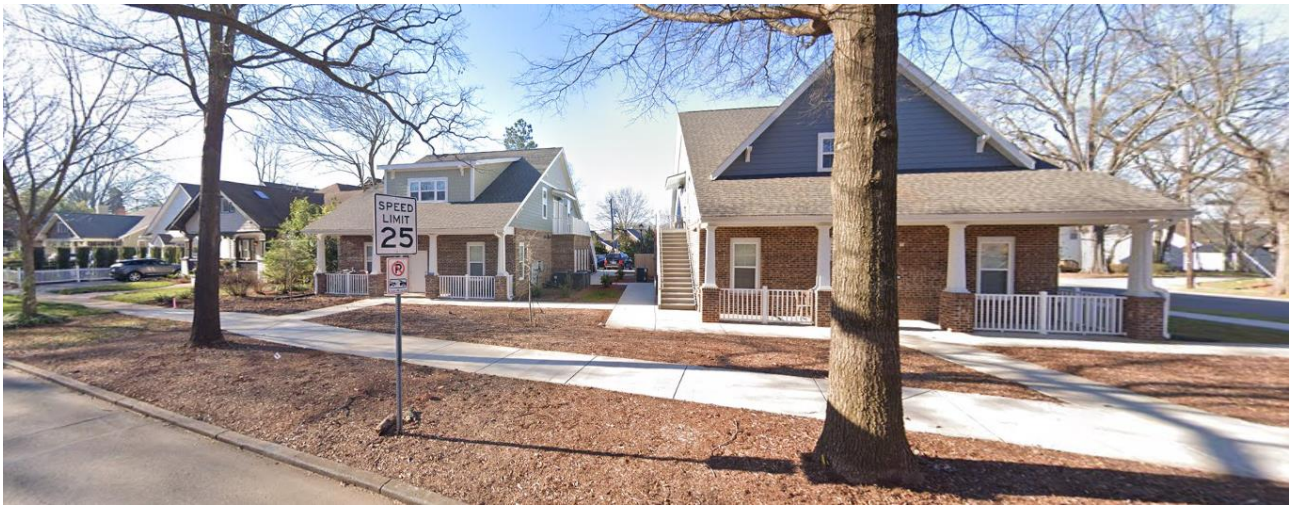
- The property is currently zoned for office uses, and the area is a mix of office zoning and uses, as well as single family and multi-family residential zoning and uses.



- The site, red star above, is in an area with retail, office, multi-family residential, and single family residential uses.

- North of the site are medical offices.

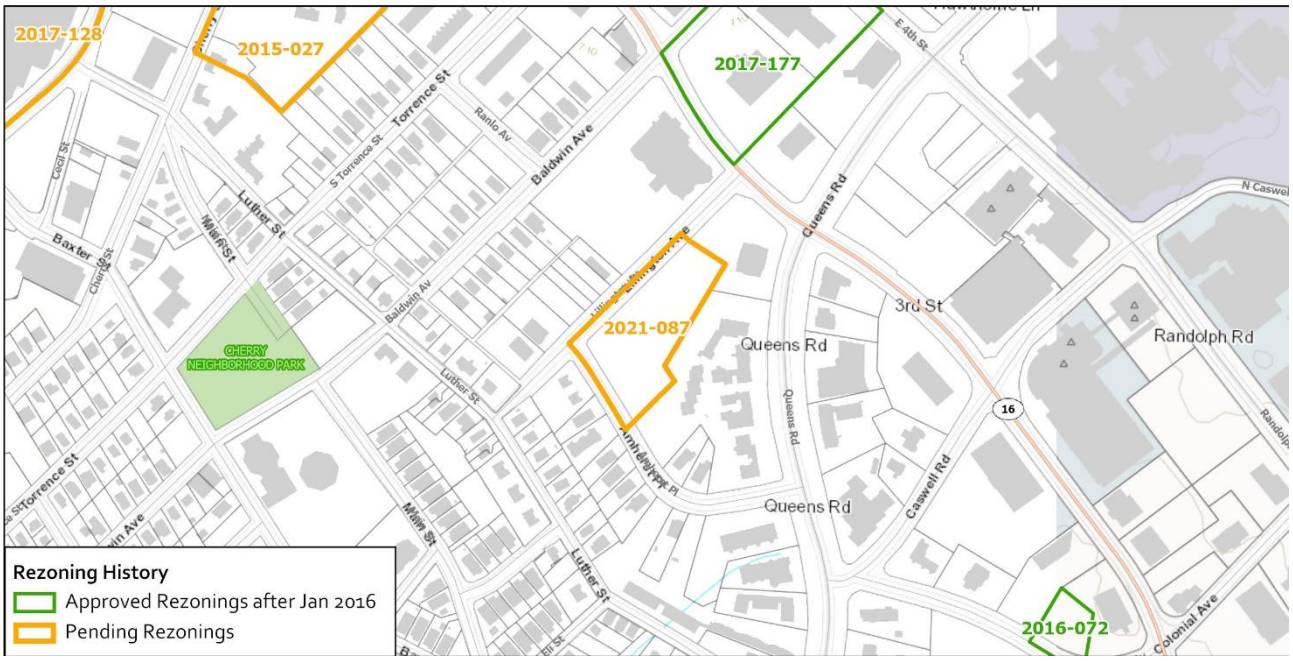
- East of the site is a multi-family development.



- South of the site are single family homes.

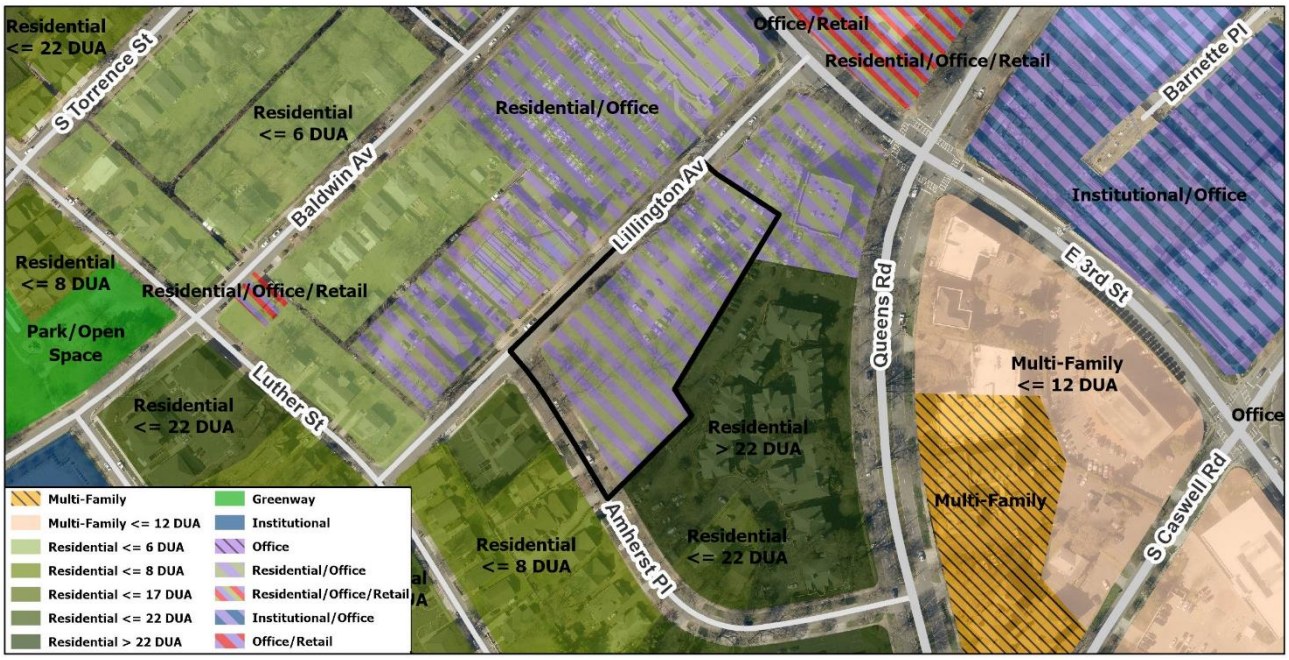
- West of the site are medical offices and retail uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-027	R-22MF to UR-C(CD) to allow the redevelopment of the site for up to 200 multi-family dwelling units for a density of 66 dwelling units per acre	Pending
2016-072	O-1 to O-2 o allow all office uses per conventional O-2 (office) zoning.	Approved
2017-128	MUDD-O to MUDD-O(SPA) to modify the approved signage package for the site.	Pending
2017-177	MUDD-O & O-2 to MUDD-O (SPA) o allow the development of 512,500 square feet of office, 16,800 square feet of retail and eating/drinking/ entertainment establishments and a 240-room hotel.	Approved

- **Public Plans and Policies**



The *Midtown Morehead Cherry Area Plan* recommends residential or office uses at this site.

- **TRANSPORTATION SUMMARY**
  - The site is located at the intersection of Lillington Avenue and Amherst Place, both City-maintained local streets. A Traffic Impact Study (TIS) is not needed for this site. In accordance with the City's WALKS Policy, and City Ordinances, the petitioner has committed to maintaining the existing planting strips, construct a 6' sidewalk as required in the MUDD district and provide a Sidewalk and Utility Easement along the site's frontage on Lillington Avenue and Amherst Place. All CDOT comments have been addressed.
  - **Active Projects:**
    - N/A
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**

    Current Zoning:

    Existing Use: 0 trips per day (based on Parking lot/vacant).

    Entitlement: 350 trips per day (based on 31,600 SF general office).

    Proposed Zoning: 170 trips per day (based on 15,000 SF general office).

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-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Historic Landmarks:** See Outstanding Issues, Note
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **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 6-inch water distribution main located along Lillington Av. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Lillington Av. See advisory comments at www.rezoning.org
- **City Arborist:** No outstanding issues.
- **Erosion Control:** 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.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** See advisory comments at www.rezoning.org

OUTSTANDING ISSUES

Site and Building Design

1. ~~Please define the location, minimum area and amenities that will be provided for improved urban open space~~. - ADDRESSED
2. ~~Show, label, and dimension all public street centerlines to the future back of curb. Label, show and dimension, the setback from the future back of curb which will include the required planting strip and sidewalk~~. - ADDRESSED

Land Use

3. ~~Please modify use to general office and update conditional note 2(a) to match~~. - ADDRESSED
4. ~~Clarify what can go in areas labeled "tree save" along adjoining properties if not used for tree save~~. - ADDRESSED

REQUESTED TECHNICAL REVISIONS

Site and Building Design

5. ~~Note 5(b) change language from should to shall/will.~~ - ADDRESSED

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

Planner: Dave Pettine (704) 336-4566

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-087

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

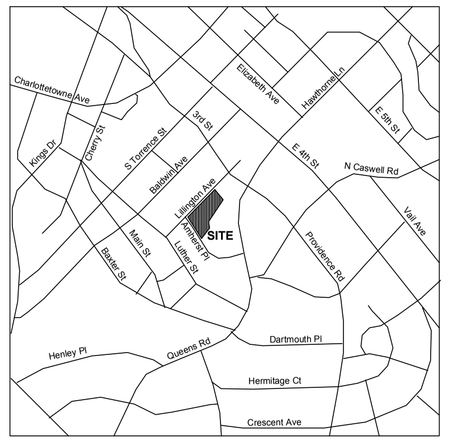
Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	**N/A**
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**N/A**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	**N/A**

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	✓
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	**N/A**
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**

VICINITY MAP

SCALE: NOT TO SCALE



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LANDSCAPE ARCHITECTURE
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www.stimmelpa.com

SEALS:

PROJECT:

LILLINGTON AVENUE REZONING

LILLINGTON AVENUE
CHARLOTTE, NC
PETITION #: 2021-087

CLIENT:

NOVANT HEALTH
1900 RANDOLPH ROAD
SUITE 500
CHARLOTTE, NC 28207
(704) 316-4351

DRAWN:	ESB
DATE:	03/16/21

REVISIONS:

1 10/11/21 PLAN & NOTE EDITS
1 11/18/2021 STAFF COMMENTS

JOB. NO:	20-076

SHEET TITLE:

SCHEMATIC SITE PLAN

SCALE:	1"=30'

SHEET NO.:

R-101

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Novant Health
Development Standards
08/27/21
Rezoning Petition No. 2021-087

Site Development Data:
--**Acreage:** ± 1.90 acres
--**Tax Parcel #:** 125-251-91
--**Existing Zoning:** O-6 (CD)
--**Proposed Zoning:** MUDD (CD)
--**Existing Uses:** Parking Lot & Vacant
--**Proposed Uses:** General Office, Medical Office, or Institutional, including health clinics and similar uses.
--**Maximum Gross Square Feet of Development:** Up to 15,000 square feet of gross floor area for non-residential uses.
--**Maximum Building Height:** As allowed by the Ordinance, but not to exceed 30 feet.
--**Parking:** Parking will be provided as required by the Ordinance.

1. **General Provisions:**
   a. **Site Location**. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Novant Health ("Petitioner") to accommodate the development of residential, office, medical office or institutional uses as allowed in the MUDD zoning district on approximately 1.90 acre site located at Lillington Avenue and Amherst Place (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 MUDD zoning classification shall govern.

   c. **Graphics and Alterations**. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways, 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 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, 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 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, architectural elements and designs as the principal buildings located on the Site.

2. **Permitted Uses & Development Area Limitation:**
   a. The Site may only be developed with up to 15,000 square feet of gross floor area for General Office, Medical Office, or Institutional, including health clinics and similar uses, together with accessory uses, including a parking structure as allowed in the MUDD zoning district.

   For purposes of the development limitations set forth in these Development Standards for this Petition (but not to be construed as a limitation on FAR requirements or definition set by the Ordinance), the following items will not be counted as part of the allowed gross floor area (floor area as defined by the Ordinance) for the Site: surface or structured parking facilities, and all loading dock areas (open or enclosed).

3. **Access and Transportation:**
   a. Vehicular access to the Site will be from Lillington Avenue and Amherst Place; with a maximum of two (2) driveway locations from Lillington Avenue and one (1) from Amherst Place. Vehicular access points are subject to applicable published standards and any adjustments required for approval by CDOT.

   b. All required transportation improvements will be approved and constructed prior to the issuance of the first certificate of occupancy subject to the petitioner ability to post a bond for any improvements not in place at the time of the issuance of the first certificate of occupancy.

4. **Streetscape, Buffers, Yards and Landscaping:**
   a. The setback along Lillington Avenue will be 16 feet as measured from the existing back of curb or back of sidewalk, whichever is greater. The setback along Amherst Place will be 16 feet as measured from the existing back of curb or back of sidewalk, whichever is greater.

   b. Along the Site's frontage on Lillington Avenue and Amherst Place the Petitioner will maintain the existing planting strip widths and provide a 6-foot sidewalk. A sidewalk easement will be provided if the proposed sidewalk is located outside of the existing right-of-way.

   c. Dumpster areas and recycling areas will be enclosed by a solid wall with one side being a decorative gate. The wall used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal building.

5. **Architectural Standards:**
   a. Building Placement and Site Design shall focus on and enhance the Pedestrian environment on Public streets, through the following:

   i. The proposed building(s) shall be placed so as to present an interesting and well-articulated façade to the public ways.Facades fronting streets shall include a combination of windows, operable doors, public plaza space, or wall art for a minimum of 60% of the length of building façade along each street as follows:

      1. Where provided, windows shall include transparent glass between 2' and 10' on the first floor. and shall not be screened by film, decals, other opaque material, or glazing finishes. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk or plaza pace, except at the southern corner of the property, where the sill height shall not exceed 6' above adjacent sidewalk or plaza space due to grade limitations.

      2. Up to 35% of this requirement may be met by providing public plaza space containing seat walls, landscaping and freestanding art, or wall murals between the public sidewalk and the building façade. If this option is exercised, the plaza space shall be a minimum of 640 square feet in size and located at the corner of Site near the intersection of Lillington Avenue and Amherst Place as indicated on the Plan. The plaza shall occur primarily where windows are not present on the building façade, and may extend beyond the building façade. Plaza space that extends beyond the building façade shall count toward meeting this requirement.

   ii. The facade of first/ground floor of the building(s) excluding windows and doors shall incorporate a minimum of 30% masonry material such as brick or stone.

   iii. 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.

   iv. 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 off-sets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.

   b. Direct pedestrian connection shall be provided between street facing doors and corner entrance features to sidewalks on adjacent streets.

6. **Environmental Features:**
   a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance.
   i. Storm Water Quality Treatment For defined watersheds greater than 24% built-upon area (BUA), construct water quality stormwater control measures (SCMs) designed for the runoff generated from the first 1-inch of rainfall for all new and redeveloped BUA associated with the project. SCMs must be designed and constructed in accordance with the Charlotte-Mecklenburg BMP Design Manual.

   ii. Volume and Peak Control For defined watersheds greater than 24% built-upon area, control the entire volume for the 1-year, 24-hour storm for all new and redeveloped BUA associated with the project. Runoff volume drawdown time shall be in accordance with the Charlotte-Mecklenburg BMP Design Manual. For commercial projects with greater than 24% BUA, control the peak to not exceed the predevelopment runoff rates for the 10-yr, 6-hr storm and perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, control the peak for the 10-yr and 25-yr, 6-hour storms. For residential projects with greater than 24% BUA, control the peak to not exceed the predevelopment runoff rates for the 10-year and 25-year, 6-hour storms or perform a downstream analysis to determine whether peak control is needed, and if so, for what level of storm frequency.

   b. The Site will comply with the Tree Ordinance.
   i. On-site tree save area will be provided as generally depicted on the rezoning plan. Any required tree save area that is not able to be provided through on-site tree save will be provided through mitigation options at 150%.

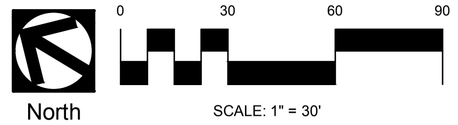
7. **Lighting:**
   a. All new detached and attached lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

   b. Detached lighting on the Site will be limited to 25 feet in height.

8. **Signage:**
   a. All new signage for the site will comply with the Ordinance.

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 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.



Petition 2021-087 by Novant Health

To Approve:

The petition is **consistent** with the *Midtown Morehead Cherry Area Plan* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential or office uses at this site.

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

- The *Midtown Morehead Cherry Area Plan* recommends residential or office land uses at this site, and also states that mixed use development is appropriate at this location.
- The maximum building height of 30' will provide an appropriate building scale and context with the existing uses in the area and is consistent with existing entitled height.
- Proposed square footage of 15,000 in two buildings is a reduction from the previously entitled 31,600 SF single building reducing the overall footprint and providing a better building orientation to the street frontages.
- The project includes 6' sidewalks while maintaining the existing planting strips and street trees along the site's frontages to maintain and enhance the pedestrian infrastructure..

To Deny:

The petition is **consistent** with the *Midtown Morehead Cherry Area Plan* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential or office uses at this site.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda Date: 12/1/2021

Agenda #: 6.**File #:** 15-16941 **Type:** Zoning Item

Rezoning Petition: 2021-092 by The Charlotte-Mecklenburg Hospital Authority

Location: Approximately 14.28 acres located on the south side of South McDowell Street, east of East Morehead Street, and west of Interstate 277. (Council District 1 - Egleston)

Current Zoning: MUDD-O PED (mixed-use development, optional, pedestrian overlay), B-2 PED (general business, pedestrian overlay), B-1 PED (neighborhood business, pedestrian overlay), and O-2 PED (office, pedestrian overlay)
Proposed Zoning: MUDD-O PED with 5-year vested rights (mixed-use development district, optional, pedestrian overlay)

Public Hearing Held: November 15, 2021 - Item #25

Staff Resource: Dave Pettine

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-092
Post-Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: MUDD-O PED (mixed use development, optional, pedestrian overlay), B-2 PED (general business, pedestrian overlay), B-1 PED (neighborhood business, pedestrian overlay), MUDD(CD) PED (mixed use development, conditional, pedestrian overlay), and O-2 PED (office, pedestrian overlay) Proposed Zoning: MUDD-O PED with 5 year vested rights (mixed use development district, optional, pedestrian overlay)
LOCATION	Approximately 14.28 acres located on the south side of South McDowell Street, east of East Morehead Street, and west of Interstate 277

SUMMARY OF PETITION	The petition proposes to rezone the site to allow the redevelopment of the parcels for a new mixed use development including a college on a parcel located in central Charlotte.
PROPERTY OWNER	The Charlotte-Mecklenburg Hospital Authority, Lookout NC Properties LLC, and LB Acquistitions, LLC
PETITIONER	The Charlotte-Mecklenburg Hospital Authority
AGENT/REPRESENTATIVE	John Carmichael, Robinson Bradshaw
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 28

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **consistent** with the adopted *Midtown Morehead Cherry Area plan* (2012) of residential/office/retail for a portion of the site and **inconsistent** with the area plan recommendation of residential/office for a portion of the site. <u>Rationale for Recommendation</u>

- The plan recommends residential/office/retail for most of the site. While the plan recommendation for retail does not continue to the southern portion of the site, retail uses would be compatible with the surrounding existing development.
- The petition is within the pedestrian overlay which encourages more intense development and redevelopment along existing business corridors including E. Morehead and S. McDowell.
- Numerous transportation improvements along the adjacent rights-of-ways will improve the walkability of this area and access around the uptown I-277 loop.
- The redevelopment of the site could facilitate the creation of a vibrant center with a mix of uses ranging from education, retail, hospitality, residential, and office.

The approval of this petition will revise the adopted future land use as specified by the *Midtown Morehead Cherry Area Plan,* from residential/office to residential/office/retail for a portion of the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Establishes the following optional provisions:
    - Valet parking service area(s) may be located between the buildings and structures located on the site and all adjacent public and private streets. Notwithstanding the foregoing, valet parking services may not be located between the buildings and structures located on the site and East Morehead Street and McDowell Street.
    - Vehicular circulation areas and passenger drop-off areas may be located between the buildings and structures located on the site and all adjacent public and private streets. Notwithstanding the foregoing, vehicular circulation areas and passenger drop-off areas may not be located between the buildings and structures located on the site and East Morehead Street and McDowell Street.
    - The existing buildings, structures, structured parking facilities, surface parking facilities and any other existing improvements on the site may remain in place and continue to be utilized. To the extent that any existing buildings, structures, structured parking facilities, surface parking facilities and any other existing improvements on the site do not comply with any requirement of the MUDD zoning district, the ordinance or this rezoning plan, petitioner shall not be required to bring any such existing buildings, structures, structured parking facilities, surface parking facilities and any other existing improvements on the site or any portions thereof into compliance with the MUDD zoning district, the ordinance or this rezoning plan. Renovated and rehabilitated existing buildings, structures and structured parking facilities located on the site shall not be required to comply with the urban design and development standards set out Section 9.8506 of the ordinance. New buildings, structures, structured parking facilities, surface parking facilities and other new improvements on the site will be required to comply with the requirements of the rezoning plan and the MUDD zoning district (except as modified by the optional provisions set herein).
    - The maximum building heights set out on the developable building heights exhibit (sheet RZ-1.3 of the rezoning plan) shall be permitted. Maximum building height envelopes are set out on the developable building heights exhibit.
      - Building heights are as follows:
        - Development Area A – 325 feet
        - Development Area B – 225 feet
        - Development Area C – 225 feet
        - Development Area D- 100 feet
    - The street cross sections (including the rights of way and the improvements depicted thereon) set out on sheets RZ-1.1 and RZ-1.2 of the rezoning plan shall be permitted.
    - The setbacks specified herein shall be permitted.
      - Setbacks requested are as follows:
        - Section BB S. McDowell at Baxter St.– 18’ min – 36’ max
        - Section CC Baxter St. – 16’ min – 24’ max
        - Section DD Baxter St. – 16’ min – 24’ max
        - Section EE Pearl Parkway – 16’ min – 24’ max

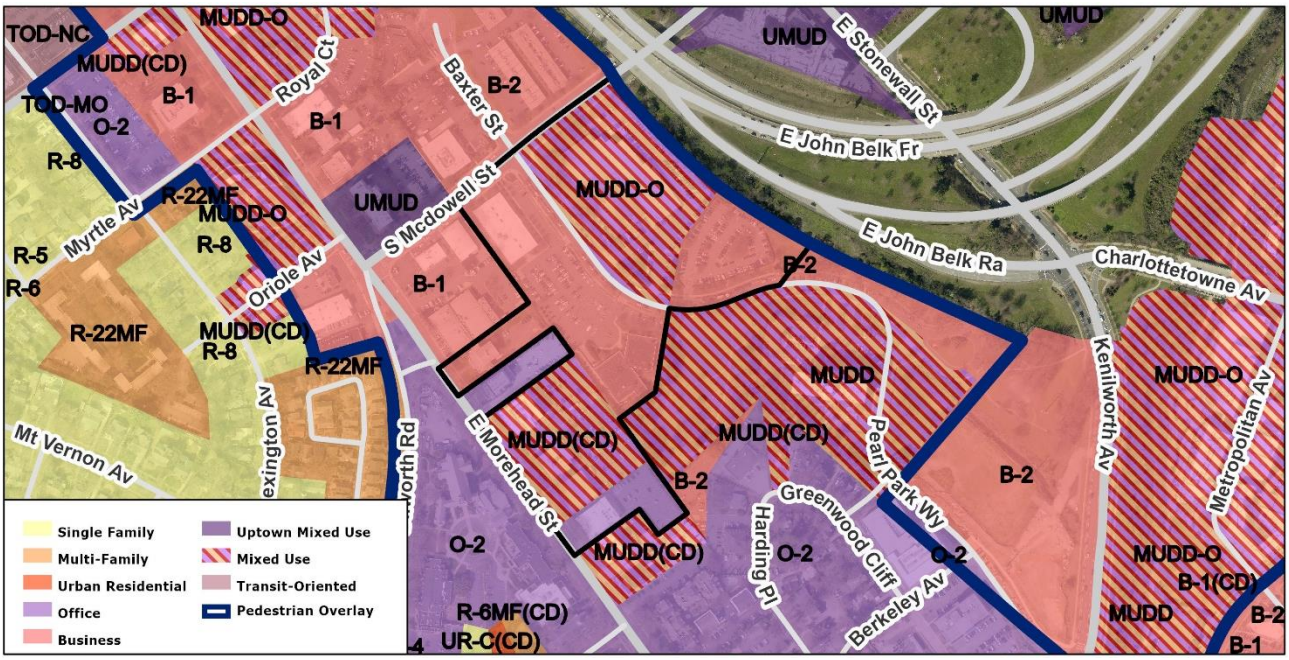
        - Section FF new roadway – 16’ min – 24’ max
        - Section HH new roadway – 12’ min – 20’ max
        - Section JJ new roadway – 12’ min – 20’ max
        - Section KK E. Morehead St. – 24’ min – 40’ max
        - Section LL – E. Morehead St. – 24’ min – 40’ max
    - The open space provisions set out herein shall be permitted.
- Prohibits the following uses in Development Area A and B:
    - Auction Sales or Auction Houses
    - Automotive Service Stations, Including Minor Adjustments, Repairs, Lubrication and Accessory Car Washes
    - Equipment Rental and Leasing within an Enclosed Building
    - Group Homes for Up To 10 Residents
    - Subdivision Sales Offices
    - Adult Establishments
    - Bed and Breakfasts (B&B's)
    - Boarding Houses
    - Building Materials Sales, Retail
    - Commercial Rooming Houses
    - Electric and Gas Substations
    - Nursing Homes, Rest Homes and Homes for The Aged
    - Pet Services Indoor/Outdoor
    - Shelters
    - Stadiums, Coliseums and Arenas
    - Warehousing Within an Enclosed Building for a Self-Storage Facility Only
- Permits the following uses in Development Area C and D:
    - Colleges or Universities, including a Medical College and/or a Nursing School, and Dormitories for the students of any such colleges or universities
    - Conference Centers, Exhibit Halls and similar uses
    - Multi-Family and Planned Multi-Family Dwelling Units
    - Eating, Drinking and Entertainment Establishments (Type 1), subject to the regulations of Section 12.546 of the Ordinance
    - Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546 of the Ordinance
    - Hotels
    - Indoor Recreation
    - Laboratories, Dental, Medical and Optical
    - Laboratories, within an enclosed building for applied and basic research
    - Professional Business and General Offices, including Clinics, Medical, Dental And Doctors' Offices
    - Retail Sales limited to uses permitted in the B-1 Zoning District
    - Services Such as Beauty and Barber Shops
    - Structured Parking Decks as a Principal or Accessory Use
    - Studios for Artists, Designers, Photographers, Musicians, Sculptors, Gymnasts, Potters, Wood and Leather Craftsmen, Glass Blowers, Weavers, Silversmiths and Designers of Ornamental and Precious Jewelry
    - Breweries, subject to the regulations of Section 12.544 of the Ordinance
    - Wineries, subject to the regulations Of Section 12.544 of the Ordinance.
- Limits development to the following:
    - A maximum of 1,310,000 square feet of non-residential use with a maximum of 150,000 square feet of such gross floor area may be devoted to retail sales, personal service uses and eating, drinking and entertainment establishments (type 1 and/or type 2).
    - A maximum of 1000 dwelling units on site.
    - A maximum of 600 hotel rooms
- Creates the following conversion rates:
    - Up to 200,000 square feet of additional gross floor area devoted to the non-residential uses permitted under these development standards, excluding retail sales, personal service uses and eating, drinking and entertainment establishments (type 1 and/or type 2), may be developed on the site by reducing the number of multi-family dwelling units permitted on the site at the rate of 1 multi-family dwelling unit per 1,000 square feet of additional gross floor area devoted to non-residential uses.
    - Up to 200 additional multi-family dwelling units may be developed on the site by reducing the amount of the non-residential gross floor area permitted under these development standards at the rate of 1,000 square feet of gross floor area per additional multi-family residential dwelling unit.

    - Up to 150,000 square feet of additional gross floor area devoted to the non-residential uses permitted under these development standards, excluding retail sales, personal service uses and eating, drinking and entertainment establishments (type 1 and/or type 2), may be developed on the site by reducing the number of hotel rooms permitted on the site at the rate of 1 hotel room per 1,000 square feet of additional gross floor area devoted to non-residential uses.
- Connects improved Baxter Street (Section E-E) located within the site, the pedestrian improvements along improved Baxter Street and the cycle track to be constructed along improved Baxter Street to existing Pearl Park Way, the existing pedestrian improvements located along Pearl Park Way and the existing cycle track on Pearl Park Way.
- Commits to the following transportation improvements:
    - South McDowell Street and Baxter Street
        - Install a traffic signal and a cycle track.
        - Construct a westbound left-turn lane from Baxter Street onto South McDowell street with 150 feet of storage.
        - Construct of an eastbound left-turn lane from Baxter Street onto South McDowell street with 100 feet of storage.
    - East Morehead Street and Kenilworth Avenue
        - Construct a second southbound left-turn lane (creating dual left-turn lanes) from Kenilworth Avenue onto East Morehead Street with 250 feet of storage.
        - Reconfigure the northbound approach to provide dual northbound left-turn lanes with 300 feet of storage from Kenilworth avenue onto East Morehead Street, a through lane, and a shared through-left lane. Additional coordination with NCDOT and CDOT is required to determine the feasibility and desirability of these improvements.
    - Kenilworth Avenue and Pearl Park Way
        - Construct a protected intersection.
    - South McDowell Street and Access # 1
        - Construct the westbound approach with a single ingress lane and a single egress lane.
        - Construct a southbound left-turn lane from South McDowell Street into access #1 with a minimum of 100 feet of storage.
        - Prior to the issuance of the first certificate of occupancy for a new building constructed in Phase 1b of the development, petitioner shall substantially complete the transportation improvements set out below in this Paragraph 5.u (the "Phase 1b Transportation Improvements"). A new building in Phase 1b that will trigger the commitment to construct the Phase 1b transportation improvements shall mean a new building constructed on the site that is not devoted to the phase 1a uses described above in paragraph 5.r.
        - The relevant TDM strategy commitments shall be implemented as more particularly discussed in paragraph 5.x.
    - East Morehead Street and South McDowell Street/Dilworth Road
        - Construct a second eastbound left-turn (creating dual left-turn lanes) from East Morehead Street onto South McDowell Street with 300 feet of storage, or
        - Realignment of Dilworth Road to create the fourth leg of the East Morehead Street and Street A intersection was also identified as a mitigation alternative for this intersection. This new intersection would be signalized and a three-lane cross-section would be provided on the northbound and southbound approaches. Additional coordination with NCDOT and CDOT is required to determine the feasibility and desirability of these improvements.
    - East Morehead Street and Kenilworth Avenue
        - Extend the northbound dual left-turn lanes from Kenilworth Avenue onto E Morehead Street to provide 350 feet of storage. Additional coordination with NCDOT and CDOT is required to determine the feasibility and desirability of these improvements.
    - East Stonewall Street and South McDowell Street
        - Install a LPI+ with blank-out signs and a right-turn flashing yellow arrow for the westbound East Stonewall Street approach.
        - Coordinate with CDOT and Brooklyn Village on the extension of the proposed cycle track to east stonewall street.

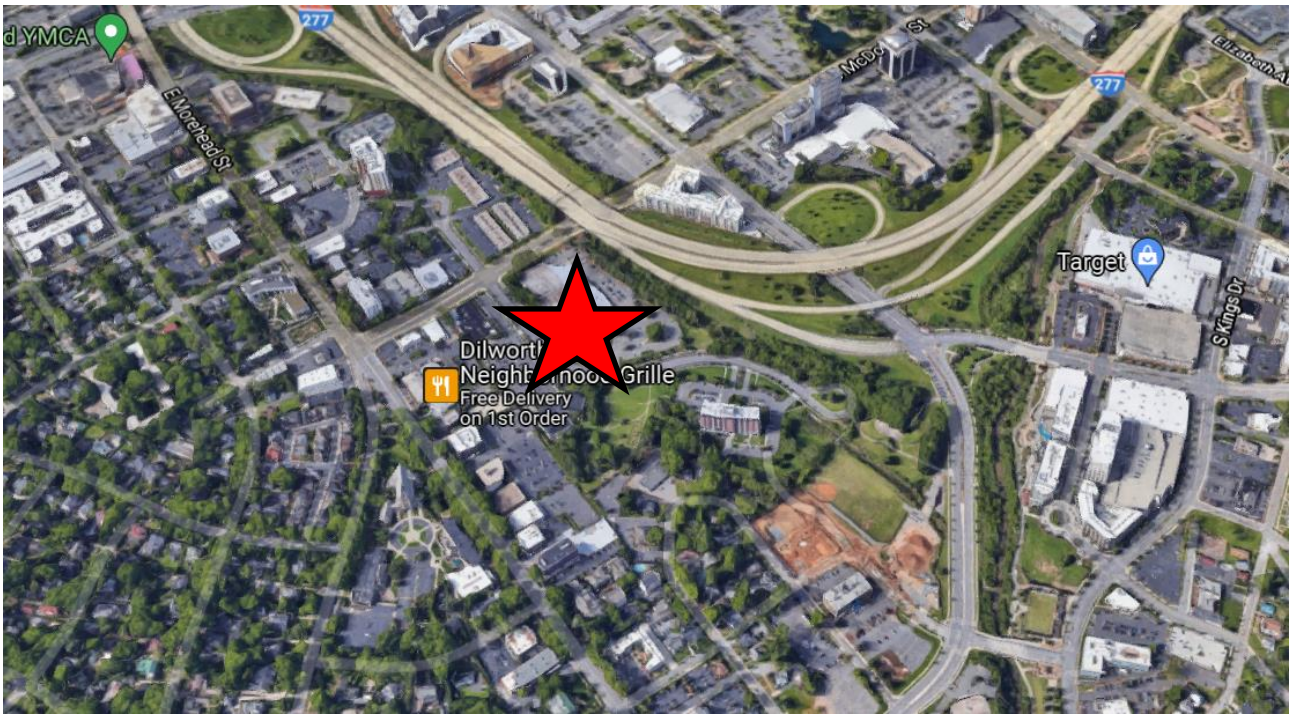
    - South McDowell Street and Access # 2

        - Construct the westbound approach with a single ingress lane and a single egress lane.
    - East Morehead Street and Street A
        - Construct the southbound approach of street a with one ingress lane and one egress lane and an internal protected stem of 100 feet;
        - Install a hawk signal; and
        - Construct an eastbound left-turn lane from East Morehead Street into street a with a minimum of 150 feet of storage, or
        - Realignment of Dilworth Road to create the fourth leg of the East Morehead Street and Street A intersection was also identified as a mitigation alternative for this intersection. This intersection would be signalized and consist of the following laneage:
            - (i) eastbound left-turn lane with 175 feet of storage.
            - (ii) westbound left-turn lane with 100 feet of storage.
            - (iii) northbound left-turn lane and through right lane with 50 feet of storage.
            - (iv) southbound left-turn lane and through right lane with 100 feet of storage.
    - East Morehead Street and Access # 3
        - Construct the southbound approach with a single ingress lane and a single egress lane and an internal protected stem of 100 feet.
    - Baxter Street and Street A
        - Construct a t-intersection with a two-lane section on all three approaches and stop-control on the westbound approach; and
        - Consider installation of a pair of rrfbs to accommodate pedestrian crossings at this intersection, or
        - Construct a t-intersection with a two-lane section on all three approaches and stop-control on all approaches.
- Provides architectural design standards along the street frontage that address articulation, height, transparency, and building siting.
- Requires the installation of planting strips and sidewalks along the street frontages as shown on the plan details.
- Preserves a minimum of 10% open space onsite.
- Added notes regarding traffic calming as follows: Subject to the approval of CDOT and all other applicable governmental agencies and authorities and the approval of Covenant Presbyterian Church, petitioner will provide traffic calming measures on Dilworth road in the form of striping (but not resurfacing or repaving) between Morehead street and Romany road. These traffic calming measures shall be installed by petitioner prior to the issuance of the first Certificate of Occupancy for a new building constructed in phase 1b of the development. In the event that petitioner cannot obtain all approvals and permits required to install these traffic calming measures, then petitioner shall have no obligation to install these traffic calming measures.

- **Existing Zoning and Land Use**

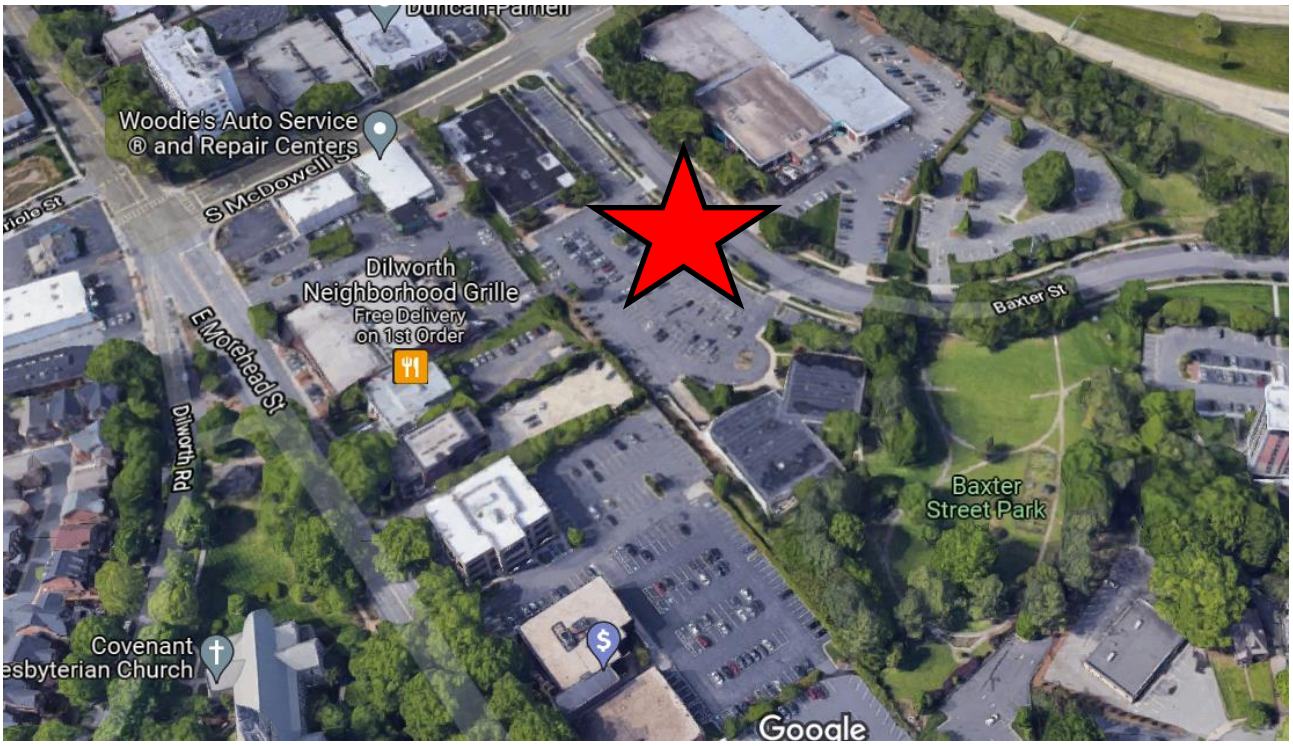


A portion of the site was rezoned to MUDD-O (petition 2000-061) in 2000. Another portion of the site was rezoned to MUDD(CD) (petition 2005-090) in 2005. The surrounding land uses generally include business, office, and multi-family residential.

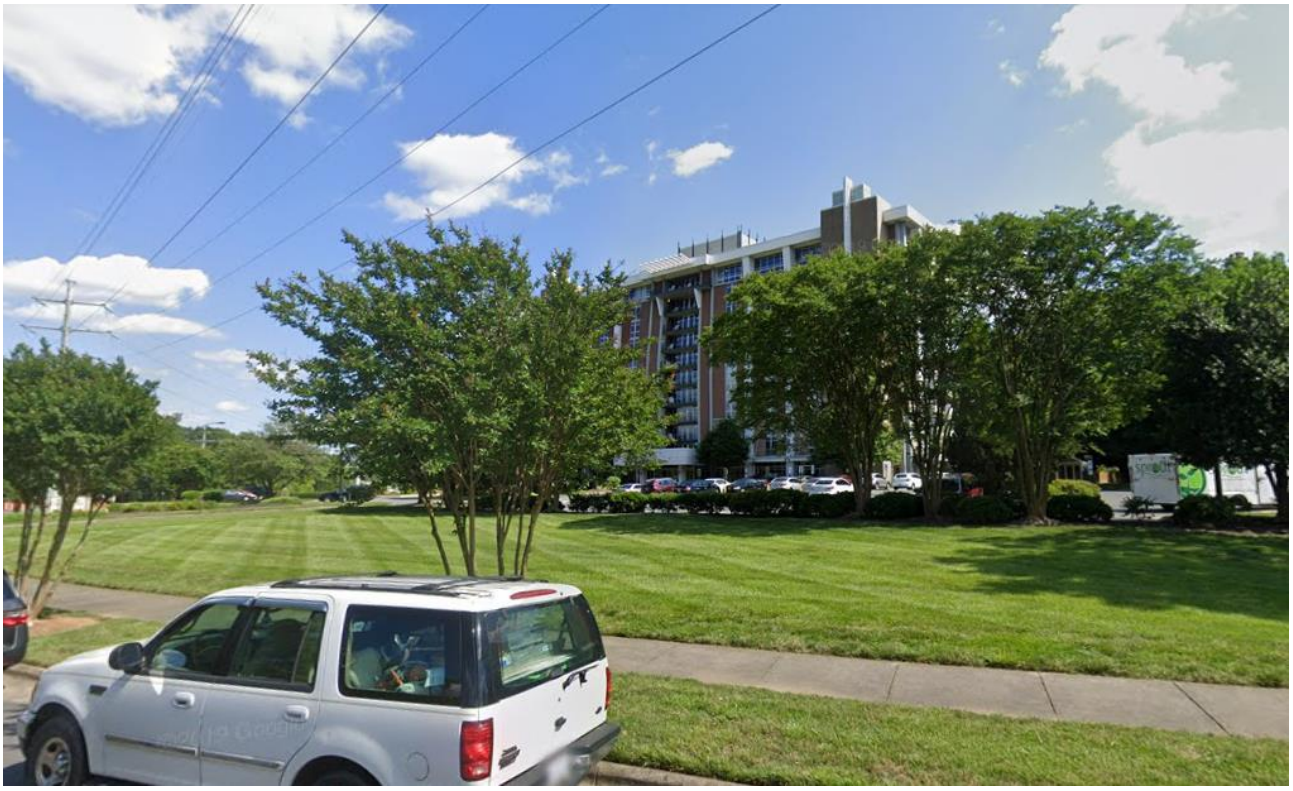


The site, marked by a red star, is currently developed with a few office buildings.

The properties to the north consist of office uses and the John Belk Freeway.



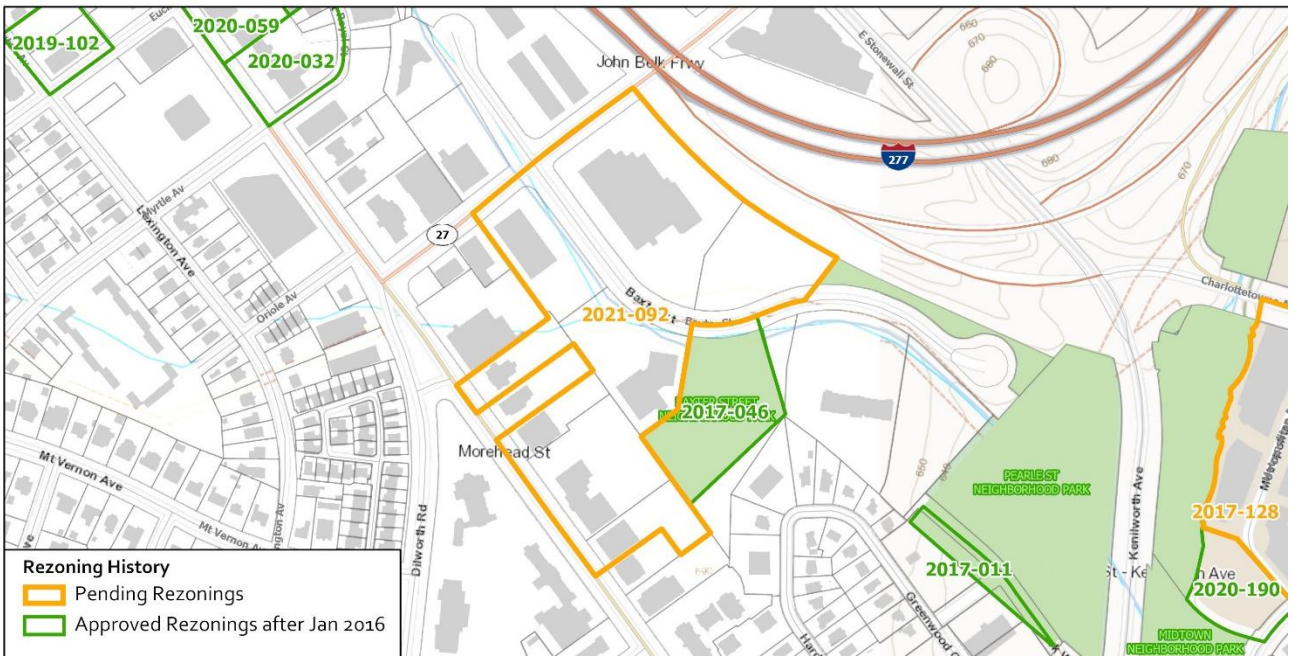
The properties to the south are developed with business and office uses. The rezoning site is marked with a red star.



The properties to the east are developed with a park and an affordable housing complex.

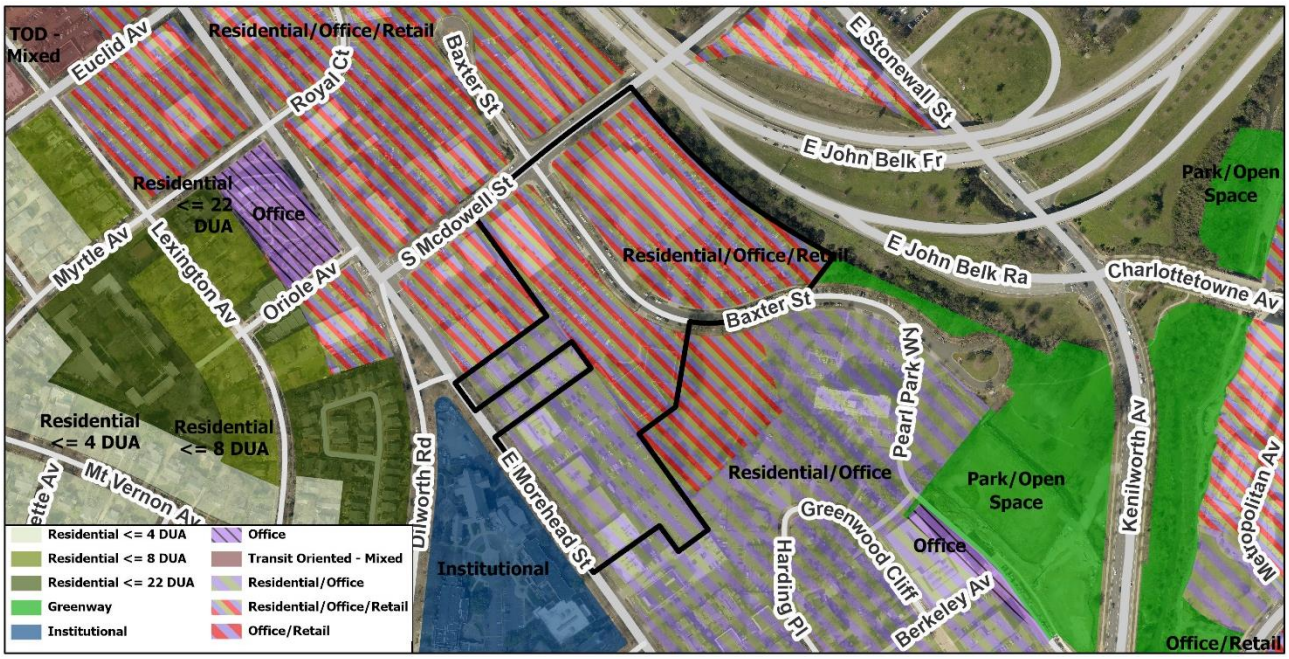
The properties to the west are developed with business and office uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-011	The petition rezoned a portion of Pearl Street Park and vacant land to allow all uses in the O-2 PED (office, pedestrian overlay) zoning district.	Approved
2017-046	The petition proposes to allow all uses per conventional MUDD (PED) (mixed-use development, pedestrian overlay) zoning for 2.82 acres for all of Baxter Street Park.	Approved
2017-128	The petition proposes to rezone property to MUDD-O SPA to revise the approved sign package.	Pending
2019-102	The petition proposes to rezone parcels under a range of zoning districts to one of four transit oriented development (TOD) districts: TOD Urban Center (TOD-UC), TOD Neighborhood Center (TOD-NC), TOD Community Center (TOD-CC), or TOD Transitional (TOD-TR)	Approved
2020-032	The petition rezoned property to MUDD-O SPA to modify an approved plan to allow an age restricted community.	Approved
2020-059	The petition rezoned property to MUDD-O PED to allow a multifamily residential development in a single building with a small eating drinking entertainment component on the first floor.	Approved
2020-190	The petition rezoned property to MUDD-O SPA to convert hotel room entitlements to residential units for a previously approved 285-foot high building.	Approved

- **Public Plans and Policies**



The *Midtown Morehead Cherry Area plan* (2012) recommends residential/office/retail for a portion of the site and residential/office for a portion of the site.

- **TRANSPORTATION SUMMARY**
  - The Charlotte Innovation District is located on a 14-acre site that extends east along McDowell Street, encompassing the City-maintained Baxter Street, to the I-277 overpass, and at the southeast corner of McDowell Street and East Morehead Street (two major thoroughfare roads). This site is located approximately ½ mile from the Blue Line's Stonewall and Carson Transit Stations and approximately ½ mile from the CityLYNX Gold Line's McDowell Street Transit Station. This site is located approximately ½ mile from the Little Sugar Creek Greenway's entrance in Midtown at Pearl Parkway.

    The Transportation Impact Study (TIS) Scope was approved on May 10, 2021. CDOT and NCDOT have completed the review of the TIS that was signed and sealed on August 13, 2021. The site is adjacent to a robust network of bus and transit lines, a comprehensive infrastructure for sidewalks and bike facilities and within close proximity to I-277 Expressway. The petitioner will implement and construct intersection upgrades and various multiple-modal transportation improvements for bicyclists, motorists, and transit that will incorporate Transportation Demand Management (TDM) strategies. The TDM strategies will coincide with the City's BIKES, WALKS, and Vision Zero's policies. These TDM strategies will include establishing additional bike/pedestrian connections and a bike/scooter share program, designation of a transportation coordinator, and construction of a mobility hub that will encourage commuters to use numerous methods of multi-modal transportation that seek to mitigate the number of single-occupancy vehicles commuting to/from the site.

    Site plan revisions are needed to meet ordinance requirements and outstanding items including infrastructure dimensions and technical corrections for the bicycle and pedestrian network. Further details are listed below.

- **Active Projects:**
  - Uptown Cycle Link/Belk Greenway - This segment of the connector will link pedestrians and bicyclists between the Little Sugar Creek Greenway/Cross Charlotte Trail and Irwin Creek Greenway through uptown Charlotte. The project begins at the intersection of Pearl Park Way and Kenilworth Avenue and continues along Baxter Street, in tandem with the Pearl Street Park. The project continues up McDowell Street, under I-277 and ends at the intersection of East Stonewall Street and McDowell Street. https://charlottenc.gov/Projects/Pages/BelkConnectorBaxterStonewall.aspx
  - Pearl Parkway Extension – This project will extend Pearl Parkway northwest from the existing stub at Kenilworth Avenue to existing Baxter Street. This project will construct a portion of the Belk Greenway Connector along with on-street parking and additional

pedestrian infrastructure. Project is currently under construction with an anticipated completion date of late 2021.

- Pedestrian Safety Program/Caldwell Street and Morehead Street Traffic Signal - A new traffic signal has been approved by the North Carolina Department of Transportation for installation at the intersection of Caldwell Street and Morehead Street. The signal is being installed to accommodate existing and future traffic, to provide improved pedestrian and bicycle crossings of Morehead St. and to create better network traffic flow.This project is currently in construction with project competition in 2021.
- CityLYNX Gold Line Phase II - This phase extends the current streetcar line from the Charlotte Transportation Center west to French Street in the Historic West End and east from Novant Hospital to Sunnyside Avenue in Elizabeth. Phase 2 is currently under construction and is expected to open to revenue service in 2021.

- **Transportation Considerations**
  - ~~See Outstanding Issues, Notes 1-7~~. - ADDRESSED
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 2,102 trips per day (based on 211,345 SF general office and 21,604 SF medical office).

  Entitlement: 8,135 trips per day (based on 218,834 SF general office and 77,500 SF retail).

  Proposed Zoning: 15,590 trips per day (based on 393,000 SF medical school, 1000 multifamily dwelling units, and 600 hotel rooms).

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:** The development allowed under the existing zoning could generate 29 students, while the development allowed under the proposed zoning may produce 220 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 129 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Dilworth Elementary (Sedgefield Campus K-2) from 68% to 85%
    - Dilworth Elementary (Latta Campus 3-5) from 59% to 85%
    - Sedgefield Middle from 72% to 79%
    - Myers Park High from 121% to 123%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Baxter St.

  Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 24-inch gravity sewer main located along Baxter St. No outstanding issues.
- **City Arborist:** No comments submitted.
- **Erosion Control:** 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 comments submitted.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** See advisory comments at www.rezoning.org

OUTSTANDING ISSUES

Transportation

1. ~~**Curb line** – Morehead Street: The location of curb and gutter will be moved and located 38-feet from the existing centerline to the back-of-curb. Update to comply with Chapter 20 sidewalk and planting strip requirements~~. - ADDRESSED
2. **Right-of-way and Other Infrastructure Dimensions -** Provide 56-feet of right-of-way dedication measured from the existing road centerline on Morehead Street.
3. ~~Revise the site plan conditional notes and legends that all new streets shall be determined as public or private during permitting~~. - ADDRESSED
4. ~~Revise cycle track along McDowell Street to include a sidewalk utility easement, where appropriate~~. - ADDRESSED
5. ~~Revise site plan conditional notes for all TDM Strategies to align with phased improvements from Phase 1A or Phase 1B~~. - ADDRESSED

Site and Building Design

6. ~~Note 2b: Define the characteristics of this passage, including width, vertical clearance, etc~~.
7. ~~Note 6biii: If Tertiary streets are public, a minimum blank wall area should be provided. It can be in excess of our typical, but unlimited is not supported~~. - ADDRESSED
8. ~~Provide minimum and maximum setback for Cross Section GG New Roadway~~. - ADDRESSED

REQUESTED TECHNICAL REVISIONS

Site and Building Design

9. ~~Change the crosshatching to be unique for each development area or provide a boundary line. If this plan is printed in black and white, it would be difficult to identify each development area~~. - ADDRESSED

Land Use

10. ~~Change Proposed zoning to: MUDD-O PED with 5 year vested rights. The PED Overlay isn't removed through the rezoning~~. - ADDRESSED
11. ~~Revise prohibited use list to read, "Permits all uses except the following~~" - ADDRESSED
12. ~~Please amend language in 9E to state that 50 percent of the required open space may be provided as a widened sidewalk when such sidewalk is greater than 8 feet in width.~~ -ADDRESSED

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

Planner: Dave Pettine (704) 336-4566

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

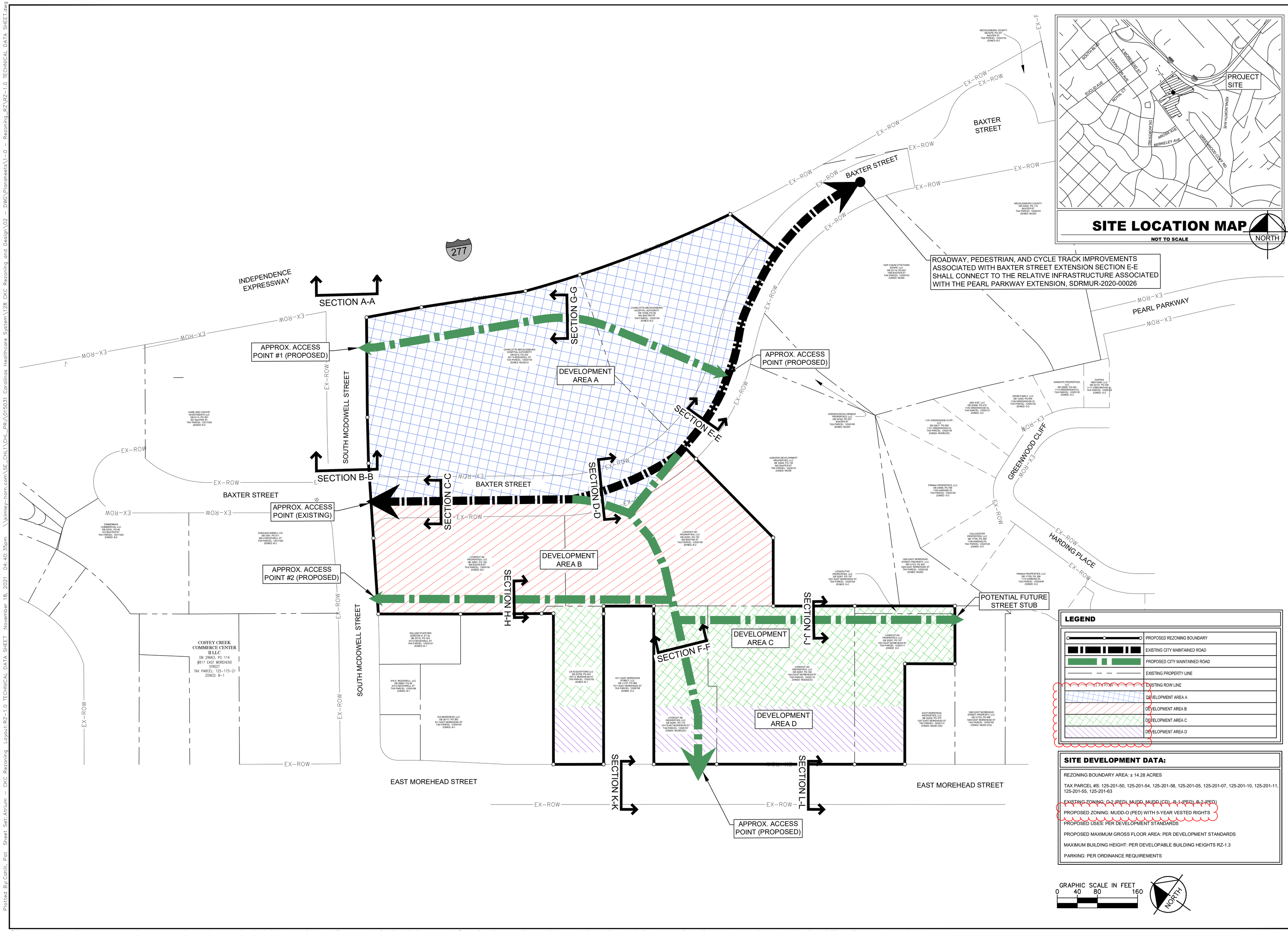
Rezoning Petition # 2021-092

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when Policy Mapping is completed (anticipated early 2022) and when the **Policy Map** is adopted (anticipated summer 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	N/A
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	N/A
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✓

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	✓
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	N/A
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	✓
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	N/A
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	N/A



SITE DEVELOPMENT DATA:

REZONING BOUNDARY AREA: ± 14.28 ACRES

TAX PARCEL #S: 125-201-50, 125-201-54, 125-201-58, 125-201-05, 125-201-07, 125-201-10, 125-201-11, 125-201-55, 125-201-63

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PROPOSED ZONING: MUDD-O (PED) WITH 5-YEAR VESTED RIGHTS

PROPOSED USES: PER DEVELOPMENT STANDARDS

PROPOSED MAXIMUM GROSS FLOOR AREA: PER DEVELOPMENT STANDARDS

MAXIMUM BUILDING HEIGHT: PER DEVELOPABLE BUILDING HEIGHTS RZ-1.3

PARKING: PER ORDINANCE REQUIREMENTS

No.	REVISIONS	DATE	BY

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NC LICENSE #F-0102

KH PROJECT 015031128
DATE 08/16/2021
SCALE AS SHOWN
DESIGNED BY AW
DRAWN BY AW
CHECKED BY MP

TECHNICAL DATA SHEET

REZONING PETITION No.2021-092

CHARLOTTE INNOVATION COMMUNITY
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CITY OF CHARLOTTE NORTH CAROLINA

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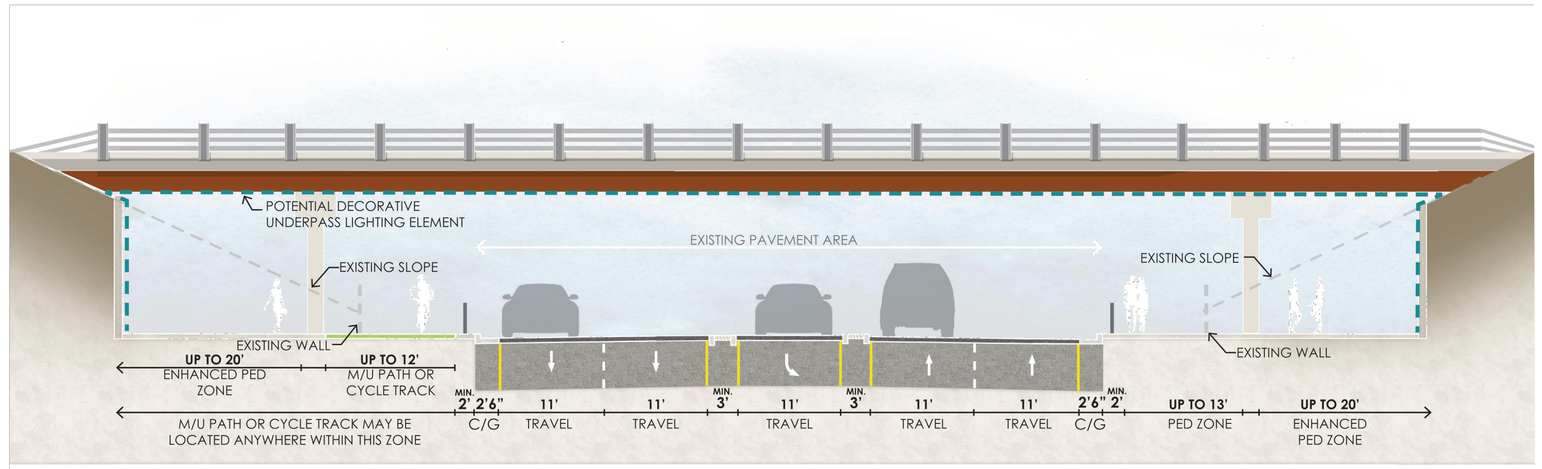
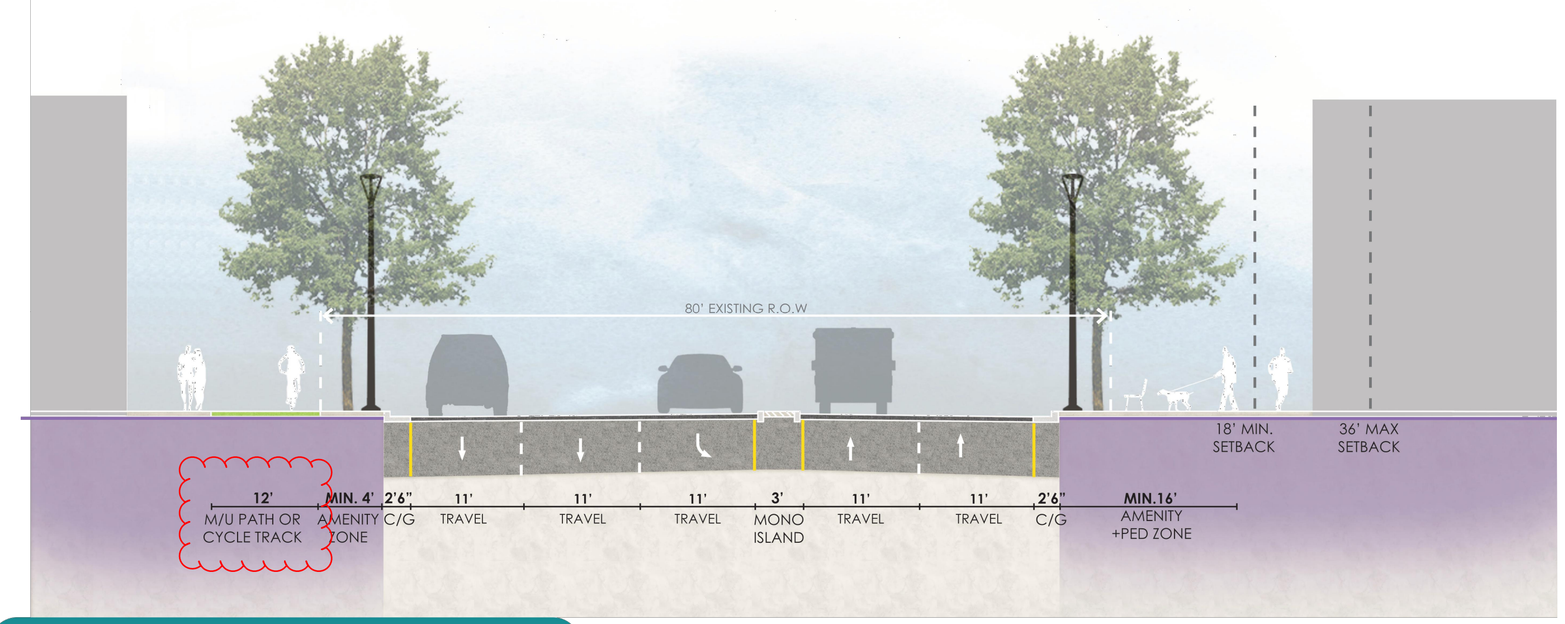
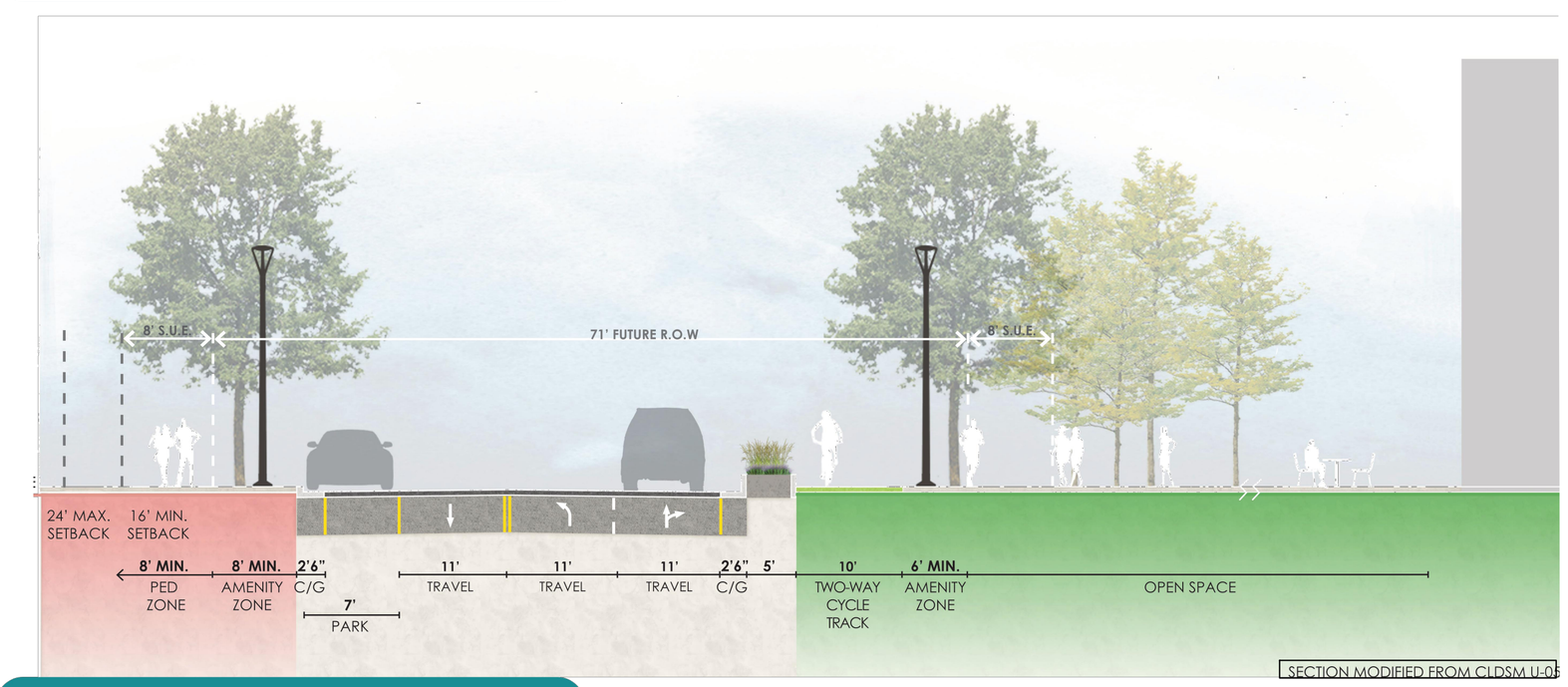
NOTES:
1. SUE LOCATIONS TO BE DETERMINED DURING SITE PERMITTING
2. ALL LANE DIMENSIONS SHOWN INDICATE THE MINIMUM REQUIRED LANE WIDTH



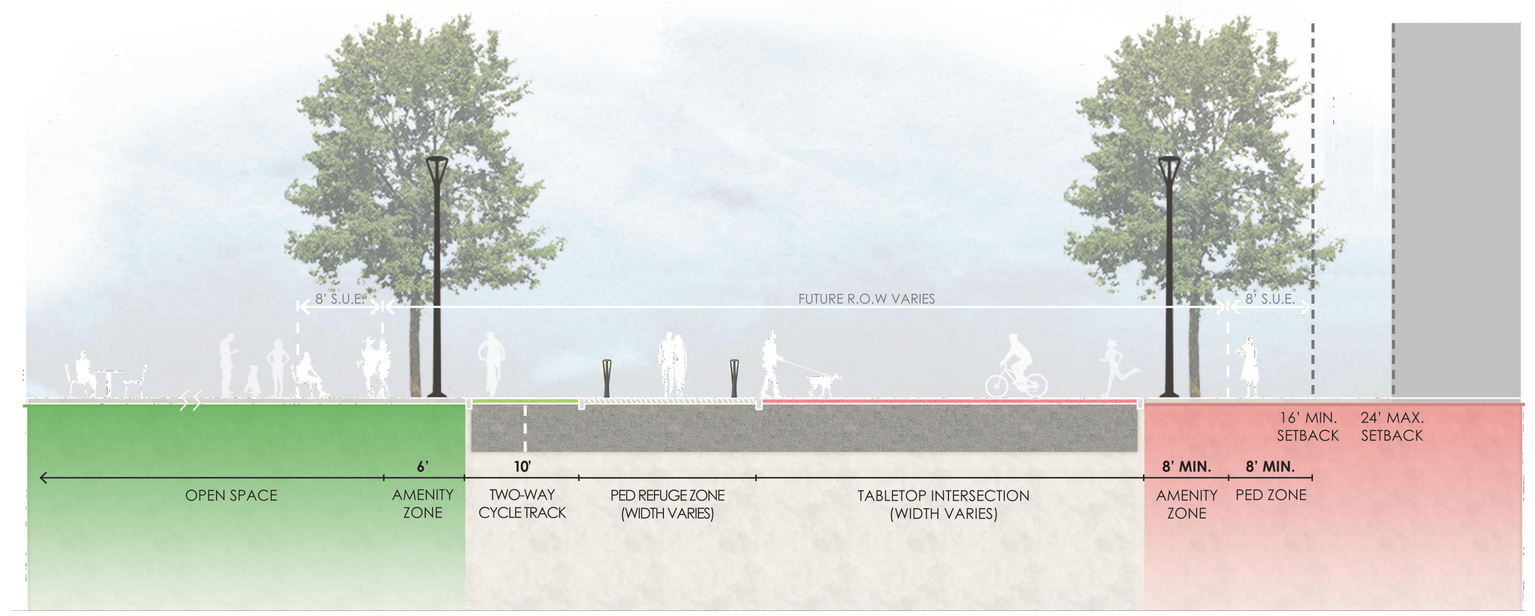
SECTION A-A S. MCDOWELL AT I-277 UNDERPASS



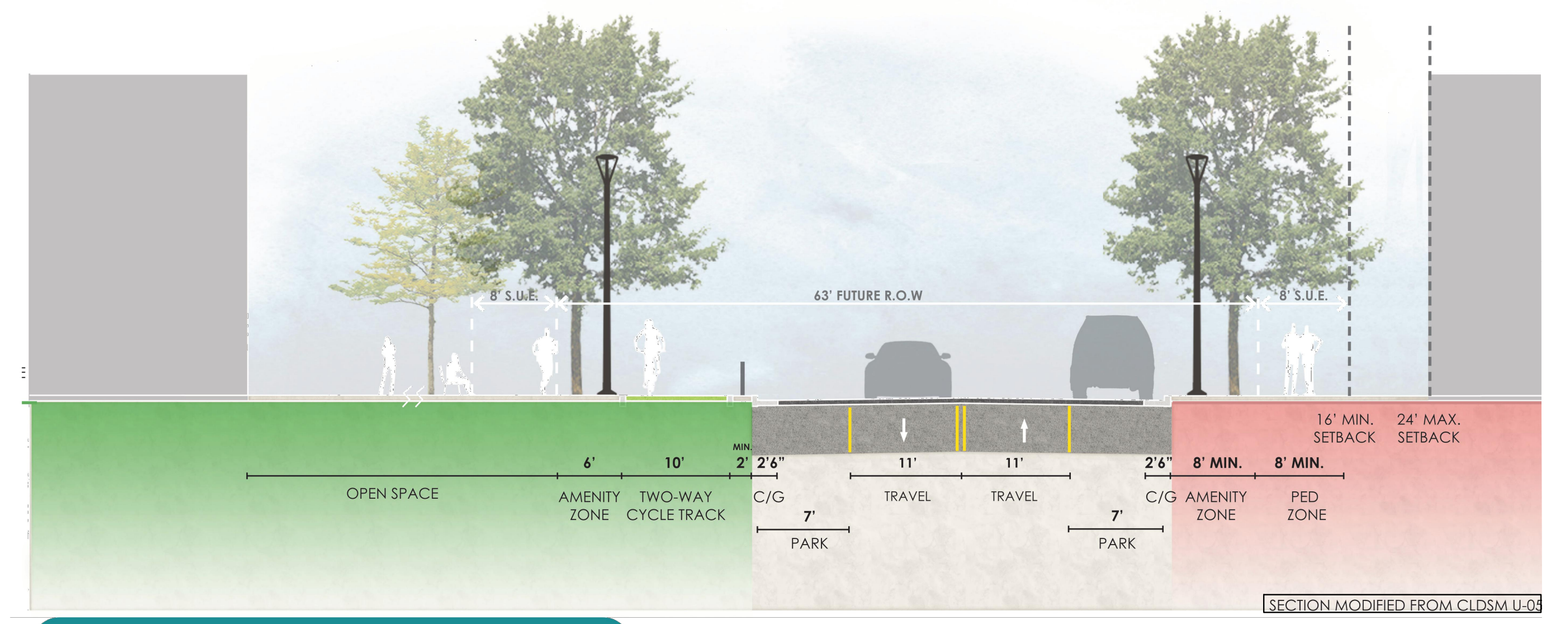
SECTION B-B S. MCDOWELL AT BAXTER STREET



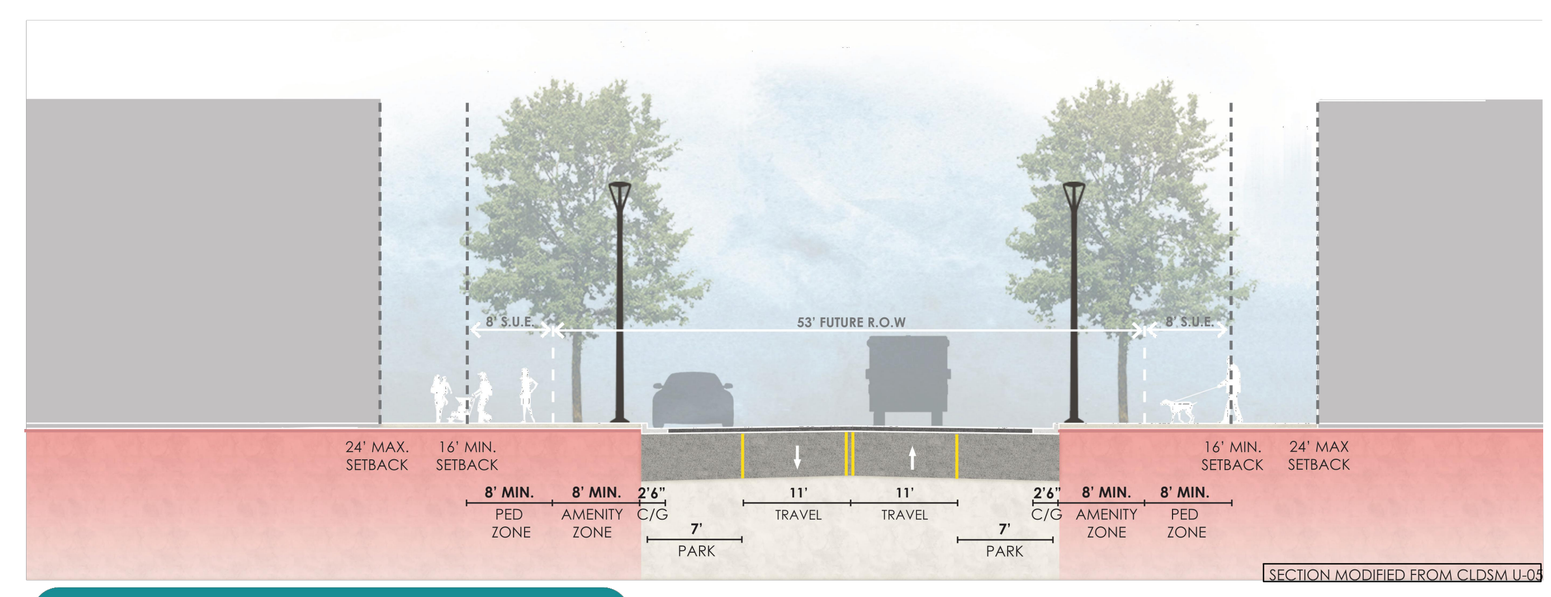
SECTION C-C BAXTER STREET



SECTION D-D BAXTER STREET



SECTION E-E PEARL PARKWAY



SECTION F-F NEW ROADWAY

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KH PROJECT 015031128
DATE 08/16/2021
SCALE AS SHOWN
DESIGNED BY BN
DRAWN BY BN
CHECKED BY KB

TYPICAL SECTIONS

REZONING PETITION No.2021-092

CHARLOTTE INNOVATION COMMUNITY
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CITY OF CHARLOTTE NORTH CAROLINA

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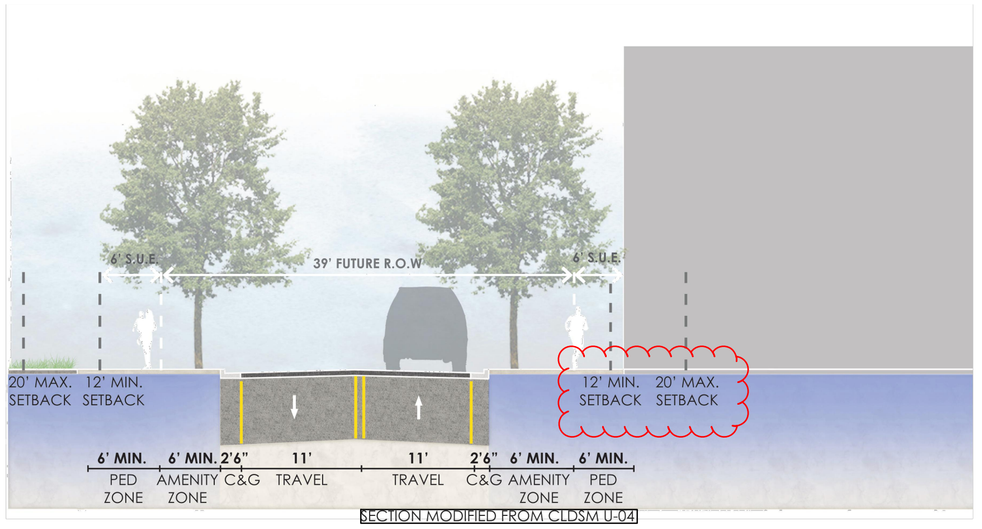
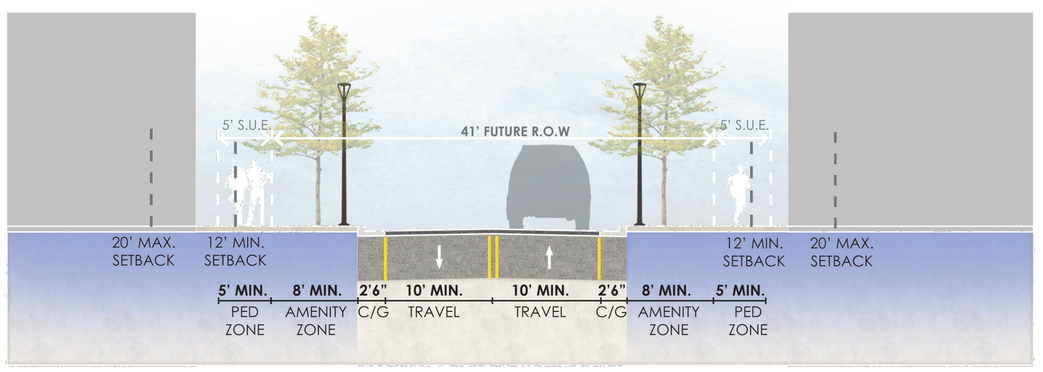
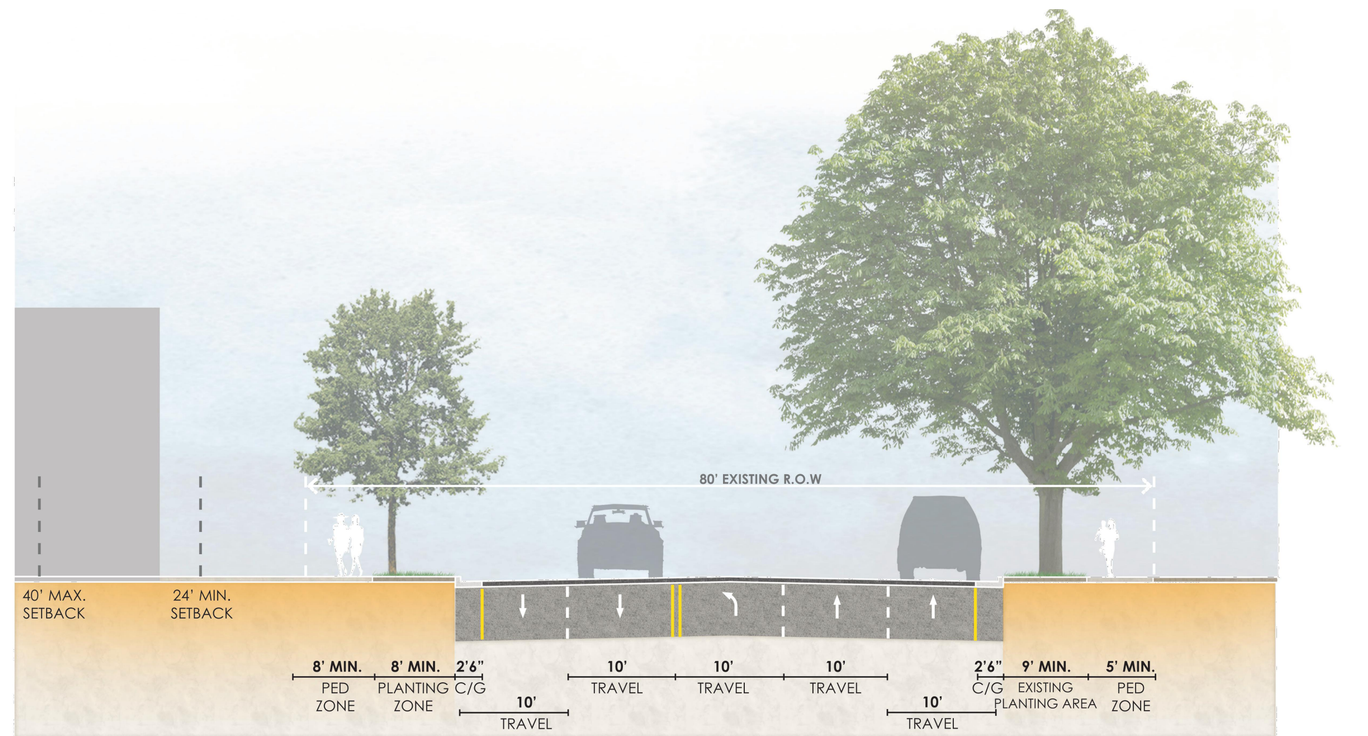


