



Agenda Date: 3/18/2019

Agenda #: 4. **File #:** 15-10380 **Type:** Historic Landmark

Reginald Armistice Hawkins House

A decision to be made by the City Council on the Question of adopting an ordinance for the property known as the "Reginald Armistice Hawkins House" (listed under Tax Parcel Number 07839808 including the interior and the exterior of the house, the land, and all landscape features associated with tax parcel) as an Historic Landmark.

Property Owner: Jeffrey Michael Neff and Samantha C. Taylor

Location: 1703 Madison Avenue in Charlotte, North Carolina

Attachments:

Reginald Armistice Hawkins House Cover

Reginald Armistice Ordinance

Reginald Armistice Survey and Research Report

Reginald Armistice Hawkins House
1703 Madison Avenue, Charlotte, NC



The Reginald Armistice Hawkins House is significant for its association with Reginald Armistice Hawkins, Charlotte's most outspoken and persistent activist during the Civil Rights movement of the 1950s – 1960s. The house was one of four homes of Charlotte Civil Rights leaders that were bombed in 1965. During the decades that Hawkins resided at 1703 Madison Avenue, from the early 1950s into the 1980s, he did much to reshape race relations in Charlotte. His impact was felt far from the Queen City, as well – directly in his work to open North Carolina medicine to all, in his education lawsuit that ended North Carolina's discriminatory Pearsall Plan, and in his participation in *Swann v Charlotte-Mecklenburg Board of Education*. The Charlotte-Mecklenburg Historic Landmarks Commission is recommending that City Council vote to designate the Hawkins House as an historic landmark.



Ordinance – Reginald Armistice Hawkins House

Ordinance designating as an Historic Landmark a property known as the “Reginald Armistice Hawkins House” (listed under Tax Parcel Number 07839808 as of February 1, 2019, and including the interior and exterior of the house, all landscape features, and the land associated with the tax parcel). The property is located at 1703 Madison Avenue in Charlotte, North Carolina, and is owned by Jeffrey Michael Neff and Samantha C. Taylor.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 18th day of February 2019, on the question of designating a property known as the Reginald Armistice Hawkins House as an historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 11^h day of February, 2019 on the question of designating a property known as the Reginald Armistice Hawkins House as an historic landmark; and

WHEREAS, the Reginald Armistice Hawkins House is significant for its association with Reginald Armistice Hawkins, Charlotte's most outspoken and persistent activist during the Civil Rights movement of the 1950s – 1960s; and

WHEREAS, Reginald Armistice Hawkins House was one of four homes of Charlotte Civil Rights leaders that were bombed in 1965; and

WHEREAS, During the decades that Hawkins resided at 1703 Madison Avenue, from the early 1950s into the 1980s, he did much to reshape race relations in Charlotte. His impact was felt far from the Queen City, as well – directly in his work to open North Carolina medicine to all, in his education lawsuit that ended North Carolina's discriminatory Pearsall Plan, and in his participation in Swann – and indirectly in the headlines that his activism generated year after year in the national press; and

WHEREAS, Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Reginald Armistice Hawkins House possesses special significance in terms of its history, and/or cultural importance; and

WHEREAS, the property known as the Reginald Armistice Hawkins House is owned by Jeffrey Michael Neff and Samantha C. Taylor.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That the property known as the “Reginald Armistice Hawkins House” (listed under Tax Parcel Number 07839808 as of February 1, 2019, and including the interior and exterior of the house, all landscape features, and the land associated with the tax parcel) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 1703 Madison Avenue,

Charlotte, Mecklenburg County, North Carolina. Features of the property are more completely described in the “Survey and Research Report on the Reginald Armistice Hawkins House” (2018).

2. That said exterior and interior are more specifically defined as the historic and structural fabric, especially including all original exterior and interior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior’s Standards for Rehabilitation and*

Guidelines for Rehabilitating Historic Buildings, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said property has been designated as an historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the historic landmark known as the “Reginald Armistice Hawkins House” be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as an historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 20____, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Clerk to City Council

Approved as to form:

Senior Assistant City Attorney

Survey and Research Report on the Reginald Armistice Hawkins House

1. Name and location of the property: The property known as the Reginald Armistice Hawkins House is located at 1703 Madison Avenue, Charlotte, NC

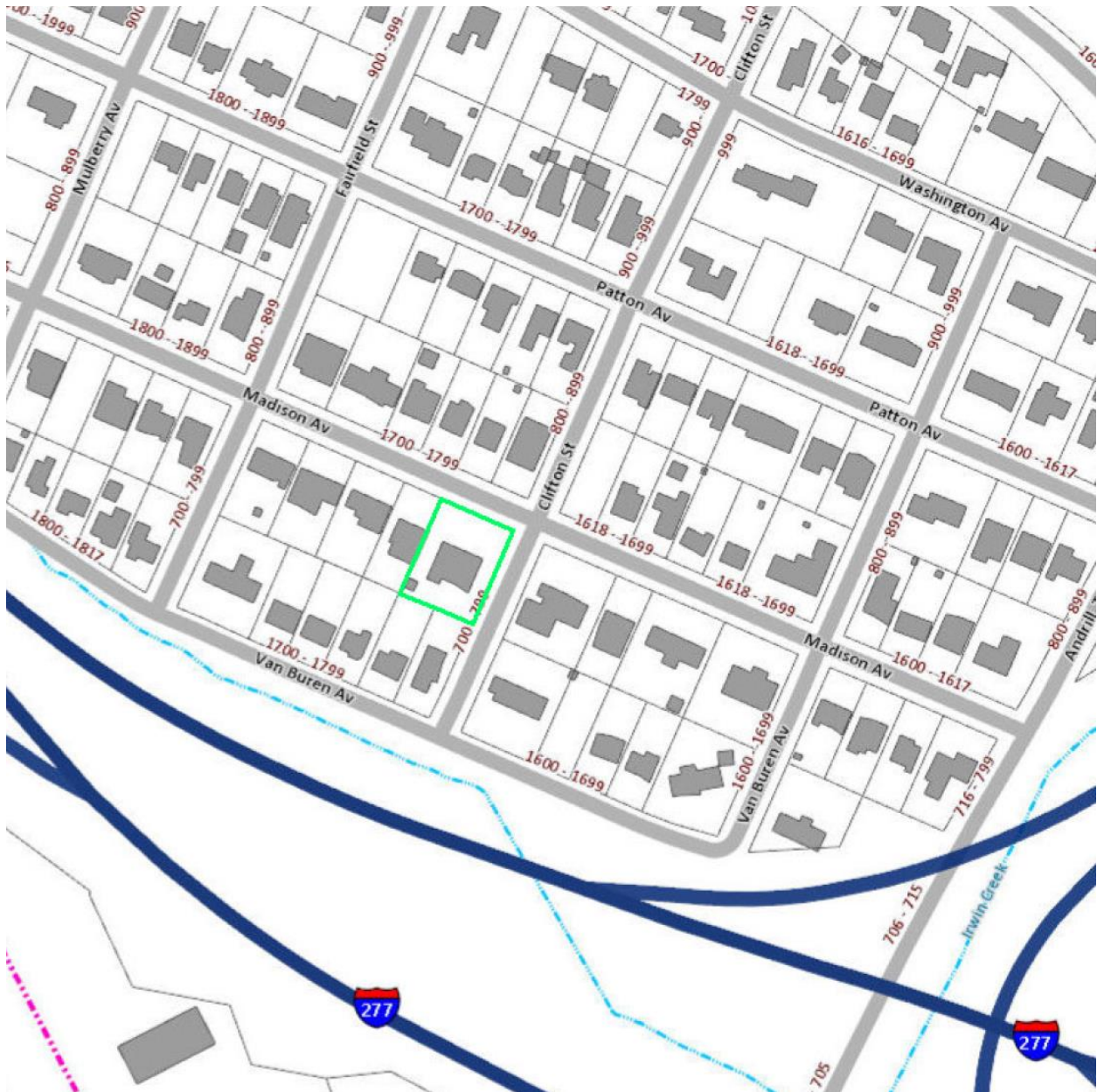
2. Name and address of the current owner of the property:

Jeffrey Michael Neff and Samantha C. Taylor
1703 Madison Avenue
Charlotte, NC 28216

3. Representative photographs of the property: This report contains representative photographs of the property.



4. A map depicting the location of the property:



5. **Current Tax Parcel Reference and Deed to the property:** The tax parcel number for the property is 07839808. The most recent deed for the property is recorded in Mecklenburg County Deed Books 33089-230.

6. **A brief historical sketch of the property:** This report contains a brief historical sketch of the property prepared by Dr. Tom Hanchett.

7. A brief architectural description of the property: This report contains a brief architectural description prepared by Stewart Gray.

8. Documentation of why and in what ways the property meets the criteria for designation set forth in N.C.G.S 160A-400.5.

a. Special significance in terms of its history, architecture and/or cultural importance: The Commission judges that the property known as the Reginald Armistice Hawkins House possesses special significance in terms of Charlotte-Mecklenburg. The Commission bases its judgment on the following considerations:

1) The Reginald Armistice Hawkins House is significant for its association with Reginald Armistice Hawkins, Charlotte's most outspoken and persistent activist during the Civil Rights movement of the 1950s – 1960s

2) The Reginald Armistice Hawkins House was one of four homes of Charlotte Civil Rights leaders that were bombed in 1965.

3) During the decades that Hawkins resided at 1703 Madison Avenue, from the early 1950s into the 1980s, he did much to reshape race relations in Charlotte. His impact was felt far from the Queen City, as well – directly in his work to open North Carolina medicine to all, in his education lawsuit that ended North Carolina's discriminatory Pearsall Plan, and in his participation in Swann – and indirectly in the headlines that his activism generated year after year in the national press.

b. Integrity of design, setting, workmanship, materials, feeling and/or association: The Commission contends that the architectural description in this report demonstrates that the property known as the Reginald Armistice Hawkins House meets this criterion.

9. Ad Valorem Tax Appraisal: The Commission is aware that designation would allow the owner to apply for an automatic deferral of 50% of the Ad Valorem taxes on all or any portion of the property which becomes a "historic landmark." The current appraised value of the property is \$467,900.

10. Portion of the Property Recommended for Designation: The interior and exterior of the house, and the land associated with tax parcel.

11. Date of Preparation of this Report: February 7, 2019

Prepared by: Dr. Tom Hanchett and Stewart Gray

Historical Essay



Dr. Reginald Hawkins was Charlotte's most outspoken and persistent activist during the Civil Rights movement of the 1950s – 1960s.¹ His protests played key roles in desegregating the

¹ No book-length study of Hawkins' activism yet exists, but several scholarly articles, theses and dissertations point the way. The most useful include: Douglas, Davison M., "The Quest for Freedom in the Post-Brown South: Desegregation and White Self-Interest," **Chicago-Kent Law Review**, 1994, pp. 689 – 755. On-line

at: <http://scholarship.kentlaw.iit.edu/cgi/viewcontent.cgi?article=2973&context=cklawreview>;
Richardson, Michael B., "Not Gradually... But Now': Reginald Hawkins, Black Leadership, and Desegregation in Charlotte, North Carolina," **North Carolina Historical Review**, Vol. 82, No. 3 (July 2005), pp. 347-379. On-line at: <https://docslide.com.br/documents/not-gradually-but-now-reginald-hawkins-black-leadership-and-desegregation.html>; Faulkenbury, Terry Evan, "Telenegro': Reginald Hawkins, Black Power, and the 1968 Gubernatorial Race in North Carolina," Masters Thesis, Department of History, UNC Charlotte, 2012. See also Emiene Wright, "The Militant Dentist: Dr. Reginald

Charlotte airport in 1956, upscale restaurants in 1963, Charlotte Memorial Hospital circa 1963, and much more. One his longest efforts was the series of actions and lawsuits that culminated in **Swann v Charlotte Mecklenburg Board of Education**, the landmark 1971 U.S. Supreme Court decision that brought court-ordered busing to the nation.

His house at 1703 Madison Avenue was one of four homes of Charlotte Civil Rights leaders that were bombed in 1965.

During the decades that he resided here, from the early 1950s into the 1980s, Hawkins did much to reshape race relations in Charlotte. His impact was felt far from the Queen City, as well – directly in his work to open North Carolina medicine to all, in his education lawsuit that ended North Carolina’s discriminatory Pearsall Plan, and in his participation in *Swann* – and indirectly in the headlines that his activism generated year after year in the national press.

* * *

The making of an activist

Reginald Hawkins (11.11.1923 - 9.10.2007) grew up in the coastal community of Beaufort, North Carolina. His father Charles C. Hawkins worked for the U.S. Bureau of the Interior, a rare achievement for an African American in the era of segregation. "He was an ethologist, worked at Pivers Island, North Carolina, in fish culture and in ecological surveys in that area," Reginald Hawkins told oral historian Melinda Desmarais. "They evaluated the waters from Nova Scotia to Tortugas, Florida, doing ecological survey, replenishing work and restoring sea life where it was being damaged or destroyed by storms or by pollution."² Charles Hawkins and his wife Lorena Smith Hawkins gave their son the middle name Armistice because he was born on Armistice Day, the commemoration of the ending of World War I just five years earlier. It was an apt name for someone who would himself bring victory out of struggle.

Hawkins,” *Creative Loafing*, February 6, 2013. On-line at: <https://clclt.com/charlotte/the-militant-dentist-dr-reginald-hawkins/Content?oid=3003665>

Hawkins’ papers are at UNC Charlotte: Reginald A. Hawkins Papers, Special Collections, Atkins Library, UNC Charlotte. Finding-aid on-line at: <https://findingaids.uncc.edu/repositories/4/resources/218>

A good resource on Charlotte’s Civil Rights history in general is Gaillard, Frye, **The Dream Long Deferred: The Landmark Struggle for Desegregation in Charlotte, North Carolina**, 3rd edition. University of South Carolina Press, 2006).

² Hawkins, Reginald, oral history interview by Melinda Desmarais, June 11, 2001, Special Collections, Atkins Library, UNC Charlotte. Transcript on-line at: <http://nsv.uncc.edu/interview/ohha0077>. Other oral histories of Hawkins include: Hawkins, Reginald, oral history interview by Joseph Mosnier, June 5, 1995, for the Southern Oral History Program, UNC Chapel Hill. Transcript on-line at: <https://cdr.lib.unc.edu/indexablecontent/uuid:5fd6ca2a-398d-404a-8711-f71c3b5ded3b>

After graduating from high school in Beaufort, young Reginald journeyed to Charlotte in the fall of 1941 to enroll at Johnson C. Smith University. He joined Kappa Alpha Psi fraternity, a lifelong platform for networking and organizing. His fellow students elected him head of JCSU's Panhellenic Council, the organization that knit together the "divine nine" fraternities and sororities that were so important in the lives of college educated African Americans. Hawk -- as his fellow students called him -- also quickly won notice as one of the school's best athletes, adept in multiple sports. "In 1942 Reginald was the first boxing and wrestling champion at JCSU," noted his obituary. "In 1943 he was quarterback of JCSU's football team, a member of the Varsity 'S' Club and a member of the Hall of Fame."³ Years later he would donate his golden yellow CIAA letter sweater, received as wrestling champ and later worn in his role as a protest leader, to Levine Museum of the New South.

At JCSU Hawkins began agitating for Civil Rights. Trezzvant Anderson, a crusading black journalist with the **Pittsburgh Courier**, had launched a campaign to get African Americans hired by the Post Office as letter carriers. President Roosevelt had issued Executive Order 8802 in 1941 declaring an end to segregated hiring by the U.S. Government and national black leader A. Philip Randolph was spearheading a national effort to turn that written promise into reality. Hawkins helped Anderson organize student picketers at Charlotte's downtown Post Office.⁴ He recalled to Desmarais: "That was my first actual march in protest against segregation—was in 1943 in Charlotte."⁵ The campaign took many years, but about 1948 the Charlotte Post Office hired its first ten black letter carriers.⁶

Hawkins may not have been in Charlotte to witness that victory because he was finishing graduate school in dentistry at Howard University -- the epicenter of the emerging Civil Rights movement.⁷ Law school dean Charles Hamilton Houston had begun training a network of Civil Rights attorneys in the 1930s for the NAACP, sending them out across the nation. Thurgood Marshall would become the best known, erupting into national prominence when he filed the **Brown v Board of Education** lawsuit in 1951. By the time Hawkins arrived in 1944, Houston had stepped down as Dean, replaced by the equally activist William Hastie who would go on to argue the 1946 **Morgan v West Virginia** case before the Supreme Court which outlawed segregation in interstate transportation. Hastie and other Howard professors, plus Civil Rights

³ Hawkins, Reginald, funeral program in the History Room, First United Presbyterian Church, Charlotte.

⁴ Griffin, Willie James, **Courier of Crisis, Messenger of Hope: Trezzvant W. Anderson and the Black Freedom Struggle for Economic Justice** (Ph.D. dissertation, UNC Chapel Hill, 2016).

⁵ Hawkins interview with Desmarais, UNC Charlotte.

⁶ "In 1948, Oren and ten other African Americans became the first of their race to be hired by the United States Post Office in Charlotte as Letter Carriers," McCullough, Oren, funeral program in the History Room, First United Presbyterian Church, Charlotte.

⁷ Greenberg, Jack, **Crusaders in the Courts: How a Dedicated Band of Lawyers Fought for the Civil Rights Revolution** (Basic Books, 1994). McNeil, Genna Rae, **Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights** (University of Pennsylvania Press, 1993).

leaders from the surrounding Washington, DC, community including Mary Church Terrell, held a seminar on Sunday evenings for budding activists.

Some students in that seminar had devised a new protest tactic in 1943 that succeeded in desegregating a cafeteria near campus.⁸ The students calmly marched in small groups to the cafeteria and asked for service. When rebuffed they left, but returned to repeat the process again and again until the management gave in. It was the birth of the "sit-in."

Though Hawkins was in the dental school, not the law school, Howard's activists welcomed him to the Sunday gatherings. "They found out that I was head of the student organization at Johnson C. Smith, and they would invite us Sunday to classes on our constitutional rights," Hawkins told interviewer Desmarais. "After we left the classes, we would go—I mean well it was a seminar type—we'd go down and sit in at the Peoples Drug Store, we would go and picket the National Theatre where they had denied Marian Anderson the right to sing and the Constitution Hall, all that."⁹

Among the participants that Hawkins got to know during the seminars and sit-ins was a slightly older law student from Charlotte. Thomas Wyche, Howard law, class of 1944, had been part of the first sit-in group on April 13, 1943. He and Hawk would make history together when they got back to the Queen City.

Dr. Reginald Hawkins set up his dental practice in Charlotte starting in late 1948. He took time out from 1951 to 1953 during the Korean war to join the U.S Army Dental Corps, where he rose to the rank of Captain. Back in Charlotte he practiced dentistry until retirement in 1987. Medicine was rigidly segregated, so all of Hawkins' income came from African Americans. Not being dependent on white dollars gave him measure of economic freedom. That meant he could speak and act boldly on issues of Civil Rights.

The dental income also meant that Dr. Hawkins could construct a new house for his family in Charlotte's finest African American neighborhood. In 1945 he had married his JCSU sweetheart Catherine Richardson. When Hawk got back from Korea in 1953, the young couple took out a permit to build in the modern and suburban neighborhood being developed north of the campus by JCSU President Dr. H.L. McCrorey: McCrorey Heights.

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Desegregating Charlotte's airport, 1954 - 56

⁸ Brown, Flora Bryant, "NAACP Sponsored Sit-ins by Howard University Students in Washington, D.C., 1943-1944," **Journal of Negro History**, (Autumn, 2000), pp. 274-286.

⁹ Hawkins interview with Desmarais, UNC Charlotte.

Within months of returning from Korea, Dr. Hawkins teamed up with attorney Thomas Wyche to challenge segregation at Charlotte's new airport -- perhaps the earliest successful use of the Howard University sit-in tactic anywhere in the South.

On July 10, 1954 Charlotte proudly opened a new airport terminal. The federal government funded construction and the facility was for "interstate transportation" — which the Supreme Court had ruled (in Dean Hastie's 1946 **Morgan** case) must be desegregated. But Charlotte being a Southern city, local administrators barred African Americans from the terminal's restaurant. Dr. Hawkins and Attorney Wyche decided to mount a challenge — a Howard University-style sit-in. They brought along a pair of McCrorey Heights neighbors, insurance agent W.W. Twitty and Civil Rights attorney Charles V. Bell, and drove out to the airport.

As writer Barry Yeomans recreated the scene years later:

"Reginald Hawkins could feel his heart racing as he and three friends made their way through Douglas Municipal Airport in Charlotte, North Carolina. Dressed in his best Sunday suit, the 30-year-old dentist and Presbyterian minister sought to accomplish a simple task: to sit at the Airport '77' Restaurant, with its big picture windows overlooking the two asphalt runways, and eat his lunch unmolested....

"As he and the others entered the restaurant, the hostess ... said, 'We don't serve blacks here.' ...[The] four brushed past her, spotted an empty table, and took their seats. The ensuing commotion caught the ear of Frank Littlejohn, Charlotte's chief of police, who was at lunch with several city bigwigs. The chief knew Hawkins from previous protests. He walked over to the dentist's table. 'Doctor, won't you all leave?' he said. 'You're embarrassing us.'

"'I'm sorry,' Hawkins replied. 'But we've been embarrassed all our lives.'"¹⁰

The action won attention in the media, including the **Carolina Times** of Durham. "The Negroes were herded off into a small room adjoining the kitchen of the eating establishment to obtain meals," it reported. The affront meant that Attorney Wyche now had grounds to file suit. Headlined the newspaper: "Queen City Group Seeks Injunction Against City Airport Restaurant; Charge Unconstitutional Bias."¹¹

After two years of legal wrangling the airport restaurant did desegregate in 1956. For the moment, it was an isolated victory. In 1960 college students in Greensboro, Charlotte and elsewhere would launch a nationwide Sit-In Movement. And in 1961 students with the Congress of Racial Equality (CORE) would mount the Freedom Ride, which systematically sought to

¹⁰ Yeoman, Barry, "A Taste for Tolerance," **AARP The Magazine**, May 1, 2004. "Bias Suit Filed at Air Terminal," **Pittsburgh Courier**, July 17, 1954.

¹¹ "Queen City Group Seeks Injunction Against City Airport Restaurant; Charge Unconstitutional Bias," *Carolina Times*, July 24, 1954. On-line at: <http://newspapers.digitalnc.org/lccn/sn83045120/1954-07-24/ed-1/seq-1/>

“make real” the desegregation of interstate transportation facilities. Attorney Thomas Wyche would be involved in both. But for now, the time was not yet right.

Desegregating hospitals and medical societies, 1950s - 1965

Even as the airport case was making its way through the courts, Hawkins teamed up with another McCrorey Heights neighbor, Dr. Emery L. Rann, on a crusade against the barriers that blocked African American access to decent healthcare. An alliance of medical men in McCrorey Heights -- Rann and Hawkins plus Dr. Roy S. Wynn, Dr. Rudolph P. Wyche and Dr. Edson E. Blackman -- led a statewide decades-long fight that ultimately changed not just Charlotte but the state of North Carolina.

Racial segregation in medical matters hurt African Americans at two levels. Most obviously, it meant that black patients were barred from white hospitals. Charlotte had one of the South's earliest black hospitals, Good Samaritan, but its facilities never remotely equaled those at city-funded white Charlotte Memorial. Less visible was the behind-the-scenes harm inflicted by segregation of medical societies. In those days before the internet, medical societies with their regular meetings were an important way for doctors to exchange ideas and keep up with the latest science. When white medical societies barred black physicians, it hindered the free flow of ideas — as well as being a calculated insult. The harm deepened during the 1950s. As pressure began to build for desegregation with the Supreme Court's 1954 **Brown v Board** education ruling, hospitals across the South added a new barrier: to become a doctor at a municipal hospital such as Charlotte Memorial, a physician had to be a member of the North Carolina Medical Society. This all-white organization was a private society, thus not affected by Civil Rights laws.

“Foremost in the struggle for hospital availability was Dr. Reginald Hawkins, a practicing dentist and minister,” wrote Dr. Rann years later. During 1961 Hawkins led “Johnson C. Smith University students in picketing the four hospitals and held a prayer vigil on the front lawn of Memorial Hospital. Memorial had opened 38 beds and Mercy 28 for Negro patients in isolated areas. No black doctor had privileges” — in other words, could not visit patients in the white hospitals.¹²

When marches produced no effect, wrote Rann, Dr. Hawkins appealed directly to U.S. Attorney General Robert Kennedy, brother of President John F. Kennedy. Hawkins pointed out that all the hospitals had utilized federal construction funds under the Hill-Burton Act which required equal treatment. Robert Kennedy, known for his willingness to wield federal power for Civil Rights, arranged for three U.S Health Department officials to visit Charlotte on a fact-finding mission on

¹² Rann, Emery L., Jr., “The Black Physician in Charlotte (A Historical Review),” 1990, self-published manuscript in the collection of the Carolina Room, Charlotte Mecklenburg Library. Douglas, Davison M., “The Quest for Freedom,” pp. 725 – 728. Richardson, Michael B., “Not Gradually... But Now.”

August 15, 1962. “Immediately Mr. John Rankin, the Memorial administrator, announced that ‘the doors are open to one and all,’” remembered Rann. In July of 1963, the hospital’s governing council “voted unanimously to remove all barriers” to black physicians. That September newspapers around the South carried an Associated Press story on Emery Rann, “First Negro Doctor Approved for Staff” at Charlotte Memorial Hospital.¹³

The success did not come without tension inside Charlotte’s black leadership. An Associated Press series “The Deepening Crisis” picked up by many newspapers across the nation in August 1963 juxtaposed comments by Dr. Emery Rann and Dr. Reginald Hawkins.¹⁴ “Our demonstrations have simply outgrown their usefulness. It is now time we started negotiating with city council. I don’t see what good we can now derive from an ugly incident which could occur during a demonstration,” said Rann. Hawkins, in contrast, believed in the need for continued protest: “I served in World War II and Korea and I have no intention of stopping my people’s fight for equal rights. We want those rights now. Not gradually ... but now,” demanded Hawkins.” In reality, the approaches of Rann and Hawkins worked well together, attacking from the “inside” and “outside.”

That combination of tactics ultimately opened the medical societies, as well. Dr. Rann took a statewide lead in the early 1950s. He convinced the North Carolina Medical Association to offer a limited “scientific” membership to black doctors in 1954: they might attend conference sessions but could do no socializing. With that foot in the door, Dr. Rann as president of the black Old North State Medical Society and Dr. Hawkins as president of the black Old North State Dental Society kept the pressure on. Finally in 1964 Dr. Emery Rann became part of the first group of African American doctors admitted as equals to the North Carolina Medical Association. Dr. Reginald Hawkins and Attorney Thomas Wyche filed a lawsuit, decided in 1965, that won integration of the North Carolina Dental Society.¹⁵

¹³ Rann, “The Black Physician.” Cobb, W. Montague, “The Hospital Integration Story in Charlotte, North Carolina,” **Journal of the National Medical Association** (May 1964), pp. 226 – 229. On-line at: www.ncbi.nlm.nih.gov/pmc/articles/PMC2610795/ Halperin, Edward C., “Desegregation of Hospitals and Medical Societies in North Carolina,” **New England Journal of Medicine** (January 1988), pp. 58 – 63.

¹⁴ “What’s It Like to Be a Negro in America? The Deepening Crisis IX,” Associated Press story in the *Bennington* (Vermont) *Banner*, August 8, 1963.

¹⁵ “Dentist Sues Dental Society to End Bias,” **Florida Star** [Jacksonville], April 3, 1960. **Hawkins v. North Carolina Dental Society**, 230 F. Supp. 805 (W.D.N.C. 1964) On-line at: <https://law.justia.com/cases/federal/district-courts/FSupp/230/805/1413009/>

Opening Charlotte's upscale restaurants and movie theaters to all, 1963

In 1960 JSCU students organized sit-ins that desegregated Charlotte's lunch counters, the snack bars located in drug stores and dime stores. Events in Greensboro directly inspired the actions; on February 1, 1960 college freshmen at A & T University had walked politely into Greensboro's Woolworth store, sat down and ordered coffee, launching a wave a sit-ins across the South and the nation. The young people may not have known about the Howard University sit-ins seventeen years earlier, but they were indirectly inspired by the technique that Thomas Wyche and Reginald Hawkins had helped spread.

While Charlotte's 1960 sit-ins succeeded in integrating lunch counters, the more elite "white tablecloth" restaurants, as well as cafeterias and movie theaters, remained obstinately segregated. In 1963 Dr. Reginald Hawkins, ever-willing to keep the pressure on for equality, led a protest that put Charlotte in the forefront of national change.¹⁶

On May 20, 1963, Hawkins mobilized Johnson C. Smith students to protest the continuing segregation in "public accommodations." He chose the date as a reference to the Mecklenburg Declaration of Independence demanding freedom from England, which tradition holds was signed on May 20, 1775. The JCSU marched from campus down the hill and across the heart of downtown to the Mecklenburg County Courthouse. There Hawkins gave a short, eloquent speech: "We shall not be pacified with gradualism; we shall not be satisfied with tokenism. We want freedom and we want it now."¹⁷

Remarkably, Mayor Stan Brookshire, whose office in City Hall adjoined the Courthouse, was ready to listen. It may have helped that Birmingham, Alabama, was on the television news that month. Sheriff Bull Connor triggered international outcry when he turned fire hoses and police dogs on young Civil Rights protestors. That was bad for business, Mayor Brookshire later said, and Charlotte was a quintessential business town. So Brookshire contacted the Chamber of Commerce, all white, with a proposal. Chamber members should join with African American leaders to go two-by-two and desegregate Charlotte's leading restaurants.

It worked. Movie theaters soon followed. Within two weeks Charlotte's transformation made headlines in the **New York Times**. The success came a year before the 1964 US Civil Rights act required desegregation of all public accommodations. Hawkins' protest and Brookshire's response became a key turning point in Charlotte's emergence as a major Southern city.

The fight for education, 1957 - 1971

History textbooks point to the Supreme Court's **Brown v Board of Education**, 1954, as the turning point in U.S. school desegregation, but it took many years of hard-fought battles to give **Brown's** promise even a measure of reality. Dr. Reginald Hawkins played a leading role in

¹⁶ Douglas, Davison M., "The Quest for Freedom," pp. 728 - 738.

¹⁷ Gaillard, Frye, *The Dream Long Deferred*.

that work in Charlotte every step of the way, shaping the racial landscape not only in his city but also in North Carolina and across the United States.

Across the South, white officials proved adept at finding ways to slow meaningful change. Under the Pearsall Plan of 1956, the state of North Carolina turned pupil assignment responsibilities over the local school systems — making it impossible for NAACP to file a statewide suit. White-led school boards then set up purposely difficult processes that required individual black families to apply for transfers to white schools. Compared to outspoken resistance in many other Southern states, North Carolina looked “moderate.” But segregation barely budged.

In March of 1957, Dr. Hawkins and Charlotte-based statewide NAACP president Kelly Alexander led a group of black parents, including Attorney Thomas Wyche, in a meeting with the city's school board officials.¹⁸ They reached an agreement that four black students would attend four white schools that fall. On the first day of classes, September 4, 1957, one of those students unexpectedly made international headlines. When Dorothy Counts walked toward the front steps of Harding High School, an angry, cursing, spitting mob surrounded her. Photos ran on front pages not just in the U.S. but around the world. The noted African American essayist James Baldwin later recalled that the image of Dorothy Counts' quiet courage “with history, jeering at her back,” helped propel him from exile in Paris to return to the U.S. to take part in the Civil Rights movement.¹⁹

Meanwhile the national NAACP Legal Defense Fund (LDF) was working with allies on the ground, including Hawkins, to overturn the Pearsall Plan. Despite the courage of Counts and others in 1957, integration was almost nil: “Only one black student attended a white school in Charlotte during the 1959 – 1960 school year,” writes historian Davison Douglas.²⁰ LDF chief attorney Jack Greenberg, who had worked alongside Thurgood Marshall on **Brown**, partnered with Hawkins and newly arrived Charlotte attorney Julius Chambers to file a lawsuit in December of 1965. It targeted one specific provision of Pearsall, state grants to white students who wanted to go to private schools in order to flee integration, and it also asked that Pearsall itself be invalidated and that desegregation move forward in earnest in Charlotte.²¹

¹⁸ Batchelor, John E., **Race and Education in North Carolina: From Segregation to Desegregation**. (Louisiana State University Press, 2015), p. 59. “NAACP officials and other blacks seek a start toward integration of Charlotte city schools,” negatives shot for a March 30, 1957 *Charlotte Observer* story, in the collection of photographer Don Sturkey, UNC Chapel Hill.

¹⁹ Tomlinson, Tommy, “A Picture Speaks,” *Charlotte Observer*, September 2, 2007. On-line at: http://tommytomlinson.com/?page_id=66 Raoul Peck, editor, *I Am Not Your Negro: A Companion Edition to the Documentary Film* (Vintage International, 2017), p. 13.

²⁰ Douglas, Davison M., “The Quest for Freedom,” p. 711.

²¹ *Hawkins v. North Carolina State Board of Education*, 11 Race Relations Law Reporter 745 (W.D.N.C.1966). Batchelor, **Race and Education**, pp. 108 - 109.

"Court Rules Pearsall Plan Unconstitutional," proclaimed front-page headlines when the Hawkins case was decided in spring of 1966.²² But for Charlotte's black students it was a hollow victory. The three-judge panel refused to place any desegregation requirements on Charlotte schools.

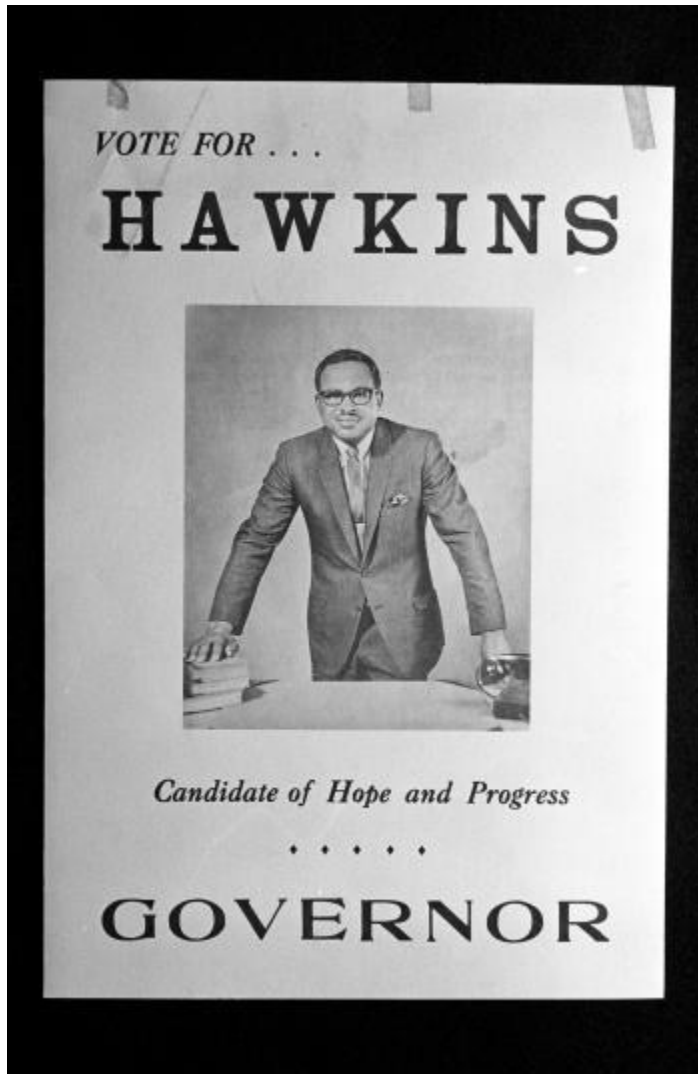
Fortunately Greenberg and Chambers already had another case moving through the courts. It also involved the Hawkins, Swann, and Morrow families -- through with Swann as the lead plaintiff and Hawkins second, for reasons no one clearly recalls -- plus more than a dozen other parents and children. **Swann et al v Charlotte-Mecklenburg Board of Education** would not only desegregate Charlotte's schools but would make history nationwide.²³

In the **Swann** case, Attorney Chambers carefully assembled evidence that showed how black and white residential patterns had been affected by government actions over decades: restrictive covenants in deeds, zoning and lending maps, "urban renewal" demolition of in-city black neighborhoods in the 1960s, and more. The evidence convinced Charlotte-based Federal Judge James McMillan that schools would never meaningfully integrate if they simply opened their doors to all. Instead it was necessary to act intentionally to bring students together, including using the tool of busing. The U.S. Supreme Court agreed in 1971. **Swann v Mecklenburg** became landmark case that brought school busing to communities across the United States.

