



Agenda Date: 6/17/2019

Agenda #: 4. **File #:** 15-11162 **Type:** Zoning Decision

Rezoning Petition: 2018-145 by Brendan Mylton

Update: Petitioner is requesting withdrawal of this petition

Location: Approximately 1.25 acres located off St. George Street, south of Central Avenue, and east of Morningside Drive. (Council District 1 - Egleston)

Current Zoning: R-4 (single family residential)

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

Zoning Committee Recommendation:

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



Agenda Date: 6/17/2019

Agenda #: 5. **File #:** 15-11149 **Type:** Zoning Decision

Rezoning Petition: 2018-110 by Mattamy Homes

Update: Petitioner is requesting deferral to July 15, 2019

Location: Approximately 38.40 acres located on the east side of Shopton Road West, north of South Tryon Street. (Outside City Limits)

Current Zoning: R-3 (single family residential)

Proposed Zoning: R-8MF(CD) (multi-family residential, conditional), with five-year vested rights

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to **DEFER** this petition to their July 2, 2019 meeting.



Agenda Date: 6/17/2019

Agenda #: 6. **File #:** 15-11150 **Type:** Zoning Decision

Rezoning Petition: 2018-127 by Blue Azela-Providence, LLC

Update: Petitioner is requesting deferral to July 15, 2019

Location: Approximately 1.08 acres located at the intersection of Vernon Drive and Providence Drive, north of Wendover Road and east of Providence Road. (Council District 6 - Bokhari)

Current Zoning: R-3 (single family residential)

Proposed Zoning: R-8(CD) (single family residential, conditional) with five-year vested rights

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to **DEFER** this petition to their July 2, 2019 meeting.



Agenda Date: 6/17/2019

Agenda #: 7. **File #:** 15-11151 **Type:** Zoning Decision

Rezoning Petition: 2018-147 by Laurel Street Residential

Update: Petitioner is requesting deferral to July 15, 2019

Location: Approximately 3.31 acres located on the north side of Mallard Creek Road, east of Prosperity Church Road, west of Galloway Road. (Council District 4 - Phipps)

Current Zoning: R-3 (single family residential)

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to **DEFER** this petition to their July 2, 2019 meeting.



Agenda Date: 6/17/2019

Agenda #: 8. **File #:** 15-11152 **Type:** Zoning Decision

Rezoning Petition: 2018-167 by Verde Homes, LLC

Update: Petitioner is requesting deferral to July 15, 2019

Location: Approximately 1.74 acres located on the east side of Sardis Road, between Oak Creek Drive and Creek Valley Drive. (Council District 6 - Bokhari)

Current Zoning: R-3 (single family residential)

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to **DEFER** this petition to their July 2, 2019 meeting.



Agenda Date: 6/17/2019

Agenda #: 9. **File #:** 15-11155 **Type:** Zoning Decision

Rezoning Petition: 2019-005 by Ardent Acquisitions, LLC

Update: Petitioner is requesting deferral to July 15, 2019

Location: Approximately 5.58 acres located on the south of West Tremont Avenue, west of South Tryon Street. (Council District 3 - Mayfield)

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

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to **DEFER** this petition to their July 2, 2019 meeting.



Agenda Date: 6/17/2019

Agenda #: 10. **File #:** 15-11153 **Type:** Zoning Decision

Rezoning Petition: 2019-006 by Amerco Real Estate Company

Update: Petitioner is requesting deferral to July 15, 2019

Location: Approximately 4.63 acres located on the east side of the intersection of Freedom Drive, Ashley Drive and Tuckaseegee Road. (Council District 3 - Mayfield)

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

Proposed Zoning: BD(CD) AIR (distributive business, conditional, airport noise overlay) and B-2(CD) AIR (general business, conditional, airport noise overlay)

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to **DEFER** this petition to their July 2, 2019 meeting.



Agenda Date: 6/17/2019

Agenda #: 11. **File #:** 15-11154 **Type:** Zoning Decision

Rezoning Petition: 2019-008 by CoHab, LLC

Update: Petitioner is requesting deferral to July 15, 2019

Location: Approximately 0.52 acres located on the west side of the intersection of Seigle Avenue and East 15th Street. (Council District 1 - Egleston)

Current Zoning: R-5 (single family residential)

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to **DEFER** this petition to their July 2, 2019 meeting.



Agenda Date: 6/17/2019

Agenda #: 12. **File #:** 15-11158 **Type:** Zoning Decision

Rezoning Petition: 2018-163 by SunCap Property Group, LLC

Location: Approximately 1.75 acres located on the eastside of Waverly Avenue, west side of Kenilworth Avenue, south of Romany Road. (Council District 1 - Egleston)

Current Zoning: R-8 (single family residential) & R-22MF (multi-family residential)

Proposed Zoning: R-8(CD) (single family residential, conditional) & MUDD(CD) (mixed use development, conditional)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Zoning Committee Recommendation
Final Staff Analysis
Site Plan



Zoning Committee

REQUEST

Current Zoning: R-8 (single family residential) and R-22MF (multi-family residential)
Proposed Zoning: R-8(CD) (single family residential, conditional) and MUDD (CD) (mixed use development, conditional)

LOCATION

Approximately 1.75 acres located on the eastside of Waverly Avenue, west side of Kenilworth Avenue, south of Romany Road. (Council District 1 - Egleston)

PETITIONER

Suncap Property Group, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

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

The petition is found to provide residential land uses as recommended in the *Dilworth Land Use and Streetscape Plan*, but it is inconsistent with the density and height recommendations for development area 'A', based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses at 22 dwelling units per acre (DUA) for the portion of the site along Kenilworth Avenue and residential uses at 8 DUA for the portion along Waverly Avenue. The plan recommends a 40-foot height limit for structures along Kenilworth Avenue.

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

- The proposed height is inconsistent, but the height is along an existing major thoroughfare and in context with continued re-development along the corridor where both 3- and 4-story buildings are present.
- The proposed building height is an average of 58 feet as measured by the ordinance. The maximum height is 65 feet adjacent to existing 3-story townhomes, and 49 feet adjacent to existing the single family lot.
- The ordinance allows up to 100 feet in building height in the MF-22 Zoning District, so while the proposed height exceeds the area plan recommendation, it falls below the allowed height by-right.
- The R-8 portion on Waverly Avenue seeks to allow single family detached dwellings, and the minimum setback and yards and building height are compatible with the surrounding pattern of development.

- The petition will provide improvements that will significantly enhance the pedestrian environment on the subject site through the development of an 8-foot sidewalk and 8-foot planting strip along the property frontage on both Kenilworth Avenue and Waverly Avenue.

The approval of this petition will revise the adopted future land use map as specified by the *Dilworth Land Use and Streetscape Plan*, from residential at up to 22 DUA to residential over 22 DUA for development area A of the site.

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

One Commissioner had a question about the height of the proposed building. Staff noted that the plan is calling for average height of 58 feet for the proposed structure in development area 'A'. The proposed plan is showing a grade change along Kenilworth Avenue and the plan proposes a 49-foot-tall building adjacent to the existing single-family home and as the site slopes the building will be 65 feet. The elevations provide architectural features and notches to address height concerns.

One Commissioner stated the petitioner's agent pointed to a similar project on Randolph Road near Dotger Avenue believed to be similar and appropriate; but when visiting the back, concluded that given the tightness of Waverly this project would be damaging to Dilworth.

A Commissioner noted that the townhomes on Waverly do not front or address Waverly directly. It was noted that the side facing the street will mimic a front with windows and other elements.

Another Commissioner had a question about the adopted land use and what it recommends for the subject property, and what has changed since the adoption for staff to support the project when the plan is not that old, was subject of much community involvement, was carefully crafted, and won an award; and why in some cases staff follows the plan and in this one does not. Staff noted that the area was starting to change with previous projects approved for higher density on significant infill projects. The project proposed the higher density along a major thoroughfare/corridor, and offers design features to mitigate density.

A Commissioner asked if they should look at projects and impacts individually, if outside factors may override plans, and if infill projects may not fit for a time. Staff noted that everything will get a good look in the Comprehensive Plan process, and that plans should be updated every 5 to 10 years for significant changes.

Another Commissioner noted that this is a difficult petition; that in 2005 when the plan was prepared, no one would have anticipated the growth of the City; that this represents "growing pains." While still uncomfortable with the height at the single family edge, the commissioner felt that when driving along the street it does not seem out of scale.

There was no further discussion of this petition.

MINORITY OPINION

The Commissioners in the minority stated:

- The proposal is not consistent with the plan's density and height recommendations.
- The Dilworth plan is an award-winning plan in which the residents participated and provided support during the plan creation.
- The area plan is still valid and should be followed.
- Preservation of the character of the Dilworth neighborhood is still important, including the height and density elements.

PLANNER

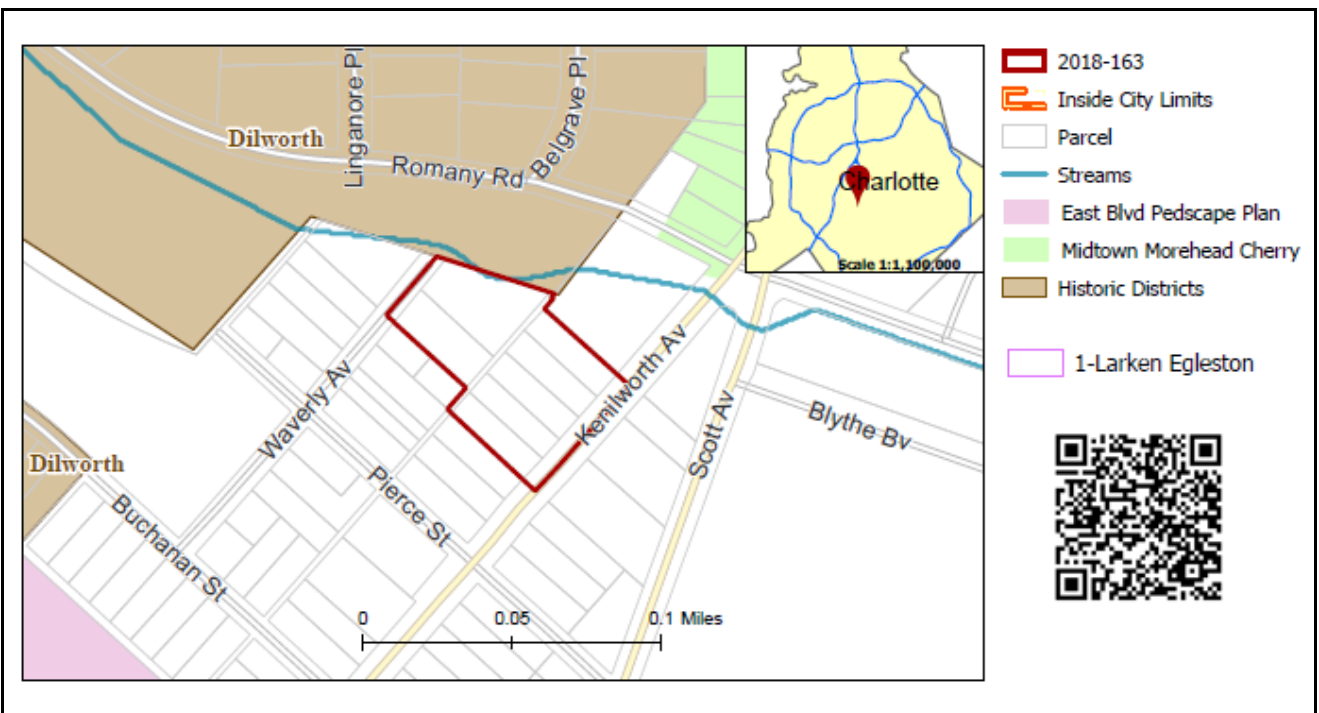
Solomon Fortune (704) 336-8326

REQUEST

Current Zoning: R-8 (single family residential) and R-22MF (multi-family residential)
Proposed Zoning: R-8(CD) (single family residential, conditional) and MUDD (CD) (mixed use development, conditional)

LOCATION

Approximately 1.75 acres located on the eastside of Waverly Avenue, west side of Kenilworth Avenue, south of Romany Road. (Council District 1 - Egleston)



SUMMARY OF PETITION

The petition proposes to redevelop the subject site with 56 multi-family units in two development areas at a density of 32 units per acre.

PROPERTY OWNER

1300 Kenilworth LLC and 1417-23 Waverly, LLC

**PETITIONER
AGENT/REPRESENTATIVE**

Suncap Property Group, LLC
Collin Brown & Bailey Patrick Jr. / K & L Gates

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 24

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

While the request provides residential land uses as recommended in the *Dilworth Land Use and Streetscape Plan*, the density of 51 units per acre and the proposed height of 58 feet as measured by the ordinance (65' max height one corner of the site adjacent to townhomes) are inconsistent for development area 'A' per the *Dilworth Land Use and Streetscape Plan* which recommends 22 dwelling units per acre (DUA) and a building height of 40 feet.

Rationale for Recommendation

- The proposed height is inconsistent, but the height is along an existing major thoroughfare and in context with continued re-development along the corridor. 3 buildings are present on the side of Kenilworth as this site, and 4 story buildings are present on the opposite side of Kenilworth.
- The proposed building height is an average of 58 feet as measured by the ordinance. The maximum height is 65 feet adjacent to existing 3-story townhomes, and 49 feet adjacent to existing the single family lot.
- The ordinance allows up to 100 feet in building height in the MF-22 Zoning District when adjacent to existing MF-22 zoning, so while the proposed height exceeds the area plan recommendation, it falls below the allowed height by-right for portions of the building on Kenilworth. Building height when adjacent to R-8 zoning is 40' Measured at the required setback, side and rear yard lines with a max height of 100' with step back provisions.
- The R-8 portion on Waverly Avenue seeks to allow single family detached dwellings, and the minimum setback and yards and building height are compatible with the surrounding pattern of development.
- The petition will provide improvements that will significantly enhance the pedestrian environment on the subject site through the development of an 8-foot sidewalk and 8-foot planting strip along the property frontage on both Kenilworth Avenue and Waverly Avenue.

The approval of this petition will revise the adopted future land use map for these parcels as specified by the *Dilworth Land Use and Streetscape Plan*, from residential at up to 22 dwellings per acre to residential over 22 dwellings per acre for development area A of the site.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows the development of 56 residential units in two development areas.
- Development Area 'A' which includes 50 multi-family units.
- Development Area 'B' which includes six single-family attached units.
- 24-foot setback along Kenilworth Avenue which includes an eight-foot planting strip and eight-foot sidewalk.
- 32-foot setback along Waverly Avenue which includes an eight-foot planting strip and eight-foot sidewalk.
- Existing alley to be abandoned.
- Provides the following architectural treatments:
 - Facades fronting a public street shall be comprised of a minimum of 50 percent of building material such as: brick, natural stone, synthetic stone, stucco or other material approved by the Planning Director.
 - Prohibits vinyl as a building material except for hand rails, windows, door trim, and concrete masonry block.
 - Service areas will be screened from view from public streets with materials and design to be compatible with the principal structures.

Development Area A:

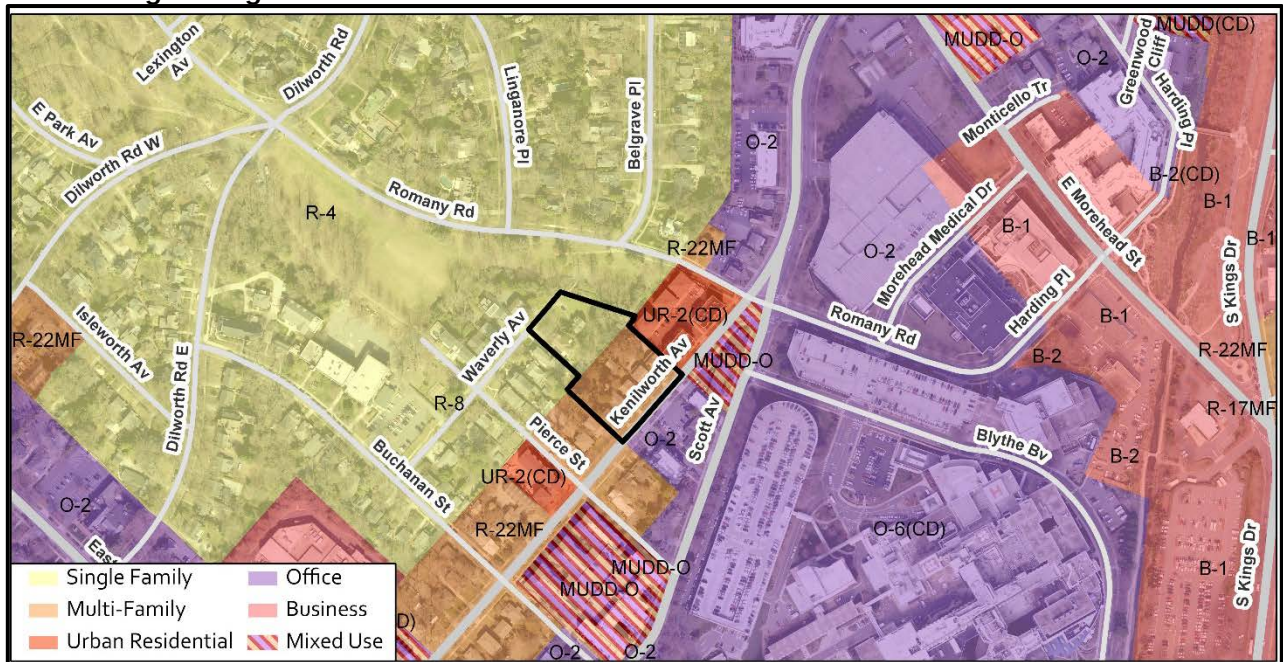
- The upper floors (above the ground floor) of the proposed building will have a minimum transparency of 25%.
- The ground floor of the proposed building will have a minimum transparency of 50%.
- Minimum of two operable doors will be provided along Kenilworth Avenue.
- Ground floor residential units facing Kenilworth Avenue will have raised entrances along the street.
- Stoops shall be provided along public and private streets.

- No building will exceed 120 feet in block face without modulations, break or variation of the façade. Modulations shall be at least 10 feet wide and project or recess a minimum of one foot extending at least a full floor.
- Building elevations shall be designed with vertical bays or articulated architectural façade features, exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
- Building will provide notched corners with a minimum dimension of twelve feet by twelve at the top of the building.
- Long pitched or flat roofs shall avoid continuous expanses without variation by including changes in height and or roof form, to include but not to be limited to gables, dormers or parapets.
- Maximum building height of 58 feet.
- **Ten-foot buffer area adjacent to the existing single-family home.**

Development Area B:

- Pitched roofs if provided shall be sloped no less than 5:12.
- Corner units that face Waverly Avenue, will have stoops and enhanced side elevations.
- Side elevations fronting Waverly Avenue shall not contain blank wall expanses greater than ten feet on all building levels.
- Side elevations may include usable doors, decorative lighting, architectural details, transom windows, awnings, and or stairs.
- Attached units will be limited to four units.
- All residential within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 24 inches.
- Garage doors visible from public or private streets shall minimize visual impact by provide a setback of 12 to 24 inches.
- **20-foot rear yard with planting detail adjacent to the existing residential structure.**

Existing Zoning and Land Use



- The surrounding properties are zoned R-8 (single family residential),
- R-22MF (multi-family residential), UR-2(CD) (urban residential, conditional), O-2 (office) and MUDD-O (mixed used development, optional) and developed with single family and multi-family residential structures.



The subject property on Kenilworth Ave. is developed with single-family homes.



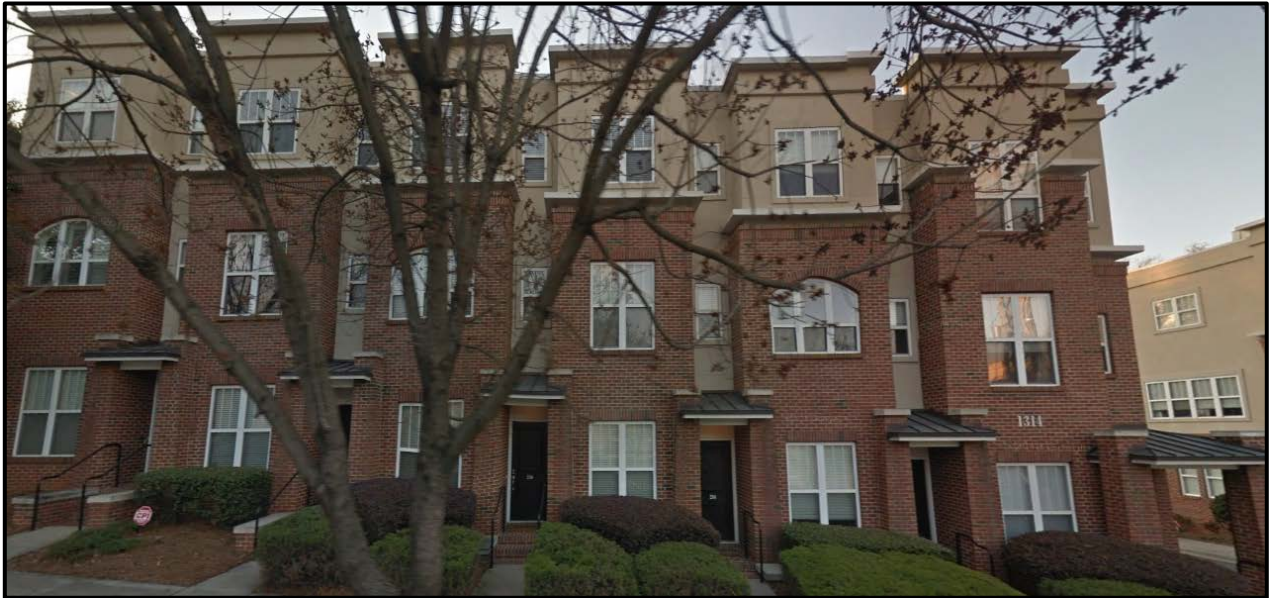
The subject property on Waverly Ave. is developed with single-family homes



The properties to the east along Kenilworth Avenue are developed with a mix of single-family, multi-family, and office uses.



The properties to the west along Waverly Avenue are developed with single-family homes.

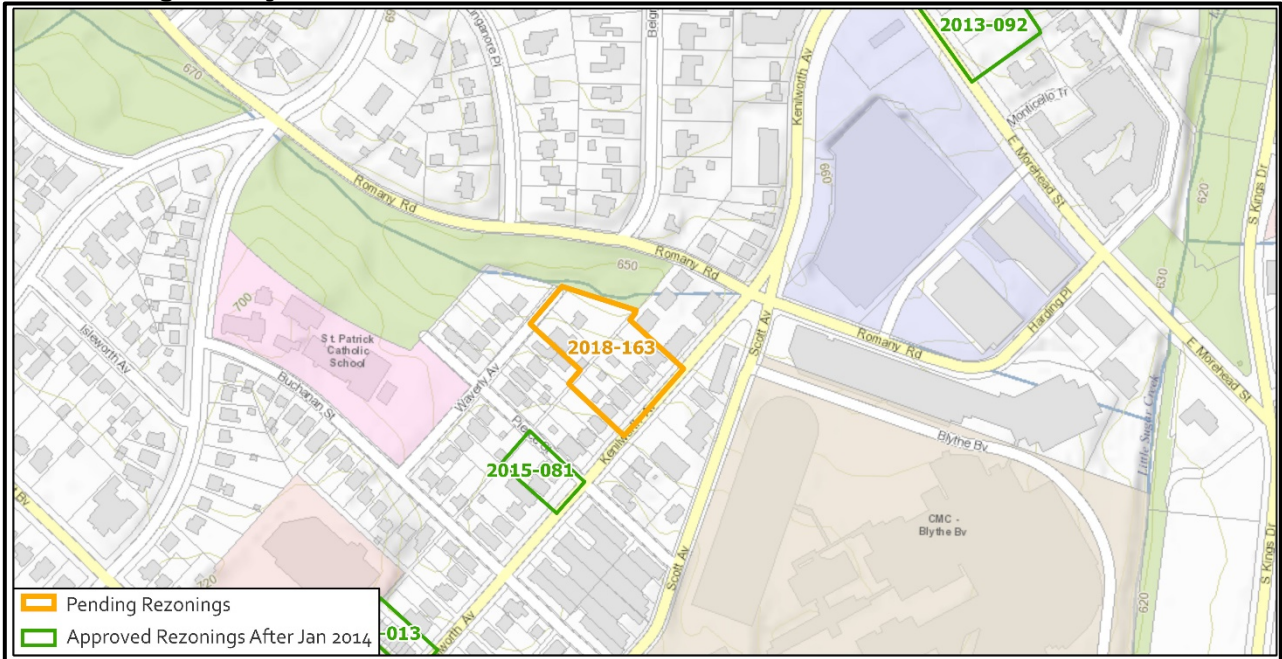


The property to the north along Kenilworth Avenue is developed with multi-family townhomes.



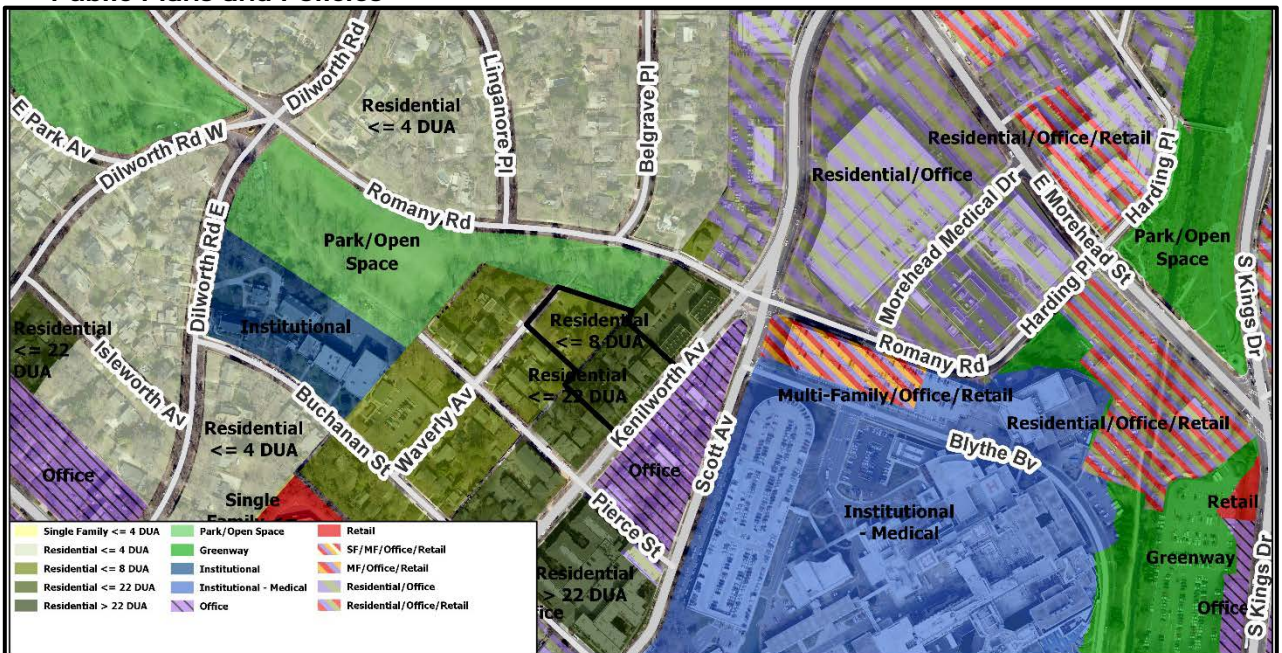
The properties to the south along Kenilworth Avenue are single-family homes.

- Rezoning History in Area**



| Petition Number | Summary of Petition | Status |
|-----------------|---|----------|
| 2015-081 | Rezoned 0.40 acres to UR-2(CD) (urban residential, conditional) to allow the development of eight multi-family units. | Approved |
| 2013-092 | Rezoned 2.65 acres to MUDD-O SPA (PED) (mixed use development, optional, site plan amendment, pedestrian overlay) and MUDD-O (PED) (mixed use development, optional, pedestrian overlay) to allow the development of 380 dwelling units, 10,000 square feet of residential supportive uses, and 25,000 square feet of non-residential uses. | Approved |

- Public Plans and Policies**



- The *Dilworth Land Use and Streetscape Plan* (2006) recommends residential uses at 22 dwelling units per acre for the portion of the site along Kenilworth Avenue and residential uses at eight dwelling units per acre for the portion along Waverly Avenue. The plan recommends a 50-foot height limit for structures along Kenilworth Avenue.

- **TRANSPORTATION CONSIDERATIONS**

- This site is located along a major thoroughfare and local street. The site commits to improving sidewalk and planting strips.
 - No outstanding issues.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 80 trips per day (based on 10 dwelling units).
 - Entitlement: 170 trips per day (based on 27 dwelling units).
 - Proposed Zoning: 300 trips per day (based on 50 multi-family and 6 single family attached dwelling units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** There is a need for approximately 30,000 affordable housing units in the City of Charlotte. To increase the supply of quality affordable housing, the City strongly encourages developers to assist by providing affordable mixed income housing.
- **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 (R-8 and R-22MF) would generate six students, while the development allowed under the proposed zoning will produce nine students. Therefore, the net increase in the number of students generated from existing zoning to proposed is three.
 - The proposed development is projected to retail the existing school utilization over existing condition (without mobile classroom units) as follows:
 - Dilworth Sedgefield Elementary at 74%.
 - Dilworth Latta Elementary at 79%.
 - Alexander Graham Middle at 114%.
 - Myers Park High at 119%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing 8-inch water distribution main located along Kenilworth Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via existing 8-inch gravity sewer mains located along Waverly Avenue and Kenilworth Avenue.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Add a note on the technical data sheet for the length, width and planting type for the proposed Plan Enlargement A and B cross section.~~ **Addressed.**

REQUESTED TECHNICAL REVISIONS

Site and Building Design

2. ~~Clarify if the 10-foot planting area will be a ten-foot Class 'C' buffer.~~ **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

Planner: Solomon Fortune (704) 336-8326

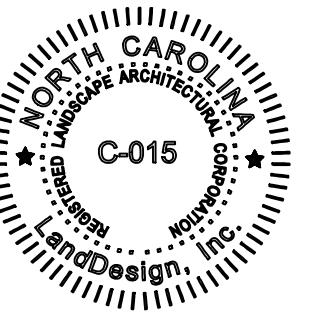


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Development Data Table:

| | |
|--------------------------|---|
| Site Area: | +/- 1,752 acres |
| Parcel Tax: | 12312521, 12312522, 12312523, 12312524, 12312525, 12312512, 12312513 |
| Existing Zoning: | R-22MF and R-8 |
| Proposed Zoning: | MUDD(CD) and UR-2R-8(CD) |
| Existing Use: | Residential |
| Proposed Uses: | Up to 86 single-family attached (townhome) units and 5550 multi-family residential units |
| Maximum Building Height: | Up to 5 stories (5 stories) in Development Area A and 45 feet (3 stories) per Ordinance Standards for the R-8 zoning district in Development Area B |
| Parking: | Shall satisfy or exceed Ordinance requirements |

SEAL



PROJECT

SUNCAP PROPERTY GROUP
CHARLOTTE, NC

REZONING PETITION NUMBER:
2018-163

LANDDESIGN PROJ.# 1018359

REVISION / ISSUANCE

[illegible]

DESIGNED BY: LD
DRAWN BY: LMC
CHECKED BY: EMP

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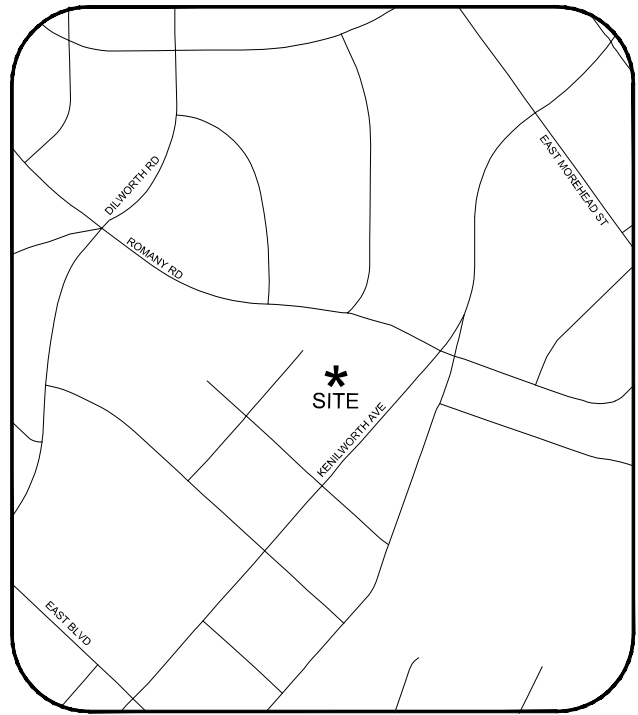
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SHEET TITLE

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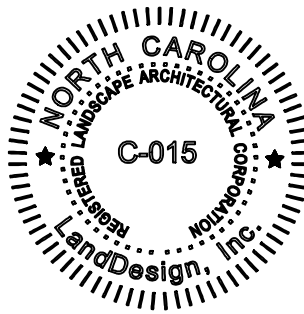
SHEET NUMBER

RZ-1



REZONING
PETITION NUMBER:
2018-163

SEAL



PROJECT

KENILWORTH
MULTI-FAMILY

SUNCAP PROPERTY GROUP
CHARLOTTE, NC

REZONING PETITION NUMBER:
2018-163

LANDDESIGN PROJ.#
1018359

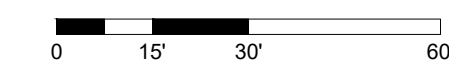
REVISION / ISSUANCE

| NO. | DESCRIPTION | DATE |
|-----|---------------|------------|
| △ | CITY COMMENTS | 03.12.2019 |
| △ | CITY COMMENTS | 04.22.2019 |
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DRAWN BY: LMC
CHECKED BY: EMP

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SHEET TITLE

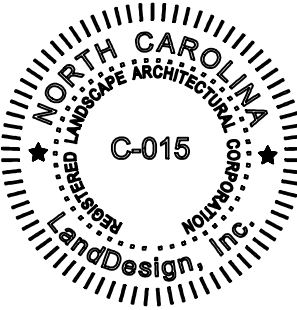
SCHEMATIC SITE PLAN

SHEET NUMBER

RZ-2

REZONING
PETITION NUMBER:
2018-163

SEAL



PROJECT

KENILWORTH
MULTI-FAMILY

SUNCAP PROPERTY GROUP
CHARLOTTE, NC

REZONING PETITION NUMBER:
2018-163

LANDDESIGN PROJ.#
1018359

REVISION / ISSUANCE

| NO. | DESCRIPTION | DATE |
|-----|----------------------------|------------|
| 1 | INITIAL REZONING SUBMITTAL | 12.14.2018 |
| 2 | CITY COMMENTS | 02.12.2019 |
| 3 | CITY COMMENTS | 03.12.2019 |
| 4 | CITY COMMENTS | 04.22.2019 |
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DESIGNED BY: LD
DRAWN BY: LMC
CHECKED BY: EMP