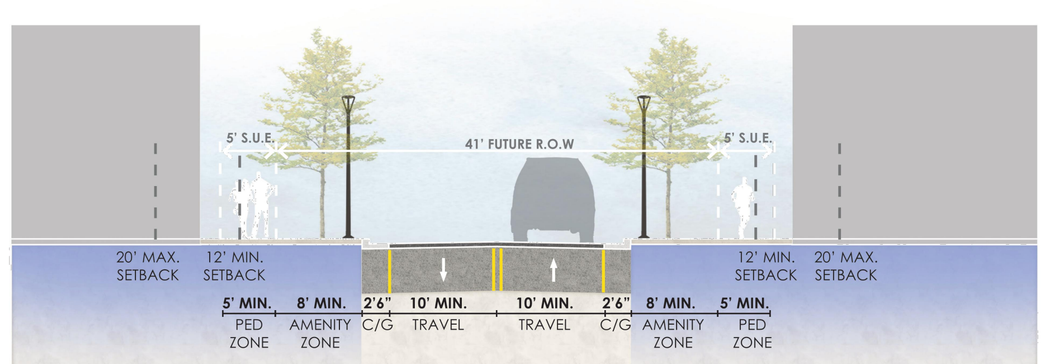
SECTION G-G NEW ROADWAY



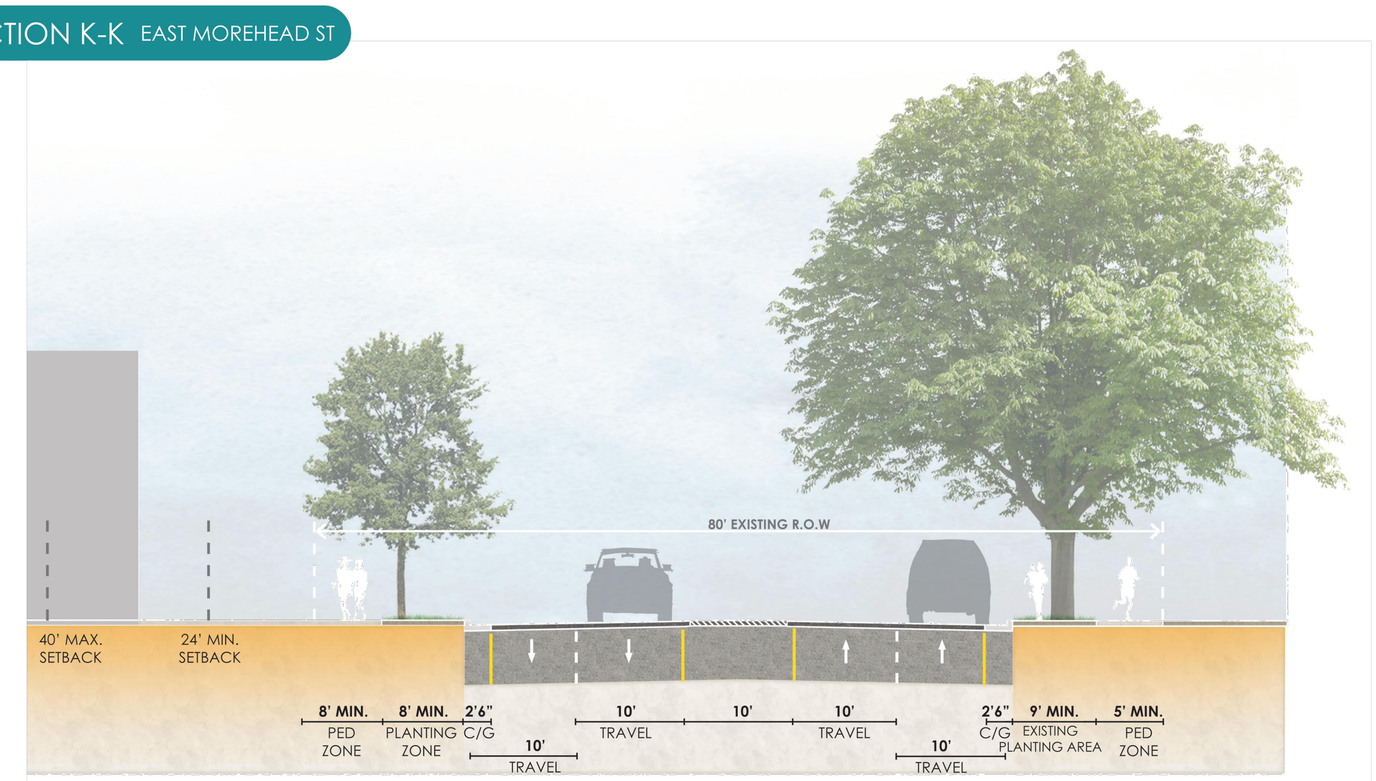
SECTION H-H NEW ROADWAY



SECTION K-K EAST MOREHEAD ST



SECTION J-J NEW ROADWAY



SECTION L-L EAST MOREHEAD ST

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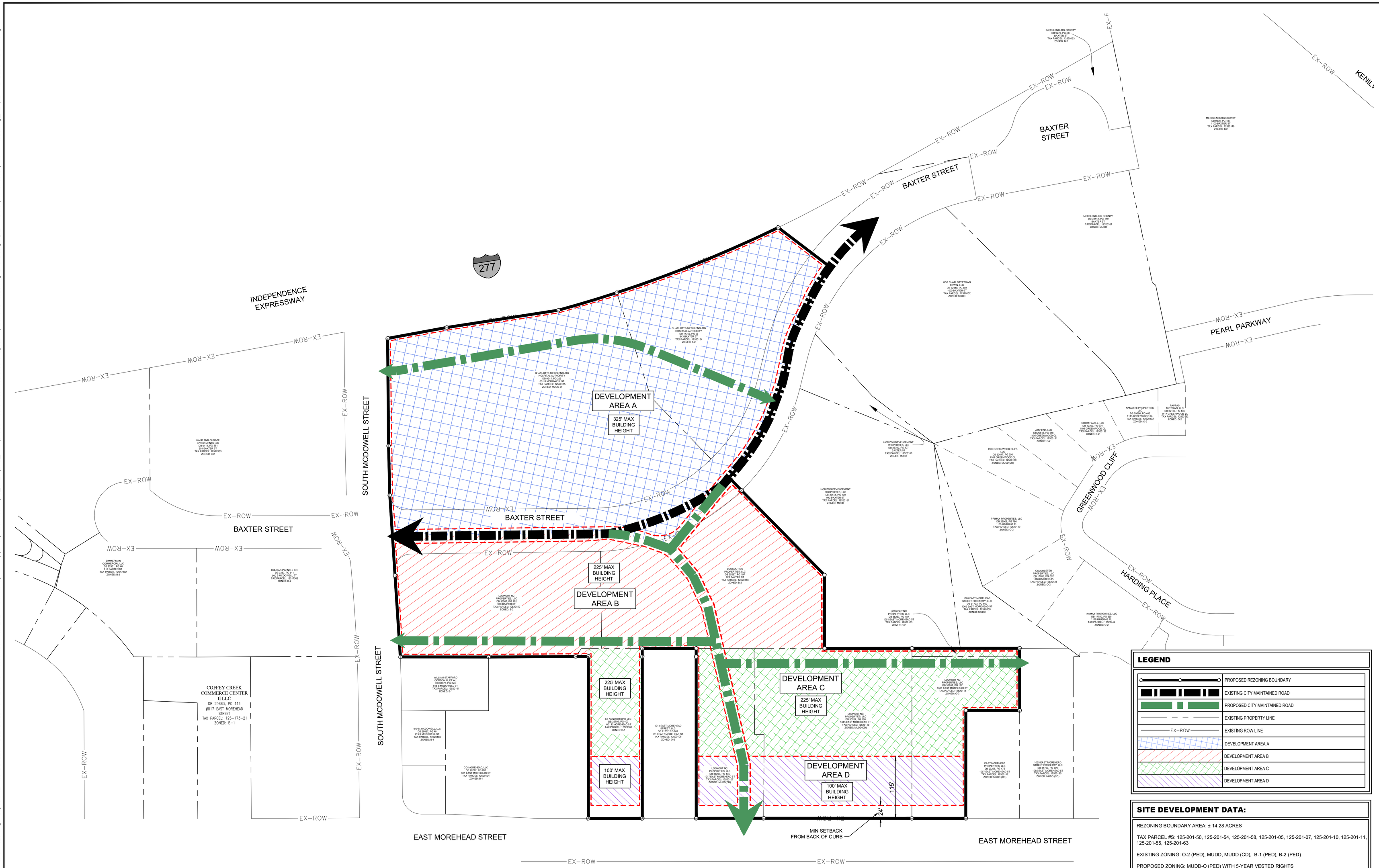

LEGEND

	PROPOSED REZONING BOUNDARY
	EXISTING CITY MAINTAINED ROAD
	PROPOSED CITY MAINTAINED ROAD
	EXISTING PROPERTY LINE
EX-ROW	EXISTING ROW LINE
	DEVELOPMENT AREA A
	DEVELOPMENT AREA B
	DEVELOPMENT AREA C
	DEVELOPMENT AREA D

SITE DEVELOPMENT DATA:

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PROPOSED MAXIMUM GROSS FLOOR AREA: PER DEVELOPMENT STANDARDS

MAXIMUM BUILDING HEIGHT: PER DEVELOPABLE BUILDING HEIGHTS RZ-1.3

PARKING: PER ORDINANCE REQUIREMENTS

GRAPHIC SCALE IN FEET
0 40 80 160

NORTH

No.	REVISIONS	DATE	BY

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CHECKED BY MP

DEVELOPABLE BUILDING HEIGHTS

REZONING PETITION No.2021-092

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Plotted By:Cahill, Pat Sheet Set:Atrium - CKC Rezoning Layout:RZ-1.3 DEVELOPABLE BUILDING HEIGHTS November 18, 2021 04:41:19pm \\kimley-horn.com\SE_CHL1\CHL_PRJ\015031 Carolinas Healthcare System\128 CKC Rezoning and Design\02 - DWG\Plansheets\1-0 - Rezoning_RZ\RZ-1.2 BLDG HEIGHT.dwg

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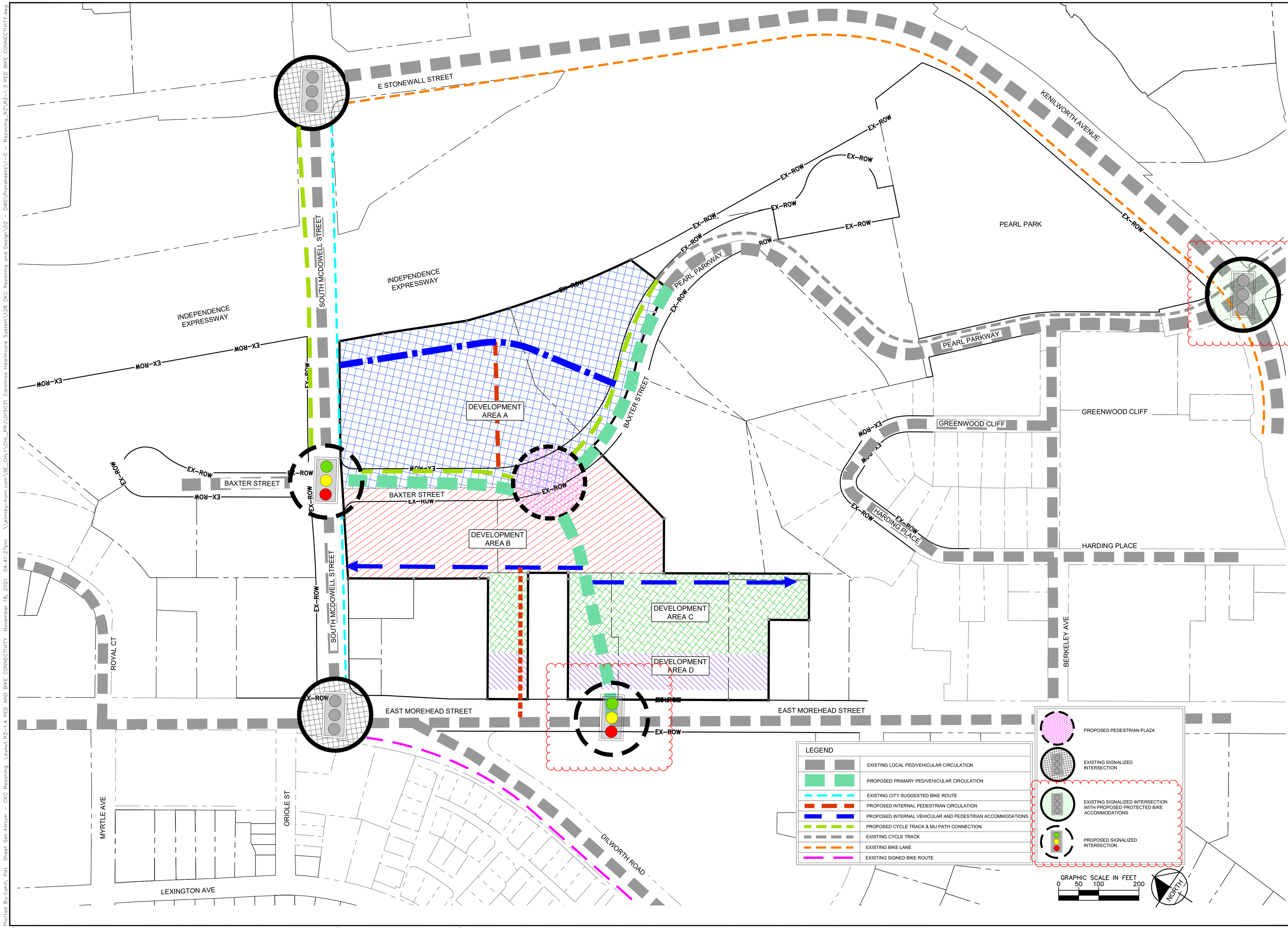

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KH PROJECT 015031128
DATE 08/16/2021
SCALE AS SHOWN
DESIGNED BY BN
DRAWN BY BN
CHECKED BY KB

PED AND BIKE CONNECTIVITY

REZONING PETITION No.2021-092

CHARLOTTE INNOVATION COMMUNITY

PREPARED FOR

ATRIUM HEALTH

CITY OF CHARLOTTE NORTH CAROLINA

SHEET NUMBER
RZ-1.4

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1. GENERAL PROVISIONS

A. **SITE.** THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, THE TYPICAL SECTIONS, THE DEVELOPABLE BUILDING HEIGHTS EXHIBIT AND THE PED AND BIKE CONNECTIVITY EXHIBIT AND OTHER GRAPHICS SET FORTH ON **SHEETS RZ-1.0 THROUGH RZ-2.1** FORM THE REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "**REZONING PLAN**") ASSOCIATED WITH THE REZONING PETITION FILED BY THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY (THE "**PETITIONER**") FOR AN APPROXIMATELY 14.284 ACRE SITE THAT IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "**SITE**"). THE SITE IS COMPRISED OF TAX PARCEL NOS. 125-201-50, 125-201-54, 125-201-58, 125-201-05, 125-201-07, 125-201-10, 125-201-11, 125-201-55 AND 125-201-63.

B. **ZONING DISTRICT/ORDINANCE.** 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**"). 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.

C. **GRAPHICS AND ALTERATIONS.** THE SCHEMATIC DEPICTIONS OF THE USES, SIDEWALKS, DRIVEWAYS, STREETS, DEVELOPMENT AREA BOUNDARIES 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 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:

(1) MINOR AND DO NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.

THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PURSUANT TO THIS AMENDMENT PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PURSUANT TO SECTION 6.207 OF THE ORDINANCE IN EACH INSTANCE, HOWEVER, SUBJECT TO PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

D. **DEVELOPMENT AREAS/BUILDING AND PARKING ENVELOPES.** FOR ENTITLEMENT PURPOSES, THE SITE IS DIVIDED INTO FOUR DEVELOPMENT AREAS THAT ARE DESIGNATED ON THE REZONING PLAN AS DEVELOPMENT AREA A, DEVELOPMENT AREA B, DEVELOPMENT AREA C AND DEVELOPMENT AREA D. THE BOUNDARIES OF EACH DEVELOPMENT AREA ARE THE BUILDING AND PARKING ENVELOPES FOR EACH DEVELOPMENT AREA.

ALL PRINCIPAL BUILDINGS, ACCESSORY STRUCTURES, STRUCTURED PARKING FACILITIES AND SURFACE PARKING AREAS DEVELOPED ON THE SITE SHALL BE LOCATED WITHIN ONE OR MORE BUILDING AND PARKING ENVELOPES. THIS REZONING PLAN DOES NOT LIMIT THE NUMBER OF PRINCIPAL BUILDINGS, ACCESSORY STRUCTURES, STRUCTURED PARKING FACILITIES AND SURFACE PARKING AREAS THAT MAY BE LOCATED WITHIN ONE OR MORE BUILDING AND PARKING ENVELOPES OR ON THE SITE. THE NUMBER OF PRINCIPAL BUILDINGS, ACCESSORY STRUCTURES, STRUCTURED PARKING FACILITIES AND SURFACE PARKING AREAS THAT MAY BE LOCATED ON THE SITE OR WITHIN ONE OR MORE BUILDING AND PARKING ENVELOPES SHALL BE GOVERNED BY THE APPLICABLE PROVISIONS OF THE ORDINANCE. ADDITIONALLY, PUBLIC STREETS, PRIVATE STREETS AND PRIVATE DRIVES MAY BE LOCATED WITHIN ONE OR MORE BUILDING AND PARKING ENVELOPES. ANY REFERENCE HEREIN TO THE SITE SHALL BE DEEMED TO INCLUDE DEVELOPMENT AREA A, DEVELOPMENT AREA B, DEVELOPMENT AREA C AND DEVELOPMENT AREA D UNLESS OTHERWISE NOTED HEREIN.

E. **EXISTING BUILDINGS, STRUCTURES AND IMPROVEMENTS.** THE EXISTING BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND ANY OTHER EXISTING IMPROVEMENTS ON THE SITE MAY REMAIN IN PLACE AND CONTINUE TO BE UTILIZED. TO THE EXTENT THAT ANY EXISTING BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND ANY OTHER EXISTING IMPROVEMENTS ON THE SITE DO NOT COMPLY WITH ANY REQUIREMENT OF THE MUDD ZONING DISTRICT, THE ORDINANCE OR THIS REZONING PLAN, PETITIONER SHALL NOT BE REQUIRED TO BRING ANY SUCH EXISTING BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND ANY OTHER EXISTING IMPROVEMENTS ON THE SITE OR ANY PORTIONS THEREOF INTO COMPLIANCE WITH THE MUDD ZONING DISTRICT, THE ORDINANCE OR THIS REZONING PLAN.

NEW BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND OTHER NEW IMPROVEMENTS ON THE SITE WILL BE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THE REZONING PLAN AND THE MUDD ZONING DISTRICT (EXCEPT AS MODIFIED BY THE OPTIONAL PROVISIONS SET OUT BELOW IN SECTION 2).

F. **UNIFIED DEVELOPMENT.** THE SITE SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. THEREFORE, SIDE AND REAR YARDS, BUILDING HEIGHT SEPARATION REQUIREMENTS AND OTHER SIMILAR ZONING STANDARDS SHALL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS, USES AND OTHER SITE ELEMENTS LOCATED ON THE SITE. FURTHERMORE, PETITIONER RESERVES THE RIGHT TO SUBDIVIDE PORTIONS OR ALL OF THE SITE AND TO 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 THE DEVELOPMENT OF THE SITE SHALL BE REQUIRED TO MEET ANY APPLICABLE SETBACK, SIDE YARD AND REAR YARD AND LANDSCAPE AREA REQUIREMENTS WITH RESPECT TO THE EXTERIOR BOUNDARIES OF THE SITE.

G. **VESTED RIGHTS.** PURSUANT TO SECTION 1.110 OF THE ORDINANCE AND SECTION 160D-108.1 OF THE NORTH CAROLINA GENERAL STATUTES, THE REZONING PLAN, IF APPROVED, SHALL BE VESTED FOR A PERIOD OF 5 YEARS DUE TO THE SIZE AND PHASING OF THE DEVELOPMENT, THE LEVEL OF INVESTMENT, ECONOMIC CYCLES AND MARKET CONDITIONS.

H. **AMENDMENTS.** 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.

I. **DENSITY AND OPEN SPACE TABLE.** A MASTER DEVELOPMENT TABLE TRACKING AND UPDATING DENSITY AND OPEN SPACE DEVELOPED ON THE SITE SHALL BE INCLUDED ON DEVELOPMENT PLANS SUBMITTED FOR PERMITTING.

2. OPTIONAL PROVISIONS

THE OPTIONAL PROVISIONS SET OUT BELOW SHALL APPLY TO THE DEVELOPMENT AND USE OF THE SITE.

A. VALET PARKING SERVICE AREA(S) MAY BE LOCATED BETWEEN THE BUILDINGS AND STRUCTURES LOCATED ON THE SITE AND ALL ADJACENT PUBLIC AND PRIVATE STREETS. NOTWITHSTANDING THE FOREGOING, VALET PARKING SERVICES MAY NOT BE LOCATED BETWEEN THE BUILDINGS AND STRUCTURES LOCATED ON THE SITE AND EAST MOREHEAD STREET AND MCDOWELL STREET.

B. VEHICULAR CIRCULATION AREAS AND PASSENGER DROP-OFF AREAS MAY BE LOCATED BETWEEN THE BUILDINGS AND STRUCTURES LOCATED ON THE SITE AND ALL ADJACENT PUBLIC AND PRIVATE STREETS. NOTWITHSTANDING THE FOREGOING, VEHICULAR CIRCULATION AREAS AND PASSENGER DROP-OFF AREAS MAY NOT BE LOCATED BETWEEN THE BUILDINGS AND STRUCTURES LOCATED ON THE SITE AND EAST MOREHEAD STREET AND MCDOWELL STREET.

C. THE EXISTING BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND ANY OTHER EXISTING IMPROVEMENTS ON THE SITE MAY REMAIN IN PLACE AND CONTINUE TO BE UTILIZED. TO THE EXTENT THAT ANY EXISTING BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND ANY OTHER EXISTING IMPROVEMENTS ON THE SITE DO NOT COMPLY WITH ANY REQUIREMENT OF THE MUDD ZONING DISTRICT, THE ORDINANCE OR THIS REZONING PLAN, PETITIONER SHALL NOT BE REQUIRED TO BRING ANY SUCH EXISTING BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND ANY OTHER EXISTING IMPROVEMENTS ON THE SITE OR ANY PORTIONS THEREOF INTO COMPLIANCE WITH THE MUDD ZONING DISTRICT, THE ORDINANCE OR THIS REZONING PLAN.

RENOVATED AND REHABILITATED EXISTING BUILDINGS, STRUCTURES AND STRUCTURED PARKING FACILITIES LOCATED ON THE SITE SHALL NOT BE REQUIRED TO COMPLY WITH THE URBAN DESIGN AND DEVELOPMENT STANDARDS SET OUT SECTION 9.8506 OF THE ORDINANCE.

NEW BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND OTHER NEW IMPROVEMENTS ON THE SITE WILL BE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THE REZONING PLAN AND THE MUDD ZONING DISTRICT (EXCEPT AS MODIFIED BY THE OPTIONAL PROVISIONS SET HEREIN).

D. THE MAXIMUM BUILDING HEIGHTS SET OUT ON THE DEVELOPABLE BUILDING HEIGHTS EXHIBIT (SHEET RZ-1.3 OF THE REZONING PLAN) SHALL BE PERMITTED. MAXIMUM BUILDING HEIGHT ENVELOPES ARE SET OUT ON THE DEVELOPABLE BUILDING HEIGHTS EXHIBIT.

E. THE STREET CROSS SECTIONS (INCLUDING THE RIGHTS OF WAY AND THE IMPROVEMENTS DEPICTED THEREON) SET OUT ON SHEETS RZ-1.1 AND RZ-1.2 OF THE REZONING PLAN SHALL BE ALLOWED WHERE FEASIBLE.

F. THE SETBACKS AND SIDE AND REAR YARDS SPECIFIED HEREIN SHALL BE ALLOWED.

G. THE OPEN SPACE PROVISIONS SET OUT HEREIN SHALL BE ALLOWED.

3. PERMITTED USES

A. DEVELOPMENT AREA A AND DEVELOPMENT AREA B

(1) SUBJECT TO THE LIMITATIONS SET OUT HEREIN, THOSE PORTIONS OF THE SITE DESIGNATED AS DEVELOPMENT AREA A AND DEVELOPMENT AREA B MAY BE DEVOTED TO ANY USE OR USES PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT, EXCEPT FOR THE FOLLOWING PROHIBITED USES:

(a) AUCTION SALES OR AUCTION HOUSES.
(b) AUTOMOTIVE SERVICE STATIONS, INCLUDING MINOR ADJUSTMENTS, REPAIRS, LUBRICATION AND ACCESSORY CAR WASHES.
(c) EQUIPMENT RENTAL AND LEASING WITHIN AN ENCLOSED BUILDING.
(d) GROUP HOMES FOR UP TO 10 RESIDENTS.
(e) SUBDIVISION SALES OFFICES.
(f) ADULT ESTABLISHMENTS.
(g) BED AND BREAKFASTS (B&B'S).
(h) BOARDING HOUSES.
(i) BUILDING MATERIALS SALES, RETAIL.
(j) COMMERCIAL ROOMING HOUSES.
(k) ELECTRIC AND GAS SUBSTATIONS.
(l) NURSING HOMES, REST HOMES AND HOMES FOR THE AGED.
(m) PET SERVICES INDOOR/OUTDOOR.
(n) SHELTERS.
(o) STADIUMS, COLISEUMS AND ARENAS.
(p) WAREHOUSING WITHIN AN ENCLOSED BUILDING FOR A SELF-STORAGE FACILITY ONLY.

3. PERMITTED USES

B. DEVELOPMENT AREA C AND DEVELOPMENT AREA D

(1) SUBJECT TO THE LIMITATIONS SET OUT HEREIN, THOSE PORTIONS OF THE SITE DESIGNATED AS DEVELOPMENT AREA C AND DEVELOPMENT AREA D MAY ONLY BE DEVOTED 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) COLLEGES OR UNIVERSITIES, INCLUDING A MEDICAL COLLEGE AND/OR A NURSING SCHOOL, AND DORMITORIES FOR THE STUDENTS OF ANY SUCH COLLEGES OR UNIVERSITIES.
(b) CONFERENCE CENTERS, EXHIBIT HALLS AND SIMILAR USES.
(c) MULTI-FAMILY AND PLANNED MULTI-FAMILY DWELLING UNITS.
(d) EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1), SUBJECT TO THE REGULATIONS OF SECTION 12.546 OF THE ORDINANCE.
(e) EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 2), SUBJECT TO THE REGULATIONS OF SECTION 12.546 OF THE ORDINANCE.
(f) HOTELS.
(g) INDOOR RECREATION.
(h) LABORATORIES, DENTAL, MEDICAL AND OPTICAL.
(i) LABORATORIES, WITHIN AN ENCLOSED BUILDING FOR APPLIED AND BASIC RESEARCH.
(j) PROFESSIONAL BUSINESS AND GENERAL OFFICES, INCLUDING CLINICS, MEDICAL, DENTAL AND DOCTORS' OFFICES.
(k) RETAIL SALES LIMITED TO USES PERMITTED IN THE B-1 ZONING DISTRICT.
(l) SERVICES SUCH AS BEAUTY AND BARBER SHOPS.
(m) STRUCTURED PARKING DECKS AS A PRINCIPAL OR ACCESSORY USE.
(n) STUDIOS FOR ARTISTS, DESIGNERS, PHOTOGRAPHERS, MUSICIANS, SCULPTORS, GYMNASTS, POTTERS, WOOD AND LEATHER CRAFTSMEN, GLASS BLOWERS, WEAVERS, SILVERSMITHS AND DESIGNERS OF ORNAMENTAL AND PRECIOUS JEWELRY.
(o) BREWERIES, SUBJECT TO THE REGULATIONS OF SECTION 12.544 OF THE ORDINANCE.
(p) WINERIES, SUBJECT TO THE REGULATIONS OF SECTION 12.544 OF THE ORDINANCE.

4. DEVELOPMENT LIMITATIONS

A. SUBJECT TO THE LIMITATIONS AND PROVISIONS SET OUT BELOW IN THIS SECTION 4, THE SITE MAY CONTAIN AND BE DEVELOPED WITH A TOTAL MAXIMUM OF 1,310,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO THE NON-RESIDENTIAL USES PERMITTED UNDER THESE DEVELOPMENT STANDARDS.

B. NOTWITHSTANDING THE TERMS OF PARAGRAPH 4.A ABOVE, OF THE ALLOWED 1,310,000 SQUARE FEET OF GROSS FLOOR AREA THAT MAY BE DEVOTED TO THE NON-RESIDENTIAL USES PERMITTED UNDER THESE DEVELOPMENT STANDARDS, A MAXIMUM OF 150,000 SQUARE FEET OF SUCH GROSS FLOOR AREA MAY BE DEVOTED TO RETAIL SALES, PERSONAL SERVICE USES AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND/OR TYPE 2).

C. A MAXIMUM OF 1000 MULTI-FAMILY DWELLING UNITS MAY BE DEVELOPED ON THE SITE. THE GROSS FLOOR AREA OF AMENITY AREAS ASSOCIATED WITH MULTI-FAMILY USES, SUCH AS A FITNESS FACILITY OR A CLUBHOUSE, AND LEASING OFFICES SHALL NOT COUNT TOWARDS THE MAXIMUM GROSS FLOOR AREA THAT MAY BE DEVOTED TO THE NON-RESIDENTIAL USES PERMITTED UNDER THESE DEVELOPMENT STANDARDS SET OUT ABOVE IN PARAGRAPHS 4.A AND 4.B.

D. A MAXIMUM OF 600 HOTEL ROOMS MAY BE DEVELOPED ON THE SITE. NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, THE GROSS FLOOR AREA OF ANY HOTEL BUILDING(S) DEVELOPED ON THE SITE SHALL NOT COUNT TOWARDS THE TOTAL MAXIMUM ALLOWED GROSS FLOOR AREA THAT MAY BE DEVOTED TO THE NON-RESIDENTIAL USES PERMITTED UNDER THESE DEVELOPMENT STANDARDS SET OUT ABOVE IN PARAGRAPH 4.A, OR TOWARDS THE MAXIMUM GROSS FLOOR AREA THAT MAY BE DEVOTED TO RETAIL SALES, PERSONAL SERVICE USES AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND/OR TYPE 2) SET OUT ABOVE IN PARAGRAPH 4.B. ACCESSORY CONFERENCE CENTERS, BANQUET FACILITIES, MEETING FACILITIES, FITNESS AND RECREATIONAL FACILITIES, RETAIL SALES, PERSONAL SERVICE USES AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND/OR TYPE 2) AND OTHER ACCESSORY USES MAY BE LOCATED IN A HOTEL BUILDING, AND THE GROSS FLOOR AREA OF SUCH ACCESSORY USES SHALL NOT COUNT TOWARDS THE TOTAL MAXIMUM ALLOWED GROSS FLOOR AREA THAT MAY BE DEVOTED TO THE NON-RESIDENTIAL USES PERMITTED UNDER THESE DEVELOPMENT STANDARDS SET OUT ABOVE IN PARAGRAPH 4.A, OR TOWARDS THE MAXIMUM GROSS FLOOR AREA THAT MAY BE DEVOTED TO RETAIL SALES, PERSONAL SERVICE USES AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND/OR TYPE 2) SET OUT ABOVE IN PARAGRAPH 4.B.

E. UP TO 200,000 SQUARE FEET OF ADDITIONAL GROSS FLOOR AREA DEVOTED TO THE NON-RESIDENTIAL USES PERMITTED UNDER THESE DEVELOPMENT STANDARDS, EXCLUDING RETAIL SALES, PERSONAL SERVICE USES AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND/OR TYPE 2), MAY BE DEVELOPED ON THE SITE BY REDUCING THE NUMBER OF MULTI-FAMILY DWELLING UNITS PERMITTED ON THE SITE AT THE RATE OF 1 MULTI-FAMILY DWELLING UNIT PER 1,000 SQUARE FEET OF ADDITIONAL GROSS FLOOR AREA DEVOTED TO NON-RESIDENTIAL USES.

F. UP TO 200 ADDITIONAL MULTI-FAMILY DWELLING UNITS MAY BE DEVELOPED ON THE SITE BY REDUCING THE AMOUNT OF THE NON-RESIDENTIAL GROSS FLOOR AREA PERMITTED UNDER THESE DEVELOPMENT STANDARDS AT THE RATE OF 1,000 SQUARE FEET OF GROSS FLOOR AREA PER ADDITIONAL MULTI-FAMILY RESIDENTIAL DWELLING UNIT.

G. UP TO 150,000 SQUARE FEET OF ADDITIONAL GROSS FLOOR AREA DEVOTED TO THE NON-RESIDENTIAL USES PERMITTED UNDER THESE DEVELOPMENT STANDARDS, EXCLUDING RETAIL SALES, PERSONAL SERVICE USES AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND/OR TYPE 2), MAY BE DEVELOPED ON THE SITE BY REDUCING THE NUMBER OF HOTEL ROOMS PERMITTED ON THE SITE AT THE RATE OF 1 HOTEL ROOM PER 1,000 SQUARE FEET OF ADDITIONAL GROSS FLOOR AREA DEVOTED TO NON-RESIDENTIAL USES.

H. FOR PURPOSES OF THESE DEVELOPMENT LIMITATIONS AND THE DEVELOPMENT STANDARDS IN GENERAL, THE TERM "GROSS FLOOR AREA" SHALL MEAN AND REFER TO THE SUM OF THE GROSS HORIZONTAL AREAS OF EACH FLOOR OF A PRINCIPAL BUILDING ON THE SITE MEASURED FROM THE OUTSIDE OF THE EXTERIOR WALLS OR FROM THE CENTER LINE OF PARTY WALLS; PROVIDED, HOWEVER, SUCH TERM SHALL EXCLUDE STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES, AREAS USED FOR BUILDING AND EQUIPMENT ACCESS (SUCH AS STAIRS, ELEVATOR SHAFTS, VESTIBULES, ROOF TOP EQUIPMENT ROOMS AND MAINTENANCE CRAWL SPACES), ALL LOADING DOCK AREAS (OPEN OR ENCLOSED), OUTDOOR COOLERS AND OUTDOOR DINING AREAS WHETHER ON THE ROOF OF THE BUILDING(S) OR AT STREET LEVEL.

I. AS PROVIDED IN PARAGRAPH 4.H ABOVE, THE GROSS FLOOR AREA OF ANY STRUCTURED PARKING FACILITIES LOCATED ON THE SITE SHALL NOT BE CONSIDERED OR COUNTED TOWARDS THE MAXIMUM GROSS FLOOR AREA OR DENSITY ALLOWED ON THE SITE.

5. TRANSPORTATION

A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. NOTWITHSTANDING THE FOREGOING, THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS MAY BE MODIFIED BY PETITIONER DURING THE PERMITTING PROCESS TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, CHANGES IN BUILDING AND PARKING LAYOUTS AND SITE CONSTRAINTS AND TO ACCOMMODATE ANY MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT").

B. THE ALIGNMENTS AND LOCATIONS OF THE INTERNAL PUBLIC OR PRIVATE STREETS, INTERNAL PRIVATE DRIVES, VEHICULAR CIRCULATION AREAS AND DRIVEWAYS DEPICTED ON THE REZONING PLAN MAY BE MODIFIED BY PETITIONER DURING THE PERMITTING PROCESS TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, CHANGES IN BUILDING AND PARKING LAYOUTS AND SITE CONSTRAINTS AND TO ACCOMMODATE ANY MODIFICATIONS REQUIRED FOR APPROVAL BY CDOT AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

C. PEDESTRIAN AND BICYCLE CONNECTIONS AND PEDESTRIAN AND BICYCLE CIRCULATION ON AND THROUGH THE SITE SHALL BE PROVIDED AS GENERALLY DEPICTED ON SHEET RZ-1.4 OF THE REZONING PLAN. ADJUSTMENTS TO THE PEDESTRIAN AND BICYCLE CONNECTIONS AND TO THE PEDESTRIAN AND BICYCLE CIRCULATION SHALL BE PERMITTED DURING THE PERMITTING PROCESS TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, BUILDING AND PARKING LAYOUTS AND SITE CONDITIONS.

D. PEDESTRIAN CONNECTIVITY BETWEEN AND WITHIN THE DEVELOPMENT AREAS SHALL BE ESTABLISHED AND PROVIDED DURING THE PERMITTING PROCESS FOR A DEVELOPMENT AREA. PEDESTRIAN CONNECTIONS MAY INCLUDE, WITHOUT LIMITATION, SIDEWALKS, TRAILS, PATHS AND SKY-BRIDGES.

E. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON DEVELOPMENT AREA C AND/OR DEVELOPMENT AREA D AND SUBJECT TO THE APPROVAL OF NCDOT, CDOT AND ALL OTHER APPLICABLE GOVERNMENTAL AGENCIES AND AUTHORITIES, PETITIONER SHALL INSTALL THOSE STREETSCAPE IMPROVEMENTS ON SOUTH MCDOWELL STREET AT THE I-277 UNDERPASS THAT ARE GENERALLY DEPICTED ON SECTION A-A ON SHEET RZ-1.1 OF THE REZONING PLAN. IN THE EVENT THAT PETITIONER CANNOT OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO INSTALL THESE STREETSCAPE IMPROVEMENTS, THEN PETITIONER SHALL HAVE NO OBLIGATION TO INSTALL THESE STREETSCAPE IMPROVEMENTS.

F. AS DEPICTED ON SECTION A-A AND SECTION B-B ON SHEET RZ-1.1 OF THE REZONING PLAN, THE WIDTH OF THE EXISTING RIGHT OF WAY ON SOUTH MCDOWELL STREET SHALL BE MAINTAINED, AND ADDITIONAL RIGHT OF WAY SHALL NOT BE REQUIRED TO BE DEDICATED BY PETITIONER.

G. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THE RIGHT OF WAY FOR BAXTER STREET DEPICTED ON SECTIONS C-C, D-D AND E-E ON SHEET RZ-1.1 OF THE REZONING PLAN, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST.

H. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON DEVELOPMENT AREA B, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THE RIGHT OF WAY FOR THE PROPOSED PUBLIC STREET ON THE SITE DEPICTED ON SECTION F-F ON SHEET RZ-1.1 OF THE REZONING PLAN, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST. NOTWITHSTANDING THE FOREGOING AND IN ACCORDANCE WITH PARAGRAPH 5.Y BELOW, IN THE EVENT THAT THIS STREET IS A PRIVATE STREET, RIGHT OF WAY WILL NOT BE REQUIRED TO BE DEDICATED AND CONVEYED TO THE CITY OF CHARLOTTE.

I. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON DEVELOPMENT AREA A, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THE RIGHT OF WAY FOR THE PROPOSED PUBLIC STREET ON THE SITE DEPICTED ON SECTION G-G ON SHEET RZ-1.2 OF THE REZONING PLAN, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST. NOTWITHSTANDING THE FOREGOING AND IN ACCORDANCE WITH PARAGRAPH 5.Y BELOW, IN THE EVENT THAT THIS STREET IS A PRIVATE STREET, RIGHT OF WAY WILL NOT BE REQUIRED TO BE DEDICATED AND CONVEYED TO THE CITY OF CHARLOTTE.

J. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON DEVELOPMENT AREA B, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THE RIGHT OF WAY FOR THE PROPOSED PUBLIC STREET ON THE SITE DEPICTED ON SECTION H-H ON SHEET RZ-1.2 OF THE REZONING PLAN, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST. NOTWITHSTANDING THE FOREGOING AND IN ACCORDANCE WITH PARAGRAPH 5.Y BELOW, IN THE EVENT THAT THIS STREET IS A PRIVATE STREET, RIGHT OF WAY WILL NOT BE REQUIRED TO BE DEDICATED AND CONVEYED TO THE CITY OF CHARLOTTE.

K. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON DEVELOPMENT AREA C AND/OR DEVELOPMENT AREA D, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THE RIGHT OF WAY FOR THE PROPOSED PUBLIC STREET ON THE SITE DEPICTED ON SECTION J-J ON SHEET RZ-1.2 OF THE REZONING PLAN, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST. NOTWITHSTANDING THE FOREGOING AND IN ACCORDANCE WITH PARAGRAPH 5.Y BELOW, IN THE EVENT THAT THIS STREET IS A PRIVATE STREET, RIGHT OF WAY WILL NOT BE REQUIRED TO BE DEDICATED AND CONVEYED TO THE CITY OF CHARLOTTE.

L. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON DEVELOPMENT AREA A, PETITIONER SHALL CONNECT IMPROVED BAXTER STREET (SECTION E-E) LOCATED WITHIN THE SITE, THE PEDESTRIAN IMPROVEMENTS ALONG IMPROVED BAXTER STREET AND THE CYCLE TRACK TO BE CONSTRUCTED ALONG IMPROVED BAXTER STREET TO EXISTING PEARL PARK WAY, THE EXISTING PEDESTRIAN IMPROVEMENTS LOCATED ALONG PEARL PARK WAY AND THE EXISTING CYCLE TRACK ON PEARL PARK WAY.

M. ANY IMPROVEMENTS PROPOSED TO BE LOCATED WITHIN NCDOT'S RIGHT OF WAY SHALL BE SUBJECT TO THE APPROVAL OF NCDOT DURING THE PERMITTING PROCESS. IN THE EVENT THAT NCDOT DOES NOT APPROVE AN IMPROVEMENT, PETITIONER SHALL NOT BE OBLIGATED TO CONSTRUCT SUCH IMPROVEMENT.

N. A RIGHT OF WAY ENCROACHMENT AGREEMENT SHALL BE REQUIRED FOR THE INSTALLATION OF ANY NON-STANDARD ITEMS (INCLUDING, WITHOUT LIMITATION, IRRIGATION SYSTEMS, DECORATIVE CONCRETE PAVEMENT, BRICK PAVERS, ETC.) WITHIN A PROPOSED OR EXISTING CITY MAINTAINED STREET RIGHT OF WAY BY PETITIONER. AN ENCROACHMENT AGREEMENT MUST BE APPROVED BY CDOT PRIOR TO THE CONSTRUCTION OR INSTALLATION OF ANY SUCH NON-STANDARD ITEMS.

O. PETITIONER WILL DEDICATE TO THE CITY OF CHARLOTTE OR TO NCDOT AS APPLICABLE 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 A NEW BUILDING TO BE 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.

P. ANY REFERENCE TO THE TERM "SUBSTANTIALLY COMPLETE" IN THIS SECTION 5 OF THE DEVELOPMENT STANDARDS SHALL MEAN A DETERMINATION BY CDOT AND/OR NCDOT THAT THE APPLICABLE TRANSPORTATION IMPROVEMENTS ARE DEEMED "SUBSTANTIALLY COMPLETE" FOR THE PURPOSE OF THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR NEW BUILDING(S) ON THE SITE. HOWEVER, IN THE EVENT THAT CERTAIN NON-ESSENTIAL TRANSPORTATION IMPROVEMENTS (AS REASONABLY DETERMINED BY CDOT) ARE NOT COMPLETED AT THE TIME THAT PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE, THEN CDOT WILL INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS, AND IN SUCH EVENT PETITIONER MAY BE REQUIRED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH CERTIFICATES OF OCCUPANCY ARE ISSUED TO SECURE THE COMPLETION OF THE RELEVANT IMPROVEMENTS.

Q. FOR PURPOSES OF THE TIMING OF THE CONSTRUCTION AND INSTALLATION OF THE TRANSPORTATION IMPROVEMENTS SET OUT BELOW, **"PHASE 1A"** OF THE DEVELOPMENT OF THE SITE (AS REFERENCED IN THE TRANSPORTATION IMPACT STUDY ("TIS") PREPARED BY KIMLEY-HORN AND ASSOCIATES, INC.) SHALL BE COMPRISED OF THE FOLLOWING LAND USES:

(1) A MAXIMUM 892 STUDENT COLLEGE OR UNIVERSITY; AND
(2) 450 MID-RISE MULTI-FAMILY DWELLING UNITS AND GROUND FLOOR NON-RESIDENTIAL USES.

PHASE 1A ALSO INCLUDES THE DEMOLITION OF THE FOLLOWING EXISTING LAND USES ON THE SITE:

(1) 146,703 SQUARE FEET OF GENERAL OFFICE USES; AND
(2) 21,604 SQUARE FEET OF MEDICAL OFFICE USES.

R. FOR PURPOSES OF THE TIMING OF THE CONSTRUCTION AND INSTALLATION OF THE TRANSPORTATION IMPROVEMENTS SET OUT BELOW, **"PHASE 1B"** OF THE DEVELOPMENT OF THE SITE (AS REFERENCED IN THE TIS) SHALL BE COMPRISED OF THE LAND USES SET OUT BELOW.

(1) THE CUMULATIVE TOTAL DEVELOPMENT OF THE FOLLOWING LAND USES (I.E., PHASE 1A + PHASE 1B):
(a) 393,000 SQUARE FEET OF GENERAL OFFICE USES;
(b) A MAXIMUM 892 STUDENT COLLEGE OR UNIVERSITY;
(c) 1,000 MID-RISE MULTI-FAMILY DWELLING UNITS WITH GROUND FLOOR NON-RESIDENTIAL USES; AND
(d) 600 HOTEL ROOMS.

PHASE 1B ALSO INCLUDES THE CUMULATIVE DEMOLITION OF THE FOLLOWING EXISTING LAND USES ON THE SITE (I.E., PHASE 1A + PHASE 1B):

(1) 211,345 SQUARE FEET OF GENERAL OFFICE USES; AND
(2) 21,604 SQUARE FEET OF MEDICAL OFFICE USES.

S. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN PHASE 1A OF THE DEVELOPMENT, PETITIONER SHALL SUBSTANTIALLY COMPLETE THE TRANSPORTATION IMPROVEMENTS SET OUT BELOW IN THIS PARAGRAPH 5.S.

(1) A TRANSPORTATION DEMAND MANAGEMENT PLAN ("TDM") AS REFERENCED IN TABLE 8.3 OF THE TIS AND DISCUSSED BELOW IN PARAGRAPH 5.W HAS BEEN DEVELOPED FOR THE PROPOSED DEVELOPMENT. THE RELEVANT TDM STRATEGY COMMITMENTS SHALL BE IMPLEMENTED AS MORE PARTICULARLY DISCUSSED IN PARAGRAPH 5.W.
(2) **SOUTH MCDOWELL STREET AND BAXTER STREET**
(a) INSTALL A TRAFFIC SIGNAL AND A CYCLE TRACK.
(b) CONSTRUCT A WESTBOUND LEFT-TURN LANE FROM BAXTER STREET ONTO SOUTH MCDOWELL STREET WITH 150 FEET OF STORAGE.
(c) CONSTRUCT OF AN EASTBOUND LEFT-TURN LANE FROM BAXTER STREET ONTO SOUTH MCDOWELL STREET WITH 100 FEET OF STORAGE.
(3) **KENILWORTH AVENUE AND PEARL PARK WAY**
(a) CONSTRUCT A PROTECTED INTERSECTION.
(4) **EAST STONEWALL STREET AND I-277 INNER LOOP**
(a) CONSTRUCT AN EASTBOUND LEFT-TURN LANE FROM EAST STONEWALL STREET ONTO THE I-277 INNER LOOP WITH 150 FEET OF STORAGE (IF NOT CONSTRUCTED BY OTHERS).
(5) **SOUTH MCDOWELL STREET AND ACCESS # 1**
(a) CONSTRUCT THE WESTBOUND APPROACH WITH A SINGLE INGRESS LANE AND A SINGLE EGRESS LANE.
(b) CONSTRUCT A SOUTHBOUND LEFT-TURN LANE FROM SOUTH MCDOWELL STREET INTO ACCESS #1 WITH A MINIMUM OF 100 FEET OF STORAGE.

T. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN PHASE 1B OF THE DEVELOPMENT, PETITIONER SHALL SUBSTANTIALLY COMPLETE THE TRANSPORTATION IMPROVEMENTS SET OUT BELOW IN THIS PARAGRAPH 5.T (THE "PHASE 1B TRANSPORTATION IMPROVEMENTS").

A NEW BUILDING IN PHASE 1B THAT WILL TRIGGER THE COMMITMENT TO CONSTRUCT THE PHASE 1B TRANSPORTATION IMPROVEMENTS SHALL MEAN A NEW BUILDING CONSTRUCTED ON THE SITE THAT IS NOT DEVOTED TO THE PHASE 1A USES DESCRIBED ABOVE IN PARAGRAPH 5.Q.

(1) THE RELEVANT TDM STRATEGY COMMITMENTS SHALL BE IMPLEMENTED AS MORE PARTICULARLY DISCUSSED IN PARAGRAPH 5.W.
(2) **EAST MOREHEAD STREET**
(a) CONVERT EAST MOREHEAD STREET TO A 5-LANE SECTION WITHIN THE EXISTING CURB LINE BETWEEN SOUTH MCDOWELL STREET AND KENILWORTH AVENUE.
(3) **EAST STONEWALL STREET AND SOUTH MCDOWELL STREET**
(a) INSTALL A LPI+ WITH BLANK-OUT SIGNS AND A RIGHT-TURN FLASHING YELLOW ARROW FOR THE WESTBOUND EAST STONEWALL STREET APPROACH.
(b) COORDINATE WITH CDOT AND BROOKLYN VILLAGE ON THE EXTENSION OF THE PROPOSED CYCLE TRACK OR MULTI-USE PATH FROM THE INTERSECTION OF SOUTH MCDOWELL STREET AND BAXTER STREET TO THE INTERSECTION OF SOUTH MCDOWELL STREET AND EAST STONEWALL STREET.
(4) **SOUTH MCDOWELL STREET AND ACCESS # 2**
(a) CONSTRUCT THE WESTBOUND APPROACH WITH A SINGLE INGRESS LANE AND A SINGLE EGRESS LANE.
(5) **EAST MOREHEAD STREET AND STREET A**
(a) CONSTRUCT THE SOUTHBOUND APPROACH OF STREET A WITH ONE INGRESS LANE, TWO EGRESS LANES (A DEDICATED LEFT-TURN LANE AND A DEDICATED RIGHT-TURN LANE WITH 100 FEET OF STORAGE) AND AN INTERNAL PROTECTED STEM OF 250 FEET.
(b) INSTALL A TRAFFIC SIGNAL WITH PEDESTRIAN ACCOMMODATIONS.
(c) CONSTRUCT AN EASTBOUND LEFT-TURN LANE FROM EAST MOREHEAD STREET INTO STREET A WITH A MINIMUM OF 150 FEET OF STORAGE AND PERMITTED-PROTECTED PHASING.
(6) **BAXTER STREET AND STREET A**
(a) CONSTRUCT A T-INTERSECTION WITH A TWO-LANE SECTION ON ALL THREE APPROACHES AND STOP-CONTROL ON THE WESTBOUND APPROACH.
(b) CONSIDER INSTALLATION OF A PAIR OF RRFBS TO ACCOMMODATE PEDESTRIAN CROSSINGS AT THIS INTERSECTION, **OR**
(c) CONSTRUCT A T-INTERSECTION WITH A TWO-LANE SECTION ON ALL THREE APPROACHES AND STOP-CONTROL ON ALL APPROACHES.

U. EACH OF THE TRANSPORTATION IMPROVEMENTS REFERENCED ABOVE ARE SUBJECT TO THE APPROVAL OF CDOT AND/OR NCDOT. IN THE EVENT THAT ANY TRANSPORTATION IMPROVEMENT IS NOT APPROVED BY CDOT AND/OR NCDOT, THEN PETITIONER SHALL HAVE NO OBLIGATION TO CONSTRUCT SUCH TRANSPORTATION IMPROVEMENT.

V. AS AN ALTERNATIVE TO THE IMPROVEMENTS LISTED IN SECTIONS 5.S AND 5.T ABOVE, IF ALL PARTIES IN COORDINATION WITH CDOT, NCDOT AND THE CITY OF CHARLOTTE, AS APPLICABLE, FIND THAT ALTERNATIVE TRANSPORTATION IMPROVEMENTS MAY BE PREFERRED, THE ABOVE COMMITMENTS MAY BE MODIFIED BY SUCH PARTIES.

W. AS NOTED ABOVE, A TDM HAS BEEN DEVELOPED FOR THE SITE AND THE TDM STRATEGY COMMITMENTS ARE SET OUT IN TABLE 8.3 OF THE TIS. THE SPECIFIC TDM STRATEGY COMMITMENTS TO BE IMPLEMENTED BY PETITIONER AND THE TIMING OF IMPLEMENTATION ARE SET OUT BELOW.

(1) TRANSIT SUBSIDIES. COORDINATE WITH CATS ON THE POTENTIAL IMPLEMENTATION OF THE UNIVERSITY PASS & EMPLOYEE TRANSPORTATION COORDINATOR PROGRAMS TO PROVIDE DISCOUNT TRANSIT PASSES TO STUDENTS OF THE COLLEGE OR UNIVERSITY. THIS STRATEGY SHALL BE IMPLEMENTED ONGOING AFTER PHASE 1A OF THE DEVELOPMENT.
(2) BIKE/SCOOTER SHARE OR LOAN PROGRAM. IMPLEMENT A BIKE SHARE PROGRAM ON THE SITE. THIS STRATEGY SHALL BE IMPLEMENTED IN PHASE 1B OF THE DEVELOPMENT.
(3) END TRIP BIKE FACILITIES. PROVIDE BIKE STORAGE/RACKS THROUGHOUT THE SITE. THIS STRATEGY SHALL BE IMPLEMENTED AS DEVELOPMENT PHASING ALLOWS.
(4) VANPOOL. COORDINATE WITH CATS ON THE POTENTIAL IMPLEMENTATION OF A VANPOOL FOR RETAIL EMPLOYEES. THIS STRATEGY SHALL BE IMPLEMENTED AS DEVELOPMENT PHASING ALLOWS.
(5) FLEXIBLE PARKING. IMPLEMENT SHORT-TERM PARKING PERMITTING AND/OR PRICING OPTIONS FOR EMPLOYEES IN LIEU OF LONG-TERM (MONTHLY OR ANNUAL) PERMITS. THIS STRATEGY SHALL BE IMPLEMENTED WHEN MARKET CONDITIONS ALLOW FOR PRICING.
(6) SHARED PARKING. LEVERAGE SHARED PARKING OPPORTUNITIES TO REDUCE OVERALL PARKING SUPPLY. THIS STRATEGY SHALL BE IMPLEMENTED AS DEVELOPMENT PHASING ALLOWS.
(7) MOBILITY HUB. CONSTRUCT A MOBILITY HUB AT AN APPROPRIATE LOCATION ON THE SITE (WILL INCLUDE BIKE SHARE, CAR SHARE AND/OR REAL-TIME TRACKING SIGNAGE). THIS STRATEGY SHALL BE IMPLEMENTED IN PHASE 1B OF THE DEVELOPMENT.
(8) IMPROVED TRANSIT ACCESS. COORDINATE WITH CATS ON THE IMPROVEMENT OF LOCAL BUS STOPS AND POTENTIAL RE-ROUTING. WORK WITH CATS ON THE IMPLEMENTATION OF A SHUTTLE BETWEEN THE CHARLOTTE TRANSIT CENTER AND THE SITE AND THE MAIN CAMPUS OF CAROLINAS MEDICAL CENTER AND POTENTIAL FUNDING PARTNERSHIPS. THIS SHALL BE AN ONGOING COMMITMENT THROUGHOUT THE DEVELOPMENT OF THE SITE.
(9) MIXED LAND USES. EMPHASIZE A MIXTURE OF LAND USES TO CAPITALIZE ON THE POTENTIAL FOR INTERNAL TRIP CAPTURE. THIS STRATEGY SHALL BE IMPLEMENTED AS DEVELOPMENT PHASING ALLOWS.
(10) BIKE/PEDESTRIAN CONNECTIONS. INSTALL A SIGNAL WITH PEDESTRIAN ACCOMMODATIONS ON EAST MOREHEAD STREET. CONSTRUCT A CYCLE TRACK THAT WILL CONNECT TO THE PEARL PARK WAY EXTENSION AND EXTEND ALONG BAXTER STREET TO SOUTH MCDOWELL STREET. COORDINATE WITH CDOT AND BROOKLYN VILLAGE ON THE EXTENSION OF THE PROPOSED CYCLE TRACK OR MULTI-USE PATH FROM THE INTERSECTION OF SOUTH MCDOWELL STREET AND BAXTER STREET TO THE INTERSECTION OF SOUTH MCDOWELL STREET AND EAST STONEWALL STREET. THIS STRATEGY SHALL BE AN ONGOING COMMITMENT THROUGH PHASE 1B OF THE DEVELOPMENT SUBJECT TO GOVERNMENTAL APPROVALS.
(11) TRANSPORTATION COORDINATOR. DESIGNATE AN ON-SITE COORDINATOR TO MANAGE THE TDM PROGRAM. THIS STRATEGY SHALL BE IMPLEMENTED IN PHASE 1B OF THE DEVELOPMENT.
(12) TDM PROGRAM BRANDING. DEVELOP BRANDING FOR THE TDM PROGRAM. THIS STRATEGY SHALL BE IMPLEMENTED IN PHASE 1B OF THE DEVELOPMENT.
(13) REAL-TIME MULTI-MODAL SIGNAGE. INSTALL REAL-TIME SIGNAGE AND WAYFINDING FOR A VARIETY OF MODES (INCLUDES REAL-TIME PARKING FACILITY OCCUPANCY, TRANSIT ARRIVAL TIMES, BIKE/SCOOTER SHARE AVAILABILITY). THIS STRATEGY SHALL BE IMPLEMENTED AS DEVELOPMENT PHASING ALLOWS.
(14) ANNUAL MOBILITY REPORTING. ANNUAL REPORTING ON TDM METRICS AND PERFORMANCE. THIS REPORTING WILL NOT INCLUDE ACTIVE MONITORING/DATA COLLECTION BEYOND THE METRICS THAT WILL ALREADY BE COLLECTED BY THE TRANSPORTATION COORDINATOR. THIS STRATEGY SHALL AN ONGOING COMMITMENT.

X. ALL PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AND NCDOT, AS APPLICABLE, TO THE ROADWAY IMPROVEMENTS WITHIN THEIR RESPECTIVE ROAD SYSTEM AUTHORITY. IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER DEVELOPERS OR ROADWAY PROJECTS TAKING PLACE WITHIN THE AREA OF THE SITE, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

Y. THE DETERMINATION OF WHETHER NEW INTERNAL STREETS CONSTRUCTED BY PETITIONER SHALL BE PUBLIC STREETS OR PRIVATE STREETS SHALL BE MADE IN CONJUNCTION WITH CDOT DURING THE PERMITTING PROCESS.

Z. SUBJECT TO THE APPROVAL OF CDOT AND ALL OTHER APPLICABLE GOVERNMENTAL AGENCIES AND AUTHORITIES AND THE APPROVAL OF COVENANT PRESBYTERIAN CHURCH, PETITIONER WILL PROVIDE TRAFFIC CALMING MEASURES ON DILWORTH ROAD IN THE FORM OF STRIPING (BUT NOT RESURFACING OR REPAVING) BETWEEN MOREHEAD STREET AND ROMANY ROAD. THESE TRAFFIC CALMING MEASURES SHALL BE INSTALLED BY PETITIONER PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN PHASE 1B OF THE DEVELOPMENT. IN THE EVENT THAT PETITIONER CANNOT OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO INSTALL THESE TRAFFIC CALMING MEASURES, THEN PETITIONER SHALL HAVE NO OBLIGATION TO INSTALL THESE TRAFFIC CALMING MEASURES.

No.	REVISIONS	DATE	BY

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KH PROJECT 015031128
DATE 08/16/2021
SCALE AS SHOWN
DESIGNED BY ---
DRAWN BY ---
CHECKED BY ---

DEVELOPMENT STANDARDS

REZONING PETITION No.2021-092

CHARLOTTE INNOVATION COMMUNITY
PREPARED FOR
ATRIUM HEALTH

CITY OF CHARLOTTE   NORTH CAROLINA

SHEET NUMBER
RZ-2.0

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6. ARCHITECTURAL STANDARDS

A. THE MAXIMUM ALLOWED BUILDING HEIGHT IN EACH DEVELOPMENT AREA IS SET OUT ON THE DEVELOPABLE BUILDING HEIGHTS EXHIBIT (SHEET RZ-1.3 OF THE REZONING PLAN).

B. NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, THE BUILDING HEIGHT LIMITATIONS SET OUT ON THE DEVELOPABLE BUILDING HEIGHTS EXHIBIT SHALL NOT APPLY TO ANY EXISTING BUILDINGS OR STRUCTURES LOCATED ON THE SITE.

C. THE DESIGN STANDARDS SET OUT BELOW SHALL APPLY TO THE DEVELOPMENT OF THE SITE.

(1) **STREET FRONTAGE TYPES**.

(a) THE FRONTAGE TYPES ARE DEFINED AND DEPICTED BELOW.

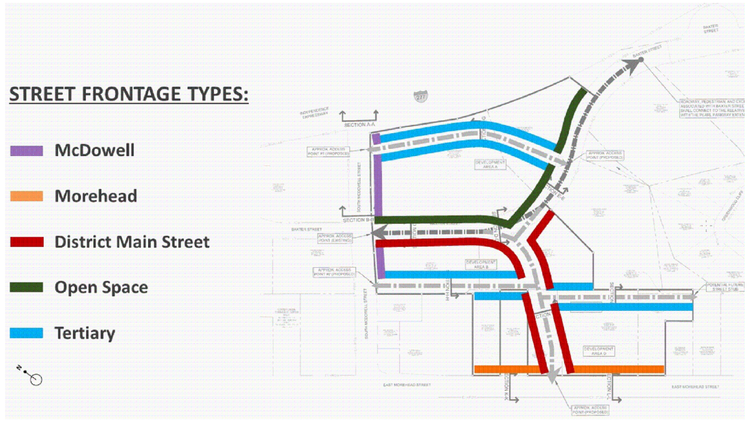
(i) MCDOWELL.

(ii) MOREHEAD.

(iii) DISTRICT MAIN STREET.

(iv) OPEN SPACE (ALONG MAIN PLAZA AND PURPOSEFUL WALK).

(v) TERTIARY.



(2) **BUILDING DIMENSIONS (BUILDING/WALL LENGTH)**.

(a) IN INSTANCES WHERE THE URBAN WALL IS 450 FEET OR LONGER, AN INTERRUPTION OR BREAK IN THE URBAN WALL IS REQUIRED. PEDESTRIAN WAYS MAY ACCOMPANY THESE INTERRUPTIONS OR BREAKS TO PROVIDE ACCESS THROUGH A BLOCK OR ACCESS TO OPEN SPACES OR PARKING AT THE INTERIOR OF THE BLOCK.

A BREAK OR INTERRUPTION IN THE URBAN WALL MAY BE ACHIEVED BY:

(i) CREATING AN EXTERIOR PASSAGE WAY WITH A MINIMUM WIDTH OF 20 FEET EXTENDING ALL THE WAY THROUGH THE BLOCK TO ANOTHER PUBLIC WAY OR PARTIALLY EXTENDING INTO THE BLOCK TO PROVIDE ACCESS TO A PARKING GARAGE OR OPEN SPACE WITHIN THE INTERIOR OF THE BLOCK. BUILDINGS MAY SPAN OVER THE TOP OF THIS EXTERIOR WAY AT A MINIMUM HEIGHT OF 24 FEET AND A MINIMUM DISTANCE OF 20 FEET FROM THE BUILDING'S OUTER FAÇADE.

(ii) CREATING A MINIMUM 30 FOOT GAP BETWEEN THE PRIMARY MASSES OF BUILDINGS ABOVE THE THIRD FLOOR SUCH THAT ALL BUILDING FAÇADES ABOVE THE THIRD FLOOR ARE LESS THAN 450'.

(b) NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, THE MAXIMUM BUILDING LENGTH ALONG THE MOREHEAD STREET FRONTAGE SHALL BE 350 FEET.

(3) **BUILDING SITING**.

(a) SETBACKS SHALL BE AS SET OUT BELOW BASED ON STREET FRONTAGE TYPE.

(i) MCDOWELL STREET: A MINIMUM 18 FOOT SETBACK AND A MAXIMUM 36 FOOT SETBACK AS MEASURED FROM BACK OF CURB.

(ii) DISTRICT MAIN STREET: A MINIMUM 16 FOOT SETBACK AND A MAXIMUM 24 FOOT SETBACK AS MEASURED FROM BACK OF CURB.

(iii) MOREHEAD STREET: A MINIMUM 24 FOOT SETBACK AND A MAXIMUM 40 FOOT SETBACK AS MEASURED FROM BACK OF CURB.

(iv) TERTIARY STREET: A MINIMUM 12 FOOT SETBACK AND A MAXIMUM 20 FOOT SETBACK AS MEASURED FROM BACK OF CURB.

(v) OPEN SPACE: A MINIMUM 0 FOOT SETBACK AND A MAXIMUM 150 SETBACK AS MEASURED FROM THE PUBLIC RIGHT OF WAY.

(b) SIDE YARD: 0 FOOT SIDE YARD, PROVIDED, HOWEVER, THAT A 10 FOOT SIDE YARD SHALL BE REQUIRED ADJACENT TO SINGLE FAMILY RESIDENTIAL USES.

(c) REAR YARD: 0 FOOT REAR YARD, PROVIDED, HOWEVER, THAT A 10 FOOT REAR YARD SHALL BE REQUIRED ADJACENT TO SINGLE FAMILY RESIDENTIAL USES.

(4) **MINIMUM BUILD-TO PERCENTAGE BY STREET FRONTAGE**.

(a) FOR PURPOSES OF THIS SECTION 6.C(4) OF THE DEVELOPMENT STANDARDS, "BUILD-TO ZONE" SHALL MEAN THE AREA BETWEEN THE MINIMUM SETBACK AND THE MAXIMUM SETBACK, WHICH MINIMUM AND MAXIMUM SETBACKS ARE SET OUT ABOVE IN SECTION 6.C(3).

(b) A BUILD-TO PERCENTAGE SPECIFIES THE PERCENTAGE OF THE BUILDING FAÇADE THAT SHALL BE LOCATED WITHIN THE BUILD-TO ZONE. FAÇADE ARTICULATION, SUCH AS WINDOW OR WALL RECESSES AND PROJECTIONS, DO NOT COUNT AGAINST THE REQUIRED BUILD-TO PERCENTAGE. PLAZAS, OUTDOOR DINING AND OTHER PUBLIC OPEN SPACE FEATURES THAT ARE ALSO BOUNDED BY A BUILDING FAÇADE PARALLEL TO THE FRONTAGE ARE COUNTED AS MEETING THE BUILD-TO PERCENTAGE. PRIVATE RESIDENTIAL COURTYARDS THAT ARE NO MORE THAN 18 INCHES ABOVE OR BELOW GRADE FOR RESIDENTIAL USES MAY BE COUNTED FOR UP TO 40% OF THE BUILD-TO PERCENTAGE IN RESIDENTIAL DEVELOPMENTS. BUILD-TO PERCENTAGE IS CALCULATED BY BUILDING FAÇADE, NOT LOT WIDTH.

(c) THE MINIMUM BUILD-TO PERCENTAGE FOR EACH STREET FRONTAGE TYPE SHALL BE AS SET OUT BELOW.

(i) MCDOWELL STREET, MOREHEAD STREET AND DISTRICT MAIN STREET: 80%.

(ii) OPEN SPACE: 80%.

(iii) TERTIARY STREET: 60%.

(5) **REQUIRED HEIGHT STEPBACK ON DEVELOPMENT AREA D**

(a) FOR ANY BUILDING LOCATED ON DEVELOPMENT AREA D, BUILDING HEIGHT ABOVE 80 FEET SHALL REQUIRE A MINIMUM BUILDING STEPBACK OF 10 FEET FROM THE BUILDING FAÇADE LINE FACING EAST MOREHEAD STREET. A CORNER TOWER ELEMENT (CORNER LOTS ONLY) LIMITED IN WIDTH AND DEPTH TO A MAXIMUM OF 25% OF THE BUILDING FRONTAGE MAY EXCEED THE HEIGHT AT WHICH A STEPBACK IS REQUIRED, BUT MAY NOT EXCEED THE ALLOWED MAXIMUM BUILDING HEIGHT.

(6) **BUILDING ARTICULATION**.

(a) MINIMUM GROUND FLOOR HEIGHT (FLOOR TO FLOOR).

(i) 14 FOOT MINIMUM UNLESS THE GROUND FLOOR OF A BUILDING IS NON-CONVERTIBLE RESIDENTIAL, IN WHICH CASE THE MINIMUM GROUND FLOOR HEIGHT SHALL BE 10 FEET.

(ii) AT LEAST 70% OF THE TOTAL GROUND FLOOR HEIGHT SHALL MEET THE MINIMUM GROUND FLOOR HEIGHT REQUIREMENT.

(iii) THE GROUND FLOOR OF RESIDENTIAL DEVELOPMENTS IS STILL CONSIDERED RESIDENTIAL WHEN LEASING OR MANAGEMENT OFFICES AND/OR TENANT FACILITIES, SUCH AS GYMS AND COMMUNITY/PARTY ROOMS, ARE LOCATED ON THE GROUND FLOOR.

(b) BLANK WALL AREA (HORIZONTAL OR VERTICAL).

(i) 20 FOOT MAXIMUM FOR BUILDINGS ON MCDOWELL STREET, DISTRICT MAIN STREET AND OPEN SPACE.

(ii) 10 FOOT MAXIMUM FOR BUILDINGS ON MOREHEAD STREET.

(iii) 30 FOOT MAXIMUM FOR BUILDINGS ON TERTIARY STREETS.

(c) GROUND FLOOR TRANSPARENCY AREA (MEASURED 3 FEET TO 10 FEET FROM FINISHED GRADE).

(i) 60% MINIMUM FOR NON-RESIDENTIAL USES AND 25% MINIMUM FOR RESIDENTIAL USES.

(d) UPPER FLOOR TRANSPARENCY (% OF WALL STORY AREA).

(i) NON-RESIDENTIAL: 40% MINIMUM.

(ii) RESIDENTIAL: 25% MINIMUM.

(7) **NON-RESIDENTIAL, MIXED-USE AND MULTI-FAMILY STACKED DESIGN STANDARDS**.

(a) TABLE 6(7) BELOW CONTAINS THE DESIGN STANDARDS FOR NON-RESIDENTIAL, MIXED USE AND MULTI-FAMILY STACKED BUILDINGS ON THE SITE. TABLE 6(7) ASSIGNS DESIGN STANDARDS TO BUILDING FACADES ALONG THE DIFFERENT TYPES OF STREET FRONTAGES ON THE SITE. AN "X" INDICATES THAT THE SPECIFIC DESIGN STANDARD APPLIES.

TABLE 6(7)

FRONTAGE TYPE	MCDOWELL	MOREHEAD	DISTRICT MAIN STREET	OPEN SPACE	TERTIARY
FOR BUILDINGS OF 150' IN LENGTH OR LONGER, FACADES SHALL BE DIVIDED INTO SHORTER SEGMENTS BY MEANS OF MODULATION. MODULATION MAY BE ACHIEVED THROUGH RECESSES, PROJECTIONS, OR ANGLE CHANGES OF NO LESS THAN 2' IN DEPTH AND 10' IN WIDTH.	X		X	X	
ALONG THE MOREHEAD STREET FRONTAGE, THE FACADE OF A BUILDING GREATER THAN 100 FEET IN LENGTH SHALL BE DIVIDED INTO SHORTER SEGMENTS (LESS THAN 100 FEET) BY MEANS OF MODULATION. MODULATION MAY BE ACHIEVED THROUGH RECESSES, PROJECTIONS OR ANGLE CHANGES OF NO LESS THAN 4' IN DEPTH AND 10' IN WIDTH.		X			
ARCADES, GALLERIES, COLONNADES, OUTDOOR PLAZAS, OUTDOOR DINING AREAS, OR SIMILAR PEDESTRIAN-ORIENTED GROUND FLOOR DESIGNS MAY BE INCORPORATED INTO FACADES. WHEN PROVIDED, SUCH FEATURES THAT ARE IN LINE WITH THE BUILDING FACADE ABOVE THE GROUND FLOOR ARE CONSIDERED TO MEET ANY REQUIRED BUILD-TO PERCENTAGE.	X	X	X	X	X
THE GROUND FLOOR (AT GRADE/STREET LEVEL) SHALL BE DISTINGUISHED FROM THE REMAINDER OF THE BUILDING WITH AN EMPHASIS ON PROVIDING DESIGN ELEMENTS THAT WILL ENHANCE THE PEDESTRIAN ENVIRONMENT. FEATURES SUCH AS LARGE OPENINGS, CHANGES IN MATERIAL OR COLOR, RECESSING, ARCHITECTURAL LIGHTING, AND OTHER SCULPTING OR ARTICULATION OF THE MASSING SHOULD BE PROVIDED TO ADD SPECIAL INTEREST TO THE BASE.	X	X	X	X	X
EACH BUILDING SHALL HAVE A MINIMUM OF ONE PROMINENT ENTRANCE (AS DEFINED BELOW).	X	X	X	X	

PROMINENT ENTRANCE DEFINITION: A BUILDING ENTRANCE THAT IS VISUALLY DISTINCTIVE FROM THE REMAINING PORTIONS OF THE FAÇADE WHERE IT IS LOCATED.

(i) FOR NONRESIDENTIAL, MIXED-USE AND MULTI-FAMILY STACKED BUILDINGS, ENTRANCES THAT CONTAIN AT LEAST THREE OF THE FOLLOWING ARE CONSIDERED A PROMINENT ENTRANCE: DECORATIVE PEDESTRIAN LIGHTING/SCONCES; ARCHITECTURAL DETAILS CARRIED THROUGH TO UPPER STORIES; COVERED PORCHES, CANOPIES, AWNINGS OR SUNSHADES; ARCHWAYS; TRANSOM OR SIDELIGHT WINDOWS; TERRACED OR RAISED PLANTERS; COMMON OUTDOOR SEATING ENHANCED WITH SPECIALTY DETAILS, PAVING, LANDSCAPING, OR WATER FEATURES; DOUBLE DOORS; AND STOOPS OR STAIRS.

(ii) FOR MULTI-FAMILY ATTACHED UNITS, ENTRANCES THAT CONTAIN ONE OR MORE OF THE FOLLOWING FEATURES ARE CONSIDERED A PROMINENT ENTRANCE: PORCHES, RAISED STEPS AND STOOPS WITH OR WITHOUT ROOF OVERHANGS, DECORATIVE RAILINGS.

(8) **PARKING GARAGE DESIGN STANDARDS**.

(a) GENERAL PARKING GARAGE DESIGN REGULATIONS.

(i) ALL PARKING GARAGES SHALL BE SCREENED, WRAPPED, OR TREATED BASED ON STREET FRONTAGE TYPE AS INDICATED IN TABLE 6(8) BELOW.

(ii) PARKING GARAGE FACADES MAY BE SCREENED USING DECORATIVE ELEMENTS SUCH AS GRILLWORK, LOUVERS, GREEN WALLS OR A SIMILAR TREATMENT.

(iii) PARKING GARAGES LOCATED ALONG THE SITE'S FRONTAGE ON SOUTH MCDOWELL STREET OR ALONG THE SITE'S FRONTAGE ON INTERSTATE 277 MAY USE ARTISTIC OR BRANDED ARCHITECTURAL GARAGE SCREENING.

(iv) WHERE PARKING GARAGES ARE INTEGRATED INTO OCCUPIABLE BUILDINGS, THE FACADES OF PARKING STRUCTURES SHOULD INCLUDE BOTH VERTICAL AND HORIZONTAL TREATMENT THAT RESEMBLES PATTERNS AND ARCHITECTURE OF THE OCCUPIED PORTIONS OF THE BUILDING, INCLUDING USE OF SIMILAR MATERIALS AND A SIMILAR RHYTHM OF WINDOW OPENINGS. THE REMAINING OPENING SHALL BE SCREENED USING DECORATIVE ELEMENTS SUCH AS GRILLWORK, LOUVERS, GREEN WALLS, OR A SIMILAR TREATMENT.

(v) FOR PARKING STRUCTURES WITH ROOFTOP OPEN-AIR PARKING, A PARAPET WALL OF SUFFICIENT HEIGHT TO ENSURE VEHICLES ARE NOT VISIBLE FROM THE NEAREST SIDEWALK IS REQUIRED. ANY SUCH PARAPET WALL SHALL BE A MINIMUM OF FOUR FEET IN HEIGHT.

(vi) ON PORTIONS OF A FACADE ABUTTING ANY FRONTAGE WHERE ACTIVE USES, INGRESS/EGRESS POINTS, AND/OR MECHANICAL EQUIPMENT ARE NOT PRESENT, PEDESTRIAN-SCALE INTEREST AND ACTIVITY SHOULD BE CREATED THROUGH THE INCLUSION OF ARCHITECTURAL ELEMENTS, SUCH AS AWNINGS, OVERHANGS, DECORATIVE SCREENS, GRILLS, LOUVERS, OR OTHER SIMILAR FEATURES.

(vii) PARKING STRUCTURES SHOULD BE DESIGNED SO THAT VEHICLES PARKED ON ALL LEVELS OF THE STRUCTURE AND ASSOCIATED LIGHTING ARE SCREENED BY A WALL OR PANEL MEASURING A MINIMUM OF 42 INCHES IN HEIGHT.

(b) GROUND FLOOR ACTIVATION FOR PARKING GARAGES.

(i) GROUND FLOOR ACTIVATION OF PARKING STRUCTURES IS ENCOURAGED BUT NOT REQUIRED

(ii) WHEN PROVIDED, GROUND FLOOR ACTIVATION SHOULD SPAN A MINIMUM OF 60% OF THE GROUND FLOOR OF THE BUILDING EXCLUDING AREAS FOR REQUIRED VEHICULAR AND PEDESTRIAN EGRESS, AND MECHANICAL OR ELECTRICAL EQUIPMENT ROOMS.

(iii) ACTIVE USE SPACE SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF TABLE 6(8) BELOW. NON-RESIDENTIAL USES SHALL BE A MINIMUM OF 20 FEET IN WIDTH AND 20 FEET IN DEPTH, WITH UTILITY STUBS AND THE ABILITY TO ACCOMMODATE EQUIPMENT FOR RESTAURANT USES. WHEN THE ACTIVE USE SPACES ARE RESIDENTIAL UNITS, THEY ARE NOT REQUIRED TO ACCOMMODATE EQUIPMENT FOR RESTAURANT USES.

(c) ALLOWED PARKING GARAGE SCREENING METHODS BASED ON STREET FRONTAGE TYPE.

(i) PARKING GARAGES SHALL BE DESIGNED IN ACCORDANCE WITH THE REQUIREMENTS OF TABLE 6(8) BELOW WHEN LOCATED ON THE APPLICABLE STREET FRONTAGE TYPE. WHERE MULTIPLE SCREENING METHODS ARE INDICATED WITH A "P", ANY OF THE STATED SCREENING METHODS SHALL BE PERMITTED. AN "NP" INDICATES THAT A SCREENING METHOD IS NOT PERMITTED.

TABLE 6(8)

FRONTAGE TYPE	MCDOWELL	MOREHEAD	DISTRICT MAIN STREET	OPEN SPACE	TERTIARY
ALL FLOORS WRAPPED WITH OCCUPIABLE BUILDING AND ACTIVE GROUND FLOOR	P	P	P	P	P
ACTIVE GROUND FLOOR ONLY WITH ARCHITECTURALLY SCREENED GARAGE ABOVE	P	NP	NP	NP	P
ARCHITECTURALLY SCREENED GARAGE WITH NO ACTIVE GROUND FLOOR	P	NP	NP	NP	P

7. STREETSCAPE/LANDSCAPING

A. PLANTING STRIPS AND SIDEWALKS SHALL BE INSTALLED IN ACCORDANCE WITH THE STREET CROSS SECTIONS SET OUT ON SHEETS RZ-1.1 AND RZ-1.2 OF THE REZONING PLAN.

B. 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 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.

8. ENVIRONMENTAL FEATURES

A. PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST-CONSTRUCTION STORMWATER ORDINANCE, SUBJECT, HOWEVER, TO ANY SUPERSEDING OR LIMITING STATE STATUTE OR LEGISLATION.

B. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE.

C. ANY NEW STREET TREES PLANTED ALONG THE SITE'S FRONTAGE ON EAST MOREHEAD STREET WILL BE SPACED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE, AND ANY SUCH NEW STREET TREES WILL BE SPACED IN GENERAL CONFORMITY WITH THE SPACING OF THE EXISTING STREET TREES ALONG EAST MOREHEAD STREET WHERE PERMITTED BY EXISTING OR PLANNED FUTURE CONDITIONS.

D. AS NOTED ABOVE IN PARAGRAPH 1.F, THE DEVELOPMENT OF THE SITE SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. ACCORDINGLY, THE TREE SAVE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE SHALL BE CALCULATED AND SATISFIED OVER THE ENTIRE SITE, RATHER THAN WITHIN EACH INDIVIDUAL DEVELOPMENT AREA. AS A RESULT, EACH DEVELOPMENT AREA SHALL NOT BE REQUIRED TO MEET THE TREE SAVE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE PROVIDED THAT THE SITE AS A WHOLE MEETS SUCH TREE SAVE REQUIREMENTS.

