



City of Charlotte

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

Agenda Date: 12/20/2021

Agenda #: 29. **File #:** 15-17063 **Type:** Zoning Hearing

Rezoning Petition: 2021-014 by Whitestone Holdings, Inc.

Update: Petitioner is requesting deferral to January 18, 2022

Location: Approximately 0.23 acre located on the east side of Grandin Road between 4th Street and 4th Street Extension. (Council District 2 - Graham)

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

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



Agenda Date: 12/20/2021

Agenda #: 30. **File #:** 15-17039 **Type:** Zoning Hearing

Rezoning Petition: 2021-096 by Ascent Real Estate Capital, LLC

Location: Approximately 1.89 acres located along E. 36th Street between North Alexander Street and North McDowell Street in the NoDa community. (Council District 1 - Egleston)

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

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

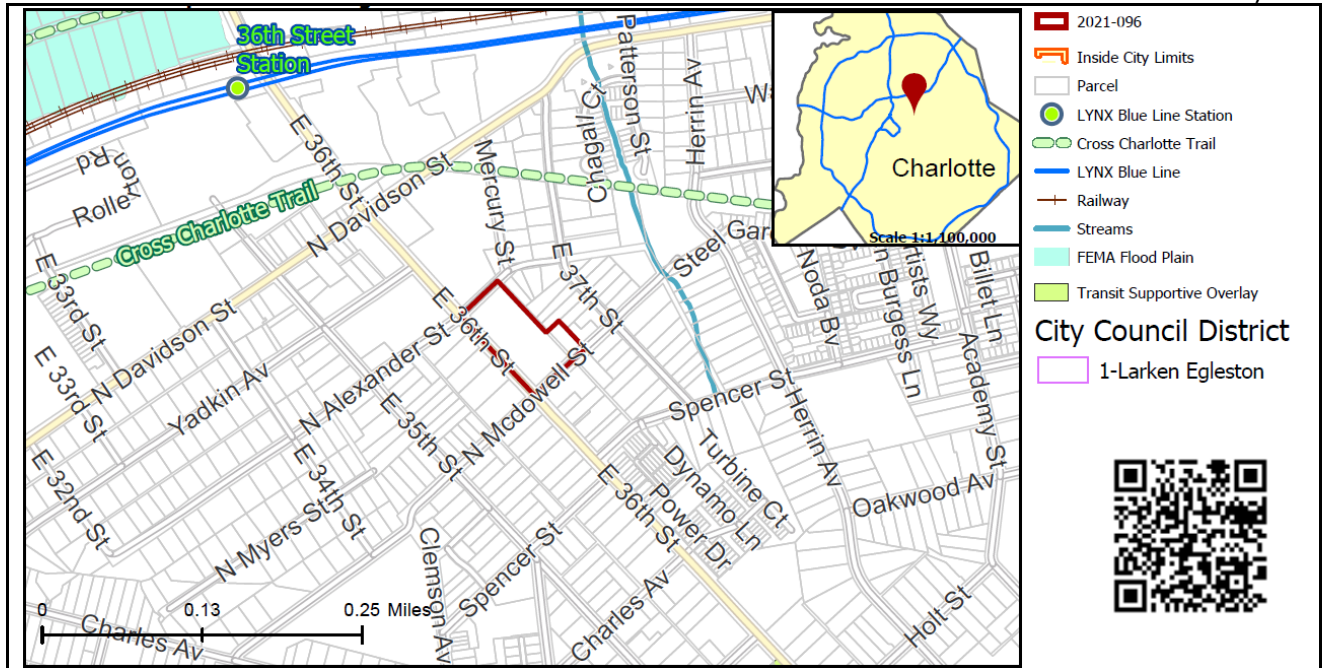
Site Plan

REQUEST

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

LOCATION

Approximately 1.89 acres located along E. 36th Street between N. Alexander Street and N. McDowell Street in the NoDa community.



SUMMARY OF PETITION

The petition proposes to rezone and redevelop an existing church site with a mixed-use development containing up to 211 multi-family residential units (at a density of up to 111.6 dwelling units per acre (DUA)) and up to 11,000 SF of retail, EDEE, or other personal service uses.

PROPERTY OWNER

North Charlotte Presbyterian Church; Church Trustees Johnston Memorial

PETITIONER

Ascent Real Estate Capital, LLC

AGENT/REPRESENTATIVE

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: 16

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is **inconsistent** with the 36th Street Station Area Plan's recommendation for institutional and residential uses up to five dwelling units per acre (DUA) for the site.

Rationale for Recommendation

- The petition's request for a mixture of uses (retail and multi-family) is similar in density and scale to recently approved rezonings in the immediate area (e.g. 2019-069).

- The requested height is consistent with the maximum height permitted (65 feet) under TOD-NC zoning, which is proximal to the subject property.
- The site is under .5 miles from a Blue Line transit station. The density proposed with this project is appropriate considering the site's proximity to rapid transit.
- The site is currently a mixture of vacant land and former institutional uses (place of worship). The redevelopment of this block's frontage along E. 36th Street will provide density close to transit without requiring the tear down of any existing single-family detached homes.
- The petition's proposed uses are complimentary to the *36th Street Station Area Plan's* overall goal of community design by creating a "high quality urban environment by enhancing the identity of the transit station area through the creation of attractive streetscapes." This petition commits to streetscape improvements along all three streets it fronts, and commits to a higher percent ground floor transparency percentage than is required in the MUDD district (60 percent committed/50 percent required) while providing improved urban open space through the creation of a retail courtyard space along E. 36th Street.
- The petition is proposing to protect adjacent single family uses from the structure's visual impact through stepdowns/stepbacks in height, parking deck screening, and an enhanced landscaped buffer between the parking deck and single family uses.

The approval of this petition will revise the adopted future land use as specified by the *36th Street Station Area Plan*, from institutional and single family residential up to 5 DUA to multi-family/retail uses for the site.

PLANNING STAFF REVIEW

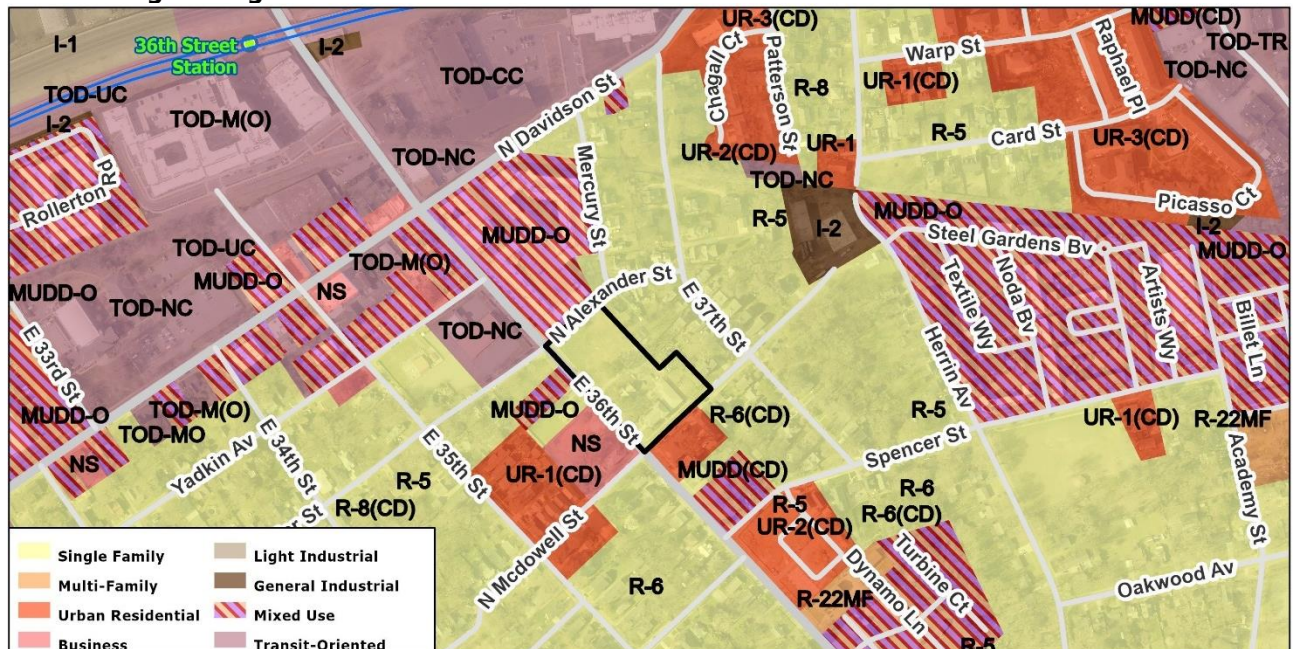
• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

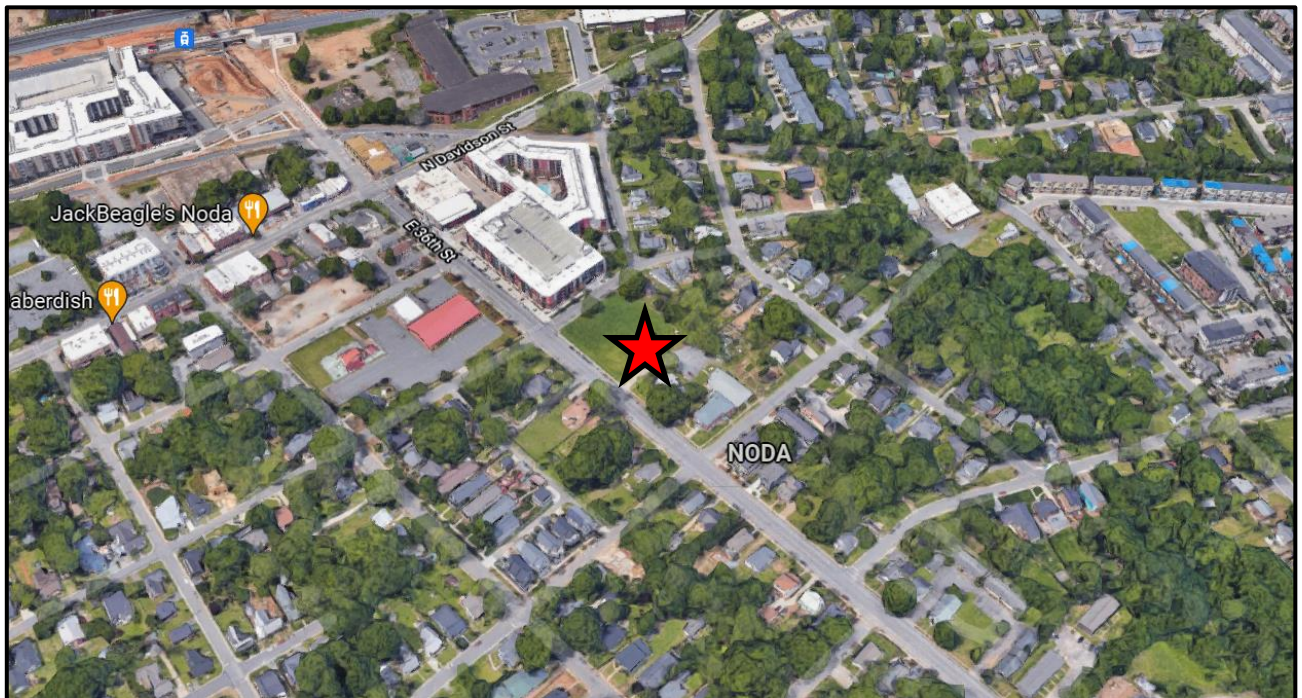
- Requests up to 211 multi-family residential units (at a density of 111.6 DUA) and up to 11,100 SF of retail, EDEE, personal service, or other non-residential uses permitted within the MUDD zoning district.
 - Prohibited uses at the site include car washes, automobile service stations, accessory drive-through windows, warehousing, and self-storage.
- Maximum building height of 65 feet (details on stepbacks and reduction of height against adjacent SF residential details listed below).
- Optional provisions requested include to allow mechanical and utility equipment to encroach within the setback so long as they do not block the required sidewalk along street frontages, and to allow a minimum of 213 on-site vehicular parking spaces with ability to provide up to a maximum of 223 spaces.
- Commits to transportation improvements including two curb ramps at the intersections of N. Alexander and N. McDowell at 36th Street as well as an ADA compliant bus pad in the area of the existing stop.
- Commits to improving the streetscape along N. Alexander Street and N. McDowell Street by providing an 8-foot planting strip and 6-foot sidewalk along with an 8-foot sidewalk and 8-foot planting strip along E. 36th Street.
- Petitioner commits to installation of Rapid Rectangular Flashing Beacons for the crosswalks across East 36th Street and North Alexander Street.
- Commits to architectural design guidelines including:
 - Preferred building materials comprising a minimum of 40 percent of the entire building elevation when facing a public or private street, alongside a prohibition on the utilization of vinyl and CMUs not architecturally finished (exclusive of door/window trim, handrails, etc.).
 - Modulations of building façade a minimum of 10-feet wide and project/recess a minimum of 2-foot.
 - Elevation design features including articulation, a recognizable architectural base, and a limitation on blank walls.

- Height reductions are proposed along the corners of the buildings against Alexander and McDowell Streets that reduce the height to 40 feet in those locations along with a stepback of 32 feet (see sheet 4, Site Sections).
- Provides a height reduction of 25 feet and a stepback of 16 feet along N. Alexander and N. McDowell Streets as shown on the site elevations on rezoning sheet 1.
- Commits to active ground floor uses occupying a minimum of 80 percent of the site's linear street-level building frontage along E. 36th Street.
- Commits to screening a minimum of 70 percent of the parking structure through green screening, decorative panels, or in a way that mimics the building's window placement.
- Urban open space provided (minimum 3,125 SF) along the site's frontage with E. 36th Street.
- Commits to .18 acres of improved open space on parcel 091-104-02 (along McDowell Street) as generally depicted on the site plan and may include benches, walkways, etc.
- Commits to screening the parking deck with an 8-foot landscaped area adjacent to single family residential.
- Provides a 4-foot stepback of the proposed 5th story with a minimum depth of 4-foot along the site's frontage with N. Alexander and N. McDowell Streets. To further minimize the height along those streets, the railing used on the 5th floor shall not be constructed of a solid wall material (in order to provide openings and/or transparency).
- Petitioner commits to providing a minimum eight-foot landscaped areas adjacent to the existing 10-foot wide alleyway abutting the parking deck.
- Commits to a maximum prominent entrance spacing of 100 feet along E. 36th Street.
- Minimum ground floor transparency along E. 36th Street shall be 60 percent. All other floors along E. 36th and other building elevations shall be 25 percent.
- Lighting shall be full-cutoff and limited to a maximum height of 20 feet on top of parking deck adjacent to single family uses. Those lights shall also be directionally angled to limit light pollution.
- Commits to using best practices to preserve the large tree along E. 36th (in the vicinity of the retail plaza illustrated on the concept plan).
- Limits lighting on top floor of parking deck to 20 feet in height.

• **Existing Zoning and Land Use**



There is no available historical rezoning information for the site. The site is located along E. 36th Street less than a half-mile away from the Blue Line's 36th Street Station. It is surrounded by multi-family uses and mixed-use and TOD zoning to the northwest, a mixture of single-family and mixed use zoning to the east and SE, residential uses to the south, higher density residential uses/zoning to the SE, and single family residential uses directly to the east and north.



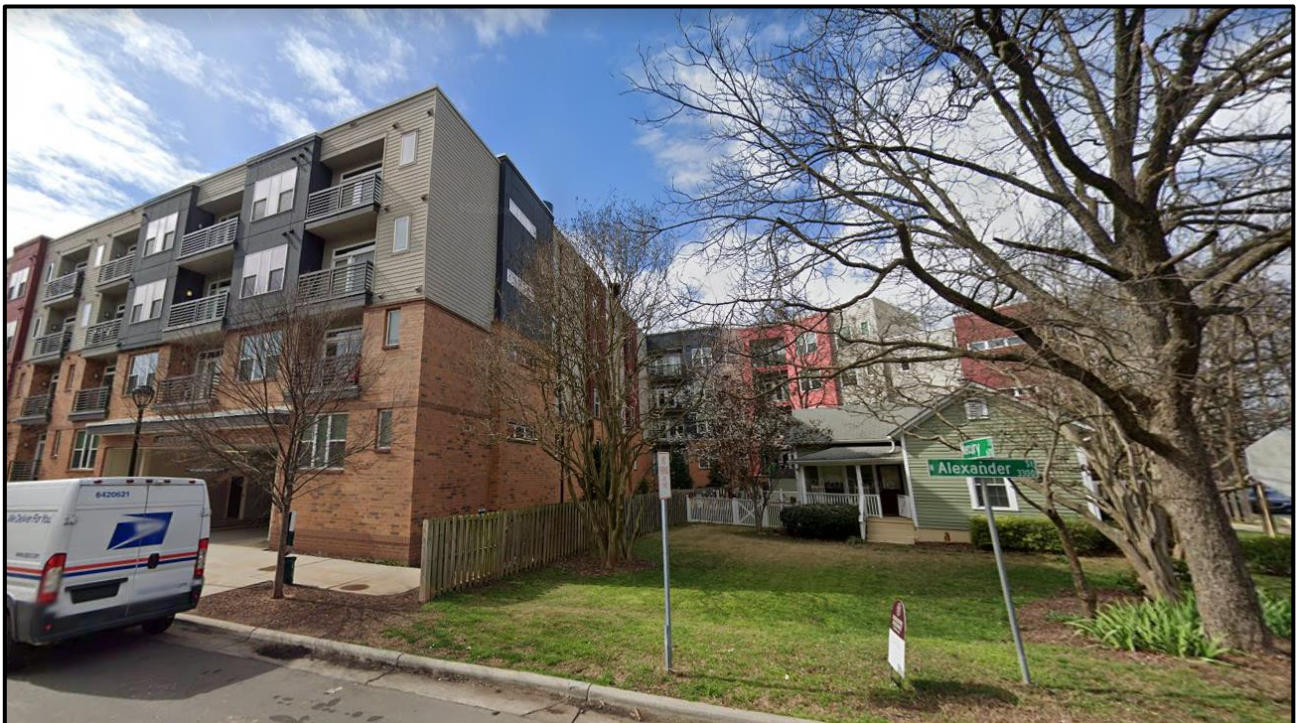
General location of subject property illustrated by red star.



Streetview looking north toward the southern portion of the subject property. The site currently has a church and single family home.



Streetview looking east toward the site from E. 36th Street. This portion of the subject property is vacant.



Mercury apartments (4 stories, appx. 52 feet) and immediately adjacent single family detached residential located directly across the site along N. Alexander Street.



Looking south at single family home illustrated by section cut B on sheet 4 of the rezoning plan.



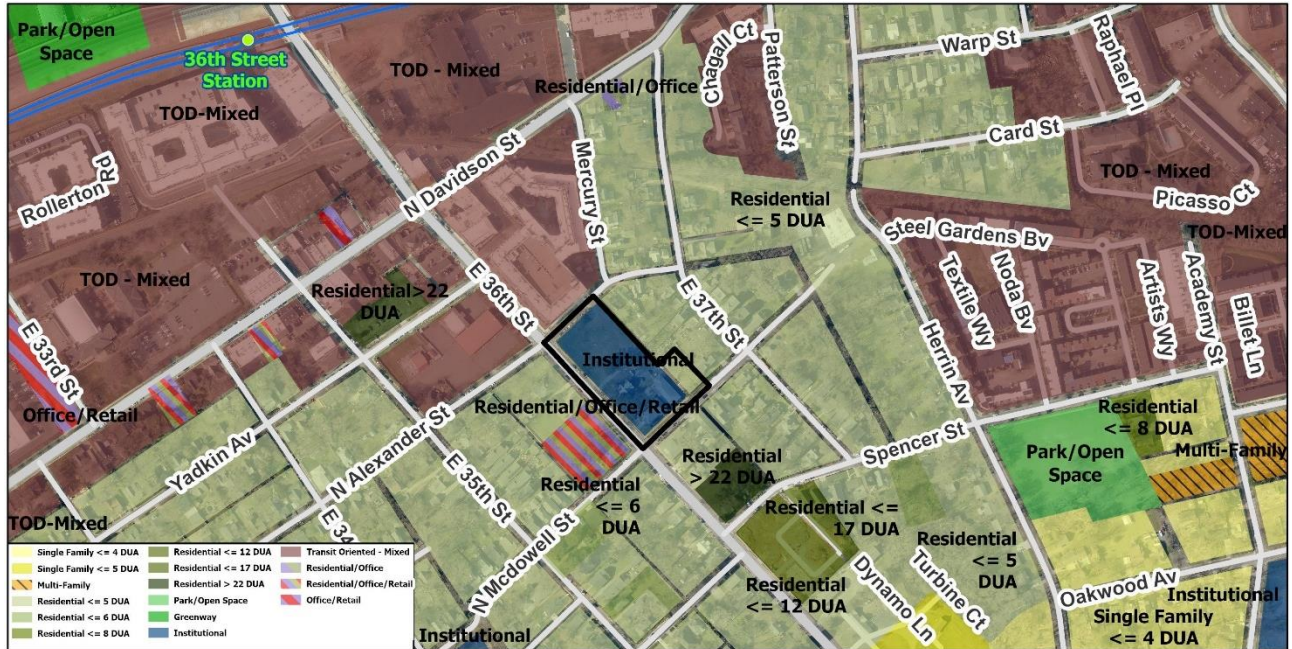
Streetview along E. 37th looking toward the homes that are immediately behind the proposed project.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-158	Request for MUDD(CD) to accommodate potential townhome community.	Approved
2019-129	Request for higher density single-family zoning district to potentially subdivide into two (2) lots.	Approved
2019-102, 2019-147, 2019-066, 2018-169, 2018-136, 2017-163, 2019-013	Multiple rezonings requesting TOD, including city-sponsored Blue Line rezoning (2019-102).	Approved
2019-069	Request for NS to allow mixed-use (retail/multi-fam) building along E. 36 th Street.	Approved
2018-099	Request for MUDD to accommodate a townhome community.	Approved
2018-041	Rezoning request for UR-2/SPA to accommodate a townhome community.	Approved
2018-023	Request for higher density single-family zoning district.	Approved
2017-071	Rezoning request for UR-2 to accommodate a townhome community	Approved
2017-017	Request for UR-3 to allow a mixture of retail and residential along N. Davidson.	Approved
2016-091	SPA request for townhomes at Highland Mill.	Approved

- **Public Plans and Policies**



- The 36th Street Station Area Plan recommends both institutional uses and single family residential uses up to five DUA for the site.
- **TRANSPORTATION SUMMARY**
 - The petition is located adjacent to East 36th Street, a City-maintained minor thoroughfare, with other frontages on North Alexander Street and North McDowell Street, both City-maintained local streets. The petition is located in the East Wedge inside Route 4. A Traffic Impact Study (TIS) is not needed for this site. The petitioner and CDOT are working together on additional transportation improvements that will contribute towards the connectivity and safety of pedestrians, cyclists, and vehicles. The petitioner has committed to installing a pedestrian crossing with a Rapid Rectangular Flashing Beacon across East 36th Street at Spencer Street. Site plan revisions are needed to show constructing curb bulb-outs on all corners of East 36th Street at North Alexander Street to shorten pedestrian crossing distances. Further details are listed below.
 - **Active Projects:**
 - N/A
 - **Transportation Considerations**
 - See Outstanding Issues, Note 12.
 - **Vehicle Trip Generation:**

Current Zoning:

 - Existing Use: 35 trips per day (based on church and 1 dwelling).
 - Entitlement: 115 trips per day (based on 9 homes).

Proposed Zoning: 2,497 trips per day (based on 211 units/11,100 SF 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 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 4 students, while the development allowed under the proposed zoning may produce 39 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 35 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Villa Heights Elementary from 75% to 83%
 - Eastway Middle from 117% to 119%

- Garinger High from 117% to 119%.
- **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 8-inch water distribution main located along E 36th St. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along E 36th 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:** 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

Site and Building Design

1. The schematic plan on sheet one should also be updated to illustrate the building height diagram illustrated on sheet 4. The heights for those areas should be referenced in Section VI, Design Guidelines.
2. Petitioner should remove the general nature of note VI.c.2, by including a commitment to the dimensions of the height reductions/stepbacks illustrated on sheet four's height diagram and added to the conditional notes. The elevations illustrated on sheet one should also match the height diagram on sheet 4 to provide clarity on the stepbacks and reductions in height along McDowell and Alexander Streets.
3. Please provide examples of the green screen that may be utilized in note VI.f. If examples are the images provided on sheet 4, please make reference to those images.
4. Remove language regarding maximum development that makes reference to the SF excluding residential support uses on sheet one.
5. Enhanced landscaping should be provided (labeled and added to conditional notes) in a similar fashion as what is being proposed for the parking structure in the area where the illustrated plaza/amenity area is shown against rear yards of adjacent SFR. Petitioner should clarify if trees or shrubs will be planted in these areas along with a number of each.
6. Modify note III.b to state "site will provide 213 parking spaces" or the maximum number that may be built.
7. Trash pickup should be internal to the site and the structure should accommodate the height and maneuvering area needed.
8. Provide mitigation measures in the conditional notes to replace the mature tree located in the 36th Street Plaza area if best practices are not enough to save the tree.
9. Please include the location of the large mature tree in the northern corner of the site (may be in alleyway). Petitioner should commit to the preservation the tree with conditional notes listing best practices to preserve the tree, and mitigation measures if the preservation is not possible.
10. Annotate the amenity area and list potential programming elements that will be located adjacent to single family residential uses.
11. Remove the optional provisions requested to allow mechanical and utility equipment to encroach within setbacks.

Transportation

12. Revise site plan to construct curb bulb-outs on all corners of east 36th Street and N. Alexander Street.

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





Planner: William Linville (704) 336-4090





Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-096

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).

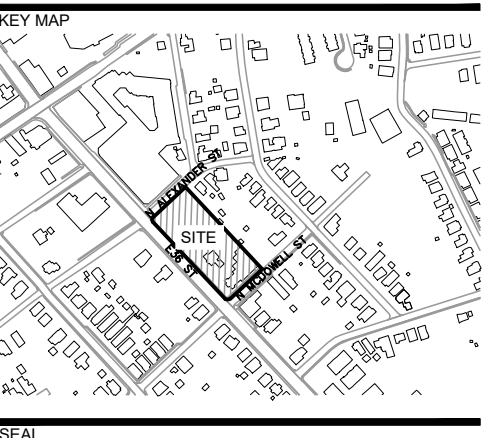
Please note: not all goals will apply to all rezoning petitions.

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.	✓

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>X</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>

Site Development Data:

- Acreage: ± 1.89 acres
--Tax Parcels: 091-104-01 and 091-104-02
--Existing Zoning: R-5
--Proposed Zoning: MUDD-O
--Existing Uses: Institutional/Religious, 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 in the Rezoning Plan.
--Maximum Development, subject to conversion rights:
a. 211 Multi-family residential units; and
b. Up to 11,100 square feet of retail, EDEE, personal service or other non-residential uses. (Excludes residential support uses such as leasing, fitness, etc)
--Maximum Building Height: 65 feet
--Parking: As described in the Optional Provision



PROJECT
CENTRO NODA
729 E 36 ST
CHARLOTTE, NC 28205

REZONING

**ASCENT
REAL ESTATE CAPITAL**
2100 CRESCENT AVENUE
SUITE 200
CHARLOTTE, NC 28207

LANDDESIGN PROJ.# 1021016

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REVISIONS PER STAFF COMMENTS	09-13-2021
2	REVISIONS PER STAFF COMMENTS	10-11-2021
3	REVISIONS PER STAFF COMMENTS	11-15-2021

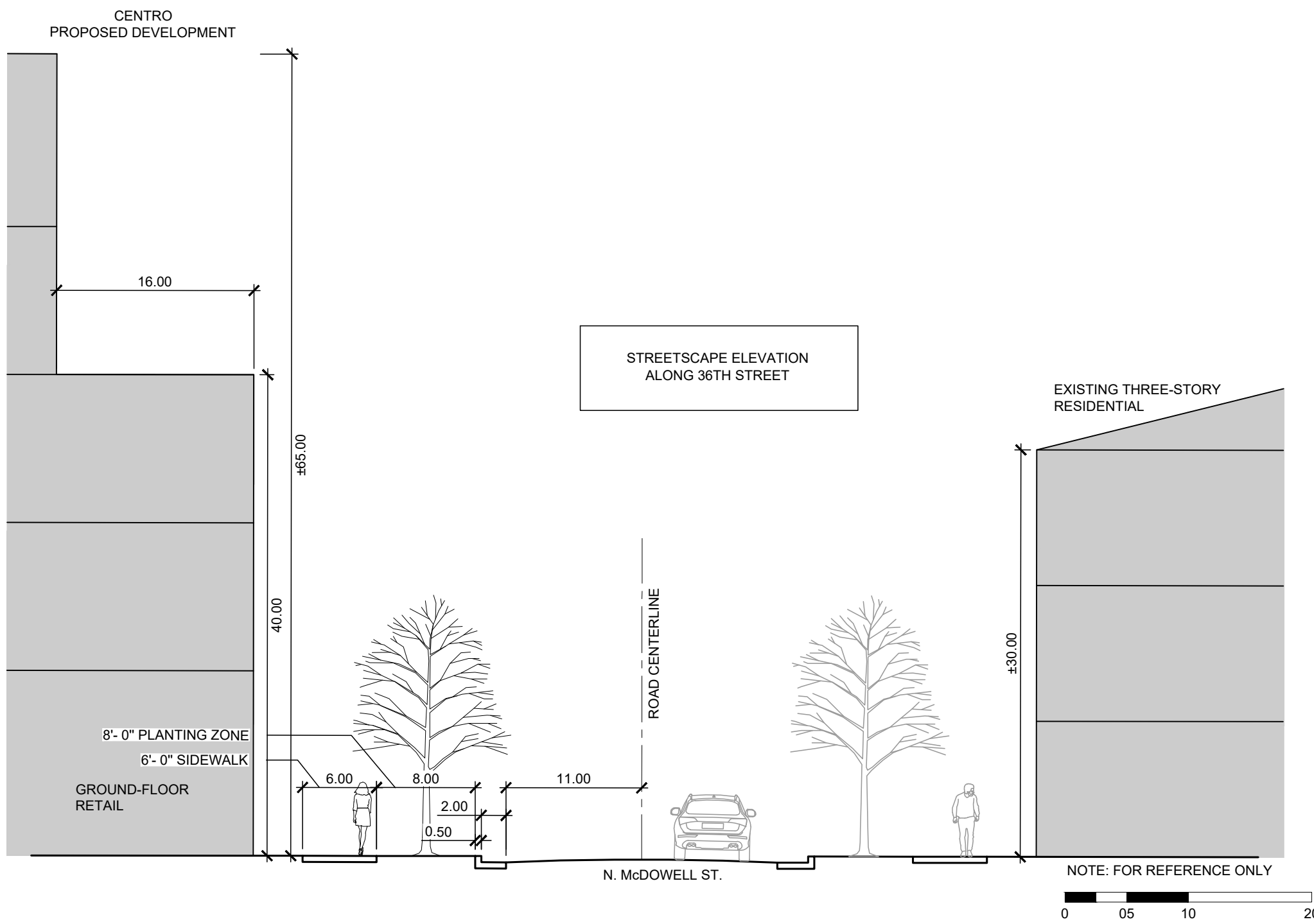
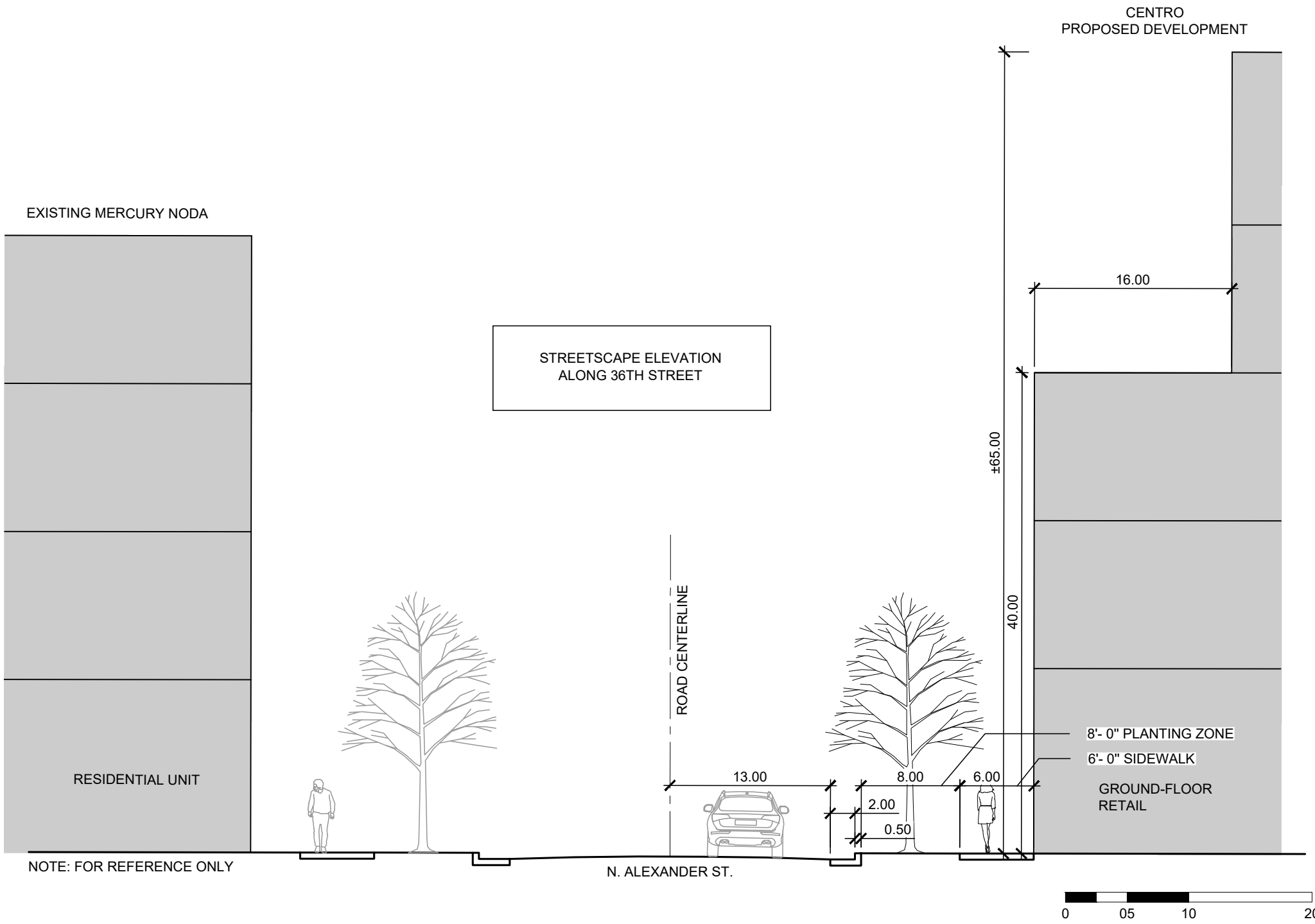
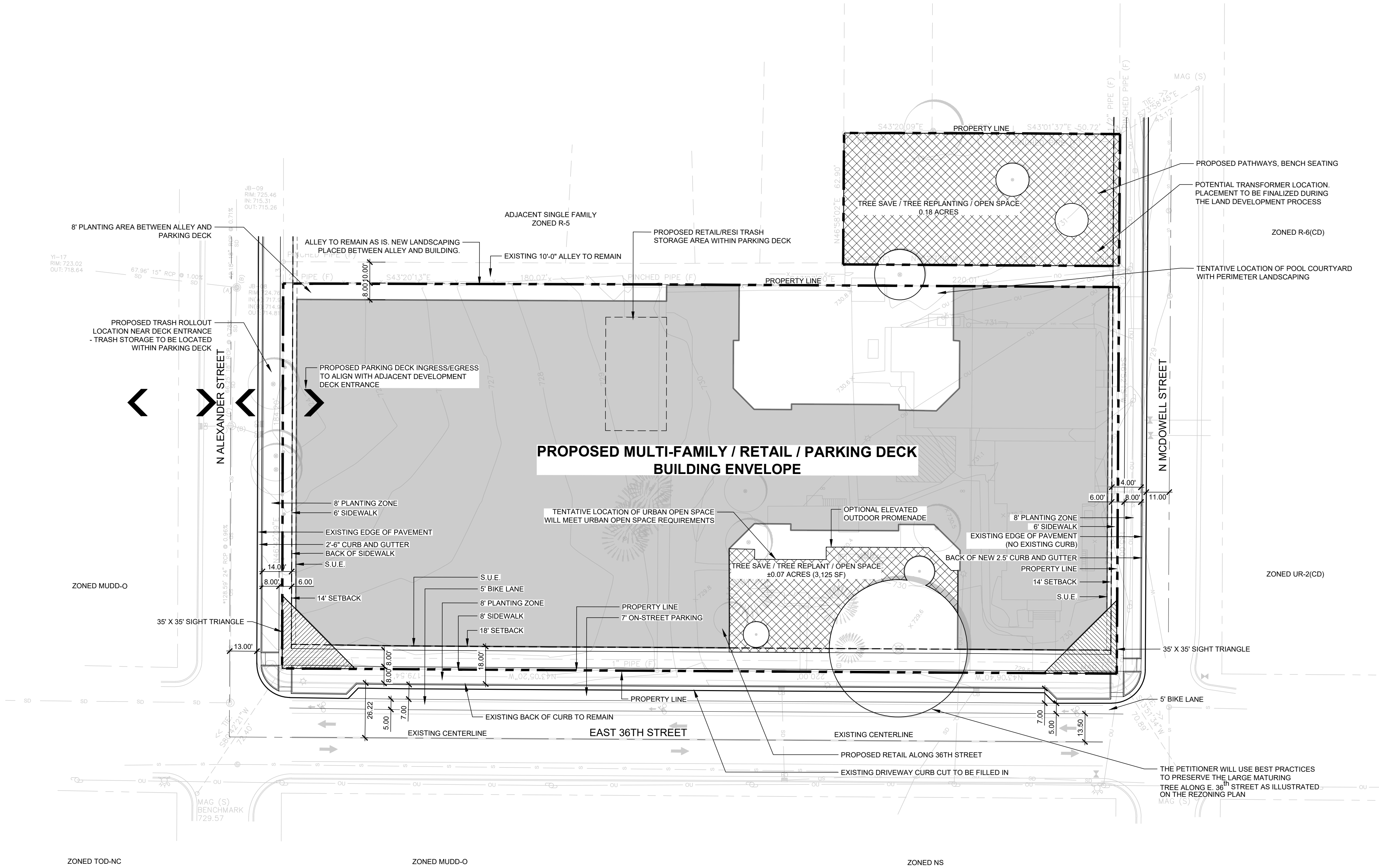
DESIGNED BY: LD
DRAWN BY: LD
CHECKED BY: LD

SCALE
VERT: N/A
HORZ: 1"=30'
0 15 30 60

TECHNICAL DATA

SHEET NUMBER

RZ-1



REZONING PETITION # 2021-096

CENTRO NODA
DEVELOPMENT STANDARDS
Petitioner: Ascent Real Estate Capital, LLC
Rezoning Petition No. 2021-096
11/15/2021

Site Development Data:

- Acreage: ± 1.89 acres
--Tax Parcels: 091-104-01 and 091-104-02
--Existing Zoning: R-5
--Proposed Zoning: MUDD-O
--Existing Uses: Institutional/Religious, 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 in the Rezoning Plan.

- Maximum Development, subject to conversion rights:
a. 210 Multi-family residential units; and
b. Up to 11,100 square feet of retail, EDEE, personal service or other non-residential uses.
--Maximum Building Height: 65 feet
--Parking: As described in 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 Ascent Real Estate Capital, LLC ("Petitioner") to accommodate development of a mixed-use project on an approximately 1.89-acre site located at 729 East 36th Street and 3315 N McDowell Street, more particularly described as Mecklenburg County Tax Parcel Numbers 091-104-01 and 091-104-02 (the "Site").
- b. **Intent.** This Rezoning is intended to accommodate development on the Site of a pedestrian-focused mixture of MUDD-permitted uses including but not limited to residential and ground-floor retail.
- 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 MUDD zoning district shall govern all development taking place on the Site.

II. Permitted Uses:

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

III. Optional Provisions:

- a. To allow mechanical and utility equipment such as transformers, enclosures, electrical equipment, and backflows to encroach within the setback, so long as they do not block the required sidewalk along street frontages.
- b. To allow a minimum of 213 on-site vehicular parking spaces with ability to provide up to a maximum of 223 spaces).

IV. Maximum Development and Restrictions:

- a. Subject to the restrictions and limitations listed below, the principal buildings constructed on parcel 091-104-01 may be developed with up to: (i) a maximum of 210 residential units and (ii) 11,100 square feet of retail, personal service, EDEE, and other non-residential uses permitted by right and under prescribed conditions in the MUDD zoning district, along with any accessory uses allowed in the MUDD zoning district. Parcel 091-104-02 shall not contain any residential units or commercial uses.
- b. **Prohibited Uses:** Car washes; Automobile Service Stations; accessory drive-through service windows; warehousing; and self-storage.

V. Transportation:

- a. Vehicular access will be as generally depicted on the Rezoning Plan. The placements and configurations of the vehicular access points shown on the Rezoning Plan are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval.
- b. Petitioner shall construct an ADA compliant bus pad per Land Development Standard 60.01B in the area of the existing stop. The final location of the pads will be coordinated with CATS through the permitting process.
- c. Petitioner shall provide two curb ramps at the intersections of East 36th Street with North Alexander Street and North McDowell Street at the corners of the Site, as generally depicted on the Rezoning Plan.
- d. Petitioner shall construct curb bulb outs on all corners of East 36th Street and North Alexander Street.
- e. Petitioner shall install Rapid Rectangular Flashing Beacons for the crosswalks across East 36th Street at both sides of North Alexander Street. Petitioner shall reconstruct the ADA ramps if necessary.

- f. Petitioner shall install a pedestrian crossing with a Rapid Rectangular Flashing Beacon across East 36th Street at Spencer Street. The final location of the crossing will be coordinated and approved by CDOT during permitting.
- g. 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. Right-of-way shall be set at two (2) feet behind back of sidewalk where feasible.
- h. All transportation improvements shall be substantially completed before the Site's first building certificate of occupancy is issued.
1. Reference to "substantially complete" shall mean completion of the roadway improvements in accordance with the Technical Data Sheet provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the 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 the Petitioner may be asked to post a letter of credit or bond for any improvements not in place at the time such certificate of occupancy is issued to secure completion of the applicable improvements.

VI. Design Guidelines:

- a. **Preferred Exterior Building Materials:** The principal building facades constructed on the Site and abutting a network required public or private street shall comprise a minimum of 40% of that building's entire façade facing such network street using brick, glass, natural stone (or its synthetic equivalent), stucco, fiber cement, corrugated metal, steel accents, architectural shingles or other materials approved by the Planning Director.
- b. **Prohibited Exterior Building Materials:** The Petitioner will not utilize (1) vinyl siding (excluding the use of vinyl handrails, windows or door trim, which shall be permitted); or (2) concrete masonry units not architecturally finished.

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

1. 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.

2. Building corners shall have a setback as generally depicted on the perspective images included in the Rezoning Plan.

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

1. 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/or change in materials or colors;
2. Buildings shall be designed with a recognizable architectural base on all facades facing network required public or private streets. Such base may be executed through the use of Preferred Exterior Building Materials or articulated architectural façade features and color changes.
3. Building elevations fronting network required public or private streets shall not have expanses of blank walls greater than twenty (20) feet in all directions and architectural features such as (but not limited to) banding, medallions or design features or materials that will be provided to avoid a sterile, unarticulated blank treatment of such walls.

- e. Active ground floor uses shall occupy at minimum of 80% of the Site's linear street-level building frontage along East 36th Street. The 11,100 square feet of proposed retail uses shall be located along the East 36th Street frontage and/or surrounding the urban open space area as shown along the East 36th Street frontage.

- f. A minimum of 70% of all parking structures shall be screened from public streets at the pedestrian level or street level by active uses. Car headlights shall be fully screened within the parking structure per Ordinance standards. Parking deck shall be appropriately screened with one of the following (a) in a style to mimic the rhythm of the building's windows; (b) decorative panels, or (c) a green screening method. Deck screening height will match height of the deck.

- g. In order to stimulate pedestrian activity, the Site shall be designed to incorporate an urban open space area as generally depicted on the Rezoning Plan along East 36th Street, which shall be a minimum of 3,125 square feet.

- h. The Petitioner shall provide an Open Space/Tree Save area within parcel 091-104-02 (3315 North McDowell Street) of the Site. This area may provide pathways, benches and/or other seating options to activate and amenitize the area.

- i. The Petitioner shall provide a minimum eight (8) foot landscaped area adjacent to the existing ten (10) foot wide alleyway where abutting the parking deck to serve as additional transition and screening to single-family residences.

- j. The minimum step back of the fifth story of the building along N Alexander Street and N McDowell Street shall be four (4) feet, excluding balcony railings. Balcony railings on the top floor where stepped back from the rest of the building face shall not be constructed of solid wall material (i.e., fifth floor railings will have openings or transparency).

- k. The maximum prominent entrance spacing shall be one hundred (100) feet along the 36th Street frontage.

- l. The minimum transparency for the ground floor of 36th Street shall be 60% total (exceeding the 50% MUDD requirement). The transparency for residential components along the ground floor of McDowell Street and N Alexander Street and upper stories) shall be a minimum of 25%.

VII. Environmental Features:

- a. The Petitioner shall comply with the Post Construction Stormwater Ordinance.
- b. The Petitioner shall comply with the Tree Ordinance.
- c. The Petitioner will use best practices to preserve the large maturing tree along E. 36th Street as illustrated on the Rezoning Plan.

VIII. Lighting:

- a. All lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed on buildings, along the driveways, sidewalks, and parking areas. However, upward facing accent/architectural lighting shall be permitted.

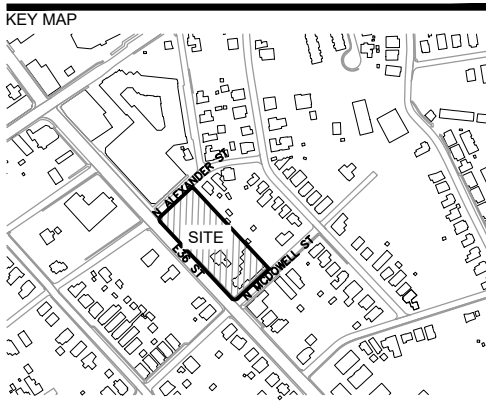
- b. Lighting at the top of the parking deck area adjacent to existing single-family zoning shall be limited to a maximum of twenty (20) feet in height and directionally angled to limit light pollution onto adjacent residential properties.

IX. 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.

X. 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.



SEAL

PROJECT

CENTRO NODA
729 E 36 ST
CHARLOTTE, NC 28205

REZONING

ASCENT
REAL ESTATE CAPITAL

2100 CRESCENT AVENUE
SUITE 200
CHARLOTTE, NC 28207

LANDDESIGN PROJ.#

1021016

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REVISIONS PER STAFF COMMENTS	09-13-2021
2	REVISIONS PER STAFF COMMENTS	10-11-2021
3	REVISIONS PER STAFF COMMENTS	11-15-2021

DESIGNED BY: LD
DRAWN BY: LD
CHECKED BY: LD

SCALE NORTH

VERT: N/A
HORZ:

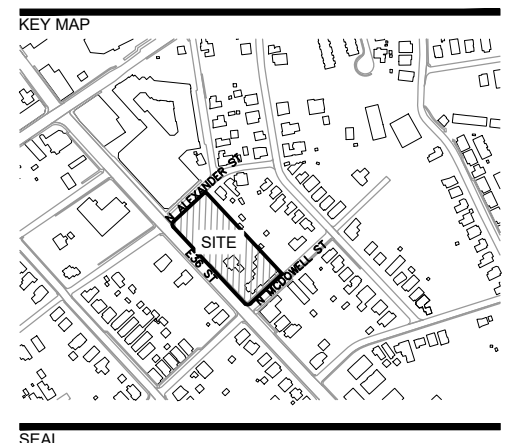
SHEET TITLE

DEVELOPMENT STANDARDS


SHEET NUMBER

RZ-2

REZONING PETITION # 2021-096



**PRELIMINARY PLAT
NOT FOR RECORDATION
SALES OR CONVEYANCE**



**Lucas-Forman
Incorporated**

**Land Surveying
Planning & Engineering**

4000 Stuart Andrew Boulevard
Charlotte, North Carolina 28217
P.O. Box 11386 28220-1386
(704) 527-6626 Fax 527-9640
email: postmaster@lucas-forman.com

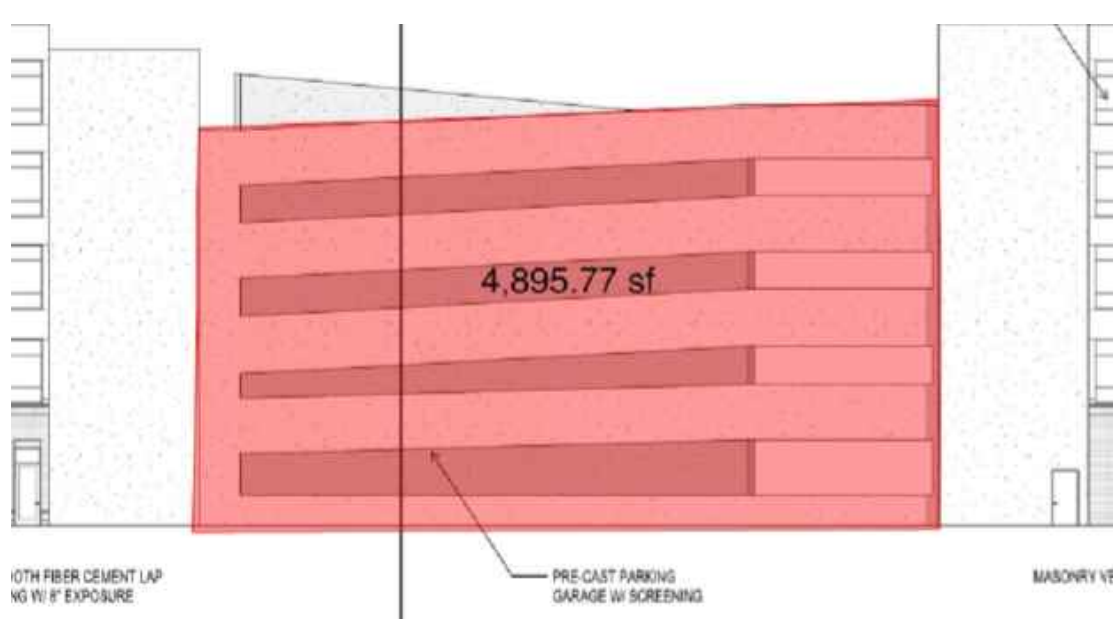
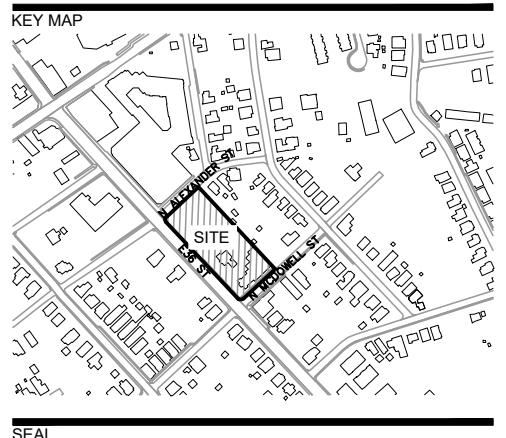
**THE
ALTA/NSPS LAND TITLE SURVEY**

of

FOREST HILL CHURCH
729 E. 36TH ST.

City of Charlotte, Mecklenburg County, NC
for: ASCENT REAL ESTATE CAPITAL, LLC

SURVEYED BY CHH/LHH	DRAWN BY CHH	DATE 03/15/2021
CHECKED BY	JOB NUMBER 18113	TOTAL FIELD NUMBER 41

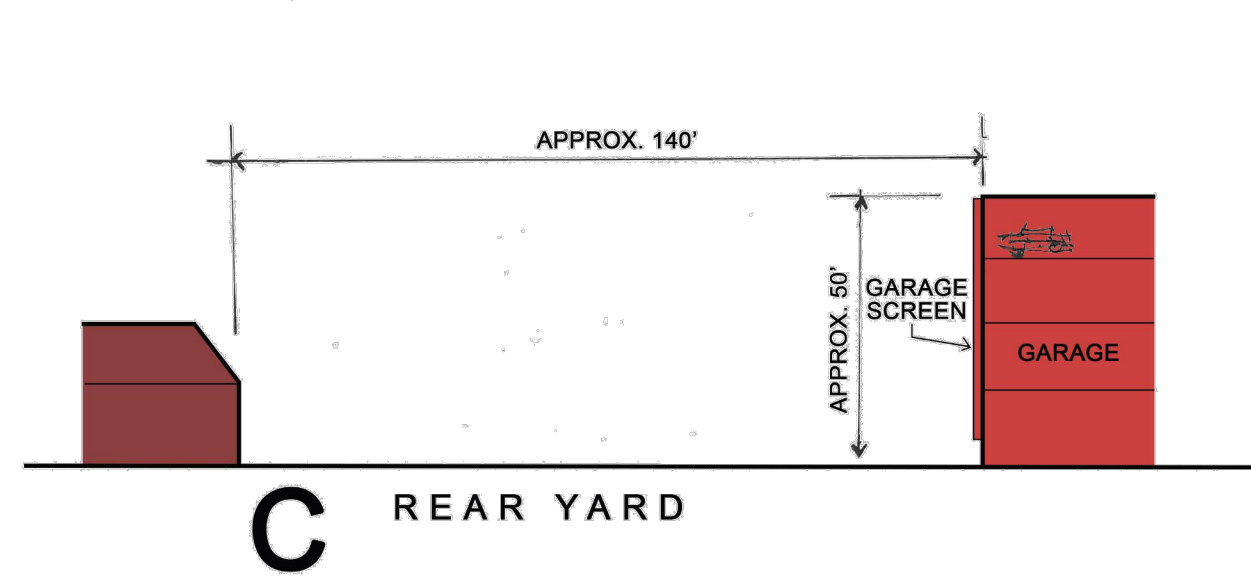
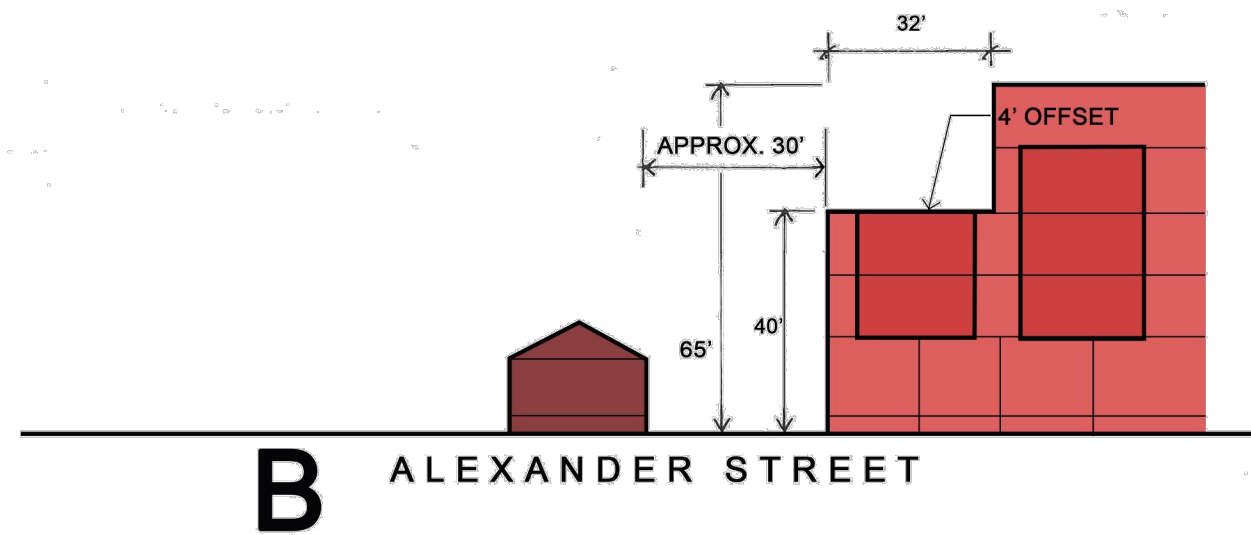
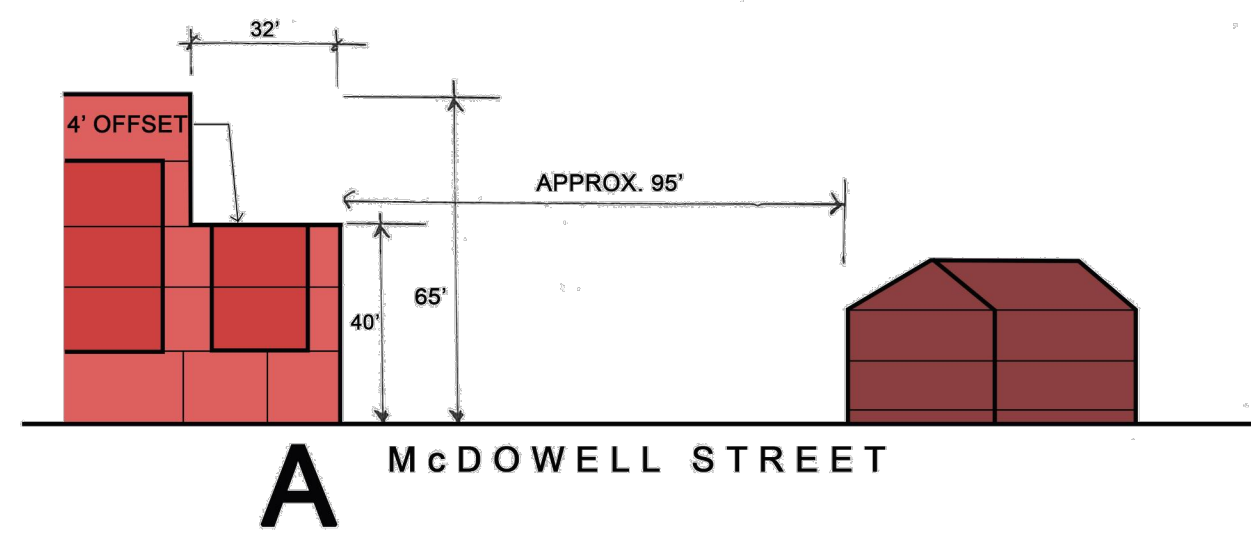


1 DECK SCREEN OPTIONS
RZ-4

2 ARCHITECTURAL BIRD'S-EYE PERSPECTIVE
RZ-4



3 N. McDOWELL ST.
ARCHITECTURAL SIDE PERSPECTIVE
RZ-4



APARTMENTS SINGLE-FAMILY HOUSE

CENTRO NODA

3 SITE SECTIONS
RZ-4 N.T.S.



CENTRO NODA

3 STORY EXISTING 3 STORY BUILDING
5 STORY EXISTING 4 STORY BUILDING
SINGLE-FAMILY HOUSE
LEVEL 2 PODIUM TERRACE

4 KEY PLAN
RZ-4

REZONING PETITION # 2021-096

PROJECT

CENTRO NODA
729 E 36 ST
CHARLOTTE, NC 28205

REZONING

ASCENT
REAL ESTATE CAPITAL
2100 CRESCENT AVENUE
SUITE 200
CHARLOTTE, NC 28207

LANDDESIGN PROJ.# 1021016

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	NEW SHEET	10-11-2021
2	REVISIONS PER STAFF COMMENTS	11-15-2021

DESIGNED BY: LD
DRAWN BY: LD
CHECKED BY: LD

SCALE NORTH

VERT: N/A
HORZ: N.T.S. #

SHEET TITLE

SUPPLEMENTAL GRAPHICS

SHEET NUMBER

RZ-4



Agenda Date: 12/20/2021

Agenda #: 31. File #: 15-17041 Type: Zoning Hearing

Rezoning Petition: 2021-127 by Flagship Healthcare Properties, LLC

Location: Approximately 5.2 acres located on Steele Creek Road between Huntington Meadow Lane and Settlers Trail Court. (Council District 3 - Watlington)

Current Zoning: R-3 (single-family residential)

Proposed Zoning: O-1 (CD) (office, conditional)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of requested technical revisions related to land use and transportation.

Attachments:

Pre-Hearing Staff Analysis

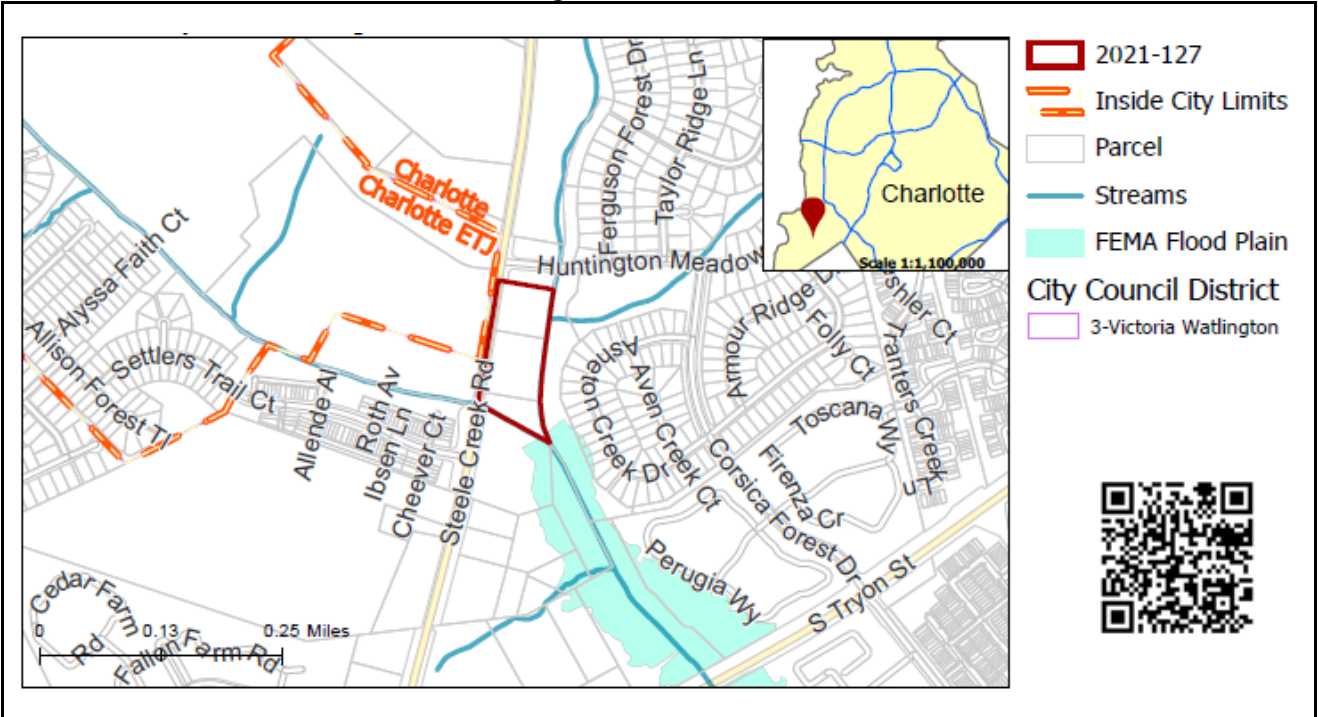
Site Plan

REQUEST

Current Zoning: R-3 (Single Family Residential)
Proposed Zoning: O-1 (CD) (Office, Conditional)

LOCATION

Approximately 5.2 acres located on Steele Creek Road between Huntington Meadow Lane and Settlers Trail Court.



SUMMARY OF PETITION

The petition proposes to allow the development of up to 36,000 square feet of medical, dental, and general office uses on a property currently occupied by two single family homes in the Steele Creek community.

PROPERTY OWNER

William Rodney Osborne & Lee Anne Osborne, Valerie Anne Tolley & John David Tolley, Providence Development Group, Inc.

PETITIONER

Flagship Healthcare Properties, LLC

AGENT/REPRESENTATIVE

Keith MacVean

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 requested technical revisions related to land use and transportation.

Plan Consistency

The petition is **inconsistent** with the residential up to 4 dwellings an acre as per the *Steele Creek Area Plan*.

Rationale for Recommendation

- While inconsistent with the low-density residential development recommended for the site, the proposed office use is compatible with the surrounding development pattern along Steele Creek Road which includes institutional and office uses.

- The parcels are less compatible to be developed for low-density residential considering their frontage on Steele Creek Road, which is proposed to be widened to a four-lane thoroughfare by NCDOT.
- The site is separated from the single family residential neighborhood to the east by a 50-foot water quality buffer along a tributary of Walker Branch Creek. The petitioner has committed to dedicating or conveying an easement of the SWIM buffers onsite to Mecklenburg County for future greenway use.

The approval of this petition will revise the adopted future land use by the *Steele Creek Area Plan*, from residential up to 4 dwelling units per acre to office land use for the site.

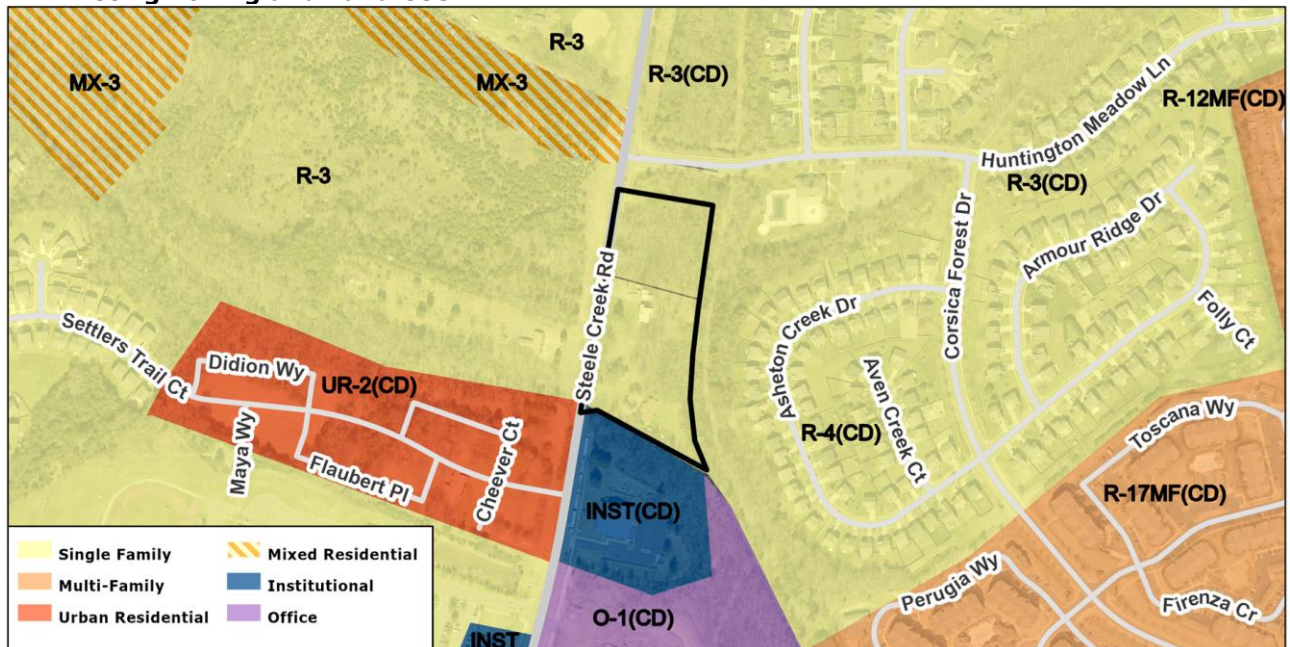
PLANNING STAFF REVIEW

• Proposed Request Details

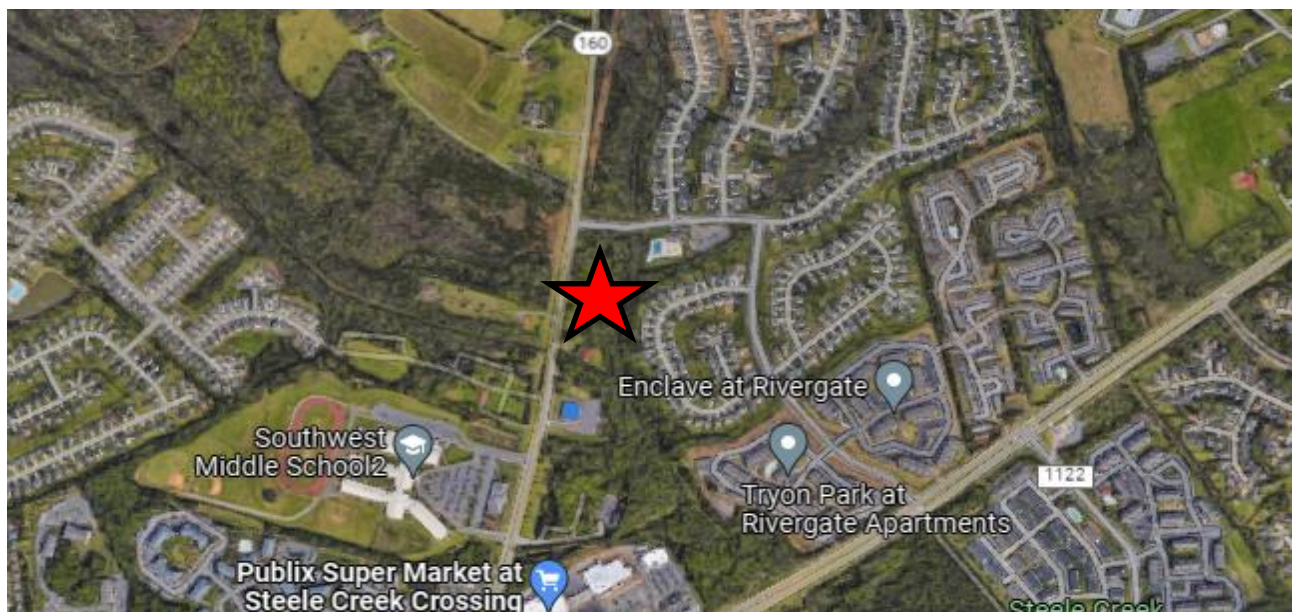
The site plan accompanying this petition contains the following provisions:

- Allows for the development of up to 36,000 square feet of medical and general office uses and clinics.
- Limits building height to 50'.
- Commits to dedicating and conveying an easement of the 50' and 100' SWIM buffers associated with Walker Branch and Walker Branch tributary to Mecklenburg County for use as a greenway.
- Commits to the following transportation improvements:
 - Right-of-way dedication of 60' from the centerline of Steele Creek Road.
 - Construction of a southbound left turn lane with 150' of storage.
 - Construction of an 8' planting strip and 12' multi-use path along the site's Steele Creek Road frontage.
- Confirms adherence to preferred architectural standards including transparent glass provisions, minimum masonry material use, and blank wall limitations.
- Limits maximum height of freestanding lighting fixtures to 26' and requires that they be capped and downwardly directed.

• Existing Zoning and Land Use



The site is surrounded by a mix of residential and non-residential zoning and uses.



The site, marked by a red star, is surrounded by a mix of uses including single family detached residential, a fraternal organization, public school, public library, and retail.



The property to the north of the site across Huntington Meadow Lane is wooded, undeveloped land.



The properties to the east of the site are developed with single family detached residential uses.

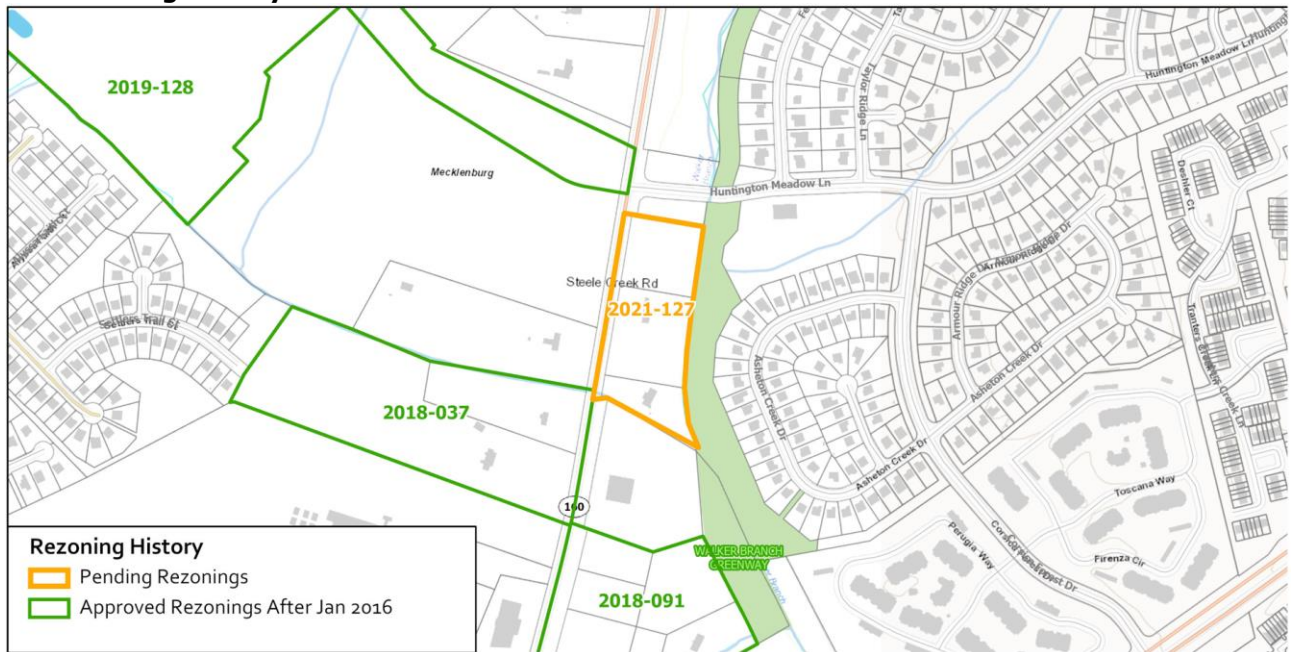


The property to the south of the site is developed with an institutional use.



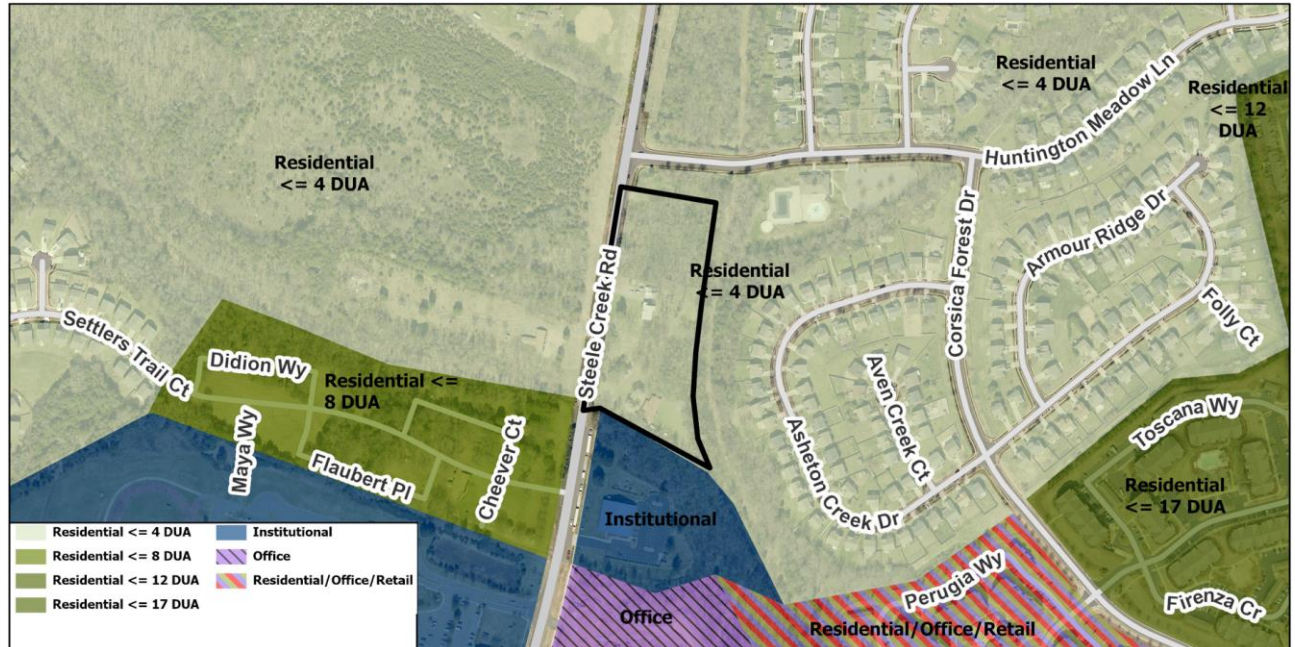
The properties to the west of the site across Steele Creek Road are under construction for single family attached residential uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-128	Request to rezone to MX-3 and UR-2(CD) to allow for the development of up to 550 single family attached and detached homes and 150 continuing care units.	Approved
2018-091	Request to modify a previously approved O-1(CD) site plan to reduce buffer and adjust language pertaining to permitted uses on the site.	Approved
2018-037	Request to rezone to UR-2(CD) to allow for the development of 75 townhomes at a density of 6.3 units per acre.	Approved

- **Public Plans and Policies**



- The *Steele Creek Area Plan* (adopted 2012) recommends residential up to 4 dwellings an acre for this site.
- **TRANSPORTATION SUMMARY**
 - The petition is located adjacent to Steele Creek Road, a State-maintained major thoroughfare south of Huntington Meadow Lane, a City-maintained local street. In accordance with the City's WALKS and BIKES Policies, and the future NCDOT TIP, U-5766 - Steele Creek Road Widening, the petitioner has committed to provide a 12-foot shared-use path along the site's frontage of Steele Creek Road and provide pedestrian connectivity to the existing pedestrian network just south of this rezoning boundary. Additionally, the petitioner has committed to improve Steele Creek Road by providing a left-turn lane and right-turn lane into the site.
 - Site plan revisions are needed to meet ordinance requirements and the outstanding items including labeling the curb line associated with STIP U-5766 and clarifying proposed and existing striping on Steele Creek Road.
- **Active Projects:**
- NC 160 Widening (NCDOT TIP U-5766B)
 - Widen NC 160 from 2 to 4-lane divided with multi-use paths
 - ROW 2024/Construction 2027 (subject to ongoing NCDOT STIP amendments)
 - <https://www.ncdot.gov/news/public-meetings/Documents/U-5766-map-3.pdf>
- **Transportation Considerations**
 - See Requested Technical Revisions, Notes 2-3.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 10 trips per day (based on one single family dwellings).
 - Entitlement: 115 trips per day (based on 9 single family dwellings).
 - Proposed Zoning: 1,300 trips per day (based on 36,000 square feet medical office).

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-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:** 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 Steele Creek Rd. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 21-inch gravity sewer main located along Steele Creek Rd. See advisory comments at www.rezoning.org
- **City Arborist:** No outstanding issues.
- **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:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.

REQUESTED TECHNICAL REVISIONSLand Use

1. Label the site plan with rezoning petition number 2021-127.

Transportation

2. Label and dimension the U-5766 curb line measured from the existing centerline.
 3. Revise the site plan by clearly labeling the existing and proposed striping on Steele Creek Road by the approved Parkside Crossing development.
-





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









Planner: Joe Mangum (704) 353-1908

Goals Relevant to Rezoning Determinations RZP 2021-127

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.	N/A

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>



Agenda Date: 12/20/2021

Agenda #: 32. **File #:** 15-17052 **Type:** Zoning Hearing

Rezoning Petition: 2021-155 by Habitat for Humanity of the Charlotte Region, Inc.

Location: Approximately 0.62 acre located at the northwest intersection of Central Avenue and Medallion Drive, west of Kilborne Drive, and east of Eastway Drive. (Council District 1 - Egleston)

Current Zoning: O-6 (CD) (office, conditional)

Proposed Zoning: R-22MF (multi-family residential)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

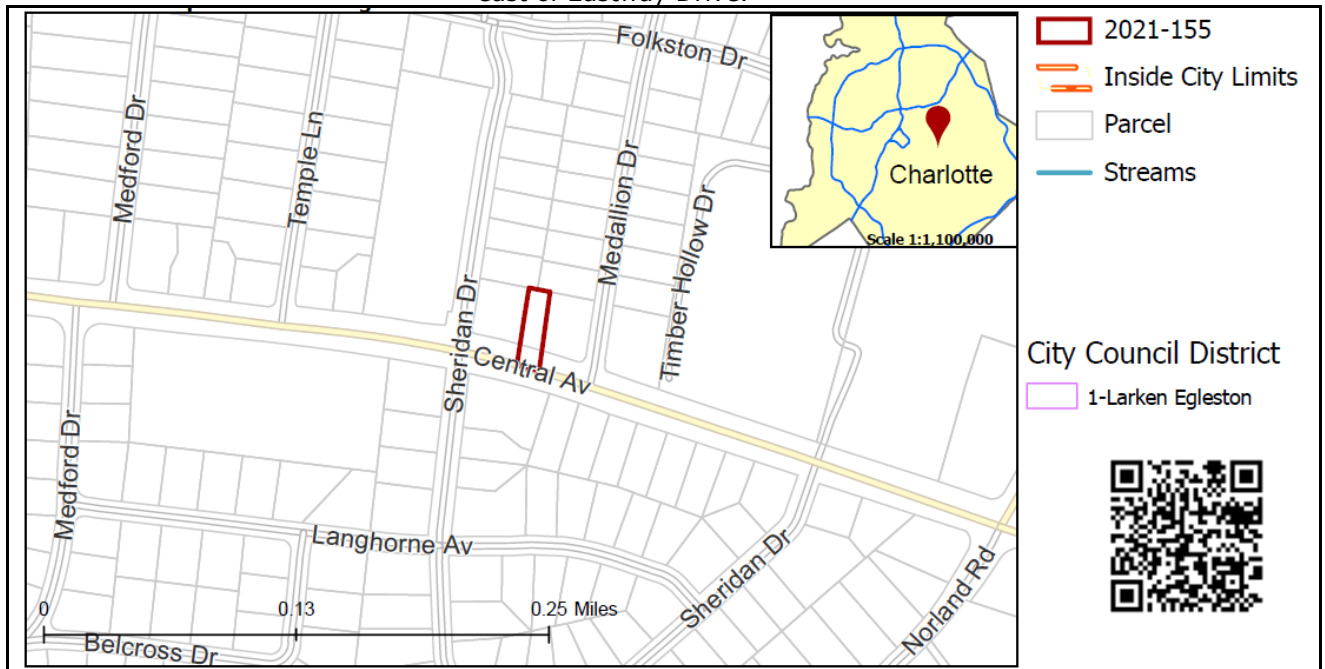
Pre-Hearing Staff Analysis

REQUEST

Current Zoning: O-6(CD) (office, conditional) Proposed Zoning: R-22MF (multi-family residential)

LOCATION

Approximately 0.27 acres located at the northwest intersection of Central Avenue and Medallion Drive, west of Kilborne Drive, and east of Eastway Drive.



SUMMARY OF PETITION

The petition proposes to allow all uses in the R-22MF zoning district on a parcel that is currently vacant.

PROPERTY OWNER

Habitat for Humanity of the Charlotte Region, Inc.

PETITIONER

Habitat for Humanity of the Charlotte Region, Inc.

AGENT/REPRESENTATIVE

Bridget Grant

COMMUNITY MEETING

Meeting is not required.

STAFF

RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Eastland Area Plan* (2003) recommendation for single family uses up to four dwelling units per acre for the site.

Rationale for Recommendation

- The remainder of this parcel is zoned R-22MF, this rezoning would bring the parcel under one consistent zoning district rather than split into two different zoning districts.
- The subject site is directly adjacent to other areas zoned R-22MF.
- If the rezoning is approved, the overall density allowed on this parcel would only marginally increase from approximately 15 dwellings units per acre to 20 dwelling units per acre.
- The site is located along Central Avenue, a major thoroughfare, making it an appropriate location for moderately dense residential development.

The approval of this petition will revise the adopted future land use as specified by the *Eastland Area Plan* (2003), from single family residential uses up to four dwelling units per acre to multi-family residential uses up to 22 dwelling units per acre for the site.

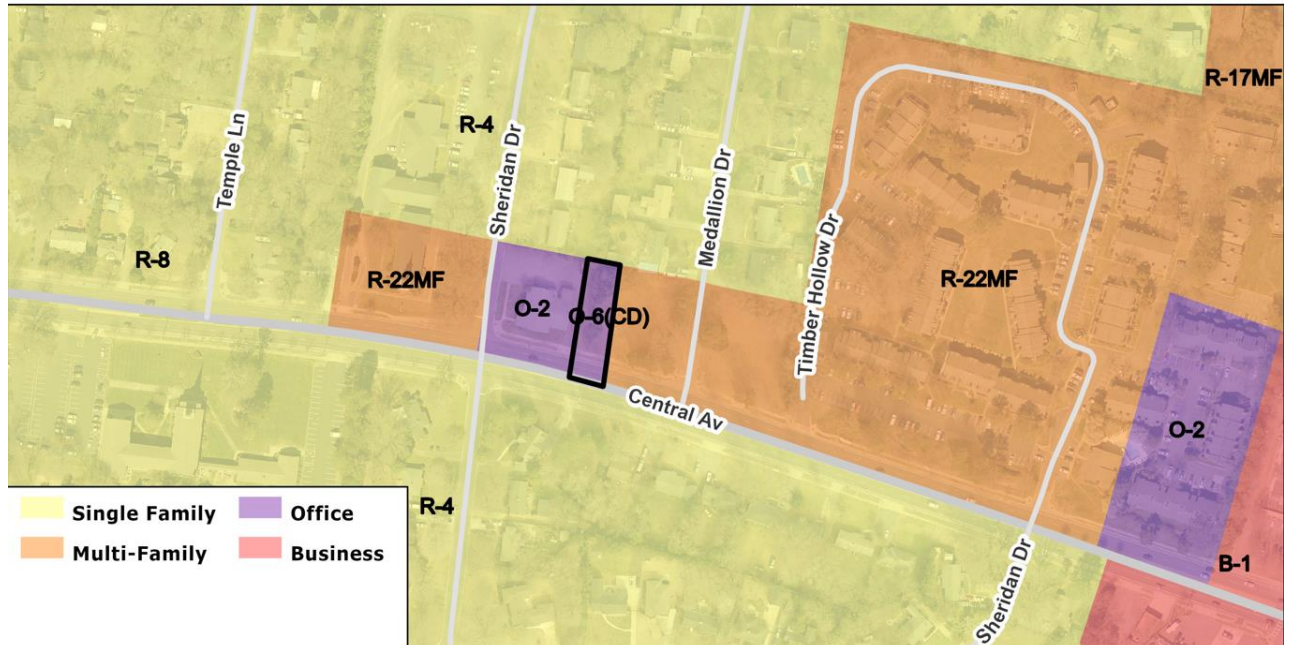
PLANNING STAFF REVIEW

- **Proposed Request Details**

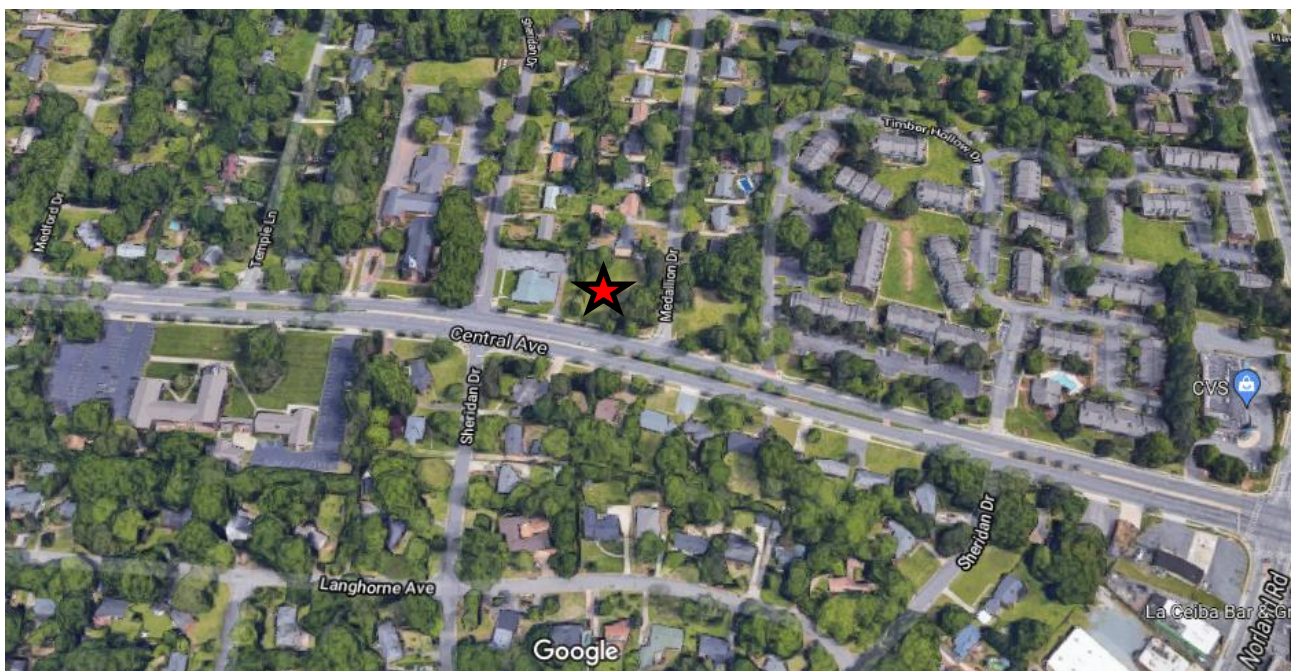
This is a conventional rezoning petition with no associated site plan.

- Allows all uses in the R-22MF (multi-family residential) zoning district.

- **Existing Zoning and Land Use**



- The site is zoned O-6(CD), from rezoning petition 1986-072. The surrounding land uses include office, multi-family residential, single family residential, and institutional.



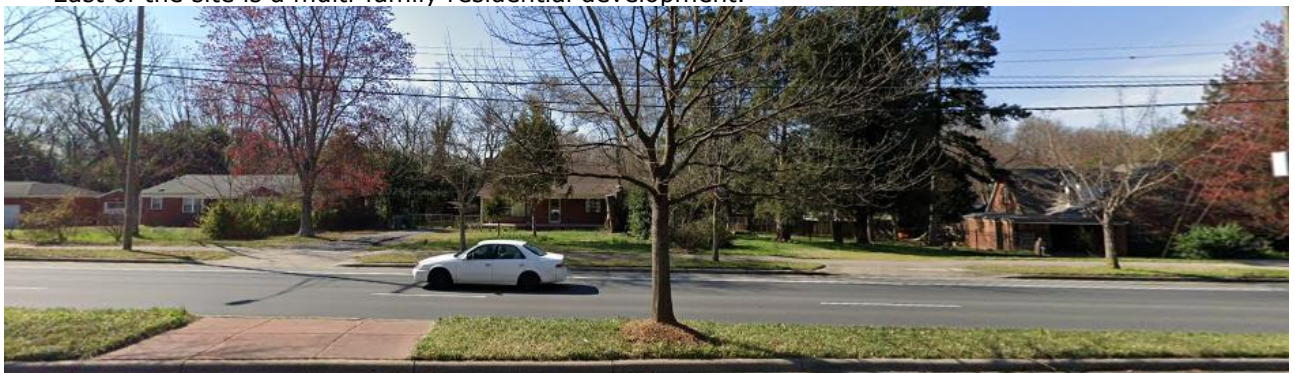
- The subject site is denoted with a red star.



- North of the site are single family residential uses.



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



- South of the site are single family residential uses.



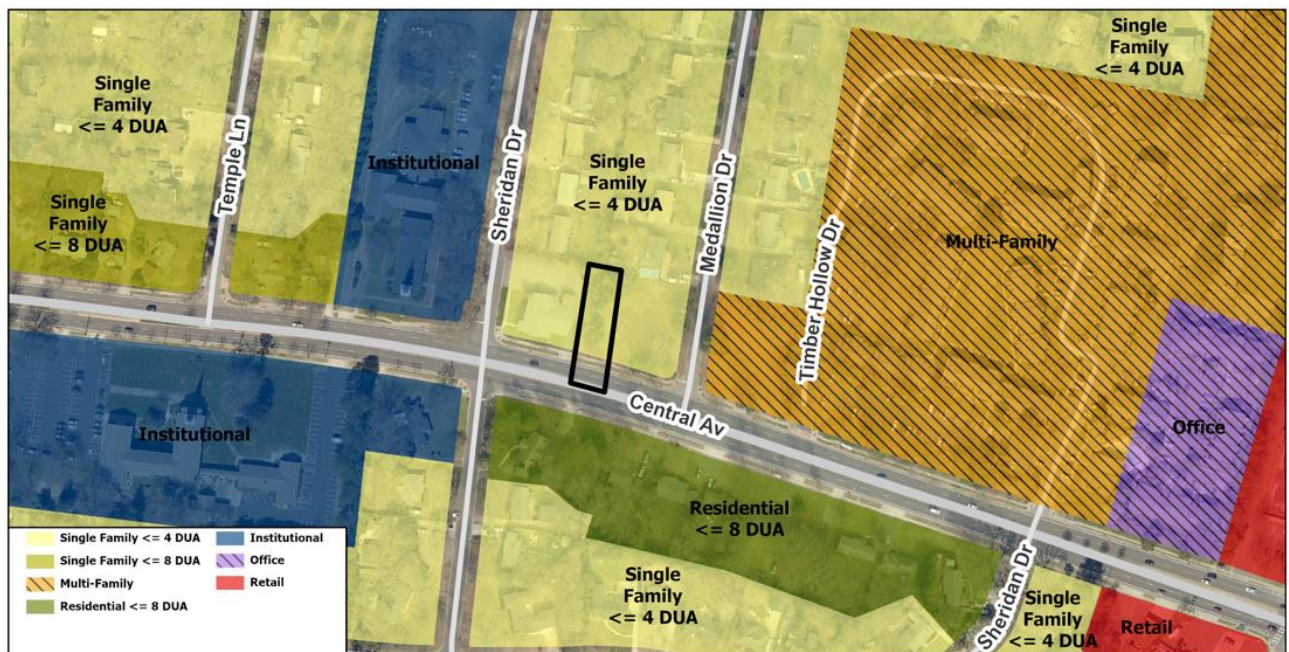
- West of the site is a medical office.

- **Rezoning History in Area**



- There have been no recent rezonings in the area.

- **Public Plans and Policies**



- The *Eastland Area Plan* (2003) recommends single family uses up to four dwelling units per acre for this site.
- **TRANSPORTATION SUMMARY**
 - The site is located adjacent to Medallion Drive, a City-maintained local street and Central Avenue, a City-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:**
 - Central/Norland/Kilborne Ped/Bike Improvements
 - Status: Design
 - Scope: Construct a pocket park, bike lanes, sidewalk, crosswalk, intersection improvements, wheelchair ramps, and highlight the historical attributes of the area.
 - PM: Mark Grimshaw
- **Transportation Considerations**
 - No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (parcel is vacant).

Entitlement: 0 trips per day (based on parking lot use).

Proposed Zoning: 30 trips per day (based on 5 dwelling 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 outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 1 student, while the development allowed under the proposed zoning may produce 2 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 1 student.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Merry Oaks International Academy from 81% to 81%
 - Eastway Middle from 117% to 117%
 - Garinger High from 117% to 117%.
- **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 # 2021-155

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.	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

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>✓</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>



Agenda Date: 12/20/2021

Agenda #: 33.**File #:** 15-17043 **Type:** Zoning Hearing

Rezoning Petition: 2021-136 by Habitat for Humanity of the Charlotte Region, Inc.

Location: Approximately 2.38 acres located on the south side of East Lane Drive, west of East W.T. Harris Boulevard, and east of Independence Boulevard. (Council District 5 - Newton)

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

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

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding issues and technical revisions related to site and building design, transportation, and environment.

Attachments:

Pre-Hearing Staff Analysis

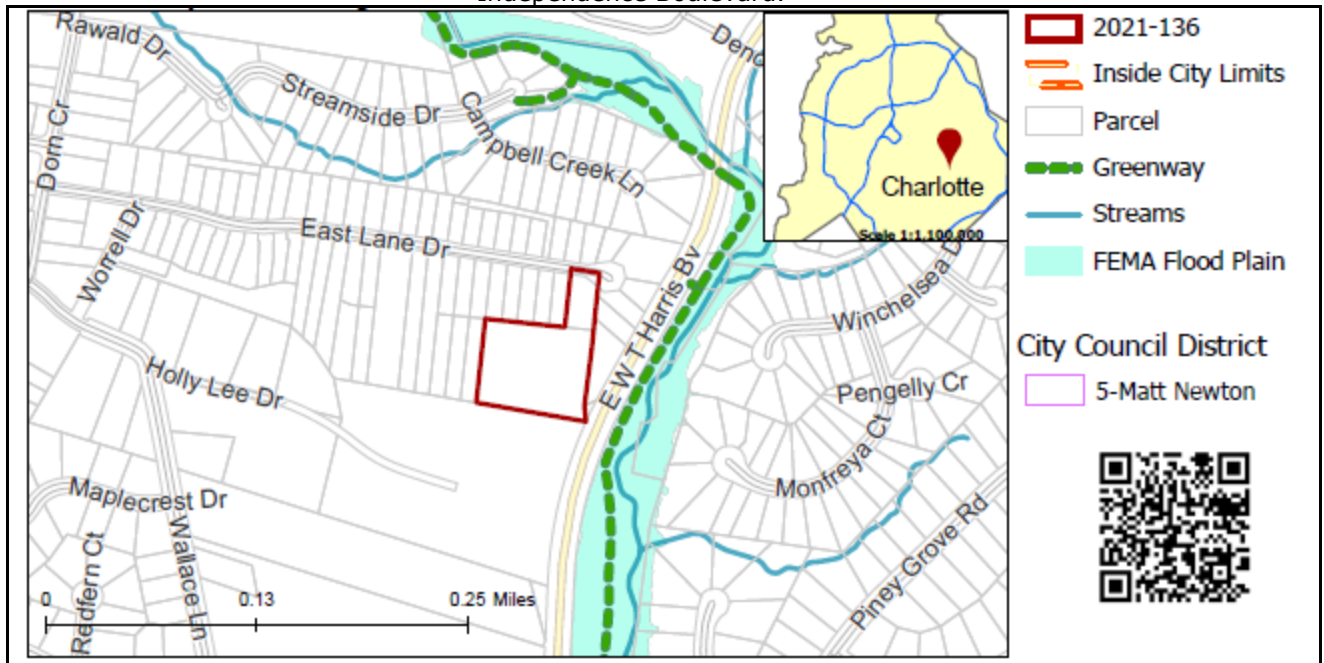
Site Plan

REQUEST

Current Zoning: R-4, single family residential
Proposed Zoning: R-8MF(CD), multi-family, conditional

LOCATION

Approximately 2.38 acres located on the south side of East Lane Drive, west of East W.T. Harris Boulevard, and east of Independence Boulevard.



SUMMARY OF PETITION

The petition proposes to develop the vacant site with a multi-family community containing up to 18 single family attached townhome dwellings for a density of about 7.56 units per acre east of Independence Boulevard near East WT Harris Boulevard.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Habitat for Humanity of the Charlotte Region, Inc.
Habitat for Humanity of the Charlotte Region, Inc.
Bridget Grant, Moore & Van Allen

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 9.

STAFF
RECOMMENDATION

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

Plan Consistency

The petition is **inconsistent** with the *Independence Boulevard Area Plan* density recommendation for residential up to 4 units per acre.

Rationale for Recommendation

- The proposed residential land use aligns with the adopted plan policy; however, the proposed density is 7.56 DUA.
- The parcel shape and location at the end of the cul-de-sac make it difficult to continue the single family lot pattern that currently exists in the neighborhood.

- The proposal provides housing options and a mix of housing types in the area.
- The proposal develops a vacant parcel and does not eliminate existing housing in the neighborhood.
- The plan provides buffers adjacent to single family homes and building design standards to ensure compatibility with surrounding residential uses.

The approval of this petition will revise the adopted future land use as specified by the *Independence Boulevard Area Plan*, from residential use up to 4 dwellings per acre to residential up to 8 units per acre for the site.

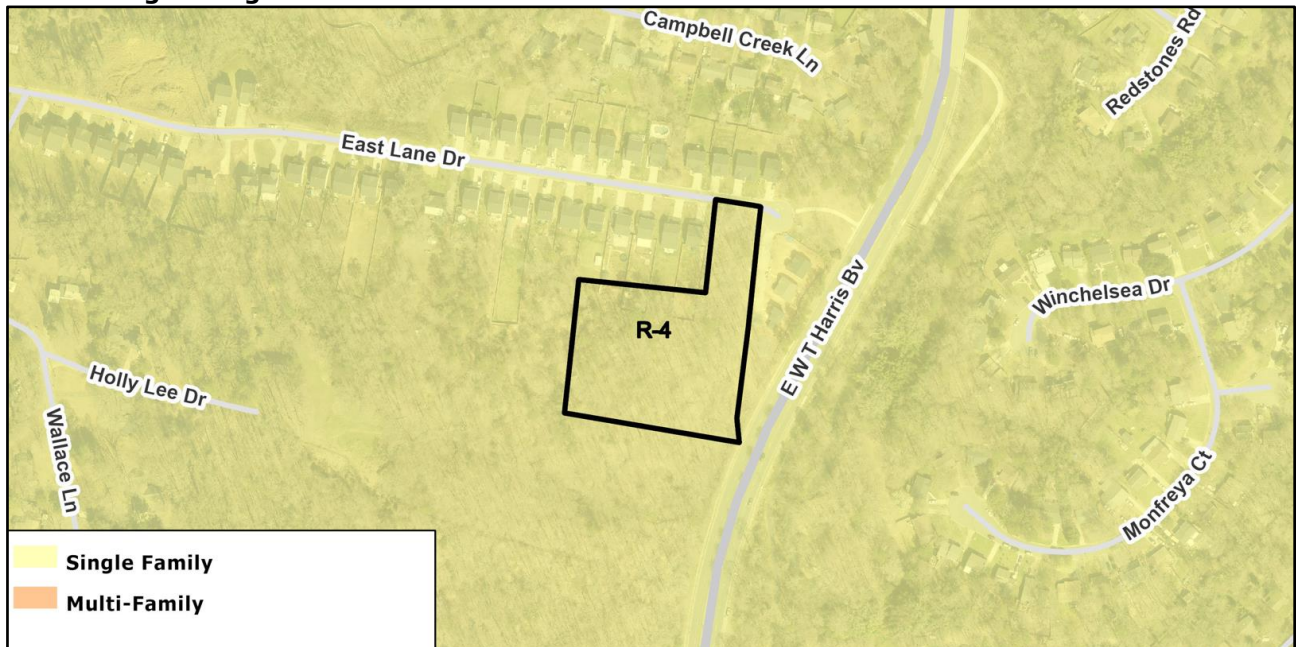
PLANNING STAFF REVIEW

• Proposed Request Details

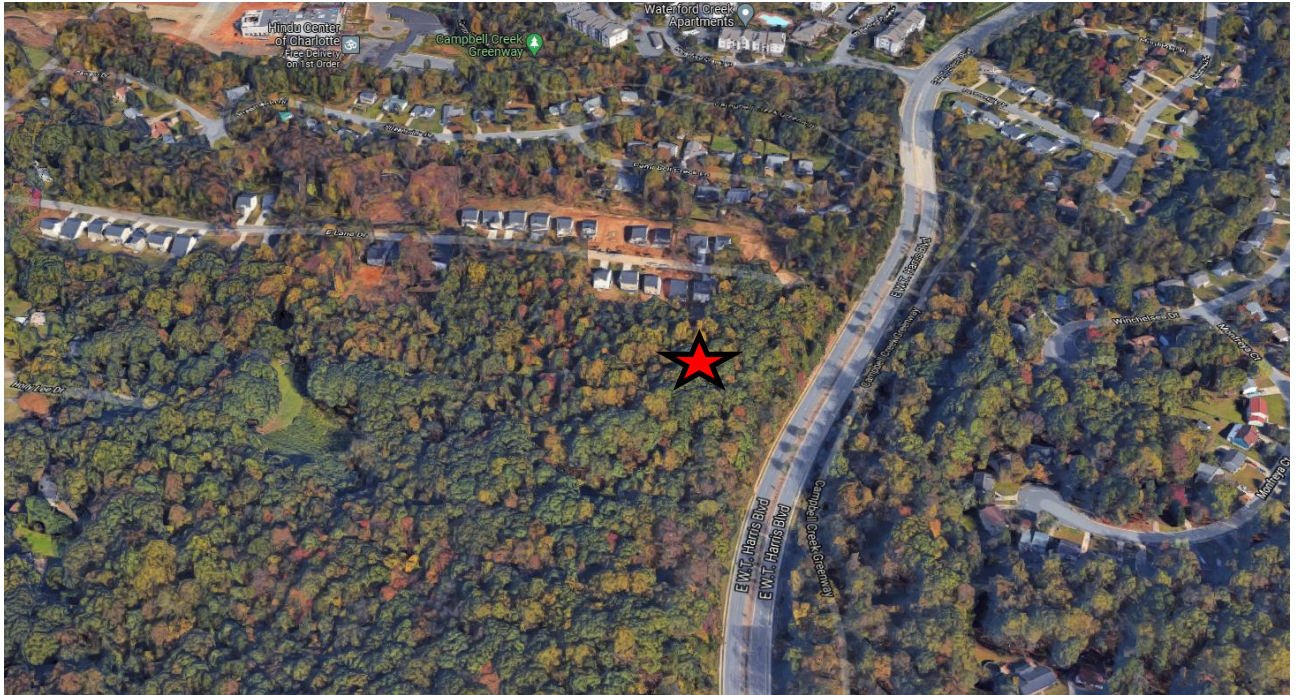
The site plan accompanying this petition contains the following provisions:

- Allows up to 18 multi-family dwellings depicted in a townhome style, for a density of 7.56 units per acre.
- Limits the building height to two stories or 48 feet.
- Specifies no more than 4 buildings allowed on the site.
- Provides a 20ft Class C buffer reduced by 25% with a fence along the property boundaries adjacent to single family homes.
- States that initial sale of units will be to those earning up to 80% area median income.
- Vehicular and pedestrian access to the site from East Lane Drive via a private drive and sidewalk.
- Provides 8ft planting strip and 6 ft sidewalk along the site frontage of East Lane Drive.
- Provides architectural standards related to allowed building façade materials, minimum size of porches/stoops, pitched roofs and screening of mechanical equipment and meter banks from view at grade.
- Limits height of detached lighting to 21 feet in height.

• Existing Zoning and Land Use



The site is located in the residential area developed with single family homes. There are several larger mostly vacant parcels south of the site.



The site (indicated by the red star above) is located at the end of East Lane Drive in a residential area. There is access to Campbell Creek Greenway via sidewalk connection at the end of East Lane Drive and a pedestrian crossing south of the site on E WT Harris.



The site is currently vacant.

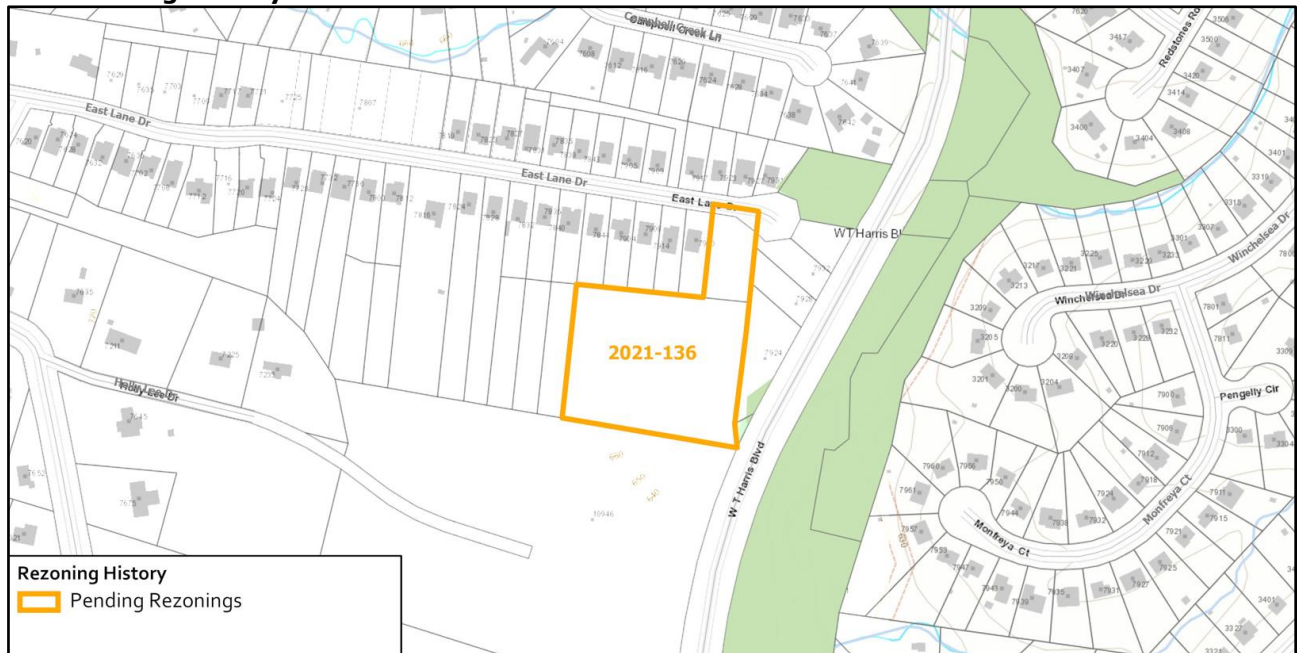


There are single family homes to the north, east and west of the site portion of the site that provides access to East Lane Drive. The single family homes are located north of the area where the proposed townhomes will be located.



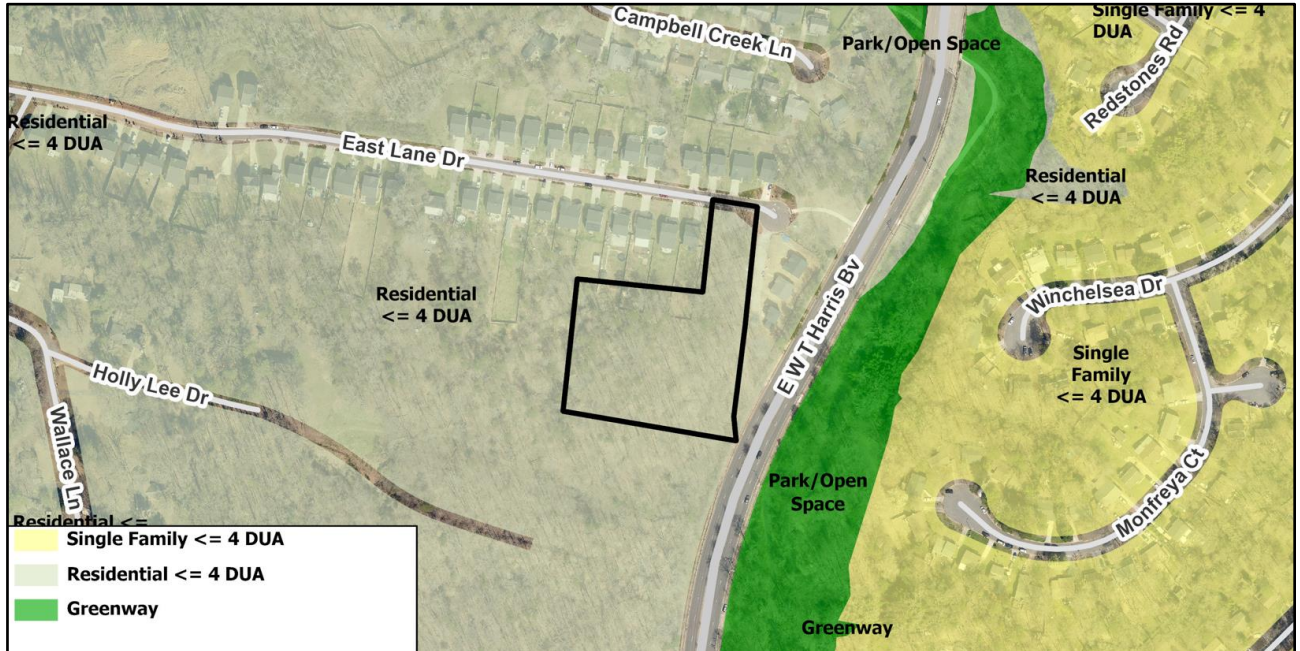
South of the site is vacant land accessed from Holly Lee Drive.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-025	13.05 acres about ½ mile west of the site (off map) on Wallace Lane to UR-2(CD) to allow a townhome community.	Approved

- **Public Plans and Policies**



- The Independence Boulevard Area Plan (2011) recommends residential use up to 4 dwellings per acre.
- **TRANSPORTATION SUMMARY**
 - The site is located on East Lane Drive, a City-maintained local street and adjacent to East W.T. Harris Boulevard, a State-maintained major thoroughfare. A Traffic Impact Study (TIS) is not needed for this petition. In accordance with the Charlotte WALKS Policy and City Ordinances, the petitioner will need to construct an 8-foot planting strip and 6-foot sidewalk along East Lane Drive. Site plan revisions are needed to meet ordinance requirements and the outstanding items including but not limited to labeling the existing right-of-way, providing a 2-foot sidewalk utility easement at the back of sidewalk, and labeling the proposed 8-foot planting strip and 6-foot sidewalk on East Lane Drive
 - **Active Projects:**
 - No projects near the site.
 - **Transportation Considerations**
 - See Outstanding Issues, Note 6-7 and Technical Revisions 18-19.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant use).
 - Entitlement: 115 trips per day (based on 9 single family homes).
 - Proposed Zoning: 100 trips per day (based on 18 multi-family dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See Outstanding Issues, Note 6
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 5 students, while the development allowed under the proposed zoning may produce 4 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:
 - Piney Grove Elementary at 128%
 - Albemarle Road Middle at 117%
 - Butler High at 106%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along WT Harris Blvd.

Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along East Lane Dr. See advisory comments at www.rezoning.org

- **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:** See Outstanding Issues, Note 11.

OUTSTANDING ISSUES

Site and Building Design

1. Amend all references to multi-family dwellings to say single family attached dwellings if the units will be for sale townhomes.
2. Amend the data table to provide maximum building height in feet. A two-story unit is usually less than 48 feet. Staff requests the maximum height be reduced to 40 feet.
3. If exterior doorways are located along the drive/parking curb then a minimum of 15 ft of separation is required between the building and the drive/parking curb.
4. Provide raised entrances when facing the sidewalk along the drive.
5. Commit to a proposed location and minimum area for usable open space.
6. Ensure appropriate Fire access is provided. For non-sprinkled buildings Fire department must be able to reach 150' to all exterior portion of building. Ensure the width of the drive is approved by Fire and turning radius and turnarounds meet Fire access requirements.
7. Add a commitment to provide landscape screening along the western side of the entrance drive between the drive and the single family home.
8. Amend the site plan to clearly depict the following: tree save areas, buffer area, rezoning boundary and usable open space.

Transportation

9. Revise site plan and conditional note(s) to commit to label and dimension the right-of-way from the road centerline. Petitioner to provide a 2-foot sidewalk utility easement (S.U.E.) at the back of sidewalk per CLDSM U-02.
10. Revise site plan to show an 8-foot planting strip, and 6-foot sidewalk on East Lane Drive per Chapter 19. The site plan should label and dimension both items from the back of curb and gutter and road centerline.

Environment

11. Clearly show tree save calculations and area on plan.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

12. Identify/label the box in the lower left corner of the site at the edge of the parking.
13. Clarify if the wood fence shown on the plan is to be provided or exists.
14. Amend label for buffer to say "20ft Class C buffer reduced 25% by 6ft fence"
15. Show/label 20 ft side yard along the eastern property line, along the western property next to the entrance drive and label the setback along East Lane Drive. Minimum is 27ft.
16. Amend note 5 e. to replace "per Ordinance" with per "Section 9.303(19)(e)."
17. Ensure site area listed in the development table is accurate; according to GIS the site appears to be about 2.5 acres.

Transportation

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

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





Planner: John Kinley (704) 336-8311









Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-136

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.	X

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>



Agenda Date: 12/20/2021

Agenda #: 34. **File #:** 15-17035 **Type:** Zoning Hearing

Rezoning Petition: 2021-075 by Kinger Homes, LLC

Location: Approximately 7.69 acres located on the southwestern corner of the intersection of Steele Creek Road and Hamilton Road. (ETJ: BOCC - 6-Rodriguez-McDowell; closest CC 3-Watlington)

Current Zoning: UR-1(CD) (urban residential, conditional)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

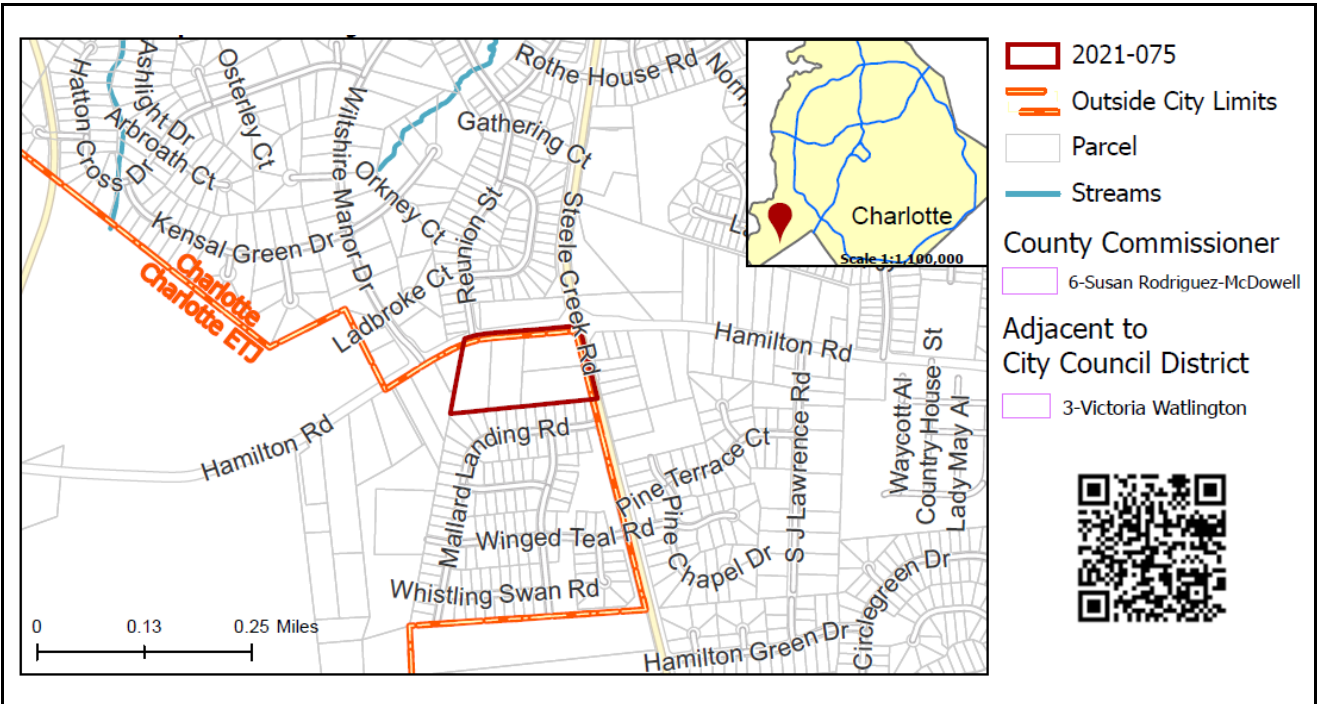
Site Plan

REQUEST

Current Zoning: UR-1(CD) (Urban Residential, Conditional)
Proposed Zoning: UR-2(CD) (Urban Residential, Conditional)

LOCATION

Approximately 7.69 acres located on the southwestern corner of the intersection of Steele Creek Road and Hamilton Road.



SUMMARY OF PETITION

The petition proposes to amend a previously approved site plan in the Steele Creek community to alter the location of single family attached units. The request maintains the previously approved number of units (32) and density (4.16 dwelling units per acre).

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE

Kinger Homes LLC
Kinger Homes LLC
Dhanesh Kumar

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 upon resolution of outstanding issues related to site and building design and transportation and a requested technical revision related to transportation.

Plan Consistency

The petition is **consistent** with the *Steele Creek Area Plan* residential land use up to 5 dwellings an acre recommended for this site, as amended by rezoning petition 2018-077.

Rationale for Recommendation

- The proposed rezoning does not increase the number of dwelling units (32) per acre, making it consistent with the adopted residential up to five dwellings an acre for this site.

- The proposed development will provide a different housing choice at a density that is comparable to the surrounding single family detached residential.
- The proposed development will install multimodal infrastructure along both public street frontages where none currently exists.
- A buffer will be provided between the adjacent detached single family homes and proposed attached single family homes to minimize impact to the existing homes.

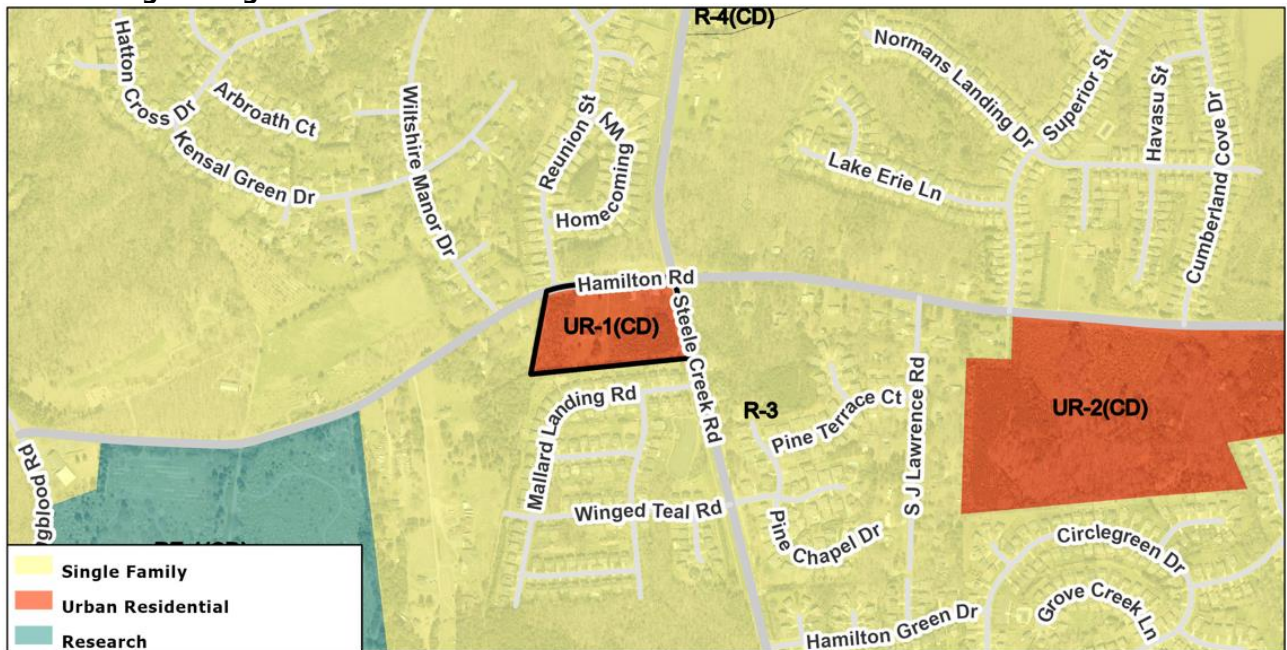
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan amendment contains the following changes:

- Amends the layout of a previously approved rezoning petition.
- Proposes the same number (32) of dwelling units and type (single family attached).
- Proposes primarily front-loaded units versus primarily alley loaded units.
- Requests maximum building height of 100' as opposed to 40'.
- Proposes a 6' multi-use path along Hamilton Road as opposed to 12' multi-use path.

• Existing Zoning and Land Use



This site was rezoned via petition 2018-077 to permit 32 single family attached dwelling units. The site, located at the intersection of Hamilton Road and Steele Creek Road, is surrounded by single family residential uses.



Aerial view of the site, marked by a red star, surrounded by single family residential uses and wooded undeveloped land.



The properties to the north of the site across Hamilton Road are developed with single family residential uses.



The properties to the east of the site are wooded and undeveloped.

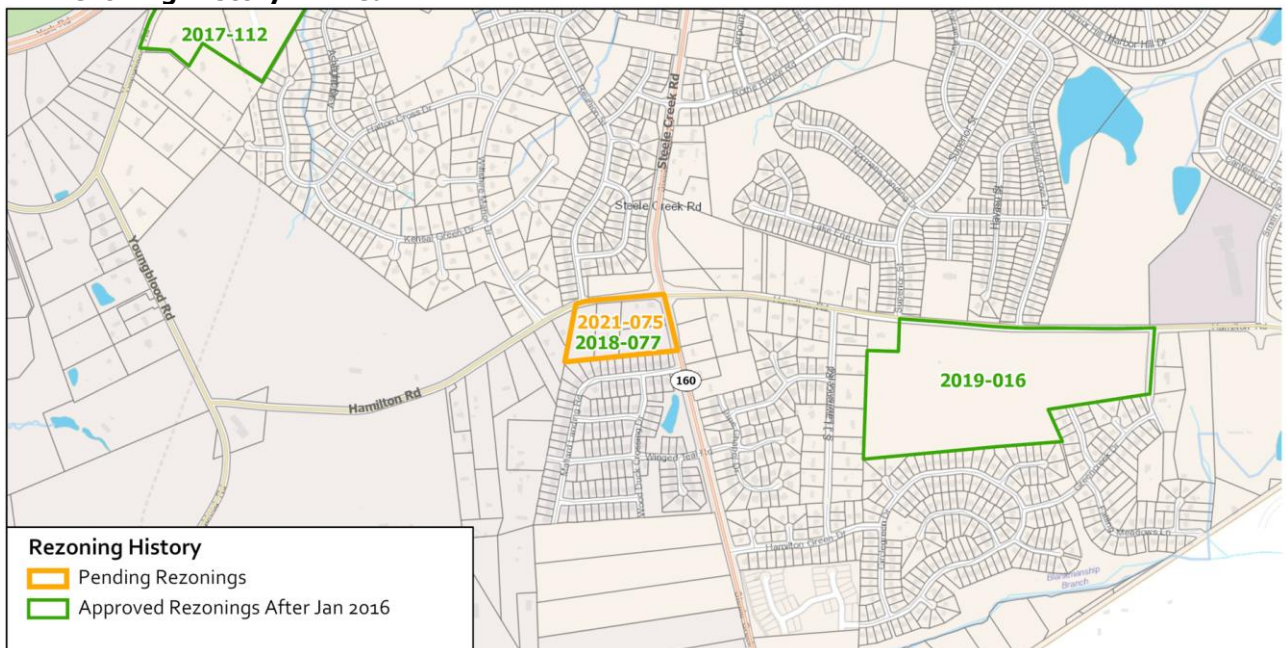


The properties to the south of the site are developed with single family residential uses.



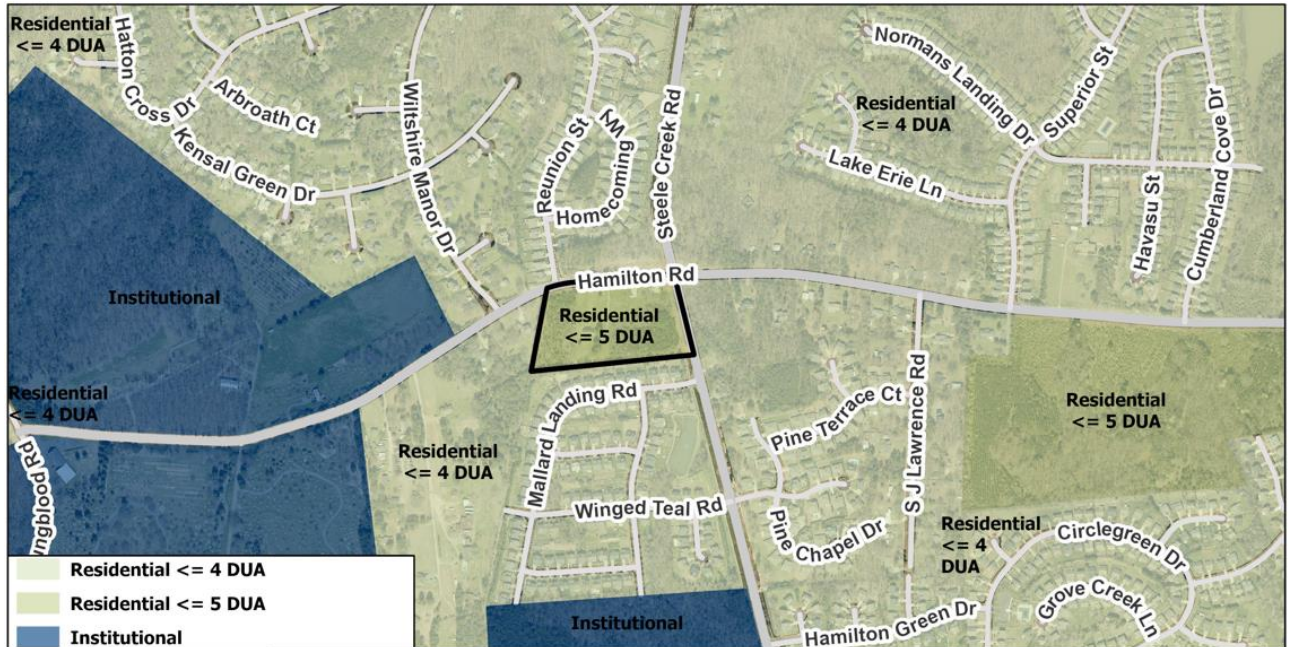
The properties to the west of the site are developed with large lot single family residential uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-016	The petition rezoned 42.13 acres to UR-2(CD) to allow for the development of 206 single family attached homes.	Approved
2018-077	The petition rezoned 7.69 acres to UR-1(CD) to allow for the development of up to 32 single family attached homes.	Approved
2017-112	The petition rezoned 30 acres to R-12MF(CD) and BD(CD) to allow for the development of up to 240 multifamily residential units and 90,000 square feet of indoor climate controlled storage.	Approved

- **Public Plans and Policies**



The *Steele Creek Area Plan* (adopted 2012), as amended by rezoning petition 2018-077, recommends residential up to 5 dwelling units an acre for this site.

- **TRANSPORTATION SUMMARY**

- The site is located at the intersection of Hamilton Road, a State-maintained minor thoroughfare and Steele Creek Road (NC 160), a State-maintained major thoroughfare. The site is in proximity of two NCDOT TIP projects, including NC 160/Hamilton Road intersection project, which proposes an offset intersection along Hamilton Road and addition of turn lanes and accessible ramps and the NC 160 Widening Project. Additionally, in accordance with City Ordinances and WALKS and BIKES Policies, the petitioner has committed to providing an internal pedestrian network along the proposed public streets and provide a 12-foot shared-use path along the site's frontages of Hamilton Road and Steele Creek Road. Site plan revisions are needed to meet ordinance requirements and the outstanding items include, but are not limited to, revising site plan to provide protected driveway stems at access points and alleys, and including curb ramps in accordance with PROWAG Standards. Further details are listed below.

Active Projects:

- NC 160 / Hamilton Road intersection project, NCDOT TIP U-5762
 - Currently under construction
- NC 160 Widening, NCDOT TIP U-5766A
 - Planned but not scheduled for construction: <https://www.ncdot.gov/news/public-meetings/Pages/U-5766-2019-08-19.aspx>

- **Transportation Considerations**

- See Outstanding Issues, Notes 2-5 and Requested Technical Revision, Note 6.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 20 trips per day (based on two single family dwellings).

Entitlement: 205 trips per day (based on 32 townhomes).

Proposed Zoning: 205 trips per day (based on 32 townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **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:** No comments submitted.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 32 students, while the development allowed under the proposed zoning may produce 32 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 0.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - River Gate Elementary at 100%.
 - Southwest Middle at 139%.
 - Olympic High at 126%.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel. The applicant should contact Charlotte Water's New Services at (704) 432-2854 for more information regarding accessibility to sewer system connections. No outstanding issues.
- **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:** No comments submitted.
- **Urban Forestry:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. Correct maximum building height note to reflect a maximum height of 40'.

Transportation

2. Revise the driveway stems associated with Public Street A and Public Street B. NCDOT measures driveways stems from the proposed right-of-way line.
3. Per PROWAG guidelines, revise site plan to include two curb ramps at each corner of each public street intersection.
4. Revise the site plan and conditional notes to commit to construct a 12-foot shared-use path along the site's Hamilton Road frontage. This shared-use path shall connect to the 12-foot shared-use path proposed along Steele Creek Road.
5. Revise the site plan by providing a minimum 20-foot driveway stem, measured from the right-of-way of proposed Public Street B, prior to the parking on Private Alley A.

REQUESTED TECHNICAL REVISIONS

Transportation

6. Revise the site plan by removing the "U-03" from the proposed public streets' cross section classification, as the proposed dimensions of each public street reflect the U-02 cross section.





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








Planner: Joe Mangum (704) 353-1908

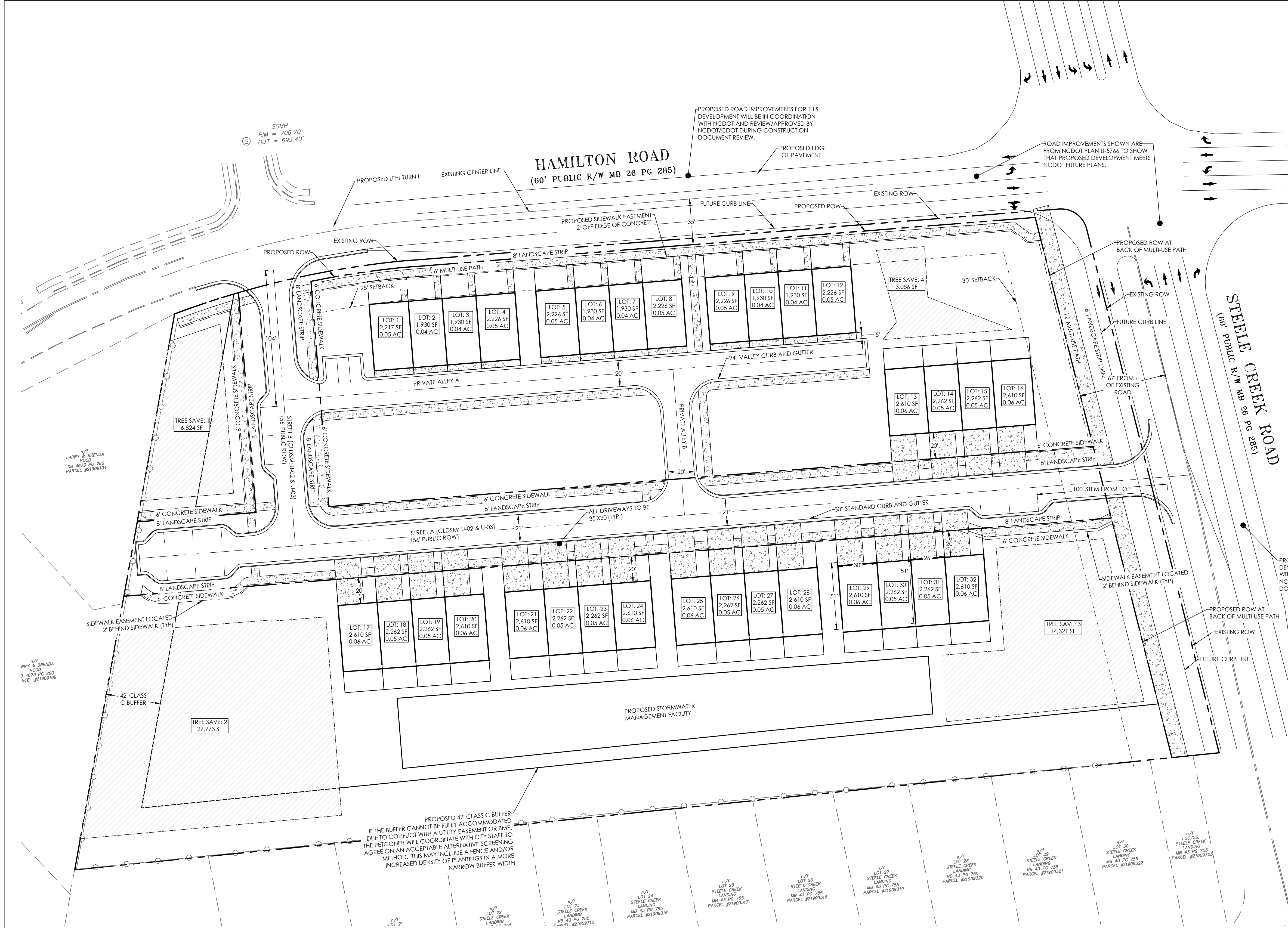
Goals Relevant to Rezoning Determinations RZP 2021-075

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.	✗

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>



LEGEND			
	PROJECT BOUNDARY		BUILDING HATCH
	PROPOSED BUILDING CURB AND GUTTER		FULL DEPTH ASPHALT
	BUILDING SETBACK		SIDEWALK
	IRRIGATION CONDUIT		HEAVY DUTY PAVEMENT
	EXISTING SURVEY		COMPACT CAR SPACE
	STOP SIGN W/ WHITE STOP BAR		HANDICAPPED PARKING SYMBOL
	PARKING ROW COUNT		

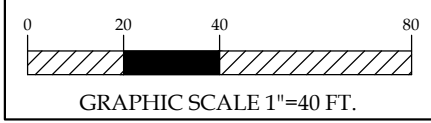
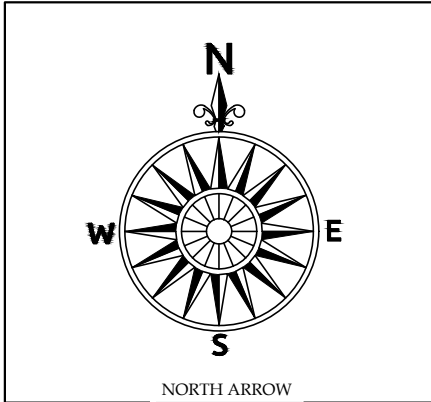
SITE DATA TABLE	
PARCEL ID	219-091-26, 219-091-27, 219-091-28, 219-091-29
LOCATION	HAMILTON AND STEELE CREEK ROAD
JURISDICTION	CHARLOTTE
OWNER	KINGER HOMES LLC
ZONING	UR-2(CD)
TOTAL PARCEL AREA	7.691 AC - 334,976 SF
PROPOSED USE	SINGLE FAMILY ATTACHED TOWNHOMES
PROPOSED BUILDING PRODUCT	2-STORY TOWNHOUSE
UNIT DENSITY	32 UNITS TOTAL (4.16 UPA)
MIN. FRONT / STREET SETBACK	NEW STREETS = 14' BOC / HAMILTON = 25' R/W / STEELE CREEK = 30' R/W
MIN. SIDE SETBACK	5'
MIN. REAR SETBACK	10'
MAX. BUILDING HEIGHT	100'
PARKING SPACES REQUIRED	48 SPACES (1.5 SPACES PER UNIT)
REQUIRED TREE SAVE	15% - (50,246 SF - 1.15 AC)
MIN PROVIDED OPEN SPACE	15% - (50,246 SF - 1.15 AC)
FEMA MAP NUMBER	3710447900K
FEMA MAP DATE	9/2/2015
SOIL TYPES	CeB2 (65%), ApB (35%)
TRASH COLLECTION	TRASH: (1) 8 CY DUMPSTER - RECYCLE: 144 SF
BUFFER REQUIREMENTS	WEST & SOUTH: 42' TYPE C BUFFER EAST & NORTH: NO BUFFER
ALL ARCHITECTURAL DESIGN STANDARDS SHALL APPLY	
SITE LIGHTING BY OTHERS & SHALL COMPLY WITH LAND DEVELOPMENT STANDARDS	
PROJECT TO BE DEVELOPED IN TWO(2) PHASES	

NOTE:

1. SITE HAS BEEN PREVIOUSLY REZONED. REZONING CASE 2018-077.

2. TYPICAL UNIT SIZE IS 30' X 51' (EXTERIOR UNIT) AND 26' X 51' (INTERIOR UNIT).

GARBAGE AND RECYCLE TO BE PROVIDED VIA ROLL OUT CANS STORED IN GARAGES OF UNITS. IN THE EVENT THAT CITY WASTE MANAGEMENT WILL NOT COLLECT TRASH AND RECYCLE PRIVATE COLLECTION WILL BE SOUGHT AFTER BY OWNERSHIP. PETITIONER COMMITS TO RESERVING AN AREA FOR FUTURE COMMUNAL DUMPSTER/RECYCLE AREA TO BE REVIEWED DURING CONSTRUCTION DOCUMENT PROCESS.



PRELIMINARY
NOT FOR
CONSTRUCTION

ENGINEER'S SEAL

LATITUDE 35
DESIGN GROUP
1109 DAYBROOK DRIVE
KANNAPOLIS NC 28081
P: 704-956-1982
NORTEL LLC # C-8850

C03 - SITE PLAN.DWG
PROJECT NUMBER: 2021-002
DATE: 11/01/2021 DRAWN BY: TSG
REVISIONS:

REZONING PLAN
RZP-2021-075

TOWNS AT HAMILTON

15500 & 15510 STEELE CREEK RD, CHARLOTTE NC 28273
13301 & 13315 HAMILTON RD, CHARLOTTE NC 28278





City of Charlotte

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

Agenda Date: 12/20/2021

Agenda #: 35.**File #:** 15-17038 **Type:** Zoning Hearing

Rezoning Petition: 2021-091 by Chick-Fil-A, Inc.

Location: Approximately 1.21 acres located at the southeast intersection of South Boulevard and Carolina Pavilion Drive South, north of Interstate 485. (Council District 6-Bokhari)

Current Zoning: TOD-CC (transit-oriented development - community center)

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

Staff Recommendation:

Staff recommends approval of this petition upon resolution of technical revisions related to site and building design.

Attachments:

Pre-Hearing Staff Analysis

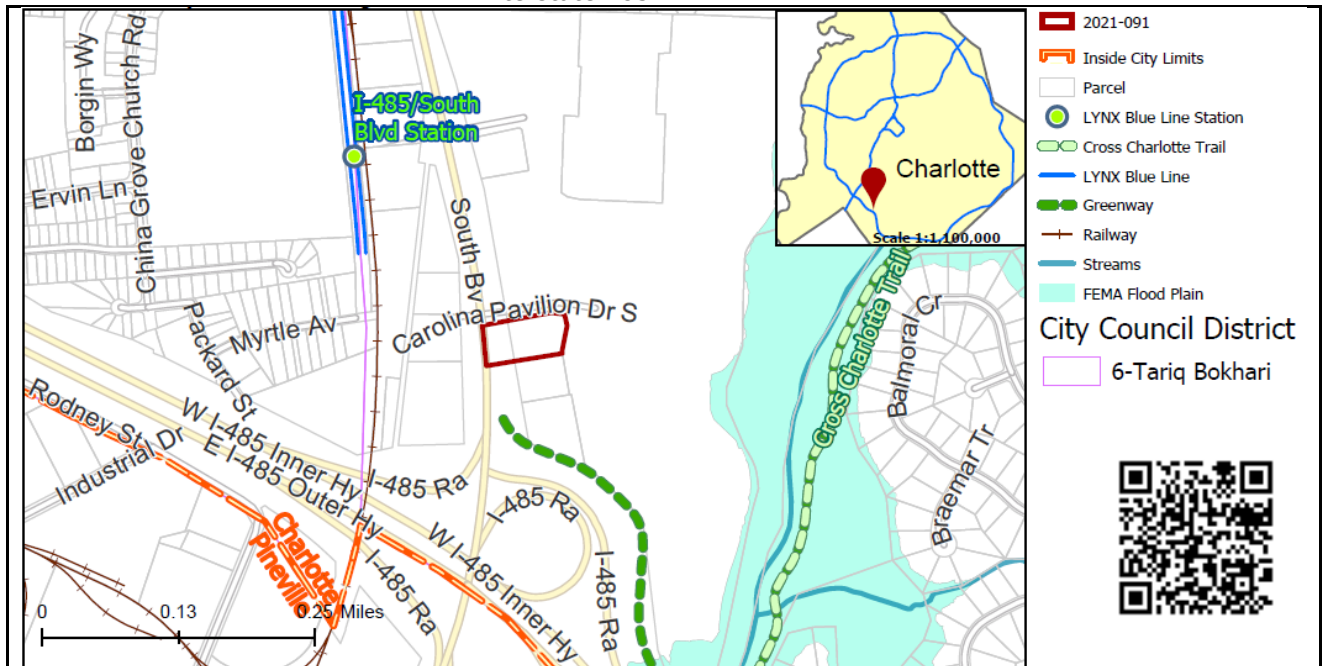
Site Plan

REQUEST

Current Zoning: TOD-CC (transit-oriented development, commercial center)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION

Approximately 1.21 acres located at the southeast intersection of South Boulevard and Carolina Pavilion Drive South, north of Interstate 485



SUMMARY OF PETITION

The petition proposes redevelopment of the existing type 1 EDEE (eating/drinking/entertainment establishment) with accessory drive through, with a new model of the type 1 EDEE with accessory drive through lanes located in a shopping center at the I-485/ South Boulevard interchange.

