

# **City of Charlotte**

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



## **Zoning Agenda**

**Tuesday, January 18, 2022**

**Council Chambers**

**City Council Zoning Meeting**

## ACRONYMS

### Zoning District Acronyms

- **B-1** – neighborhood business
- **B-2** – general business
- **B-1SCD** – business shopping center (old district)
- **BD** – distributive business
- **BP** – business park
- **CC** – commercial center
- **HW** – hazardous waste
- **I-1** – light industrial
- **I-2** – general industrial
- **INST** – institutional
- **MUDD** – mixed use development
- **MX-1** – mixed use
- **MX-2** – mixed use
- **MX-3** – mixed use
- **NS** – neighborhood services
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential –up to 4 dua
- **R-5** – single-family residential –up to 5 dua
- **R-6** – single-family residential –up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential– up to 12 dua
- **R-17MF** – multi-family residential– up to 17 dua
- **R-22MF** – multi-family residential– up to 22 dua
- **R-43MF** – multi-family residential– up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research
- **RE-2** – research
- **RE-3** – research
- **TOD** – transit oriented development
- **TOD-CC** – transit oriented development – community center
- **TOD-NC** – transit oriented development– neighborhood center
- **TOD-UC** – transit oriented development –urban center
- **TOD-TR** – transit oriented development –transit transition
- **U-I** – urban industrial
- **UMUD** – uptown mixed use
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential – commercial

### Zoning Overlay District Acronyms

- **AIR** – Airport Noise overlay
- **CR/LWW** – Catawba River/Lake Wylie watershed
- **CR/LWWCA** – Catawba River/Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River/Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **LNW** – Lake Norman watershed overlay
- **LNWCA** –Lake Norman watershed –overlay, critical area
- **LNWPA** –Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed– overlay, protected area
- **LWPA** – Lake Wylie protected area
- **MILW** – Mountain Island Lake watershed overlay
- **MILWCA** – Mountain Island Lake watershed – overlay, critical area
- **MILWPA** – Mountain Island Lake watershed – overlay, protected area
- **MH** - manufactured home overlay
- **PED** – pedestrian overlay
- **TS** – transit supportive overlay

### Miscellaneous Zoning Acronyms:

- **CD** – conditional
- **INNOV** – innovative standards
- **SPA** – site plan amendment
- **O** – optional provisions

### Miscellaneous Other Acronyms:

- **CAG** – citizen advisory group
- **CDOT** – Charlotte Department of Transportation
- **FEMA** – Federal Emergency Management Agency
- **LED** – light emitting diode
- **NCDOT** – North Carolina Department of Transportation
- **PCCO** – Post Construction Control Ordinance



**1. 5:00 P.M. CITY COUNCIL ZONING MEETING  
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,  
REGULAR MEETING HOSTED FROM COUNCIL CHAMBERS**

**This meeting will also be accessible via the Government Channel, the City's Facebook page, and the City's YouTube channel.**

Call to Order

Introduction

Invocation

Pledge of Allegiance

Explanation of Zoning Meeting

Deferrals/Withdrawals

**DECISIONS****2. Rezoning Petition: 2019-179 by Ronald Staley Jr. - Verde Homes, LLC**

**Location:** Approximately 1 acre located near the SE intersection of Parkwood Avenue and Hawthorne Lane in the Plaza Midwood community. (Council District 1 - Egleston)

**Current Zoning:** R-5 (single family residential) & R-22MF (multi-family residential)

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

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

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

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

**Current Zoning:** NS, R-3 (neighborhood services, residential)

**Proposed Zoning:** NS (SPA), NS (neighborhood services, site plan amendment, neighborhood services) with 5-year vested rights

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend DENIAL of this petition.

**Staff Recommendation:**

Staff recommends approval of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

**4. Rezoning Petition: 2021-019 by Fifth Third Bank**

**Location:** Approximately 0.976 acre located on the north side of Woodlawn Road, east of Tryon Street, and west of South boulevard. (Council District 3 - Watlington)

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

**Proposed Zoning:** TOD-TR(CD) (transit-oriented development-transitional, conditional)

**Zoning Committee Recommendation:**

-The Zoning Committee voted -----4-3 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff does not recommend approval of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

**5. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

**6. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-1 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends approval of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

**7. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

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

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

**Current Zoning:** I-1 (light industrial)

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

**Zoning Committee Recommendation:**

The Zoning Committee voted 5-1 to recommend APPROVAL of this petition.

**Staff Recommendation:**

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

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

**9. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-1 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

**10. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

**11. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

**12. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

**13. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

**14. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

**15. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis



**16. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

**17. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

**18. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

**19. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

## HEARINGS

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

***Update: Petitioner is requesting deferral to February 21, 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)

**21. Rezoning Petition: 2021-111 by Regal Oaks Investments, LLC**

***Update: Petition is deferred to February 21, 2022***

**Location:** Approximately 6.40 acres located on the north side of Albemarle Road and east side of Regal Oaks Drive, west of East W.T. Harris Boulevard. (Council District 5 - Newton)

**Current Zoning:** B-2 (CD) (neighborhood business, conditional) and B-2 (CD) (general business, conditional)

**Proposed Zoning:** R-22 MF (CD) (multi-family residential, conditional)

**22. Rezoning Petition: 2021-141 by The Drakeford Company**

***Update: Petition is deferred to February 21, 2022***

**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

**23. Rezoning Petition: 2021-089 by Redwood USA, LLC**

**Location:** Approximately 21.30 acres located at the northwest intersection of Rocky River Road and John Russell Road, north of The Plaza. (Council District 4 - Johnson)

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

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

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

**24. Rezoning Petition: 2021-160 by Charlotte-Mecklenburg Schools & Woodfield Development, LLC**

**Location:** Approximately 73.97 acres located on the northeast side of North Community House Road and east side of Johnston Road, west of Elm Lane. (Council District 7 - Driggs)

**Current Zoning:** MX-2 (INNOV), R-3 (mixed-use, innovation) & (single-family residential)

**Proposed Zoning:** MUDD-O (mixed-use development, optional) with 5-year vested rights

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

**25. Rezoning Petition: 2021-161 by Charlotte-Mecklenburg Schools & Woodfield Development, LLC**

**Location:** Approximately 35.87 acres located along the south side of Ardrey Kell Road, west of Wade Ardrey Road, and east of Marvin Road. (Council District 7 - Driggs)

**Current Zoning:** MX-2 (INNOV) (mixed use, innovative)

**Proposed Zoning:** MUDD-O (mixed-use development, optional) with 5-year vested rights

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

**26. Rezoning Petition: 2021-100 by Donald M. Edward**

**Location:** Approximately 13.37 acres located at the eastern intersection of Eastfield Road and Independence Hill Road, north of Interstate 485. (EJ-BOCC 1-Powell; closest CC 4-Johnson.)

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

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

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

**27. Rezoning Petition: 2021-119 by Profile Homes**

**Location:** Approximately 30.2 acres on Freedom Drive between Toddville Road and Allenbrook Drive.  
(Council District 3 - Watlington)

**Current Zoning:** R-3 LLWPA (single-family residential, Lower Lake Wylie Protected Area), INST LLWPA (institutional, Lower Lake Wylie Protected Area), and MX-2 (INNOV) LLWPA (mixed-use, innovative, Lower Lake Wylie Protected Area)

**Proposed Zoning:** MX-2 (INNOV) LLWPA (mixed-use, innovative, Lower Lake Wylie Protected Area), MX-2 (INNOV) LLWPA SPA (mixed-use innovative, Lower Lake Wylie Protected Area, site plan amendment)

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis  
Site Plan

**28. Rezoning Petition: 2021-152 by R.I. Charlotte Property, L.P.**

**Location:** Approximately 2.49 acres located on the west side of North Tryon Street, south of West W.T. Harris Boulevard, and north of McCullough Drive. (Council District 4 - Johnson)

**Current Zoning:** MUDD-O (mixed-use development district, optional)

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

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Pre-Hearing Staff Analysis  
Site Plan

**29. Rezoning Petition: 2021-156 by Elite Team Realty & Property Management, Inc.**

**Location:** Approximately 2.0 acres located at the northeast intersection of Wellingford Street and Hershey Street, east of West Sugar Creek Road. (Council District 4 - Johnson)

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

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

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

**30. Rezoning Petition: 2021-157 by City of Charlotte Aviation**

**Location:** Approximately 58.26 acres located on the north side of Walkers Ferry Road, just west of I-485 and Charlotte Douglas International Airport. (Council District 3 - Watlington)

**Current Zoning:** R-3 LLWPA (single-family residential, Lower Lake Wylie Protected Area), R-MH LLWCA (manufactured housing, Lower Lake Wylie Critical Area)

**Proposed Zoning:** I-2 LLWPA (general industrial, Lower Lake Wylie Protected Area), I-2 LLWCA (general industrial, Lower Lake Wylie Critical Area)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

**31. Rezoning Petition: 2021-158 by Trevi Partners, LLC**

**Location:** Approximately 45.31 acres located on the southeast side of North Tryon Street, east of Pavilion Boulevard. (Council District 4 - Johnson)

**Current Zoning:** CC SPA (commercial center, site plan amendment) and UR-C (CD) SPA (urban residential-commercial, conditional, site plan amendment)

**Proposed Zoning:** CC SPA (commercial center, site plan amendment) and UR-C (CD) SPA (urban residential-commercial, conditional, site plan amendment), with 5-year vested rights

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis  
Site Plan

**32. Rezoning Petition: 2021-162 by Rosemara Espinoza**

**Location:** Approximately 0.73 acre bound by the south side of North Linwood Avenue and north side of Interstate 85, west of Brookshire Boulevard. (Council District 2 - Graham)

**Current Zoning:** R-22 MF (multi-family residential)

**Proposed Zoning:** B-2 (general business)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

**33. Rezoning Petition: 2021-169 by City of Charlotte Engineering**

**Location:** Approximately 9.43 acres located on the south side of Mt. Holly-Huntersville Road, west of Mountain Aire Circle and east of Northwoods Forest Drive. (Council District 2 - Graham)

**Current Zoning:** R-3 LWPA (single-family residential, Lake Wylie Protected Area)

**Proposed Zoning:** NS LWPA (neighborhood services, Lake Wylie Protected Area)

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis  
Site Plan



**34. Rezoning Petition: 2021-173 by OPM Limited & Benfield**

**Location:** Approximately 2.22 acres located on the south side of Old Mt. Holly Road, the east side of Melynda Road, and south of Rozzelles Ferry Road. (Council District 2 - Graham)

**Current Zoning:** R-4 and R-5 (single-family residential)

**Proposed Zoning:** I-1 (light industrial)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

**35. Rezoning Petition: 2021-176 by Anita Thomas**

**Location:** Approximately 0.58 acre located on the east side of Randolph Road, west of Colwick Road, and north of North Sharon Amity Road. (Council District 6 - Bokhari)

**Current Zoning:** B-2 (neighborhood business)

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

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

**36. Rezoning Petition: 2021-180 by Daniel Corporation**

**Location:** Approximately 1.70 acres located on the south side of North Graham Street, east side of West 6th Street, and west side of West 7th Street. (Council District 2 - Graham)

**Current Zoning:** UR-3 HD (urban residential, historic district)

**Proposed Zoning:** UMUD-HD (uptown mixed-use district, historic district)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

**37. Rezoning Petition: 2021-183 by James Howell**

**Location:** Approximately 1.12 acres located on the north side of Ervin Lane and west side of China Grove Church Road, south of East Westinghouse Boulevard. (Council District 3 - Watlington)

**Current Zoning:** R-8 (CD) (single-family residential, conditional)

**Proposed Zoning:** R-8 (single-family residential)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

**38. Rezoning Petition: 2021-184 by Revolve Residential**

**Location:** Approximately 0.86 acre located on the west of Yeoman Road, east of South Tryon Street, and north of Woodlawn Road. (Council District 3 - Watlington)

**Current Zoning:** I-2 (general industrial)

**Proposed Zoning:** TOD-TR (transit-oriented development - transition)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

**39. Rezoning Petition: 2021-185 by SXCW Properties II, LLC**

**Location:** Approximately 2.48 acres located on the east side of Freedom Drive, south of Interstate 85, and west of Tuckaseegee Road. (Council District 3 - Watlington)

**Current Zoning:** B-1 SCD AIR (shopping center, airport noise overlay)

**Proposed Zoning:** B-2 AIR (general business, airport noise overlay)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

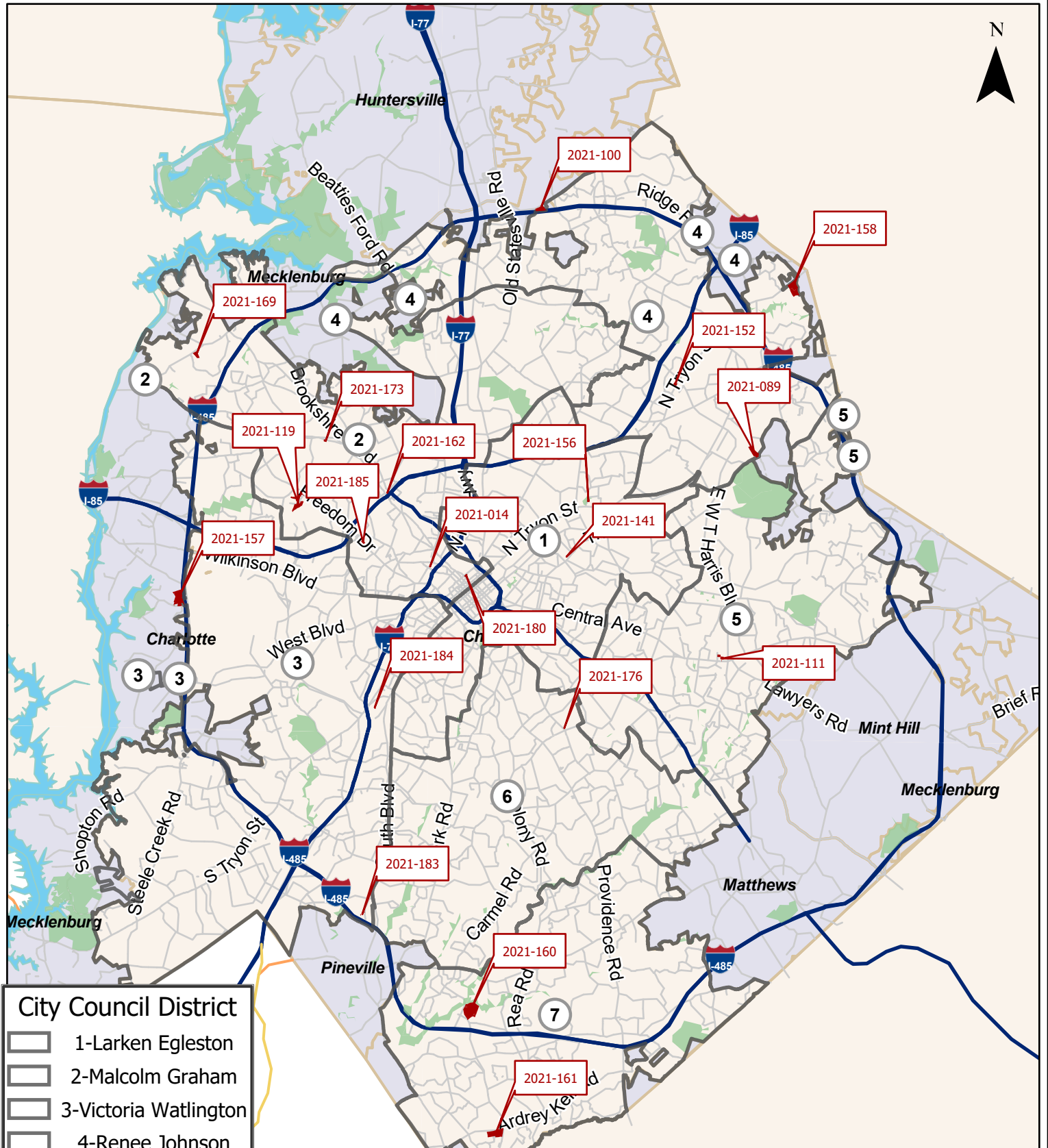
**Attachments:**

Pre-Hearing Staff Analysis



Adjournment

# January 2022 Rezoning

City of Charlotte, Mecklenburg County



## City Council District

-  1-Larken Egleston
-  2-Malcolm Graham
-  3-Victoria Watlington
-  4-Renee Johnson
-  5-Matt Newton
-  6-Tariq Bokhari
-  7-Edmund H. Driggs

Map Created 12/7/2021

0 1.75 3.5 7 Miles



# City of Charlotte

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

**Agenda Date: 1/18/2022**

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**Agenda #: 1. File #: 15-17150 Type: Dinner Briefing**

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**5:00 P.M. CITY COUNCIL ZONING MEETING  
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,  
REGULAR MEETING HOSTED FROM COUNCIL CHAMBERS**

**This meeting will also be accessible via the Government Channel, the City's Facebook page, and the City's YouTube channel.**



**Agenda Date:** 1/18/2022

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**Agenda #:** 2. **File #:** 15-17152 **Type:** Zoning Decision

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## **Rezoning Petition: 2019-179 by Ronald Staley Jr. - Verde Homes, LLC**

**Location:** Approximately 1 acre located near the SE intersection of Parkwood Avenue and Hawthorne Lane in the Plaza Midwood community. (Council District 1 - Egleston)

**Current Zoning:** R-5 (single family residential) & R-22MF (multi-family residential)

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

### **Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



## Zoning Committee Recommendation

Rezoning Petition 2019-179

August 4, 2020

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### REQUEST

Current Zoning: R-5 (single family residential) & R-22MF (multi-family residential)

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

### LOCATION

Approximately 1 acre located near the SE intersection of Parkwood Avenue and Hawthorne Lane in the Belmont Community.

(Council District 1 - Egleston)

### PETITIONER

Ronald Staley, Jr – Verde Homes, LLC

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### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **inconsistent** with the *Belmont Area Revitalization Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends single family uses up to five dwelling units per acre (DUA) for the site

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

- The proposal helps achieve the Plan's vision of a "family-oriented community diverse in age, culture, and income" by committing to three affordable dwelling units (12 percent of total). This provision of affordability also addresses the Plan's housing goal that seeks to increase and facilitate home ownership.
- The proposal addresses a goal of the Plan to create a more pedestrian friendly community by improving the pedestrian realm through the provision of an 8-foot planting strip and 8-foot sidewalk along Parkwood Ave.
- The site considers the environment by orienting parking in such a way that preserves two existing, mature trees that will reduce any heat island created by the surface parking lot. It also commits to installing pervious pavers to help treat runoff and allow water infiltration to benefit existing trees.
- While not a specific goal or objective, the Plan references, in numerous places, the need for rehabilitated and new single family infill homes. This rezoning provides that infill through the provision of three single family attached homes

- The Belmont Area Revitalization Plan speaks to the opportunity for single family infill development on this vacant site and states that new homes should be compatible in design character with the existing adjacent housing stock. The plan's conditional notes commit to architectural and design features for both the attached single family units and the multi-family units facing Parkwood Ave.
- The proposed density of 25 DUA is just over the entitled density (R-22 MF) for the portion of the site fronting Parkwood Avenue and is a reasonable increase in density for a site that is addressing its context through architectural design standards.

The approval of this petition will revise the adopted future land use as specified by the Belmont Area Revitalization Plan (2003) from single family residential uses up to five dwelling units per acre to residential uses over 22 dwelling units per acre.

Motion/Second: Kelly / Barbee

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None

Absent: None

Recused: None

#### **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

A brief discussion was had regarding the proposed pervious pavers on site and the benefits provided by such. The rules were suspended, and Paul Pennell from Urban Design Partners noted that the pavers were added to decrease runoff and assist in the preservation of on-site trees and that the petitioner was agreeable to increasing the amount of pervious pavers.

There was no further discussion of this petition.

#### **PLANNER**

William Linville (704) 336-4090

## REQUEST

Current Zoning: R-5 (single family residential) & R-22MF (multi-family residential)  
 Proposed Zoning: UR-2(CD) (urban residential, conditional)

## LOCATION

Approximately 1 acre located near the SE intersection of Parkwood Avenue and Hawthorne Lane in the Plaza Midwood community.



## SUMMARY OF PETITION

The petition proposes to rezone a currently vacant parcel in the Plaza Midwood neighborhood to allow for construction of 3 single family attached triplex residential units and 22 multi-family residential units (25 total units representing approximately 25 DUA).

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

~~Miles Boyd and Dorothy F. Barnes~~ **Maamoun Rajeh, Parkmimo, LLC**  
 Ronald Staley, Jr. – Verde Homes, LLC  
 Paul Pennell, Urban Design Partners

Meeting is required and has been held. Report available online.  
 Number of people attending the Virtual Community Meeting: 17

Second Virtual Community Meeting has been held (07/13/20).  
 Number of people attending the second Virtual Community Meeting: 9

## STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is **inconsistent** with the *Belmont Area Revitalization Plan's* (2003) recommendation for single family residential uses up to five dwelling units per acre (DUA).

### Rationale for Recommendation

- The proposal helps achieve the Plan's vision of a "family-oriented community diverse in age, culture, and income" by committing to three affordable dwelling units (12 percent of total). This provision of affordability also addresses the Plan's housing goal that seeks to increase and facilitate home ownership.



- The proposal addresses a goal of the Plan to create a more pedestrian friendly community by improving the pedestrian realm through the provision of an 8-foot planting strip and 8-foot sidewalk along Parkwood Ave.
- The site considers the environment by orienting parking in such a way that preserves two existing, mature trees that will reduce any heat island created by the surface parking lot. It also commits to installing pervious pavers to help treat runoff and allow water infiltration to benefit existing trees.
- While not a specific goal or objective, the Plan references, in numerous places, the need for rehabilitated and new single family infill homes. This rezoning provides that infill through the provision of three single family attached homes
- The Belmont Area Revitalization Plan speaks to the opportunity for single family infill development on this vacant site and states that new homes should be compatible in design character with the existing adjacent housing stock. The plan's conditional notes commit to architectural and design features for both the attached single family units and the multi-family units facing Parkwood Ave.
- The proposed density of 25 DUA is just over the entitled density (R-22 MF) for the portion of the site fronting Parkwood Avenue and is a reasonable increase in density for a site that is addressing its context through architectural design standards.

The approval of this petition will revise the adopted future land use as specified by the *Belmont Area Revitalization Plan* (2003) from single family residential uses up to five dwelling units per acre to residential uses over 22 dwelling units per acre.

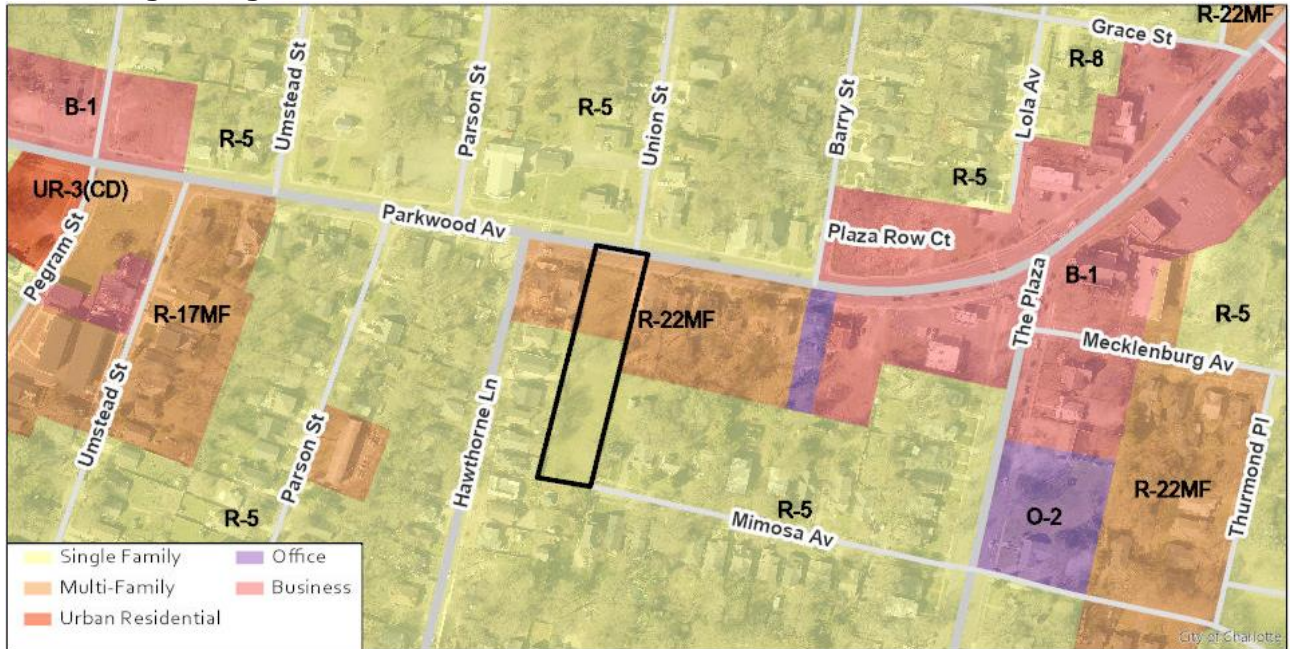
## PLANNING STAFF REVIEW

### • **Proposed Request Details**

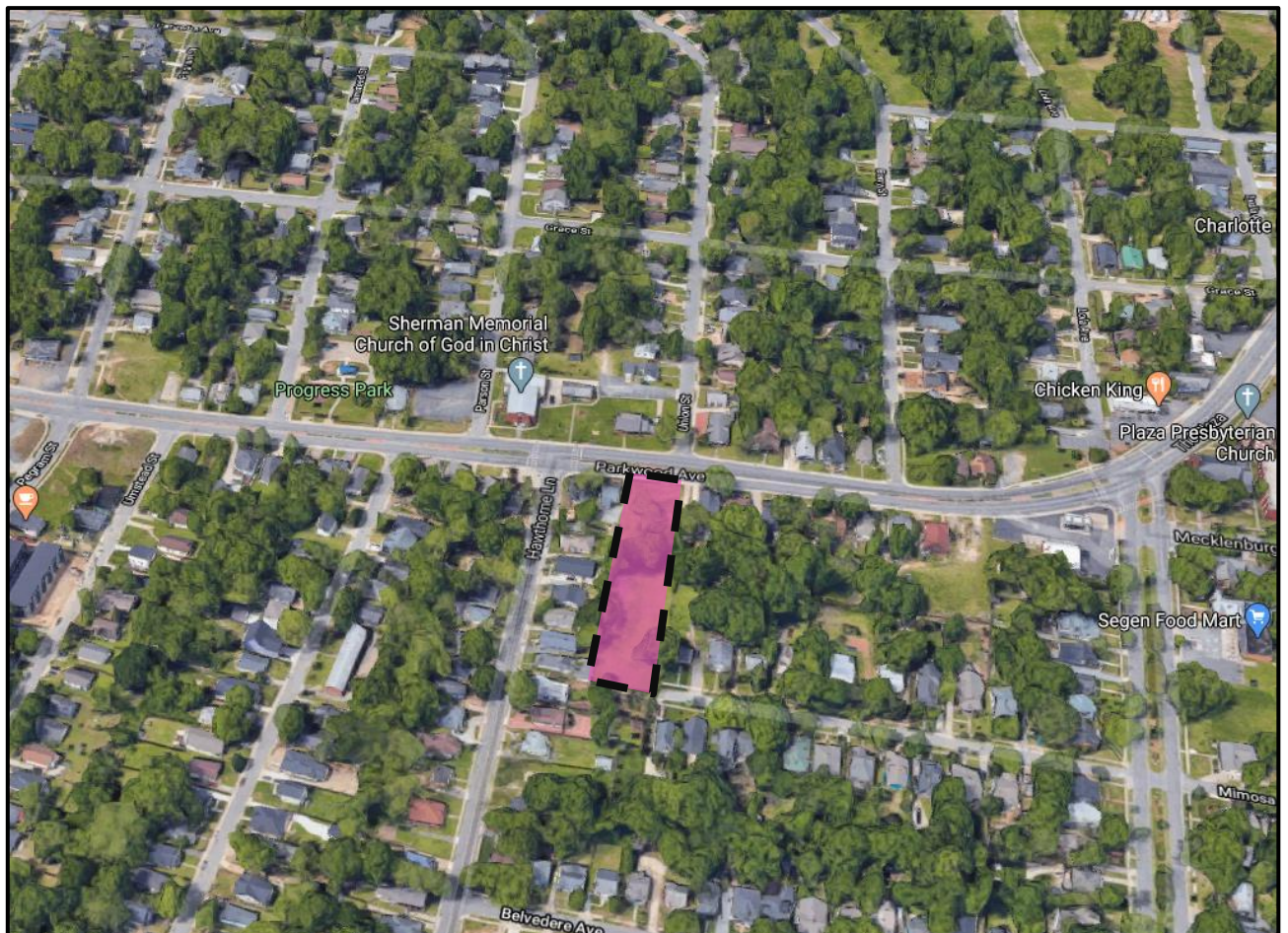
The site plan accompanying this petition contains the following provisions:

- Proposes 3 single family attached residential units and 22 multi-family residential units (25 total units/ 25 DUA).
  - Within the multi-family structure, two residential units shall be affordable units (80 percent AMI or below) for a period of 15 years.
  - Within the single family structure, one residential unit shall be affordable (50 percent AMI or below for a period of 15 years).
- Proposes the construction of two total structures, with the structure closest to Parkwood Avenue being comprised of the 22 proposed multi-family units and the remaining structure constructed near the southern extent of the property.
- Proposes 29 surface parking spaces and three garage parking spaces – provides pervious pavers for a majority of the parking lot.
- Commits to a multi-family building height of 50 40 feet (three stories) and single family attached maximum building height of 35 feet (2.5 stories).
- ~~Provides a driveway connection from Mimosa Avenue for one single family attached triplex building as well as a pedestrian connection from units to the sidewalk along Mimosa Avenue.~~
  - ~~Commits to treating the driveway entrance at Mimosa with masonry columns on either side.~~
- Restricts vehicular connections to the site from Mimosa Avenue.
- Provides 6-foot wooden screen fence along the southern and eastern property lines.
- Commits to an improved streetscape along Parkwood Avenue comprised of an 8-foot planting strip and an 8-foot sidewalk.
- Commits to installing an ADA-compliant bus pad along the property's Parkwood Avenue frontage.
- Commits to additional architectural design standards including a commitment to specific building materials, a limitation on the usage of vinyl, the presentation of front or side to all streets, screened HVAC.
- Commits to 15' height for all detached lighting (full cutoff, downwardly directed).

- Existing Zoning and Land Use



There is no rezoning history available for this site. The subject property is split zoned, with the northern portion zoned R-22 MF and remainder zoned R-5. The site is currently vacant. It is nestled within an existing detached single family neighborhood in the NW corner of the Plaza Midwood community. Commercial development begins as you travel east along Parkwood Avenue. Much of the surrounding area is detached single family residential.



General location of rezoning boundary outlined in black dashed line/pink fill.





View of the subject property as seen from Parkwood Avenue. Single family homes are on either side.



Context of surrounding residential located along Parkwood Ave.





Streetview along Mimosa Avenue. Mimosa Avenue terminates at the southern edge of the subject property.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-156	Petition to rezone .52 acres to allow multi-family units at a density of 33.5 units per acre.	Approved



- **Public Plans and Policies**



- The *Belmont Area Revitalization Plan (2003)* recommends single family residential uses up to five dwelling units per acre for this site.
- **TRANSPORTATION SUMMARY**
  - The site is located on a major thoroughfare road. The site commits to installing the required streetscape along Parkwood Avenue. CDOT is requesting the petitioner update the site plan to construct a driveway that meets the Charlotte Land Development Standards.
- **Active Projects:**
  - Parkwood (N. Davidson – The Plaza) Improvements
    - This project will install pavement markings to create a buffered bike land on Parkwood Avenue from Belmont Avenue to The Plaza. Several new signals will be added within the project limits as well.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land use).  
Entitlement: 50 trips per day (based on 5 dwellings).

Proposed Zoning: 140 trips per day (based on 20 dwellings (3 single family; 22 multi-family)).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://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 decrease 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:
    - Shamrock Gardens Elementary remains at 107%
    - Eastway Middle remains at 118%
    - Garinger High remains at 122%.

**Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Parkwood Avenue. Charlotte

Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Parkwood Avenue. See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

#### OUTSTANDING ISSUES

##### Transportation

1. ~~Revise the driveway to Mimosa Avenue to meet Charlotte Land Development Standards Manual for two-way circulation since it is a shared driveway.~~ **ADDRESSED**

##### Site and Building Design

2. ~~The petitioner should present a design that is more aligned with the future land use of the parcel and reflective of the surrounding residential context that is proximal to the site along Mimosa Avenue and Parkwood Drive. These changes should reflect a reduction in density, height, and overall impervious area of the proposal. The proposed surface parking lot is not supported in any form.~~ **RESCINDED. The petitioner has added pervious pavers to a portion of the surface parking lot. A reduction in height has also been provided.**

#### REQUESTED TECHNICAL REVISIONS

##### Site and Building Design

3. ~~Coordinate with Charlotte Fire to resolve the required provision of an approved turnaround.~~ **ADDRESSED**

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** William Linville (704) 336-4090







**Agenda Date:** 1/18/2022

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**Agenda #:** 3.**File #:** 15-17153 **Type:** Zoning Decision

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

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

**Current Zoning:** NS, R-3 (neighborhood services, residential)

**Proposed Zoning:** NS (SPA), NS (neighborhood services, site plan amendment, neighborhood services) with 5-year vested rights

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend DENIAL of this petition.

### **Staff Recommendation:**

Staff recommends approval of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis  
Site Plan





## Zoning Committee Recommendation

Rezoning Petition 2020-181

December 1, 2021

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### REQUEST

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

### LOCATION

Approximately 11.24 acres located at the NW intersection of Rocky River Church Road and Albemarle road in unincorporated Mecklenburg County.

(Outside City Limits)

### PETITIONER

Albemarle Property Investors, LLC

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### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 6-0 to recommend DENIAL of this petition and adopt the consistency statement as follows:

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

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

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

- This request for additional auto-oriented uses is inconsistent with the overall vision/intent of Zone B of the area plan, which is to "create a viable pedestrian environment".
- While the petition is inconsistent with the intent of Zone B of creating a true town center, it fulfills the plan's land use goal to "provide for a mixture of integrated, appropriately scaled uses ...at the intersection of Albemarle and Rocky River Roads" when viewed with the mixture of land uses entitled through the Cresswind development (2015-101).
- The petition will enhance the pedestrian environment in the overall area through its commitment to provide intersection improvements to accommodate bicycle and pedestrian crossings at the Rocky River Church/Albemarle Road intersection.
- The provision of a grocery anchor proximal to a large amount of residential units provides necessary

neighborhood services to a growing area of far east Charlotte.

- The conditional notes regarding drive-thru uses will further help limit the outcome of traditional drive-thru uses for one of the development areas, and will be more geared toward pick-up options and less auto-intense uses.

Motion/Second: Spencer / Rhodes

Yeas: Blumenthal, Chirinos, Rhodes, Samuel, Spencer and Welton

Nays: None

Absent: Ham

Recused: None

## **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

Staff gave a brief update on this petition as it was deferred from a tie vote at November's ZC meeting.

Committee member Welton asked staff to synopsise the differences between last month's recommendation (approval base upon resolution of outstanding items) with this month's recommendation to deny and between what is left regarding outstanding issues.

Staff noted that the recommendation relates to the inability to find common ground – that the recommendation to approve was directly related to the request to restrict menu boards on outparcel 1. Language that attempts to qualify the types of restaurants remain from last month's meeting and staff is still requesting that it is removed.

Committee member Blumenthal asked if one of the drive-thrus would be for a pharmacy use only.

Staff responded in the affirmative, as that drive-thru window is intended to be a part of the grocer/anchor tenant and then the two would be located at the two outparcels along Albemarle. Overall entitlements for accessory drive-thru windows remain from the original Cresswind rezoning.

Committee member Chirinos asked staff how many pharmacies are in the vicinity. Staff was not sure of the answer to that question and a concrete answer was not provided.

Committee member Blumenthal asked staff if this petition were to be denied, what would the petitioner be left with? Staff responded that they would have the original entitlement which would allow nearly everything they are currently proposing, however the rezoning request stemmed previously approved architectural notes and concept plans that had buildings in a location that did not work for the petitioner.

Committee member Chirinos asked if staff felt that every opportunity to resolve these issues had been made. Staff responded in the affirmative, reminding that the decision to

recommend denial was not meant to be punitive but simple reflected the disconnect between staff's vision for the site through the originally approved Cresswind plan and the petitioner's desires for the portion of the development that they currently control. Common ground was attempted many times but never materialized in a fashion that made staff comfortable to recommend approval.

Chairwoman Samuel gave a quick reminder of when this case went to public hearing how the split vote resulted in a deferral at the last Zoning Committee meeting. The Chair continued by mentioning that, for her, this petition was a matter of timing with the adoption of the 2040 plan and the advances we want to see with more pedestrian friendly developments (and noting that this one could be just so), adding additional drive-thrus does not align with recently adopted plans. She continued by noting that she does not believe she can support in the form presented but appreciates the work that was done to improve pedestrian infrastructure around the periphery of the project.

After the vote to unanimously recommend denial, Blumenthal added a comment to note that if the petitioner wasn't left with drive-thru entitlements, his vote would have been different. He acknowledges that this area is near what some could consider highway-centric development where auto-oriented uses are compatible with.

Committee member Welton agreed and noted that this petition became an issue about entitlements. Auto-oriented uses are still useful and hope that the committee considers that in the future.

Commissioner Rhodes echoed her support for Blumenthal's and Welton's closing thoughts.

Chairwoman Samuel closed the discussion by noting that the original 2015 petition entitled a large number of residential at this location and converting from what would normally be an auto-centric development pattern to a more pedestrian-oriented pattern does not happen overnight but is certainly something that can happen over time in areas such as this.

There was no further discussion of this petition.

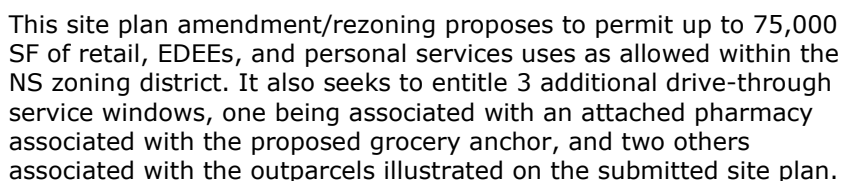
**PLANNER**

William Linville (704) 336-4090



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

Approximately 11.24 acres located at the NW intersection of Rocky River Church Road and Albemarle road in unincorporated Mecklenburg County.



Mary L. Rhodes c/o John Rhodes; Square A Land Holdings, LLC  
Albemarle Property Investors, LLC  
Eric Hampton, BGE

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 50

Staff recommends approval of this petition.

The petition is **inconsistent** the *Albemarle Road/I-485 Interchange Study's* recommendation for residential/office/retail and multi-family/office/retail uses for the site.

- This request for additional auto-oriented uses is inconsistent with the overall vision/intent of Zone B of the area plan, which is to “create a viable pedestrian environment”. However, the

neighborhood services district addresses restaurant size for those with accessory drive-thru windows by providing a minimum seat count which assists in offsetting the intensity of the auto-oriented nature of the proposed use.

- While the petition is inconsistent with the intent of Zone B of creating a true town center, it fulfills the plan's land use goal to "provide for a mixture of integrated, appropriately scaled uses ...at the intersection of Albemarle and Rocky River Roads" when viewed with the mixture of land uses entitled through the Cresswind development (2015-101).
- The petition will enhance the pedestrian environment through its commitment to provide intersection improvements to accommodate bicycle and pedestrian crossings at the Rocky River Church/Albemarle Road intersection.
- The provision of a grocery anchor proximal to a large amount of residential units provides necessary neighborhood services to a growing area of far east Charlotte.

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

## PLANNING STAFF REVIEW

### • **Proposed Request Details**

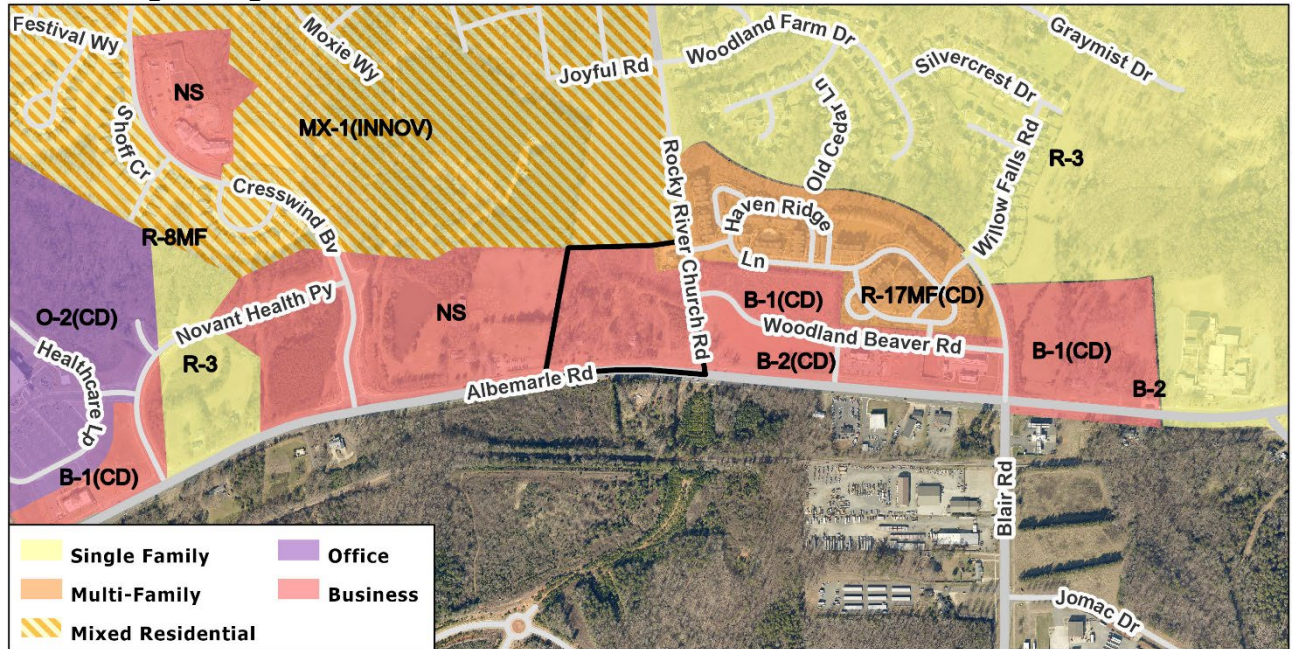
The site plan accompanying this petition contains the following provisions:

- Proposes a maximum of 75,000 square feet of gross floor area dedicated to retail, EDEE, and personal service uses as allowed in the NS district. Additionally, permits up to 3 drive-thru windows, including one dedicated solely for pharmacy use.
- Prohibited uses at the site include retail with accessory fueling stations (e.g., gas stations), automotive service stations, and car washes.
- Notes that Development Area B may be developed remaining net square footage entitled through 2015-101 and that area also keeps the original two (2) accessory drive-thru windows originally entitled for the entire Development Area B.
  - The petitioner further commits to restricting menu board signage and any other permitted signage to be utilized in the fashion of a menu board for one of the permitted drive-thru windows outside of the pharmacy pick-up window.
- Commits to transportation improvements in locations proximal to the site that include:
  - Rocky River Church Road at Albemarle Road
    - Southbound will receive left turn and left through lanes with 250 feet of full storage; right turn lane with storage extended to proposed right-in/right-out driveway at site access B.
  - Site Access A (northern portion of site, along Rocky River Church Road)
    - Commits to an exclusive left turn lane on the northbound approach of Rocky River Church Road. Storage shall be provided to the maximum extent possible in coordination with the southbound left over turn lane to Woodland Beaver Road.
    - Shall provide a 100-foot internal protected stem from the proposed Rocky River Church Road ROW to the internal site access drive.
  - Site Access B (below site access A, also along Rocky River Church Road)
    - In lieu of a 100 foot internal protected stem, petitioner shall provide an exclusive right turn lane with a minimum 100 feet of full storage and appropriate bay taper on the southbound approach of Rocky River Church Road. Internal stem to be maximized based on current rezoning site plan.
    - Provides a southbound left over turn lane onto Woodland Beaver Road.
  - Site Access C (located along Albemarle Road near its intersection with Rocky River Church Road)
    - Shall provide an exclusive right turn lane on the eastbound approach of Albemarle Road. A minimum of 100 feet of full storage shall be provided.
  - Site Access D (located along Albemarle Road west of Site Access C)
    - Shall provide an exclusive left turn lane on the eastbound approach of Albemarle road with a minimum of 200 feet of full storage.



- A two-lane cross section consisting of an ingress lane and egress lane provided for development access.
- Internal sidewalks and pedestrian connections.
- Commits to providing intersection improvements to accommodate bike/ped crossings at the Rocky River Church/Albemarle Road intersection.
- Commits to architectural conditions as part of the approved 2015-101 rezoning.
- Permits freestanding lighting fixtures no greater than 21 feet in height.

• **Existing Zoning and Land Use**



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





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



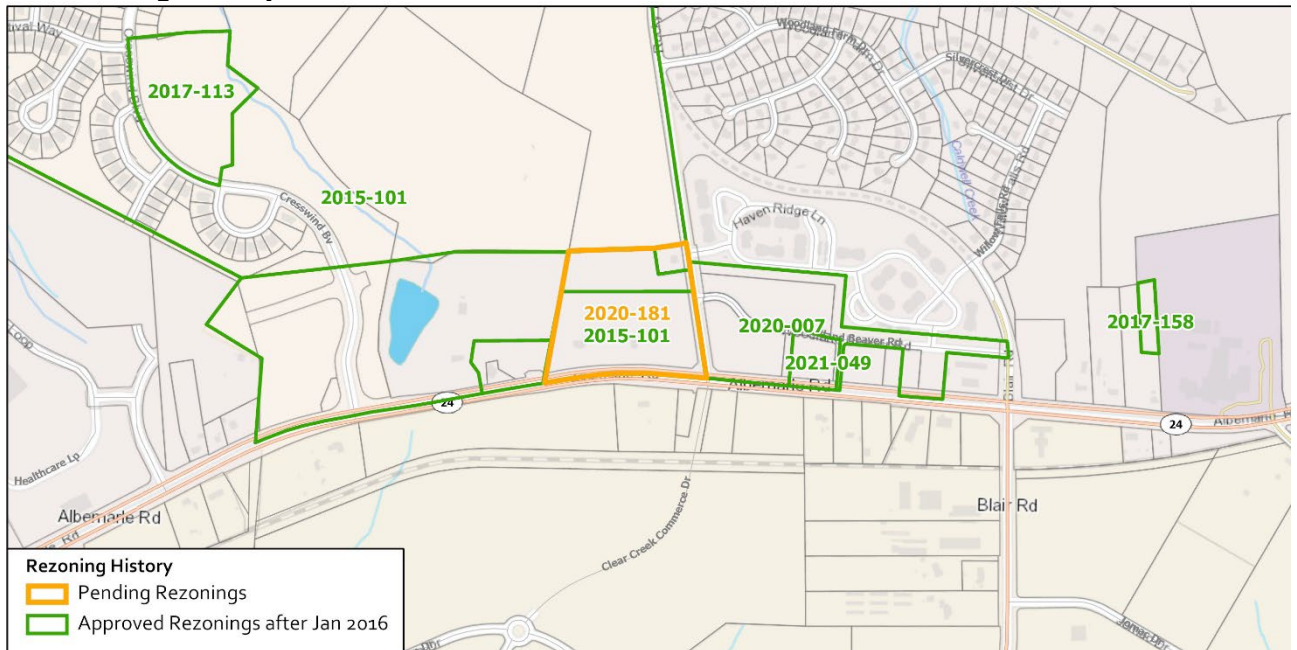
Streetview along Albemarle Road looking NW toward the site. Left of the street is Mint Hill's zoning jurisdiction and is also seeing new development in the vicinity of the site.





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

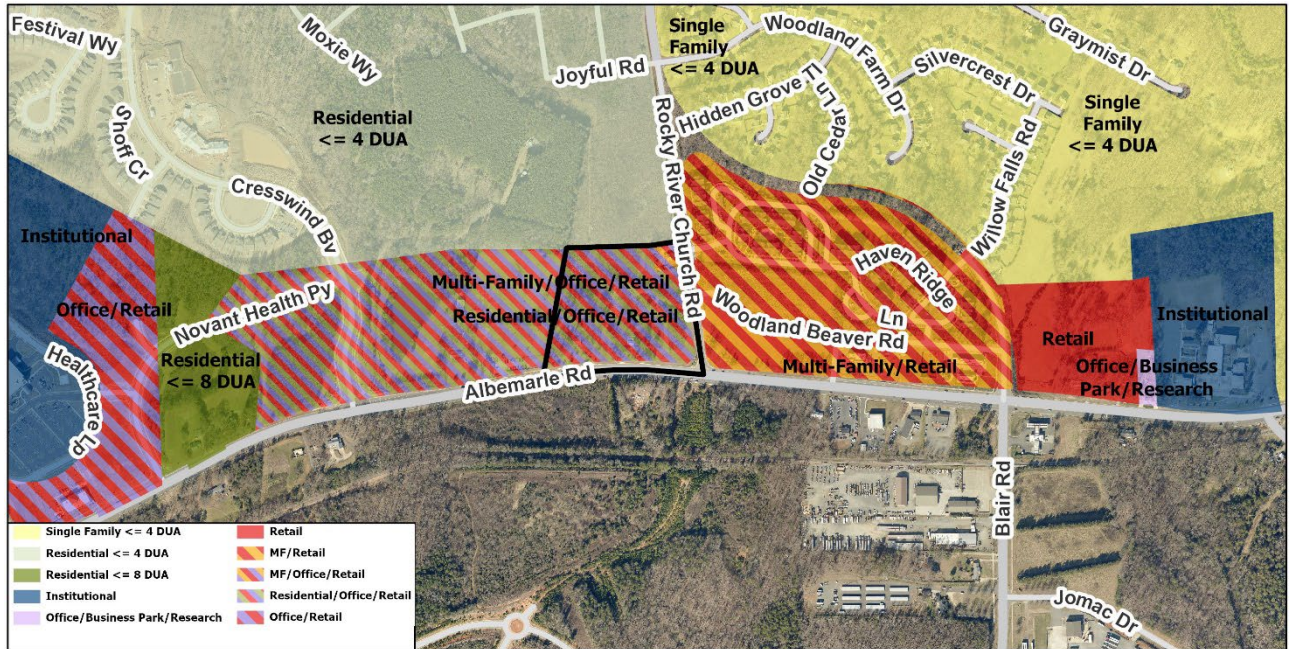
• **Rezoning History in Area**



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



- **Public Plans and Policies**



- The *Albemarle Road/I-485 Interchange Study* (2003) recommends residential/office/retail uses for Parcel 111-221-03 and multi-family/office/retail uses for Parcel 111-211-05.
- **TRANSPORTATION SUMMARY**
  - The site is located on a State-maintained major thoroughfare (Albemarle Road) and a State-maintained local road (Rocky River Church Road). A Traffic Impact Study (TIS) was needed for this site due to the estimated trip generation of 6,529 trips; a TIS Addendum was submitted on June 30, 2021 and has been approved by NCDOT and CDOT. NCDOT has requested an additional 12' right-of-way along the frontage of Rocky River Church Road to accommodate a future roadway widening. The Petitioner commits to constructing a 12' multi-use path with an 8' planting strip along the site's frontage in accordance with City ordinances and the Charlotte BIKES and Charlotte WALKS Policies. The site plan also shows a concrete median with a left-over on Rocky Rover Road to maintain left turns into Woodland Beaver Rd and prevent left turns into the site's southmost access into the site. The Petitioner commits to providing intersection improvements to include the recommended lane configuration on Albemarle Road at Rocky River Church Road per Rezoning Petition 2020-101. Improvements shall include the continuation of the curb and gutter around the curb return. Petitioner also commits to providing pedestrian and bicycle crossings at the Albemarle Road and Rocky River Church Road Intersection with channelization islands and all associated infrastructure modifications needed to provide a safe route for both bicyclists and pedestrians. The petitioner should coordinate with the developer of Approved Rezoning Petition 2020-007, ensure that intersection improvements provide continuity between the multi-use path and planting strip on both sides of Rocky River Church Road. Petitioner to coordinate detail right-of-way design with NCDOT during permitting. All CDOT and NCDOT comments have been addressed.
- **Active Projects**
  - N/A
- **Transportation Considerations**
  - N/A
- **Vehicle Trip Generation:**

Current Zoning:

  - Existing Use: 50 trips per day (based on 1,200 SF warehouse use).
  - Entitlement: 9,405
  - 5 trips per day (based on 130,000 SF retail; 60,000 SF office uses).

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

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along Albemarle Road. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 1,400 feet south of the rezoning boundary on Clear Creek Commerce Road. A developer donated project will be required in cases there is not direct service. See advisory comments at [www.rezoning.org](http://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](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Urban Forestry:** No outstanding issues.