9. OPEN SPACE

A. AS NOTED ABOVE IN PARAGRAPH 1.F, THE SITE SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. ACCORDINGLY, THE OPEN SPACE REQUIREMENTS SHALL BE CALCULATED AND SATISFIED OVER THE ENTIRE SITE, RATHER THAN WITHIN EACH INDIVIDUAL DEVELOPMENT AREA OR WITHIN EACH INDIVIDUAL BUILDING SITE OR LOT. AS A RESULT, EACH DEVELOPMENT AREA OR EACH INDIVIDUAL BUILDING SITE OR LOT SHALL NOT BE REQUIRED TO MEET THE OPEN SPACE REQUIREMENTS PROVIDED THAT THE SITE AS A WHOLE MEETS SUCH OPEN SPACE REQUIREMENTS.

B. REQUIRED OPEN SPACE MAY BE PROVIDED IN ONE OR MORE OPEN SPACE AREAS WITHIN THE SITE.

C. A MINIMUM OF 10% OF THE SITE SHALL BE DEVOTED TO OPEN SPACE. A MINIMUM OF 25% OF THE REQUIRED OPEN SPACE SHALL BE PUBLIC OPEN SPACE.

D. PUBLIC OPEN SPACE IS DEFINED AS OPEN SPACE MAINTAINED FOR THE USE OF THE GENERAL PUBLIC. PUBLIC OPEN SPACE MAY INCLUDE PARKS, PLAZAS AND PUBLIC SEATING AREAS.

E. 50% OF THE REQUIRED OPEN SPACE AREA MAY BE PROVIDED AS A WIDENED SIDEWALK WHEN SUCH SIDEWALK IS GREATER THAN 8 FEET IN WIDTH (IN ADDITION TO REQUIRED STREETSCAPE). OUTDOOR DINING MAY BE INCLUDED IN THIS AREA.

F. AT A MINIMUM, THE PUBLIC OPEN SPACE AREAS ON THE SITE SHALL CONTAIN HARDSCAPE, LANDSCAPING, WALKING PATHS AND BENCHES.

10. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

A. 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.

B. 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.

C. 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.

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
200 SOUTH TRYON ST, SUITE 200, CHARLOTTE, NC 28202
PHONE: 704-333-5131
WWW.KIMLEY-HORN.COM
NC LICENSE #F-0102

KH PROJECT 015031128
DATE 08/16/2021
SCALE AS SHOWN
DESIGNED BY ---
DRAWN BY ---
CHECKED BY ---

DEVELOPMENT STANDARDS

REZONING PETITION No.2021-092

CHARLOTTE INNOVATION COMMUNITY
PREPARED FOR
ATRIUM HEALTH
CITY OF CHARLOTTE NORTH CAROLINA

SHEET NUMBER
RZ-2.1

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

Plotted By:Cahill, Pat Sheet Set:Atrium - CKC Rezoning Layout:RZ-2.1 DEVELOPMENT STANDARDS November 18, 2021 04:41:34pm \\kimley-horn.com\SE_CHL1\CHL_PRJ\015031 Carolinas Healthcare System\128 CKC Rezoning and Design\02 - DWG\Plansheets\1-0 - Rezoning_RZ\RZ-2.0 DEVELOPMENT STANDARDS.dwg

Petition 2021-092 by Charlotte-Mecklenburg Hospital Authority

To Approve:

The petition is found to be **consistent** with the adopted *Midtown Morehead Cherry Area plan* (2012) recommendation of residential/office/retail for a portion of the site and **inconsistent** with the plan recommendation of residential/office for a portion of the site based on the information from the staff analysis and the public hearing, and because:

- The plan recommends the overall uses of residential, office, and retail and envisions a mix of uses across the rezoning area.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential/office/retail for most of the site. While the plan recommendation for retail does not continue to the southern portion of the site, retail uses would be compatible with the surrounding existing development.
- The petition is within the pedestrian overlay which encourages more intense development and redevelopment along existing business corridors including E. Morehead and S. McDowell.
- Numerous transportation improvements along the adjacent rights-of-ways will improve the walkability of this area and access around the uptown I-277 loop.
- The redevelopment of the site could facilitate the creation of a vibrant center with a mix of uses ranging from education, retail, hospitality, residential, and office.

The approval of this petition will revise the adopted future land use as specified by the *Midtown Morehead Cherry Area Plan,* from residential/office to residential/office/retail for a portion of the site.

To Deny:

The petition is found to be **consistent** with the adopted *Midtown Morehead Cherry Area plan* (2012) recommendation of residential/office/retail for a portion of the site and **inconsistent** with the plan recommendation of residential/office for a portion of the site based on the information from the staff analysis and the public hearing, and because:

- The plan encourages future development to contribute to the overall viability and livability of Center City.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 7.**File #:** 15-16982 **Type:** Zoning Item

Rezoning Petition: 2021-095 by Kenjoh Outdoor

Location: Approximately 2.85 acres located along the southeast interchange of Interstate 77 and Interstate 85, west of Statesville Avenue. (Council District 1 - Egleston)

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

Public Hearing Held: November 22, 2021 - Item #57

Staff Resource: Michael Russell

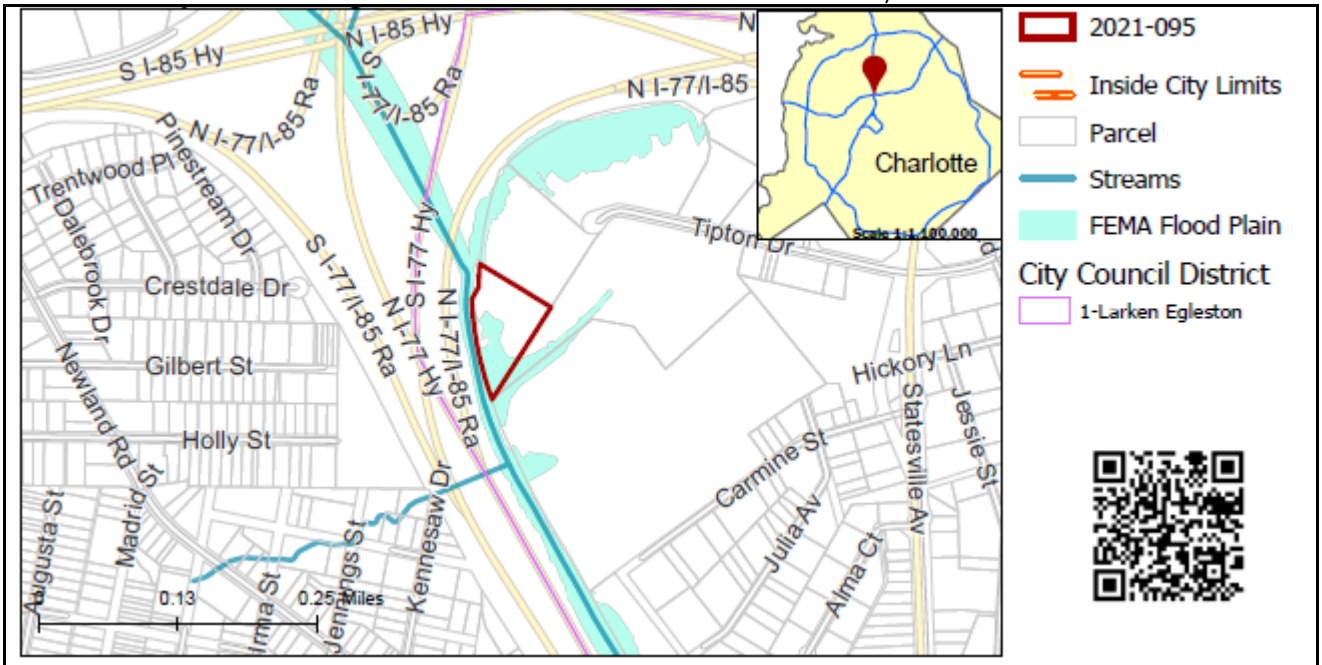
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-095
Post-Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: I-1(CD) (light industrial, conditional) Proposed Zoning: I-1 (light industrial)
LOCATION	Approximately 2.85 acres located along the southeast interchange of Interstate 77 and Interstate 85, west of Statesville Avenue.



SUMMARY OF PETITION	The petition proposes to allow all uses in the I-1 (light industrial) zoning district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Charlotte-Mecklenburg Board of Education Kenjoh Outdoor Collin Brown, Alexander Ricks, PLLC
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

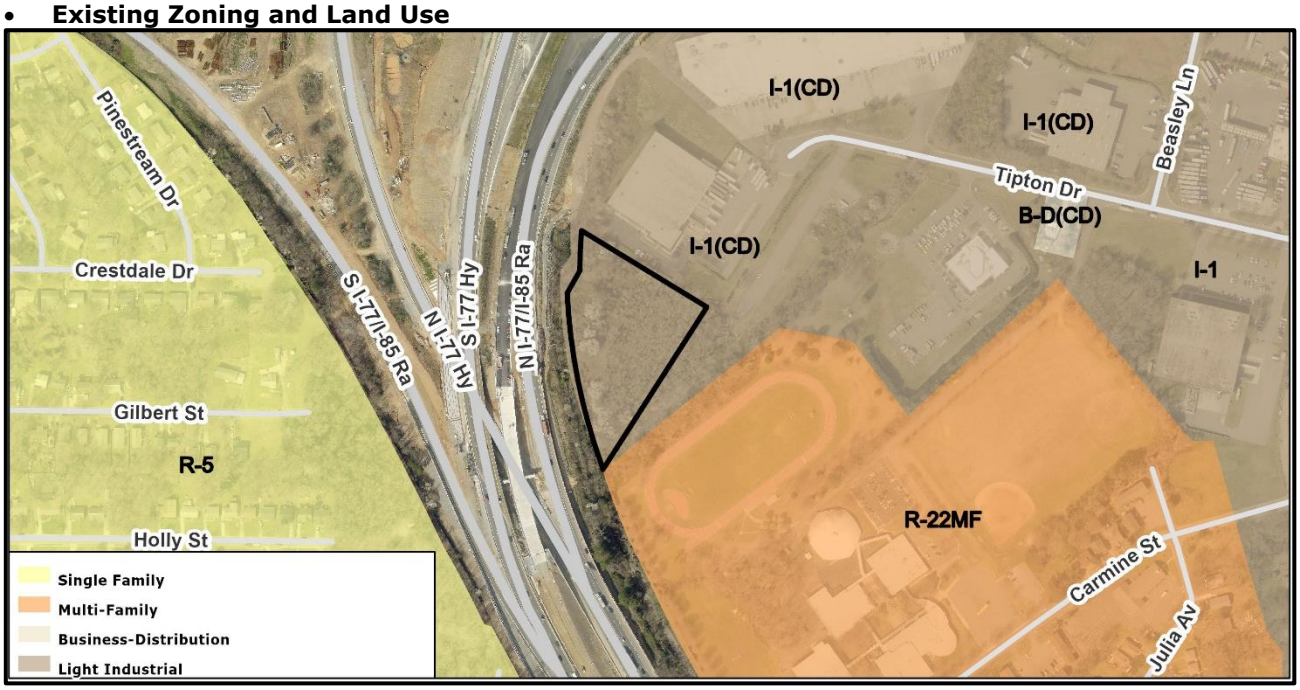
The petition is **consistent** with the *Central District Plan (1990)* recommendation of industrial uses.

Rationale for Recommendation

- This petition seeks a conventional rezoning to allow I-1 uses on the site.
- This petition is consistent with the district plan's recommendation of industrial land uses and is consistent with the industrial land uses off Tipton Road.
- This petition fulfills the district plan's recommendation to promote revitalization of older industrial areas.

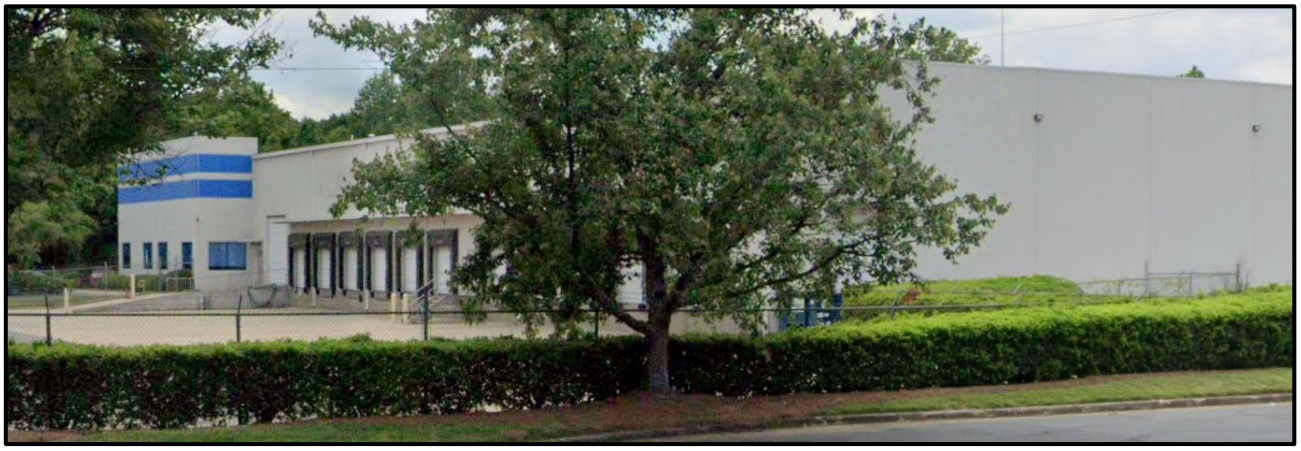
PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
  - Allows all uses in the I-1 (light industrial) zoning district.
- **Existing Zoning and Land Use**



The surrounding land uses include warehouse uses, a school and playing fields.

The subject property denoted by red star.

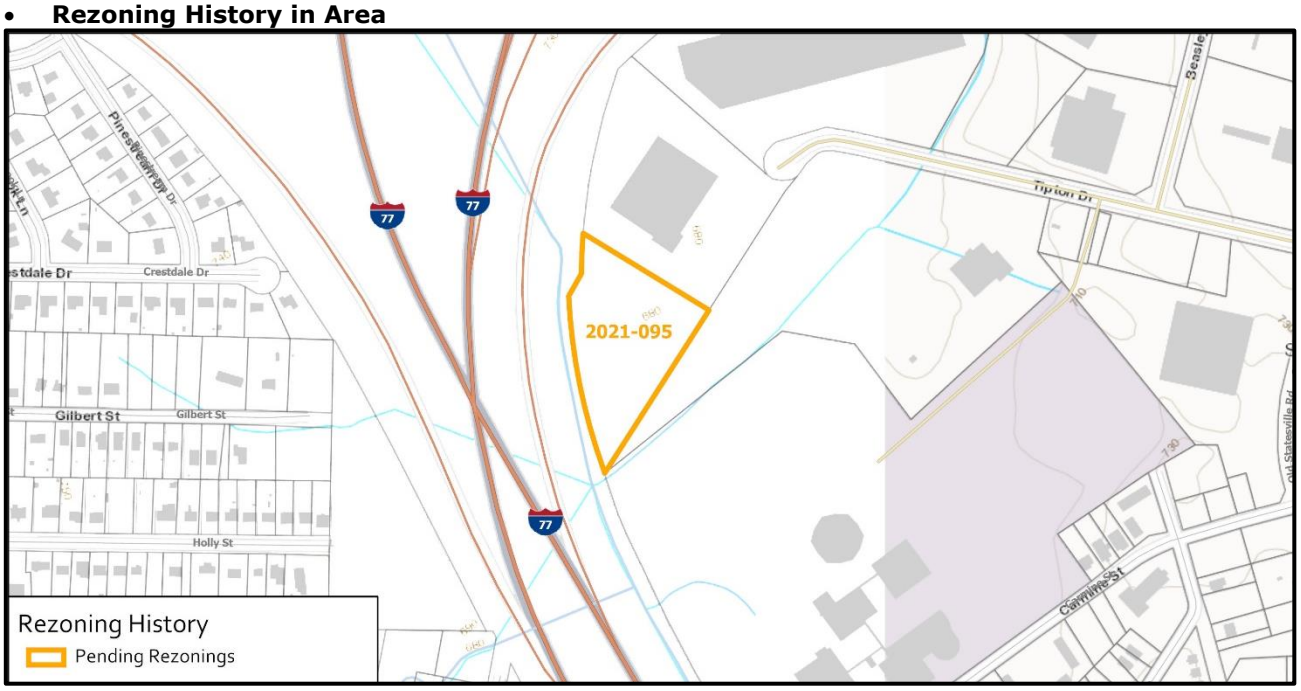


The property to the north along Tipton drive is developed with a warehouse use.

The property to the south along Carmine Street is JT Williams Montessori School.

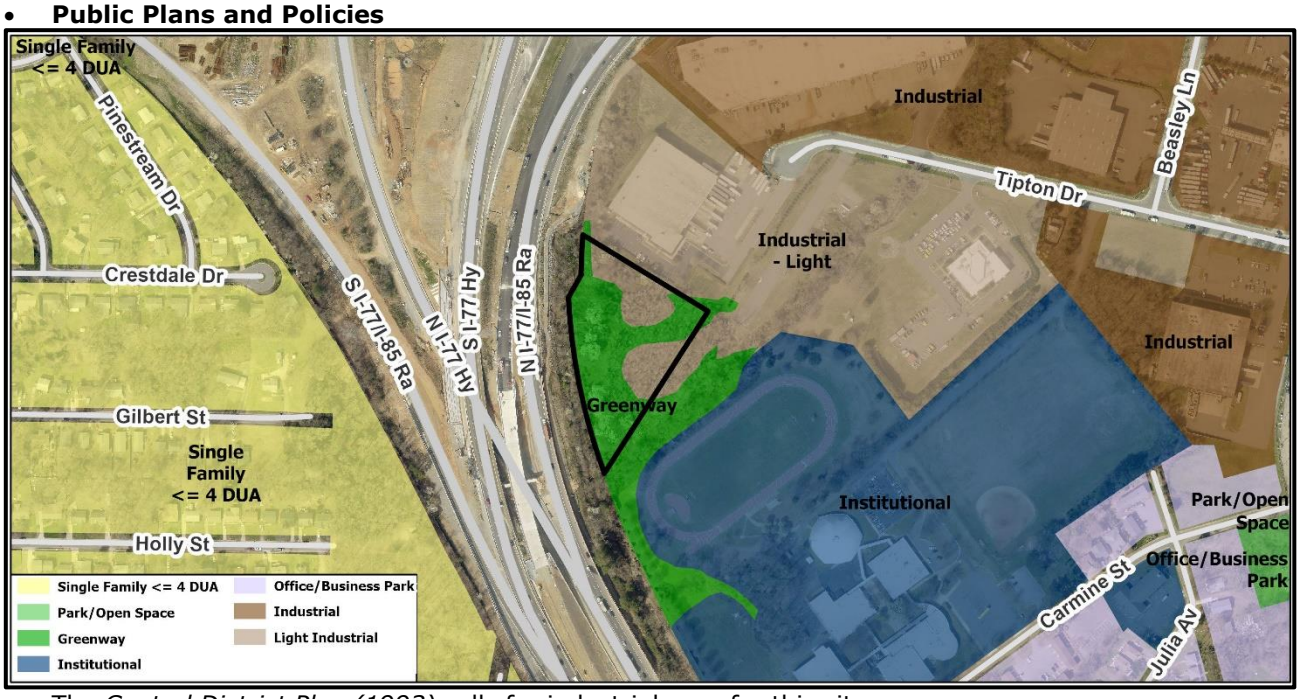
The subject property borders Interstate 77 to the west.

- **Rezoning History in Area**



There have been no recent rezonings in this area.

- **Public Plans and Policies**



The *Central District Plan (1993)* calls for industrial uses for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located off the cul-de-sac on a State-maintained collector road (Tipton Drive). A Traffic Impact Study (TIS) is not needed for this site. This site is being rezoned conventionally, and there is no site plan to review. CDOT will determine streetscape requirements and site access requirements for this site during the permitting process. Further details are listed below. No transportation improvements are anticipated at Tipton Drive or for the site.
  - **Active Projects:**
    - I-85 and I-77 Interchange
      - NCDOT STIP # I-6014
      - ROW 2028
  - **Transportation Considerations**
    - No outstanding issues.

- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 0 trips per day (based on vacant land).
  Entitlement: 270 trips per day (based on 140,000 square-feet of warehouse uses).
  Proposed Zoning: 95 trips per day (based on 28,500 square-feet of warehouse uses).

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 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 currently does not have water or 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
- **City Arborist:** See advisory comments at www.rezoning.org
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** See advisory comments at www.rezoning.org

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

Planner: Michael Russell (704) 353-0225

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-095

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	**N/A**
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	**N/A**
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**N/A**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	**N/A**

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	**N/A**
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	**N/A**
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	✓
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	**N/A**
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**

Petition 2021-095 by Kenjoh Outdoor

To Approve:

This petition is found to be **consistent** with the *Central District Plan* (1990) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends industrial uses.

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

- This petition seeks a conventional rezoning to allow I-1 uses on the site.
- This petition is consistent with the district plan's recommendation of industrial land uses and is consistent with the industrial land uses off Tipton Road.
- This petition fulfills the district plan's recommendation to promote revitalization of older industrial areas.

To Deny:

This petition is found to be **consistent** with the *Central District Plan* (1990) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends industrial uses.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 8.**File #:** 15-16942 **Type:** Zoning Item

Rezoning Petition: 2021-097 by Mattamy Homes

Location: Approximately 56.98 acres located near SE intersection of The Plaza and E. W.T. Harris Boulevard in the Hickory Grove community. (Council District 5 - Newton)

Current Zoning: R-3 (single-family residential) & MX-2 (mixed-use)
Proposed Zoning: R-8MF (CD) (multi-family residential, conditional)

Public Hearing Held: November 15, 2021 - Item #26

Staff Resource: Will Linville

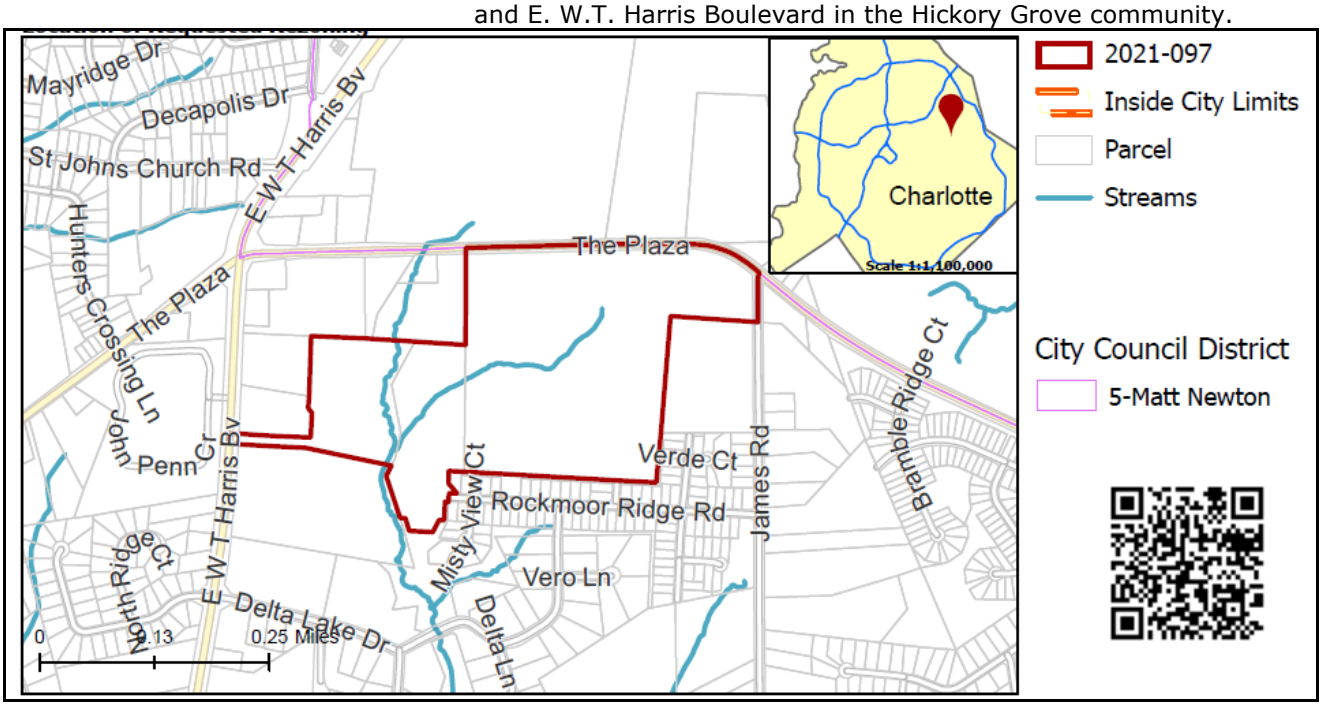
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of requested technical revisions related to site and building design.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-097
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: R-3 (residential) & MX-2 (mixed-use) Proposed Zoning: R-8MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 56.98 acres located near SE intersection of The Plaza and E. W.T. Harris Boulevard in the Hickory Grove community.



SUMMARY OF PETITION	The petition proposes to rezone a three-parcel assemblage to accommodate the potential development of up to 260 single family attached housing units at a density of 4.56 dwelling units per acre (DUA).
PROPERTY OWNERS **PETITIONER** **AGENT/REPRESENTATIVE**	Cox Media Group, LLC; Mattamy Homes; Geosam Capital US, LLC Collin Brown and Brittany Lins, Alexander Ricks, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 18

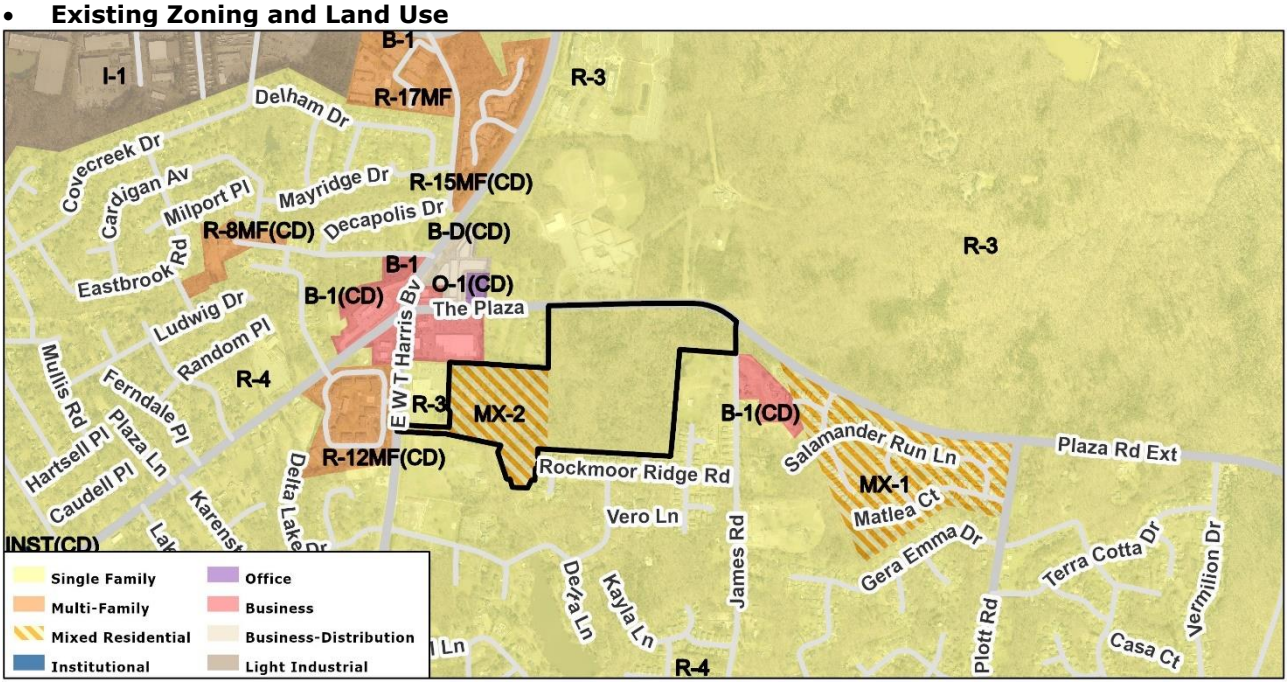
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of requested technical revisions related to site and building design. <u>Plan Consistency</u> The petition is **inconsistent** with the *East District Plan's* (1990) recommended density for the eastern portion of the assemblage but **consistent** with the land use recommendation for the west portion of the site (8 DUA) and with the overall use recommended site-wide (single family/residential). The petition is **consistent** with the General Development Policies (GDP) locational criteria for consideration of up to 5 DUA. <u>Rationale for Recommendation</u> • The request for single family attached dwelling units and the associated density is a reasonable transition from The Plaza to the

	single family detached dwelling units along James and Rockmoor Ridge Roads. • The addition of a single family attached housing type accomplishes the Plan's goal of "encouraging a wide range of housing opportunities…". • The requested density (4.56 DUA) is reasonable as it is only moderately above the recommended density (4 DUA) for a portion of the parcel and under the recommended density (8 DUA) for the remainder of the parcel. The approval of this petition will revise the adopted future land use as specified by the *East District Plan*, from single family uses up to four DUA and residential uses up to 8 DUA to residential uses up to 5 DUA for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Proposes a residential community containing up to 260 single family attached dwelling units.
  - Commits to transportation improvements including:
    - Streetscape improvements to James Road (curb and gutter, 8-foot wide planting strip/6-foot sidewalk)
    - Construction of a 100-foot right turn lane and concrete median to enforce right-in right-out condition at Access B.
    - Construction of a 150-foot left turn lane storage and 100-foot right lane storage at Access A.
    - Internal sidewalks along all internal streets.
    - Transportation improvements to be substantially complete by the issuance of the site's 50th certificate of occupancy.
  - Commits to architectural standards including:
    - Blank wall provisions of no more than 20 feet on all levels and accomplished by doors, windows, awnings, material or color changes, etc.). This provision is increased to 10-foot on building sides that face a public or private street.
    - Each building shall contain no more than five (5) townhome units per building.
    - 12-24 inch setback for all garage doors including architectural treatment including projecting elements or transparency.
    - At least .25 acres of improved open space which may include trails, hardscape features, seating, or enhanced landscaping.
  - Dedicates 2 acres for MCPR on the western portion of the site with access to W.T. Harris Boulevard.

- **Existing Zoning and Land Use**



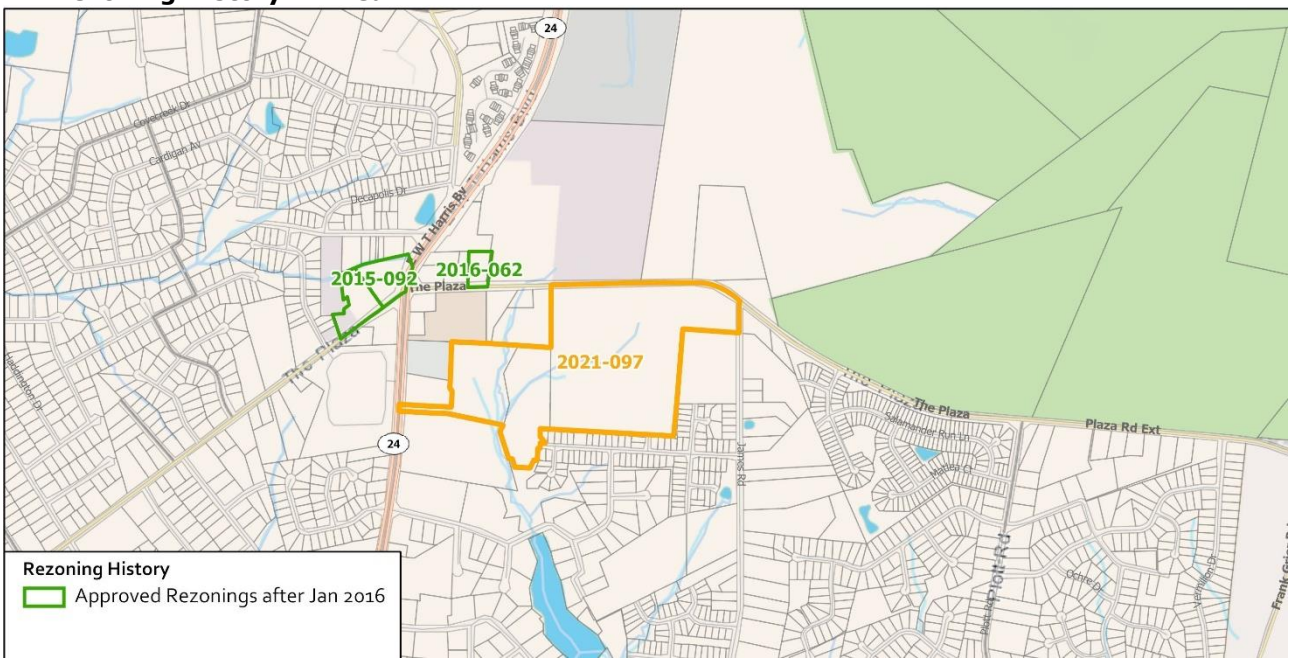
The portion of the subject property zoned MX-2 was rezoned in 2007 (2007-010) which entitled the site to a mixture of townhomes and single-family detached homes located near the existing western terminus of Rockmoor Ridge Road. The site is generally located in an area that is predominantly residential in nature, with some multi-family, retail, and office uses located at the intersection of The Plaza and E.W.T Harris Boulevard.

General boundary of subject property denoted by pink outline.

Streetview along Rockmoor Ridge looking NW toward detached single family homes.

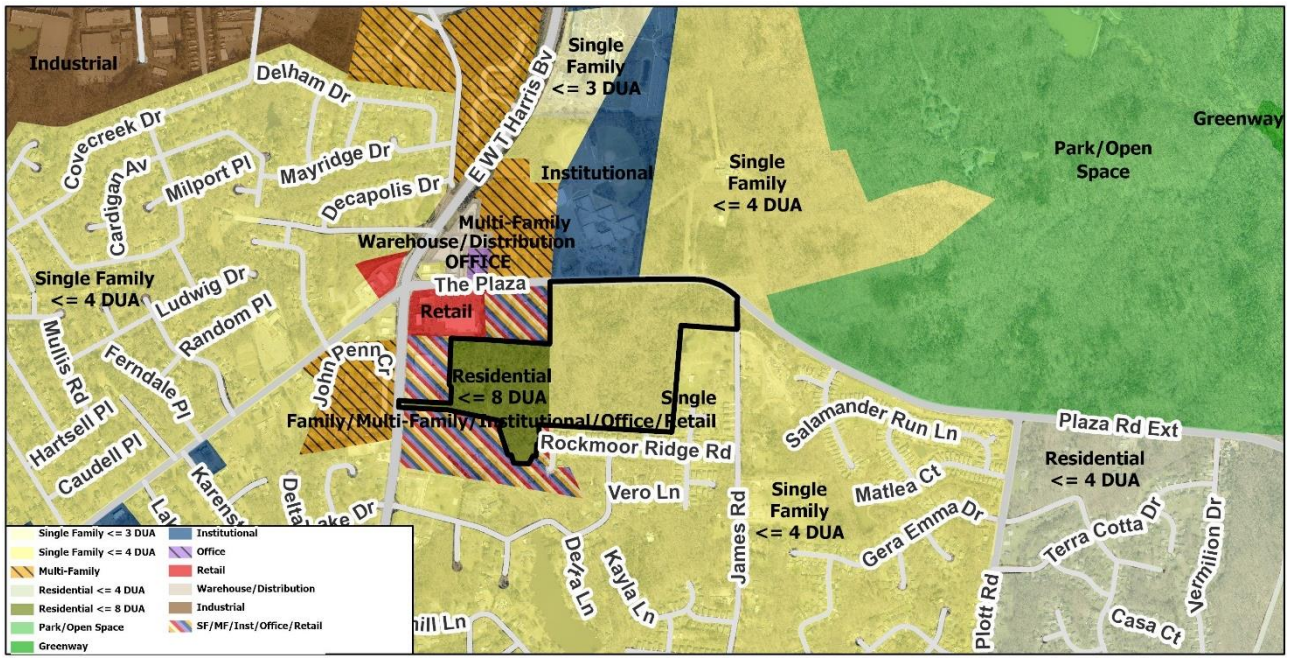
Looking south toward the site along The Plaza, opposite Northridge Middle School.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-062	Request to rezone from R-3 to O-1 to permit up to 10,000 SF of medical office uses.	Approved
2015-092	Rezoning/SPA to permit gas station at site.	Approved

- **Public Plans and Policies**



- The *East District Plan* (1990) recommends both single family uses up to four DUA and residential uses up to 8 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 up to 5 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 5 DUA
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	2
Connectivity Analysis	5
Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 10	**Total Points: 15**

- **TRANSPORTATION SUMMARY**
  - The site is located on The Plaza, a state-maintained minor thoroughfare and James Road, a city-maintained local street. A Traffic Impact Study (TIS) is not needed for this site. The Petitioner commits to constructing curb and gutter along James Road, dedicating right-of-way on The Plaza, constructing an 8-foot planting strip and 6-foot sidewalk on James Road per Chapter 20, connecting the Dusky Pine Drive stub to the proposed internal east-west street, constructing street stubs to the property line per the subdivision ordinance, constructing a concrete median to enforce a right-in/ right-out condition at Access B and providing turn lanes at access A and B per NCDOT standards.

    Proposed Access A is located to avoid conflicting turning movements with school traffic. All CDOT comments have been addressed.
- **Active Projects:**
  - N/A
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 1,215 trips per day (based on 118 dwellings).

  Proposed Zoning: 1,925 trips per day (based on 260 townhomes).

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 66 students, while the development allowed under the proposed zoning may produce 44 students. Therefore, the net decrease 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:
    - Joseph W. Grier Elementary from 126% to 129%
    - Northridge Middle remains at 106%
    - Rocky River High from 81% to 82%.
  - **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 16-inch water distribution main located along The Plaza. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along The Plaza. See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** See Outstanding Issues, Note 4.
- **Stormwater Services Land Development Engineering:** No outstanding issues.

- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** See advisory comments at www.rezoning.org

OUTSTANDING ISSUES

Transportation

1. ~~The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in the site plan notes. The conditional notes will need to associate the proposed 50th certificate of occupancy with a specified phase of transportation improvements to be accepted. Alternatively, the site plan note shall state that "all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued".~~ ADDRESSED
2. ~~Revise site plan to relocate proposed Access A to avoid conflicting turning movements with school traffic. New comment based on revised site plan submitted on 9-14-2021. To avoid conflicting turning movements with school driveway along the north side of The Plaza, proposed Access A should be relocated to align with the eastern school driveway~~. ADDRESSED

Site and Building Design

3. Street connection should be provided to Dusky Pine Drive at the southern edge of the project as was illustrated on the second site plan revision. PARTIALLY ADDRESSED (see note 8 below).
4. ~~MCPR requests a minimum of 2 acres to be dedicated and conveyed to Mecklenburg County for a future neighborhood park. This requested park land shall be adjacent to a public right-of-way for access and is conducive for the development of the typical amenities found in a neighborhood park.~~ ADDRESSED
5. ~~Change buffer label in NW corner of site (adjacent to B-1(CD) zoning) to "one-half 51' Class B Buffer".~~ ADDRESSED
6. ~~Clarify area that has frontage with E.W.T. Harris Blvd. to "Class C Buffer Area Only".~~ ADDRESSED
7. ~~Multiple parking areas must be revised to be outside the required 27-foot setback along internal streets.~~ ADDRESSED

REQUESTED TECHNICAL REVISIONS

Site and Building Design

8. Remove alternate layout for Dusky Pine connection. Connection should be illustrated as required. If exception is approved, then the connection will not be required.

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

Planner: William Linville (704) 336-4090

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-097

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	✓
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	X
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	N/A

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	**N/A**
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	✓
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	✓
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**

COX MEDIA PROPERTY

Conditional District Rezoning - Petition # 2021-097

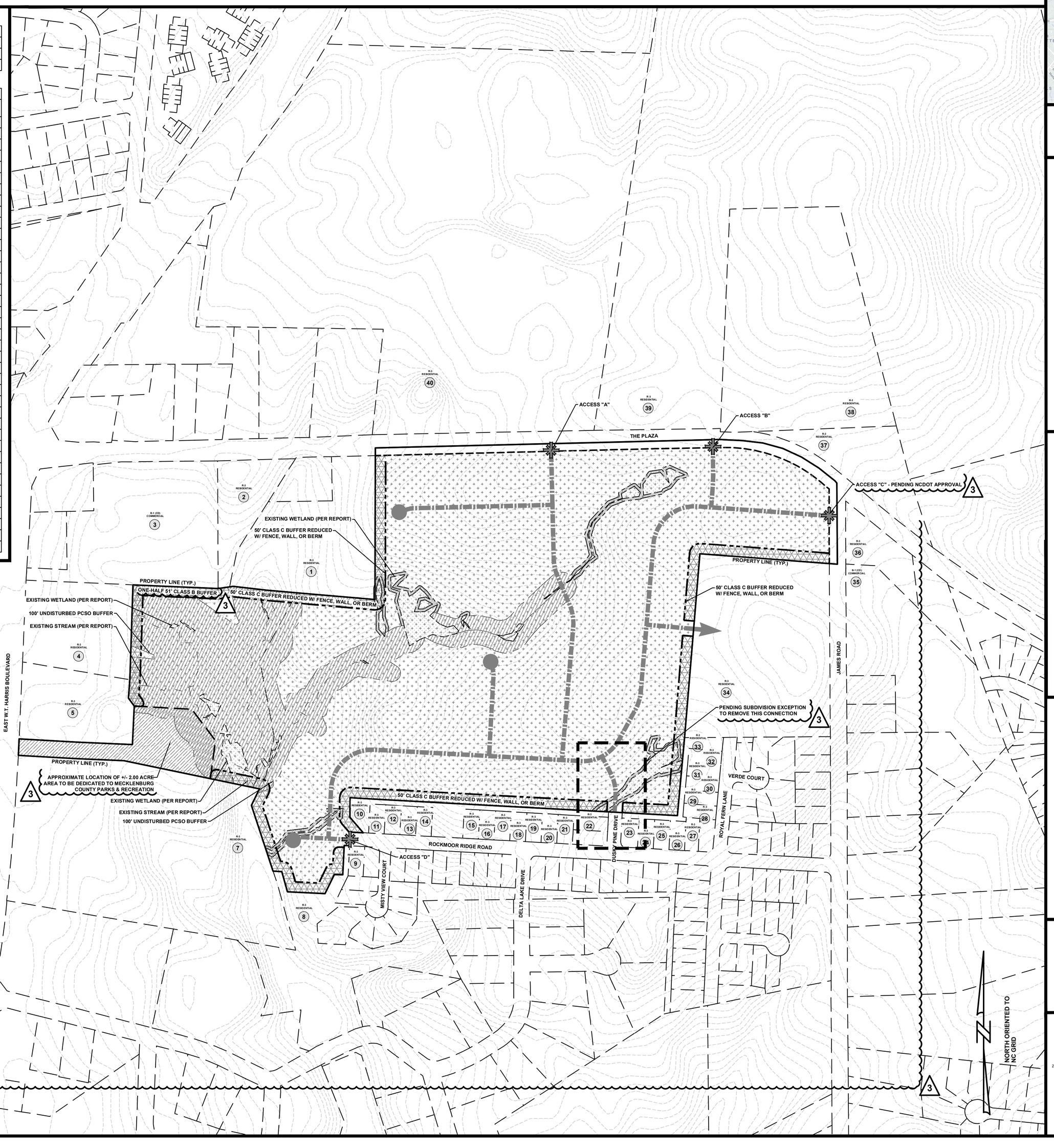
Located In:
City of Charlotte, North Carolina

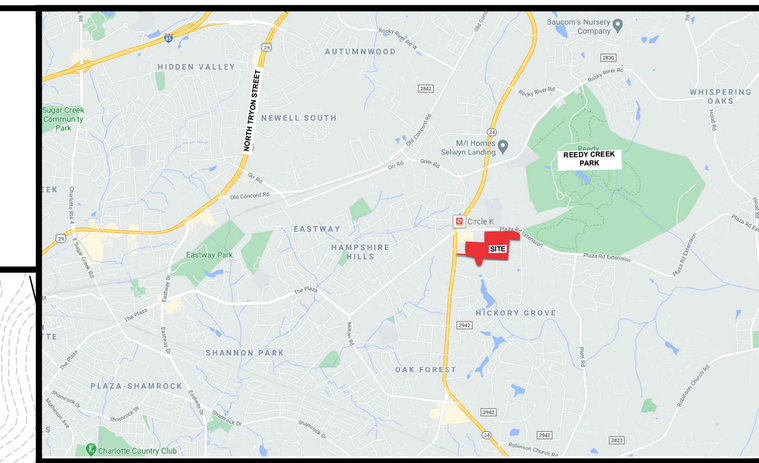
Property Owner:

	PID:	Owner:	Zoning:
	10709102	COX MEDIA GROUP LLC	R-3
	10709107	GEOSAM CAPITAL US GEORGIA, LLC	MX-2
	10709116	GEOSAM CAPITAL US GEORGIA, LLC	MX-2

Adjacent Property Owners:

Ref. Number	PID:	Owner:	Zoning:
1	10709103	MARVIN STEVEN HAGLER, RANDY LEE HAGLER, & DONNA HAGLER MCGRAW	R-3
2	10709104	CHARLES C JR DAVIS & GLORIA M DAVIS	R-3
3	10709110	PLAZA PARK PROPERTIES LLC	B-1 (CD)
4	10709114	UNITED STATES POSTAL SERVICE	R-3
5	10709115	UNITED STATES POSTAL SERVICE	R-3
6	10708106	CHARLOTTE HOLDINGS 207 LLC	R-12MF(CD)
7	10709113	CHARLOTTE NORTHSIDE CHURCH OF CHRIST	R-3
8	10709258	INC HERON`S POND HOMEOWNERS ASSO	R-3
9	10709257	THOMAS SR FLEMING & MELINDA FLEMING	R-3
10	10709301	INC HERON`S POND HOMEOWNERS ASSO	R-3
11	10709302	SHARON E ROYAL & WARREN ROYAL	R-3
12	10709303	KENDRA JOHNSON	R-3
13	10709304	MBILANZAMBI MANSEKA	R-3
14	10709305	RASHAD HUNT	R-3
15	10709308	PHILLIP D HARRISON & JANET Y HARRISON	R-3
16	10709309	KATHERINE L BROWNING	R-3
17	10709310	DIANORA JONES SHEALY & MERLE SHEALY	R-3
18	10709311	SHIRLEY JOHNSON	R-3
19	10709312	AMH NC PROPERTIES LP	R-3
20	10709313	TOCCARA S MILLER	R-3
21	10709314	RHAMEL BROWN & CORLISS A BROWN	R-3
22	10709316	GERARDO GARCIA FIGUEROA	R-3
23	10709401	LANCY SUN	R-3
24	10709402	CARLOS ROJAS & MERCEDES BENJAMIN ROJAS	R-3
25	10709403	AMH NC PROPERTIES LP	R-3
26	10709404	RIKESH SONAWA	R-3
27	10709405	DEAN JOHNSON	R-3
28	10709407	ESPERANZA T ALAVAREZ	R-3
29	10709408	PROGRESS RESIDENTIAL BORROWER 5 LLC	R-3
30	10709409	SINCERITY INVESTMENTS LLC	R-3
31	10709410	TANGELA M JOHNSON & DERRICK W SR JOHNSON	R-3
32	10709411	SHERYL MASSEY	R-3
33	10709412	INC HERON`S POND HOMEOWNERS ASSO	R-3
34	10709101	SMELLY CAT COFFEEHOUSE LLC	R-3
35	10720107	TERRY L DENNIS & SHEILA PHILLIIPS	B-1 (CD)
36	10720106	DONALD EUGENE BOWERS & CECILE S BOWERS	R-3
37	10509131	JDSI LLC	R-3
38	10509123	CITY OF CHARLOTTE & C/O REAL ESTATE DIVISION	R-3
39	10509124	COX MEDIA GROUP LLC	R-3
40	10509129	CHARLOTTE-MECKLENBURG BOARD OF EDUCATION	R-3





Vicinity Map

Not to Scale

NORTH

ESP Associates, Inc.
P.O. Box 7030
Charlotte, NC 28241
704-583-4949 (NC)
803-802-2440 (SC)
www.espassociates.com

Site Data

Tax Parcel:	10709102, 10709107, & 10709116
Total Acreage:	Approx. +/- 56.97 Acres
Proposed Park Dedication:	Approx. +/- 2.00 Acres
Remaining Site Acreage:	Approx. +/- 54.97 Acres
Location:	City of Charlotte, NC
Zoning:	
Existing:	MX-2 & R-3
Proposed:	R-8MF (CD)
Land Use:	
Existing:	Vacant
Proposed:	Single Family Residential (Attached)
Total Potential Units:	Up to 260 Single Family Attached (Townhome) Units
Proposed Density:	+/- 4.73 DU/AC*
Parking:	Shall meet or exceed Ordinance Standards
Open Space:	
Required:	50% of the site area for General Open Space 400 SF Private Open Space or 10% Useable Common Open Space
Tree Save:	
Required:	+/- 13.74 Acres (25%) Minimum*
Provided:	+/- 19.24 Acres (35%)

*NOTE: Density and Tree Save calculations based on remaining site acreage (Approx. +/- 54.97 Acres).

General Notes

1. Base information provided by "ALTA/NSPS Land Title Survey" provided by ESP Associates, INC. dated 09/03/2021, "ALTA/NSPS Land Title Survey" provided by ESP Associates, INC. dated 04/15/2021, and Mecklenburg County GIS Data and should be verified for accuracy.
2. All site plan, zoning, and wetland information utilized in the preparation of this plan is considered to be preliminary in nature and subject to change and final verification.
3. Draft - Do not rely on this document.

Floodplain Information
Floodplain information obtained from FEMA FIRM Panel 3710458500K effective date of study 2/19/2014.

Stream/Wetland Information
Stream/Wetland information is based on preliminary information provided to ESP by "Jurisdictional Boundaries" provided by Carolina Wetland Services dated 03/08/2021, "Flag Map" provided by Carolina Wetland Services dated 07/15/2021, and Mecklenburg County GIS data. For purposes of preparation of this Conditional District Rezoning, any potential wetland areas and stream features depicted on the plan are considered to be preliminary in nature and approximate in location. The Conditional District Rezoning will need to be revised once all agencies approved on-site wetland/stream and appropriate jurisdictional boundaries are surveyed and verified with acceptable levels of accuracy- unit loss may occur.

Access Points/Driveways/Streets
1. Proposed project site entrance locations are considered preliminary in nature and need to be verified for adequate sight distance.
2. All roadway and street systems are considered to be preliminary and will need to be verified for sufficiency to satisfy or exceed minimum requirements established in the City of Charlotte Zoning Ordinance and applicable standards identified by NCDOT. Street connections are conceptual and may be subject to change based on agency input and review.

Open Space /Tree Save
Open Space and Tree Save areas are conceptual and preliminary. The exact location of these areas may change as the client finalizes decisions regarding final layout, product allocation, and as other spatially dependent project components such as stormwater areas, wetland areas, utility features, and buffers, (as applicable) for this project are better defined.

Potential Stormwater Quality Areas
Location of proposed stormwater areas are conceptual and preliminary and still need to be determined. The exact size and location of these areas will change as the client finalizes decisions regarding final layout, product allocation, and as other proposed changes to the project are better defined. Layout and unit count subject to change based on final design of stormwater areas.

Public Information
ESP Associates is not responsible for plan deficiencies created by incorrect, incomplete, missing or outdated information derived from public sources such as GIS, Planning and Zoning departments.

Legend

- Residential Development Area - Building & Parking Envelope
- Proposed Area to be Dedicated to Mecklenburg County Parks & Recreation
- 56' Public ROW
- Proposed Access Location
- Proposed Buffer
- Proposed Stub Connection

INDEX OF SHEETS

SHEET NO.	SHEET NAME	ORIGINAL DATE	REVISED DATE
1 of 3	CONCEPTUAL SITE PLAN	3/31/2021	11/18/2021
2 of 3	TECHNICAL DATA	3/31/2021	11/18/2021
3 of 3	MASTER PLAN	3/31/2021	11/18/2021

GRAPHIC SCALE

200' 0 100' 200' 400' 800'

(IN FEET)
1 inch = 200 ft.

Know what's below. Call before you dig.

NO.	DATE	REVISION	BY
1	9/13/2021	REVISED PER STAFF COMMENTS	EL
2	11/01/2021	REVISED PER STAFF COMMENTS	EL
3	11/18/2021	REVISED PER STAFF COMMENTS	EL

CONCEPTUAL SITE PLAN
REZONING PETITION #2021-097

COX MEDIA PROPERTY

CITY OF CHARLOTTE, NORTH CAROLINA

MATTAMY HOMES

PROJECT INFORMATION	
PROJECT MANAGER:	MM
DESIGNED BY:	MJ
DRAWN BY:	MJ
PROJECT NUMBER:	IW08.100
ORIGINAL DATE:	3/31/2021

SHEET:
1 OF 3

U:\2020 Projects (I)\IW08 - Cox Media Property (Mattamy)\Submittal Working Drawings\2021-11-XX_4th Rezoning Submittal\Sheets\IW08-COVR.dwg, CVR, ebing

Cox Media Property - Petition # 2021-097
Conditional District Rezoning - Development Standards - 11/18/2021

Development Data Table:

Site Area:	+/- 56.98 acres
Tax Parcel:	107-091-02, 107-091-07, and 107-091-16
Existing Zoning:	R-3 and MX-2
Proposed Zoning:	R-8MF(CD)
Existing Use:	Vacant
Proposed Uses:	Up to 260 Single-family Attached (Townhome) 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 Mattamy Homes (the "Petitioner") to accommodate the development of a single-family attached (townhome) residential community on that approximately 56.98-acre site located on the southern side of Plaza Road Extension, west of James Road, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel numbers 107-091-02, 107-091-07, and 107-091-16.
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 R-8MF 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 a residential community containing a maximum of 260 single-family attached dwelling units and any incidental and accessory uses relating thereto that are permitted in the R-8MF zoning district.

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 shall install curb, gutter, eight (8) foot wide planting strip and six (6) foot wide sidewalk on the Site's frontage of James Road, as generally depicted on the Rezoning Plan.
4. Petitioner shall construct a 100-foot right turn lane and concrete median to enforce a right-in/right-out condition at Access B
5. Petitioner shall provide 150-foot left turn lane storage and a 100' right lane storage at Access A, while maintaining a minimum 3-lane section between the school's driveway and Access A.
6. Petitioner shall provide internal sidewalks and pedestrian connections on the Site as generally depicted on the Rezoning Plan. Internal sidewalks may meander to save existing trees.
7. 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.
8. Prior to the issuance of the first certificate of occupancy, Petitioner shall provide the proposed internal road network to sub grade and install curb, gutter, and storm pipe/drains. 3
9. Unless stated otherwise herein, the Petitioner shall ensure that all transportation improvements are substantially completed prior to the issuance of the Site's fiftieth (50th) building certificate of occupancy.

IV. Architectural Standards

1. Preferred Exterior Building Materials: All principal and accessory buildings shall be comprised of a combination of portions of brick, brick veneer, natural stone (or its synthetic equivalent), and/or vinyl siding.
2. 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.
3. For all units, Petitioner shall provide blank wall provisions that limit the maximum blank wall expanse to twenty (20) feet on all building levels, provisions shall include one or more of the following but not be limited to doors, windows, shutters, awnings, material or color changes, brick or stone foundation water-tables, trim bands, and/or enhancements. Porches or stoops and overhangs that extend beyond the walls of the main building footprint shall not be used in calculating the twenty (20) foot expanses for blank wall purposes. For townhomes entering the front door on the side of the home, front door area porches or stoops shall be used in calculating the twenty (20) foot expanses for blank wall purposes. Side entry porches or stoops shall be considered to be provisions or enhancements.
4. To provide privacy, all residential entrances within fifteen (15) feet of the sidewalk shall be raised or lowered from the average sidewalk grade a minimum of twelve (12) to twenty-four (24) inches.
5. All corner/end units where the side of the unit fronts a public or private street shall have blank wall provisions that limit the maximum blank wall expanse to ten (10) feet on all building levels for the applicable side elevation.
6. All townhome units shall be provided with a garage for a minimum of one (1) car.
7. Refuse collection throughout the Site shall be in the form of roll-out containers. Service dumpster locations are reserved on the Rezoning Plan, however, construction of such dumpster pads shall not be required in the event that private trash collection is utilized for the entire Site.
8. Attached dwelling units shall be limited to a maximum of five (5) townhome units per building. Five (5) unit buildings shall not be located directly adjacent to each other on the same side of the street.
9. All garage doors shall minimize the visual impact by either providing a setback of twelve (12) to twenty-four (24) inches from the front wall plane or include additional architectural treatments such as translucent windows or projecting elements over the garage door opening.
10. Pedestrian walkways shall be provided to connect to drives which shall connect to sidewalks along public/private streets.
11. The Petitioner may subdivide the Site and create lots within the Site with no side or rear yards as part of a unified development plan.
12. The Petitioner shall provide improved open space area(s) within the Site of a minimum total size of 0.25 acres. Amenities shall include at least two (2) of the following enhancements: soft trails, hardscape features, seating areas, benches, and/or enhanced landscaping.

V. Park Dedication

The Petitioner shall dedicate and convey to Mecklenburg County a minimum two (2) acres for a future neighborhood park, as generally depicted on the Rezoning Plan, adjacent to the W.T. Harris Boulevard right-of-way. (If Mecklenburg County chooses not to accept the park dedication as offered, this zoning requirement shall be deemed satisfied.) Such dedication and conveyance shall occur prior to the issuance of the fiftieth (50th) certificate of occupancy for the Site. If the Petitioner makes all reasonable attempts to convey but Mecklenburg County Park and Recreation does not accept such conveyance, this commitment shall be satisfied. 3

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. 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. Stream Delineation Reports are subject to review and approval by Charlotte Storm Water Services.
3. 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.

ESP Associates, Inc.
P.O. Box 7030
Charlotte, NC 28241
3475 Lakemont Blvd.
Fort Mill, SC 29708
704-583-4949 (NC)
803-802-2440 (SC)
www.espassociates.com

NO.	DATE	REVISION	BY
1	9/13/2021	REVISED PER STAFF COMMENTS	EL
2	11/01/2021	REVISED PER STAFF COMMENTS	EL
3	11/18/2021	REVISED PER STAFF COMMENTS	EL

TECHNICAL DATA
REZONING PETITION #2021-097

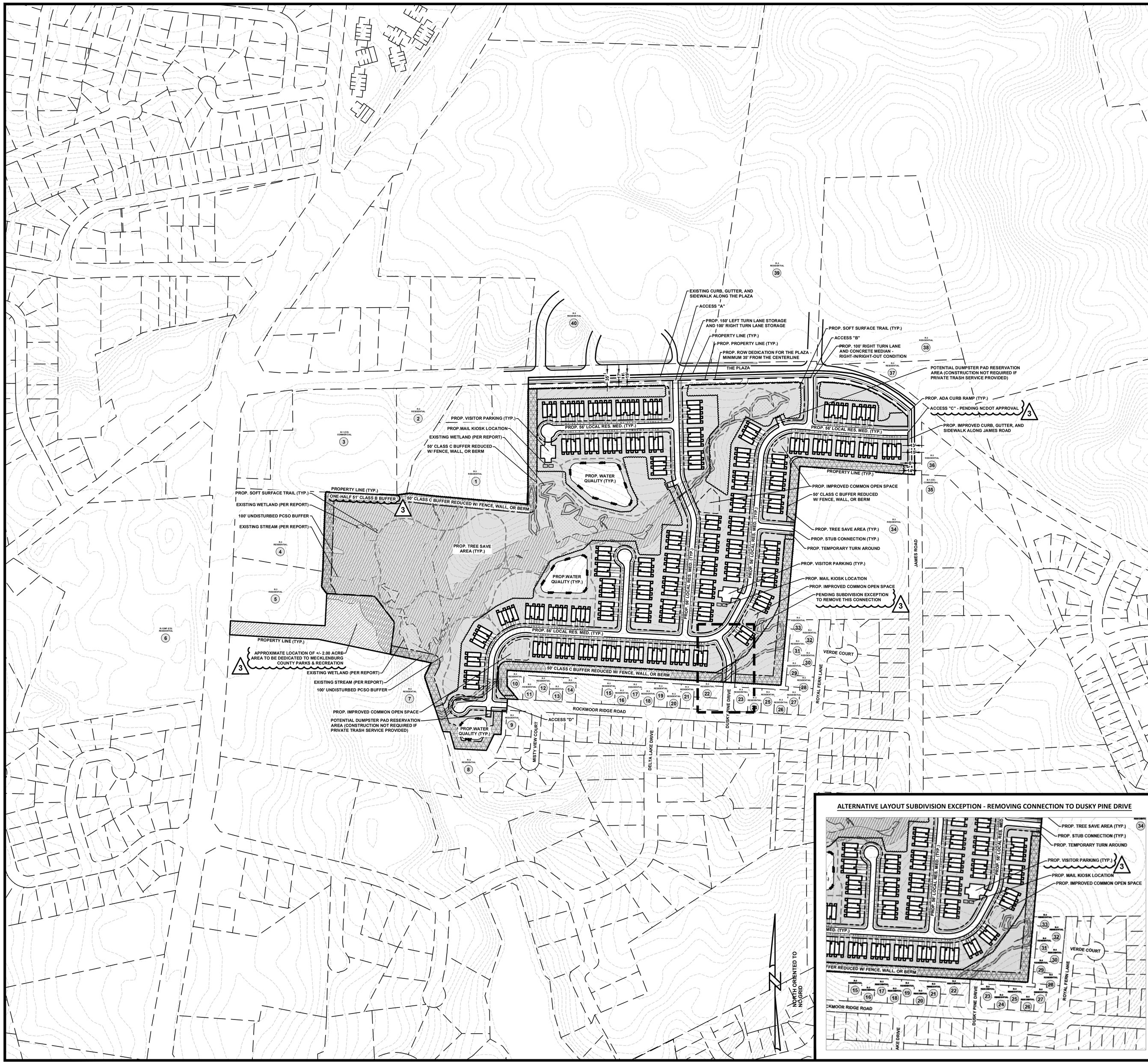
COX MEDIA PROPERTY
CITY OF CHARLOTTE, NORTH CAROLINA

MATTAMY HOMES

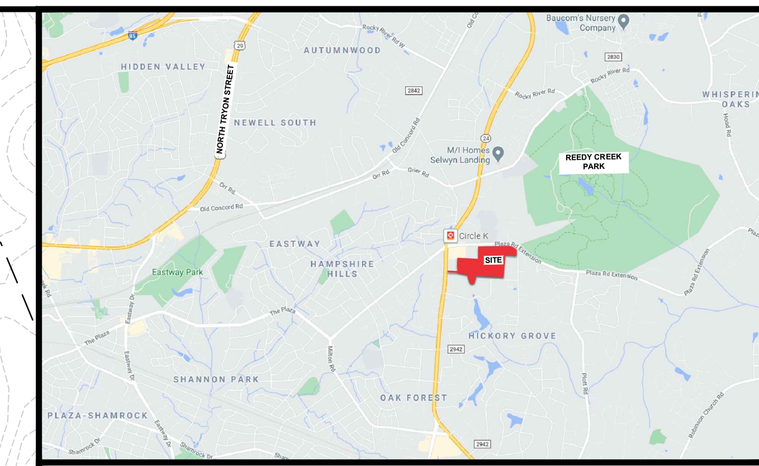
PROJECT INFORMATION	
PROJECT MANAGER:	MM
DESIGNED BY:	MJ
DRAWN BY:	MJ
PROJECT NUMBER:	IW08.100
ORIGINAL DATE:	3/31/2021

SHEET:
2 OF 3

U:\2020 Projects (I)\IW08 - Cox Media Property (Mattamy)\Submittal Working Drawings\2021-11-XX_4th Rezoning Submittal\Sheets\IW08-TDS.dwg, TDS, elong



ALTERNATIVE LAYOUT SUBDIVISION EXCEPTION - REMOVING CONNECTION TO DUSKY PINE DRIVE



Vicinity Map

Not to Scale

NORTH

Site Data

Tax Parcel:	10709102, 10709107, & 10709116
Total Acreage:	Approx. +/- 56.97 Acres
Proposed Park Dedication:	Approx. +/- 2.00 Acres
Remaining Site Acreage:	Approx. +/- 54.97 Acres
Location:	City of Charlotte, NC
Zoning:	
Existing:	MX-2 & R-3
Proposed:	R-8MF (CD)
Land Use:	
Existing:	Vacant
Proposed:	Single Family Residential (Attached)
Total Potential Units:	Up to 260 Single Family Attached (Townhome) Units
Proposed Density:	+/- 4.73 DU/AC*
Parking:	Shall meet or exceed Ordinance Standards
Open Space:	
Required:	50% of the site area for General Open Space 400 SF Private Open Space or 10% Useable Common Open Space
Tree Save:	
Required:	+/- 13.74 Acres (25%) Minimum*
Provided:	+/- 19.24 Acres (35%)

*NOTE: Density and Tree Save calculations based on remaining site acreage (Approx. +/- 54.97 Acres).

General Notes

1. Base information provided by "ALTA/NSPS Land Title Survey" provided by ESP Associates, INC. dated 09/03/2021, "ALTA/NSPS Land Title Survey" provided by ESP Associates, INC. dated 04/15/2021, and Mecklenburg County GIS Data and should be verified for accuracy.
2. All site plan, zoning, and wetland information utilized in the preparation of this plan is considered to be preliminary in nature and subject to change and final verification.
3. Draft - Do not rely on this document.

Floodplain Information
Floodplain information obtained from FEMA FIRM Panel 3710458500K effective date of study 2/19/2014.

Stream/Wetland Information
Stream/Wetland information is based on preliminary information provided to ESP by "Jurisdictional Boundaries" provided by Carolina Wetland Services dated 03/08/2021, "Flag Map" provided by Carolina Wetland Services dated 07/15/2021, and Mecklenburg County GIS data. For purposes of preparation of this Conditional District Rezoning, any potential wetland areas and stream features depicted on the plan are considered to be preliminary in nature and approximate in location. The Conditional District Rezoning will need to be revised once all agencies approved on-site wetland/stream and appropriate jurisdictional boundaries are surveyed and verified with acceptable levels of accuracy- unit loss may occur.

Access Points/Driveways/Streets
1. Proposed project site entrance locations are considered preliminary in nature and need to be verified for adequate sight distance.
2. All roadway and street systems are considered to be preliminary and will need to be verified for sufficiency to satisfy or exceed minimum requirements established in the City of Charlotte Zoning Ordinance and applicable standards identified by NCDOT. Street connections are conceptual and may be subject to change based on agency input and review.

Open Space /Tree Save
Open Space and Tree Save areas are conceptual and preliminary. The exact location of these areas may change as the client finalizes decisions regarding final layout, product allocation, and as other spatially dependent project components such as stormwater areas, wetland areas, utility features, and buffers, (as applicable) for this project are better defined.

Potential Stormwater Quality Areas
Location of proposed stormwater areas are conceptual and preliminary and still need to be determined. The exact size and location of these areas will change as the client finalizes decisions regarding final layout, product allocation, and as other proposed changes to the project are better defined. Layout and unit count subject to change based on final design of stormwater areas.

Public Information
ESP Associates is not responsible for plan deficiencies created by incorrect, incomplete, missing or outdated information derived from public sources such as GIS, Planning and Zoning departments.

GRAPHIC SCALE

200' 0 100' 200' 400' 800'

(IN FEET)
1 inch = 200 ft.

811 Know what's below. Call before you dig.

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NO.	DATE	REVISION	BY
1	9/13/2021	REVISED PER STAFF COMMENTS	EL
2	11/01/2021	REVISED PER STAFF COMMENTS	EL
3	11/16/2021	REVISED PER STAFF COMMENTS	EL

MASTER PLAN
REZONING PETITION #2021-097

COX MEDIA PROPERTY

CITY OF CHARLOTTE, NORTH CAROLINA

MATTAMY HOMES

PROJECT INFORMATION	
PROJECT MANAGER:	MM
DESIGNED BY:	MJ
DRAWN BY:	MJ
PROJECT NUMBER:	IW08.100
ORIGINAL DATE:	3/31/2021

SHEET:
3 OF 3

\\espfs1\shares\P\2020 Projects (I)\IW08 - Cox Media Property (Mattamy)\Submittal Working Drawings\2021-11-XX_4th Rezoning Submittal\Sheets\IW08-BASE.dwg, BASE, ebong

Petition 2021-097 by insert Cox Media Group, LLC

To Approve:

This petition is found to be insert **inconsistent** with the *East District Plan* with respect to proposed land use for the eastern portion of the site but **consistent** with the proposed land use for the western portion of the site and General Development Policies, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends both single family residential uses up to four dwelling units per acre (DUA) for the site and residential uses up to eight DUA.
- General Development policies allow consideration for up to five DUA for the site.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The request for single family attached dwelling units and the associated density is a reasonable transition from The Plaza to the single family detached dwelling units along James and Rockmoor Ridge Roads.
- The addition of a single family attached housing type accomplishes the Plan's goal of "encouraging a wide range of housing opportunities…".
- The requested density (4.56 DUA) is reasonable as it is only moderately above the recommended density (4 DUA) for a portion of the parcel and under the recommended density (8 DUA) for the remainder of the parcel.

The approval of this petition will revise the adopted future land use as specified by the *East District Plan*, from single family uses up to four DUA and residential uses up to 8 DUA to residential uses up to 5 DUA for the site.

To Deny:

his petition is found to be insert **inconsistent** with the *East District Plan* with respect to proposed land use for the eastern portion of the site but **consistent** with the proposed land use for the western portion of the site and General Development Policies, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends both single family residential uses up to four dwelling units per acre (DUA) for the site and residential uses up to eight DUA.
- General Development policies allow consideration for up to five DUA for the site.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 9.**File #:** 15-16943 **Type:** Zoning Item

Rezoning Petition: 2021-102 by Ardent Acquisitions, LLC

Location: Approximately 6.96 acres located along the south side of Hamilton Street, northeast of Brookshire Freeway, and west of Statesville Avenue. (Council District 2 - Graham)

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

Public Hearing Held: November 15, 2021 - Item #27

Staff Resource: Michael Russell

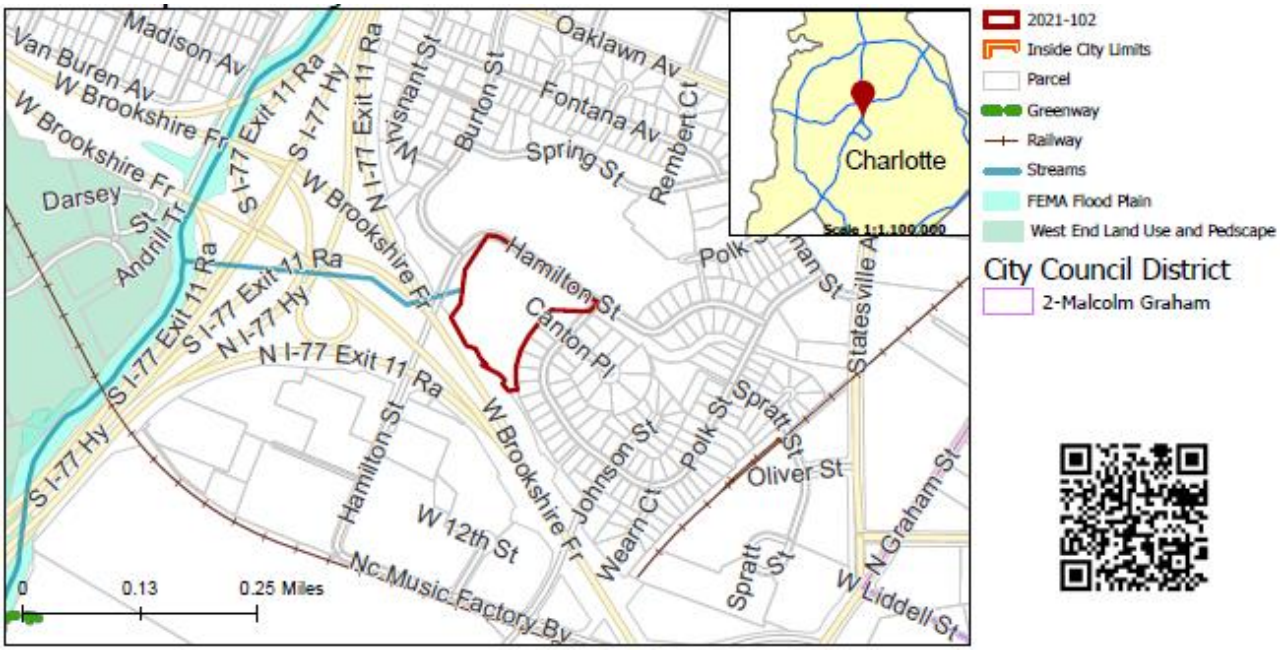
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-102
Post-Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional) ~~with 5-year vested rights.~~
LOCATION	Approximately 6.96 acres located along the south side of Hamilton Street, northeast of Brookshire Freeway, and west of Statesville Avenue.



SUMMARY OF PETITION	The petition proposes a residential community with a maximum of 83 single family attached townhome units with a density of 11.93 dwelling units per acre on vacant land.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Short Development Group, LLC Ardent Acquisitions, LLC John Carmichael, Robinson Bradshaw & Hinson, PA
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 20

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Central District Plan* (1993) recommendation of single family residential up to 4 dwelling units per acre (DUA), but consistent with the *General Development Policies* (GDP), which supports the requested residential density up to 12 dwelling units per acre.

Rationale for Recommendation

- The *General Development Policies* (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per

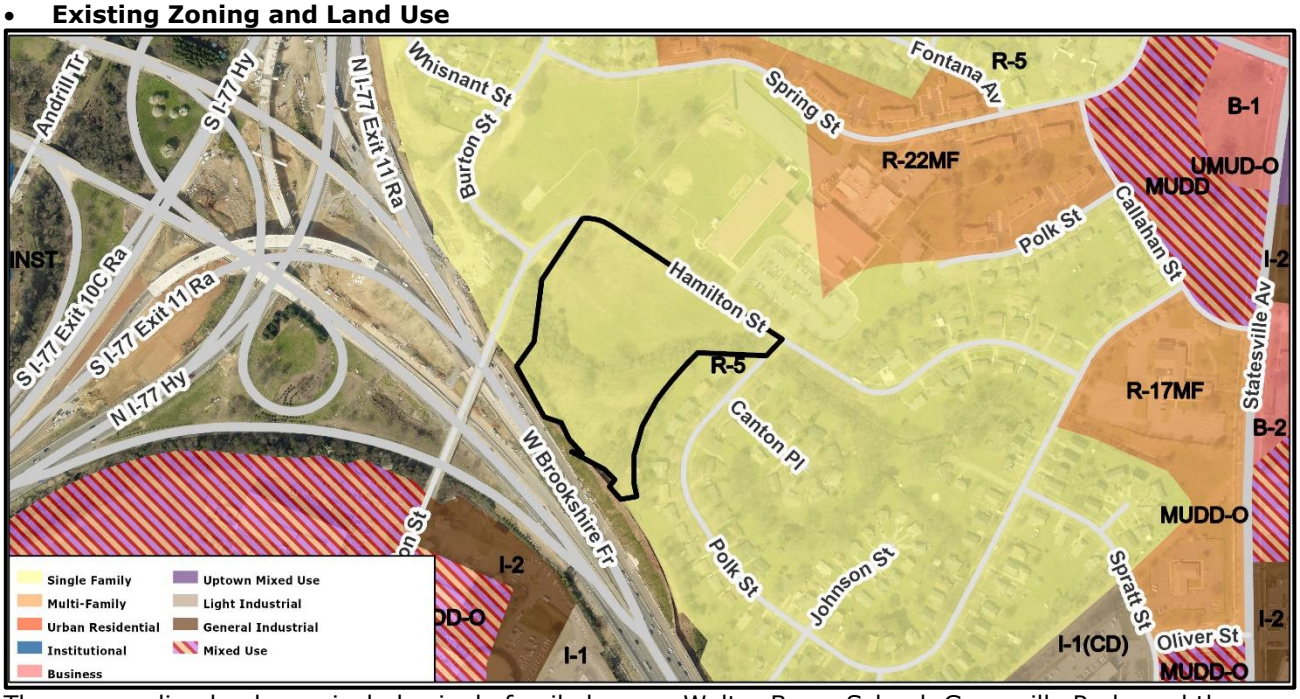
acre. The GDP supports the petition's proposal of 83 units at 11.93 DUA.
- This petition helps to fulfill the *Central District Plan's* (1993) goal of increasing the diversity of housing options in this area.
- The site plan proposes to increase the pedestrian experience within the development by including an open space area with features such as seating, pedestrian walkways, and landscaping.
- The petition commits to establishing an 8-foot planting strip and 6-foot sidewalk along the site's frontage on Hamilton Street, increasing neighborhood connectivity in this area.
- The petition proposes to front the dwelling units adjacent to Hamilton Street right on Hamilton street.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan (1993)*, from Single Family Residential up to 4 DUA to Residential up to 12 DUA for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 83 townhome units.
  - Limits building height to 50-feet. Limits the maximum height of the southernmost building to 40-feet.
  - Provides an 8-foot planting strip and 6-foot sidewalk on the Hamilton Street frontage. The sidewalk may be incorporated into the Urban Arboretum Trail at the option of the City.
  - Provides walkways to connect all residential entrances to sidewalks along public streets.
  - Provides a Class C buffer to abutting single family homes.
  - Commits to 6,000 square-feet urban open space areas with seating, pedestrian walkways, and landscaping.
  - Provides visitor parking spaces and each unit will have a 2-car garage.
  - Provides a provision prohibiting short term rentals.
  - Commits 100,000 to a foundation for the Place of Peace Garden.
  - Donates 25,000 to the City of Charlotte's Place Making Program to pay for signs, historical markers and/or educational markers along the Urban Arboretum Trail.
  - Architectural details:
    - Primary building materials include a combination of brick veneer, stone, manufactured stone, stucco, and cementitious siding. Vinyl may be used on windows, door, garage doors, soffits, trim and railing only.
    - Usable porches and stoops shall form a predominant feature of the building design and be located on the front and/or side of the building. Usable front porches should be covered and be at least 6-feet deep. Stoops and entry-level porches may be covered but should not be enclosed.
    - To provide privacy, all residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 24 inches.
    - All corner/end units that face a public or private street should have a porch or stoop that wraps a portion of the front and side of the unit or provide blank wall provisions that limit the maximum blank wall expanse to 10 feet on all building levels.
    - 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.
    - All freestanding lighting fixtures installed on the Site (excluding streetlights and lower, decorative lighting that may be installed along the driveways and sidewalks and landscaping lighting) will be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.

- **Existing Zoning and Land Use**



The surrounding land uses include single family homes, Walter Byers School, Greenville Park, and the AvidXchange Music Factory.

The subject property is denoted with a red star.

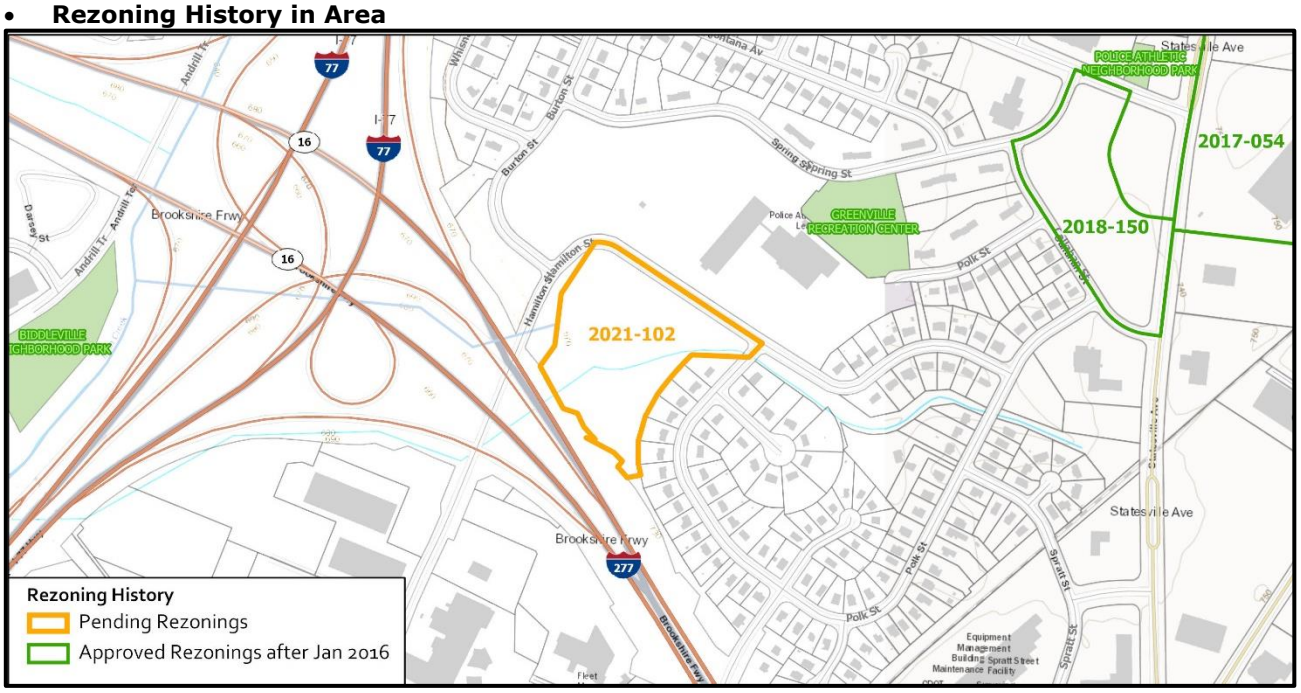
The property to the north along Hamilton Street is developed with a park.

The property to the east along Hamilton Street is Walter Byers School.

The property to the south along Polk Street is developed with single family homes.

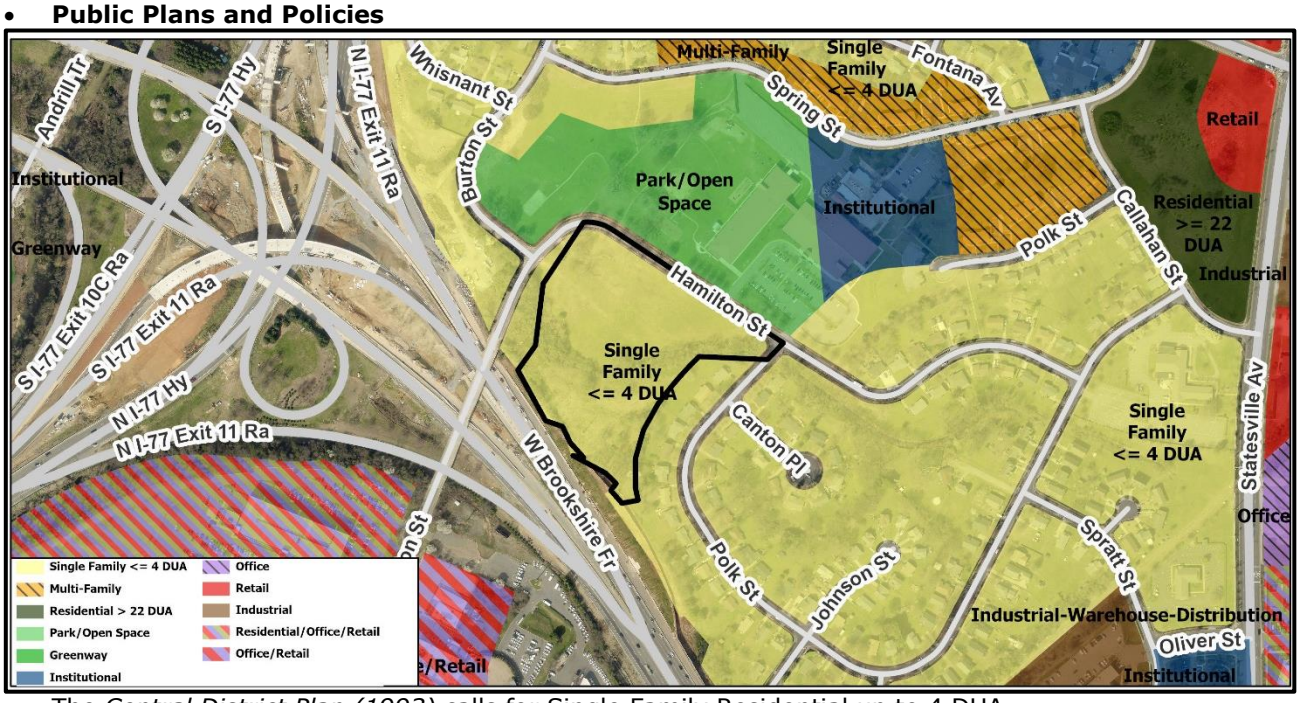
The property to the west across Interstate 277 is the Music Factory development.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-054	Rezoned 72 acres to allow adaptive reuse and redevelopment of a large light industrial site. It allows 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
2018-150	Rezoned 5.27 acres to allow up to 250 multi-family residential dwelling units.	Approved

- **Public Plans and Policies**



The *Central District Plan (1993)* calls for Single Family Residential 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 up to 12 dwellings per acre as illustrated in the table below.