PROPERTY OWNER

Chick-Fil-A, Inc.

PETITIONER

Chick-Fil-A, Inc.

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: None.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of technical revisions related to site and building design.

Plan Consistency

The petition is **inconsistent** with the *Sharon & I-485 Transit Station Area Plan* recommendation for transit-oriented development.

Rationale for Recommendation

- The proposed use with accessory drive-through is an existing non-conforming use on the site.
- The proposal will allow redevelopment of the existing use with drive-through with a new use with drive-through. The new site plan improves site layout by locating the drive-through

completely internal to the site behind the building. No parking or drive is between the building and street.

- Provides direct pedestrian access from the public sidewalk along South Boulevard to the entrance of the building via an 8 ft sidewalk, and via a 6 ft sidewalk from the new sidewalk along the private street Carolina Pavilion Drive S.
- The proposed site plan will result in an improved pedestrian experience by constructing a 12 ft multi-use path along the South Bv frontage and 6 ft sidewalk along the private street, Carolina Pavilion Drive.
- The proposal modifies driveway access in coordination with CDOT/NCDOT and installs a No U-turn sign at the end of the median of Carolina Pavilion Dr as requested by NCDOT.

The approval of this petition will revise the adopted future land use as specified by the Sharon & I-485 Transit Station Area Plan from transit oriented development-mixed use to residential/office/retail use.

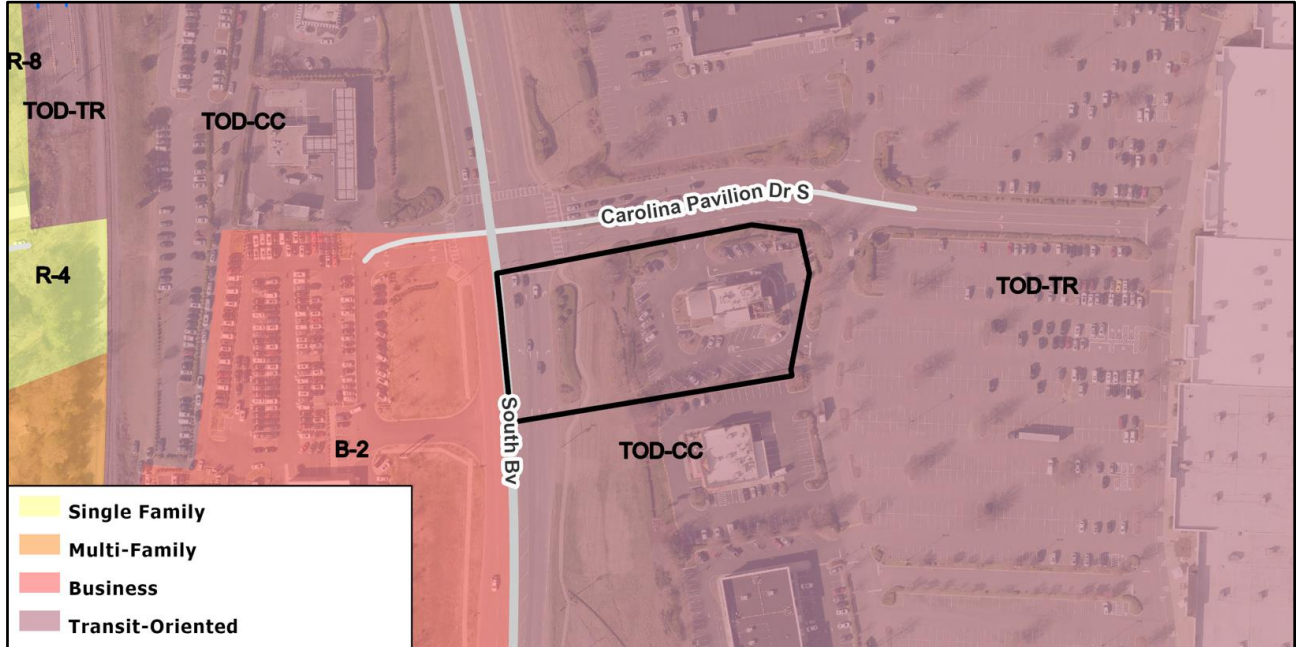
PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Demolishes the existing type 1 EDEE, with accessory drive-through and constructs a new model closer to South Boulevard. The new accessory drive-through lanes are located behind the building.
- Allows a building up to 5,200 square feet and up to 30 ft in height. The current building is 3,584 square feet.
- Provides direct pedestrian access to the building from the new sidewalk along Carolina Pavilion Drive via a 6 ft sidewalk and from multi-use path along South Boulevard via an 8 ft sidewalk.
- Shows an area of outdoor dining on the northern end of the building near Carolina Pavilion Drive.
- As part of changes to site layout modifies locations of driveways into site. Provides a 2-way drive along the east property line onto a shared drive in the shopping center and a one way in and one way out on Carolina Pavilion Drive.
- Commits to placement of "No u-turn" sign at the end of the median on Carolina Pavilion Drive.
- Installs a 6 ft sidewalk along Carolina Pavilion Drive and a 12 foot multi-use path along the site frontage of South Boulevard.
- Requests the following optional provisions:
 - Allow accessory drive through services lanes/windows.
 - Not require building entrance requirements of Section 9.8506.2(h) of the Zoning Ordinance.

- Existing Zoning and Land Use



The site was previously rezoned to TOD-CC as part of the Transit Oriented Development alignment rezonings because the area was recommended for transit oriented development by the *Sharon & I-485 Transit Station Area Plan*.



The site (indicated by red star) is located in an area with a range of commercial uses. The I-485 Transit station is located northwest of the site across South Boulevard and the Little Sugar Creek Greenway (west of the site behind the shopping center) is accessed via a connector at the southern end of the center.



The site is developed with an existing fast-food style EDEE use with accessory drive-through window.



North of the site are retail shops part of the shopping center.



East of the site is parking field for the shopping center.

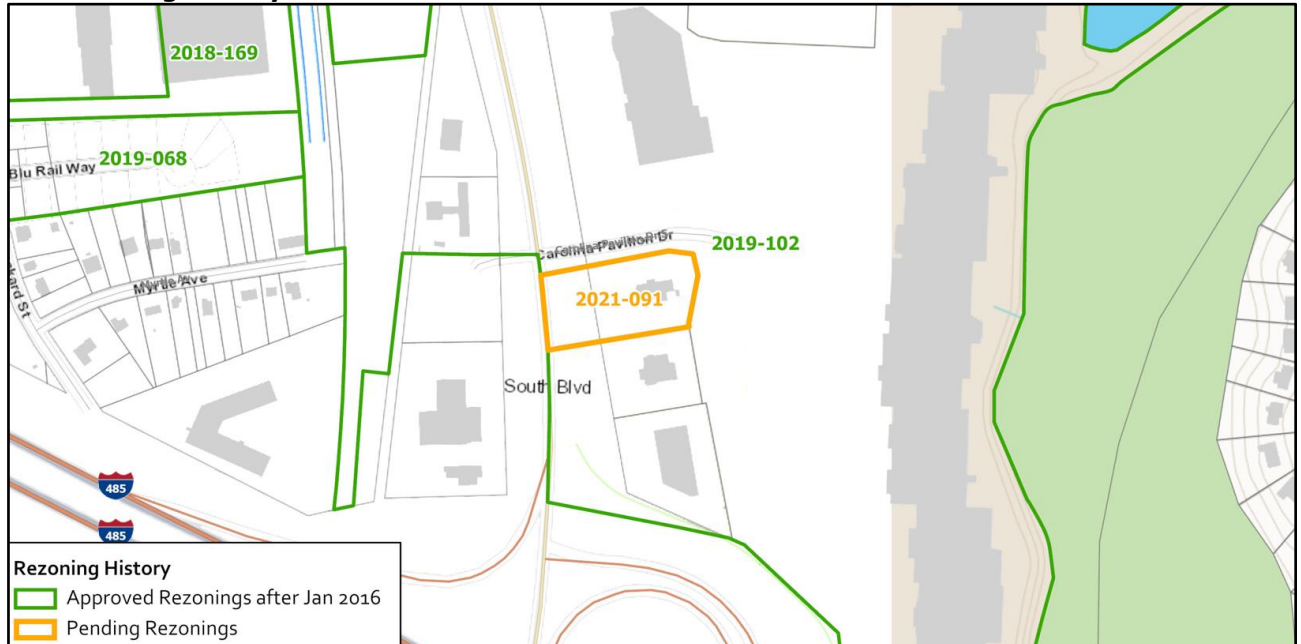


South of the site is an outparcel of the shopping center with an EDEE use.



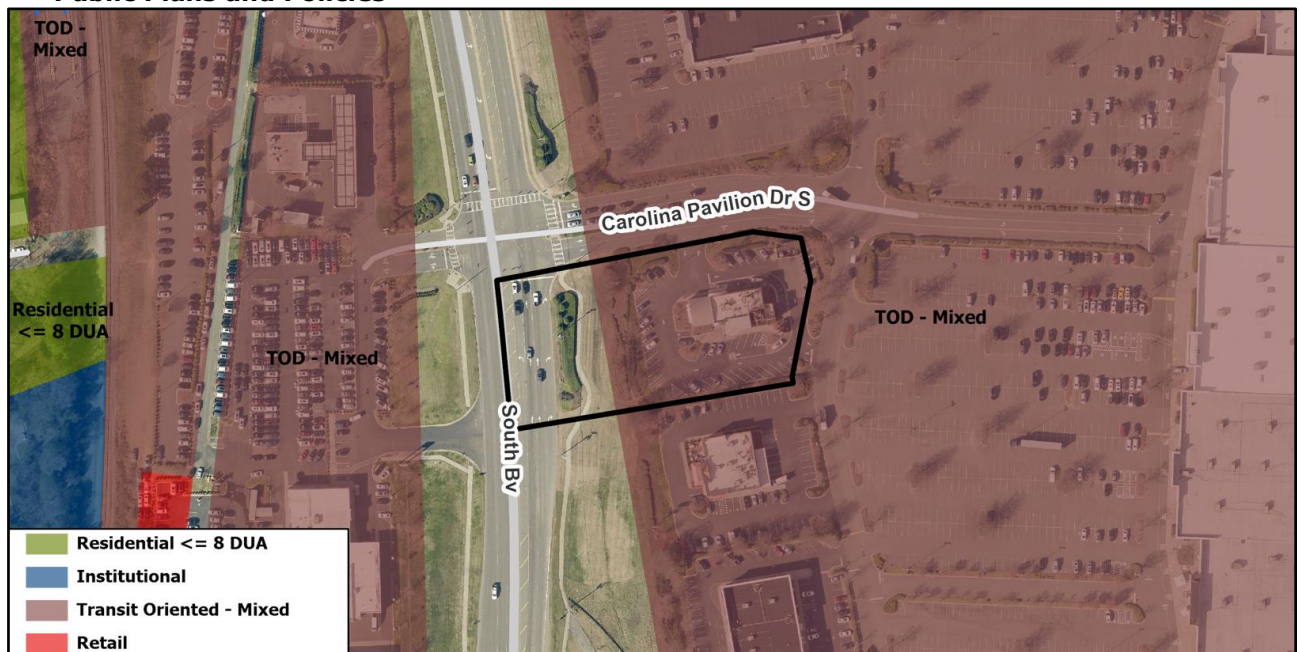
West of the site, across South Boulevard, is an automotive dealership.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-169	Transition of existing TOD zoned parcels as part of the text amendment for the new TOD Ordinance.	Approved
2019-068	6.17 acres off China Grove Church Road from R-4 to R-8 to allow residential development	Approved
2019-102	Rezoned multiple parcels along the Blue Line corridor as part of the implementation of the recommendations of the transit station area plans and the new TOD zoning districts.	Approved

- Public Plans and Policies**



- The *Sharon & I-485 Transit Station Area Plan* (2009) recommends transit-oriented development mixed use.

- **TRANSPORTATION SUMMARY**

- The site is located on South Boulevard, a State-maintained major thoroughfare, and Carolina Pavilion Drive South, a privately maintained local street. A Traffic Impact Study (TIS) is not necessary for the complete review of this petition due to the site generating less than 2,500 daily trips. If the site generates more than 2,500 daily trips, during the permitting process, then a traffic study will be required.

The Petitioner commits to installing a 12-foot multi-use path along the site's South Boulevard frontage in accordance with the Charlotte Bikes Plan. This upgraded facility provides connectivity towards the Cross Charlotte Trail (XCLT) Spur, located approximately 250 feet south of the project's site. The Petitioner also commits to reconfiguring the site's ingress and egress points along the private Carolina Pavilion Drive while installing a "No U-Turn" sign in the median at the first internal intersection, in compliance with the NCDOT's standards and City of Charlotte's Driveway Regulations. All outstanding CDOT comments have been addressed.

- **Active Projects:**

- No projects in the area.

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 1690 trips per day (based on 3,584 sqft Type 1 EDEE).

Entitlement: Too many uses to determine (based on TOD-CC zoning).

Proposed Zoning: 2450 trips per day (based on 5,200 sqft Type 1 EDEE).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along South Blvd. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along South Blvd. See advisory comments at www.rezoning.org
- **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/City Arbotrist:** See advisory comments at www.rezoning.org

REQUESTED TECHNICAL REVISIONS

Site and Building Design

1. Place petition number RZP-2021-091 on the site plan.
2. It's been verbally stated that the proposal meets TOD-TR design standards aside from the maximum parking requirement. Please provide a note on the rezoning plan committing to TOD-TR design if that is indeed the case.
3. Amend the site plan to show at least 5 ft of clearance from door swings.

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





Planner: John Kinley (704) 336-8311






RZP 2021-091

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.	×
	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.	×

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>

DEVELOPMENT STANDARDS

September 13, 2021

1. GENERAL PROVISIONS

- A. **Site.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Chick-Fil-A, Inc. (the "Petitioner") for an approximately 1.210 acre site located at the southeast corner of the intersection of South Boulevard and Carolina Pavilion Drive (the "Site"), which Site is more particularly depicted on the Rezoning Plan. The Site is comprised of Tax Parcel No. 207-071-12.
- B. **Zoning District/Ordinance.** The purpose of this rezoning request is to accommodate the demolition of the existing building on the Site that is utilized for an eating, drinking and entertainment establishment (Type 1) with accessory drive-in/drive through service lanes/windows, and to construct a new building on the Site that would be devoted to an eating, drinking and entertainment establishment (Type 1) with accessory drive-in/drive through service lanes/windows.

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, parking 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 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. **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.

2. OPTIONAL PROVISIONS

- A. The optional provisions set out below shall apply to the Site.

- (1) Drive-in/drive through service lanes/windows accessory to an eating, drinking and entertainment establishment (Type 1) shall be permitted on the Site.

- (2) A building devoted to an eating, drinking and entertainment establishment (Type 1) with accessory drive-in/drive through service lanes/windows shall not be required to comply with the building entrance requirements of Section 9.8506.2(h) of the Ordinance.

3. PERMITTED USES/DEVELOPMENT LIMITATIONS

- A. Subject to the development limitations set out in this Section 3 of the Development Standards, the Site may only be devoted to the use set out below.

- (1) An eating, drinking and entertainment establishment (Type 1) with accessory drive-in/drive through service lanes/windows, together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the MUDD zoning district.

- B. The maximum gross floor area of a building devoted to an eating, drinking and entertainment establishment (Type 1) with accessory drive-in/drive through service lanes/windows shall be 5,200 square feet.

4. TRANSPORTATION

- A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT") in accordance with applicable published standards.
- B. The alignments of the private drives and the parking and vehicular circulation areas may be modified by Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT or NCDOT in accordance with applicable published standards.

- C. Subject to the approval of the owner of the adjacent shopping center parcel (Tax Parcel No. 207-071-06) and any applicable governmental authorities, Petitioner shall install a "No U-Turn" sign in the median on the private Carolina Pavilion Drive as generally depicted on the Rezoning Plan. In the event that the owner of the adjacent shopping center does not approve the installation of the "No U-Turn" sign or any applicable governmental authority does not approve the installation of the sign, then Petitioner shall have no obligation to install the "No U-Turn" sign.

- D. All transportation improvements set out in this Section 4 of the Development Standards shall be constructed and approved prior to the issuance of the first certificate of occupancy for the new building to be constructed on the Site.

- E. 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 the new building 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.

5. ARCHITECTURAL STANDARDS

- A. The maximum height of any new building constructed on the Site shall be 30 feet.

6. STREETSCAPE

- A. A minimum 12 foot wide multi-use path shall be installed along the Site's frontage on South Boulevard as generally depicted on the Rezoning Plan.
- B. A minimum 6 foot wide sidewalk shall be installed along the Site's frontage on Carolina Pavilion Drive as generally depicted on the Rezoning Plan.

7. ENVIRONMENTAL

- A. Development of the Site shall comply with the City of Charlotte Tree Ordinance.

- B. Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance.

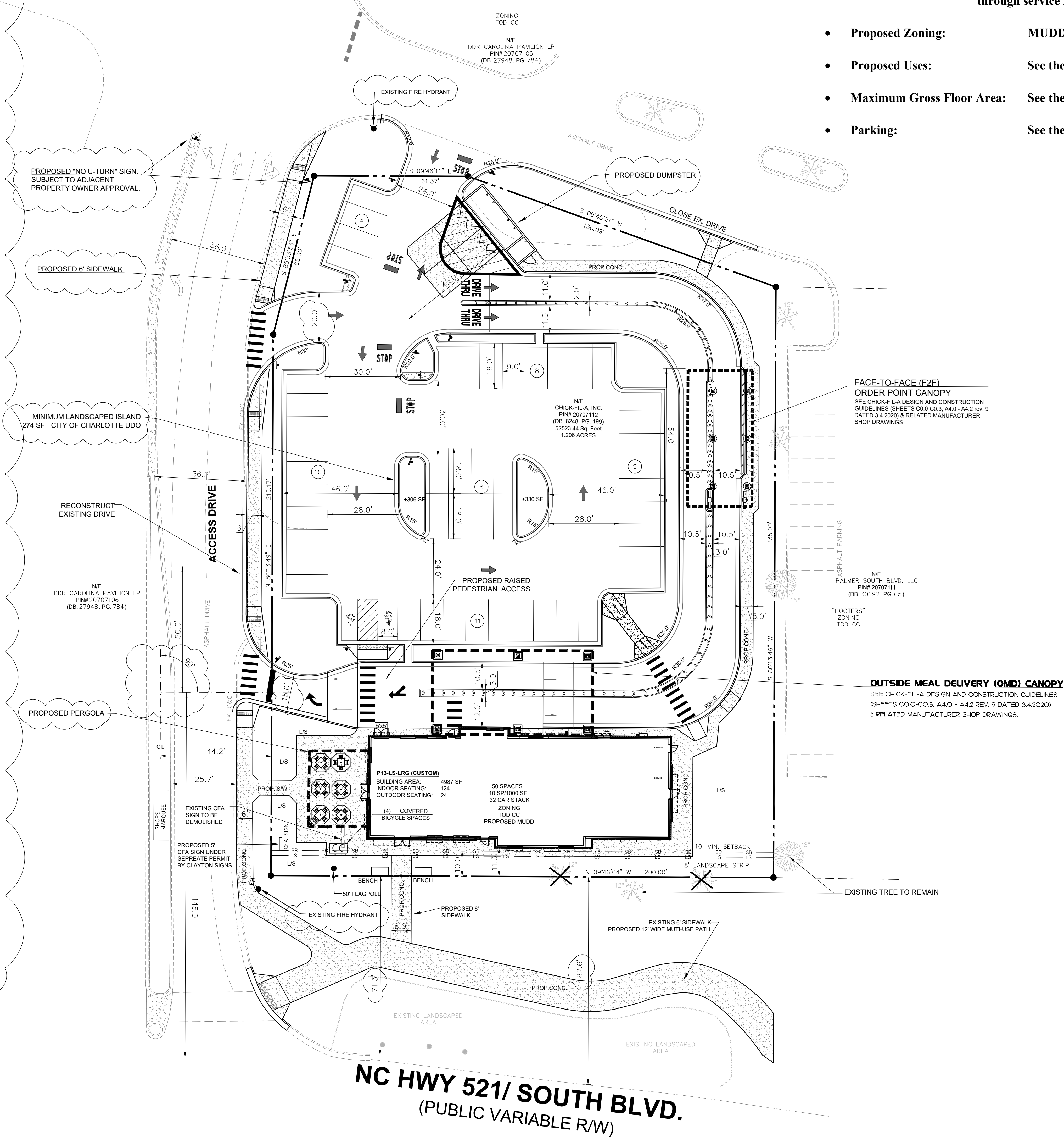
8. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- 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.

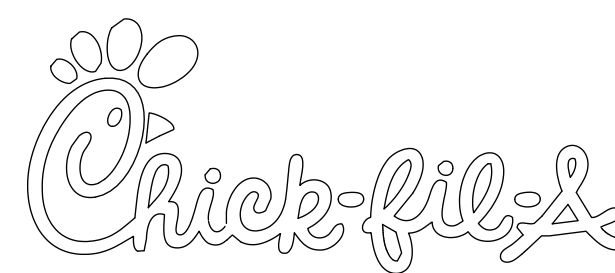
- C. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

INFORMATION SHOWN HAS BEEN BASED UPON AN ELECTRONIC AS-BUILT SURVEY BY MSP, INC. DATED 10-20-2019.



Development Data Table

- | | |
|-----------------------------|---|
| • Site Acreage: | Approximately 1.206 acres |
| • Tax Parcel Number: | 207-071-12 |
| • Existing Zoning: | TOD-CC |
| • Existing Use: | EDEE (Type 1) with accessory drive-in/drive through service lanes/windows |
| • Proposed Zoning: | MUDD-O |
| • Proposed Uses: | See the Development Standards |
| • Maximum Gross Floor Area: | See the Development Standards |
| • Parking: | See the Development Standards |



Chick-fil-A
5200 Buffington Road
Atlanta, Georgia 30349



ARCHITECTURE
ENGINEERING

3680 Pleasant Hill Road
Suite 200
Duluth, Georgia 30096
p 770.622.9858
f 770.622.9535
www.hillfoleyrossi.com

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CHICK-FIL-A
SAR CAROLINA PAVILION
9801 SOUTH BOULEVARD
CHARLOTTE, NC 28273

FSU#0950

BUILDING TYPE / SIZE: SERIES: P13-LS-LRG
RELEASE:

REVISION SCHEDULE

NO.	DATE	DESCRIPTION
-----	------	-------------

CONSULTANT PROJECT # 19.421.00.CIV

PRINTED FOR REVIEW

DATE 10.14.2021

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SHEET

REZONING SITE PLAN

SHEET NUMBER

CP.16



Agenda Date: 12/20/2021

Agenda #: 36. **File #:** 15-17040 **Type:** Zoning Hearing

Rezoning Petition: 2021-118 by Integrated Properties, LLC

Location: Approximately 9.1 acres located on Westinghouse Boulevard between Park Charlotte Boulevard and Quality Drive. (Council District 3-Watlington)

Current Zoning: I-1 (light industrial)

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

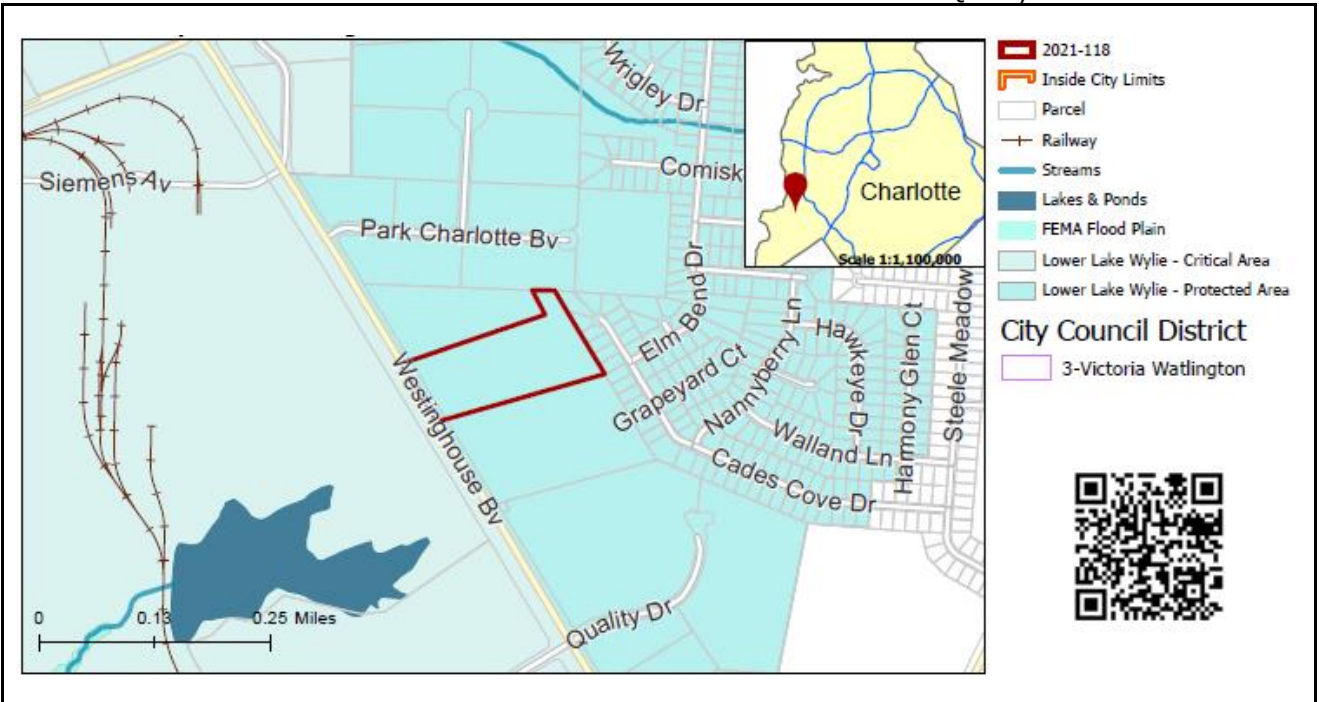
Site Plan

REQUEST

Current Zoning: I-1 (Light Industrial)
Proposed Zoning: I-2 (CD) (General Industrial, Conditional)

LOCATION

Approximately 9.1 acres located on Westinghouse Boulevard between Park Charlotte Boulevard and Quality Drive.



SUMMARY OF PETITION

The petition proposes to allow limited I-2 uses with accessory outdoor storage on a site in the Steele Creek community currently occupied by an industrial use.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Integrated Properties, LLC
Integrated Properties, LLC
Walter Fields

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 requested technical revisions related to transportation and site and building design.

Plan Consistency

The petition is **consistent** with the *Steele Creek Area Plan* (adopted 2012) industrial-warehouse-distribution land use recommendation for this site.

Rationale for Recommendation

- The proposed rezoning does not change the industrial land use of the site but allows for the presence of outdoor storage.
- An undisturbed 114-foot buffer area will be provided in the rear of this site where it abuts residential uses.
- The area along Westinghouse Boulevard is developed mainly with both light and heavy industrial uses.

- The site is already zoned I-1 (Light Industrial), and the proposed site plan prohibits the most intense uses allowed in I-2 (Heavy Industrial) zoning district such as junk yards, petroleum storage facilities and medical waste disposal facilities.

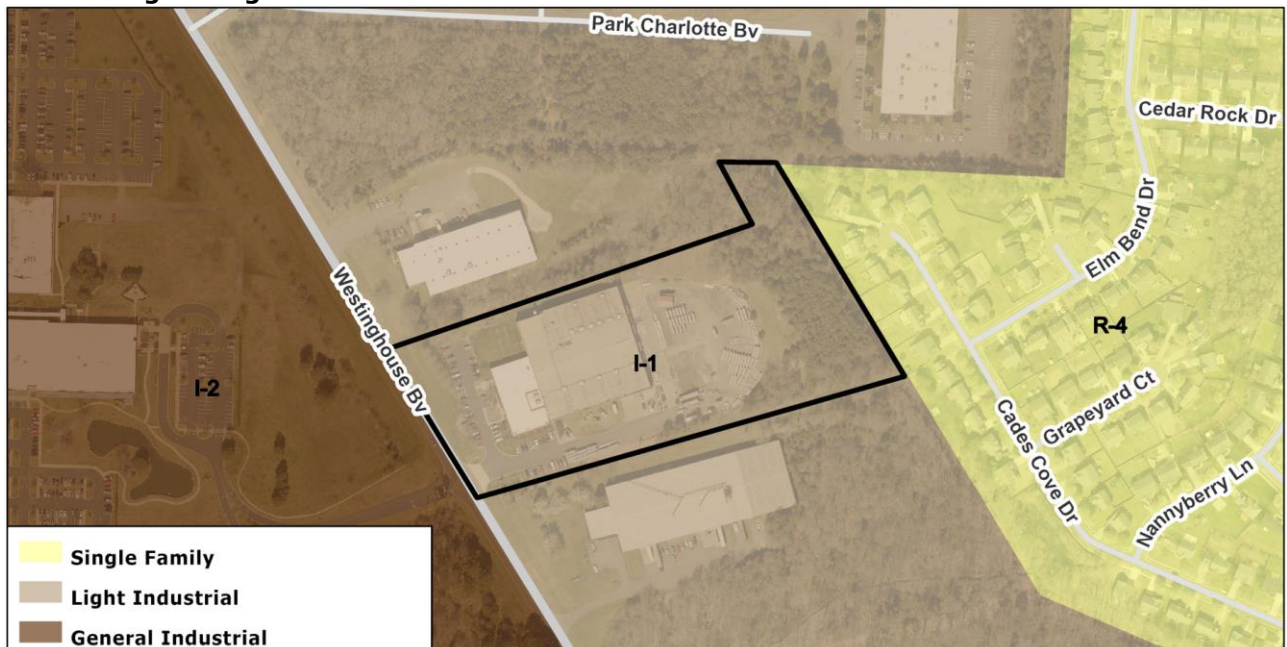
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows for uses permitted in the I-1 and I-2 districts, as well as accessory outdoor storage and vehicle parking, loading, and staging.
- Prohibits the following I-2 uses: petroleum storage facilities, junk yard, medical waste disposal facilities, railroad freight yards, abattoir, construction and demolition landfills as a principal use, foundries, quarries, raceways or drag strips, and waste incinerators.
- Permits a maximum of two buildings on the site.
- Provides a 114' undisturbed buffer at rear of property adjacent to single family residential use. The buffer will maintain the existing old growth vegetation.
- Dedicates 50' of right-of-way from the centerline of Westinghouse Boulevard.
- Commits to construct an 8' planting strip and 6' sidewalk along the site's Westinghouse Boulevard frontage.
- Limits new freestanding lighting to 30' in height and requires that they be downwardly directed.

• Existing Zoning and Land Use



The site is surrounded primarily by industrial land uses but is bordered to the rear of the property by single family residential.



The site, marked by a red star, is surrounded primarily by industrial uses.



The property to the north of the site along Westinghouse Boulevard is developed with a light industrial use.



The properties to the east of the site are developed with single family residential uses.

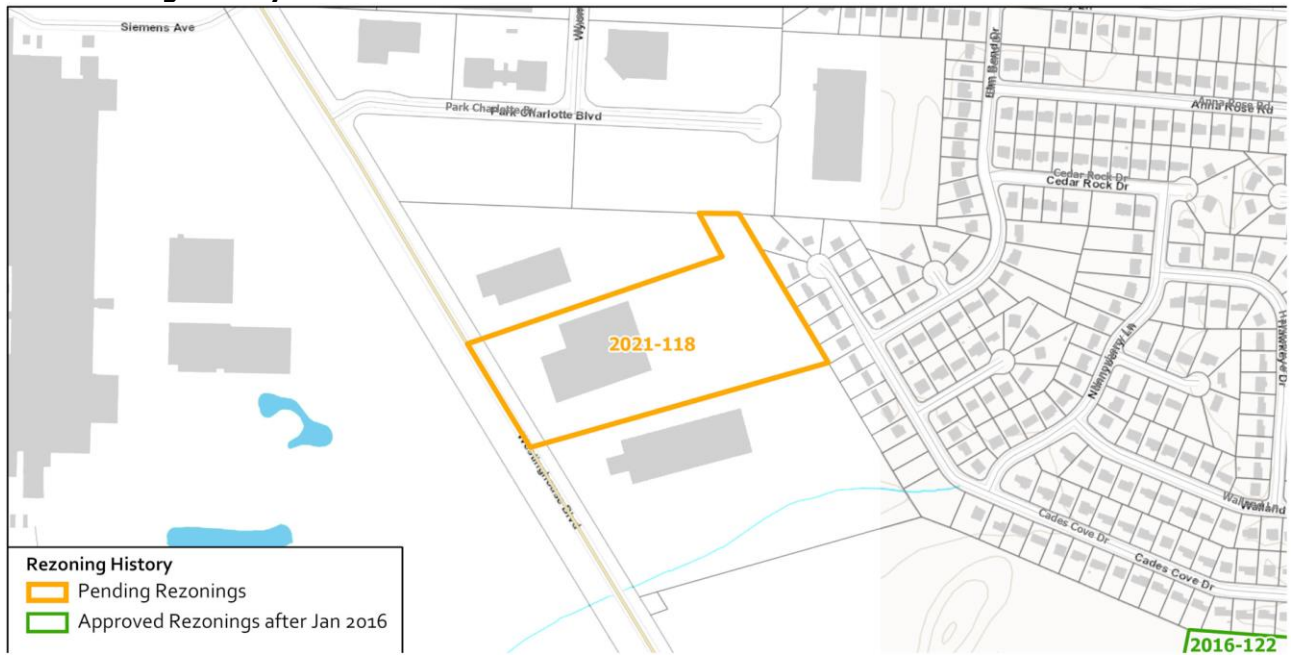


The property to the south of the site along Westinghouse Boulevard is developed with a light industrial uses.



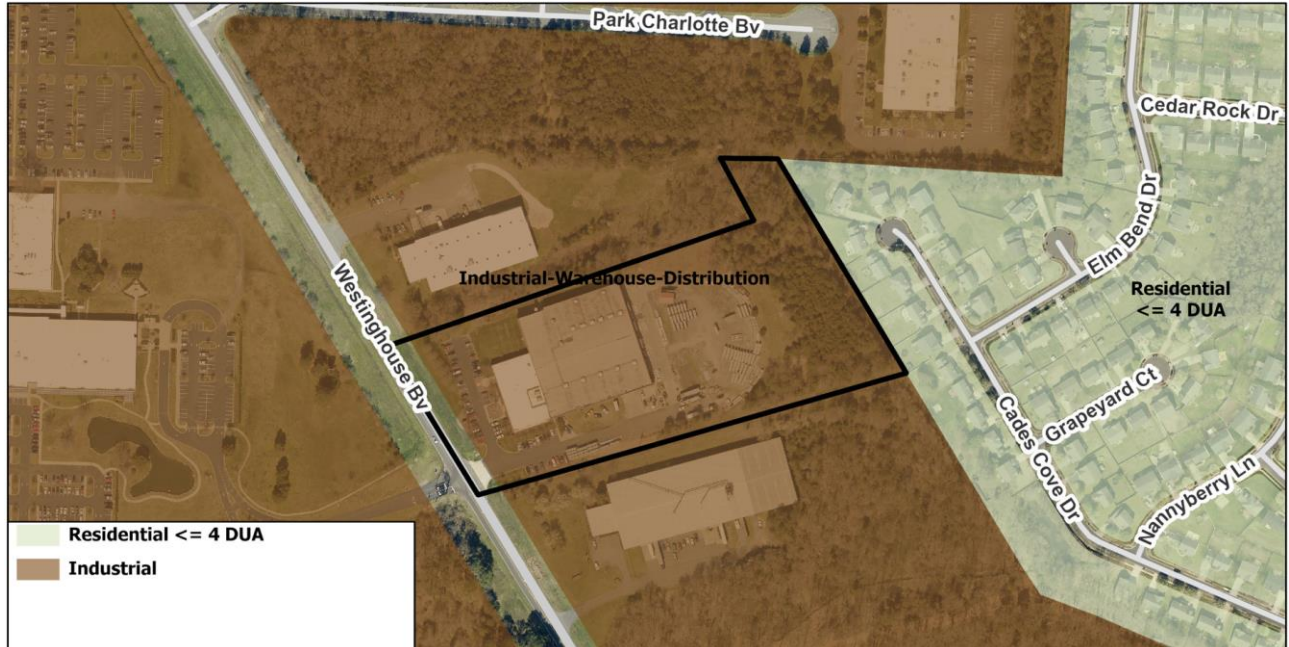
The property to the west of the site across Westinghouse Boulevard is developed with industrial use.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-122	Request to rezone three vacant parcels to allow all uses in the I-1 district.	Approved

- **Public Plans and Policies**



- The *Steele Creek Area Plan* (adopted 2012) recommends industrial-warehouse-distribution uses for this site and surrounding area.
- **TRANSPORTATION SUMMARY**
 - The site is located on Westinghouse Boulevard, a State-maintained minor thoroughfare just south of Park Charlotte Boulevard. In accordance with the City's Ordinances and Charlotte WALKS Policy, the petitioner has committed to provide an 8-foot planting strip and 6-foot sidewalk across the site's Westinghouse Boulevard frontage. Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to appropriately labeling and dimensioning the right-of-way and existing and proposed infrastructure from the existing centerline of Westinghouse Boulevard, and including clarifying conditional notes. Further details are listed below.
- **Active Projects:**
- Westinghouse Multi-use Path
 - Construction Mid-2021
 - <https://charlottenc.gov/Projects/Pages/WestinghouseTrail.aspx>
 - PM Toni Wilson
 - Location will be on the south side of Westinghouse Blvd., across from this petition
- **Transportation Considerations**
 - See Requested Technical Revisions, Notes 1-5.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 160 trips per day (based on 71,800 SF warehouse).
 - Entitlement: 190 trips per day (based on 91,250 SF warehouse).
 - Proposed Zoning: 190 trips per day (based on 91,250 SF warehouse).

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-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:** 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 Westinghouse Blvd. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Westinghouse Blvd. See advisory comments at www.rezoning.org
- **City Arborist:** No outstanding issues.
- **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 outstanding issues.

REQUESTED TECHNICAL REVISIONS

Transportation

1. Revise the site plan by labeling and dimension the curb line from the centerline to back-of-curb.
2. Revise the site plan by labeling the sidewalk and planting strip as "proposed".
3. Revise the site plan and conditional note 4.c by including a sidewalk utility easement placed 2-feet behind the proposed sidewalk.
4. Revise the site plan to ensure all future and proposed infrastructure, and all linework, is correctly oriented from the existing centerline of Westinghouse Boulevard.
5. Review and revise the verbiage of conditional note 4.d for accuracy.

Site and Building Design

6. Label parking in the setback as existing if it reflects current conditions. No new parking can be established in the setback.





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







Planner: Joe Mangum (704) 353-1908

Goals Relevant to Rezoning Determinations

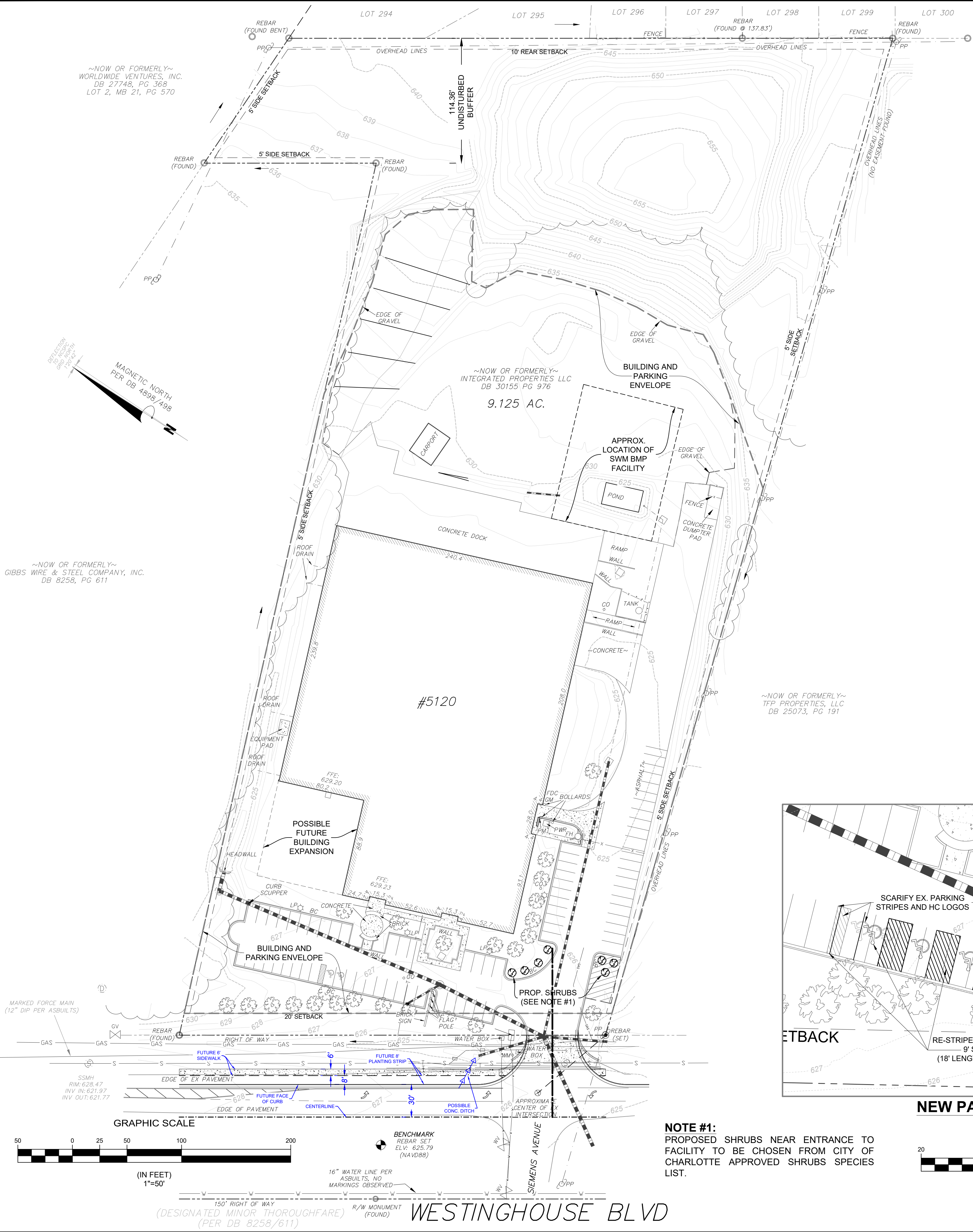
The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when Policy Mapping is completed (anticipated early 2022) and when the **Policy Map** is adopted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

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>✓</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>

C:\Users\dwilke\OneDrive\Engineering\Projects - 1200132-01 JMS Zoning\Project Details\Drawings\1200132-01 REZONING - STREET IMPROVEMENTS.dwg, 11/12/2021 10:20 AM, David Wilke



SITE DATA

DESCRIPTION	EXISTING	REQUESTED
ZONING	I-1, LLW-PA	I-2 (CD) LLW-PA
SITE ACREAGE	9.125	9.125
TAX PARCEL	19918117	19918117
FLOOR AREA RATIO	0.80	1.00
MAXIMUM BUILDING HEIGHT	40	40
MAXIMUM NUMBER OF BUILDINGS	--	NOT TO EXCEED TWO
NUMBER/RATIO OF PARKING SPACES	AS REQUIRED BY CODE	
WATERSHED DISTRICT	LOWER LAKE WYLIE PROTECTED AREA	-

Westinghouse Blvd. Conditional Development Standards

1. General Provisions.

- Development of the site will be controlled by the standards depicted on this site plan and by the standards of the Charlotte Zoning Ordinance. The development depicted on this plan is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases as allowed under the provisions of Section 6.2 of the Zoning Ordinance.
- The Petitioner acknowledges that other standard development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, trees, and site development, may apply to the development of this site as well as building and fire codes. These are not zoning regulations, are not administered by the Zoning Administrator, and are not separate zoning conditions imposed by this site plan. Unless specifically noted in the conditions for this site plan, these other standard development and code requirements will be applied to the development of this site as defined by those other city ordinances through the development review and permitting process.
- Throughout this Rezoning Petition, the terms "Owner", "Owners", "Petitioner" or "Petitioners," shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.

2. Purpose

The purpose of this Rezoning application is to provide for the continued use of an industrial tract of land adjoining Westinghouse Blvd. To achieve this purpose, the application seeks the rezoning of the site to the I-2 district as a conditional district (I-2 (CD)).

3. Permitted Uses

Uses allowed on the property included in this Petition are any use that is allowed in the I-1 district and uses in the I-2 district including an accessory outdoor storage yard and vehicle parking, loading, and staging area. The following uses are specifically prohibited.

- Petroleum storage facilities
- Junk yard
- Medical waste disposal facilities
- Adult establishments
- Railroad freight yards
- Abattoir
- Construction and demolition landfills as a principal use

- Demolition landfills
- Foundries
- Quarries
- Raceways or drag strips
- Waste incinerators

4. Transportation

- The site will have access via an existing private driveway to Westinghouse Blvd. that serves the site.
- Parking areas are allowed anywhere within the building and parking envelop as generally depicted on the concept plan for the site.
- The Petitioner will commit to dedicate 50-feet of right-of-way from the existing centerline of Westinghouse Boulevard if the existing right of way is not adequate to meet this request.
- The Petitioner will commit to construct an 8-foot planting strip and a 6-foot sidewalk along the site's frontage of Westinghouse Boulevard. The location of these elements will be measured as 30' from the existing centerline of Westinghouse Blvd. 30' to the future back of curb with the 8' planting strip and th46' sidewalk located behind and immediately adjacent to the future back of curb. The site plan shall label and dimension these dimensions from the existing centerline. The installation of these improvements are specifically conditioned on the approval of NCDOT.
 - The Petitioner will commit to the dedication and fee simple conveyance of all rights-of-way measured 50' from the right of way centerline to the NCDOT if adequate rights of way are not already present.

5. Architectural Standards

Reserved.

6. Streetscape and Landscaping

The Petitioner will install or preserve a landscape screen along the front of the site to screen outdoor storage in accordance with Section 12.303 of the Ordinance. This landscaped area may include existing trees and vegetation, fencing, and new trees and evergreen shrubbery.

7. Environmental Features

The Petitioner will submit a tree survey identifying all trees of eight-inch (8) dbh or greater and all planted trees of (2) two-inch caliper or greater and six feet in height that grow partially or wholly within public street right-of-way if any are present.

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.

The exact areas and dimensions of the tree save areas on the site will be determined and reviewed during the design development and permit review process.