**OUTSTANDING ISSUES**Site and Building Design

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

Transportation

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

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** William Linville (704) 336-4090










## Goals Relevant to Rezoning Determinations

### Rezoning Petition # 2020-181

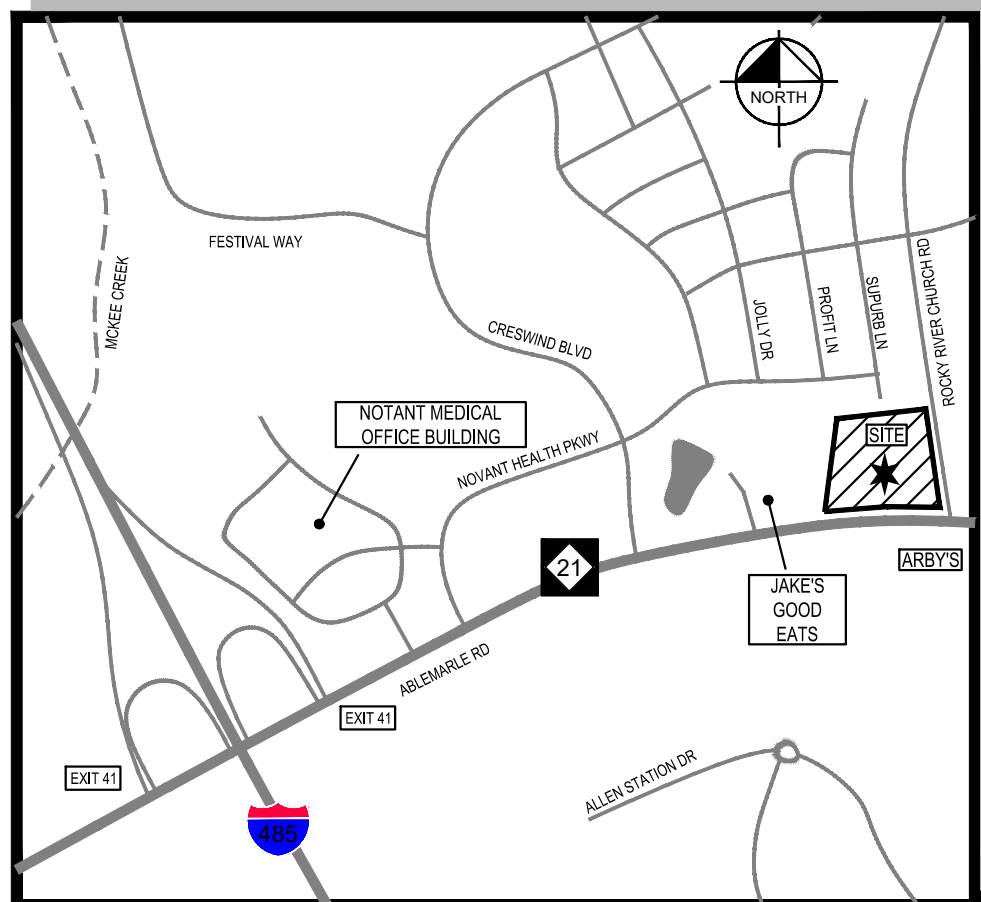
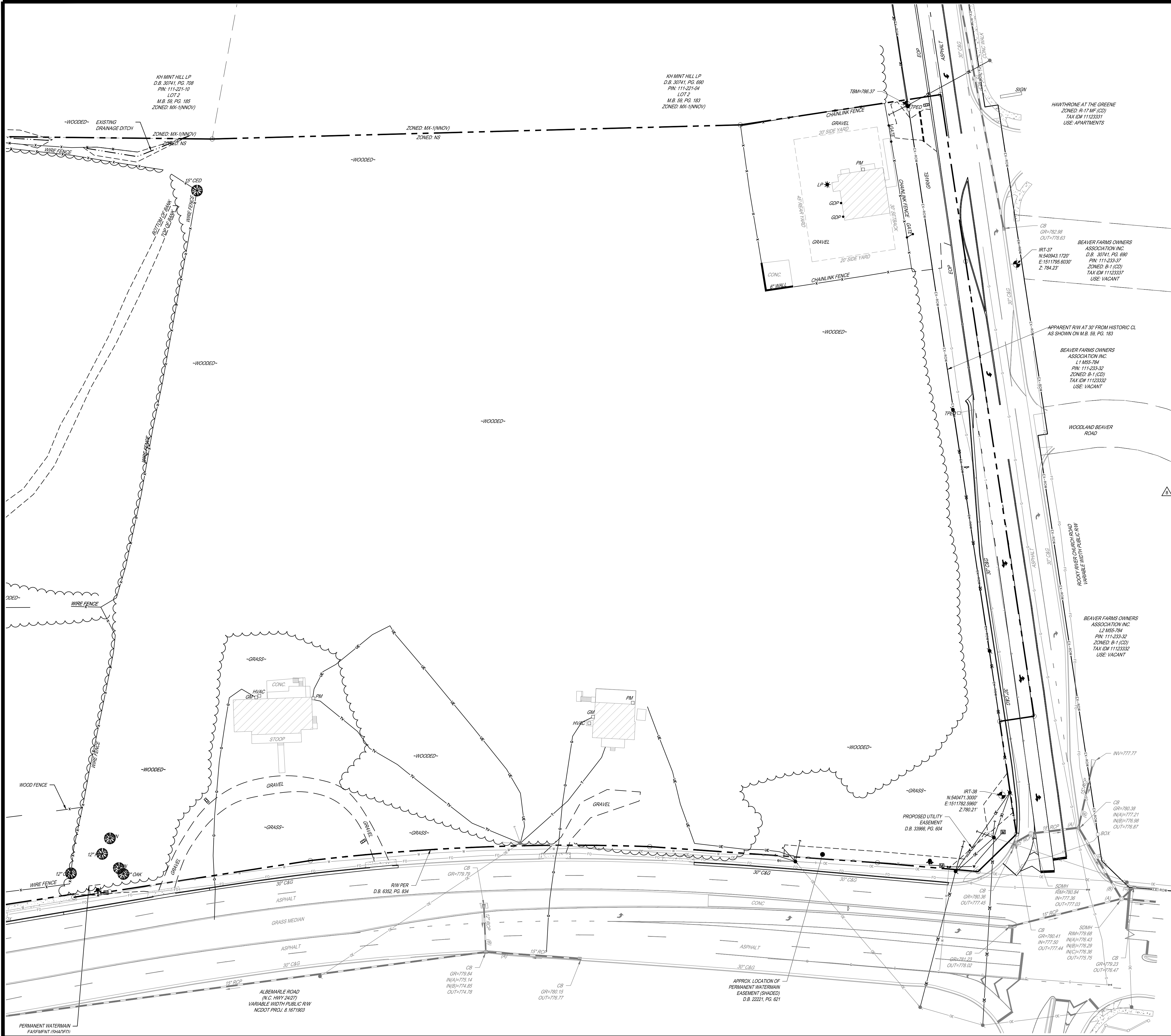
The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

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

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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

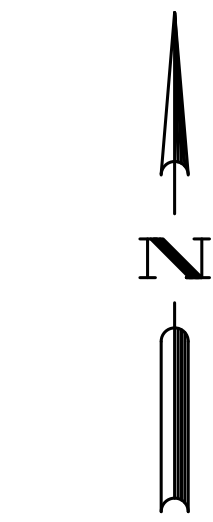
	<p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use 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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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>





#### REZONING SUMMARY

PETITIONER:	ALBEMARLE PROPERTY INVESTORS, LLC 630 S. MATLAND AVE., SUITE 100 MATLAND, FL 32751 C/O AMY MCCOOK
TAX PARCEL(S) ID:	11122103 & 11122105
PROPERTY OWNER (S):	PARCEL 11122103 MARY L. RHODES 13849 BEATTIES FORD RD HUNTERVILLE NC 28078  PARCEL 11122105 SQUARE A LAND HOLDINGS, LLC 11525 ROCKY RIVER CHURCH ROAD CHARLOTTE NC 28215
ACREAGE:	11.24 ACRES
EXISTING ZONE:	PARCEL 11122103: NS ZONE PARCEL 11122105: R-3 ZONE
PROPOSED ZONING:	NS (SPA), NS WITH 5 YEARS VESTED RIGHTS
EXISTING USES:	PARCEL 11122103: VACANT LAND PARCEL 11122105: AN EXISTING INDUSTRIAL BUILDING
PROPOSED USES:	USED PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE NS ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW).
MAX. BUILDING HEIGHT:	BUILDING HEIGHTS WILL BE LIMITED TO A MAXIMUM OF FOUR (4) STORIES AND 60 FEET. BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
PARKING REQUIRED:	AS DEFINED BY THE ORDINANCE
STORMWATER:	PROPOSED STORMWATER BMP(S)
PROPOSED USES:	USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE NS ZONING DISTRICT.
MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:	UP TO 75,000 SF OF GROSS FLOOR AREA OF RETAIL, EATING DRINKING ENTERTAINMENT ESTABLISHMENT (EDEE), AND PERSONAL SERVICES USES AS ALLOWED IN THE NS ZONING DISTRICT. UP TO A TOTAL OF THREE (3) USES WITH DRIVE-THROUGH WINDOWS WITHIN THE DEVELOPMENT AREA AS FOLLOWS: <ul style="list-style-type: none"><li>UP TO ONE (1) USE WITH AN ACCESSORY PHARMACY PICK-UP WINDOW.</li><li>UP TO TWO (1) USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW ASSOCIATED WITH ANY USE ALLOWED WITHIN NS NOT WITHSTANDING THE LIST OF RESTRICTED USES FOR THE SITE NOTED IN THIS SECTION.</li><li>UP TO ONE (1) USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW SHALL BE RESTRICTED TO NOT HAVE ANY MENU BOARD SIGNAGE AS DESCRIBED IN SECTION 13.10.b OF THE CITY'S SIGN ORDINANCE. NO OTHER SIGN PERMITTED ON SITE SHALL BE DESIGNED TO FUNCTION AS A MENU BOARD.</li><li>PROHIBITED USES AT THE SITE INCLUDE RETAIL WITH ACCESSORY FUELING STATIONS (E.G., GAS STATIONS), AUTOMOTIVE SERVICE STATIONS, AND CAR WASHES.</li></ul>
MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:	WITHIN THE NS ZONING DISTRICT UP TO: (I) 290,000 SQUARE FEET OF GROSS FLOOR AREA OF RETAIL, GENERAL AND MEDICAL OFFICE USES, EATING DRINKING ENTERTAINMENT ESTABLISHMENTS (EDEE), PERSONAL SERVICES AND OTHER COMMERCIAL USES, A CONTINUING CARE RETIREMENT COMMUNITY (CCRC).
*SEE SHEET RZ-3.0 FOR REZONING DEVELOPMENT STANDARDS	

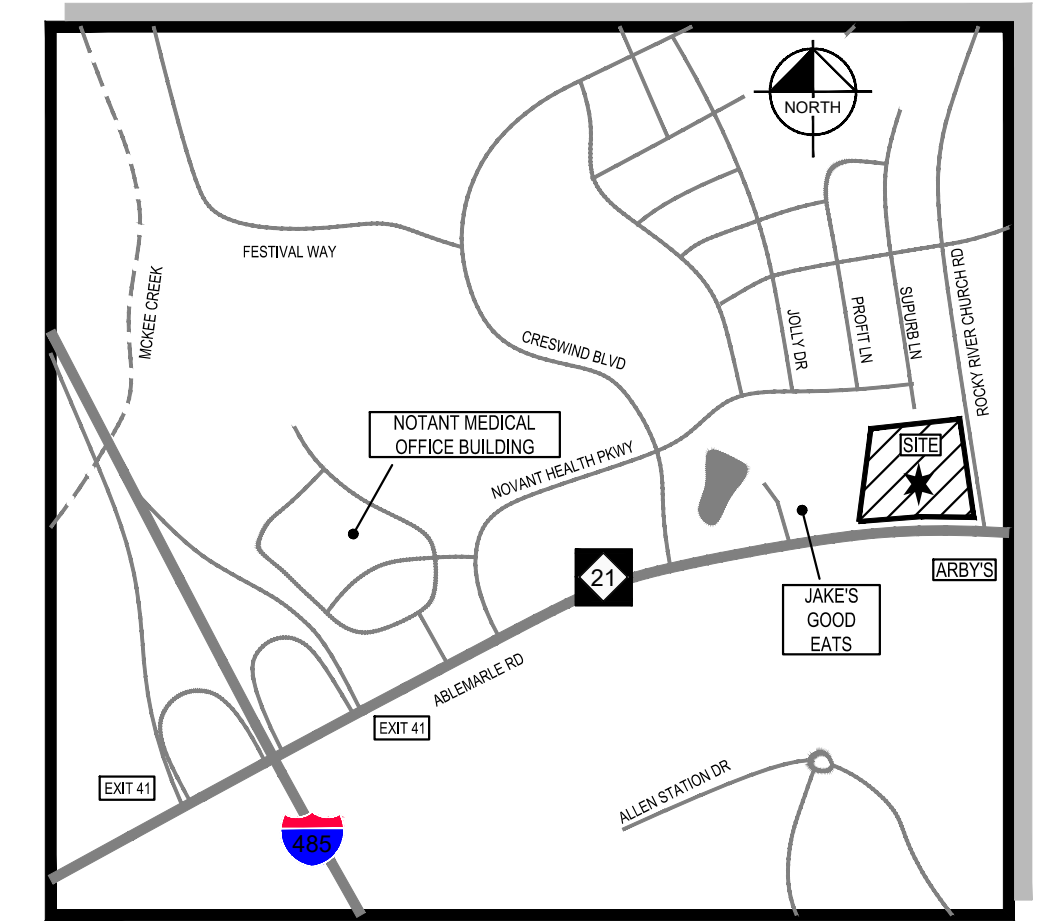
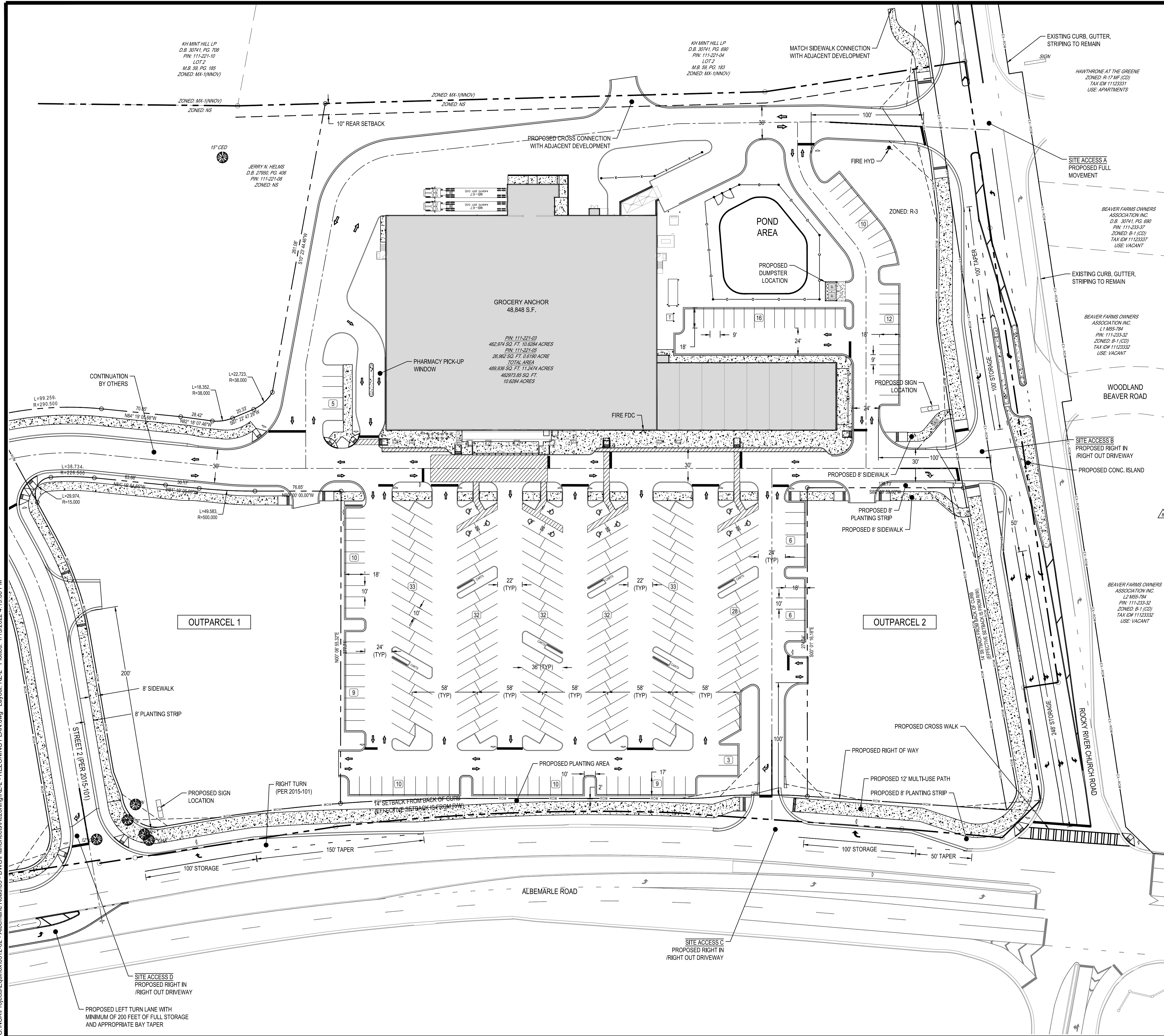


0 20' 40' 80'  
SCALE: 1" = 40'



RZ-1		DATE: 01/13/2022		FILE NUMBER: 6312-02		NOT FOR CONSTRUCTION		EXISTING CONDITIONS PLAN		ALBEMARLE ROAD RETAIL ALBEMARLE ROAD CHARLOTTE, NC 28227		ALBEMARLE PROPERTY INVESTORS, LLC 630 S MATLAND AVE. SUITE 100 MATLAND, FL 32751		<div><div><div>1111 METROPOLITAN AVE. SUITE 250 CHARLOTTE, NC 28204 www.bceinc.com NC LICENSE #C-4397</div><div><div>ALBEMARLE PROPERTY INVESTORS, LLC</div><div>630 S MATLAND AVE. SUITE 100 MATLAND, FL 32751</div></div></div></div>		<div><div><div>01/13/2022</div><div>UPDATED REZONING PLANS</div></div><div><div>12/10/2021</div><div>UPDATED REZONING PLANS</div></div><div><div>11/22/2021</div><div>UPDATED REZONING PLANS</div></div><div><div>10/21/2021</div><div>UPDATED REZONING PLANS</div></div><div><div>09/13/2021</div><div>UPDATED REZONING PLANS</div></div><div><div>REV</div><div>DATE</div><div>DESCRIPTION</div></div></div>	
REVIEWED BY:		ECH / MS		DRAWN BY:		DMH / LL		DESIGNED BY:		DMH / LL							





## REZONING SUMMARY

PETITIONER: ALBEMARLE PROPERTY INVESTORS, LLC  
630 S. MAITLAND AVE., SUITE 100  
MAITLAND, FL 32751  
C/O AMY McCOOK

TAX PARCEL(S) ID: 11122103 & 11122105

PROPERTY OWNER (S): PARCEL 11122103

HUNTERVILLE NC 28078

PARCEL 11122105  
SQUARE A LAND HOLDINGS, LLC  
11525 ROCKY RIVER CHURCH ROAD  
CHARLOTTE NC 28215

ACREAGE: 11.24 ACRES

EXISTING ZONE: PARCEL 11122103: NS ZONE  
PARCEL 11122105: R-3 ZONE

PROPOSED ZONING: NS (SPA), NS WITH 5 YEARS VESTED RIGHT  
2015-101 WILL BE AMENDED WITH THIS PERMIT

EXISTING USES: PARCEL 11122103: VACANT LAND  
PARCEL 11122105: AN EXISTING INDUSTRIAL BUILDING

PROPOSED USES: USED PERMITTED BY RIGHT AND UNDER E

CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE NS ZONING ORDINANCE (AND ANY MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW).

RETAIL, EATING DRINKING ENTERTAINMENT ESTABLISHMENT (EDEE), AND PER  
USES AS ALLOWED IN THE NS ZONING DISTRICT. UP TO A TOTAL OF THREE (3)  
DRIVE-THROUGH WINDOWS WITHIN THE DEVELOPMENT AREA AS FOLLOWS:

- UP TO ONE (1) USE WITH AN ACCESSORY PHARMACY PICK-UP WINDOW
- UP TO TWO (2) USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW

ANY USE ALLOWED WITHIN NS NOT WITHSTANDING THE LIST OF RE

- UP TO ONE (1) USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW RESTRICTED TO NOT HAVE ANY MENU BOARD SIGNAGE AS DESCRIBED IN 13.10.b OF THE CITY'S SIGN ORDINANCE. NO OTHER SIGN PERMITTED.

- PROHIBITED USES AT THE SITE INCLUDE RETAIL WITH ACCESSORY (E.G., GAS STATIONS), AUTOMOTIVE SERVICE STATIONS, AND CAR

FIRE DEPARTMENT ACCESS ROAD SHALL HAVE A MIN. 20' UNOBSTRUCTED CLEARANCE. IT SHALL BE CAPABLE OF SUPPORTING 80,00 LBS. IT SHALL ALSO HAVE A TURN RADIUS OF 20' OR MORE ON THE OUTSIDE. FOR BUILDINGS THAT ARE EQUIPPED WITH SPRINKLER SYSTEMS, A

CONNECTION SHALL BE LOCATED WITHIN 200' OF A FIRE HYDRANT FOR ANT SYSTEM. THE FDC SHALL BE LOCATED ON THE ADDRESS/ FRONT SIDE OF BUI  
HYDRANT SHALL BE LOCATED WITHIN 750' TO THE MOST REMOTE POINT OF B  
TRAVEL FROM ALL BUILDINGS.

MAX. BUILDING HEIGHT: BUILDING HEIGHTS WILL BE LIMITED TO A STORIES AND 60 FEET. BUILDING HEIGHT

PARKING REQUIRED: AS DEFINED BY THE ORDINANCE

\*SEE SHEET RZ-3.0 FOR REZONING DEVELOPMENT STANDARDS

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



Know what's below.  
Call before you dig.

REZONING PLAN		NOT FOR CONSTRUCTION																													
ALBEMARLE ROAD RETAIL ALBEMARLE ROAD CHARLOTTE / NC / 28227		FILE NUMBER: 6312-02																													
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BCE		RZ-2																													
1111 METROPOLITAN AVE. SUITE 250 CHARLOTTE, NC 28204 www.lgenc.com NC LICENSE #C-4387 © 2022		<table> <tr> <td>DESIGNED BY:</td><td>DMH / LL</td><td>01/13/2022</td><td>UPDATED REZONING PLANS</td></tr> <tr> <td>DRAWN BY:</td><td>DMH / LL</td><td>12/10/2021</td><td>UPDATED REZONING PLANS</td></tr> <tr> <td>REVIEWED BY:</td><td>ECH / MS</td><td>11/22/2021</td><td>UPDATED REZONING PLANS</td></tr> <tr> <td></td><td></td><td>10/21/2021</td><td>UPDATED REZONING PLANS</td></tr> <tr> <td></td><td></td><td>08/13/2021</td><td>UPDATED REZONING PLANS</td></tr> <tr> <td></td><td></td><td>REV</td><td>DATE</td></tr> <tr> <td></td><td></td><td></td><td>DESCRIPTION</td></tr> </table>		DESIGNED BY:	DMH / LL	01/13/2022	UPDATED REZONING PLANS	DRAWN BY:	DMH / LL	12/10/2021	UPDATED REZONING PLANS	REVIEWED BY:	ECH / MS	11/22/2021	UPDATED REZONING PLANS			10/21/2021	UPDATED REZONING PLANS			08/13/2021	UPDATED REZONING PLANS			REV	DATE				DESCRIPTION
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I. GENERAL PROVISIONS

1.

THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY EQUINOX DEVELOPMENT PROPERTIES, INC. (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A GROCERY ANCHORED RETAIL CENTER ON THAT APPROXIMATELY 11.24-ACRE SITE LOCATED ON THE NORTHWEST CORNER OF ALBEMARLE ROAD AND ROCKY RIVER CHURCH ROAD, MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TWO TAX PARCELS, PARCEL ID NUMBERS 11122103 AND 11122105.
2.

DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE").
3.

UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE NS ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
4.

THE DEVELOPMENT AND STREET LAYOUT DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF SUCH USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK, YARD, LANDSCAPING AND TREE SAVE REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS, PROVIDED, HOWEVER, THAT ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL BE MINOR IN NATURE AND NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.
5.

FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER(S) OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. MINOR ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.



II. PERMITTED USES

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

- UP TO ONE (1) USE WITH AN ACCESSORY PHARMACY PICK-UP WINDOW.
- UP TO TWO (1) USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW ASSOCIATED WITH ANY USE ALLOWED WITHIN NS NOT WITHSTANDING THE LIST OF RESTRICTED USES FOR THE SITE NOTED IN THIS SECTION.
- UP TO ONE (1) USE WITH AN ACCESSORY DRIVE-THROUGH WINDOW SHALL BE RESTRICTED TO NOT HAVE ANY MENU BOARD SIGNAGE AS DESCRIBED IN SECTION 13.10.b OF THE CITY'S SIGN ORDINANCE. NO OTHER SIGN PERMITTED ON SITE SHALL BE DESIGNED TO FUNCTION AS A MENU BOARD.
- PROHIBITED USES AT THE SITE INCLUDE RETAIL WITH ACCESSORY FUELING STATIONS (E.G. GAS STATIONS), AUTOMOTIVE SERVICE STATIONS, AND CAR WASHES.

III. TRANSPORTATION

1.

VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND AS REQUIRED FOR APPROVAL BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) AND CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT). AS DEPICTED ON THE REZONING PLAN, THE PROJECT WILL BE REQUIRED TO CONTRSTRUCT THE FOLLOWING:

ROCKY RIVER CHURCH ROAD AT ALBEMARLE ROAD:

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

SITE ACCESS A:

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

SITE ACCESS B:

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

SITE ACCESS C:

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

SITE ACCESS D:

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

3.

A TWO-LANE CROSS SECTION CONSISTING OF AN INGRESS LANE AND EGRESS LANE SHOULD BE PROVIDED FOR THE DEVELOPMENT ACCESS.
4.

AS DEPICTED ON THE REZONING PLAN, THE EAST-WEST SITE ACCESS DRIVE CONNECTING STREET 2 TO ROCKY RIVER CHURCH ROAD WILL BE A PRIVATE ACCESS DRIVE.
5.

PETITIONER SHALL PROVIDE INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.
6.

PETITIONER COMMITS TO PROVIDING INTERSECTION IMPROVEMENTS TO ACCOMMODATE PEDESTRIAN AND BICYCLE CROSSINGS AT THE ALBEMARLE ROAD AND ROCKY RIVER CHURCH ROAD INTERSECTION. THESE IMPROVEMENTS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN AND SHALL INCLUDE ACCESSIBLE RAMPS AND ALL ASSOCIATED INFRASTRUCTURE MODIFICATIONS NEEDED TO PROVIDE A SAFE ROUTE FOR BOTH BICYCLISTS AND PEDESTRIANS AND SHALL ALIGN WITH THOSE IMPROVEMENTS FOUND AND APPROVED AS PART OF RZP 2020-007.
7.

PETITIONER SHALL DEDICATE ALL RIGHTS-OF-WAY WHERE NECESSARY, IN FEE SIMPLE CONVEYANCE TO THE CITY OF CHARLOTTE PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY. RIGHT OF WAY DEDICATED SHALL BE 2' BEHIND SIDEWALK WHERE FEASIBLE.
8.

UNLESS STATED OTHERWISE HEREIN, THE PETITIONER SHALL ENSURE THAT ALL TRANSPORTATION IMPROVEMENTS ARE APPROVED AND CONSTRUCTED PRIOR TO THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. THE PETITIONER MAY PHASE TRANSPORTATION IMPROVEMENTS IF SAID IMPROVEMENTS AND PHASING ARE EXPLICITLY DESCRIBED IN SITE PLAN NOTES.
9.

PETITIONER WILL COORDINATE WITH CDOT AND NCDOT STAFF TO PRODUCE BICYCLE AND PEDESTRIAN FACILITIES AT THE ALBEMARLE ROAD AND ROCKY RIVER CHURCH ROAD INTERSECTION.

IV. ARCHITECTURAL STANDARDS

1.

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

ENVIRONMENTAL FEATURES

1.

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

THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE.

VI. STREETScape AND LANDSCAPING

1.

THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE.

VII. LIGHTING

1.

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

VIII. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

1.

IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INSURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
2.

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

01/13/2022

12/10/2021

11/22/2021

10/21/2021

09/13/2021

UPDATED REZONING PLANS

UPDATED REZONING PLANS

UPDATED REZONING PLANS

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DESIGNED BY:

DMMH / LL

DRAWN BY:

DMMH / LL

REVIEWED BY:

ECH / MS

BCE

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

ALBEMARLE PROPERTY INVESTORS, LLC

630 S MAITLAND AVE, SUITE 100  
MAITLAND, FL 32751

ALBEMARLE ROAD RETAIL

ALBEMARLE ROAD  
CHARLOTTE / NC / 28227

TECHNICAL DATA SHEET

NOT FOR CONSTRUCTION

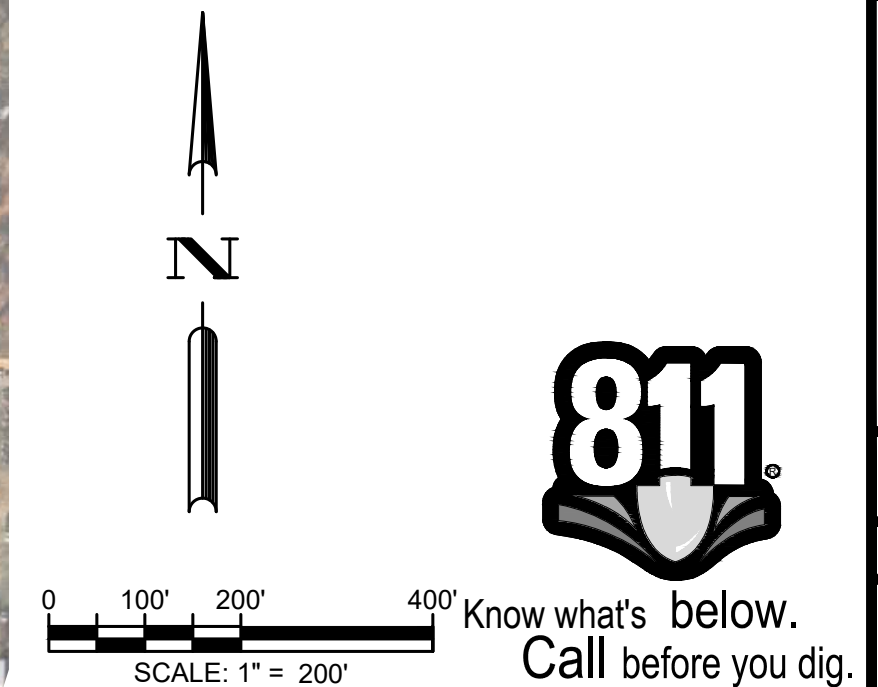
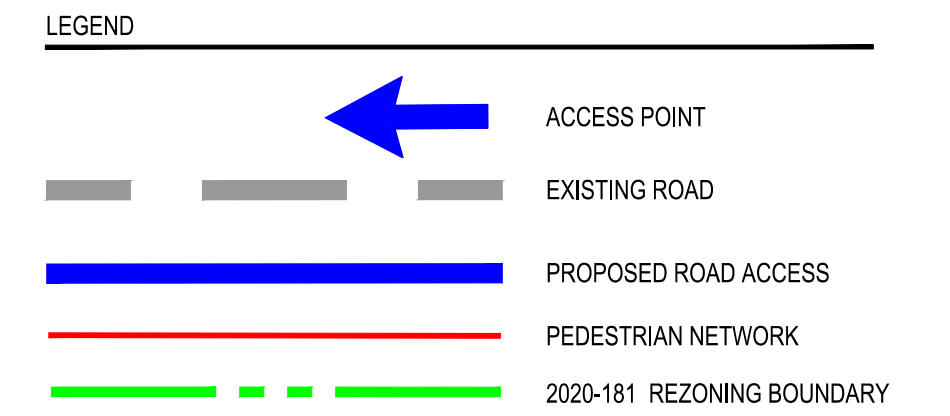
FILE NUMBER:  
6312-02

DATE: 01/13/2022

RZ-3

Know what's below.  
Call before you dig.



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**Agenda Date:** 1/18/2022

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**Agenda #:** 4. **File #:** 15-17154 **Type:** Zoning Decision

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## **Rezoning Petition: 2021-019 by Fifth Third Bank**

**Location:** Approximately 0.976 acre located on the north side of Woodlawn Road, east of Tryon Street, and west of South boulevard. (Council District 3 - Watlington)

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

**Proposed Zoning:** TOD-TR(CD) (transit-oriented development-transitional, conditional)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff does not recommend approval of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis  
Site Plan



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2021-019

January 4, 2022

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**REQUEST**

Current Zoning: TOD-CC (transit-oriented development-community center)  
Proposed Zoning: TOD-TR(CD) (transit-oriented development-transitional, conditional)

**LOCATION**

Approximately 0.976 acres located on the north side of East Woodlawn Road, east of Tryon Street, and west of South Boulevard.  
(Council District 3 - Watlington)

**PETITIONER**

Fifth Third Bank

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

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

- The adopted plan recommends transit-oriented development for this parcel.

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

- There is a community benefit in allowing a drive-through given the current health conditions and varying needs of residents and users, including vulnerable populations.
- The rezoning will facilitate transportation enhancements via improvements to highly used bus routes along E. Woodlawn Road.
- A drive-through will allow different users an opportunity to interact with a person.

Motion/Second: Welton / Chirinos

Yeas: Chirinos, Ham, Rhodes, and Welton

Nays: Blumenthal, Samuel, and Spencer

Absent: None

Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff reviewed the petition and noted that it was presented at the December work session, but due to lack of sufficient votes was

being revisited at this meeting. Staff noted that the drive-through is only permitted in conjunction with the financial institution. Staff briefly reviewed the change since the public hearing pertaining to coordination of bus stop improvements. Staff noted non-support as the request is inconsistent with the goals and objectives of transit-oriented development and a step in the wrong direction.

Commissioner Samuel noted that the request was an automatic deferral due to insufficient votes. Commissioner Spencer made a recommendation of denial and Commissioner Blumenthal seconded the motion.

Commissioner Chirinos asked if at this point a suggestion or comments are permitted. Commissioner Chirinos stated after revisiting the discussion from November 15<sup>th</sup> noted issues still unresolved. Commissioner Chirinos expressed that due to concerns regarding the current health conditions there should be expanded choices and opportunities on utilization of sites, especially given standards have yet to be properly defined.

Commissioner Blumenthal stated his vote is "no" to this down zone because if petition fails a bank may still be established at that location without a drive-through and that the 30-year lease is not contingent upon the drive-through. Commissioner Blumenthal noted that the neighborhood will not lose access to a bank.

Commissioner Welton noted conditions moving forward also flies the other way because the financial institution is facilitating the bus stop improvements on a heavily used route, and without the rezoning the funding would not be put forth.

Commissioner Samuel noted it is preferred to have this type of discussion prior to a vote and expressed an intent to vote against because the request is not appropriate at a location where high density development and increased pedestrian footprints are the desired outcome.

Staff noted that there needs to be a motion for approval.

Commissioner Spencer noted that at some point the City needs to determine if it is a plan making or deal making, and if principles continue to be up for sale, there will be no principles left.

Commissioner Chirinos responded that this is a response to current health crisis and therefore each petition should be looked at individually. Commissioner Chirinos noted that it is not about selling principles but adapting to reality and allowing flexibility. Framework is needed but through an equitable lens.

Chair Samuel commented that Fifth Third reported that they've experienced an increase to 90% of customer interactions are digital, 60% of all transactions digital, and 50% of deposits were digital. Chair Samuel further stated that banking institutions will continue closing drive through operations which is what has been

happening over the past decade. The impacts of COVID have certainly impacted our communities, but banks will continue to follow their clientele and customer base to the digital format. This is more of a long term strategy, which is why Fifth Third has invested hundreds of millions of dollars in their digital infrastructure.

There was no further discussion of this petition.

**MINORITY OPINION**

Commissioners believe that adding a drive through on a parcel zoned for TOD would set a bad precedent that goes against the objectives of transit-oriented development and is inconsistent with the goals of transit-supportive infrastructure.

**PLANNER**

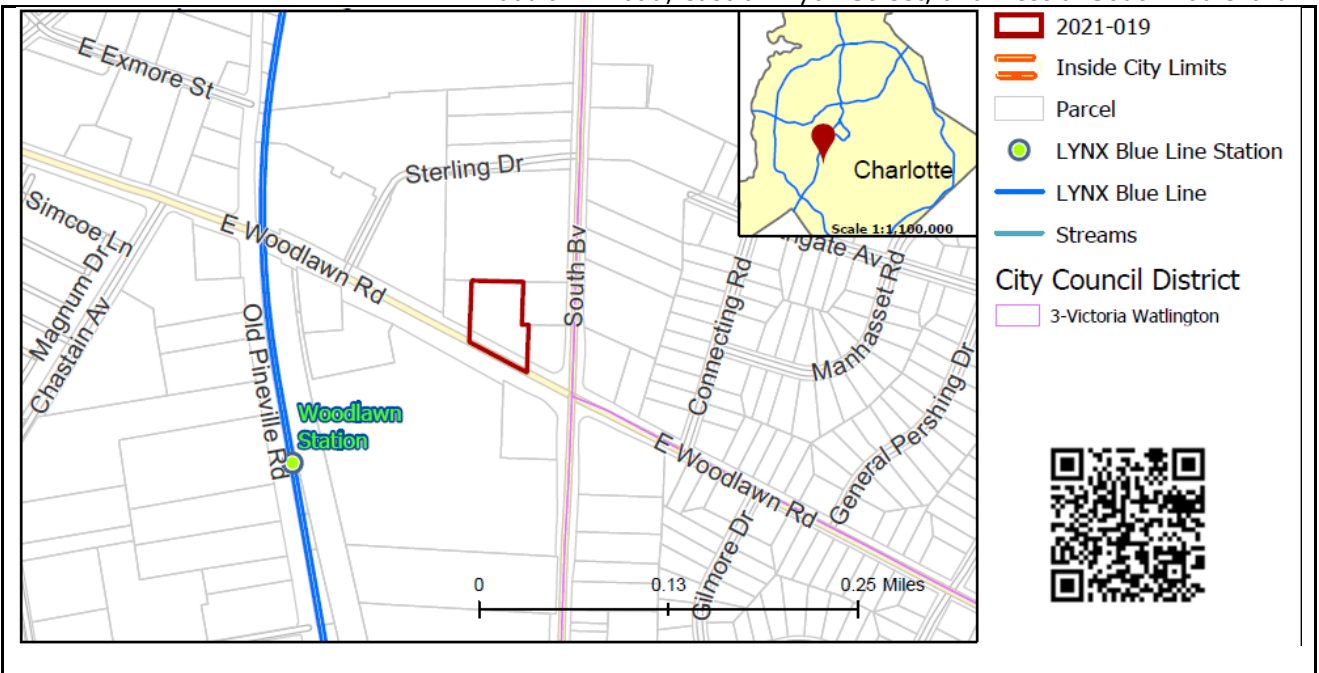
Claire Lyte-Graham (704) 336-3782

## REQUEST

Current Zoning: TOD-CC (transit-oriented development-community center)  
Proposed Zoning: TOD-TR(CD) (transit-oriented development-transitional, conditional)

## LOCATION

Approximately 0.976 acres located on the north side of East Woodlawn Road, east of Tryon Street, and west of South Boulevard.



## SUMMARY OF PETITION

The petition proposes to allow all uses in the TOD-TR district including a financial institution with drive-through facility, for a site developed with an EDEE located near the northwest intersection of East Woodlawn Road and South Boulevard.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

R & M Properties Charlotte  
Fifth Third Bank  
Jill Bryan

Meeting is required and has been held. Report available online.  
Number of persons in attendance: 1

## STAFF RECOMMENDATION

Staff does not recommend approval of this petition.

### Plan Consistency

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

### Rationale for Recommendation

- This site is within a 1/2-mile walk of Woodlawn Station on the LYNX Blue Line and generally consistent with the long-term vision of the plan to provide a mix of transit supportive, non-auto oriented uses within walking distance of the transit station.
- The current TOD-CC zoning applies commitments to create the desired form and intensity of non-auto-oriented, transit

- supportive development including architectural building design standards, pedestrian infrastructure, and open space amenities.
- Application of TOD-TR is not appropriate at the location proposed. TOD-TR zoning is intended to provide a transition from higher intensity TOD districts to adjacent existing neighborhoods or allow for rehabilitation of buildings to preserve existing character.
  - The rezoning site is surrounded by retail uses. Use of TOD-TR does not meet the intent and goals of the transit station area plan and new TOD standards.
  - TOD-TR is intended in transitional areas where TOD development is not as intense or the market isn't fully developed for TOD yet. This rezoning is in a prime TOD-CC area in close proximity to the Woodlawn Station.

## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

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

### • Existing Zoning and Land Use



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





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

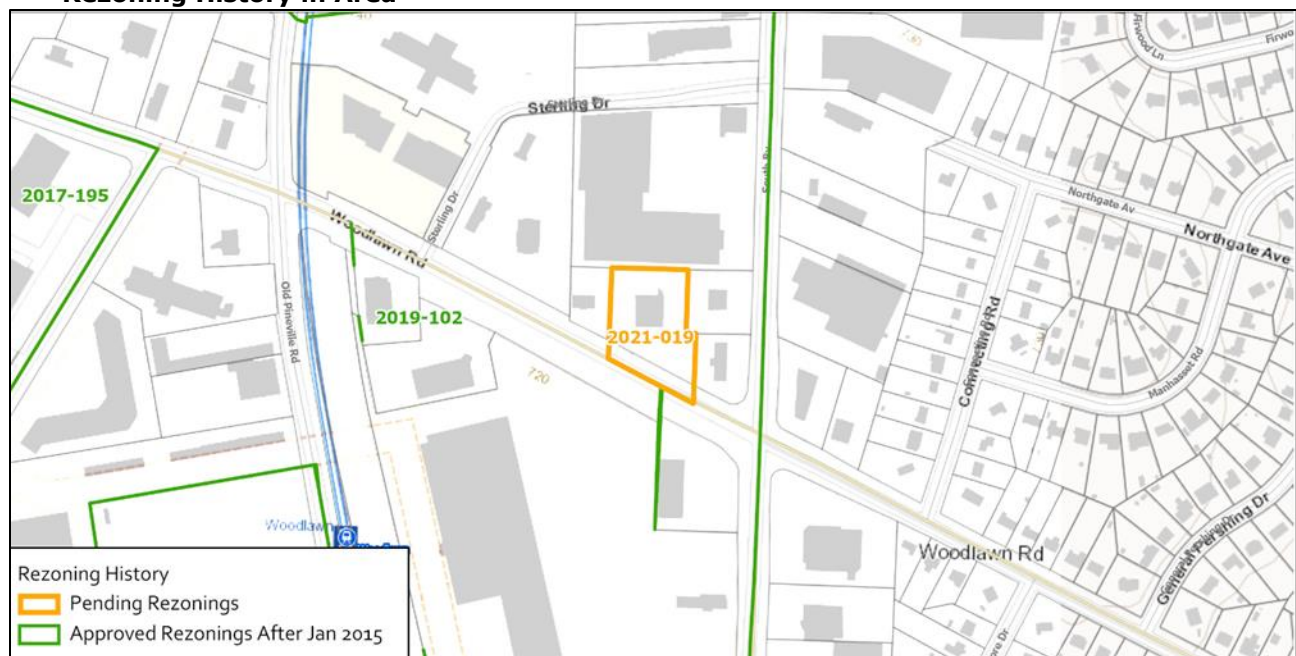


The site is immediately surrounded by retail uses.



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

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2017-195	Rezoned 19.78 acres from I-2 to TOD-M(O).	Approved
2018-169	Text amendment to modify TOD requirements.	Approved



- **Public Plans and Policies**



- The *Woodlawn Transit Station Area Plan* (2008) recommends transit oriented – mixed for the subject parcel.

- **TRANSPORTATION SUMMARY**

- The site is located near the northwest corner of the South Boulevard and Woodlawn Road, City-maintained and State-maintained major thoroughfares. In accordance with City Ordinances and WALKS Policy, the petitioner has committed to pedestrian improvements along the site's frontage of Woodlawn Road. CDOT has no outstanding items.

- **Active Projects:**

- None

- **Transportation Considerations**

- No outstanding issues. See advisory comments at [www.rezoning.org](http://www.rezoning.org).

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 605 trips per day (based on 5,396 square foot restaurant)

Entitlement: N/A (based on TOD-CC too many uses to determine)

Proposed Zoning: 330 (based on 2,530 square foot bank; site plan)

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** The site is located along near CATS local bus route #12 along South Blvd. and within .5 mile of the Woodlawn Blue Line Station and Park and Ride lot. The petitioner is requesting improvement of CATS bus amenities near the proposed bank location. CATS will work the petitioner and Planning to determine the location and type of improvements for community benefit as a condition of the rezoning petition. See Outstanding Issue 1.
- **Charlotte Department of Housing and Neighborhood Services:** In an effort to increase the supply of Affordable Housing units in the City of Charlotte, developers are encouraged to assist in providing homes at diverse price points to meet increased housing demand.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** No comments submitted.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.

- **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**Site and Building Design

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

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**





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









## Goals Relevant to Rezoning Determinations

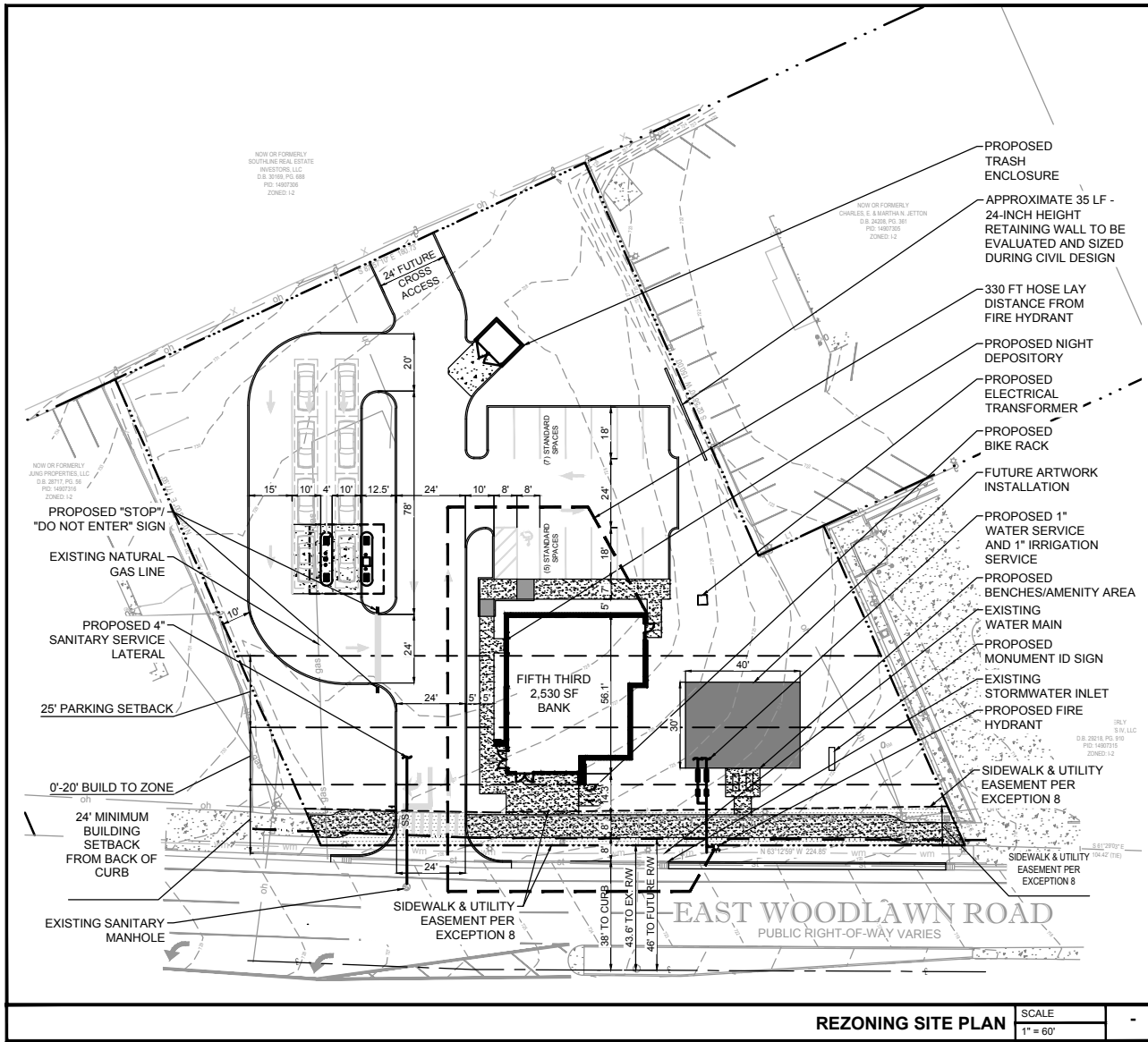
### Rezoning Petition # 2021-019

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

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

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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>



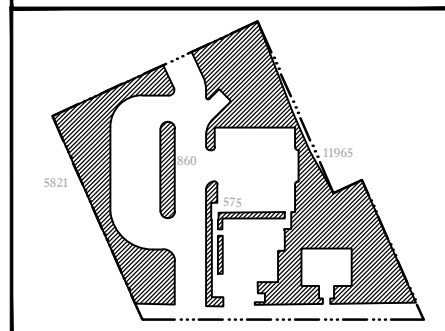
## DEVELOPMENT DATA TABLE

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

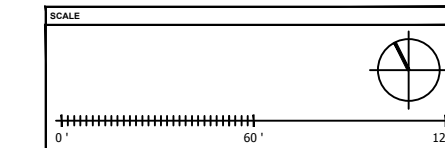
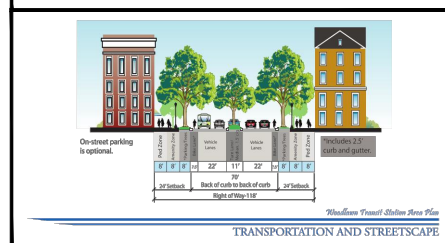
LANDSCAPE REQUIREMENTS:	REQUIRED
LANDSCAPE BUFFER - FRONT (EAST WOODLAWN RD, SOUTH)	= 8'
LANDSCAPE BUFFER - SIDE (WEST)	= 0'
LANDSCAPE BUFFER - SIDE (EAST)	= 0'
LANDSCAPE BUFFER - REAR (NORTH)	= 0'

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

## OPEN SPACE EXHIBIT:



## WOODLAWN TRANSIT STATION AREA PLAN



### I. GENERAL PROVISIONS:

1. SITE DESCRIPTION. THE APPROXIMATELY 0.976-ACRE PROPERTY IS LOCATED AT 355 E WOODLAWN ROAD IN CHARLOTTE. MORE PARTICULARLY DESCRIBED AS MECKLENBURG COUNTY TAX PARCEL NUMBER 149-073-04 (THE "SITE"). THE SOLE PURPOSE OF THIS TOD CONDITIONAL REQUEST IS TO ALLOW FOR A DRIVE-THROUGH ACCESSORY USE TO A FINANCIAL INSTITUTION AND PROVIDE ADDITIONAL COMMITMENTS FOR COMMUNITY BENEFITS.
2. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE TOD-TR ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
3. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE (THEY OWNERS) OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. MINOR ALLEGATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

### II. DEVELOPMENT STANDARDS:

- a. THE PRIMARY USES ON THE SITE SHALL BE LIMITED TO A FINANCIAL INSTITUTION WITH DRIVE-THROUGH FACILITY.
- b. BUILDING PLACEMENT AND CIRCULATION SHALL BE AS GENERALLY DEPICTED ON THE ACCOMPANYING REZONING PLAN.
- c. ACCESSORY DRIVE THROUGH USE SHALL ONLY BE PERMITTED IN ASSOCIATION WITH A FINANCIAL INSTITUTION.
- d. BUILDING DESIGN SHALL MEET THE TOD-CC DIMENSIONAL AND DESIGN STANDARDS WHERE MORE STRINGENT THAN THE TOD-TR STANDARDS, AS CONTAINED IN SECTION 15.2 AND 15.3 OF THE ORDINANCE.

### III. TRANSPORTATION:

- a. THE PROPOSED SITE ACCESS OFF WOODLAWN ROAD, WILL BE SUBJECT TO NCDDOT RECOMMENDATIONS AND APPROVAL, TO BE COORDINATED DURING THE PERMITTING PROCESS.
- b. ALL RIGHTS-OF-WAY SHALL BE DEDICATED AND CONVERTED IN FEE SIMPLE TO THE CITY AND/OR NCDDOT BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY.
- c. ALL TRANSPORTATION IMPROVEMENTS, AS APPLICABLE, SHALL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY.
- d. IF APPLICABLE, ALL PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AND NCDDOT, AS APPLICABLE, TO THE ROADWAY IMPROVEMENTS WITHIN THEIR RESPECTIVE ROAD SYSTEM AUTHORITY. IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY THE PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER DEVELOPMENT OR ROADWAY PROJECTS TAKING PLACE WITHIN THE BROAD SOUTH MECKLENBURG AREA, BY WAY OF PRIVATE/PUBLIC PARTNERSHIP EFFORTS OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

### IV. PUBLIC AMENITIES:

- a. THE PETITIONER SHALL PROVIDE A PUBLIC ART COMPONENT USING LOCAL ARTISTS IN THE AREA AS GENERALLY DEPICTED ON THE REZONING PLAN.
- b. THE PETITIONER SHALL PROVIDE BUS STOP ENHANCEMENTS AT LOCATIONS ALONG BUS ROUTE #12, TO BE COORDINATED WITH CATS AND THE WOODLAWN PARK COMMUNITY TO SERVE AS POTENTIAL COMMUNITY BENEFITS IN THE AREA.

### BUS STOP NOTES:

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

### ARCHITECT/ ENGINEER OF RECORD

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

P: 813.323.9233  
F: 813.323.9238  
www.bdgjlo.com

**bdg**  
architects

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



JOB NO. 183494

DATE: 11-18-21

DRAWN BY: PV

SCALE: 1" = 60'

SHEET TITLE:  
REZONING PETITION  
2021-019

SHEET NUMBER:

3F





**Agenda Date:** 1/18/2022

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**Agenda #:** 5. **File #:** 15-17155 **Type:** Zoning Decision

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## **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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 20201-075

January 4, 2022

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**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.