Assessment Criteria	**Density Category – 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	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	**Total Points: 16**

- **TRANSPORTATION SUMMARY**
  - The site is located on Hamilton Street, a local City-maintained street, and bound by Hamilton Street, Polk Street, and the Brookshire Freeway. A Traffic Impact Study (TIS) is not needed for this site. The petitioner will be providing and 8-foot planting strip and 6-foot sidewalk on the Hamilton and Polk Street frontages. All outstanding issues 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 land).

  Entitlement: 390 trips per day (based on 34 single family dwellings).

  Proposed Zoning: 590 trips per day (based on 83 townhomes).

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 17 students, while the development allowed under the proposed zoning may produce 5 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is zero students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Walter G. Byers Pre K-8 remains at 89%.
    - 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 Polk Street. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Polk Street. See advisory comments at www.rezoning.org
- **City Arborist:** See advisory comments at www.rezoning.org
- **Erosion Control:** See advisory comments at www.rezoning.org
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** See advisory comments at www.rezoning.org

OUTSTANDING ISSUES

Land Use

1. ~~Remove 5 years vested rights~~. Addressed

REQUESTED TECHNICAL REVISIONS

Site and Building Design

~~1. Provide minimum square footage of urban open spaces.~~ Addressed

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

Planner: Michael Russell (704) 353-0225

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-102

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note not all goals will apply to all rezoning petitions.

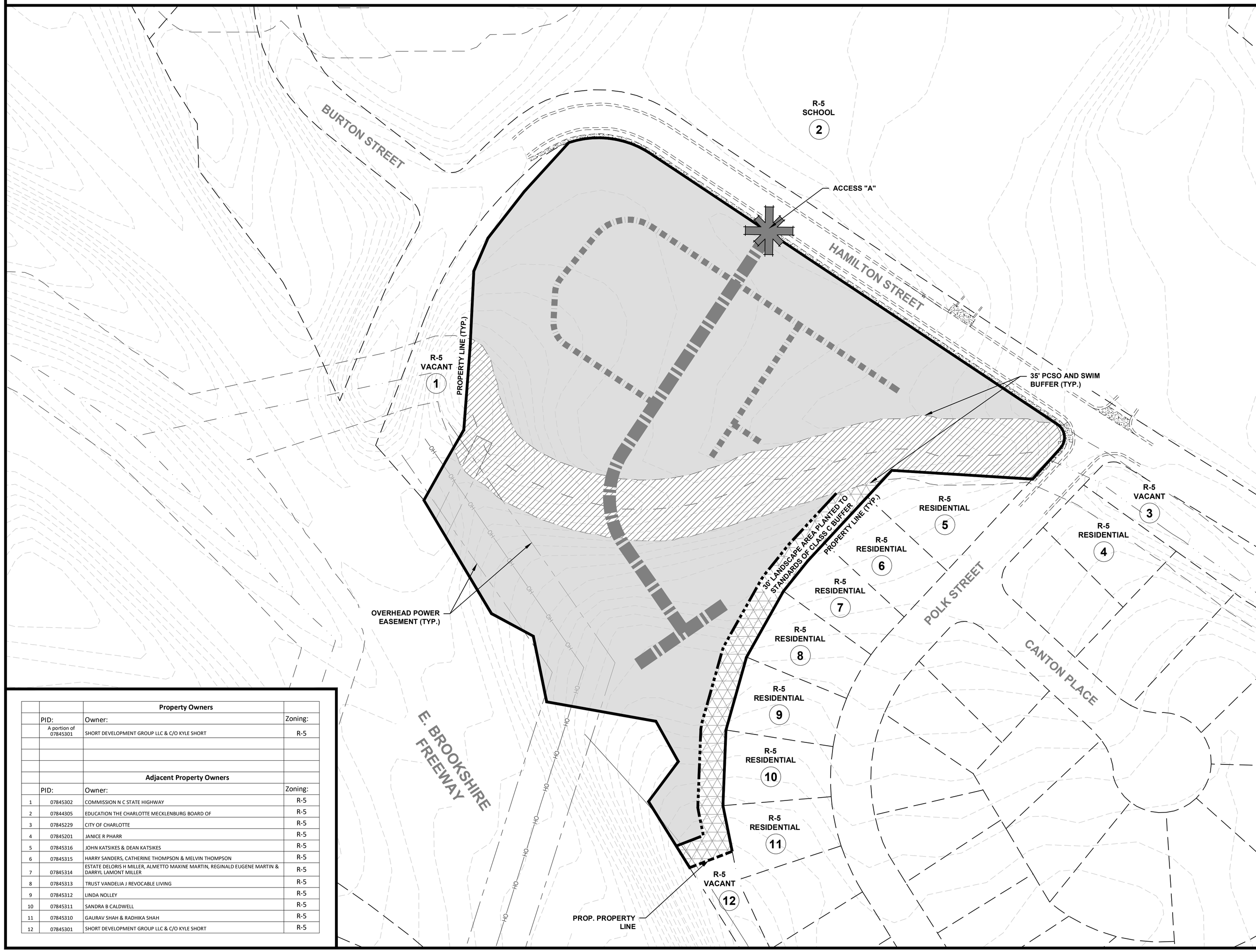
Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	✓
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	X
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	X

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	✓
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	✓
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**

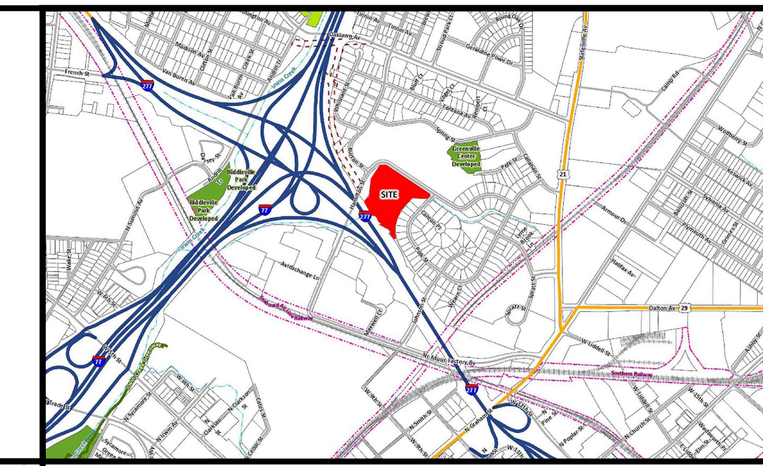
Hamilton Street Townhomes

Conditional District Rezoning - Petition # 2021-102

Located In:
City of Charlotte, North Carolina



		Property Owners	
	PID:	Owner:	Zoning:
	A portion of 07845301	SHORT DEVELOPMENT GROUP LLC & C/O KYLE SHORT	R-5
		Adjacent Property Owners	
	PID:	Owner:	Zoning:
1	07845302	COMMISSION N C STATE HIGHWAY	R-5
2	07844305	EDUCATION THE CHARLOTTE MECKLENBURG BOARD OF	R-5
3	07845229	CITY OF CHARLOTTE	R-5
4	07845201	JANICE R PHARR	R-5
5	07845316	JOHN KATSIKES & DEAN KATSIKES	R-5
6	07845315	HARRY SANDERS, CATHERINE THOMPSON & MELVIN THOMPSON	R-5
7	07845314	ESTATE DELORIS H MILLER, ALMETTO MAXINE MARTIN, REGINALD EUGENE MARTIN & DARRYL LAMONT MILLER	R-5
8	07845313	TRUST VANDELIA J REVOCABLE LIVING	R-5
9	07845312	LINDA NOLLEY	R-5
10	07845311	SANDRA B CALDWELL	R-5
11	07845310	GAURAV SHAH & RADHIKA SHAH	R-5
12	07845301	SHORT DEVELOPMENT GROUP LLC & C/O KYLE SHORT	R-5



Vicinity Map
Not to Scale

NORTH

ESP Associates, Inc.
P.O. Box 7030
Charlotte, NC 28241
3475 Lakemont Blvd.
Fort Mill, SC 29708
704-583-4949 (NC)
803-802-2440 (SC)
www.espassociates.com

Site Data

Tax Parcel:	Portion of 07845301
Total Acreage:	Approx. +/- 6.957 Acres
Location:	City of Charlotte
Existing Zoning:	R-5
Proposed Zoning:	UR-2 (CD)
Existing Use:	Vacant
Proposed Use:	Single Family Residential (Attached)
Permitted # of Units:	Up to 83 Single Family Attached (Townhome) Units
Proposed Density:	11.93 Dwelling Units Per Acre (DUA)
Maximum Building Height:	Fifty (50) feet
Parking:	Per City of Charlotte Zoning Ordinance
Open Space:	Per City of Charlotte Zoning Ordinance
Tree Save:	
Required:	+/- 1.04 Acres (15%) Minimum*
Provided:	+/- 1.04 Acres (15%)

* Tree save and open space requirements based on gross site acreage (+/- 6.957 Acres).

General Notes

1. Base information obtained from Mecklenburg County GIS and "ALTA/NSPS Land Title Survey of: Short Development Group, LLP Property" provided by ESP Associates Inc., dated March 19, 2020 for Tri Pointe Group Homes, and should be verified for accuracy.

2. Stream / Wetland Information obtained from Mecklenburg County GIS and should be verified for accuracy.

NO.	DATE	REVISION	BY
1	9.13.2021	STAFF COMMENTS	DP
2	11.18.2021	STAFF COMMENTS FINAL	

Legend

- Residential Development Area - Building & Parking Envelope
- Private Street
- Private Alley
- Proposed Access Location
- Proposed Landscape Area

INDEX OF SHEETS			
SHEET NO.	SHEET NAME	ORIGINAL DATE	REVISED DATE
1 of 3	CONCEPTUAL SITE PLAN	04/09/2021	11/18/2021
2 of 3	TECHNICAL DATA SHEET	04/09/2021	11/18/2021
3 of 3	MASTER PLAN	04/09/2021	11/18/2021

CONCEPTUAL SITE PLAN
REZONING PETITION # 2021-102

HAMILTON STREET TOWNHOMES
CITY OF CHARLOTTE
THE ARDENT COMPANIES

NORTH

GRAPHIC SCALE
60' 0 30' 60' 120' 240'
(IN FEET)
1 INCH = 60 FT.

PROJECT INFORMATION	
PROJECT MANAGER:	PT
DESIGNED BY:	LH
DRAWN BY:	LH
PROJECT NUMBER:	J058.100
ORIGINAL DATE:	04/09/2021

SHEET:
1 OF 3

U:\2021 Projects (J)\J058 - Hamilton Street (TheArdentCompanies)\Submittal Working Drawings\2021_xx_xx - Hamilton Street Conditional Rezoning - x Rezoning\Sheets\J058 - Hamilton Street Townhomes - - Conceptual Site Plan.dwg, Conceptual Site Plan, dpulman

Hamilton Street Townhomes - Petition # 2021-102
Conditional District Rezoning - Development Standards

DEVELOPMENT STANDARDS
NOVEMBER 18, 2021

A. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Ardent Acquisitions LLC (the "Petitioner") to accommodate the development of a residential community on that approximately 6.957 acre site located on the south side of Hamilton Street between Burton Street and Polk Street, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of a portion of Tax Parcel No. 078-453-01.

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 alleys/private drives/private 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.

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 83 single family attached dwelling units and to any incidental and accessory uses relating thereto that are allowed in the UR-2 zoning district.

2. The restrictive covenants for the residential community to be located on the Site shall include a provision prohibiting short term rentals. A short term rental shall be defined as a lease or rental term less than 6 months in duration.

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 point 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").

2. As depicted on the Rezoning Plan, the Site will be served by internal private alleys/private drives/private streets, and minor adjustments to the locations of the internal private alleys/private drives/private 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. Prior to the issuance of the first certificate of occupancy for a new single family attached dwelling unit constructed on the Site, Petitioner shall dedicate and convey to the City of Charlotte (subject to a reservation for any necessary utility easements) those portions of the Site located immediately adjacent to Hamilton Street as required to provide right of way measuring 35.5 feet from the centerline of existing Hamilton Street, to the extent that such right of way does not already exist.

5. Intersection sight distance will be met per CDOT's Sight Distance Policy, dated May 2003, at the intersection of Hamilton Street and the proposed private street.

6. All transportation improvements set out in this Section C of the Development Standards shall be constructed and approved prior to the issuance of the first certificate of occupancy for a new single family attached dwelling unit constructed on the Site.

7. Petitioner will dedicate 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 a new single family attached dwelling unit constructed on the Site. 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.

D. Architectural Standards

1. The single family attached dwelling units adjacent to Hamilton Street shall front Hamilton Street.

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 constructed on the Site may vary from the widths depicted on the Rezoning Plan.

5. The maximum height of any new building constructed on the Site shall be 50 feet as measured under the Ordinance. Notwithstanding the foregoing, the maximum height of the southernmost building to be located on the Site, which building contains 3 units and is located adjacent to the proposed hammerhead, shall be 40 feet as measured under the Ordinance.

6. To provide privacy, all residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 12 to 24 inches.

7. 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.

8. Usable porches or stoops shall form a predominant feature of the building design and be located on the front or side of the building. Usable front porches, if provided, should be covered and be at least 6 feet deep. Stoops and entry-level porches may be covered but should not be enclosed.

9. All corner/end units that face a public or private street should have a porch or stoop that wraps a portion of the front and side of the unit or provide blank wall provisions that limit the maximum blank wall expanse to 10 feet on all building levels.

10. As depicted on the Rezoning Plan, buildings containing single family attached dwelling units that are adjacent to Hamilton Street shall not contain more than 5 individual single family attached dwelling units. This requirement shall not apply to buildings that are not adjacent to Hamilton Street.

11. Each single family attached dwelling unit shall have a two car garage. The two car garages may be tandem two car garages.

12. The single family attached dwelling units served by the proposed 22 foot alleys shall be rear loaded units, and the single family attached dwelling units served by the proposed private street shall be front loaded units.

13. Walkways shall be provided to connect all residential entrances to sidewalks along public streets or private alleys/drives.

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 frontage on Hamilton Street, which sidewalk may be incorporated into the Urban Arboretum Trail at the option of the City of Charlotte. The existing sidewalk on Polk Street shall remain in place.

2. The sidewalk described above in paragraph 1, or portions thereof, may be located in a sidewalk utility easement.

3. A minimum 30 foot wide landscape area shall be established along a portion of the Site's eastern boundary line as more particularly depicted on the Rezoning Plan. At a minimum, this 30 foot wide 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 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 landscape area into compliance with the tree and shrub requirements of a Class C buffer.

F. 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.

3. 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.

4. 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.

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 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.

2. The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 21 feet.

H. Open Space

1. The site shall comply with the open space requirements of the Ordinance.

2. The areas designated as proposed urban open space areas on the Rezoning Plan shall contain grass, shrubs, trees, pedestrian walkways and seating. The minimum size of each urban open space area is designated on the Rezoning Plan.

I. Place Of Peace Garden/Urban Arboretum Trail

1. The Place of Peace Garden is a community wide amenity proposed to be located just west of the Site on those parcels of land designated as Tax Parcel Nos. 078-446-28 and 078-446-29, which parcels of land are located on Whisnant Street. The Place of Peace Gardenis planned to include improvements such as a gazebo, gathering areas, benches, open space areas and landscaping.

2. Prior to the issuance of the first building permit for the development of the Site, Petitioner shall pay the sum of $100,000 to a foundation for the Place of Peace Garden for the development and construction of the Place of Peace Garden by such foundation. Petitioner shall obtain a receipt for this payment from the foundation to evidence compliance with this obligation and commitment.

3. Prior to the issuance of the first building permit for the development of the Site, Petitioner shall pay the sum of $25,000 to the City of Charlotte's Place Making Program, which funds shall be used by the City of Charlotte to pay for signs, historical markers and/or educational markers along that portion of the Urban Arboretum Trail to be located in the Greenville Community and/or to pay for other improvements relating to such portion of the Urban Arboretum Trail.

J. 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.

ESP Associates, Inc.
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Charlotte, NC 28241
3475 Lakemont Blvd.
Fort Mill, SC 29708
704-583-4949 (NC)
803-802-2440 (SC)
www.espassociates.com

NO.	DATE	REVISION	BY
1	9.13.2021	STAFF COMMENTS	DP
2	11.18.2021	STAFF COMMENTS FINAL	DP

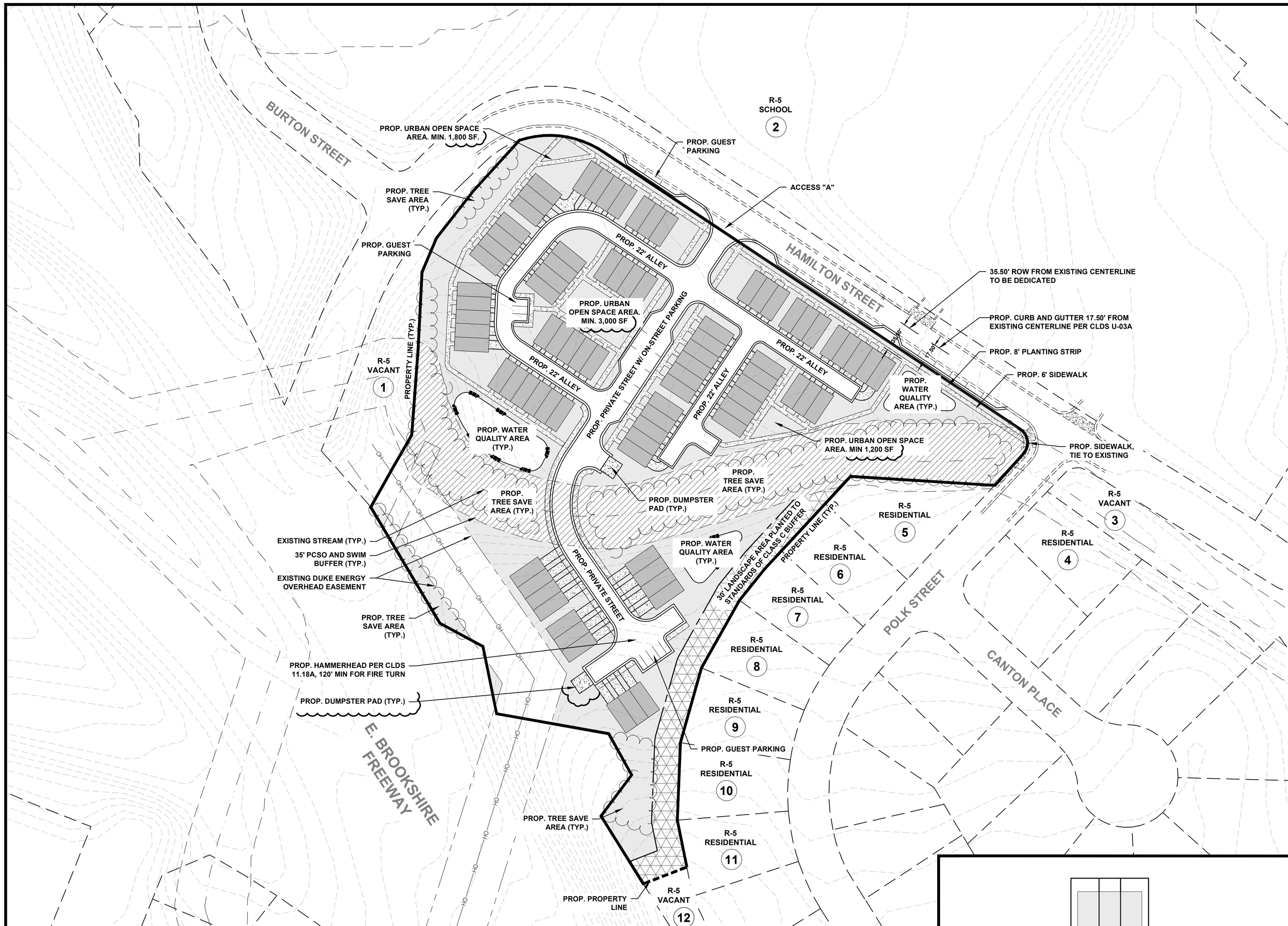
TECHNICAL DATA SHEET
REZONING PETITION # 2021-102

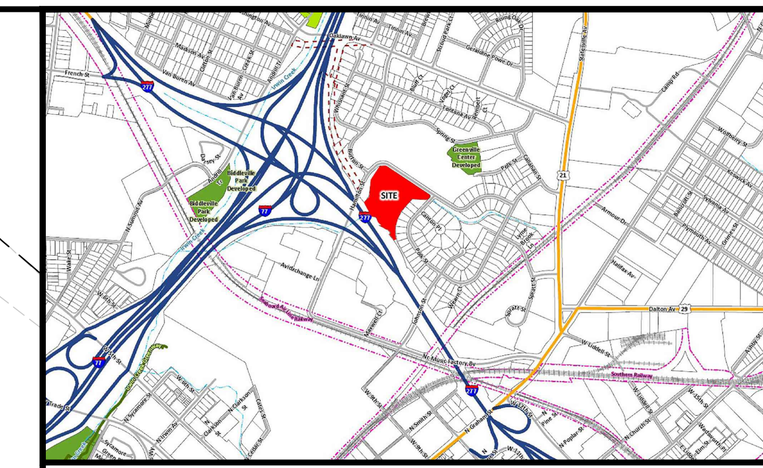
HAMILTON STREET TOWNHOMES
CITY OF CHARLOTTE
THE ARDENT COMPANIES

PROJECT INFORMATION	
PROJECT MANAGER:	PT
DESIGNED BY:	LH
DRAWN BY:	LH
PROJECT NUMBER:	JO58.100
ORIGINAL DATE:	04/09/2021

SHEET:
2 OF 3

U:\2021 Projects (J)\JO58 - Hamilton Street (TheArdentCompanies)\Submittal Working Drawings\2021_xx_xx - Hamilton Street Conditional Rezoning - x Rezoning\Sheets\JO58 - Hamilton Street Townhomes - Technical Data Sheet.dwg, Technical Data, dputman





Vicinity Map
Not to Scale

Site Data

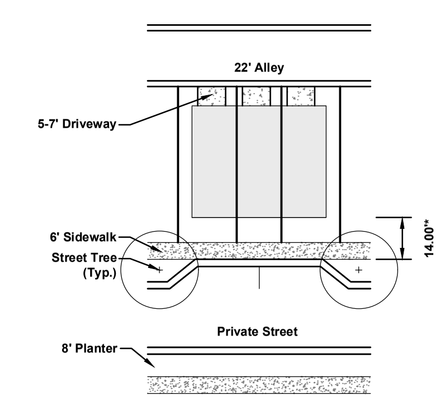
Tax Parcel:	Portion of 07845301
Total Acreage:	Approx. +/- 6.957 Acres
Location:	City of Charlotte
Existing Zoning:	R-5
Proposed Zoning:	UR-2 (CD)
Existing Use:	Vacant
Proposed Use:	Single Family Residential (Attached)
Permitted # of Units:	Up to 83 Single Family Attached (Townhome) Units
Proposed Density:	11.93 Dwelling Units Per Acre (DUA)
Maximum Building Height:	Fifty (50) feet
Parking:	Per City of Charlotte Zoning Ordinance
Open Space:	Per City of Charlotte Zoning Ordinance
Tree Save:	
Required:	+/- 1.04 Acres (15%) Minimum*
Provided:	+/- 1.04 Acres (15%)

* Tree save and open space requirements based on gross site acreage (+/- 6.957 Acres).

General Notes

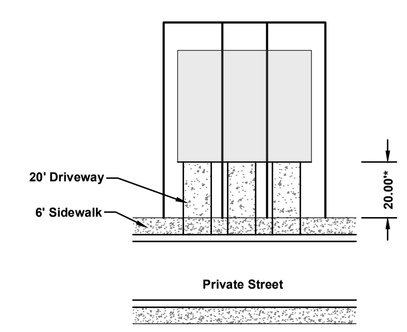
1. Base information obtained from Mecklenburg County GIS and "ALTA/NSPS Land Title Survey of: Short Development Group, LLP Property" provided by ESP Associates Inc., dated March 19, 2020 for Tri Pointe Group Homes, and should be verified for accuracy.

2. Stream / Wetland Information obtained from Mecklenburg County GIS and should be verified for accuracy.



* 14' Minimum Setback from Front of Building to Back of Curb.
** Street Trees Located every 40' Along Public/Private Streets. Street Trees may be Located within 20' of Back of Curb along Public/Private Streets

Townhomes - Rear Load



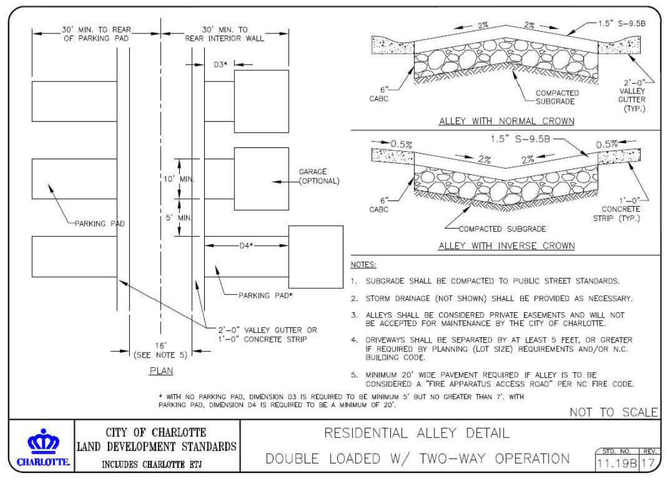
* Driveways and parking pads shall have a minimum length of 20', measured from the back of the sidewalk, or back of the right-of-way, whichever is greater.

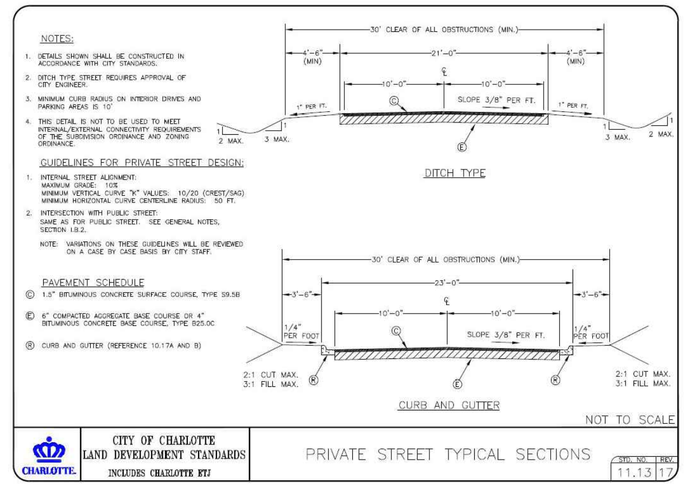
Townhomes - Front Load

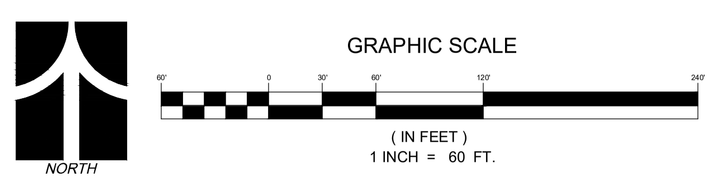
Typical Unit Details
Not to Scale

Typical Unit Details
Not to Scale

Typical Street Sections & Land Development Standards
Not to Scale







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704-583-4949 (NC)
803-802-2440 (SC)
www.espassociates.com

NO.	DATE	REVISION	BY
1	9.13.2021	STAFF COMMENTS	DP
2	11.18.2021	STAFF COMMENTS FINAL	

MASTER PLAN - REZONING PETITION # 2021-102

HAMILTON STREET TOWNHOMES

CITY OF CHARLOTTE

THE ARDENT COMPANIES

PROJECT INFORMATION	
PROJECT MANAGER:	PT
DESIGNED BY:	DP
DRAWN BY:	DP
PROJECT NUMBER:	J058.100
ORIGINAL DATE:	04/09/2021

SHEET: **3 OF 3**

U:\2021 Projects (J)\J058 - Hamilton Street (TheArdenCompanies)\Submittal Working Drawings\2021_xx_xx - Hamilton Street Conditional Rezoning - v Rezoning\Sheets\J058 - Hamilton Street Townhomes - Master Plan.dwg, Master Plan, dpulman

Petition 2021-102 by Ardent Acquisitions, LLC

To Approve:

This petition is found to be **inconsistent** with the *Central District Plan* (1993) recommendation of single family residential up to 4 dwelling units per acre (DUA), but **consistent** with the *General Development Policies* (GDP), which supports the residential density up to 12 dwelling units per acre based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential up to 4 dwelling units per acre.
- The *General Development Policies* supports a residential density up to 12 dwelling units per acre.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The *General Development Policies* (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per acre. The GDP supports the petition's proposal of 83 units at 11.93 DUA.
- This petition helps to fulfill the *Central District Plan's* (1993) goal of increasing the diversity of housing options in this area.
- The site plan proposes to increase the pedestrian experience within the development by including an open space area with features such as seating, pedestrian walkways, and landscaping.
- The petition commits to establishing an 8-foot planting strip and 6-foot sidewalk along the site's frontage on Hamilton Street, increasing neighborhood connectivity in this area.
- The petition proposes to front the dwelling units adjacent to Hamilton Street right on Hamilton street.

  The approval of this petition will revise the adopted future land use as specified by the *Central District Plan (1993)*, from Single Family Residential up to 4 DUA to Residential up to 12 DUA for the site.

To Deny:

This petition is found to be **inconsistent** with the *Central District Plan* (1993) recommendation of single family residential up to 4 dwelling units per acre (DUA), but **consistent** with the *General Development Policies* (GDP), which supports the residential density up to 12 dwelling units per acre based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential up to 4 dwelling units per acre.
- The *General Development Policies* supports a residential density up to 12 dwelling units per acre.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 10.**File #:** 15-16944 **Type:** Zoning Item

Rezoning Petition: 2021-103 by Providence Group Capital, LLC

Location: Approximately 2.25 acres located on the north side of Blairhill Road, south of Clanton Road, and west of South Tryon Street. (Council District 3 - Watlington)

Current Zoning: I-1 (light industrial
Proposed Zoning: TOD-UC (transit-oriented development - urban center)

Public Hearing Held: November 15, 2021 - Item #7

Staff Resource: Holly Cramer

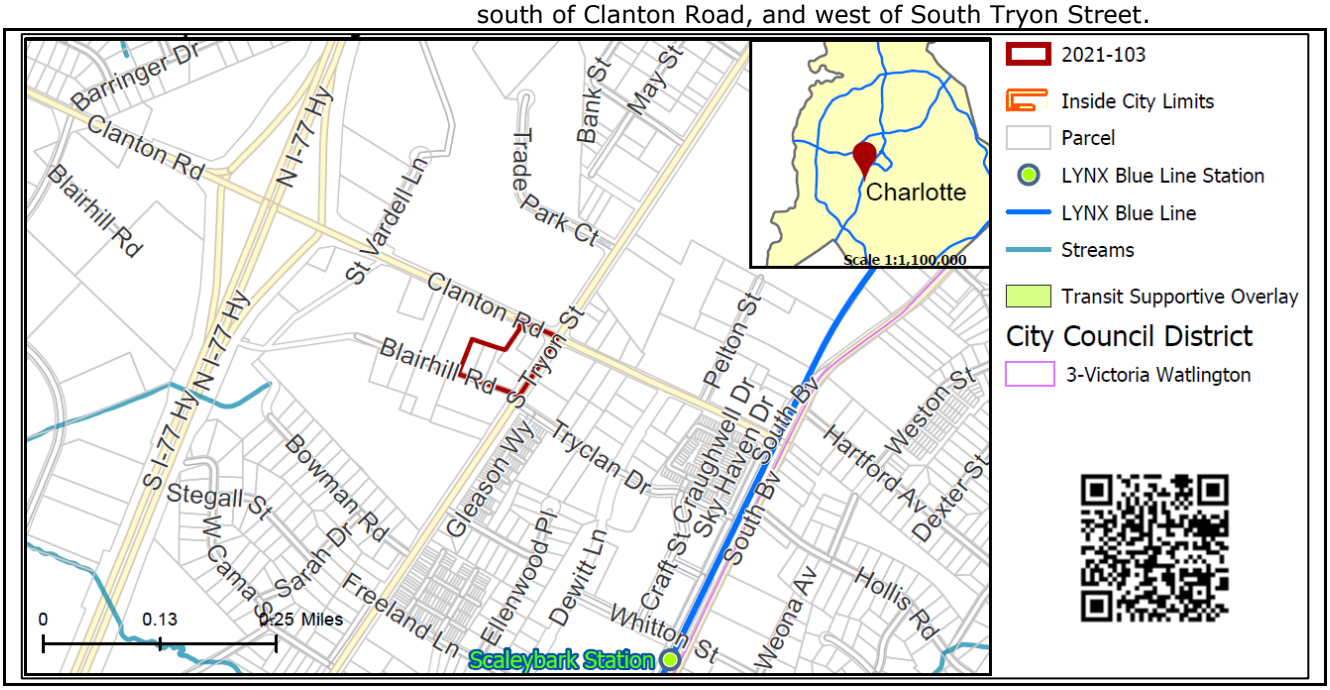
Staff Recommendation:
Staff does not recommend approval of this petition in its current form.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-103
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: I-1 (light industrial) Proposed Zoning: TOD-UC (transit oriented development - urban center)
LOCATION	Approximately 2.25 acres located on the north side of Blairhill Road, south of Clanton Road, and west of South Tryon Street.



SUMMARY OF PETITION	The petition proposes to allow all uses in the TOD-UC (transit oriented development - urban center) zoning district on parcels currently developed for commercial auto uses.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Gerard W. Kressner Providence Group Capital, LLC Keith MacVean
COMMUNITY MEETING	Meeting is not required.

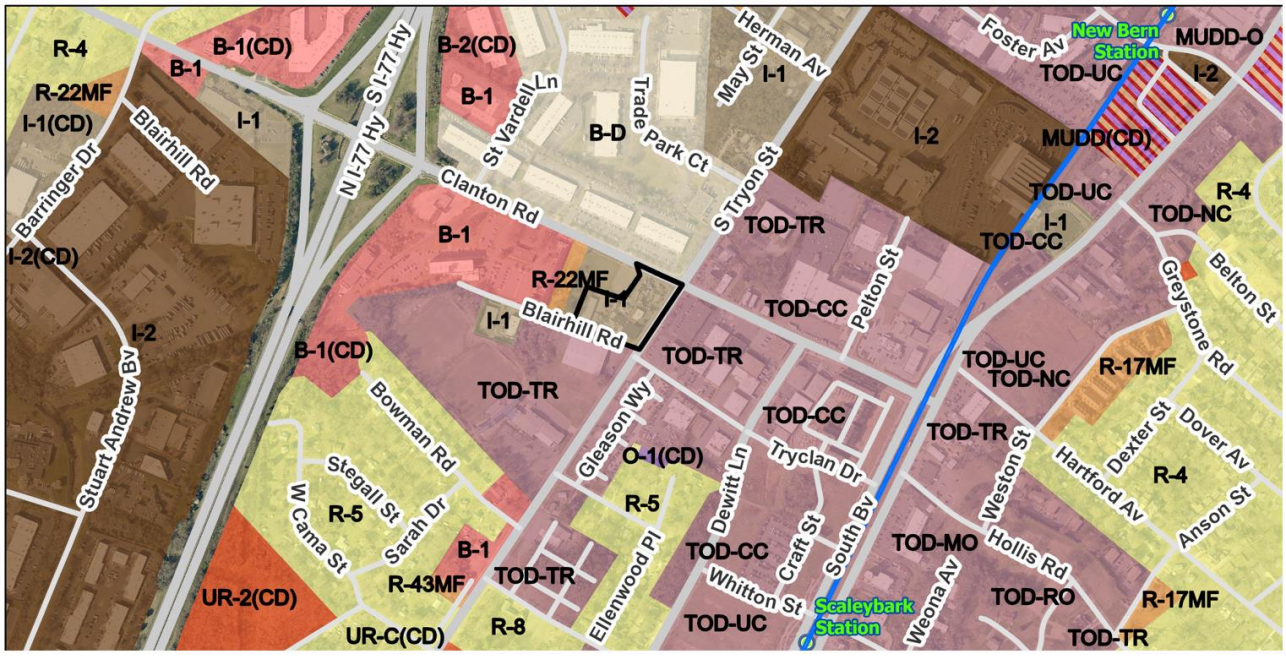
STAFF RECOMMENDATION	Staff does not recommend approval of this petition in its current form. Staff would support a petition requesting a rezoning to the TOD-CC district. <u>Plan Consistency</u> The petition is **inconsistent** with the *Scaleybark Transit Station Area Plan* (2008) recommendation of office and industrial-warehouse-distribution uses for this site. <u>Rationale for Recommendation</u> • The application of the TOD-UC zoning district is reserved for areas of high intensity, and the subject site and surrounding context is of moderate intensity. • The use of TOD-UC and the max height of allowing up to 300' through the bonus provisions allowed under the district would create an incongruent and harsh transition into the surrounding land uses.

- The subject site is in an area with adjacent zoning districts including TOD-TR, TOD-CC, and business – distributive, with the nearest TOD-UC zoning district being located directly on South Boulevard among denser development and just over a quarter-mile walk to Scaleybark Station.
- The use of other TOD zoning districts on the site would be a better fit for the area and still allow for a number of uses. Rezoning to TOD-CC in particular would still allow for a maximum height of up to 130 feet with the bonus provisions.
- The rezoning request is inconsistent with the proposed land use for this area.

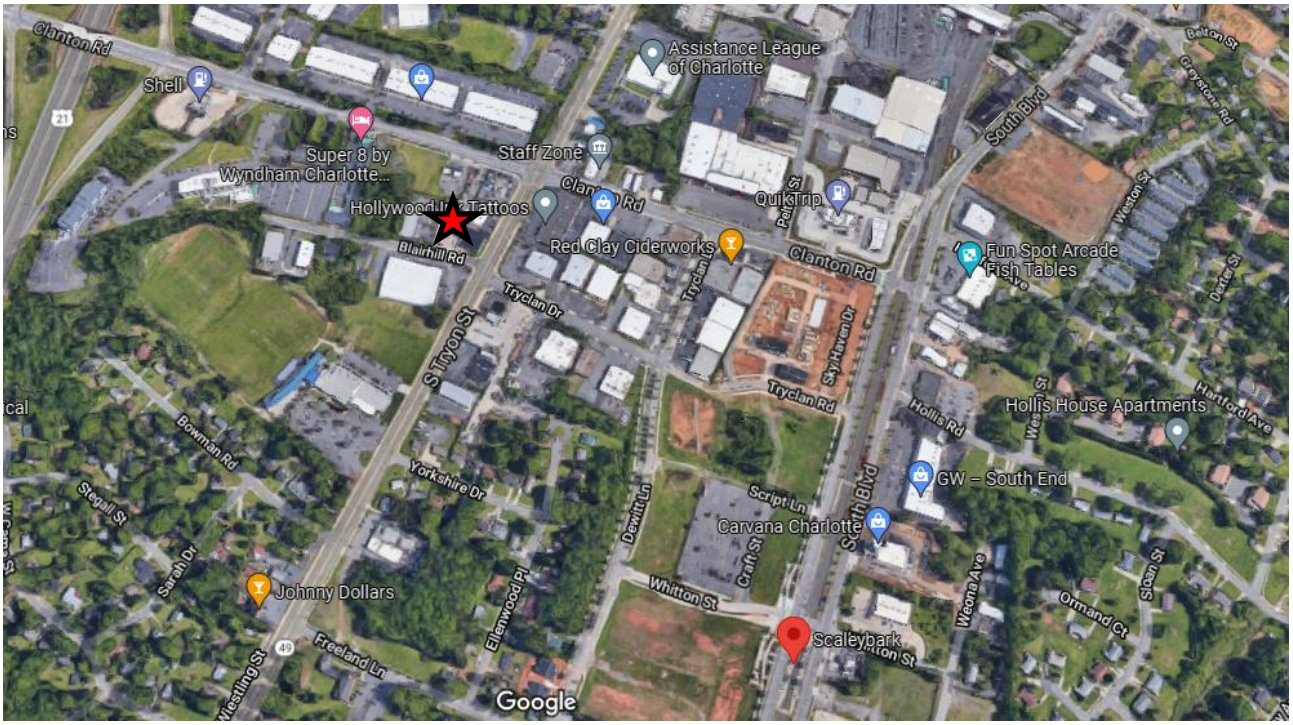
The approval of this petition will revise the adopted future land use as specified by the *Scaleybark Transit Station Area Plan* (2008), from office and industrial-warehouse-distribution uses to transit oriented development for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
  - Allows all uses in the TOD-UC (transit oriented development – urban center) zoning district.
- **Existing Zoning and Land Use**



The subject site, currently zoned I-1, is adjacent to I-1, TOD-CC, TOD-TR, and B-D zoning districts. It is located 0.44-miles from the Scaleybark Station, whereas the closest TOD-UC-zoned parcels to the subject site are approximately a quarter-mile or less to the Scaleybark Station.



- The site (red star above) is in an area with retail, warehouse/distribution, office, industrial, mixed-use residential, and single family residential uses. The nearest light rail station to the subject site, Scaleybark Station, is shown on the bottom right-hand side of the above map and marked with a red pin.

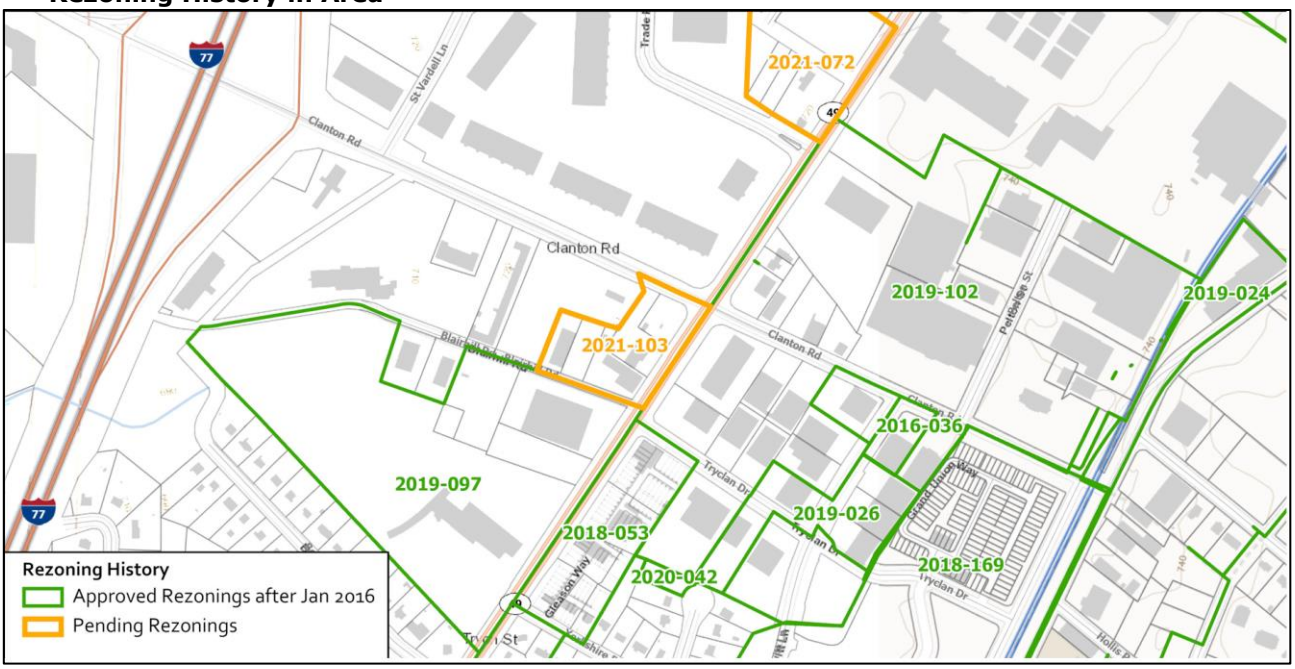
- North of the site are warehouse and retail uses.

- East of the site are retail uses.

- South of the site are retail and industrial uses.

- West of the site is a fire station and motel.

- **Rezoning History in Area**

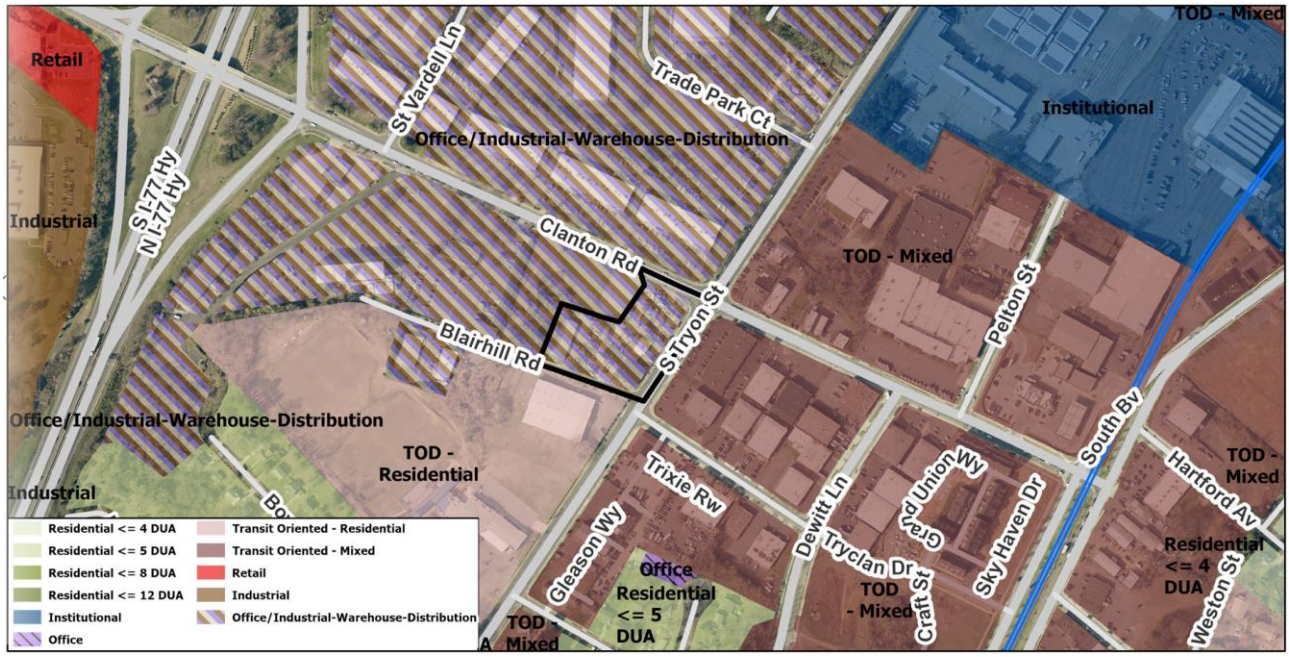


- There have been no recent rezonings of the site.

Petition Number	Summary of Petition	Status
2016-036	Rezoned 0.45 acres from I-2 to TOD-M.	Approved
2018-053	Rezoned 3.169 acres from I-2, I-1, B-1, and R-5 to TOD-M.	Approved

2018-169	Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations. The amendment resulted in 3 existing conventional districts translating to the new TOD-CC +.	Approved
2019-024	Rezoned 1.74 acres from I-1 and I-2 to TOD-CC.	Approved
2019-026	Rezoned 3 acres from I-1 and I-2 to TOD-CC and TOD-TR.	Approved
2019-097	Rezoned 17.02 acres from I-1 and I-1(CD) to TOD-TR.	Approved
2019-102	Rezoned 1,7771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC, or TOD-TR.	Approved
2020-042	Rezoned 0.236 acres from R-5 to O-1(CD).	Approved
2021-072	Rezoning 2.92 acres from I-1 to TOD-CC.	Pending

- **Public Plans and Policies**



- The *Scaleybark Transit Station Area Plan* (2008) recommends office and industrial-warehouse-distribution uses for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located adjacent to Clanton Road, a City-maintained major thoroughfare, Blairhill Road, a City-maintained local street, and South Tryon Street, a State-maintained major thoroughfare. This site is requesting a TOD-UC 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.
- **Active Projects:**
  - There are no active projects near this site.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 310 trips per day (6,250 square feet of warehouse uses and 9,428 square feet of used automobile sales).

  Entitlement: 85 trips per day (22,500 square feet of warehouse uses).

  Proposed Zoning: Too many uses to determine the trip generation.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.

- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** No comments submitted.
- **Urban Forestry:** No comments submitted.

OUTSTANDING ISSUES

Land Use

1. The proposed rezoning to the high-intensity zoning district TOD-UC is not appropriate for this area which is of moderate intensity. Staff would support a proposed rezoning of TOD-CC which still allows for a number of uses and a maximum height of 130 feet. The application of other TOD zoning districts at this site would create a better transition into the surrounding land uses than the requested zoning of TOD-UC.

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

Planner: Holly Cramer (704) 353-1902

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-103

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	**N/A**
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**N/A**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✓

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✔
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	✔
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	**N/A**
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**

Petition 2021-103 by Providence Group Capital, LLC

To Approve:

This petition is found to be **inconsistent** with the *Scaleybark Transit Station Area Plan* (2008) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office and industrial-warehouse-distribution uses for the site.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

To Deny:

This petition is found to be **inconsistent** with the *Scaleybark Transit Station Area Plan* (2008) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office and industrial-warehouse-distribution uses for the site.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- The application of the TOD-UC zoning district is reserved for areas of high intensity, and the subject site and surrounding context is of moderate intensity.
- The use of TOD-UC and the max height of allowing up to 300' through the bonus provisions allowed under the district would create an incongruent and harsh transition into the surrounding land uses.
- The subject site is in an area with adjacent zoning districts including TOD-TR, TOD-CC, and business – distributive, with the nearest TOD-UC zoning district being located directly on South Boulevard among denser development and just over a quarter-mile walk to Scaleybark Station.
- The use of other TOD zoning districts on the site would be a better fit for the area and still allow for a number of uses. Rezoning to TOD-CC in particular would still allow for a maximum height of up to 130 feet with the bonus provisions.
- The rezoning request is inconsistent with the proposed land use for this area.

The approval of this petition will revise the adopted future land use as specified by the *Scaleybark Transit Station Area Plan* (2008), from office and industrial-warehouse-distribution uses to transit oriented development for the site.

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 11.**File #:** 15-16945 **Type:** Zoning Item

Rezoning Petition: 2021-108 by Enquor Construction, LLC

Location: Approximately 7.4 acres located west of Korniv Drive between Lauren Kay Court and Coppola Drive. (Council District 2 - Graham)

Current Zoning: R-3, R-4 (single-family residential)
Proposed Zoning: R-6 (single-family residential)

Public Hearing Held: November 15, 2021 - Item #32

Staff Resource: Joe Mangum

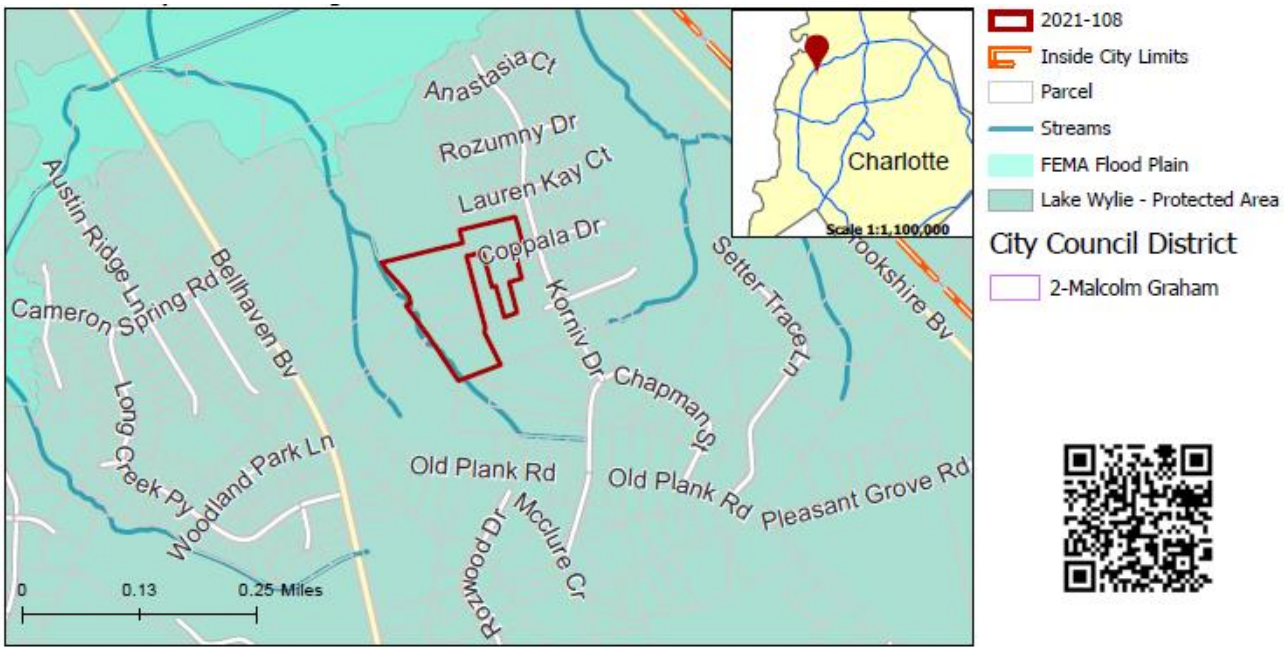
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-108
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: R-3, R-4 (Single Family Residential) Proposed Zoning: R-6 (Single Family Residential)
LOCATION	Approximately 7.4 acres located west of Korniv Drive between Lauren Kay Court and Coppola Drive.



SUMMARY OF PETITION	The petition proposes to rezone vacant property near the Coulwood community to permit single family residential development at a higher density.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Enquor Construction, LLC Enquor Construction, LLC Quiana Dixon
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 land use recommendation as per the *Brookshire/I-485 Interchange Study.* However, it is **inconsistent** with the density recommendation of no more than 4 dwelling units per acre (DUA). <u>Rationale for Recommendation</u> • The petition is consistent with the single-family land use recommendation for the area. • While the requested density of 6 DUA exceeds the land use plan recommendation, it meets the *General Development Policies* (GDPs) for 6 dwelling units per acre, and the proposed development will remain single-family.

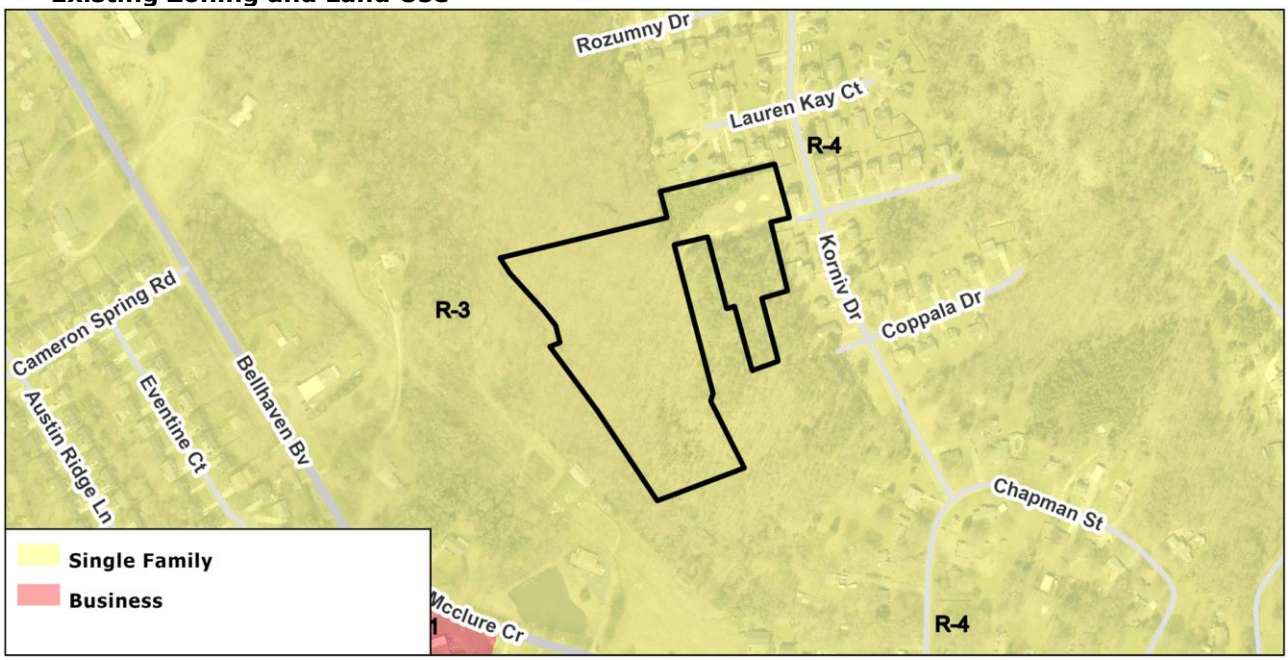
- The site is approximately ½ mile from amenities including Coulwood Shopping Center and Mountain Island Lake Academy PreK-8.

The approval of this petition will revise the adopted future land use as specified by the *Brookshire/I-485 Interchange Study*, from single-family up to 4 DUA recommended land use to single family up to 6 DUA land use for the site.

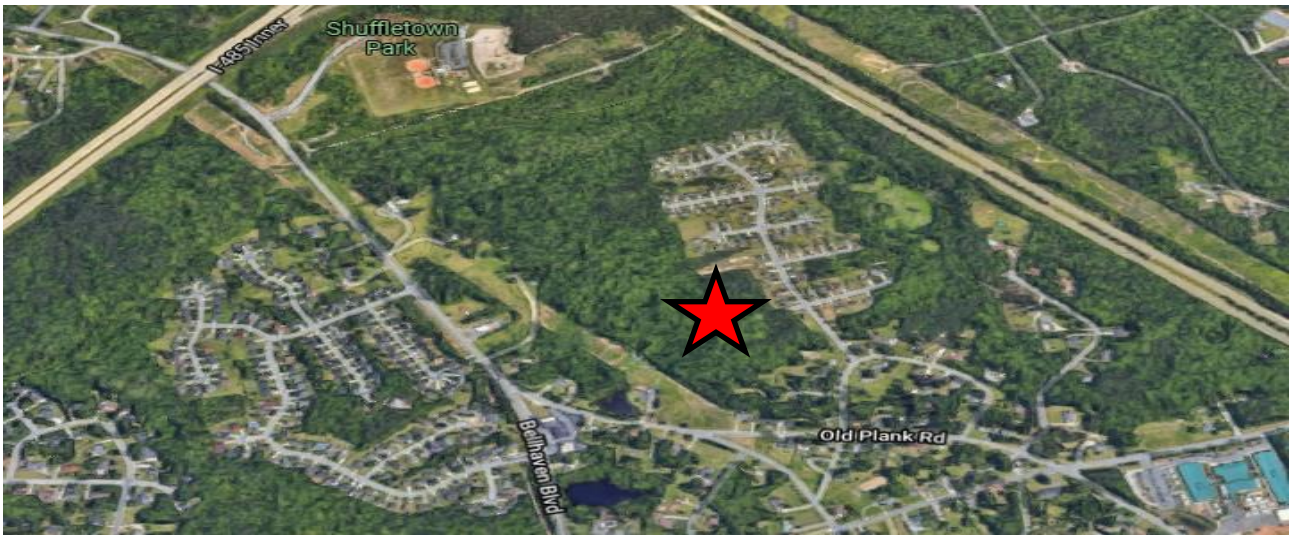
PLANNING STAFF REVIEW

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

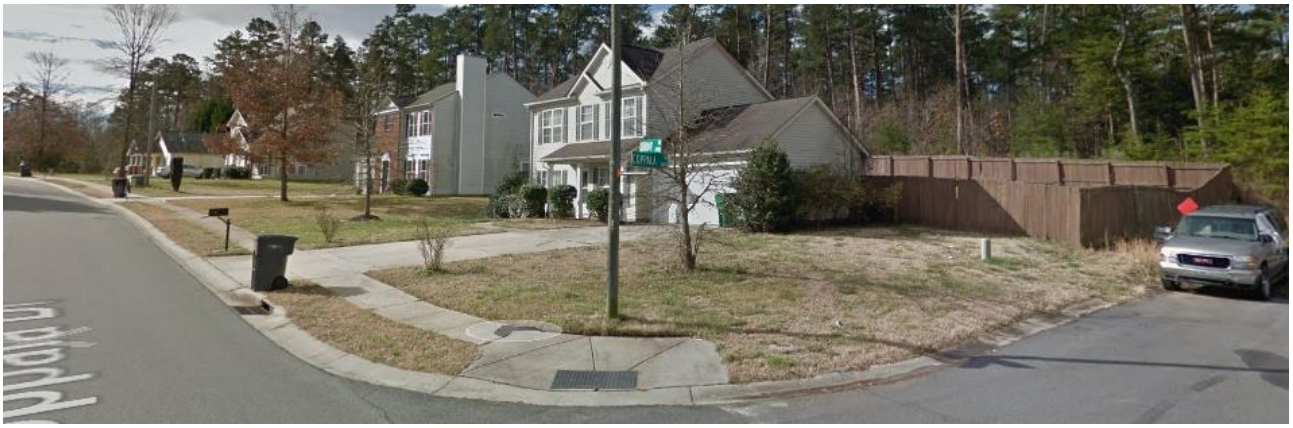
- **Existing Zoning and Land Use**



The site is surrounded by single family residential zoning.



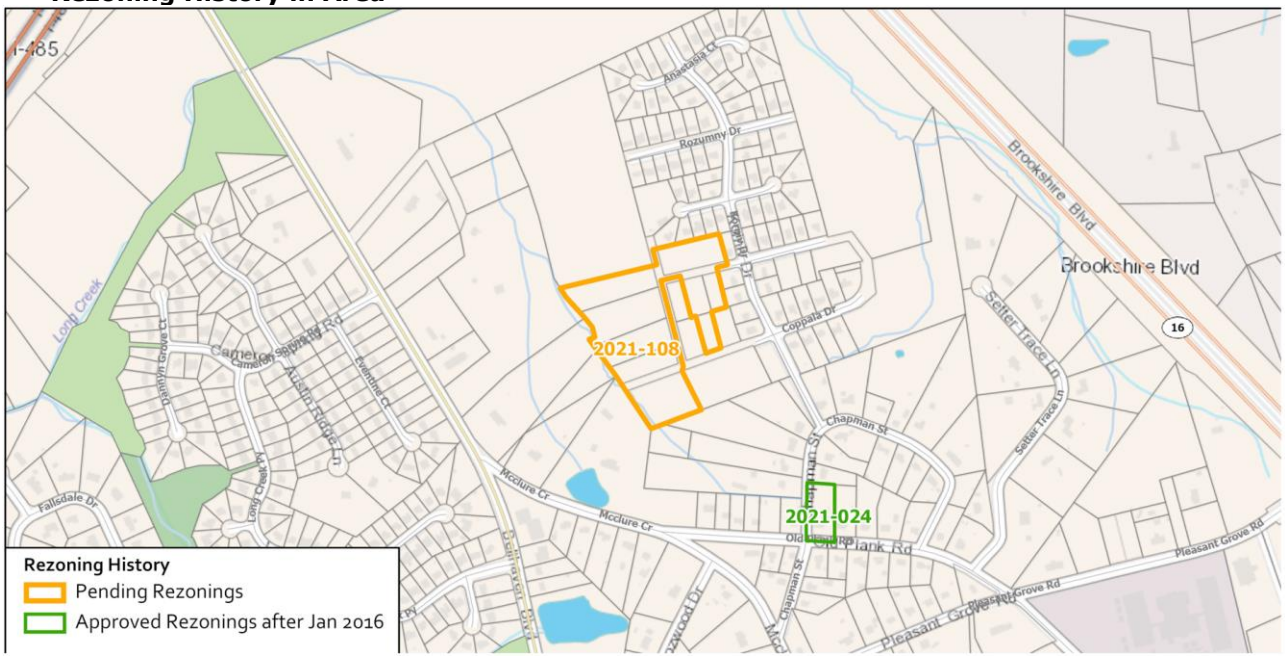
The site is surrounded by single family residential uses and wooded, vacant land. The subject site is marked by a red star.



The properties to the east of the site along Korniv Drive are developed with single family residential uses.

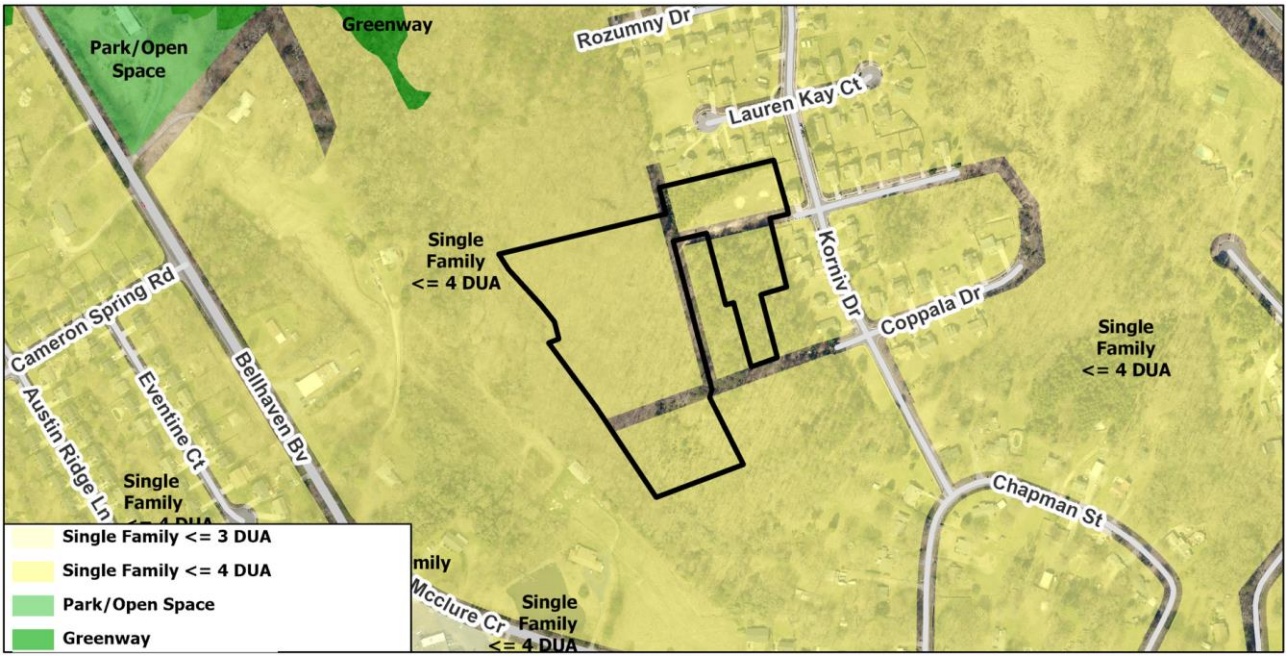
The properties to the north, west, and south of the site are wooded, undeveloped land.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-024	Request to rezone 0.6 acres to R-4.	Approved

- **Public Plans and Policies**



The *Brookshire/I-485 Interchange Study* (adopted 2002) recommends single family up to 4 DUA for this parcel and surrounding area.

- 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 up to 6 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 6 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	2
Connectivity Analysis	2
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 10	**Total Points: 11**

- **TRANSPORTATION SUMMARY**

The site is not adjacent to any public road, so an extension of Coppala Drive within the paper street Right of Way will most likely be required during permitting. A Traffic Impact Study (TIS) is not needed for this site. This site is being rezoned conventionally, and there is no site plan to review for the rezoning. CDOT will determine streetscape requirements and access design considerations for this site during the permitting process.

- **Active Projects:**
  - There are no active projects in the vicinity of this site.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 180 trips per day (based on 15 single family dwellings).

  Proposed Zoning: 375 trips per day (based on 33 single family dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.

- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **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 13 students, while the development allowed under the proposed zoning may produce 18 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Mountain Island Lake Academy PreK-8 at 133%
    - West Mecklenburg High at 78%
- **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary.See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.
- **Erosion Control:** 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.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** No comments submitted.
- **Urban Forestry:** No comments submitted.

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

Planner: Joe Mangum (704) 353-1908

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

RZP 2021-108

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when Policy Mapping is completed (anticipated early 2022) and when the **Policy Map** is adopted (anticipated summer 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	✓
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	N/A
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✗

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	✓
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	✗
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	✗
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	✓
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	N/A

Petition 2021-108 by Enquor Construction, LLC

To Approve:

This petition is found to be both **consistent** and **inconsistent** with the *Brookshire/I-485 Interchange Study* based on the information from the staff analysis and the public hearing, and because:

- The *Brookshire/I-485 Interchange Study* recommends single family land use; but
- The petitioner's request exceeds the *Study's* recommendation for density of no more than 4 dwelling units per acre (DUA).

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

- The petition is consistent with the single-family land use recommendation for the area.
- While the requested density of 6 DUA exceeds the land use plan recommendation, it meets the General Development Policies (GDPs) for 6 dwelling units per acre, and the proposed development will remain single-family.
- The site is approximately ½ mile from amenities including Coulwood Shopping Center and Mountain Island Lake Academy PreK-8.

  The approval of this petition will revise the adopted future land use as specified by the *Brookshire/I-485 Interchange Study*, from single-family up to 4 DUA recommended land use to single family up to 6 DUA land use for the site.

To Deny:

This petition is found to be both **consistent** and **inconsistent** with the *Brookshire/I-485 Interchange Study* based on the information from the staff analysis and the public hearing, and because:

- The *Brookshire/I-485 Interchange Study* recommends single family land use; but
- The petitioner's request exceeds the *Study's* recommendation for density of no more than 4 dwelling units per acre (DUA).

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 12.**File #:** 15-16970 **Type:** Zoning Item

Rezoning Petition: 2021-114 by Appaloosa Real Estate Partners

Location: Approximately 3.55 acres located on the southwest side of Ridge Road and northeast side of Interstate 485, west of Mallard Creek Road. (Council District 4 - Johnson)

Current Zoning: R-3 (single-family residential)
Proposed Zoning: B-D (CD) (business distribution, conditional)

Public Hearing Held: November 22, 2021 - Item #45

Staff Resource: Michael Russell

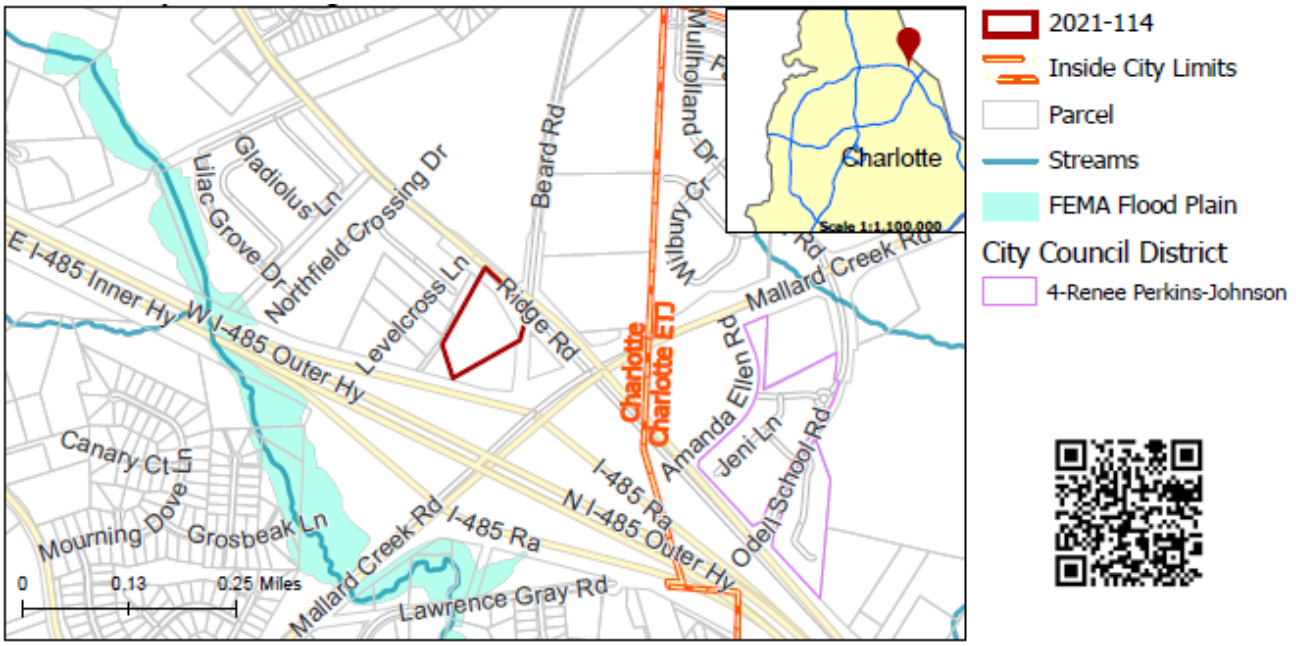
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-114
Post-Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: B-D(CD) (business distribution, conditional)
LOCATION	Approximately 3.55 acres located on the southwest side of Ridge Road and northeast side of Interstate 485, west of Mallard Creek Road.



SUMMARY OF PETITION	The petition proposes to develop a 120,000 square-foot indoor climate-controlled storage facility on vacant land.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Ruth & Joseph Beard Appaloosa Real Estate Partners Bridget Grant, Moore & Van Allen, 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 upon resolution of outstanding issues related to transportation.

Plan Consistency

The petition is **inconsistent** with the *Prosperity Hucks Area Plan* (2015) recommendation of residential uses up to 4 DUA.

Rationale for Recommendation

- While this petition is inconsistent with the *Prosperity Hucks Area Plan* (2015) recommendation of residential use up to 4 DUA, the proposed indoor storage use is appropriate due to its location at the outskirts of a neighborhood area and its proximity to a retail/mixed use area on the other side of Mallard Creek Road outlined in the *Northlake Area Plan*.

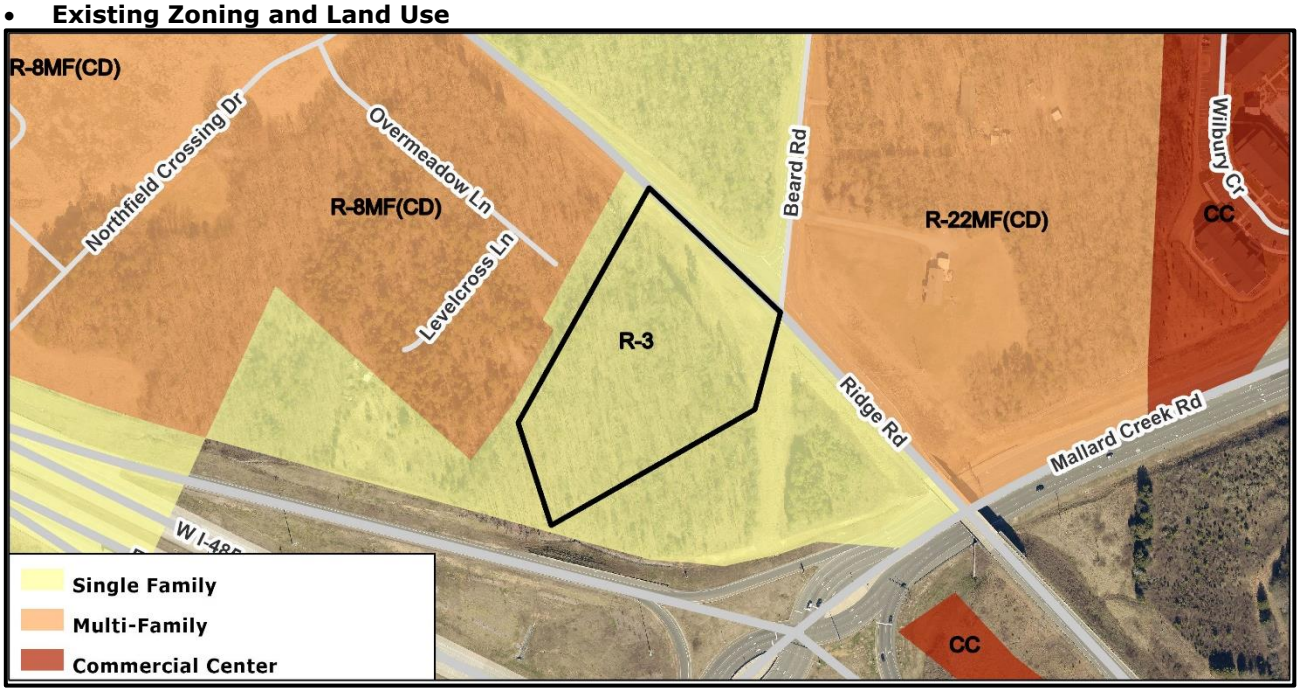
- The petition proposes to maintain connectivity and pedestrian access on Ridge Road by committing to provide a 10-foot-wide multi-use path and an 8-foot planting strip.
- The site commits to a 43-foot class B buffer where the site abuts existing residential areas, ensuring an appropriate transition from the proposed storage use to the residential areas located on the western border of the site.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan (2015)*, from Residential up to 4 DUA to Office/Warehouse for the site.

PLANNING STAFF REVIEW

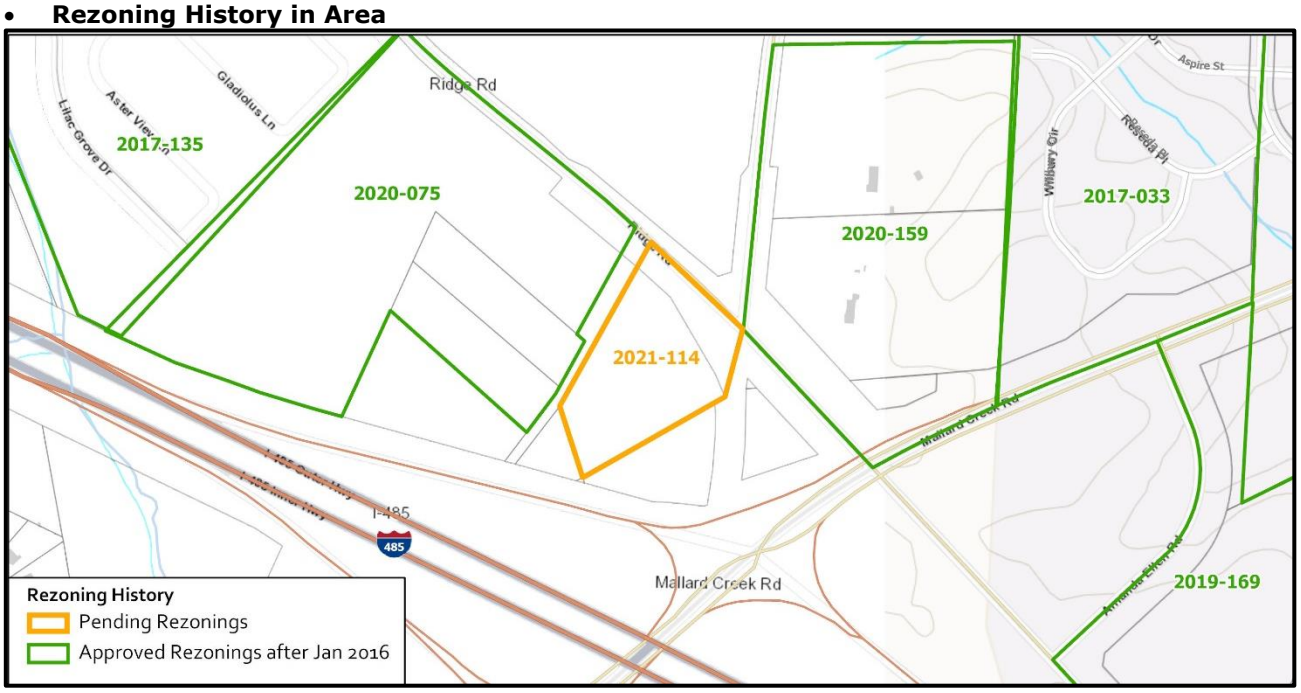
- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 120,000 square-foot indoor climate-controlled storage facility.
  - Prohibits outdoor storage and truck rentals.
  - Provides a 10-foot-wide multi-use path and an 8-foot-wide planting strip and curb and gutter along Ridge Road.
  - Provides a 43-foot Class B buffer to abutting residentially zoned properties.
  - Prohibits loading areas located facing Ridge Road.
  - Architectural Details:
    - Building materials will be a combination of glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, stucco, cementitious siding, metal panels, eifs, or wood.
    - The façade fronting Ridge Road at the ground floor will have a minimum of 25% clear vision and/or spandrel glass of windows and/or building entrances.
    - Pedestrian entrances will have canopies/awnings and/or window features.
    - Dumpster/recycling areas will be enclosed with a solid wall with one side being a decorative gate.

- **Existing Zoning and Land Use**



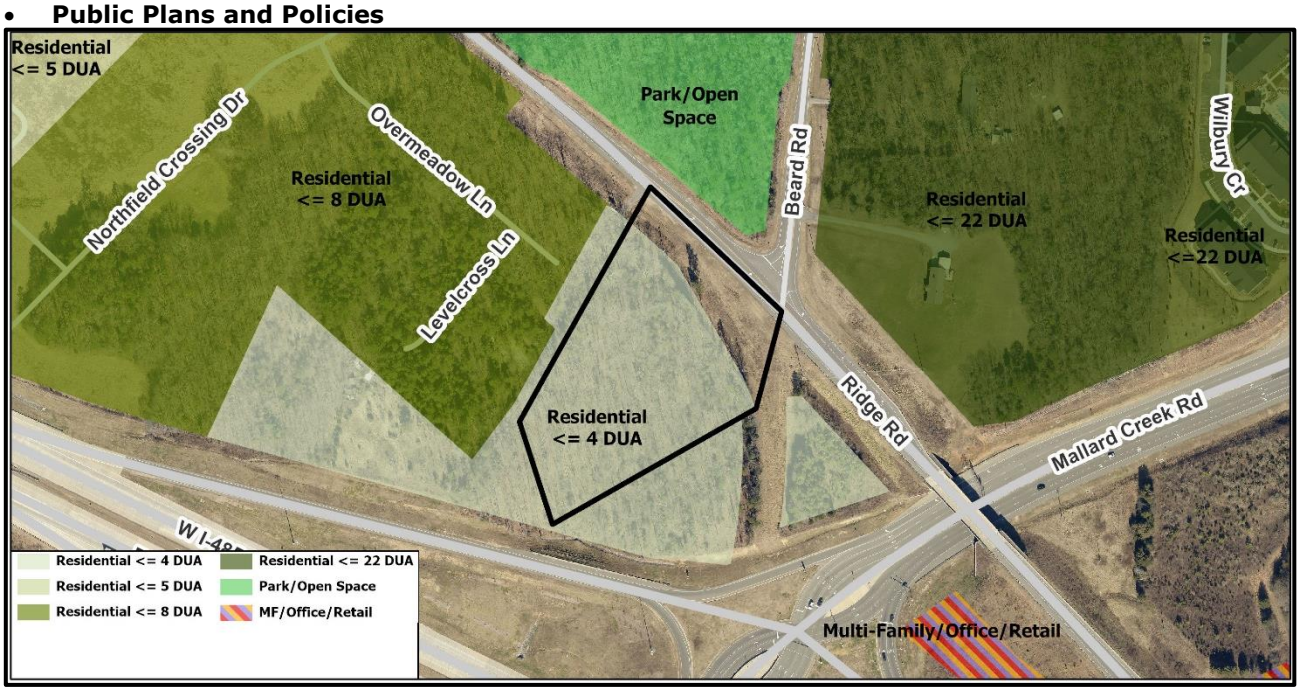
The surrounding land uses include multi-family and single-family homes.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-033	Rezoned 29.01 acres to allow up to 322 multi-family units.	Approved
2017-135	Rezoned 20.54 acres to allow up to 102 multi-family units.	Approved
2019-169	Rezoned 15.9 acres to allow up to 280 multi-family units.	Approved
2020-075	Rezoned 19.6 acres to allow up to 139 townhome units.	Approved
2020-159	Rezoned 14.83 acres to allow up to 325 multi-family units.	Approved

- **Public Plans and Policies**



The *Prosperity Hucks Area Plan (2015)* calls for Residential up to 4 DUA.

