

# City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 3.File #: 15-13757 Type: Zoning Decision

Rezoning Petition: 2020-081 by University City Partners - Text Amendment

# **Summary of Petition:**

This Text Amendment proposes to modify the setbacks in the RE-1 and RE-2 zoning districts.

# **Zoning Committee Recommendation:**

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

# **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Text Amendment

# **Charlotte-Mecklenburg Planning Commission**

# **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-081

June 30, 2020

# **REQUEST**

Text Amendment to Section 9.605 of the Zoning Ordinance

#### **PETITIONER**

University City Partners

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

- Reducing setbacks significantly to one standard setback will create a more attractive streetscape; and
- Buildings closer to the street will activate the public realm.

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 standard minimum setback will create a more interesting urban walking experience for pedestrians.

Motion/Second: Gussman / Nwasike

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None

# ZONING COMMITTEE DISCUSSION

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

A Commissioner noted that the Unified Development Ordinance Advisory Committee recently reviewed the draft campus zoning districts and it aligns with this text amendment. Formerly suburban style research campus and research areas are becoming more urban in nature.

There was no further discussion of this petition.

### **PLANNER**

Sandra Montgomery (704) 336-5722





**REQUEST** Text Amendment to Section 9.605 of the Zoning Ordinance

**SUMMARY OF PETITION** The text amendment proposes to modify the setbacks in the RE-1 and

RE-2 zoning districts.

**PETITIONER** University City Partners

**AGENT/REPRESENTATIVE** Tobe Holmes, University City Partners

**COMMUNITY MEETING** Meeting is not required.

STAFF Staff recommends approval of this petition.

RECOMMENDATION

Plan Consistency

The petition is **consistent** with the *University Research Park Area Plan* and *the University City Area Plan* to support growth and reinvestment for a more sustainable community and development pattern, and to create an urban environment, building on the synergy of public infrastructure investments.

#### Rationale for Recommendation

- Reducing setbacks significantly to one standard setback will create a more attractive streetscape.
- Buildings closer to the street will activate the public realm.
- A standard minimum setback will create a more interesting urban walking experience for pedestrians.

#### **PLANNING STAFF REVIEW**

## Background

 Currently, the setbacks in RE-1 and RE-2 range from a minimum of 150' to 40', based upon the lot sizes.

## Proposed Request Details

The text amendment contains the following provisions:

• Modifies the varying setbacks based on lot sizes from a minimum of 150', 100', 125' and 40' to a standard minimum of 40', creating a more urban environment.

#### • Public Plans and Policies

- The *University Research Park Area Plan* provides policy guidance supportive of a more sustainable development pattern and community.
- The *University City Area Plan* provides policy guidance supportive of a more urban environment, higher intensity uses, and activation of the public realm.

#### TRANSPORTATION SUMMARY

- Transportation Considerations
  - No comments submitted.

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

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

- Charlotte Fire Department: No outstanding issues.
- Charlotte-Mecklenburg Schools: Not applicable
- Charlotte Water: No comments submitted.
- Engineering and Property Management:
  - Arborist: No comments submitted.
  - Erosion Control: No comments submitted.
  - Land Development: No outstanding issues.
  - Storm Water Services: No comments submitted.
  - Urban Forestry: No comments submitted.
- Mecklenburg County Land Use and Environmental Services Agency: No comments submitted.
- Mecklenburg County Parks and Recreation Department: No comments submitted.

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

Planner: Sandra Montgomery (704) 336-5722

Petition #: 2020-081

Petitioner: University City Partners

# AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE

|--|

# BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A of the Code of the City of Charlotte is hereby amended as follows:

# A. CHAPTER 9: GENERAL DISTRICTS

- 1. PART 6: Research Districts
  - a. Amend Section 9.605, "Development standards for research districts", subsection (1) "Area, yard and bulk regulations", subsection (d), "Minimum setbacks (feet)" by 1) deleting all the lot size information and setback sizes and replacing it with one setback requirement of 40' for both RE-1 and RE-2; 2) delete the double asterisks (\*\*) footnote in its entirety and replace it with "Reserved". All other subsections and footnotes remain unchanged. The revised section shall read as follows:

# Section 9.605. <u>Development standards for research districts.</u>

All uses and structures permitted in the RE-1 and RE-2 districts shall meet the applicable development standards established in this Section and other requirements of these regulations:

(1) Area, yard and bulk regulations shall be as follows:

	<u>RE-1</u>	<u>RE-2</u>
(d) Minimum setbacks (feet)	<u>40</u>	<u>40</u>
- Lots between 2 and less than 4 acres - Lots between 4 and less than 15 acres - Lots between 15 and less than 20 acres - Lots 20 acres or greater		N.A. -100 -125 -150

<sup>\*\*</sup>Minimum setback shall be 100 feet on thoroughfares and collectors.

Reserved

Section 2. That this ordinance shall become effective upon its adoption.	
Approved as to form:	
City Attorney	
I,City Clerk of the City of Charlotte, N CERTIFY that the foregoing is a true and exact copy of an Ordinance ado City of Charlotte, North Carolina, in regular session convened on the reference having been made in Minute Book in Ordinance Book, Page(s)	day of, 20, the
WITNESS my hand and the corporate seal of the City of Charlotte, North, 20	Carolina, this the_day of



# City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 4.File #: 15-13737 Type: Zoning Decision

# Rezoning Petition: 2019-146 by ALB Architecture, PA

**Location:** Approximately .17 acres located at the eastern corner of N. Davidson Street and E. 19<sup>th</sup> Street in the Optimist Park community. (Council District 1 - Egleston)

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

Proposed Zoning: UR-1 (CD) (urban residential, conditional) & UR-C (CD) (urban residential commercial,

conditional)

# **Zoning Committee Recommendation:**

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

## **Staff Recommendation:**

Staff Recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

# **Zoning Committee Recommendation**

ZC

**Zoning Committee** 

Rezoning Petition 2019-146

June 30, 2020

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

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

C (CD) (urban residential commercial, conditional)

Approximately .17 acres located at the eastern corner of N.

Davidson Street and E. 19th Street in the Optimist Park

community.

(Council District 1 - Egleston)

**PETITIONER** ALB Architecture, PA

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

• The Plan recommends residential uses up to 12 dwelling units per acre.

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

- The requested height and residential type are similar to what has been constructed by-right at a neighboring parcel to the west (1517 N. Davidson Street).
- The area plan states that low density residential uses should be maintained, enhanced and protected. However, transition from more intense development that may adversely impact the character of the neighborhood is desired. While at a higher proposed density than the area plan recommendation of up to 12 dwelling units per acre, this petition provides an appropriate transition between single family and transitoriented uses.
- The petition's commitment to future sidewalks and planting strips along N. Davidson and E. 19th Street compliments the area plan's recommendation for pedestrian and cyclist accessibility and safety.

- Proposed pedestrian enhancements and preservation of a historic storefront contribute to the plan's recommendation of signature intersections along N. Davidson Street.
- Adopted policy states that residential uses, including duplexes, are appropriate with a desired maximum building of height 40-feet. The petition commits to a maximum building height of 40-feet.

The approval of this petition will revise the adopted future land use as specified by the *Parkwood Transit Station Area Plan*, from residential uses up to 12 dwelling units per acre to residential uses greater than 22 dwelling units per acre.

Motion/Second: Ham / Wiggins

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

inconsistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER** 

William Linville (704) 336-4090





**REQUEST** 

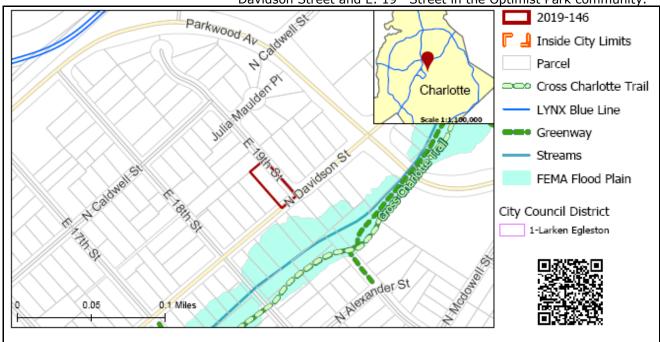
Current Zoning: R-8 (single family residential)

Proposed Zoning: UR-1(CD) (urban residential, conditional) & UR-C

(CD) (urban residential commercial, conditional)

LOCATION

Approximately .17 acres located at the eastern corner of N. Davidson Street and E. 19<sup>th</sup> Street in the Optimist Park community.



# **SUMMARY OF PETITION**

The petition proposes to rezone to two urban residential districts in order to allow for the construction of two attached dwelling units on the back side of the property at an approximate density of 22.2 DUA while preserving the historic storefront for specific uses allowed in the UR-C zoning district as noted in the conditional plan.

PROPERTY OWNER PETITIONER

ALB Architecture, PA

Ali Bahmanyar

AGENT/REPRESENTATIVE

Angie Lauer, United of Carolinas, Inc.

**COMMUNITY MEETING** 

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 7

# STAFF RECOMMENDATION

Staff recommends approval of this petition.

#### Plan Consistency

The petition's request for both districts at the site is **inconsistent** with the *Parkwood Transit Station Area Plan* (2013) recommendation for residential uses up to 12 dwelling units per acre (DUA) for the site.

#### Rationale for Recommendation

- The requested height and residential type are similar to what has been constructed by-right at a neighboring parcel to the west (1517 N. Davidson Street).
- The area plan states that low density residential uses should be maintained, enhanced and protected. However, transition from more intense development that may adversely impact the

character of the neighborhood is desired. While at a higher proposed density than the area plan recommendation of up to 12 dwelling units per acre, this petition provides an appropriate transition between single family and transit-oriented uses.

- The petition's commitment to future sidewalks and planting strips along N. Davidson and E. 19<sup>th</sup> Street compliments the area plan's recommendation for pedestrian and cyclist accessibility and safety.
- Proposed pedestrian enhancements and preservation of a historic storefront contribute to the plan's recommendation of signature intersections along N. Davidson Street.
- Adopted policy states that residential uses, including duplexes, are appropriate with a desired maximum building of height 40-feet. The petition commits to a maximum building height of 40-feet.

The approval of this petition will revise the adopted future land use as specified by the *Parkwood Transit Station Area Plan* (2013), from residential uses up to 12 dwelling units per acre to residential uses greater than 22 dwelling units per acre for the northern half of the subject property and residential/office/retail for the southern half of the property.

#### **PLANNING STAFF REVIEW**

#### Background

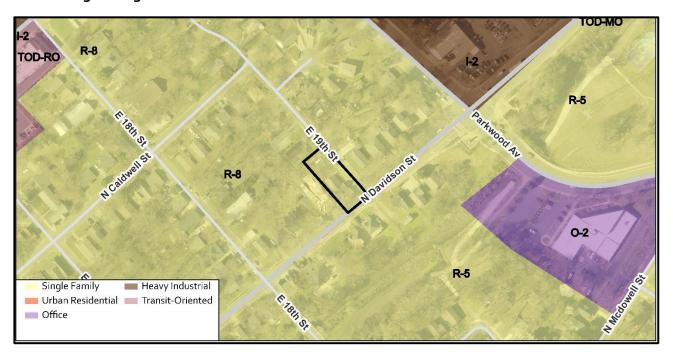
• The request for a split-zoned parcel is to accommodate the preservation of an existing storefront oriented toward N. Davidson Street while constructing a duplex at the northern extent of the property.

#### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- The petition allows for the development of up to two attached residential dwelling units and the rehabilitation and preservation of a historic storefront along N. Davidson Street within two development areas.
- Development Area A:
  - Permits residential units allowed in the UR-1 district.
  - Commits to a maximum structure height of 40 feet.
  - Commits to the construction of an 8-foot privacy fence along its western and northern property lines.
  - Commits to providing a 5-foot sidewalk and 6-foot planting strip along a portion on E. 19<sup>th</sup> Street.
- Development Area B:
  - Permits the reuse of an existing, non-conforming structure into any use permitted within the UR-C zoning district while prohibiting auto-oriented uses (accessory drive through windows, auto sales, service or repair, equipment rental/leasing and other uses not appropriate in a residential neighborhood context.
  - Commits to providing an 8-foot privacy fence along its western and proposed northern property line as well as a vegetated buffer along the proposed northern property line.
  - In the event that the historic structure is demolished, petition limits the maximum height of any new structure to 40 feet.
  - Commits to construction of required streetscape along N. Davidson Street in the event that the existing retail structure is demolished.

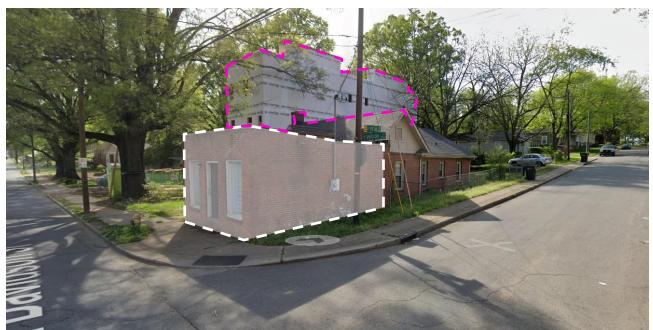
# • Existing Zoning and Land Use



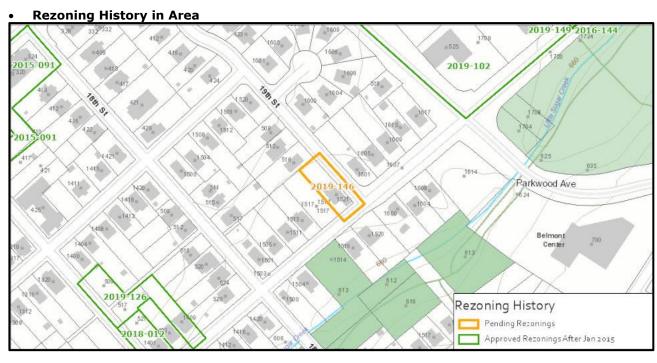
The subject property, as well as the majority of the parcels surrounding it, were all rezoned from R-22MF to R-8 in 2003 to more closely align with the proposed land use in the adopted *Optimist Park Neighborhood Plan*. The neighborhood is predominantly single family in nature, with some industrial, office, and transit-oriented uses nearby.



General location of subject property denoted by red star.



Looking southwest from N. Davidson Street and E. 19<sup>th</sup> Street. The structure in the foreground (outlined in a white dotted line) is the approximate area of the structure that will be left after the remaining part of the structure (in foreground) is demolished. Height of proposed duplex at rear of property shall closely match new structure in background being constructed on adjacent parcel (outlined in pink dotted line).



Petition Number	Summary of Petition	Status
2019-149	Proposed rezoning of a six-parcel assemblage to TOD-UC zoning district to permit the development of a potential mix of permitted uses.	Approved
2019-126	Proposed rezoning of parcels to permit the development of up to 16 residential dwelling units at a density of 41 DUA.	Approved
2017-101	Rezoning in Optimist park neighborhood to permit the construction of up to 59 for sale units at a density of 29.49 DUA.	Approved
2016-144	Petition to rezone to TOD-MO (transit-oriented development, mixed-use, optional) in the Optimist Hall Neighborhood.	Approved

2015-126	Petition to rezone nearly 4 acres to a TOD district that would entitle the site to up to 351 multi-family units.	Approved
2015-091	Petition to rezone 0.99 acres to a TOD district that would entitle the site to up to 50 multi-family units.	Approved

#### Public Plans and Policies



- The adopted policies for this petition are in the Parkwood Transit Station Area Plan (2013).
- The plan recommends residential uses at up to twelve dwelling units per acre for the site.

# TRANSPORTATION SUMMARY

o The site is located on a minor thoroughfare road.

# Active Projects

- o Parkwood (N. Davidson-The Plaza) Improvements
  - This project will install pavement markings to create a buffered bike lane on Parkwood Avenue from Belmont Avenue to The Plaza. Several new signals will be added with the project limits as well.
- XCLT Bike Boulevard
  - This project will improve bike accessibility and safety along a route approximately seven miles in length extending from the Davidson Street / Sugar Creek Road intersection to the Rocky River Road / Rockland Drive intersection.
- Transportation Considerations
  - No outstanding issues.
- Vehicle Trip Generation:

Current Zoning:

Existing Use: 20 trips per day (one dwelling and 410 sf of retail uses).

Entitlement: 20 trips per day (one dwelling and 410 sf of retail uses).

Proposed Zoning: 45 trips per day (based on 7400 SF townhome uses; 419 SF retail 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: See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 0 students. Therefore, there is no net increase in the number of students related to this petition.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:

Petition 2019-146 (Page 6 of 6) Final Staff Analysis

- Villa Heights Elementary remains at 50%.
- Eastway Middle remains at 108%.
- Garinger High remains at 117%.

**Charlotte Water** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-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 East 19<sup>th</sup> Street. See advisory comments at www.rezoning.org

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

#### **OUTSTANDING ISSUES**

Site and Building Design

1.—Revise the northern portion of the rezoning boundary (the portion requesting UR-1 designation) into a bubble diagram illustrating buildable footprint only. ADDRESSED

# **Transportation**

- CDOT is requesting the petitioner update the site plan and conditional notes to show and dimension an 8-foot planting strip and 5-foot sidewalk along 19<sup>th</sup> Street. ADDRESSED
- The petitioner should 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 2-foot behind the back of sidewalk where feasible.
  ADDRESSED
- 4. The future location of curb and gutter is 24' from centerline to back of curb. The site plan should show the curb and gutter labeled and dimensioned from the centerline of each road. ADDRESSED

#### **REQUESTED TECHNICAL REVISIONS**

**Transportation** 

- 5. In the notes table for Development Area B, revise note 3.D to reflect the commitment only and remove any wording that is reflective of the request to add the note. There is no phasing requested in the plan. ADDRESSED
- Move note 1.F to the Transportation section of the notes; remove bolding and underline formatting. ADDRESSED
- 7. Remove note 3.C. ADDRESSED

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

Planner: William Linville (704) 336-4090

# **DEVELOPMENT AREA 'B'** UR-C (CD) General Provisions These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by The City of Charlotte ("Petitioner") to accommodate the existing non-conforming building on the southeastern portion (.091 acre) and the duplex planned for the northwestern portion (.078 acre) of the .17 acre site located at 1521 N Davidson Street, Charlotte, NC 28205, the site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Number 08107308, to be divided into two parcels. This petition proposed to rezone the southeastern portion (.078 acre) from R-8 to UR-C 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"). Subject to the optional provisions set out below, the regulations established under the Ordinance for the UR zoning district shall govern the development and use of the Site. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the locations of the internal drives depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, are subject to minor alterations or modifications during the design development and construction document phases. of the Ordinance. In the event that Building #2 is demolished, developer/owner shall commit to construct an 8'-0" planting strip and an 8'-0" sidewalk on N. Davidson Street. Permitted Uses within the footprint of the existing, nonconforming building as depicted on the site plan, excluding drive-in windows, automotive sales, service or repair, animal crematoriums, terraces shall be allowed only within the buildable area of the lot.

# 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

- Parcel 'B' may be devoted to uses allowed in the UR-C district that may be accommodated funeral homes and embalming, or equipment rental and leasing within an enclosed building.
- Building #2 is currently existing non-conforming and any future additions including rooftop

# Transportation

Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.

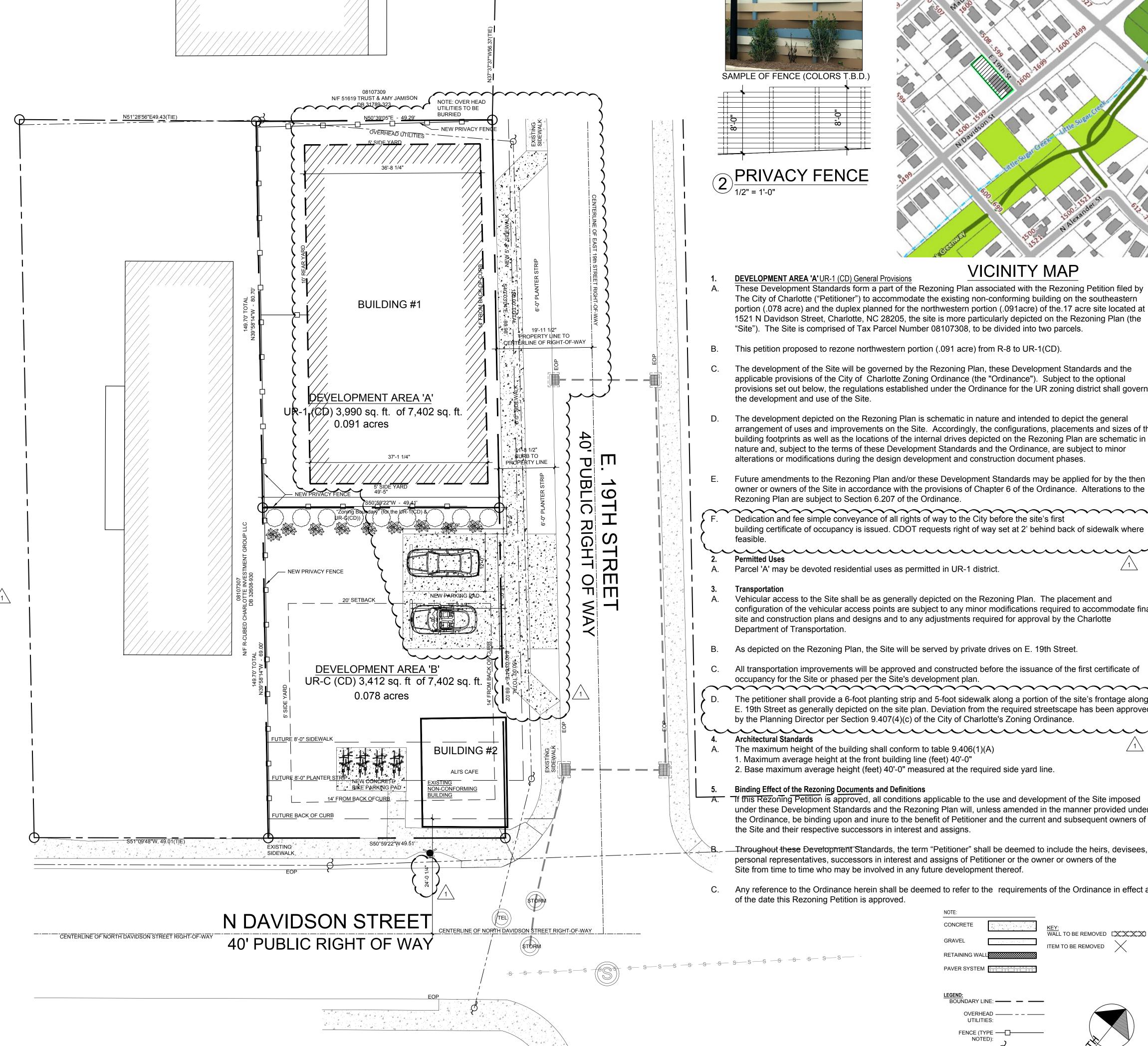
- Should the commercial building demolished, the street yards along N. Davidson and 19th St. shall be improved per CDOT's current ROW standards.
- All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued.
- Dedication and fee 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 2' behind back of sidewalk where feasible.

# Architectural Standards

- The existing single story structure is 11'-0" to the top of parapet wall.
- The maximum height of the building shall be 40'-0". The maximum height may be increased above 60 feet provided all required side and rear yards are increased 1 foot for every 10 feet of building height over 40 feet.

# Binding Effect of the Rezoning Documents and Definitions

- 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.
- 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.
- 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.



PROPOSED SITE PLAN

ALB Architecture

1200 E. Morehead St. Charlotte, NC 28204 Phone: 704.503.9595

brooks.alb@icloud.com lauer.alb@icloud.com

his drawing and the design shown is

the property of ALB Architecture and is

nole or in part. Its use on any other

RD

S

0

oject is prohibited. This drawing is to

282

Charlotte,

David

Z

52

06 FEB 2020

19 JUNE 2020

ot to be reproduced or copied in

e returned upon request.

# **VICINITY MAP**

These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by The City of Charlotte ("Petitioner") to accommodate the existing non-conforming building on the southeastern portion (.078 acre) and the duplex planned for the northwestern portion (.091acre) of the 17 acre site located at 1521 N Davidson Street, Charlotte, NC 28205, the site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Number 08107308, to be divided into two parcels.

- This petition proposed to rezone northwestern portion (.091 acre) from R-8 to UR-1(CD).
- 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"). Subject to the optional provisions set out below, the regulations established under the Ordinance for the UR zoning district shall govern
- The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the locations of the internal drives depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, are subject to minor alterations or modifications during the design development and construction document phases.
- E. 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
- 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 2' behind back of sidewalk where
  - Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte
- As depicted on the Rezoning Plan, the Site will be served by private drives on E. 19th Street.
- All transportation improvements will be approved and constructed before the issuance of the first certificate of
- The petitioner shall provide a 6-foot planting strip and 5-foot sidewalk along a portion of the site's frontage along E. 19th Street as generally depicted on the site plan. Deviation from the required streetscape has been approved by the Planning Director per Section 9.407(4)(c) of the City of Charlotte's Zoning Ordinance.
- 2. Base maximum average height (feet) 40'-0" measured at the required side yard line.

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

UTILITY POLE: \( \int \)

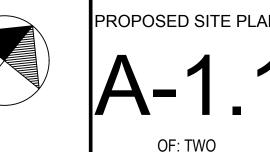
R/W: RIGHT OF WAY

E/P: EDGE OF C/L: PAVEMENT

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

Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as

REZONING PETITION # 2019-146 VALL TO BE REMOVED (XXXX) PROJECT #: 19011 TEM TO BE REMOVED **REVISIONS:** OVERHEAD - - - ----





# City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 5.File #: 15-13738 Type: Zoning Decision

# Rezoning Petition: 2019-160 by Meritage Homes of the Carolinas, Inc.

**Location:** Approximately 80.78 acres located on the north side of Pleasant Grove Road between

Hutcheson Lane and Kelly Road. (Outside City Limits)

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

**Proposed Zoning:** MX-2 (Innov) LWPA (mixed use, innovative standards, Lake Wylie Protected Area)

with five years vested rights

# **Zoning Committee Recommendation:**

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

# **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2019-160

June 30, 2020

**REQUEST** Current Zoning: R-3 LWPA (single-family residential, Lake Wylie

Protected Area)

Proposed Zoning: MX-2 (Innov) LWPA (mixed use, innovative standards, Lake Wylie Protected Area) with five years vested

rights.

**LOCATION** Approximately 80.78 acres located on the north side of Pleasant

Grove Road between Hutcheson Lane and Kelly Road.

(Outside City Limits)

**PETITIONER** Meritage Homes of the Carolinas, Inc.

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to be consistent with the *Northwest District Plan (1990)*, based on the information from the staff analysis and the public hearing and because:

 The plan recommends residential uses at up to four dwelling units per acre.

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

- This petition proposes 280 single family attached dwelling units, at 3.47 units per acre, which is consistent with the recommended density of the Northwest District Plan (1990) of up to 4 dwelling units per acre.
- Surrounding retail, church, school, and park uses will provide support services for the proposed attached residential use.
- The petition commits to incorporate design standards that stay true to the desired residential character of the area, such as minimizing the visual impact of garage doors, and using a combination of construction materials.
- The petition proposes to incorporate street connectivity in the construction of the site by including multiple entrances and exits into the development, and by dedicating right of ways to CDOT for future residential and collector roads.
- The petition commits increasing future residents' quality of life by dedicating a 100-foot SWIM buffer and a minimum of 2

acres of site area to Mecklenburg County for future greenway

use and for a future neighborhood park.

Motion/Second: Kelly / Ham

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None

# ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan. Staff noted the location of the Kelly Rd. landfill and existing Pleasant Grove Memorial Park Cemetery to the proposed rezoning. Location of existing Charlotte Water easement through the site was discussed and noted that the proposed project would require no greater coordination than a project done under the current zoning and would be done through the permitting process.

There was no further discussion of this petition.

PLANNER Michael Russell (704) 353-0225





**REQUEST** 

Current Zoning:

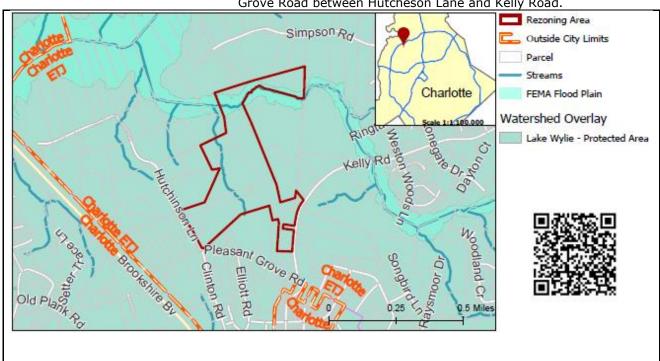
R-3 LWPA (single-family residential, Lake Wylie

Protected Area)

Proposed Zoning: MX-2 (Innov) LWPA (mixed use, innovative standards, Lake Wylie Protected Area) with five years vested rights.

**LOCATION** 

Approximately 80.78 acres located on the north side of Pleasant Grove Road between Hutcheson Lane and Kelly Road.



#### **SUMMARY OF PETITION**

The petition proposes to allow a residential community of single-family attached dwellings at 3.47 units per acre on mostly undeveloped land.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

various

Meritage Homes of the Carolinas, Inc. Collin Brown, Alexander Ricks PLLC

**COMMUNITY MEETING** 

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 111

# STAFF RECOMMENDATION

Staff recommends approval of this petition.

#### Plan Consistency

The petition is **consistent** with the *Northwest District Plan (1990)* recommendation for residential uses at up to four dwelling units per acre.

# Rationale for Recommendation

- This petition proposes 280 single family attached dwelling units, at 3.47 units per acre, which is consistent with the recommended density of the Northwest District Plan (1990) of up to 4 dwelling units per acre.
- Surrounding retail, church, school, and park uses will provide support services for the proposed attached residential use.

Petition 2019-160 (Page 2 of 7) Final Staff Analysis

petition commits to incorporate design standards that stay
to the desired residential character of the area, such as
mizing the visual impact of garage doors, and using a
pination of construction materials.

- The petition proposes to incorporate street connectivity in the construction of the site by including multiple entrances and exits into the development, and by dedicating right of ways to CDOT for future residential and collector roads.
- The petition commits increasing future residents' quality of life by dedicating a 100-foot SWIM buffer and a minimum of 2 acres of site area to Mecklenburg County for future greenway use and for a future neighborhood park.

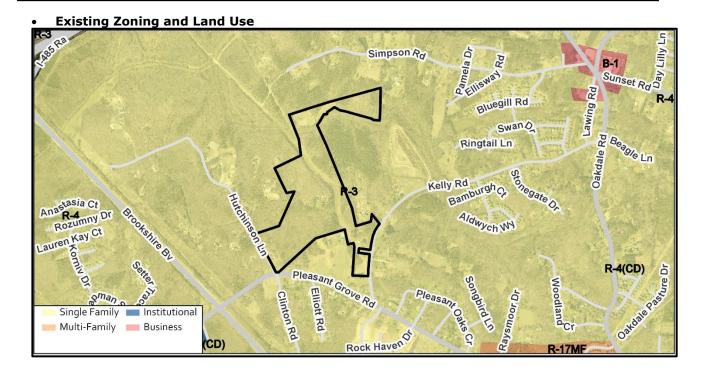
# **PLANNING STAFF REVIEW**

# Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 280 single family attached townhomes.
- Maximum height is up to 45-feet.
- Innovative standards include:
  - Minimum lot (unit) width of 20-feet and minimum building width of 40-feet.
  - Minimum individual lot area of 1,700-square feet (1-unit lot).
  - Minimum building footprint of 1,600-square feet (2-unit building).
  - Minimum individual unit heated area of 1,100-square feet.
  - Minimum building heated area of 2,200-square feet (2-unit building)
  - Minimum separation between buildings of 10-feet.
  - Minimum side setback width of 10-feet adjacent to rights-of-way.
- Provides access points along Hutchinson Lane and Kelly Road.
- Commits to providing road network meeting City of Charlotte Subdivision Ordinance.
- Commits to providing a north bound left-turn lane on Kelly Road with 100-feet storage.
- Commits to providing an eastbound left-turn lane on Pleasant Grove Road at Hutchinson Lane with 100-feet of storage.
- Limits speed limit within the site to 25-mph.
- Dedicates all rights-of-way along the site's frontage of Hutchinson Lane and Kelly Road to the City
  of Charlotte.
- Architectural standards include:
  - All buildings will be comprised of a combination of portions of brick, natural stone, stucco, vinyl siding, and wrapped wood fascia.
  - Pitched roofs with slopes no greater than 5:12 if provided.
  - Garage doors visible from network required streets will have architectural treatments including windows, decorative handles, or projecting elements over the garage door.
  - All units will be provided with a one car garage.
- Dedicates and conveys the 100-foot SWIM buffer to Mecklenburg County for future greenway use.
- Dedicates and conveys a minimum of two acres to Mecklenburg County for future neighborhood park.
- Provides a 50-foot Class C perimeter buffer to adjacent residential properties.
- Provides a .55-acre amenity area for the site.

Petition 2019-160 (Page 3 of 7) Final Staff Analysis



The site is mostly undeveloped. The surrounding land use is single family residential.



The subject property (denoted with red star) is located on Hutchinson Lane and Kelly Road.

Petition 2019-160 (Page 4 of 7) Final Staff Analysis



The property to the south along Pleasant Grove Road is developed with large lot single family homes.



The property to the west along Hutchinson Lane is developed with Large lot single family homes.



The property to the east along Kelly Road is developed with large lot single family homes.

Petition 2019-160 (Page 5 of 7) Final Staff Analysis

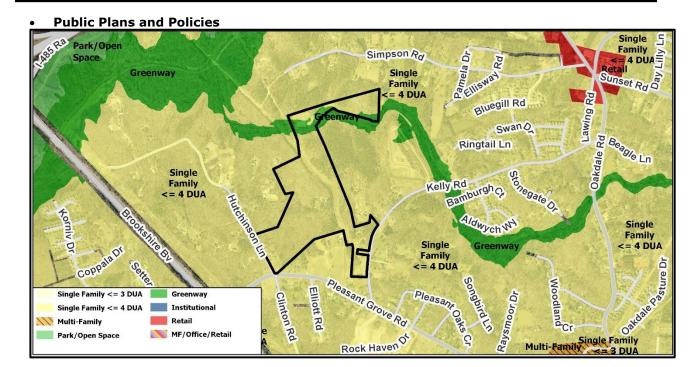


The property to the north along Simpson Road is developed with single family homes.



Petition Number	Summary of Petition	Status
2016-128	Rezoned 125.13 acres to modify an approved multi-use development to allow additional office square footage, a hotel, and a theater and to add property.	Approved
2019-064	Rezoned 33.16 acres to allow up to 210,00 square feet of gross floor area for a hospital with a variety of medical office uses, clinics and including a helicopter landing pad.	Approved
2019-071	Rezoned 54.99 acres to allow up to 280 dwelling units.	Approved
2019-168	Proposes to rezone 22.81 acres to allow up to 138 duplex style attached dwelling units.	Pending

Petition 2019-160 (Page 6 of 7) Final Staff Analysis



• The Northwest District Plan (1990) calls for residential uses up to 4 dwelling units per acre on this site.

#### TRANSPORTATION SUMMARY

- The site is located on a collector road. The site plan commits to providing road network meeting City of Charlotte Subdivision Ordinance. Proposed road network supports the proposed development and allows for future development to extend the network. Site plan also commits to providing a left turn lane on Kelly Road at the site's access.
- Active Projects:
  - No active projects
- TRANSPORTATION CONSIDERATIONS:
  - See Outstanding Issues, Notes 1-3 Addressed
- Vehicle Trip Generation:

Current Zoning:

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

Entitlement: 2,340 trips per day (based on 242 single-family dwellings).

Proposed Zoning: 2,080 trips per day (based on 280 townhomes).

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

- Charlotte Area Transit System: No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services: No outstanding issues.
- Charlotte Department of Solid Waste Services: See advisory comments at www.rezoning.org
- Charlotte Fire Department: See advisory comments at www.rezoning.org
- Charlotte-Mecklenburg Schools: The development allowed under the existing zoning could generate 126 students, while the development allowed under the proposed zoning may produce 83 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 0 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Mountain Island Pre-K-8 from 149% to 162%
    - West Mecklenburg High 83% (no projected increase in percent capacity)
- Charlotte Water: Water service is accessible for this rezoning boundary via an existing 12-inch water distribution main. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. It is recommended that the applicant contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity. CLT Water has existing Raw Water mains 54", 60" & 120". When

Petition 2019-160 (Page 7 of 7) Final Staff Analysis

you submit plans, you will need to provide a plan & profile view of proposed roads that will cross CLT Water Raw water mains. See advisory comments at www.rezoning.org

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

#### **OUTSTANDING ISSUES**

#### **Transportation**

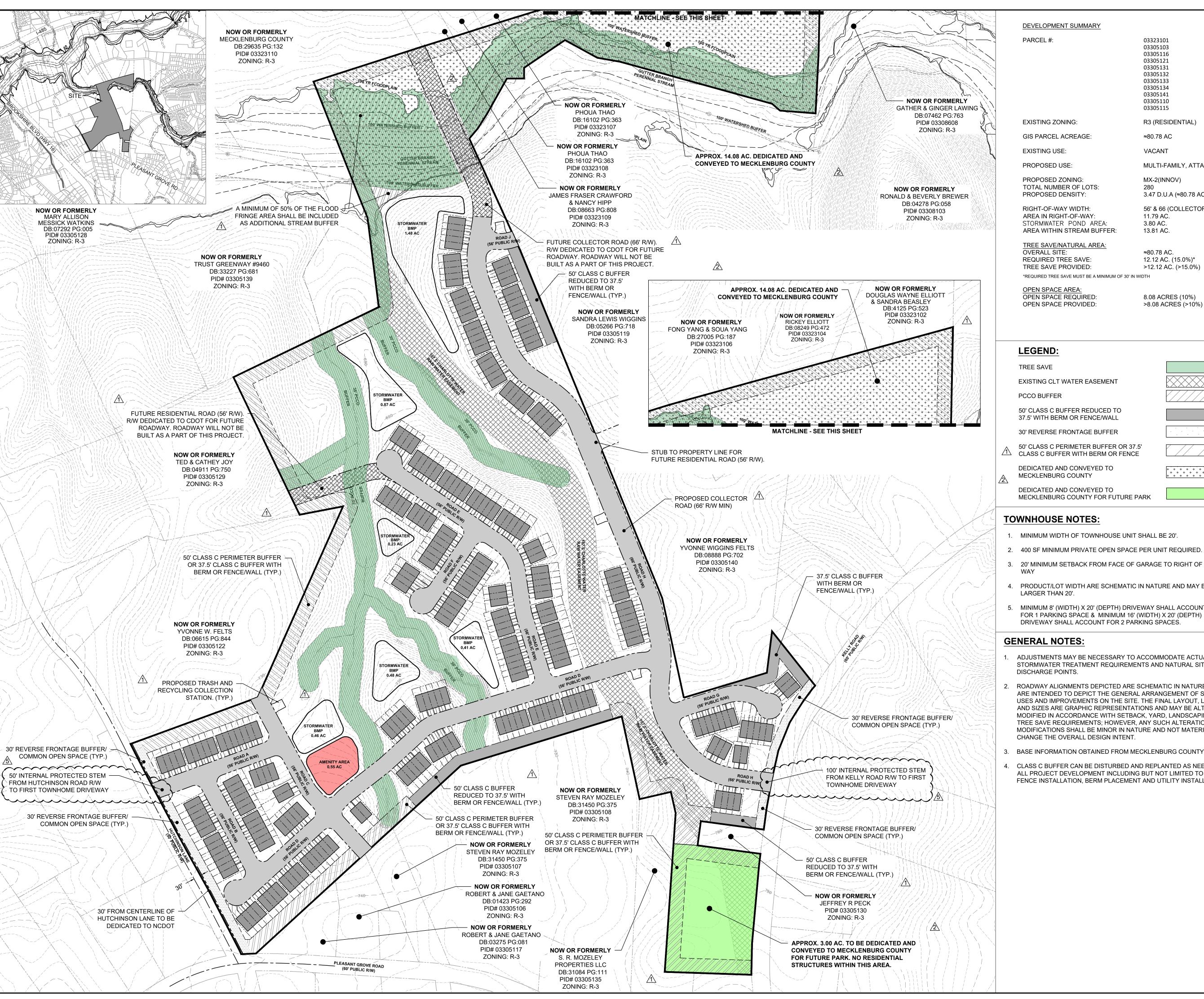
- 1.—NCDOT and CDOT request a 100-foot minimum driveway stem before front-loaded townhomes on Kelly Road and Hutchinson Lane. Addressed
- 2. The petitioner should revise the site plan and conditional note(s) to state that NCDOT will require the acquisition of all the necessary right-of-way, prior to construction plan approval. Addressed
- 3.—Technical clarification on revised site plan 6/23/2020: The petitioner should remove Transportation Note 11, since the revised language contradictions with Transportation Note 8. Addressed

#### Land Use

4.—Remove five-year vested rights from site plan. Rescinded by staff

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

Planner: Michael Russell (704) 353-0225



**DEVELOPMENT SUMMARY** 

PARCEL #:

R3 (RESIDENTIAL)

03323101

**EXISTING ZONING:** 

GIS PARCEL ACREAGE:

≈80.78 AC **EXISTING USE:** VACANT

MULTI-FAMILY, ATTACHED PROPOSED USE:

MX-2(INNOV) PROPOSED ZONING: TOTAL NUMBER OF LOTS: 3.47 D.U.A (≈80.78 AC.) PROPOSED DENSITY:

56' & 66 (COLLECTOR) **RIGHT-OF-WAY WIDTH:** AREA IN RIGHT-OF-WAY 11.79 AC. STORMWATER POND AREA: 3.80 AC. 13.81 AC. AREA WITHIN STREAM BUFFER:

TREE SAVE/NATURAL AREA:

**OVERALL SITE** ≈80.78 AC. REQUIRED TREE SAVE: 12.12 AC. (15.0%)\* TREE SAVE PROVIDED: >12.12 AC. (>15.0%)

\*REQUIRED TREE SAVE MUST BE A MINIMUM OF 30' IN WIDTH

OPEN SPACE AREA: **OPEN SPACE REQUIRED** OPEN SPACE PROVIDED:

8.08 ACRES (10%) >8.08 ACRES (>10%)

# LEGEND:

TREE SAVE

**EXISTING CLT WATER EASEMENT** 

50' CLASS C BUFFER REDUCED TO 37.5' WITH BERM OR FENCE/WALL

30' REVERSE FRONTAGE BUFFER

50' CLASS C PERIMETER BUFFER OR 37.5' CLASS C BUFFER WITH BERM OR FENCE

DEDICATED AND CONVEYED TO MECKLENBURG COUNTY

DEDICATED AND CONVEYED TO MECKLENBURG COUNTY FOR FUTURE PARK

# **TOWNHOUSE NOTES:**

- MINIMUM WIDTH OF TOWNHOUSE UNIT SHALL BE 20'.
- 3. 20' MINIMUM SETBACK FROM FACE OF GARAGE TO RIGHT OF
- 4. PRODUCT/LOT WIDTH ARE SCHEMATIC IN NATURE AND MAY BE LARGER THAN 20'.
- 5. MINIMUM 8' (WIDTH) X 20' (DEPTH) DRIVEWAY SHALL ACCOUNT FOR 1 PARKING SPACE & MINIMUM 16' (WIDTH) X 20' (DEPTH) DRIVEWAY SHALL ACCOUNT FOR 2 PARKING SPACES.

# **GENERAL NOTES:**

- ADJUSTMENTS MAY BE NECESSARY TO ACCOMMODATE ACTUAL STORMWATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.
- ROADWAY ALIGNMENTS DEPICTED ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF SUCH USES AND IMPROVEMENTS ON THE SITE. THE FINAL LAYOUT, LOCATION AND SIZES ARE GRAPHIC REPRESENTATIONS AND MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH SETBACK, YARD, LANDSCAPING AND TREE SAVE REQUIREMENTS; HOWEVER, ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL BE MINOR IN NATURE AND NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT.
- BASE INFORMATION OBTAINED FROM MECKLENBURG COUNTY GIS.
- CLASS C BUFFER CAN BE DISTURBED AND REPLANTED AS NEEDED FOR ALL PROJECT DEVELOPMENT INCLUDING BUT NOT LIMITED TO GRADING, FENCE INSTALLATION, BERM PLACEMENT AND UTILITY INSTALLATION.



CHARLOTTE, NC 28208 (t)(704) 334-0078 (f)(704) 334-5348

1213 W. MOREHEAD STREET, SUITE 300

WWW.WKDICKSON.COM

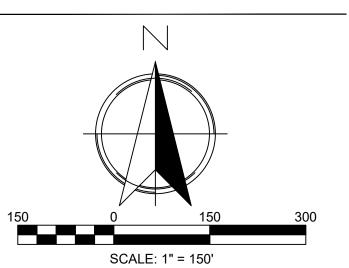
NC LICENSE NO.F-0374



# **Hutchinson Lane Subdivision**

Conditional Rezoning Petition # 2019-160

# Conceptual Site Plan



PROJ. MGR.:	WGB
DESIGN BY:	ETS
DRAWN BY:	ETS
PROJ. DATE:	OCTOBER 2019
DRAWING NUMBER:	

WKD PROJ. NO.:

DATE: COMMENT: 1 - 1ST ROUND COMMENTS REVISION 01/09/2020 2 - 2ND ROUND COMMENTS REVISION 3 - 3RD ROUND COMMENTS REVISION 4 - ZONING COMMITTEE SUBMITTAL 07/08/2020 5 - FINAL REZONING SUBMITTAL

COPYRIGHT ©, W.K. DICKSON & CO., INC. ALL RIGHTS RESERVED. REPRODUCTION OR USE OF THE CONTENTS OF THIS DOCUMENT; ADDITIONS OR DELETIONS TO THIS DOCUMENT, IN WHOLE OR IN PART, WITHOUT WRITTEN CONSENT OF W.K. DICKSON & CO., INC., IS PROHIBITED. ONLY COPIES FROM THE ORIGINAL OF THIS DOCUMENT, MARKED WITH AN ORIGINAL SIGNATURE AND SEAL SHALL BE CONSIDERED TO BE VALID, TRUE COPIES.

# **DEVELOPMENT DATA TABLE:**

SITE AREA: +/- 80.78 ACRES TAX PARCELS:

03323101, 03305103, 03305116, 03305121 03305131, 03305132, 03305133, 03305134,

03305141,03305110, AND 03305115

**EXISTING ZONING:** R-3 MX-2(INNOV) PROPOSED ZONING:

VACANT **EXISTING USE:** 

PROPOSED USES: UP TO 280 SINGLE-FAMILY ATTACHED (TOWNHOME) DWELLING UNITS

UP TO FORTY-FIVE (45) FEET, AS PERMITTED IN THE MX-2 DISTRICT MAXIMUM BUILDING HEIGHT:

WITH INCREASED SETBACKS WHERE APPLICABLE. PARKING: SHALL MEET OR EXCEED ORDINANCE STANDARDS

# **GENERAL PROVISIONS**

- 1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY MERITAGE HOMES OF THE CAROLINAS, INC (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A SINGLE-FAMILY ATTACHED (TOWNHOME) RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 80.78-ACRE SITE LOCATED ON THE EAST SIDE OF HUTCHINSON LANE AND NORTH OF PLEASANT GROVE ROAD, MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NUMBERS 03323101, 03305103, 03305116, 03305121, 03305131, 03305132, 03305133, 03305134, 03305141, 03305110, AND 03305115.
- 2. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE").
- 3. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS. OR AS OTHERWISE PROVIDED IN THE INNOVATIVE STANDARDS OF SECTION III BELOW. THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MX-2 ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- 4. THE DEVELOPMENT AND STREET LAYOUT DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF SUCH USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK, YARD, LANDSCAPING AND TREE SAVE REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS, PROVIDED, HOWEVER, THAT ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL BE MINOR IN NATURE AND NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.
- 5. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER(S) OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. MINOR ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

# II. PERMITTED USES

1. THE SITE MAY BE DEVOTED ONLY TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF TWO HUNDRED EIGHTY (280) SINGLE-FAMILY ATTACHED DWELLING UNITS AND ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE MX-2 ZONING DISTRICT.

# III. INNOVATIVE STANDARD

R/W

INCLUDES CHARLOTTE ETJ

THE PETITIONER REQUESTS THE FOLLOWING MODIFICATIONS TO THE MX-2 ZONING DISTRICT. AS PERMITTED IN SECTION 11.208 OF THE ORDINANCE:

- 1. MINIMUM LOT (UNIT) WIDTH OF TWENTY (20) FEET AND MINIMUM BUILDING WIDTH OF FORTY (40) FEET:
- MINIMUM INDIVIDUAL LOT AREA OF ONE THOUSAND SEVEN HUNDRED (1,700) SQUARE FEET (1 UNIT LOT);
- MINIMUM BUILDING FOOTPRINT OF ONE THOUSAND SIX HUNDRED (1,600) SQUARE FEET (2-UNIT BUILDING); MINIMUM INDIVIDUAL UNIT HEATED AREA OF ONE THOUSAND ONE HUNDRED (1,100) SQUARE FEET;
- 5. MINIMUM BUILDING HEATED AREA OF TWO THOUSAND TWO HUNDRED (2,200) SQUARE FEET (2-UNIT BUILDING);

56' TOTAL R/W

42' R/W. (MINIMUM)

- 6. MINIMUM SEPARATION BETWEEN BUILDINGS OF TEN (10) FEET; AND
- 7. MINIMUM SIDE SETBACK WIDTH OF TEN (10) FEET ADJACENT TO RIGHTS-OF-WAY.

# IV. TRANSPORTATION

- 1. AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY INTERNAL PUBLIC AND PRIVATE DRIVES, AND MINOR ADJUSTMENTS TO THE LOCATIONS OF THESE DRIVES SHALL BE ALLOWED DURING THE CONSTRUCTION PERMITTING PROCESS.
- 2. A MAXIMUM OF ONE (1) ACCESS POINT SHALL BE PROVIDED ALONG HUTCHINSON LANE (ROAD A) AND ONE (1) ACCESS POINT ALONG KELLY ROAD (ROAD H), AS GENERALLY DEPICTED ON THE REZONING PLAN.
- 3. PETITIONER SHALL DEDICATE RIGHT-OF-WAY OF PROPOSED ROAD H EXTENDING ACROSS THE CREEK AND TO THE NORTHERN PROPERTY LINE, AS GENERALLY DEPICTED ON THE REZONING PLAN, AT SUCH TIME AS THE PLATTING OF THE PORTION OF ROAD H NORTH OF THE INTERSECTION WITH ROAD J.
- PETITIONER SHALL DEDICATE RIGHT-OF-WAY OF PROPOSED ROAD E EXTENDING ACROSS THE STREAM BUFFER TO THE EASTERN PROPERTY LINE, AS GENERALLY DEPICTED ON THE REZONING PLAN, AT SUCH TIME AS THE PLATTING OF THE PORTION OF ROAD E NORTH OF THE INTERSECTION WITH ROAD F.
- 5. SUBJECT TO THE ACQUISITION OF NECESSARY OFF-SITE RIGHT-OF-WAY AND OTHER TERMS AND CONDITIONS SET FORTH HEREIN WHERE APPLICABLE, PETITIONER SHALL PROVIDE A NORTHBOUND LEFT TURN LANE ON KELLY ROAD AT THE ROAD H ACCESS INTO THE SITE WITH ONE HUNDRED (100) FEET OF STORAGE AND APPROPRIATE TAPER.
- 6. SUBJECT TO THE ACQUISITION OF NECESSARY OFF-SITE RIGHT-OF-WAY AND OTHER TERMS AND CONDITIONS SET FORTH HEREIN WHERE APPLICABLE, PETITIONER SHALL PROVIDE AN EASTBOUND LEFT-TURN LANE ON PLEASANT GROVE ROAD AT HUTCHINSON LANE WITH ONE HUNDRED (100) FEET OF STORAGE AND APPROPRIATE TAPER
- 7. PETITIONER SHALL PROVIDE, OR ALLOW TO BE PROVIDED, TWENTY-FIVE (25) MILES PER HOUR (MPH) SPEED LIMIT SIGNS ON ALL NEWLY CONSTRUCTED STREETS WITHIN THE SITE.

SUBJECT TO THE ACQUISITION OF NECESSARY OFF-SITE RIGHT-OF-WAY AND OTHER TERMS AND CONDITIONS SET FORTH HEREIN WHERE APPLICABLE, PETITIONER SHALL DEDICATE ALL RIGHTS-OF-WAY ALONG THE SITE'S FRONTAGE OF HUTCHINSON LANE IN FEE SIMPLE CONVEYANCE TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. RIGHT-OF-WAY DEDICATION SHALL BE SET AT TWO (2) FEET BEHIND THE BACK OF SIDEWALK WHERE FEASIBLE.

PHASING. SUBJECT TO THE ACQUISITION OF NECESSARY OFF-SITE RIGHT-OF-WAY AND OTHER TERMS AND CONDITIONS SET FORTH HEREIN WHERE APPLICABLE, THE PETITIONER SHALL DEDICATE ALL RIGHTS-OF-WAY ALONG THE SITE'S FRONTAGE OF KELLY ROAD AND PLEASANT GROVE ROAD IN FEE SIMPLE CONVEYANCE TO NCDOT, WHERE APPLICABLE, PRIOR TO THE ISSUANCE OF THE 101ST BUILDING CERTIFICATE OF OCCUPANCY FOR THE SITE. CONSTRUCTION OF THE REQUIRED TURN LANE ALONG KELLY ROAD AT THE ROAD H ACCESS SHALL BE SUBSTANTIALLY COMPLETED PRIOR TO THE ISSUANCE OF THE 131ST BUILDING CERTIFICATE OF OCCUPANCY FOR THE SITE. CONSTRUCTION OF THE REQUIRED TURN LANE ON PLEASANT GROVE ROAD AT HUTCHINSON LANE SHALL BE SUBSTANTIALLY COMPLETED PRIOR TO THE ISSUANCE OF THE SEVENTIETH (70TH) BUILDING CERTIFICATE OF OCCUPANCY FOR THE SITE.

10. FINAL PLATTING. PETITIONER SHALL BE PERMITTED TO PLAT UP TO ONE HUNDRED (100) RESIDENTIAL LOTS PRIOR TO THE COMPLETION OF THE PLEASANT GROVE TURN LANE AT HUTCHINSON LANE AS OUTLINED HEREIN. PETITIONER SHALL BE PERMITTED TO PLAT UP TO TWO HUNDRED (200) LOTS PRIOR TO THE COMPLETION OF THE KELLY ROAD TURN LANE AT ROAD H AS OUTLINED HEREIN.

11. RIGHT-OF-WAY FOR OFF-SITE IMPROVEMENTS. PETITIONER SHALL DEDICATE ALL RIGHTS-OF-WAY NEEDED TO CONSTRUCT THE PROJECT'S REQUIRED OFF-SITE ROAD IMPROVEMENTS IN FEE SIMPLE CONVEYANCE TO NCDOT PRIOR TO THE OFF-SITE ROADWAY CONSTRUCTION PLAN APPROVAL.

# V. ARCHITECTURAL STANDARDS

4

| U-02 |19

1. PREFERRED EXTERIOR BUILDING MATERIALS: ALL PRINCIPAL AND ACCESSORY BUILDINGS SHALL BE COMPRISED OF A COMBINATION OF PORTIONS OF BRICK, NATURAL STONE (OR ITS SYNTHETIC EQUIVALENT) STUCCO. VINYL SIDING. VINYL. ALUMINUM WRAPPED WOOD FASCIA. AND/OR OTHER MATERIALS APPROVED BY THE PLANNING DIRECTOR.

- PROHIBITED EXTERIOR BUILDING MATERIALS: CONCRETE MASONRY UNITS NOT ARCHITECTURALLY FINISHED.
- PITCHED ROOFS, IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEDS MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED.
- 4. THE PETITIONER WILL MINIMIZE THE VISUAL IMPACT OF GARAGE DOORS VISIBLE FROM NETWORK-REQUIRED STREETS BY ADDING ADDITIONAL ARCHITECTURAL TREATMENTS SUCH AS TRANSLUCENT WINDOWS, DECORATIVE HANDLES/STRAPS, OR PROJECTING ELEMENTS OVER THE GARAGE DOOR OPENING.
- 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.
- 6. PORCHES OR STOOPS SHALL BE LOCATED ON THE FRONT AND/OR SIDE OF THE BUILDING.
- ATTACHED DWELLING UNITS SHALL BE LIMITED TO A MAXIMUM OF EIGHT (8) UNITS PER BUILDING OR A MAXIMUM WIDTH OF ONE HUNDRED SEVENTY FIVE (175) FEET PER BUILDING ALONG ALL PUBLIC AND PRIVATE
- ALL TOWNHOME UNITS SHALL BE PROVIDED WITH A GARAGE FOR A MINIMUM OF ONE (1) CAR.
- THE DUMPSTER LOCATIONS AS DEPICTED ON THE REZONING PLAN ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND SHALL ONLY BE REQUIRED IN THE EVENT THAT ROLL-OUT TRASH SERVICE IS NOT PROVIDED FOR THE SITE.



# VI. PARK DEDICATION

- 1. IN COORDINATION WITH MECKLENBURG COUNTY PARK AND RECREATION DEPARTMENT (MCPR), PETITIONER 🔝 SHALL DEDICATE AND CONVEY THE 100' SWIM BUFFER AT THE SITE'S NORTHERN PROPERTY LINE TO MECKLENBURG COUNTY FOR FUTURE GREENWAY USE, IN THE AREA AS GENERALLY DEPICTED ON THE REZONING PLAN, PRIOR TO THE ISSUANCE OF THE LAST BUILDING CERTIFICATE OF OCCUPANCY FOR THE SITE
- 2. IN COORDINATION WITH MCPR, PETITIONER SHALL DEDICATE AND CONVEY A MINIMUM OF TWO (2) ACRES OF SITE AREA TO MECKLENBURG COUNTY FOR A FUTURE NEIGHBORHOOD PARK, IN THE AREA AS GENERALLY DEPICTED ON THE REZONING PLAN, PRIOR TO THE ISSUANCE OF THE LAST BUILDING CERTIFICATE OF
- 3. LAND DONATED TO MCPR SHALL STILL COUNT TOWARDS THE PETITIONER'S TREE SAVE AND COMMON OPEN SPACE CALCULATIONS.

# VII. ENVIRONMENTAL FEATURES

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

# VIII. LIGHTING

1. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE GREATER THAN TWENTY ONE (21) FEET IN TOTAL HEIGHT (I.E., EXCLUDING DECORATIVE LIGHTING LESS THAN 21' IN HEIGHT THAT MAY BE INSTALLED ALONG THE DRIVEWAYS AND SIDEWALKS AS PEDESTRIAN/LANDSCAPING LIGHTING) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.

# IX. AMENDMENTS TO REZONING PLAN

FUTURE AMENDMENTS TO THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF A PARTICULAR TRACT WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

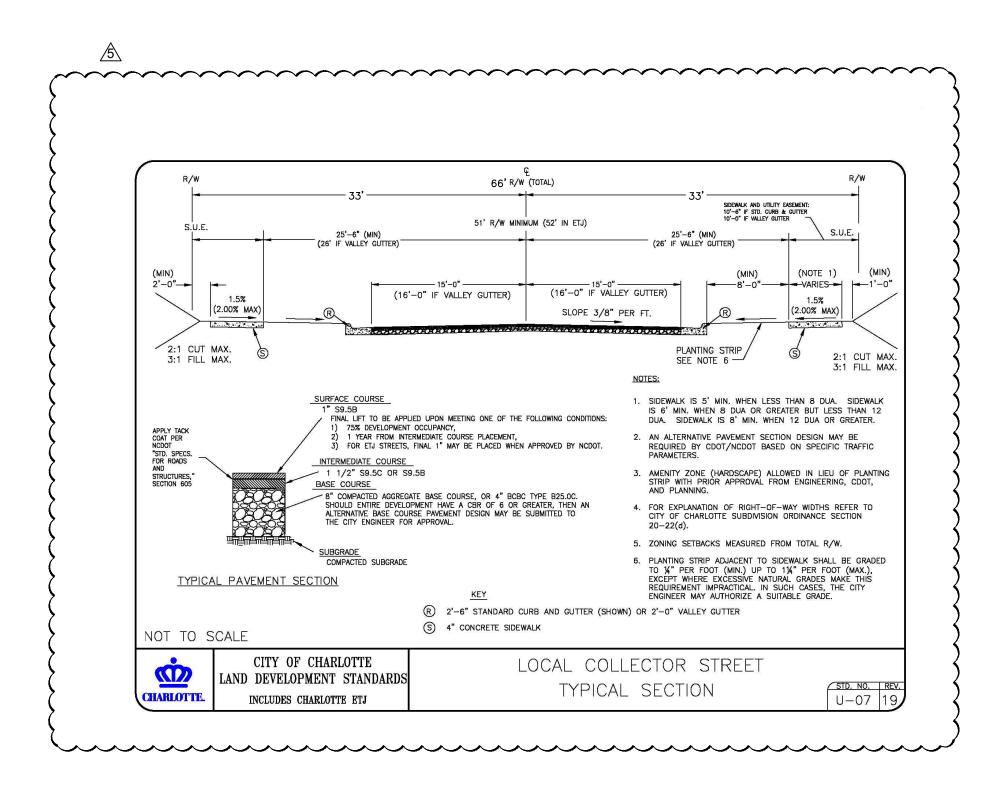
# X. VESTING RIGHTS

IF THIS REZONING PETITION IS APPROVED BY THE CHARLOTTE CITY COUNCIL THEN, PURSUANT TO SECTION 1.110 OF THE ORDINANCE, THE PETITIONER HEREBY REQUESTS A FIVE-YEAR VESTED RIGHT TO UNDERTAKE AND COMPLETE THE DEVELOPMENT OF THIS SITE UNDER THE TERMS AND CONDITIONS AS SO APPROVED, COMMENCING UPON APPROVAL OF THIS REZONING PETITION BY THE CHARLOTTE CITY COUNCIL. THE PETITIONER MAKES THIS REQUEST FOR A FIVE-YEAR VESTED RIGHT DUE TO THE SIZE AND PHASING OF THE PROPOSED DEVELOPMENT, MARKET CONDITIONS AND THE LEVEL OF INVESTMENT INVOLVED.

# XI. BINDING EFFECTS 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.





1213 W. MOREHEAD STREET, SUITE 300 CHARLOTTE, NC 28208 (t)(704) 334-0078 (f)(704) 334-5348

WWW.WKDICKSON.COM

NC LICENSE NO.F-0374



# **Hutchinson Lane** Subdivision

**Conditional Rezoning** Petition # 2019-160

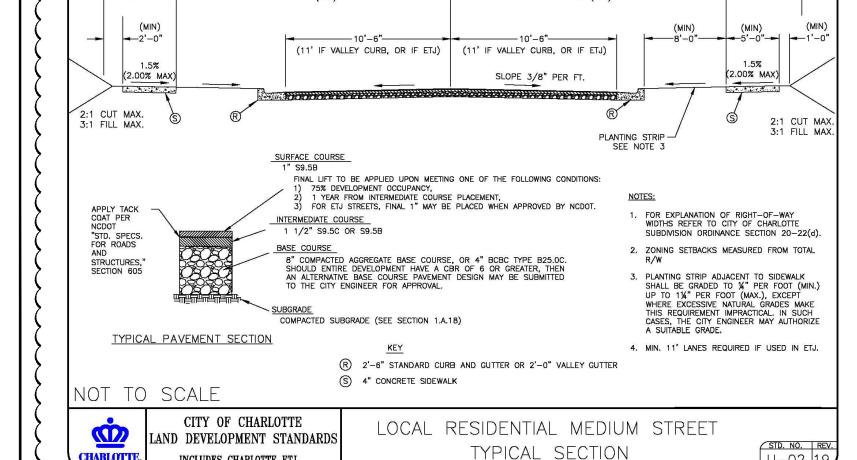
# Rezoning

WGB PROJ. MGR. **DESIGN BY:** ETS DRAWN BY: ETS PROJ. DATE: OCTOBER 2019 DRAWING NUMBER:

WKD PROJ. NO.:

COMMENT: DATE: - 1ST ROUND COMMENTS REVISION 2 - 2ND ROUND COMMENTS REVISION 3 - 3RD ROUND COMMENTS REVISION 4 - ZONING COMMITTEE SUBMITTAL 5 - FINAL REZONING SUBMITTAL

COPYRIGHT ©, W.K. DICKSON & CO., INC. ALL RIGHTS RESERVED. REPRODUCTION OR USE OF THE CONTENTS OF THIS DOCUMENT; ADDITIONS OR DELETIONS TO THIS DOCUMENT, IN WHOLE OR IN PART, WITHOUT WRITTEN CONSENT OF W.K. DICKSON & CO., INC., IS PROHIBITED. ONLY COPIES FROM THE ORIGINAL OF THIS DOCUMENT, MARKED WITH AN ORIGINAL SIGNATURE AND SEAL SHALL BE CONSIDERED TO BE VALID, TRUE COPIES.





# City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 6.File #: 15-13739 Type: Zoning Decision

# Rezoning Petition: 2019-177 by Encore Real Estate

**Location:** Approximately 7.0 acres located on the northeast corner of Prosperity Church Road and Old Ridge Road. (Council District 4 - Johnson)

Current Zoning: UR-2(CD) (urban residential, conditional) and NS (neighborhood services)

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

# **Zoning Committee Recommendation:**

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

# **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

# **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# Charlotte-Mecklenburg Planning Commission

# **Zoning Committee Recommendation**

ZC

Rezoning Petition 2019-177

June 30, 2020

# **Zoning Committee**

**REQUEST** Current Zoning: UR-2(CD) (urban residential, conditional) and NS

(neighborhood services)

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

**LOCATION** Approximately 7.0 acres located on the northeast corner of

Prosperity Church Road and Old Ridge Road.

(Council District 4 - Johnson)

**PETITIONER** Encore Real Estate

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to be consistent with the *Prosperity Hucks Area Plan (2015)*, based on the information from the staff analysis and the public hearing and because:

• The plan recommends a mix of Residential/Office/Retail uses.

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:

- This site is located on the east side of Prosperity Church Road, and the proposal includes up to 15,000 square feet of commercial development and up to 79 single-family attached residential units.
- The area plan calls for a density of up to 12 residential dwelling units per acre. This proposal is consistent with the area plan's recommendation with a density of 11.8 dwelling units per acre.
- This proposal is consistent with the area plan's
  recommendation to build a network of local streets and make
  a street connection to Prosperity Commons Drive. The site
  plan is designed to add on to Prosperity Commons Drive,
  which will then connect to a new public road, Goose Creek
  Drive. Goose Creek Drive will have an ingress and egress from
  Prosperity Church Road and Ridge Road, allowing for further
  connectivity and greater accessibility.
- The site plan will greatly enhance the pedestrian experience in the commercial area by committing to provide direct pedestrian connections between street facing doors and to place buildings in such a way that presents a front or side

façade to all public/private network-required streets. These commitments are consistent with the plan's recommendation to orient new buildings toward streets, and to design buildings in such a way that activate streets and open space.

- The site plan, in accordance with the recommendations of the area plan, also commits to enhancing the pedestrian experience in the residential area by requiring a setback of one to two feet for garage doors and by requiring walkways to connect all residential entrances to sidewalks along public and private streets.
- While the area plan does not recommend drive-through facilities in this site, the proposal does include a drive-through for a financial institution. However, this drive-through is requested solely for a financial institution, not for an eating, drinking, or entertainment use. This proposed drive-through use will not cause excessive traffic or require more surrounding parking but will add to the variety of commercial uses to be built on this site. It will also be a benefit to the needs of the surrounding community.

Motion/Second: Wiggins / Ham

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan and all issues have been addressed since the public hearing.

There was no further discussion of this petition.

**PLANNER** 

Michael Russell (704) 353-0225





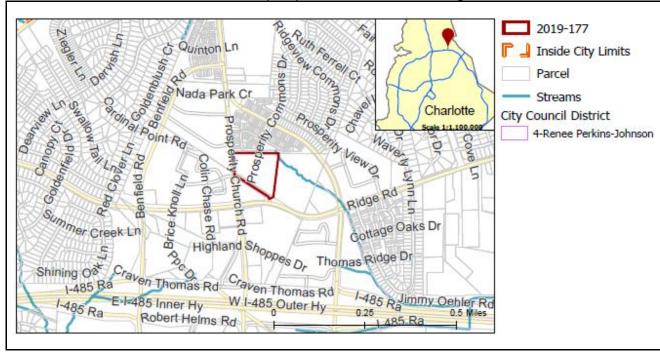
**REQUEST** Current Zoning: UR-2(CD) (urban residential, conditional) and NS

(neighborhood services)

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

**LOCATION** Approximately 7.0 acres located on the northeast corner of

Prosperity Church Road and Old Ridge Road.



**SUMMARY OF PETITION** 

The petition proposes to allow 79 single-family attached residential units, 15,000 square feet of commercial uses, and a remote drive-through service terminal for a financial institution.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Barbara Ann Hampton Reitzel Encore Real Estate Collin Brown, Alexander Ricks

COMMUNITY MEETING Meeting is required and h

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 13

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

#### Plan Consistency

The petition is **consistent** with the *Prosperity Hucks Area Plan* (2015), which recommends a mix of Residential/Office/Retail in the area where this site is located.

# Rationale for Recommendation

- This site is located on the east side of Prosperity Church Road, and the proposal includes up to 15,000 square feet of commercial development and up to 79 single-family attached residential units.
- The area plan calls for a density of up to 12 residential dwelling units per acre. This proposal is consistent with the area plan's recommendation with a density of 11.8 dwelling units per acre.

Petition 2019-177 (Page 2 of 6) Final Staff Analysis

- This proposal is consistent with the area plan's recommendation to build a network of local streets and make a street connection to Prosperity Commons Drive. The site plan is designed to add on to Prosperity Commons Drive, which will then connect to a new public road, Goose Creek Drive. Goose Creek Drive will have an ingress and egress from Prosperity Church Road and Ridge Road, allowing for further connectivity and greater accessibility.
- The site plan will greatly enhance the pedestrian experience in the commercial area by committing to provide direct pedestrian connections between street facing doors and to place buildings in such a way that presents a front or side façade to all public/private network-required streets. These commitments are consistent with the plan's recommendation to orient new buildings toward streets, and to design buildings in such a way that activate streets and open space.
- The site plan, in accordance with the recommendations of the area plan, also commits to enhancing the pedestrian experience in the residential area by requiring a setback of one to two feet for garage doors and by requiring walkways to connect all residential entrances to sidewalks along public and private streets.
- While the area plan does not recommend drive-through facilities in this site, the proposal does include a drive-through for a financial institution. However, this drive-through is requested solely for a financial institution, not for an eating, drinking, or entertainment use. This proposed drive-through use will not cause excessive traffic or require more surrounding parking but will add to the variety of commercial uses to be built on this site. It will also be a benefit to the needs of the surrounding community.

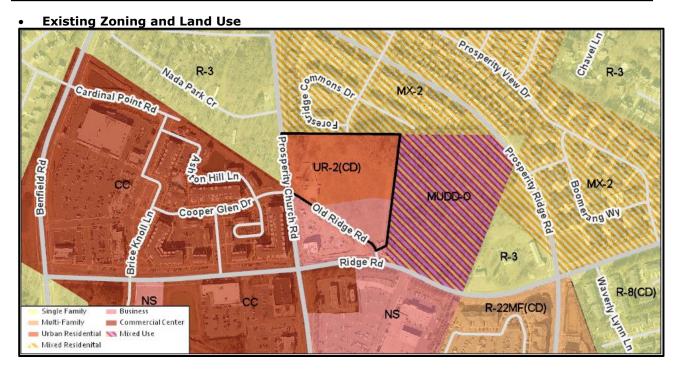
## **PLANNING STAFF REVIEW**

#### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows 79 single-family attached townhomes, 15,000 square feet of commercial uses, and a remote drive-through service terminal for a financial institution.
- Unused residential units may be converted to additional commercial square footage at a rate of one residential unit to 1,000 square feet of commercial use.
- Unused commercial square footage may be converted to additional residential units at a rate of 1,000 square feet of commercial use to one residential unit. However, the total number of residential units will not exceed 100 units.
- Optional Provisions include: (1) to allow parking and maneuvering between buildings and streets on the proposed commercial portion of the site. Parking/maneuvering area will be screened from network required streets by low walls and/or landscaping. (2) a remote drive-through service terminal for a financial institution only.
- Construct a turn lane at the intersection of Prosperity Church Road and Cooper Glen Drive.
- Dedicates all rights-of-way to the City of Charlotte or NCDOT in fee simple conveyance before the Site's first building certificate of occupancy is issued.
- Proposes to build a network of local streets and make a street connection to Prosperity Commons
  Drive.
- Prohibits the following exterior building materials: Vinyl siding and concrete masonry units not architecturally finished.
- Building sides greater than 120-feet in length shall include modulations of the building massing/façade plane.
- Building materials will be a combination of the following: glass, brick, metal, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco/E.I.F.S., cementitious siding, or wood/composite wood.
- Building elevations will be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
- Roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure.
- Provides pedestrian scale lighting within the site.
- Requires walkways to connect all residential entrances to sidewalks along public and private streets
- · Maximum building height is 50 feet.

Petition 2019-177 (Page 3 of 6) Final Staff Analysis

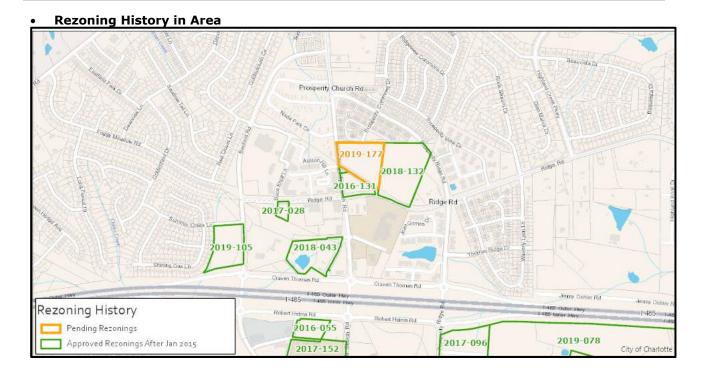


The site is vacant. Surrounding land uses include multi-family dwellings, retail and commercial uses.



The subject location is currently vacant. Denoted by red star.

Petition 2019-177 (Page 4 of 6) Final Staff Analysis



Petition Number	Summary of Petition	Status
2016-055	Rezoned 2.52 acres to allow up to 17,400 square feet of commercial uses and 101,000 square feet of self-storage uses.	Approved
2016-131	Rezoned 1.63 acres to allow up to 5,000 square feet of commercial uses.	Approved
2017-028	Rezoned 0.77 acres to allow 4,500 square feet of retail uses.	Approved
2017-096	Rezoned 8.96 acres to allow up to 260 multi-family units.	
2017-152	Rezoned 8.92 acres to allow 110,000 square feet of all uses permitted in the MUDD (mixed use development) districts.	Approved
2018-043	Rezoned 5.85 acres to allow a nursery/greenhouse and 12,000 square feet for retail, and 17,500 square feet for outdoor display area.	Approved
2018-132	Rezoned 10.50 acres to allow up to 260 residential units and 10,000 square feet of commercial uses.	Approved
2019-078	Rezoned 41.91 acres to allow up to 440 total multi-family units with a minimum 120 senior housing units, and a child care center.	Approved
2019-105	Rezoned 5.14 acres to allow 84 multi-family units, 15,000 square feet of office uses, and 12,607 square feet of commercial uses.	Approved

Petition 2019-177 (Page 5 of 6) Final Staff Analysis

#### • Public Plans and Policies



The Prosperity Hucks Area Plan (2015) recommends residential/office/retail for this site.

#### TRANSPORTATION SUMMARY

- The site is located on a major thoroughfare road. The site is providing streets to meet the *Prosperity Church Area Plan* intent of connectivity. The streets will have 8-foot planting strips, and wide sidewalks to promote multi-modal transportation options for the area. The development is providing roadway improvements based on the traffic impact study. CDOT continues to request the developer to construct the required streetscape and curb and gutter along Prosperity Ridge Road.
- Active Projects Near the Site:
  - Prosp.Ch Rd (Old Ridge-Benfield) Improvements
    - This project proposes to widen Prosperity Church Road from Old Ridge Road northward to Benfield Road. Improvements could include curb & gutter, sidewalk, storm drainage, bicycle lanes, on-street parking and a roundabout at Prosperity Church Road and Prosperity Ridge Road.
- Transportation Considerations
  - See Outstanding Issues, Note 1-Addressed
  - Vehicle Trip Generation:

Current Zoning:

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

Entitlement: 730 trips per day (based on 43 dwellings and 4,500 square foot bank).

Proposed Zoning: 2,210 trips per day (based on 79 dwellings and 15,000 square feet of retail).

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

- Charlotte Area Transit System: No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services: No outstanding issues.
- Charlotte Department of Solid Waste Services: See advisory comments at www.rezoning.org
- Charlotte Fire Department: See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 13 students, while the development allowed under the proposed zoning may produce 23 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 10 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Parkside Elementary from 64% to 67%
    - Ridge Road Middle at 126%
    - Mallard Creek High at 123%

Petition 2019-177 (Page 6 of 6) Final Staff Analysis

• **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary. See advisory comments at www.rezoning.org

#### Engineering and Property Management:

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

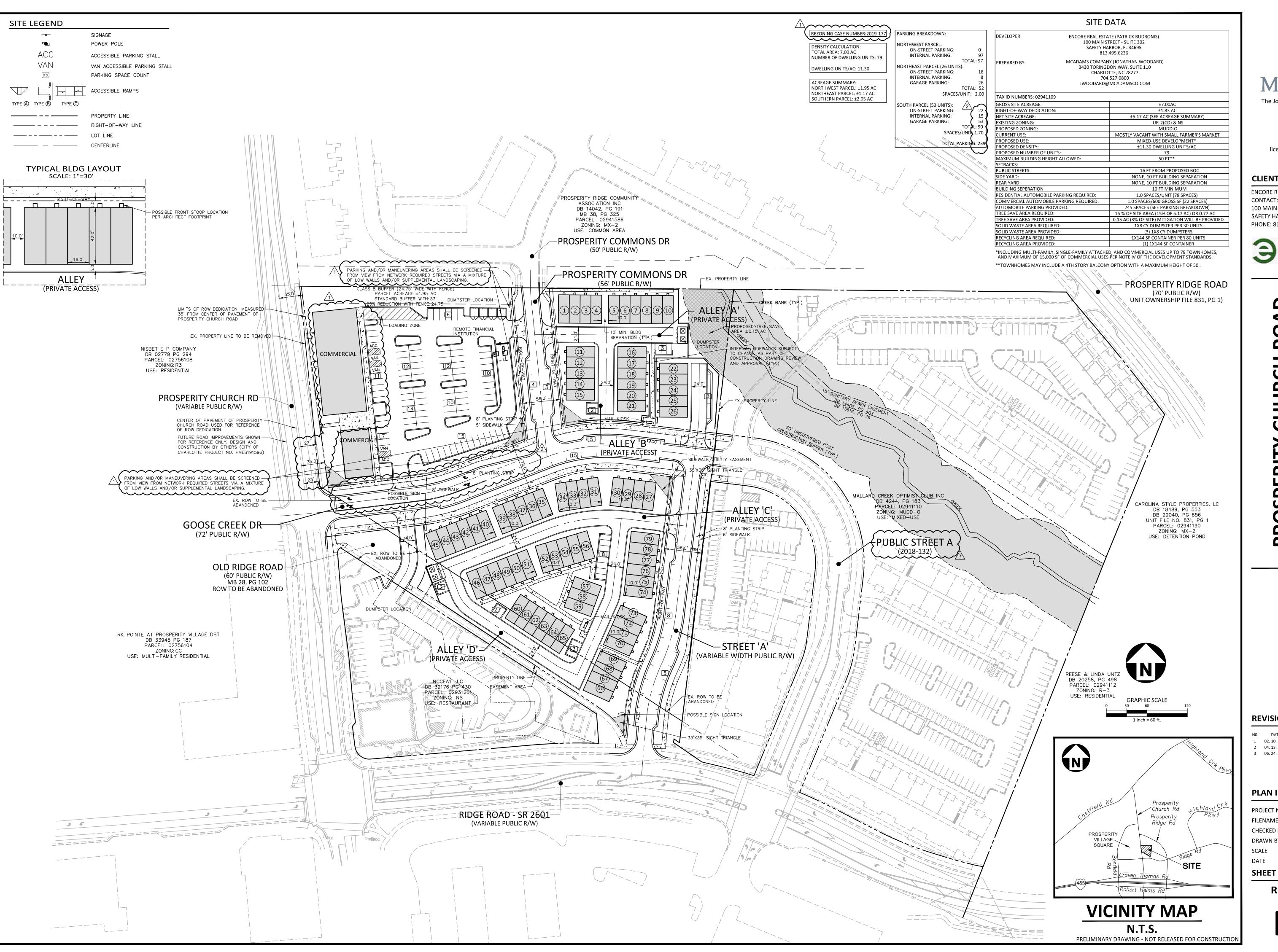
#### **OUTSTANDING ISSUES**

Transportation

1.—The petitioner should revise the site plan and conditional note(s) by removing the note stating the curb and gutter along Prosperity Church Road will be constructed by the City project. The petitioner should commit to construct the required ordinance curb and gutter requirement and streetscape along its frontage of 8-foot planting strip and 6-foot wide sidewalk. Addressed

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

Planner: Michael Russell (704) 353-0225





The John R. McAdams Company, Inc. 3430 Toringdon Way Suite 110 Charlotte, NC 28277

> phone 704. 527. 0800 fax 919. 361. 2269

license number: C-0293, C-187

www.mcadamsco.com

## CLIENT

ENCORE REAL ESTATE **CONTACT: PATRICK BUDRONIS** 100 MAIN STREET - SUITE 302 SAFETY HARBOR, FL 34695 PHONE: 813.495.6236



# **P**| PROSI RE PR

# **REVISIONS**

1 02. 10. 2020 PER 1ST SUBMITTAL COMMENTS 2 04. 13. 2020 PER 2ND SUBMITTAL COMMENTS 3 06. 24. 2020 PER 3RD SUBMITTAL COMMENTS

## **PLAN INFORMATION**

PROJECT NO. ERE-19000 FILENAME ERE19000-RZ1 CHECKED BY DRAWN BY SCALE 1"=60' DATE 11. 11. 2019

## **REZONING PLAN**

**RZ-1** 

## **PETITION NO. 2019-177**

## DEVELOPMENT STANDARDS

**Encore Real Estate** 6/23/2020

029-411-09

 $\pm$  7 acres

## Site Development Data:

Tax Parcel Number

Acreage: **Existing Zoning: UR-2(CD) & NS Proposed Zoning: MUDD-O Existing Use:** 

Vacant, commercial Mixed-Use Development including single-family attached Proposed Use:

**Proposed Development:** 

residential and commercial uses
Up to 79 single-family attached (townhome) residential units and 15,000 square feet of commercial uses as permitted in the MUDD zoning district and further described in Section III and IV of the attached development standards and

subject to the conversion rights, below. Maximum Building Height: \ Fifty (50) feet, as measured per MUDD Ordinance Standards 

## I. General Provisions

- a. These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by Encore Real Estate (the "Petitioner") to accommodate a mixed use development, including single-family attached (townhome) residential units and commercial uses on that approximately 7-acre site located near the intersection of Ridge Road and Prosperity Church Road, more particularly described as Tax Parcel Number 029-411-09 (the "Site").
- b. Development of the Site shall be governed by the accompanying Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). The Rezoning Plan is intended reflect maximum development rights, building envelopes, the arrangements and locations of access
- c. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the MUDD Zoning District shall govern all development taking place on the Site, subject to the Optional Provisions in Section II below.
- d. Alterations or modifications which, in the opinion of the Planning Director, substantially alter the character of the development proposed or significantly alter the

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

~~~~~~~~~~~~~~/2\ b. The Petitioner shall commit to construct a turn lane at the intersection of Prosperity Church Road and Cooper Glen Drive in coordination with CDOT specifications per final TIA, in the location as generally depicted on the Rezoning Plan.

- c. As illustrated on the Prosperity Church Road Roundabout Plans (Project Number: PMES191596), Petitioner agrees to pay in lieu the cost of or install additional pavement, curb and gutter, and sidewalk along the Site side of Prosperity Church Road, as generally depicted on the Rezoning Plan.
- Petitioner shall contribute funds to CDOT for the purposes of improving the intersection at Ridge Road and Public Street A (as labeled on approved Rezoning Plan #2018-132 by Alliance Residential Company) Such funds shall be calculated based on CDOT's proposed improvement so that Petitioner shall contribute 25% of the total improvement cost, not to exceed \$50,000.
- \_\_\_\_\_\_ way to the City of Charlotte before the Site's first building certificate of occupancy is
- f. All transportation improvements shall be substantially completed before the Site's first building certificate of occupancy is issued.
- 1. Reference to "substantially complete" shall mean completion of the roadway improvements in accordance with the Technical Data Sheet provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or bond for any improvements not in place at the time such certificate of occupancy is issued to secure completion of the applicable improvements.

## VI. Architectural Standards

a. Preferred Exterior Building Materials: all principal and accessory buildings abutting a network-required public or private street shall comprise a minimum of 20% of that building's entire façade facing such network street using brick, natural stone (or its synthetic equivalent), stucco, cementous products (such as HardiPlank, panel, shingles, or similar products), or other material approved by the Planning Director.

b. Prohibited Exterior Building Materials:  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.

g. Additional architectural standards related to single family attached (townhome) units on

- 1. To provide privacy, all residential entrances within fifteen (15) feet of the sidewalk must be raised or lowered from the average sidewalk grade a minimum of twenty four (24) inches.
- 2. Rooftop terraces may be provided on some or all townhome units.
- 3. If applicable, usable porches and stoops shall form a predominant feature of the building design and be located on the front and/or side of the building. Usable front porches shall be covered and be at least five (5) feet deep. Stoops and entrylevel porches, if provided, may be covered but shall not be enclosed. Porches or stoops, if provided may encroach up to five (5) feet into the building separation
- 4. All corner/end units that face a public or private street shall have a porch or stoop that wraps a portion of the front and side of the unit or provide blank wall provisions that limit the maximum blank wall expanse to ten (10) feet on all building levels.
- 5. Garage doors fronting the public or private streets shall minimize the visual impact by providing a setback of 12 to 24 inches from the front wall plane and additional architectural treatments such as translucent windows or projecting elements over the garage door opening.
- 6. Walkways shall be provided to connect all residential entrances to sidewalks along public and private streets.
- 7. Townhome buildings shall contain a maximum of six (6) units per building or fewer. The number of individual units per building shall be varied in adjacent buildings if multiple 6-unit buildings are adjacent.
- h. As related to commercial uses on the Site, building placement and site design shall focus on and enhance the pedestrian environment on public or private network-required streets through the following:
- 1. Buildings shall be placed so as to present a front or side façade to all public/private network-required streets.
- 2. Facades fronting streets shall include a combination of windows and operable doors for a minimum of 60% of each frontage elevation transparent glass between 2' and 10' on the first floor of commercial buildings. Up to 50% of this requirement may be comprised of display windows or spandrel glass fronting

fixtures will not exceed twenty-one (21) feet in height. Freestanding lighting will not exceed twenty-six (26) feet.

## X. Amendments to Rezoning Plan

Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

## XI. Binding Effect of the Rezoning Documents and Definitions

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

b. Pedestrian scale lighting will be provided within the Site. Ground-mounted lighting

## CLIENT

**ENCORE REAL ESTATE CONTACT: PATRICK BUDRONIS** 100 MAIN STREET - SUITE 302 SAFETY HARBOR, FL 34695 PHONE: 813.495.6236



The John R. McAdams Company, Inc. 3430 Toringdon Way Suite 110

Charlotte, NC 28277

phone 704. 527. 0800

fax 919. 361. 2269

license number: C-0293, C-187

www.mcadamsco.com

Д REPT F **P** 

Rezoning Plan or these Development Standards, constitute changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

## II. MUDD-Optional Provisions

The Petitioner proposes utilization of the MUDD-O provisions to allow for the following

1. The Petitioner requests to allow parking and maneuvering between buildings and streets on the proposed commercial portion of the Site, as generally depicted on the Rezoning Plan. Such parking and/or maneuvering areas shall be screened from view from network required streets via a mixture of low walls and/or supplemental landscaping.

The Petitioner requests to allow drive-through service for a financial institution remote ATM Kiosk's, in the location as generally depicted on the Rezoning Plan. For the sake of clarity, this drive-through use is requested solely for a financial institution, not eating, drinking, and entertainment (EDEE) use.

### III. Permitted Uses

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

## IV. Maximum Development

The Site may be devoted to a maximum of (i) seventy-nine (79) single-family attached (townhome) residential units and (ii) 15,000 square feet of commercial uses, including retail, office, financial institutions with drive-thru service, and Eating, Drinking, and Entertainment (EDEE) uses associated therewith as permitted in the MUDD Zoning District.

## Conversion Rights.

- a. Unused residential units may be converted to additional commercial square footage at a rate of one (1) residential unit to 1,000 square feet of commercial use so converted.
- b. Unused commercial square footage may be converted to additional residential units at a rate of 1,000 square feet of commercial use to one (1) residential unit so converted. However, at no point shall the total number of residential units exceed one hundred (100) units, including conversions.

# V. Transportation

1. Vinyl siding (but not vinyl handrails, soffits, windows, door trim, other trim pieces, or fascia boards); and 2. Concrete masonry units not architecturally finished.

\_\_\_\_\_/<sub>1</sub>\

c. Building massing and height shall be designed to break up long monolithic building forms as follows:

1. Buildings exceeding 120 feet in length shall include modulations of the building massing/façade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 2 feet extending through at least a full floor.

d. Architectural Elevation Design – elevations shall be designed to create visual interest as

- 1. Building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
- 2. 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 Preferred Building Materials or articulated architectural façade features and color changes.
- 3. 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.

e. Roof Form and Articulation – Roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:

- 1. Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.
- 2. For pitched roofs, the minimum pitch shall be 2:12 excluding buildings with a flat roof, features that break up a pitched roof, and parapet walls. 3. Roof top HVAC and related mechanical equipment will be screened from public
- Service Area Screening Service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with

view at grade from the nearest street.

Prosperity Church Road. These display windows must maintain a minimum of 1'-0" clear depth between window and rear wall. Display windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalks.

network-required streets shall incorporate a minimum of 30% masonry materials such as brick or stone or other Preferred Exterior Building Materials. 4. Direct pedestrian connections shall be provided between street facing doors, corner entrance features to sidewalks on adjacent streets, which may be

3. The facades of first/ground floor of the principal buildings along public/private

- emergency doors. 5. Building elevations shall not have expanses of blank walls greater than twenty (20) feet in all directions and architectural features such as but not limited to banding, medallions or design features or materials to be provided to avoid a
- sterile, unarticulated blank treatment of such walls. 6. Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three (3) 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.
- 7. Buildings shall be a minimum height of twenty-two (22) feet.
- 8. Buildings shall front a minimum of 50% of the street frontage on Prosperity Church Road (exclusive of driveways, pedestrian access points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities).

# VII. Internal Side Yards and Rear Yards

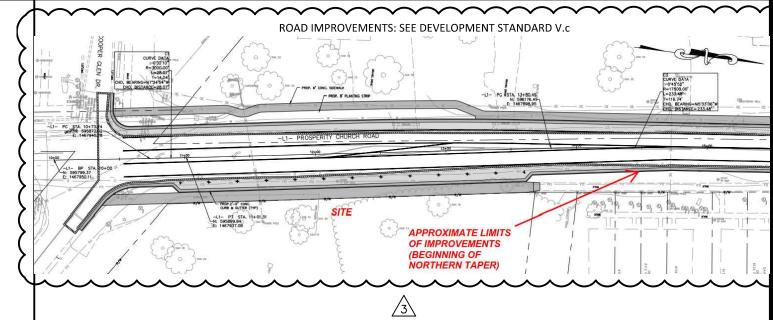
The Petitioner may subdivide the Site and create lots within the Site with no side or rear yards as part of a unified development plan.

# VIII. Environmental Features

- a. The Petitioner shall satisfy the requirements of the Post Construction Stormwater Ordinance and City of Charlotte Tree Ordinance.
- b. The location, size, and type of storm water management systems 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.

## IX. Lighting

a. All parking area lighting fixtures will be shielded with full cut-off fixtures.



## **REVISIONS**

NO. DATE

1 02. 10. 2020 PER 1ST SUBMITTAL COMMENTS 2 04. 13. 2020 PER 2ND SUBMITTAL COMMENTS 3 06. 24. 2020 PER 3RD SUBMITTAL COMMENTS

## PLAN INFORMATION

PROJECT NO. ERE-19000 FILENAME ERE19000-RZ1 CHECKED BY **DRAWN BY SCALE** DATE 11. 11. 2019

## **SHEET**

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

**REZONING NOTES** 



## City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 7.File #: 15-13740 Type: Zoning Decision

## Rezoning Petition: 2019-182 by Carolina Center for Recovery, LLC

Location: Approximately 9.9 acres located on the west side of Statesville Road, across from Gibbon

Road, east side of Interstate 77.

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

**Proposed Zoning:** INST (CD) (institutional, conditional)

#### **Zoning Committee Recommendation:**

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

## **Zoning Committee Recommendation**

ZC

Rezoning Petition 2019-182

June 30, 2020

**Zoning Committee** 

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

Proposed Zoning: INST (CD) (institutional, conditional)

**LOCATION** Approximately 9.9 acres located on the west side of Statesville

Road, across from Gibbon Road, east side of Interstate 77.

(Council District 2 - Graham)

PETITIONER Carolina Center for Recovery, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

The plan recommends industrial uses.

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

- This petition proposes a conditional rezoning to INST(CD) to accommodate a health institution on the site.
- Although the proposal is inconsistent with the specific recommendation in the area plan, the plan does not provide specific guidance for institutional and medical land uses.
- The center will take place in an existing building on the site and will have space for about 100 beds. The petitioner does not plan to build any additional buildings on the site.
- While the Northeast District Plan recommends industrial uses on this site as the future land use, the I-1 zoning also allows for similar uses to the use put forth in this petition, such as medical clinics by right, and short-term care facilities provided they meet certain design requirements.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan*, from light industrial use to an institutional use for the site.

Motion/Second: Gussman / Kelly

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None

Petition 2019-182 (Page 2 of 2) Zoning Committee Recommendation

Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

inconsistent with the adopted area plan.

There was no further discussion of this petition.

PLANNER Michael Russell (704) 353-0225





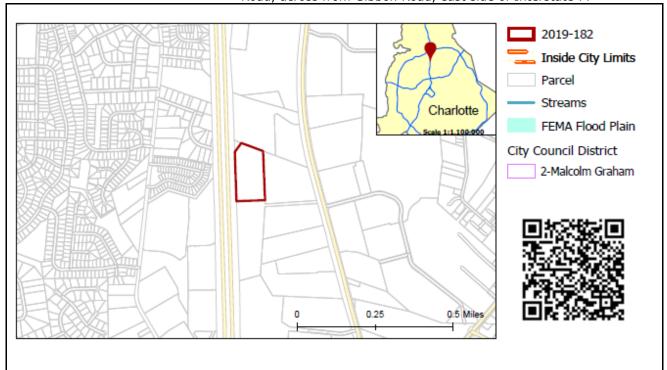
**REQUEST** 

Current Zoning: I-1 (light industrial)

Proposed Zoning: INST (CD) (institutional, conditional)

LOCATION

Approximately 9.9 acres located on the west side of Statesville Road, across from Gibbon Road, east side of Interstate 77



**SUMMARY OF PETITION** 

The petition proposes to rezone and redevelop the existing structure on a 9.9-acre portion of the parcel to allow for a health institution.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

7135 Statesville Road, LLC Carolina Center for Recovery, LLC Nick Tosco, Poyner Spruill, LLP

**COMMUNITY MEETING** 

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

#### STAFF RECOMMENDATION

Staff recommends approval of this petition.

#### Plan Consistency

The petition is **inconsistent** with the *Northeast District Plan's* (1996) recommendation of industrial uses on this site.

#### Rationale for Recommendation

- This petition proposes a conditional rezoning to INST(CD) to accommodate a health institution on the site.
- Although the proposal is inconsistent with the specific recommendation in the area plan, the plan does not provide specific guidance for institutional and medical land uses.
- The center will take place in an existing building on the site and will have space for about 100 beds. The petitioner does not plan to build any additional buildings on the site.

Petition 2019-182 (Page 2 of 6) Final Staff Analysis

 While the Northeast District Plan recommends industrial uses on this site as the future land use, the I-1 zoning also allows for similar uses to the use put forth in this petition, such as medical clinics by right, and short-term care facilities provided they meet certain design requirements.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan*, from light industrial use to an institutional use for the site.

#### **PLANNING STAFF REVIEW**

#### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows for redevelopment of an existing 49,855-square foot building for a health institution.
- Commits to limiting uses to a health institution.
- Limits the capacity of the health institution to 100-overnight beds.
- Access to the site is via an existing shared driveway on Statesville Road.
- Provides a 72-foot Class B buffer along the site's southern, northern and eastern boundary. The buffer will not be reduced with a fence or wall.
- Lighting will be limited to 21-feet in height.

• Existing Zoning and Land Use



The subject property is developed with an office use. The surrounding land-use is industrial east of Interstate 77 and residential west of Interstate 77.

Petition 2019-182 (Page 3 of 6) Final Staff Analysis



The subject property located off Statesville Road (denoted by red star) is developed with an office use.



The property to the north along Statesville Road is developed with a warehouse/distribution use.

Petition 2019-182 (Page 4 of 6) Final Staff Analysis



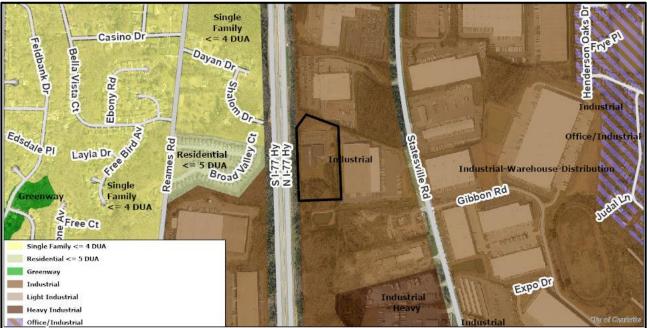
The property to the west along Statesville Road is developed with a warehouse/distribution use.



| Petition<br>Number | Summary of Petition                                                                                                | Status   |
|--------------------|--------------------------------------------------------------------------------------------------------------------|----------|
| 2014-101           | Rezoned 14.30 acres to allow all permitted uses in the R-5 (single family residential) zoning district.            | Approved |
| 2016-027           | Rezoned 95.67 acres to allow all permitted uses in the I-1 (light industrial) zoning district.                     | Approved |
| 2016-106           | Rezoned 8.60 acres to add a wireless communications tower to a site developed with warehouses and industrial uses. | Approved |

Petition 2019-182 (Page 5 of 6) Final Staff Analysis

#### Public Plans and Policies



• The Northeast District Plan (1996) calls for industrial uses on this site.

#### TRANSPORTATION SUMMARY

The site is accessed via a shared driveway on Statesville Road. CDOT will work with the
petitioner and NCDOT during permitting to determine if any driveway upgrades or streetscape
improvements will be required.

#### Active Projects:

- Sunset Road Sidewalk
  - This project will construct new sidewalk along both sides of Sunset Road between Beatties Ford Road and Statesville Road, where none already exists. The project will also provide pedestrian refuge islands and waiting pads near bus stops.
- Transportation Considerations:
  - No outstanding issues.
- Vehicle Trip Generation:

Current Zoning:

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

Entitlement: 420 trips per day (based on 236,000 square feet of warehouse).

Proposed Zoning: 540 trips per day (based on 49,855 square feet of health institution)

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

- Charlotte Area Transit System: No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services: No outstanding issues.
- Charlotte Department of Solid Waste Services: See advisory comments at www.rezoning.org
- Charlotte Fire Department: See advisory comments at www.rezoning.org
- Charlotte-Mecklenburg Schools: Nonresidential petitions do not impact the number of students generated.
- Charlotte Water: Water and sewer service is accessible for this rezoning boundary. See advisory
  comments at www.rezoning.org

#### Engineering and Property Management:

- Arborist: No comments submitted.
- **Erosion Control:** No outstanding issues.
- Land Development: No outstanding issues.
- Storm Water Services: See advisory comments at www.rezoning.org
- **Urban Forestry:** No outstanding issues.

Petition 2019-182 (Page 6 of 6) Final Staff Analysis

• **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org

Mecklenburg County Parks and Recreation Department: No outstanding issues.
 REQUESTED TECHNICAL REVISIONS
 Site and Building Design

- 1.—Amend total site acreage on site plan. Addressed
- 2.—Amend proposed zoning on site plan. Addressed

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

Planner: Michael Russell (704) 353-0225



**Development Summary** 

Owner: 7135 Statesville Rd., LLC

Address: 7349 Statesville Rd. Tax Parcel ID#: 037-192-19

**Total Site Acreage:** 23.609 Acres Area: Approx. 1,023,387 SF

Existing Zoning: Proposed Zoning:

INST (CD) +/- 9.9 Acres **Unchanged Zoning:** I-1 +/- 13.709 Acres Rarking; Existing

FAR: Max Building Height 40'

2 SITE DATA scale: NTS

#### DEVELOPMENT STANDARDS

#### General Standards A Development of the site will be controlled by the standards

#### depicted on this site plan and by the standards of the 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 Zoning Ordinance as provided by Section 6.207 of the Zoning Ordinance.

- The Petitioner acknowledges that other standard development requirements imposed by other Charlotte ordinances, such as those that regulate streets, sidewalks trees, bicycle parking, and site development may apply to the development of the site. These are not zoning regulations are not administered by the Zoning Administrator and are not separate zoning conditions imposed by the site plan. Unless specifically noted in the conditions for the site plan, these other standard development requirements will be applied to the development of the site as defined by those other Charlotte ordinances.
- C. Throughout this site plan, the terms "Owner" or "Petitioner shall, with respect to the site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the Owner of the site who may be involved in its development from time-to-time.
- Alterations to the Conditional Zoning Plan are subject to Section 6.207 of the Zoning Ordinance.

#### Permitted Uses

- A. The site may only be used for a Health Institution and any accessory uses and structures allowed by the Zoning
- B. Petitioner reserves the right to use the existing structure on the site for a Health Institution and any accessory uses and structures allowed by the Zoning Ordinance.
- The site may only be used for a Health Institution with a the Zoning Ordinance

#### Architectural Standard:

Reserved

A. Parking areas are generally depicted on this site plan.

#### **Environmental Standards**

- A. All requirements of the City of Charlotte Tree Ordinance shall be met with this development
- B. All requirements of the City of Charlotte Post Construction Stormwater Ordinance (PSCO) shall be met with this development

#### Streetscape/Landscaping

- A. A seventy-two foot (72') Class B Buffer shall be maintained along those portions of the site's northern, southern and eastern boundary lines that are more particularly depicted on this site plan, which buffer shall conform to the standard of Section 12.302 of the Zoning Ordinance. The width of the buffer shall not be reduced with a fence or wall.
- B. In the event that an adjacent parcel of land is either zoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the site, the Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas set out on this site plan accordingly.

#### Parks, Greenways, and Open Space

Reserved

Fire Protection

A. Freestanding light will be fully shidled and downwardly directed. All new, detached lighting installed on the site will be limited to a height of 21'

The Petitioner will provide security personnel on-site during all hours of operation and will coordinate with the tenant and property owner for the adjoining parcel (PIN 03719225) regarding security for the shared access driveway to the site.

## PROPOSED TREATMENT **FACILITY**

2010 south tryon st., suite 1a

charlotte, nc 28203

704.332.1615

www.oda.us.com

7349 STATESVILLE AVE

CHARLOTTE, NORTH CAROLINA ODA Project No. 203467

PETITION NO. 2019-182

#### 03.16.2020

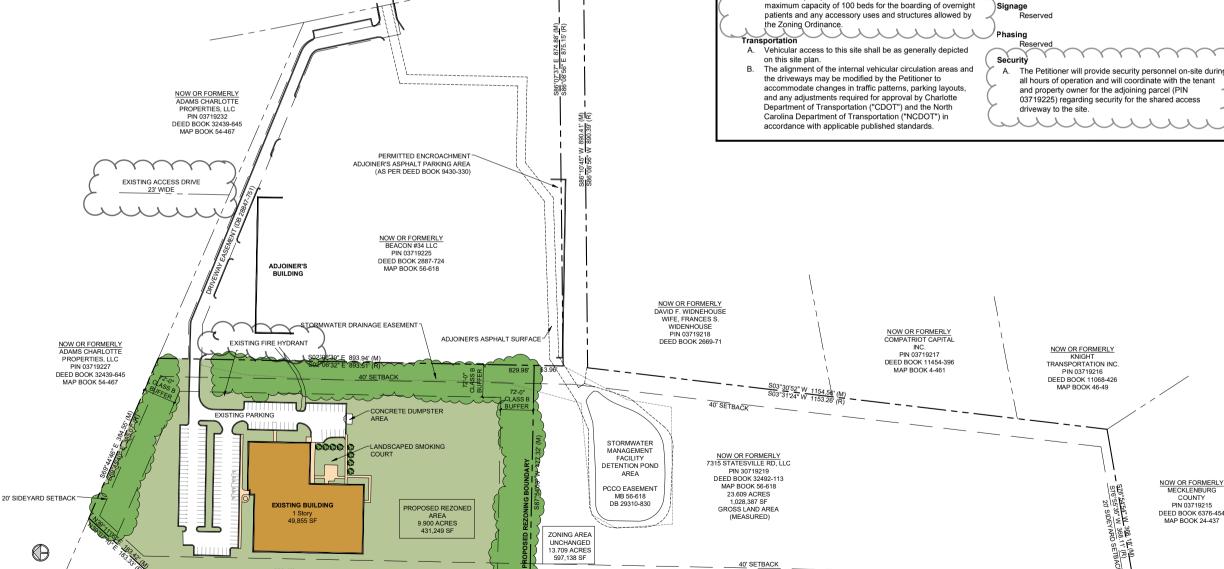
|     | REVISIONS                         |           |
|-----|-----------------------------------|-----------|
| No. | Description                       | Date      |
| 1   | REVISIONS PER CITY STAFF COMMENTS | 6/23/2020 |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |
|     |                                   |           |

SITE PLAN

Copyright 2020 ODA ARCHITECTURE scale: 1" = 100'-0"

COUNTY PIN 03719215

3 VACINITY MAP scale: NTS



S15°04'34" E

INTERSTATE HIGHWAY 77 PUBLIC R/W WIDTH VARIES
(CONTROLLED ACCESS HIGHWAY)

5' WIRE FENCE

1 SITE PLAN



## City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 8.File #: 15-13742 Type: Zoning Decision

## Rezoning Petition: 2020-002 by The Drakeford Company

**Location:** Approximately 0.55 acres located on the northeastern side of Vail Avenue, south of Deacon Avenue, and southeast of Dotger Avenue. (Council District 1 - Egleston)

**Current Zoning:** R-22MF (multifamily residential)

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

#### **Zoning Committee Recommendation:**

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

## **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-002

June 30, 2020

**REQUEST** Current Zoning: R-22MF (multifamily residential)

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

**LOCATION** Approximately 0.55 acres located on the northeastern side of

Vail Avenue, south of Deacon Avenue, and southeast of Dotger

Avenue.

(Council District 1 - Egleston)

PETITIONER Saussy Burbank/The Drakeford Company

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

 The plan recommends residential up to 22 dwelling units per acre.

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

- The density of the proposed project is 7.41 units per acre, which is substantially less than the adopted plan recommendation for up to 22 units per acre.
- The proposal will not result in a decrease in the number of residential units.
- The building design requirements will help provide compatibility with the surrounding neighborhood.
- The request will not result in an increase in the number of vehicular trips.

Motion/Second: Ham / Gussman

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

Staff reviewed the petition with the Committee, noting the improvements proposed with this project, including streetscape. A Commissioner asked about the setback, noting that the neighborhood had some concerns. Staff responded that there was a request to increase the setback but that there were issues due to the topography challenges on the site. A Commissioner asked about the term "stacked flat" and staff responded that this is an architectural term and staff is unable to comment on certain housing types/materials now due to legislation.

There was no further discussion of this petition.

**PLANNER** 

Claire Lyte-Graham (704) 336-3782





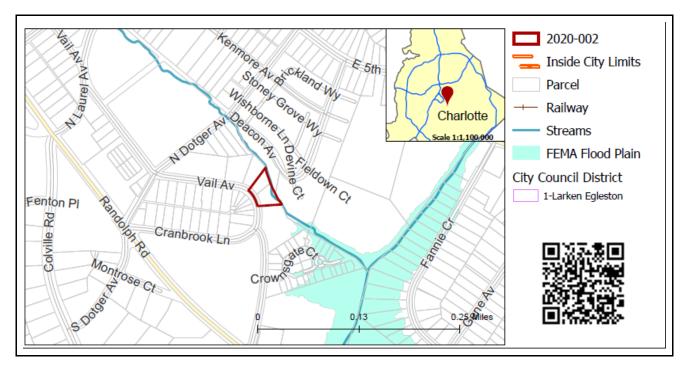
**REQUEST** Current Zoning: R-22MF (multifamily residential)

Proposed Zoning: UR-2(CD) (urban residential, conditional) with 3-

year vested rights

LOCATION

Approximately 0.55 acres located on the northeastern side of Vail Avenue, south of Deacon Avenue, and southeast of Dotger Avenue.



**SUMMARY OF PETITION** 

The petition proposes to redevelop the site by replacing 2 existing duplexes built in 1950 and 1954 with 4 single family attached units (duplexes).

**PROPERTY OWNER PETITIONER** 

**AGENT/REPRESENTATIVE** 

Curry Vail LLC

Saussy Burbank/The Drakeford Company

Robert T. Drakeford

**COMMUNITY MEETING** 

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

| STAFF          |  |
|----------------|--|
| RECOMMENDATION |  |

Staff recommends approval of this petition.

#### Plan Consistency

The petition is **consistent** with the *Elizabeth Area Plan (2011)* recommendation for residential up to 22 dwelling units per acre.

#### Rationale for Recommendation

- The density of the proposed project is 7.41 units per acre, which is substantially less than the adopted plan recommendation for up to 22 units per acre.
- The proposal will not result in a decrease in the number of residential units.
- The building design requirements will help provide compatibility with the surrounding neighborhood.

 The request will not result in an increase in the number of vehicular trips.

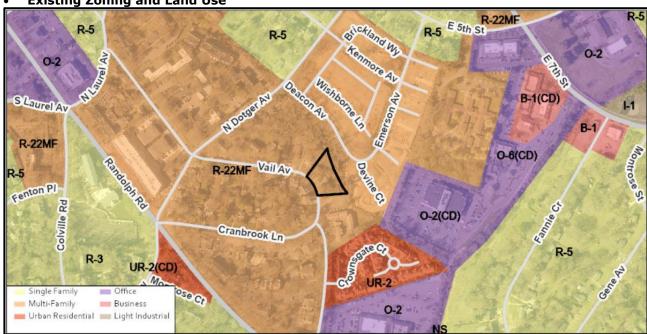
#### **PLANNING STAFF REVIEW**

#### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows 2 buildings containing a maximum of 2 units in each at a density of 7.41 dwelling units per acre.
- A 14-foot setback along Vail Avenue.
- Driveway access points from Vail Avenue.
- A 6-foot sidewalk and 8-foot planting strip along Vail Avenue.
- Building materials to be used will be a combination of portions of the following: glass, brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, cementitious siding, vinyl, EIFS, stucco, or wood. Vinyl material may only be used on trim or windows, but not on exterior siding.
- Limits blank wall expanse to 15 feet.
- Each residential unit will have a 2-car garage.
- Garage doors visible from Vail Avenue will minimize visual impact by providing a setback of 8 inches to 12 inches from the front wall plane or provide additional architectural treatments such as translucent windows, enhanced door, or projecting elements over the garage door opening.
- Identifies 35-foot SWIM and Post Construction Buffer in the rear yards.

Existing Zoning and Land Use



• The subject property is developed with 2 duplexes and is predominantly surrounded by single family residential homes and multifamily residential development on acreage in various zoning districts. Medical office and institutional uses are also located in the vicinity.

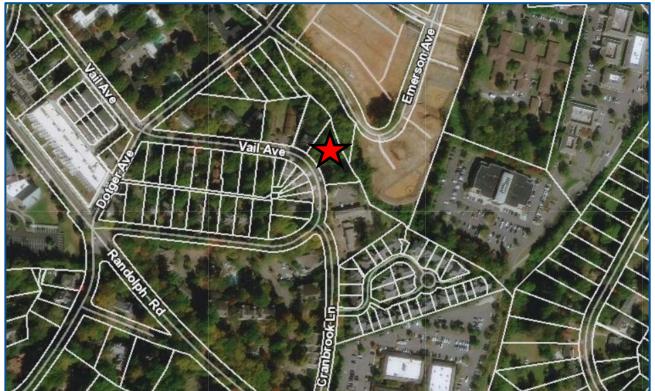


The subject property is developed with duplexes.



The property is predominantly surrounded by single family homes and multifamily residential communities.





The rezoning site (denoted by red star) is immediately surrounded predominantly by single family homes and multifamily development. There are also office and institutional uses in the general area.



| Petition<br>Number | Summary of Petition                                                                                                                                                                                                                                                                                          | Status              |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 2018-156           | Rezoned 17.52 acres from R-3 to UR-2(CD) to allow up to 300 multi-family units.                                                                                                                                                                                                                              | Approved            |
| 2008-092           | Rezone 18.8 acres from B-2 and R-22MF to MUDD-O to allow a 141-room hotel and a 7,000- square foot EDEE (eating/drinking/entertainment establishment). mixed-use development of up to 26,682 square feet of commercial uses (of which 13,342 may be restaurants), 350 residential "flats," and 96 townhomes. | Indefinite Deferral |

#### • Public Plans and Policies



• The Elizabeth Area Plan (2011) recommends residential uses up to 22 dwelling units per acre.

#### TRANSPORTATION SUMMARY

 The site is located on a local road. The petitioner is providing the required streetscape along Vail Avenue.

#### Active Projects:

- There are no active projects in the vicinity of this project.
- **Transportation Considerations** 
  - No outstanding issues.
- Vehicle Trip Generation:

Current Zoning:

Existing Use: 30 trips per day (2 duplexes; based on tax record).

Entitlement: 90 trips per day (based on 12 apartments).

Proposed Zoning: 30 trips per day (based on 2 duplexes; latest site plan).

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

- Charlotte Area Transit System: No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services: No comments submitted.
- Charlotte Department of Solid Waste Services: See advisory comments at www.rezoning.org.
- Charlotte Fire Department: See advisory comments at www.rezoning.org.
- Charlotte-Mecklenburg Schools: The development allowed under the existing zoning could generate 1 student, while the development allowed under the proposed zoning may produce 4 students. Therefore, the net increase in the number of students generated from existing zoning to proposed 3 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Eastover Elementary at 98%
    - Sedgefield Middle at 73%
    - Myers Park at 125%
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Vail Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Vail Avenue.
- Engineering and Property Management:
  - Arborist: No comments submitted.
  - **Erosion Control:** No comments submitted.
  - Land Development: See Outstanding Issues, Note 1. Addressed

- Storm Water Services: See Outstanding Issues, Note 1. Addressed
  - See advisory comments at www.rezoning.org regarding recommendations pertaining to Briar Creek, storm water quality treatment and volume peak control.
- Urban Forestry: No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org regarding air quality and ground water services.
- Mecklenburg County Parks and Recreation Department: No outstanding issues.

#### **OUTSTANDING ISSUES**

#### **Environment**

1.—Please replace the second sentence in Note #1 under the "Environmental Features" heading with the following: "Development within the SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte Mecklenburg Storm Water Services and mitigated if required by City ordinance."—Addressed

#### Site and Building Design

- 2. Under Architectural Standards Note E.4. in first sentence clarify if vinyl is being used as an exterior material. Addressed
- 3.—Indicate method of refuse collection. Addressed

#### **TECHNICAL REVISIONS**

4.—Remove 3-year vested rights from the site plan. Addressed

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

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



## SITE DATA

TAX MAP NO: 12712104 & 12712105 ±0.54 AC SITE AREA:

**CURRENT ZONING:** R-22MF UR-2 (CD)

EXISTING USE: SINGLE FAMILY ATTACHED (DUPLEX) 

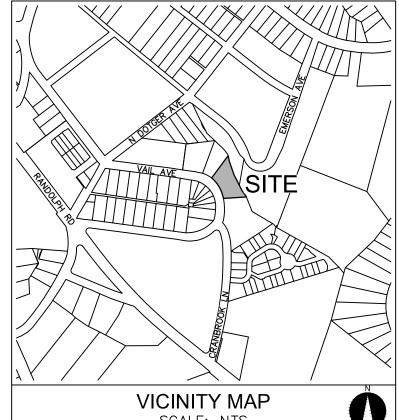
(SINGLE FAMILY ATTACHED (DUPLEX FOR SALE))PROPOSED USE: PROPOSED UNITS: 4 UNITS

DENSITY: ±7.41 DUA

BUILDING HEIGHT: PER ORDINANCE

PARKING PROVIDED: SHALL MEET ORDINANCE REQUIREMENTS OPEN SPACE REQUIRED: SHALL MEET ORDINANCE REQUIREMENTS

TREE SAVE REQUIRED: CORRIDOR - SHALL MEET ORDINANCE REQUIREMENTS TRASH AND RECYCLING: PUBLIC - INDIVIDUAL ROLLOUT CURBSIDE PICKUP  $\underbrace{\hspace{1cm}}$ 



SCALE: NTS

## DEVELOPMENT STANDARDS

## A. GENERAL PROVISIONS

DEVELOPMENT OF THE SITE WILL BE CONTROLLED BY THE STANDARDS DEPICTED ON THIS SITE PLAN AND BY THE STANDARDS OF THE CHARLOTTE ZONING ORDINANCE. THE DEVELOPMENT DEPICTED ON THIS PLAN IS INTENDED TO REFLECT THE ARRANGEMENT OF PROPOSED USES ON THE SITE, BUT THE EXACT CONFIGURATION, PLACEMENT, AND SIZE OF INDIVIDUAL SITE ELEMENTS MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ORDINANCE DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES AS ALLOWED UNDER THE PROVISIONS OF SECTION 6.2 OF THE ZONING

THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES, SUCH AS THOSE THAT REGULATE STREETS, SIDEWALKS, TREES, BICYCLE PARKING, AND SITE DEVELOPMENT, MAY APPLY TO THE DEVELOPMENT OF THIS SITE. THESE ARE NOT ZONING REGULATIONS, ARE NOT ADMINISTERED BY THE ZONING ADMINISTRATOR, AND ARE NOT SEPARATE ZONING CONDITIONS IMPOSED BY THIS SITE PLAN. UNLESS SPECIFICALLY NOTED IN THE CONDITIONS FOR THIS SITE PLAN, THESE OTHER STANDARD DEVELOPMENT REQUIREMENTS WILL BE APPLIED TO THE DEVELOPMENT OF THIS SITE AS DEFINED BY THOSE OTHER CITY ORDINANCES.

THROUGHOUT THIS REZONING PETION, THE TERMS "OWNER", "OWNERS", "PETITIONER" OR "PETITIONERS," SHALL, WITH RESPECT TO THE SITE, BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNEES OF THE OWNER OR OWNERS OF THE SITE WHO MAY BE INVOLVED IN ITS DEVELOPMENT FROM TIME TO TIME.

THE PURPOSE OF THIS REZONING APPLICATION IS TO PROVIDE FOR THE DEVELOPMENT OF A SINGLE FAMILY ATTACHED (DUPLEX) FOR SALE COMMUNITY. 、TO ACHIEVE THIS PURPOSE, THE APPLICATION SEEKS THE REZONING OF THE SITE TO THE UR−2 (CD) DISTRICT. 

C. PERMITTED USES

USES ALLOWED ON THE PROPERTY INCLUDED IN THIS PETITION WILL BE SINGLE FAMILY ATTACHED DWELLING (DUPLEX) UNITS AND RELATED ACCESSORY USES AS ARE PERMITTED IN THE UR-2 DISTRICT.

## D. <u>TRANSPORTATION</u>

1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION.

2. PARKING AREAS ARE GENERALLY INDICATED ON THE REZONING PLAN BY INTERNAL UNIT GARAGES.

3. THE PETITIONER WILL INSTALL AN 8' PLANTING STRIP AND 6' SIDEWALK ALONG VAIL AVENUE AS APART OF THE DEVELOPMENT OF THE SITE.

4. PETITIONER SHALL DEDICATE ALL RIGHT-OF-WAY IN FEE SIMPLE SIMPLE CONVEYANCE TO THE CITY OF CHARLOTTE BEFORE THE SITES FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. IF IT IS NOT FEASIBLE TO EXTEND THE RIGHT OF WAY TO THAT POINT THAT IS LOCATED 2 FEET BEHIND THE SIDEWALKS TO BE INSTALLED ALONG THE SITE'S FRONTAGE ON VAIL AVENUE, THEN THE SIDEWALKS MAY BE LOCATED IN A SIDEWALK UTILITY

## E. <u>ARCHITECTURAL STANDARDS</u>

1. THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE DISTRICT REGULATIONS OF THE ZONING ORDINANCE FOR THE UR-2 DISTRICT AND BY THE FOLLOWING STANDARDS.

2. THE TWO (2) PROPOSED BUILDINGS FRONTING VAIL AVENUE SHALL CONTAIN A MAXIMUM OF 2 UNITS PER BUILDING AS SHOWN ON THE REZONING PLAN.

3. PITCHED ROOFS, IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEDS. IF PROVIDED, MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED. SHINGLES WILL BE ARCHITECTURAL GRADE 4. EXTERIOR MATERIALS WILL BE RESTRICTED TO THE FOLLOWING: GLASS, BRICK, STONE, SIMULATED STONE, PRE—CAST STONE, PRE—CAST CONCRETE,

SYNTHETIC STONE, STUCCO, CEMENTITIOUS SIDING (SUCH AS HARDI-PLANK), OR WOOD.

VINYL AND EIFS MAY NOT BE USED AS AN EXTERIOR BUILDING MATERIAL ON ANY BUILDING TO BE CONSTRUCTED ON THE SITE. NOTWITHSTANDING THE FOREGOING, VINYL MAY BE UTILIZED ON WINDOWS, DOORS, GARAGE DOORS, SOFFITS, TRIM AND RAILINGS. ^^^^^

6. PETITIONER SHALL PROVIDE BLANK WALL PROVISIONS ALONG THE FRONT AND SIDES OF THE BUILDINGS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO FIFTEEN (15) FEET ON ALL BUILDING LEVELS, INCLUDING BUT NOT LIMITED TO DOORS, WINDOWS, AWNINGS, AND/OR ARCHITECTURAL DESIGN ELEMENTS.

7. WALKWAYS WILL BE PROVIDED TO CONNECT PRIMARY BUILDING ENTRANCE/PORCH TO THE VAIL AVENUE STREET SIDEWALK AS GENERALLY DEPICTED ON THE REZONING PLAN.

8. GARAGE DOORS VISIBLE FROM VAIL AVENUE SHALL MINIMIZE THE VISUAL IMPACT BY PROVIDING A SETBACK OF EIGHT (8) TO TWELVE (12) INCHES FROM THE FRONT WALL PLANE OR PROVIDE ADDITIONAL ARCHITECTURAL TREATMENTS SUCH AS TRANSLUCENT WINDOWS, ENHANCED DOOR, OR PROJECTING ELEMENTS OVER THE GARAGE DOOR OPENING.

9. EACH UNIT WILL HAVE A TWO CAR GARAGE.

## F. STREETSCAPE AND LANDSCAPING

1. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 6 FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG THE SITE'S PUBLIC STREET FRONTAGE OF VAIL AVENUE AS GENERALLY DEPICTED ON THE REZONING PLAN.

2. THE SIDEWALKS DESCRIBED ABOVE IN PARAGRAPH 1 MAY BE LOCATED IN A SIDEWALK UTILITY EASEMENT.

Copyright © 2019 Design Resource Group, PA This plan or drawing and any accompanying documents or calculations are the property of Design Resource Group, PA; and are intended solely for the use of the recipient noted. No third party use or modification is permitted without written authorization

## G. ENVIRONMENTAL FEATURES

. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNTY APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE. DEVELOPMENT WITHIN THE SWIM/PCSO BUFFER SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATED IF REQUIRED BY CITY ORDINANCE. 

2. THE PETITIONER SHALL COMPLY WITH THE TREE SAVE REQUIREMENTS.

## H. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

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

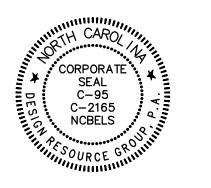
2. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

3. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.

DESIGN **RESOURCE** GROUP

> LANDSCAPE ARCHITECTURE CIVIL ENGINEERING TRANSPORTATION PLANNING

459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208 704.343.0608 www.drgrp.com



REZONING PETITION FOR PUBLIC HEARING

2020-002

REZONING DOCUMENT

ORD XX AVENU

SCHEMATIC SITE PLAN

090-035 PROJECT #: DRAWN BY: CHECKED BY:

DECEMBER 11, 2019

REVISIONS: 1. 03/16/20 - PER REVIEW COMMENTS

2. 06/22/20 - PER REVIEW COMMENTS

RZ1.0



## City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 9.File #: 15-13743 Type: Zoning Decision

## Rezoning Petition: 2020-004 by Boulevard Real Estate Advisor, LLC

**Location:** Approximately 0.76 acres located on the south side of Freeland Lane, east of Tryon Street, and west of South Boulevard. (Council District 3 - Watlington)

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

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

#### **Zoning Committee Recommendation:**

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### Attachments:

Zoning Committee Recommendation Final Staff Analysis

# Charlotte-Mecklenburg Planning Commission

## **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-004

June 30, 2020

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

Proposed Zoning: TOD-TR (transit oriented development – transit

transition)

**LOCATION** Approximately 0.76 acres located on the south side of Freeland

Lane, east of South Tryon Street, and west of South Boulevard.

(Council District 3 - Watlington)

**PETITIONER** Boulevard Real Estate Advisors LLC (c/o Chris Branch)

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

 The plan recommends residential up to 8 dwelling units per acre.

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

- The subject site is just over a ¼ mile walk of the Scaleybark Transit Station on the LYNX Blue Line.
- The rezoning site abuts parcels rezoned to TOD-CC and TOD-TR.
- Use of conventional TOD-TR (transit oriented developmentneighborhood 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.

The approval of this petition will revise the adopted future land use as specified by the *Scaleybark Station Area Plan*, from residential uses up to 8 dwelling units per acre to transit oriented development for the site.

Motion/Second: Wiggins / Watkins

Petition 2020-004 (Page 2 of 2)

Zoning Committee Recommendation

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the conventional petition, briefly noting the changes in development patterns in the general area.

There was no additional discussion of this petition.

PLANNER Claire Lyte-Graham (704) 336-3782





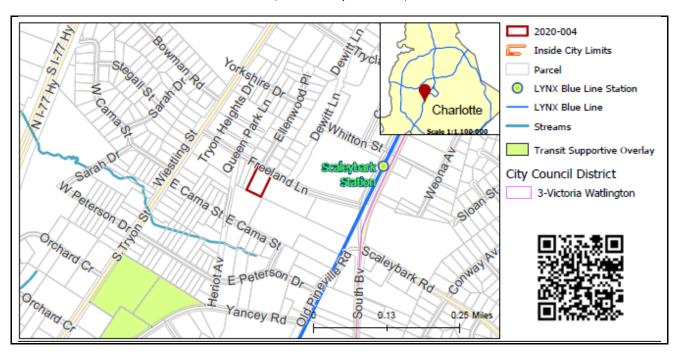
**REQUEST** Current Zoning: R-8 (single family residential)

Proposed Zoning: TOD-TR (transit oriented development - transit

transition)

LOCATION

Approximately 0.76 acres located on the south side of Freeland Lane, east of Tryon Street, and west of South Boulevard.



#### **SUMMARY OF PETITION**

The petition proposes to allow all uses in the TOD-TR (transit oriented development-transit transition) on a parcel developed with a single family dwelling located between South Boulevard and South Tryon Street. The parcel is located less than ¼ mile from the Scaleybark Transit Station.

**PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE** 

**COMMUNITY MEETING** Meeting is not required.

| SIAFF          |  |
|----------------|--|
| RECOMMENDATION |  |

Staff recommends approval of this petition.

Dwight E. McGarity and Carlen Kay McGarity

John Carmichael (Robinson Bradshaw)

Boulevard Real Estate Advisors LLC (c/o Chris Branch)

#### Plan Consistency

The petition is **inconsistent** with the *Scaleybark Station Area Plan* recommendation for residential uses up to 8 units per acre.

#### Rationale for Recommendation

- The subject site is just over a ¼ mile walk of the Scaleybark Transit Station on the LYNX Blue Line.
- The rezoning site abuts parcels rezoned to TOD-CC and TOD-TR.
- Use of conventional TOD-TR (transit oriented developmentneighborhood 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.

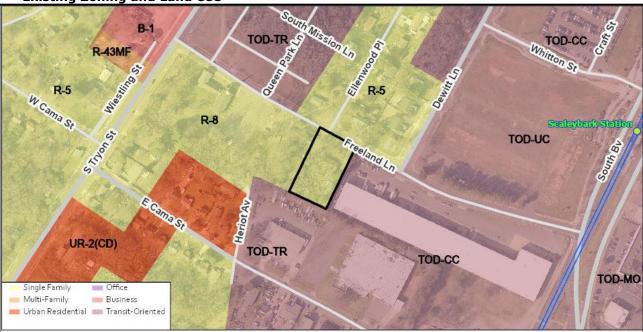
The approval of this petition will revise the adopted future land use as specified by the *Scaleybark Station Area Plan*, from residential uses up to 8 dwelling units per acre to transit oriented development for the site.

#### **PLANNING STAFF REVIEW**

#### Proposed Request Details

This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-TR (transit oriented development-transit transitional) zoning district. Uses allowed in the TOD-TR district include residential, commercial, institutional, and government uses.

Existing Zoning and Land Use



• The site is developed with a single family residential and is surrounded by a mix of single family homes, warehouse/distribution, and institutional in various zoning districts. The site was rezoned from B-1 to R-8 via petition 1993-082C.



The site is developed with a single family residential home.

Petition 2020-004



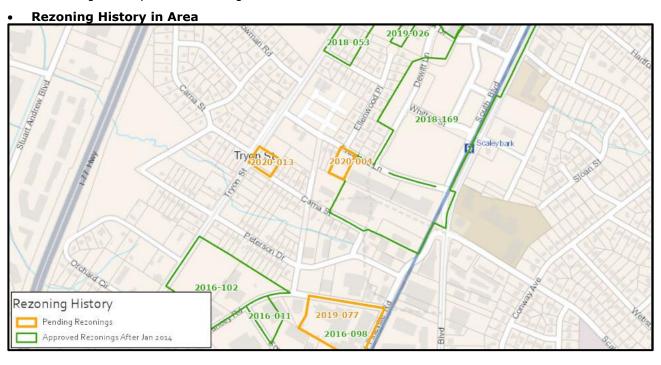
East are single family homes and warehouse/distribution uses.



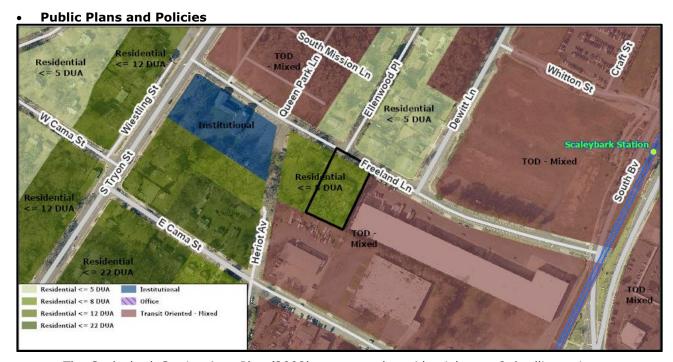
Single family homes, a religious institution, and vacant land are located to the west.



North is a single family residential neighborhood.



| Petition<br>Number | Summary of Petition                                                                                                               | Status   |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------|
| 2020-013           | Rezone approximately .653 acres from R-8 to UR-2(CD) to allow a townhouse development.                                            | Pending  |
| 2019-077           | MUDD-O site plan amendment for 5.10 acres to allow 334,000 square feet of allowed uses and a maximum building height of 134 feet. | Pending  |
| 2019-026           | Rezoned 3 acres from I-1 and I-2 to TOD-CC and TOD-TR to all uses in approved rezoning districts.                                 | Approved |
| 2018-053           | Rezoned 3.17 acres from R-5, B-1, I-1, and I-2 to TOD-M(CD) to allow all uses in the TOD-M.                                       | Approved |
| 2016-102           | Rezoned 9.52 acres from I-2 to I-2 TS-O to allow the expansion of the existing uses associated with the Olde Mecklenburg Brewery. | Approved |
| 2016-098           | Rezoned 5.1 acres from I-2 to MUDD-O to repurpose industrial buildings to allow 74,877 of permitted uses.                         | Approved |
| 2016-011           | Rezoned 1.173 acres from I-2 to MUDD-O to allow 17,455 square feet of a mix of uses.                                              | Approved |



• The Scaleybark Station Area Plan (2008) recommends residential up to 8 dwelling units per acre.

#### TRANSPORTATION CONSIDERATIONS

- The site is on a major collector and is located approximately 1/4 of a mile from the Scaleybark LYNX Blue Line Station. CDOT will work with the petitioner during permitting to implement the streetscape in accordance with city ordinance to support the transit-oriented district requested by the petitioner.
- There are no active projects in this site.
- Vehicle Trip Generation:

Current Zoning:

Existing Use: 10 trips per day (based on 1 single family home).

Entitlement: 60 trips per day (based on 6 single family homes).

Proposed Zoning: Too many uses to determine (based on 0.75 acre of TOD-TR uses).

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

- Charlotte Area Transit System: The site is within a ¼ mile walking distance from the Scaleybark transit station. The Scaleybark plan recommends higher density development within ¼ mile of transit stations and the provision of sidewalks and other pedestrian amenities to improve access around station areas.
- Charlotte Department of Housing and Neighborhood Services: No comments submitted.
- Charlotte Fire Department: No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 3 students, while the development allowed under the proposed zoning may produce 0 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Dilworth/Sedgefield Elementary (Campus K-2) at 66%
    - Dilworth (Latta Campus 3-5) at 64%
    - Sedgefield Middle at 73%
    - Myers Park High at 125% (Construction of a new high school; relieves crowding at South Mecklenburg, Ardrey Kell and Myers Park High schools)
- **Charlotte Water:** Water is accessible for this rezoning boundary. The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—Charlotte Water's Scaleybark Project. This project was identified to support current and future

customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Freeland Lane. 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 Scaleybark Project.

- Engineering and Property Management:
  - **Arborist:** No comments submitted.
  - Erosion Control: No outstanding issues.
  - Land Development: No outstanding issues.
  - Storm Water Services: No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org regarding ground water services.
- Mecklenburg County Parks and Recreation Department: No outstanding issues.

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

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



## City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 10.File #: 15-13744 Type: Zoning Decision

# Rezoning Petition: 2020-006 by JFW Realty, Inc. and 501 Associates, LLC

**Location:** Approximately 0.759 acres located on the northern side of East Morehead Street, south of John Belk Freeway, and east of South Boulevard. (Council District 1 - Egleston)

Current Zoning: B-1 PED (neighborhood business, pedestrian overlay) and UMUD (uptown mixed-use

district, pedestrian overlay)

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

#### **Zoning Committee Recommendation:**

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### Attachments:

Zoning Committee Recommendation Final Staff Analysis

# **Charlotte-Mecklenburg Planning Commission**

## **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-006

June 30, 2020

REQUEST

Current Zoning: B-1 PED (neighborhood business, pedestrian

overlay) and UMUD (uptown mixed use district, pedestrian

overlay)

Proposed Zoning: TOD-UC (transit oriented development –urban

center, pedestrian overlay)

**LOCATION** Approximately 0.759 acres located on the northern side of East

Morehead Street, south of John Belk Freeway, and east of South

Boulevard.

(Council District 1 - Egleston)

**PETITIONER** 501 Associates, LLC c/o Erwin Capital

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

 The plan recommends residential/office/retail land uses with a pedestrian overlay district.

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

- The proposed rezoning for transit oriented development, is consistent with the mixed-use land use recommendation.
- The site is within a ¼ mile of the Carson LYNX Blue Line Station.
- 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 / Kelly

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None

Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan. There was no additional

discussion of this request.

PLANNER Claire Lyte-Graham (704) 336-3782





**REQUEST** 

Current Zoning: B-1 PED (neighborhood business, pedestrian overlay) and UMUD PED (uptown mixed use district, pedestrian

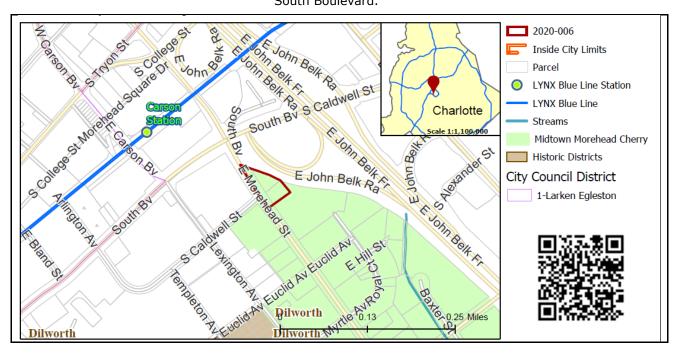
overlay)

Proposed Zoning: TOD-UC (transit oriented development -

urban center, pedestrian overlay)

LOCATION

Approximately 0.759 acres located on the northern side of East Morehead Street, south of John Belk Freeway, and east of South Boulevard.



**SUMMARY OF PETITION** 

The petition proposes to allow all uses in the TOD-UC (transit oriented development – urban center) on 2 lots located just outside Uptown. One lot is developed with a structure built in 1900 (The Mayes House) currently used as an office, and commercial building constructed in 1961 is situated on the other lot.

PROPERTY OWNER

JFW Realty, Inc

**PETITIONER** 

Five Hundred One Associates, LLC 501 Associates, LLC c/o Erwin Capital

**AGENT/REPRESENTATIVE** Mark Kime, PLA

**COMMUNITY MEETING** 

Meeting is not required.

| SIAFF          |  |
|----------------|--|
| RECOMMENDATION |  |

Staff recommends approval of this petition.

#### Plan Consistency

The petition is **consistent** with the residential/office/retail land uses with a pedestrian overlay district recommended as per the *Midtown Morehead Cherry Plan*.

#### Rationale for Recommendation

- The proposed rezoning for transit oriented development, is consistent with the mixed-use land use recommendation.
- The site is within a ¼ mile of the Carson LYNX Blue Line Station.

- 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**

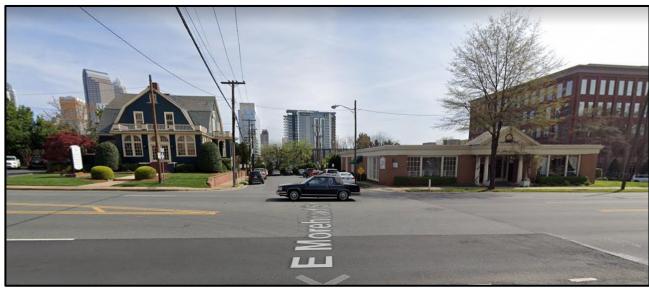
#### Proposed Request Details

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

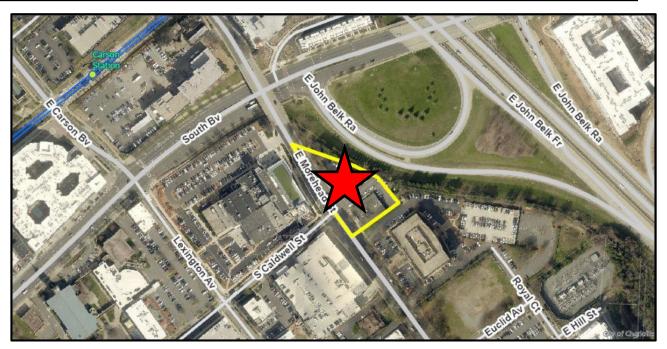
• Existing Zoning and Land Use



• The subject property is surrounded by a mix of institutional, office, residential, and retail uses in various zoning districts.



The rezoning site is constructed with the Historic Mayes House built in 1900 (left) and a retail building constructed in 1961 (right).



The rezoning site (denoted by red star) is located just south of the John Belk Freeway and Uptown.

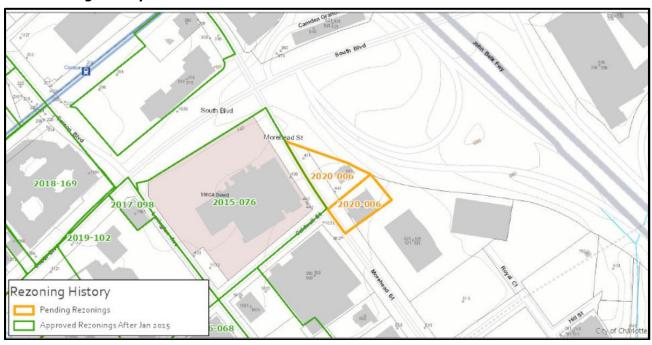


Across the street on East Morehead Street are the Dowd YMCA and a mixed use building.



The rezoning site is less than ¼ mile from the Carson LYNX Blue Line Station.

#### • Rezoning History in Area



| Petition<br>Number | Summary of Petition                                                                                                                                                                                                                                                                   | Status   |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2019-102           | Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.                                                                                                                                                                                         | Approved |
| 2018-169           | Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations. Approved                                                                                                                | Approved |
| 2017-098           | Rezoned site to TOD-M (transit oriented development-mixed)                                                                                                                                                                                                                            | Approved |
| 2016-068           | Rezoned site to MUDD-O (mixed use development, optional) to allow a allow the redevelopment of a surface parking lot for an existing institutional use (Pritchard Memorial Baptist Church) to develop structured parking and 17,000 square feet of ground floor non-residential uses. | Approved |
| 2015-076           | Rezoned site to MUDD-O (mixed use development, conditional) to allow the expansion of the existing YMCA including a new parking structure and additional facility space.                                                                                                              | Approved |



• The Midtown Morehead Cherry Plan recommends residential/office/retail on the subject site.

#### TRANSPORTATION SUMMARY

 The site is located on a major thoroughfare road and is located approximately 1/4 of a mile from the Carson LYNX Blue Line Station. CDOT will work with the petitioner during permitting to implement the streetscape in accordance with city ordinance to support the transit-oriented district requested by the petitioner. This rezoning petition is also near rezoning petition 2020-032.

#### ACTIVE PROJECTS NEAR THE SITE:

- South End Rail Trail Pedestrian Bridge
  - The project will implement Create a new pedestrian bridge across I-277 connecting the Rail Trail on the south side of I-277 to the Convention Center.
  - Construction: TBD; planning in-progress end Q1 2020
- South Boulevard Corridor Implementation
  - The project will implement pedestrian hybrid beacons, bulbouts, and pavement markings at various locations along South Boulevard between Clanton Road and Carson Boulevard.
  - Construction: TBD; real estate acquisition to finish end Q1 2020
- TRANSPORTATION CONSIDERATIONS
- No outstanding issues.
- Vehicle Trip Generation:

Current Zoning:

Existing Use: 170 trips per day (based on 15,121 sf office).

Entitlement: Too many uses to determine (MUDD; general guidance). Proposed Zoning: Too many uses to determine (TOD-UC; general guidance).

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

- Charlotte Area Transit System: No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services: No outstanding issues.
- Charlotte Department of Solid Waste Services: See advisory comments at www.rezoning.org
- Charlotte Fire Department: 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: No comments submitted.

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

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

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



### City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 11.File #: 15-13745 Type: Zoning Decision

Rezoning Petition: 2020-009 by Ballantyne Country Club, Inc.

**Location:** Approximately 2.54 acres along the western side of Johnston Road, and east of Nolen Lane. (Council District 7 - Driggs)

**Current Zoning:** MX-1 (mixed use)

**Proposed Zoning:** MX-1 SPA (mixed use, site plan amendment)

#### **Zoning Committee Recommendation:**

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

### **Zoning Committee Recommendation**

ZC

Rezoning Petition 2020-009

June 30, 2020

**Zoning Committee** 

**REQUEST** Current Zoning: MX-1 (mixed use)

Proposed Zoning: MX-1 SPA (mixed use, site plan amendment)

**LOCATION** Approximately 2.54 acres along the western side of Johnston

Road, and east of Nolen Lane. (Council District 7 - Driggs)

**PETITIONER** Ballantyne Country Club Inc

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

The plan recommends single family/ multi-family residential use.

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:

- Outdoor recreation in combination with residential development is an allowed use in the existing zoning.
- Tennis courts provide an additional amenity for the members of the Country club and residents of the neighborhood.
- The location of the tennis courts does not impact exiting homes or other uses in the surrounding area due to the location at the edge of the golf course near the clubhouse.

Motion/Second: Watkins / Wiggins

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None

# ZONING COMMITTEE DISCUSSION

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

A commissioner asked why a rezoning was needed. Staff explained that the zoning is conditional and the conditional plan

limits the use in the subject area for a golf course and this proposal would allow the tennis courts as well.

Another commissioner asked about parking. Staff explained that parking was provided in the existing parking lot at the club house for the country club. There would be sidewalk and cart paths connecting the parking lot to the area where the tennis courts will be located.

There was no further discussion of this petition.

**PLANNER** 

John Kinley (704) 336-8311



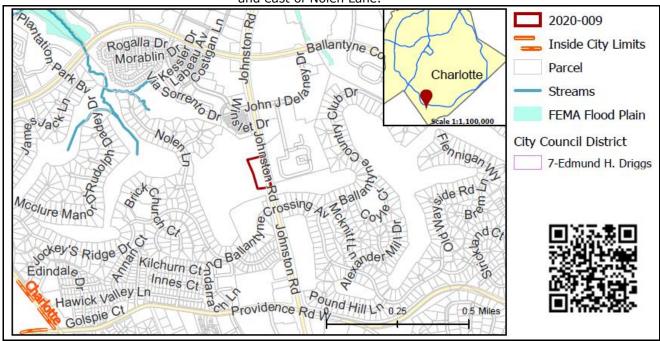


**REQUEST** Current Zoning: MX-1 (mixed use)

Proposed Zoning: MX-1 SPA (mixed use, site plan amendment)

**LOCATION** Approximately 2.54 and east of Nolen Lan

Approximately 2.54 acres along the western side of Johnston Road, and east of Nolen Lane.



#### **SUMMARY OF PETITION**

The petition proposes to amend the conditional plan for the country club golf course to allow the addition of tennis courts in an area along Johnston Road.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

Ballantyne Country Club Inc Ballantyne County Club Inc

Anthony Cowan - The Isaacs Group PC and Mark Linch

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6.

# STAFF RECOMMENDATION

Staff recommends approval of this petition.

#### Plan Consistency

The petition is **consistent** with the *South District Plan* recommendation for single family/ multi-family residential use.

#### Rationale for Recommendation

- Outdoor recreation in combination with residential development is an allowed use in the existing zoning.
- Tennis courts provide an additional amenity for the members of the Country club and residents of the neighborhood.
- The location of the tennis courts does not impact exiting homes or other uses in the surrounding area due to the location at the edge of the golf course near the clubhouse.

Petition 2020-009 (Page 2 of 6) Final Staff Analysis

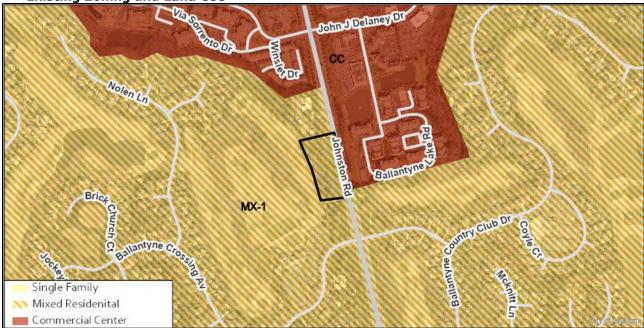
#### **PLANNING STAFF REVIEW**

#### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Shows two phases. Phase 1 2 tennis courts, Phase 2 4 courts for a total of 6 courts.
- 20-foot setback from the Johnston Road right-of-way.
- Commits to dedicate additional right-of-way if the existing right-of-way is less than 72.5 feet
- Limits height of free standing lighting to 25 feet including base.
- Vehicular access from existing streets and drives for the Ballantyne Country Club. Pedestrian access via connections to existing pedestrian and cart path facilities.

Existing Zoning and Land Use



The area is developed with a mixture of residential, office and other commercial uses.



The site is a wooded area next to one of the golf holes along Johnston Road south of Ballantyne Village.

Petition 2020-009 (Page 3 of 6) Final Staff Analysis



North of the site is a Ballantyne Country Club golf course maintenance facility.



East of the site, across Johnston Road is multi-family development.



South of the site are cart paths and parking for the country club.



West of the site is the tee and fairway for one of the holes in the golf course.

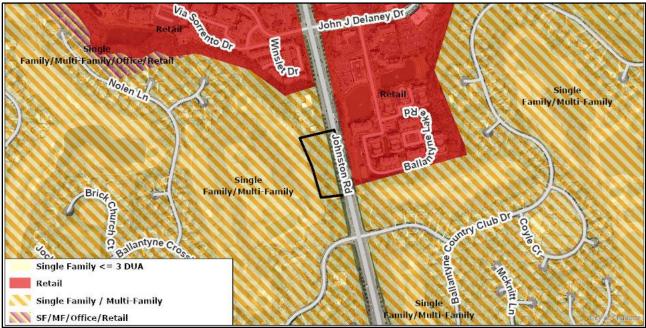
Petition 2020-009 (Page 4 of 6) Final Staff Analysis



| Petition<br>Number | Summary of Petition                                                                                                                                | Status   |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2014-001C          | 3.78 acres west of site on Lancaster Hwy to NS to allow multifamily and office use.                                                                | Approved |
| 2015-116           | 13.22 acres south of site on Johnston Road to CC to allow mixture of hotel, office, retail and financial institution uses                          | Approved |
| 2015-122           | 15.2 acres east of site on North Community House Road to MX-2 to allow a mixture of townhomes and single family housing.                           | Approved |
| 2018-133           | 4.28 acres south of site on Providence Road West to NS to allow a police station.                                                                  | Approved |
| 2019-001C          | 3.78 acres west of site on Lancaster Hwy to NS SPA to allow daycare and office use.                                                                | Approved |
| 2019-035           | 40.43 acres south of site at the southeast corner of Johnston Road and Providence Road West to INST(CD) to allow a hospital and medical office use | Approved |
| 2019-115           | 454.24 acres north of site on both sides of Johnston Road to MUDD-O to allow mixed use development.                                                | Pending  |
| 2019-140           | 2.22 acres southwest of site on Providence Road West to UR-2(CD) to allow townhomes.                                                               | Approved |

Petition 2020-009 (Page 5 of 6) Final Staff Analysis

#### Public Plans and Policies



The South District Plan (1993) as recommends single family/ multi-family residential use.

#### TRANSPORTATION SUMMARY

 The site is located along Johnston Road of US 521 and is in a wedge outside Route 4. is not requesting additional access to public right-of-way. The petitioner has committed to dedicate additional right of way to NCDOT for the future US 521 (Lancaster Highway / Johnson Road) STIP U-6109 widening project

#### Active Projects:

- US 521 (Lancaster Highway / Johnston Road) STIP U-6109
  - This project will consist of a multi-lane widening from Ballantyne Commons Parkway to South Carolina State Line.
  - Construction: TBD, anticipated 2026-2028
- Transportation Considerations
  - No outstanding issues.

#### Vehicle Trip Generation:

Current Zoning:

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

Entitlement: 70 trips per day (based on 7 dwellings on 2.54 acres of MX-1 zoning).

Proposed Zoning: 180 trips per day (based on 6 tennis courts).

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

- Charlotte Area Transit System: No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services: No comments submitted.
- Charlotte Department of Solid Waste Services: No outstanding issues.
- Charlotte Fire Department: No outstanding issues.
- Charlotte-Mecklenburg Schools: Nonresidential petitions do not impact the number of students generated.
  - Charlotte Water: Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Ballantyne Crossing Avenue. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Ballantyne Crossing Avenue. No outstanding issues.

#### Engineering and Property Management:

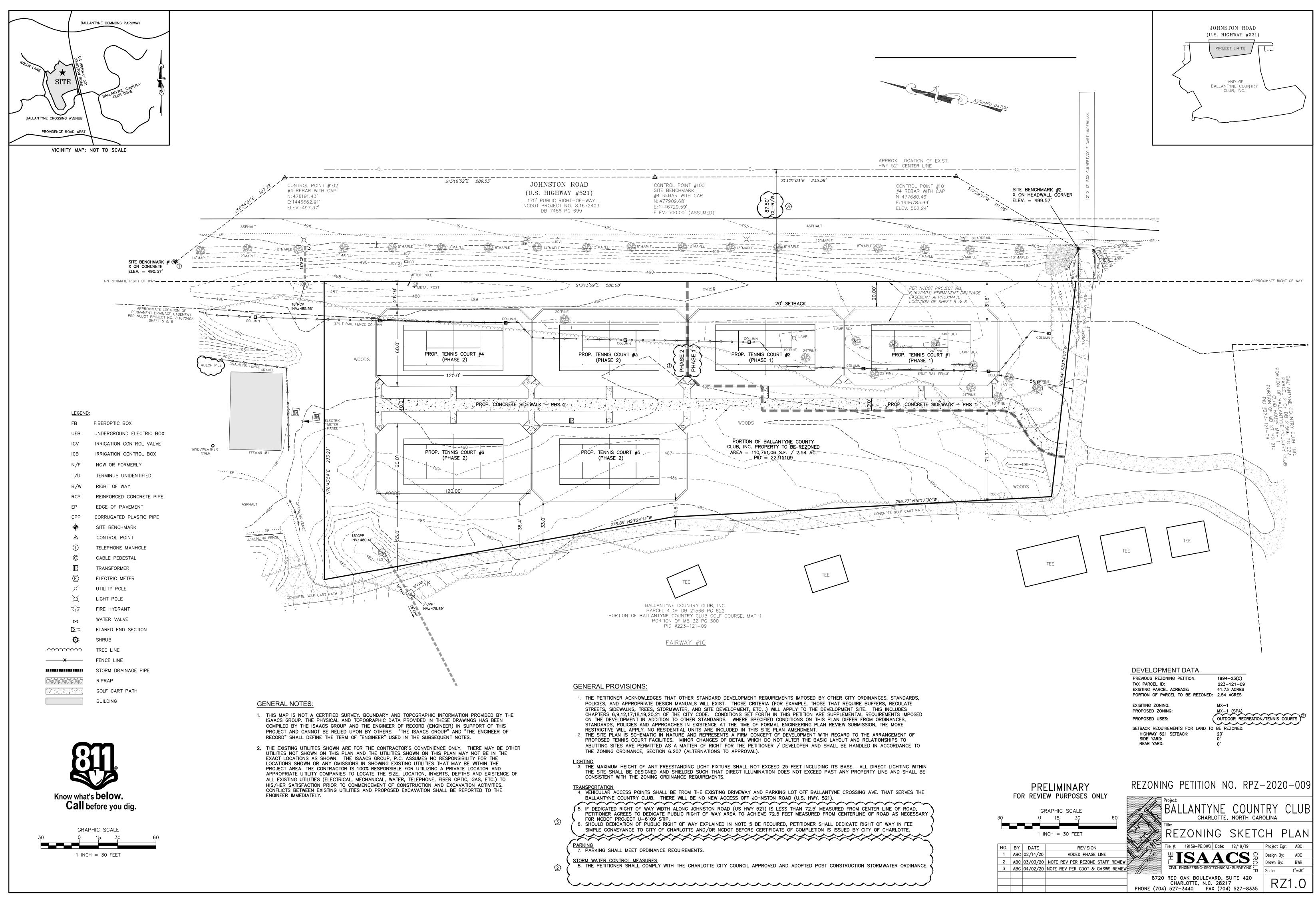
- Arborist: No comments submitted.
- Erosion Control: No outstanding issues.
- Land Development: No outstanding issues.
- Storm Water Services: No outstanding issues.

Petition 2020-009 (Page 6 of 6) Final Staff Analysis

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

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

**Planner:** John Kinley (704) 336-8311





### City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 12.File #: 15-13746 Type: Zoning Decision

#### Rezoning Petition: 2020-012 by Bowman Sumner, LLC

**Location:** Approximately 21.92 acres located on the south side of Eastfield Road, north of Interstate 485, and west of Browne Road. (Outside City Limits)

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

**Proposed Zoning:** MX-1 INNOV (mixed use, innovative)

#### **Zoning Committee Recommendation**

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# Charlotte-Mecklenburg Planning Commission

### **Zoning Committee Recommendation**

ZC

Rezoning Petition 2020-012

June 30, 2020

**Zoning Committee** 

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

Proposed Zoning: MX-1 INNOV (mixed use, innovative)

**LOCATION** Approximately 21.92 acres located on the south side of Eastfield

Road, north of Interstate 485, and west of Browne Road.

(Outside City Limits)

**PETITIONER** Bowman Sumner, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to be inconsistent with the *Prosperity Hucks Area Plan (2015)*, based on the information from the staff analysis and the public hearing and because:

• The plan recommends residential uses up to 4 dwelling units per acre.

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

- At 4.15 dwelling units per acre, this petition is slightly inconsistent with the *Prosperity Hucks Area Plan* (2015) recommendation of a density up to 4 dwelling units per acre, but consistent with the plan's recommendation for residential uses.
- The petition proposes up to 48 townhomes and 38 single family homes, carrying out the area plan's proposal to include a mixture of thoughtfully arranged housing types in the Prosperity Hucks area, such as single-family detached homes and single-family attached homes.
- The petition proposes two access points onto the site from existing roads, increasing street connectivity and ample site access, both of which are priorities of the area plan.
- The petition commits to enhancing the pedestrian experience in the neighborhood by proposing alley-loaded streets, 6-feet wide sidewalks, and 8-feet wide planting strips with landscaping.
- The petition proposes to preserve two historic structures and mindfully incorporate them into the development.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan*, from 4 dwelling units per acre to 4.15 dwelling units per acre.

Motion/Second: Gussman / Nwasike

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

inconsistent with the adopted area plan.

There was no further discussion of this petition.

PLANNER Michael Russell (704) 353-0225





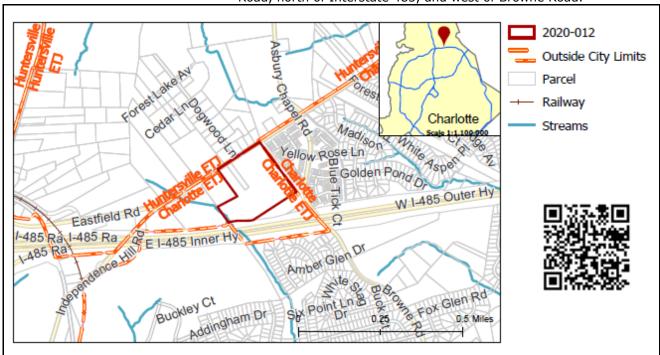
**REQUEST** 

Current Zoning: R-3 (single family residential)

Proposed Zoning: MX-1 INNOV (mixed use, innovative)

**LOCATION** 

Approximately 21.92 acres located on the south side of Eastfield Road, north of Interstate 485, and west of Browne Road.



**SUMMARY OF PETITION** 

The petition proposes to allow a residential community of single-family attached and detached dwellings on land developed with an historic house and out buildings.

PROPERTY OWNER PETITIONER

AGENT/REPRESENTATIVE

COMMUNITY MEETING

Thomas B. McLeod II Bowman Sumner, LLC Robert Bowman

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

#### STAFF RECOMMENDATION

Staff recommends approval of this petition.

#### Plan Consistency

The petition is **inconsistent** with the *Prosperity Hucks Area Plan* (2015) recommendation of residential uses up to 4 dwelling units per acre.

#### Rationale for Recommendation

- At 4.15 dwelling units per acre, this petition is slightly inconsistent with the *Prosperity Hucks Area Plan (2015)* recommendation of a density up to 4 dwelling units per acre, but consistent with the plan's recommendation for residential uses.
- The petition proposes up to 48 townhomes and 38 single family homes, carrying out the area plan's proposal to include a mixture of thoughtfully arranged housing types in the Prosperity Hucks

Petition 2020-012 (Page 2 of 7) Final Staff Analysis

- area, such as single-family detached homes and single-family attached homes.
- The petition proposes two access points onto the site from existing roads, increasing street connectivity and ample site access, both of which are priorities of the area plan.
- The petition commits to enhancing the pedestrian experience in the neighborhood by proposing alley-loaded streets, 6-feet wide sidewalks, and 8-feet wide planting strips with landscaping.
- The petition proposes to preserve two historic structures and mindfully incorporate them into the development.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan*, from residential up to 4 dwelling units per acre to residential up to 6 dwelling units per acre.

#### **PLANNING STAFF REVIEW**

#### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 38 single-family dwellings and 48 townhomes.
- Innovative Standards include reduced setbacks: 14-feet for single family dwellings and 8-feet for townhomes, measured from the right-of-way.
- Access to be provided by Eastfield Road and Brown Road.
- Provides curb and gutter and sidewalk along Eastfield Road.
- Provides local street network connecting Eastfield Road and Browne Road.
- Commits to providing left-turn lanes on Eastfield Road and Browne Road.
- Commits to all dwelling units to be alley loaded.
- Commits to limiting townhomes to 6-units in a building.
- Provides an 8-foot planting strip and 6-foot sidewalk along public streets.
- Provides walkways to connect all residential entrances to sidewalks along public and private streets.
- Garage doors visible from public or private streets will be set back 12-inches to 24-inches from front wall plane with additional architectural treatments over the garage door opening.
- Vinyl may not be used as an exterior building material.
- Commits to building usable porches and stoops as a predominant feature of building design.
- Preserves the two historic buildings (farmhouse and log cabin) per the Historic Landmarks Commission guidelines.

Existing Zoning and Land Use

| Continue of the state of

The subject property is developed with an historic home and outbuildings. The surrounding land use is developed with single family homes and multi-family apartments.



The site (denotes by red star) is developed with an historic home.



The historic home.

Petition 2020-012 (Page 4 of 7) Final Staff Analysis



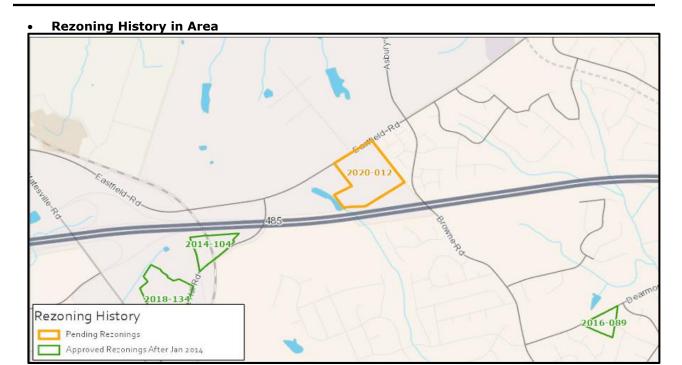
The property to the northwest along Eastfield Road is developed with single family homes.



The property to the east is developed with multi-family apartments.



The property to the south is bordered by Interstate 485.



| Petition<br>Number | Summary of Petition                                                                                                                               | Status   |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2014-104           | Rezoned 6.77 acres to establish City of Charlotte zoning for parcels that were previously in the zoning jurisdiction of the Town of Huntersville. | Approved |
| 2016-089           | Rezoned 4.35 acres to allow a 5,600-square foot building for an institutional use.                                                                | Approved |
| 2018-134           | Rezoned 20.03 acres to allow up to 335 multi-family units.                                                                                        | Approved |

#### Public Plans and Policies



• The Prosperity Hucks Area Plan (2015) calls for residential uses up to 4 DUA on the site.

Petition 2020-012 (Page 6 of 7) Final Staff Analysis

#### TRANSPORTATION SUMMARY

The site has access to minor thoroughfares. The petitioner is providing local street network connecting Eastfield Road and Browne Road. The petitioner is providing curb and gutter and sidewalk along Eastfield Road and commits to providing left-turn lanes on Eastfield Road and Browne Road to mitigate for traffic added by the development.

#### Active Projects:

No active projects

#### Transportation Considerations

See Outstanding Issues, Note 1 Addressed

#### Vehicle Trip Generation:

Current Zoning:

Existing Use: 10 trips per day (based on 1 single family dwelling). Entitlement: 700 trips per day (based on 65 single family dwellings).

Proposed Zoning: 750 trips per day (based on 38 single family dwellings and 48 townhomes).

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

- Charlotte Area Transit System: See advisory comments at www.rezoning.org
- Charlotte Department of Housing and Neighborhood Services: No outstanding issues.
- Charlotte Department of Solid Waste Services: See advisory comments at www.rezoning.org
- Charlotte Fire Department: See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 3 students, while the development allowed under the proposed zoning may produce 34 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 31 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Blythe Elementary from 110% to 112%
    - J. M. Alexander Middle @ 87% (no projected increase in capacity)
    - North Mecklenburg High @ 114% (no projected increase in capacity)
  - Charlotte Water: Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 24-inch water distribution main located along Eastfield Road. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 12-inch gravity sewer main located through the southern part of the rezoning boundary. See advisory comments at www.rezoning.org

#### Engineering and Property Management:

- **Arborist:** No comments submitted.
- **Erosion Control:** No outstanding issues.
- Land Development: No outstanding issues.
- Storm Water Services: No outstanding issues.
- Urban Forestry: No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- Mecklenburg County Parks and Recreation Department: See Outstanding Issues, note 2
   Addressed

#### **OUTSTANDING ISSUES**

#### **Transportation**

1.—The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes. Addressed

#### Environment

2. MCPR requests the petitioner consider dedicating and conveying to Mecklenburg County a minimum 2-acre parcel for a future Neighborhood Park outside of the stormwater facilities and have access to a public right of way. This petition is in a gap area for public open space.

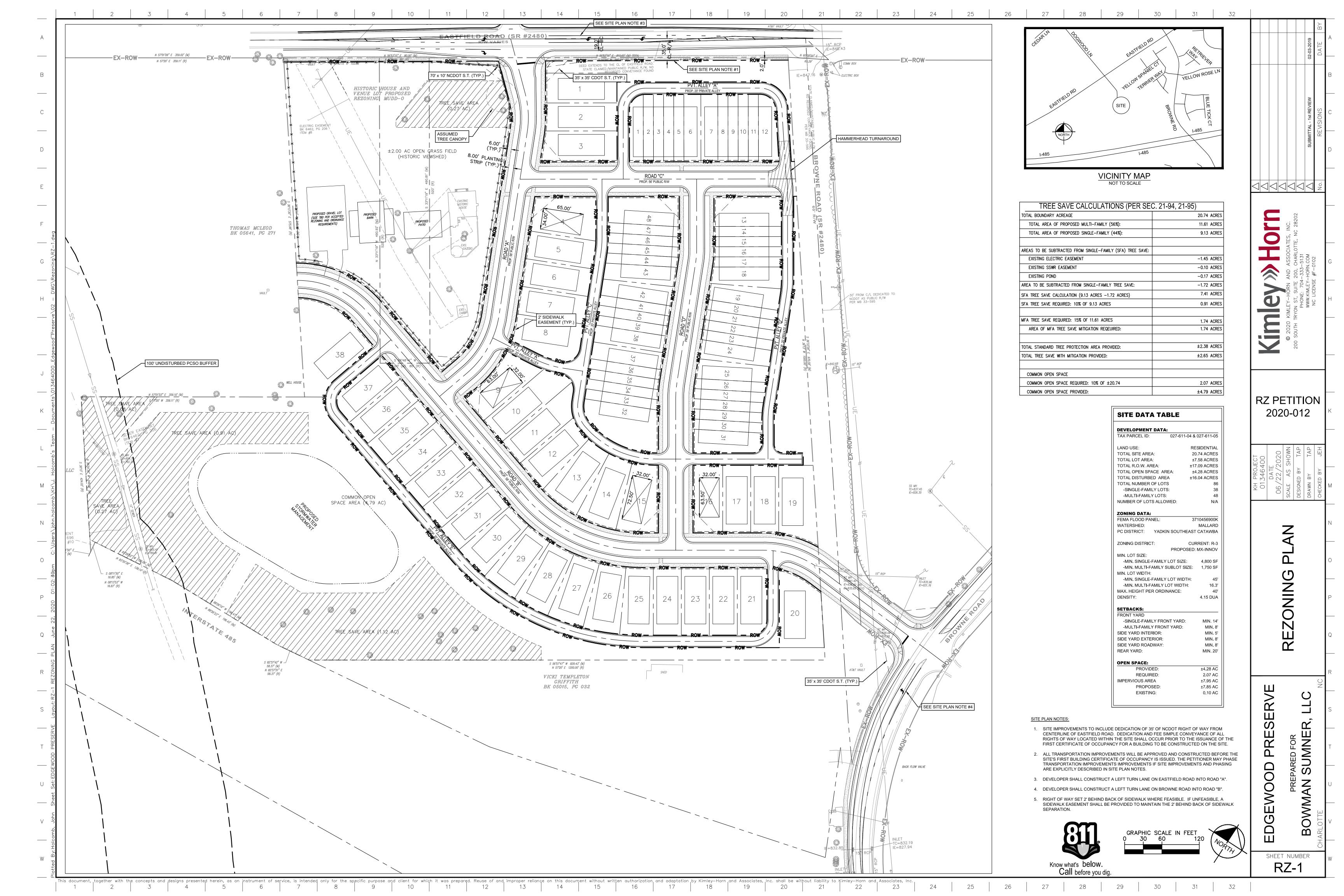
Rescinded by Parks & Rec

#### **REQUESTED TECHNICAL REVISIONS**

3.—Amend proposed zoning and proposed uses to MX-1 Innov in site development data notes. Addressed

See Attachments (applications, department memos, maps etc.) Online at <a href="https://www.rezoning.org">www.rezoning.org</a>

Planner: Michael Russell (704) 353-0225



# **DEVELOPMENT STANDARDS EDGEWOOD PRESERVE REZONING PETITION NO. 2020-012** 05/11/2020

### SITE DEVELOPMENT DATA:

- --ACREAGE: ±20.74 ACRES
- --TAX PARCELS: 027-611-04 & 027-611-05
- --EXISTING ZONING: R-3
- --PROPOSED ZONING: MX INNOV -- EXISTING USES: VACANT, HISTORIC HOUSE
- --PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS AS
- ALLOWED IN THE UR-1 ZONING DISTRICT
- --MAXIMUM DEVELOPMENT: A. UP TO 38 SINGLE FAMILY LOTS
- B. UP TO 48 MULTI FAMILY LOTS
- --MAXIMUM DENSITY: 4.15 DUA
- --MAXIMUM HEIGHT: 40' (PER ORDINANCE)

### I. GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY BOWMAN SUMNER, LLC TO ACCOMMODATE THE DEVELOPMENT OF EDGEWOOD PRESERVE SUBDIVISION ON AN APPROXIMATELY 20.735 AC SITE LOCATED ON EASTFIELD ROAD AND BROWNE ROAD, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS FOUND ON TAX PARCELS 02761104 AND 02761105.
- 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 UR-1 ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- C. THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS, AND SIZES OF THE BUILDING FOOTPRINTS AS WELL AS THE STREETS AND ALLEYS DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.
- D. FIGURE 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.

### II. PERMITTED USES

- A. THE SITE MAY ONLY BE DEVOTED TO AN URBAN RESIDENTIAL COMMUNITY CONTAINING SINGLE FAMILY RESIDENTIAL DETACHED BUILDINGS WITH A MAXIMUM OF ONE (1) DWELLING UNIT PER BUILDING, TOWNHOME ATTACHED BUILDINGS WITH A MAXIMUM OF SIX (6) DWELLING UNITS PER BUILDING, AND TO ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE UR-1 ZONING DISTRICT.
- B. THE INTENT OF REDUCED FRONT YARD SETBACKS AS ALLOWED UNDER UR-1 ZONING SHALL BE USED TO PRESERVE THE AESTHETICS OF THE HISTORIC FARMHOUSE AND CREATE A COMMUNITY THAT COMPLIMENTS THIS HISTORIC PRESERVATION.

### III. TRANSPORTATION

- A. ALL DWELLING UNITS TO BE ALLEY LOADED PER CITY OF CHARLOTTE LAND DEVELOPMENT STANDARDS USING TWO-WAY OPERATION RESIDENTIAL ALLEY.
- B. 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") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT").
- C. THE ALIGNMENT 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 AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.
- D. SITE IMPROVEMENTS TO INCLUDE DEDICATION OF 35' OF NCDOT RIGHT OF WAY FROM CENTERLINE OF EASTFIELD ROAD. DEDICATION AND FEE SIMPLE CONVEYANCE OF ALL RIGHTS OF WAY LOCATED WITHIN THE SITE SHALL OCCUR PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A BUILDING TO BE CONSTRUCTED ON THE SITE.
- E. ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. THE PETITIONER MAY PHASE TRANSPORTATION IMPROVEMENTS IMPROVEMENTS IF SITE IMPROVEMENTS AND PHASING ARE EXPLICITLY DESCRIBED IN SITE PLAN NOTES.
- F. DEVELOPER SHALL CONSTRUCT A LEFT TURN LANE ON EASTFIELD ROAD INTO ROAD "A".
- G. DEVELOPER SHALL CONSTRUCT A LEFT TURN LANE ON BROWNE ROAD INTO ROAD "B".
- H. RIGHT OF WAY SET 2' BEHIND BACK OF SIDEWALK WHERE FEASIBLE. IF UNFEASIBLE, A SIDEWALK EASEMENT SHALL BE PROVIDED TO MAINTAIN THE 2' BEHIND BACK OF SIDEWALK SEPARATION.

### IV. ARCHITECTURAL STANDARDS

A. BUILDINGS SHALL BE CONSTRUCTED AT A MAXIMUM HEIGHT PER SECTION 12.108 OF THE ORDINANCE.

B. ATTACHED TO THE REZONING PLAN ARE CONCEPTUAL, ARCHITECTURAL RENDERINGS OF THE FRONT, SIDE, AND REAR ELEVATIONS OF THE BUILDINGS TO BE CONSTRUCTED ON THE SITE THAT WILL CONTAIN THE URBAN RESIDENTIAL DWELLING UNITS THAT ARE INTENDED TO DEPICT THE GENERAL CONCEPTUAL ARCHITECTURAL STYLE AND CHARACTER OF THESE BUILDING ELEVATIONS. ACCORDINGLY, THE FRONT, SIDE, AND REAR ELEVATIONS OF THE BUILDINGS TO BE CONSTRUCTED ON THE SITE THAT WILL CONTAIN THE URBAN RESIDENTIAL DWELLING UNITS SHALL BE DESIGNED AND CONSTRUCTED SO THAT THESE BUILDING ELEVATIONS ARE SUBSTANTIALLY SIMILAR IN APPEARANCE TO THE ATTACHED RELEVANT CONCEPTUAL, ARCHITECTURAL RENDERINGS WITH RESPECT TO ARCHITECTURAL STYLE AND CHARACTER. NOTWITHSTANDING THE FOREGOING, CHANGES AND ALTERATIONS TO THESE BUILDING ELEVATIONS THAT DO NOT MATERIALLY CHANGE THE OVERALL CONCEPTUAL ARCHITECTURAL STYLE AND CHARACTER SHALL BE PERMITTED.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 20 21 22 23 24 25 26 27 28 29 30 31 32

- C. THE PERMITTED PRIMARY EXTERIOR BUILDING MATERIALS FOR THE BUILDINGS TO BE CONSTRUCTED ON THE SITE ARE DESIGNATED AND LABELED ON THE RELEVANT CONCEPTUAL, ARCHITECTURAL RENDERINGS OF THE BUILDINGS ATTACHED TO THE REZONING PLAN.
- D. VINYL MAY NOT BE USED AS AN EXTERIOR BUILDING MATERIAL ON THE BUILDINGS TO BE CONSTRUCTED ON THE SITE. NOTWITHSTANDING THE FOREGOING, VINYL MAY BE UTILIZED ON WINDOWS, SOFFITS, DOORS, GARAGE DOORS, TRIM AND RAILINGS.

#### V. STREETSCAPE AND LANDSCAPING

- A. ALL MULTI FAMILY DWELLING UNITS SHALL BE SETBACK 8 FEET FROM THE RIGHT-OF-WAY LINE PER ORDINANCE.
- B. ALL SINGLE FAMILY DWELLING UNITS SHALL BE SETBACK 14 FEET FROM THE RIGHT-OF-WAY LINE PER ORDINANCE.
- C. A CONTINUOUS PERIMETER PLANTING STRIP SHALL BE REQUIRED WHENEVER PROPERTY ABUTS A CURB. THE WIDTH OF THE PLANTING STRIP SHALL BE 8 FEET. TREES SHALL BE PLANTED IN THE CONTINUOUS PERIMETER PLANTING STRIP, AS PER THE STANDARDS FOUND IN THE CHARLOTTE TREE ORDINANCE AND THE CHARLOTTE-MECKLENBURG LAND DEVELOPMENT STANDARDS MANUAL.
- D. SIDEWALKS ARE REQUIRED WHENEVER PROPERTY ABUTS A CURB. THE WIDTH OF THE SIDEWALK SHALL BE 6-FT.
- E. SIDEWALK AND PLANTING STRIP WIDTHS MAY BE AMENDED BY THE PLANNING DIRECTOR, CITY ENGINEER OR THEIR DESIGNEES TO ADDRESS UNUSUAL PHYSICAL CONSTRAINTS OR TO ALLOW CONTEXT SENSITIVE DESIGN OPTIONS.
- F. SCREENING SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 12.303, OF THESE REGULATIONS.

### VI. ENVIRONMENTAL FEATURES

- A. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.
- B. THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.
- C. DEVELOPMENT WITHIN ANY SWIM/PCSO BUFFER SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATED IF REQUIRED BY CITY ORDINANCE.
- D. 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.

## VII. PARKS, GREENWAYS, AND OPEN SPACE - N/A

- A. RESERVATION/DEDICATION OF PARK AND/OR GREENWAY N/A
- B. PARK AND/OR GREENWAY IMPROVEMENTS N/A
- C. CONNECTIONS TO PARK AND/OR GREENWAY N/A
- D. PRIVATELY CONSTRUCTED OPEN SPACE WILL BE PROVIDED TO ENHANCE THE GREEN AREAS AND MAINTAIN THE INTEGRITY OF THE HISTORIC HOME AND NATURAL SURROUNDING LANDSCAPE.

### VIII. FIRE PROTECTION

A. FIRE LANE TREATMENT - N/A

### IX. SIGNAGE

B. SIGNAGE AS ALLOWED BY THE ORDINANCE MAY BE PROVIDED.

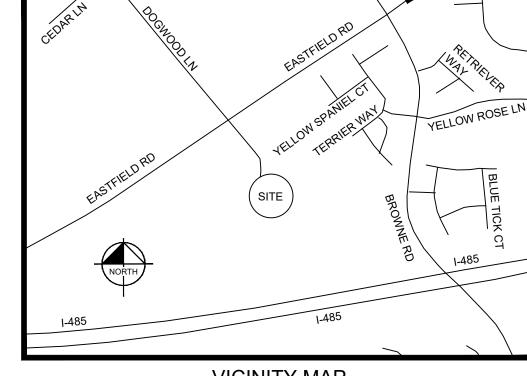
### X. LIGHTING

A. ALL NEW ATTACHED/DETACHED LIGHTING SHALL BE FULL CUT-OFF TYPE LIGHTING FIXTURES EXCLUDING LOW LEVEL LANDSCAPE LIGHTING, DECORATIVE, POLE LIGHTS AND SPECIALTY LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, OPEN SPACE AREAS AND NON-RESIDENTIAL AREAS.

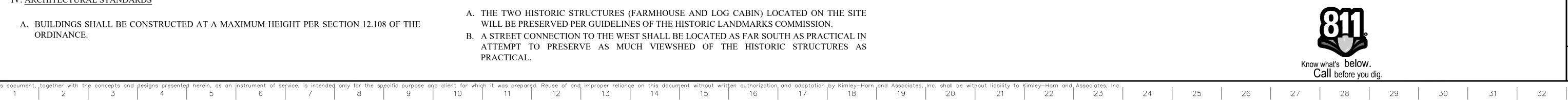
### XI. HISTORIC PRESERVATION SECTION

- A. THE TWO HISTORIC STRUCTURES (FARMHOUSE AND LOG CABIN) LOCATED ON THE SITE WILL BE PRESERVED PER GUIDELINES OF THE HISTORIC LANDMARKS COMMISSION.
- B. A STREET CONNECTION TO THE WEST SHALL BE LOCATED AS FAR SOUTH AS PRACTICAL IN ATTEMPT TO PRESERVE AS MUCH VIEWSHED OF THE HISTORIC STRUCTURES AS PRACTICAL.

- 1. TO PROVIDE PRIVACY, ALL RESIDENTIAL ENTRANCES WITHIN 15 FEET OF THE SIDEWALK MUST BE RAISED FROM THE AVERAGE SIDEWALK GRADE A MINIMUM OF 24 INCHES.
- 2. PITCHED ROOFS, IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEDS MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED.
- USABLE PORCHES AND STOOPS SHALL FORM A PREDOMINANT FEATURE OF THE BUILDING DESIGN AND BE LOCATED ON THE FRONT AND/OR SIDE OF THE BUILDING. USABLE FRONT PORCHES, WHEN PROVIDED, SHOULD BE COVERED AND BE AT LEAST 6 FEET DEEP. STOOPS AND ENTRY-LEVEL PORCHES MAY BE COVERED BUT SHOULD NOT BE ENCLOSED.
- ALL CORNER/END UNITS THAT FACE A PUBLIC OR PRIVATE STREET SHOULD HAVE A PORCH OR STOOP THAT WRAPS A PORTION OF THE FRONT AND SIDE OF THE UNIT OR PROVIDE BLANK WALL PROVISIONS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 10 FEET ON ALL BUILDING LEVELS.
- 5. GARAGE DOORS VISIBLE FROM PUBLIC OR PRIVATE STREETS SHOULD MINIMIZE THE VISUAL IMPACT BY PROVIDING A SETBACK OF 12 TO 24 INCHES FROM THE FRONT WALL PLANE AND ADDITIONAL ARCHITECTURAL TREATMENTS SUCH AS TRANSLUCENT WINDOWS OR PROJECTING ELEMENTS OVER THE GARAGE DOOR OPENING.
- 6. WALKWAYS SHOULD BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS ALONG PUBLIC AND PRIVATE STREETS.
- 7. TOWNHOUSE BUILDINGS FRONTING PUBLIC OR PRIVATE NETWORK REQUIRED STREETS SHOULD BE LIMITED TO 5 INDIVIDUAL UNITS OR FEWER. THE NUMBER OF INDIVIDUAL UNITS PER BUILDING SHOULD BE VARIED IN ADJACENT BUILDINGS IF MULTIPLE 5 UNIT BUILDINGS ARE ADJACENT.



VICINITY MAP NOT TO SCALE



**RZ PETITION** 2020-012 LOPI

44444

SHEET NUMBER RZ-2



### City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 13.File #: 15-13747 Type: Zoning Decision

Rezoning Petition: 2020-016 by Nolan Elanz

**Location:** Approximately 1.89 acres located in the southeast quadrant of the intersection of Church

Street and Bland Street. (Council District 3 - Watlington)

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

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

#### **Zoning Committee Recommendation:**

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis

# **Charlotte-Mecklenburg Planning Commission**

### **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-016

June 30, 2020

REQUEST Current Zoning: MUDD-0

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

optional)

Proposed Zoning: TOD-UC (transit oriented development –urban

center)

**LOCATION** Approximately 1.89 acres located in the southeast quadrant of

the intersection of Church Street and Bland Street.

(Council District 3 - Watlington)

PETITIONER Nolan Elenz

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

• The plan recommends transit oriented development-mixed.

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

- The proposed rezoning for transit oriented development, is consistent with the mixed-use land use recommendation.
- The site is within a ¼ mile of the Bland Street LYNX Blue Line Station.
- 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: Kelly / Watkins

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None Petition 2020-016 (Page 2 of 2) Zoning Committee Recommendation

ZONING COMMITTEE DISCUSSION

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

patterns in the area.

PLANNER Claire Lyte-Graham (704) 336-3782



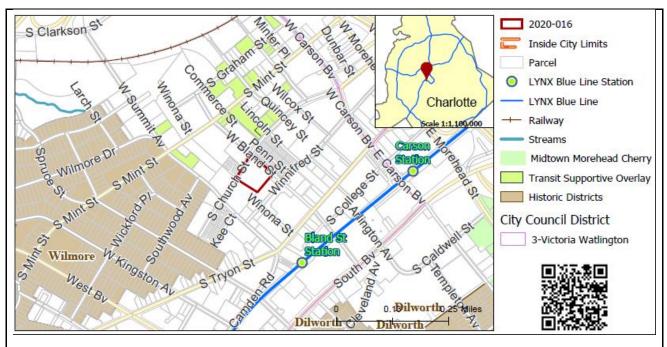


**REQUEST** 

Current Zoning: MUDD-O (mixed use development district)
Proposed Zoning: TOD-UC (transit oriented development – urban center)

#### **LOCATION**

Approximately 1.89 acres located in the southeast quadrant of the intersection of Church Street and Bland Street.



**SUMMARY OF PETITION** 

The petition proposes to allow all uses in the TOD-UC (transit oriented development – urban center) on a parcel with an office building constructed in 1987 and located within ¼ mile of the Bland Street LYNX Blue Line Station.

PROPERTY OWNER PETITIONER

1415 LLC Nolan Elenz

AGENT/REPRESENTATIVE

N/A

**COMMUNITY MEETING** 

Meeting is not required.

#### STAFF RECOMMENDATION

Staff recommends approval of this petition.

#### Plan Consistency

The petition is **consistent** with the transit oriented development-mixed recommended as per the *South End Transit Station Area Plan*.

#### Rationale for Recommendation

- The proposed rezoning for transit oriented development, is consistent with the mixed-use land use recommendation.
- The site is within a ¼ mile of the Bland Street LYNX Blue Line Station.
- 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 with no associated site plan, which applies all the standards, regulations and uses in the TOD-UC zoning district.

Existing Zoning and Land Use



• The subject property is surrounded by a mix of residential and non-residential districts with predominantly TOD zoning. Petition 2002-107 rezoned the subject site from I-2 to MUDD-O to allow the site to remain as-is for immediate reuse, eventually creating an addition.



The rezoning site is developed with offices constructed in 1987.

Petition 2020-016 (Page 3 of 6) Final Hearing Staff Analysis



The rezoning site (denoted by blue star) is surrounded by a mix of residential and non-residential uses.

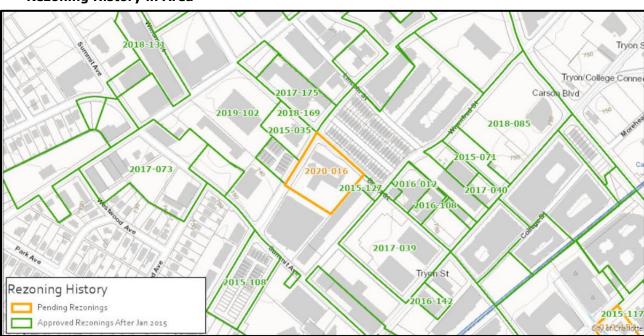


Across the street and West along Church Street are office, retail, warehouse, and residential uses.



The rezoning site is less than ¼ mile from the Bland Street LYNX Blue Line Station.

#### • Rezoning History in Area



| Petition<br>Number | Summary of Petition                                                                                                                                           | Status   |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2019-102           | Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.                                                                 | Approved |
| 2018-169           | Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations. | Approved |
| 2018-131           | Rezoned to TOD-M                                                                                                                                              | Approved |
| 2017-175           | Rezoned to TOD-M                                                                                                                                              | Approved |
| 2017-073           | Rezoned to I-1 TS HD (light industrial, historic district overlay) and I-2 TS (general industrial), all with transit supportive overlay                       | Approved |
| 2017-040           | Rezoned to TOD-M                                                                                                                                              | Approved |

| 2017-039 | Rezoned to TOD-MO with 5-year vested rights to allow the redevelopment of a full block of single story commercial buildings and surface parking for all uses in the TOD-M (transit oriented development – mixed-use district).                                         | Approved |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2016-142 | Rezoned to TOD-M                                                                                                                                                                                                                                                       | Approved |
| 2016-108 | Rezoned to TOD-M                                                                                                                                                                                                                                                       | Approved |
| 2016-012 | Rezoned to TOD-M                                                                                                                                                                                                                                                       | Approved |
| 2015-127 | Rezoned to TOD-M                                                                                                                                                                                                                                                       | Approved |
| 2015-117 | Rezoned to TOD-MO to reuse a former fire station located in South End for any use allowed in the TOD-M (transit oriented development – mixed-use) district. Potential uses include retail, office, residential and civic uses designed to support pedestrian activity. | Approved |
| 2015-108 | Rezoned to TOD-R                                                                                                                                                                                                                                                       | Approved |
| 2015-071 | Rezoned to TOD-M                                                                                                                                                                                                                                                       | Approved |
| 2015-035 | Rezoned to TOD-M                                                                                                                                                                                                                                                       | Approved |





 The South End Transit Station Area Plan (2005) recommends transit oriented developmentmixed for the site.

#### TRANSPORTATION SUMMARY

• The site is located on local and collector roads and is located approximately 1/3 of a mile from the Bland Street LYNX Blue Line Station. CDOT will work with the petitioner during permitting to implement the streetscape in accordance with city ordinance to support the transit-oriented district requested by the petitioner.

#### • ACTIVE PROJECTS NEAR THE SITE:

- South Tryon Corridor Implementation
  - The project will implement pedestrian hybrid beacons, bulb-outs, and pavement markings at various locations along South Tryon Street between Clanton Road and Carson Boulevard.
    - Construction: TBD; real estate acquisition to finish end Q1 2020

#### • TRANSPORTATION CONSIDERATIONS

No outstanding issues.

#### Vehicle Trip Generation:

Current Zoning:

Existing Use: 325 trips per day (based on 29,758 sf office).

Entitlement: Too many uses to determine (MUDD-O; general guidance).

Proposed Zoning: Too many uses to determine (TOD-UC; general guidance).

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

- Charlotte Area Transit System: No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services: No outstanding issues.
- Charlotte Department of Solid Waste Services: See advisory comments at www.rezoning.org
- Charlotte Fire Department: 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: No comments submitted.
- Engineering and Property Management:
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.
  - Land Development: No outstanding issues.
  - Storm Water Services: No outstanding issues.
  - Urban Forestry: No outstanding issues.
- Mecklenburg County Land Use and Environmental Services Agency: See advisory comments at www.rezoning.org
- Mecklenburg County Parks and Recreation Department: No outstanding issues.

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

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



# City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 14.File #: 15-13748 Type: Zoning Decision

### Rezoning Petition: 2020-018 by Hopper Communities

**Location:** Approximately 0.917 acres located west of Baltimore Road, south of Remount Road, and east of Interstate 77. (Council District 3 - Watlington)

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

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

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

## **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-018

June 30, 2020

\_\_\_\_\_

**REQUEST** Current Zoning: R-22MF (multifamily residential)

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

**LOCATION** Approximately 0.917 acres located west of Baltimore Road,

south of Remount Road, and east of Interstate 77.

(Council District 3 - Watlington)

**PETITIONER** Hopper Communities

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

• The plan recommends institutional for the majority of the site and park/open space for the remainder.

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 project site is along Baltimore Avenue, which is primarily residential in character.
- The existing R-22MF (multi-family residential) zoning would allow residential development at the proposed density.
- The proposed development will provide a transition from other multi-family developments and the single family homes along Baltimore Avenue.
- The proposed site plan will enhance the connectivity and walkability of the emerging mixed-use neighborhood.
- The parcels surrounding this site are being redeveloped from former industrial and vacant sites into a mixed-use area with office, residential and retail uses.

Motion/Second: Watkins / Wiggins

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None Petition 2020-018 (Page 2 of 2)

Zoning Committee Recommendation

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that

remaining transportation issues would be addressed prior to City Council decision. Staff stated the request is inconsistent with the adopted area plan. There was no additional discussion of this

request.

PLANNER Claire Lyte-Graham (704) 336-3782





**REQUEST** 

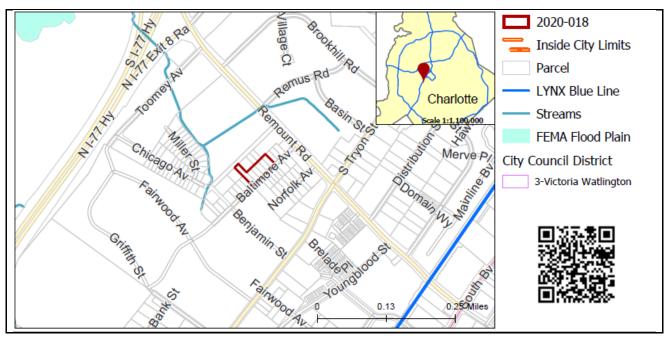
LOCATION

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

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

Approximately 0.917 acres located west of Baltimore Avenue, south

of Remount Road, and east of Interstate 77.



**SUMMARY OF PETITION** 

The petition proposes to allow a townhouse community on acreage located south of Remount Road, between Interstate 77 and South Tryon Street. The majority of the site is developed with a duplex, day care, and office and remainder is vacant.

**PROPERTY OWNER** 

The Bethlehem Center of Charlotte, Inc. Christian Service Methodist Church Hopper Communities

PETITIONER AGENT/REPRESENTATIVE

Collin Brown and Brittany Lins

**COMMUNITY MEETING** 

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

### STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is inconsistent with the *New Bern Transit Station Area Plan* recommendation for institutional for the majority of the site and park/open space for the remainder.

### Rationale for Recommendation

- The project site is along Baltimore Avenue, which is primarily residential in character.
- The existing R-22MF (multi-family residential) zoning would allow residential development at the proposed density.
- The proposed development will provide a transition from other multi-family developments and the single family homes along Baltimore Avenue.

- The proposed site plan will enhance the connectivity and walkability of the emerging mixed-use neighborhood.
- The parcels surrounding this site are being redeveloped from former industrial and vacant sites into a mixed-use area with office, residential and retail uses.

The approval of this petition will revise the adopted future land use as specified by the *New Bern Transit Station Area Plan* from institutional and park/open space to residential.

#### **PLANNING STAFF REVIEW**

### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 20 alley fed townhomes at a density of 21.81 dwelling units per acre. Notes
  internal alleys will be private.
- Limits building height of 48 feet.
- Illustrates possible open space/tree save area.
- Allows up to 2 points of access onto Baltimore Avenue.
- Provides 8-foot sidewalk and 8-foot planting strip along Baltimore Avenue.
- Proposes the following architectural standards:
  - Uses a combination of the following building materials: brick, brick veneer, natural stone (or its synthetic equivalent), cementitious siding, fiber cement ("HardiPlank") and/or materials.
  - Prohibits vinyl siding and limits use of vinyl to hand rails, windows, soffits, doors, garage doors, railings, or trim. Prohibits concrete masonry units not architecturally finished.
  - Notes corner/end units fronting Baltimore Avenue will have enhanced side elevations with a front or rear stoop and/or porch. If a porch is utilized it may be located on the second story of such unit.
  - Limits blank wall expanses to a maximum of 15 feet on all building levels.
  - Notes the front elevation of each single family attached dwelling unit will have windows or other architectural details that limit the maximum blank wall expanse to 15 feet on each level of the unit.
  - Includes blank wall provisions limiting the maximum blank wall expanse to 30 feet on all building levels, including but not limited to doors, windows, awnings, material or color changes, and/or architectural design elements.
  - Limits attached dwelling units to a maximum of 5 units per building.

 The site is developed with a duplex, day care, office with some vacant acreage and is immediately surrounded by single family homes, multi-family residential units and institutional uses, including Bethlehem Center and Southside Park.



The site is developed with a duplex, day care, office, and small portion vacant.



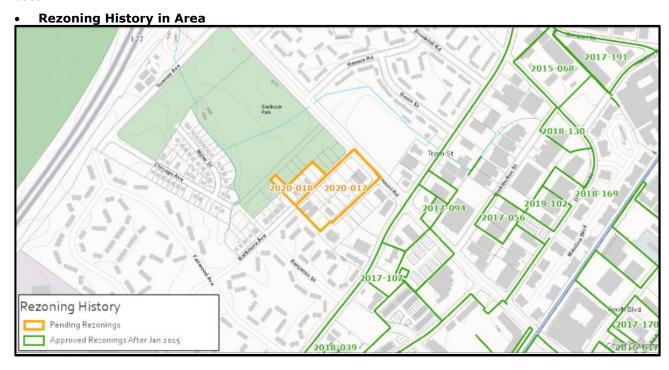
Across Baltimore Avenue are Bethlehem Center and multifamily residential homes.



Southside Park is located to the north and west.



The site (denoted by the red star) is immediately surrounded by residential, institutional, and commercial uses.



| Petition<br>Number | Summary of Petition                                                                                                                                          | Status   |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2020-017           | Rezone 2.75 acres to MUDD-O to allow up to 274 multi-family units                                                                                            | Pending  |
| 2019-102           | Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR                                                                 | Approved |
| 2018-169           | Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations | Approved |
| 2018-130           | Rezoned 0.97 acres to TOD-M(O) to allow the reuse of an existing building with a possible 4,000-square foot expansion for all uses in the TOD-M              | Approved |
| 2018-039           | Rezoned 0.17 acres to TOD-M                                                                                                                                  | Approved |
| 2017-191           | Rezoned 2.44 acres to TOD-M                                                                                                                                  | Approved |

| 2017-170 | Rezoned 1.4 acres to TOD-M                                 | Approved |
|----------|------------------------------------------------------------|----------|
| 2017-107 | Rezoned 1.25 acres to MUDD-O to allow up to 105,000        | Approved |
|          | square feet of warehousing within an enclosed building and |          |
|          | 3,000 square feet of office and retail.                    |          |
| 2017-094 | Rezoned 0.35 acres to TOD-M                                | Approved |
| 2017-056 | Rezoned 1.33 acres to TOD-M                                | Approved |
| 2015-068 | Rezoned 3.06 acres to TOD-M                                | Approved |

### Public Plans and Policies



• The New Bern Transit Station Area Plan (2008) recommends institutional for the majority of the site and park/open space for the remaining portion.

### TRANSPORTATION CONSIDERATIONS

- The site is located on a local road. The petitioner should revise the site plan to meet the ordinance requirements and the outstanding items listed below. With consideration to the Vision Zero Action Plan and Charlotte WALKS, CDOT requests pedestrian improvements along Baltimore Avenue to Remount Road, which is classified within Charlotte's High Injury Network. The petitioner has committed to work in good faith with Mecklenburg County to establish a sidewalk connection to this intersection. The petitioner's site is located approximately 2/3rd of a mile from the LYNX New Bern Station. In the effort to improve Baltimore Avenue's street infrastructure to accommodate both proposed rezoning developments, CDOT continues to request the petitioner to extend the curb and gutter from this petition's street frontage to the Baltimore Avenue and Remount Road intersection.
- Active Projects
  - South Tryon Corridor Implementation
    - The project will implement pedestrian hybrid beacons, bulb-outs, and pavement markings at various locations along South Tryon Street between Clanton Road and Carson Boulevard.
    - Construction: TBD; real estate acquisition to finish end Q1 2020
  - I-77 Lane Widening (I-5718A STIP)
    - This project will implement additional managed lanes to widen to a 10-lane freeway from the South Carolina state line to I-277/US 74 (Belk Freeway). The project will also reconstruct the I-77/I-277 (Belk Freeway) interchange, and install ramp meters.
    - Construction: 2029; real estate acquisition to start 2025
- See Outstanding Issues, Note 3
  - Vehicle Trip Generation:

Current Zoning:

Existing Use: 50 trips per day (based on 4,657 square foot religious institution). Entitlement: 105 trips per day (based on 20 apartments and R-22MF zoning).

Proposed Zoning: 110 trips per day (based on 20 townhomes; site plan).

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

• Charlotte Area Transit System: No outstanding issues.

- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at <a href="https://www.rezoning.org">www.rezoning.org</a> pertaining to housing needs in Charlotte.
- Charlotte Department of Solid Waste Services: See advisory comments a <a href="https://www.rezoning.org">www.rezoning.org</a> regarding dumpster/compactor and recycling requirements and adequate room for truck maneuvering/turnaround.
- **Charlotte Fire Department:** See advisory comments at <a href="www.rezoning.org">www.rezoning.org</a> regarding fire hydrant distance from building. No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 2 students, while the development allowed under the proposed zoning will produce 2 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 0.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Marie G. Davis K-8 at 114%
    - Myers Park High at 125%.
  - See advisory comments at <a href="https://www.rezoning.org">www.rezoning.org</a> for CMS impact statement.

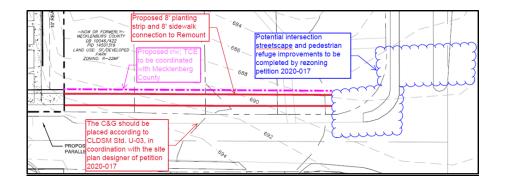
### Charlotte Water: No comments submitted.

- Engineering and Property Management:
  - Arborist: No comments submitted.
  - **Erosion Control:** No comments submitted.
  - Land Development: No outstanding issues.
  - **Storm Water Services:** This property drains to Irwin Creek, which is an impaired/degraded stream and may contribute to downstream flooding. This project has the opportunity to mitigate future impacts to this stream. See advisory comments at <a href="www.rezoning.org">www.rezoning.org</a>.
  - Urban Forestry: No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments online at www.rezoning.org regarding air quality and groundwater services.
- Mecklenburg County Parks and Recreation Department: See Outstanding Issues, Note 7.
   Addressed

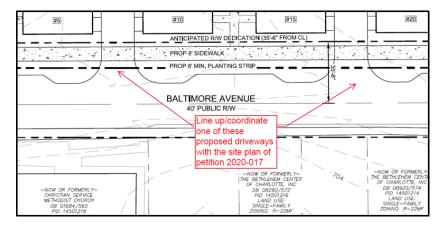
### **OUTSTANDING ISSUES**

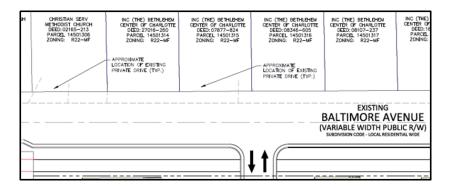
#### Transportation

- 1. **Curbline** The proposed zoning district has a setback measured from back of the existing or proposed future curbline.
  - a. Baltimore Avenue: The proposed location of curb and gutter should be revised to 17.5 feet from existing road centerline, per the Urban Street Design Guidelines (USDG) Charlotte Land Development Standards Manual (CLDSM) standard detail U-03A Local Residential Wide Street Typical Section and Chapter 19 of the Charlotte City Code. Curb and gutter should be constructed with on-street parking. The site plan should show the curb and gutter labeled and dimensioned from the centerline for each road. Addressed
- Revise the site plan and conditional note(s) to construct a sidewalk connection to Remount Road
  with curb and gutter, in reference to the Vision Zero Action Plan and Charlotte WALKS. CDOT has
  notified Mecklenburg County of the possibility of the petitioner possibly attaining right of way and
  a construction easement to establish this connection. The proposed sidewalk connection will tieinto the proposed improvements requested to rezoning petition 2019-017. Addressed



Revise the site plan and conditional note(s) to coordinate with the petitioner of 2020-017 to align
one of the two proposed driveways with the proposed access within rezoning petition 2020-017's
proposed site plan, or vice versa. Rescinded





- 4.—Revise the site plan to clarify conditional note (Section III. Transportation, 4) to specify 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 2' behind back of sidewalk where feasible. ADDRESSED
- 5. Revise the site plan to clarify conditional note (Section III. Transportation, 5) to specify that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes. ADDRESSED- added sidewalk connection to the park is requested to be phased prior to 20<sup>th</sup> CO. All other improvements will occur prior to first CO
- 6. Revise the site plan and conditional note(s) to show turning movements of how trucks will handle waste without maneuvering or reversing into the right of way. Per conversations with staff, Petitioner is proposing private rollout containers but has revised the site plan to show a corral area for the future required dumpsters (which would be rolled out to a future concrete pad at the curb), solving the truck-backing issue even though dumpsters are not likely to be provided.

### **Environment**

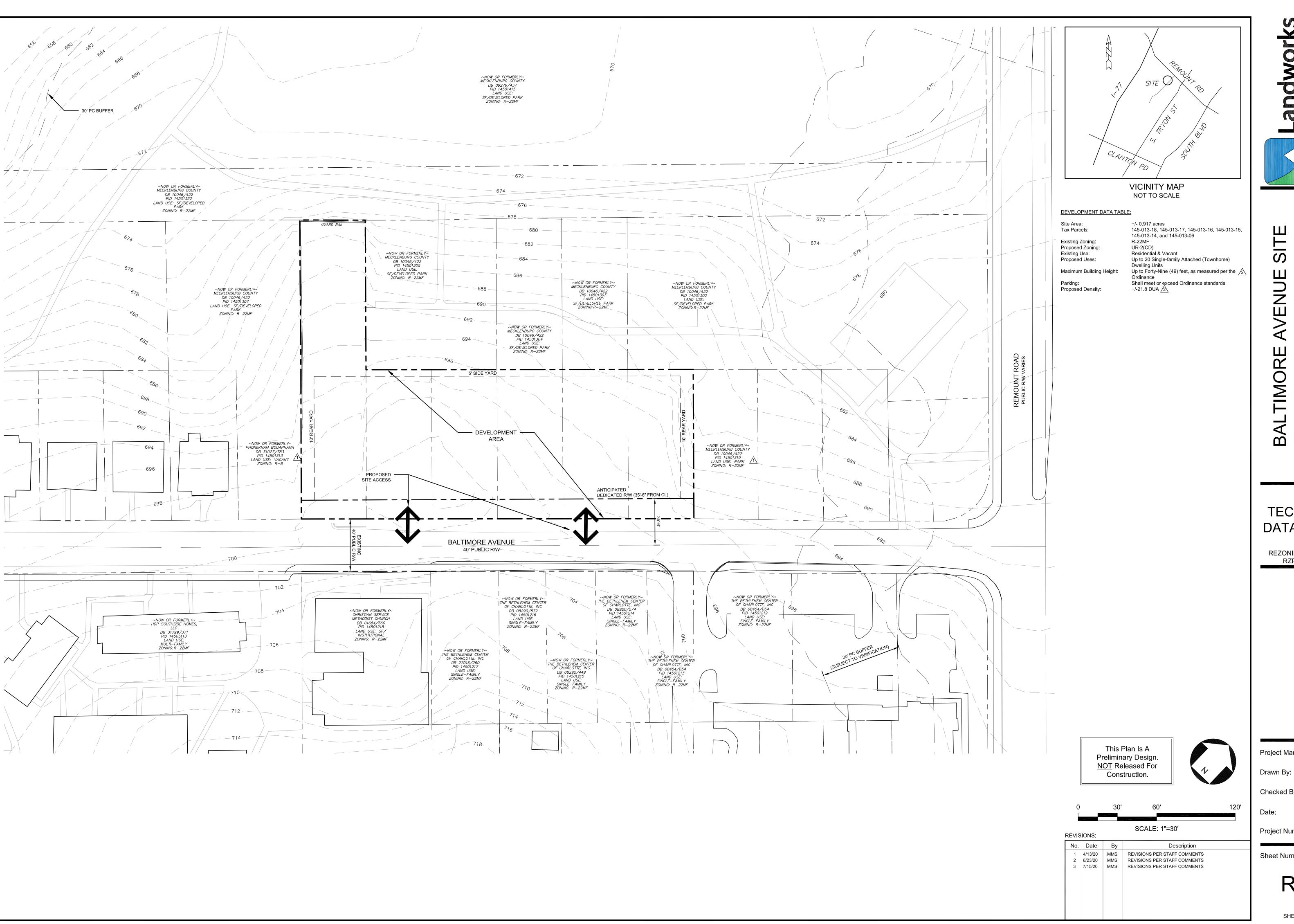
 Mecklenburg County Park and Recreation requests the petitioner provide a bike/ped connection to the adjacent Southside Park. ADDRESSED

### REQUESTED TECHNICAL REVISIONS

- 8. Note density on the site plan. ADDRESSED
- 9.—Site plan notes in reference to private streets. Petitioner needs to note where they are on the site plan. ADDRESSED

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

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



**TECHNICAL** DATA SHEET

REZONING PETITION#: RZP-2020-018

Project Manager:

Checked By:

DRW

MDL

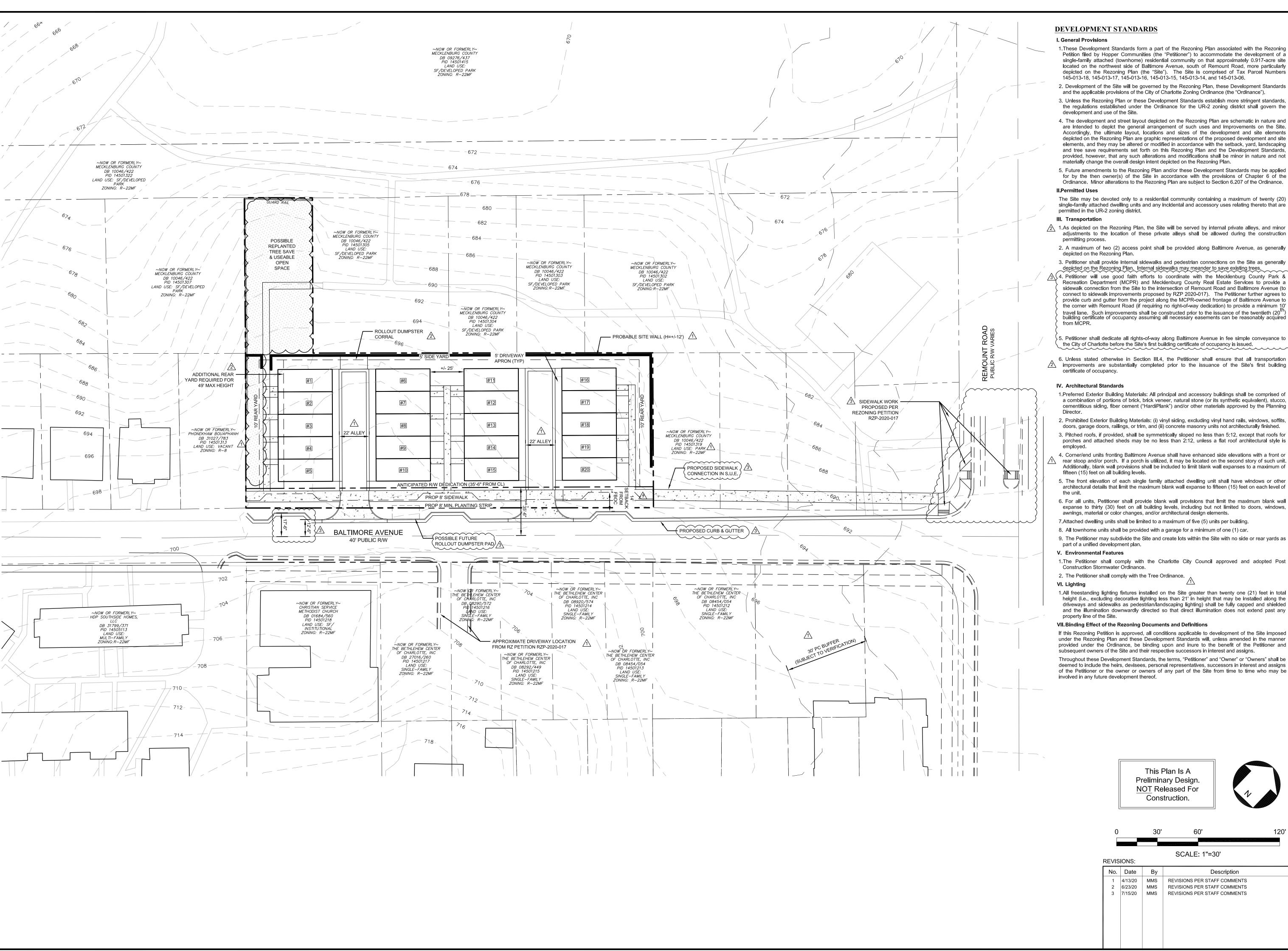
12/20/19

Project Number:

Sheet Number:

RZ-1

SHEET#1 OF 2



1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Hopper Communities (the "Petitioner") to accommodate the development of a single-family attached (townhome) residential community on that approximately 0.917-acre site located on the northwest side of Baltimore Avenue, south of Remount Road, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers

145-013-18, 145-013-17, 145-013-16, 145-013-15, 145-013-14, and 145-013-06. 2. Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").

3. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-2 zoning district shall govern the

4. The development and street layout depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard, landscaping and tree save requirements set forth on this Rezoning Plan and the Development Standards, provided, however, that any such alterations and modifications shall be minor in nature and not

5. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner(s) of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Minor alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

The Site may be devoted only to a residential community containing a maximum of twenty (20) single-family attached dwelling units and any incidental and accessory uses relating thereto that are

🖄 1.As depicted on the Rezoning Plan, the Site will be served by internal private alleys, and minor adjustments to the location of these private alleys shall be allowed during the construction

depicted on the Rezoning Plan. Internal sidewalks may meander to save existing trees.  $\frac{1}{3}$  4. Petitioner will use good faith efforts to coordinate with the Mecklenburg County Park & Recreation Department (MCPR) and Mecklenburg County Real Estate Services to provide a sidewalk connection from the Site to the intersection of Remount Road and Baltimore Avenue (to connect to sidewalk improvements proposed by RZP 2020-017). The Petitioner further agrees to provide curb and gutter from the project along the MCPR-owned frontage of Baltimore Avenue to the corner with Remount Road (if requiring no right-of-way dedication) to provide a minimum 10 travel lane. Such improvements shall be constructed prior to the issuance of the twentieth (20<sup>11</sup>) building certificate of occupancy assuming all necessary easements can be reasonably acquired

5. Petitioner shall dedicate all rights-of-way along Baltimore Avenue in fee simple conveyance to the City of Charlotte before the Site's first building certificate of occupancy is issued.

6. Unless stated otherwise in Section III.4, the Petitioner shall ensure that all transportation /2\ improvements are substantially completed prior to the issuance of the Site's first building

1.Preferred Exterior Building Materials: All principal and accessory buildings shall be comprised of a combination of portions of brick, brick veneer, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or other materials approved by the Planning

2. Prohibited Exterior Building Materials: (i) vinyl siding, excluding vinyl hand rails, windows, soffits, doors, garage doors, railings, or trim, and (ii) concrete masonry units not architecturally finished. 3. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for

4. Corner/end units fronting Baltimore Avenue shall have enhanced side elevations with a front or rear stoop and/or porch. If a porch is utilized, it may be located on the second story of such unit. Additionally, blank wall provisions shall be included to limit blank wall expanses to a maximum of

5. The front elevation of each single family attached dwelling unit shall have windows or other

6. For all units, Petitioner shall provide blank wall provisions that limit the maximum blank wall expanse to thirty (30) feet on all building levels, including but not limited to doors, windows,

7. Attached dwelling units shall be limited to a maximum of five (5) units per building.

8. All townhome units shall be provided with a garage for a minimum of one (1) car.

1.The Petitioner shall comply with the Charlotte City Council approved and adopted Post

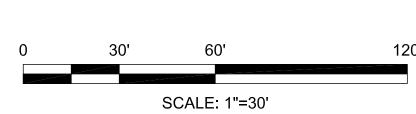
1.All freestanding lighting fixtures installed on the Site greater than twenty one (21) feet in total height (i.e., excluding decorative lighting less than 21' in height that may be installed along the driveways and sidewalks as pedestrian/landscaping lighting) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any

# 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

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

> This Plan Is A Preliminary Design. NOT Released For



Description 1 4/13/20 MMS REVISIONS PER STAFF COMMENTS 6/23/20 MMS REVISIONS PER STAFF COMMENTS 3 7/15/20 MMS REVISIONS PER STAFF COMMENTS

Sheet Number:

Project Number:

Project Manager:

Drawn By:

Checked By:

DRW

MDL

12/20/19

SHEET#2 OF 2

REZONING SITE PLAN

REZONING PETITION#: RZP-2020-018



# City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 15.File #: 15-13749 Type: Zoning Decision

### Rezoning Petition: 2020-025 by SunCap Property Group

**Location:** Approximately 26.34 acres located along the eastern side of Milhaven Lane, south of Sunset Road, and west of Statesville Road. (Council District 2 - Graham)

**Current Zoning:** CC (commercial center) & R-4(single family residential)

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

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

## **Zoning Committee Recommendation**

ZC

Rezoning Petition 2020-025

June 30, 2020

**Zoning Committee** 

**REQUEST** Current Zoning: CC (commercial center), and R-4 (single family

residential)

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

**LOCATION** Approximately 26.34 acres located along the eastern side of

Milhaven Lane, south of Sunset Road, and west of Statesville

Road.

(Council District 2 - Graham)

PETITIONER SunCap Property Group

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

 The plan recommends retail uses for the majority of the site, and single family/multi-family residential uses less than or equal to 8 DUA for a portion of the site.

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

- While this petition is inconsistent with the Northeast District Plan, the I-1(CD) zoning proposed for the site is similar to the industrial uses found in the area on the north side of Sunset Road.
- The I-1(CD) zoning requested in this petition will be less intense than the retail use allowed with the parcel's current CC zoning.
- The petition proposes an 8-foot planting strip and 37.5-foot buffer on Milhaven Lane, which will provide a suitable buffer between the residential uses on the other side of Milhaven.
- The petition commits to building a public road and a 5-foot sidewalk on the southern side of the site to increase pedestrian access and road connectivity.
- The petition commits to a 37.5-foot setback on all sides of the parcel, which is 17.5 feet wider than the recommended 20-foot setback for industrial uses.

• This petition proposes a light industrial use for the site, which is appropriate adjacent to the retail uses which front Sunset Road and abut the north side of the site.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan*, from Retail to Industrial-Warehouse-Distribution.

Motion/Second: Watkins / Ham

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

inconsistent with the adopted area plan.

Staff clarified for a commissioner that no petroleum storage

facilities would be allowed.

There was no further discussion of this petition.

**PLANNER** 

Michael Russell (704) 353-0225





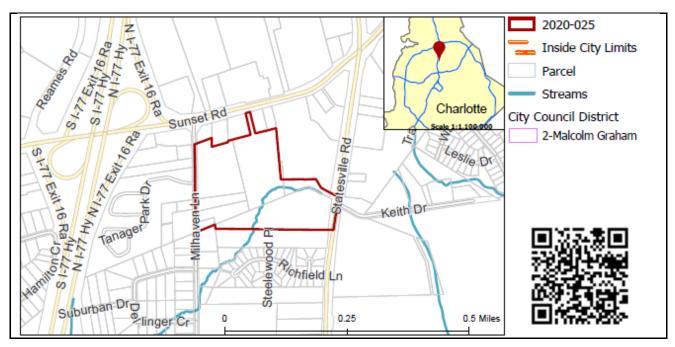
**REQUEST** CC (commercial center), and R-4 (single family Current Zoning:

residential)

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

LOCATION Approximately 26.34 acres located along the eastern side of

Milhaven Lane, south of Sunset Road, and west of Statesville Road.



**SUMMARY OF PETITION** 

The petition proposes to allow up to 450,000 square-feet of warehousing, warehouse distribution, manufacturing, and office uses on an undeveloped parcel.

**PROPERTY OWNER PETITIONER** 

**AGENT/REPRESENTATIVE** 

SunCap Property Group

Bridget Grant, Moore & Van Allen, PLLC

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

STAFF RECOMMENDATION Staff recommends approval of this petition.

Plan Consistency

Various

The petition is **inconsistent** with the *Northeast District Plan (1996)* recommendation of retail uses for the majority of the site, and single family/multi-family residential uses less than or equal to 8 DUA for a portion of the site.

### Rationale for Recommendation

- While this petition is inconsistent with the Northeast District Plan, the I-1(CD) zoning proposed for the site is similar to the industrial uses found in the area on the north side of Sunset Road.
- The I-1(CD) zoning requested in this petition will be less intense than the retail use allowed with the parcel's current CC zoning.

Petition 2020-025 (Page 2 of 6) Final Staff Analysis

- The petition proposes an 8-foot planting strip and 37.5' buffer on Milhaven Lane, which will provide a suitable buffer between the residential uses on the other side of Milhaven.
- The petition commits to building a public road and a 5-foot sidewalk on the southern side of the site to increase pedestrian access and road connectivity.
- The petition commits to a 37.5-foot setback on all sides of the parcel, which is 17.5 feet wider than the recommended 20-foot setback for industrial uses.
- This petition proposes a light industrial use for the site, which is appropriate adjacent to the retail uses which front Sunset Road and abut the north side of the site.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan*, from Retail to Industrial-Warehouse-Distribution.

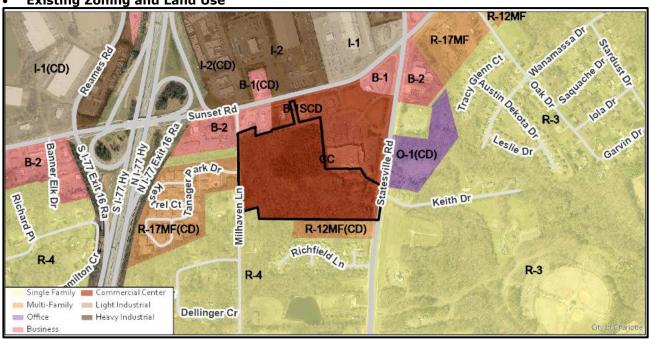
#### **PLANNING STAFF REVIEW**

### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

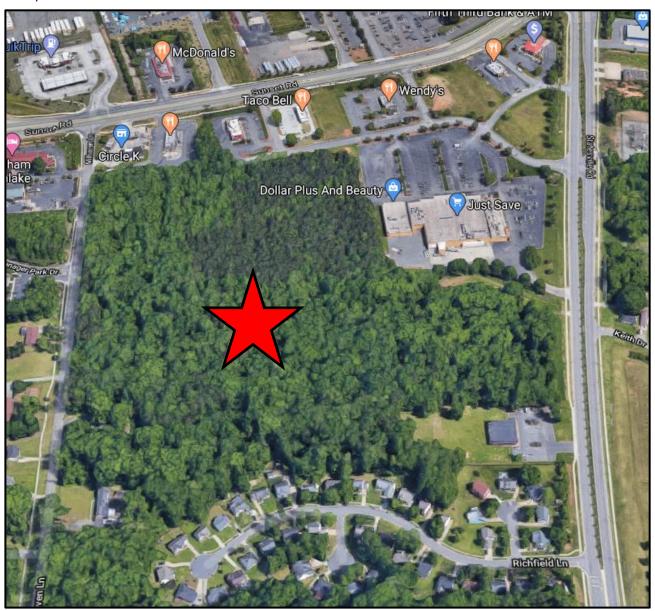
- Allows up to 450,000 square-feet of warehousing, warehouse distribution, manufacturing, and office uses as allowed in the I-1 zoning district.
- Prohibits the following uses: outdoor storage, EDEE's, retail establishments. Shopping centers, auction sales, automobile, truck and utility trailer rental, automotive repair garages, sales and repair, and/or service stations, manufactured housing sales or repair, petroleum storage facilities, recycling or drop off centers, billboards, prisons, and junkyards.
- Provides a 37.5-foot reduced buffer around the periphery of the site.
- Provides an 8-foot planting strip and six-foot sidewalk along Milhaven Lane.
- Provides left turn lanes on Milhaven Lane into the site.
- Commits to building a public road and a 5-foot sidewalk on the southern side of the site to increase pedestrian access and road connectivity.
- Access will be off Milhaven Lane and Statesville Road.
- Provides a minimum of one prominent street facing entrance to each public street with architectural details.
- Building materials will be a combination of the following: glass, brick, metal, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco/E.I.F.S., cementitious siding, or wood/composite wood.
- Lighting will be full cut-off type lighting fixtures excluding decorative lighting.

### Existing Zoning and Land Use



Petition 2020-025 (Page 3 of 6) Final Staff Analysis

The site is undeveloped. Surrounding land uses include retail/commercial uses, multi-family and single-family residential.



The subject property, denoted by red star, is undeveloped.



The property to the south along Richfield Lane is developed with single-family homes.

Petition 2020-025 (Page 4 of 6) Final Staff Analysis



The property to the north along Sunset Road is developed with retail/ commercial uses.

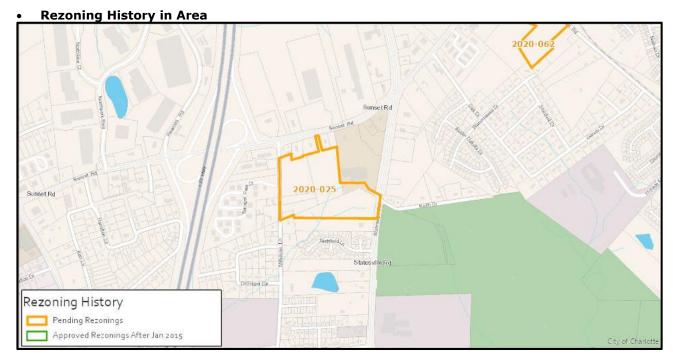


The property to the west along Milhaven Lane is developed with large-lot single-family homes.



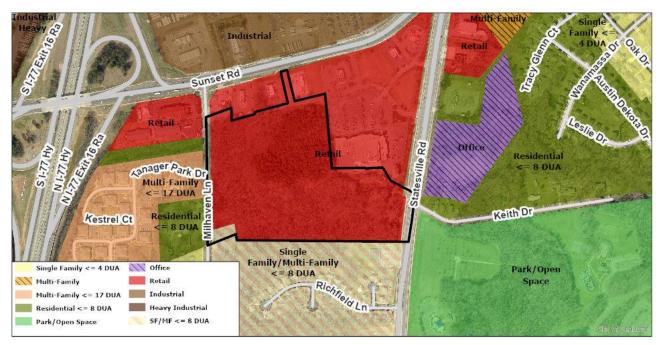
The property to the east along Statesville Road is developed with a small shopping center.

Petition 2020-025 (Page 5 of 6) Final Staff Analysis



| Petition<br>Number | Summary of Petition                                                                                                                   | Status  |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------|
| 2020-062           | Proposes to rezone 17.3 acres to allow all uses in the B-2 (general business) and R-8MF (residential, multi-family) zoning districts. | Pending |

### • Public Plans and Policies



• The Northeast District Plan (1996) calls for Retail uses for a majority of the site and single family/multi-family residential uses less than or equal to 8 DUA for a portion of this site.

Petition 2020-025 (Page 6 of 6) Final Staff Analysis

### TRANSPORTATION SUMMARY

The site is located along a major thoroughfare. The petitioner is committing to provide the required 8-foot planting strip, 6-foot sidewalk and curb and gutter along Milhaven Lane. In addition, the petitioner will provide a new public street connection from Milhaven Lane to Statesville Road to improve overall street connectivity for the overall network. The new public street will meet the City's Urban Street Design Guidelines. CDOT is requesting the petitioner to modify the striping on Milhaven Lane to provide additional storage capacity for left-turn lane at Sunset Road.

- Active Projects:
  - No active projects
- Transportation Considerations
  - See Requested Technical Revisions, Note 1 Addressed
- Vehicle Trip Generation:

Current Zoning:

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

Entitlement: 10,230 trips per day (based on 218,400 square-feet of retail uses). Proposed Zoning: 760 trips per day (based on 450,000 square-feet of warehouse uses).

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

- Charlotte Area Transit System: No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services: No outstanding issues.
- Charlotte Department of Solid Waste Services: No outstanding issues.
- Charlotte Fire Department: See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Milhaven Lane and a 12-inch main located along Statesville Road. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Milhaven Lane. See advisory comments at www.rezoning.org
- Engineering and Property Management:
  - Arborist: No comments submitted.
  - Erosion Control: See advisory comments at www.rezoning.org
  - Land Development: See advisory comments at www.rezoning.org
  - Storm Water Services: No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- Mecklenburg County Parks and Recreation Department: No outstanding issues.

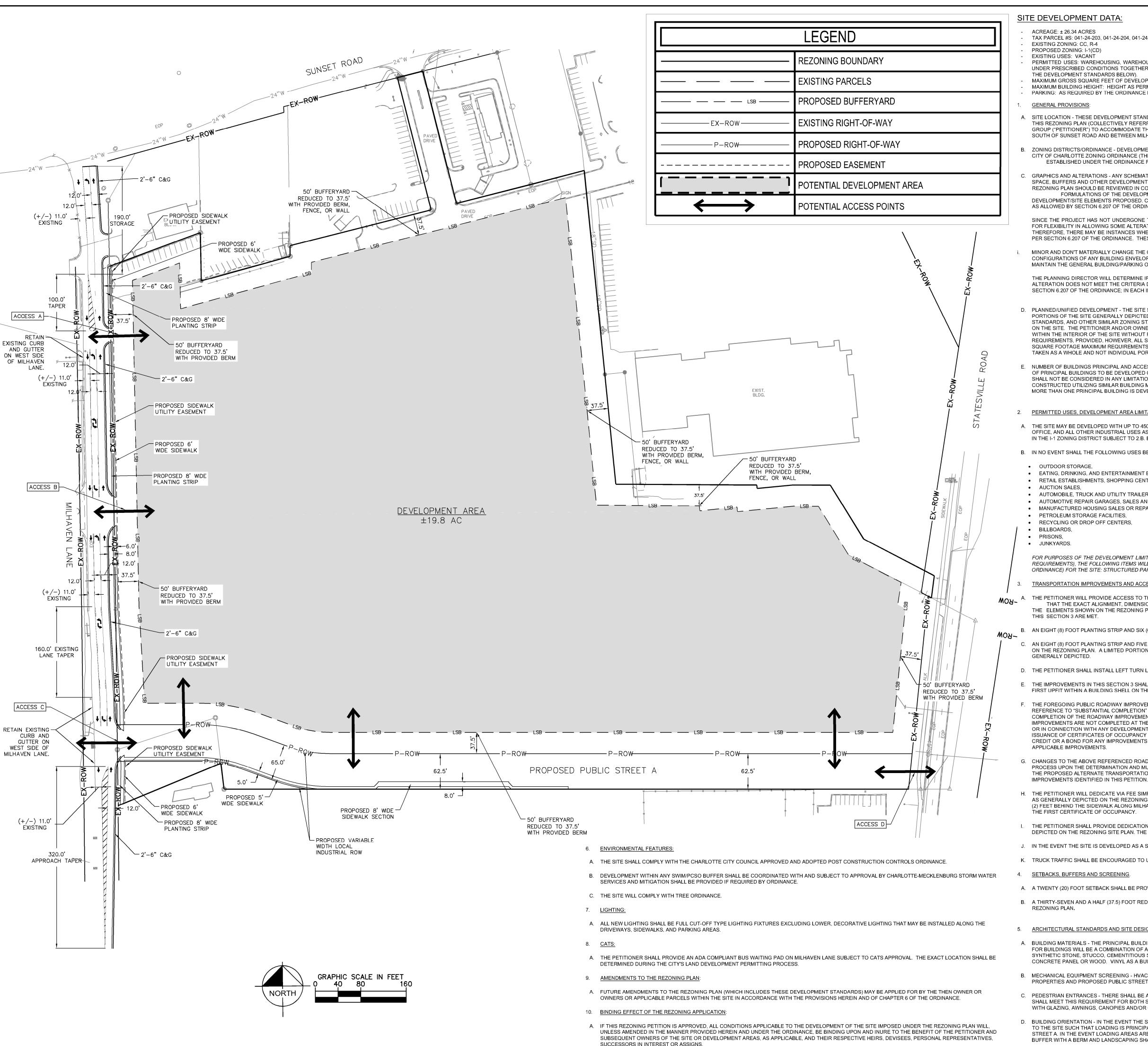
### **REQUESTED TECHNICAL REVISIONS**

**Transportation** 

1.—Revise the site plan and conditional notes to restripe Milhaven Lane in order to keep the proposed full access near the northern property line. Addressed

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

Planner: Michael Russell (704) 353-0225



SITE DEVELOPMENT DATA:

- TAX PARCEL #S: 041-24-203, 041-24-204, 041-24-206, 041-24-201 041-24-207, A PORTION OF 041-24-202 AND A PORTION OF 041-24-209
- EXISTING ZONING: CC, R-4 PROPOSED ZONING: I-1(CD)
- PERMITTED USES: WAREHOUSING, WAREHOUSE DISTRIBUTION, MANUFACTURING, OFFICE, AND ALL OTHER INDUSTRIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, ALL AS ALLOWED IN THE I-1 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED IN
- MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 450,000 SQUARE FEET OF GROSS FLOOR AREA
- MAXIMUM BUILDING HEIGHT: HEIGHT AS PERMITTED BY ORDINANCE AND WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
- PARKING: AS REQUIRED BY THE ORDINANCE FOR THE PERMITTED USES.
- SITE LOCATION THESE DEVELOPMENT STANDARDS, SCHEMATIC SITE PLAN AND OTHER GRAPHICS SET FORTH ON SHEET RZ-1 AND ANY OTHER SHEETS FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY SUNCAP PROPERTY GROUP ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF THE REQUESTED PERMITTED USES ON THE APPROXIMATELY 26.34 ACRE SITE LOCATED SOUTH OF SUNSET ROAD AND BETWEEN MILHAVEN LANE AND STATESVILLE ROAD/HIGHWAY 115 (THE "SITE").
- ZONING DISTRICTS/ORDINANCE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS. THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE I-1 ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.
- C. GRAPHICS AND ALTERATIONS ANY SCHEMATIC DEPICTIONS OF THE BUILDING ENVELOPES, PARKING AREAS, SIDEWALKS, DRIVEWAYS, STREETS, OPEN SPACE, BUFFERS AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS, ANY LAYOUTS, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE.

SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN; SUCH AS MINOR MODIFICATIONS TO THE CONFIGURATIONS OF ANY BUILDING ENVELOPE, DRIVEWAYS AND PARKING AREA DIMENSIONS AND THE LIKE AS LONG AS THE MODIFICATIONS MAINTAIN THE GENERAL BUILDING/PARKING ORIENTATION AND CHARACTER OF THE DEVELOPMENT GENERALLY DEPICTED ON THE REZONING PLAN.

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

- D. PLANNED/UNIFIED DEVELOPMENT THE SITE SHALL BE VIEWED IN THE AGGREGATE AS A PLANNED/UNIFIED DEVELOPMENT PLAN AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN. AS SUCH, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, AND OTHER SIMILAR ZONING STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER SITE ELEMENTS LOCATED ON THE SITE. THE PETITIONER AND/OR OWNER(S) OF THE SITE RESERVE THE RIGHT TO SUBDIVIDE THE PORTIONS OR ALL OF THE SITE AND CREATE LOTS WITHIN THE INTERIOR OF THE SITE WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS. AND PUBLIC/PRIVATE STREET FRONTAGE REQUIREMENTS, PROVIDED, HOWEVER, ALL SUCH SEPARATION STANDARDS ALONG THE EXTERIOR BOUNDARY OF THE SITE SHALL BE ADHERED TO AND ALL SQUARE FOOTAGE MAXIMUM REQUIREMENTS WILL BE REGULATED BY ANY DEVELOPMENT LIMITATIONS SET FORTH IN SECTION 2 BELOW AS TO THE SITE TAKEN AS A WHOLE AND NOT INDIVIDUAL PORTIONS OR LOTS LOCATED THEREIN.
- E. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY NOTWITHSTANDING THE NUMBER OF BUILDING(S) SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED TO FOUR (4). ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDING(S). IN THE EVENT MORE THAN ONE PRINCIPAL BUILDING IS DEVELOPED ON THE SITE, THE SITE SHALL ADHERE TO THE SUBDIVISION ORDINANCE.
- 2. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:
- A. THE SITE MAY BE DEVELOPED WITH UP TO 450,000 SQUARE FEET GROSS FLOOR AREA OF WAREHOUSING, WAREHOUSE DISTRIBUTION, MANUFACTURING, OFFICE, AND ALL OTHER INDUSTRIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE I-1 ZONING DISTRICT SUBJECT TO 2.B. BELOW.
- B. IN NO EVENT SHALL THE FOLLOWING USES BE PERMITTED AS A PRINCIPAL USE:
- OUTDOOR STORAGE.
- EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS,
- RETAIL ESTABLISHMENTS, SHOPPING CENTERS, AND PERSONAL SERVICES (EXCLUDING SHOWROOMS),
- AUTOMOBILE, TRUCK AND UTILITY TRAILER RENTAL,
- AUTOMOTIVE REPAIR GARAGES, SALES AND REPAIR, AND/OR SERVICE STATIONS.
- MANUFACTURED HOUSING SALES OR REPAIR, PETROLEUM STORAGE FACILITIES,
- RECYCLING OR DROP OFF CENTERS,

FOR PURPOSES OF THE DEVELOPMENT LIMITATIONS SET FORTH IN THESE DEVELOPMENT STANDARDS (BUT NOT TO BE CONSTRUED AS A LIMITATION ON FA REQUIREMENTS), THE FOLLOWING ITEMS WILL NOT BE COUNTED AS PART OF THE ALLOWED GROSS FLOOR AREA (FLOOR AREA AS DEFINED BY THE ORDINANCE) FOR THE SITE: STRUCTURED PARKING FACILITIES AND ALL LOADING DOCK AREAS (OPEN OR ENCLOSED).

# TRANSPORTATION IMPROVEMENTS AND ACCESS:

THE PETITIONER WILL PROVIDE ACCESS TO THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN AND SUBJECT TO THE PROVISIONS BELOW; PROVIDED THAT THE EXACT ALIGNMENT, DIMENSIONS AND LOCATION OF THE ACCESS POINT TO THE SITE AND THE DRIVEWAY ON THE SITE MAY BE MODIFIED FROM THE ELEMENTS SHOWN ON THE REZONING PLAN AS LONG AS THE OVERALL DESIGN INTENT IS NOT MATERIALLY ALTERED AND REQUIREMENTS DESCRIBED IN

- B. AN EIGHT (8) FOOT PLANTING STRIP AND SIX (6) FOOT SIDEWALK SHALL BE PROVIDED ALONG THE SITE'S FRONTAGE ON MILHAVEN LANE.
- C. AN EIGHT (8) FOOT PLANTING STRIP AND FIVE (5) FOOT SIDEWALK SHALL BE PROVIDED ALONG THE NORTH SIDE OF PUBLIC STREET A AS GENERALLY DEPICTED ON THE REZONING PLAN. A LIMITED PORTION OF A MINIMUM FIVE (5) FOOT SIDEWALK SHALL BE PROVIDED ON THE SOUTH SIDE OF PUBLIC STREET A AS
- D. THE PETITIONER SHALL INSTALL LEFT TURN LANES ON MILHAVEN LANE INTO THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.
- THE IMPROVEMENTS IN THIS SECTION 3 SHALL BE SUBSTANTIALLY COMPLETED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE FIRST UPFIT WITHIN A BUILDING SHELL ON THE SITE.
- F. THE FOREGOING PUBLIC ROADWAY IMPROVEMENTS DESCRIBED IN SECTION 3 WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AS APPLICABLE REFERENCE TO "SUBSTANTIAL COMPLETION" OR "SUBSTANTIALLY COMPLETED" FOR IMPROVEMENTS AS SET FORTH IN THE PROVISIONS ABOVE SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE ABOVE STANDARDS PROVIDED, HOWEVER, IN THE EVENT ALL SUCH ROADWAY IMPROVEMENTS ARE NOT COMPLETED AT THE TIME THAT THE PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE OR IN CONNECTION WITH ANY DEVELOPMENT PHASING, THEN THE PETITIONER WILL WORK WITH CITY STAFF TO DETERMINE A PROCESS TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDING(S), 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.
- G. CHANGES TO THE ABOVE REFERENCED ROADWAY IMPROVEMENTS IN THIS SECTION 3 CAN BE APPROVED THROUGH THE ADMINISTRATIVE AMENDMENT PROCESS UPON THE DETERMINATION AND MUTUAL AGREEMENT OF PETITIONER, CDOT, AND THE PLANNING DIRECTOR AS APPLICABLE, PROVIDED, HOWEVER, THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS PROVIDE (IN THE AGGREGATE) COMPARABLE TRANSPORTATION NETWORK BENEFITS TO THE
- H. THE PETITIONER WILL DEDICATE VIA FEE SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY AT THE BACK OF THE PROPOSED SIDEWALK MILHAVEN LANE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PETITIONER WILL PROVIDE A PERMANENT SIDEWALK EASEMENT TO BE LOCATED A MINIMUM OF TWO (2) FEET BEHIND THE SIDEWALK ALONG MILHAVEN LANE WHERE FEASIBLE. THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.
- I. THE PETITIONER SHALL PROVIDE DEDICATION AND FEE SIMPLE CONVEYANCE OF NEW RIGHT-OF-WAY ALONG THE PROPOSED PUBLIC STREET AS GENERALLY DEPICTED ON THE REZONING SITE PLAN. THE RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.
- J. IN THE EVENT THE SITE IS DEVELOPED AS A SINGLE BUILDING SITE, THE PETITIONER SHALL STILL CONSTRUCT PUBLIC STREET A.
- K. TRUCK TRAFFIC SHALL BE ENCOURAGED TO USE SITE ACCESS B ON MILHAVEN LANE AS GENERALLY DEPICTED ON THE REZONING PLAN.
- A. A TWENTY (20) FOOT SETBACK SHALL BE PROVIDED AS DEFINED BY ORDINANCE FROM PUBLIC STREETS.
- B. A THIRTY-SEVEN AND A HALF (37.5) FOOT REDUCED BUFFER SHALL BE PROVIDED AROUND THE PERIPHERY OF THE SITE AS GENERALLY DEPICTED ON THE

# 5. ARCHITECTURAL STANDARDS AND SITE DESIGN GUIDELINES.

- A. BUILDING MATERIALS THE PRINCIPAL BUILDING(S) CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING MATERIALS. THE BUILDING MATERIALS USED FOR BUILDINGS WILL BE A COMBINATION OF ANY OF THE FOLLOWING: GLASS, BRICK, STONE, SIMULATED STONE, PRE-CAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, STUCCO, CEMENTITIOUS SIDING (SUCH AS HARDI-PLANK), METAL PANELS (ON NORTH AND WEST ELEVATIONS ONLY), EIFS, CAST ON SITE CONCRETE PANEL OR WOOD. VINYL AS A BUILDING MATERIAL WILL NOT BE ALLOWED EXCEPT ON WINDOWS AND SOFFITS.
- B. MECHANICAL EQUIPMENT SCREENING HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AND FROM VIEW OF ADJACENT PROPERTIES AND PROPOSED PUBLIC STREETS AT GRADE.
- C. PEDESTRIAN ENTRANCES THERE SHALL BE A MINIMUM OF ONE PROMINENT STREET FACING ENTRANCE TO EACH PUBLIC STREET. CORNER ENTRANCES SHALL MEET THIS REQUIREMENT FOR BOTH STREETS. ALL PEDESTRIAN ENTRANCES. EXCLUDING EMERGENCY EXITS. WILL BE ARCHITECTURALLY DEFINED WITH GLAZING, AWNINGS, CANOPIES AND/OR OTHER ARCHITECTURAL ELEMENT, AND HAVE A CONNECTION TO ADJACENT PUBLIC STREETS.
- D. BUILDING ORIENTATION IN THE EVENT THE SITE IS DEVELOPED AS A MULTIPLE BUILDING SITE, THE PRIMARY LOADING AREAS SHALL BE LOCATED INTERIOR TO THE SITE SUCH THAT LOADING IS PRINCIPALLY LOCATED BETWEEN BUILDINGS. LOADING AND TRUCK COURTS SHALL NOT BE ORIENTED TOWARD PUBLIC STREET A. IN THE EVENT LOADING AREAS ARE ORIENTED TOWARD MILHAVEN LANE AND/OR STATESVILLE ROAD FOR A SINGLE-BUILDING SITE, A REDUCED BUFFER WITH A BERM AND LANDSCAPING SHALL BE PROVIDED ALONG THE APPLICABLE STREET FRONTAGE.

Ī

SHEET NUMBER



## City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 16.File #: 15-13750 Type: Zoning Decision

## Rezoning Petition: 2020-026 by Union at Tryon, LP

**Location:** Approximately 7.5 acres located between Shopping Center Drive and Hampton Church Road, east of N. Tryon Street in the University City neighborhood. (Council District 4 - Johnson)

**Current Zoning:** B-1 (CD) (neighborhood business, conditional) **Proposed Zoning:** MUDD-O (mixed-use development, optional)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

## **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-026

June 30, 2020

**REQUEST** 

Current Zoning: B-1 (CD) (neighborhood business, conditional)
Proposed Zoning: MUDD-0 (mixed-use development, optional)

**LOCATION** 

Approximately 7.5 acres located between Shopping Center Drive and Hampton Church Road, east of N. Tryon Street in the

University City neighborhood. (Council District 4 - Johnson)

**PETITIONER** 

Union at Tryon, LP

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

• The Plan recommends office/retail uses.

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

- The area plan recommends that moderate density residential uses (up to 22 DUA) may be appropriate as part of a multi- or mixed-use development. While higher than the recommended density, the proposal of residential dwelling units together with accessory uses, as allowed in the MUDD zoning district, and the proposed development's connection to adjacent retail uses falls in line with this recommendation.
- The plan recommends this area as a transition area between two transit stations connecting pedestrians between the two nodes and other shopping centers in the vicinity while also accommodating vehicular traffic. The proposed twelve (12) foot multi-use path along N. Shopping Center Drive will provide safe, pedestrian connectivity to existing retail.
- The plan encourages plazas and open spaces. It recommends open spaces be oriented toward building entries and strategically locating courtyards near pedestrian walkways to create desirable gathering destinations and increase safety. The proposal's building placement and site design commits to enhancing the pedestrian environment.

The approval of this petition will revise the adopted future land use as specified by the *Blue Line Extension University City Area Plan*, from current recommended use to new recommended use for the site.

Motion/Second: Gussman / Wiggins

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

inconsistent with the adopted area plan.

There was no further discussion of this petition.

PLANNER William Linville (704) 336-4090



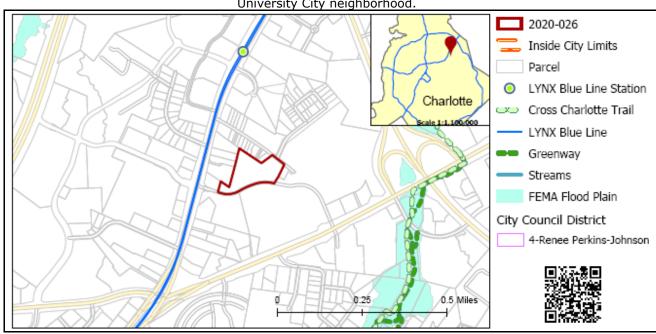


**REQUEST** 

Current Zoning: B-1 (CD) (neighborhood business, conditional)
Proposed Zoning: MUDD-O (mixed-use development, optional)

**LOCATION** 

Approximately 7.5 acres located between Shopping Center Drive and Hampton Church Road, east of N. Tryon Street in the University City neighborhood.



#### **SUMMARY OF PETITION**

The petition proposes develop a 7.5 acre greenfield site into a multifamily development with up to 200 dwelling units representing a density of 26.55 dwelling units per acre (DUA).

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

George D. Fields, Jr. Union at Tryon, LP Bridget Grant, Moore & Van Allen

**COMMUNITY MEETING** 

Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 1

# STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is **inconsistent** with the *Blue Line Extension University City Area Plan's* recommendation for office/retail uses.

### Rationale for Recommendation

- The area plan recommends that moderate density residential uses (up to 22 DUA) may be appropriate as part of a multi- or mixeduse development. While higher than the recommended density, the proposal of residential dwelling units together with accessory uses, as allowed in the MUDD zoning district, and the proposed development's connection to adjacent retail uses falls in line with this recommendation.
- The plan recommends this area as a transition area between two transit stations connecting pedestrians between the two nodes and other shopping centers in the vicinity while also accommodating

- vehicular traffic. The proposed twelve (12) foot multi-use path along N. Shopping Center Drive will provide safe, pedestrian connectivity to existing retail.
- The plan encourages plazas and open spaces. It recommends open spaces be oriented toward building entries and strategically locating courtyards near pedestrian walkways to create desirable gathering destinations and increase safety. The proposal's building placement and site design commits to enhancing the pedestrian environment.

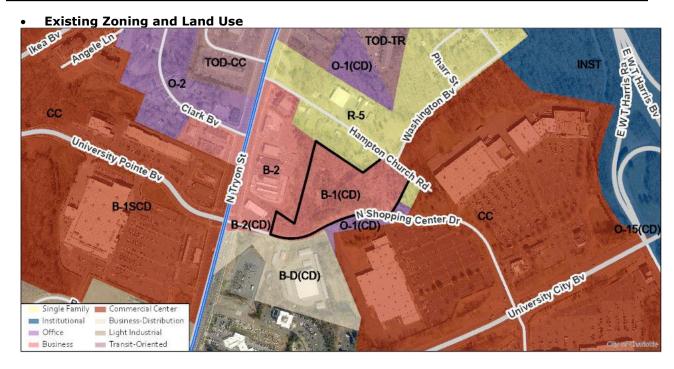
The approval of this petition will revise the adopted future land use as specified by the *Blue Line Extension University City Area Plan*, from office/retail to residential uses over 22 DUA for the site.

### **PLANNING STAFF REVIEW**

### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Permits residential units as permitted by right and under prescribed conditions and all accessory
  uses allowed in the MUDD district.
- Commits to no more than 200 dwelling units and at a maximum height of 65 feet.
- Commits that all units shall be income restricted to households making 80 percent or less of AMI for a period of time no less than 20 years.
- Units shall be contained no more than 6 principal structures.
- Transportation improvements including:
  - Provision of 12-foot multi-use path along the majority of the site's frontage along Shopping Center Drive.
  - Sidewalks and planting strips along all public streets.
  - Internal pedestrian network.
- Commits to around 8,000 SF of improved open space for residents. The specific open space
  amenities within the Duke Energy easement are dependent on what improvements Duke permits
  within its easements.
- Commits to architectural design elements including:
  - Articulated facades with a maximum untreated area not to exceed 20 feet in length.
  - Above grade building entrances with prominently designed entryways.
  - Service equipment areas screened with a minimum of 20 percent preferred exterior building materials.
  - Articulated roofs to avoid continuous expanses without variation in height or form.
- Full cutoff lighting for all attached and detached lighting with a max. height (except for street lighting along public streets) of 22 feet for all detached lighting.



This site has been rezoned multiple times, most recently in 2008 (2008-021) that entitled the site to 60,000 square feet of fitness, retail, restaurant, and office space. That petition was a site plan amendment from petition 2003-003 (an approved townhome development).

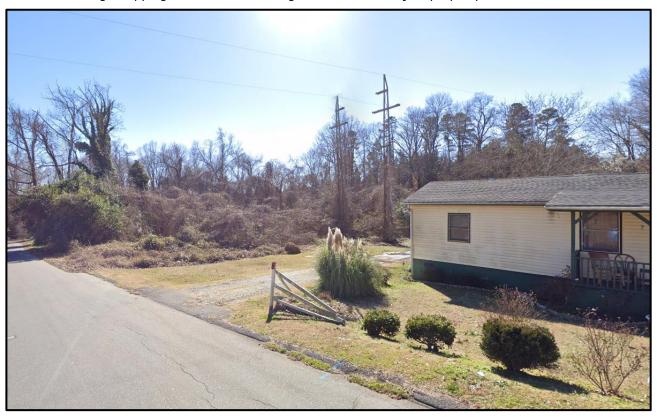
The site is largely surrounded by big box retailers along University City Boulevard and University Pointe Boulevard. There is a small residential enclave along Hampton Church Road and Washington Boulevard.



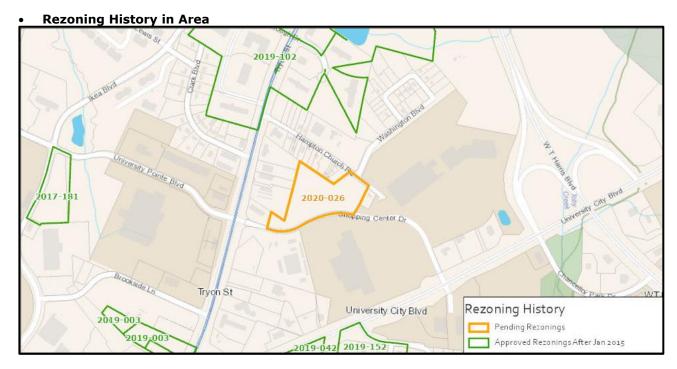
General location of subject property denoted by red star.



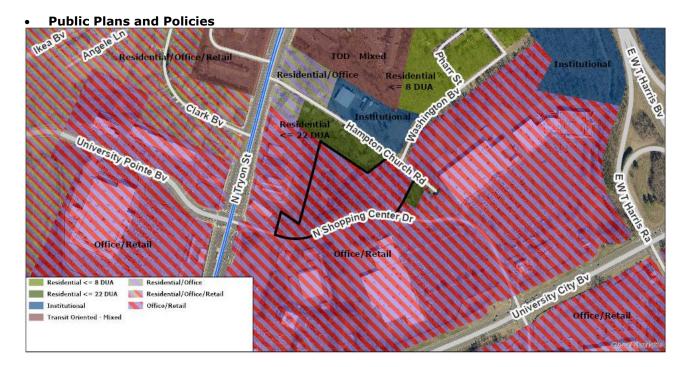
Streetview along Shopping Center Drive looking north toward subject property.



Streetview illustrating residential areas along Hampton Church Road with the subject property in the background of the image.



| Petition<br>Number | Summary of Petition                                                                                                                                           | Status   |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2019-152           | Petition to develop a mixed-residential community multifamily units and townhomes.                                                                            | Approved |
| 2019-102           | City-sponsored TOD rezoning for multiple parcels along the Blue Line.                                                                                         | Approved |
| 2019-042           | Petition for TOD zoning at a vacant parcel along the Blue Line Extension.                                                                                     | Approved |
| 2019-003           | Petition for TOD zoning at a vacant parcel along the Blue Line Extension.                                                                                     | Approved |
| 2018-169           | Petition to update old TOD districts by translating those districts into one of four newly created districts.                                                 | Approved |
| 2017-181           | Site plan amendment to permit up to three hotels within the Belgate development.                                                                              | Approved |
| 2016-117           | Rezoning petition to permit 280 multi-family dwelling units and minimum of 5,000 SF of non-residential ground floor uses near the McCullough Transit Station. | Approved |



• The Blue Line Extension University City Area Plan recommends office/retail uses for the site.

### TRANSPORTATION SUMMARY

The site is located on a local road. The petitioner commits to constructing an 8-foot planting strip, and an 8-foot sidewalk to promote a more walkable community in accordance with the City Council Adopted Charlotte Walks Policy. The petitioner also commits to constructing a 12-foot shared-use path along North Shopping Center Drive, providing Bicycle facilities in accordance with the City Council Adopted Charlotte Bikes Plan. CDOT continues to request that the petitioner align the proposed Public Street A access points with existing driveways to provide safer ingress and egress.

### • Active Projects:

- o N. Tryon Street (US 29/49)
  - The project will implement the widening of N. Tryon Street to include a 6-lane divided (median or center turn lane) with bike facilities and sidewalks.
- Transportation Considerations
  - No outstanding issues.

### Vehicle Trip Generation:

Current Zonina:

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

Entitlement: 4,960 trips per day (based on 75,300 SF retail uses).

Proposed Zoning: 1,090 trips per day (based on 200 multi-family dwelling units).

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

- Charlotte Area Transit System: No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services: No comments submitted.
- Charlotte Department of Solid Waste Services: See advisory comments at www.rezoning.org
- Charlotte Fire Department: See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 51 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 51 students
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - University Meadows Elementary from 119% to 123%
    - James Martin Middle from 74% to 75%

- Zebulon Vance High from 129% to 130%.
- Charlotte Water: Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Hampton Church Road. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Hampton Church Road. 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: See advisory comments at www.rezoning.org
- Mecklenburg County Parks and Recreation Department: No outstanding issues.

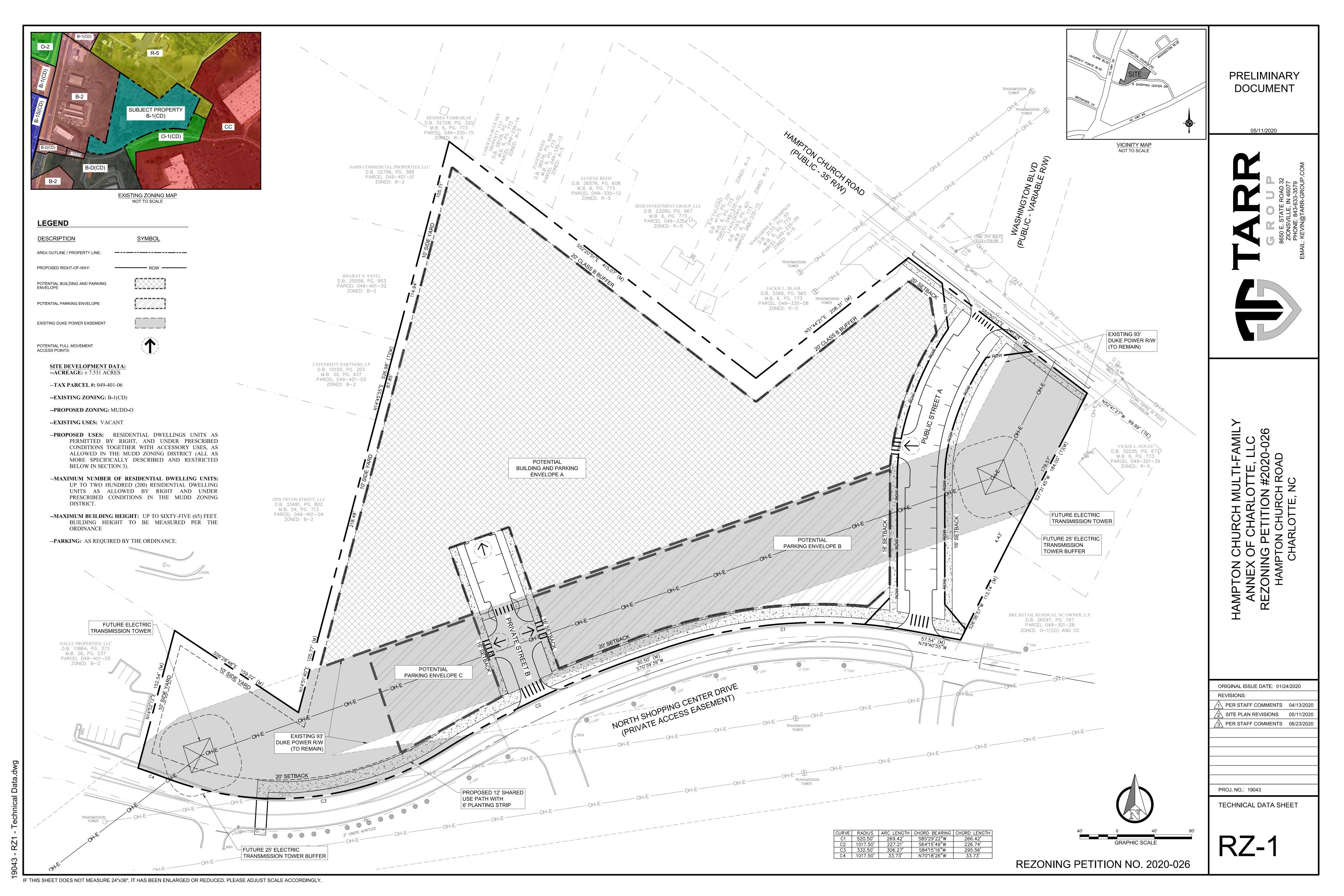
### **OUTSTANDING ISSUES**

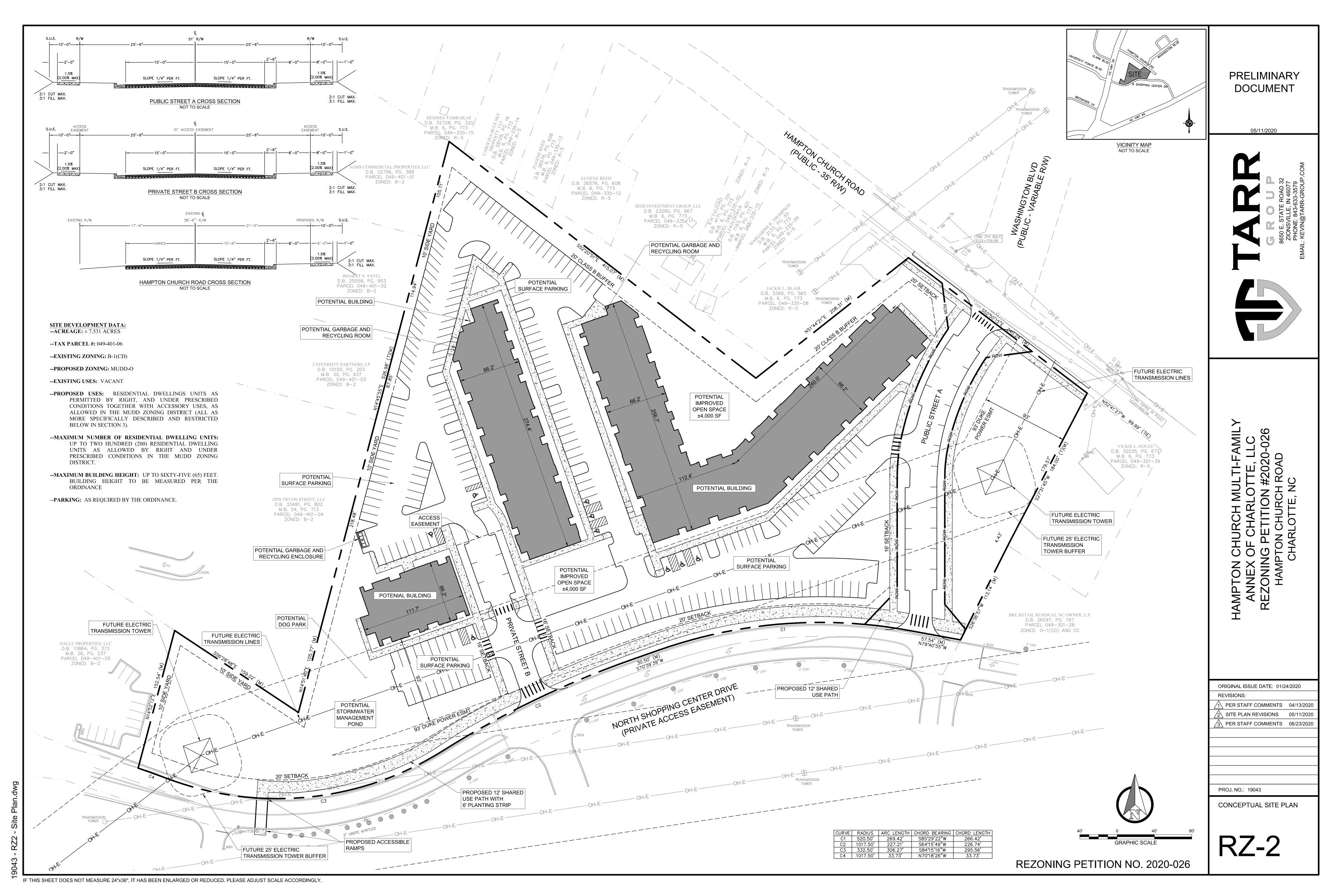
### **Transportation**

- 1.—The petitioner should 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 2' behind back of sidewalk where feasible. ADDRESSED
- 2. The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes. ADDRESSED
- 3. The petitioner should revise the site plan and conditional note(s) to align the proposed street and driveways across the street to provide a safer access. RESCINDED

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

Planner: William Linville (704) 336-4090





SITE DEVELOPMENT DATA:
--ACREAGE: ± 7.531 ACRES

--TAX PARCEL #: 049-401-06

--EXISTING ZONING: B-1(CD)

--PROPOSED ZONING: MUDD-O

--EXISTING USES: VACANT

--PROPOSED USES: RESIDENTIAL DWELLINGS UNITS AS PERMITTED BY RIGHT, AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDD ZONING DISTRICT (ALL AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).

--MAXIMUM NUMBER OF RESIDENTIAL DWELLING UNITS: UP TO TWO HUNDRED (200) RESIDENTIAL DWELLING UNITS AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING

--MAXIMUM BUILDING HEIGHT: UP TO SIXTY-FIVE (65) FEET. BUILDING HEIGHT TO BE MEASURED PER THE ORDINANCE

--PARKING: AS REQUIRED BY THE ORDINANCE.

### . GENERAL PROVISIONS:

- a. **SITE LOCATION**. THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN AND OTHER SITE PLAN SHEETS FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY ANNEX OF CHARLOTTE, LLC. ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 7.531 ACRE SITE LOCATED NORTH OF N. SHOPPING CENTER DRIVE AND SOUTH OF HAMPTON CHURCH ROAD (THE "SITE").
- b. **ZONING DISTRICTS/ORDINANCE**. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.
- c. **GRAPHICS AND ALTERATIONS**. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, DRIVEWAYS, STREETS, PERMISSIBLE BUILDING AREAS (AS DEFINED BELOW) AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE.

SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

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

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

d. **NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY**. THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED TO SIX (6). ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDING(S) LOCATED WITHIN THE SAME DEVELOPMENT AREA AS THE ACCESSORY STRUCTURE/BUILDING.

### 2. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:

- a. THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE SITE MAY BE DEVELOPED WITH UP TO TWO HUNDRED (200) MULTI-FAMILY RESIDENTIAL DWELLINGS UNITS AS PERMITTED BY RIGHT, AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES ALLOWED IN THE MUDD ZONING DISTRICT.
- b. THE DWELLING UNITS CONSTRUCTED ON THE SITE SHALL MAINTAIN MONTHLY RENTS THAT ARE INCOME RESTRICTED TO HOUSEHOLDS EARNING 80% OR LESS OF THE AREA MEDIAN INCOME FOR A PERIOD OF NOT LESS THAN TWENTY (20) YEARS FROM THE DATE OF THE ISSUANCE OF THE FRST CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING TO BE CONSTRUCTED ON THE SITE.

## 3. OPTIONAL PROVISIONS

- a. TO ALLOW VEHICULAR PARKING AND MANEUVERING BETWEEN THE BUILDING AND THE REQUIRED SETBACK ALONG N. SHOPPING CENTER DRIVE
- 4. TRANSPORTATION IMPROVEMENTS AND ACCESS:

# I. PROPOSED IMPROVEMENTS:

IMPROVEMENTS. THE PETITIONER PLANS TO PROVIDE OR CAUSE TO BE PROVIDED ON ITS OWN OR IN COOPERATION WITH OTHER PARTIES WHO MAY IMPLEMENT PORTIONS OF THE IMPROVEMENTS, THE IMPROVEMENTS SET FORTH BELOW TO BENEFIT OVERALL TRAFFIC PATTERNS THROUGHOUT THE AREA IN ACCORDANCE WITH THE FOLLOWING IMPLEMENTATION PROVISIONS.

- a. THE PETITIONER WILL EXTEND WASHINGTON BOULEVARD THROUGH THE SITE TO THE SITE'S SOUTHERN BOUNDARY (PUBLIC STREET A), AS GENERALLY DEPICTED ON THE REZONING PLAN.
- b. THE PETITIONER WILL CONSTRUCT THE ABOVE REQUIRED ROADWAY IMPROVEMENTS AND PROVIDE REQUIRED SIDEWALK AND UTILITY EASEMENTS NEEDED FOR THESE IMPROVEMENTS PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY. THE PETITIONER RESERVES THE RIGHT TO POST A BOND FOR ANY ROADWAY IMPROVEMENTS NOT FINALIZED AT THE TIME OF THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY, AS ALLOWED BY CITY REGULATIONS.
- THE DETITIONED WILL DEDICATE VIA FEE CHARLE CONVEYANCE ALL DICHT OF WAY DRIOD TO ICCULANCE OF THE FIRST CERTIFICATE OF OCCURANCY. THE DETITIONED WILL DROW TO BROW TO BUILD DROW TO ICCULANCE OF THE FIRST CERTIFICATE OF OCCURANCY. THE DETITIONED WILL DROW TO BUILD DROW TO ICCULANCE OF THE FIRST CERTIFICATE OF OCCURANCY. THE DETITIONED WILL DROW TO ICCULANCE OF THE FIRST CERTIFICATE OF OCCURANCY.
- c. THE PETITIONER WILL DEDICATE VIA FEE SIMPLE CONVEYANCE ALL RIGHT-OF-WAY PRIOR TO ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY. THE PETITIONER WILL PROVIDE RIGHT-OF-WAY A MINIMUM OF TWO (2) FEET BEHIND THE SIDEWALK WHERE FEASIBLE.

# II. STANDARDS, PHASING AND OTHER PROVISIONS.

- **a. CDOT/NCDOT STANDARDS.** ALL OF THE FOREGOING PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AS APPLICABLE. IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY THE PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER DEVELOPMENT OR ROADWAY PROJECTS TAKING PLACE WITHIN THE AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.
- **b. SUBSTANTIAL COMPLETION.** REFERENCE TO "SUBSTANTIAL COMPLETION" FOR CERTAIN IMPROVEMENTS AS SET FORTH IN THE PROVISIONS OF SECTION 4.I. ABOVE SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE STANDARDS SET FORTH IN SECTION 4.IIA ABOVE PROVIDED, HOWEVER, IN THE EVENT ALL ROADWAY IMPROVEMENTS ARE NOT COMPLETED AT THE TIME THAT THE PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE, THEN THE PETITIONER WILL WORK WITH CITY STAFF TO DETERMINE A PROCESS 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.
- c. ALTERNATIVE IMPROVEMENTS. CHANGES TO THE ABOVE REFERENCED ROADWAY IMPROVEMENTS CAN BE APPROVED THROUGH THE ADMINISTRATIVE AMENDMENT PROCESS UPON THE DETERMINATION AND MUTUAL AGREEMENT OF PETITIONER, CDOT AND NCDOT, AND THE PLANNING DIRECTOR AS APPLICABLE, PROVIDED, HOWEVER, THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS PROVIDE (IN THE AGGREGATE) COMPARABLE TRANSPORTATION NETWORK BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS PETITION.

# III. ACCESS.

- a. ACCESS TO THE SITE WILL BE FROM N. SHOPPING CENTER DRIVE AND HAMPTON CHURCH ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN
- b. THE ALIGNMENT OF THE VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) IN ACCORDANCE WITH PUBLISHED STANDARDS SO LONG AS THE STREET NETWORK SET FORTH ON THE REZONING PLAN IS NOT MATERIALLY ALTERED.

# 5. STREETSCAPE, LANDSCAPING, OPEN SPACE AND SCREENING

- a. A TWENTY (20) FOOT BUILDING SETBACK AS MEASURED FROM THE FUTURE/EXISTING RIGHT-OF-WAY LINE WILL BE ESTABLISHED ALONG N. SHOPPING CENTER DRIVE AND HAMPTON CHURCH ROAD, AS GENERALLY DEPICTED ON THE REZONING PLAN.
- b. A TWELVE (12) FOOT MULTI-USE PATH (MUP) WILL BE PROVIDED ALONG N. SHOPPING CENTER DRIVE, AS GENERALLY DEPICTED ON THE REZONING PLAN.
- c. A SIX (6) FOOT SIDEWALK AND AN EIGHT (8) FOOT PLANTING STRIP WILL BE PROVIDED ALONG THE SITE'S FRONTAGE ON HAMPTON CHURCH ROAD AND ALONG PUBLIC STREET B.WHERE ON-STREET PARKING IS PROVIDED, STREET TREES WILL BE PROVIDED AS REQUIRED.
- d. AN EIGHT (8) FOOT SIDEWALK AND AN EIGHT (8) FOOT PLANTING STRIP WILL BE PROVIDED ALONG PUBLIC STREET A. WHERE ON-STREET PARKING IS PROVIDED, STREET TREES WILL BE PROVIDED AS REQUIRED.
- e. A TWENTY (20) FOOT CLASS B BUFFER SHALL BE PROVIDED ALONG THE EASTERN PROPERTY LINE AS GENERALLY DEPICTED ON THE REZONING PLAN.
- f. THE PETITIONER WILL PROVIDE THE FOLLOWING AND/OR SIMILAR AMENITIES FOR THE RESIDENTS OF THE COMMUNITY: OUTDOOR SEATING, ENHANCED LANDSCAPING, COMMUNITY GARDEN(S),

DOG PARK, AND/OR PLAYGROUNDS. ALL AMENITIES WITHIN THE EXISTING DUKE ENERGY EASEMENT ARE SUBJECT TO APPLICABLE APPROVALS. THE MINIMUM SIZE OF THE OPEN SPACE/AMENITY AREAS IS INDICATED ON THE SITE PLAN.

g. METER BANKS WILL BE SCREENED WHERE VISIBLE FROM PUBLIC VIEW AT GRADE LEVEL

## 6. GENERAL DESIGN GUIDELINES:

- a. THE BUILDING MATERIALS USED ON THE PRINCIPAL BUILDINGS CONSTRUCTED ON SITE WILL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK, STONE, PRECAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, CEMENTITIOUS FIBER BOARD, STUCCO, EIFS, DECORATIVE BLOCK AND/OR WOOD, DEFINED AS THE "PREFERRED BUILDING MATERIALS". VINYL OR ALUMINUM AS A BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS AND ON HANDRAILS/RAILINGS, CONCRETE MASONRY UNITS NOT ARCHITECTURALLY FINISHED WILL NOT BE ALLOWED. THE RAILINGS UTILIZED ON BALCONIES AND PATIOS MUST BE METAL RAILINGS.
- b. THE PROPOSED BUILDING WILL BE DESIGNED AND CONSTRUCTED SO THAT THE EACH BUILDING ELEVATION(S) THAT ABUT/FACE AN EXISTING OR PROPOSED PUBLIC STREETS WILL HAVE AT LEAST 30% MASONRY MATERIALS (E.G. BRICK, NATURAL STONE, (OR ITS SYNTHETIC EQUIVALENT) PRECAST STONE, PRECAST CONCRETE), EXCLUSIVE OF WINDOWS, DOORS AND ROOFS.
- c. BUILDING PLACEMENT AND SITE DESIGN SHALL FOCUS ON AND ENHANCE THE PEDESTRIAN ENVIRONMENT THROUGH THE FOLLOWING:
- i. BUILDINGS SHALL BE PLACED TO PRESENT A FRONT OR SIDE FAÇADE TO ALL NETWORK REQUIRED STREETS (PUBLIC OR PRIVATE).
- ii. BUILDINGS SHALL FRONT A MINIMUM OF 50% OF THE TOTAL NETWORK REQUIRED STREET FRONTAGE ON THE SITE (EXCLUSIVE OF DRIVEWAYS, PEDESTRIAN ACCESS, POINTS, ACCESSIBLE OPEN SPACE, TREE SAVE OR NATURAL AREAS, TREE REPLANTING AREAS AND STORM WATER FACILITIES).
- d. 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 2 FEET EXTENDING THROUGH THE BUILDING.
- e. ARCHITECTURAL ELEVATION DESIGN ELEVATIONS SHALL BE DESIGNED TO CREATE VISUAL INTEREST AS FOLLOWS:
- i. BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FAÇADE FEATURES WHICH MAY INCLUDE BUT NOT BE LIMITED TO A COMBINATION OF EXTERIOR WALL OFFSETS, PROJECTIONS, RECESSES, PILASTERS, BANDING AND CHANGE IN MATERIALS OR COLORS.
- ii. BUILDINGS SHALL BE DESIGNED WITH A RECOGNIZABLE ARCHITECTURAL BASE ON ALL FACADES FACING NETWORK REQUIRED PUBLIC OR PRIVATE STREETS. SUCH BASE MAY BE EXECUTED THROUGH USE OF PREFERRED EXTERIOR BUILDING MATERIALS OR ARTICULATED ARCHITECTURAL FAÇADE FEATURES AND COLOR CHANGES.
- THE MAXIMUM CONTIGUOUS AREA WITHOUT WINDOWS OR DOORS ON ANY FLOOR SHALL NOT EXCEED 20 FEET IN LENGTH. WHERE BLANK OR UNARTICULATED WALLS 20' OR GREATER CANNOT BE ADDRESSED PRINCIPALLY WITH DOORS OR WINDOWS, THEY SHALL BE TREATED WITH A COMBINATION THE FOLLOWING OPTIONS: (I) A HIGHER LEVEL OF TRANSPARENCY ON THE GROUND FLOOR (EXAGGERATED OR LARGER WINDOWS INDICATIVE OF LIVING AREAS); AND (II) HORIZONTAL AND VERTICAL VARIATIONS IN WALL PLANES. IF THE FINAL ARCHITECTURAL DESIGN CANNOT MEET THE DESIGN STANDARDS FOR BLANK WALL ARTICULATION, ALTERNATIVE INNOVATIVE DESIGN SOLUTIONS MAY BE CONSIDERED FOR APPROVAL BY THE PLANNING DIRECTOR.
- f. RESIDENTIAL BUILDING ENTRANCES SHALL BE AT OR SLIGHTLY ABOVE GRADE AND SHALL BE HIGHLY VISIBLE AND ARCHITECTURALLY TREATED AS PROMINENT PEDESTRIAN ENTRANCES THROUGH A COMBINATION OF AT LEAST FIVE (5) OF THE FOLLOWING FEATURES: (I) DECORATIVE PEDESTRIAN LIGHTING/SCONCES; (II) ARCHITECTURAL DETAILS CARRIED THROUGH TO UPPER STORIES; (III) COVERED PORCHES, CANOPIES, AWNINGS OR SUNSHADES; (IV) ARCHWAYS; (V) TRANSOM WINDOWS; (VI) TERRACED OR RAISED PLANTERS THAT CAN BE UTILIZED AS SEAT WALLS; (VII) COMMON OUTDOOR SEATING ENHANCED WITH SPECIALTY DETAILS, PAVING, LANDSCAPING OR WATER FEATURES; (VIII) DOUBLE DOORS; (IX) STOOPS OR STAIRS; AND/OR (X) CONTRASTING PAVEMENT FROM PRIMARY SIDEWALK.
- g. TO PROVIDE A LEVEL OF COMFORT AND SECURITY FOR RESIDENTS ON THE FIRST FLOOR OF RESIDENTIAL BUILDINGS, THE FIRST FLOOR SHALL BE VISUALLY AND PHYSICALLY SEPARATED FROM THE SIDEWALK. EXAMPLES INCLUDE INCREASING THE SETBACK, INSTALLING ADDITIONAL LANDSCAPING, RAISING OR LOWERING THE FIRST FLOOR OR OTHER METHODS.
- h. WHERE GROUND FLOOR CONNECTION TO UNITS IS NOT POSSIBLE AND A SHARED OR COMMON ENTRY IS USED, TRANSITION FROM THE STREET TO THE ENTRY ITSELF IS PROVIDED TO CREATE A UNIQUE SENSE OF ENTRY FOR PEDESTRIANS. THE GROUND LEVEL TRANSITIONS ARE THOUGHTFULLY DESIGNED AND INCORPORATED INTO THE OVERALL CHARACTER OF THE BUILDING AND INCLUDE ANY / ALL THE FOLLOWING: CHANGES IN GRADE OR SETBACK, STAIRS, LOW MASONRY WALLS, ORNAMENTAL RAILING, CHANGES IN PAVING MATERIAL, ADDITIONAL LANDSCAPING OR OTHER METHODS.

i. THE PEDESTRIAN CROSSINGS ON SITE WILL BE DESIGNED TO INCORPORATE MARKINGS, OR VARIED PAVING OR PAVERS, SIGNAGE, AND LIGHTING SO THAT THESE CROSSINGS ARE VISIBLE TO MOVING VEHICLES DURING DAY LIGHT AND NIGHT TIME HOURS.

- INTERNAL SIDEWALK CONNECTIONS SHALL BE PROVIDED BETWEEN BUILDINGS AND FROM BUILDINGS TO ALL PUBLICLY ACCESSIBLE ON-SITE FACILITIES (PARKING AREAS, BICYCLE FACILITIES, OPEN SPACE, ETC.) AND ABUTTING OR ADJACENT PARKS, GREENWAYS, BIKEWAYS, TRAILS, DEVELOPMENTS AND TRANSIT STOPS. INTERNAL SIDEWALKS SHALL BE HARD SURFACED AND AT LEAST 5 FEET IN WIDTH UNLESS CONNECTING TO FOUR UNITS OR LESS.
- k. FENCES OR WALLS USED FOR SCREENING SHALL BE CONSTRUCTED IN A DURABLE FASHION OF SPLIT FACE BLOCK, STONE, OTHER FINISHED MASONRY MATERIALS, WOOD SPLIT-RAIL, METAL OR OTHER MATERIALS SPECIFICALLY DESIGNED AS FENCING MATERIALS.
- 1. SERVICE EQUIPMENT SUCH AS DUMPSTERS, REFUSE AREAS, RECYCLING AND STORAGE ARE SCREENED FROM VIEW FROM PUBLIC STREETS WITH MATERIALS AND DESIGN TO BE COMPATIBLE WITH PRINCIPAL STRUCTURES. SUCH DESIGN INCLUDES A MINIMUM 20% PREFERRED EXTERIOR BUILDING MATERIALS.
- m. ROOF FORM AND ARTICULATION ROOF FORM AND LINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE AS FOLLOWS:
  - LONG PITCHED OR FLAT ROOF LINES SHALL AVOID CONTINUOUS EXPANSES WITHOUT VARIATION BY INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM, TO INCLUDE BUT NOT BE LIMITED TO GABLES, HIPS, DORMERS OR PARAPETS.
- ii. FOR PITCHED ROOFS (NOT INCLUDING DETAILS THAT MAY INCLUDE CRICKETS, TOWERS OR OTHER ELEMENTS THAT SLOPE BACK TO THE PRIMARY ROOF) THE MINIMUM (4:12), EXCLUDING BUILDINGS WITH A FLAT ROOF AND PARAPET.
- iii. ALL ROOFTOP MECHANICAL EQUIPMENT ON BUILDINGS SHALL BE SCREENED FROM PUBLIC VIEW AT GRADE FROM BELOW BY INTEGRATING THE EQUIPMENT INTO THE BUILDING AND ROOF DESIGN TO THE MAXIMUM EXTENT FEASIBLE, USING PARAPET WALLS OR SIMILAR ARCHITECTURAL TREATMENTS.
- iv. FOR FLAT ROOFS, A PARAPET EXTENDS ABOVE THE ROOF PLANE AND INCLUDE AN ELEMENT THAT PROVIDES A VISUAL TERMINATION OF THE FAÇADE.
- n. VENTILATION GRATES LOCATED AT THE FIRST FLOOR LEVEL IN THE BUILDING FACADE ORIENTED TO ANY PUBLIC STREET MUST BE DECORATIVE AND/OR BLEND WITH THE BUILDING ARCHITECTURE.

# 7. ENVIRONMENTAL FEATURES:

- a. THE SITE WILL COMPLY WITH THE POST CONSTRUCTION STORMWATER ORDINANCE.
- b. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.
- c. 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 STORMWATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

# 8. <u>LIGHTING:</u>

- a. ALL NEW ATTACHED AND DETACHED LIGHTING SHALL BE FULLY SHIELDED DOWNWARDLY DIRECTED AND FULL CUT OFF FIXTURE TYPE LIGHTING EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, AND PARKING AREAS.
- b. DETACHED LIGHTING ON THE SITE, EXCEPT STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 22 FEET IN HEIGHT.

# 9. <u>AMENDMENTS TO THE REZONING PLAN</u>:

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

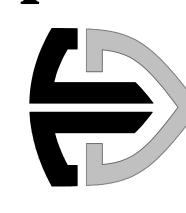
# 10. <u>BINDING EFFECT OF THE REZONING APPLICATION</u>:

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

PRELIMINARY DOCUMENT

05/11/2020





HAMPTON CHURCH MULTI-FAMIL ANNEX OF CHARLOTTE, LLC REZONING PETITION #2020-026 HAMPTON CHURCH ROAD

ORIGINAL ISSUE DATE: 01/24/2020

REVISIONS:

PER STAFF COMMENTS 04/13/2020
2 SITE PLAN REVISIONS 05/11/2020
3 PER STAFF COMMENTS 06/23/2020

PROJ. NO.: 19043

DEVELOPMENT STANDARDS

RZ-3

REZONING PETITION NO. 2020-026



NOTE: THIS RENDERING IS CONCEPTUAL IN NATURE AND IS INTENDED TO REFLECT THE OVERALL QUALITY AND CHARACTER OF THE BUILDING CONSTRUCTED ON THE SITE MAY VARY SO LONG AS THE MASSING, HEIGHT, AND THE GENERAL CHARACTER OF THE BUILDINGS ARE MAINTAINED. THE COLORS UTILIZED ARE NOT INTENDED TO DEPICT OR COMMIT TO SPECIFIC MATERIALS.

PRELIMINARY

DOCUMENT

PER STAFF COMMENTS 04/13/2020 SITE PLAN REVISIONS 05/11/2020

PER STAFF COMMENTS 06/23/2020

PROJ. NO.: 19043

CONCEPTUAL RENDERING

RZ-4



Architecture + Planning 217 N Jefferson Street, Suite #400 Chicago, IL 60661 888.456.5849 ktgy.com



## City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 17.File #: 15-13751 Type: Zoning Decision

## Rezoning Petition: 2020-030 by OZF Properties, LLC

Location: Approximately 1.46 acres located south of Greenland Avenue, bound on the east side of

Monument Street, and Remount Road on the west side. (Council District 3 - Watlington)

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

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

## **Zoning Committee Recommendation:**

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

## **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

## **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

## **Charlotte-Mecklenburg Planning Commission**

## **Zoning Committee Recommendation**

ZC

Rezoning Petition 2020-030

June 30, 2020

**Zoning Committee** 

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

Proposed Zoning: MUDD-O (mixed use development district,

optional)

**LOCATION** Approximately 1.46 acres located south of Greenland Avenue,

bound on the east side by Monument Street, and Remount Road

on the west side

(Council District 3 - Watlington)

**PETITIONER** OZF Properties, LLC

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to be inconsistent with the *Bryant Park Land Use and Streetscape Plan*, based on the information from the staff analysis and the public hearing and because:

• The plan recommends park/open space.

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 petition, while inconsistent with the park/open space recommendation for the site, maintains the historic buildings onsite and is compatible with surrounding land uses.
- The proposal commits to retain the historical character of the Dowd House, a local historical landmark, and reuse the building for commercial uses. Site and building design will be reviewed and approved by Charlotte-Mecklenburg Historic Landmarks to ensure compatibility, context and appropriateness of exterior features for the Dowd House.
- The proposed petition adaptively reuses an old fire station for commercial uses.

The approval of this petition will revise the adopted future land use as specified by the *Bryant Park Land Use and Streetscape Plan*, from park/open space to office/retail mixed use for the site.

Motion/Second: Ham / Gussman

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None

Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

inconsistent with the adopted area plan.

Two of the committee members commented positively on the

preservation and reuse of the existing buildings.

There was no further discussion of this petition.

**PLANNER** Lisa Arnold (704) 336-5967





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

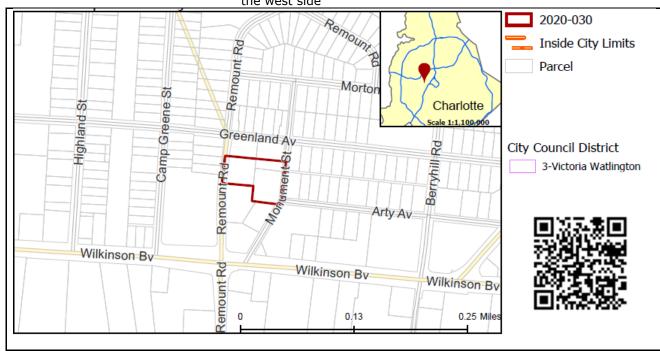
Proposed Zoning: MUDD-O (mixed use development district,

optional)

**LOCATION** Approximately 1.46 acres located south of Greenland Avenue,

bound on the east side by Monument Street, and Remount Road on

the west side



**SUMMARY OF PETITION** 

The petition proposes to rezone site to MUDD-O to adaptively reuse the buildings onsite, including the historic Dowd House, to allow up to 16,000 SF of office and/or commercial uses.

PROPERTY OWNER PETITIONER

AGENT/REPRESENTATIVE Co

Mecklenburg County OZF Properties, LLC

Collin Brown and Brittany Lins

**COMMUNITY MEETING**Meeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 8

| SIAFF          |  |
|----------------|--|
| RECOMMENDATION |  |

Staff recommends approval of this petition.

## Plan Consistency

The petition is **inconsistent** with the park/open space recommendation for the site as per the *Bryant Park Land Use and Streetscape Plan*.

## Rationale for Recommendation

- The petition, while inconsistent with the park/open space recommendation for the site, maintains the historic buildings onsite and is compatible with surrounding land uses.
- The proposal commits to retain the historical character of the Dowd House, a local historical landmark, and reuse the building for commercial uses. Site and building design will be reviewed and

approved by Charlotte-Mecklenburg Historic Landmarks to ensure compatibility, context and appropriateness of exterior features for the Dowd House.

 The proposed petition adaptively reuses an old fire station for commercial uses.

The approval of this petition will revise the adopted future land use as specified by the *Bryant Park Land Use and Streetscape Plan*, from park/open space to office/retail mixed use for the site.

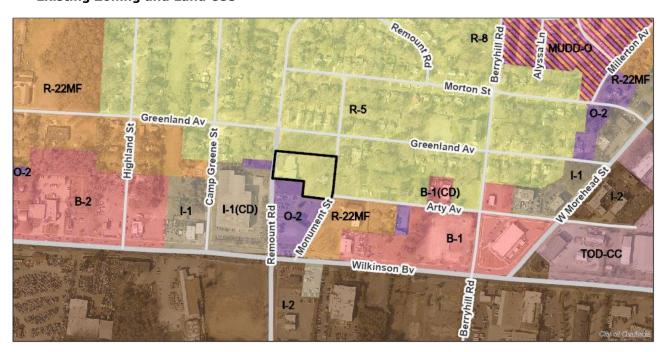
#### **PLANNING STAFF REVIEW**

## Proposed Request Details

The site plan accompanying this petition contains the following provisions:

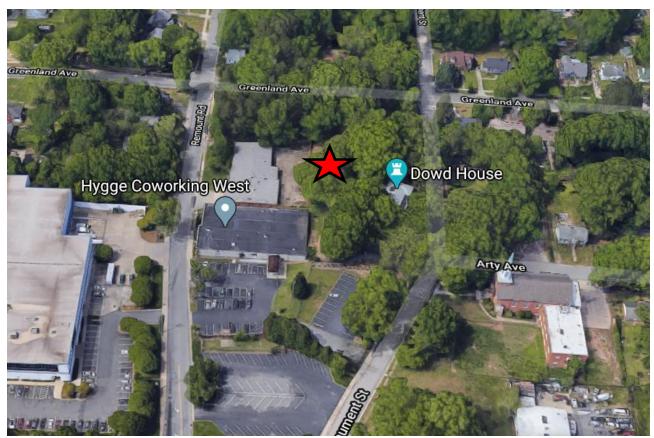
- Preserves the existing buildings onsite to be adaptively re-used as office or commercial uses., including the Dowd House, a local Historic Landmark. Site and building design will be reviewed and approved by Charlotte-Mecklenburg Historic Landmarks to ensure compatibility, context and appropriateness of exterior features for the Dowd House.
- Requests optional provision to allow parking and maneuvering to be placed between the existing municipal building and Remount Road.
- Limits overall site development through building expansion and existing buildings to 16,000 square feet.
- Allows commercial and office uses within the MUDD district with the exception of the following uses:
  - Automobile Service Stations
  - Equipment Rental and Leasing
  - Adult Establishments
  - Electric and Gas Substations
  - Warehousing within an enclosed building
  - Drive-through Service Windows
- Provides 8' plantings strips and requests 4' sidewalks along public streets.
- Limits site access to one driveway onto Remount Road and two driveways onto Monument Street.
- Requires freestanding lights to be limited to a maximum of 21' and must be fully capped, shielded, and downwardly directed.

#### • Existing Zoning and Land Use



The site is developed with a historic landmark (single family house) and a former municipal Fire Station. The surrounding land uses include single family homes, business, industrial, and institutional uses.

Petition 2020-030 (Page 3 of 7) Final Staff Analysis



The subject property is developed with a historic landmark and a former fire station. The site is marked with a red star.



The properties to the east are developed with institutional uses.



The property to the north is an undeveloped property.

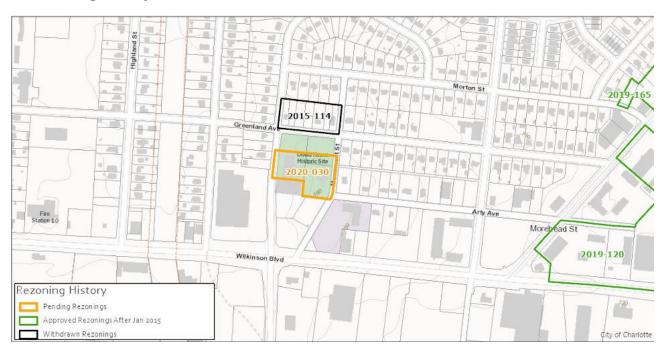


The properties to the west are developed with single family residential.



The property to the south is developed with business uses.

## Rezoning History in Area



| Petition<br>Number | Summary of Petition                                                                                                                         | Status    |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 2015-114           | The petition proposed to rezone property to UR-2(CD) (urban residential, conditional) to develop 16 attached residential units (townhomes). | Withdrawn |
| 2019-120           | The petition rezoned property to TOD-CC (transit oriented development - community center) district to allow all permitted uses.             | Approved  |

Petition 2020-030 (Page 6 of 7) Final Staff Analysis

| 2019-165 | The petition rezoned property to TOD-CC (transit oriented development - community center) district to allow all | Approved |
|----------|-----------------------------------------------------------------------------------------------------------------|----------|
|          | permitted uses.                                                                                                 |          |

#### Public Plans and Policies



- The Bryant Park Land Use and Streetscape Plan (adopted 2007) recommends park/open space as a land use for this site.
- The plan specifies that the historic Dowd House built in 1879 and owned by the Mecklenburg County Park and Recreation Department, will likely serve as a cultural anchor for the area as a regional historic destination with educational and memorial hall.

## • TRANSPORTATION SUMMARY

The site is on Remount Road (minor thoroughfare, city maintained) and Monument Street (local street, city maintained) and is in a corridor inside Route 4. The site is within the limits of the Westside Strategy Plan. In reference to the Vision Zero Action Plan, Remount Road is classified within Charlotte's High Injury Network.

## • Active Projects:

- CATS Silver Line
  - Scope: Construct new light-rail line generally along Wilkinson Blvd., Independence Blvd., and Monroe Rd. between Belmont and Matthews.

Phase: PlanningConstruction: TBDPM: Andy Mock

- amock@charlottenc.gov
- 704-432-0478

#### Transportation Considerations

No outstanding issues.

#### Vehicle Trip Generation:

Current Zoning:

Existing Use: 9 trips per day (based on 1 single family building and 1 vacant municipal building).

Entitlement: 70 trips per day (based on 7 single family houses).

Proposed Zoning: 605 trips per day (based on 16,000 SF Commercial).

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

• Charlotte Area Transit System: No outstanding issues.

Petition 2020-030 (Page 7 of 7) Final Staff Analysis

- Charlotte Department of Housing and Neighborhood Services: No comments submitted.
- Charlotte Department of Solid Waste Services: No outstanding issues.
- Charlotte Fire Department: See advisory comments at www.rezoning.org
- Charlotte-Mecklenburg Historic Landmarks: No comments submitted.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- Charlotte Water: No comments submitted.
- Engineering and Property Management:
  - Arborist: No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - Land Development: No outstanding issues.
  - Storm Water Services: See advisory comments at www.rezoning.org
  - **Urban Forestry:** No outstanding issues.
- Mecklenburg County Land Use and Environmental Services Agency: See advisory comments at www.rezoning.org
- Mecklenburg County Parks and Recreation Department: No outstanding issues.

#### **OUTSTANDING ISSUES**

Site and Building Design

- 1.—The 6' sidewalk width is a Zoning Ordinance requirement (9.8506(2)(d)). The reduction of width will need to be listed as an optional provision or you will need to revise plan to show 6' sidewalks along the public streets. Resolved
- 2. Revise note IV to state 16,000 SF instead of 16,00 SF. Resolved
- 3.—Revise language regarding 4' sidewalks as an optional provision to commit to 6' sidewalks where feasible and coordinate with CDOT and Urban Forestry for 4' sidewalks in constrained areas.

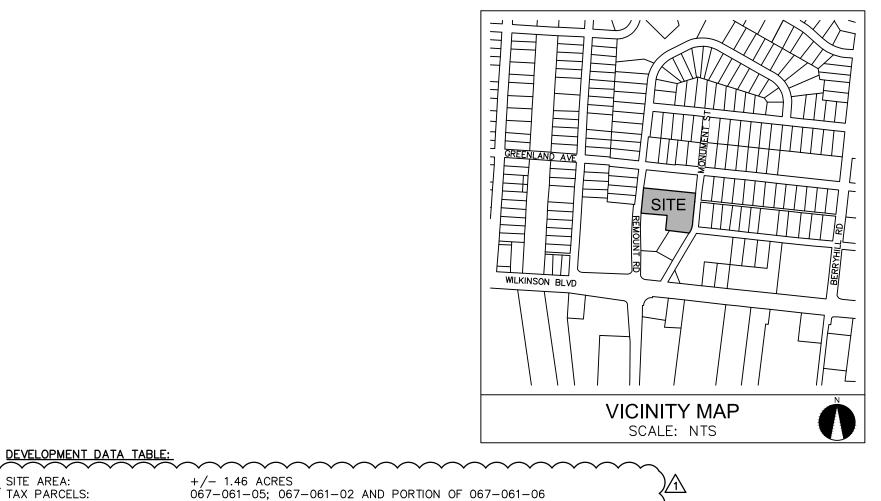
  RESCINDED BASED ON SIMILAR COMMENT UNDER #5

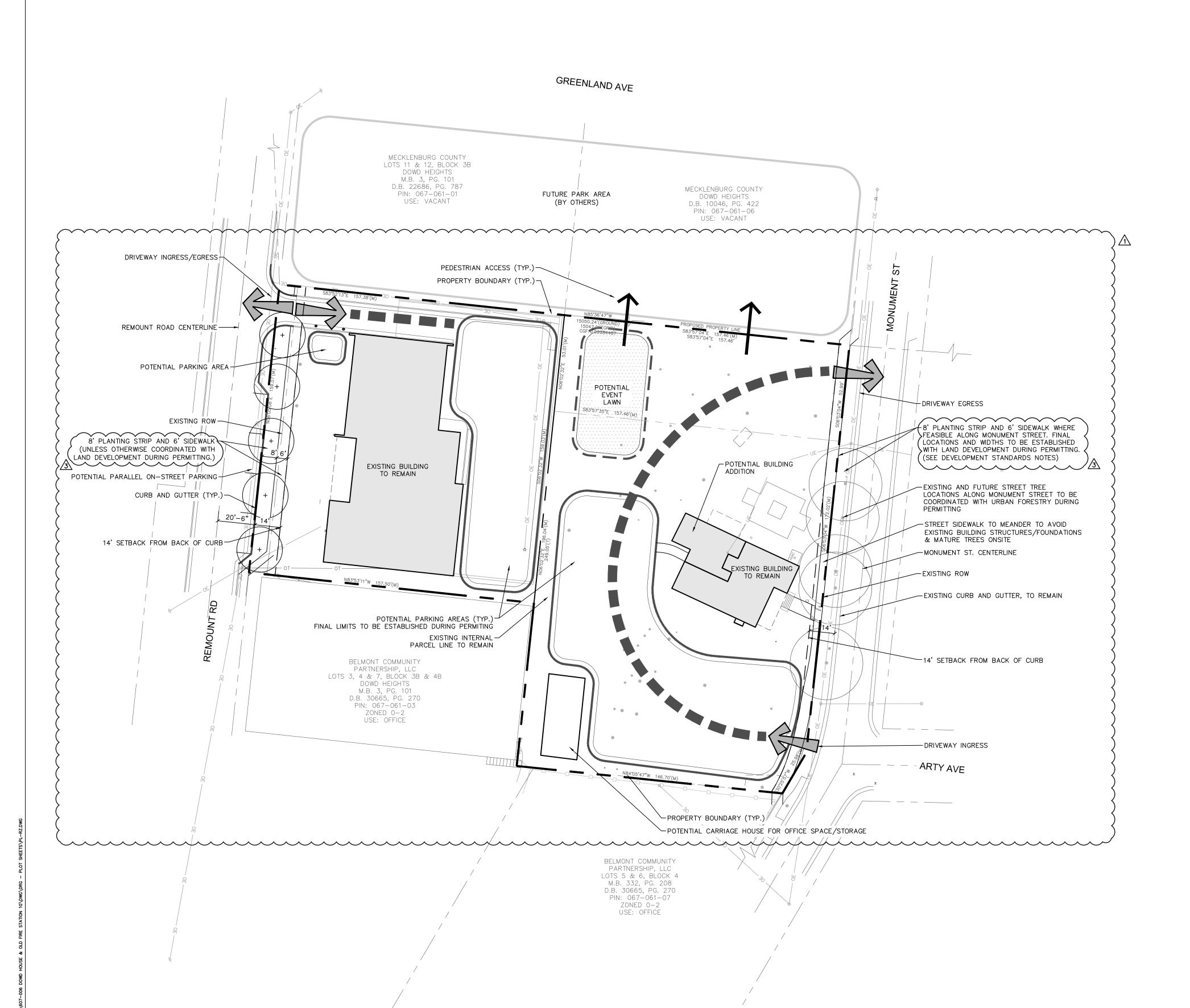
## **Transportation**

- 4.—The petitioner should revise the site plan and conditional note (Section V.2.) to commit to construct a 6-foot wide sidewalk with an 8-foot planting strip along the Remount Road property frontage. Resolved
- 5. The petitioner should revise the site plan and conditional note (Section V.3.) to commit to construct a 6-foot wide sidewalk, where feasible, along the Monument Street property frontage. In coordination with CDOT and Urban Forestry during permitting, a 4-foot wide sidewalk may be constructed in site constrained areas, to preserve existing trees and buildings. The sidewalk may meander around existing trees and outside the right-of-way limits, if contained within a sidewalk easement set at 2 feet behind the back of sidewalk. Resolved

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

Planner: Lisa Arnold (704) 336-5967





I. GENERAL PROVISIONS

SITE AREA: +/- 1.46 ACRES 067-061-05; 067-061-02 AND PORTION OF 067-061-06 TAX PARCELS:

EXISTING ZONING: PROPOSED ZONING:

HISTORIC SINGLE-FAMILY AND OTHER MUNICIPAL EXISTING USE: UP TO 16,000 SQUARE FEET OF OFFICE AND OTHER COMMERCIAL USES PROPOSED USES: MAXIMUM BUILDING HEIGHT:

SHALL MEET OR EXCEED ORDINANCE STANDARDS PARKING: 

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY OZF PROPERTIES, LLC (THE "PETITIONER") TO ACCOMMODATE THE ADAPTIVE REUSE OF EXISTING STRUCTURES ON THAT APPROXIMATELY 1.46-ACRE SITE LOCATED AT 2216 MONUMENT STREET AND 2136 REMOUNT ROAD, MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NUMBERS 067-061-05, 067-061-02, AND PORTION OF 067-061-06.

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

3.UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, OR AS OTHERWISE PROVIDED IN THE OPTIONAL PROVISIONS OF SECTION II BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.

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

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

1. THE PETITIONER REQUESTS THE ABILITY TO PLACE PARKING AND MANEUVERING BETWEEN THE EXISTING BUILDING AND REMOUNT ROAD FOR PARCEL 067-061-02, AS GENERALLY DEPICTED ON THE REZONING PLAN.

2. THE PETITIONER RECOGNIZES THAT SIX (6) FOOT WIDE SIDEWALKS AND EIGHT (8) FOOT WIDE PLANTING STRIPS ARE TYPICALLY REQUIRED FOR THIS SITE. THE PETITIONER REQUESTS THE ABILITY TO EXPLORE ALTERNATIVE STREETSCAPE DIMENSIONS ALONG THE SITE'S FRONTAGE OF REMOUNT ROAD AND MONUMENT STREET AS COORDINATED WITH CDOT AND URBAN FORESTRY DURING THE PERMITTING PHASE OF DEVELOPMENT WHERE NECESSARY IN ORDER TO PRESERVE EXISTING HISTORIC BUILDINGS, UTILITIES, EXISTING TREES AND STREETSCAPE. SIDEWALKS MAY MEANDER AROUND EXISTING TREES AND OUTSIDE THE RIGHT-OF-WAY LIMITS, IF CONTAINED WITHIN A

SIDEWALK EASEMENT SET AT TWO (2) FEET BEHIND THE BACK-OF-SIDEWALK, WHERE FEASIBLE. III. PERMITTED USES

THE SITE MAY BE DEVOTED TO AND OFFICE OR COMMERCIAL USES PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT TOGETHER WITH ANY INCIDENTAL AND ACCESSORY USES ASSOCIATED THEREWITH, EXCEPT FOR THE FOLLOWING:

AUTOMOBILE SERVICE STATIONS;

• EQUIPMENT RENTAL AND LEASING; ADULT ESTABLISHMENTS;

• ELECTRIC AND GAS SUBSTATIONS:

 WAREHOUSING WITHIN AN ENCLOSED BUILDING; AND • DRIVE-THROUGH SERVICE WINDOWS.

IV. MAXIMUM DEVELOPMENT

THE PRINCIPAL BUILDINGS ON THE SITE SHALL INCLUDE THE EXISTING BUILDING FOOTPRINTS, WHICH MAY BE EXPANDED FOR A TOTAL SQUARE FOOTAGE OF UP TO 16,000 SQUARE FEET OF OFFICE AND/OR OTHER COMMERCIAL USES. 

V. TRANSPORTATION

1. A MAXIMUM OF ONE (1) VEHICULAR ACCESS POINT SHALL BE PROVIDED ALONG REMOUNT ROAD AND MAXIMUM OF TWO (2) VEHICULAR ACCESS POINTS ALONG MONUMENT STREET, AS GENERALLY DEPICTED ON THE REZONING PLAN, EXACT LOCATIONS OF WHICH TO BE DETERMINED IN COORDINATION WITH CDOT DURING THE PERMITTING PHASE OF DEVELOPMENT. 2.UNLESS OTHERWISE COORDINATED WITH COOT AND URBAN FORESTRY PER OPTIONAL REQUEST II.2., ABOVE, THE PETITIONER SHALL INSTALL A MINIMUM EIGHT (8) FOOT WIDE PLANTING STRIP AND MINIMUM SIX (6) FOOT WIDE SIDEWALK ALONG THE SITE'S FRONTAGE OF REMOUNT ROAD PRIOR TO THE ISSUANCE OF THE FIRST BUILDING CERTIFICATE OF OCCUPANCY FOR PARCEL 067-061-02. IF ALTERNATIVE STREETSCAPE DIMENSIONS ARE APPROVED BY CDOT AND URBAN FORESTRY DURING THE PERMITTING PHASE OF DEVELOPMENT, SIDEWALK DIMENSIONS SHALL NOT BE REDUCED TO LESS THAN FOUR (4) FEET IN WIDTH IN ANY AREA ALONG THE SITE'S

3.UNLESS OTHERWISE COORDINATED WITH CDOT AND URBAN FORESTRY PER OPTIONAL REQUEST II.2., ABOVE, THE PETITIONER SHALL INSTALL A MINIMUM EIGHT (8) FOOT WIDE PLANTING STRIP AND MINIMUM SIX (6) FOOT WIDE SIDEWALK ALONG THE SITE'S FRONTAGE OF MONUMENT STREET PRIOR TO THE ISSUANCE OF THE FIRST BUILDING CERTIFICATE OF OCCUPANCY FOR PARCEL 067-061-05 AS FEASIBLE WITHOUT NEGATIVELY IMPACTING THE EXISTING HISTORIC STRUCTURE AND TREES. IF ALTERNATIVE STREETSCAPE DIMENSIONS ARE APPROVED BY CDOT AND URBAN FORESTRY DURING THE PERMITTING PHASE OF DEVELOPMENT, SIDEWALK DIMENSIONS SHALL NOT BE REDUCED TO LESS THAN FOUR (4) FEET IN WIDTH IN ANY AREA ALONG THE SITE'S FRONTAGE OF MONUMENT STREET.

4.UNLESS OTHERWISE STATED HEREIN, ALL TRANSPORTATION IMPROVEMENTS SHALL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY.

VI. ARCHITECTURAL STANDARDS

FRONTAGE OF REMOUNT ROAD.

1. THE PETITIONER SHALL PRESERVE THE EXISTING BUILDINGS ON THE SITE FOR ADAPTIVE REUSE.

a. "ADAPTIVE REUSE" AS USED HEREIN IS INTENDED TO DESCRIBE REDEVELOPMENT FOR THE REUSE OF AS MUCH OF THE EXISTING BUILDS AS PRACTICAL AND AS PERMITTED BY APPLICABLE BUILDING REGULATION CODES AND IN COORDINATION WITH THE CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS COMMISSION. THE REUSE SHALL MARRY THE SPIRIT OF THE ORIGINAL ARCHITECTURE WITH SYMPATHETIC ARCHITECTURAL INTERVENTION SUCH AS, BUT NOT LIMITED TO RENOVATIONS, REPAIRS, UPGRADES, EXPANSIONS, AND/OR ESTABLISHMENT OF PATIOS, ENTRIES, NEW FENESTRATION, FAÇADE TREATMENTS, ROOF REPLACEMENT AND/OR

2.THE ADAPTIVE REUSE OF EXISTING BUILDINGS SHALL UTILIZE THE EXISTING BUILDING MATERIALS AND FAÇADE AS MUCH AS POSSIBLE, HOWEVER A VARIETY OF OTHER COMPATIBLE BUILDING MATERIALS SHALL BE PERMITTED. BUILDING EXPANSIONS AND ADDITIONS SHALL CONTAIN COMPATIBLE BUILDING MATERIALS, IN COORDINATION WITH THE CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS COMMISSION.

3.DUMPSTERS, IF PROVIDED, SHALL BE FULLY ENCLOSED AND SCREENED FROM PUBLIC STREETS AND PEDESTRIAN AREAS WITH MATERIALS COMPLIMENTARY TO THE PRINCIPAL STRUCTURES.

VII. ENVIRONMENTAL FEATURES

1. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE.

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

Copyright © 2020 Design Resource Group, PA This plan or drawing and any accompanying documents or calculations are the property of Design Resource Group, PA; and are intended solely for the use of the recipient noted. No third party use or modification is permitted without written authorization

VIII. LIGHTING

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

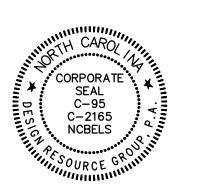
IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS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

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.

DESIGN **RESOURCE** 

> LANDSCAPE ARCHITECTURE CIVIL ENGINEERING TRANSPORTATION PLANNING

459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208 www.drgrp.com



REZONING PETITION FOR PUBLIC HEARING

2020-030

REZONING DOCUMENT

**∞** ○ ⊲ SE ŽШ

SCHEMATIC



PROJECT #: 607-006 DRAWN BY: CHECKED BY:

JANUARY 27, 2020

REVISIONS:

1. 04.13.20 - PER REVIEW COMENTS 2. 06.23.20 - PER STAFF COMMENTS 3. 07.13.20 - PER SITE UPDATES

RZ1.0



## City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 18.File #: 15-13752 Type: Zoning Decision

# Rezoning Petition: 2020-032 by Bridgewood Houston Property Company, L.P.

**Location:** Approximately 1.379 acres bounded by Royal Court and Morehead Street, southeast of Euclid Avenue. (Council District 1 - Egleston)

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

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

## **Zoning Committee Recommendation:**

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

## **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

## **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

## Charlotte-Mecklenburg Planning Commission

## **Zoning Committee Recommendation**

ZC

Rezoning Petition 2020-032

June 30, 2020

## **Zoning Committee**

**REQUEST** Current Zoning: MUDD-O PED (mixed use development district,

optional, pedestrian overlay)

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

**LOCATION** Approximately 1.379 acres bounded by Royal Court and

Morehead Street, southeast of Euclid Avenue.

(Council District 1 - Egleston)

**PETITIONER** Bridgewood Houston Property Company, L.P (Attn: Jim

Hepburn)

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

• The plan recommends residential/office/retail uses.

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 petition is consistent with the current mix of uses in the area and the adopted plan recommendation.
- The petition proposes a project that supports a desired mix of housing types.
- The proposed building height is consistent with the height allowed in the currently approved plan.
- The petition provides architectural design commitments for the building that break up the massing, enhance the overall streetscape, encourage pedestrian activity, and complement pedestrian environment.

Motion/Second: Kelly / Nwasike

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None

## ZONING COMMITTEE DISCUSSION

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

expressed support of the petitioner's intent to preserve existing trees. Another Commissioner asked about trash handling and noise impacts, and staff responded that it would be handled internal to the building on site. There was no further discussion of the request.

**PLANNER** 

Claire Lyte-Graham (704) 336-3782





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

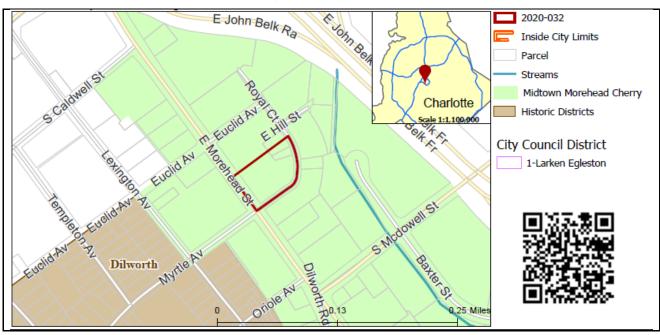
optional)

Proposed Zoning: MUDD-O SPA (mixed use development district,

optional, site plan amendment)

**LOCATION** Approximately 1.379 acres bounded by Royal Court and Morehead

Street, southeast of Euclid Avenue.



#### **SUMMARY OF PETITION**

The petition proposes to modify an approved plan to allow an age restricted community on a parcel developed with a funeral home constructed in 1925 and a warehouse.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Various

Bridgewood Houston Property Company, L.P (Attn: Jim Hepburn) Keith MacVean & Jeff Brown/Moore & Van Allen, PLLC

**COMMUNITY MEETING** Meeting is

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 38

| STAFF          |
|----------------|
| RECOMMENDATION |

Staff recommends approval of this petition.

#### Plan Consistency

The petition is **consistent** with the *Midtown Morehead Cherry Plan* recommendation for residential/office/retail uses with a pedestrian overlay district.

## Rationale for Recommendation

- The petition is consistent with the current mix of uses in the area and the adopted plan recommendation.
- The petition proposes a project that supports a desired mix of housing types.
- The proposed building height is consistent with the height allowed in the currently approved plan.

 The petition provides architectural design commitments for the building that break up the massing, enhance the overall streetscape, encourage pedestrian activity, and complement pedestrian environment.

#### **PLANNING STAFF REVIEW**

## Proposed Request Details

The site plan amendment contains the following changes:

- Proposes an age restricted community with up to 220 multi-family residential units with accessory uses.
- As an alternative, proposes up to 195,000 square feet of office uses with ground floor retail, EDEE, personal services and/or commercial other non-residential uses, and limits building height to up to 160 feet as approved per petition 2008-025.
- Limits number of principal buildings on site to 1.
- Requests the following optional provision:
  - Retain previous approval to allow a maximum building height of 160 feet.
  - Allow modifications to the streetscape along Royal Court to allow on-street parking and an on-street passenger pick-up and drop-off space.
  - Allow encroachments into the setback along Royal Court as noted:
    - Transformers and other electrical equipment may encroach into the setback from Royal Court provided that these items or features do not encroach into the required clear sidewalk zone.
    - The screening elements for the transformers and other electrical equipment may encroach into the side setback from Royal Court provided that these items or features do not encroach into the required clear sidewalk zone. Such screening elements shall comply with the requirements of the Ordinance.
- Proposes the following transportation improvements:
  - Proposes 2 points of access from Royal Court.
  - Dedicates and conveys 40 feet of right-of-way from the existing centerline of East Morehead Street.
  - Illustrates potential short-term passenger pick up/drop-off space and potential locations of on-street parking on Royal Court.
  - Replaces the existing accessible ramp located at the intersection of East Morehead Street and Royal Court to PROWAG standard.
  - Notes the westernmost driveway on Royal Court will be designed and used as a service drive to provide primary access to the site's service areas (e.g. trash handling areas, deliveries, loading space(s)). The petitioner will work with service providers to schedule trash pick up and deliveries during non-peak hour.
- Proposes the following design guidelines:
  - Combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood.
  - Allows vinyl as a building material only on windows, soffits and on handrails/railings. Notes
    railings on balconies and patios must be metal railings. Prohibits concrete masonry units not
    architecturally finished.
  - Notes each building elevation abutting/facing an existing or proposed public street will have at least 30% masonry materials. Use of synthetic stucco or EIFS as a principal building material will be only be allowed above the 4<sup>th</sup> floor.
  - Proposes buildings will front a minimum of 50% of the total street frontage along East Morehead Street and a minimum of 50% of the total street frontage along Royal Court.
  - Notes first floors of all buildings, including structured parking, must be designed to
    encourage and complement pedestrian-scale activity through use of arcades, colonnades, or
    windows and doors arranged so that the uses are visible from and/or accessible to the street
    on at least 8060% of the length of East Morehead frontage and 5060% of the entire length
    of Royal Court frontage.
  - Designs the proposed service entrance driveway on Royal Court with a door that will be treated with decorative architectural design elements. Design of the door will screen the loading dock and service areas of the building from Royal Court when closed. The petitioner will also design the area of the building surrounding the service entrance with additional architectural elements and details so that the service entrance presence along Royal Court is minimized.

- Notes all rooftop mechanical equipment on buildings will be screened from public view from below by integrating the equipment into the building and roof design to the maximum extent feasible, using parapet walls or similar architectural treatments.
- Notes for flat roofs, a parapet extends above the roof plane and include an element that provides a visual termination of the facade.
- Notes ventilation grates located at the first floor level in building façade oriented to any
  public street must be decorative.
- Notes proposed parking structure will be integrated into design of the building. Specifies
  parking spaces located within the parking structure, if visible from adjoining streets, will be
  screened on all levels visible from adjoining streets by decorative architectural louvers or
  grates.
- Notes pedestrian crossings will be designed to incorporate markings, or varied paving or pavers, signage, and lighting so that crossings are visible to moving vehicles during day light and nighttime hours.
- Provides an 8-foot sidewalk and 8-foot planting strip along East Morehead Street, and a 6-foot sidewalk and 8-foot planting strip along Royal Court. Provides cross section showing 6-foot sidewalk and 3-foot pedestrian refuge where on-street parking is proposed on Royal Court.
- Notes improved urban open space will include areas improved with some or all of the following types of improvements: seating and landscaping, lighting, shade structures, water features or fire pits.
- States required trash handling areas including staging will be located within the interior of the proposed building.
- Limits detached lighting on site to 22 feet in height. Notes on-site pedestrian circulation system will be lighted to a level where employees, residents, and visitors can safely use system at night.
- Illustrates existing trees to be preserved along East Morehead Street.
- Commits to consulting a Certified Arborist to determine the health of the existing trees located
  within the right-of-way and within the setback along East Morehead Street, and to determine
  what measures should be implemented during construction to protect existing tees to be
  preserved.

## Existing Zoning and Land Use





- The parcel is developed with a funeral home constructed in 1925 and a warehouse, and is surrounded by a mix of residential and non-residential uses in various zoning districts.
- The parcel was rezoned via 2008-025 to allow up to 195,000 square feet of office uses with ground floor retail, EDEE, personal services and/or commercial uses, and limits building height to 160 feet as approved per petition 2008-025.



The site is developed with a funeral home (in the background to the left) and a warehouse right).



On the opposite side of Royal Court are condominiums.



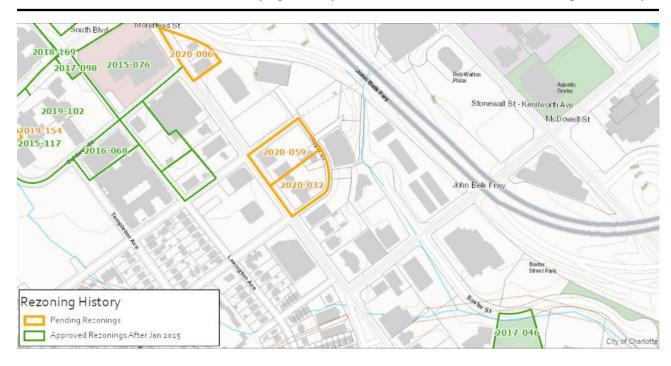
Along East Morehead Street are office, residential, and retail uses.



Northeast of the rezoning site (denoted by the red star) is the John Belk Freeway.

## Rezoning History in Area

Petition 2020-032



| Petition<br>Number | Summary of Petition                                                                                                                                                                                                                                                                   | Status    |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 2020-059           | Rezone to MUDD-O to allow up to 350 multifamily residential units with a building height limited to 170 feet                                                                                                                                                                          |           |
| 2020-006           | Rezone to TOD-UC                                                                                                                                                                                                                                                                      | Pending   |
| 2019-154           | Rezone to TOD-UC                                                                                                                                                                                                                                                                      | Withdrawn |
| 2019-102           | Rezoned 1,771.18 acres under a range of zoning districts to Approved TOD-UC, TOD-NC, TOD-CC or TOD-TR.                                                                                                                                                                                |           |
| 2018-169           | Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations.                                                                                                                         |           |
| 2017-098           |                                                                                                                                                                                                                                                                                       |           |
| 2017-046           | Rezoned to MUDD PED to allow all uses for all of Baxter Street Park.                                                                                                                                                                                                                  | Approved  |
| 2016-068           | Rezoned site to MUDD-O (mixed use development, optional) to allow a allow the redevelopment of a surface parking lot for an existing institutional use (Pritchard Memorial Baptist Church) to develop structured parking and 17,000 square feet of ground floor non-residential uses. |           |
| 2015-117           | Rezoned to TOD-MO to reuse a former fire station for any use in the TOD-M                                                                                                                                                                                                             | Approved  |
| 2015-076           | Rezoned site to MUDD-O (mixed use development, conditional) to allow the expansion of the existing YMCA including a new parking structure and additional facility space.                                                                                                              | Approved  |

#### Public Plans and Policies



• The Midtown Morehead Cherry Plan (2012) recommends mixed residential/office/retail uses.

## TRANSPORTATION SUMMARY

The site is located on a major thoroughfare road. CDOT collaborated with the petitioner to provide adequate intersection sight distance at the proposed access locations on Royal Court. Streetscape improvements will be provided by the petitioner. The petitioner has committed to on-site trash handling and on-street parking on Royal Court. There are three active rezonings within the immediate area, including petitions 2020-006, 2020-032, and 2020-059. A Traffic Impact Study is in-progress for a by-right mixed-use project, currently named Morehead Overlook (approximately 300 multi-family units, 321,780 sf of office, and 9,809 sf of retail), which is located on parcel ID numbers 12517506 and 12517519. The TIS scope was approved by CDOT and NCDOT 3/2/2020. The petitioner should continue to coordinate with these active petitions and projects in the immediate area. CDOT and the petitioner have collaborated to establish designated on-street parking spaces on Royal Court, with respect to the proposed developments near this petition.

## Active Projects:

- South End Rail Trail Pedestrian Bridge
  - The project will implement Create a new pedestrian bridge across I-277 connecting the Rail Trail on the south side of I-277 to the Convention Center.
  - Construction: TBD; planning in-progress end Q1 2020
- South Boulevard Corridor Implementation
  - The project will implement pedestrian hybrid beacons, bulbouts, and pavement markings at various locations along South Boulevard between Clanton Road and Carson Boulevard.
  - Construction: TBD; real estate acquisition to finish end Q1 2020

## • Transportation Considerations

No outstanding issues.

## Vehicle Trip Generation:

Current Zoning:

Existing Use: No data trips per day (based on 19,281 square foot funeral home). Entitlement: 2,030 trips per day (based on 195,000 square feet of office; petition 2008-025) Proposed Zoning: 2,030 trips per day (based on 195,000 square feet of office; site plan).

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

- Charlotte Area Transit System: No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services: There is an estimated need for approximately 30,000 affordable housing units in the City of Charlotte. In an effort to increase the supply, developers are encouraged to assist in providing homes at diverse price points to meet increased housing demand.

- Charlotte Department of Solid Waste Services: See advisory comments at www.rezoning.org regarding dumpster/compactor and recycling requirements. See Outstanding Issue, Note 3. Addressed
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org regarding fire hydrant location and sprinkler system.
- Charlotte-Mecklenburg Schools: Not applicable
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Royal Court. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Royal Court.
- Engineering and Property Management:
  - Arborist: No comments submitted.
  - Erosion Control: No outstanding issues.
  - Land Development: See Outstanding Issues, Note 4. Addressed
  - **Storm Water Services:** No outstanding issues. This property drains to Upper Little Sugar Creek, which is an impaired/degraded stream, and may contribute to downstream flooding. This project has the opportunity to mitigate future impacts to this stream. See advisory comments at <a href="https://www.rezoning.org">www.rezoning.org</a> regarding storm water quality treatment and volume and peak control.
  - Urban Forestry: No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org pertaining to air quality and ground water services.
- Mecklenburg County Parks and Recreation Department: No outstanding issues.

#### **OUTSTANDING ISSUES**

Site and Building Design

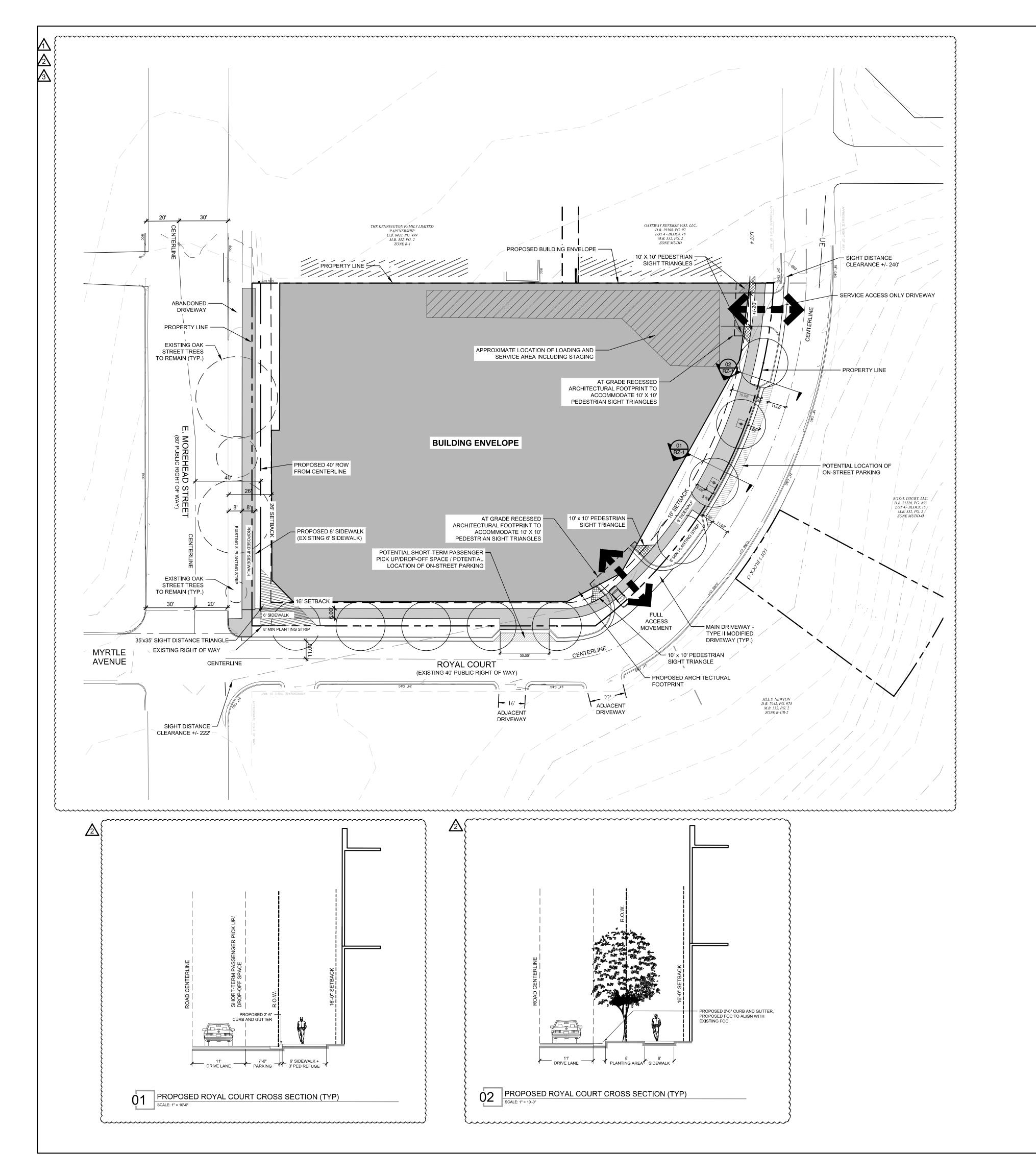
- 1.—Add an optional provision to allow modification of the streetscape along Royal Court to accommodate pick up/drop off on Royal Court. Addressed
- 2. Design Guidelines Note 6.c.ii should refer to the minimum transparency provided on each frontage. This minimum should be 60%. Addressed
- 3.—Please show on the plan the staging location for the dumpster(s) and recycle carts to be collected for service. Addressed

## Transportation

4. Please modify Note 4f by deleting the phrase "subject to the petitioner ability to post a bond for any improvements not in place at the time of issuance of the certificate of occupancy. (Petitioner is advised any c.o. release prior to completion of required roadway improvements shall be at the discretion of CDOT and may be conditioned upon posting a bond for incomplete improvements.)Addressed

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

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



## SITE DEVELOPMENT DATA:

-ACREAGE: ± 1.39 ACRES

-TAX PARCEL #: 125-174-05, 125-174-06, AND 125-174-07

-EXISTING ZONING: MUDD-O

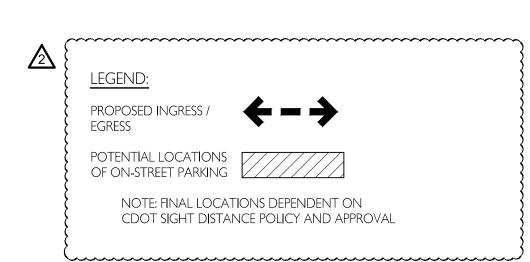
-PROPOSED ZONING: MUDD-O SPA

--EXISTING USES: COMMERCIAL

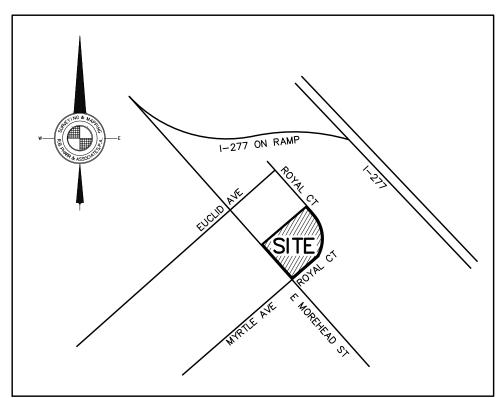
-PROPOSED USES: UP TO TWO HUNDRED TWENTY (220) AGE-RESTRICTED (AS DEFINED BELOW) MULTI-FAMILY RESIDENTIAL DWELLINGS UNITS AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDD ZONING DISTRICT; AS AN ALTERNATIVE TO THE PROPOSED 220 MULTI-FAMILY AGE-RESTRICTED RESIDENTIAL UNITS, UP TO 195,000 SQUARE FEET OF OFFICE USES WITH GROUND FLOOR RETAIL, EDEE, PERSONAL SERVICES AND/OR OTHER NON-RESIDENTIAL USES ALL AS PERMITTED BY RIGHT, AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDD ZONING DISTRICT; (ALL OF THE ABOVE AS MORE SPECIFICALLY DESCRIBED BELOW IN SECTION 3) (IT IS NOTED THAT THE OFFICE/COMMERCIAL ALTERNATIVE IS ALLOWED UNDER EXISTING ZONING).

-MAXIMUM BUILDING HEIGHT: UP TO ONE HUNDRED SIXTY (160) FEET. BUILDING HEIGHT TO BE MEASURED PER THE ORDINANCE (IT IS NOTED THAT THIS BUILDING HEIGHT IS CONSISTENT WITH THE EXISTING ZONING).

-PARKING: AS REQUIRED BY THE ORDINANCE.



NOTE: THE REZONING PLAN IS ILLUSTRATIVE IN NATURE AND IS INTENDED TO DEPICT BUILDING AND CIRCULATION RELATIONSHIPS.



VICINITY MAP

NOT TO SCALE

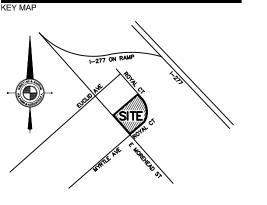
REZONING PETITION # 2020-032

LandDesign.

223 NORTH GRAHAM STREET CHARLOTTE, NC 28202 704,333.0325 WWW.LANDDESIGN.COM



BeachamBunce+Manley architecture pllc atherton lofts [suite 109] 2108 south boulevard charlotte, north carolina 28203
vc 704|334|1716 fx 704|334|6571



## 727 EAST MOREHEAD

REZONING - SITE PLAN AMENDMENT

BRIDGEWOOD HOUSTON PROPERTY COMPANY, LP 6363 WOODWAY DR. SUITE 870 HOUSTON, TEXAS 77057

| LANDDESIGN PROJ.#<br>1019444 |                                 |            |  |  |
|------------------------------|---------------------------------|------------|--|--|
| F                            | REVISION / ISSUA                | NCE        |  |  |
| NO.                          | DESCRIPTION                     | DATE       |  |  |
|                              | SITE PLAN<br>AMENDMENT          | 02-05-2020 |  |  |
| $\Delta$                     | REVISIONS PER<br>STAFF COMMENTS | 04-13-2020 |  |  |
| 2                            | REVISIONS PER<br>STAFF COMMENTS | 05-11-2020 |  |  |
| <u></u>                      | REVISIONS PER<br>STAFF COMMENTS | 06-22-2020 |  |  |
|                              |                                 |            |  |  |
|                              |                                 |            |  |  |
|                              |                                 |            |  |  |
|                              |                                 |            |  |  |
|                              |                                 |            |  |  |
|                              |                                 |            |  |  |
| DESIGNED BY: LD              |                                 |            |  |  |

VERT: HORZ: 1"=30' 0 15' 30' 60'

TECHNICAL DATA SHEET

DRAWN BY: LD

CHECKED BY: LD

RZ-1

--Acreage:  $\pm$  1.39 acres

--Tax Parcel #: 125-174-05, 125-174-06, and 125-174-07

--Existing Zoning: MUDD-O -- Proposed Zoning: MUDD-O SPA

--Existing Uses: Commercial
--Proposed Uses: Up to two hundred twenty (220) age-restricted (as defined below) multifamily residential dwellings units as permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district; as an alternative to the proposed 220 multi-family age-restricted residential units, up to 195,000 square feet of office uses with ground floor retail, EDEE, personal services and/or/other non-residential uses all as permitted by right, and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district; (all of the above as more specifically described below in Section 3) (it is noted that the office/commercial alternative is allowed under existing zoning).

--Maximum Building Height: Up to one hundred sixty (160) feet. Building height to be measured per the Ordinance (it is noted that this building height is consistent with the existing

--Parking: As required by the Ordinance.

## 1.A. Context of Rezoning:

a. The Site (as defined below) is currently zoned MUDD-O pursuant to Petition #2008-025 (Petition #2008-025). Petition #2008-025 permitted office/commercial uses of up to 195,000 square feet (the "Existing Allowed Office/Commercial Entitlement").

b. Petitioner proposes to permit, up to two hundred twenty (220) age-restricted (as defined below) multi-family residential dwelling units, and as an alternative to the proposed 220 agerestricted multi-family dwelling units the Existing Allowed Office/Commercial Entitlement (as defined above) may be constructed on the Site, all as more particularly described herein. According, this Rezoning allows development for one, but not both, of such alternatives as more particularly described herein.

This Rezoning (and accompanying Rezoning Plan) supersedes and replaces as to the Site (as defined below) all prior rezoning plans and petitions, including, without limitation, Petition #2008-025.

## 1. **General Provisions:**

Site Location. These Development Standards, the Technical Data Sheet, Schematic Site Plan and other site plan sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition (the "Rezoning") filed by Bridgewood Property Company. ("Petitioner") to accommodate the development of an age restricted residential community on an approximately 1.39-acre site located at 727 E. Morehead Street (the "Site").

CHAR2\2240996v6

- Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD zoning classification shall govern all development taking place on the Site.
- c. Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Permissible Building Areas (as defined below) and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

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

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

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

- d. Number of Buildings Principal and Accessory. The total number of principal buildings to be developed on the Site will be limited to one (1). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.
- e. Gross Floor Area Clarification. When determining the maximum development levels set forth in this Rezoning Plan, gross floor area as defined in the Ordinance shall exclude any surface or structured parking facilities (including, without limitation, corridors and elevators within such facilities), enclosed loading dock/service areas, balconies, and outdoor dining and gathering areas whether on the roof of the building or at street level.

## 2. <u>Permitted Uses, Development Area Limitations</u>:

a. Subject to the provisions of subsection 2.b. below, the principal buildings constructed on the Site may be developed with up to two hundred twenty (220) age-restricted (as defined below)

CHAR2\2240996v6

multi-family residential dwellings units as permitted by right, and under prescribed conditions together with accessory uses, all as allowed in the MUDD zoning district.

Age-restricted or age-restricted community shall mean: a community intended and operated for regular occupancy by persons fifty-five (55) years of age or older such that 100% of the units have at least one occupant who is fifty-five (55) years of age or older; in addition, other senior based housing and services, including, without limitation, independent living, retirement care and the like are permitted as part of age-restricted housing or community, whether as principle or accessory uses.

b. In the event that the above age-restricted multi-family uses are not developed on the Site, in the alternative, the Site may be developed with up to 195,000 square feet of office uses with ground floor retail, EDEE, personal services uses and/or commercial uses, all as permitted by right, and under prescribed conditions together with accessory uses, all as allowed in the MUDD zoning district. The provisions of this subsection 2.b shall not apply to subsection 2.a above.

## **Optional Provisions:**

To allow a maximum building height of one hundred sixty (160) feet.

An optional provision to allow modifications to the streetscape treatment along Royal Ct. to allow on-street parking and an on-street passenger pick-up and drop-off space.

To allow encroachments into the setback along Royal Ct. shall be permitted as set below:

- Transformers and other electrical equipment may encroach into the setback from Royal Ct. provided that these items or features do not encroach into the required clear sidewalk

- Additionally, the screening elements for the transformers and other electrical equipment may encroach into the setback from Royal Ct. provided that these items or features do not encroach into the required clear sidewalk zone. Such screening elements shall comply with the requirements of the Ordinance.

Access to the Site shall be from Royal Court as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points as generally depicted on the Rezoning Plan is subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval in accordance with established policies.

The western most driveway on Royal Ct. will be designed and used as a service drive to provide primary access to the Site's service areas (e.g. trash handling areas, deliveries, loading space(s)). The Petitioner will work with service providers to schedule trash pick up and deliveries during non-peak hours.

The Petitioner will dedicate and convey 40 feet of right-of-way from the existing center line of East Morehead Street.

The Petitioner will dedicate via fee simple conveyance any required right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

The Petitioner will replace the existing accessione ramp rocate at the Morehead Street and Royal Court to PROWAG standard as generally depicted on the Rezoning

f. Any required roadway improvement will be approved and constructed prior to the issuance of the first certificate of occupancy subject to the Petitioner's ability to request that CDOT allow a bond to be post for any improvements not in place at the time of the issuance of he first certificate of occupancy

## Streetscape, Landscaping, Open Space, and Screening:

a. A twenty-six (26) foot building setback as measured from the future/existing back of curb will be provided along Morehead Street, as generally depicted on the Rezoning Plan.

b. A sixteen (16) foot setback as measured from the future back of curb will be provided along Royal Court, as generally depicted on the Rezoning Plan.

An eight (8) foot sidewalk and an eight (8) foot planting strip will be provided along Morehead Street. Along Royal Court a six (6) foot sidewalk and eight (8) foot planting strip will be provided, as generally depicted on the Rezoning Plan.

d. Improved urban open space will be provided in accordance with the Ordinance. The amount of improved urban open space to be provided on the Site will exceed the amount required by the Ordinance by no less than 25%. The improved urban open space will include areas improved with some or all the following types of improvements: seating and landscaping, lighting, shade structures, water features or fire pits.

Meter banks will be screened where visible from public view at grade level.

The Site's required trash handling areas including staging will be located within the interior of the proposed building.

## 6. <u>Design Guidelines:</u>

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood, defined as the "Preferred Building Materials". Vinyl as a building material may only be used on windows, soffits and on handrails/railings, concrete masonry units not architecturally finished will not be allowed. The railings utilized on balconies and patios must be metal railings.

The proposed building will be designed and constructed so that the each building elevation(s) that abut/face an existing or proposed Public Streets will have at least 30% masonry

CHAR2\2240996v6

materials (e.g. brick, natural stone, (or its synthetic equivalent) precast stone, precast concrete, stucco, synthetic stucco, or EIFS), exclusive of windows, doors and roofs. The use of synthetic stucco or EIFS as a principal building material will only be allowed above the fourth (4<sup>th</sup>) floor of the proposed building (EIFS or synthetic stucco may be used as an accent material on the first four floors of the building).

c. Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:

Buildings shall be placed to present a front or side façade to all network required streets (public or private).

Buildings shall front a minimum of 50% of the total street frontage along E. Morehead Street and a minimum of 50% of the total street frontage along Royal Court (exclusive of driveways, pedestrian access, points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities).

[2] iii. The first floors of all buildings, including structured parking, must be designed to ncourage and complement pedestrian-scale activity. It is intended that this be accomplished principally by the use of arcades, colonnades, or windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 60% of the length of East Morehead frontage and 60% of the entire length of Royal Court frontage taken as a whole and exclusive of vehicular entrances. Works of art, fountains and pools, street furniture, landscaping and garden areas, architecturally articulated

[3] facades, and display areas may also be considered in meeting these transparency requirements. Where windows are used, they must be transparent. The first floor and street level must be designed with attention to adjacent public or private open spaces and existing streetscape improvements. The provisions of multiple entrances from the public sidewalk or open spaces are encouraged. Structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure. If any openings for ventilation, service, or emergency access are located at the first-floor level in the building facade then they must be decorative and must be an integral part of the overall building design. The remainder of the street level frontage must be either occupied space or an architecturally articulated

activity, and to provide for urban open space. 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 2 feet

facade designed to screen the parking areas of the structure, to encourage pedestrian scale

Architectural Elevation Design – elevations shall be designed to create visual interest as

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

CHAR2\2240996v6

extending through the building.

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 Preferred Exterior Building Materials or articulated architectural façade features and

iii. The maximum contiguous area without windows or doors on any floor shall not addressed principally with doors or windows, they shall be treated with a combination the following options: (i) a higher level of transparency on the ground floor (exaggerated or larger windows indicative of living areas); and (ii) horizontal and vertical variations in wall planes. If the final architectural design cannot meet the design standards for blank wall articulation, alternative innovative design solutions may be considered for approval by the Planning Director.

The pedestrian crossings on Site will be designed to incorporate markings, or varied paving or pavers, signage, and lighting so that these crossings are visible to moving vehicles during day light and nighttime hours.

Internal sidewalk connections shall be provided between buildings and from buildings to all publicly accessible on-site facilities (parking areas, bicycle facilities, open space, etc.) and abutting or adjacent parks, greenways, bikeways, trails, developments and transit stops. Internal sidewalks shall be hard surfaced and at least 5 feet in width unless connecting to four units or

h. Fences or walls used for screening shall be constructed in a durable fashion of split face block, stone, other finished masonry materials, wood split-rail, metal or other materials specifically designed as fencing materials.

Service equipment such as dumpsters, refuse areas, recycling and storage are screened from view from public streets with materials and design to be compatible with principal structures. Such design includes a minimum 20% Preferred Exterior Building Materials.

The Petitioner will design the proposed service entrance driveway on Royal Ct. with a door that will be treated with decorative architectural design elements. The design of the door will screen the loading dock and service areas of the building from Royal Ct. when closed. The Petitioner will also design the area of the building surrounding the service entrance with additional architectural elements and details so that the service entrance presence along Royal Court is minimized.

Roof Form and Articulation – roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:

Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited

to gables, hips, dormers or parapets. For pitched roofs (not including details that may include crickets, towers or other elements that slope back to the primary roof) the minimum (4:12), excluding buildings with a flat roof and parapet.

All rooftop mechanical equipment on buildings shall be screened from public view from below by integrating the equipment into the building and roof design to the maximum extent feasible, using parapet walls or similar architectural treatments.

iv. For flat roofs, a parapet extends above the roof plane and include an element that provides a visual termination of the façade.

Ventilation grates located at the first-floor level in the building facade oriented to any public street must be decorative.

The proposed parking structure will be integrated into the design of the building. Parking spaces located within the parking structure, if visible from the adjoining public streets, will be screened on all levels visible from the adjoining public streets by decorative architectural louvers or grates so that vehicles are not directly visible.

## 7. <u>Environmental Features:</u>

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

As part of the Petitioner's construction of the project, the Petitioner will verify the existing City drainage is not clogged or in disrepair using pipe video and vacuum excavation in coordination with City of Charlotte Stormwater Department.

The Site will comply with the Tree Ordinance.

The Petitioner will consult with a Certified Arborist to determine the health of the existing trees located within the right-of-way and within the setback along East Morehead Street. The Petitioner will also consult with a Certified Arborist to determine what measures should be implemented during construction, to protect the existing trees that are to be preserved.

 $\{8.\}$  Lighting:

All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type lighting excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas. Architectural building lighting is excluded.

b. Detached lighting on the Site, except streetlights located along public streets, will be limited to 22 feet in height.

The on-site pedestrian circulation system shall be lighted to a level where employees, residents, and visitors can safely use the system at night.

**Amendments to the Rezoning Plan:** 

a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable development area or portion

of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

10. Binding Effect of the Rezoning Application:

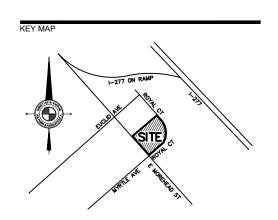
CHAR2\2240996v6

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

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



BeachamBunce+Manley 2108 south boulevard charlotte, north carolina 28203 vc 704|334|1716 fx 704|334|6571



**727 EAST MOREHEAD** 

**REZONING - SITE PLAN AMENDMENT** 

BRIDGEWOOD HOUSTON PROPERTY COMPANY, LP 6363 WOODWAY DR. SUITE 870

**HOUSTON, TEXAS 77057** 

| LANDDES             | 1019444                         |            |  |
|---------------------|---------------------------------|------------|--|
| REVISION / ISSUANCE |                                 |            |  |
| NO.                 | DESCRIPTION                     | DATE       |  |
|                     | SITE PLAN<br>AMENDMENT          | 02-05-2020 |  |
| $\Delta$            | REVISIONS PER<br>STAFF COMMENTS | 04-13-2020 |  |
| 2                   | REVISIONS PER<br>STAFF COMMENTS | 05-11-2020 |  |
| <u>3</u>            | REVISIONS PER<br>STAFF COMMENTS | 06-22-2020 |  |
|                     |                                 |            |  |
|                     |                                 |            |  |
|                     |                                 |            |  |
|                     |                                 |            |  |
|                     |                                 |            |  |
|                     |                                 |            |  |
|                     | SIGNED BY: LD<br>AWN BY: LD     |            |  |

**DEVELOPMENT STANDARDS** 

CHECKED BY: LD

REZONING PETITION # 2020-032

ORIGINAL SHEET SIZE: 24" X 36'

RZ-2

## 1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED. 2. ALL CORNERS MONUMENTED AS SHOWN. 3. NO RECOVERABLE NCGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT 4. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION. 5. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN 6. ELEVATIONS BASED ON NAVD 88, THE SITE IS LOCALIZED AT R.B. PHARR UPTOWN CONTROL "NAIL 23" HAVING AN ELEVATION OF 745.59 FT. 7. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED. 8. E. MOREHEAD ST. IS SHOWN AS A "MAJOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 40' FROM 9. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES. LEGEND: ACU - AIR CONDITIONING UNIT BFP - BACK FLOW PREVENTOR C&G - CURB & GUTTER CB - CATCH BASIN CI - CURB INLET CMP - CORRUGATED METAL PIPE CPP - CORRUGATED PLASTIC PIPE C/O - CLEAN OUT D.B. - DEED BOOK DI - DROP INLET DIP - DUCTILE IRON PIPE ECM - EXISTING CONCRETE MONUMENT EIP - EXISTING IRON PIPE EIR - EXISTING IRON ROD EMM - EXISTING METAL MONUMENT EN - EXISTING NAIL EOG - EDGE OF GRAVEL EOP - EDGE OF PAVEMENT EU - END UNKNOWN FC - FIRE CONNECTION *FH - FIRE HYDRANT* FV - FIRE VALVE GM - GAS METER GRND. L - GROUND LIGHT GV - GAS VALVE GW - GUY WIRE ICV - IRRIGATION CONTROL VALVE LMP - LAMP POST LP - LIGHT POLE (M) - MEASURED MBX - MAILBOX M.B. - MAP BOOK N.C.G.S. - NORTH CAROLINA GEODETIC SURVEY NIR - NEW IRON ROD NN - NEW NAIL O/HANG - OVERHANG P.O.B. - POINT OF BEGINNING PB - POWER BOX PIN - PARCEL IDENTIFICATION NUMBER PM - POWER METER PMH - POWER MANHOLE PP - POWER POLE PG. - PAGE PVC - PLASTIC PIPE (R) - RECORDED R/W - RIGHT-OF-WAY RCP - REINFORCED CONCRETE PIPE SDMH - STORM DRAIN MANHOLE TB - TELEPHONE BOX TERR. - TERRACOTTA PIPE TMH - TELEPHONE MANHOLE TVB - CABLE TV BOX WB - WATER BOX WM - WATER METER WV - WATER VALVE LINE LEGEND: PROPERTY LINE PROPERTY LINE (NOT SURVEYED) ------RIGHT-OF-WAY \_\_\_\_\_ RIGHT-OF-WAY (NOT SURVEYED) ------*EASEMENT* \_ \_ \_ \_ SETBACKCABLE TV LINE FIBER OPTIC LINE \_\_\_\_\_F0\_\_\_\_F0\_\_\_\_ GAS LINE POWER LINE — E — E — — E — POWER LINE (UNDERGROUND) SANITARY SEWER PIPE ----ss-----ss-----ss-----STORM DRAIN PIPE \_\_\_\_\_so\_\_\_\_so\_\_\_\_ TELEPHONE LINE TELEPHONE LINE (UNDERGROUND) ——ut——ut——ut—— WATER LINE \_\_\_\_w\_\_\_w\_\_\_\_w\_\_\_ APPROXIMATE ZONING LINE \_\_\_\_\_ UTILITIES: POWER DUKE POWER CO. 1800-357-3853 TELEPHONE BELL SOUTH TELECOMMUNICATIONS (704) 357-6974 NEW CONNECTIONS (704) 357-9580 EXISTING SERVICES **WATER & SEWER** CHAR.-MECK. UTILITY DEPT. (CMUD) (704) 399-2221 PIEDMONT NATURAL GAS CO. (704) 525-5585 NEW CONNECTIONS (704) 525-5585 EXISTING CONNECTIONS CABLE TELEVISION 1-800-632-4949

ZONING:

ZONING RESTRICTIONS AS PER ZONING ORDINANCE:

SUBJECT PROPERTY ZONED: B-1\B-2

MAXIMUM BUILDING HEIGHT: 40'

MINIMUM SETBACK: 20' MINIMUM SIDE YARD: 0' FOR NONRESIDENTIAL BUILDINGS MINIMUM REAR YARD: 20'

FOR FURTHER INFORMATION CONTACT THE CHARLOTTE-MECKLENBURG ZONING DEPARTMENT AT 704-336-3569.

PARKING:

REGULAR PARKING SPACES = 51 HANDICAPPED PARKING SPACES = 4 TOTAL PARKING SPACES = 55

NONE B-1 D'B' 3731' bC' 318 D'B' 1310' bC' 318 D'B' 1100' bC' 303 FOOTPAINT=12,727 SQ. FT. M ROYAL COURT MYRTLE (EXISTING 40' PUBLIC RIGHT OF WAY) **AVENUE** FLOOD CERTIFICATION THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY FLOOD LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED COMMUNITY PANEL NO: COMMUNITY-PANEL

Legal Description
716 Royal Court, 720 Royal Court, & 727 E. Morehead Street

That certain parcel of land, situated, lying and being in the City of Charlotte; Mecklenburg County, North Carolina and being more particularly described as follows:

COMMENCING at R.B. Pharr Uptown Control "Nail 23" having ground coordinates of N:541,454.87 ft, E:1,447,356.79 ft; thence S 29°24'55" E a horizontal ground distance of 3,153.12 feet to a new iron rod said point being located on the western right of way of Royal Court (40' Public R/W); which is the POINT OF BEGINNING; having ground coordinates of N:538,708.24 ft, E:1,448,905.41 ft, said point also being located at the southeast corner of Lot 4 - Block 18 of The Royal Land & Investment Company Subdivision as described in Map Book 332, Page 2 of the Mecklenburg County Registry; thence with the right of way of Royal Court the following 4 courses and distances: 1) with the arc of a circular curve turning to the right with a radius of 276.11 feet, and an arc length of 50.35 feet, (chord: \$ 28°36'06" E a distance of 50.28 feet), to an existing iron pipe; 2) with the arc of a circular curve turning to the right with a radius of 276.11 feet, and an arc length of 50.00, (chord: \$ 18°11'22" E a distance of 49.93 feet), to a new iron rod; 3) with the arc of a circular curve turning to the right with a radius of 276.11 feet, and an arc length of 144.15, (chord: S 01°57'17" W a distance of 142.52 feet), to a new nail; 4) S 54°03'08" W a distance of 210.19 feet to a new iron rod said point being located on the eastern right of way of E. Morehead Street (80' Public R/W); thence with the right of way of E. Morehead Street N 35°56'52" W a distance of 209.88 feet to an existing iron rod said point being located at the southwest comer of the Kennington Family Limited Partnership Property as described in Deed Book 8433, Page 499 of the Mecklenburg County Registry; thence with the aforesaid Kennington Family Limited Partnership Property N 54°03'08" E crossing a new iron rod at a distance of 200.00 feet for a total distance of 319.40 feet to the POINT OF BEGINNING; Containing 59,816 square feet or 1.3732 acres as shown on a survey by R.B. Pharr and Associates P.A. dated November 9, 2007, (Map File W-3561), (Job No.

# BB+M

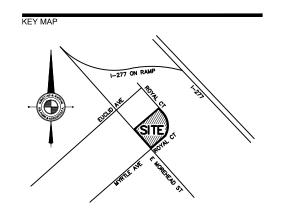
223 NORTH GRAHAM STREET

CHARLOTTE, NC 28202

704.333.0325

WWW.LANDDESIGN.COM

BeachamBunce+Manley architecture pllc atherton lofts [suite 109] 2108 south boulevard charlotte, north carolina 28203 vc 704|334|1716 fx 704|334|6571

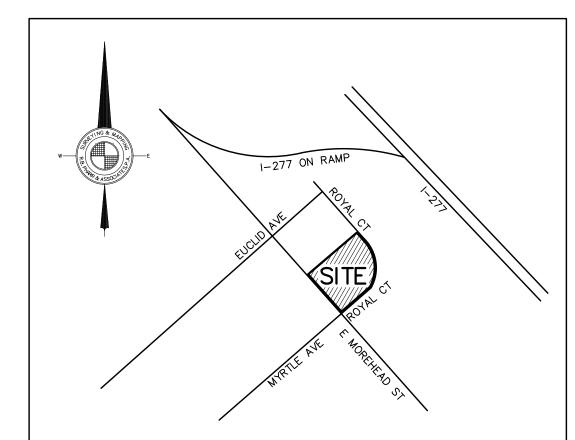


## ALTA CERTIFICATION:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE (i) IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND (ii) INCLUDES ITEMS 1, 2, 3, 4, 5, 6, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(a), 11(b), 13, 16, 17 AND 18 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, (iii) UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF NORTH CAROLINA, THE RELATIVE POSITIONAL ACCURACY OF THE SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED

JUSTIN F. CLONINGER PROFESSIONAL LAND SURVEYOR

## TOTAL AREA=60,401 SQ. FT. OR 1.39 ACRES



VICINITY MAP

NOT TO SCALE

## REZONING PETITION # 2020-032

REVISIONS 716 & 720 ROYAL CT and 727 E. MOREHEAD ST. CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA DEED REFERENCE: 1109-505, 1970-311, 2316-378, 3104-86, & 3237-216 TAX PARCEL #: 125-174-05, 06, 07 R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING 420 HAWTHORNE LANE CHARLOTTE, N.C. 28204 TEL. (704) 376-2186 DRAWN: REVISED: SCALE: DATE: FILE NO. W-CREW DRAWN REV SCALE DATE JOB NO. JOB-NO

THIS IS TO CERTIFY THAT ON THE <u>DAY</u> <u>DAY OF</u> <u>MONTH</u> 20 <u>04</u> AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE

FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE .1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT

EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERÍMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

727 EAST MOREHEAD

REZONING - SITE PLAN AMENDMENT

BRIDGEWOOD HOUSTON PROPERTY COMPANY, LP

6363 WOODWAY DR. SUITE 870

**HOUSTON, TEXAS 77057** 

DESIGNED BY:
DRAWN BY:
CHECKED BY:

ALE

NORTH

VERT:
HORZ: 1"=30'

0 15' 30' 60'

EXISTING CONDITIONS

RZ-3



## City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 19.File #: 15-13753 Type: Zoning Decision

## Rezoning Petition: 2020-033 by Fifth Third Bank

**Location:** Approximately 0.354 acres bound by the east side of Providence Road, the north side of Huntley Place, and south of Perrin Place. (Council District 1 - Egleston)

**Current Zoning:** B-1 (neighborhood business)

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

## **Zoning Committee Recommendation:**

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

## **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

## **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

## **Charlotte-Mecklenburg Planning Commission**

## **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-033

June 30, 2020

REQUEST

Current Zoning: B-1 (mixed use development district, optional) Proposed Zoning: MUDD(CD) (mixed use development district, conditional)

conditional)

**LOCATION** 

Approximately 0.354 acres bound by the east side of Providence Road, the north side of Huntley Place, and south of Perrin Place.

(Council District 1 - Egleston)

**PETITIONER** 

Fifth Third Bank

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

• The plan recommends retail uses.

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

- The proposed land use is consistent with the current mix of uses in the area.
- The proposed use is permitted in business districts, office, and MUDD districts.
- The proposed building height is limited to 50 feet, which is consistent with the height pattern along Providence Road.
- The proposed development will be screened from the adjacent townhouse community via an existing privacy wall and a proposed 6.5' planting strip along the eastern property line.
- The petition provides architectural design commitments for the building that break up the massing, enhances the overall streetscape, encourages pedestrian activity, and complements pedestrian environment.

Motion/Second: Gussman / Kelly

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None

(Page 2 of 2) Petition 2020-033 Zoning Committee Recommendation

**ZONING COMMITTEE** 

Staff provided a summary of the petition and noted all outstanding issues were addressed. There was no discussion of **DISCUSSION** 

this petition.

Claire Lyte-Graham (704) 336-3782 **PLANNER** 





**REQUEST** Current Zoning: B-1 (neighborhood business)

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

conditional)

LOCATION Approximately 0.354 acres bound by the east side of Providence Road, the north side of Huntley Place, and south of Perrin Place.

2020-033 Inside City Limits Mide Parcel Charlotte Perrin Pl City Council District 1-Larken Egleston Huntley Pl Hopedale Av 0.25 Miles 0 13 0

**SUMMARY OF PETITION** 

The petition proposes to allow a new freestanding bank branch facility with one (1) walk-up ATM. The site is currently developed with a gasoline/service station and is located north of the intersection of Providence Road and Queens Road.

**PROPERTY OWNER PETITIONER** 

AGENT/REPRESENTATIVE

**COMMUNITY MEETING** 

Elaine W. Queen Fifth Third Bank Jill Bryan

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1

| STAFF          |  |
|----------------|--|
| RECOMMENDATION |  |

Staff recommends approval of this petition.

## Plan Consistency

The petition is **consistent** with the *Central District Plan* recommendation for retail uses.

## Rationale for Recommendation

- The proposed land use is consistent with the current mix of uses in the area.
- The proposed use is permitted in business districts, office, and MUDD districts.
- The proposed building height is limited to 50 feet, which is consistent with the height pattern along Providence Road.
- The proposed development will be screened from the adjacent townhouse community via an existing privacy wall and a proposed 6.5' planting strip along the eastern property line.

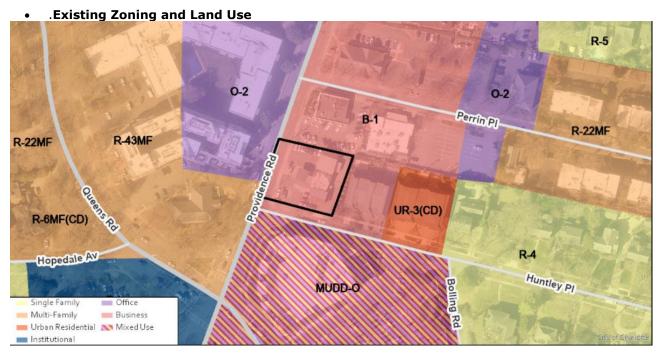
The petition provides architectural design commitments for the building that break up the massing, enhances the overall streetscape, encourages pedestrian activity, and complements pedestrian environment.

#### **PLANNING STAFF REVIEW**

## Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows a 2,452 square-foot financial institution with 1 walk-up ATM.
- Allows non-residential uses in MUDD, including financial institution, general and medical offices.
- Prohibits automotive service stations.
- Limits building height to 50 feet.
- Limits height of detached lighting to 20 feet.
- Proposes ingress/egress onto Providence Road and Huntley Place.
- Illustrates 12-foot multi-use path and 8-foot planting strip along Providence Road.
- Illustrates 6-foot sidewalk and 8-foot planting strip along Huntley Place.





• The parcel is developed with a fuel sales/service station and is surrounded by a mix of residential, office, and retail uses in various zoning districts.



Directly east of the rezoning site are condominium/townhomes.



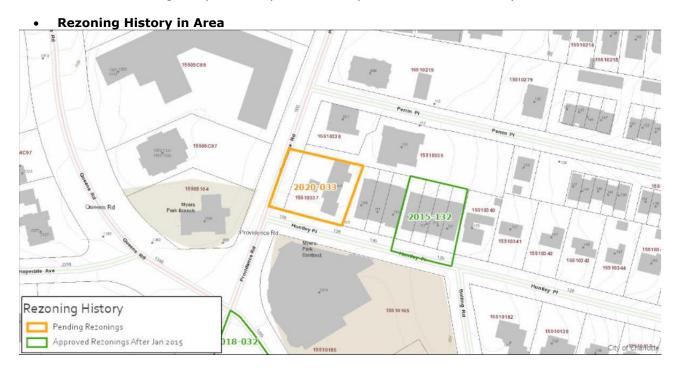
Along Providence Road are a mix of office, residential, and retail uses.



Retail and institutional uses are located at the intersection of Providence Road and Queens Road.



Northeast of the rezoning site (denoted by the blue star) is the John Belk Freeway.



| Petition Number Summary of Petition |                                                                                                              | Status   |  |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------|----------|--|
| 2018-032                            | Rezoned to MUDD-O to allow the expansion of up to 290,000 square feet for Myers Park United Methodist Church | Approved |  |
| 2015-132                            | Rezoned to UR-3(CD) to allow up to 4 single family attached dwelling units.                                  | Approved |  |

## • Public Plans and Policies



• The Central District Plan (1993) recommends retail uses.

#### TRANSPORTATION SUMMARY

• The site is located on a state-maintained major thoroughfare. The site plan is committing petitioner commits to constructing to an 8-foot planting strip and 12-foot multi-use path to promote a more walkable community in accordance with the City Council Adopted Charlotte Walks Policy. CDOT continues to request a sidewalk transition on sidewalk along Providence Road.

#### Active Projects:

- There are no active projects near the project site.
- Transportation Considerations
  - See Outstanding Issues, Note 1. Addressed
- Vehicle Trip Generation:

Current Zoning:

Existing Use: 45 trips per day (based on 2,56 square foot gasoline/service station).

Entitlement: 135 trips per day (based on 3,500 square feet of retail)

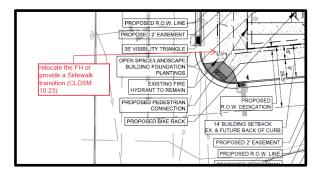
Proposed Zoning: 140 trips per day (based on 2,450 square foot bank; site plan).

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

- Charlotte Area Transit System: No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services: No comments submitted.
- Charlotte Department of Solid Waste Services: No outstanding issues.
- Charlotte Fire Department: No outstanding issues.
- Charlotte-Mecklenburg Schools: Not applicable
- Charlotte Water: No comments submitted.
- Engineering and Property Management:
  - **Arborist:** No comments submitted.
  - Erosion Control: No outstanding issues.
  - Land Development: No outstanding issues.
  - Storm Water Services: See advisory comments at <a href="www.rezoning.org">www.rezoning.org</a>. No outstanding issues.
  - Urban Forestry: See Outstanding Issues, Notes 3-4. Addressed
- Mecklenburg County Land Use and Environmental Services Agency: See advisory comments
  at www.rezoning.org pertaining to air quality and ground water services.
- Mecklenburg County Parks and Recreation Department: No outstanding issues.

## **OUTSTANDING ISSUES**

1.—Petitioner should revise the site plan to provide a sidewalk transition prior to the curb ramp at the intersection of Providence Road and Huntley Place. Addressed



## Site and Building Design

2. Revise architectural standards note to state building will meet MUDD architectural standards. Addressed

#### **Environment**

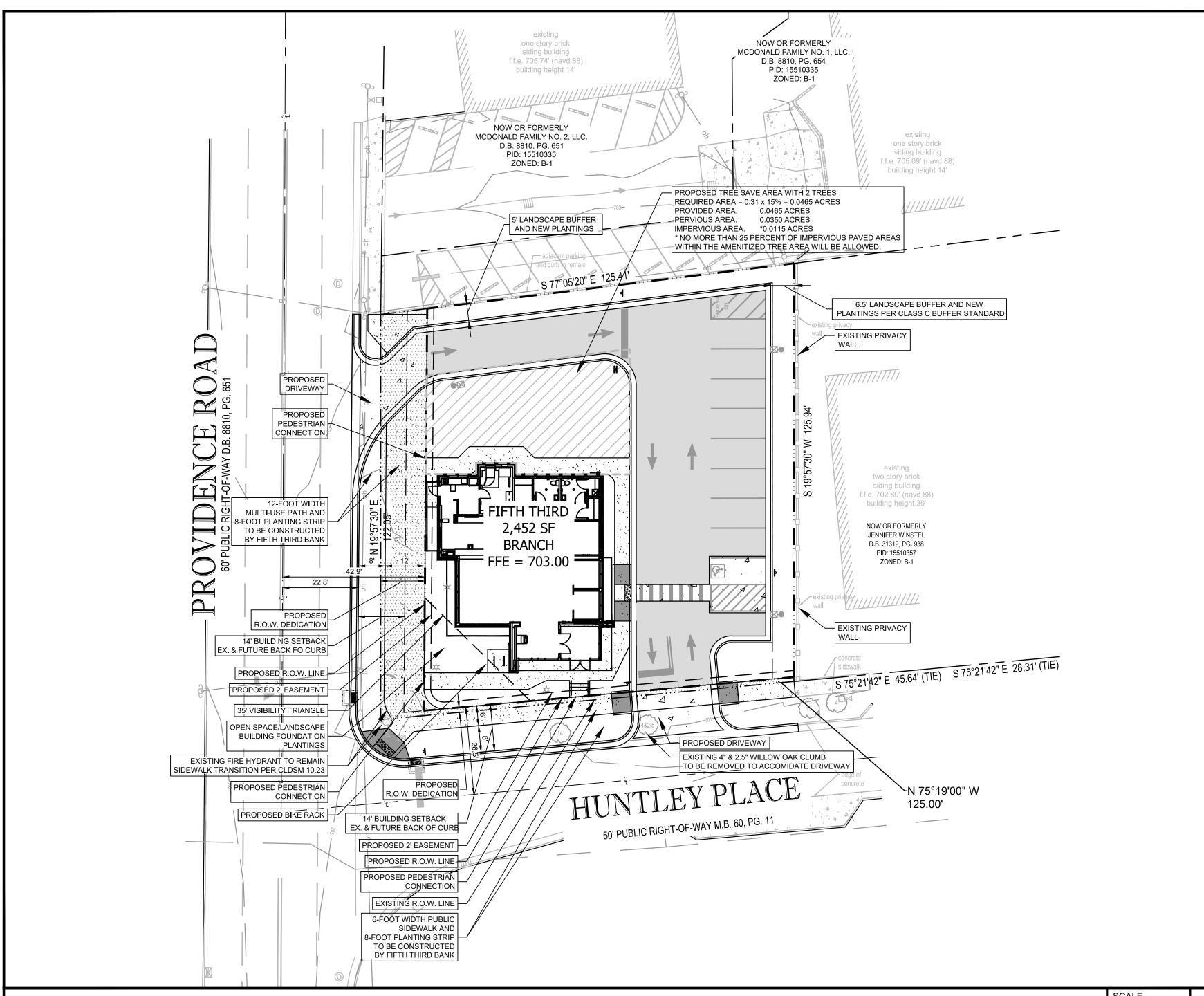
- 3.—Remove the following language from Tree Save Area Note f.a: "Plantings from perimeter buffers and internal parking lot landscaping to be credited, not in addition to." Addressed
- 4.— (Ref. Tree Save Area Note f.a.) Petitioner must show the tree save area first. This will be 15% of total site area, then calculate how many trees will be planted in that area. 0.31 x 15% = .0465 acres will need to be designated as replanted tree save area. Please provide 2 trees in that area. These trees do not count toward internal, perimeter or buffer trees. Addressed

#### REQUESTED TECHNICAL REVISION

- 5. Modify Note d under *Development Data* heading and Note b under *Purpose* heading to read MUDD(CD). Addressed
- 6.—Remove Flood Zone information. Addressed
- 7.—Label multi-use path and planting strip along Providence Road, and sidewalk and planting strip along Huntley Place. Provide development notes committing to these improvements, including widths. Addressed

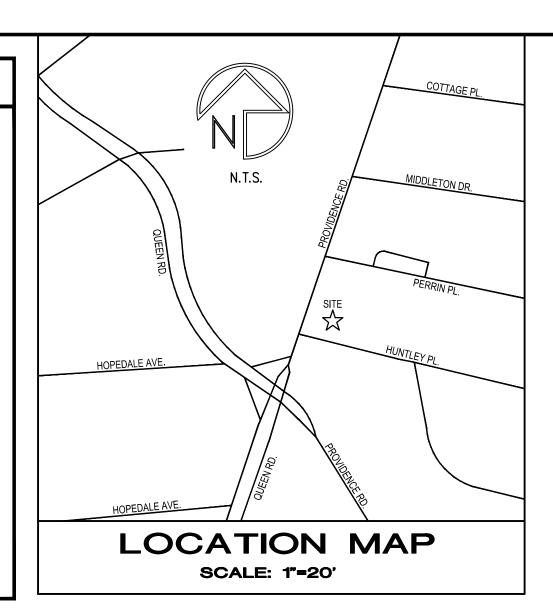
See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

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



**PLAN VIEW** 

# **LEGEND** PROPERTY LINE EXISTING CONCRETE TO REMAIN **EXISTING TO REMAIN** PROPOSED CONCRETE LESS THAN 6" THICK PROPOSED CONCRETE 6" THICK OR GREATER NEW ASPHALT PAVEMENT SETBACK/BUFFER PROPOSED PAVEMENT PROPOSED CURB



## **DATA TABLE**

## **DEVELOPMENT DATA**

- a. SITE ACREAGE
- a.a. EXISTING: 0.35 ACRE a.b. PROPOSED: <u>0.31 ACRE</u>
- b. TAX PARCEL INCLUDED IN REZONING: <u>15510337</u>
- c. EXISTING ZONING: <u>B1 NEIGHBORHOOD BUSINESS</u> d. PROPOSED ZONING: MIXED USE DEVELOPMENT DISTRICT MUDD (CD)
- SQUARE FOOTAGE OF NON-RESIDENTIAL USES BY TYPE (RETAIL, OFFICE, ETC.): 2,452 SQ.FT.
- MAXIMUM BUILDING HEIGHT: 50 FEET
- PARKING: PARKING WILL BE PROVIDED PER ORDINANCE AMOUNT OF OPEN SPACE: <u>N/A</u>

## GENERAL PROVISIONS

- a. SITE LOCATION: THESE DEVELOPMENT STANDARDS AND THE TECHNICAL DATA SHEET FROM THE REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "RZP-2020-033 RE-ZONING SITE PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY ELAINE W QUEEN BY DEBRA MCLVER ("ATTORNEY IN FACT") TO ACCOMMODATE THE REUSE OF THE EXISTING BUILDING LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF PROVIDENCE ROAD AND HUNTLEY PLACE NON RESIDENTIAL USES AS DESCRIBED ABOVE AND ALLOWED BY THE MUDD (CD) ZONING DISTRICT AND THE OPTIONAL PROVISIONS BELOW ON AN APPROXIMATELY 0.31 ACRE SITE LOCATED AT 915 PROVIDENCE ROAD, CHARLOTTE, NC 28207 (THE "SITE").
- ZONING DISTRICTS/ORDINANCE: DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD (CD) ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED BELOW.
- GRAPHICS AND ALTERATIONS: THE DEPICTIONS OF THE BUILDING AND PARKING ENVELOPES, SIDEWALKS, DRIVEWAYS, AND OTHER DEVELOPMENT MATTER AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE. SINCE THE PROJECT HAS UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO THE GRAPHICS IF THEY ARE:
- MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT AND STAY WITHIN THE SETBACKS AND YARDS DEPICTED ON THE REZONING PLAN; THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PER THIS AMENDED PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, THE ATTORNEY IN FACT SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE; IN EACH INSTANCE, HOWEVER, SUBJECT TO THE ATTORNEY IN FACT APPEAL RIGHTS SET FORTH IN THE ORDINANCE.
- d. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY.
- NOTWITHSTANDING THE NUMBER OF THE BUILDINGS SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED TO ONE (1). ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE.
- FIFTH THIRD BANK DOES NOT USE FRONT END LOADING TRASH PICK UP SERVICES, DAILY TRASH IS PICKED UP DAILY BY THE JANITORIAL SERVICE AND DISPOSED OFF-SITE. NO FRONT-END DUMPSTER ENCLOSURE OR ROLL OUT CARTS WILL BE USED.

THE PURPOSE OF THIS REZONING APPLICATION IS TO PROPOSE NEW CONSTRUCTION AND USE OF A FINANCIAL INSTITUTION, GENERAL AND MEDICAL OFFICE. b. TO ACHIEVE THIS PURPOSE, THE APPLICATION SEEKS THE REZONING OF THE SITE FROM "B1" TO "MUDD (CD)". PROHIBIT AUTOMOTIVE SERVICE STATIONS.

a. FINANCIAL INSTITUTION, GENERAL AND MEDICAL OFFICE IS PERMITTED BY RIGHT.

b. THE SITE WILL COMPLY WITH NOISE ORDINANCE

## **TRANSPORTATION**

DEDICATION AND RESERVATION OF STREET RIGHT-OF-WAY TO CITY/ NCDOT:

- AS SHOWN ON PROVIDENCE ROAD
- AS SHOWN ON HUNTLEY PLACE
- b. TRANSPORTATION IMPROVEMENTS CONSTRUCTED IN CONJUNCTION WITH DEVELOPMENT
- FULL ACCESS DRIVEWAY TO HUNTLEY PLACE
- INGRESS DRIVE FROM PROVIDENCE ROAD
- THE ALIGNMENT OF THE VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE ATTORNEY IN FACT TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) IN ACCORDANCE WITH PUBLISHED STANDARDS SO LONG AS THE STREET NETWORK SET FORTH ON THE REZONING PLAN IS NOT MATERIALLY ALTERED.
- d. ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. THE ATTORNEY IN FACT MAY PHASE TRANSPORTATION IMPROVEMENTS IF SAID IMPROVEMENTS AND PHASING ARE EXPLICITLY DESCRIBED IN SITE PLAN NOTES.
- e. THE ATTORNEY IN FACT WILL DEDICATE VIA FEE SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY INDICATED ON THE REZONING PLAN AS RIGHT-OF-WAY TO BE DEDICATED. THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY. THE ATTORNEY IN FACT WILL PROVIDE A PERMANENT SIDEWALK EASEMENT FOR ANY OF THE PROPOSED SIDEWALKS LOCATED ALONG THE PUBLIC STREETS LOCATED OUTSIDE OF THE RIGHT-OF-WAY. THE PERMANENT SIDEWALK EASEMENT WILL BE LOCATED A MINIMUM OF TWO (2) FEET BEHIND THE SIDEWALK WHERE FEASIBLE.

## **ARCHITECTURAL STANDARDS**

- a. BUILDING WILL MEET MUDD (CD) ARCHITECTURAL STANDARDS.
- b. THE BUILDING FACADES FRONTING ON PROVIDENCE ROAD AND HUNTLEY PLACE SHALL INCLUDE WINDOWS FOR A MINIMUM OF 50% OF THE EXISTING FACADE FACING EACH FRONTAGE.
- b.a. PROVIDENCE ROAD FACADE: <u>52% LINEAR GLAZING</u>
- b.b. HUNTLEY PLACE FACADE: <u>73% LINEAR GLAZING</u>

## STREETSCAPE & LANDSCAPE

- a. THERE ARE NO EXISTING ON-SITE TREES
- b. EASTERN BUFFER SHALL MEET CLASS C BUFFER STANDARD. c. HUNTLEY PLACE SHALL HAVE AN 8' PLANTING STRIP BEHIND BACK OF CURB.
- d. PROVIDENCE ROAD SHALL HAVE AN 8' PLANTINGS STRIP BEHIND BACK OF CURB.
- e. PARKING AREAS ARE REQUIRED TO BE SCREENED FROM ADJACENT RIGHTS-OF-WAY AND ABUTTING PROPERTIES. f. TREE SAVE AREA:
- f.a. IN URBAN ZONES LOCATED IN WEDGE AREAS, A MINIMUM OF 15 PERCENT OF THE OVERALL COMMERCIAL SITE MUST BE PRESERVED AS TREE SAVE AREA. LESS THAN 15 PERCENT OF THE SITE HAS EXISTING TREES, ADDITIONAL TREES SHALL BE PLANTED AT A RATE OF 36 TREES PER ACRE TO MEET THE COMMERCIAL TREE SAVE AREA REQUIREMENT. CALCULATION FOR THE NUMBER OF TREES REQUIRED IN THE TREE SAVE AREA IS BASED ON THE TREE SAVE ACREAGE AND NOT THE OVERALL SITE ACREAGE.
- f.b. THERE IS A TREE LOCATED WITHIN THE PROPOSED DRIVEWAY ALONG HUNTLEY PLACE LESS THAN 8".
- f.c. TREE PLANTING REQUIRED = TOTAL SITE ACERAGE X 36 TREES = 0.31 AC. X 36 TREES = 12 TREES REQUIRED

- a. LIMITATIONS ON TYPE OR LOCATION OF LIGHTING: OUTDOOR LIGHTING SHALL BE SCREENED OR SHIELDED TO AVOID DIRECT ILLUMINATION TO RESIDENTIAL LOT TO
- b. THE DETACH LIGHTING MAXIMUM HEIGHT: 20FT.
- c. LOCATION AND HEIGHT OF SPECIAL LIGHTING, SUCH AS PEDESTRIAN SCALE LIGHTING: N/A

a. AS ALLOWED BY THE ORDINANCE

## AMENDMENTS TO THE REZONING PLAN

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

## BINDING EFFECT OF THE REZONING APPLICATION

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



400 N Ashley Drive, Suite. 600 Tampa, FL 33602



P: 813 - 323 - 9233





1336 Harding Place Charlotte, NC 28204

[p]: 813.434.4770 [f]: 813.445.4211 www.iegroup.net NC Firm Certificate No. P-1836

IEG JOB NO. 15-122.00

NISIT SAPPARKHAO, P.E. NC REG. NO. 38066

38066 MC: SNGINEEK

06/23/2020

ISSUE BY DATE DESCRIPTION

|  |           |  | 02.10.2020 | ZONING SUBMITTAL   |
|--|-----------|--|------------|--------------------|
|  |           |  | 03.25.2020 | ZONING RE-SUBMITTA |
|  |           |  | 05.08.2020 | ZONING RE-SUBMITTA |
|  |           |  | 06.01.2020 | ZONING RE-SUBMITTA |
|  |           |  | 06.23.2020 | ZONING RE-SUBMITTA |
|  |           |  |            |                    |
|  |           |  |            |                    |
|  |           |  |            |                    |
|  |           |  |            |                    |
|  |           |  |            |                    |
|  |           |  |            | RMATION BLOCK      |
|  |           |  |            | 183490             |
|  |           |  |            | 02.06.20           |
|  | DRAWN BY: |  |            | VC                 |

SHEET TITLE

CHECKED BY:

RZP-2020-033 **RE-ZONING** 

SITE PLAN SHEET NUMBER



## City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 20.File #: 15-13754 Type: Zoning Decision

## Rezoning Petition: 2020-040 by Alenky Signature Homes, LLC

**Location:** Approximately 0.398 acres located on the eastern side of Commonwealth Avenue, the northern side of Goodwin Avenue and south of Woodland Drive. (Council District 1 - Egleston)

**Current Zoning:** R-4 (single family residential) **Proposed Zoning:** R-8 (single family residential)

## **Zoning Committee Recommendation:**

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

## **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

## **Attachments:**

Zoning Committee Recommendation Final Staff Analysis

# **Charlotte-Mecklenburg Planning Commission**

# **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-040

June 30, 2020

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

Proposed Zoning: R-8 (single family residential)

**LOCATION** Approximately 0.398 acres located on the eastern side of

Commonwealth Avenue, the northern side of Goodwin Avenue,

and south of Woodland Drive. (Council District 1 - Egleston) Alensky Signature Homes LLC

**PETITIONER** 

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

The petition is found to be consistent with the *Independence Area Plan* with respect to land use and inconsistent with respect to density, based on information from the staff analysis and the public hearing, and because

• The plan recommends residential uses up to 4 dwelling units per acre.

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

- The proposed residential land use is consistent with the plan recommendation for residential development and in keeping with the surrounding land uses.
- The parcel located on the other side of Goodwin Avenue is of similar size and has been subdivided into 2 lots.
- The subject parcel is a corner lot with frontage on both Commonwealth Avenue and Goodwin Avenue.

The approval of this petition will revise the adopted future land use as specified by the *Independence Boulevard Area Plan* from residential up to 4 DUA to residential up to 8 DUA.

Motion/Second: Watkins / Gussman

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None Petition 2020-040 (Page 2 of 2)

Zoning Committee Recommendation

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the conventional petition and noted that it is inconsistent with the adopted area plan but stated that the request is consistent with the development pattern right

across the street.

There was no further discussion of this petition.

PLANNER Claire Lyte-Graham (704) 336-3782



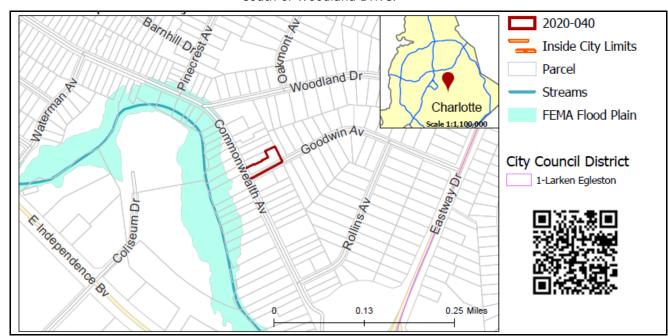


**REQUEST** 

Current Zoning: R-4 (single family residential) Proposed Zoning: R-8 (single family residential)

LOCATION

Approximately 0.398 acres located on the eastern side of Commonwealth Avenue, the northern side of Goodwin Avenue, and south of Woodland Drive.



**SUMMARY OF PETITION** 

The petition is to rezone a parcel to allow for all permitted and conditional uses within the R-8 zoning district.

**PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE**  A Helping Hand Property Solutions 2, LLC Alensky Signature Homes LLC David Murray

Meeting is not required.

| STAFF          |  |
|----------------|--|
| RECOMMENDATION |  |

**COMMUNITY MEETING** 

Staff recommends approval of this petition.

### Plan Consistency

The petition is **consistent** with the *Independence Boulevard Area Plan* recommendation for residential uses and **inconsistent** with plan's recommended density of four dwelling units per acre.

### Rationale for Recommendation

- The proposed residential land use is consistent with the plan recommendation for residential development and in keeping with the surrounding land uses.
- The parcel located on the other side of Goodwin Avenue is of similar size and has been subdivided into 2 lots.
- The subject parcel is a corner lot with frontage on both Commonwealth Avenue and Goodwin Avenue.

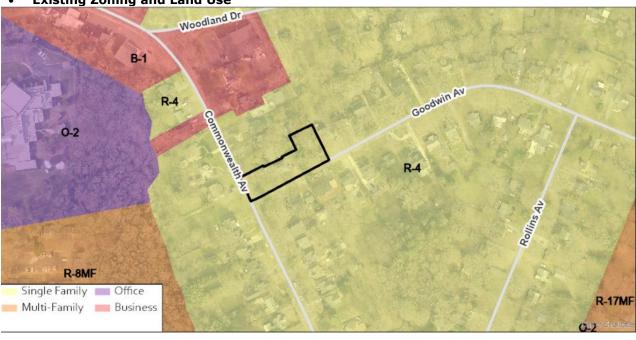
The approval of this petition will revise the adopted future land use as specified by the *Independence Boulevard Area Plan* from residential up to 4 DUA to residential up to 8 DUA.

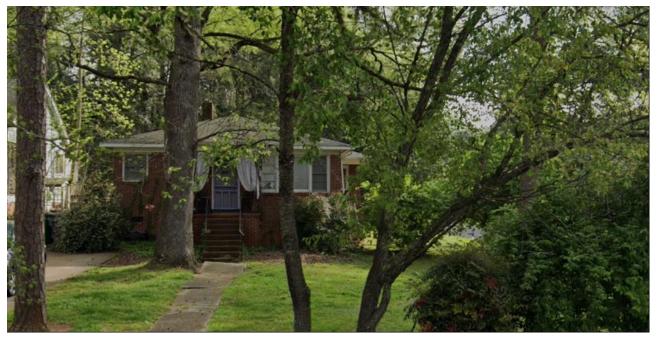
### **PLANNING STAFF REVIEW**

### Proposed Request Details

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

### • Existing Zoning and Land Use





The parcel is developed with a 1 story single family residence and is primarily surrounded by single family homes, along with multifamily residential development and office and retail uses zoned R-4, R-8MF, R-17MF, O-2, and B-1.



General location of subject property denoted by red star.



North, along Goodwin Avenue, are single family residential homes.



Across Goodwin Avenue and opposite the rezoning site are single family homes.



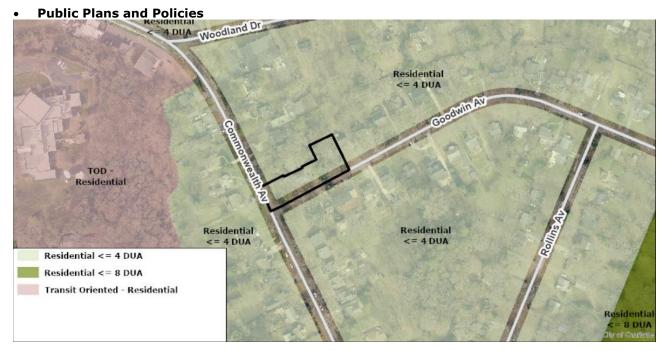
The rezoning site (left) is directly across the street from single family residential homes.



Along Commonwealth Avenue are single family homes.



There have been no recent rezonings in the immediate area.



 The Independence Boulevard Area Plan (2008) recommends residential uses up to 4 units per acre.

### TRANSPORTATION CONSIDERATIONS

• The site is located at the intersection of two local roads. CDOT will work with the petitioner during permitting once a site plan is submitted to ensure all ordinance and area plan(s) required transportation improvements are met.

### Vehicle Trip Generation:

Current Zoning:

Existing Use: 15 trips per day (based on duplex land use).

Entitlement: 9 trips per day (based on one single family dwelling).

Proposed Zoning: 18 trips per day (based on duplex).

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

- Charlotte Area Transit System: No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services: No comments submitted.
- Charlotte Department of Solid Waste Services: See advisory comments at www.rezoning.org
- Charlotte Fire Department: See advisory comments at www.rezoning.org
- Charlotte-Mecklenburg Schools: The development allowed under the existing zoning could generate 1 student, while the development allowed under the proposed zoning may produce 2 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 1 student.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Oakhurst Elementary at 104%
    - Eastway Middle remains at 118%
    - Garinger High remains at 122%.
- Charlotte Water: Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Goodwin Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Goodwin Avenue.

### • Engineering and Property Management:

- Arborist: No comments submitted.
- Erosion Control: No outstanding issues.
- Land Development: No outstanding issues.
- Storm Water Services: See advisory comments at www.rezoning.org
- **Urban Forestry:** No outstanding issues.

- Mecklenburg County Land Use and Environmental Services Agency: See advisory comments at www.rezoning.org
- Mecklenburg County Parks and Recreation Department: No outstanding issues.

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

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



# City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 21.File #: 15-13755 Type: Zoning Decision

# Rezoning Petition: 2020-050 by Charlotte-Mecklenburg Housing Partnership

**Location:** Approximately 10 acres located on the west side of Park Road, south of Marsh Road, and north of Hillside Avenue. (Council District 1 - Egleston)

**Current Zoning:** INST (CD) (institutional, conditional)

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

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

# **Zoning Committee Recommendation**

ZC

Rezoning Petition 2020-050

June 30, 2020

**Zoning Committee** 

**REQUEST** Current Zoning: INST(CD) (institutional, conditional)

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

**LOCATION** Approximately 10 acres located on the west side of Park Road,

south of Marsh Road, and north of Hillside Avenue.

(Council District 1 - Egleston)

**PETITIONER** Charlotte-Mecklenburg Housing Partnership

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

• The plan recommends institutional uses but maintains the existing institutional uses and is consistent with existing residential uses on 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 petition proposes to redevelop a portion of YWCA to allow a multifamily residential community.
- The site contains existing residential units to remain.
- The existing recreational uses will remain.
- The petitioner proposes a 10-foot landscape area to the north to enhance screening for an adjacent multifamily development.
- The development retains buffers along the west and south property lines adjacent single family homes and an existing assisted living facility.

Motion/Second: Spencer / Gussman

Yeas: Gussman, Ham, Kelly, Nwasike, Spencer,

Watkins, and Wiggins

Nays: None Absent: None Recused: None

# ZONING COMMITTEE DISCUSSION

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

improvements being provided as part of the request, and noted existing residential units on the site. A Commissioner commented on a remark made by a citizen at the public hearing and stated that those sentiments are not in alignment with the Zoning Committee or intent to make this an inclusive committee. Another Commissioner expressed hope the project would provide 2 entrances onto Park Road as there is traffic congestion in the immediate area. Another Commissioner commended the petitioner for a creative solution to providing housing units. There was no further discussion of this petition.

**PLANNER** 

Claire Lyte-Graham (704) 336-3782





**REQUEST** 

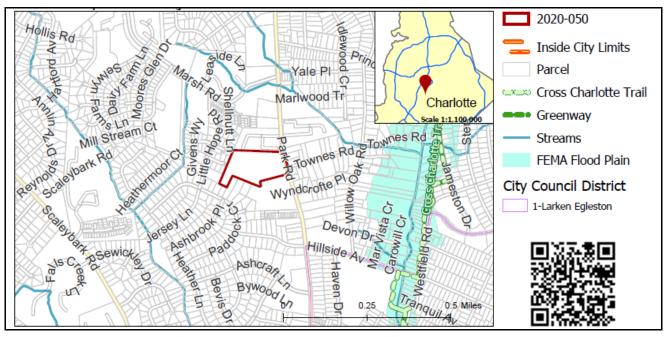
LOCATION

Current Zoning: INST(CD) (institutional, conditional)

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

Approximately 10 acres located on the west side of Park Road,

south of Marsh Road, and north of Hillside Avenue.



**SUMMARY OF PETITION** 

The petition proposes redevelopment the YWCA facility located on Park Road between Marsh Road and Hillside Avenue to allow multifamily residential units. Existing buildings will remain.

**PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE**  YWCA of Charlotte NC

Charlotte-Mecklenburg Housing Partnership Bridget Grant/Moore & Van Allen

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 46

### **STAFF RECOMMENDATION**

**COMMUNITY MEETING** 

Staff recommends approval of this petition.

### Plan Consistency

The petition is **inconsistent** with the *Park Woodlawn Area Plan* recommendation for institutional uses, but maintains the existing institutional uses and is consistent with existing residential uses on the site.

### Rationale for Recommendation

- The petition proposes to redevelop a portion of YWCA to allow a multifamily residential community.
- The site contains existing residential units to remain.
- The existing recreational uses will remain.
- The petitioner proposes a 10-foot landscape area to the north to enhance screening for an adjacent multifamily development.
- The development retains buffers along the west and south property lines adjacent single family homes and an existing assisted living facility.

• The proposed density of approximately 11.5 DUA is consistent with existing surrounding densities, and land use recommendations found in the *Park Woodlawn Area Plan*.

The approval of this petition will revise the adopted future land use as specified by the *Park Woodlawn Area Plan*, from institutional uses to single family/multi-family/institutional uses.

### **PLANNING STAFF REVIEW**

### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Proposes up to 104 multi-family residential dwelling units.
- Existing 93,336 square feet of institutional and recreational uses to remain. Notes existing building may be modified to include up to 5,000 additional square feet of institutional and recreational uses for a total not to exceed 93,336 square feet as shown on the site plan.
- Exising 11 attached multifamily units to remain.
- Limits total number of principal buildings to 6.
- Limits building height to 80 feet.
- Proposes a 10-foot landscape area new fence along the north property line to enhance screening for an adjacent multifamily residential development.
- Illustrates 10-foot, 30-foot, and 50-foot Class B buffers along the west and south property lines.
- Proposes 3 access points (1 existing, 2 proposed) from Park Road. Illustrates a potential right-in/right-out onto Park Road.
- Proposes an 8-foot planting strip and a 6-foot sidewalk along Park Road.
- Provides an improved open space amenity to be improved with landscaping, hardscape areas, walkways, seating areas, and lighting.
- Proposes optional provisions including:
  - Allow parking and circulation between the building and the street as generally shown on the site plan.
- Proposes the following guidelines for new multifamily residential buildings.
  - Utilizes the following building materials: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Allows use of vinyl or aluminum only on windows, soffits, and handrails/railings. Proposes building will have at least 30% masonry (including but not limited to brick, stone, precast brick, precast stone and/or stucco) exclusive of windows, doors and roofs.
  - Notes maximum contiguous area without windows or doors on any floor will not exceed 20 feet in length. Where blank or unarticulated walls 20 feet or greater cannot be addressed principally with doors or windows, they will be treated with a combination of the following options: (i) a higher level of transparency on the ground floor; and (ii) horizontal and vertical variations in wall planes.
  - Notes buildings over 150 feet in length will provide façade variations that visually separate the
    individual units to be accomplished through measures such as window arrangement and size
    variation, balcony arrangement, unit entrance design, roof variation, material changes, and/or
    offset wall planes.
  - Notes entrances will be at or slightly above grade and will be highly visible and architecturally treated as prominent pedestrian entrances through a combination of at least 5 of the following features: (i) decorative lighting/sconces; (ii) architectural details carried through to upper stories; (iii) covered porches, canopies, awnings or sunshades; (iv) archways; (v) transom windows; (vi) terraced or raised planters that can be utilized as seat walls; (vii) common outdoor seating enhanced with specialty details, paving, landscaping or water features; (viii) double doors; (ix) stoops or stairs; and/or (x) contrasting pavement from the primary sidewalk.
  - Proposes first floor will be visually and physically separated from the sidewalk.
  - Places buildings to present a front or side façade to all network required streets.
  - Proposes buildings front a minimum of 50% of the total network required street frontage on the site.

### • Existing Zoning and Land Use





- The site is currently zoned INST(CD), developed with the YWCA of Charlotte and surrounded by single family neighborhoods, townhomes, condominiums, institutional uses, and an assisted living facility on properties zoned R-4, R-8(CD), R-8MF(CD), R-12MF(CD), UR-1(CD) and UR-2(CD).
- The subject site was rezoned via 2004-036 to accommodate 11 dwelling units, one of which is for staff and meeting space, to bolster the YWCA Families in Transition program.



General location of site denoted by red star. Site currently developed with the YWCA of Charlotte.



Townhomes/condominiums are located to the north.



North is a daycare facility.



West are single family homes.



| Petition<br>Number | Summary of Petition                                                                                                                    | Status   |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2017-070           | Rezoned to UR-2(CD) to allow redevelopment of an existing single family home site with up to 19 single family attached dwelling units. | Approved |





• The Park Woodlawn Area Plan (2013) recommends institutional uses.

### TRANSPORTATION CONSIDERATIONS

- The site is located on Park Road, which is a major thoroughfare road. The Park Woodlawn Area Plan promotes transportation infrastructure that safely accommodates pedestrians, bicyclists, transit users and motorists. The site plan commits to constructing an 8-foot planting strip and 6-foot sidewalk along Park Road.
- Planned Projects Near the Site:
  - Park Road with existing four lanes and a potential separated bike lane
    - Scope: Not yet identified

- Phase: Not funded
- No outstanding issues.
- Vehicle Trip Generation:

Current Zoning:

Existing Use: No data available (based on 97,986 SF of YWCA).

Entitlement: Too many uses to determine trips per day (institutional uses).

Proposed Zoning: An additional 625 (based on 93,336 SF of institutional use; 115 apartments;

5-11-2020 site plan).

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

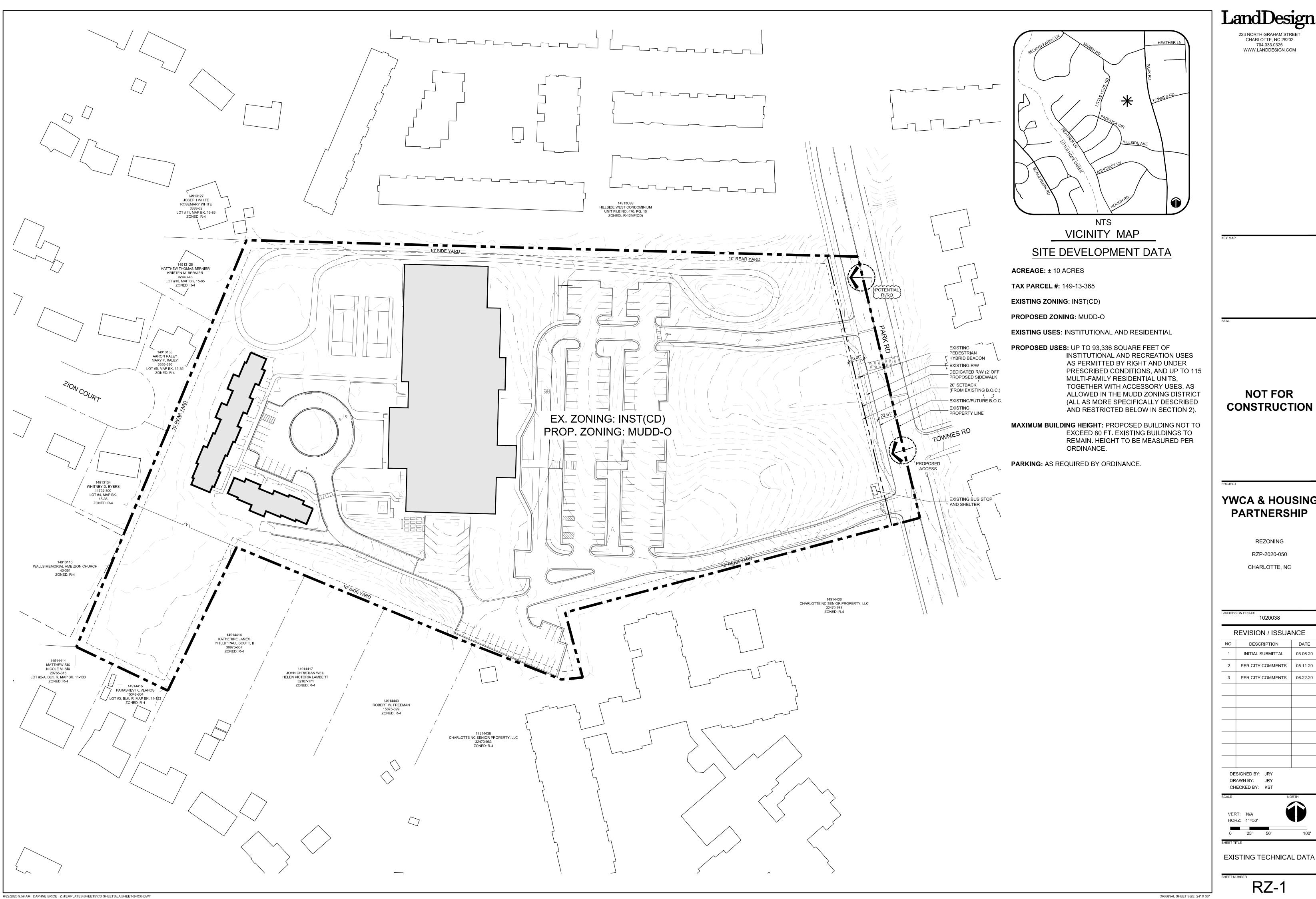
- Charlotte Area Transit System: No comments submitted.
- Charlotte Department of Housing and Neighborhood Services: No comments submitted.
- Charlotte Department of Solid Waste Services: See advisory comments at www.rezoning.org
- Charlotte Fire Department: See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 23 students. Therefore, the net increase in the number of students is 23.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Selwyn Elementary from 97% to 98%
    - Alexander Graham Middle remain at 111%
    - Myers Park High remain at 125%.
- Charlotte Water: No comments submitted.
- Engineering and Property Management:
  - Arborist: No outstanding issues.
  - Erosion Control: No outstanding issues.
  - Land Development: No outstanding issues.
  - Storm Water Services: This property drains to Upper Little Sugar Creek, which is an
    impaired/degraded stream, and may contribute to downstream flooding. See advisory
    comments at www.rezoning.org regarding storm water quality treatment and volume peak
    control.
  - Urban Forestry: No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- Mecklenburg County Parks and Recreation Department: No comments submitted.

### **OUTSTANDING ISSUES**

None.

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

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

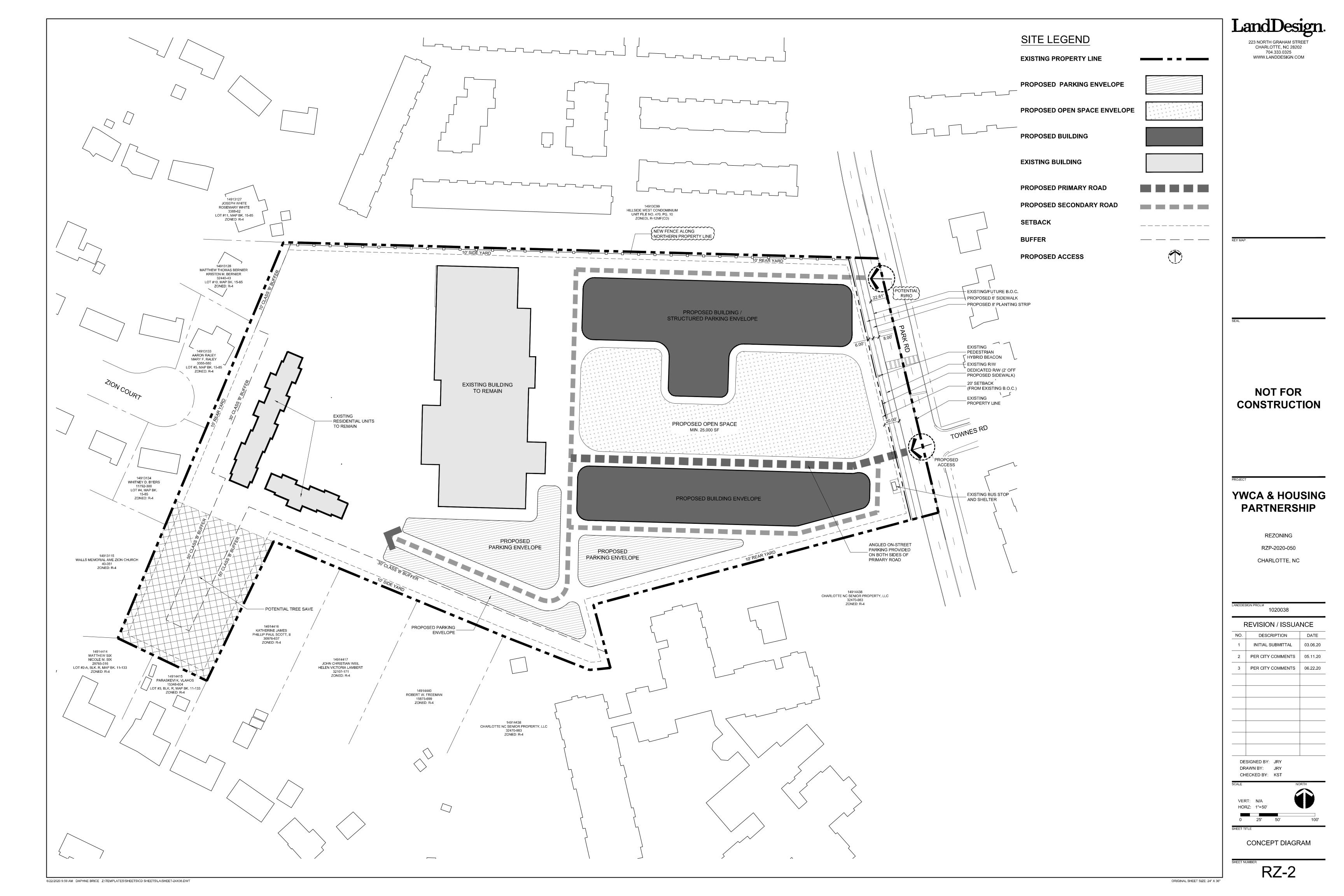


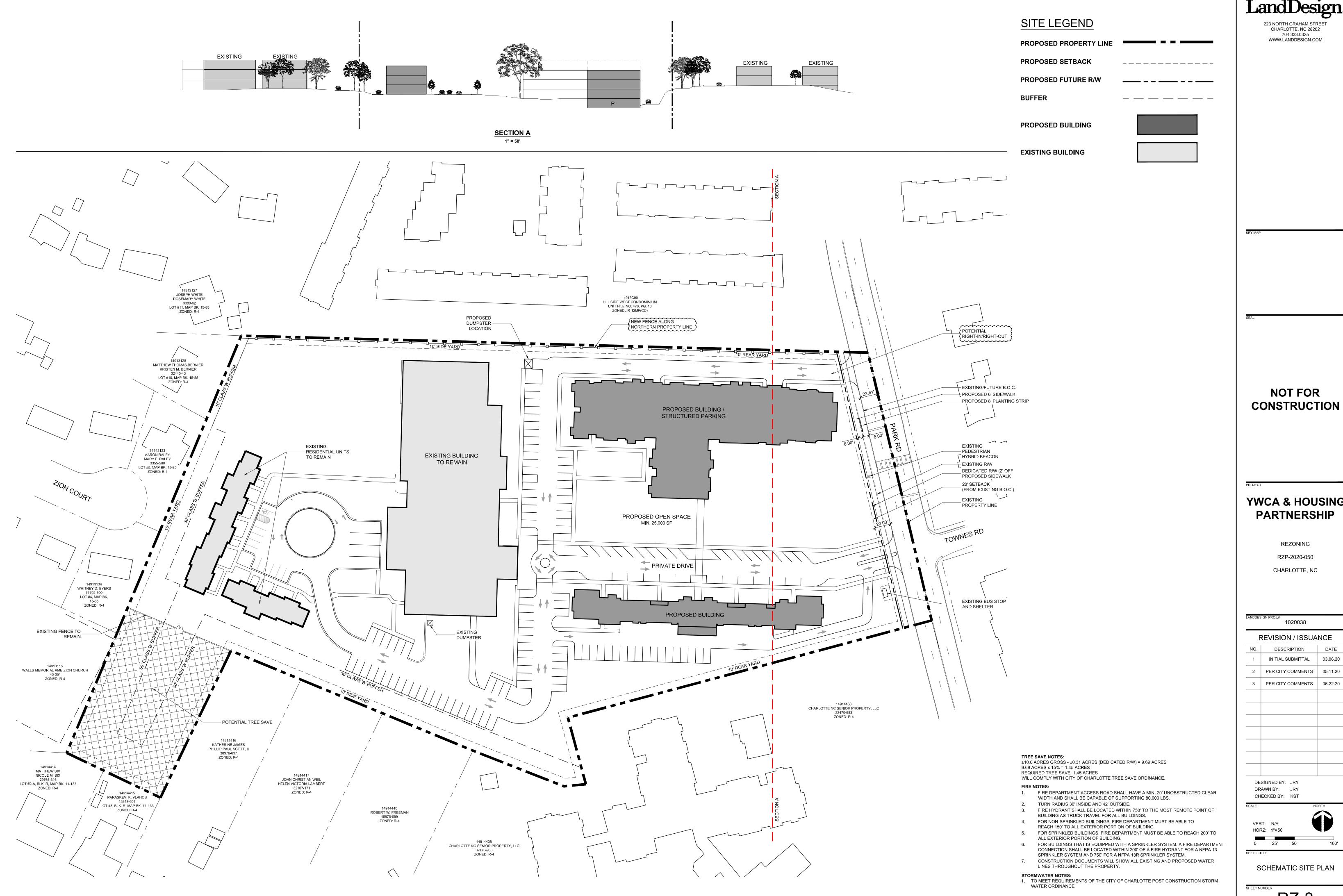
LandDesign.

YWCA & HOUSING

INITIAL SUBMITTAL 03.06.20 2 PER CITY COMMENTS 05.11.20 3 PER CITY COMMENTS 06.22.20

**EXISTING TECHNICAL DATA** 





6/22/2020 9:59 AM DAPHNE BRICE Z:\TEMPLATES\SHEETS\CD SHEETS\LA\SHEET-24X36.DWT

YWCA & HOUSING

INITIAL SUBMITTAL 03.06.20 2 PER CITY COMMENTS 05.11.20 3 PER CITY COMMENTS 06.22.20

RZ-3

ORIGINAL SHEET SIZE: 24" X 36"

### **CMHP & YWCA Park Road Rezoning Development Standards** May 11, 2020 **Rezoning Petition No. 2020-050**

**Site Development Data:** --Acreage:  $\pm$  10 acres --Tax Parcel #: 149-13-365 --Existing Zoning: Inst (CD)

--Proposed Zoning: MUDD-O -Existing Uses: Institutional and Residential

--Proposed Uses: Up to 93,336 square feet of institutional and recreation uses as permitted by right and under prescribed conditions, and up to 115 multi-family residential units, together with accessory uses, as allowed in the MUDD zoning district (all as more specifically described and restricted below in Section 2).

--Maximum Building Height: Proposed building not to exceed eighty (80) feet. Existing buildings to remain. Height to be measured per the Ordinance.

### **--Parking:** As required by the Ordinance.

### 1. General Provisions:

a. **Site Location**. These Development Standards, the Technical Data Sheet, Schematic Site Plan and other site plan sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by the Charlotte Mecklenburg Housing Partnership (CMHP) and the Young Women's Christian Association (YWCA) ("Petitioner") to accommodate the development of a multi-family residential units on an approximately  $\pm 10$  acre site located at 3420 Park Road (the "Site").

b. Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.

Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, building and parking envelopes other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

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

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

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

d. Number of Buildings Principal and Accessory. The total number of principal buildings to be permitted on the Site will be limited to six (6). New accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.

# 2. <u>Permitted Uses, Development Area Limitations:</u>

**a. Existing Buildings.** The existing buildings on the Site shall remain and the uses shall be permitted as follows:

i. Up to 93,336 square feet of institutional and recreation uses as permitted by right and under prescribed conditions together with accessory uses allowed in the MUDD zoning district. The existing building may be modified to include up to 5,000 additional square feet of institutional and recreational uses for a total not to exceed 93,336 square feet as generally depicted.

ii. Up to eleven (11) attached multi-family units as permitted by right and under prescribed conditions together with accessory uses allowed in the MUDD zoning district.

b. Proposed New Buildings. The proposed new principal buildings constructed on the Site may be developed with up to 104 multi-family residential dwelling units uses as permitted by right and under prescribed conditions together with accessory uses allowed in the MUDD zoning district.

# Optional Provisions.

a. To allow parking and circulation between the building and the street as generally depicted on Sheet RZ-03.

# Access and Transportation Improvements.

a. Access to the Site will be from Park Road as generally depicted on Sheet RZ-02.

b. The alignment of the vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards so long as the street network set forth on the Rezoning Plan is not materially altered.

c. The Petitioner will provide a permanent sidewalk easement for any of the proposed primary sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the primary sidewalk where feasible.

# Streetscape, Buffer, Landscaping, and Open Space:

a. A twenty (20) foot setback as measured from the existing and/or future back of curb along Park Road will be provided.

b. An eight (8) foot planting strip and a six (6) foot sidewalk will be provided along the Site's frontage on Park Road.

c. The Petitioner will provide an improved open space amenity area as generally depicted on the Rezoning Plan. The improved open space area will contain a minimum of 25,000 square feet and will be improved with landscaping, hardscape areas, walkways, seating

d. Buffers and yard shall be provided as generally depicted on Sheet RZ-02. Buffers shall be planted to a Class B standard.

# 6. New Multi-Family Design Guidelines:

and/or stucco) exclusive of windows, doors and roofs.

The following standards shall only apply to the proposed new buildings for the new development on the Site:

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood ("Preferred Exterior Building Materials"). Vinyl or aluminum as a building material may only be used on windows, soffits, and handrails/railings. The proposed building will be designed and constructed so that each building elevation(s) that abut/face an existing or proposed Public or Private Street have at least 30% masonry (including but not limited to brick, stone, precast brick, precast stone,

b. The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in length. Where blank or unarticulated walls 20' or greater cannot be addressed principally with doors or windows, they shall be treated with a combination the following options: (i) a higher level of transparency on the ground floor (exaggerated or larger windows indicative of living areas); and (ii) horizontal and vertical variations in wall planes. If the final architectural design cannot meet the design standards for blank wall articulation, alternative innovative design solutions may be considered for approval by the Planning Director.

c. Buildings over 150 feet in length shall provide façade variations that visually separate the individual units. This can be accomplished through measures such as window arrangement and size variation, Balcony arrangement, unit entrance design, roof variation, material changes, and/or offset wall planes.

d. Residential building entrances shall be at or slightly above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances through a combination of at least five (5) of the following features: (i) decorative pedestrian lighting/sconces; (ii) architectural details carried through to upper stories; (iii) covered porches, canopies, awnings or sunshades; (iv) archways; (v) transom windows; (vi) terraced or raised planters that can be utilized as seat walls; (vii) common outdoor seating enhanced with specialty details, paving, landscaping or water features; (viii) double doors; (ix) stoops or stairs; and/or (x) contrasting pavement from the primary sidewalk.

e. To provide a level of comfort and security for residents on the first floor of residential buildings, the first floor shall be visually and physically separated from the sidewalk. Examples include increasing the setback, installing additional landscaping, raising or lowering the first floor or other methods.

f. Where ground floor connection to units is not possible and a shared or common entry is used, a transition from the street to the entry itself is provided to create a unique sense of entry for pedestrians. The ground level transitions are thoughtfully designed and incorporated into the overall character of the building and include any / all the following: changes in grade or setback, stairs, low masonry walls, ornamental railing, changes in paving material, additional landscaping or other methods.

Buildings are placed to present a front or side façade to all network required streets (public or private).

Buildings front a minimum of 50% of the total network required street frontage on the Site (exclusive of driveways, pedestrian access, points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities). Parking lot areas are not located between any building and any network required public or private street however, parking lot

areas may be located to the side as generally depicted on the Rezoning Plan. Provide usable and accessible open space at a minimum of 1 square foot/100 square feet gross floor area or 1 square feet /200 square feet lot area, whichever is greater, incorporating seating, plantings and/or other amenities.

k. Internal sidewalk connections shall be provided between buildings and from buildings to all publicly accessible on-site facilities (parking areas, bicycle facilities, open space, etc.) and abutting or adjacent parks, greenways, bikeways, trails, developments and transit

stops. Internal sidewalks shall be hard-surfaced and at least 5 feet in width unless connecting to four units or less. 1. Fences or walls used for screening shall be constructed in a durable fashion of brick, stone, other finished masonry materials, wood split-rail, metal or other materials specifically designed as fencing materials.

m. Service equipment such as dumpsters, refuse areas, recycling and storage are screened from view from public streets with materials and design to be compatible with principal structures. Such design includes a minimum of 20% 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.

n. All rooftop mechanical equipment on buildings shall be screened from public view from below by integrating the equipment into the building and roof design to the maximum extent feasible, using parapet walls or similar architectural treatments. o. Ventilation grates or emergency exit doors located at the first floor level in the building facade oriented to any public street must be decorative.

p. For flat roofs, a parapet extends above the roof plane and include an element that provides a visual termination of the façade. The parapet extends far enough above the roof plane that all mechanical equipment is concealed from views extending to the far edge of any

q. For pitched roofs (not including details that may include crickets, towers or other elements that slope back to the primary roof) the minimum (4:12), excluding buildings with a flat roof and parapet walls.

### 7. **Environmental Features:**

a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance.

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

c. The Site shall comply with the Tree Ordinance.

# 8. <u>Lighting:</u>

All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type lighting excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site, except streetlights located along public streets, will be limited to 22 feet in height.

### 9. Amendments to the Rezoning Plan:

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

### 10. Binding Effect of the Rezoning Application:

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



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

NOT FOR CONSTRUCTION

**YWCA & HOUSING PARTNERSHIP** 

REZONING

RZP-2020-050

CHARLOTTE, NC

1020038 REVISION / ISSUANCE DESCRIPTION INITIAL SUBMITTAL 03.06.20 PER CITY COMMENTS 05.11.20 3 PER CITY COMMENTS 06.22.20

> DESIGNED BY: JRY DRAWN BY: JRY CHECKED BY: KST

HORZ: NTS

DEVELOPMENT STANDARDS

RZ-4



# City of Charlotte

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

**Agenda Date:** 7/20/2020

Agenda #: 22.File #: 15-13756 Type: Zoning Decision

## Rezoning Petition: 2020-064 by Truist Bank

**Location:** Approximately 2.34 acres bounded by the northeast side of 5<sup>th</sup> Street, southeast of North Tryon Street, southwest of East 6<sup>th</sup> Street, and northwest of North College Street. (Council District 1 - Egleston)

**Current Zoning:** UMUD-O (uptown mixed use, optional)

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

### **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

# **Charlotte-Mecklenburg Planning Commission**

# **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-064

June 30, 2020

**REQUEST** Current Zoning: UMUD-O (uptown mixed use, optional)

Proposed Zoning: UMUD-O SPA (uptown mixed use, optional, site

plan amendment)

**LOCATION** Approximately 2.34 acres bounded by the northeast side of 5<sup>th</sup>

Street, southeast of North Tryon Street, southwest of East 6<sup>th</sup>

Street, and northwest of North College Street.

(Council District 1 - Egleston)

**PETITIONER** Truist Signage

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

The petition is consistent with the Charlotte Center City 2020
 Vision Plan (2011). While this plan does not make a specific
 land use recommendation for the site, it encourages future
 development contribute to the overall viability and livability of
 Center City.

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 petition proposes an optional request to increase the allowed exterior signage for an existing uptown building.
- The previous optional requests and design details from petition 2001-076 will remain for the subject site.
- The request will allow skyline signs for an uptown building and that is in proportion to the size of the highrise structure.
- The proposed signage will accommodate an additional identifying element for a major structure in uptown.

Motion/Second: Wiggins / Kelly

Yeas: Ham, Kelly, Nwasike, and Wiggins Nays: Gussman, Spencer, and Watkins

Absent: None Recused: None

# ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition, noting the request to allow 4 skyline signs with proposed locations. and noted that it is Choose an item. with the adopted area plan. One Commissioner commented that she has long been an advocate for signage amendments to add color and interest to the community. A Commissioner expressed intent to recommend denial stating that the former Hearst Tower is a wonderful example of Art Deco and that it helps create a sense of place and a unique skyline.

### **MINORITY OPINION**

Commissioners Gussman, Spencer and Watkins felt that the former Hearst Tower is a wonderful example of Art Deco and that it helps create a sense of place, contributes to a unique skyline, potential signage on the upper stories will detract from those features.

### **PLANNER**

Claire Lyte-Graham (704) 336-3782





**REQUEST** Current Zoning: UMUD-O (uptown mixed use, optional)

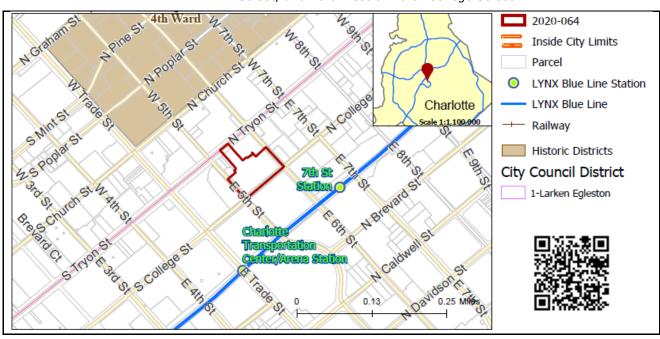
Proposed Zoning: UMUD-O SPA (uptown mixed use, optional, site

plan amendment)

**LOCATION** Approximately 2.34 acres bounded by the northeast side of 5<sup>th</sup>

Street, southeast of North Tryon Street, southwest of East 6<sup>th</sup>

Street, and northwest of North College Street.



**SUMMARY OF PETITION** 

The petition proposes to modify an approved plan to allow additional signage for the Hearst Tower in Uptown.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Truist Bank Truist Signage

Collin Brown and Brittany Lins

**COMMUNITY MEETING** 

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

| STAFF          |   |
|----------------|---|
| RECOMMENDATION | ı |

Staff recommends **approval** of this petition.

### Plan Consistency

The petition is consistent with the *Charlotte Center City 2020 Vision Plan (2011)*. While this plan does not make a specific land use recommendation for the site, it encourages future development contribute to the overall viability and livability of Center City.

### Rationale for Recommendation

- The petition proposes an optional request to increase the allowed exterior signage for an existing uptown building.
- The previous optional requests and design details from petition 2001-076 will remain for the subject site.
- The request will allow skyline signs for an uptown building and that is in proportion to the size of the highrise structure.

The proposed signage will accommodate an additional identifying element for a major structure in uptown.

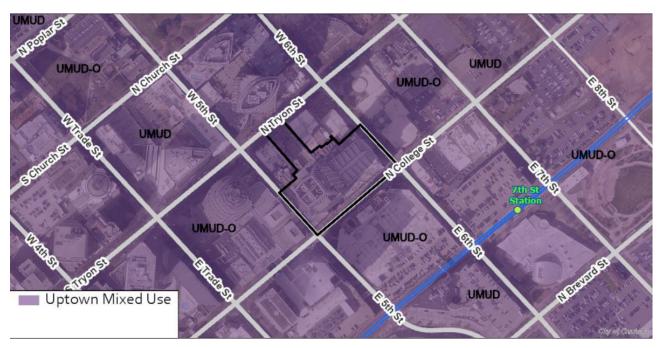
### **PLANNING STAFF REVIEW**

### Proposed Request Details

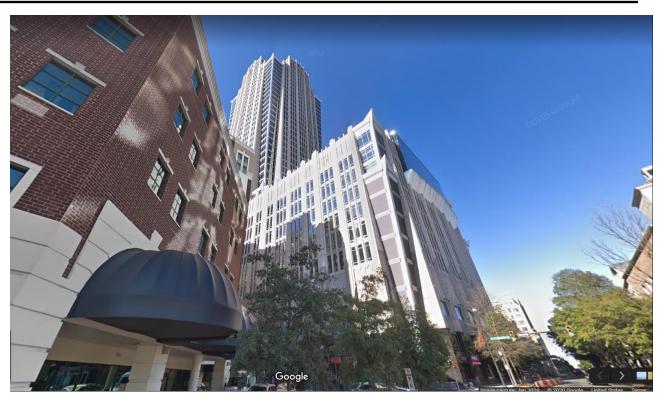
The site plan amendment contains the following changes:

- Allows previous optional requests and design details from petition 2001-076 to remain for the subject site.
- Proposes the following optional provision:
  - Allow four (4) skyline signs with a total maximum sign face area of 3,076 square feet to be allocated between all four sides of the existing office tower, as generally depicted on the rezoning plan. All other signage will conform to UMUD zoning district standards in the ordinance.
- Building elevations depicting the proposed signage locations.

### Existing Zoning and Land Use

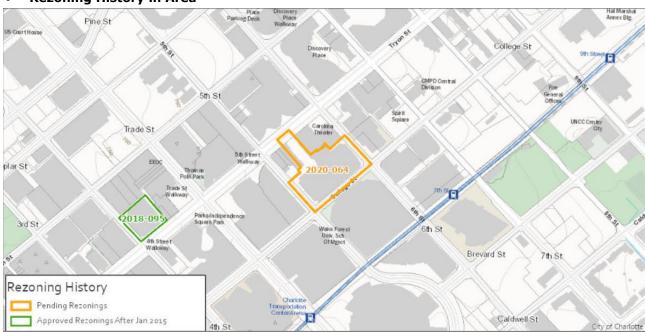


- The subject site is currently developed with an office building constructed in 2001.
- The site was rezoned via petition 2001-076 for an optional provision to allow for a reduction of the amount of urban open space trees and seating in affiliation with development of a 47-story office tower with a building area of 989,486 square foot.



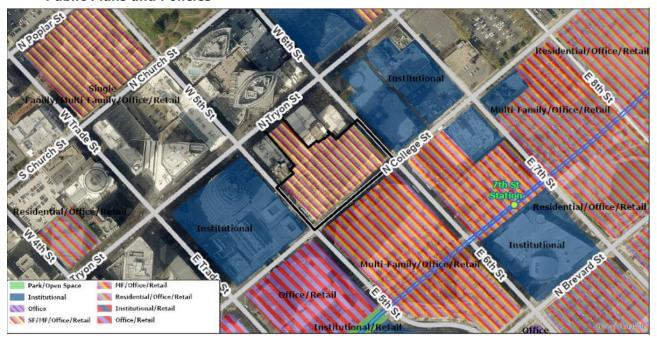
The subject site is an office tower located in Uptown.

### Rezoning History in Area



| Petition<br>Number | Summary of Petition                                                                                              | Status   |
|--------------------|------------------------------------------------------------------------------------------------------------------|----------|
| 2018-095           | UMUD-O SPA to modify an approved plan with an optional request to allow additional signage for an existing First | Approved |
|                    | Citizens high-rise building. Prohibited digital signage.                                                         |          |

### **Public Plans and Policies**



The Charlotte Center City 2020 Vision Plan (2011) does not make a specific land use recommendation for this site. However, the plan encourages future development that will contribute to the overall viability and livability of Center City. The plan recognizes Center City as the central economic engine and diversified employment hub of the region and encourages enhancement of the pedestrian environment through use of visual improvements as one means to identify, support, and retain retail and business activities.

### TRANSPORTATION SUMMARY

CDOT has no transportation issues with this petition.

### **ACTIVE PROJECTS NEAR THE SITE:**

- Uptown Cycletrack, Phase 2
  - Scope: Convert northern lane of 6<sup>th</sup> St. to a two-way separated cycletrack between McDowell St. and I-77 (via 5<sup>th</sup> St.). Some reconfiguration of pavement markings, loading, and parking on 6<sup>th</sup> St. in the vicinity of this petition will occur.
  - Phase: 100% Design
  - Construction: beginning Fall 2020 and completion by Fall 2021

### TRANSPORTATION CONSIDERATIONS

- No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: high rise office tower with ground floor retail building trips per day (989,500 square feet of office).

Entitlement: Too many uses to determine. 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 Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** No comments submitted.
- Charlotte Water: No comments submitted.
- **Engineering and Property Management:** 
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** No outstanding issues.
  - Storm Water Services: No outstanding issues.

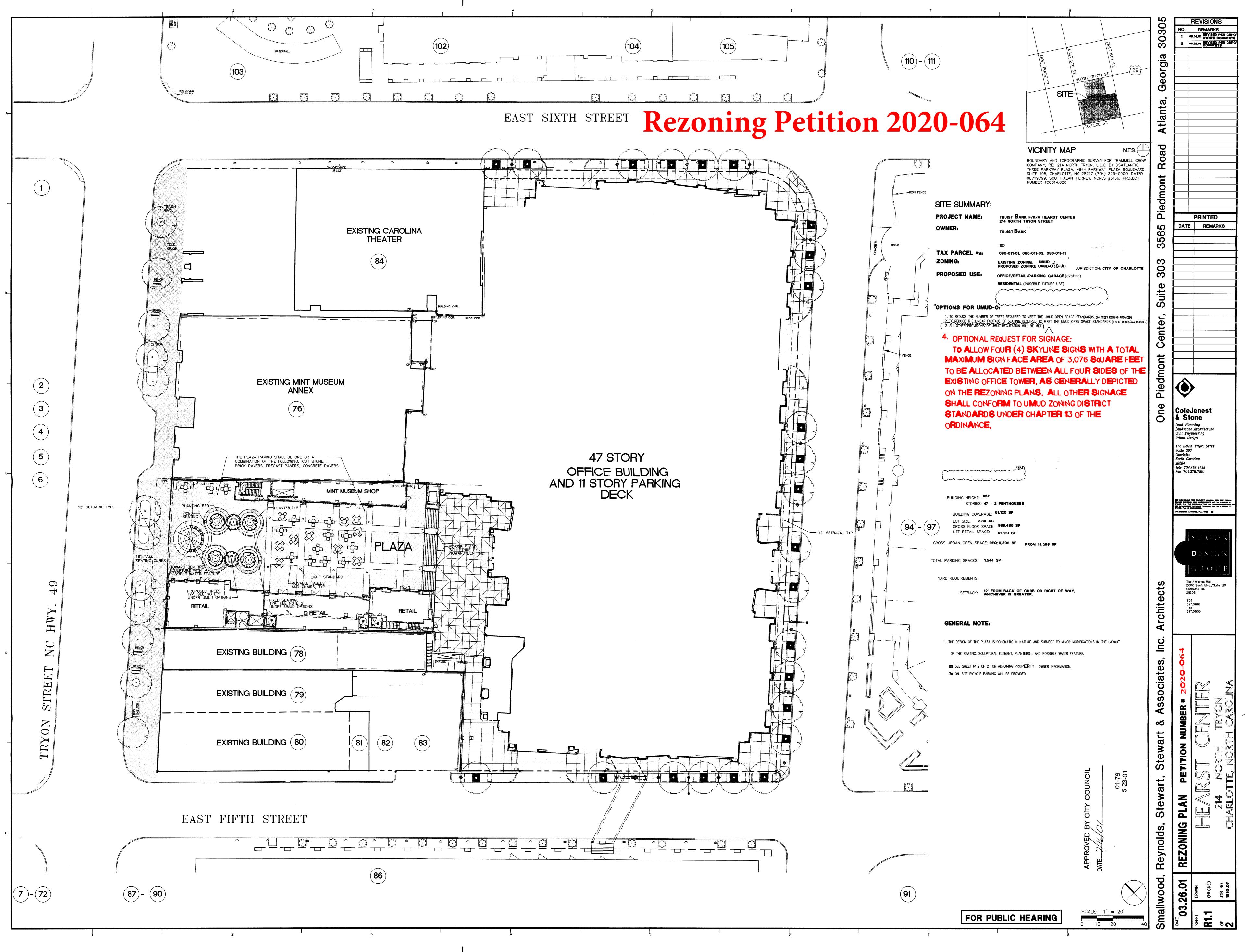
- **Urban Forestry:** No outstanding issues.
- Mecklenburg County Land Use and Environmental Services Agency: No outstanding issues.
- Mecklenburg County Parks and Recreation Department: No outstanding issues.

### **REQUESTED TECHNICAL REVISIONS**

- 1.—Label each sheet 2020-064. Addressed
- 2.—Note proposed zoning is UMUD-O SPA. Addressed
- 3.—Place signage optional provision request on the site plan. Addressed
- 4. Update ownership information on the site plan. Addressed
- 5. Ensure optional provision language references the correct chapter in the ordinance. Addressed
- 6.—Ensure all entitlements under 2001-076 are noted in this plan. Addressed
- 7.—Remove heading "approved rezoning petition 2001-076" and reference in language. Addressed

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

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



### **REZONING PETITION 2020-064**

### **TRUIST BANK**

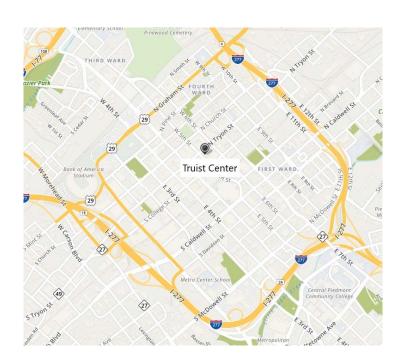
### I. General Provisions:

- a. **Site Description.** The sole purpose of this Site Plan Amendment is to accommodate the signage plans for an existing office building development bound by North Tryon Street, Fifth Street, College Street, and Sixth Street in Uptown Charlotte, more particularly described as Mecklenburg County Tax Parcel 080-011-03 (the "Site").
- b. Except as provided herein, the standards established under approved Rezoning Petition 2001-076 or as otherwise applicable under the Ordinance for the UMUD zoning classification shall govern all development on the Site.

### II. <u>Optional Provisions for UMUD-O</u>:

In addition to those optional provisions established in approved Rezoning Petition 2001-076, incorporated herein, the following optional provision is provided to accommodate deviation from the UMUD standards under the Ordinance:

a. **Signage.** To allow four (4) skyline signs with a total maximum sign face area of 3,076 square feet to be allocated between all four sides of the existing office tower, as generally depicted on this Rezoning Plan. All other signage shall conform to UMUD zoning district standards under Chapter 13 of the Ordinance.



# Rezoning Petition 2020-064

 Revisions:
 X

 X
 X

 X
 X

 X
 X

 X
 X

 X
 X

Drawing # OE C66730

Underwriters
Laboratories, Inc.
Sign components to be in strict

compliance with UL standards.

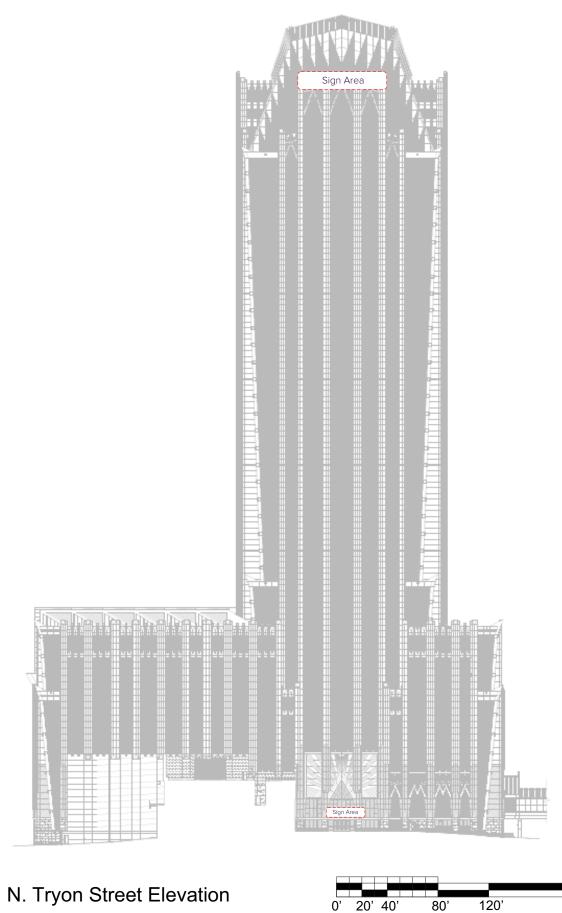
All dimensions are in inches unless specified metric. Items are scaled as noted when printed on an 11x17 sheet. Signs must be installed in accordance with requirements of article 600 of National Electrical code and/or applicable local codes.

Address: 214 N Tryon Street

City: Charlotte, NC

Date: March 20, 2020

Designer: JAS



210'

Drawing # OE



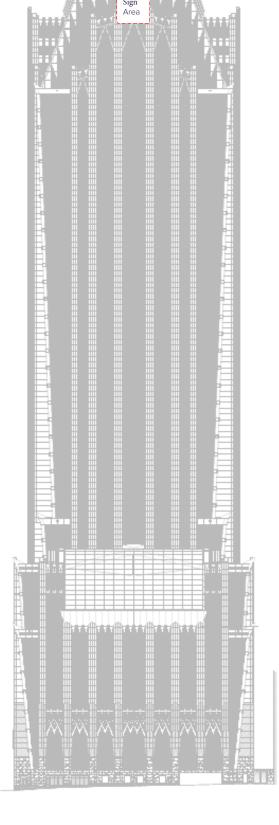
Underwriters Laboratories, Inc. Sign components to be in strict

compliance with UL standards.

unless specified metric. Items are scaled as noted when printed on an 11x17 sheet.

with requirements of article 600 of National Electrical code and/or applicable local codes.

City: Charlotte, NC Designer: JAS



E. 6th Street Elevation



E. 5th Street Elevation 0' 20' 40'

OE

C66730

210'

Underwriters Laboratories, Inc.

All dimensions are in inches are scaled as noted when

Signs must be installed in accordance with requirements of article 600 of National Electrical code and/or applicable local codes.

Address: 214 N Tryon Street

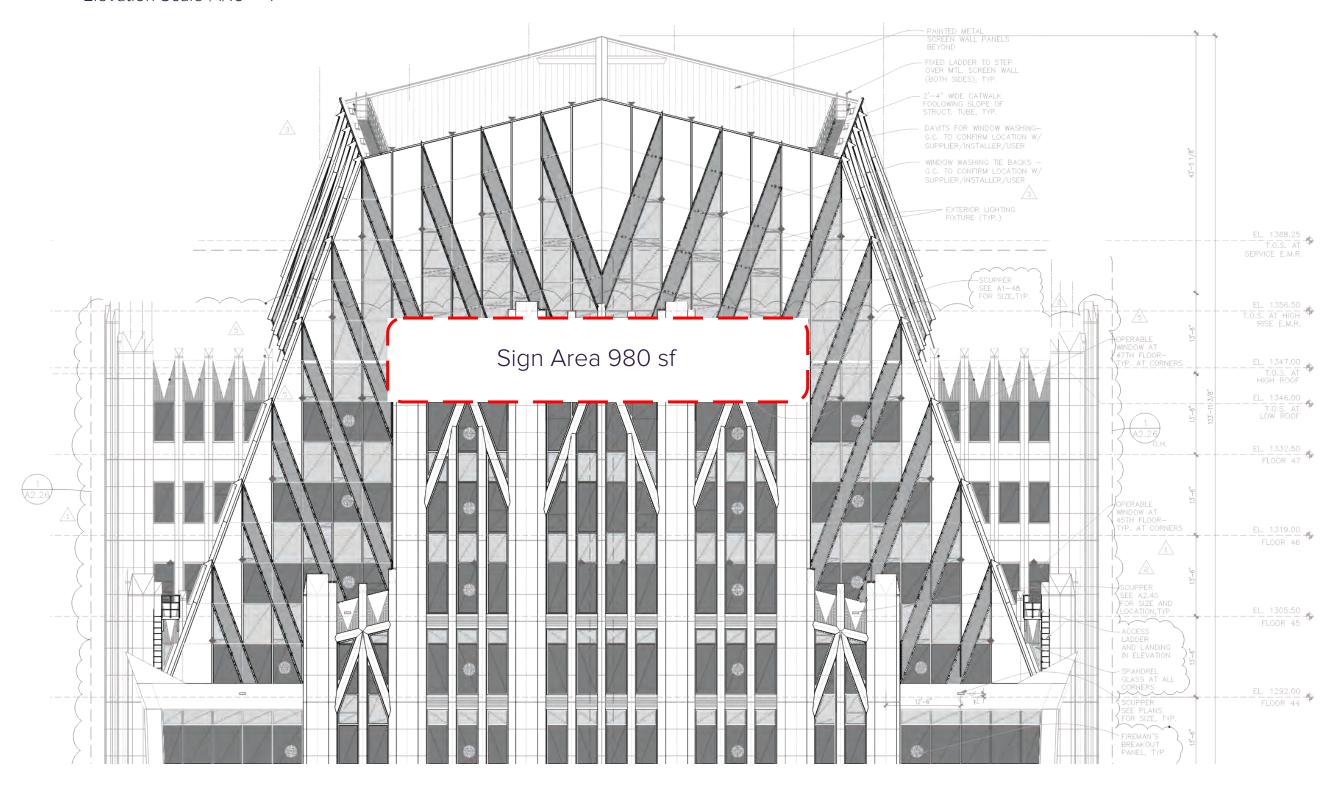
City: Charlotte, NC

Date: March 20, 2020 Designer: JAS

Drawing #

Sign components to be in strict compliance with UL standards.

unless specified metric. Items printed on an 11x17 sheet.



# **FUTURE TOWER PARAPET SIGNS**

N Tryon Street / N College Street

 Revisions:
 X

 X
 X

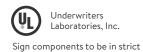
 X
 X

 X
 X

 X
 X

Drawing # OE





compliance with UL standards.

All dimensions are in inches unless specified metric. Items are scaled as noted when printed on an 11x17 sheet. Signs must be installed in accordance with requirements of article 600 of National Electrical code and/or applicable local codes.

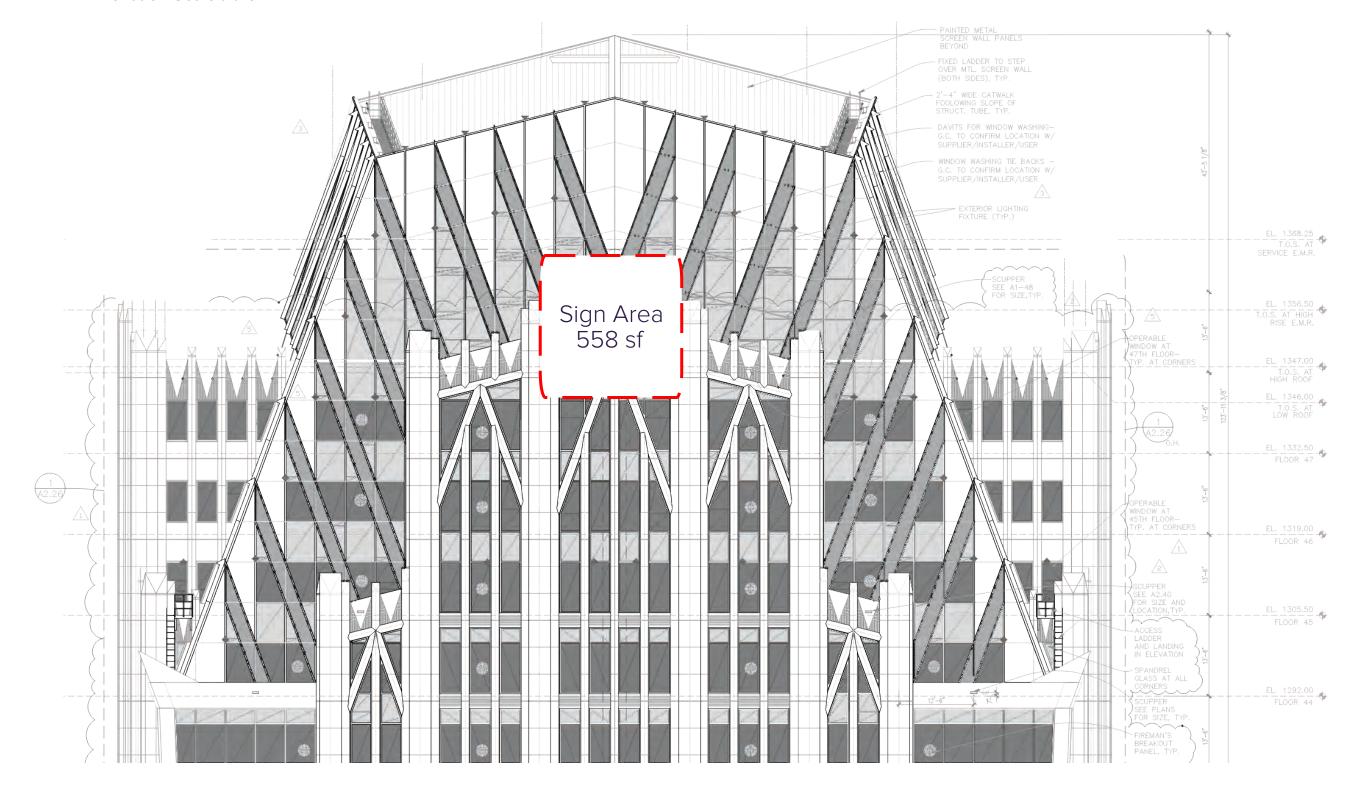
Address: 214 N Tryon Street

City: Charlotte, NC

Date: March 20, 2020

Designer: JAS

## Elevation Scale | 1/16" = 1'



# Rezoning Petition 2020-064

# **FUTURE TOWER PARAPET SIGNS**

E 5th Street / E 6th Street

 Revisions:
 X

 X
 X

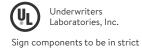
 X
 X

 X
 X

 X
 X

Drawing # OE





compliance with UL standards.

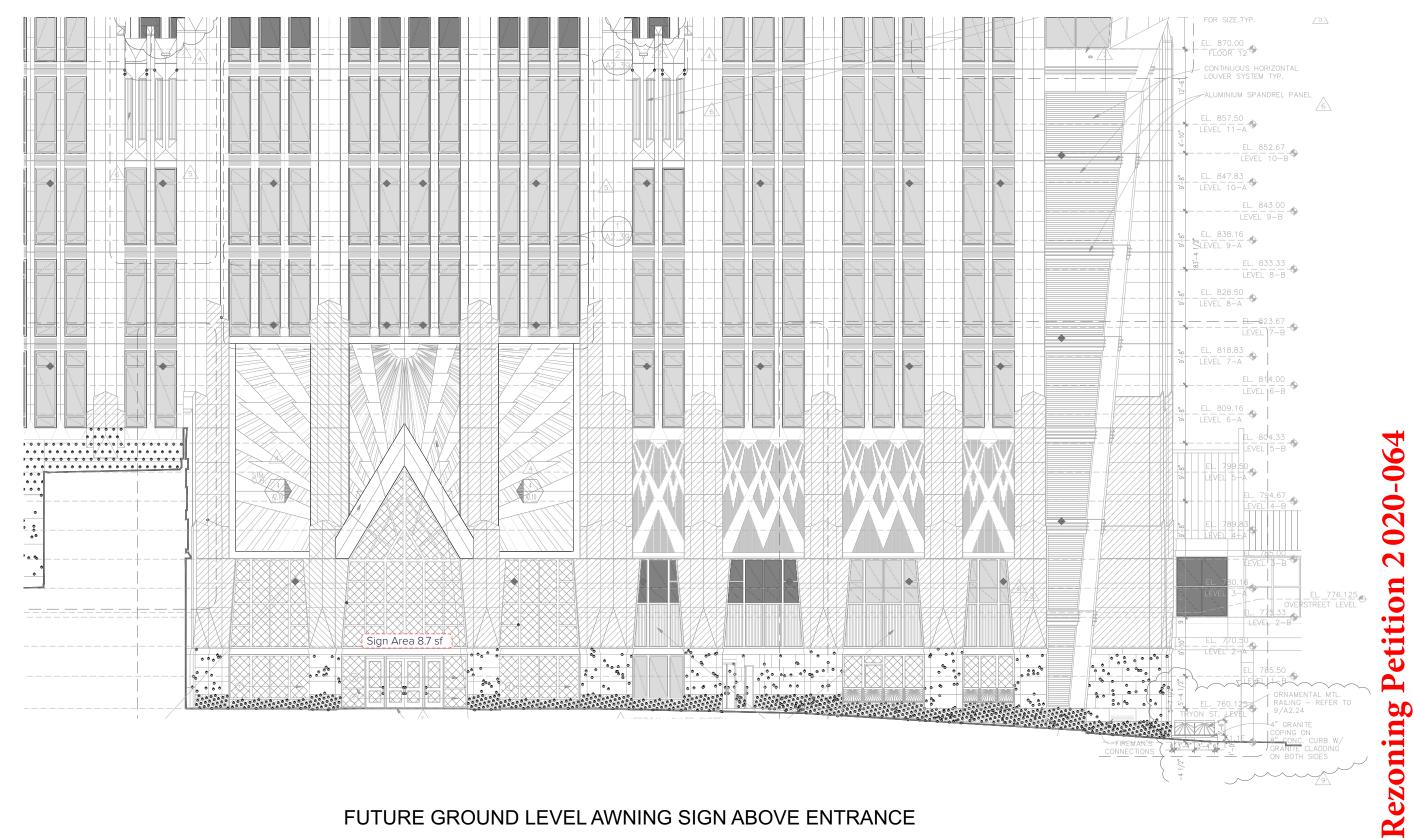
All dimensions are in inches unless specified metric. Items are scaled as noted when printed on an 11x17 sheet. Signs must be installed in accordance with requirements of article 600 of National Electrical code and/or applicable local codes.

Address: 214 N Tryon Street

City: Charlotte, NC

Date: March 20, 2020

Designer: JAS

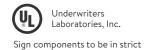


# N Tryon Street

| Revisions: | X |
|------------|---|
| (          | X |
| (          | X |
| (          | X |

C66730 Drawing #

OE



compliance with UL standards.

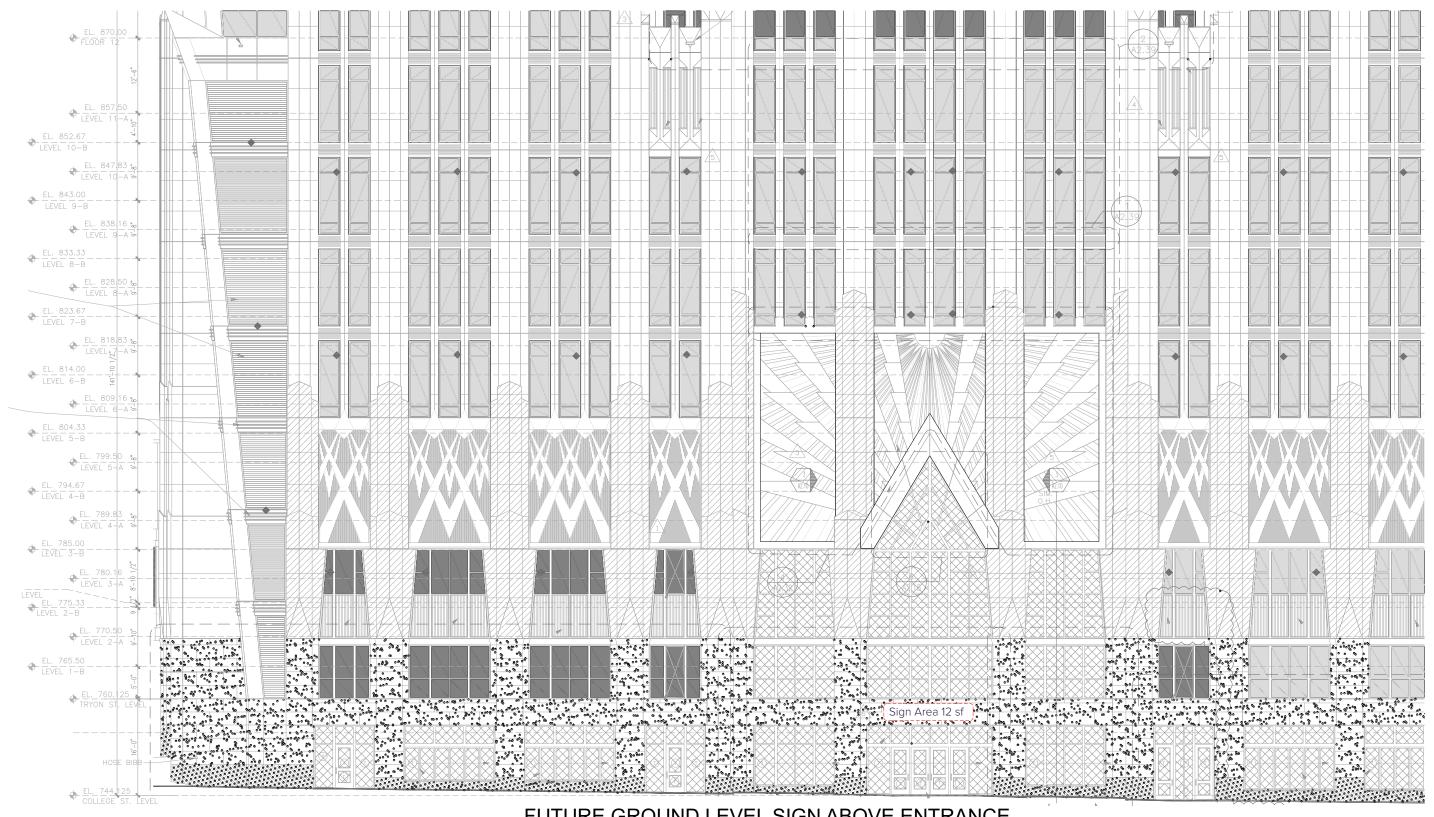
All dimensions are in inches unless specified metric. Items are scaled as noted when printed on an 11x17 sheet.

Signs must be installed in accordance with requirements of article 600 of National Electrical code and/or applicable local codes.

Address: 214 N Tryon Street

City: Charlotte, NC

Date: March 20, 2020 Designer: JAS



# FUTURE GROUND LEVEL SIGN ABOVE ENTRANCE

# N College Street

C66730 Drawing #

OE



All dimensions are in inches unless specified metric. Items are scaled as noted when printed on an 11x17 sheet. compliance with UL standards.

Signs must be installed in accordance with requirements of article 600 of National Electrical code and/or applicable local codes.

Address: 214 N Tryon Street

Date: March 20, 2020

City: Charlotte, NC Designer: JAS



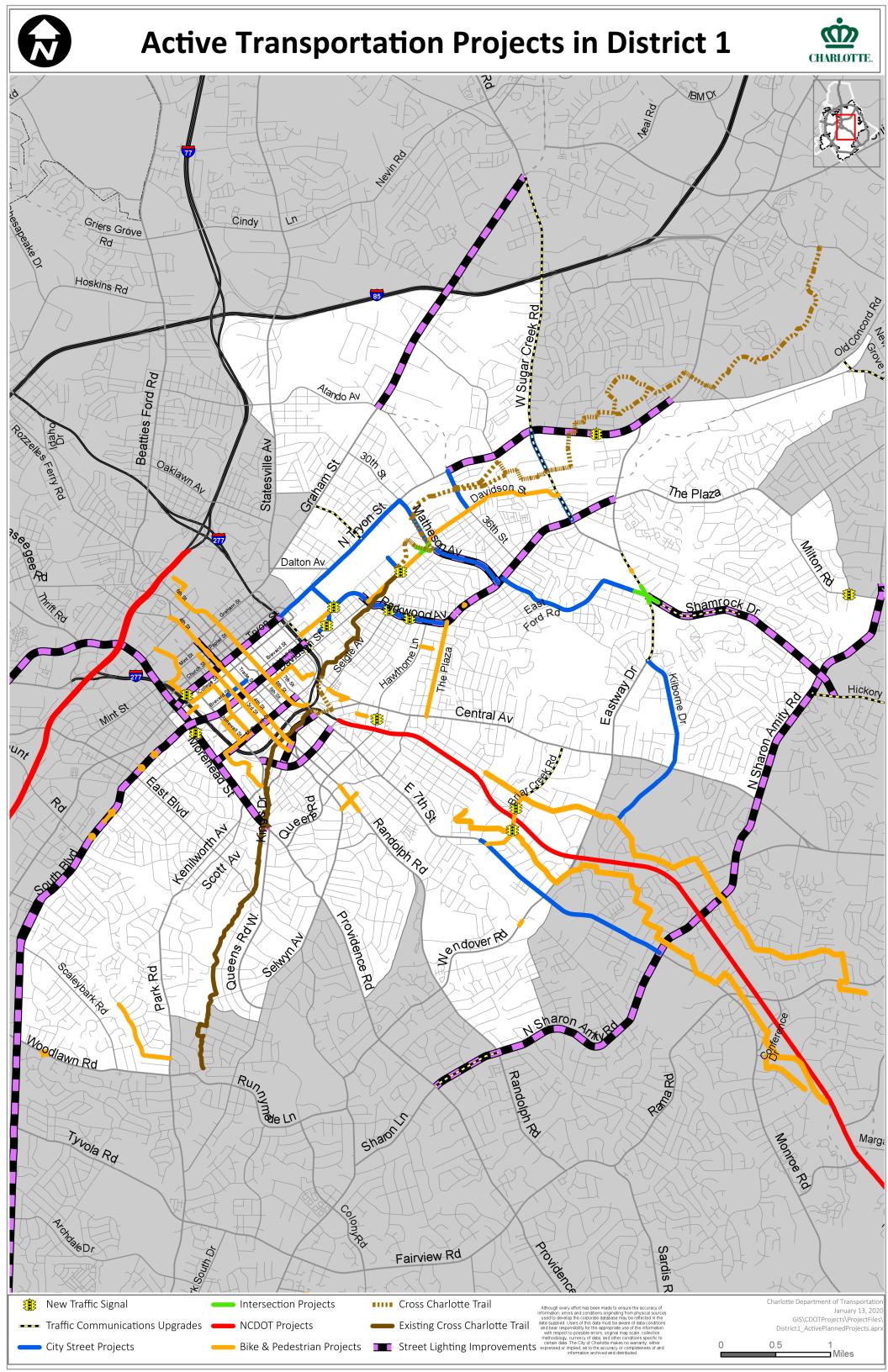
# City of Charlotte

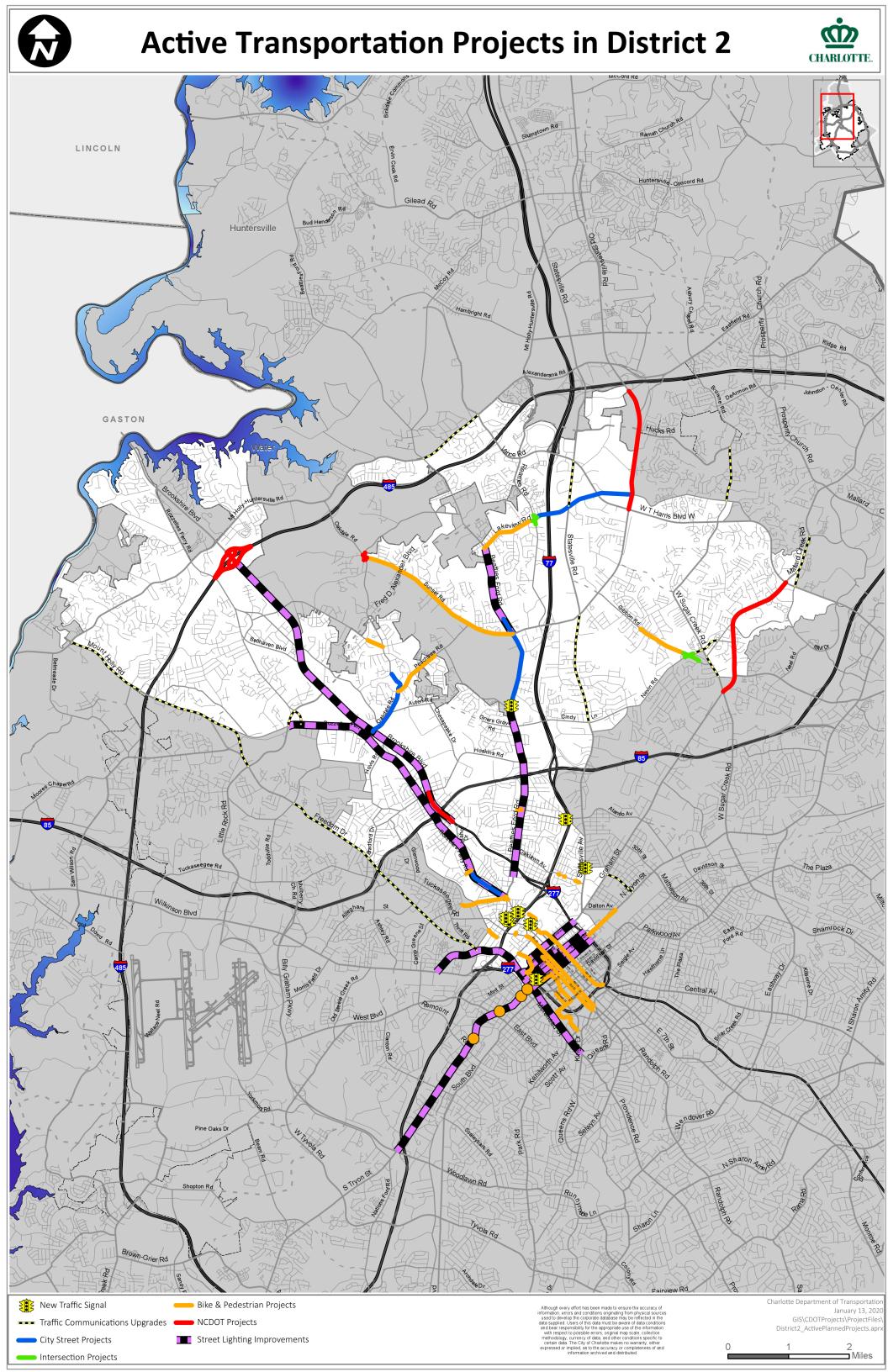
Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte, NC 28202

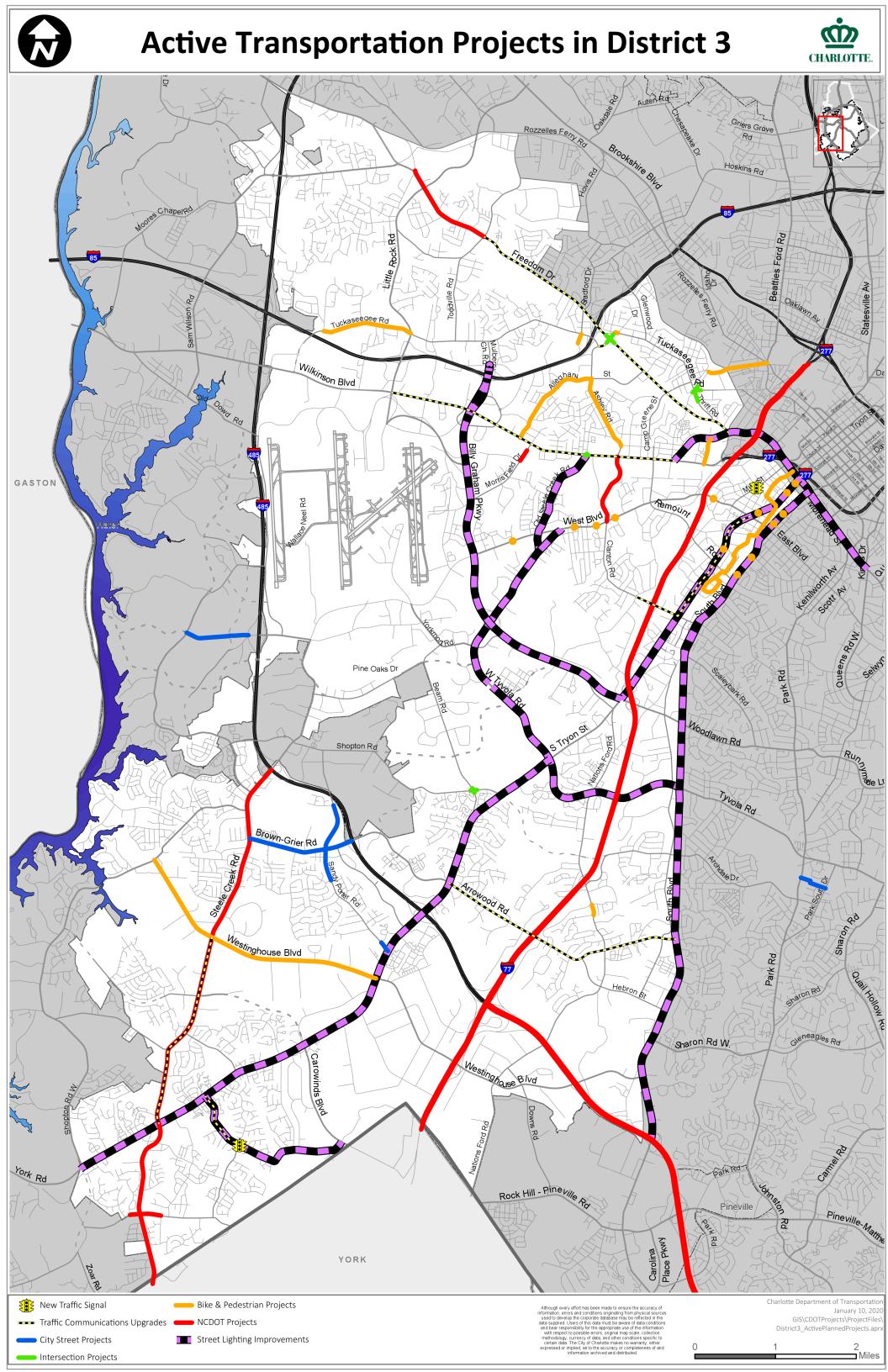
**Agenda Date:** 4/20/2020

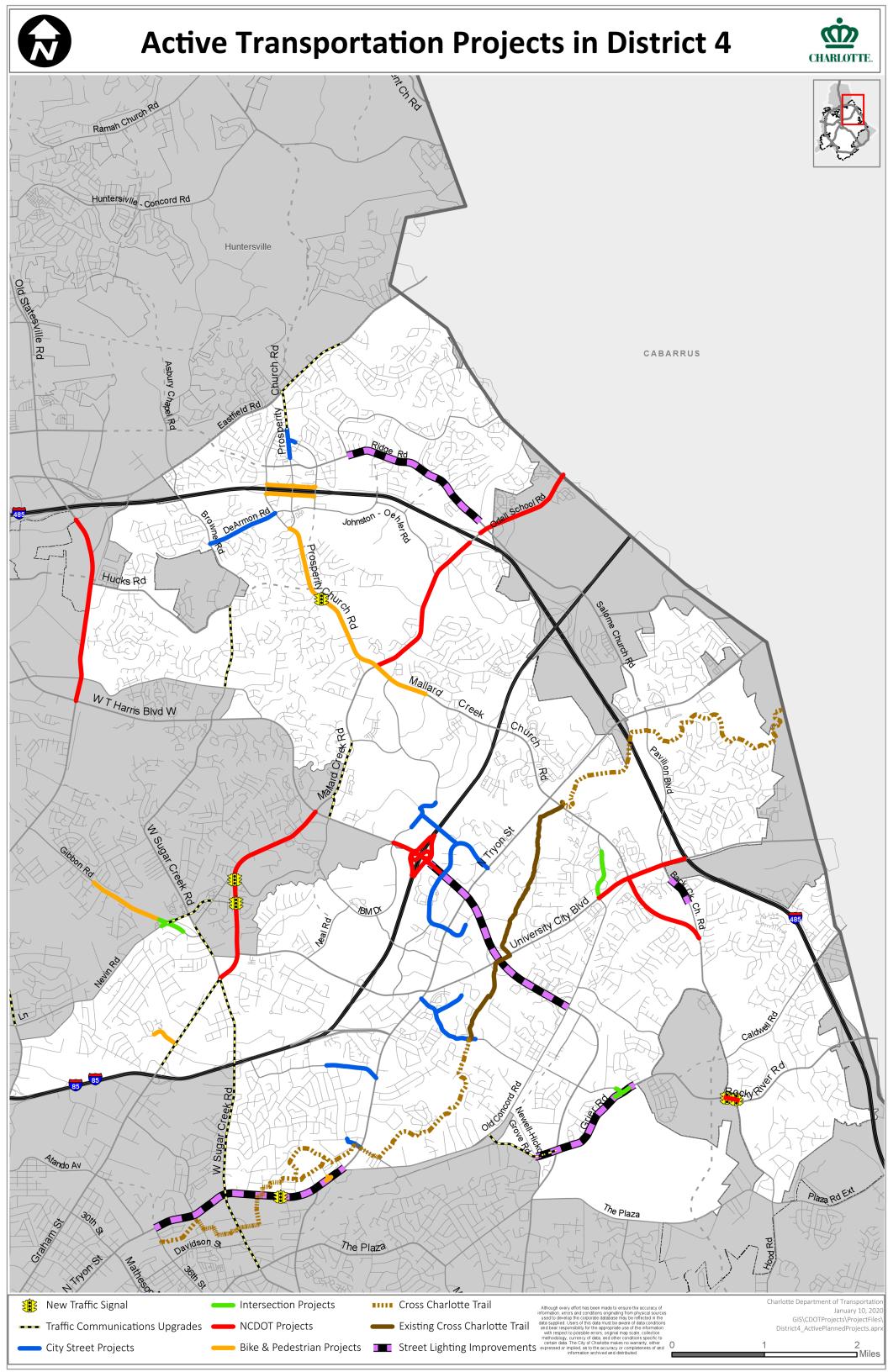
Agenda #: 23.File #: 15-13181 Type: Zoning Item

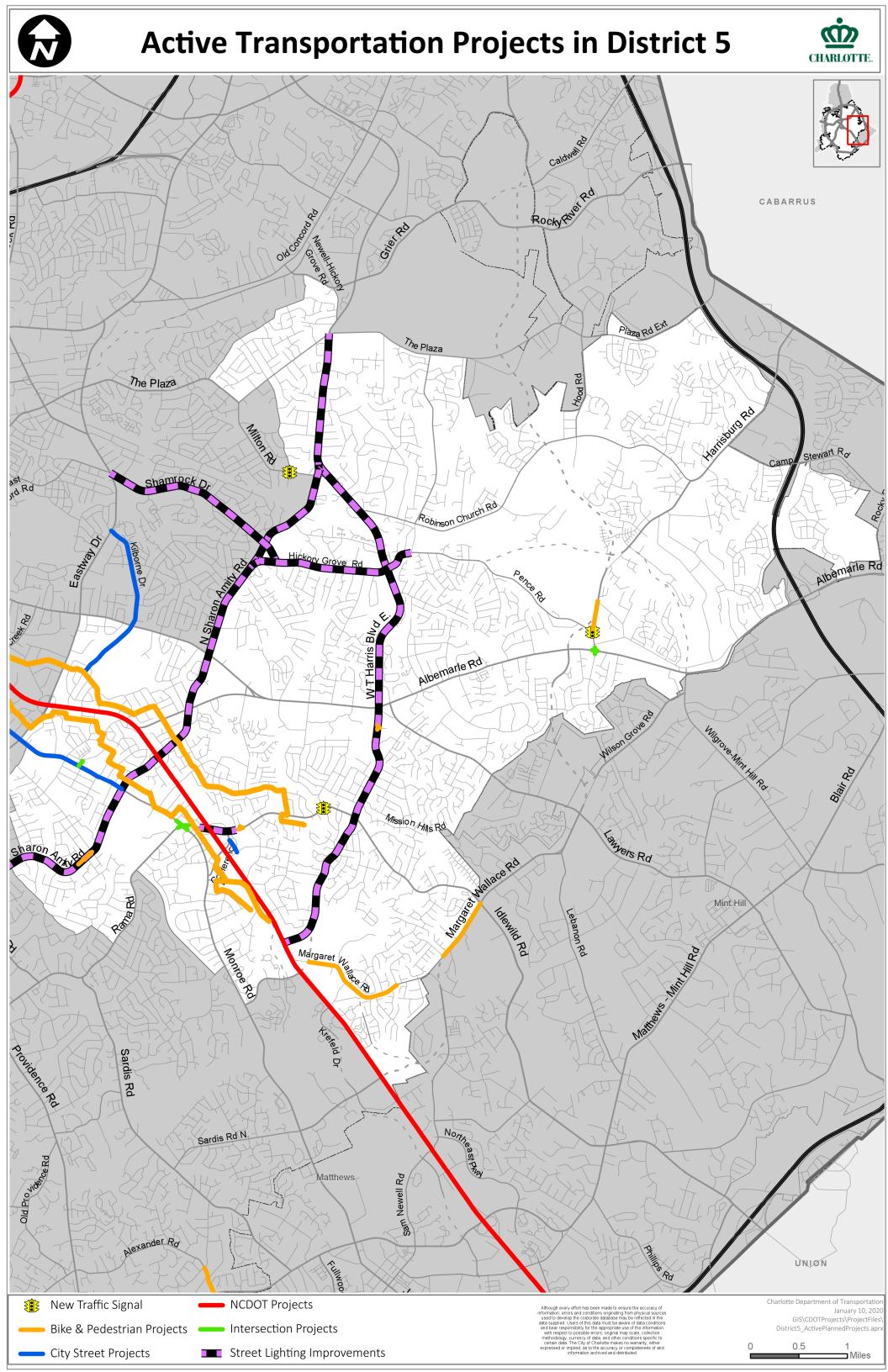
**Active Transportation Projects** 





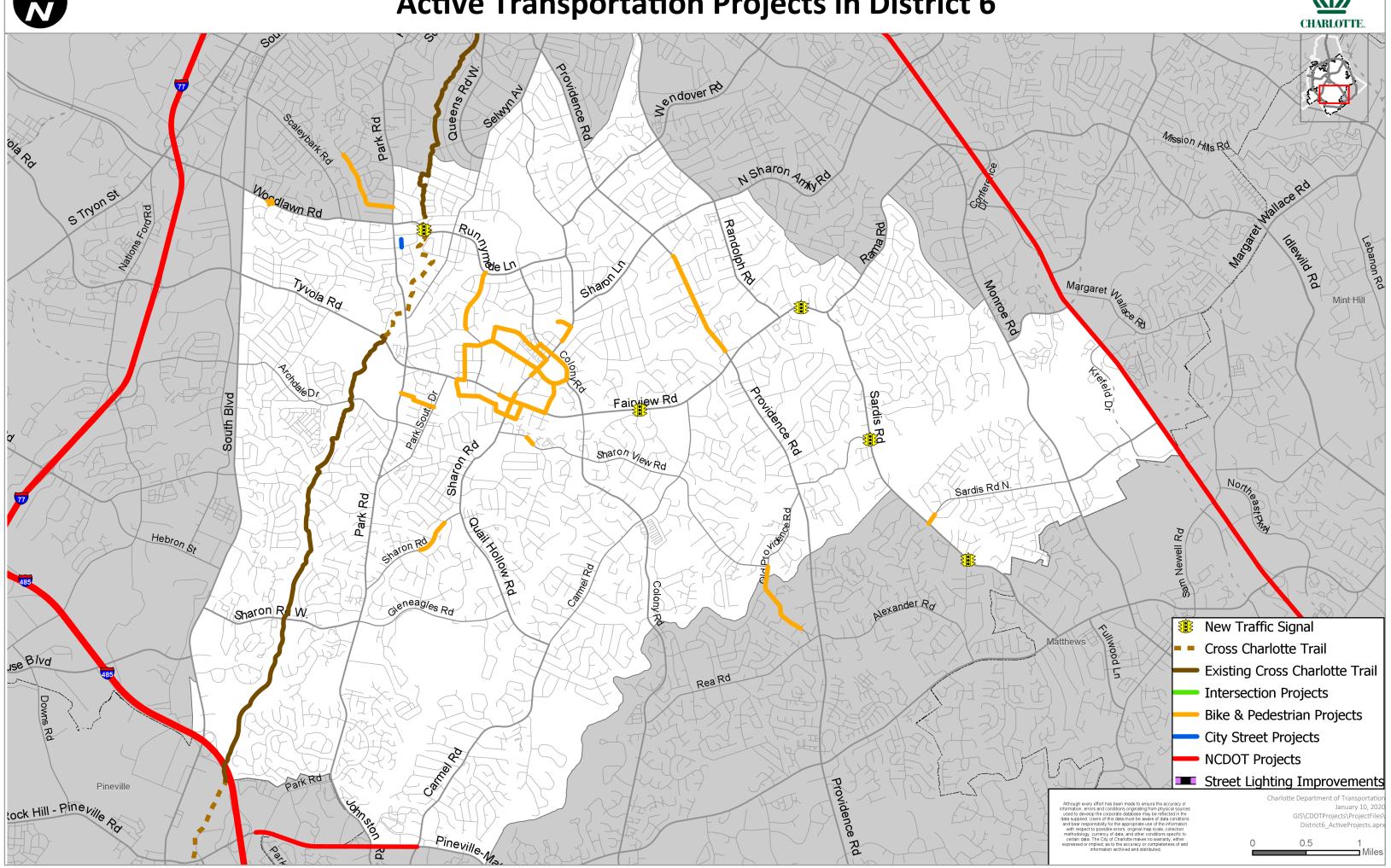






# **Active Transportation Projects in District 6**







# **Active Transportation Projects in District 7**