²² "Court Rules Pearsall Plan Unconstitutional," **High Point Enterprise**, April 5, 1966. On-line at: www.newspapers.com/newspage/43108705/

²³ Gaillard, Frye, *The Dream Long Deferred*. Rosen, Richard A. and Joseph Mosnier, *Julius Chambers: A Life in the Legal Struggle for Civil Rights* (UNC Press, 2016).

Tireless activist



The episodes above are merely some of the more important in Reginald Hawkins' career as an activist. In addition:

- Hawkins created the Mecklenburg Organization for Political Affairs in the late 1950s which mobilized citizens for dozens of other causes.²⁴

²⁴ Douglas, Davison M., "The Quest for Freedom," p. 720.

- In the mid 1960s Hawkins went to jail for registering voters without administering the so-called "literacy test." That provision of state constitution, instituted as a tool to disfranchise black voters, was negated by the 1965 Voting Rights Act and Hawkins was exonerated.²⁵
- In the mid 1960s Hawkins pushed successfully to desegregate Charlotte's YMCA.²⁶
- In 1968 Reginald Hawkins ran for Governor, the first African American ever to do so in North Carolina. Rev. Martin Luther King was scheduled to come campaign for Hawkins that April, but sent a last-minute telegram says that he needed to be in Memphis for a protest -- and three days later King fell there to an assassin's bullet. Hawkins ran for governor again in 1972.²⁷
- Hawkins led Charlotte's H.O. Graham Metropolitan Church from 1978 to 1985. In the midst of all his other activities, he had earned a Bachelor (1956) and Master (1973) of Divinity from Johnson C. Smith University, becoming an ordained Presbyterian minister.²⁸

The house at 1703 Madison Avenue

From its construction in 1953 - 54, the house at 1703 Madison Avenue functioned as the command center for Reginald Hawkins' activities during the most history-making two decades of his Civil Rights work.²⁹ It also was the family home where he and wife Catherine raised four children. The house was shot up in August 1965, then bombed that November. After the Hawkins family sold the residence, subsequent owners included pioneering black television newsman Ken Koontz.

Reginald Hawkins' wife Catherine Richardson Hawkins grew up around Johnson C. Smith University, granddaughter of early black professor James D. Martin for whom Martin Street adjacent to campus is named. One of Catherine's sisters, Dr. Annie Louise Richardson, became a Ph.D. botanist -- a rarity for either a woman or an African American in that era -- and headed the National Institute of Science for many years. Another sister, Emily Richardson Ivory, became the wife of minister Rev. Cecil Ivory. He and Reginald Hawkins had been college roommates and fraternity brothers and were cut from similar cloth. Rev. Ivory's exploits as the leading Civil Rights activist in Rock Hill, South Carolina, just south of Charlotte, made national headlines. The Ivory family would eventually build on Van Buren Avenue in

²⁵ **State of North Carolina v. Reginald A. Hawkins**, 365 F.2d 559 (4th Cir. 1966) [Voter registration]. On-line at: <https://www.courtlistener.com/opinion/272974/state-of-north-carolina-v-reginald-a-hawkins/>

²⁶ Douglas, Davison M., "The Quest for Freedom," p. 739.

²⁷ Faulkenbury, Terry Evan, "'Telenegro': Reginald Hawkins, Black Power, and the 1968 Gubernatorial Race in North Carolina," Masters Thesis, Department of History, UNC Charlotte, 2012.

²⁸ Biographical essay, Reginald A. Hawkins Papers, Special Collections, Atkins Library, UNC Charlotte. Finding-aid on-line at: <https://findingaids.uncc.edu/repositories/4/resources/218>

²⁹ Building permit for 1703 Madison Avenue, September 4, 1953, on microfilm at Robinson-Spangler Carolina Room, Charlotte Mecklenburg Library.

McCrorey Heights close by the Hawkins house, and today in 2017 daughter-in-law Carlenia Ivory represents that district on Charlotte City Council.

Catherine and Reginald Hawkins raised sons Reggie, Jr., and Wayne B., as well as daughters Pauletta (Bibi) and Lorena in the house on Madison Avenue. Lorena became a medical doctor, Wayne an environmental engineer. Reggie made waves as a student at UNC Chapel Hill where he co-founded the Black Student Movement in 1967, still an important campus institution today in the 2010s.³⁰ He became a Muslim and as Reginald A. Hawkins Abdullah Salim, Jr., went on to a career as a lawyer in Maryland with an interest in Civil Rights and immigration.

As their household grew, the family added to the dwelling. In 1958 Dr. Hawkins hired Mangie McQueen to construct a big new recreation room on the east side of the residence, featuring a modernistic strip window and a carport.³¹ The room's floor was several steps below the rest of the house, opening out at grade level into the back yard. "That rec-room was state of the art. We hadn't seen anything so big and so grand. You know, pool table and ping pong table and shuffleboard on the floor and a bar and all of that," Lorena recalls. "That was the talk of the town. And that's where they [her parents] had the parties.... That was big time to have a room like that. That was unusual."³² In 1961 Catherine and Hawk took out another permit, asking architect Ferebee & Walters and contractor Andrew Roby to add a new master bedroom at the rear southwest corner the house, including its own bathroom.³³

In 1965, near the zenith of Dr. Hawkins' Civil Rights activism, the family home on Madison Avenue became the target of violence. "Shots Fired at Charlotte Rights Leader's Home," headlined an August 29 United Press International report that ran in newspapers nationwide.³⁴ "For the longest time, the bullet hole was still in that window," remembered Lorena in 2017. "And the bullet is still in that wall" in the front bathroom off the living room, agreed Catherine.³⁵

³⁰ "Preston Dobbins, Left and Reggie Hawkins, Right," on the website **The Carolina Story: A Virtual Museum of University History**. On-line at: <https://museum.unc.edu/exhibits/show/friday/preston-dobbins--left--and-reg>

³¹ Building permit for 1703 Madison Avenue, January 21, 1958, on microfilm at Robinson-Spangler Carolina Room, Charlotte Mecklenburg Library.

³² Hawkins, Catherine, with Lorena Hawkins and Darnell Ivory, oral history interview by Tom Hanchett, October 17, 2017, transcript in Hanchett's possession.

³³ Building permit for 1703 Madison Avenue, March 6, 1961, on microfilm at Robinson-Spangler Carolina Room, Charlotte Mecklenburg Library.

³⁴ "Shots Fired at Charlotte Rights Leader's Home," **Greenville News**, August 29, 1965. On-line at: www.newspapers.com/image/188697646/

³⁵ Hawkins, Catherine, with Lorena Hawkins and Darnell Ivory, oral history interview by Hanchett.

In the early morning dark of November 22, 1965, assailants struck again, tossing a bomb from Clifton Street across the back yard. "The rec-room, you know, it had all the glass, the rec-room, so that glass shattered," Lorena recalled. "They were probably aiming for their [her parents'] bedroom. But the trees caught it."³⁶ The bombing was one of four in west Charlotte that night, all targeting Civil Rights leaders: NAACP president Kelly Alexander, his brother Fred Alexander and attorney Julius Chambers. Miraculously, no one was injured. Photos of Dr. Hawkins and police standing in the rubble of the rec-room windows appeared in newspapers across the United States. No arrests were ever made.

Ultimately the pressure took its toll. Critics looked for ways to shut down Hawkins' activism, including launching an investigation that accused him of fraud in the newly created Medicaid system. Hawkins and his wife Catherine divorced and Hawkins moved elsewhere in the 1980s. Hawkins himself had a capacity to alienate people, always pushing. Opponents called him "belligerent," "militant." "He did make people uncomfortable," said Harvey Gantt, who won election as Charlotte's first African American mayor 1983 - 1987. "He called it as he saw it. ... a fearless civil rights worker."³⁷

From 1998 to 2004 Ken Koontz owned the Hawkins House. Shortly after beginning college at Johnson C. Smith University in 1969, Koontz made history as the first African American in the newsroom at WBTV, the city's oldest television station, leading to an on-air career that lasted into the 1980s.

A later owner of 1703 Madison Avenue, in the 2010s, is Daniel Tart. A contractor, he renovated the house and moved in with his wife and children -- one of the few white families in McCrorey Heights.

³⁶ Hawkins, Catherine, with Lorena Hawkins and Darnell Ivory, oral history interview by Hanchett.

³⁷ "Reginald Armistice Hawkins," obituary in the **Charlotte Observer**, September 11, 2007. Online at: <http://www.legacy.com/obituaries/charlotte/obituary.aspx?pid=94263646>

Reginald Armistice Hawkins House

1703 Madison Avenue, Charlotte, NC



The 1954 Reginald Armistice Hawkins House faces roughly north and occupies a relatively flat, approximately .4-acre corner lot at the intersection of Madison Avenue and Clifton Street in the McCrory Heights neighborhood. The modernist-style, side-gabled house is set back from Madison Avenue approximately 65 feet. The majority of the façade is veneered with rough-cut, irregularly-coursed sandstone. The western portion of the façade is pierced by a short tripart window set high in the wall, and a short shingle-sash window also set high in the wall. The house's entrance is set in a recessed, two-bay-wide section of the facade. The stone on the façade wraps the blank side walls of the recessed bay. The recessed bay is composed of a low, partial-height sandstone wall, topped by T1-11 siding. The wall is pierced by a

replacement slab door and a large, two-sash sliding window. A sandstone planter, and a concrete and sandstone stoop extend across the recessed bay. The stone sections of the façade are topped with a wide wooden band. The façade features a deep overhang with a soffit composed of T1-11. A significant portion of the roof is cut away over the engaged stone planter in the recessed bay. Two stone steps lead to the stoop.



The low-pitched roof is topped with a short stone chimney, and features integrated gutters. The sandstone found on the façade extends uninterrupted to the west as a partial-height wall.



The masonry veneer transitions to brick, laid in a running bond, on the three-bay-wide west elevation. The elevation is asymmetrical and is pierced by three original window openings set high in the wall. The window closest to the façade is a single sash, the middle window is a triple sliding window, and the rearmost original window is a two-sash slider. The windows sit on angled brick sills. The short gable is sheathed with T1-1,1 and features a wide louvered vent. The overhang is very shallow. A shallow gabled addition was added to the rear of the house in 1961. The addition is flush with the west elevation. A single-sash, short window pierces the west elevation of the addition.



A carport and flat-roofed wing were added in 1958 to the east elevation of the house. The carport extends past the façade. The carport's roof is supported on the west by three metal columns that rest on a partial-height sandstone wall that projects from the east edge of the façade. On the east, the carport is supported by three metal columns that rest on a freestanding stone wall. The east wall of the principal section of the house is sheltered by the carport and is veneered with brick. The brick wall is pierced by a single-sash window set high in the wall and a door opening, now infilled with a tall, single-light sash window. The east side of the carport is open and features a single metal post supporting a shallow I-beam. The rear wall of the carport is sheathed with T1-11, and is pierced by a single slab door.



The carport is engaged with the flat-roofed wing, which extends past the rear elevation of the principal section of the house. The east elevation of the wing is composed of a blank, partial-height brick wall topped with a full-width, eight-sash ribbon window.



The only exposed portion of the rear elevation of the principal section of the house is a single bay that contain a large two-vertical-light window. To the east of the exposed bay is a flat-roofed porch with jalousie windows. The porch features a tall brick foundation and a concrete floor embedded with roughly broken pieces of quarry tile. The porch shelters a replacement one-light door and a window opening now in-filled with shelving.



The flat-roofed rear wing aligns with the rear elevation of the porch, but the roof of the wing extends to the rear to form a shallow porch supported by two posts. The rear elevation of the wing is composed of a tripart glazed sliding door and four tall single-light sash at grade, all separated by minimal framing. The sliding door is topped with a large transom, and the sash are each topped a single-light square sash. The partial-height brick wall of the wing's east elevation extends past the shallow porch, and helps to define a patio paved with cut blue stones. A brick fireplace/grill is built against the projecting wall.



The asymmetrical rear elevation of the gabled addition is pierced by a tripart sliding windows set high in the wall and resting on an angled brick sill. The wall is topped with a wide simple band. The low-pitched roof features a deep overhang. The gable is sheathed with T1-11 and features a center louvered vent.



The interior of the Reginald Armistice Hawkins House has retained a good degree of integrity. The room layouts, minimalist trim, and original floors (including the oak flooring in the principal section of the house and the bluestone in the 1958 addition) have survived. Of especially note is the central sandstone fireplace that matches the masonry on the façade. The modernist-style firebox is open on two sides and features a steel corner-support post. The firebox opens onto a rear den, but the sandstone masonry extends into the front living room.



Agenda Date: 3/18/2019

Agenda #: 5. **File #:** 15-10388 **Type:** Zoning Decision

Rezoning Petition: 2018-144 by Portman Holdings

Update: Staff is requesting deferral to April 15, 2019

Location: Approximately 2.21 acres located on the east side of Hawkins Street, south of West Tremont Avenue. (Council District 3 - Mayfield)

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

Proposed Zoning: TOD-M(O) (transit oriented development - mixed use, optional)

Zoning Committee Recommendation:

The Zoning Committee voted 6-1 to **DEFER** this petition to their April 2, 2019 meeting.



Agenda Date: 3/18/2019

Agenda #: 6. **File #:** 15-10390 **Type:** Zoning Decision

Rezoning Petition: 2017-186 by Drakeford Co.

Location: Approximately 0.87 acres located on the north side of West Kingston Avenue, west of South Tryon Street. (Council District 3 - Mayfield)

Current Zoning: R-22MF, HD (multi-family residential, historic district overlay)

Proposed Zoning: UR-2(CD), HD (urban residential, conditional, historic district overlay), with five-year vested rights

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 2017-186

March 5, 2019

REQUEST

Current Zoning: R-22MF, HD (multi-family residential, historic district overlay)
Proposed Zoning: UR-2(CD), HD (urban residential, conditional, historic district overlay), with five-year vested rights

LOCATION

Approximately 0.87 acres located on the north side of West Kingston Avenue, west of South Tryon Street.
(Council District 3 - Mayfield)

PETITIONER

The Drakeford Company

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 *Central District Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends retail for the subject 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 subject site is located at the edge of the Wilmore Historic District. West of the site are single family homes, also part of the historic district. East of the site are commercial uses; and
- The proposed residential density of 19.10 dwelling units per acre provides a transition between the commercial uses along South Tryon Street and the low density single family along the north side of West Kingston Avenue; and
- The existing R-22MF (multi-family residential) zoning would allow residential development at the density being proposed; and
- The building setback shown on the site plan matches the setback of the buildings currently located on the site and is compatible with other setbacks along West Kingston Avenue

The approval of this petition will revise the adopted future land use map as specified by the *Central District Plan*, from retail to residential up to 22 dwelling units per acre for the site.

Motion/Second: Samuel / Gussman
Yeas: Fryday, Gussman, Ham, McClung, McMillan,
Samuel, and Watkins
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.

Staff noted reviewed the changes on the site plan since the last time the Zoning Committee reviewed the plan. The changes include the following:

- Revised the site plan to show two duplex units and triplex along West Kingston Avenue.
- Revised the plan to show a six-unit building adjacent to the existing single-family homes.
- Revised the plan to propose 17 townhome units, down from the 19 shown before.
- Increased the proposed height from 34 feet to 38 feet.
- Added a note that "Petitioner shall install 4 Leland Cypress Trees at the properties located at 231, 235, 239, and 243 West Park Avenue. Installation must be completed prior to the demolishing of any structure. Each tree shall be at least five feet above the ground after installation and situated five feet of the rear property line".

One Commissioner asked a question about the proposed tree species that are proposed on to be planted on the adjacent properties. Staff responded that the proposed species cannot be used to meet a require for the Tree Ordinance, and is in addition.

There was no further discussion of this petition.

PLANNER

Solomon Fortune (704) 336-8326

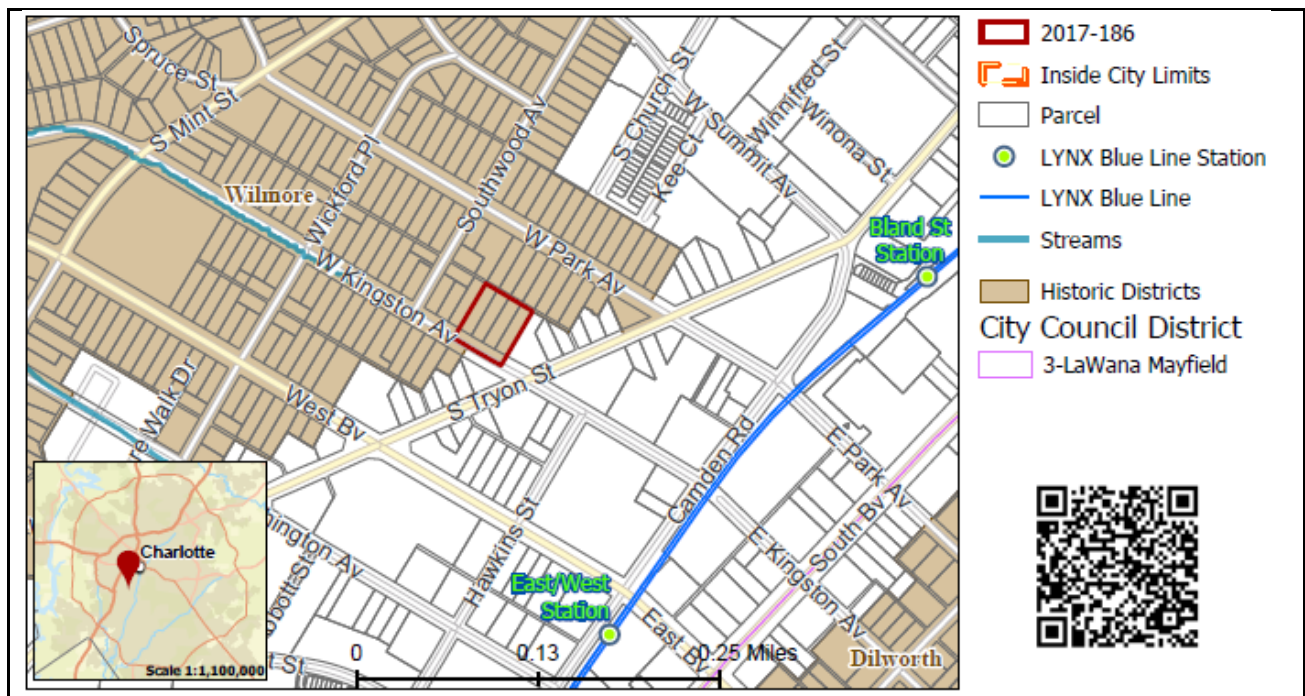
REQUEST

Current Zoning: R-22MF, HD (multi-family residential, historic district overlay)

Proposed Zoning: UR-2(CD), HD (urban residential, conditional, historic district overlay), with five-year vested rights

LOCATION

Approximately 0.87 acres located on the north side of West Kingston Avenue, west of South Tryon Street.
(Council District 3 - Mayfield)



SUMMARY OF PETITION

The petition proposes to allow the development of ~~19~~ **17** attached townhomes at a density of ~~21.8~~ **19.1** dwelling units per acre on four parcels in the Historic Wilmore Neighborhood.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

BrNell Holdings, LLC
The Drakeford Company
Russell Ferguson PLLC, Law Offices of Russell Ferguson

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 5

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The residential land use is inconsistent with the *Central District Plan* recommendation for retail use, but the request is not an increase in density over the existing R-22MF zoning district.

Rationale for Recommendation

- The subject site is located at the edge of the Wilmore Historic District. West of the site are single family homes, also part of the historic district. East of the site are commercial uses.
- The proposed residential density of 19.10 dwelling units per acre provides a transition between the commercial uses along South

Tryon Street and the low density single family along the north side of West Kingston Avenue.

- The existing R-22MF (multi-family residential) zoning would allow residential development at the density being proposed.
- The building setback shown on the site plan matches the setback of the buildings currently located on the site and is compatible with other setbacks along West Kingston Avenue.

The approval of this petition will revise the adopted future land use map as specified by the *Central District Plan*, from retail to residential up to 22 dwelling units per acre for the site.

PLANNING STAFF REVIEW

• Background

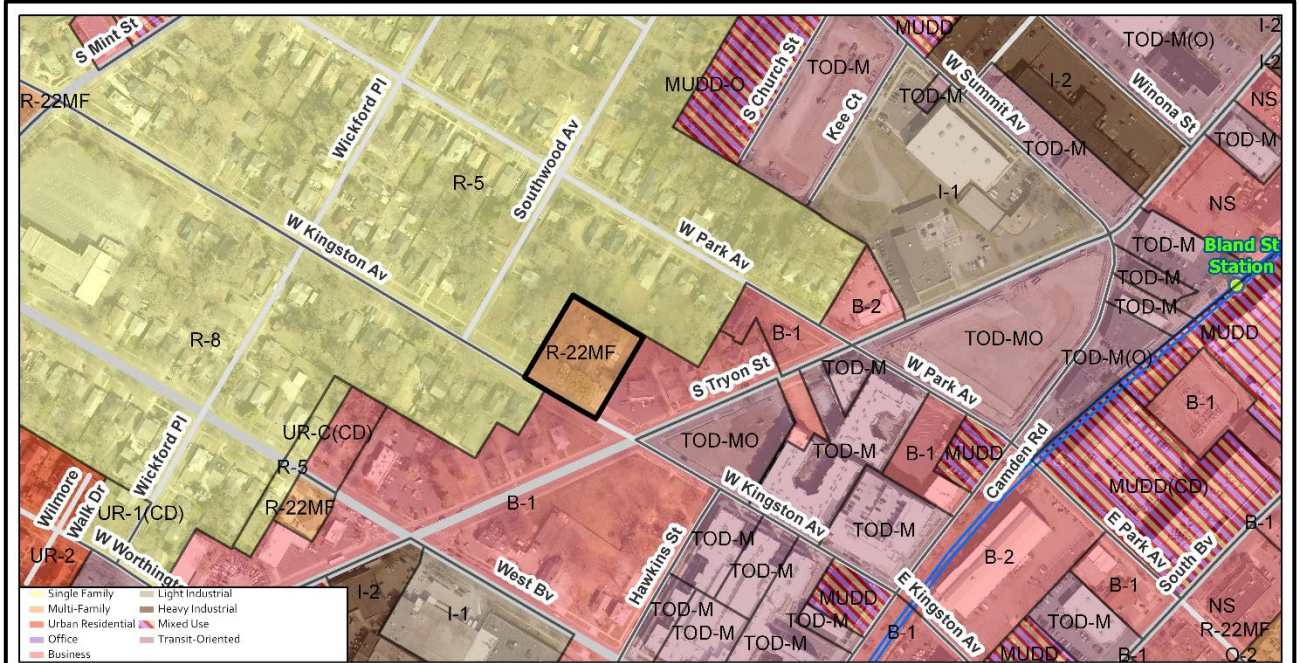
- At its meeting on March 19, 2018, the City Council held a public hearing on this conditional request to rezone the subject site from R-22MF (HD-O) (multi-family residential, historic district overlay) to UR-2(CD) (HD-O) (urban residential, conditional, historic district overlay). At that meeting some neighbors and council members expressed concerns about the water-runoff, open space, guest parking, trash pickup, and building elevations for the proposed development.
- At the April 3rd, May 1st, and June 3rd, 2018 meetings of the Zoning Committee, the Committee voted to defer the petition to allow the developer to have time to work on revising the plan.
- At the July 31, 2018 Zoning Committee Work Session, staff informed the Committee that the petitioner submitted a revised plan with a new site design, additional residential units, and scale and massing changes adjacent to single family residential. The proposed changes would require another hearing with the Historic District Commission and that it should be sent back to City Council for a new rezoning public hearing. The Zoning Committee unanimously voted 7-0 to send the petition back to City Council for a new public hearing.
- At the January 3rd meeting the Zoning Committee Work Session, Zoning Committee unanimously voted 7-0 to recommend approval of the petition.

• Proposed Request Details

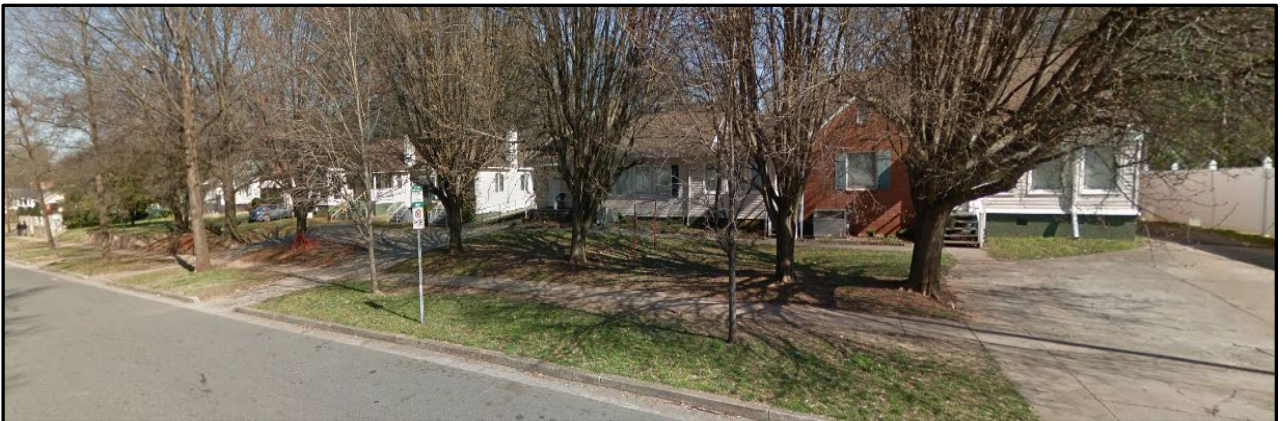
The site plan accompanying this petition contains the following provisions:

- Allows up to ~~19~~ 17 single family attached dwelling units at a maximum density of ~~21.8~~ 19.10 dwelling units per acre.
- Existing 14.5 foot-planting strip and six-foot sidewalk will remain along West Kingston Avenue.
- 53-foot building setback from the existing back-of-curb.
- Single family attached units will be a maximum of 38 feet and three stories in height.
- Eight-foot Class "C" buffer landscaping area with fence will be provided along the western property line.
- 11-foot Class "C" buffer landscaping area will be provided along the northern property line.
- Two duplex units and one triplex unit along the West Kingston frontage.
- Commitment to tree plantings on adjacent properties.
- Provides the following architectural treatments:
 - Building materials will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco.
 - Vinyl may only be used on windows, garage doors, soffits, trim and handrails/railings.
 - Attached units in buildings "A & B" will have front entrances and rear vehicular access from the internal private driveway.

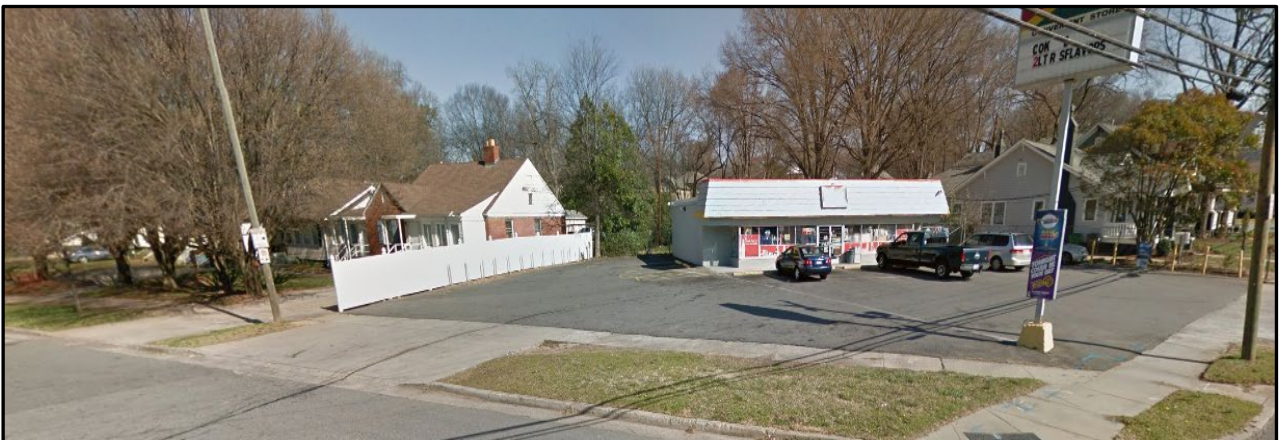
- **Existing Zoning and Land Use**



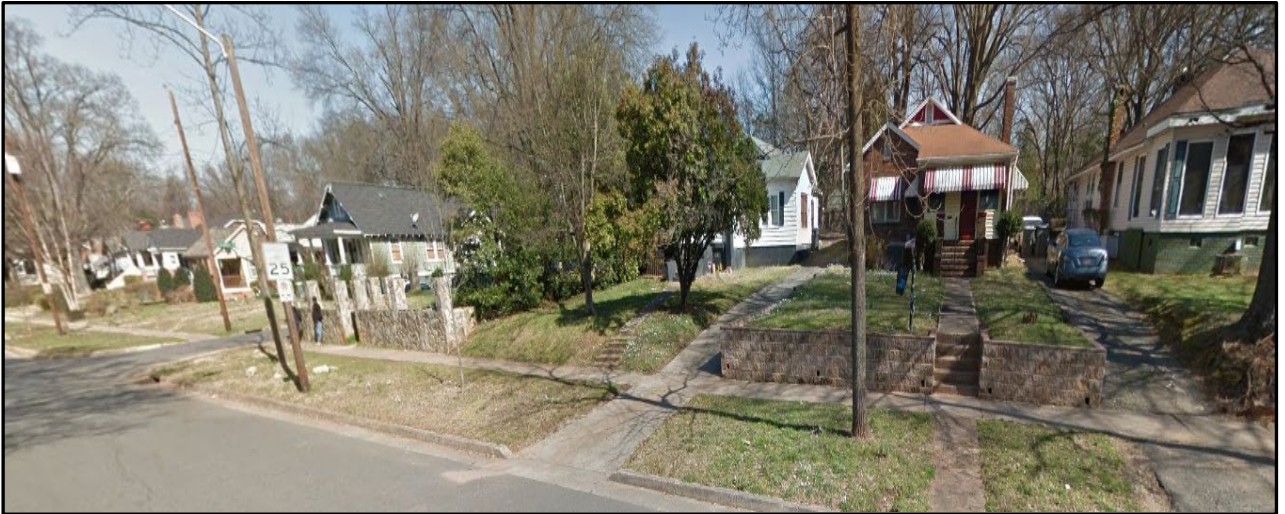
- The subject site is currently developed with two commercial structures for a daycare.
- The properties to the north and west are currently developed with residential structures. The properties to the east and south are developed with residential and commercial structures.



The subject site is developed with two structures for a daycare use.



East of the site is a convenience store at West Kingston Avenue and South Tryon Street.



West of the site along West Kingston Avenue are single family homes.

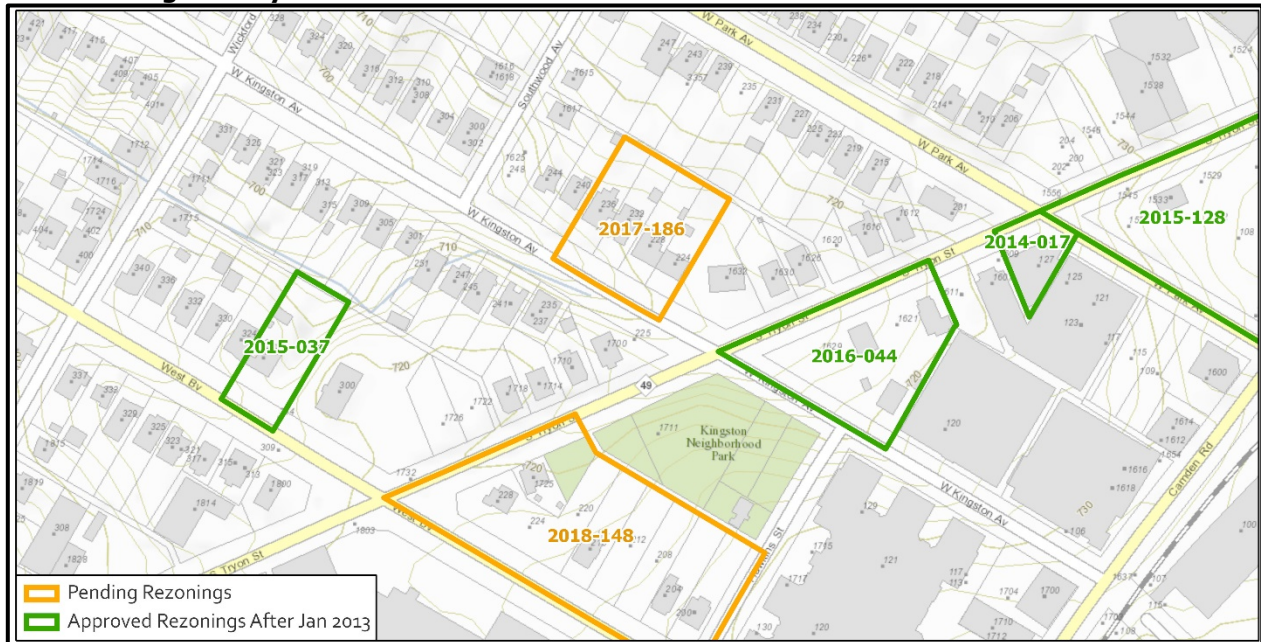


South of the site, across West Kingston Avenue, are single family homes and duplexes.



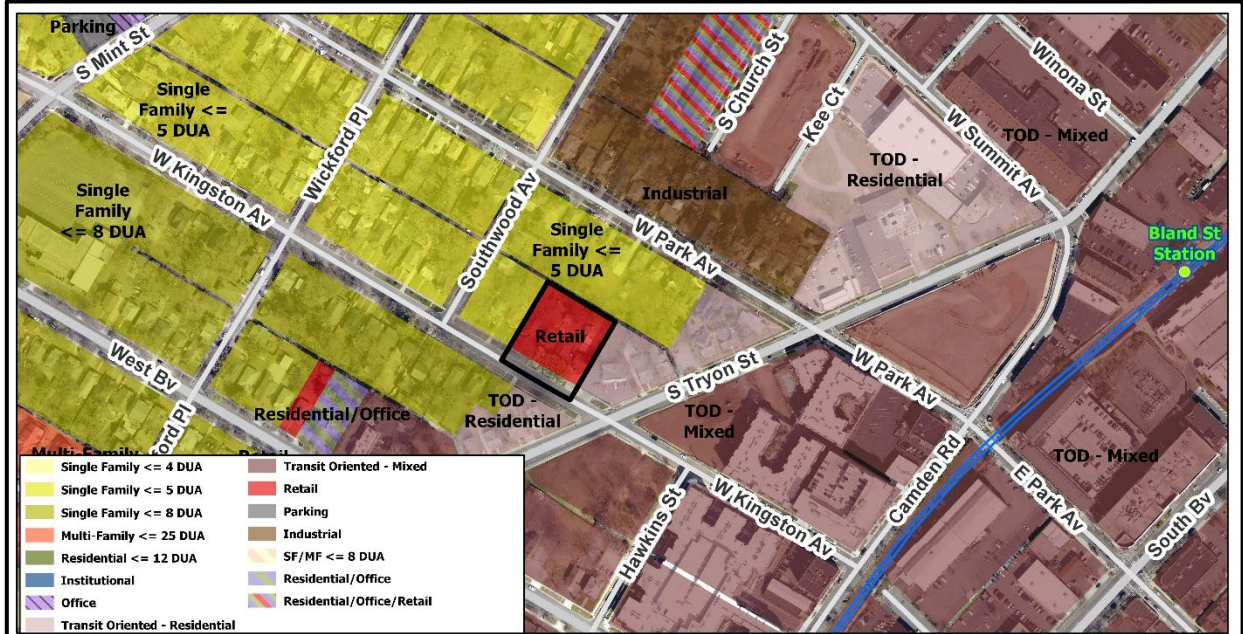
North of the site, along West Park Avenue, are single family homes.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-103	Rezoned 0.80 acres to TOD-MO (transit oriented development - mixed-use, optional) at allow the reuse of 14, 381 square feet in two buildings for non-residential uses.	Approved
2016-044	Rezoned 0.9 acres to TOD-MO (transit oriented development - mixed-use, optional) to allow the development of 130-room hotel.	Approved
2015-128	Rezoned 2.3 acres to TOD-MO (transit oriented development - mixed-use, optional) to allow the development of 285,000 square feet for office and ground floor retail.	Approved
2015-108	Rezoned 1.7 acres to TOD-R (transit oriented development - residential) to allow all uses in the district.	Approved
2015-037	Rezoned 0.46 acres to O-1(CD) (HD) (office, conditional, historic district overlay) to allow the reuse of existing building and construct a new building for residential and office use.	Approved
2014-017	Rezoned 0.19 acres to TOD-M (transit oriented development - mixed-use) to allow all uses in the district.	Approved

- **Public Plans and Policies**



- The *Central District Plan* (1993) recommends retail uses on the subject properties.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is on a local street approximately 200 feet from the unsignalized intersection with a major thoroughfare. The site plan maintains the existing sidewalk and wide planting strip, which is adequate to support this project.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 20 trips per day (based on 7 dwelling units).
 - Entitlement: 240 trips per day (based on 19 apartments).
 - Proposed Zoning: 160 trips per day (based on 19 townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce zero students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.

The proposed development is not projected to increase the existing school utilization over existing conditions (without mobile classroom units) and utilization will remain as follows:

- Dilworth Elementary at 136%
- Alexander Graham Middle from at 112%
- West Charlotte High from at 96%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing six-inch distribution main located along Kingston Avenue. Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer infrastructure will be able to support this development after the completion of a public infrastructure project – Charlotte Water’s Wilmore Drive to I-77 Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project. There is a tentative completion date of end of Summer 2019. A Willingness to Serve application has been received and is currently under review.
- **Engineering and Property Management:**
 - **Arborist:** No outstanding issues.
 - **Erosion Control:** No outstanding issues.

- **Land Development:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** Site shall comply with the City of Charlotte Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

OUTSTANDING ISSUESSite and Building Design

1. ~~Provide and label 20-foot building setback from the rear property line.~~ Addressed
2. ~~Reduce the number of units by one in building "D" to allow for additional buffer along the western property line.~~ Rescinded by Staff.
3. ~~Remove note 7 under "Open Space" from the plan.~~ Addressed
4. ~~Provide a full 15-foot class "C" buffer along the rear property line.~~ Addressed
5. ~~Provide a full 10-foot class "C" buffer in addition to the proposed wall along the western property line.~~ Addressed
6. ~~Site must provide a six-foot sidewalk along the West Kingston Avenue to comply with the zoning ordinance.~~ Addressed
7. ~~Provide a note that petitioner reserves the right to modify the proposed sidewalk width per section 9.407 (4), and must file for a modification if petitioner intends pursue a sidewalk width reduction.~~ Addressed

Environment

8. ~~Submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right of way. Tree survey may be completed by landscape architect, surveyor, or other land development professional.~~ Addressed

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Transportation Review

Planner: Solomon Fortune (704) 336-8326



REVISIONS:

1. 02/12/18 - PER SITE PLAN UPDATES
2. 03/26/18 - PER SITE PLAN UPDATES
3. 05/14/18 - PER SITE PLAN UPDATES
4. 09/10/18 - PER SITE PLAN UPDATES
5. 12/20/18 - PER SITE PLAN UPDATES
6. 02/18/19 - PER SITE PLAN UPDATES
7. 03/05/19 - PER SITE DATA UPDATES



Agenda Date: 3/18/2019

Agenda #: 7. **File #:** 15-10391 **Type:** Zoning Decision

Rezoning Petition: 2018-012 by Harrison Tucker & John Perovich

Update: Petitioner is requesting deferral to April 15, 2019

Location: Approximately 0.16 acres located at the intersection of North Davidson Street and East 17th Street. (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 4-3 to recommend **DENIAL** of this petition; however, changes to the site plan have been made and will be referred back to the Zoning Committee for additional consideration.



Agenda Date: 3/18/2019

Agenda #: 8. **File #:** 15-10381 **Type:** Zoning Decision

Rezoning Petition: 2018-097 by Stamatis Tsilimos

Location: Approximately 1.04 acres located on the north side of Central Avenue between Tippah Park Court and Landis Avenue. (Council District 1 - Egleston)

Current Zoning: B-1 (neighborhood business) and O-2 (office)

Proposed Zoning: NS (neighborhood services)

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

REQUEST	Current Zoning: O-2 (office) and B-1 (neighborhood business) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 1.04 acres located on the north side of Central Avenue between Tippah Park Court and Landis Avenue. (Council District 1 - Egleston)
PETITIONER	Stamatis Tsilimos

**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 *Central District Plan* for the proposed nonresidential/commercial uses but inconsistent for the residential use for the front portion of the site; for the back portion of the site, the petition is inconsistent with the plan, based on the information from the staff analysis and the public hearing and because:

- The area plan recommends retail uses for the front portion of the property along Central Avenue and multi-family uses for the rear portion along Tippah Park Court.

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 for a mixture of residential and nonresidential uses in a single building, with appropriate urban design elements, is compatible with the surrounding context and the evolving character of this portion of Central Avenue; and
- The subject site is located on Central Avenue, which is a commercial corridor, and along a future phase of the proposed LYNX Gold Line Streetcar alignment; and
- This site's location within ½ mile of the Central Avenue/Plaza Midwood business district places it within walking distance of neighborhood goods and services as well as entertainment opportunities, and Veteran's Park; and
- The site is walkable from surrounding residences including new residences in the Morningside neighborhood area; and
- This project proposes buildings that are sensitive in scale to the surrounding neighborhood.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from retail for a portion and multi-family residential for a portion, mixed use multi-family residential/office/retail for the full site.

Motion/Second: McClung / Samuel

Yeas: Fryday, Ham, McClung, McMillan, Samuel, and Watkins

Nays: Gussman,

Absent: None

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that petition is found to be consistent with the *Central District Plan* for the proposed nonresidential/commercial uses but inconsistent for the residential use for the front portion of the site; for the back portion of the site, the petition is inconsistent with the plan with the *Central District Plan*.

A committee member asked if site plan changes have been made to address issues raised by the neighborhood at the public hearing. Staff responded that there have been no changes made to further specify proposed uses. A member asked if staff could require building elevations. Staff responded that elevations were not requested, and that staff seeks to get architectural standards via written commitments provided as site plan notes. Discussion ensued that the petition will result in additional on-street parking. A committee member commented that naturally occurring connectivity across the site will be removed with abandonment of the existing alley internal to the site. Staff noted that the current site plan provides access through the site via points of ingress and egress located on Landis Avenue and Fulton Avenue, which will provide connectivity. CDOT will be keeping a watch on that to ensure there is no loss of connectivity.

There was no further discussion of this petition.

MINORITY OPINION

A minority of the committee felt the site plan does not reflect a specific development proposal, which stresses the resources of the community and staff to review and approve a rezoning that appears to be intending to sell the property without improving it.

PLANNER

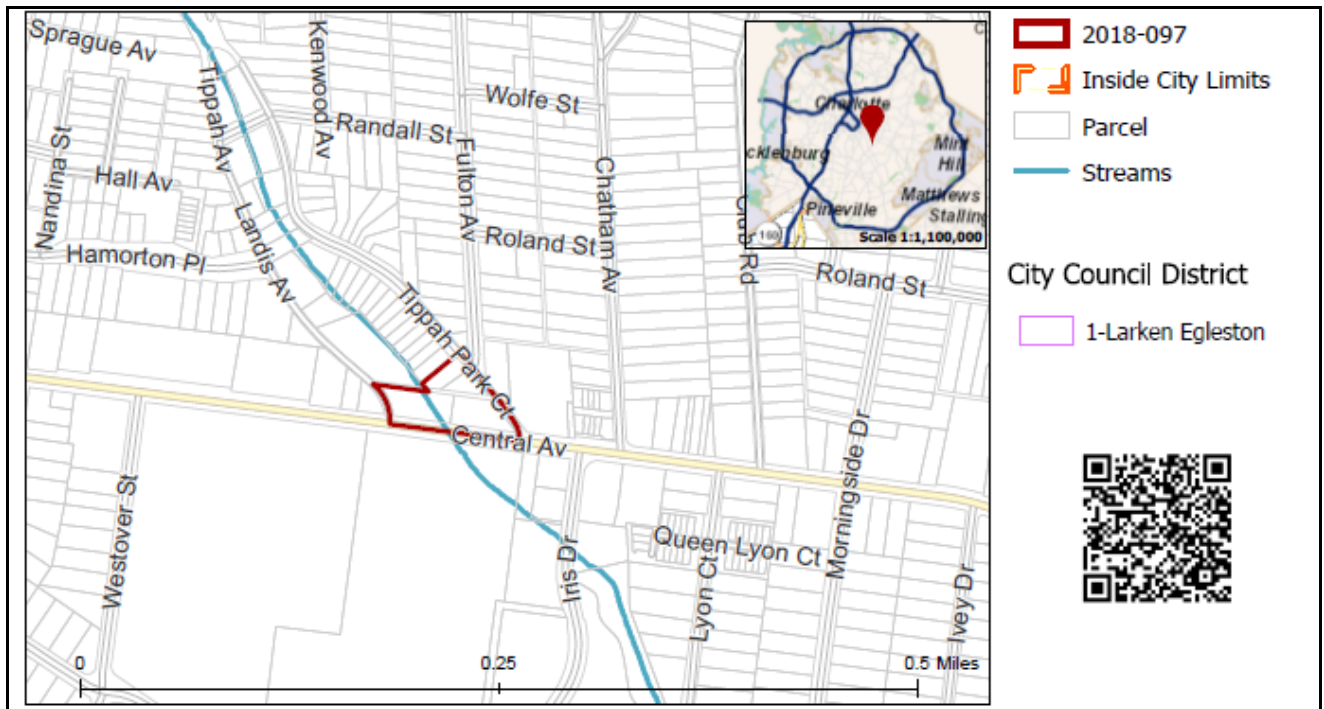
Sonja Sanders (704) 336-8327

REQUEST

Current Zoning: O-2 (office) and B-1 (neighborhood business)
Proposed Zoning: NS (neighborhood services)

LOCATION

Approximately 1.04 acres located on the north side of Central Avenue between Tippah Park Court and Landis Avenue.
(Council District 1 - Egleston)



SUMMARY OF PETITION

The petition proposes to allow up to 8,000 square feet of uses permitted in the NS (neighborhood services) district, and up to 30 residential units in a single building.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

Jupiter Group, LLC
Stamatis Tsilimos
Paul Pennell, Urban Design Partners, PLLC
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 proposed nonresidential/commercial uses permitted in the NS district are consistent with the *Central District Plan*'s retail recommendation for the front portion of the site, but the residential use is inconsistent. For the back portion of the site, the plan recommends multi-family development; the proposed mix of uses is inconsistent with the plan.

Rationale for Recommendation

- The proposal for a mixture of residential and nonresidential uses in a single building, with appropriate urban design elements, is

compatible with the surrounding context and the evolving character of this portion of Central Avenue.

- The subject site is located on Central Avenue, which is a commercial corridor, and along a future phase of the proposed LYNX Gold Line Streetcar alignment.
- This site's location within ½ mile of the Central Avenue/Plaza Midwood business district places it within walking distance of neighborhood goods and services as well as entertainment opportunities, and Veteran's Park.
- The site is walkable from surrounding residences including new residences in the Morningside neighborhood area.
- This project proposes buildings that are sensitive in scale to the surrounding neighborhood.

The approval of this petition will revise the adopted future land use, as specified by the *Central District Plan*, from retail for a portion and multi-family residential for a portion, to mixed use multi-family residential/office/retail for the full site.

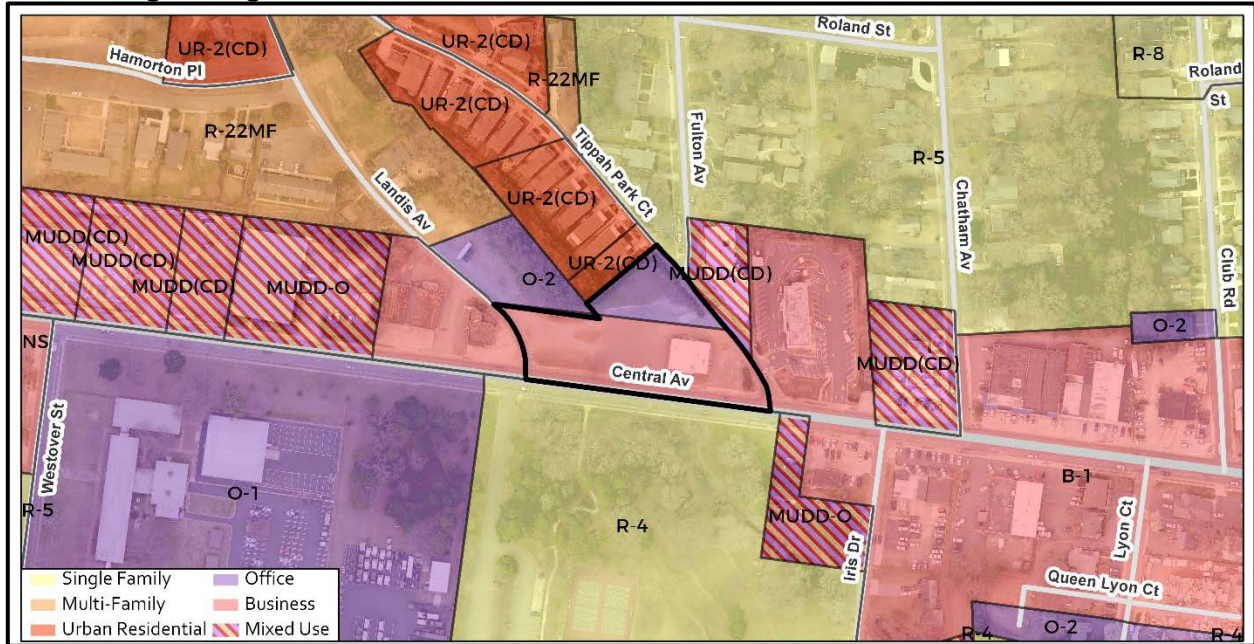
PLANNING STAFF REVIEW

• Proposed Request Details

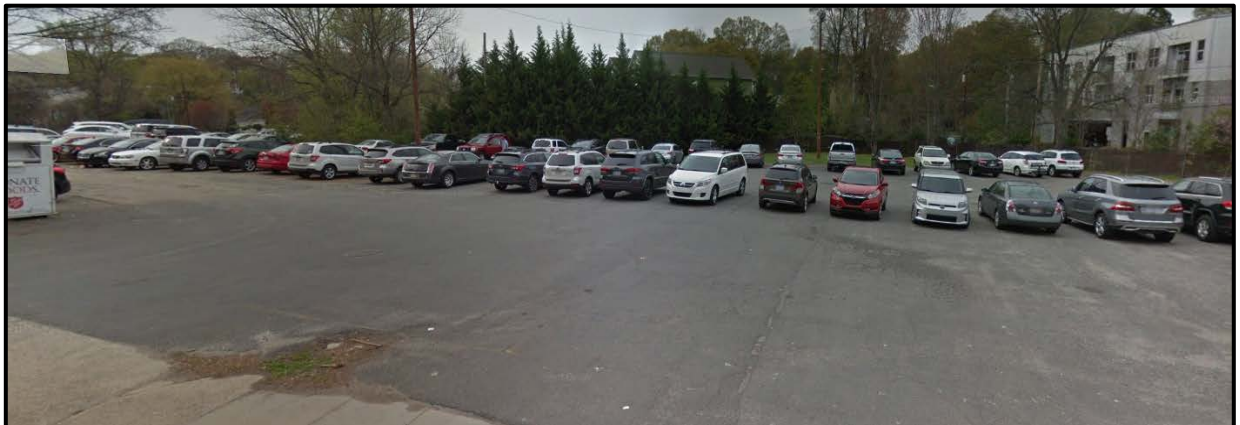
The site plan accompanying this petition contains the following provisions:

- Proposes uses consisting of up to 8,000 square feet of a mix of uses permitted in the NS (neighborhood services) district, and up to 30 residential units in a single three-story building.
 - Maximum building height of three stories and 45 feet.
 - Site access via Tippah Park Court and Landis Avenue.
 - Provides an eight-foot planting strip and eight-foot sidewalk along all three public streets (Landis Avenue, Central Avenue, and Tippah Park Court).
 - Petitioner shall coordinate with the city to accommodate the pedestrian connection to the mid-block crossing accessing Veteran's Neighborhood Park.
 - Building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, metal, glass, decorative block and/or wood.
 - Buildings shall be placed so as to present a front or side façade to all streets.
 - Facades fronting streets shall include a combination of windows and operable doors for a minimum of 80% of each frontage elevation.
 - Building facades, excluding windows, will incorporate a minimum 80% masonry materials such as brick, precast or stone.
 - Operable door spacing not to exceed 75 feet along public rights of way.
 - No blank wall expanses in excess of 20 feet in all directions.
 - Building elevations designed with vertical bays of articulated architectural features.
 - A 16-foot setback measured from the back of existing curb along Central Avenue, Tippah Park Court, and Landis Avenue.
 - Reserving space for a Gold Line CATS stop.
 - Restricted from utilizing amplified music in exterior spaces.
 - Petitioner to grant temporary construction easements for a future Gold Line Extension platform stop.
 - Existing interior alley right-of-way to be abandoned.
- Parking along Central Avenue will be screened from view from public streets utilizing a combination of walls and landscaping. landscape materials, green screen, fencing masonry wall or a combination thereof.

• **Existing Zoning and Land Use**



- Petition 1993-59 correctively rezoned a portion of the subject property from B-2 (general business) to B-1 (neighborhood business) as recommended in the *Central District Plan* to prevent development of more intensive commercial uses along Central Avenue, which would change the character of the corridor and negatively affect adjacent residential neighborhoods.
- The subject property is zoned O-2 (office) and B-1 (neighborhood business), and is developed with a vacant commercial building.
- Adjacent parcels fronting both sides of Central Avenue contain various neighborhood serving office and commercial uses, and Veteran's Park, which is located in R-4 (single family residential) zoning.
- Surrounding properties behind lots fronting both sides of Central contain single family residential, office condominiums, and office uses.



The subject property is vacant and currently used as an overflow parking lot.



The property to the south along Central Avenue is Veterans Park.



Properties to the north along Tippah Park Court are developed with single family homes.

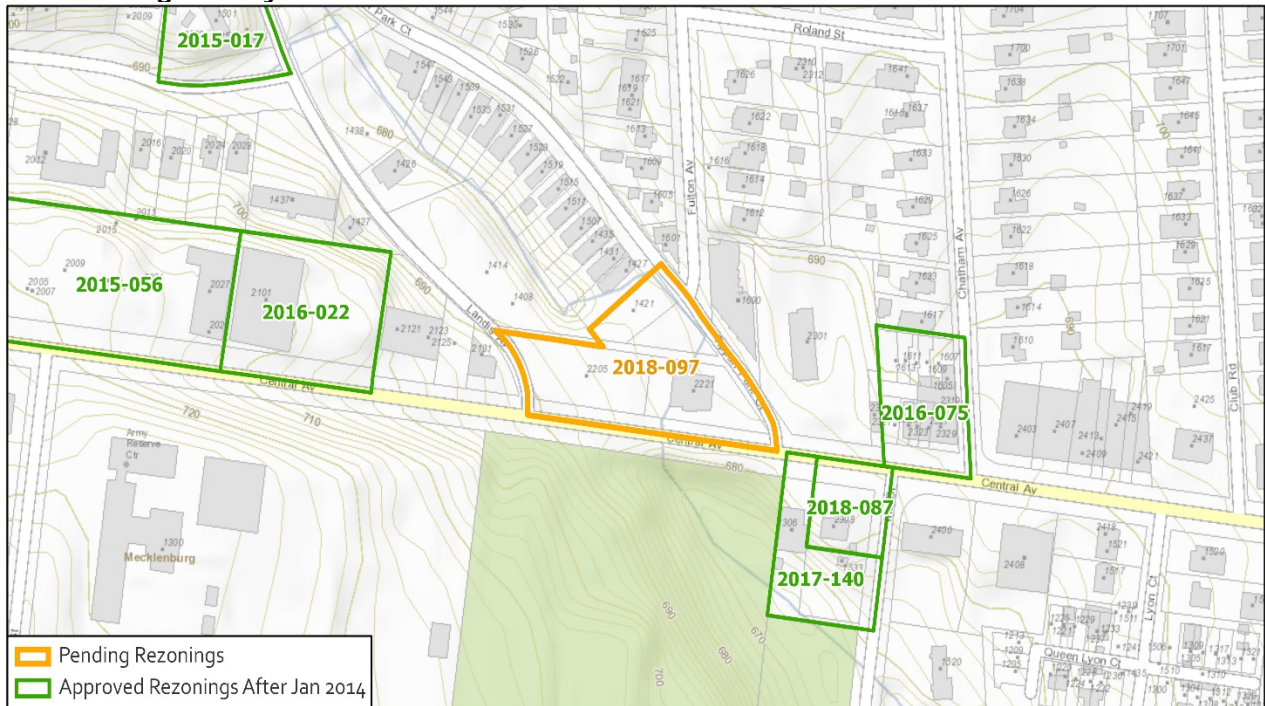


Properties to the west are developed with breweries and bars along Central Avenue.



Properties to the east along Central Avenue are developed with multi-family and restaurant uses.

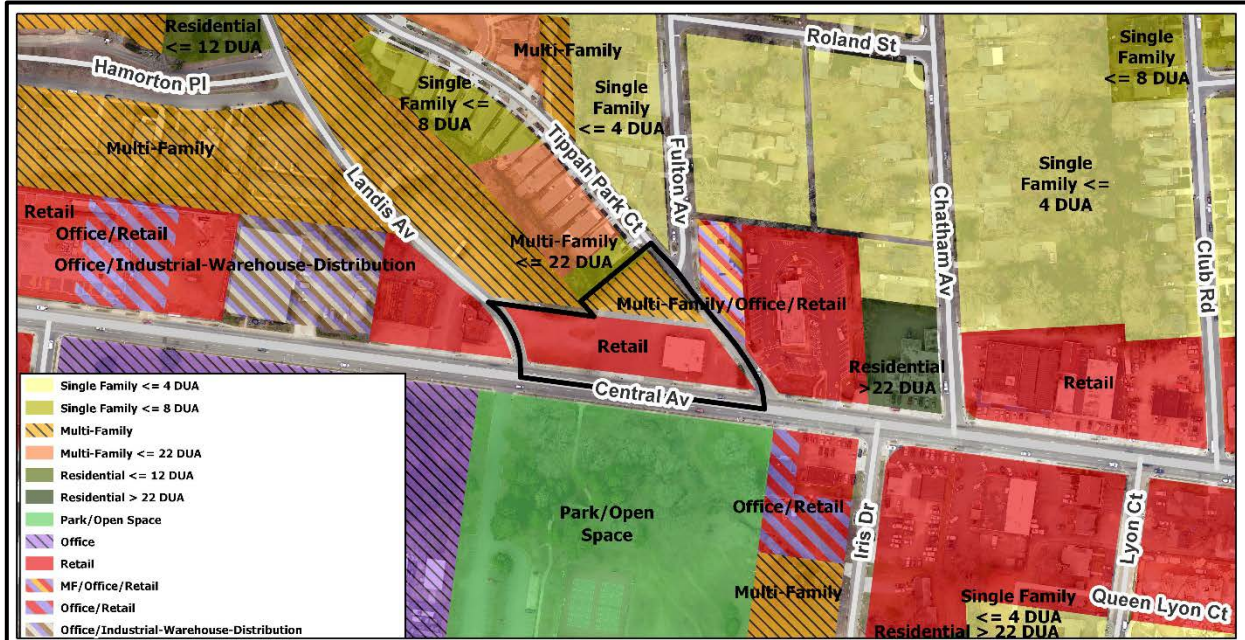
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-087	Petition for 0.22 acres to MUDD-O (mixed use development, optional) to reuse an existing building for all non-residential uses permitted in the MUDD (mixed use development) district.	Approved
2017-140	Rezoned 0.50 acres to MUDD-O (mixed use development, optional) to allow uses permitted in the MUDD (mixed use development) district, including but not limited to retail, office and eating/drinking/entertainment establishments.	Approved
2016-075	Rezoned 0.55 acres to MUDD(CD) (mixed use development, conditional) to allow up to 12 single family attached dwelling units.	Approved
2016-022	Rezoned 1.02 acres to MUDD-O (mixed use development, optional) to reuse an existing building in the Plaza Midwood neighborhood to allow any use in the MUDD (mixed use development) district	Approved

2015-056	Rezoned 1.92 acres to MUDD(CD) (mixed use development, conditional) and MUDD(CD) SPA (mixed use development, conditional, site plan amendment) to allow up to 97 multi-family dwelling units, with up to 7,800 square feet of non-residential uses including 3,000 square feet for leasing office and amenity space and 4,800 square feet of commercial uses along Central Avenue.	Approved
2015-017	Rezoned 0.63 acres to UR-2(CD) (urban residential, conditional) to allow six single family detached residential lots, at a density of 9.5 units per acre.	Approved

• **Public Plans and Policies**



- The *Central District Plan* (1993) recommends retail uses for the front portion of the property along Central Avenue, and multi-family residential for the rear portion along Tippah Park Court.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located on a major thoroughfare between two local roads. The site plan commits to streetscape improvements and coordination with CATS on the future Gold Line platform stop.
 - **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 0 trips per day (based on vacant lot).
Entitlement: 350 trips per day (based on 1,040 square feet of retail uses).
Proposed Zoning: 1,270 trips per day (based on 8,000 square feet of retail uses and 30 multi-family dwelling 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 Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate three students, while the development allowed under the proposed zoning will produce four students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is one student.
 - The proposed development is not projected to increase the school utilization, which will remain as follows:
 - Shamrock Gardens Elementary remains at 97%
 - Eastway Middle remains at 108%
 - Garinger High remains at 117%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing six-inch water distribution main and 16-inch water transmission main located along Central Avenue and an existing eight-inch water distribution main located along Tippah Park Court. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via existing eight-inch gravity sewer mains located along Central Avenue and Tippah Park Court and via an existing 12-inch gravity sewer main located along Landis Avenue.
- **Engineering and Property Management:**
 - **Arborist:** No outstanding issues.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues. See Outstanding Issues Note, 4.
 - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Remove location of and reference to proposed stop sign.~~ Addressed
2. ~~Amend Note 3 under heading of Streetscape and Landscaping to specify that parking along Central Avenue will be screened by a combination of walls and landscaping per Ordinance requirements.~~ Addressed
3. ~~Amend Note under heading of Purpose to delete reference to two single story buildings.~~ Addressed

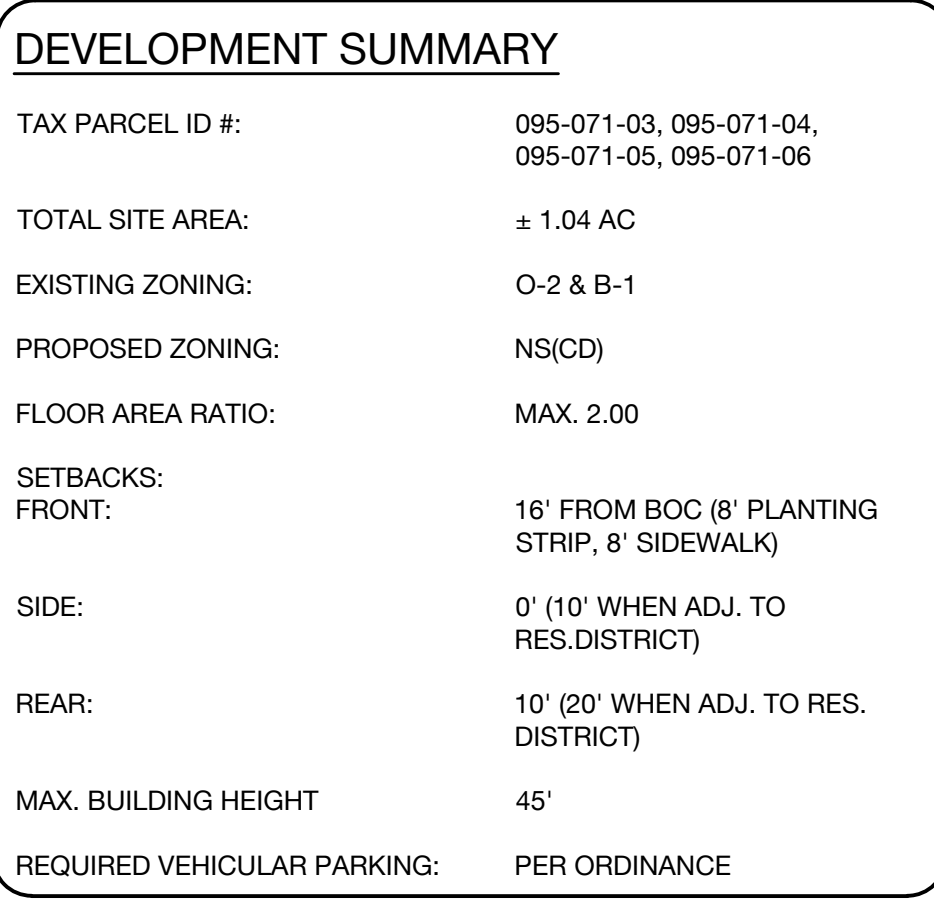
Environment

4. ~~Amend Note 3 under heading of Environmental Features to reference that pages 565-571 are for the permanent storm drainage easements.~~ Addressed

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
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 - Charlotte Water Review
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 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327



Development Standards

General Provisions.

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Jupiter Group, LLC ("Petitioner") to accommodate a new construction of a single mixed use building and accommodating parking on an approximately 1.04 acre site located on the north side Central Avenue, between Landis Avenue and Tippah Park Court (the "Site").
2. 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.
3. Throughout this Rezoning Petition, the terms "Owner" and "Petitioner" 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.

Purpose

The purpose of this Rezoning application is to provide for a single 3-story building which allows for a mix of uses as described within the Neighborhood Services District.

Permitted Uses

1. Uses allowed on the property included in this Petition will be those uses and related accessory uses as are permitted in the NS district unless otherwise restricted by the provisions of this plan. Development under this petition includes: Up to 8,000 square feet of allowable Neighborhood Services District uses and up to 30 Residential Units within a single building at a maximum of 3 stories.

Transportation and Access

1. The Site will have access via driveway connections to Tippah Park Court and Landis Avenue as generally depicted on the concept plan for The Site. The placement and configuration of the vehicular access points shown on the Rezoning Plan are subject to minor modification required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for final approval.

2. The Petitioner will provide an 8' sidewalk and an 8' planting strip along Central Avenue, Tippah Park Court and Landis Avenue as generally depicted on the concept plan for the Site.

3. The Petitioner shall provide curb ramps at the intersection of S Tippah Park Court and Central Avenue, along Tippah Park Court and Fulton Avenue and at Landis Avenue and Central Avenue as generally depicted on the concept plan for the Site.

4. The Petitioner intends to abandon existing alley right of way located within the Site.

5. Parking areas, as are generally indicated on the concept plan for the Site.

6. The Petitioner shall coordinate with the City of Charlotte to accommodate the pedestrian connection to the mid-block crossing accessing Veteran's Neighborhood Park.

7. The petitioner shall coordinate with the City of Charlotte and CATS to grant transportation construction easements to accommodate the installation of a platform stop location for the future Gold Line Extension.

8. All transportation improvements shall be approved and constructed before the site's first building certificate of occupancy is issued.

Architectural Standards

1. The building materials used on the building constructed on the Site may be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, metal, glass, decorative block and/or wood.
2. Building placement and site design shall focus on and enhance the pedestrian environment on public or private network required streets, through the following:
 - a) Buildings shall be placed so as to present a front or side facade to all streets
 - b) Facades fronting streets shall include a combination of windows and operable doors for a minimum of 80% of each frontage elevation transparent glass between 2' and 10' on the floor. Up to 10% of this requirement may be comprised of display window and rear wall. Windows within this zone shall not be screened by film, decals and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk.
 - c) Building facades, excluding area for windows, glazing treatment, and other building penetrations, shall incorporate a minimum of 80% masonry materials such as brick, precast or stone.
 - d) Direct pedestrian connection should be provided between street facing doors, corner entrance features to sidewalks on adjacent streets.
 - e) Operable door spacing shall not exceed 75' along public rights of way.
3. Building elevations shall be 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 of materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
4. Building elevations shall be designed with vertical bays of articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.
5. Solid waste and recycling facilities shall be provided on site per Section 12.403 of the Zoning Ordinance.
6. The site shall be restricted from utilizing amplified music in exterior spaces.

Streetscape and Landscaping

1. A setback of 16', as measured from the existing back of curb, shall be provided along Central Avenue, Tippah Park Court and Landis Avenue as generally depicted on the concept plan for the Site.
2. Above ground backflow preventers will be screened from public view and will be located behind existing right-of-way and out of the required setbacks along abutting public streets.
3. Parking along Central Avenue will be screened from view utilizing a combination of walls and landscaping per ordinance requirements.

Environmental Features

1. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
2. The Site will comply with the City of Charlotte Tree Ordinance.
3. Development of the Site shall comply with the Temporary Construction Easements as recorded in map book 30527 and pages 558-564 and Permanent Storm Drainage Easements as recorded in map book 30527 and pages 566-571.

1. All new lighting shall be full cut-off type fixtures; excluding, lower decorative lighting that may be installed along the internal drive aisles, sidewalks, parking areas, courtyards and landscape accent lighting.
2. Vehicular area lighting on the Site will be limited to 16 feet in height.
3. Decorative pedestrian scaled lights may be provided within the Site.

1. 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.

Binding Effect of the Rezoning Application:

1. 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.



**URBAN
DESIGN
PARTNERS**

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

Jupiter Group, LLC
Mr. Stamatis Tsilimos
5004 Oxfordshire Road
Waxhaw, NC 28173

2221 Central Avenue

Rezoning Site Plan

NO.	DATE:	BY:	REVISIONS:
1	10.15.18	UDP	PER CITY COMMENTS
2	12.17.18	UDP	PER CITY & NEIGHBORHOOD COMMENTS
3	01.21.19	UDP	PER CITY & NEIGHBORHOOD COMMENTS
4	02.25.19	UDP	PER CITY COMMENTS

Project No: 18-072
Date: 07/23/2018
Designed by: UDP
Drawn By: UDP
Sheet No:

RZ-1.0



Agenda Date: 3/18/2019

Agenda #: 9. **File #:** 15-10389 **Type:** Zoning Decision

Rezoning Petition: 2018-123 by Topgolf International, Inc.

Location: Approximately 14.20 acres located along McFarlane Boulevard, and south of University City Boulevard. (Council District 4 - Phipps)

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

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

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

REQUEST

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

LOCATION

Approximately 14.2 acres located along McFarlane Boulevard and south of University City Boulevard
(Council District 4 - Phipps)

PETITIONER

Topgolf International, Inc.

**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 *University City Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan amended by the prior rezoning recommended EDEE and outdoor entertainment uses consisting of golf related activities on the subject property.

Therefore, 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 use is consistent with the land use plan; and
- The proposed digital signage will provide a 0.0 footcandle visibility level beyond the site's boundaries, to limit light pollution; and
- The existing 50-foot buffer along the site's property line adjacent to I-85 will be enhanced with landscaping by the petitioner to reduce visibility to a condition generally depicted on the rezoning plan. If the existing 50-foot buffer along the site's property line adjacent to I-85 becomes insufficient so as to allow visibility of screens from the vehicular viewpoint of I-85, the petitioner shall enhance the landscaping within the buffer area to reduce visibility to a condition generally depicted on Sheet 4 of this Rezoning Plan; and
- The proposed signs are located internal to the site.

Motion/Second: Ham / Gussman

Yeas: Fryday, Gussman, Ham, McClung, McMillan, Samuel, and Watkins

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. A committee member asked what the light ordinance calls for in terms of light pollution. Another member responded that the current ordinance is somewhat outdated, and written to refer more to bulbs than lumens. A committee member asked how staff determined the proposed signage will provide a 0.0 footcandle visibility level. Staff responded that the petitioner provided a photometric plan, which shows the proposed signage will not increase the amount of light at the site's boundary, in relation to the already approved Topgolf site.

There was no further discussion of this petition.

PLANNER

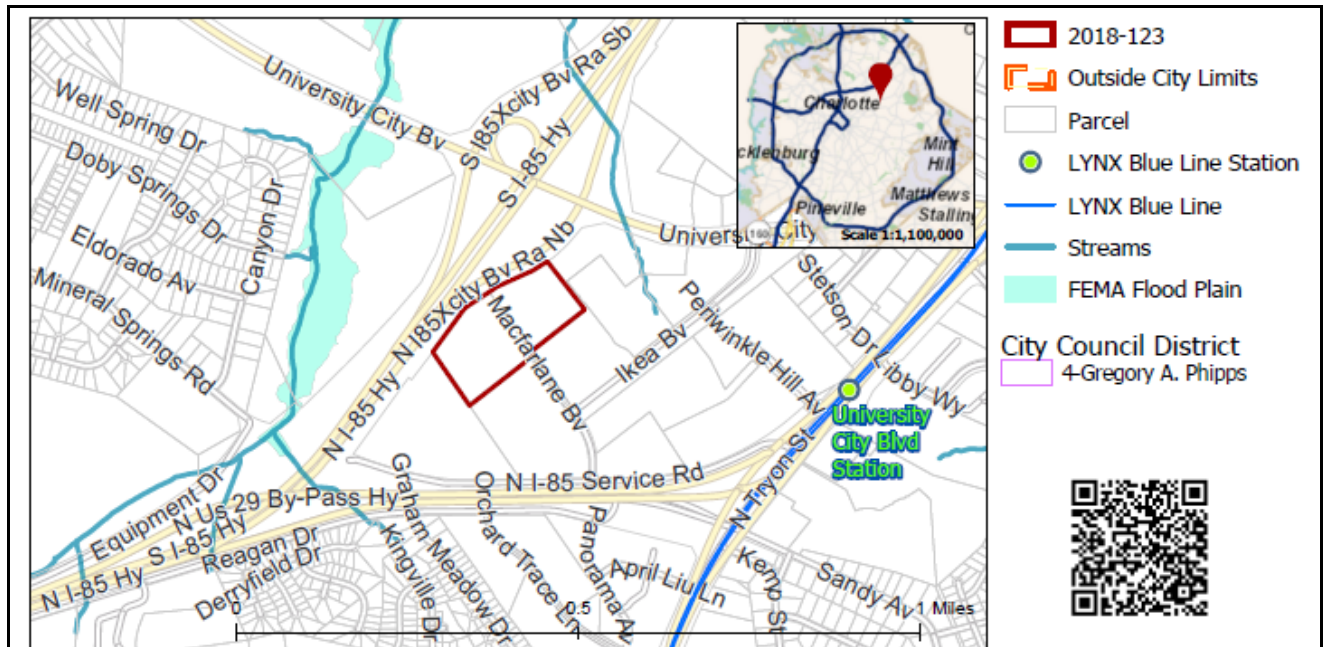
Sonja Sanders (704) 336-8327

REQUEST

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

LOCATION

Approximately 14.2 acres located along McFarlane Boulevard and south of University City Boulevard.
(Council District 4 - Phipps)



SUMMARY OF PETITION

The petition proposes a site plan amendment to allow two additional ground mounted signs not exceeding a total of 3,000 square feet in area and 30 feet in height, associated with an approved eating/drinking/entertainment establishment (EDEE), while retaining the existing development entitlements.

PROPERTY OWNER

UCED-1 LLC

PETITIONER

Topgolf International, Inc.

AGENT/REPRESENTATIVE

Collin Brown and Bailey Patrick, Jr.

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 2

**STAFF
RECOMMENDATION**

Staff recommends approval of the petition.

Plan Consistency

The petition is consistent with the land use recommendation to allow EDEE and outdoor entertainment uses consisting of golf related activities as approved by previous rezoning 2017-108.

Rationale for Recommendation

- The use is consistent with the land use plan.
- The proposed digital signage will provide a 0.0 footcandle visibility level beyond the site's boundaries, to limit light pollution.
- The existing 50-foot buffer along the site's property line adjacent to I-85 will be enhanced with landscaping by the petitioner to reduce visibility to a condition generally depicted on the rezoning

plan. If the existing 50-foot buffer along the site's property line adjacent to I-85 becomes insufficient so as to allow visibility of screens from the vehicular viewpoint of I-85, the petitioner shall enhance the landscaping within the buffer area to reduce visibility to a condition generally depicted on Sheet 4 of this Rezoning Plan

- The proposed signs are located internal to the site.

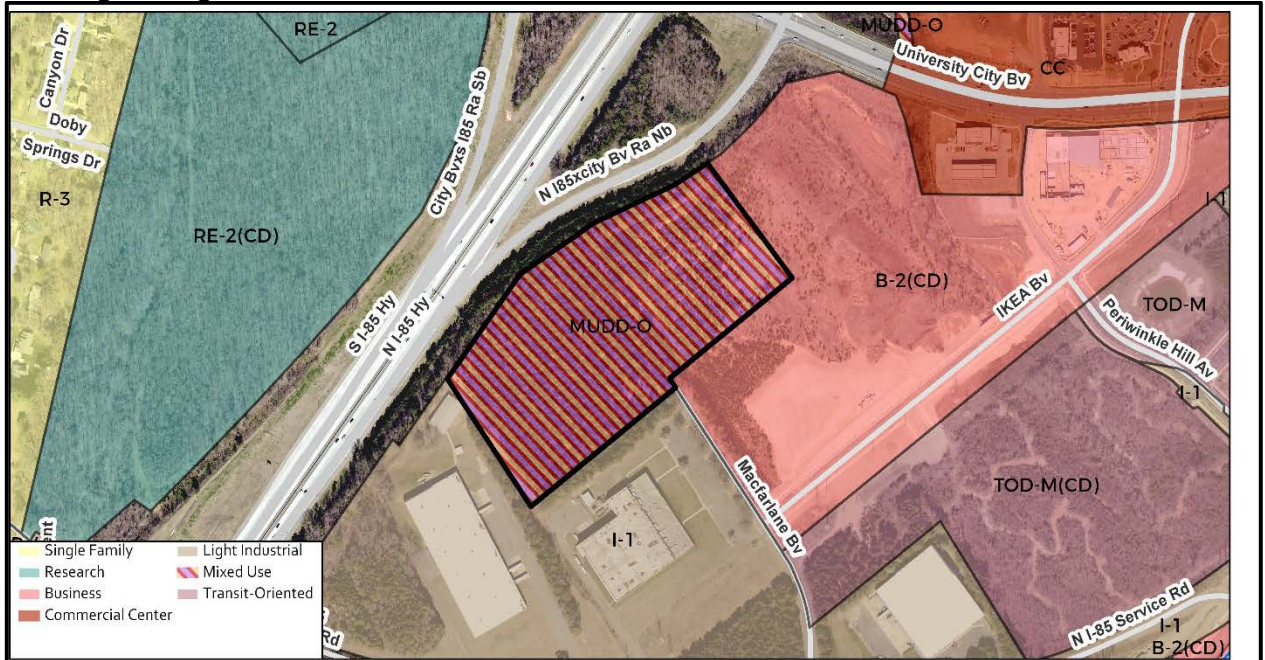
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan amendment contains the following changes:

- Optional request to allow two digital screens, with a total maximum area of 3,000 square feet, and not to exceed thirty feet in height. Signs are for an approved eating/drinking/entertainment establishment (EDEE) with outdoor entertainment uses consisting of golf related activities.
- Screens are oriented internal to the site.
- Existing entitlements from the previous rezoning include 80,000 heated square feet for a Type 1 or 2 eating/drinking/entertainment establishment, with outdoor entertainment uses consisting of golf related activities, with a maximum building height of 80 feet. A 250 square-foot wall sign may be installed at the top third of the main building elevation above the front door entrance. Netting and support poles associated with the golf related use up to 180 feet in height.
- The approved site plan also allows 1,270 square feet of signs and logos to be integrated into the building architecture.
- Proposed screens will not increase the amount of light at the site's boundary, in relation to the already approved Topgolf site. The photometric plan reflects that the screens will not increase the light pollution outside the site's boundary.
- Proposed signage will not become operable until issuance of the certificate of occupancy for the principal building to be located on the site per previous rezoning 2017-108, other than for routine installation and testing purposes.
- In addition to the existing 50-foot buffer along the site's property adjacent to I-85, the petitioner shall commit to provide additional plantings within the buffer, in the area closest to the proposed screens, as depicted on the site plan, in the event the proposed screens are installed as part of the overall development project.
- Photometric plan has been submitted.

• Existing Zoning and Land Use



- The subject property is currently vacant, and zoned MUDD-O (mixed use development, optional).
- Petition 2017-108 rezoned the subject property to MUDD-O (mixed use development, optional) to allow an 80,000-square foot eating/drinking/entertainment establishment (Type 1 and/or Type 2) with golf-related outdoor entertainment or other uses. Permitted signage includes a 250 square-foot wall sign that may be installed at the top third of the main building elevation above the front door entrance, and 1,270 square feet of signs and logos to be integrated into the building architecture.

- Properties surrounding the petitioned site are developed with industrial/ warehouse and retail uses. The Belgate development is located across University City Boulevard. Vacant properties are located across Interstate 85. Properties south of North Tryon Street are developed with a few business and residential uses.



The subject property is vacant.



The property to the south along McFarlane Boulevard is a warehouse use.



The property is bordered to the north by Interstate 85.

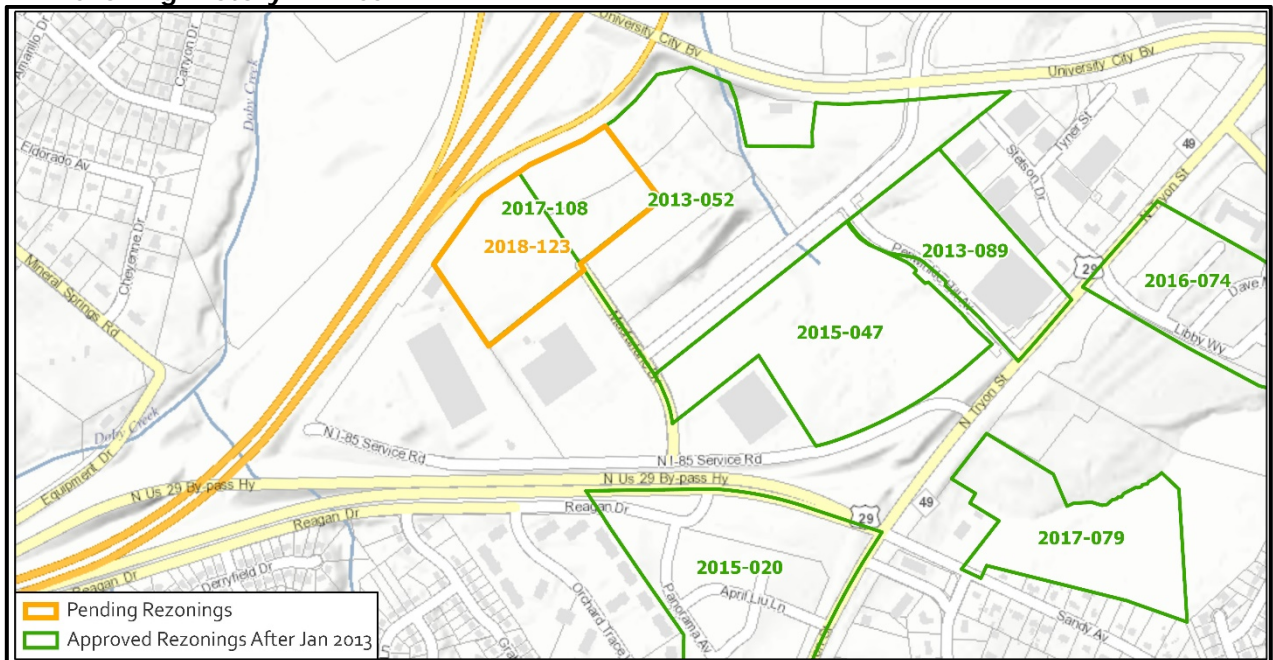


The property to the west along Interstate 85 Service Road is a warehouse use.



The property to the east along Ikea Boulevard is a parking lot.

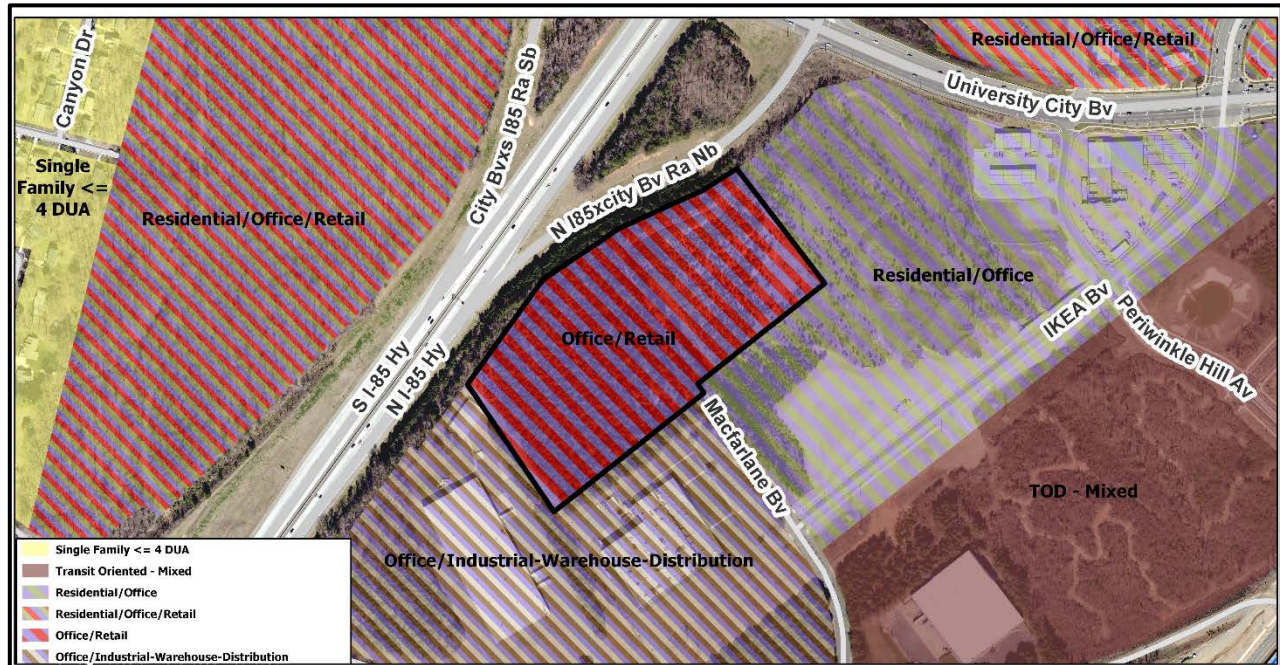
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-108	Rezoned 14.2 acres located along McFarlane Boulevard, and south of University City Boulevard to MUDD-O to allow an 80,000 square-foot eating/drinking/entertainment establishment (Type 1 and/or Type 2) with golf-related outdoor entertainment or other uses.	Approved

2017-079	Rezoned 14 acres located at the northeast intersection of North Tryon Street and Sandy Avenue to TOD-M(CD) to allow all uses in the TOD-M district.	Approved
2016-074	Rezoned 15 acres located on the east side of N Tryon St between Sandy Av and Rocky River Rd to TOD-M(CD) to allow all uses in the TOD-M district.	Approved
2015-047	Rezoned 22 acres located on the east side of Macfarlane Boulevard near the intersection of North US 29 By-Pass Highway and North Tryon Street to TOD-M(CD) to allow all uses in the TOD-M district.	Approved
2015-020	Rezoned 15.43 acres located on the southwest corner at the intersection of US 29 By-Pass Highway and North Tryon St. to TOD-RO to allow all uses in the TOD-R district, and limits multi-family to 375 units.	Approved
2013-089	Rezoned 11.44 acres located on the north side of North Tryon Street and I-85 Service Road, between Macfarlane Boulevard and Stetson Drive to TOD-M to allow all uses in the TOD-M district.	Approved
2013-052	Rezoned 39.06 acres located on the southeast corner at the intersection of Interstate 85 and University City Boulevard across from IKEA Boulevard to B-2(CD) to allow a 275,000-square foot automotive mall consisting of up to five separate dealerships and accompanying retail services.	Approved

• **Public Plans and Policies**



The *University City Area Plan* (2015) recommends EDEE/golf entertainment complex, with outdoor entertainment uses as amended by previous rezoning petition 2017-108.

• **TRANSPORTATION CONSIDERATIONS**

- The site is bound by Macfarlane Boulevard and Ikea Boulevard extension (major collectors) in an area between major thoroughfares and I-85. This petition requests additional building signage, and CDOT has no transportation comments and/or improvements relative to this case.
- **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 0 trips per day (based on vacant property).
Entitlement: 3,000 trips per day (based on 80,000-square foot golf entertainment complex).
Entitlement: 3,000 trips per day (based on 80,000-square foot golf entertainment complex).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Fire Department:** No outstanding issues.

- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing 12-inch water distribution mains located along Macfarlane Boulevard and the North I-85 Service Road. The proposed rezoning is located in an area that Charlotte Water has been determined to have limited sanitary sewer system capacity. Sanitary sewer service cannot be provided until the completion of a public infrastructure project—Doby Creek Sanitary Sewer Improvements. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No comments submitted.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** Site must comply with the Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Delete optional request to allow two outdoor digital signs up to 3,000 square feet in area and 30 feet in height. Limit proposed signs to 380 square feet in area per sign face area, and to comply with ordinance regulations for outdoor advertising signs pertaining to message duration (remain fixed and static for eight seconds, with changing sequence to be accomplished in two seconds or less), and illumination (maximum of 7,500 candelas per square meter during daylight hours, and 500 candelas per square meter between dusk to dawn).~~ **Rescinded by staff.**
2. **Specify location of proposed signs. Addressed**
3. **Specify whether panels will be dimmable to adjust for ambient conditions. Addressed by noting that screens will not automatically adjust for ambient conditions. However, the need for dimmable screens has been eliminated by a commitment to a 0.0 footcandle so there will be no light pollution outside of the property.**
4. ~~Add a note that the proposed signage will not become operable until issuance of the certificate of occupancy for the principal building to be located on the site per previous rezoning 2017-108.~~ **Addressed**
5. ~~Provide screening so that the signs are not visible from Interstate 85.~~ **Addressed**

New Requests based on revised site plan

6. ~~Add a note committing to provide a photometric plan before permitting.~~ **Addressed. Photometric plan submitted March 4, 2019, with revised site plan.**
7. ~~Amend III(d) as follows: If the existing 50-foot buffer along the site's property line adjacent to I-85 becomes insufficient so as to allow visibility of the screens from the vehicular viewpoint of I-85, the petitioner shall enhance the landscaping within the buffer area to reduce visibility to a condition generally depicted on Sheet 4 of this rezoning plan.~~ **Addressed. Commitment to additional enhanced landscaping in the area of the proposed screens at the time the screens are installed.**
8. ~~Sheet 5, as referenced in Note III(d) below, reflects the site during daylight. Sheet 4 of the revised site plan submitted 122018 reflects the site during evening hours. Confirm that Note III(d) should reference Sheet 4.~~ **Addressed**

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry

- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

Planner: Sonja Strayhorn Sanders (704)336-8327

INTERSTATE 485



VIEW 4

TOP GOLF SITE

VIEW 1

VIEW 2+3

NEW LED
DISPLAYS

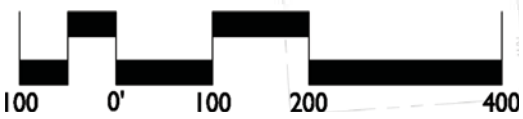
UNIVERSITY CITY BLVD

IKEA BLVD

IKEA BLVD

UNIVERSITY CITY BLVD

McFARLANE BLVD



Rezoning Petition No. 2018-123
Topgolf International, Inc. - Petitioner
2/25/2019

Site Development Data:

- Acreage: 13.138
- Tax Parcels: Portions of parcels 047-231-16 and 047-231-05
- Existing Zoning: MUDD-O
- Proposed Zoning: MUDD-O SPA
- Existing Uses: Vacant
- Proposed Uses: Uses permitted by right and under prescribed conditions as described in approved Rezoning Petition 2017-108.
- Building Height: as approved in Rezoning Petition 2017-108.
- Proposed Signage: Up to two (2) digital screens, total area not to exceed 3,000 square feet and height not to exceed thirty (30) feet.

I. General Provisions:

- a. **Site Description.** The sole purpose of this Site Plan Amendment is to accommodate the signage plans for an approved eating/drinking/entertainment establishment with outdoor entertainment uses consisting of golf related activities on an approximately 13.138 acre site located along McFarlane Boulevard south of University City Boulevard (the "Site").
- b. Unless the Site Plan Amendment establishes more stringent standards, the regulations established under the approved Rezoning Petition 2017-108 and the Ordinance for the MUDD zoning classification for the portion of the Site so designated on the Site Plan Amendment shall govern all development taking place on such portion of the Site, subject to the Optional Provisions provided below.

II. Optional Provisions for MUDD-O:

In addition to those Optional Provisions approved as part of Rezoning Petition 2017-108, the following optional provision is provided to accommodate deviations from the MUDD standards:

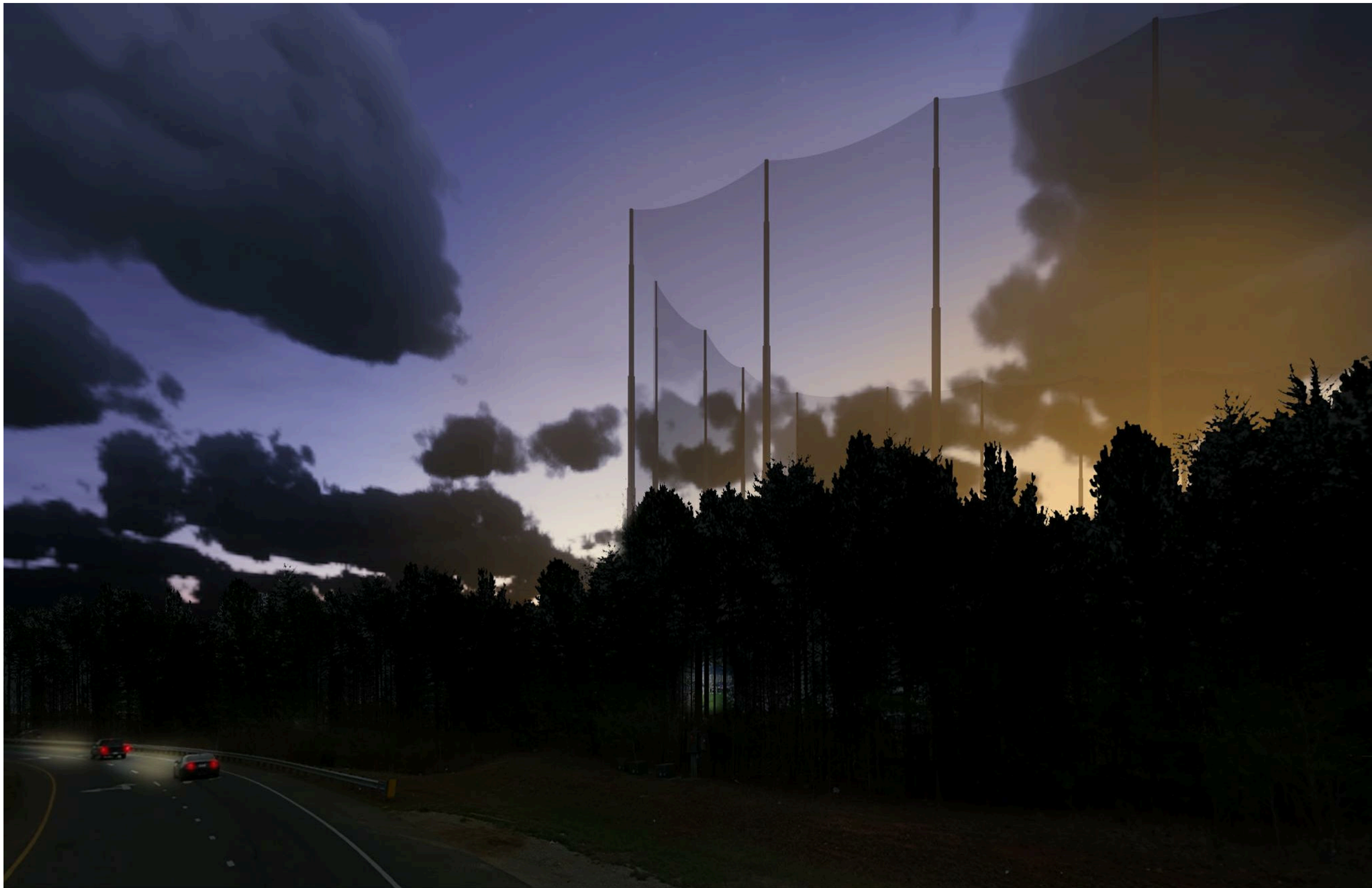
- a. To allow the following outdoor digital signage: a maximum of two (2) additional ground-mounted, outdoor signs with digital capabilities, not to exceed 3,000 square feet in total area and thirty (30) feet in height. All other signage shall conform to the conditions as approved in Rezoning Petition 2017-108 and/or MUDD zoning district standards.

III. Digital Screen Standards:

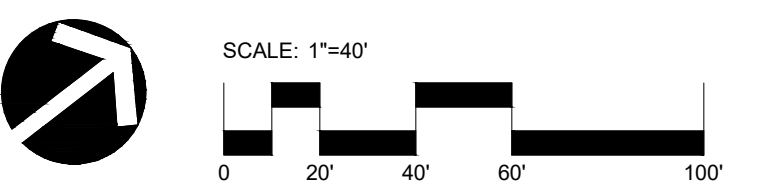
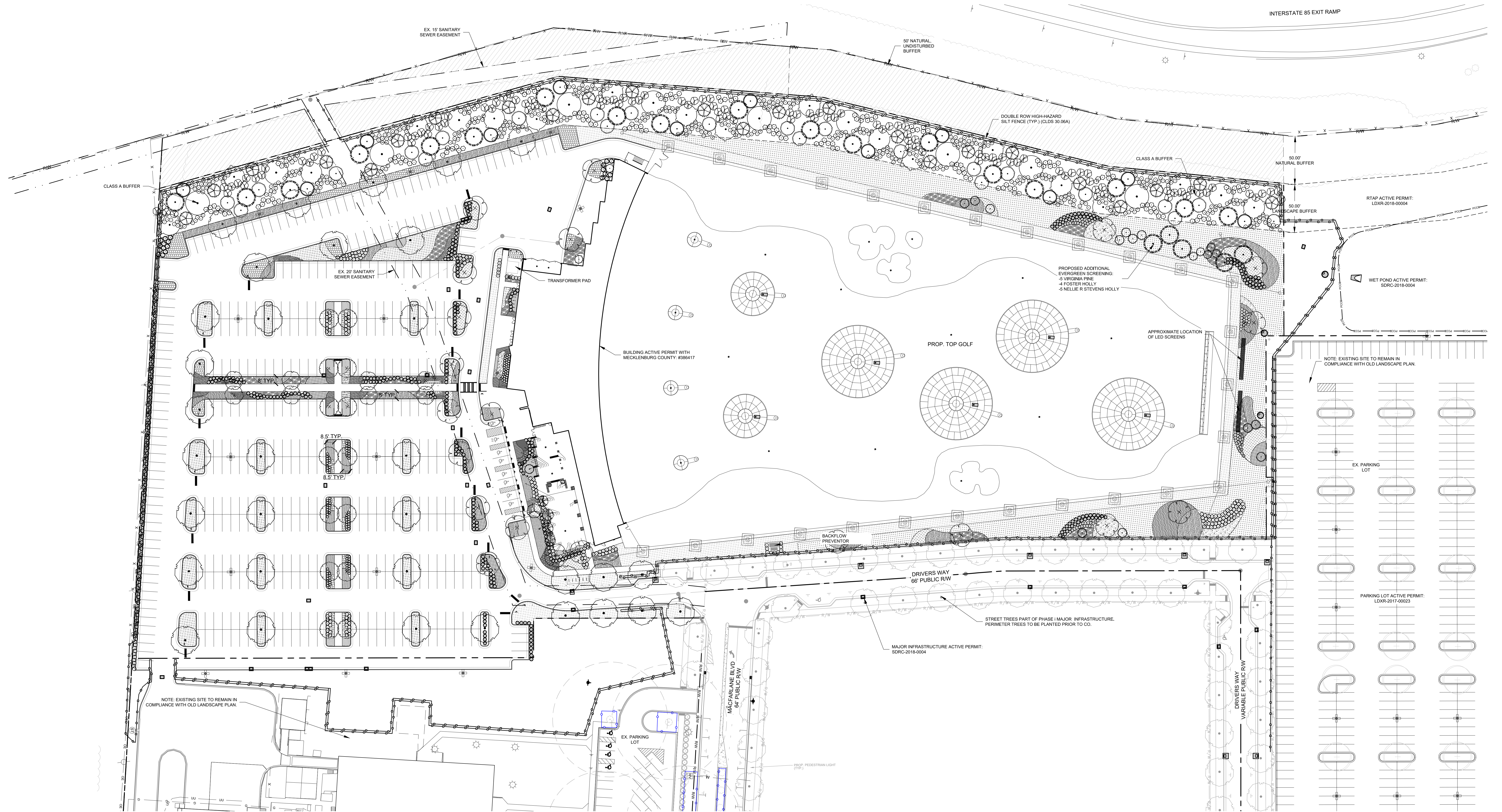
- a. The proposed digital screens shall be generally located in the area labeled "New LED Displays" on the Rezoning Plan.
- b. The proposed digital screens shall not become operable until the issuance of the certificate of occupancy for the principal building to be located on the site per previous rezoning 2017-108 (other than for routine installation and testing purposes).
- c. The proposed digital screens shall not increase the amount of light pollution beyond the Site's boundaries in relation to the already approved Topgolf complex per Rezoning Petition 2017-108 (so as to create a 0.0 increase in the footcandle).
- d. In addition to the fifty (50) foot undisturbed buffer and fifty (50) foot Class A buffer proposed and approved as part of Rezoning Petition 2017-108, the Petitioner shall commit to additional plantings within the buffer, in the area closest to the proposed screens, as generally depicted on the Landscape Plan Exhibit included with this Rezoning Plan, in the event that the proposed screens are installed as part of the overall development project.













Agenda Date: 3/18/2019

Agenda #: 10. **File #:** 15-10382 **Type:** Zoning Decision

Rezoning Petition: 2018-133 by City of Charlotte

Location: Approximately 4.28 acres located at the intersection of Providence Road West and Ballancroft Parkway, west of Johnston Road. (Council District 7 - Driggs)

Current Zoning: R-3 (single family residential)

Proposed Zoning: NS (neighborhood services)

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

REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: NS (neighborhood services)

LOCATION

Approximately 4.28 acres located at the intersection of
Providence Road West and Ballancroft Parkway, west of
Johnston Road.
(Council District 7 - Driggs)

PETITIONER

City of Charlotte

**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 *South District Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends single family residential at three 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:

- While the plan recommends single family land use, the parcel is surrounded by office, retail, and multi-family land uses developed since the plan was written; and
- Area plans generally do not specify the locations for new institutional uses such as government buildings; and
- The requested government building is appropriate given its siting on a major thoroughfare, and near the intersection with Johnston Road; and
- The proposal is an additional element in an emerging walkable concentration of non-residential uses in its vicinity; and
- The proposed facility will provide a city service to the area; and
- The proposed site plan commits to setbacks consistent with existing development along Providence Road West and allows for future connections across the site from the remaining portion of the parcel to Ballancroft Parkway.

The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from single family residential at three units per acre to institutional use for the site.

Motion/Second: Gussman / Ham
Yeas: Fryday, Gussman, Ham, McClung, McMillan,
Samuel, and Watkins
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 commissioner asked which side of the building the elevation depicted. Staff explained that it was their understanding that the it depicted the elevation for the Providence Road West frontage. Staff noted that the elevation in the site plan was a typical and may not exactly match the layout shown on the site plan.

There was no further discussion of this petition.

PLANNER

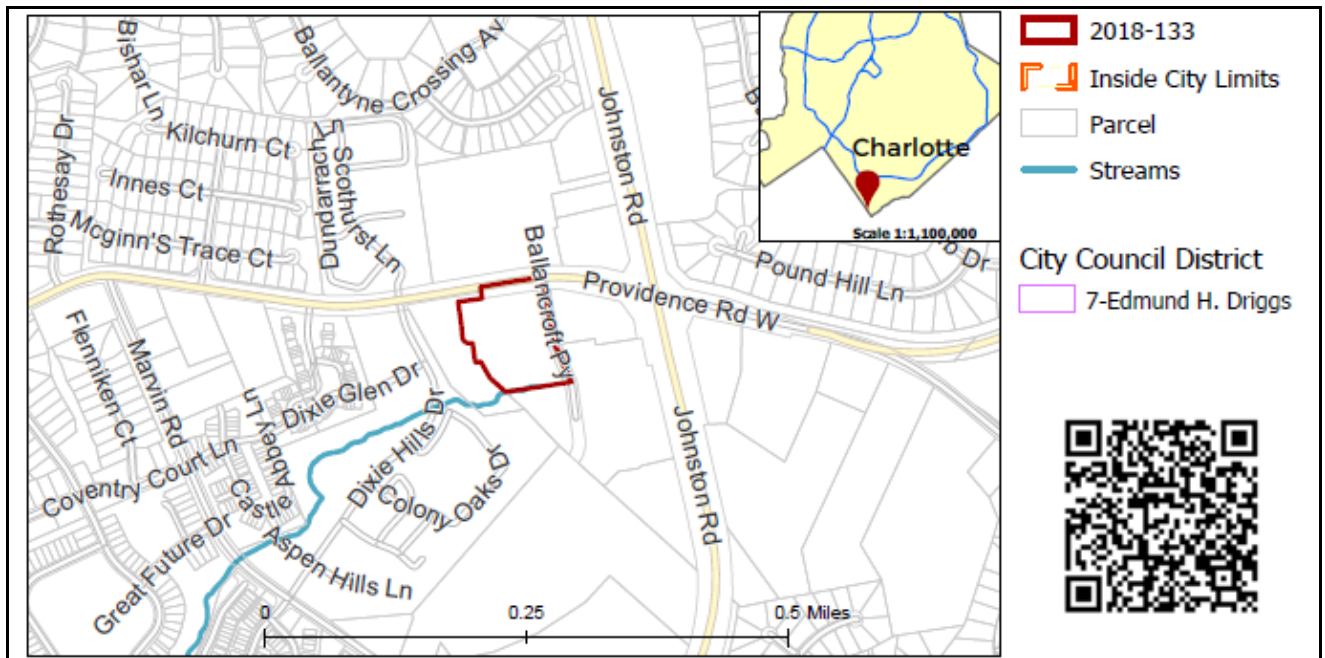
John Kinley (704) 336-8311

REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: NS (neighborhood services)

LOCATION

Approximately 4.28 acres located at the intersection of Providence Road West and Ballancroft Parkway, west of Johnston Road (Council District 7 - Driggs)



SUMMARY OF PETITION

The petition proposes to develop a vacant parcel, south of Ballantyne, with a police station.

PROPERTY OWNER

City of Charlotte

PETITIONER

City of Charlotte

AGENT/REPRESENTATIVE

Joseph Humphrey/ Monifa Hendrickson-Woodside

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 8.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is inconsistent with the *South District Plan* recommendation for single family residential up to three dwelling units per acre.

Rationale for Recommendation

- While the plan recommends single family land use, the parcel is surrounded by office, retail, and multi-family land uses developed since the plan was written.
- Area plans generally do not specify the locations for new institutional uses such as government buildings.
- The requested government building is appropriate given its siting on a major thoroughfare, and near the intersection with Johnston Road.

- The proposal is an additional element in an emerging walkable concentration of non-residential uses in its vicinity.
- The proposed facility will provide a city service to the area.
- The proposed site plan commits to setbacks consistent with existing development along Providence Road West and allows for future connections across the site from the remaining portion of the parcel to Ballancroft Parkway.

The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from single family residential at three units per acre to institutional use for the site.

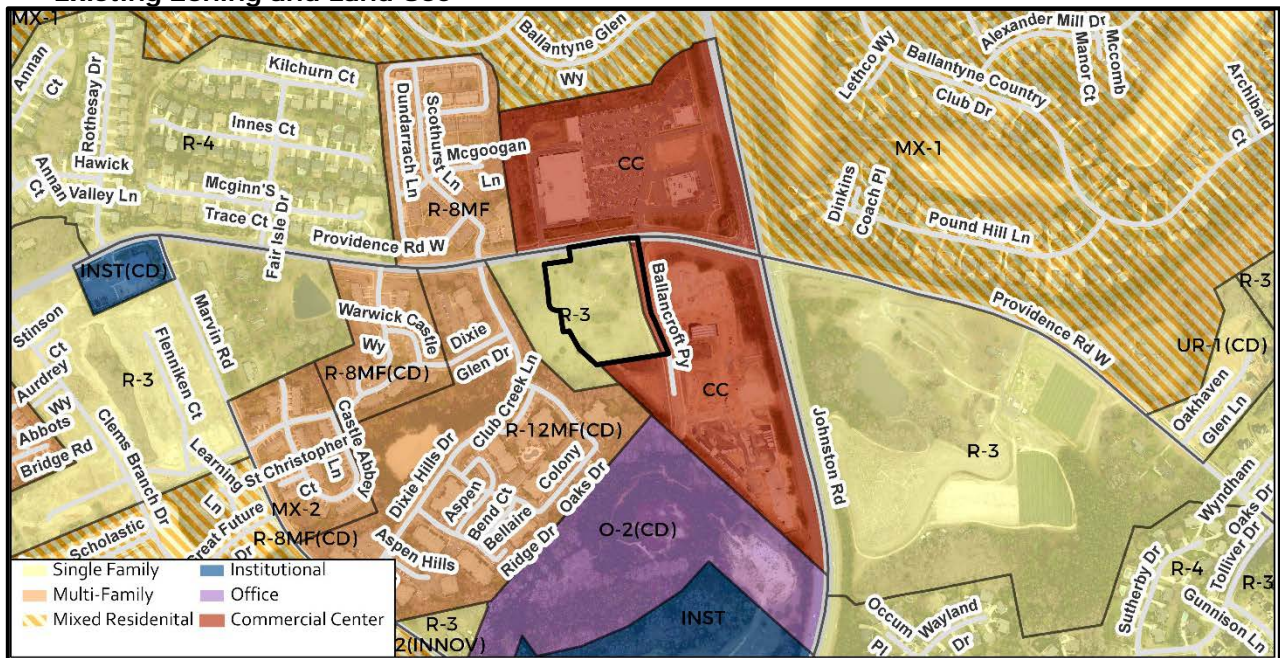
PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 22,500-square foot building area for a police station and neighborhood services offices and associated accessory uses on a portion of a larger parcel. The remainder of the parcel is not included in the rezoning.
- Provides vehicular access from Ballancroft Parkway and Providence Road West.
- Depicts minimum 56-foot wide strip reserved for possible future connections along south side of site and possible future connection from the proposed driveway to western portion of parcel not included in rezoning.
- Provides an eight-foot planting strip and six-foot sidewalk along Providence Road West from Ballancroft Parkway to Dixie Hills Drive.
- Commits to a 35-foot setback along Providence Road West and a 30-foot setback along Ballancroft Parkway.
- Provides a left turn lane into site on Providence Road West.
- Provides building elevations and rendering to reflect architectural style of the building.
- Provides 15 visitor parking spaces accessed from the driveway off Providence Road West.
- Indicates an eight-foot tall decorative fence around the gated, secured staff parking area.
- Specifies all lighting will be downwardly directed and full cut-off type. Detached lighting limited to 25 feet in height.

- Existing Zoning and Land Use



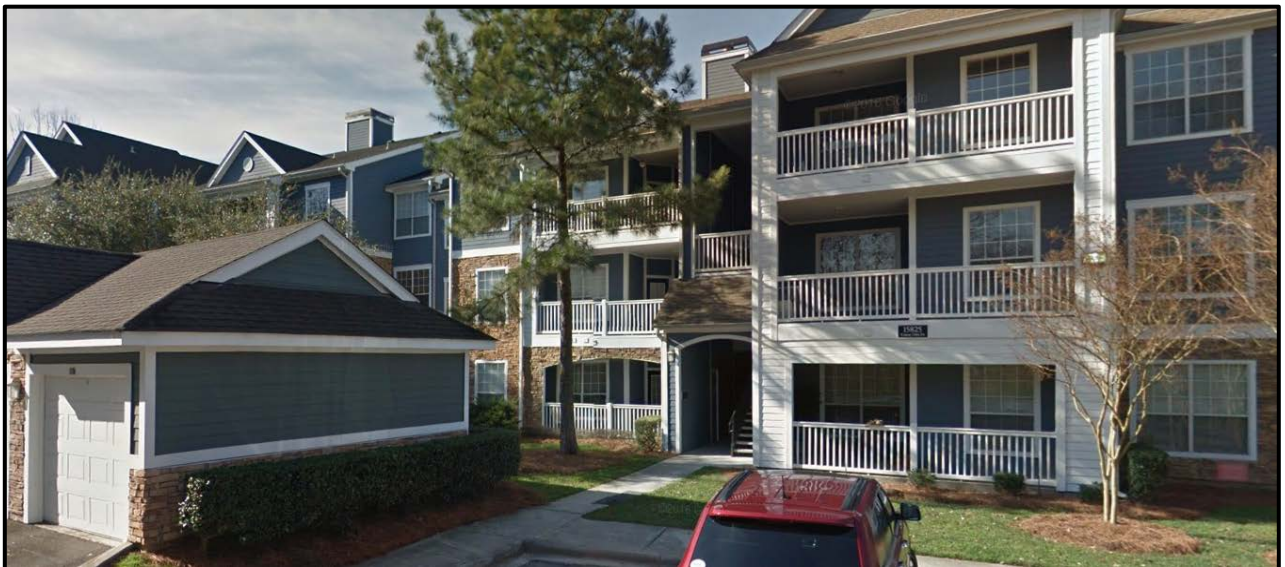
North and east of the site are commercial developments. The portion of the site to the east, not included in the rezoning is vacant. South and west of the site is a multi-family development.



The subject property is undeveloped.



The property to the north along Providence Road West is developed with a Publix grocery store.

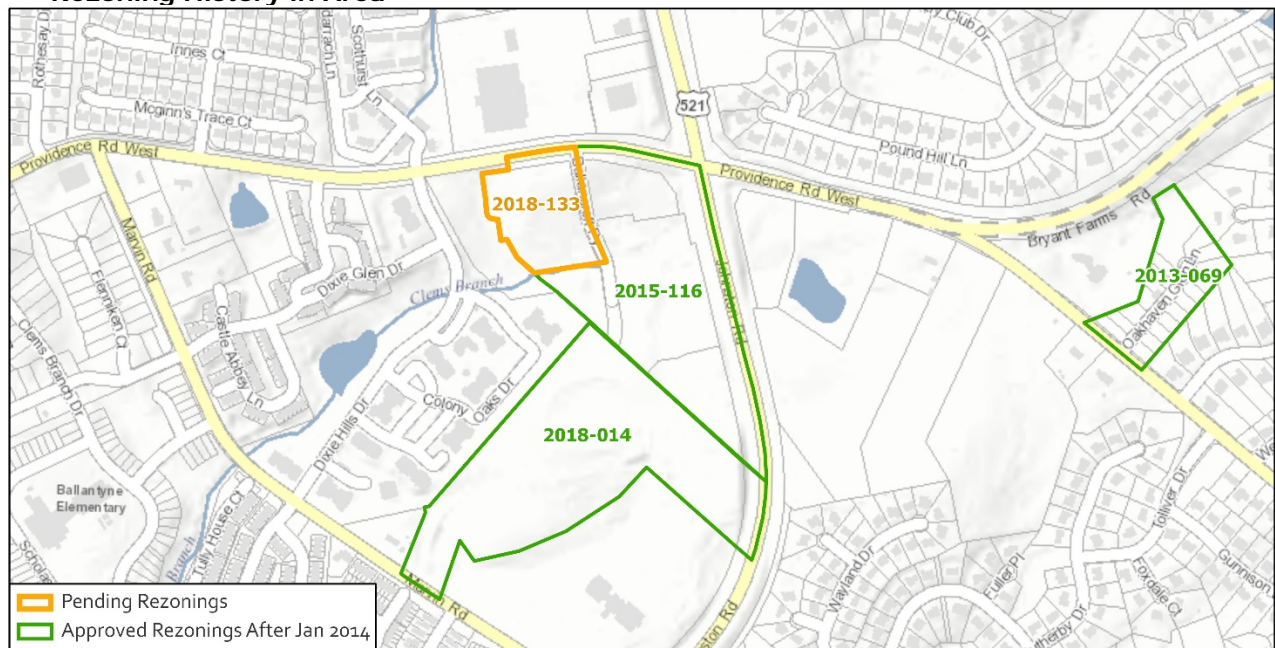


The property to the south and west along Dixie Hills Drive and Colony Oaks Drive is developed with apartments.



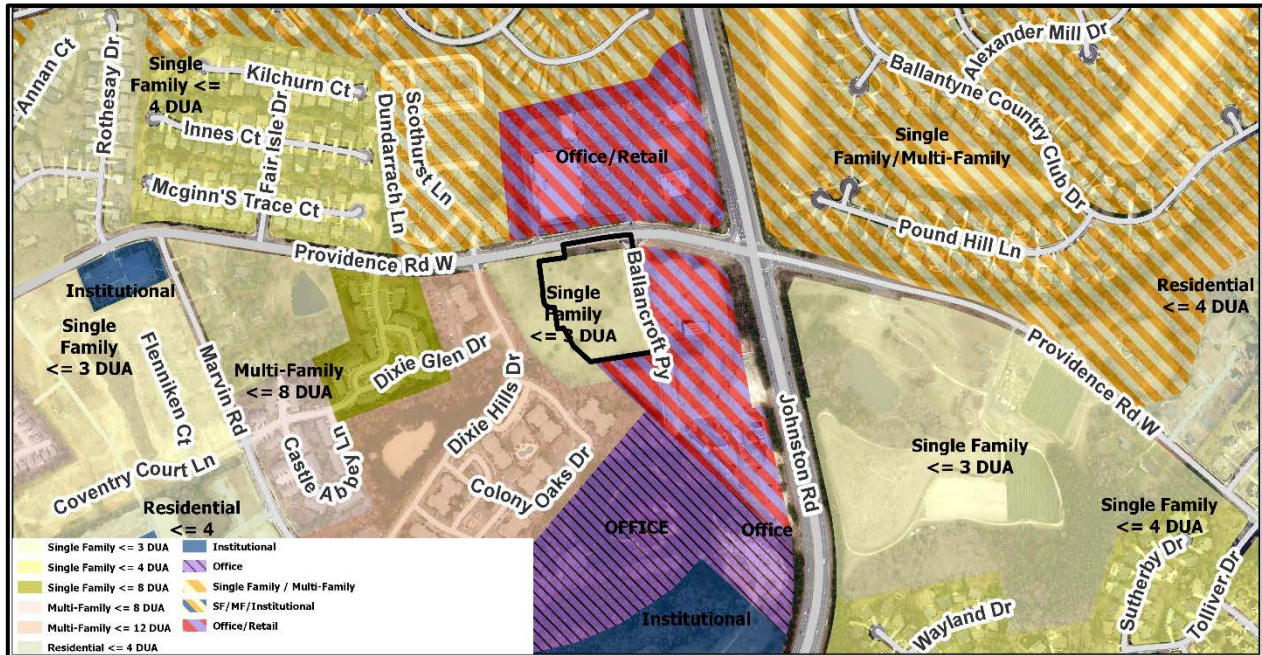
The property to the east along Ballancroft Parkway is developed with office and retail uses.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2013-069	Rezoned 5.0 acres to UR-1(CD) (urban residential conditional) to allow 19 single family dwellings	Approved
2015-116	Rezoned 13.22 acres to CC (commercial center) to allow a mixture of office, retail, financial institution and hotel uses.	Approved
2018-014	Rezoned 18.95 acres to O-2(CD) (office conditional) to allow a health institution and medical offices.	Approved

- **Public Plans and Policies**



- The *South District Plan* (1993) recommends single family residential land use at three dwelling units per acre.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located on a major thoroughfare. The site plan commits a future connection from existing Ballancroft Parkway to the remaining portion of the parcel. The site plan also commits to pedestrian improvements on Providence Road West in the form of planting strip and sidewalk.
 - No outstanding issues.
 - **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 0 trips per day (based on vacant land).
Entitlement: 260 trips per day (based on 22 single family dwellings).
Proposed Zoning: 1,550 trips per day (based on 22,500-square foot government office).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Non-residential 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 Ballancroft Parkway. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located on subject parcel.
- **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 comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

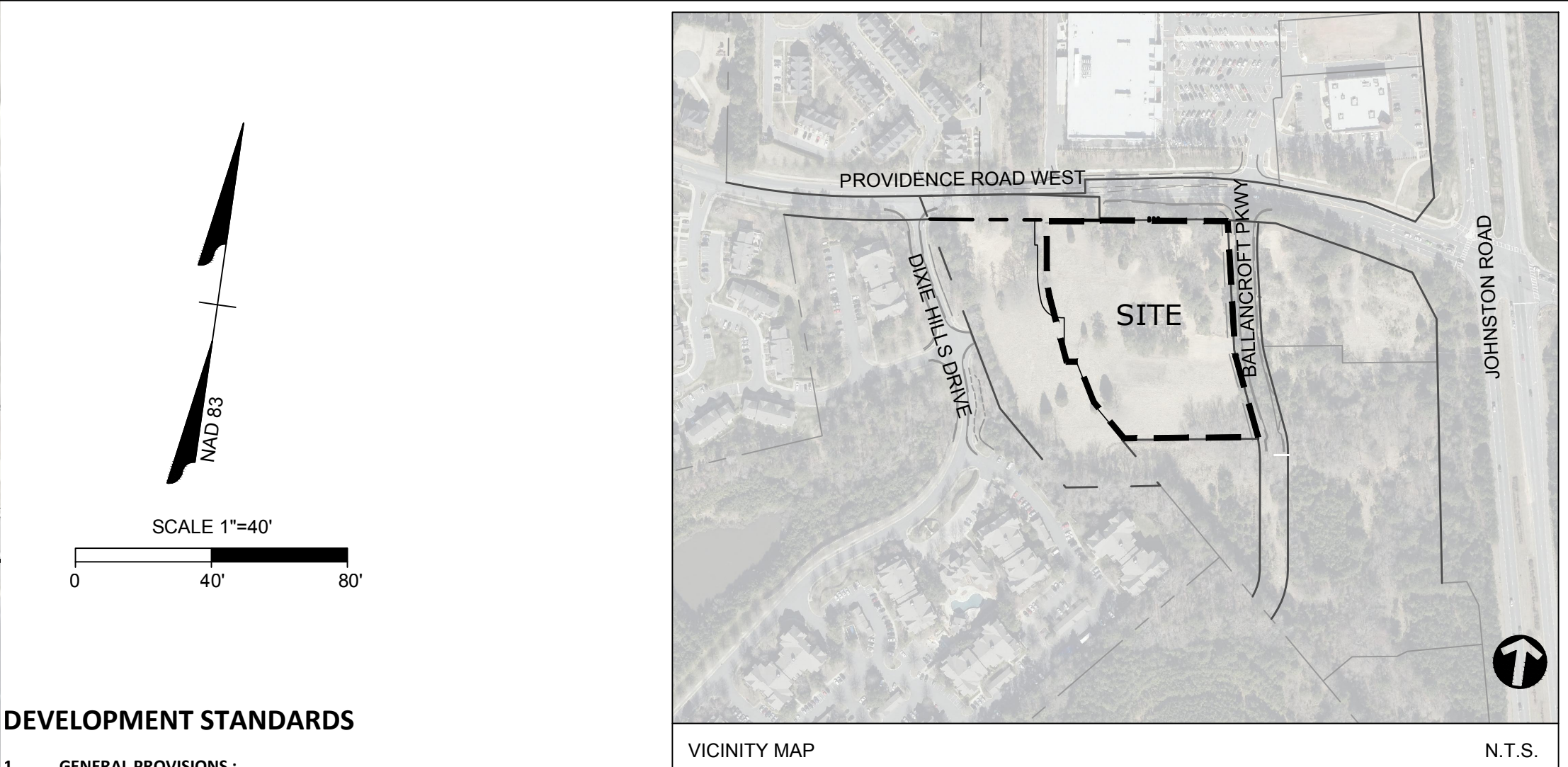
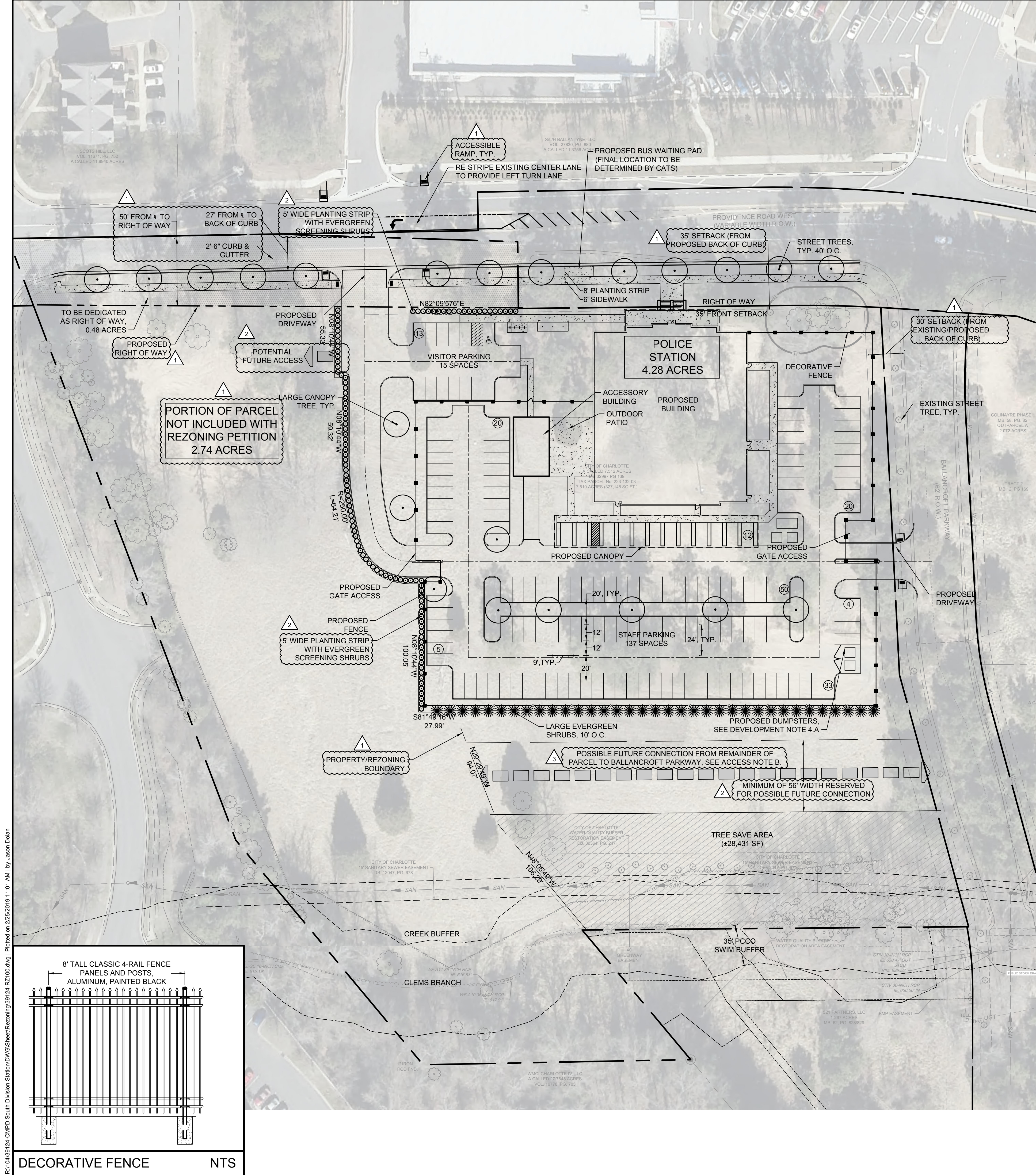
OUTSTANDING ISSUESSite and Building Design

1. ~~Add a conditional note specifying that cross access easements will be provided along the south side of the site within the 56-foot wide space to accommodate the future possible connection.~~
Addressed.

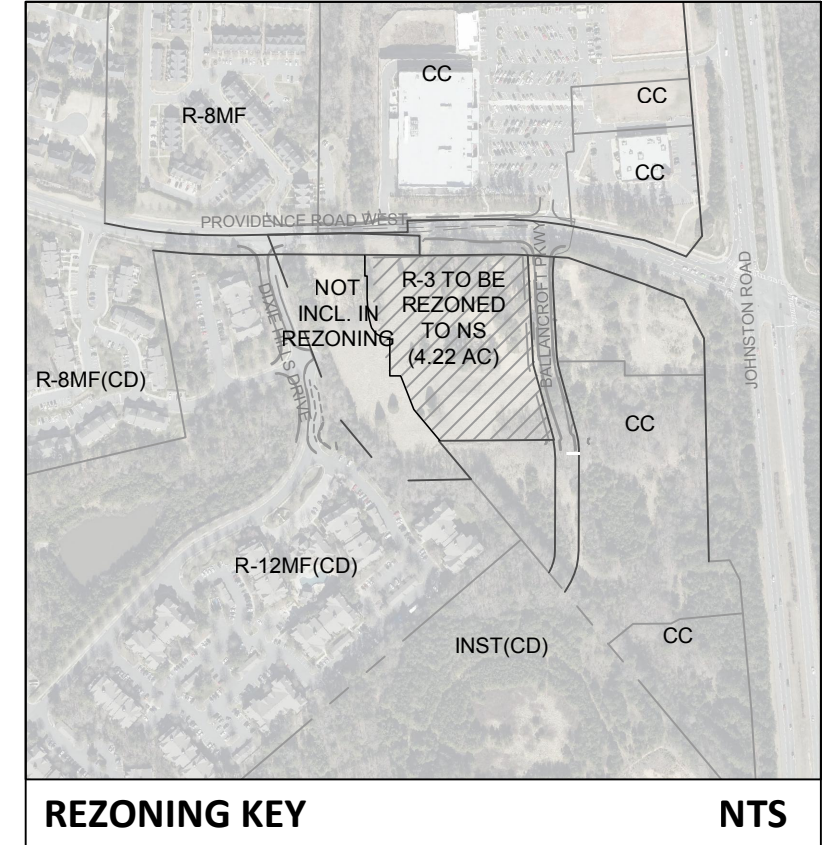
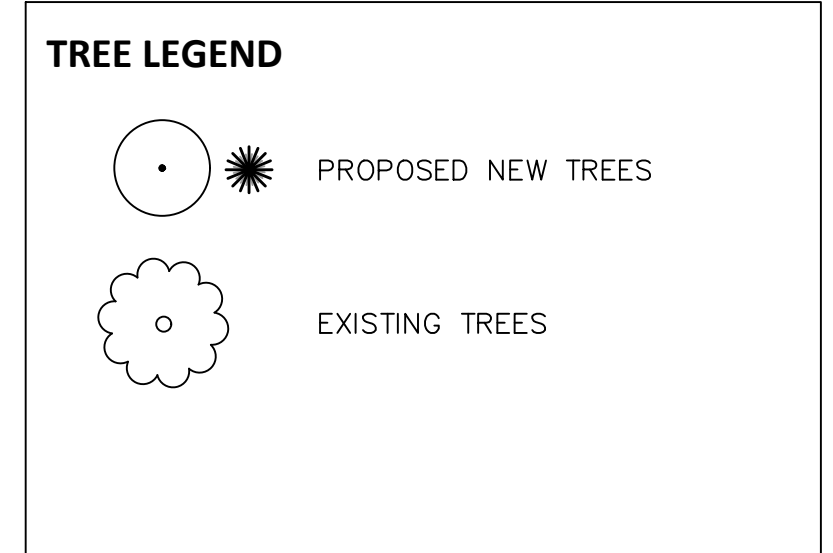
Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Pre-hearing Staff Analysis
- Post hearing Staff Analysis
- Zoning Committee Recommendation
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Department of Solid Waste Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: John Kinley (704) 336-8311



REZONING SUMMARY	
PETITIONER & OWNER:	CITY OF CHARLOTTE 600 E. FOURTH STREET CHARLOTTE, NC 28202
REZONING SITE AREA:	4.28 ACRES (186,500 SF)
TAX PARCEL #:	223-13-208 (PORTION OF)
EXISTING ZONING:	R-3
PROPOSED ZONING:	NS
EXISTING USES:	VACANT (PREV. RESIDENTIAL)
PROPOSED USES:	POLICE STATION
MAX. BUILDING HEIGHT:	AS ALLOWED BY THE ORDINANCE BUT NOT TO EXCEED 60'
MAX. BUILDING AREA:	22,500 SF
MAX. FLOOR AREA RATIO:	AS ALLOWED BY THE ORDINANCE
PARKING:	38, ONE SPACE/600 SF
REQ. PARKING:	AS ALLOWED BY THE ORDINANCE
REQ. SHORT-TERM BIKE:	2 (2, OR 1 PER 10,000 SF)
REQ. LONG-TERM BIKE:	8 (5% OF PARKING SPACES)
PROV. LONG-TERM BIKE:	8
TREE SAVE:	
REQUIRED:	27,975 SF
PROVIDED:	28,000 SF



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610 E. Morehead Street, Suite 250 | Charlotte, NC 28202
TEL 704.602.8600 FAX 704.376.1076 www.timmons.com
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YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION

DATE	ADDRESS REZONING COMMENTS	ADDRESS REZONING COMMENTS
12/14/2018		
01/17/2019		
02/25/2019		

DRAWN BY

SCE

DESIGNED BY

SCE

CHECKED BY

CJT

SCALE

1"=40'

CMPD SOUTH DIVISION STATION

MECKLENBURG COUNTY, NORTH CAROLINA

REZONING PLAN - PETITION #2018-133

JOB NO.

39124

SHEET NO.

RZ-100

These plans and specifications are the exclusive property of TIMMONS GROUP, INC. and shall not be used for any purpose whatsoever, inclusive, but not limited to, construction, bidding, and/or construction staking, without the express written consent of TIMMONS GROUP, INC.

STREET VIEW

FINAL MASSING





Agenda Date: 3/18/2019

Agenda #: 11. **File #:** 15-10383 **Type:** Zoning Decision

Rezoning Petition: 2018-134 by HHHunt

Location: Approximately 20.03 acres located at the intersection of Old Statesville Road and Independence Road, south of I-485. (Outside City Limits)

Current Zoning: R-4 (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 2018-134

March 5, 2019

REQUEST

Current Zoning: R-4 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 20.03 acres located at the intersection of Old Statesville Road and Independence Road, south of Interstate 485.
(Outside City Limits)

PETITIONER

HHHunt/Elam Hall

**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 *Northlake Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends transit oriented uses for this site.

Therefore 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 multi-family use is consistent with the transit oriented mixed-use development recommended for this site, made with the assumption that the Red Line Commuter Rail would be a funded and active project; and
- Even though the alignment and transit mode of the proposed north corridor Red Line is currently being re-analyzed by CATS, the proposed land use is appropriate for this location, across from residential development and located adjacent to Interstate 485; and
- The multi-family development can provide a transition between the industrial development to the west of the site, and single-family development to the east of the site.

Motion/Second: Watkins / Samuel

Yeas: Fryday, Gussman, Ham, McClung, McMillan,
Samuel and Watkins

Nays: None

Absent: None

Recused: None

**ZONING COMMITTEE
DISCUSSION**

Staff provided a summary of the petition, noting all outstanding issues were addressed. A Commissioner commented that there was reorientation of one of the buildings. There was no further discussion of this request.

PLANNER

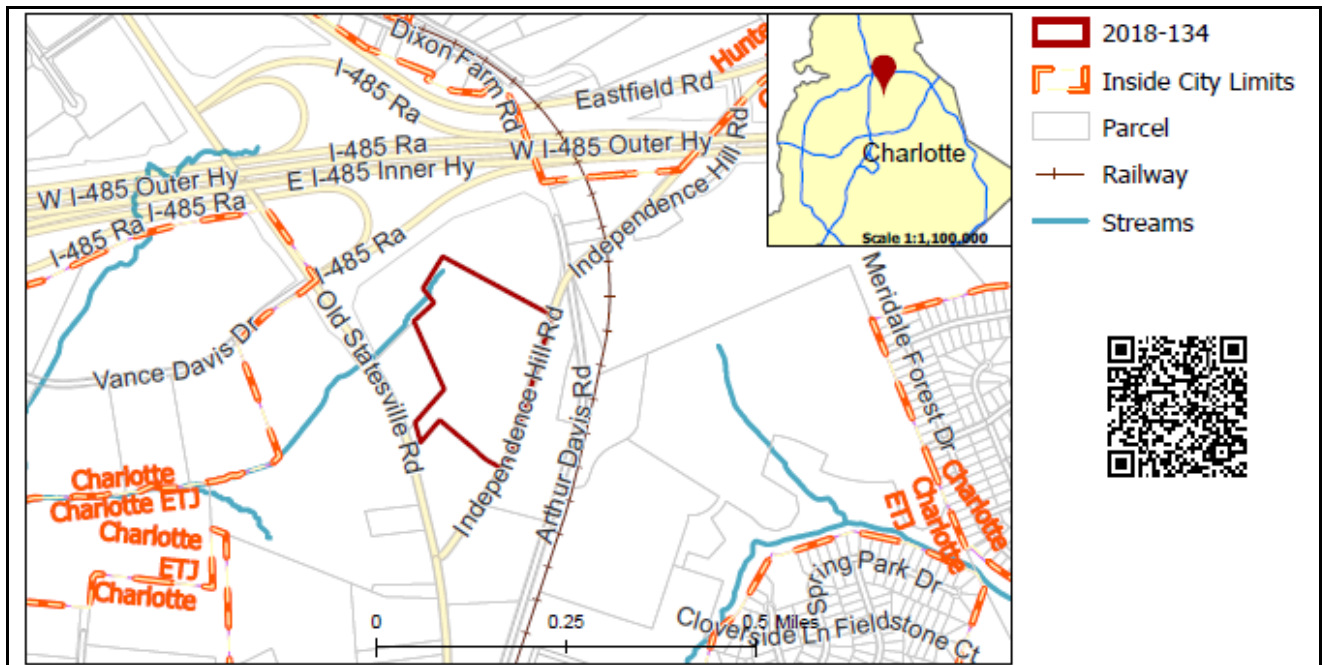
Claire Lyte-Graham (704) 336-3782

REQUEST

Current Zoning: R-4 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 20.03 acres located at the intersection of Old Statesville Road and Independence Road, south of Interstate 485. (Outside City Limits)



SUMMARY OF PETITION

The petition proposes to allow up to 335 multi-family residential units at a density of 16.73 units per acre on vacant land located in North Charlotte.

PROPERTY OWNER

Liberty Crossing I, LLC

PETITIONER

HHHunt/Elam Hall

AGENT/REPRESENTATIVE

Keith MacVean, Dujuana Keys & Jeff Brown/Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 2

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *Northlake Area Plan* recommendation for transit oriented development land uses for this site.

Rationale for Recommendation

- The proposed multi-family use is consistent with the transit oriented mixed-use development recommended for this site, made with the assumption that the Red Line Commuter Rail would be a funded and active project.
- Even though the alignment and transit mode of the proposed north corridor Red Line is currently being re-analyzed by CATS, the proposed land use is appropriate for this location, across from residential development and located adjacent to Interstate 485.

- The multi-family development can provide a transition between the industrial development to the west of the site, and single-family development to the east of the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 335 multi-family residential units at a density of 16.73 units per acre.
- Proposes at a minimum the following type of amenities: dog park; outdoor seating areas with hardscape and landscape elements; a pool area; club facility; and outdoor cooking areas.
- **Proposed maintenance building with carwash.**
- Commits to a minimum of 8,000 square feet of open space amenity areas on site.
- Limits building height to four stories and 65 feet.
- Notes number of principal residential buildings will not exceed 14.
- Proposes a 37.5-foot Class C buffer (reduced with a fence) along a portion of the western property line.

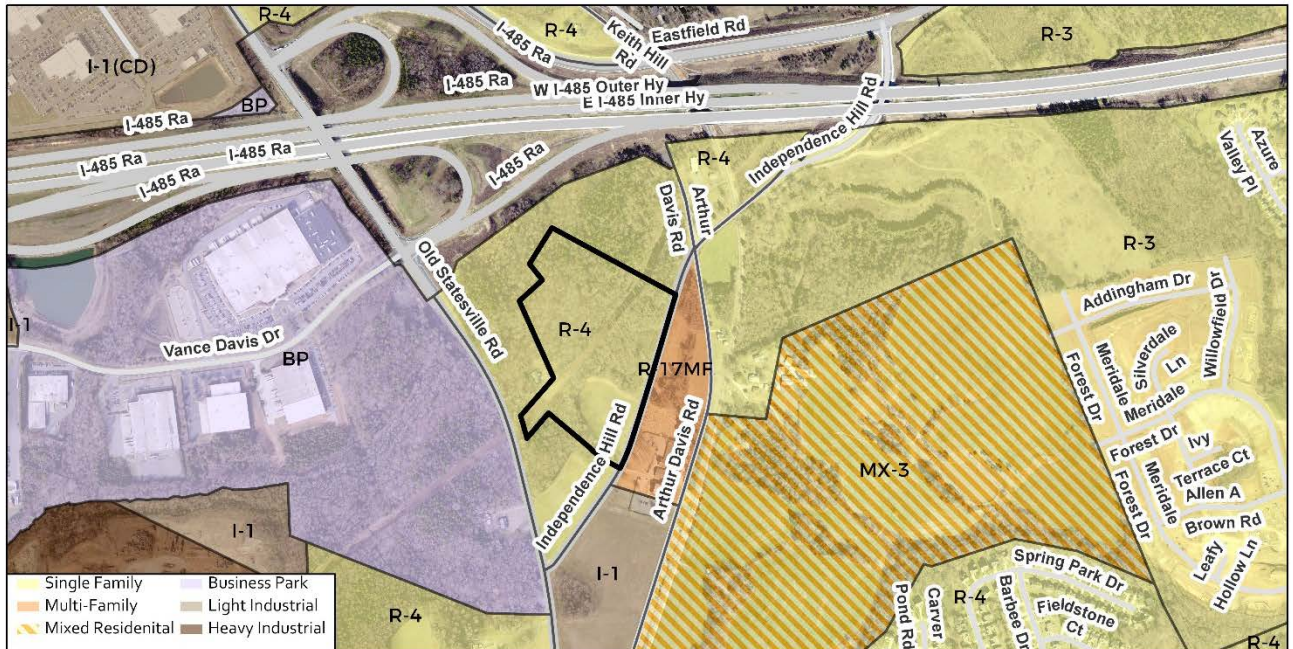
Commits to the following transportation improvements:

- Proposes Public Road A connecting to Old Statesville Road.
- Proposes Public Roads B and C (both designed with on street parking) connecting to proposed Public Road A and Independence Hill Road.
- Constructs a 150-foot southbound left turn on Old Statesville Road to Independence Road.
- Improves the site's frontage on Independence Hill Road to include a maximum of 24.5 feet of pavement from the existing center line plus curb and gutter to create a symmetrical widening of Independence Hill Road including any required left turn lanes and a bike lane if required by NCDOT.
- Dedicates and conveys to CDOT/NCDOT 50.5 feet of right-of-way from the center line along Independence Hill Road.
- Dedicates to NCDOT additional right-of-way indicated along Old Statesville Road required for the implementation of NCDOT TIP Project U-5772 and any necessary temporary construction easements requested by NCDOT.
- Notes all transportation improvements, except those in the TIP Project U-5772, will be approved and constructed prior to the release of a certificate of occupancy for the first buildings on the site, subject to the petitioner's ability to post a bond for any improvements not in place at that time.
- Constructs a 12-foot multi-use path along the site's Old Statesville Road frontage.
- Provides eight-foot sidewalk and eight-foot planting strip along Independence Hill Road.

Commits to the following architectural standards:

- Proposes building materials of glass, brick, simulated stone, precast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy plank), EIFS or wood.
- Prohibits use of vinyl as a building material except on windows, soffit, and on handrails/railings. Prohibits concrete masonry units not architecturally finished.
- Minimum 20% of façades facing external and internal network streets to be brick, natural stone (or its synthetic equivalent), stucco or other approved material.
- Places buildings on Independence Hill Road at minimum of 50% of frontage.
- Designs buildings with a recognizable architectural base on all facades facing Independence Hill Road and internal Public Streets.
- Limits expanses of blank walls through use of architectural features such as banding, medallions or other design features.

- Existing Zoning and Land Use



- The site is currently vacant and is surrounded by undeveloped and vacant acreage, office/warehouse uses, a religious institution, and residential neighborhoods in various zoning districts.



The subject property is undeveloped.



Property to the north along Arthur Davis Road is undeveloped.



Property to the south along Independence Hill Road is undeveloped.

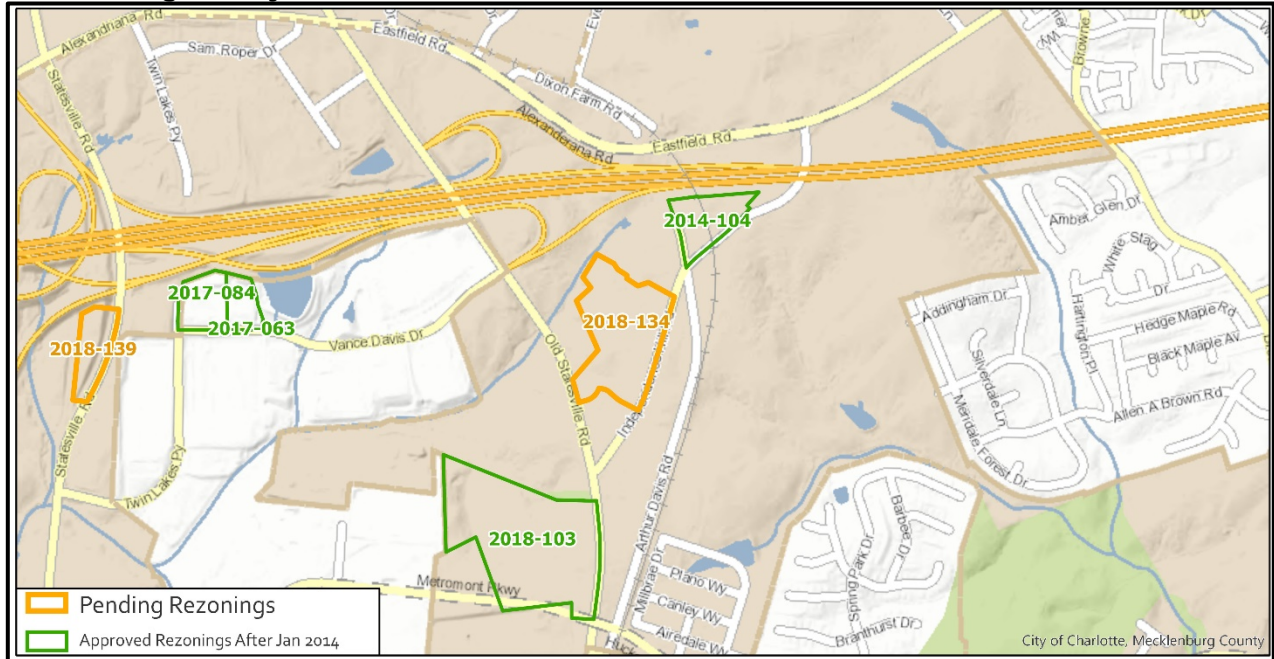


Property to the east along Independence Hill Road is developed with a church.



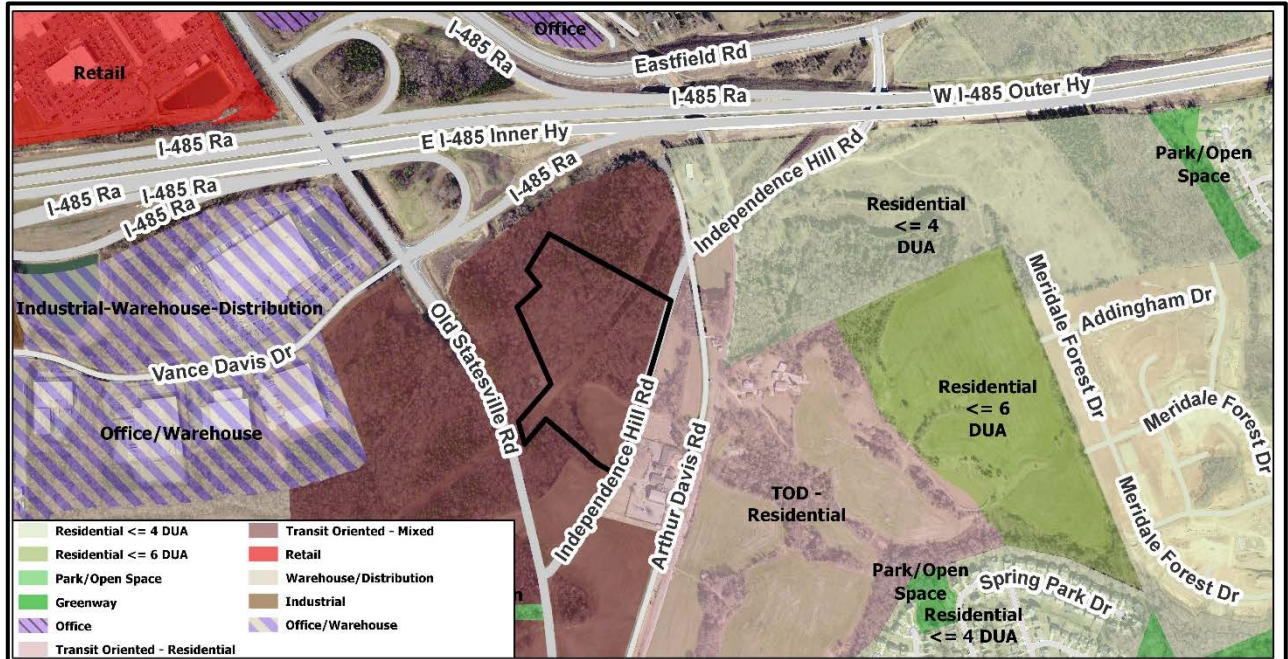
Property to the west along Old Statesville Road is undeveloped.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-103	Rezoned approximately 35.91 acres from R-4 (single family residential) and I-1 (light industrial) to I-2(CD) (general industrial, conditional) to allow up to 550,000 square feet of warehousing, warehouse distribution, manufacturing, office, and industrial uses.	Approved
2017-084	Rezoned approximately 5.14 acres from BP (business park) to I-1 (light industrial) to allow all uses in the I-1 (light industrial) district in an existing building in Twin Lakes Business Park.	Approved
2017-063	Rezoned approximately 3.415 acres from BP (business park) to I-1 (light industrial) to allow all uses permitted in in the I-1 (light industrial) district in an existing building in Twin Lakes Business Park, located just south of Interstate 485 and east of Interstate 77.	Approved
2014-104	Established of Charlotte zoning for 6.77 acres that were previously in the zoning jurisdiction of the Town of Huntersville. Rezoned parcels to R-4 (single family residential).	Approved
2013-087	Rezoned approximately 20.47 acres from BP (business park) to I-1 (light industrial).	Approved

- **Public Plans and Policies**



- The *Northlake Area Plan* (adopted 2008) recommends transit oriented development (residential, office, retail) for this site. The site is located within the Eastfield Transit Station Area, as part of the proposed North Corridor commuter rail line.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located off a major thoroughfare near I-485. The site plan agrees to dedicate right-of-way for the future NCDOT widening project, and a 12-foot multi-use path. In addition, the site plan commits to several public streets to improve the street network connectivity.
 - **Vehicle Trip Generation:**
 Current Zoning:
 Existing Use: 0 trips per day (based on vacant).
 Entitlement: 840 trips per day (based on 78 single family dwellings).
 Proposed Zoning: 2,150 trips per day (based on 335 apartments).
 See ~~New Outstanding Issue Note 1~~: **Addressed**.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** According to recent data from the U.S. Department of Housing and Urban Development, there is an estimated need for approximately 34,000 affordable workforce housing units in the City of Charlotte. In an effort to increase the estimated supply; developers are encouraged to assist in providing homes at diverse price point to meet increased housing demand.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 41 students, while the development allowed under the proposed zoning will produce 39 students. Therefore, the net decrease in the number of students generated from existing zoning to proposed zoning is 0 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Blythe Elementary from 116% to 119%
 - J.M. Alexander Middle from 90% to 91%
 - North Mecklenburg High from 115% to 116%.
- **Charlotte Water:** Charlotte Water currently does not have water system accessible for the rezoning boundary under review. The closest water distribution main is approximately 600 feet

northeast of the rezoning boundary at the intersection of Arthur Davis Road and Independence Hill Road. A developer donated project will be required in cases where there is not direct service.

Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 400 feet west of the rezoning boundary across Old Statesville Road. A developer donated project will be required in cases there is not direct service.

- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** ~~See Outstanding Issues, Note 2-~~ Addressed.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Park and Recreation Department:** ~~See Outstanding Issues, Note 3-~~ Rescinded.

OUTSTANDING ISSUES

Transportation

1. ~~Petitioner should revise Transportation Note. Normally CDOT requires right of way dedication prior to the "first" certificate of occupancy, not "last".~~ Addressed.

Environment

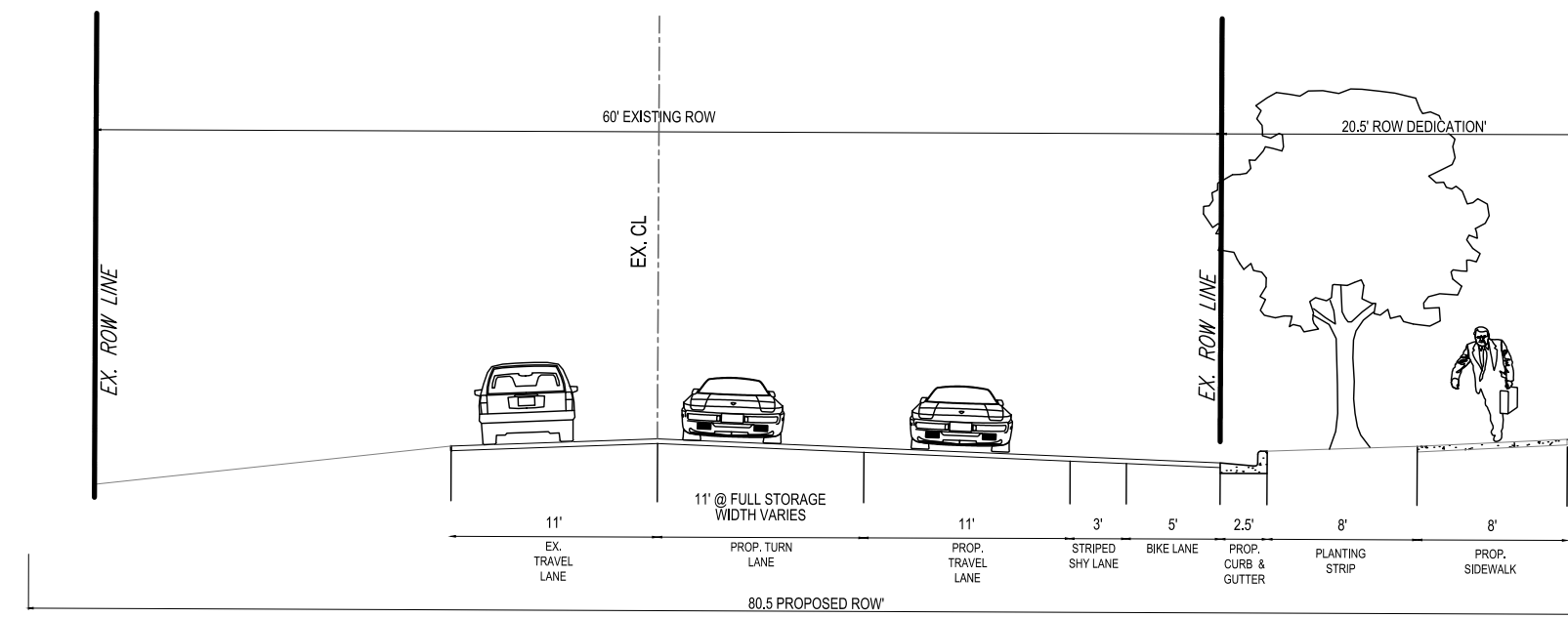
2. ~~Please add the following note under the ENVIRONMENTAL FEATURES heading: Development within the Post-Construction Stormwater Ordinance stream buffers shall be subject to approval by Charlotte-Mecklenburg Stormwater Services and mitigated if required by City Ordinance.~~ Addressed.
3. ~~This property is located on the Dixon Branch Greenway Corridor per the 2008 MCPR Greenway Master Plan. Mecklenburg Park and Recreation requests the petitioner dedicate and convey the SWIM Buffer and Tree Save Area at the northern property line to the county for future greenway use. We would accept a 60' Greenway Easement through this area as well. We request the dedication/conveyance of the property or the 60' greenway easement be granted to the county prior to the issuance of the final certificate of occupancy.~~ Rescinded. Mecklenburg Park and Recreation will request the Dixon Branch Greenway dedication area when the adjacent parcel is rezoned. Park and Rec no longer requests the greenway dedication with this petition.

Site and Building Design

4. ~~Better delineate Class C buffers on the site plan and add this information to the Legend.~~ Addressed.

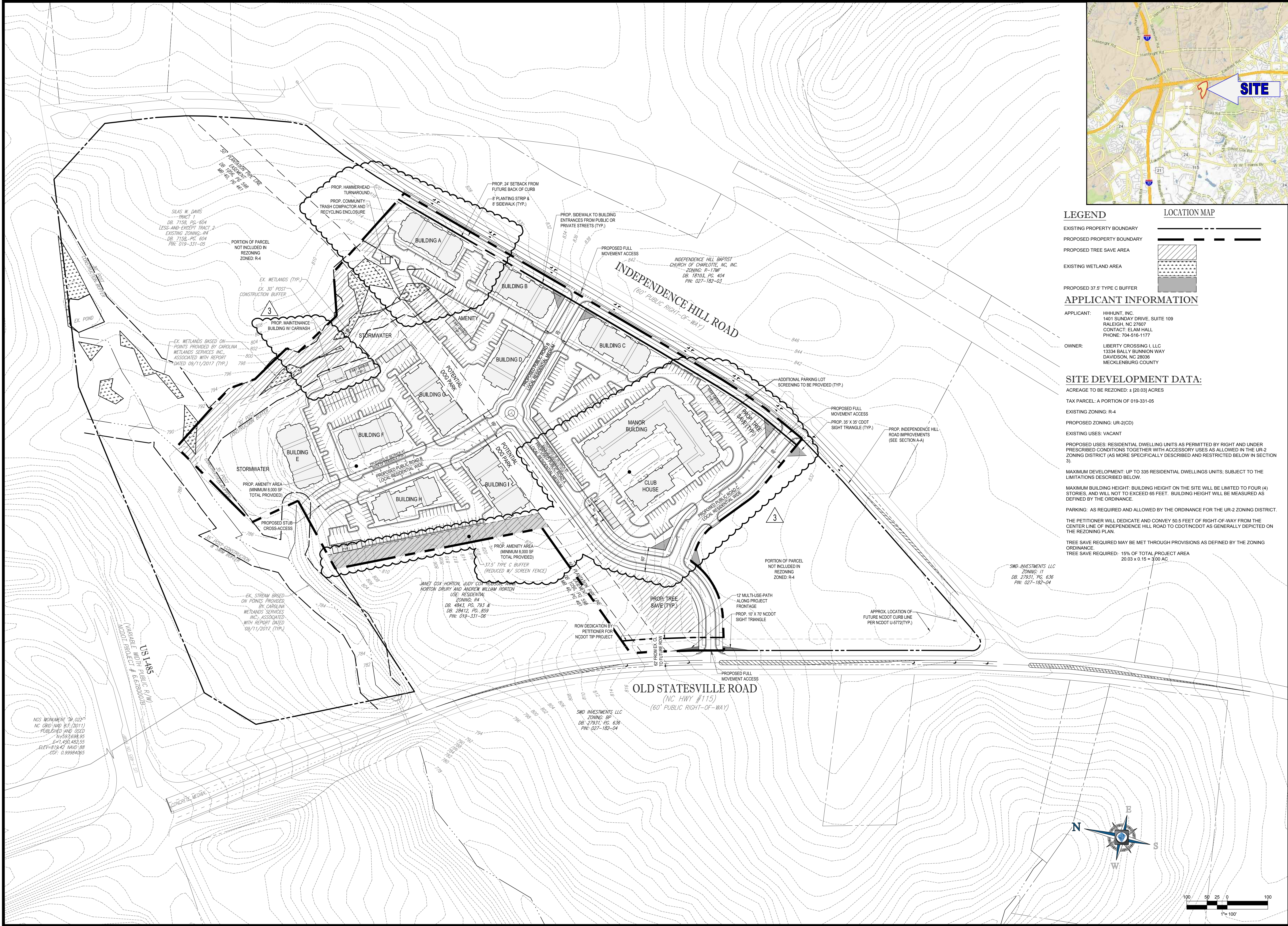
Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Department of Solid Waste Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review



NOTE: SYMMETRICAL WIDENING WILL BE EXPLORED AS A PRIMARY OPTION. NEAR SIDE WIDENING MAY BE USED ONLY IN THE CASE THAT SYMMETRICAL WIDENING IS NOT POSSIBLE WITHIN EXISTING RIGHT-OF-WAY.





LEGEND

- EXISTING PROPERTY BOUNDARY
- PROPOSED PROPERTY BOUNDARY
- PROPOSED TREE SAVE AREA
- EXISTING WETLAND AREA
- PROPOSED 37.5' TYPE C BUFFER

LOCATION MAP



APPLICANT INFORMATION

APPLICANT: HHHUNT, INC.
1401 SUNDAY DRIVE, SUITE 109
RALEIGH, NC 27607
CONTACT: ELAM HALL
PHONE: 704-516-1177

OWNER: LIBERTY CROSSING I, LLC
13334 BALLY BUNNION WAY
DAVIDSON, NC 28036
MECKLENBURG COUNTY

SITE DEVELOPMENT DATA:

ACREAGE TO BE REZONED: ± [20.03] ACRES
TAX PARCEL: A PORTION OF 019-331-05
EXISTING ZONING: R-4
PROPOSED ZONING: UR-2(CD)
EXISTING USES: VACANT
PROPOSED USES: RESIDENTIAL DWELLING UNITS AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE UR-2 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).
MAXIMUM DEVELOPMENT: UP TO 335 RESIDENTIAL DWELLINGS UNITS, SUBJECT TO THE LIMITATIONS DESCRIBED BELOW.
MAXIMUM BUILDING HEIGHT: BUILDING HEIGHT ON THE SITE WILL BE LIMITED TO FOUR (4) STORIES, AND WILL NOT TO EXCEED 65 FEET. BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
PARKING: AS REQUIRED AND ALLOWED BY THE ORDINANCE FOR THE UR-2 ZONING DISTRICT.
THE PETITIONER WILL DEDICATE AND CONVEY 50.5 FEET OF RIGHT-OF-WAY FROM THE CENTER LINE OF INDEPENDENCE HILL ROAD TO CDOT/NC DOT AS GENERALLY DEPICTED ON THE REZONING PLAN.
TREE SAVE REQUIRED MAY BE MET THROUGH PROVISIONS AS DEFINED BY THE ZONING ORDINANCE.
TREE SAVE REQUIRED: 15% OF TOTAL PROJECT AREA
20.03 x 0.15 = 3.00 AC

BOHLER
ENGINEERING NC, PLLC

SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PLANNING
TRANSPORTATION SERVICES

REVISIONS				
REV	DATE	COMMENT	BY	
1	12/17/2018	JURISDICTIONAL COMMENTS	DJR	
2	01/14/2019	CDOT COMMENTS	ODR	
3	02/25/2019	JURISDICTIONAL COMMENTS	ODR	

811

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NOT APPROVED FOR CONSTRUCTION

PROJECT No.:	NC0182145
DRAWN BY:	DJR
CHECKED BY:	RDH
DATE:	10/19/2018
SCALE:	1" = 100'
CAD I.D.:	R24

PROJECT: **PROP. REZONING DOCUMENTS** FOR **HHHUNT, INC**

LOCATION OF SITE
OLD STATESVILLE ROAD &
INDEPENDENCE HILL ROAD
MECKLENBURG COUNTY

BOHLER
ENGINEERING NC, PLLC

1927 S. TRYON STREET, SUITE 310
CHARLOTTE, NC 28203
Phone: (980) 272-3400
Fax: (980) 272-3401
NC@BohlerEng.com

PETITION
2018-134

SHEET TITLE:
SCHEMATIC SITE PLAN

SHEET NUMBER:
RZ-2

HHUNT
DEVELOPMENT STANDARDS
2/20/19
REZONING PETITION NO. 2018-134

SITE DEVELOPMENT DATA:

--ACREAGE: ± 20.03 ACRES
--TAX PARCEL #S: A PORTION OF 019-331-05
--EXISTING ZONING: R-4
--PROPOSED ZONING: UR-2(CD)
--EXISTING USES: VACANT
--PROPOSED USES: RESIDENTIAL DWELLING UNITS AND ACCESSORY STRUCTURES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE UR-2 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).
--MAXIMUM DEVELOPMENT: UP TO 335 RESIDENTIAL DWELLINGS UNITS, SUBJECT TO THE LIMITATIONS DESCRIBED BELOW.
--MAXIMUM BUILDING HEIGHT: BUILDING HEIGHT ON THE SITE WILL BE LIMITED TO FOUR (4) STORIES, AND WILL NOT TO EXCEED 65 FEET. BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
--PARKING: AS REQUIRED AND ALLOWED BY THE ORDINANCE FOR THE UR-2 ZONING DISTRICT.

1. GENERAL PROVISIONS:

a. **SITE LOCATION:** THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET AND SCHEMATIC SITE PLAN, AND RELATED GRAPHICS FORM THE REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN"), ASSOCIATED WITH THE REZONING PETITION FILED BY HHHUNT ("PETITIONER") TO ACCOMMODATE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 20.03 ACRE SITE GENERALLY LOCATED AT THE NORTHWEST INTERSECTION OF OLD STATESVILLE ROAD AND INDEPENDENCE HILL ROAD (THE "SITE").

b. **ZONING DISTRICTS/ORDINANCE:** DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE UR-2 ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

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

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

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

4. 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 14. 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:

a. UP TO 335 RESIDENTIAL DWELLING UNITS MAY BE CONSTRUCTED ON THE SITE AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE UR-2 ZONING DISTRICT.

3. ACCESS, BUFFERS, SCREENING, OPEN SPACE AND PEDESTRIAN CIRCULATION:

a. ACCESS TO THE SITE WILL BE FROM OLD STATESVILLE ROAD AND INDEPENDENCE HILL ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

b. THE PETITIONER WILL CONSTRUCT A NETWORK OF PUBLIC AND PRIVATE STREETS ON THE SITE AS REQUIRED BY THE SUBDIVISION REGULATIONS AND AS GENERALLY DEPICTED. MODIFICATIONS TO THE INTERNAL PUBLIC AND PRIVATE STREET NETWORK WILL BE ALLOWED TO ACCOMMODATE SITE CONSTRAINTS AND THE REQUIREMENTS OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.

c. THE PETITIONER WILL CONSTRUCT A 12 FOOT MULTIPLE PATH ALONG THE SITE'S OLD STATESVILLE ROAD FRONTAGE AS GENERALLY DEPICTED ON THE REZONING PLAN. DUE TO NCDOT'S FUNDED TIP PROJECT TO IMPROVE AND WIDEN OLD STATESVILLE ROAD, THE PETITIONER WILL WORK WITH CDOT TO REQUEST A WAIVER OF CHAPTER 19 IMPROVEMENTS FOR CURB AND GUTTER ALONG OLD STATESVILLE ROAD.

d. PETITIONER WILL WORK WITH NCDOT TO ALLOW THE PROPOSED ACCESS TO THE SITE FROM OLD STATESVILLE ROAD TO BE A RIGHT-IN/RIGHT-OUT, LEFT-IN ACCESS AS GENERALLY DEPICTED ON THE REZONING PLAN. A DIRECTIONAL CROSS-OVER WILL BE PROVIDED ALONG OLD STATESVILLE ROAD. THE PETITIONER MAY INCORPORATE THE PROPOSED IMPROVEMENTS ALONG OLD STATESVILLE ROAD IN TO NCDOT TIP PROJECT U-5772, SUBJECT TO NCDOT APPROVAL. IF THE DIRECTIONAL CROSS-OVER IS INCORPORATED INTO THE TIP PROJECT, THE PETITIONER MAY CONSTRUCT, SUBJECT TO THE APPROVAL OF NCDOT AND CDOT, THE ACCESS TO THE SITE FROM OLD STATESVILLE ROAD AS A FULL MOVEMENT DRIVEWAY WITH A SOUTHBOUND LEFT TURN.

e. THE PETITIONER WILL CONSTRUCT A 150 FOOT SOUTHBOUND LEFT TURN LANE WITH APPROPRIATE BAY TAPERS ON OLD STATESVILLE ROAD TO INDEPENDENCE HILL ROAD AS GENERALLY DEPICTED ON REZONING PLAN. THE AMOUNT OF STORAGE MAY BE REDUCED IF A TRAFFIC STUDY PERFORMED BY THE PETITIONER INDICATES A SHORTER LEFT TURN LANE IS APPROPRIATE. THIS LEFT TURN LANE REQUIREMENT MAY ALSO BE ELIMINATED DURING PERMITTING IF CDOT AND NCDOT BOTH AGREE THAT THE LEFT TURN LANE IS NOT NEEDED.

f. A 24 FOOT SETBACK AS MEASURED FROM THE FUTURE BACK OF CURB WILL BE PROVIDED ALONG INDEPENDENCE HILL ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

g. ALONG THE INTERNAL PUBLIC STREETS A 16 FOOT SETBACK AS MEASURED FROM THE BACK OF CURB WILL BE PROVIDED.

h. THE SITE'S FRONTAGE ON INDEPENDENCE HILL ROAD, WILL BE IMPROVED WITH AN EIGHT (8) FOOT PLANTING STRIP AND AN EIGHT (8) FOOT SIDEWALK AS GENERALLY DEPICTED ON THE REZONING PLAN.

i. THE PETITIONER WILL IMPROVE THE SITE'S FRONTAGE ON INDEPENDENCE HILL ROAD TO INCLUDE A MAXIMUM OF 24.5 FEET OF PAVEMENT FROM THE EXISTING CENTER LINE PLUS 2.67 FOOT STANDARD CURB AND GUTTER TO CREATE A SYMMETRICALLY WIDENING OF INDEPENDENCE HILL ROAD TO INCLUDE ANY REQUIRED LEFT TURN LANES AND A BIKE LANE IF REQUIRED BY NCDOT (THE WIDENING WILL INCLUDE 5.5 FEET OF PAVEMENT FOR HALF OF A CENTER LEFT TURN LANE, AN 11 FOOT THROUGH LANE, A FIVE (5) FOOT BIKE LANE PLUS A THREE (3) FOOT BIKE LANE BUFFER) AS GENERALLY DEPICTED ON THE REZONING PLAN. THE BIKE LANE, AND BIKE LANE BUFFER, MAY BE ELIMINATED IF NCDOT DOES NOT REQUIRE A BIKE LANE. IF THE SYMMETRICAL WIDENING REQUIRES ADDITIONAL RIGHT-OF-WAY THE PETITIONER MAY THEN CHOOSE TO DO AN ASYMMETRICAL WIDENING (NEAR SIDE WIDENING) TO AVOID HAVING TO ACQUIRE ADDITIONAL RIGHT-OF-WAY.

j. THE PETITIONER WILL DEDICATE AND CONVEY 50.5 FEET OF RIGHT-OF-WAY FROM THE EXISTING CENTER LINE OF INDEPENDENCE HILL ROAD TO CDOT/NCDOT AS GENERALLY DEPICTED ON THE REZONING PLAN.

k. THE PETITIONER WILL DEDICATE TO NCDOT THE ADDITIONAL RIGHT-OF-WAY INDICATED ALONG OLD STATESVILLE ROAD REQUIRED FOR THE IMPLEMENTATION OF NCDOT TIP PROJECT U-5772, AND ANY NECESSARY TEMPORARY CONSTRUCTION EASEMENTS REQUESTED BY NCDOT TO IMPLEMENT TIP PROJECT U-5772. THE ADDITIONAL RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENTS WILL BE PROVIDED WHEN REQUESTED BY NCDOT.

l. SCREENING OF THE PROPOSED PARKING AREAS AND MANEUVERING AREAS WILL BE PROVIDED ALONG THE EXISTING AND PROPOSED PUBLIC STREETS AS REQUIRED BY THE ORDINANCE. PARKING AREAS LOCATED ADJACENT TO TREE SAVE AREAS WILL BE SCREENED IF VISIBLE FROM THE ADJOINING PUBLIC STREET.

m. THE PROPOSED BUILDINGS ON THE SITE WILL BE CONNECTED TO THE SIDEWALKS ALONG THE ABUTTING PUBLIC STREETS AND TO THE SIDEWALK ALONG THE INTERNAL PUBLIC AND PRIVATE STREETS VIA A NETWORK OF INTERNAL SIDEWALKS AND CROSSWALKS. THE MINIMUM WIDTH OF THE INTERNAL SIDEWALKS WILL BE FIVE (5) FEET. THE BUILDINGS ON THE SITE WILL ALSO BE CONNECTED TO THE INTERNAL SIDEWALK SYSTEM VIA SIDEWALKS WITH A MINIMUM WIDTH OF FIVE (5) FEET.

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

o. ALL TRANSPORTATION IMPROVEMENTS, EXCEPT ANY OF THE IMPROVEMENTS INCORPORATED INTO THE TIP PROJECT U-5772, SHALL BE APPROVED AND CONSTRUCTED PRIOR TO THE RELEASE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDINGS ON THE SITE SUBJECT TO THE PETITIONER'S ABILITY TO POST A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME OF THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.

4. ARCHITECTURAL STANDARDS AND PARKING LOCATION RESTRICTIONS:

- a. THE PRINCIPAL BUILDINGS USED FOR MULTI-FAMILY RESIDENTIAL USES CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING MATERIALS. THE BUILDING MATERIALS USED FOR BUILDINGS WILL BE A COMBINATION OF THE FOLLOWING: GLASS, BRICK, STONE, SIMULATED STONE, PRE-CAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, STUCCO, CEMENTATIIOUS SIDING (SUCH AS HARDY-PLANK), EIFS OR WOOD. VINYL AS A BUILDING MATERIAL WILL NOT BE ALLOWED EXCEPT ON WINDOWS, SOFFITS AND ON HANDRAILS/RAILINGS.
- b. PREFERRED EXTERIOR BUILDING MATERIALS: ALL PRINCIPAL AND ACCESSORY BUILDINGS ABUTTING INDEPENDENCE HILL ROAD, AND THE INTERNAL PUBLIC STREETS SHALL COMPRISE A MINIMUM OF 20% OF THAT BUILDINGS ENTIRE FAÇADE FACING SUCH NETWORK STREET USING BRICK, NATURAL STONE (OR ITS SYNTHETIC EQUIVALENT), STUCCO OR OTHER MATERIAL APPROVED BY THE PLANNING DIRECTOR.
- c. PROHIBITED EXTERIOR BUILDING MATERIALS:
- i. VINYL SIDING (BUT NOT VINYL HAND RAILS, WINDOWS OR DOOR TRIM).
- ii. CONCRETE MASONRY UNITS NOT ARCHITECTURALLY FINISHED.
- d. BUILDING PLACEMENT AND SITE DESIGN SHALL FOCUS ON AND ENHANCE THE PEDESTRIAN ENVIRONMENT THROUGH THE FOLLOWING:
- i. BUILDINGS SHALL BE PLACED SO AS TO PRESENT A FRONT OR SIDE FAÇADE TO INDEPENDENCE HILL ROAD AND THE INTERNAL PUBLIC STREETS AS GENERALLY DEPICTED ON THE REZONING PLAN.
- ii. BUILDINGS SHALL FRONT A MINIMUM OF 50% OF THE TOTAL INDEPENDENCE HILL ROAD 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).
- iii. DRIVEWAYS INTENDED TO SERVE SINGLE UNITS SHALL BE PROHIBITED ON ALL NETWORK REQUIRED STREETS.
- e. BUILDING MASSING AND HEIGHT SHALL BE DESIGNED TO BREAK UP LONG MONOLITHIC BUILDING FORMS AS FOLLOWS:
- i. BUILDINGS EXCEEDING 135 FEET IN LENGTH SHALL INCLUDE MODULATIONS OF THE BUILDING MASSING/FAÇADE PLANE (SUCH AS RECESSES, PROJECTIONS, AND ARCHITECTURAL DETAILS). MODULATIONS SHALL BE A MINIMUM OF 10 FEET WIDE AND SHALL PROJECT OR RECESS A MINIMUM OF 4 FEET EXTENDING THROUGH THE BUILDING.
- f. ARCHITECTURAL ELEVATION DESIGN - ELEVATIONS SHALL BE DESIGNED TO CREATE VISUAL INTEREST AS FOLLOWS:
- i. BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FAÇADE FEATURES WHICH MAY INCLUDE BUT NOT BE LIMITED TO A COMBINATION OF EXTERIOR WALL OFFSETS, PROJECTIONS, RECESSES, PILASTERS, BANDING AND CHANGE IN MATERIALS OR COLORS.
- ii. BUILDINGS SHALL BE DESIGNED WITH A RECOGNIZABLE ARCHITECTURAL BASE ON ALL FAÇADES FACING INDEPENDENCE HILL ROAD, AND THE INTERNAL PUBLIC STREETS A, B AND C. SUCH BASE MAY BE EXECUTED THROUGH USE OF PREFERRED EXTERIOR BUILDING MATERIALS OR ARTICULATED ARCHITECTURAL FAÇADE FEATURES AND COLOR CHANGES.
- iii. BUILDING ELEVATIONS FACING INDEPENDENCE HILL ROAD, AND THE INTERNAL PUBLIC STREETS (A, B, AND C) SHALL NOT HAVE EXPANSES OF BLANK WALLS GREATER THAN 20 FEET IN ALL DIRECTIONS AND ARCHITECTURAL FEATURES SUCH AS BUT NOT LIMITED TO BANDING, MEDALLIONS OR DESIGN FEATURES OR MATERIALS WILL BE PROVIDED TO AVOID A STERILE, UNARTICULATED BLANK TREATMENT OF SUCH WALLS.
- g. ROOF FORM AND ARTICULATION - ROOF FORM AND LINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE AS FOLLOWS:
- i. LONG PITCHED OR FLAT ROOF LINES SHALL AVOID CONTINUOUS EXPANSES WITHOUT VARIATION BY INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM, TO INCLUDE BUT NOT BE LIMITED TO GABLES, HIPs, DORMERS OR PARAPETS.
- ii. FOR PITCHED ROOFS THE MINIMUM ALLOWED IS 4:12 EXCLUDING BUILDINGS WITH A FLAT ROOF AND PARAPET WALLS. THIS STANDARD WILL NOT APPLY TO ROOFS ON DORMERS, BALCONIES, OR OTHER MINOR BUILDING ELEMENTS THAT MAY HAVE A PITCHED ROOF.
- iii. GROUND MOUNTED HVAC WILL SCREENED FROM PUBLIC STREETS PER THE REQUIREMENTS. IF ROOFTOP HVAC UNITS ARE USED THEY WILL BE SCREENED FROM THE PUBLIC STREETS PER THE REQUIREMENTS.
- h. SERVICE AREA SCREENING - SERVICE AREAS SUCH AS DUMPSTERS, REFUSE AREAS, RECYCLING AND STORAGE SHALL BE SCREENED FROM VIEW WITH MATERIALS AND DESIGN TO BE COMPATIBLE WITH PRINCIPAL STRUCTURES. SUCH DESIGN SHALL INCLUDE A MINIMUM 20 PERCENT PREFERRED EXTERIOR BUILDING MATERIALS. THE LOCATION OF THE PROPOSED DUMPSTER AND RECYCLING AREAS IS GENERALLY DEPICTED ON THE REZONING PLAN.
- i. SIDEWALK EXTENSIONS SHOULD BE PROVIDED BETWEEN ALL STREET TREES ON ALL PUBLIC AND PRIVATE STREETS WHEN PARKING IS ADJACENT.

5. ENVIRONMENTAL FEATURES:

- a. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE. THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS IF DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.
- b. TREES LOCATED IN THE CITY OF CHARLOTTE PUBLIC STREET RIGHT-OF-WAY ARE PROTECTED BY THE TREE ORDINANCE; LANDSCAPE MANAGEMENT MUST BE CONTACTED BEFORE ANY DISTURBANCE OR REMOVAL OF TREES IN THE PUBLIC STREET RIGHT-OF-WAY OCCURS.
- c. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.
- d. A TREE SURVEY AS REQUIRED BY THE TREE ORDINANCE WILL BE SUBMITTED AS PART OF THE LAND DEVELOPMENT APPROVAL PROCESS.

- e. DEVELOPMENT WITHIN THE POST-CONSTRUCTION STORMWATER ORDINANCE STREAM BUFFERS SHALL BE SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORMWATER SERVICES AND MITIGATED IF REQUIRED BY CITY ORDINANCE.

6. OPEN SPACE/ AMENITY AREAS AND IMPROVEMENTS:

- a. THE PETITIONER WILL PROVIDE AT A MINIMUM THE FOLLOWING TYPE OF AMENITIES FOR THE RESIDENTS OF THE COMMUNITY: A DOG PARK, OUTDOOR SEATING AREAS WITH HARDSCAPE AND LANDSCAPING ELEMENTS, A POOL AREA, A CLUB FACILITY, AND OUTDOOR COOKING AREAS. A MINIMUM OF 8,000 SQUARE FEET OF IMPROVED OPEN SPACE AMENITY AREAS WILL BE PROVIDED ON THE SITE.

7. LIGHTING:

- a. DETACHED LIGHTING ON THE SITE, EXCEPT STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 22 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 HEREIN AND OF CHAPTER 6 OF THE ORDINANCE.

9. BINDING EFFECT OF THE REZONING APPLICATION:

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

BOHLER
ENGINEERING NC, PLLC

SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
TRANSPORTATION SERVICES

THE INFORMATION, OPINION AND CONTENT OF THIS PLAN ARE PRELIMINARY AND SHALL BE VOID IF USED FOR ANY PURPOSE WITHOUT WRITTEN AUTHORIZATION FROM BOHLER ENGINEERING. ONLY APPROVED AND SEALLED DRAWINGS SHALL BE USED FOR CONSTRUCTION PURPOSES.

REVISIONS				
REV	DATE	COMMENT	BY	
1	12/17/2018	JURISDICTIONAL COMMENTS	DJR/ODR	
2	01/14/2019	CDOT COMMENTS	ODR	
3	02/26/2019	JURISDICTIONAL COMMENTS	ODR	

811

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NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	NCC182145
DRAWN BY:	DJR
CHECKED BY:	RDH
DATE:	10/19/2018
SCALE:	N/A
CAD I.D.:	R24

PROJECT: **PROP. REZONING DOCUMENTS** FOR **HHHUNT, INC**

LOCATION OF SITE
OLD STATESVILLE ROAD &
INDEPENDENCE HILL ROAD
MECKLENBURG COUNTY

BOHLER
ENGINEERING NC, PLLC
NCEELS P-1132

1927 S. TRYON STREET, SUITE 310
CHARLOTTE, NC 28203
Phone: (980) 272-3400
Fax: (980) 272-3401
NC@BohlerEng.com

PETITION
2018-134

SHEET TITLE:

DEVELOPMENT STANDARDS

SHEET NUMBER:

RZ-3



Agenda Date: 3/18/2019

Agenda #: 12. **File #:** 15-10384 **Type:** Zoning Decision

Rezoning Petition: 2018-135 by Woodlawn Station Holdings, LLC

Location: Approximately 1.49 acres located on the west side of Old Pineville Road, north of Springbrook Road and south of Woodlawn Road. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-R(O) (transit oriented development - residential, 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

REQUEST

Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-RO (transit oriented development, residential, optional)

LOCATION

Approximately 1.49 acres located on the west side of Old Pineville Road, north of Springbrook Road and south of Woodlawn Road
(Council District 3 - Mayfield)

PETITIONER

Woodlawn Station Holdings LLC

**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 transit oriented development vision of the *Woodlawn Transit Station Area Plan* but inconsistent with the specific use recommended based on the information from the staff analysis and the public hearing and because:

- The plan recommends employment based transit oriented development 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 is generally consistent with the long-term vision for the transit station area plan to provide a high intensity mix of transit supportive uses within walking distance of the transit station; and
- The subject site is directly adjacent to the Woodlawn Station Park and Ride lot, and within a ¼ mile walk of the station on the LYNX Blue Line; and
- The proposal allows a site previously used for industrial/office purposes to be redeveloped with a transit supportive project; and
- The site plan supports future increased connectivity by reserving right-of-way for future streets recommended in the transit station area plan and by installing planting strips and sidewalks along the reserved right-of-way along the northern and western edges of the site.

The approval of this petition will revise the adopted future land use as specified by the *Woodlawn Transit Station Area Plan*, from transit oriented development – employment to transit oriented development – residential.

Motion/Second: Gussman / Watkins

Yeas: Fryday, Gussman, Ham, McMillan, Samuel, and Watkins

Nays: McClung

Absent: None

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the transit oriented development vision of the *Woodlawn Transit Station Area Plan* but inconsistent with the recommended employment focus.

A commissioner asked if a pedestrian crossing was planned near the site driveway and the end of the station platform across Old Pineville Road. CDOT staff will look into CATS plans for a pedestrian crossing. Another commissioner asked about the proposed residential use and the relation to industrial in the area. Staff noted that there are industrial/ warehouse uses on abutting the site on three sides, with the CATS park and ride lot to the north. The adopted area plan envisions the industrial parcels to transition to transit oriented development overtime.

A commissioner asked if the units/ building(s) along Old Pineville Road would be oriented to the street. Staff noted that the site plan contained design notes and optional provisions that would allow stoops and porches to encroach into the setback, and that the site driveway would turn behind the building to provide the vehicular access to the units from the rear.

There was no further discussion of this petition.

MINORITY OPINION

The commissioner indicated dissent because it places residences surrounded by industrial uses, and to be consistent with the Council members' statements and votes on other rezonings that would remove industrial zoning.

PLANNER

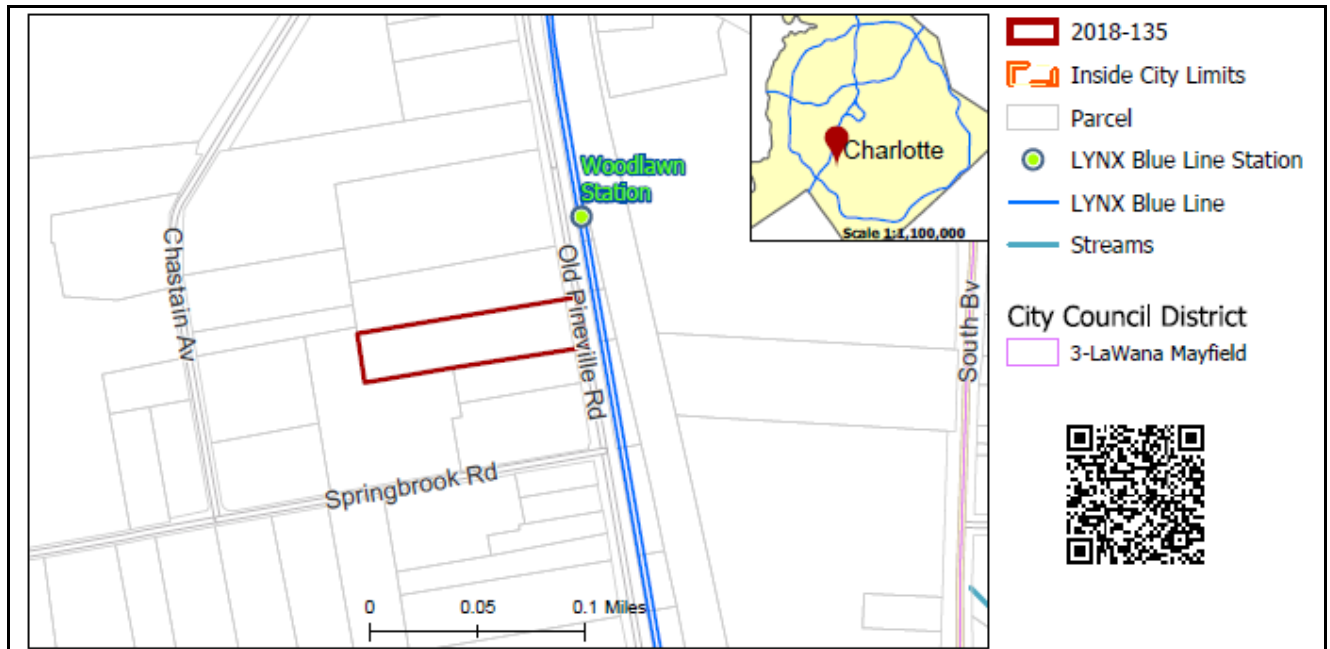
John Kinley (704) 336-8311

REQUEST

Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-RO (transit oriented development - residential, optional)

LOCATION

Approximately 1.49 acres located on the west side of Old Pineville Road, north of Springbrook Road and south of Woodlawn Road (Council District 3 - Mayfield)



SUMMARY OF PETITION

The petition proposes redevelopment of the parcel south of the Woodlawn Transit Station park and ride lot for a residential community with option for limited retail and/or office use on Old Pineville Road.

PROPERTY OWNER

Woodlawn Station Holdings LLC

PETITIONER

Woodlawn Station Holdings LLC

AGENT/REPRESENTATIVE

John Carmichael, Robinson Bradshaw & Hinson, P.A.

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 2.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with overall vision of the *Woodlawn Transit Station Area Plan* recommendation for transit oriented development, but inconsistent with the recommended employment focus.

Rationale for Recommendation

- The proposal is generally consistent with the long-term vision for the transit station area plan to provide a high intensity mix of transit supportive uses within walking distance of the transit station.

- The subject site is directly adjacent to the Woodlawn Station Park and Ride lot, and within a ¼ mile walk of the station on the LYNX Blue Line.
- The proposal allows a site previously used for industrial/office purposes to be redeveloped with a transit supportive project.
- The site plan supports future increased connectivity by reserving right-of-way for future streets recommended in the transit station area plan and by installing planting strips and sidewalks along the reserved right-of-way along the northern and western edges of the site.

The approval of this petition will revise the adopted future land use as specified by the *Woodlawn Transit Station Area Plan*, from transit oriented development – employment to transit oriented development – residential.

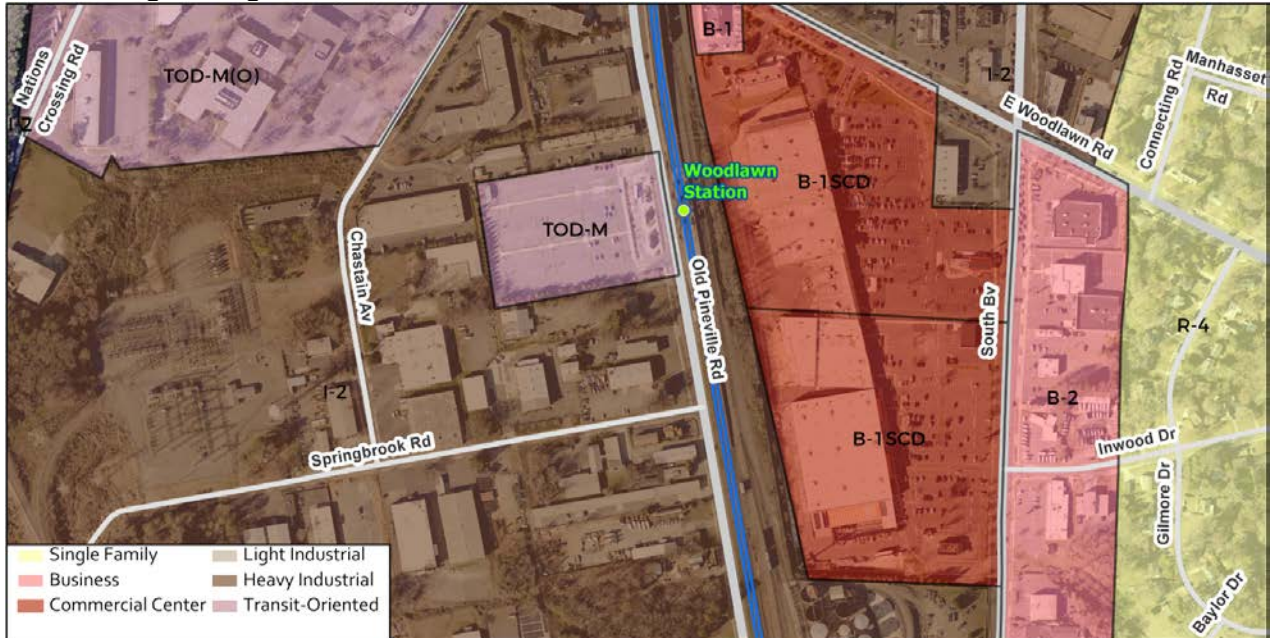
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows a minimum of ~~39~~30 dwelling units and with the possibility of up to 10,000 square feet of commercial space (retail/office) fronting on Old Pineville Road.
- Indicates two building envelopes separated by a minimum 15-foot wide open space containing walkways, landscaping and seating.
- Provides an eight-foot wide yard with a six-foot sidewalk along the southern edge of the site.
- Provides architectural standards related to roof terraces, allowed building materials, maximum building length, roof pitch, and end/corner unit architectural treatment.
- Provides the following transportation and streetscape commitments:
 - Vehicular access via internal private drive from Old Pineville Road with temporary hammerhead at western end of the site. The hammerhead would be removed in the event of construction of the future street.
 - Reservation of right-of-way along the western and northern property boundaries to accommodate future street connectivity built by others.
 - Provides a 22-foot setback from future back of curb with eight-foot planting strip and eight-foot sidewalk along eastern edge of the future right-of-way provided on the west end of the site.
 - Provides a 16-foot setback from future back-of-curb with eight-foot planting strip and eight-foot sidewalk along the northern edge of the site.
 - Provides a 24-foot setback, excluding requested encroachments described below, from the existing/future back of curb, and maintains the existing eight-foot planting strip and eight-foot sidewalk along Old Pineville Road.
- Requests the following optional provisions:
 - Allow heated floor area above the ground floor to encroach up to two feet into the 24-foot setback along Old Pineville Road. The Ordinance does not allow encroachment of heated square space above ground floor into the setback.
 - Allow architectural features such as eaves and roof overhangs to encroach up to four feet into the 24-foot setback along Old Pineville Road. The Ordinance only allows encroachment of such features up to three feet into the setback.

- Existing Zoning and Land Use



The site is developed with an office/warehouse use. North of the site is the Woodlawn Station Park and Ride lot and to the east is the station platform. Property to the south and west are developed with industrial uses.



The subject property is developed with an office/warehouse use.



The property to the north along Old Pineville Road is the Woodlawn CATS park and ride lot.



The property to the south along Old Pineville Road is developed with industrial/warehouse/office uses.

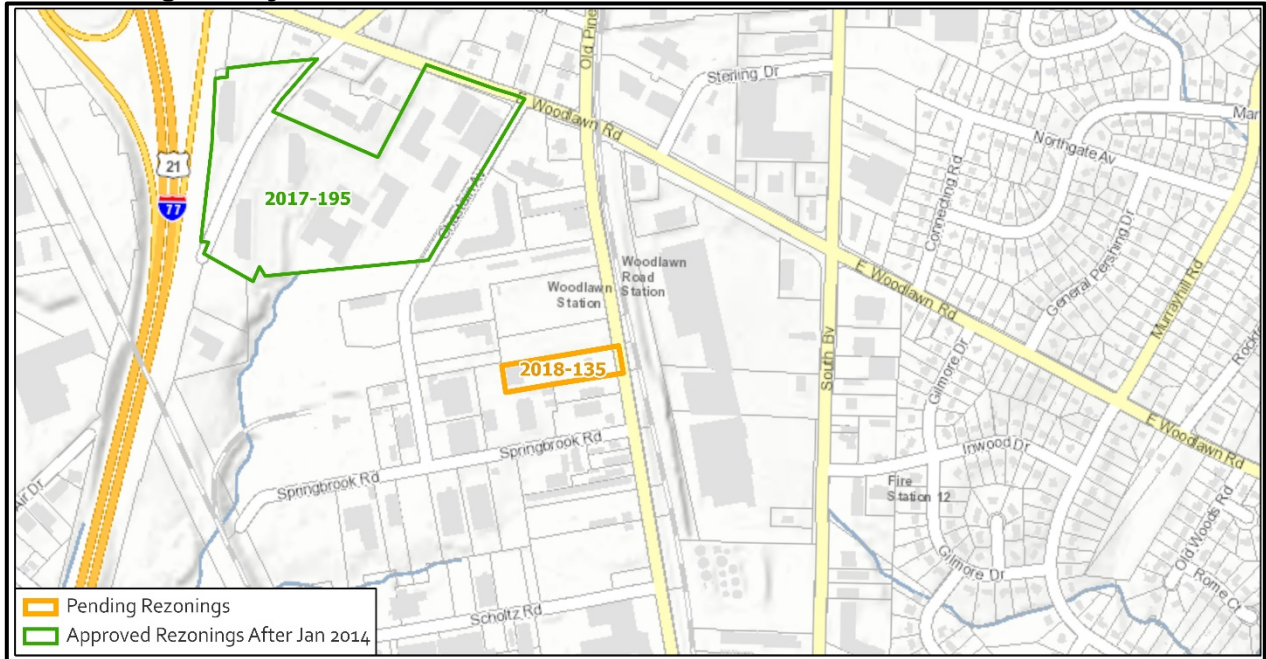


The property to the east across Old Pineville Road is the Blue Line transit station.



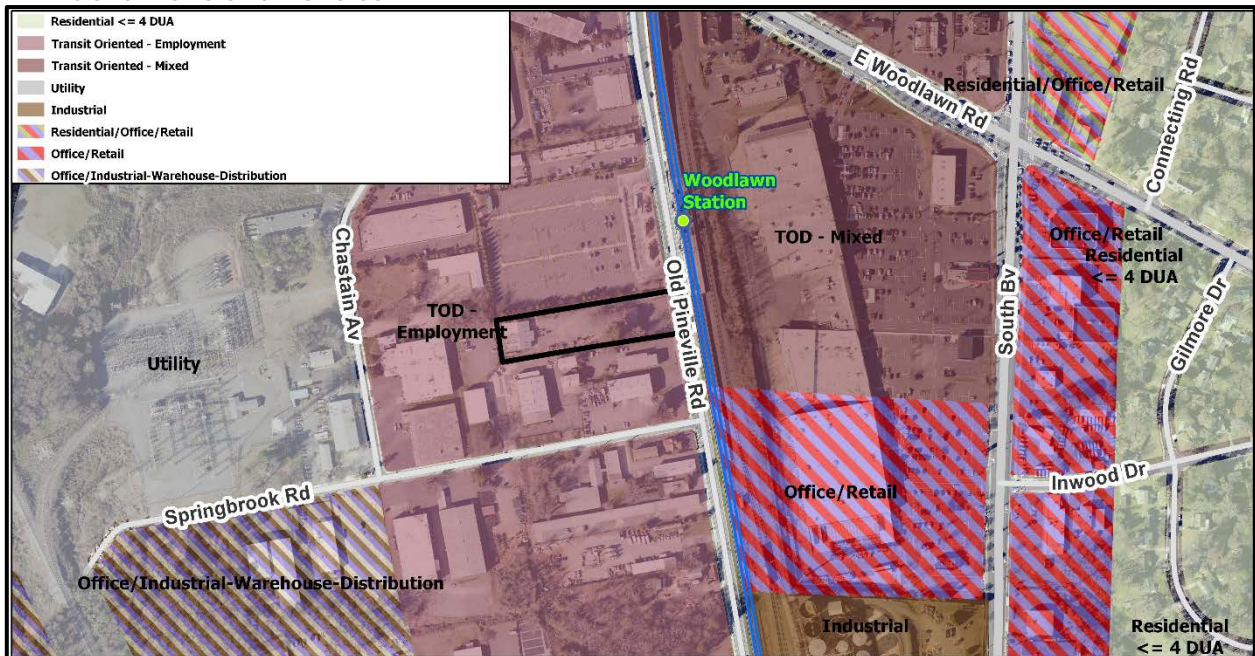
The property to the west along Chastain Avenue is developed with an industrial/warehouse use.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-195	Rezoned 19.78 acres from I-2 (general industrial) to TOD-MO (transit oriented development – mixed-use, optional) to allow a transit supportive development with the possibility of adaptive reuse of several buildings.	Approved

- Public Plans and Policies**



- The *Woodlawn Transit Station Area Plan* (2008) recommends employment-focused transit supportive development, for the subject property and surrounding area west of the rail line.
- TRANSPORTATION CONSIDERATIONS**
 - The site is located on a minor thoroughfare. The petitioner commits to building a planting strip and sidewalk on the northern boundary of the site, to be consistent with the proposed rezoning to TOD-R(O).

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 30 trips per day (based on 8,270 square feet of warehouse).

Entitlement: 80 trips per day (based on 22,350 square feet of warehouse).

Proposed Zoning: 1800 trips per day (based on 39 townhomes and 10,000 square feet of retail).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce four students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is four students.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Pinewood Elementary at 96%
 - Sedgefield Middle¹ at 87%
 - Alexander Graham Middle¹ at 114%
 - Harding High at 134%.

¹ Beginning with the 2019-2020 school year, the home school assignment for the subject property will change from Sedgefield Middle School to Alexander Graham Middle School.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing 6-inch and 12-inch water distribution mains located along Old Pineville Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Old Pineville Road.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

REQUESTED TECHNICAL REVISIONS

Land Use

1. ~~Reduce the minimum number of residential units to accommodate the proposed possible development of commercial space. The Ordinance would require a minimum of 30 residential units on the site to meet the minimum density requirement with only residential development. Proposed commercial space can be credited to density at a rate of 1 dwelling unit to 2000 square feet of commercial development.~~ **Addressed.**

Site and Building Design

2. ~~Amend Note 4.H. under Transportation to read, "The hammerhead turnaround located on the western boundary line of the Site is a temporary improvement, and the hammerhead turnaround will be removed by others with the construction of the public street referenced above in paragraph D."~~ **Addressed.**

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Pre-hearing staff analysis
- Post Hearing Staff Analysis
- Zoning Committee Recommendation
- Department Comments

- Charlotte Area Transit System Review
- Charlotte Department of Housing and Neighborhood Services Review
- Charlotte Department of Solid Waste Services Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte Water Review
- Engineering and Property Management Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
- Mecklenburg County Parks and Recreation Review
- Transportation Review

Planner: John Kinley (704) 336-8311

SCALE: 1" = 30'



Agenda Date: 3/18/2019

Agenda #: 13. **File #:** 15-10385 **Type:** Zoning Decision

Rezoning Petition: 2018-139 by DavidLand, LLC

Location: Approximately 2.44 acres located on the west side of Statesville Road, south of I-485 and east of I-77 (Outside City Limits)

Current Zoning: B-D(CD) (distributive business, conditional)

Proposed Zoning: I-1 (light industrial)

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

REQUEST

Current Zoning: B-D(CD) (distributive business, conditional)
Proposed Zoning: I-1 (light industrial)

LOCATION

Approximately 2.44 acres located on the west side of Statesville Road, south of Interstate 485 and east of Interstate 77.
(Outside City Limits)

PETITIONER

DavidLand, 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 inconsistent with the *Northlake Area Plan* based on the information from the staff analysis and the public hearing and because:

- The plan recommends retail land use.

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 site was rezoned for a hotel use that was never built, changing the proposed land use to retail from light industrial; and
- The *Northlake Area Plan*, prior to the rezoning that amended the plan, recommended a mix of office, retail and industrial uses for this site and surrounding area; and
- The site is adjacent to the interchange of Interstate 77 and 485, and is surrounded by industrially zoned property. The plan amended by the prior rezoning recommended EDEE and outdoor entertainment uses consisting of golf related activities on the subject property

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

Motion/Second: McClung / Ham

Yeas: Fryday, Gussman, Ham, McClung, McMillan, Samuel, and Watkins

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

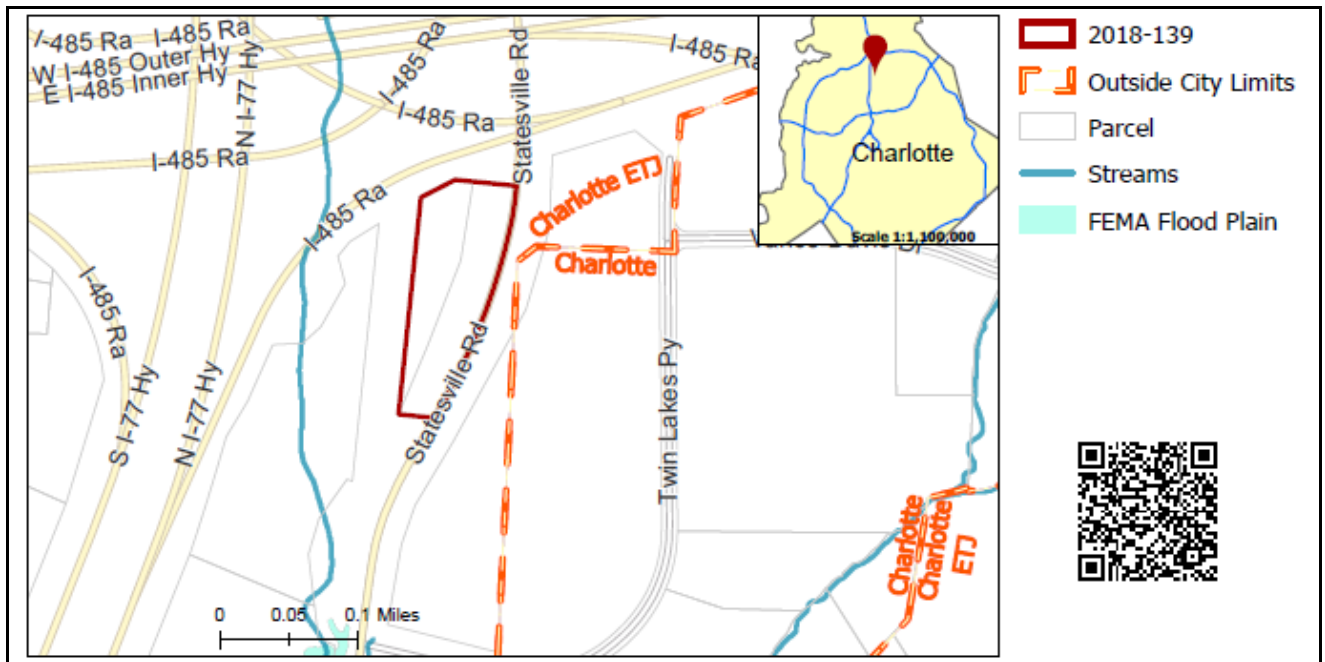
Michael Russell (704) 353-0225

REQUEST

Current Zoning: B-D(CD) (distributive business, conditional)
Proposed Zoning: I-1 (light industrial)

LOCATION

Approximately 2.44 acres located on the west side of Statesville Road, south of Interstate 485 and east of Interstate 77.
(Outside City Limits)



SUMMARY OF PETITION

The petition proposes to allow all uses permitted in the I-1 (light industrial) zoning district.

PROPERTY OWNER

DavidLand, LLC

PETITIONER

DavidLand, LLC

AGENT/REPRESENTATIVE

Lorin S. Stiefel

COMMUNITY MEETING

Meeting is not required.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is inconsistent with the *Northlake Area Plan* recommendation for retail land use, as amended by a conditional rezoning.

Rationale for Recommendation

- The site was rezoned for a hotel use that was never built, changing the proposed land use to retail from light industrial.
- The *Northlake Area Plan*, prior to the rezoning that amended the plan, recommended a mix of office, retail and industrial uses for this site and surrounding area.
- The site is adjacent to the interchange of Interstate 77 and 485, and is surrounded by industrially zoned property.

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



The property is bordered to the west by Interstate 77.

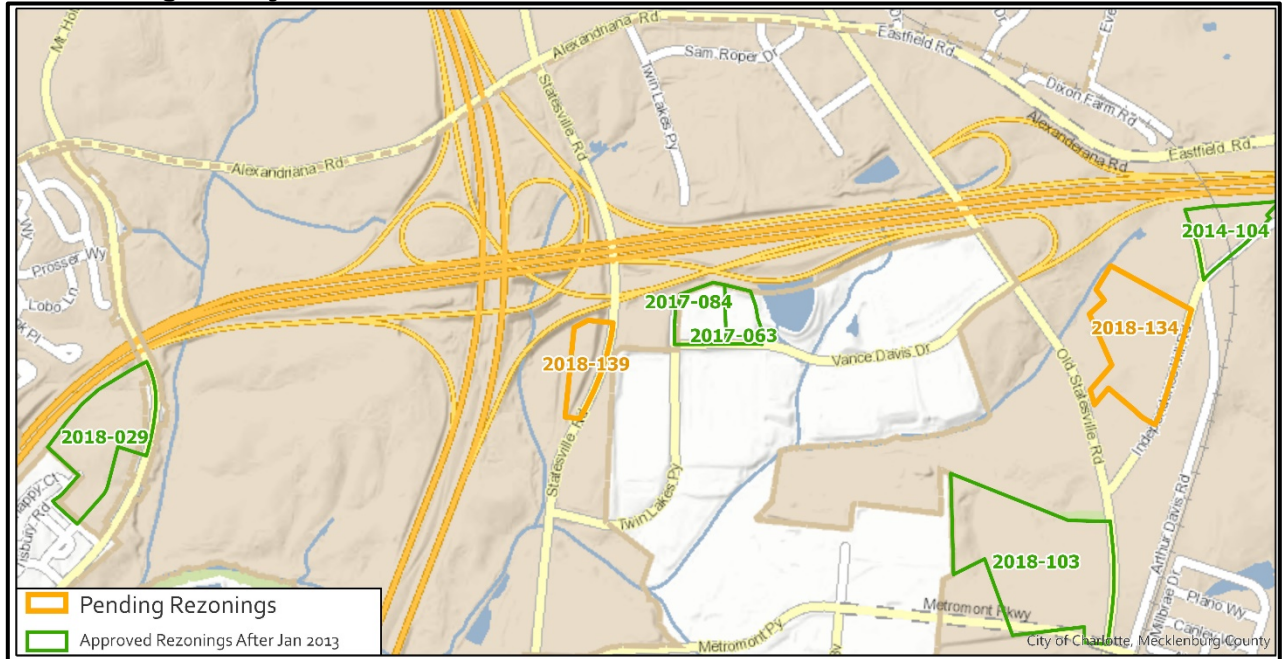


The property is bordered to the north by Interstate 485



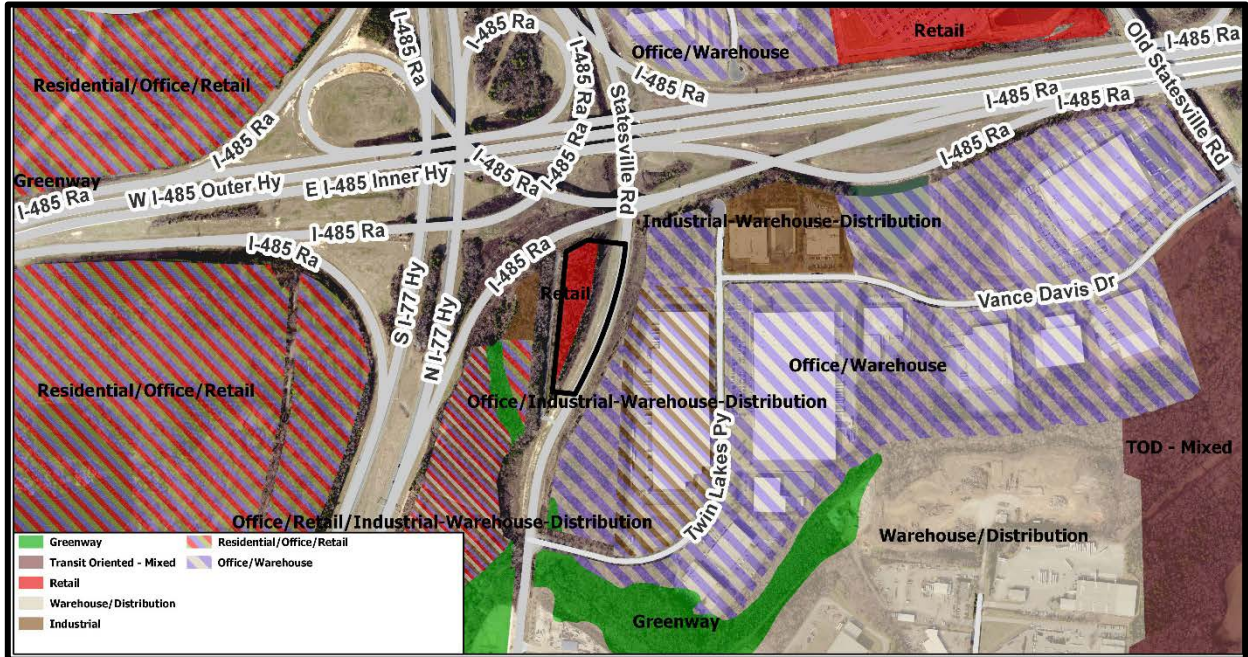
The property to the south along Statesville Road is undeveloped.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2014-104	Rezoned 6.77 acres from TR (transitional residential, Town of Huntersville) to R-4 (single family residential) to establish City of Charlotte zoning for property that was previously in the zoning jurisdiction of the Town of Huntersville.	Approved
2017-063	Rezoned 3.2 acres from BP (business park) to I-1 (light industrial) to allow all uses in the I-1 (light industrial) district.	Approved
2017-084	Rezoned 5.14 acres from BP (business park) to I-1 (light industrial) to allow all uses in the I-1 (light industrial) district.	Approved
2018-029	Rezoned 15.78 acres from R-3 (single family residential) and BP (business park) to UR-2(CD) (urban residential, conditional) to allow for the development of up to 300 multi-family units.	Approved
2018-103	Rezoned 35.91 acres from R-4 (single-family residential) to I-2(CD) (general industrial, conditional) to allow for office/industrial/warehouse distribution uses.	Approved
2018-134	Proposes to rezone 20.03 acres from R-4 (single family residential) to UR-2(CD) (urban residential, conditional) to allow up to 335 multi-family units.	Pending

- **Public Plans and Policies**



- The *Northlake Area Plan* (2008) recommends retail uses, as a result of rezoning petition 2008-128.
- The land use recommendation for the area surrounding this site is for a mix of uses that includes office, retail, and industrial-warehouse-distribution, as per the *Northlake Area Plan* (2008).
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located on a major thoroughfare, Statesville Road, which is planned to be widened by the North Carolina Department of Transportation (NCDOT) in the next decade. CATS bus route #99 travels along Statesville Road, with bus stops approximately 1/3 mile south of the subject property. The site's frontage currently lacks curb, gutter, and sidewalk. During permitting, CDOT will work the petitioner and NCDOT to determine required streetscape improvements
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land).
 - Entitlement: 970 trips per day (based on 119 hotel rooms).
 - Proposed Zoning: 10 trips per day (based on warehouse use).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** No comments submitted.
- **Charlotte Water:** Water 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 Charlotte Water to serve this parcel.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

Attachments Online at www.rezoning.org

- Application
- Locator Map
- Pre-Hearing Staff Analysis
- Post Hearing Staff Analysis
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Department of Solid Waste Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Michael Russell (704) 353-0225



Agenda Date: 3/18/2019

Agenda #: 14. **File #:** 15-10386 **Type:** Zoning Decision

Rezoning Petition: 2018-140 by Profile Management, LLC

Location: Approximately 11.87 acres located on the north side of Ridge Road, west of I-85. (Outside City Limits)

Current Zoning: R-3 (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 upon resolution of outstanding issues related to site and building design.

Attachments:

Zoning Committee Recommendation
Final Staff Analysis
Site Plan



Zoning Committee

Zoning Committee Recommendation

Rezoning Petition 2018-140

March 5, 2019

REQUEST

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

LOCATION

Approximately 11.87 acres located on the north side of Ridge Rd, west of I-85.
(Outside City Limits)

PETITIONER

Profile Management, 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 *Northeast Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends residential up to eight units per acre for this site.

Therefore, 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 multi-family residential development will provide a mix of housing in the area; and
- The site is located north of the Interstate 85 and 485 interchanges, just south of the Concord Mills activity node in Cabarrus County; and
- The proposed site plan is providing two public streets as per Subdivision Ordinance requirements as development occurs, resulting in improved connectivity in the area.

Motion/Second: McClung / Watkins

Yeas: Fryday, Gussman, Ham, McClung, McMillan, Samuel and Watkins

Nays: None

Absent: None

Recused: None

**ZONING COMMITTEE
DISCUSSION**

Staff provided a summary of the petition, noting two remaining outstanding issues pertaining to the number of units in a building. Staff stated the request is consistent with the adopted plan. There was no discussion of this request.