8. Parks, Greenways, and Open Space

Reserved

9. Fire Protection

Reserved

10. Signage

Reserved

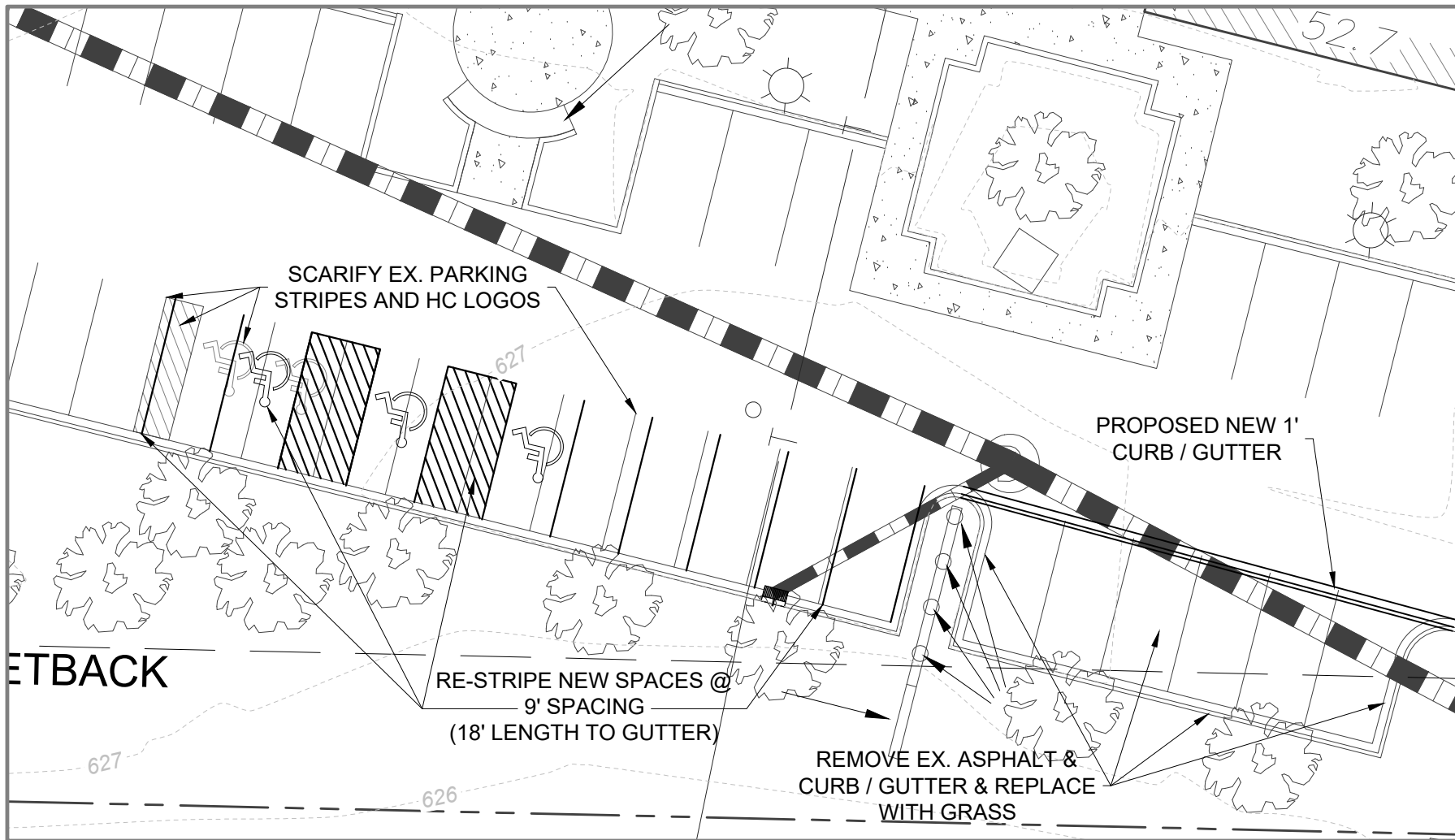
11. Lighting

New freestanding lighting will be limited to 30' in height and must be downwardly directed. Architectural lighting on the exterior of buildings is permitted provided it is capped and downwardly directed.

12. Phasing

Reserved

Initial Submission- 4-7-21, I.2
Revised per staff comments - 11-15-21. I.3



NOTE #1:
PROPOSED SHRUBS NEAR ENTRANCE TO FACILITY TO BE CHOSEN FROM CITY OF CHARLOTTE APPROVED SHRUBS SPECIES LIST.

RZP - 2021-118



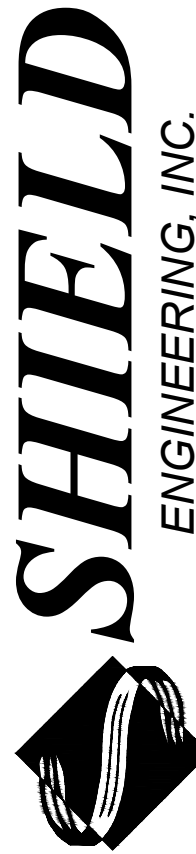
JIM MYERS & SONS, INC.
5120 WESTINGHOUSE BLVD.
CHARLOTTE, NORTH CAROLINA
(704) 554-8397

REVISIONS

REV.	DATE	COMMENTS

ENGINEER'S SEAL:

PROJECT #	1200132-01
DATE	NOVEMBER 12, 2021
DESIGN BY:	DW
DRAWN BY:	DW
APPROVED:	RLG
SCALE:	AS NOTED



ENGINEERING, INC.
4301 TAGGART CREEK ROAD
CHARLOTTE, NC 28208
Phone: 704-384-6913
Fax: 704-384-6960
www.shieldengineering.com

JMS ZONING REHABILITATION
5120 WESTINGHOUSE BLVD.
CHARLOTTE, MECKLENBURG COUNTY,
NORTH CAROLINA

SHEET TITLE: REZONING PLAN

DRAWING NO: 1



Agenda Date: 12/20/2021

Agenda #: 37. **File #:** 15-17042 **Type:** Zoning Hearing

Rezoning Petition: 2021-135 by Alliance Residential

Location: Approximately 3.50 acres located at the intersection of North Tryon Street and Matheson Avenue, west of North Brevard Street. (Council District 1 - Egleston)

Current Zoning: I-2 (general industrial)

Proposed Zoning: MUDD (CD) (mixed-use development, conditional)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

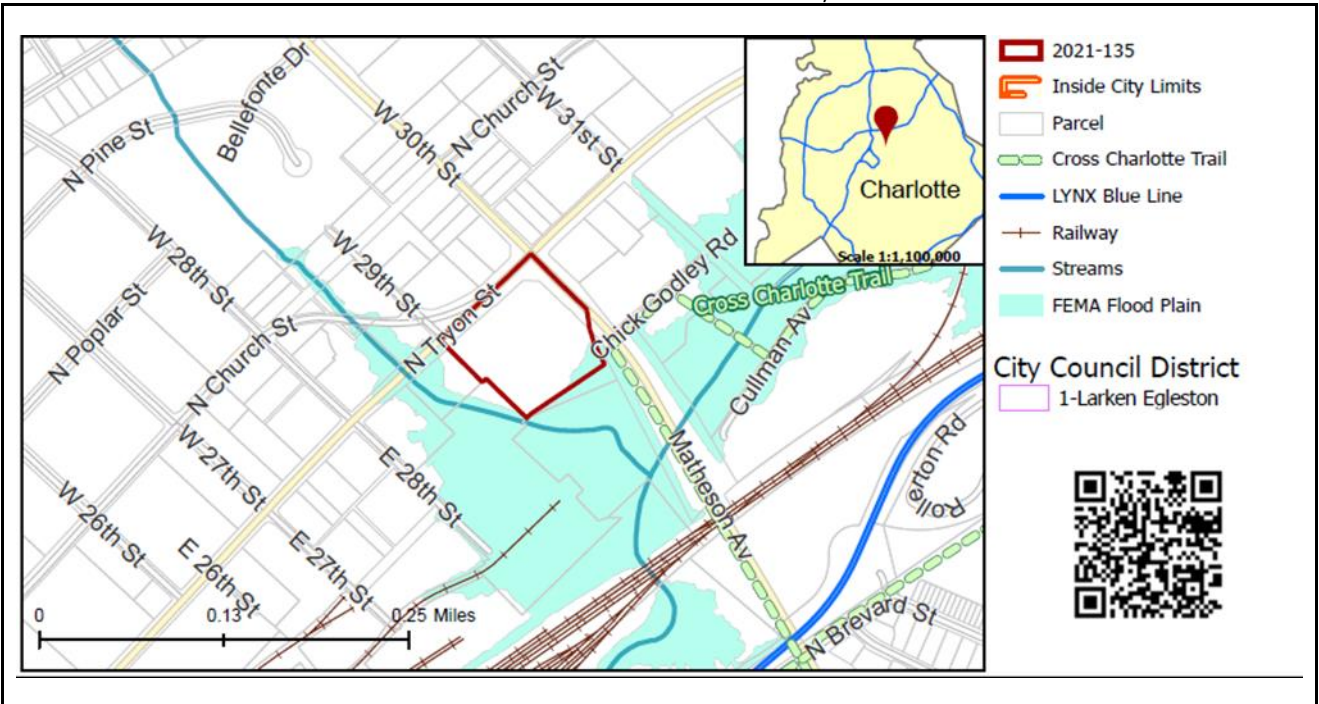
Site Plan

REQUEST

Current Zoning: I-2 (general industrial)
Proposed Zoning: MUDD(CD) (mixed use development, conditional)

LOCATION

Approximately 3.50 acres located at the intersection of North Tryon Street and Matheson Avenue, west of North Brevard Street.



SUMMARY OF PETITION

The petition proposes to allow up to 340 multi-family residential units on a vacant parcel located at the intersection of N. Tryon Street and Matheson Avenue, and in close proximity to the Little Sugar Creek Greenway.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

Try Math Investors LLC
Alliance Residential
Collin Brown and Brittany Lins, Alexander Ricks PLLC

Meeting is required and has been held. Report will be available online when received.
Number of people attending the Community Meeting: 12

STAFF
RECOMMENDATION

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

Plan Consistency

The petition is **inconsistent** with the *North Tryon Area Plan's* recommendation for institutional uses for the site.

Rationale for Recommendation

- Although inconsistent with the *North Tryon Area Plan's* land use recommendation for the site, the petition is generally consistent with the existing development pattern in the area which includes a mix of retail, industrial, adaptive re-use, and nearby residential.

- A proposed density of approximately 97 DUA is appropriate given the site's proximity to existing light rail. The site is within .55 mile of the 25th Street Station on the LYNX Blue Line.
- The requested housing density achieves the plan's land use goal of encouraging a variety of housing types in the area to accommodate a diversity of residents.
- The petition's proposed 8-foot sidewalk, 8-foot planting strip, and variable 2-way bicycle track along Matheson Avenue achieves the plan's goal of creating an improved urban environment by encouraging project design that contributes to the community, creates an attractive streetscape, and enhances mobility in the area.

The approval of this petition will revise the adopted future land use as specified by the *North Tryon Area Plan*, from institutional uses to residential/office/retail uses for the site.

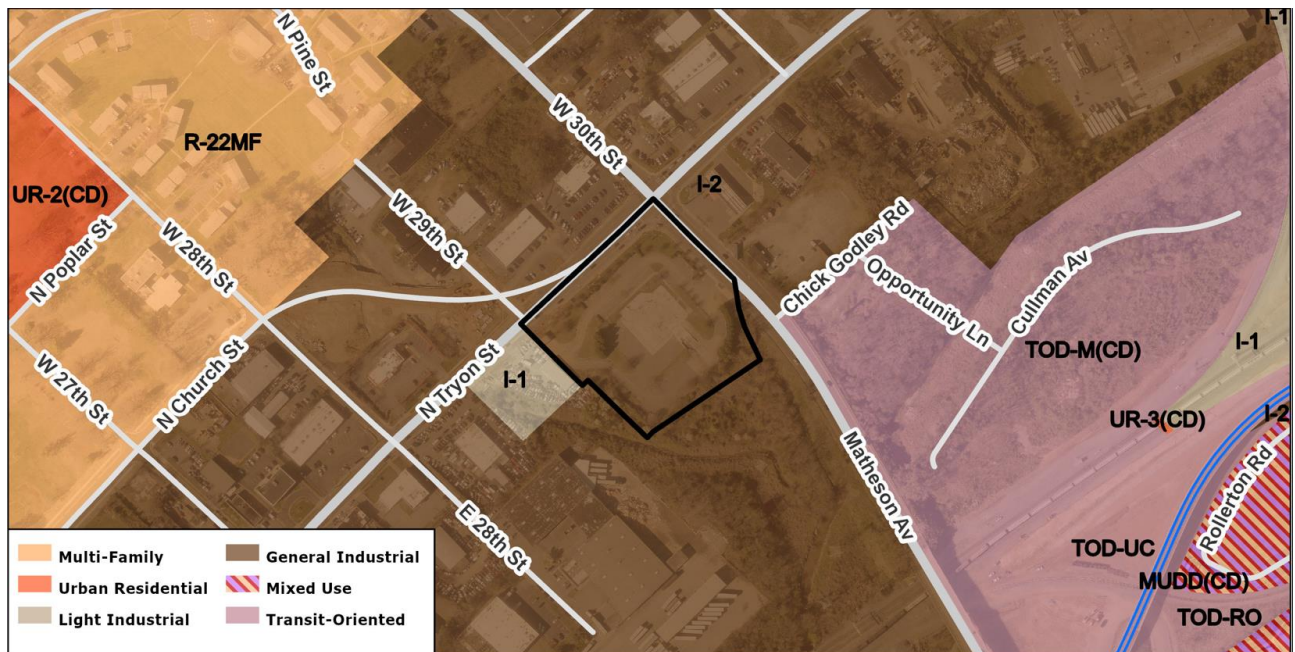
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allow up to 340 multi-family residential units.
- Limit building height to 75 feet.
- Proposes access from N. Tryon Street and from Matheson Avenue.
- Proposes all principal and accessory buildings abutting a network required public or private street to comprise a minimum of 20% of that building's entire façade facing such network street using brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director.
- Prohibits vinyl siding (but not vinyl handrails, windows or door trim) and concrete masonry units not architecturally finished.
- Provides architectural design standards to address building placement, massing, height, blank walls, and roof form and articulation.

• Existing Zoning and Land Use



The rezoning site is currently vacant previously developed with a United States Postal Office building and associated parking area, and is surrounded by commercial, industrial, residential activities, and vacant land zoned R-22MF, UR-2(CD), UR-3(CD), MUDD(CD), TOD-RO, TOD-UC, I-1 and I-2.



The rezoning site is currently vacant.

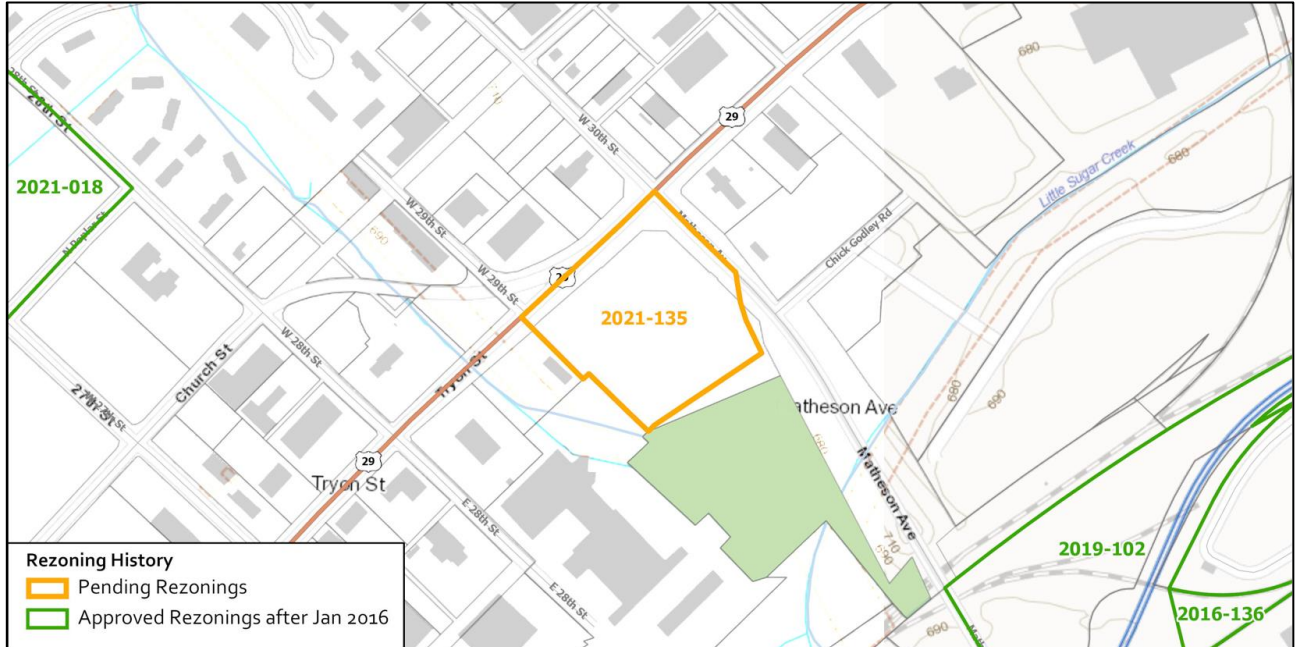


The properties located at the intersection of N. Tryon Street and Matheson Avenue are developed with commercial and industrial uses.



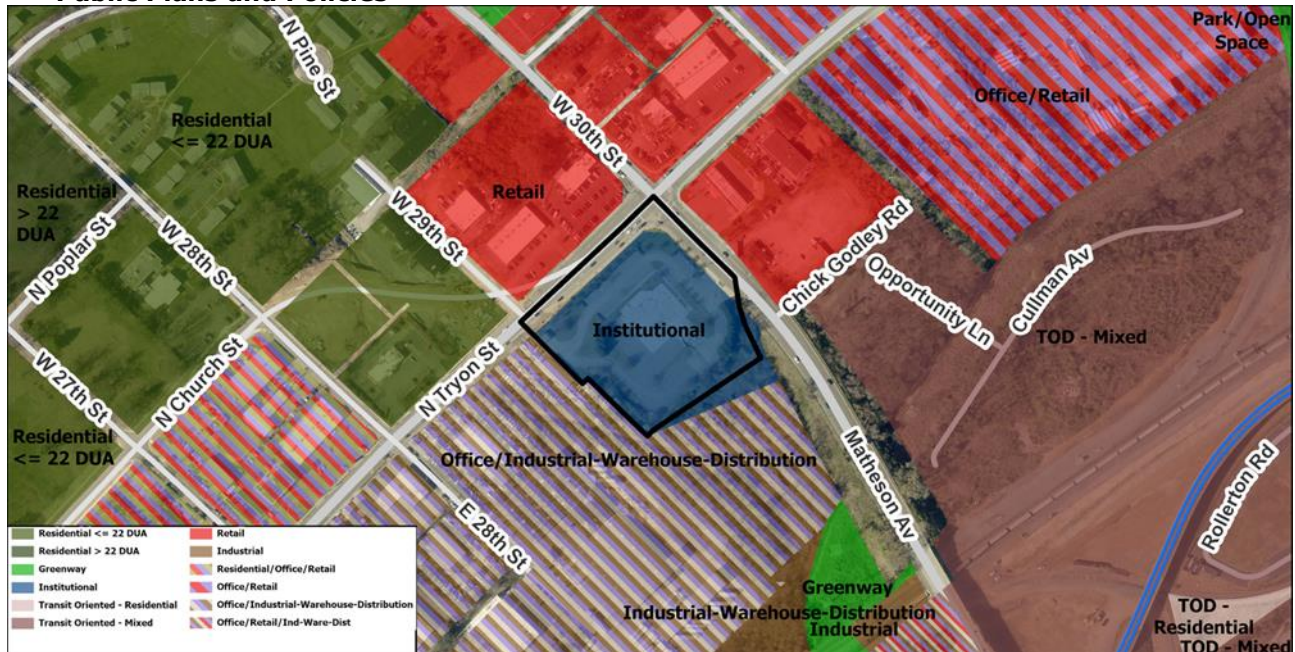
The rezoning site (denoted by purple star) is immediately surrounded by commercial and industrial uses and vacant land.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-018	Rezoned 10.81 acres to UR-2(CD) to allow up to 323 residential dwelling units.	Approved
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2016-136	Rezoned 0.68 acres to TOD-RO to allow 40 multi-family apartments.	Approved

- Public Plans and Policies**



- The North Tryon Area Plan recommends institutional and uses for the site.

- TRANSPORTATION SUMMARY**

- The petition is located at the intersection of Matheson Avenue, a City-maintained major thoroughfare and North Tryon Street, a State-maintained major thoroughfare. The proposed project includes up to 340 multi-family units, with the site located near multiple multi-modal transportation projects in the area. The petitioner has incorporated the Matheson Bridge Streetscape CIP Project into the site plan. These improvements include a two-way

cycletrack along Matheson Avenue, a truck apron at the southern corner of the Matheson Avenue and North Tryon Street intersection to calm traffic as well as shorten crossing distances for pedestrians and cyclists in accordance with the City's Charlotte WALKS policy. There are also existing planting strips and sidewalks along the site's frontage of Matheson Avenue and North Tryon Street in accordance with the City's Charlotte BIKES policy. Site plan revisions are needed to coordinate the proposed access locations will be coordinated with NCDOT. Further details are listed below.

- **Active Projects:**

- Matheson Bridge Streetscape
 - Incorporate pedestrian, bicycle, and aesthetic improvements from North Tryon Street to Jordan Place.
 - Project is currently in the design phase with an anticipated construction completion date of mid-2024.
- XCLT Matheson to Craighead
 - Status: Preliminary design
 - Scope: Construct multi-use path (Cross-Charlotte Trail) from Matheson Ave. to Craighead Rd.

- **Transportation Considerations**

- See Outstanding Issues, Notes 1-2.

- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 130 trips per day (based on 52,500 sq ft warehouse).

Proposed Zoning: 1,855 trips per day (based on 340 apartments).

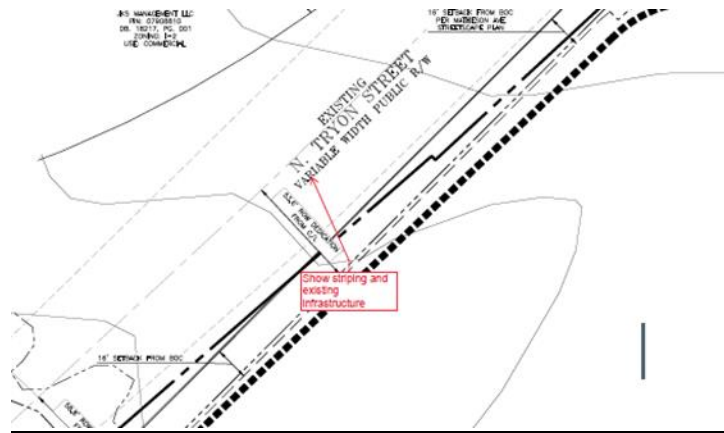
DEPARTMENT COMMENTS (see full department reports online)

- **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 0 students, while the development allowed under the proposed zoning may produce 62 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 62.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Highland Renaissance Academy from 74% to 79%
 - Martin Luther King, Jr. Middle from 94% to 96%
 - Garinger High from 117% to 119%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along N Tryon St. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along N Tryon St. 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 Issues, Note 4.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. New site plan dated 11-15-21 shows proposed access locations and CDOT will coordinate with NCDOT and the petitioner for any additional comments and requirements.



2. A site plan note(s) specifying dedication and fee simple conveyance of all rights-of-way to the City of Charlotte and NCDOT before the site's first building certificate of occupancy is issued is needed. CDOT requests rights-of-way set at 2' behind back of sidewalk where feasible.

Environment

3. Coordinate with the Matheson Avenue Streetscape project to provide ped/bike connection to the Cross Charlotte Trail from the development.

Site and Building Design

4. On Sheet 1 under Site Data specify type of residential units proposed for consistency with development notes on Sheet 2.
5. Replace language in Note V.a. "...other material approved by the Planning Director" with "...other material of comparable quality approved by the Zoning Administrator."

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 # 2021-135

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.	✓

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>



phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-

www.mcadamsco.com

CLIENT

JASON McARTHUR
TRY MATH INVESTORS, LLC
338 S. SHARON AMITY ROAD, PMB 510
CHARLOTTE, NORTH CAROLINA 28211

**N. TRYON + MATHESON
MULTI-FAMILY**
REZONING PETITION NO. 2021-135
110 MATHESON AVEUNE
CHARLOTTE, NORTH CAROLINA 28206

REVISIONS

NO.	DATE	
1	11. 15. 2021	PER CITY COMMENT:

PLAN INFORMATION

PROJECT NO.	2021210498
FILENAME	202121048X
CHECKED BY	EM
DRAWN BY	JDS
SCALE	1"=30
DATE	05. 24. 2021

SHEET

REZONING PLAN

RZ.01

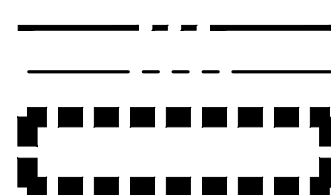


SITE DATA

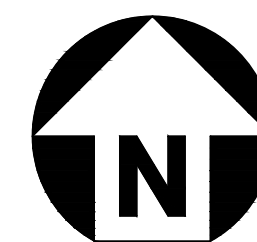
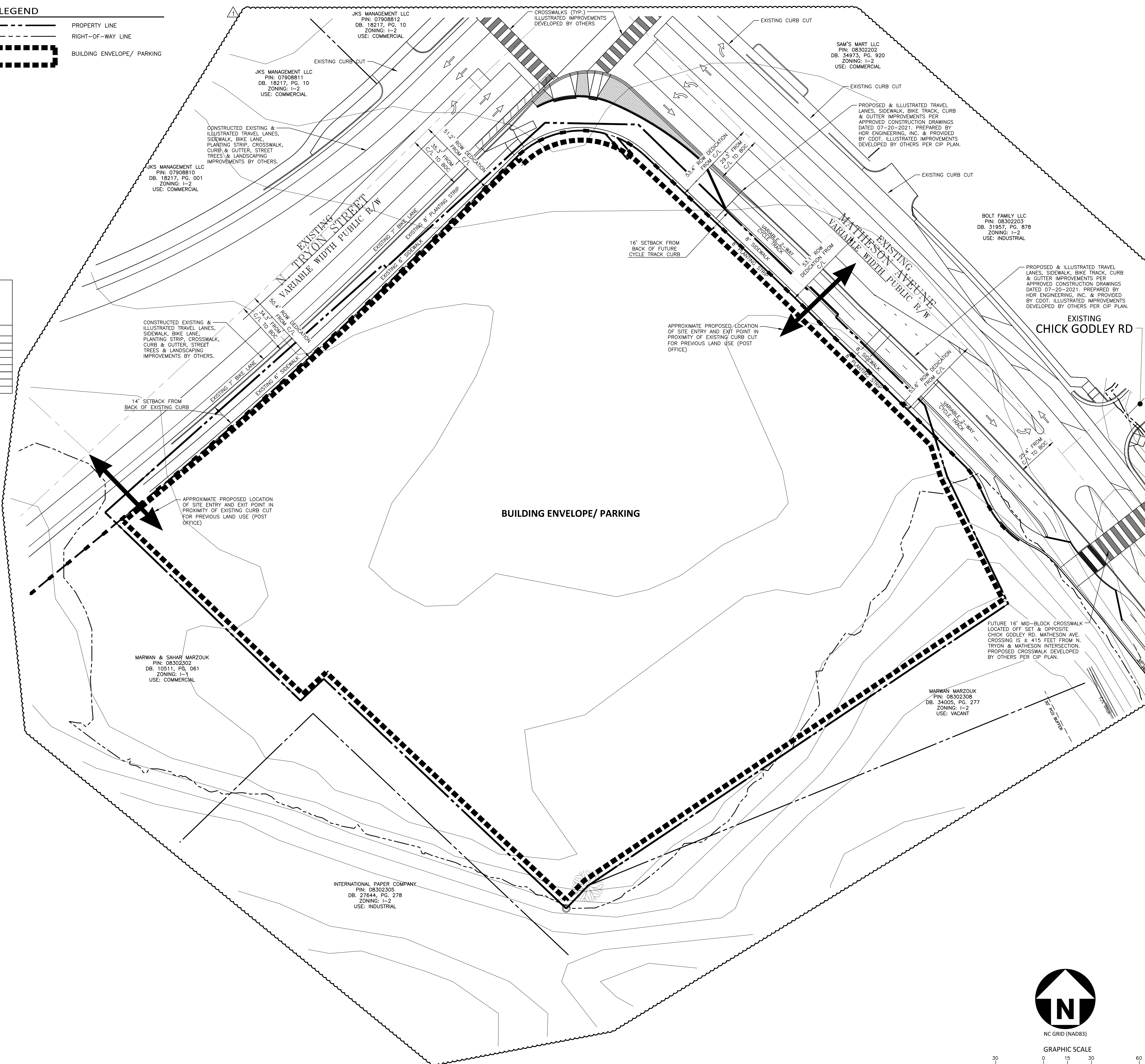
PREPARED BY: MCADAMS COMPANY
3430 TORINGDON WAY, SUITE 110
CHARLOTTE, NC 28277
704-527-0800

PARCEL PIN: 08302307	
TOTAL SITE AREA:	3.5 AC
CURRENT ZONING:	I-2
PROPOSED ZONING:	MUDD(CD)
UNIT TYPE:	RESIDENTIAL
PROPOSED USES:	340 RESIDENTIAL DWELLING UNITS
DENSITY:	77.1 UNITS/AC
POTENTIAL TREE SAVE AREA:	IN ACCORDANCE WITH 21-94(3)
SOLID WASTE:	PROVIDED INSIDE BUILDING OF PARKING DECK

SITE LEGEND

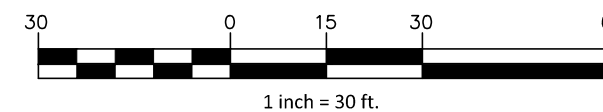


PROPERTY LINE
RIGHT-OF-WAY LINE
BUILDING ENVELOPE/ PARKING



NC GRID (NAD83)

GRAPHIC SCALE



1 inch = 30 ft

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

M:\Projects\MSP\202120498\04-Production\Engineering\202120498-alt.dwg, 11/15/2021 11:04:41 AM, Drew Singleton

Site Development Data:

- Acreage: ± 3.5
- Tax Parcels: 083-023-07
- Existing Zoning: I-2
- Proposed Zoning: MUDD(CD)
- 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 in the Rezoning Plan.
- Maximum Development: Up to 340 multi-family residential units
- Maximum Building Height: 75 feet
- 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 Alliance Residential ("Petitioner") to accommodate development of a multi-family residential community on an approximately 3.5-acre site located at the southeastern intersection of North Tryon Street and Matheson Avenue, more particularly described as Mecklenburg County Tax Parcel Number 083-023-07 (the "Site").
- b. **Intent.** This Rezoning is intended accommodate development on the Site of a pedestrian and transit-oriented multi-family residential community.
- 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").

II. Permitted Uses

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

III. Maximum Development

The principal building(s) constructed may be developed with up to 340 multi-family residential units along with any accessory uses allowed in the MUDD zoning district. Non-residential uses are not proposed for the Site except amenities as accessory uses to the proposed multi-family residential development.

IV. Transportation

- a. Vehicular access will be as generally depicted on the Rezoning Plan. The placements and configurations of the vehicular access points shown on the Rezoning Plan are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval.
- b. Where necessary, the Petitioner shall dedicate and convey in fee simple all rights-of-way to the City of Charlotte or NCDOT as applicable before the Site's first building certificate of occupancy is issued.
- c. Unless otherwise stated herein, all transportation improvements shall be approved and constructed prior to the issuance of the Site's first building certificate of occupancy.
- d. 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.

V. Design Guidelines:

- a. Preferred Exterior Building Materials: All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 20% of that building's entire façade facing such network street using brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director.
- b. Prohibited Exterior Building Materials:
 - 1. Vinyl siding (but not vinyl hand rails, windows or door trim); and
 - 2. Concrete Masonry Units not architecturally finished
- c. Building length shall not exceed 400 feet along public street frontages.
- d. Building height shall be a minimum of twenty-four (24) feet and a maximum of seventy-five (75) feet.
- e. All ground floor entrances shall include direct pedestrian connections between street facing doors and adjacent sidewalks.
- f. If individual residential entrances are provided on the ground floor of the building adjacent to public street frontages, all such ground floor entrances along the sidewalk shall be between 1' and 7' above sidewalk grade or 1' to 3' below sidewalk grade.
- g. 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.
- h. All dumpster enclosure areas shall be internal to the building/parking deck or screened from network required public or private streets with materials complementary to the principal structure. 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.
- i. Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following
 - 1. Buildings shall be placed so as to present a front or side façade to all network required streets (public or private);
 - 2. Buildings shall front a minimum of 50% of the total network required street frontage on the site (exclusive of driveways, pedestrian access, points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities);
 - 3. Parking lots shall not be located between any building and any network required public or private street;
 - 4. Driveways intended to serve single units shall be prohibited on all network required streets.
- j. Building Massing and Height shall be designed to break up long monolithic building forms as follows:
 - 1. Buildings exceeding 120 feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 6 feet extending through the building
- k. Architectural Elevation Design - elevations shall be designed to create visual interest as follows:
 - 1. 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.
 - 2. Building elevations facing network required public or private streets 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
- l. Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:
 - 1. 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.
 - 2. For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls, and accent roof features like gables, dormers, which would be allowed a slope of less than 4:12.
 - 3. Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.

VI. Environmental Features

- a. The Petitioner shall comply with the Post Construction Stormwater Ordinance.
- b. The Petitioner shall comply with the Tree Ordinance.

VII. Lighting:

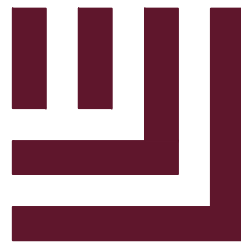
All lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed on buildings, along the driveways, sidewalks, and parking areas. However, upward facing accent/architectural lighting shall be permitted.

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.



McADAMS

The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713

phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

JASON MCARTHUR
TRY MATH INVESTORS, LLC
338 S. SHARON AMITY ROAD, PMB 510
CHARLOTTE, NORTH CAROLINA 28211

N. TRYON + MATHESON
MULTI-FAMILY
REZONING PETITION NO. 2021-135
110 MATHESON AVEUNE
CHARLOTTE, NORTH CAROLINA 28206

REVISIONS

NO.	DATE
1	11. 15. 2021

PER CITY COMMENTS

PLAN INFORMATION

PROJECT NO.	2021210498
FILENAME	202121048X
CHECKED BY	EM
DRAWN BY	JDS
SCALE	
DATE	05. 24. 2021

SHEET

REZONING NOTES

RZ.02



City of Charlotte

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

Agenda Date: 12/20/2021

Agenda #: 38.**File #:** 15-17044 **Type:** Zoning Hearing

Rezoning Petition: 2021-139 by Boulevard at 1800 Central, LLC

Location: Approximately 0.69 acres located at the southeast intersection of Central Avenue and Nandina Street, east of The Plaza. (Council District 1 - Egleston)

Current Zoning: B-2 (general business)

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

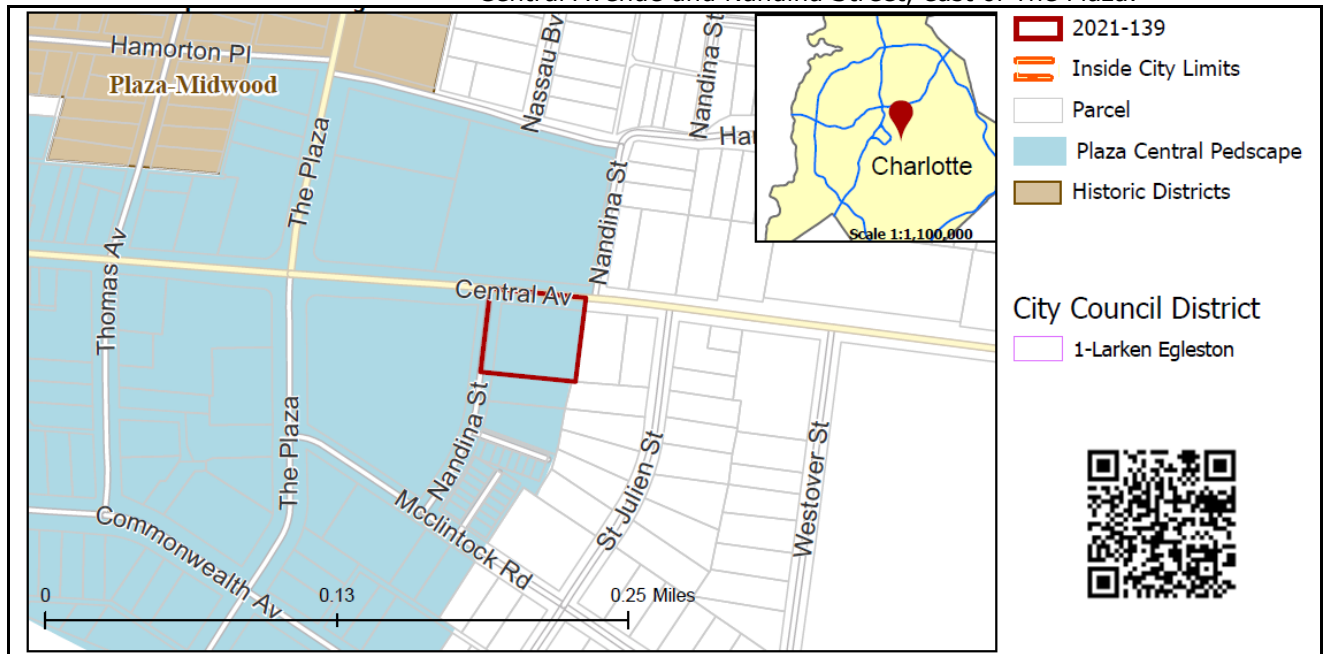
Pre-Hearing Staff Analysis

REQUEST

Current Zoning: B-2 PED (general business, pedscape overlay)
Proposed Zoning: TOD-NC PED (transit oriented development – neighborhood center, pedscape overlay)

LOCATION

Approximately 0.69 acres located at the southeast intersection of Central Avenue and Nandina Street, east of The Plaza.



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 commercial uses.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

Boulevard at 1800 Central, LLC
Boulevard at 1800 Central, LLC
John Carmichael
Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Plaza-Central Pedscape Plan* (2003) recommendation of office, retail, and multi-family uses up to 12 dwelling units per acre on this site.

Rationale for Recommendation

- The site is within a ½-mile walk of the proposed Pecan Station along the Silver Line and will be directly along the proposed future Gold Line route on Central Avenue.
- The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location.
- 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 surrounding context of more moderately intense uses.

- The use of conventional TOD-NC zoning applies standards and regulations to create the 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.

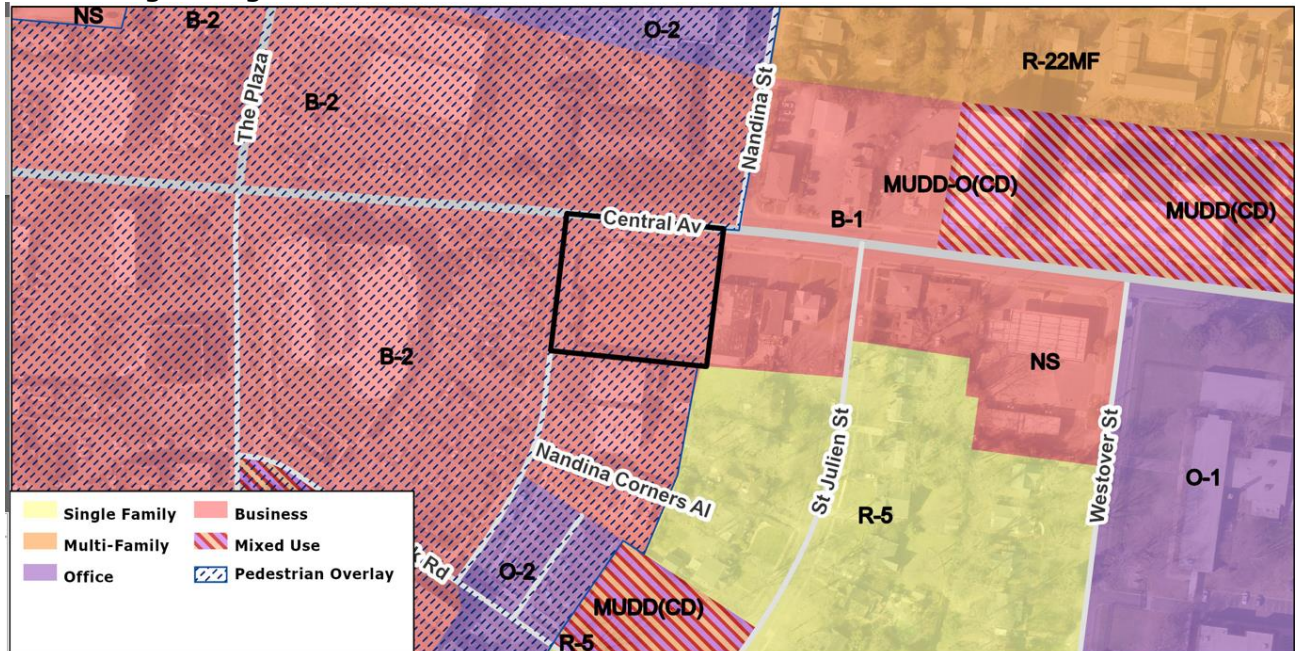
PLANNING STAFF REVIEW

• Proposed Request Details

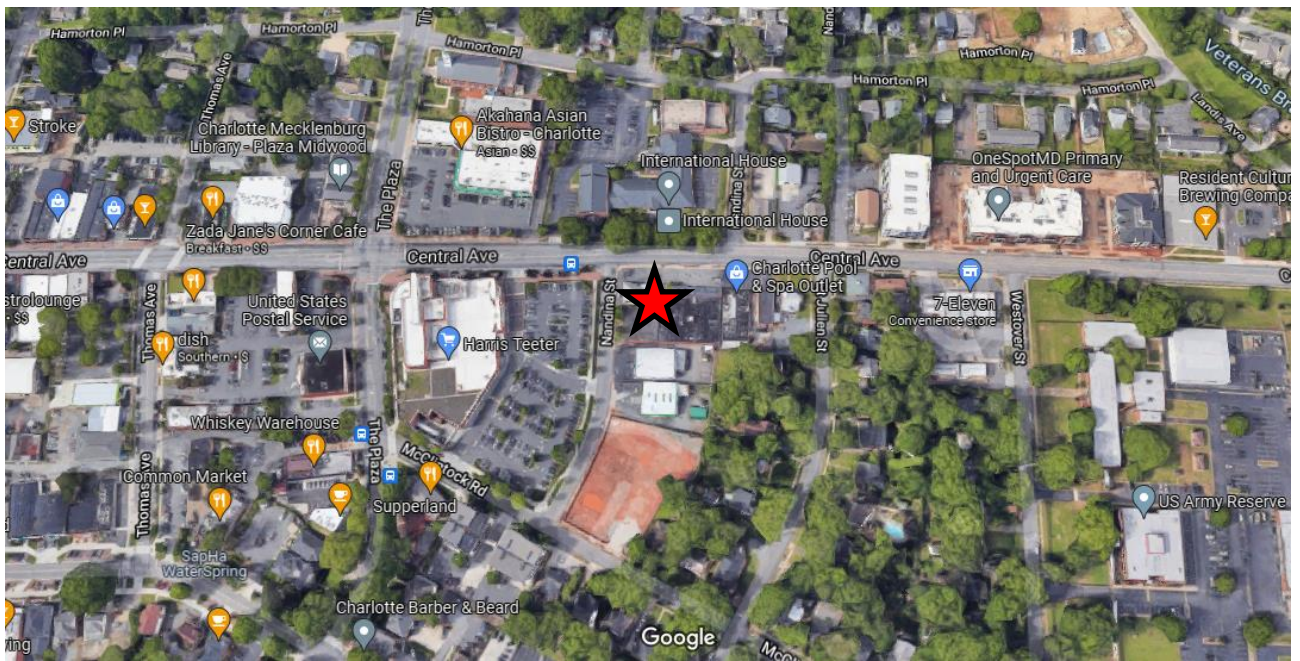
This is a conventional rezoning petition with no associated site plan.

- Allows all uses in the TOD-NC (transit oriented development – neighborhood center) zoning district.

• Existing Zoning and Land Use



- The site is currently zoned B-2 PED and is in an area with retail, institutional, office, and various types of residential uses.



- The subject site is denoted with a red star.



- North of the site are institutional uses with a building used by a local non-profit organization.



- East of the site are retail uses.

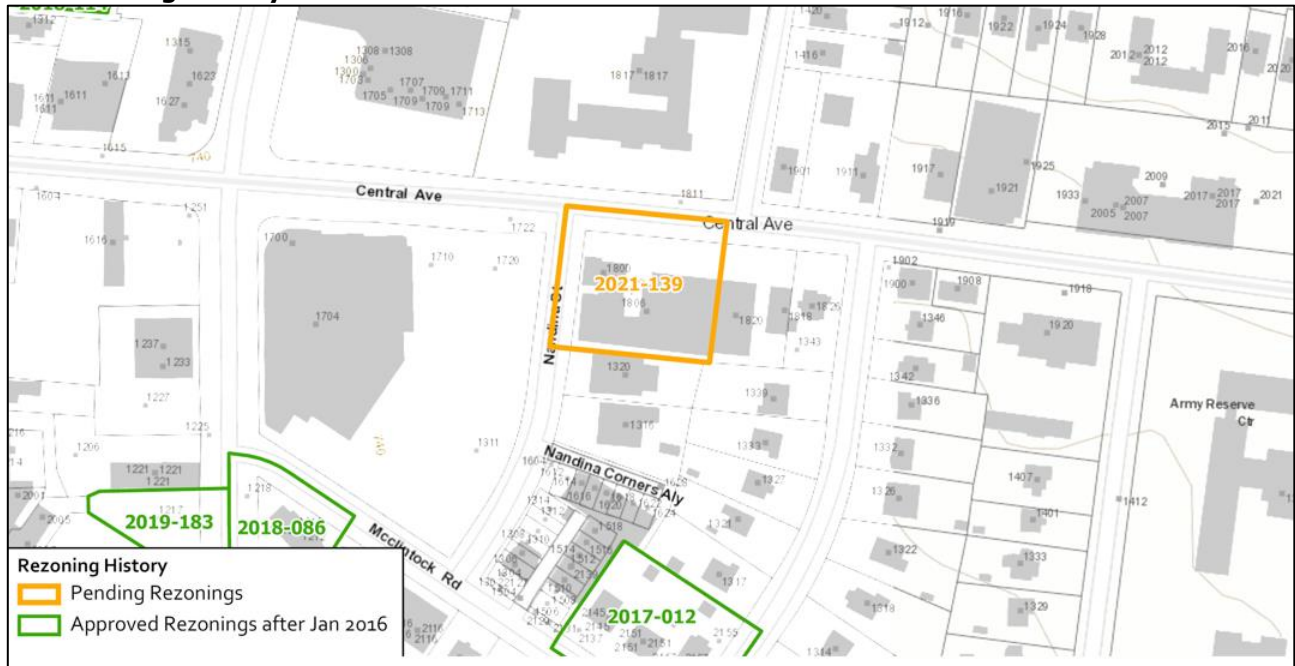


- South of the site are retail and multi-family residential uses.