- **TRANSPORTATION SUMMARY**
  - The site is located adjacent to Ridge Road, a City-maintained major thoroughfare near Beard Road, a State-maintained major collector. A Traffic Impact Study (TIS) is not needed for this site, due to the proposed land uses not exceeding the trip generation threshold. Additionally, this site will complement the transportation improvements constructed under Rezoning Petition 2020-159, which include roadway safety enhancements at Beard and Ridge Roads. The petitioner has committed to the addition of curb and gutter, planting strips, and multi-use path along the site's frontage of Ridge Road. Site plan revisions are needed to show the proposed curbline in the correct location and dimension curb and gutter location from the centerline of Ridge Road. Further details are listed below.
  - **Active Projects:**
    - Mallard Creek Widening Project (NCDOT Project #U-6032)
    - The project is proposing a widening of Mallard Creek Road (S.R. 2467)/Derita Road (S.R. 1445) from I-485 to Concord Mills Boulevard (S.R. 2894) in Cabarrus and Mecklenburg counties.
    - Project schedule: R/W FY 2022, CON FY 2025
- **Transportation Considerations**
  - See Outstanding Issues, Note 2.
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 130 trips per day (based on 10 single family dwellings).

  Proposed Zoning: 235 trips per day (based on 120,000 square-foot warehouse).

DEPARTMENT COMMENTS (see full department reports online)

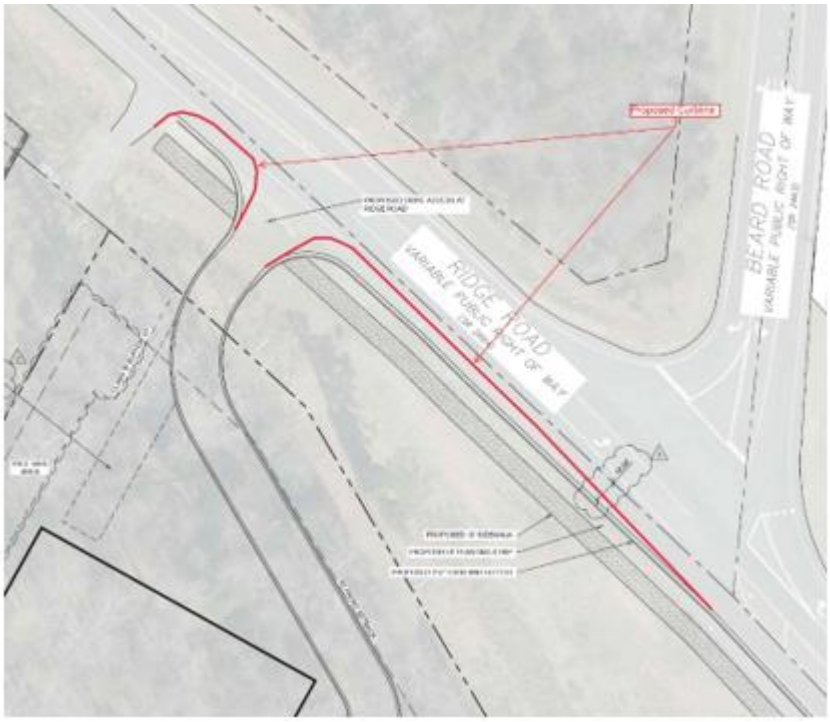
- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg 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 16-inch water distribution main located along Ridge Road. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 500 feet west of the rezoning boundary. A developer donated project will be required in cases there is not direct service. See advisory comments at www.rezoning.org
- **City Arborist:** No outstanding issues.
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

~~1. Place curb and gutter off of edge of travel lane, not existing edge of pavement. Dimension the curb and gutter from the centerline of Ridge Road.~~ Addressed

2. Place curb and gutter at edge of travel lane as depicted below.



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

Planner: Michael Russell (704) 353-0225

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

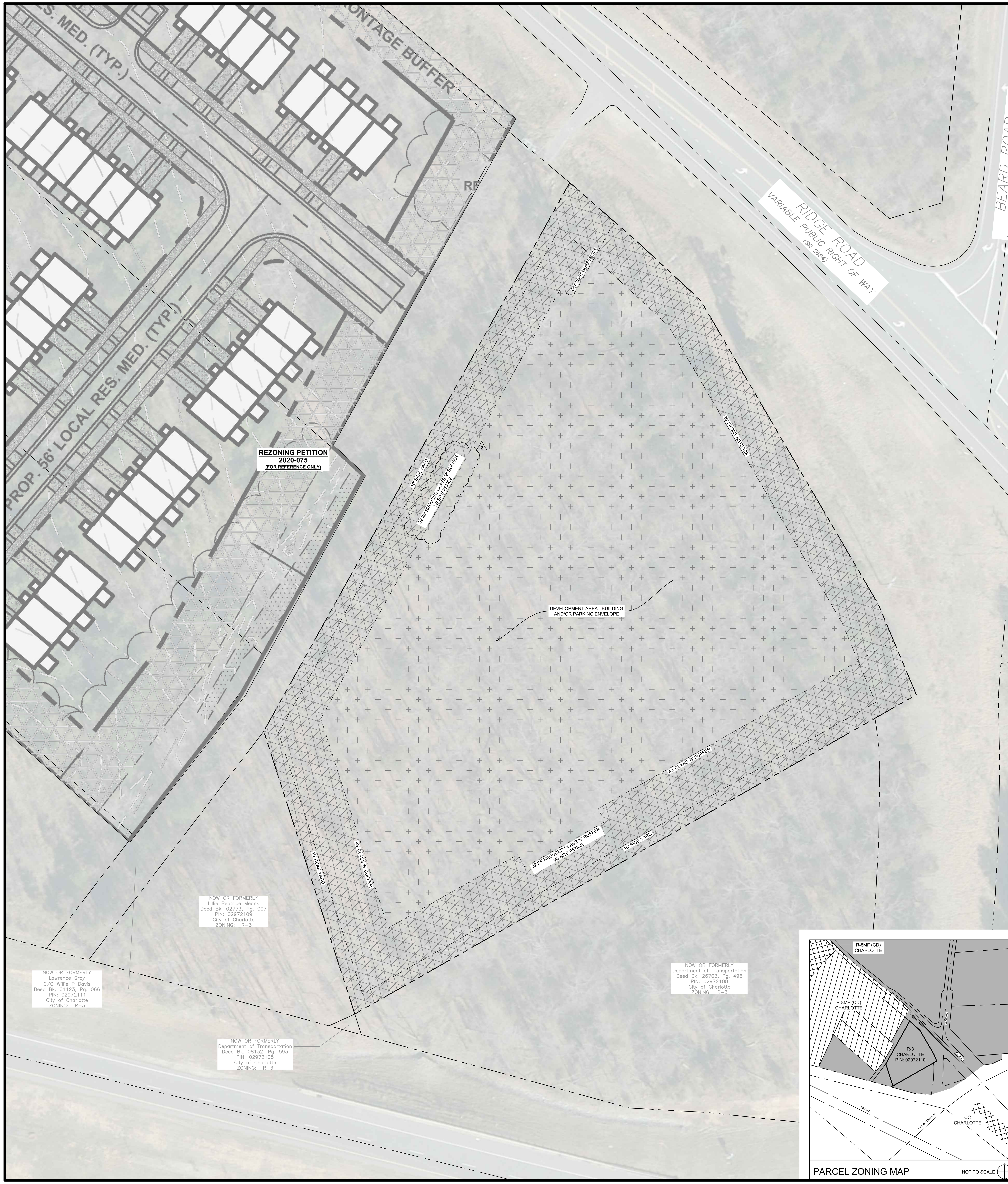
Rezoning Petition # 2021-114

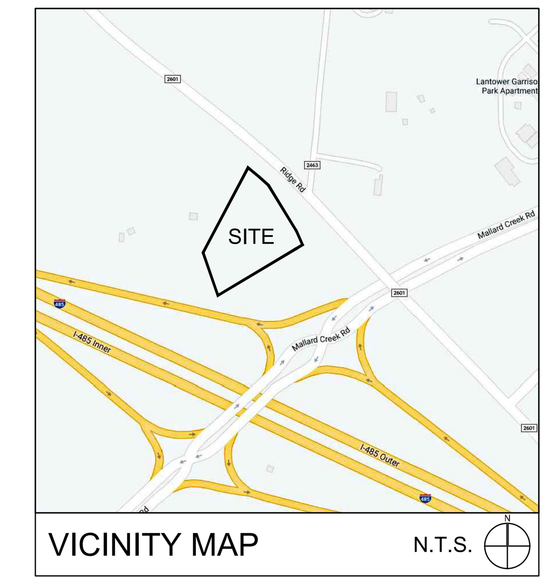
The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	**N/A**
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**N/A**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	**N/A**

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	**N/A**
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	**N/A**
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	**N/A**
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**





BACKGROUND DISCLAIMER

BACKGROUND INFORMATION FROM MECKLENBURG COUNTY GIS.

DEVELOPMENT SUMMARY:

PARCEL ID: 02972110
OWNER NAME: RUTH W BEARD C/O JOSEPH W BEARD
OWNER ADDRESS: 2900 BEARD RD, CHARLOTTE, NC 28269

DEVELOPER NAME: APPALOOSA REAL ESTATE PARTNERS, LLC
DEVELOPER ADDRESS: 2820 SELWYN AVENUE, STE 618, CHARLOTTE, NC 28209

TAX PARCEL NUMBER: 029-721-10
TOTAL PARCEL SIZE: ± 3.55 ACRES (BASED ON GIS)

EXISTING ZONING: R-3
EXISTING USE: VACANT

PROPOSED ZONING: B-D
PROPOSED USES: UP TO 120,000 SF INDOOR, CLIMATE-CONTROLLED SELF STORAGE

B-D ZONING PROPOSED:
MINIMUM FRONT SETBACK: 30' (DUE TO ADJACENT RESIDENTIAL USES)
MINIMUM REAR YARD: 10'
MINIMUM SIDE YARDS: 10'

BUFFER: REQUIRED: 43' OR 32.25' WITH FENCE
PROVIDED: 43' PRIMARILY

STREET TREES REQUIRED: 1 LARGE TREE PER 40 LF, OR 1 SMALL TREE PER 30 LF

MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:
UP TO 120,000 SF OF GROSS FLOOR AREA OF INDOOR CLIMATE CONTROL STORAGE AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE B-D ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED IN THE DEVELOPMENT STANDARDS BELOW).

MAXIMUM BUILDING HEIGHT:
THE MAXIMUM ALLOWED BUILDING HEIGHT WILL BE AS PERMITTED BY ORDINANCE.

PARKING: AS REQUIRED BY THE ORDINANCE FOR THE PROPOSED USE.

TREE SAVE: REQUIRED: 15% (.15 X 3.55 AC) = 0.53 AC
PROVIDED: 0.53 MIN

OPEN SPACE: REQUIRED: 20% (.20 X 3.55 AC) = 0.71 AC)
PROVIDED: 0.71 MIN

DEVELOPMENT STANDARDS

APRIL 19, 2021

1. **GENERAL PROVISIONS:**

   a. **SITE LOCATION**. THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN AND OTHER GRAPHICS SET FORTH ON ATTACHED SHEET RZ-1 FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY APPALOOSA REAL ESTATE PARTNERS. ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A HIGH QUALITY INDOOR CLIMATE CONTROL STORAGE FACILITY ON AN APPROXIMATELY 3.55 ACRE SITE LOCATED ON RIDGE 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 BD ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

   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.

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

2. **PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:**

   a. SUBJECT TO THE RESTRICTIONS AND LIMITATIONS LISTED BELOW IN B. AND C., THE PRINCIPAL BUILDING CONSTRUCTED ON THE SITE MAY BE DEVELOPED WITH UP TO 120,000 SQUARE FEET OF GROSS FLOOR AREA OF INDOOR CLIMATE CONTROLLED STORAGE USES ("WAREHOUSING WITHIN AN ENCLOSED BUILDING")

   b. OUTDOOR STORAGE WILL NOT BE ALLOWED.

   c. TRUCK RENTAL ASSOCIATED WITH THE CLIMATE CONTROLLED STORAGE FACILITY WILL NOT BE ALLOWED.

FOR PURPOSES OF THE DEVELOPMENT LIMITATIONS SET FORTH IN THESE DEVELOPMENT STANDARDS (BUT NOT TO BE CONSTRUED AS A LIMITATION ON FAR REQUIREMENTS), THE FOLLOWING ITEMS WILL NOT BE COUNTED AS PART OF THE ALLOWED GROSS FLOOR AREA (FLOOR AREA AS DEFINED BY THE ORDINANCE) FOR THE SITE: SURFACE OR STRUCTURED PARKING FACILITIES, AND ALL LOADING DOCK AREAS (OPEN OR ENCLOSED).

3. **ACCESS:**

   a. ACCESS TO THE SITE WILL BE FROM RIDGE ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN, SUBJECT TO ADJUSTMENTS AS SET FORTH BELOW.

   b. PETITIONER WILL PROVIDE A NEW TEN (10) FOOT WIDE MULTI-USE PATH AND EIGHT (8) FOOT WIDE PLANTING STRIP (THE WIDTH OF THE PLANTING STRIP MAY BE ADJUSTED TO AVOID EXISTING UTILITY POLES) ON RIDGE ROAD.

   c. THE EXACT ALIGNMENT, DIMENSIONS AND LOCATION OF THE ACCESS POINT AND PARKING AND MANEUVERING TO THE SITE, AND 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 AND REQUIREMENTS DESCRIBED IN THIS SECTION 3 ARE MET.

   d. THE PETITIONER WILL DEDICATE BY FEE SIMPLE CONVEYANCE ADDITIONAL RIGHT-OF-WAY ALONG RIDGE ROAD AS INDICATED ON THE REZONING PLAN. THIS ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.

   e. THE REQUIRED TRANSPORTATION IMPROVEMENT WILL BE CONSTRUCTED AND APPROVED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

   f. ALL PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AND NCDOT, AS APPLICABLE, TO THE ROADWAY IMPROVEMENTS WITHIN THEIR RESPECTIVE ROAD SYSTEM AUTHORITY. IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY THE PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER DEVELOPMENT OR ROADWAY PROJECTS TAKING PLACE WITHIN THE BROAD NORTH EASTERN MECKLENBURG AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

4. **PARKING AREAS, ACCESS AND CIRCULATION DESIGN GUIDELINES.**

   a. THE LOADING AREAS ASSOCIATED WITH THE PROPOSED INDOOR CLIMATE CONTROLLED STORAGE FACILITY MAY NOT BE LOCATED ON THE SIDE OF THE PROPOSED BUILDING FACING RIDGE ROAD.

5. **SETBACKS, BUFFERS AND SCREENING.**

   a. THE ORDINANCE REQUIRED SETBACK IS 30 FEET MEASURED FROM THE PROPOSED RIGHT OF WAY LINE (SECTION 9.805). THE PROVIDED BUILDING SETBACK AREAS WILL CONTAIN AREAS OF EXISTING TREES, NEW TREES/ AND/OR LANDSCAPING (THE LANDSCAPING WITHIN THE SETBACK WILL BE A COMBINATION OF TREES, ORNAMENTAL AND ACCENT PLANTING AREAS THAT ENHANCE THE APPEARANCE OF THE BUILDING FROM RIDGE ROAD). FURTHERMORE, THE SETBACK AREAS WILL PROVIDE CURB AND GUTTER ALONG THE EXISTING EDGE OF TRAVEL LANE ALONG THE ENTIRE PROPERTY FRONTAGE.

   b. A CLASS B BUFFER AND/OR A REDUCED CLASS B BUFFER WILL BE PROVIDED AS GENERALLY DEPICTED ON THE REZONING PLAN.

6. **ARCHITECTURAL STANDARDS DESIGN GUIDELINES.**

   a. THE PRINCIPAL BUILDING 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 HARDI-PLANK), METAL PANELS, EIFS OR WOOD. VINYL AS A BUILDING MATERIAL WILL NOT BE ALLOWED EXCEPT ON WINDOWS AND SOFFITS.

   b. DUMPSTER AREAS AND RECYCLING AREAS WILL BE ENCLOSED BY A SOLID WALL OR FENCE WITH ONE SIDE BEING A DECORATIVE GATE. THE WALL OR FENCE USED TO ENCLOSE THE DUMPSTER WILL BE ARCHITECTURALLY COMPATIBLE WITH THE BUILDING MATERIALS AND COLORS USED ON THE PRINCIPAL BUILDING. THE LOCATION OF THE PROPOSED DUMPSTER AND RECYCLING AREAS IS GENERALLY DEPICTED ON THE REZONING PLAN.

   c. DIRECT ACCESS TO THE INDIVIDUAL SELF-STORAGE UNITS LOCATED IN THE BUILDING SHALL NOT BE PROVIDED FROM THE EXTERIOR OF THE BUILDING. ACCESS TO THE INDIVIDUAL SELF-STORAGE STORAGE UNITS SHALL BE PROVIDED ONLY BY INTERNAL HALLWAYS.

   d. THE BUILDINGS SHALL MEET THE FOLLOWING ADDITIONAL DESIGN REQUIREMENTS:

   i. THE FAÇADE FRONTING RIDGE ROAD SHALL AT THE GROUND FLOOR OF THE BUILDING HAVE A MINIMUM OF 25% CLEAR VISION AND/OR SPANDREL GLASS PRINCIPALLY COMPRISED OF WINDOWS AND/OR BUILDING ENTRANCES. UPPER STORIES (IF PROVIDED) SHALL HAVE A MINIMUM OF 25% CLEAR VISION AND/OR SPANDREL GLASS PRINCIPALLY COMPRISED OF WINDOWS IN A ZONE 12' IN HEIGHT MEASURED FROM A MINIMUM OF 2' BELOW THE PARAPET AND ABOVE THE MIDPOINT OF THE FAÇADE. THE ABOVE 25% STANDARD WILL BE DETERMINED BY A HORIZONTAL MEASUREMENT WITHIN SAID ZONES.

   ii. WHERE EXPANSES OF SOLID WALLS ARE NECESSARY ON ELEVATIONS, OTHER THAN NOTED ABOVE, THE FACADE OF ANY FLOOR OF THE BUILDING(S) (INCLUDING A FACADES THAT DO NOT FRONT A PUBLIC STREET, BUT ARE FULLY VISIBLE FROM A PUBLIC STREET), MAY NOT HAVE A BLANK OR UNARTICULATED WALL THAT EXCEEDS TWENTY (20) FEET IN LENGTH. DESIGN ELEMENTS THAT MAY BE UTILIZED TO BREAK UP EXPANSES OF SOLID WALL INCLUDE, WITHOUT LIMITATION, ORNAMENTATION, MOLDING, STRING COURSES, BELT COURSES AND/OR CHANGES IN MATERIAL OR COLOR.

   iii. PEDESTRIAN ENTRANCES WILL BE EASILY IDENTIFIED AND WILL HAVE ARCHITECTURE FEATURES SUCH AS CANOPIES, OR AWNINGS, AND/OR WINDOW FEATURES.

7. **ENVIRONMENTAL FEATURES:**

   a. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS 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.

   b. THE SITE WILL COMPLY WITH TREE ORDINANCE. TREE SAVE AREA WILL BE CALCULATED BASED ON THE GROSS ACREAGE (ACREAGE BEFORE ADDITIONAL RIGHT-OF-WAY IS DEDICATED).

8. **SIGNAGE:**

   a. RESERVED.

9. **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, AND PARKING AREAS.

   b. DETACHED LIGHTING ON THE SITE, EXCEPT STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 22 FEET IN HEIGHT.

   c. LIGHTING FIXTURES THAT ARE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED WILL BE ALLOWED ON THE PROPOSED BUILDING WALLS.

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 IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF CHAPTER 6 OF THE ORDINANCE.

11. **BINDING EFFECT OF THE REZONING APPLICATION:**

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

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phone: 704-940-2883
www.bloc-nc.com
landscape architecture | planning | civil engineering

REVISIONS

NO.	DATE	DESCRIPTION
1	10.11.21	CITY COMMENTS
2	11.18.21	CITY COMMENTS

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BLOC DESIGN, PLLC
PROFESSIONAL LIMITED LIABILITY COMPANY
P-1007
C-390
NORTH CAROLINA

FOR REVIEW ONLY

ZONING PETITION:
2021-114

Ridge Road Self Storage
Self Storage

2601 Ridge Rd
Charlotte, NC 28269

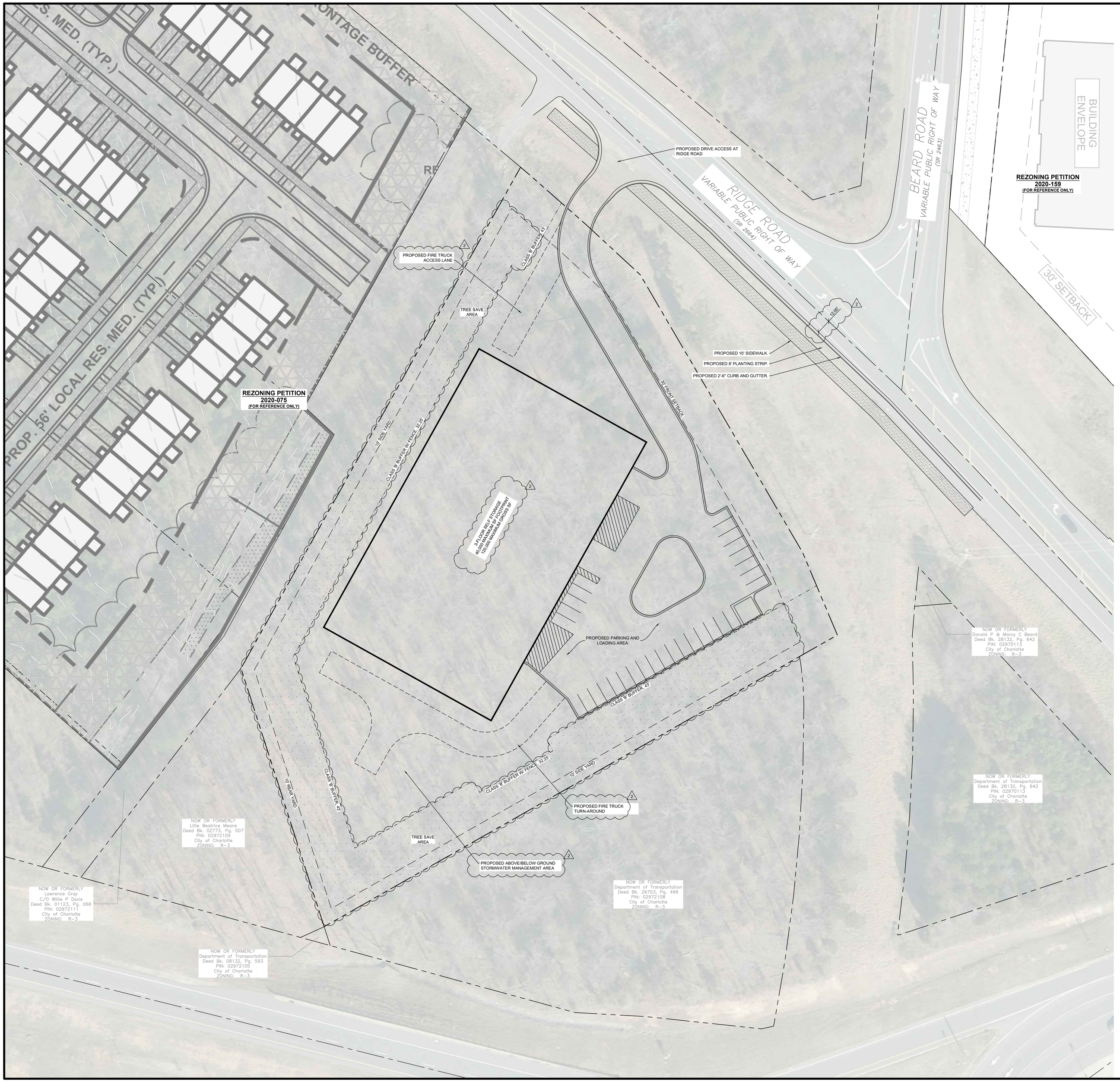
PLAN NORTH N   TRUE NORTH N

SCALE: 1"= 30'
0 15' 30' 60'

DATE: 04/19/2021 | MPIC: WLL
DRAWN BY: DSB | CHECKED BY: RAC
PROJECT NUMBER: 00867.00
SCALE: 1" = 30'

TITLE:
TECHNICAL DATA PLAN

SHEET NO.:
RZ-1



VICINITY MAP N.T.S.

BACKGROUND DISCLAIMER

BACKGROUND INFORMATION FROM MECKLENBURG COUNTY GIS.

SEE RZ-1 FOR TECHNICAL DATA NOTES AND ZONING SUMMARY

NOTE:

THE BUILDING SIZE AND LOCATION MAY BE ADJUSTED AS PERMITTED BY ORDINANCE; PARKING AREAS ARE CONCEPTUAL IN NATURE AND MAY BE INCREASED WITHIN THE BUILDING AND/OR PARKING ENVELOPE.

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landscape architecture I planning I civil engineering

REVISIONS

NO.	DATE	DESCRIPTION
1	10.11.21	CITY COMMENTS
2	11.18.21	CITY COMMENTS

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P-1007
C-390
NORTH CAROLINA

FOR REVIEW ONLY

ZONING PETITION:
2021-114

Ridge Road Self Storage
Self Storage

2601 Ridge Rd
Charlotte, NC 28269

PLAN NORTH N
TRUE NORTH N

SCALE: 1"= 30'
0 15' 30' 60'

DATE: 04/19/2021	MPIC: WLL
DRAWN BY: DSB	CHECKED BY: RAC
PROJECT NUMBER: 00867.00	
SCALE: 1" = 30'	

TITLE:
CONCEPTUAL SITE PLAN

SHEET NO.:
RZ-2

S:\Projects\00867 Ridge Rd Storage\Planet\Production DWGs\00867_Rezoning Plans.dwg, 11/18/2021 12:39:43 PM, austin coleman, Bloc Design

Petition 2021-114 by Appaloosa Real Estate Partners

To Approve:

This petition is found to be **inconsistent** with the *Prosperity Hucks Area Plan* (2015) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential up to 4 dwelling units per acre.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- While this petition is inconsistent with the *Prosperity Hucks Area Plan* (2015) recommendation of residential use up to 4 DUA, the proposed indoor storage use is appropriate due to its location at the outskirts of a neighborhood area and its proximity to a retail/mixed use area on the other side of Mallard Creek Road outlined in the Northlake Area Plan.
- The petition proposes to maintain connectivity and pedestrian access on Ridge Road by committing to provide a 10-foot-wide multi-use path and an 8-foot planting strip.
- The site commits to a 43-foot class B buffer where the site abuts existing residential areas, ensuring an appropriate transition from the proposed storage use to the residential areas located on the western border of the site.

  The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan* (2015), from Residential up to 4 DUA to Office/Warehouse for the site.

To Deny:

This petition is found to be **inconsistent** with the Prosperity Hucks Area Plan (2015) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential up to 4 dwelling units per acre.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 13.**File #:** 15-16946 **Type:** Zoning Item

Rezoning Petition: 2021-115 by Ram Realty Acquisitions V, LLC

Location: Approximately 8.7 acres located on both the north and south side of State Street at the intersection of Gesco Street. (Council District 2 - Graham)

Current Zoning: I-2 (general industrial)
Proposed Zoning: MUDD-O (mixed-use development - optional)

Public Hearing Held: November 15, 2021 - Item #31

Staff Resource: Joe Mangum

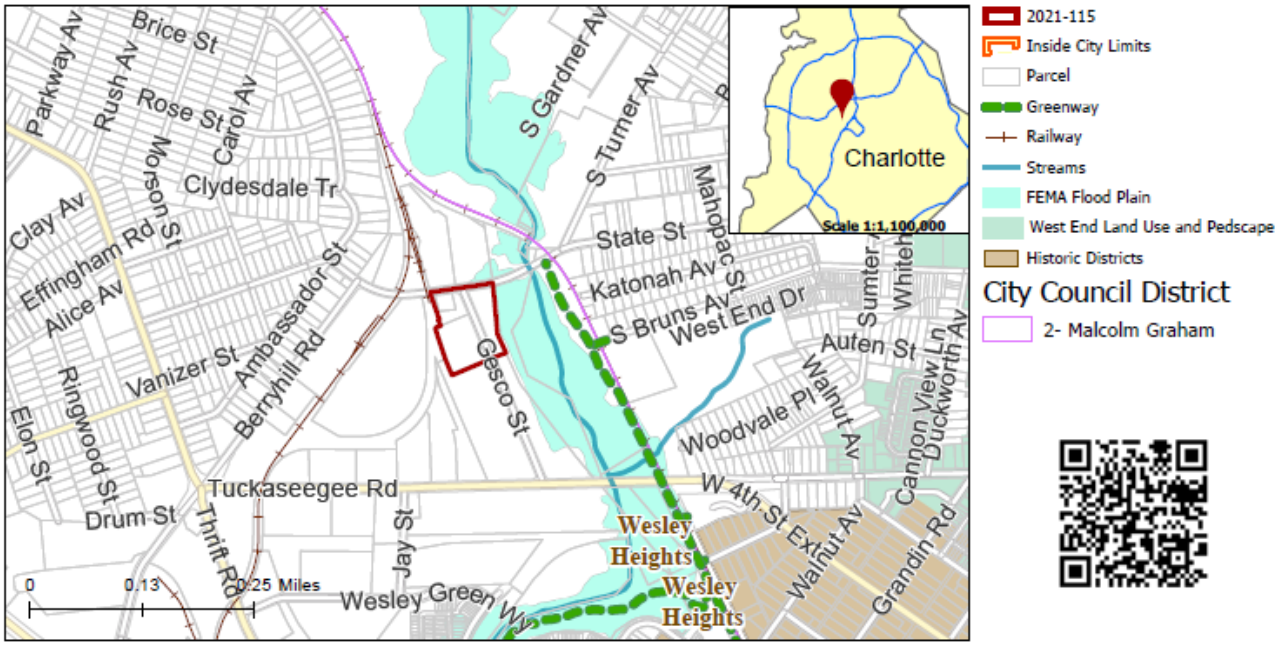
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-115
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: I-2 (General Industrial) Proposed Zoning: MUDD-O (Mixed-Use Development District – Optional)
LOCATION	Approximately 2.58 acres located on both the north and south side of State Street at the intersection with Gesco Street.



SUMMARY OF PETITION	The petition proposes to allow for the redevelopment of an industrial site near the Seversville neighborhood with up to 7,500 square feet of commercial uses and 265 multi-family and/or single family attached residential units at a density of 102.7 dwelling units per acre (DUA).
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Cypress Enterprises LLC Ram Realty Acquisitions V LLC Collin Brown & Brittany Lins
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 7

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **inconsistent** with the adopted industrial land use for this site as per the *Central District Plan.* However, the petition is **consistent** with *General Development Policies* (GDP) for consideration of density of over 17 DUA. <u>Rationale for Recommendation</u> • While inconsistent with the adopted land use for the site, the proposed mixed use development is compatible with current development trends in the area converting older obsolete industrial buildings and redeveloping them for a mix of uses.

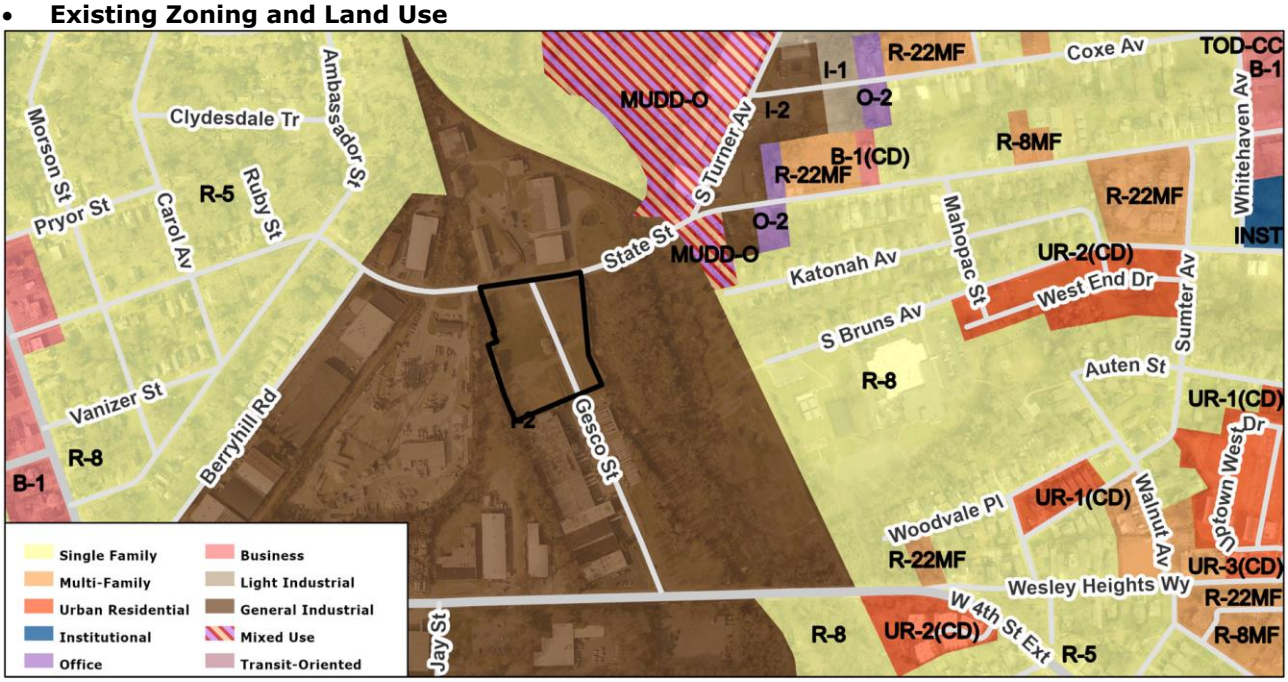
- The site meets the *General Development Policies* (GDP) criteria to be considered for an increase in density of over 17 dwellings per acre.
- The site is located less than one mile from a Lynx Gold Line transit stop, half a mile from a bus stop, and 300 feet from Stewart Creek Greenway.
- The proposed development would provide a streetscape upgrade that will enhance walkability in this developing neighborhood.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from industrial land use to residential/retail/office for the site.

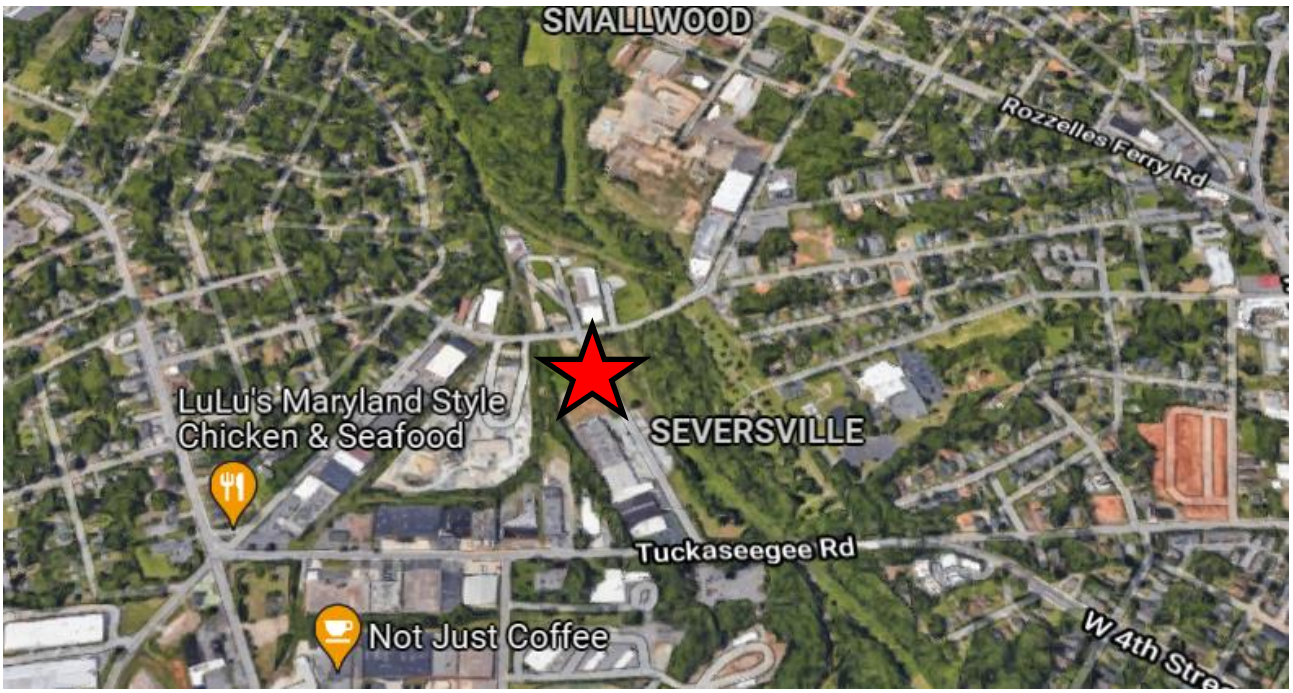
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows for the development of up to 265 multifamily and/or single family attached residential units and 7,500 square feet of commercial uses.
  - Maintains conversion rights from residential to commercial at a rate of one residential unit to 1,000 square feet of commercial uses.
  - Requests an optional provision to allow flexibility in the Gesco Street streetscape in coordination with CDOT during the permitting phase of development. Commits to a minimum sidewalk width of 6' along all public streets.
  - Requests an optional provision to allow parking and maneuvering between the building and street in a roughly 30' by 30' area shown on the site plan.
  - Commits to design standards including specified building materials, screening of parking, building massing, articulated architectural features, and building transparency.
  - Commits to providing open space with amenities which may include a combination of hardscape and softscape, pool, seating, landscaping, garden clubhouse, dog park, and/or other amenities.

- **Existing Zoning and Land Use**



The site is surrounded primarily by warehouse buildings, many of which have been converted to office and retail uses.



The site, marked by a red star, is located near the Seversville neighborhood and is surrounded a mix of uses including office, retail, industrial, single family residential, and multifamily residential.

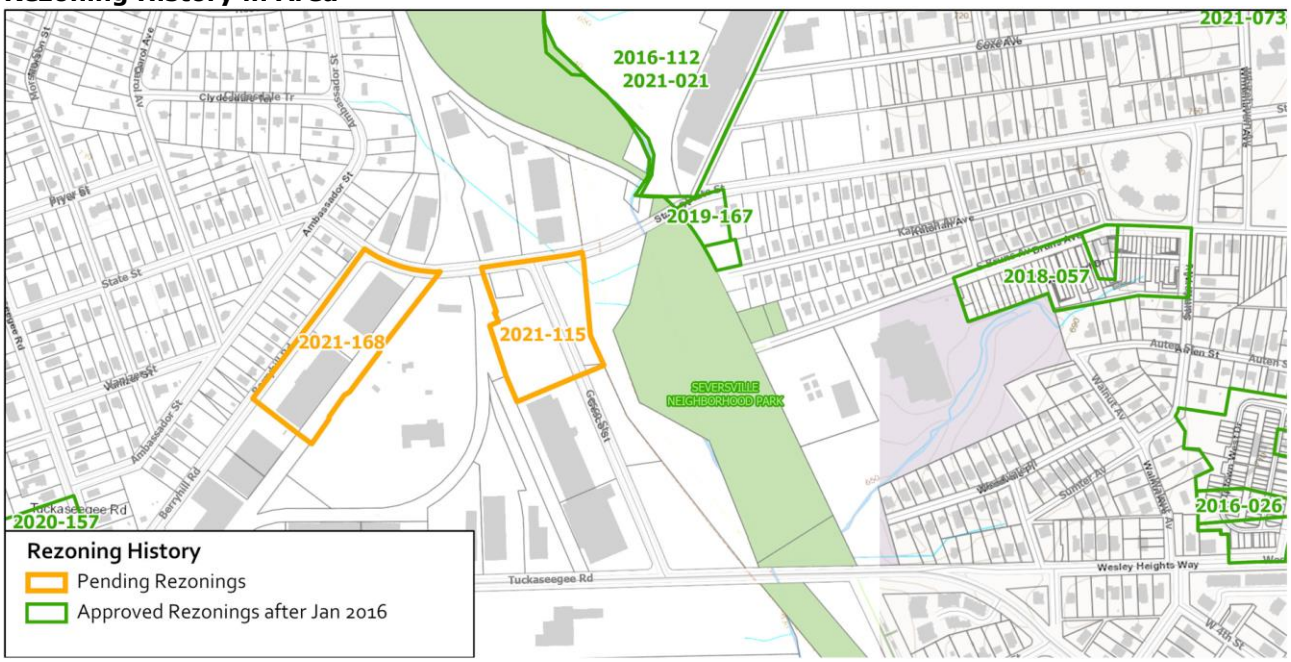
The properties to the north of the site across State Street are developed with industrial uses.

The property to the east of this site is developed with park and greenway uses.

The property to the south of the site is being redeveloped for office uses.

The property to the west of the site is developed with an industrial use.

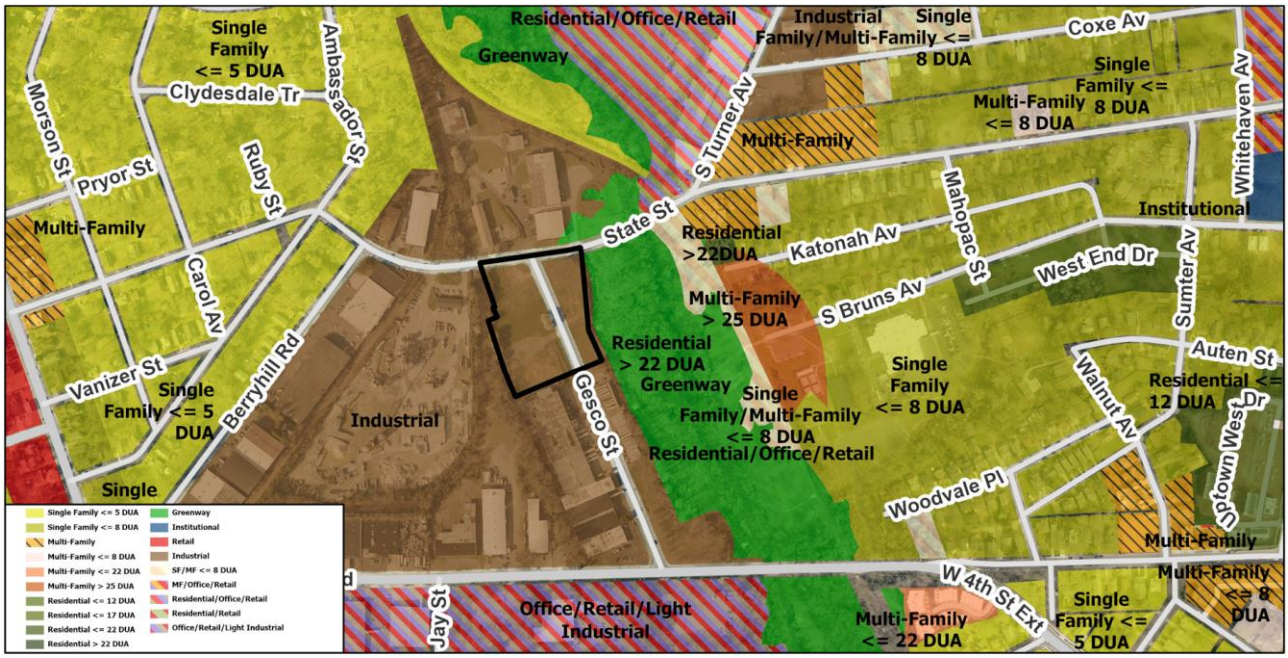
Rezoning History in Area



Petition Number	Summary of Petition	Status
2021-168	Request to permit all uses in the MUDD-O district.	Pending
2021-073	Request to permit all uses in the TOD-CC district.	Approved
2021-021	Request to amend a previously approved rezoning plan to increase the maximum number of residential dwelling units in the redevelopment of Savona Mill.	Approved
2020-157	Request to allow all uses in the NS district in up to 16,000 SF of building area.	Approved

2019-167	Request to allow for the development of 104 multifamily residential units at a density of 148 units per acre.	Approved
2018-057	Request to amend a previously approved plan to allow for the development of 57 single family attached dwelling units at a density of 14.6 dwelling units per acre.	Approved
2016-112	Request to allow a mix of residential and non-residential uses in the existing industrial buildings of Savona Mill.	Approved
2016-026	Request to permit the development of 85 single family attached residential units at density of 18.66 units per acre.	Approved

- **Public Plans and Policies**



The *Central District Plan* (adopted 1993) recommends Industrial land use for this site, and surrounding area along Gesco and State Streets.

- 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 dwellings 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	5
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 14	**Total Points: 15**

- **TRANSPORTATION SUMMARY**
  The site is located on State Street, a City-maintained minor collector and Gesco Street, a City-maintained local street. This site is located in the Berryhill/Tuckaseegee/State Area Industrial Study Project which focuses on a mixture of industrial and multiple uses within the surrounding area. The proposed site is immediately adjacent to Savona Mills, which was rezoned under 2016-112 and recent site plan amendment, 2021-021. A Traffic Impact Study (TIS) is not necessary for the complete review of this petition due to the updated site plan generating less than 2,500 daily trips. The petitioner is providing streetscape of 8-foot planting strips and 6-foot sidewalks along the frontage of State Street and Gesco Street per the Council-Adopted Charlotte WALKS policy. All CDOT comments have been addressed.
  - **Active Projects:**
    - There are no active projects in the vicinity of this site.

- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 0 trips per day (based on vacant building).
  Entitlement: 105 trips per day (based on 37,500 SF warehouse).
  Proposed Zoning: 2,480 trips per day (based on 265 MF dwellings and 7,500 SF retail).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **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 0 students, while the development allowed under the proposed zoning may produce 49 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 49.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Bruns Avenue Elementary from 77% to 82%
    - Ranson Middle from 118% to 120%
    - West Charlotte High from 96% to 97%.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. 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
- **City Arborist:** No comments submitted.
- **Erosion Control:** 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 outstanding issues.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No comments submitted.

OUTSTANDING ISSUES

Transportation

~~1. The proposed conversion rights have the potential to push trip generation over the TIS threshold of 2,500 trips per day. Please choose one of the following options to address this issue: perform a TIS, remove the note referencing conversion rights, or update the conversion right note such that daily trips do not exceed the TIS threshold.~~ ADDRESSED

REQUESTED TECHNICAL REVISIONS

Site and Building Design

~~2. In reference to note V.d., provide an example of a green wall.~~ ADDRESSED

~~3. Modify maximum development note in Site Development Data table from "commercial/non-residential uses" to "non-residential uses permitted in the MUDD district."~~ ADDRESSED

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

Planner: Joe Mangum (704) 353-1908

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

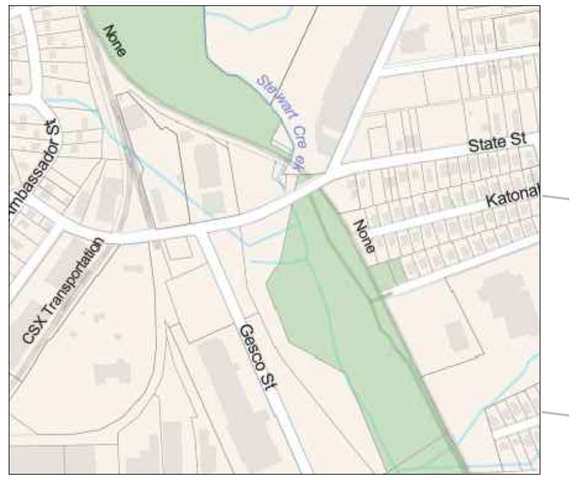
Goals Relevant to Rezoning Determinations
RZP 2021-115

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when Policy Mapping is completed (anticipated early 2022) and when the **Policy Map** is adopted (anticipated summer 2022).

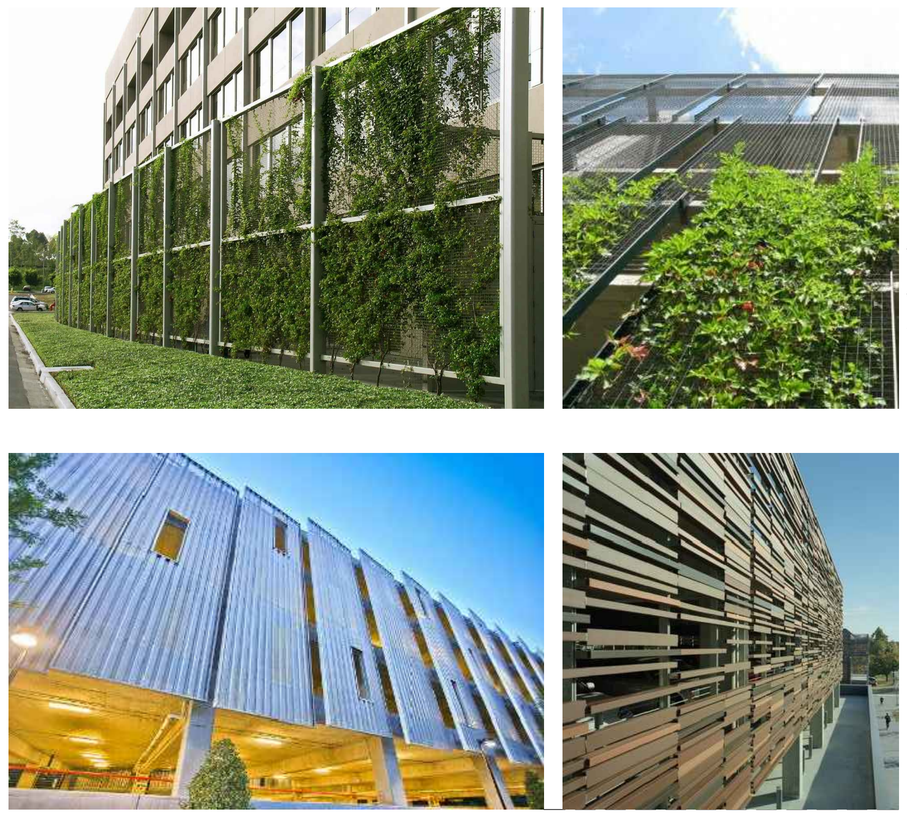
Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	✓
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	✓
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✓

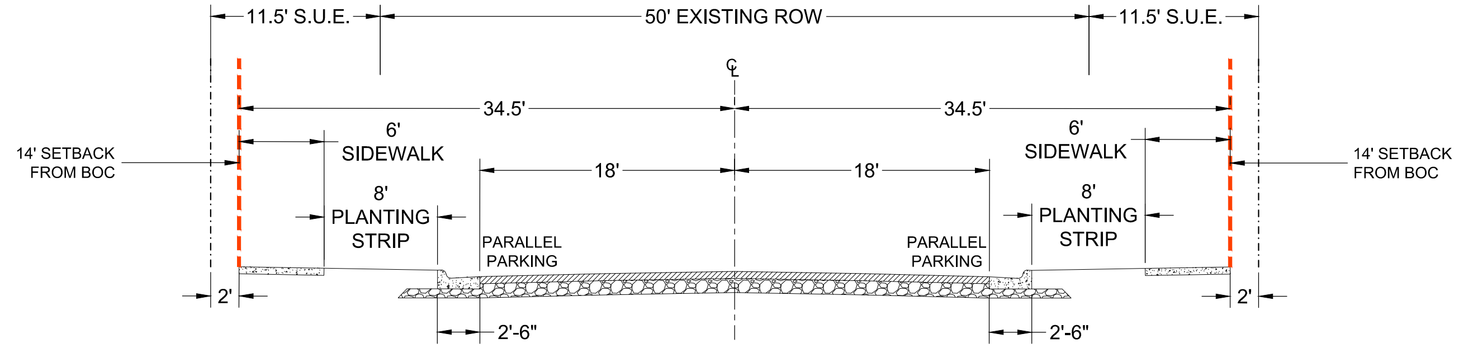
	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	✓
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	✓
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	✓
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**



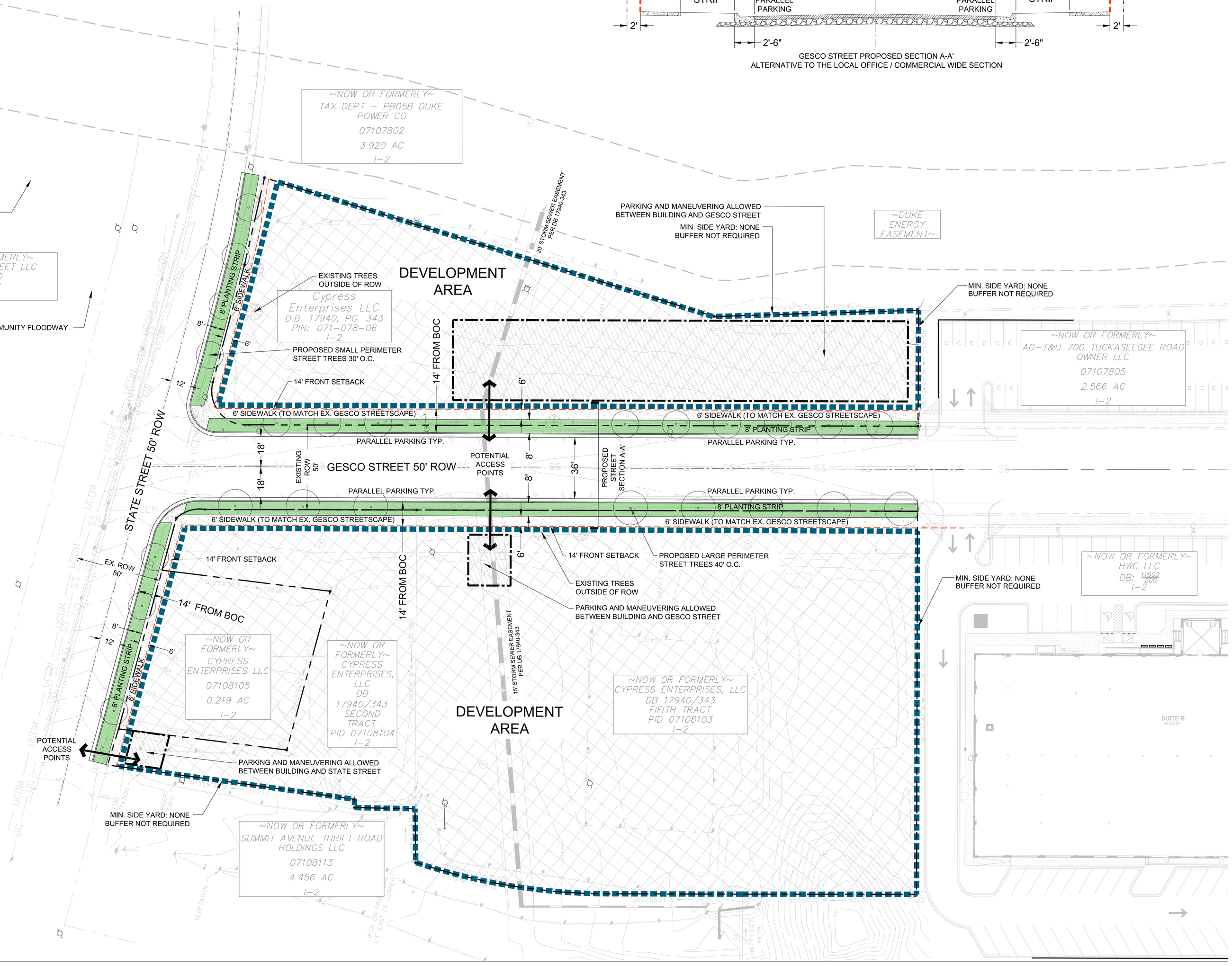
VICINITY MAP



PARKING GARAGE SCREEN WALL EXAMPLES



GESCO STREET PROPOSED SECTION A-A'
ALTERNATIVE TO THE LOCAL OFFICE / COMMERCIAL WIDE SECTION



GRAPHIC LEGEND

- DEVELOPMENT AREAS
- PARKING AND MANEUVERING ALLOWED BETWEEN BUILDING AND GESCO / STATE STREET
- 6' SIDEWALK (TO MATCH EX. GESCO STREETSCAPE)
- 8' PLANTING STRIP
- 14' FRONT SETBACK FROM BOC

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE.

0 15 30 60
SCALE: 1" = 30'

SEAMONWHITESIDE

RZP-2021-115

TECHNICAL DATA PLAN

RAM
CHARLOTTE, NORTH CAROLINA
CL1151 | MFA | 10.11.2021
REVISION 1 11.18.2021

DEVELOPMENT STANDARDS
Petitioner: Ram Realty Acquisitions V LLC
Rezoning Petition No. 2021-115
11/18/2021

Site Development Data:

--**Acreage:** ± 2.58 acres
--**Tax Parcels:** 071-078-06, 071-081-03, 071-081-04, and 071-081-05
--**Existing Zoning:** I-2
--**Proposed Zoning:** MUDD-O
--**Existing Uses:** Vacant
--**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:** Maximum of two hundred sixty-five (265) multi-family and/or single-family attached residential units and 7,500 square feet of non-residential uses as permitted in the MUDD district. 1
--**Maximum Building Height:** Ninety (90) feet, as measured per the Ordinance
--**Parking:** As required by the Ordinance for the MUDD zoning district.

I. 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 Ram Realty Acquisitions V LLC ("Petitioner") to accommodate development of a multi-family residential community on an approximately 2.58-acre site located at the intersection of State Street and Gesco Street, more particularly described as Mecklenburg County Tax Parcel Numbers 071-078-06, 071-081-03, 071-081-04, and 071-081-05 (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 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.

c. **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.

II. Permitted Uses & Maximum Development

a. **Permitted Uses.** Subject to the Maximum Development 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.

b. **Maximum Development.** The Site may be devoted to a maximum of two hundred and sixty-five (265) multi-family and/or single-family attached residential units and 7,500 square feet of non-residential (i.e., office, EDEE, retail, personal service) uses, subject to the conversion rights listed below.

c. **Conversion Rights.** Residential units may be converted to commercial/non-residential uses, and vice versa, at a rate of one (1) residential unit to 1,000 square feet of commercial/non-residential uses. At no point will the development exceed 2,500 trips. 1

III. Optional Provisions

a. The Petitioner requests an Optional Provision to allow for flexibility in the streetscape along Gesco Street, as generally depicted in the Rezoning Plan and reflected in the cross sections therein, to be further coordinated with CDOT during the permitting phase of development.

b. The Petitioner requests an Optional Provision to allow parking and maneuvering between building(s) and street only in the area as generally depicted on the Rezoning Plan.

IV. Transportation

a. Vehicular access will be from Gesco Street and State Street as generally depicted on the Rezoning Plan. The placements and configurations of the vehicular access points will be coordinated with CDOT based on final site and construction plans and designs and to any adjustments required by CDOT for approval.

b. Petitioner shall provide sidewalks with a minimum width of six (6) feet along all Site frontages along public streets. Sidewalks may meander to avoid existing utilities and Site features.

c. On-street parking, where proposed, is subject to review and approval by City Staff during the permitting phase of development.

d. 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.

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

V. Design Guidelines:

a. 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.

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

c. 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.

d. Petitioner shall screen all parking areas adjacent to public streets. Parking structures, if provided, shall be screened from public streets at the public street level by active uses. Car headlights shall be fully screened within the parking structure per Ordinance standards. Screening shall be provided using one or more of the following screening methods: green walls, faux windows, geometric designs, or art.

e. Building Massing and Height shall be designed to break up long monolithic building forms. Buildings exceeding 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 ten (10) feet wide and shall project or recess a minimum of two (2) feet extending through at least a full floor.

f. Architectural Elevation Design - Building elevations shall be designed with vertical bays or articulated architectural façade features to limit blank walls to a maximum of twenty (20) feet in all directions, which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.

g. 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. Sidewalks may meander.

h. Roof top HVAC units will be screened from public view from public rights-of-way.

i. Minimum building ground floor transparency (measured 3' to 10' from finished grade) shall be 60% for non-residential uses and 25% for residential uses. Upper floor transparency shall be a minimum of 20%.

VI. Open Space and Amenity Areas.

a. The Petitioner shall provide an amenity area(s) which may include amenities such as, but not limited to, a combination of hardscape and softscape, pool, cabana, seating, landscaping, art, fountains, pool, cabana, garden, clubhouse, mail kiosk, dog park, and/or other similar amenities.

VII. 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.

c. 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. If a SWIM/PCSO Buffer shown on the Rezoning Plan is deemed to not actually exist during the permitting phase of development, they may be removed from SWIM/PCSO Buffer obligations.

VIII. 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.

IX. 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.

Petition 2021-115 by Ram Realty Acquisitions V LLC

To Approve:

This petition is found to be **inconsistent** with the adopted land use of the *Central District Plan* but **consistent** with the *General Development Policies* based on the information from the staff analysis and the public hearing, and because:

- The *Central District Plan* recommends industrial land use for the site; and
- The petition is consistent with the *General Development Policies* for consideration of more than 17 dwelling units per acre.

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

- While inconsistent with the adopted land use for the site, the proposed mixed use development is compatible with current development trends in the area converting older obsolete industrial buildings and redeveloping them for a mix of uses.
- The site meets the General Development Policies (GDP) criteria to be considered for an increase in density of over 17 dwellings per acre.
- The site is located less than one mile from a Lynx Gold Line transit stop, half a mile from a bus stop, and 300 feet from Stewart Creek Greenway.
- The proposed development would provide a streetscape upgrade that will enhance walkability in this developing neighborhood.

  The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from industrial land use to residential/retail/office for the site.

To Deny:

This petition is found to be **inconsistent** with the adopted land use of the *Central District Plan* but **consistent** with the *General Development Policies* based on the information from the staff analysis and the public hearing, and because:

- The *Central District Plan* recommends industrial land use for the site; and
- The petition is consistent with the *General Development Policies* for consideration of more than 17 dwelling units per acre.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 14.**File #:** 15-16947 **Type:** Zoning Item

Rezoning Petition: 2021-116 by Kevin Boyd

Location: Approximately 0.05 acres located at the intersection of East 35th Street and Whiting Avenue, southeast of North McDowell Street. (Council District 1 - Egleston)

Current Zoning: R-5 (single-family residential)
Proposed Zoning: MUDD-O (mixed-use development - optional)

Public Hearing Held: November 15, 2021 - Item #28

Staff Resource: Claire Lyte-Graham

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

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-116
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: MUDD-O (mixed use development-optional)
LOCATION	Approximately 0.05 acres located at the intersection of East 35th Street and Whiting Avenue, southeast of North McDowell Street.

SUMMARY OF PETITION	The petition proposes to allow the expansion of an existing commercial building and optional provisions related to architectural standards, parking, streetscape, and sight triangles.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Kevin Matthew Boyd Kevin Boyd Collin Brown and Brittany Lins/Alexander Ricks PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report will be available online when received. Number of people attending the Community Meeting: 21

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design. <u>Plan Consistency</u> The petition is **inconsistent** with the *36th Street Transit Station Area Plan's* (2013) recommendation for residential uses up to five dwelling units per acre (DUA). <u>Rationale for Recommendation</u> • The petition limits the number of uses to be allowed on the site by right and under prescribed conditions. • The refuse area has been moved away from the abutting single family residential lot.

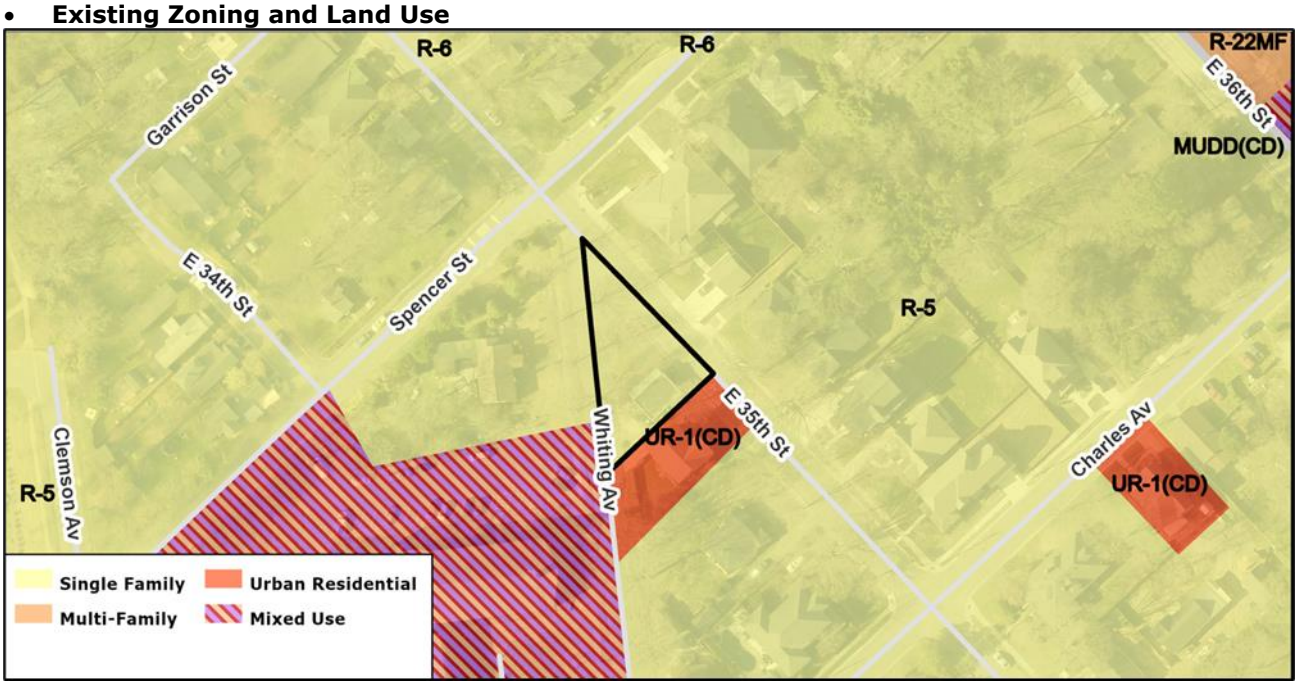
- A fence or landscaping is proposed to screen the rezoning site from the abutting single family residential lot.
- The petition furthers the 36th Street Transit Station Area Plan's goal of "preserving neighborhood character while encouraging a development pattern that supports continued transformation to a vibrant, urban environment".
- Adaptive reuse of an existing building will protect and enhance the existing neighborhood character.
- The petition's limitation of building height to 40 feet is consistent with the plan's desired height for development in this area.

The approval of this petition will revise the adopted future land use as specified by the *36th Street Transit Station Area Plan*, from residential uses up to five dwelling units per acre to retail uses for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows adaptive reuse of an existing 740 square foot commercial building with a potential minor future expansion of 60 square feet (total 800 square feet).
  - ~~Allows all uses by right or under prescribed conditions in MUDD.~~
  - ~~Prohibits a gas station, self-storage building, or accessory drive-through window.~~
  - Proposes to allow the following uses by right and under prescribed conditions: Buildings for dramatic, musical, or cultural activities; Bicycle-sharing station; Small-scale class learning businesses such as culinary school, piano school, and similar categories of small-scale schooling; Donation drop-off facility; EDEEs Type 1 and Type 2; Arcade uses as part of an ice-cream/candy shop or similar small-scale indoor amusement; Indoor recreation; Institutional uses, limited to churches, synagogues, parish houses, Sunday school buildings, convents, community recreation centers, libraries, museums, theaters, or art galleries; Outdoor fresh produce stands and mobile produce market; Outdoor seasonal sales; Outside open market; Parks, greenways, and arboretums; Pet services indoor; Professional business and general offices, excluding post offices; Retail sales limited to uses permitted in the B-1 district; Services such as beauty shops and barbershops up to 4,500 square feet, and locksmiths; Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry; Theaters, motion pictures; YMCAs, buildings for social, fraternal, social service, union and civic organizations, and comparable organizations.
  - Limits building height to 40 feet.
  - Limits hours of operation to 7:00 a.m. to 10:00 p.m.
  - Illustrates locations of existing trees to be removed.
  - Illustrates enhanced landscape areas. Notes landscaping and screening shall be provided along the property line adjacent to the single-family lot as noted on the rezoning plan. The screening and landscaping shall comply as required under the Ordinance and, at a minimum either a 6-foot tall fence or enhanced landscape screening using a combination of evergreen trees and shrubs. If landscaping is utilized for screening, trees shall be installed at a minimum height of 6 feet and shrubs shall be installed a minimum of 36 inches.
  - Notes proposed accessible ramps.
  - Proposes the following optional provisions:
    - Allow the existing building to remain without being required to come into conformance with architectural design standards under the MUDD zoning district. For the sake of clarity, if the existing building is demolished (other than by casualty, acts of God, etc.) and a new building is constructed on the Site, the new building(s) must conform with MUDD design standards.
    - Eliminate the parking requirement for uses contained in the existing building, potential expansion, and outdoor uses. For the sake of clarity, if the existing building is demolished (other than by casualty, acts of God, etc.) and a new building is constructed on the Site, the new building(s) must meet parking standards as required under the Ordinance.
    - Allow deviations from the typical streetscape requirements, as generally depicted on the Rezoning Plan, in coordination with CDOT.
    - Allow deviations from the sight triangle requirements as generally depicted on the Rezoning Plan.
    - Allow the existing building to encroach into the 14' setback as generally depicted on the Rezoning Plan.

- **Existing Zoning and Land Use**



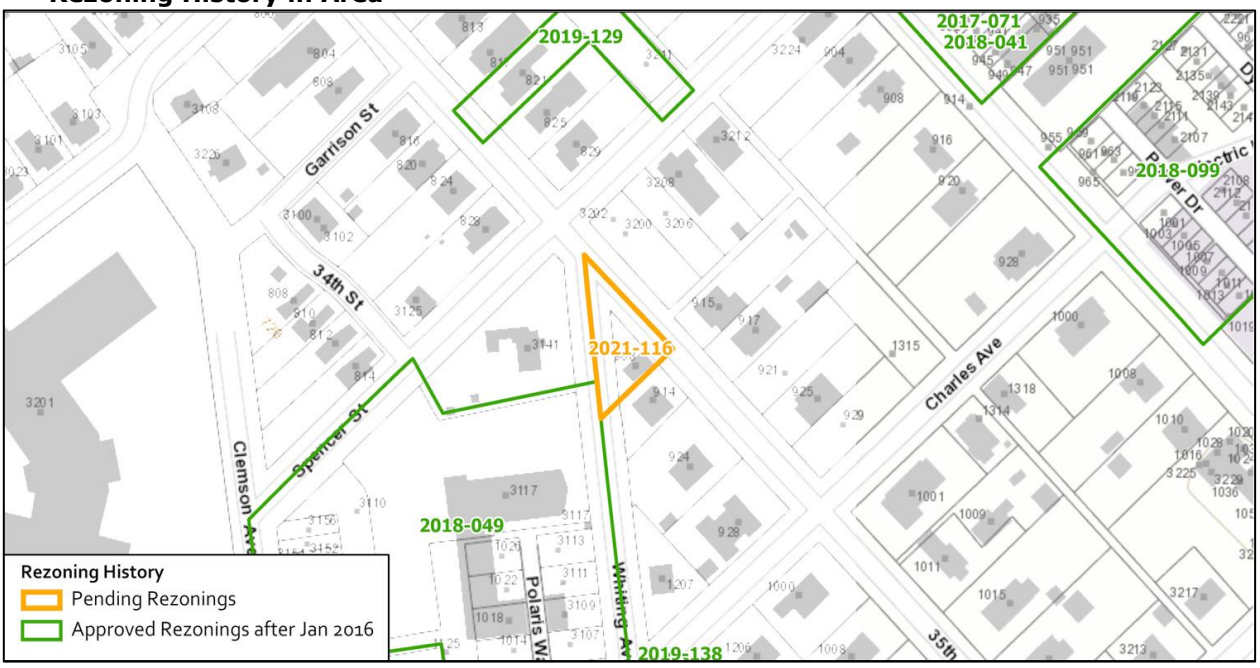
The rezoning site is developed with a 1-story commercial building constructed in 1945 and surrounded by residential and institutional uses zoned R-5 and UR-1.

The site is developed with a 1-story commercial building constructed in 1945.

The rezoning site abuts a single family residential home.

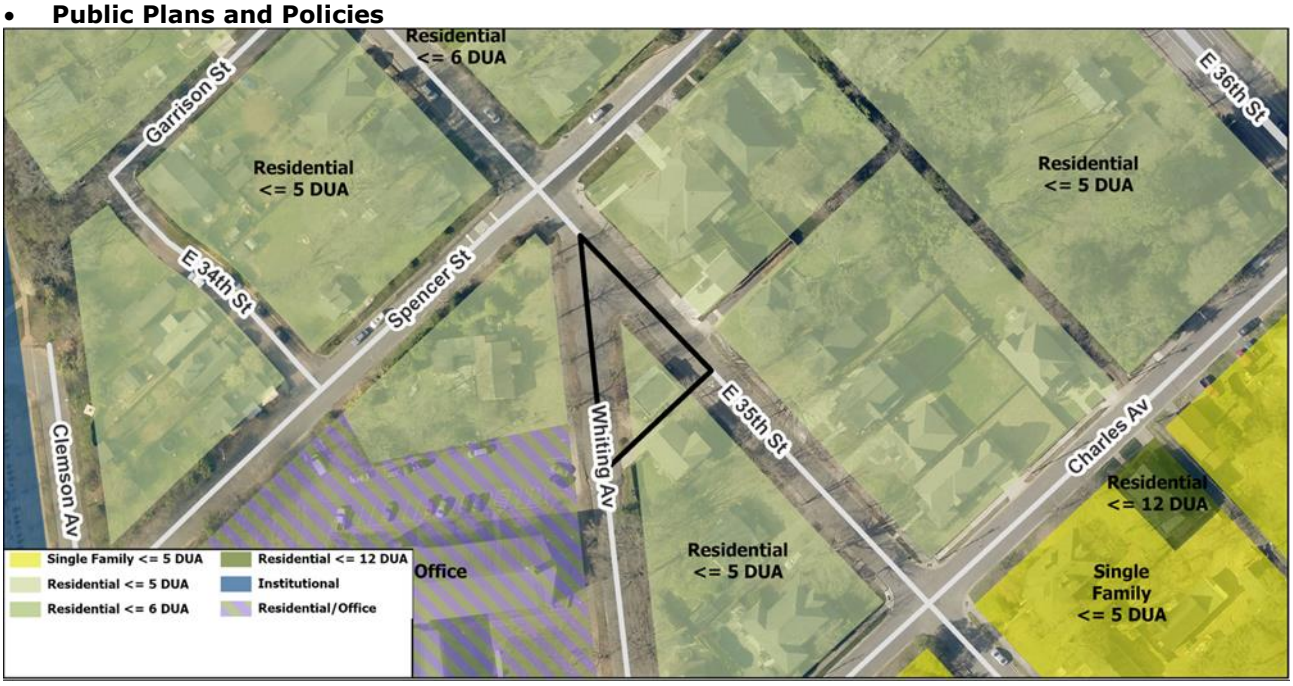
The rezoning site is immediately surrounded by residential and institutional uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-138	Rezoned 0.55 acres from R-5 to R-8(CD) to allow 4 detached residential dwelling units.	Approved
2019-129	Rezoned 0.34 acres from R-5 to R-6.	Approved
2018-099	Rezoned 3.5 acres from R-5 and R-8MF(CD) to MUDD(CD) to allow up to 65 townhomes.	Approved
2018-049	Rezoned 2.57 acres from R-5 to MUDD-O to allow up to 18 attached and/or detached dwelling units and up to 17,000 square feet of uses allowed in MUDD.	Approved
2017-071	Rezoned 1.5 acres from R-5 and R-22MF to UR-2(CD) to allow up to 22 townhome units and 2 single family residential units.	Approved

- **Public Plans and Policies**



The *36th Street Transit Station Area Plan* recommends residential uses up to five dwelling units per acre for the site.

- **TRANSPORTATION SUMMARY**
  - The petition is located at the intersection of Whiting Avenue, a City-maintained local street and East 35th Street, a City-maintained local street. A Traffic Impact Study (TIS) is not needed for this site. In accordance with Charlotte Walks and the Transportation Action Plan, pedestrian connectivity is maintained on and adjacent to the site with the minimum 6-foot planting strip, 6-foot sidewalk, and paved plaza area. The petitioner is also constructing curb ramps to safely connect pedestrians from the site to the opposite site of East 35th Street and Whiting Avenue. All CDOT comments have been addressed.
  - Active Projects:
    - Sidewalk Gaps & Ramps project on Spencer St between 36th St and 35th
      - PM Becky Chambers
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 10 trips per day (based on 1 single family dwelling unit).
    Entitlement: 0 trips per day (based on 0 dwellings).
    Proposed Zoning: 235 trips per day (based on 800 sq ft retail).

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 Fire Department:** No outstanding issues.
- **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 E 35th St. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along E 35th St. See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.
- **Erosion Control:** 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.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** ~~See Outstanding Issues, Note 7.~~ Addressed

OUTSTANDING ISSUES

Site and Building Design

1. The existing building encroaches in the 14' setback required by MUDD standards. Petitioner needs to add an optional provision requesting that the building be allowed to remain with the existing setback. Language needs to be included to state any expansion will comply with the required MUDD setback, and that in the event existing building is demolished new construction will comply with MUDD setback. Not addressed. Add language stating in the event existing building is demolished new construction will comply with MUDD setback.
2. ~~The refuse area is not an ideal location given its proximity to the abutting single-family residence. Please relocate to an area to the side of the building and continue to provide enclosure and screening.~~ Addressed
3. Add additional evergreen screening on the opposite side of the refuse area similar to what is proposed on the Whiting Ave. frontage. Not addressed
4. ~~Provide additional screening through vegetation or fencing along the property line adjacent to the single family residence.~~ Addressed
5. Label on site plan if identified sidewalks and plantings are existing or proposed. Not Addressed. Proposed sidewalk labeled. Label planting strip existing or proposed.
6. ~~Please further limit the uses under MUDD to better align with the desired outcome of the site. All uses in MUDD is too broad.~~ Addressed

Environment

7. ~~Remove note stating City trees will be removed. City trees are required to be preserved. Preservation status to be determined at time of land development permitting.~~ Addressed

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

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

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

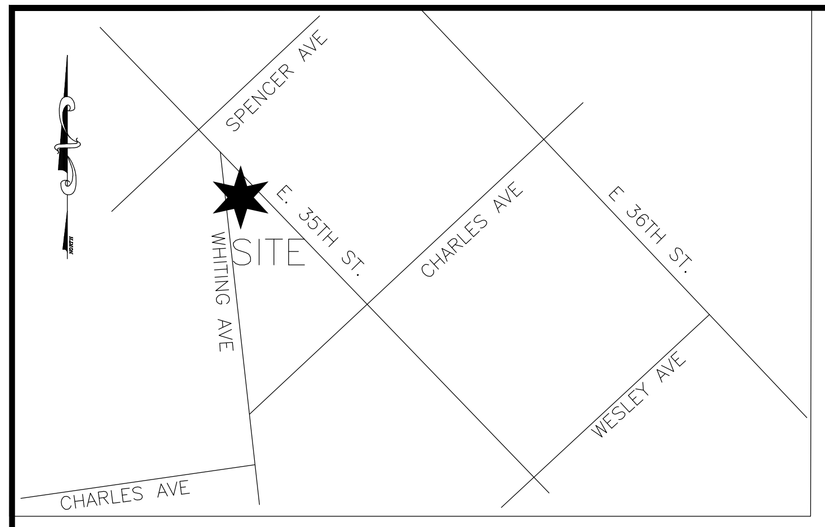
Rezoning Petition # 2021-116

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	X
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	X
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	N/A

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	**N/A**
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	**N/A**
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	✓
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**



VICINITY MAP

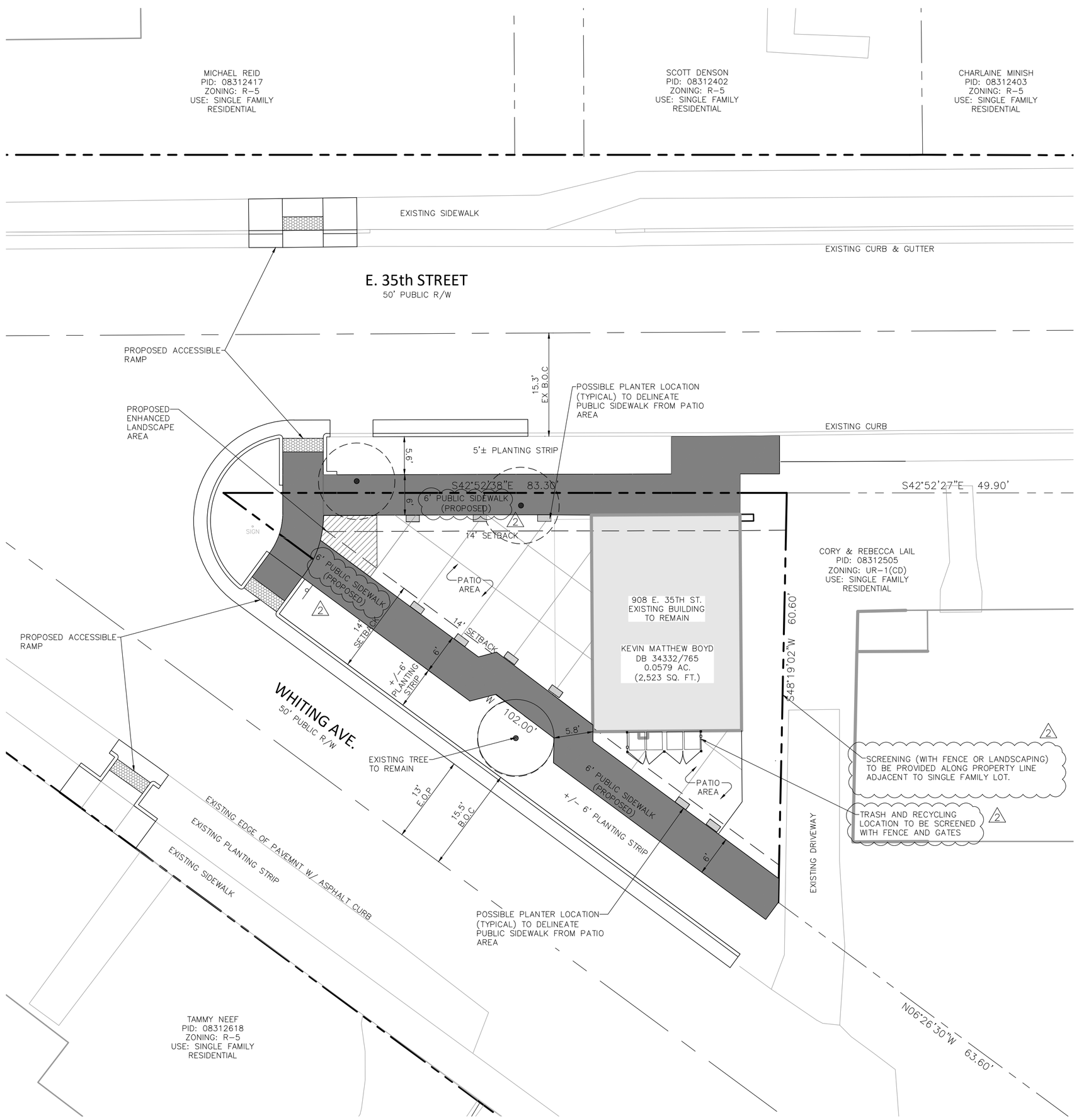
NOT TO SCALE

PETITIONER: Kevin Boyd
REZONING PETITION NO. 2021-116

11/22/2021

Site Development Data:

- Acreage:	+/- 0.053 acres
- Tax Parcels:	083-125-01
- Existing Zoning:	R-5
- Proposed Zoning:	MUDD-O
- Existing Uses:	Commercial
- Proposed Uses:	Commercial
- Maximum Development:	800 heated square feet (740 SF existing building + flexibility for potential minor future expansion)
- Maximum Building Height:	40 feet
- Parking:	Per the Optional Provision below



I. 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 Kevin Boyd (the "Petitioner") to accommodate the adaptive reuse of the building located at 908 East 35th Street for commercial uses on the parcel of land more particularly described as Mecklenburg Tax Parcel Number 083-125-01 (the "Site").

b. Intent. This Rezoning is intended to accommodate adaptive reuse of the existing building by allowing flexibility in the parking and streetscape standards to maintain the existing character of the Site.

c. 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 MUDD zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.

d. Graphics and Alterations/Modifications. The schematic depictions of the uses, sidewalks, structures and buildings, building elevations (if provided), building materials, streetscape perspectives, driveways and other development matters and site elements set forth on the Rezoning Plan are intended to be conceptual in nature. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide flexibility in allowing some alterations or modifications from the graphic representations and renderings of the development matters and site elements. Therefore, there may be instances where minor modifications will be permitted without requiring the administrative amendment process per Section 6.207 of the Ordinance.