(Outside City Limits)

**PETITIONER**

Kinger Homes, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Steele Creek Area Plan* (2012) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential land use at up to 5 dwelling units per acre.

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

- The proposed rezoning 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.

Motion/Second: Welton / Ham

Yeas: Blumenthal, Chirinos, Ham, Rhodes, Samuel, Spencer and Welton

Nays: None

Absent: None

Recused: None



**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER**

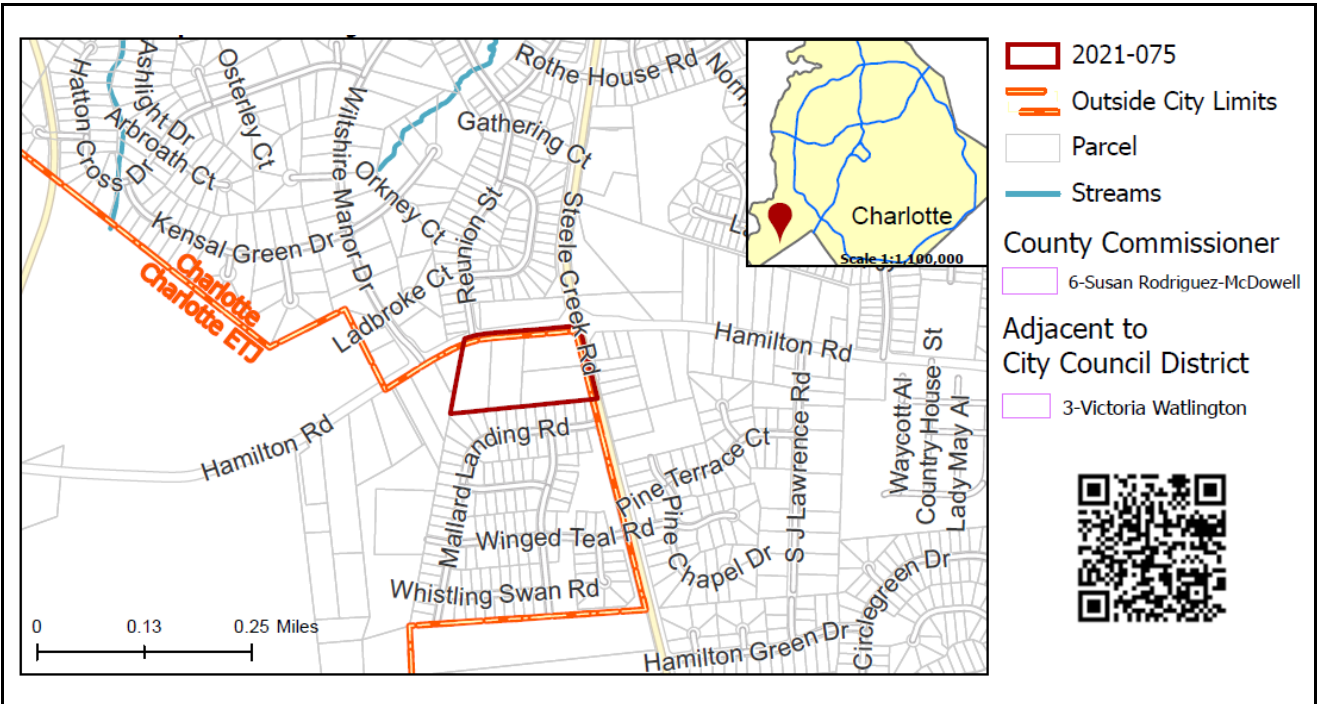
Joe Mangum (704) 353-1908

## 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 COMMUNITY MEETING

Kinger Homes LLC  
Kinger Homes LLC  
Dhanesh Kumar

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.

### 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.



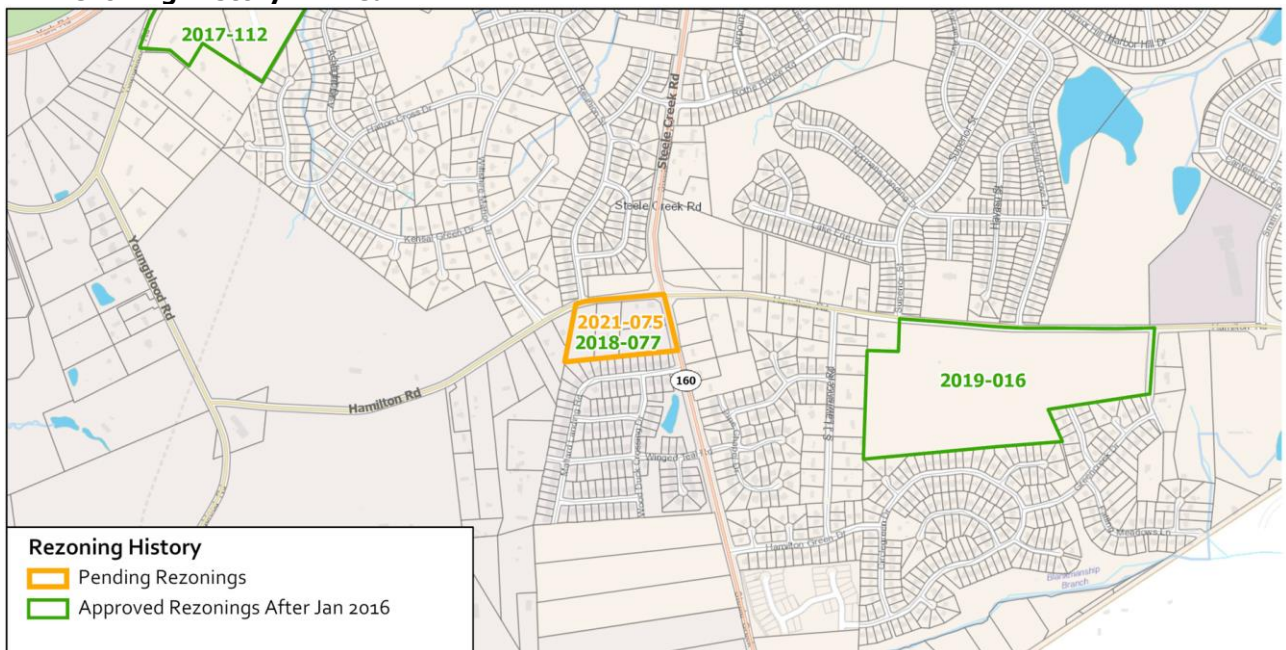


The properties to the south of the site are developed with single family residential uses.



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

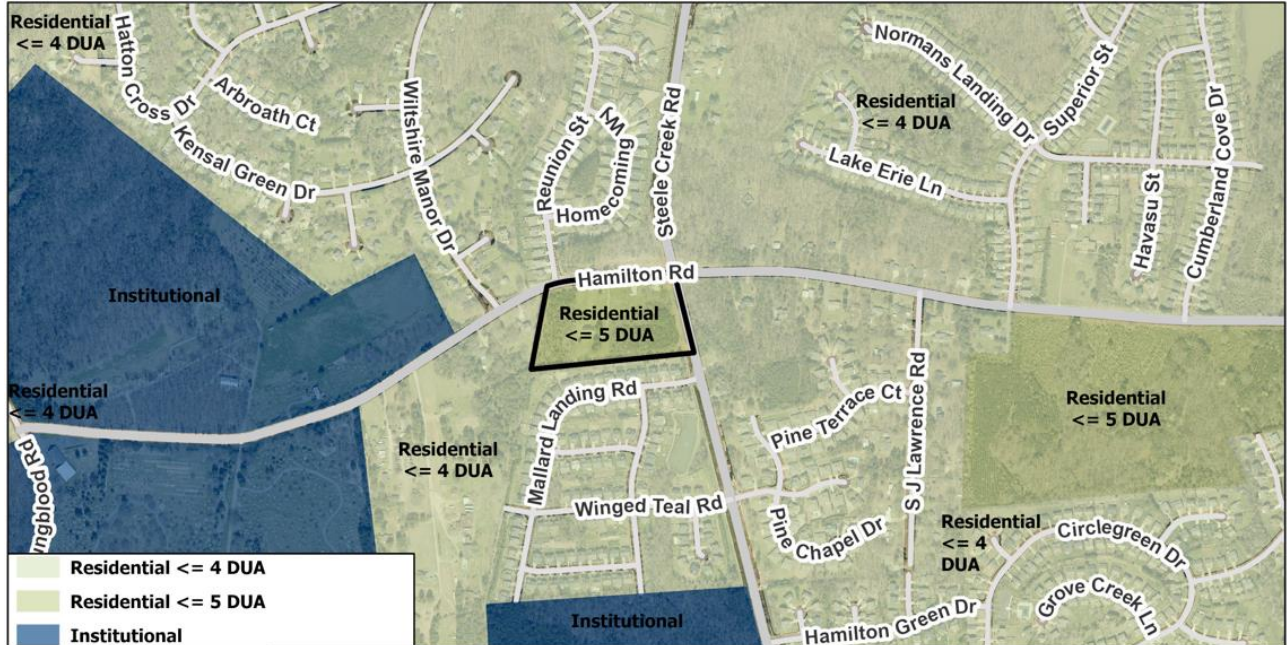
- **Rezoning History in Area**



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 turn lane improvements on each quadrant of the intersection and the addition accessible ramps, and the NC 160 Widening Project. Additionally, in accordance with City Ordinances and Charlotte 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. Lastly, the petitioner has committed to providing a left-turn lane on Hamilton Road. CDOT has no outstanding issues.

**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~~. **ADDRESSED**

- **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](http://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](http://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'.~~  **ADDRESSED**

##### 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.~~  **ADDRESSED**
- ~~3. Per PROWAG guidelines, revise site plan to include two curb ramps at each corner of each public street intersection.~~  **ADDRESSED**
- ~~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.~~  **ADDRESSED**
- ~~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.~~  **ADDRESSED**

#### 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.~~  **ADDRESSED**

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Joe Mangum (704) 353-1908














## Goals Relevant to Rezoning Determinations

### RZP 2021-075

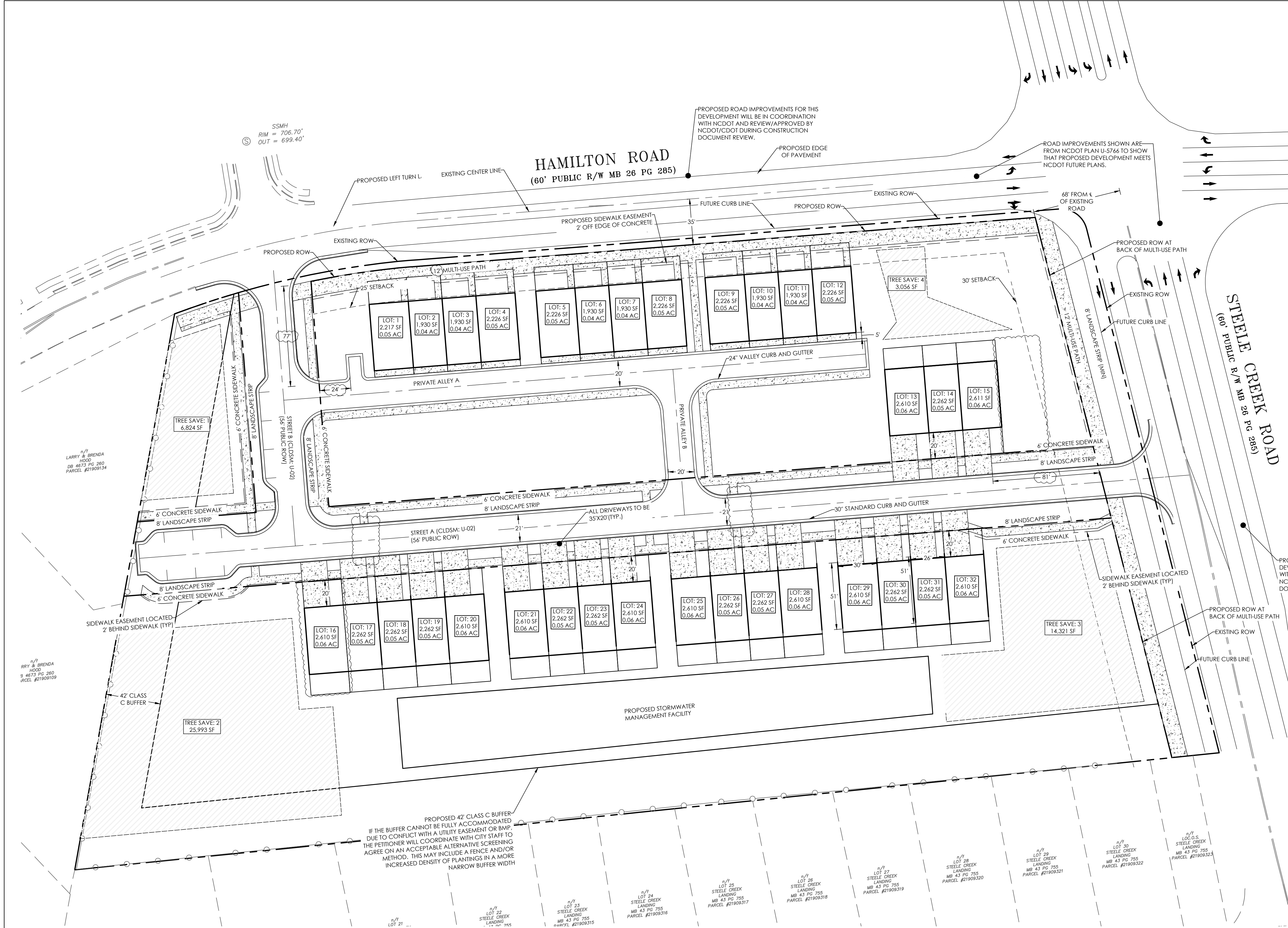
The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when Policy Mapping is completed (anticipated early 2022) and when the **Policy Map** is adopted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

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

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✗
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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.	✓
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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 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	40'
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.

LEGEND

PROJECT BOUNDARY

PROPOSED BUILDING CURB AND GUTTER

BUILDING SETBACK

IRRIGATION CONDUIT

EXISTING SURVEY

STOP SIGN W/ WHITE STOP BAR

PARKING ROW COUNT

COMPACT CAR SPACE

HANDICAPPED PARKING SYMBOL

BUILDING HATCH

FULL DEPTH ASPHALT

SIDEWALK

HEAVY DUTY PAVEMENT

GRAPHIC SCALE 1"=40 FT.

PRELIMINARY  
NOT FOR  
CONSTRUCTION

ENGINEERS SEAL

LATITUDE 35  
DESIGN GROUP  
1109 DAYBROOK DRIVE  
KANNAPOLIS NC 28081  
P: 704-956-1982  
NORLEIGH LLC #C-4850

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

Know what's below.  
Call before you dig.

C01

C03 - SITE PLAN.DWG - PLOT: Travis - MON, 1-10-2022 8:14 AM







**Agenda Date:** 1/18/2022

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**Agenda #:** 6. **File #:** 15-17156 **Type:** Zoning Decision

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## **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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-1 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends approval of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan





## Zoning Committee Recommendation

Rezoning Petition 2021-091

January 4, 2022

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**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  
(Council District 6 - Bokhari)

**PETITIONER**

Chick-Fil-A, Inc.

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 6-1 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be inconsistent with the *Sharon & I-485 Transit Station Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends transit-oriented development.

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

- 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.

Motion/Second: Welton / Chirinos

Yeas: Blumenthal, Chirinos, Ham, Rhodes, Samuel, and Welton

Nays: Spencer

Absent: None

Recused: None

#### **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

Commissioner Ham asked about the pedestrian connectivity and vehicular circulation around and accessing the site.

Staff explained that there were two pedestrian connections to the building, one from the public sidewalk along South Boulevard and another from a new sidewalk to be constructed along Carolina Pavilion Drive. Vehicular access is from Carolina Pavilion Drive and to the rear of the site from the shopping center parking lot.

The petitioner has worked with CDOT and NCDOT to redesign the access on Carolina Pavilion from a joint right in/right out drive to separated right in and right out, and at NCDOT's request will be installing a no u-turn signage at the end of the median where Carolina Pavilion t's into the internal drives for the shopping center. Commissioner Samuel noted the proposal was similar to the location at Mt. Holly Huntersville at Hwy 16. Dave Pettine noted pointed out that the plan provides dual drive through lanes to accommodate additional stacking internal to the site.

Commissioner Welton noted that the plan improves bike and pedestrian access by constructing the multi-use path and sidewalk which connect to the Cross Charlotte Trail.

There was no further discussion of this petition.

#### **MINORITY OPINION**

The commissioner believes the expansion of the car intensive use goes against planning principles, the SEAP, and commitment to planning climate change.

#### **PLANNER**

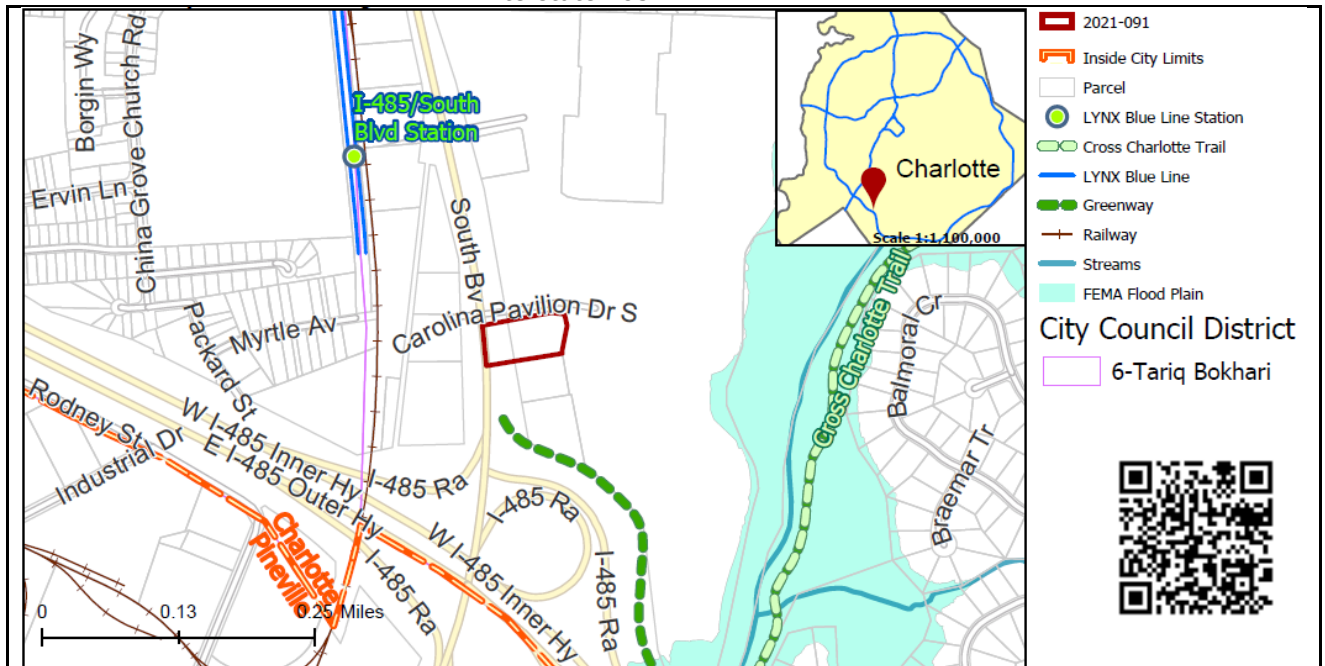
John Kinley (704) 336-8311

**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.

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

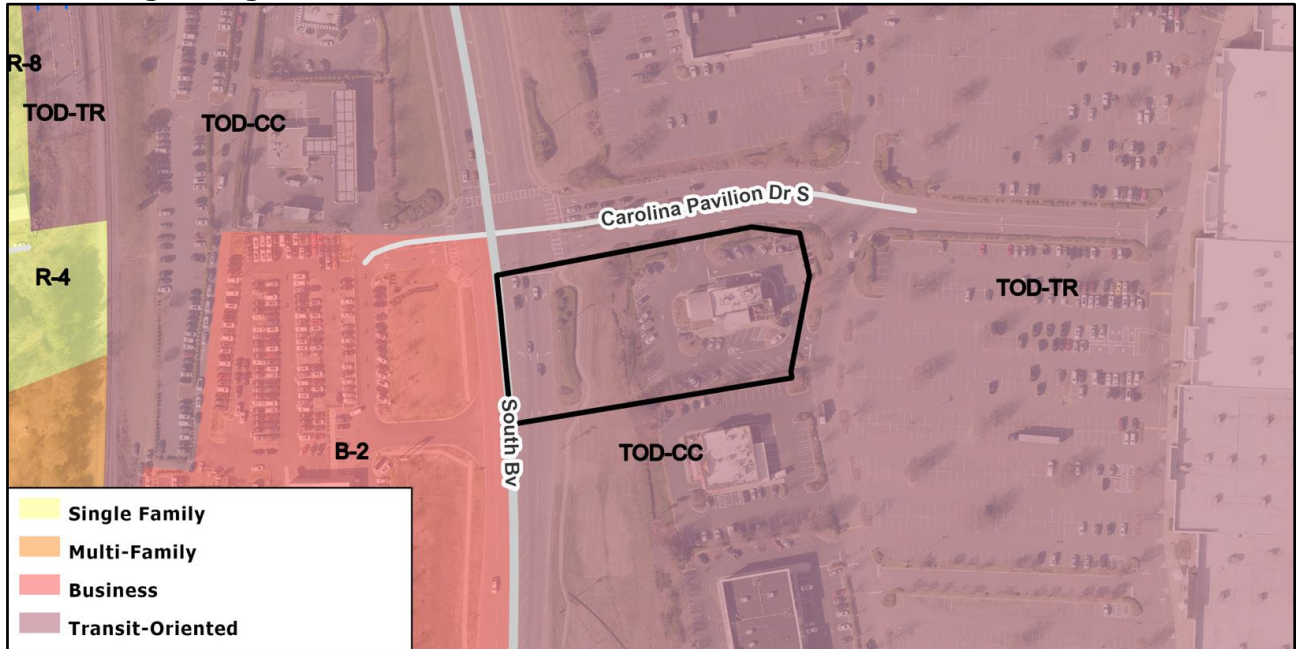
### • **Proposed Request Details**

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.

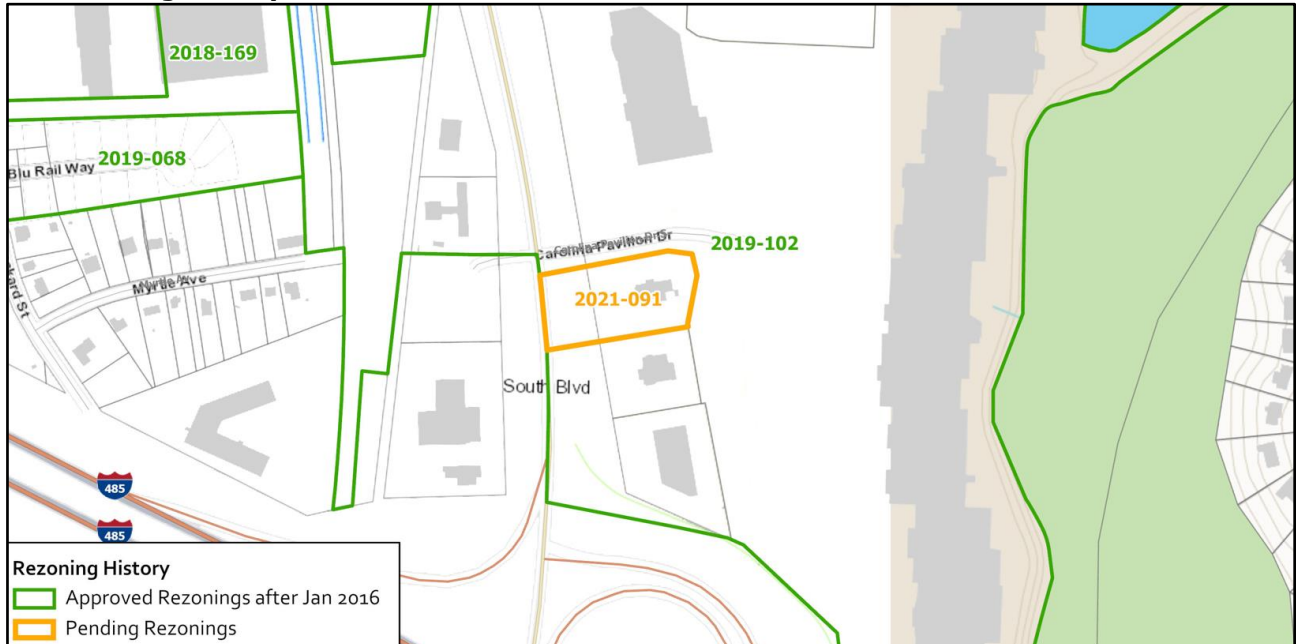


South of the site is an outparcel of the shopping center with an EDEE use.



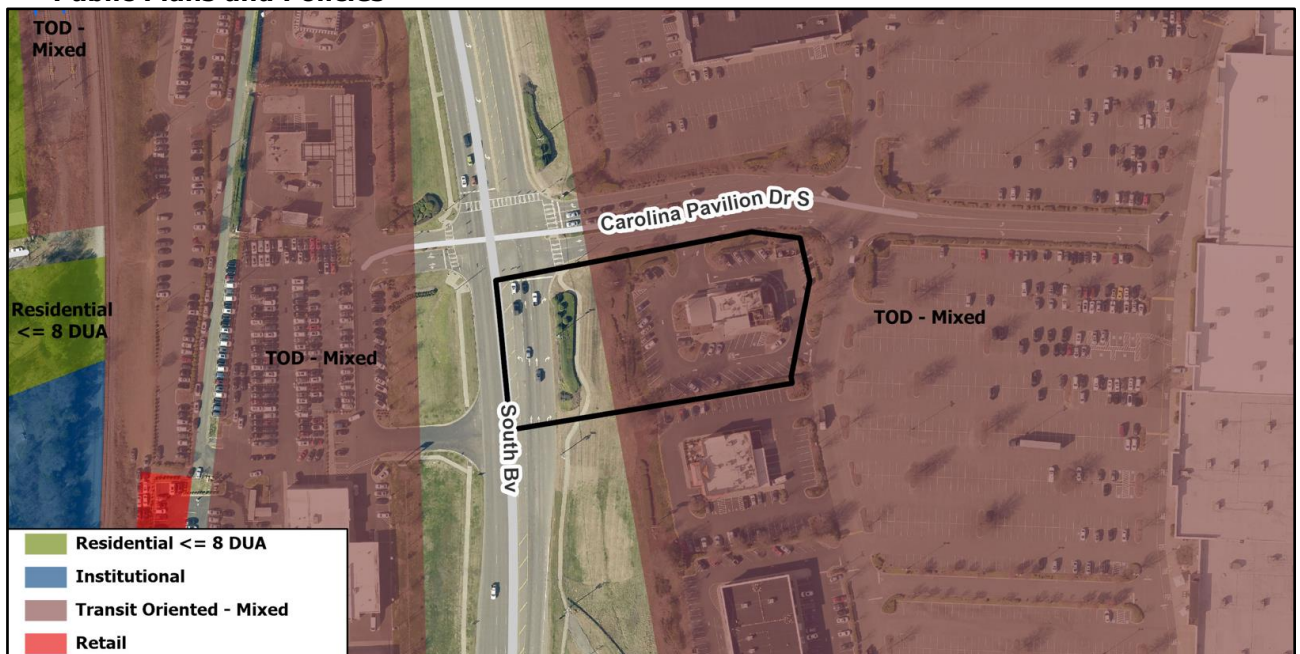
West of the site, across South Boulevard, is an automotive dealership.

- 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](http://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](http://www.rezoning.org)
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://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 Arborist:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

**REQUESTED TECHNICAL REVISIONS**

Site and Building Design

1. Place petition number RZP-2021-091 on the site plan. Addressed
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. Rescinded, petitioner is not comfortable making commitment on the site plan in case there are TOD-TR standards it does not meet.
3. Amend the site plan to show at least 5 ft of clearance from door swings. Addressed

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://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
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	×
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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.	×
	<b>Goal 3: Housing Access for All</b> 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.	×
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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:** 1/18/2022

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**Agenda #:** 7. **File #:** 15-17157 **Type:** Zoning Decision

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

**Location:** Approximately 1.89 acres located along E. 36<sup>th</sup> 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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis  
Site Plan



## Zoning Committee Recommendation

Rezoning Petition 2021-096

January 4, 2022

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### 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.

(Council District 1 - Egleston)

### PETITIONER

Ascent Real Estate Capital, LLC

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### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **inconsistent** with the *36<sup>th</sup> Street Station Area Plan* with respect to proposed land use, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends institutional and residential uses up to five dwelling units per acre for the site.

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

- The 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 residential and institutional uses to residential/office/retail uses for the site.

Initial Motion to Approve

Motion/Second: Spencer / Blumenthal

Yeas: Blumenthal, Samuel, Spencer and Welton  
 Nays: Ham, Rhodes, Chirinos  
 Absent: None  
 Recused: None

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Substitute Motion to  
Defer Decision to next  
ZC meeting

Motion/Second: Ham / Chirinos

Yeas: Ham, Rhodes, Chirinos  
 Nays: Blumenthal, Samuel, Spencer and Welton  
 Absent: None  
 Recused: None

## **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

After the staff summary, Chairwoman Samuel asked to hear from every commissioner as she was aware that they have been very engaged with this rezoning through communication with the neighborhood and community.

Commissioner Blumenthal noted that he was torn in that he did see both sides of the coin here; that it should be a site that is supportive of density based on a number of factors but also a site that should respect the single family homes to the rear of it. HE acknowledges that there certainly are factors that keep this area from developing in a less dense matter. He notes that he has not made his mind up at this point.



Commissioner Chirinos acknowledges the benefits of the project in affordability and the end product that would be built on site (smaller units, etc.), however she notes that she is struggling with the design and is out of character with the existing neighborhood. She notes that she understands the issues that neighbors have with the potential structure. While she acknowledges that it aligns with principles of TOD however she would like to see revisions to the building; that the scale, in her opinion, is overwhelming and there should be revisions made to the design and recommended the designer explore other options in concert with the neighborhood.

Commissioner Ham noted that he did meet with the petitioner and the neighborhood but generally is okay with the concept. He notes that he feels the structure is overwhelming for the space. Also is worried about the lack of parking at the site and noted he feels it is not fair to the neighborhood that parking may trickle into the neighborhood for this site.

Commissioner Rhodes mentioned that she did not get to meet with the neighbors but did have an opportunity to visit the site. Noted that she realizes that this is an active pedestrian corridor and noted that there are often issues with pedestrians being able to cross the street safely in this location. She feels that a building of this size would destroy the neighborhood without extra parking and widening of roads. Notes that she sees lots of issues that do not align with the neighborhood and what it stands for.

Commissioner Spencer noted that he has an uncharacteristic amount of certainty for this project accomplishing goals as they relate to transit and density. That denser projects such as this are appropriate at our light rail stations, not just the ones with less effective advocates. He notes that he loves the neighborhood and looked at the site before the meeting today. He disagrees with the notion that this is different from other projects built or entitled in the area (Mercury being one mentioned). Noted that he would like to see more efforts as it relates to traffic calming to slow traffic in areas like this portion of E. 36<sup>th</sup>. Mentioned that he will support this petition but would like to have the opportunity to ask questions of the petitioner to ensure that outstanding issues will be addressed.

Commissioner Welton noted that there is a lot of agreement with what he is thinking and what Commissioner Spencer mentioned. It feels like a slam dunk in that we place density and retail near our transit stations. He noted that one of the things that make a transit stop work in the employment density at the stop. By increasing the employment density through this project, people will use the Blue Line to get to NoDa instead of from NoDa. 36<sup>th</sup> Street is also a through street and is that way because there is nothing to stop at along the street – if places are created where people want to stop then 36<sup>th</sup> becomes less of a through street and more of a Main Street with inherent traffic calming characteristics. Encouraging additional employment in areas outside of uptown should be welcomed. Additionally, he noted the

approved NS petition across the street that is offering a similar product that could further the notion that 36<sup>th</sup> could become a Main Street. He also noted that he did not agree with the fact that parking should be a bigger issue here and was resolved to the mindset that there would be a mixture of ways that one could get to this location without using an automobile.

Chairwoman Samuel noted that she agreed with everything mentioned by Committee member Welton, except for the fact that this petition should be a slam dunk. She continued by mentioning that yes, we do need density around our transit station and was curious as to why this petition was not originally submitted as a TOD petition and why this site was zoned R5 to begin with. She began to describe the multitude of uses within a stone's throw from this parcel (mixture of SF, multifam, and others) and noted that she was not opposed to the height and density except when it starts to interact with adjacent single family residential towards the northern property boundary. She also mentioned concerns with stormwater at the site and that current regulations may not be enough to satisfy the needs of a site such as this.

She continued by asking the Committee members who are not supportive of this petition for a concise set of questions if a vote was held to suspend the rules to ask questions of the petitioner. Each were asked to name one item they would like to see the petitioner address so that they would be more comfortable with the project.

Commissioner Rhodes noted the one item that would make her more comfortable with this petition was "traffic". Commissioner Ham noted "scale". Commissioner Chirinos noted "aesthetics". Commissioner Blumenthal noted "cooperation with adjacent residents". Chairwoman Samuel mentioned that Commissioner Blumenthal's item was too broad and went forward with the word "cooperation".

With those responses, Chairwoman Samuel requested that Committee member Spencer formulate three specific questions to ask the petitioner/petitioner's agent once the rules were suspended. Committee member obliged and wanted to add commentary to the discussion to serve as a reminder that this board (Zoning Committee) is a land use board and not a design review board and that distinction should be important in how this board makes its decisions.

Question one for the petitioner: Are you committing to resolving the outstanding issues as presented by staff? Question 2: How are you going to work with CDOT to resolve the traffic issues along the site as it relates to Vision Zero goals? The third question was left to a fellow Zoning Committee member.

Committee member Chirinos, after making a counter argument that design is essentially a part of this committee's purview, would like to hear if the petitioner has explored different designs for this building to better provide a product that works better,

from a design perspective, with the community. Ultimately, the question presented to the petitioner's agent was: Can the petitioner reduce the height to 40 feet?

The Zoning Committee voted unanimously to suspend the rules (Spencer motion, Blumenthal second).

Before the petitioner weighed in, Chairwoman Samuel asked for details regarding transportation commitments. Patrick Monroe from CDOT detailed both on-site and off-site improvements (including bulb-outs, rapid rectangular flashing beacons, etc.).

The petitioner's agent (Collin Brown; Alexander Ricks, PLLC) responded to Zoning Committee's questions by noting that the petitioner will be able to address every outstanding issue on the staff report outside on internal trash storage, which would result in a taller height for the parking garage. Mr. Brown then pivoted to the questions regarding transportation improvements and Vision Zero compliance and made note that none of the recommendations were for vehicular traffic but in fact ways to improve the pedestrian experience both on and off site. Regarding height, he makes note that there are conflicts with accommodating every request, especially as it relates to height. Addressing height concerns ensures that trash isn't handled internally and making the building smaller provides affordability challenges. He noted that they have not explored making this site a townhome site, that they do feel that this site is appropriate for a multi-family building.

Chairwoman Samuel mentioned a better height transition to SFR and exceeding min. stormwater requirements would get her closer to a yes for this petition. She then summarized her understanding each Committee member's positions on this petition.

Commissioner Spencer made a motion to approve the petition. Commissioner Blumenthal seconded the motion.

Commissioner Chirinos asked a question on how the Committee knows that the outstanding issues would be addressed. Chairwoman Samuel reviewed the responses from the petitioner's agent.

Commissioner Ham questioned the potential of a substitute motion and subsequently made a substitute motion for deferral in order to ensure the petitioner addresses outstanding issues and to revisit any design questions at the next meeting. Commissioner Chirinos seconded the motion, which failed (3-4).

There was no further discussion of this petition.

#### **MINORITY OPINION**

The Committee members voting against the motion to approve believe a deferral would have helped foster more discussion with the neighborhood and further flesh out neighborhood concerns and committee concerns related to trash and overall design.

#### **PLANNER**

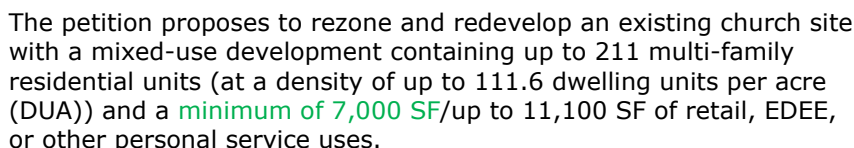
William Linville (704) 336-4090





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

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



North Charlotte Presbyterian Church; Church Trustees Johnston Memorial

## Ascent Real Estate Capital, LLC

Collin Brown and Brittany Lins, Alexander Ricks, PLLC

Meeting is required and has been held. Report available online.  
Number of people attending the Virtual Community Meeting: 16

Staff recommends approval of this petition.

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

- 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. 36<sup>th</sup> 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 *36<sup>th</sup> 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. 36<sup>th</sup> 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 *36<sup>th</sup> 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:

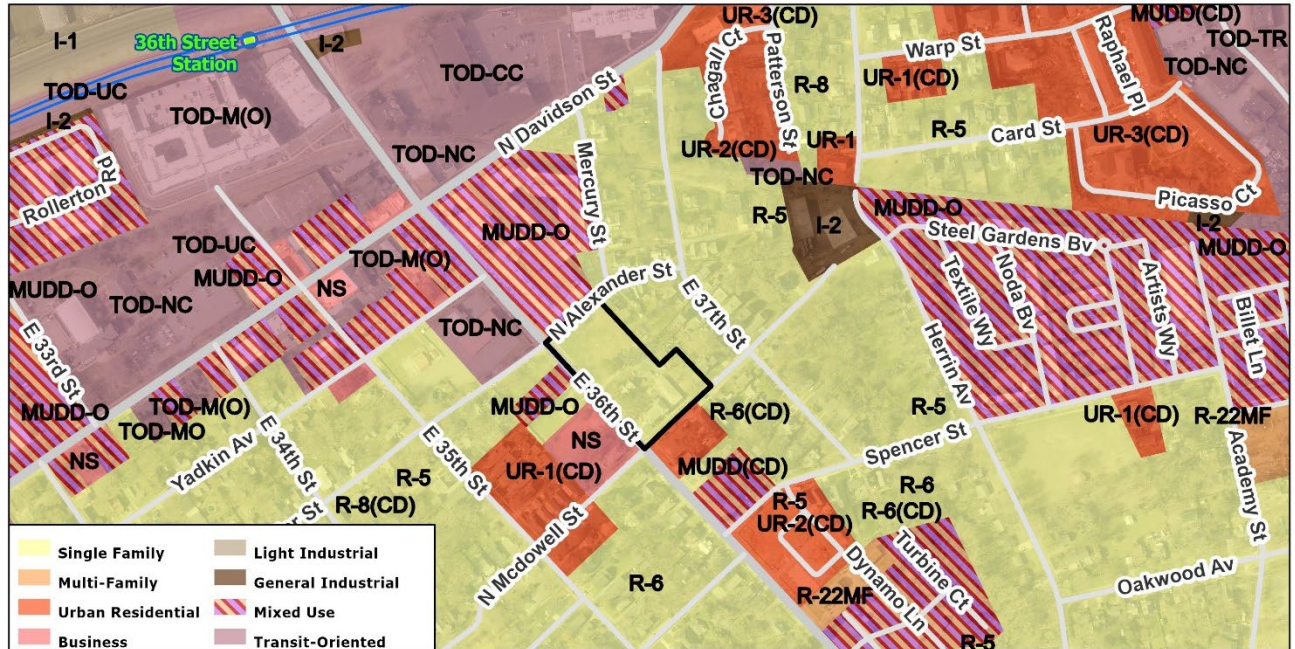
- Requests up to 211 multi-family residential units (at a density of 111.6 DUA) and up to 11,100 SF of retail, EDEE, personal service, or other non-residential uses permitted within the MUDD zoning district. *Commits to a minimum of 7,000 SF of non-residential uses for the site.*
  - Prohibited uses 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).
- Requests an optional provision to allow a minimum of ~~213~~ 185 on-site vehicular parking spaces with ability to provide up to a maximum of ~~223~~ 211 spaces.
- Commits to transportation improvements including two curb ramps at the intersections of N. Alexander and N. McDowell at 36<sup>th</sup> Street as well as an ADA compliant bus pad in the area of the existing stop.
- *Commits to utilization of best practices to preserve two large maturing trees; one on site located in the proposed plaza and one along an adjacent alleyway. Corner of building against the alleyway has been notched to preserve an off-site tree near N. Alexander Street. Additionally commits to the replanting of the tree located in the plaza area along E. 36<sup>th</sup> and provides a min. caliper if the tree does not survive.*
- 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. 36<sup>th</sup> Street.
- Petitioner commits to installation of three (3) Rapid Rectangular Flashing Beacons for the crosswalks across East 36<sup>th</sup> Street and North Alexander Street and at 36<sup>th</sup> Street and Spencer Street.
- *Commits to construction of four (4) bulb-outs at all corners of intersection with 36<sup>th</sup> and N. Alexander.*
- *Commits to providing bicycle parking/storage in 10 percent excess of ordinance requirements.*
- 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).~~
- Commits to building height reductions (illustrated on the sheet RZ-1) of 42 feet in areas closest to single family residential, a height of 54 feet in areas that transition from single family residential to 36<sup>th</sup> Street, with a maximum height of up to 65 feet in areas closest to E. 36<sup>th</sup> Street.
- 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. 36<sup>th</sup> 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. 36<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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.
  - The planting area shall be planted at a rate of two small maturing trees and seven evergreen shrubs for every 50 feet of screening area. Provides fence between alleyway and amenity area in addition to landscaping noted above.
- Commits to a maximum prominent entrance spacing of 100 feet along E. 36<sup>th</sup> Street.
- Minimum ground floor transparency along E. 36<sup>th</sup> Street shall be 60 percent. All other floors along E. 36<sup>th</sup> 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 community benefits including \$25,000 to the NoDa NBA for public art, a commitment of 10 percent of the total units reserved for a rental rate of 80 percent AMI, and the provision of a trash compactor for on-site trash collection.
- Further commits to providing an on-site trash pad or grate outside the ROW if permitted by relevant City department(s)
- Commits to providing stormwater detention controls 10 percent above the requirements of the PCSO.
- Limits lighting on top floor of parking deck to 20 feet in height.

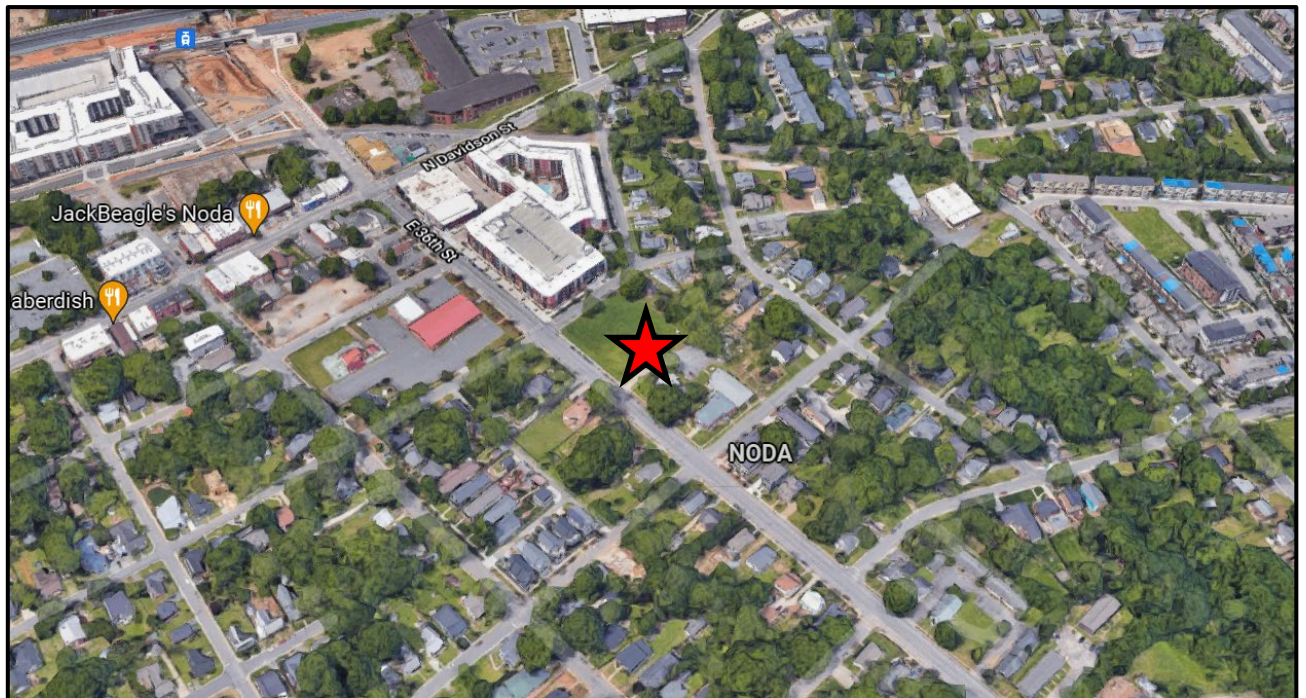
The approval of this petition will revise the adopted future land use as specified by the 36<sup>th</sup> Street Station Area Plan from residential and institutional uses to residential/office/retail uses for the site.



• **Existing Zoning and Land Use**



There is no available historical rezoning information for the site. The site is located along E. 36<sup>th</sup> Street less than a half-mile away from the Blue Line's 36<sup>th</sup> 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.



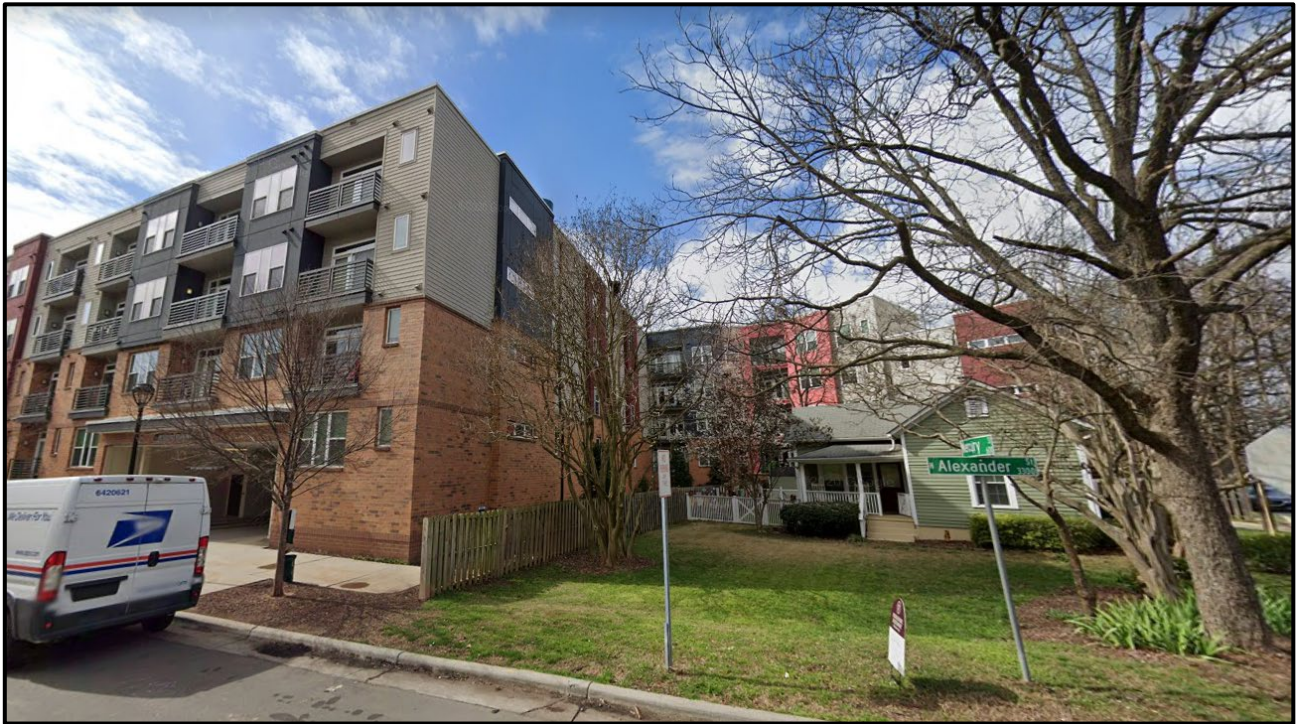


Streetview looking north toward the southern portion of the subject property. The site currently has a church and single family home.



Streetview looking east toward the site from E. 36<sup>th</sup> 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.



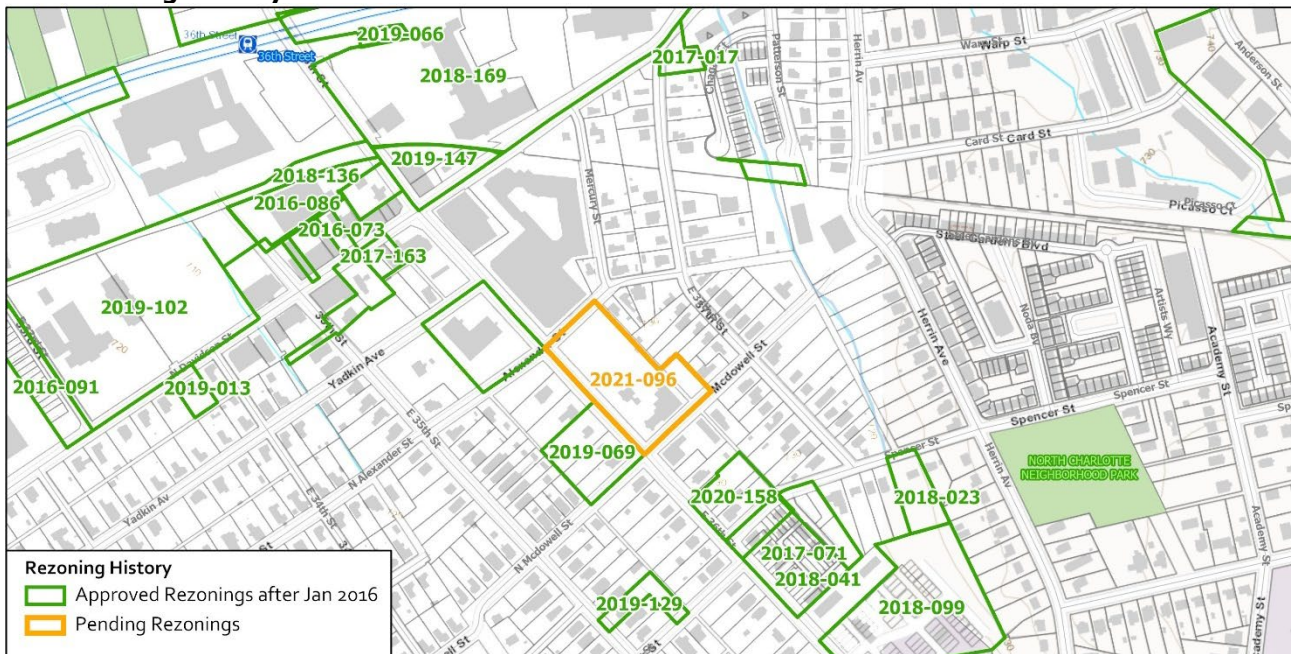
Looking south at single family home illustrated by section cut B on sheet 4 of the rezoning plan.





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

• **Rezoning History in Area**

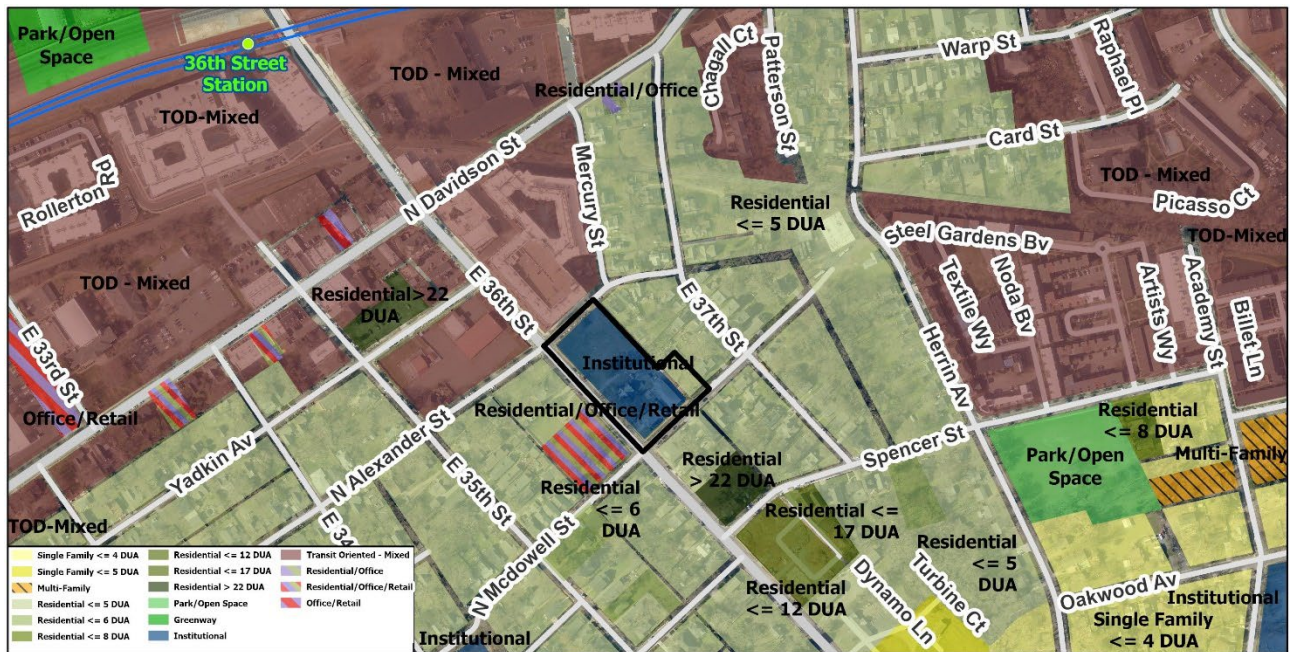


Petition Number	Summary of Petition	Status
2020-158	Request for MUDD(CD) to accommodate potential townhome community.	Approved
2019-129	Request for higher density single-family zoning district to potentially subdivide into two (2) lots.	Approved
2019-102, 2019-147, 2019-066, 2018-169, 2018-136, 2017-163, 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 <sup>th</sup> 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 36<sup>th</sup> 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. A Traffic Impact Study (TIS) is not needed for this site. The petitioner is committing to additional transportation improvements not required by ordinance that will contribute towards the connectivity and safety of pedestrians, cyclists, and vehicles. These improvements include constructing curb bulb-outs on all corners of East 36th Street at North Alexander Street to shorten pedestrian crossing distances and installing Rapid Rectangular Flashing Beacons to cross East 36th Street at this intersection. In addition, the petitioner is also committing to installing Rapid Rectangular Flashing Beacons at the intersection of 36th Street and Spencer Street. These additional improvements are consistent with the council adopted Charlotte WALKS and Charlotte BIKES policies, and further the City's goals outlined in the Vision Zero Policy. All outstanding CDOT comments have been addressed.