SCALE NORTH

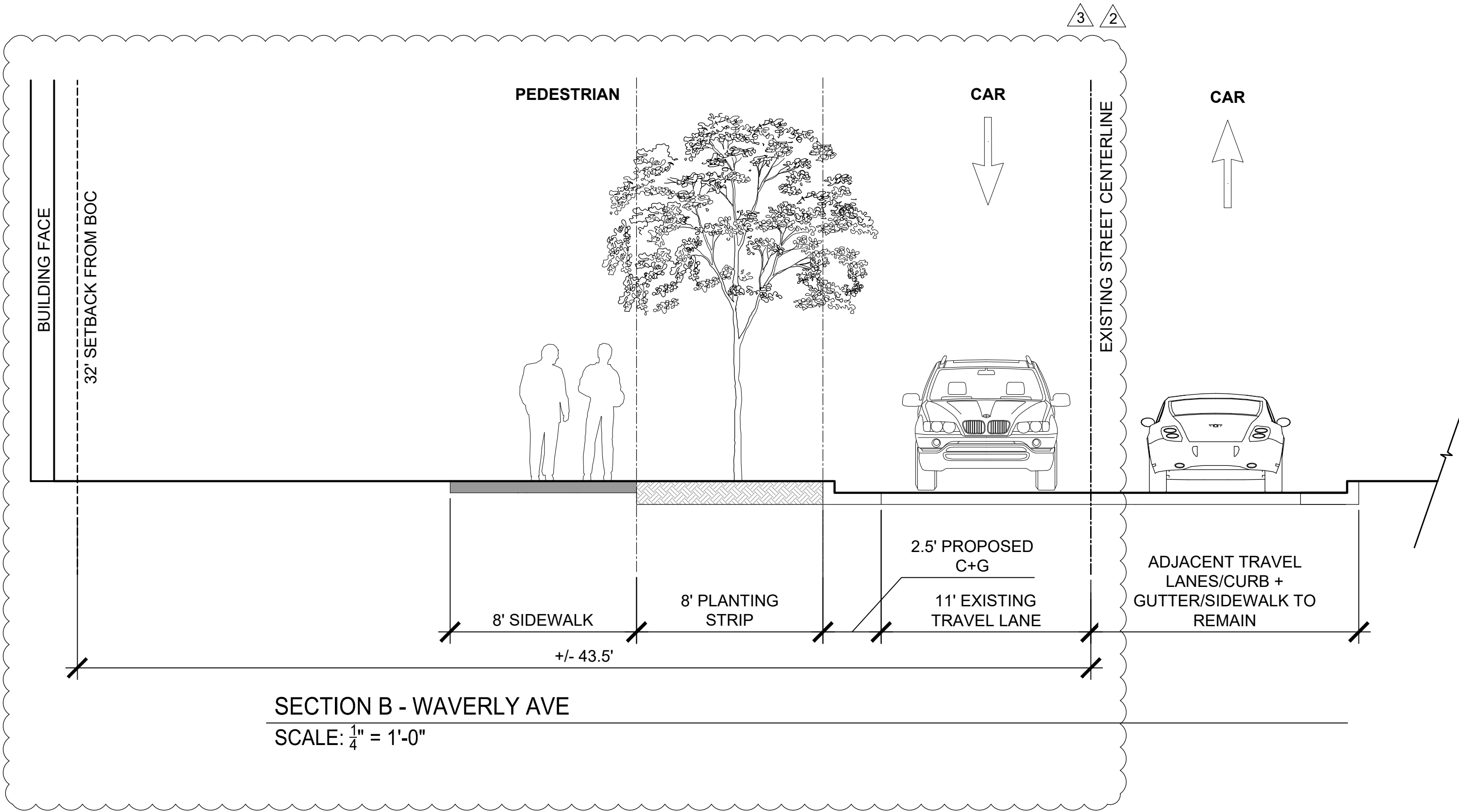
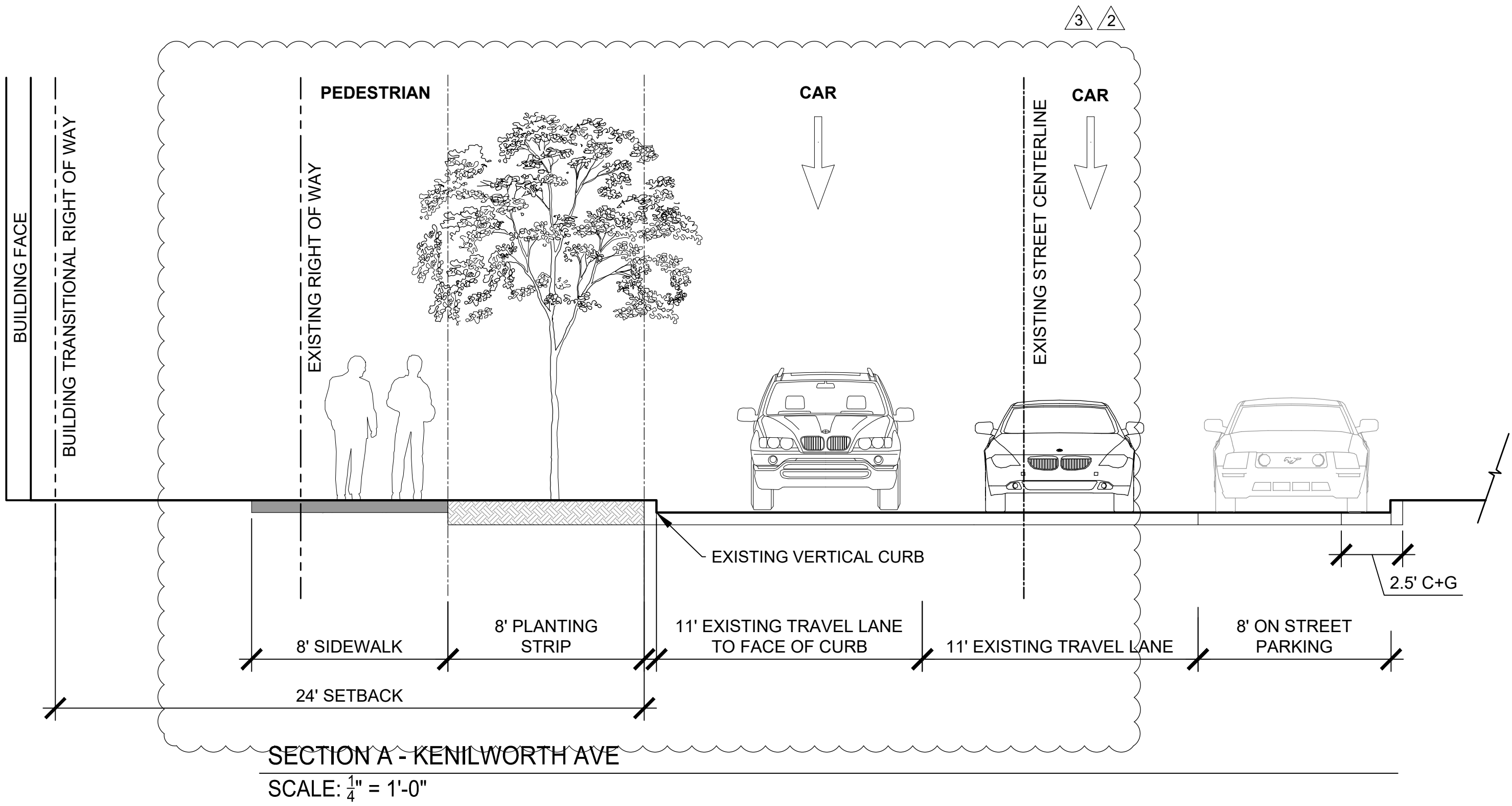
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SHEET TITLE

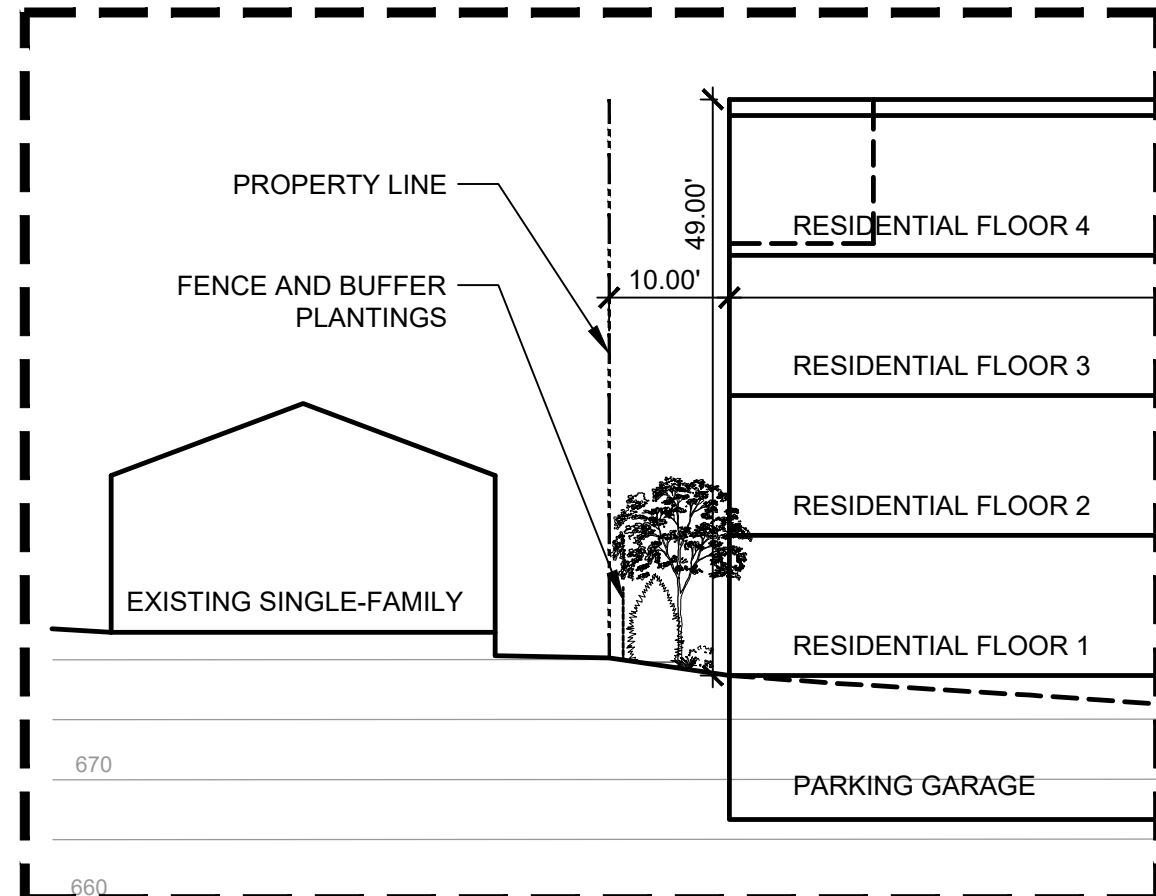
STREET SECTIONS

SHEET NUMBER

3 RZ-3



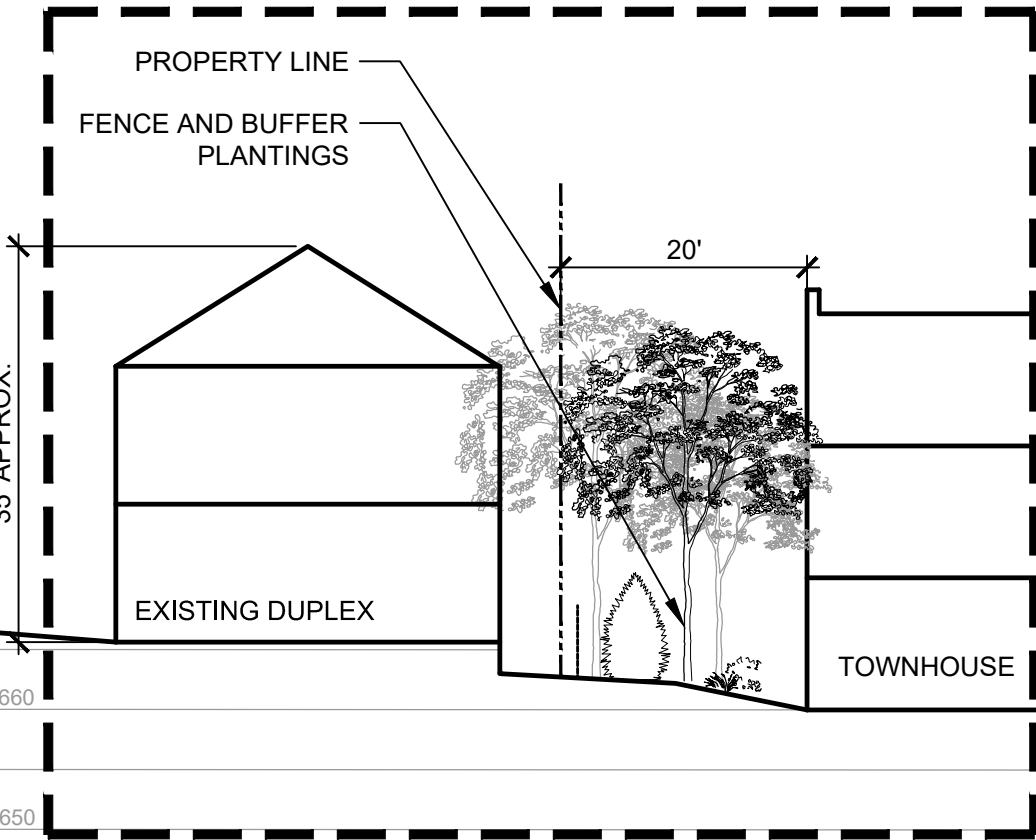
PLAN ENLARGEMENT A



SECTION C - KENILWORTH AVE SITE

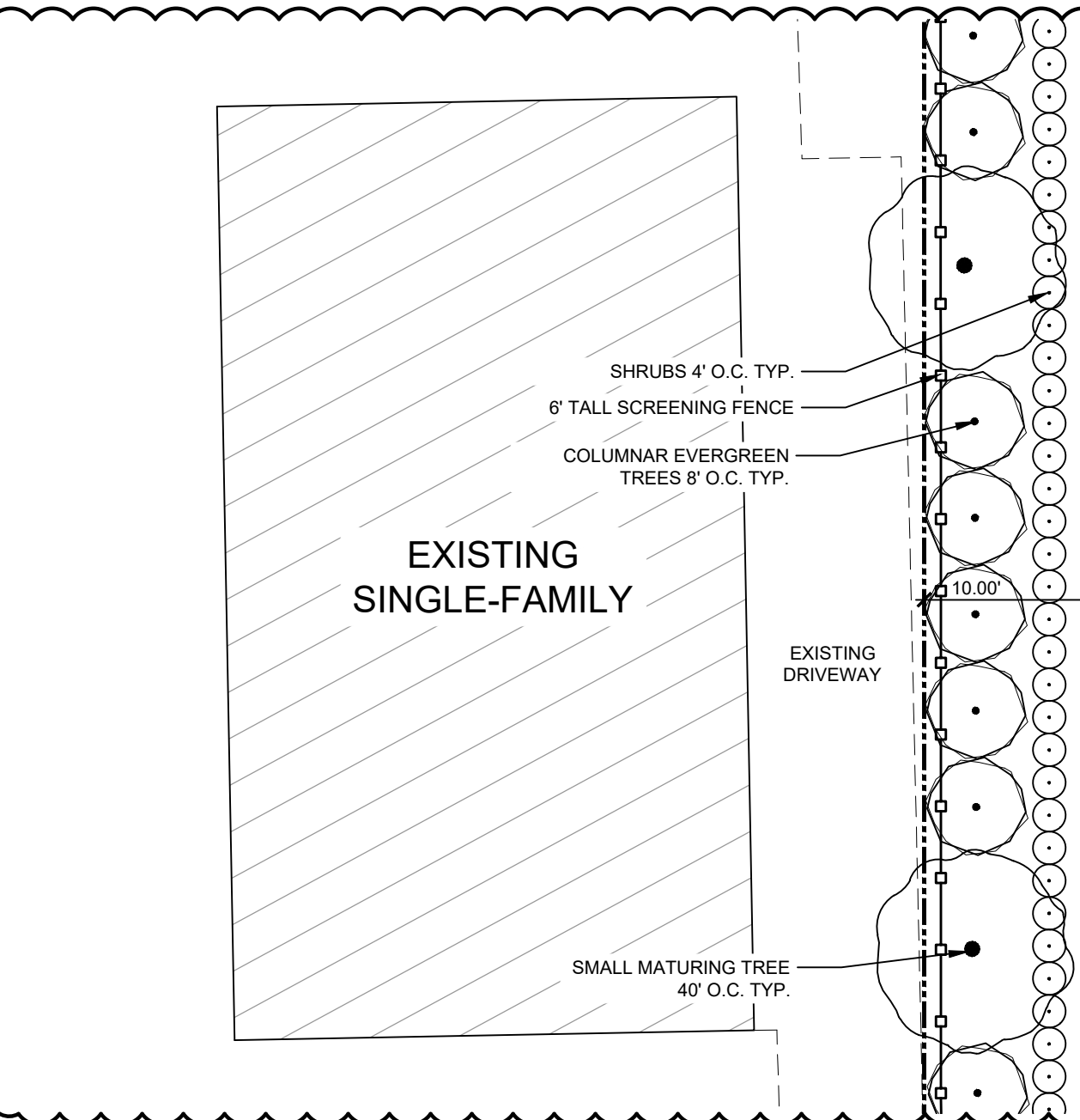
SCALE: $\frac{1}{16}$ " = 1'-0"

PLAN ENLARGEMENT B



SECTION D - WAVERLY AVE SITE

SCALE: $\frac{1}{16}$ " = 1'-0"



PLAN ENLARGEMENT A - KENILWORTH AVE SITE

SCALE: 1" = 10'

PROPOSED RESIDENTIAL

EXISTING SINGLE-FAMILY DUPLEX

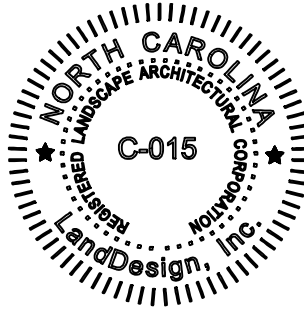
PROPOSED RESIDENTIAL

PLAN ENLARGEMENT B - WAVERLY AVE SITE

SCALE: 1" = 10'

REZONING
PETITION NUMBER:
2018-163

SEAL



PROJECT

KENILWORTH
MULTI-FAMILY

SUNCAP PROPERTY GROUP
CHARLOTTE, NC

REZONING PETITION NUMBER:
2018-163

LANDDESIGN PROJ.#
1018359

REVISION / ISSUANCE

| NO. | DESCRIPTION | DATE |
|-----|---------------|------------|
| 3 | CITY COMMENTS | 03.12.2019 |
| 4 | CITY COMMENTS | 04.22.2019 |
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DESIGNED BY: LD
DRAWN BY: LMC
CHECKED BY: EMP

SCALE NORTH

VERT: N/A
HORZ: N/A

SHEET TITLE

SITE SECTIONS

SHEET NUMBER

RZ-4



VICINITY MAP
NTS

REZONING
PETITION NUMBER:
2018-163

SEAL



PROJECT

KENILWORTH
MULTI-FAMILY

SUNCAP PROPERTY GROUP
CHARLOTTE, NC

REZONING PETITION NUMBER:
2018-163

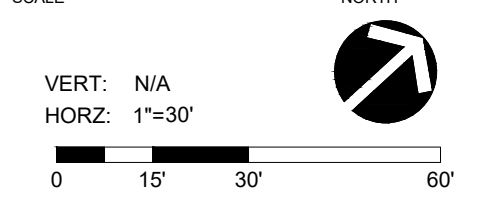
LANDDESIGN PROJ# 1018359

REVISION / ISSUANCE

| NO. | DESCRIPTION | DATE |
|-----|----------------------------|------------|
| 1 | INITIAL REZONING SUBMITTAL | 12.14.2018 |
| 2 | CITY COMMENTS | 02.12.2019 |
| 3 | CITY COMMENTS | 03.12.2019 |
| 4 | CITY COMMENTS | 04.22.2019 |
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DESIGNED BY: LD
DRAWN BY: LMC
CHECKED BY: EMP

SCALE



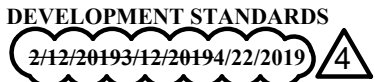
SHEET TITLE

EXISTING SURVEY

SHEET NUMBER

3 RZ-5

SUNCAP PROPERTY GROUP, LLC
REZONING PETITION NO. 2018-163



Development Data Table:

Site Area: +/- 1.752 acres
Tax Parcel(s): 12312521, 12312522, 12312523, 12312524, 12312525, 12312512, 12312513
Existing Zoning: R-22MF and R-8
Proposed Zoning: MUDD(CD) and ~~UR-2R-3(CD)~~
Existing Use: Residential
Proposed Uses: Up to ~~60~~ single-family attached (townhome) units and ~~6550~~ multi-family residential units
Maximum Building Height: ~~45~~ feet (5 stories) in Development Area A and ~~45~~ feet (5 stories) per Ordinance Standards for the R-8 zoning district in Development Area B
Parking: Shall satisfy or exceed Ordinance requirements

I. General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Suncap Property Group, LLC (the "Petitioner") to accommodate the development of a residential community on that approximately 1.752-acre site located on the north-west side of Kenilworth Avenue, north of the intersection with Pierce Street, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 12312521, 12312522, 12312523, 12312524, 12312525, 12312512, and 12312513.
- Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the MUDD and ~~UR-2R-3~~ zoning districts shall govern the development and use of the Site.
- The development and layout depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setbacks, yard, landscaping and tree save requirements set forth on this Rezoning Plan and the Development Standards, provided, however, that any such alterations and modifications shall be minor in nature and not materially change the overall design intent depicted on the Rezoning Plan.
- Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner(s) of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Minor alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

II. Permitted Uses

The Site may be devoted only to a residential community containing a maximum of: (i) ~~thirty-five~~ (550) multi-family residential units in Development Area A, and any incidental and accessory uses relating thereto that are allowed in the MUDD zoning district, and (ii) ~~eighty-six~~ (86) single-family attached (townhome) units in Development Area B, and any incidental and accessory uses relating thereto that are allowed in the ~~UR-2R-3~~ zoning district.

III. Transportation

- Vehicular access will be as generally depicted on the Rezoning Plan. The placements and configurations of the vehicular access points shown on the Rezoning Plan are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval.
- Petitioner shall dedicate all rights-of-way in fee simple conveyance to the City of Charlotte before the Site's first building certificate of occupancy is issued or phased per the Site's development plan.
- Petitioner shall substantially complete all transportation improvements before the Site's first building certificate of occupancy is issued or phased per the Site's development plan.

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

IV. Architectural Standards

- Preferred Exterior Building Materials: All principal and accessory buildings fronting a public street shall be comprised of a minimum of 50% of the following materials on that building's entire façade facing such public street (excluding window and door areas): brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director.
- Prohibited Exterior Building Materials:
 - Vinyl Siding (but not vinyl hand rails, windows, soffits, garages, or door trim); and
 - Concrete masonry units not architecturally finished.
- Driveways intended to serve single units shall be prohibited on Kenilworth Avenue.
- ~~Roof overhangs, eaves, cornices, chimneys, gutters, vents, bay windows, pilasters, pillars, open porches (if provided), and other architectural elements may project up to twenty-four (24) inches into the required setbacks.~~
- ~~Service Area Screening - service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view from public streets and existing single-family homes with materials and design to be compatible with principal structures. Such design shall include a minimum 20% Preferred Exterior Building Materials or a Class B buffer not less than 10' in depth at all above grade perimeter not paved for access.~~
- ~~Within Development Area A (requesting MUDD(CD) zoning district) (multi-family residential), the following additional standards shall apply:~~
 - Multi-family buildings shall contain a minimum transparency of 25% for all upper-level floors. The ground-floor shall contain a minimum transparency of 50% ~~and a minimum of two (2) doors facing Kenilworth Avenue.~~
 - All residential ground floor units ~~(fronting Kenilworth Avenue)~~ will have entrances facing the street, ~~and when within fifteen (15) feet of a street~~ shall be raised a minimum of 12-24". Stoops shall be provided on all public and private streets.
 - Sidewalk extensions shall be provided between all street trees on all public and private network required streets when parking is adjacent.
 - Building Massing and Height shall be designed to break up long monolithic building forms as follows:
 - Buildings exceeding 120 feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of one (1) foot extending through at least a full floor.
 - Architectural Elevation Design - elevations shall be designed to create visual interest as follows:
 - Building elevations shall be designed with vertical bays or articulated architectural facade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors;
 - Buildings shall be designed with recognizable architectural base on all facades facing network required public or private streets. Such base may be executed through the use of Preferred Exterior Building Materials or articulated architectural facade features and color changes; and
 - Building elevations facing network required public or private streets shall not have expanses of blank walls greater than 20' in all directions and architectural features such as but not limited to banding, modulations or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
 - Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:
 - Buildings shall be placed so as to present a front or side facade to all network required streets (public or private);
 - Buildings shall front a minimum of 70% of the total network required street frontage on the site (exclusive of driveways, pedestrian access points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities); and
 - Parking lots shall not be located between any building and any network required public or private street.
 - Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:
 - The Petitioner shall provide notched corners with a minimum dimension of twelve (12) feet by twelve (12) feet at the top of the building in the areas as generally depicted on the Rezoning Plan.
 - Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets;
 - Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street; and
 - For pitched roofs, the minimum allowed pitch is 4:12, excluding buildings with a flat roof and parapet walls.
 - ~~Within Development Area B (requesting UR-2R-3(CD) zoning district) (single-family attached residential/townhomes), the following additional standards shall apply:~~
 - Pitched roofs, if provided, shall be symmetrically sloped of no less than 5:12, with the exception of flat roof accents, roofs for porches, attached sheds, or parapets, which may be no less than 2:12, unless a flat roof architectural style is employed.
 - Usable porches or stoops shall form a predominant feature of the building design and be located on the front and/or side of the building, where feasible based on Site grading. Usable front porches shall be covered and be at least six (6) feet deep. Stoops and covered porches may be covered but shall not be enclosed.
 - For all corner end units that lack a public or private street, Waverly Avenue, stoops shall face the public realm and corner units will have enhanced side elevations with a front stoop where feasible. Roof overhangs, eaves, cornices, chimneys, gutters, vents, bay windows, pilasters, pillars, open porches (if provided), and other architectural elements may project up to twenty-four (24) inches into the required setbacks.
 - Side elevations facing Waverly Avenue shall not contain blank wall expanses greater than ten (10) feet on all building levels.
 - Enhancements to side elevations may include, but shall not be limited to, usable doors, decorative lighting/scones, architectural details or protrusions, transom windows, awnings, and/or stairs.
 - Townhome buildings shall have a minimum transparency of 30% on all upper level stories.
 - Attached dwelling units shall be limited to a maximum of ~~four~~ (64) townhome units per building.
 - To provide privacy, all residential entrances within fifteen (15) feet of the sidewalk must be raised from the average sidewalk grade a minimum of twenty-four (24) inches.
 - Garage doors visible from public or private streets shall minimize the visual impact by providing a setback of twelve (12) to twenty-four (24) inches from the front wall plane and additional architectural treatments such as translucent windows or projecting elements over the garage door opening.
 - Walkways shall be provided to connect all residential entrances to sidewalks along public and private streets.

V. Environmental Features, Streetscape & Landscaping

- The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance. The location, size, and type of stormwater management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
- Development within the PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance.
- The Petitioner shall comply with tree save requirements in the area as generally depicted on the Rezoning Plan.
- The Petitioner shall construct an eight (8) foot planting strip and eight (8) foot sidewalk along all public and private streets.
- In the central open space and amenity area adjacent to Kenilworth Avenue, the Petitioner shall provide enhanced landscaping and/or a series of planters or low walls to break up the building massing at the base.

VI. Lighting

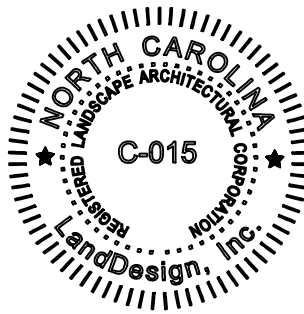
- All freestanding lighting fixtures installed on the Site (excluding lower, decorative lighting that may be installed along the driveways and sidewalks as landscaping lighting) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
- The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed twenty-one (21) feet.
- Any lighting fixtures attached to the buildings to be constructed on the site shall be decorative, capped and downwardly directed.

VII. Binding Effect of the Rezoning Documents and Definitions

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

REZONING
PETITION NUMBER:
2018-163

SEAL



PROJECT

KENILWORTH
MULTI-FAMILY



SUNCAP PROPERTY GROUP

CHARLOTTE, NC

REZONING PETITION NUMBER:
2018-163

LANDDESIGN PROJ# 1018359

REVISION / ISSUANCE

| NO. | DESCRIPTION | DATE |
|---|----------------------------|------------|
| 1 | INITIAL REZONING SUBMITTAL | 12.14.2018 |
|  | CITY COMMENTS | 02.12.2019 |
|  | CITY COMMENTS | 03.12.2019 |
|  | CITY COMMENTS | 04.22.2019 |
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DESIGNED BY: LD
DRAWN BY: LMC
CHECKED BY: EMP

SCALE NORTH

VERT: N/A
HORZ: N/A

SHEET TITLE

DEVELOPMENT NOTES AND
STANDARDS

SHEET NUMBER

 RZ-6



Agenda Date: 6/17/2019

Agenda #: 13. **File #:** 15-11156 **Type:** Zoning Decision

Rezoning Petition: 2018-165 by NRP Properties, LLC

Location: Approximately 16.6 acres located on the west side of Forest Point Boulevard, off of Nations Ford Road, east of I-77. (Council District 3 - Mayfield)

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

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 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: B-2(CD) (General Business, Conditional)
Proposed Zoning: R-17MF(CD) (Multi Family Residential, Conditional)

LOCATION

Approximately 16.6 acres located on the west side of Forest Point Blvd, off Nations Ford Rd, east of I-77.
(Council District 3 - Mayfield)

PETITIONER

NRP Properties, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

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

This petition is found to be inconsistent with the *Southwest District Plan* based on the information from the staff analysis and the public hearing and because:

- The plan recommends office/retail uses as amended by the previous rezoning.

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 is located along Forest Point Boulevard between Nations Ford Road and Arrowood Road. The location is within walking distance of retail uses and employment opportunities; additionally, the site is located on a CATS bus route.
- The proposed residential development is consistent with density standards in the *General Development Policies* and commits to architectural standards and additional landscaping along Forest Point Boulevard that provide compatibility with existing development in the area.
- The proposed development will provide additional housing options within the area.

The approval of this petition will revise the adopted future land use as specified by the *Southwest District Plan*, from office/retail use to residential use less than or equal to 12 dwelling units per acre for the site.

Motion/Second: McClung / Gussman

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

Nays: None

Absent: Ham
Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan but meets the *General Development Policy* criteria for residential density up to 12 DUA.

Staff also noted the changes made since the hearing including the addition of trees planted behind the sidewalk in locations specified on the site plan, sidewalk extending to Arrowood Road and a north bound left turn lane into the site.

A petitioner asked about the future I-77 widening and sound walls. CDOT staff explained that during the planning and design of the widening project the state will perform an impact study to determine locations of needed sound walls. CDOT also noted that the petition includes right-of-way dedication for the future widening.

Another commissioner asked what the land use recommendation for the site was prior to previously approved rezoning. Planning staff stated they weren't sure but the proposal did meet the residential density criteria in the *General Development Policies*.

There was no further discussion of this petition.

PLANNER

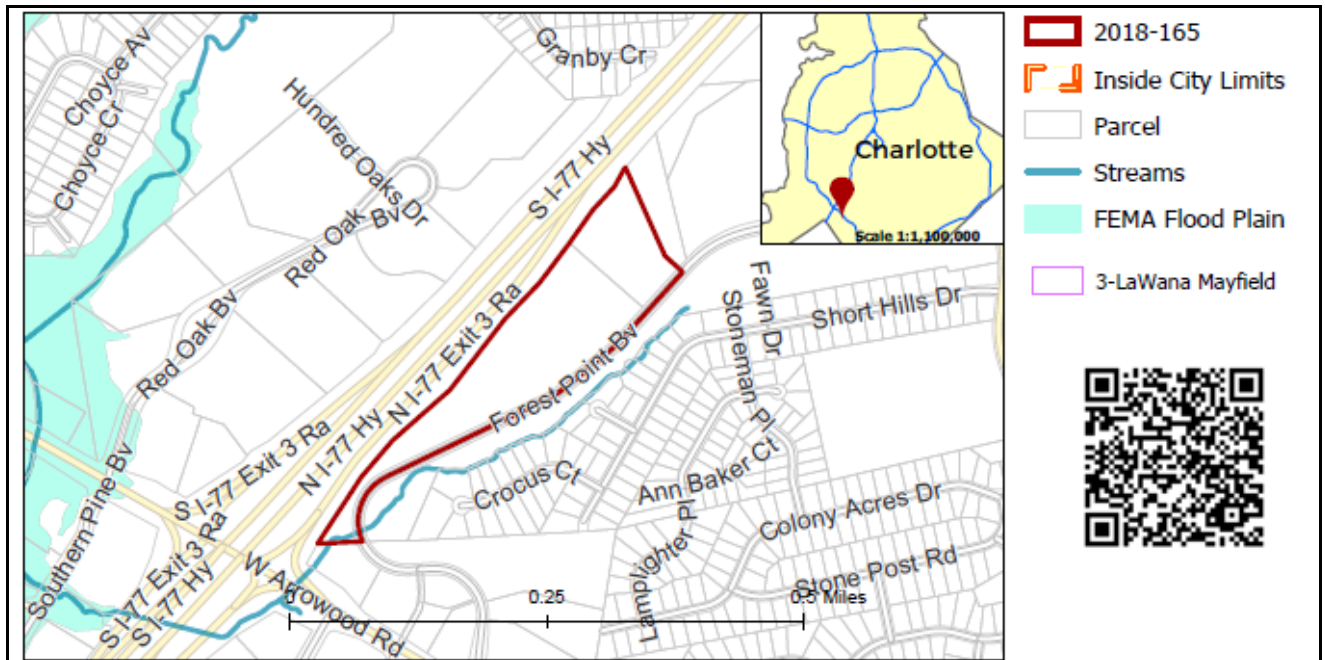
John Kinley (704) 336-8311

REQUEST

Current Zoning: B-2(CD) (General Business, Conditional)
Proposed Zoning: R-17MF(CD) (Multi Family Residential, Conditional)

LOCATION

Approximately 16.6 acres located on the west side of Forest Point Blvd, off Nations Ford Rd, east of I-77.
(Council District 3 - Mayfield)



SUMMARY OF PETITION

The petition proposes to allow development of up to 200 rent restricted, multi-family dwellings at a density of 12 units per acre, in south Charlotte near the interchange of Arrowood Road and I-77.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Faison Nesbitt Arrowood Venture
NRP Properties, LLC
John Carmichael, Robinson Bradshaw

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 11.

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is inconsistent with the *Southwest District Plan* recommendation for office/retail as amended by the previously approved rezoning.