II. Optional Provisions

The following optional provisions are provided to accommodate deviations from the MUDD Ordinance standards:

a. To allow the existing building to remain without being required to come into conformance with architectural design standards under the MUDD zoning district. For the sake of clarity, if the existing building is demolished (other than by casualty, acts of God, etc.) and a new building is constructed on the Site, the new building(s) must conform with MUDD design standards;

b. To eliminate the parking requirement for uses contained in the existing building, potential expansion, and outdoor uses. For the sake of clarity, if the existing building is demolished (other than by casualty, acts of God, etc.) and a new building is constructed on the Site, the new building(s) must meet parking standards as required under the Ordinance;

c. To allow deviations from the typical streetscape requirements, as generally depicted on the Rezoning Plan, in coordination with CDOT; and

d. To allow deviations from the sight triangle requirements as generally depicted on the Rezoning Plan.

e. To allow the existing building to encroach into the 14' setback as generally depicted on the Rezoning Plan. 2

III. Permitted Uses

a. Subject to the Maximum Development provisions set forth under Section IV. below, the Site may be devoted to the following uses as permitted by right or under prescribed conditions in the MUDD Zoning District together with any incidental or accessory uses associated therewith: 2

i. Buildings for dramatic, musical, or cultural activities;
ii. Bicycle-sharing station;
iii. Small-scale class learning businesses such as culinary school, piano school, and similar categories of small-scale schooling;
iv. Donation drop-off facility;
v. EDEEs Type 1 and Type 2;
vi. Arcade uses as part of an ice-cream/candy shop or similar small-scale indoor amusement;
vii. Indoor recreation;
viii. Institutional uses, limited to churches, synagogues, parish houses, Sunday school buildings, convents, community recreation centers, libraries, museums, theaters, or art galleries;
ix. Outdoor fresh produce stands and mobile produce market;
x. Outdoor seasonal sales;
xi. Outside open market;
xii. Parks, greenways, and arboretums;
xiii. Pet services indoor;
xiv. Professional business and general offices, excluding post offices;
xv. Retail sales limited to uses permitted in the B-1 district;
xvi. Services such as beauty shops and barbershops up to 4,500 square feet, and locksmiths;
xvii. Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry;
xvii. Theaters, motion pictures;
xviii. YMCAs, buildings for social, fraternal, social service, union and civic organizations, and comparable organizations.

b. Hours of operation shall be limited to 7:00am to 10:00pm.

c. If applicable, any ventilation/fan associated with food and beverage uses will be located either on the roof of the building or on the Whiting Avenue or 35th Street frontages, not located at the rear of the building adjacent to single-family use.

IV. Maximum Development

a. The principal building(s) on the Site may be developed with up to 800 square feet of heated gross floor area of non-residential uses permitted by right and under prescribed conditions, along with any accessory uses allowed in the MUDD zoning district.

b. For purposes of the development limitations set forth in these Development Standards, the following items shall not be counted as part of the allowed gross floor area for the Site: outdoor dining areas and patios.

V. Transportation

a. There shall not be vehicular access to the Site.

b. Sidewalk, planting trips, and street trees shall be as generally depicted on the Rezoning Plan. Decorative planters or similar arrangement shall be provided to delineate the patio area from the sidewalk, as generally depicted on the Rezoning Plan.

c. Where applicable, the Petitioner shall dedicate all rights-of-way to the City of Charlotte prior to the issuance of the first building certificate of occupancy.

d. Where applicable, all transportation improvements shall be approved and constructed prior to the issuance of the first building certificate of occupancy.

VI. Design Guidelines

a. The existing building shall be permitted to remain in an as-is condition. Any minor renovations, façade changes, additions/deletions of windows or doors, and minor expansions shall meet code requirements at the point of change. Unless the existing building is destroyed by casualty (in which case it can be rebuilt under substantially similar conditions and dimensions), any new building constructed on the Site must meet all MUDD design standards. For the sake of clarity, usable square footage shall not be added to the roof of the existing building.

b. Dumpsters, HVAC and related mechanical equipment will be screened from public view at grade from all the public streets.

c. Landscaping and screening shall be provided along the property line adjacent to the single-family lot as noted on the Rezoning Plan. The screening and landscaping shall comply as required under the Ordinance and, at a minimum either a six (6) foot tall fence or enhanced landscape screening using a combination of evergreen trees and shrubs. If landscaping is utilized for screening, trees shall be installed at a minimum height of six (6) feet and shrubs shall be installed a minimum height of thirty-six (36) inches. 2

VII. Environmental Features

a. The Petitioner shall satisfy the requirements of the Post Construction Stormwater Ordinance (PCSO) and Tree Ordinance.

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

VIII. Binding Effect of the Rezoning Application

a. 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.

b. Throughout these Development Standards, the terms "Petitioner" and "Owner(s)" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or Owner(s) of any part of the Site from time to time who may be involved in any future development thereof.

GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10 ft.

ORSBORN ENGINEERING GROUP
605 LEXINGTON AVENUE, SUITE 301
CHARLOTTE, NC 28203
P: 704-749-1432
www.orsborn-eng.com

TECHNICAL PLAN
PETITION #2021-116
FOR
908 E 35TH STREET
CHARLOTTE, NORTH CAROLINA

KEVIN BOYD
JEFF BOYD
3209 WESTON ST
CHARLOTTE, NC 28209

NORTH CAROLINA PROFESSIONAL CORPORATION C-3139 ORSBORN ENGINEERING GROUP, P.A.

	DATE	REVISIONS
2	11/22/2021	REVISED PER COMMENTS
1	10/08/2021	REVISED PER COMMENTS

JOB #	21005
DATE:	04/22/21
SCALE:	1" = 10'
DRAWN BY:	GMJ
APPROVED BY:	JCO

RZ-1

November 22, 2021 - 5:27pm By: lleslie
P:\21005 908 E 35th Street\Dwg\21005 Rezoning plan.dwg

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY ORSBORN ENGINEERING GROUP, PA SHALL BE WITHOUT LIABILITY TO ORSBORN ENGINEERING GROUP, PA.

Petition 2021-116 by Kevin Boyd

To Approve:

This petition is found to be **inconsistent** with *36th Street Transit Station Area Plan* based on the information from the staff analysis and the public hearing, and because:

- The adopted plan calls for residential uses up to five dwelling units per acre (DUA).

(However, we find) this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The petition limits the number of uses to be allowed on the site by right and under prescribed conditions.
- The refuse area has been moved away from the abutting single family residential lot.
- A fence or landscaping is proposed to screen the rezoning site from the abutting single family residential lot.
- The petition furthers the 36th Street Transit Station Area Plan's goal of "preserving neighborhood character while encouraging a development pattern that supports continued transformation to a vibrant, urban environment".
- Adaptive reuse of an existing building will protect and enhance the existing neighborhood character.
- The petition's limitation of building height to 40 feet is consistent with the plan's desired height for development in this area.

The approval of this petition will revise the adopted future land use as specified by the *36th Street Transit Station Area Plan*, from residential uses up to five dwelling units per acre to retail uses for the site.

To Deny:

This petition is found to be **inconsistent** with *36th Street Transit Station Area Plan* based on the information from the staff analysis and the public hearing, and because:

- The adopted plan calls for residential uses up to five dwelling units per acre (DUA).

(Therefore, we find) this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 15.**File #:** 15-16971 **Type:** Zoning Item

Rezoning Petition: 2021-117 by Jeffrey Weiskopf

Location: Approximately 21.4 acres located west of the intersection of Moss Road and Yorkridge Drive. (Council District 3 - Watlington)

Current Zoning: R-9MF (CD) & R-15MF (CD) (multi-family residential, conditional)
Proposed Zoning: R-17MF (multi-family residential)

Public Hearing Held: November 22, 2021 - Item #46

Staff Resource: Joe Mangum

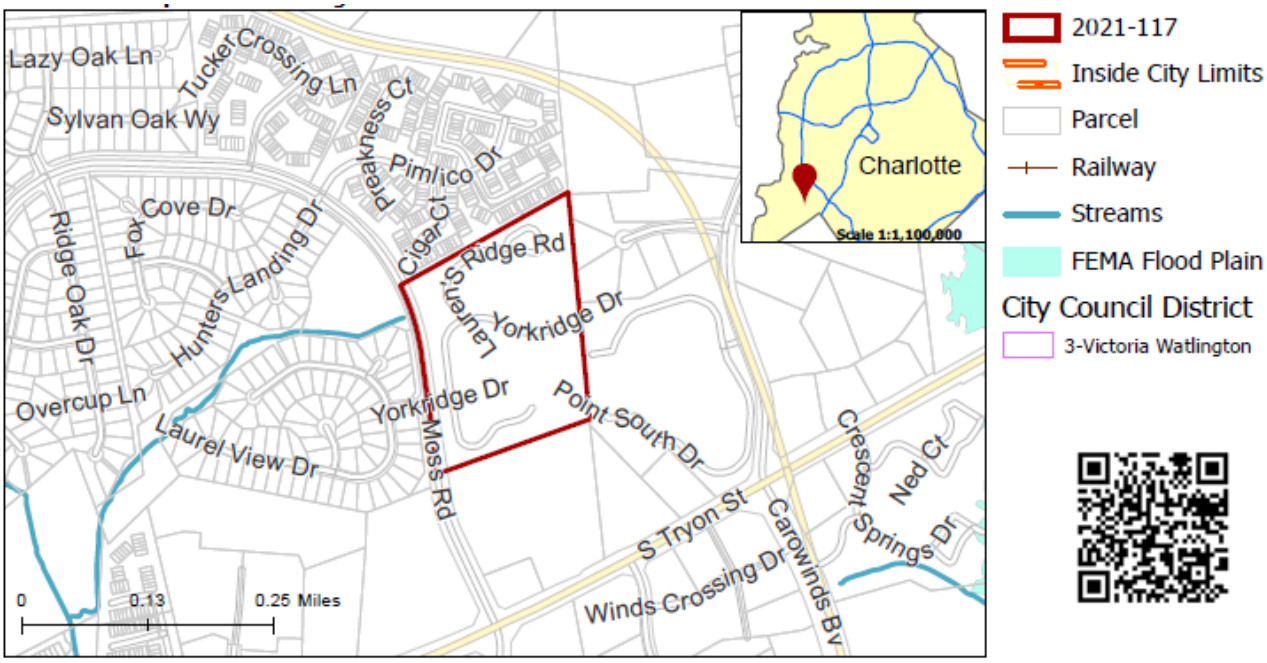
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-117
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: R-9MF (CD) & R-15MF (CD) (Multifamily Residential, Conditional) Proposed Zoning: R-17MF (Multifamily Residential)
LOCATION	Approximately 21.4 acres located west of the intersection of Moss Road and Yorkridge Drive.



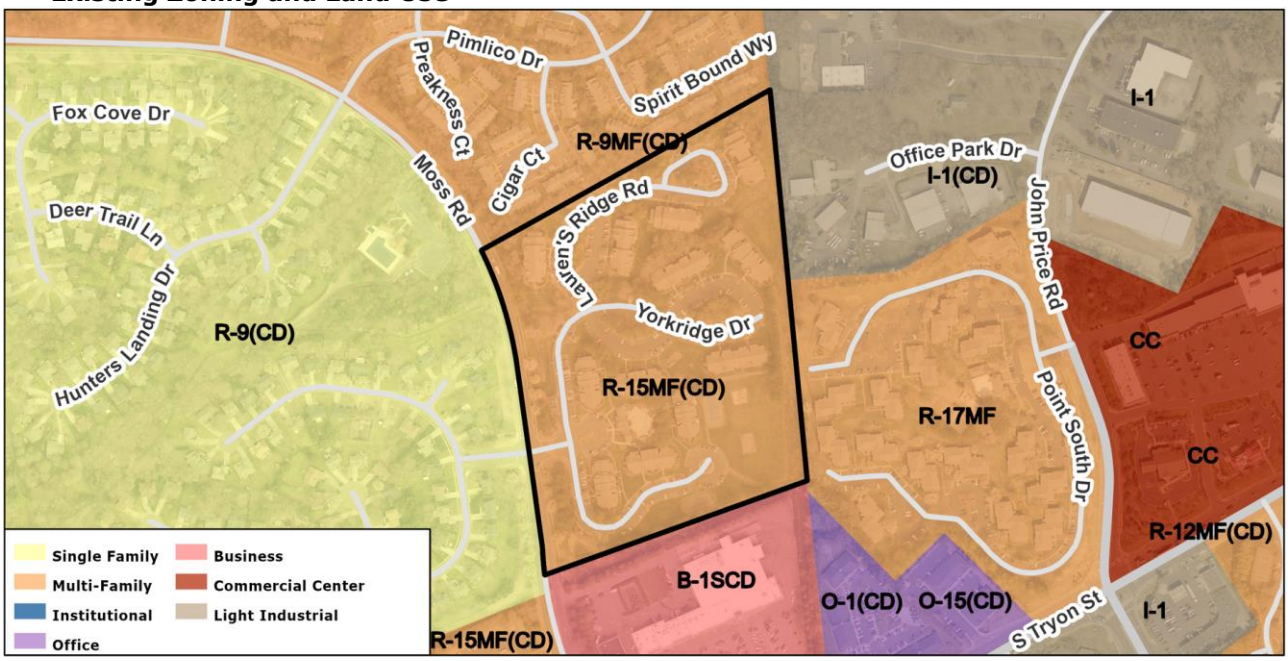
SUMMARY OF PETITION	The petition proposes to rezone the site in the Steele Creek community to permit all uses allowed in the R-17MF district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	WE York Ridge Owner, LLC Jefferey Weiskopf Brian Smith
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **consistent** with the recommended land use of residential up to 17 dwelling units per acre for this site, as per the *Steele Creek Area Plan*. <u>Rationale for Recommendation</u> • The proposed rezoning to R-17MF is consistent with the adopted land use for the site, and consistent with the existing multi-family developments in the area. • The site is already developed as a multi-family residential community. • The site is within ¼ of neighborhood retail and within ½ mile of a pair of CATS bus stops.

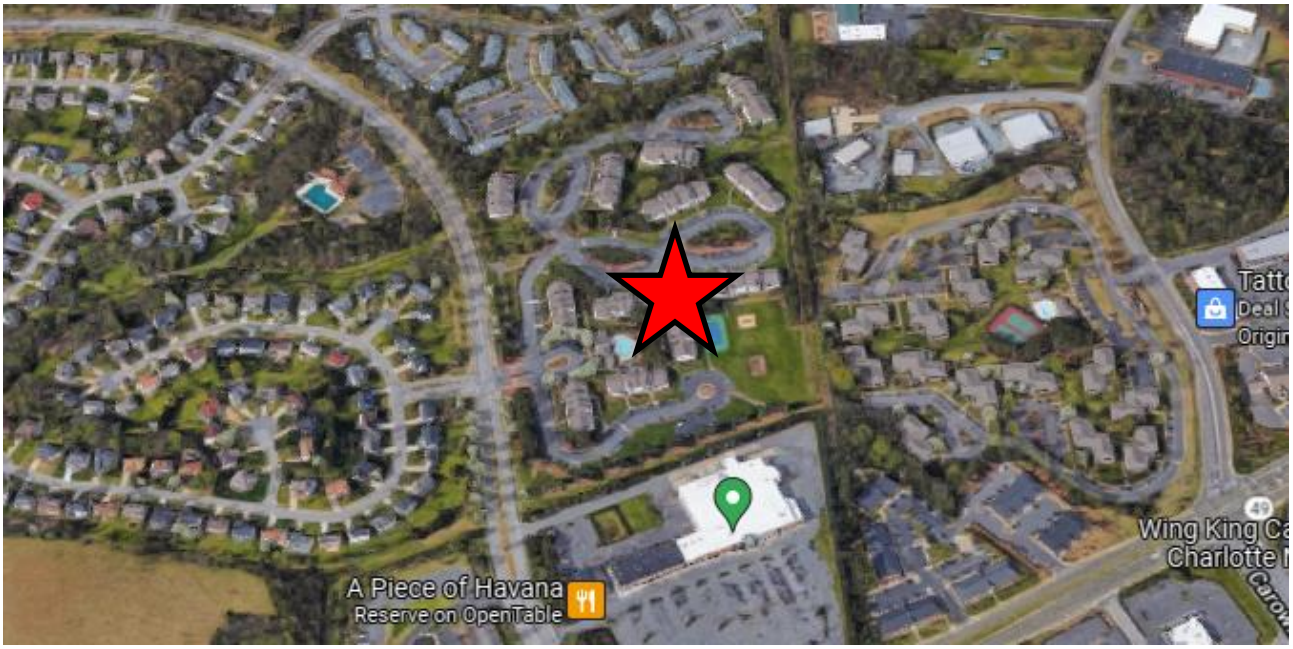
PLANNING STAFF REVIEW

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

- **Existing Zoning and Land Use**



The site was previously rezoned by two separate petitions (1985-024C and 1991-041C) two permit multifamily residential uses.



The site, marked by a red star, is surrounded by a range of different land uses including multifamily residential, single family residential, and commercial.

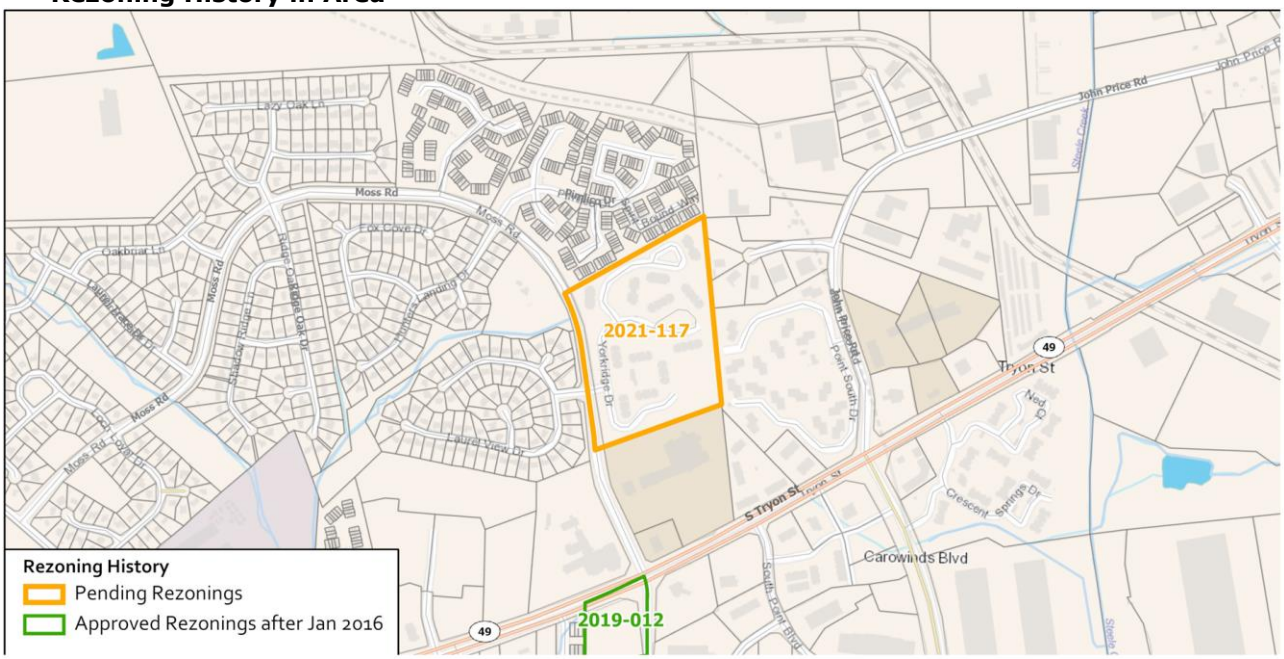
The properties to the north of the site are developed with single family attached residential uses.

The properties to the east of the site are developed with multifamily residential and commercial uses.

The properties to the south of the site are developed with retail and office uses.

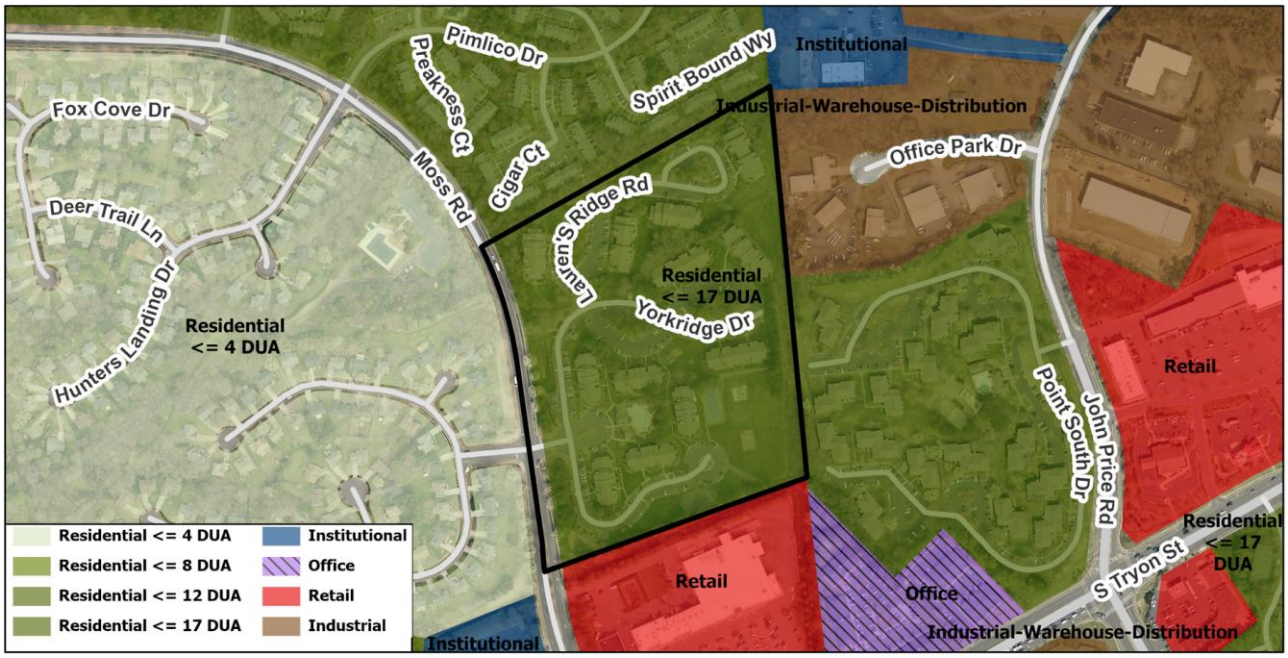
The properties to the west of the site are developed with single family residential uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-012	Request to modify a previously approved plan to allow up to 30,500 square feet of retail uses.	Approved

- **Public Plans and Policies**



The Steele Creek Area Plan (adopted 2012) recommends residential land uses up to 17 dwelling units per acre for this site and surrounding area.

- **TRANSPORTATION SUMMARY**
  - The site is located on Moss Road, a major collector. A Traffic Impact Study (TIS) is not needed for this site. This site is currently being rezoned conventionally, and there is no site plan to review. CDOT will determine streetscape requirements and road access for this site during the permitting process.
- **Active Projects:**
  - There are no active projects in the vicinity of this site.

- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 1,310 trips per day (based on 240 multifamily residential dwellings).
  Entitlement: 1,670 trips per day (based on 247 multifamily residential dwellings and 48 single family attached dwellings).
  Proposed Zoning: 2,560 trips per day (based on 470 multifamily residential dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **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 106 students, while the development allowed under the proposed zoning may produce 261 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 155.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Lake Wylie Elementary from 103% to 115%
    - Southwest Middle from 139% to 143%
    - Olympic High from 126% to 127%.
- **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 12-inch water distribution main located along Moss Rd. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Moss Rd. See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** MCPR requests a minimum of 1 acres to be dedicated and conveyed to Mecklenburg County for the future neighborhood park. This parcel shall be adjacent to a public right-of-way and be developable for typical neighborhood park amenities and shall not be encumbered by tree save. This rezoning is in a gap area for public open space. Contact MCPR with any questions/comments.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** No comments submitted.
- **Urban Forestry:** No comments submitted.

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

Planner: Joe Mangum (704) 353-1908

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when Policy Mapping is completed (anticipated early 2022) and when the **Policy Map** is adopted (anticipated summer 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	✓
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	N/A
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✗

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✗
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	✗
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	✗
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	✓
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**

Petition 2021-117 by Jefferey Weiskopf

To Approve:

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

- The Steele Creek Area Plan recommends residential land use at up to 17 dwelling units per acre.

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

- The proposed rezoning to R-17MF is consistent with the adopted land use for the site, and consistent with the existing multi-family developments in the area.
- The site is already developed as a multi-family residential community.
- The site is within ¼ of neighborhood retail and within ½ mile of a pair of CATS bus stops.

To Deny:

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

- The Steele Creek Area Plan recommends residential land use at up to 17 dwelling units per acre.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 16.**File #:** 15-16972 **Type:** Zoning Item

Rezoning Petition: 2021-121 by Anthony Fox

Location: Approximately 1.69 acres located on the east side of North Tryon Street, north of University City Boulevard, and west of East W.T. Harris Boulevard. (Council District 4 - Johnson)

Current Zoning: B-2 (general business)
Proposed Zoning: TOD-CC (transit-oriented development - community center)

Public Hearing Held: November 22, 2021 - Item #47

Staff Resource: Michael Russell

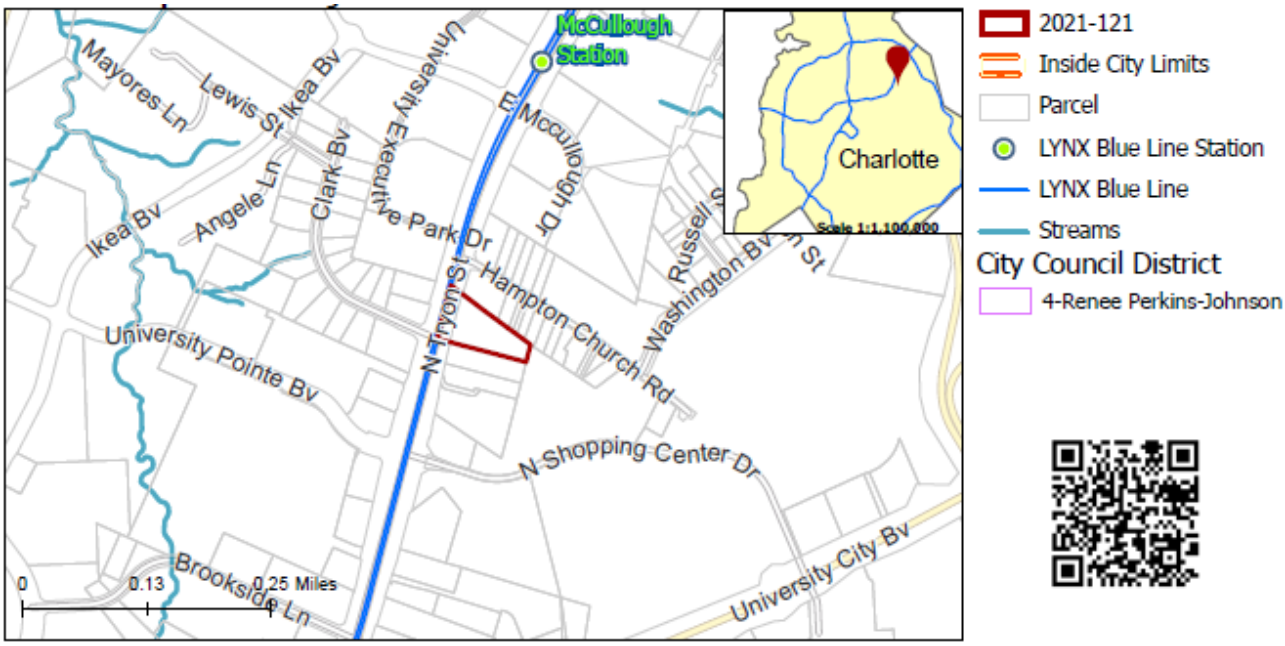
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-121
Post-Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: B-2 (general business) Proposed Zoning: TOD-CC (transit-oriented development-community center)
LOCATION	Approximately 1.69 acres located on the east side of North Tryon Street, north of University City Boulevard, and west of East W.T. Harris Boulevard.



SUMMARY OF PETITION	The petition proposes to allow all uses permitted by right and under prescribed conditions and all accessory uses allowed in the TOD-CC (transit-oriented development-community center) zoning district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Sam's Commercial Properties, LLC Anthony Fox Anthony Fox, Parker Poe, LLP
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *University City Area Plan – Blue Line Extension (2015)* recommendation of Office/Retail use.

Rationale for Recommendation

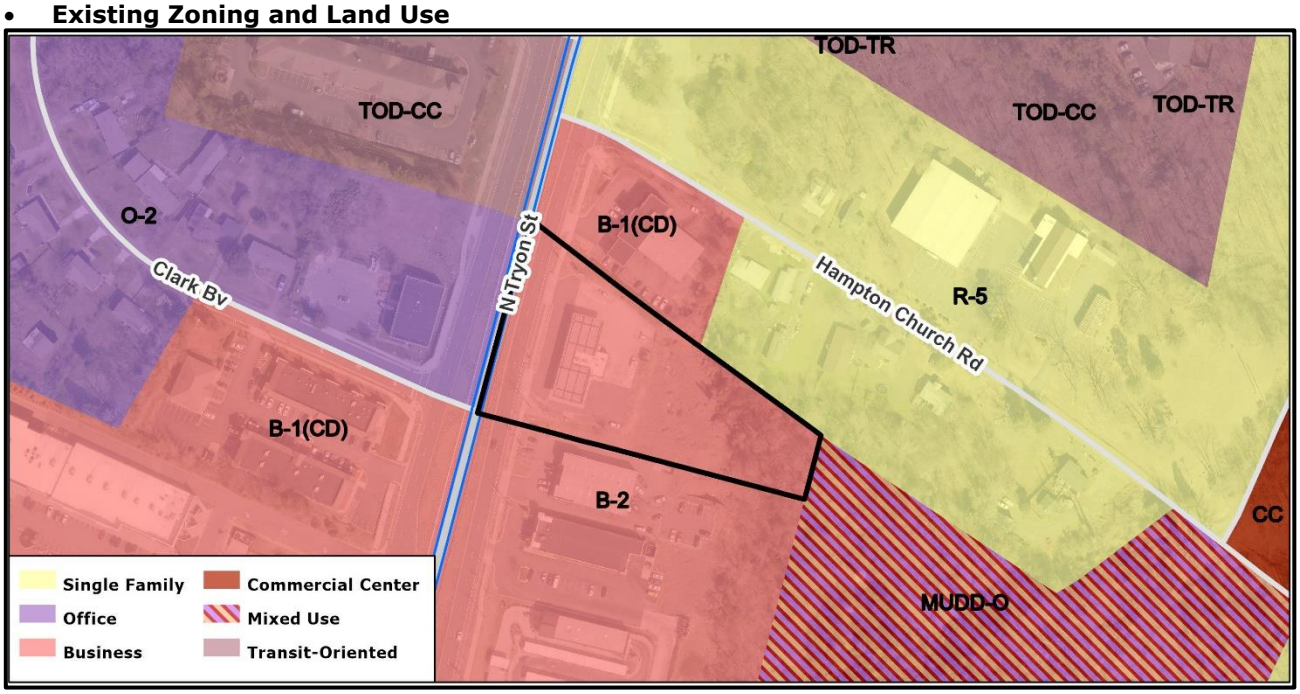
- The site is less than a ½ mile walking distance from the McCullough transit station, which will provide appropriate transportation service for the project.
- While the land use is consistent with the use designated in the area plan, the petition overall supports the area plan's goal of accommodating higher intensity uses that support the various transportation systems throughout the corridor.

- As written, TOD-CC may be applied to parcels within a 1/2-mile walking distance of an existing rapid transit station.
- Use of conventional TOD zoning districts applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

The approval of this petition will revise the adopted future land use as specified by the *University City Area Plan – Blue Line Extension (2015)*, from Office/Retail to Transit Oriented Development for the site.

PLANNING STAFF REVIEW

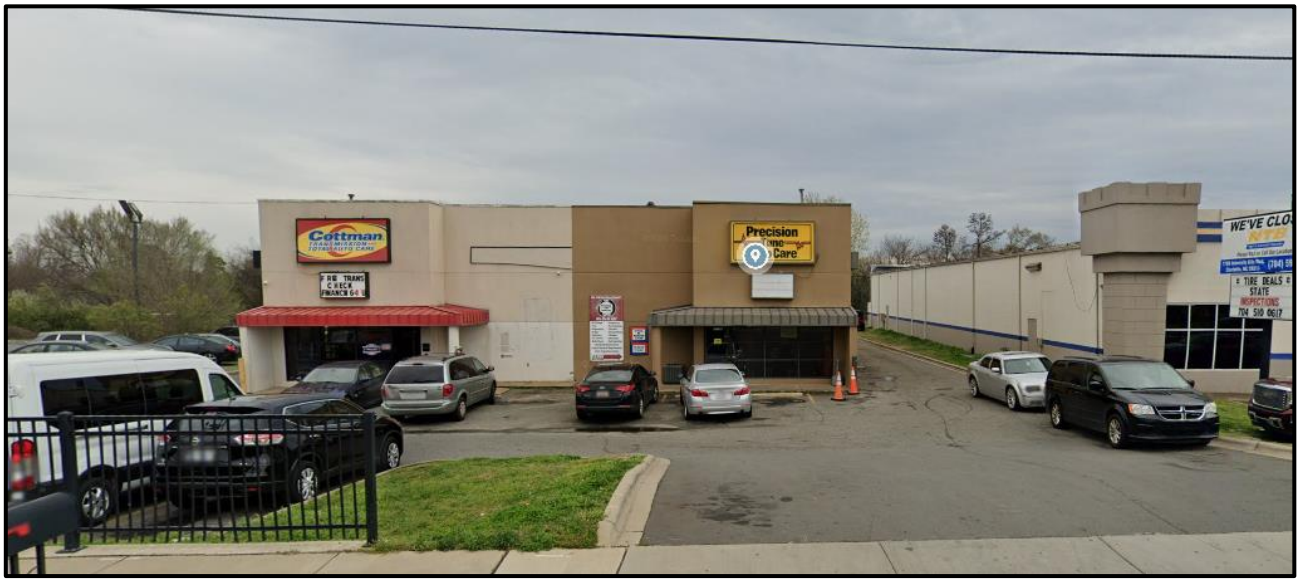
- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
  - Allows all uses permitted by right and under prescribed conditions and all accessory uses allowed in the TOD-CC (transit-oriented development-community center) zoning district.
- **Existing Zoning and Land Use**



The surrounding land uses include retail, medical office, hotel, office, EDEE's, and residential uses.

The subject property denoted by red star.

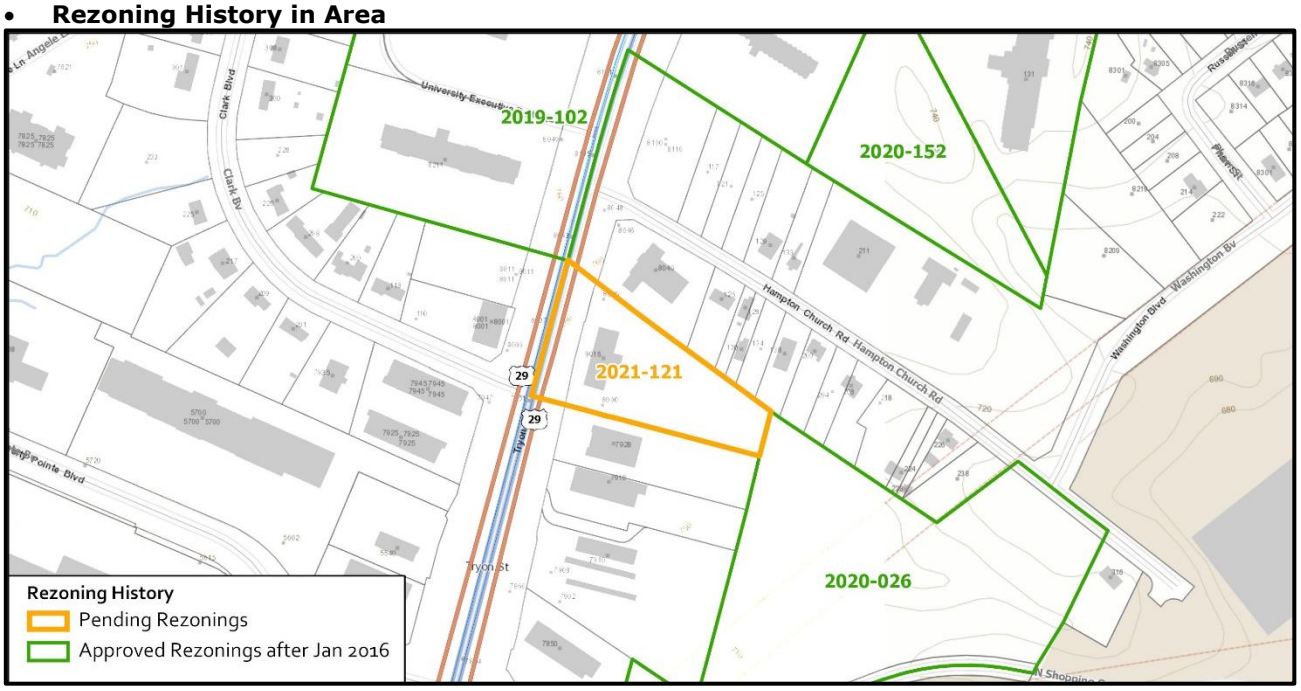
The property to the north along North Tryon Street is developed with a retail use.



The property to the south along North Tryon Street is developed with retail auto care uses.

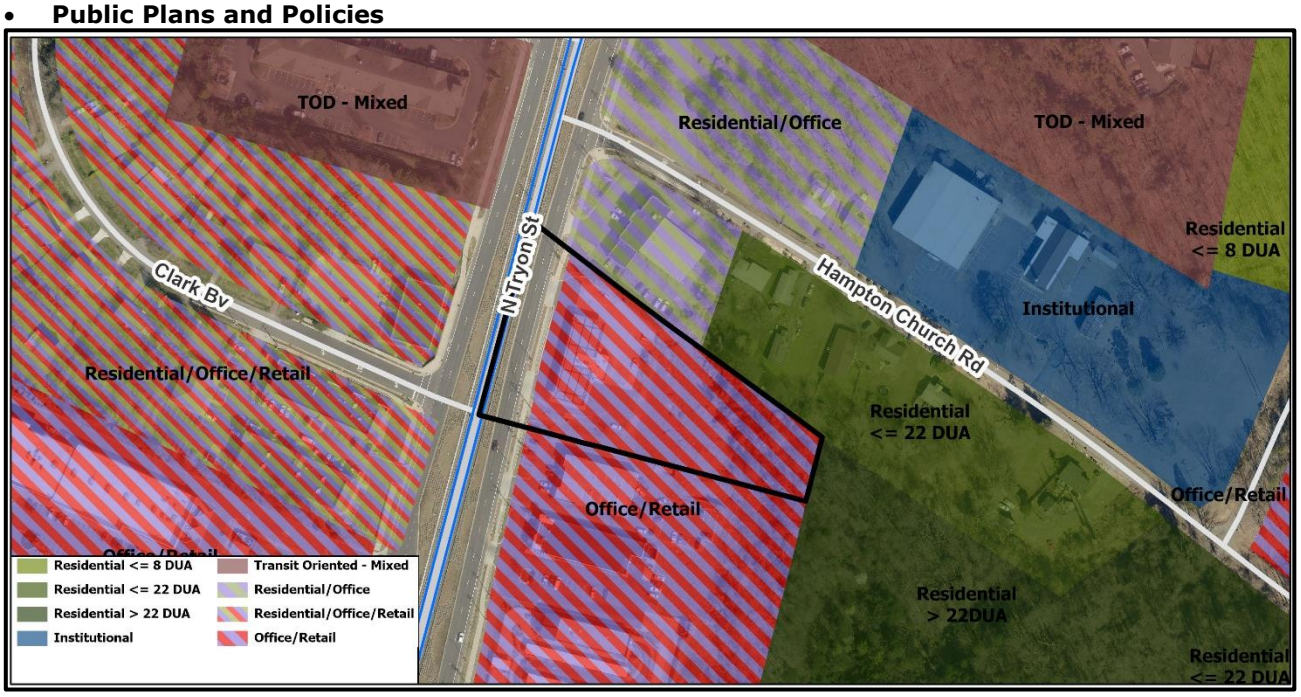
The property to the west across the Blue Line tracks on North Tryon Street is developed with medical office uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-102	Realignment rezoning to transit-oriented zoning districts.	Approved
2020-026	Rezoned 7.53 acres to allow up to 200 multi-family units.	Approved
2020-152	Rezoned 3.0 acres to allow all uses in the TOD-CC zoning district.	Approved

- **Public Plans and Policies**



The *University City Area Plan – Blue Line Extension (2015)* calls for Office/Retail uses.

- **TRANSPORTATION SUMMARY**
  - The site is located near the intersection of North Tryon Street, a State-maintained major thoroughfare and Clark Boulevard, a City-maintained local street. This site is requesting a TOD-CC 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.
  - **Active Projects:**
    - None
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 1,170 trips per day (based on small gas station).
    Entitlement: 2,370 trips per day (based on 25,380 square-feet of retail uses).
    Proposed Zoning: 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:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 24-inch water distribution main located along N Tryon Street. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along N Tryon Street. See advisory comments at www.rezoning.org
- **City Arborist:** No outstanding issues.
- **Erosion Control:** 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.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.

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

Planner: Michael Russell (704) 353-0225

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-121

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	**N/A**
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**N/A**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✓

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	**N/A**
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	**N/A**
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	**N/A**
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**

Petition 2021-121 by Anthony Fox

To Approve:

This petition is found to be **inconsistent** with *the University City Area Plan – Blue Line Extension* (2015) recommendation of Office/Retail use based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office/retail uses.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The site is less than a ½ mile walking distance from the McCullough transit station, which will provide appropriate transportation service for the project.
- While the land use is consistent with the use designated in the area plan, the petition overall supports the area plan's goal of accommodating higher intensity uses that support the various transportation systems throughout the corridor.
- As written, TOD-CC may be applied to parcels within a 1/2-mile walking distance of an existing rapid transit station.
- Use of conventional TOD zoning districts applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

  The approval of this petition will revise the adopted future land use as specified by the *University City Area Plan – Blue Line Extension* (2015), from Office/Retail to Transit Oriented Development for the site.

To Deny:

This petition is found to be **inconsistent** with the *University City Area Plan – Blue Line Extension* (2015) recommendation of Office/Retail use based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office/retail uses.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 17.**File #:** 15-16973 **Type:** Zoning Item

Rezoning Petition: 2021-122 by Kairol Residential

Location: Approximately 7.20 acres located along the south side of Clanton Road, north side of Blairhill Road, east of Interstate 77. (Council District 3 - Watlington)

Current Zoning: B-1 (neighborhood business)
Proposed Zoning: TOD-NC (transit-oriented development - neighborhood center)

Public Hearing Held: November 22, 2021 - Item #48

Staff Resource: Holly Cramer

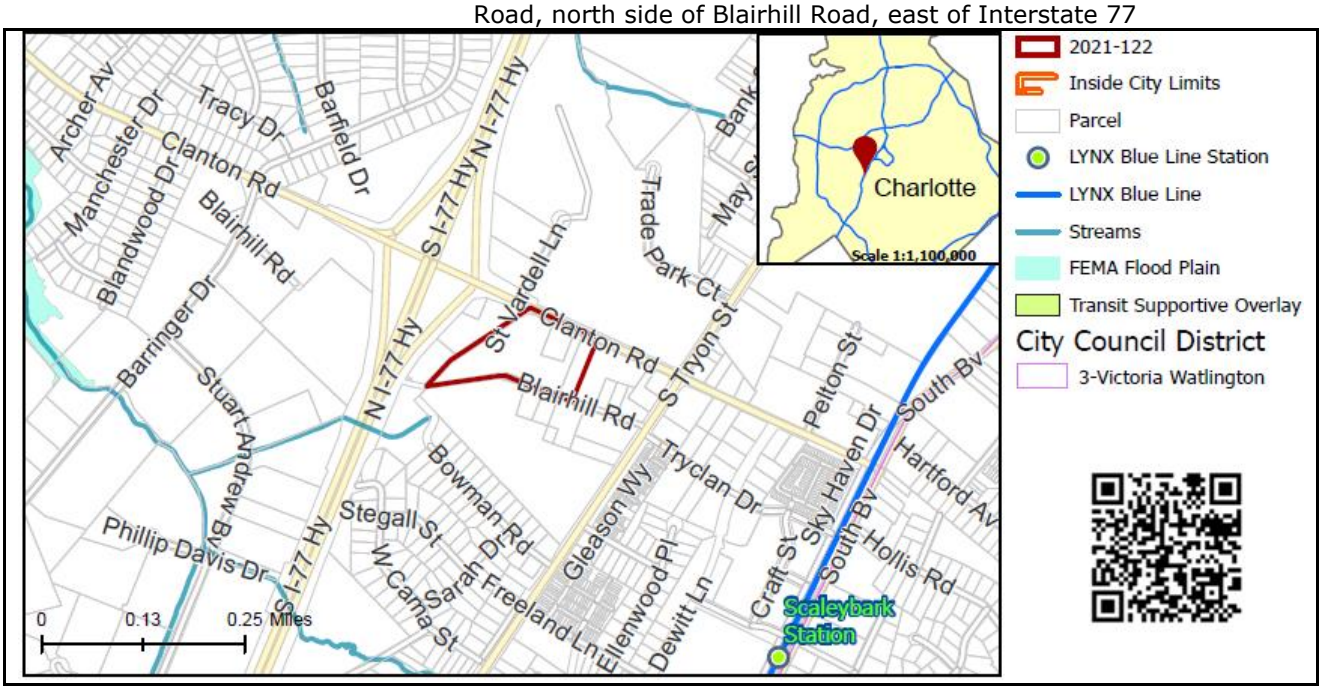
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-122
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: B-1 (neighborhood business) Proposed Zoning: TOD-NC (transit oriented development – neighborhood center)
LOCATION	Approximately 7.20 acres located along the south side of Clanton Road, north side of Blairhill Road, east of Interstate 77



SUMMARY OF PETITION	The petition proposes to allow all uses in the TOD-NC (transit oriented development – neighborhood center) zoning district on parcels currently developed with a treatment center and motel.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE** **COMMUNITY MEETING**	McLeod Addictive Disease Foundation, Inc. Kairoi Residential John Carmichael Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Scaleybark Transit Station Area Plan* (2008) recommendation of office and industrial-warehouse-distribution uses for this site.

Rationale for Recommendation

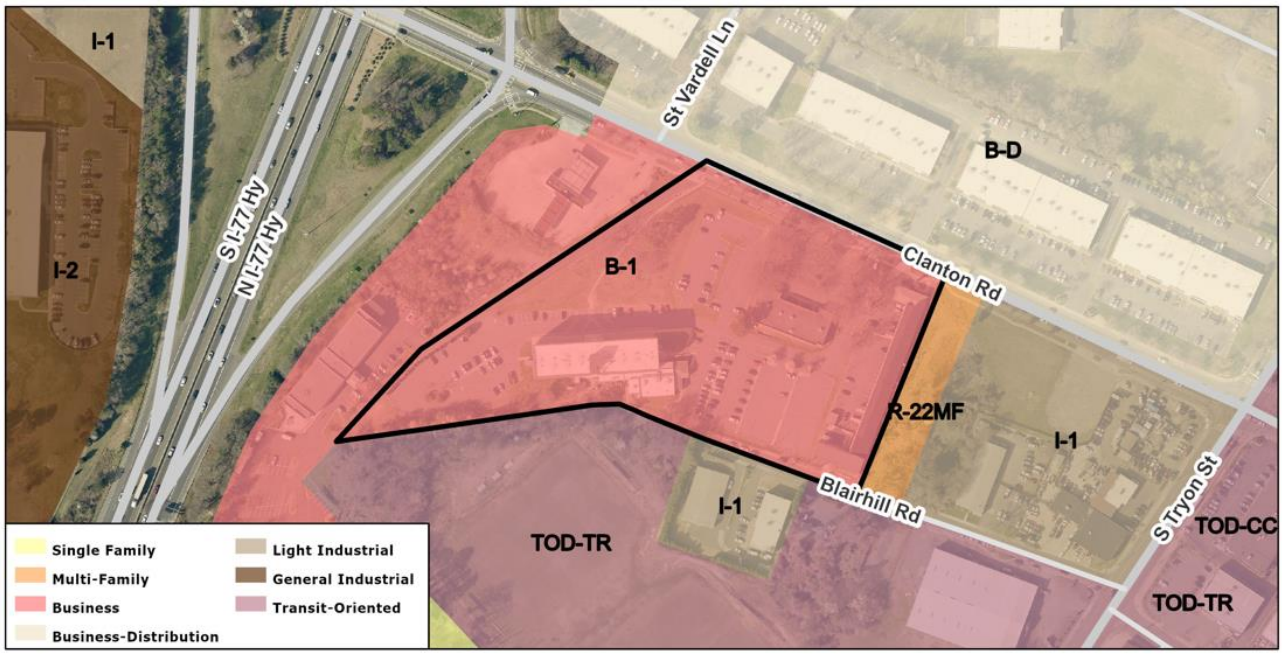
- The site is within a 1-mile walk of both the Scaleybark Station and New Bern Station.
- The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop.
- The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its more moderate intensity.

- The use of conventional TOD-NC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

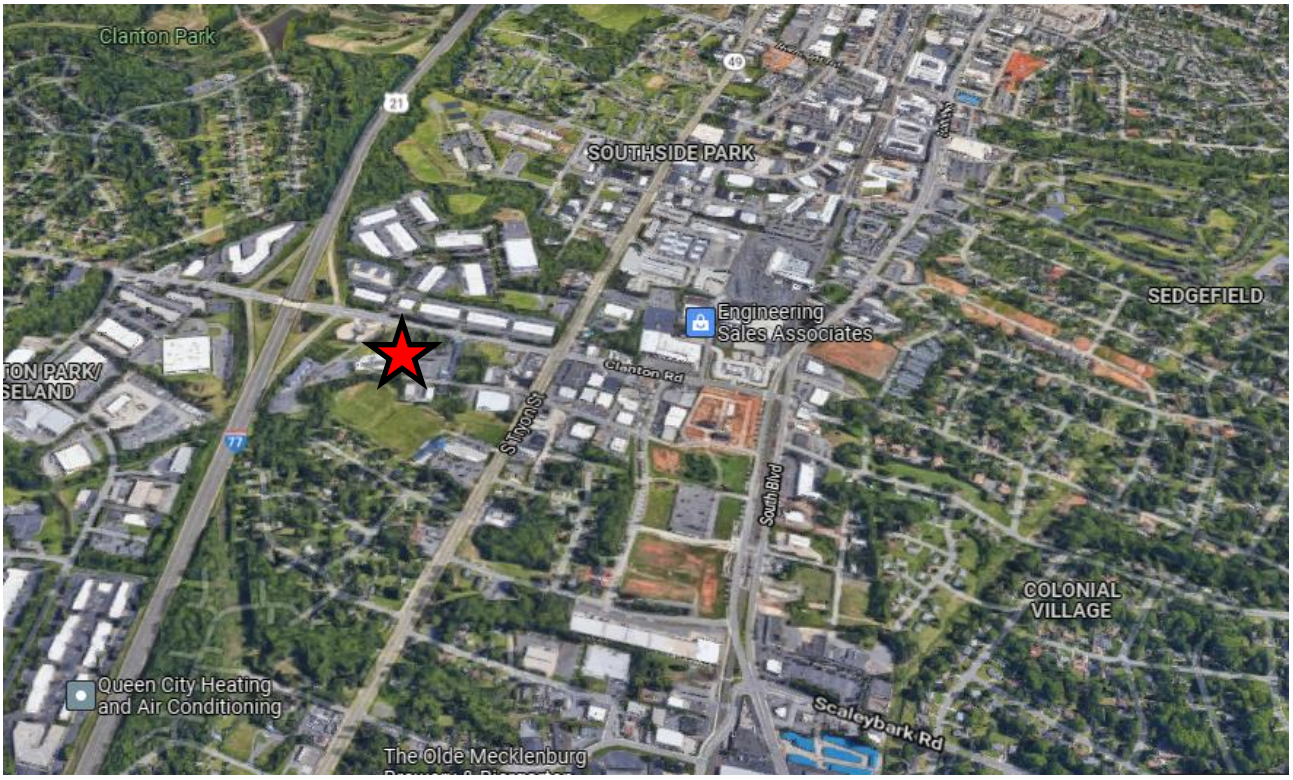
The approval of this petition will revise the adopted future land use as specified by the *Scaleybark Transit Station Area Plan* (2008), from office and industrial uses to transit oriented development for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
  - Allows all uses in the TOD-NC (transit oriented development – neighborhood center) zoning district.
- **Existing Zoning and Land Use**



- There site is currently zoned B-1 and is in an area with horizontal mixed use, warehouse, retail, office, and residential uses.



- The subject site is denoted with a red star.

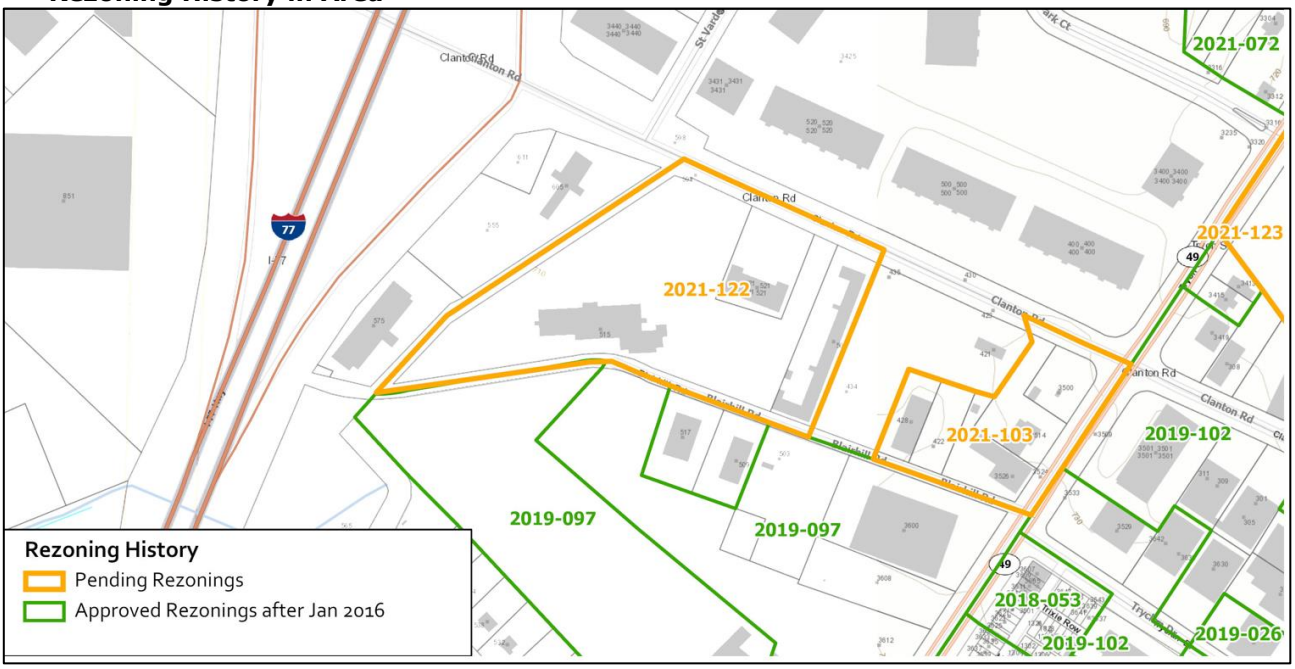
- North of the site are warehouse/distribution uses.

- East of the site is a fire station.

- South of the site are office uses.

- West of the site is a gas station.

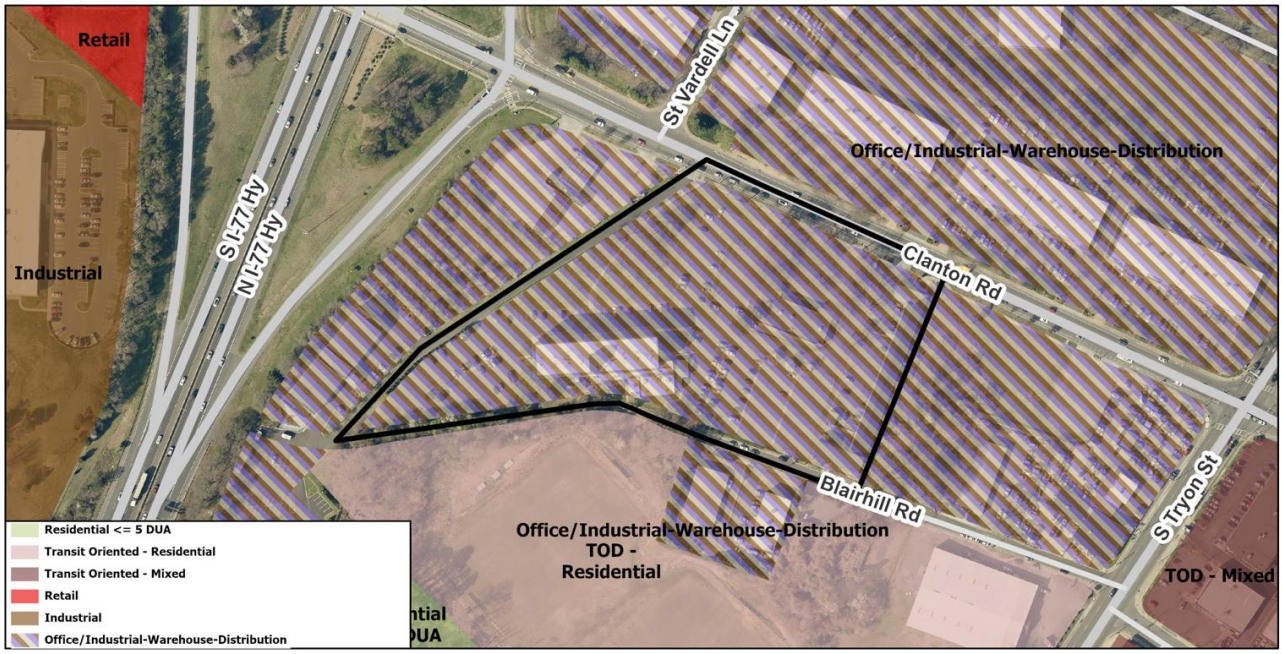
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-036	Rezoned 0.45 acres from I-2 to TOD-M.	Approved
2018-053	Rezoned 3.169 acres from I-2, I-1, B-1, and R-5 to TOD-M.	Approved

2018-169	Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations. The amendment resulted in 3 existing conventional districts translating to the new TOD-CC +.	Approved
2019-026	Rezoned 3 acres from I-1 and I-2 to TOD-CC and TOD-TR.	Approved
2019-097	Rezoned 17.02 acres from I-1 and I-1(CD) to TOD-TR.	Approved
2019-102	Rezoned 1,7771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC, or TOD-TR.	Approved
2021-072	Rezoned 2.92 acres from I-1 to TOD-CC.	Approved
2021-103	Rezoning 2.25 acres from I-1 to TOD-UC.	Pending
2021-123	Rezoning 3.03 acres from TOD-TR to TOD-NC.	Pending

- **Public Plans and Policies**



- The *Scaleybark Transit Station Area Plan* (2008) recommends office and industrial-warehouse-distribution uses for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located between Clanton Road, a City-maintained major thoroughfare and Blairhill Road a City-maintained local street. This site is requesting a TOD-NC 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.
- **Active Projects:**
  - There are no active projects near this site.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: unknown number of trips per day.

  Entitlement: 4,810 trips per day (72,000 square feet of retail uses).

  Proposed Zoning: Too many uses to determine the trip generation.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** No comments submitted.

- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.
- **Erosion Control:** 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.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No comments submitted.

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

Planner: Holly Cramer (704) 353-1902

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-122

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	**N/A**
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**N/A**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✓

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	✓
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	**N/A**
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**

Petition 2021-122 by Kairoi Residential

To Approve:

This petition is found to be **inconsistent** with the *Scaleybark Transit Station Area Plan* (2008) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office and industrial-warehouse-distribution uses for this site.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The site is within a 1-mile walk of both the Scaleybark Station and New Bern Station.
- The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop.
- The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its more moderate intensity.
- The use of conventional TOD-NC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

  The approval of this petition will revise the adopted future land use as specified by the *Scaleybark Transit Station Area Plan* (2008), from office and industrial uses to transit oriented development for the site.

To Deny:

This petition is found to be **inconsistent** with the *Scaleybark Transit Station Area Plan* (2008) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office and industrial-warehouse-distribution uses for this site.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

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

Agenda Date: 12/1/2021

Agenda #: 18.**File #:** 15-16974 **Type:** Zoning Item

Rezoning Petition: 2021-123 by Mill Creek Residential Trust

Location: Approximately 3.03 acres located on the east side of South Tryon Street, north of Clanton Road, and west of South Boulevard. (Council District 3 - Watlington)

Current Zoning: TOD-TR (transit-oriented development - transition)
Proposed Zoning: TOD-NC (transit-oriented development - neighborhood center)

Public Hearing Held: November 22, 2021 - Item #49

Staff Resource: Holly Cramer

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

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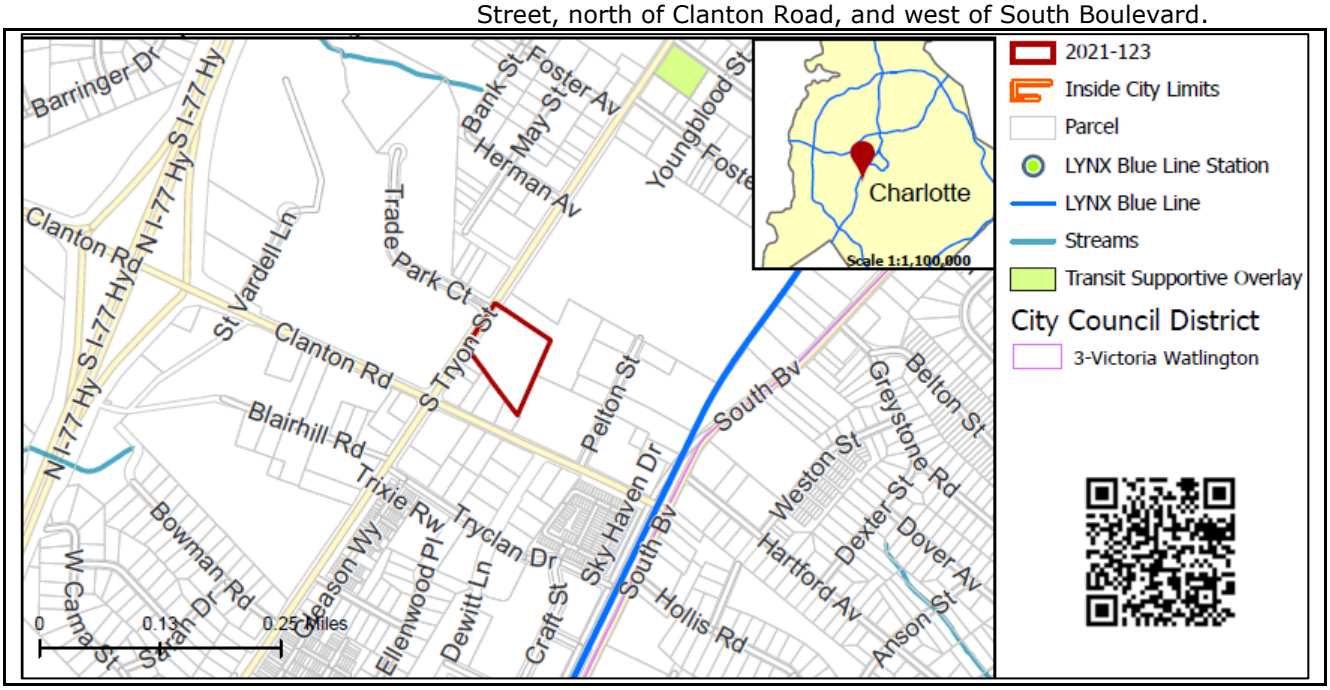
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-123
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: TOD-TR (transit oriented development – transition) Proposed Zoning: TOD-NC (transit oriented development – neighborhood center)
LOCATION	Approximately 3.03 acres located on the east side of South Tryon Street, north of Clanton Road, and west of South Boulevard.



SUMMARY OF PETITION	The petition proposes to allow all uses in the TOD-NC (transit oriented development – neighborhood center) zoning district on a parcel currently developed with a thrift shop.
PROPERTY OWNER	Assistance League of Charlotte
PETITIONER	Mill Creek Residential Trust
AGENT/REPRESENTATIVE	Keith MacVean
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

<u>Plan Consistency</u>
The petition is **consistent** with the *Scaleybark Transit Station Area Plan* (2008) recommendation for transit oriented development – mixed for this site.

<u>Rationale for Recommendation</u>

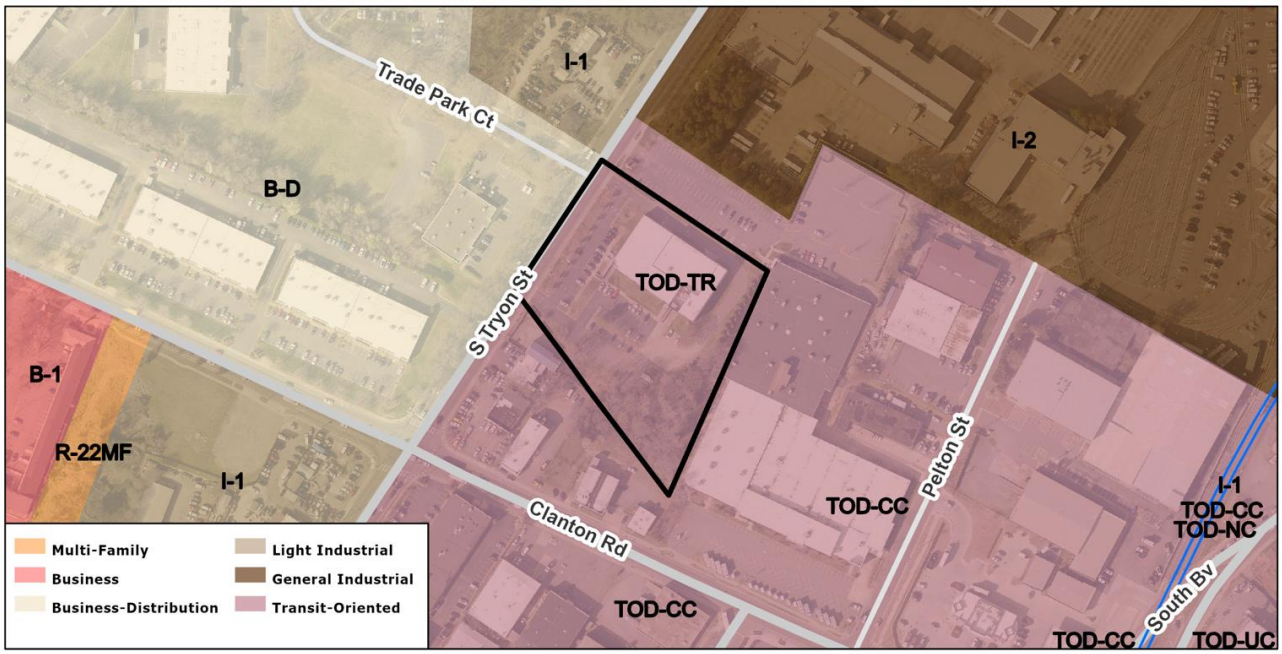
- The site is within a 1-mile walk of both the Scaleybark Station and New Bern Station.
- The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop.
- The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its proximity to areas of lesser intensity.

- The use of conventional TOD-NC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
  - Allows all uses in the TOD-NC (transit oriented development – neighborhood center) zoning district.

- **Existing Zoning and Land Use**



- This parcel was rezoned in 2019 as part of the TOD Alignment Rezoning which rezoned this site from I-2 to TOD-TR. The site is in an area with industrial, institutional, and office uses.

- The site is denoted with a red star.

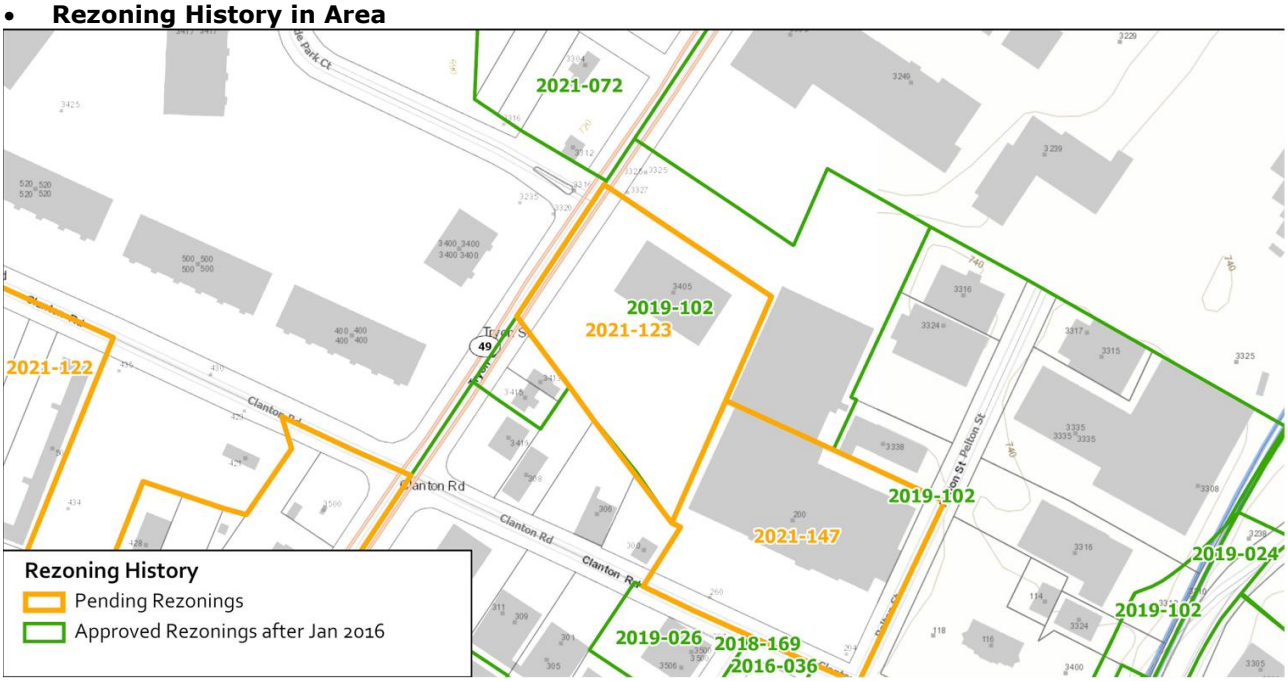
- North of the site are industrial uses

- East of the site are industrial uses.

- South of the site are retail and industrial uses.

- West of the site are warehouse and distribution uses.

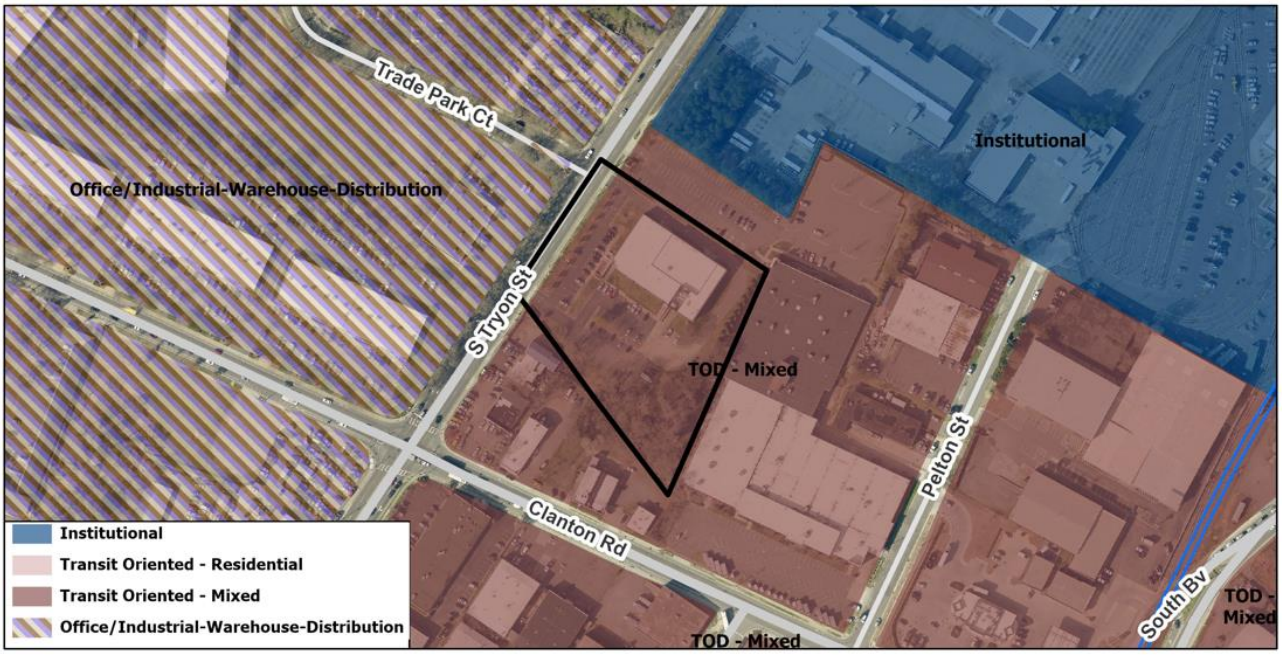
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-036	Rezoned 0.45 acres from I-2 to TOD-M.	Approved
2018-169	Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations. The amendment resulted in 3 existing conventional districts translating to the new TOD-CC +.	Approved
2019-024	Rezoned 1.74 acres from I-1 and I-2 to TOD-CC	Approved
2019-026	Rezoned 3 acres from I-1 and I-2 to TOD-CC and TOD-TR.	Approved

2019-102	Rezoned 1,7771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC, or TOD-TR.	Approved
2021-072	Rezoned 2.92 acres from I-1 to TOD-CC.	Approved
2021-103	Rezoning 2.25 acres from I-1 to TOD-UC.	Pending
2021-122	Rezoning 7.20 acres from B-1 to TOD-NC	Pending

- **Public Plans and Policies**



- The *Scaleybark Transit Station Area Plan* (2008) recommends transit oriented development – mixed for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located adjacent to the intersection of South Tryon Street, a State-maintained major thoroughfare and Trade Park Court, a City-maintained local street. This site is requesting a TOD-NC 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.
- **Active Projects:**
  - There are no active projects near this site.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 85 trips per day (23,502 square feet of warehouse uses).

  Entitlement: Too many uses to determine the trip generation.

  Proposed Zoning: Too many uses to determine the trip generation.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.

- **Erosion Control:** 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.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No comments submitted.

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

Planner: Holly Cramer (704) 353-1902

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-123

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	**N/A**
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**N/A**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✓

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	✓
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	**N/A**
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**

Petition 2021-123 by Mill Creek Residential Trust

To Approve:

This petition is found to be **consistent** with the *Scaleybark Transit Station Area Plan* (2008) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends transit oriented development – mixed for this site.

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

- The site is within a 1-mile walk of both the Scaleybark Station and New Bern Station.
- The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop.
- The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its proximity to areas of lesser intensity.
- The use of conventional TOD-NC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
  TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

To Deny:

This petition is found to be **consistent** with the *Scaleybark Transit Station Area Plan* (2008) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends transit oriented development – mixed for this site.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 19.**File #:** 15-16975 **Type:** Zoning Item

Rezoning Petition: 2021-124 by Judson Stringfellow; JDSI, LLC

Location: Approximately 7.53 acres located on the west side of East W.T. Harris Boulevard, north of Albemarle Road, and south of Hickory Grove Road. (Council District 5 - Newton)

Current Zoning: R-12MF (CD) (multi-family residential, conditional)
Proposed Zoning: R-8 (single-family residential)

Public Hearing Held: November 22, 2021 - Item #50

Staff Resource: Holly Cramer

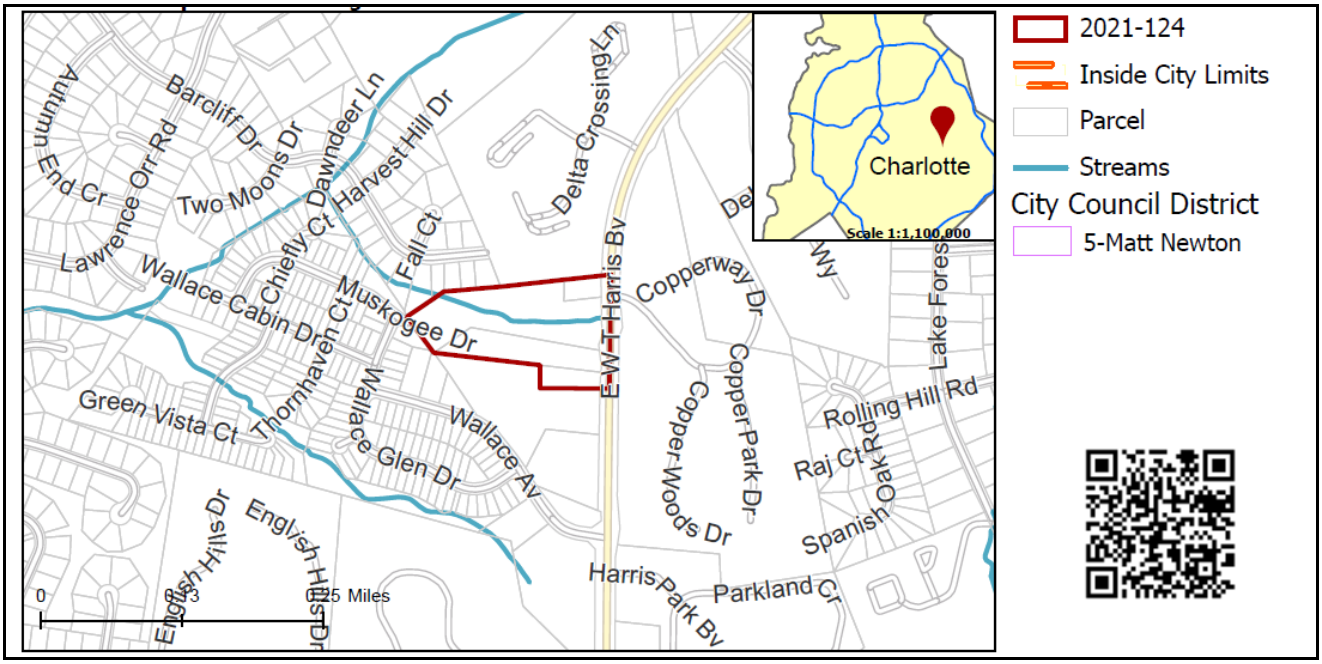
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-124
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: R-12MF (CD) (multi-family residential, conditional) Proposed Zoning: R-8 (single family residential)
LOCATION	Approximately7.53 acres located on the west side of East W.T. Harris Boulevard, north of Albemarle Road, and south of Hickory Grove Road.



SUMMARY OF PETITION	The petition proposes to allow all uses in the R-8 (single family residential) zoning district on a site that is currently vacant.
PROPERTY OWNER	JDSI, LLC
PETITIONER	Judson Stringfellow/ JDSI, LLC
AGENT/REPRESENTATIVE	Judson Stringfellow
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Eastland Area Plan* (2003) recommendation for multi-family uses up to 12 dwelling units per acre.

Rationale for Recommendation

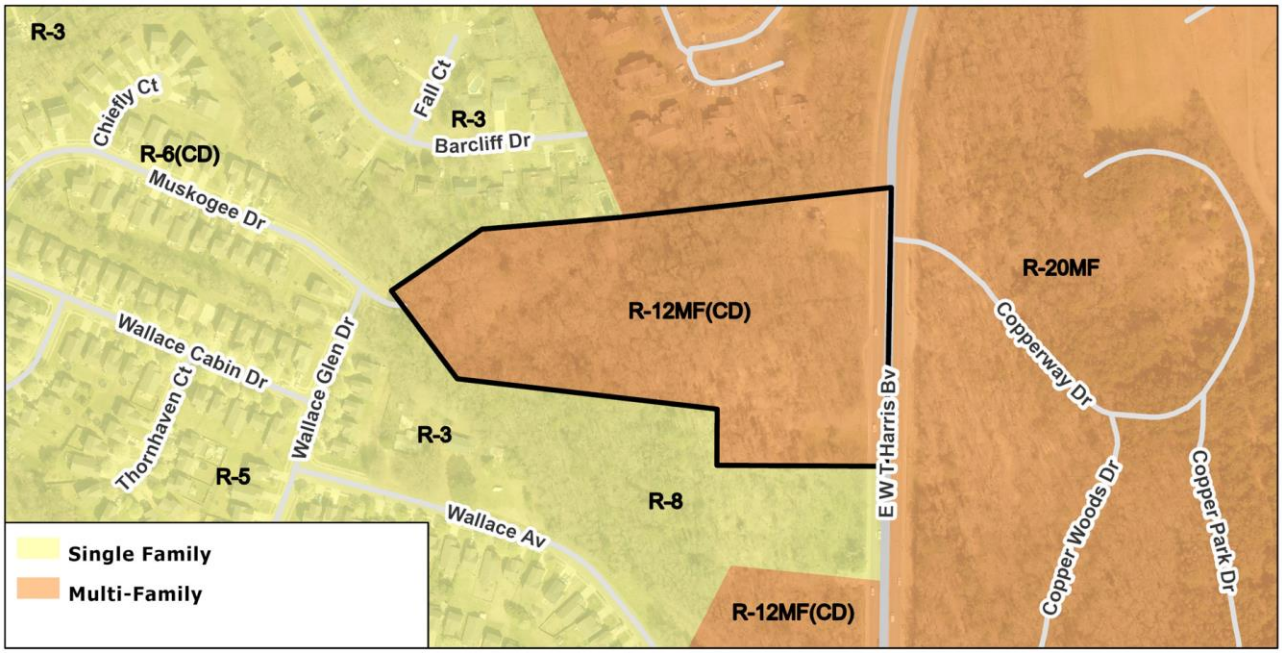
- The request is consistent with the land use prescribed by the adopted land use plan.
- The site is directly adjacent to single family zoning.
- The petition would establish consistency with existing, abutting single family development, while also still allowing for a density that is greater than the surrounding single family zoned areas. This furthers the Eastland Area Plan's goals of "supporting strong neighborhoods" by providing additional housing options but maintaining the general character of the surrounding residential areas.
- The rezoning request's maintenance of single family uses but increase in density as compared to the single family areas to the

	north and east of the site creates a transition into the higher density multi-family zoned areas adjacent to the site.