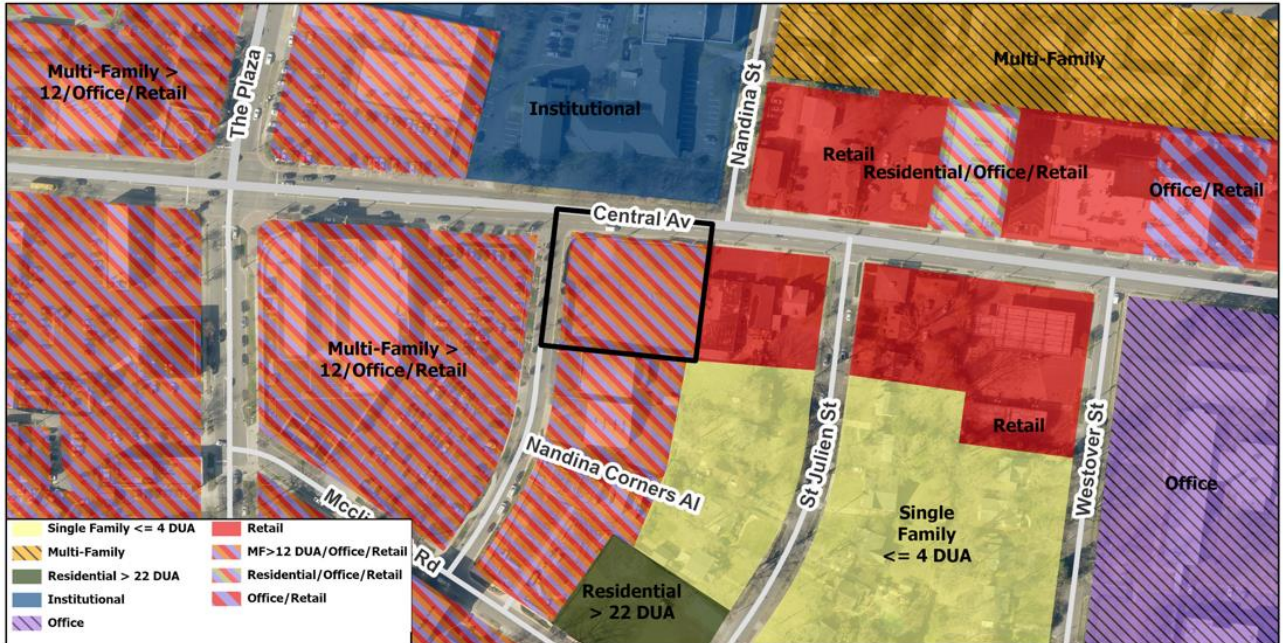
- West of the site are retail uses.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2017-012	Rezoned 0.683 acres from R-5 to MUDD(CD).	Approved
2018-086	Rezoned 0.23 acres from B-2 to MUDD-O.	Approved
2019-183	Rezoned 0.24 acres from B-2 PED to B-2 PED-O.	Approved

- **Public Plans and Policies**



- The *Plaza-Central Pedscape Plan* (2003) recommends office, retail, and multi-family uses up to 12 dwelling units per acre on this site.

TRANSPORTATION SUMMARY

- The site is located adjacent to Nandina Street, a City-maintained local street and Central Avenue a City-maintained major thoroughfare. 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:**
 - Future phase of Streetcar (unfunded)
 - Future Silver Line along Independence Boulevard
 - Proposed stations at Pecan Avenue and Morningside Drive.
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (the site is vacant).

Entitlement: 1,295 trips per day (based on 10,425 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:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** 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 # 2021-139

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.	✓

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>



City of Charlotte

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

Agenda Date: 12/20/2021

Agenda #: 39.**File #:** 15-17045 **Type:** Zoning Hearing

Rezoning Petition: 2021-140 by Hutton

Location: Approximately 1.69 acres located along the south of North Tryon Street, east of pavilion Boulevard, and north of Harris Houston Road. (Council District 4 - Johnson)

Current Zoning: NS (neighborhood services)

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

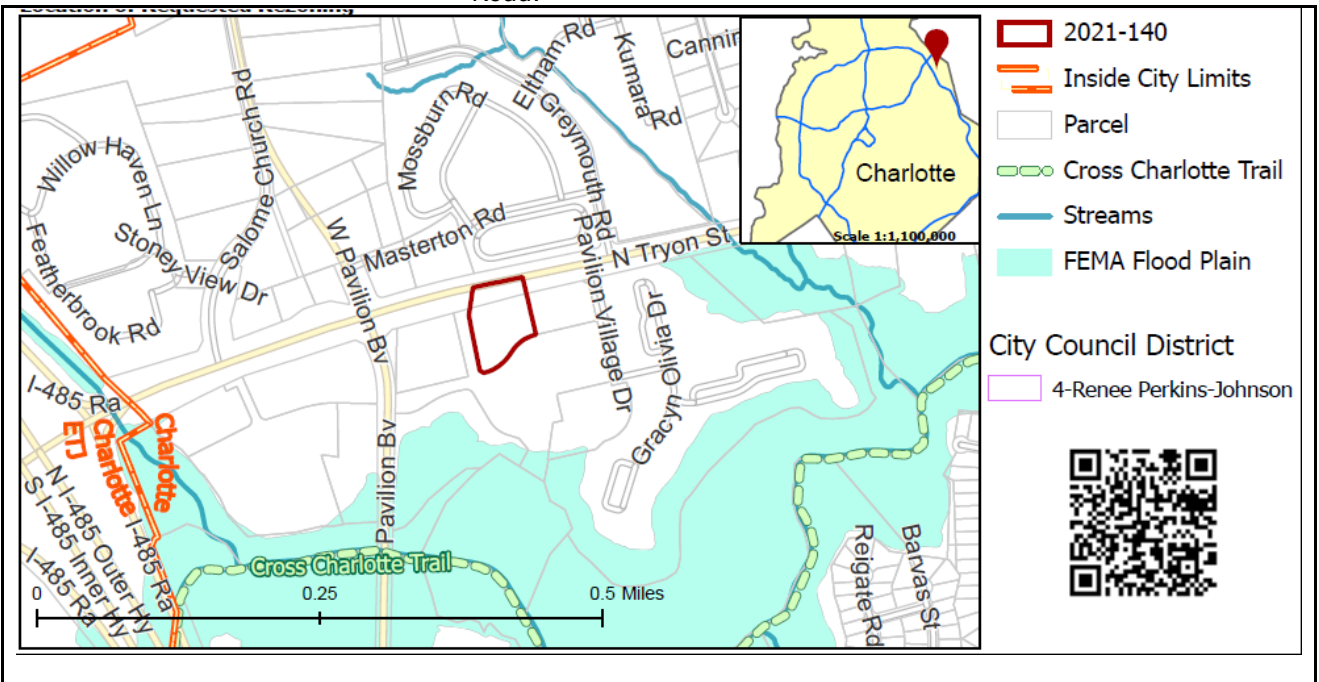
Site Plan

REQUEST

Current Zoning: NS (neighborhood services)
Proposed Zoning: B-2(CD) (general business, conditional)

LOCATION

Approximately 1.69 acres located along the south of North Tryon Street, east of Pavilion Boulevard, and north of Harris Houston Road.



SUMMARY OF PETITION

The petition proposes to allow an automated car wash with accessory cleaning and detailing stations on a vacant parcel of land.

PROPERTY OWNER

Charlotte Pavilion Road Retail Investment LLC

PETITIONER

Hutton

AGENT/REPRESENTATIVE

Eddie Moore, McAdams Company

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 0

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is **consistent** with the *Northeast Area Plan's* recommendation for retail uses for the site but **inconsistent** with the area plan's recommendation for residential uses for the site.

Rationale for Recommendation

- The proposed project is consistent with the existing, adjacent development patterns.
- The petition helps achieve the area plan's land use goal of "a balanced land use pattern that includes a mixture of housing, shopping, employment and civic uses".

- Before the approval of rezoning petition 2007-079, the Northeast Area Plan recommended only retail uses for the site.
- While proposing an auto-oriented use, the petition still furthers the land use goal to stimulate pedestrian and bicycle activity via its commitment to construct a 12-foot multi-use path and 8-ft planting strip, along the property's frontage of N. Tryon, in accordance with Charlotte BIKES.

The approval of this petition will revise the adopted future land use as specified by the *Northeast Area Plan*, from retail/residential uses to retail uses for the site.

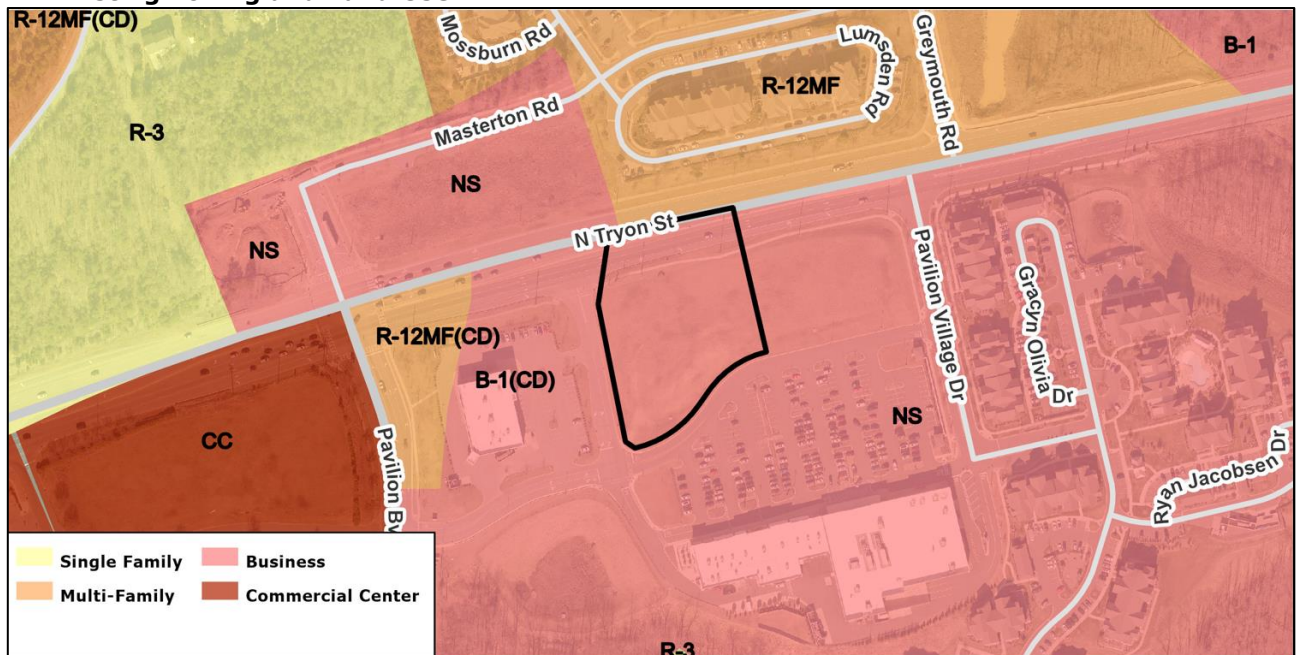
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- A 4,563 square foot automatic car wash with accessory detailing stations.
- Proposes access onto N. Tryon Street via an existing driveway abutting the parcel to the west.
- Illustrates a 12-foot multi-use path and an 8-foot planting strip along N. Tryon Street.
- Illustrates a 5-foot sidewalk and 8-foot planting strip along the abutting driveway.
- Illustrates a proposed planting area at the rear of the development. Minimum of 10 trees will be provided in this area.
- Building materials will be a combination of the following: brick, glass, natural stone (or its synthetic equivalent), stucco, EIFS, cementitious siding, fiber cement (HardiPlank), scored and painted CMU block, and/or other materials approved by the Planning Director.
- Provides architectural standards addressing blank walls and roof form and articulation.
- Provides 10-foot screening area along N. Tryon Street, 5-foot screening along the east property line, and 10-foot screening area along south property line.

• Existing Zoning and Land Use



- The site is currently vacant and is surrounded by single family homes, multi-family residential development, retail uses, and vacant acreage on properties zoned R-3, R-12MF, R-12MF(CD), NS, B-1, B-1(CD), and CC.
- The parcel is part of 72 acres rezoned via 2007-079 from R-3, B-1, and B-1(CD) to NS to allow 100,000 square feet of retail/service and 295 multi-family residential units.



The rezoning site is currently vacant.



North, across N. Tryon Street, is an apartment community.



East are apartments and retail uses.

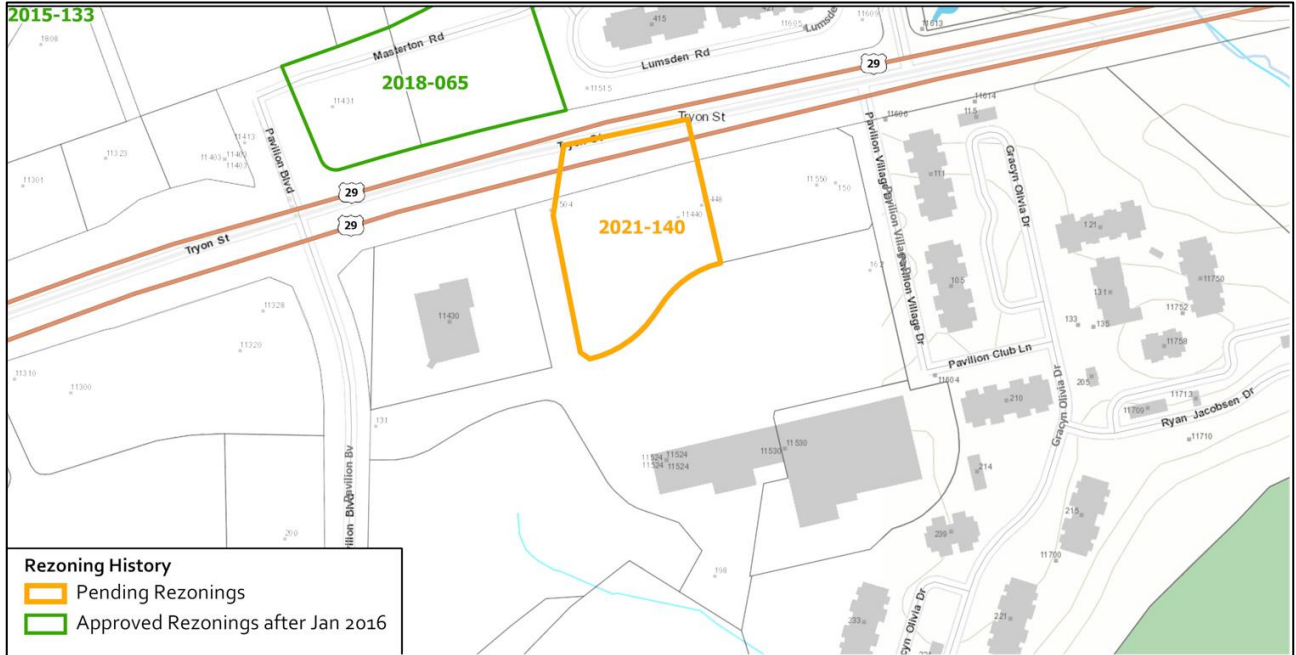


West are apartments, retail uses, and vacant land.



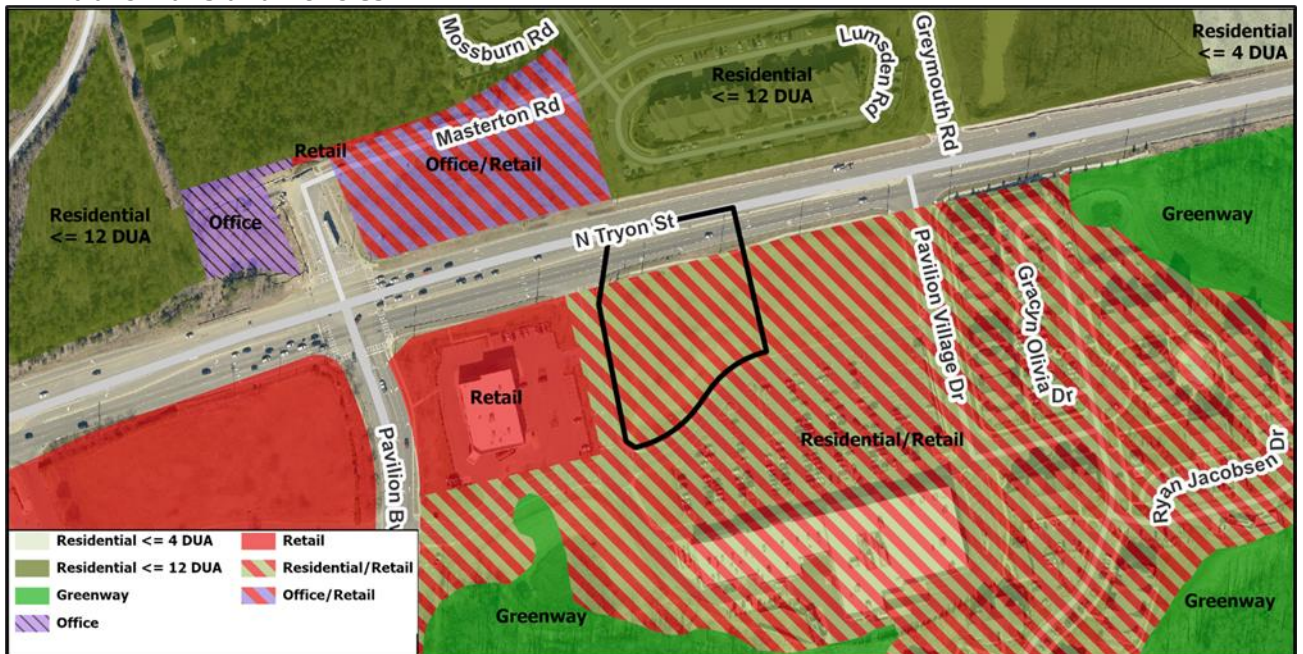
South are apartments and retail uses.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2018-065	NS site plan amendment for 2.63 acres to allow 20,000 square feet of uses permitted in NS, prohibiting convenience stores, gasoline sales, and drive-through window facilities as an accessory to any more than one establishment.	Approved

• Public Plans and Policies



- The Northeast Area Plan recommends residential and retail uses for the site.

- **TRANSPORTATION SUMMARY**

- The site is located along North Tryon Street, a state-maintained major thoroughfare east of Pavilion Boulevard, a city-maintained minor thoroughfare. A Traffic Impact Study (TIS) is not needed for this site. The site's previous rezoning petition RZP 2020-106 (which was withdrawn) indicates upgrading the existing sidewalk along the property's frontage of North Tryon to a 12-foot multi-use path with 8-foot planting strip, and to replace the existing ramp at the northwest corner of the property with a PROWAG compliant ramp. The petitioner has committed to dedicating 65' of right-of-way from the N Tryon Street centerline, constructing to a 12-foot multi-use path with a minimum 8-foot planting strip along North Tryon Street in accordance with council-adopted Charlotte BIKES and Charlotte WALKS policies, and replacing the existing ramp at the northwest corner of the property to ensure PROWAG compliance. Site plan revisions are needed to confirm an access easement is in place for the internal shopping center. Further details are listed below.
- **Active Projects:**
 - N/A
- **Transportation Considerations**
 - See Outstanding Issues, Notes 1-4.
- **Vehicle Trip Generation:**

Current Zoning:
Existing Use: 0 trips per day (based on tax record).
Entitlement: 470 trips per day (based on 2,338 sq ft retail; petition 2007-079).
Proposed Zoning: no data (based on 4,600 sq ft automated car wash).

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:** 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 N Tryon St. 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 on Pavilion Blvd. 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 outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No comments submitted.

OUTSTANDING ISSUES

Transportation

1. Curblin: The proposed zoning district has a setback measured from back of the existing or proposed future curblin.
 - a. **Tryon Street:** The site plan shows a 41' R/W from centerline. Revise site plan and conditional note(s) to commit to dedicate 50-foot right-of-way from the N Tryon Street road centerline. The site plan shall label and dimension the right-of-way from the road centerline. Revise site plan to accurately depict name of "N Tryon Street."
Revise site plan to accurately depict name of "N Tryon Street."
2. Add conditional note confirming an access easement is in place for the internal shopping center driveway west and south of the proposed site. This is required to ensure access to the proposed dumpster as well as onto N Tryon Street.

3. Add conditional note specifying dedication and fee simple conveyance of all rights of way and sidewalk utility easement to the City before the site's first building certificate of occupancy is issued.
4. Add conditional note "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 northeastern Mecklenburg area, by way of a private/public partnership effort or other public sector project support."

Site and Building Design

5. Development Data Table proposes a maximum height of 25 feet, while Site Data indicates 40 feet. Please correct.
6. Correct street name (N. Tryon Street, not Road).
7. Replace language in Note IV.1. "...other material approved by the Planning Director" with "...other material of comparable quality approved by the Zoning Administrator."

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 # 2021-140

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

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>

Development Data Table:

Site Area:	+/- 1.69 acres
Tax Parcels:	05141112
Existing Zoning:	NS
Proposed Zoning:	B-2(CD)
Existing Use:	Vacant outparcel - Shoppes at Mallard Creek
Proposed Uses:	Automated car wash with accessory cleaning stations
Maximum Building Height:	25 feet, excluding but not be limited to gables, hips, dormers, or parapets
Parking:	Will meet or exceed Ordinance standards

I. General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Hutton (the "Petitioner") to accommodate the development of an automated car wash development on that approximately 1.69-acre site located on the south side of N Tryon Street and on the east side of Pavilion Boulevard, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Number 05141112.
- 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").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, or as otherwise requested in the optional provisions below, the regulations established under the Ordinance for the B-2 zoning district shall govern the development and use of the Site.
- The development depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard, landscaping and tree save requirements set forth on this Rezoning Plan and the Development Standards, provided, however, that any such alterations and modifications shall be minor in nature and not materially change the overall design intent depicted on the Rezoning Plan.
- Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner(s) of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Minor alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

II. Permitted Uses

The Site may be devoted only to an automated car wash and any incidental and accessory uses relating thereto that are allowed in the B-2 zoning district.

III. Transportation

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval.
- The Petitioner commits to construct a 12-foot multi-use path and 8-ft planting strip, along the property's frontage of N. Tryon, in accordance with Charlotte BIKES per the Rezoning Plan.
- The petitioner commits to dedicate a sidewalk easement 2-feet from back of the requested 12-foot multi-use path to the City before the site's first building certificate of occupancy is issued.
- The Petitioner shall replace the existing ramp at the entrance along N. Tryon, at the private driveway, to PROWAG standards, in order to accommodate a 12-foot multi-use path.

IV. Architectural Standards

- The principal building(s) on the Site may use a variety of building materials. The building materials will be a combination of the following: brick, glass, natural stone (or its synthetic equivalent), stucco, EIFS, cementitious siding, fiber cement ("HardiPlank"), scored and painted CMU block, and/or other materials approved by the Planning Director.
- Architectural elevations shall be designed to create visual interest as follows:
 - Building elevations facing network required streets shall not have expanses of blank walls greater than twenty (20) feet in all directions and architectural features such as but not limited to banding, medallions and design features such as transparent windows, display windows, or spandrel glass windows and materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
- Roof form and articulation - Roof form lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:
 - 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.
 - Roof top HVAC and related mechanical equipment will be screened from public view at grade from network required streets.
- The building and drive aisles along N Tryon will be screened with a landscape screen along the entire length.

V. Environmental Features

- The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance.
- The site shall comply with the City of Charlotte Tree Ordinance.

VI. 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.

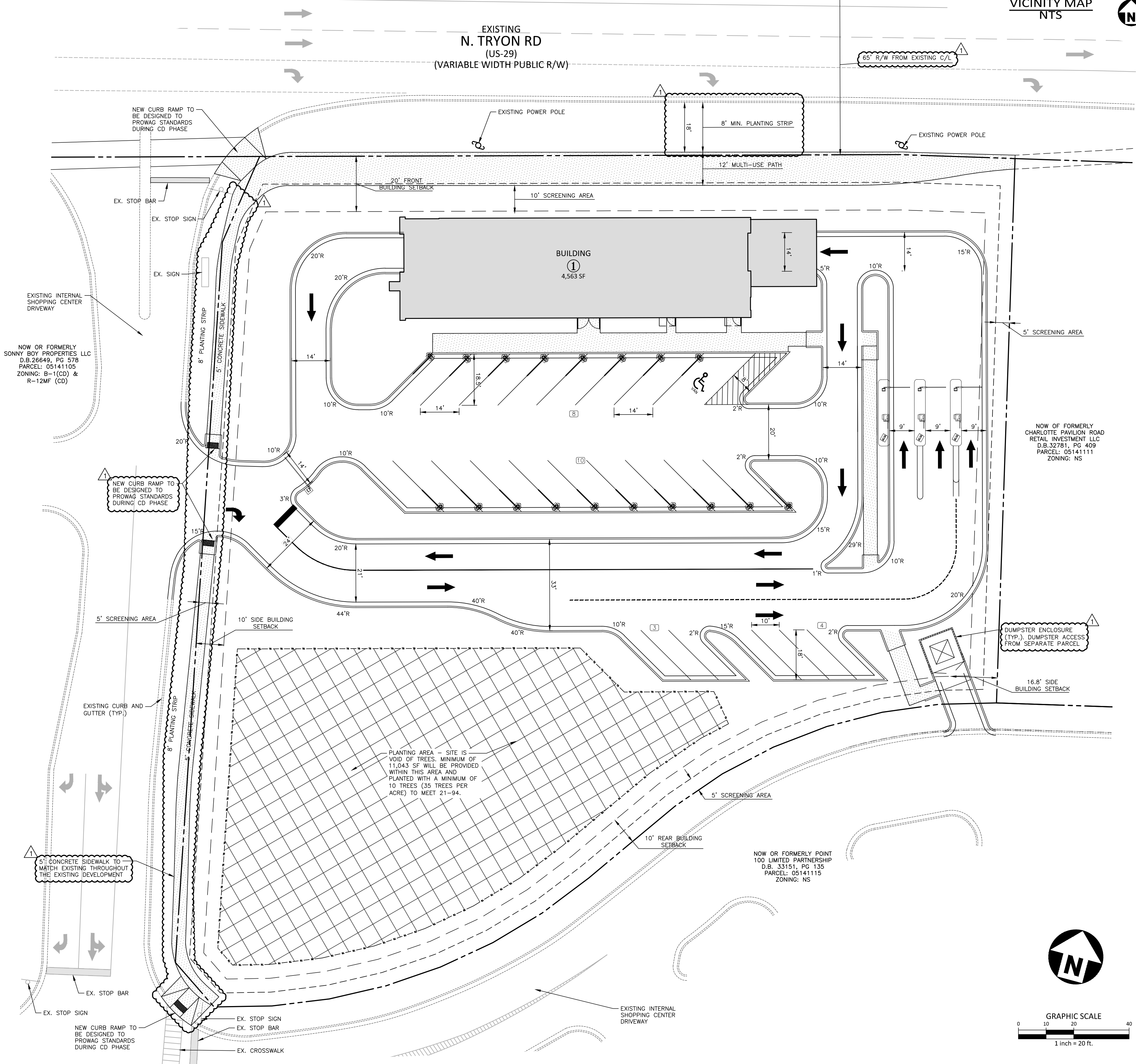
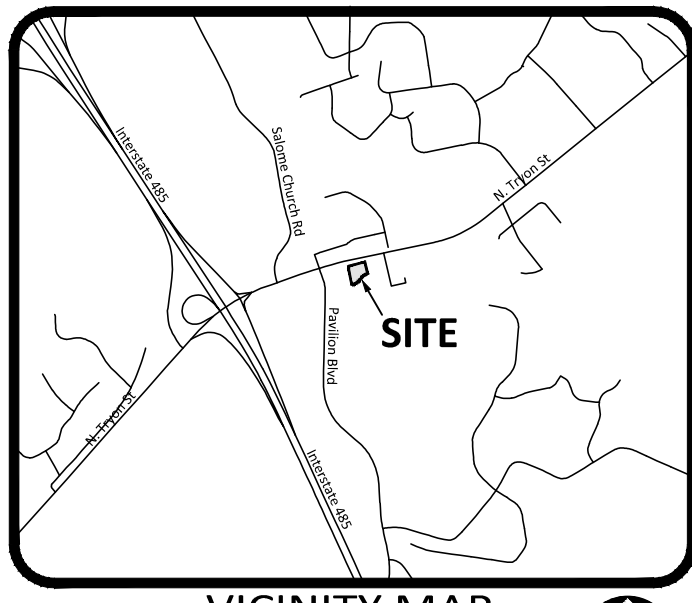
Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of any part of the Site from time to time who may be involved in any future development thereof.

SITE DATA	
DEVELOPER: HUTTON 736 CHERRY STREET CHATTANOOGA, TN 37402 423.551.4208	PREPARED BY: MCADAMS COMPANY 3430 TORRINGTON WAY, SUITE 110 CHARLOTTE, NC 28277 704.527.0800
PID: 05141112	
TOTAL SITE ACREAGE:	± 1.69 AC
EXISTING ZONING:	NS
PROPOSED ZONING:	B-2(CD)
EXISTING USE:	VACANT
PROPOSED USE:	COMMERCIAL - AUTOMATIC CAR WASH
BUILDING SQUARE FOOTAGE:	4,563 SF
FLOOR AREA RATIO:	0.062
MAXIMUM BUILDING HEIGHT ALLOWED:	40 FT
FRONT YARD SETBACK (N TRYON RD):	20 FT (EXCLUDING GABLES, HIPs, DORMERS OR PARAPETS)
SIDE YARD SETBACK:	10 FT
REAR YARD SETBACK:	10 FT
PERIMETER BUFFER:	10 FT ALONG N. TRYON RD, 5FT ON SIDES AND REAR

NOTES:
1. FIRE HYDRANT SHALL BE LOCATED WITHIN 750 FEET TO THE MOST REMOTE POINT OF BUILDING AS TRUCK TRAVEL FOR ALL BUILDINGS.

SITE LEGEND

---	PROPERTY LINE
- - - -	RIGHT-OF-WAY LINE
---	LOT LINE
---	CENTERLINE
- - - -	PERIMETER BUFFER
- - - -	BUILDING SETBACK



McADAMS
The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713
phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187
www.mcadamsco.com

CLIENT

HUTTON
736 CHERRY ST
CHATTANOOGA, TN 37402
PHONE: 423.551.4208

MOD WASH N. TRYON
REZONING PETITION # 2021-140
11440 N. TRYON ROAD
CHARLOTTE, NORTH CAROLINA

REVISIONS

NO.	DATE	PER CITY COMMENTS
1	11.15.2021	

PLAN INFORMATION

PROJECT NO.	HUT-20000
FILENAME	HUT20000-RZ1
CHECKED BY	EM
DRAWN BY	JDS
SCALE	1"=20'
DATE	06.09.2021

SHEET

REZONING PLAN

RZ.01



City of Charlotte

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

Agenda Date: 12/20/2021

Agenda #: 40. **File #:** 15-17046 **Type:** Zoning Hearing

Rezoning Petition: 2021-141 by The Drakeford Company

Location: Approximately 0.33 acres located on the east side of East 34th Street, northwest of The Plaza, and east of Matheson Avenue. (Council District 1 - Egleston)

Current Zoning: O-2 (office)

Proposed Zoning: NS (neighborhood services) with 3-year vested rights

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

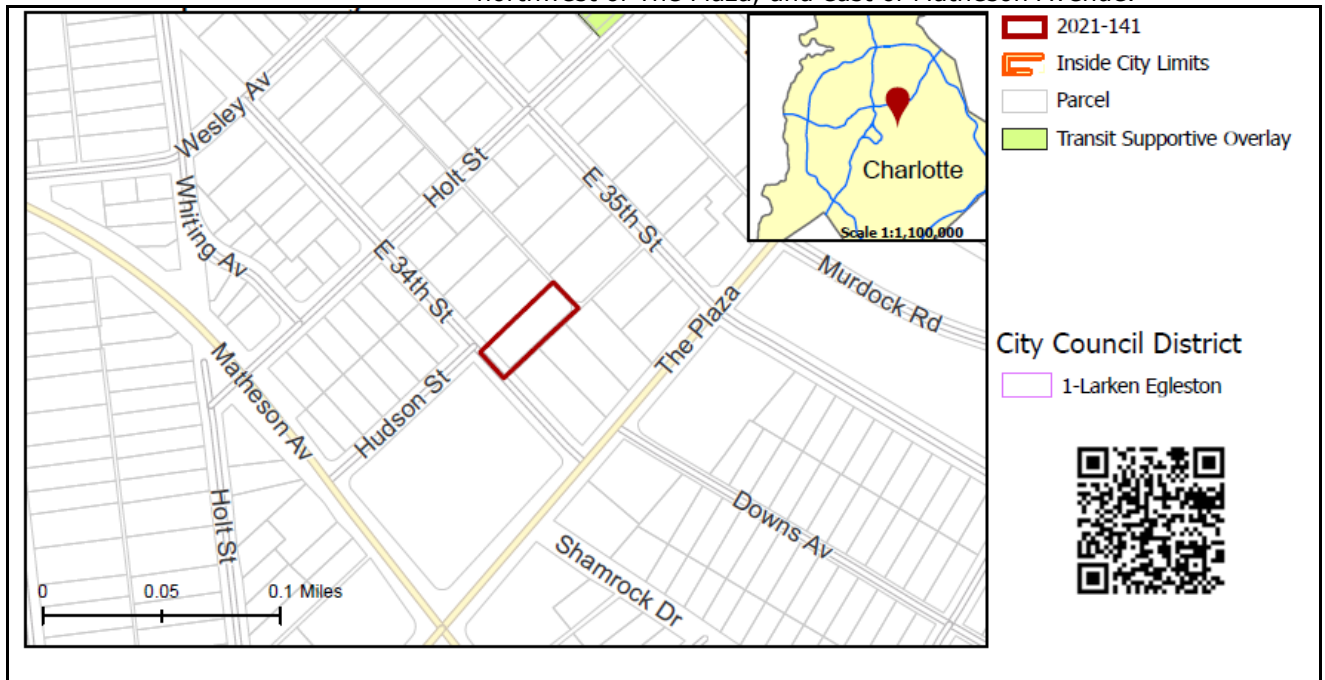
Site Plan

REQUEST

Current Zoning: O-2 (office)
Proposed Zoning: NS (neighborhood services) with 3-year vested rights

LOCATION

Approximately 0.33 acres located on east side of E. 34th Street, northwest of The Plaza, and east of Matheson Avenue.



SUMMARY OF PETITION

The petition proposes to allow a single family attached residential development (townhomes) on a vacant lot.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE

Gus and Zoe Mihelakis
The Drakeford Company
Russell Fergusson

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 0

STAFF RECOMMENDATION

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

Plan Consistency

The petition is **inconsistent** with the *Central District Plan's* recommendation for single family uses up to four dwelling units per acre (DUA) for the site.

Rationale for Recommendation

- The petition aligns with the Central District Plan's policy of "providing opportunities for higher density infill housing in appropriate locations throughout the district."
- A proposal for attached single family residential is consistent with the adjacent development pattern.
- The General Development Policies (2007) provide policy guidance and locational criteria for evaluating applicable parcels previously

recommended for residential uses for density. While recommended for a lower density, the General Development Policies' locational criteria would score this site for over 17 dwelling units per acre with design guidelines. At over 17 dwelling units per acre, this petition includes adequate additional commitments to design.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from single family uses up to four DUA to residential uses greater than 22 DUA acre for the site.

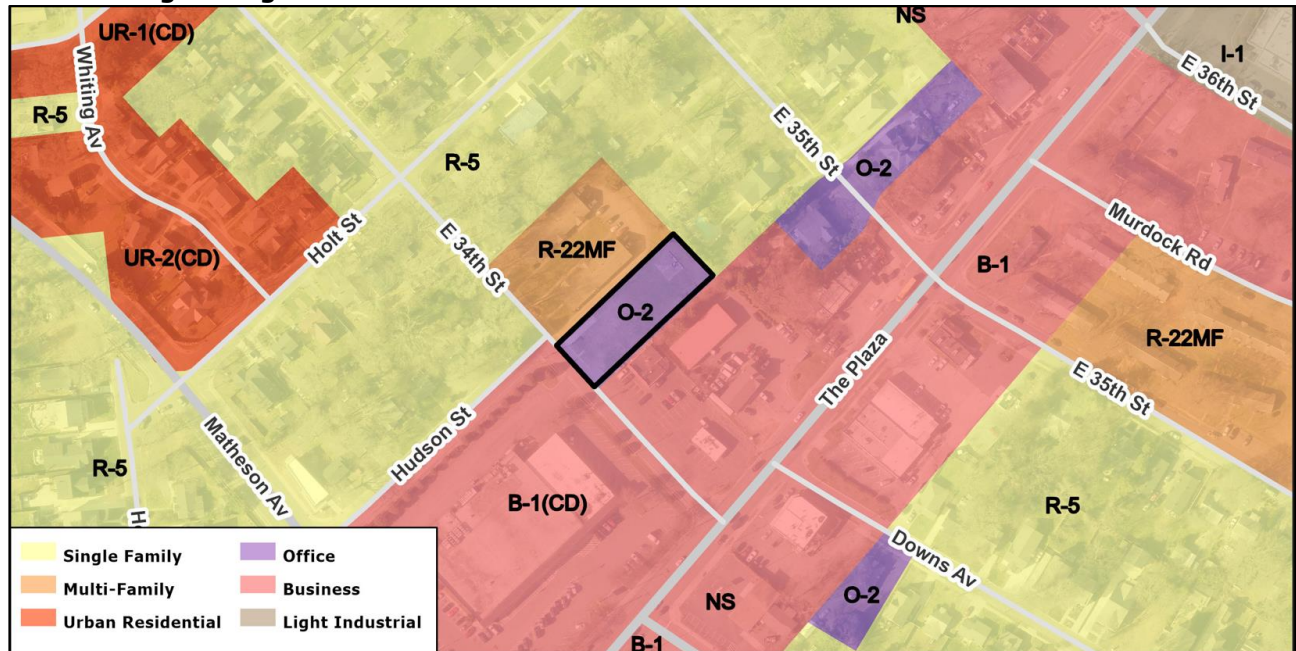
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 10 attached single family residential dwelling units with individual garages within a maximum of 3 structures.
- Maximum building height of 48 feet.
- Proposed private 20-foot wide access onto E. 34th Street. Petitioner may improve the abutting existing alleyway for vehicular access to the east side of the parcel.
- Proposed 6-foot planting strip and 8-foot sidewalk along E. 34th Street.
- Proposed 5-foot sidewalk connecting individual units to proposed 6-foot sidewalk along E. 34th Street.
- Proposes a variety of principal building materials to be a combination of the following: masonry, brick, concrete, pre-cast concrete, stone, precast stone, pre-finished metal, aluminum, steel, stucco, wood, ceramic tile, cementitious fiber board and glass fiber reinforced concrete.
- Prohibits vinyl as a building material except for soffits, windows and other minor components.
- Proposes architectural standards addressing blank walls; building façade and orientation; pedestrian connection; and corner or end units facing a public street.

• Existing Zoning and Land Use



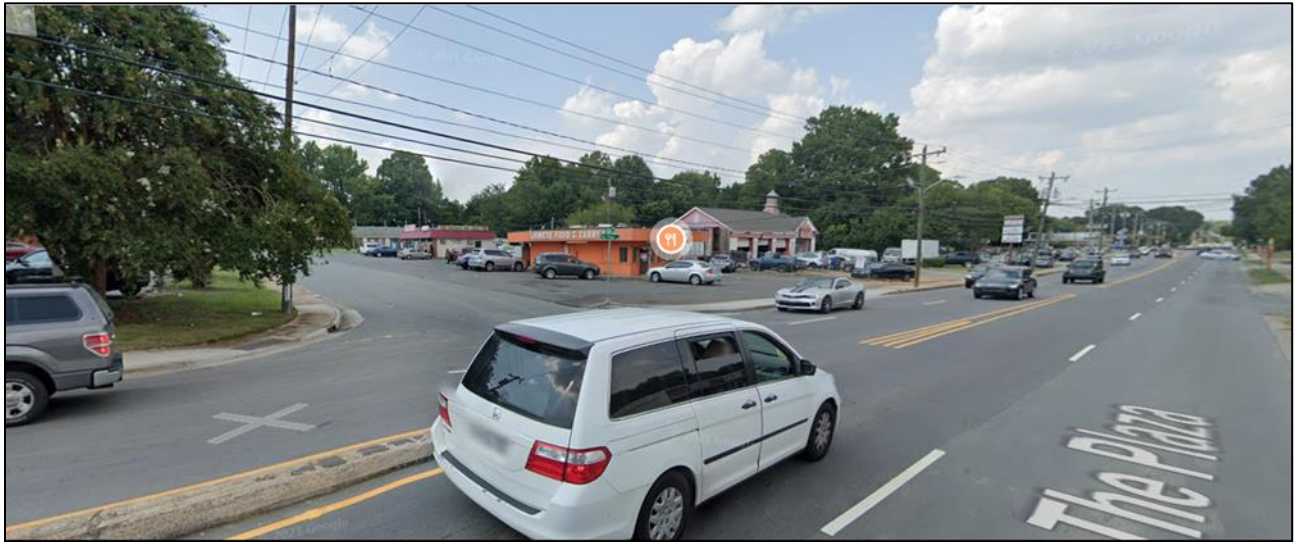
- The parcel is currently vacant and immediately surrounded by a mix of single family, multifamily, and retail uses on properties in various zoning districts.



The site is currently vacant.



South, southeast, and southwest are commercial uses located near and at the intersection of E. 34th Street and The Plaza (above and below pics).



West and northwest are single family and multifamily residences (above and below pics).





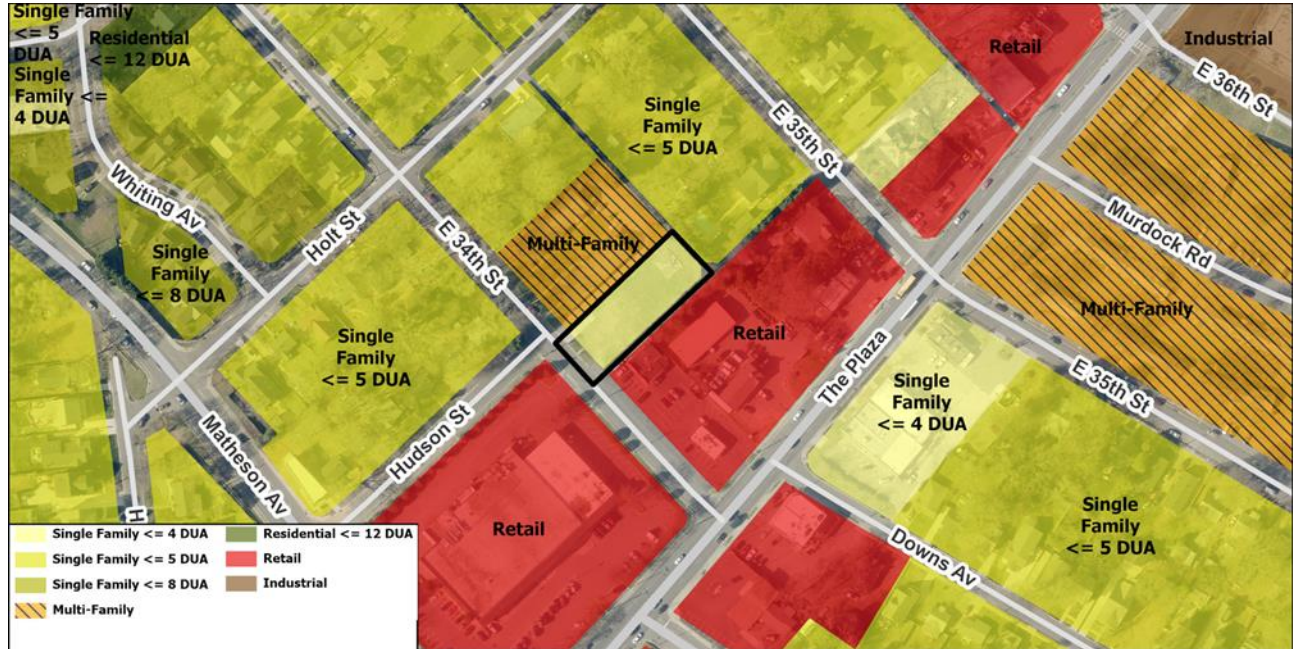
Northeast are single family homes.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-172	Rezoned 0.312 acres to UR-1(CD) to allow 3 single family detached lots.	Approved
2019-170	Rezoned 0.37 acres to NS to allow change of use.	Approved
2018-105	Rezoned 0.90 acres to NS to allow change of use.	Approved
2018-021	Rezoned 0.37 acres to B-1 to allow all uses.	Approved

• Public Plans and Policies



- The *Central District Plan* recommends single family uses up to four DUA for the site.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of 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	2
Connectivity Analysis	5
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 14	Total Points: 14

• TRANSPORTATION SUMMARY

- The site is located on East 34th Street, a City-maintained local street southeast of Hudson Street, a City-maintained local street. A Traffic Impact Study (TIS) is not needed for this site.

Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to, construction of an 8-foot planting strip and 8-foot sidewalk along E 34th Street per Chapter 20 Subdivision ordinance and Charlotte WALKS policy, providing a sidewalk utility easement located 2 feet behind the sidewalk along E 34th Street, labeling and dimensioning the back of curb and gutter from the centerline for 34th Street and providing a public access easement dimensioned 2 feet from the edge of proposed widening alley. Further details are listed below:

- **Active Projects:**

- N/A

- **Transportation Considerations**

- See Outstanding Issues, Notes 1-4.

- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 60 trips per day (based on 4,890 square foot office).

Proposed Zoning: 35 trips per day (based on 10 townhouse units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** 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 1 student, while the development allowed under the proposed zoning may produce 1 student. Therefore, the net increase in the number of students generated from existing zoning to proposed is 0.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Villa Heights Elementary remains at 75%
 - Eastway Middle remains at 117%%
 - Garinger High remains at 117%%.
 - See advisory memo at www.rezoning.org.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. The proposed rezoning is located 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 Little Sugar Creek Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project.

Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along E 34th St.

Capacity Limited: The proposed rezoning is located 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 Little Sugar Creek Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project.

- **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 Outstanding Issues, Notes 5-9.
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No comments submitted.

OUTSTANDING ISSUESTransportation

1. **Curblin:** The proposed zoning district has a setback measured from back of the existing curblin. 34th Street: the existing curb and gutter is in its future location. **Outstanding Comment from 10-18-21:** Label and dimension the back of curb and gutter from the centerline for 34th Street on the site plan.
2. **Outstanding Comment from 10-18-21:** Revise conditional note 5 to commit to construct an 8-foot planting strip and 8-foot Sidewalk as depicted on the site plan.

FACING DOORS, CORNER ENTRANCE FEATURES TO SIDEWALKS ON ADJACENT STREETS.

5. STREETSCAPE AND LANDSCAPING

a) THE PETITIONER SHALL PROVIDE AN EIGHT (8) FOOT PLANTING STRIP AND A SIX (6) FOOT SIDEWALK ALONG THE SITE'S FRONTAGE ON E. 34TH ST.

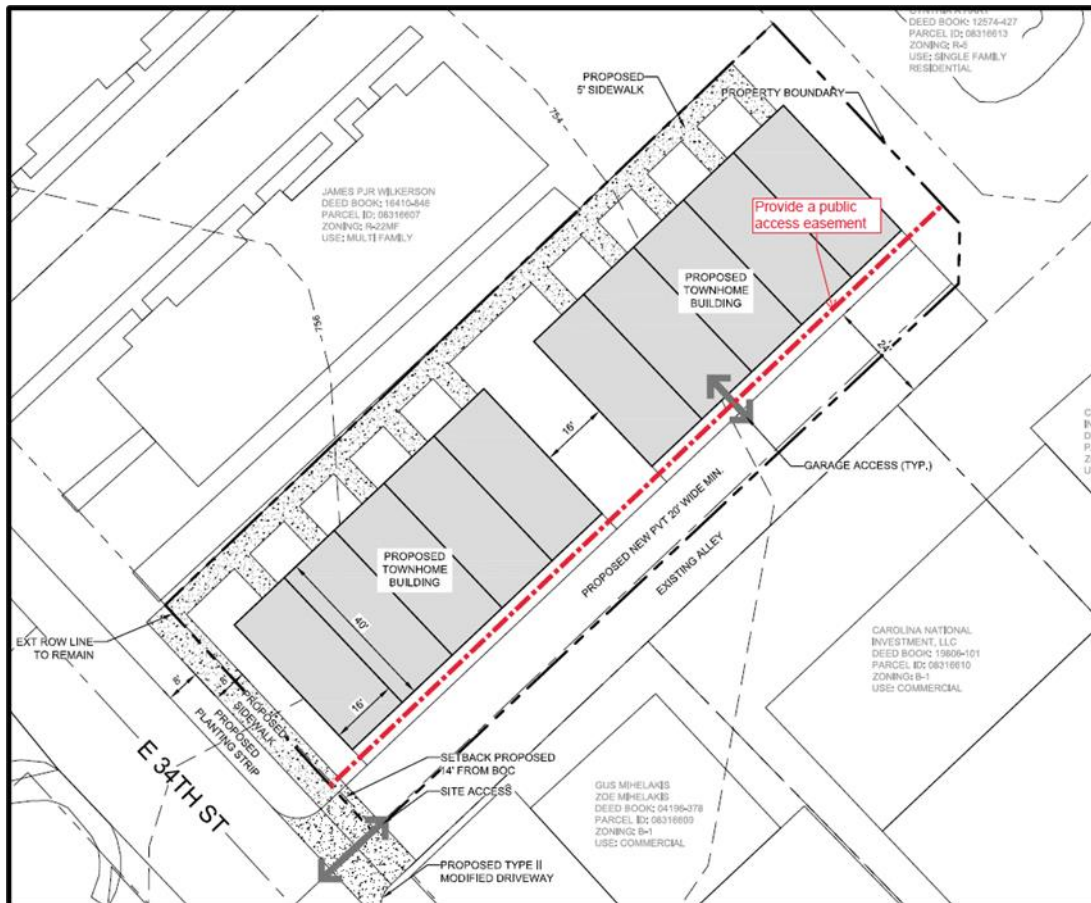
6. AMENDMENTS TO REZONING PLAN

FUTURE AMENDMENTS TO THE TECHNICAL DATA SHEET OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PARCEL OR PARCELS WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

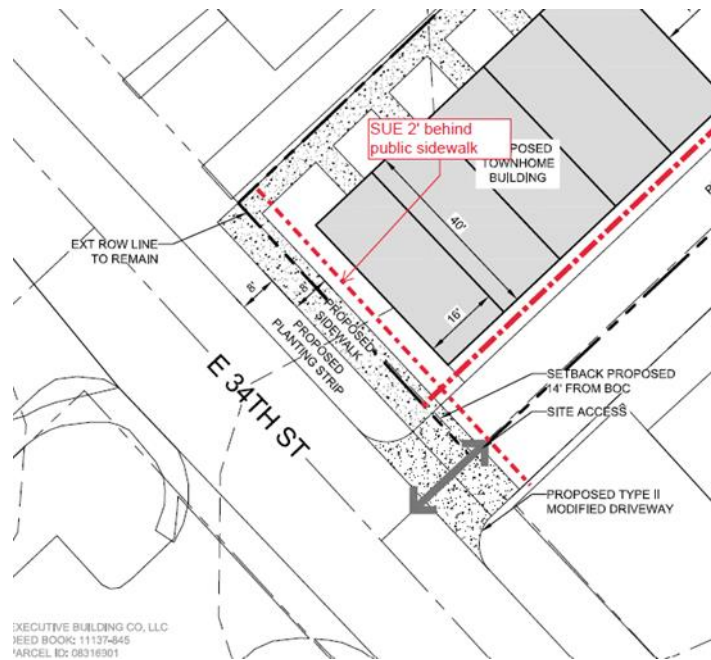
FURTHER ALTERATIONS OR MODIFICATIONS TO THE APPROVED PLAN FOR THE

site plan shows 8+8

3. **Outstanding Comment from 10-18-21:** Revise site plan and conditional note(s) to commit to providing a public access easement dimensioned at 2' from the edge of the proposed widened alley.



4. **Outstanding Comment from 10-18-21:** Revise site plan and conditional note to providing a sidewalk utility easement (SUE) located 2' behind the sidewalk located along E 34th Street.



Site and Building Design

5. Building cannot be closer than 5' to back of alley.
6. Add a clear note stating that this development will not be associated or share any services or amenities with the abutting existing units or parcels not included in this rezoning.
7. Under Note 2a) put this in the "permitted uses and..." note along with on the site plan itself.
8. Please clarify if Note 4f)ii is to the adjacent public street or adjacent alley.
9. The condition described in Note 4f)iii does not exist. Please only include notes that will apply to this site.
10. Two structures are illustrated - please revise Note 2b).
11. Please clarify Note 4f)iv and revise to reflect the intent of the note. It reads "all corner or end units that face a public street shall either face the public street...". Unclear what verbiage is meant to convey. Blank wall provision for the end unit facing the street is important here as well. In note 4c please note that that commitment is for all sides of the building or some variation of that.
12. Under Note 4.a) remove "...and other minor components."
13. Remove Note 2.a) and commit to residential uses.

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 # 2021-141

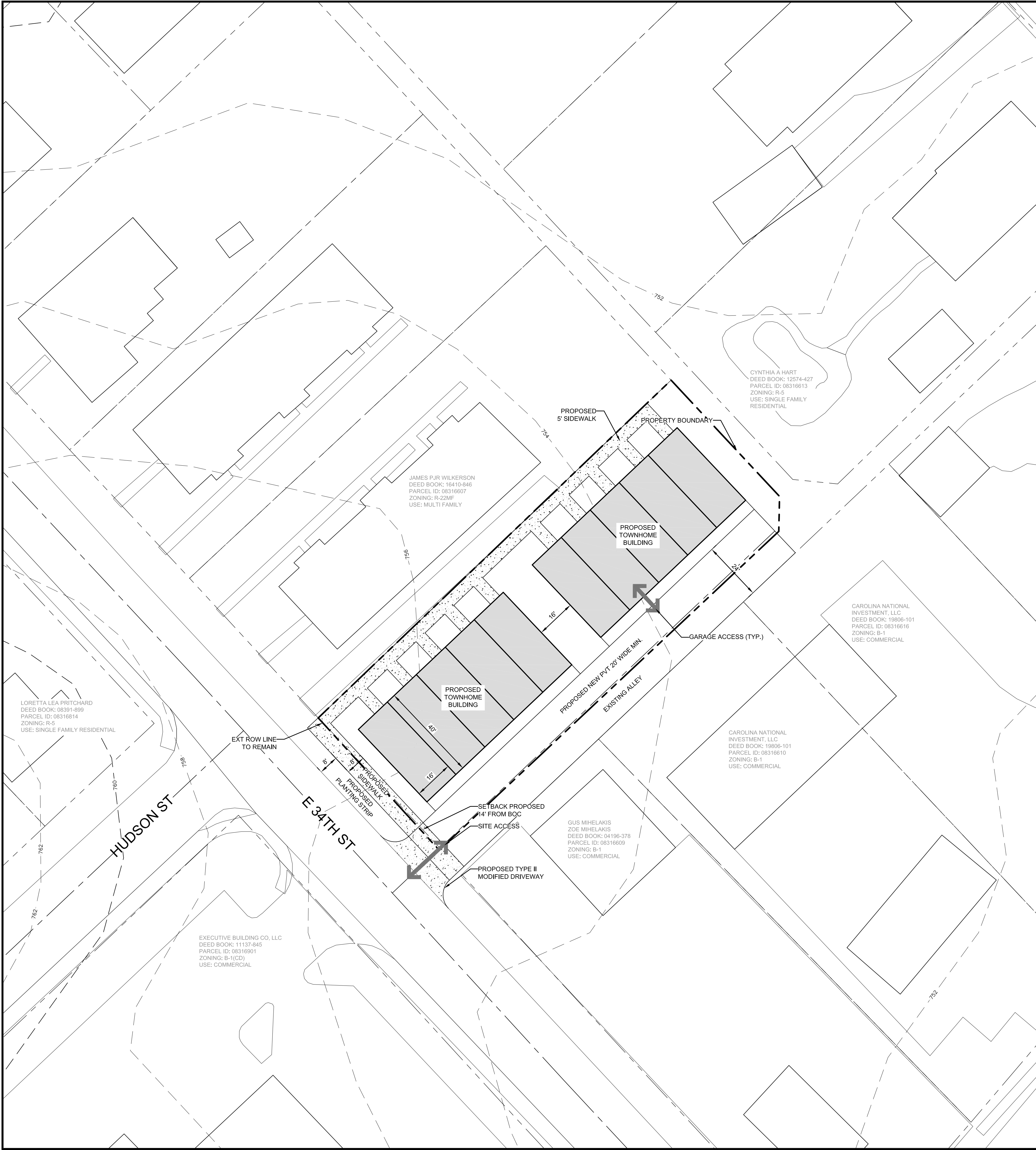
The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

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

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>

P:\2021 Jobs\210115 - 34th Street Towns - Drakeford\CAD\Sketch Planning\210115 RZ Base.dwg



DEVELOPMENT STANDARDS

- GENERAL PROVISIONS**

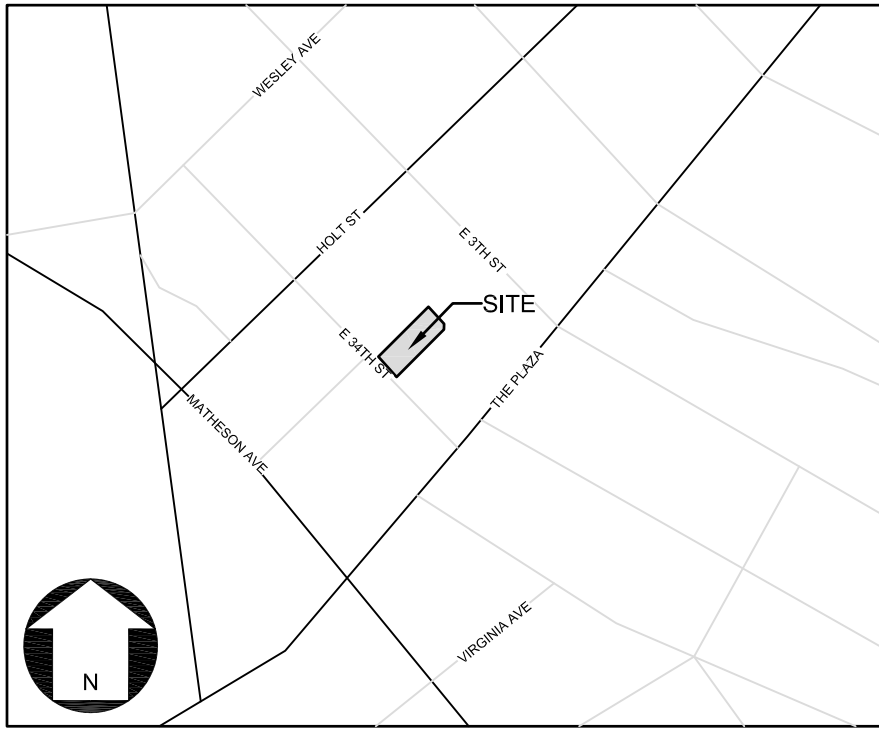
THESE DEVELOPMENT STANDARDS FORM PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY THE DRAKEFORD COMPANY (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF APPROXIMATELY 0.326 ACRE SITE LOCATED ON E. 34TH ST., WHICH IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NUMBER 08316608.

DEVELOPMENT OF THE SITE SHALL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"), 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 ALL DEVELOPMENT TAKING PLACE ON THE SITE.

INASMUCH AS PLANNING FOR THE PROPOSED REDEVELOPMENT OF THE SITE HAS NOT YET ADVANCED BEYOND THE FORMATIVE STAGE, THE ULTIMATE LAYOUTS OF THE DEVELOPMENT PROPOSED, THE EXACT ALIGNMENTS OF STREETS AND POINTS OF ACCESS, THE CONFIGURATIONS AND PLACEMENTS OF PARKING AREAS AND THE HEIGHTS AND MASSES OF BUILDINGS HAVE NOT YET BEEN DETERMINED, AS A CONSEQUENCE, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDINGS AND PARKING AREAS DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND THEREFORE ARE SUBJECT TO REFINEMENTS AS PART OF THE TOTAL DESIGN PROCESS. THEY MAY, THEREFORE, BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES SO LONG AS THE MAXIMUM PARKING AND BUILDING ENVELOPE LINES ESTABLISHED ON THE REZONING PLAN ARE NOT VIOLATED AND THE PROPOSED ALTERATIONS OR MODIFICATIONS DO NOT EXCEED THE PARAMETERS ESTABLISHED UNDER THESE DEVELOPMENT STANDARDS AND UNDER THE ORDINANCE FOR THE NS DISTRICT.
- PERMITTED USES AND MAXIMUM DEVELOPMENT**
 - SUBJECT TO THE LIMITATIONS SET OUT BELOW, THE SITE MAY BE DEVOTED TO ANY USE OR USES ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE NS ZONING DISTRICT, TOGETHER WITH AN INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE NS ZONING DISTRICT.
 - THE SITE MAY CONTAIN AND BE DEVELOPED WITH A TOTAL MAXIMUM OF 25,000 SQUARE FEET OF GROSS FLOOR AREA WITHIN A MAXIMUM OF THREE (3) STRUCTURE(S) OF UP TO FOUR (4) STORIES EACH AND A MAXIMUM HEIGHT OF FORTY-EIGHT FEET (48'), LOCATED IN THE BUILDING FOOTPRINT GENERALLY ILLUSTRATED ON THE SITE PLAN. HEIGHTS ASSOCIATED WITH THE PROPOSED BUILDING SHALL FOLLOW ZONING ORDINANCE MEASUREMENT STANDARDS.
- TRANSPORTATION**
 - VEHICULAR ACCESS WILL BE AS GENERALLY DEPICTED ON THE REZONING PLAN, THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINT SHOWN ON THE REZONING PLAN IS SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED BY CDOT FOR APPROVAL.
 - PETITIONER MAY IMPROVE THE EXISTING ALLEYWAY FOR VEHICULAR ACCESS TO THE ON THE EAST SIDE OF THE PARCEL AS GENERALLY SHOWN ON THE SITE PLAN
 - INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.
 - PETITIONER SHALL EITHER 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, OR, ALTERNATIVELY, IN LIEU OF THE DEDICATION OF RIGHT-OF-WAY, THE PETITIONER MAY CONVEY A SIDEWALK UTILITY EASEMENT TO THE CITY OF CHARLOTTE LOCATED TWO (2) FEET BEHIND THE BACK OF SIDEWALK WHERE FEASIBLE.
 - ALL TRANSPORTATION IMPROVEMENTS SHALL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.
- ARCHITECTURAL STANDARDS**
 - A VARIETY OF PRINCIPAL BUILDING MATERIALS MAY BE UTILIZED ON SITE AND WILL BE A COMBINATION OF THE FOLLOWING: MASONRY, BRICK, CONCRETE, PRE-CAST CONCRETE, STONE, PRECAST STONE, PRE-FINISHED METAL, ALUMINUM, STEEL, STUCCO, WOOD, VINYL, CERAMIC TILE, CEMENTITIOUS FIBER BOARD AND GLASS FIBER REINFORCED CONCRETE.
 - ANY ATTACHED SINGLE-FAMILY RESIDENTIAL DWELLING UNITS SHALL BE PROVIDED WITH A PRIVATE GARAGE.
 - PETITIONER SHALL PROVIDE BLANK WALL PROVISIONS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO TWENTY (20) FEET ON ALL BUILDING LEVELS, INCLUDING BUT NOT LIMITED TO DOORS, WINDOWS, AWNINGS, AND/OR ARCHITECTURAL DESIGN ELEMENTS.
 - WALKWAYS WILL BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS ALONG PUBLIC AND PRIVATE STREETS, AS GENERALLY DEPICTED ON THE REZONING PLAN.
 - PITCHED ROOFS, IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEDS, IF PROVIDED, MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED.
 - COMMERCIAL BUILDING PLACEMENT AND SITE DESIGN SHALL FOCUS ON AND ENHANCE THE PEDESTRIAN ENVIRONMENT ON PUBLIC OR PRIVATE NETWORK REQUIRED STREETS, THROUGH THE FOLLOWING.
 - BUILDINGS SHALL BE PLACED SO AS TO PRESENT A FRONT OR SIDE FAÇADE TO ALL STREETS.
 - DIRECT PEDESTRIAN CONNECTION SHOULD BE PROVIDED BETWEEN STREET FACING DOORS, CORNER ENTRANCE FEATURES TO SIDEWALKS ON ADJACENT STREETS.
- STREETSCAPE AND LANDSCAPING**
 - THE PETITIONER SHALL PROVIDE AN EIGHT (8) FOOT PLANTING STRIP AND A SIX (6) FOOT SIDEWALK ALONG THE SITE'S FRONTAGE ON E. 34TH ST.
- AMENDMENTS TO REZONING PLAN**

FUTURE AMENDMENTS TO THE TECHNICAL DATA SHEET OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PARCEL OR PARCELS WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

FURTHER ALTERATIONS OR MODIFICATIONS TO THE APPROVED PLAN FOR THE DEVELOPMENT WHICH, IN THE OPINION OF THE PLANNING DIRECTOR, SUBSTANTIALLY ALTER THE CHARACTER OF THE DEVELOPMENT OR SIGNIFICANTLY ALTER THE APPROVED TECHNICAL DATA SHEET FOR THE DEVELOPMENT OR ANY OF ITS CONDITIONS OR WHICH INCREASE THE INTENSITY OF DEVELOPMENT SHALL NOT BE DEEMED TO BE MINOR AND MAY ONLY BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTIONS 6.207(1) OR (2) OF THE ORDINANCE, AS APPLICABLE.
- BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS**
 - IF THIS SITE PLAN IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE TECHNICAL DATA SHEET WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
 - THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS "PETITIONER" AND "OWNER" AND "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER OR THE OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.



VICINITY MAP

NOT TO SCALE

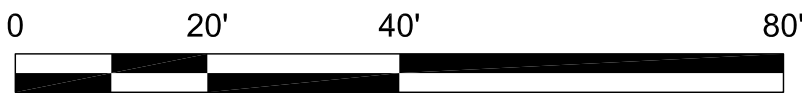
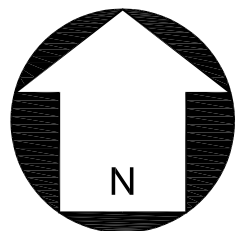
LEGEND:

- ROAD CENTERLINE: ————
- EXISTING CURBING: ————
- EXISTING BUILDINGS: [Outline of building]
- EXISTING LOT LINE: - - - - -
- CONTOUR LINE: ————
- EXISTING FENCE: X X X
- TREE SAVE AREA: [Wavy line]

DEVELOPMENT DATA

SITE AREA:	±0.33 ACRES
TAX PARCELS:	08316608
EXISTING ZONING:	O-2
PROPOSED ZONING:	NS(CD)
EXISTING USE:	VACANT
PROPOSED USES:	SINGLE-FAMILY ATTACHED (TOWNHOME) DWELLING UNITS
PROPOSED UNIT COUNT:	10 UNITS
DENSITY PROPOSED:	30.3 DUA
TREE SAVE REQUIRED:	2134.82 SF (15% OF SITE)
TREE SAVE PROVIDED:	PAY-IN-LIEU
PARKING:	MINIMUM 1 SPACE PER UNIT IN GARAGES
PCCO:	PER ORDINANCE
SOLID WASTE:	ROLLOUT CONTAINERS

This Plan Is A
Preliminary Design.
NOT Released For
Construction.



SCALE: 1"=20'

REVISIONS:

No.	Date	By	Description



City of Charlotte

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

Agenda Date: 12/20/2021

Agenda #: 41.**File #:** 15-17047 **Type:** Zoning Hearing

Rezoning Petition: 2021-144 by LEH NC Statesville, LLC

Location: Approximately 0.91 acre located at the northeast intersection of Statesville Avenue and Norris Avenue, south of Atando Avenue. (Council District 1 - Egleston)

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

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and requested technical revisions.

Attachments:

Pre-Hearing Staff Analysis

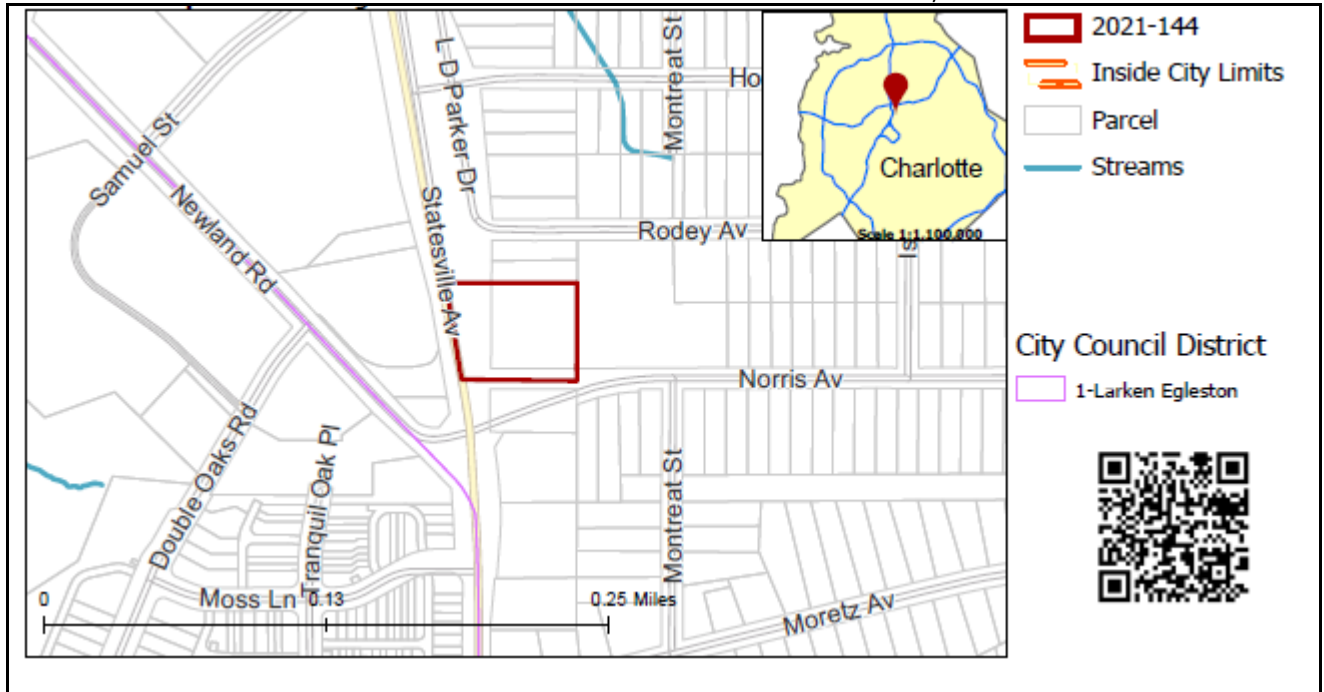
Site Plan

REQUEST

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

LOCATION

Approximately 0.91 acres located at the northeast intersection of Statesville Avenue and Norris Avenue, south of Atando Avenue.



SUMMARY OF PETITION

The petition proposes a residential community of up to 21 single-family attached (townhome) dwelling units with a density of 22.85 dwelling units per acre.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

Aaron Moore
LEH NC Statesville, LLC
Collin Brown, Alexander Ricks PLLC

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

STAFF
RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and requested technical revisions.

Plan Consistency
The petition is **consistent** with the *Statesville Avenue Corridor Area Plan (2001)* recommendation of residential use, but **inconsistent** with the recommended density of up to 12 dwelling units per acre (DUA).

Rationale for Recommendation

- This petition proposes up to 21 single family attached dwelling units at a density of 22.85 dwelling units per acre.
- While the proposed density is higher than the area plan's recommendation of residential uses up to 12 DUA, the petition does fulfill the plan's intention of adding multi-family attached

units along Statesville Road to locate housing units in close proximity to jobs and other amenities.

- There is existing R-22MF zoning and similar density development to the south and north of this site across Statesville Avenue.
- Abutting this site are two parcels zoned B-1. B-1 zoning allows for up to 22 DUA for residential uses.
- This petition commits to providing a minimum of 4,003 square feet of open space areas, with amenities such as landscaping and benches.
- The petition commits to providing an ADA compliant bus pad on Norris Avenue, and will increase pedestrian connectivity throughout this area by providing a 6-foot sidewalk and 8-foot planting strip along the site's frontage of Statesville Avenue & Norris Avenue.

The approval of this petition will revise the adopted future land use as specified by the *Statesville Avenue Corridor Area Plan (2001)*, from Residential up to 12 DUA to Residential over 22 DUA for the site.

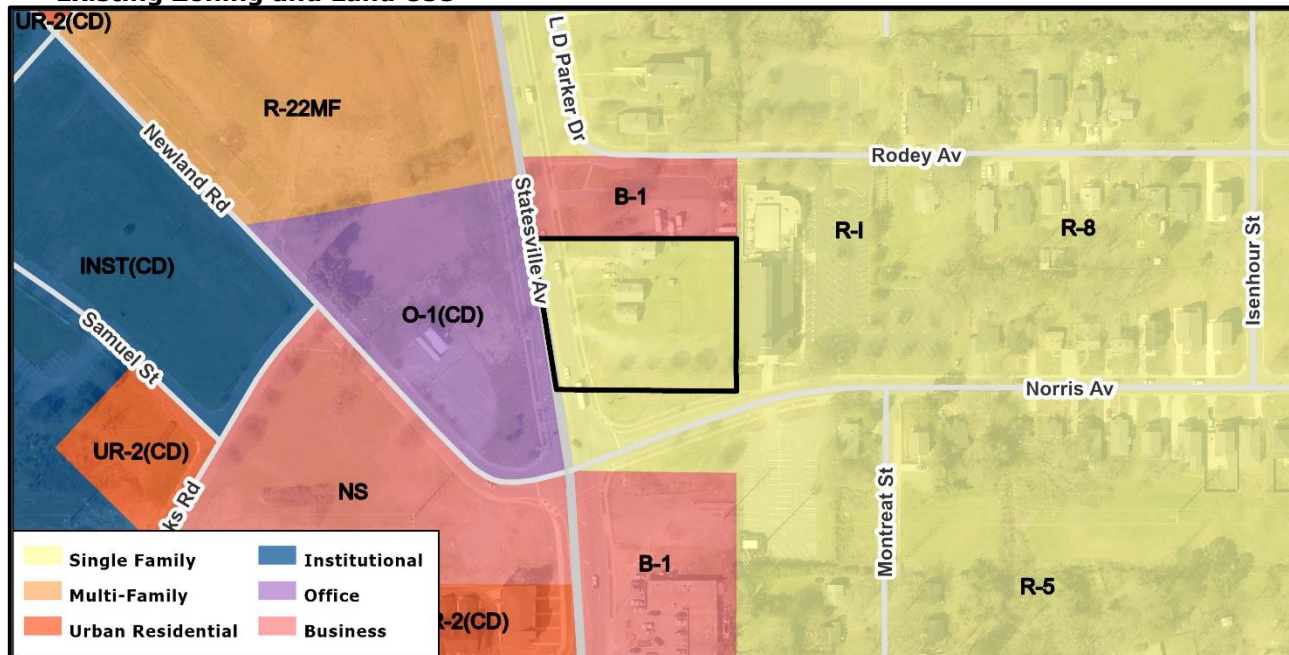
PLANNING STAFF REVIEW

• **Proposed Request Details**

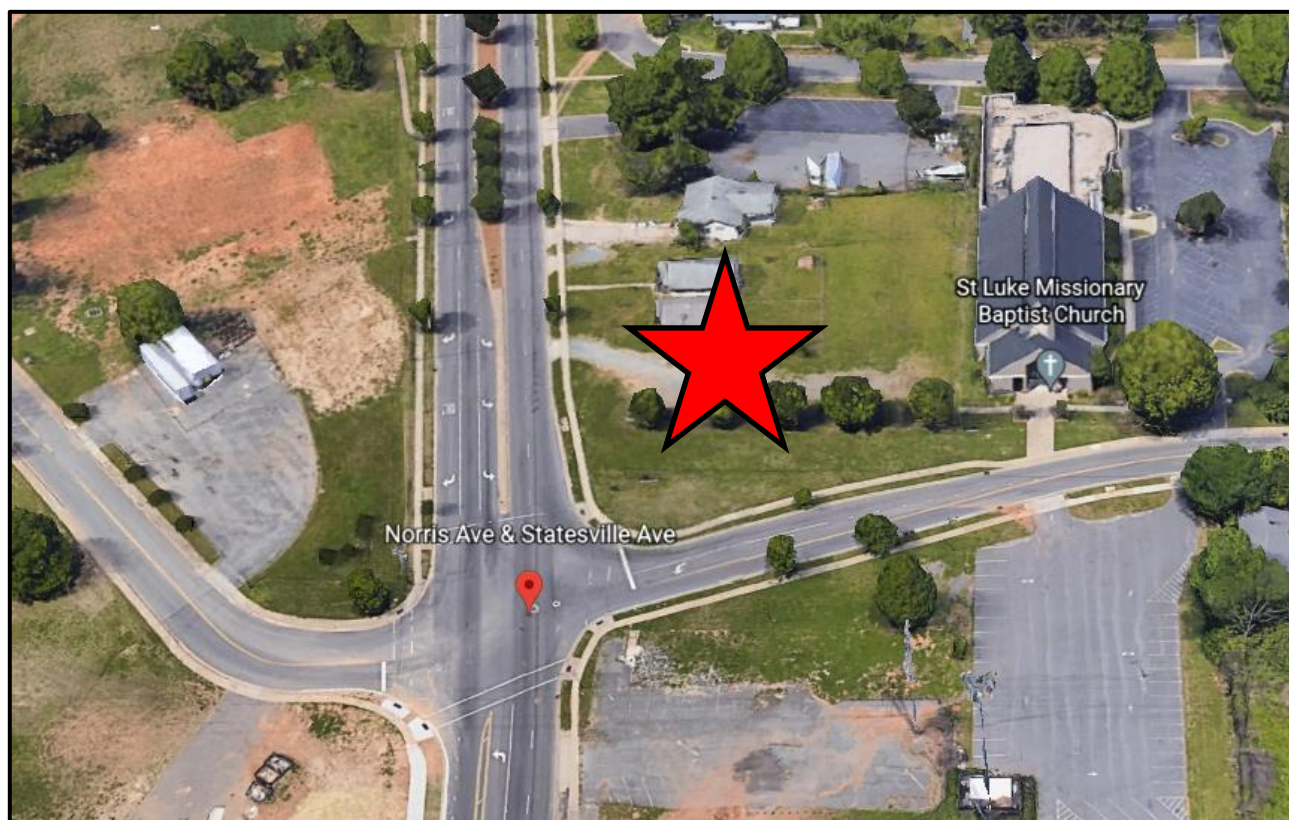
The site plan accompanying this petition contains the following provisions:

- Allows up to 21 townhome units.
- Commits to provide an 8-foot planting strip with 6-foot sidewalk along Statesville Avenue and Norris Avenue.
- Dedicates all necessary rights-of-way in fee simple conveyance to the City.
- Provides visitor/overflow parking spaces.
- Provides an ADA compliant bus pad along Norris Avenue.
- Walkways or driveways will be provided to connect all residential entrances to sidewalks along public streets.
- Provides a minimum of 4,003 square-feet of open space with benches and landscaping.
- Architectural details:
 - Building materials will be a combination of brick, natural stone, stucco, cementitious siding, and hardiplank. Prohibits vinyl siding excluding handrails, windows, soffits, and door trim.
 - Each unit will have a front stoop covered by an awning, canopy, roof extension, or other architectural feature.
 - Garage doors will provide architectural treatments such as translucent windows or projecting elements over the garage door opening.
 - All corner/end units facing Statesville Avenue and Norris Avenue will have a porch/stoop that wraps a portion of the front and side of the unit or provide provisions that limit the maximum blank wall expanse to a maximum of 10-feet on all building levels.

- Existing Zoning and Land Use



The surrounding land use includes single family, multi-family, retail/commercial, and a religious institution.



The subject property denoted by red star.



The property to the north along Rodey Avenue is developed with a surface parking lot.



The property to the east along Norris Avenue is Saint Luke Baptist Church.



The property to the south along Statesville Avenue is developed with retail/commercial uses.



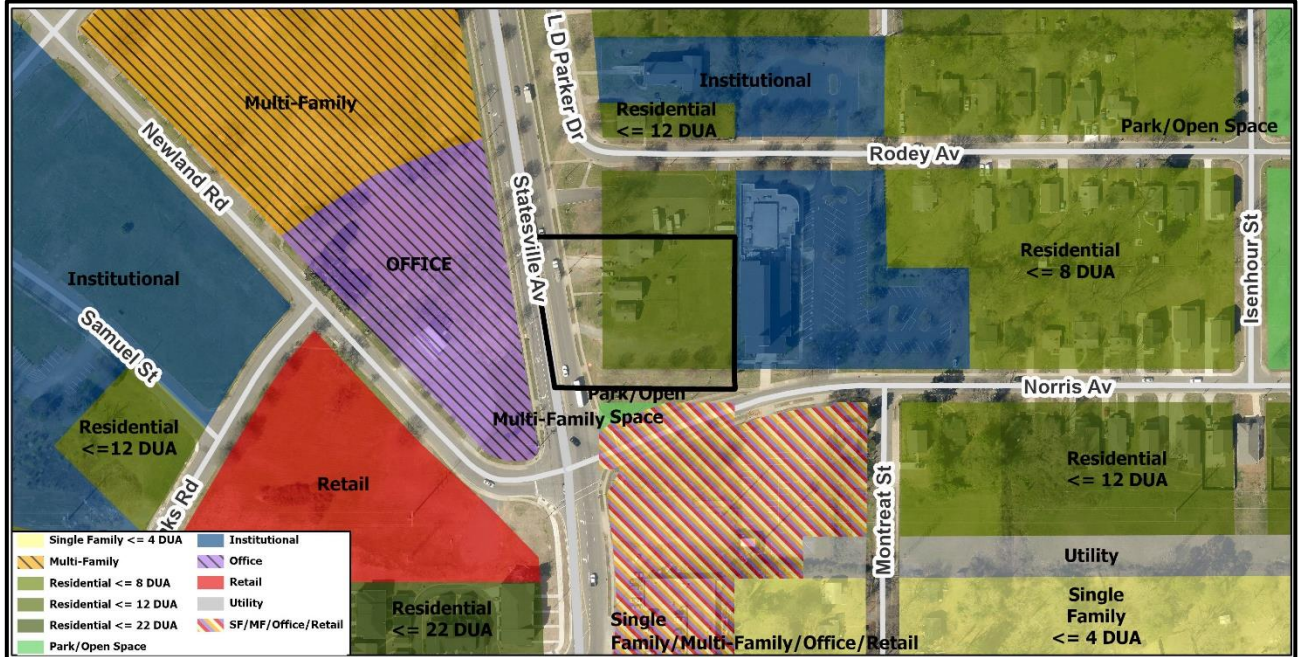
The property to the west along Statesville Avenue is the Novant Health Michael Jordan medical clinic under construction.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-027	Rezoned 3.8 acres to allow up to 20,000 square feet of non-residential uses and up to 7 residential dwelling units.	Approved
2018-048	Rezoned 1.5 acres to allow up to two principal buildings consisting of a 7,500 square foot medical office and a 4,000 square foot community center.	Approved

- **Public Plans and Policies**



The *Statesville Avenue Corridor Area Plan (2001)* calls for Residential uses up to 12 DUA for the site.

- **TRANSPORTATION SUMMARY**

- The petition is located adjacent to Statesville Avenue, a State-maintained major thoroughfare and Norris Avenue, a City-maintained major collector. The access point for this site plan is dependent on the construction of the adjacent Land Development Newland Road – Norris Avenue Intersection Realignment Project. The petitioner has committed to provide an 8-foot planting strip with 6-foot sidewalk along Statesville Avenue and Norris Avenue. A Traffic Impact Study (TIS) is not needed for this site. Site plan revisions are needed and the outstanding items including, but not limited to modifying access or relocating the driveway on Norris Avenue to conform with requirements outlined in CDOT Driveway Regulations Manual. Further details are listed below.
- **Active Projects:**
 - Newland Road – Norris Avenue Intersection Realignment (SDRC-2018-00021)
 - This project will realign Newland Rd and Norris Ave. This project will also install a traffic signal at the intersection of Statesville Road and Newland Road / Norris Avenue when the traffic signal is warranted.
 - This intersection realignment project was approved for permitting by City.
- **Transportation Considerations**
 - See Outstanding Issues, Notes 1-5.
- **Vehicle Trip Generation:**

Current Zoning:

 - Existing Use: 20 trips per day (based on 2 single family dwellings).
 - Entitlement: 95 trips per day (based on 7 single family dwellings).
 - Proposed Zoning: 120 trips per day (based on 21 townhome units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** 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 3 students, while the development allowed under the proposed zoning may produce 1 student. Therefore, the net increase in the number of students generated from existing zoning to proposed is zero students.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:

- Druid hill Pre-K-8 remains at 85%.
- West Charlotte High remains at 96%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Norris Avenue. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Norris Avenue. 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 ISSUESTransportation

1. Revise site plan to show concrete median along the double yellow of Norris Ave that extends a minimum of 25 feet past the driveway in each direction. The porkchop island is insufficient for restricting access to right-in / right-out.
2. Revise site plan so at least one visitor space is ADA compliant.
3. Remove stamped crosswalk from CDOT ROW at Proposed Access A on Norris Avenue. Add note that driveway is a type II modified driveway per CLDMS 10.25E.
4. Revise site plan note to specify the curb line distance to be 38-feet from Statesville Avenue centerline.
5. Remove note 6 "Unless otherwise proposed to be completed by others per SDRC-2018-00021".

REQUESTED TECHNICAL REVISIONSSite and Building Design

6. Revise site plan note 10 under Architectural Standards to state "shall" rather than "should".

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 # 2021-144

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.	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

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>



City of Charlotte

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

Agenda Date: 12/20/2021

Agenda #: 42.**File #:** 15-17048 **Type:** Zoning Hearing

Rezoning Petition: 2021-145 by Embrey Partners, Ltd.

Location: Approximately 3.24 acres located on the south side of Scaleybark Road and east side of South Boulevard, west of Conway Avenue. (Council District 1 - Egleston)

Current Zoning: TOD-TR (transit-oriented development - transition)

Proposed Zoning: TOD-CC (transit-oriented development - community center)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

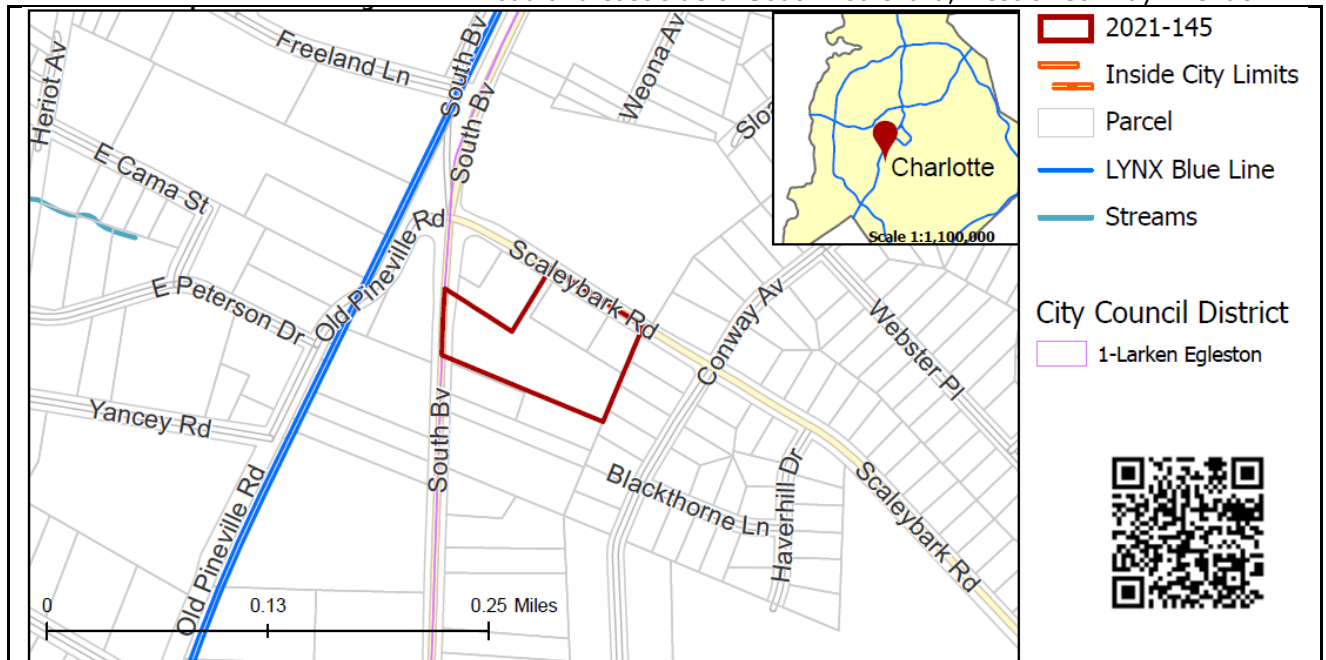
REQUEST

Current Zoning: TOD-TR (transit oriented development - transition)

Proposed Zoning: TOD-CC (transit oriented development - community center)

LOCATION

Approximately 3.24 acres located on the south side of Scaleybark Road and east side of South Boulevard, west of Conway Avenue.



SUMMARY OF PETITION

The petition proposes to allow all uses in the TOD-CC (transit oriented development - community center) zoning district on parcels currently developed with auto service retail and warehouse uses.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

SB Investments, LLC; Adelpia Properties, LLC; JCZ Properties, LLC
Embrey Partners, Ltd.
Bridget Grant
Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Scaleybark Transit Station Area Plan* (2008) recommendation of transit oriented development – mixed use for this site.

Rationale for Recommendation

- The site is within a ½-mile walk to the Scaleybark Station
- The TOD-CC district may be applied to parcels within a ½-mile walking distance of an existing rapid station, or within ½ mile walking distance of an existing streetcar stop.
- The dimensional standards of the transit oriented development zoning ordinance limits the maximum building height to 65 feet for buildings within 200 feet of the site's adjacent R-4 zoning.
- The subject site is directly adjacent to a number of other areas zoned TOD-CC.

- This rezoning would allow for the redevelopment of the site to transit supportive uses.
- The TOD-CC zoning district is appropriate for the site due to the site's direct adjacency to South Boulevard, a major thoroughfare.
- The use of conventional TOD-CC zoning applies standards and regulations to create the 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.

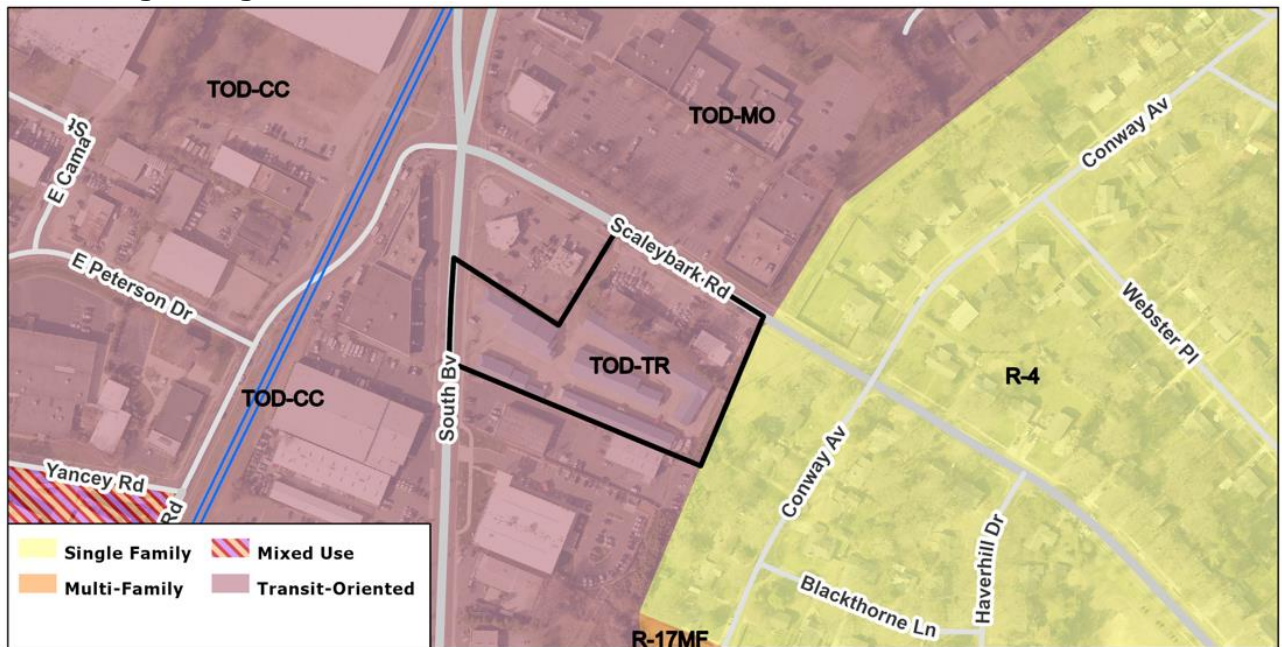
PLANNING STAFF REVIEW

- **Proposed Request Details**

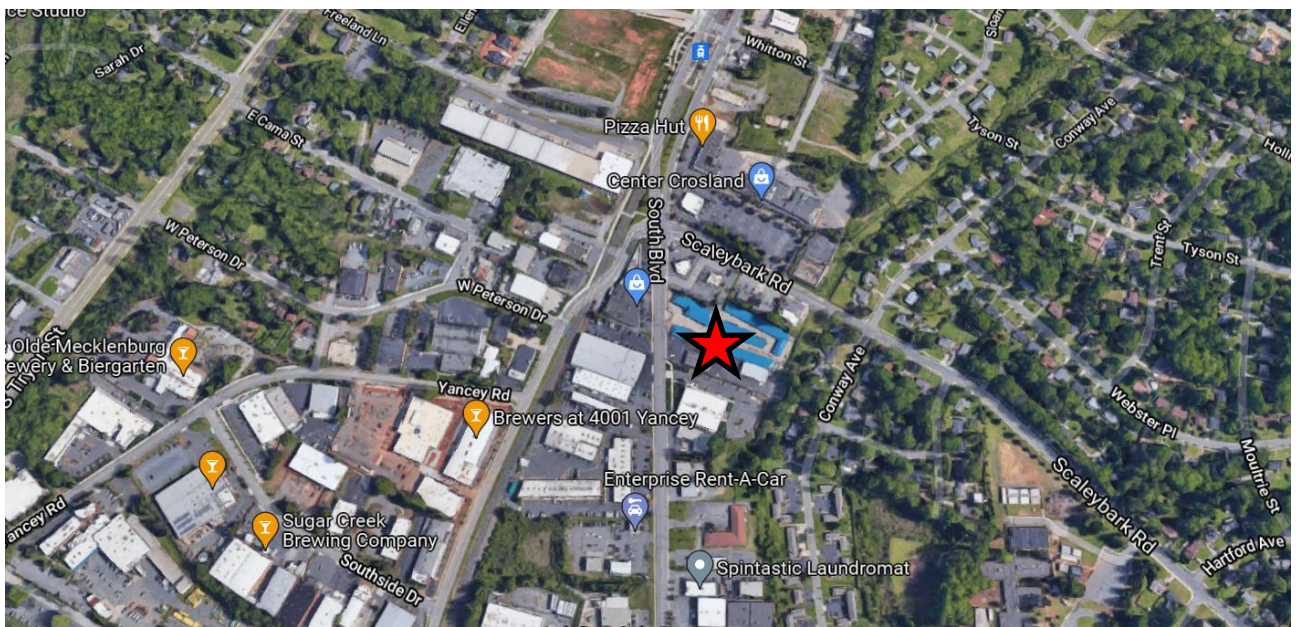
This is a conventional rezoning petition with no associated site plan.

- Allows all uses in the TOD-CC (transit oriented development – community center) zoning district.

- **Existing Zoning and Land Use**



- The site was rezoned to TOD-TR as part of the 2019-102 TOD Alignment Rezoning and is in an area with retail, light industrial, office, residential, and non-residential mixed uses.



- The subject site is denoted with a red star.



- North of the site is the Center Crosland Shopping Mall.



- East of the site are single family residential uses.



- South of the site are office and retail uses.