Rationale for Recommendation

- The site is located along Forest Point Boulevard between Nations Ford Road and Arrowood Road. The location is within walking distance of retail uses and employment opportunities; additionally, the site is located on a CATS bus route.
- The proposed residential development is consistent with density standards in the *General Development Policies* and commits to architectural standards and additional landscaping along Forest

Point Boulevard that provide compatibility with existing development in the area.

- The proposed development will provide additional housing options within the area.

The approval of this petition will revise the adopted future land use as specified by the *Southwest District Plan*, from office/retail use to residential use less than or equal to 12 dwelling units per acre for the site.

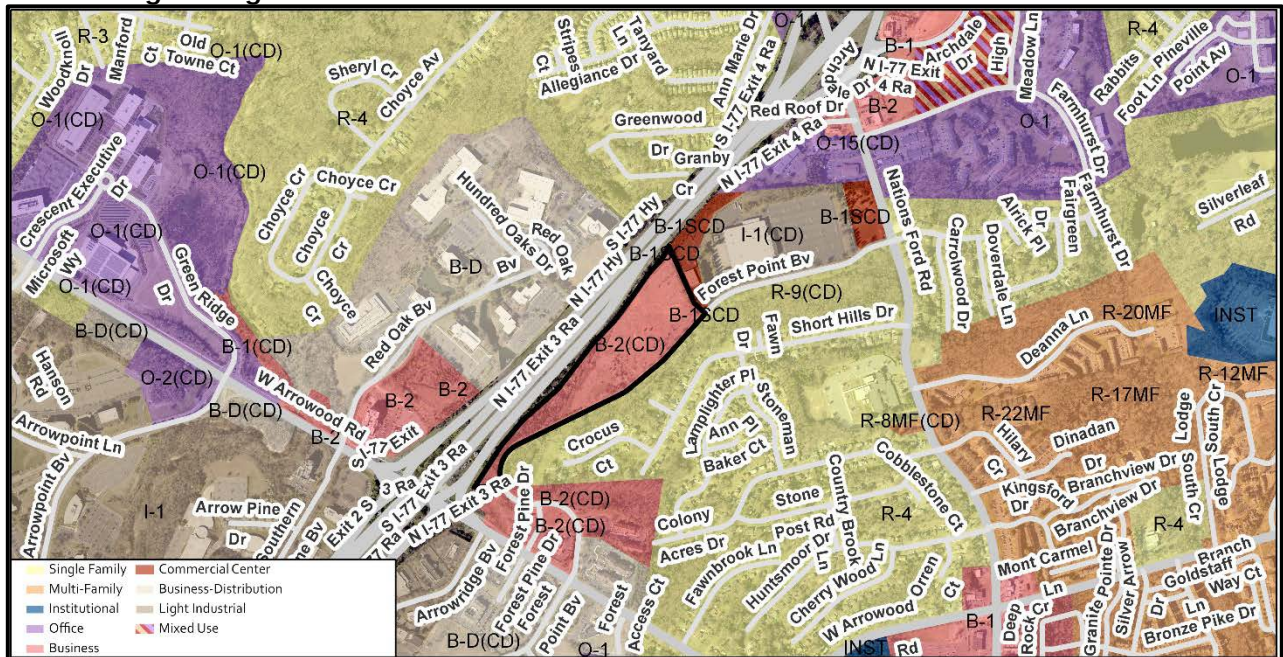
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 200 dwelling units. Specifies that units shall maintain monthly rents that are income restricted to households earning ~~80% or less~~ (on average 60% average) of the area median income for no less than 15 years from the date of certificate of occupancy for the first building constructed.
- Commits to a number of architectural standards including specified building materials, limits on expanses of blank walls, and provisions for façade modulations and roof articulation.
- Specifies that parking will not be located between the buildings and Forest Point Boulevard.
- Commits to installation of additional trees behind the sidewalk along Forest Point Boulevard planted at an offset to street trees.
- Provides the replacement of the existing planting strip and sidewalk along Forest Point Boulevard with an eight-foot wide planting strip and six-foot wide sidewalk.
- Commits to the reservation and dedication of right-of-way for future widening along I-77.
- Installs northbound left turn lane with 150 feet of storage on Forest Point Boulevard into the site subject to CDOT approval.
- Commits to install sidewalk on the west side of Forest Point Boulevard, extending from site to West Arrowwood Road subject to right-of-way and CDOT approval.

• Existing Zoning and Land Use



- The site was previously rezoned to B-2(CD) by petition 2006-135 to allow office, restaurants and hotel uses. There is a mixture of business and industrial zoning north, south and west of the site and single family residential zoning east of the site.



The site is undeveloped. A large Duke Energy easement crosses the rear of the property.



North of the site between I-77 and Forest Point Boulevard are office uses and Operation Christmas Child Processing Center.



East of the site across Forest Point Boulevard and a small tributary are single family homes along Short Hills Drive and Crocus Court.

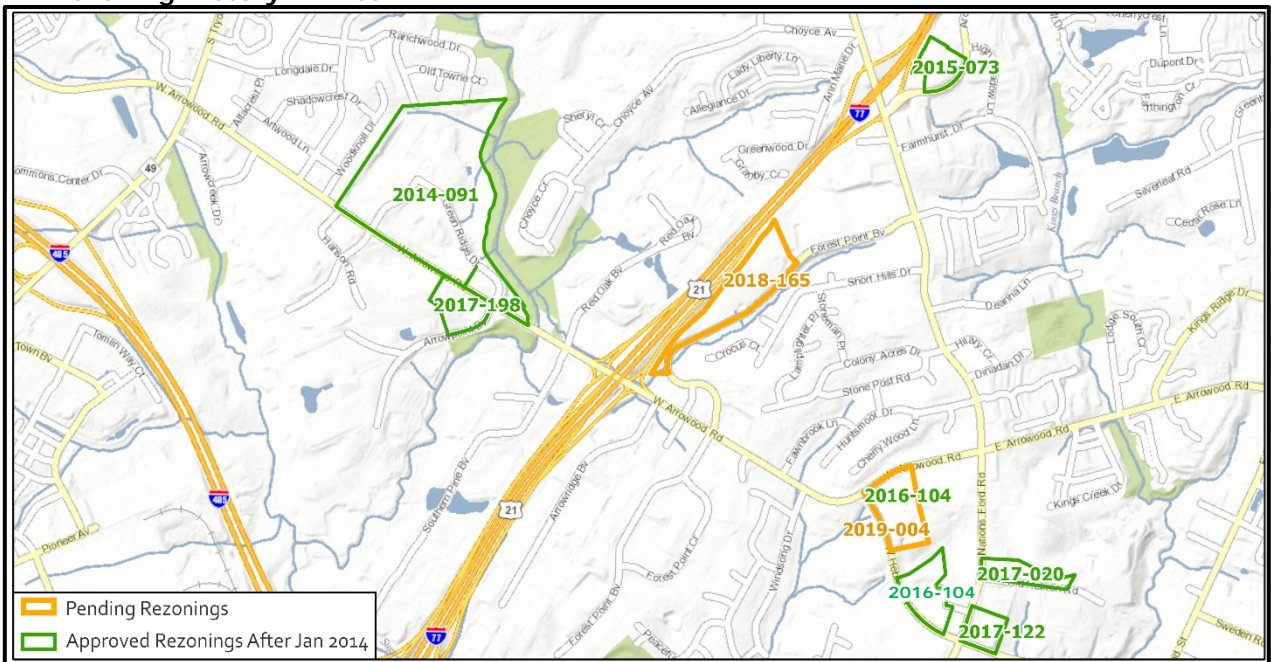


South of the site are properties developed with retail and eating/drinking/entertainment establishments along Arrowood Road.



West of the site is I-77.

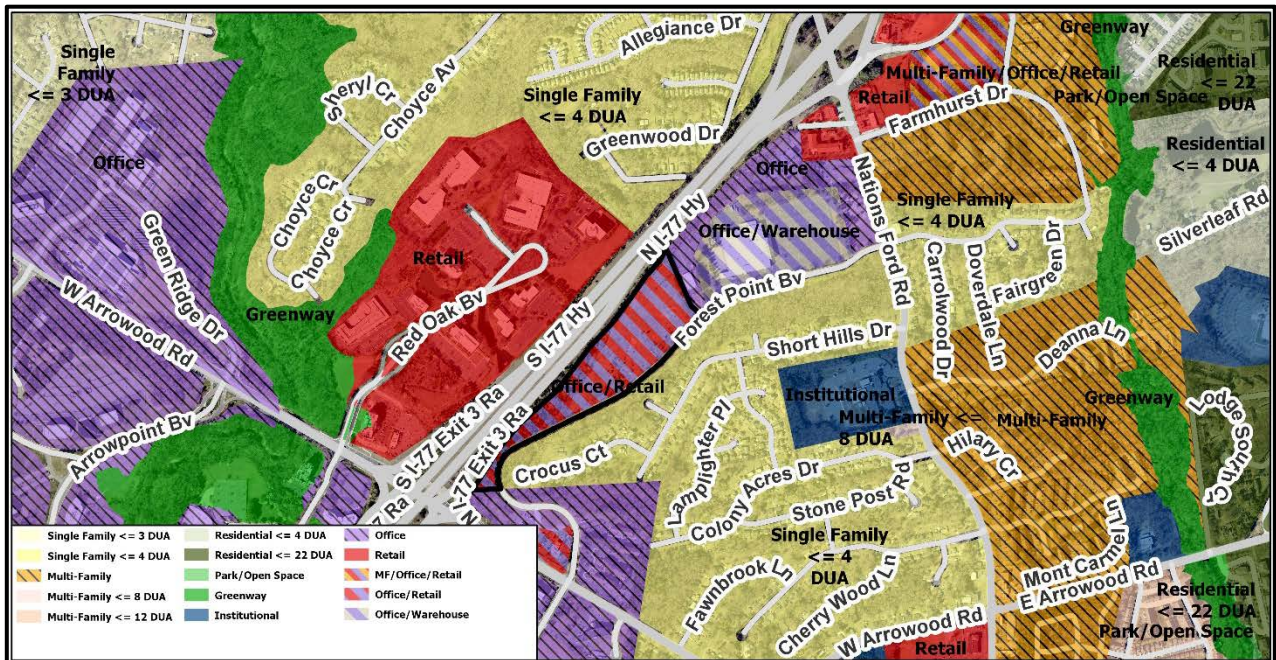
- Rezoning History in Area**



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|----------|--|----------|
| 2014-091 | Rezoned 85.3 acres across I-77, along Arrowood Road west of the site, to O-1(CD) (office) to allow expansion of the office campus on the site. | Approved |
| 2015-073 | Rezoned 5.89 acres on Archdale Drive north of the site to B-1(CD) (neighborhood business) to allow pet services and commercial uses. | Approved |

| | | |
|----------|--|----------|
| 2016-104 | Rezoned 18.7 acres on Arrowood Road and Hebron Street southeast of site to INST (institutional) and O-1 (office) to allow all uses in the districts. | Approved |
| 2017-020 | Rezoned 4.97 acres on Nations Ford Road southeast of site to I-1 (light industrial) to allow all uses in the district. | Approved |
| 2017-122 | Rezoned 4.42 acres on Nations Ford Road southeast of site to I-1 (light industrial) to allow all uses in the district. | Approved |
| 2017-198 | Rezoned 5.75 acres across I-77, along Arrowood Road west of site, to O-2(CD) (office) to allow an extended stay hotel. | Approved |
| 2019-004 | Proposed rezoning for 10.54 acres at corner of Arrowood Road and Hebron Street, southeast of the site from INST (institutional) to R-22MF (multi-family) | Pending |

• **Public Plans and Policies**



- The *Southwest District Plan* (1991) recommends office/retail as amended by rezoning petition 2006-135.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of up to 12 dwellings per acre as illustrated in the table below.

| Assessment Criteria | Density Category – up to 12 dua |
|------------------------------------|---------------------------------|
| Meeting with Staff | 1 |
| Sewer and Water Availability | 2 |
| Land Use Accessibility | 2 |
| Connectivity Analysis | 3 |
| Road Network Evaluation | 0 |
| Design Guidelines | 4 |
| Other Opportunities or Constraints | NA |
| Minimum Points Needed: 12 | Total Points: 12 |

• **TRANSPORTATION CONSIDERATIONS**

- The site is located on a major collector. The site plan commits to streetscape improvements along the site frontage in the form of 8-foot planting strip and 6-foot sidewalk. The site plan also commits to extending sidewalk on Forest Point Boulevard where none exists and connecting to West Arrowood Road.
- See Outstanding Issues, Note 3.

- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 2,220 trips per day (based on office, fast food EDEE and motel).

Proposed Zoning: 1,470 trips per day (based on 200 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:** No comments submitted.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Forest Point Boulevard. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Forest Point Boulevard.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

- ~~1. Amend note 5B on the site plan to specify that the additional trees will be planted at an offset from the street trees.~~ Addressed
- ~~2. Amend the site plan to show the area behind the sidewalk from the northernmost property line to the Duke easement where the additional trees will be provided.~~ Addressed

Transportation

- ~~3. Coordinate with CDOT staff to revise the site plan and conditional note to commit to pedestrian improvements for the intersection of Forest Point Boulevard and West Arrowood Road. Improvements would mitigate additional pedestrian traffic generated by the development.~~ Addressed

REQUESTED TECHNICAL REVISIONS

Site and Building Design

- ~~4. Amend note 2B on the site plan to reflect the stated intent for affordability as reflected on the rezoning application.~~ Addressed
- ~~5. Amend notes 4B3a-c in the Architectural Standards to remove "all network required streets" and replace with Forest Point Boulevard. As currently written the note commitments would also apply to I-77 frontage.~~ Addressed

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

Planner: John Kinley (704) 336-8311



LEGEND

SITE ACCESS

SITE BOUNDARY

DEVELOPMENT AREAS

NEW 8' PLANTING STRIP
AND 6' SIDEWALK

AREA OF ADDITIONAL TREES PLANTED AT
OFFSET TO STREET TREES



SEAL

REZONING PETITION #2018-165

PROJECT

FOREST POINT

THE NRP GROUP LLC
1228 EUCLID AVENUE
CLEVELAND, OH 44115


[illegible]

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

SCALE

NORTH

VERT: N/A
HORZ: 1"=100'



REZONING PLAN

SHEET NUMBER

RZ-1

February 11, 2019
May 24, 2019

- 1.A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by NRP Properties, LLC to accommodate the development of a multi-family residential community on that approximately 16.6 acre site located on the west side of Forest Point Boulevard, north of the intersection of Forest Point Boulevard and West Arrowwood Road, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Nos. 167-193-05 and 167-193-13.
- 1.B. The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). The regulations established under the Ordinance for the R-17 MF zoning district shall govern the development and use of the Site.
- 1.C. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard and landscaping requirements set forth on this Rezoning Plan and the development standards, provided, however, that any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan. Alterations and modifications shall be in accordance with Section 6.207 of the Ordinance.
- 1.D. All principal buildings and accessory structures developed on the Site must be located within the building/parking envelope depicted on the Rezoning Plan. Parking areas may be located within the building/parking envelope and the parking envelope depicted on the Rezoning Plan.
- 1.E. This Rezoning Plan does not limit the number of principal buildings, accessory structures and parking areas that may be located on the Site. The number of principal buildings, accessory structures and parking areas that may be located on the Site shall be governed by the applicable provisions of the Ordinance.
- 1.F. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

2.A. The Site may only be devoted to a multi-family residential community containing a maximum of 200 dwelling units and to any incidental and accessory uses relating thereto that are allowed in the R-17 MF zoning district. Customary incidental and accessory uses may include, without limitation, a leasing and management office and amenities for the residents.

2.B. The dwelling units constructed on the Site shall maintain monthly rents that are income restricted to households earning 80% or less of the average 60% of the area median income for a period of not less than 15 years from the date of the issuance of the first certificate of occupancy for the first a new building to be constructed on the Site.

- 3.A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by the Charlotte Department of Transportation ("CDOT").
- 3.B. The alignments of the internal driveways and vehicular circulation areas 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 applicable publicability standards.
- 3.C. Petitioner shall reserve for future right of way for the future widening of North Interstate 77 to be constructed by others (and not Petitioner) that portion of the Site located along the northern boundary line of the Site that is more particularly depicted on the Rezoning Plan (the "Future Right of Way"). The Future Right of Way shall be dedicated and conveyed to the City or to NCDOT by Petitioner upon the request of the City or NCDOT when the future widening of North Interstate 77 is to be constructed by others.

Boulevard at the northernmost vehicular access into the Site as generally depicted on the Rezoning Plan. In the event that Petitioner cannot obtain all approvals and permits required to construct this northbound left turn lane, then Petitioner shall have no obligation to construct this northbound left turn lane.

3.E.

4.A. The maximum height of any building constructed on the Site in stories shall be 4 stories.

4.B. The architectural and design standards set out below shall apply to any building constructed on the Site.

4.B.1. Preferred Exterior Building Materials: All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 30% of that building's entire facade facing such network street using brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director.

4.B.2. Prohibited Exterior Building Materials:

4.B.2.a. Vinyl siding (but not vinyl hand rails, windows, soffits, doors or door trim).

4.B.2.b. Concrete masonry units not architecturally finished.

4.B.3. Building Placement and Site Design shall focus on and enhance the pedestrian

environment through the following:

4.B.3.a. Buildings shall be placed so as to present a front or side facade to all network required streets (public or private) Forest Point Boulevard

4.B.3.b. Buildings shall front a minimum of 60% of the total network required. Forest Point Boulevard street frontage on north of the southernmost vehicular access point into the Site (exclusive of driveways, pedestrian access points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities).

4.B.3.c. Parking lots shall not be located between any building and any network required public or private street (Forest Point Boulevard).

4.B.3.d. Driveways intended to serve single units shall be pr

streets.

4.B.4. Building Massing and Height shall be designed to break up long monolithic building forms as follows:

4.B.4.a. Buildings exceeding 120 feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 6 feet extending through the building.

4.B.5. Architectural Elevation Design - building elevations shall be designed to create visual interest as follows:

4.B.5.a. Building elevations shall be designed with vertical bays or articulated architectural facade features which may include, but not be limited to, a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.

4.B.5.b. Buildings shall be designed with a recognizable architectural base on all facades facing network required public or private streets. Such base may be executed through use of the Preferred Exterior Building Materials or articulated architectural facade features and color changes.

4.B.5.c. Building elevations facing network required public or private streets shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as, but not limited to, banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

4.B.6. Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:

4.B.6.a. Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include, but not be limited to, gables, hips, dormers or parapets.

4.B.6.b. For pitched roofs, the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls.

4.B.6.c. Roof top HVAC and related mechanical equipment will be screened from public view.

view at grade from the nearest street.

4.B.7. Service Area Screening - services areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures. Such design shall include a minimum 20 percent Preferred Exterior Building Materials or a Class B buffer not less than 10 feet in depth at all above grade perimeter not paved for access.

4.B.8. Sidewalk extensions shall be provided between all street trees on all public and private network required streets when on-street parking is adjacent.

5.A. Petitioner shall replace the existing planting strip and the existing sidewalk located along the Site's frontage on Forest Point Boulevard with a new minimum 8 foot wide planting strip and a new minimum 6 foot wide sidewalk as generally depicted on the Rezoning Plan.

Notwithstanding the foregoing, the new width of the planting strip and the new width of the sidewalk may be reduced as required where the sidewalk will tie into any existing sidewalk located on Forest Point Boulevard at the Site's boundary lines. The 6 foot wide sidewalk or portions thereof may be located in a sidewalk utility easement. Additionally, in those locations where existing topography of the Site and/or other Site conditions render the installation of an 8 foot wide planting strip impracticable, Petitioner will work with CDOT during the permitting process to determine the width of the planting strip.

5.B. Petitioner will install additional trees on the Site behind the sidewalk to be located along the Site's frontage on Forest Point Boulevard as generally depicted on the Rezoning Plan. These additional trees will be planted at an offset from the street trees.

5.C. Subject to the approval of CDOT and any other applicable governmental agencies and the availability of existing right of way to accommodate such improvements, Petitioner shall construct a sidewalk on the western and southern side (the Site side) of Forest Point Boulevard from the southern boundary line of the Site to the intersection of Forest Point Boulevard and West Arrowood Road in those locations where there is not an existing sidewalk. The width of any sidewalk segment installed by Petitioner shall be 5 feet, and Petitioner shall install a planting strip where there is sufficient right of way to do so and it is otherwise feasible. Petitioner shall not be required to install street trees in any planting strip it constructs. In the event that Petitioner cannot obtain all approvals and permits required to install a sidewalk segment or if there is not existing right of way to accommodate a sidewalk segment, then Petitioner shall have no obligation to install such sidewalk segment.

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

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

7.A. If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

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

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



Agenda Date: 6/17/2019

Agenda #: 14. **File #:** 15-11157 **Type:** Zoning Decision

Rezoning Petition: 2019-001 by The 6125 Company, LLC

Location: Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road. (Council District 3 - Mayfield)

Current Zoning: MUDD(O) (mixed use development, optional) with five-year vested rights

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 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) with five-year vested rights
Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)

LOCATION

Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road.
(Council District 3 - Mayfield)

PETITIONER

The 6125 Company, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

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

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

- The plan recommends office and retail land uses as amended by rezoning petition 2016-081.

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 subject property is part of a larger multi-use development located at the Interchange of I-77 and Tyvola Road and developed with a range of commercial uses, including three hotels, an office, and a financial institution.
- A prior rezoning prohibited automobile oriented uses such as convenience stores with gasoline sales and restaurants with drive-through service windows.
- The proposed hotel and associated uses are consistent with the adopted retail and office land uses for this site, and will complement the surrounding hotel, office and residential uses.
- In addition, the site design supports pedestrian activity along Nations Ford Road and Tyvola Glen Circle, by placing the building at the back of sidewalk with parking to the side and rear for good pedestrian access to the neighborhood and other commercial establishments on the larger site.
- The proposal also provides for a number of improvements at the intersection of Tyvola Road and Nations Ford Road that will enhance pedestrian safety.

Motion/Second: McClung / Watkins
Yeas: Fryday, Gussman, McClung, McMillan, Samuel,
and Watkins
Nays: None
Absent: Ham
Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition, noting the remaining outstanding issue (Fire Department) would be addressed during the permitting process. Staff stated that the request is consistent with the adopted plan. A commissioner asked about the petitioner utilizing stories versus feet to measure building height. Staff responded that it was the preference of the petitioner to use number of stories. Staff further noted that the new TOD text amendment utilizes feet.

There was no further discussion of this petition.

PLANNER

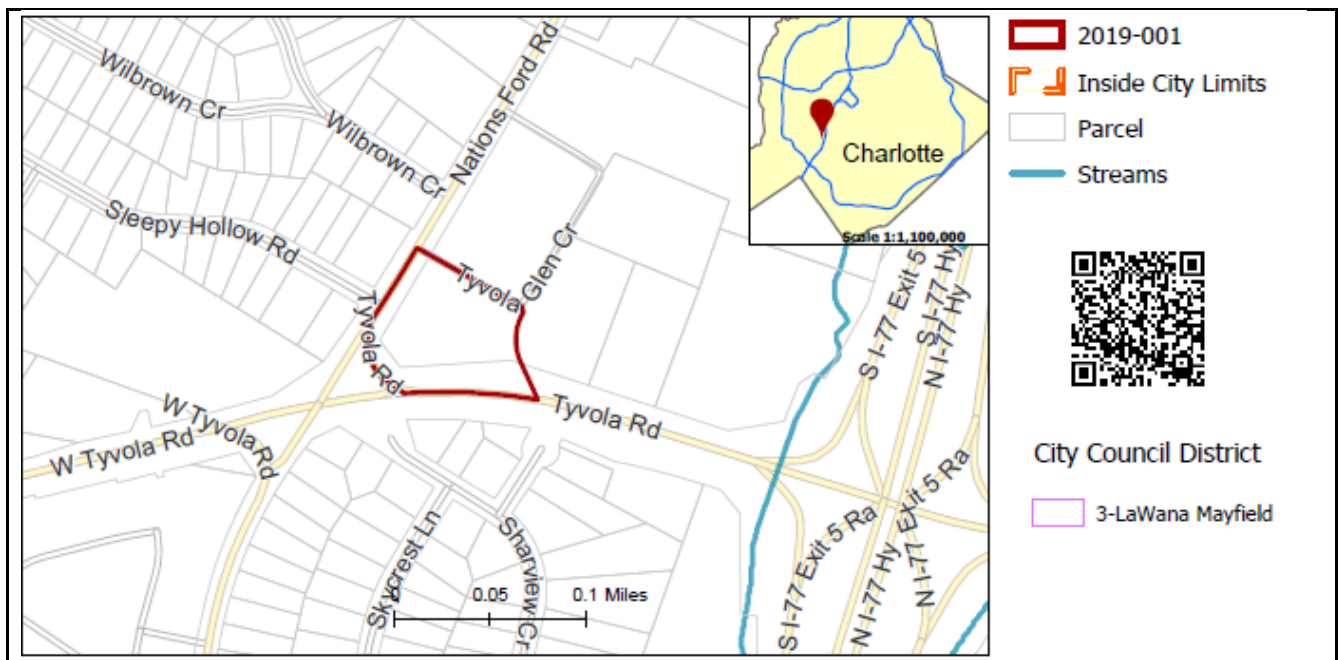
Claire Lyte-Graham (704) 336-3782

REQUEST

Current Zoning: MUDD-O (mixed use development, optional) with five-year vested rights
Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)

LOCATION

Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road.
(Council District 3 - Mayfield)



SUMMARY OF PETITION

The petition proposes to allow a hotel on a vacant parcel generally located north of Tyvola Road between Nations Ford Road and Interstate 77.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

The 6125 Company, LLC
The 6125 Company, LLC
John Carmichael

COMMUNITY MEETING

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 hotel use is consistent with the retail and office land uses recommended for this site in the *Southwest District Plan*, as amended by rezoning petition 2016-081.

Rationale for Recommendation

- The subject property is part of a larger multi-use development located at the Interchange of I-77 and Tyvola Road and developed with a range of commercial uses, including three hotels, an office, and a financial institution.

- A prior rezoning prohibited automobile oriented uses such as convenience stores with gasoline sales and restaurants with drive-through service windows.
- The proposed hotel and associated uses are consistent with the adopted retail and office land uses for this site, and will complement the surrounding hotel, office and residential uses.
- In addition, the site design supports pedestrian activity along Nations Ford Road and Tyvola Glen Circle, by placing the building at the back of sidewalk with parking to the ~~side and~~ rear for good pedestrian access to the neighborhood and other commercial establishments on the larger site.
- The proposal also provides for a number of improvements at the intersection of Tyvola Road and Nations Ford Road that will enhance pedestrian safety.

PLANNING STAFF REVIEW

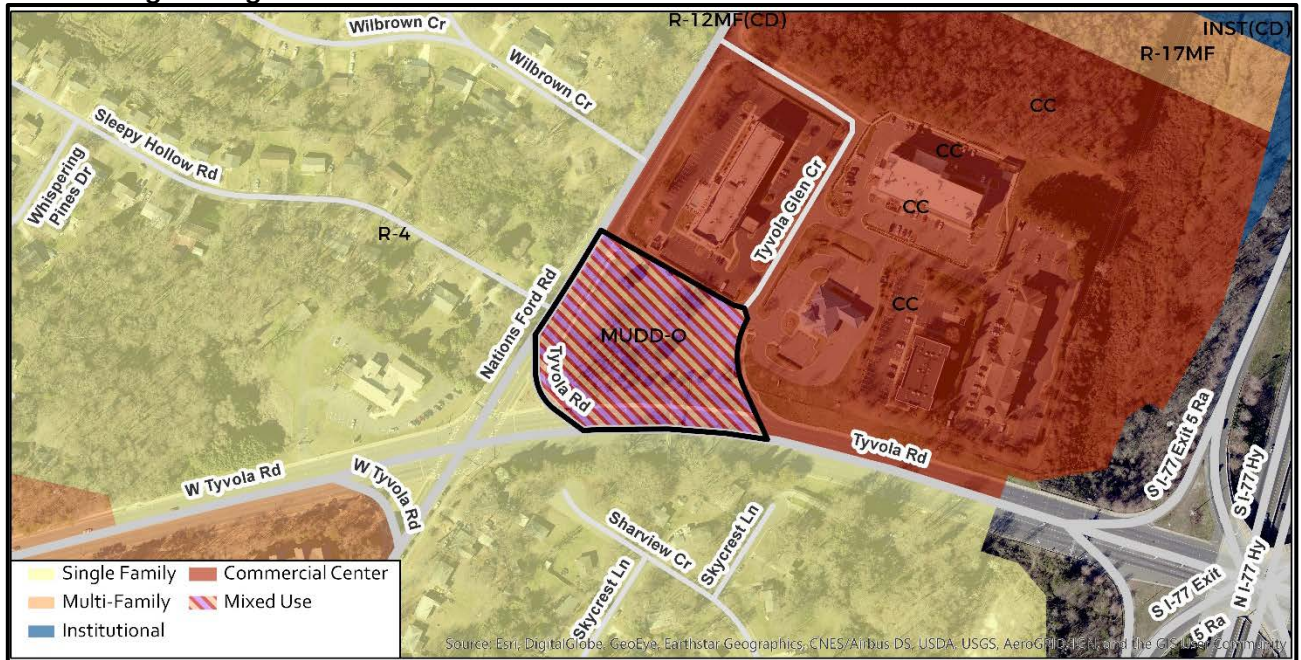
• Proposed Request Details

The site plan amendment contains the following changes:

- Allow a hotel with up to 95 guest rooms, and any incidental or accessory uses associated therewith. (This will replace the current approval via petition 2016-081 for retail and/or eating/drinking/entertainment establishments, office, and climate controlled storage.)
- Limits maximum building height to 4 stories.
- Notes the minimum setback from Tyvola Road and Nations Ford Road will be 14 feet from the back of the existing curb as depicted on the rezoning plan. Indicates the minimum setback from Tyvola Glen Circle and adjacent private drive will be 14 feet from the back of the proposed curb as depicted on the rezoning plan.
- Requests the following optional provisions:
 - Allow parking, vehicular circulation and vehicular maneuvering space to be located between the building to be constructed and the required 14-foot setbacks from Tyvola Road, Tyvola Glen Circle, and the adjacent private drive as depicted on the rezoning plan.
 - Allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is greater.
 - Allow ground mounted monument sign with a maximum height of 6 feet and a maximum sign area of 36 square feet on the site's frontage on Tyvola Road, and a ground mounted monument sign with a maximum height of 6 feet and a maximum sign area of 36 square feet on the site's frontage on Nations Ford Road.
- Commits to the following improvements:
 - Access the site via Tyvola Glen Circle, a private street which connects to Nations Ford Road. ~~and a private drive off Tyvola Road.~~
 - Provide accessible ramp at the southwestern corner of the site.
 - Add 10-foot piano style crosswalk with Yield triangle pavement markings.
 - Add accessible ramps on the pedestrian refuge island.
 - Pedestrian sign noted on the site plan. Final location/details of the pedestrian sign will be established during permit review with coordination with petitioner.
 - Upgrade existing pedestrian refuge island to improve existing ramps, sidewalk and curb.
 - Provide two new accessible ramps at the intersection of the private drive and Tyvola Road.
 - Notes that to the extent that such right-of-way does not already exist, petitioner will, prior to the issuance of the first certificate of occupancy for a building constructed on the site, dedicate and convey to the City of Charlotte or to NCDOT portions of the site located immediately adjacent to Tyvola Road and Nations Ford Road necessary to extend the existing right-of-way for those public streets to that point that is located 2 feet behind the 6 foot wide sidewalk located or to be located along the site's frontages on these public streets where feasible.
- Commits to the following architectural and design standards:
 - Place buildings to present a front or side façade to all streets.
 - Facades fronting streets to include windows and/or operable doors or a combination for a minimum of 60% of each frontage elevation with transparent glass between 2 feet and 10 feet on the first floor.
 - Facades of first/ground floor of the building along streets to incorporate a minimum of 30% masonry materials such as brick or stone.
 - Provide a minimum of two active entrances into the building, with one of the entrances to be located on the building elevation facing Tyvola Glen Drive. Nations Ford Road.
 - Prohibit expanses of blank walls greater than 20 feet.

- Design building elevations with vertical bays or articulated architectural features to 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.
- Multi-story building to have a minimum of 20% transparency on all upper stories.
- Notes that in the event urban open space is required to be provided on the site, it may be located, at the option of the petitioner, within the inner half of the 35-foot landscape area located along the site's frontage on Nations Ford Road.

• **Existing Zoning and Land Use**



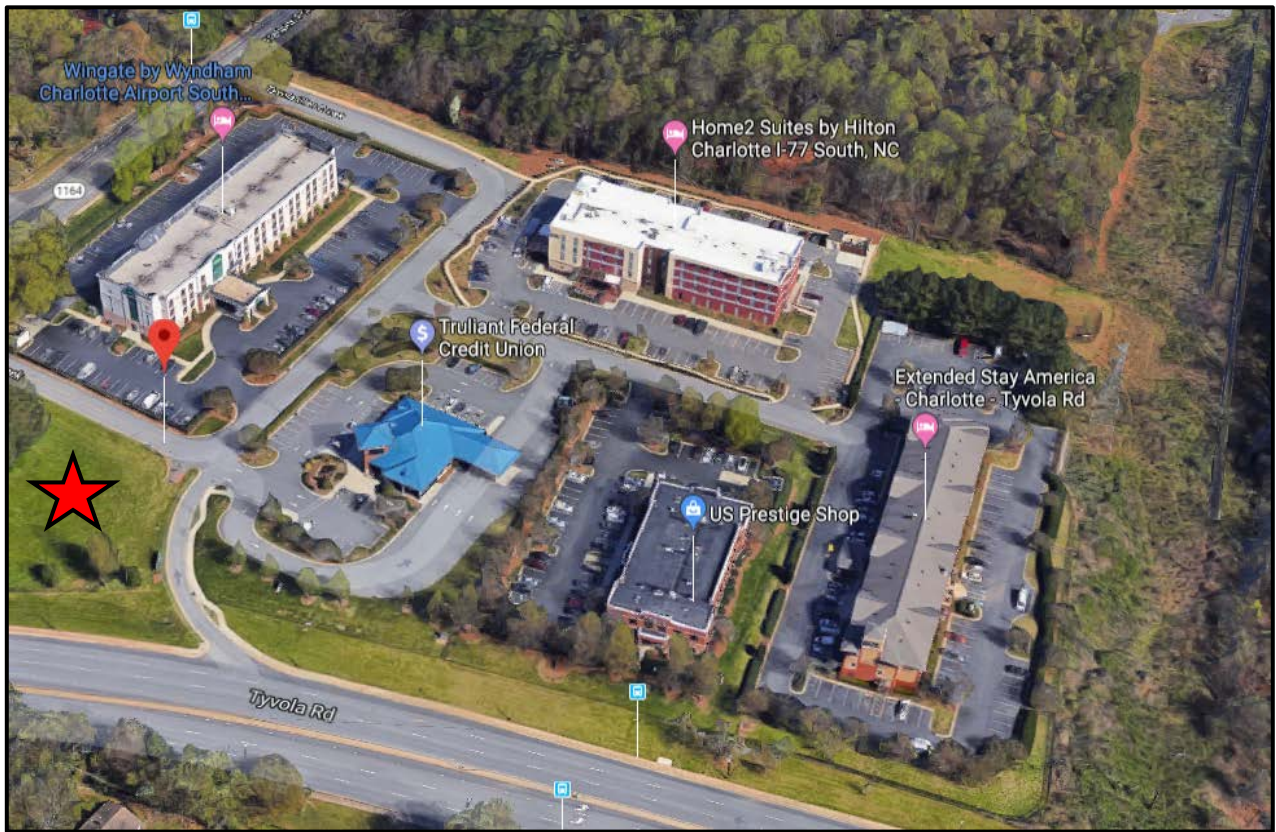
- The subject parcel is currently vacant and surrounded by a mix of hotel, bank, religious facility and residential uses in various zoning districts.
- The rezoning site is part of a larger 22-acre site approved to allow development of 121,000 square feet of office uses and 550 hotel rooms via petition 1988-001 B1SCD (shopping center) site plan amendment. Petition 1997-015 rezoned the same 22 acres to CC (commercial center) to allow for office, retail, institutional, eating/drinking/entertainment establishments and hotel uses.
- Rezoning petition 2017-109 proposed a MUDD-O site plan amendment to allow up to 25,000 square feet of professional business and general office uses on the rezoning site. That petition was withdrawn.
- Approval of petition 2016-081 allowed 10,000 square feet of retail and/or eating/drinking/entertainment establishments, 1,000 square feet of office, and 80,000 square feet of climate controlled storage, for a total 91,000 square feet in a single building.
- A prior rezoning petition 2015-118 proposed to allow an automobile service station, associated convenience store, and another proposed commercial building. The request was denied by City Council on January 19, 2016.
- Rezoning petition 2014-092 proposed an automobile service station and a commercial building. This request was withdrawn in March 2015 prior to the City Council decision.



The subject property is vacant.



The property to the north along Tyvola Glen Creek is developed with a hotel.



The properties to the north and east along Tyvola Road are developed with hotels and retail uses.

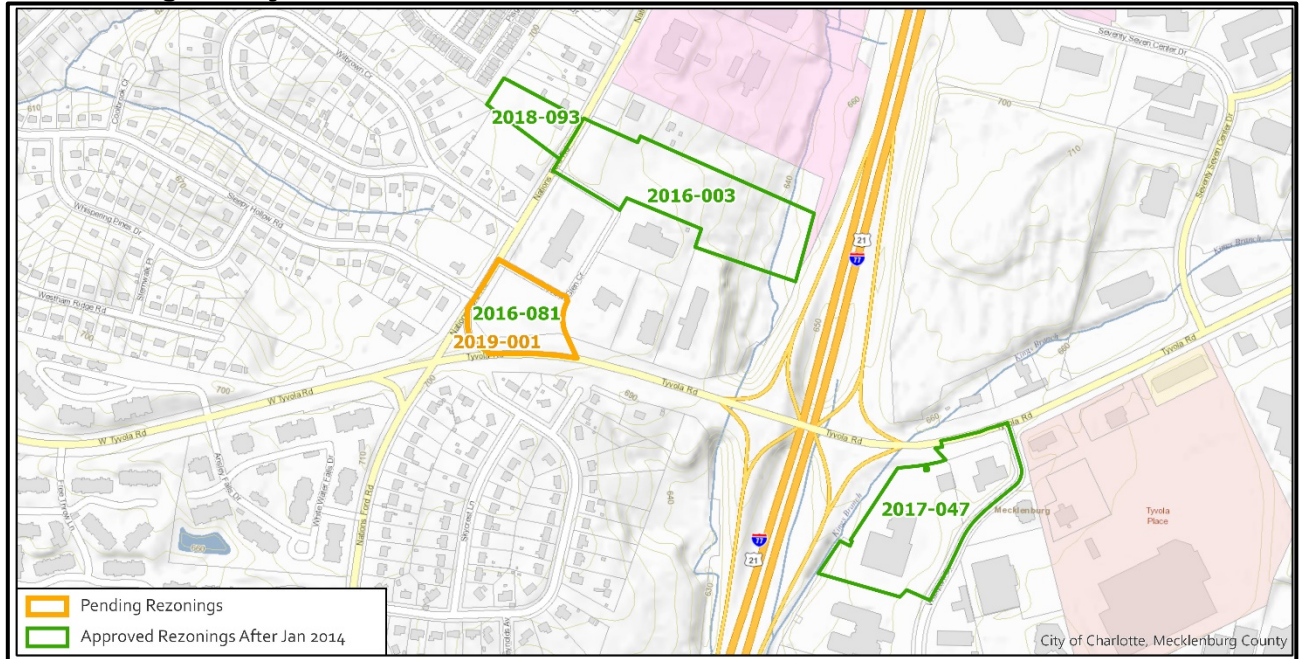


The properties to the south along Sharview Circle are developed with single family homes.



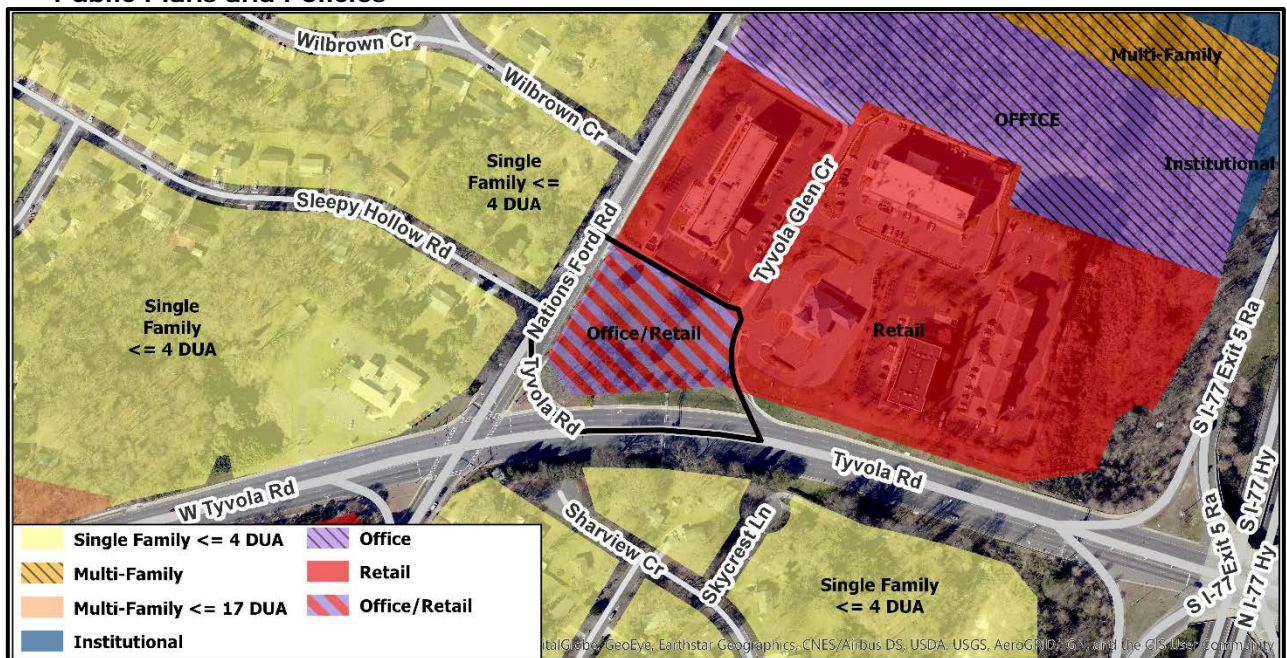
The properties to the west along Nations Ford Road are developed with single-family homes.

- Rezoning History in Area**



| Petition Number | Summary of Petition | Status |
|-----------------|---|----------|
| 2018-093 | Rezoned approximately 1.43 acres to allow a 17-unit townhouse community at a density of 11.89 units per acre. | Approved |
| 2017-047 | Rezoned 6.63 acres to allow all uses in the B-2 (general business) district. | Approved |
| 2016-003 | CC (commercial center) site plan amendment to allow 120-room hotel or 83,000 square feet of office uses. | Approved |

- Public Plans and Policies**



- The *Southwest District Plan* (1991), as amended by rezoning petition 2016-081 recommends a mix of office and retail land uses for this site.

- **TRANSPORTATION CONSIDERATIONS**

- The site is at the signalized intersection of Tyvola Road (major thoroughfare) and Nations Ford Road (minor thoroughfare) and is located in a corridor outside Route 4. CDOT is permitting access from Tyvola Glen Circle to the development. ~~The petitioner will need to remove the driveway access from the one-way Private Drive extension from Tyvola Road.~~
- ~~See Outstanding Issues, Notes 1-2.~~ Addressed
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land).
 - Entitlement: 1,390 trips per day (based on 10,000 square feet retail, 1,000 square feet of retail, 80,000 square feet of mini-storage via petition 2016-081).
 - Proposed Zoning: 790 trips per day (based on 95 rooms).

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:** Fire hydrant within 750' of most remote point of building as truck travels. ~~See Outstanding Issues, Note 3.~~ Addressed
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Tyvola Road and an existing 12-inch water distribution main located along Nations Ford Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Nations Ford 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

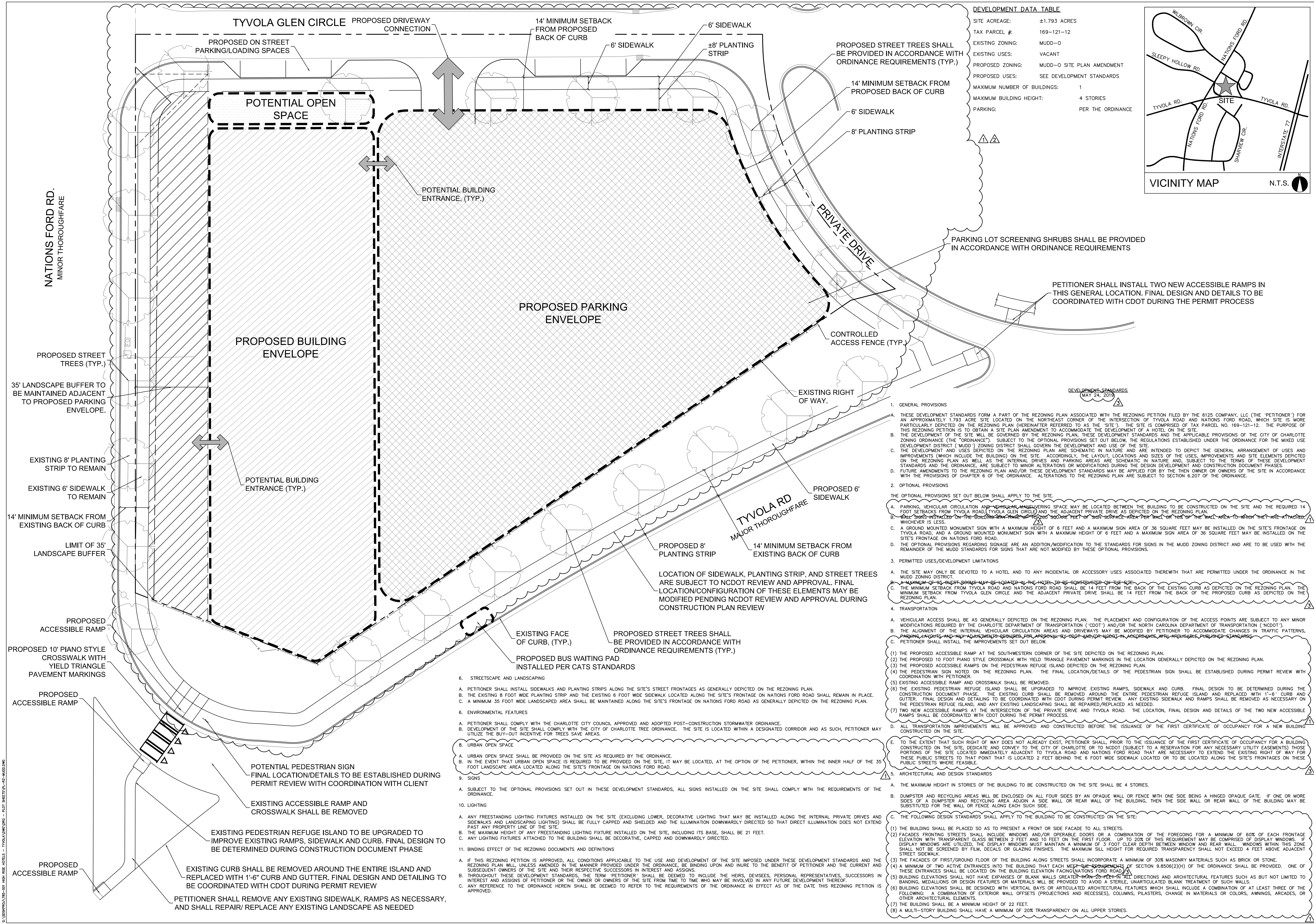
1. ~~The initial site plan did not indicate a driveway connection with a left turn into the development from the one-way Private Drive extension from Tyvola. This access is not permitted. CDOT approves the driveway access from Tyvola Glen Circle.~~ Addressed
2. ~~Revise the site plan to add a note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued. CDOT requests right of way set at two feet behind back of sidewalk where feasible.~~ Addressed

Site and Building Design

3. ~~Install gate per Appendix D section 503.6.~~ Addressed

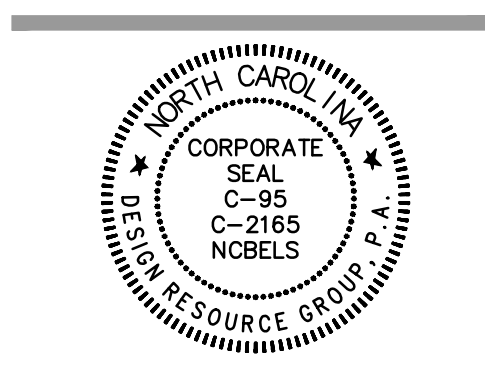
See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

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



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
704.343.0608
www.drgroup.com



REZONING PETITION
FOR PUBLIC HEARING
2019-001

REZONING PLANS

TYVOLA CROSSING
CHARLOTTE, NORTH CAROLINA
HIGH-RISE HOTELS
121 DOZIER BOULEVARD
FLORENCE, SC 29501
843.667.4630

SCHEMATIC
SITE PLAN

10 0 10 20
SCALE: 1" = 20'

PROJECT #: 785-001
DRAWN BY: DK
CHECKED BY: TH

DECEMBER 17, 2018

REVISIONS:
03.11.19 - PER STAFF COMMENTS
05.02.19 - REVISED LAYOUT
05.24.19 - REVISED DEVELOPMENT STANDARDS

RZ1.0



Agenda Date: 6/17/2019

Agenda #: 15.**File #:** 15-11163 **Type:** Zoning Decision

Rezoning Petition: 2019-002 by Laurel Street Residential, LLC

Location: Approximately 1.45 acres located at the corner of East 7th Street and North Alexander Street.
(Council District 1 - Egleston)

Current Zoning: UR-2 (urban residential)

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 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: UR-2 (urban residential)
Proposed Zoning: TOD-CC (transit oriented development – community center)

LOCATION

Approximately 1.45 acres located at the corner of East 7th Street and North Alexander Street.
(Council District 1 - Egleston)

PETITIONER

Laurel Street Residential, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

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

This petition is found to be consistent with the *Charlotte Center City 2020 Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan encourages future development to preserve and enhance the existing Center City neighborhoods. While the vision plan does not make a specific land use recommendation for the site, this proposal is consistent with the intent of the plan.

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 subject site is within ½-mile walk of the 7th Street Station on the LYNX Blue Line.
- The proposal permits a site previously used for two historic homes and church to allow residential transit supportive land uses.
- Use of conventional TOD-CC (transit oriented development – community center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion/Second: Samuel / Gussman

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

Nays: None

Absent: Ham

Recused: None

**ZONING COMMITTEE
DISCUSSION**

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

One Commissioner noted the parking and traffic issues in the area but due to the proximity to the light rail station they did not have an issue with approval.

Another Commissioner had a question about the language included in the recommendation and why it did not reference adopted policy about housing. Staff noted that this is a conventional request and all uses were allowed in the district including residential uses.

There was no further discussion of this petition.

PLANNER

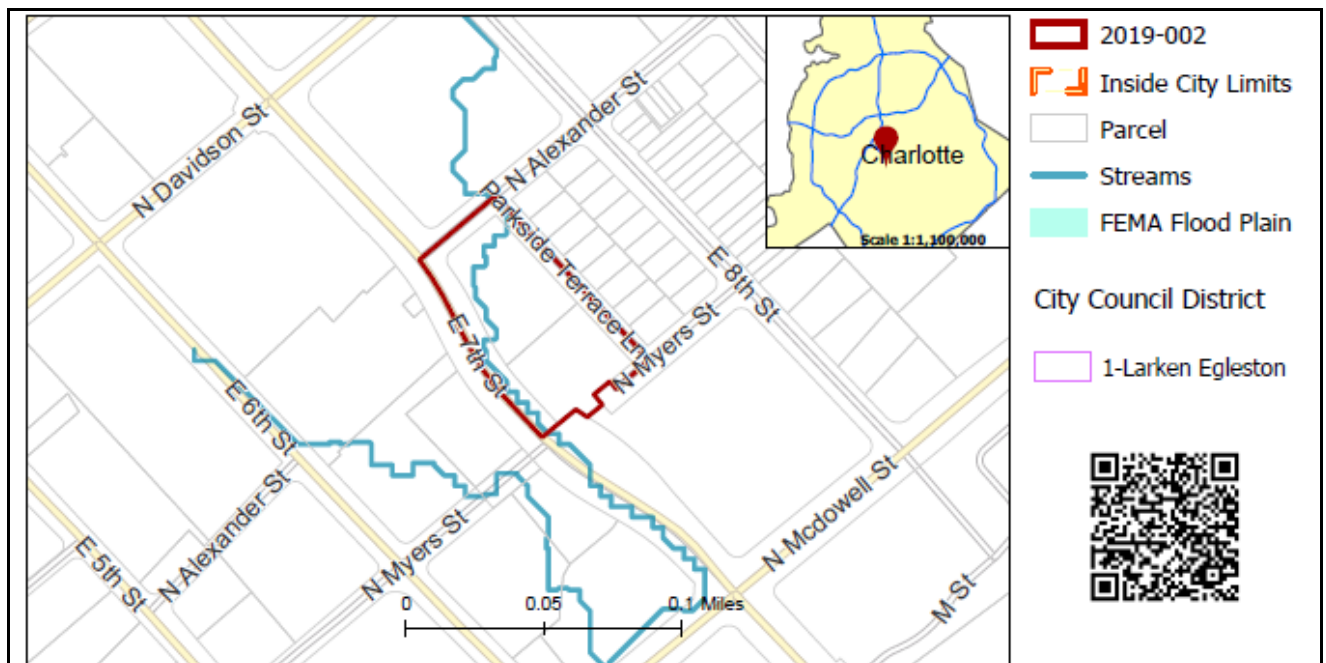
Solomon Fortune (704) 336-8326

REQUEST

Current Zoning: UR-2 (urban residential)
Proposed Zoning: TOD-CC (transit oriented development – community center)

LOCATION

Approximately 1.45 acres located at the corner of East 7th Street and North Alexander Street.
(Council District 1 - Egleston)



SUMMARY OF PETITION

The petition proposes to allow all transit supportive uses per TOD-CC (transit oriented development – community center) zoning for a 1.45-acre site that is within a 1/2 mile walk of the 7th Street Transit Station on the LYNX Blue Line.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

City of Charlotte and Little Rock A.M.E. Zion Church
Laurel Street Residential, LLC
Lee Cochran
Meeting is not required.

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with *Charlotte Center City 2020 Plan* which encourages future development to preserve and enhance the existing Center City neighborhoods. While the vision plan does not make a specific land use recommendation for the site, this proposal is consistent with the intent of the plan.

Rationale for Recommendation

- The subject site is within 1/2-mile walk of the 7th Street Station on the LYNX Blue Line.
- The proposal permits a site previously used for two historic homes and church to allow residential transit supportive land uses.

- Use of conventional TOD-CC (transit oriented development – community center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

PLANNING STAFF REVIEW

• Proposed Request Details

This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-CC (transit oriented development – community center) zoning district. Uses allowed in the TOD-CC district include residential, retail, and civic uses.

• Existing Zoning and Land Use



- The subject property is developed with a historic religious institutional structure, and with two historically designated shotgun houses, previously moved to this site for preservation.



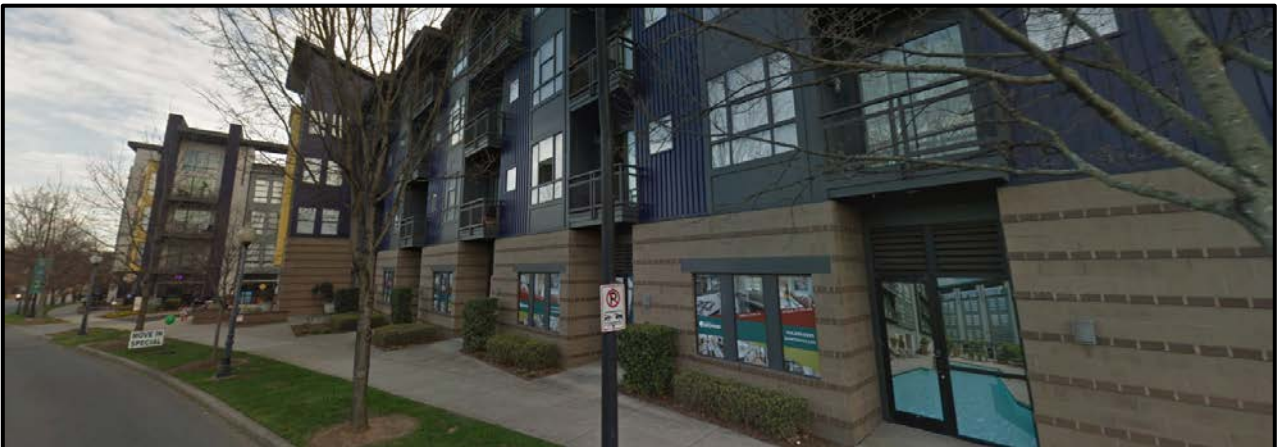
The subject property is developed with a religious institutional structure.



The subject property also includes two historic “shotgun” houses behind the church.



The properties to the northeast along Parkside Terrace Lane are developed with single family homes.



The property to the southwest along East 7th Street is developed with apartments.

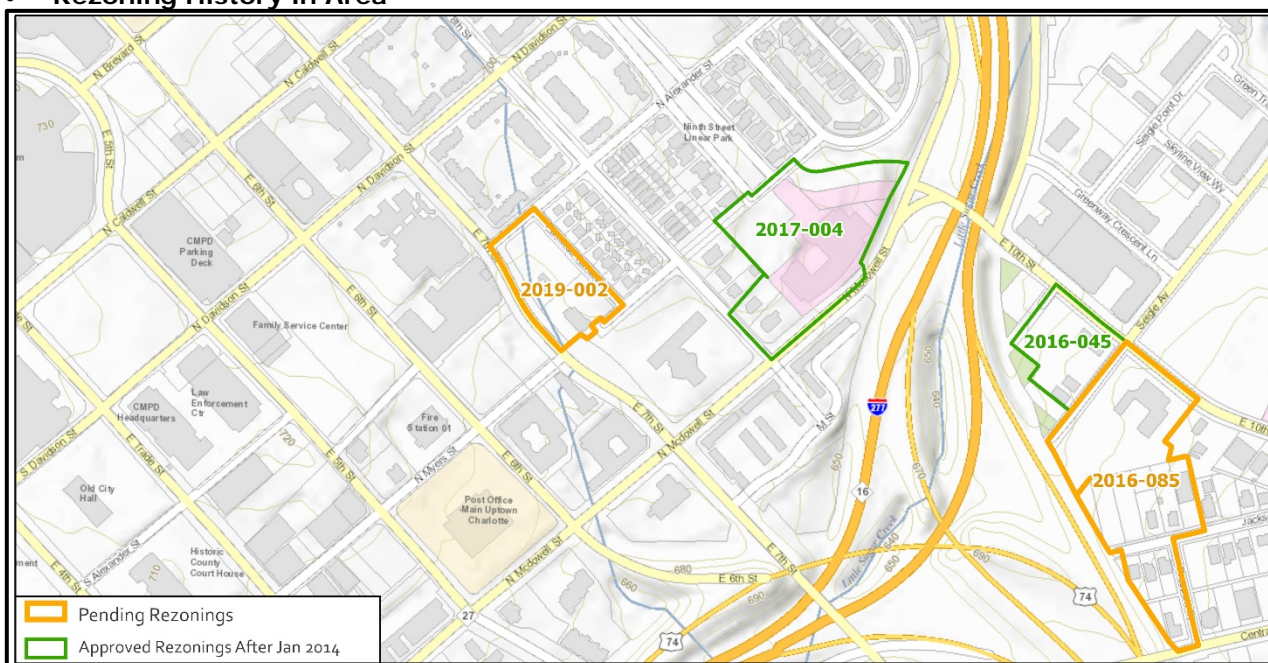


The property to the southeast along North McDowell Street is developed by a religious institution.



The property to the northwest along East 7th Street is developed with apartments.

- Rezoning History in Area**



| Petition Number | Summary of Petition | Status |
|-----------------|---|-----------|
| 2017-004 | Rezoned 6.16 acres to UR-3(CD) (urban residential, conditional) to allow the expansion of Trinity Episcopal School. | Approved |
| 2016-085 | Proposed to rezone 5.02 acres to MUDD-O to allow residential and commercial uses. | Withdrawn |
| 2016-045 | Rezoned 1.37 acres to MUDD-O to allow up to 150,000 square feet for general office, business/retail, eating/drinking/entertainment establishments, breweries, warehousing within an enclosed building for self-storage, and other non-residential uses as permitted in the MUDD (mixed use development) district. | Approved |

• **Public Plans and Policies**



- The *Charlotte Center City 2020 Vision Plan* encourages future development to preserve and enhance the existing Center City neighborhoods.
- **TRANSPORTATION CONSIDERATIONS**
 - The site encompasses a city block in uptown. There are bus stops for CATS Route 17 within 200 feet of the site along 7th Street. There is existing curb and gutter on all street frontages on the site with existing five-foot planting strip and six-foot sidewalk on 7th Street and North Alexander Street. There is existing seven-foot back-of-curb sidewalk on North Myers Street and no sidewalk on Parkside Terrace Lane. CDOT will work with the petitioner during permitting to upgrade the streetscape in accordance with TOD standards.
 - **Vehicle Trip Generation:**
 Current Zoning:
 Existing Use: 50 trips per day (based on 6,840 square feet of institutional uses).
 Entitlement: 330 trips per day (based on 60 dwelling units).
 Proposed Zoning: Too many uses to determine with TOD-CC zoning.

DEPARTMENT COMMENTS (see full department reports online)

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

- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
 - **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing 2-inch water distribution mains located along Parkside Terrace Lane and North Alexander Street, via existing 6-inch water distribution mains located along East 7th Street and North Myers Street and via an existing 12-inch water distribution main located along North Myers Street. Sanitary sewer system infrastructure accessible via an existing 8-inch gravity sewer main located along North Myers Street, via an existing 12-inch gravity sewer main located along East 7th Street and via an existing 15-inch gravity sewer main located along North Alexander Street.
 - **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.
-

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

Planner: Solomon Fortune (704) 336-8326



Agenda Date: 6/17/2019

Agenda #: 16. **File #:** 15-11164 **Type:** Zoning Decision

Rezoning Petition: 2019-003 by Laurel Street Residential, LLC

Location: Approximately 4.03 acres located on the west side of North Tryon Street between University City Boulevard and Brookside Lane. (Council District 4 - Phipps)

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

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 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: I-1 (light industrial) and I-2(CD) (general industrial, conditional)
Proposed Zoning: TOD-CC (transit oriented development, community center)

LOCATION

Approximately 4.03 acres located on the west side of North Tryon Street between University City Boulevard and Brookside Lane.
(Council District 4 - Phipps)

PETITIONER

Laurel Street Residential, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

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

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

- The plan recommends the site for a mix of office and retail development.

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

- The site is located on the transit corridor.
- The site is less than a ½ mile from the University City Boulevard transit station and less than a mile from the McCullough transit station, which will provide appropriate transportation service for residential development.
- As written, TOD-CC is applicable at any site within a ½ mile of a transit station.

The approval of this petition will revise the adopted future land use as specified by the *University City Area Plan*, from office and retail uses to transit supportive uses for the site.

Motion/Second: McClung / Samuel

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

Nays: None

Absent: Ham

Recused: None

**ZONING COMMITTEE
DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan but supported the overall area around transit with transit supportive uses in the TOD district.

There was no further discussion of this petition.

PLANNER

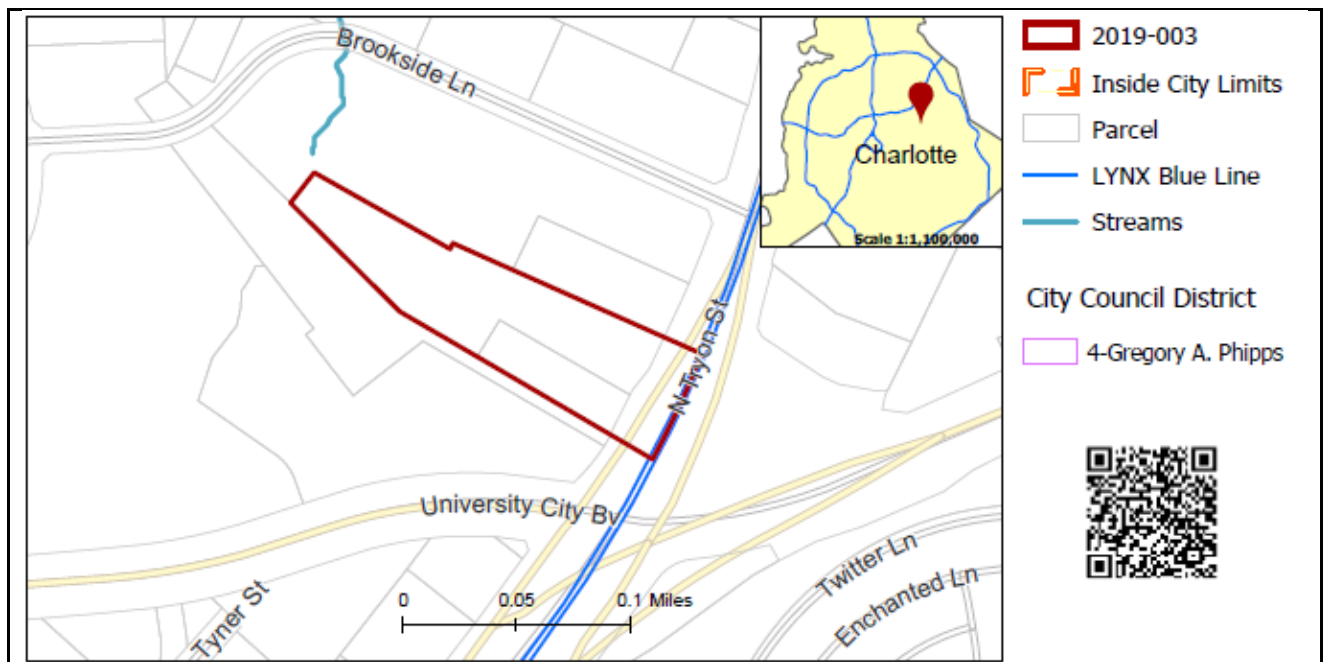
Michael Russell (704) 353-0225

REQUEST

Current Zoning: I-1 (light industrial) and I-2(CD) (general industrial, conditional)
Proposed Zoning: TOD-CC (transit oriented development, community center)

LOCATION

Approximately 4.03 acres located on the west side of North Tryon Street between University City Boulevard and Brookside Lane.
(Council District 4 - Phipps)



SUMMARY OF PETITION

The petition proposes to allow all the uses permitted in the TOD-CC (transit oriented development, residential) zoning district.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

City of Charlotte
Laurel Street Residential, LLC
N/A
Meeting is not required.

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *University City Area Plan* (2015), which recommends the site for a mix of office and retail development.

Rationale for Recommendation

- The site is located on the transit corridor.
- The site is less than a ½ mile from the University City Blvd transit station and less than a mile from the McCullough transit station, which will provide appropriate transportation service for residential development.
- As written, TOD-CC is applicable at any site within a ½ mile of a transit station.

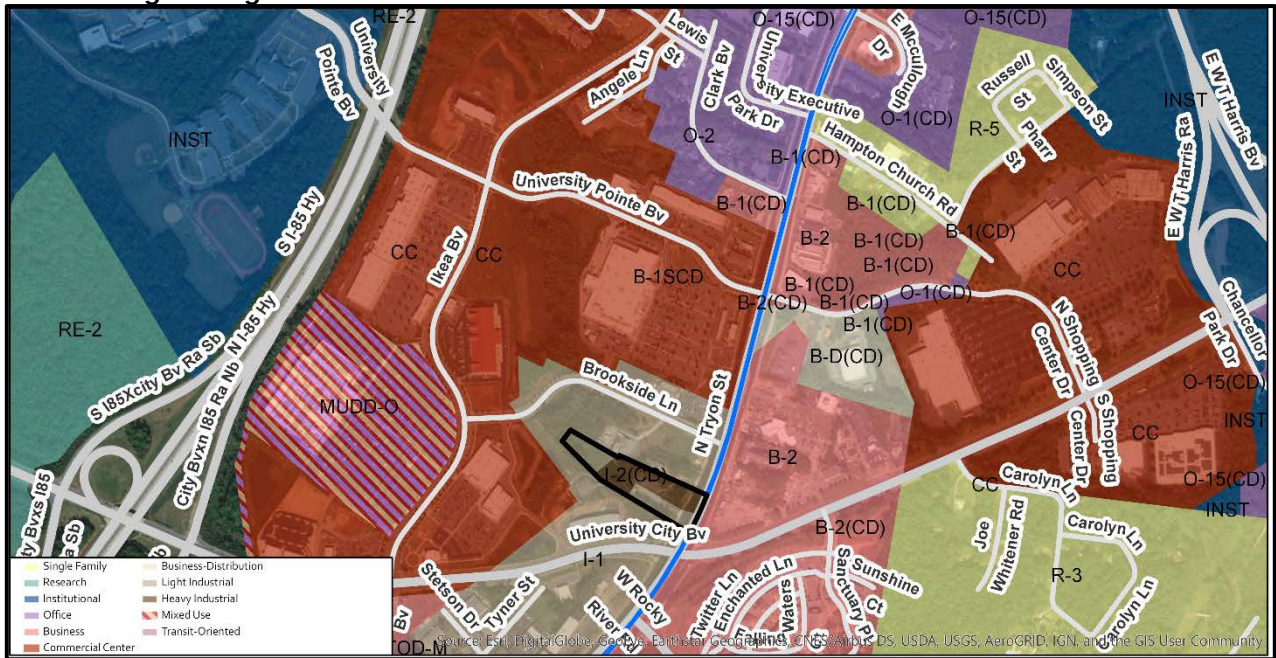
The approval of this petition will revise the adopted future land use as specified by the *University City Area Plan*, from a mix of office and retail development to transit supportive land use for the site.

PLANNING STAFF REVIEW

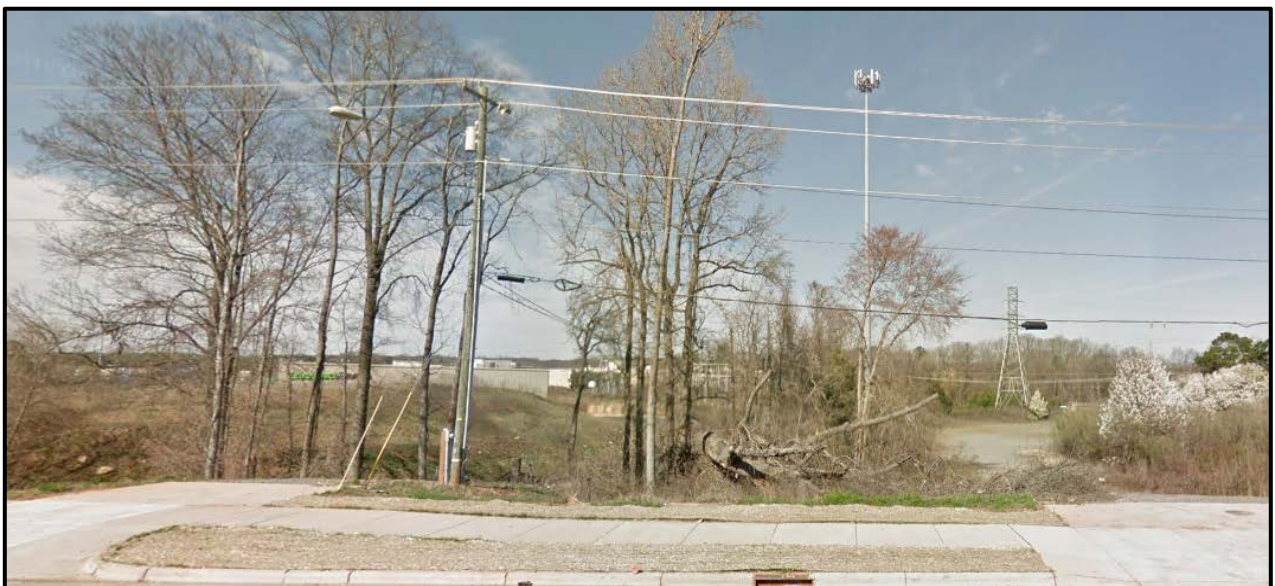
- **Proposed Request Details**

This is a conventional rezoning petition with no associated site plan. All the standards, regulations, and uses in the TOD-CC zoning district applies.

- **Existing Zoning and Land Use**



- The subject property is zoned I-1 (light industrial) and I-2(CD) (general industrial, conditional) and is undeveloped.
- Surrounding land uses include a mix of retail, restaurants, and hotels.



The subject property is undeveloped.



The property to the north along North Tryon Street is developed with a cell tower and a Pelican's Snoballs.



The property is bordered on the west across North Tryon Street by the LYNX Blue Line.

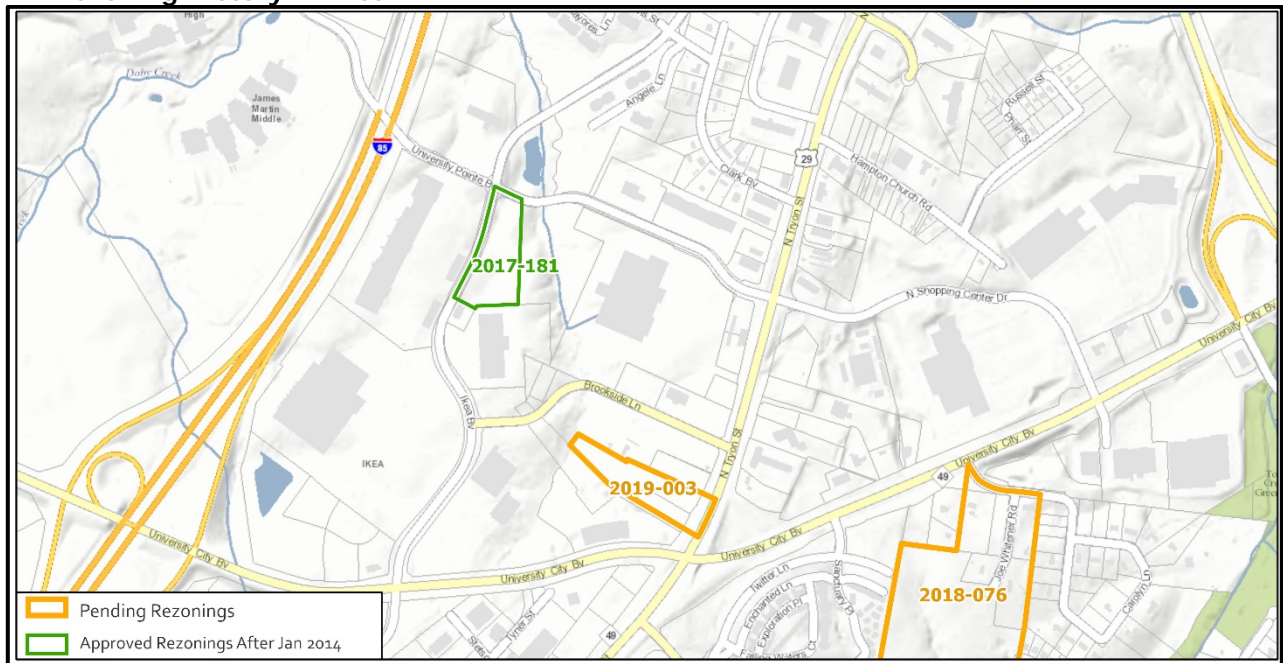


The property to the south along University City Boulevard is developed with a storage facility.



The property to the west along Ikea Boulevard is developed with a mix of retail shopping.

- Rezoning History in Area**



| Petition Number | Summary of Petition | Status |
|-----------------|--|---------|
| 2017-181 | Rezoned 3.58 acres to allow a hotel on the vacant property in the Belgate Development. This additional hotel would allow a total of three hotels within the overall Belgate development. | Approve |
| 2018-076 | Proposes to rezone 25.47 acres to allow up to 258 residential units. | Pending |

- **Public Plans and Policies**



- The *University City Area Plan* (2015) recommends the site for a mix of office and retail development.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located on North Tryon Street in close proximity to University City Boulevard. The CATS University City Boulevard Blue Line Station is 1/3 mile to the south along North Tryon Street. The site has existing curb and gutter, variable width planting strip, and 6-foot sidewalk on the North Tryon Street frontage. CDOT will work with the petitioner during permitting to position the driveway and implement any required streetscape improvements.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land).
 - Entitlement: 40 trips per day (based on 11,400 square feet of warehouse and 3,400 square feet of an auto care center).
 - Proposed Zoning: Too many uses to determine.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. The proposed rezoning is in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—Charlotte Water's Doby Creek Sanitary Sewer Improvements 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 an anticipated completion date of late-2019.
- **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.

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

Planner: Michael Russell (704) 353-0225



Agenda Date: 6/17/2019

Agenda #: 17. **File #:** 15-11165 **Type:** Zoning Decision

Rezoning Petition: 2019-013 by Andrew Klenk

Location: Approximately 0.22 acres located on the southeast side of North Davidson Street between East 33rd Street and East 34th Street. (Council District 1 - Egleston)

Current Zoning: R-5 (single family residential)

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 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-5 (single family residential)
Proposed Zoning: TOD-MO (transit oriented development, mixed use, optional)

LOCATION

Approximately 0.22 acres located on the southeast side of N. Davidson Street, between E. 33rd Street and E. 34th Street (Council District 1 - Egleston)

PETITIONER

Andrew Klenk

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

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

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

- The plan recommends transit oriented uses.

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

- The site is located approximately ½ mile from the 36th Street transit station and is included in a larger area envisioned to be developed with transit supportive uses.
- The proposed rezoning allows the adaptive reuse of an existing building, with building additions located to the rear of the structure.
- The proposed streetscape maximizes the limited space and improves the pedestrian environment with a wider sidewalk on North Davidson Street.

Motion/Second: Gussman / Watkins

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

Nays: None

Absent: Ham

Recused: None

**ZONING COMMITTEE
DISCUSSION**

Staff provided a summary of the petition, noting the remaining outstanding issue (building height of the rear structure) would be addressed through a note revision following Zoning Committee to

commit to a building height more in context with the adjacent single-family homes. Staff stated that the request is consistent with the adopted plan.

There was no further discussion of this petition.

PLANNER

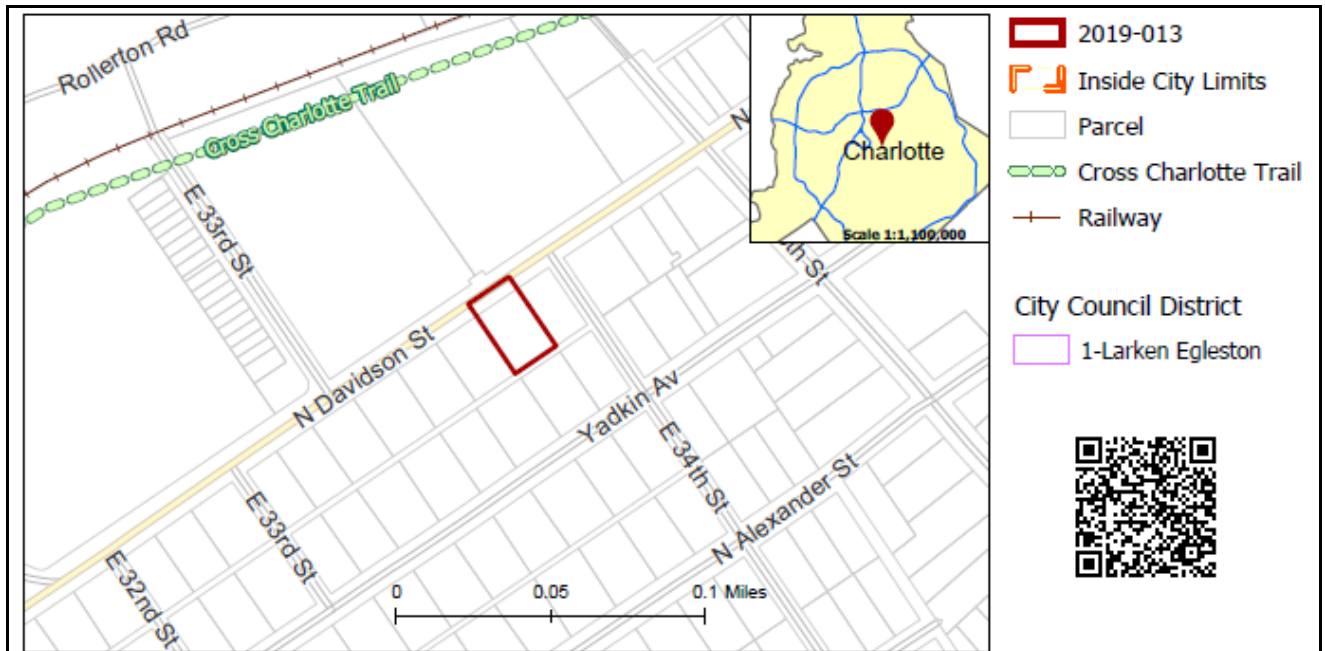
Dave Pettine (704) 336-4566

REQUEST

Current Zoning: R-5 (single family residential)
Proposed Zoning: TOD-MO (transit oriented development, mixed use, optional)

LOCATION

Approximately 0.22 acres located on the southeast side of N. Davidson Street, between E. 33rd Street and E. 34th Street (Council District 1 - Egleston)



SUMMARY OF PETITION

The petition proposes redevelopment of the site using existing and proposed structural additions to allow an eating/drinking/entertainment establishment, in addition to uses permitted in the TOD-M (transit oriented development, mixed use) district.

PROPERTY OWNER

Phylliss H. Leonard

PETITIONER

Andrew Klenk

AGENT/REPRESENTATIVE

Paul Pennell

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 4.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with *Blue Line Extension Transit Station Area Plan*, which recommends transit oriented uses.

Rationale for Recommendation

- The site is located approximately ½ mile from the 36th Street transit station and is included in a larger area envisioned to be developed with transit supportive uses.
- The proposed rezoning allows the adaptive reuse of an existing building, with building additions located to the rear of the structure.

- The proposed streetscape maximizes the limited space and improves the pedestrian environment with a wider sidewalk on North Davidson Street.

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

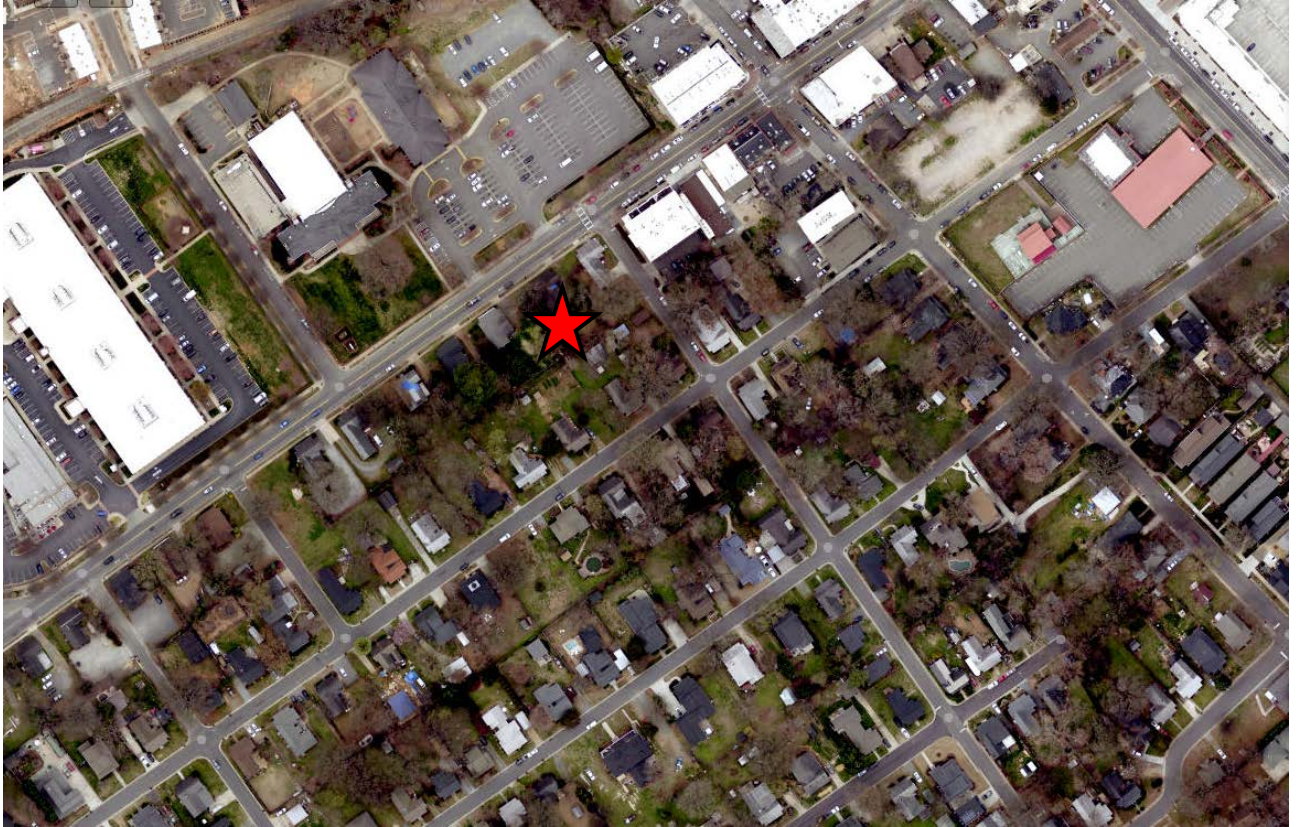
- Reuse of a portion of the existing structure on the site, with structural additions to accommodate an eating/drinking/entertainment establishment (EDEE) and uses permitted in the TOD-M (transit oriented district). The existing building façade fronting N. Davidson Street will be retained. Building additions attached to the existing building will be limited to two stories in height.
- The proposed detached structure is limited to 2.5 stories in height, and the exterior wall façade directly adjacent to existing single family uses will limit glass to 10% of the façade area.
- Sidewalk to be provided from the existing back of curb to the porch on the existing building along the site's frontage on North Davidson Street. Sidewalk width will vary.
- A 40-foot wide Class "A" buffer will be provided along the rear of the side, which may be reduced by 25% with a fence.
- The building envelope of the detached structure shall follow the general size as depicted on the site plan and shall be limited to a maximum of 22 feet in height, not to exceed height of the existing home on site. The exterior wall facade directly adjacent existing single-family uses shall limit glass windows to 10% of the façade area. Additional penetrations adjacent to single-family uses shall be limited to only those required to satisfy building and fire safety code. Remaining exterior facades associated with the detached structure shall be a combination of solid walls, opaque and transparent glass windows, open air penetrations including but not limited to roll-up doors, windows and additional architectural penetrations and features.
- Optional requests include:
 - Allow 3 on-street parking spaces and 3 on-site vehicular pads to satisfy the required 24 parking spaces required with the proposed EDEE use. The optional provision applies to the EDEE use only.

• Existing Zoning and Land Use



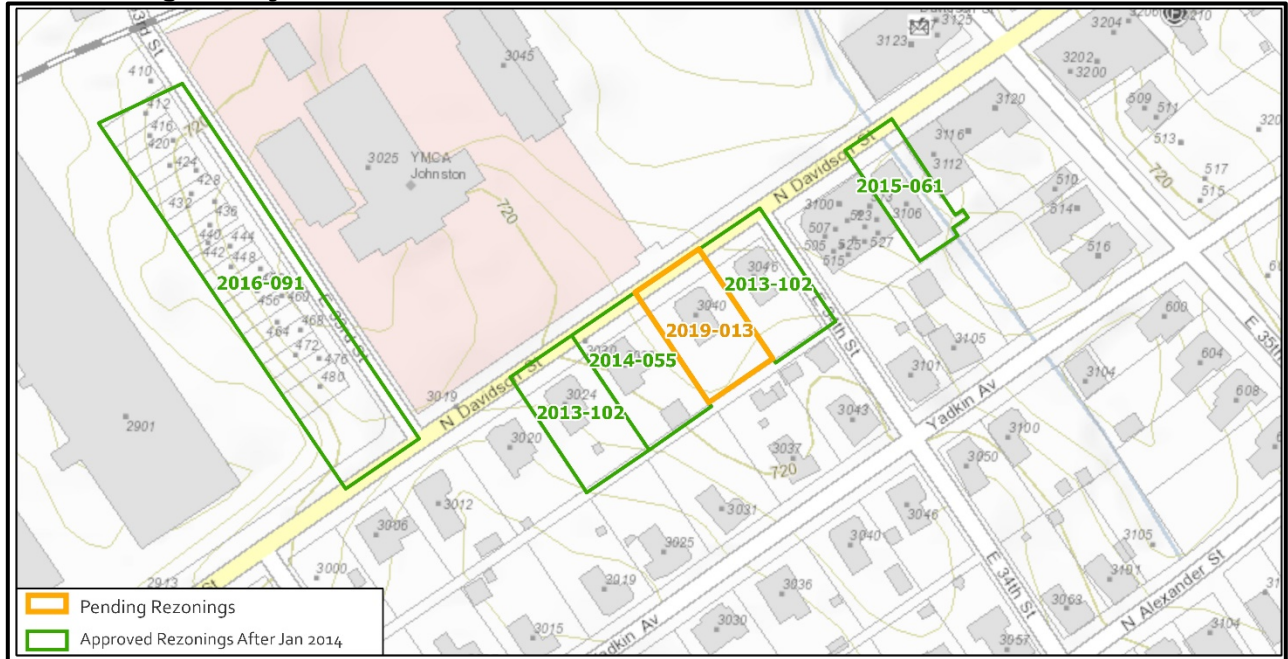


- The subject property is developed with a single family detached dwelling.



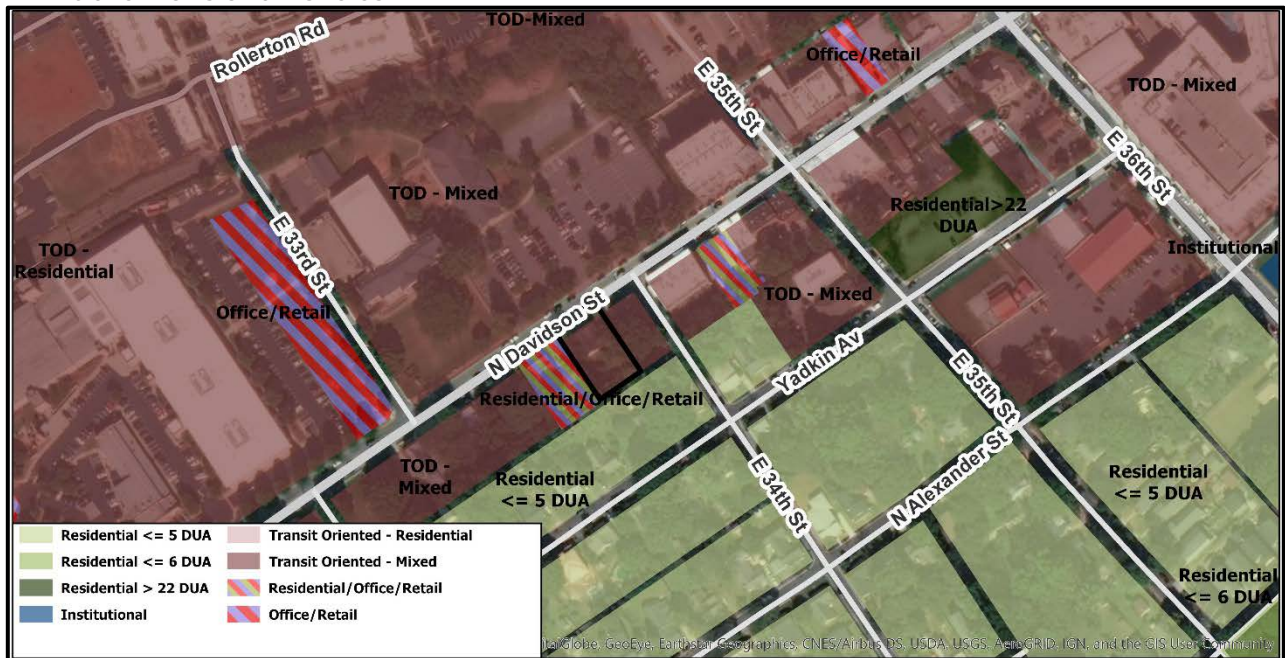
- Surrounding properties contain a mix of single family and multi-family, retail, office, personal services, and industrial activities.

- **Rezoning History in Area**



| Petition Number | Summary of Petition | Status |
|-----------------|--|----------|
| 2016-091 | MUDD-O SPA (mixed use development – optional, site plan amendment) for 1.4 acres to construct up to 35 single family attached units | Approved |
| 2015-061 | Rezoned approximately 0.155 acres to MUDD-O to allow all nonresidential uses permitted in the district. | Approved |
| 2014-055 | Rezoned approximately 0.23 acres to MUDD-O to allow an eating drinking and entertainment establishment with outdoor seating. | Approved |
| 2013-102 | <p>Rezoned Area A - Approximately 0.18 acres located on the south side of North Davidson Street at the southeast corner of the intersection of 34th Street and North Davidson Street to MUDD-O SPA to allow all uses permitted in the MUDD district.</p> <p>Area B - Approximately 0.22 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street to allow all uses permitted in the TOD-M (transit oriented development - mixed-use) district, except automotive service stations, adult establishments, car washes, restaurants with drive-through windows, bars and nightclubs.</p> | Approved |

- Public Plans and Policies



- The *Blue Line Extension Transit Station Area Plan* (2013) recommends transit oriented development for the subject property. The plan recommends a maximum building height of 50 feet.

- TRANSPORTATION CONSIDERATIONS

- The site is located along a minor thoroughfare. The site commits to expanding the existing sidewalk for better walkability for pedestrians.

- Vehicle Trip Generation:**

Current Zoning:

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

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

Proposed Zoning: Too many uses to determine (based on 0.22 acres of TOD-M uses).

DEPARTMENT COMMENTS (see full department reports online)

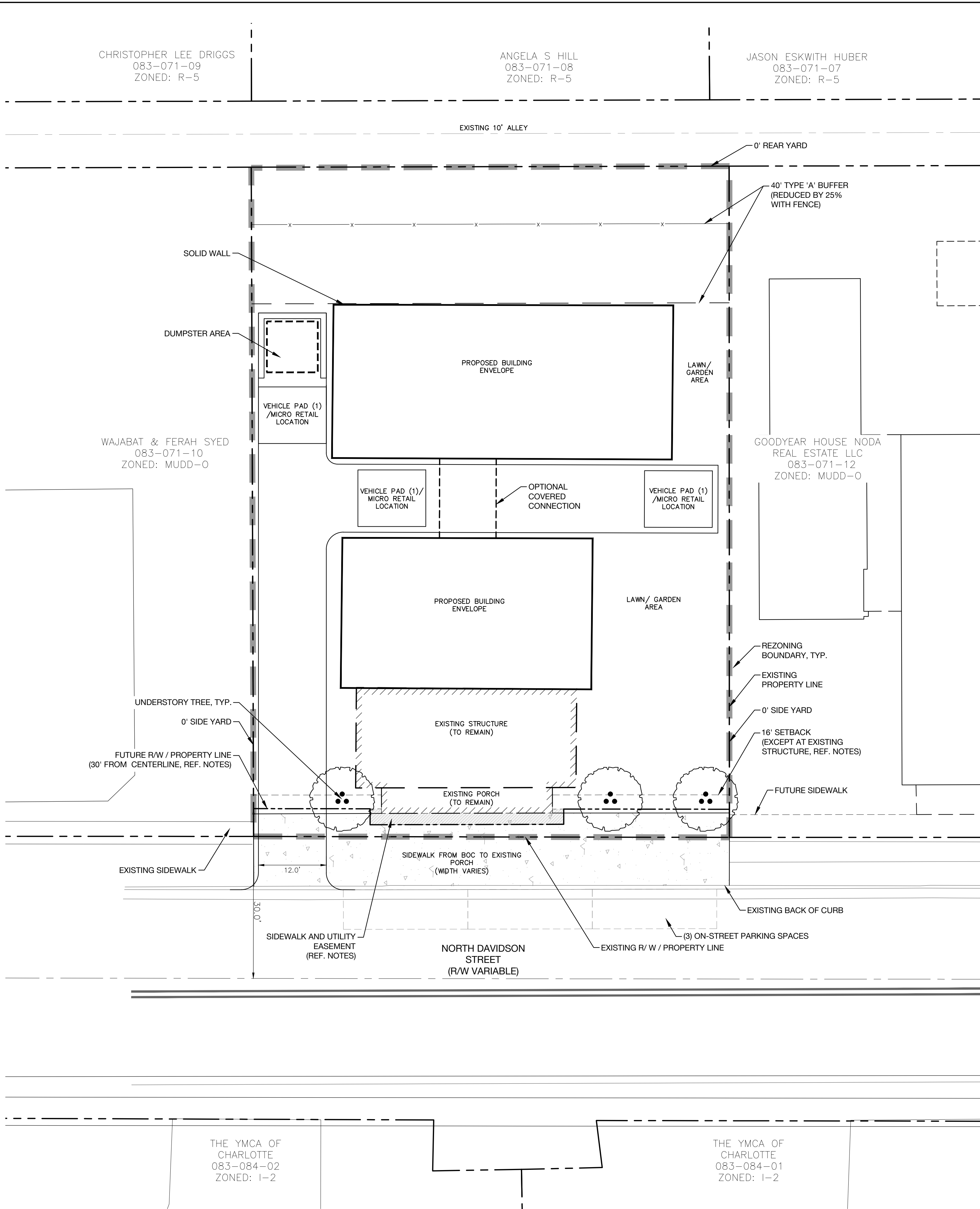
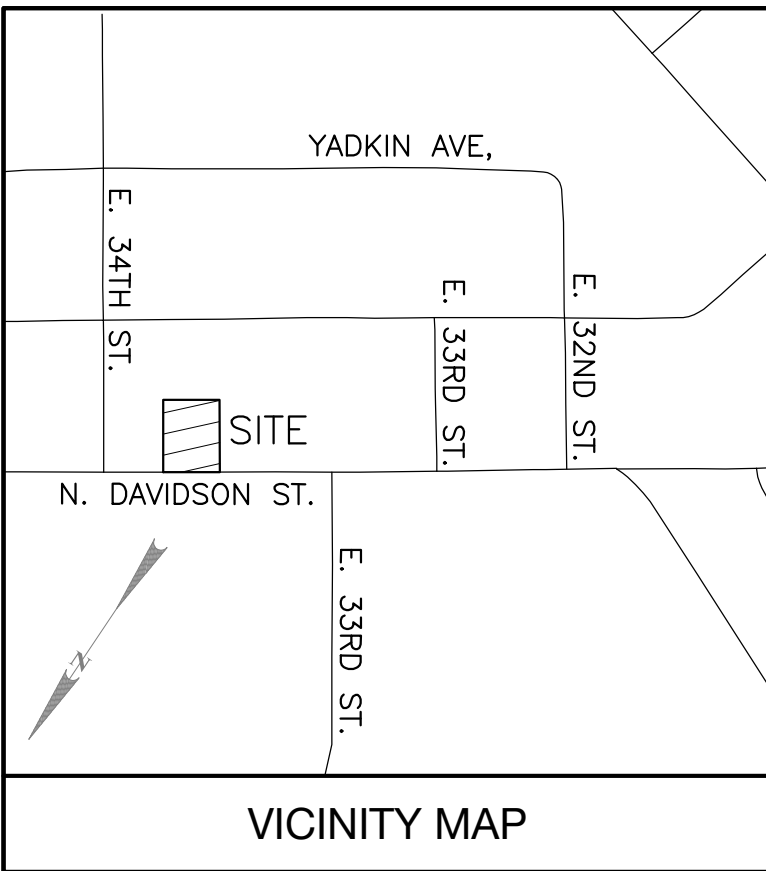
- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- Charlotte Department of Solid Waste Services:** No outstanding issues.
- Charlotte Fire Department:** No outstanding issues.
- Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along North Davidson Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along North Davidson Street.
- 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 ISSUESSite and Building Design

1. ~~Add note specifying that the proposed detached structure single story with a pitched roof. Staff does not support a 2.5-story structure on the site and the size of structure that would be allowed therein.~~ Addressed
-

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

Planner: Sonja Sanders (704) 336-8327



Site Development Data:

Acreage: +/- 0.22 AC
Tax Parcel: 083-071-11
Existing Zoning: R-5
Proposed Zoning: TOD-MO
Existing Uses: Residential (Vacant)
Proposed Uses: EDEE and uses permitted within the zoning district

General Provisions:

These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Andrew Klenk the ("Petitioner") to accommodate the adaptive re-use of an existing structure on site to an eating, drinking and entertainment establishment on an approximately 0.22 acre site located on the south side of North Davidson Street, between E 34th Street and E 33rd Street (the "Site").

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.

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.

Optional Provisions:

1. Allow for three (3) on-street parking spaces and three (3) on-site vehicular pads to satisfy the required 24 parking spaces associated with the proposed EDEE use. This optional provision shall apply to the EDEE use only.

Purpose:

The purpose of this Rezoning application is to provide for the adaptive re-use of an existing structure and associated structural additions on site.

Permitted Uses:

Uses allowed on the property included in this Petition will be those uses, and related accessory uses, as are permitted in the TOD-M zoning district unless otherwise restricted by the provisions of this plan, including EDEE.

Transportation and Access:

1. The Site will have a single vehicular access via driveway connection to North Davidson Street as generally identified on the concept plan for the Site.
2. The Petitioner will provide a sidewalk from the existing back of curb to the face of the existing porch as generally depicted on the Site plan. The sidewalk width will vary.
3. Right-of-way shall be dedicated measured 30' from the existing centerline of North Davidson Street as generally depicted on the rezoning site plan. However, no dedication shall be provided to areas within two (2') feet of existing structure on site.
4. Right-of-way dedication and all transportation improvements shall be completed prior to the issuance of the first certificate of occupancy or phased per the Site's development plans.
5. The Petitioner shall provide a sidewalk utility easement located between the future right of way and the existing porch as generally depicted on the site plan.

Architectural Standards:

1. A portion of the existing structure on site shall be adaptively reused and improved to accommodate the proposed use. Structural additions on site, attached to the existing structure, shall be allowable. Proposed improvements shall be a maximum height of two (2) stories.
2. The proposed detached structure as noted on the site plan shall utilize allowable building materials as described within these Architectural Standards. The building envelope of the detached structure shall follow the general size as depicted on the site plan and shall be limited to a maximum of 22' in height, not to exceed height of the existing home on site. The exterior wall facade directly adjacent existing single-family uses shall limit glass windows to 10% of the facade area. Additional penetrations adjacent single-family uses shall be limited to only those required to satisfy building and fire safety code. Remaining exterior facades associated with the detached structure shall be a combination of solid walls, opaque and transparent glass windows, open air penetrations including but not limited to roll-up doors, windows and additional architectural penetrations and features.
3. Building facades adjacent the North Davidson Street public right-of-way shall be retained. Façade improvements shall be allowable and maintain the general residential character of the existing structure on site.
4. Allowable building materials to be used on the Site may be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, metal, glass, decorative block and/or wood.
5. Solid waste facilities shall be provided on site per Section 12.403 of the Zoning Ordinance.

Streetscape and Landscaping:

1. A 16' setback shall be provided on site measured from the existing back of curb. Per section 9.1208(1)(c) the minimum setback shall be reduced to the existing face of structure as generally depicted on the rezoning site plan.
2. Three (3) small maturing street trees shall be provided on site, back of sidewalk, to satisfy streetscape requirement as generally depicted on the site plan.
3. 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.
4. The site shall provide a Type A Buffer with allowable 25% width reductions if a screening fence is provided on site. 50% of the existing alley right-of-way can be utilized towards the required buffer width.

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. Due to the Site being located within a Transit Station Area, tree save mitigation/payment-in-lieu options will be available to the Petitioner as described by the City of Charlotte Tree Ordinance.

Lighting:

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. Decorative pedestrian scaled lights may be provided within the site.

Signage:

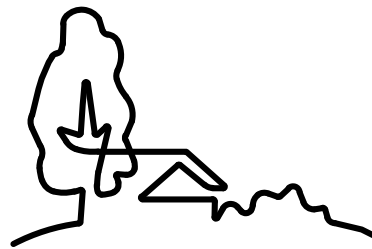
The Site shall comply with signage requirements per The Ordinance.

Amendments to Rezoning Plan:

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 Documents and Definitions:

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 of 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

Andrew Klenk

1009 Leigh Ave.
Charlotte, NC 28205

Golden Era
3040 N. Davidson St.

Rezoning Site Plan
Charlotte, NC

| NO. | DATE: | BY: | REVISIONS: |
|-----|----------|-----|-------------------|
| 1 | 03.11.19 | UDP | PER CITY COMMENTS |
| 2 | 04.15.19 | UDP | PER CITY COMMENTS |
| 3 | 06.07.19 | UDP | PER CITY COMMENTS |
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Project No: 18-168

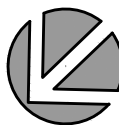
Date: 01.14.2019

Designed by: UDP

Drawn By: UDP

Sheet No:

RZ-1.0



GRAPHIC SCALE
10 0 5 10 20
1 INCH = 10 FEET



Agenda Date: 6/17/2019

Agenda #: 18.**File #:** 15-11166 **Type:** Zoning Decision

Rezoning Petition: 2019-015 by Greg Godley/Sugar Creek Ventures

Location: Approximately 18.5 acres located on the west side of East Sugar Creek Road, south of North Tryon Street. (Council District 1 - Egleston)

Current Zoning: I-2 (general industrial)

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 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: I-2 (general industrial)
Proposed Zoning: TOD-CC (transit oriented development - community center)

LOCATION

Approximately 18.5 acres located on the west side of E. Sugar Creek Road, south of N. Tryon Street
(Council District 1 - Egleston)

PETITIONER

Greg Godley, Sugar Creek Ventures

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

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

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

- The plan recommends Transit Supportive Land Uses for the 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 subject site is within a ½-mile walk of the Sugar Creek transit station.
- The proposed transit oriented development zoning is more consistent with the vision for the area than the current industrial zoning.
- The area plan recommends a 50-foot height limit for the site. The site is not adjacent to any single family uses or commercial buildings of historic significance that would be impacted by greater height.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion/Second: Gussman / McClung

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

Nays: None

Absent: Ham

Recused: None

**ZONING COMMITTEE
DISCUSSION**

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

There was a discussion of terminology that is interchangeable in use: the area plan and vision plan.

One of the committee members stated that the NODA neighborhood association was against the petition. The committee member felt that most neighborhood groups were used to the conditional plan process and the new TOD ordinance would require some education to the public from staff. Staff agreed and recommended that developers still work to bring neighborhood groups into the development process.

One of the committee members stated that staff should be firm on development policy in transit oriented areas and staff responded that the new TOD regulations were adopted to implement policy.

Since conventional rezoning petitions do not require a community meeting, there was a question regarding notification. Staff responded that neighbors are still notified of potential rezoning even in the absence of a community meeting.

There was no further discussion of this petition.

PLANNER

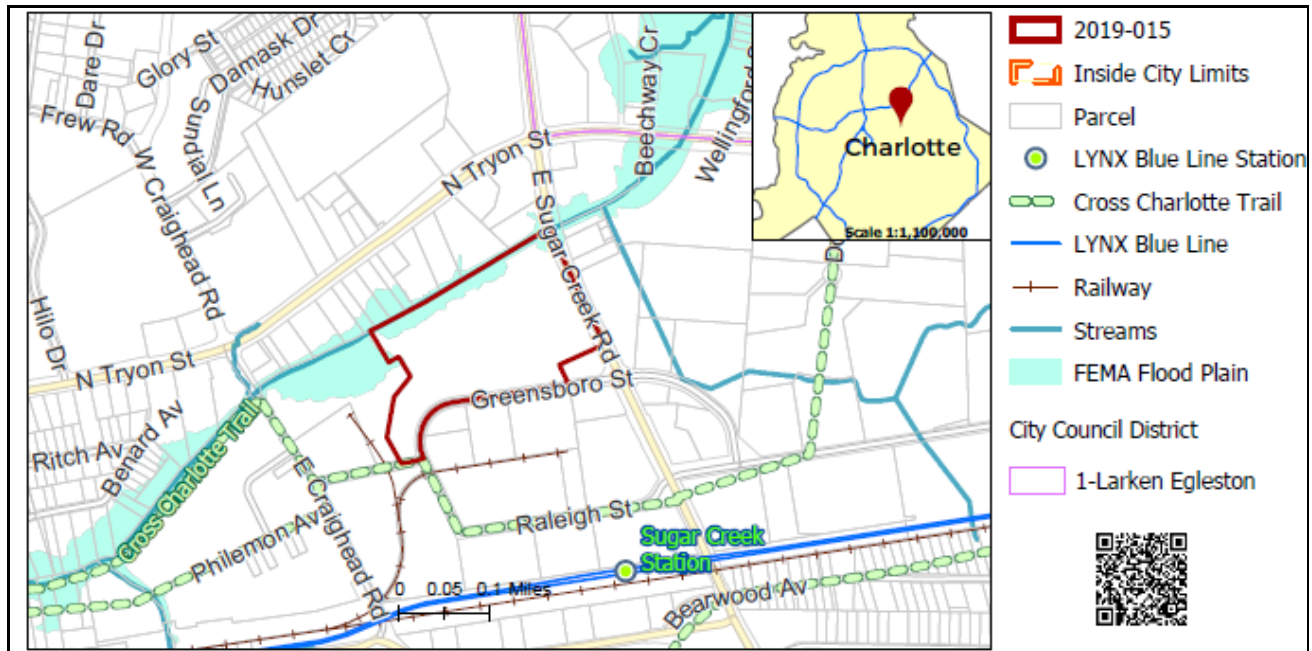
Lisa Arnold (704) 336-5967

REQUEST

Current Zoning: I-2 (industrial)
Proposed Zoning: TOD-CC (transit oriented development - community center)

LOCATION

Approximately 18.5 acres located on the west side of E. Sugar Creek Road, south of N. Tryon Street
(Council District 1 - Egleston)



SUMMARY OF PETITION

The petition proposes to allow all uses in the TOD-CC (transit oriented development - community center) district for the redevelopment of the parcel located in northeast Charlotte.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

Sugar Creek Ventures, LLC
Greg Godley, Sugar Creek Ventures
Daniel Wendover, CapRock
Meeting is not required.

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *Blue Line Extension Station Area Plan* recommendation for Transit Supportive Land Uses.

Rationale for Recommendation

- The area plan recommends a 50-foot height limit for the site. The site is not adjacent to any single family uses or commercial buildings of historic significance that would be impacted by greater height.
- The subject site is within a ½-mile walk of the Sugar Creek transit station.
- The proposed transit oriented development zoning is more consistent with the vision for the area than the current industrial zoning.

- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

PLANNING STAFF REVIEW

• Proposed Request Details

This is a conventional rezoning petition with no associated site plan, which applies all the standards, regulations and uses in the TOD-CC zoning district.

• Existing Zoning and Land Use



- The subject property is developed with a concrete plant. The adjacent land uses include other industrial uses, commercial uses, and vacant commercial buildings.



- The subject property is developed with a concrete plant.



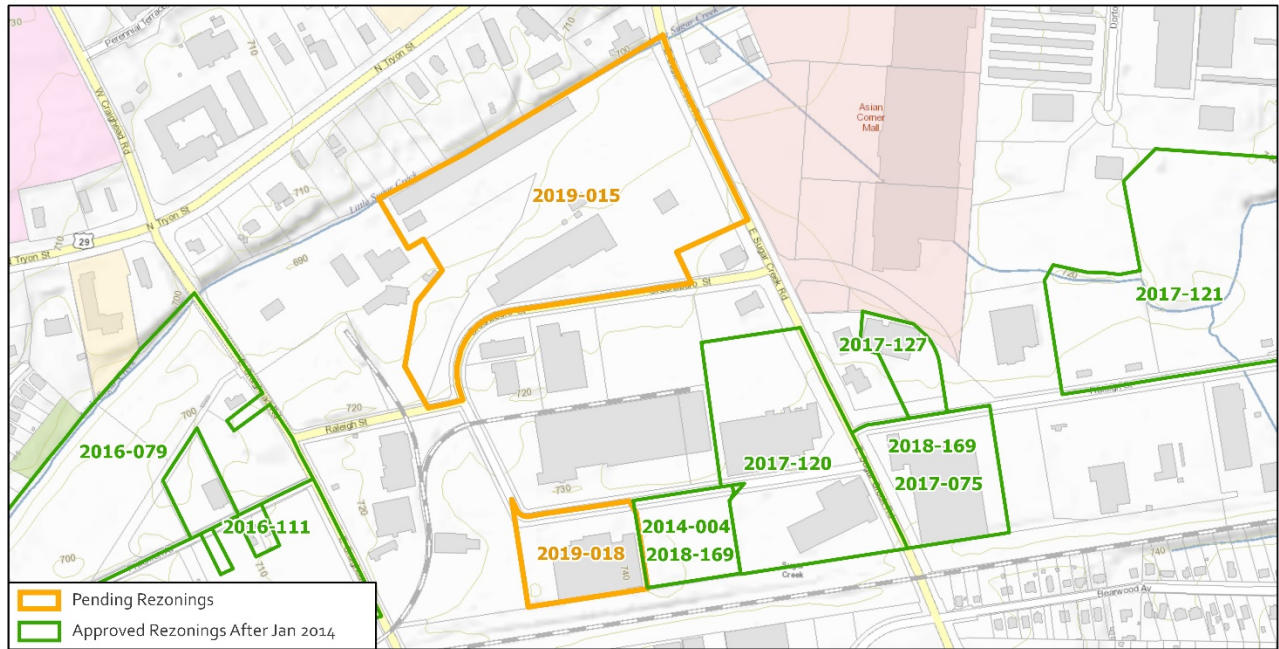
- The properties to the south and west are developed with industrial use.



- The property to the southeast of the site is developed with a restaurant and east is developed with vacant parcels and a shopping center. The subject site is marked with a red star.

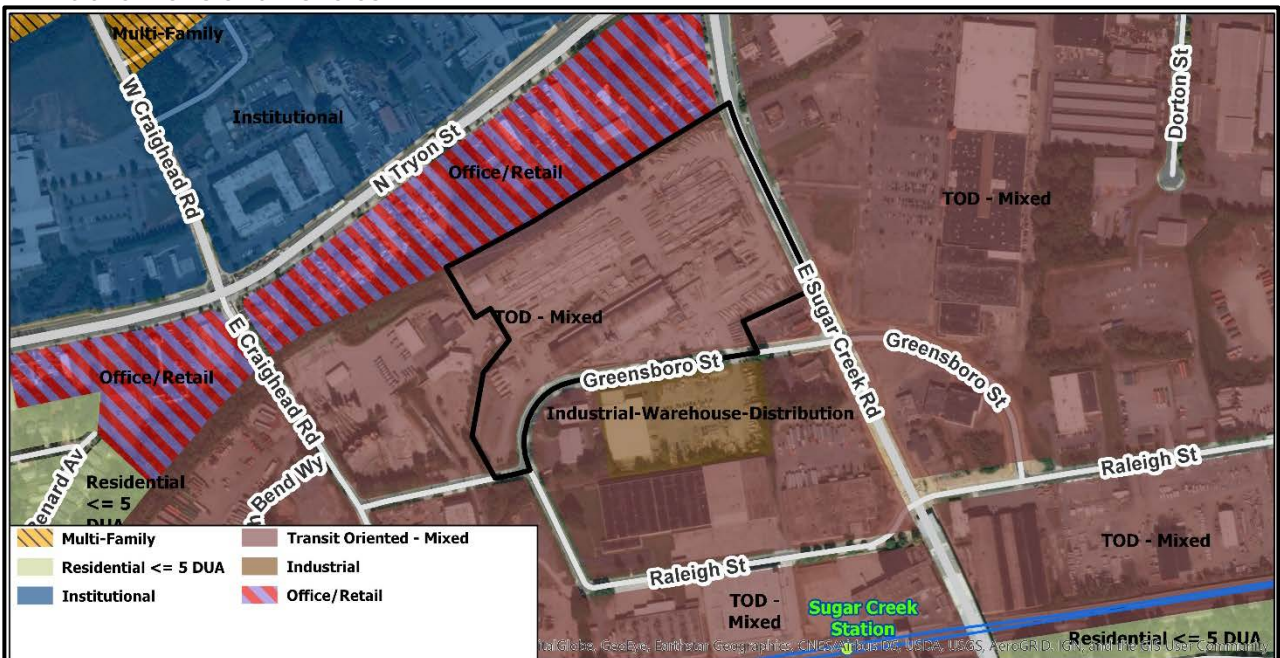


- The properties to the north along N. Tryon St. are developed with commercial uses.
- **Rezoning History in Area**



| Petition Number | Summary of Petition | Status |
|--|---|----------|
| 2014-004, 2016-079, 2016-111, 2017-075, 2017-120, 2017-121, 2017-127 | The petitions rezoned sites to TOD-M (transit oriented development-mixed), TOD-M (CD), and TOD-M(O) district to allow all uses permitted in the TOD district. | Approved |
| 2018-169 | TOD text amendment - translated zoning of properties conventionally zoned TOD (transit oriented development) (TOD-M, TOD-R, TOD-E) to TOD-CC. | Approved |
| 2019-018 | The petition proposes to rezone the site to allow all uses permitted in the TOD-CC district. | Pending |

• Public Plans and Policies



- The Blue Line Extension Transit Station Area Plan (2013) recommends Transit Supportive Uses for the subject property.
- The Area Plan's Structure Plan calls for a 50-foot height limit and for industrial, manufacturing,

warehouse, and office uses, anticipating that the existing businesses would remain for a longer duration than they have.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located on East Sugar Creek Road approximately ¼ mile from the Sugar Creek Blue Line Station. CDOT will work with the petitioner during permitting to determine the location of driveways and streets as well as to implement streetscape improvements in accordance with city ordinance and the *Sugar Creek Transit Station Area Plan*.
- No outstanding issues.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 670 trips per day (based on 18.5 acres of manufacturing).
 - Entitlement: 670 trips per day (based on 18.5 acres manufacturing).
 - Proposed Zoning: Conventional petition, unable to determine trip generation with amount of uses.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Not applicable
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing 8-inch water distribution mains located along Greensboro Street and East Sugar Creek Road and via an existing 12-inch water distribution main located along Raleigh Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Greensboro Street, via an existing 12-inch gravity sewer main located along East Sugar Creek Road and via existing 8-inch and 12-inch gravity sewer mains located within the rezoning boundary. No outstanding issues.
- **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.

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

Planner: Sonja Sanders (704) 336-8327



Agenda Date: 6/17/2019

Agenda #: 19.**File #:** 15-11168 **Type:** Zoning Decision

Rezoning Petition: 2019-024 by Investicore, LLC

Location: Approximately 1.74 acres located on the west side of South Boulevard, north of Clanton Road.
(Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial) and I-2 (general industrial)

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 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: I-1 (light industrial) and I-2 (general industrial)
Proposed Zoning: TOD-CC (transit oriented development – community center)

LOCATION

Approximately 1.74 acres located on the west side of South Boulevard, north of Clanton Road.
(Council District 3 - Mayfield)

PETITIONER

Investicore, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

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

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

- The plans recommend transit supportive development for the 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:

- A portion of the subject site is within ½-mile walk of the Scaleybark Station on the LYNX Blue Line.
- A portion of the subject site is within ½-mile walk of the New Bern Station on the LYNX Blue Line.
- The proposal permits a site previously used for office, industrial, and warehouse to convert to transit supportive land uses.
- Use of conventional TOD-CC (transit oriented development – community center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion/Second: McClung / Gussman

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

Nays: None

Absent: Ham
Recused: None

**ZONING COMMITTEE
DISCUSSION**

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

There was no further discussion of this petition.

PLANNER

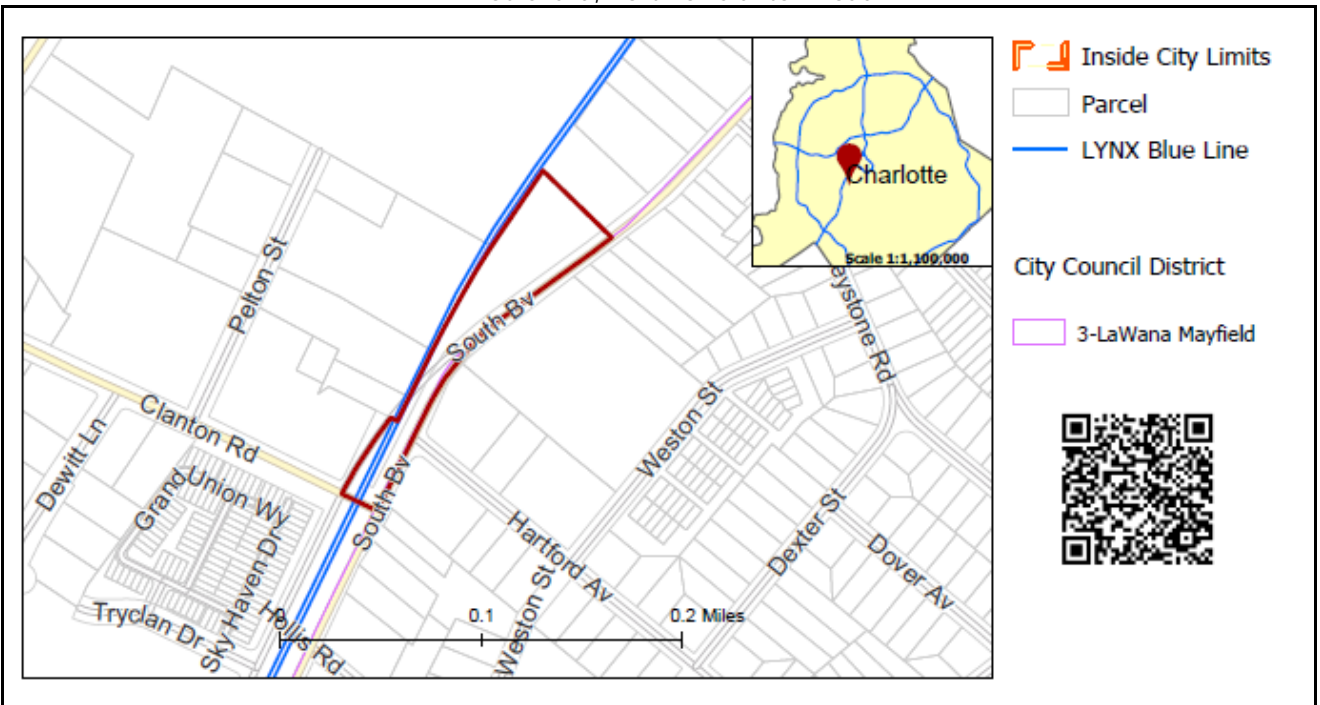
Solomon Fortune (704) 336-8326

REQUEST

Current Zoning: I-1 (light industrial) and I-2 (general industrial)
Proposed Zoning: TOD-CC (transit oriented development – community center)

LOCATION

Approximately 1.74 acres located on the west side of South Boulevard, north of Clanton Road.



SUMMARY OF PETITION

The petition proposes to allow all transit supportive uses per TOD-CC (transit oriented development – community center) zoning for a 1.74-acre site that is within a 1/2 mile walk of the New Bern and Scaleybark Transit Station on the LYNX Blue Line.

PROPERTY OWNER

The Shuman Company

PETITIONER

Investicore, LLC

AGENT/REPRESENTATIVE

Kevin Ammons / ColeJenest & Stone

COMMUNITY MEETING

Meeting is not required.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *Scaleybark Transit Station Area Plan* and the *New Bern Transit Station Area Plan* land use recommendations for transit supportive development.

Rationale for Recommendation

- A portion of the subject site is within ½-mile walk of the Scaleybark Station on the LYNX Blue Line.
- A portion of the subject site is within ½-mile walk of the New Bern Station on the LYNX Blue Line.
- The proposal permits a site previously used for office, industrial, and warehouse to convert to transit supportive land uses.

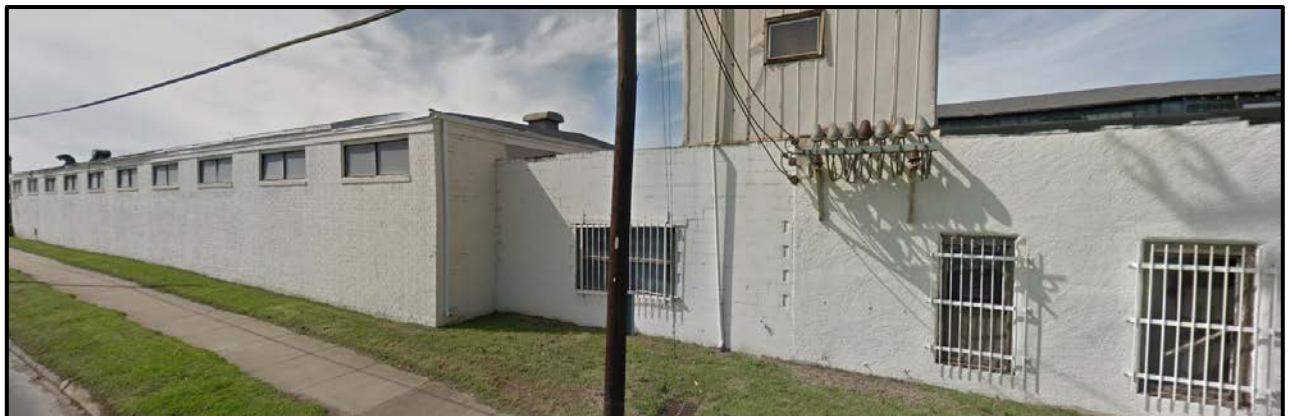
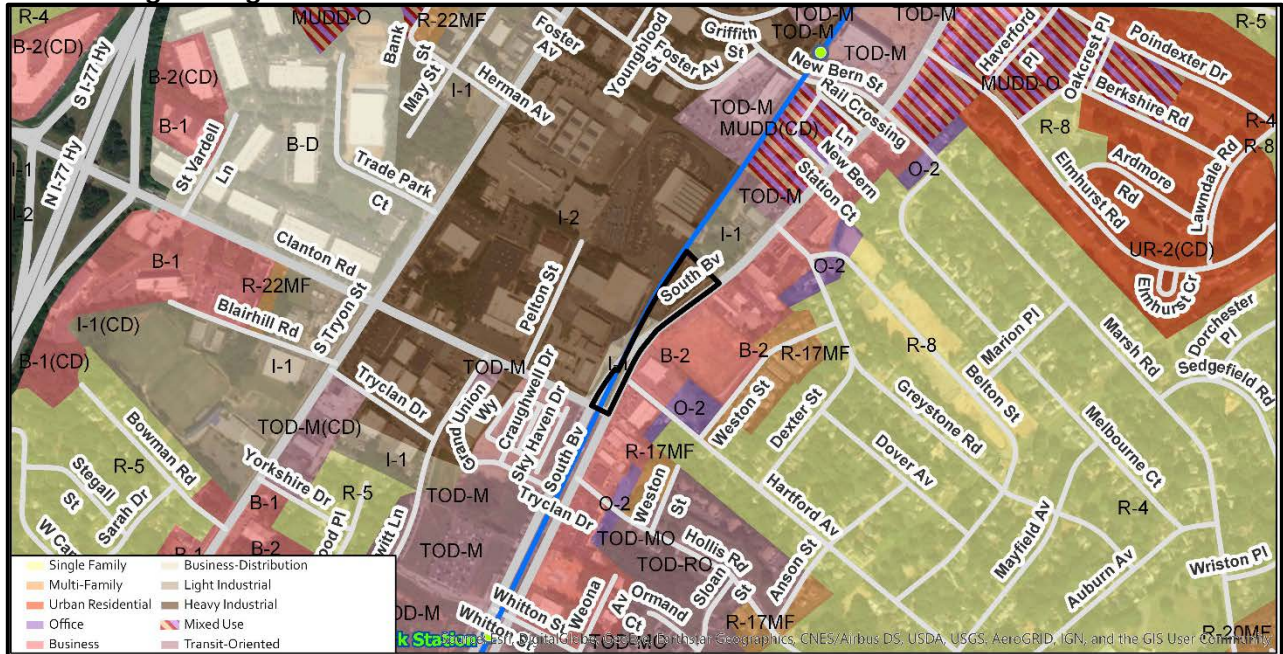
- Use of conventional TOD-CC (transit oriented development – community center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

PLANNING STAFF REVIEW

• Proposed Request Details

- This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-CC (transit oriented development – community center) zoning district. Uses allowed in the districts include residential, retail, and civic uses.

• Existing Zoning and Land Use



The subject property is developed with a warehouse use.



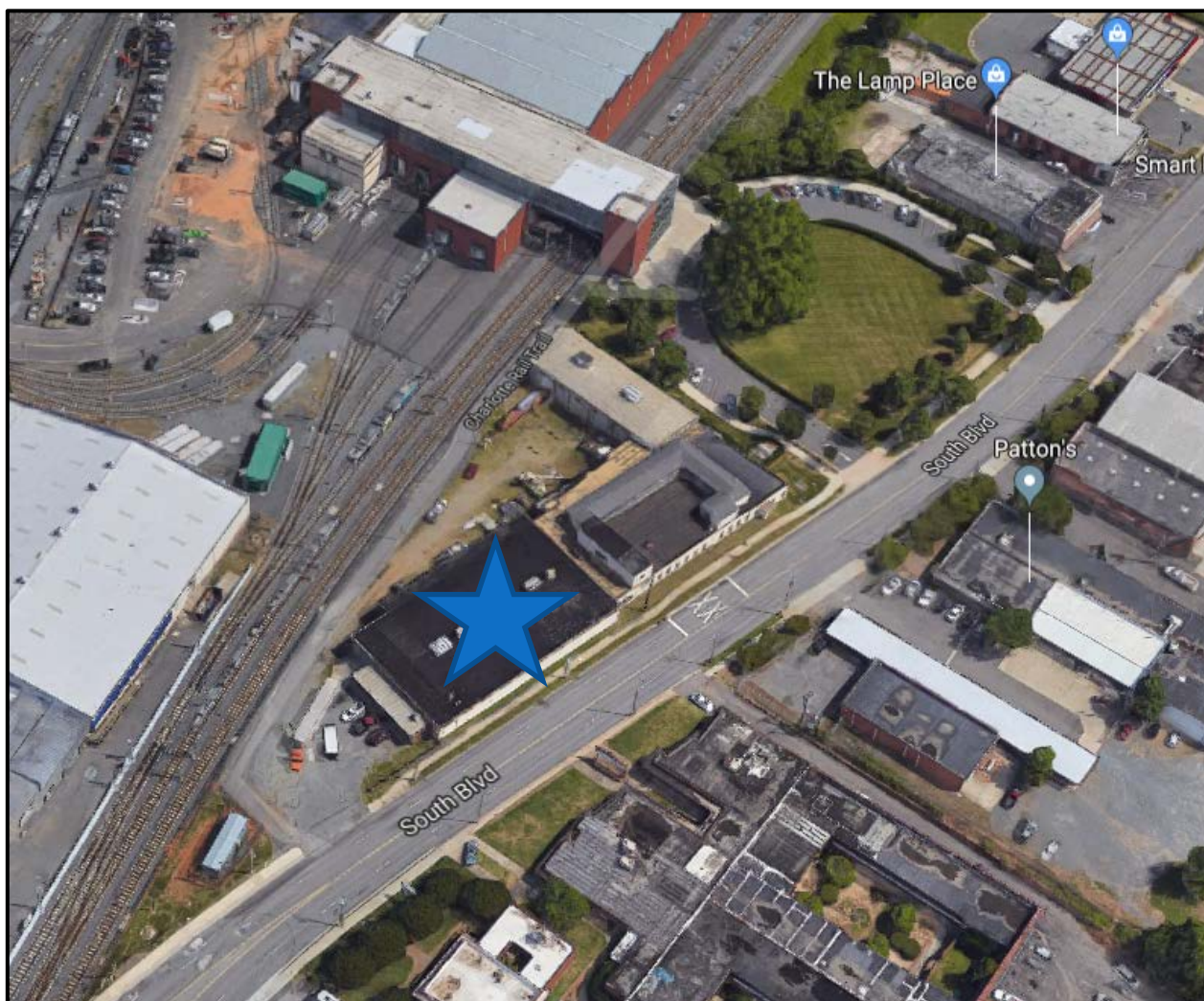
The properties to the south and east along South Boulevard are a mix of vacant land, warehouse, and retail uses.



The property to the north and west along South Boulevard is the CATS Light Rail Facility.

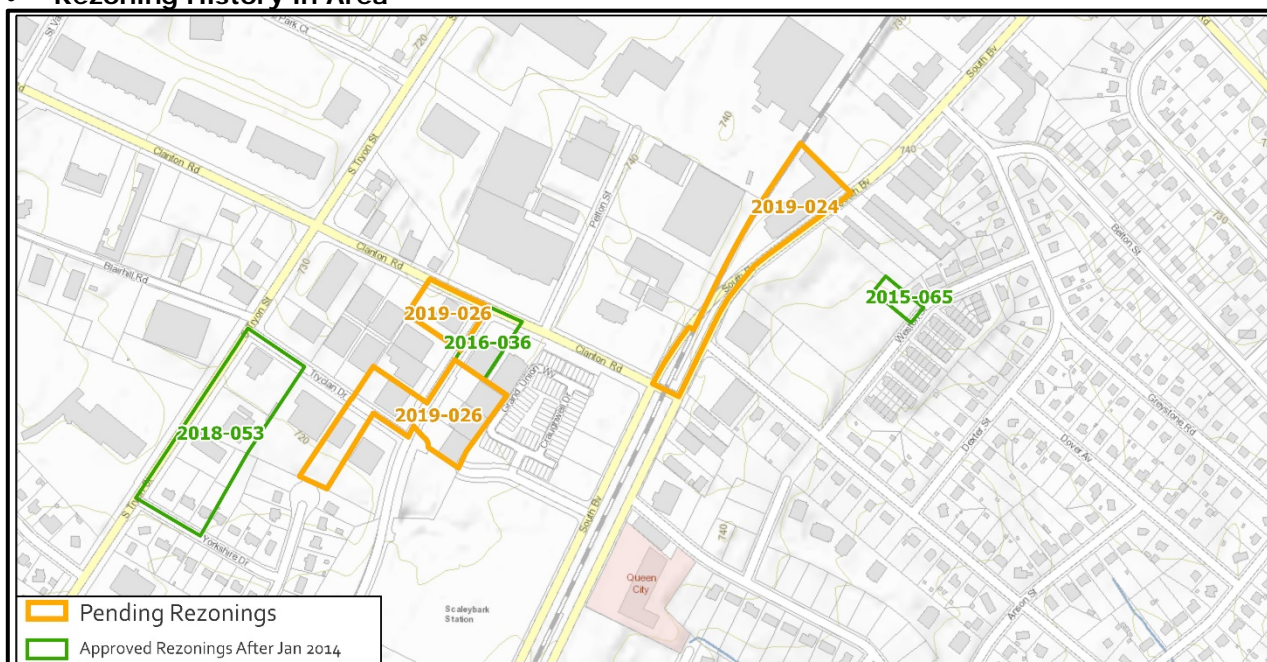


The properties to the south and west along South Boulevard include indoor storage, office and the Blue Line.



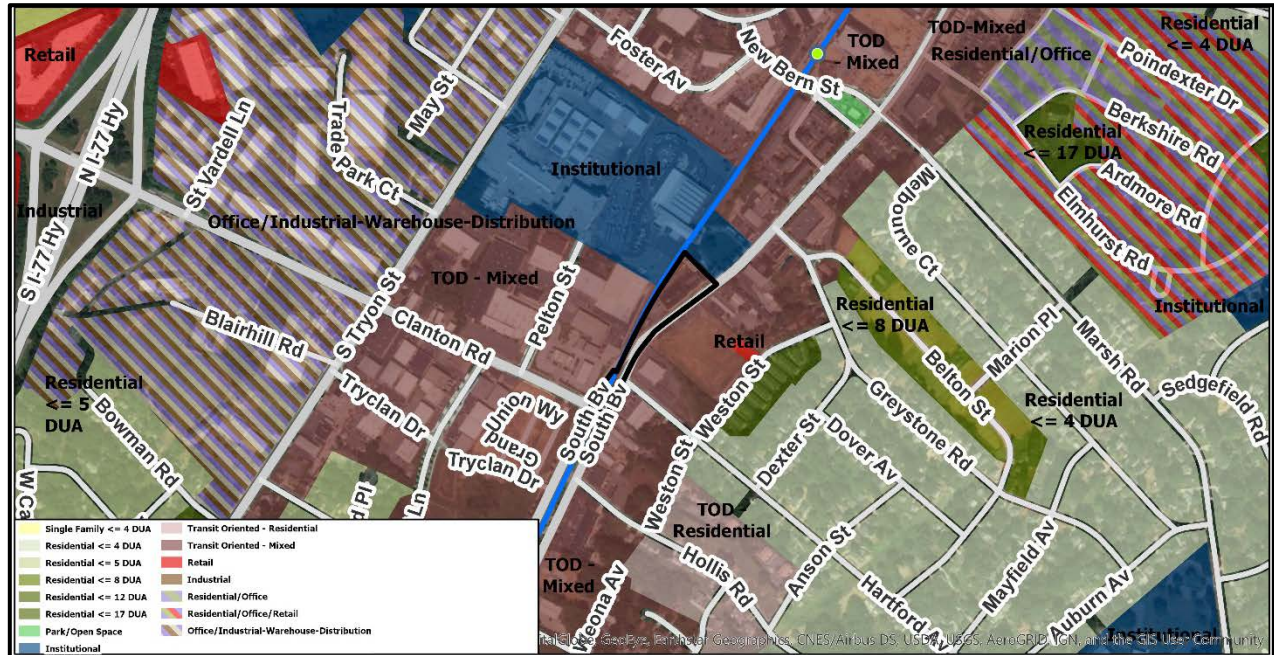
The star indicates the subject property.

- **Rezoning History in Area**



| Petition Number | Summary of Petition | Status |
|-----------------|---|----------|
| 2019-026 | Proposes to rezone 3.0 acre site to TOD-CC (transit oriented development – community center) and TOD-TR (transit oriented development – transition) zoning to allow all uses in the district. | Pending |
| 2018-053 | Rezoned 3.17 acres to TOD-M(CD) (transit oriented development – mixed-use, conditional) to allow all uses in the district. | Approved |
| 2015-065 | Rezoned 0.28 acres to B-2 (general business) for all uses in the district. | Approved |

• **Public Plans and Policies**



- The *New Bern Transit Station Area Plan* (2008) recommends mixed use transit supportive development for a portion of the subject site.
- The *Scaleybark Transit Station Area Plan* (2008) recommends mixed use transit supportive development for a portion of the subject site.

• **TRANSPORTATION CONSIDERATIONS**

- The site is on South Boulevard (major thoroughfare) and is located in a corridor inside Route 4. The site is within the limits of the *New Bern Transit Station Area Plan*.
- **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 90 trips per day (based on 29,910 square feet of warehouse uses).
Entitlement: 90 trips per day (based on 29,910 square feet of warehouse uses).
Proposed Zoning: Too many uses to determine with TOD-CC zoning.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.

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

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

Planner: Solomon Fortune (704) 336-8326



Agenda Date: 6/17/2019

Agenda #: 20.**File #:** 15-11169 **Type:** Zoning Hearing

Rezoning Petition: 2019-025 by White Point Partners, LLC

Location: Approximately 1.20 acres located at the south side of the intersection of West Kingston Avenue and Camden Road. (Council District 3 - Mayfield)

Current Zoning: B-1 (neighborhood business)

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 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-1 (neighborhood business)
Proposed Zoning: TOD-UC (transit oriented development – urban center)

LOCATION

Approximately 1.20 acres located at the south side of the intersection of West Kingston Avenue and Camden Road.
(Council District 3 - Mayfield)

PETITIONER

White Point Partners, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

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

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

- The plans recommend transit supportive development.

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 subject site is within 0.25-mile walk of the East/West Boulevard Station on the LYNX Blue Line.
- The proposal permits a site previously used for commercial uses to convert to transit supportive land uses.
- Use of conventional TOD-UC (transit oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion/Second: Watkins / McClung

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

Nays: None

Absent: Ham

Recused: None

**ZONING COMMITTEE
DISCUSSION**

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

There was no further discussion of this petition.

PLANNER

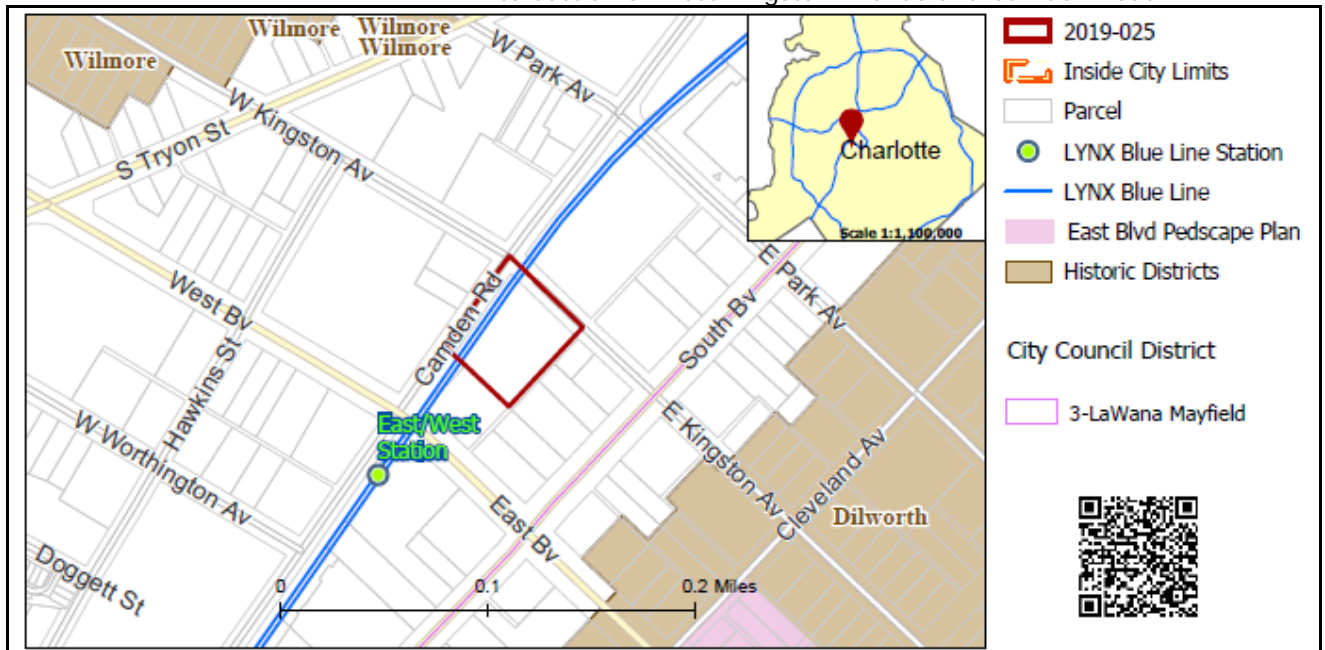
Solomon Fortune (704) 336-8326

REQUEST

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

LOCATION

Approximately 1.20 acres located at the south side of the intersection of West Kingston Avenue and Camden Road.



SUMMARY OF PETITION

The petition proposes to allow all transit supportive uses per TOD-UC (transit oriented development – urban center) zoning for a 1.20-acre site that is within a 0.25 mile walk of the East / West Boulevard Transit Station on the LYNX Blue Line.

PROPERTY OWNER

Dilworth Artisan Station, LLC

PETITIONER

White Point Partners, LLC

AGENT/REPRESENTATIVE

Collin Brown & Bailey Patrick, Jr. / K & L Gates

COMMUNITY MEETING

Meeting is not required.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *South End Transit Station Area Plan* and the *South End Vision Plan* land use recommendations for transit supportive development.

Rationale for Recommendation

- The subject site is within 0.25-mile walk of the East / West Boulevard Station on the LYNX Blue Line.
- The proposal permits a site previously used for commercial uses to convert to transit supportive land uses.
- Use of conventional TOD-UC (transit oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

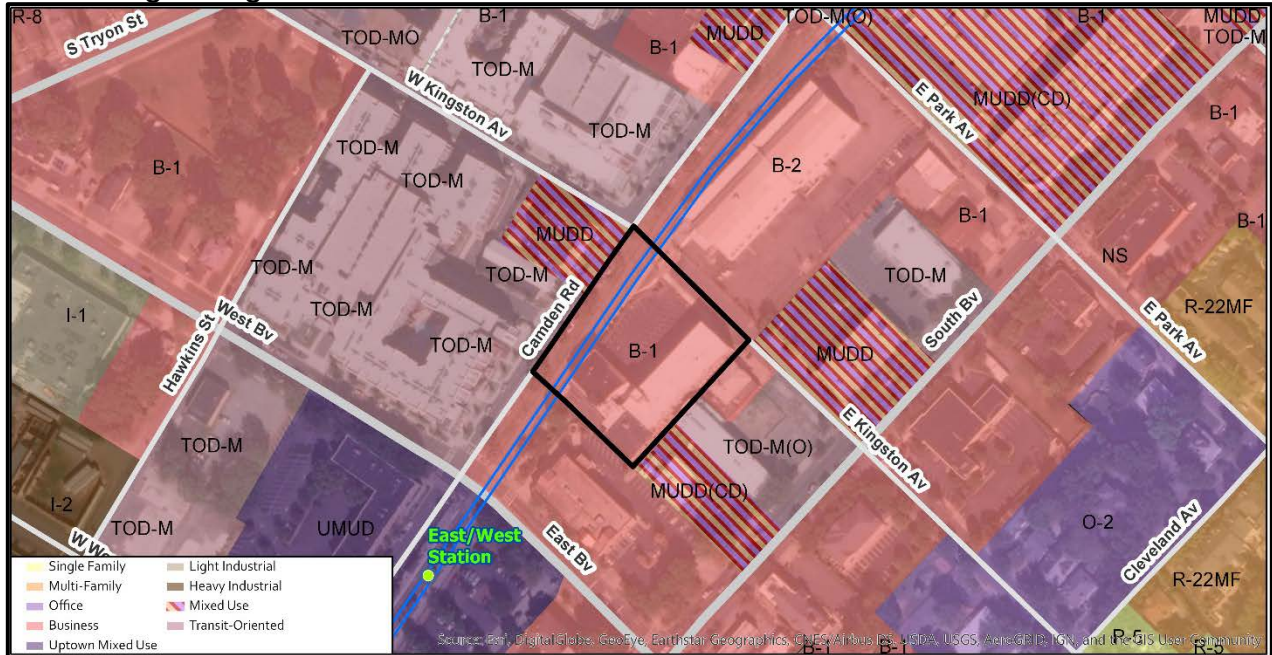
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

PLANNING STAFF REVIEW

• Proposed Request Details

- This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-UC (transit oriented development – urban center) zoning district. Uses allowed in the TOD-UC district include residential, retail, and civic uses.

• Existing Zoning and Land Use



The subject property is currently zoned B-1, and is surrounded by TOD, MUDD, and B-1 and B02 zoning districts and uses.



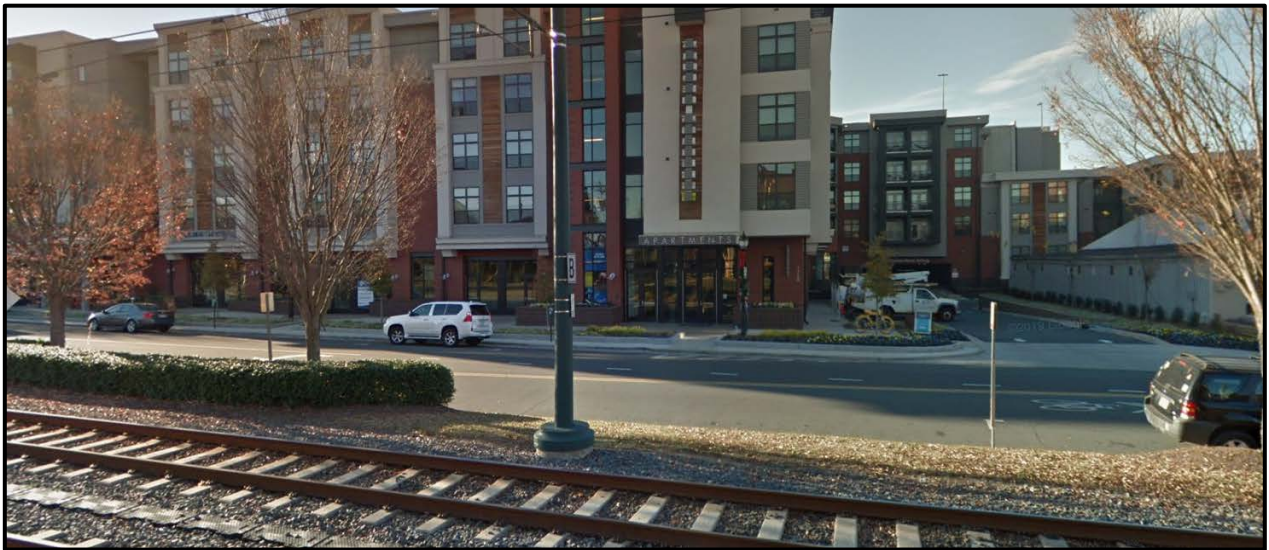
The subject property is developed with commercial and retail uses.



The property to the north along East Kingston is developed with a warehouse use.



The property to the south along East Boulevard is developed with a retail drug store.

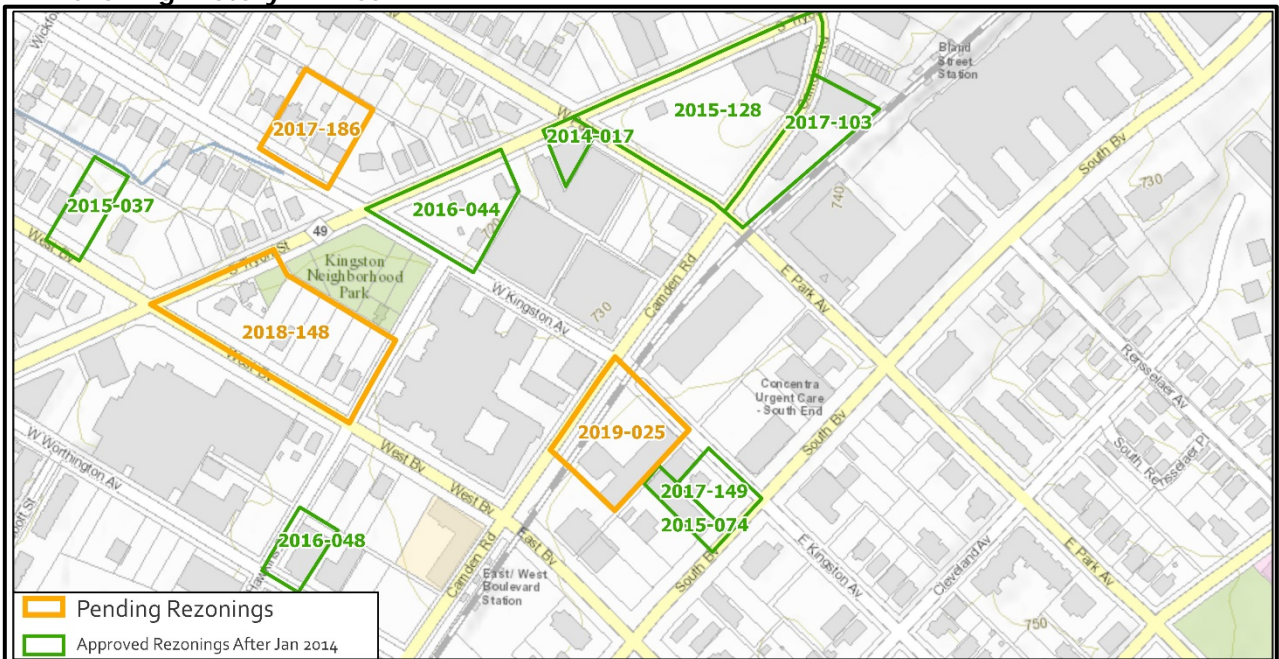


The property to the west along Camden Road is the Lynx Blue Line and apartments.



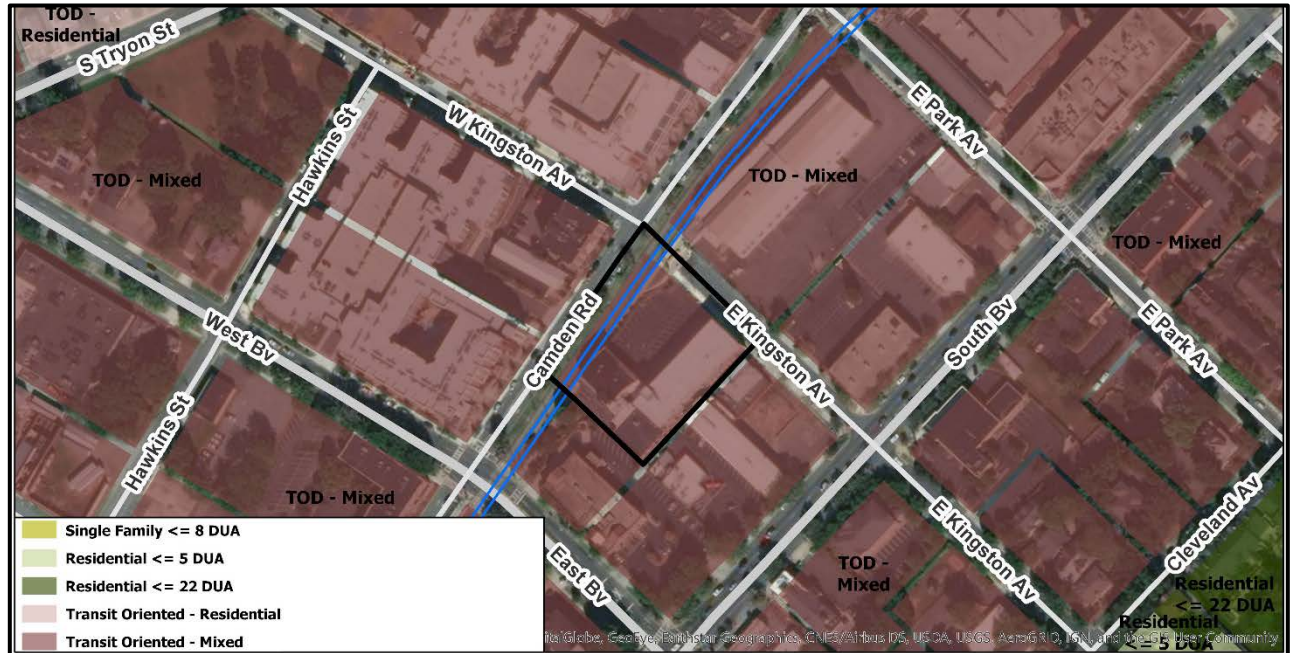
The property to the south east along South Boulevard is developed with office/warehouse use.

- **Rezoning History in Area**



- There have been numerous other rezonings to TOD-M (transit oriented development – mixed-use), TOD-MO (transit oriented development – mixed-use, optional), and TOD-M (CD) (transit oriented development – mixed-use, conditional) in the area to support transit supportive uses.

- **Public Plans and Policies**



- The *South End Vision Plan* (2018) recommends a mixed-use transit supportive uses and design guidelines for the subject site.
- The *South End Transit Station Area Plan* (2005) recommends mixed-use transit supportive development for the subject site.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located on a local street immediately adjacent to the rail trail and less than ¼ mile from the East/West Boulevard Blue Line Station. There is existing curb and gutter and back of curb sidewalk along the Kingston Avenue frontage with a planting strip between the curb and sidewalk in front of the building. CDOT will work with the petitioner during permitting to upgrade the streetscape in accordance with current city standards.
- No outstanding issues.
- **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 510 trips per day (based on 47,300 square feet of office).
Entitlement: 1,420 trips per day (based on 12,000 square feet of retail).
Proposed Zoning: Too many uses to determine with TOD-UC zoning.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** A portion of the building may be in the CATS rail corridor right of way. Staff will work with the petitioner to execute an encroachment agreement, if required.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Camden Road and via an existing eight-inch water distribution main located along Kingston Avenue. The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—Charlotte Water's Wilmore Drive Park Avenue Sanitary Sewer Replacement 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 an anticipated completion date of late 2019.

- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
 - **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
-

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

Planner: Solomon Fortune (704) 336-8326



Agenda Date: 6/17/2019

Agenda #: 21. **File #:** 15-11170 **Type:** Zoning Hearing

Rezoning Petition: 2019-026 by Beacon Development

Location: Approximately 3.0 acres located on the south side of Clanton Road, both side of Dewitt Lane and Tryclan Drive, east of South Tryon Street. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial) and I-2 (general industrial)

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

Zoning Committee Recommendation:

Zoning Committee voted 6-0 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: I-1 (light industrial) and I-2 (general industrial)
Proposed Zoning: TOD-CC (transit oriented development – community center), and TOD-TR (transit oriented development – transition)

LOCATION

Approximately 3.0 acres located on the south side of Clanton Road, both sides of Dewitt Lane and Tryclan Drive, east of South Tryon Street.
(Council District 3 - Mayfield)

PETITIONER

Beacon Partners

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

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

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

- The plan recommends transit supportive development for the 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 subject site is within ½-mile walk of the Scaleybark Station on the LYNX Blue Line.
- The proposal permits a site previously used for office, industrial, and warehouse to convert to transit supportive land uses.
- Use of conventional TOD-CC (transit oriented development – community center) and TOD-TR (transit oriented development – transition) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion/Second: Samuel / McClung

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

Nays: None

Absent: Ham
Recused: None

**ZONING COMMITTEE
DISCUSSION**

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

There was no further discussion of this petition.

PLANNER

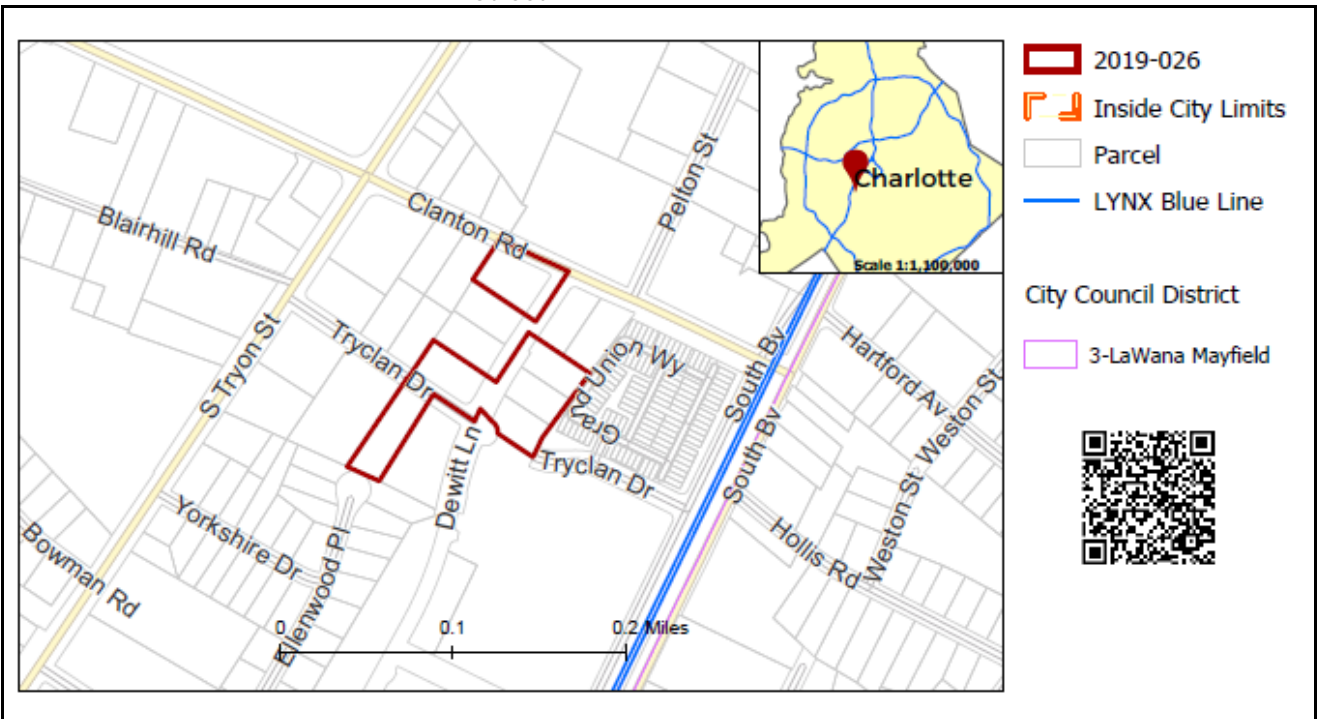
Solomon Fortune (704) 336-8326

REQUEST

Current Zoning: I-1 (light industrial) and I-2 (general industrial)
Proposed Zoning: TOD-CC (transit oriented development – community center), and TOD-TR (transit oriented development – transition)

LOCATION

Approximately 3.0 acres located on the south side of Clanton Road, both sides of Dewitt Lane and Tryclan Drive, east of South Tryon Street.



SUMMARY OF PETITION

The petition proposes to allow all transit supportive uses per TOD-CC (transit oriented development – community center) and TOD-TR (transit oriented development – transition) zoning for a 3.0-acre site that is within a 1/2 mile walk of the Scaleybark Transit Station on the LYNX Blue Line.

PROPERTY OWNER

BIN-Scaleybark, LLC

PETITIONER

Beacon Partners

AGENT/REPRESENTATIVE

Collin Brown & Bailey Patrick, Jr. / K&L Gates

COMMUNITY MEETING

Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *Scaleybark Transit Station Area Plan* land use recommendations for transit supportive development.

Rationale for Recommendation

- The subject site is within 1/2-mile walk of the Scaleybark Station on the LYNX Blue Line.
- The proposal permits a site previously used for office, industrial, and warehouse to convert to transit supportive land uses.

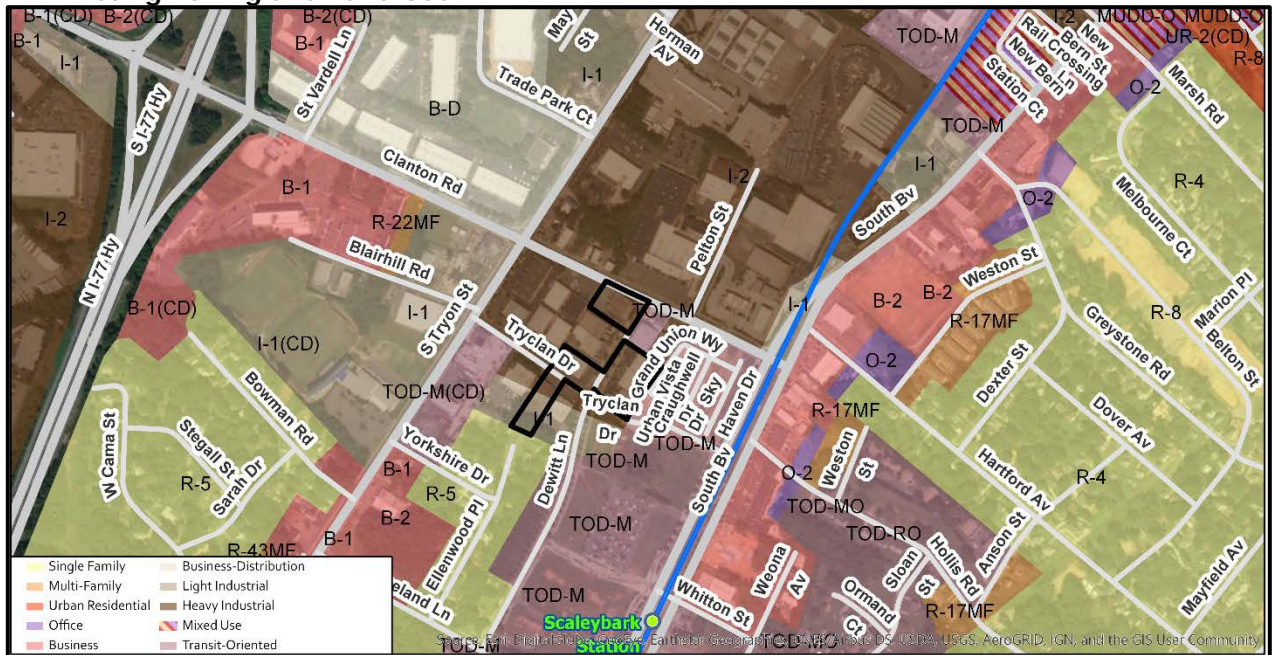
- Use of conventional TOD-CC (transit oriented development – community center) and TOD-TR (transit oriented development – transition) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

PLANNING STAFF REVIEW

• Proposed Request Details

- This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-CC (transit oriented development – community center) and TOD-TR (transit oriented development – transition) zoning district. Uses allowed in the districts include residential, retail, and civic uses.

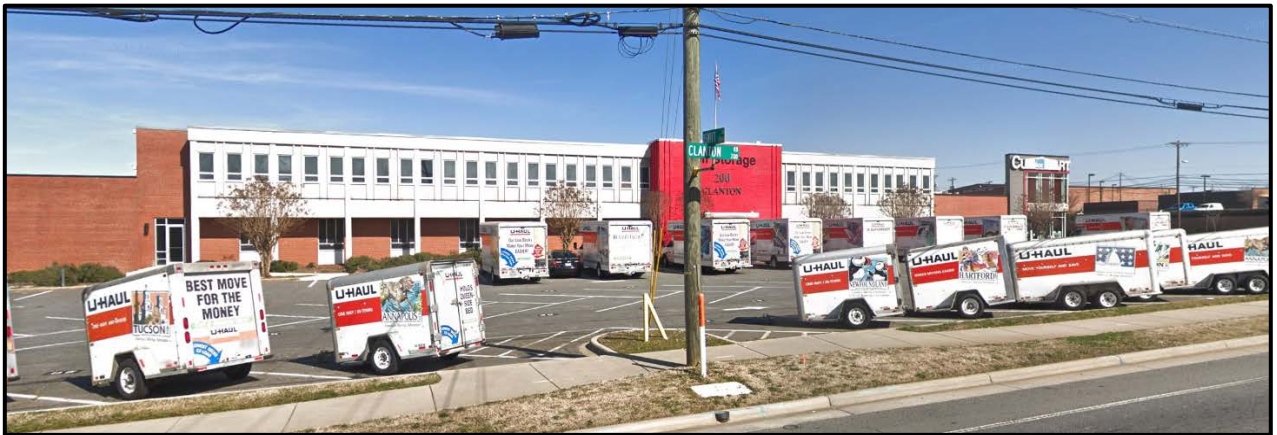
• Existing Zoning and Land Use



The property is currently zoned I-1 and surrounded by other I-1 zoning, TOD zoning, and residential zoning and uses.



The subject rezoning is comprised of several parcels developed with warehouse uses. Red star denotes properties in the rezoning petition.



The property to the north along Clanton Road is developed with a storage facility.



The property to the south along Ellenwood Place is developed with single family homes.

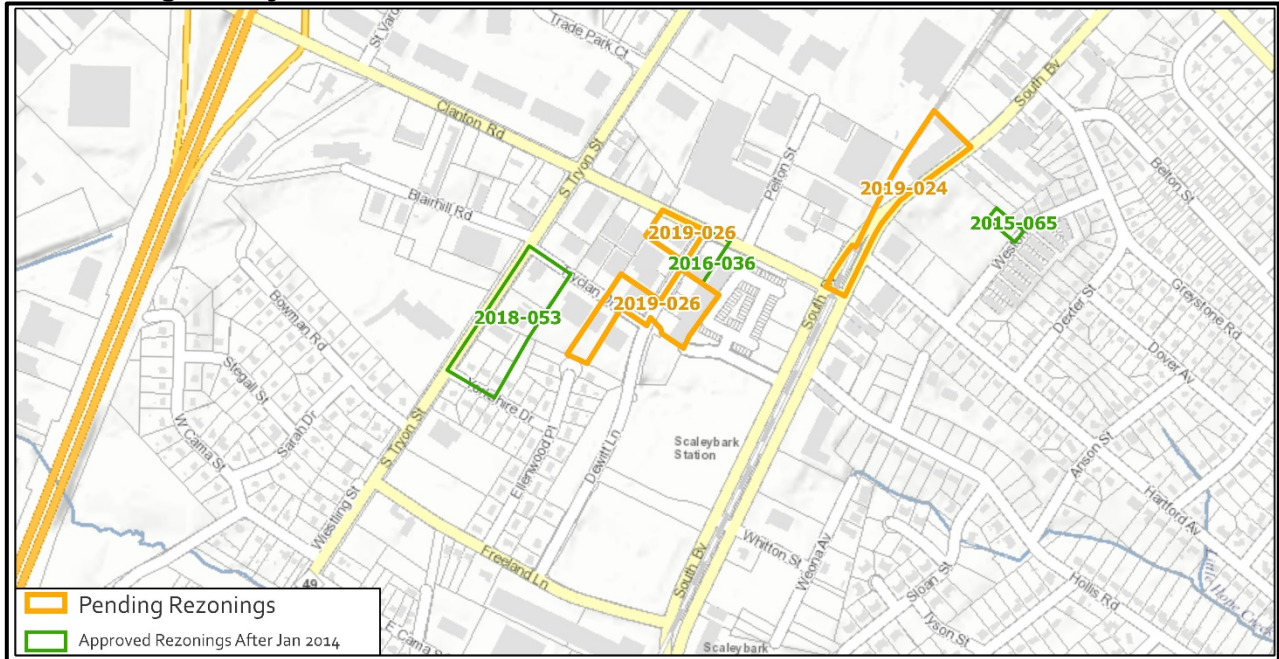


The property to the east along South Boulevard is developed with apartments.



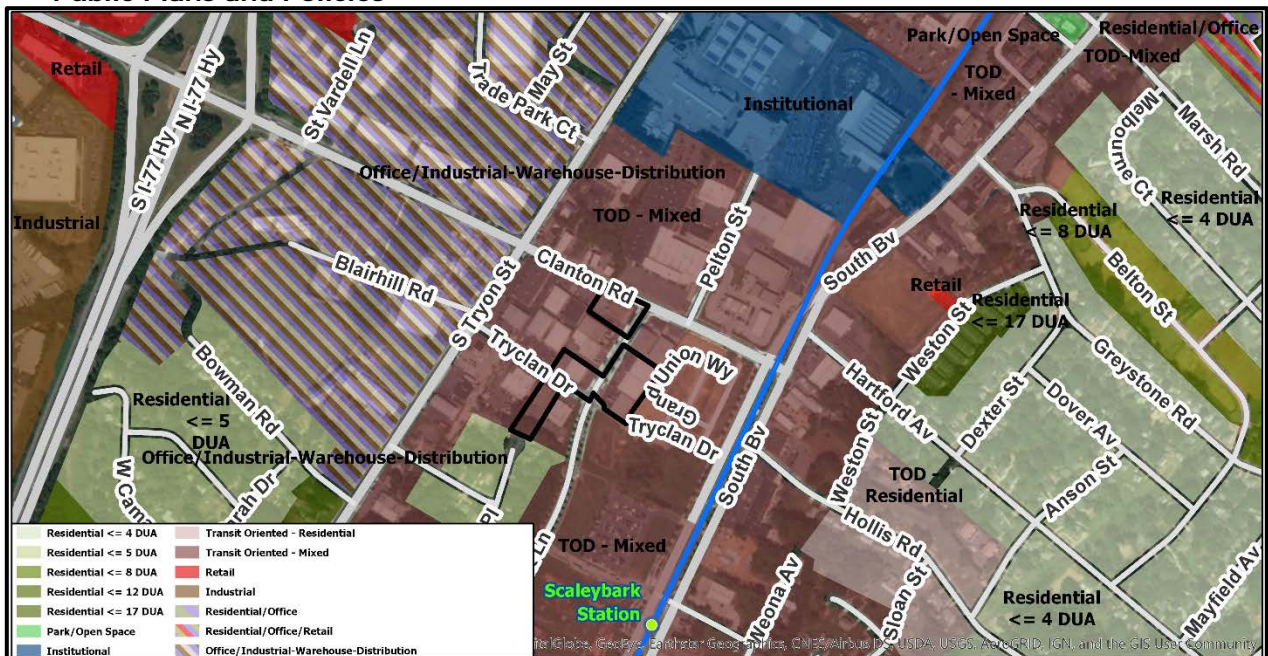
The property to the west along Tryclan Drive is developed with industrial/warehouse uses.

• Rezoning History in Area



| Petition Number | Summary of Petition | Status |
|-----------------|--|----------|
| 2019-024 | Proposes to rezone 1.74 acres to TOD-CC (transit oriented development – commercial center) for all uses allowed in the district. | Pending |
| 2018-053 | Rezoned 3.17 acres to TOD-M(CD) (transit oriented development – mixed-use, conditional) to allow all uses in the district. | Approved |
| 2016-036 | Rezoned 0.45 acres to TOD-M (transit oriented development – mixed-use) for all uses allowed in the district. | Approved |
| 2015-065 | Rezoned 0.28 acres to B-2 (general business) for all uses in the district. | Approved |

• Public Plans and Policies



- The *Scaleybark Transit Station Area Plan* (2008) recommends mixed use transit supportive development for the subject site and surrounding properties.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located on either side of a local street within ¼ mile of the Scaleybark Blue Line Station. There is existing curb and gutter on all street frontage included in this rezoning: DeWitt Lane, Clanton Road, and Tryclan Drive. Planting strip and sidewalk width varies along the frontage. CDOT will work with the petitioner during permitting to review driveway locations and types as well as to implement streetscape improvements in accordance with the area plan and current city standards.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 130 trips per day (based on 53,320 square feet of warehouse uses).
 - Entitlement: 130 trips per day (based on 53,320 square feet of warehouse uses).
 - Proposed Zoning: Too many uses to determine with TOD-CC and TOD-TR zoning.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** CATS and CDOT staff have been working with the petitioner on temporary and permanent accommodations for bus vehicles. The developer may move the bus bays to an appropriate location or keep the bus bays where they currently are.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** The site has accessible water system infrastructure for the rezoning boundary via an existing eight-inch water distribution main located along Dewitt Lane and via an existing six-inch water distribution main located along Tryclan Drive.

The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project— Irwin Creek Tributaries to Dewitt Lane and Yeoman Road Sanitary Sewer Replacement. 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 an anticipated completion date of early-2021. It is recommended that the applicant contact the Charlotte Water New Services at (704) 432-2854 for further information and to discuss options regarding sanitary sewer system capacity.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

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

Planner: Solomon Fortune (704) 336-8326



Agenda Date: 6/17/2019

Agenda #: 22. **File #:** 15-11171 **Type:** Zoning Hearing

Rezoning Petition: 2019-032 by US Developments, Inc

Location: Approximately 14.72 acres located on the northwest side of Highway 29 North, east of Caprington Avenue. (Outside City Limits)

Current Zoning: R-3 (single family residential), R-17MF(CD) (multi-family residential, conditional) and MX-2 (mixed use)

Proposed Zoning: R-17(MF) (multi-family residential)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends denial of this petition.

Attachments:

Zoning Committee Recommendation
Final Staff Analysis



Zoning Committee

REQUEST

Current Zoning: R-3 (single-family residential), R-17MF(CD) (multi-family residential, conditional), and MX-2 (mixed-use)
Proposed Zoning: R-17MF (multi-family residential)

LOCATION

Approximately 14.72 acres located on the northwest side of Highway 29 North, to the east of Caprington Avenue.
(Outside City Limits)

PETITIONER

US Developments, Inc.

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

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

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

- The plan recommends residential land uses up to 8 dwelling units per acre and/or institutional land uses.

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

- The Northeast Area Plan (2000) recommends residential land uses up to 8 dwelling units per acre and/or Institutional land uses for this site.
- The zoning district requested, R-17MF would more than double the density recommended in the adopted land use plan.
- The site abuts a lower density, single family residential neighborhood (4.5 DUA) to the north and east, and does not provide appropriate guarantees for compatibility.
- The R-17MF(CD) zoning adjacent to the west has the uses limited to a day care center, an assisted living facility, and/or a community recreation center, and is not similar to the proposed uses on this site.
- While there are multi-family units on the other side of Caprington Avenue, the units in that project were separated from adjacent single family uses with appropriate site plan conditions. The multi-family in this project is directly adjacent to single-family residential and could create compatibility concerns, particularly without a conditional plan to determine how they will integrate and be designed.

- Context is important, and this conventional petition does not address the important elements of transition, setback, buffers, and other needed site plan conditions.

Motion/Second: McClung / Watkins

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

Nays: None

Absent: Ham

Recused: None

ZONING COMMITTEE DISCUSSION

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

A commissioner asked what are the compatibility concerns to adjacent properties. Staff explained that we would like to see a transition of density from higher density along Highway 29 to lower density and height to the adjacent single-family homes. Without a conditional site plan, it is hard to determine how they would relate to surrounding properties.

A commissioner stated that they would like a better understanding of how to interpret the Charlotte-Mecklenburg Schools memo relating to school capacity issues. They would like to hear from a CMS official and their role in the rezoning process.

A commissioner asked if the petitioner was willing to do a conditional plan. Staff responded that the petitioner wanted to move forward with a conventional plan, but had offered deed restrictions.

There was no further discussion of this petition.

PLANNER

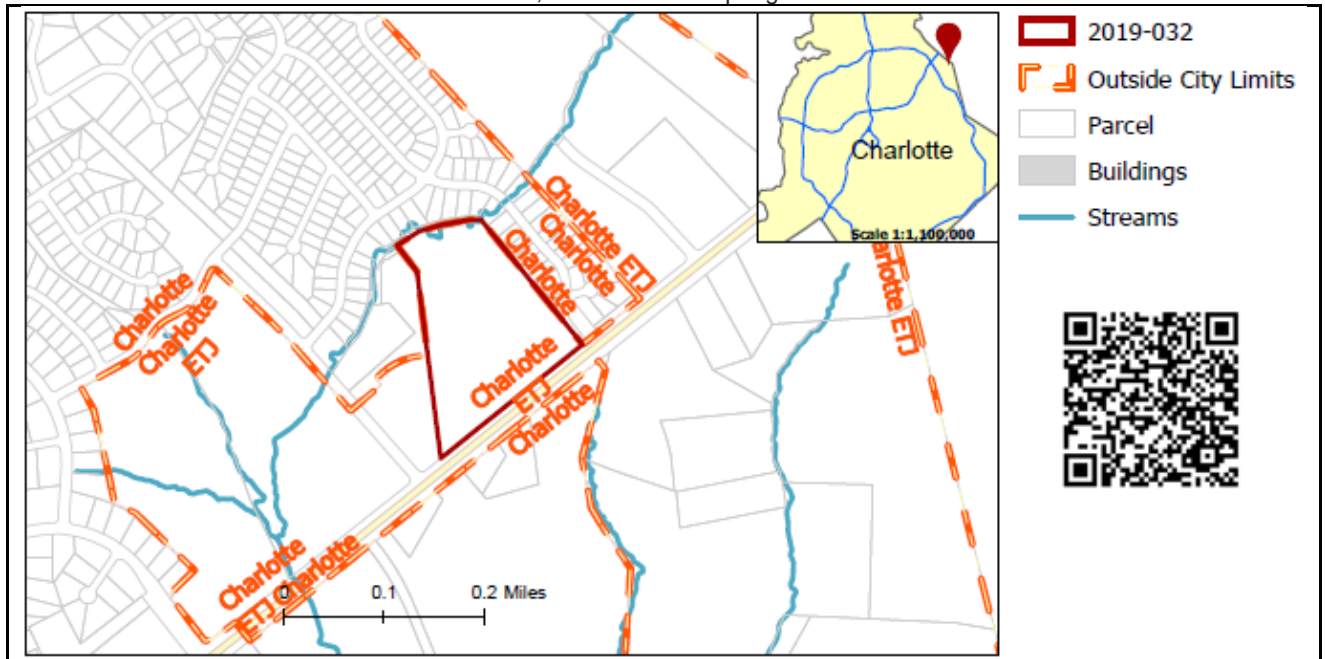
Michael Russell (704) 353-0225

REQUEST

Current Zoning: R-3 (single-family residential), R-17MF(CD) (multi-family residential, conditional), and MX-2 (mixed-use)
Proposed Zoning: R-17MF (multi-family residential)

LOCATION

Approximately 14.72 acres located on the northwest side of Highway 29 North, to the east of Caprinton Avenue.



SUMMARY OF PETITION

The petition proposes to allow all uses in the R-17MF district.

PROPERTY OWNER

Christenbury Family, LLC

PETITIONER

US Developments, Inc.

AGENT/REPRESENTATIVE

Weston Boles

COMMUNITY MEETING

Meeting is not required.

**STAFF
RECOMMENDATION**

Staff recommends denial of this petition.

Plan Consistency

The petition is **inconsistent** with the *Northeast Area Plan* (2000) recommendation for residential land uses up to 8 dwelling units per acre and/or institutional land uses.

Rationale for Recommendation

- The *Northeast Area Plan* (2000) recommends residential land uses up to 8 dwelling units per acre and/or Institutional land uses for this site.
- The zoning district requested, R-17MF would more than double the density recommended in the adopted land use plan.
- The site abuts a lower density, single family residential neighborhood (4.5 DUA) to the north and east, and does not provide appropriate guarantees for compatibility.
- The R-17MF(CD) zoning adjacent to the west has the uses limited to a day care center, an assisted living facility, and/or a community recreation center, and is not similar to the proposed uses on this site.

- While there are multi-family units on the other side of Caprington Avenue, the units in that project were separated from adjacent single family uses with appropriate site plan conditions. The multi-family in this project is directly adjacent to single-family residential and could create compatibility concerns, particularly without a conditional plan to determine how they will integrate and be designed.

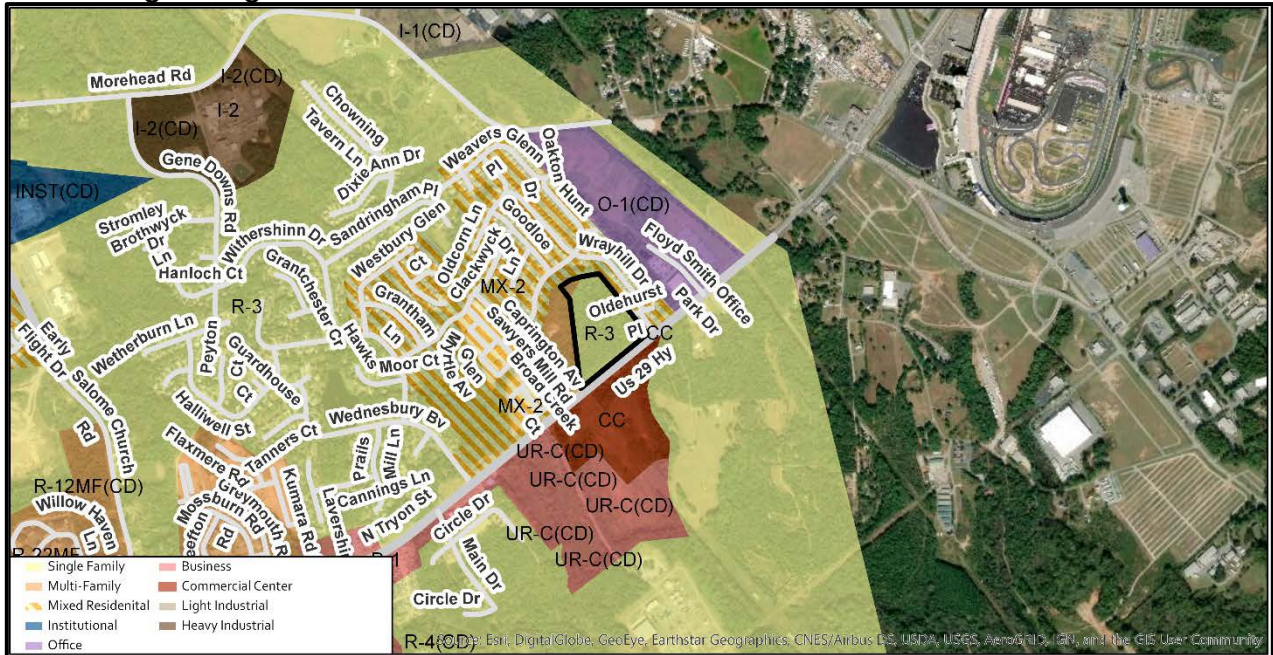
The approval of this petition will revise the adopted future land use as specified by *The Northeast Area Plan*, from mixed use – residential (8 DUA), Institutional recommended use to multi-family recommended use for the site.

PLANNING STAFF REVIEW

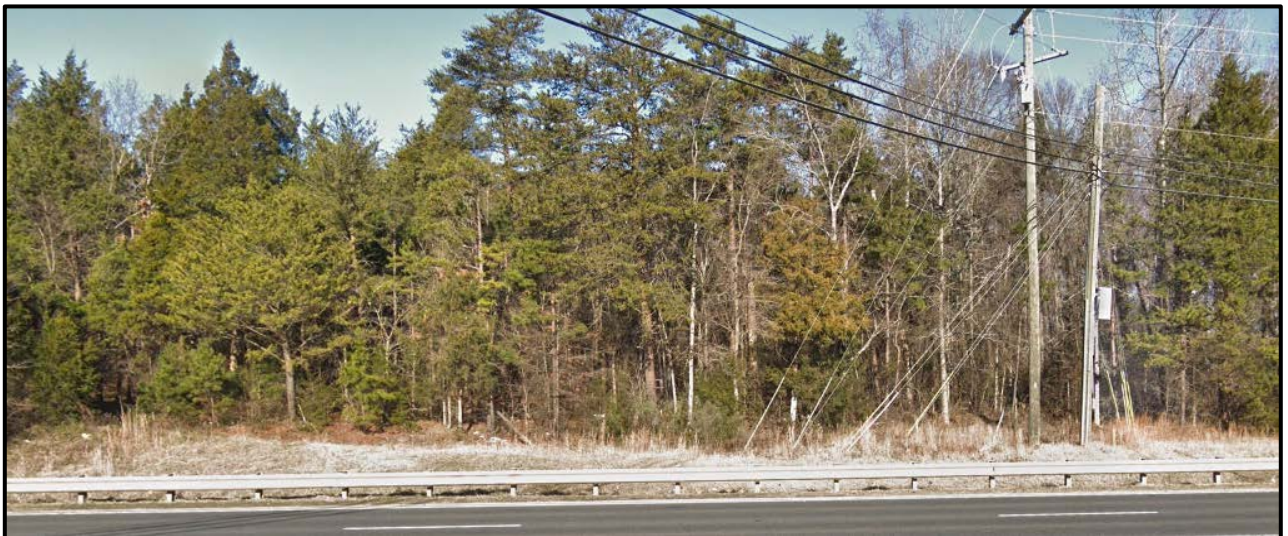
- Proposed Request Details**

This is a conventional rezoning petition with no associated site plan. It allows all uses permitted in the R-17MF district.

- Existing Zoning and Land Use**



The subject site is zoned R-3 and vacant. It is surrounded by a mixture of residential and commercial zoning and land uses. See images below for more details



The subject property is undeveloped.



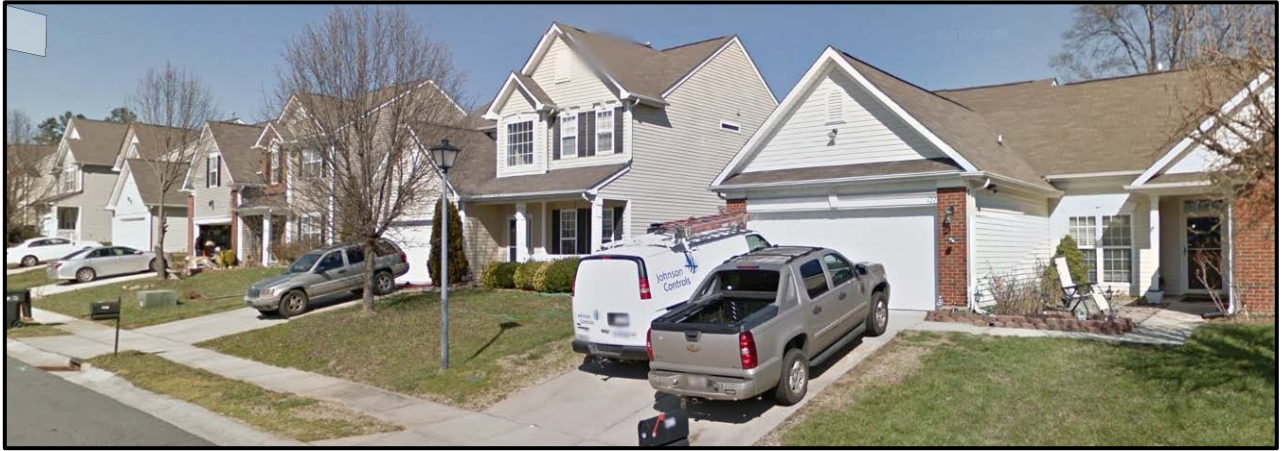
The property to the northeast along Wrayhill Drive is developed with single-family homes.



The property to the southwest along Caprington Avenue is developed with apartments.

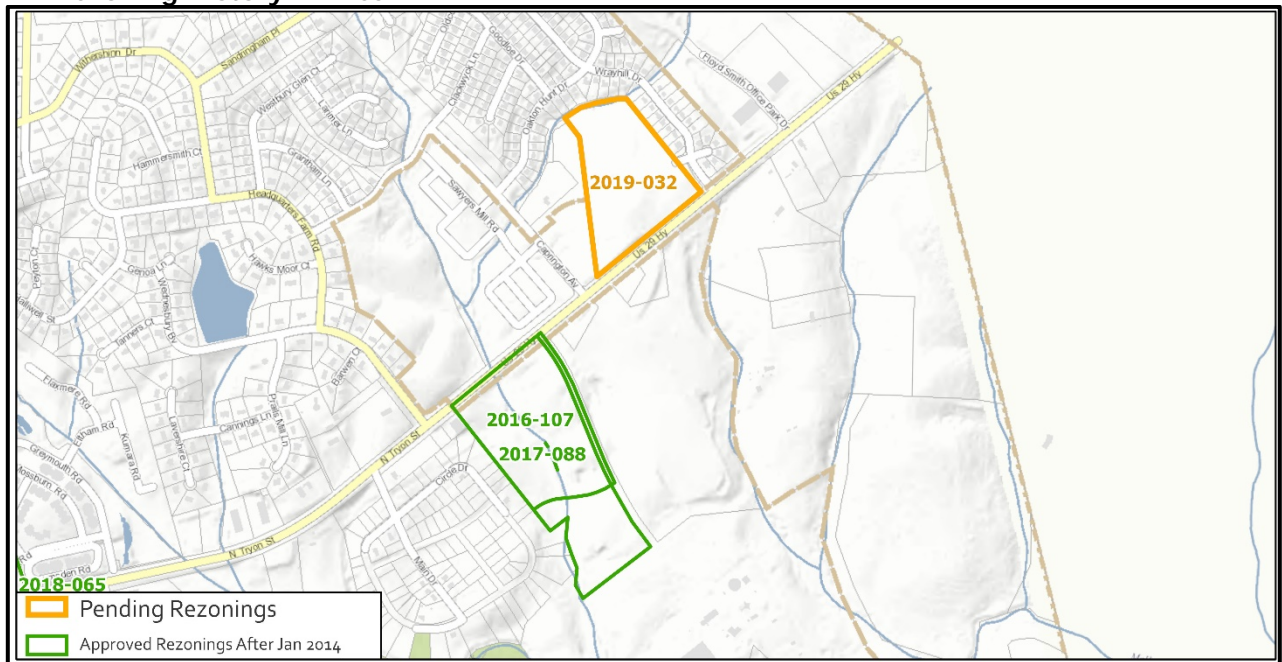


The property to the southeast along Hwy 29 is being developed with a a senior living community with residential and commercial uses. It is currently under construction.



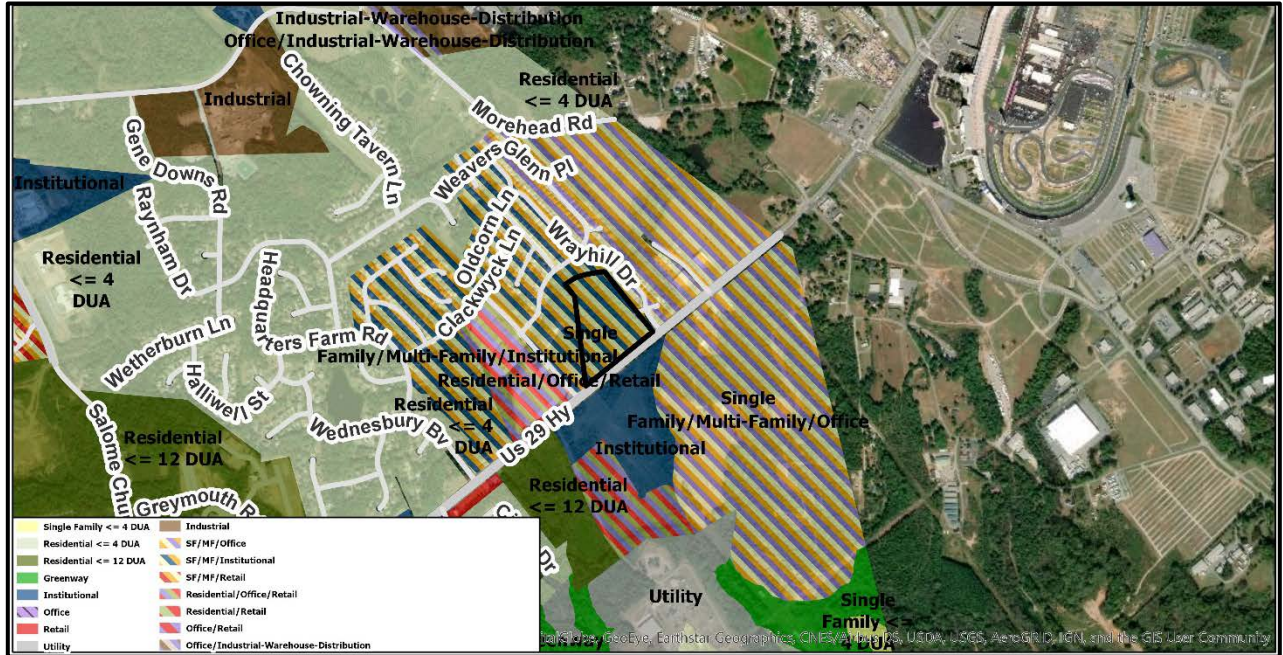
The property to the northwest along Goodloe Drive is developed with single-family homes.

- Rezoning History in Area**



| Petition Number | Summary of Petition | Status |
|-----------------|---|----------|
| 2016-107 | Rezoned 15.86 acres to UR-C(CD) and UR-C(CD) SPA to allow up to 275 multi-family dwelling units. | Approved |
| 2017-088 | Rezoned 23.3 acres to UR-C(CD) and UR-C(CD) SPA to amend the existing development rights on an undeveloped parcel to retain the 275 multi-family dwelling units and eliminate the non-residential uses permitted via previously approved rezoning petitions to amend the site layout. | Approved |
| 2018-065 | Rezoned 2.63 acres to NS SPA to amend previously approved petition 2007-047 to allow one accessory drive through window. | Approved |

- **Public Plans and Policies**



- The adopted policies for this site are in the *Northeast Area Plan* (2000).
- The plan recommends Residential (up to 8 DUA) and/or Institutional land uses for this site.

TRANSPORTATION CONSIDERATIONS

- The site is located on a major thoroughfare that lacks curb, gutter, and sidewalk. CDOT will work with the petitioner during permitting to implement streetscape improvements in accordance with city standards. Additionally, CDOT will work with the petitioner and Subdivision to design a street network to serve the site.
- **Vehicle Trip Generation:**
 Current Zoning:
 Existing Use: 0 trips per day (based on vacant land).
 Entitlement: 490 trips per day (based on 44 dwellings).
 Proposed Zoning: 1,850 trips per day (based on 250 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 23 students, while the development allowed under the proposed zoning will produce 131 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 108.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Stoney Creek Elementary from 110% to 121%
 - James Martin Middle from 78% to 81%
 - Zebulon Vance High from 119% to 121%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water transmission main located along US 29. The property will need to extend public sewer through a donated project. Reservation of sanitary sewer system capacity through the Charlotte Water's Capacity Assurance Program is the responsibility of the customer/development.

- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

1. Reduce the density to be more comparable to the surrounding development patterns.
2. Provide a conditional plan to better clarify how the proposed use and density would interact with adjacent uses, and the existing road network.

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

Planner: Michael Russell (704) 353-0225



Agenda Date: 6/17/2019

Agenda #: 23.**File #:** 15-11172 **Type:** Zoning Hearing

Rezoning Petition: 2019-048 by B&B RE Ventures, LLC

Location: Approximately 3.6 acres located at the intersection of Old Pineville Road and the north side of Scholtz Road, south of Springbrook Road. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 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: I-2 (General Industrial)
Proposed Zoning: TOD-CC (Transit Oriented Development-Community Center)

LOCATION

Approximately 3.6 acres located at the intersection of Old Pineville Road and the north side of Scholtz Road, south of Springbrook Road.
(Council District 3 - Mayfield)

PETITIONER

B&B RE Ventures, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

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

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

- The plan recommends transit oriented development.

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 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 less than a ¼ mile walk of the Woodlawn Station on the LYNX Blue Line.
- The proposal allows a site previously used for industrial purposes to be redeveloped with a transit supportive project.

Motion/Second: McClung / Watkins

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

Nays: None

Absent: Ham

Recused: None

**ZONING COMMITTEE
DISCUSSION**

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

There was no further discussion of this petition.

PLANNER

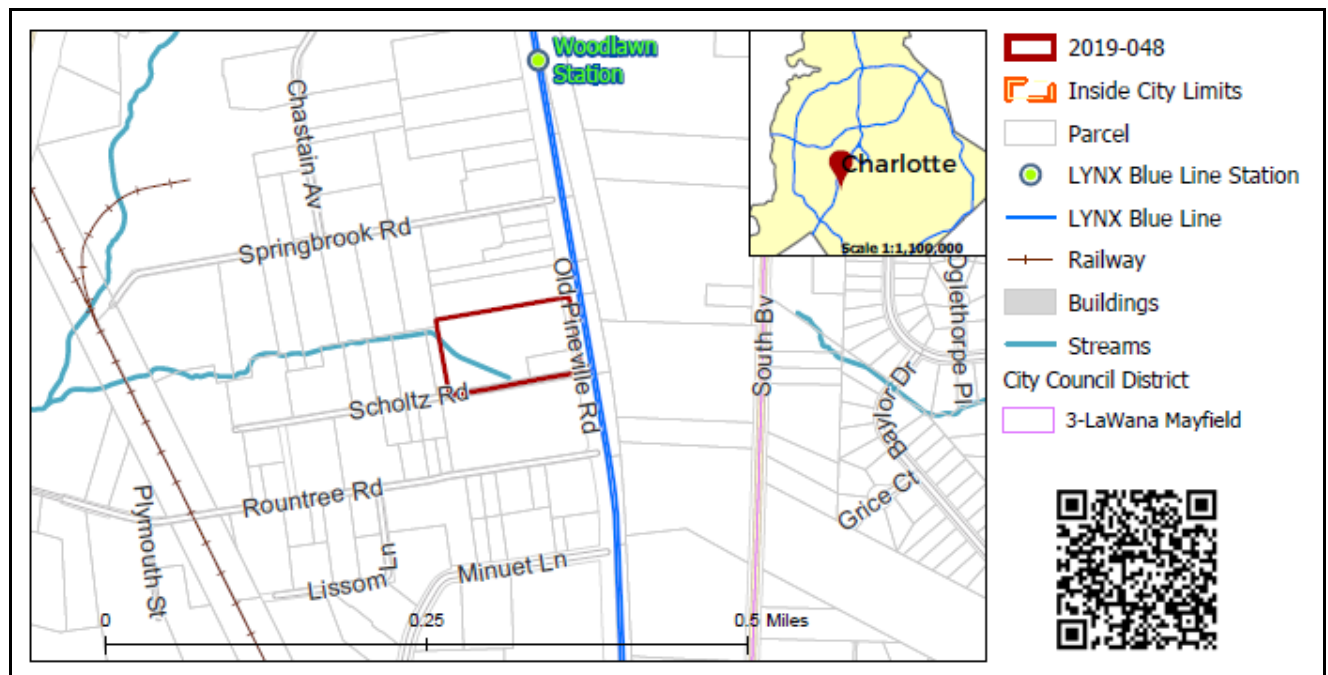
John Kinley (704) 336-8311

REQUEST

Current Zoning: I-2 (General Industrial)
Proposed Zoning: TOD-CC (Transit Oriented Development-Community Center)

LOCATION

Approximately 3.6 acres located at the intersection of Old Pineville Road and the north side of Scholtz Road, south of Springbrook Road.



SUMMARY OF PETITION

The petition proposes to redevelop the site to allow all uses in the TOD-CC district for the site located south of the Woodlawn Transit Station.

PROPERTY OWNER

John J. Huson Revocable Trust U/A

PETITIONER

B&B RE Ventures, LLC

AGENT/REPRESENTATIVE

John Carmichael, Ty Shaffer, Robinson Bradshaw

COMMUNITY MEETING

Meeting is not required.

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,.

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 less than a ¼ mile walk of the Woodlawn Station on the LYNX Blue Line.
- The proposal allows a site previously used for industrial purposes to be redeveloped with a transit supportive project.

PLANNING STAFF REVIEW

- Proposed Request Details**

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

- Existing Zoning and Land Use**



The site is surrounded by a mixture of warehousing, office and industrial uses.



The site is developed with industrial use with outdoor storage and equipment.



Property north of the site is developed with an industrial use (tree trimming service office and equipment).



Property south of the site, across Scholtz Road is developed with a brewery.

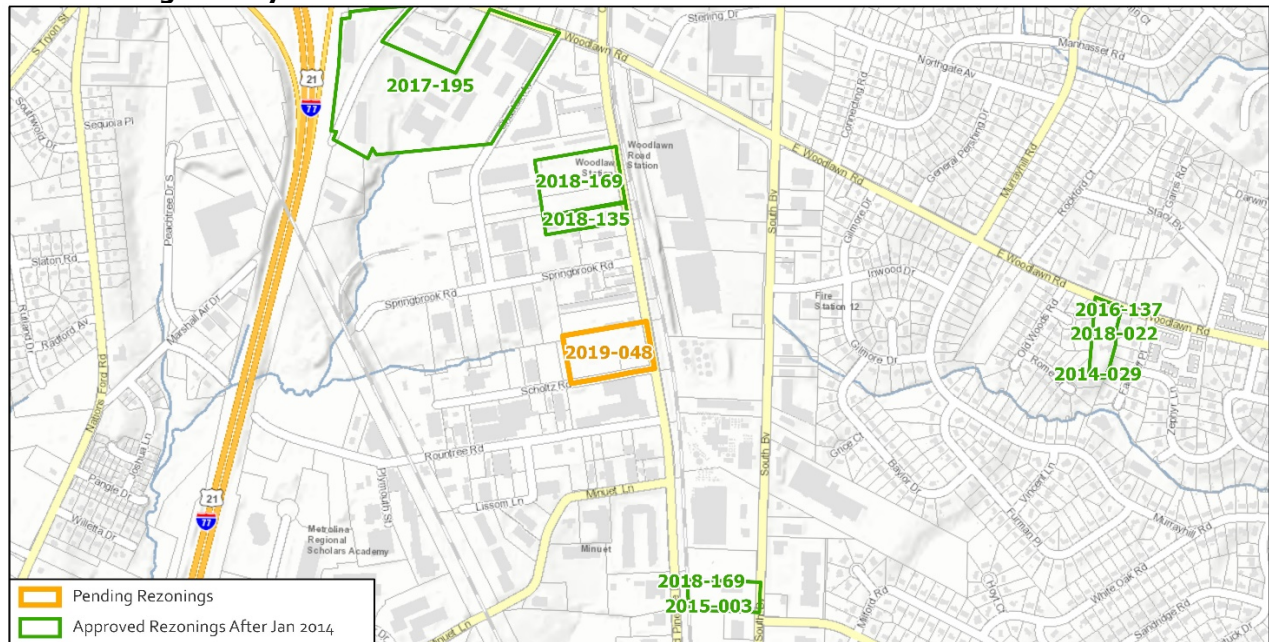


East of the site is the LYNX Blue Line and freight rail lines.



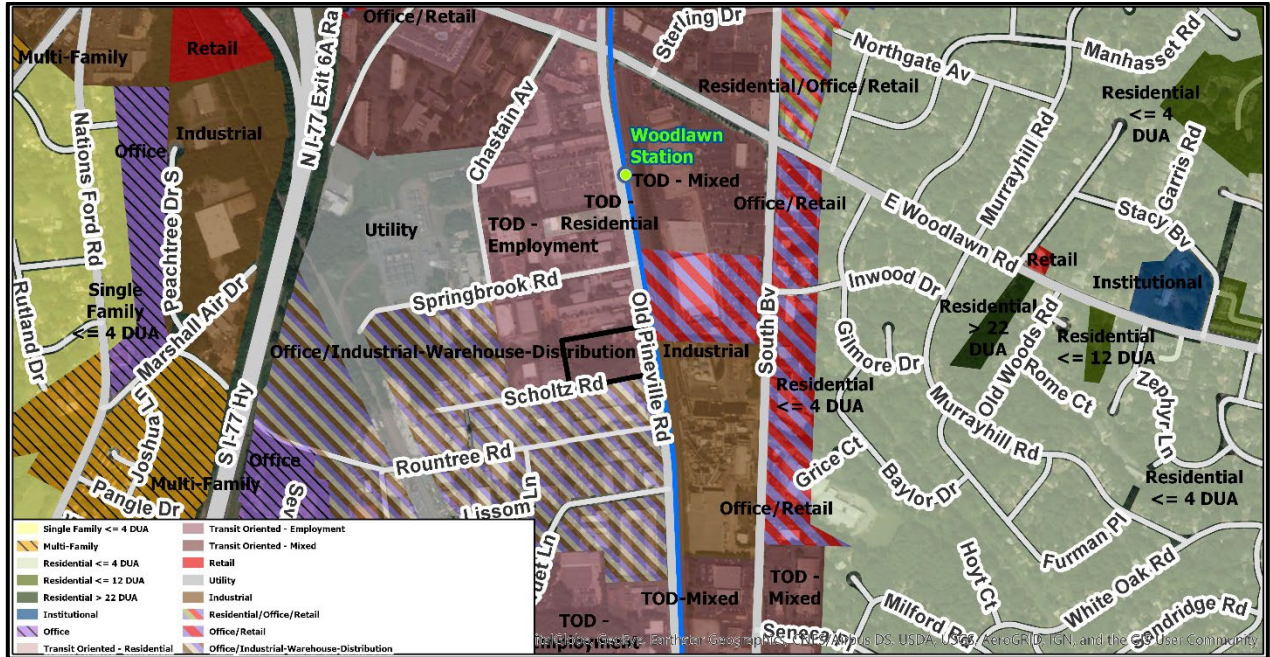
West of the site is parking for nearby warehouse, office and industrial uses.

- Rezoning History in Area**



| Petition Number | Summary of Petition | Status |
|---------------------------------|--|----------|
| 2014-029, 2016-137 and 2018-022 | Rezoned the same 1.58 acre parcel to UR-2(CD) (urban residential, conditional) to allow townhomes. The most recent rezoning allows up to 18 attached residential units. | Approved |
| 2015-003 | Rezoned a 2.17 acre parcel from B-2 (general business) to TOD-M (transit oriented development-mixed use) to allow all uses in the district. | Approved |
| 2017-195 | Rezoned a 19.78 acre parcel from I-2 to TOD-M(CD) (transit oriented development-mixed use, conditional) to allow all uses in the district. | Approved |
| 2018-135 | Rezoned a 1.49 acre parcel from I-2 to TOD-RO (transit oriented development-residential, optional) to allow a minimum of 30 residential units and up to 10,000 square feet of commercial uses. | Approved |
| 2018-169 | TOD text amendment - translated zoning of properties conventionally zoned TOD (transit oriented development) (TOD-M, TOD-R, TOD-E) to TOD-CC. | Approved |

• Public Plans and Policies



- The *Woodlawn Transit Station Area Plan* (2008) recommends employment-focused transit supportive development, for the subject property.

• TRANSPORTATION CONSIDERATIONS

- The site is located at the intersection of Old Pineville Road and Scholtz Road in close proximity to Woodlawn Road. CATS Woodlawn Road Blue Line Station is 1/3 mile to the north along Old Pineville Road. The site has existing curb and gutter, back of curb 6-foot sidewalk on the Old Pineville Road frontage. The site does not have curb and gutter, planting strip and sidewalk along the Scholtz Road frontage. CDOT will work with the petitioner during permitting to position the driveway and implement any required streetscape improvements.

• Vehicle Trip Generation:

Current Zoning:

Existing Use: 200 trips per day (based on 14,000 square feet of manufacturing).

Entitlement: 130 trips per day (based on 54,000 square foot warehouse).

Proposed Zoning: Too many uses to determine (based on TOD-CC uses).

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:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch and 12-inch water distribution main located along Old Pineville Road and via an existing 6-inch water distribution main located along Scholtz Road. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. A Willingness to Serve application has been received and is currently under review. Correspondence will be maintained with the applicant.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

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

Planner: John Kinley (704) 336-8311