PLANNER

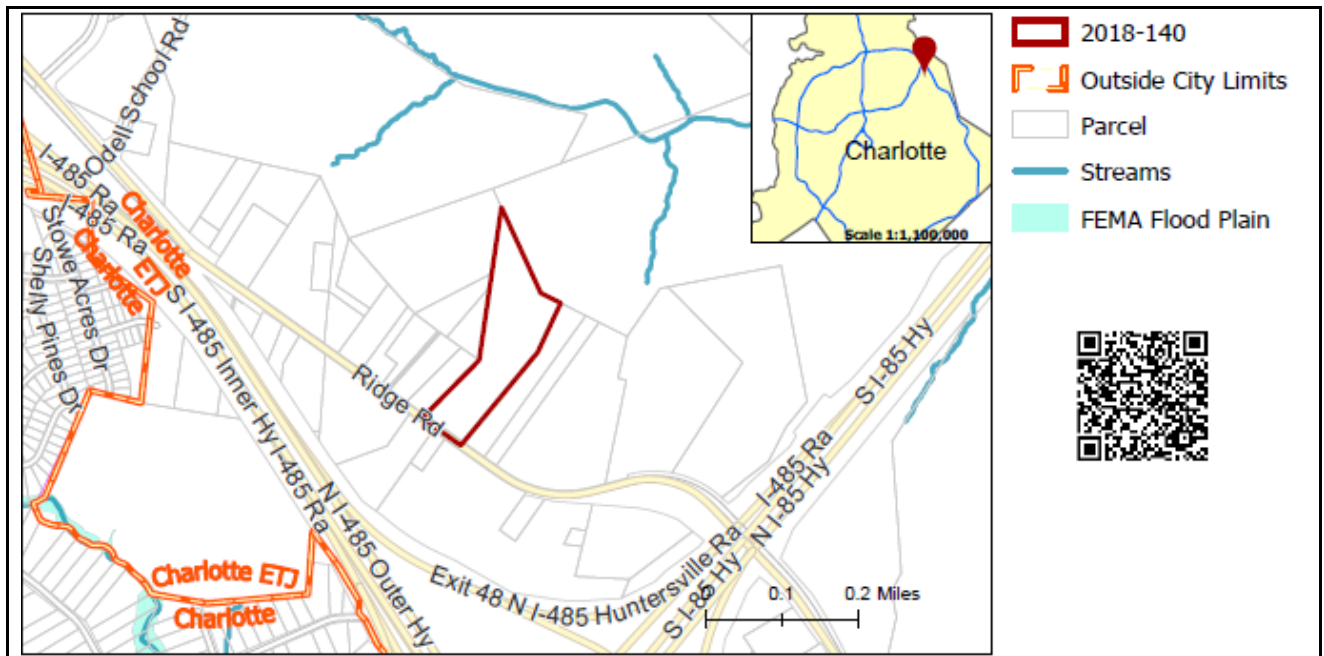
Claire Lyte-Graham (704) 336-3782

REQUEST

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

LOCATION

Approximately 11.87 acres located on the north side of Ridge Rd, west of I-85.
(Outside City Limits)



SUMMARY OF PETITION

The petition proposes to redevelop the site to allow up to 93 multi-family dwelling units, at a density of 7.8 dwelling units per acre.

PROPERTY OWNER

Richard M. Young and Patricia Jo Harlan

PETITIONER

Profile Management, LLC

AGENT/REPRESENTATIVE

Bridget Grant and Jeff Brown, Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 10.

**STAFF
RECOMMENDATION**

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

Plan Consistency

The proposed residential land use is consistent with the *Northeast Area Plan* recommendation for residential land uses up to eight dwelling units per acre.

Rationale for Recommendation

- The proposed ~~townhome~~ multi-family residential development will provide a mix of housing in the area.
- The site is located north of the Interstate 85 and 485 interchanges, just south of the Concord Mills activity node in Cabarrus County.
- The proposed site plan is providing two public streets as per Subdivision Ordinance requirements as development occurs, resulting in improved connectivity in the area.

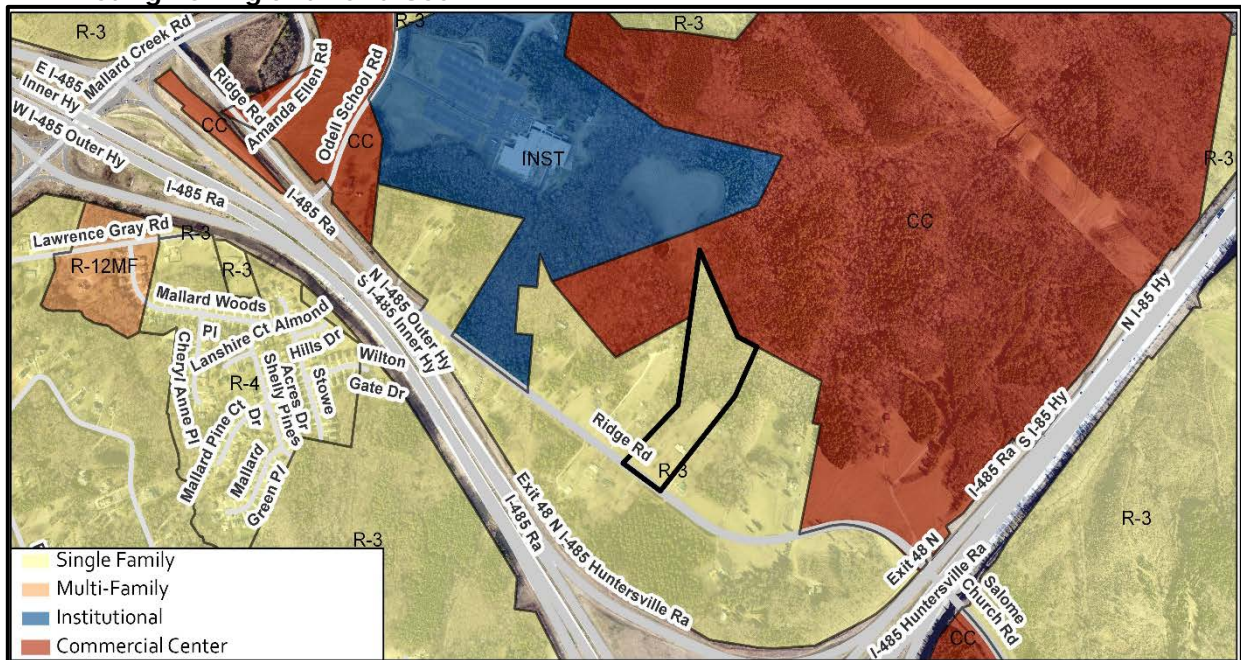
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Maximum of 93 multi-family residential dwelling units limited to three stories and 48 feet in height, in no more than 24 principal buildings.
- Site access via Ridge Road, with interior public street connections provided to abutting properties located to the north, east and west of the site.
- On-street parking provided along some interior public and private streets.
- A 37.5-foot wide Class C Buffer with a fence will be provided abutting R-3 (single family residential) zoning to the west.
- Building materials consisting of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block, and vinyl and/or wood. Vinyl or Aluminum is prohibited as a building material may only be used except on windows, soffits and on handrails/railings.
- Units fronting Ridge Road will provide a 30-foot front setback, which is consistent with the required setback in the adjacent R-3 (single family residential) zoning.
- Front door entrances for units located within 15 feet of a sidewalk will be raised 24 inches above the average grade of the sidewalk.
- Each unit will have a front porch, with a minimum depth of six feet.
- End units that front internal private streets will have multiple windows on the end facades to avoid a blank street wall.
- Garage doors visible from public or private streets will be recessed a minimum of one foot behind the front most building face and contain additional architectural treatments to minimize the visual impact.

• Existing Zoning and Land Use



- The subject property is zoned R-3 (single family residential) and developed with one single family detached residential dwelling unit.
- Surrounding land uses include single family detached dwellings, a religious institution, and vacant properties on the north side of I-485, and single family detached dwellings on the south side of I-485.



The subject property is developed with a single-family home.



The properties to the east along Ridge Road are developed with large lot residential homes.



Properties to the west along Ridge Road are developed with large lot residential homes.

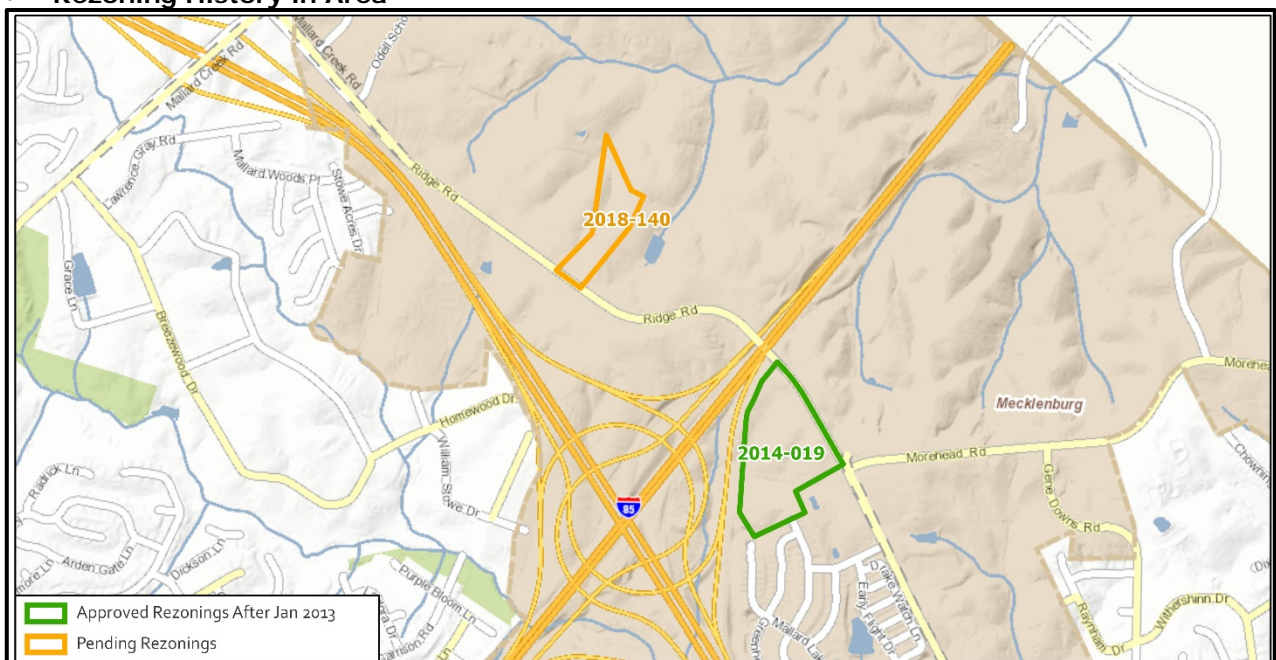


Properties to the north are undeveloped.



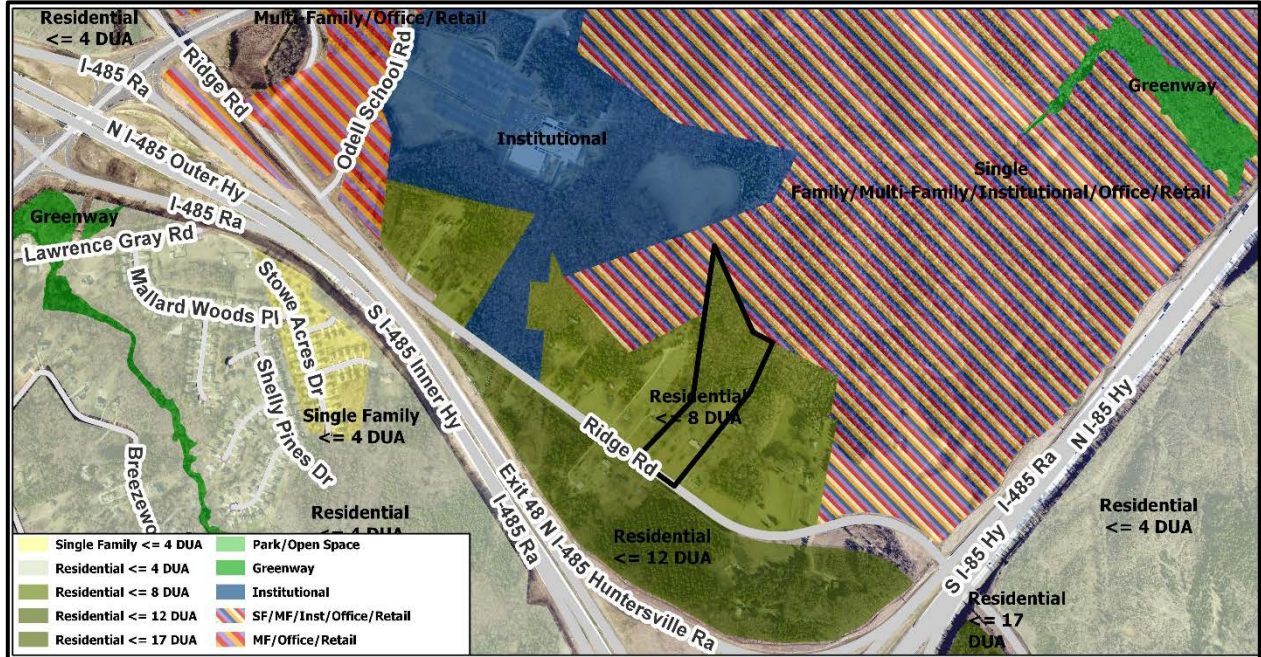
Properties to the south along Ridge Road are developed with large lot residential homes.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2014-019	A CC SPA (commercial center, site plan amendment) for 26.4 acres to allow up to 380 multi-family units at a density of 14.34 dwelling units per acre.	Approved

- Public Plans and Policies**



- The *Northeast Area Plan* (adopted 2000) recommends residential land use up to eight dwelling units per acre for this site and adjacent parcels.

- TRANSPORTATION CONSIDERATIONS**

- Ridge Road has future roadway improvements to expand to a four-lane divided highway, including bike lanes and sidewalks. The site plan commits to installing the future curb and gutter at its ultimate location, and installing an eight-planting strip and six-foot sidewalk along Ridge Road as specified in the *Prosperity Hucks Area Plan*. The site plan also commits to dedicating right-of-way along Ridge Road. In addition, the site plan commits to providing additional public streets to improve street network in the area.
- See Outstanding Issues, Note 1. [Addressed](#).
- Vehicle Trip Generation:**
Current Zoning:
Existing Use: 10 trips per day (based on one single family detached dwelling).
Entitlement: 400 trips per day (based on 35 single family detached dwellings).
Proposed Zoning: 600 trips per day (based on 93 single family attached dwellings/townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- Charlotte Department of Solid Waste Services:** No outstanding issues.
- Charlotte Fire Department:** No outstanding issues.
- Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate six students, while the development allowed under the proposed zoning would generate 11 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is five students.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Mallard Creek Elementary remains at 83%
 - Ridge Road Middle remains at 118%
 - Mallard Creek High remains at 121%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water transmission main located along Ridge Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing eight-inch gravity sewer main located along Ridge Road.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. ~~The Public Street A is located south of a crest curve on Ridge Road. The petitioner should provide an intersection sight distance plan and profile, showing the street connection can meet all design standards.~~ **Addressed.**

Site and Building Design

2. Add a note limiting townhouse buildings to five or fewer individual units when fronting public or private network required streets. **Not addressed.**
3. Add a note committing to vary the number of individual units per building in adjacent buildings. **Not addressed.**
4. ~~Delete Note 5j specifying minimum thickness of vinyl as Note 5a limits vinyl as a building material to handrails/railings, windows and soffits or combine notes 5j and 5a.~~ **Addressed.**
5. ~~Amend Note 5c to replace "townhomes" with "multi-family units." Townhomes, by building code, are units where land is sold with each unit.~~ **Addressed.**

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Department of Solid Waste Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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



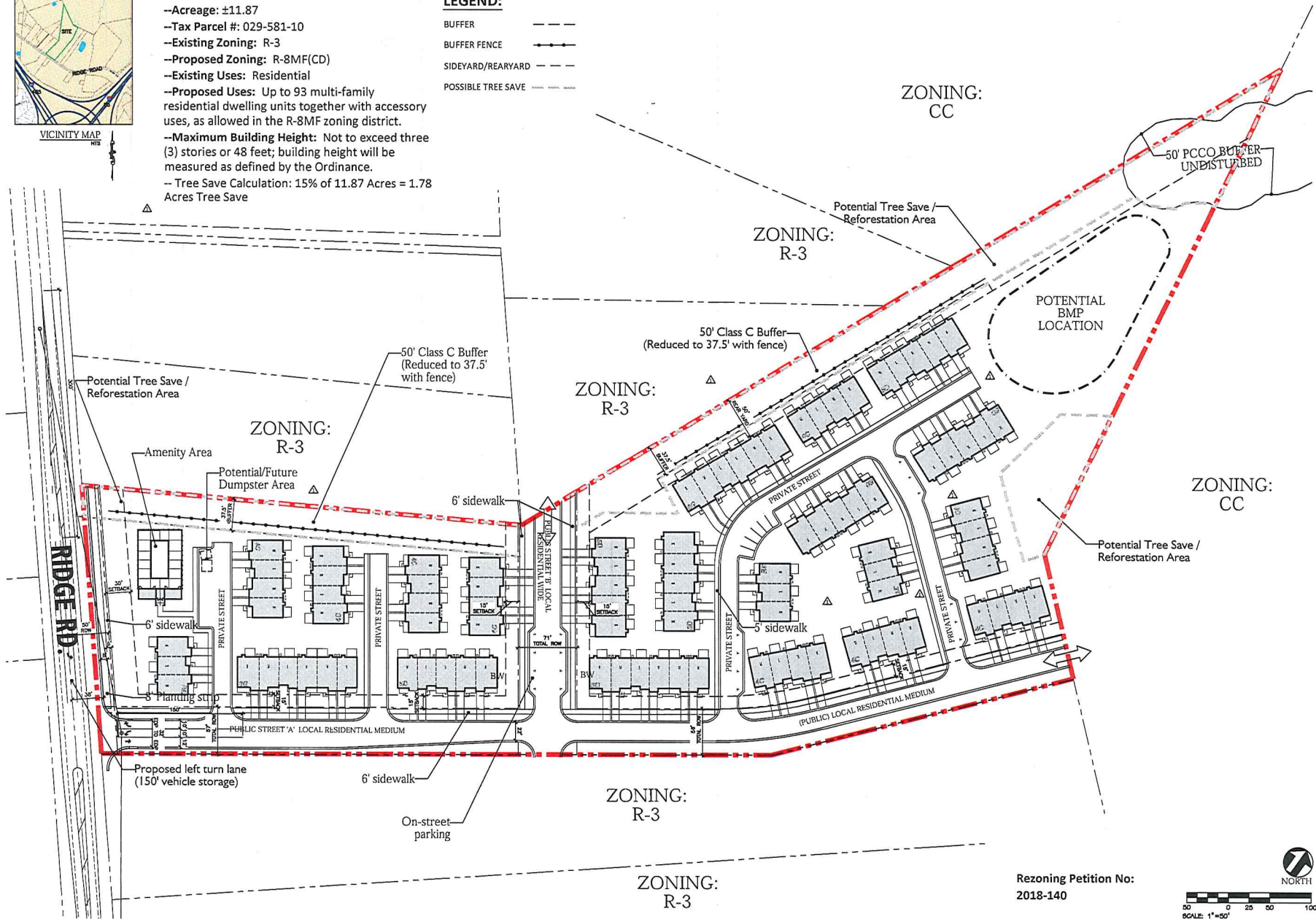
VICINITY MAP

Site Development Data:

- Acreage: ±11.87
- Tax Parcel #: 029-581-10
- Existing Zoning: R-3
- Proposed Zoning: R-8MF(CD)
- Existing Uses: Residential
- Proposed Uses: Up to 93 multi-family residential dwelling units together with accessory uses, as allowed in the R-8MF zoning district.
- Maximum Building Height: Not to exceed three (3) stories or 48 feet; building height will be measured as defined by the Ordinance.
- Tree Save Calculation: 15% of 11.87 Acres = 1.78 Acres Tree Save

LEGEND:

- BUFFER ———
- BUFFER FENCE ———
- SIDEYARD/REARYARD ———
- POSSIBLE TREE SAVE ———



Ridge Road Development
 Charlotte, North Carolina

Project no:	17.000368
Date:	11.16.18
Revisions:	
△ Per Staff Comments	01.04.19
△ Per Staff Comments	02.25.19

Sheet Title:

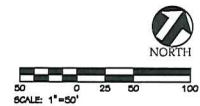
Rezoning Plan

2018-140

Sheet No:

RZ-1

Rezoning Petition No:
 2018-140



**Profile Homes LLC
Development Standards**

2/25/19

Rezoning Petition No. 2018-140

Site Development Data:

- Acreage: ±11.87
- Tax Parcel #: 029-581-10
- Existing Zoning: R-3
- Proposed Zoning: R-8MF(CD)
- Existing Uses: Residential
- Proposed Uses: Up to 93 multi-family residential dwelling units together with accessory uses, as allowed in the R-8MF zoning district.
- Maximum Building Height: Not to exceed three (3) stories or 48 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 Profile Homes LLC. ("Petitioner") to accommodate the development of a residential community on approximately 11.87 acre site generally located at 1530 Ridge Road (the "Site").
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance 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 twenty-four (24). 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 93 multi-family residential dwelling units together with accessory uses allowed in the R-8MF zoning district as generally depicted on the Rezoning Plan.

3. Access, and Transportation Improvements:

- a. Access to the Site will be from Ridge Road as generally depicted on the Rezoning Plan.
- b. The Petitioner will as part of the development of the Site shall construct two (2) new public streets on the Site as generally depicted on the Rezoning Plan (Public Street A and Public Street B). Proposed Public Street A will be designed to meet a local residential medium cross-section. Proposed Public Street B will be designed to meet a local residential wide cross-section. Parallel and angled on-street parking shall be permitted along Public Street B. In the event on-street parking is provided, the location of the required sidewalk may be adjusted. The final location to be determined during the land development process.
- c. The Petitioner shall provide a left turn lane along Public Street A to Ridge Road as generally depicted.
- d. The Petitioner shall provide a one hundred fifty (150) left turn storage lane along Ridge Road to Public Street A as generally depicted.
- e. The Petitioner shall dedicate right of way fifty (50) foot from the existing center line of Ridge Road as generally depicted on the Rezoning Plan.
- f. All transportation improvements on Ridge Road shall be constructed and approved prior to the release of the first certificate of occupancy for the Site. The Petitioner may post a bond for any roadway improvements not completed at the time a certificate of occupancy is requested. On-site improvements shall be provided as required by the Subdivision Ordinance.

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

- h. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.
All on-site right-of-way dedication will be completed as required by the Subdivision Ordinance. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

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

- a. A fifteen (15) foot building setback as measured from the right-of-way on Public Street A and Public Street B will be allowed as provided for in Section 9.303.(19)(f) of the Ordinance. Garages must be located twenty (20) feet from the back of sidewalk.
- b. A thirty (30) foot setback will be provided as measured from the future right-of-way of Ridge Road will be provided as generally depicted on the Rezoning Plan.
- c. Along Public Street A and Public Street B an eight (8) foot planting strip and a six (6) foot sidewalk will be provided as generally depicted on the Rezoning Plan.
- d. The Petitioner shall provide a six (6) foot sidewalk with curb and gutter as required along Ridge Road.

- e. Along the Site's internal parking areas the Petitioner will provide a sidewalk and cross-walk network that links to the building on the Site and to the sidewalks along the abutting public streets in the manner generally depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be five (5) feet.
- f. 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.

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 multi-family units located within 15 feet of a sidewalk will be raised 24 inches above the average grade of the sidewalk.
- 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 as generally indicated on the Rezoning Plan.
- h. On the interior of the Site end units that abut the internal private streets will have multiple windows on the end facades to avoid a blank street wall. These units are indicated on the Rezoning Plan with the symbol BW.
- i. Garage doors visible from the public or private streets will be recessed at least one (1) foot behind the front most building face and contain additional architectural treatments such as translucent windows or projecting elements over garage door openings, to minimize the visual impact of the garage doors on the public and private streets.

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.

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.



Seals:

Corp. NC license: F-13320

Ridge Road Development
Charlotte, North Carolina

Project no: 17.000268
Date: 11.16.18
Revisions:
Per Staff Comments: 01.14.19
Per Staff Comments: 02.23.19

Sheet Title:
**Rezoning
Plan**
2018-140

Sheet No:

RZ-2



Agenda Date: 3/18/2019

Agenda #: 15. **File #:** 15-10387 **Type:** Zoning Decision

Rezoning Petition: 2018-141 by Broadstreet Homes, Inc.

Location: Approximately 17.90 acres located on the west side of Harrisburg Road, north of Camp Stewart Road west of Mecklenburg Shrine Club Road. (Council District 5 - Newton)

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 2018-141

March 5, 2019

REQUEST

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

LOCATION

Approximately 17.9 acres located on the west side of Harrisburg Road, north of Camp Stewart Road west of Mecklenburg Shrine Club Road.
(Council District 5 - Newton)

PETITIONER

Broadstreet Homes

**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 *Rocky River Road Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The area plan recommends residential land uses up to four dwelling units per acre.

Therefore, 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 R-4 (single family residential) zoning district is consistent with the surrounding single family zoning districts in the area, which include R-3 (single family residential) and R-12 PUD (residential, planned unit development); and
- The proposed zoning will maintain the low to moderate density residential character of the area because much of the surrounding area is also recommended for residential up to four units per acre.

Motion/Second: Watkins / Gussman

Yeas: Fryday, Gussman, Ham, McClung, McMillan, Samuel, and Watkins

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. A committee member noted there were traffic concerns raised at the public hearing.

CDOT staff responded that the additional traffic generated by the rezoning will not impact the traffic system, adding that a left-turn lane into the main access is planned and will be obtained during the permitting process, and will mitigate the slight traffic increase. Another committee member asked if lighting will be installed on Harrisburg Road. CDOT staff responded that the City will be responsible for installing lighting along the entire Harrisburg Road corridor, but not as a requirement of this rezoning petition.

There was no further discussion of this petition.

PLANNER

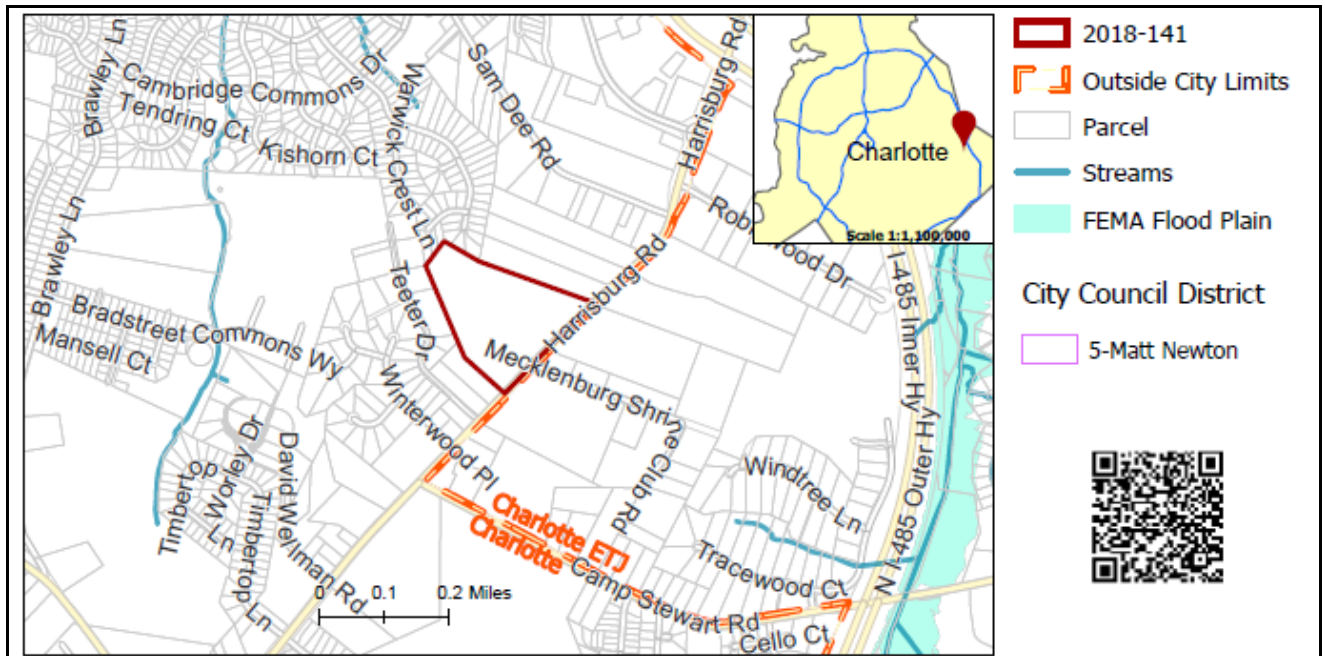
Sonja Sanders (704) 336-8327

REQUEST

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

LOCATION

Approximately 17.9 acres located on the west side of Harrisburg Road, north of Camp Stewart Road west of Mecklenburg Shrine Club Road.
(Council District 5 - Newton)



SUMMARY OF PETITION

The petition proposes redevelopment of the site to allow all uses permitted in the R-4 (single family residential) zoning district.

PROPERTY OWNER

Margaret Teresa Long

PETITIONER

Broadstreet Homes

AGENT/REPRESENTATIVE

Sara Shirley, American Engineering

COMMUNITY MEETING

Meeting is not required.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *Rocky River Road Area Plan*, which recommends residential uses up to four dwelling units per acre.

Rationale for Recommendation

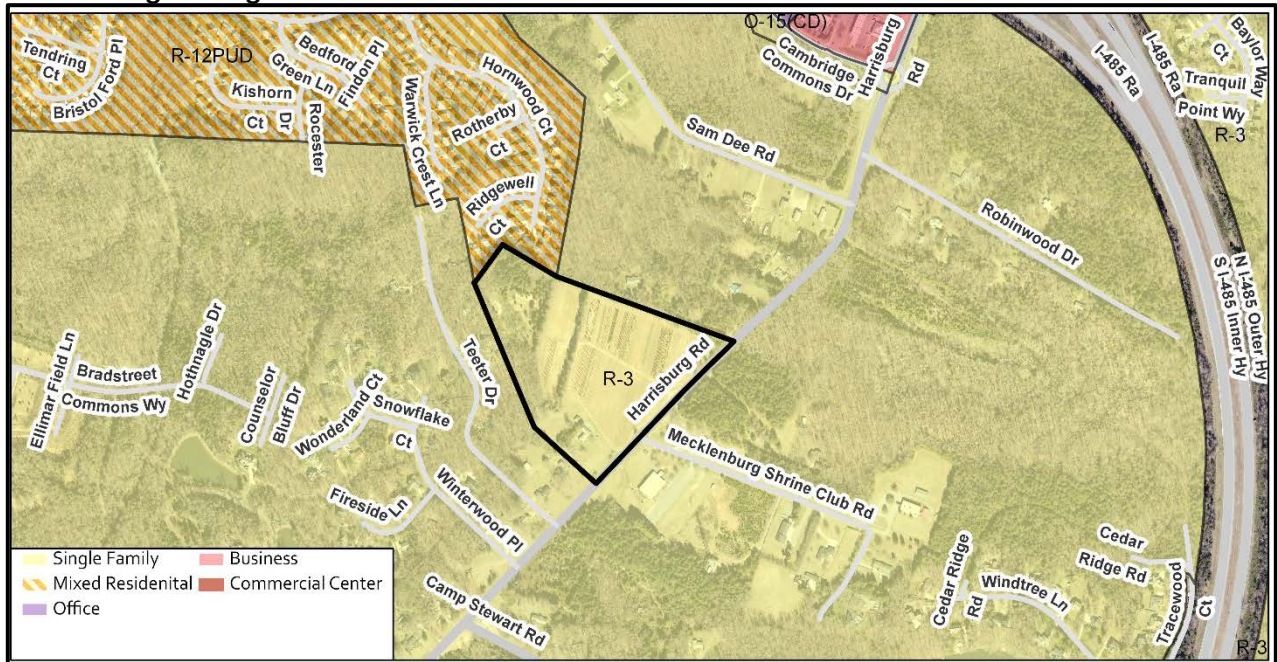
- The proposed R-4 (single family residential) zoning district is consistent with the surrounding single family zoning districts in the area, which include R-3 (single family residential) and R-12 PUD (residential, planned unit development).
- The proposed zoning will maintain the low to moderate density residential character of the area because much of the surrounding area is also recommended for residential up to four units per acre.

PLANNING STAFF REVIEW

- **Proposed Request Details**

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

- **Existing Zoning and Land Use**



The subject property is developed with a single family dwelling, but the majority of the site is used for agricultural purposes. Surrounding properties are developed with single family detached dwellings, and an institutional use is located across Harrisburg Road. Nonresidential uses consisting of an eating/drinking/entertainment establishment, automotive service station, and a strip shopping center are located to the north fronting I-485 and Harrisburg Road.



The subject property is developed with a single family home.



Properties to the north along Harrisburg road are developed with large lot residential homes.



Properties to the south along Harrisburg Road are developed with large lot residential homes.



The property to the east along Mecklenburg Shrine Club Road is developed with a church.



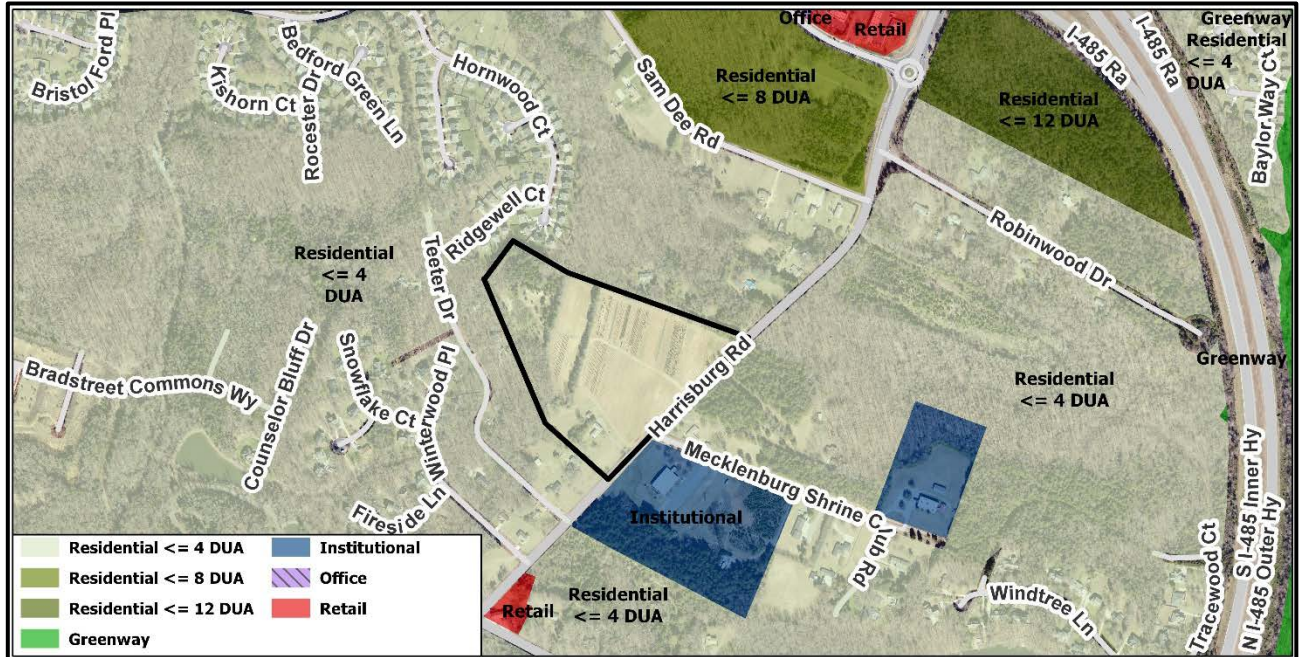
The properties to the west along Winterwood Place are developed with single family homes.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2018-005	Rezoned approximately 141.9 acres to R-5(CD) (single family residential, conditional), to allow 350 single family detached dwelling units, at a density of 2.46 units per acre.	Approved
2017-153	Rezoned approximately 13.99 acres to R-6 (single family residential) to allow any use permitted in the R-6 district.	Approved
2016-123	Rezoned approximately 9.81 acres to INST(CD) (institutional, conditional) to allow a maximum 67,000-square foot, 750-seat religious institution and associated uses.	Approved

- **Public Plans and Policies**



- The *Rocky River Road Area Plan* (2006) recommends residential uses up to four dwelling units per acre.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located on a major thoroughfare, Harrisburg Road, that lacks curb, gutter, and sidewalk. During permitting, CDOT will work with the petitioner to upgrade the streetscape along Harrisburg Road to current city standards. Additionally, CDOT will work with the petitioner and the Planning Department to determine the location of required public streets.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 10 trips per day (based on one single family detached dwelling).
 - Entitlement: 590 trips per day (based on 53 single family detached dwellings).
 - Proposed Zoning: 770 trips per day (based on 71 single family detached dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 33 students, while the development allowed under the proposed zoning will produce 43 students. Therefore, the net increase in the number of students is 10 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Reedy Creek Elementary from 115% to 118%
 - Northridge Middle from 125% to 128%
 - Rocky River High from 86% to 87%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Harrisburg Road. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to Charlotte Water to serve this parcel.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.

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

- Application
- Locator Map
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Department of Solid Waste Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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