• **Active Projects:**

- N/A

• **Transportation Considerations**

- No outstanding issues.

• **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](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://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](http://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. **ADDRESSED**
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. **ADDRESSED**
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. **ADDRESSED**
4. Remove language regarding maximum development that makes reference to the SF excluding residential support uses on sheet one. **ADDRESSED**
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. **ADDRESSED**
6. Modify note III.b to state "site will provide 213 parking spaces" or the maximum number that may be built. **ADDRESSED**
7. Trash pickup should be internal to the site and the structure should accommodate the height and maneuvering area needed. **ISSUE RESCINDED**. Petitioner has lowered height of deck to better transition from 36<sup>th</sup> Street to adjacent residential uses, eliminating the potential for internal trash pickup. Petitioner has provided internal compactor and commits to providing a pad or grate for the roll-out(s).
8. Provide mitigation measures in the conditional notes to replace the mature tree located in the 36<sup>th</sup> Street Plaza area if best practices are not enough to save the tree. **ADDRESSED**
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.~~ ADDRESSED
11. ~~Remove the optional provisions requested to allow mechanical and utility equipment to encroach within setbacks.~~ ADDRESSED
12. ~~Replacement trees' minimum trunk caliper and species should be listed on the conditional notes for both trees mentioned. Additionally, commitments to save said trees should match — i.e., deep root fertilization should be utilized for the large tree within the proposed plaza as well as the tree in the alleyway.~~ ADDRESSED

Transportation

13. ~~Revise site plan to construct curb bulb-outs on all corners of east 36<sup>th</sup> Street and N. Alexander Street.~~ ADDRESSED

**REQUESTED TECHNICAL REVISIONS**

Site and Building Design

14. ~~Remove subsection b from Maximum Development within the site development table.~~ ADDRESSED
  15. ~~Further clarify what "best practices for operational efficiency" are as it related to trash and how a compactor improves on-site trash collection.~~ ADDRESSED
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://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
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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
	<b>Goal 3: Housing Access for All</b> 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.	✓
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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>



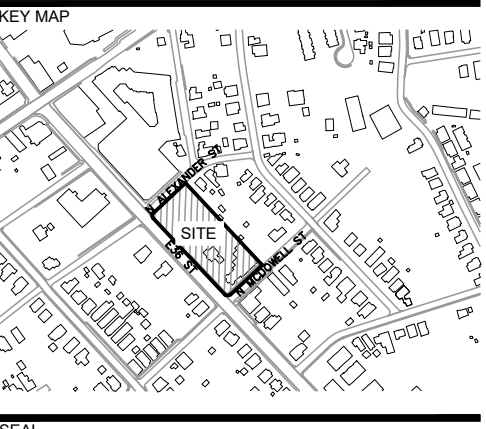
Site Development Data:

- 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 (minimum of 7,000 square feet).  
--Maximum Building Height: 65 feet, as further restricted on RZ-2.  
--Parking: As described in the Optional Provision on RZ-2.

LEGEND

- 5 STORY  
4 STORY  
3 STORY

NOTE:  
PLAN ILLUSTRATES APPROXIMATE  
LOCATION OF BUILDING STEPBACKS.



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
△	REVISIONS PER STAFF COMMENTS	09-13-2021
△	REVISIONS PER STAFF COMMENTS	10-11-2021
△	REVISIONS PER STAFF COMMENTS	11-15-2021
△	REVISIONS PER STAFF COMMENTS	12-22-2021
△	REVISIONS PER STAFF COMMENTS	01-10-2022

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  
1/10/2021

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. 211 Multi-family residential units; and  
b. Up to 11,100 square feet of retail, EDDE, personal service or other non-residential uses (minimum of 7,000 square feet)  
--Maximum Building Height: 65 feet as further restricted below.  
--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 36<sup>th</sup> 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 a minimum of 185 on-site vehicular parking spaces (with ability to provide up to a maximum of 211 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 211 residential units and (ii) a maximum of 11,100 square feet (and minimum of 7,000 square feet) of retail, personal service, EDDE, 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 36<sup>th</sup> 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 four (4) curb bulb outs on the corners of the East 36<sup>th</sup> Street/Alexander Street intersection, as generally depicted on the Rezoning Plan and as directed by CDOT.
- e. Petitioner shall install Rapid Rectangular Flashing Beacons for the crosswalks across East 36<sup>th</sup> 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 36<sup>th</sup> 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 setbacks as generally depicted on the perspective images included in the Rezoning Plan shall be a maximum of forty-two (42) feet at the top of the setback for the portion of the building that is labeled as three (3) stories tall and a maximum of fifty-four (54) feet for portions labeled as four (4) stories tall. The indicated corner portions of the building closest to Alexander Street and McDowell Street abutting the alleyway shall not exceed forty (40) feet.
- 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 36<sup>th</sup> Street. The 11,100 square feet of proposed retail uses shall be located along the East 36<sup>th</sup> Street frontage and/or surrounding the urban open space area as shown along the East 36<sup>th</sup> 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. Examples are provided on Sheet 4 of this Rezoning Plan.
- 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 36<sup>th</sup> 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 seating options to activate and amenitize the area.
- i. Within the area labeled as "Pool/Apartment Amenity Area," the Petitioner may provide elements such as, but not limited to, a pool, cabana, seating areas, dining areas, grilling areas, fire pit, lounge area, and/or garden. The Pool/Apartment Amenity Area shall be screened with enhanced landscaping and a fence as further depicted on the Rezoning Plan. The Petitioner shall provide a minimum of two (2) small maturing trees and seven (7) medium/tall evergreen shrubs for every fifty (50) linear feet of screening area.
- j. 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.
- k. 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).
- l. The maximum prominent entrance spacing shall be one hundred (100) feet along the 36<sup>th</sup> Street frontage.
- m. The minimum transparency for the ground floor of 36<sup>th</sup> 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. Community Benefits

1. **Public Art.** The Petitioner shall donate \$25,000 for the purpose of local public art, to be coordinated with the NoDa Neighborhood and Business Association (NoDa NBA).
2. **Affordable Housing.** The Petitioner shall provide a minimum of 10% of the total residential units at a maximum rental rate of 80% of the Area Median Income (AMI) for a minimum of fifteen (15) years.
3. **Trash.** The Petitioner shall provide a trash compactor to reduce the amount of waste that is rolled out for pick up each week (and which will otherwise be stored within the parking deck). Petitioner will provide an on-site trash pad or grate for pick-up day outside of the right-of-way (if permitted by relevant City department(s)) and will use best practices to coordinate with building staff to minimize the amount of time trash bin(s) are located outside of the parking deck during pick-up day each week.
4. **Bicycle Parking.** Petitioner shall provide bicycle parking/storage in 10% excess of Ordinance requirements.

VIII. Environmental Features:

- a. The Petitioner shall provide stormwater detention controls 10% above and beyond the requirements of 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. 36<sup>th</sup> Street as illustrated on the Rezoning Plan. The Petitioner commits to consult with a licensed arborist during the construction process and provide deep root fertilization for the tree. If despite best efforts the E. 36<sup>th</sup> Street plaza tree cannot be saved, it will be replaced with a new tree of a species that will produce a similar canopy and of five (5) inch minimum caliper if the tree does not survive.
- d. The Petitioner will use best practices to preserve the large maturing tree in the alleyway adjacent to 3314 North Alexander Street (PID 091-104-12). The Petitioner commits to consult with a licensed arborist during the construction process and provide deep root fertilization for the tree. If the tree cannot be saved, it will be replaced with a new tree of five (5) inch minimum caliper if the tree does not survive within two (2) years of the issuance of the building certificate of occupancy, subject to adjacent property owner and the City approval, if necessary, to plant a new tree in the alleyway.

IX. Lighting:

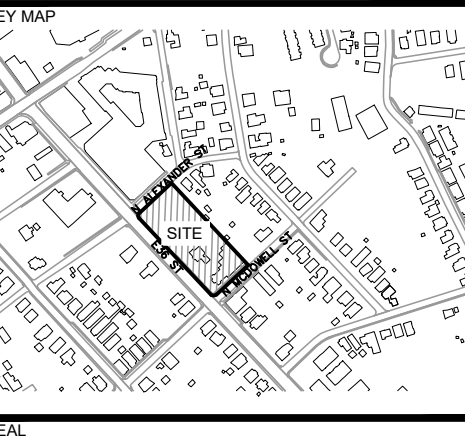
- a. All lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed on buildings, along the driveways, sidewalks, and parking areas. However, upward facing accent/architectural lighting shall be permitted.
- b. Lighting at the top of the parking deck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

X. 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.

XI. 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.



PROJECT

CENTRO NODA  
729 E 36 ST  
SUITE 200  
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
4	REVISIONS PER STAFF COMMENTS	12-22-2021
5	REVISIONS PER STAFF COMMENTS	01-10-2022

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

SCALE NORTH

VERT: N/A  
HORZ:

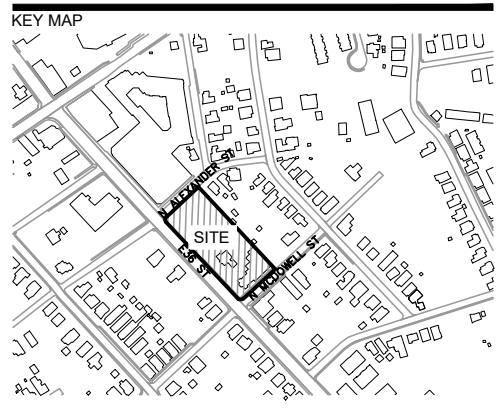
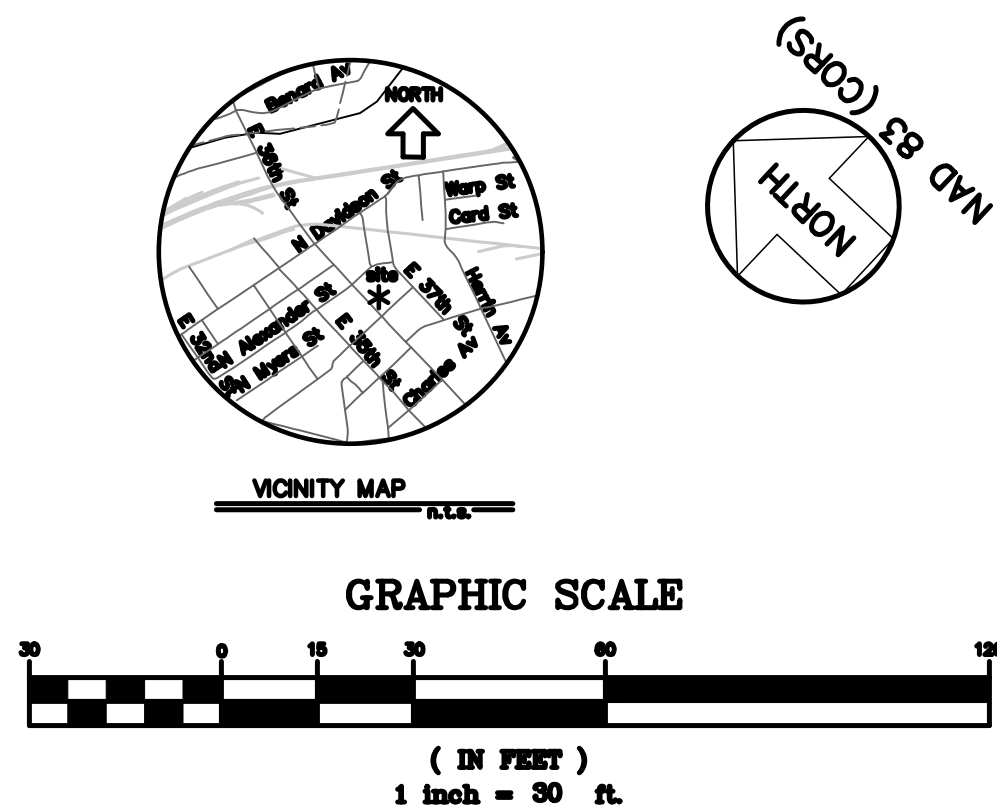
SHEET TITLE

DEVELOPMENT STANDARDS

SHEET NUMBER

RZ-2





SEAL

NOTES & REFERENCES:

SUBJECT TRACTS:

TAX ID 09110401: 719 AND 729 E. 36TH ST.  
LOTS 1-8, BLOCK 8, MAP BOOK 230 PAGE 14  
OWNER: NORTH CHARLOTTE PRESBYTERIAN CHURCH  
DEED BOOK 691 PAGE 300  
DEED BOOK 1171 PAGE 132  
DEED BOOK 1886 PAGE 247

TAX ID 09110402: 3315 N. MCDOWELL ST.  
LOT 1, MAP BOOK 6 PAGE 903  
OWNER: JACK M. MERRITT AND H.B. GRICE, TRUSTEES OF  
JOHNSTON MEMORIAL PRESBYTERIAN CHURCH  
DEED BOOK 3633 PAGE 35

ZONING:  
R-5 PER MECKLENBURG COUNTY GIS  
CITY OF CHARLOTTE ZONING ORDINANCE SECTION 9.205  
DEVELOPMENT STANDARDS FOR SINGLE FAMILY DISTRICTS:

MINIMUM SETBACK E. 36TH ST.: 20' FROM FUTURE R/W  
MINIMUM SETBACK N. ALEXANDER ST.: 20' FROM EXISTING R/W  
MINIMUM SETBACK N. MCDOWELL ST.: 20' FROM EXISTING R/W  
MINIMUM SIDE YARD = 5' (RESIDENTIAL) OR 20' (NON-RESIDENTIAL)  
MINIMUM REAR YARD = 35'

PARKING SUMMARY:

NO STRIPED PARKING SPACES  
ONE ACCESSIBLE SIGN AS SHOWN

F.E.M.A.-F.I.R.M. INFORMATION:  
COMMUNITY 370159 (CHARLOTTE, CITY OF)  
MAP NUMBER 3710456400K  
ZONE X  
EFFECTIVE FEBRUARY 19, 2014

EAST 36TH STREET IS A MINOR THOROUGHFARE AND MAY BE SUBJECT TO FUTURE RIGHT-OF-WAY ACQUISITION BY CITY OF CHARLOTTE. CURRENT LAND DEVELOPMENT STANDARDS REQUIRE A MINIMUM 70' RIGHT-OF-WAY FOR MINOR THOROUGHFARES (35' FROM CENTER).

VERTICAL DATUM IS NAVD'88

THIS PROPERTY MAY BE SUBJECT TO EASEMENTS AND/OR RIGHTS-OF-WAY EITHER RECORDED OR IMPLIED.

SURVEYOR'S CERTIFICATE

TO ASCENT REAL ESTATE CAPITAL, LLC, ITS SUCCESSORS AND ASSIGNS, (LENDER TBD),  
AND FIRST AMERICAN TITLE INSURANCE COMPANY, ITS SUCCESSORS AND ASSIGNS.:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7(a), 8, 9, 11(b), 13, 14, 16, & 18 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON MARCH 15, 2021.

DATE OF PLAT OR MAP: MARCH 23, 2021

CHARLES H. HODGE,  
NC PLS L-3975

PRELIMINARY PLAT  
NOT FOR RECORDATION  
SALES OR CONVEYANCE

LEGAL DESCRIPTION

LYING IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1:

BEING ALL OF LOTS 1 THROUGH 8, BLOCK 8, OF THE PROPERTY OF NORTH CHARLOTTE REALTY COMPANY AS SHOWN ON A MAP THEREOF RECORDED IN MAP BOOK 230 PAGE 14 OF THE MECKLENBURG COUNTY REGISTRY, CONTAINING 1.696 ACRES, MORE OR LESS.

THIS PROPERTY WAS ACQUIRED BY GRANTOR BY THREE INSTRUMENTS RECORDED IN DEED BOOK 691 PAGE 300, DEED BOOK 1171 PAGE 132 AND DEED BOOK 1186 PAGE 247.

TRACT 2:

BEING ALL OF LOT 1 OF THE PROPERTY OF JOHNSTON MANUFACTURING COMPANY AS SAME IS SHOWN ON A MAP THEREOF RECORDED IN MAP BOOK 6, ON PAGE 903 OF THE MECKLENBURG COUNTY REGISTRY, CONTAINING 0.191 ACRES, MORE OR LESS.

THIS PROPERTY WAS ACQUIRED BY GRANTOR BY INSTRUMENT RECORDED IN DEED BOOK 3633 PAGE 35.

**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

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

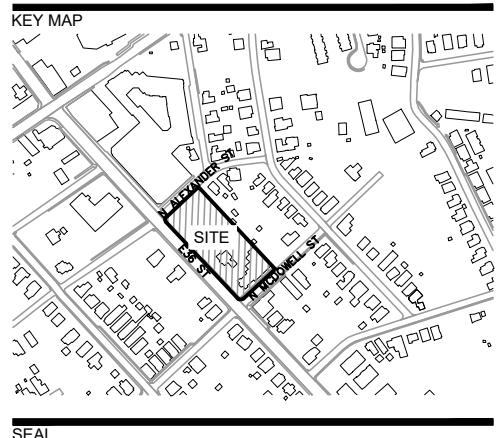
SURVEYED BY	DRAWN BY	DATE
CHH/LHH	CHH	03/15/2021
CHECKED BY	JOB NUMBER	TOPO FILE NUMBER
	18113	41

LEGEND			
A/C	A/C CONDENSING UNIT	F	FOUND
POB	POINT OF BEGINNING	S	SET
WM	WATER METER	R/W	RIGHT-OF-WAY
WV	WATER VALVE	FL	FENCE LINE
UFT	UNDERGROUND FUEL TANK	B	WOOD BOLLARD
DT	DECIDUOUS TREE	CI	CURB INLET
ET	EVERGREEN TREE	PH	FIRE HYDRANT
SM	NO MONUMENT FOUND OR SET	SM	SANITARY SEWER MANHOLE
OU	OVERHEAD UTILITIES	SD	STORM DRAIN MANHOLE
SL	STORM DRAIN LINE	LP	LIGHT POLE
WL	WATER LINE	UP	UTILITY POLE
FOC	FIBER OPTIC CABLE	DI	DROP INLET
EF	ELECTRIC FENCE	NG	NATURAL GAS LINE
		SSL	SANITARY SEWER LINE

FIRST AMERICAN TITLE INSURANCE COMPANY  
COMMITMENT NUMBER: 21-0876  
COMMITMENT DATE: 03/02/2021  
ISSUE DATE: 03/02/2021  
SCHEDULE B - SECTION II - EXCEPTIONS

ITEM #	DESCRIPTION	INSTRUMENT REFERENCE	LOCATION
3	BUILDING RESTRICTION LINES, EASEMENTS, AND ANY OTHER MATTERS SHOWN ON RECORDED PLATS	MAP BOOK 230 PAGE 14 MAP BOOK 6 PAGE 903	AS SHOWN ON SURVEY AS SHOWN ON SURVEY





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
△	NEW SHEET	10-11-2021
△	REVISIONS PER STAFF COMMENTS	11-15-2021
△	REVISIONS PER STAFF COMMENTS	12-22-2021
△	REVISIONS PER STAFF COMMENTS	01-10-2022

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

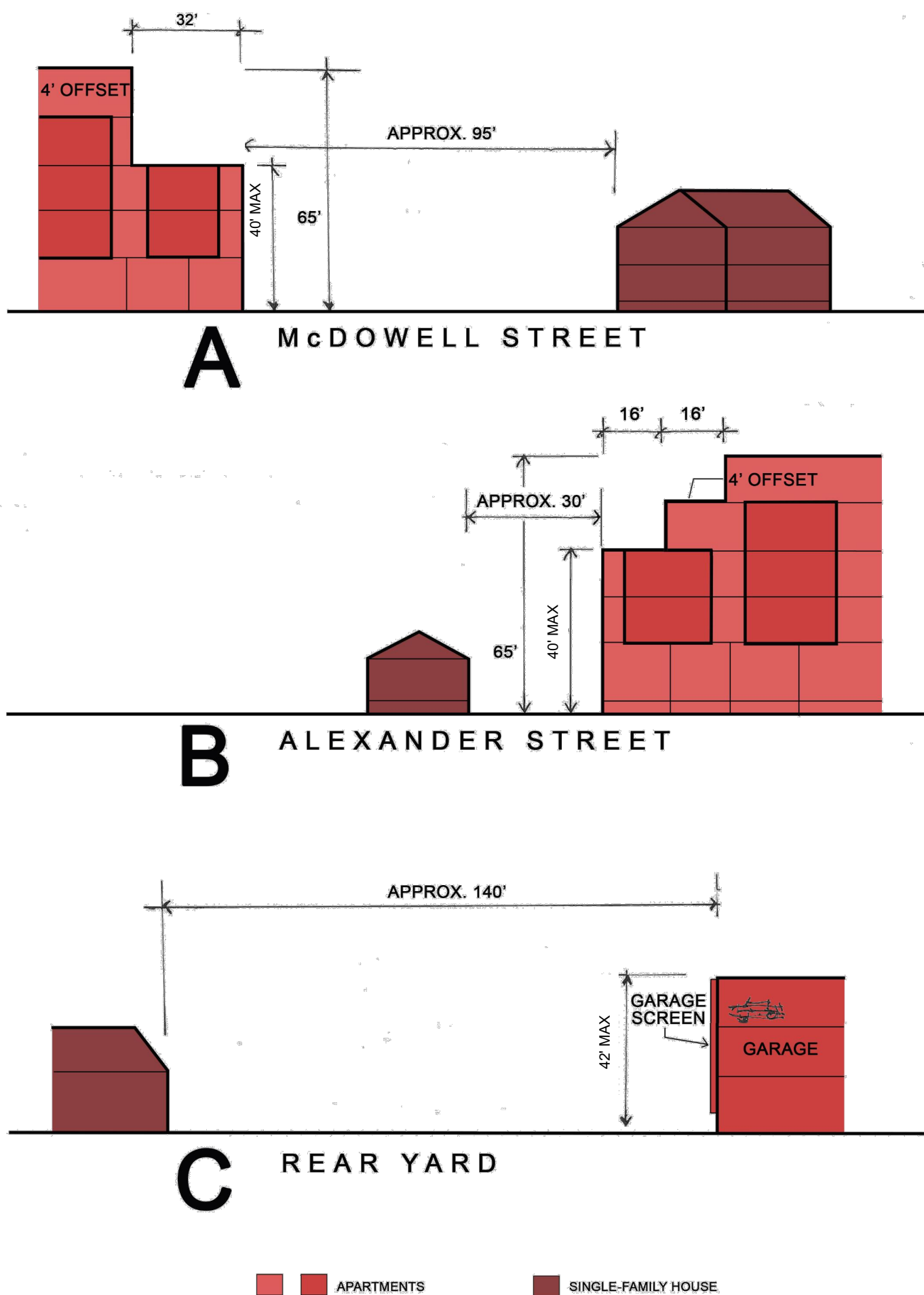


1 DECK SCREEN OPTIONS



N. McDOWELL ST.  
ARCHITECTURAL SIDE PERSPECTIVE

2  
RZ-4



CENTRO NODA

3 SITE SECTIONS  
N.T.S.

3  
RZ-4



CENTRO NODA

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

NOTE: ARCHITECTURAL FOOTPRINT AS SHOWN ABOVE IS SCHEMATIC IN NATURE AND MAY BE REVISED DURING FINAL DESIGN.

4 KEY PLAN

4  
RZ-4

REZONING PETITION # 2021-096





**Agenda Date:** 1/18/2022

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**Agenda #:** 8. **File #:** 15-17158 **Type:** Zoning Decision

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## **Rezoning Petition: 2021-103 by Providence Group Capital, LLC**

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

**Current Zoning:** I-1 (light industrial)

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

### **Zoning Committee Recommendation:**

The Zoning Committee voted 5-1 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

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

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2021-103

December 1, 2021

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**REQUEST**

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

**LOCATION**

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

**PETITIONER**

Providence Group Capital, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 5-1 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **inconsistent** with the *Scaleybark Transit Station Area Plan* (2008) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office and industrial-warehouse-distribution uses for the site.

However we find this petition to Choose an item. public interest based on information from the staff analysis and the public hearing and because:

- Although the petition is inconsistent with the area plan's proposed land use, the application of the TOD-UC zoning district will allow for the subject site to provide TOD uses.
- The rezoning would also accommodate a high level of pedestrian and transit traffic in the area.

The approval of this petition will revise the adopted future land use as specified by the *Scaleybark Transit Station Area Plan* (2008), from office and industrial-warehouse-distribution uses to transit oriented development for the site.

Motion/Second: Spencer / Blumenthal  
Yeas: Blumenthal, Chirinos, Rhodes, Spencer and Welton  
Nays: Samuel  
Absent: Ham  
Recused: None



**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

Welton noted that a site's distance to major roads such as I-77 should be considered when reviewing the application of a district like TOD-UC which calls for close proximity to transit hubs.

Spencer commented that the application of TOD-UC is preferable in this area over the existing entitled use or TOD-TR because of the uses allowed under those zoning districts.

There was no further discussion of this petition.

**MINORITY OPINION**

The application of the TOD-UC zoning district is reserved for areas of high intensity, and the subject site and surrounding context is of moderate intensity.

The use of TOD-UC and the max height of allowing up to 300' through the bonus provisions allowed under the district would create an incongruent and harsh transition into the surrounding land uses.

The subject site is in an area with adjacent zoning districts including TOD-TR, TOD-CC, and business – distributive, with the nearest TOD-UC zoning district being located directly on South Boulevard among denser development and just over a quarter-mile walk to Scaleybark Station.

The use of other TOD zoning districts on the site would be a better fit for the area and still allow for a number of uses. Rezoning to TOD-CC in particular would still allow for a maximum height of up to 130 feet with the bonus provisions.

The rezoning request is inconsistent with the proposed land use for this area.

**PLANNER**

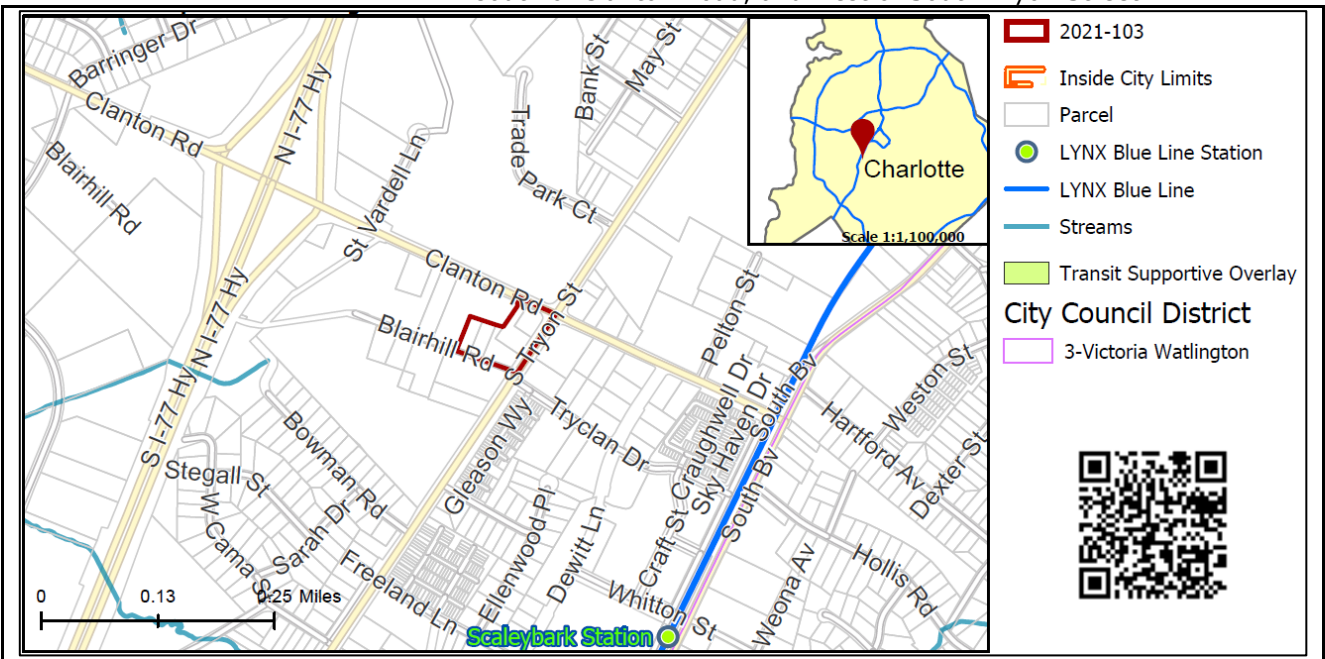
Holly Cramer (704) 353-1902

**REQUEST**

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

**LOCATION**

Approximately 2.25 acres located on the north side of Blairhill Road, south of Clanton Road, and west of South Tryon Street.



**SUMMARY OF PETITION**

The petition proposes to allow all uses in the TOD-UC (transit oriented development - urban center) zoning district on parcels currently developed for commercial auto uses.

**PROPERTY OWNER  
PETITIONER  
AGENT/REPRESENTATIVE**

Gerard W. Kressner  
Providence Group Capital, LLC  
Keith MacVean

**COMMUNITY MEETING**

Meeting is not required.

**STAFF  
RECOMMENDATION**

Staff does not recommend approval of this petition in its current form. Staff would support a petition requesting a rezoning to the TOD-CC district.

Plan Consistency

The petition is **inconsistent** with the *Scaleybank Transit Station Area Plan* (2008) recommendation of office and industrial-warehouse-distribution uses for this site.

Rationale for Recommendation

- The application of the TOD-UC zoning district is reserved for areas of high intensity, and the subject site and surrounding context is of moderate intensity.
- The use of TOD-UC and the max height of allowing up to 300' through the bonus provisions allowed under the district would create an incongruent and harsh transition into the surrounding land uses.

- The subject site is in an area with adjacent zoning districts including TOD-TR, TOD-CC, and business – distributive, with the nearest TOD-UC zoning district being located directly on South Boulevard among denser development and just over a quarter-mile walk to Scaleybark Station.
- The use of other TOD zoning districts on the site would be a better fit for the area and still allow for a number of uses. Rezoning to TOD-CC in particular would still allow for a maximum height of up to 130 feet with the bonus provisions.
- The rezoning request is inconsistent with the proposed land use for this area.

The approval of this petition will revise the adopted future land use as specified by the *Scaleybark Transit Station Area Plan* (2008), from office and industrial-warehouse-distribution uses to transit oriented development for the site.

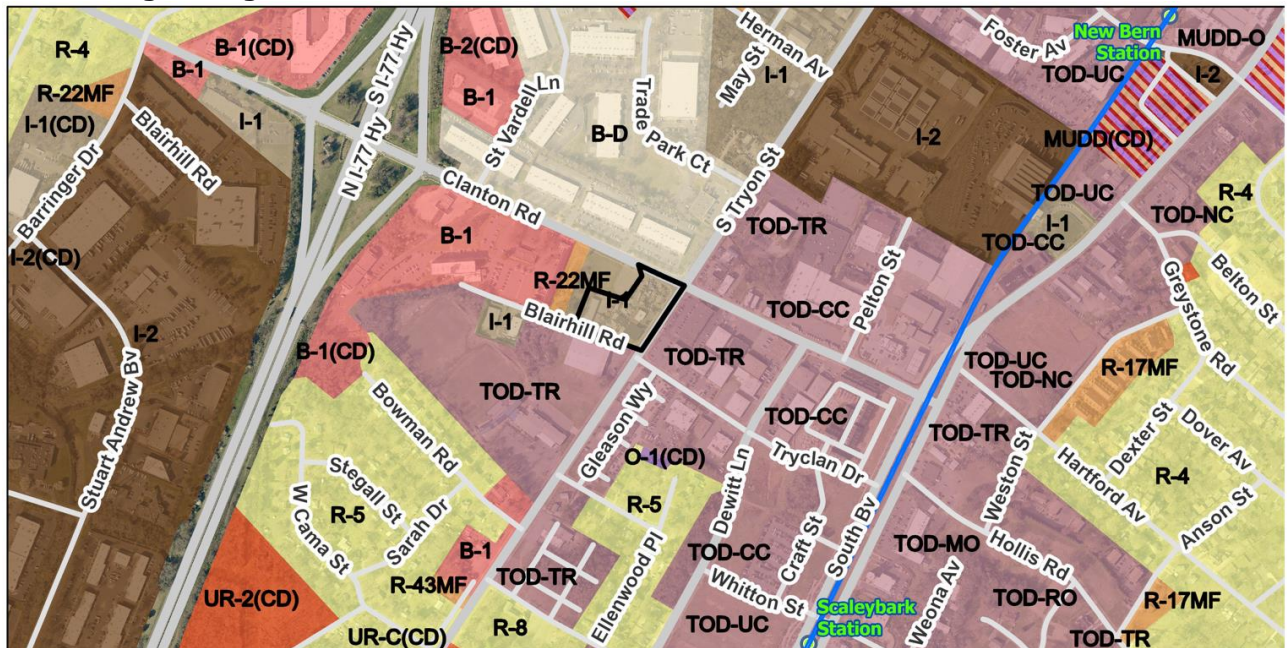
## PLANNING STAFF REVIEW

- **Proposed Request Details**

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

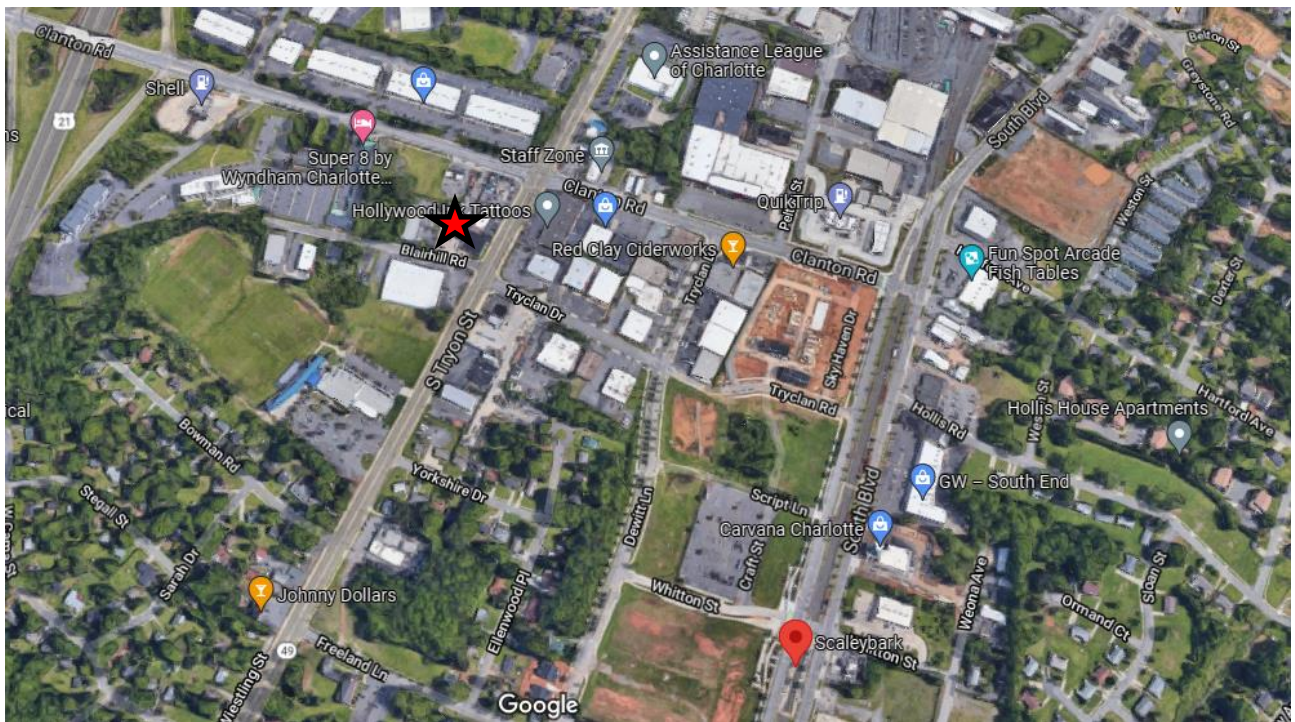
- Allows all uses in the TOD-UC (transit oriented development – urban center) zoning district.

- **Existing Zoning and Land Use**



The subject site, currently zoned I-1, is adjacent to I-1, TOD-CC, TOD-TR, and B-D zoning districts. It is located 0.44-miles from the Scaleybark Station, whereas the closest TOD-UC-zoned parcels to the subject site are approximately a quarter-mile or less to the Scaleybark Station.





- The site (red star above) is in an area with retail, warehouse/distribution, office, industrial, mixed-use residential, and single family residential uses. The nearest light rail station to the subject site, Scaleybark Station, is shown on the bottom right-hand side of the above map and marked with a red pin.



- North of the site are warehouse and retail uses.



- East of the site are retail uses.



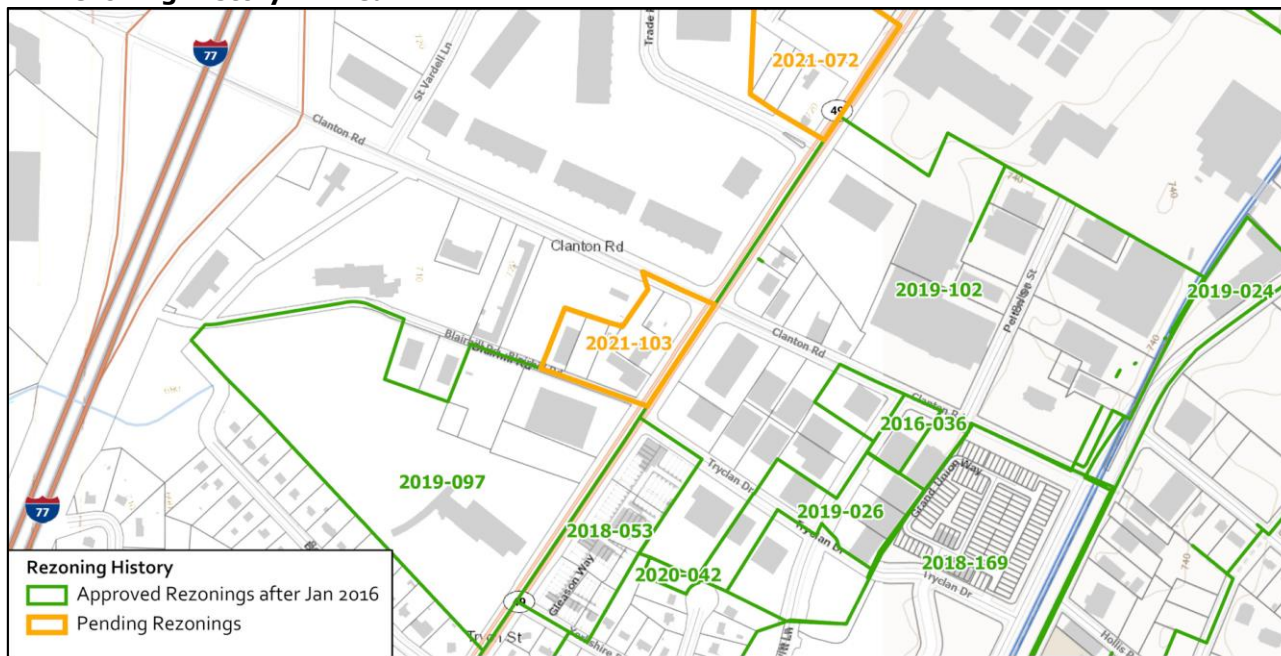


- South of the site are retail and industrial uses.



- West of the site is a fire station and motel.

#### • Rezoning History in Area

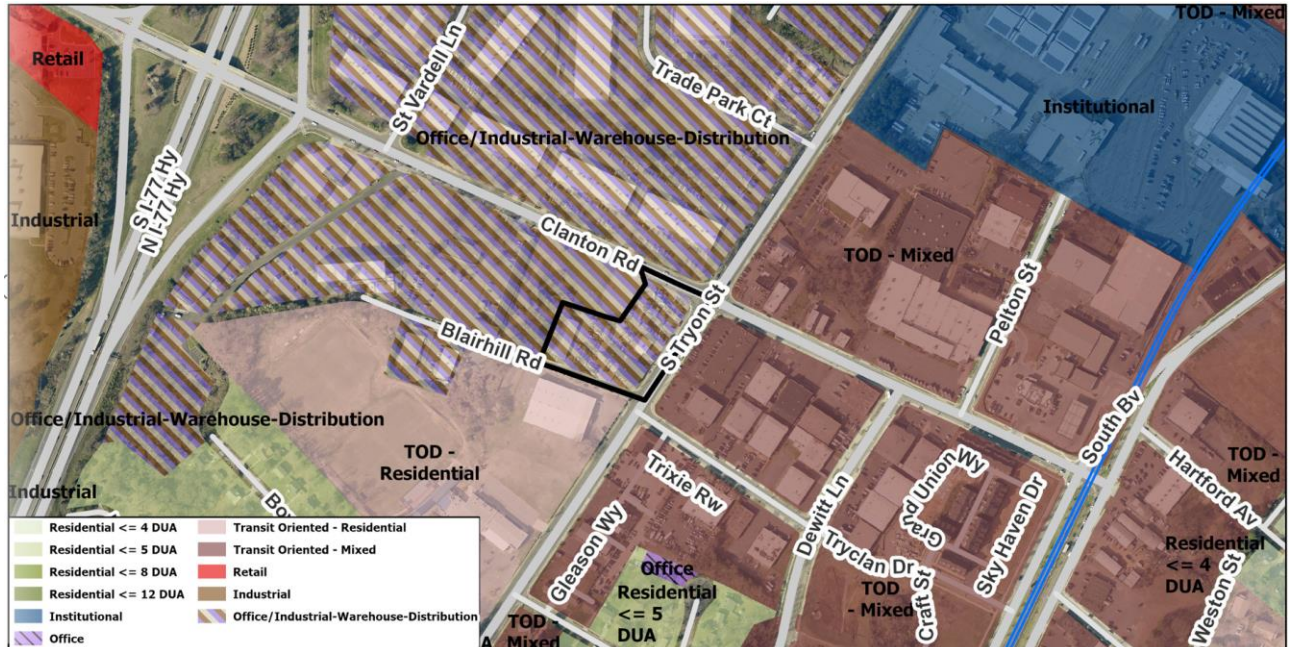


- There have been no recent rezonings of the site.

Petition Number	Summary of Petition	Status
2016-036	Rezoned 0.45 acres from I-2 to TOD-M.	Approved
2018-053	Rezoned 3.169 acres from I-2, I-1, B-1, and R-5 to TOD-M.	Approved

2018-169	Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations. The amendment resulted in 3 existing conventional districts translating to the new TOD-CC +.	Approved
2019-024	Rezoned 1.74 acres from I-1 and I-2 to TOD-CC.	Approved
2019-026	Rezoned 3 acres from I-1 and I-2 to TOD-CC and TOD-TR.	Approved
2019-097	Rezoned 17.02 acres from I-1 and I-1(CD) to TOD-TR.	Approved
2019-102	Rezoned 1,7771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC, or TOD-TR.	Approved
2020-042	Rezoned 0.236 acres from R-5 to O-1(CD).	Approved
2021-072	Rezoning 2.92 acres from I-1 to TOD-CC.	Pending

#### • Public Plans and Policies



- The *Scaleybank Transit Station Area Plan* (2008) recommends office and industrial-warehouse-distribution uses for this site.

#### • TRANSPORTATION SUMMARY

- The site is located adjacent to Clanton Road, a City-maintained major thoroughfare, Blairhill Road, a City-maintained local street, and South Tryon Street, a State-maintained major thoroughfare. This site is requesting a TOD-UC zoning and will be subject to transportation improvements in accordance with the TOD Ordinance and the adopted CDOT Streets Map. CDOT will work with the petitioner during the permitting process to pursue all options to provide additional forms of connectivity that reflect the types of development associated in the TOD-zoned areas.

- **Active Projects:**

- There are no active projects near this site.

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 310 trips per day (6,250 square feet of warehouse uses and 9,428 square feet of used automobile sales).

Entitlement: 85 trips per day (22,500 square feet of warehouse uses).

Proposed Zoning: Too many uses to determine the trip generation.

#### DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.



- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **City Arborist:** No comments submitted.
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** No comments submitted.
- **Urban Forestry:** No comments submitted.

**OUTSTANDING ISSUES**Land Use

1. The proposed rezoning to the high-intensity zoning district TOD-UC is not appropriate for this area which is of moderate intensity. Staff would support a proposed rezoning of TOD-CC which still allows for a number of uses and a maximum height of 130 feet. The application of other TOD zoning districts at this site would create a better transition into the surrounding land uses than the requested zoning of TOD-UC.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**





**Planner:** Holly Cramer (704) 353-1902








## Goals Relevant to Rezoning Determinations

### Rezoning Petition # 2021-103

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

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

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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:** 1/18/2022

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**Agenda #:** 9.**File #:** 15-17159 **Type:** Zoning Decision

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## **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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-1 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis  
Site Plan



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2021-118

January 4, 2022

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**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.  
(Council District 3 - Watlington)

**PETITIONER**

Integrated Properties, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 6-1 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Steele Creek Area Plan* (2012) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends industrial-warehouse-distribution land use for the site.

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

- 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.

Motion/Second: Welton / Rhodes

Yeas: Blumenthal, Chirinos, Ham, Rhodes, Samuel,  
and Welton

Nays: Spencer

Absent: None

Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

Committee member Spencer requested a reading of the prohibited uses and asked specifically if automobile service stations would be permitted on site. Staff provided the list of prohibited uses and stated that automobile service stations were not on the list. Committee member Chirinos asked if petroleum storage would capture automobile service stations. Staff replied that petroleum storage is prohibited as a primary use but that would not prohibit storage as an accessory use.

There was no further discussion of this petition.

**MINORITY OPINION**

Committee Spencer stated that he believed petroleum storage should also be prohibited as an accessory use.

**PLANNER**

Joe Mangum (704) 353-1908

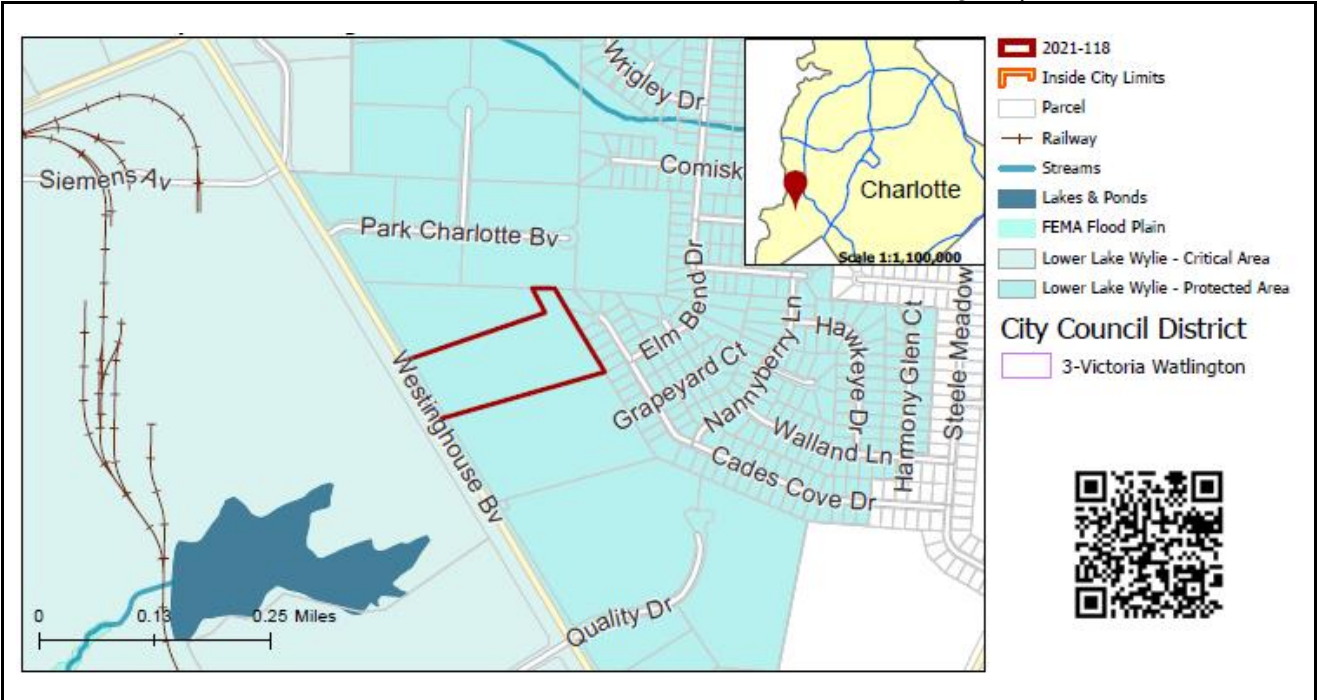


**REQUEST**

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.

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.

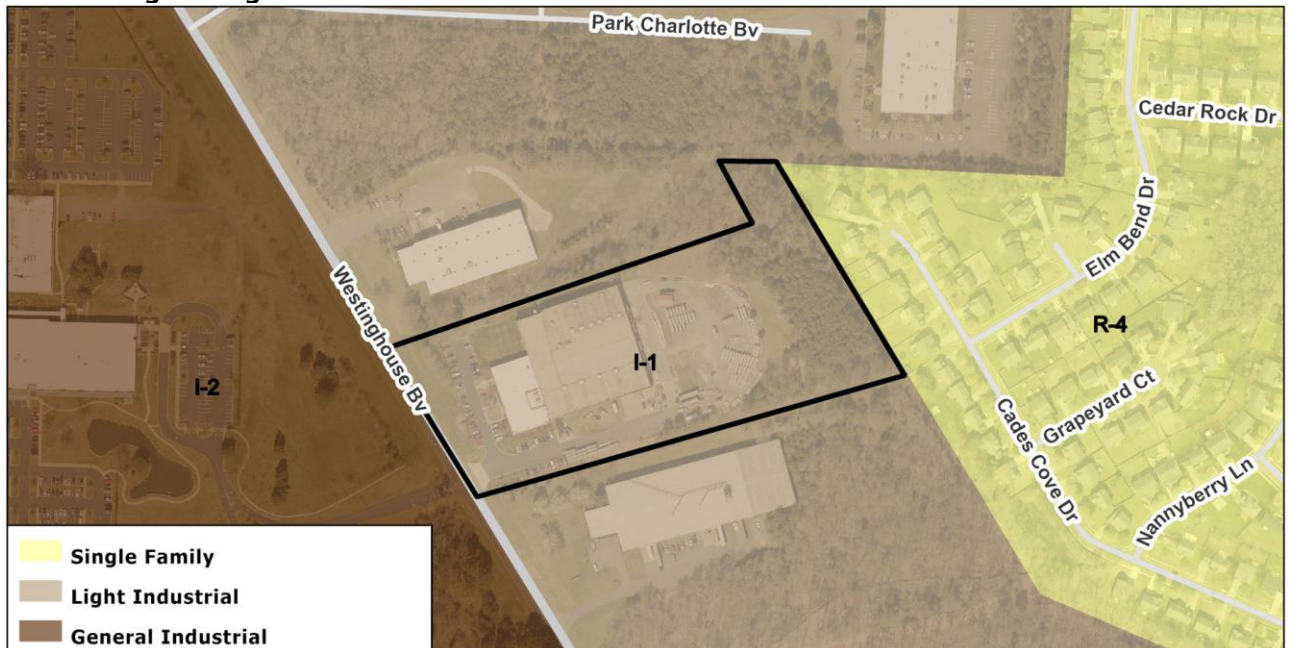
## PLANNING STAFF REVIEW

### • 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.



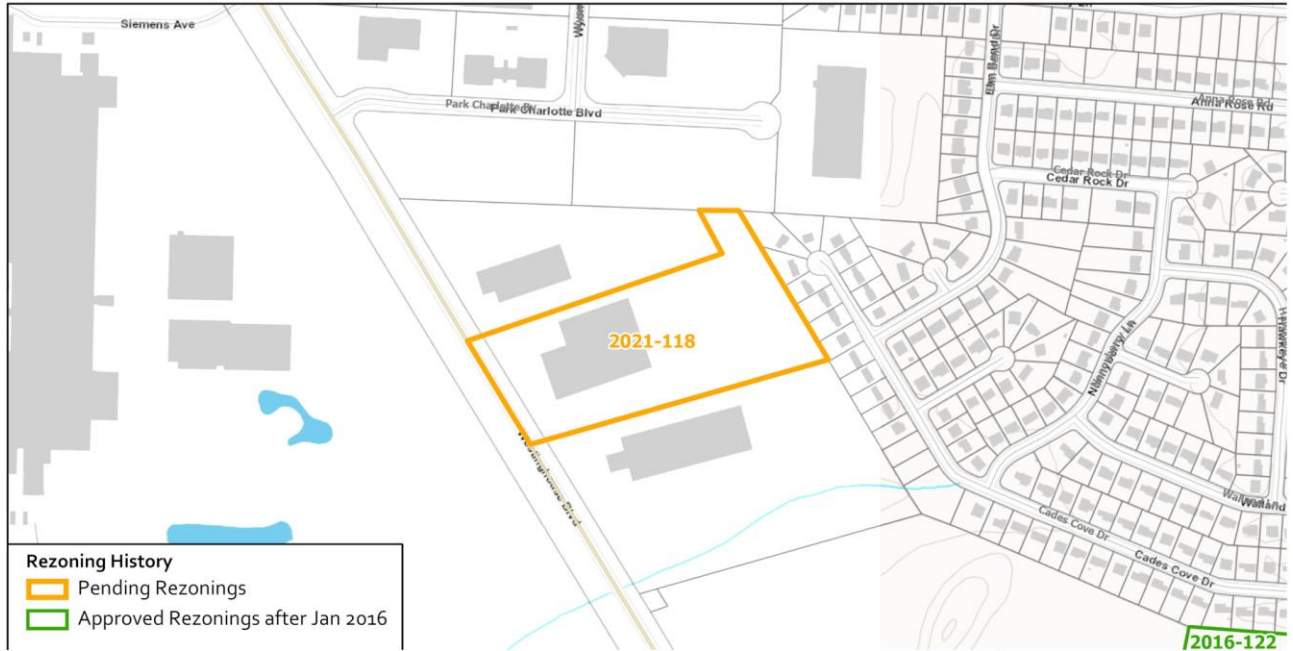
The property to the south of the site along Westinghouse Boulevard is developed with a light industrial uses.



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

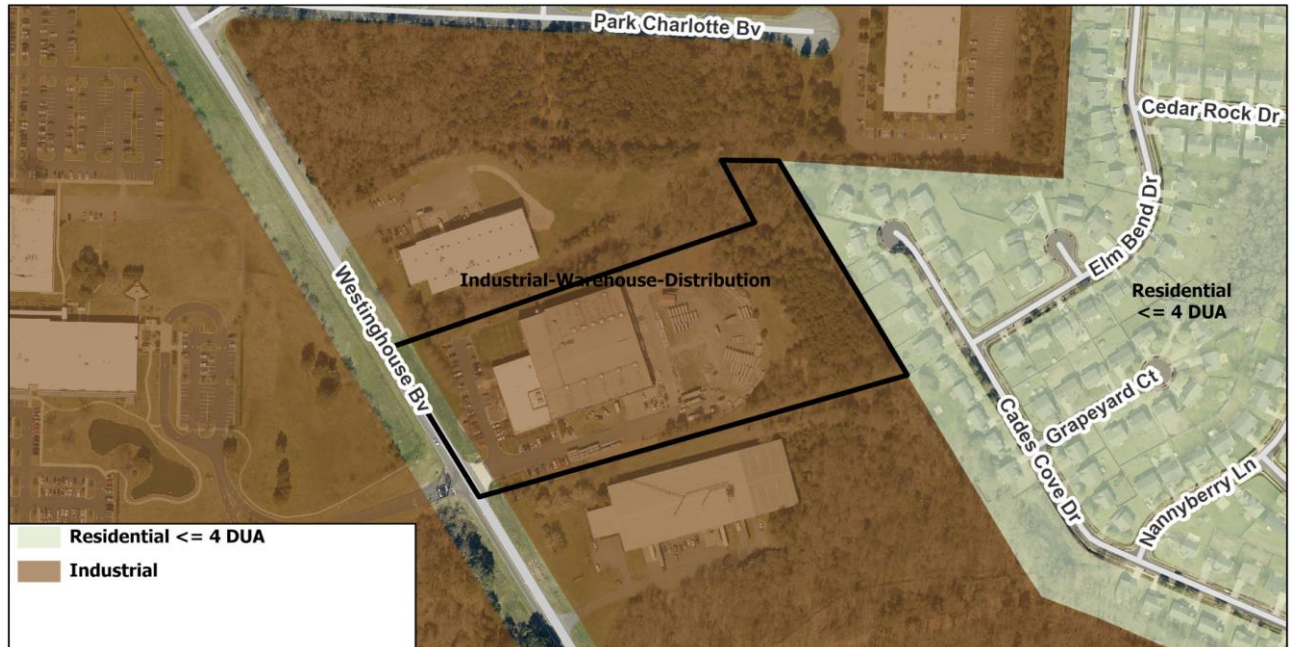


- Rezoning History in Area**



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.

CDOT has no outstanding issues with this petition.

- **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**

- No outstanding issues.

- **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](http://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](http://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](http://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](http://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.~~

ADDRESSED

~~2. Revise the site plan by labeling the sidewalk and planting strip as "proposed".~~ ADDRESSED

~~3. Revise the site plan and conditional note 4.c by including a sidewalk utility easement placed 2-feet behind the proposed sidewalk.~~ ADDRESSED

~~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.~~ ADDRESSED

~~5. Review and revise the verbiage of conditional note 4.d for accuracy.~~ ADDRESSED

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.~~ ADDRESSED
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://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).

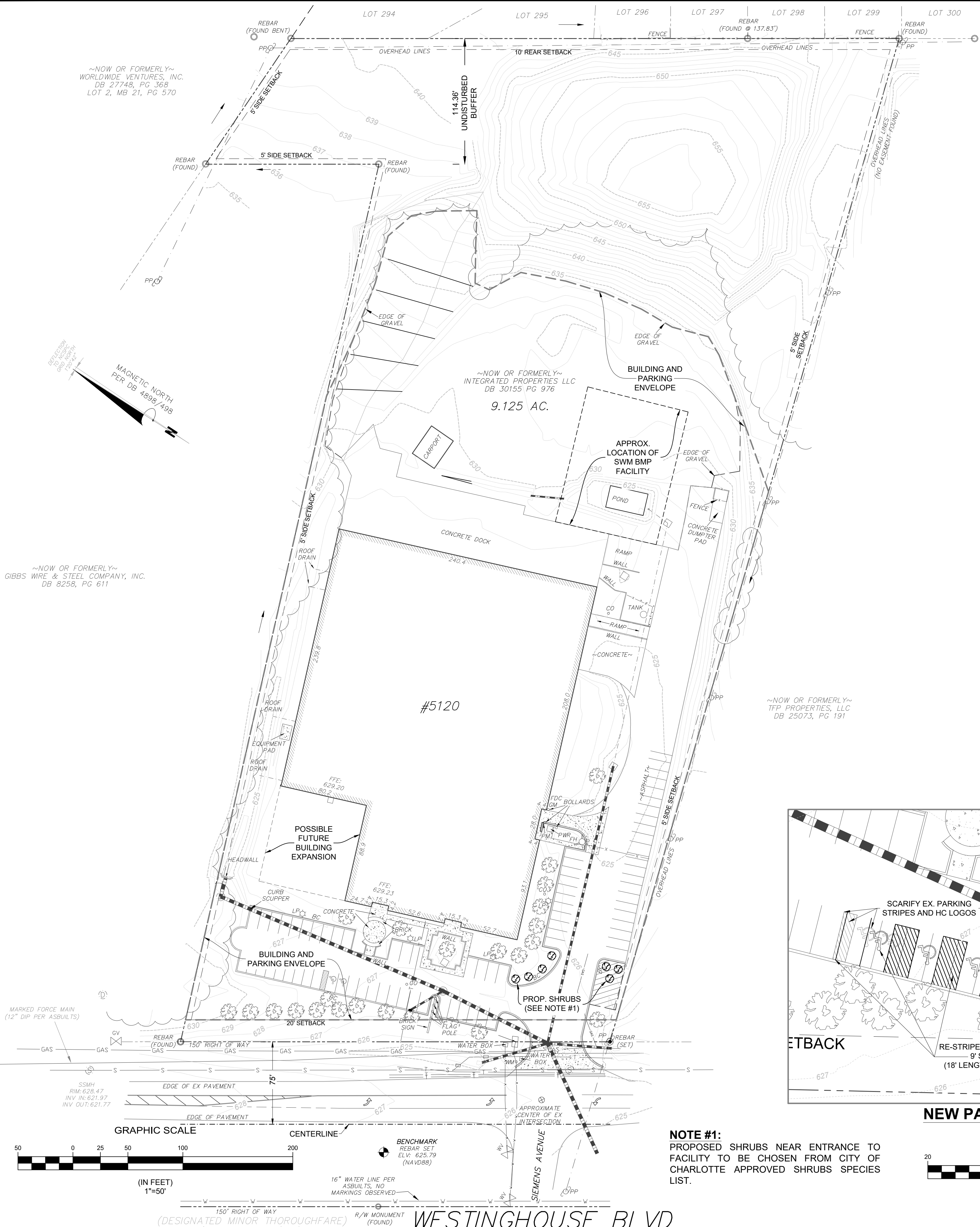
Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> 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
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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\04.dwg, 12/29/2021 11:23 AM, David Welke



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.

- a. 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.
- b. 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.
- c. 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

- a. The site will have access via an existing private driveway to Westinghouse Blvd. that serves the site.
- b. Parking areas are allowed anywhere within the building and parking envelop as generally depicted on the concept plan for the site.
- c. 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 8' planting strip and 6' sidewalk will be located behind and immediately adjacent to the future back of curb. The installation of these improvements is specifically conditioned on the approval of NCDOT and CDOT.
- d.
- e.

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

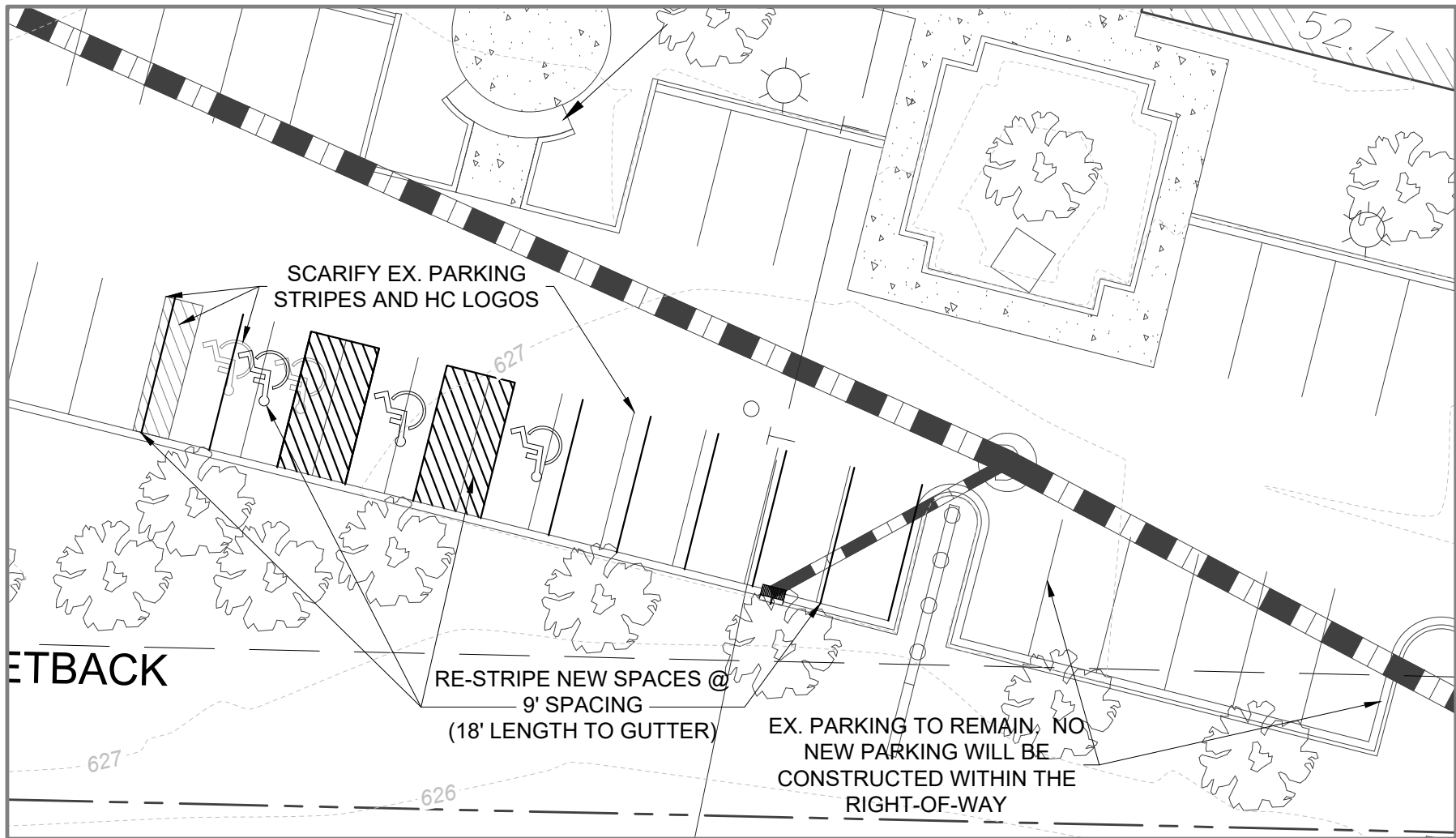
11. Lighting

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

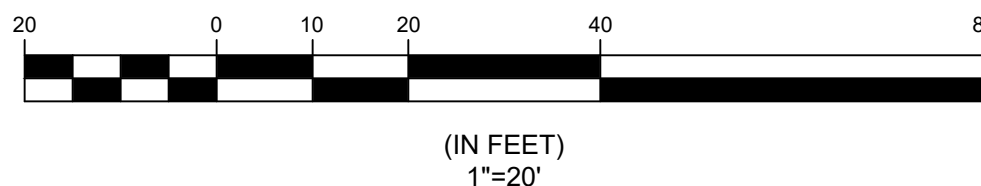
Reserved

Initial Submission- 4-7-21, 1.2  
Revised per staff comments- 11-15-21, 1.3  
Revised per staff analysis- 12-22-21, 1.4  
Revised per staff comments- 12-28-21, 1.5



NEW PARKING LOT CONFIGURATION

GRAPHIC SCALE



NOTE #1:

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

RZP - 2021-118



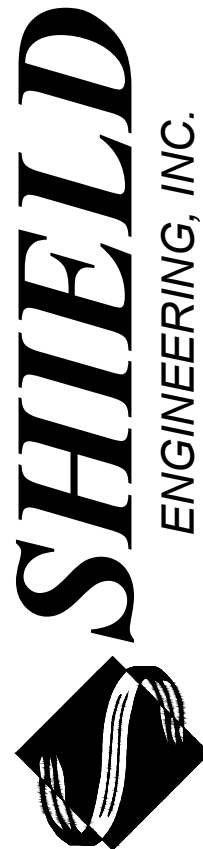
JIM MYERS & SONS, INC.  
5120 WESTINGHOUSE BLVD.  
CHARLOTTE, NORTH CAROLINA  
(704) 554-8397

REVISIONS

REV.	DATE	COMMENTS

ENGINEER'S SEAL:

PROJECT #	1200132-01	DESIGN BY:	DW	DRAWN BY:	DW	APPROVED:	RLG	SCALE:	AS NOTED
DATE:	DECEMBER 29, 2021								



ENGINEERING, INC.  
4301 TAGGART CREEK ROAD  
CHARLOTTE, NC 28208  
Phone: 704-384-6913  
Fax: 704-384-6986  
www.shieldengineering.com

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

SHEET TITLE: REZONING PLAN

DRAWING NO: 1





**Agenda Date:** 1/18/2022

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**Agenda #:** 10. **File #:** 15-17160 **Type:** Zoning Decision

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## **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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2021-127

January 4, 2022

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**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.  
  
(Council District 3 - Watlington)

**PETITIONER**

Flagship Healthcare Properties, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of  
this petition and adopt the consistency statement as follows:

This petition is found to be inconsistent with the *Steele Creek  
Area Plan* (2012) based on the information from the staff  
analysis and the public hearing, and because:

- The plan recommends residential land use at up to 4  
dwelling units per acre.

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

- While 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 as specified by the *Steele Creek Area Plan*, from residential at  
up to 4 dwelling units per acre to office land use for the site.

Motion/Second: Blumenthal / Welton  
Yeas: Blumenthal, Chirinos, Ham, Rhodes, Samuel,  
Spencer and Welton  
Nays: None  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

Committee member Chirinos inquired whether there were any changes to the plan based on the opposition speaker's comments at the public hearing. Staff replied that no changes were made in response to the speaker's comments.

There was no further discussion of this petition.

**PLANNER**

Joe Mangum (704) 353-1908

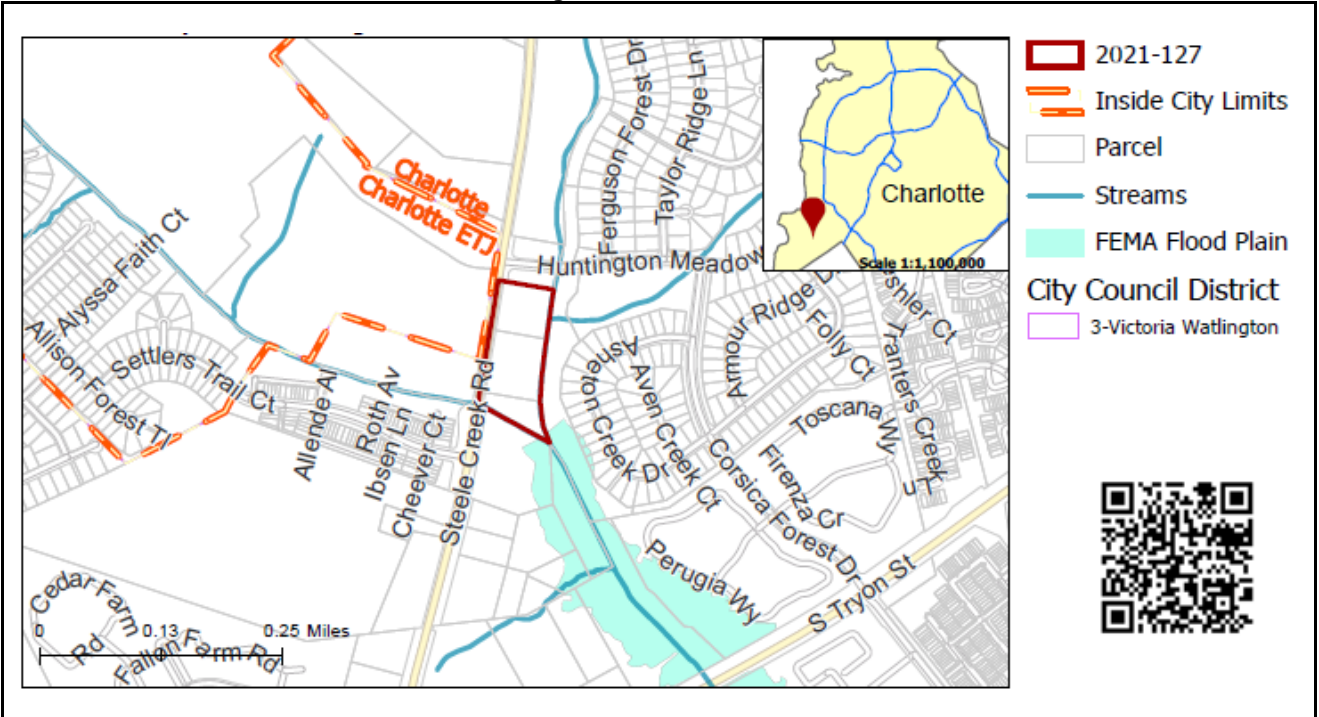


**REQUEST**

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.

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.

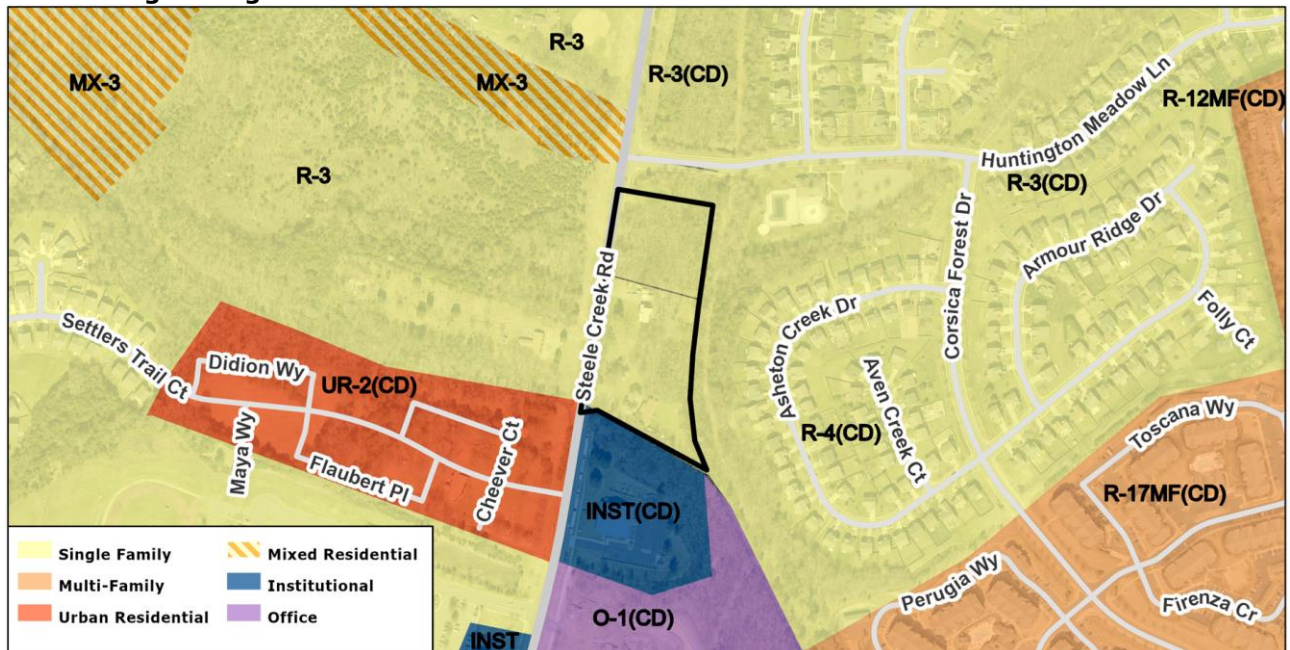
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

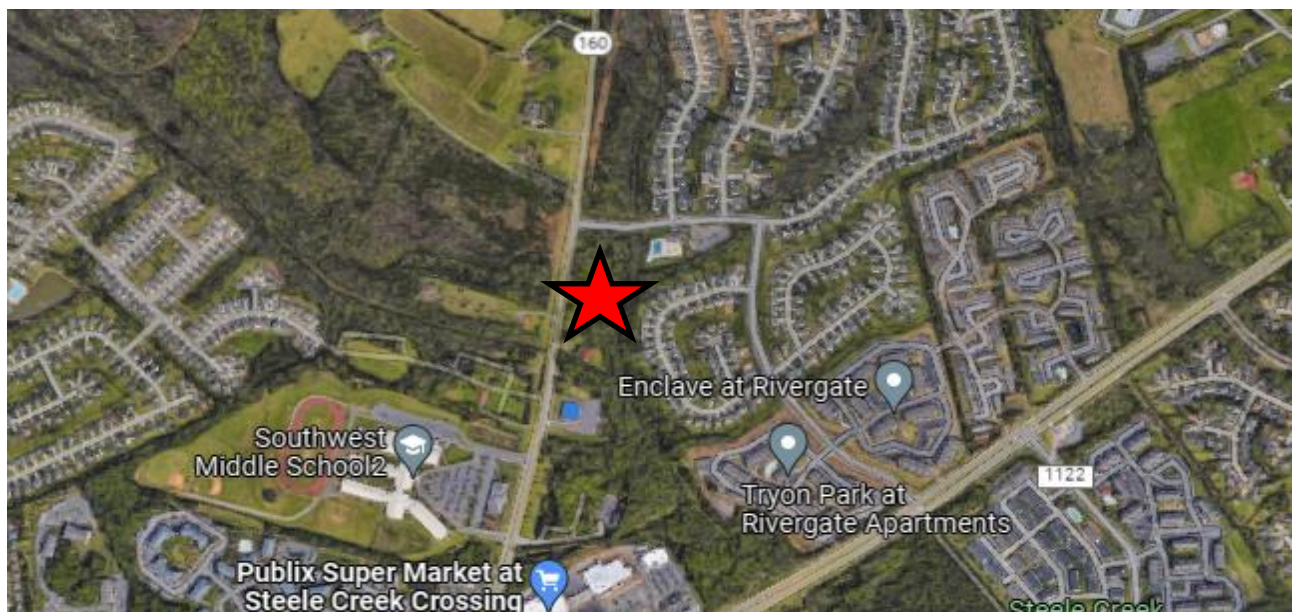
- Allows for the development of up to 36,000 square feet of medical and general office uses and clinics.
- Limits building height to 50'.
- Commits to dedicating and conveying an easement of the 50' and 100' SWIM buffers associated with Walker Branch and Walker Branch tributary to Mecklenburg County 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.



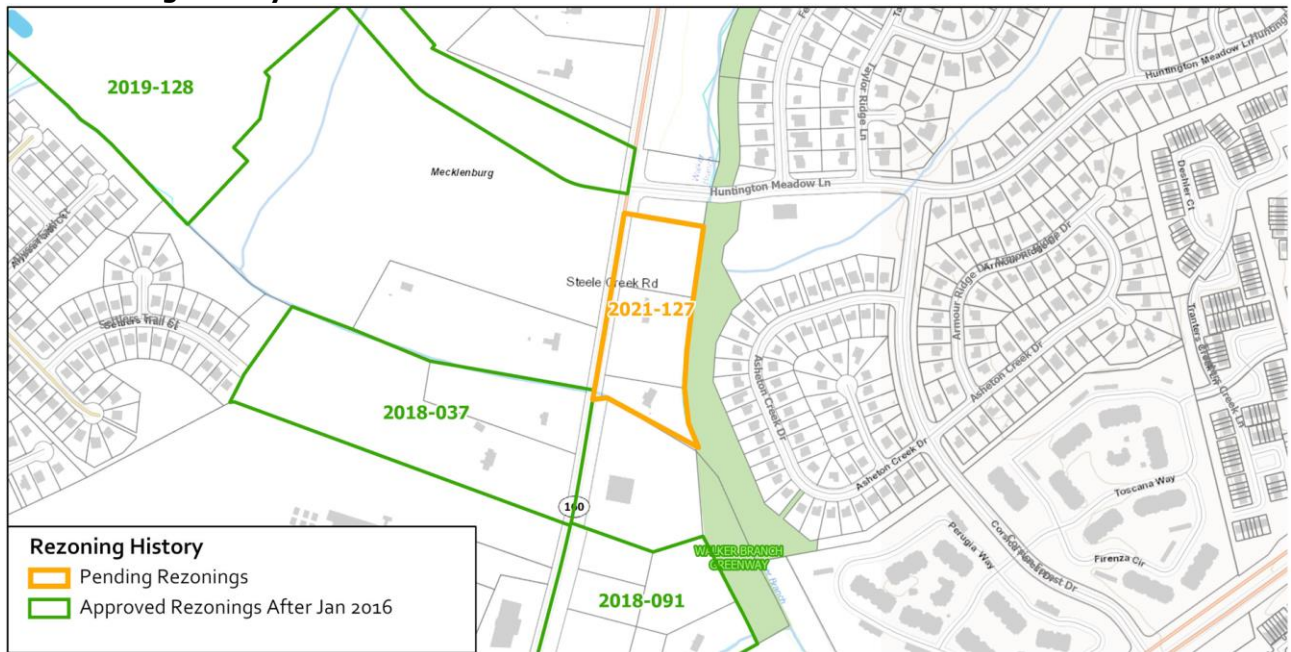
The property to the south of the site is developed with an institutional use.





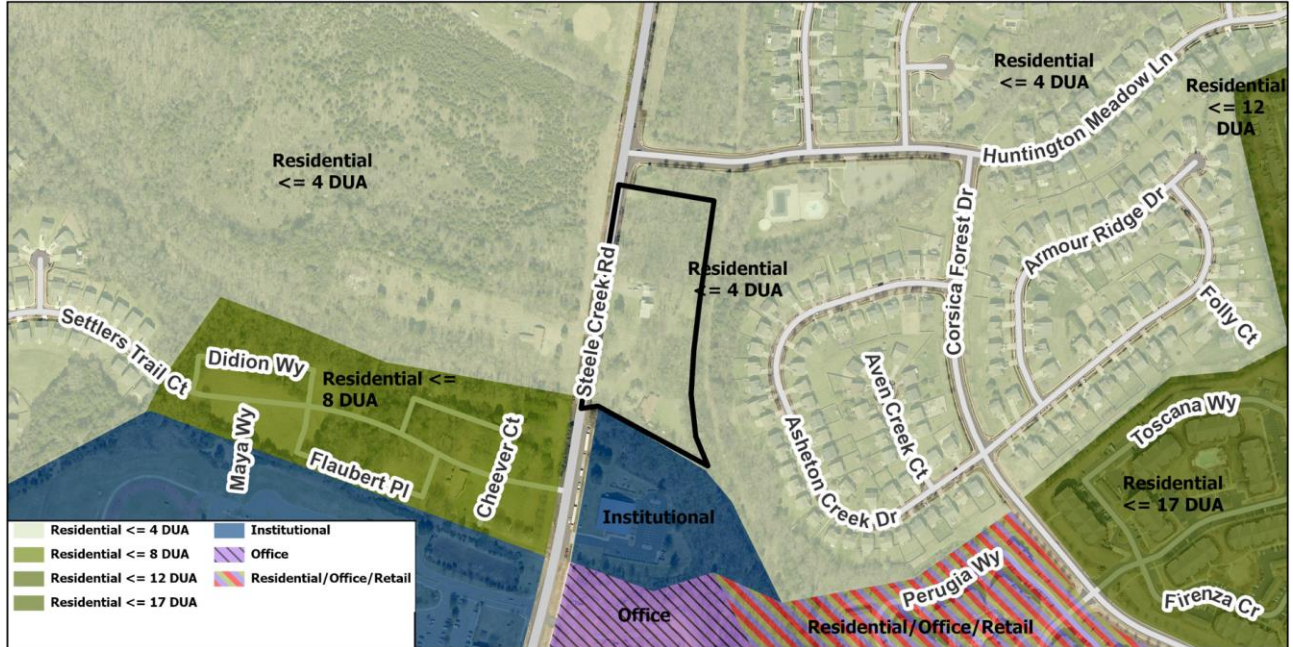
The properties to the west of the site across Steele Creek Road are under construction for single family attached residential uses.

- **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.
  - CDOT has no outstanding issues with this petition.
- **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**
  - No outstanding issues.
- **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](http://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](http://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](http://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 REVISIONS**Land Use

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

Transportation

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

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**





**Planner:** Joe Mangum (704) 353-1908











## Goals Relevant to Rezoning Determinations RZP 2021-127

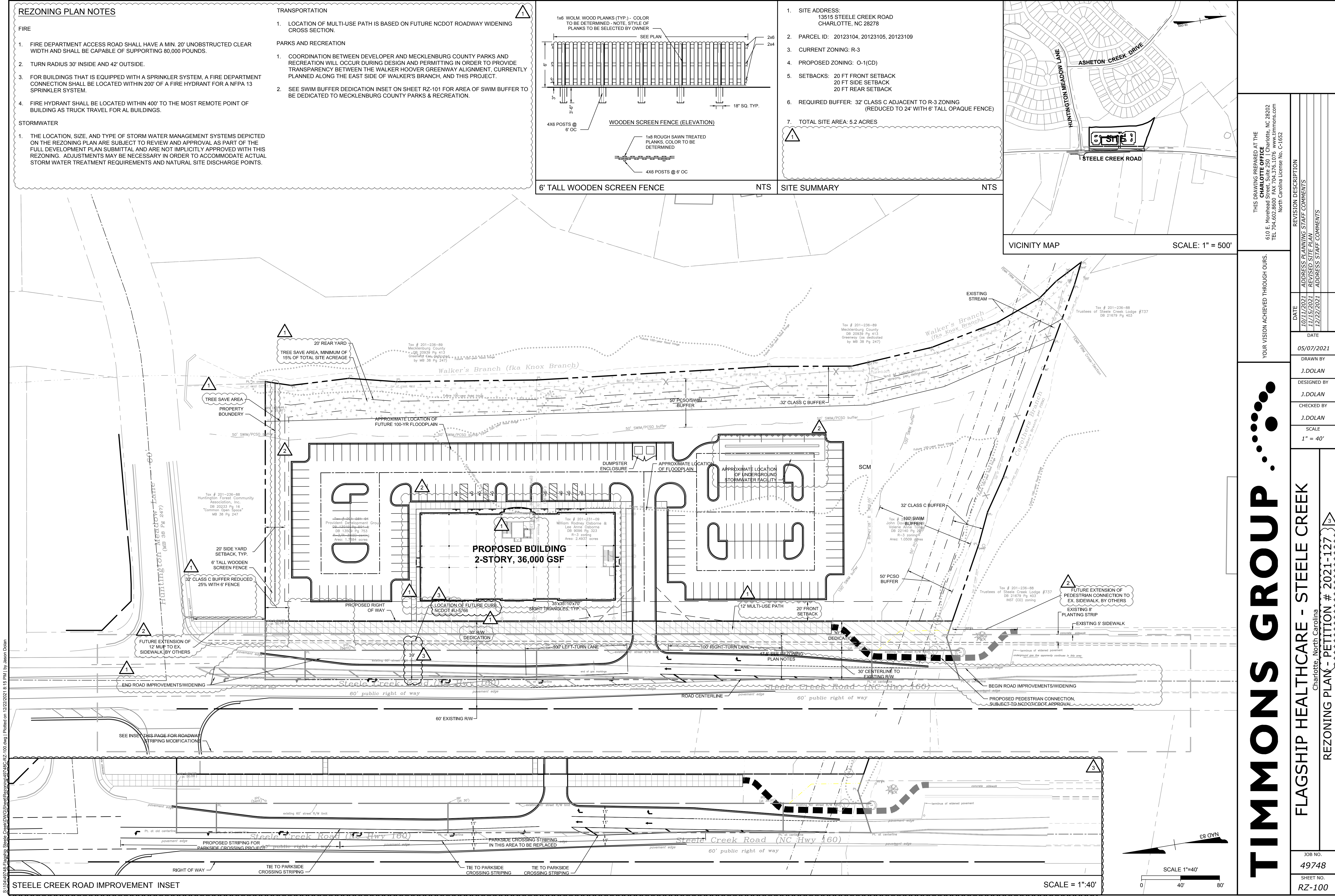
The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when Policy Mapping is completed (anticipated early 2022) and when the **Policy Map** is adopted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

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

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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: ± 5.20 ACRES  
--TAX PARCEL #S: 201-231-04, 201-231-05 AND 201-231-09  
--EXISTING ZONING: R-3  
--PROPOSED ZONING: O-1(CD)  
--EXISTING USES: OFFICE  
--PROPOSED USES: USES AS ALLOWED BY RIGHT UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE O-1 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED IN SECTION 2 BELOW WHICH CONTROLS).  
-- MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 36,000 SQUARE FEET OF GROSS FLOOR AREA OF MEDICAL AND GENERAL OFFICE USES, AND CLINICS (DENTAL, MEDICAL, AND OPTICAL) AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE O-1 ZONING DISTRICT  
--MAXIMUM BUILDING HEIGHT: THE MAXIMUM ALLOWED BUILDING HEIGHT WILL BE 50 FEET; BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.  
--PARKING: AS REQUIRED BY THE ORDINANCE.

1. GENERAL PROVISIONS:

a. SITE LOCATION. THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN AND OTHER GRAPHICS SET FORTH ON ATTACHED SHEETS FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY FLAGSHIP HEALTHCARE PROPERTIES, INC. ("PETITIONER") IN CONNECTION WITH DEVELOPMENT ON AN APPROXIMATELY 5.20-ACRE SITE LOCATED ON THE EAST SIDE OF HWY. 160 JUST SOUTH OF HUNTINGTON MEADOWS LN. (THE "SITE").

b. ZONING DISTRICTS/ORDINANCE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN THE ASSOCIATED OPTIONAL PROVISIONS AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE O-1 ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

c. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, DRIVEWAYS, STREETS, AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE. SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

i. MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.

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

d. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY. NOTWITHSTANDING THE NUMBER OF BUILDINGS SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED TO TWO (2). ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDING(S).

2. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:

a. THE SITE MAY BE DEVELOPED WITH UP TO 36,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO MEDICAL OR GENERAL OFFICE USES, AND CLINICS (DENTAL, MEDICAL, OPTICAL) AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES ALLOWED IN THE O-1 ZONING DISTRICT.

3. TRANSPORTATION & ACCESS:

a. ACCESS TO THE SITE WILL BE FROM STEELE CREEK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY CDOT.

b. THE PETITIONER WILL DEDICATE VIA FEE SIMPLE CONVEYANCE 60 FEET OF RIGHT-OF-WAY AS MEASURED FROM THE CENTER LINE OF HWY. 160 AS GENERALLY PREDICTED ON THE REZONING PLAN, THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY. IF THE PROPOSED SIDEWALK IS LOCATED OUTSIDE OF THE PROPOSED RIGHT-OF-WAY A PERMEANT SIDEWALK EASEMENT LOCATED TWO (2) FEET BEHIND THE SIDEWALK WILL BE PROVIDED.

c. THE PETITIONER WILL PROVIDE A SOUTHBOUND LEFT-TURN LANE IN HWY. 160 TO SERVE THE PROPOSED ACCESS TO THE SITE. THE LEFT-TURN LANE WILL HAVE 150 FEET OF STORAGE AND WILL BE CONSTRUCTED AS PART OF A THREE-LANE SECTION AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PETITIONER WILL ALSO PROVIDE A RIGHT-TURN LANE ALONG HWY. 160 TO SERVE THE PROPOSED ACCESS TO THE SITE. THE RIGHT-TURN LANE WILL HAVE 150-FEET OF STORAGE AND AN APPROPRIATE BAY TAPER AS GENERALLY DEPICTED ON THE REZONING PLAN.

c. AS DETERMINED BY NCDOT AND CDOT CURB AND GUTTER WILL NOT BE REQUIRED ALONG HWY. 160 DUE TO THE FUTURE WIDENING OF HWY. 160 BY NCDOT AS PART OF U-5766.

d. ALL ROADWAY IMPROVEMENTS SHALL BE SUBSTANTIALLY COMPLETED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE BUILDING SUBJECT TO THE PETITIONER'S ABILITY TO POST A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME OF THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.

e. 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 SOUTHWESTERN MECKLENBURG AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT."

4. SETBACKS, BUFFERS AND SCREENING.

a. A TWENTY (20) FOOT SETBACK AS MEASURED FROM THE FUTURE RIGHT-OF-WAY LINE WILL BE PROVIDED ALONG STEELE CREEK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

b. A TWELVE (12) FOOT MULTI-USE PATH AND AN EIGHT (8) FOOT PLANTING STRIP WILL BE PROVIDED ALONG THE SITE'S FRONTAGE OF STEELE CREEK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

c. BUFFERS AS REQUIRED BY THE ORDINANCE AND AS GENERALLY DEPICTED ON THE REZONING PLAN WILL BE PROVIDED. BUFFERS MAY BE REDUCED IN WIDTH AS ALLOWED BY THE ORDINANCE BY THE INSTALLATION OF A FENCE.

d. THE PETITIONER MAY OFFER TO DEDICATE TO MECKLENBURG COUNTY PARK AND RECREATION ANY REQUIRED BUFFER THAT ABUTS A PROPOSED GREENWAY AS ALLOWED BY SECTION 12.302(13). IF MECKLENBURG COUNTY AGREES TO ACCEPT THE DEDICATION OF THE LAND AREA ASSOCIATED WITH THE REQUIRED BUFFER, THEN THE BUFFER REQUIREMENT WILL BE WAIVED.

5. ARCHITECTURAL STANDARDS DESIGN GUIDELINES.

a. THE PROPOSED BUILDINGS SHALL BE PLACED SO AS TO PRESENT A FRONT FACADE TO STEELE CREEK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. A DOOR FACING THE STREET IS NOT REQUIRED AS PART OF THIS STANDARD.

b. THE FACADE FRONTING ON STEELE CREEK ROAD SHALL INCLUDE WINDOWS FOR A MINIMUM OF 40% OF THE STEELE CREEK ROAD ELEVATION. TRANSPARENT GLASS BETWEEN 2' FEET AND 10' FEET ON THE FIRST FLOOR. UP TO 20% OF THIS REQUIREMENT MAY BE COMPRISED OF DISPLAY WINDOWS. THESE DISPLAY WINDOWS MUST MAINTAIN A MINIMUM OF 3'-0" FOOT CLEAR DEPTH BETWEEN WINDOW AND REAR WALL. WINDOWS WITHIN THIS ZONE SHALL NOT BE SCREENED WITH FILM, DECALS, AND OTHER OPAQUE MATERIAL, OR GLAZING FINISHES. THE MAXIMUM SILL HEIGHT FOR REQUIRED TRANSPARENCY SHALL NOT EXCEED 4'-0" FEET ABOVE ADJACENT STREET SIDEWALK.

c. THE FACADE OF FIRST/GROUND FLOOR OF THE BUILDING ALONG STEELE CREEK ROAD SHALL INCORPORATE A MINIMUM OF 30% MASONRY MATERIAL SUCH AS BRICK OR STONE.

d. A PEDESTRIAN CONNECTION SHALL BE PROVIDED BETWEEN THE BUILDINGS AND STEELE CREEK ROAD, AS GENERALLY DEPICTED ON THE REZONING PLAN.

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

f. BUILDING ELEVATION/FACING STEELE CREEK ROAD SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FEATURES WHICH SHALL INCLUDE A COMBINATION OF AT LEAST THREE OF THE FOLLOWING: A COMBINATION OF EXTERIOR WALL OFF-SETS (PROJECTIONS AND RECESSES), COLUMNS, PILASTERS, CHANGE IN MATERIALS OR COLORS, AWNINGS, ARCADES, OR OTHER ARCHITECTURAL ELEMENTS.

g. THE MULTI-STORY BUILDING WILL HAVE A MINIMUM OF 20% TRANSPARENCY ON UPPER STORIES

6. ENVIRONMENTAL FEATURES:

a. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

b. 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.

c. THE SITE SHALL COMPLY WITH TREE ORDINANCE.

7. SIGNAGE:

a. SIGNAGE AS ALLOWED BY THE ORDINANCE SHALL BE ALLOWED.

8. LIGHTING:

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

b. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE SHALL BE 26 FEET.

c. ANY LIGHTING FIXTURES ATTACHED TO A BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

9. DEDICATION OF SWIM BUFFERS ON WALKER BRANCH AND WALKER BRANCH TRIBUTARY TO MECKLENBURG COUNTY FOR GREENWAY USE:

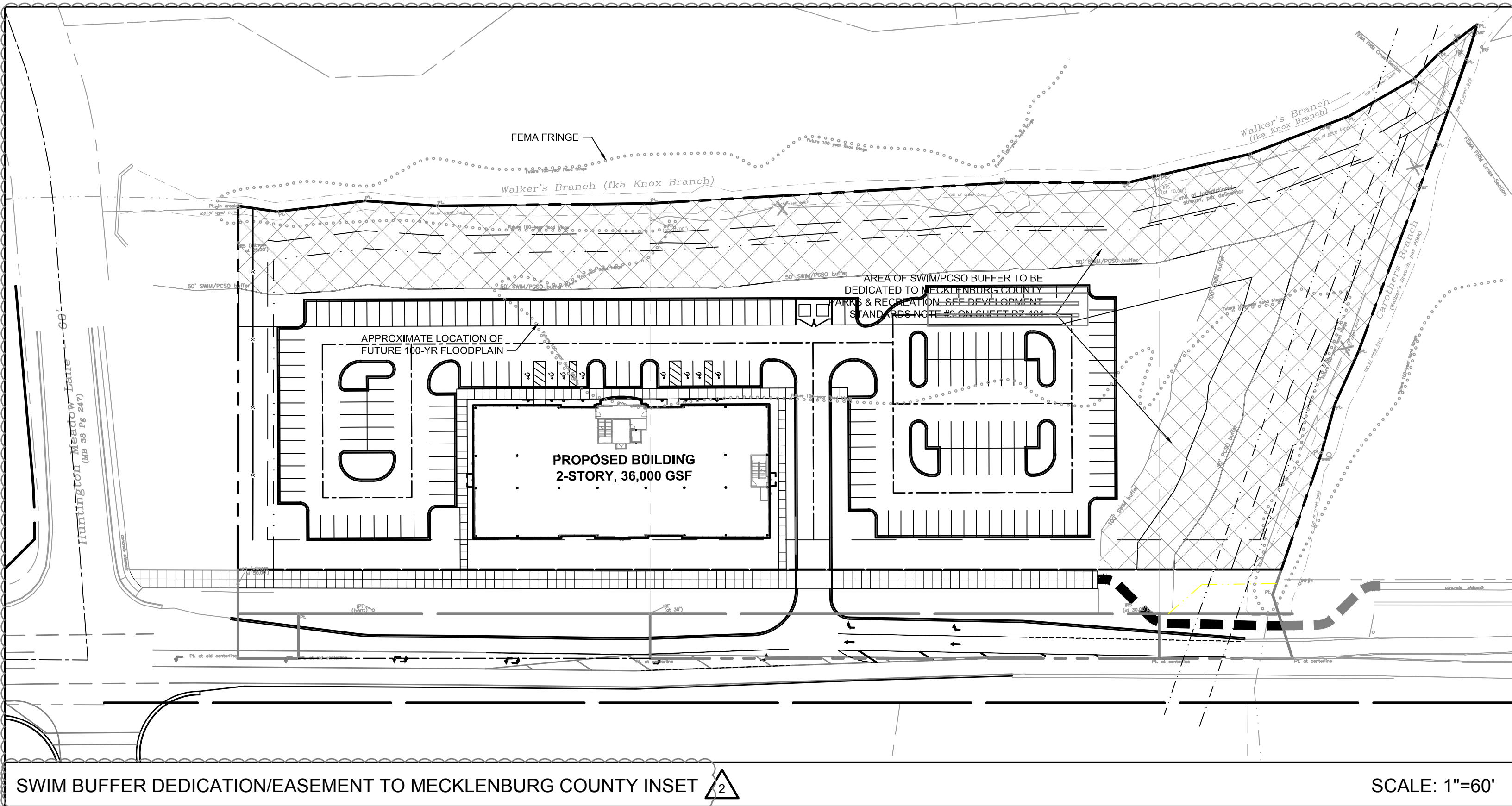
THE PETITIONER WILL EITHER: (I) DEDICATE AND CONVEY TO MECKLENBURG COUNTY VIA FEE SIMPLE INTEREST THE 50- AND 100-FOOT SWIM BUFFERS ASSOCIATED WITH WALKER BRANCH AND WALKER BRANCH TRIBUTARY FOR USE AS A GREENWAY; OR (II) WILL CONVEY TO MECKLENBURG COUNTY A GREENWAY AND STORM WATER EASEMENTS OVER THE SWIM BUFFERS. THE PETITIONER MAY ALSO PROVIDE A COMBINATION OF EASEMENTS AND LAND CONVEYANCE. THE DETERMINATION OF HOW THE SWIM BUFFERS ARE TO BE CONVEYED TO MECKLENBURG COUNTY (EASEMENT OR FEE SIMPLE) WILL BE DETERMINED DURING THE LAND DEVELOPMENT APPROVAL PROCESS FOR THE SITE BY THE PETITIONER AND MECKLENBURG COUNTY.

10. AMENDMENTS TO THE REZONING PLAN:

a. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF CHAPTER 6 OF THE ORDINANCE.

10. BINDING EFFECT OF THE REZONING APPLICATION:

a. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.



SWIM BUFFER DEDICATION/EASEMENT TO MECKLENBURG COUNTY INSET

SCALE: 1"=60'

TIMMONS GROUP

FLAGSHIP HEALTHCARE - STEELE CREEK

Charlotte, North Carolina

DEVELOPMENT STANDARDS- PETITION # 2021-127

JOB NO.  
49748  
SHEET NO.  
RZ-101

YOUR VISION ACHIEVED THROUGH OURS.

THIS DRAWING PREPARED AT THE  
CHARLOTTE OFFICE  
610 E. Wackerholme Blvd., Suite 200  
TEL: 704.602.8800 FAX: 704.376.1076  
www.timmons.com  
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DATE	ADDRESS	REVISION DESCRIPTION
10/11/2021	11/15/2021	REVISION DESCRIPTION
10/11/2021	11/15/2021	REVISION DESCRIPTION
10/11/2021	11/15/2021	REVISION DESCRIPTION
10/11/2021	11/15/2021	REVISION DESCRIPTION
10/11/2021	11/15/2021	REVISION DESCRIPTION

DRAWN BY  
J.DOLAN  
DESIGNED BY  
J.DOLAN  
CHECKED BY  
J.DOLAN  
SCALE  
NTS

DATE  
05/07/2021  
REVISION DESCRIPTION





**Agenda Date:** 1/18/2022

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**Agenda #:** 11. **File #:** 15-17161 **Type:** Zoning Decision

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## **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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2021-135

January 4, 2022

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**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.  
(Council District 1 - Egleston)

**PETITIONER**

Alliance Residential

---

**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 7-0 to Choose an item. this petition and adopt the consistency statement as follows:

This petition is found to be inconsistent with the *North Tryon Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The adopted plan recommends institutional uses for this parcel.

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

- 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.

Motion/Second: Ham / Blumenthal

Yeas: Blumenthal, Chirinos, Ham, Rhodes, Samuel, Spencer and Welton

Nays: None

Absent: None

Recused: None

#### **ZONING COMMITTEE DISCUSSION**

Staff reviewed the petition with the Zoning Committee, noting the change since the public hearing amending language regarding the Zoning Administrator approving building materials. Staff noted there remains one outstanding transportation item to be addressed by the petitioner.

There was no discussion of this petition.

#### **PLANNER**

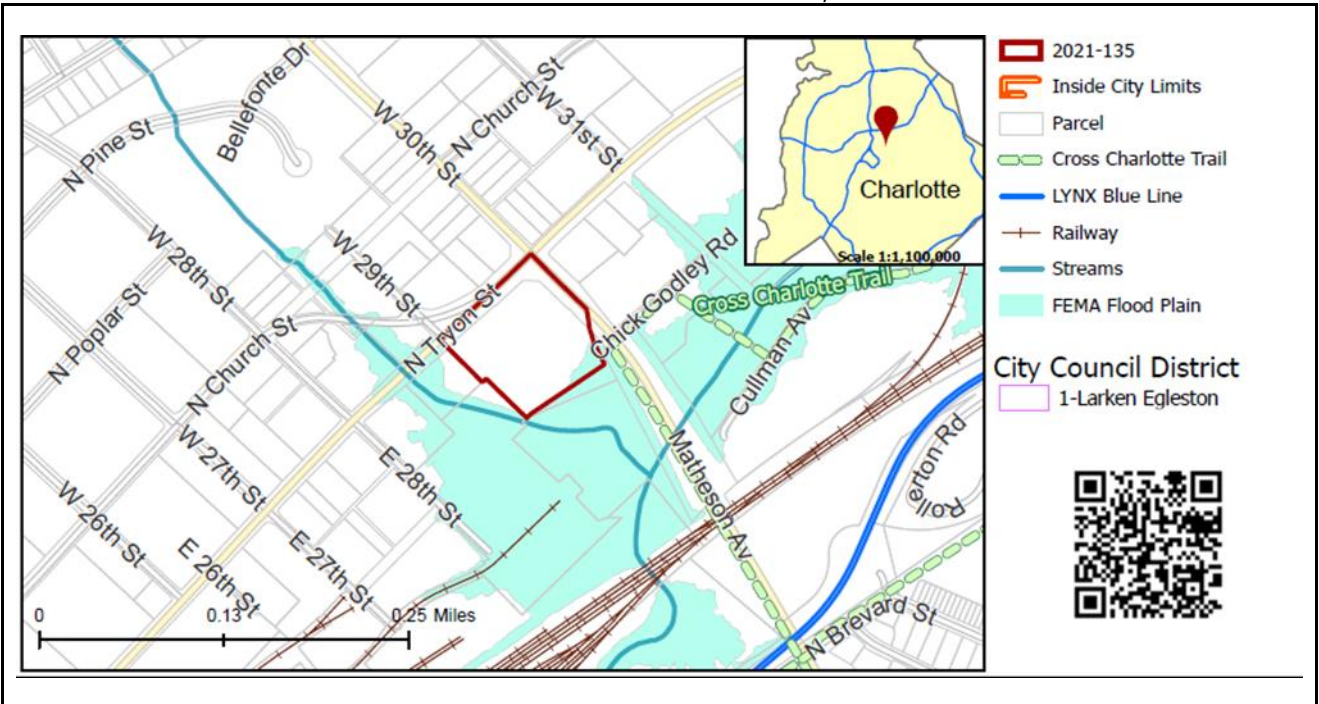
Claire Lyte-Graham (704) 336-3782

**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 available online.  
Number of people attending the Community Meeting: 12

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

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 25<sup>th</sup> 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.

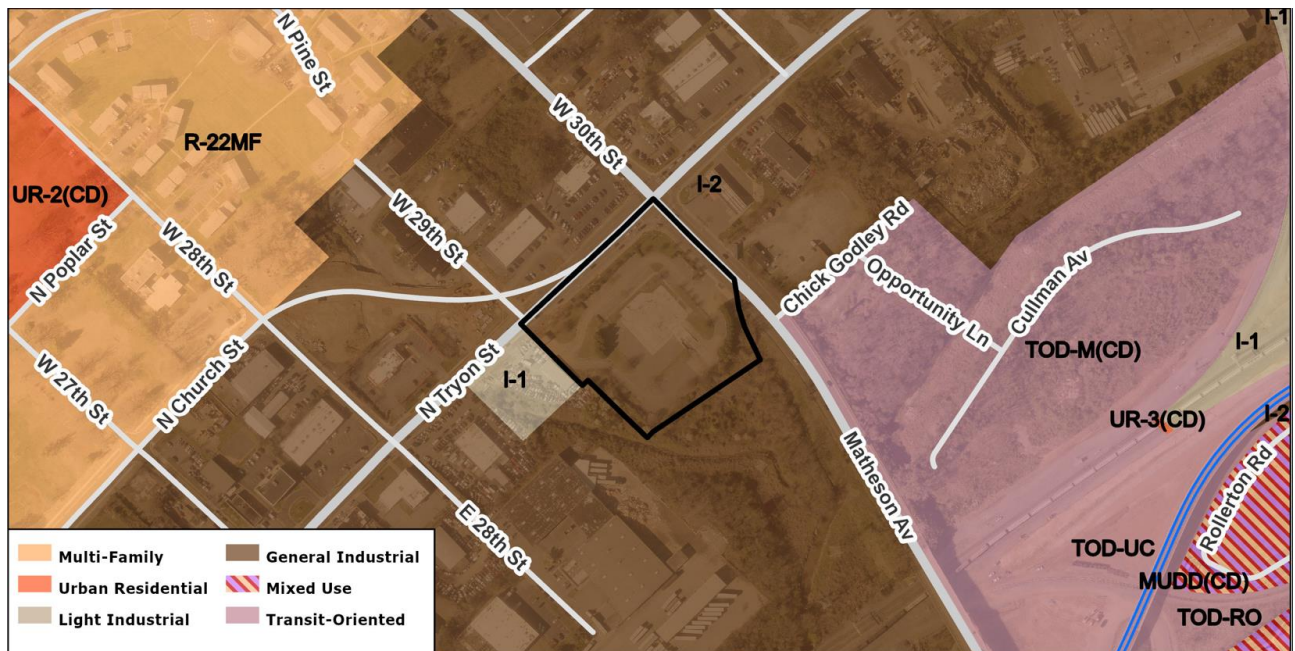
## PLANNING STAFF REVIEW

### • 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, of comparable quality approved by the Zoning Administrator.
- 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.



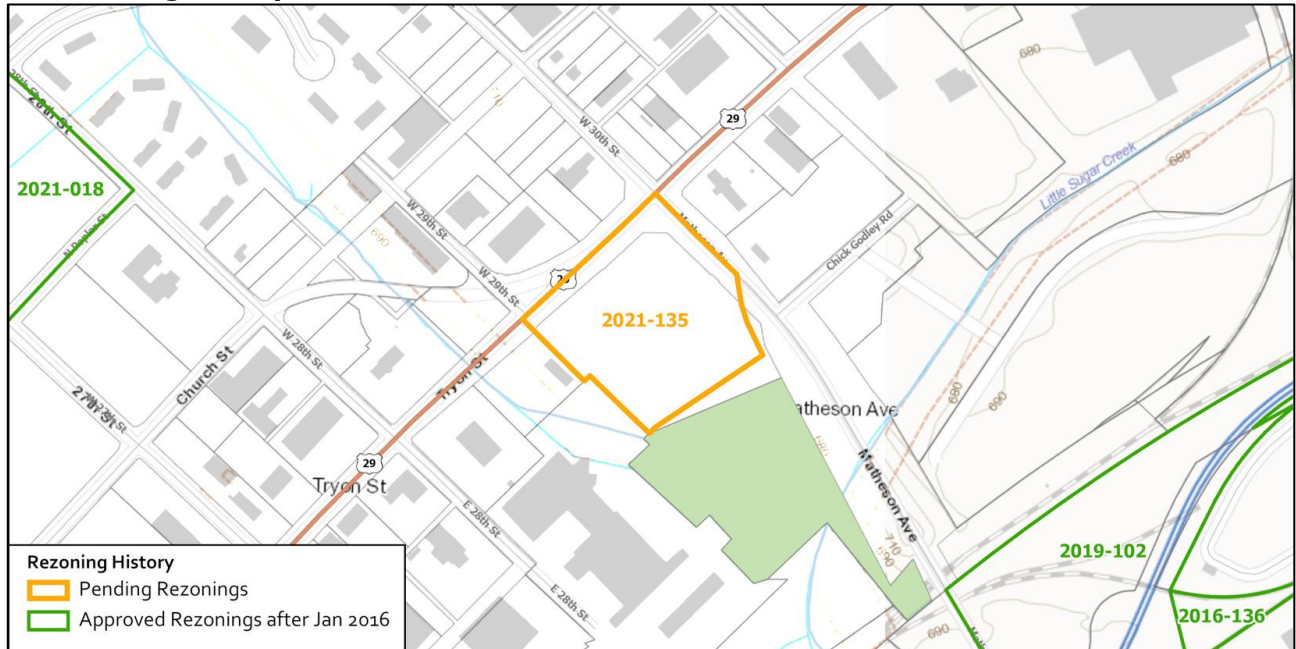
The properties located at the intersection of N. Tryon Street and Matheson Avenue are developed with commercial and industrial uses.



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

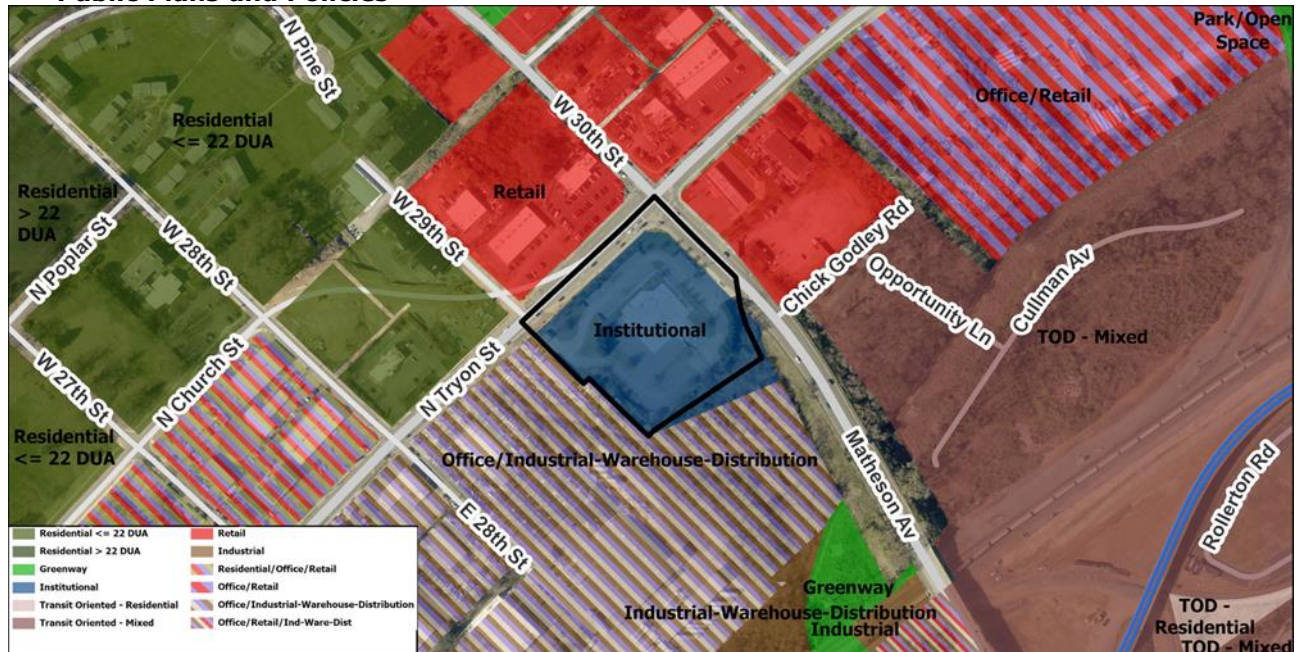


- Rezoning History in Area**



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 North Tryon Street in accordance with the City's Charlotte BIKES policy. All CDOT comments have been addressed.

- **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.~~ **ADDRESSED**

- **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).

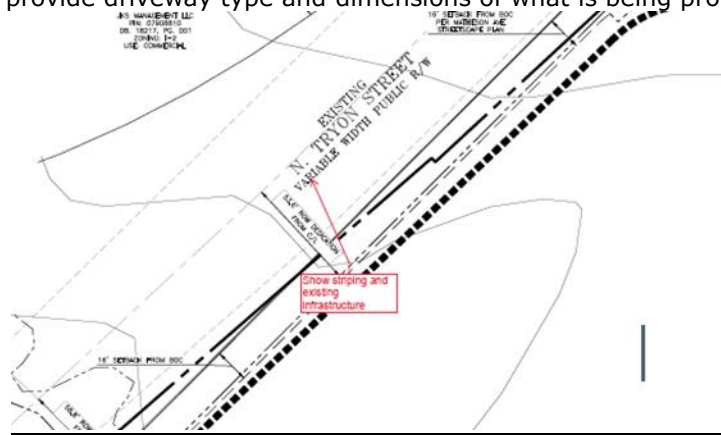
**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://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](http://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](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** ~~See Outstanding Issues, Note 4.~~ **Addressed**
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Urban Forestry:** No outstanding issues.



**OUTSTANDING ISSUES**Transportation

1. NCDOT will require a right turn lane on N Tryon St with 100' of storage into the site. Revise site plan and notes committing to either building proposed driveway per Matheson Streetscape project plans or provide driveway type and dimensions of what is being proposed. - Addressed



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. Addressed

Environment

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

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. Addressed
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." Addressed

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://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
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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.	✓
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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](http://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:
2	12. 21. 2021	PER CITY COMMENT:
3	01. 10. 2022	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

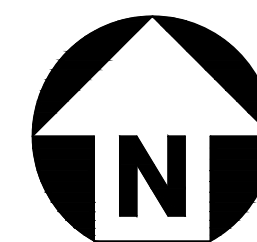
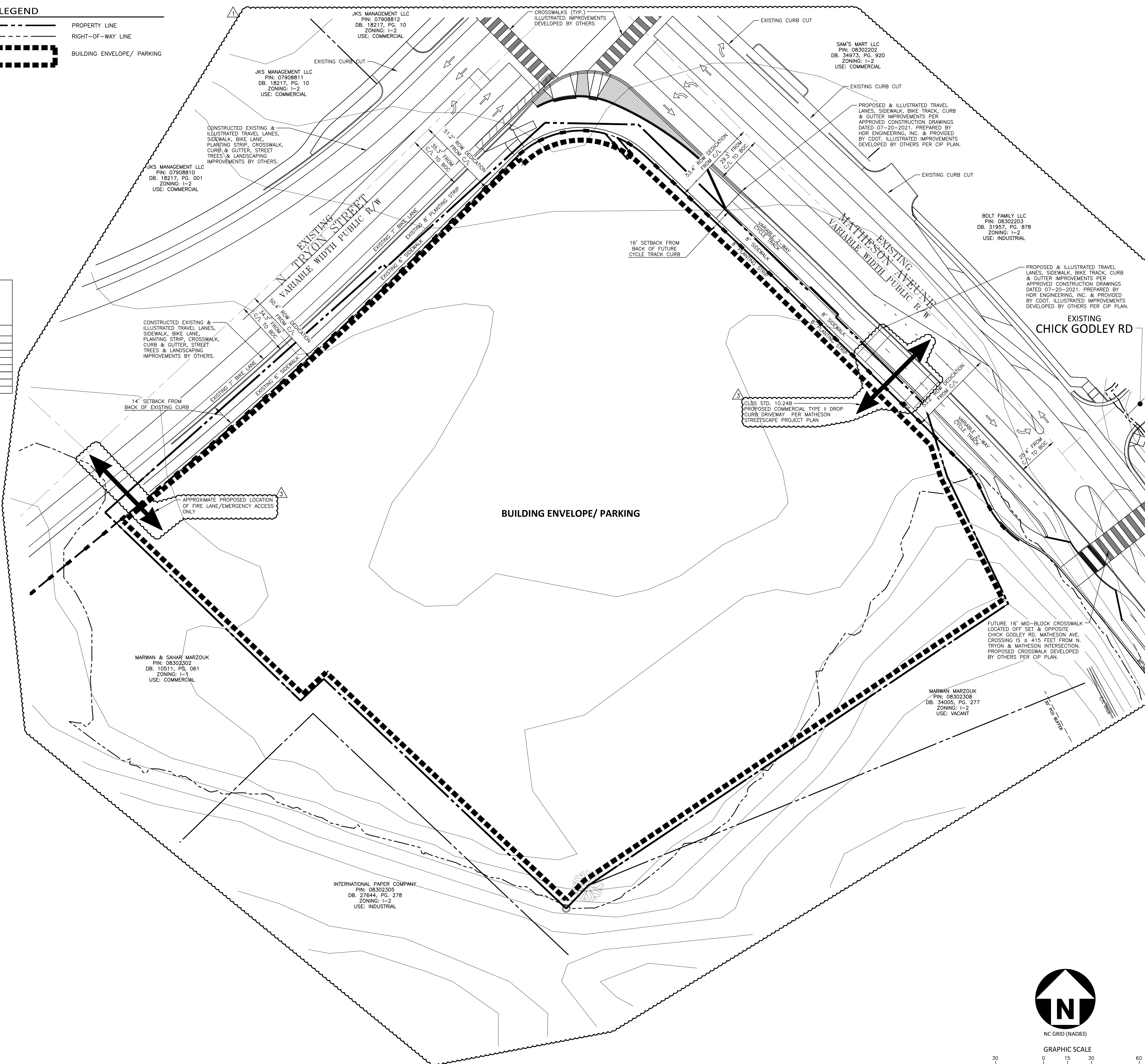
PREPARED BY: MCADAMS COMPANY  
3430 TORGONDON WAY, SUITE 110  
CHARLOTTE, NC 28277  
704-527-0800

PARCEL PIN: 08302307	
TOTAL SITE ACREAGE:	3.5 AC
CURRENT ZONING:	I-2
PROPOSED ZONING:	MUDD(CD) 
UNIT TYPE:	MULTI-FAMILY
PROPOSED USES:	340 RESIDENTIAL DWELLING UNITS
DENSITY:	1/1-37.1 UNITS/AC
POTENTIAL TREE SAVE AREA:	IN ACCORDANCE WITH 21-94(3)
SOLID WASTE:	PROVIDED INSIDE BUILDING OR PARKING DECK

## SITE LEGEND

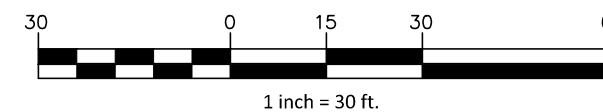


PROPERTY LINE  
RIGHT-OF-WAY LINE  
BUILDING ENVELOPE/ PARKING



NC GRID (NAD83)

GRAPHIC SCALE



1 inch = 30 ft

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

W:\Projects\20210498\04-Production\Engineering\2021210498X-alt.dwg, 1/10/2022 11:07:25 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, set 2' behind back of sidewalk where feasible, 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 facade facing such network street using brick, natural stone (or its synthetic equivalent), stucco or other material of comparable quality approved by the Zoning Administrator.
- 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 complimentary 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 facade 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 facade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
  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:

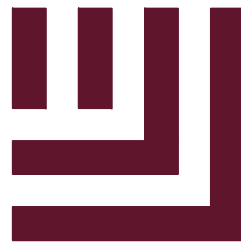
All lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed on buildings, along the driveways, sidewalks, and parking areas. However, upward facing accent/architectural lighting shall be permitted.

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
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PLAN INFORMATION

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

SHEET

REZONING NOTES

RZ.02



**Agenda Date:** 1/18/2022

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**Agenda #:** 12. **File #:** 15-17162 **Type:** Zoning Decision

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**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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan





Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2021-136

January 18, 2022

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**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  
(Council District 5 - Newton)

**PETITIONER**

Habitat for Humanity of the Charlotte Region, Inc.

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **inconsistent** with the *Independence Boulevard Area Plan* density recommendation based on the information from the staff analysis and the public hearing and because:

- The plan recommends residential use up to 4 units per acre.

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

- 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.

Motion/Second: Ham / Chirinos  
Yeas: Blumenthal, Chirinos, Ham, Rhodes, Samuel,  
Spencer and Welton  
Nays: None  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the recommended density of the adopted area plan. Staff noted that remaining issues listed in the post hearing staff analysis had been addressed and there were no outstanding issues.

There was no further discussion of this petition.

**PLANNER**

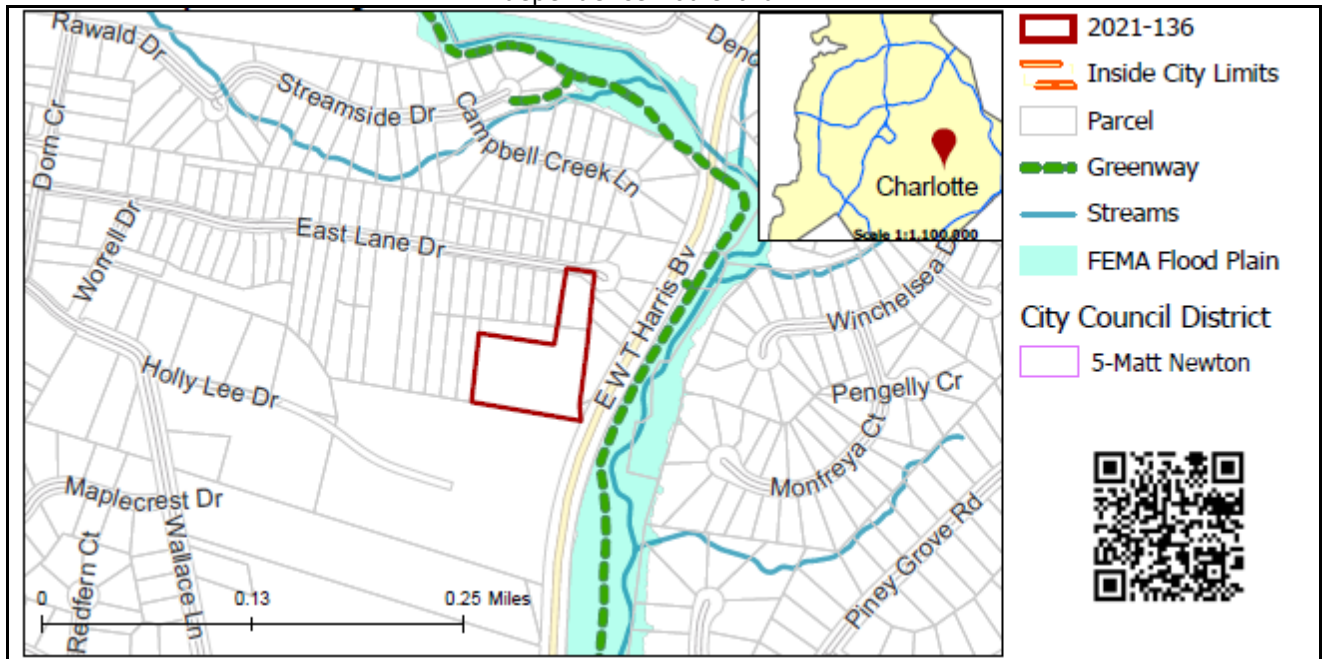
John Kinley (704) 336-8311

**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 residential community containing up to ~~17-18~~ **17-18** single family attached multi-family dwellings for a density of about ~~7.14~~ **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.

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 **7.14** ~~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.

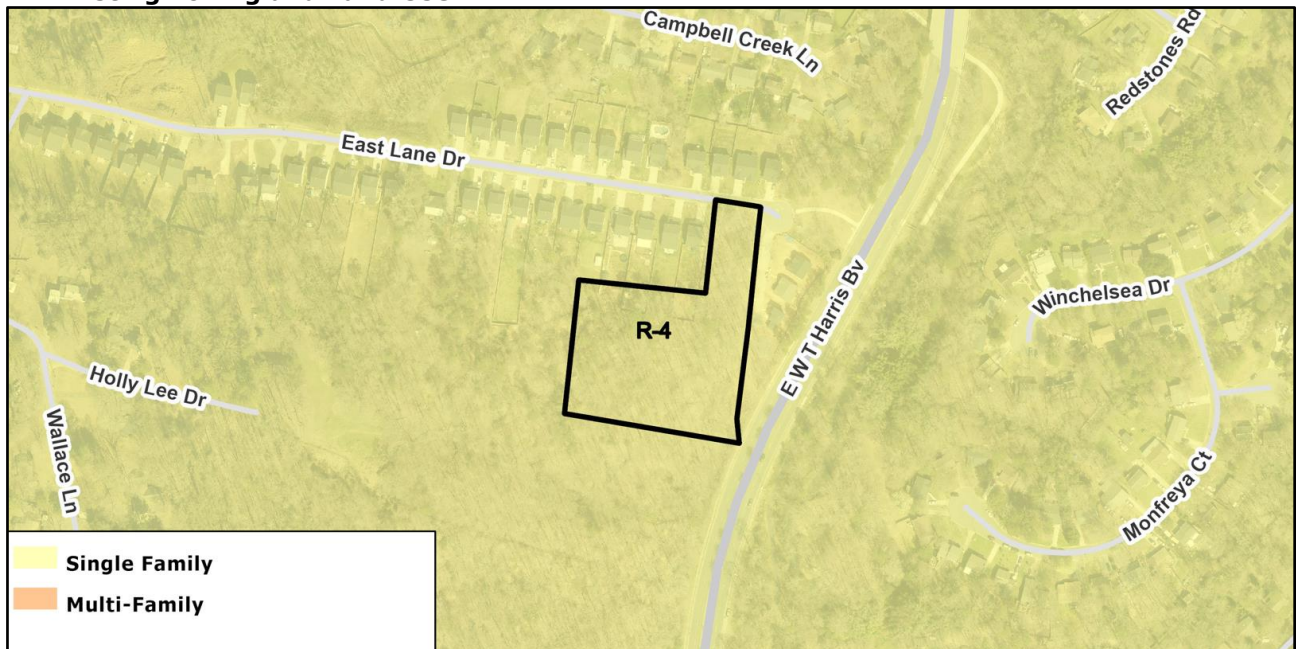
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

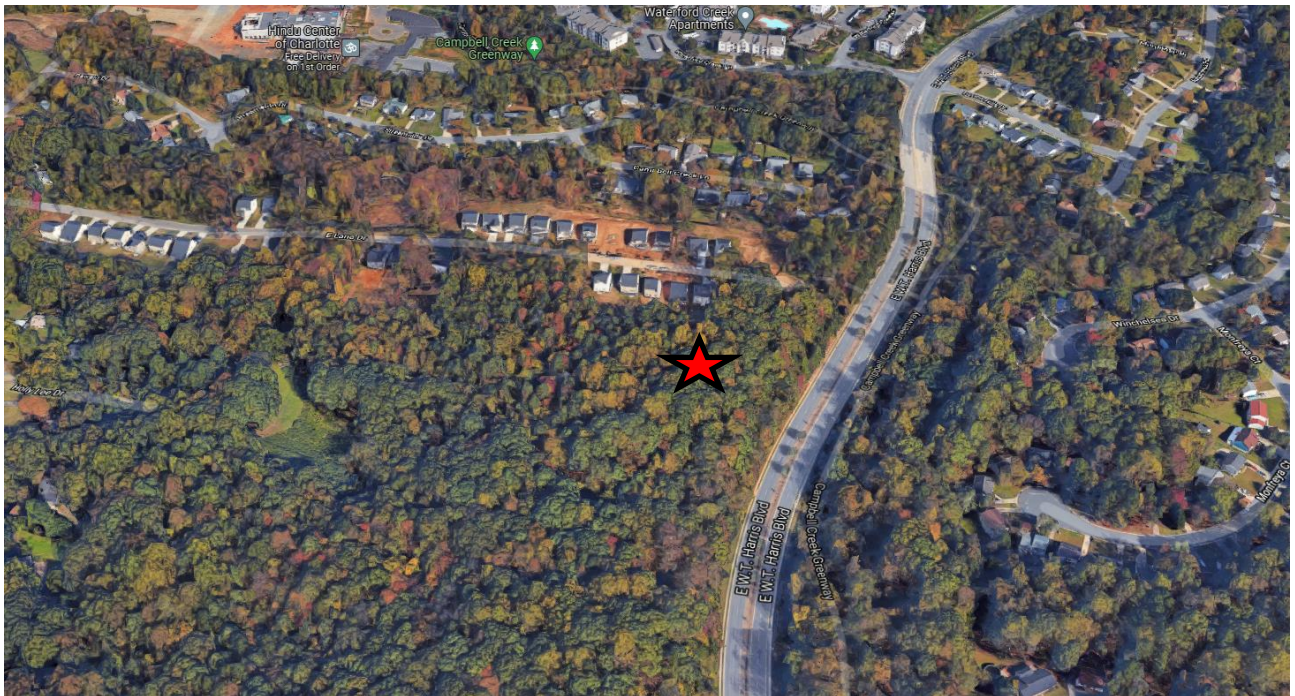
- Allows up to ~~17~~ ~~18~~ ~~multi-family~~ ~~single family attached~~ dwellings, for a density of ~~7.14~~ ~~7.56~~ units per acre.
- Limits the building height to two stories or ~~40~~ ~~48~~ feet.
- Specifies no more than 4 buildings allowed on the site.
- Provides a 20ft Class C buffer reduced 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.



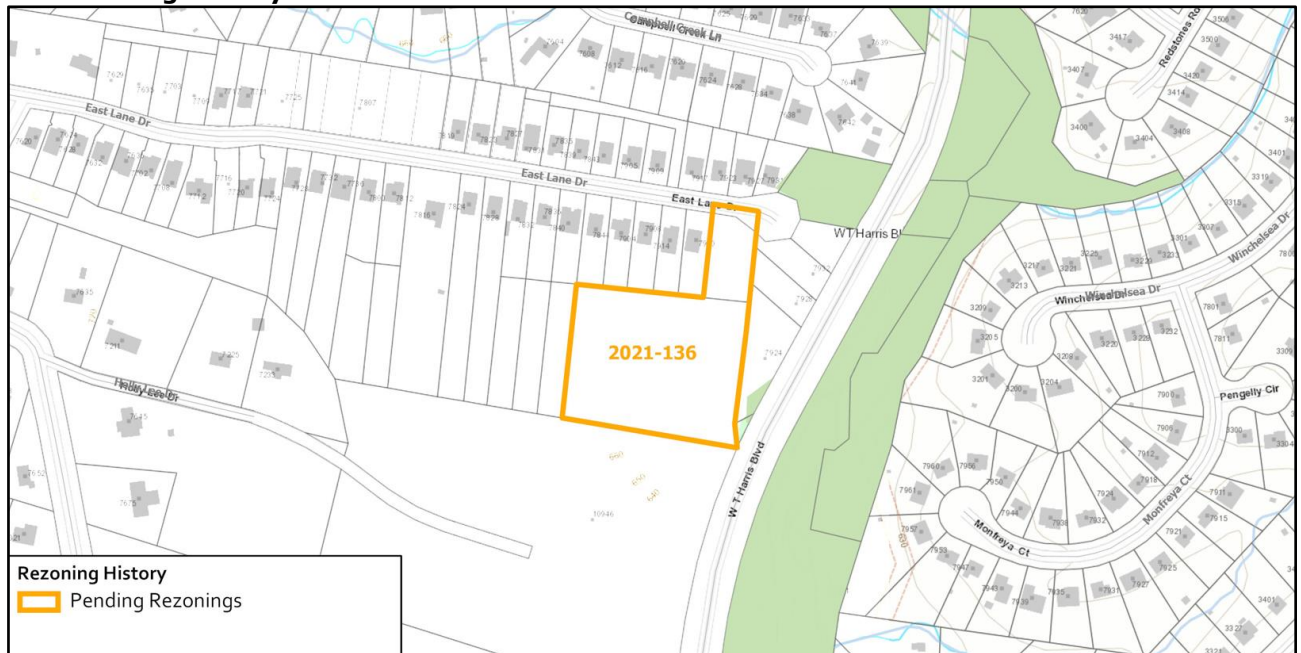
There are single family homes to the north, east and west of the site portion of the site that provides access to East Lane Drive. The single family homes are located north of the area where the proposed townhomes will be located.





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

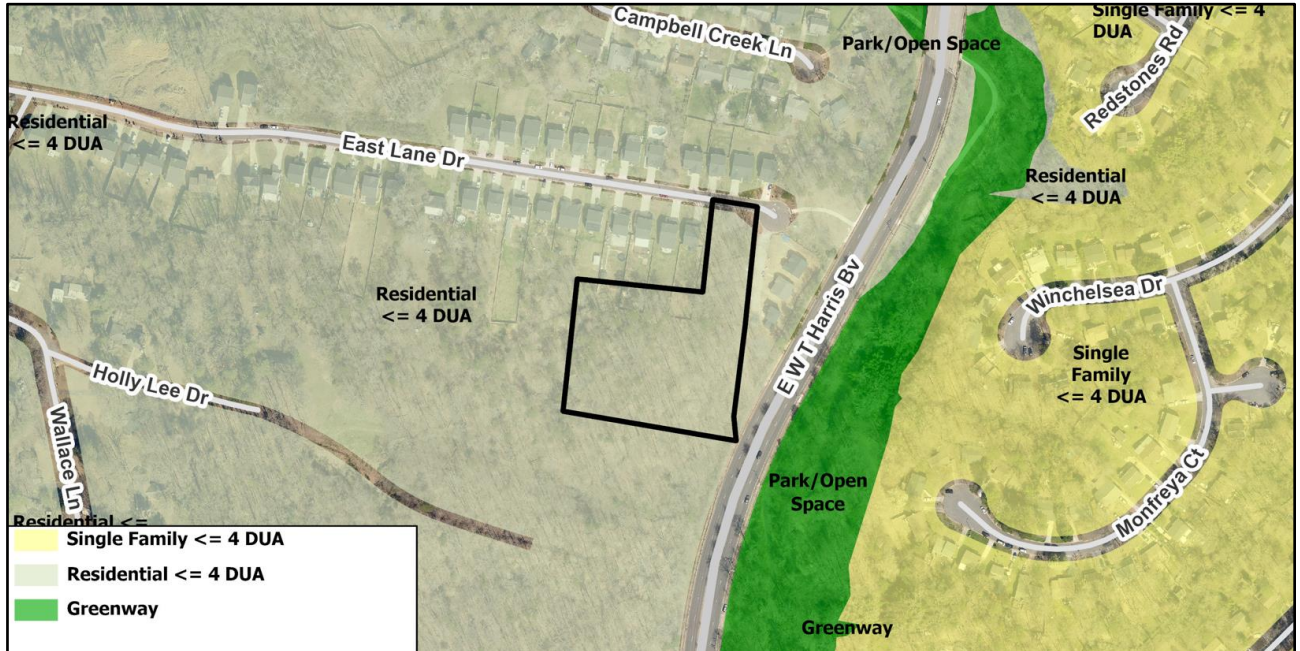
• **Rezoning History in Area**



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 due to the site generating 100 daily trips, 15 less trips than the Entitled use and significantly less than CDOT's TIS threshold of 2,500 daily trips. In accordance with the Charlotte WALKS Policy and City Ordinances, the petitioner commits to construct an 8-foot planting strip and 6-foot sidewalk along East Lane Drive. CDOT has no outstanding comments.
  - **Active Projects:**
    - No projects near the site.
  - **Transportation Considerations**
    - ~~See Outstanding Issues, Note 6-7 and Technical Revisions 18-19.~~ Addressed
  - **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](http://www.rezoning.org)
- **Charlotte Fire Department:** ~~See Outstanding Issues, Note 6~~ Addressed
- **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](http://www.rezoning.org)

- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://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](http://www.rezoning.org)
- **Urban Forestry / City Arborist:** See Outstanding Issues, Note 11. **Addressed**

## 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. **Addressed.**
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. **Addressed**
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. **Addressed**
4. Provide raised entrances when facing the sidewalk along the drive. **Addressed**
5. Commit to a proposed location and minimum area for usable open space. **Addressed**
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. **Addressed.**
7. Add a commitment to provide landscape screening along the western side of the entrance drive between the drive and the single family home. **Addressed**
8. Amend the site plan to clearly depict the following: tree save areas, buffer area, rezoning boundary and usable open space. **Addressed**

### 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. **Addressed**
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. **Addressed**

### Environment

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

## 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. **Addressed**
13. Clarify if the wood fence shown on the plan is to be provided or exists. **Addressed**
14. Amend label for buffer to say "20ft Class C buffer reduced 25% by 6ft fence" **Addressed**
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. **Addressed**
16. Amend note 5 e. to replace "per Ordinance" with per "Section 9.303(19)(e)."  
**Addressed**
17. Ensure site area listed in the development table is accurate; according to GIS the site appears to be about 2.5 acres. **Addressed, acreage provided is accurate per survey.**

### 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. **Addressed**
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. **Addressed.**

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://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
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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.	✓
	<b>Goal 3: Housing Access for All</b> 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.	✓
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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>



TREE SAVE SUMMARY:  
TOTAL SITE AREA: 2.38 AC  
15% OF TOTAL SITE AREA: 15,551 FT<sup>2</sup> REQUIRED  
PROVIDED: 15,551 FT<sup>2</sup> (SHADED AREA)

OPEN SPACE SUMMARY:  
TOTAL SITE AREA: 2.38AC  
50% OF TOTAL SITE AREA: 58,371 FT<sup>2</sup> REQUIRED  
PROVIDED: 58,371 FT<sup>2</sup>  
(ANY AREA THAT IS NOT BUILDING, DRIVEWAYS OR PARKING FIELD)  
300+FT<sup>2</sup> USABLE OPEN SPACE HAS BEEN PROVIDED (HATCHED AREA)

Habitat for Humanity Charlotte  
Development Standards  
(12/21/2021)  
Rezoning Petition No. 2021-136

**Site Development Data:**

--Acreage: ±2.38  
--Tax Parcel #: 165-121-19 and 165-121-23  
--Existing Zoning: R-4  
--Proposed Zoning: R-8MF(CD)  
--Existing Uses: Vacant  
--Proposed Uses: Up to 17 single-family attached residential dwelling units together with accessory uses, as allowed in the R-8MF zoning district.  
--Maximum Building Height: Not to exceed two (2) stories of 40 feet building height will be measured as defined by the Ordinance.

**1. General Provisions:**

- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Habitat for Humanity Charlotte. ("Petitioner") to accommodate the development of a residential community on approximately 2.38-acre site generally located south of East Lane Drive and west of East W.T. Harris Boulevard (the "Site").
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance in existence as of the date of approval of the Rezoning (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the R-8MF zoning classification shall govern.
- c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

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

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

- d. **Number of Buildings Principal and Accessory.** The total number of principal residential buildings to be developed on the Site shall not exceed four (4). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal buildings located on the Site.

**2. Permitted Uses & Development Area Limitation:**

- a.The Site may be developed with up to 17 single-family attached residential dwelling units together with accessory uses allowed in the R-8MF zoning district as generally depicted on the Rezoning Plan.
- b. The initial sale of the dwelling units constructed on the Site will be limited to households earning up to 80% of area median income.

**3. Access and Transportation Improvements:**

- a.Access to the Site will be from East Lane Drive as generally depicted on the Rezoning Plan.
- b. The placement and configuration of the vehicular access point is subject to minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT in accordance with applicable published standards.
- c.The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.
- d. The Petitioner shall dedicate in fee simple conveyance, if applicable, all rights-of-way to the City prior to the Site's first building certificate of occupancy is issued.
- e.All transportation improvements will be approved and constructed prior to the Site's first building certificate of occupancy is issued.

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

- a.An eight (8) foot planting strip and a six (6) foot sidewalk shall be provided on East Lane Drive as generally depicted.
- b. A Class C Buffer as required by the Ordinance will be provided as generally depicted on the Rezoning Plan. The proposed buffers may be reduced in width as allowed by the Ordinance. If the zoning or land use on the adjoining properties changes to a use or zoning district that no longer requires a buffer then the buffers indicated may be eliminated.
- c.Screening shall be provided along the western side of the entrance drive as generally depicted on the Rezoning Plan.

**5. General Design Guidelines:**

- a.The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block, vinyl and/or wood. Aluminum as a building material may only be used on windows, soffits and on handrails/railings.
- b. Meter banks will be screened from adjoining properties and from the abutting public streets at grade.
- c.HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties, at grade.
- d. Dumpster and recycling area will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal buildings. The location of the proposed dumpster and recycling area is generally depicted on the Rezoning Plan.
- e.The entrances (front door entrances) for the proposed single-family attached units will comply with the Section 9.303(19)(c) and will be elevated when oriented to the sidewalk along the driveways.
- f. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12.
- g. Porches shall form a predominate motif of the building design. Each unit will be constructed with a front porch with a minimum depth of six (6) feet.
- h. When vinyl siding is used as a building material, on the proposed buildings, the minimum thickness of the proposed vinyl will be .042 inches.

**6. Environmental Features:**

- a.The Site will comply with Post Construction Ordinance. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
- b. The Site will comply with the Tree Ordinance.
- c.A minimum of 300' square feet of usable open space including benches, landscaping, play areas, grilling areas, canopies, and/or other features that promote gathering shall be provided. The final location shall be determined during land development permitting.

**7. Lighting:**

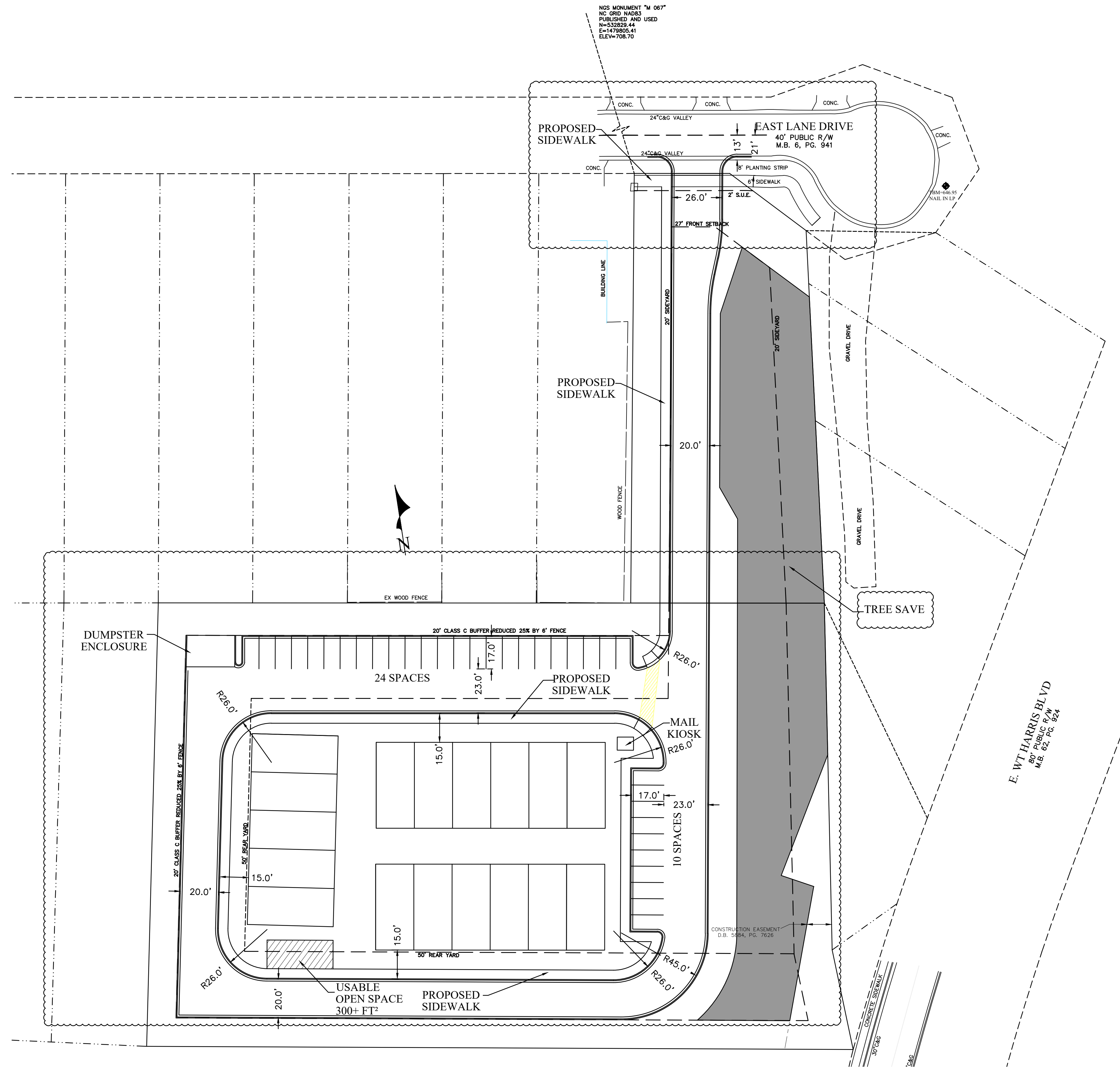
- a.All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.
- b. Detached lighting on the Site will be limited to 21 feet in height.

**8. Amendments to the Rezoning Plan:**

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

**9. Binding Effect of the Rezoning Application:**

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



DATE	
REV.	
PROJECT SCALE	
PROJECT DATE	
PROJECT NUMBER	
PROJECT NAME	
PROJECT MANAGER	
DESIGN BY	
APPROVED BY	
FILE NAME	

☐ PRELIMINARY NOT FOR CONSTRUCTION

☐ ISSUED FOR BIDDING

☐ ISSUED FOR PERMIT

☐ ISSUED FOR CONSTRUCTION

HABITAT FOR HUMANITY  
EAST LANE  
CHARLOTTE, NORTH CAROLINA

REZONING PETITION

RZ-1



**Agenda Date:** 1/18/2022

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**Agenda #:** 13. **File #:** 15-17163 **Type:** Zoning Decision

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## **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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis  
Site Plan





Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2021-140

January 4, 2022

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**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.  
(Council District 4 - Johnson)

**PETITIONER**

Hutton

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be *consistent* with the *Northeast Area Plan's* recommendation for retail uses for the site but *inconsistent* with the plan's recommendation for residential uses based on the information from the staff analysis and the public hearing and because:

- The adopted plan recommends retail/residential uses.

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

- 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 *North Tryon Area Plan*, from institutional uses to residential/office/retail uses for the site.

Motion/Second: Ham / Chirinos  
Yeas: Chirinos, Ham, Rhodes, and Welton  
Nays: Blumenthal, Samuel, and Spencer  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff reviewed the petition with the Zoning Committee, noting building materials, architectural standards and streetscape along N. Tryon Street. Staff noted there are no outstanding issues and consistent with the adopted

There was no discussion of this petition.

**MINORITY OPINION**

Commissioners Blumenthal, Samuel, and Spencer felt the request is not the highest and best use of the site.

**PLANNER**

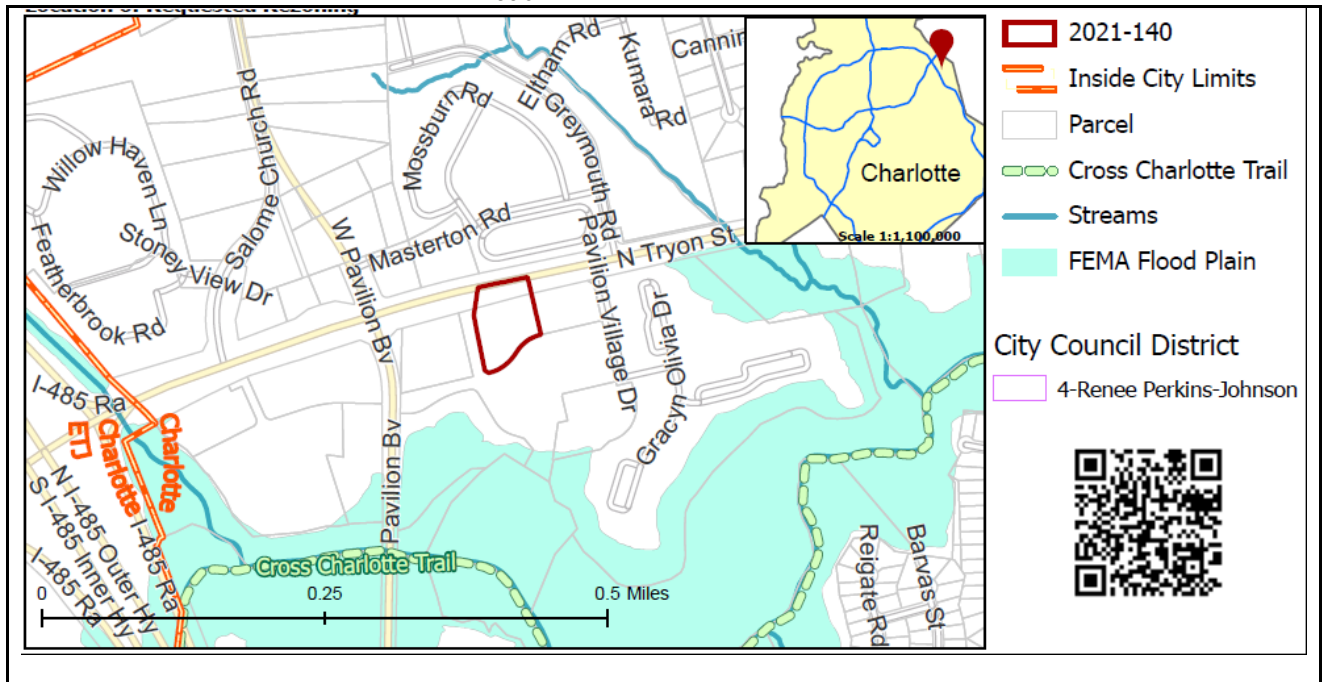
Claire Lyte-Graham (704) 336-3782

**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.

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.

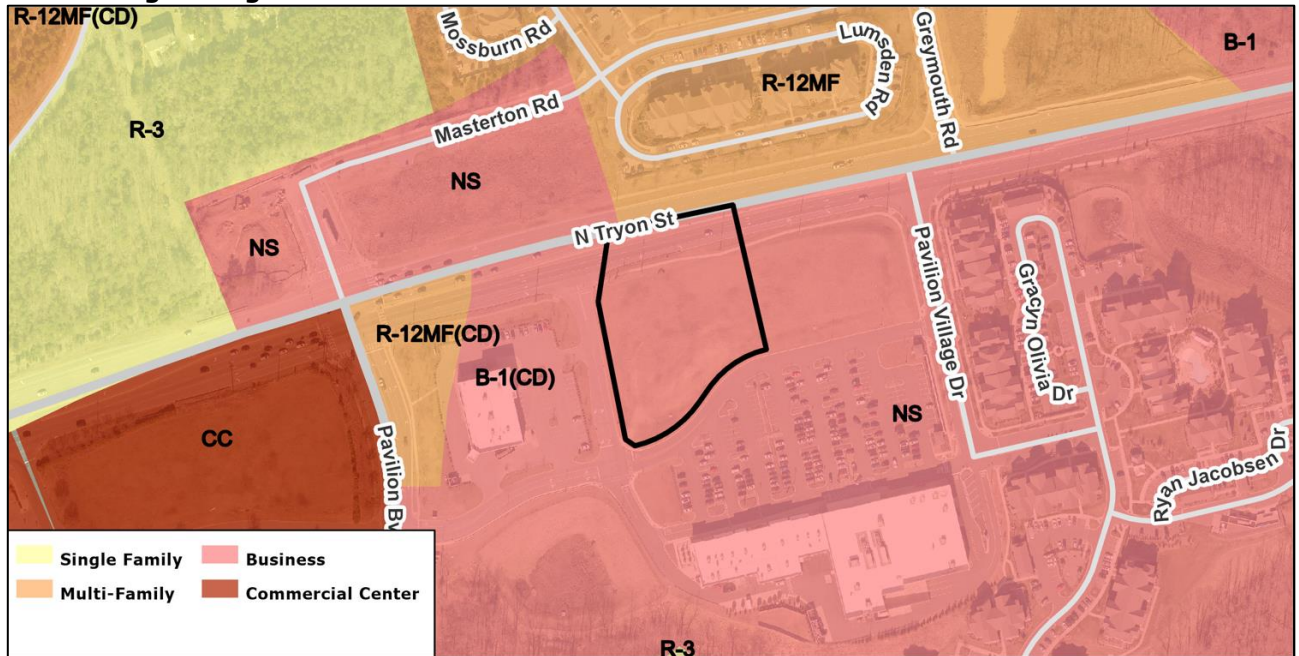
## PLANNING STAFF REVIEW

### • 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.





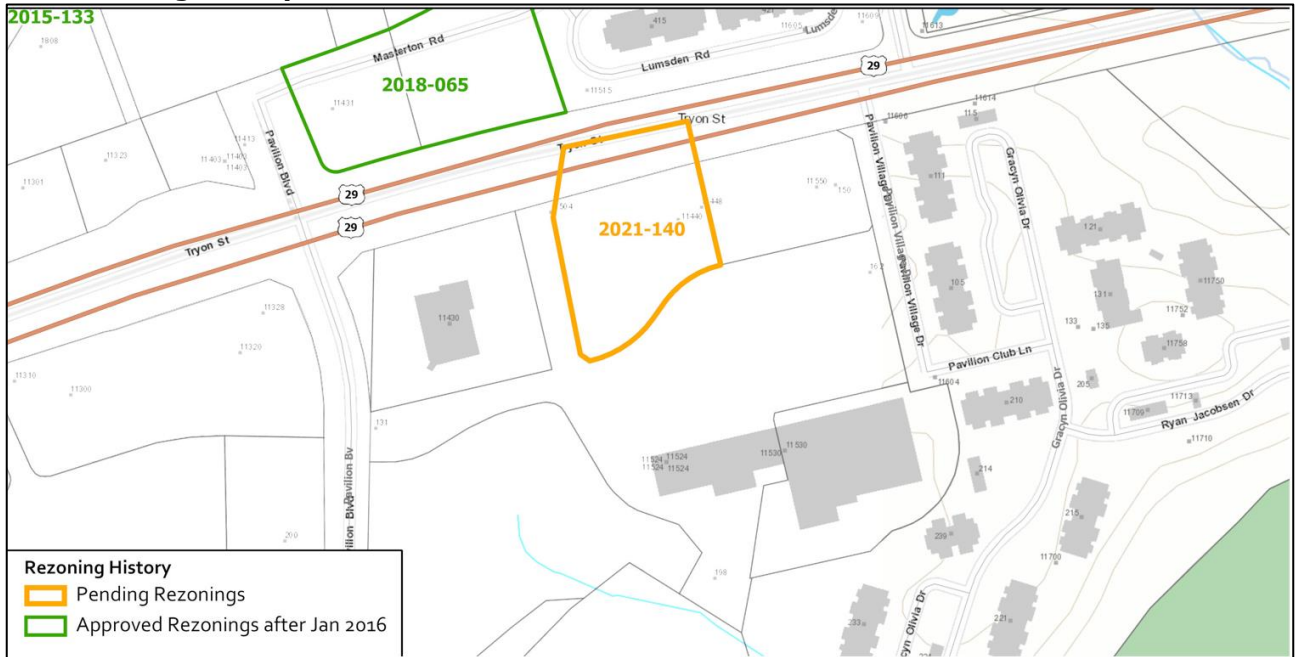
West are apartments, retail uses, and vacant land.



South are apartments and retail uses.

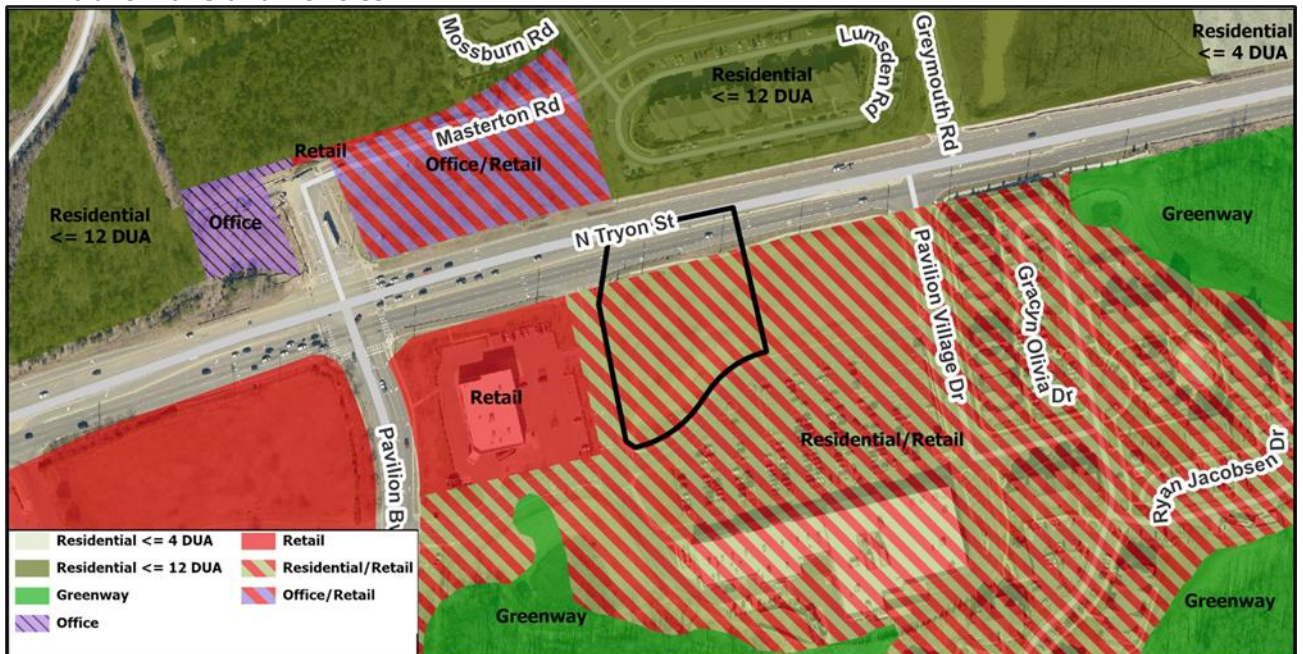


### • Rezoning History in Area



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. Petitioner has confirmed an access easement is in place for the internal shopping center streets. CDOT has no outstanding issues.

- **Active Projects:**

- N/A

- **Transportation Considerations**

- See Outstanding Issues, Notes 1-4. Addressed

- **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](http://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](http://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](http://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](http://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. Addressed~~

- ~~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. Addressed~~

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.~~ **Addressed**
  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."~~ **Addressed**
- Site and Building Design
5. ~~Development Data Table proposes a maximum height of 25 feet, while Site Data indicates 40 feet. Please correct.~~ **Addressed**
  6. ~~Correct street name (N. Tryon Street, not Road).~~ **Addressed**
  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."~~ **Addressed**
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://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
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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.
- Existing recorded access easements are in place for the internal shopping center driveways located west and south of the proposed site per D.B. 24051, P. 350 and M.B. 59, P. 228.
- 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.
- All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad north eastern Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

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 material of comparable quality approved by the Zoning Administrator.
- 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.

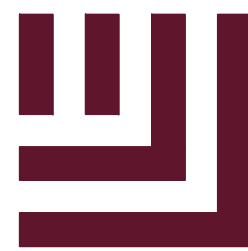
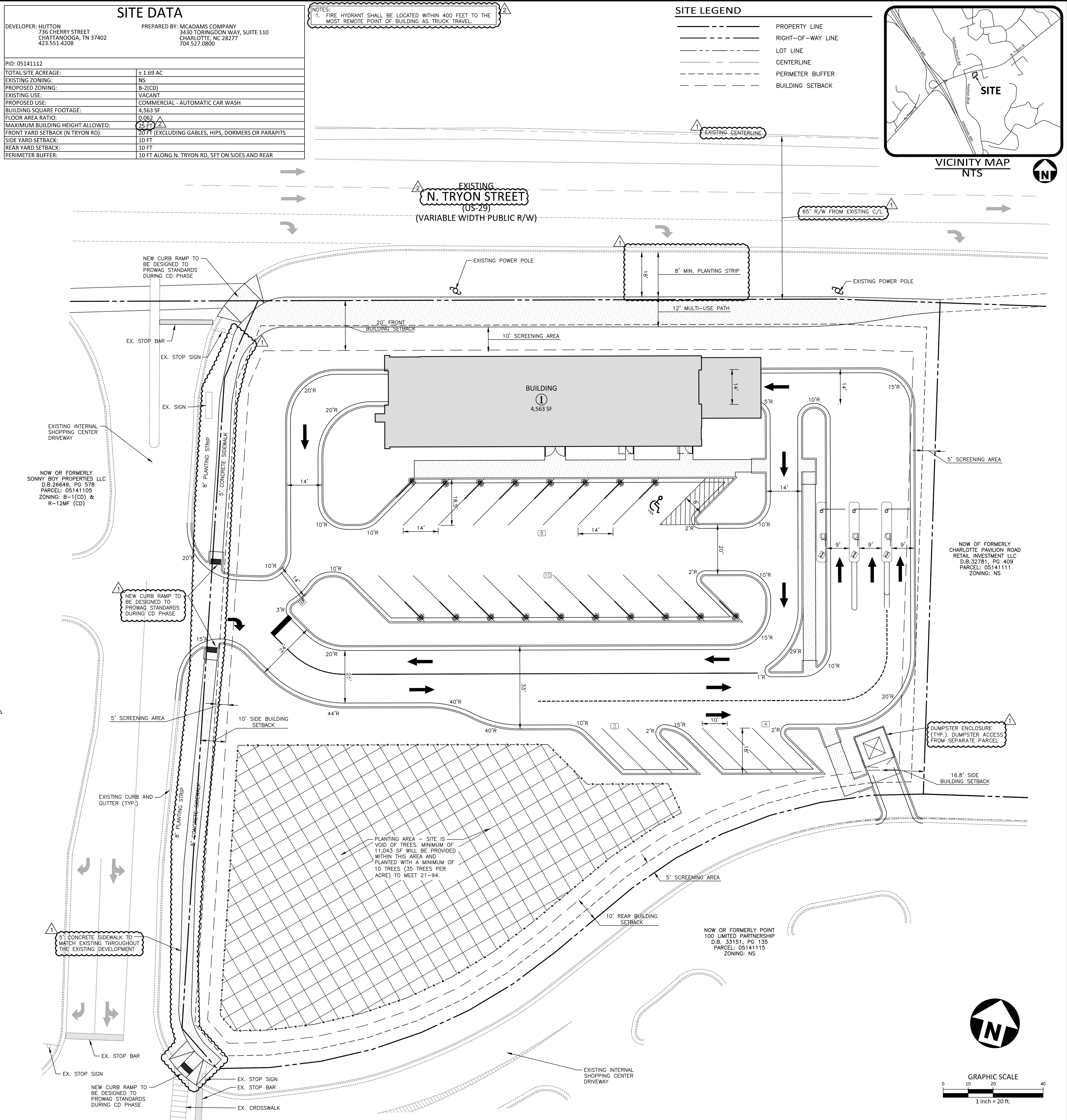
V. Environmental Features

- 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.



**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	PER CITY COMMENTS
2	12. 21. 2021	PER CITY COMMENTS

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:** 1/18/2022

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**Agenda #:** 14. **File #:** 15-17164 **Type:** Zoning Decision

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## **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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2021-144

January 4, 2022

---

**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.  
(Council District 1 - Egleston)

**PETITIONER**

LEH NC Statesville, LLC

---

**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be 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 based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses up to 12 dwelling units per acre.

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

- 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.

Motion/Second: Blumenthal / Chirinos

Yeas: Blumenthal, Chirinos, Ham, Rhodes, Samuel, Spencer and Welton

Nays: None

Absent: None

Recused: None

#### **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it 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.

There was no further discussion of this petition.

#### **PLANNER**

Michael Russell (704) 353-0225

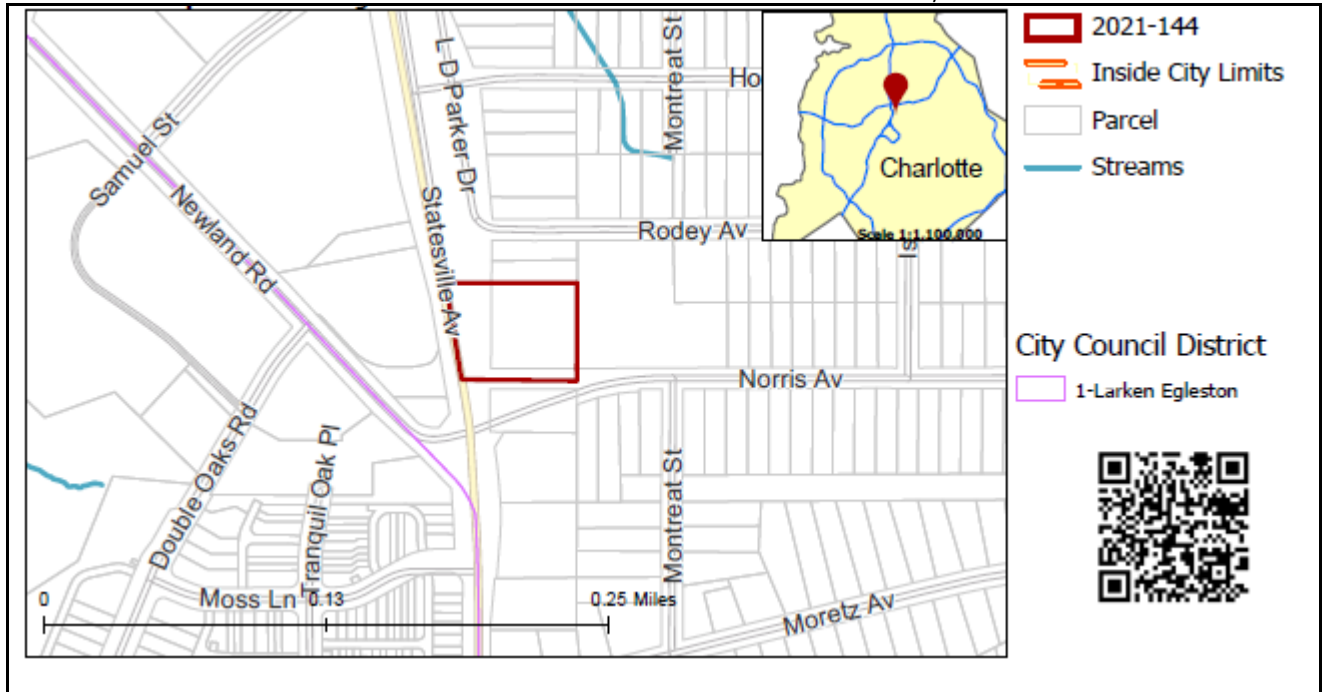


**REQUEST**

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.

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.

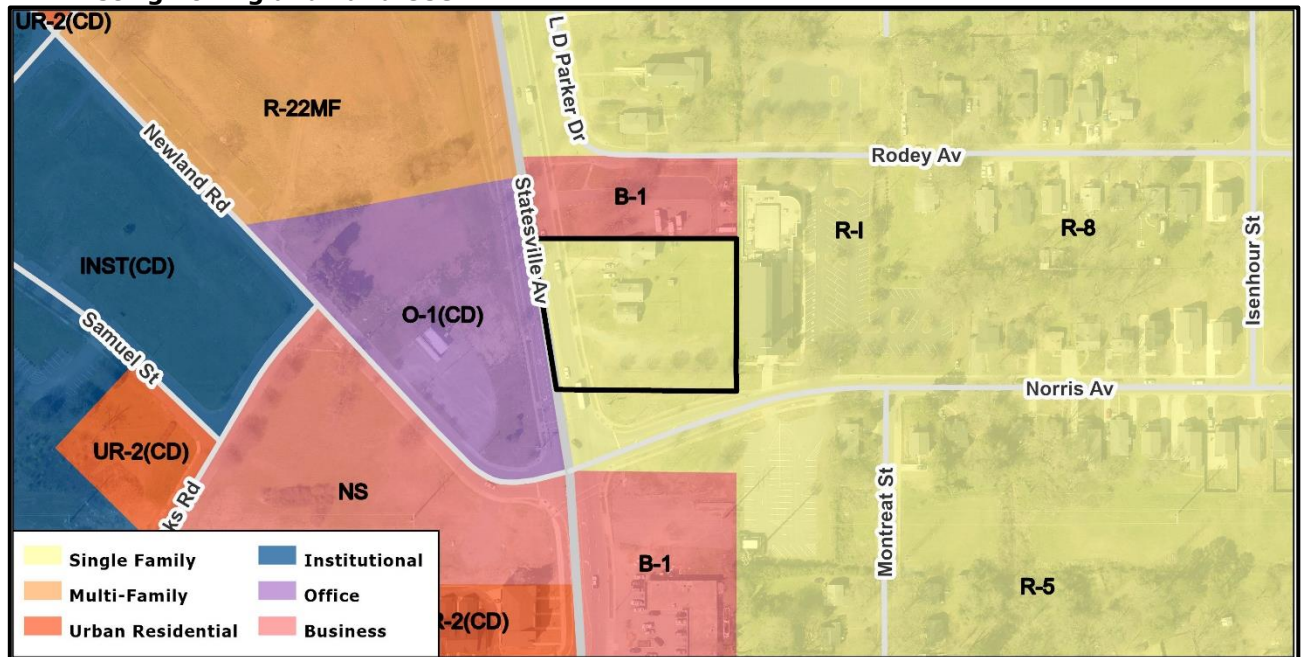
## PLANNING STAFF REVIEW

- **Proposed Request Details**

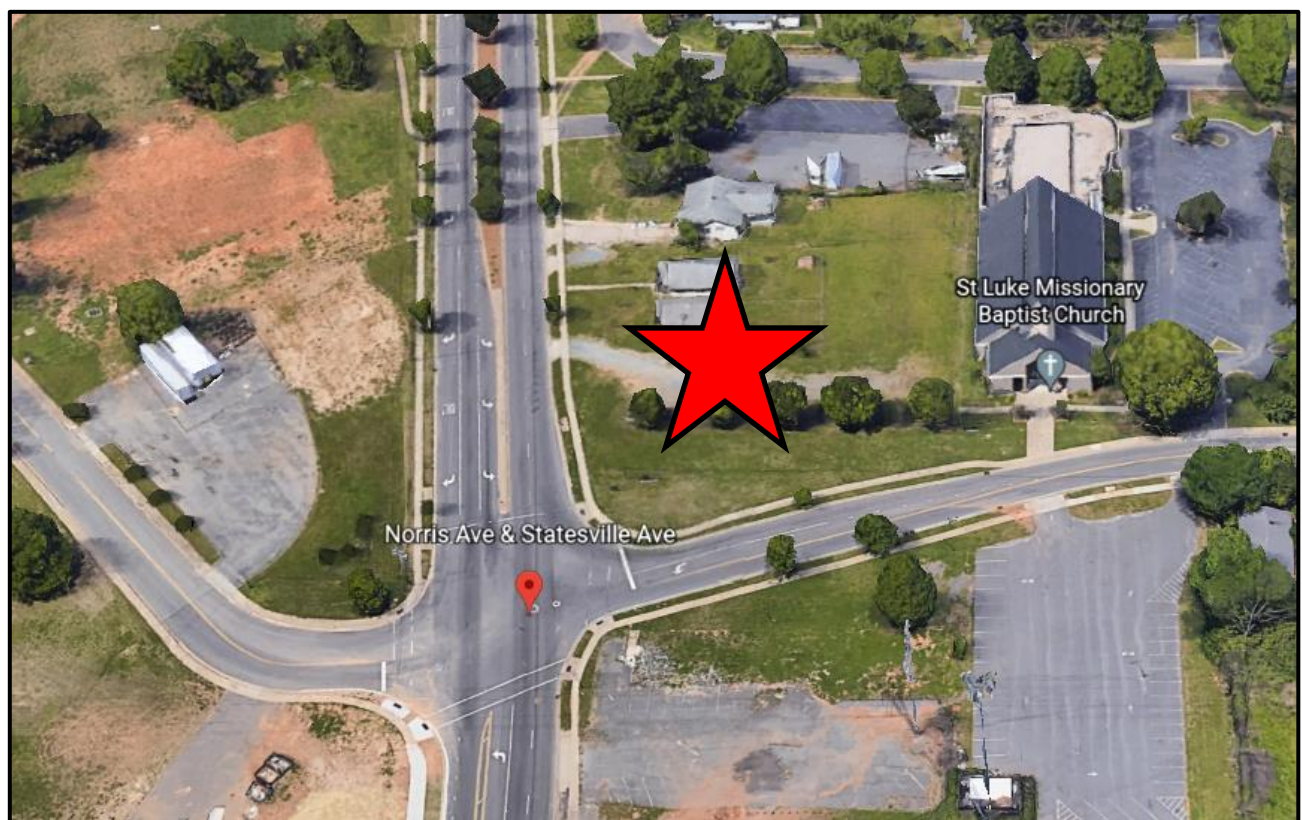
The site plan accompanying this petition contains the following provisions:

- 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.



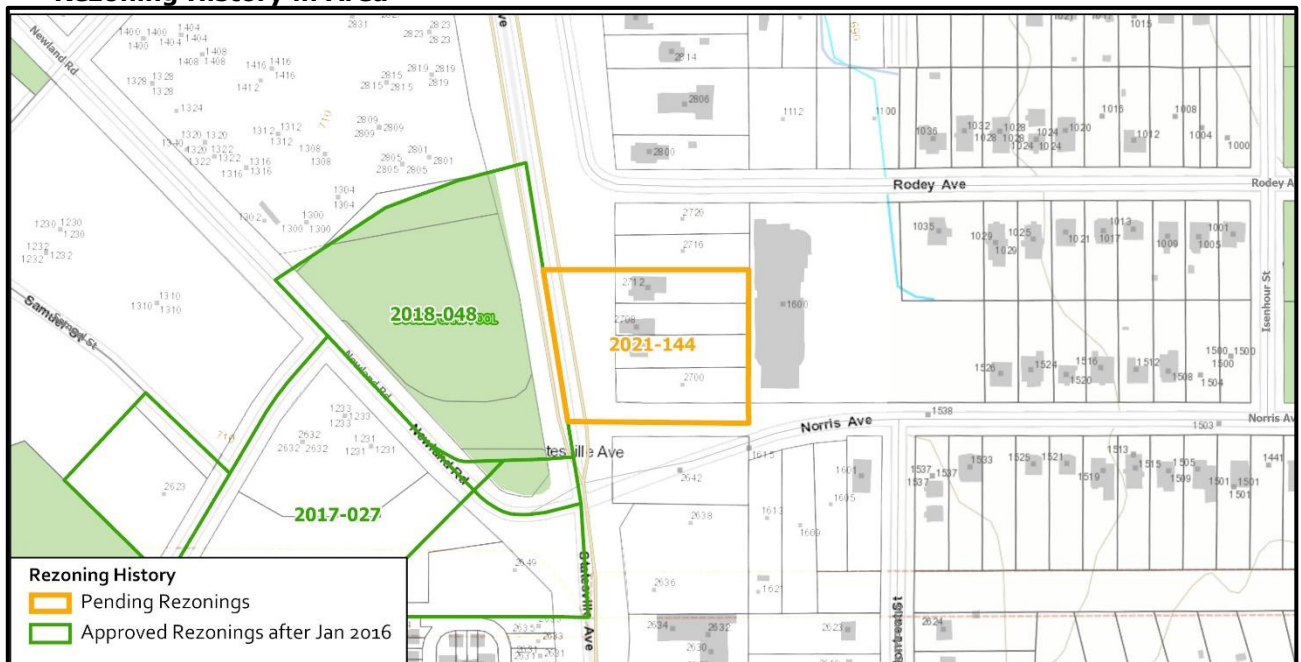
The property to the south along Statesville Avenue is developed with retail/commercial uses.





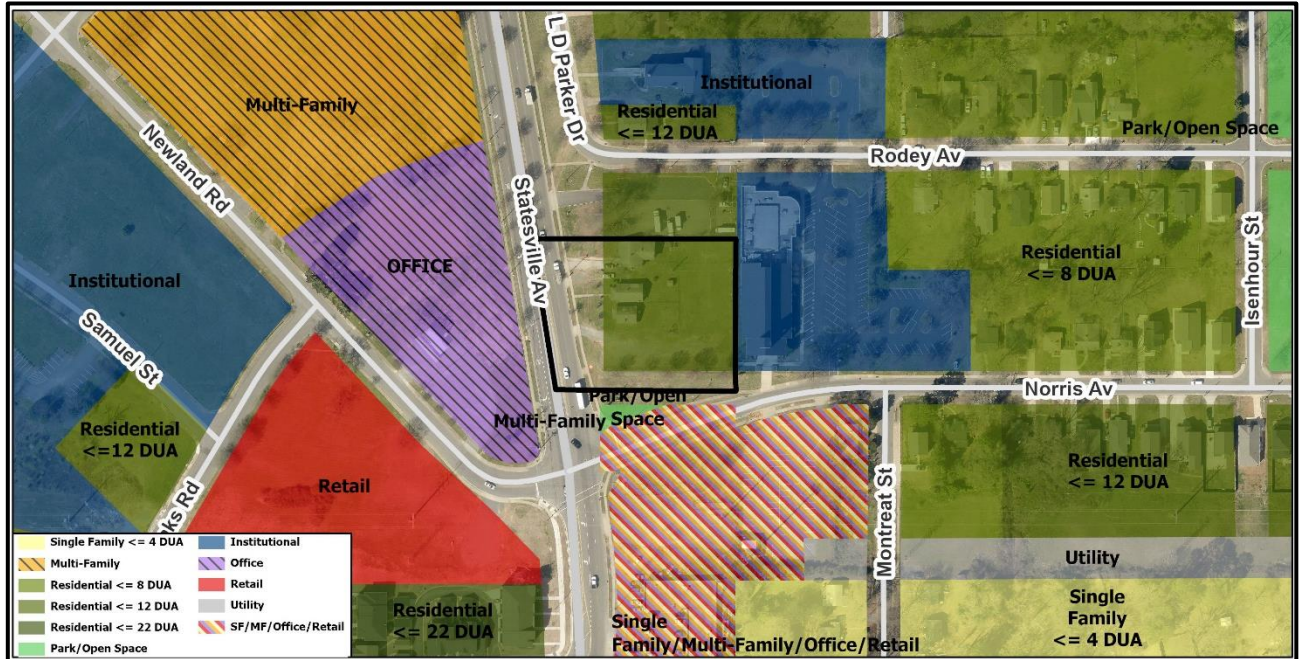
The property to the west along Statesville Avenue is the Novant Health Michael Jordan medical clinic under construction.

• **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. If the realignment project does not move forward at the time of construction for this petition, the driveway on Norris Avenue will need to extend to the existing roadway. The petitioner has committed to provide 8-foot planting strips with 6-foot sidewalks along Statesville Avenue and Norris Avenue in accordance with Charlotte WALKS policy and City Ordinances. In addition, the petitioner has committed to install a concrete median along Norris Avenue to restrict driveway access to right-in / right-out, and to provide a CATS bus pad on Norris Avenue. A Traffic Impact Study (TIS) is not needed for this site. CDOT has no outstanding comments for this petition.

- **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. **Addressed**

- **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](http://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](http://www.rezoning.org)
- **City Arborist:** No outstanding issues.
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.

#### OUTSTANDING ISSUES

##### Transportation

- ~~1. 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.~~ Addressed
- ~~2. Revise site plan so at least one visitor space is ADA compliant.~~ Addressed
- ~~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.~~ Addressed
- ~~4. Revise site plan note to specify the curb line distance to be 38 feet from Statesville Avenue centerline.~~ Addressed
- ~~5. Remove note 6 "Unless otherwise proposed to be completed by others per SDRC 2018-00021".~~ Addressed

#### REQUESTED TECHNICAL REVISIONS

##### Site and Building Design

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

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**





**Planner:** Michael Russell (704) 353-0225







## Goals Relevant to Rezoning Determinations

### Rezoning Petition # 2021-144

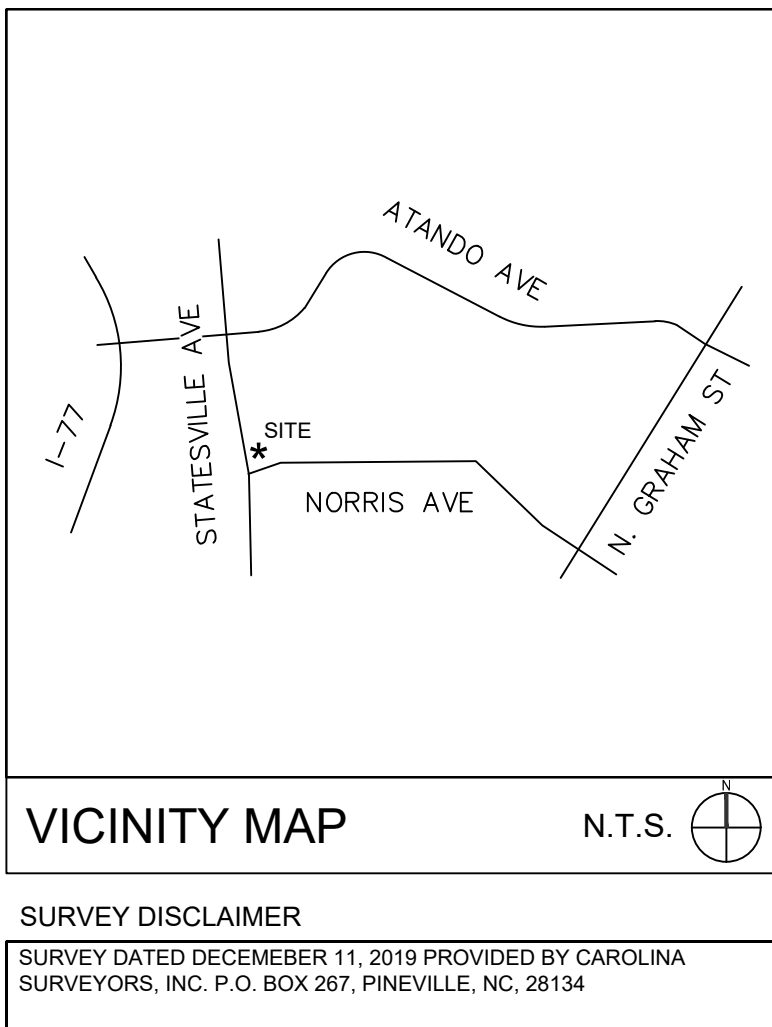
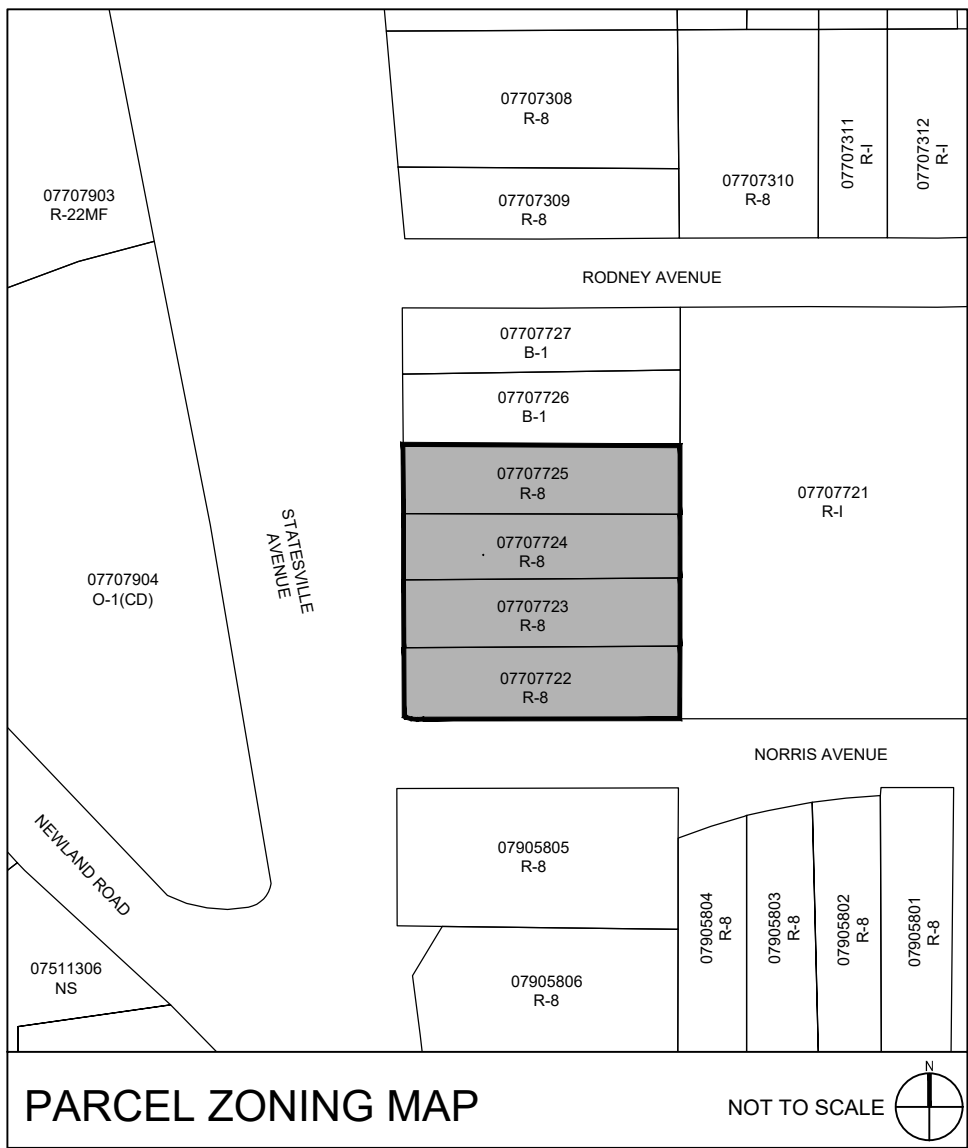
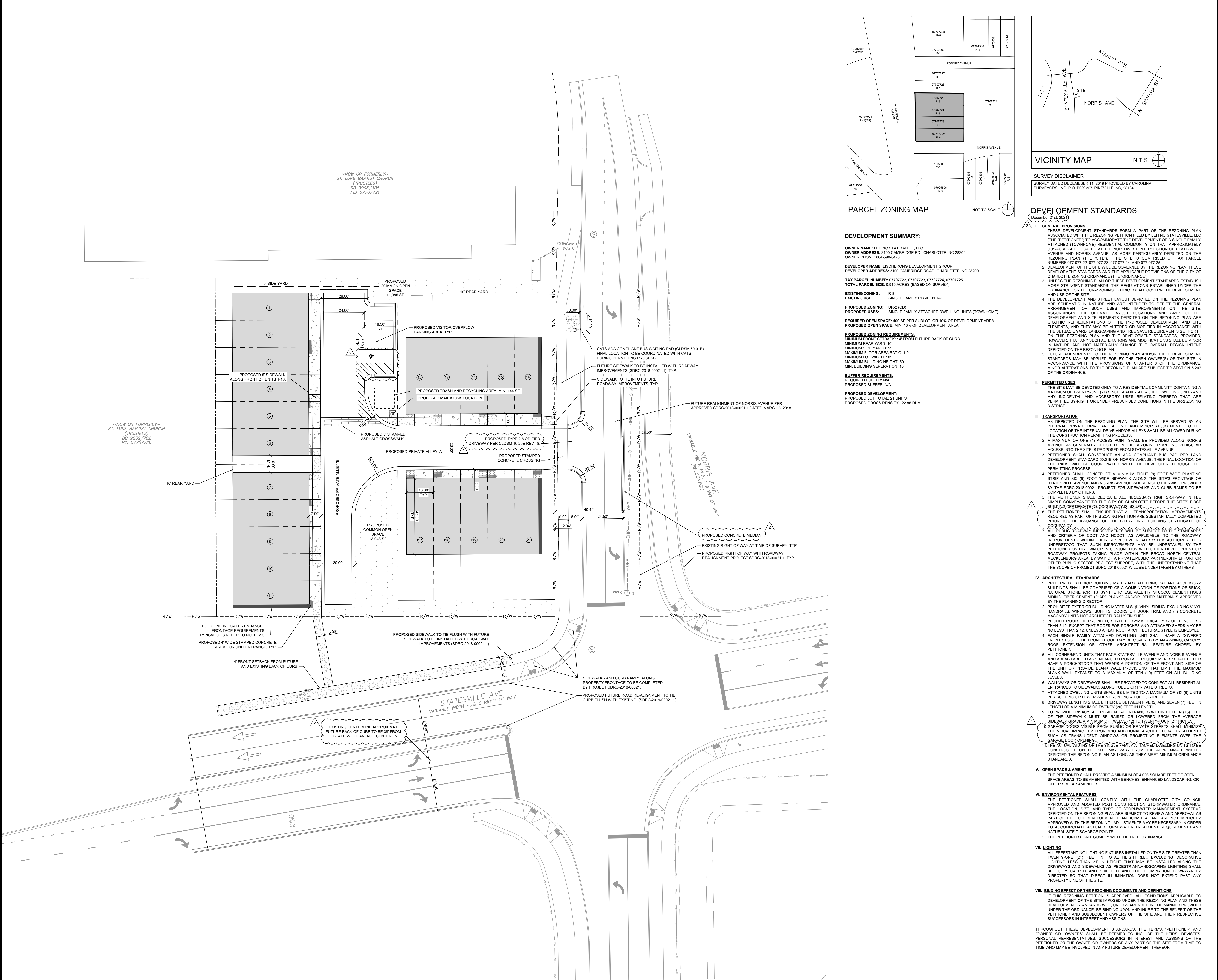
The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

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

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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.	✓
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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

- I. GENERAL PROVISIONS**
1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY LEH NC STATESVILLE, LLC (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A SINGLE-FAMILY ATTACHED (TOWNHOME) RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 0.91-ACRE SITE LOCATED AT THE NORTHWEST INTERSECTION OF STATESVILLE AVENUE AND NORRIS AVENUE, AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NUMBERS 0770722, 0770723, 0770724, AND 0770725.
2. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE").
3. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE UR-2 ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
4. THE DEVELOPMENT AND STREET LAYOUT DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF SUCH USES AND IMPROVEMENTS ON THE SITE ACCORDINGLY, THE ULTIMATE LAYOUT LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK, YARD, LANDSCAPING AND TREE SAVE REQUIREMENTS SET FORTH ON THIS REZONING PLAN. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER(S) OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. MINOR ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.
- II. PERMITTED USES**
- THE SITE MAY BE DEVOTED ONLY TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF TWENTY-ONE (21) SINGLE-FAMILY ATTACHED DWELLING UNITS AND ANY INCIDENTAL AND ACCESSORY USES, RELATING THERETO, THAT ARE PERMITTED BY-RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE UR-2 ZONING DISTRICT.
- III. TRANSPORTATION**
1. AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY AN INTERNAL PRIVATE DRIVE AND ALLEYS, AND MINOR ADJUSTMENTS TO THE LOCATION OF THE INTERNAL DRIVE AND/OR ALLEYS SHALL BE ALLOWED DURING THE CONSTRUCTION PERMITTING PROCESS.
2. A MAXIMUM OF ONE (1) ACCESS POINT SHALL BE PROVIDED ALONG NORRIS AVENUE, AS GENERALLY DEPICTED ON THE REZONING PLAN. NO VEHICULAR ACCESS INTO THE SITE IS PROPOSED FROM STATESVILLE AVENUE.
3. THE PETITIONER SHALL CONSTRUCT AN ADA COMPLIANT BUS PAD PER LAND DEVELOPMENT STANDARD 60.01B ON NORRIS AVENUE. THE FINAL LOCATION OF THE PADS WILL BE COORDINATED WITH THE DEVELOPER THROUGH THE PERMITTING PROCESS.
4. THE PETITIONER SHALL CONSTRUCT A MINIMUM EIGHT (8) FOOT WIDE PLANTING STRIP AND SIX (6) FOOT WIDE SIDEWALK ALONG THE SITE'S FRONTAGE OF STATESVILLE AVENUE AND NORRIS AVENUE, UNLESS OTHERWISE PROVIDED BY THE SDR-2018-00021 PROJECT FOR SIDEWALKS AND CURB RAMP TO BE COMPLETED BY OTHERS.
5. THE PETITIONER SHALL DEDICATE ALL NECESSARY RIGHTS-OF-WAY IN FEE SIMPLE CONVEYANCE TO THE CITY OF CHARLOTTE BEFORE THE SITE'S FIRST BUILDING CONSTRUCTION.
6. THE PETITIONER SHALL ENSURE THAT ALL TRANSPORTATION IMPROVEMENTS REQUIRED AS PART OF THIS ZONING PETITION ARE SUBSTANTIALLY COMPLETED PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY.
7. 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 NORTHEASTERN AREA, BY WAY OF A PRIVATE-PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT, WITH THE UNDERSTANDING THAT THE SCOPE OF PROJECT SDR-2018-00021 WILL BE UNDERTAKEN BY OTHERS.
- IV. ARCHITECTURAL STANDARDS**
1. PREFERRED EXTERIOR BUILDING MATERIALS: ALL PRINCIPAL AND ACCESSORY BUILDINGS SHALL BE COMPRISED OF A COMBINATION OF PORTIONS OF BRICK, NATURAL STONE (OR ITS SYNTHETIC EQUIVALENT), STUCCO, CEMENTITIOUS SIDING, FIBER CEMENT ("XEROPLANK") AND/OR OTHER MATERIALS APPROVED BY THE PLANNING DIRECTOR.
2. PROHIBITED EXTERIOR BUILDING MATERIALS: (I) VINYL SIDING, EXCLUDING VINYL HANDRAILS, WINDOWS, SLOTTES, DOORS OR DOOR TRIM, AND (II) CONCRETE MASONRY UNITS NOT ARCHITECTURALLY FINISHED.
3. PITCHED ROOFS: IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEDS MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED.
4. EACH SINGLE FAMILY ATTACHED DWELLING UNIT SHALL HAVE A COVERED FRONT STOOP. THE FRONT STOOP MAY BE COVERED BY AN AWNING, CANOPY, ROOF EXTENSION OR OTHER ARCHITECTURAL FEATURE CHOSEN BY PETITIONER.
5. ALL CORNERED UNITS THAT FACE STATESVILLE AVENUE AND NORRIS AVENUE AND AREAS LABELED AS "ENHANCED FRONTAGE REQUIREMENTS" SHALL EITHER HAVE A PORCH/STOOP THAT WRAPS A PORTION OF THE FRONT AND SIDE OF THE UNIT OR PROVIDE BLANK WALL PROVISIONS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSION TO A MAXIMUM OF TEN (10) FEET ON ALL BUILDING LEVELS.
6. WALKWAYS OR DRIVEWAYS SHALL BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS ALONG PUBLIC OR PRIVATE STREETS.
7. ATTACHED DWELLING UNITS SHALL BE LIMITED TO A MAXIMUM OF SIX (6) UNITS PER BUILDING OR FEWER WHEN FRONTING A PUBLIC STREET.
8. DRIVEWAY LENGTHS SHALL EITHER BE BETWEEN FIVE (5) AND SEVEN (7) FEET IN LENGTH OR A MINIMUM OF TWENTY (20) FEET IN LENGTH.
9. TO PROVIDE PRIVACY, ALL RESIDENTIAL ENTRANCES WITHIN FIFTEEN (15) FEET OF THE SIDEWALK MUST BE RAISED OR LOWERED FROM THE AVERAGE SIDEWALK GRADE A MINIMUM OF ONE (12) TO TWENTY-FOUR (24) INCHES.
10. GARAGE DOORS VISIBLE FROM PUBLIC OR PRIVATE STREETS SHALL MINIMIZE THE VISUAL IMPACT BY PROVIDING ADDITIONAL ARCHITECTURAL TREATMENTS SUCH AS TRANSLUCENT WINDOWS OR PROJECTING ELEMENTS OVER THE GARAGE DOOR OPENING.
11. THE ACTUAL WIDTHS OF THE SINGLE FAMILY ATTACHED DWELLING UNITS TO BE CONSTRUCTED ON THE SITE MAY VARY FROM THE APPROXIMATE WIDTHS DEPICTED THE REZONING PLAN AS LONG AS THEY MEET MINIMUM ORDINANCE STANDARDS.
- V. OPEN SPACE & AMENITIES**
- THE PETITIONER SHALL PROVIDE A MINIMUM OF 4,000 SQUARE FEET OF OPEN SPACE AREAS, TO BE AMENITIES WITH BENCHES, ENHANCED LANDSCAPING, OR OTHER SIMILAR AMENITIES.
- VI. ENVIRONMENTAL FEATURES**
1. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE, THE LOCATION, SIZE, AND TYPE OF STORMWATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.
2. THE PETITIONER SHALL COMPLY WITH THE TREE ORDINANCE.
- VII. LIGHTING**
- ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE GREATER THAN TWENTY-ONE (21) FEET IN TOTAL HEIGHT (I.E., EXCLUDING DECORATIVE LIGHTING LESS THAN 21' IN HEIGHT THAT MAY BE INSTALLED ALONG THE DRIVEWAYS AND SIDEWALKS AS PEDESTRIAN/LANDSCAPING LIGHTING) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.
- VIII. 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 ANY PART OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
- 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.

**bloc**  
**Bloc Design**  
2923 S. Tryon Street, Suite 320  
Charlotte, NC 28203  
phone: 704-940-2883  
www.bloc-nc.com

landscape architecture | planning | civil engineering

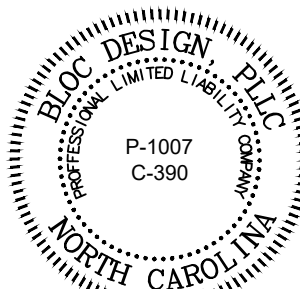
**Lischerong**  
**Development Group**  
310 Arlington Ave  
Suite #402-A  
Charlotte, NC 28203  
704-750-0368  
lischerongdevelopment.com

**LDG**  
**LISCHERONG**  
DEVELOPMENT GROUP

REVISIONS		
NO.	DATE	DESCRIPTION
1	11/15/21	CITY COMMENTS
2	12/21/21	CITY COMMENTS

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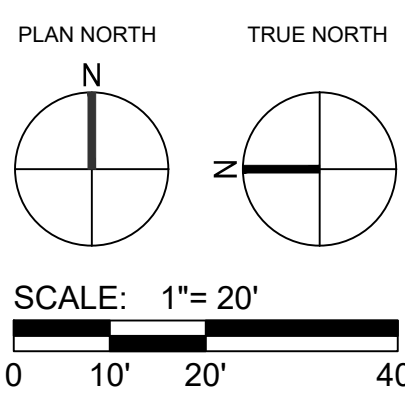


NOT FOR  
CONSTRUCTION

REZONING PETITION 2021-144

Statesville and Norris  
Townhomes Development

2700 Statesville Avenue  
Charlotte, NC 28206



DATE: 06/07/21	MPIC: WLL
DRAWN BY: LWH	CHECKED BY: WLL
PROJECT NUMBER: 00858.00	
SCALE: 1" = 20'	
TITLE: CONCEPTUAL SITE PLAN	

SHEET NO:  
**RZ-1**



# City of Charlotte

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

**Agenda Date:** 1/18/2022

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**Agenda #:** 15. **File #:** 15-17165 **Type:** Zoning Decision

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## **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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis



## Zoning Committee Recommendation

Rezoning Petition 2021-145

January 4, 2022

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### 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.

(Council District 1 - Egleston)

### PETITIONER

Embrey Partners, Ltd.

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### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **consistent** with the *Scaleybark Transit Station Area Plan* (2008) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends transit oriented development – mixed use for this site.

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

- The site is within a 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.

Motion/Second: Ham / Chirinos

Yeas: Blumenthal, Chirinos, Ham, Rhodes, Samuel, Spencer and Welton

Nays: None

Absent: None

Recused: None

#### **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

There was no further discussion of this petition.

#### **PLANNER**

Holly Cramer (704) 353-1902

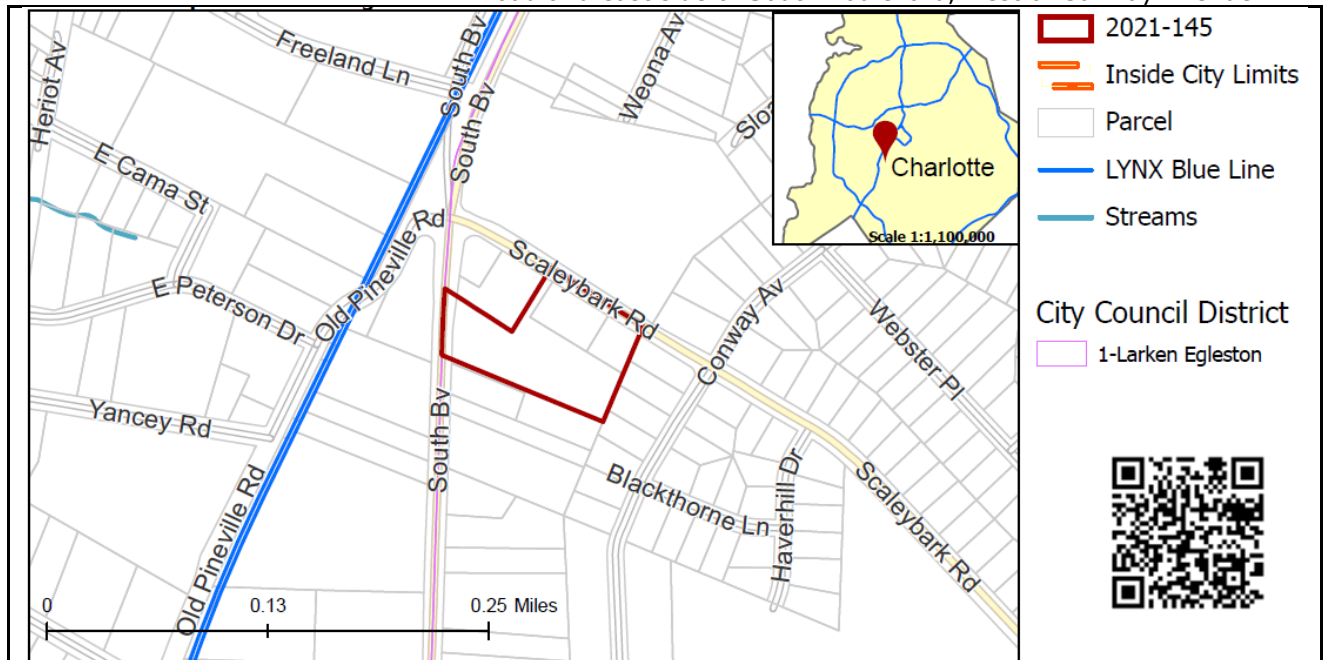
## REQUEST

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

SB Investments, LLC; Adelpia Properties, LLC; JCZ Properties, LLC

## PETITIONER

Embrey Partners, Ltd.

## AGENT/REPRESENTATIVE

Bridget Grant

## 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 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.

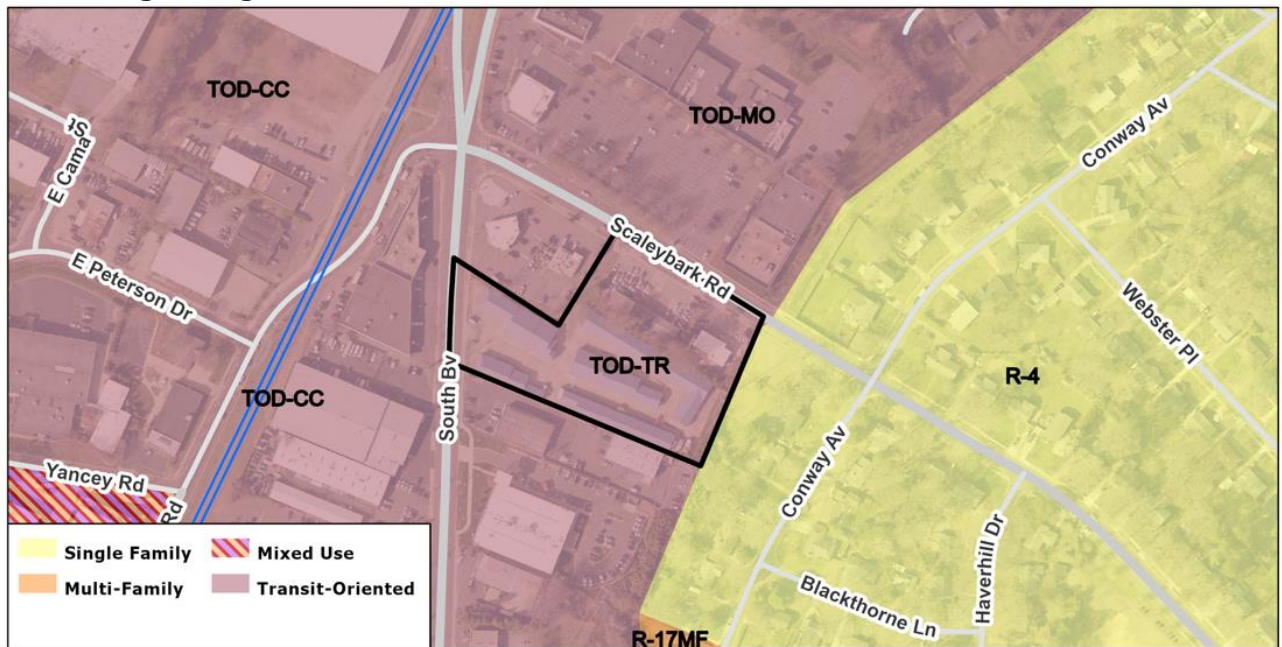
### PLANNING STAFF REVIEW

- **Proposed Request Details**

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

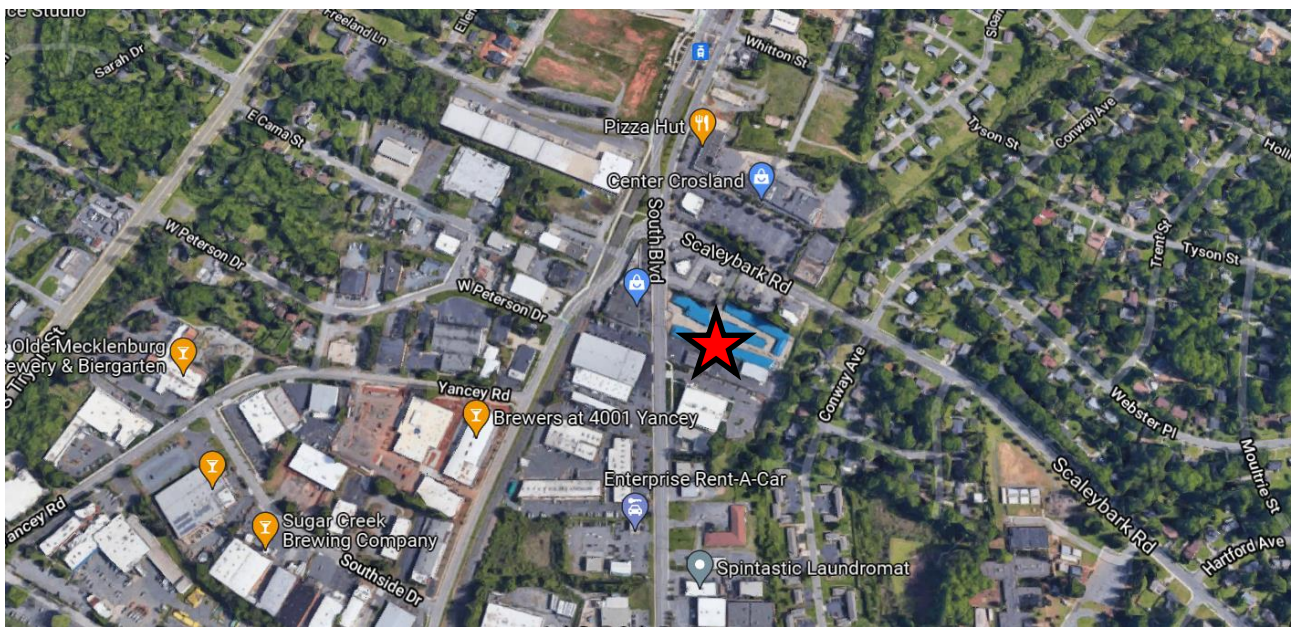
- Allows all uses in the TOD-CC (transit oriented development – community center) zoning district.

- **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.



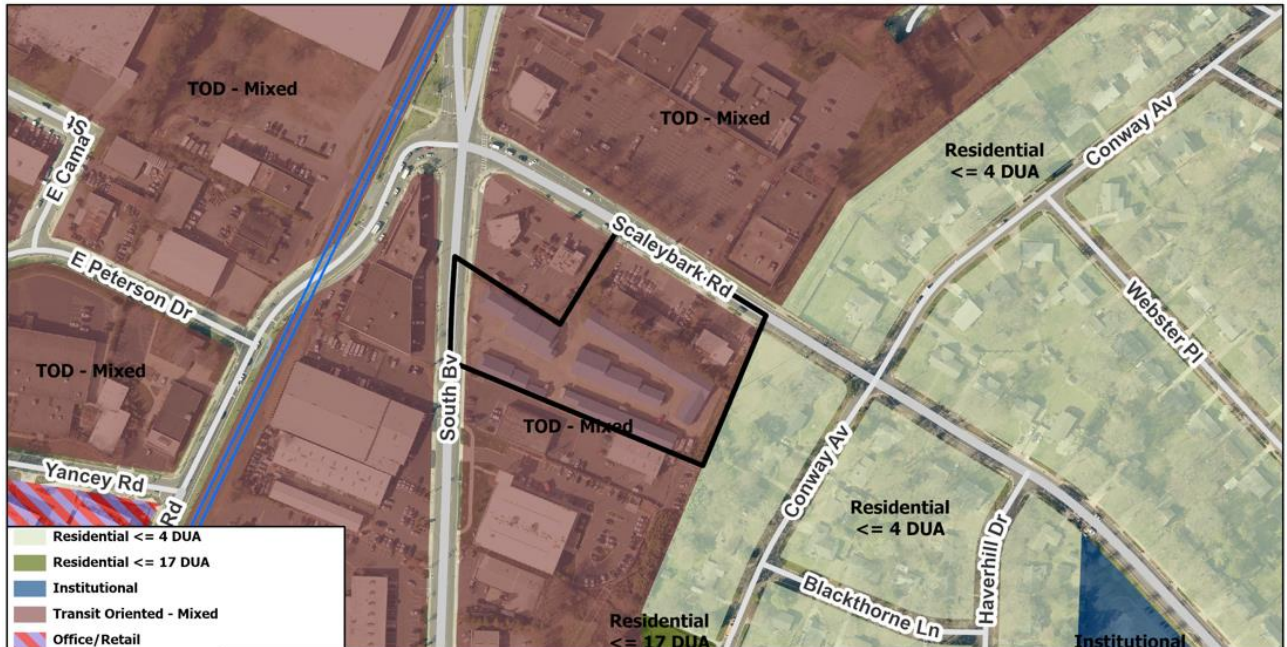
- West of the site are retail uses.

- **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](http://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](http://www.rezoning.org)
- **City Arborist:** No comments submitted.
- **Erosion Control:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://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](http://www.rezoning.org)
  - **Urban Forestry:** No comments submitted.
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://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
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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:** 1/18/2022

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**Agenda #:** 16. **File #:** 15-17166 **Type:** Zoning Decision

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## **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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis



## Zoning Committee Recommendation

Rezoning Petition 2021-147

January 4, 2022

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### 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.

(Council District 3 - Watlington)

### PETITIONER

Providence Group Capital, LLC

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### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **consistent** with the *Scaleybark Transit Station Area Plan* (2008) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends transit oriented development – mixed use for this site.

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

- The site is within a 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.

Motion/Second: Blumenthal / Chirinos

Yeas: Blumenthal, Chirinos, Ham, Rhodes, Samuel, Spencer and Welton

Nays: None

Absent: None

Recused:           None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER**

Holly Cramer   (704) 353-1902



## 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.

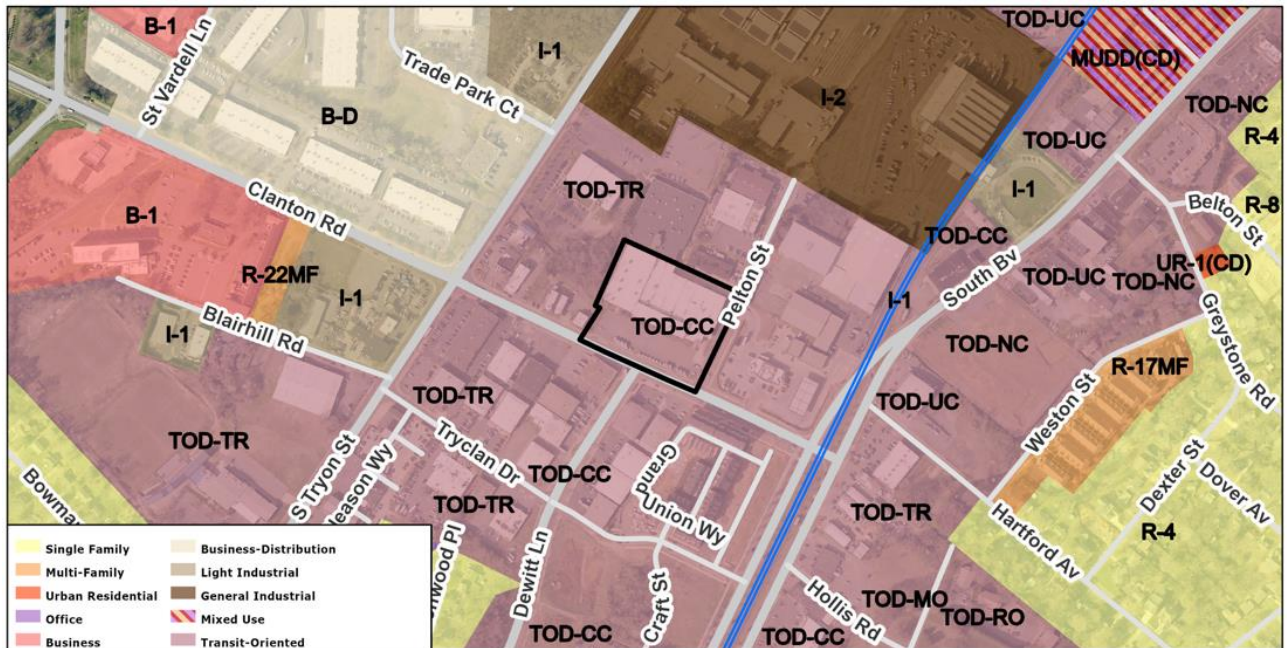
### PLANNING STAFF REVIEW

- Proposed Request Details**

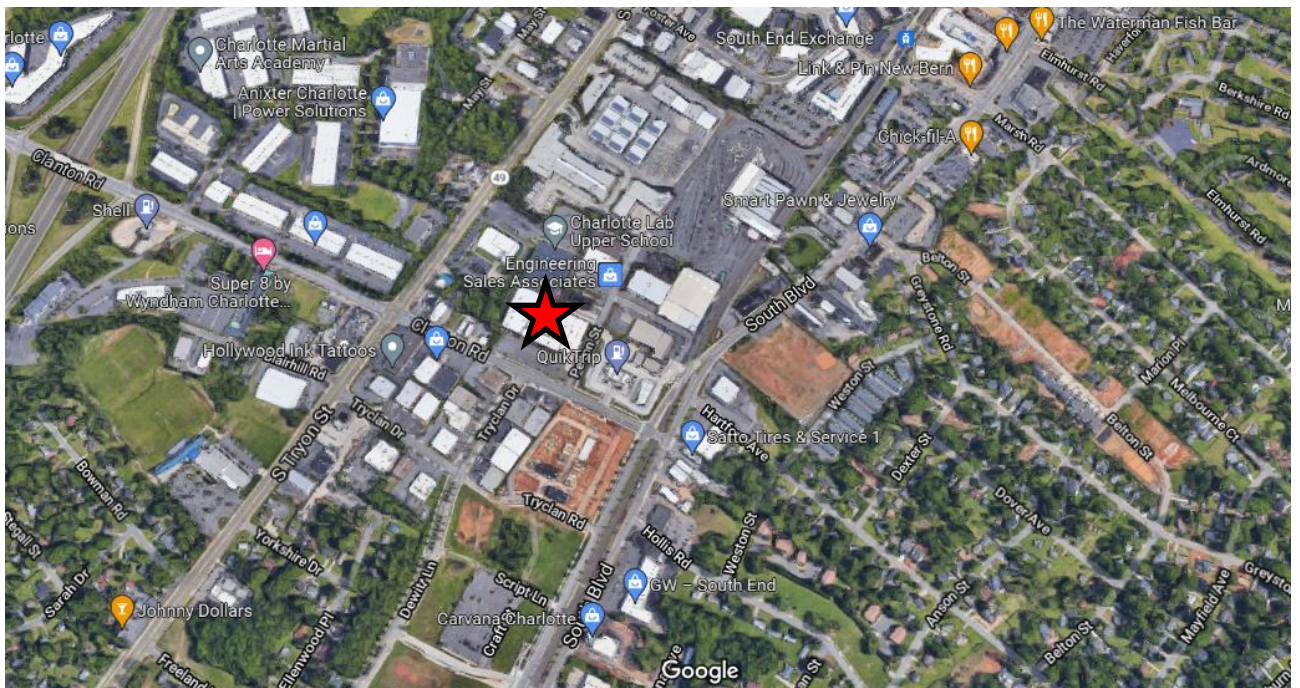
This is a conventional rezoning petition with no associated site plan.

- 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.



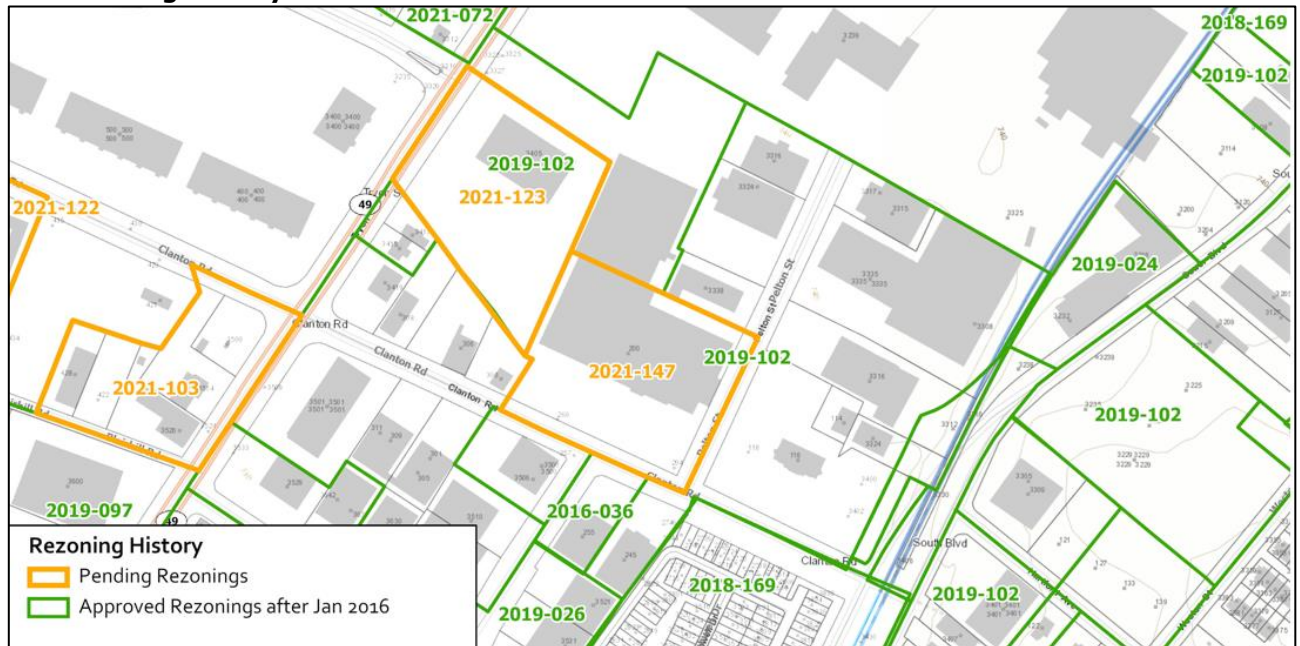
- South of the site are retail and multi-family residential uses.



- 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 *Scaleybark 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](http://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](http://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](http://www.rezoning.org)
  - **Urban Forestry:** No comments submitted.
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://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
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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:** 1/18/2022

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**Agenda #:** 17. **File #:** 15-17167 **Type:** Zoning Decision

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## **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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis





Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2021-148

January 4, 2022

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**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.

(Council District 4 - Johnson)

**PETITIONER**

K Sade Ventures, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **consistent** and **inconsistent** with the *Northeast District Plan* (1996) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family uses up to four dwelling units per acre and single family/multi-family/office uses up to 8 dwelling units per acre; and
- The plan recommends greenway uses on a portion of the site.

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

- 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.

Motion/Second: Rhodes / Blumenthal

Yeas: Blumenthal, Chirinos, Ham, Rhodes, Samuel, Spencer and Welton

Nays: None

Absent: None  
Recused: None

## **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

Commissioner Spencer asked whether there is existing greenway space on the site that would be rezoned if approved. Staff responded that there is no existing greenway space.

Commissioner Chirinos inquired about comments submitted from Mecklenburg County Parks and Recreation. Chairperson Samuel asked staff if the petitioner was aware of comments submitted by Mecklenburg County Parks and Recreation and whether the petitioner has been in conversations about reservation of future greenway space on the site.

Staff explained that because this is a conventional petition, the petitioner would not be able to commit to reserving space for future greenway use. However, that is something that can be discussed during the permitting phase of the project if the rezoning is approved.

The Zoning Committee voted unanimously to suspend the rules and allow the petitioner's agent to respond to the question of whether the petitioner was aware of comments submitted by Mecklenburg County Parks and Recreation and if there have been subsequent conversations between the department and the petitioner. The petitioner's agent, Ty Shaffer, responded that they were aware of the comments and although they cannot make commitments to greenway space reservation in a conventional petition, the petitioner will pursue dialogue with Mecklenburg County Parks and Recreation during the permitting phase to discuss possible greenway space on the site.

There was no further discussion of this petition.

## **PLANNER**

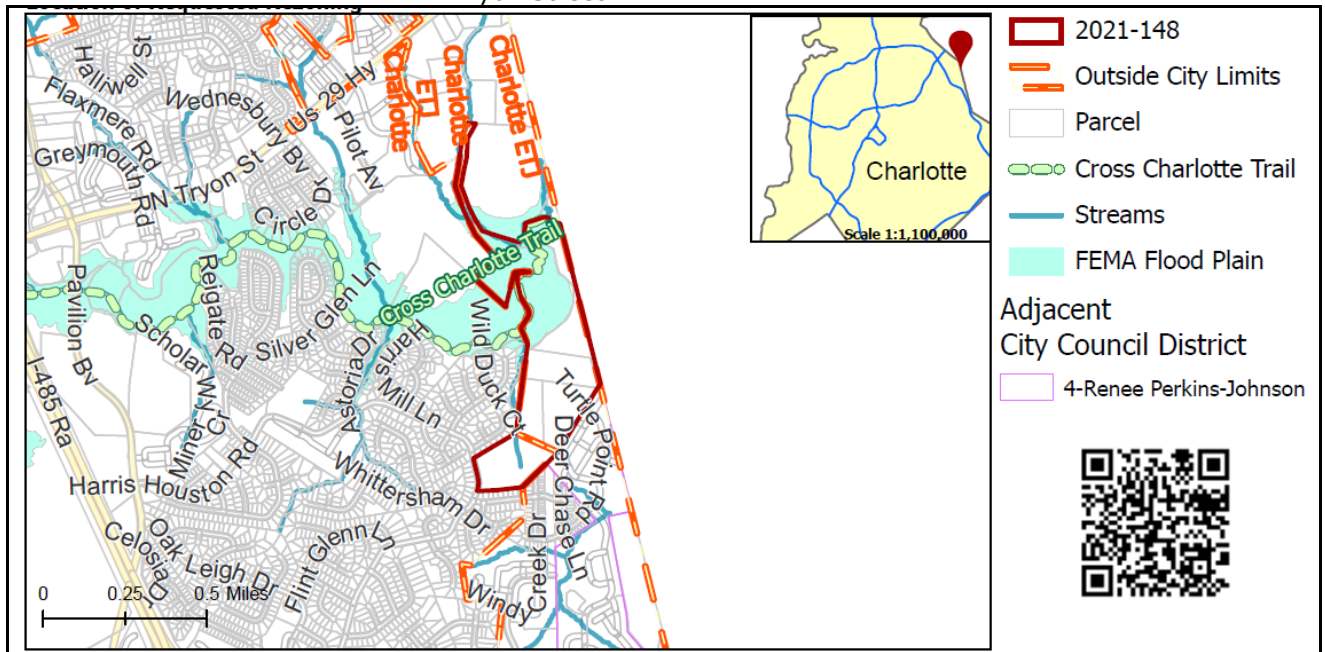
Holly Cramer (704) 353-190

**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.

**PROPERTY OWNER**

Charlotte Motor Speedway, LLC

**PETITIONER**

K Sade Ventures, LLC

**AGENT/REPRESENTATIVE**

Ty Shaffer

**COMMUNITY MEETING**

Meeting is not required.

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Northeast District Plan* (1996) recommendation of 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.

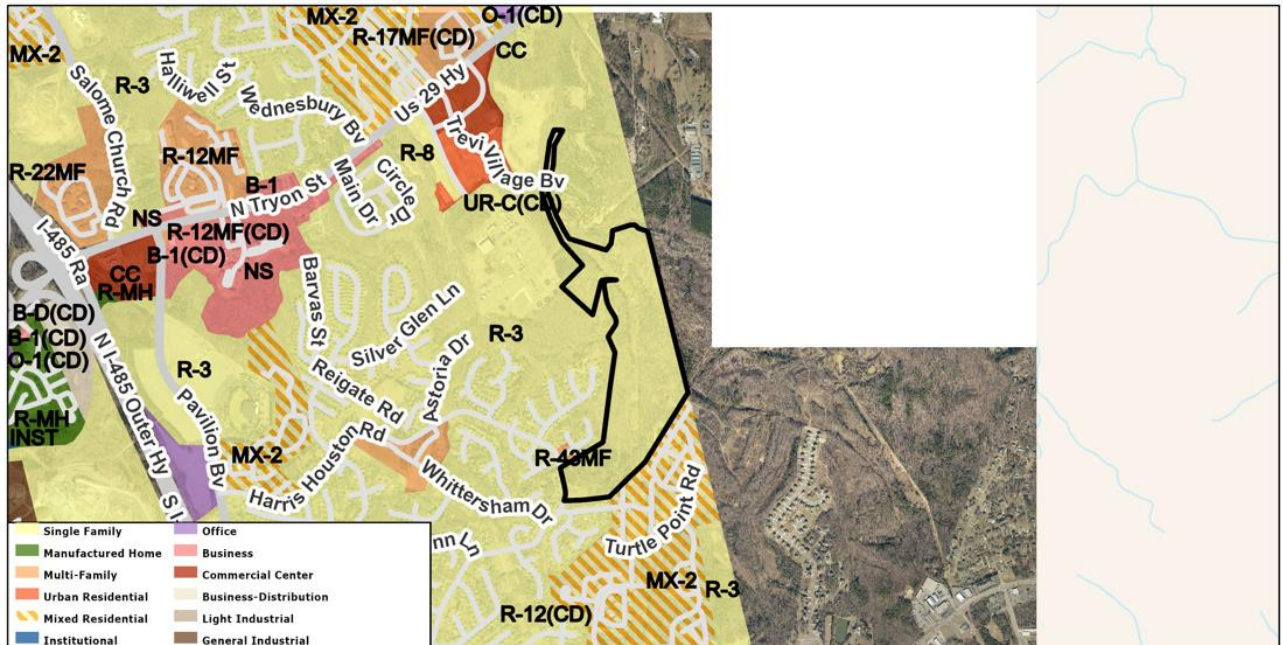
## PLANNING STAFF REVIEW

- **Proposed Request Details**

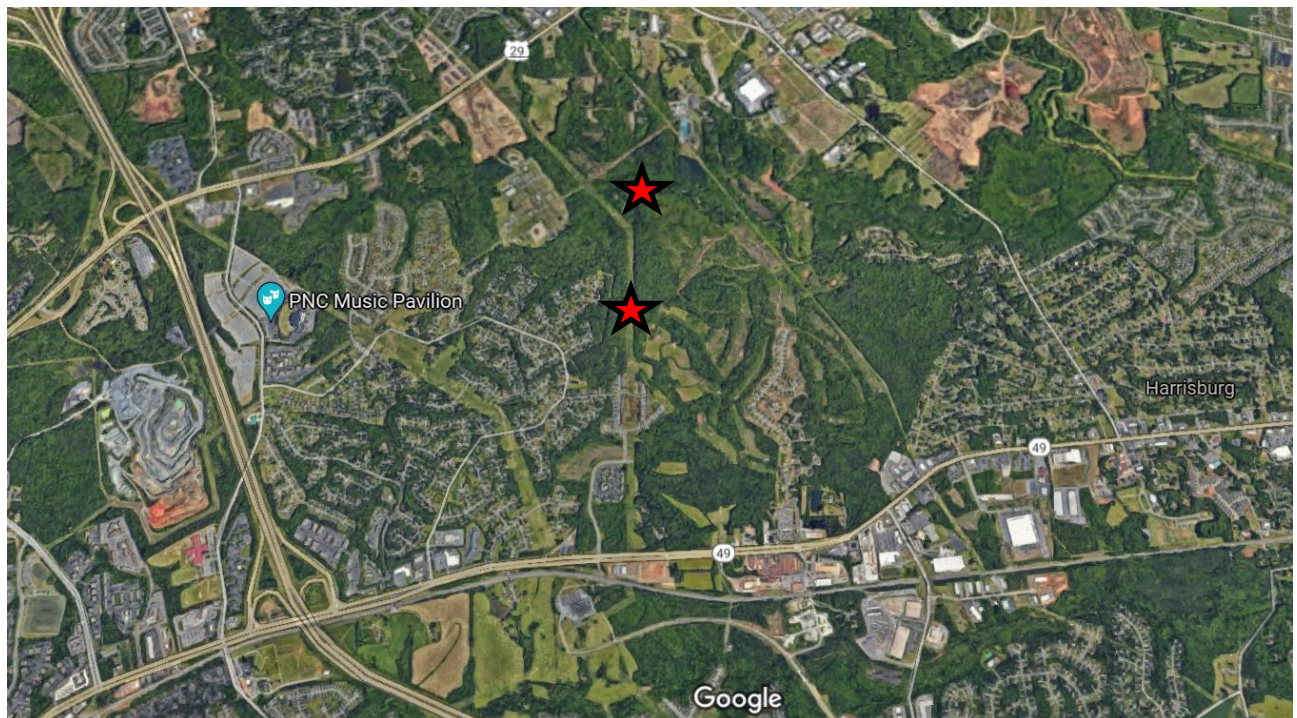
This is a conventional rezoning petition with no associated site plan.

- 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.



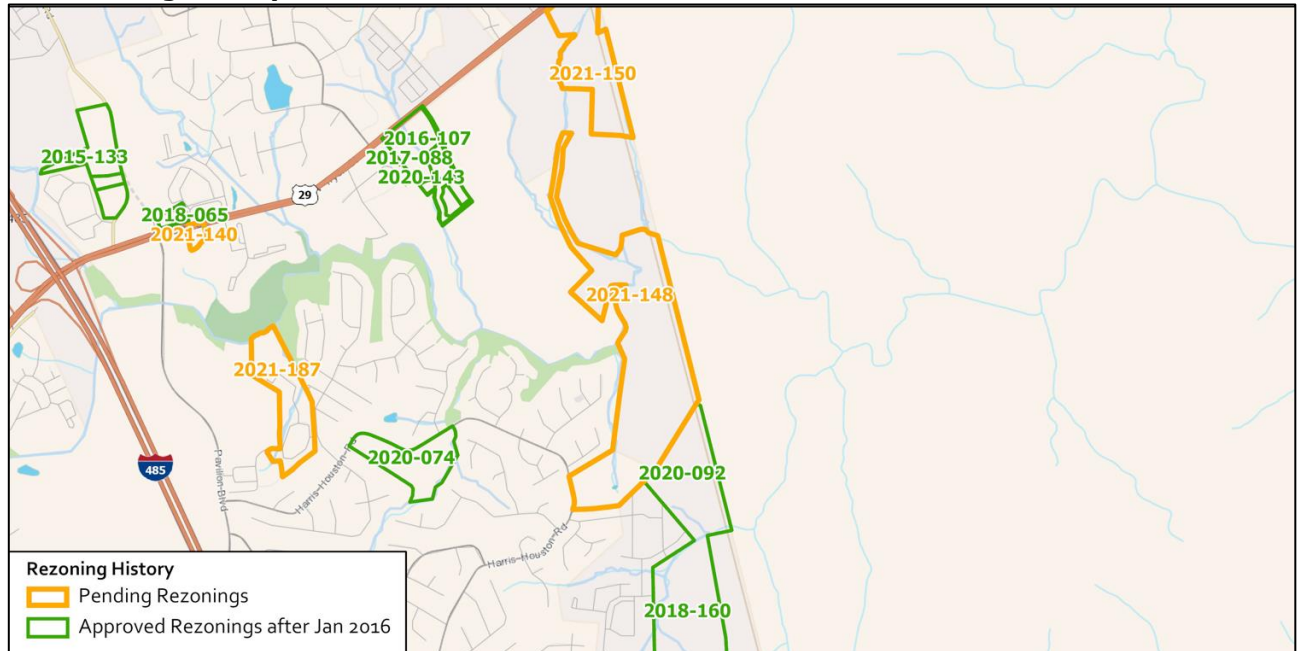
- South of the site are single family residential uses.



- West of the site are single family residential uses.

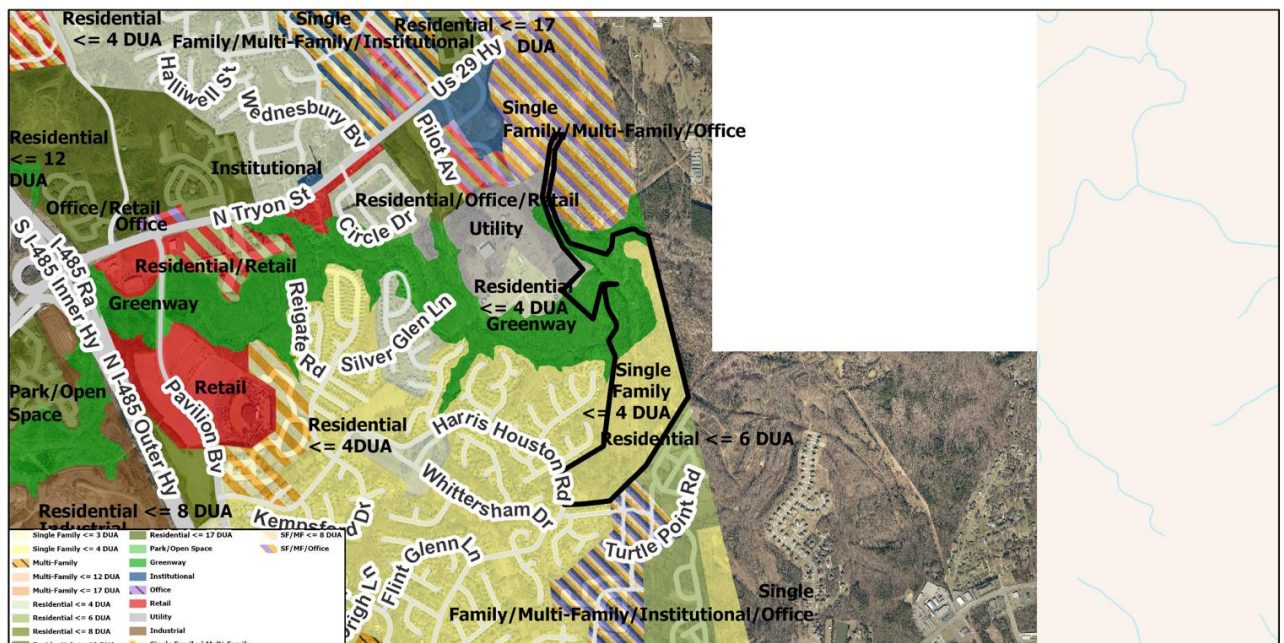


- **Rezoning History in Area**



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](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://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](http://www.rezoning.org)
- **City Arborist:** No comments submitted.
- **Erosion Control:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Urban Forestry:** No comments submitted.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://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
	<b>Goal 1: 10- Minute Neighborhoods</b> 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
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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.	✓
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>N/A</b></p>
	<p><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>N/A</b></p>
	<p><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>N/A</b></p>
	<p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>N/A</b></p>
	<p><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>N/A</b></p>
	<p><b>Goal 10: Fiscally Responsible</b></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><b>N/A</b></p>





# City of Charlotte

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

**Agenda Date:** 1/18/2022

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**Agenda #:** 18.**File #:** 15-17168 **Type:** Zoning Decision

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## **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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis



## Zoning Committee Recommendation

Rezoning Petition 2021-153

January 4, 2022

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### 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.  
(Council District 3 - Watlington)

### PETITIONER

Galaga Investors, LLC

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### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **inconsistent** with the *Tyvola & Archdale Transit Station Area Plan* (2008) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office/retail/industrial-warehouse-distribution uses for this site.

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

- The site is within a 1-mile walk of 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.

Motion/Second: Blumenthal / Chirinos

Yeas: Blumenthal, Chirinos, Ham, Rhodes, Samuel, Spencer and Welton

Nays: None

Absent: None

Recused: None

#### **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

There was no further discussion of this petition.

#### **PLANNER**

Holly Cramer (704) 353-1902

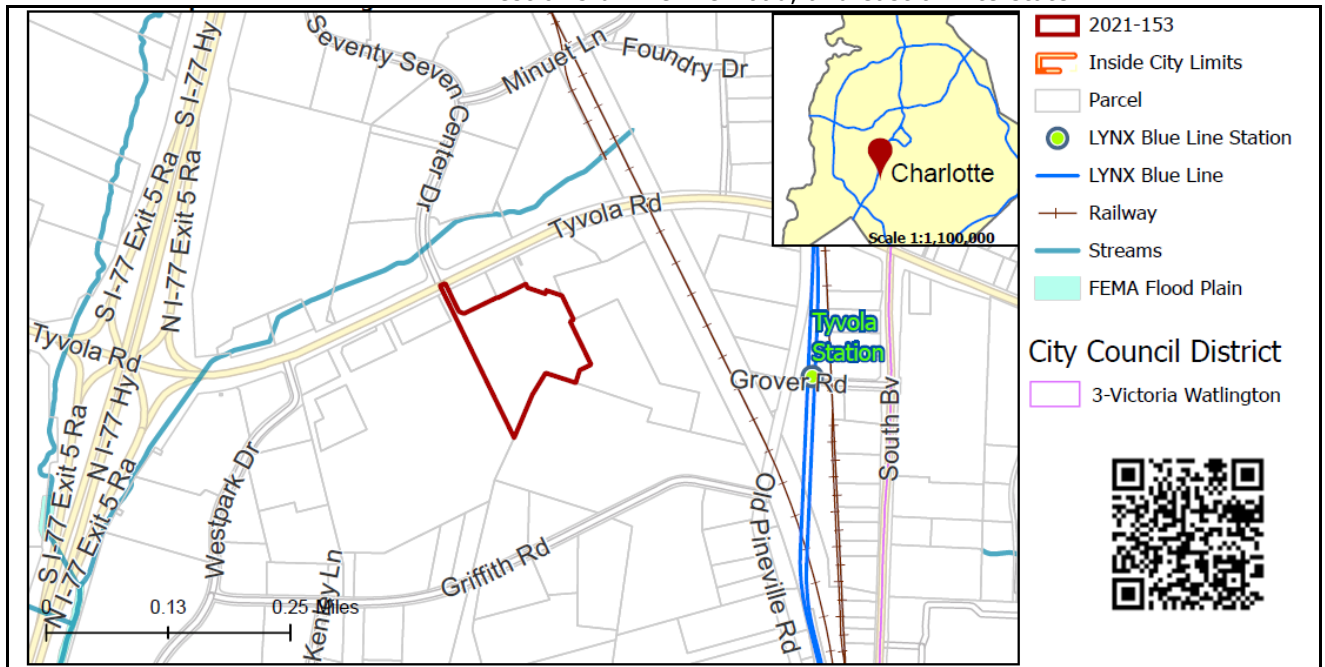


## REQUEST

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.

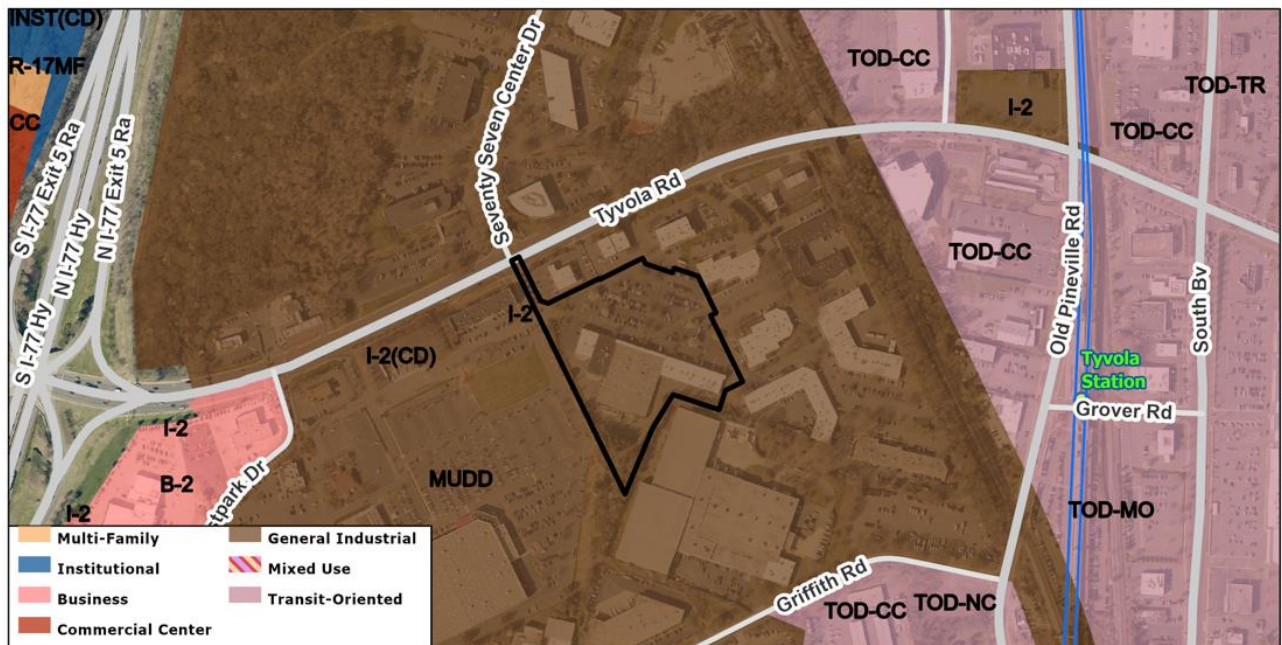
### PLANNING STAFF REVIEW

- **Proposed Request Details**

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

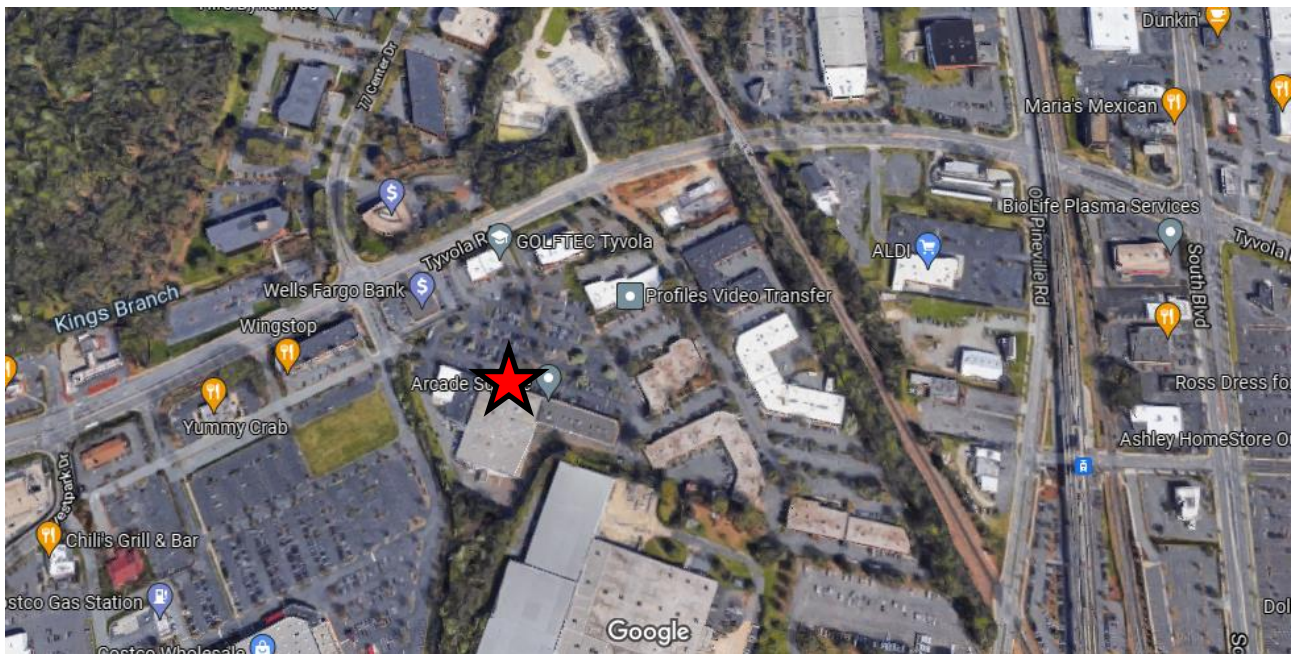
- Allows all uses in the TOD-NC (transit oriented development – neighborhood center) zoning district.

- **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.





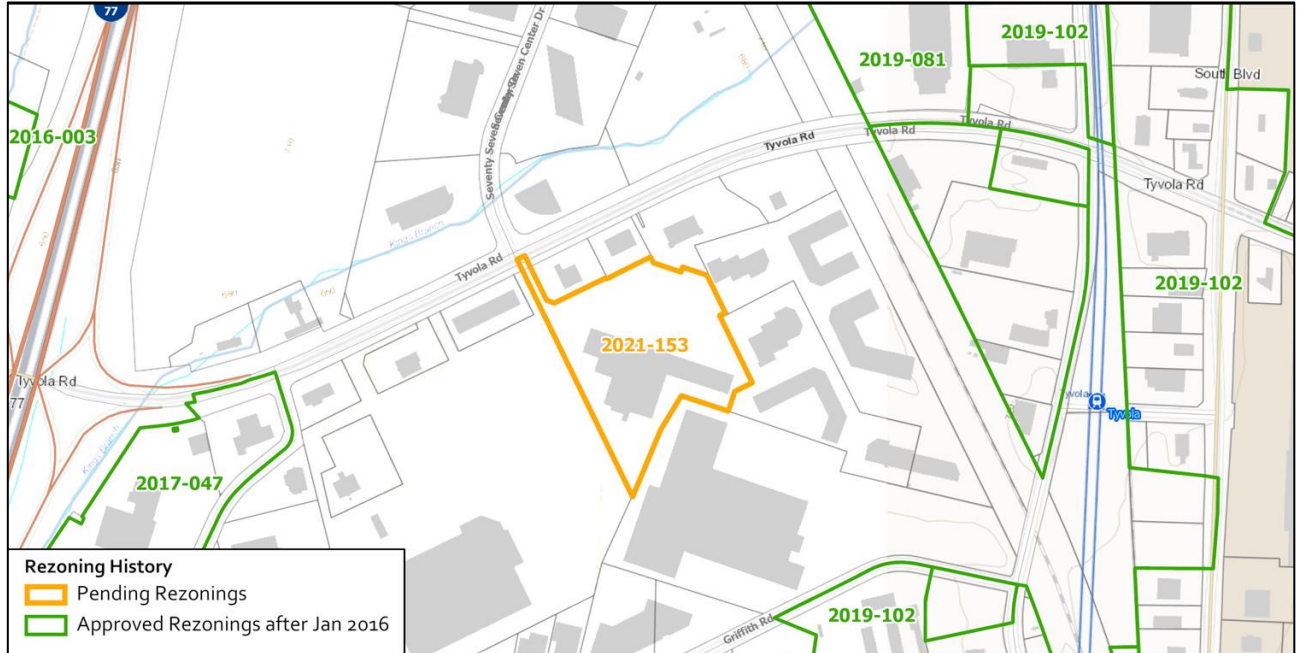
- South of the site are industrial uses.



- West of the site are retail uses.

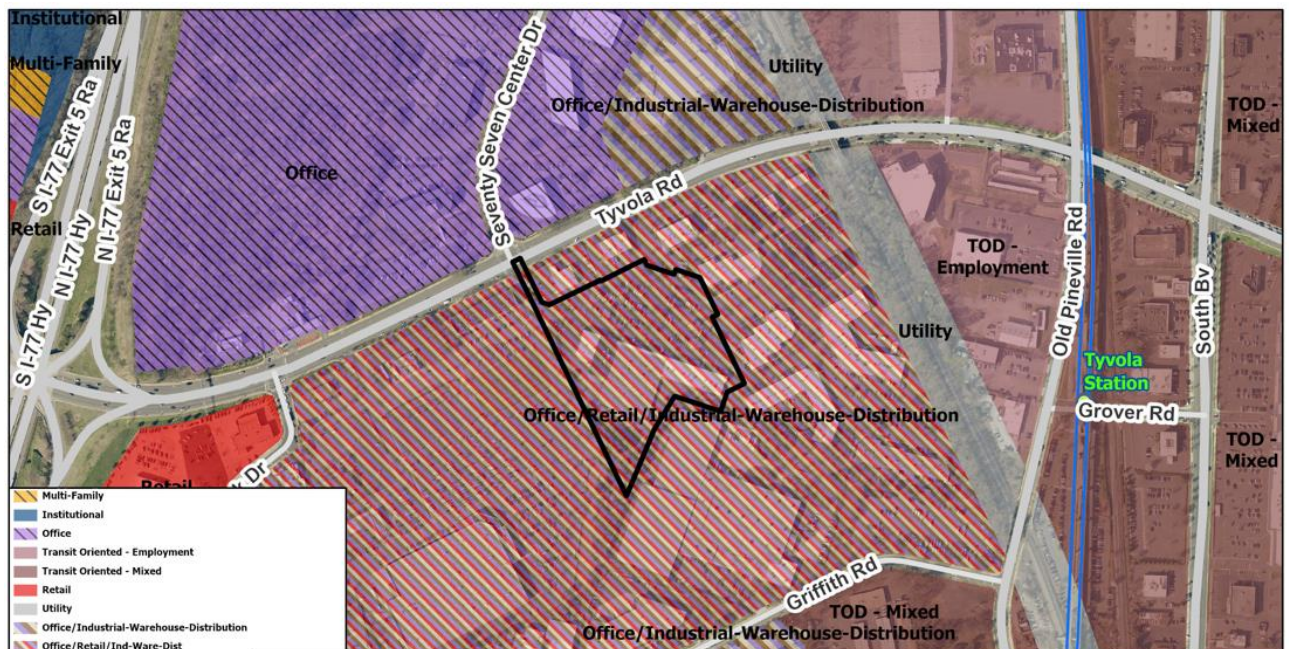


- Rezoning History in Area**



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](http://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](http://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](http://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](http://www.rezoning.org)
- **Urban Forestry:** No comments submitted.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://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
	<b>Goal 1: 10- Minute Neighborhoods</b> 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
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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:** 1/18/2022

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**Agenda #:** 19. **File #:** 15-17169 **Type:** Zoning Decision

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## **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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis





## Zoning Committee Recommendation

Rezoning Petition 2021-155

January 4, 2022

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### 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.  
(Council District 1 - Egleston)

### PETITIONER

Habitat for Humanity of the Charlotte Region, Inc.

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### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **inconsistent** with the *Eastland Area Plan* (2003) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family uses up to four dwelling units per acre for the site.

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

- The 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.

Motion/Second: Rhodes / Blumenthal  
Yeas: Blumenthal, Chirinos, Ham, Rhodes, Samuel,  
Spencer and Welton  
Nays: None  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

Commissioner Chirinos asked staff for a summary of the comments given at the public hearing by the citizens in opposition to the petition.

There was no further discussion of this petition.

**PLANNER**

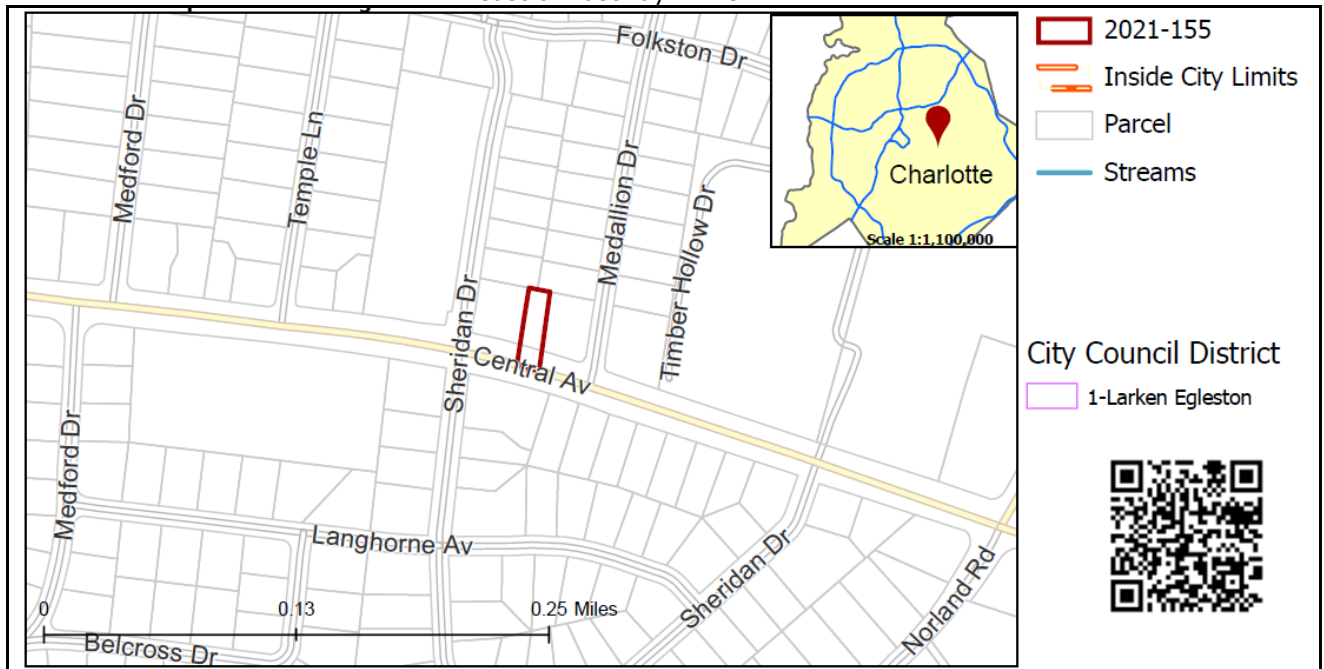
Holly Cramer (704) 353-1902

**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.

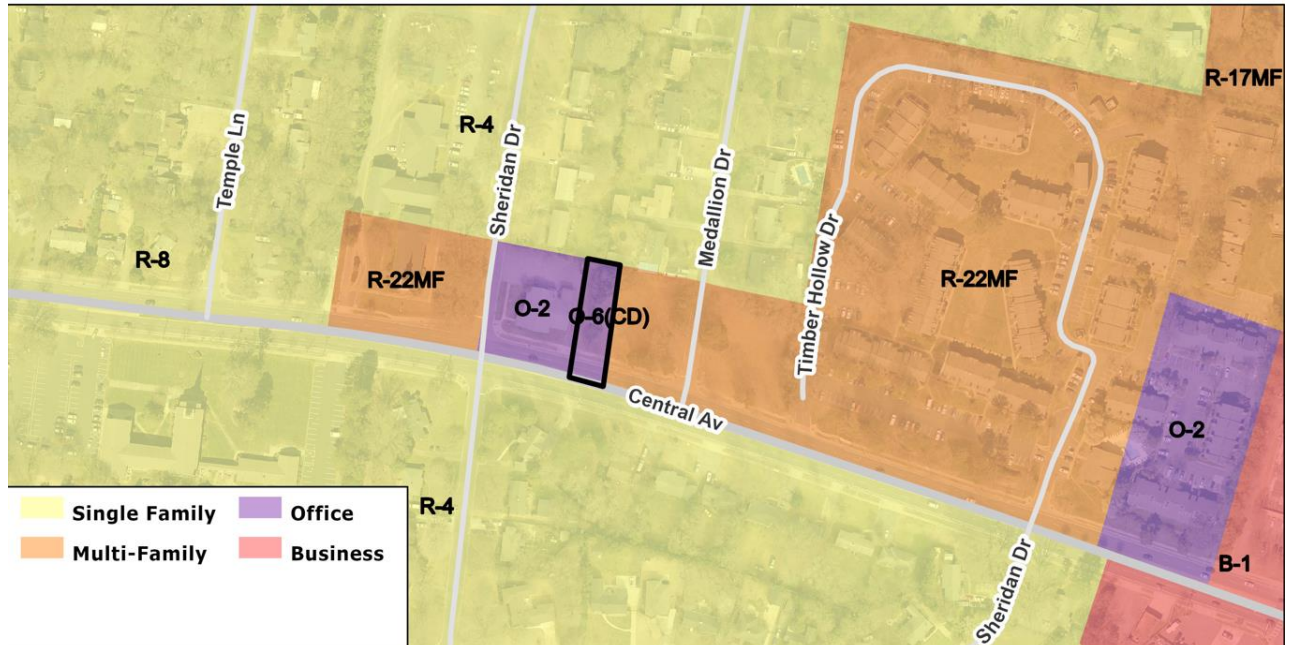
### PLANNING STAFF REVIEW

- **Proposed Request Details**

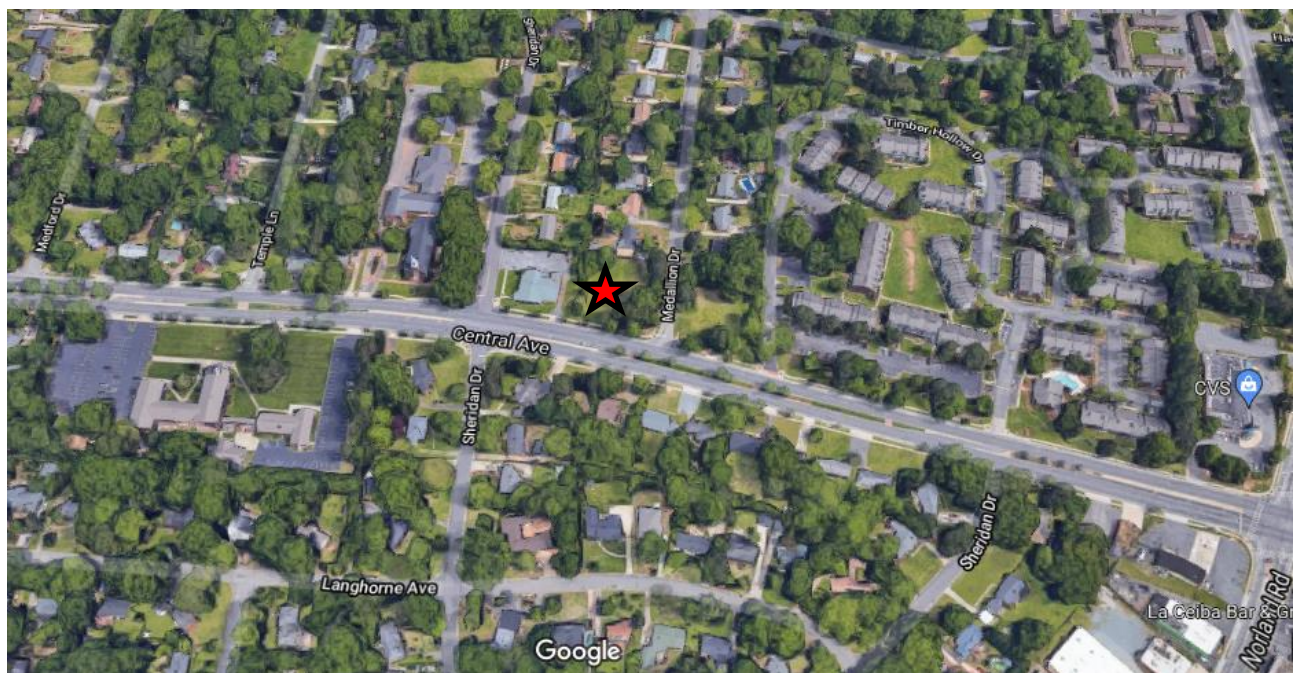
This is a conventional rezoning petition with no associated site plan.

- 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.

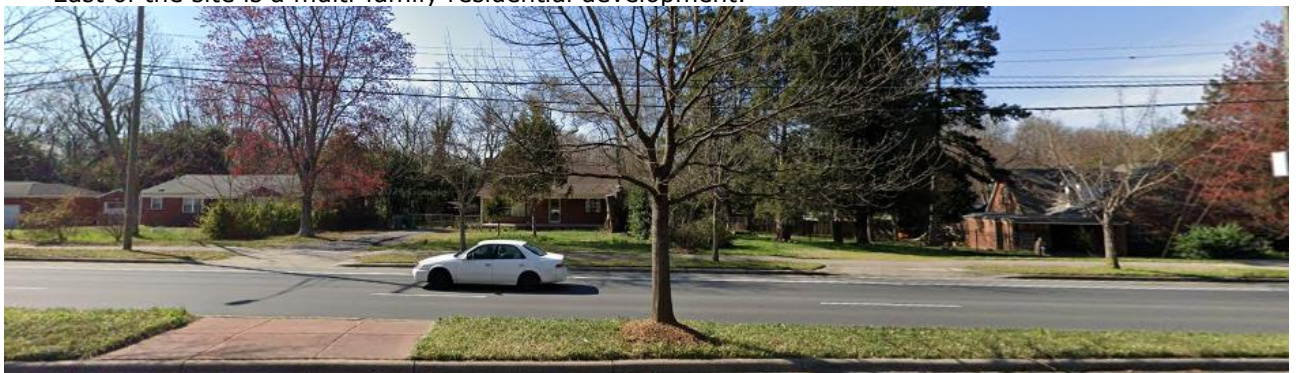




- North of the site are single family residential uses.



- 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.

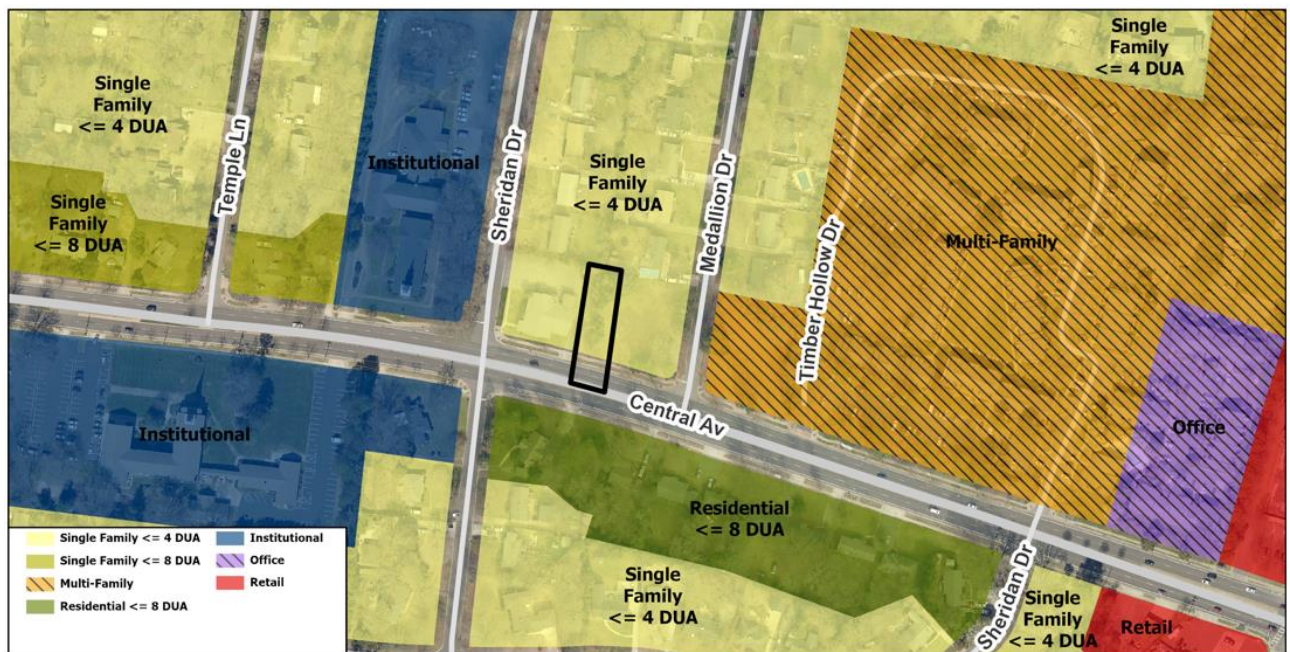


- **Rezoning History in Area**



- 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](http://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](http://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](http://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](http://www.rezoning.org)
- **Urban Forestry:** No comments submitted.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://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
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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.	✓
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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><b>Goal 7: Integrated Natural &amp; Built Environments</b></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><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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>