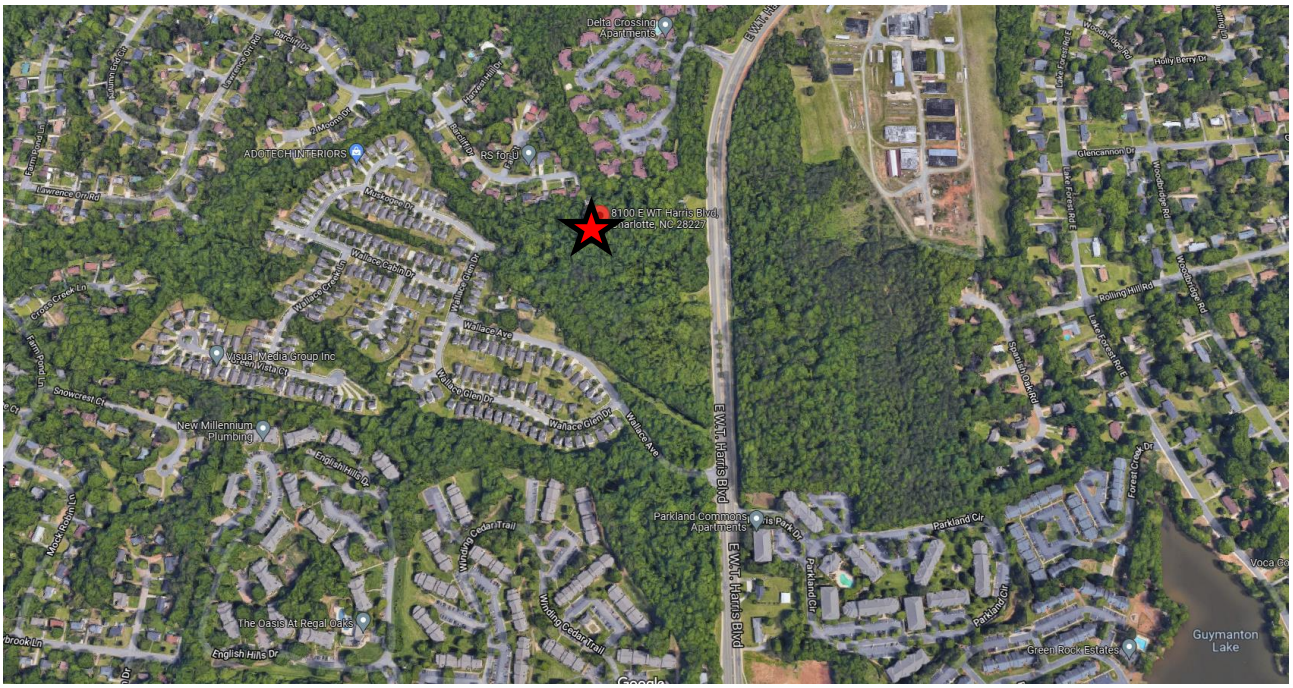
PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
  - Allows all uses in the R-8 (single family residential) zoning district.

- **Existing Zoning and Land Use**



- There have been no recent rezonings of this site. The surrounding area includes single family residential uses and multi-family residential uses.



- The site is denoted with a red star.

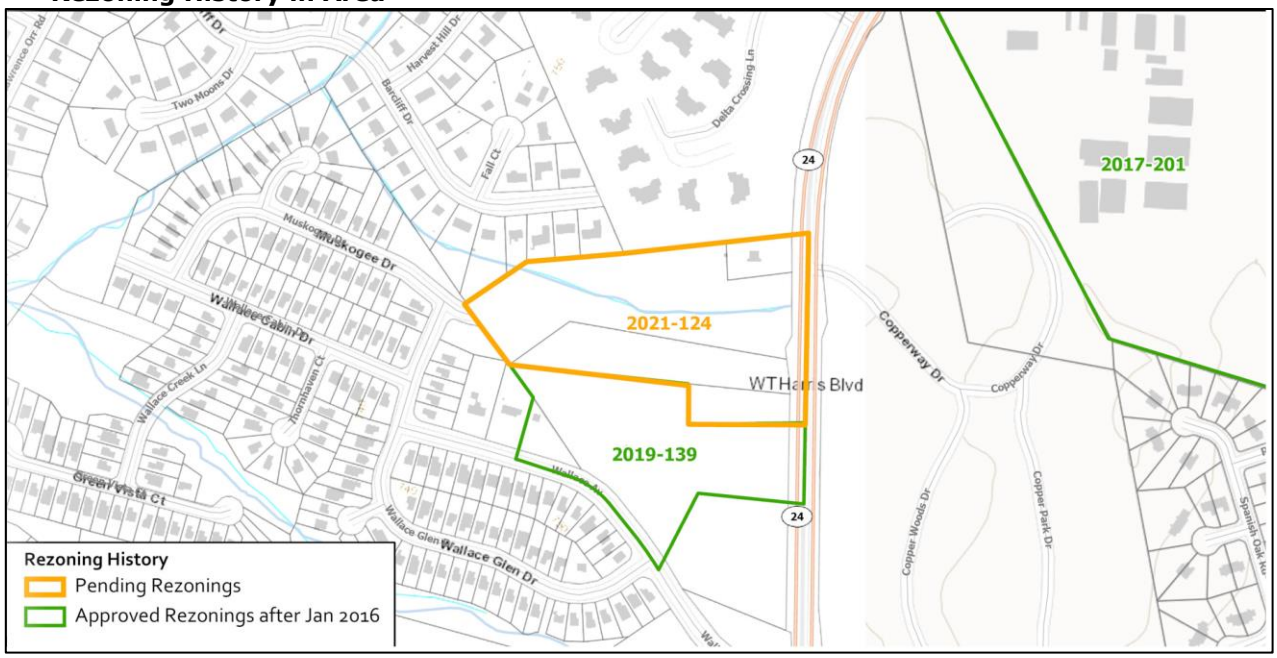
- North of the site are multi-family and single family residential developments.

- The area east of the site is vacant.

- The area south of the site is vacant.

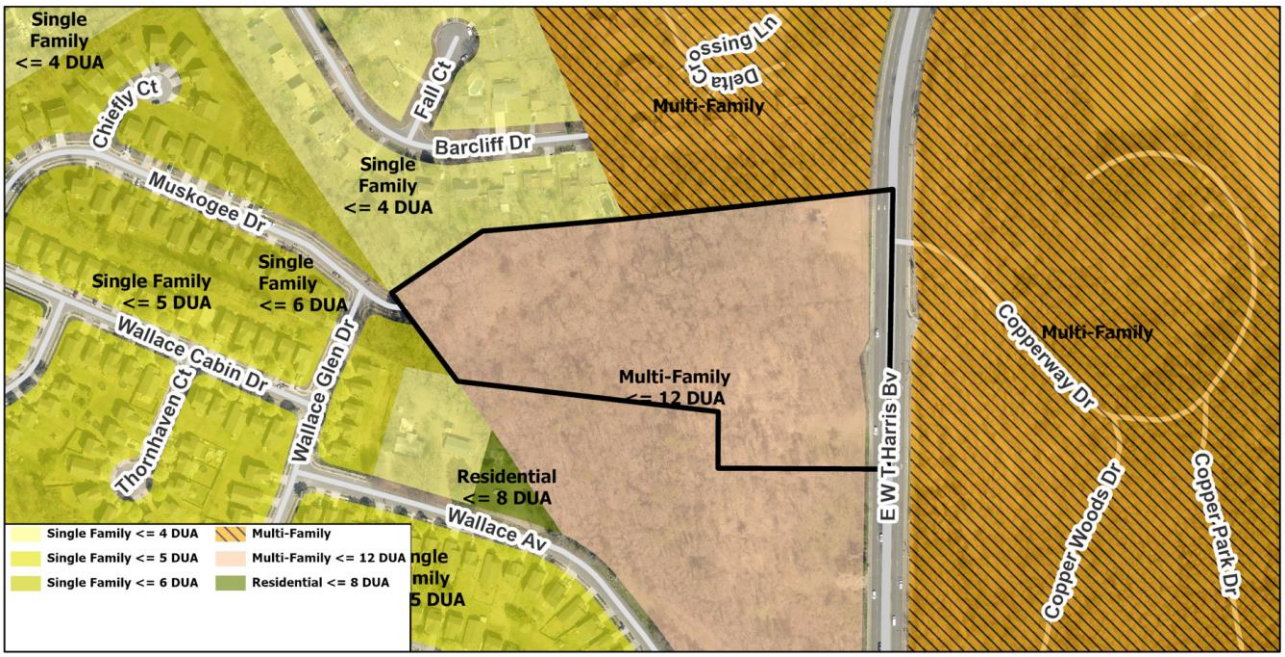
- West of the site are single family uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-201	Rezoned 24.74 acres from R-20MF (CD) and R-3 to R-12MF (CD).	Approved
2019-139	Rezoned 5.32 acres from R-3 and R-12MF to R-8.	Approved

- **Public Plans and Policies**



- *Eastland Area Plan* (2003) recommends multi-family uses up to 12 dwelling units per acre for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located adjacent to East W T Harris Boulevard, a State-maintained major thoroughfare and Muskogee Drive, a City-maintained local street. A Traffic Impact Study (TIS) is not needed for this site. Connections between neighborhoods and parks should be explored during permitting. This site is being rezoned conventionally, and there is no site plan to review. CDOT will determine streetscape requirements for this site during the permitting process.
- **Active Projects:**
  - There are no active projects near this site.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 0 trips per day (site is vacant).

  Entitlement: 485 trips per day (89 multi-family units).

  Proposed Zoning: 415 trips per day (60 single family units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 24 students, while the development allowed under the proposed zoning may produce 16 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 0 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Lawrence Orr Elementary from 96% to 98%
    - Albemarle Middle remains at 117%
    - Independence High remains at 119%
- **Charlotte Water:** See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.

- **Erosion Control:** 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 comments submitted.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No comments submitted.

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

Planner: Holly Cramer (704) 353-1902

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-124

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	**X**
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	✓
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**X**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	**N/A**

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	**N/A**
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	**N/A**
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	✓
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**

Petition 2021-124 by Judson Stringfellow/ JDSI, LLC

To Approve:

This petition is found to be **consistent** with the *Eastland Area Plan* (2003 based on the information from the staff analysis and the public hearing, and because:

- The plan recommends multi-family uses up to 12 dwelling units per acre.

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

- The request is consistent with the land use prescribed by the adopted land use plan.
- The site is directly adjacent to single family zoning.
- The petition would establish consistency with existing, abutting single family development, while also still allowing for a density that is greater than the surrounding single family zoned areas. This furthers the Eastland Area Plan's goals of "supporting strong neighborhoods" by providing additional housing options but maintaining the general character of the surrounding residential areas.
  The rezoning request's maintenance of single family uses but increase in density as compared to the single family areas to the north and east of the site creates a transition into the higher density multi-family zoned areas adjacent to the site.

To Deny:

This petition is found to be **consistent** with the *Eastland Area Plan* (2003 based on the information from the staff analysis and the public hearing, and because:

- The plan recommends multi-family uses up to 12 dwelling units per acre.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda Date: 12/1/2021

Agenda #: 20.**File #:** 15-16976 **Type:** Zoning Item

Rezoning Petition: 2021-126 by North Carolina Kenworth, Inc. dba. MHC Kenworth

Location: Approximately 5.57 acres located on the south side of east Westinghouse Bouleard, east of Nations Ford Road, and west of Downs Road. (Council District 3 - Watlington)

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

Public Hearing Held: November 22, 2021 - Item #51

Staff Resource: John Kinley

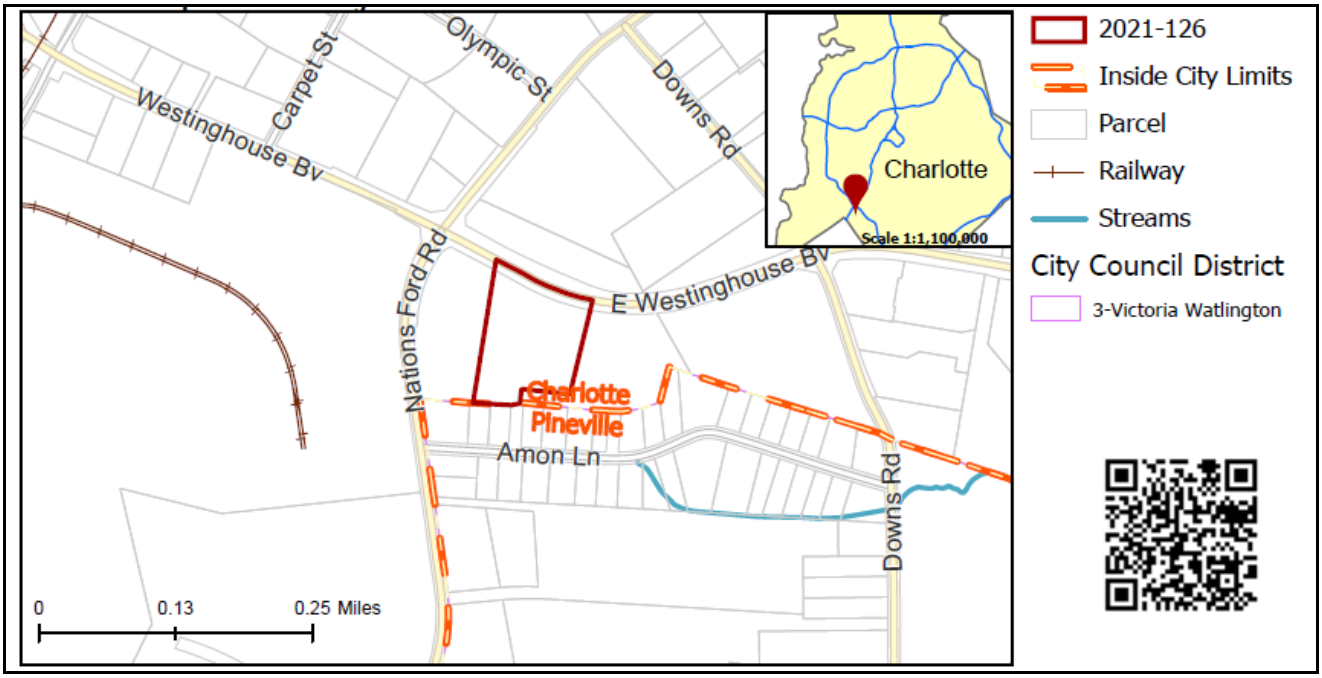
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-126
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: I-2(CD) (general industrial, conditional) Proposed Zoning: I-1(CD) (light industrial, conditional)
LOCATION	Approximately 5.57 acres located on the south side of East Westinghouse Boulevard, east of Nations Ford Road, and west of Downs Road



SUMMARY OF PETITION	The petition proposes to allow I-1 uses with some exclusions on a parcel developed with industrial use, currently operating as a truck service and repair facility, along Westinghouse Boulevard.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	M-H Carolina LLC North Carolina Kenworth, Inc dba. MHC Kenworth-Charlotte Keith MacVean / Moore Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1.

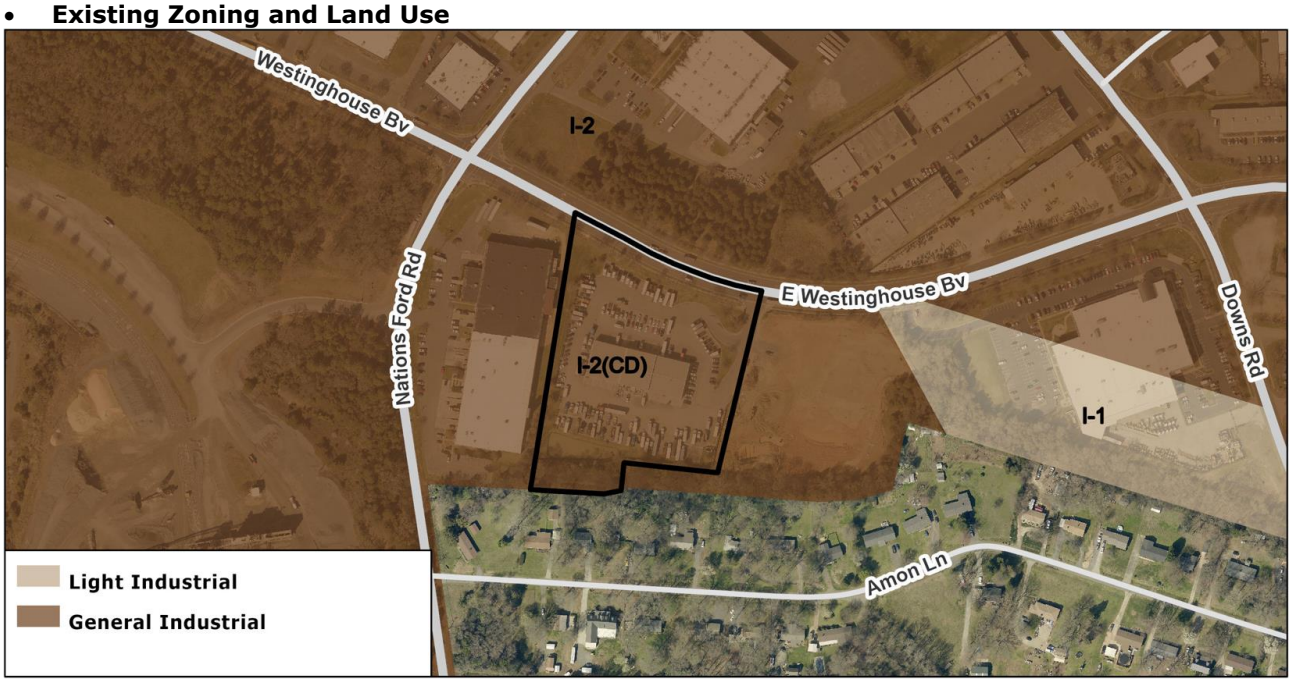
STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **consistent** with the *Steele Creek Area Plan* recommendation for industrial/warehouse/distribution uses. <u>Rationale for Recommendation</u> • The petition will allow most uses in I-1 zoning including truck and auto sales, service and repair (current I -2 zoning does not allow truck/auto sales). • The proposal prohibits more intense/noxious uses that would otherwise be allowed in I-1 zoning such as landfills, petroleum storage facilities and others as outlined in the request details below and in the conditional notes on the plan. • Maintains the existing 75 ft wide buffer as undisturbed along the rear of the site adjacent to single family homes.

- The site is located within an area developed primarily with industrial uses and surrounding parcels along Westinghouse Boulevard are zoned I-1 and I-2.

PLANNING STAFF REVIEW

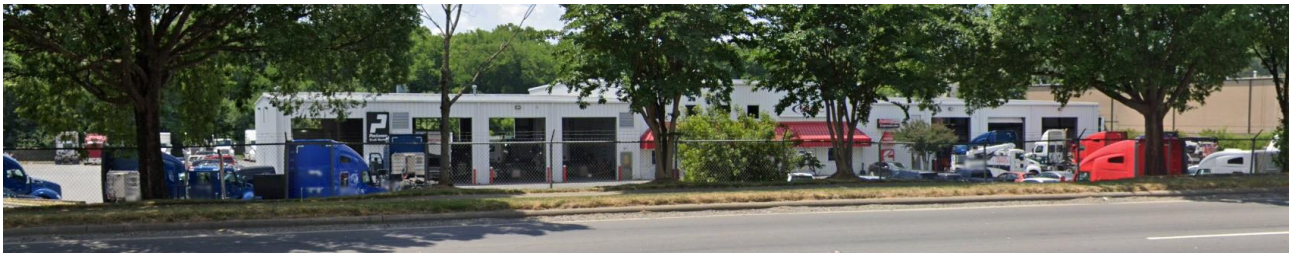
- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows truck and auto sales and service/ repair as well as other uses permitted in I-1 zoning.
  - Prohibits the following uses: abattoirs, adult establishments, demolition landfills, heliports/helistops, jails/prisons, land clearing/debris landfill, petroleum storage facilities and tire recapping/retreading.
  - Access to the site from the existing shared driveway off Westinghouse Boulevard.
  - Dedicates right of way along the frontage of the site.
  - Maintains the existing 75-ft wide Class A buffer as an undisturbed buffer.
  - Specifies that any outdoor storage areas will be located to the rear of the building.

- **Existing Zoning and Land Use**



The site was previously rezoning to I-2(CD) in 2005 to allow uses permitted in I-2, prohibiting a number of heavy/noxious uses and provided a 75 ft wide Class A buffer adjacent to single family homes. The area around the site is developed with industrial uses to the north, east and west. There is a small single family neighborhood to the south along Amon Lane in Pineville's jurisdiction.

The site indicated by the red star above, is located in an industrial area along Westinghouse Boulevard.



The site is developed with an existing truck service and repair facility.

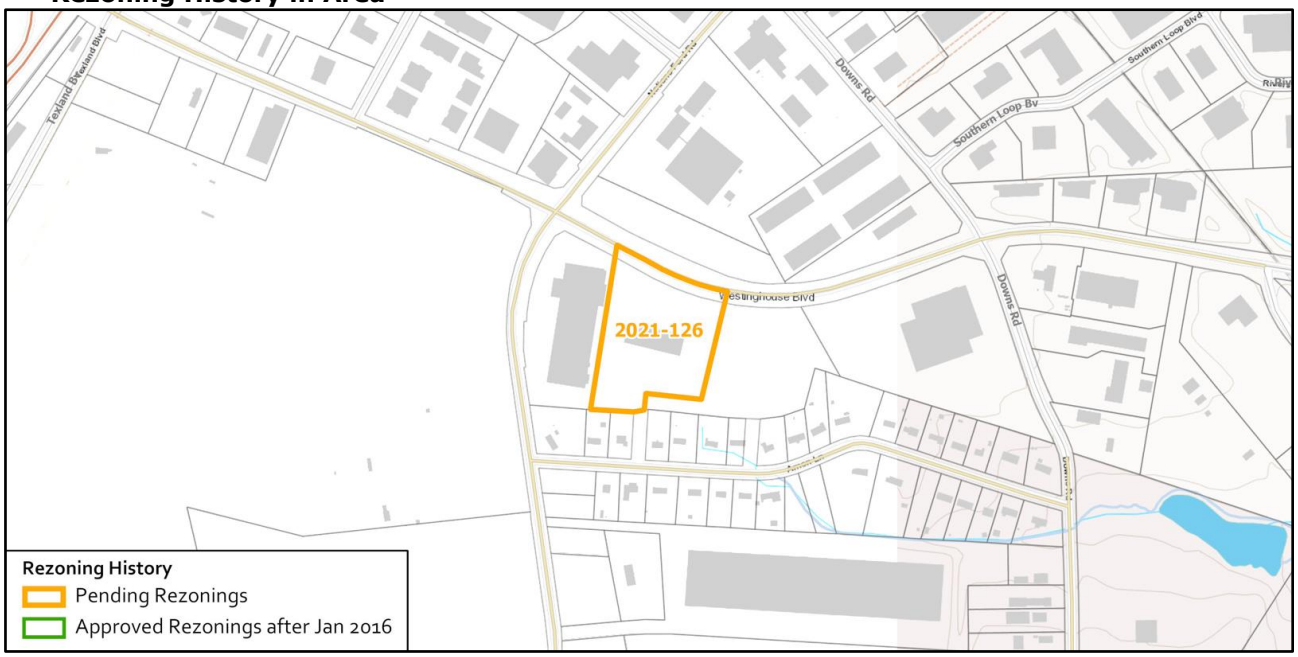
North of the site, across Westinghouse Boulevard is a vacant, industrial zoned parcel.

East of the site is a vacant parcel used for truck parking.

West of the site at the corner of Westinghouse Boulevard and Nations Ford Road is industrial use.

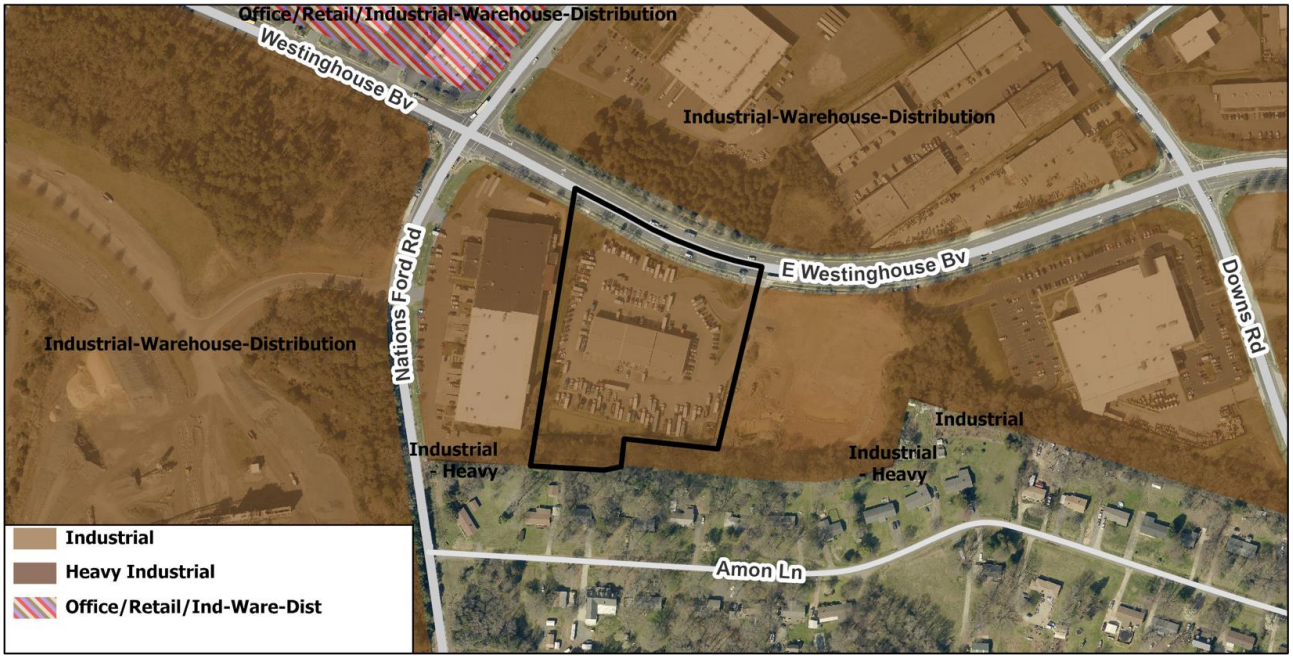
South of the site along Amon Lane are single family homes.

- **Rezoning History in Area**



There have not been any recent rezonings in the area.

- **Public Plans and Policies**



  - The *Steele Creek Area Plan* recommends industrial/warehouse/distribution uses.

- **TRANSPORTATION SUMMARY**
  - The site is located on Westinghouse Boulevard, a State-maintained major thoroughfare, just east of Nations Ford Road. This site does not necessitate any additional transportation improvements and will utilize the existing pedestrian infrastructure along Westinghouse Boulevard. All CDOT issues have been addressed.
- **Active Projects:**
  - NA
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 360 trips per day (based on existing 22,150 square foot, automobile parts and service center).

  Entitlement: 430 trips per day (based on 242,629 square foot warehouse use).

  Proposed Zoning: 360 trips per day (based on 22,150 square foot, automobile parts and service center).

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:** 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 12-inch water distribution main located along E Westinghouse Blvd. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along the E Westinghouse Blvd. No outstanding issues.
- **Erosion Control:** 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.

- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No outstanding issues.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

1. ~~Provide maximum area for outdoor storage use.~~ Addressed
2. ~~Remove note 1.h. as an exceptions to screening due to topography must be approved by the Zoning Administrator and until an exception is approved the screening is required.~~ Addressed
3. ~~Clarify the existing fence at the rear of the site is to remain since it is part of the buffer requirement.~~ Addressed
4. ~~Amend the site plan to show the setback measured from the future ROW.~~ Addressed
5. ~~Extend screening along the western property line (plan right) along the parking back to the existing buffer.~~ Addressed

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

Planner: John Kinley (704) 336-8311

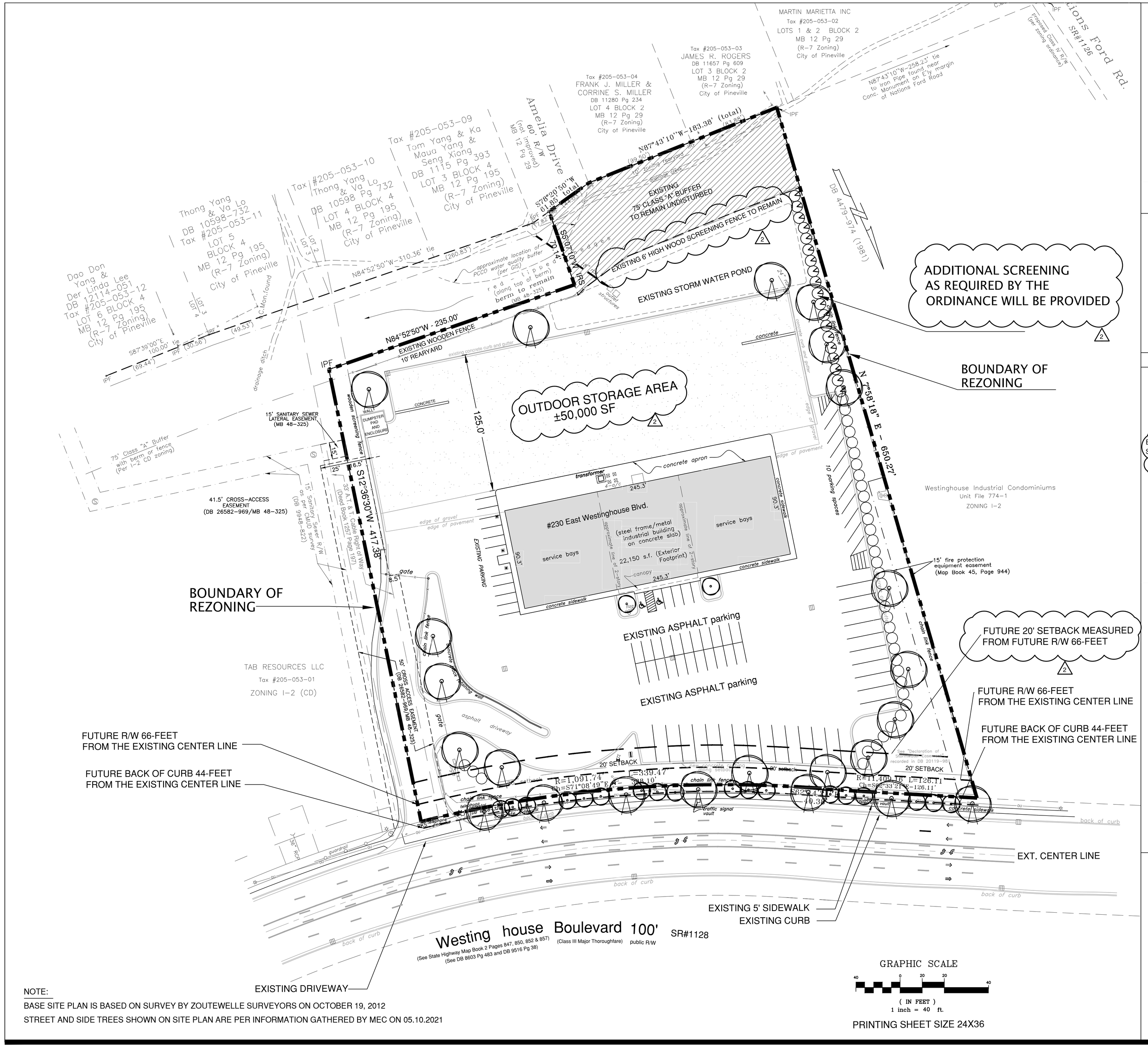
RZP 2021-126
Goals Relevant to Rezoning Determinations

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	X
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	X
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	X
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	X

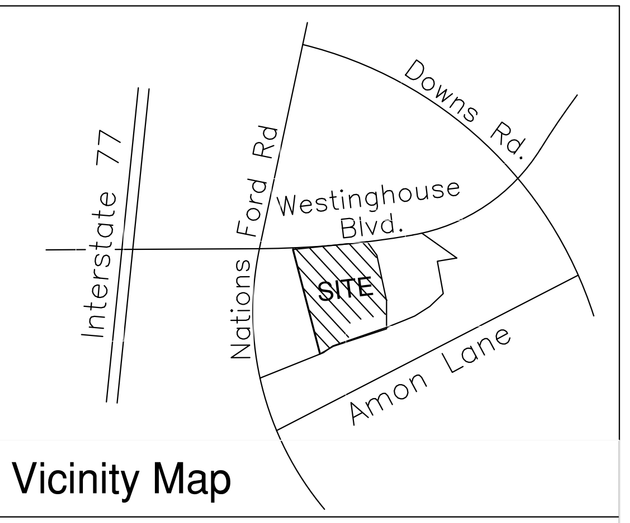
	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	**N/A**
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	**N/A**
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	✓
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	**N/A**
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**



NOTE:

BASE SITE PLAN IS BASED ON SURVEY BY ZOUTEWELLE SURVEYORS ON OCTOBER 19, 2012

STREET AND SIDE TREES SHOWN ON SITE PLAN ARE PER INFORMATION GATHERED BY MEC ON 05.10.2021



Vicinity Map

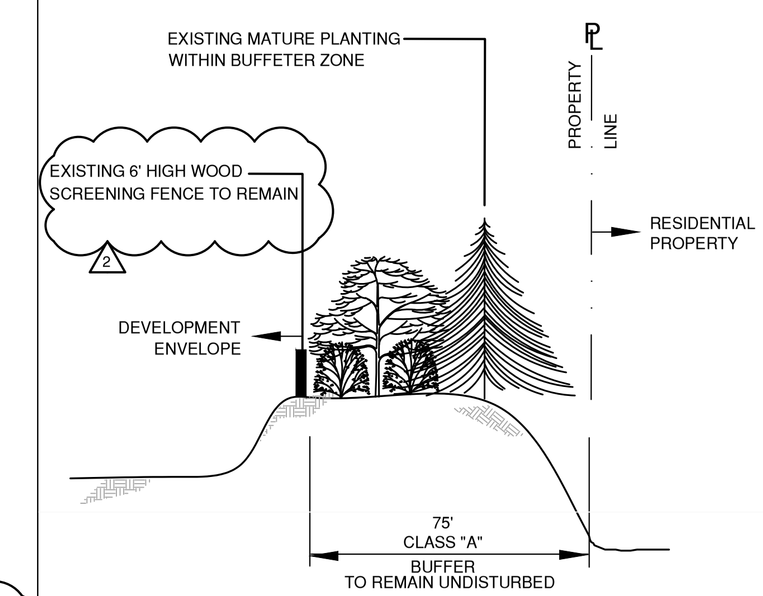
Site Development Data:

--Acreage: ± 5.569 acres
--Tax Parcel #s: 205-053-34
--Existing Zoning: I-2 (CD)
--Proposed Zoning: I-1(CD)
--Existing Uses: Industrial
--Proposed Uses: Uses allowed in the I-1 zoning district by right and under prescribed conditions together with accessory uses, (as more specifically described and restricted in the Development Standards below).

--Maximum Gross Square feet of Development: As allowed by the I-1 zoning district.

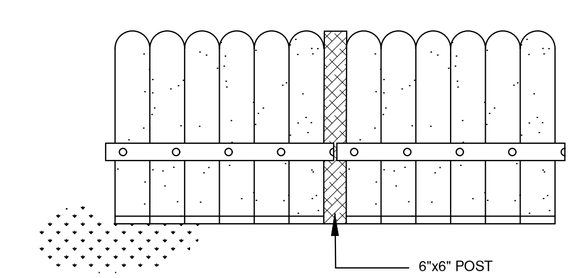
--Maximum Building Height: Height as permitted by Ordinance and will be measured as defined by the Ordinance.
--Parking: As required by the Ordinance.

FOR DEVELOPMENT STANDARD REFER TO SHEET RZ-2



75' CLASS "A" BUFFER

NTS



NOTE:

BUFFER FENCE SHALL BE 6' HIGH OF WOOD AND PLANK CONSTRUCTION. NO MORE THAN 25% OF FENCE SHALL BE OPEN AND FINISH SIDE OF FENCE MUST FACE ABUTTING PROPERTY

FENCE DETAIL

LEGEND

SHRUBS

UNDERSTORY TREE

CANOPY TREE

BOUNDARY OF REZONING

MANSOUR EDLIN CONSULTING
1200 EAST MOREHEAD ST.
SUITE 275
CHARLOTTE, N. C.28204
Phone 704/672-1560

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PROJECT NUMBER	10.05.2020 CON
DESIGN By	HAR
APPROVED By	ME
DRAWN By	HAR
Date	10.05.2020
DIGITAL FILE	2021PROJECT\EWESTING HOUSE

REVISION
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3.
2. PER STAFF COMMENTS 11.17.21
1. PER STAFF COMMENTS 10.11.21

OWNER

M-H CAROLINA LLC
11120 TOWAHAWK CREEK PY
LEAWOOD, KS. 66211

FOR PUBLIC HEARING
PETTITION
2021-126

230
E. WESTINHOUSE
BLVD.
CHARLOTTE NC
PN#205-053-34

REZONING
SITE PLAN

RZ-1

PRINTING SHEET SIZE 24X36

Murphy-Hoffman Company
Development Standards
11/17/2021
Rezoning Petition No/. 2021-126

2

Site Development Data:

--**Acreage:** ± 5.569 acres
--**Tax Parcel #s:** 205-053-34
--**Existing Zoning:** I-2 (CD)
--**Proposed Zoning:** I-1(CD)
--**Existing Uses:** Industrial
--**Proposed Uses:** Uses allowed in the I-1 zoning district by right and under prescribed conditions together with accessory uses, (as more specifically described and restricted in the Development Standards below).
--**Maximum Gross Square feet of Development:** As allowed by the I-1 zoning district.
--**Maximum Building Height:** Height as permitted by Ordinance and will be measured as defined by the Ordinance.
--**Parking:** As required by the Ordinance.

1. General Provisions:

a. Site Location. These Development Standards, Schematic Site Plan and other graphics set forth on Sheet RZ-1 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Murphy-Hoffman Company ("Petitioner") to accommodate the development of industrial uses on an approximately 5.569 acre site located at 230 E. Westinghouse Boulevard (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") in existence as of the date of the approval of this Rezoning. Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the I-1 zoning classification shall govern all development taking place on the Site.

c. Graphics and Alterations. Any schematic depictions of the building envelopes, parking areas, 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. Any layouts, 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; such as minor modifications to the configurations of any building envelope, driveways and parking area dimensions and the like as long as the modifications maintain the general building/parking orientation and character of the development generally 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 truck and automobile sales, repair, and maintenance uses as well as other uses allowed in the I-1 zoning district by right or under prescribed conditions together with accessory uses.

b. The total amount of allowed gross square feet of development will be limited to the amount allowed by the I-1 zoning district.

c. The following uses shall not be permitted:
1. abattoirs
2. adult establishments
3. demolition landfills
4. heliports and helistops, limited
5. jails and prisons
6. land clearing and debris landfill
7. petroleum storage facilities with storage capacity with no more than 200,000 gallons
8. tire recapping and retreading

3. Access and Transportation:

a. Access to the Site will be from Westinghouse Boulevard from one shared existing driveway in the manner generally depicted on the Rezoning Plan.

b. The placement and configuration of any new the vehicular access points is subject to any 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.

c. Any required roadway and/or streetscape improvement(s) will be approved and constructed prior to the issuance of the first certificate of occupancy subject to the petitioner′ s ability to request that a bond be posted for any improvements not in place at the time of the issuance of the first certificate of occupancy.

d. 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 sidewalk located along the public street that is 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.

e. 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.

f. All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad north central Mecklenburg area, by way of a private/public partnership effort or other public sector project support."

4. Setbacks, Buffers and Screening:

a. Buffer areas established on this technical data sheet shall conform to the standards of section 12.302 of the ordinance: subject, however, to the provisions of section 12.304. The existing 75-foot Class A Buffer will be maintained as an undisturbed buffer and the existing fence that is part of the buffer will remain and may not be removed.

b. Buffer areas shall remain as open space.

2

c. Petitioner reserves the right to install utilities within buffer areas. However, utility installations may only cross buffer areas at interior angles measured at property lines which are not less than 75 degrees.

d. No buildings, parking spaces, maneuvering areas or storm water detention facilities may be located within the buffer areas.

e. Where existing trees and natural vegetation have been cleared to accommodate pedestrian sidewalks or pathways or the installation of utilities, the cleared, unimproved areas will be landscaped with trees and shrubs

2

f. Outdoor storage areas will be located at the rear of the Site behind the existing building. No more than 50,000 square feet of outdoor storage area will be allowed as generally depicted on the Rezoning Plan.

g. A sidewalk connection from the building to street as required by Section 12.529 will be provided.

2

h. Screening as required by the Ordinance will be provided. The Petitioner may request a modification to the screening requirements as allowed by Section 12.304.

5. Environmental Features:

a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. The Site will comply with Tree Ordinance.

6. Lighting:

a. Lighting will comply with the Ordinance.

7. Signage:

a. All signs placed on the site will be erected in accordance with the requirements of 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 or applicable parcels or development areas within the Site in accordance with the provisions herein and of Chapter 6 of the Ordinance.

8. 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.

MANSOUR EDLIN CONSULTING
1200 EAST MOREHEAD ST.
SUITE 275
CHARLOTTE, N. C.28204
Phone 704/672-1560

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PROJECT NUMBER	10.05.2020 CON
DESIGN By	HAR
APPROVED By	ME
DRAWN By	HAR
Date	10.05.2020
DIGITAL FILE 2021PROJECT\EWESTING HOUSE	

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2. PER STAFF COMMENTS 11.17.21
1. PER STAFF COMMENTS 10.11.21
REVISION

OWNER

M-H CAROLINA LLC
11120 TOWAHAWK CREEK PY
LEAWOOD, KS. 66211

FOR PUBLIC HEARING
PETTITION
2021-126

230
E. WESTINHOUSE
BLVD.
CHARLOTTE NC
PN#205-053-34

DEVELOPMENT
STANDARDS

RZ-2

PRINTING SHEET SIZE 24X36

Petition 2021-126 by North Carolina Kenworth, Inc dba. MHC Kenworth-Charlotte

To Approve:

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

- The plan recommends industrial/warehouse/distribution uses.

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

- The petition will allow most uses in I-1 zoning including truck and auto sales, service and repair (current I -2 zoning does not allow truck/auto sales).
- The proposal prohibits more intense/noxious uses that would otherwise be allowed in I-1 zoning such as landfills, petroleum storage facilities and others as outlined in the request details below and in the conditional notes on the plan.
- Maintains the existing 75 ft wide buffer as undisturbed along the rear of the site adjacent to single family homes.
- The site is located within an area developed primarily with industrial uses and surrounding parcels along Westinghouse Boulevard are zoned I-1 and I-2.

To Deny:

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

- The plan recommends industrial/warehouse/distribution uses.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 21.**File #:** 15-16948 **Type:** Zoning Item

Rezoning Petition: 2021-130 by DRB Group

Location: Approximately 5.6 acres located on Rozzelles Ferry Road between Coronet Way and Bungalow Road. (Council District 2 - Graham)

Current Zoning: I-1 (CD) (light industrial, conditional) and R-22MF (multi-family residential)
Proposed Zoning: UR-2 (CD) (urban residential, conditional)

Public Hearing Held: November 15, 2021 - Item #29

Staff Resource: Joe Mangum

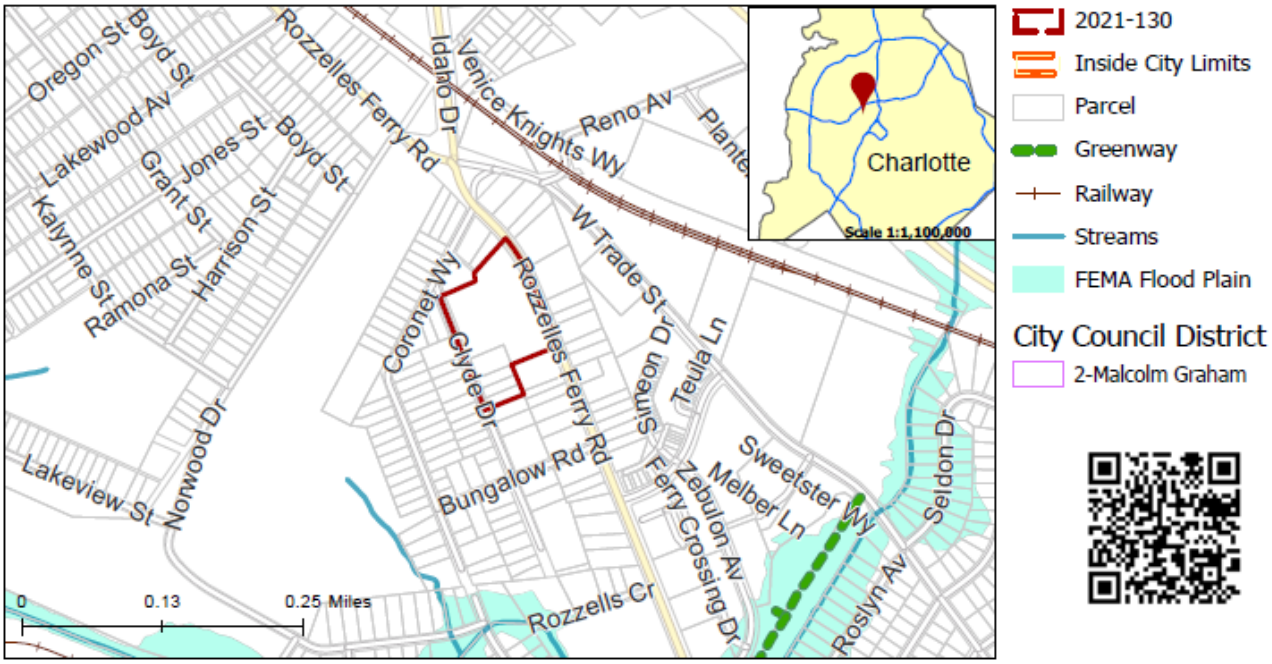
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-130
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: I-1 (CD) (Light Industrial, Conditional) and R-22MF (Multifamily Residential) Proposed Zoning: UR-2 (CD) (Urban Residential, Conditional)
LOCATION	Approximately 5.6 acres located on Rozzelles Ferry Road between Coronet Way and Bungalow Road.



SUMMARY OF PETITION	The petition proposes to allow the development of up to 58 single family attached dwellings at a density of 10.37 units per acre on a site currently occupied by an industrial use in the Smallwood community.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Leemark Realty of Charlotte, LLC DRB Group John Carmichael
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **inconsistent** with the industrial and single-family land use recommendations for this site, as per the *Central District Plan*. However, the petition is **consistent** with the *General Development Policies* (GDP) for consideration of up to 12 dwelling units per acre (DUA). <u>Rationale for Recommendation</u> • While inconsistent with the adopted single-family and industrial land uses for this site, the proposed single family attached development is an appropriate transition between the existing

single-family neighborhood along Clyde Drive and the commercial uses along Rozzelles Ferry Road.

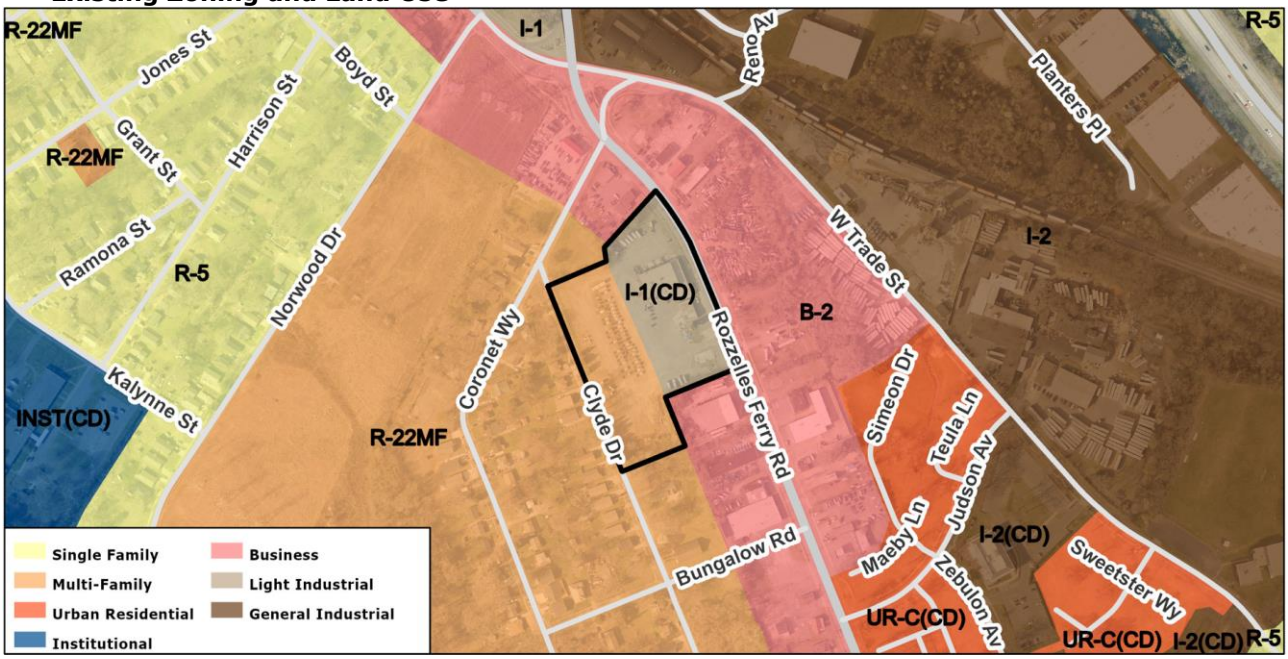
- The site meets the *General Development Policies* (GDP) criteria for consideration of up to 12 dwelling units per acre.
- A similar townhome development was approved as part of rezoning petition 2019-178, along Rozzelles Ferry Road less than ¼ mile from this site.
- The proposed development would implement a new CATS bus stop on Rozzelles Ferry Road adjacent to the site. The site is also within ½ of Stewart Creek Greenway and approximately one mile from a Lynx Gold Line transit stop.

The approval of this petition will revise the adopted future land uses as specified by the *Central District Plan*, from industrial and single-family land uses to residential up to 12 DUA land use for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows for the development of up to 58 single family attached dwelling units at a density of 10.38 units per acre.
  - Limits building height to 45'.
  - Commits to the dedication of right-of-way along Rozzelles Ferry Road at 35' from centerline.
  - Confirms installation of an 8' planting strip and 6' sidewalk along all public street frontages.
  - Provides for construction of an ADA compliant bus waiting pad along Rozzelles Ferry Road.
  - Commits to design standards including specified building materials, covered entryways, blank wall limitations, and porches and stoops on all corner units facing a public street.
  - Limits freestanding lighting fixture height to 21' and requires that they be downwardly directed.
  - Commits to providing open space with landscaping and seating.

- **Existing Zoning and Land Use**



The site is surrounded by a mix of single family residential and commercial uses.

The site, marked by a red star, is bordered by single family residential uses along Clyde Drive and by commercial uses along Rozzelles Ferry Road.

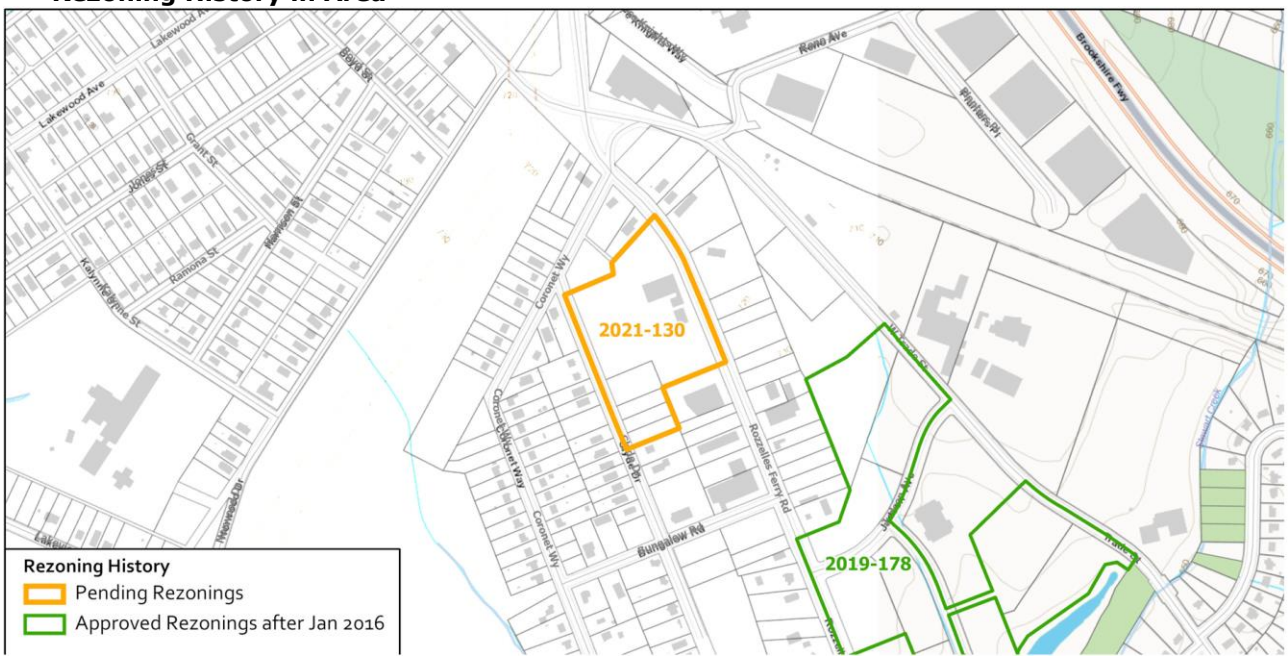
The properties to the north of the site are developed with commercial uses.

The properties to the east of the site across Rozzelles Ferry Road are developed with commercial uses.

The properties to the south of the site along Rozzelles Ferry Road are developed with commercial uses.

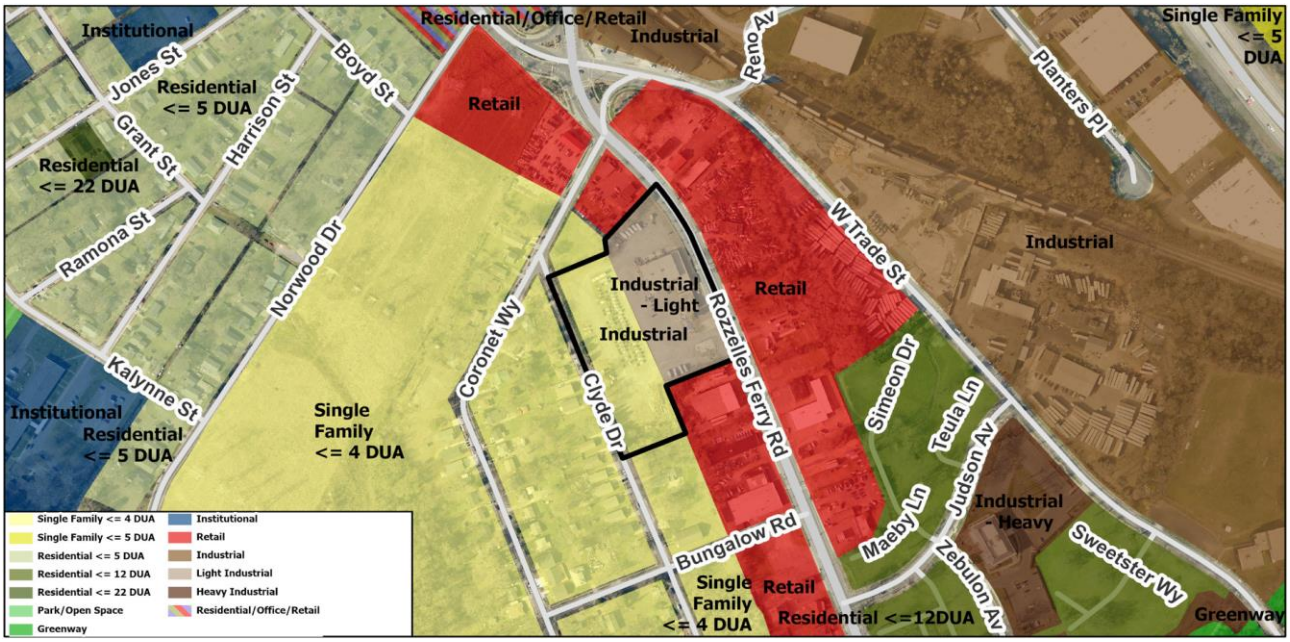
The properties to the west of the site across Clyde Drive are developed with single family dwellings.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-178	Request to rezone to UR-C (CD) to permit the development of 133 single family attached units at a density of 11.6 units per acre.	Approved

- **Public Plans and Policies**



The *Central District Plan* (adopted 1993) recommends single family up to 4 dwelling units per acre for a portion of the site along Clyde Drive, and industrial uses for the portion of the site along Rozzelles Ferry Road.

- 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 up to 12 dwellings per acre as illustrated in the table below.

Assessment Criteria	**Density Category – up to 12 dua**
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	2
Connectivity Analysis	4
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 between Rozzelles Ferry Road, a City-maintained minor thoroughfare, and Clyde Drive, a City-maintained local street. A Traffic Impact Study (TIS) is not needed for this site. There are existing bike lanes on Rozzelles Ferry Road and the petitioner is proposing pedestrian facilities in the form of 8-foot planting strips and 6-foot sidewalks along the site's frontages for Rozzelles Ferry Road and Clyde Drive in accordance with the Council-adopted Charlotte WALKS policy. CDOT has no outstanding items.
  - **Active Projects:**
  - There are no active projects in the vicinity of this site.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 50 trips per day (based on 2,730 SF warehouse).

  Entitlement: 330 trips per day (based on 15,000 SF warehouse and 48 multifamily residential units).

  Proposed Zoning: 400 trips per day (based on 58 single family attached units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **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 10 students, while the development allowed under the proposed zoning may produce 3 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is -7.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Ashley Park K-8 at 114%
    - West Charlotte at 96%
- **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary.See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.
- **Erosion Control:** 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.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No comments submitted.

OUTSTANDING ISSUES

Transportation

~~1. Revise site plan and conditional note(s) to commit to dedicate 35-feet right-of-way from the road centerline on Rozzelles Ferry Road. The site plan should label and dimension the right-of-way from the road centerline. Future right-of-way to be labeled on the site plan as "Right-of-way to be dedicated".~~ ADDRESSED

REQUESTED TECHNICAL REVISIONS

Environment

~~2. Include the following notes on the plan sheet under "Environmental Features": *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.*~~ ADDRESSED

Site and Building Design

~~3. Delete proposed building type: "Brentwood, Rochester".~~ ADDRESSED

~~4. Correct Rozzelles Ferry setback to be 14' from future back of curb.~~ RESCINDED

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

Planner: Joe Mangum (704) 353-1908

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

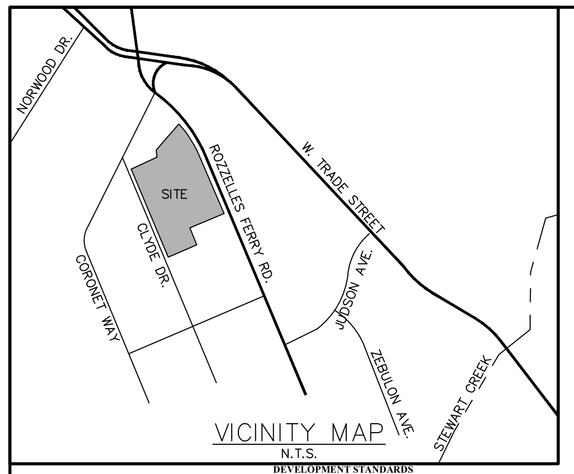
Goals Relevant to Rezoning Determinations

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when Policy Mapping is completed (anticipated early 2022) and when the **Policy Map** is adopted (anticipated summer 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	✓
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	✗
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	**N/A**

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	✓
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	✗
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	✓
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**



VICINITY MAP
N.T.S.

DEVELOPMENT STANDARDS
November 18, 2021

A. GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY DRB GROUP (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF THAT APPROXIMATELY 5.589 ACRE SITE LOCATED ON THE EAST SIDE OF CLYDE DRIVE BETWEEN CORONET WAY AND BUNGALOW ROAD, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NOS. 071-141-04, 071-141-05, 071-141-06, 071-141-17 AND 071-141-18.

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 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.

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 58 SINGLE FAMILY ATTACHED DWELLING UNITS AND TO ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE UR-2 ZONING DISTRICT.

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 AND/OR THE NORTH CAROLINA 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. A MINIMUM OF (7) VISITOR PARKING SPACES SHALL BE PROVIDED ON THE SITE.

4. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THOSE PORTIONS OF THE SITE LOCATED IMMEDIATELY ADJACENT TO ROZZELLES FERRY ROAD AS REQUIRED TO PROVIDE RIGHT OF WAY MEASURING 35 FEET FROM THE EXISTING CENTERLINE OF ROZZELLES FERRY ROAD, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST.

5. ALL TRANSPORTATION IMPROVEMENTS REQUIRED TO BE CONSTRUCTED BY PETITIONER UNDER THIS SECTION C OF THE DEVELOPMENT STANDARDS WILL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE.

6. 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 A 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.

7. SUBJECT TO THE APPROVAL OF CDOT AND ANY OTHER GOVERNMENTAL AGENCIES, PETITIONER SHALL CONSTRUCT AN ADA COMPLIANT BUS WAITING PAD 60.01B WITHIN THE REQUIRED PLANTING STRIP LOCATED ALONG THE SITE'S FRONTAGE ON ROZZELLES FERRY ROAD. THE EXACT LOCATION OF THE BUS WAITING PAD SHALL BE DETERMINED DURING THE SITE DESIGN AND PERMITTING PROCESS, AND THE BUS WAITING PAD SHALL BE LOCATED ENTIRELY WITHIN RIGHT OF WAY. IN THE EVENT THAT PETITIONER CANNOT OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO CONSTRUCT THE BUS WAITING PAD, THEN PETITIONER SHALL HAVE NO OBLIGATION TO CONSTRUCT THE BUS WAITING PAD. CATS SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF A BENCH OR SHELTER ON THE BUS WAITING PAD.

D. ARCHITECTURAL STANDARDS

1. THE ARCHITECTURAL STANDARDS SET OUT BELOW SHALL APPLY TO THE SINGLE FAMILY ATTACHED DWELLING UNITS/ BUILDINGS CONSTRUCTED ON THE SITE.

(a) EXCEPT AS PROVIDED BELOW IN PARAGRAPH D.1(B), THE MAXIMUM HEIGHT IN FEET OF ANY BUILDING CONSTRUCTED ON THE SITE SHALL BE 45 FEET AS MEASURED UNDER THE ORDINANCE.

(b) THE MAXIMUM HEIGHT IN FEET OF THE BUILDINGS CONTAINING THOSE SINGLE FAMILY ATTACHED DWELLING UNITS DESIGNATED ON THE REZONING PLAN AS UNITS 18 THROUGH 22, UNITS 23 THROUGH 25, UNITS 26 THROUGH 28, UNITS 29 THROUGH 31 AND UNITS 32 THROUGH 34 SHALL BE 40 FEET AS MEASURED UNDER THE ORDINANCE.

(c) THE MAXIMUM HEIGHT IN STORIES OF THOSE SINGLE FAMILY ATTACHED DWELLING UNITS DESIGNATED ON THE REZONING PLAN AS UNITS 18 THROUGH 34 SHALL BE TWO STORIES.

(d) THE PRIMARY EXTERIOR BUILDING MATERIALS FOR THE SINGLE FAMILY ATTACHED DWELLING UNITS 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.

(e) 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. ADDITIONALLY, ALUMINUM MAY BE USED ON TRIM AND GARAGE DOORS.

(f) THE SINGLE FAMILY ATTACHED DWELLING UNITS WILL HAVE SLAB FOUNDATIONS.

(g) THE ACTUAL SIZES OF THE SINGLE FAMILY ATTACHED DWELLING UNITS/LOTS MAY VARY FROM THE SIZES DEPICTED ON THE REZONING PLAN.

(h) EACH SINGLE FAMILY ATTACHED DWELLING UNIT CONSTRUCTED ON THE SITE SHALL HAVE A GARAGE.

(i) THE SINGLE FAMILY ATTACHED DWELLING UNITS DESIGNATED ON THE REZONING PLAN AS UNITS 1 THROUGH 13 SHALL FRONT ROZZELLES FERRY ROAD, AND THESE SINGLE FAMILY ATTACHED DWELLING UNITS SHALL BE REAR-ALLEY LOADED.

(j) THE SINGLE FAMILY ATTACHED DWELLING UNITS DESIGNATED ON THE REZONING PLAN AS UNITS 23 THROUGH 34 SHALL FRONT CLYDE DRIVE, AND THESE SINGLE FAMILY ATTACHED DWELLING UNITS SHALL BE REAR/ALLEY LOADED.

(k) EXCLUDING THE BUILDING CONTAINING THOSE SINGLE FAMILY ATTACHED DWELLING UNITS DESIGNATED ON THE REZONING PLAN AS UNITS 18 THROUGH 22, THE BUILDINGS THAT ABUT CLYDE DRIVE MAY NOT CONTAIN MORE THAN THREE SINGLE FAMILY ATTACHED DWELLING UNITS.

(l) IF PITCHED ROOFS ARE PROVIDED, THE FRONT OF THE ROOFS SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12. THE REAR OF THE ROOFS AND ROOFS FOR ANY PORCHES, COVERED STOOPS, ATTACHED SHEDS AND DORMERS MAY BE NO LESS THAN 2:12. ADDITIONALLY, A FLAT ROOF ARCHITECTURAL STYLE MAY BE EMPLOYED.

(m) 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.

(n) EACH SINGLE FAMILY ATTACHED DWELLING UNIT CONSTRUCTED ON THE SITE SHALL HAVE A COVERED ENTRYWAY. COVERINGS MAY CONSIST OF AN AWNING, CANOPY, ROOF EXTENSION OR OTHER ARCHITECTURAL FEATURE CHOSEN BY PETITIONER.

(o) ALL CORNER/END UNITS THAT FACE A PUBLIC STREET SHALL HAVE A PORCH OR STOOP THAT WRAPS A PORTION OF THE FRONT AND SIDE OF THE UNIT OR PROVIDE BLANK WALL PROVISIONS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 20 FEET ON ALL LEVELS.

(p) 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.

(q) WALKWAYS SHALL BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS THAT LEAD TO PUBLIC STREETS.

2. THE MINIMUM SETBACK FROM CLYDE DRIVE SHALL BE 30 FEET FROM THE BACK OF THE EXISTING CURB AS DEPICTED ON THE REZONING PLAN.

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 ROZZELLES FERRY ROAD AND CLYDE DRIVE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE SIDEWALKS MAY BE LOCATED IN A SIDEWALK UTILITY EASEMENT.

2. A MINIMUM 21 FOOT WIDE LANDSCAPE AREA PLANTED TO THE STANDARDS OF A CLASS C BUFFER WITH A FENCE SHALL BE ESTABLISHED ALONG A PORTION OF THE SITE'S SOUTHERN BOUNDARY LINE AS DEPICTED ON THE REZONING PLAN.

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/STREETS, 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 FEATURES

1. THE DEVELOPMENT OF THE SITE WILL COMPLY WITH THE CHARLOTTE TREE ORDINANCE.

2. PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE.

3. 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.

H. OPEN SPACE

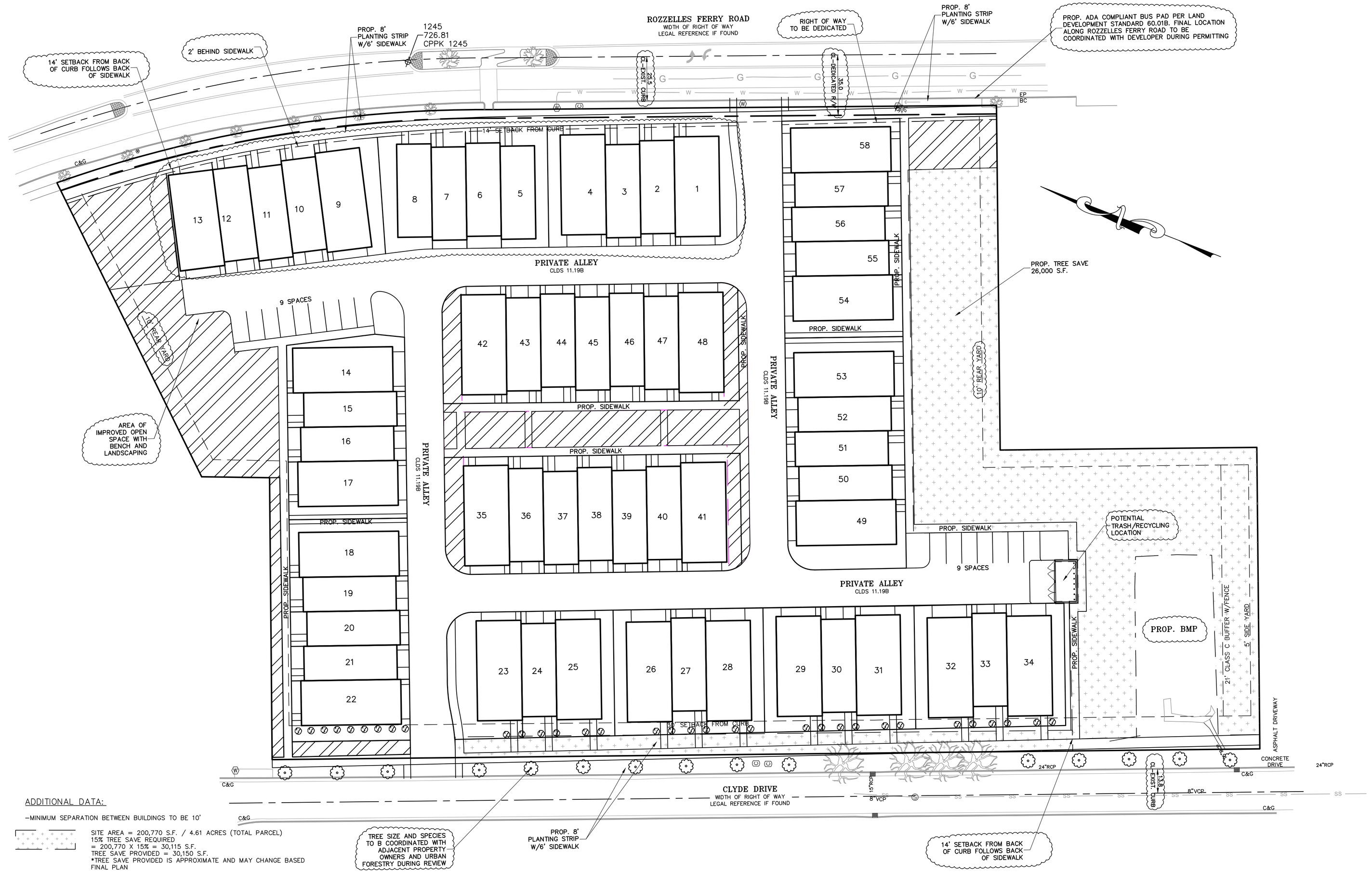
1. THE SITE SHALL COMPLY WITH THE OPEN SPACE REQUIREMENTS OF THE ORDINANCE.

2. THE AREA DESIGNATED ON THE REZONING PLAN AS IMPROVED OPEN SPACE SHALL 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.



ADDITIONAL DATA:

–MINIMUM SEPARATION BETWEEN BUILDINGS TO BE 10'

SITE AREA = 200,770 S.F. / 4.61 ACRES (TOTAL PARCEL)
15% TREE SAVE REQUIRED
= 200,770 X 15% = 30,115 S.F.
TREE SAVE PROVIDED = 30,150 S.F.
*TREE SAVE PROVIDED IS APPROXIMATE AND MAY CHANGE BASED FINAL PLAN

COMMON OPEN SPACE: MIN. AREA= 20,077/0.46 S.F./AC.
* CONFIGURATION OF COMMON OPEN SPACE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. FINAL CONFIGURATION TO BE DETERMINED AS PART OF SITE DEVELOPMENT PERMIT PROCESS. CONSISTS OF BENCHES AND A DOG STATION.

–MINIMUM BUILDING SEPARATION TO BE 10' TO TREE SAVE AREA

FIRE DEPARTMENT NOTES:
1. FIRE DEPARTMENT ACCESS ROAD SHALL HAVE A MINIMUM OF 20' UNOBSTRUCTED CLEAR WIDTH AND SHALL BE CAPABLE OF SUPPORTING 80,000 LBS.
2. TURN RADIUS 30' INSIDE AND 42' OUTSIDE
3. FOR NON–SPRINKLERED BUILINGS, FIRE DEPARTMENT MUST BE ABLE TO REACH 150' TO ALL EXTERIOR PORTIONS OF BUILDING.
4. FOR SPRINKLERED BUILDINGS, FIRE DEPARTMENT MUST BE ABLE TO REACH 200' TO ALL EXTERIOR PORTIONS OF A BUILDING.
5. FIRE HYDRANT SHALL BE LOCATED WITHIN 400' TO THE MOST REMOTE POINT OF BUILDING AS TRUCK TRAVELS FOR ALL BUILDINGS.
6. ISO NEEDED FIRE FLOW TOWNHOMES:
A. TOWNHOMES NOT EXCEEDING 2 STORIES IN HEIGHT, REQ'D FIRE FLOW IS 1500 GPM.
B. TOWNHOMES NOT EXCEEDING 3 STORIES IN HEIGHT AND A FIRE AREA OF 2500 S.F. OR LESS, REQ'D FIRE FLOW IS 1750 GPM.
B. TOWNHOMES NOT EXCEEDING 3 STORIES IN HEIGHT AND A FIRE AREA GRATER THAN 2500 S.F., REQ'D FIRE FLOW IS 2000 GPM.

TREE SIZE AND SPECIES TO B COORDINATED WITH ADJACENT PROPERTY OWNERS AND URBAN FORESTRY DURING REVIEW

PROP. 8' PLANTING STRIP W/6' SIDEWALK

14' SETBACK FROM BACK OF CURB FOLLOWS BACK OF SIDEWALK

DEVELOPMENT DATA:

PROJECT NAME: ROZZELLES FERRY ROAD
OWNER/AGENT: DRB GROUP
PLANS PREPARED BY: THE ISAACS GROUP, PC PHONE #: 704–527–3440
EXIST. ZONING: I–1(CD) AND R–22MF JURISDICTION: CITY OF CHARLOTTE
PROP. ZONING: UR–2 (CD)
TAX PARCEL #: 07114117, 07114104, 07114105, 07114106, 07114118
PROPOSED USE: SINGLE FAMILY ATTACHED TOWNHOMES
TOTAL SITE AREA: 200,770/4.61 SQ. FEET/ACRES
SETBACKS: ROZZELLES FERRY SETBACK=14' FROM BOC.
CLYDE DRIVE SETBACK=14' FROM BOC.
YARDS: 5' SIDE AND 10' REAR
PROPOSED TOWNHOMES: 58 UNITS
LENGTH OF ROADS: 1,380 L.F.

GRAPHIC SCALE
30 0 15 30 60
1 INCH = 30 FEET

NO.	BY	DATE	REVISION
1	FBL	10/11/21	PER CITY COMMENTS

PRELIMINARY
FOR REVIEW PURPOSES ONLY

REZONING PETITION #:2021–130

Project: ROZZELLES FERRY RD
3009 ROZZELLES FERRY RD., CHARLOTTE, NC
Title: REZONING PLAN

File #: 19288–SK.DWG	Date: 3/25/21	Project Egr: CNI
		Design By: FBL
		Drawn By: FBL/CBH
		Scale: 1"=30'
		RZ1.0

THE ISAACS GROUP
CIVIL ENGINEERING DESIGN AND SURVEYING
8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527–3440 FAX (704) 527–8335

Petition 2021-130 by DRB Group

To Approve:

This petition is found to be **inconsistent** with the land use recommendation of the *Central District Plan* but **consistent** with the *General Development Policies* based on the information from the staff analysis and the public hearing, and because:

- The *Central District Plan* recommends industrial and single family land use for the site; and
- The *General Development Policies* support consideration for up to 12 dwelling units per acre on the site.

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

- While inconsistent with the adopted single-family and industrial land uses for this site, the proposed single family attached development is an appropriate transition between the existing single-family neighborhood along Clyde Drive and the commercial uses along Rozzelles Ferry Road.
- The site meets the *General Development Policies (GDP)* criteria for consideration of up to 12 dwelling units per acre.
- A similar townhome development was approved as part of rezoning petition 2019-178, along Rozzelles Ferry Road less than ¼ mile from this site.
- The proposed development would implement a new CATS bus stop on Rozzelles Ferry Road adjacent to the site. The site is also within ½ of Stewart Creek Greenway and approximately one mile from a Lynx Gold Line transit stop.

  The approval of this petition will revise the adopted future land uses as specified by the *Central District Plan*, from industrial and single-family land uses to residential up to 12 DUA land use for the site.

To Deny:

This petition is found to be **inconsistent** with the land use recommendation of the *Central District Plan* but **consistent** with the *General Development Policies* based on the information from the staff analysis and the public hearing, and because:

- The *Central District Plan* recommends industrial and single family land use for the site; and
- The *General Development Policies* support consideration for up to 12 dwelling units per acre on the site.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 22.**File #:** 15-16978 **Type:** Zoning Item

Rezoning Petition: 2021-131 by West Morehead Ventures, LLC

Location: Approximately 0.48 acres located on the eastern quadrant of the intersection of Harding Place and Kenilworth Avenue, west of South Kings Drive. (Council District 1 - Egleston)

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

Public Hearing Held: November 22, 2021 - Item #53

Staff Resource: Holly Cramer

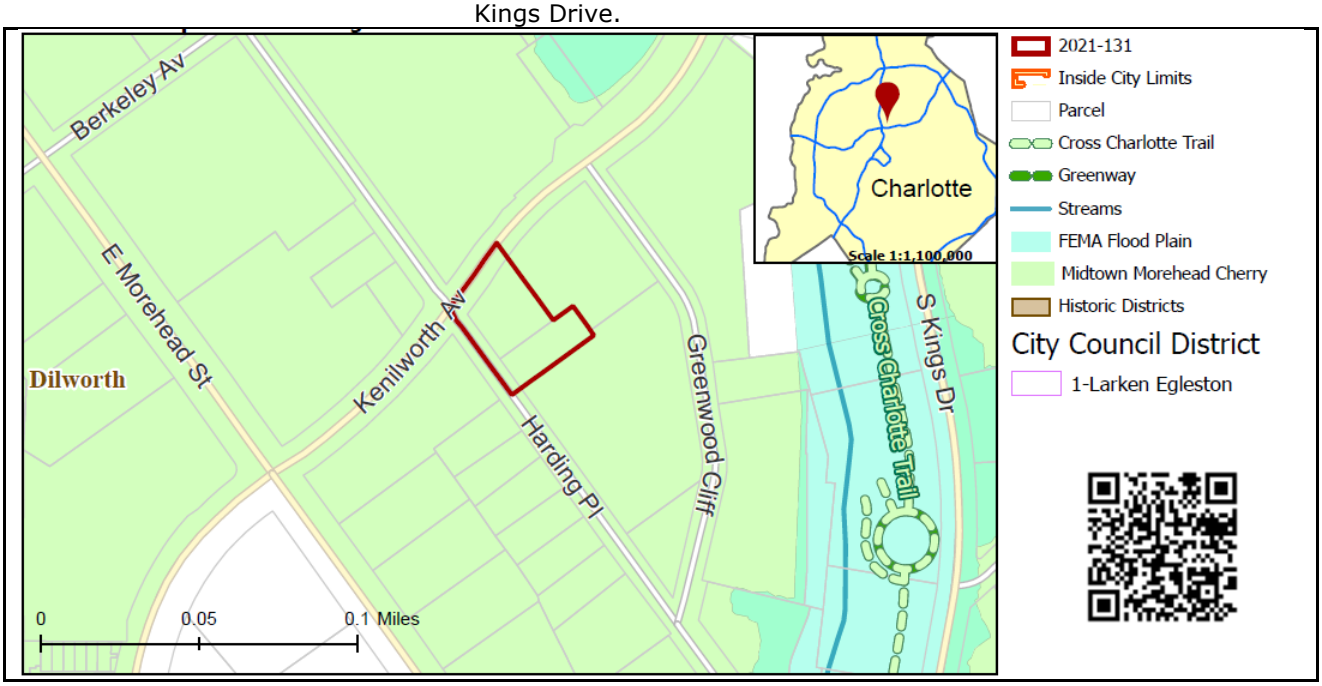
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-131
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: MUDD-O PED (mixed use development district, optional, pedestrian overlay) Proposed Zoning: O-2 PED (office, pedestrian overlay)
LOCATION	Approximately 0.48 acres located in the eastern quadrant of the intersection of Harding Place and Kenilworth Avenue, west of South Kings Drive.



SUMMARY OF PETITION	The petition proposes to allow all uses in the O-2 (office) zoning district on parcels currently developed with two vacant single family homes.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE** **COMMUNITY MEETING**	West Morehead Ventures, LLC West Morehead Ventures, LLC Keith MacVean Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Midtown Morehead Cherry Area Plan* (2012) recommendation for office uses at this site.

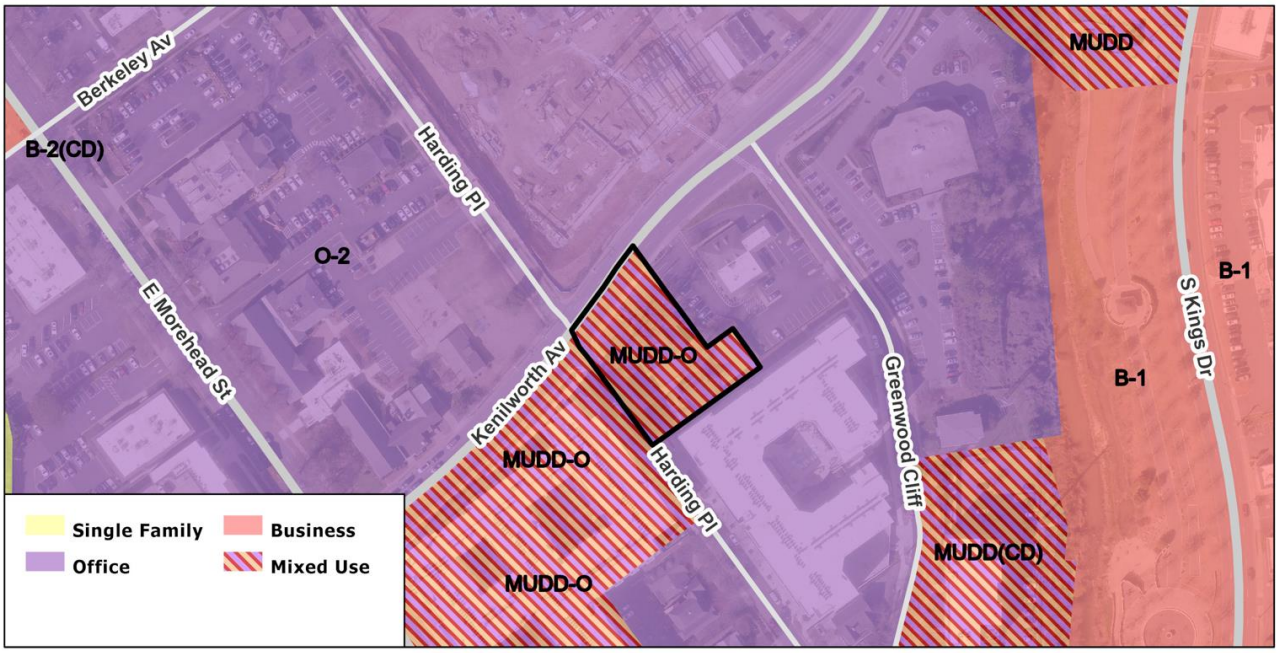
Rationale for Recommendation

- The site is directly adjacent to areas zoned O-2.
- This rezoning would allow for the redevelopment of the site to a use that is in line with the proposed land use prescribed in the area plan.
- The site is located along a major thoroughfare among development of moderate intensity, appropriate for the application of the O-2 zoning district.