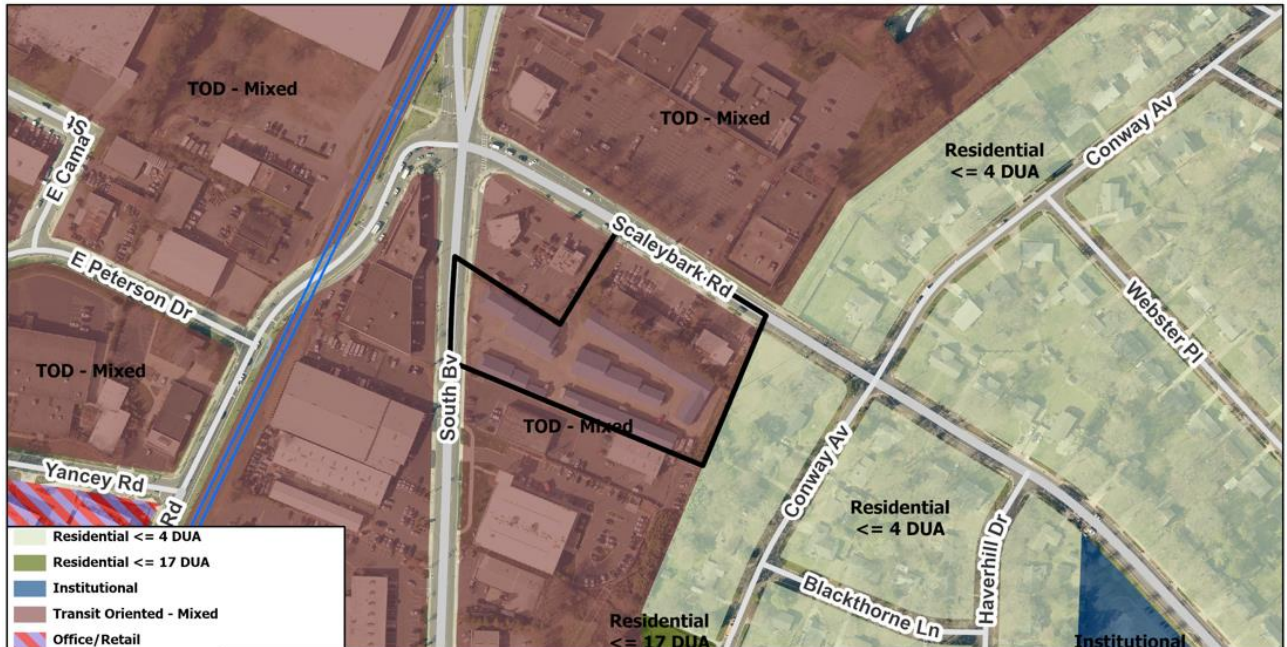
- West of the site are retail uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-098	Rezoned 5.1 acres from I-2 to MUDD-O.	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
2019-102	Rezoned 1,7771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC, or TOD-TR.	Approved

- **Public Plans and Policies**



- The *Scaleybark Transit Station Area Plan* (2008) recommends transit oriented development – mixed use for this site.

- **TRANSPORTATION SUMMARY**

- The site is located adjacent to Scaleybark Road, a City-maintained minor thoroughfare and South Boulevard, a City-maintained major thoroughfare. 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:**
 - There are no active projects near this site.
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 545 trips per day (based on existing retail and 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:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** 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 # 2021-145

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.	✓

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>



Agenda Date: 12/20/2021

Agenda #: 43.**File #:** 15-17049 **Type:** Zoning Hearing

Rezoning Petition: 2021-147 by Providence Group Capital, LLC

Location: Approximately 3.10 acres located at the northwest intersection of Clanton Road and Pelton Street, west of South Boulevard, and east of South Tryon Street. (Council District 3 - Watlington)

Current Zoning: TOD-CC (transit-oriented development - community center)

Proposed Zoning: TOD-UC (transit-oriented development - urban center)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis
Site Plan

REQUEST

Current Zoning: TOD-CC (transit oriented development - community center)

Proposed Zoning: TOD-UC (transit oriented development - urban center)

LOCATION

Approximately 3.10 acres located at the northwest intersection of Clanton Road and Pelton Street, west of South Boulevard, and east 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 a parcel currently developed with a self-storage facility.

PROPERTY OWNER

FHN 200 Clanton, LLC

PETITIONER

Providence Group Capital, LLC

AGENT/REPRESENTATIVE

Keith MacVean

COMMUNITY MEETING

Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Scaleybark Transit Station Area Plan* (2008) recommendation of transit oriented development – mixed use for this site.

Rationale for Recommendation

- The site is within a ½-mile walk of both the Scaleybark Station and New Bern Station.
- The TOD-UC district may be applied to parcels within a ½-mile walking distance of an existing rapid station, or within ½ mile walking distance of an existing streetcar stop.
- The use of conventional TOD-UC 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.

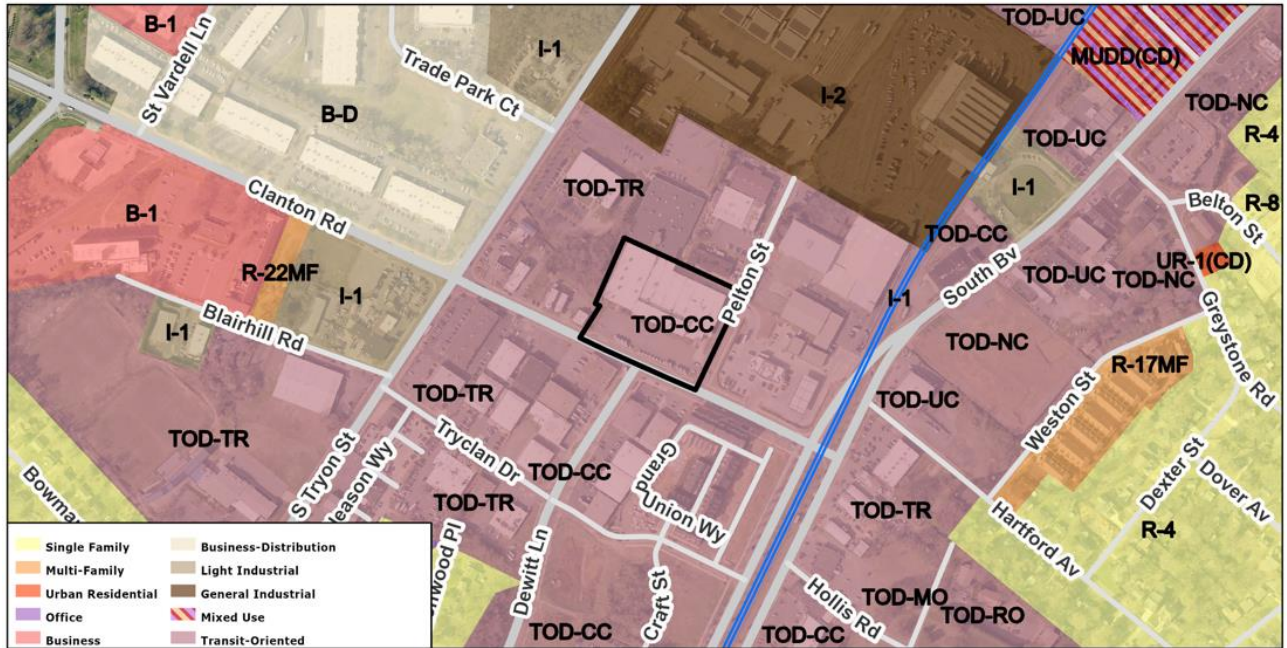
PLANNING STAFF REVIEW

- Proposed Request Details**

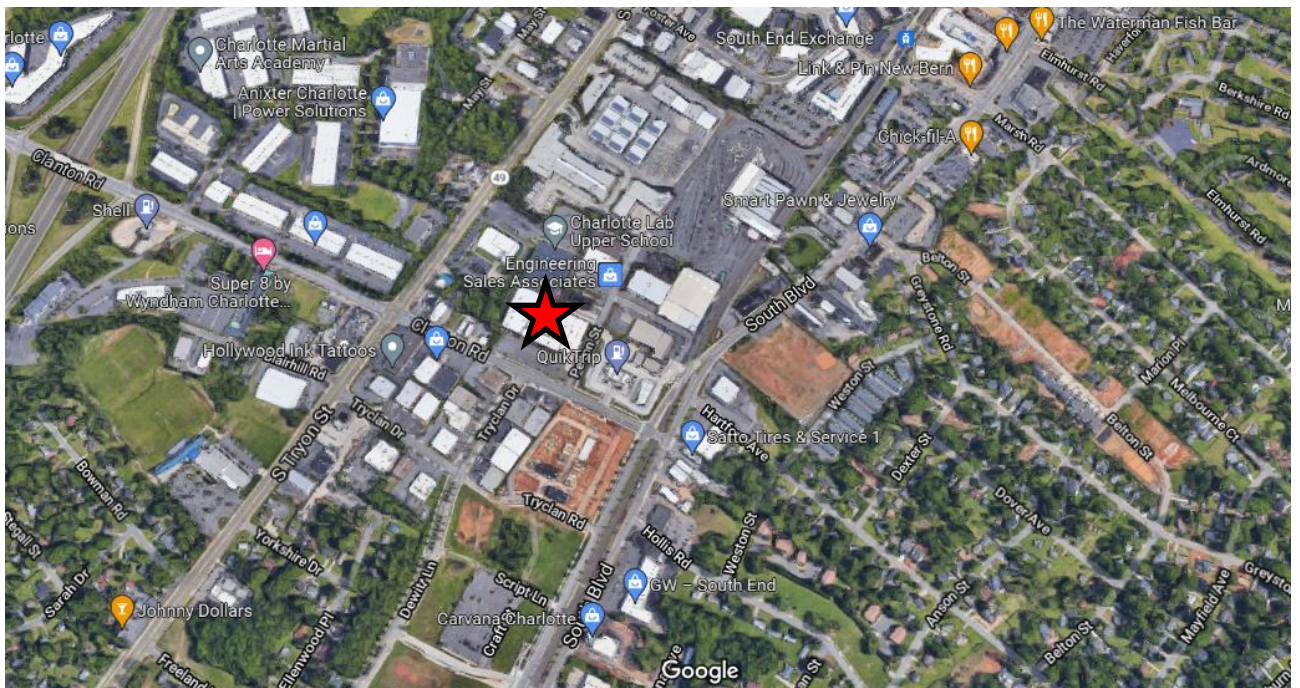
This is a conventional rezoning petition with no associated site plan.

- Allows all uses in the TOD-UC (transit oriented development – urban center) zoning district.

- Existing Zoning and Land Use**



- The site was rezoned to TOD-CC as part of the 2019-102 TOD Alignment Rezoning and is in an area with retail, industrial, office, warehouse/distribution, and multi-family residential uses.



- The subject site is denoted with a red star.



- North of the site are industrial and warehouse uses.



- East of the site is a gas station.

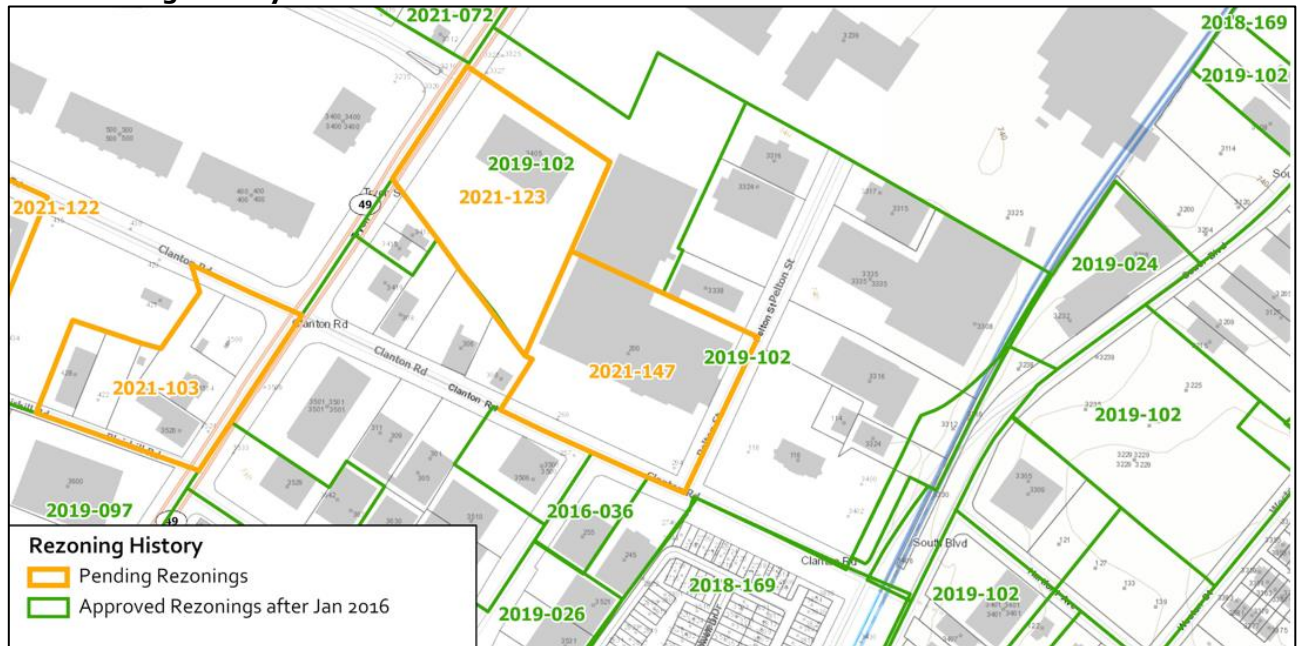


- South of the site are retail and multi-family residential uses.



- West of the site are office and industrial 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
2019-097	Rezoned 17.02 acres from I-1 and I-1(CD) to TOD-TR.	
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
2021-123	Rezoning 3.03 acres from TOD-TR to TOD-NC.	Pending

- **Public Plans and Policies**



- The *Scaleybank Transit Station Area Plan* (2008) recommends transit oriented development – mixed use for this site.
- **TRANSPORTATION SUMMARY**
 - The site is located adjacent to Pelton Street, a City-maintained local street and Clanton Road, a City-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: 180 trips per day (based on 83,517 square feet of existing 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 # 2021-147

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.	✓

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>



City of Charlotte

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

Agenda Date: 12/20/2021

Agenda #: 44. **File #:** 15-17050 **Type:** Zoning Hearing

Rezoning Petition: 2021-148 by K Sade Ventures, LLC

Location: Approximately 114.46 acres located on the east side of Harris Houston Road, north of University City Boulevard, and south of North Tryon Street. (Council District 4 - Johnson)

Current Zoning: R-3 (single-family residential)

Proposed Zoning: R-4 (single-family residential)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

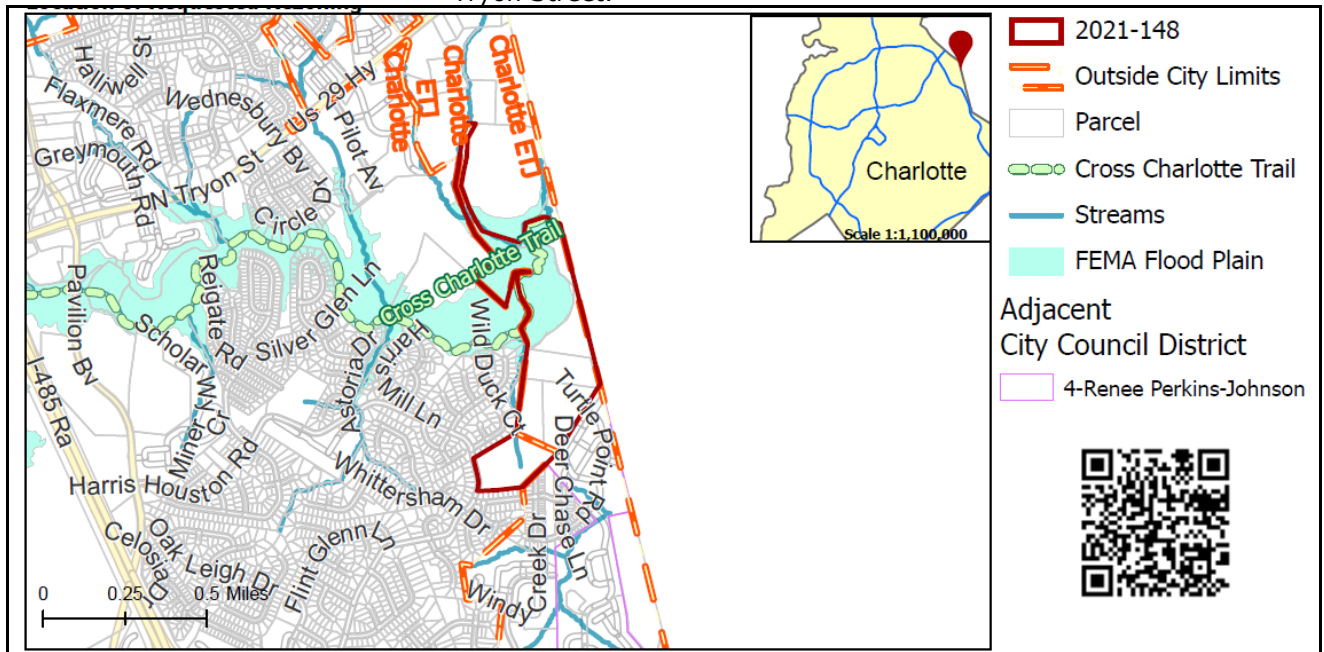
Pre-Hearing Staff Analysis

REQUEST

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

LOCATION

Approximately 114.46 acres located on the east side of Harris Houston Road, north of University City Boulevard, and south of North Tryon Street.



SUMMARY OF PETITION

The petition proposes to allow all uses in the R-4 (single family residential) zoning district on parcels that are currently vacant.
Charlotte Motor Speedway, LLC
K Sade Ventures, LLC
Ty Shaffer
Meeting is not required.

PROPERTY OWNER

PETITIONER

AGENT/REPRESENTATIVE

COMMUNITY MEETING

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Northeast District Plan* (1996) recommendation of single family uses up to four dwelling units per acre and single family/multi-family/office uses up to 8 dwelling units per acre. The petition is **inconsistent** with the *Northeast District Plan* (1996) recommendation of greenway uses on a portion of the site.

Rationale for Recommendation

- This rezoning would allow for a slight increase in density in the area while still being contextually appropriate for the adjacent single family uses zoned R-3.
- The rezoning request is consistent with the single family land use recommendation for this area.
- The site is located approximately one mile from amenities along University City Boulevard.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan* (1996) from greenway uses for a portion of this site to single family residential uses.

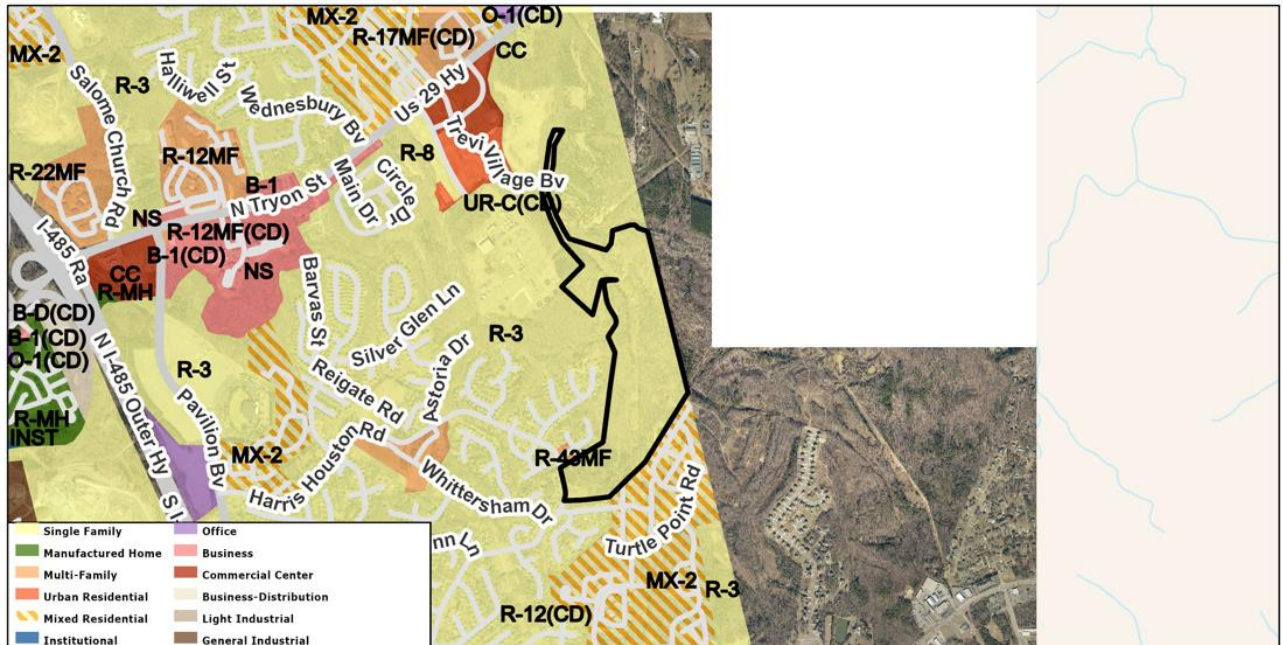
PLANNING STAFF REVIEW

- **Proposed Request Details**

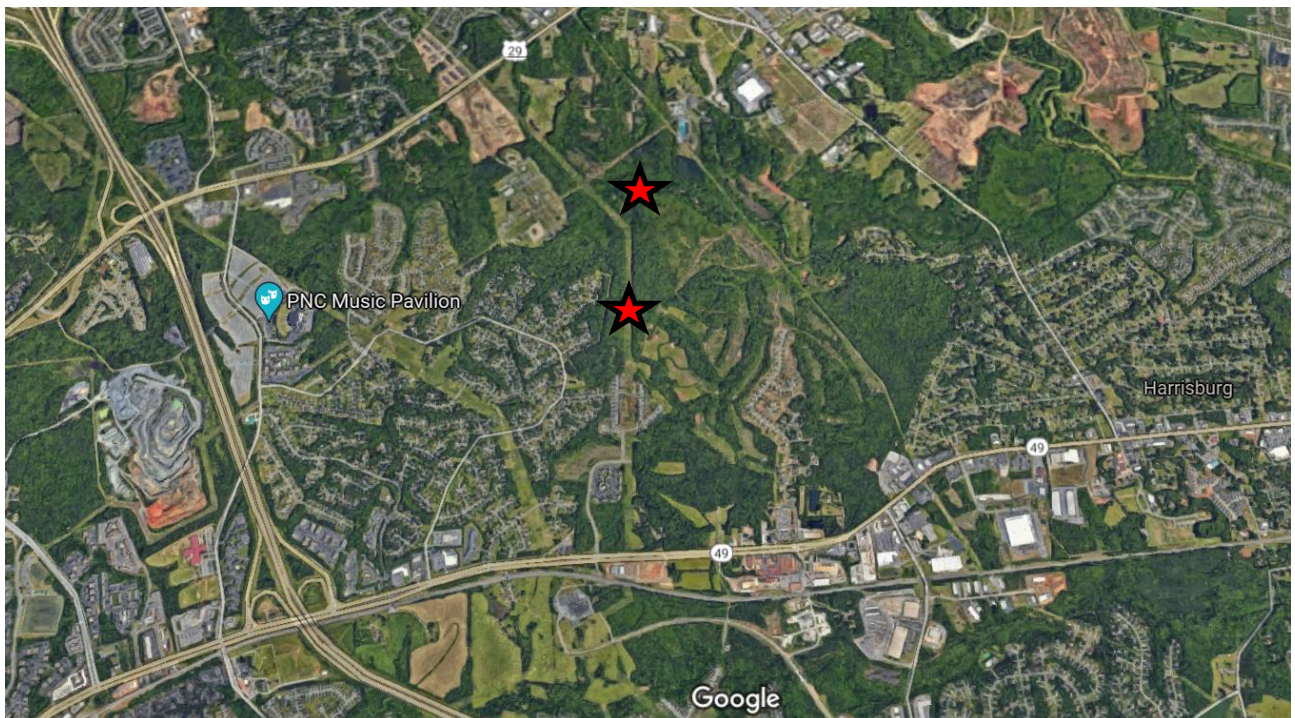
This is a conventional rezoning petition with no associated site plan.

- Allows all uses in the R-4 (single family residential) zoning district.

- **Existing Zoning and Land Use**



- The site is currently zoned R-3 and is in an area with single family residential, multi-family residential, agriculture, and open space uses. A number of parcels in this area are currently vacant.



- The subject site is denoted with a red star.



- A majority of the parcels north of the site are vacant.



- The site's eastern boundary is along the Cabarrus County line and many of the parcels in this area are vacant with some dispersed residential uses.

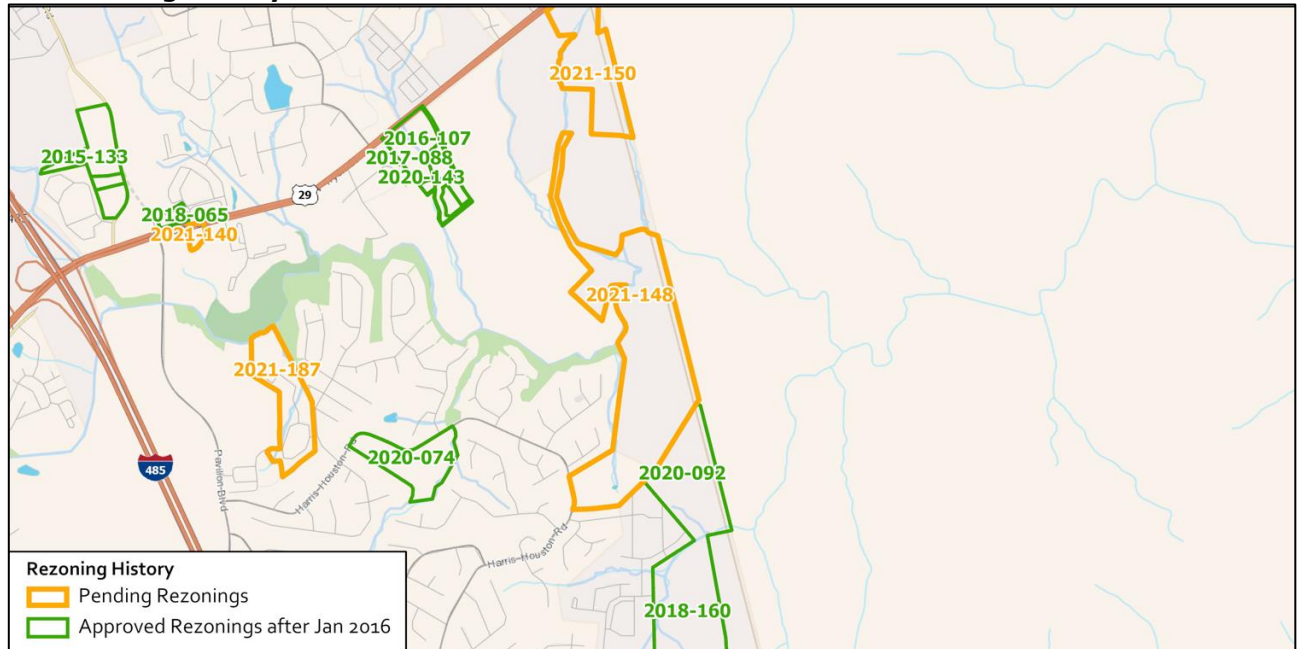


- South of the site are single family residential uses.



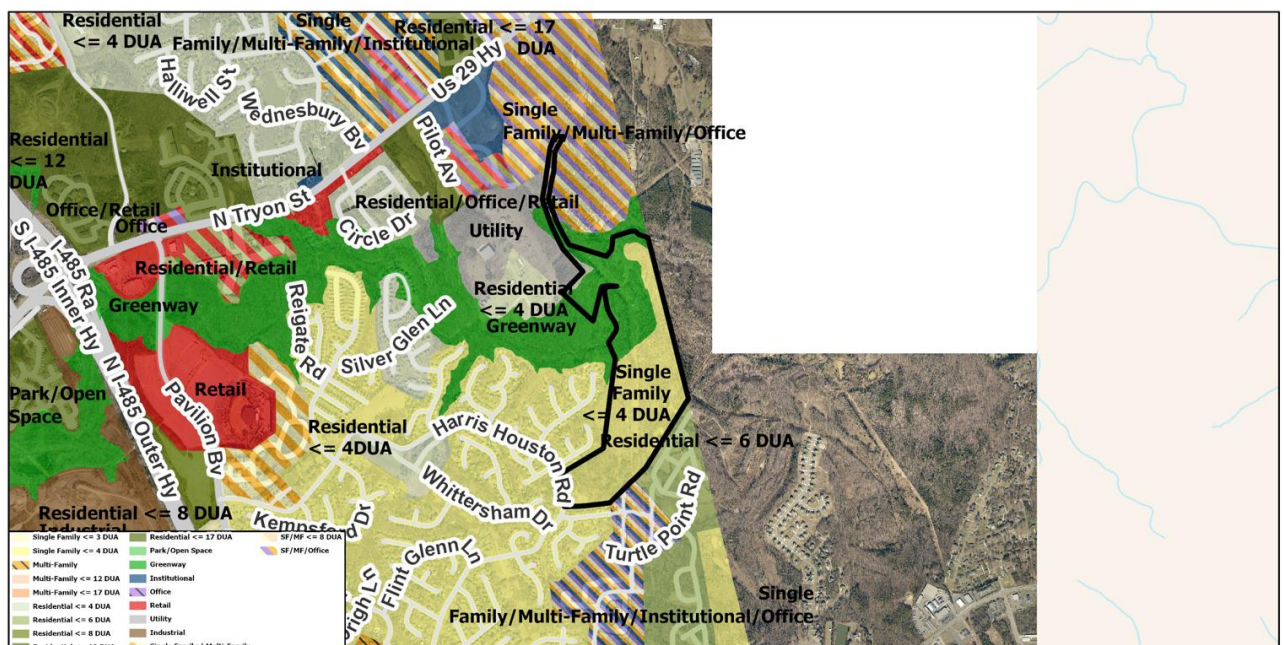
- West of the site are single family residential uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-133	Rezoned 20.6 acres from R-3 & R-22MF to R-12MF(CD).	Approved
2016-107	Rezoned 15.86 acres from CC & UR-C(CD) to UR-C(CD) & UR-C(CD) SPA.	Approved
2017-088	Rezoned 23.3 acres from CC & UR-C(CD) to UR-C(CD) & UR-C(CD)SPA.	Approved
2018-065	Rezoned 2.63 acres from NS to NS SPA.	Approved
2018-160	Rezoned 93.86 acres from R-3 to MX-1.	Approved
2020-074	Rezoned 21.08 acres from R-3 to R-8MF(CD).	Approved
2020-092	Rezoned 90.31 acres from MX-1 to MX-2.	Approved
2020-143	Rezoned 21.34 acres from UR-C(CD) to R-8.	Approved
2021-140	Rezoning 1.69 acres from NS to B-2(CD).	Pending
2021-150	Rezoning 37.14 from R-3 to R-12MF(CD).	Pending
2021-187	Rezoning 27.3 acres from MX-2(CD) to R-3.	Pending

- **Public Plans and Policies**



- The *Northeast District Plan* (1996) recommends single family uses up to four dwelling units per acre, single family/multi-family/office uses up to 8 dwelling units per acre, and greenway uses on this site.

- **TRANSPORTATION SUMMARY**

- The site is located adjacent to Harris Houston Road, a City-maintained major collector south of Hunters Trace Court, a City-maintained local street. A Traffic Impact Study (TIS) is not needed for this site. The 114-acre site is proposing 457 dwelling units under this conventional rezoning petition. Since a portion of this site is located in the ETJ, coordination with NCDOT may be required. CDOT will coordinate site access and streetscape improvement requirements during permitting
- **Active Projects:**
 - XCLT Segment 12 (Pavilion Blvd. to Cabarrus County)
 - Status: Planning
 - Scope: Construct XCLT multi-use path in 2 phases
 - Phase 1: Pavilion Blvd. to Kempsford Dr.
 - Phase 2: Kempsford Dr. to Cabarrus County
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (parcels are currently vacant).
 - Entitlement: 3235 trips per day (based on 343 dwelling units).
 - Proposed Zoning: 4210 trips per day (based on 457 dwelling 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 Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 192 students, while the development allowed under the proposed zoning may produce 256 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 64 students.
 - 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 123%
 - James Martin Middle from 65% to 70%
 - Julius L. Chambers High from 126% to 133%.
- **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:** See advisory comments at www.rezoning.org
- **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 # 2021-148

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.	✓
	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

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>



City of Charlotte

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

Agenda Date: 12/20/2021

Agenda #: 45.File #: 15-17051 Type: Zoning Hearing

Rezoning Petition: 2021-153 by Galaga Investors, LLC

Location: Approximately 7.17 acres located on the south side of Tyvola Road, west of Old Pineville Road, and east of Interstate 77. (Council District 3 - Watlington)

Current Zoning: I-2 (general industrial)

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

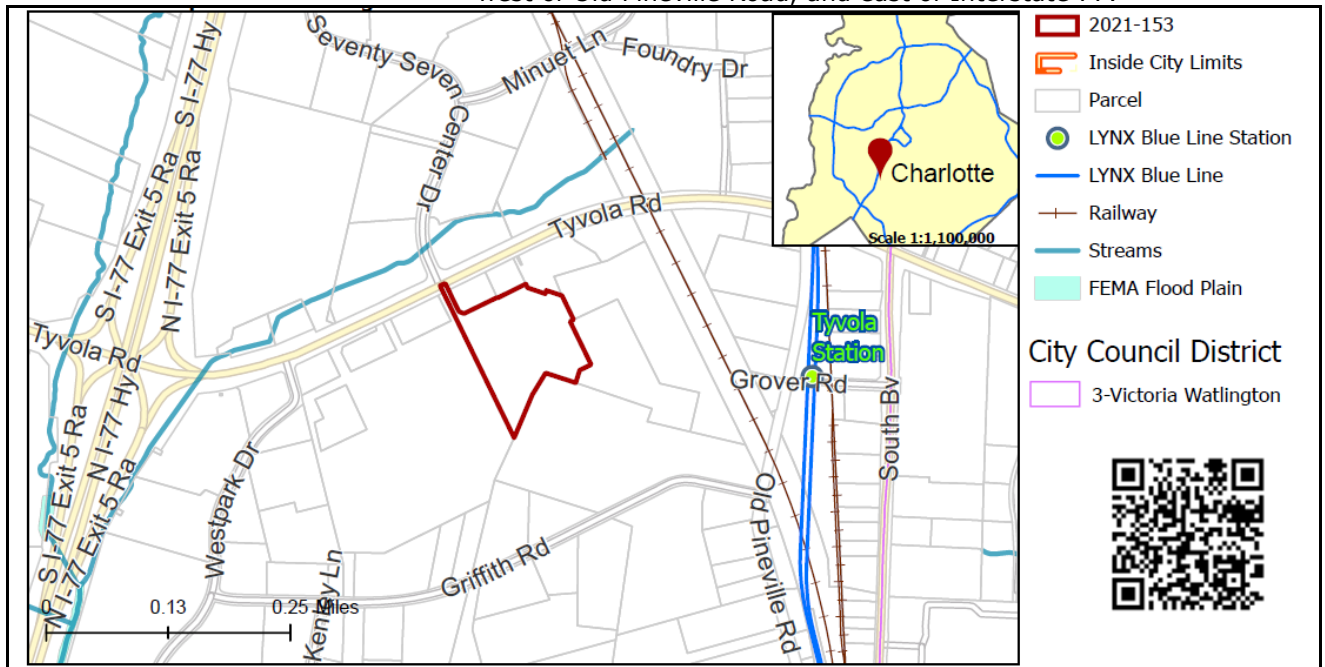
Pre-Hearing Staff Analysis

REQUEST

Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-NC (transit oriented development – neighborhood center)

LOCATION

Approximately 7.17 acres located on the south side of Tyvola Road, west of Old Pineville Road, and 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 a parcel currently developed with non-residential mixed uses including retail establishments and offices.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

Galaga Investors, Inc.
Galaga Investors, LLC
Collin Brown
Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Tyvola & Archdale Transit Station Area Plan* (2008) recommendation for office/retail/industrial-warehouse-distribution uses for this site.

Rationale for Recommendation

- The site is within a 1-mile walk of the Tyvola Station along Old Pineville Road.
- 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 petition would allow for the redevelopment of the site to transit oriented uses.
- 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 than other TOD districts because it is situated among moderately intense uses.

- The use of the 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 *Tyvola & Archdale Transit Station Area Plan* (2008), from office/retail/industrial-warehouse-distribution uses to transit oriented development for the site.

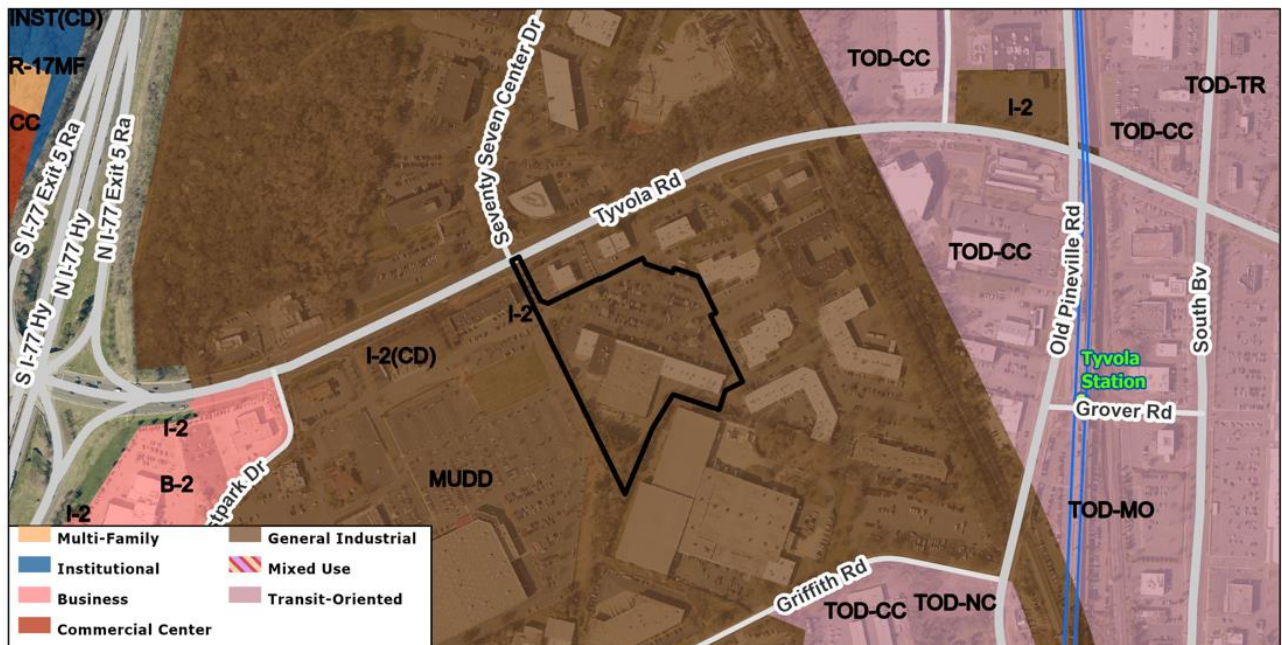
PLANNING STAFF REVIEW

- **Proposed Request Details**

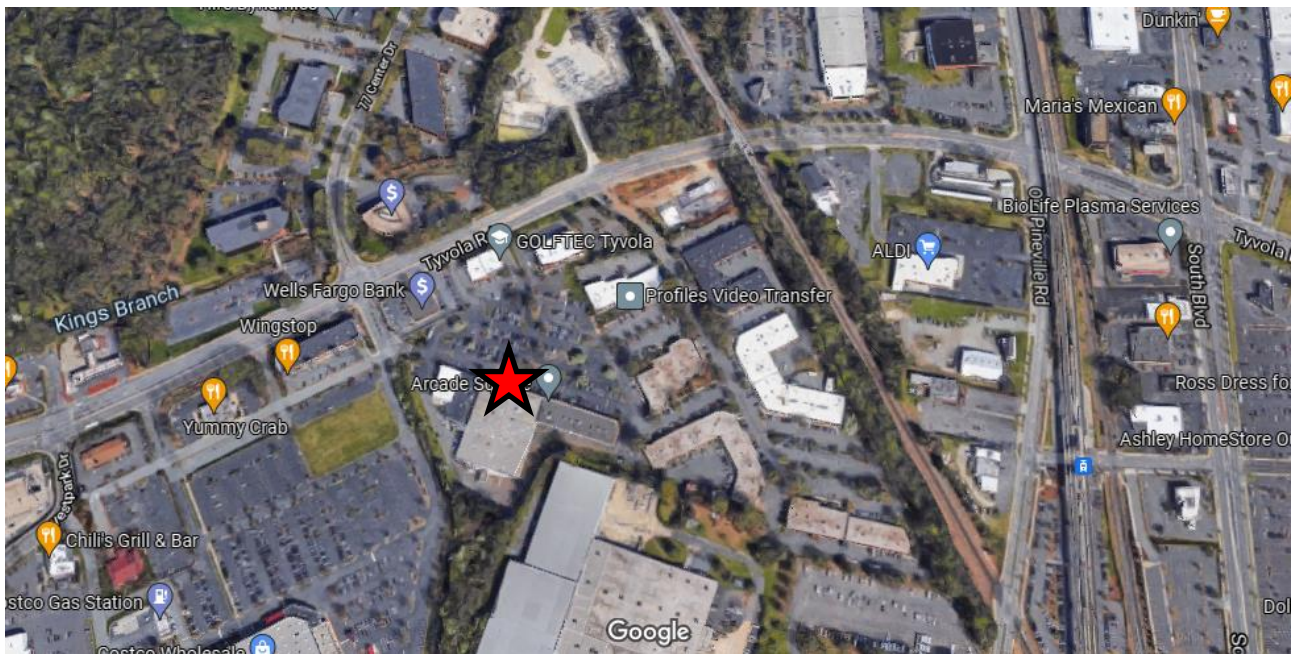
This is a conventional rezoning petition with no associated site plan.

- Allows all uses in the TOD-NC (transit oriented development – neighborhood center) zoning district.

- **Existing Zoning and Land Use**



- The site is currently zoned I-2 and is in an area with non-residential mixed uses, retail, office, and industrial uses.



- The subject site is denoted with a red star.



- North of the site are retail uses.



- East of the site is Highland Business Park, a mixed-use development.

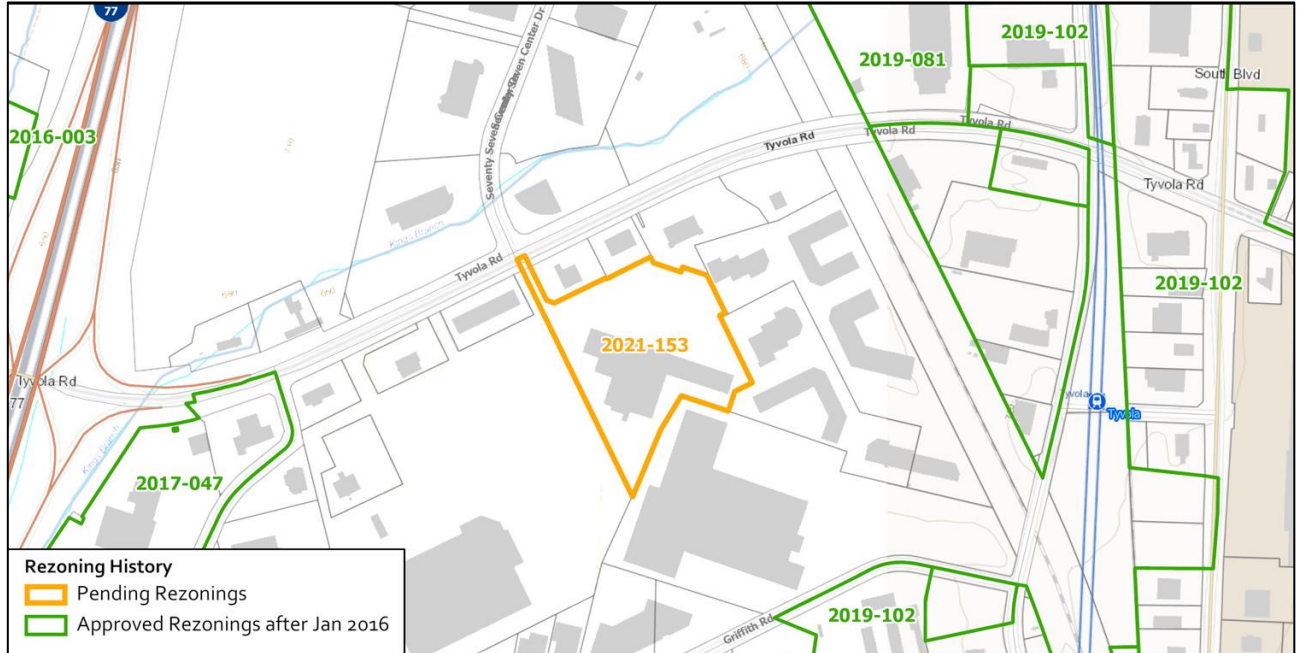


- South of the site are industrial uses.



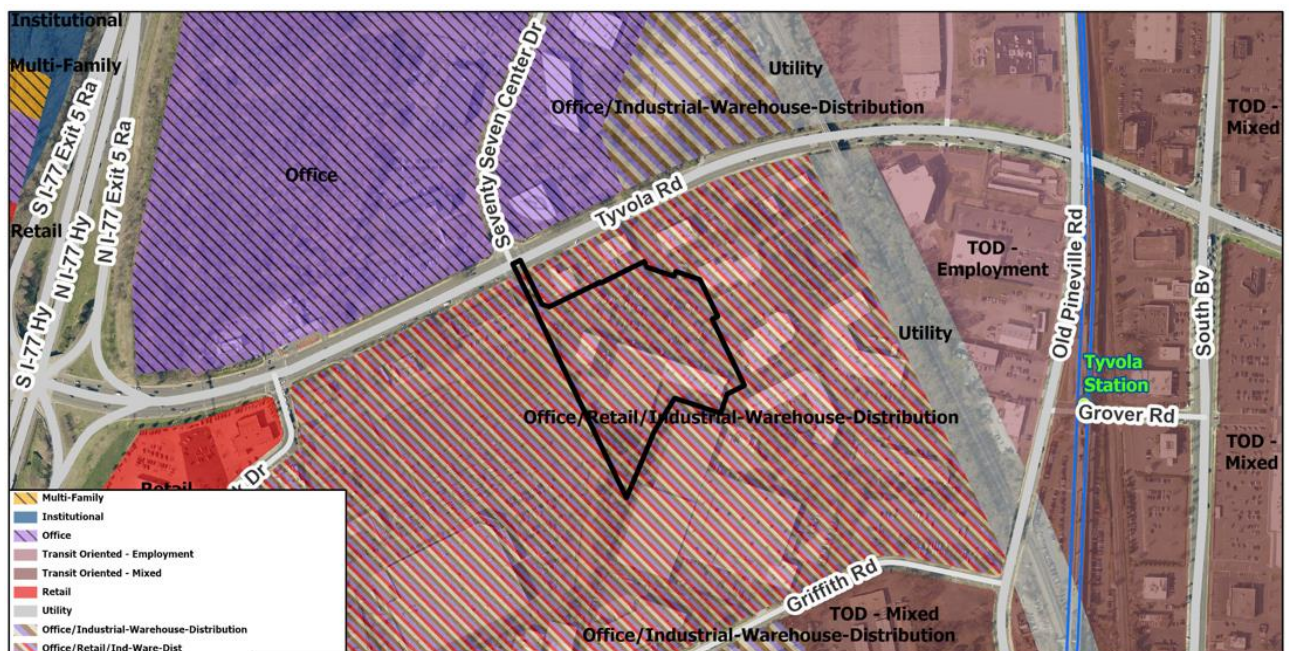
- West of the site are retail uses.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-003	Rezoned 7.1 acres from CC to CC SPA.	Approved
2017-047	Rezoned 6.63 acres from I-2 to B-2.	Approved
2019-081	Rezoned 10.5 acres from I-2 to TOD-CC.	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

- Public Plans and Policies**



- The Tyvola & Archdale Transit Station Area Plan (2008) recommends office/retail/industrial-warehouse-distribution uses for this site.

- **TRANSPORTATION SUMMARY**

- The site is located adjacent to Tyvola Road, a City-maintained major thoroughfare at Seventy Seven Center Drive, a City-maintained major collector. 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: 155 trips per day (based on 68,975 square feet of warehouse uses).
Entitlement: 215 trips per day (based on 107,550 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:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** 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 # 2021-153

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.	✓

	<p>Goal 5: Safe & Equitable Mobility</p> <p>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.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>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.</p>	
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>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.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>X</p>
	<p>Goal 10: Fiscally Responsible</p> <p>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</p>	<p>N/A</p>