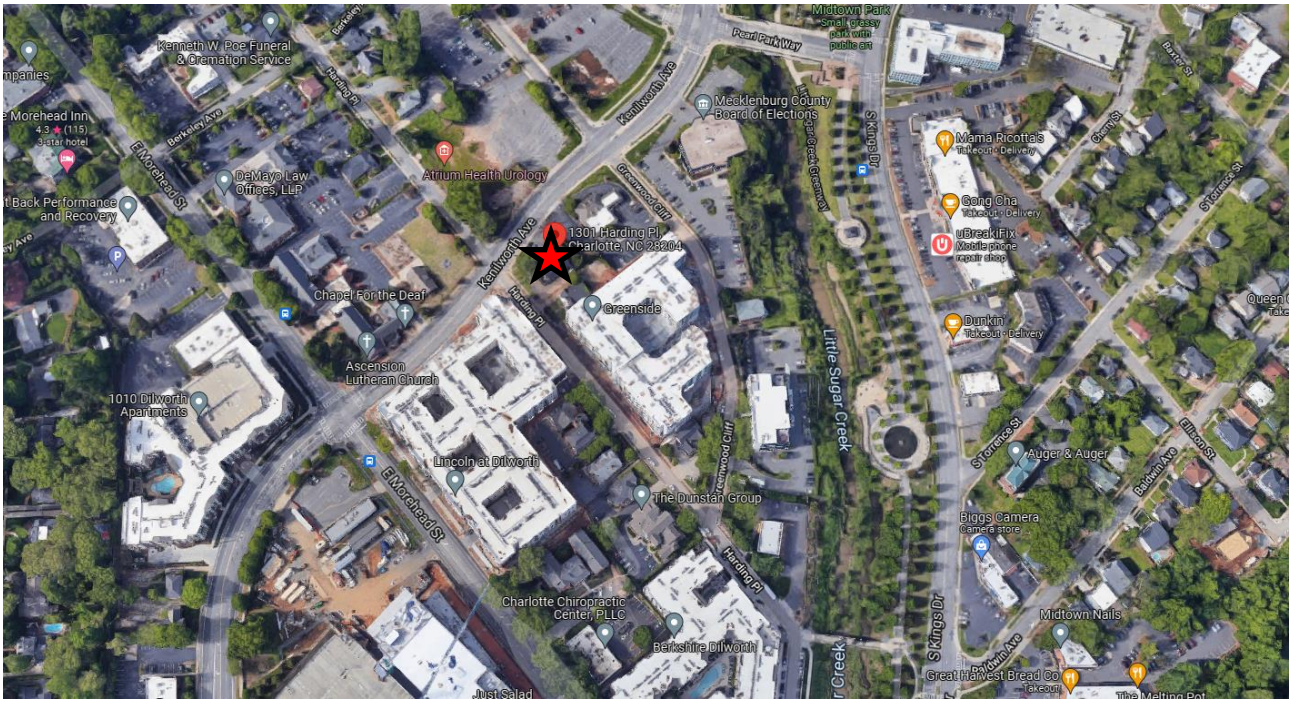
PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
  - Allows all uses in the O-2 (office) zoning district.

- **Existing Zoning and Land Use**

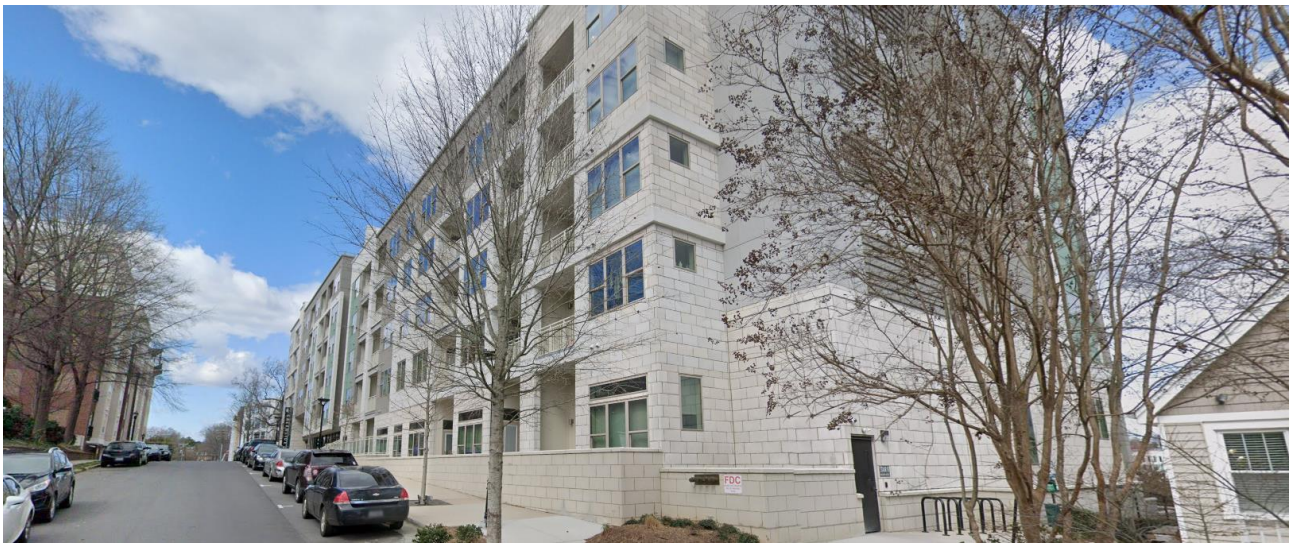


- This site was rezoned in 2018 as petition 2018-031 from O-2 to MUDD-O and is in an area with office, retail, institutional, multi-family residential, and mixed uses.



- The site is denoted with a red star.

- North of the site are retail uses.

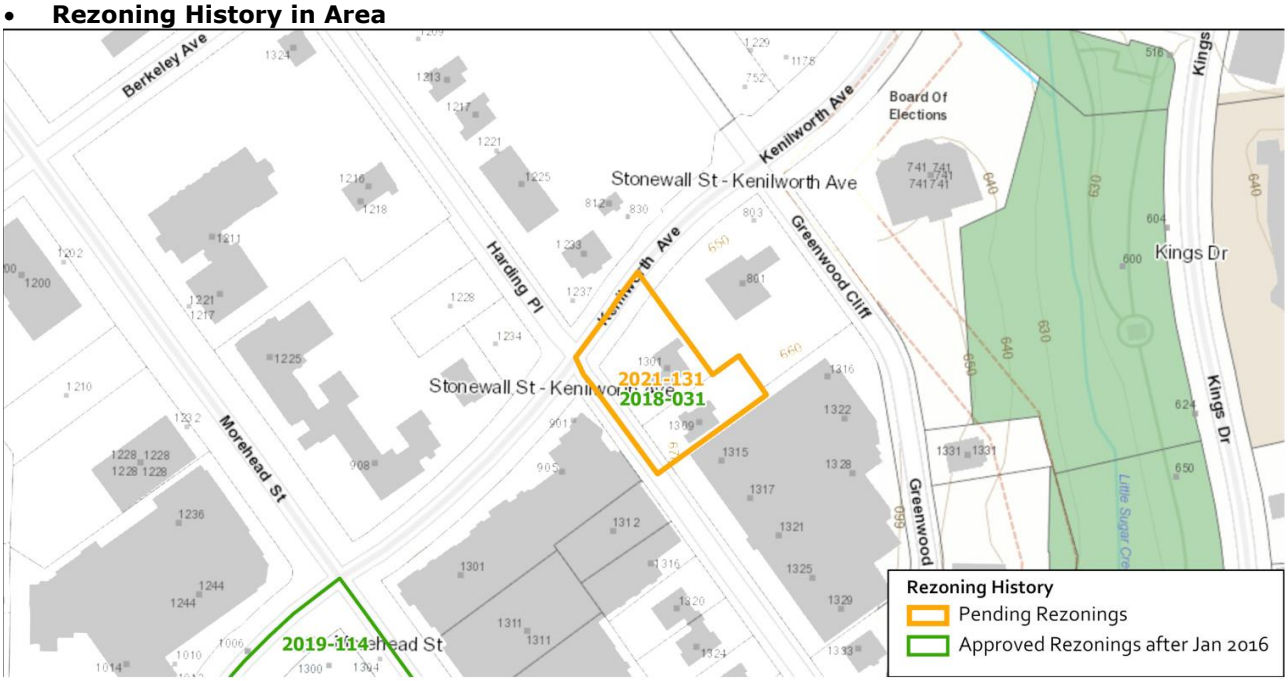


- East of the site is a multi-family residential development.

- South of the site is a multi-family residential mixed-use development and civic uses.

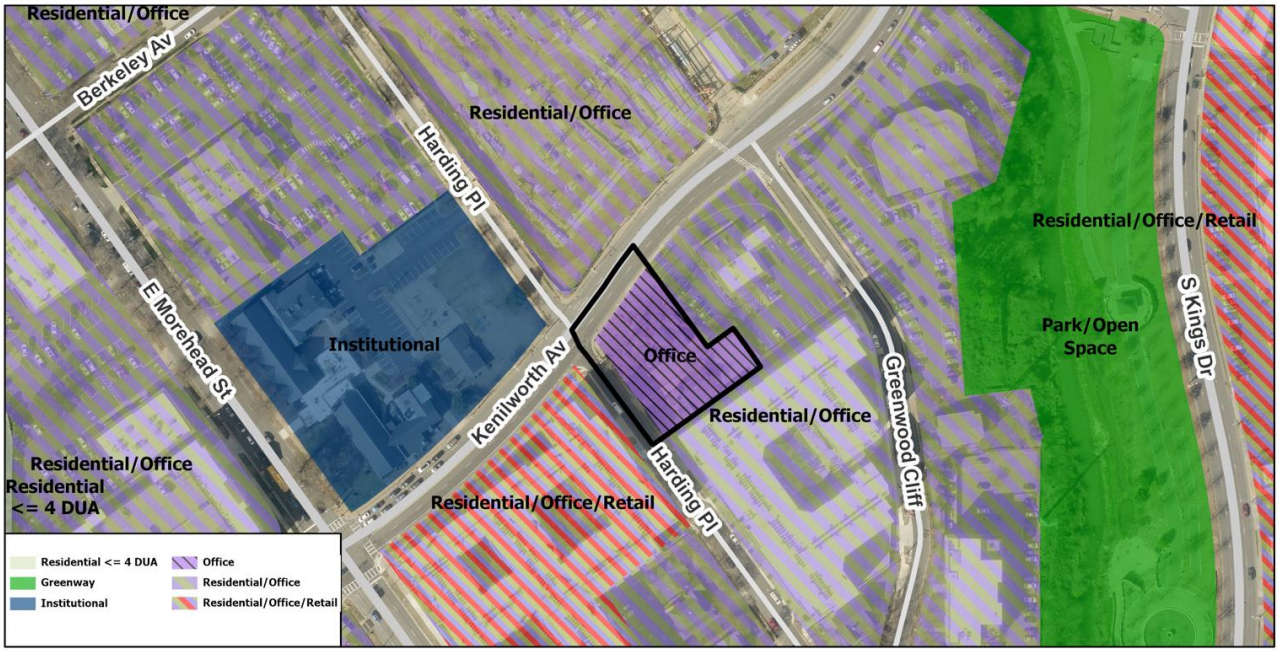
- West of the site are office uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-031	Rezoned 0.49 acres from O-2 PED to MUDD-O PED.	Approved
2019-114	Rezoned 70.53 acres from O-2, O-6(CD), B-1, B-2, R-5, and R-22MF to MUDD-O	Approved

- **Public Plans and Policies**



- The *Midtown Morehead Cherry Area Plan* (2012) calls for office uses at this site.
- **TRANSPORTATION SUMMARY**
  - The site is located adjacent to Kenilworth Avenue, a City-maintained major thoroughfare and Harding Place, a City-maintained local street. A Traffic Impact Study (TIS) is not needed for this site. This site is being rezoned conventionally, and there is no site plan to review. A planting strip is recommended to be installed along Kenilworth. CDOT will determine streetscape requirements for this site during the permitting process. Further details are listed below.
- **Active Projects:**
  - There are no active projects near this site.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 0 trips per day (site is vacant).

  Entitlement: Too many uses to determine the trip generation.

  Proposed Zoning: 85 trips per day (7,200 square feet of office uses).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.
- **Erosion Control:** 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.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** See advisory comments at www.rezoning.org

- **Urban Forestry:** No comments submitted.

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

Planner: Holly Cramer (704) 353-1902

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-131

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	**N/A**
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**N/A**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	**N/A**

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	**N/A**
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	✓
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**

Petition 2021-131 by West Morehead Ventures, LLC

To Approve:

This petition is found to be **consistent** with the *Midtown Morehead Cherry Area Plan* (2012) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office uses for this site.

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

- The site is directly adjacent to areas zoned O-2.
- This rezoning would allow for the redevelopment of the site to a use that is in line with the proposed land use prescribed in the area plan.
  The site is located along a major thoroughfare among development of moderate intensity, appropriate for the application of the O-2 zoning district.

To Deny:

This petition is found to be **consistent** with the *Midtown Morehead Cherry Area Plan* (2012) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office uses for this site.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda Date: 12/1/2021

Agenda #: 23.**File #:** 15-16979 **Type:** Zoning Item

Rezoning Petition: 2021-132 by EEA-Wildwood, LLC

Location: Approximately 16.58 acres located on the west side of Scaleybark Road, north of East Woodlawn Road, and east of Murrayhill Road. (Council District 1 - Egleston)

Current Zoning: R-12MF (CD) (multi-family residential, conditional)
Proposed Zoning: R-17MF (CD) (multi-family residential, conditional)

Public Hearing Held: November 22, 2021 - Item #54

Staff Resource: Dave Pettine

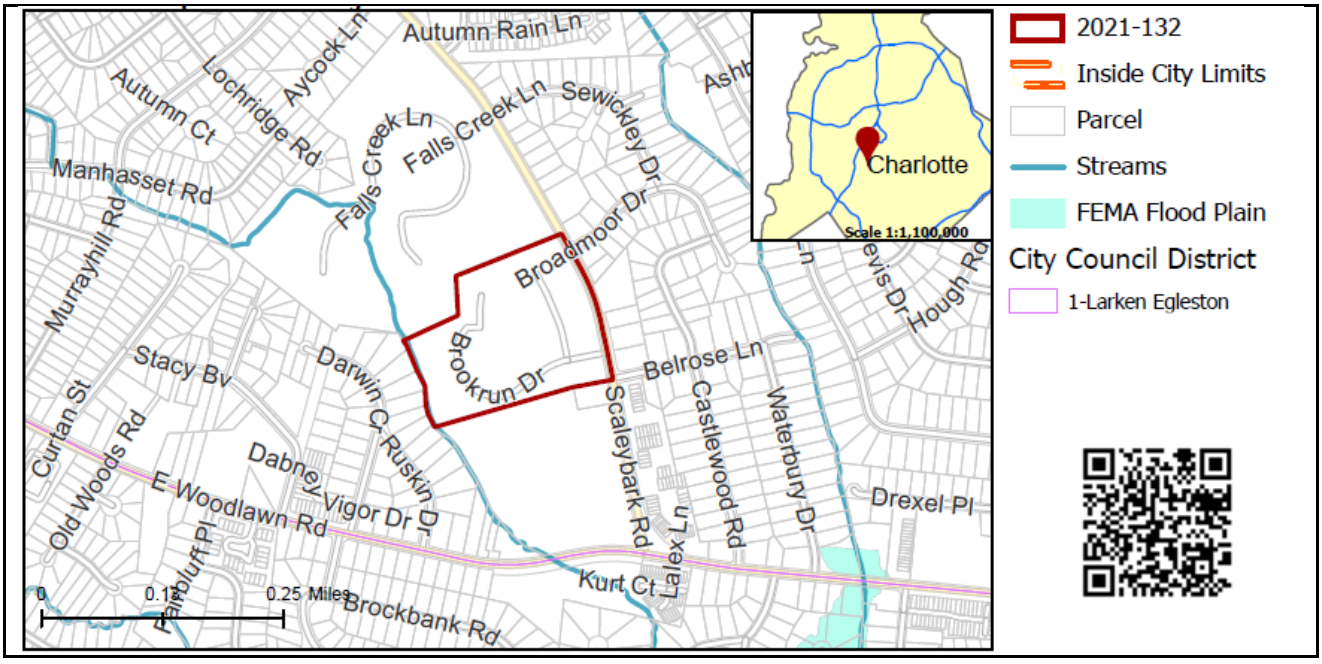
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-132
Post-Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: R-12MF(CD) (multi-family residential, conditional) Proposed Zoning: R-17MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 16.58 acres located on the west side of Scaleybark Road, north of East Woodlawn Road, and east of Murrayhill Road



SUMMARY OF PETITION	The petition proposes infill development adding 16 additional units in one building to an already existing 248 unit multi-family community resulting in 264 total units and 15.92 DUA.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	EEA Wildwood, LLC Jameel Nabulsi Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **inconsistent** with the *Park Woodlawn Area Plan (2013)* recommendation of residential at 12 dwelling units per acre (DUA). <u>Rationale for Recommendation</u> • The proposal will add an additional building within an already existing multi-family community and would be consistent with the surrounding context. • The proposal will continue to add housing options to the area while not displacing residents from existing residential units.

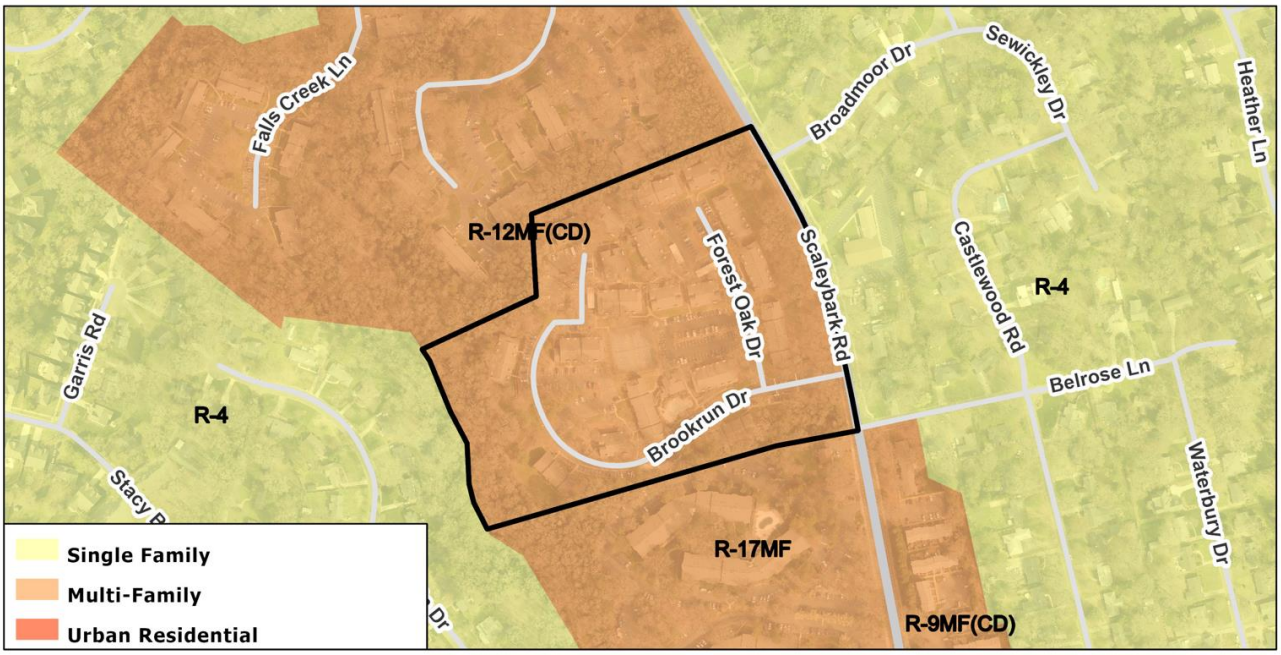
- The proposal will enhance pedestrian infrastructure in the area by installing ADA compliant ramps at nearby intersections, as well as the creation of a pedestrian refuge island on Scaleybark Rd.

The approval of this petition will revise the adopted future land use as specified by the *Park Woodlawn Area Plan*, from residential uses at 12 DUA to new residential at 17 DUA for the site.

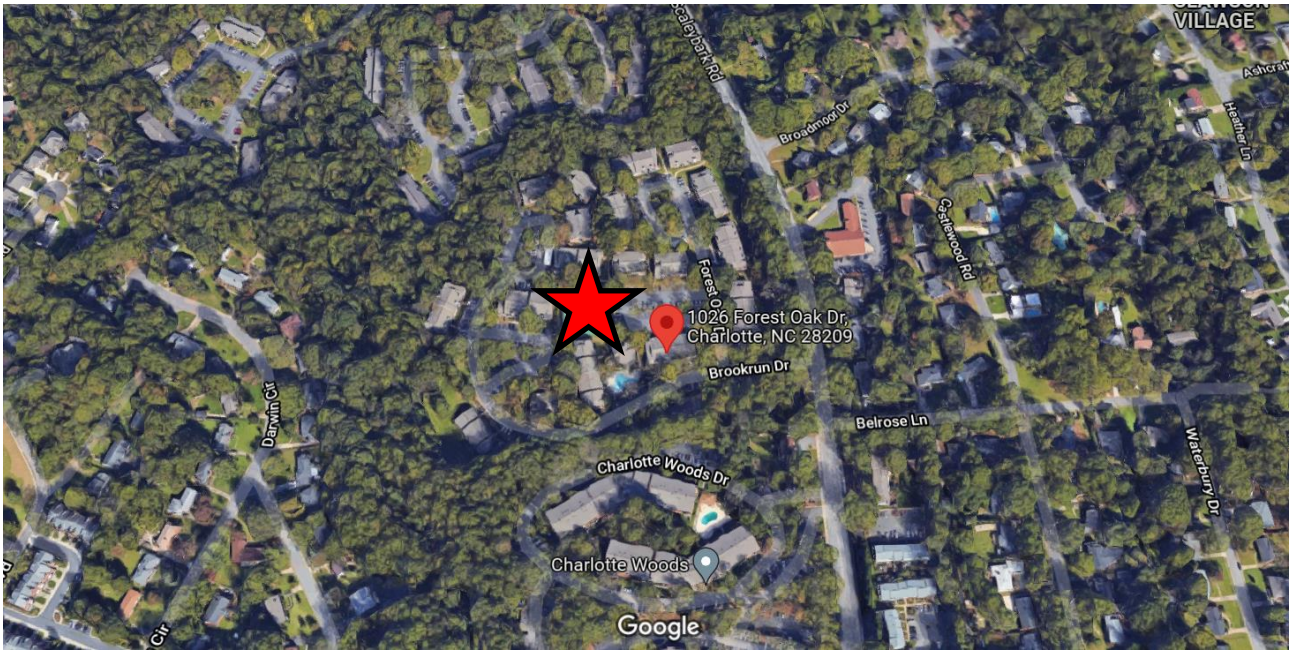
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Add an additional multi-family building containing 16 units to the site to bring the total units to 264
  - Installation of ADA compliant ramps at the existing T intersection of Scaleybark Rd. and Broadmoor Dr., and at the site's main access intersection on Scaleybark Rd.
  - Modification of the existing concrete island in Scaleybark Rd. at the site's main entrance so that it functions as a pedestrian refuge island.
  - Dedication of 30' of ROW measured from centerline along the site's frontage of Scaleybark Rd.
  - Sidewalks and crosswalk network that links the buildings on site

- **Existing Zoning and Land Use**



- The site is currently zoned R-12MF(CD) and adjacent properties are zoned R-12MF and R-17MF, and R-4. Properties along Scaleybark are developed with similar multi-family communities, and properties to the east and west are zoned with single-family homes.



- The site, red star above, is in an area with primarily single family and multi-family residential developments, with some churches and other institutional uses spread throughout.

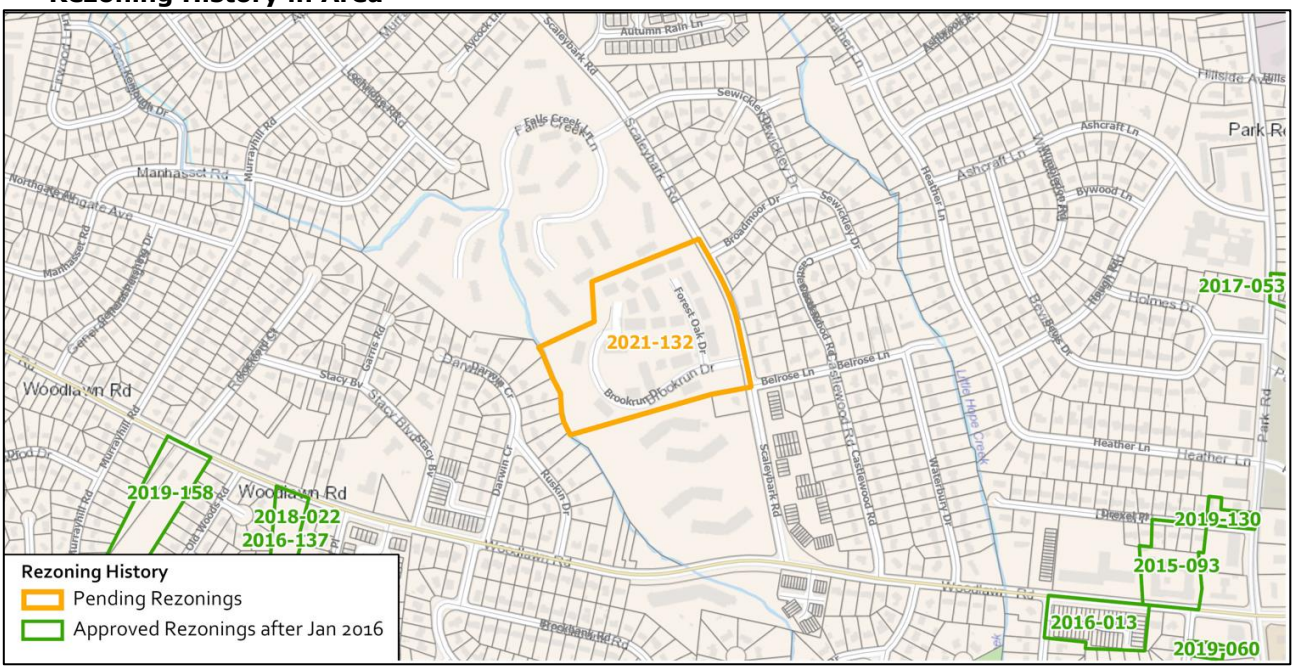
- North of the site is a multi-family residential development.

- East of the site are single family homes and a church.

- South of the site is a multi-family residential development.

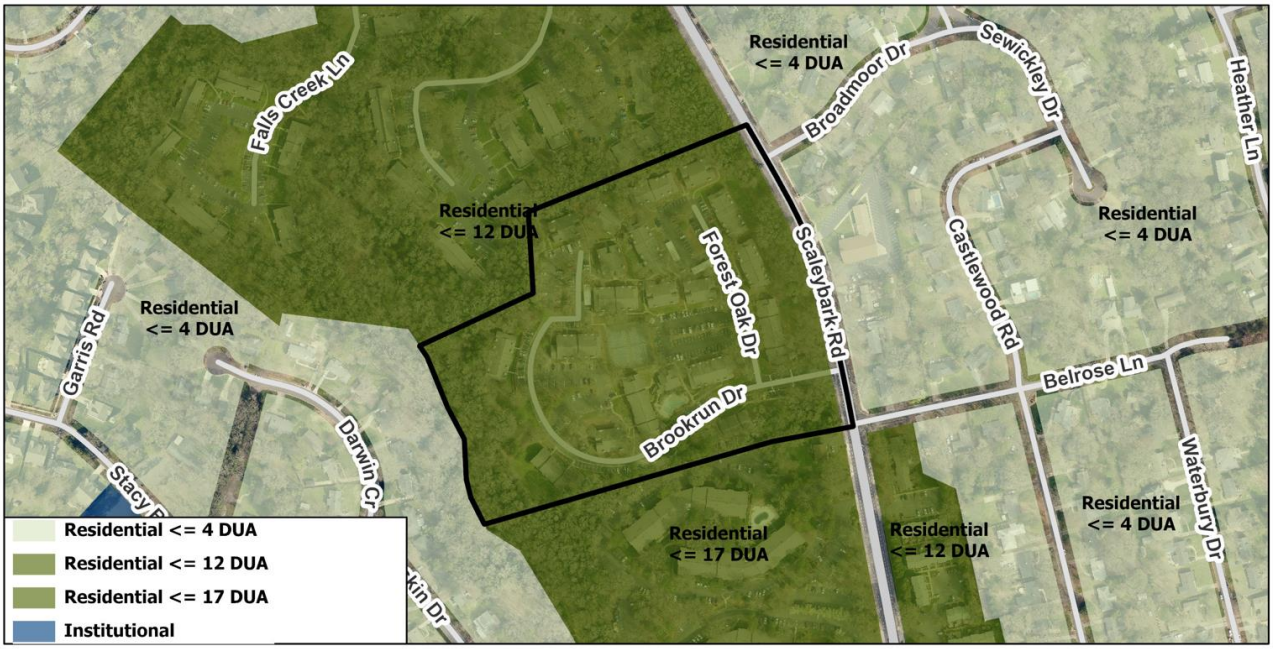
- West of the site are single family homes.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-093	UR-3(CD) & R-4 to MUDD-O to allow the redevelopment of four single family homes and an existing multi-family development to allow up to 265 multi-family dwelling units at 91.37 units per acre in the Madison Park neighborhood.	Approved
2016-013	R-6MF(CD) UR-2(CD) to redevelop seven single family homes along Woodlawn Road at the edge of the Madison Park neighborhood to allow 48 single family attached dwelling units for a density of approximately 19.43 units per acre.	Approved
2016-137	UR-2(CD) to UR-2(CD) SPA to reduce the number of dwelling units and modify the site layout for property in the Madison Park area that was previously rezoned in 2014.	Approved
2017-053	R-4 & R-5 to UR-2(CD) to allow the development of six attached townhomes and one single family detached home at a density of eight dwelling units per acre on a parcel adjacent to the Park Road Shopping Center.	Approved
2018-022	UR-2(CD) to UR-2(CD)SPA to increase the number of dwelling units and modify the site layout for property in the Madison Park area that was previously rezoned in 2016.	Approved
2019-060	R-4 to O-2(CD) proposes demolition of the existing single family structure and allows the development of a parking lot that would connect and serve the existing office uses northeast and east of the site.	Approved
2019-130	MUDD(CD) to MUDD(CD) SPA to modify an approved plan to allow any office or retail use allowed in the MUDD zoning district. The site is currently developed with an office building and a single-family home.	Approved
2019-158	R-4 & UR-2(CD) to UR-2(CD)SPA to redevelop the site with single family attached (townhome) residential community with up to 37 units at a density of 10.14 units per acre.	Approved

- **Public Plans and Policies**



The *Park Woodlawn Area Plan (2013)* recommends of residential uses at 12 dwelling units per acre (DUA).

- **TRANSPORTATION SUMMARY**
  - The site is located on Scaleybark Road, a City-maintained minor thoroughfare. The site's limits abut the intersection of Broadmoor Drive, a City-maintained local street. A Traffic Impact Study (TIS) is not needed for this petition. The Petitioner commits to dedicating right-of-way on Scaleybark Road and installing pedestrian crossing facilities on Scaleybark Road in compliance with the ADA law. Site plan revisions are needed to provide an 8-foot sidewalk with 8-foot planting strip along Scaleybark Road in accordance with Chapter 20 of the City's Ordinances, CLDSM Standards, and the Charlotte WALKS Policy.
  - **Active Projects:**
    - N/A
  - **Transportation Considerations**
    - ~~See Outstanding Issues, Notes 1 & 2.~~ - ADDRESSED
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 1,350 trips per day (based on 248 units).
    Entitlement: 1,080 trips per day (based on 198 units).
    Proposed Zoning: 1,440 trips per day (based on 264 units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **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 46 students, while the development allowed under the proposed zoning may produce 49 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 3 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Pinewood Elementary remains at 101%
    - Alexander Graham Middle remains at 112%
    - Myers Park High remains at 121%.
  - **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 30-inch water distribution main located along Scaleybark Rd.

    Charlotte Water has accessible sanitary sewer system infrastructure for their zoning boundary via an existing 8-inch gravity sewer main located along Scaleybark Rd.

    See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.
- **Erosion Control:** 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.
- **Stormwater Services Land Development Engineering:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No comments submitted.

OUTSTANDING ISSUES

Transportation

1. ~~Per Chapter 20 Subdivision ordinance, site plan and conditional note(s) revisions are needed to commit to construct an 8-foot sidewalk with 8-foot planting strip along Scaleybark Road. The wider sidewalk meets the Charlotte WALKS Policy. The site plan shall label and dimension both items form the back of curb~~. - ADDRESSED
2. ~~Conditional notes to be updated to state that "The Petitioner will remove and replace the existing substandard sidewalk at the back of curb to Chapter 20 to the City's Ordinances~~. - ADDRESSED

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

Planner: Dave Pettine (704) 336-4566

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

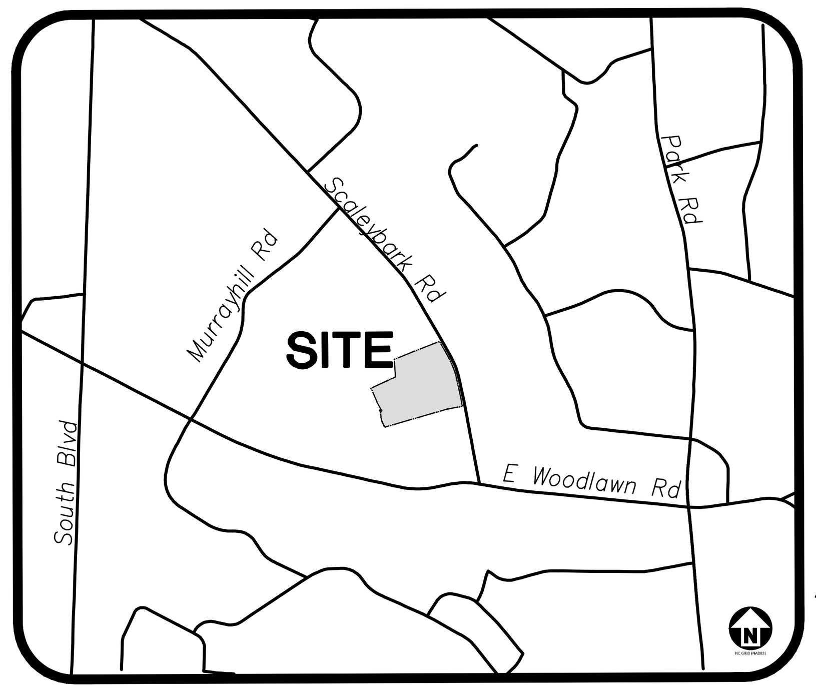
Rezoning Petition # 2021-132

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	**N/A**
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**N/A**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	**N/A**

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	**N/A**
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	✓
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**



VICINITY MAP
NTS

SITE LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- BUFFER LINE
- CENTERLINE

SITE DATA	
PREPARED BY: MCADAMS 3430 TORINGDON WAY, SUITE 110 CHARLOTTE, NC 28277	
PID:	14917140
EXISTING ZONING:	R-12MF (CD)
PROPOSED ZONING:	R-17MF (CD)
UNIT TYPE (APARTMENTS)	
TOTAL NEW UNIT COUNT:	16
MAX BUILDING HEIGHT:	35 FEET
TOTAL DEVELOPMENT	
AREA:	± 16.58 AC
EXISTING UNIT COUNT:	248
PROPOSED NEW UNIT COUNT:	16
PROPOSED TOTAL UNIT COUNT:	264
EXISTING DENISTY:	14.95 UNITS/AC
PROPOSED DENSITY:	15.92 UNITS/AC
PARKING COUNT:	
REQUIRED PARKING (PER STANDARDS)	396 SPACES
PROVIDED PARKING (PER STANDARDS)	396 SPACES

NOTE: SOLID WASTE SHALL COMPLY WITH CHAPTER 10 OF THE CITY CODE

EEA-Wildwood, LLC
Development Standards
11/17/2021
Rezoning Petition No. 2021-132

Site Development Data:

--**Acreage**: ± 16.58 acres
--**Tax Parcel** #: 149-171-04
--**Existing Zoning:** R-12MF(CD) by Rezoning Petition No. 1979-045
--**Proposed Zoning:** R-17MF(CD)
--**Existing Uses:** Residential
--**Proposed Uses:** Up to 264 multi-family residential dwelling units together with accessory uses, as allowed in the R-17MF zoning district (the site is developed with 248 units this petition adds 16 additional units in one new building).
--**Maximum Building Height:** Not to exceed [40] feet building 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 EEA-Wildwood, LLC. ("Petitioner") to accommodate the expansion of an existing residential community on approximately 16.58-acre site generally located on the west side of Scaleybark Road, north of E Woodlawn 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 R-17MF 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.

d. **Number of Buildings Principal and Accessory**. The total number of principal residential buildings to be developed on the Site shall not exceed twenty-tow (22). 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 264 multi-family residential dwellings units together with accessory uses allowed in the R-17MF zoning district as generally depicted on the Rezoning Plan.

The Site is currently developed with 248 units. This rezoning petition adds 16 units in one new building).

3. Access, Transportation and Improvements:

a. Access to the Site will be from the existing driveway entrance on Scaleybark Road 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 and NCDOT 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.
e. The Petitioner will dedicate via fee simple conveyance along the Site's frontage on Scaleybark Rd. 30-feet of right-of-way as measured from the existing center line of Scaleybark Rd. as generally depicted on the Rezoning Plan, 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 the any portion of sidewalk 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 install ADA compliant crossing facilities at the exiting T intersection of Scaleybark Rd. and Broadmoor Drive and at the intersection of Site's main access on Scaleybark Rd., as generally depicted on the Rezoning Plan. The Petitioner will also modify the existing concrete island in Scaleybark Rd. at the Site's main entrance so that it can function as an additional pedestrian refuge island. Existing crossing facilities that meet ADA standards will not need to be replaced. These proposed improvements will be provided prior to the issuance of the first certificate of occupancy.
g. The Petitioner will remove and replace the existing substandard sidewalk located along the back of curb on Scaleybark Rd. and replace it with a new eight (8) foot sidewalk and eight (8) foot planting strip as required by the Chapter 20. The location of the sidewalk may vary to avoid existing trees.

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

a. A 100-foot setback as measured from the existing right-of-way will be provided along Scaleybark Road as generally depicted on the Rezoning Plan
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 crosswalk network that links to the buildings on the Site and to the sidewalks along the abutting public streets if required by the Ordinance. The minimum width for this internal sidewalk will be five (5) feet.

5. Architectural Standards, General Design Guidelines for New Buildings:

a. The building materials used on the new 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. Prohibited Exterior Building Materials for new buildings:
i. Vinyl siding (but not vinyl handrails, windows or door trim).

ii. Concrete Masonry Units not architecturally finished.

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

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

e. Roof Form and Articulation for new buildings - 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.

f. Service Area Screening for new or additional services areas - 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. Such design shall include a minimum 20 percent Preferred Exterior Building Materials or a Class B buffer not less than 10' in depth at all above grade perimeter not paved for access. The location of the proposed dumpster and recycling areas is generally depicted on the Rezoning Plan.
g. New meter banks will be screened from adjoining properties and from the abutting public streets.

6. 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.

7. Lighting:

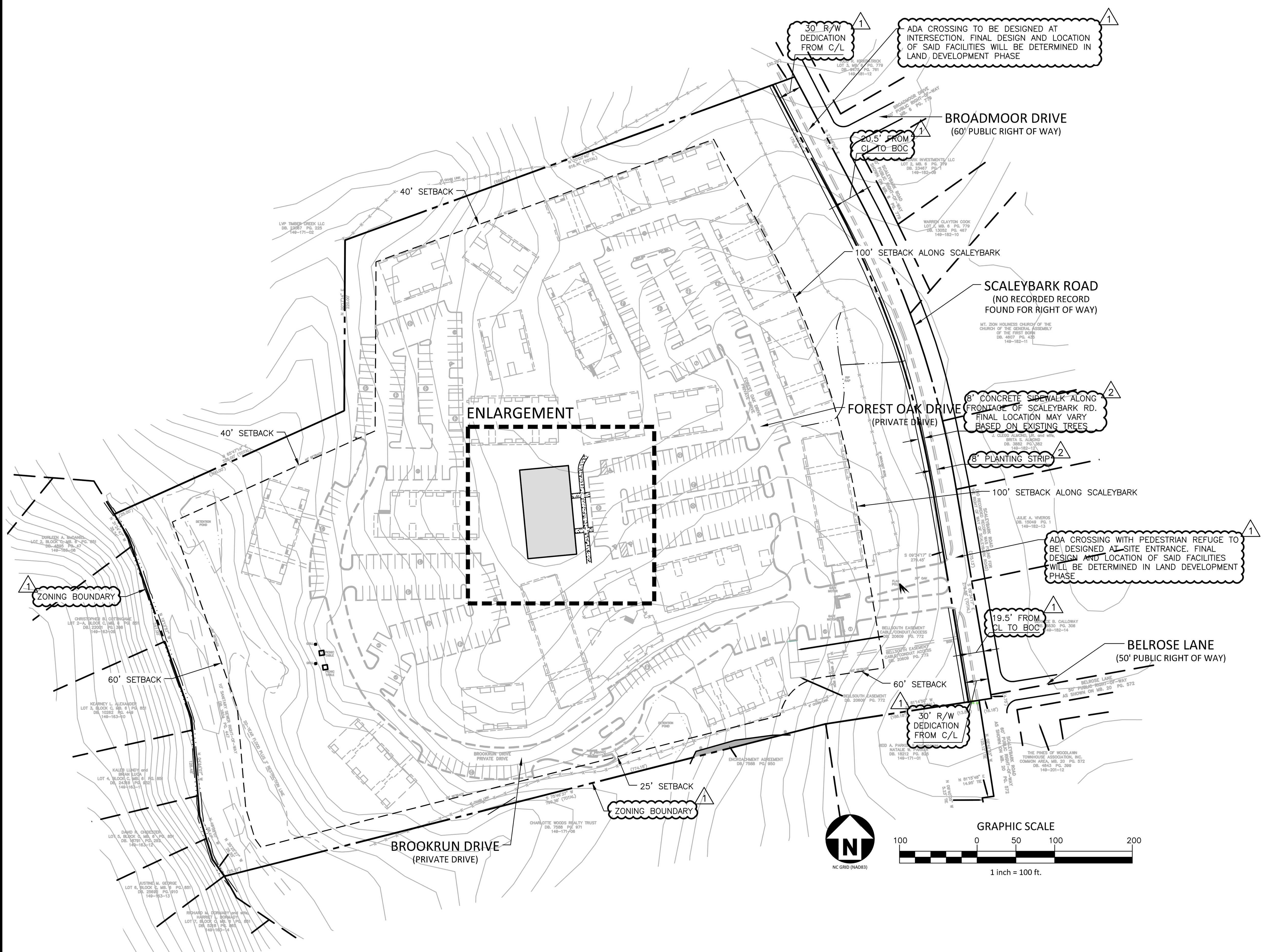
a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.
b. All new detached lighting on the Site will be limited to 26 feet in height.

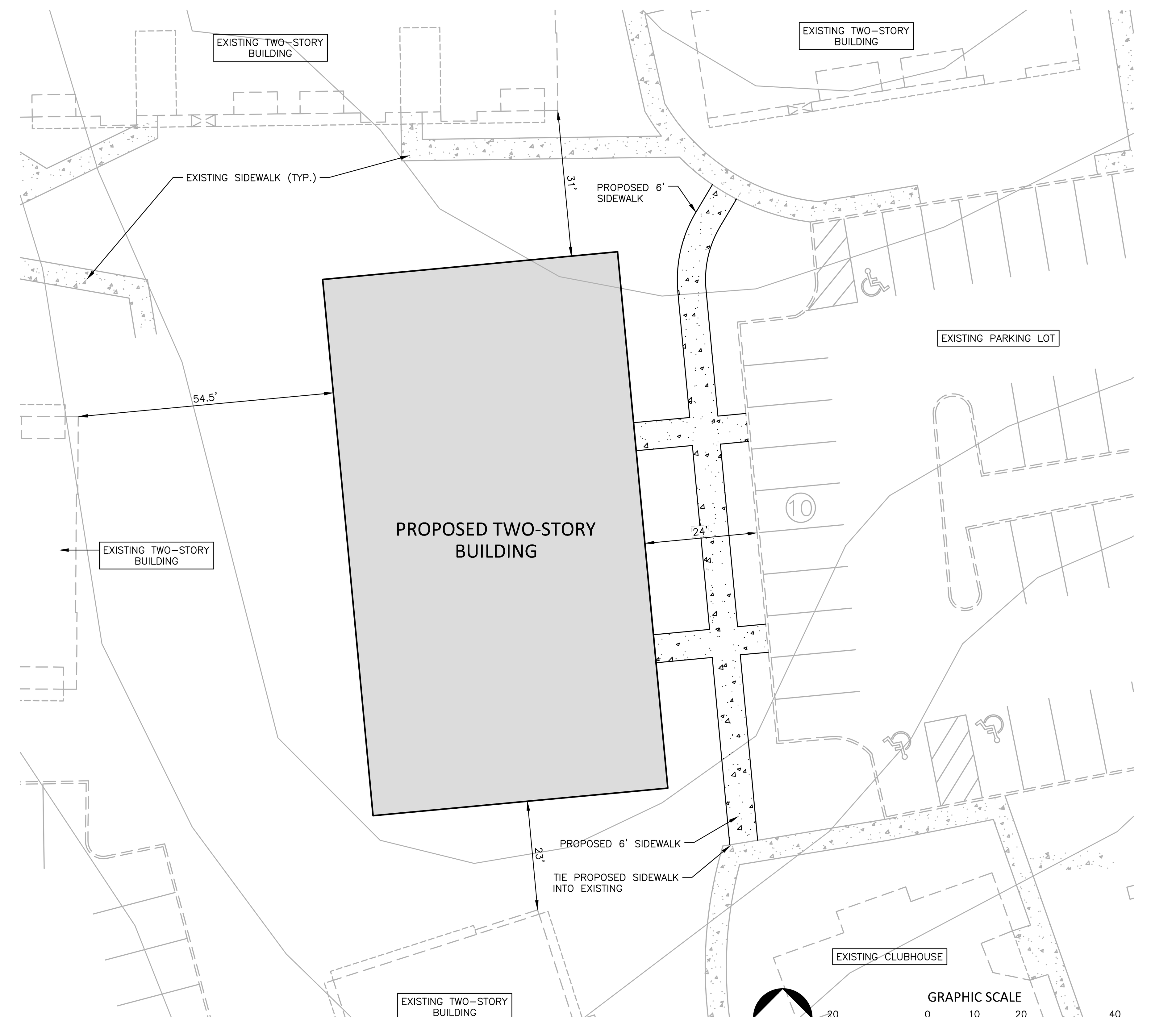
8. Amendments to the Rezoning Plan:

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 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 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.





PROPOSED DEVELOPMENT ENLARGEMENT

McADAMS
The John R. McAdams Company, Inc.
3430 Toringdon Way
Suite 110
Charlotte, NC 28277
phone 704. 527. 0800
fax 919. 361. 2269
license number: C-0293, C-187
www.mcadamsco.com

CLIENT

MR. JAMEEL NABULSI
EEA COMPANIES
3300 BATTLEGROUND AVENUE
GREENSBORO, NC 27410
PHONE: 336.217.1012

WILDWOOD APARTMENTS
REZONING PETITION NO. 2021-132
100 BROOKRUN DRIVE
CHARLOTTE, NORTH CAROLINA 28209

REVISIONS

NO.	DATE	
1	10. 11. 2021	PER CITY COMMENTS
2	11. 18. 2021	PER CITY COMMENTS

PLAN INFORMATION

PROJECT NO.	2021210453
FILENAME	2021210453-RZ1
CHECKED BY	EM
DRAWN BY	JDS
SCALE	VARIES
DATE	05. 13. 2021

SHEET

REZONING PLAN

RZ.01

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

M:\Projects\SPEC\SPEC 2021\2021210453 Wildwood Apts\04-Production\Engineering\2021210453-RZ1.dwg, 11/18/2021 8:51:03 AM, Drew Singleton

Petition 2021-132 by EEA Wildwood, LLC

To Approve:

The petition is found to be **inconsistent** with the *Park Woodlawn Area Plan (2013)* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential at 12 dwelling units per acre (DUA).

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The proposal will add an additional building within an already existing multi-family community and would be consistent with the surrounding context.
- The proposal will continue to add housing options to the area while not displacing residents from existing residential units.
- The proposal will enhance pedestrian infrastructure in the area by installing ADA compliant ramps at nearby intersections, as well as the creation of a pedestrian refuge island on Scaleybark Rd.

The approval of this petition will revise the adopted future land use as specified by the *Park Woodlawn Area Plan*, from residential uses at 12 DUA to new residential at 17 DUA for the site.

To Deny:

The petition is found to be **inconsistent** with the *Park Woodlawn Area Plan (2013)* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential at 12 dwelling units per acre (DUA).

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 24.**File #:** 15-16980 **Type:** Zoning Item

Rezoning Petition: 2021-134 by Greg Finnican

Location: Approximately 1.41 acres located at the southwest intersection of Statesville Road and Motorsports Lane, south of Cindy Lane, and east of Interstate 77. (Council District 2 - Graham)

Current Zoning: B-2 (general business)
Proposed Zoning: I-1 (light industrial)

Public Hearing Held: November 22, 2021 - Item #55

Staff Resource: Michael Russell

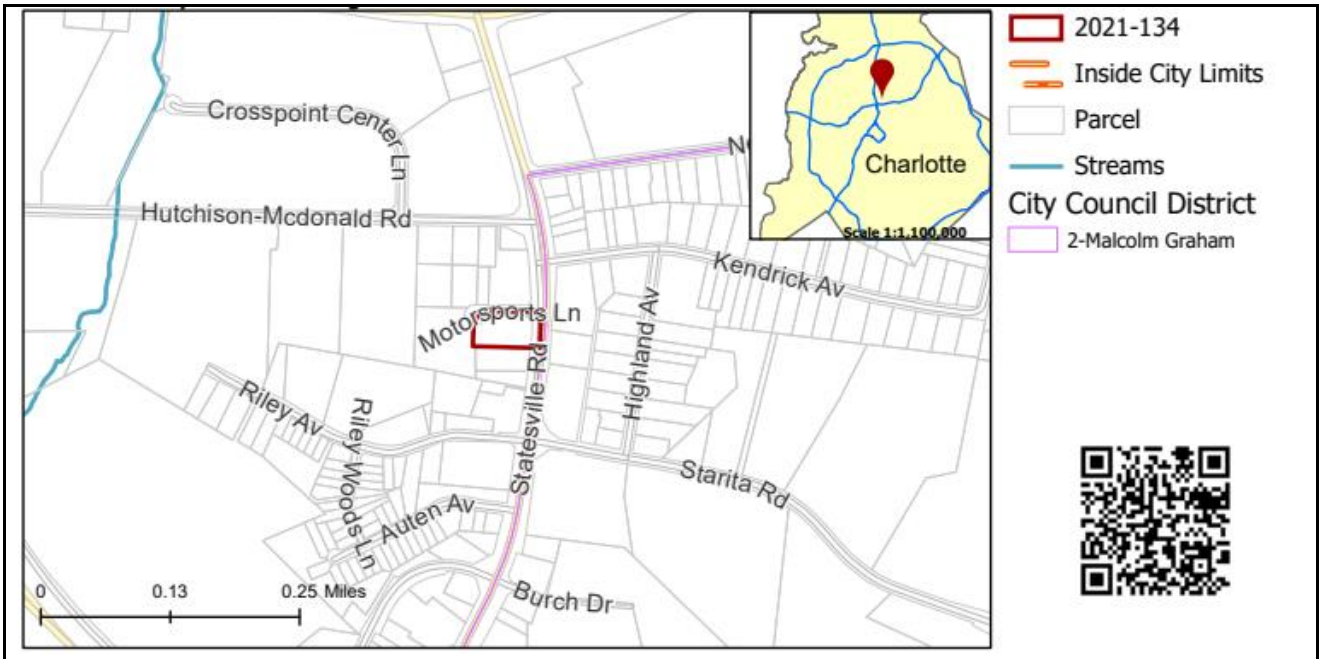
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-134
Post-Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: B-2 (general business) Proposed Zoning: I-1 (light industrial)
LOCATION	Approximately 1.41 acres located at the southwest intersection of Statesville Road and Motorsports Lane, south of Cindy Lane, and east of Interstate 77.



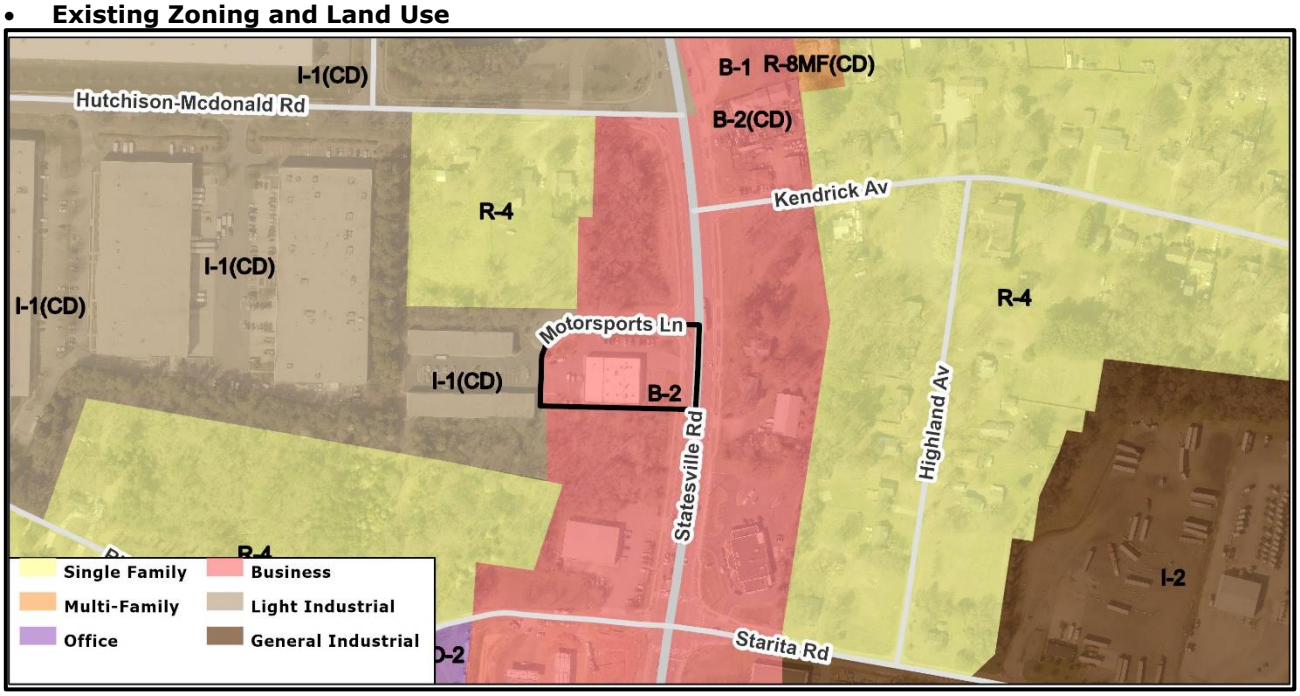
SUMMARY OF PETITION	The petition proposes to allow all uses in the I-1 (light industrial) zoning district on a site which is currently developed with a warehouse use.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Greg Finnican Greg Finnican Greg Finnican
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **consistent** with the *Northeast District Plan (1996)* recommendation of industrial use. Rationale for Recommendation • This petition is consistent with the *Northeast District Plan* (1996) recommendation of industrial use for this parcel. • This site is in proximity to parcels with an industrial future land use on southern side of Motorsports Lane, meaning that appropriate uses for I-1 zoning would be compatible with the current uses in adjacent parcels. • This petition commits to complying with all city ordinance requirements for I-1 zoning.

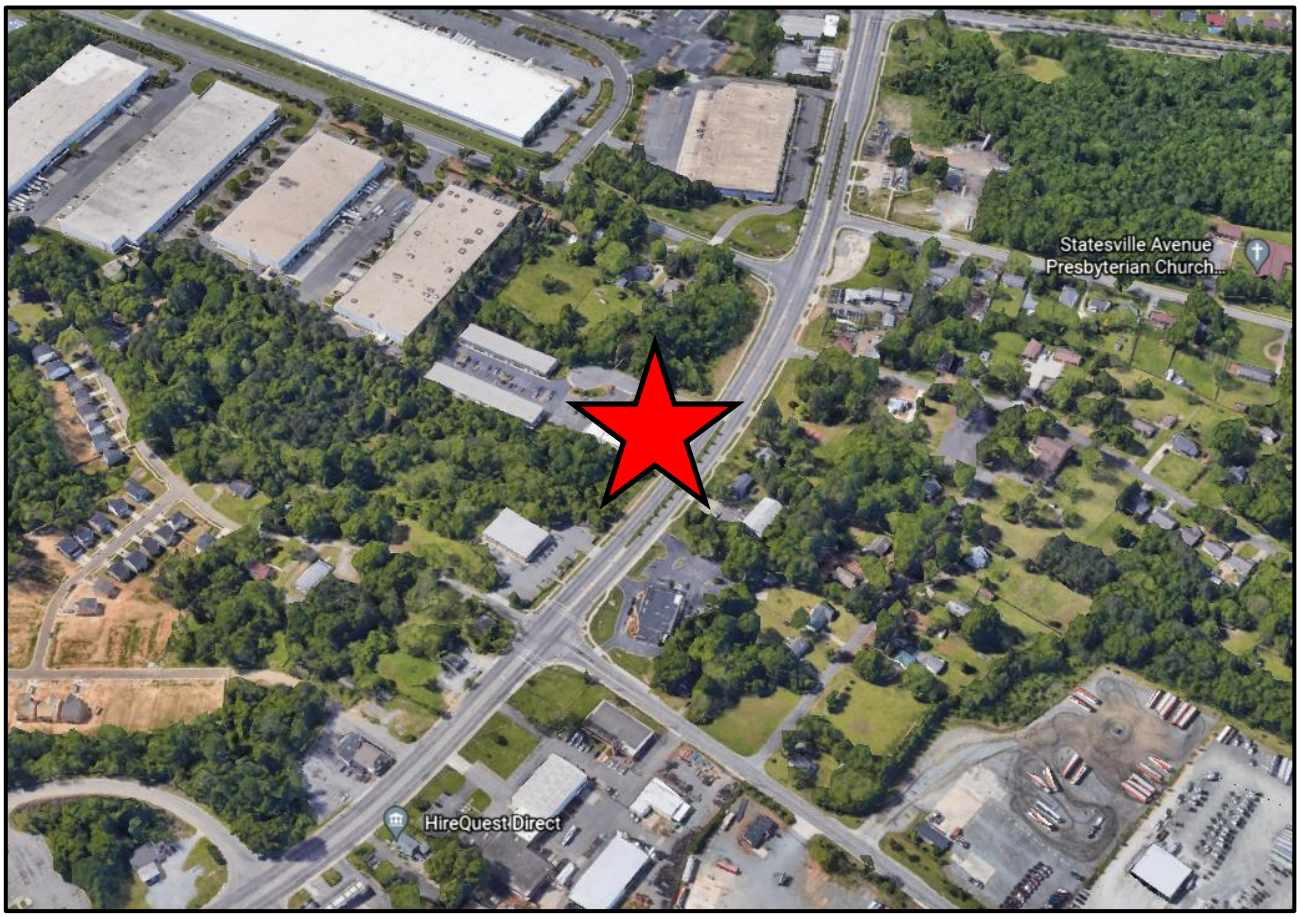
PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
  - Allows all uses in the I-1 (light industrial) zoning district.

- **Existing Zoning and Land Use**



The surrounding land uses include warehouse, industrial, retail, office and single family uses.



The subject property is denoted with a red star.

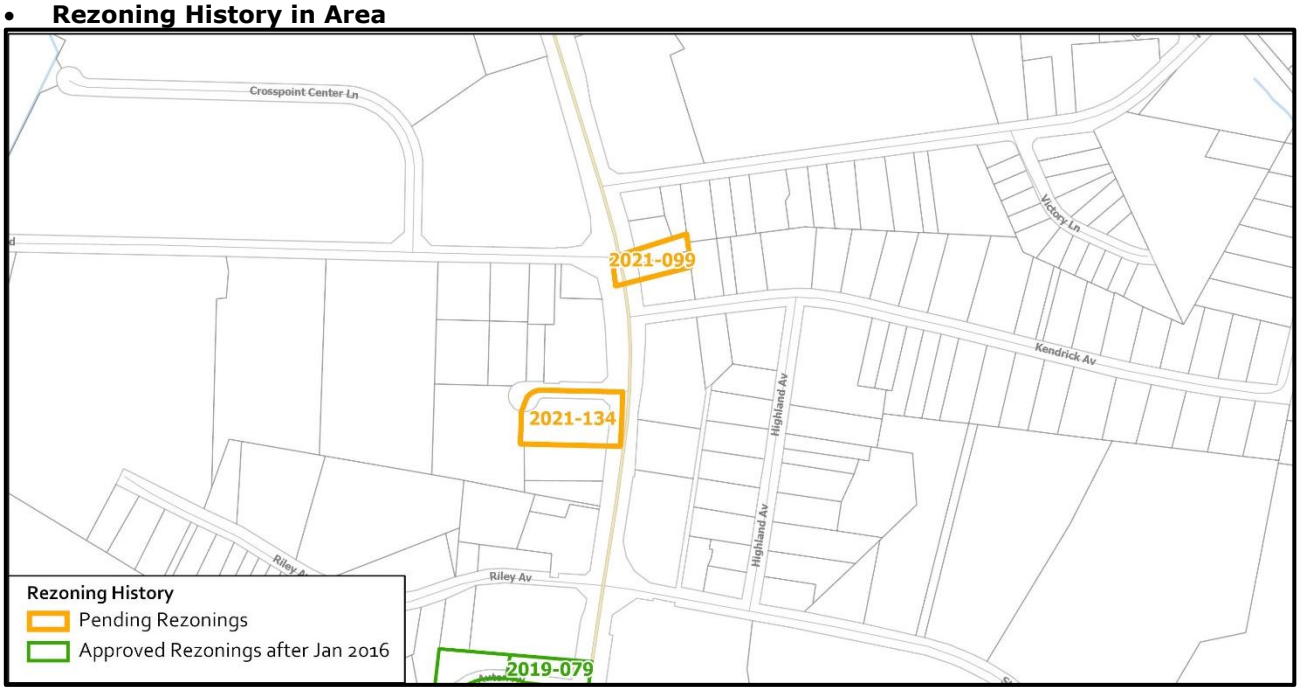
The property to the west along Motorsports lane is developed with a warehouse use.

The property to the east along Statesville Road includes office/warehouse uses.

The property to the south along Statesville Road is developed with a retail use.

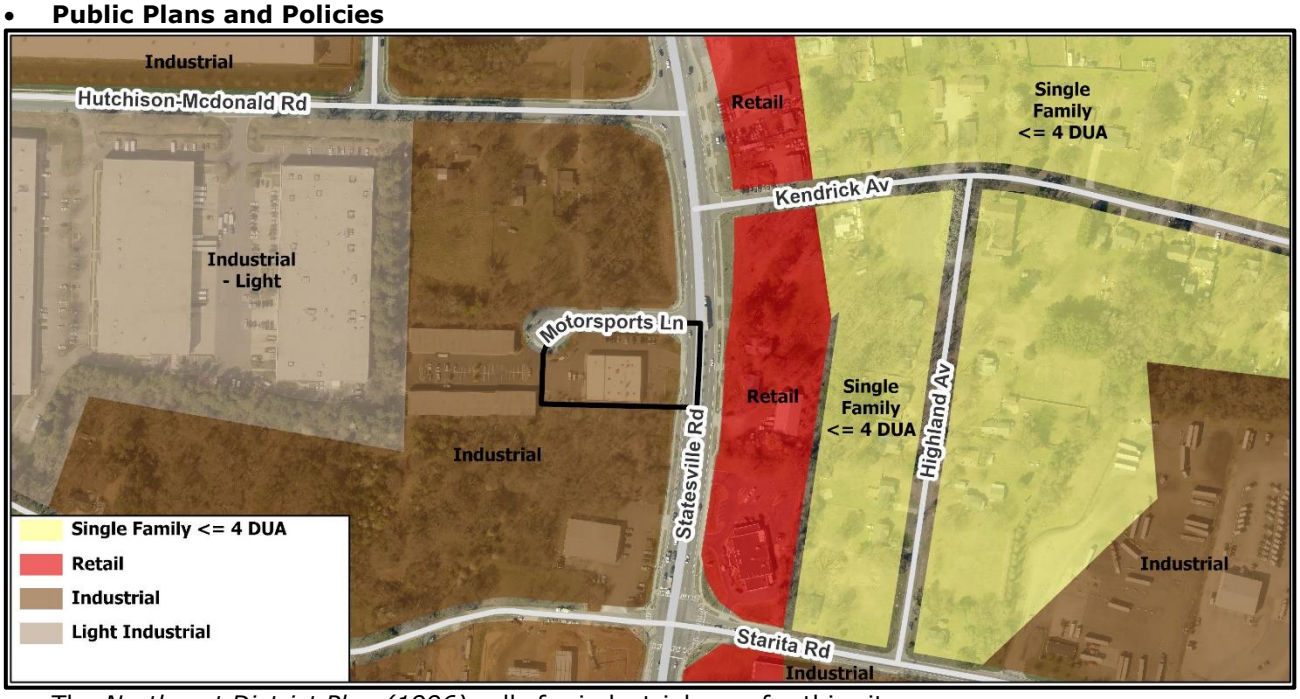
The property to the north along Hutchison McDonald Road is developed with single family homes.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-079	Rezoned 1.25 acres to allow up to 4,000 square-foot Eating, Drinking, and Entertainment Establishment.	Approved
2021-099	Proposes to rezone 0.46 acres to allow all uses in the B-2 (general business) zoning district.	Pending

- **Public Plans and Policies**



The *Northeast District Plan (1996)* calls for industrial uses for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located adjacent to Motorsports Lane, a City-maintained local street and Statesville Road, a State-maintained major thoroughfare. A Traffic Impact Study (TIS) is not needed for this site. CDOT will coordinate site access and streetscape improvement requirements during permitting.
  - **Active Projects:**
    - None
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**

    Current Zoning:

    Existing Use: 65 trips per day (based on 12,000 square-feet warehouse uses).

    Entitlement: 2,090 trips per day (based on 21,150 square-feet of retail uses).

    Proposed Zoning: 70 trips per day (based on 14,100 square-feet of warehouse uses).

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:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** No comments submitted.
- **City Arborist:** No outstanding issues.
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.

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

Planner: Michael Russell (704) 353-0225

CHARLOTTE FUTURE | 2040 COMPREHENSIVE PLAN

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-134

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	**N/A**
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	**N/A**
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**N/A**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	**N/A**

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	**N/A**
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	**N/A**
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	✓
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	**N/A**
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**

Petition 2021-134 by Greg Finnican

To Approve:

This petition is found to be **consistent** with the *Northeast District Plan* (1996) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends industrial use.

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

- This petition is consistent with the *Northeast District Plan* (1996) recommendation of industrial use for this parcel.
- This site is in proximity to parcels with an industrial future land use on southern side of Motorsports Lane, meaning that appropriate uses for I-1 zoning would be compatible with the current uses in adjacent parcels.
- This petition commits to complying with all city ordinance requirements for I-1 zoning.

To Deny:

This petition is found to be **consistent** with the *Northeast District Plan* (1996) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends industrial use.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 12/1/2021

Agenda #: 25.**File #:** 15-16949 **Type:** Zoning Item

Rezoning Petition: 2021-187 by Dowell Finch

Location: Approximately 27.34 acres located east of Pavilion Boulevard, north of Harris Houston Road, and south of North Tryon Street. (Council District 4 - Johnson)

Current Zoning: MX-2 (CD) (mixed-use district, conditional)
Proposed Zoning: R-3 (single-family residential)

Public Hearing Held: November 15, 2021 - Item #30

Staff Resource: Claire Lyte-Graham

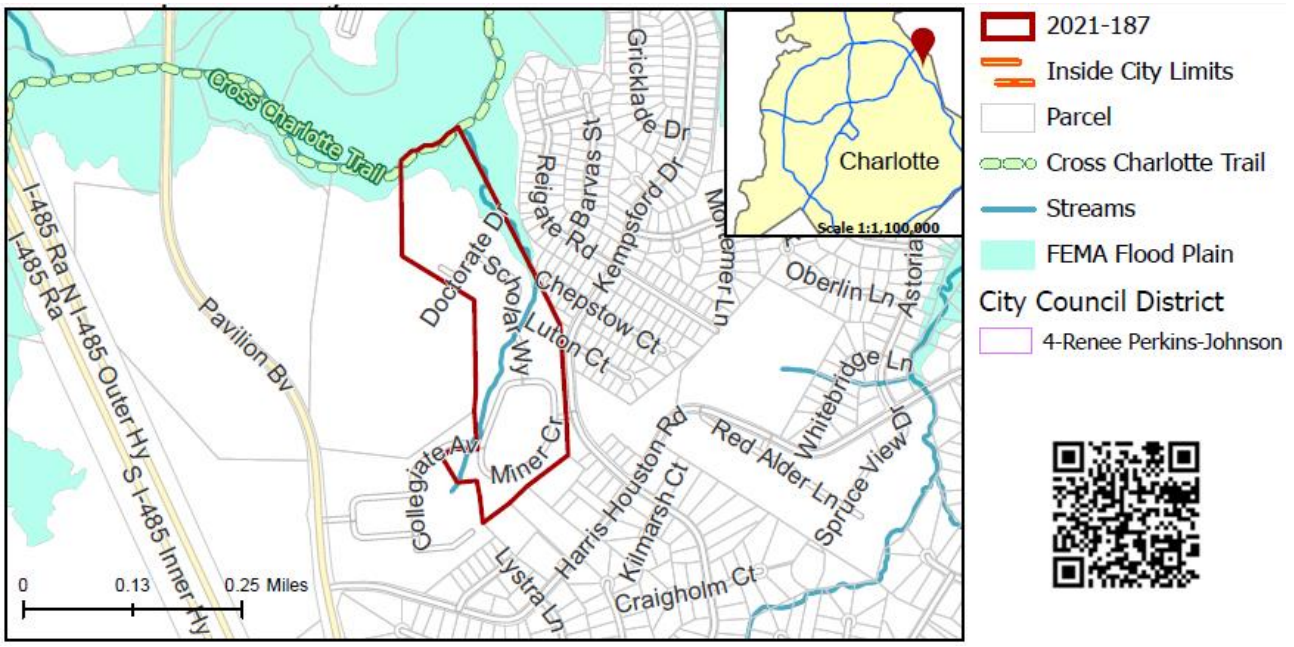
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-187
Post Hearing Staff Analysis
December 1, 2021

REQUEST	Current Zoning: MX-2(CD) (mixed use district, conditional) Proposed Zoning: R-3 (single family residential)
LOCATION	Approximately 27.34 acres located east of Pavilion Boulevard, north of Harris Houston Road, and south of North Tryon Street.



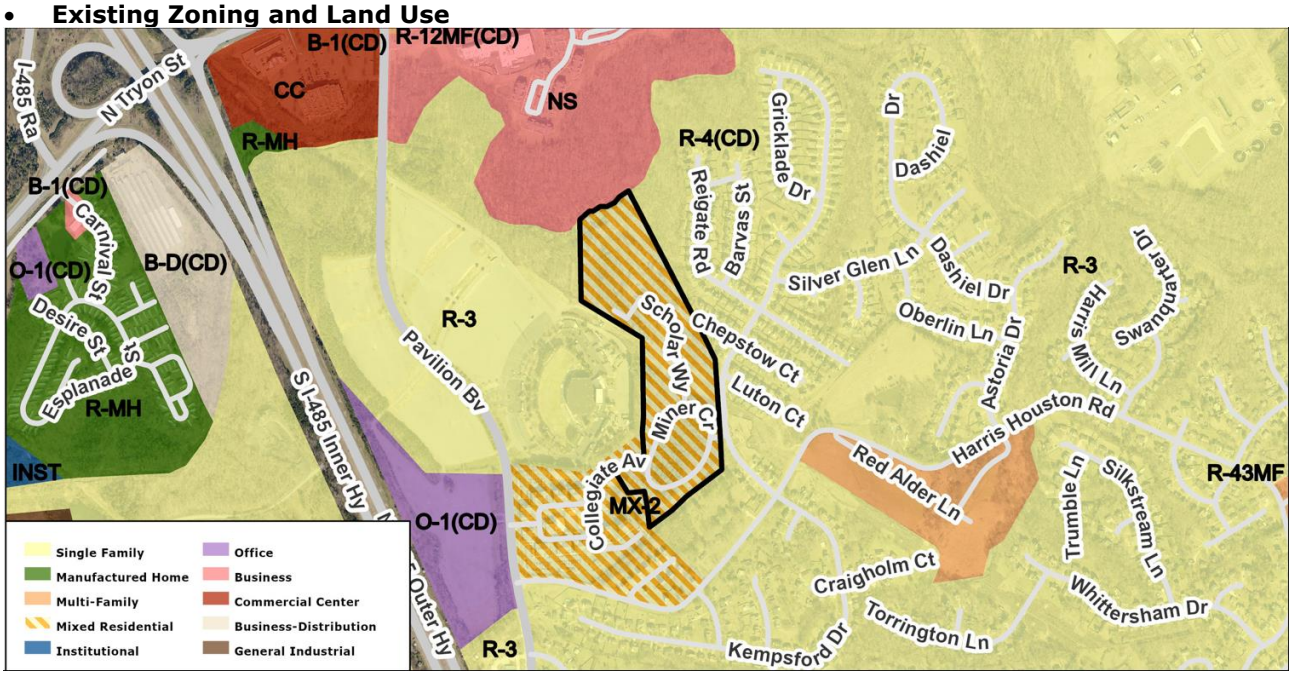
SUMMARY OF PETITION	The petition proposes to rezone undeveloped acreage to permit all uses allowed in the R-3 zoning district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Copper Beech Townhome Communities Thirty One, LLC Dowell Finch Dowell Finch
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **consistent** with the *Northeast District Plan* (1996) recommendation for greenway and single family/multi-family uses up to six dwelling units per acre. <u>Rationale for Recommendation</u> • The request is consistent with the land use prescribed by the Northeast District Plan, and subsequent rezoning petition 1999-032 (C). • The requested density is lower than the recommended density (6 DUA) for the parcel. • The petition is consistent with lower density, single family uses directly adjacent to the site.

- The petition's request for single family residential uses in this area accomplishes the District Plan's goal of maintaining the integrity and character of existing neighborhoods.

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 undeveloped and surrounded by single family detached homes, apartments, and Verizon Amphitheater on parcels zoned R-3, R-4(CD), R-8MF(CD), O-1(CD), and NS.
- The rezoning site is part of a larger 49.144-acre site rezoned from R-3 to MX(CD)via 1999-032C to allow up to 370 multi-family dwelling units and 15 single family homes.

The rezoning site is undeveloped.

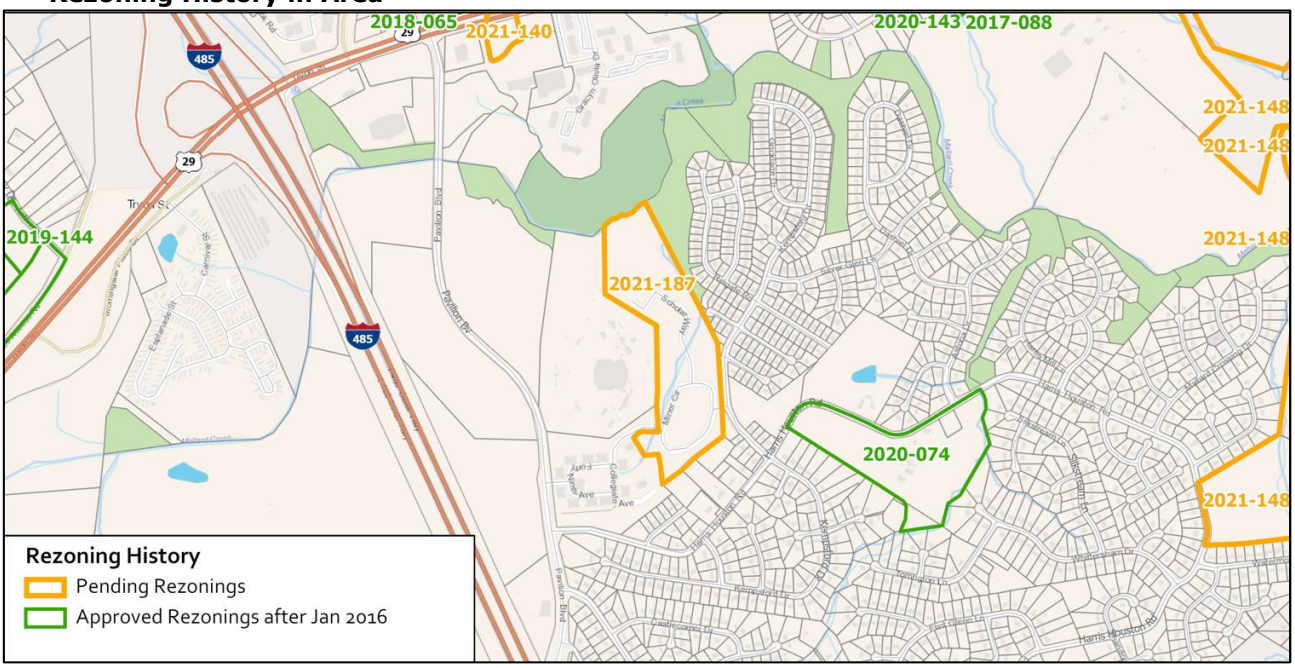
Single family homes are located to the east and south.

The Verizon Wireless Amphitheater is to the west.

Apartments are located to the southwest.

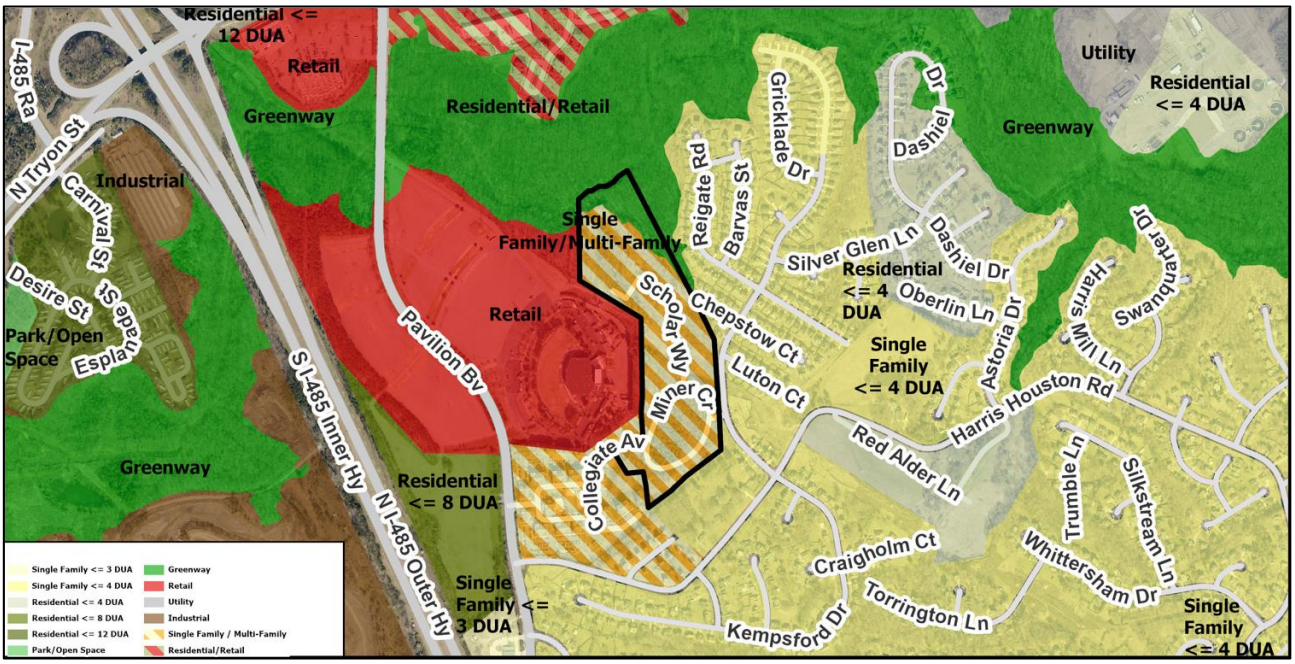
Mallard Creek runs along the northern property line.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-148	Rezone 114.46 acres from R-3 to R-4.	Pending
2021-140	Rezone 1.69 acres from NS to B-2(CD) to allow an automated car wash with accessory cleaning stations.	Pending
2020-143	Rezoned 21.34 acres from UR-C(CD) to R-8.	Approved
2020-074	Rezoned 21.08 acres from R-3 to R-8MF(CD) to allow 83 apartments.	Approved
2019-144	Rezoned 23.99 acres from R-3 and R-12(CD) to R-12MF(CD) to allow up to 194 apartments.	Approved
2018-065	NS SPA for 2.63 acres to retain current entitlements for 20,000 square feet of uses permitted in the NS (neighborhood services) district, with the exception of gas stations and convenience stores, and to allow one accessory drive through window.	Approved
2017-088	Rezone 23.3 acres from CC and UR-C(CD) to UR-C(CD) and UR-C(CD) SPA to retain the 275 multi-family dwelling units, at a density of 11.8 units per acre, and eliminate the nonresidential uses permitted via previously approved rezoning petitions.	Approved

- **Public Plans and Policies**



  - The *Northeast District Plan* recommends single/multi-family uses up to six dwelling units per acre and greenway uses for this site.

- **TRANSPORTATION SUMMARY**
  - The petition is located adjacent to Kempsford Drive, a City-maintained local street and Rochdale Lane, a partially City-maintained local street. A Traffic Impact Study (TIS) is not needed for this site. This site is being rezoned conventionally, and there is no site plan to review. CDOT will determine streetscape requirements and public access for this site during the permitting process.
- **Active Projects:**
  - Cross Charlotte Trail (Pavilion Boulevard to Cabarrus County)
    - GS PM: Carlos Alzate
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 1,165 trips per day (based on 214 apartment units).

  Proposed Zoning: 870 trips per day (based on 82 single family homes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** 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 34 students, while the development allowed under the proposed zoning may produce 41 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 7.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Stoney Creek Elementary from 110% to 111%
    - James Martin Middle remains at 65%
    - Julius L. Chambers High remains at 126%.
- **Charlotte Water:** No outstanding issues.
- **City Arborist:** No outstanding issues.
- **Erosion Control:** 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.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.

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

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

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-187

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	**X**
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	**X**
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	**X**
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	**N/A**

	Goal 5: Safe & Equitable Mobility Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	**N/A**
	Goal 6: Healthy, Safe & Active Communities All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	**N/A**
	Goal 7: Integrated Natural & Built Environments Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	Goal 8: Diverse & Resilient Economic Opportunity Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	Goal 9: Retain Our Identity & Charm Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	✓
	Goal 10: Fiscally Responsible Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**

Petition 2021-187 by Dowell Finch

To Approve:

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

- The adopted plan recommends greenway and single family/multi-family residential uses up to six dwelling units per acre.

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

- The request is consistent with the land use prescribed by the Northeast District Plan, and subsequent rezoning petition 1999-032 (C).
- The requested density is lower than the recommended density (6 DUA) for the parcel.
- The petition is consistent with lower density, single family uses directly adjacent to the site.
- The petition's request for single family residential uses in this area accomplishes the District Plan's goal of maintaining the integrity and character of existing neighborhoods.

To Deny:

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

- The adopted plan recommends greenway and single family/multi-family residential uses up to six dwelling units per acre.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused: