City of Charlotte

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

Zoning Agenda

Tuesday, August 4, 2020

Charlotte-Mecklenburg Government Center

Zoning Committee Work Session

Keba Samuel - Chairperson
Erin Barbee
Andrew Blumenthal
Peter Kelly
Elizabeth McMillian
Victoria Nwasike
Douglas Welton

Zoning Committee Work Session

Deferral

1. Rezoning Petition: 2020-062 by i3i Ventures, LP

Update: Petitioner is requesting deferral to September 21, 2020

Location: Approximately 17.3 acres located east of Old Statesville Road, south of Gibbon Road, northwest of Garvin Drive. (Council District 2 - Graham)

Zoning Items

2. Rezoning Petition: 2019-111 by Hive Fitness, LLC

Location: Approximately 4.1 acres located on the south side of Southside Drive, west of Old Pineville road, and east of Yancey Road. (Council District 3 - Watlington)

Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-TR (transit transition)

Public Hearing Held: July 20, 2020 - Item #31

Staff Resource: Claire Lyte-Graham

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

3. Rezoning Petition: 2019-167 by Grubb Management, LLC

Location: Approximately 0.7 acres (two lots) located on the south side of State Street and north side of Katonah Avenue. (Council District 2 - Graham)

Current Zoning: I-2 (General Industrial) and R-8 (Single Family Residential)
Proposed Zoning: MUDD-O (Mixed Use Development, Optional)

Public Hearing Held: June 15, 2020 - Item #26

Staff Resource: Lisa Arnold

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

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

4. Rezoning Petition: 2019-168 by Suncrest Real Estate and Land

Location: Approximately 22.87 acres located on the north side of Oakdale Road between Miranda Road and Interstate 485. (Council District - Outside City limits)

Current Zoning: R-3 LWPA (single-family, residential, Lake Wylie Protected Area)
Proposed Zoning: MX-2 (CD) LWPA (mixed use, conditional, Lake Wylie Protected Area)

Public Hearing Held: July 20, 2020 - Item #32

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

5. Rezoning Petition: 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC

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

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

Public Hearing Held: July 20, 2020 - Item #30

Staff Resource: William Linville

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

6. Rezoning Petition: 2019-184 by Taft Mills Group

Location: Approximately 4.2 acres located to the east of W. T. Harris Boulevard, south of Woodland Circle and north of Interstate 485. (Council District 2 - Graham)

Current Zoning: R-3 (single-family residential)
Proposed Zoning: R-17 MF (CD) (multi-family residential, conditional)

Public Hearing Held: July 20, 2020- Item #33

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

7. Rezoning Petition: 2020-005 by Ronald Staley, Jr. of Verde Homes, LLC

Location: Approximately 0.92 acres located at the SW intersection of Allen Street and Parkwood Avenue in the Belmont community. (Council District 1 - Egleston)

Current Zoning: R-5 (residential)
Proposed Zoning: NS (neighborhood services)

Public Hearing Held: July 20, 2020 - Item #34

Staff Resource: William Linville

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

8. Rezoning Petition: 2020-007 by Erwin Capital

Location: Approximately 13.211 acres located along the northern side of Albemarle Road between Rocky River Church Road and Blair Road. (Outside City Limits)

Current Zoning: B-1 (CD) (neighborhood business, conditional)
Proposed Zoning: B-1 (CD) SPA (neighborhood business, conditional, site plan amendment)

Public Hearing Held: July 20, 2020 - Item #35

Staff Resource: William Linville

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

9. Rezoning Petition: 2020-014 by Carolina Builders, LLC

Location: Approximately 3.9 acres located along the eastern side of Erwin Road and north of Tryon Street. (Council District 3 - Watlington)

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

Public Hearing Held: July 20, 2020 - Item #36

Staff Resource: Lisa Arnold

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

10. Rezoning Petition: 2020-017 by Aspen Heights Partners

Location: Approximately 2.75 acres located east of Baltimore Avenue, south of Remount Road, and north of Benjamin Street. (Council District 3 - Watlington)

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

Public Hearing Held: July 20, 2020 - Item #37

Staff Resource: Claire Lyte-Graham

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

11. Rezoning Petition: 2020-019 by Dependable Development, Inc.

Location: Approximately 18.17 acres located along Plaza Road Extension, east of Faires Road and west of its intersection with Interstate 485. (Council District 5 - Newton)

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

Public Hearing Held: July 20, 2020 - Item #38

Staff Resource: William Linville

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

12. Rezoning Petition: 2020-021 by K Sade Ventures, Inc.

Location: Approximately 4.56 acres located along the northern side of University City Boulevard, just west of the Mecklenburg/Cabarrus County line. - (Outside City limits)

Current Zoning: B-1 (CD) (neighborhood business)
Proposed Zoning: B-2 (CD) (general business, conditional)

Public Hearing Held: July 20, 2020 - Item #39

Staff Resource: William Linville

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

13. Rezoning Petition: 2020-022 by Boulevard Real Estate Advisors, LLC

Location: Approximately 4.24 acres located at the northeast intersection of Anderson Street and Spencer Street in the NODA community.

Current Zoning: I-2 (heavy industrial)
Proposed Zoning: TOD-TR (transit-oriented development, transitional)

Public Hearing Held: July 20, 2020 - Item #40

Staff Resource: William Linville

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

14. Rezoning Petition: 2020-034 by Jefferson Apartment Group

Location: Approximately 5.07 acres located .2 miles NE of I-277, SW of North Tryon Street, near Optimist Hall and Norfolk Southern's railyard. (Council District 1 - Egleston)

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

Public Hearing Held: July 20, 2020 - Item #41

Staff Resource: William Linville

Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to environment.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

15. Rezoning Petition: 2020-039 by Hinshaw Properties, LLC

Location: Approximately 0.44 acres located north of Firefighter Place, east of 7th Street, and west of Weddington Avenue. (Council District 1 - Egleston)

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

Public Hearing Held: July 20, 2020 - Item #42

Staff Resource: Claire Lyte-Graham

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

16. Rezoning Petition: 2020-046 by Take 5 Carolinas

Location: Approximately 1.09 acres located southwest of Whitehall Park Drive, on the north side of Tryon Street, east of Sandy Porter Road. (Council District 3 - Watlington)

Current Zoning: I-1 (CD) (light industrial, conditional)
Proposed Zoning: I-1 (CD) SPA (light industrial, conditional, site plan amendment)

Public Hearing Held: July 20, 2020 - Item #43

Staff Resource: Lisa Arnold

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

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

17. Rezoning Petition: 2020-047 by Pecan Ridge of Charlotte, LLC

Location: Approximately 1.72 acres located on the eastern side of W. T. Harris Boulevard, north of Forest Drive, and south of Mount Holly-Huntersville Road. (Council District 2 - Graham)

Current Zoning: CC (commercial center)
Proposed Zoning: CC SPA (commercial center, site plan amendment)

Public Hearing Held: July 20, 2020 - Item #44

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

18. Rezoning Petition: 2020-048 by Flournoy Development Group

Location: Approximately 24.605 acres located along the eastern side of John Adams Road, north of Mallard Creek Church Road, and east of Interstate 85. (Council District 4 - Johnson)

Current Zoning: B-1 (CD) (neighborhood business, conditional), O-1 (CD) (office district, conditional)
Proposed Zoning: MUDD-O (mixed-use development, optional)

Public Hearing Held: July 20, 2020 - Item #45

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

19. Rezoning Petition: 2020-051 by M/I Homes of Charlotte, LLC

Location: Approximately 21.90 acres located north of Interstate 485, on the south side of Ridge Road, and east of Cooper's Ridge Lane. (Council District 4 - Johnson)

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

Public Hearing Held: July 20, 2020 - Item #46

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

20. Rezoning Petition: 2020-053 by Laurel Oak Farm, LLC

Location: Approximately 1.32 acres located on the south side of Youngblood Road, west of Buckthorne Ridge Lane, and east of McKee Road. (Outside City Limits)

Current Zoning: R-3 (single-family residential) and MUDD-O (mixed use development, optional)
Proposed Zoning: MUDD-O (mixed use development, optional) and MUDD-O SPA (mixed use development, optional, site plan amendment)

Public Hearing Held: July 20, 2020 - Item #47

Staff Resource: Lisa Arnold

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

21. Rezoning Petition: 2020-054 by TriPointe Homes

Location: Approximately 13.27 acres located on the east side of Interstate 77, west of Tryon Street and South of Clanton Road. (Council District 3 - Watlington)

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

Public Hearing Held: July 20, 2020 - Item #48

Staff Resource: Claire Lyte-Graham

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

22. Rezoning Petition: 2020-058 by Novant Health, Inc.

Location: Approximately 38.0 acres located at the southeast intersection of Johnston Road and Providence Road West. (Council District 7 - Driggs)

Current Zoning: INST (CD) (institutional conditional)
Proposed Zoning: INST (CD) SPA (institutional, conditional, site plan amendment)

Public Hearing Held: July 20, 2020 - Item #49

Staff Resource: John Kinley

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

23. Rezoning Petition: 2020-061 by White Point Partners, LLC

Location: Approximately 2.5 acres located along Brevard Street at its intersection with Belmont Avenue near the Optimist Hall development. (Council District 1 - Egleston)

Current Zoning: TOD-M (O) & I-2 (transit-oriented development, optional and heavy industrial)
Proposed Zoning: TOD-UC (transit-oriented development, urban center)

Public Hearing Held: July 20, 2020 - Item #51

Staff Resource: William Linville

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

24. Rezoning Petition: 2020-063 by Kappa Foundation of Charlotte

Location: Approximately 3.48 acres located at the west side of Beatties Ford Road, south of Pauline Lane, and north of Sunset Road. (Council District 2 - Graham)

Current Zoning: R-9 MF (CD) (multi-family residential, conditional), R-4 (single-family residential)
Proposed Zoning: INST (institutional)

Public Hearing Held: July 20, 2020 item #53

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

25. Rezoning Petition: 2020-065 by Herman E. Ratchford

Location: Approximately 15.84 acres located on the south side of Albemarle Road, west of Regal Oaks Drive, and east of Farm Pond Lane. - (Council District 5 - Newton)

Current Zoning: O-1 (office)
Proposed Zoning: R-17 MF (multi-family residential)

Public Hearing Held: July 20, 2020 - Item #54

Staff Resource: John Kinley

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

26. Rezoning Petition: 2020-070 by Elmington Capital Group

Location: Approximately 5.8 acres located on the south side of Bullard Street, the north side of Joy Street, and west of Ashley Road. (Council District 3 - Watlington)

Current Zoning: UR-2 (CD) (urban residential, conditional)
Proposed Zoning: UR-2 (CD) SPA (urban residential, conditional, site plan amendment)

Public Hearing Held: July 20, 2020 - Item #55

Staff Resource: Lisa Arnold

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

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

27. Rezoning Petition: 2020-092 by K Sade Ventures, Inc.

Location: Approximately 93.86 acres located on the north side of University City Boulevard at the Mecklenburg County/Cabarrus County line. (Outside City Limits)

Current Zoning: MX-1 (mixed residential)
Proposed Zoning: MX-2 (mixed residential)

Public Hearing Held: July 20, 2020 - Item #56

Staff Resource: William Linville

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

28. Rezoning Petition: 2020-110 by City of Charlotte: General Services

Location: Approximately 2.5 acres located on the north side of Sweden Road, west of South Boulevard, and east of England Street. (Council District 3 - Watlington)

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

Public Hearing Held: July 20, 2020 - Item #57

Staff Resource: John Kinley

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

Agenda Date: 8/4/2020

Agenda #: 1.**File #:** 15-13955 **Type:** Zoning Item

Rezoning Petition: 2020-062 by i3i Ventures, LP

Update: Petitioner is requesting deferral to September 21, 2020

Location: Approximately 17.3 acres located east of Old Statesville Road, south of Gibbon Road, northwest of Garvin Drive. (Council District 2 - Graham)

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Agenda #: 2. **File #:** 15-13933 **Type:** Zoning Item

Rezoning Petition: 2019-111 by Hive Fitness, LLC

Location: Approximately 4.1 acres located on the south side of Southside Drive, west of Old Pineville road, and east of Yancey Road. (Council District 3 - Watlington)

Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-TR (transit transition)

Public Hearing Held: July 20, 2020 - Item #31

Staff Resource: Claire Lyte-Graham

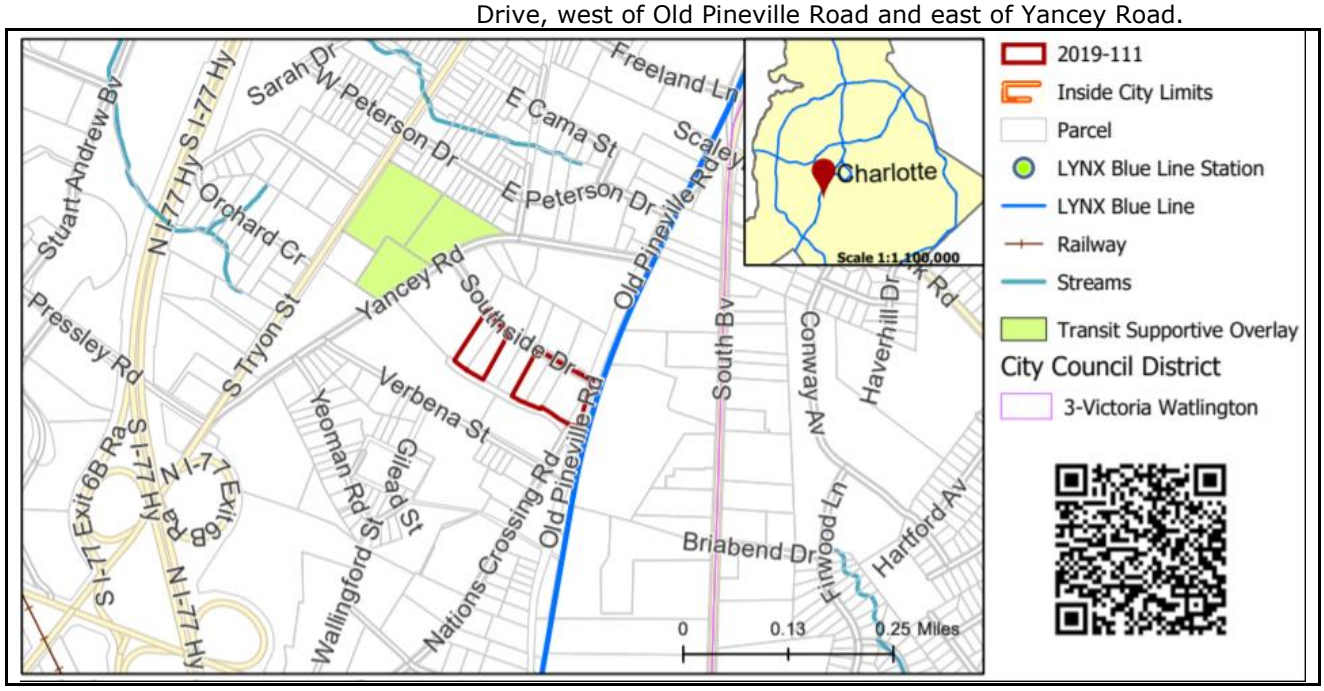
Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2019-111
Post Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-TR (transit transition)
LOCATION	Approximately 4.1 acres located on the south side of Southside Drive, west of Old Pineville Road and east of Yancey Road.



SUMMARY OF PETITION	The petition proposes to allow all uses in the TOD-TR (transit transition) district in an existing warehouse building currently in use as a fitness/health club facility.
PROPERTY OWNER	DC Property LLC; Elizabeth Funck; Beacon Partners; Stewart Fastener Corp.
PETITIONER	Hive Fitness, LLC
AGENT/REPRESENTATIVE	Brian Smith/Urban Design Partners Collin Brown and Brittany Lins/Alexander Ricks
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **inconsistent** with the *Scaleybark Station Area Plan (2008)* recommendation for office/industrial warehouse-distribution. <u>Rationale for Recommendation</u> • The site is just under a ½ mile walk to Scaleybark Station on the LYNX Blue Line. • The property directly across Old Pineville Road is zoned TOD-TR. • Use of conventional TOD-TR (transit transition) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

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

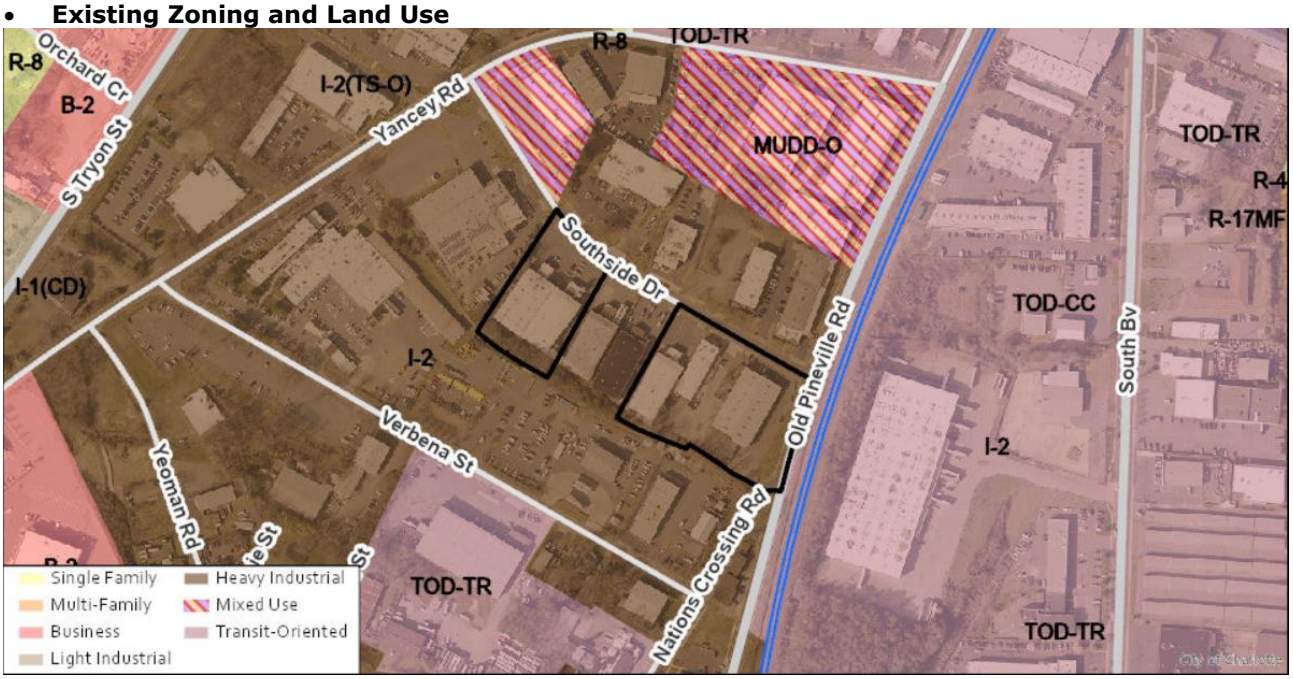
The approval of this petition will revise the adopted future land use as specified by the *Scaleybark Station Area Plan*, from office/industrial warehouse-distribution to transit oriented development - mixed for the site.

PLANNING STAFF REVIEW

- **Background**
  Rezoning petition 2019-111 was originally submitted with a request to rezone the site to MUDD-O (mixed use development, optional) in order to allow all uses in the MUDD (mixed use development) district in an existing warehouse building currently in use as a fitness/health club facility. A community meeting was held on October 1, 2019 with 4 attendees. The petition was in deferral status for several months. The petition has since been changed to a conventional request to TOD-TR with additional acreage.

- **Proposed Request Details**
  This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-TR (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 zoned I-2 and developed with warehouses used for office/distribution, health/fitness facility, and microbrewery purposes. The site is immediately surrounded by warehouses used for office, office/distribution, microbreweries, indoor recreation on properties zoned I-1(CD), I-2, I-2(TS-O), MUDD-O, TOD-TR, and TOD-CC districts.





The site (including pic above) is developed with warehouses used for office/distribution, fitness facility, and microbrewery. The site is surrounded by a mix of office/distribution warehouses, retail, and entertainment uses.

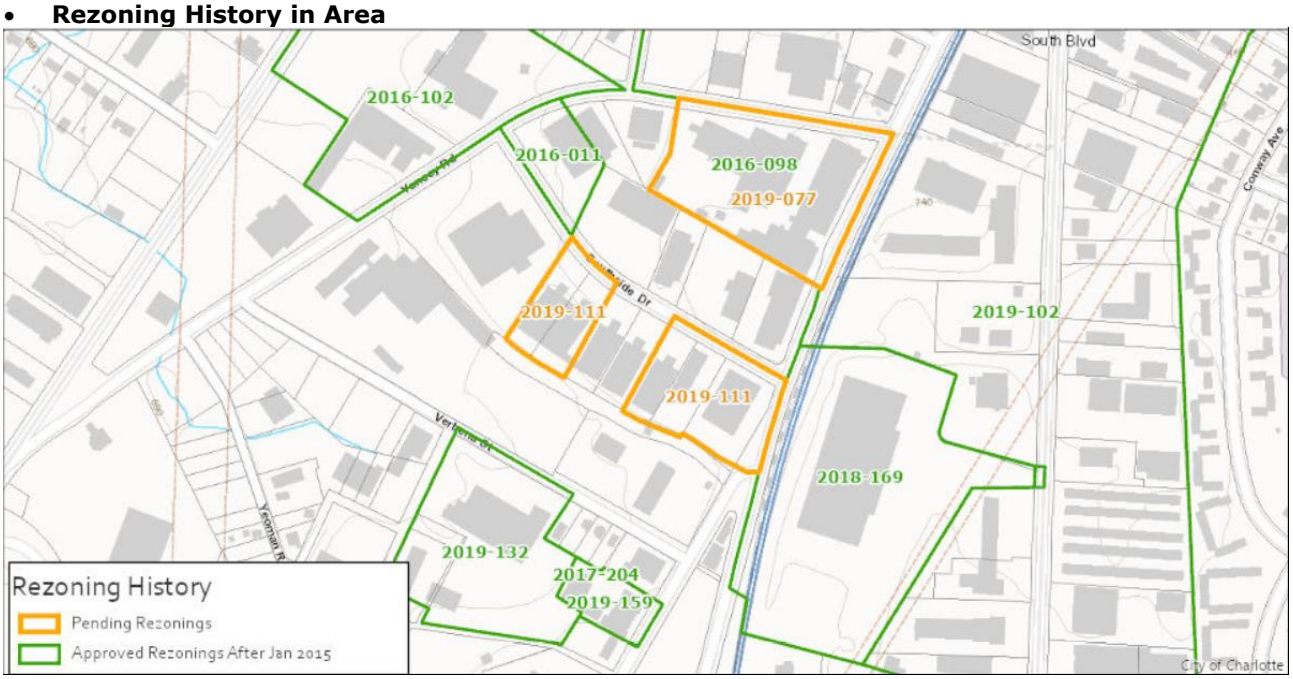


West, along Southside Drive, are microbreweries, indoor entertainment uses, and office/warehouse uses.



Along Old Pineville Road are office/distribution warehouse uses.

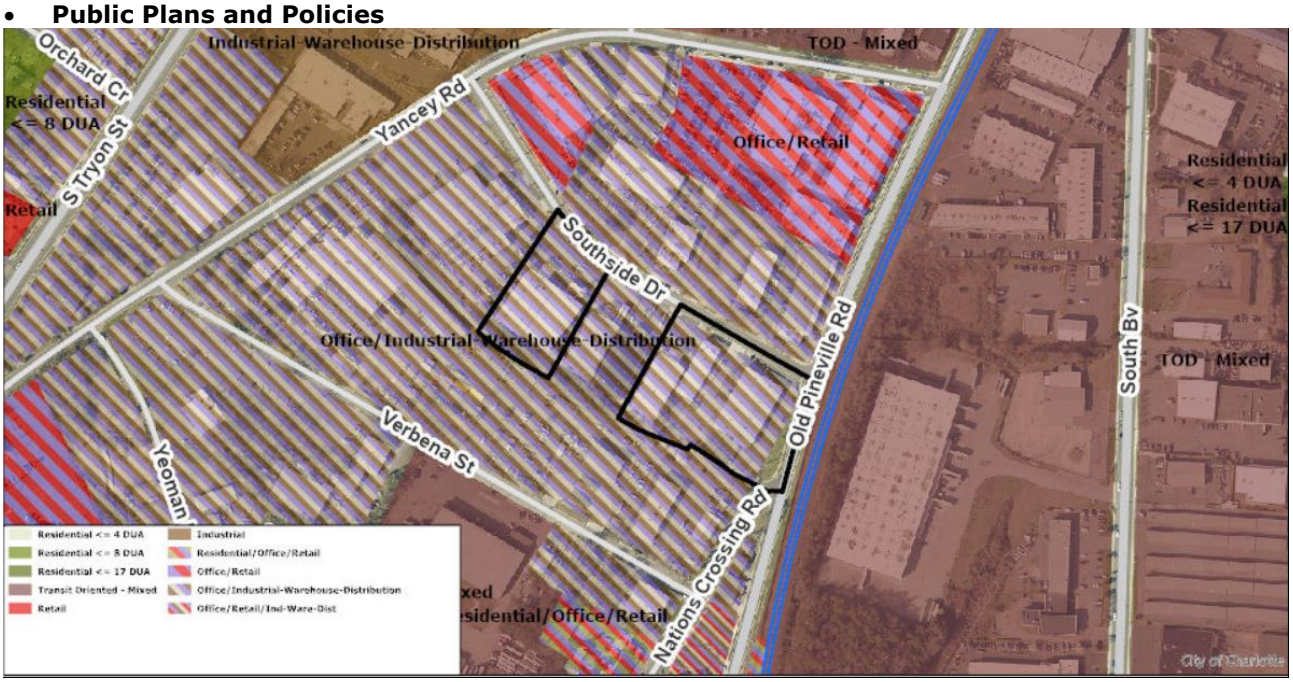
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-159	Rezoned 0.95 acres from MUDD(CD) to TOD-TR to allow all uses in the TOD-TR.	Approved
2019-132	Rezoned 5.90 acres from I-2 to TOD-TR to allow all uses in the TOD-TR.	Approved
2019-077	MUDD-O SPA to allow up to 334,000 square feet of permitted uses.	Pending
2018-169	Amendment to the Zoning Ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations. These 4 new districts are the first phase of the City's Unified Development Ordinance.	Approved
2017-204	Rezoned 0.95 acres from I-2 to MUDD(CD) to reuse an existing building and allow the development of a new 3	Approved

	story building with an overall total of 29,390 square feet to allow a mix of residential and non-residential uses.	
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 allow reuse of 3 existing industrial warehouse buildings for all uses in the MUDD.	Approved
2016-011	Rezoned 1.18 acres from I-2 to MUDD-O to allow the reuse of an existing 17,455 square foot industrial warehouse building for all uses allowed in the MUDD.	Approved

- **Public Plans and Policies**



  - The *Scaleybark Station Area Plan* recommends Office/Industrial-Warehouse-Distribution for this site.

TRANSPORTATION CONSIDERATIONS

- The site is located on a local road east of a minor thoroughfare and is located approximately ½ 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.
- Active Projects Near the Site:
  - There are no active projects near the vicinity of the site.
  - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 300 trips per day (based on 14,830 square foot health/fitness club).
    Entitlement: 300 trips per day (based on 14,830 square foot health/fitness club).
    Proposed Zoning: Too many uses to determine (based on proposed TOD-TR).

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 www.rezoning.org regarding need for affordable housing in the City of Charlotte.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Southside Drive. The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer

system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—Charlotte Water's Little Fieldcrest Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project. There is an anticipated completion date of early-2020. 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 regarding air quality and groundwater.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

- None.

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

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

Petition 2019-111 by Hive Fitness, LLC

To Approve:

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

- The plan recommends office/industrial warehouse-distribution.

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

- The site is just under a ½ mile walk to Scaleybark Station on the LYNX Blue Line.
- The property directly across Old Pineville Road is zoned TOD-TR.
- Use of conventional TOD-TR (transit transition) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

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

To Deny:

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

- The plan recommends office/industrial warehouse-distribution.

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

- (To be explained by Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 3. **File #:** 15-13931 **Type:** Zoning Item

Rezoning Petition: 2019-167 by Grubb Management, LLC

Location: Approximately 0.7 acres (two lots) located on the south side of State Street and north side of Katonah Avenue. (Council District 2 - Graham)

Current Zoning: I-2 (General Industrial) and R-8 (Single Family Residential)
Proposed Zoning: MUDD-O (Mixed Use Development, Optional)

Public Hearing Held: June 15, 2020 - Item #26

Staff Resource: Lisa Arnold

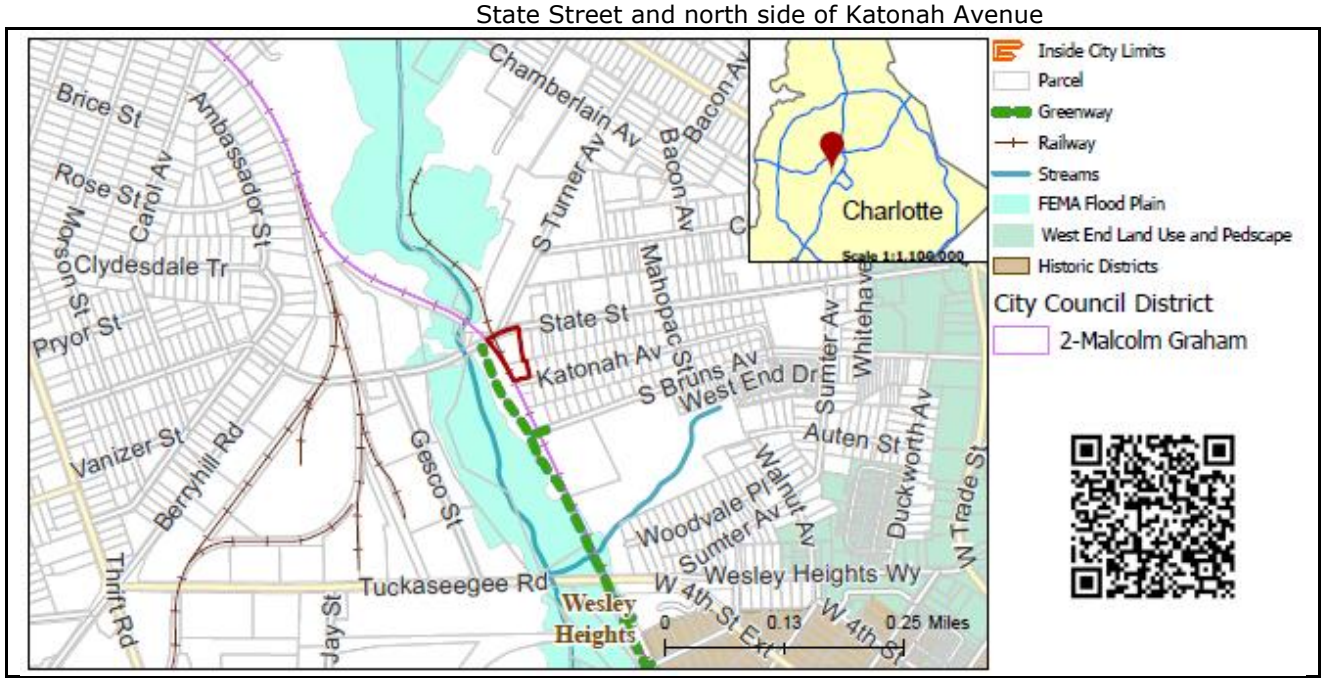
Staff Recommendation:
Staff does not recommend approval of this petition in its current form.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2019-167
Post-Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: I-2 (general industrial) and R-8 (single family residential) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 0.7 acres (two lots) located on the south side of State Street and north side of Katonah Avenue



SUMMARY OF PETITION	The petition proposes to rezone property to MUDD-O to construct a 104-unit multifamily development at a density of 148 dwelling units per acre.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Community Building Investments LLC; Michael T. Whitehead Grubb Management, 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: 15

STAFF RECOMMENDATION	Staff does not recommend approval of this petition in its current form. Plan Consistency The petition is **consistent** with the *Central District Plan* recommendation for multi-family land uses for most of the site, including portions recommending greater than 25 DUA, but **inconsistent** with the recommendation for single family residential up to 8 DUA for a portion of the site. Rationale for Recommendation • The scale of the proposed building does not adequately provide a height transition toward the adjacent single family homes. • While the site is within ½ mile of a future Lynx Gold Line stop and bus routes, and adjacent to the Stewart Creek Greenway, it is anticipated that majority of the residents will own automobiles. The site plan requests an optional provision to only require a total of 6 parking spaces for 104 apartments. At this time, there is no

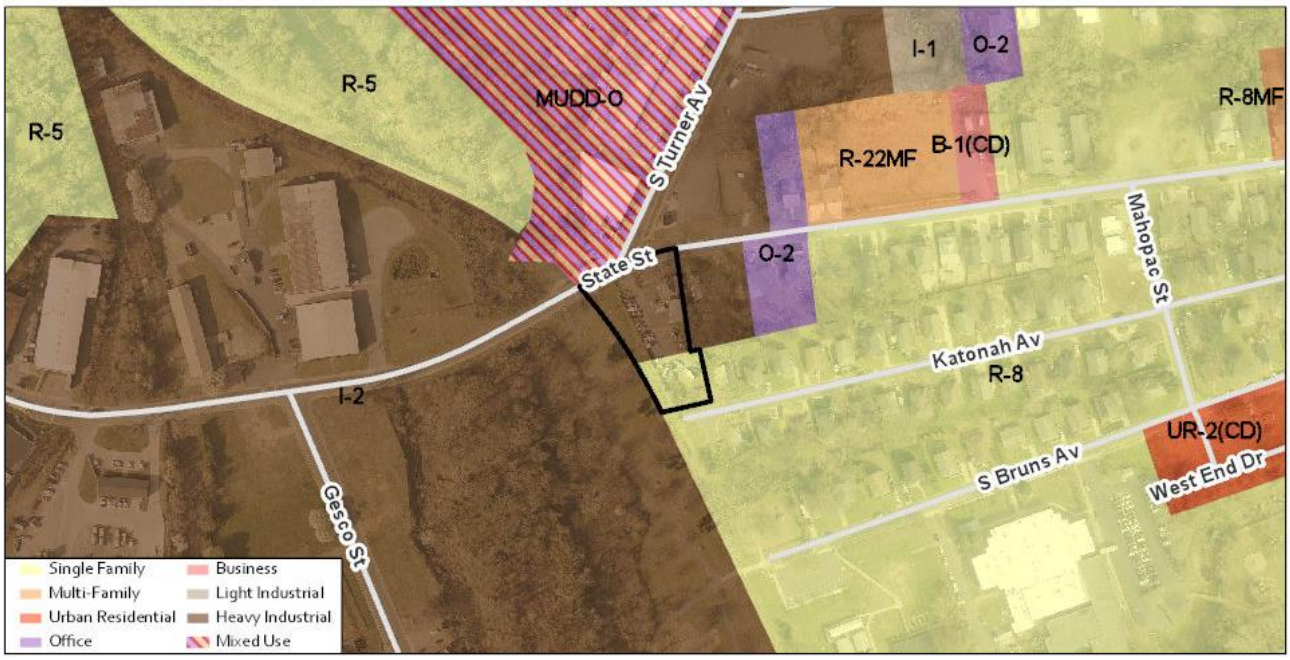
plan for additional offsite parking spaces for the building's residents.
- While the site provides 50% of units that will be affordable up to 80% AMI, the size and scale of the building, as well as the lack of available parking, may provide land use incompatibilities and parking strain on the existing adjacent single-family homes.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from a portion of the site from single family residential up to 8 DUA to residential over 22 dua.

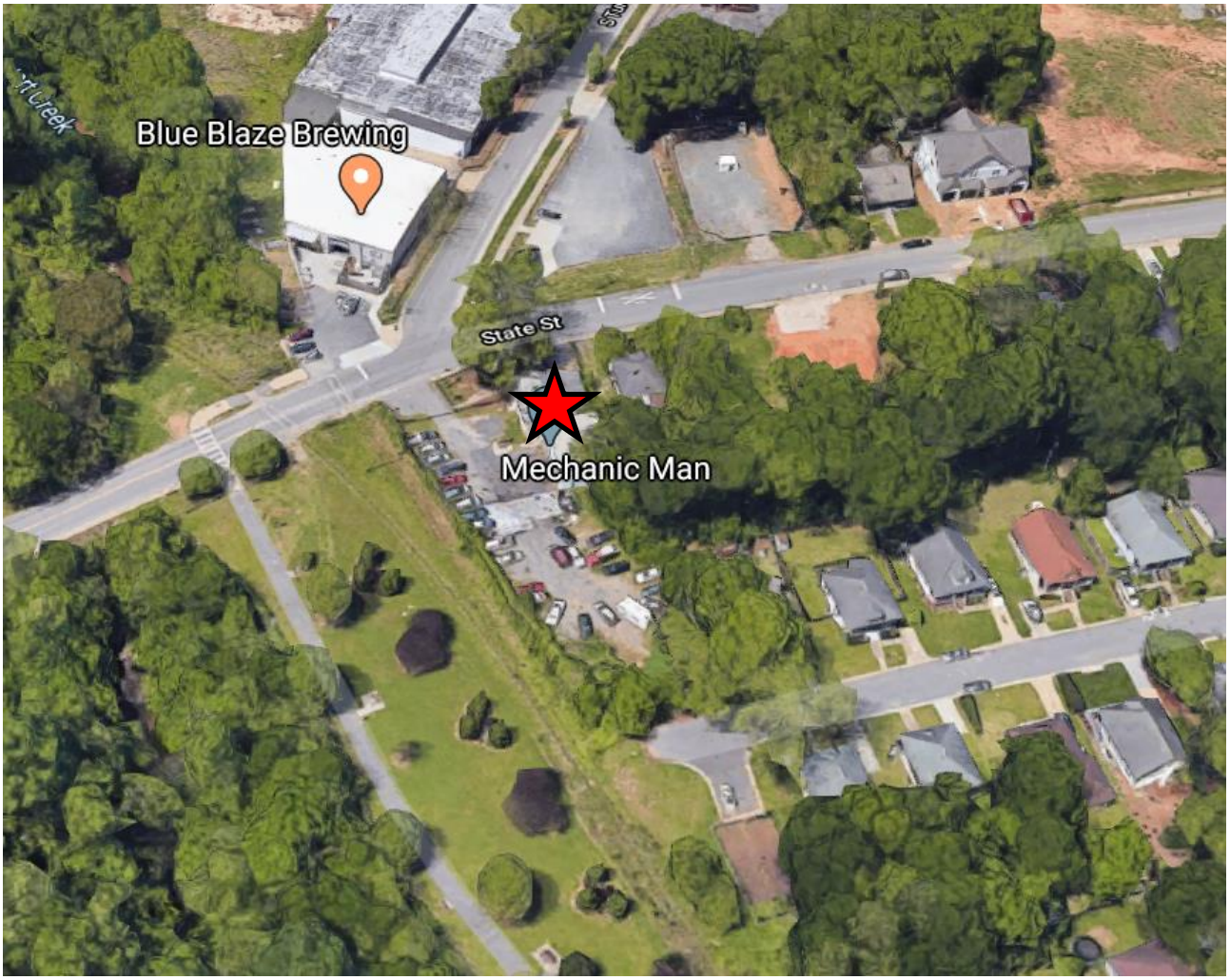
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Calls for up to 104 multifamily residential units, with a density of 148 DUA
  - Requests optional provision to reduce parking requirement to a total of 6 parking spaces on site.
  - Limits building height to a maximum of 65 feet and uses to multi-family development.
  - Provides a workforce housing program to ensure that 50% of residential units for a period not less than 15 years to maintain monthly rents that affordable for persons earning not more than 80% of the area median income.
  - Constructs a 6-foot sidewalk and an 8-foot planting strip.
  - Extends the proposed sidewalk beyond the site's frontage on State Street to connect to the Stewart Creek Greenway.
  - Provides design standards related to building materials, massing, and roof form and articulation.
  - Commits to constructing a CATS bus station if a bus route is added within five (5) years.

- **Existing Zoning and Land Use**



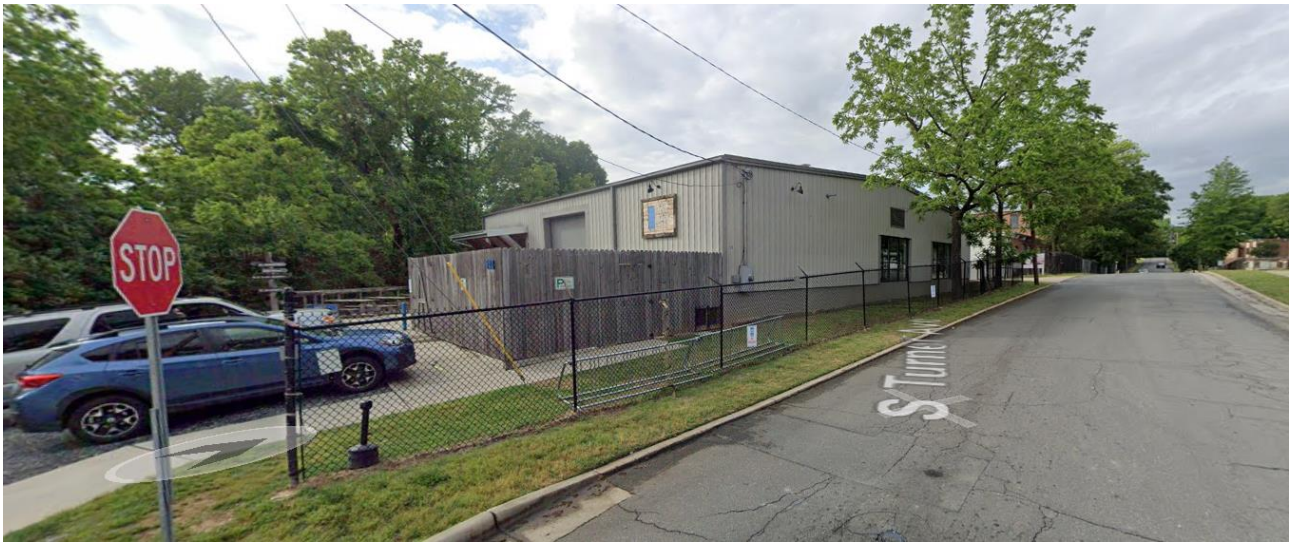
The subject property is developed with an automotive repair garage. The surrounding land uses include single family homes, a brewery, and the Stewart Creek greenway.



The subject property is adjacent to the Stewart Creek Greenway and single family residential. A brewery is located across the street. The subject property is marked with a red star.



The subject property is developed with an automotive repair garage.



The property to the north is developed with a brewery.



The properties to the south are developed with single family residential and a community garden.

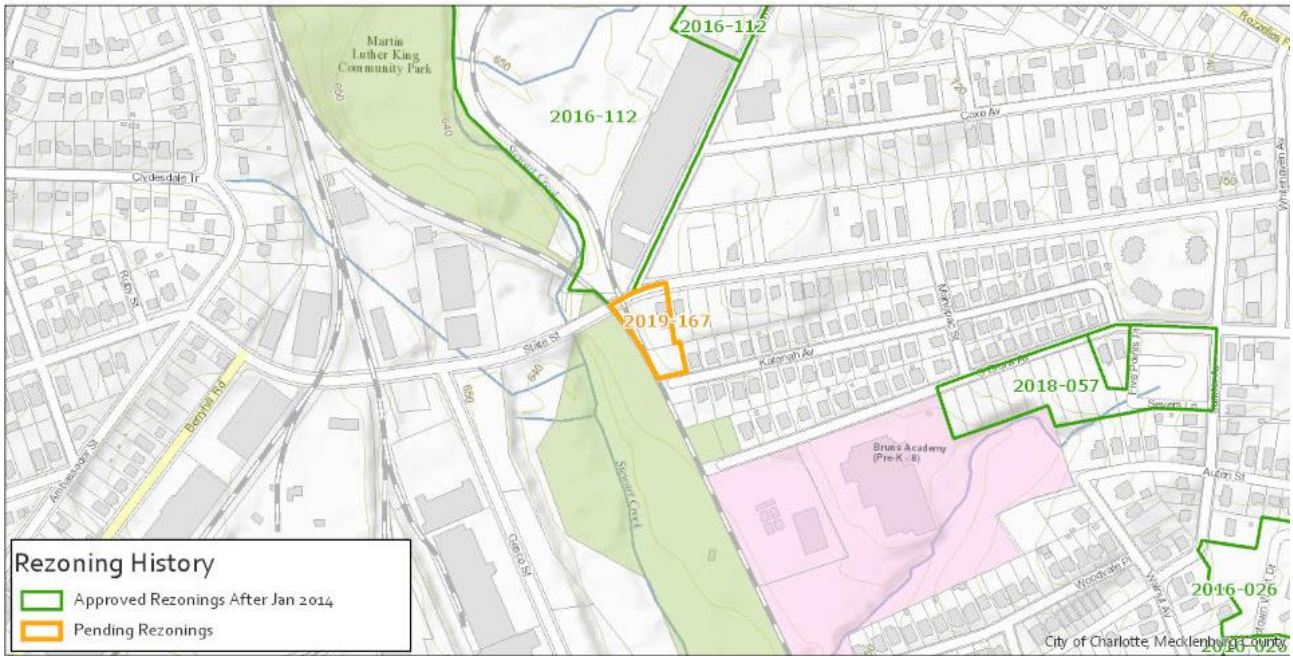


The properties to the east are developed with single family homes.



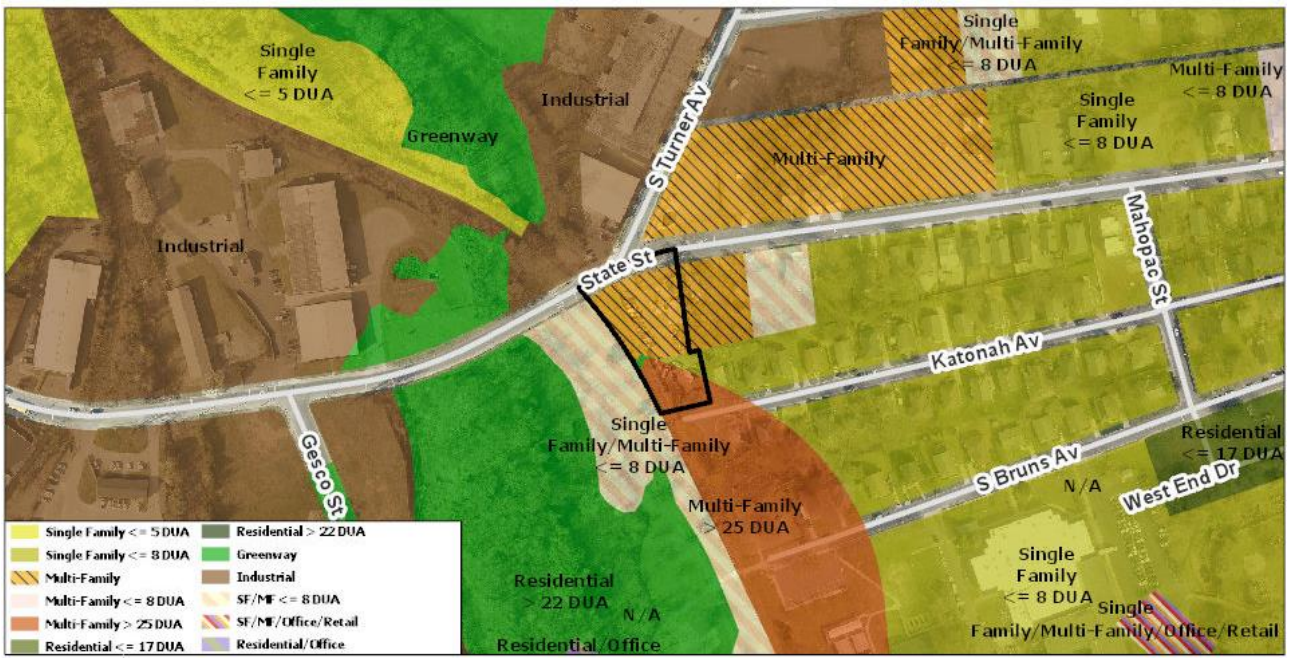
The property to west is developed with the Stewart Creek greenway. The subject property is marked with a red star.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-026	Rezoned to UR-3(CD) PED-O (urban residential, conditional pedestrian overlay) and UR-3(CD) PED-O SPA (urban residential, conditional pedestrian overlay, optional, site plan amendment) to allow 85 single family attached residential units for a density of 18.66 units per acre.	Approved
2016-112	Rezoned to MUDD-O to reuse existing industrial buildings (including Savona Mill) to allow a mix of residential and non-residential uses.	Approved
2018-057	Rezoned to UR-2 (CD) (urban residential conditional) and UR-2(CD) SPA (urban residential, conditional, site plan amendment) to develop a townhouse community.	Approved

- **Public Plans and Policies**



- The *Central District Plan* (adopted 1993) recommends multi-family for the majority of the site and single family residential up to 8 DUA for the remaining portion of the site.

- **TRANSPORTATION SUMMARY**
  - The site is at the unsignalized intersection of State Street (minor collector, city maintained) and Turner Avenue (minor collector, city maintained). The site is in a wedge inside Route 4.
- **ACTIVE PROJECTS NEAR THE SITE:**
  - **State Street Pedestrian Improvements**
  - This project will transform State Street into a pedestrian-friendly street. It will be a connection between major trip generators at each end of the corridor, as well as Johnson C. Smith University and the private development of Old Savona Mills.
  - **State Street Pedestrian Crossing**
  - This project will connect the current greenway within the Wesley Heights neighborhood and the proposed Stewart Creek greenway managed by County Parks and Recreation.
  - **West Trade Street and Rozzelles Ferry Connectivity Project**
  - The West Trade/Rozzelles Ferry Community Neighborhood Investment Plan (CNIP) area includes the neighborhoods northwest of Uptown Charlotte. The area, bounded by Beatties Ford Road, Morehead Street, Wilkinson Boulevard, Ashley Road and I-85 has a unique blend of historic landmarks, commercial nodes, residential wedges, schools, universities, parks and a greenway system.
  - **CityLYNX Gold Line Phase 2**
  - Gold Line Phase 2 extends the current streetcar segment by 2.5 miles on the east and west ends of the line, creating an interim system of 4 miles. CityLYNX Gold Line Phase 2 will extend west 2 miles from the Charlotte Transportation Center to French Street, and east one-half mile along Hawthorne Lane from Novant Presbyterian Hospital to Sunnyside Avenue.
- **TRANSPORTATION CONSIDERATIONS**
  - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 20 trips per day (based on 1,170 SF office and 1,340 SF Auto Care Center).
    Entitlement: 70 trips per day (based on 7,200 SF warehouse and 1 dwelling).
    Proposed Zoning: 570 trips per day (based on 104 dwellings).

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 www.rezoning.org
- **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 17 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 14.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Bruns Avenue Elementary from 72% to 73%
    - Ranson Middle remains at 109%
    - West Charlotte High remains at 85%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along State Street.
  Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along State Street and an existing 8-inch gravity sewer main running through the center 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:** 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.

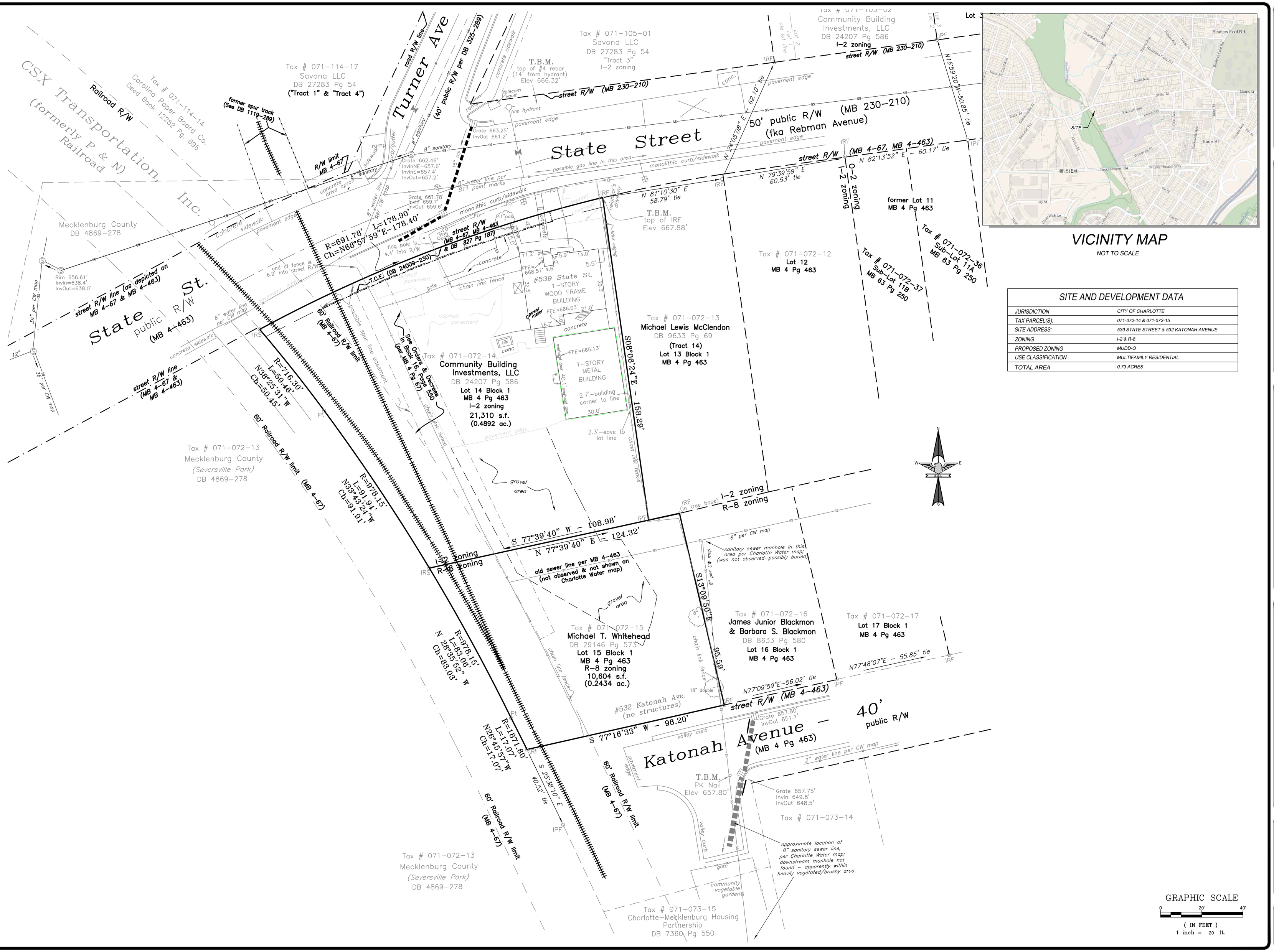
OUTSTANDING ISSUES

Site and Building Design

1. Setbacks should be representative of the adjacent single family homes adjacent on the block face.
2. Height transition not provided. Please consider limiting building height to 40ft max, which is consistent with the single family zoning districts and would equate to a 3 story building. The third story should be located in a dormer/roofline that would mimic a residential structure with the same roof pitch. Or limit height to 50ft max with a step back of 10ft at 40ft along the parcel boundary that is adjacent to single family homes in addition to the fourth story being located in a dormer of the same pitch as adjacent residential.
3. Petitioner has not adequately provided a parking alternative to address the lack of onsite parking.

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

Planner: Lisa Arnold (704) 336-5967



VICINITY MAP

NOT TO SCALE

SITE AND DEVELOPMENT DATA

JURISDICTION	CITY OF CHARLOTTE
TAX PARCEL(S):	071-072-14 & 071-072-15
SITE ADDRESS:	539 STATE STREET & 532 KATONAH AVENUE
ZONING	I-2 & R-8
PROPOSED ZONING	MUDD-O
USE CLASSIFICATION	MULTIFAMILY RESIDENTIAL
TOTAL AREA	0.73 ACRES

GRAPHIC SCALE

0 20' 40'

(IN FEET)
1 inch = 20 ft.

ENGLE ENGINEERING
FIRM LICENSE # C-0873
2013A Van Buren Avenue
Indian Trail, NC 28079
P.O. BOX 551
Alpharetta, GA 30009
(704) 882-4222
(678) 339-0640
www.engleonline.net

NO.	DATE	BY	ISSUE

STATE STREET APARTMENTS
539 STATE STREET, CHARLOTTE, NC

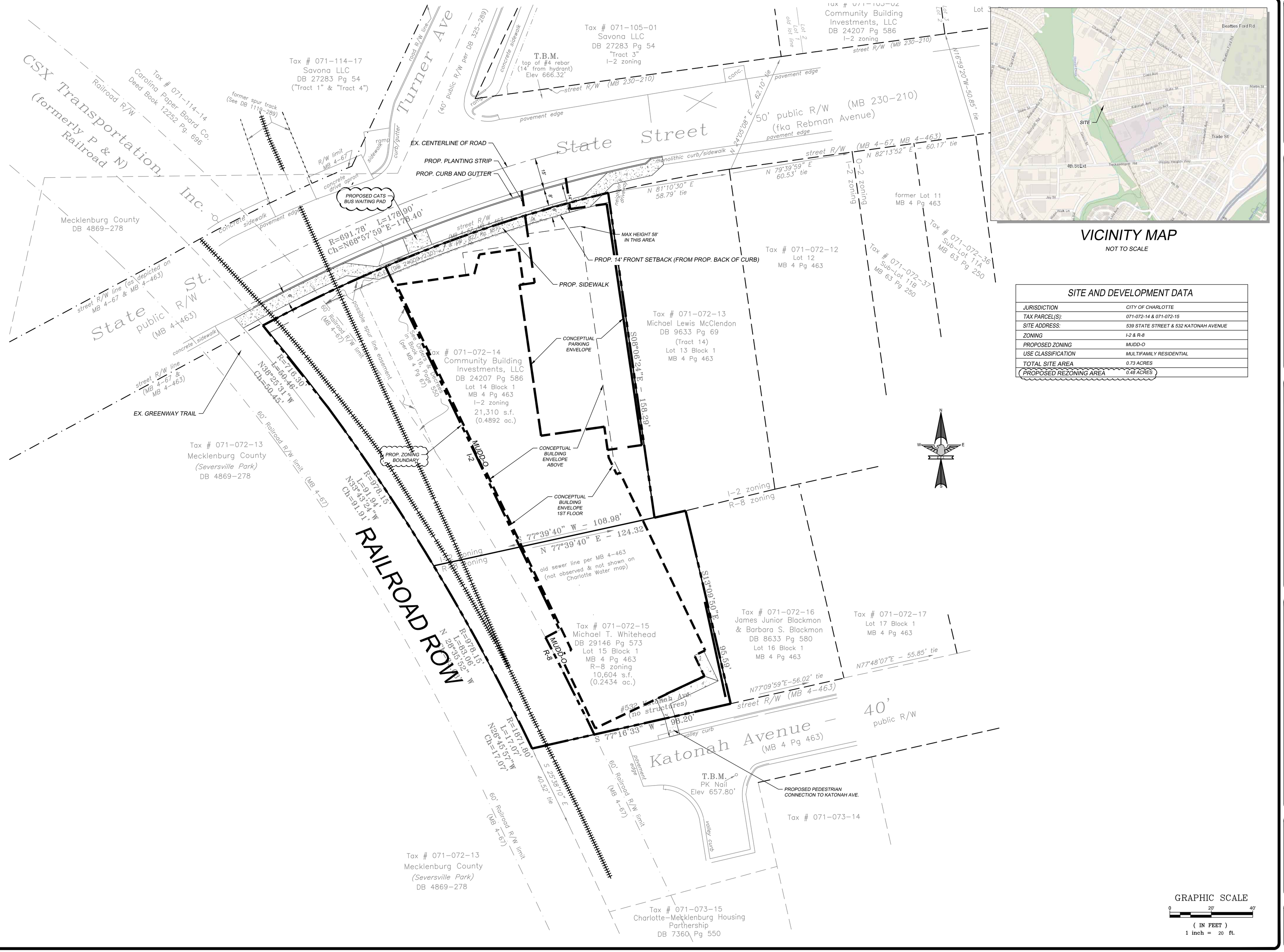
GRUBB PROPERTIES, INC.
4601 Park Road, Suite 450
CHARLOTTE, NC 28209

EXISTING SITE

DESIGNED BY	DRAWN BY	CHECKED BY
N/A	JLR	JLR
Scale	DATE	JOB NUMBER
AS SHOWN	11/01/2019	6978

PRELIMINARY
NOT FOR CONSTRUCTION

Sheet
EXHIBIT-1



VICINITY MAP

NOT TO SCALE

SITE AND DEVELOPMENT DATA

JURISDICTION	CITY OF CHARLOTTE
TAX PARCEL(S):	071-072-14 & 071-072-15
SITE ADDRESS:	539 STATE STREET & 532 KATONAH AVENUE
ZONING	I-2 & R-8
PROPOSED ZONING	MUDD-O
USE CLASSIFICATION	MULTIFAMILY RESIDENTIAL
TOTAL SITE AREA	0.73 ACRES
PROPOSED REZONING AREA	0.48 ACRES

EAGLE ENGINEERING
FIRM LICENSE # C-0873
2013A Van Buren Avenue
Indian Trail, NC 28079
(704) 882-4222
P.O. BOX 551
Alpharetta, GA 30009
(678) 339-0640
www.eagleontine.net

NO.	DATE	BY	ISSUE
1.	05/11/20	JLR	UPDATE BUILDING/PARKING OUTLINE & DEV. NOTES
2.	06/22/20	JPC	UPDATE BUILDING/PARKING OUTLINE & DEV. NOTES
3.	07/27/20	JLR	ADD BUS STOP & UPDATE DEV. NOTES

STATE STREET APARTMENTS
539 STATE STREET, CHARLOTTE, NC

GRUBB PROPERTIES, INC.
4601 Park Road, Suite 450
CHARLOTTE, NC 28209

SCHEMATIC SITE PLAN

DESIGNED BY	DRAWN BY	CHECKED BY
N/A	JLR	JLR
Scale	DATE	JOB NUMBER
AS SHOWN	11/01/2019	6978

PRELIMINARY
NOT FOR CONSTRUCTION

Sheet
EXHIBIT 2

X:\Land Projects\6JOB\6978 - 539 State and 532 Katonah\DWG\Civil\Concept\Schematic Design.dwg

GRUBB MANAGEMENT, LLC
REZONING PETITION NO. 2019-167
7/27/2020

Development Data Table:

Site Area:	+/- 0.7 acres
Tax Parcels:	07107214 and 07107215
Existing Zoning:	I-2, R-8
Proposed Zoning:	MUDD-O
Existing Use:	Industrial, residential and vacant
Proposed Uses:	Up to 104 Multifamily Residential Units
Maximum Building Height:	Up to 65 feet, as further restricted below and measured per MUDD Ordinance standards
Parking:	Per the Optional Provision below in Section II.

I. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Grubb Management, LLC (the "Petitioner") to accommodate the development of a privately-funded workforce housing community on that approximately 0.7-acre site located on the south side of State Street and north side of Katonah Avenue, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 071-072-14 and 071-072-15.

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 MUDD zoning district shall govern the development and use of the Site.

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

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. Optional Provisions

The Petitioner requests an optional provision to allow a variation from the typical MUDD parking standards for a total of six (6) parking spaces on Site.

III. Permitted Uses

The Site may be devoted only to a residential community containing a maximum of one hundred four (104) multi-family dwelling units and any incidental and accessory uses relating thereto that are allowed in the MUDD zoning district.

IV. Transportation

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

2. The Petitioner shall construct a six (6) foot wide sidewalk and eight (8) foot wide planting strip along the Site's frontage of State Street.

3. Assuming right-of-way availability and coordination with Mecklenburg County, the Petitioner shall extend the proposed sidewalk beyond the Site's frontage of State Street to connect to the Stewart Creek Greenway within the existing right-of-way (sidewalk dimensions to be coordinated during the permitting phase of development). No planting strip shall be required for the extension area beyond the Site

4. Petitioner shall construct a CATS bus waiting pad along the Site's frontage of State Street if a bus route is developed to the Site within five (5) years of this Rezoning approval.

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

6. All transportation improvements shall be completed prior to the issuance of the Site's first building certificate of occupancy unless otherwise stated herein.

V. Architectural Standards

1. The principal building(s) on the Site may use a variety of building materials. The building materials will be a combination of the following: brick, glass, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or other materials approved by the Planning Director.

2. Prohibited Exterior Building Materials: (i) vinyl siding, excluding vinyl hand rails, windows, soffits or door trim, and (ii) concrete masonry units not architecturally finished.

3. Building massing 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/façade plane (such as recesses, projections, wall offsets, pilasters, and other architectural details). Modulations shall be a minimum of ten (10) feet wide and shall project or recess a minimum of one (1) foot extending through hat least a full floor.

4. Architectural elevations shall be designed to create visual interest as follows:

   a. Buildings shall be designed with a recognizable architectural base on all facades facing network required streets and the greenway. Such base may be executed through the use of articulated architectural façade features, changes in building materials, or color changes; and

   b. Building elevations facing network required streets or the greenway 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 will be provided to avoid a sterile, unarticulated blank treatment of such walls.

5. Roof form and articulation -- roof form lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:

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

   b. Roof top HVAC and related mechanical equipment will be screened from public view at grade from network required streets and the greenway.

6. The ground floor of the building frontage facing the greenway shall comprise of 100% active uses, such as but not limited to residential units, leasing, fitness, and/or cycle facilities (exclusive of stairways, mechanical, storage and other similar uses).

7. Building height shall not exceed sixty-five (65) feet. Building height at the eastern edge of the proposed building envelope shall be a maximum of fifty-eight (58) feet, transitioning upwards to a maximum of sixty-five (65) feet towards the center of the proposed building envelope, as generally depicted on the Rezoning Plan.

VI. Workforce Housing

The Petitioner shall voluntarily provide a workforce housing program to ensure that the proposed residential units are reasonably priced for persons earning less than the average median income for the area. Petitioner shall ensure that 50% of the residential units, for a period not less than fifteen (15) years, maintains monthly rents that are, on average, affordable for persons earning not more than 80% of the area median income.

VII. Greenway Access

The Petitioner will use good faith efforts to provide a public pedestrian pathway from Katonah Avenue to the Stewart Creek Greenway, assuming authorization is granted by the necessary parties for crossing the adjacent railway spur.

VIII. Lighting

1. All freestanding lighting fixtures installed on the Site (excluding lower, decorative lighting that may be installed along the driveways and sidewalks as landscaping lighting) shall be fully capped and shielded and the illumination downwardly directed.

2. The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed twenty-one (21) feet.

IX. Environmental Features

The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance and tree save requirements.

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 a particular Tract within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

XI. Binding Effect of the Rezoning Documents and Definitions

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

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

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EAGLE ENGINEERING
FIRM LICENSE # C-0873
2013A Van Buren Avenue
Indian Trail, NC 28079
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www.eagleonline.net

NO.	DATE	BY	ISSUE
1.	05/11/20	JLR	UPDATE BUILDING/PARKING OUTLINE & DEV. NOTES
2.	06/22/20	JPC	UPDATE BUILDING/PARKING OUTLINE & DEV. NOTES
3.	07/27/20	JLR	ADD BUS STOP & UPDATE DEV. NOTES

STATE STREET APARTMENTS
539 STATE STREET, CHARLOTTE, NC

GRUBB PROPERTIES, INC.
4601 Park Road, Suite 450
CHARLOTTE, NC 28209

DEVELOPMENT STANDARDS

DESIGNED BY N/A	DRAWN BY JLR	CHECKED BY JLR
Scale AS SHOWN	DATE 11/01/2019	JOB NUMBER 6978

PRELIMINARY
NOT FOR CONSTRUCTION

Sheet
EXHIBIT-3

Petition 2019-167 by Grubb Management

To Approve:

This petition is found to be **consistent** for a portion of the site and **inconsistent** with the *Central District Plan* recommendation based on the information from the staff analysis and the public hearing, and because:

- The plan recommends multi-family land uses for most of the site, including portions recommending greater than 25 DUA; and
- The plan recommends single family residential up to 8 DUA for a portion of the site.

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

- (To be explained by the Zoning Committee)

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from a portion of the site from single family residential up to 8 DUA to residential over 22 DUA.

To Deny:

This petition is found to be **consistent** for a portion of the site and **inconsistent** with the *Central District Plan* recommendation based on the information from the staff analysis and the public hearing, and because:

- The plan recommends multi-family land uses for most of the site, including portions recommending greater than 25 DUA; and
- The plan recommends single family residential up to 8 DUA for a portion of the site.

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

- The scale of the proposed building does not adequately provide a height transition toward the adjacent single family homes.
- While the site is within ½ mile of a future Lynx Gold Line stop and bus routes, and adjacent to the Stewart Creek Greenway, it is anticipated that majority of the residents will own automobiles. The site plan requests an optional provision to only require a total of 6 parking spaces for 104 apartments. At this time, there is no plan for additional offsite parking spaces for the building's residents.
- While the site provides 50% of units that will be affordable up to 80% AMI, the size and scale of the building, as well as the lack of available parking, may provide land use incompatibilities and parking strain on the existing adjacent single-family homes.

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 4. **File #:** 15-13934 **Type:** Zoning Item

Rezoning Petition: 2019-168 by Suncrest Real Estate and Land

Location: Approximately 22.87 acres located on the north side of Oakdale Road between Miranda Road and Interstate 485. (Council District - Outside City limits)

Current Zoning: R-3 LWPA (single-family, residential, Lake Wylie Protected Area)
Proposed Zoning: MX-2 (CD) LWPA (mixed use, conditional, Lake Wylie Protected Area)

Public Hearing Held: July 20, 2020 - Item #32

Staff Resource: Michael Russell

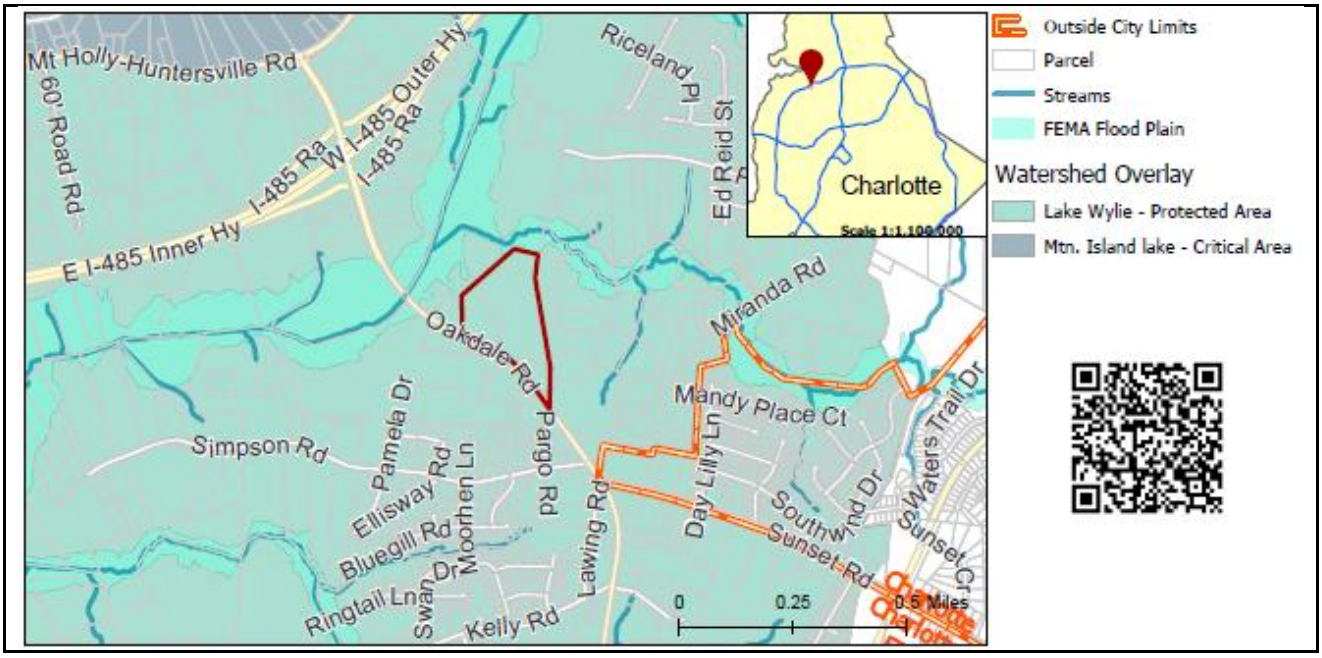
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2019-168
Post-Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: R-3 LWPA (single-family residential, Lake Wylie Protected Area) Proposed Zoning: MX-2(CD) LWPA (mixed use, conditional, Lake Wylie Protected Area)
LOCATION	Approximately ~~22.87~~ 23.15 acres located on the north side of Oakdale Road between Miranda Road and Interstate 485.



SUMMARY OF PETITION	The petition proposes to allow up to 138 ~~duplex~~ townhouse style attached residential dwelling units at a density of 6 dwelling units per acre on parcels that are developed with single-family homes and a former golf clubhouse.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Gilbert Picklesimer, Oak Hills, Inc. Suncrest Real Estate and Land ColeJenest & Stone
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12

STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **inconsistent** with the *Northwest District Plan (1990)* recommendation for single-family residential use of up to four dwelling units per acre and for open space/parkland. The petition is **consistent** with the *General Development Policies* recommendations which support a density of up to 6 dwellings per acre. Rationale for Recommendation • This petition proposes a maximum of 138 residential ~~duplex~~ townhouse style dwelling units, for a density of six dwelling units per acre. This density is consistent with the *General Development*

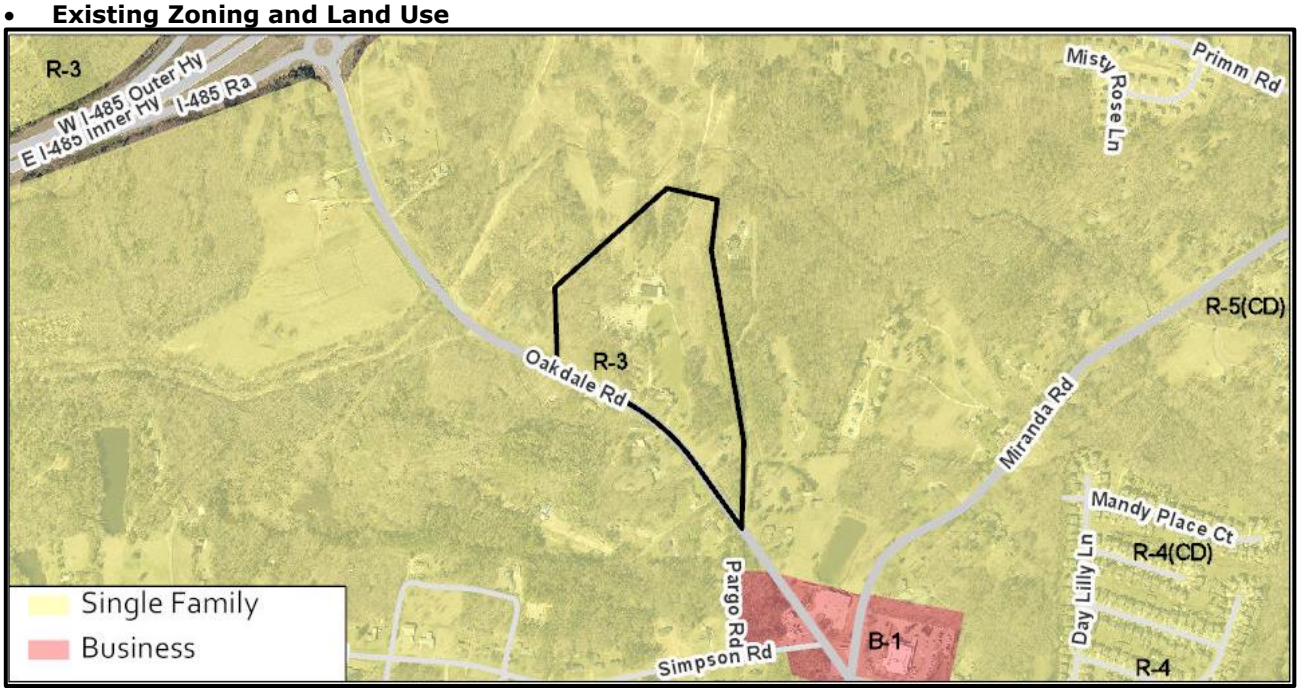
Policies support for residential development at up to eight dwelling units per acre.
- The petition commits to following the *General Development Policy* guidelines for townhomes, which include using porches as a prominent feature of the building façade and minimizing the visual impact of garage doors. These additional design guidelines will contribute to the single-family character of the area.
- The petition includes a 100-foot watershed buffer and tree save area between development on this site and all single-family homes on the surrounding parcels, protecting the floodplain on this parcel, and providing an appropriate buffer between the proposed dwelling units and the surrounding single-family homes.
- The petition will plan for connectivity in the area by constructing a collector road at the back of the parcel that will connect to other future developments.

The approval of this petition will revise the adopted future land use as specified by the *Northwest District Plan*, from Single Family Residential up to four units per acre and Park/Open Space to Residential up to 6 units per acre.

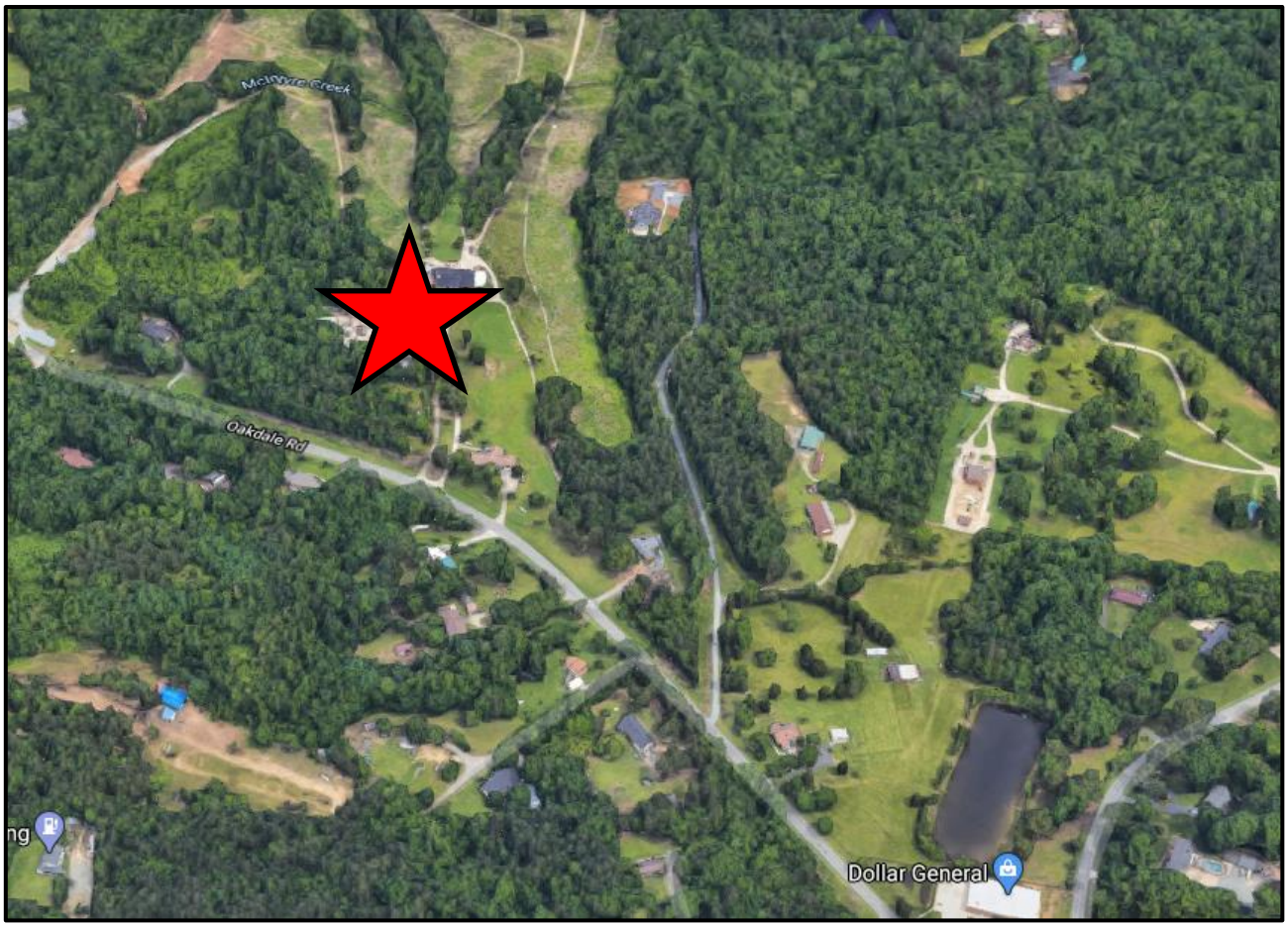
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allow up to 138 ~~duplex~~ townhouse style attached dwelling units.
  - Access will be provided at two points on Oakdale Road.
  - Commits to a collector road within the site for future street connectivity.
  - Commits to widening the road to provide left-turn lanes at each access point on Oakdale Road.
  - Commits to continue a 12-foot multi-use path along Oakdale Road frontage.
  - Provides an 8-foot wide planting strip and a 6-foot wide sidewalk along the collector road.
  - Limits maximum height to 30-feet.
  - Dedicates and conveys the 100-foot SWIM Buffer of Back Creek to Mecklenburg County for future greenway purposes.
  - Dedicates a minimum 30-foot wide greenway easement along that portion of the site's western boundary.
  - Primary exterior building materials will be a combination of portions of the following: brick veneer or similar masonry products, stone, manufactured stone, stucco and cementitious siding.
  - Vinyl, EIFS or masonite may not be used as an exterior building material on any building. Vinyl may be utilized on windows, doors, garage doors, soffits, trim and railings.
  - Provides walkways to connect all residential entrances to sidewalks along public and private streets.
  - Commits to usable porches and stoops as a predominant feature of the building design and be located on the front of the building facing a public street, a private street or open space. Usable front porches will be covered and be at least 6 feet deep. Usable front porches will not be enclosed.
  - Provides an amenity area with a swimming pool and a clubhouse.

- **Existing Zoning and Land Use**



The subject property is developed with single-family homes and a former golf clubhouse. The surrounding land-use is large lot single-family homes with retail/commercial uses at Sunset Road/Oakdale Road/ Miranda Road intersections, and a former golf course to the north of the site.



The subject property (denoted by red star) is developed with single-family homes.



The properties to the southwest along Oakdale road are developed with large lot single-family residential.

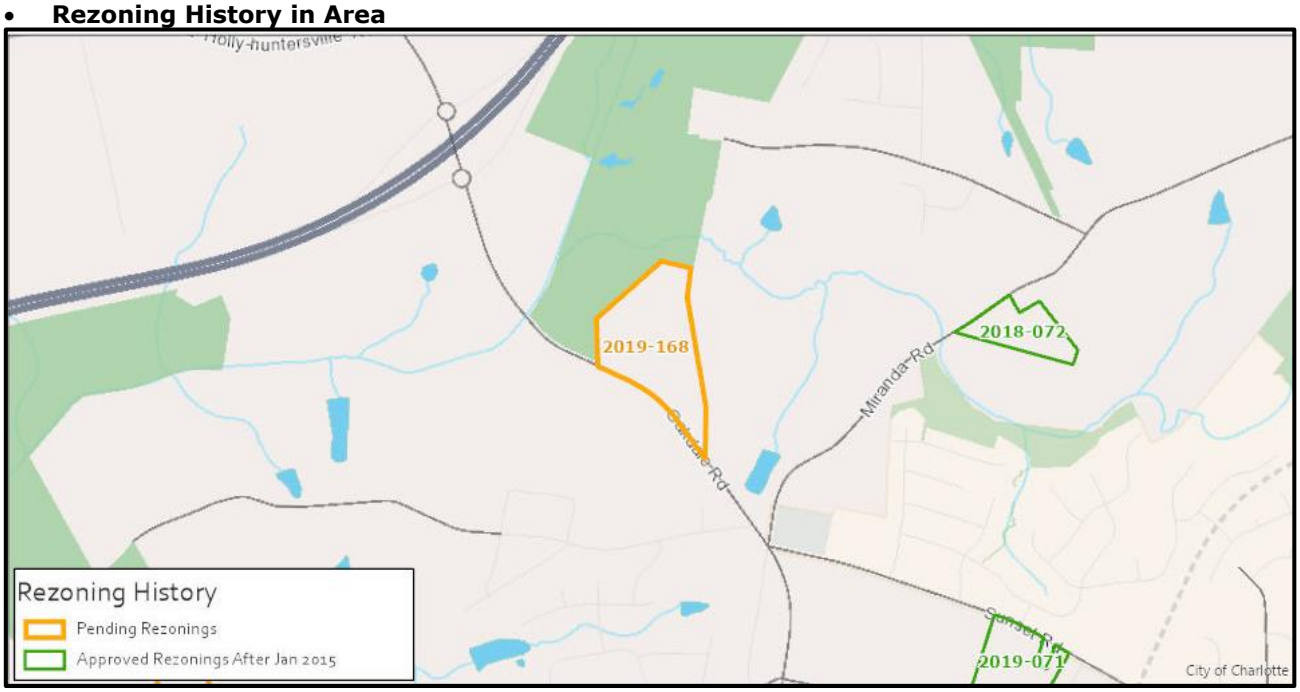


The property to the south at the intersection of Oakdale Road/Sunset Road/Miranda Road is developed with retail/commercial uses.



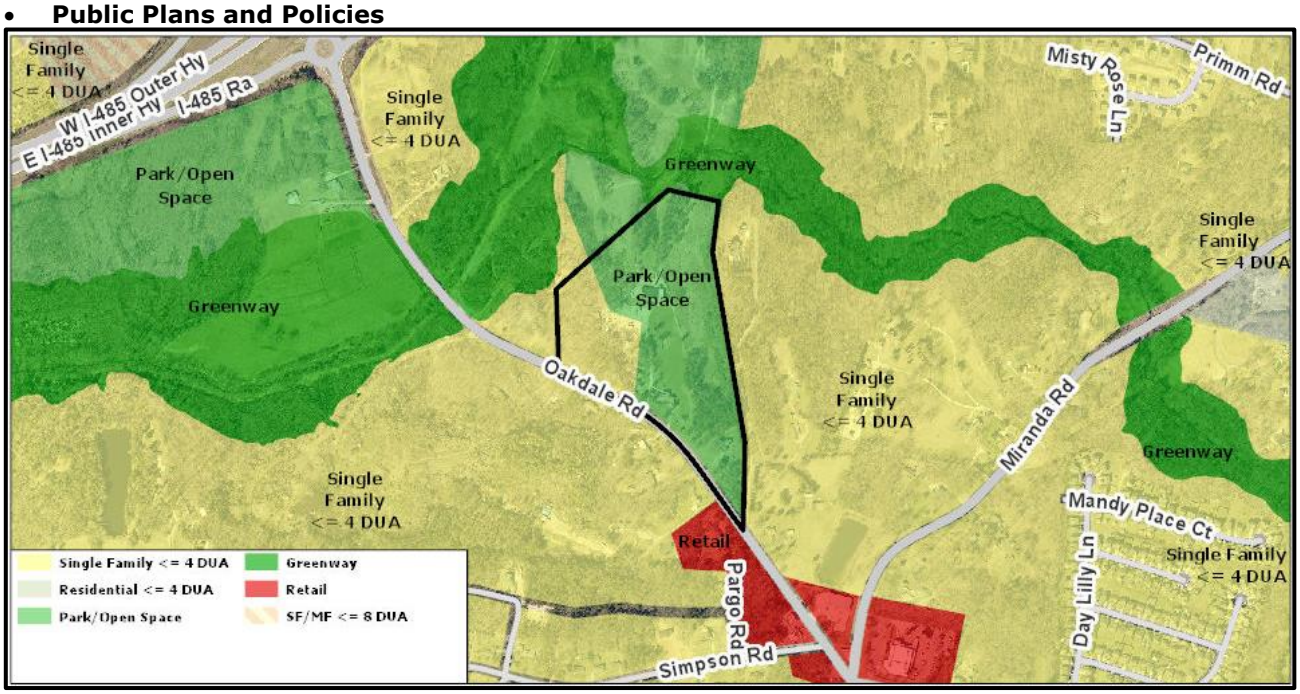
The property to the north along Oakdale Road is developed with the former Oak Hills Golf Club.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-072	Rezoned 7.68 acres to allow up to 29 single-family residential dwellings.	Approved
2019-071	Rezoned 54.99 acres to allow up to 280 residential dwelling units with no more the 150 attached dwelling units.	Approved

- **Public Plans and Policies**



- The *Northwest District Plan (1990)* calls for single family residential up to 4 dwelling units per acre, as well as park/open space recognizing the golf course as a use when the plan was adopted.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 6 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 6 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	2
Connectivity Analysis	1
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 10	**Total Points: 10**

- **TRANSPORTATION SUMMARY**
  - The site is located on a minor thoroughfare road. The site plan commits to a collector road within the site for future street connectivity. The site is widening the road to provide left-turn lanes at each access point on Oakdale Road. In addition, in accordance with Charlotte BIKES, the site plan commits to continue a 12-foot multi-use path along Oakdale Road frontage. The petitioner will provide curb and gutter on Oakdale Road to accommodate a future 3-lane section, to include two thru-lanes and a center turn lane. Minor technical clarifications remain regarding the design details of the cross section and left-turn lane on Oakdale Road.
  - **Active Projects:**
    - Oakdale-Miranda-Sunset Intersection Improvements:
      - The city will work with NCDOT to make improvements to the intersection to address existing crash patterns by installing a roundabout.
  - **Transportation Considerations:**
    - ~~See Outstanding Issues, Notes 1-2~~ Addressed
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 20 trips per day (based on 2 single-family dwellings).
    Entitlement: 730 trips per day (based on 68 single-family dwellings).
    Proposed Zoning: 1,000 trips per day (based on 138 duplexes).

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 36 students, while the development allowed under the proposed zoning may produce 41 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 5 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Long Creek Elementary from 83% to 88%
    - Bradley Middle at 107%
    - Hopewell High at 89%.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. 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:** See advisory comments at www.rezoning.org
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

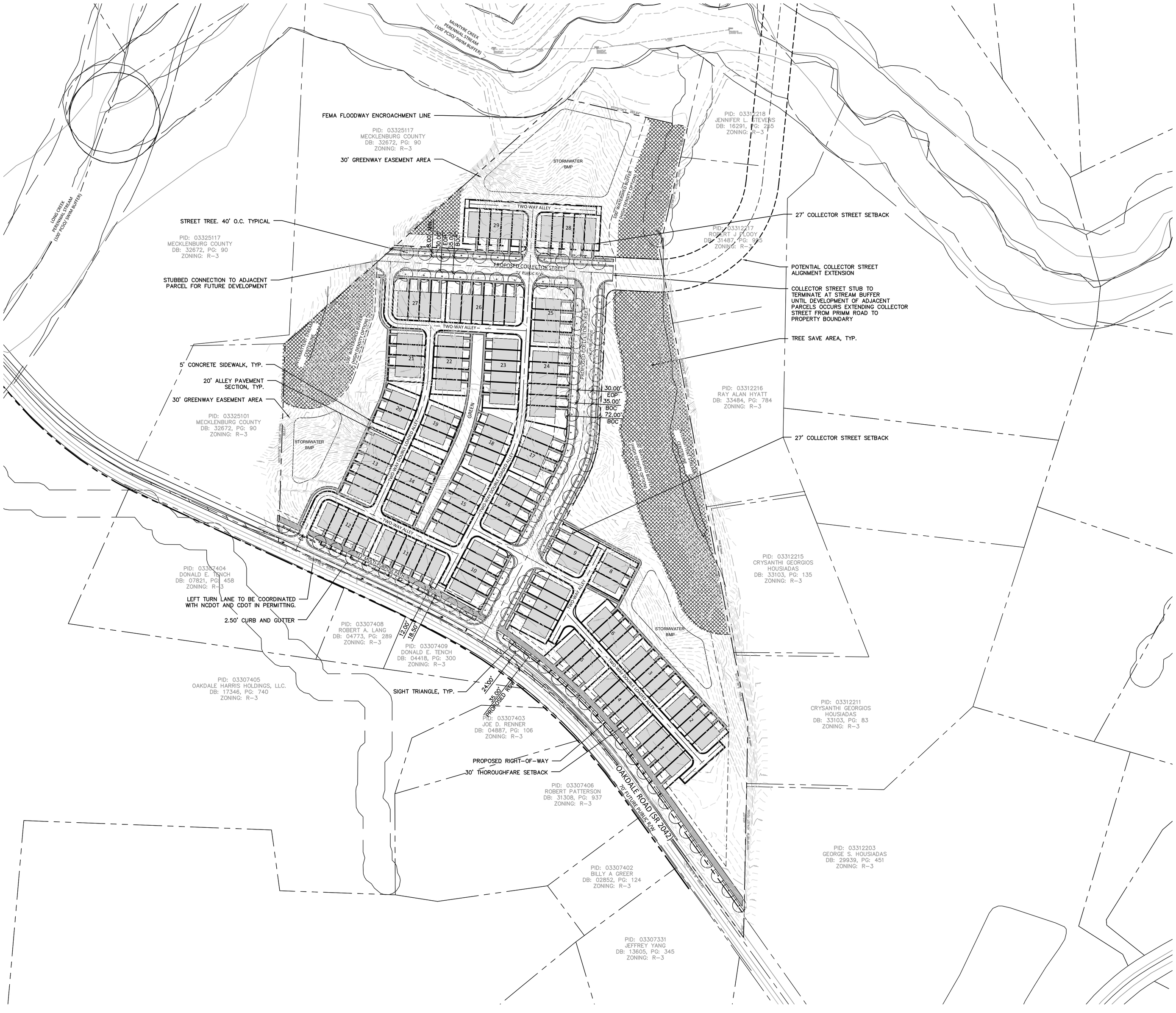
Transportation

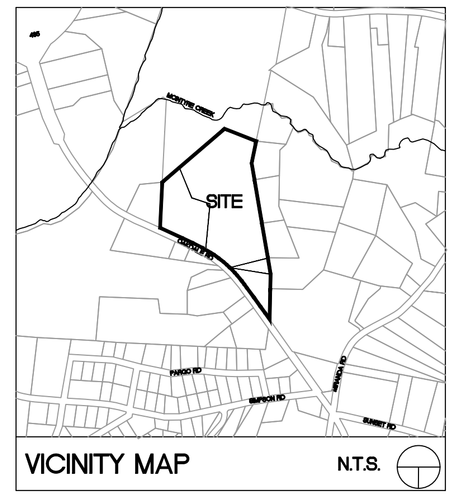
1. ~~The petitioner should revise the proposed Oakdale Road cross section to relocate the multi-use path (MUP) sidewalk easement to 2-feet from back-of-MUP.~~ Addressed
2. ~~The petitioner should revise the site plan and conditional note(s) to clarify that the proposed access below will be reviewed and considered by NCDOT, during plan permitting, as either full movement or right-in/right-out. A right-in/right-out access will only be permitted if a center median is installed. If full movement, NCDOT may require the storage and taper length of the Oakdale Road left-turn lane to be extended. A detailed review will be completed during permitting.~~ Addressed

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

Planner: Michael Russell (704) 353-0225


PID: 03325117
MECKLENBURG COUNTY
DB: 32672, PG: 90
ZONING: R-3
PID: 03312218
JENNIFER L. STEVENS
DB: 16291, PG: 255
ZONING: R-3
PID: 03312217
ROBERT J PLOOY
DB: 31487, PG: 995
ZONING: R-3
PID: 03312216
RAY ALAN HYATT
DB: 33484, PG: 784
ZONING: R-3
PID: 03325101
MECKLENBURG COUNTY
DB: 32672, PG: 90
ZONING: R-3
PID: 03325102
GILBERT PICKLESIMER
DB: 02986, PG: 442
ZONING: R-3
PID: 03325104
OAK HILLS INC.
DB: 03054, PG: 219
ZONING: R-3
PID: 03312215
CRYSANTHI GEORGIOS
HOUSIADAS
DB: 33103, PG: 135
ZONING: R-3
PID: 03307404
DONALD E. TENCH
DB: 07821, PG: 458
ZONING: R-3
PID: 03307408
ROBERT A. LANG
DB: 07723, PG: 289
ZONING: R-3
PID: 03307409
DONALD E. TENCH
DB: 04418, PG: 300
ZONING: R-3
PID: 03307405
OAKDALE HARRIS HOLDINGS, LLC.
DB: 17346, PG: 740
ZONING: R-3
PID: 03325118
OAK HILLS INC.
DB: 03054, PG: 219
ZONING: R-3
PID: 03312211
CRYSANTHI GEORGIOS
HOUSIADAS
DB: 33103, PG: 83
ZONING: R-3
PID: 03307403
JOE D. RENNER
DB: 04887, PG: 106
ZONING: R-3
PID: 03325103
OAK HILLS INC.
DB: 01956, PG: 245
ZONING: R-3
PID: 03307406
ROBERT PATTERSON
DB: 31308, PG: 937
ZONING: R-3
PID: 03312203
GEORGE S. HOUSIADAS
DB: 29939, PG: 451
ZONING: R-3
PID: 03307402
BILLY A CREER
DB: 02852, PG: 124
ZONING: R-3
PID: 03307331
JEFFREY YANG
DB: 13605, PG: 346
ZONING: R-3
SITE
INTERMITTENT STREAM
EXISTING 100' SCE
EXISTING 50' BUFFER
EXISTING 30' BUFFER

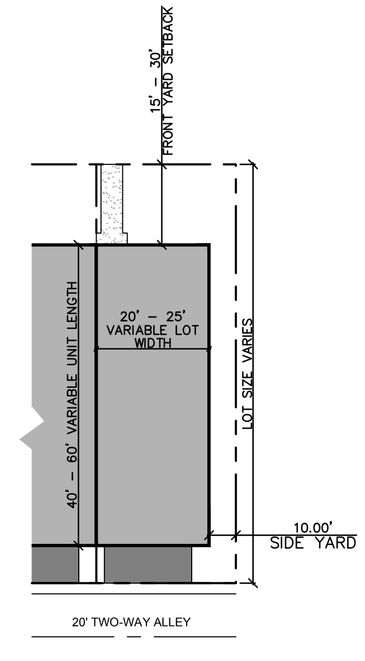




REZONING SUMMARY

PETITIONER:	SUNCREST REAL ESTATE AND LAND 2701 EAST CAMELBACK ROAD #180 BILTMORE PARK, PHOENIX, AZ 85016
PROPERTY OWNER(S)	GILBERT PICKLESIMER 3940 OAKDALE ROAD CHARLOTTE, NC 28216 OAK HILLS INC. P.O. BOX 680008 CHARLOTTE, NC 28216
TAX PARCEL(S):	03325102, 03325104, 03325118, 03325103
EX. ZONING:	R-3
PROPOSED ZONING:	MX-2 (MIXED USE DISTRICT 2)
TOTAL ACREAGE: EXISTING USE:	23.15 AC SINGLE FAMILY RESIDENTIAL
MULTI-FAMILY RESIDENTIAL: TOTAL UNIT COUNT:	138 UNITS (6 UNITS/ AC MAX) UP TO 138 UNITS
ZONING SETBACKS: OPEN SPACE: MINOR THOROUGHFARE: LOCAL COLLECTOR:	 15' MEASURED FROM O.S. PARCEL 30' MEASURED FROM ROW 27' MEASURED FROM ROW
MIN. BLDG. SEPARATION:	20' WITH 10' SIDE YARDS
PARKING REQUIRED: PARKING PROVIDED:	(207) 1.5 PER UNIT PER ORDINANCE REQUIREMENT
REQUIRE OPEN SPACE: OPEN SPACE PROVIDED:	2.31 AC (10%) PER ORDINANCE REQUIREMENT
TREE SAVE REQUIRED: TREE SAVE PROVIDED:	3.47 AC (15%) 3.83 AC (16.5%)
IMPERVIOUS AREA:	8.06 AC (35%)
STORMWATER:	PROPOSED STORMWATER BMP(S)

*SEE SHEET RZ-3.0 FOR REZONING DEVELOPMENT STANDARDS



TYPICAL LOT LAYOUT
SCALE: NTS

ColeJenest & Stone

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Realizing the Possibilities

Land Planning
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Landscape Architecture
+
Civil Engineering
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Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202

p+ 704 376 1555 f+ 704 376 7851
url+ www.colejeneststone.com

SUNCREST REAL ESTATE AND LAND

2701 EAST CAMELBACK ROAD, #180
BILTMORE PARK
PHOENIX, AZ

OAKDALE ROAD RESIDENTIAL

4008 OAKDALE ROAD
CHARLOTTE, NC 28216

REZONING PLAN

Project No.
4722.02

Issued
11/01/19

Revised
01/13/20 - REVISIONS PER STAFF COMMENTS
02/10/20 - REVISIONS PER CDOT COMMENTS
05/11/20 - SITE LAYOUT REVISIONS
07/27/20 - REVISIONS PER STAFF COMMENTS

COLEJENEST & STONE, P.A. CORPORATE SEAL C-1361 C-103 NORTH CAROLINA

N

SCALE: 1"= 100'
0 50 100 200

RZ-2.0

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DEVELOPMENT STANDARDS

July 27, 2020

A. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Suncrest Real Estate and Land (the "Petitioner") to accommodate the development of a residential community on that approximately 23.15 acre site located on the north side of Oakdale Road between I-485 and Miranda Road, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Nos. 033-251-02, 033-251-04, 033-251-18 and 033-251-03.
2. The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
3. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the MX-2 zoning district shall govern the development and use of the Site.
4. 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 internal public streets and private alleys/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.
5. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

B. Permitted Uses/Development Limitations

1. The Site may be devoted only to a residential community containing a maximum of 138 single family attached dwelling units and to and to any incidental and accessory uses relating thereto that are allowed in the MX-2 zoning district.

C. Transportation

1. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT").
2. As depicted on the Rezoning Plan, the Site will be served by internal public streets (each designated as a Collector Street on the Rezoning Plan) and internal private drives or alleys, and minor adjustments to the locations of the internal public streets and the internal private drives or alleys shall be allowed during the construction permitting process.
3. The Collector Streets to be constructed on the Site as shown on the Rezoning Plan shall be constructed in accordance with the Charlotte Land Development Standards for a collector street (U-07 REV 17).
4. The Collector Streets to be located on the Site and depicted on the Rezoning Plan will be approved and constructed prior to the issuance of the first certificate of occupancy for a new single family attached dwelling unit constructed on the Site.
5. On-street parking may be constructed on the internal public streets at the option of Petitioner provided that such on-street parking is approved by CDOT and/or NCDOT and any other applicable governmental agencies. If Petitioner elects not to construct such on-street parking or if such on-street parking is not approved by CDOT and/or NCDOT or any other applicable governmental agencies, Petitioner shall not be required to construct the on-street parking. Any on-street parking shall be located outside of the edge of pavement to edge of pavement set out in U-07 REV 17.
6. All transportation improvements will be approved and constructed prior to the issuance of the first certificate of occupancy for a new single family attached dwelling unit constructed on the Site, except as provided in paragraph 9 below.
7. Prior to the issuance of the first certificate of occupancy for a new single family attached dwelling unit constructed on the Site, Petitioner shall dedicate and convey to the City or to NCDOT (subject to a reservation for any necessary utility easements) those portions of the Site located immediately adjacent to Oakdale Road as required to provide right of way measuring 35 feet from the existing centerline of Oakdale Road, to the extent that such right of way does not already exist.
8. The Petitioner will dedicate and convey to the City or to NCDOT any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, and the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy for a new single family attached dwelling unit constructed on the Site. 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.
9. Prior to the issuance of the 70th certificate of occupancy for a new single family attached dwelling unit constructed on the Site, Petitioner shall install an eastbound left turn lane on Oakdale Road at the intersection of Oakdale Road and the new Collector Street as generally depicted on the Rezoning Plan.
10. During the permitting process for this proposed development, NCDOT will determine if the westernmost vehicular access point into the Site from Oakdale Road will be a full movement vehicular access point or a right-in, right-out vehicular access point. Petitioner will install such improvements that are required by NCDOT in connection with this determination.
11. All improvements proposed for NCDOT state-maintained roads will be subject to NCDOT approval and coordination. NCDOT shall have final determination on improvements being warranted or desired for additional maintenance acceptance.

D. Architectural Standards

1. The architectural standards set out below shall apply to each single family attached dwelling unit constructed on the Site.

(a) The maximum height of any building constructed on the Site containing single family attached dwelling units shall be the maximum height permitted under the Ordinance.

(b) Vinyl, EIFS or masonite may not be used as an exterior building material on any single family attached dwelling unit constructed on the Site. Notwithstanding the foregoing, vinyl may be utilized on windows, doors, garage doors, soffits, trim and railings. Additionally, aluminum may be used on trim and garage doors.

(c) The actual sizes of the single family attached dwelling units/lots may vary from the sizes depicted on the Rezoning Plan.

(d) Each single family attached dwelling unit constructed on the Site shall have a garage.

(e) Each single family attached dwelling unit constructed on the Site will be alley/rear loaded.

(f) The single family attached dwelling units located in Building 1, Building 4, Building 5, Building 11 and Building 12 shall front Oakdale Road.

(g) If pitched roofs are provided, the front of the roofs shall be symmetrically sloped no less than 5:12. The rear of the roofs and roofs for any porches, covered stoops, attached sheds and dormers may be no less than 2:12. Additionally, a flat roof architectural style may be employed.

(h) The finished floor elevation of each single family attached dwelling unit located within 15 feet of a public sidewalk shall be a minimum of 12 inches above the average sidewalk grade of the public sidewalk.

(i) Each single family attached dwelling unit constructed on the Site shall have a usable front porch or a front stoop. Usable front porches shall be covered and be at least 5 feet in depth. Front stoops shall be covered and front stoops may be covered by an awning, canopy, roof extension or other architectural feature chosen by Petitioner. Front stoops shall not be required to have a minimum depth of 5 feet.

(j) All corner/end units that face a public 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 20 feet on all levels. Blank wall provisions may include landscaping, which shall consist of, at a minimum, three 6 foot tall evergreen trees along the side of the single family attached dwelling unit.

(k) The front elevation of each single family attached dwelling unit shall have windows or other architectural details that limit the maximum blank wall expanse to 15 feet on each level of the single family attached dwelling unit.

(l) Walkways shall be provided to connect all residential entrances to sidewalks fronting public streets.

(m) Townhome buildings that are adjacent to and front a public street shall not contain more than 5 individual single family attached dwelling units except as otherwise shown on the Rezoning Plan. This requirement shall not apply to buildings that do not front a public street or buildings that are adjacent and perpendicular to a public street.

E. Streetscape and Landscaping

1. A minimum 8 foot wide planting strip and a minimum 12 foot wide multi-use path shall be installed along the Site's frontage on Oakdale Road. Notwithstanding the foregoing, the width of the planting strip and the width of the multi-use path may be reduced as required where the multi-use path ties into an existing sidewalk located on the Site's frontage on Oakdale Road.
2. The minimum 12 foot wide multi-use path to be installed along the Site's frontage on Oakdale Road (or portions thereof) may be located in a sidewalk utility easement
3. A minimum 8 foot wide planting strip and a minimum 5 foot wide sidewalk shall be installed along the Site's frontages on the new internal Collector Streets.

F. **Environmental Features**

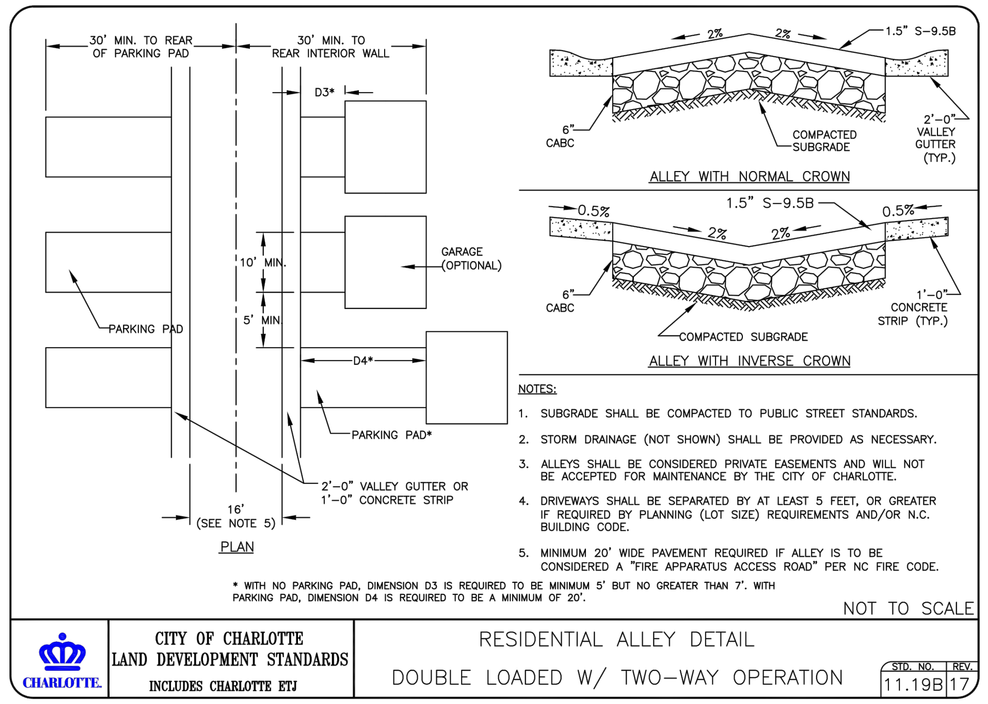
1. The development of the Site will comply with the tree save requirements of the Charlotte Tree Ordinance.
2. Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance.
3. The location, size, and type of storm water management systems depicted 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.
4. 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.
5. Any increase of impervious area within SWIM/PCSO Buffers may not be allowed and is not approved with the rezoning process. 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. Stream Delineation Reports and SWIM/PCSO Buffer location delineations are subject to review and approval by Charlotte-Mecklenburg Storm Water Services.

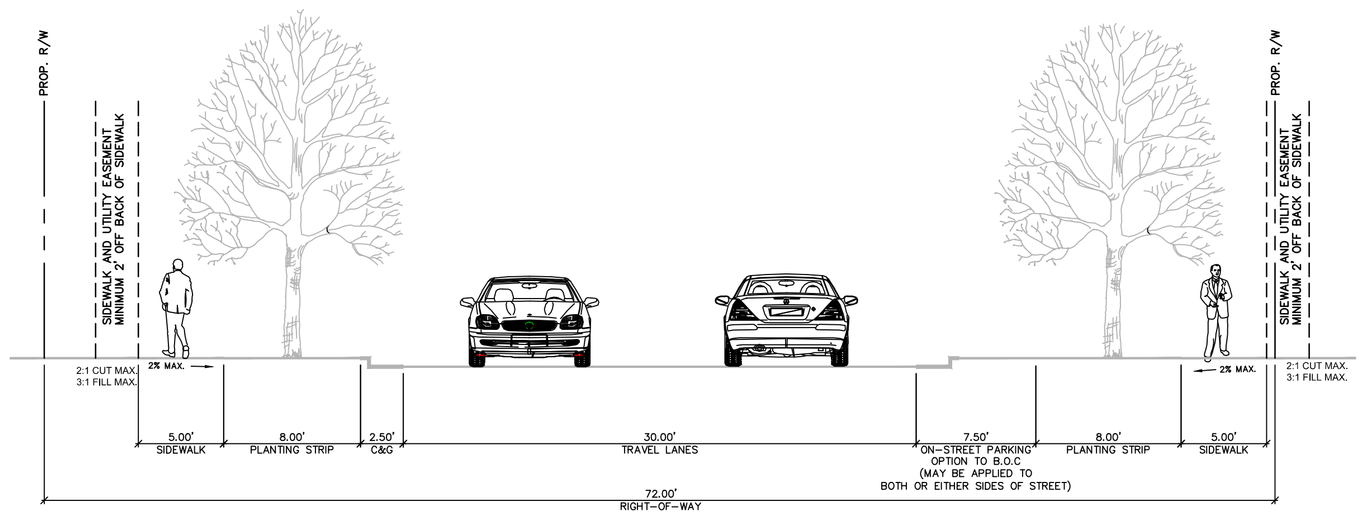
G. Amenities and Greenway

1. An amenity area may be constructed on the Site at the option of Petitioner.
2. Prior to the issuance of the 80th/ certificate of occupancy for a new single family attached dwelling unit constructed on the Site, Petitioner shall dedicate and convey the 100 foot SWIM Buffer of Back Creek located on the Site (the "Greenway Area") to Mecklenburg County for future greenway purposes. Prior to the dedication and conveyance of the Greenway Area to Mecklenburg County and subject to any restrictions imposed by stream buffer regulations, Petitioner shall have the right to install and locate utility lines through the Greenway Area and to reserve such easements over the Greenway Area that are necessary to maintain, repair and replace such utility lines, and to reserve such other easements as may be reasonably necessary in connection with the development of the Site as long as these easements and utility lines do not interfere with the construction and maintenance of the greenway. Any easements must be reviewed prior to the dedication of the Greenway Area to Mecklenburg County.
3. The trees located within the Greenway Area shall count towards the Site's minimum tree save requirements.
4. A minimum 30-foot wide greenway easement shall be established along that portion of the Site's western boundary line that is more particularly depicted on the Rezoning Plan.
5. The Greenway Area shall count towards the Site's required open space.

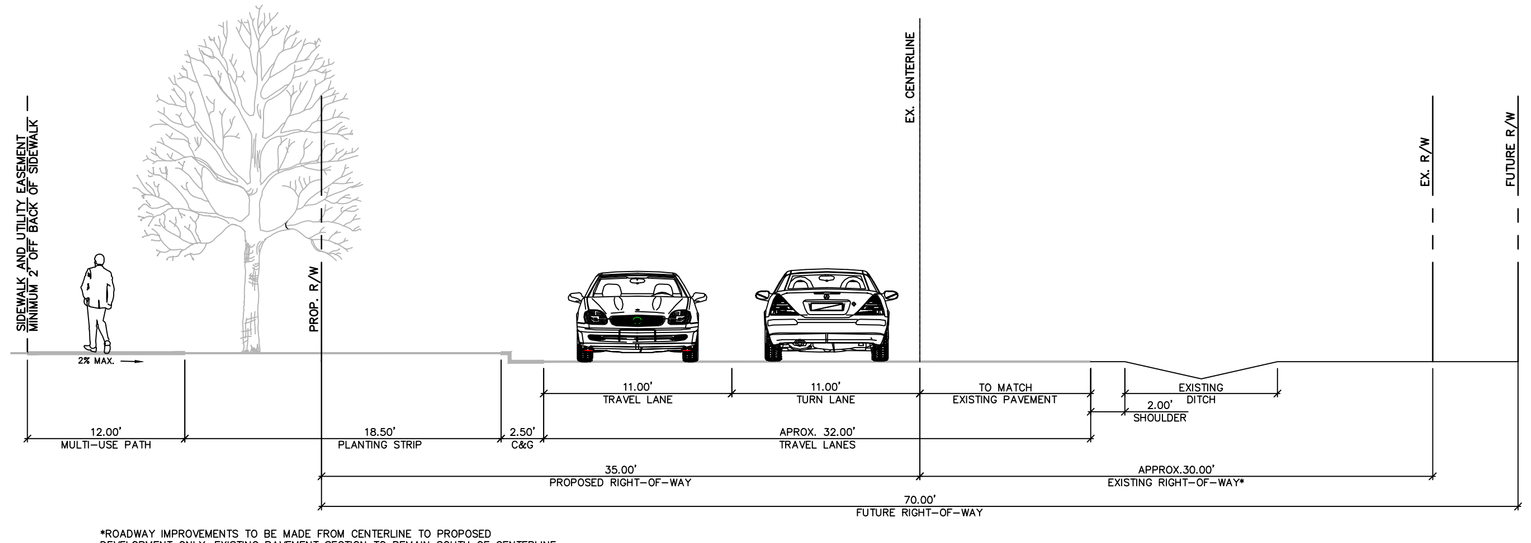
H. Binding Effect of the Rezoning Documents and Definitions

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.



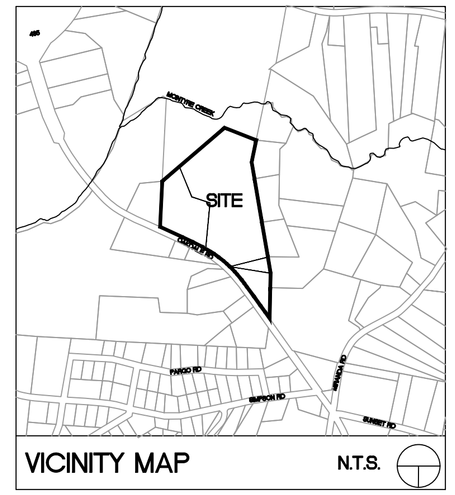


TYPICAL SECTION - LOCAL COLLECTOR STREET
CITY OF CHARLOTTE U-07-17 (N.T.S.)



*ROADWAY IMPROVEMENTS TO BE MADE FROM CENTERLINE TO PROPOSED DEVELOPMENT ONLY. EXISTING PAVEMENT SECTION TO REMAIN SOUTH OF CENTERLINE.

PROPOSED OAKDALE ROAD SECTION - MINOR THOROUGHFARE
NCDOT (N.T.S.)



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PHOENIX, AZ

OAKDALE ROAD RESIDENTIAL

4008 OAKDALE ROAD
CHARLOTTE, NC 28216

REZONING DEVELOPMENT STANDARDS

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Revised
01/13/20 - REVISIONS PER STAFF COMMENTS
02/10/20 - REVISIONS PER CDOT COMMENTS
05/11/20 - SITE LAYOUT REVISIONS
07/27/20 - REVISIONS PER STAFF COMMENTS

COLEJENEST & STONE, P.A. CORPORATE SEAL C-1361 C-103 NORTH CAROLINA

RZ-3.0

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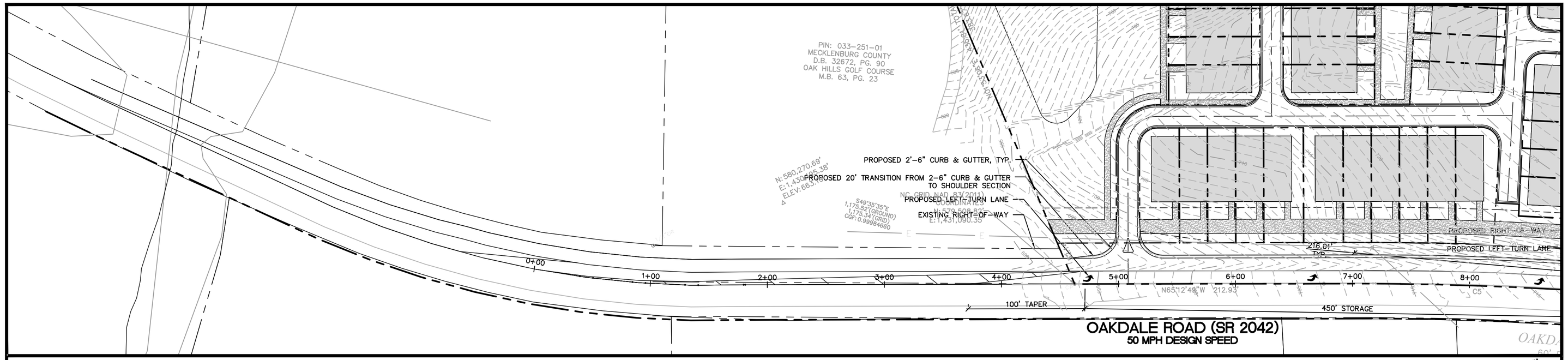
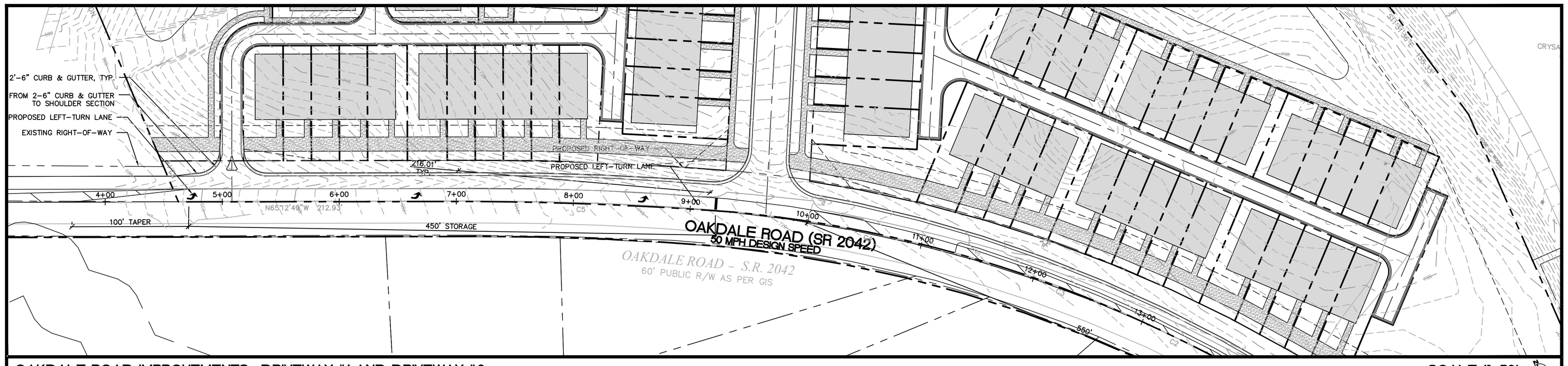


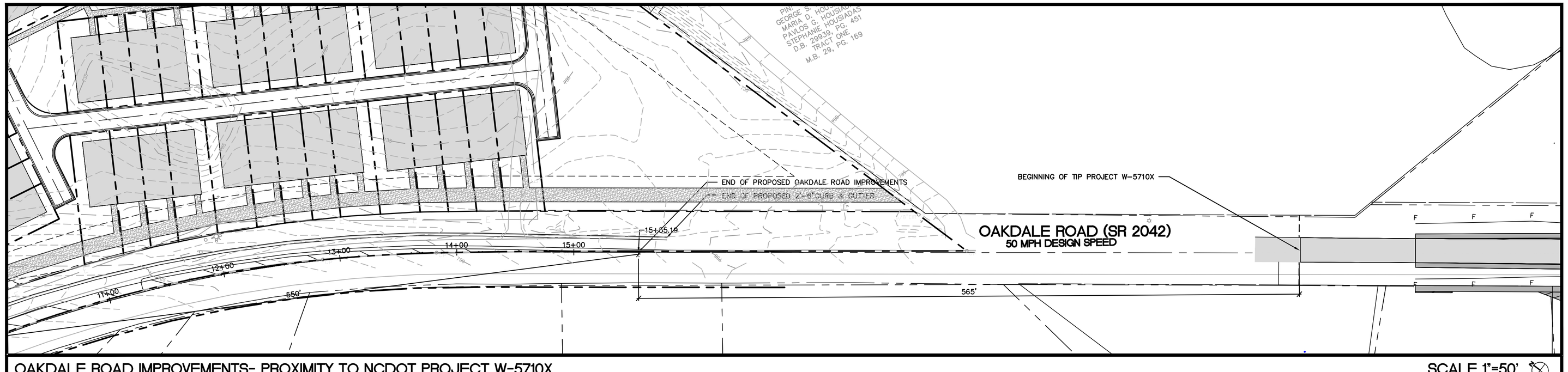
OAKDALE ROAD IMPROVEMENTS- DRIVEWAY #1

SCALE 1"=50'



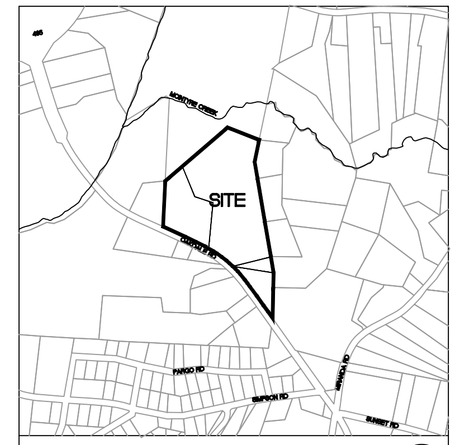
OAKDALE ROAD IMPROVEMENTS- DRIVEWAY #1 AND DRIVEWAY #2

SCALE 1"=50'



OAKDALE ROAD IMPROVEMENTS- PROXIMITY TO NCDOT PROJECT W-5710X

SCALE 1"=50'



VICINITY MAP N.T.S.

ColeJenest & Stone

Shaping the Environment
Realizing the Possibilities

Land Planning
+
Landscape Architecture
+
Civil Engineering
+
Urban Design

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2701 EAST CAMELBACK ROAD, #180
BILTMORE PARK
PHOENIX, AZ

OAKDALE ROAD RESIDENTIAL
4008 OAKDALE ROAD
CHARLOTTE, NC 28216

PROPOSED OAKDALE ROAD IMPROVEMENTS

Project No.
4722.02

Issued
11/01/19

Revised
01/13/20 - REVISIONS PER STAFF COMMENTS
02/10/20 - REVISIONS PER CDOT COMMENTS
05/11/20 - SITE LAYOUT REVISIONS
07/27/20 - REVISIONS PER STAFF COMMENTS

COLEJENEST & STONE, P.A. CORPORATE SEAL C-1361 C-103 NORTH CAROLINA

SCALE: 1"=50'
0 25' 50' 100'

RZ-4.0

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Petition 2019-168 by Suncrest Real Estate and Land

To Approve:

This petition is found to be inconsistent with the *Northwest District Plan* (1990) recommendation for single-family residential use of up to four dwelling units per acre and for open space/parkland. The petition is consistent with the *General Development Policies* recommendations which support a density of up to 6 dwellings per acre based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single-family residential use of up to four dwelling units per acre.

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

- This petition proposes a maximum of 138 residential townhouse-style dwelling units, for a density of six dwelling units per acre. This density is consistent with the General Development Policies support for residential development at up to eight dwelling units per acre.
- The petition commits to following the General Development Policy guidelines for townhomes which include using porches as a prominent feature of the building façade and minimizing the visual impact of garage doors. These additional design guidelines will contribute to the single-family character of the area.
- The petition includes a 100-foot watershed buffer and tree save area between development on this site and all single-family homes on the surrounding parcels, protecting the floodplain on this parcel, and also providing an appropriate buffer between the proposed dwelling units and the surrounding single-family homes.
- The petition will plan for connectivity in the area by constructing a collector road at the back of the parcel that will connect to other future developments.

The approval of this petition will revise the adopted future land use as specified by the *Northwest District Plan*, from single-family residential up to four units per acre and park/open space to residential up to 6 units per acre.

To Deny:

This petition is found to be inconsistent with the *Northwest District Plan* (1990) recommendation for single-family residential use of up to four dwelling units per acre and for open space/parkland. The petition is consistent with the *General Development Policies* recommendations which support a density of up to 6 dwellings per acre based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single-family residential use of up to four dwelling units per acre.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 5. **File #:** 15-13932 **Type:** Zoning Item

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

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

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

Public Hearing Held: July 20, 2020 - Item #30

Staff Resource: William Linville

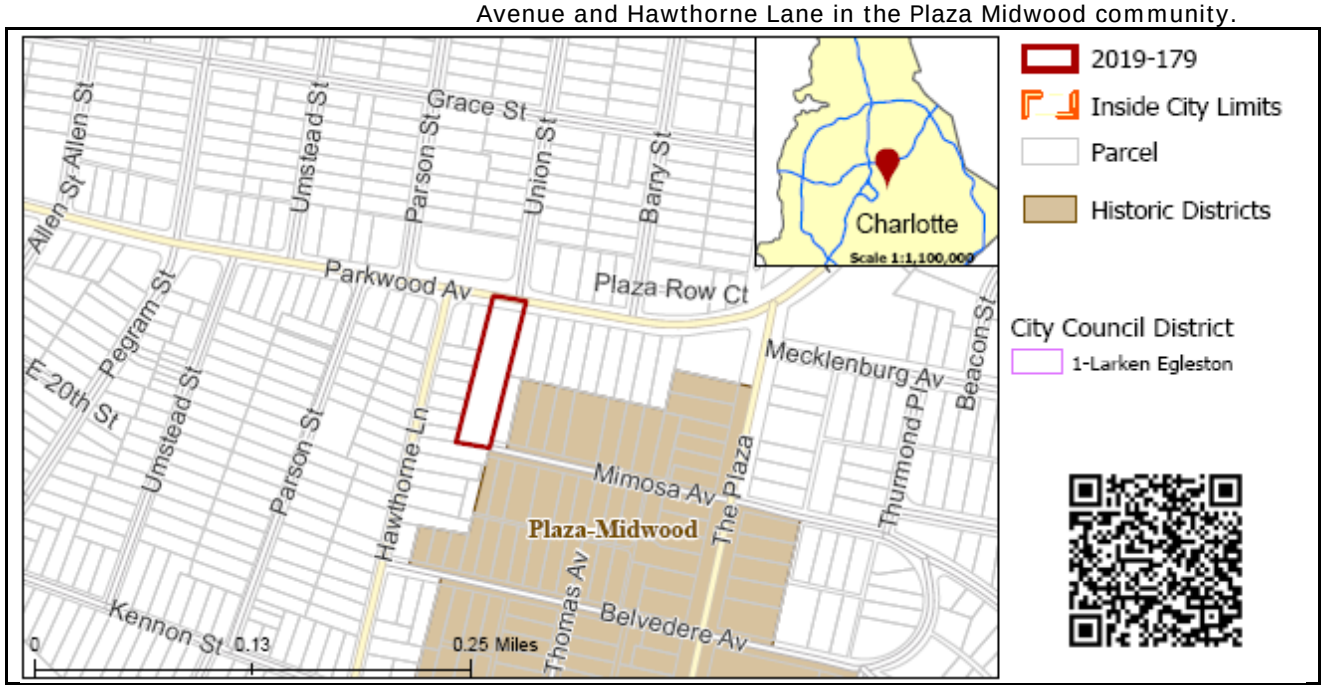
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2019-179
Post Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: R-5 (single family residential) & R-22MF (multi-family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 1 acre located near the SE intersection of Parkwood Avenue and Hawthorne Lane in the Plaza Midwood community.



SUMMARY OF PETITION	The petition proposes to rezone a currently vacant parcel in the Plaza Midwood neighborhood to allow for construction of 3 single family attached triplex residential units and 22 multi-family residential units (25 total units representing approximately 25 DUA).
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Miles Boyd and Dorothy F. Barnes Ronald Staley, Jr. – Verde Homes, LLC Paul Pennell, Urban Design Partners
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 17 Second Virtual Community Meeting has been held (07/13/20). Number of people attending the second Virtual Community Meeting: 9
STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **inconsistent** with the *Belmont Area Revitalization Plan's* (2003) recommendation for single family residential uses up to five dwelling units per acre (DUA). <u>Rationale for Recommendation</u> • The proposal helps achieve the Plan's vision of a "family-oriented community diverse in age, culture, and income" by committing to three affordable dwelling units (12 percent of total). This provision of affordability also addresses the Plan's housing goal that seeks to increase and facilitate home ownership.

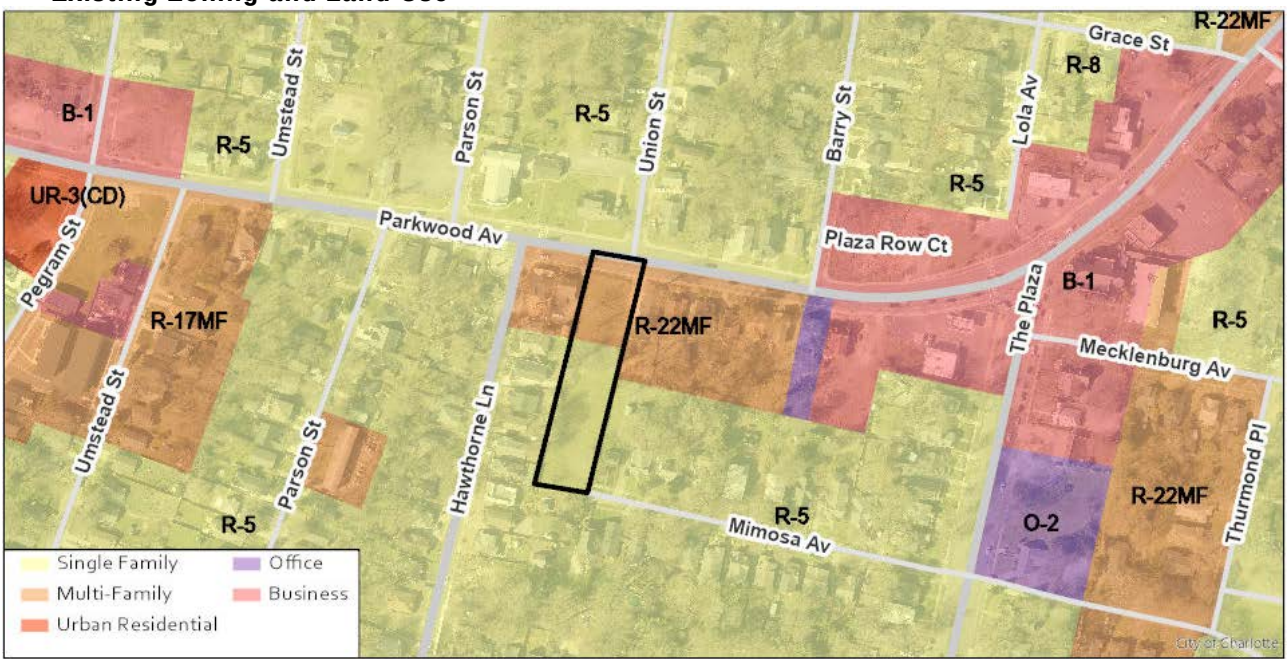
- The proposal addresses a goal of the Plan to create a more pedestrian friendly community by improving the pedestrian realm through the provision of an 8-foot planting strip and 8-foot sidewalk along Parkwood Ave.
- The site considers the environment by orienting parking in such a way that preserves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

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

PLANNING STAFF REVIEW

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

- **Existing Zoning and Land Use**



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



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



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



Context of surrounding residential located along Parkwood Ave.



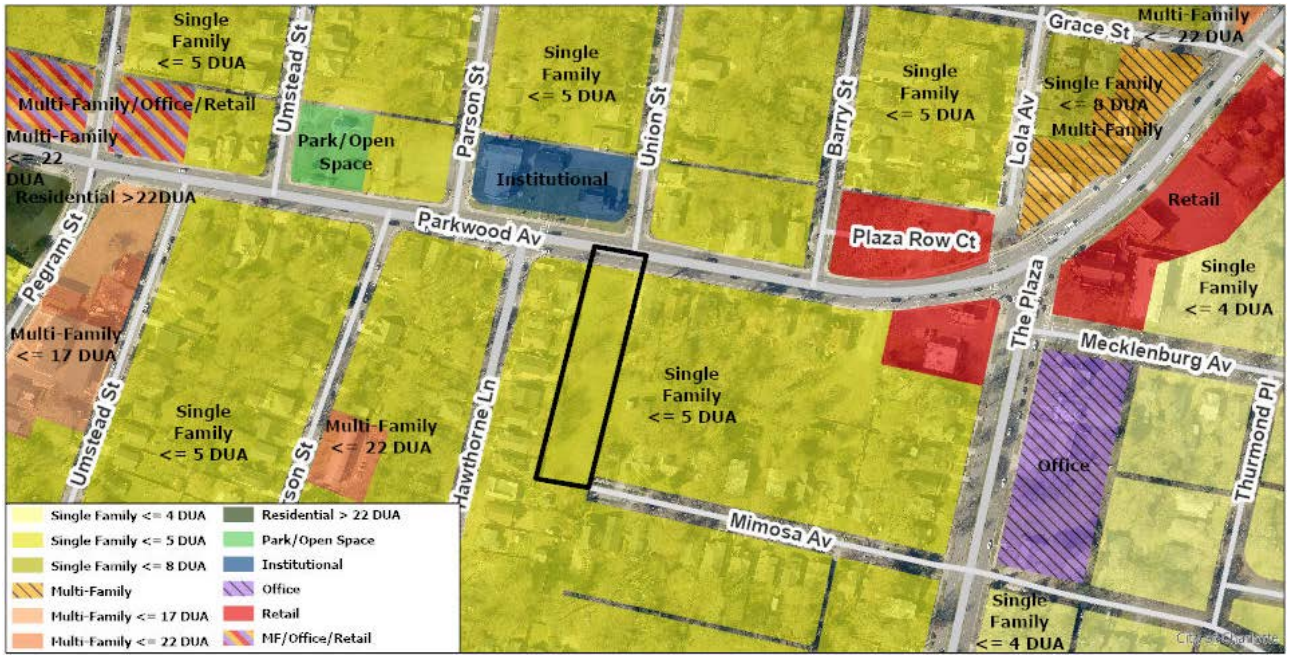
Streetview along Mimosa Avenue. Mimosa Avenue terminates at the southern edge of the subject property.

- **Rezoning History in Area**



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

- **Public Plans and Policies**



  - The *Belmont Area Revitalization Plan (2003)* recommends single family residential uses up to five dwelling units per acre for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located on a major thoroughfare road. The site commits to installing the required streetscape along Parkwood Avenue. CDOT is requesting the petitioner update the site plan to construct a driveway that meets the Charlotte Land Development Standards.
  - **Active Projects:**
    - Parkwood (N. Davidson – The Plaza) Improvements

- This project will install pavement markings to create a buffered bike land on Parkwood Avenue from Belmont Avenue to The Plaza. Several new signals will be added within the project limits as well.

- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 0 trips per day (based on vacant land use).
  Entitlement: 50 trips per day (based on 5 dwellings).
  Proposed Zoning: 140 trips per day (based on 20 dwellings (3 single family; 22 multi-family).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **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 1 student. Therefore, the net decrease in the number of students generated from existing zoning to proposed is 1 student.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Shamrock Gardens Elementary remains at 107%
    - Eastway Middle remains at 118%
    - Garinger High remains at 122%.

Charlotte Water: Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Parkwood Avenue. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Parkwood Avenue. See advisory comments at www.rezoning.org

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

Site and Building Design

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

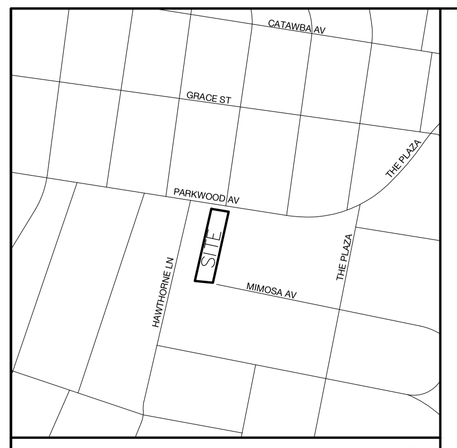
REQUESTED TECHNICAL REVISIONS

Site and Building Design

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

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

Planner: William Linville (704) 336-4090



VICINITY MAP

Site Development Data:

Acreage:	**+/- 1.00 AC**
Tax Parcel:	**081-191-59**
Existing Zoning:	**R-22MF & R-5**
Proposed Zoning:	**UR-2(CD)**
Existing Uses:	**Vacant**
Proposed Uses:	**Residential uses allowable within the UR-2 district**
Max Density:	**Up to (25) Residential Units (Approximately 25.0 DUA)**
	-(22) Multi-family residential units
	-(3) single-family attached triplex residential units

General Provisions:

These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by Verde Homes, LLC (the "Petitioner") to accommodate the development of a residential community on an approximate 1.00 acre site located at 1428 Parkwood Avenue, which is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of a single tax parcel number, 081-191-59.

Development of the Site shall be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the "UR-2" Zoning District shall govern all development taking place on the Site. The configurations, placements and sizes of the buildings, parking areas, tree save area, common open space, private roads and ancillary site elements depicted on the Rezoning Plan are schematic in nature and therefore are subject to refinements as part of the total design process.

Permitted Uses:

1) Uses allowed within the rezoning area shall be limited to residential uses allowable within the UR-2 zoning district. Allowable residential uses shall be limited on site as described within the following descriptions and as generally illustrated within the Site plan.

a) A single multi-family residential structure, as depicted on the Site plan, shall be located directly adjacent Parkwood Avenue.

i) The structure may include up to twenty-two (22) residential units.

ii) A minimum or three (3) residential units shall be identified as affordable housing within the proposed multi-family structure.

(1) Two (2) residential units located within the proposed multi-family structure shall be restricted for a period of 15 years for sale to buyers earning at or below 80% the Charlotte Area Median Income (AMI). Terms of this restrictive covenant shall be incorporated into the deed of sale for each affordable unit.

(2) One (1) residential unit located within the proposed multi-family structure shall be restricted for a period of 15 years for sale to buyers earning at or below 50% the Charlotte Area Median Income (AMI). Terms of this restrictive covenant shall be incorporated into the deed of sale for each affordable unit.

5 iii) Allowable maximum height shall not exceed three (3) stories and forty-five (40') feet and is further described within the Zoning Ordinance.

b) A single three (3) unit triplex structure shall be allowable on site.

i) Allowable maximum height shall not exceed two and a half (2.5) stories and thirty-five (35') feet and is further described within the Zoning Ordinance.

Transportation:

1) Vehicular access to the site from the Parkwood Avenue public right of way will be as generally depicted on the Rezoning Plan.

5 2) Vehicular and pedestrian access to the Site shall not be permitted from Mimosa Avenue.

3) The placement and configuration of the vehicular access points shown on the Rezoning Plan is subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval in accordance with applicable published standards.

4) Internal vehicular access to the site shall be provided by a private drive as generally depicted on the Site Plan.

5) Public sidewalk improvements shall include 8' landscape strip and 8' sidewalk along Parkwood Avenue right of way as generally depicted on the Site plan.

6) The petitioner shall provide and coordinate with CATS to install an ADA compliant bus waiting pad and trash receptacle, following CLDSM CATS Detail 60.01B as requested. The location of the waiting pad is generally depicted as illustrated on the Site plan.

7) The Petitioner shall coordinate proposed Parkwood Avenue Street improvements with the City of Charlotte and the Charlotte Department of Transportation to ensure accurate placement of streetscape improvement elements listed above in Transportation note 5 above.

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

9) The petitioner shall dedicate fee simple conveyance of all rights of way to the City of Charlotte prior to the Site's first building certificate of occupancy is issued. Right of Way shall be dedicated 2' back of proposed sidewalk as illustrated within the Site Plan.

10) All transportation improvements, as described within note 5 above, will be approved and constructed prior to the Site's first building certificate of occupancy being issued.

11) Deliveries on site shall be made utilizing the "loading zone" parallel space noted on the Site plan.

5 12) Approximately twenty-nine (29) surface parking spaces and three (3) garage spaces shall be provided on site as generally depicted on the site plan.

Architectural and Design Standards:

1) In addition to design provisions contained within the district regulations of the Zoning Ordinance, the development of the site will be governed by the following provisions and standards produced by the Petitioner and which will be binding on the development of the site.

2) It is understood that the residential units on site will be developed within a twenty-two (22) multi-family building and a single three (3) unit triplex as generally depicted on the site plan.

3) The proposed residential multi-family building shall be designed to provide architectural treatments and elements that present a front towards Parkwood Avenue. Architectural elevations fronting a public right of way shall provide architectural treatments that limit the maximum blank wall expanse to 10 on all building levels.

4) The proposed single-family attached triplex on site shall be designed to provide architectural elements that follow the design provisions noted below.

a) The massing and form of the single triplex structure on site shall be designed in a manner to maintain the existing single-family detached character of the surrounding neighborhood.

b) Maximum building height shall be two and a half (2.5) stories and a maximum height of thirty-five (35') feet

c) The triplex structure constructed on the site may use a variety of building materials. The building materials may utilize all or a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, cementitious siding (such as Hardi-plank), EIFS, or wood. Proposed roofing materials allowable shall include architectural shingles, wood shake, slate, tile and/or metal.

d) Vinyl will not be used as a primary exterior building material, but may be utilized for trim, soffits, windows, architectural detailing and railings.

5) The following provisions and standards shall apply regarding design guidelines and the architectural design of the residential multi-family structure proposed on site adjacent Parkwood Avenue. It is the intent of these standards to provide design flexibility in design while achieving architectural continuity and visual harmony though out the proposed development.

5 a) The proposed building shall be placed to present a front or side façade to all streets (public or private).

b) The structure constructed on the site may use a variety of building materials. The building materials used for buildings will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, cementitious siding (such as Hardi-plank), EIFS, or wood. Proposed roofing materials allowable shall include architectural shingles, wood shake, slate, tile and/or metal.

c) Vinyl will not be used as a primary exterior building material, but may be utilized for trim, soffits, windows, architectural detailing and railings.

d) Petitioner shall provide blank wall provisions that limit the maximum blank wall expanse to 20 feet on all building levels not fronting a public right of way, including but not limited to doors, windows, awnings, and/or architectural design elements.

e) The building elevations shall be designed with vertical bays or articulated architectural façade features which may include, but not limited to exterior wall offsets, projects, recess, pilaster, banding and changes in materials or colors.

f) The building shall be designed with a recognizable architectural base on all facades facing network required public or private streets. Referenced base may be executed through use of preferred exterior building materials or articulated architectural façade features and color changes.

g) Walkways will be provided to connect all ground floor residential entrances to public sidewalks located directly adjacent the Parkwood Avenue as generally depicted on the Site plan.

h) Roof top HVAC, related mechanical equipment and meter banks will be screened from public view from the nearest street.

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

Streetscape and Landscaping:

1) The Petitioner shall comply with Chapter 21 of the City of Charlotte Code of Ordinances.

2) The site is located within a planning "wedge". Tree save shall be provided on site, as generally depicted on the site plan, per the City of Charlotte Tree Ordinance.

Environmental Features:

1) The Petitioner shall comply with the City of Charlotte Post Construction Ordinance.

2) The petitioner shall analyze the adequacy of the existing storm water conveyance to the nearest public right-of-way and shall make a good faith effort to improve the storm water conveyance and discharge from the Site.

3) The Site shall comply with Section 12.403 of the Zoning Ordinance and reserve area, as generally depicted on the Site plan, to comply with dumpster/compactor and recycling container placement as required.

Signage:

1)The design and implementation of site signage shall comply per ordinance standards.

Lighting:

1) All attached and detached lighting will be full cutoff fixtures and downwardly directed. However, upward facing architectural and landscape accent lighting shall be permitted.

2) Detached pole lighting on the site, except street lights located along public streets, will be limited to 15' in height.

Amendments to Rezoning Plan:

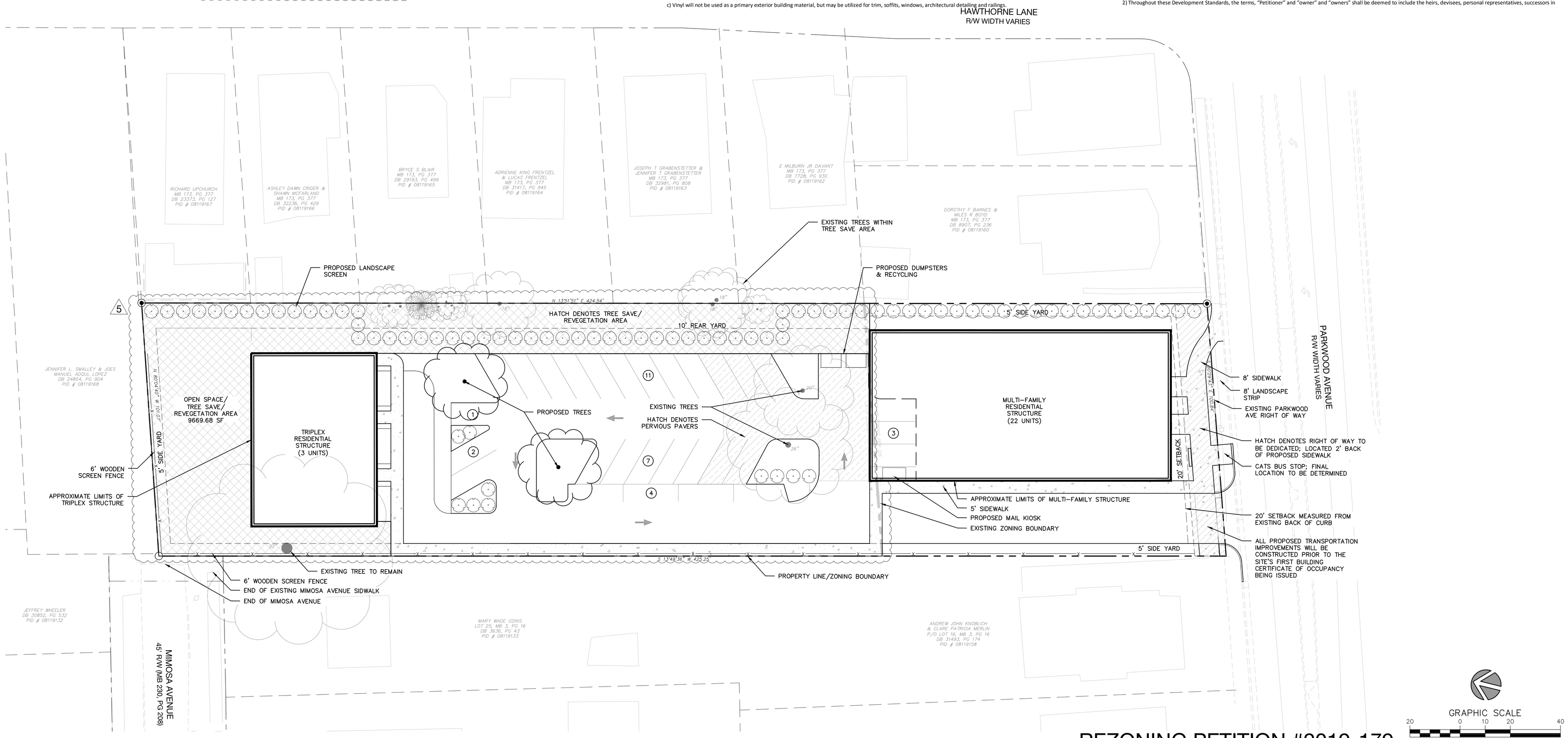
Future amendments to the Technical Data Sheet or these Development Standards may be applied for by the then Owner or Owners of the parcel or parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

Further alterations or modifications to the Rezoning Plan which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the approved Technical Data Sheet or any of its conditions or which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

Binding Effect of the Rezoning Documents and Definitions:

1) If this Site Plan Amendment is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

2) Throughout these Development Standards, the terms, "Petitioner" and "owner" and "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owners



REZONING PETITION #2019-179

GRAPHIC SCALE
20 0 10 20 40
1 INCH = 20 FEET

URBAN DESIGN PARTNERS
1318-e6 central ave. p 704.334.3303
charlotte, nc 28205 f 704.334.3305
urbandesignpartners.com
nc firm no: P-0418
sc coa no: C-03044

Verde Homes LLC
Ron Staley, Jr
7427 Matthews Mint Hill, Suite 105-215
Mint Hill, NC 28227

1428 Parkwood

Rezoning Site Plan

Charlotte, NC

NO.	DATE:	BY:	REVISIONS:
1	02-10-20	UDP	PER PLANNING COMMENTS
2	04-13-20	UDP	PER PLANNING COMMENTS
3	06-04-20	UDP	PER PLANNING COMMENTS
4	06-15-20	UDP	PER PLANNING COMMENTS
5	07-27-20	UDP	PER PLANNING COMMENTS

Project No: 19-017
Date: 11.26.2019
Designed by: UDP
Drawn By: UDP
Sheet No:

RZ-1.0

Petition 2019-179 by Ronald Staley, Jr., Verde Homes

To Deny:

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

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

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

- The proposal helps achieve the Plan's vision of a "family-oriented community diverse in age, culture, and income" by committing to three affordable dwelling units (12 percent of total). This provision of affordability also addresses the Plan's housing goal that seeks to increase and facilitate home ownership.
- The proposal addresses a goal of the Plan to create a more pedestrian friendly community by improving the pedestrian realm through the provision of an 8-foot planting strip and 8-foot sidewalk along Parkwood Ave.
- The site considers the environment by orienting parking in such a way that preserves two existing, mature trees that will reduce any heat island created by the surface parking lot. It also commits to installing pervious pavers to help treat runoff and allow water infiltration to benefit existing trees.
- While not a specific goal or objective, the Plan references, in numerous places, the need for rehabilitated and new single family infill homes. This rezoning provides that infill through the provision of three single family attached homes
- The Belmont Area Revitalization Plan speaks to the opportunity for single family infill development on this vacant site and states that new homes should be compatible in design character with the existing adjacent housing stock. The plan's conditional notes commit to architectural and design features for both the attached single family units and the multi-family units facing Parkwood Ave.
- The proposed density of 25 DUA is just over the entitled density (R-22 MF) for the portion of the site fronting Parkwood Avenue and is a reasonable increase in density for a site that is addressing its context through architectural design standards.

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

To Approve:

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

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

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 6. **File #:** 15-13935 **Type:** Zoning Item

Rezoning Petition: 2019-184 by Taft Mills Group

Location: Approximately 4.2 acres located to the east of W. T. Harris Boulevard, south of Woodland Circle and north of Interstate 485. (Council District 2 - Graham)

Current Zoning: R-3 (single-family residential)
Proposed Zoning: R-17 MF (CD) (multi-family residential, conditional)

Public Hearing Held: July 20, 2020- Item #33

Staff Resource: Michael Russell

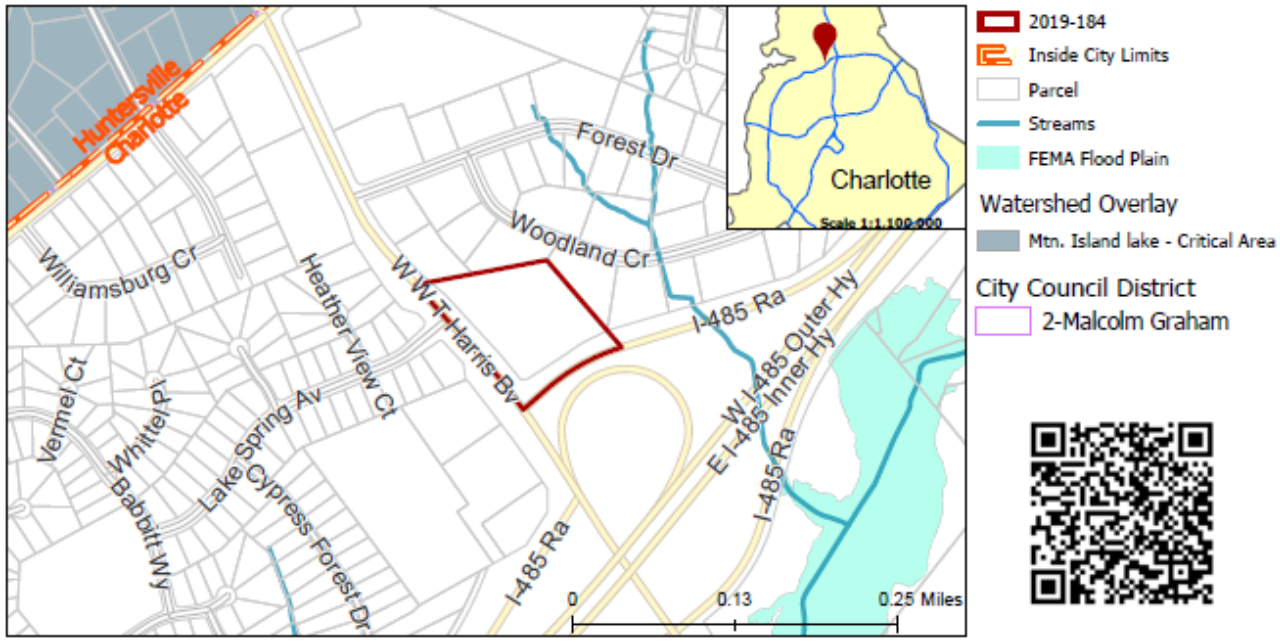
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2019-184
Post-Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: R-17MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 4.2 acres located to the east of W.T. Harris Boulevard, south of Woodland Circle and north of Interstate 485.



SUMMARY OF PETITION	The petition proposes up to 71 age restricted multi-family residential dwelling units in one principal building on vacant land for a density of 16.9 dwelling units per acre.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	June M. Greene, Robert Greene, Haywood Smith, Sylvia Smith Taft Mills Group Keith MacVean, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 14

STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **inconsistent** with the *Northlake Area Plan (2008)* recommendation for residential development up to 8 dwelling units per acre as a single use. Rationale for Recommendation • This petition proposes up to 71 age-restricted multi-family dwelling units, for a density of 16.9 dwelling units per acre. While this density is inconsistent with the *Northlake Area Plan's* future land use recommendation of up to 8 units per acre, the proposal for residential units is still consistent with the plan's residential recommendation. • The petition commits to a 28-foot Class C buffer separating the site between the single-family homes surrounding the northern

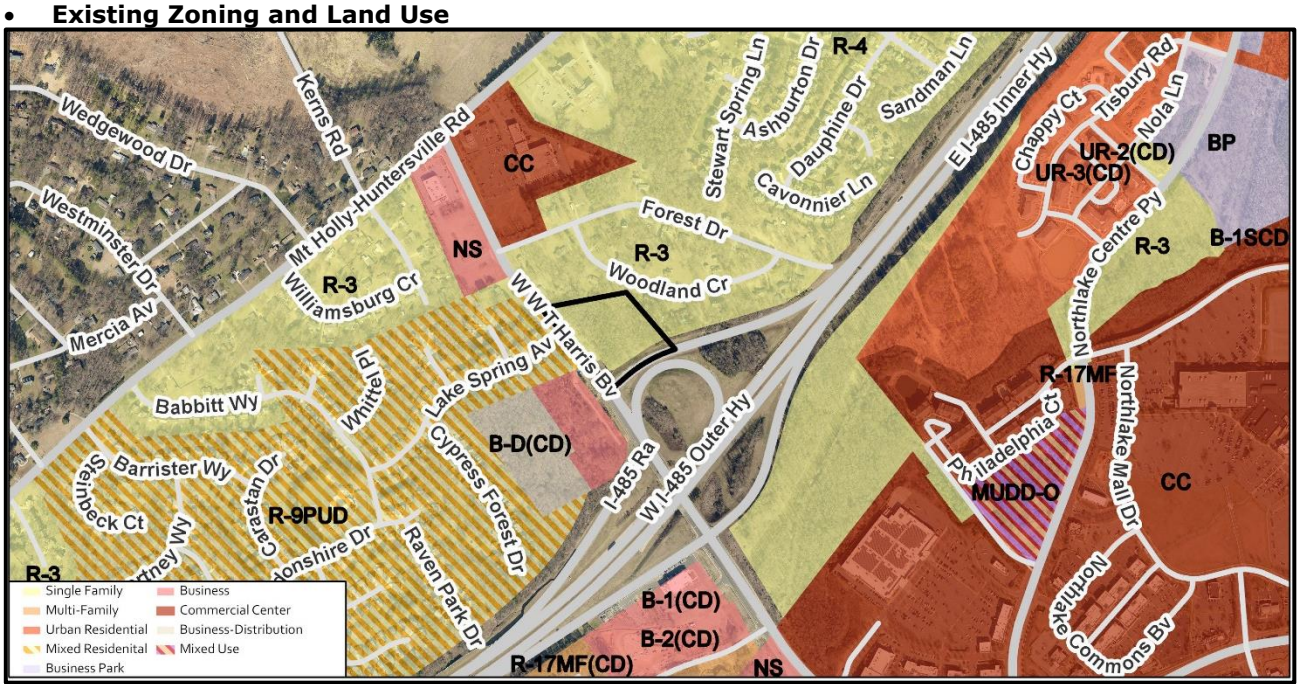
area of the site. This buffer will consist of maturing evergreen trees, evergreen shrubs, and other understory trees. This buffer will help mitigate impact to the single-family adjacent to the site.
- Almost directly across the site, on the other side W W.T. Harris Boulevard, are parcels 02521146 and 02521149, which are recommended for commercial development. The commercial development across the street, zoned to B-2(CD) after a 2017 zoning, and the site's location facing West W.T. Harris Boulevard and the exit to get off Interstate 485 make it an unlikely location for single-family development. Allowing for multi-family development will change the land use to a higher density than recommended in the plan but will keep the land for a residential use rather than commercial.
- Multi-family residential is conducive to the growing commercial and higher-density residential nature of W W.T. Harris Boulevard. Commercial development and commercial zoning are located at the intersection of W W.T. Harris Boulevard and Mt. Holly Huntersville Road, a quarter-mile north of where the parcel is located. An apartment complex and single family attached homes are located just on the other side of I-485 on W W.T. Harris Boulevard, less than a half-mile away from the site.
- The petition is committed to increasing pedestrian mobility and safety by including an eight-foot planting strip and a 12-foot multi-use path alongside West W.T. Harris Boulevard.
- This petition commits to constructing age-restricted dwelling units, which will help to accommodate the growing senior population in Charlotte.

The approval of this petition will revise the adopted future land use as specified by the *Northlake Area Plan (2008)*, from residential up to 8 dwelling units per acre to residential up to 17 dwelling units per acre for the site.

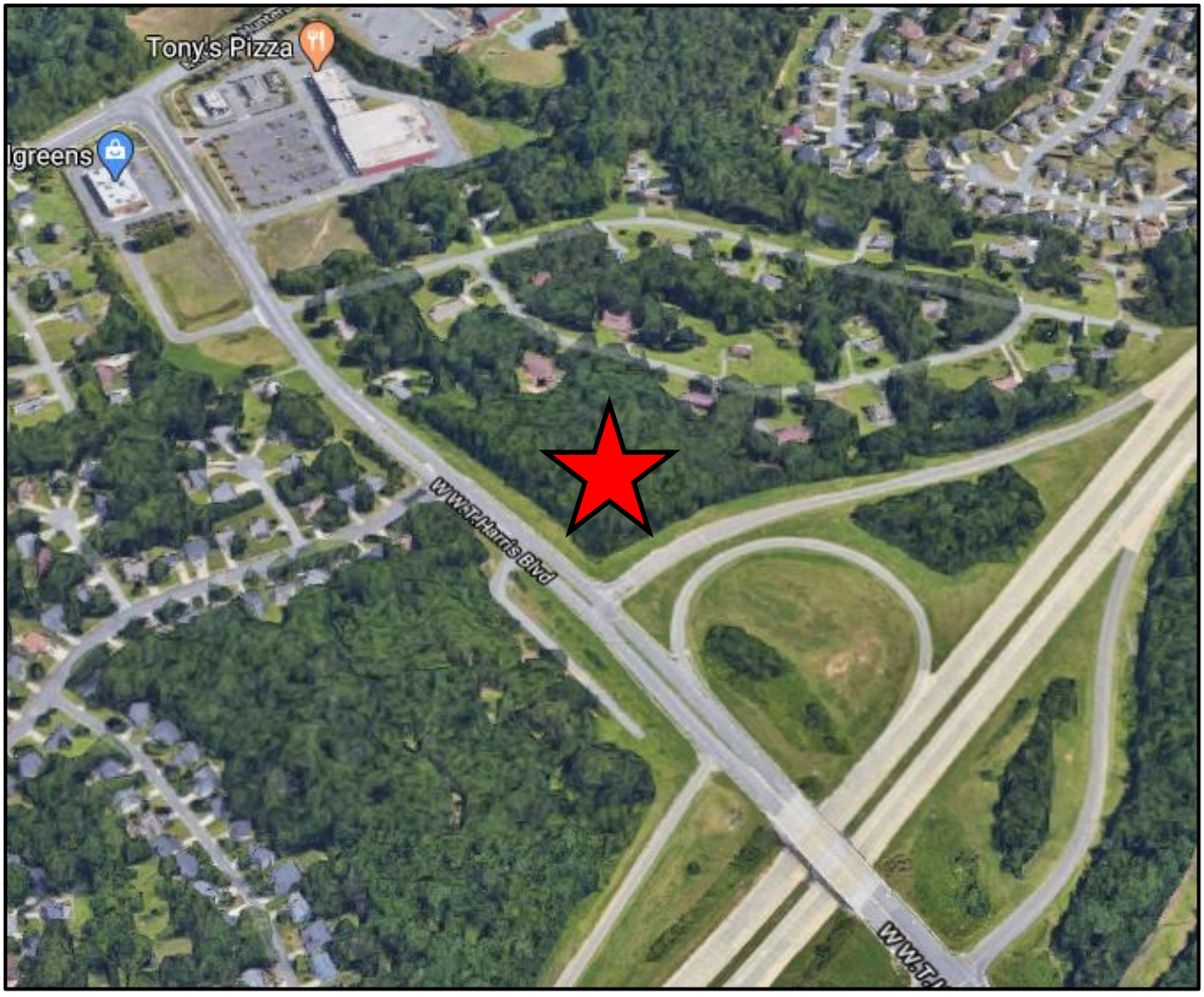
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 71 age restricted multi-family units in one principal building.
  - Access to the site will be limited to a right-in/right-out only along West W.T. Harris Boulevard.
  - Commits to an eight-foot wide planting strip and a 12-foot multi-use path along West W.T. Harris Boulevard.
  - Proposes to dedicate via fee simple conveyance any additional right-of-way.
  - Provides a 28-foot undisturbed Class C buffer where the Site abuts existing single-family uses.
  - Limits maximum building height to four stories or 50-feet.
  - Provides open space amenity areas with landscaping, seating areas, hardscape elements and shade structures.
  - Limits detached lighting to 22-feet in height.
  - Building materials on the principal building will be a combination of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
  - Building will be oriented to present a front or side façade to West W. T. Harris Boulevard.
  - Parking lots will not be located between any residential building and West W. T. Harris Boulevard.
  - Building massing and height will be designed to break up long monolithic building forms by including modulations (recesses, projections, and architectural details) of the building massing.

- **Existing Zoning and Land Use**



The subject property is vacant. The surrounding land use is single-family residential, retail and commercial uses.



The subject property (denoted by red star) is vacant.



The property to the west along Lake Spring Avenue is developed with single-family homes and a proposed QT gas station along West W.T. Harris Boulevard.



The property to the north along Woodland Circle is developed with single family homes.

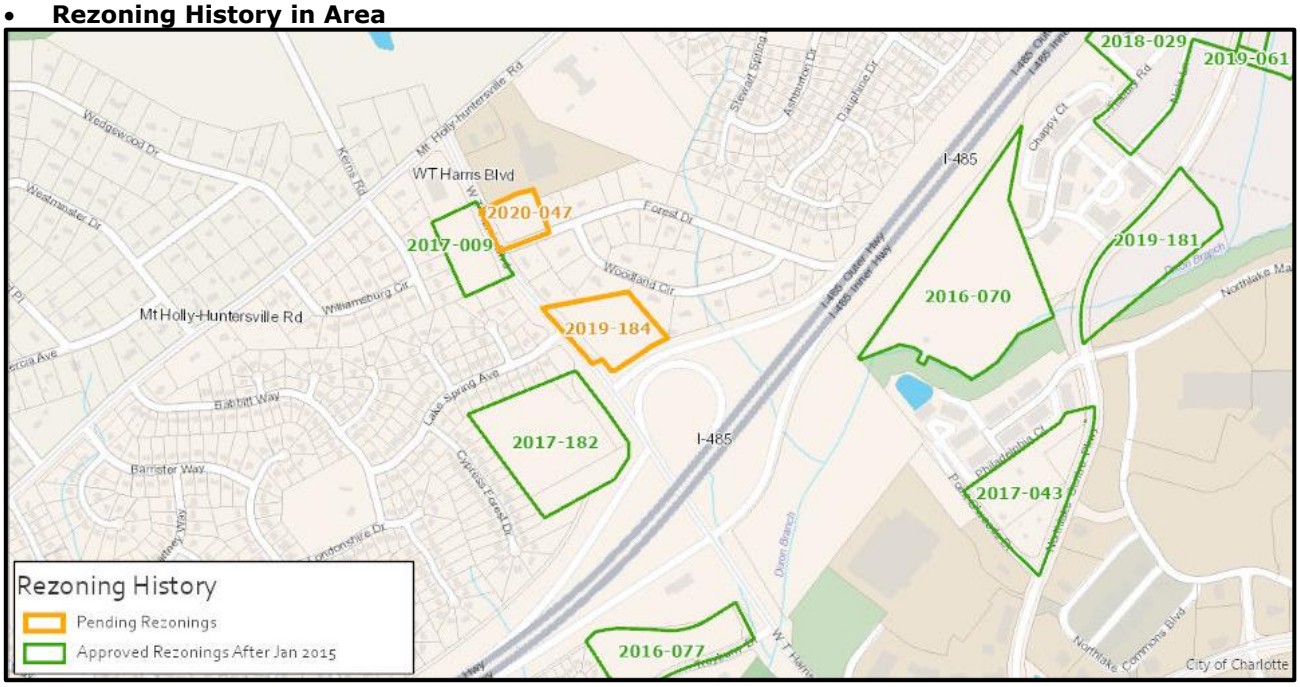


The property borders Interstate 485 and an access road to the south.



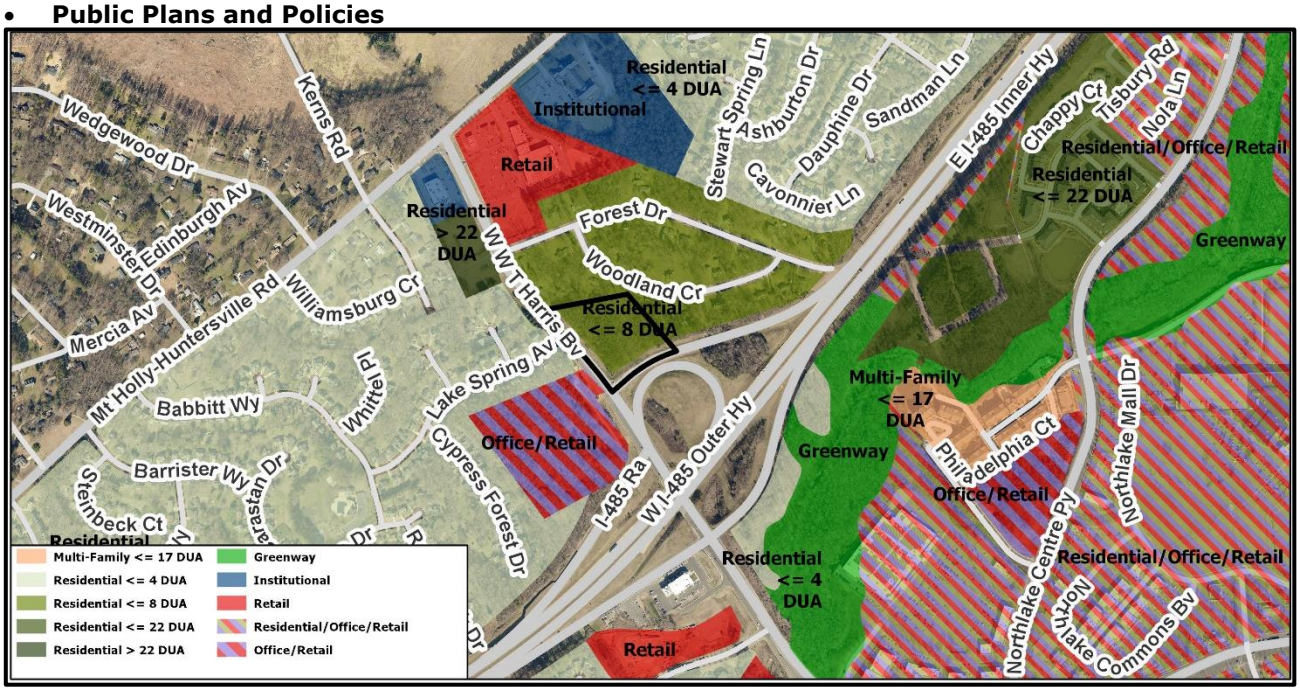
The property to the east along Woodland Circle is developed with single-family homes.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-070	Rezoned 17.52 acres to allow up to 300 multi-family units.	Approved
2016-077	Rezoned 5.52 acres to allow a 141-room hotel and a 7,000-square foot EDEE (eating/drinking/entertainment establishment).	Approved
2017-009	Rezoned 2.97 acres to allow up to 75 age-restricted multi-family units.	Approved
2017-043	Rezoned 7.12 acres to allow a 180-room hotel and up to 40,000 square feet of retail, restaurant, and office uses.	Approved
2017-182	Rezoned 11.96 acres to allow development of a QuikTrip gas station and other commercial uses including eating/drinking/entertainment establishments (EDEEs), retail, offices, medical offices, indoor pet services, personal services, financial institutions and climate controlled self-storage.	Approved
2018-029	Rezoned 15.78 acres to allow up to 300 multi-family units.	Approved
2019-061	Rezoned 15.54 acres to allow up to 300 multi-family units.	Approved
2019-181	Rezoned 6.54 acres to allow up to 78 multi-family units.	Pending Approved
2020-047	Proposes to rezone 1.72 acres to allow the development of a commercial building with up to 10,000-square feet with one accessory drive-through window.	Pending

- **Public Plans and Policies**



  - The *Northlake Area Plan (2008)* calls for residential uses up to eight dwelling units per acre.

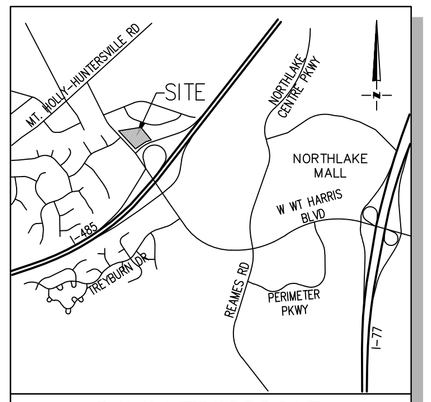
- **TRANSPORTATION SUMMARY**
  - The site is located on a major thoroughfare road. The site plan commits to installing an 8-foot planting strip and 12-foot multi-use path along W.T. Harris Boulevard, in accordance with Charlotte BIKES. In addition, the petitioner has committed to constructing ordinance required curb and gutter along its W.T. Harris Blvd street frontage. Lastly, the developer has agreed to install a right turn lane, on W.T Harris Boulevard, into the development.
  - **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: 0 trips per day (based on vacant land).
    Entitlement: 120 trips per day (based on 12 single-family dwellings).
    Proposed Zoning: 260 trips per day (based on 71 senior apartments).

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:** Age restricted residential 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 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.

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

Planner: Michael Russell (704) 353-0225



LOCATION MAP

NTS

1. General Provisions:

a. **Site Location**. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Taft-Mills Group. ("Petitioner") to accommodate the development of an age restricted residential community on approximately 4.20-acre site generally located at the northeast intersection of West W.T. Harris Boulevard and the I-485 exit ramp (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 R-17MF zoning classification shall govern.

c. **Graphics and Alterations**. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

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

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

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

d. **Number of Buildings Principal and Accessory**. The total number of principal residential buildings to be developed on the Site shall 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, architectural elements and designs as the principal buildings located on the Site.

2. Permitted Uses & Development Area Limitation:

a. The Site may be developed with up to 71 age restricted multi-family residential dwellings units together with accessory uses allowed in the R-17MF zoning district as generally depicted on the Rezoning Plan.

b. Surface parking areas will not be allowed between West W.T. Harris Boulevard and the proposed multi-family residential building as generally depicted on the Rezoning Plan.

3. Access, Transportation and Improvements:

a. Access to the Site will be from West W.T. Harris Boulevard as generally depicted on the Rezoning Plan. 2

b. Access to the Site will be limited to a right-in/right-out only.

c. The Petitioner will improve West W.T. Harris Boulevard with an eight (8) foot planting strip and a 12-foot multi-use path (MUP) as generally depicted on the Rezoning Petition. 3

d. All required roadway improvement will be approved and constructed prior to the issuance of the certificate of occupancy for the first building on the Site subject to the Petitioner ability to work with CDOT to allow a bond to be post for any improvements not in place at the time of the issuance of the first certificate of occupancy.

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

f. The Petitioner will dedicate via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

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

a. A 30-foot setback as measured from the future right-of-way will be provided along West W.T. Harris Boulevard as generally depicted on the Rezoning Plan

b. Side and rear yards will be provided as required by the Ordinance and as generally depicted on the Rezoning Plan. Along the northern property line a 40-foot side yard will be provided as indicated on the proposed site plan. 2

c. The Petitioner will provide a 28-foot undisturbed Class C buffer where the Site abuts existing single-family uses as generally depicted on the Rezoning Plan. The existing vegetation within the 28-foot buffer will be maintained and supplemented to meet Class C buffer standards as needed. 2

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

5. Architectural Standards, General Design Guidelines:

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of some of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.

b. Preferred Exterior Building Materials: All principal and accessory buildings abutting West W. T Harris, and the internal public street shall comprise a minimum of 20% of that building's entire façade facing such network street using brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director.

c. Prohibited Exterior Building Materials:

i.Vinyl siding (but not vinyl handrails, windows or door trim).

ii.Concrete Masonry Units not architecturally finished.

d. Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:

i. Buildings shall be placed so as to present a front or side façade to West W. T. Harris Boulevard as generally depicted on the Rezoning Plan.

ii. Parking lots shall not be located between any residential building and West W. T Harris.

iii. Driveways intended to serve single units shall be prohibited on all network required streets.

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

i.Buildings exceeding 135 feet in length shall include modulations of the building massing/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 4 feet extending through the building.

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

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

ii. Buildings shall be designed with a recognizable architectural base on all facades facing West W. T. Harris and the internal public street. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural façade features and color changes.

iii. Building elevation facing West W. T. Harris shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but to limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

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

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

ii. For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls. This standard will not apply to roofs on dormers, balconies, or other minor building elements that may have a pitched roof.

iii. Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.

h. Service Area Screening - service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures. Such design shall include a minimum 20 percent Preferred Exterior Building Materials. The location of the proposed dumpster and recycling areas is generally depicted on the Rezoning Plan.

i.Meter banks will be screened from adjoining properties and from the abutting public streets.

j. Sidewalk extensions should be provided between all street trees on all public and private streets when parking is adjacent.

6. Open Space:

a. Improved open space areas will be provided as generally depicted on the Rezoning Plan. The proposed open space amenity areas will be improved with landscaping, seating areas, hardscape elements and shade structures as applicable and appropriate to the proposed amenity area.

7. Environmental Features:

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

b. 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. Petitioner acknowledges intermittent/perennial stream delineation reports are subject to review and approval upon submission of development plans for permitting and are not approved with rezoning decisions. 1

c. The Petitioner shall analyze the adequacy of the existing storm water conveyance to the nearest public right-of-way. If the existing storm water conveyance is are found to be inadequate, the Petitioner shall make a good faith effort to improve the storm water conveyance or mitigate the storm water discharge.

d. The Site will comply with the Tree Ordinance.

8. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.

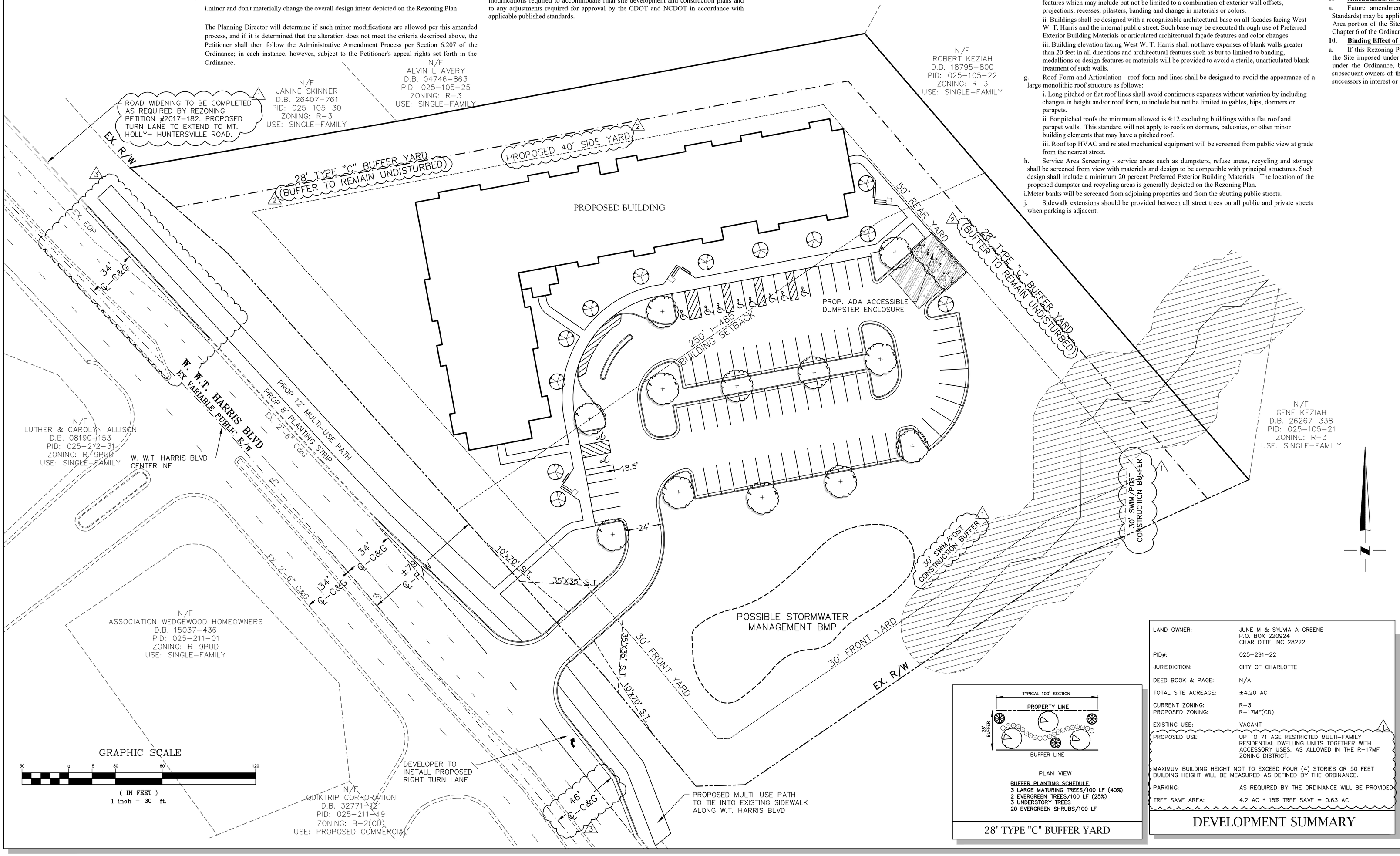
b. Detached lighting on the Site will be limited to 22 feet in height.

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 portion of the Site affected by such amendment in accordance with the provisions 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 under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



28' TYPE "C" BUFFER YARD

LAND OWNER:	JUNE M & SYLVIA A GREENE P.O. BOX 220924 CHARLOTTE, NC 28222
PID#:	025-291-22
JURISDICTION:	CITY OF CHARLOTTE
DEED BOOK & PAGE:	N/A
TOTAL SITE ACREAGE:	±4.20 AC
CURRENT ZONING: PROPOSED ZONING:	R-3 R-17MF(CD)
EXISTING USE:	VACANT
PROPOSED USE:	UP TO 71 AGE RESTRICTED MULTI-FAMILY RESIDENTIAL DWELLING UNITS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE R-17MF ZONING DISTRICT.
MAXIMUM BUILDING HEIGHT NOT TO EXCEED FOUR (4) STORIES OR 50 FEET BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.	
PARKING:	AS REQUIRED BY THE ORDINANCE WILL BE PROVIDED
TREE SAVE AREA:	4.2 AC * 15% TREE SAVE = 0.63 AC

DEVELOPMENT SUMMARY

MC² ENGINEERING

MC² ENGINEERING, INC.
2110 BEN CRAIG DR., STE. 400
CHARLOTTE, NC 28262
PHONE 704.510.9797

PROPOSED DEVELOPMENT:

CROSSWINDS TRACE APARTMENTS

DEVELOPED BY:
TAFT-MILLS GROUP
PO BOX 566
GREENVILLE. NC 27835
P: 216.659.8178

SCHEMATIC SITE PLAN

REVISIONS		
1	2/6/20	REZONING COMMENTS
2	5/11/20	OWNER REVISION
3	6/12/20	REZONING COMMENTS

CAD FILE:	19-043 REZN.DWG
PROJECT NO.:	19-043
DESIGNED BY:	JDM
DATE:	NOVEMBER 19, 2019

RZ1.0

FOR PUBLIC HEARING

REZONING PETITION #2019-184

Petition 2019-184 by Taft Mills Group

To Approve:

This petition is found to be consistent with the *Northlake Area Plan's* recommendation for residential uses but inconsistent with the *Northlake Area Plan's* recommendation of up to 8 units per acre based on the information from the staff analysis and the public hearing, and because:

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

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

- This petition proposes up to 71 age-restricted multi-family dwelling units, for a density of 16.9 dwelling units per acre. While this density is inconsistent with the *Northlake Area Plan's* future land use recommendation of up to 8 units per acre, the proposal for residential units is still consistent with the plan's residential recommendation.
- The petition commits to a 28-foot Class C buffer separating the site between the single-family homes surrounding the northern area of the site. This buffer will consist of maturing evergreen trees, evergreen shrubs, and other understory trees. This buffer will help mitigate impact to the single-family adjacent to the site.
- Almost directly across the site, on the other side West W.T. Harris Boulevard, are parcels 02521146 and 02521149, which are recommended for commercial development. The commercial development across the street, zoned to B-2(CD) after a 2017 zoning, and the site's location facing West W.T. Harris Boulevard and the exit to get off Interstate 485 make it an unlikely location for single-family development. Allowing for multi-family development will change the land use to a higher density than recommended in the plan but will keep the land for a residential use rather than commercial.
- Multi-family residential is conducive to the growing commercial and higher-density residential nature of West W.T. Harris Boulevard. Commercial development and commercial zoning are located at the intersection of West W.T. Harris Boulevard and Mt. Holly-Huntersville Road, a quarter-mile north of where the parcel is located. An apartment complex and single family attached homes are located just on the other side of Interstate 485 on West W.T. Harris Boulevard, less than a half-mile away from the site.
- The petition is committed to increasing pedestrian mobility and safety by including an eight-foot planting strip and a 12-foot multi-use path alongside West W.T. Harris Boulevard.
- This petition commits to constructing age-restricted dwelling units, which will help to accommodate the growing senior population in Charlotte.

The approval of this petition will revise the adopted future land use as specified by the *Northlake Area Plan* (2008), from residential up to 8 dwelling units per acre to residential up to 17 dwelling units per acre for the site.

To Deny:

This petition is found to be consistent with the *Northlake Area Plan's* recommendation for residential uses but inconsistent with the *Northlake Area Plan's* recommendation of up to 8 units per acre based on the information from the staff analysis and the public hearing, and because:

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

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 7. **File #:** 15-13936 **Type:** Zoning Item

Rezoning Petition: 2020-005 by Ronald Staley, Jr. of Verde Homes, LLC

Location: Approximately 0.92 acres located at the SW intersection of Allen Street and Parkwood Avenue in the Belmont community. (Council District 1 - Egleston)

Current Zoning: R-5 (residential)
Proposed Zoning: NS (neighborhood services)

Public Hearing Held: July 20, 2020 - Item #34

Staff Resource: William Linville

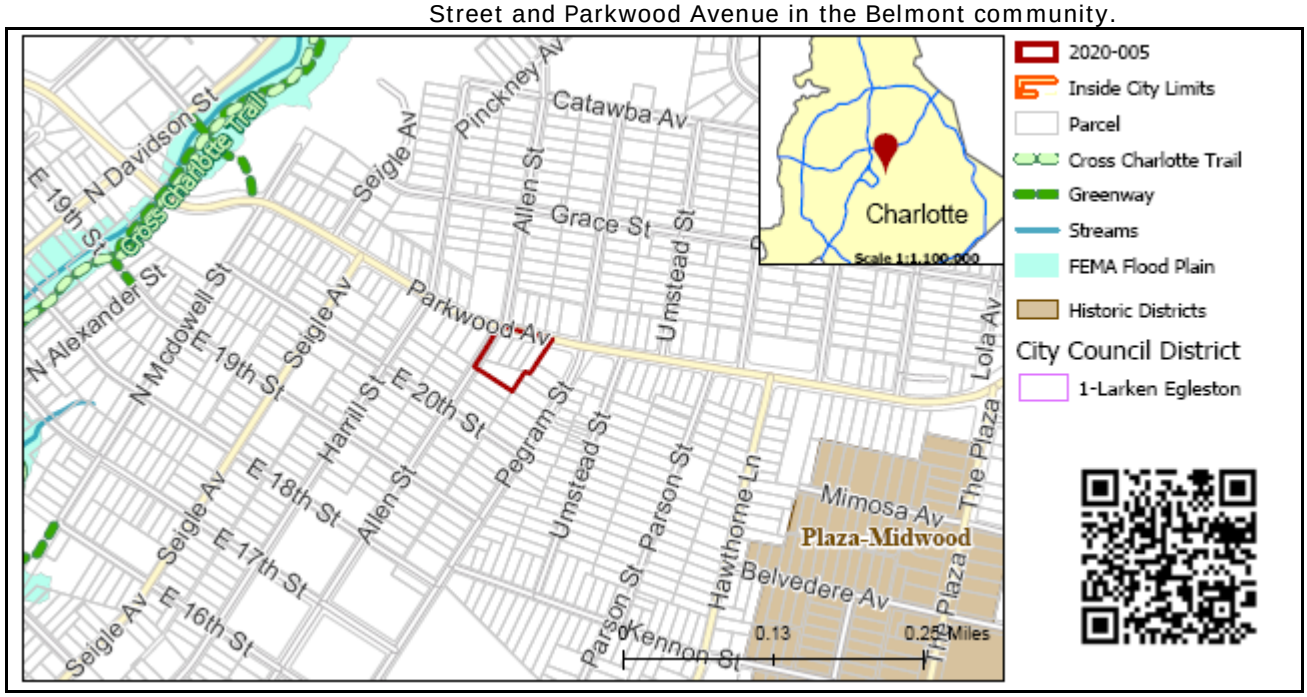
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-005
Post Hearing Staff Analysis
July 20, 2020

REQUEST	Current Zoning: R-5 (residential) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 0.92 acres located at the SW intersection of Allen Street and Parkwood Avenue in the Belmont community.



SUMMARY OF PETITION	The petition proposes to establish a development from five contiguous single family parcels that provides a mixture of uses including single-family attached units, multi-family units, and ground floor commercial uses as permitted within the NS district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Carolina Capital Reserve Fund II, LLC Ron Staley, Jr.; Verde Homes Paul Pennell, Urban Design Partners
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 27

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **inconsistent** with the *Belmont Area Revitalization Plan's* (2003) recommendation for multi-family uses up to 22 dwelling units per acre (DUA) for parcels abutting Parkwood Avenue and single family uses up to 5 DUA for the parcel fronting Allen Street. <u>Rationale for Recommendation</u> • The proposal for 3,000 square feet of retail space achieves the Plan's economic development goal by increasing retail services within the Belmont Neighborhood. • The request is consistent with uses already allowed by-right in the B-1 zoning district directly across Parkwood Avenue

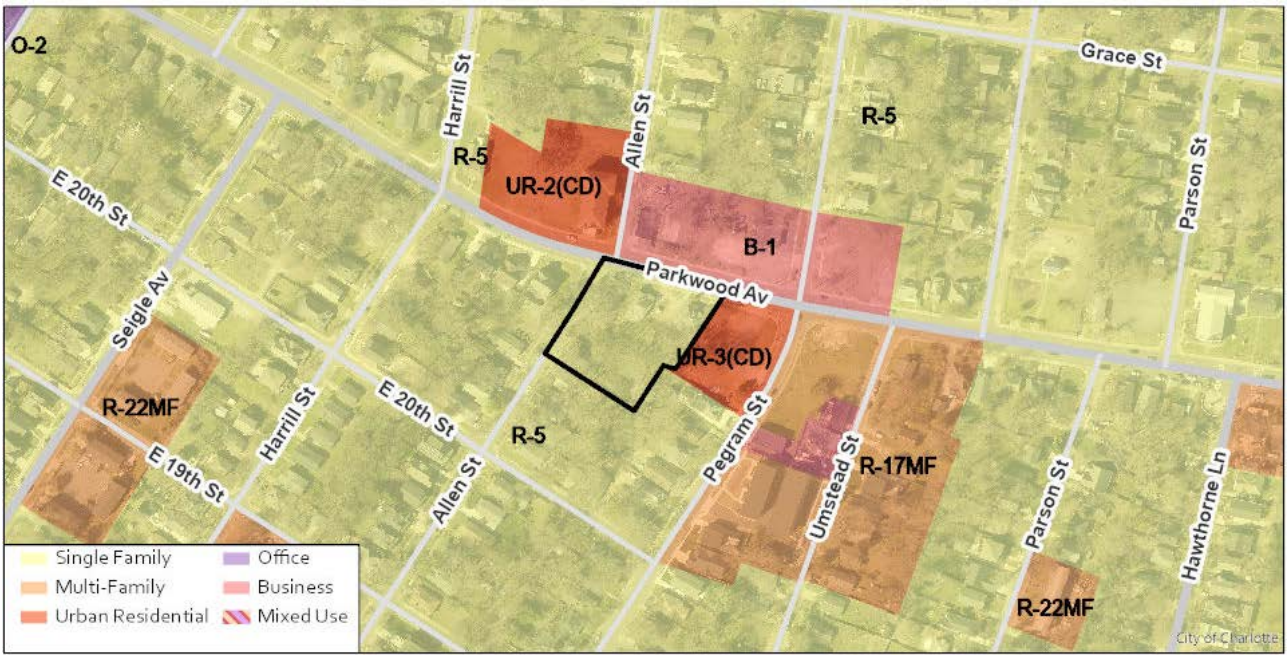
- The requested density of 23.9 DUA is reasonable variation in density from the recommended density of 22 DUA for a majority of the site.
- The proposal achieves the Plan's goal of creating a more pedestrian friendly community and improves vehicular flow by committing to inter-parcel connectivity with petition number 2019-156.
- The proposal's units along Allen Street are oriented in a way that is compatible with existing residences along the street, in particular by providing pedestrian connections from the sidewalk to the front door and by matching front setbacks. This compatibility is one of the Plan's guiding principles to assist in achieving the overall vision for Belmont.

The approval of this petition will revise the adopted future land use as specified by the *Belmont Area Revitalization Plan*, from multi-family up to 22 units per acre and single family uses up to 5 units per acre to residential/office/retail for the site.

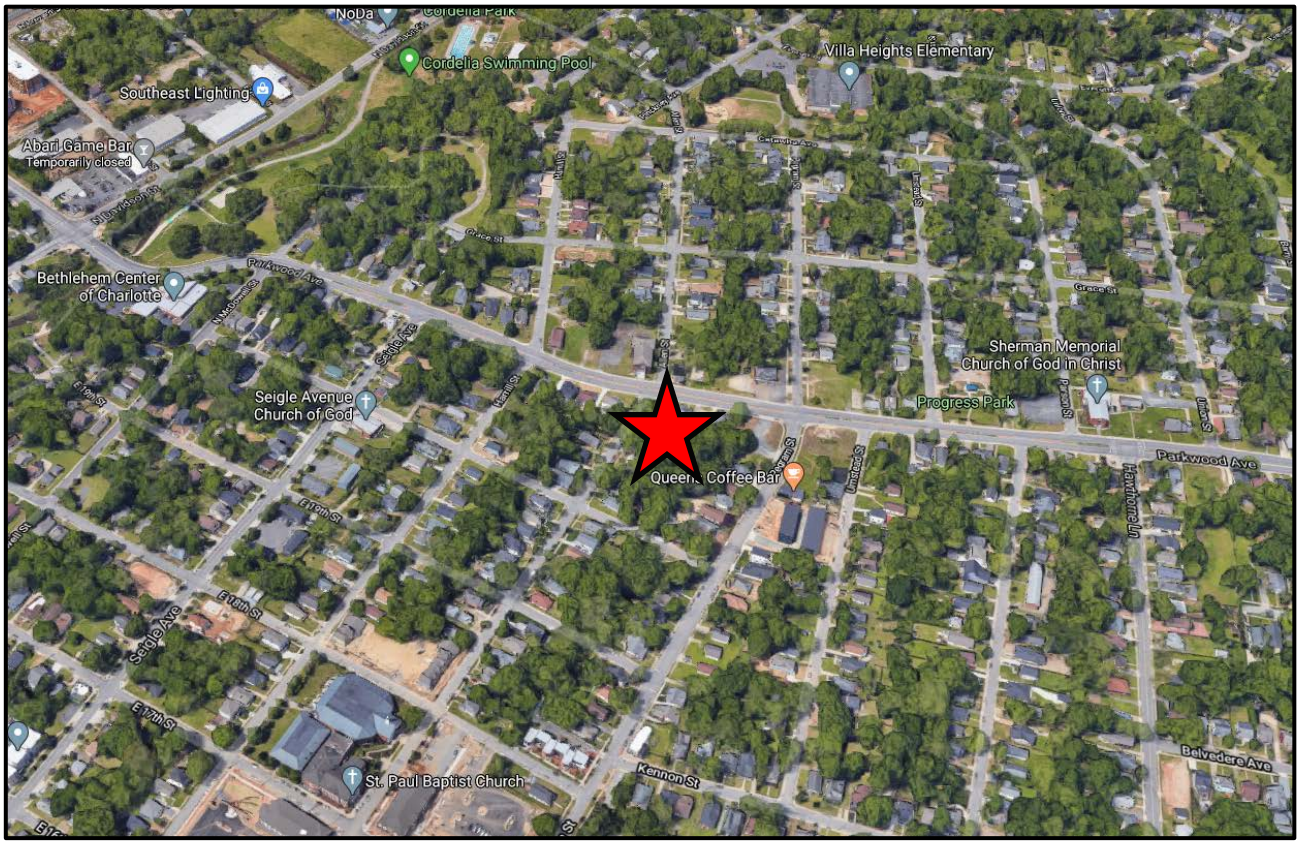
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - A proposed structure of up to three stories (40 feet) to be located against Parkwood Avenue to contain a mixture of ground-floor retail uses, multi-family units, and attached single-family units.
  - Up to 3,000 square feet of ground floor residential uses.
  - Restricted uses include accessory drive-through windows, automotive service stations and fueling, auto sales and leasing, and commercial car washes.
  - 12 multifamily and 5 single-family attached units along the site's Parkwood Avenue frontage plus an additional 5 units along the site's Allen Street frontage.
  - Commits to transportation improvements including:
    - Vehicular cross-access to an adjacent parcel (2019-156).
    - An 8-foot sidewalk and 8-foot planting strip along Allen Street and Parkwood Avenue.
    - A minimum of 17 off-street parking spaces
  - Commits to architectural standards including:
    - Utilizing a variety of building materials
    - A design that generally maintains the look and character of existing neighborhood homes
    - Buildings that present a side or front to all streets
    - Garage door design that minimizes their visibility from Parkwood Avenue and Allen Street
    - Usable porches/stoops along with pedestrian connections from the buildings to the sidewalk
    - Minimum 60 percent façade transparency along ground level
  - Commits to a courtyard/amenity space along the project's eastern boundary
  - Commits to full cut-off detached and attached lighting and 12' maximum height for detached lighting

- **Existing Zoning and Land Use**



The site was most recently rezoned in 1988 (1988-075) from B-1 (neighborhood business) to R-6 (residential). The subject property is surrounded by a largely residential area within the Belmont community with frontage along Parkwood Avenue. Parcels zoned B-1 are located directly across Parkwood. Institutional uses, including Villa Heights Elementary and Cordelia Park, are within walking distance.



General location of subject property denoted by red star.



Streetview looking south toward the subject property. General rezoning boundary outline in pink.



Surrounding neighborhood context. Homes along Allen Street are largely single-story structures with connections from the front door to the sidewalk.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-179	Request to rezone in order to permit multi-family units and single-family detached units.	Pending
2019-156	Request to rezone to an urban residential district in order to construct a single-building multi-family development.	Approved
2019-146	Request to rezone to two urban residential districts to preserve an old corner store and construct one duplex.	Pending
2019-133	Request to adaptively reuse a corner retail establishment for a restaurant and parking.	Approved
2019-102	City-sponsored TOD rezoning for multiple sites along the Blue Line.	Approved
2018-060	Petition to adaptively reuse church structure and construct 6 additional residential units.	Approved
2018-011	Petition to allow the construction of a residential community of up to 5 dwelling units.	Approved

- **Public Plans and Policies**



  - The *Belmont Area Revitalization Plan* (2003) recommends multi-family dwelling units up to 22 DUA for a portion of the subject property and single family residential up to 5 DUA for the remainder of the site.

- **TRANSPORTATION SUMMARY**
  - The site is located on a major thoroughfare road. The petitioner has committed to constructing an 8-foot planting strip and 8-foot sidewalk along the property frontage along Parkwood Avenue and Allen Street in accordance with the City Council Adopted Charlotte Walks Policy.
  - **Active Projects:**
    - 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.
      - Current status: 100% design
      - Construction: Beginning fall 2020, completion by fall 2021
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**

    Current Zoning:

    Existing Use: 38 trips per day (based on 4 dwelling units).

    Entitlement: 38 trips per day (based on 4 dwelling units).

    Proposed Zoning: 690 trips per day (based on 12 multifamily units, 10 townhomes, and 3,000 SF retail space).

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 2 students, while the development allowed under the proposed zoning may produce 2 students. Therefore, there is no net increase in the number of students generated from existing zoning to proposed zoning.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Villa Heights Elementary remains at 67%
    - Eastway Middle remains at 118%

- Garinger High remains at 122%

- **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Parkwood Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Parkwood Avenue. 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.

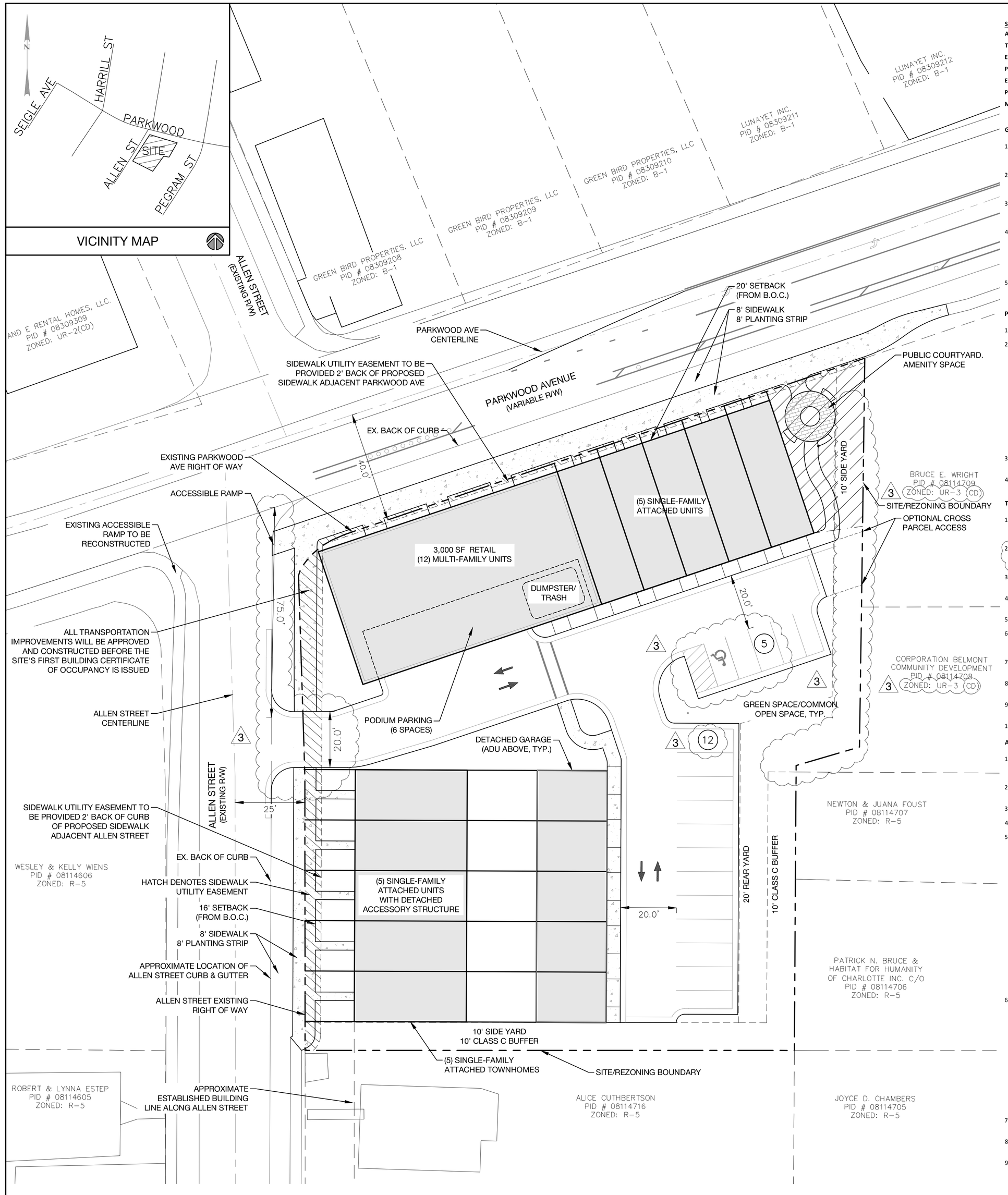
OUTSTANDING ISSUES

Transportation

~~1. The petitioner should revise the site plan to show the driveway further away from Parkwood Road – 10' from the property line or a minimum of 100' from the Parkwood intersection.~~ ADDRESSED

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

Planner: William Linville (704) 336-4090



Site Development Data:

Acreage:	**+/- 0.92 AC**
Tax Parcel:	**081-147-11, 081-147-12, 081-147-13, 081-147-14 & 081-147-15**
Existing Zoning:	**R-5**
Proposed Zoning:	**NS**
Existing Uses:	**Single Family Detached & Vacant**
Proposed Uses:	**Single-Family Attached, Multi-family Attached & Commercial**
Maximum Density:	**Up to 3,000sf of ground floor commercial & up to (22) Dwelling Units,**
	23.9 DUA

General Provisions:

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Verde Homes, LLC ("Petitioner") to accommodate new construction of a mixed-use building and single-family attached dwelling units on an approximate 0.92 acre site located on the east corner of Parkwood Avenue and Allen Street (the "Site").
2. 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 NS zoning classification shall govern.
3. Throughout this Rezoning Petition, the terms "Owner" and "Petitioner" shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.
4. This Rezoning Plan illustrates schematic depictions of the uses, parking areas, sidewalks, structures and buildings, access driveways, open space, streetscape 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.
5. A minimum of three (3) multi-family dwelling units constructed on the site shall be restricted for a period of 15 years for sale to buyers earning at or below 80% of the Charlotte Area Median Income (AMI). Terms of this restrictive covenant shall be incorporated into the deed of sale for each affordable unit.

Permitted Uses:

1. The Site may only be devoted to the uses and related accessory uses, as permitted in the NS District.
2. A proposed structure of up to three (3) stories and a maximum height of forty (40') shall be located adjacent Parkwood Avenue as generally illustrated on the Site plan. The building shall include ground floor non-residential uses, multi-family residential units and single-family attached dwelling units. Heights associated with the proposed building shall follow zoning ordinance standards.
   a) Up to 3,000 square feet of non-residential uses as allowable within the NS district.
   b) Auto oriented businesses allowable within the Neighborhood Services zoning district shall be prohibited on site. These uses shall include accessory drive-thru windows, automotive service stations including repair and lubrication, automotive maintenance services, auto sales and rental, fueling stations, and commercial car washes.
   c) Up to twelve (12) residential multi-family units
   d) Up to five (5) single-family attached units. The petitioner may elect to separate the single-family attached residential units from the mixed-use building creating two separate buildings located directly adjacent Parkwood Avenue. A maximum height of forty (40') shall be permissible and shall be measured as defined within the zoning ordinance.
3. Up to five (5) single-family attached residential units shall be located adjacent Allen Street and each unit shall include a detached accessory structure. A maximum height of thirty-five (35') shall be permissible and shall be measured as defined within the zoning ordinance.
4. Eating, drinking and entertainment establishments (Type 1 and Type 2) may not play amplified or broadcast music outdoors between the hours of 9pm and 8am Sunday to Thursday and between the hours of 11pm and 8am Friday and Saturday.

Transportation:

1. The Site will have vehicular access via driveway connection to Allen Street as generally identified on the Site plan. The final placement and configuration of the vehicular access point shown on the Rezoning Plan are subject to minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for final approval.
2. The two-way vehicular driveway connection to Allen Street shall be a minimum of twenty feet (20') wide. Full access movement shall be allowed provided a minimum of seventy-five feet (75') separates the Parkwood Avenue edge of pavement to the vehicular driveway outbound lane edge of pavement. 3
3. The petitioner shall have the option to provide vehicular cross parcel access to the corner of Parkwood Avenue and Pegram Street further described as PID 081-147-09.
4. The Petitioner will provide an 8' sidewalk and an 8' planting strip along Allen Street. An accessible curb ramp shall be provided at the Southeast and Southwest corner of Allen Street and Parkwood Avenue as illustrated on the Site Plan.
5. The Petitioner shall provide an 8' sidewalk and an 8' planting strip along Parkwood Avenue.
6. The Petitioner shall verify the existing right of way along Parkwood Avenue is located 40' from the existing Parkwood Avenue centerline. In the event the right of way is less than 40' from centerline, the Petitioner shall commit to dedicate right of way fee simple before the site's first certificate of occupancy is issued.
7. Off street parking shall be provided on site to satisfy minimum parking requirements with a combination of surface parking and attached and detached residential garages. A minimum of 17 surface parking spaces shall be provided on site towards public and private residential use.
8. All public related transportation improvements shall be approved and constructed before the site's first building certificate of occupancy is issued.
9. A sidewalk utility easement (SUE) shall be provided between the public right of way to 2' back of proposed sidewalk as generally illustrated on the Site plan along Parkwood Avenue and Allen Street.
10. All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued.

Architectural Standards:

1. A variety of principal building materials may be utilized on site and will be a combination of the following: Masonry, brick, concrete, pre-cast concrete, stone, precast stone, pre-finished metal, aluminum, steel, stucco, wood, ceramic tile, cementitious fiber board and glass fiber reinforced concrete. Vinyl, as a building material, will only be allowed on windows, soffits and trim features.
2. The exterior of proposed buildings on site shall be designed in a manner that generally maintains the look and character of adjacent existing homes within the neighborhood.
3. All proposed residential garage doors shall be oriented in a manner to minimize visibility from Parkwood Avenue and Allen Street.
4. Usable porches or stoops may form an element of the building design and be located on the front and/or side of a building or residential unit.
5. Building placement and site design of the mixed non-residential and multi-family building on site shall focus on and enhance the pedestrian environment along Parkwood Avenue and Allen Street.
   a) The building shall be placed so as to present a front or side façade to all streets.
   b) 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. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk.
   c) The facades of first/ground floor of the buildings along public streets shall incorporate a minimum of 30% masonry materials such as brick or stone.
   d) Direct pedestrian connections should be provided between street facing doors and corner entrance features to sidewalk on adjacent streets.
   e) Building elevations shall not have expanses of blank walls greater than 20 feet in all direction and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
   f) Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.
   g) Floors above the ground floor non-residential shall have a minimum of 20% transparency on all upper stories.
6. Placement and design of attached residential units on site shall adhere to the following guidelines to enhance the architectural character or the proposed structures.
   a) Placement of the residential building along Allen Street shall maintain the existing established building line as referenced on the Site plan.
   b) Pitched roofs shall be symmetrically sloped no less than 5:12 except for roofs for porches that shall be no less than 2:12.
   c) Useable 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 should be covered but not enclosed.
   d) All end units that face a public street shall provide blank wall provisions that limit the maximum blank wall expanse to 10 feet on all building levels.
   e) Garage doors shall not be visible from a public right of way.
   e) Walkways shall be provided to connect all residential entrances to sidewalks along public streets.
7. A public courtyard/amenity space shall be provided as generally depicted on the Site plan along Parkwood Avenue and shall be improved with a combination of paving materials, site furnishings and landscape plantings.
8. All HVAC and mechanical equipment shall be located on the rooftop and shall be screened from public view or at grade and screened from public view.
9. The Site shall comply with Section 12.403 of the Zoning Ordinance. Dumpster and recycling service areas associated with non-residential and residential uses shall be located as generally depicted on the Site plan and shall be screened from public view and described within the ordinance.

Streetscape and Landscaping:

1. A setback of 16', measured from the existing back of curb, shall be provided along Allen Street. A setback of 20', measured from the existing back of curb, shall be provided along Parkwood Avenue.
2. Above ground backflow preventers will be screened from public view and will be located behind existing right-of-way and out of the required setbacks along abutting public streets.
3. A 10' Class C buffer shall be provided along property lines adjacent existing single family uses.

Environmental Features:

1. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
2. The Site shall comply with the City of Charlotte Tree Ordinance.

Signage

1. The Site shall comply with the Zoning Ordinance.

Lighting

1. All new lighting shall be full cut-off type fixtures; excluding, lower decorative lighting that may be installed along the internal drive aisles, sidewalk, courtyards, and landscape accent lighting. Pole lighting on site shall be limited to 12' mounting height.
2. Decorative pedestrian scaled lights may be provided within the Site.

Amendments to Rezoning Plan:

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

Binding Effect of the Rezoning Documents and Definitions:

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

REZONING PETITION #2020-005

BEFORE YOU DIG!
CALL 811 OR 1-800-632-4949
N.C. ONE-CALL CENTER
IT'S THE LAW!

GRAPHIC SCALE
20 0 10 20 40
1 INCH = 20 FEET

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

1102 Parkwood Mixed Use

Rezoning Plan

1102 Parkwood Ave, Charlotte, NC 28205

NO.	DATE:	BY:	REVISIONS:
1	04-13-20	UDP	PER PLANNING COMMENTS
2	06-15-20	UDP	PER PLANNING COMMENTS
3	07-27-20	UDP	PER PLANNING COMMENTS

Project No: 19-149
Date: 01.09.20
Designed by: UDP
Drawn By: UDP
Sheet No:

RZ-1.0

Petition 2020-005 by insert Petitioner

To Approve:

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

- The plan recommends residential uses up to 22 dwelling units per acre (DUA) for the property fronting Parkwood Avenue and residential uses up to five DUA for the property fronting Allen Street.

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

- The proposal for 3,000 square feet of retail space achieves the Plan's economic development goal by increasing retail services within the Belmont Neighborhood.
- The request is consistent with uses already allowed by-right in the B-1 zoning district directly across Parkwood Avenue
- The requested density of 23.9 DUA is reasonable variation in density from the recommended density of 22 DUA for a majority of the site.
- The proposal achieves the Plan's goal of creating a more pedestrian friendly community and improves vehicular flow by committing to inter-parcel connectivity with petition number 2019-156.
- The proposal's units along Allen Street are oriented in a way that is compatible with existing residences along the street, in particular by providing pedestrian connections from the sidewalk to the front door and by matching front setbacks. This compatibility is one of the Plan's guiding principles to assist in achieving the overall vision for Belmont.

The approval of this petition will revise the adopted future land use as specified by the Belmont Area Revitalization Plan, from multi-family up to 22 units per acre and single family uses up to 5 units per acre to residential/office/retail for the site.

To Deny:

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

- The plan recommends residential uses up to 22 dwelling units per acre (DUA) for the property fronting Parkwood Avenue and residential uses up to five DUA for the property fronting Allen Street.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda Date: 8/4/2020

Agenda #: 8. **File #:** 15-13937 **Type:** Zoning Item

Rezoning Petition: 2020-007 by Erwin Capital

Location: Approximately 13.211 acres located along the northern side of Albemarle Road between Rocky River Church Road and Blair Road. (Outside City Limits)

Current Zoning: B-1 (CD) (neighborhood business, conditional)
Proposed Zoning: B-1 (CD) SPA (neighborhood business, conditional, site plan amendment)

Public Hearing Held: July 20, 2020 - Item #35

Staff Resource: William Linville

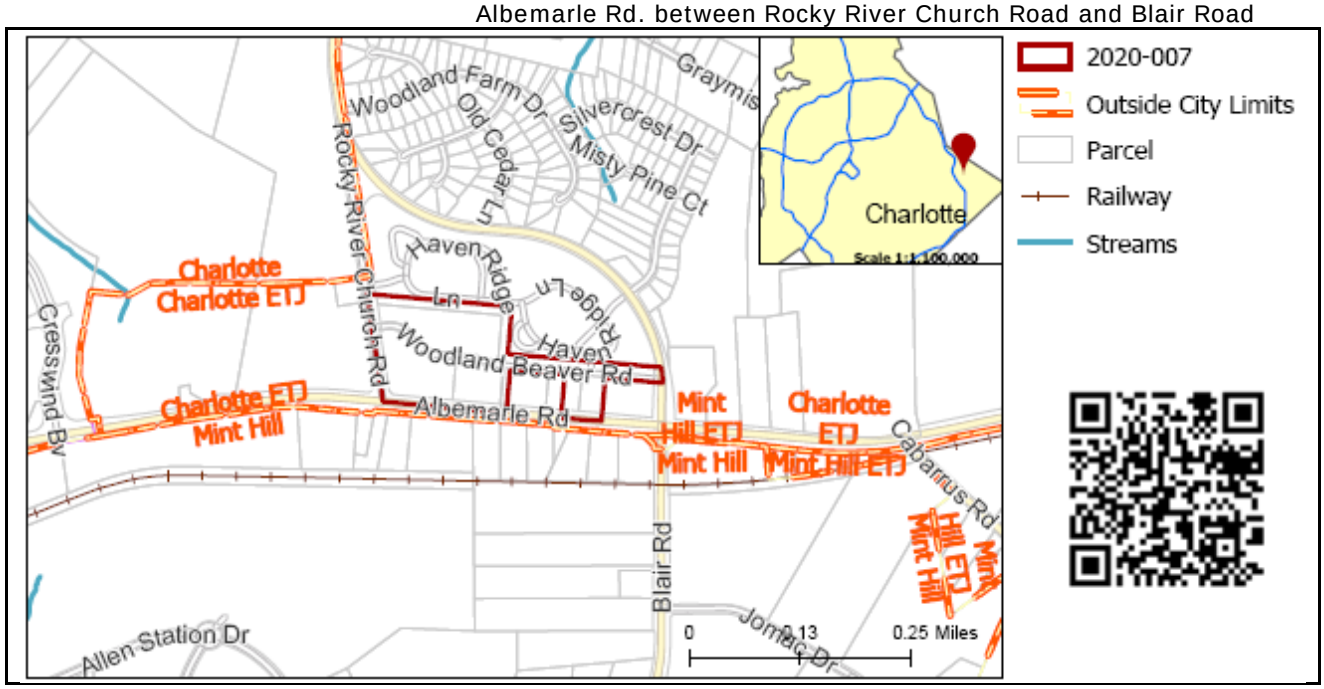
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-007
Pre-Hearing Staff Analysis
July 20, 2020

REQUEST	Current Zoning: B-1 (CD) (neighborhood business, conditional) Proposed Zoning: B-1 (CD) SPA (neighborhood business, conditional, site plan amendment)
LOCATION	Approximately 13.211 acres located along the northern side Albemarle Rd. between Rocky River Church Road and Blair Road



SUMMARY OF PETITION	The petition proposes to amend an existing approved site plan (1998-042C) to permit additional uses including an additional EDEE with accessory drive through and other uses permitted by right and under prescribed conditions in the neighborhood business district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Woodland Beaver Farms, LLC Woodland Beaver Farms, LLC Mark Kime, LandDesign
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 1

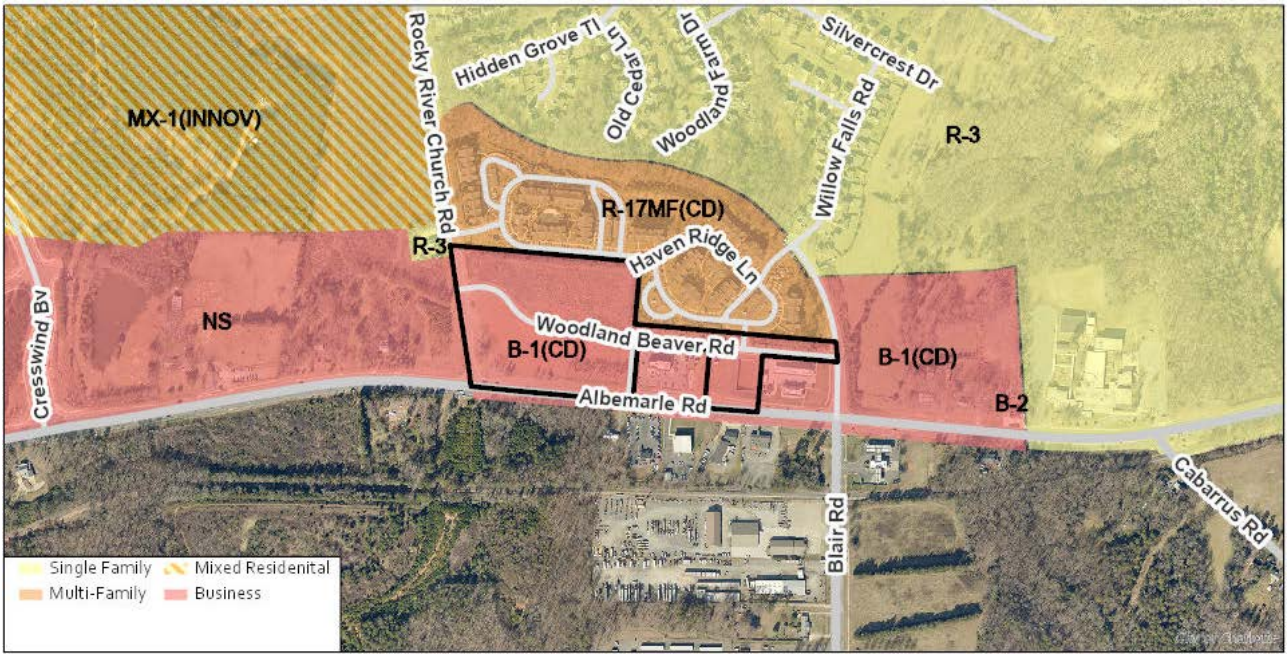
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and building design. <u>Plan Consistency</u> The petition is **consistent** with the *Albemarle Road/I-485 Interchange Study's* (2003) recommendation for multi-family/retail uses for the site <u>Rationale for Recommendation</u> • This site plan amendment is consistent with the land use recommendations of multi-family/retail uses for the property. • The request is consistent with the context of surrounding land uses found along this area of Albemarle Road.

- The request will help achieve the Plan's land use recommendations for Zone A by allowing retail uses to be oriented along Rocky River Road and Albemarle Road.
- The petition is committing to enhanced architectural design guidelines which help realize the Plan's design recommendations for zone A.

PLANNING STAFF REVIEW

- **Background**
  The previously approved site plan for this location (1998-042C) rezoned a total of 40 acres into two development areas. One area to the north of the overall site was rezoned to R-17MF which entitled the site to up to 300 multi-family dwelling units. That development area has been completely built-out. The remaining southern portion (approximately 24 acres) was devoted to retail and office uses up to 80,000 SF. The retail component only allowed one EDEE with accessory drive through window and one gas station. The area that is part of this SPA is the area that remains undeveloped under the current conditional plan and would allow, if approved, residential uses, one additional accessory drive-through, and commits to other architectural standards not written into the existing approved site plan.
- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Permits all B-1 uses (including residential) on the site with the addition of only one EDEE with accessory drive through window allowed on site while prohibiting convenience stores with fuel pumps/gas stations on site.
  - Commits to architectural standards for all non-residential uses (excluding hotels), single-family attached dwelling units, and multi-family buildings which include:
    - Preferred building materials for residential units (attached and multi-family) and non-residential uses
    - A commitment to varying levels of transparency on all levels of non-residential structures
    - Limitations on the use of vinyl and EIFS as a primary building material for attached residential units.
    - Providing pedestrian connections from sidewalks to entryways for residential and non-residential units
    - Committing to façade articulation and the limitation of large blank expanses of walls through offsets, changes in materials and/or colors, and etc. for non-residential buildings and multi-family buildings.
    - Committing to providing usable porches and/or stoops with a minimum depth of 5 feet.
  - Transportation improvements including an 8-foot planting strip and 12-foot multi-use path along the project's frontage with Albemarle Road and Rocky River Church Road.
  - Construction of ADA-compliant but waiting pad.

- **Existing Zoning and Land Use**



The site is part of a larger approved rezoning from 1998 (1998-042C) that permitted up to 300 multi-family residences and up to 80,000 square feet or retail uses. Mint Hill's zoning limits are located along the southern portion of Albemarle Road at this location, while there are surrounding residential units at varying density to the north, east, and west of the subject property.



General location of subject property denoted by red star.

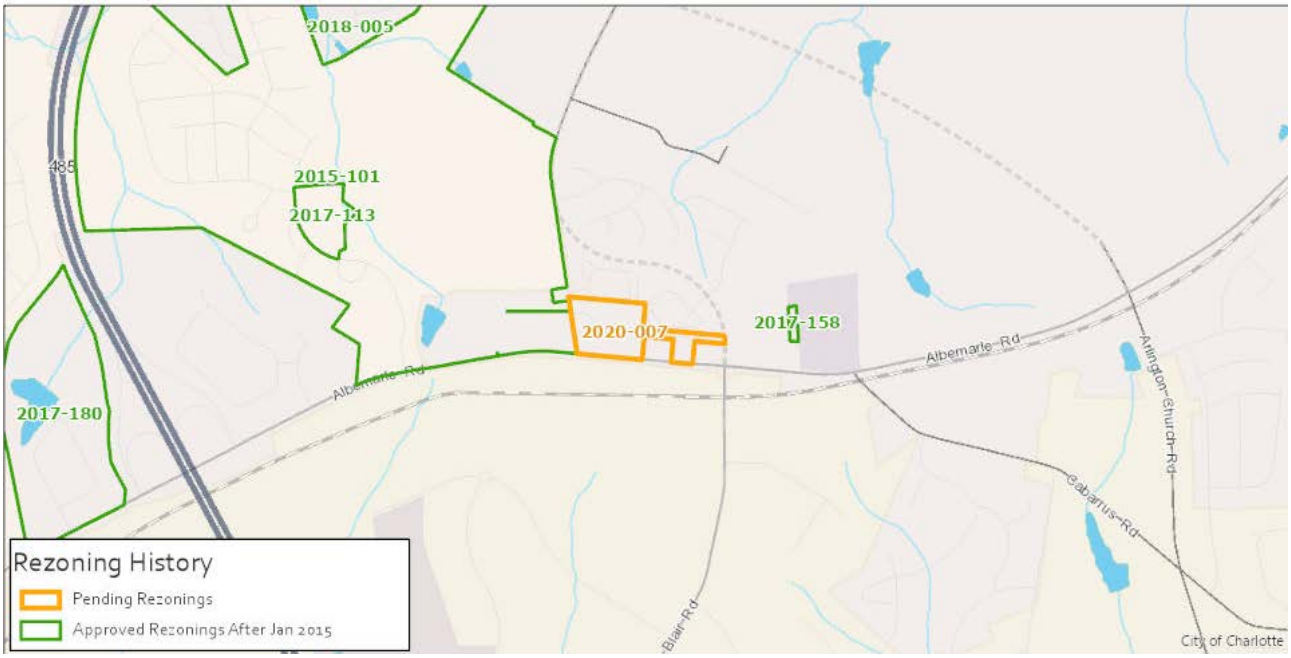


Streetview along Albemarle Road looking NE towards subject property.



Streetview from Rocky River Church Road looking SE into the site. The vacant land seen in this image is included in the rezoning petition.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-005	Rezoning of approximately 141 acres to accommodate up to 350 residential units.	Approved
2017-180	Rezoning to accommodate the development of a up to 45,000 square feet of retail and medical office.	Approved
2017-158	Rezoning from residential to general business.	Approved
2017-113	Petition to rezone in order to provide indoor and outdoor recreational uses in the Cresswind neighborhood.	Approved
2015-101	Original rezoning petition for Cresswind, a master-planned residential community east of I-485.	Approved

- **Public Plans and Policies**



- The *Albemarle Road/I-485 Interchange Study* (2003) recommends multi-family/retail uses for the site.

- **TRANSPORTATION SUMMARY**
  - The site is located on a major thoroughfare. The petitioner should revise the site plan to address the outstanding items at the bottom of this report.
  - **Active Projects:**
    - There are no active projects within the immediate area; However, the Blair Road Extension Project is an unfunded NCDOT project adjacent to the site. It proposes to construct Blair Road between Albemarle Road and Rocky River Church Road as a two-lane divided (Median or Center Turn Lane) with Bike Facilities and Sidewalks. This project is currently on hold.
  - **Transportation Considerations**
    - See Outstanding Issues, Note 1.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 0 trips per day (based on vacant land use).
    Entitlement: 4,625 trips per day (based on 68,000 SF retail).
    Proposed Zoning: 6,322 trips per day (based on 68,000 SF retail including one EDEE with accessory drive-through window).

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 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 74 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 74 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Clear Creek Elementary from 100% to 107%
    - Northeast Middle from 75% to 77%
    - Rocky River High from 81% to 82%.
  - **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Rocky River Church Road. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 990 feet south of the rezoning boundary on Rocky River Church Road. A developer donated project will be required in cases there is not direct service. The applicant should contact Charlotte Water's New Services at (704) 432-2854 for more information regarding accessibility to sewer system connections. 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:** 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

Transportation

1. The petitioner should revise the site plan and 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 ROW set at 2' behind back of sidewalk where feasible.

Site and Building Design

2. Revise conditional notes in section F to include hotels as a use subject to the architectural controls listed for non-residential uses.

3. Revisit language in conditional note F.1.(c) to more precisely describe where/when a building with an accessory drive-through window or service lanes/windows may present a circulation drive between the building and adjacent streets.

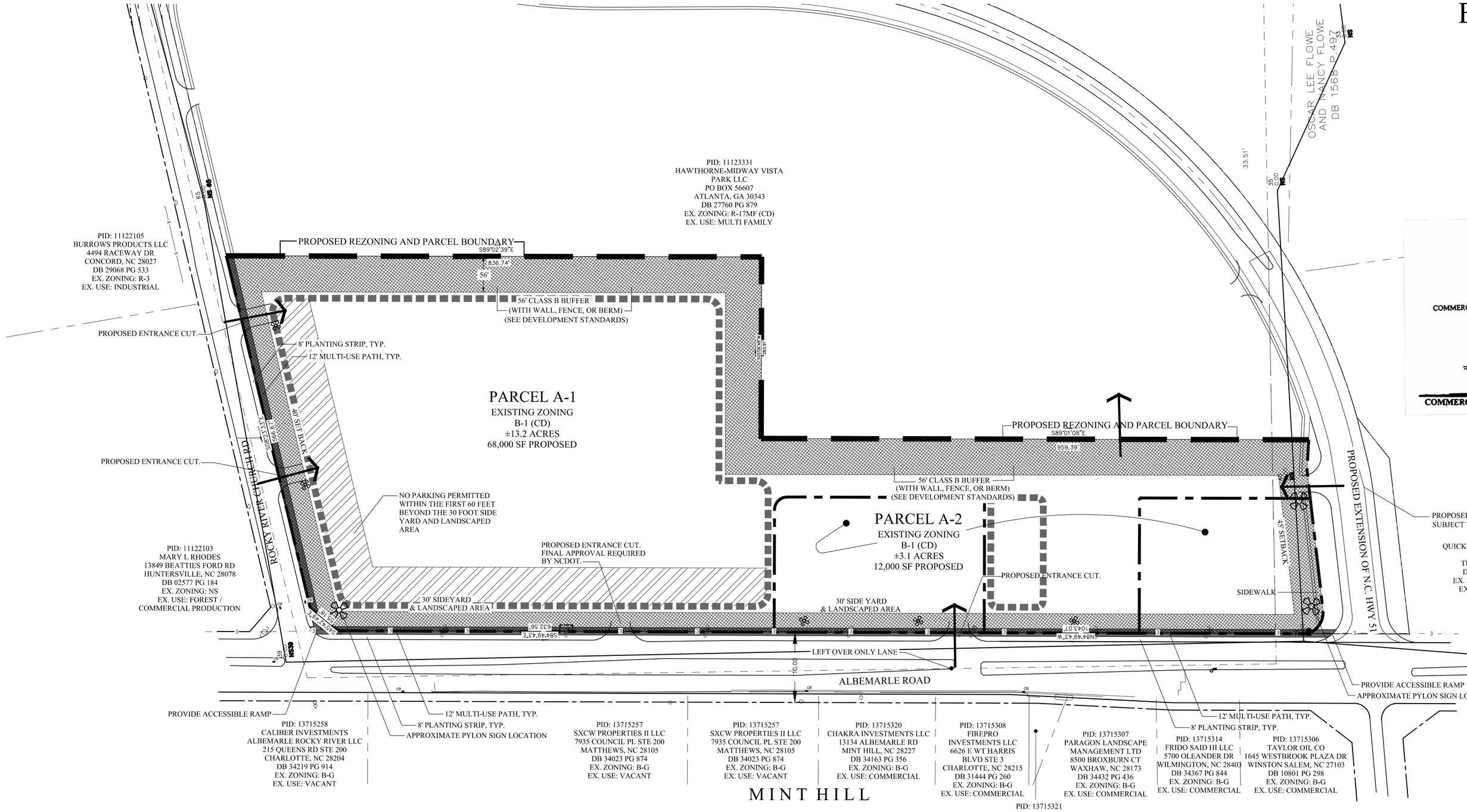
See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

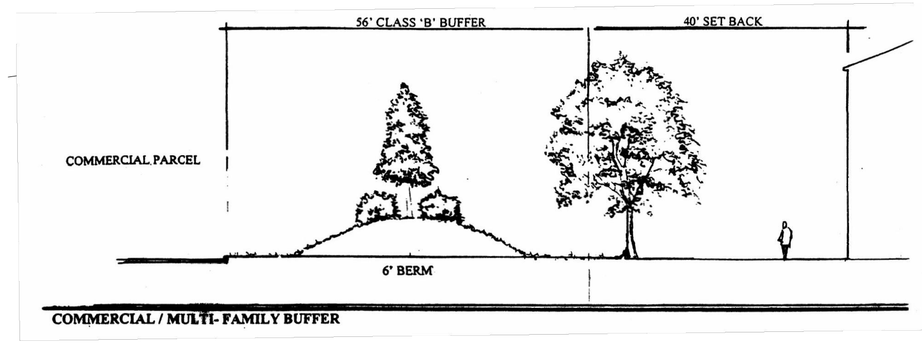
Planner: William Linville (704) 336-4090

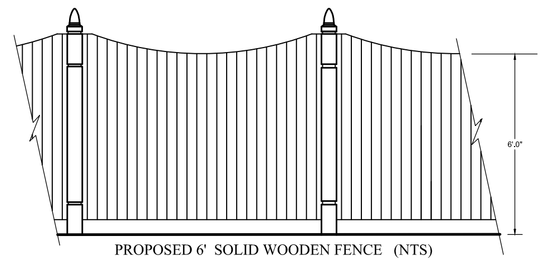
ERWIN CAPITAL/BEAVER FARMS
TECHNICAL DATA SHEET

ERWIN CAPITAL INC., PETITIONER
CROSLAND GROUP INC., PETITIONER

RZP-2020-007 SITE PLAN AMENDMENT







PROPOSED 6' SOLID WOODEN FENCE (NTS)

SITE DATA

TOTAL SITE AREA: ±16.3 ACRES

PARCEL A
TOTAL SITE AREA: ±13.2 AC
CURRENT ZONING: B-1 (CD)
RETAIL AND OFFICE USES : UP TO 68,000 SF

PARCEL A1
TOTAL SITE AREA: ±3.1 AC
CURRENT ZONING: B-1 (CD)
RETAIL AND OFFICE USES : UP TO 12,000 SF

LEGEND

SIGNAGE

SETBACKS/BUFFERS

Rezoning Petition No. 98-42(c)

Development Standards

Woodland/Beaver Farms Site

Revised - July 27, 2020

A. GENERAL PROVISIONS

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Erwin Capital (the "Petitioner") to request an amendment to the approved B-1 (CD) conditional rezoning plan for an approximately 13.211 acre site located generally on the northeast corner of the intersection of Rocky River Church Road and Albemarle Road, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). The Site is comprised of Tax Parcel Nos. 111-233-32, 111-233-33, 111-233-34, 111-233-37 and 111-233-40.

2. The Site is an approximately 13.211 acre portion of an approximately 40.1 acre site (the "Original Rezoning Site") that was rezoned to the B-1 (CD) zoning district by the Charlotte City Council in 1998 pursuant to Rezoning Petition No. 1998-042(c) to accommodate a multi-use development on the Site.

3. Under the approved B-1 (CD) conditional rezoning plan relating to Rezoning Petition No. 1998-042(c) (the "1998 Approved Plan"), the Original Rezoning Site is divided into two parcels for entitlement purposes, such parcels being designated as Parcel A and Parcel B on the 1998 Approved Plan. Pursuant to the 1998 Approved Plan, Parcel A, which contains approximately 16.3 acres, may be developed with a maximum of 80,000 square feet of retail and office uses, and Parcel B, which contains approximately 23.8 acres, may be developed with a maximum of 300 multi-family dwelling units. The Site is a portion of Parcel A.

4. That portion of Parcel A that comprises the Site is designated on this Rezoning Plan as "Parcel A-1" and that portion of Parcel A that is not part of the Site and is not subject to this Rezoning Petition is designated as "Parcel A-2" on this Rezoning Plan.

5. Subject to the terms and requirements of the Ordinance and the terms and conditions of the Development Standards and the Rezoning Plan, principal buildings, accessory structures and parking areas may be located anywhere on the Site. This Rezoning Plan does not limit the number of principal buildings, accessory structures and parking areas that may be located on the Site.

6. Notwithstanding the terms of paragraph A.5 above, parking areas may not be located within that portion of the Site designated on the Rezoning Plan as a "60 Foot No Parking Zone". The 60 Foot No Parking Zone is hatched on the Rezoning Plan. However, buildings, accessory structures and vehicular circulation drives or drive aisles associated with drive-in and drive-through service lanes/windows may be located in the 60 Foot No Parking Zone.

7. Prior to the Charlotte City Council's decision on this Rezoning Petition, the Petitioner shall file with the Charlotte Planning, Design and Development Department (the "Planning Department") a request for an administrative site plan amendment to the 1998 Approved Plan to reduce the maximum gross floor area allowed on that portion of Parcel A that is not subject to this Rezoning Petition (designated as Parcel A-2 on this Rezoning Plan) to 12,000 square feet of gross floor area. In the event that this Rezoning Petition is approved, the Planning Department shall process and approve this administrative site plan amendment request. In the event that this Rezoning Petition is withdrawn prior to approval or denied by the Charlotte City Council, the Planning Department shall not process or approve this administrative site plan amendment request and the Planning Department shall return this administrative site plan amendment request to Petitioner.

8. The development and use of the Site will be governed by this Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").

9. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the B-1 zoning district shall govern the development and use of the Site.

10. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard and buffer requirements set forth on this Rezoning Plan and the development standards, provided, however, that any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan.

11. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance

B. PERMITTED USES/DEVELOPMENT LIMITATIONS

1. Subject to the limitations set out below in paragraphs B.2 through B.6, the Site may only be devoted to the following uses:

(a) Retail uses, personal service uses, general and professional office uses (including medical and dental offices), financial institutions, hotel uses and eating, drinking and entertainment establishments (Type 1 and Type 2) and to any incidental or accessory uses associated therewith that are permitted under the Ordinance in the B-1 zoning district.

(b) Residential uses allowed in the B-1 zoning district and to any incidental or accessory uses associated therewith that are permitted under the Ordinance in the B-1 zoning district. Residential uses shall include, without limitation, age restricted independent living units.

2. A total maximum of 68,000 square feet of gross floor area may be developed on the Site.

3. A maximum of 110 hotel rooms may be developed on the Site. The gross floor area of a hotel building developed on the Site shall count towards the total maximum allowed gross floor area that may be developed on the Site set out above in paragraph B.2.

4. In the event that residential uses allowed in the B-1 zoning district are developed on the Site, each residential dwelling unit shall be counted towards the total maximum allowed gross floor area that may be developed on the Site set out above in paragraph B.2 at the rate of 1,000 square feet per residential dwelling unit.

5. A maximum of two eating, drinking and entertainment establishment (Type 1 or Type 2) located on the Site may have accessory drive-in and/or drive-through service lanes/windows.

6. A convenience store with fuel pumps and/or a gasoline station shall not be permitted on the Site.

C. BUFFERS

1. Buffer areas shall be established on the Site as required under the Ordinance based on the actual use or uses on the Site. Any required buffer areas shall conform to the standards of Section 12.302 of the Ordinance; subject, however, to the provisions of Section 12.304 thereof. The width of any required buffer may be reduced by 25% if a wall, fence or berm is provided that meets the requirements of Section 12.302(8) of the Ordinance.

2. A 56 foot wide Class B buffer (reduced in size by 25% by virtue of the installation of a wall, fence or berm) is depicted on the Rezoning Plan. Notwithstanding the depiction of a 56 foot wide Class B buffer on the Rezoning Plan, the actual types and widths of the buffer areas to be established on the Site shall be based upon the actual use or uses on the Site.

3. In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas accordingly.

4. Petitioner reserves the right to clear, grade and fill within any required buffer areas.

5. Petitioner reserves the right to install utilities within any required buffer areas. However, utility installations may only cross buffer areas at interior angles measured at property lines which are not less than 75 degrees.

6. No buildings, parking spaces, maneuvering areas or storm water detention facilities may be located within any required buffer areas.

7. Where existing trees and natural vegetation have been cleared to accommodate pedestrian sidewalks or pathways or the installation of utilities, the cleared, unimproved areas will be landscaped with trees and shrubs.

D. SETBACKS, SIDE YARDS AND REAR YARDS

1. All buildings constructed on the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the B-1 zoning district.
2. Building setbacks off of Albemarle Road and Rocky River Church Road will be established in the manner depicted on the Rezoning Plan.
3. No storm water detention facilities may be located within any setback areas.

E. SCREENING AND LANDSCAPED AREAS

1. Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance.
2. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

3. Any dumpsters visible from a public street or from adjoining property will be screened with a solid-enclosure with gates.

F. ARCHITECTURAL CONTROLS

1. **Buildings Devoted to Non-Residential Uses**

(a) The maximum height of any building devoted to non-residential uses, including, without limitation, a building devoted to a hotel use, shall be governed by the Ordinance.

(b) The architectural and design standards set out below shall apply to any building devoted to non-residential uses, including, without limitation, a building devoted to a hotel use.

(1) Building Placement and Site Design shall focus on and enhance the pedestrian environment on public network required streets through the following:

(i) Buildings shall be placed so as to present a front or side facade to all public streets.

(ii) Facades fronting public streets shall include a combination of windows and operable doors for a minimum of 60% of each frontage elevation with transparent glass between 2' and 10' on the first floor. Up to 20% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk.

(iii) The facades of the first/ground floor of the buildings along public streets shall incorporate a minimum of 30% masonry materials such as brick or stone.

(iv) A direct pedestrian connection should be provided between street facing doors and corner entrance features to sidewalks on adjacent streets.

(v) Building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as, but not limited to, banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

(vi) Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades or other architectural elements.

(vii) Buildings shall have a minimum height of 22 feet.

(viii) Multi-story buildings shall have a minimum of 20% transparency on all upper stories.

(c) Notwithstanding anything contained herein to the contrary, uses with accessory drive-in and/or drive-through service lanes/windows may have a vehicular circulation drive or drive aisle located between the building and any adjacent streets (public or private). However, pick-up windows may not be located on the facade of a building that faces an adjacent public street.

2. **Single Family Attached Dwelling Units**

(a) The maximum height of any single family attached dwelling units constructed on the Site shall be governed by the Ordinance.
(b) The architectural and design standards set out below shall apply to any single family attached dwelling units constructed on the Site.
(1) The primary exterior building materials for the single family attached dwelling units constructed on the Site will be a combination of portions of the following: brick veneer or similar masonry products, stone, manufactured stone, stucco and cementitious siding.
(2) Vinyl, EIFS or masonite may not be used as an exterior building material on any single family attached dwelling unit constructed on the Site. Notwithstanding the foregoing, vinyl may be utilized on windows, doors, garage doors, soffits, trim and railings. Additionally, aluminum may be used on trim and garage doors.
(3) Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
(4) The finished floor elevation of each single family attached dwelling unit located within 15 feet of a public sidewalk shall be a minimum of 12 inches above the average sidewalk grade of the public sidewalk.
(5) Each single family attached dwelling unit constructed on the Site shall have a usable front porch or a front stoop. Usable front porches shall be covered and be at least 5 feet in depth. Front stoops shall be covered and front stoops may be covered by an awning, canopy, roof extension or other architectural feature chosen by Petitioner. Front stoops shall not be required to have a minimum depth of 5 feet.
(6) 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 20 feet on all levels.
(7) Walkways shall be provided to connect all residential entrances to sidewalks fronting public streets.
(8) Townhome buildings that are adjacent to and front a public street shall not contain more than 5 individual single family attached dwelling units. This requirement shall not apply to buildings that do not front a public street or buildings that are adjacent and perpendicular to a public street.
(9) Garage doors visible from public streets shall minimize the visual impact by providing a minimum setback of 12 inches from the further of the front wall plane or porch or stoop protrusion and shall have additional architectural treatments such as translucent windows or projecting elements over the garage door opening.

3. **Multi-Family Buildings**

(a) The maximum height of any building devoted to multi-family uses shall be governed by the Ordinance.
(b) The architectural and design standards set out below shall apply to buildings devoted to multi-family uses.
(1) Preferred Exterior Building Materials: All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 30% of that building's entire facade facing such network street using brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director.
(2) Prohibited Exterior Building Materials:
(i) Vinyl siding (but not vinyl hand rails, windows, doors or door trim).
(ii) Concrete Masonry Units not architecturally finished.
(3) Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:
(i) Buildings shall be placed so as to present a front or side facade to all network required streets (public or private).
(ii) Buildings shall front (the side of a building that has windows will also be considered a front) a minimum of 50% of the total network required street frontage on the Site (exclusive of driveways, pedestrian access points, usable open space, tree save areas, natural areas, and/or tree re-planting areas).
(iii) Driveways intended to serve single units shall be prohibited on all network required streets.
(4) Building Massing and Height shall be designed to break up long monolithic building forms as follows:
(i) Buildings exceeding 120 feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 6 feet extending through the building.
(5) Architectural Elevation Design - elevations shall be designed to create visual interest as follows:
(i) Buildings elevations shall be designed with vertical bays or articulated architectural facade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
(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 facade features and color changes.
(iii) 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.
(6) Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:
(i) Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.
(ii) For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls.
(iii) Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.
(7) Service Area Screening - service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures. Such design shall include a minimum 20 percent Preferred Exterior Building Materials or a Class B buffer not less than 10' in depth at all above grade perimeters not paved for access.

G. PARKING

1. Off street parking spaces will satisfy the minimum standards under the Ordinance.
2. Off-street parking for an age restricted, independent living facility use shall be provided at the rate of 1 parking space per 3 dwelling units.

H. LIGHTING

1. All freestanding lighting fixtures installed on the Site will be uniform in design.
2. The maximum height of any freestanding lighting fixture, including its base, shall not exceed 30 feet in height.
3. All freestanding light fixtures and wall pack light fixtures installed on the Site except street lights which may be erected along Albemarle Road or Rocky River Church Road shall be designed such that direct illumination does not extend past any property line. Consideration will be given to the impact of lighting both within and without the perimeter of the Site. Items for consideration will include intensity, cutoff angles, color, energy efficiency and shielding of sources of light, the intent being to eliminate glare towards Albemarle Road and Rocky River Church Road and adjacent properties.
4. All wall packs will be shielded.

I. SIGNS

1. All signs placed on the Site will be erected in accordance with the requirements of the Ordinance.

J. ACCESS POINTS (DRIVEWAYS)

1. The number of vehicular access points to the Site shall be limited to the number depicted on the Rezoning Plan.
2. The placement and configuration of each access point are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
3. The parking lots for each of the establishments place on the Site must be configured in such a fashion as to allow internal vehicular traffic to move from one parcel to the other parcel.

K. TRANSPORTATION AND SIDEWALKS

1. Roadway improvement required as part of Rezoning Petition No. 1998-042(c) has been completed.
2. Roadway improvement required as part of Rezoning Petition No. 1998-042(c) has been completed.
3. Roadway improvement required as part of Rezoning Petition No. 1998-042(c) has been completed.
4. Roadway improvement required as part of Rezoning Petition No. 1998-042(c) has been completed.
5. Roadway improvement required as part of Rezoning Petition No. 1998-042(c) has been completed.
6. Roadway improvement required as part of Rezoning Petition No. 1998-042(c) has been completed.
7. Petitioner will install an 8 foot wide planting strip and a 12 foot wide multi-use path along the Site's frontages on Albemarle Road and Rocky River Church Road as generally depicted on the Rezoning Plan.
8. Subject to the approval of CDOT and any other governmental agencies, Petitioner shall, prior to the issuance of the first certificate of occupancy for a building constructed on the Site, construct an ADA compliant bus waiting pad per land development standard 60.01B within the required planting strip along the Site's frontage on Albemarle Road. The exact location of the waiting pad shall be determined during the site design and permitting process, and the waiting pad shall be located entirely within right of way. In the event that Petitioner cannot obtain all approvals and permits required to construct the waiting pad, then Petitioner shall have no obligation to construct the waiting pad. CATS shall be responsible for the installation and maintenance of a bench or shelter on the waiting pad.
9. All transportation improvements required to be constructed pursuant to this Section K of the Development Standards will be approved and constructed prior to the issuance of the first certificate of occupancy for a building constructed on the Site.

L. DEDICATION OF RIGHTS OF WAY

1. Right of way dedication required as part of Rezoning Petition No. 1998-042(c) has been completed.
2. Right of way dedication required as part of Rezoning Petition No. 1998-042(c) has been completed.
3. Right of way dedication required as part of Rezoning Petition No. 1998-042(c) has been completed.
4. Right of way dedication required as part of Rezoning Petition No. 1998-042(c) has been completed.
5. Prior to the issuance of the first certificate of occupancy for a building constructed on the Site, Petitioner shall dedicate and convey to the City of Charlotte or to the North Carolina Department of Transportation as applicable (subject to a reservation for any necessary utility easements) those portions of the Site located immediately adjacent to Albemarle Road as required to provide right of way measuring 50 feet from the centerline of existing Albemarle Road; to the extent that such right of way does not already exist.
6. Petitioner will dedicate via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, and the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy for a building constructed on the Site. The right of way shall be located two (2) feet behind the sidewalk where feasible. If it is not feasible to locate any right of way two (2) feet behind the sidewalk, then Petitioner may provide a permanent sidewalk easement for any of the proposed sidewalks (or portions thereof) located along the public streets located outside of the right-of-way.

M. ENVIRONMENT/STORM WATER MANAGEMENT

1. Development of the Site shall comply with the applicable requirements of the City of Charlotte Tree Ordinance.
2. Petitioner shall comply with the Charlotte City Council approved and adopted Post-Construction Stormwater Ordinance.

N. BINDING EFFECT

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.

LandDesign.
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
WWW.LANDDESIGN.COM

KEY MAP

SEAL

LANDDESIGN, INC. CORPORATE SEAL NORTH CAROLINA

NOT FOR CONSTRUCTION

PROJECT

BEAVER FARMS

ERWIN CAPITAL, INC
1521 PROVIDENCE ROAD
CHARLOTTE, NC 28211

LANDDESIGN PROJ.#
1019529

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	INITIAL SUBMITTAL	02/18/2020
2	REVISED PER STAFF	04/20/2020
3	REVISED PER STAFF	06/09/2020
4	REVISED PER STAFF	07/23/2020

DESIGNED BY: MEK
DRAWN BY: MEK
CHECKED BY: LDI

SCALE

NORTH

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

0 50' 100' 200'

SHEET TITLE

SITE PLAN AMENDMENT
TECHNICAL DATA SHEET

SHEET NUMBER

1

Petition 2020-007 by Woodland Beaver Farms, LLC

To Approve:

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

- The plan recommends multi-family/retail uses for the site.

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

- This site plan amendment is consistent with the land use recommendations of multi-family/retail uses for the property.
- The request is consistent with the context of surrounding land uses found along this area of Albemarle Road.
- The request will help achieve the Plan's land use recommendations for Zone A by allowing retail uses to be oriented along Rocky River Road and Albemarle Road.
- The petition is committing to enhanced architectural design guidelines which help realize the Plan's design recommendations for zone A.

To Deny:

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

- The plan recommends multi-family/retail uses for the site.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 9. **File #:** 15-13938 **Type:** Zoning Item

Rezoning Petition: 2020-014 by Carolina Builders, LLC

Location: Approximately 3.9 acres located along the eastern side of Erwin Road and north of Tryon Street. (Council District 3 - Watlington)

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

Public Hearing Held: July 20, 2020 - Item #36

Staff Resource: Lisa Arnold

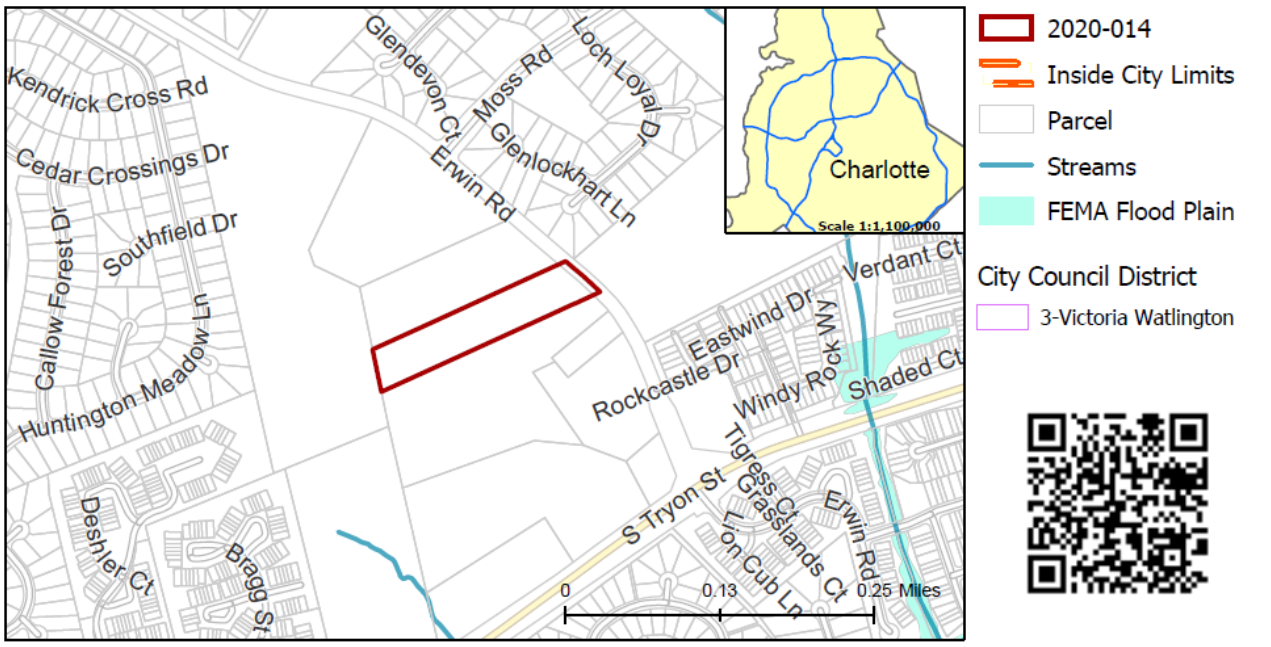
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-014
Post-Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: R-8MF(CD) (multi-family residential, conditional) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 3.9 acres located along the eastern side of Erwin Road, and north of Tryon Street.



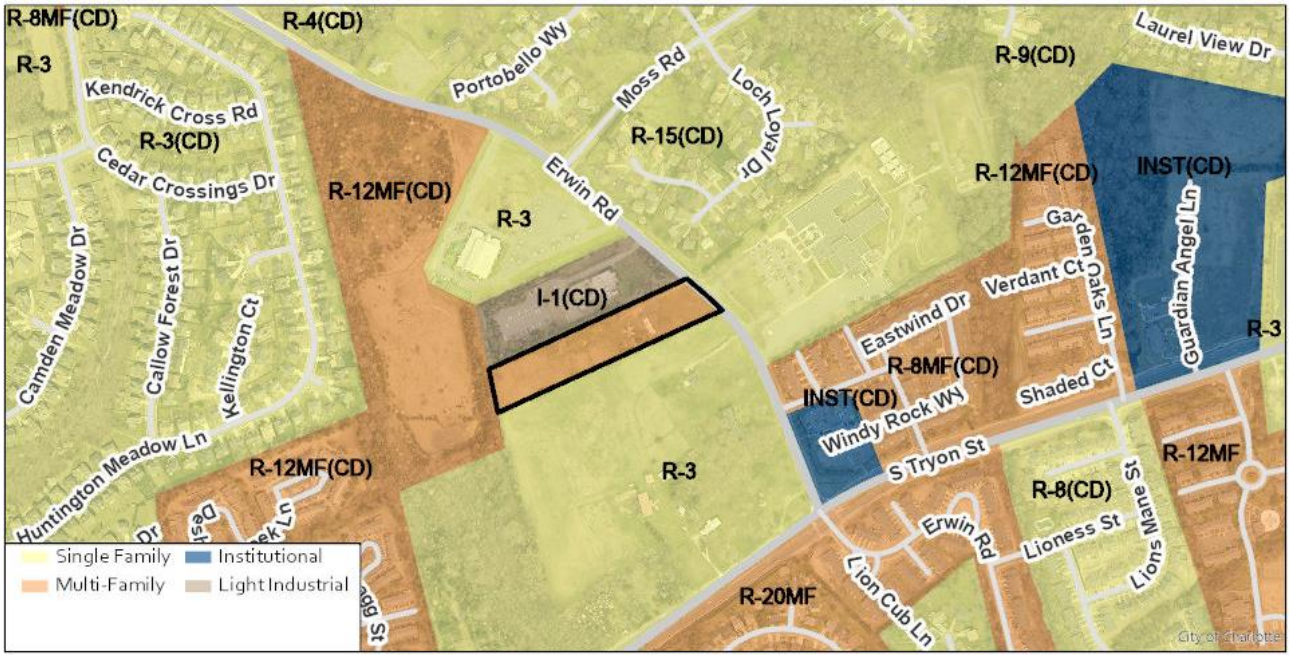
SUMMARY OF PETITION	The petition proposes to rezone property to allow up to 30 townhouse units with a density of 7.7 dwelling units per acre.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Carolina Builders, LLC Rama Yada for Carolina Builders, LLC Paul Carter, Eastlake Engineering
COMMUNITY 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. <u>Plan Consistency</u> The petition is **consistent** with the adopted land use of residential up to 8 DUA, as per the *Steele Creek Area Plan*. <u>Rationale for Recommendation</u> • The proposed development will provide more housing choices in the area. • New public street is proposed as part of this site plan, which will connect Erwin Road to a new public road, that was approved as part of rezoning petition 2019-030 for a multi-family development. • The proposed UR zoning district is consistent with the density recommendation per the Area Plan and creates architectural design standards that provide a better connection to the street

	frontage and has development standards that are better suited to the overall size and shape of the subject parcel.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Develops site with up to 30 townhouse units on an approximately 3.9 acre site with a density of 7.69 dwelling units per acre.
  - Constructs a new east/west public street to provide connections to Erwin Road
  - Provides eight (8) foot planting strips and (6) foot sidewalks along Erwin Road and eight (8) foot planting strips and five (5) foot sidewalks along the new public street.
  - Requires architectural standards to met for the new townhouses onsite which include building materials and standards for building articulation.
  - Limits buildings to five (5) units or less and requires units to have a one (1) car garage and a usable porch or stoop located on the front or side of the building.
  - Provides a decorative five (5) foot decorative metal fence and landscaping on the Erwin Road frontage as shown on the rezoning plan.
  - Requires screening for backflow preventers and meter banks.
  - Limits freestanding lighting to 15' in height and requires full cut off fixtures.
- **Existing Zoning and Land Use**



Surrounding land uses include single family residential, multi-family residential, institutional, undeveloped residential land, and industrial.



The subject property is developed with a single family residence. The site is marked with a red star.



The property to the north is developed with an industrial office.



The property to the south is developed with a single family residence.

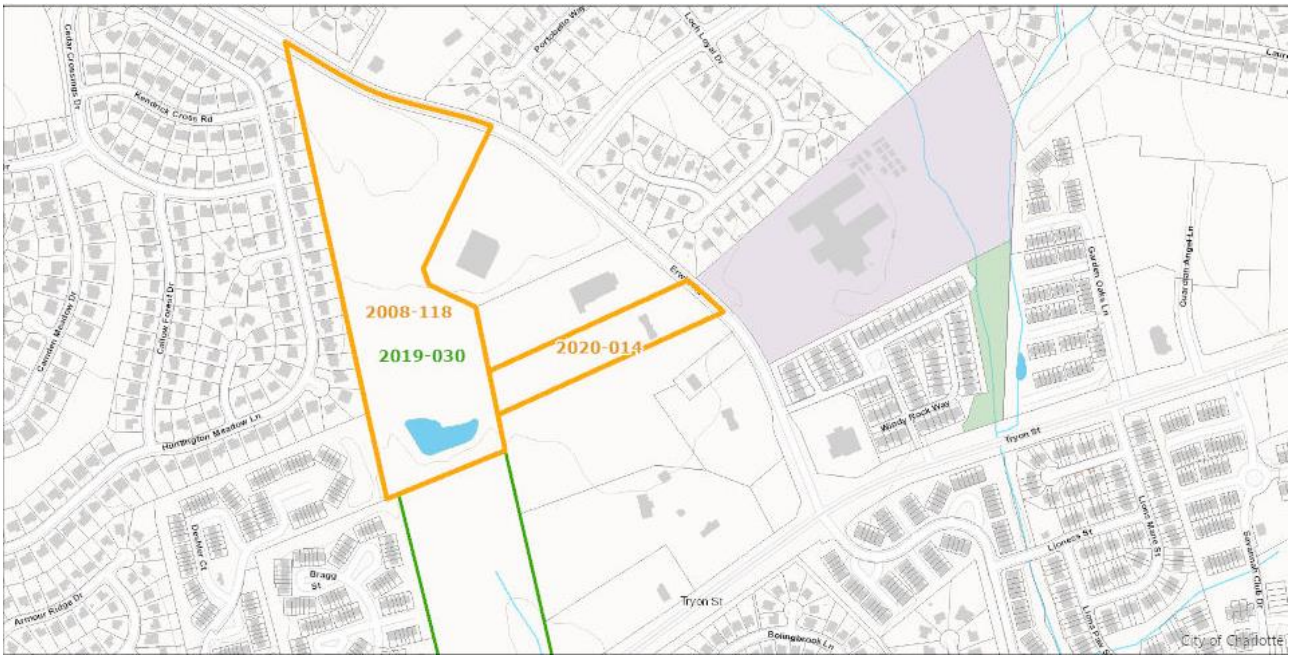


The property to the east is developed with a school.



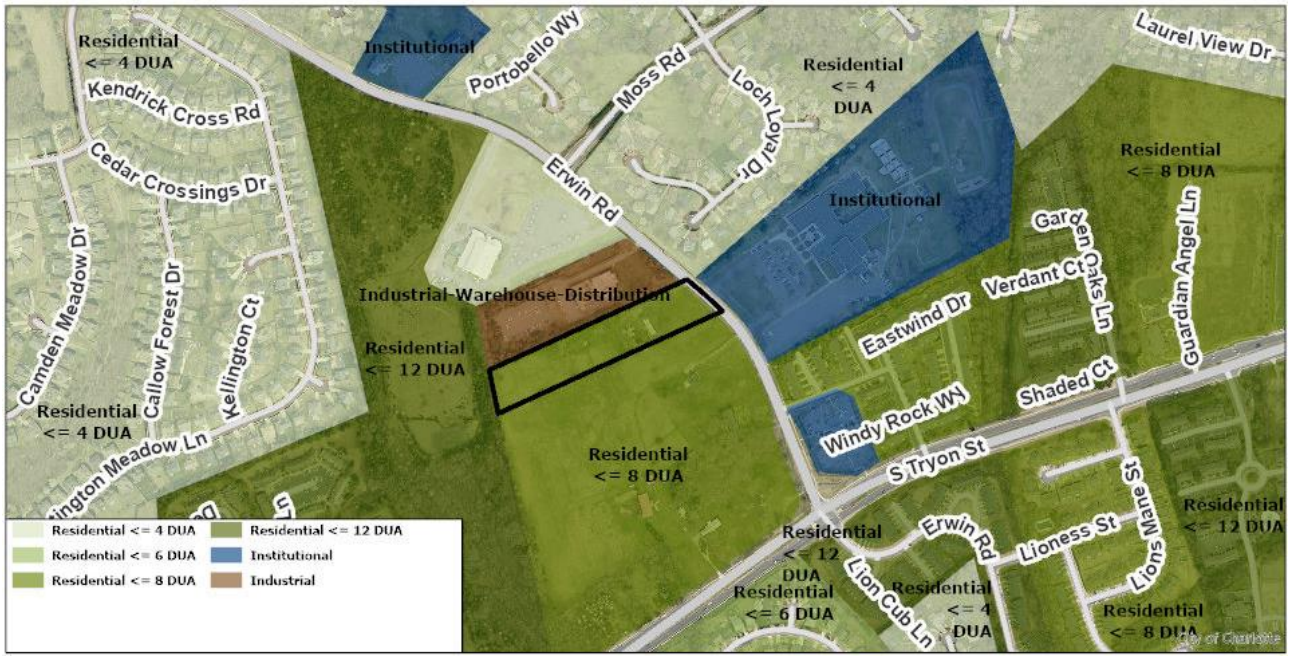
The property to the west is undeveloped single family zoned land. The subject property is marked with a red star.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2008-118	This petition proposed to rezone property to INST(CD) (Institutional, conditional) to develop a 55 and older senior housing community to include 54 residential villas, a 140-unit senior condo building, and a 7,500 square foot clubhouse.	Indefinite deferral
2019-030	This petition rezoned property to R-12MF(CD) (multifamily residential – 12 DUA, conditional) to develop up to 272 multifamily dwelling units.	Approved

- **Public Plans and Policies**



  - The *Steele Creek Area Plan* (adopted 2012) recommends residential up to 8 DUA for this site, and the surrounding area along Erwin Road and S. Tryon Street.

- **TRANSPORTATION SUMMARY**
  - The site on Erwin Road (minor thoroughfare, city maintained) and is in a wedge outside Route 4. The site is located within the Steele Creek Area Plan.
- **Active Projects:**
  - NC 160 STIP (U-5766)
    - This project will widen NC 160 (Steele Creek Road) from South Tryon to I-485.
    - Status: construction will start 2024
  - Carowinds Boulevard Extension STIP (U-6158)
    - This project will construct a two-lane divided roadway to extend Carowinds Blvd.
    - Status: construction is TBD, right-of-way acquisition is scheduled for 2029.
- **Transportation Considerations**
  - See Outstanding Issues, Notes 1 and 2
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 10 trips per day (based on 1 dwelling unit).

  Entitlement: 250 trips per day (based on 5,310 SF daycare).

  Proposed Zoning: 190 trips per day (based on 30 dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 3 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 3 new students.
  - The proposed development is projected to maintain the current school utilization (without mobile classroom units) as follows:
    - Lake Wylie Elementary at 105%
    - Southwest Middle from at 138%
    - Olympic High from at 126%.

- **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.

OUTSTANDING ISSUES

Transportation

~~1. Erwin Road: The future location of curb and gutter is 24 feet from centerline of the road. The petitioner should revise the site plan and commit to construct the curb and gutter at its ultimate location. The site plan should revise the site plan to label and dimension the curb and gutter from the road centerline. Technical Clarification. 24 feet is measured from existing centerline to proposed back of curb. Please incorporate 24 feet into the proposed site plan.~~ Addressed

~~2. The petitioner should revise the site plan and conditional notes(s) to include a stop bar and stop sign at the proposed intersection of the "new" street & Erwin Road intersection.~~ Addressed

REQUESTED TECHNICAL REVISIONS

Site and Building Design

~~3. Under site development data, change the proposed uses to "as allowed in UR-2(CD)" instead of R-8MF.~~ Addressed

~~4. On the site development table, limit the total units allowed to 30.~~ Addressed

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

Planner: Lisa Arnold (704) 336-5967

Carolina Builders LLC Development Standards 3/11/20

Site Development Data:

--**Acreage:** ± 3.90 acres
--**Tax Parcel #:** 20122113
--**Existing Zoning:** R8-MF(CD)
--**Proposed Zoning:** **UR-2**(CD)
--**Existing Uses:** One detached residential dwelling.
--**Proposed Uses:** Up to 30 attached dwelling units together with accessory uses, as allowed in the R8-MF zoning district.
--**Proposed Floor Area Ratio:** As allowed by the UR-2(CD) Zoning District.
--**Maximum Building Height:** Building height as required by the Ordinance.
--**Parking:** Parking as required by the Ordinance will be provided.
--**Open Space:** A minimum of 15% of the site will be established as a tree/save/open (to include the on-site open storm water retention area) space areas as defined by the Ordinance.

General Provisions:

Site Location. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Carolina Builders, LLC ("Petitioner") to accommodate the development of a townhome community on approximately 3.90 acre site located on the west side of Erwin Road across from Lake Wylie Elementary School (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 UR-2(CD) zoning classification shall govern.

Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

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

- minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
- modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties in a residential district or abutting residential use but no closer than the "external building line" (in this case the external setbacks, rear yards or buffer areas) indicated on Sheet RZ-1.

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.

Number of Buildings Principal and Accessory. The total number of principal buildings to be developed on the Site shall not exceed 7. 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 located on the Site. Accessory structures and buildings include structures and buildings such as but not limited to; a mail kiosk, gazebos, trellises, storage buildings, and other structures associated with the on-site open space.

Parking layouts for surface parking may be modified to accommodate final building locations and parking spaces may be located within the development area boundaries to the extent permitted by the Ordinance. Sidewalks depicted on the Rezoning Plan are intended to reflect the general pedestrian circulation for the development on Site but specific locations of sidewalks maybe subject to variations that do not materially change the design intent depicted on the Rezoning Plan.

2. Permitted Uses & Development Area Limitation:

a. The Site may be developed with up to 30 attached dwelling units, together with accessory uses allowed in the UR-2(CD) zoning district.

3. Access and Transportation:

Access to the Site will be from Erwin Road in the manner generally depicted on the Rezoning Plan.

The Petitioner shall construct improvements to Erwin Road in the manner generally depicted on this Rezoning plan.

The Petitioner will provide a eight (8) foot planting strip and a six (6) foot sidewalk along Erwin Road Road. The Petitioner will dedicate fee simple right-of-way (mi. 35') along Erwin Road to accommodate the existing road, proposed planting strip and sidewalk with the approval of Planning and CDOT.

Along the Site's internal public road a eight (8) foot planting strip with a five (5) foot sidewalk will be provided on at least one side of the proposed street as generally depicted on the Rezoning Plan. Street trees will also be provided along the private street as generally depicted on the Rezoning Plan. Decorative pedestrian scale lights will be provided along the internal street per Charlotte Zoning Ordinance.

The Petitioner shall post 25 mph speed limit signes as part of the Charlotte WALKS and Vision Zero policies.

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

The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

Vertical curb and gutter shall extend from Erwin Road throughout the proposed development on both sides of the "New" Public Road.

The Petitioner will modify the existing road striping to meet CDOT request.

The Petitioner shall add a stop bar and "signalized pedestrian crossing" across Erwin Road per CDOT Specifications.

The Petitioner agrees to construct all improvements to Erwin Road (as depicted) before the first building certificate of occupancy is to be issued.

4. Architectural Standards, Court Yards/Amenity Areas:

The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, synthetic stone, cementitious fiber board, EIFS, decorative block and vinyl siding and trim (siding may not exceed 25% of the wall surface per unit elevation per street side - Erwin and the New Public Road). The proposed roofing materials will be architectural asphalt shingles, metal type roofing materials may be used on portions of the roofs that cover porches and/or stoops or on bay windows.

The attached illustrative building elevations (typical unit front elevations and side elevations) are included to reflect an architectural style and a quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations provided that the design intent is preserved).

The side elevations of the building along Erwin Road will contain windows so that blank walls over 20 feet in length will not occur.

The units in the building shall have a one (1) car garage.

To provide privacy, any residential entrances within 15 feet of the public sidewalk shall be raised from the average sidewalk grade a minimum of 6 inches.

Pitched roofs, if provided, shall be symmetrical sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12.

Usable porches or stoops shall form an element of the building design and be located on the front and/or side of the building. Stoops and entry level porches may be covered but not be enclosed.

Townhome buildings shall be limited to five units or less.

The Petitioner will provide along Erwin Road a five (5) foot decorative metal ornamental fence and landscaping as generally depicted on the Rezoning Plan.

Meter banks will be screened from adjoining properties and from Erwin Road.

HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.

Garbage pickup for the Site will be through roll out containers from each unit.

5. Streetscape, Buffers, Yards, and Landscaping:

Public and Private streets shall comply with the Subdivision Ordinance.

Private drive and driveways for individual units will be allowed in the 20' foot building setback as generally depicted on the Rezoning Plan.

A 400 s.f. open space shall be provided in the and front yard areas as generally depicted on the Rezoning Plan.

Screening requirements of the Ordinance will be met.

Above ground backflow preventers will be screened from public view and will be located behind the existing right-of-way of Erwin Road.

A detail landscape plan for the proposed planting in tree save areas whether along Erwin Road or internal will be provided with final construction drawings. Any of the plant material or species that does not live or becomes diseased, will be replaced by the next planting season. The Petitioner reserves the right to substitute plant material listed on the detailed landscape plan with plant material of a similar type and quality if the plant material specified is not available or has become diseased.

The proposed landscaping along Erwin Road will be installed prior to the issuance of the first certificate of occupancy.

6. Environmental Features:

The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points. The two storm water management facility locations labeled as "potential" if not utilized for storm water management will be improved as open space areas or tree save areas.

The Site will comply with the Tree Ordinance.

All utilities within the Site will be placed underground.

7. Lighting:

All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.

Detached lighting on the Site will be limited to 15 feet in height.

No exterior "wall pack" lighting will be allowed, however architectural lighting on building facades, such as but not limited to scones, will be permitted.

8. Signage:

a. Signage as allowed by Ordinance.

9. Home Owners Association:

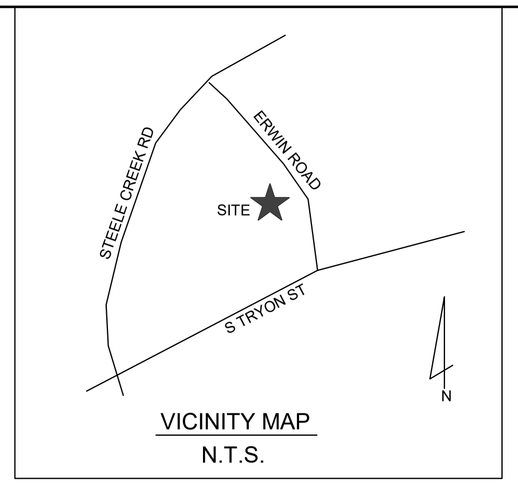
The Petitioner will provide a copy of the CC & R's for the Site to the HOA presidents of the adjoining neighborhoods prior the issuance of the first certificate of occupancy.

10. Amendments to the Rezoning Plan:

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

11. Binding Effect of the Rezoning Application:

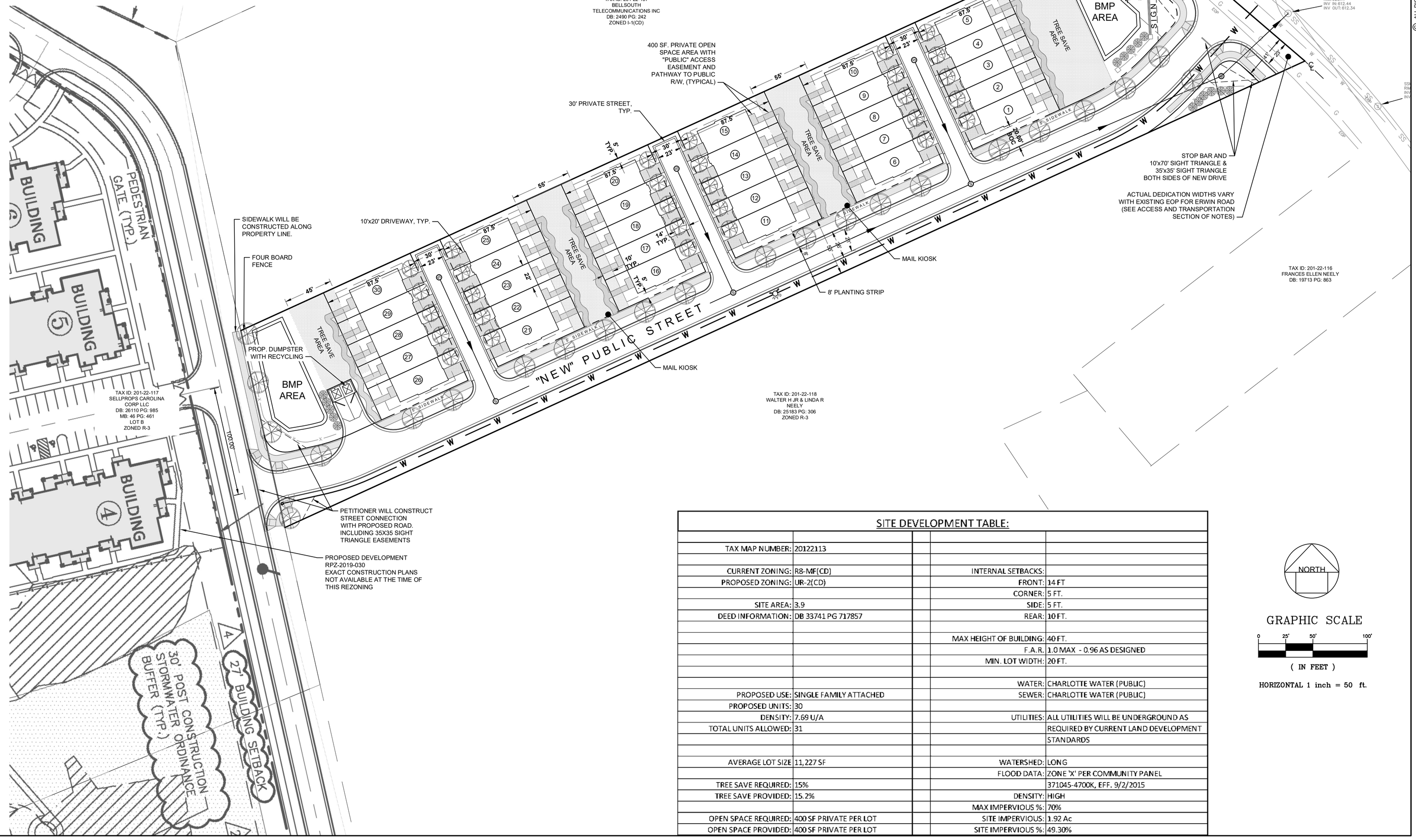
a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective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



VICINITY MAP
N.T.S.



ENTRY FEATURE DETAL
N.T.S.



SITE DEVELOPMENT TABLE:

TAX MAP NUMBER:	20122113		
CURRENT ZONING:	R8-MF(CD)	INTERNAL SETBACKS:	
PROPOSED ZONING:	UR-2(CD)	FRONT:	14 FT
		CORNER:	5 FT.
SITE AREA:	3.9	SIDE:	5 FT.
DEED INFORMATION:	DB 33741 PG 717857	REAR:	10 FT.
		MAX HEIGHT OF BUILDING:	40 FT.
		F.A.R.	1.0 MAX - 0.96 AS DESIGNED
		MIN. LOT WIDTH:	20 FT.
		WATER:	CHARLOTTE WATER (PUBLIC)
PROPOSED USE:	SINGLE FAMILY ATTACHED	SEWER:	CHARLOTTE WATER (PUBLIC)
PROPOSED UNITS:	30		
DENSITY:	7.69 U/A	UTILITIES:	ALL UTILITIES WILL BE UNDERGROUND AS
TOTAL UNITS ALLOWED:	31		REQUIRED BY CURRENT LAND DEVELOPMENT
			STANDARDS
AVERAGE LOT SIZE	11,227 SF	WATERSHED:	LONG
		FLOOD DATA:	ZONE "X" PER COMMUNITY PANEL
TREE SAVE REQUIRED:	15%		371045-4700K, EFF. 9/2/2015
TREE SAVE PROVIDED:	15.2%	DENSITY:	HIGH
		MAX IMPERVIOUS %:	70%
OPEN SPACE REQUIRED:	400 SF PRIVATE PER LOT	SITE IMPERVIOUS:	1.92 Ac
OPEN SPACE PROVIDED:	400 SF PRIVATE PER LOT	SITE IMPERVIOUS %:	49.30%

NORTH

GRAPHIC SCALE
0 25' 50' 100'
(IN FEET)
HORIZONTAL 1 inch = 50 ft.

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EASTLAKE ENGINEERING
8635-K Lindholm Dr. Huntersville, NC 28078 ph(865) 816-4557
NC FIRM # P-1713

PRELIMINARY
NOT FOR CONSTRUCTION

The Villas on Erwin

by: Carolina Builders, LLC
6711 Larissa Court
Charlotte, NC 28226

Project Address: 13701 Erwin Road, Charlotte, NC 28226

NO.	BY	DATE	REVISION
			.

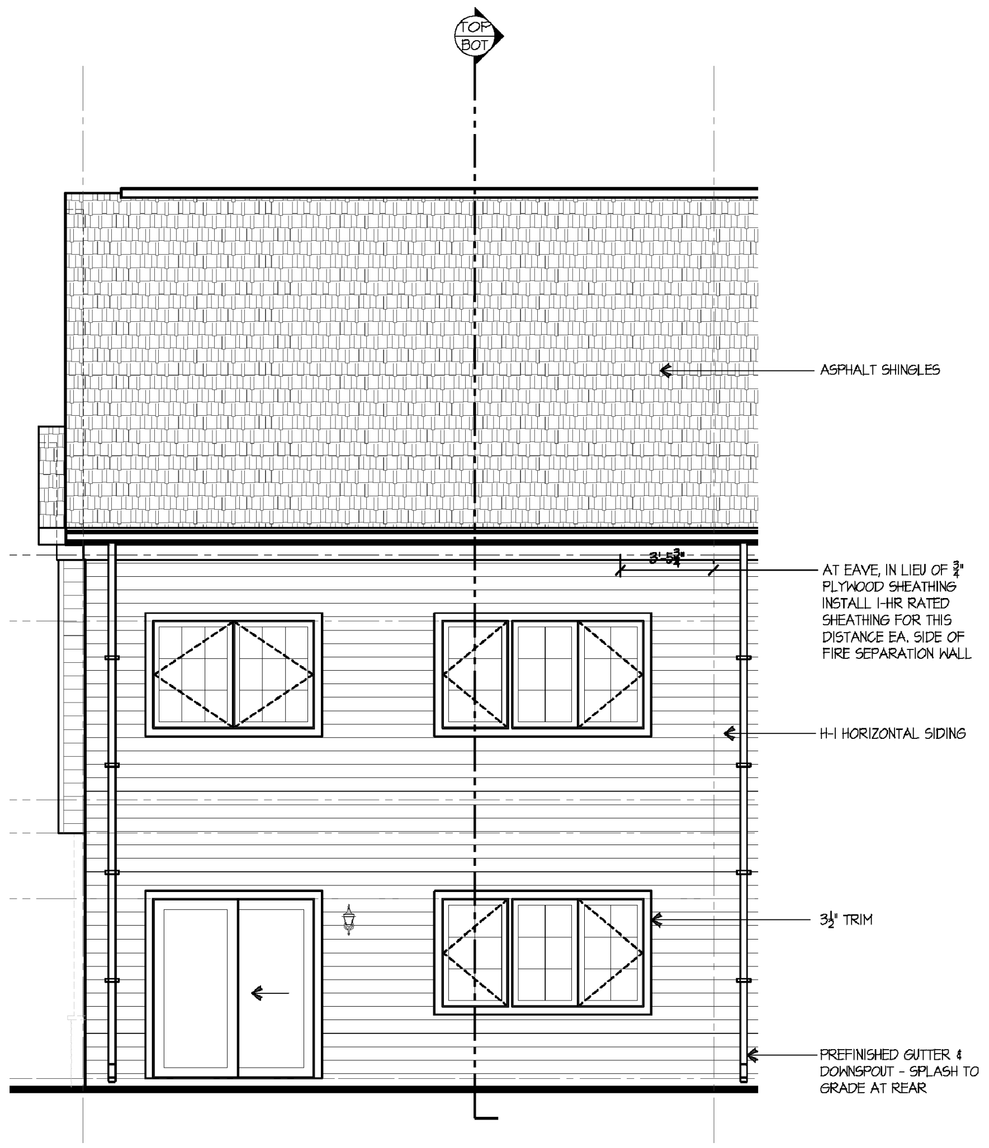
PROJECT #: DATE: 3-16-2020
DRAWN BY: JB CHECKED BY: PC

TITLE
SITE PLAN

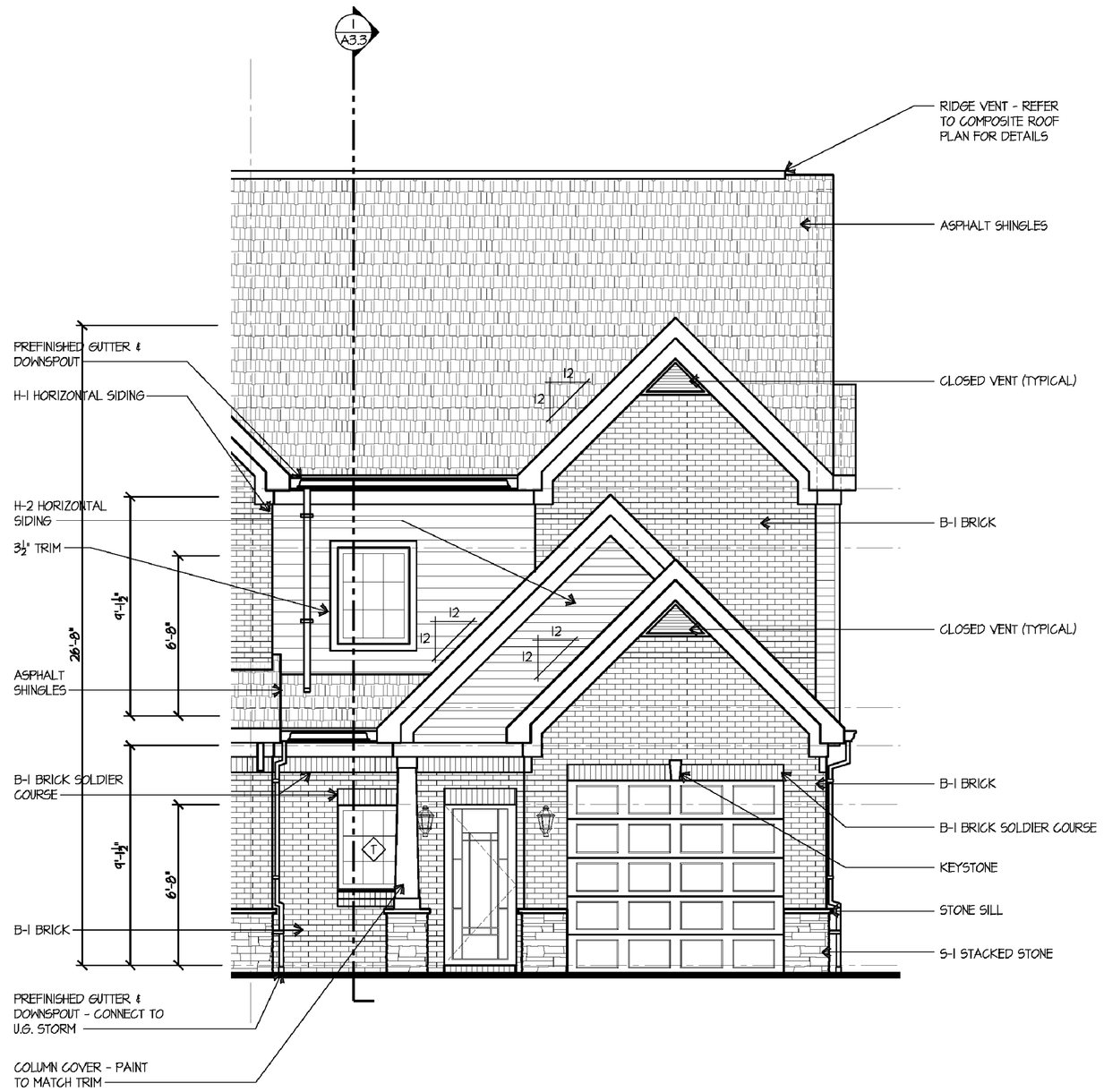
SHEET NO.
RZ-1

GENERAL NOTES:

1. ALL EXTERIOR TRIM TO BE PVC OR VINYL OR PVC / VINYL WRAPPED.
2. ⟨1⟩ GLAZING TO BE TEMPERED.



2 **REAR ELEVATION**
SCALE: 1/4" = 1'-0"



1 **FRONT ELEVATION**
SCALE: 1/4" = 1'-0"

ARCONS DESIGN STUDIO
architecture planning interiors
10550 Independence Pointe Parkway
Suite 300
Matthews, North Carolina 28105
P: 704-542-5252 F: 704-542-2330

SEAL/LABEL:

VILLAS ON ERWIN

CHARLOTTE NORTH CAROLINA

PROJECT MANAGER:
Rajeev Bhave
JOB NO.:
20-RV-ErwinRd
DR. BY:
TACH
REVISIONS

No.	Date
No.	Date
No.	Date
No.	Date
No.	Date
No.	Date
No.	Date
No.	Date
No.	Date
No.	Date
No.	Date

SHEET NAME:
ELEVATIONS UNIT 2

SHEET NO.
A2.2

ISSUE DATE:
3.21.20

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NC FIRM # P-1713

PRELIMINARY
NOT FOR CONSTRUCTION

The Villas on Erwin

by: Carolina Builders, LLC
6711 Larissa Court
Charlotte, NC 28226

Project Address: 13701 Erwin Road, Charlotte, NC 28226

NO.	BY	DATE	REVISION

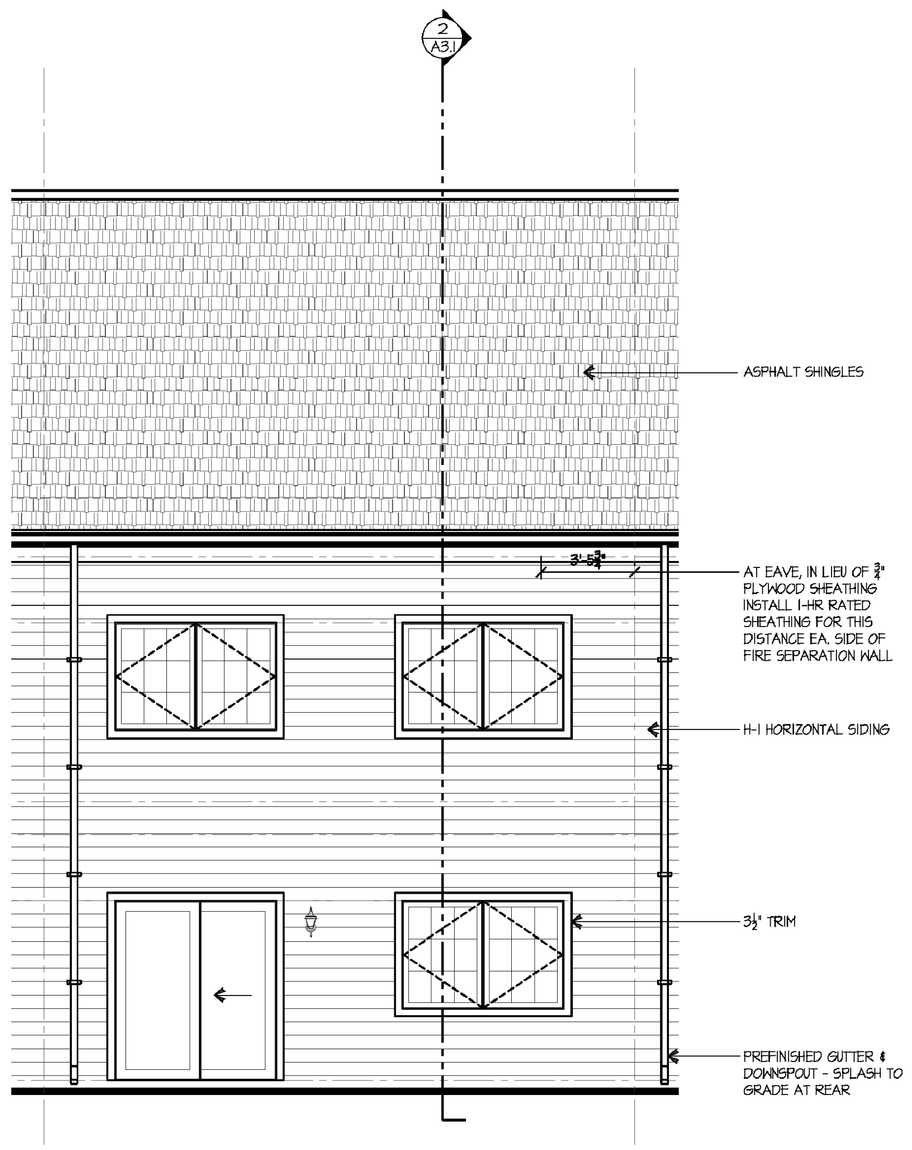
PROJECT #:
DRAWN BY: JB
DATE: 3-16-2020
CHECKED BY: PC

TITLE
ELEVATIONS

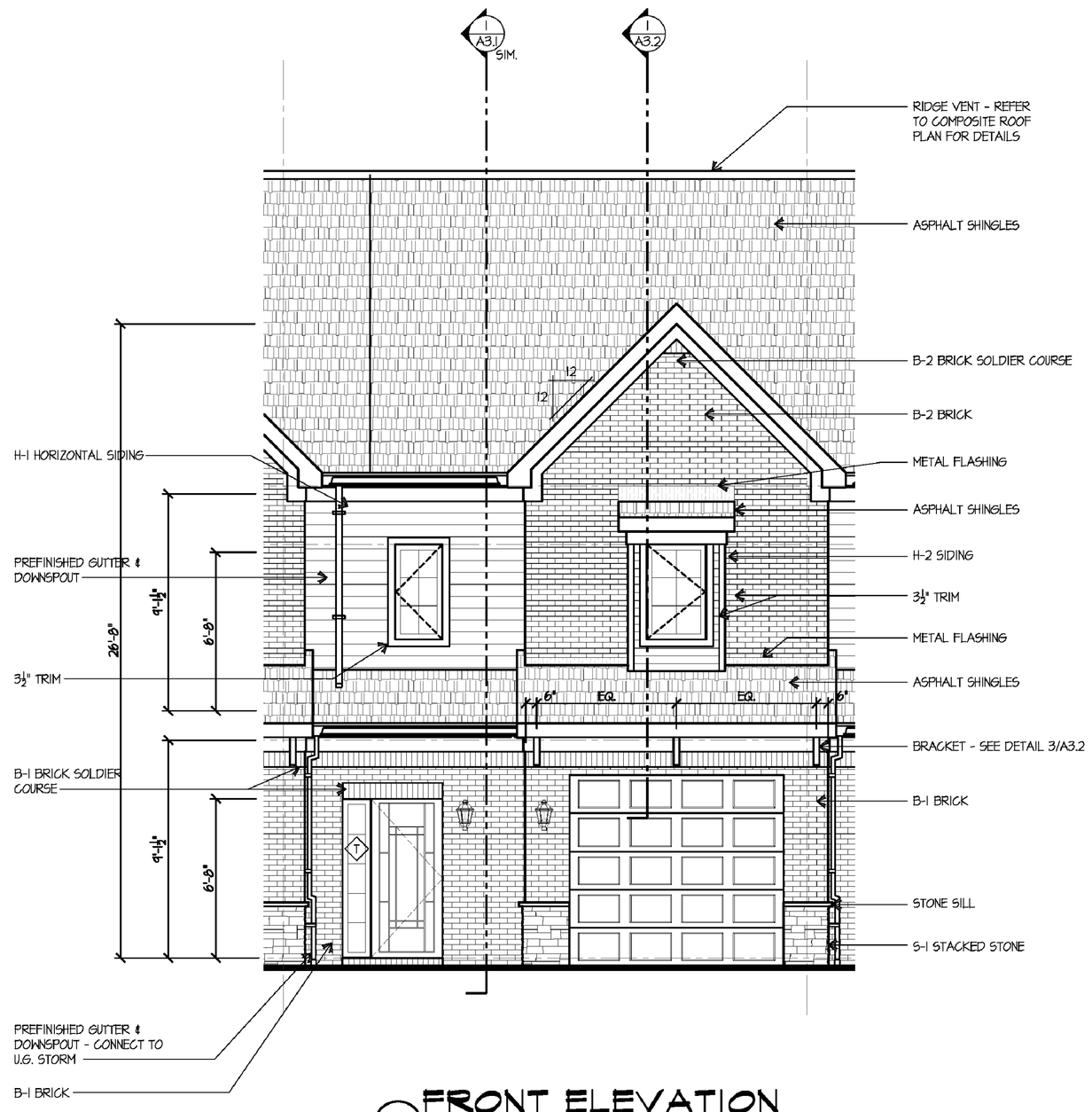
SHEET NO.
RZ-2a

GENERAL NOTES:

1. ALL EXTERIOR TRIM TO BE PVC OR VINYL OR PVC / VINYL WRAPPED.
2. (T) GLAZING TO BE TEMPERED.



2 REAR ELEVATION
SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

ARCONS DESIGN STUDIO
architecture planning interiors
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Suite 300
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P: 704-542-5252 F: 704-542-2330

SEAL/LABEL:

VILLAS ON ERWIN

CHARLOTTE NORTH CAROLINA

PROJECT MANAGER: Rajeev Bhave
JOB NO.: 20-RV-ErwinRd
DR. BY: TACH
REVISIONS
No.____ Date____

SHEET NAME:
ELEVATIONS UNIT 1

ISSUE DATE: 3.27.20
SHEET NO. A2.1

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NC FIRM # P-1713

PRELIMINARY
NOT FOR CONSTRUCTION

The Villas on Erwin

by: Carolina Builders, LLC
6711 Larissa Court
Charlotte, NC 28226

Project Address: 13701 Erwin Road, Charlotte, NC 28226

NO.	BY	DATE	REVISION

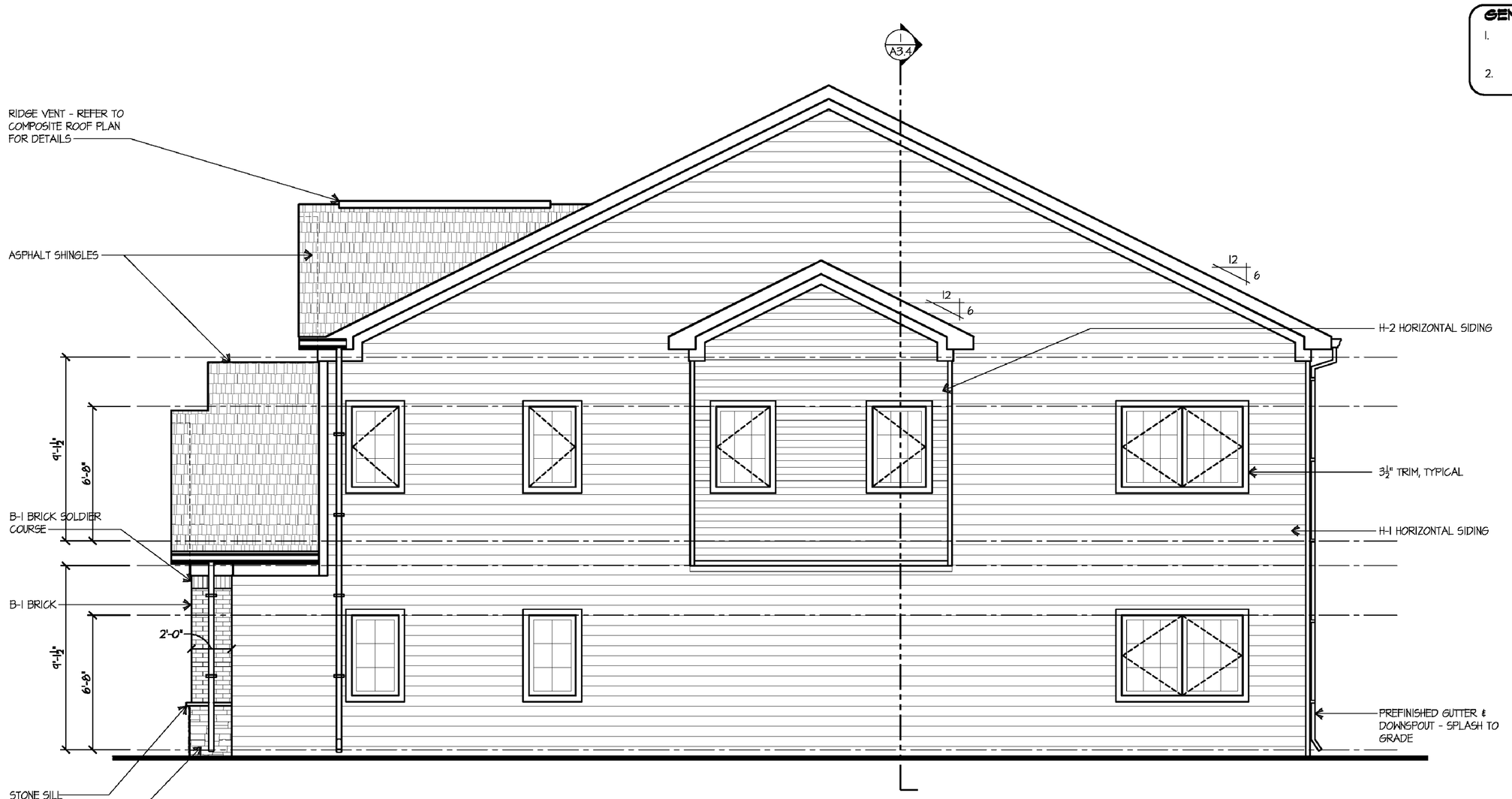
PROJECT #: DATE: 3-16-2020
DRAWN BY: JB CHECKED BY: PC

TITLE
ELEVATIONS

SHEET NO.
RZ-2b

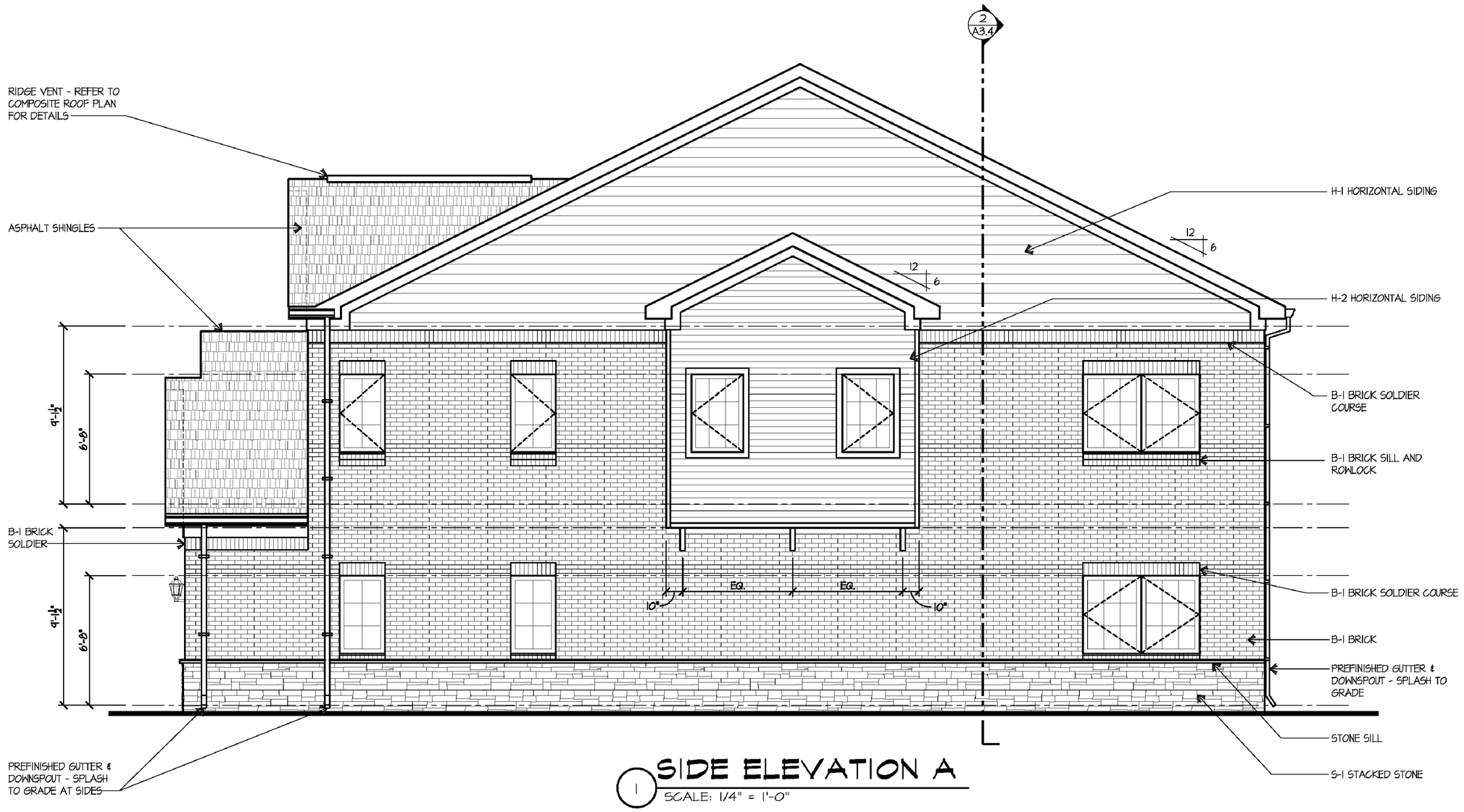
GENERAL NOTES:

1. ALL EXTERIOR TRIM TO BE PVC OR VINYL OR PVC / VINYL WRAPPED.
2. (T) GLAZING TO BE TEMPERED.



2 SIDE ELEVATION B

SCALE: 1/4" = 1'-0"



1 SIDE ELEVATION A

SCALE: 1/4" = 1'-0"

ARCONS DESIGN STUDIO
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P: 704-542-5252 F: 704-542-2330

SEAL/LABEL:

VILLAS ON ERWIN

CHARLOTTE NORTH CAROLINA

PROJECT MANAGER: Rajeev Bhave
JOB NO.: 20-RV-ErwinRd
DR. BY: TACH
REVISIONS
No.____ Date____
No.____ Date____
No.____ Date____
No.____ Date____
No.____ Date____
No.____ Date____
No.____ Date____
No.____ Date____
No.____ Date____
No.____ Date____

SHEET NAME: ELEVATIONS UNIT 2

ISSUE DATE: 3.27.20

SHEET NO. A2.3

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EASTLAKE ENGINEERING
8635-K Lindholm Dr. Huntersville, NC 28078 ph(865) 816-4557
NC FIRM # P-1713

PRELIMINARY

NOT FOR CONSTRUCTION

The Villas on Erwin

by: Carolina Builders, LLC
6711 Larissa Court
Charlotte, NC 28226

Project Address: 13701 Erwin Road, Charlotte, NC 28226

NO.	BY	DATE	REVISION

PROJECT #: DATE: 3-16-2020
DRAWN BY: JB CHECKED BY: PC

TITLE: ELEVATIONS

SHEET NO. **RZ-2c**

I, JIMMY N. FAIRES, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; DEED DESCRIPTION AND/OR MAP BOOK _SEE__ PAGE _NOTE #1_; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _N/A_ PAGE _N/A_; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 13TH DAY OF November, 2019.

JIMMY N. FAIRES, PLS
LICENSE NUMBER: L-4311

NORTH CAROLINA PROFESSIONAL SEAL L-4311 LAND SURVEYOR JIMMY N. FAIRES

NCGS NAD 83/2011

TAX ID: 201-22-108
SF OHS LLC
DB: 29460 PG: 381
MB: 46 PG: 905
LOT A

TAX ID: 201-22-107
BELLSOUTH
TELECOMMUNICATIONS INC
DB: 2490 PG: 242

TAX ID: 201-22-117
SELLPROPS CAROLINA
CORP LLC
DB: 26110 PG: 985
MB: 46 PG: 461
LOT B

TAX ID: 201-22-118
WALTER H JR & LINDA R
NEELY
DB: 25183 PG: 306

TAX ID: 201-22-116
FRANCES ELLEN NEELY
DB: 19713 PG: 863

TAX ID: 201-35-521
LUIS & OLINDA C
FLOREN
DB: 13927 PG: 697
MB: 22 PG: 575
LOT 21

TAX ID: 201-35-520
GLADYS ALLENE BROWN
DB: 6263 PG: 561
MB: 22 PG: 575
LOT 20

TAX ID: 201-35-519
CATHERINE E FORESTIERI
DB: 17287 PG: 379
MB: 22 PG: 575
LOT 19

TAX ID: 201-35-518
ANNETTE COFFEY
DB: 12055 PG: 106
MB: 22 PG: 575
LOT 18

TAX ID: 201-35-180
CHARLOTTE MECKLENBURG
BOARD OF EDUCATION
DB: 6290 PG: 63

ERWIN ROAD
Apparent 60' Public R/W
MB: 22 PG: 575

4.035 ACRES
includes area in apparent R/W

N65°26'44"E 524.84'
S65°25'16"W 1030.53' Total
997.50'
N65°22'23"E 383.39' Total
S46°22'27"E 199.85'
S52°16'28"W 319.91'
S51°38'27"E 137.34'
N12°36'54"W 185.44'
S52°36'28"W 1090.19' Ground
Average Combined Factor: 0.99984969

Found #5 Rebar
Found #4 Rebar
Found 1/2" Iron Pipe
Found 1" Iron Pipe (pinched) (TBM)
Grid N: 501,977.24 ft.
Grid E: 1,409,009.07 ft.
NAD 83/2011
Elev: 622.18 (NAVD 88)
NCGS MONUMENT "DODGE"
Grid N: 485,451.13 ft.
Grid E: 1,400,205.73 ft.
NAD 83/2011
Elev: 707.45 (NAVD 88)
Found Concrete Monument @ Base of 18" Black Gum
Found Concrete Monument

Tree Line
Asphalt Drive
Gravel Drive
Split Rail Fence
Barbed Wire Fence
Adjoiner's Barbed Wire Fence 0.3' East of Property Line
Adjoiner's Barbed Wire Fence 0.7' North of Property Line
Mowed Wire Fence
Concrete Block Building
Concrete Pod
Tree House
Shed
Brick Building
Metal Shed
SSMH RIM: 623.92 INV IN: 614.58 INV OUT: 614.29
SSMH RIM: 620.17 INV IN: 612.44 INV OUT: 612.34
SSMH RIM: 618.85 INV IN: 611.24 INV OUT: 611.15

VICINITY MAP NOT TO SCALE

GRAPHIC SCALE
20 0 20 40 80 160
(IN FEET)
1 inch = 40 ft.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N80°16'26"E	37.34'
L2	N48°49'35"E	14.34'

TREE LEGEND
OAK
MAPLE
BLACK GUM
ASH
PEAR

LEGEND
R/W = Right-of-way
BOC = Back-of-curb
EOP = Edge-of-pavement
RCP = Reinforced Concrete Pipe
SSMH = Sanitary Sewer Manhole
TBM = Temporary Benchmark
= Utility Pole
= Light Pole
= Sanitary Sewer Manhole
= Telephone Pedestal
= Cable Pedestal
W = Water Line
SS = Sanitary Sewer Line
UT = Underground Telecommunications Line
G = Gas Line
OU = Overhead Utility Line

SURVEYOR'S NOTES

1) BOUNDARY INFORMATION BASED ON, DEED BOOK 33741 PAGE 717, DEED BOOK 2490 PAGE 242, DEED BOOK 25183 PAGE 306, DEED BOOK 26110 PAGE 985, MAP BOOK 22 PAGE 571 AND MAP BOOK 46 PAGE 461 AS RECORDED IN THE MECKLENBURG COUNTY REGISTER OF DEEDS.
2) THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
3) ALL DIMENSIONS SHOWN ARE IN US SURVEY FEET AND DECIMALS THEREOF AND ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE INDICATED. AREA BY COORDINATE METHOD.
4) POINTS NOT LABELED "FOUND" OR "SET" ARE COMPUTED POINTS ONLY. ALL FOUND CORNERS ARE FLUSH WITH THE GROUND UNLESS OTHERWISE NOTED.
5) THIS PROPERTY IS LOCATED WITHIN ZONE "X" BASED ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL 3710450000K, DATED SEPTEMBER 02, 2015.
6) BASIS OF BEARINGS: NORTH CAROLINA GRID NAD 83/2011.
7) THE LOCATION OF UTILITIES AS SHOWN HEREON, WHETHER PUBLIC OR PRIVATE, ARE BASED ON THE LOCATION OF VISIBLE ABOVE GROUND APPURTENANCES AND UTILITY MARKINGS PROVIDED BY SWEETWATER UTILITY EXPLORATION (704-929-3074). OTHER UTILITIES WHICH WERE NOT OBSERVED AND NOT SHOWN HEREON MAY EXIST. IT IS THE OWNERS/TENANTS RESPONSIBILITY TO VERIFY THE LOCATION PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. GEOMATIC CONCEPTS, PLLC CANNOT ASSUME RESPONSIBILITY FOR MISIDENTIFICATION OR OMISSION OF UNDERGROUND UTILITIES.
8) COORDINATE VALUES AS SHOWN HEREON ARE ILLUSTRATED AS GRID US SURVEY FEET UNLESS OTHERWISE NOTED AND BASED ON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM NAD 83/2011. THE AVERAGE COMBINED FACTOR USED FOR THE PROJECT WAS 0.99984969. COORDINATE VALUES FOR NCGS MONUMENT "DODGE" ARE POSTED.
9) THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY OF PUBLIC RECORD OR OTHERWISE, PERTAINING TO SURVEYED PARCELS.
10) CONTOUR INTERVAL IS 1 FOOT WITH NAVD 88 VERTICAL DATUM.
11) UNABLE TO LOCATE SOURCE OF WATER SUPPLY FOR THIS PARCEL.

BOUNDARY & TOPOGRAPHIC SURVEY

CAROLINA BUILDERS LLC PROPERTY

DEED BOOK 33741 PAGE 717

13701 ERWIN ROAD
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

Owner:	Prepared For (Buyer):
CAROLINA BUILDERS LLC 6711 LARRISA COURT CHARLOTTE, NC 28226	KEAREY BUILDERS 2915 CHARLOTTE HIGHWAY MOORESVILLE, NC 28117

GEOMATIC CONCEPTS, PLLC
NC LICENSE #: P-1031
470 NORTH BROAD STREET, SUITE A, MOORESVILLE, NC 28115
PHONE: 704-664-1994 EMAIL: JIMMY.FAIRES@GEOMATICCONCEPTS.COM

Drawn By: MDH	Checked By: JNF	Scale: 1" = 40'	Project No.: 19072
Tax Parcel: 20122113			
Date: November 13, 2019			Sheet No.: 1 of 1
File: 19072-Erwin-Road-4-Acres			

Z:\EJE\Projects\2019\19-15 Kearey - Erwin Rd TH\CADD\References\x-Layout.dwg PCART

Villas on Erwin - Survey - RZ-3

Petition 2020-014 by Rama Yada for Carolina Builders, LLC

To Approve:

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

- The plan recommends residential up to 8 DUA.

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

- The proposed development will provide more housing choices in the area.
- New public street is proposed as part of this site plan, which will connect Erwin Road to a new public road, that was approved as part of rezoning petition 2019-030 for a multi-family development.
- The proposed UR zoning district is consistent with the density recommendation per the Area Plan and creates architectural design standards that provide a better connection to the street frontage and has development standards that are better suited to the overall size and shape of the subject parcel.

To Deny:

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

- The plan recommends residential up to 8 DUA.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 10.**File #:** 15-13939 **Type:** Zoning Item

Rezoning Petition: 2020-017 by Aspen Heights Partners

Location: Approximately 2.75 acres located east of Baltimore Avenue, south of Remount Road, and north of Benjamin Street. (Council District 3 - Watlington)

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

Public Hearing Held: July 20, 2020 - Item #37

Staff Resource: Claire Lyte-Graham

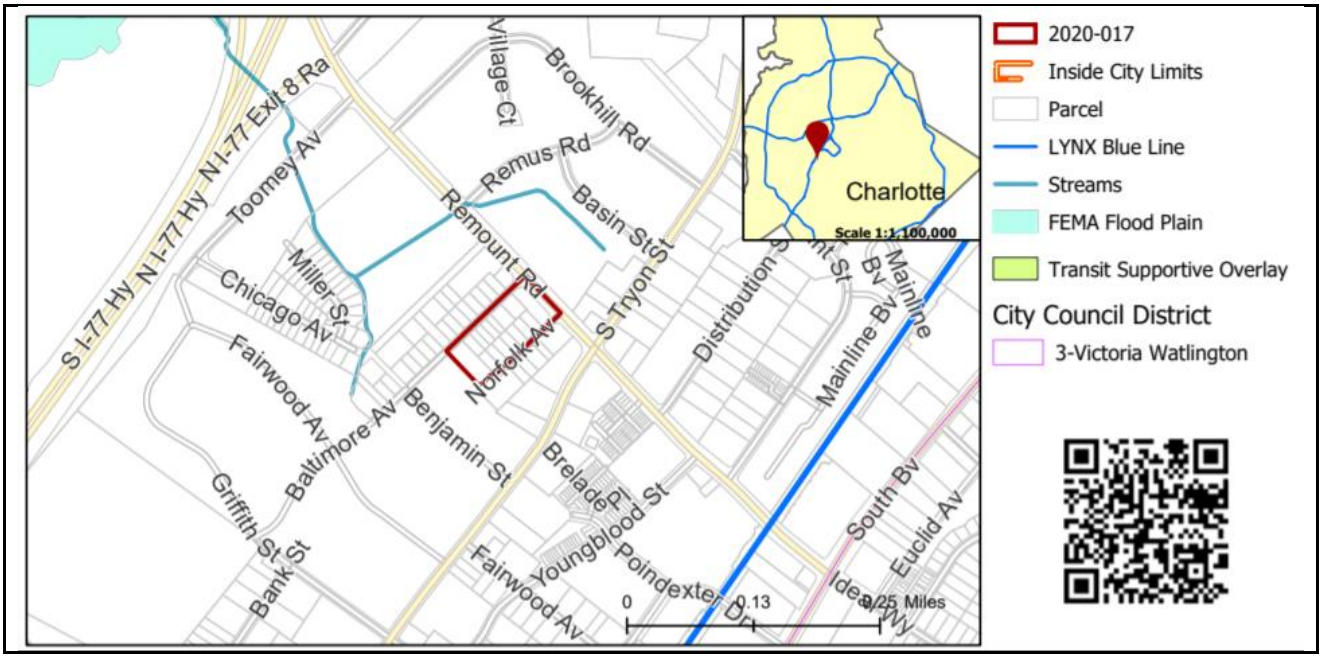
Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-017
Post Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: R-22MF (multi-family residential) Proposed Zoning: MUDD(CD) (mixed use development, conditional)
LOCATION	Approximately 2.75 acres located east of Baltimore Avenue, south of Remount Road, and north of Benjamin Street.



SUMMARY OF PETITION	The petition proposes to allow a multifamily residential community on a parcel currently developed with The Bethlehem Center of Charlotte.
PROPERTY OWNER	The Bethlehem Center of Charlotte, Inc. Christian Service Methodist Church
PETITIONER **AGENT/REPRESENTATIVE**	Aspen Heights Partners 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 uses. Rationale for Recommendation • The project site is along Baltimore Avenue, which is primarily residential in character. • The proposed residential use is compatible with the surrounding uses. • A 20-unit townhouse community is proposed on the opposite side of Baltimore Avenue via petition 2020-018. • 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 development commits to community space for local non-profit organizations.
- The development commits to streetscape improvements, on street parking, a pedestrian refuge island, and a new ADA compliant bus waiting pad.

The approval of this petition will revise the adopted future land use as specified by the *New Bern Transit Station Area Plan* from institutional to residential greater than 22 dwelling units per acre.

PLANNING STAFF REVIEW

- **Proposed Request Details**

  The site plan accompanying this petition contains the following provisions:
  - Allows up to 274 multifamily residential units with parking garage.
  - Limits building height of 68 feet.
  - Commits to reserving a minimum 1,000 square feet of community space for local non-profit organizations, to be used as seen fit through coordination with The Bethlehem Center.
  - Commits to the following transportation improvements:
    - Allows one point of access onto Baltimore Avenue.
    - Allows one point of access onto Norfolk Avenue, along with one dedicated service driveway with vehicular maneuvering (accessing dumpster/compactor and recycling area within).
    - Proposes dumpster/compactor and recycle area within the building.
    - Extends the bike lane from the site's frontage to the intersection of Remount Road and South Tryon Street.
    - Constructs a pedestrian refuge island across Remount Road and enhanced intersection crossing.
    - Constructs a new ADA compliant bus waiting pad on Remount Road.
    - Provides 8-foot sidewalk, 8-foot planting strip, and 8-foot amenity zone along Remount Road.
    - Provides 8-foot sidewalk and 8-foot planting strip along Baltimore Avenue.
    - Provides 8-foot pedestrian zone and 8-foot planting strip along Norfolk Avenue.
    - Accommodates on street parking along Norfolk Avenue.
  - Proposes the following architectural standards:
    - Uses a combination of the following building materials: brick, glass, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or materials.
    - Prohibits vinyl siding and limits use of vinyl to hand rails, windows, soffits, or door trim. Prohibits concrete masonry units not architecturally finished.
    - Designs building massing to break up monolithic building forms through modulations of the building massing/façade plane (such as recesses, projections, wall offsets, pilasters, and other architectural details.
    - Designs buildings with a recognizable architectural base on all facades facing network required streets.
    - Provides a minimum of 1 prominent entrance along the site's frontage of Remount Road.
    - Notes ground floor transparency area shall be a minimum of 50% transparency and all upper floor transparency shall be a minimum of 15% transparency.
    - Limits blank wall expanses to a maximum of 15 feet on all building levels.
    - Prohibits building elevations facing network required streets from having expanses of blank walls greater than 20 feet.
    - Provides a "green screen" to adjacent properties with a minimum 12-foot Evergreen plantings at time of installation. Species, spacing and planting details will be determined at permitting.
    - Notes facades of structured parking facilities fronting Baltimore Avenue and/or Norfolk Avenue, if provided, shall be designed so that vehicles parked on all levels of the structure and associated lightings are screened by a wall or panel measuring a minimum of 42 inches in height. Screening will include both vertical and horizontal treatment that resembles patterns and architecture of the occupied portions of the building. Remaining openings on all levels will be screened using decorative elements such as grillwork, lovers, green walls or a similar treatment. Minimum evergreen plantings of 12 feet, at the time of installation, will be provided to additionally screen structured parking facilities.

- Petitioner proposes to coordinate sidewalk easement on County owned land with Mecklenburg County Real Estate prior to construction.

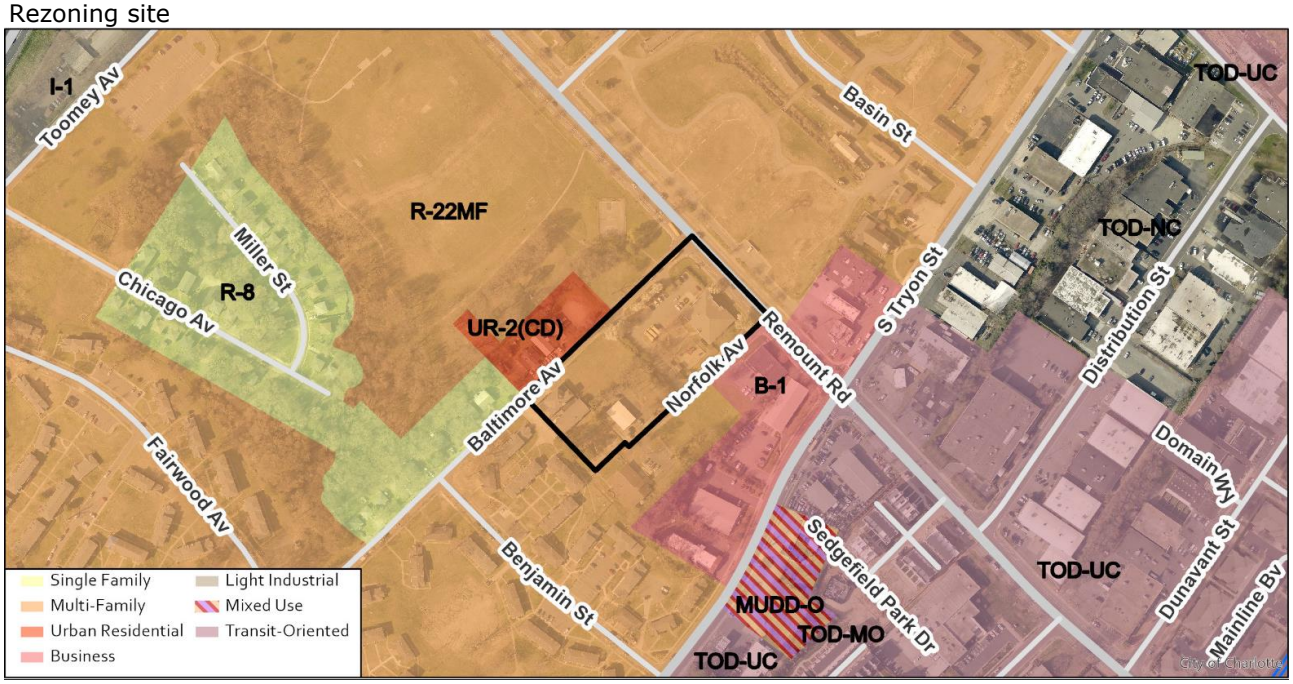
- **Existing Zoning and Land Use**



Rezoning site



Rezoning site



- The site is developed with The Bethlehem Center of Charlotte and is surrounded by residential, institutional, and commercial uses in various zoning districts.



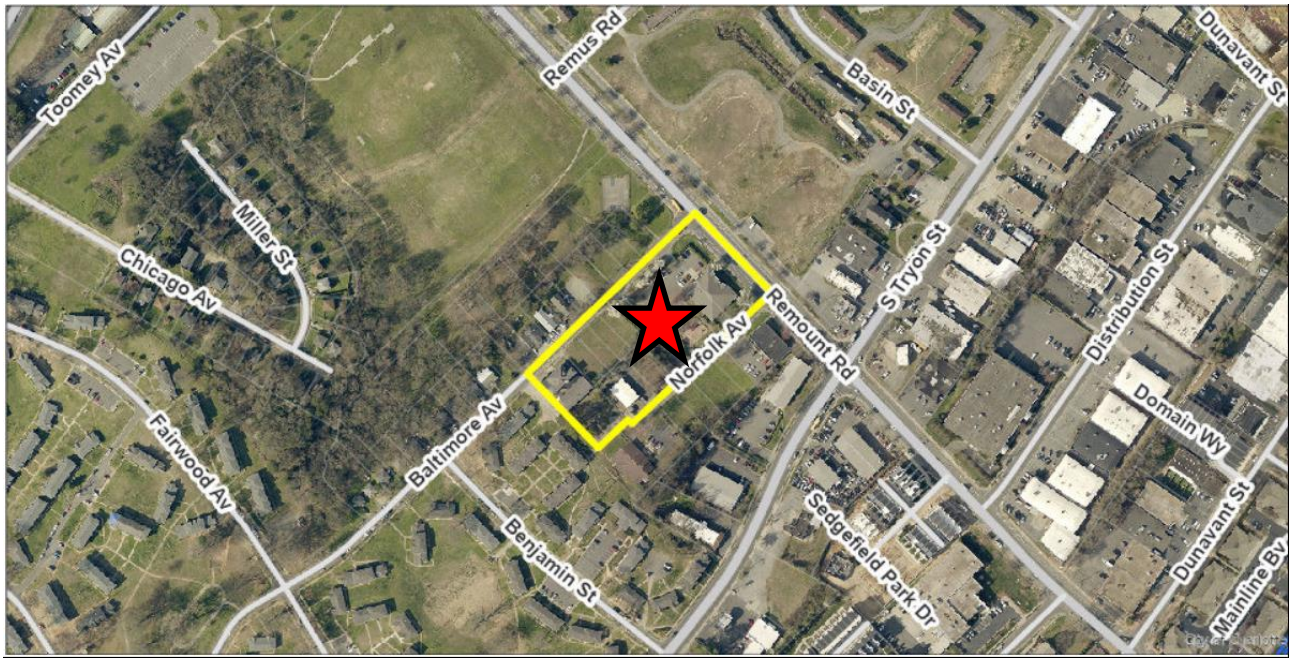
North are residential uses and Southside Park.



South are single family and multifamily homes.

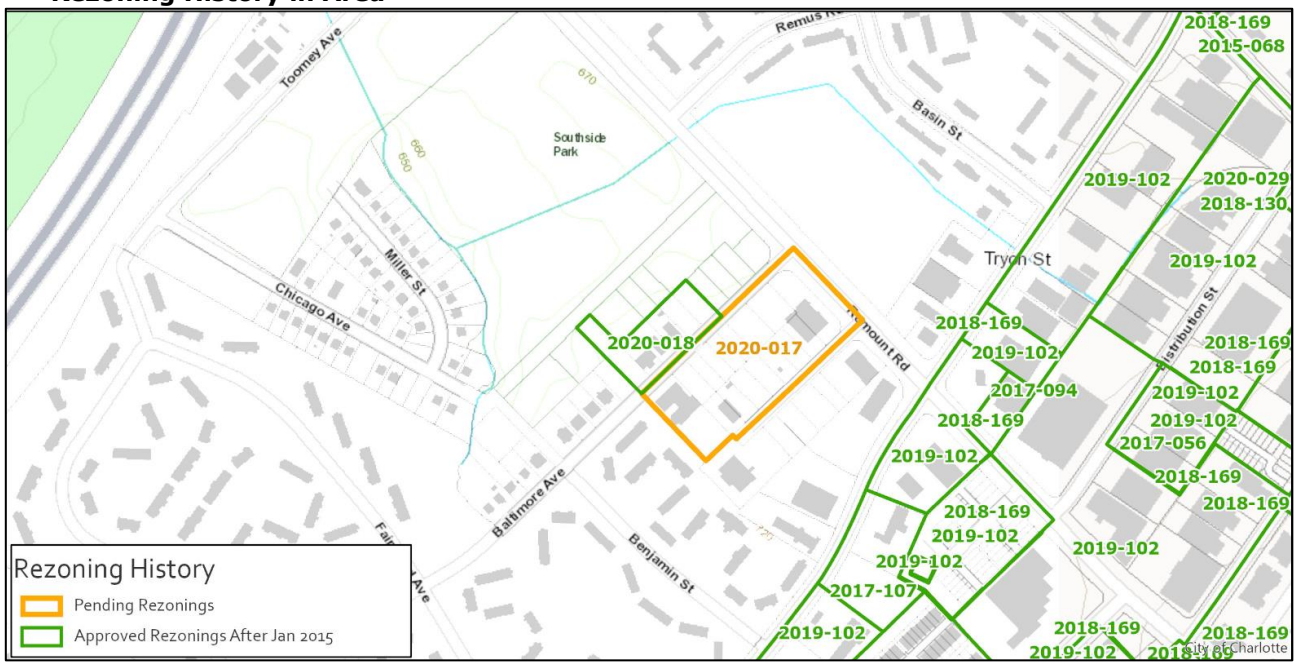


Along Remount Road are commercial and warehouse uses.



The site is immediately surrounded by residential, institutional, recreational, commercial, and warehouse uses.

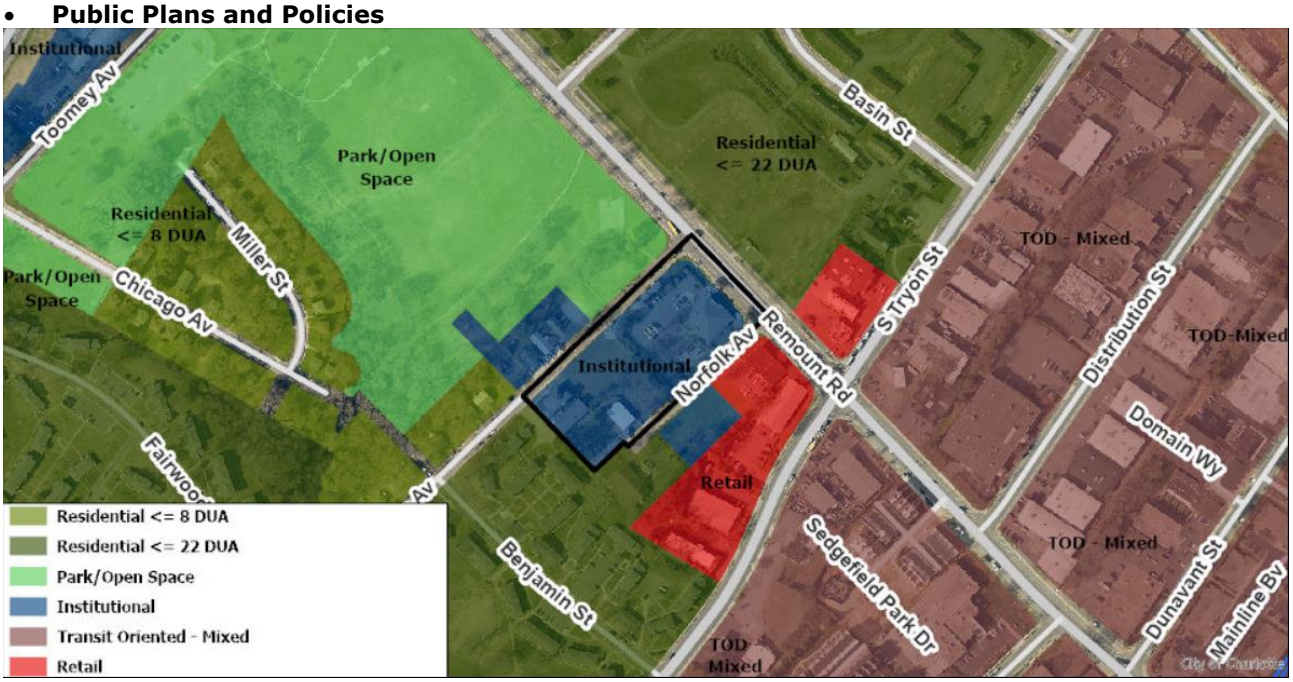
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-018	Rezone 0.917 acres to UR-2(CD) for townhouse units.	Approved
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR	Approved
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 square feet of warehousing within an enclosed building and 3,000 square feet of office and retail.	Approved
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 uses.

- **TRANSPORTATION CONSIDERATIONS**
- The site is located on a minor thoroughfare. With consideration to the Vision Zero Action Plan, the petitioner has committed to construct a pedestrian crossing at the intersection of Baltimore and Remount Road, which is classified within Charlotte's High Injury Network. Charlotte WALKS was also applied by CDOT to request these pedestrian connectivity improvements across from an existing CATS bus stop. In reference to Charlotte BIKES, the petitioner has also committed to extend the buffer bike lane on Remount to the intersection of South Tryon, to provide a continuous bike facility to the Rail Trail. This rezoning petition is also located across from rezoning petition 2020-018. CDOT and petitioner have previously discussed that trash handling will occur internal to the site, and CDOT continues to request for a conditional note to be added to the site plan to establish this commitment.
- 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, Rescinded ~~Technical Revision Note 5.~~ Addressed
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 152 trips per day (based on 21,878 square foot religious institution).
    Entitlement: 325 trips per day (based on 60 apartments and R-22MF zoning).
    Proposed Zoning: 1,492 trips per day (based on 274 apartments; 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 a www.rezoning.org regarding dumpster/compactor and recycling requirements and adequate room for truck maneuvering/turnaround.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org regarding approved turnaround and fire hydrant distance from building.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 7 students, while the development allowed under the proposed zoning will produce 32 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 25.
  - The proposed development is projected to impact the school utilization over existing conditions (without mobile classroom units) as follows:
    - Marie G. Davis K-8 increases from 114% to 120%
    - Myers Park High to remain at 125%.
  - See advisory comments at www.rezoning.org 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 www.rezoning.org.
  - **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:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Petitioner needs to clearly note that petition 2020-018 as illustrated is not part of this rezoning petition, or it should be removed from the site plan. At the writing of this staff analysis, petition 2020-018 in the rezoning process.~~Addressed
2. ~~Clarify the term "green screen" and to what standard it will be installed.~~Addressed

Transportation

3. ~~The petitioner should revise the site plan and conditional note(s) to clarify the trash container locations and how handling will be performed.~~ Rescinded

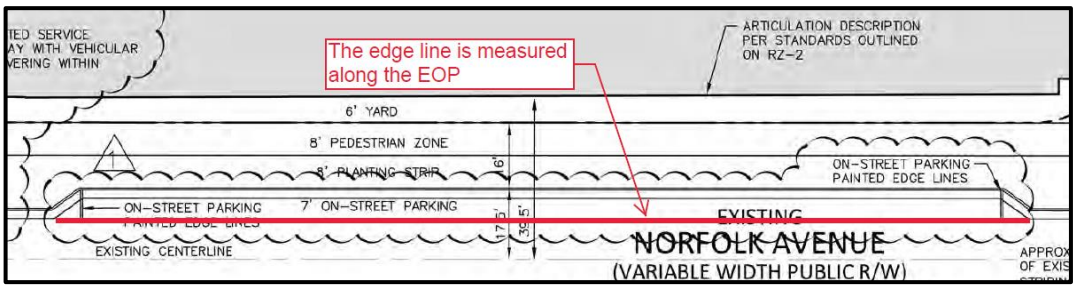
Environment

4. ~~Mecklenburg County Park and Recreation requests a note be added stating the petitioner will coordinate sidewalk easement on county-owned land with Mecklenburg County real estate prior to construction.~~Addressed

REQUESTED TECHNICAL REVISIONS

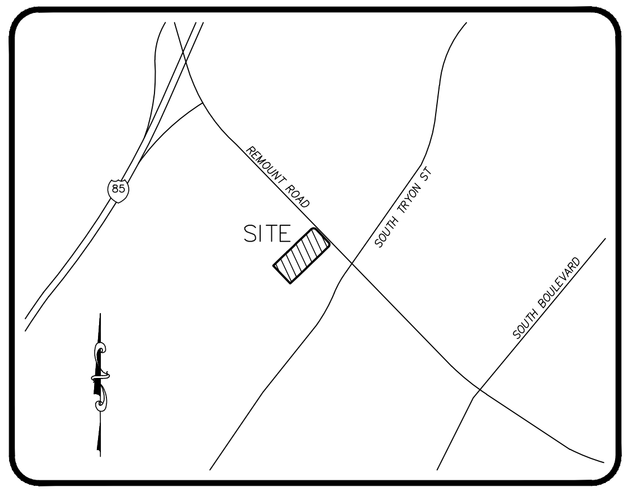
Transportation

5. ~~The petitioner should revise the site plan to show the edge line measured parallel to the edge of pavement and curb line.~~Addressed



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

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



VICINITY MAP
NTS

SITE DATA

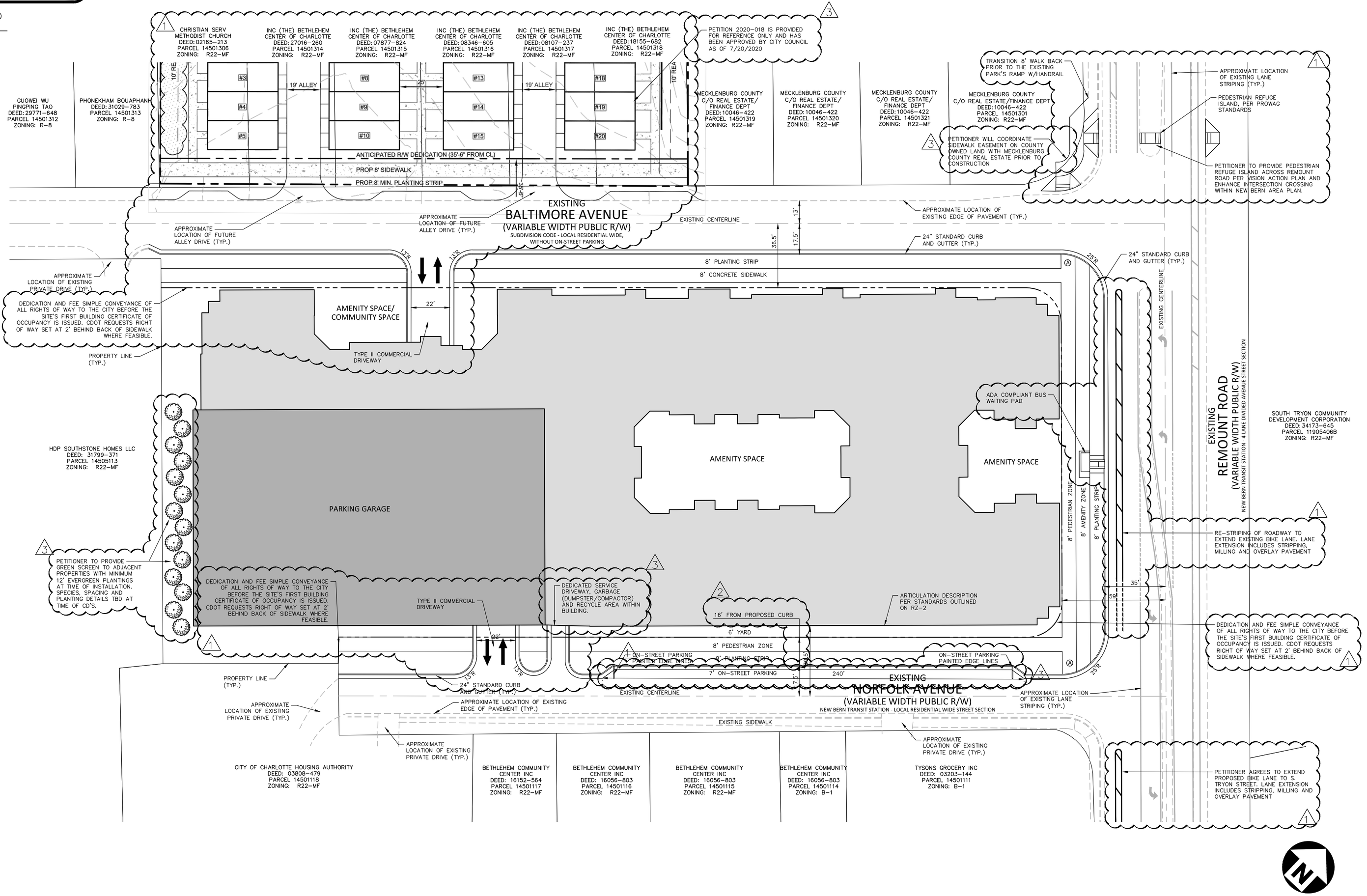
DEVELOPER	ASPEN HEIGHTS PARTNERS 8008 CORPORATE CENTER DRIVE, SUITE #201 CHARLOTTE, NC 28226
SITE AREA:	GROSS SITE ACREAGE: ±2.75 AC RIGHT-OF-WAY DEDICATION: ±0.38 AC NET SITE ACREAGE: ±2.37 AC
PID:	14501209, 14501210, 14501212, 14501213, 14501214, 14501215, 14501216, 14501217, 14501218, 14501201, 14501202, 14501203, 14501204, 14501205, 14501206, 14501207

EXISTING ZONING:	R-22MF
PROPOSED ZONING:	MUDD(CD)
EXISTING USE:	INSTITUTIONAL
PROPOSED USE:	UP TO 274 MULTI-FAMILY RESIDENTIAL UNITS
PROPOSED DENSITY:	99.6 DUA
MAXIMUM BUILDING HEIGHT:	UP TO 68 FEET, AS MEASURED PER MUDD ORDINANCE STANDARDS
VEHICULAR PARKING:	WILL MEET OR EXCEED ORDINANCE STANDARDS
BICYCLE PARKING:	14 SPACES PROVIDED WITHIN THE PARKING STRUCTURE
TREE SAVE:	SITE LOCATED IN CORRIDOR. MITIGATION PREFERRED.

REZONING CASE NUMBER: RZP-2020-017

SITE LEGEND

- XX — PARKING SPACE COUNT
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- CURB AND GUTTER
- ACCESSIBLE RAMPS (TYPE A, TYPE B, TYPE C)



SEE REZONING NOTES ON SHEET RZ-2

GRAPHIC SCALE
0 15 30 60
1 inch = 30 ft.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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

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

www.mcadamsco.com

CLIENT

ASPEN HEIGHTS PARTNERS
8008 CORPORATE CENTER DRIVE, SUITE #201
CHARLOTTE, NC 28226
PHONE: 704. 255. 5942

ASPEN HEIGHTS PARTNERS

REMOUNT ROAD / SOUTH END
REZONING CONCEPT PLAN
441 REMOUNT ROAD
CHARLOTTE, NORTH CAROLINA, 28203

REVISIONS

NO.	DATE	
1	04.13.2020	PER STAFF COMMENTS
2	05.11.2020	PER STAFF COMMENTS
3	07.27.2020	PER STAFF COMMENTS

PLAN INFORMATION

PROJECT NO.	AHP-19000
FILENAME	AHP19000-RZ1
CHECKED BY	
DRAWN BY	AJB
SCALE	1"=30'
DATE	01. 09. 2020

SHEET

REZONING PLAN
RZ-1

Y:\Projects\AHP\AHP-19000\04-Production\Engineering\Rezoning\AHP19000-RZ1.dwg, 7/22/2020 4:32:47 PM, Singleton, Drew

ASPEN HEIGHTS PARTNERS
REZONING PETITION NO. 2020-017

Development Data Table:

Site Area:	+/- 2.75 acres
Tax Parcels:	14501209; 14501210; 14501212; 14501213; 14501214; 14501215; 14501216; 14501217; 14501218; 14501201; 14501202; 14501203; 14501204; 14501205; 14501206; and 14501207
Existing Zoning:	R-22MF
Proposed Zoning:	MUDD(CD)
Existing Use:	Institutional
Proposed Uses:	Up to 274 Multi-family Residential Units and accessory uses (including community space) as permitted in the MUDD Zoning District
Maximum Building Height:	Up to 68 feet, as measured per MUDD Ordinance standards
Parking:	Will meet or exceed Ordinance standards

I. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Aspen Heights Partners (the "Petitioner") to accommodate the development of a multi-family residential development on that approximately 2.75-acre site located on the south side of Remount Road, between Baltimore Avenue and Norfolk Avenue, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 14501209; 14501210; 14501212; 14501213; 14501214; 14501215; 14501216; 14501217; 14501218; 14501201; 14501202; 14501203; 14501204; 14501205; 14501206; and 14501207.
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 requested in the optional provisions below, the regulations established under the Ordinance for the MUDD zoning district shall govern the development and use of the Site.
4. The development depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard, landscaping and tree save requirements set forth on this Rezoning Plan and the Development Standards, provided, however, that any such alterations and modifications shall be minor in nature and not materially change the overall design intent depicted on the Rezoning Plan.
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

The Site may be devoted only to a residential community containing a maximum of two hundred seventy-four (274) multi-family dwelling units and any incidental and accessory uses relating thereto that are allowed in the MUDD zoning district.

III. Transportations

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 by CDOT for approval.
2. Petitioner shall extend the bike lane from the Site's frontage to the intersection of Remount Road and South Tryon Street, as generally depicted on the Rezoning Plan.
3. Petitioner shall construct a pedestrian refuge island across Remount Road and enhanced intersection crossing, as generally depicted on the Rezoning Plan.
4. Petitioner shall construct a new ADA compliant bus waiting pad in the location as generally depicted on the Rezoning Plan.
5. Where applicable, the Petitioner shall dedicate all rights-of-way in fee simple conveyance to the City of Charlotte before the Site's first building certificate of occupancy is issued.
6. All transportation improvements shall be completed prior to the issuance of the Site's first building certificate of occupancy unless otherwise stated herein.

IV. Architectural Standards

1. The principal building(s) on the Site may use a variety of building materials. The building materials will be a combination of the following: brick, glass, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or other materials approved by the Planning Director.
2. Prohibited Exterior Building Materials: (i) vinyl siding, excluding vinyl handrails, windows, soffits or door trim, and (ii) concrete masonry units not architecturally finished.
3. Building massing 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/façade plane (such as recesses, projections, wall offsets, pilasters, and other architectural details). Modulations shall be a minimum of ten (10) feet wide and shall project or recess a minimum of one (1) foot extending through at least a full floor.
4. Architectural elevations shall be designed to create visual interest as follows:
   a. Buildings shall be designed with a recognizable architectural base on all facades facing network required streets and the greenway. Such base may be executed through the use of articulated architectural façade features, changes in building materials, or color changes;
   b. There shall be a minimum of one (1) Prominent Entrance along the Site's frontage of Remount Road. Prominent Entrance spacing (maximum distance between entrances) along the Site's frontage of Remount Road shall be a maximum of 150 feet for buildings of 150 feet in length or more
   c. Ground floor transparency area (measured 3' to 10' from grade) shall be a minimum of 50% transparency and all upper floor transparency shall be a minimum of 15% transparency; and
   d. Building elevations facing network required streets shall not have expanses of blank walls greater than twenty (20) feet in all directions and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
5. Roof form and articulation -- roof form lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:
   a. Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers, or parapets.
   b. Roof top HVAC and related mechanical equipment will be screened from public view at grade from network required streets.
6. Facades of structured parking facilities fronting Baltimore Avenue and/or Norfolk Avenue, if provided, shall be designed so that vehicles parked on all levels of the structure and associated lighting are screened by a wall or panel measuring a minimum of forty-two (42) inches in height. Screening shall include both vertical and horizontal treatment that resembles patterns and architecture of the occupied portions of the building. The remaining openings on all levels shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment. Minimum evergreen plantings of twelve (12) feet, at the time of installation, shall be provided to additionally screen structured parking facilities in the location as generally depicted on the Rezoning Plan.

V. Community Benefit

Community Space. The Petitioner shall reserve a minimum 1,000 square feet of community space for local non-profit organizations, to be used as seen fit through coordination with The Bethlehem Center, in the location as generally depicted on the Rezoning Plan.

VI. Environmental Features

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

VII. Binding Effect of the Rezoning Documents and Definitions

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

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

McADAMS
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2905 Meridian Parkway
Durham, NC 27713

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license number: C-0293, C-187

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CLIENT

ASPEN HEIGHTS PARTNERS
8008 CORPORATE CENTER DRIVE, SUITE #201
CHARLOTTE, NC 28226
PHONE: 704. 255. 5942

ASPEN HEIGHTS PARTNERS

REMOUNT ROAD / SOUTH END

REZONING CONCEPT PLAN
441 REMOUNT ROAD
CHARLOTTE, NORTH CAROLINA, 28203

REVISIONS

NO.	DATE	
1	04.13.2020	PER STAFF COMMENTS
2	05.11.2020	PER STAFF COMMENTS
3	07.27.2020	PER STAFF COMMENTS

PLAN INFORMATION

PROJECT NO.	AHP-19000
FILENAME	AHP19000-RZ1
CHECKED BY	
DRAWN BY	AJB
SCALE	N/A
DATE	01. 09. 2020

SHEET

REZONING PLAN

RZ-2

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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Petition 2020-017 by Aspen Heights Partners

To Approve:

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

- The plan recommends institutional uses for the site.

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

- The project site is along Baltimore Avenue, which is primarily residential in character.
- The proposed residential use is compatible with the surrounding uses.
- A 20-unit townhouse community is proposed on the opposite side of Baltimore Avenue via petition 2020-018.
- 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 development commits to community space for local non-profit organizations.
- The development commits to streetscape improvements, on street parking, a pedestrian refuge island, and a new ADA compliant bus waiting pad.

The approval of this petition will revise the adopted future land use as specified by the *New Bern Transit Station Area Plan* from institutional to residential greater than 22 dwelling units per acre.

To Deny:

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

- The plan recommends institutional uses for the site.

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

- (To be explained by Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 11.**File #:** 15-13940 **Type:** Zoning Item

Rezoning Petition: 2020-019 by Dependable Development, Inc.

Location: Approximately 18.17 acres located along Plaza Road Extension, east of Faires Road and west of its intersection with Interstate 485. (Council District 5 - Newton)

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

Public Hearing Held: July 20, 2020 - Item #38

Staff Resource: William Linville

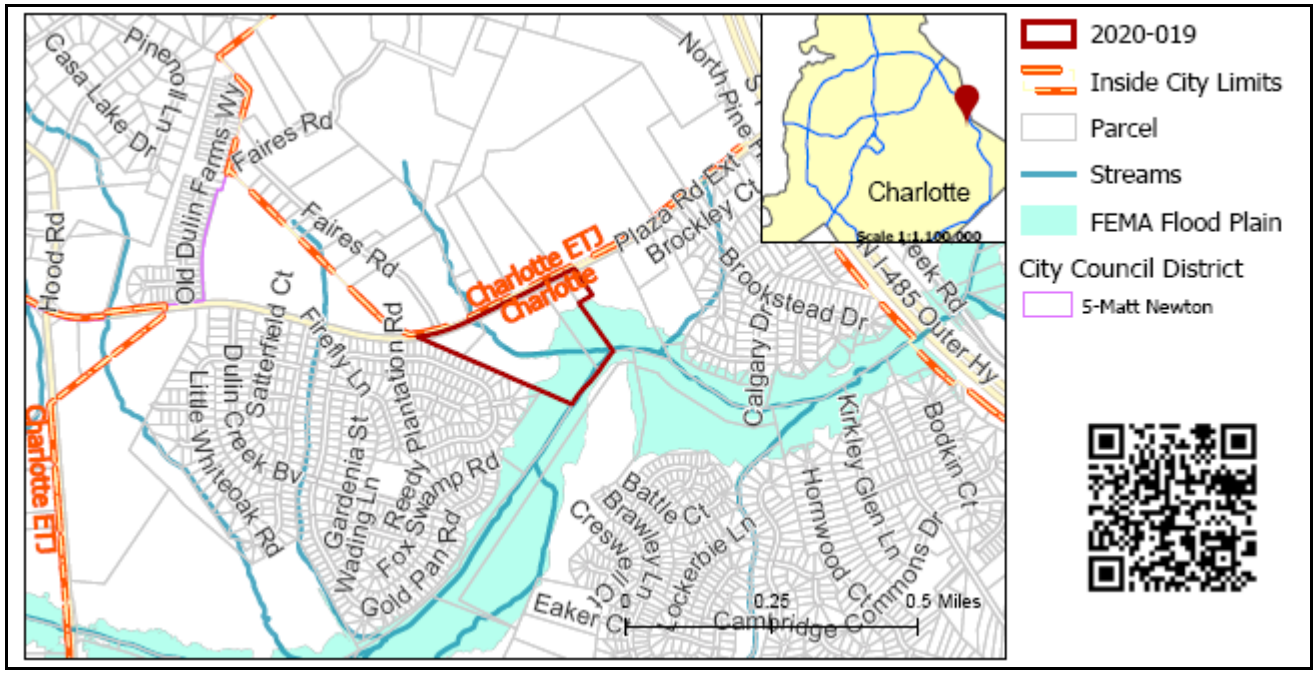
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-019
Post Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: R-3 (residential) Proposed Zoning: R-8 MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 18.17 acres located along Plaza Road Extension, east of Faires Road and west of its intersection with Interstate 485.



SUMMARY OF PETITION	The petition proposes to rezone and develop approximately 18 acres to construct a single-family attached (townhome) residential development with up to 78 units at a density of 4.29 dwelling units per acre (DUA).
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Cascades, LLC Dependable Development, Inc. Shaun Gasparini, Dependable Development, Inc.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 8

STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **inconsistent** with the *Rocky River Road Area Plan's* (2006) recommendation for residential uses up to 4 DUA for the site and with the Plan's recommendation for greenway for the southeastern portion of the site along Reedy Creek. Rationale for Recommendation • The requested density (4.29 DUA) is only marginally higher than the recommended residential density for the site (4 DUA). • The site's dedication of a 40-foot easement to Mecklenburg County Parks and Recreation is consistent with the park/open space recommendation for a portion of the site.

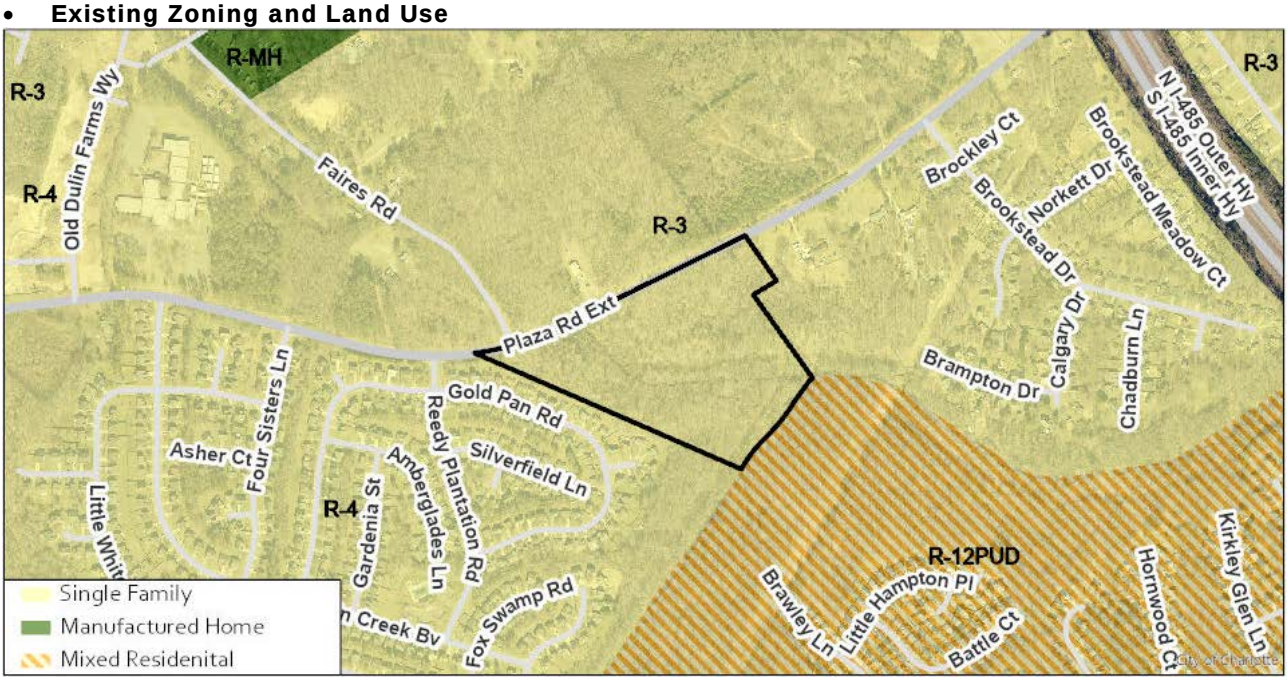
- The petition helps achieve the vision of the *Rocky River Road Area Plan* by offering housing opportunities that offer high-quality design principles (through its commitment to enhanced architectural design standards) and through on-site open space preservation (through a dedication of a 40-foot easement for future greenway construction).

The approval of this petition will revise the adopted future land use as specified by the *Rocky River Road Area Plan* from residential up to 4 DUA and greenway to residential up to 5 DUA for the portion of the site that is not recommended for greenway.

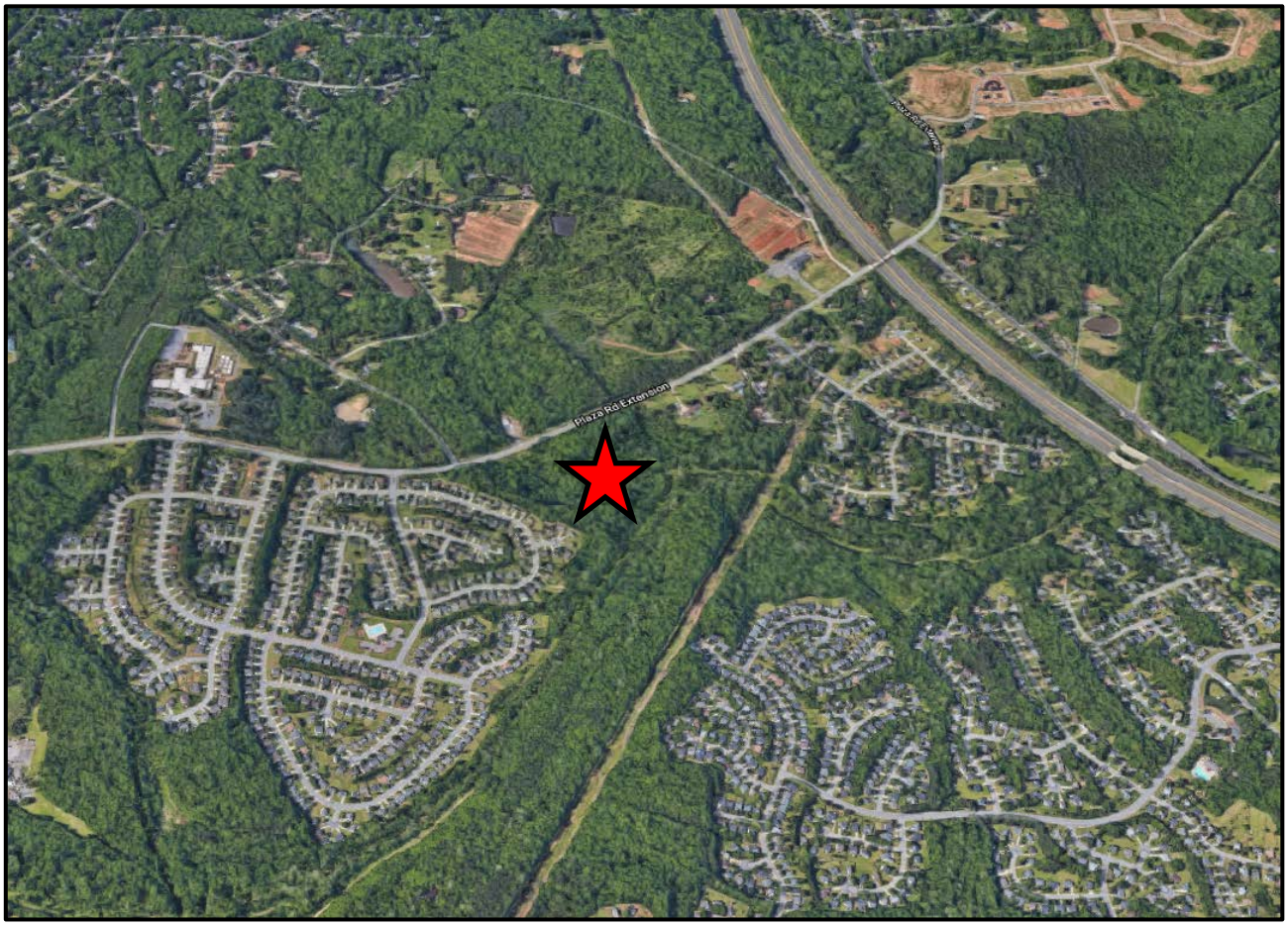
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Proposes up to 78 single family attached (townhome) units at an overall density of 4.29 DUA.
  - 40-foot maximum building height.
  - Transportation improvements including
    - 8-foot planting strip and 12-foot multi-use path along the site's frontage with Plaza Road Extension.
    - Internal network of sidewalks and pathways, including an 8-foot unpaved trail loop to connect two halves of the proposed development that is split by a stream/ SWIM buffer.
    - Pedestrian connection on the eastern portion of the site to the 12-foot multi-use path
  - Architectural elements including:
    - Reverse frontage units along the project's frontage with Plaza Road Extension and screened from the street with landscaping and fence (either wholly comprised of masonry or masonry accents).
    - Usable porches and/or stoops with a depth of at least 6 feet.
    - Limits to blank wall expanses greater than 20 feet in length.
  - Commits to the dedication of 9 acres of open space on the site
  - Commits to enhanced 37.5-foot Class C buffer (fence and landscaping) along the western property line to screen the project from existing single family detached homes.
  - Dedicates 40-foot easement to Mecklenburg County Parks and Recreation

- **Existing Zoning and Land Use**



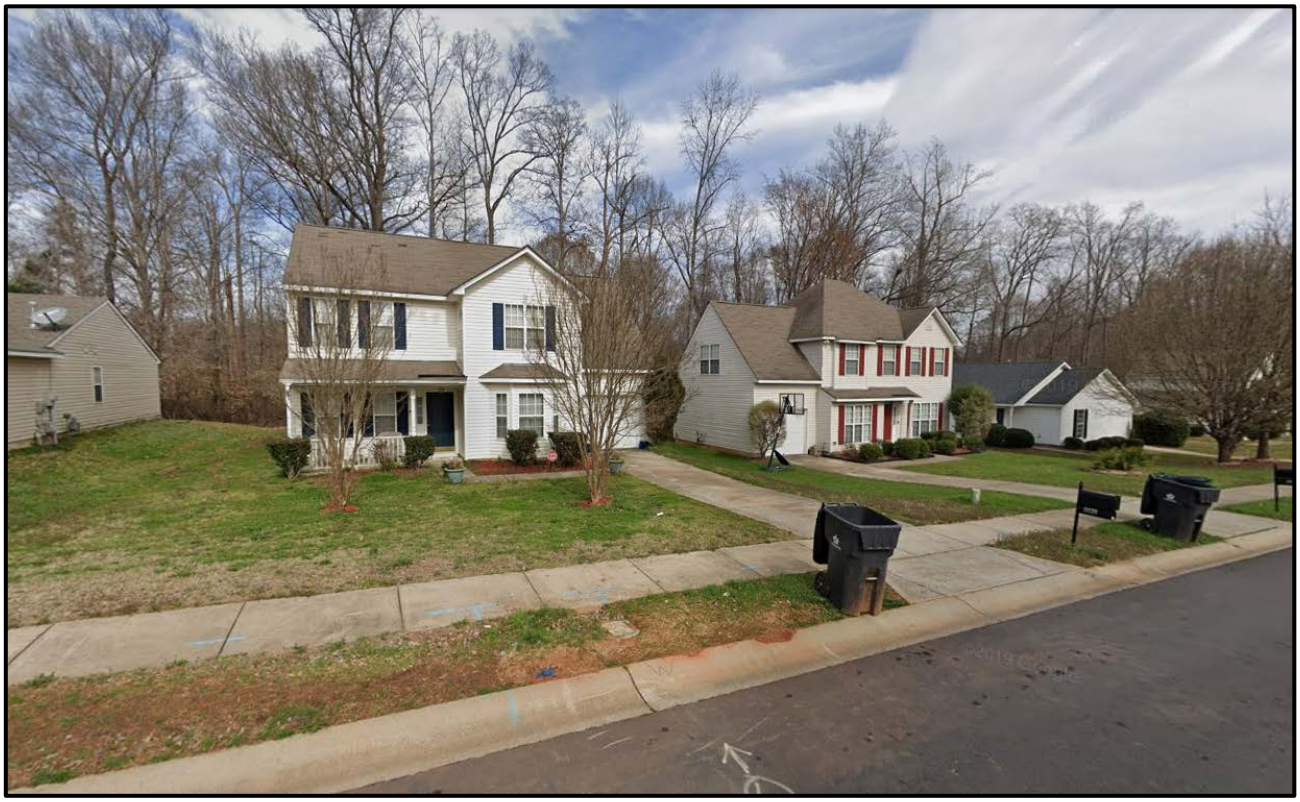
There have been no rezonings at this site. The subject property is located near The Plaza and I-485 and is a largely residential area comprised of single family detached homes on large tracts and some contemporary-style residential subdivisions. Reedy Creek Elementary is just west of the subject property.



General location of subject property denoted by red star.

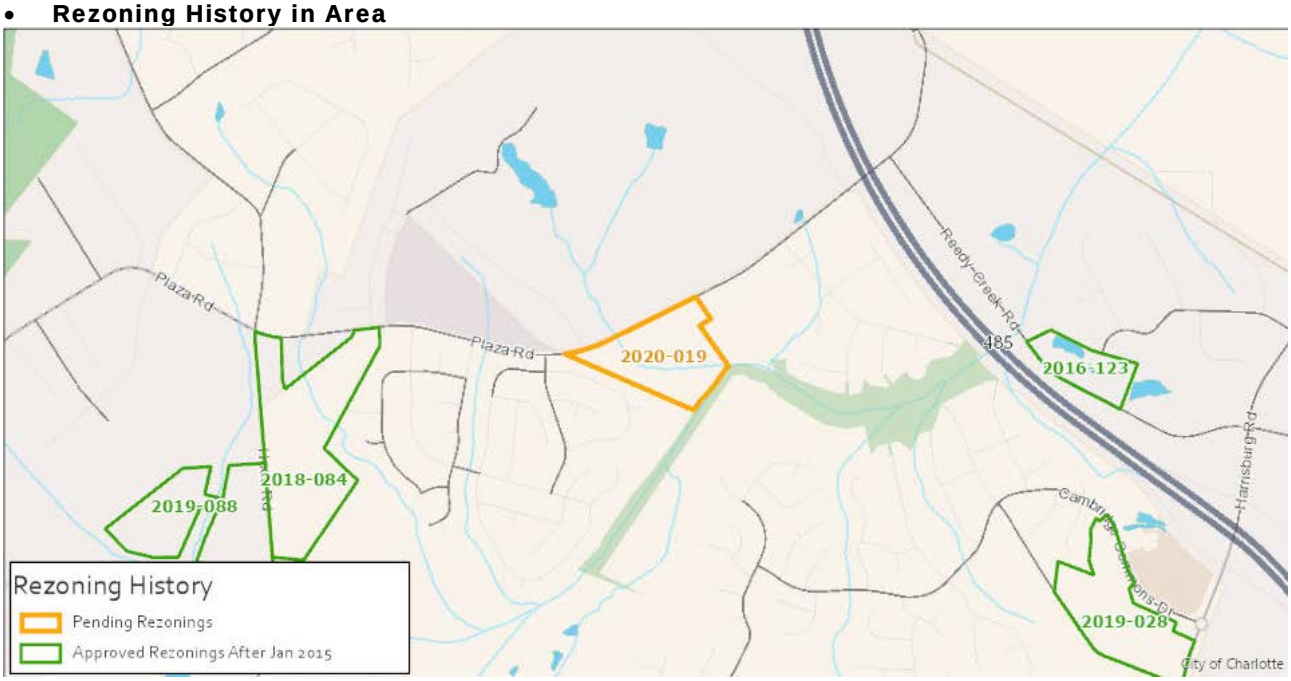


Streetview from Plaza Road Extension looking east. Subject property's frontage is along the right hand side of the image.



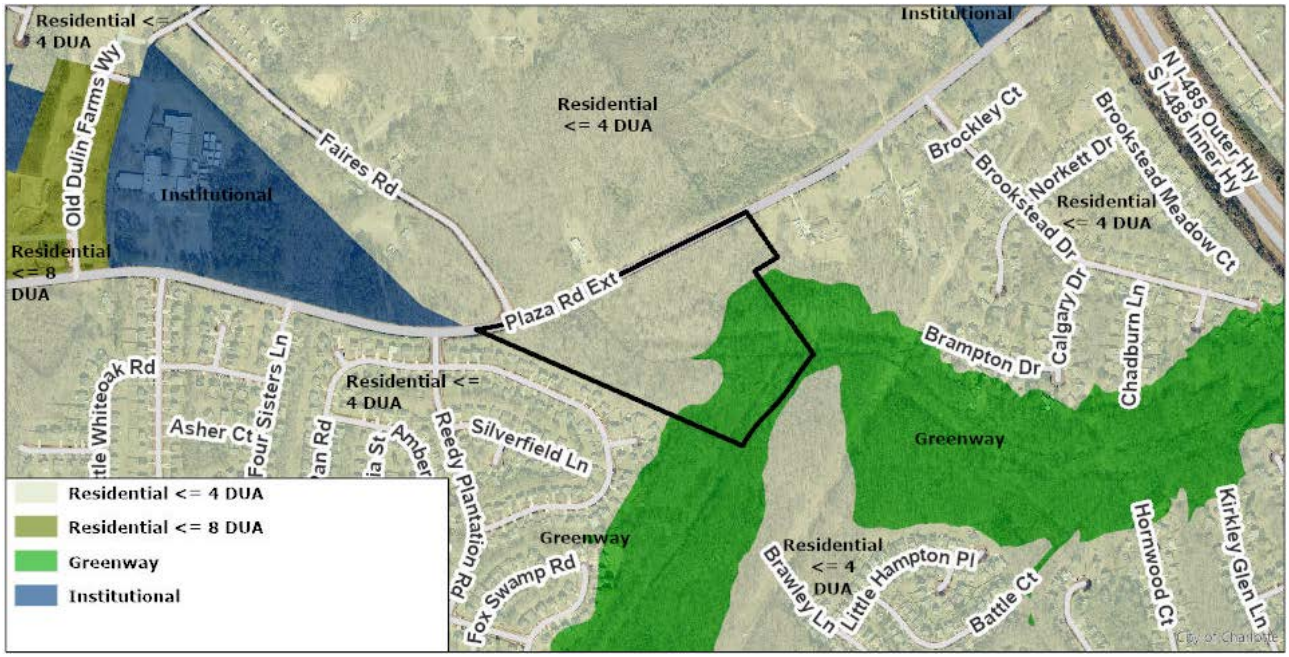
Representative image of detached single family residential neighborhood adjacent to the western edge of the subject property.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-088	Request to rezone approximately 30 acres to increase allowed residential density.	Approved
2019-028	Request to conditionally rezone approximately 26 acres to accommodate a residential development.	Approved
2018-084	Request to rezone approximately 42 acres to accommodate residential development.	Approved
2016-123	Request to permit construction of house of worship.	Approved

- **Public Plans and Policies**



  - The *Rocky River Road Area Plan* (2006) recommends residential uses up to four DUA for much of the site. Park/open space is recommended for the eastern area of the site within the floodplain of Reedy Creek.

- **TRANSPORTATION SUMMARY**
  - The site is located on a major thoroughfare. The petitioner commits to construct a left-turn lane into the main access point. In addition, the petitioner commits to installing curb and gutter, and a 12' multi-use path along Plaza Road Extension. The petitioner also commits to meeting the required ordinance streetscape on street "C".
- **Active Projects:**
  - Win Hollow Trunk Sewer and Pump Station Elimination Sewer Project in Final Design.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 590 trips per day (based on 54 single family detached dwelling units).

  Proposed Zoning: 550 trips per day (based on 74 townhomes).

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 29 students, while the development allowed under the proposed zoning may produce 16 students. Therefore, there is no net increase in the number of students generated from existing zoning to proposed zoning.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Reedy Creek Elementary remains at 128%
    - Northridge Middle remains at 140%
    - Rocky River High from 81% to 82%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along Plaza Road Extension. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via

an existing 8-inch gravity sewer main located through the center of the rezoning boundary. 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:** 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 advisory comments at www.rezoning.org

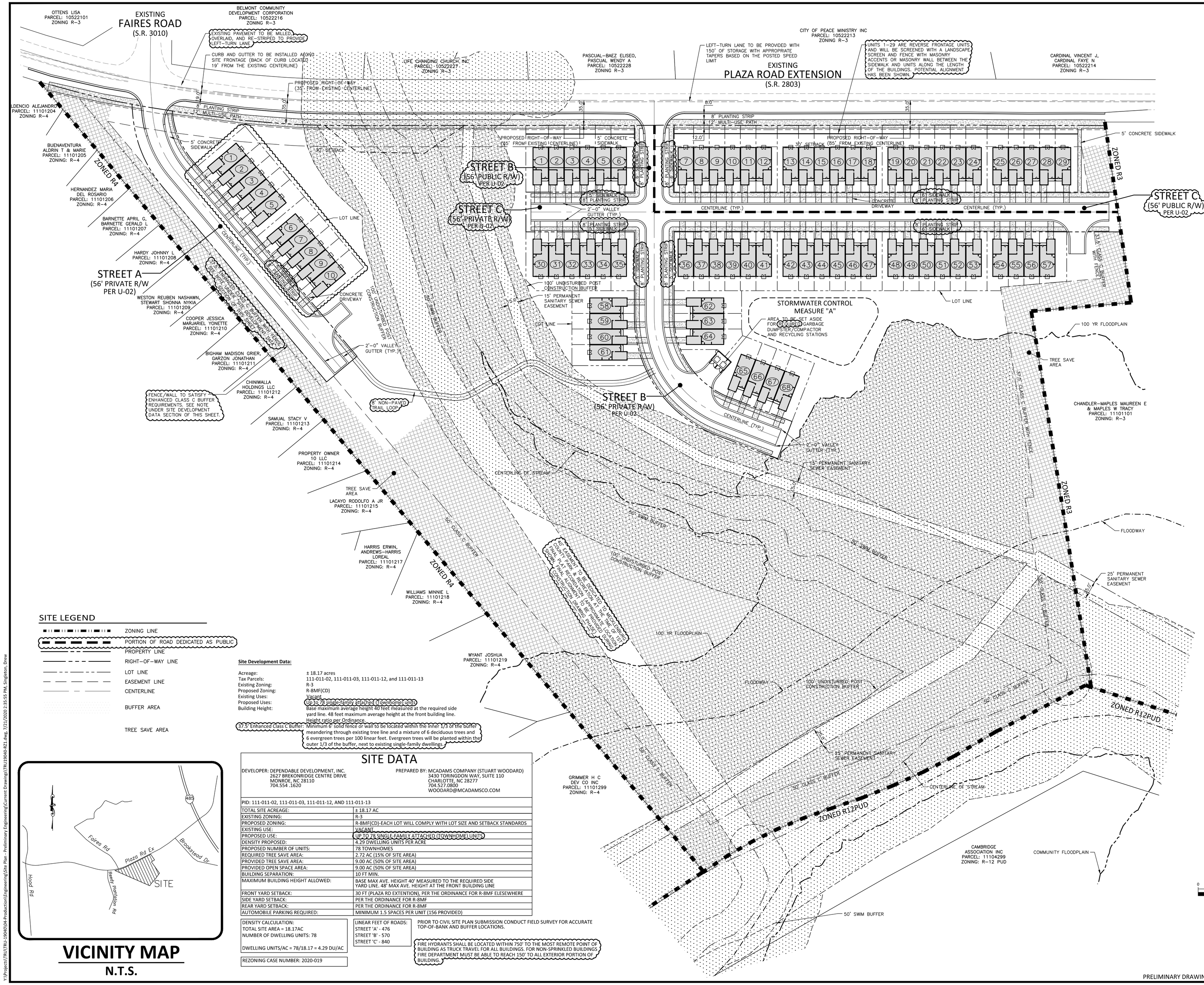
REQUESTED TECHNICAL REVISIONS

Site and Building Design

1. ~~Note 4.g. - remove second sentence unless a clear commitment to *not* enclose those spaces is being made.~~ ADDRESSED
2. ~~Note 5.a. should be removed unless there is a dedication of land or improved open space being proposed. If one of those scenarios exists, please describe the proposal in greater detail in the conditional notes.~~ ADDRESSED
3. ~~Correct spelling of "units" in the development site data table on sheet 1.~~ ADDRESSED

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

Planner: William Linville (704) 336-4090



SITE LEGEND

- ZONING LINE
- PORTION OF ROAD DEDICATED AS PUBLIC
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- BUFFER AREA
- TREE SAVE AREA

Site Development Data:

Acreage:	± 18.17 acres
Tax Parcels:	111-011-02, 111-011-03, 111-011-12, and 111-011-13
Existing Zoning:	R-3
Proposed Zoning:	R-8MF(CD)
Existing Uses:	Vacant
Proposed Uses:	Up to 78 single-family attached (townhome) units
Building Height:	Base maximum average height 40 feet measured at the required side yard line. 48 feet maximum average height at the front building line. Height ratio per Ordinance.

37.5' Enhanced Class C Buffer: Minimum 6' solid fence or wall to be located within the inner 1/3 of the buffer meandering through existing tree line and a mixture of 6 deciduous trees and 6 evergreen trees per 100 linear feet. Evergreen trees will be planted within the outer 1/3 of the buffer, next to existing single-family dwellings

SITE DATA

DEVELOPER: DEPENDABLE DEVELOPMENT, INC.
2627 BREKONRIDGE CENTRE DRIVE
MONROE, NC 28110
704.554 .1620

PREPARED BY: MCADAMS COMPANY (STUART WOODARD)
3430 TORINGDON WAY, SUITE 110
CHARLOTTE, NC 28277
704.527.0800
WOODARD@MCADAMSCO.COM

PID: 111-011-02, 111-011-03, 111-011-12, AND 111-011-13

TOTAL SITE ACREAGE:	± 18.17 AC
EXISTING ZONING:	R-3
PROPOSED ZONING:	R-8MF(CD)-EACH LOT WILL COMPLY WITH LOT SIZE AND SETBACK STANDARDS
EXISTING USE:	VACANT
PROPOSED USE:	UP TO 78 SINGLE-FAMILY ATTACHED (TOWNHOME) UNITS
DENSITY PROPOSED:	4.29 DWELLING UNITS PER ACRE
PROPOSED NUMBER OF UNITS:	78 TOWNHOMES
REQUIRED TREE SAVE AREA:	2.72 AC (15% OF SITE AREA)
PROVIDED TREE SAVE AREA:	9.00 AC (50% OF SITE AREA)
PROVIDED OPEN SPACE AREA:	9.00 AC (50% OF SITE AREA)
BUILDING SEPARATION:	10 FT MIN.
MAXIMUM BUILDING HEIGHT ALLOWED:	BASE MAX AVE. HEIGHT 40' MEASURED TO THE REQUIRED SIDE YARD LINE. 48' MAX AVE. HEIGHT AT THE FRONT BUILDING LINE
FRONT YARD SETBACK:	30 FT (PLAZA RD EXTENTION), PER THE ORDINANCE FOR R-8MF ELESEWHERE
SIDE YARD SETBACK:	PER THE ORDINANCE FOR R-8MF
REAR YARD SETBACK:	PER THE ORDINANCE FOR R-8MF
AUTOMOBILE PARKING REQUIRED:	MINIMUM 1.5 SPACES PER UNIT (156 PROVIDED)

DENSITY CALCULATION:
TOTAL SITE AREA = 18.17AC
NUMBER OF DWELLING UNITS: 78

DWELLING UNITS/AC = 78/18.17 = 4.29 DU/AC

REZONING CASE NUMBER: 2020-019

LINEAR FEET OF ROADS:
STREET 'A' - 476
STREET 'B' - 570
STREET 'C' - 840

PRIOR TO CIVIL SITE PLAN SUBMISSION CONDUCT FIELD SURVEY FOR ACCURATE TOP-OF-BANK AND BUFFER LOCATIONS.

FIRE HYDRANTS SHALL BE LOCATED WITHIN 750' TO THE MOST REMOTE POINT OF BUILDING AS TRUCK TRAVEL FOR ALL BUILDINGS. FOR NON-SPRINKLED BUILDINGS, FIRE DEPARTMENT MUST BE ABLE TO REACH 150' TO ALL EXTERIOR PORTION OF BUILDING.

VICINITY MAP
N.T.S.

GRAPHIC SCALE
0 30 60 120
1 inch = 60 ft.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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www.mcadamsco.com

CLIENT

PLAZA ROAD EXTENSION TOWNHOMES
REZONING PETITION #: 2020-019
INTERSECTION OF PLAZA ROAD EXTENSION AND FAIRES ROAD
CHARLOTTE, NORTH CAROLINA

REVISIONS

NO.	DATE	
1	2020.04.13	PER CITY 1ST REVIEW
2	2020.05.11	PER CITY 2ND REVIEW
3	2020.07.24	PER CITY 3RD REVIEW

PLAN INFORMATION

PROJECT NO.	TRU-19040
FILENAME	TRU19040-RZ1
CHECKED BY	SAW
DRAWN BY	TKD
SCALE	1"=60'
DATE	01. 20. 2020

SHEET

REZONING CONCEPT PLAN

RZ-1

V:\Projects\TRU\TRU-19040\04-Production\Engineering\Site Plan - Preliminary Engineering\Current Drawing\TRU19040-RZ1.dwg, 7/31/2020 2:35:55 PM, Singleton, Drew

PETITION NO. 2020-019
DEVELOPMENT STANDARDS
DEPENDABLE DEVELOPMENT
07/24/2020

Site Development Data:

Acreage:	± 18.17 acres
Tax Parcels:	111-011-02, 111-011-03, 111-011-12, and 111-011-13
Existing Zoning:	R-3
Proposed Zoning:	R-8MF(CD)
Existing Uses:	Vacant
Proposed Uses:	Up to 78 single-family attached (Townhome) units (4.29 Dwelling units per acre)
Building Height:	Base maximum average height 40 feet measured at the required side yard line. 48 feet maximum average height at the front building line. Height ratio per Ordinance.

1. General Provisions

These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by Dependable Development (the "Petitioner") to accommodate the development of a residential townhome community on that approximately 18.17-acre site located on the south side of Plaza Road Extension, west of Faires Road, which is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 111-011-02 and 111-011-03.

Development of the Site shall be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the R-8MF Zoning District shall govern all development taking place on 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 internal public streets and the internal private streets, alleys or 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.

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 Section 6.207 of the Ordinance.

2. Permitted Uses and Maximum Development

The Site may be developed with up to 78 single-family attached dwelling units (townhomes), together with any incidental and accessory uses related thereto that are allowed in the R-8MF zoning district.

3. Transportation

a) Vehicular access will be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access point shown on the Rezoning Plan is subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval.

b) As depicted on the Rezoning Plan, the Site will be served by public and/or private streets.

c) The Petitioner shall provide a minimum 12 foot wide multi-use path and 8 foot wide planting strip along the Site's frontage of Plaza Road Extension.

d) Internal sidewalks and pedestrian connections shall be provided along all public and private streets throughout the Site. The internal sidewalks may meander to save existing trees.

e) Where necessary, Petitioner shall dedicate and convey in fee simple all rights-of-way to the City of Charlotte before the Site's first building certificate of occupancy is issued or phased per the Site's development plan. The right-of-way shall be set at 2 feet behind the back of sidewalk where feasible.

f) Unless otherwise stated herein, all transportation improvements along Plaza Road Extension shall be approved and constructed prior to the issuance of the first certificate of occupancy for principal buildings within the Site.

4. Architectural Standards

a) The principal buildings used for residential uses constructed on the Site may use a variety of building materials. The building materials used for buildings may be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, stucco, cementitious siding (such as Hardi-plank), vinyl, EIFS or wood.

b) Each attached residential dwelling unit shall be provided with at least a 1 car garage.

c) 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.

d) Petitioner shall provide blank wall provisions that limit the maximum blank wall expanse to 20 feet on all building levels, including but not limited to doors, windows, awnings, and/or architectural design elements.

e) Walkways will be provided to connect all residential entrances to sidewalks along public and/or private streets, as generally depicted on the Rezoning Plan.

f) Townhouse buildings will be limited to 6 individual units or fewer or will otherwise be meaningfully differentiated between units, including, but not limited to, forward offsets in the front walls of units, vertical height differences, or architectural differences in elevations (such as windows, doors, bays, trim, or materials). The townhome buildings, adjacent to the single-family dwellings to the west, will be limited to 5 individual units or fewer. The townhome buildings along Plaza Road Extension are reverse frontage units and will be screened with a landscape screen and fence with masonry accents or masonry wall between the sidewalk and units along the length of the buildings.

3 g) 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 6 feet deep.

h) Garage doors shall not face Plaza Road Extension.

5. Open Space, Streetscape and Landscaping

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

b) The Petitioner shall comply with the Tree Ordinance and Post Construction Stormwater Ordinance.

c) The Petitioner shall provide a minimum 37.5 foot Class C Buffer, including a wall or fence or 50 foot Class C Buffer, adjacent to the existing single-family properties, in the locations as generally depicted on the Rezoning Plan. A 37.5' Enhanced Class C Buffer with Fence (Minimum 6' solid fence or wall to be located within the inner 1/3 of the buffer meandering through existing tree line and a mixture of 6 deciduous trees and 6 evergreen trees per 100 linear feet. Evergreen trees will be planted within the outer 1/3 of the buffer, next to existing single-family dwellings) will be provided as generally depicted on the plan.

6. Lighting

a) All freestanding lighting fixtures installed on the Site (excluding lower, decorative lighting that may be installed along the driveways and sidewalks and 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.

b) The maximum height of any freestanding lighting fixtures installed on the Site, excluding street lights located along public streets, shall be 21 feet.

7. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet or these Development Standards may be applied for by the then Owner or Owners of the parcel or parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

Further alterations or modifications to this Rezoning Plan which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the Technical Data Sheet or any of its conditions or which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

8. Environmental Features

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

b) 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.

c) Development of the Site shall comply with the Tree Ordinance.

9. Binding Effect of the Rezoning Documents and Definitions

a) If this Rezoning Plan is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

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

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

McADAMS
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

PLAZA ROAD EXTENSION TOWNHOMES

REZONING PETITION #: 2020-019
INTERSECTION OF PLAZA ROAD EXTENSION AND FAIRES ROAD
CHARLOTTE, NORTH CAROLINA

REVISIONS

NO.	DATE	
1	2020. 04.13	PER CITY 1ST REVIEW
2	2020. 05.11	PER CITY 2ND REVIEW
3	2020. 07.24	PER CITY 3RD REVIEW

PLAN INFORMATION

PROJECT NO.	TRU-19040
FILENAME	TRU19040-RZ1
CHECKED BY	SAW
DRAWN BY	TKD
SCALE	N / A
DATE	01. 20. 2020

SHEET

REZONING CONCEPT PLAN NOTES

RZ-2

Y:\Projects\TRU\TRU-19040\04-Production\Engineering\Site Plan - Preliminary Engineering\[Current Drawings\TRU19040-RZ1.dwg, 7/21/2020 2:36:17 PM, Singleton, Drew

Petition 2020-019 by Dependable Development, Inc.

To Approve:

This petition is found to **inconsistent** with the *Rocky River Road 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 four dwelling units per acre (DUA) and greenway uses for the site.

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

- The requested density (4.29 DUA) is only marginally higher than the recommended residential density for the site (4 DUA).
- The site's dedication of a 40-foot easement to Mecklenburg County Parks and Recreation is consistent with the park/open space recommendation for a portion of the site.
- The petition helps achieve the vision of the Rocky River Road Area Plan by offering housing opportunities that offer high-quality design principles (through its commitment to enhanced architectural design standards) and through on-site open space preservation (through a dedication of a 40-foot easement for future greenway construction).

The approval of this petition will revise the adopted future land use as specified by the Rocky River Road Area Plan from residential up to 4 DUA and greenway to residential up to 5 DUA for the portion of the site that is not recommended for greenway.

To Deny:

This petition is found to **inconsistent** with the *Rocky River Road 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 four dwelling units per acre (DUA) and greenway uses for the site.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 12.**File #:** 15-13941 **Type:** Zoning Item

Rezoning Petition: 2020-021 by K Sade Ventures, Inc.

Location: Approximately 4.56 acres located along the northern side of University City Boulevard, just west of the Mecklenburg/Cabarrus County line. - (Outside City limits)

Current Zoning: B-1 (CD) (neighborhood business)
Proposed Zoning: B-2 (CD) (general business, conditional)

Public Hearing Held: July 20, 2020 - Item #39

Staff Resource: William Linville

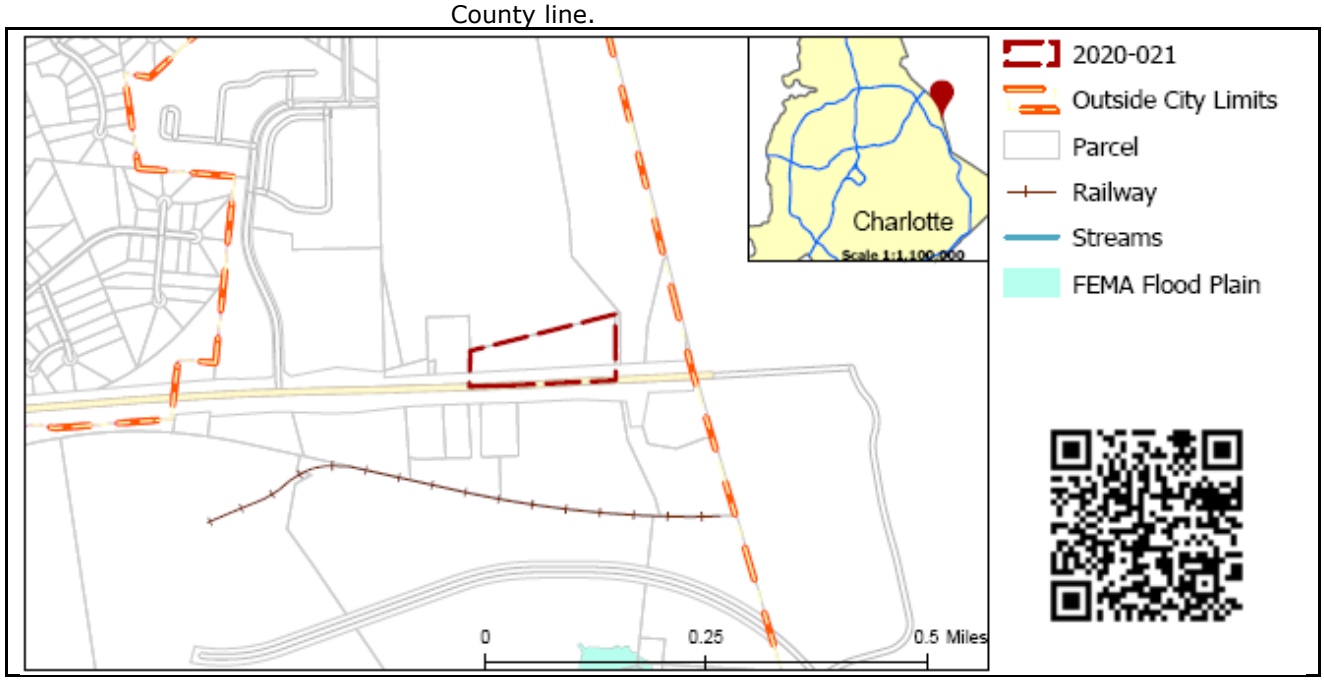
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-021
Post Hearing Staff Analysis
July 20, 2020

REQUEST	Current Zoning: B-1(CD) (neighborhood business) Proposed Zoning: B-2 (CD) (general business, conditional)
LOCATION	Approximately 4.56 acres located along the northern side of University City Boulevard, just west of the Mecklenburg/Cabarrus County line.



SUMMARY OF PETITION	The petition proposes to rezone a vacant parcel to allow all uses permitted by right and under prescribed conditions in the B-2 (general business) zoning district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	K Sade Ventures LLC K Sade Ventures LLC Ty Shaffer, John Carmichael; Robinson Bradshaw
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 2

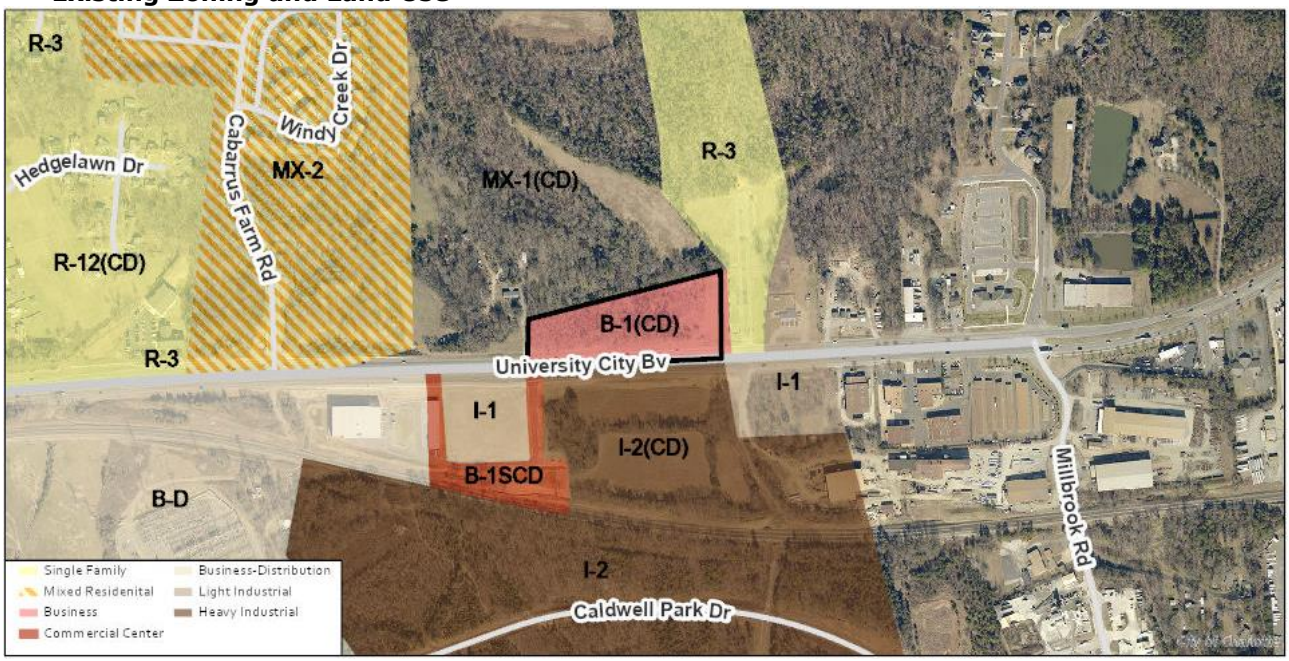
STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **consistent** with the *Northeast District Plan's* (1996) recommendation for retail uses at the site. <u>Rationale for Recommendation</u> • Transportation improvements (including left-overs and signalization) resulting from petition 2018-160 (approved October 2019) will improve overall pedestrian and traffic safety for planned retail uses at this site. • The subject property location makes sense for retail uses as it fronts University City Boulevard and will serve a recently approved mixed residential development and numerous other residences in the area. • The request is in alignment with the proposed land use for the site.

- This request is in alignment with the plan's recommendation that commercial development be limited to areas already zoned for or identified as retail uses.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Site allows all uses permitted by-right or under prescribed conditions in the B-2 zoning district but caps the maximum gross floor area for the site to 20,000 square feet.

- **Existing Zoning and Land Use**



The subject property is located outside of Charlotte city limits near the Mecklenburg/Cabarrus County line. A mixture of residential uses is located to the north of University City Boulevard, while a mixture of commercial/industrial uses are located to the south.

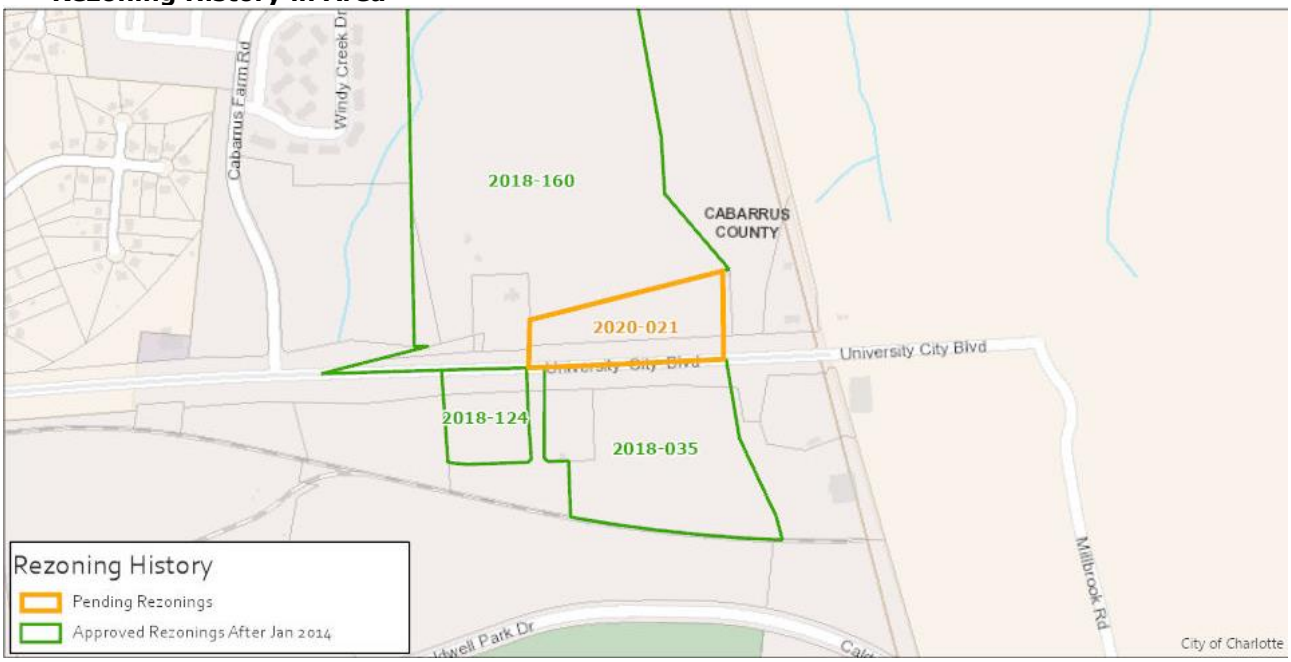


Approximate location of subject property denoted by red star.



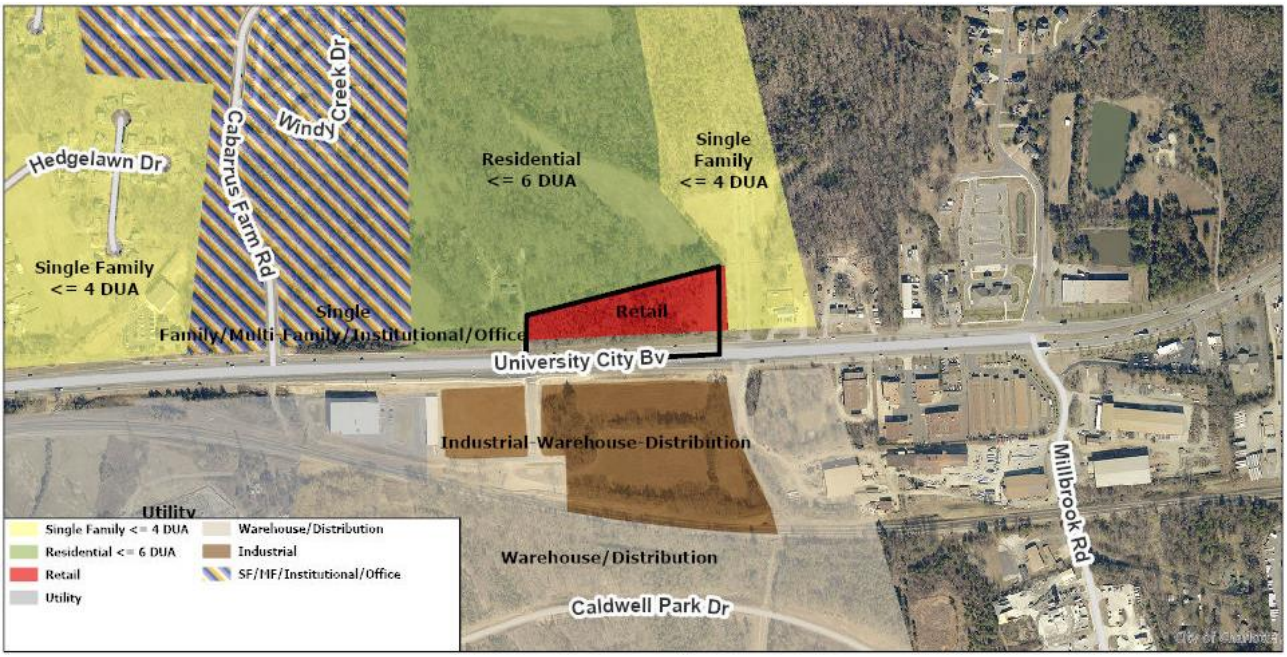
View from University City Boulevard looking north toward the subject property.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-160	Petition to rezone over 93.86 acres from R-3 to MX-1 (mixed residential) to accommodate a residential development of varying housing types.	Approved
2018-124	Petition to rezone in order to allow all uses in the I-1 (light industrial district).	Approved
2018-035	Petition to allow up to 120,000 SF of light industrial uses an up to 5,000 SF of retail.	Approved

- **Public Plans and Policies**



  - The *Northeast District Plan* (1996) recommends retail uses for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located on University City Boulevard. This portion of University City Boulevard is lacking curb, gutter, and sidewalk along the site's frontage. CDOT will work with the petitioner during permitting to upgrade the streetscape in accordance with city ordinance.

- **Active Projects:**
  - N/A
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 0 trips per day (based on vacant land use).
  Entitlement: no trip generation available for entitled land use type (funeral home)
  Proposed Zoning: 2,328 trips per day (based on 20,000 SF of retail uses).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 5 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 5 students.
  - The proposed development will not increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Stoney Creek Elementary remains at 110%
    - James Martin Middle remains at 74%
    - Vance High remains at 129%
- **Charlotte Water:** Sewer service is accessible for this rezoning boundary. Charlotte Water currently does not have water system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel. 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:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

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

Planner: William Linville (704) 336-4090



VICINITY MAP
NOT TO SCALE

NORTH

DEVELOPMENT DATA TABLE	
Site Acreage	± 4.35 AC
Tax Parcels included in Rezoning	05111105
a. Existing Zoning:	B-1(CD)
b. Proposed Zoning:	B-2 (CD)
c. Maximum Building Height	To Meet Ordinance Requirements
d. Number and/or Ratio of Parking Spaces	To Meet Ordinance Requirements
e. Amount of Open Space	To Meet Ordinance Requirements

DEVELOPMENT STANDARDS
MAY 4, 2020

GENERAL PROVISIONS

A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY K. SADE VENTURES INC. TO REQUEST THE REZONING OF AN APPROXIMATELY 4.35 ACRE SITE LOCATED ALONG THE NORTH SIDE OF UNIVERSITY CITY BOULEVARD, EAST OF CABARRUS FARM ROAD (THE "SITE"), TO THE B-2 (CD) ZONING DISTRICT. THE SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, AND THE SITE IS COMPRISED OF TAX PARCEL NO. 051-111-05.

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

C. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE B-2 ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.

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

PERMITTED USE/DEVELOPMENT LIMITATIONS

A. THE SITE MAY BE DEVOTED TO USES PERMITTED BY RIGHT, OR UNDER PRESCRIBED CONDITIONS, IN THE B-2 ZONING DISTRICT, TOGETHER WITH INCIDENTAL AND ACCESSORY USES RELATED THERETO.

B. THE MAXIMUM GROSS FLOOR AREA OF THE BUILDING OR BUILDINGS TO BE CONSTRUCTED ON THE SITE SHALL BE 20,000 SQUARE FEET.

TRANSPORTATION

A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT").

ENVIRONMENTAL FEATURES

A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.

B. PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE.

C. 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.

LIGHTING

A. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE 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.

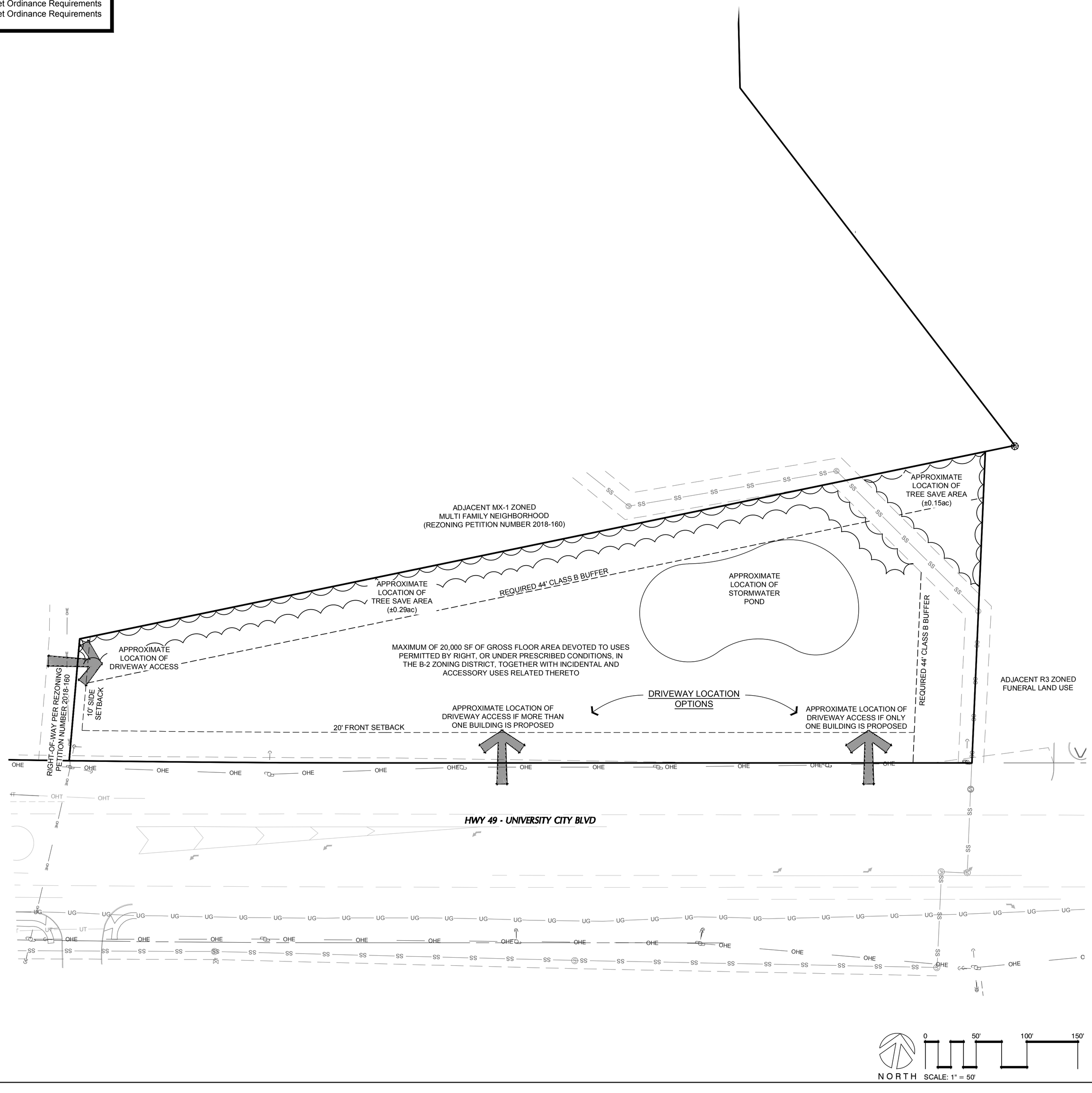
BINDING EFFECT OF THE REZONING DOCUMENTS

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 THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.

B. 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.

FIRE DEPARTMENT NOTES

A. FIRE DEPARTMENT ACCESS ROAD SHALL HAVE A MIN. 20' UNOBSTRUCTED CLEAR WIDTH AND SHALL BE CAPABLE OF SUPPORTING 80,000 LBS. 2-
B. FIRE DEPARTMENT ACCESS ROAD THAT EXCEEDS 150' SHALL PROVIDE AN APPROVED TURNAROUND.
C. TURN RADIUS 30' INSIDE AND 42' OUTSIDE.
D. FOR NON-SPRINKLED BUILDINGS. FIRE DEPARTMENT MUST BE ABLE TO REACH 150' TO ALL EXTERIOR PORTION OF BUILDING.
E. FOR SPRINKLED BUILDINGS. FIRE DEPARTMENT MUST BE ABLE TO REACH 200' TO ALL EXTERIOR PORTION OF BUILDING.
F. FOR BUILDINGS THAT IS EQUIPPED WITH A SPRINKLER SYSTEM. A FIRE DEPARTMENT CONNECTION SHALL BE LOCATED WITHIN 200' OF A FIRE HYDRANT FOR A NFPA 13 SPRINKLER SYSTEM.
G. FIRE HYDRANT SHALL BE LOCATED WITHIN 750' TO THE MOST REMOTE POINT OF BUILDING AS TRUCK TRAVEL FOR ALL BUILDINGS.



PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

REVISIONS:

CLIENT INFORMATION:
K. SADE VENTURES
200 PARK AT NORTH HILLS ST., SUITE 1400
RALEIGH, NC 27609

PARAMOUNTE ENGINEERING
122 Cinema Drive
Wilmington, North Carolina 28403
(910) 791-6707 (O) (910) 791-6760 (f)
NC License #: C-2846

CONDITIONAL REZONING PLAN
REZONING PETITION NUMBER 2020-021
CAMERON COMMONS
CHARLOTTE
NORTH CAROLINA

PROJECT STATUS
CONCEPTUAL LAYOUT:
PRELIMINARY LAYOUT:
PLANNING BOARD:
RELEASED FOR CONST:

DRAWING INFORMATION
DATE: 05.12.20
SCALE: 1" = 50'
DESIGNED: JRC
DRAWN: JRC
CHECKED: TGC

SEAL

CRZ-1

PEI JOB#: 20142.PE

Petition 2020-021 by K Sade Ventures, LLC

To Approve:

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

- The plan recommends retail uses at the site.

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

- Transportation improvements (including left-overs and signalization) resulting from petition 2018-160 (approved October 2019) will improve overall pedestrian and traffic safety for planned retail uses at this site.
- The subject property location makes sense for retail uses as it fronts University City Boulevard and will serve a recently approved mixed residential development and numerous other residences in the area.
- The request is in alignment with the proposed land use for the site.
- This request is in alignment with the plan's recommendation that commercial development be limited to areas already zoned for or identified as retail uses.

To Deny:

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

- The plan recommends retail uses at the site.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 13.**File #:** 15-13943 **Type:** Zoning Item

Rezoning Petition: 2020-022 by Boulevard Real Estate Advisors, LLC

Location: Approximately 4.24 acres located at the northeast intersection of Anderson Street and Spencer Street in the NODA community.

Current Zoning: I-2 (heavy industrial)
Proposed Zoning: TOD-TR (transit-oriented development, transitional)

Public Hearing Held: July 20, 2020 - Item #40

Staff Resource: William Linville

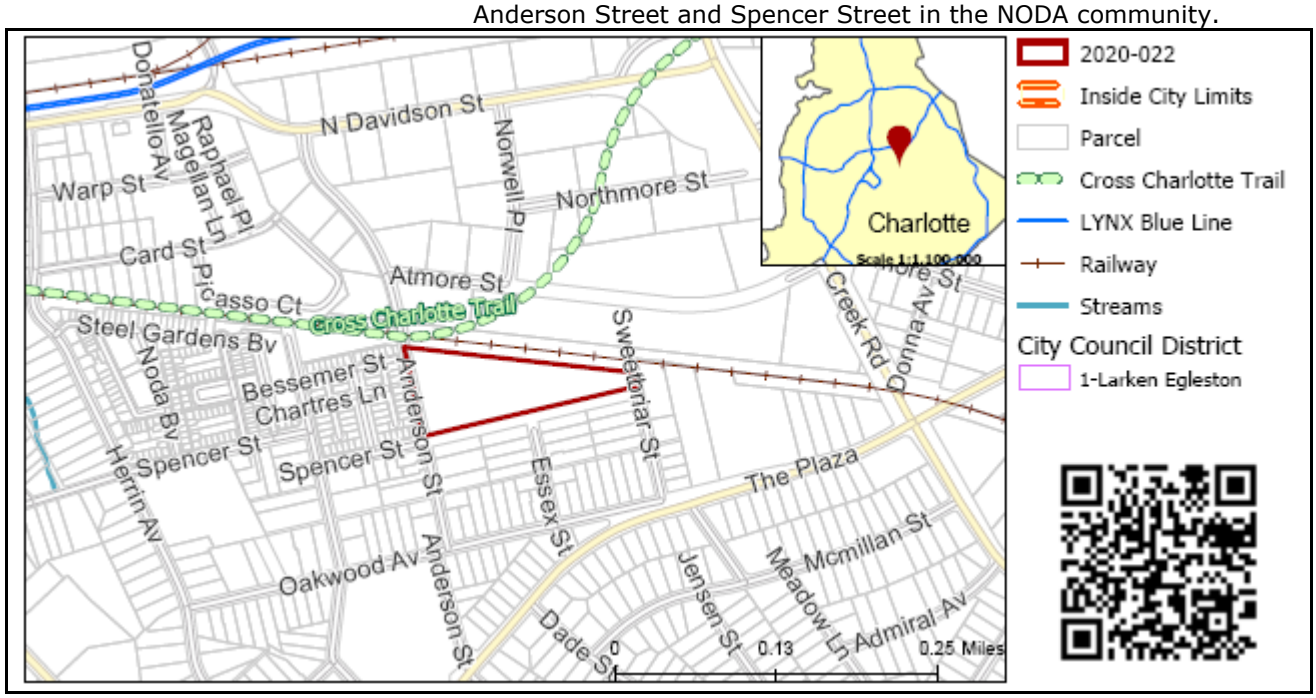
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-022
Post Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: I-2 (heavy industrial) Proposed Zoning: TOD-TR (transit transition)
LOCATION	Approximately 4.24 acres located at the northeast intersection of Anderson Street and Spencer Street in the NODA community.



SUMMARY OF PETITION	The petition proposes to redevelop a former industrial parcel in order to allow all uses permitted by-right and under prescribed conditions within the TOD-TR district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Starnes Commercial Properties LLC Boulevard Real Estate Advisors Ty Shaffer, Robinson Bradshaw
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **inconsistent** with *Central District Plan's (*1993) recommendation of industrial land uses at the site. Rationale for Recommendation • While inconsistent with the plan's recommendation for industrial uses at the site, the plan acknowledges the likelihood of light rail development and resulting land use changes. The plan states "when a light rail system is built, adjacent land uses will be affected". • The TOD-TR district is an appropriate transition from higher intensity TOD Districts to adjacent existing neighborhoods. As there is existing TOD-TR to the north and existing single family zoning to the south, TOD-TR is an appropriate district for this site.

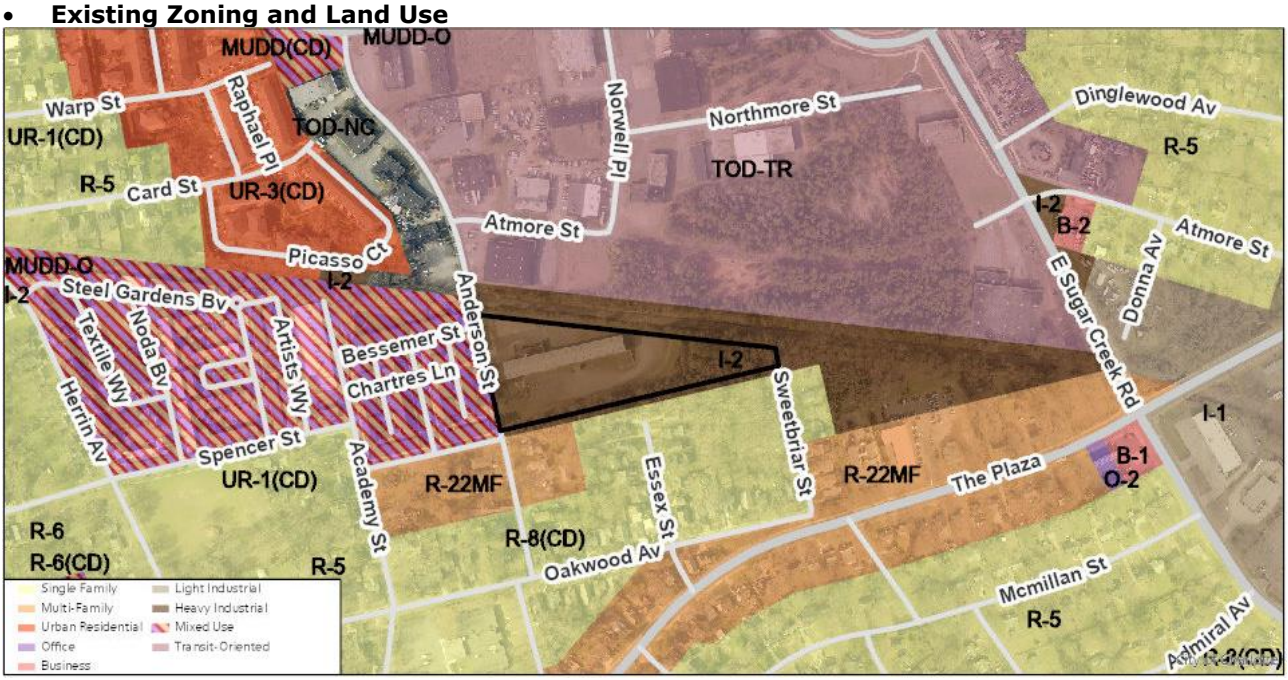
- The request for TOD-TR at this site is appropriate as the site is greater than one-half mile but less than one mile walking distance to a transit stop.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from industrial uses to transit-oriented development-mixed for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.

- **Existing Zoning and Land Use**



There have been no historic rezonings at the site. The site is generally surrounded by residential land uses of varying density with TOD-zoned parcels to the NE that are still operating with industrial-type land uses.



General location of subject property denoted by red star.

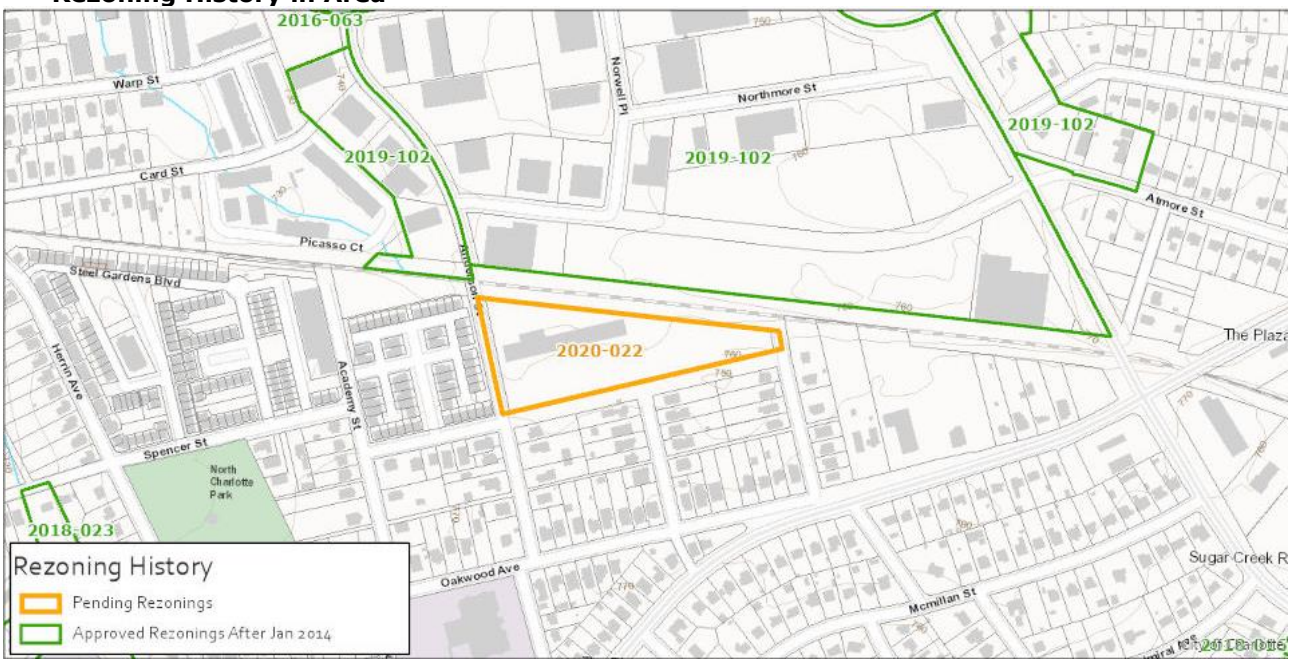


Streetview from Anderson Street looking SE towards the subject property.



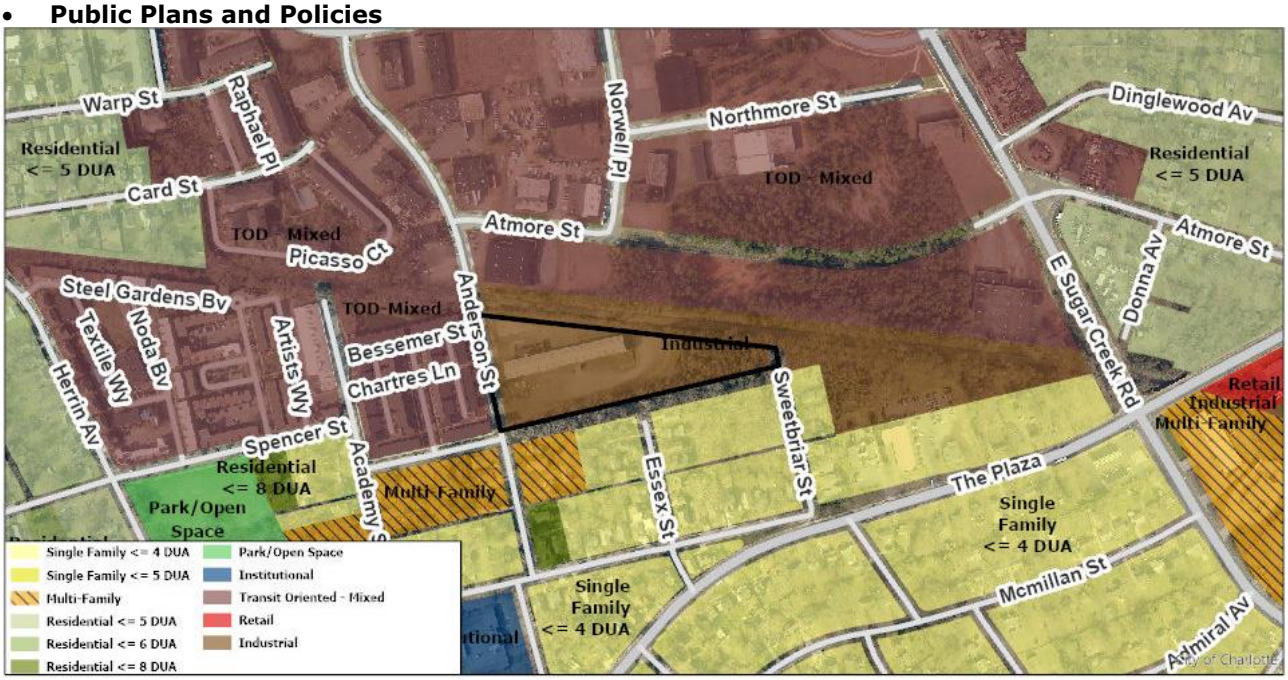
Streetview from Anderson Street looking SW across from subject property toward recent townhome development.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-102	City-sponsored petition to rezone parcels proximal to Blue Line transit stations.	Approved
2018-023	Petition to redevelop site to allow all uses permitted in the R-6 district.	Approved
2016-063	Petition to allow for adaptive reuse of existing buildings that are within .5 mile of the Sugar Creek transit station.	Approved

- **Public Plans and Policies**



  - The Central District Plan (1993) recommends industrial uses for the site.

- **TRANSPORTATION SUMMARY**
  - The site is located on Anderson Street and has additional frontage on unconstructed R/W. Anderson Street is lacking curb, gutter, and sidewalk along the site's frontage. CDOT will work with the petitioner during permitting to upgrade the streetscape in accordance with city ordinance.
  - **Active Projects:**
    - XCLT Bike Boulevard
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 80 trips per day (based on warehouse land use)
    Entitlement: 150 trips per day (based on 63,600 SF of industrial uses).
    Proposed Zoning: Too many uses to determine.

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 conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
  - **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Anderson Street. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Anderson Street. 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.

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

Planner: William Linville (704) 336-4090

Petition 2020-022 by Boulevard Real Estate Advisors

To Approve:

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

- The plan recommends industrial uses for the site

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

- While inconsistent with the plan's recommendation for industrial uses at the site, the plan acknowledges the likelihood of light rail development and resulting land use changes. The plan states "when a light rail system is built, adjacent land uses will be affected".
- The TOD-TR district is an appropriate transition from higher intensity TOD Districts to adjacent existing neighborhoods. As there is existing TOD-TR to the north and existing single family zoning to the south, TOD-TR is an appropriate district for this site.
- The request for TOD-TR at this site is appropriate as the site is greater than one-half mile but less than one mile walking distance to a transit stop.

The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from industrial uses to transit-oriented development-mixed for the site.

To Deny:

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

- The plan recommends industrial uses for the site

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 14.**File #:** 15-13944 **Type:** Zoning Item

Rezoning Petition: 2020-034 by Jefferson Apartment Group

Location: Approximately 5.07 acres located .2 miles NE of I-277, SW of North Tryon Street, near Optimist Hall and Norfolk Southern's railyard. (Council District 1 - Egleston)

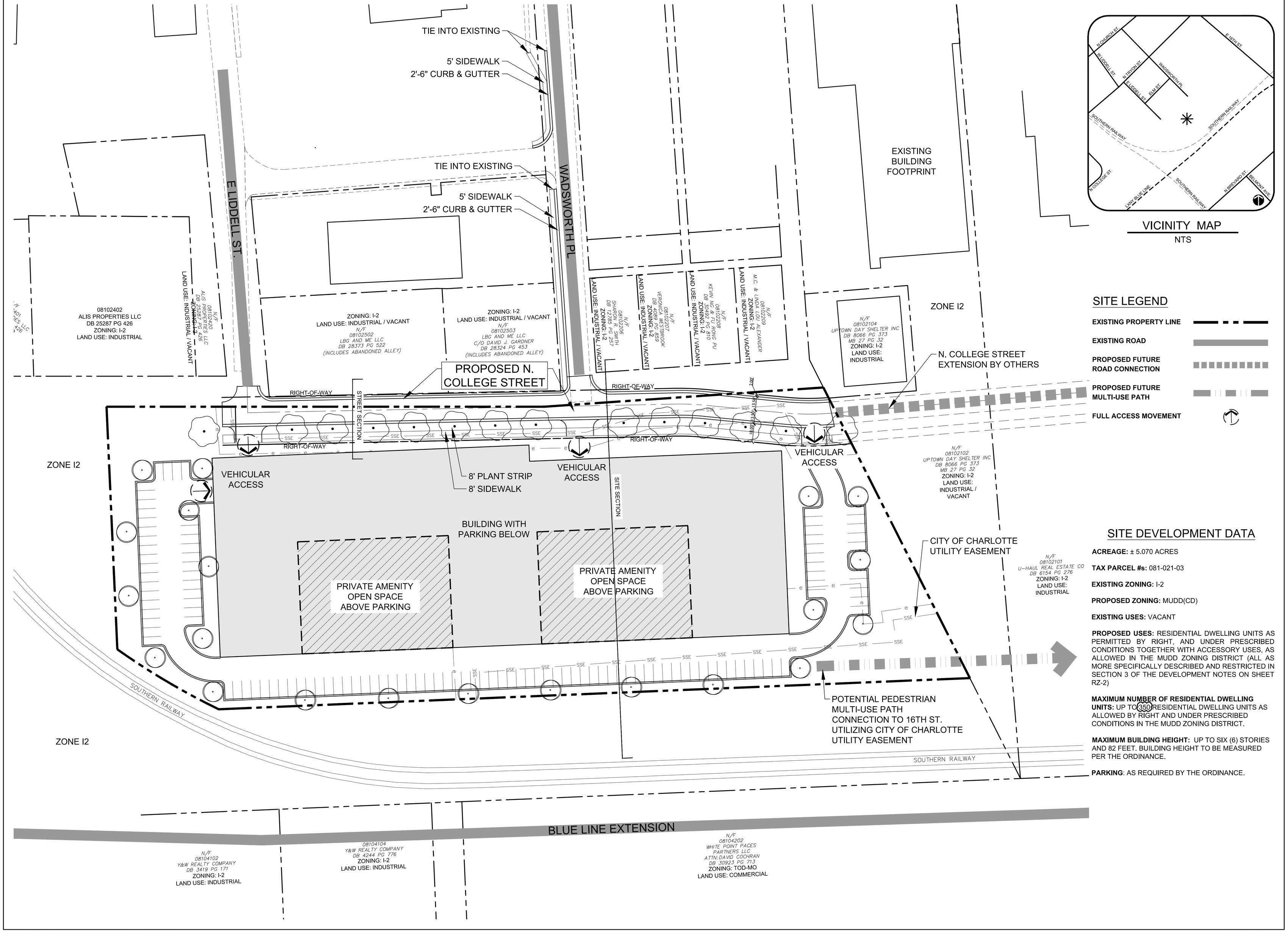
Current Zoning: I-2 (heavy industrial)
Proposed Zoning: MUDD (CD) (mixed-use development, conditional)

Public Hearing Held: July 20, 2020 - Item #41

Staff Resource: William Linville

Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to environment.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency



SITE DEVELOPMENT DATA

ACREAGE: ± 5.070 ACRES

TAX PARCEL #s: 081-021-03

EXISTING ZONING: I-2

PROPOSED ZONING: MUDD(CD)

EXISTING USES: VACANT

PROPOSED USES: RESIDENTIAL DWELLING UNITS AS PERMITTED BY RIGHT, AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDD ZONING DISTRICT (ALL AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED IN SECTION 3 OF THE DEVELOPMENT NOTES ON SHEET RZ-2)

MAXIMUM NUMBER OF RESIDENTIAL DWELLING UNITS: UP TO 350 RESIDENTIAL DWELLING UNITS AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT.

MAXIMUM BUILDING HEIGHT: UP TO SIX (6) STORIES AND 82 FEET. BUILDING HEIGHT TO BE MEASURED PER THE ORDINANCE.

PARKING: AS REQUIRED BY THE ORDINANCE.

LandDesign.
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
WWW.LANDDESIGN.COM

KEY MAP

SEAL

REZONING PETITION
NUMBER 2020-034

PROJECT

WADSWORTH

CHARLOTTE, NC

REZONING

LANDDESIGN PROJ.#
1018499

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING - 1ST SUBMITTAL	02.05.2020
2	REZONING - 2nd SUBMITTAL	04.13.2020
3	REZONING - 3rd SUBMITTAL	06.15.2020
4	REZONING - 4th SUBMITTAL	07.27.2020

DESIGNED BY: DAW
DRAWN BY: SFC
CHECKED BY: DAW

SCALE
VERT: N/A
HORZ: 1"=40'
0 20' 40' 80'

NORTH

SHEET TITLE
TECHNICAL DATA SHEET

SHEET NUMBER
RZ-1

JAG Development Company
Development Standards
07/23/2020
Rezoning Petition No. 2020-034

Site Development Data:
--Acreage: ± 5.07 acres
--Tax Parcel #: 081-021-03
--Existing Zoning: I-2
--Proposed Zoning: MUDD(CD)
--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 350 residential dwelling units as allowed by right and under prescribed conditions in the MUDD zoning district.
--Maximum Building Height: Up to six (6) stories and 82 feet. Building 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 JAG Development Company ("Petitioner") to accommodate the development of a residential community on an approximately 5.07-acre site located at 200 Wadsworth Place (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 two (2). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.

2. Permitted Uses, Development Area Limitations:

a. The principal building constructed on the Site may be developed with up to 350 multi-family residential dwellings units as permitted by right, and under prescribed conditions together with accessory uses allowed in the MUDD zoning district.

3. Transportation Improvements and Access:

a. The Petitioner will construct required roadway improvements and provide any 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.

b. **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.

c. Access to the Site will be from N. College Street, by way of existing Wadsworth Place and E Liddell Street and the extension of N. College Street as generally depicted on the Rezoning Plan. The number of access points to N. College Street may vary from the number indicated on the Rezoning Plan.

d. The Petitioner will construct N. College Street as a new public street as generally depicted on the Rezoning Plan.

e. The Petitioner will construct a 12-foot multi-use path (MUP) connection from the Site to E. 16th Street if the City or the Petitioner is able to secure the necessary permissions from the adjoining property owners to allow the construction of the 12-foot MUP from the Site to E. 16th Street. The 12-foot MUP could be constructed over the existing utility easement recently secured by the City. The Petitioner is also willing to erect a fence between the proposed 12-foot MUP and the adjoining property to help address security issues.

f. The Petitioner will construct a five-foot (5) sidewalk from the Site to N. Tryon Street along one-side of Wadsworth Place within the existing right-of-way. The proposed sidewalk may be located at the back of curb to help minimize the need for additional right-of-way or easements.

g. 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.

h. 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.

i. The Petitioner may design the vehicular entrances to the proposed parking structure with gates and other access control measures to limit and control access to the parking structure to residents and their guests. Visitor parking spaces or spaces associated with the leasing office may be located outside gates.

j. The Petitioner reserves the right to install security fencing and gates around the perimeter of the Site. Fencing to be decorative and supplemented with landscaping to soften its appearance.

k. 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 the first certificate of occupancy.

4. Streetscape, Landscaping Open Space and Screening:

a. A 16-foot building setback as measured from the proposed back of curb along N. College Street will be provided as generally depicted on the Rezoning Plan.

b. An eight (8) foot planting strip and a eight (8) foot sidewalk will be established along one side of N. College Street as generally depicted on the Rezoning Plan.

c. Trash pickup for the building will be from the interior vehicular circulation areas of the Site.

d. Meter banks will be screened where visible from public view at grade level.

5. General Design Guidelines:

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block 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 Street will have at least 40% masonry materials (e.g. brick, natural stone, (or its synthetic equivalent) precast stone, precast concrete), exclusive of windows, doors and roofs.

c. The building façade addressing the light rail line will be treated as a primary façade.

d. The design of the building will locate building amenity areas and active uses associated with the residential community on the ground floor of the building facing N. College Street.

e. 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).

iii. Parking lots shall not be located between any building and any network required public or private streets.

f. 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 6 feet extending through the building.

g. 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.

iii. 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.

h. 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.

i. 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.

j. 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.

k. The exposed portions of multi-level parking decks shall provide screening so that interior cars are not visible from public streets. This is primarily accomplished using architectural louvers or decorative screens on all levels. Parking located on the ground floor level of a parking structure will be also be screened from abutting public streets using louvers, or decorative screens.

l. 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.

m. 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 6 feet in width unless connecting to four units or less.

n. 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.

o. 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.

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

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

ii. For pitched roofs (not including details that may include crickets, towers or other elements that slope back to the primary roof) the minimum slope shall be (4:12), excluding buildings with a flat roof and parapet.

iii. 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 facade.

q. Ventilation grates or emergency exit doors located at the first-floor level in the building facade oriented to any public street must be decorative.

6. Environmental Features:

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

b. 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.

c. The Site will comply with the Tree Ordinance.

7. Lighting:

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.

c. The on-site pedestrian circulation system shall be lighted to a level where employees, residents, and visitors can safely use the system at night.

8. Amendments to the Rezoning Plan:

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

9. Binding Effect of the Rezoning Application:

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

LandDesign.
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
WWW.LANDDESIGN.COM

KEY MAP

SEAL

REZONING PETITION
NUMBER 2020-034

PROJECT

WADSWORTH

CHARLOTTE, NC

REZONING

LANDDESIGN PROJ.#
1018499

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING - 1ST SUBMITTAL	02.05.2020
2	REZONING - 2nd SUBMITTAL	04.13.2020
3	REZONING - 3rd SUBMITTAL	06.15.2020
4	REZONING - 4th SUBMITTAL	07.27.2020

DESIGNED BY: DAW
DRAWN BY: SFC
CHECKED BY: DAW

SCALE NORTH

VERT: N/A
HORZ: N/A

SHEET TITLE

DEVELOPMENT STANDARDS

SHEET NUMBER

RZ-2

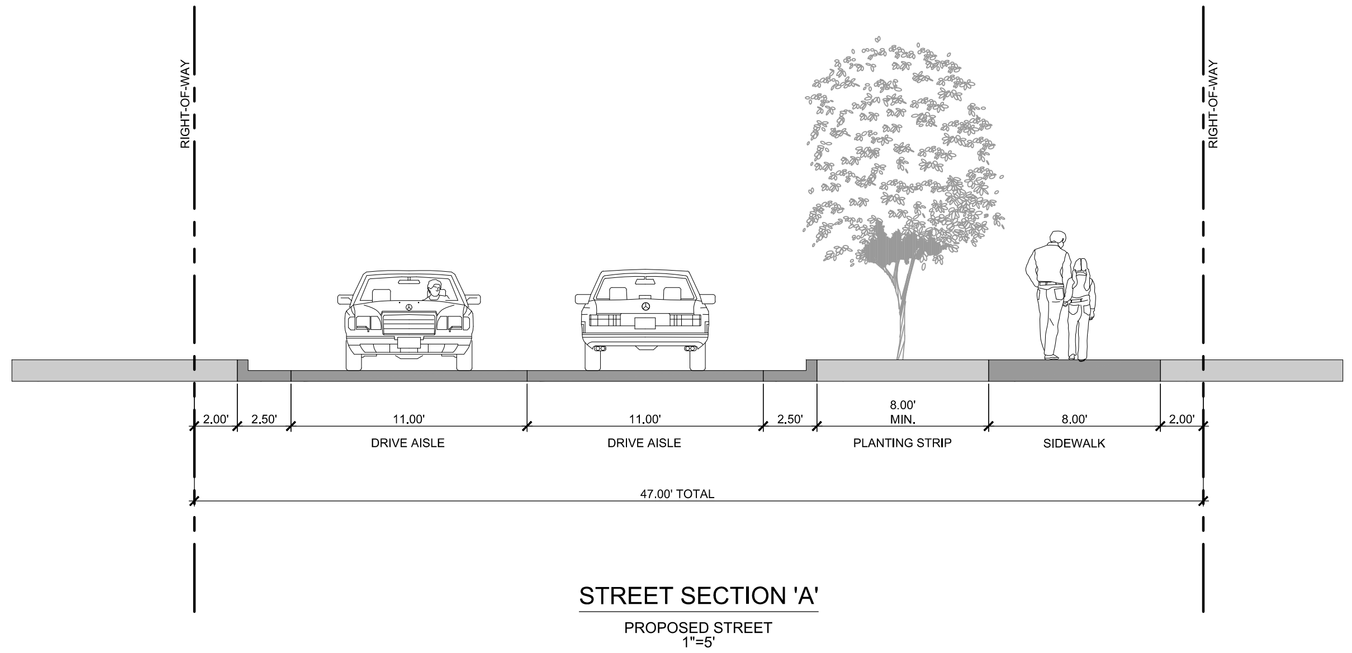
SITE SECTION
200 WADSWORTH PLACE



1 A0.04 SITE SECTION
3/64" = 1'-0"

JEFFERSON APARTMENT GROUP 04/03/20

NILES BOLTON ASSOCIATES



STREET SECTION 'A'
PROPOSED STREET
1"=5'

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KEY MAP

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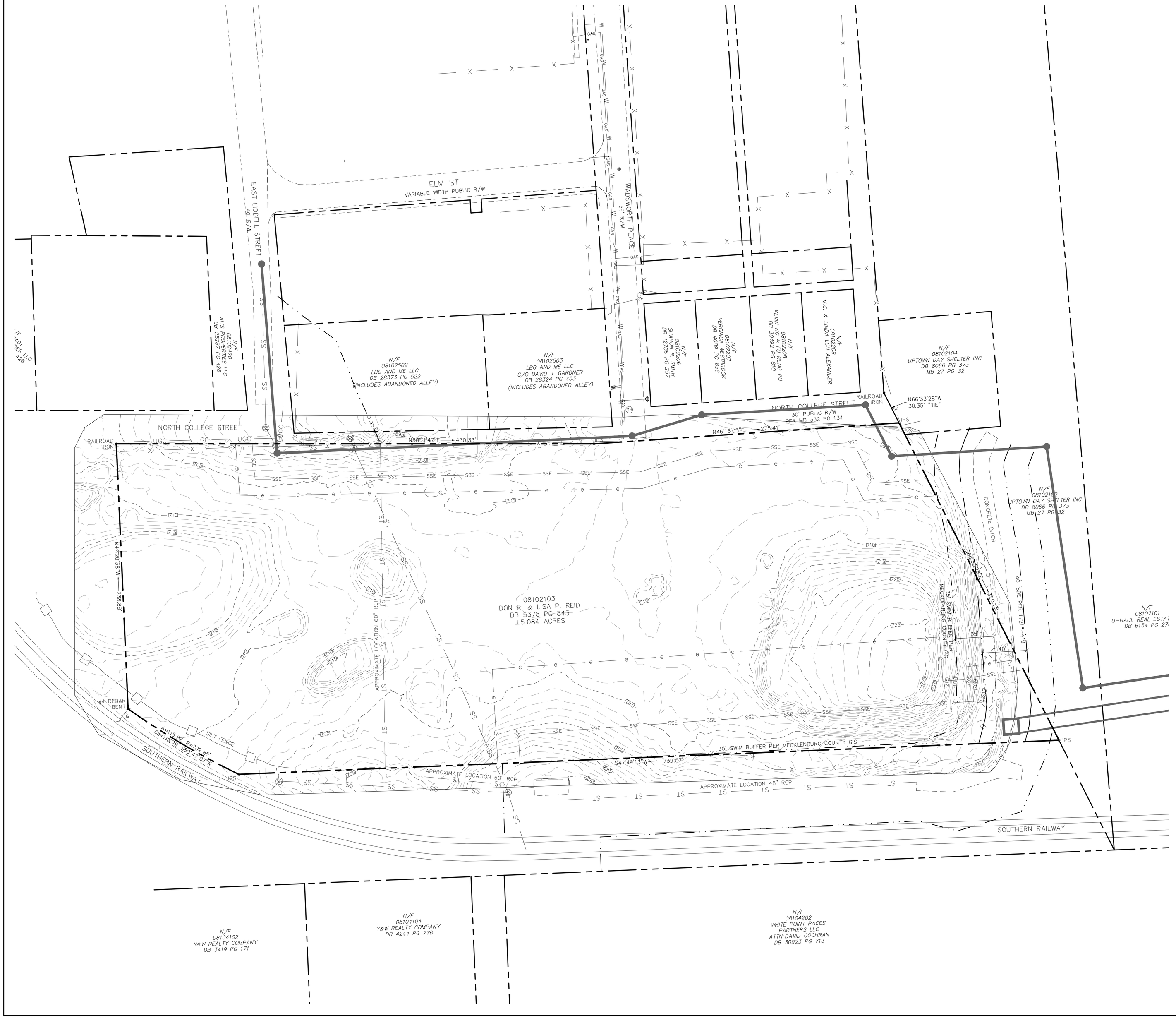
DESIGNED BY: DAW
DRAWN BY: SFC
CHECKED BY: DAW

SCALE
VERT: N/A
HORZ: 1"= 5'
0 2.5' 5' 10'

NORTH

SHEET TITLE
SECTIONS

SHEET NUMBER
RZ-3



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KEY MAP

SEAL

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NUMBER 2020-034

PROJECT

WADSWORTH

CHARLOTTE, NC

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4	REZONING - 4th SUBMITTAL	07.27.2020

DESIGNED BY: DAW
DRAWN BY: SFC
CHECKED BY: DAW

SCALE
NORTH
VERT: N/A
HORZ: 1"=40'
0 20' 40' 80'

SHEET TITLE

EXISTING CONDITIONS

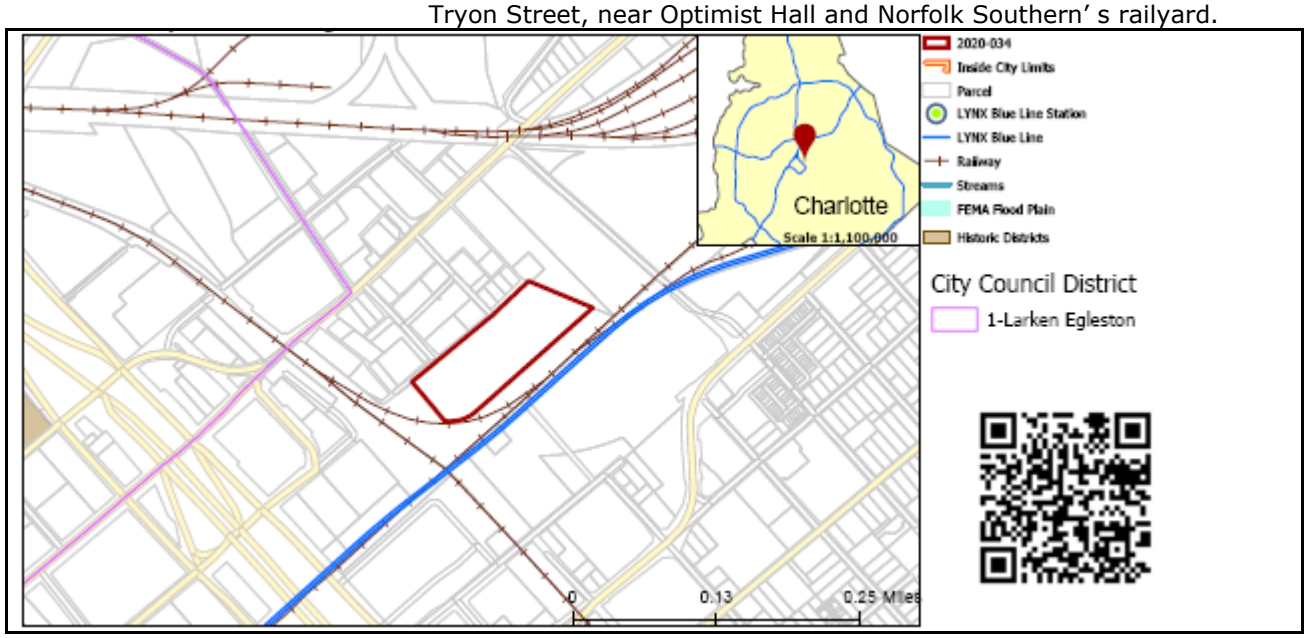
SHEET NUMBER

RZ-4

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-034
Post Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: I-2 (heavy industrial) Proposed Zoning: MUDD (CD) (mixed-use development, conditional)
LOCATION	Approximately 5.07 acres located .2 miles NE from I-277, SW of N. Tryon Street, near Optimist Hall and Norfolk Southern' s railyard.



SUMMARY OF PETITION	The petition proposes to develop a multi-family residential community along the Blue Line Extension corridor for up to 350 residential units at a density of 69.03 dwelling units per acre (DUA).
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Don. R. Reid Greg Van Wie, Jefferson Apartment Group Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held virtually. Report available online. Number of people attending the Virtual Community Meeting: 1

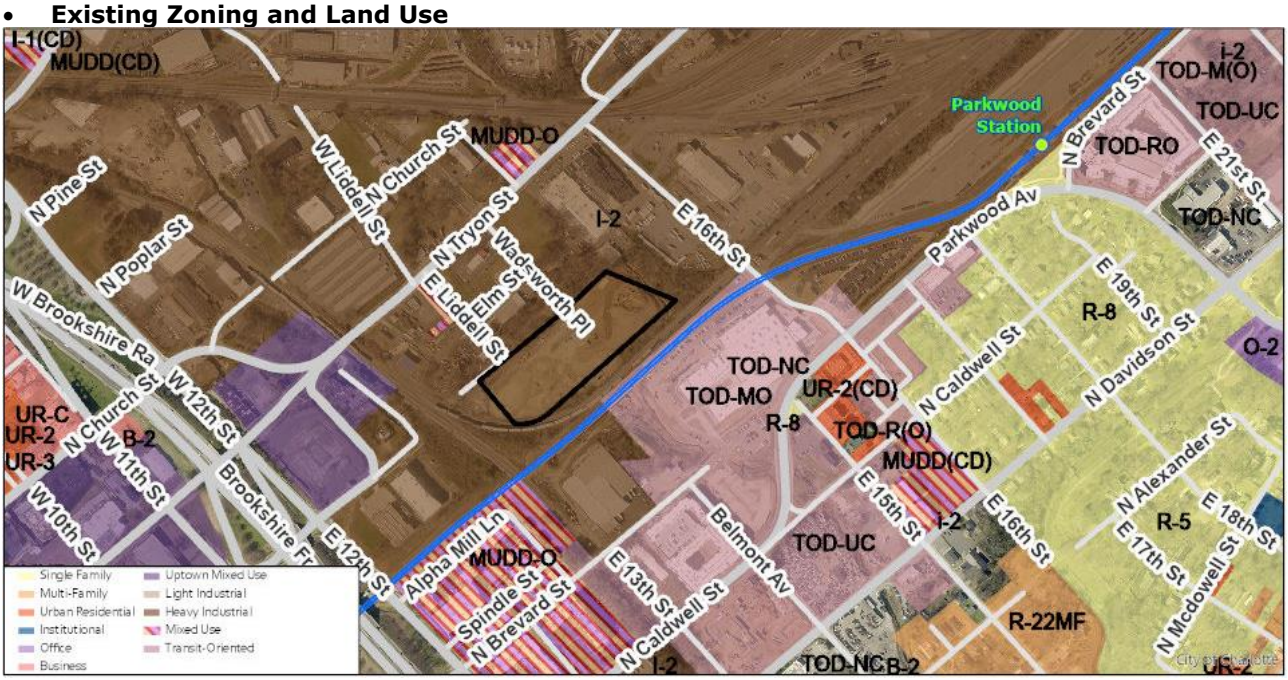
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to environment. Plan Consistency The petition is **inconsistent** with the *North Tryon Area Plan's* recommendation for office/industrial-warehouse-distribution uses for the site. Rationale for Recommendation • The project assists in implementing the *North Tryon Area Plan's* vision to "build on the area's locational strengths" in order to create an area of "thriving, mixed use communities surrounding and interacting with Center City" by transitioning a portion former industrial land to high-density residential uses. • The commitment to one pedestrian connection to North Tryon Street and a potential multi-use path connection to E. 16th Street to get residents safely in and out of their residences to points of interest dovetails well with the stated purpose of the MUDD district

	which states the district should "maintain a strong emphasis on pedestrian scale, urban development, and amenities." • The petitioner has committed to construct off-site sidewalk along Wadsworth Place along one side of the street within the existing right-of-way to improve pedestrian safety as they travel from the site to nearby amenities. • The proposal is consistent with the form and density of development along the N. Davidson Street corridor and redevelopment that has occurred around the Optimist Park neighborhood. The approval of this petition will revise the adopted future land use as specified by the *North Tryon Area Plan*, from office/industrial-warehouse-distribution 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:
  - Proposes a multi-family residential development of up to 350 dwelling units together with accessory uses permitted in the MUDD zoning district.
  - Limits the number of principal structures to two, with no limitations on the number of accessory structures.
  - Proposes access to the site from N. College Street by way of Liddell Street and Wadsworth Place.
  - Commits to improve College Street along the length of the subject property.
  - Commits to construction of 12-foot multi-use path if permissions are granted from neighboring property owners to connect the site to E. 16th Street. ~~Alternatives to this is the potential multi-use path include sidewalk along Wadsworth (one side only) if enough right-of-way exists.~~ The petitioner further commits to constructing an off-site, 5-foot sidewalk along one side of Wadsworth Place within the existing ROW. Because of the narrow ROW and the fact that it is an off-site improvement, the sidewalk may be placed alongside the edge of pavement.
  - Commits to improving one side of College Street with an 8-foot sidewalk and 8-foot planting strip.
  - Proposes architectural guidelines including:
    - Provides a list of "Preferred Building Materials" and only permits vinyl on aluminum on windows, soffits or handrails.
    - Treatment of the side of the structure that faces the light rail line as a primary façade.
    - Amenities and active uses oriented towards the College Street side of the site.
    - Façade articulation of any building exceeding 120 feet in length.
    - Additional elevation design elements to create visual interest from the ground level.
  - Commits to full cutoff lighting excluding decorative lighting. Detached lighting shall not exceed 22 feet.

- **Existing Zoning and Land Use**



The site is zoned I-2 (heavy industrial), and there have been no historic rezonings at the site. It is immediately surrounded by heavy industrial uses and near the Norfolk Southern railyard. South of property opposite the Blue Line is a mixture of retail, multi-family, and single family homes.



General location of subject property denoted by red star. Aerial view of subject property looking SE. Parkwood Station is in the top right of the frame. Uses above the yellow line (used to delineate existing rail lines) have developed into a mixture of uses while uses below the yellow line are largely industrial in nature. One exception is a redevelopment/adaptive reuse of an old grocery store located at the corner of N. Tryon Street and Liddell Street (2019-143).

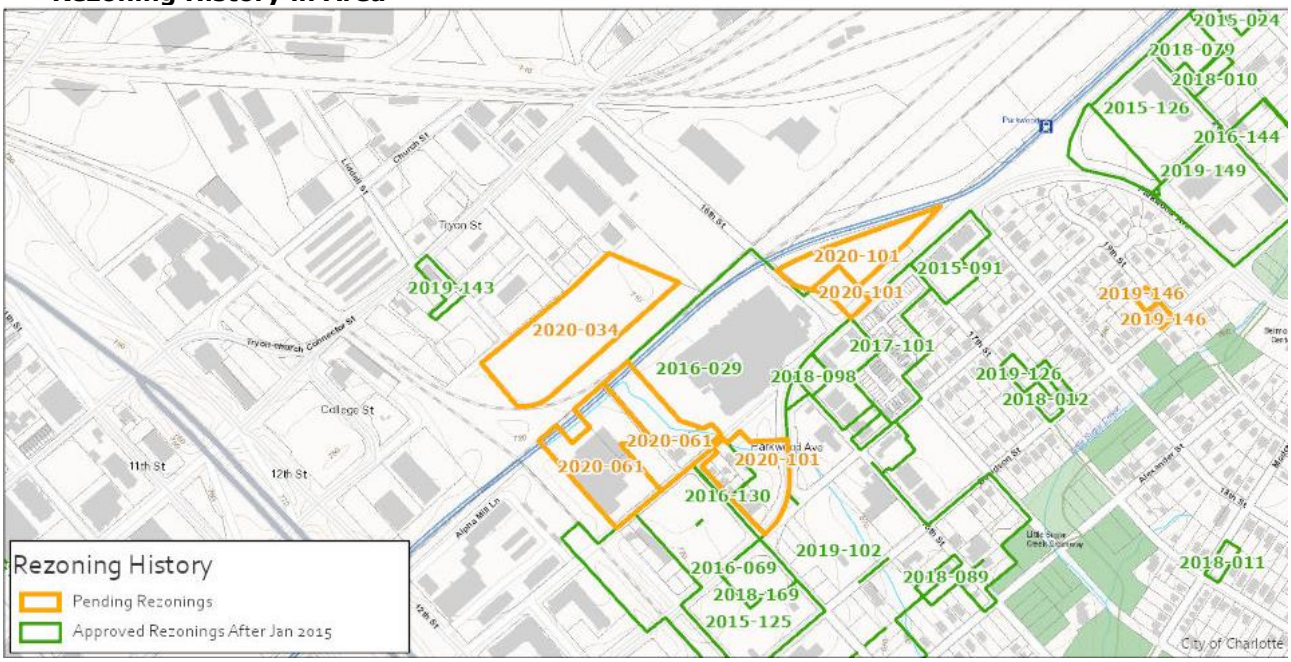


Streetview from E. Liddell Street, one of the two existing streets providing ingress and egress to the site. View looking SW towards the site. There is partial curb and gutter along Liddell Street. The Blue Line Extension can be seen in the background and is highlighted in pink.



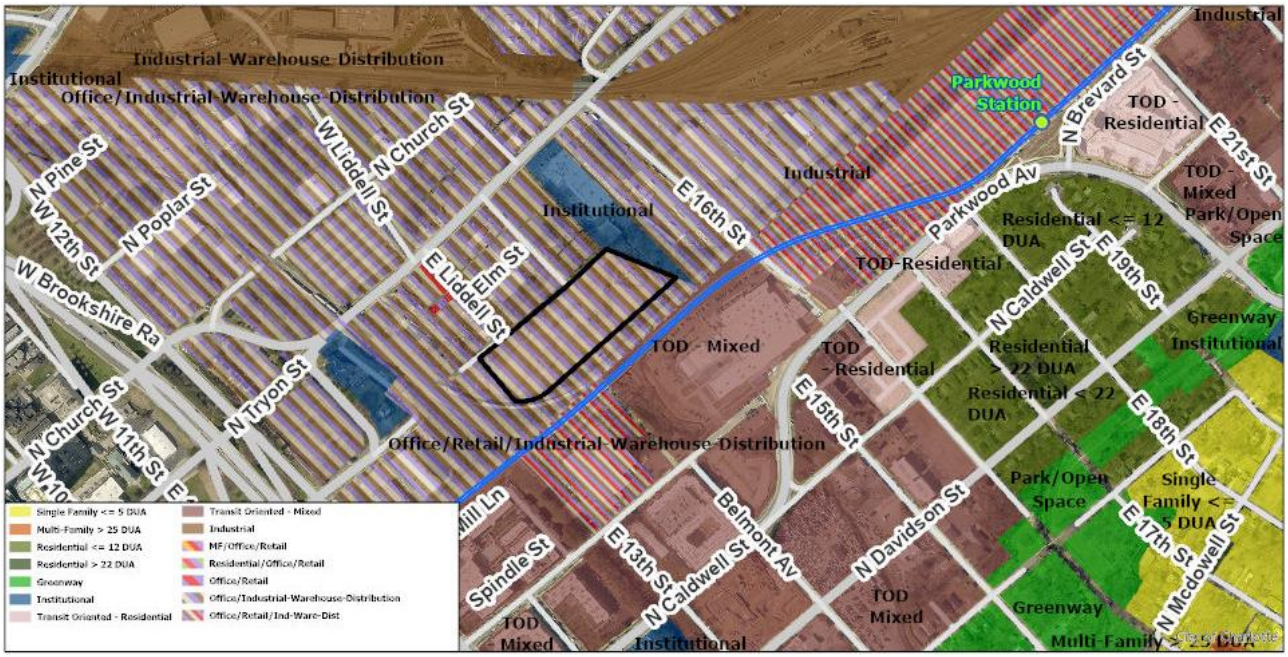
Streetview from Wadsworth Place, one of the two existing streets providing ingress and egress to the site. View looking SW towards the site. This portion of the street is lacking curb and gutter. The smokestack from Optimist Hall can be seen in the background and is highlighted in pink.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-146	Request to rezone parcel into two urban residential districts and to adaptively reuse historic corner store.	Approved
2019-143	Request to rezone in order to adaptively reuse a historic structure for office and retail uses.	Approved
2019-126	Request for urban residential district to provide multi-family units with an affordability component.	Approved
2019-102	City-sponsored TOD rezoning for parcels along Blue Line.	Approved
2019-149, 2018-169, 2018-098 ,2018-079, 2018-010, 2017-101, 2016-069, 2016-029, 2016-130, 2016-144, 2016-144, 2015-125, 2015-126, 2015-091	Petitions all requesting transit-oriented development zoning districts	Approved
2018-089	Request from single-family residential to UR-C district.	Approved
2018-011	Request from single-family zoning district to urban residential.	Approved
2015-024	Request to light industrial transit-supportive overlay.	Approved

- **Public Plans and Policies**



  - The *North Tryon Area Plan* (2010) recommends office/industrial-warehouse-distribution uses for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located on a local road. The site is located approximately 3,700 feet from the Parkwood light rail station. The petitioner is building College Street to the required City standards by providing an 8-foot planting strip and 8-foot sidewalk along the development's frontage.
  - **Active Projects:**
    - **North Tryon Street Gateway** - This project will create a gateway between Uptown and the North End through streetscape enhancements along North Tryon Street from11th Street to Dalton Avenue, with aesthetic improvements at the railroad overcrossings. Streetscape elements
    - **16th Street Streetscape** – This project will provide pedestrian, bicycle facilities and aesthetics on 16th Street.
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 0 trips per day (based on vacant land use).
    Entitlement: 170 trips per day (based on 76,050 SF of warehouse uses).
    Proposed Zoning: 2,045 trips per day (based on 350 multi-family dwelling units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte 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 69 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 69 students.
  - Choose an item.
    - Walter G. Byers Pre-K-8 from 92% to 106%
    - West Charlotte High from 94% to 95%.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system

capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—Charlotte Water's North Tryon 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 2-inch water distribution main located along Wadsworth Place. 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. ~~To reflect the importance of pedestrian connectivity to this site, note 3.f should be revised to commit to an off-site pedestrian improvement that includes the construction minimum 6-foot wide sidewalk along both sides of Wadsworth (as this is the shortest path to the Blue Line's Parkwood Ave. Station) and the petitioner should revise language to commit to providing that connection before issuance of final certificate of occupancy.~~ ADDRESSED

Environment

2. ~~Rezoning sheet RZ-4 indicates a 40-foot storm drainage easement (SDE) per deed book 17218 page 419 over a 60-inch RCP. Please note that Charlotte-Mecklenburg Storm Water Services (CMSWS) does not have an SDE over this portion of the drainage system.~~ ~~The SDE per this book and page are over the drainage system and channel on the eastern portion of the site.~~ Please ~~revise the plan sheet to show this accordingly.~~ ADDRESSED CMSWS also has a separate SDE parallel to the railroad tracks that is shown on sheet RZ-4. Please include reference to the SDE in deed book 33974 pages 209-216. No buildings or structures are permitted over and across these easements. Encroachments into these easements are not approved with the rezoning process. OUTSTANDING

REQUESTED TECHNICAL REVISIONS

Transportation

3. ~~Conditional note 3.k contains a spelling error and should be revised to "…request that CDOT allow a bond to be posted…"~~ ADDRESSED

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

Planner: William Linville (704) 336-4090

Petition 2020-034 by Jefferson Apartment Group

To Approve:

This petition is found to be **inconsistent** with the *North Tryon 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/industrial-warehouse-distribution uses for the site.

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

- The project assists in implementing the North Tryon Area Plan's vision to "build on the area's locational strengths" in order to create an area of "thriving, mixed use communities surrounding and interacting with Center City" by transitioning a portion former industrial land to high-density residential uses.
- The commitment to one pedestrian connection to North Tryon Street and a potential multi-use path connection to E. 16th Street to get residents safely in and out of their residences to points of interest dovetails well with the stated purpose of the MUDD district which states the district should "maintain a strong emphasis on pedestrian scale, urban development, and amenities."
- The petitioner has committed to construct off-site sidewalk along Wadsworth Place along one side of the street within the existing right-of-way to improve pedestrian safety as they travel from the site to nearby amenities.
- The proposal is consistent with the form and density of development along the N. Davidson Street corridor and redevelopment that has occurred around the Optimist Park neighborhood.

The approval of this petition will revise the adopted future land use as specified by the *North Tryon Area Plan*, from office/industrial-warehouse-distribution to residential uses over 22 DUA for the site.

To Deny:

This petition is found to be **inconsistent** with the *North Tryon 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/industrial-warehouse-distribution uses for the site.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 15.**File #:** 15-13945 **Type:** Zoning Item

Rezoning Petition: 2020-039 by Hinshaw Properties, LLC

Location: Approximately 0.44 acres located north of Firefighter Place, east of 7th Street, and west of Weddington Avenue. (Council District 1 - Egleston)

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

Public Hearing Held: July 20, 2020 - Item #42

Staff Resource: Claire Lyte-Graham

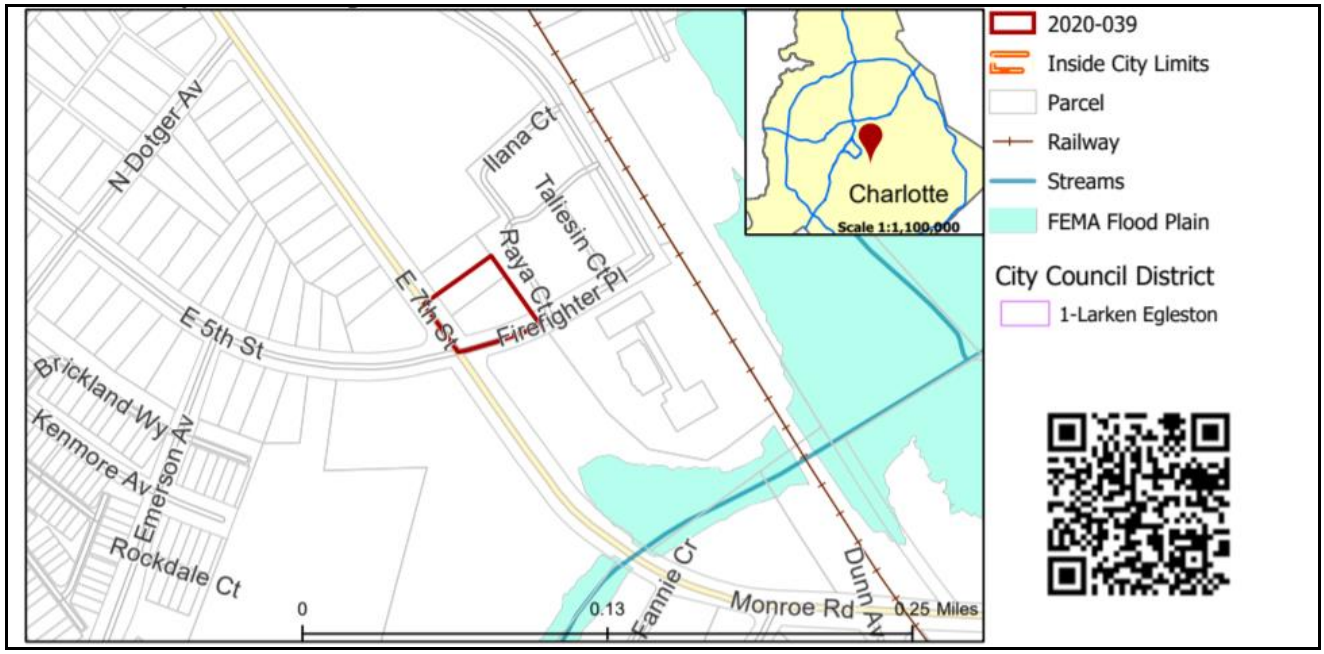
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-039
Post Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: R-22MF (multifamily residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 0.44 acres located north of Firefighter Place, east of 7th Street, and west of Weddington Avenue.



SUMMARY OF PETITION	The petition proposes to allow a for-sale 10-unit townhouse development at a density of 22.61 units per acre on a vacant parcel on the northeast corner of East 7th Street and Firefighter Place near Chantilly Neighborhood Park.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	SCG/TBR VENUE OWNER LLC Hinshaw Properties, LLC Collin Brown and Brittany Lins, Alexander Ricks
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1

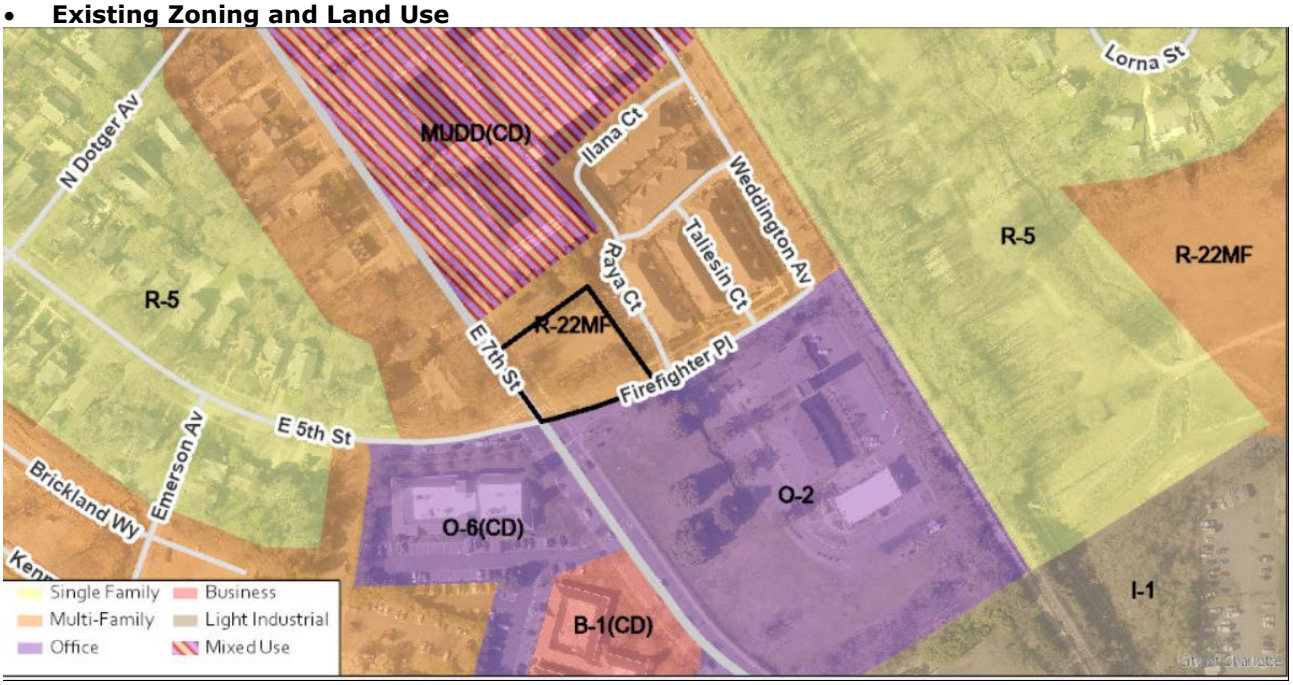
STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **consistent** with the *Elizabeth Area Plan (2011)* recommendation for residential land uses, and **inconsistent** with the recommended density for up to 22 units per acre. Rationale for Recommendation • The site is an infill parcel with frontage on 7th Street. • The proposed density is slightly over the recommended density at 22.61 units per acre. • The site is generally surrounded by existing attached and multi-family residential developments. • The plan provides buffer/ screening abutting single family homes. • The plan limits the height of the buildings to 48 feet which is compatible with surrounding development.

- The request provides a 10-foot vegetated area along the property line abutting the single family residence.
- The plan provides architectural standards related to building materials, limitations on blank walls, and treatment of corner/end units.
- The development enhances walkability via streetscape improvements along abutting frontages.

The approval of this petition will revise the adopted future land use as specified by the *Elizabeth Area Plan*, from residential up to 22 units per acre to residential over 22 units per acre for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Limits the number of alley-fed single family attached (townhome) units to 10 for a density of 22.61 units per acre.
  - Limits the building height to 48 feet.
  - Proposes ingress/egress onto Firefighter Place.
  - Provides 8-foot sidewalk and 8-foot planting strip along East 7th Street and Firefighter Place frontages.
  - Installs a 6-foot shared sidewalk along easternmost units, to tie into proposed sidewalk along Firefighter Place.
  - Proposes architectural and landscaping standards related to exterior building materials, pitched roofs, corner/end units, blank wall provisions, and rooftop terraces.
  - Prohibits vinyl siding, excluding vinyl handrails, windows, soffits, doors, garage doors, railings, or trim, and concrete masonry units not architecturally finished.
  - Notes the amount of exterior cementitious siding shall not exceed 25% in the aggregate for all buildings on the Site.
  - Notes garage doors of Units 5 and 6 will include translucent garage door windows and other projecting architectural elements such as, but not limited to, arbors.
  - Provides 10-foot vegetated area and 8-foot high retaining wall along the north property line to be planted to Class C buffer standards. Notes vegetated area may be eliminated if abutting parcel with existing single family residential home is redeveloped to a use other than single family residential.
  - Identifies proposed usable open space areas.
  - Proposes payment in lieu option for tree save.
- **Existing Zoning and Land Use**

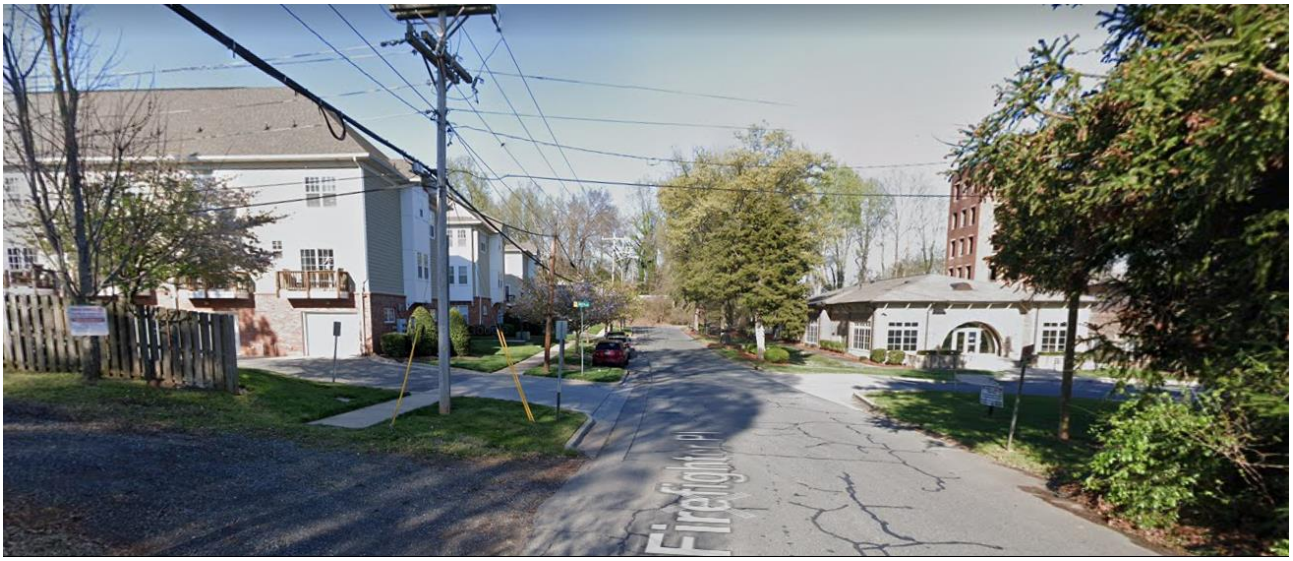


The site is currently vacant and is surrounded by a mix of single family neighborhoods, multifamily residential communities, institutional uses, and office uses in various zoning districts.





The site is currently vacant.



East are townhomes and office uses.



Immediately north is a single family house.



North and west, along E. 7th Street, are apartments and condominiums.



West are single family homes.



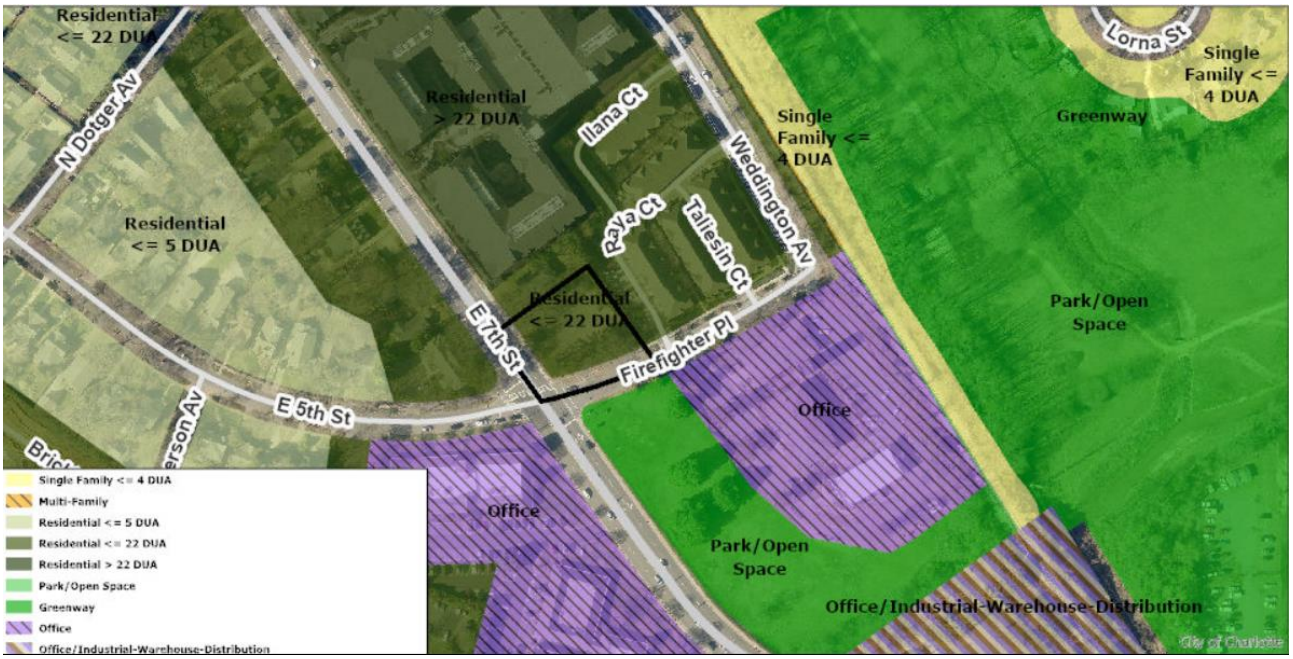
South, along E. 7th Street, are office and institutional uses.

- **Rezoning History in Area**



There have been no recent rezonings in the immediate area.

- **Public Plans and Policies**



- The *Elizabeth Area Plan* recommends residential land uses up to 22 units per acre for this site.

- **TRANSPORTATION CONSIDERATIONS**
  - The site is located on a major thoroughfare road. The site plan commits to an 8-foot planting strip and 8-foot sidewalk along 7th Street and Fireplace Place. CDOT continues to request the construction of the accessible ramps and associated pedestrian signal improvements to meet Charlotte WALKS City policy and accessible ramp requirements to promote walkability to the nearby Briar Creek Greenway.
  - Active Projects Near the Site:
    - Briar Creek Greenway, Central Ave. to Monroe Rd. (proposed access across Firefighter Pl. from site)
      - Scope: construct new greenway between Central Ave. and Monroe Rd./7th St.
      - Current phase: Design
      - PM: Mecklenburg County Park & Rec

- ~~See Outstanding Issues, Notes 1-4~~ Addressed
- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: Vacant land
  Entitlement: 50 trips per day (9 apartments; based on R-22MF zoning)
  Proposed Zoning: 75 trips per day (10 townhomes; site plan).

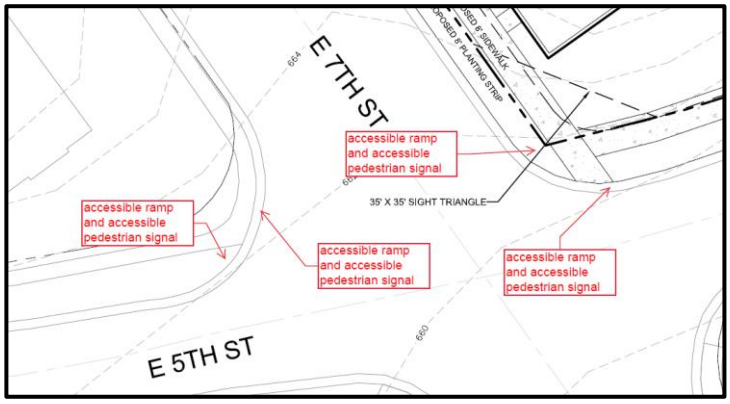
DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at 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 2 students, while the development allowed under the proposed zoning may produce 1 student.
  - 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 High 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 E 7th Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along E 7th Street. 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.

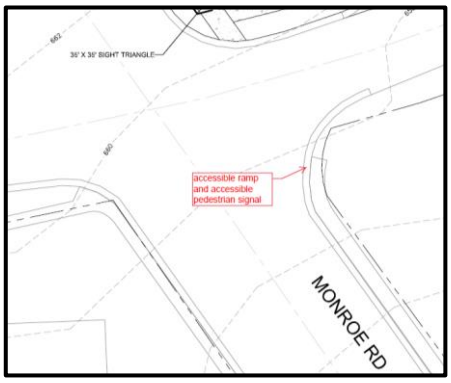
OUTSTANDING ISSUES

Transportation

1. ~~The petitioner should revise the site plan and conditional note(s) to commit to construct dual ramps at the corner of E 7t Street and E. 5th Street to meet the City's Charlotte WALKS Policy and PROWAG. In addition, the developer should commit to provide accessible push buttons for its corner. The site plan should label and dimension both items from the back of curb and gutter and road centerline.~~ Rescinded



2. ~~The petitioner should revise the site plan and conditional note(s) to commit to construct dual ramps at the corner of Monroe Road and E. 5th Street to meet City's Charlotte WALKS Policy and PROWAG. The site plan should label and dimension both items from the back of curb and gutter and road centerline.~~ Rescinded



~~3. 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

~~4. 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.~~ Rescinded

Site and Building Design

~~5. Specify 10-foot vegetated area will be to Class C buffer standard.~~ Addressed

REQUESTED TECHNICAL REVISION

Site and Building Design

~~6. Under Development Data either modify language to state parking will meet ordinance requirements or clarify how it will exceed requirements.~~ Addressed

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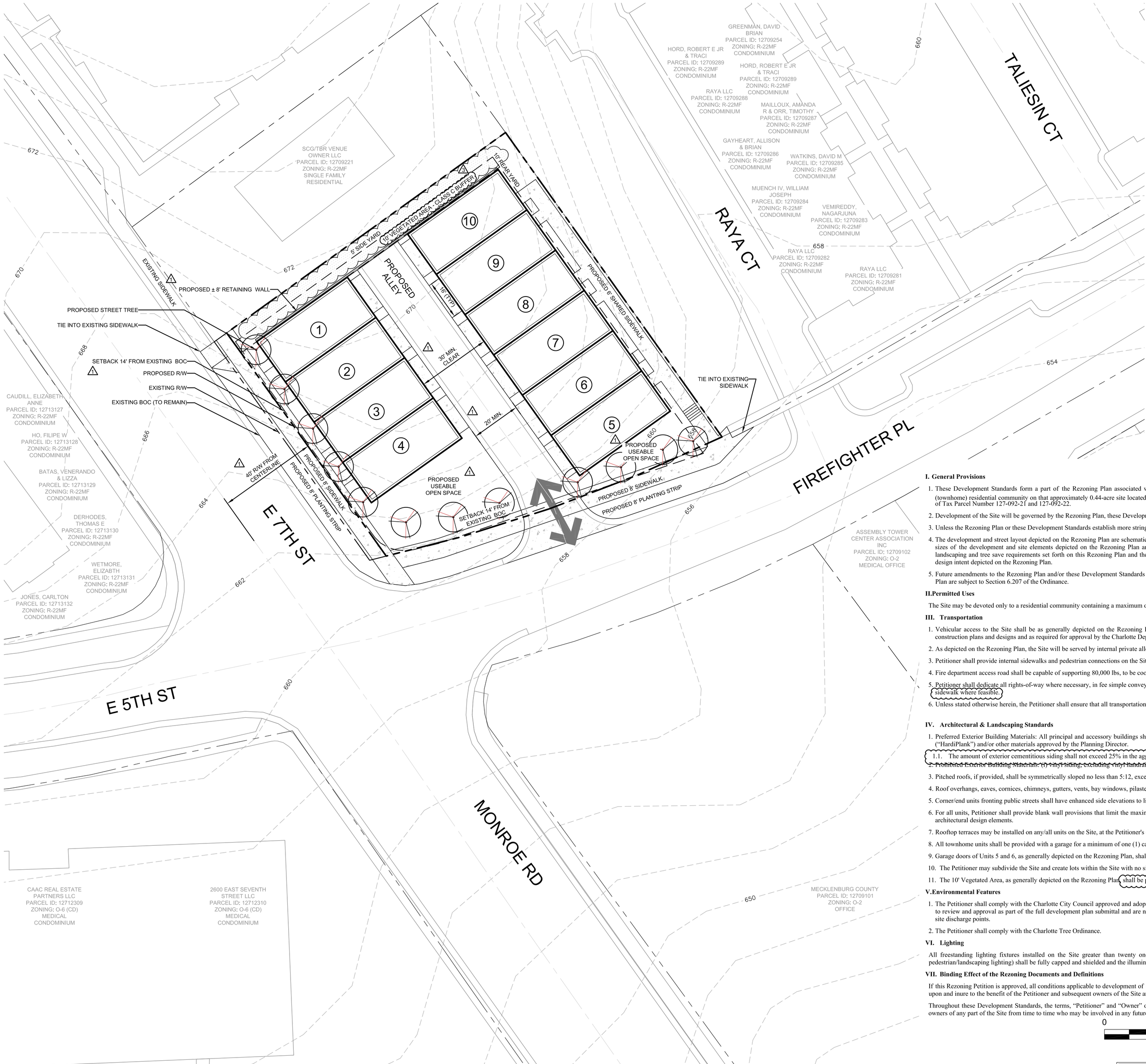
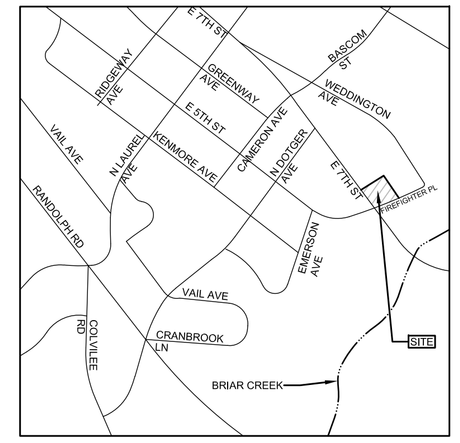
See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

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



LEGEND:

PROPERTY BOUNDARY:
EXISTING SIDEWALK:
PROPOSED SIDEWALK:
PROPOSED BUILDING:
EXISTING BUILDING:
EXISTING CURB & GUTTER:
PROPOSED CURB & GUTTER:
ROAD CENTERLINE:
EXISTING LOT LINE:
PROPOSED SETBACK LINE:
PROPOSED VEGETATION:
PROPOSED SIGHT TRIANGLE:
PROPOSED WALL:
EXISTING TREELINE:
EXISTING SIDEWALK TO BE REMOVED:
PROPOSED SITE ACCESS:



VICINITY MAP SCALE: NTS

DEVELOPMENT DATA:

SITE AREA:	±0.44 AC
TAX PARCEL ID:	127-092-21 and 127-092-22
EXISTING ZONING:	R-22MF
PROPOSED ZONING:	UR-2(CD)
EXISTING USE:	VACANT
PROPOSED USES:	UP TO TEN (10) SINGLE-FAMILY ATTACHED (TOWNHOME) DWELLING UNITS FOR SALE 1
PROPOSED DENSITY:	22.61 UNITS/ AC
SETBACK:	14' (FROM EXISTING OR PROPOSED BOC)
SIDE YARD:	5'
REAR YARD:	10'
MAX. BLDG HT:	UP TO FORTY-EIGHT (48) FEET, AS MEASURED PER THE ORDINANCE
PARKING:	PER ORDINANCE STANDARDS 1
TREE SAVE REQUIRED:	15% (±2875 SF) - PAYMENT IN LIEU OPTION
WATER QUALITY:	BELOW PCO THRESHOLD
WASTE MANAGEMENT:	ROLL-OUT CONTAINERS 1
USEABLE OPEN SPACE (10% REQUIRED PER ORDINANCE):	± 1820 S.F.

REALTY ADVISORY CORPORATION LLC
REZONING PETITION NO. 2020-039

I. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Realty Advisory Corporation LLC (the "Petitioner") to accommodate the development of a single-family attached (townhome) residential community on that approximately 0.44-acre site located at the northeast intersection of East 7th Street and Firefighter Place, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Number 127-092-21 and 127-092-22.
2. Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
3. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-2 zoning district shall govern the development and use of the Site.
4. The development and street layout depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard, landscaping and tree save requirements set forth on this Rezoning Plan 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

The Site may be devoted only to a residential community containing a maximum of ten (10) single-family attached dwelling units and any incidental and accessory uses relating thereto that are permitted in the UR-2 zoning district.

III. Transportation

1. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and as required for approval by the Charlotte Department of Transportation (CDOT).
2. As depicted on the Rezoning Plan, the Site will be served by internal private alleys, and minor adjustments to the location of these streets/alleys shall be allowed during the construction permitting process in coordination with CDOT.
3. Petitioner shall provide internal sidewalks and pedestrian connections on the Site as generally depicted on the Rezoning Plan. Internal sidewalks may meander to save existing trees
4. Fire department access road shall be capable of supporting 80,000 lbs, to be coordinated during permitting phase of development. Fire hydrant shall be located within 750' of the most remove point of building as truck travel. 2
5. Petitioner shall dedicate all rights-of-way where necessary, in fee simple conveyance to the City of Charlotte prior to the issuance of the Site's first building certificate of occupancy. Right-of-way shall be set at 2 feet behind the back of sidewalk where feasible. 3
6. Unless stated otherwise herein, the Petitioner shall ensure that all transportation improvements are substantially completed prior to the issuance of the Site's first building certificate of occupancy.

IV. Architectural & Landscaping Standards

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 Director.
   1.1. The amount of exterior cementitious siding shall not exceed 25% in the aggregate for all buildings on the Site. 1
   1.2. Prohibited Exterior Building Materials: (i) vinyl siding, excluding vinyl handrails, 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 porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
4. 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 and yards. 1
5. Corner/end units fronting public streets shall have enhanced side elevations to limit the maximum blank wall expanse to twenty (20) feet on each level of the unit.
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, awnings, material or color changes, and/or architectural design elements.
7. Rooftop terraces may be installed on any/all units on the Site, at the Petitioner's option.
8. All townhome units shall be provided with a garage for a minimum of one (1) car.
9. Garage doors of Units 5 and 6, as generally depicted on the Rezoning Plan, shall include translucent garage door windows and other projecting architectural elements such as, but not limited to, arbors. 2
10. 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.
11. The 10' Vegetated Area, as generally depicted on the Rezoning Plan, shall be planted to Class C buffer standards and may be removed in the event that parcel 127-092-21 is redeveloped to a use other than single-family residential. 1

V.Environmental Features 2

1. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
2. The Petitioner shall comply with the Charlotte Tree Ordinance.

VI. Lighting

All freestanding lighting fixtures installed on the Site greater than twenty one (21) feet in total height (i.e., excluding decorative lighting less than 21' in height that may be installed along the driveways and sidewalks as pedestrian/landscaping lighting) shall be fully capped and shielded and the illumination downwardly directed.

VII. Binding Effect of the Rezoning Documents and Definitions

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

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

0 20' 40' 80'

SCALE: 1"=20'

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

N

REVISIONS:

No.	Date	By	Description
1	5/11/20	SCJ	REVISIONS PER STAFF COMMENTS
2	6/15/20	ENL	UPDATED DEVELOPMENT STANDARDS
3	7/27/20	ENL	REVISIONS PER STAFF COMMENTS

Landworks Design Group, PA
CREATING SPACES TO LIVE, WORK AND PLAY
7621 Little Avenue, Suite 111
Charlotte, NC 28226
tel: 704-841-1604
fax: 704-841-1604

FIREFIGHTER PLACE TOWNS
CHARLOTTE, NC
Realty Advisory Corporation LLC
Charlotte, NC

REZONING SITE PLAN
PETITION # RZP-2020-039

CORPORATE CERTIFICATIONS
NC PE : C–2930 NC LA : C–253
SC ENG : NO. 3599 SC LA : NO. 211

Project Manager:	MDL
Drawn By:	SCJ
Checked By:	MDL
Date:	07/27/20
Project Number:	19024

Sheet Number:

RZ-1

SHEET # 1 OF 1

P:\2019 Jobs\19024 - Firefighter Place Towns - Hinshaw\CAD\Sketch Planning\19024_RZ.dwg

Petition 2020-039 by Hinshaw Properties, LLC

To Approve:

The petition is found to be **consistent** with the *Elizabeth Area Plan* with respect to proposed land use and **inconsistent** with the plan's recommended density, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential land uses up to 22 units per acre.

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

- The site is an infill parcel with frontage on 7th Street.
- The proposed density is slightly over the recommended density at 22.61 units per acre.
- The site is generally surrounded by existing attached and multi-family residential developments.
- The plan provides buffer/ screening abutting single family homes.
- The plan limits the height of the buildings to 48 feet which is compatible with surrounding development.
- The request provides a 10-foot vegetated area along the property line abutting the single family residence.
- The plan provides architectural standards related to building materials, limitations on blank walls, and treatment of corner/end units.
- The development enhances walkability via streetscape improvements along abutting frontages.

The approval of this petition will revise the adopted future land use as specified by the *Elizabeth Area Plan*, from residential up to 22 units per acre to residential over 22 units per acre for the site.

To Deny:

The petition is found to be **consistent** with the *Elizabeth Area Plan* with respect to proposed land use and **inconsistent** with the plan's recommended, based on information from the staff analysis and the public hearing, and because, and because:

- The plan recommends residential land uses up to 22 units per acre.

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

- (To be explained by Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 16.**File #:** 15-13946 **Type:** Zoning Item

Rezoning Petition: 2020-046 by Take 5 Carolinas

Location: Approximately 1.09 acres located southwest of Whitehall Park Drive, on the north side of Tryon Street, east of Sandy Porter Road. (Council District 3 - Watlington)

Current Zoning: I-1 (CD) (light industrial, conditional)
Proposed Zoning: I-1 (CD) SPA (light industrial, conditional, site plan amendment)

Public Hearing Held: July 20, 2020 - Item #43

Staff Resource: Lisa Arnold

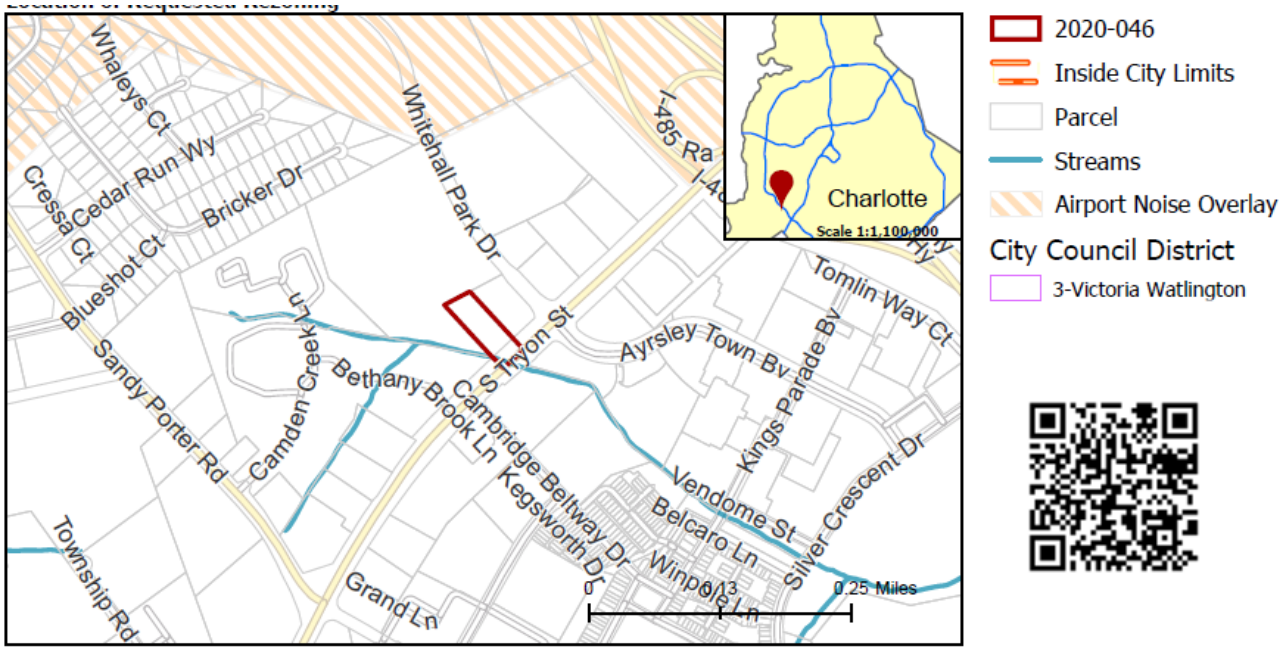
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to site and building design.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-046
Post-Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: I-1(CD) (light industrial, conditional) Proposed Zoning: I-1(CD) SPA (light industrial, conditional, site plan amendment
LOCATION	Approximately 1.09 acres located southwest of Whitehall Park Drive, on the north side of Tryon Street, east of Sandy Porter Road



SUMMARY OF PETITION	The petition proposes a site plan amendment to the approved I-1(CD) rezoning plan to allow automotive service stations.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	LCG2R Apple Charlotte, LLC Take 5 Carolinas Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0

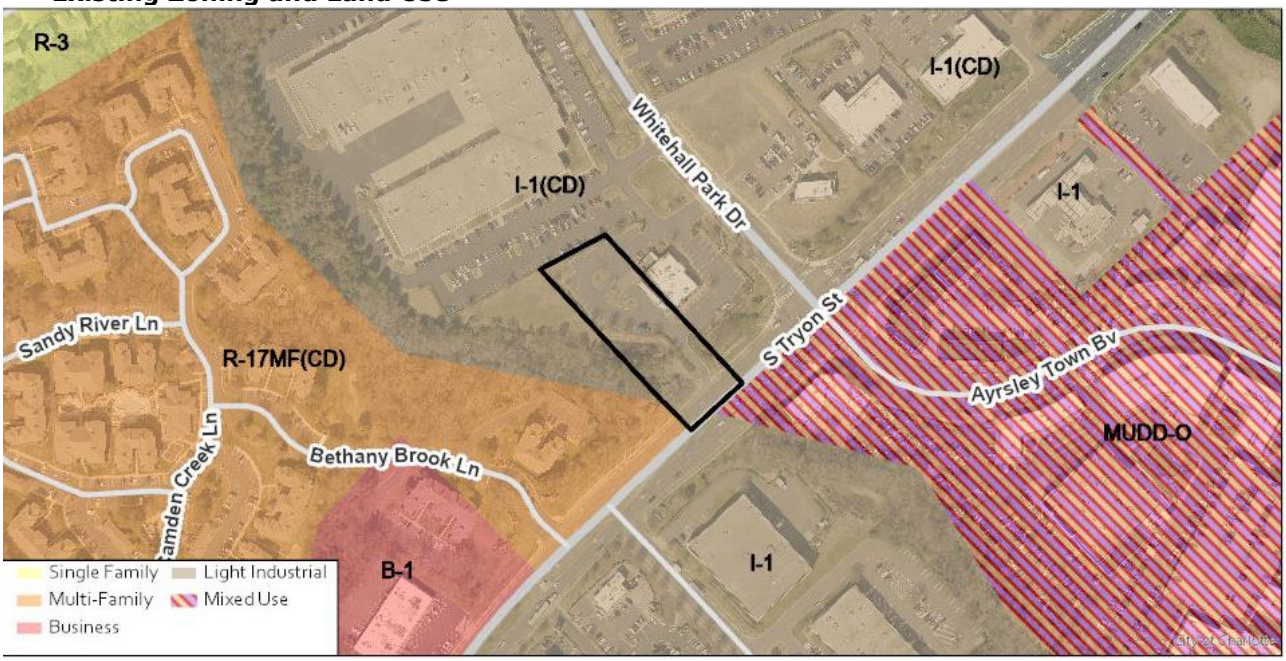
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design. Plan Consistency The petition is **consistent** with the *Steele Creek Area Plan's* (2012) recommendation for office/retail uses. Rationale for Recommendation • The proposed changes to the site are consistent with the area plan and the only changes were made from the previously approved plan was to the permitted uses to include automobile service stations.

- The site, due to its location on S. Tryon Street and as an outparcel, is a sensible location for the development of an automobile service station within the Whitehall Business Park.
- The proposed site plan amendment maintains the existing site and building design standards as required by the Whitehall Business Park.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan amendment contains the following changes:
  - Maintains the same permitted uses: all permitted and accessory uses in the I-1 district, with the exception of the following uses:
    - Armories for Meetings and Training of Military Organizations;
    - Automotive;
    - Boat and Ship Sales and Repair;
    - Bus and Train Terminals;
    - Car Washes;
    - Farms, Including Retail Sales of Products Grown on Premises;
    - Manufactured Housing Repair;
    - Manufactured Housing Sales;
    - Restaurants, Drive-In Services;
    - Tire Recapping and Retreading;
    - Adult Care Center;
    - Cemeteries;
    - Demolition Landfills;
    - Jails and Prisons;
    - Medical Waste Disposal Facilities as A Principal Use;
    - Nightclubs, Bars, And Lounges;
    - Outdoor Advertising Signs Other Than Two Such Signs Which May Be Used Exclusively as Project Signs Fore the Whitehall Development;
    - Petroleum Storage Facilities as A Principal Use;
    - Quarries;
    - Raceways and Dragstrips;
    - Sanitary Landfills, Or
    - Stadiums and Arenas
  - Removes automobile service stations from the originally approved list of prohibited uses.
  - Carries over the requirement for a 50’ setback along S. Tryon Street and design approval from the Whitehall Design Review Committee.
  - Commits to providing an 8’ planting strip and 6’ sidewalk along S. Tryon Street.
  - Provides site lighting requirements to require full cut-off fixtures and decorative building lighting that is capped and downwardly directed.

- **Existing Zoning and Land Use**



The site was rezoned in 1999 (petition 1999-030C) as a part of the Whitehall Business Park. The subject property is developed with a parking lot. Surrounding land uses include industrial, office, multi-family, and business uses.



The subject property is developed with parking for the adjacent lot. The site is marked with a red star.



The property to the north is developed with business and office uses.



The properties to the south are developed with business uses.

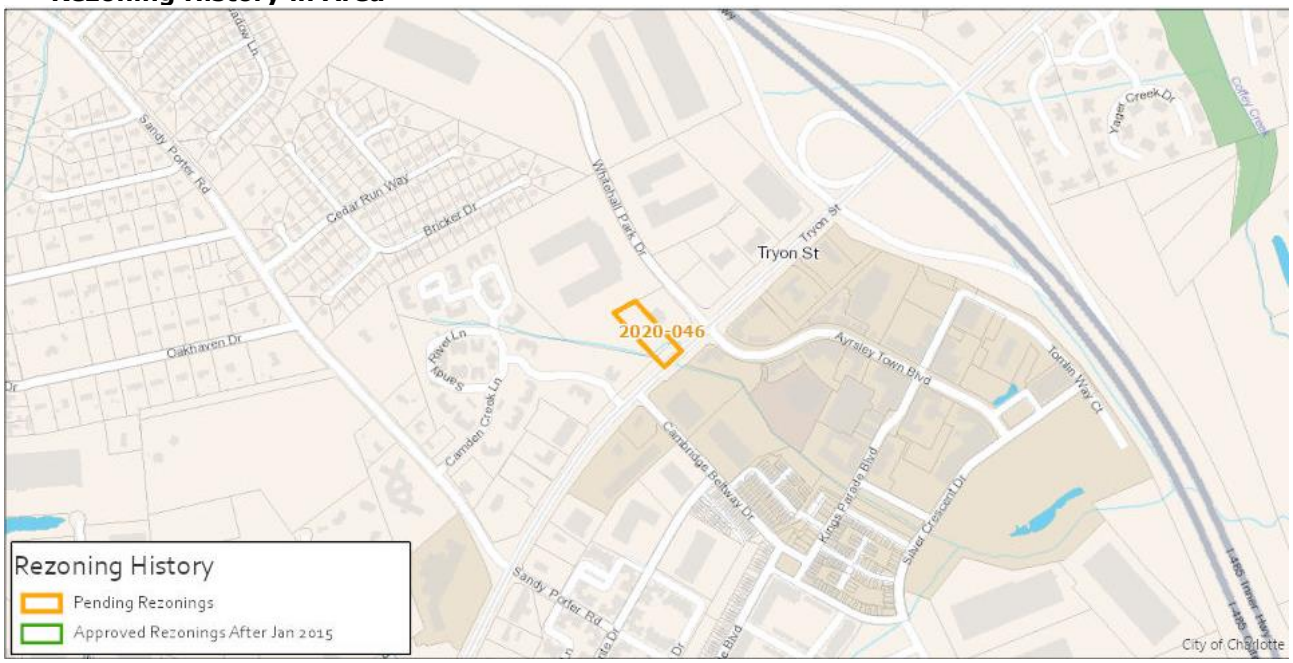


The property to the east is developed with a vacant former restaurant building.



The property to the west is vacant undeveloped land. The subject property is marked with a red star.

- **Rezoning History in Area**



There are no recent pending or approved rezoning in the surrounding area.

- **Public Plans and Policies**



  - The *Steele Creek Area Plan* (adopted 2012) recommends office/retail uses for this site. The site is located within the Whitehall mixed use activity center, as per the *Centers, Corridors and Wedges Growth Framework.*

- **TRANSPORTATION SUMMARY**
  - The site is on South Tryon Street (major thoroughfare, state maintained) and Whitehall Park Drive (minor thoroughfare, city maintained), and is in a wedge outside Route 4. The applicable area plan is the Steele Creek Area Plan.
  - **Active Projects:**
    - Whitehall Park Dr. Bike Improvements
      - Scope: add pavement markings and wayfinding to create bike lanes between Tryon St. and Arrowood Rd.
      - Phase: Initiation
      - Construction: TBD
      - PM: CDOT Design Section, TBD
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 0 trips per day (based on vacant land).
    Entitlement: 65 trips per day (based on 10,900 SF warehouse).
    Proposed Zoning: 170 trips per day (based on 2,500 SF Quick Lubrication Vehicle Shop).

DEPARTMENT COMMENTS (see full department reports online)

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

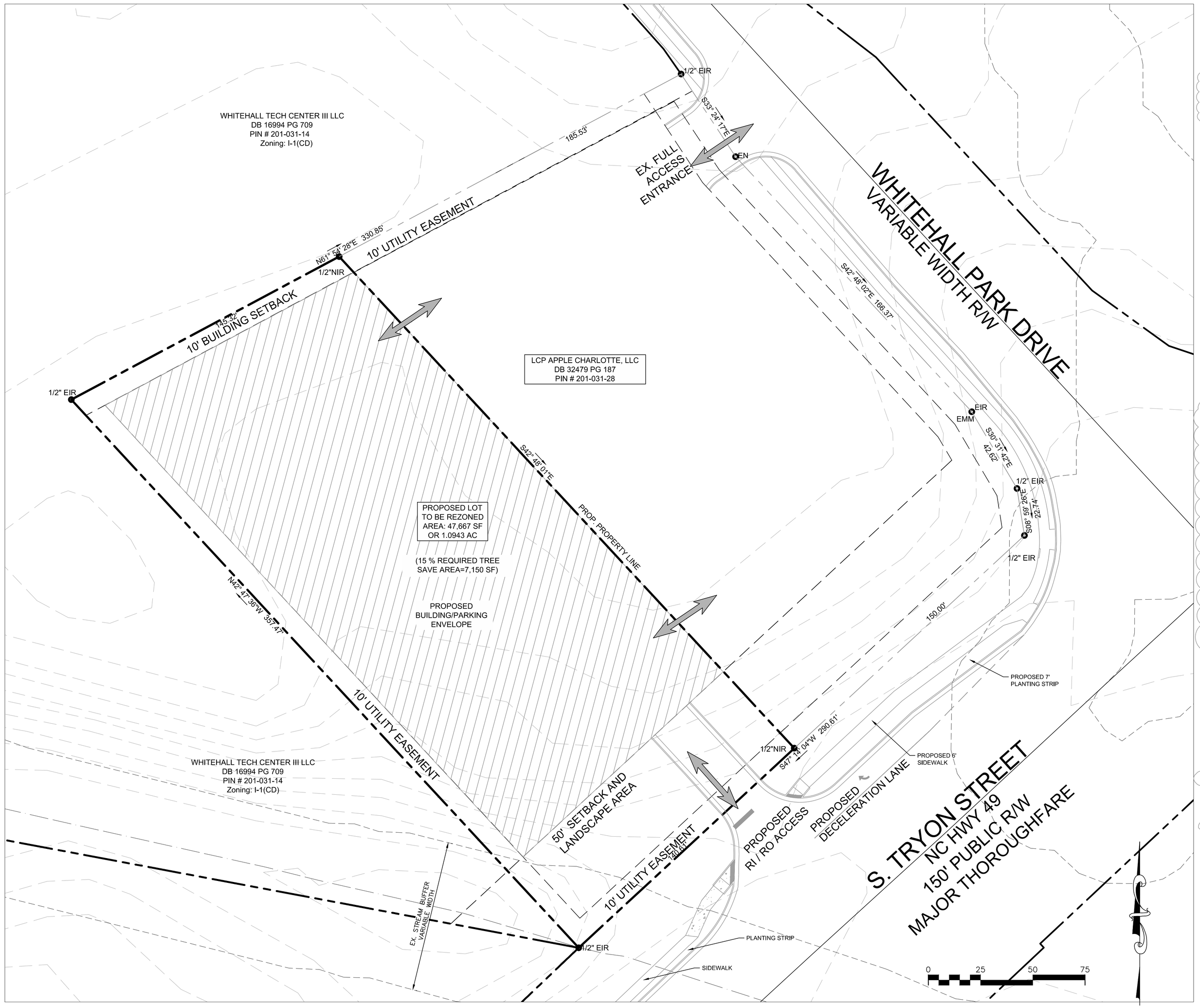
OUTSTANDING ISSUES

Site and Building Design

1. Revise site plan to provide an 8' planting strip along S. Tryon Street.
2. ~~Clarify under note 2a what type of automotive uses are prohibited.~~ Addressed
3. ~~There is a discrepancy between the maximum square feet of the development. One section states 1,700 and 2.a. states 2,500. Please clarify which number is correct.~~ Addressed

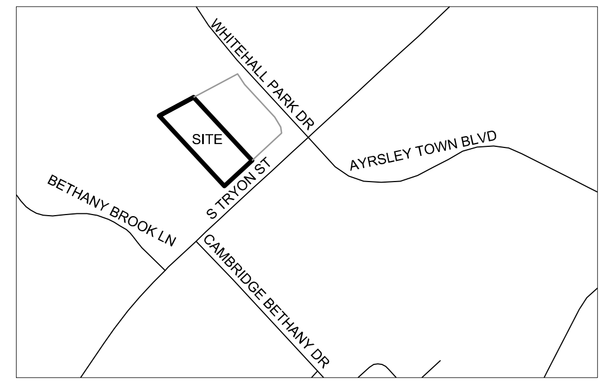
See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Lisa Arnold (704) 336-5967



SITE DEVELOPMENT DATA:

ACREAGE:	± 1.09 ACRES
TAX PARCEL #S:	PORTION OF 201-031-28
EXISTING ZONING:	I-1(CD)
PROPOSED ZONING:	I-1(CD) SPA
EXISTING USES:	EDEE
PROPOSED USES:	THE SITE MAY BE DEVELOPED WITH USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE I-1 ZONING DISTRICT TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE I-1 ZONING DISTRICT AND AS RESTRICTED BY THE PREVIOUSLY APPROVED REZONING PETITION FOR THE SITE 1994-011(C) (LIST OF RESTRICTED USES LISTED BELOW IN THE DEVELOPMENT STANDARDS).
MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:	UP TO 1,700 SQUARE FEET OF GROSS FLOOR AREA OF USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE I-1 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED IN THE DEVELOPMENT STANDARDS BELOW).
MAXIMUM BUILDING HEIGHT:	AS ALLOWED AND REQUIRED BY THE ORDINANCE.
PARKING:	AS REQUIRED BY THE ORDINANCE FOR THE PROPOSED USE.



LOCATION MAP SCALE: 1" = 400'

1. GENERAL PROVISIONS:

a. SITE LOCATION. THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, AND OTHER GRAPHICS SET FORTH ON ATTACHED SHEETS RZ-1 FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY TAKE 5 CAROLINAS ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF THE SITE WITH USES ALLOWED IN THE I-1 ZONING DISTRICT ON AN APPROXIMATELY 1.09 ACRE SITE LOCATED AT 8710 S. TRYON STREET (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 I-1 ZONING CLASSIFICATIONS 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, DRIVEWAYS, STREETS, AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE.

SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

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

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

2. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:

a. THE SITE MAY BE DEVELOPED WITH UP TO 2,500 SQUARE FEET OF GROSS FLOOR AREA OF USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE I-1 ZONING DISTRICT, TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE I-1 ZONING DISTRICT, EXCEPT THE FOLLOWING USES:

ARMORIES FOR MEETINGS AND TRAINING OF MILITARY ORGANIZATIONS;
AUTOMOTIVE;
BOAT AND SHIP SALES AND REPAIR;
BUS AND TRAIN TERMINALS;
CAR WASHES;
FARMS, INCLUDING RETAIL SALES OF PRODUCTS GROWN ON PREMISES;
MANUFACTURED HOUSING REPAIR;
MANUFACTURED HOUSING SALES;
RESTAURANTS, DRIVE-IN SERVICES;
TIRE RECAPPING AND RETREADING;
ADULT CARE CENTER;
CEMETERIES;
DEMOLITION LANDFILLS;
JAILS AND PRISONS;
MEDICAL WASTE DISPOSAL FACILITIES AS A PRINCIPAL USE;
NIGHTCLUBS, BARS, AND LOUNGES;
OUTDOOR ADVERTISING SIGNS OTHER THAN TWO SUCH SIGNS WHICH MAY BE USED EXCLUSIVELY AS PROJECT SIGNS FORE THE WHITEHALL DEVELOPMENT;
PETROLEUM STORAGE FACILITIES AS A PRINCIPAL USE;
QUARRIES;
RACEWAYS AND DRAGSTRIPS;
SANITARY LANDFILLS, OR
STADIUMS AND ARENAS

FOR PURPOSES OF THE DEVELOPMENT LIMITATIONS SET FORTH IN THESE DEVELOPMENT STANDARDS (BUT NOT TO BE CONSTRUED AS A LIMITATION ON FAR 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: SURFACE OR STRUCTURED PARKING FACILITIES, AND ALL LOADING DOCK AREAS (OPEN OR ENCLOSED).

3. ACCESS:

a. ACCESS TO THE SITE WILL BE FROM S. TRYON STREET AND WHITEHALL PARK DRIVE AS GENERALLY DEPICTED ON THE REZONING PLAN.

b. ALL REQUIRED ROADWAY IMPROVEMENT WILL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING ON THE SITE.

c. THE PETITIONER WILL DEDICATE VIA FEE SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY INDICATED ON THE REZONING PLAN AS RIGHT-OF-WAY TO BE DEDICATED, THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY. THE PETITIONER WILL PROVIDE A PERMANENT SIDEWALK EASEMENT IF ANY PORTION OF THE PROPOSED SIDEWALK ALONG HWY. 49 IS 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.

d. THE EXACT ALIGNMENT, DIMENSIONS AND LOCATION OF THE ACCESS POINTS TO THE SITE, THE DRIVEWAYS ON THE SITE MAY BE MODIFIED FROM THE ELEMENTS SHOWN ON THE REZONING PLAN.

4. SETBACKS, BUFFERS AND SCREENING.

a. A 50-FOOT BUILDING AND PARKING SETBACK WILL BE PROVIDED ALONG S. TRYON STREET AS GENERALLY DEPICTED ON THE REZONING PLAN.

b. ALL BUFFERS REQUIREMENTS WILL BE PROVIDED PER THE ORDINANCE.

5. DESIGN GUIDELINES.

a. HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AND FROM VIEW OF ADJACENT PROPERTIES AT GRADE.

b. DUMPSTER AREAS AND RECYCLING AREAS WILL BE ENCLOSED BY A SOLID WALL OR FENCE WITH ONE SIDE BEING A DECORATIVE GATE. THE WALL OR FENCE USED TO ENCLOSE THE DUMPSTER WILL BE ARCHITECTURALLY COMPATIBLE WITH THE BUILDING MATERIALS AND COLORS USED ON THE PRINCIPAL BUILDING.

c. THE PETITIONER WILL SUBMIT THE PROPOSED SITE PLAN TO THE WHITEHALL DESIGN REVIEW COMMITTEE FOR REVIEW AND APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT.

6. ENVIRONMENTAL FEATURES:

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

b. THE SITE WILL COMPLY WITH TREE ORDINANCE.

7. SIGNAGE:

a. SIGNS AS ALLOWED BY THE ORDINANCE MAY BE PROVIDED.

8. LIGHTING:

a. ALL NEW LIGHTING SHALL BE FULL CUT-OFF TYPE LIGHTING FIXTURES EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, AND PARKING AREAS.

b. LIGHTING FIXTURES THAT ARE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED WILL BE ALLOWED ON THE PROPOSED BUILDING WALLS.

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 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.

Rezoning Site Plan

TAKE 5 CAROLINAS - 8710 S TRYON ST

City of Charlotte, NC

MAY 28,2020

AMERICAN Engineering

8008 Corporate Center Drive, Suite 110 | Charlotte, NC 28226 | 704.375.2438

Note: Conceptual Plans Only, lot yield and layout subject to change based on final design and approvals.

Petition 2020-046 by Take 5 Carolinas

To Approve:

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

- The plan recommends office/retail uses.

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

- The proposed changes to the site are consistent with the area plan and the only changes were made from the previously approved plan was to the permitted uses to include automobile service stations.
- The site, due to its location on S. Tryon Street and as an outparcel, is a sensible location for the development of an automobile service station within the Whitehall Business Park.
- The proposed site plan amendment maintains the existing site and building design standards as required by the Whitehall Business Park.

To Deny:

This petition is found to be **consistent** with the *Steele Creek Area Plan* 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 not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 17.**File #:** 15-13947 **Type:** Zoning Item

Rezoning Petition: 2020-047 by Pecan Ridge of Charlotte, LLC

Location: Approximately 1.72 acres located on the eastern side of W. T. Harris Boulevard, north of Forest Drive, and south of Mount Holly-Huntersville Road. (Council District 2 - Graham)

Current Zoning: CC (commercial center)
Proposed Zoning: CC SPA (commercial center, site plan amendment)

Public Hearing Held: July 20, 2020 - Item #44

Staff Resource: Michael Russell

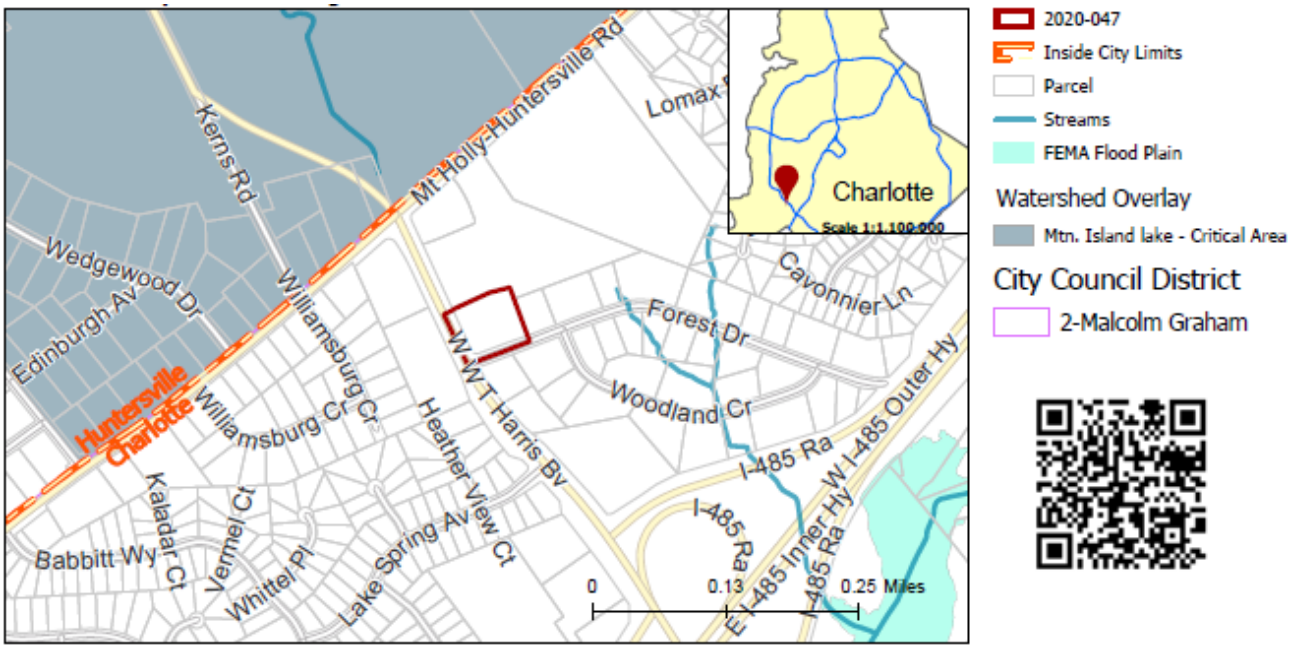
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-047
Post-Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: CC (commercial center) Proposed Zoning: CC SPA (commercial center, site plan amendment)
LOCATION	Approximately 1.72 acres located on the eastern side of W. T. Harris Boulevard, north of Forest Drive, and south of Mount Holly-Huntersville Road.



SUMMARY OF PETITION	The petition proposes to allow up to 10,000-square feet of retail, EDEE (Eating, Drinking, Entertainment Establishment), personal services, and office uses. An EDEE with drive-through window facility would be limited to 3,000-square feet. It is an undeveloped outparcel of Pecan Ridge Shopping Center.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Pecan Ridge of Charlotte, LLC Pecan Ridge of Charlotte, LLC Jeff Brown, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0

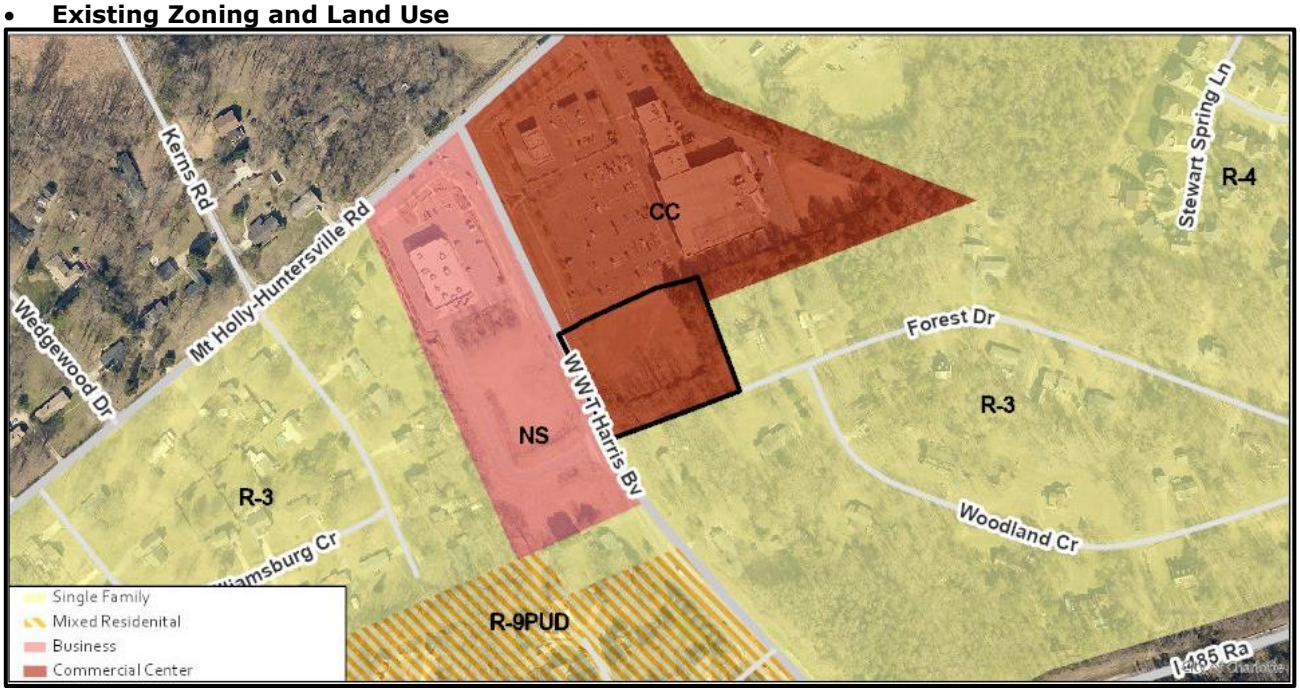
STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **consistent** with the *Northlake Area Plan*'s (2008) for retail use. Rationale for Recommendation • The subject site is located on West W.T. Harris Boulevard and Forest Drive, a primarily residential street. The petition proposes one building up to 10,000 square feet to be used for retail,

restaurant, personal service, or office use. The petition also proposes up to one drive-through on the site.
- The site is adjacent to retail uses on the corner of Mt. Holly-Huntersville Road and West W.T. Harris Boulevard, and also adjacent to residential uses on West W.T. Harris Boulevard and Forest Drive. The *Northlake Area Plan* (2008) calls for the small commercial part of this residential area to contain "neighborhood serving retail."
- This petition's proposal commits to a 42-foot buffer along Forest Drive. 32-feet of this buffer will be undisturbed and will include the preservation of trees of four-inch (4") caliper or greater to support visual screening along Forest Drive. In areas where the existing tree canopy is materially absent, trees of three-inch (3") caliper or greater shall be installed to supplement the existing tree canopy. The remaining 10-feet of the disturbed buffer will include shrubs planted to support visual screening. In addition to the buffer a 6-foot tall opaque fence will be installed along the internal edge of the buffer.
- The petition site plan encourages pedestrian activity by including a 12-foot multi-use path along West W.T. Harris Drive and a 6-foot sidewalk along Forest Drive, as well as a 5-foot internal sidewalk leading to the entrance of the establishment.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan amendment contains the following changes:
  - Allows up to a 3,000-square foot EDEE (Eating, Drinking, Entertainment Establishment) with drive-through window facility.
  - Limits the number of principle buildings on the site to one.
  - Maintains the prohibition on automotive service stations with or without a convenience store.
  - Maintains the existing undisturbed buffers.
  - Prohibits the service side of building to be oriented towards West W.T. Harris Boulevard.
  - Provides a 35-foot setback along W.T. Harris Boulevard and a 40-foot setback along Forest Drive.
  - Provides an 8-foot planting strip and 12-foot wide multi-use path along West W.T. Harris Boulevard.
  - Provides an 8-foot planting strip and 6-foot wide sidewalk along Forest Drive.
  - Provides a sidewalk network that links the proposed building on the Site to the sidewalk along each of the abutting public streets.
  - Building materials will be a combination of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative block, architectural metal panels and/or wood. Vinyl as a building material may only be used on windows, soffits, and on handrails/railings.

- **Existing Zoning and Land Use**



The site was an outparcel of rezoning petition 1998-014C changing the zoning from R-3 to CC. The site plan for the outparcel calls for low intensity retail development and prohibits a gas station. The surrounding land uses include single-family residential and retail uses.



The subject property (denoted by red star) is vacant.



The property to the south along Forest Drive is developed with single family homes.



The property to the east along Forest drive is developed with single family homes.

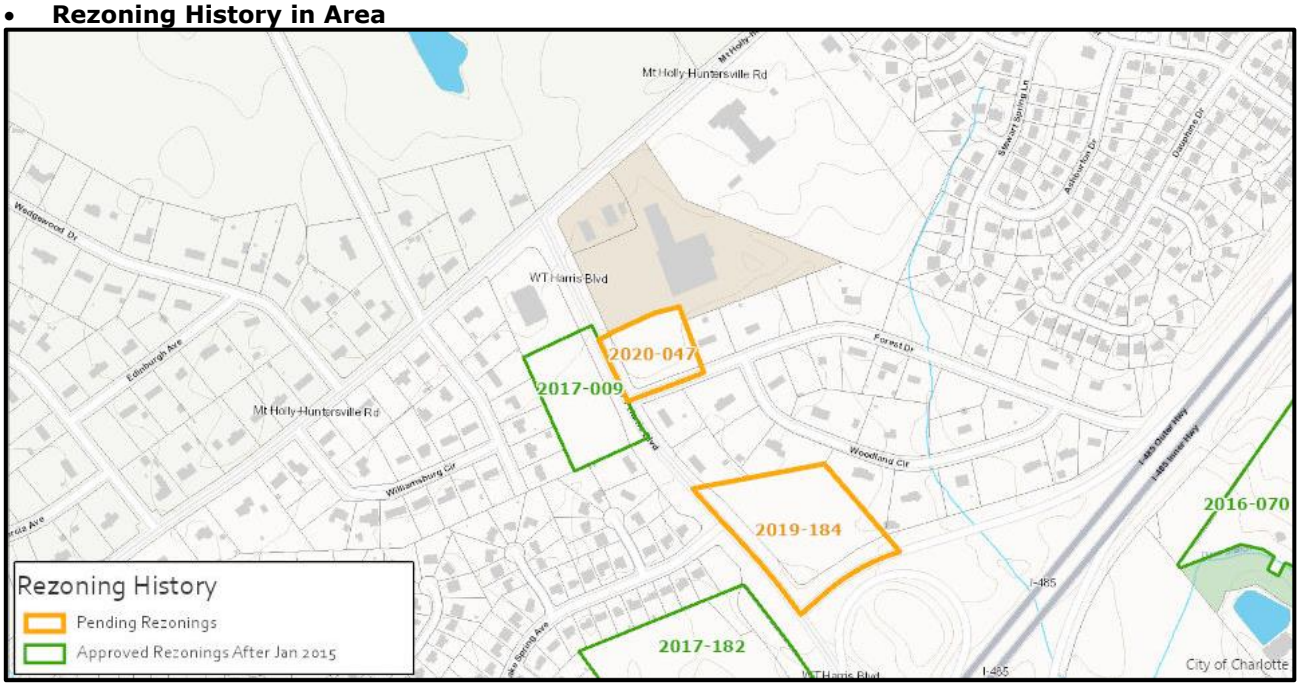


The property to the west along West W.T. Harris Boulevard is currently vacant but was rezoned in 2017 to allow up to 75 age restricted multi-family units.



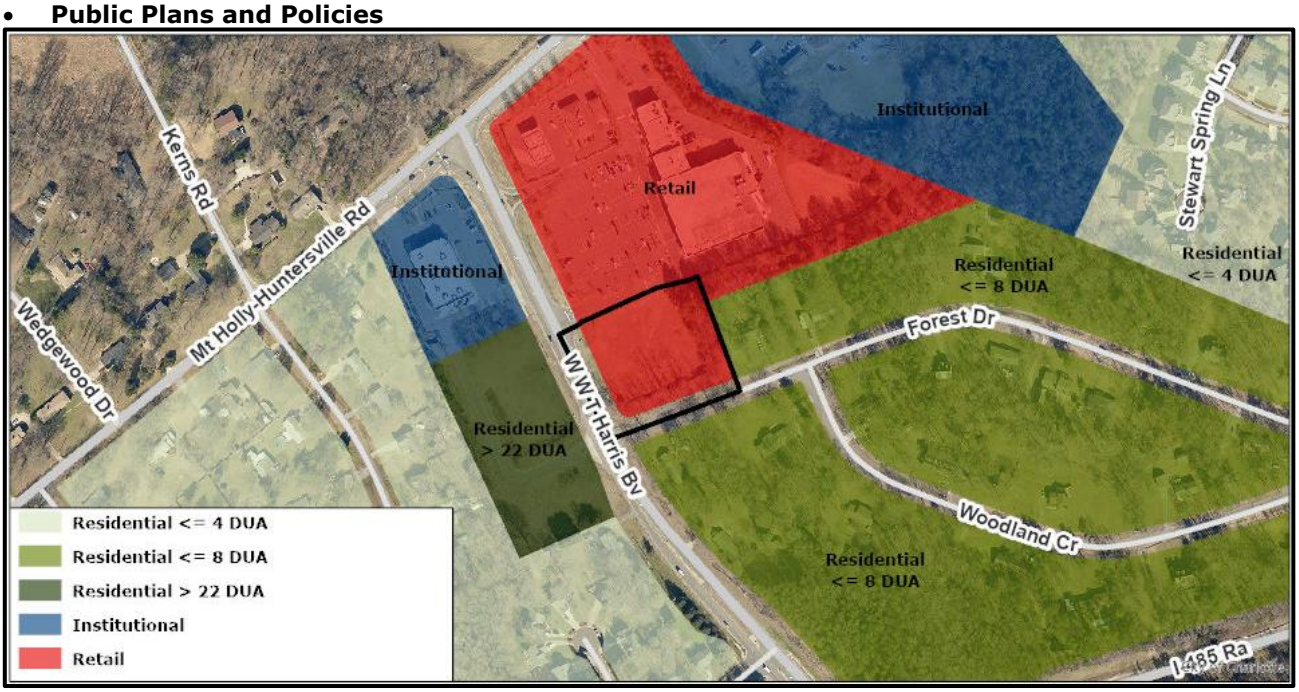
The property to the north along West W.T. Harris Boulevard is developed with a shopping center.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-070	Rezoned 17.52 acres to allow up to 300 multi-family units.	Approved
2017-009	Rezoned 2.97 acres to allow up to 75 age restricted multi-family units in a single building.	Approved
2017-182	Rezoned 11.96 acres to allow development of a QuikTrip gas station and other commercial uses including EDEE's, retail, offices, medical offices, indoor pet services, personal services, financial institutions and climate controlled self-storage.	Approved
2019-184	Proposes to rezone 4.2 acres to allow 71 age restricted multi-family units in a single building.	Pending

- **Public Plans and Policies**



  - The *Northlake Area Plan (2008)* calls for retail uses on this site.

- **TRANSPORTATION SUMMARY**
  - The site is located on a major thoroughfare road. The petitioner should revise the site plan to meet the ordinance requirements of curb and gutter, sidewalk and bicycle facilities to meet Charlotte WALKS and Charlotte BIKES City policies along W.T. Harris Boulevard and Forest Drive. In addition, the petitioner should commit to the remaining outstanding issues to accommodate the additional proposed traffic in the transportation network.
  - **Active Projects:**
    - There are no active projects within the immediate vicinity.
  - **Transportation Considerations**
    - ~~See Outstanding Issues, Notes 1-7~~ Addressed
  - **Vehicle Trip Generation:**

    Current Zoning:

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

    Entitlement: Too many uses to determine.

    Proposed Zoning: 1,415 trips per day (based on 3,000-square foot fast food restaurant with a drive-through.).

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:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Forrest Road Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Forrest Road. 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 Outstanding Issues, Note 8~~ Addressed

- **Urban Forestry:** No outstanding issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. ~~Per Chapter 19 of the City Code, the future location of curb and gutter should be placed to provide a right turn lane from the future edge of pavement that will be constructed within the recently approved land development Accela Project: LDC-2018-00176 - QuikTrip 1087. The roadway plans along this petition's frontage start on sheet PMP-7 of the approved roadway improvement plans. The right turn lane should be reconstructed, from the QT widening edge-of-pavement to fulfill the Northlake Area Plan's cross section.~~ Rescinded by CDOT
2. ~~The site plan should show the curb and gutter labeled and dimensioned from the centerline for each road.~~ Addressed
3. ~~Revise note 3.E accordingly to encumber a 12-foot MUP (Charlotte BIKES) and a 20-foot planting strip relative to the *Northlake Area Plan's* cross section~~. Addressed
4. ~~The petitioner should revise the site plan and conditional note(s) to commit to dedicate right-of-way from the W.T. Harris Boulevard centerline, to accommodate the *Northlake Area Plan* "Boulevard" cross section as shown. The site plan should label and dimension the right-of-way from the road centerline~~. Addressed
5. ~~Per NCDOT, the petitioner should revise the site plan and conditional note(s) to provide a right turn lane from the future edge of pavement that will be constructed within the recently approved land development Accela Project: LDC-2018-00176 - QuikTrip 1087~~. Rescinded by CDOT
6. ~~Note 3.G - Dedication of right-of-way is not contingent on a potential delay future road improvement project, please change the language accordingly.~~ Addressed
7. ~~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

8. ~~Revise Note 6a to read exactly as follows: The Site shall comply with the Charlotte City Council approved and adopted Post-Construction Stormwater Ordinance. The Site shall not be eligible for any exemptions referenced in Section 18-105 of the Post-Construction Stormwater Ordinance. The petitioner shall analyze the adequacy of the existing storm water conveyance from the site to the Forest Drive public right-of-way. If the existing storm water conveyance is found to be inadequate, the Petitioner shall make a good faith effort to improve the storm water conveyance or mitigate the storm water discharge.~~ Addressed

Land Use

9. ~~Remove the EDEE with a drive-through window facility as a permitted use.~~ Rescinded by staff

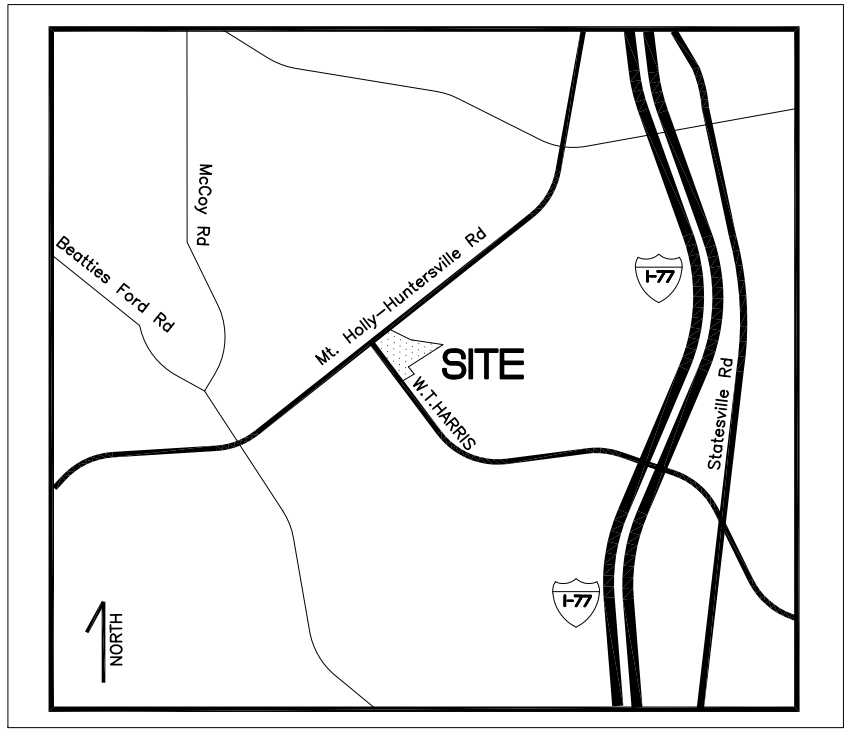
See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Michael Russell (704) 353-0225

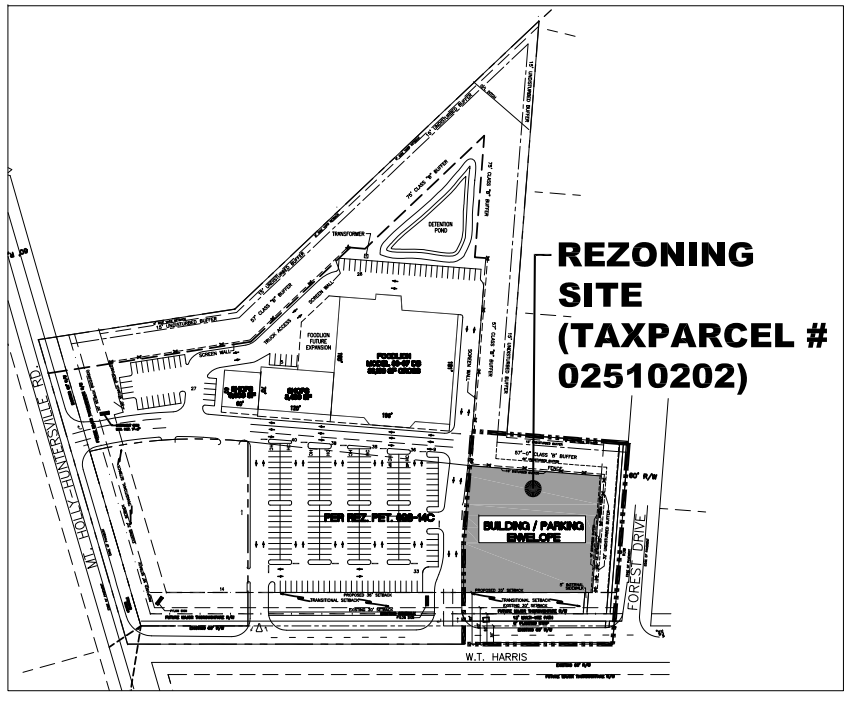
TECHNICAL DATA SHEET

Pecan Ridge of Charlotte LLC
Development Standards
07/21/2020 1 2 3
Rezoning Petition RZP-2020-047

LOCATOR AERIAL



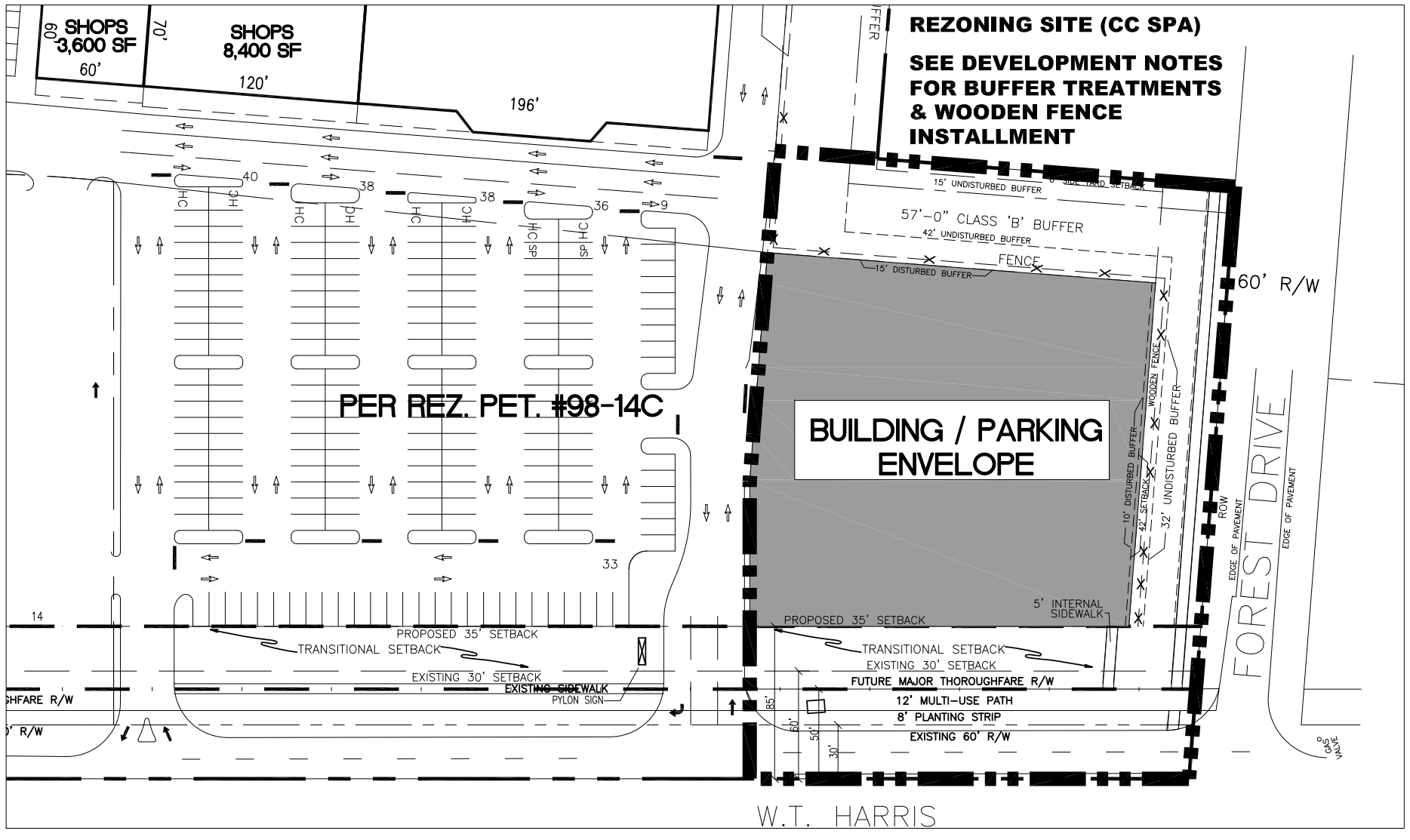
ADJACENT SHOPPING CENTER SITE (TAX PARCEL #02510201)



Site Development Data:

–Acreage: ± 1.72 acres
–Tax Parcel #: 025-102-02 1
–Existing Zoning: CC per Rez. Pet. #98-14C
–Proposed Zoning: CC SPA for portion identified
–Existing Uses: Vacant
–Proposed Uses: Retail, EDEE (restaurants), personal services, and office uses as permitted by right and under prescribed conditions together with accessory uses, as allowed in the CC zoning district (as more specifically described below in Section 2).
--Prohibited Uses: The following use is not permitted on the Site: automotive service stations with or without a convenience store.
–Maximum Gross Square feet of Development: Up to 10,000 square feet of gross floor area (only 3,000 sf if EDEE with drive-through accessory use).
–Maximum Building Height: As allowed by the Ordinance.
–Parking: Parking will be provided as required by the Ordinance.

1 1ST ROUND OF STAFF COMMENTS. 05/11/20
2 2ND ROUND OF STAFF COMMENTS. 06/11/20
3 3RD ROUND OF STAFF COMMENTS. 07/21/20



W.T. HARRIS / FOREST DRIVE
CHARLOTTE, NORTH CAROLINA

PREPARED JULY 21, 2020

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SITE PLAN

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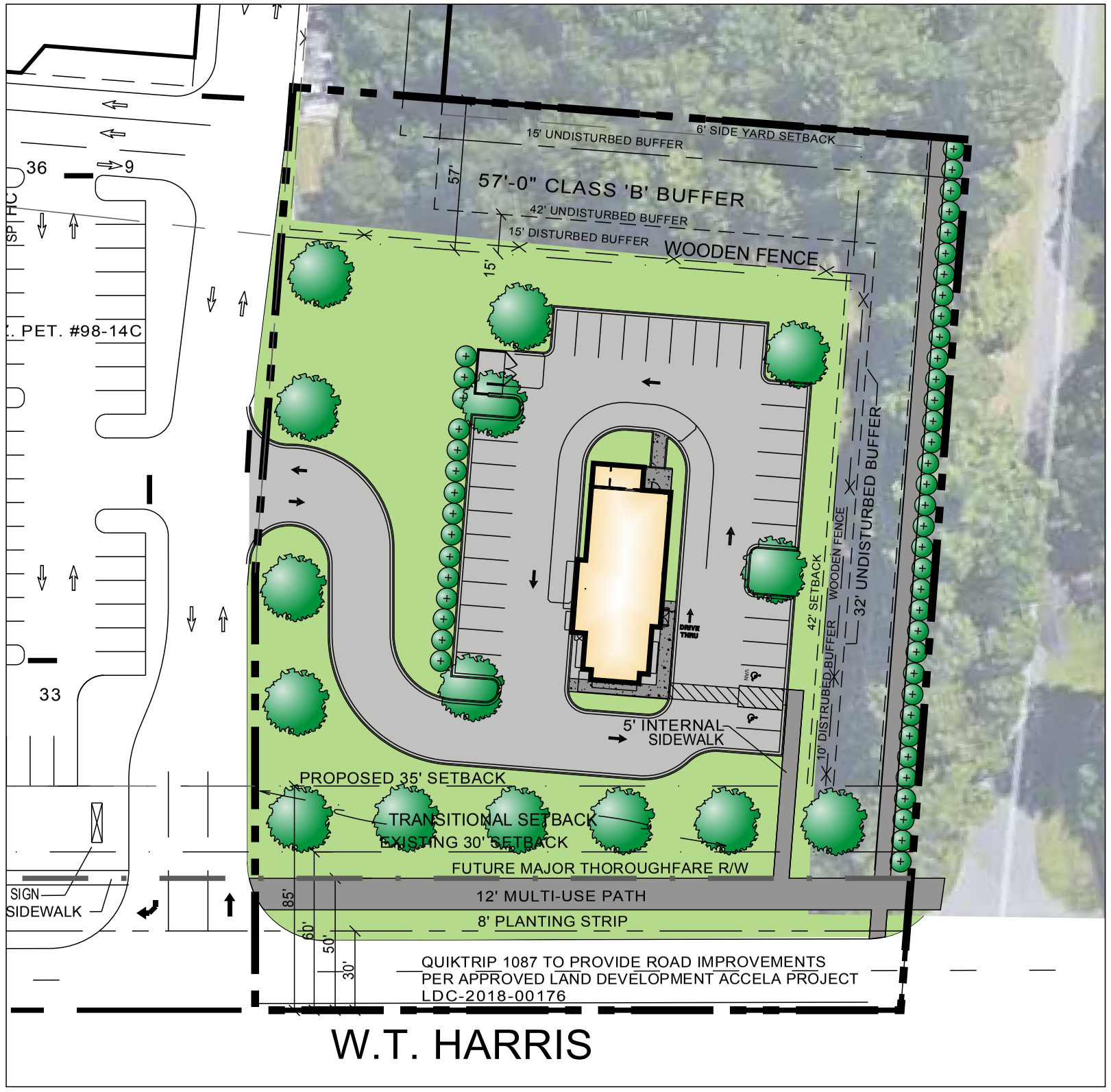
RZ - 1

Pecan Ridge of Charlotte LLC
Development Standards
07/23/2020 △1 △2 △3
Rezoning Petition RZP-2020-047

△1 1ST ROUND OF STAFF COMMENTS. 05/11/20
△2 2ND ROUND OF STAFF COMMENTS. 06/11/20
△3 3RD ROUND OF STAFF COMMENTS. 07/21/20

ALTERNATIVE USE SITE PLAN



W.T. HARRIS / FOREST DRIVE
CHARLOTTE, NORTH CAROLINA

DRAWING PREPARED JULY 23, 2020
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SITE PLAN

Collett

Pecan Ridge of Charlotte LLC
Development Standards
07/23/2020
Rezoning Petition RZP-2020-047

△1 △2 △3

△3 3RD ROUND OF STAFF COMMENTS. 07/21/20

1. General Provisions:

a. **Site Location**. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Pecan Ridge of Charlotte LLC ("Petitioner") to accommodate the development of a commercial building with up to 10,000 square feet of gross floor area of uses allowed in the CC zoning district on ±1.72 acre site located at 9523 Forest Drive (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 CC zoning classification shall govern. This Rezoning Plan supersedes and takes the place of any and all prior rezonings including without limitation Rez. Pet. 98-14C, provided Rez. Pet. 98-14C remains for the adjacent property governed thereby and not identified as the Site on this Rezoning Plan.

c. **Graphics and Alterations**. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways, 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 shall not exceed 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 located on the Site.

e. **Planned/Unified Development**. The Site shall be viewed as a planned/unified development plan as to the Development/Site Elements and portions of the Site generally depicted on the Rezoning Plan and as to the same located on the adjacent Pecan Ridge Shopping Center (Tax Parcel # 025-102-01) (the "Shopping Center"). As such, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other Development/Site Elements located within the Site and the Shopping Center, provided, however, all such separation standards along the exterior boundary of the Site and the Shopping Center, not in common with the Site, as expressly described in the Rezoning Plan shall be adhered to.

f. **Personal Services.** The terms "personal service uses" and/or "personal services" (whether capitalized or not) will mean and refer to uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandise but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barber shops, Spas, Yoga and exercise studios, fitness and wellness facilities, nail salons, martial art training studios, laundries and dry cleaning establishments, locksmiths, funeral homes and the like.

2. Permitted Uses & Development Area Limitation:

a. The Site may be developed with up to 10,000 square feet of gross floor area of retail, EDEE (restaurants), personal services, and office uses as permitted by right and under prescribed conditions, together with accessory uses as allowed in the CC zoning district; provided, however, an EDEE with drive-through window facility use shall not exceed 3,000 square feet of gross floor area.

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR 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: surface or structured parking facilities, and all loading dock areas (open or enclosed) and outdoor seating or service areas (parking will provided for outdoor seating areas associated with a restaurant).

b. Only one use with an accessory drive-through window will be allowed on the Site.

c. The following use is not allowed on the Site: automotive service stations with or without a convenience store.

3. Access and Transportation:

a. Vehicular access to the Site will be from W.T. Harris Blvd across the Shopping Center in the manner generally depicted on the Rezoning Plan.

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

c. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by NCDOT and/or CDOT as applicable in accordance with published standards.

△3 d. The future location of curb and gutter for the development along the right of way W.T. Harris Boulevard shall be placed in the manner generally depicted on the Technical Data Sheet RZ-1 in coordination with the extension of the existing right turn lane into the first Shopping Center entrance as a through/right turn lane such extension of through/right turn lane being constructed by a third party (i.e. not Petitioner) in connection with approved land development Accela Project LDC-2018-00176- Quicktrip 1087 (Sheet PMP-7) provided, however, subject to CDOT/NCDOT's consent, such cross-section may require consideration of easements for the streetscape improvements along W.T. Harris as described below in subsection 3.e. in order to avoid undue encroachment of the right of way and resulting setbacks for parking/improvements to be developed on the Site. The curb and gutter for such cross-section is labeled and dimensioned from the centerline of each applicable road as generally depicted on the Technical Data Sheet RZ-1.

e. As referenced in subsection 3.d. above as to the future curb location along W.T. Harris Boulevard, Petitioner will construct a 8 foot planting strip and a 12 foot multi-use path together with curb and gutter along the Site's frontage with W.T. Harris Boulevard for a total pedestrian zone of 20 feet; as described above, such cross-section may require, with the consent of CDOT/NCDOT, consideration of easements for the streetscape improvements along W.T. Harris as described in this subsection 3.e. in order to avoid undue encroachment of the right of way and resulting setbacks for parking/improvements to be developed on the Site.

f. The location of curb and gutter along Forest Drive shall be placed from the existing edge of pavement.

△3 g. Applicable right-of-way reasonably required for any access or transportation improvements specifically required in this Rezoning Plan, as the same may be phased herein, shall be conveyed/dedicated to the City prior to the first certificate of occupancy for the principal building on the Site, subject to any phasing, and such right of way shall be set at 2' behind back of sidewalk where feasible and applicable.

h. Roadway and streetscape improvements required to be installed by Petitioner shall be installed and approved prior to the first certificate of occupancy for the first principal building on the Site.

4. Architectural Standards:

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 siding (such as hardi-plank), stucco, EIFS, decorative block, architectural metal panels and/or wood. Vinyl as a building material may only be used on windows, soffits, and on handrails/railings.

b. The building facade on W.T. Harris Blvd will have building entrance that connects to the sidewalk system along W.T. Harris Blvd and Forest Drive. The entrances to the sidewalks along the abutting streets will be open and operable during the business hours of the associated use.

c. The service side of the building shall not be oriented directly toward W.T. Harris Blvd or Forest Drive

5. Streetscape, Buffers, Yards and Landscaping:

a. The setback along W.T. Harris Blvd will be thirty-five feet (35') feet as measured from the future back of curb, as generally depicted on the Rezoning Plan, and as described above as to the provision of easements for streetscape improvements to avoid undue adverse impact from setbacks for parking and improvements.

△2 b. The setback along **Forest Drive** shall be forty-two feet (42') as measured from the future back of curb (together with a wooden fence), as generally depicted on the Rezoning Plan. In addition, a thirty-two foot (32') wide undisturbed buffer and an additional ten foot (10') wide disturbed buffer (for a total buffer of 42') shall be maintained as generally depicted on the Rezoning Plan and herein. Such 10' wide disturbed portion of the buffer shall include plantings of shrubs at a Class B buffer standard. Such 32' undisturbed portion of the buffer shall include the preservation of trees of four-inch (4") caliper or greater to support visual screening along Forest Drive and in areas where the existing tree canopy is materially absent, trees of three-inch (3") caliper or greater shall be installed to supplement the existing tree canopy, subject to disturbance and removal of trees to the extent reasonably required to install the new sidewalk and planting strip along Forest Drive. In addition, a six (6) foot minimum opaque wooden fence shall be installed along the buffer at the inner project edge, to further support visual screening along Forest Drive. Petitioner shall maintain such buffer areas in quality manner, including without limitation pruning/replacement of dead limbs/trees/vegetation and regular trash clean-up as applicable.

c. A six foot (6') wide side yard, a forty-two foot (42') wide undisturbed buffer and an additional fifteen foot (15') disturbed buffer (for a total buffer wide of 57') shall be maintained **along the easterly boundary (rear) of the Site**, as generally depicted on the Rezoning Plan and herein. Such 15' wide disturbed portion of the buffer shall include plantings at a Class B buffer standard. Such 42' undisturbed portion of the buffer shall include the preservation of trees of four inch (4") caliper or greater to support visual screening along such boundary of the Site and in areas where the existing tree canopy is materially absent, trees of three-inch (3") caliper or greater shall be installed to supplement the existing tree canopy. In addition, a six (6) foot minimum opaque wooden fence shall be installed along the buffer at the inner project edge, to further support visual screening along this boundary of the Site. Petitioner shall maintain such buffer areas in a quality manner, including without limitation pruning/replacement of dead limbs/trees/vegetation and regular trash clean-up as applicable.

d. As described above, the Petitioner will provide an eight (8) foot planting strip and twelve (12) foot multi-use path along the Site's frontage on W.T. Harris Boulevard , and an eight (8) foot planting strip and a six (6) foot sidewalk along Forest Drive, as generally depicted on the Rezoning Plan.

△3 e. The Petitioner will provide a sidewalk network that links the proposed building on the Site to the sidewalk along each of the abutting public streets in the manner generally depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be five (5) feet.

f. The Petitioner will provide landscaping to screen parking areas and the proposed drive-through lane(s) along the Site's frontage on W.T. Harris Boulevard as generally depicted on the Rezoning Plan. Screening along the Site's frontage on Forest Drive will be provided in the manner described above as generally depicted on the Rezoning Petition.

g. Above-ground backflow preventers will be screened from public view.

h. Dumpster areas and recycling areas will be enclosed by a wooden fence with one side being a decorative gate. The fence used to enclose the dumpster will be architecturally compatible with the colors used on the principal building.

i. Buffers shall be provided as described above and as generally depicted on Sheet RZ-2.

△3 **6. Environmental Features:**

a. The Site shall comply with the Charlotte City Council approved and adopted Post-Construction Stormwater Ordinance. The Site shall not be eligible for any exemptions referenced in Section 18-105 of the Post-Construction Stormwater Ordinance. Furthermore, Petitioner shall analyze the adequacy of the existing storm water conveyance from the Site to the Forest Drive public right-of-way. If such existing storm water conveyance is found to be inadequate based upon storm water flow from the Site, the Petitioner shall make a good faith effort to improve such storm water conveyance or mitigate the storm water discharge to the extent reasonably needed to address the additional storm water flow from the Site.

b. The Site will comply with the Tree Ordinance. Where a fence is used to provide screening, the fence will be located outside of any required tree save areas or hand installed within any such required tree save areas.

7. Lighting:

a. All new detached and attached lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site will be limited to 26 feet in height. No wall pak lighting shall be allowed.

8. Amendments to the Rezoning Plan:

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

9. Binding Effect of the Rezoning Application:

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

RZ - 3 △3

W.T. HARRIS / FOREST DRIVE
CHARLOTTE, NORTH CAROLINA

DRAWING PREPARED JULY 23, 2020

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SITE PLAN

Colleti

Petition 2020-047 by Pecan Ridge of Charlotte, LLC

To Approve:

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

- The plan recommends retail uses.

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

- The subject site is located on West W.T. Harris Boulevard and Forest Drive, a primarily residential street. The petition proposes one building up to 10,000 square feet to be used for retail, restaurant, personal service, or office use. The petition also proposes up to one drive-through on the site.
- The site is adjacent to retail uses on the corner of Mt. Holly-Huntersville Road and West W.T. Harris Boulevard, and also adjacent to residential uses on West W.T. Harris Boulevard and Forest Drive. The Northlake Area Plan (2008) calls for the small commercial part of this residential area to contain "neighborhood serving retail."
- This petition's proposal commits to a 42-foot buffer along Forest Drive. 32-feet of this buffer will be undisturbed and will include the preservation of trees of four-inch (4") caliper or greater to support visual screening along Forest Drive. In areas where the existing tree canopy is materially absent, trees of three-inch (3") caliper or greater shall be installed to supplement the existing tree canopy. The remaining 10-feet of the disturbed buffer will include shrubs planted to support visual screening. In addition to the buffer a 6-foot tall opaque fence will be installed along the internal edge of the buffer.
- The petition site plan encourages pedestrian activity by including a 12-foot multi-use path along West W.T. Harris Drive and a 6-foot sidewalk along Forest Drive, as well as a 5-foot internal sidewalk leading to the entrance of the establishment.

To Deny:

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

- The plan recommends retail uses.

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

(To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 18.**File #:** 15-13948 **Type:** Zoning Item

Rezoning Petition: 2020-048 by Flournoy Development Group

Location: Approximately 24.605 acres located along the eastern side of John Adams Road, north of Mallard Creek Church Road, and east of Interstate 85. (Council District 4 - Johnson)

Current Zoning: B-1 (CD) (neighborhood business, conditional), O-1 (CD) (office district, conditional)
Proposed Zoning: MUDD-O (mixed-use development, optional)

Public Hearing Held: July 20, 2020 - Item #45

Staff Resource: Michael Russell

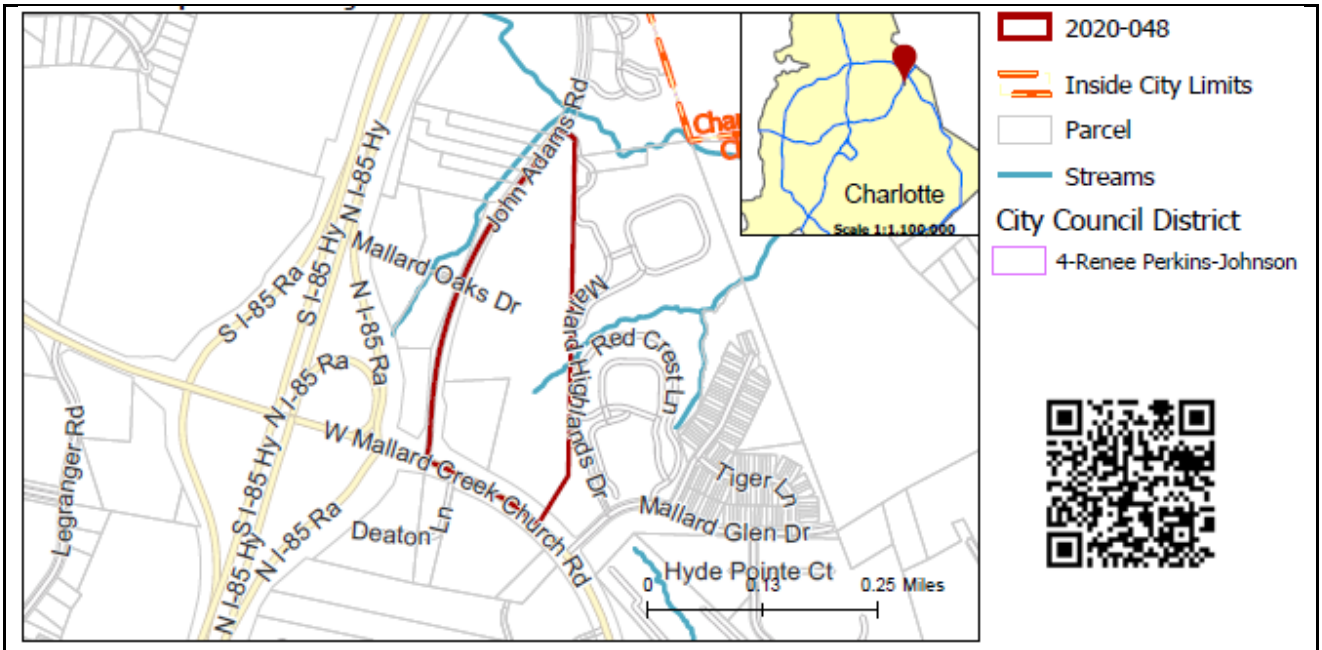
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-048
Post-Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: B-1(CD) (neighborhood business, conditional), O-1(CD) (office district, conditional) Proposed Zoning: MUDD-O (mixed-use development, optional)
LOCATION	Approximately 24.605 acres located along the eastern side of John Adams Road, north of Mallard Creek Church Road, and east of Interstate 85.



SUMMARY OF PETITION	The petition proposes to allow up to 366 multi-family residential dwelling units, 56 single family attached townhome units, and up to 10,000 square feet of office and non-office commercial uses on vacant land.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	John Wayne Adams Flournoy Development Group Bridget Grant, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **inconsistent** with the *Northeast Area Plan (2000)* recommendation for a mixture of research/office/retail land uses on parcel 02965102 and retail uses on parcel 02965101. <u>Rationale for Recommendation</u> • While the *Northeast Area Plan (2000)* does not call for residential uses for this site, it does identify this site as a neighborhood center, which can include residential uses.

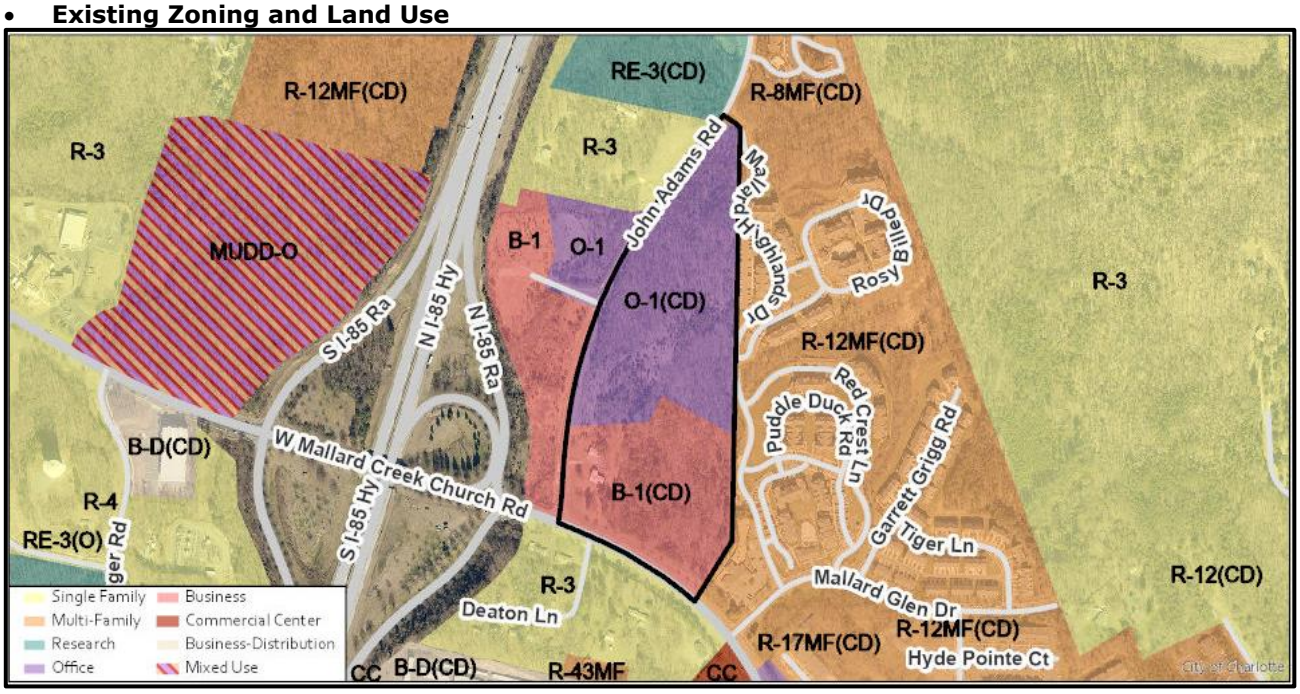
- The plan recommends higher density residential uses in areas proximate to a transit corroder. This site's density proposal of 17.15 dwelling units per acre and its proximity to the W Mallard Creek Church road and I-85 intersection are in appropriate for what the plan recommends for areas close to a transit corridor.
- This petition will add to the mixed uses desired in a neighborhood center by providing office and non-office uses in addition to the proposed residential uses.
- The petition commits to an open space amenity that will include hardscape areas, landscaping, lighting, and walkways.

The approval of this petition will revise the adopted future land use as specified by the *Northeast Area Plan (2000)*, from research/office/retail and retail uses to residential/office/retail uses for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 366 multi-family residential dwelling units, 56 single family attached townhome units, and up to 10,000 square feet of office and non-office commercial uses on vacant land.
  - Limits individual office or commercial space to 2,500-square feet or less.
  - Optional Provision: to allow parking and circulation between the buildings and street in Areas A and B.
  - Access to the site will be from John Adams Road and West Mallard Creek Church Road.
  - Provides a public street to connect to Mallard Highlands Drive.
  - Provides and 8-foot planting strip and a 12-foot sidewalk along frontage of West Mallard Creek Church Road.
  - Provides an 8-foot planting strip and an 8-foot sidewalk along John Adams Road.
  - Provides a 30-foot setback along West Mallard Creek Church Road and a 20-foot setback along John Adams Road.
  - Commits to a 15,000-square foot open space amenity area with landscaping, hardscape, walkways, lighting, and seating area.
  - Provides internal sidewalk connections between buildings and streets.
  - Commits to the following building materials: brick, stone, precast stone, precast concrete, fiber board, stucco, EIFS, and wood.
  - Detached lighting shall not exceed 22-feet.

- **Existing Zoning and Land Use**



The subject property was rezoned as part of a 9.55-acre development via petition 2012-074 that allowed the existing entitlements to be amended to allow replacement of a proposed 24,000-square foot child care center and 30,000 square feet of restaurants with up to four buildings with uses allowed in the B-1 (neighborhood business) district. Permitted B-1 uses include residential, office, retail, institutional, and civic uses. However, it limited it to no more than one convenience store/automobile service station, and one use that may have a drive-through window.

The subject property is undeveloped. The surrounding land uses include multi-family apartments, single-family homes, retail, and office uses.



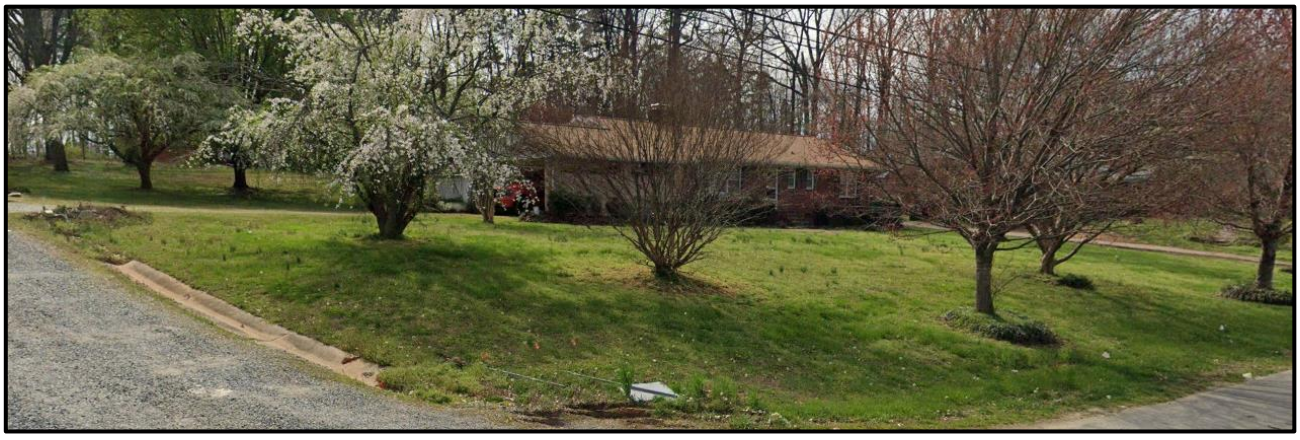
The subject property is undeveloped. Denoted by red star.



Property to the west along John Adams Road is undeveloped.

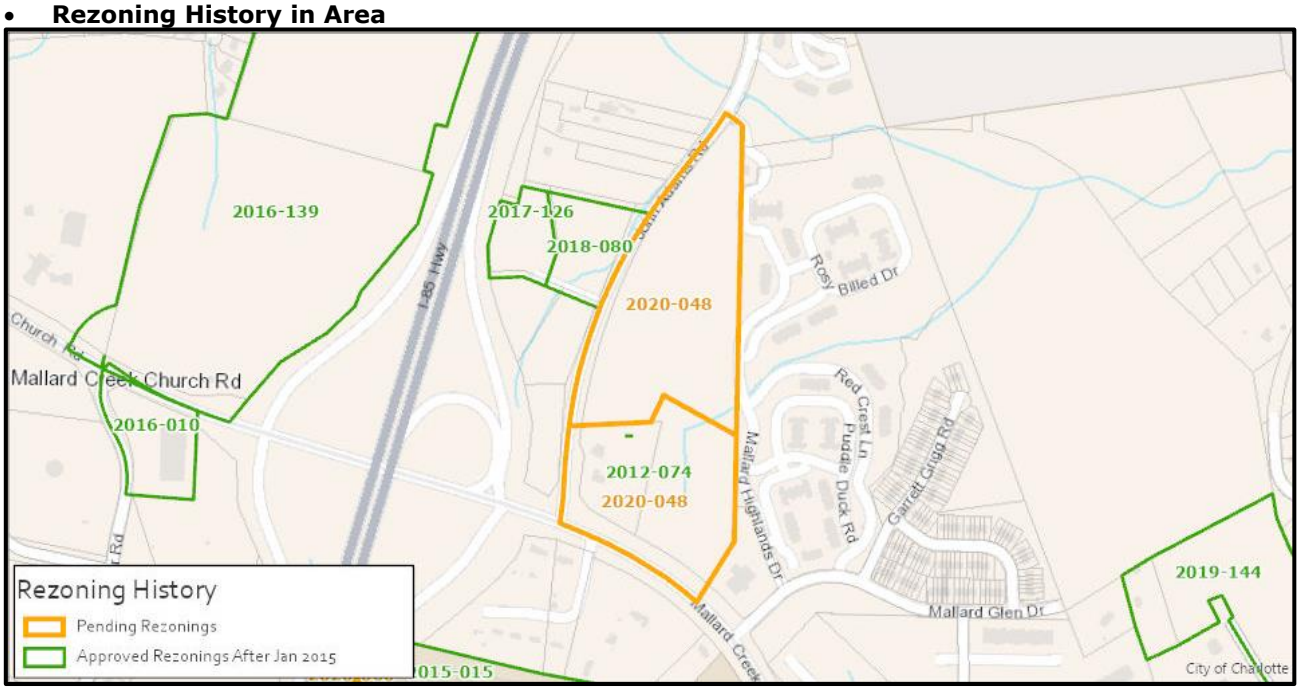


Property to the east along Mallard Highlands Drive is developed with apartments.



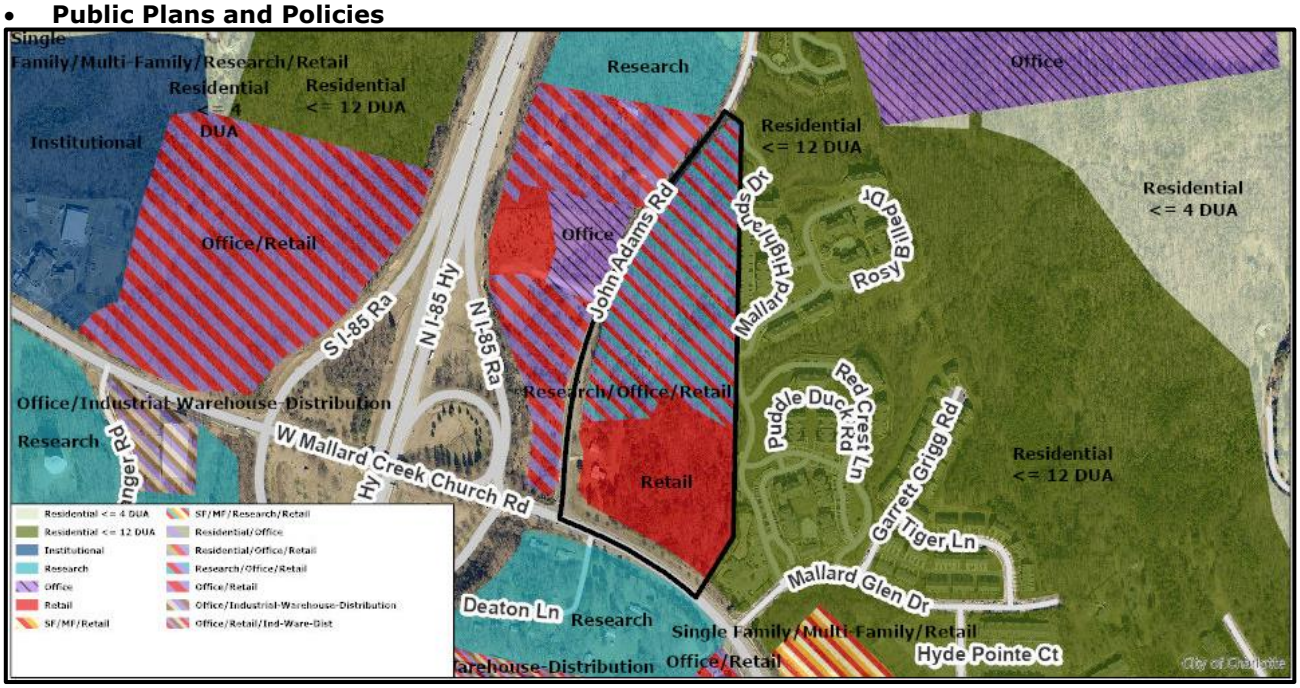
Property to the south across West Mallard Creek Church Road is developed with single-family homes.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2012-074	Rezoned 9.55 acres to allow an amendment to existing entitlements for an unbuilt business development in the University City North area to allow 30,000 square feet of uses permitted in the B-1 district. Although other uses may be located on the site, only one convenience store/automobile service station and one use with an accessory drive-through service window will be allowed.	Approved
2015-015	Rezoned 18.03 acres to exchange existing development rights and zoning for a 130,000-square foot self-storage facility with the development rights and zoning for a 258,000-square foot retail/office component.	Approved
2016-010	Rezoned 4.3 acres to allow a maximum 107,000-square feet climate controlled self-storage facility.	Approved
2016-139	Rezoned 65.7 acres to allow up to 395 multi-family residential units and up to 160,000 square feet of uses as allowed in MUDD.	Approved
2017-126	Rezoned 2.5 acres s to allow all uses permitted in the B-1 (neighborhood business) district.	Approved
2018-080	Rezoned 3.22 acres to allow development of the site with all uses permitted in the office district.	Approved
2019-144	Rezoned 23.99 acres to allow up to 194 multi-family dwelling units in no more than 41 principle buildings.	Approved

- **Public Plans and Policies**



  - The plan calls for Research/Office/Retail uses and Retail uses for the site.

- **TRANSPORTATION SUMMARY**
  - The site is located along a major thoroughfare. NCDOT and CDOT required and approved a traffic study with recommended transportation improvements to mitigate the trips generated by the development. The site plan commits to providing roadway improvements based on the traffic study. In addition, the site plan commits to providing a road network that meets the City of Charlotte Subdivision Ordinance.
  - 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 West Mallard Creek Church Road, providing Bicycle facilities in accordance with the City Council Adopted Charlotte Bikes Plan.
  - **Active Projects:**
  - Mallard Creek Church Road interchange reconfiguration
  - Scope: Not yet identified
  - Phase: Not started
  - ROW year: 2029 or later
  - Construction year: 2030 or later
  - PM: NCDOT
  - TIP #: I-6017
- **Transportation Considerations**
  - No Outstanding Issues
- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 0 trips per day (based on 1 single family house).
  Entitlement: 13,570 trips per day (based on 5,000-square foot convenience market with gas pumps and a 15,000-square foot bank with drive-through).
  Proposed Zoning: 2,380 trips per day (based on 366 apartments and 56 townhomes).

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 www.rezoning.org
- **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 65 students, while the development allowed under the proposed zoning may produce 52

students. Therefore, the net increase in the number of students generated from existing zoning to proposed is zero students.

- The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
  - Stoney Creek Elementary from 110% to 114%
  - James Martin Middle from 74% to 75%
  - Zebulon Vance High at 129%

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along John Adams Road. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along John Adams Road. 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:** 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.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

~~1. Revised conditional note 3a to state "buildings in Areas A and B".~~ Addressed

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

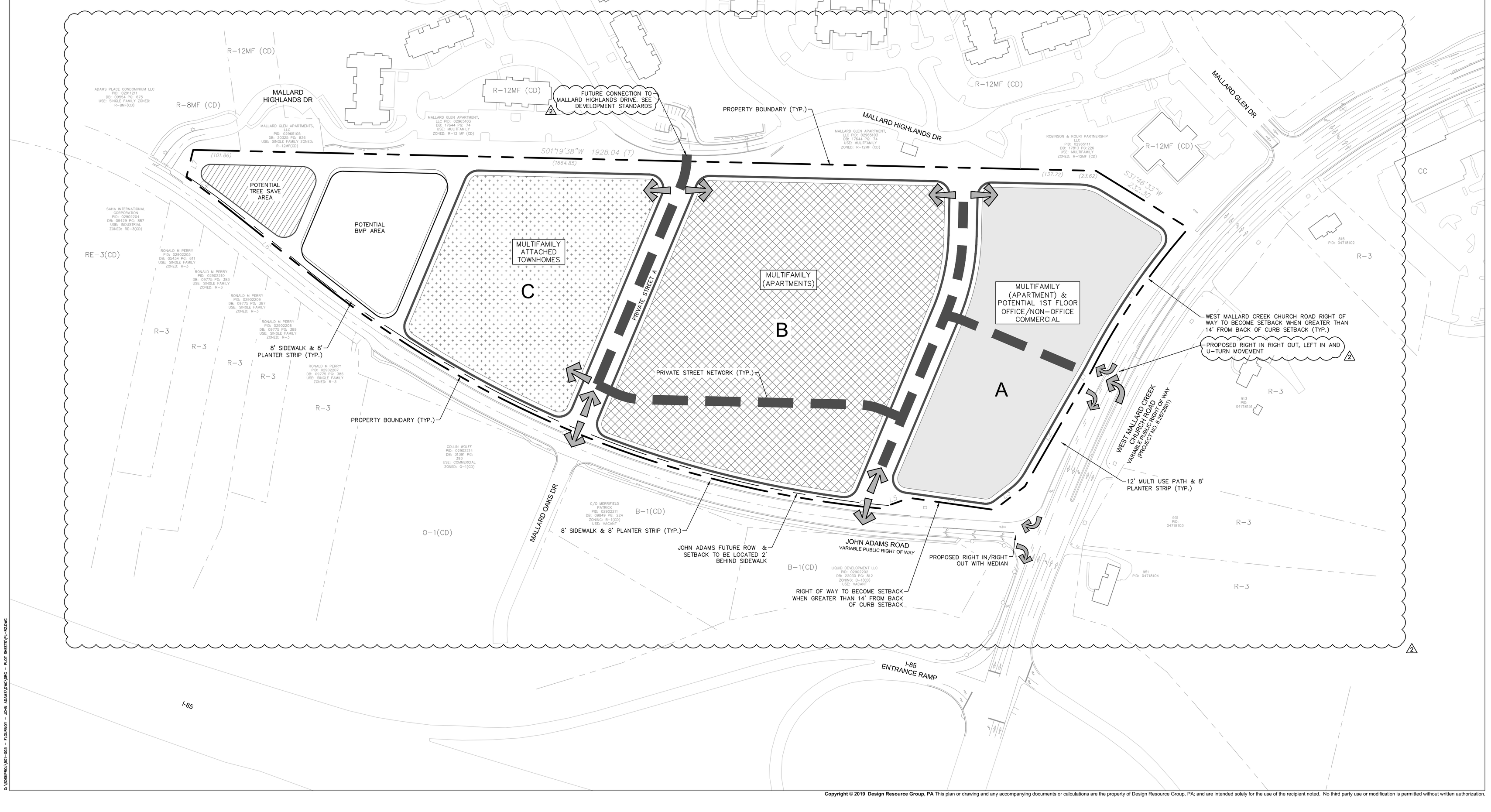
Planner: Michael Russell (704) 353-0225

SITE DATA

TAX MAP NO:	029-651-01 & 029-651-02
PREVIOUS REZONING:	PETITION # 2012-074
EXISTING ZONING:	B-1(CD) & O-1(CD)
PROPOSED ZONING:	MUDD-O
SITE AREA:	±24.605 ACRES
PROPOSED USE:	MULTIFAMILY APARTMENTS, TOWNHOMES, POTENTIAL 1ST FLOOR OFFICE/NON-OFFICE COMMERCIAL
PROPOSED UNITS:	366 MULTIFAMILY APARTMENTS 56 TOWNHOMES TOTAL UNITS = 422
PROPOSED DENSITY:	17.15 DUA
BUILDING HEIGHT:	NOT TO EXCEED 65'
PARKING REQUIRED:	SHALL MEET ORDINANCE REQUIREMENTS
OPEN SPACE:	SHALL MEET ORDINANCE REQUIREMENTS
TREE SAVE:	CORRIDOR 150' - SHALL MEET THE TREE ORDINANCE REQUIREMENTS



VICINITY MAP N.T.S.



DESIGN RESOURCE GROUP

LANDSCAPE ARCHITECTURE
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NORTH CAROLINA CORPORATE SEAL C-95 C-2165 NCBELS DESIGN RESOURCE GROUP, P.A.

REZONING PETITION

FOR PUBLIC HEARING

2020-048

REZONING PETITION

JOHN ADAMS PROPERTY

CHARLOTTE, NORTH CAROLINA

FLOURNOY DEVELOPMENT GROUP
1100 BROOKSTONE CENTRE PARKWAY
COLUMBUS, GA 31904

TECHNICAL DATA SHEET

50 0 50 100
SCALE: 1" = 100'

PROJECT #:	501-003
DRAWN BY:	JO
CHECKED BY:	NB

MARCH 5, 2020

REVISIONS:

2 1. 05/11/20 - PER REVIEW COMMENTS
2. 07/27/20 - PER REVIEW COMMENTS

RZ 1.0

G:\501\PROJ\501-003 - FLOURNOY - JOHN ADAMS\DWG\DRG - PLOT SHEETS\RZ-RZ.DWG

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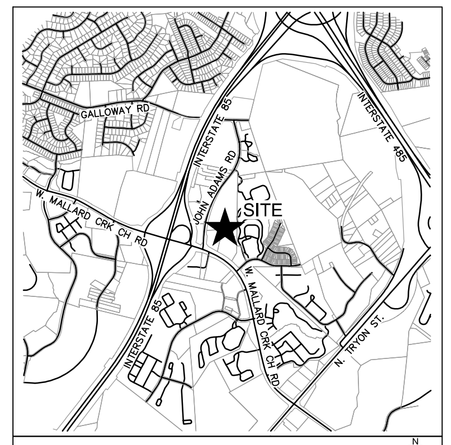
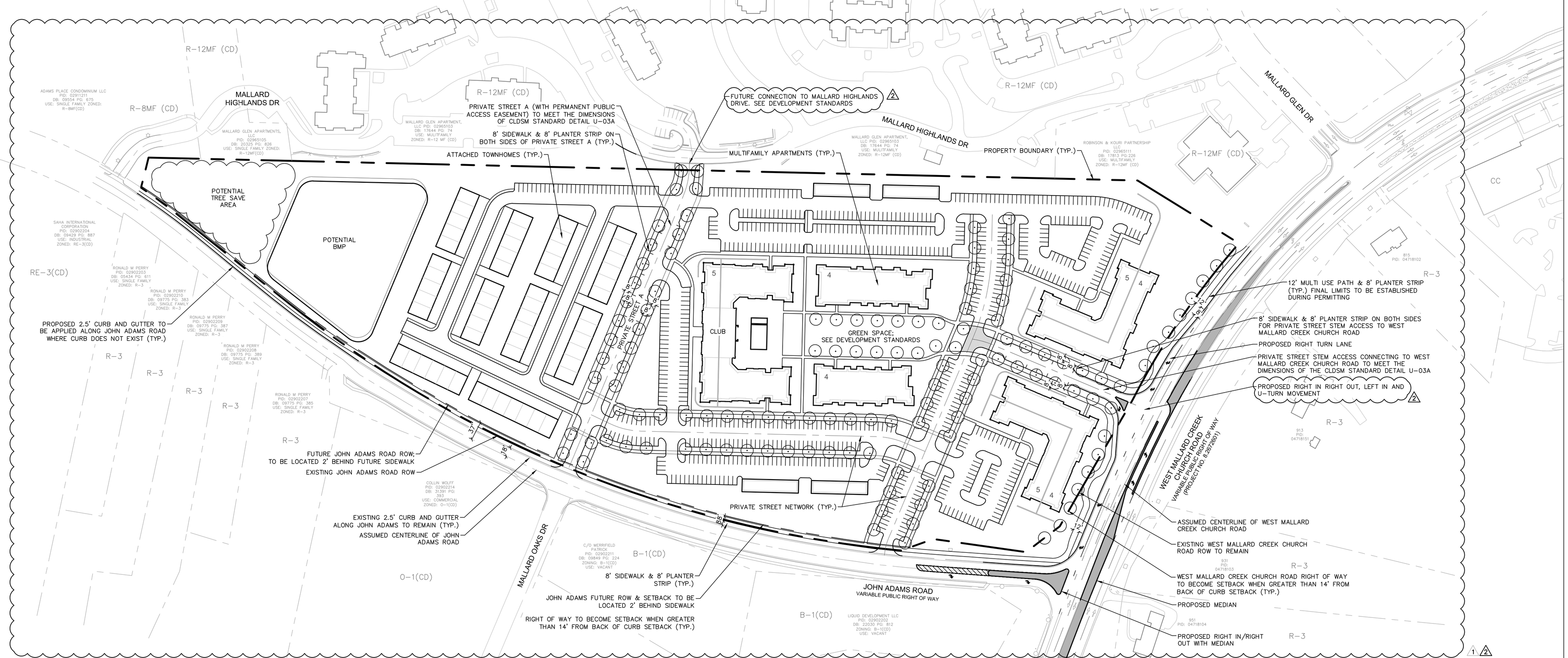


VICINITY MAP N.T.S.



SITE PLAN IS SCHEMATIC IN NATURE. SOME MINOR VARIATIONS TO THE PLAN MAY OCCUR IN FINAL DESIGN BUT SHALL MEET THE OVERALL INTENT OF THIS PLAN AND SHALL COMPLY WITH THE APPLICABLE ORDINANCE REQUIREMENTS.

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NORTH CAROLINA CORPORATE SEAL C-95 C-2165 NCBELS DESIGN RESOURCE GROUP, P.A.

REZONING PETITION

FOR PUBLIC HEARING

2020-048

REZONING PETITION

JOHN ADAMS PROPERTY

CHARLOTTE, NORTH CAROLINA

FLOURNOY DEVELOPMENT GROUP
1100 BROOKSTONE CENTRE PARKWAY
COLUMBUS, GA 31904

CONCEPTUAL SITE PLAN

50 0 50 100
SCALE: 1" = 100'

PROJECT #:	501-003
DRAWN BY:	JO
CHECKED BY:	NB

MARCH 5, 2020

REVISIONS:

1. 05/11/20 - PER REVIEW COMMENTS
2. 07/27/20 - PER REVIEW COMMENTS

RZ 2.0

SITE DEVELOPMENT DATA:
--ACREAGE: ± 24.605 ACRES
--TAX PARCEL #: 029-651-01 AND 029-651-02
--EXISTING ZONING: B-1(CD) & O-1(CD)
--PROPOSED ZONING: MUDD-O
--EXISTING USES: VACANT
--PROPOSED USES: RESIDENTIAL DWELLINGS UNITS AS PERMITTED BY RIGHT, AND UNDER PRESCRIBED CONDITIONS, AND UP TO 10,000 SQUARE FEET OF OFFICE AND NON-OFFICE COMMERCIAL USES, TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDD ZONING DISTRICT (ALL AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 2).
--MAXIMUM NUMBER OF RESIDENTIAL DWELLING UNITS: UP TO 366 MULTI-FAMILY RESIDENTIAL DWELLING UNITS AND FIFTY-SIX (56) ATTACHED (TOWNHOME STYLE) UNITS, EITHER FOR SALE OR FOR RENT, AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT.
--MAXIMUM BUILDING HEIGHT: NOT TO EXCEED 65 FEET. 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 FLOURNOY DEVELOPMENT ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A HIGH-QUALITY RESIDENTIAL COMMUNITY WITH GROUND FLOOR OFFICE AND NON-OFFICE COMMERCIAL USES ON AN APPROXIMATELY ±24.605 ACRE SITE LOCATED AT 900 AND 934 W. MALLARD CREEK 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, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED BELOW.

c. 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, 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 NINETEEN (19). 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 366 MULTI-FAMILY RESIDENTIAL DWELLINGS UNITS, FIFTY-SIX (56) ATTACHED (TOWNHOME STYLE) UNITS, EITHER FOR SALE OR FOR RENT, AND UP TO 10,000 SQUARE FEET OF OFFICE AND/OR COMMERCIAL USES AS PERMITTED BY RIGHT, UNDER PRESCRIBED CONDITIONS ABOVE TOGETHER WITH ACCESSORY USES ALLOWED IN THE MUDD ZONING DISTRICT SUBJECT TO THE FOLLOWING:

i. NO SINGLE OFFICE OR COMMERCIAL SPACE SHALL BE GREATER THAN 2,500 SQUARE FEET.
ii. EDEE USES SHALL BE LIMITED TO LIMITED SERVICE RESTAURANTS.

A "LIMITED SERVICE RESTAURANT" SHALL MEAN A RESTAURANT WITH NO MORE THAN 2,000 SQUARE FEET OF GROSS FLOOR AREA SERVING PRIMARILY ITEMS THAT DO NOT REQUIRE ON-PREMISE COOKING OF FOOD (OTHER THAN HEATING, MICRO-WAVE COOKING OR SIMILAR PROCESS AND THE BAKING OF PREMIXED DOUGH).

3. OPTIONAL PROVISIONS.

a. TO ALLOW PARKING AND CIRCULATION BETWEEN THE BUILDINGS IN DEVELOPMENT AREAS A AND B AND THE STREET AS GENERALLY DEPICTED ON SHEET RZ-02.

4. ACCESS AND TRANSPORTATION IMPROVEMENTS.

a. ACCESS TO THE SITE WILL BE FROM JOHN ADAMS ROAD AND W. MALLARD CREEK CHURCH ROAD AS GENERALLY DEPICTED ON SHEET RZ-01.

b. PRIVATE STREET A SHALL CONNECT TO MALLARD HIGHLANDS DRIVE AS FEASIBLE AND WILL BE CONSTRUCTED TO MEET THE SUBDIVISION REGULATIONS.

c. 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) AND/OR NCDOT IN ACCORDANCE WITH PUBLISHED STANDARDS SO LONG AS THE STREET NETWORK SET FORTH ON THE REZONING PLAN IS NOT MATERIALLY ALTERED.

d. ALL REQUIRED ROADWAY IMPROVEMENT WILL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING ON THE SITE SUBJECT TO THE PETITIONER'S ABILITY TO POST A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME OF THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.

e. THE PETITIONER WILL DEDICATE VIA FEE SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY INDICATED ON THE REZONING PLAN AS RIGHT-OF-WAY TO BE DEDICATED, THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY. THE PETITIONER WILL PROVIDE A PERMANENT SIDEWALK EASEMENT FOR ANY OF THE PROPOSED SIDEWALKS LOCATED ALONG THE PUBLIC STREETS LOCATED OUTSIDE OF THE RIGHT-OF-WAY WHERE ROW DEDICATION IS NOT PROVIDED. THE PERMANENT SIDEWALK EASEMENT WILL BE LOCATED A MINIMUM OF TWO (2) FEET BEHIND THE SIDEWALK WHERE FEASIBLE.

5. STREETSCAPE, BUFFER, LANDSCAPING OPEN SPACE AND SCREENING:

a. A THIRTY (30) FOOT SETBACK AS MEASURED FROM THE EXISTING AND/OR FUTURE BACK OF CURB ALONG W. MALLARD CREEK CHURCH ROAD WILL BE PROVIDED.

b. A TWENTY (20) FOOT SETBACK AS MEASURED FROM THE EXISTING AND/OR FUTURE BACK OF CURB ALONG JOHN ADAMS ROAD AND PUBLIC STREET A WILL BE PROVIDED.

c. AN EIGHT (8) FOOT PLANTING STRIP AND A TWELVE (12) FOOT SIDEWALK WILL BE PROVIDED ALONG THE SITE'S FRONTAGE ON W. MALLARD CREEK CHURCH ROAD.

d. AN EIGHT (8) FOOT PLANTING STRIP AND AN EIGHT (8) FOOT SIDEWALK WILL BE PROVIDED ALONG PUBLIC STREET A AND JOHN ADAMS ROAD AS GENERALLY DEPICTED.

e. 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 15,000 SQUARE FEET AND WILL BE IMPROVED WITH LANDSCAPING, HARDSCAPE AREAS, WALKWAYS, SEATING AREAS, AND LIGHTING.

f. METER BANKS WILL BE SCREENED WHERE VISIBLE FROM PUBLIC VIEW AT GRADE LEVEL.

g. THE PETITIONER MAY CHOOSE TO LOCATE THE REQUIRED DUMPSTER AND RECYCLING CONTAINERS OUTSIDE OF THE BUILDINGS IN DUMPSTERS OR IN A TRASH COMPACTOR. THE FINAL LOCATION OF THE TRASH HANDLING CONTAINERS TO BE DETERMINED DURING THE LAND DEVELOPMENT APPROVAL PROCESS.

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 ("PROFFERED EXTERIOR BUILDING MATERIALS"). VINYL OR ALUMINUM AS A BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS AND ON 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 25% MASONRY (INCLUDING BUT NOT LIMITED TO BRICK, STONE, PRECAST BRICK, PRECAST STONE, AND/OR STUCCO) INCLUDING WINDOWS, DOORS AND ROOFS.

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. 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.

d. BUILDINGS ARE PLACED TO PRESENT A FRONT OR SIDE FAÇADE TO ALL NETWORK REQUIRED STREETS (PUBLIC OR PRIVATE).

e. 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).

f. 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.

g. INTERNAL SIDEWALK CONNECTIONS SHALL BE PROVIDED BETWEEN MULTI-FAMILY BUILDINGS AND FROM MULTI-FAMILY BUILDINGS TO ALL PUBLICLY ACCESSIBLE ON-SITE FACILITIES (PARKING AREAS, BICYCLE FACILITIES, OPEN SPACE, ETC.) AND ANY ABUTTING OR ADJACENT 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.

h. 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.

i. SERVICE EQUIPMENT SUCH AS DUMPSTERS, REFUSE AREAS, RECYCLING AND STORAGE ARE SCREENED FROM VIEW FROM PUBLIC STREETS WITH LANDSCAPING AND MATERIALS AND DESIGN TO BE COMPATIBLE WITH PRINCIPAL STRUCTURES. SUCH DESIGN INCLUDES A MINIMUM 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.

j. ALL ROOFTOP MECHANICAL EQUIPMENT ON BUILDINGS SHALL BE SCREENED FROM THE PUBLIC PRIMARY 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.

k. VENTILATION GRATES OR EMERGENCY EXIT DOORS LOCATED AT THE FIRST FLOOR LEVEL IN THE BUILDING FACADE ORIENTED TO ANY PUBLIC STREET MUST BE DECORATIVE.

l. 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. LIGHTING:

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 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.

G:\2020PROJ\501-003 - FLOURNOY - JOHN ADAMS\DWG\ORG - PLOT SHEETS\RZ-REZNG

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DESIGN RESOURCE GROUP
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NORTH CAROLINA CORPORATE SEAL C-95 C-2165 NCBELS DESIGN RESOURCE GROUP, P.A.

REZONING PETITION

FOR PUBLIC HEARING

2020-048

REZONING PETITION

JOHN ADAMS PROPERTY

CHARLOTTE, NORTH CAROLINA

FLOURNOY DEVELOPMENT GROUP
1100 BROOKSTONE CENTRE PARKWAY
COLUMBUS, GA 31904

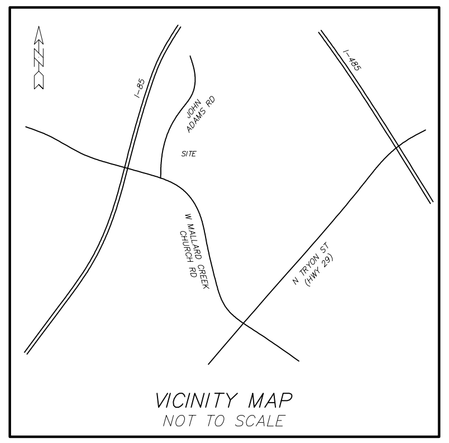
DEVELOPMENT STANDARDS

PROJECT #: 501-003
DRAWN BY: JO
CHECKED BY: NB

MARCH 5, 2020

REVISIONS:
1. 05/11/20 - PER REVIEW COMMENTS
2. 07/27/20 - PER REVIEW COMMENTS

RZ 3.0



VICINITY MAP
NOT TO SCALE

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

NC GRID (NAD83)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N60°02'53"W	40.14
L2	N60°02'53"W	244.52
L3	N37°20'24"W	82.53
L4	N08°00'03"E	182.65
L5	N19°44'18"W	66.58
L6	N38°31'17"E	286.62
L7	S75°58'13"E	60.44

CURVE TABLE				
CURVE	RADIUS	LENGTH	BEARING	CHORD
C1	1502.39	369.50	N55°48'00"W	368.57
C2	2261.83	76.23	S06°25'23"W	76.22
C3	2261.83	1229.01	S22°57'18"W	1213.95
C4	984.83	78.63	N36°14'04"E	78.61

21 NCAC 56 .1604: MAP CERTIFICATION

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (TITLE REFERENCES AS SHOWN ON PLAT); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM TITLE REFERENCES AS SHOWN ON PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY MEETS OR EXCEEDS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600).

THIS _____ DAY OF _____, 20____.

_____
PROFESSIONAL LAND SURVEYOR

REVISIONS:	DATE

SCALE: 1" = 100'
2017\BATLW MALLARD (ADAMS)
2017\WLW MALLARD (ADAMS)
DRAWN BY: NB
CHECKED BY: HW
FIELD WORK: BG/GW
MAY 11, 2017

CAROLINA SURVEYORS, INC.
P.O. BOX 267 PINEVILLE, N.C. 28134 - 0267
HUGH E. WHITE, Jr.; NCRLS & SCRLS 889 - 7601
CERTIFICATE OF AUTHORIZATION NC: C-1242 SC: 888

WEST MALLARD CREEK CHURCH ROAD

A TOPOGRAPHICAL SURVEY SHOWING PROPERTY ON

SURVEYED FOR:
TOTAL AREA: 24.606 ACRES
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

NOTES:

1. IRON PINS SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
2. PROPERTY ZONED: R-3
   MINIMUM SETBACK 30'
   MINIMUM SIDE YARD 6'
   MINIMUM REAR YARD 45'
   (SETBACKS & ZONING MATTERS ARE SUBJECT TO INTERPRETATION BY LOCAL MUNICIPALITIES)
3. TAX PARCEL NUMBER 02965101 & 02965102.
4. DEED REFERENCES: AS SHOWN
5. BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
6. THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 3710458800J, WITH A DATE OF IDENTIFICATION OF 03/02/2009.
7. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, RIGHTS-OF-WAY, OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN. SURVEY MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
8. AREA COMPUTED BY COORDINATED METHOD.
9. NO NCGS MONUMENT FOUND WITHIN 2000'.
10. UTILITY LOCATIONS SHOWN ARE LOCATED BASED ON SITE CONDITIONS AND MARKINGS AT THE TIME OF SURVEY. CONTRACTORS ARE TO HAVE ALL UTILITIES ACCURATELY MARKED PRIOR TO CONSTRUCTION.

THE FOLLOWING WAS USED TO ESTABLISH N.C.S.P.C. INFORMATION:
(1) CLASS OF SURVEY: A-URBAN LAND SURVEY
(2) POSITIONAL ACCURACY: 0.2'
(3) TYPE OF GPS FIELD PROCEDURE: STATIC, ONLINE POSITION USER SERVICE
(4) DATES OF SURVEY: _____
(5) DATUM/EPOCH: NAD 83 (2011), EPOCH 2010
(6) PUBLISHED/FIXED-CONTROL USE: CORS SITES _____
(7) GEOID MODEL: GEOID 12B; NAVD 88
(8) COMBINED GRID FACTOR(S): _____
(9) UNITS: _____

BENCHMARK
SPIKE IN PP
ELEV.699.17
(NAVD88)

UNDERGROUND UTILITIES MARKED BY NC811

LEGEND:

EIP = EXISTING IRON PIN
OIP = OLD IRON PIPE
SIP = SET IRON PIN
PWR = POWER POLE
PM = POWER METER
GM = GAS METER
AC = AIR CONDITIONING
TELE = TELEPHONE PEDESTAL
CATV = CABLE TELEVISION
WM = WATER METER
R/W = RIGHT OF WAY
PP = POWER POLE
SP = SERVICE POLE
LP = LIGHT POLE
CO = SEWER CLEAN OUT
YI = YARD INLET
FES = FLARED END SECTION
CB = CATCH BASIN
SDE = STORM DRAINAGE EASEMENT
SSE = SANITARY SEWER EASEMENT
SDMH = STORM DRAIN MANHOLE
SSMH = SANITARY SEWER MANHOLE
BC = BACK OF CURB
OE = OVERHEAD ELECTRICITY

SIP SET IRON PIN
EIP EXISTING IRON PIN
CP CALCULATED POINT
GV GAS VALVE
WV WATER VALVE
MB MAIL BOX
WM WATER METER
W WELL
FH FIRE HYDRANT
SSMH SANITARY SEWER MANHOLE
SDMH STORM DRAIN MANHOLE
LOCATED DECIDUOUS TREE
LOCATED EVERGREEN TREE
LP LIGHT POLE
TELE TELECOMMUNICATION PEDESTAL
PP POWER POLE
BFP BACK FLOW PREVENTOR
GW GUY WIRE
CB CATCH BASIN
DI DROP INLET

FENCE
STORM DRAIN PIPE
OVERHEAD ELECTRIC
SANITARY SEWER PIPE
UNDERGROUND ELECTRIC
UNDERGROUND GAS
UNDERGROUND TELECOMMUNICATIONS
UNDERGROUND WATER

BOUNDARY LINE
TIE LINE
RIGHT OF WAY
ADJOINING LINE (NOT SURVEYED)

Petition 2020-048 by Flournoy Development Group

To Approve:

This petition is found to be inconsistent with the *Northeast Area Plan* (2000) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends a mixture of research/office/retail uses.

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

- While the *Northeast Area Plan* (2000) does not call for residential uses for this site, it does identify this site as a neighborhood center, which can include residential uses.
- The plan recommends higher density residential uses in areas close to a transit corridor. This site's density proposal of 17.15 dwelling units per acre and its proximity to the West Mallard Creek Church Road and Interstate 85 intersection are appropriate for what the plan recommends for areas close to a transit corridor.
- This petition will add to the mixed uses desired in a neighborhood center by providing office and non-office uses in addition to the proposed residential uses.
- The petition commits to an open space amenity that will include hardscape areas, landscaping, lighting, and walkways.

The approval of this petition will revise the adopted future land use as specified by the *Northeast Area Plan* (2000), from research/office/retail uses to residential/office/retail uses for the site.

To Deny:

This petition is found to be inconsistent with the *Northeast Area Plan* (2000) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends a mixture of research/office/retail uses.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 19.**File #:** 15-13949 **Type:** Zoning Item

Rezoning Petition: 2020-051 by M/I Homes of Charlotte, LLC

Location: Approximately 21.90 acres located north of Interstate 485, on the south side of Ridge Road, and east of Cooper's Ridge Lane. (Council District 4 - Johnson)

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

Public Hearing Held: July 20, 2020 - Item #46

Staff Resource: Michael Russell

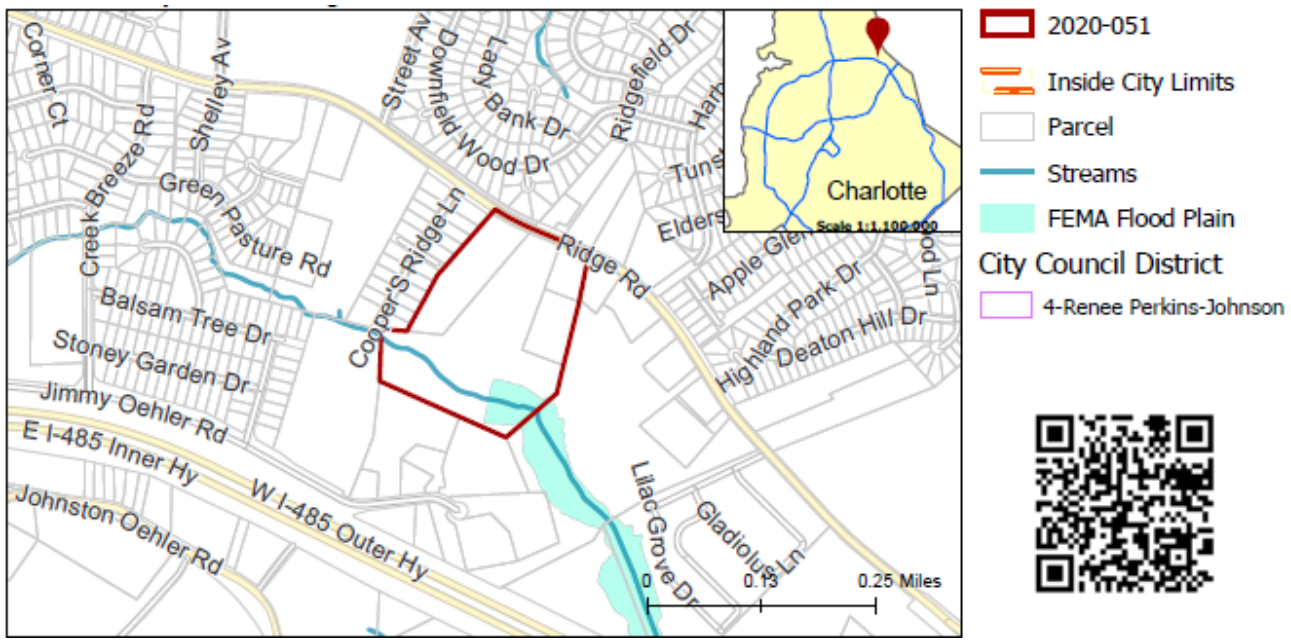
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-051
Post-Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: R-8MF (CD) (multi-family, conditional)
LOCATION	Approximately 21.90 acres located north of Interstate 485, on the south side of Ridge Road, and east of Cooper's Ridge Lane.



SUMMARY OF PETITION	The petition proposes to allow up to 98 single family attached dwelling units at a density of 4.47 dwelling units per acres. The site is currently developed with single family homes.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Tyler Mitchell Lane et al M/I Homes of Charlotte, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to transportation. Plan Consistency At 4.47 dwelling units per acre, the petition is **inconsistent** with the *Prosperity Hucks Area Plan (2015)* recommendation of 4 dwelling units per acre, but **consistent** with the plan's recommendation of residential uses. Rationale for Recommendation • This 21.9-acre site is located off Ridge Road and proposes up to 98 single family attached units.

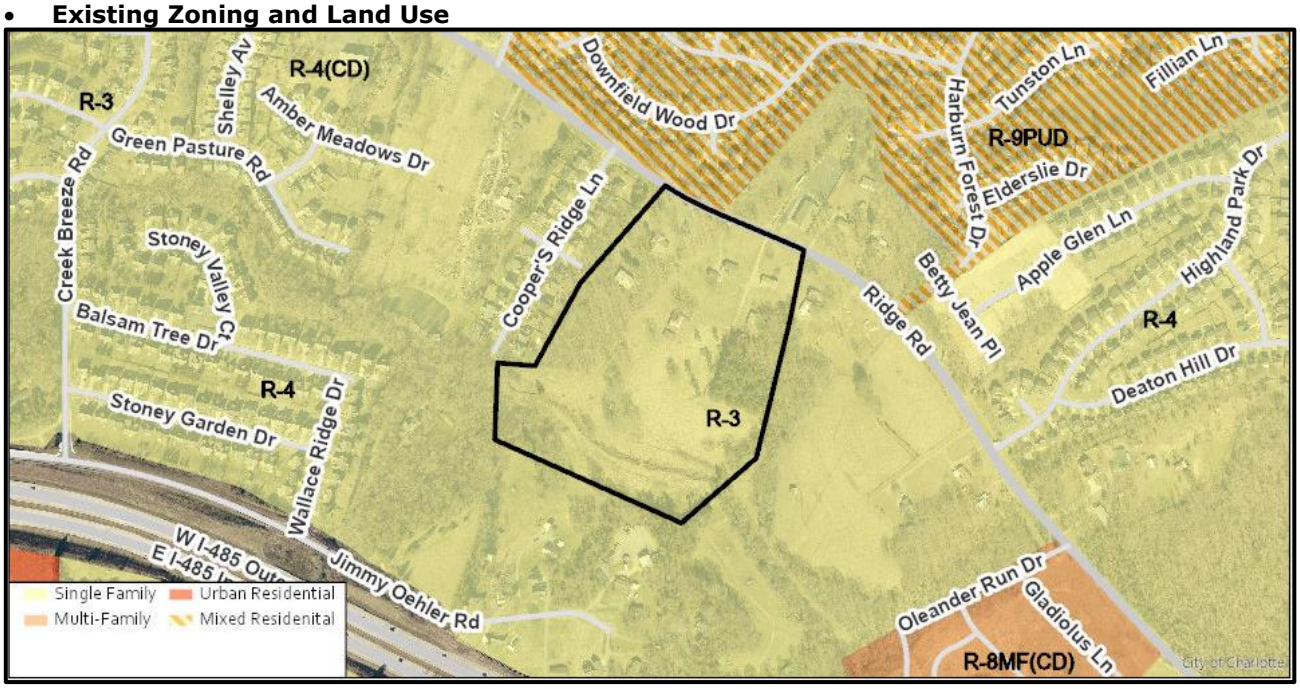
- The *Prosperity Hucks Area Plan (2015)* recommends residential use up to 4 dwelling units per acre (DUA) for this site. At 4.47 DUA, this petition is only slightly above the recommended density.
- This petition commits to furthering connectivity among residential areas in this area by including a street connection to the existing subdivision located on the left of the site, and by including 2 road stubs on the right side of the site to allow for connectivity with future developments.
- The petition commits to enhancing the pedestrian environment by including front porch stoops on all homes and walkways which will connect all residential entrances to sidewalks along public and private streets.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan (2015)*, from residential uses up to 4 DUA to residential uses up to 5 DUA for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 98 single family attached dwelling units.
  - Access will be provided from Ridge Road.
  - Provides connectivity by including a street connection to the existing subdivision and by including two road stubs on the right side of the site for future connectivity.
  - Provides an 11-foot wide westbound left turn lane on Ridge Road.
  - Dedicates via fee simple conveyance any additional right-of-way.
  - Provides internal sidewalks and pedestrian connections.
  - Provides an 8-foot wide planting strip and a 12-foot wide multi-use path along Ridge Road frontage.
  - Maximum height limited to 48-feet.
  - The primary exterior building materials will be a combination of brick veneer, stone, manufactured stone, stucco and cementitious siding.
  - Provides a covered front stoop and a garage for each unit.
  - Provides walkways to connect entrances to sidewalks along streets.
  - Provides a 37.5-foot reduced buffer along the site's western boundary and portions of the site's eastern boundary.

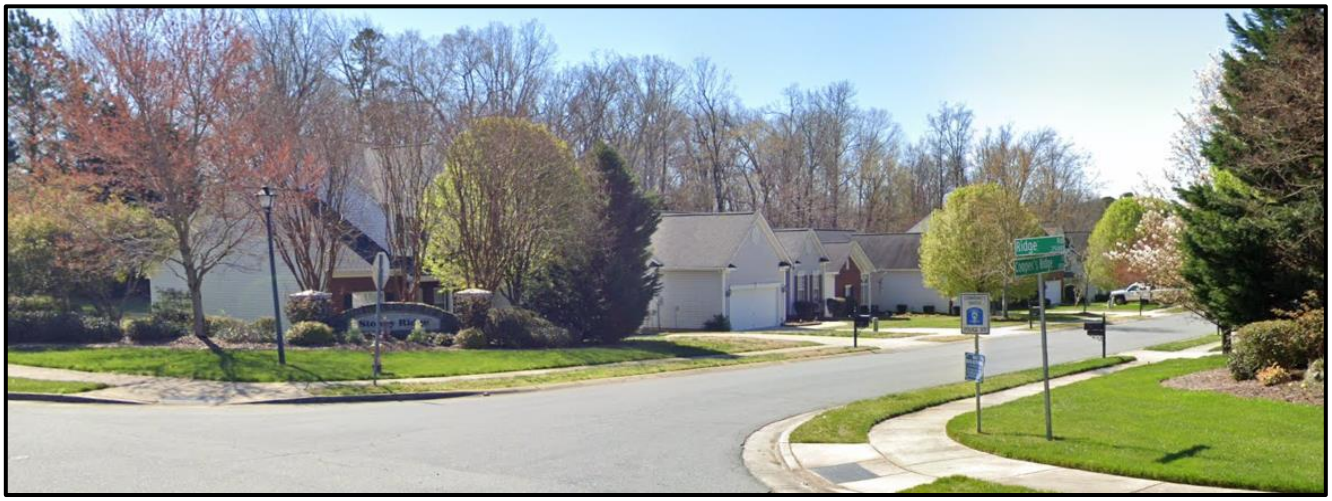
- **Existing Zoning and Land Use**



The subject property is developed with single-family homes. The surrounding land uses include single-family homes, a religious institution, and undeveloped land.



The subject property denoted by the red star is developed with single family homes.



The property to the west along Ridge road is developed with single family homes.



The property to the east along Ridge Road is developed with a single-family home and undeveloped land.

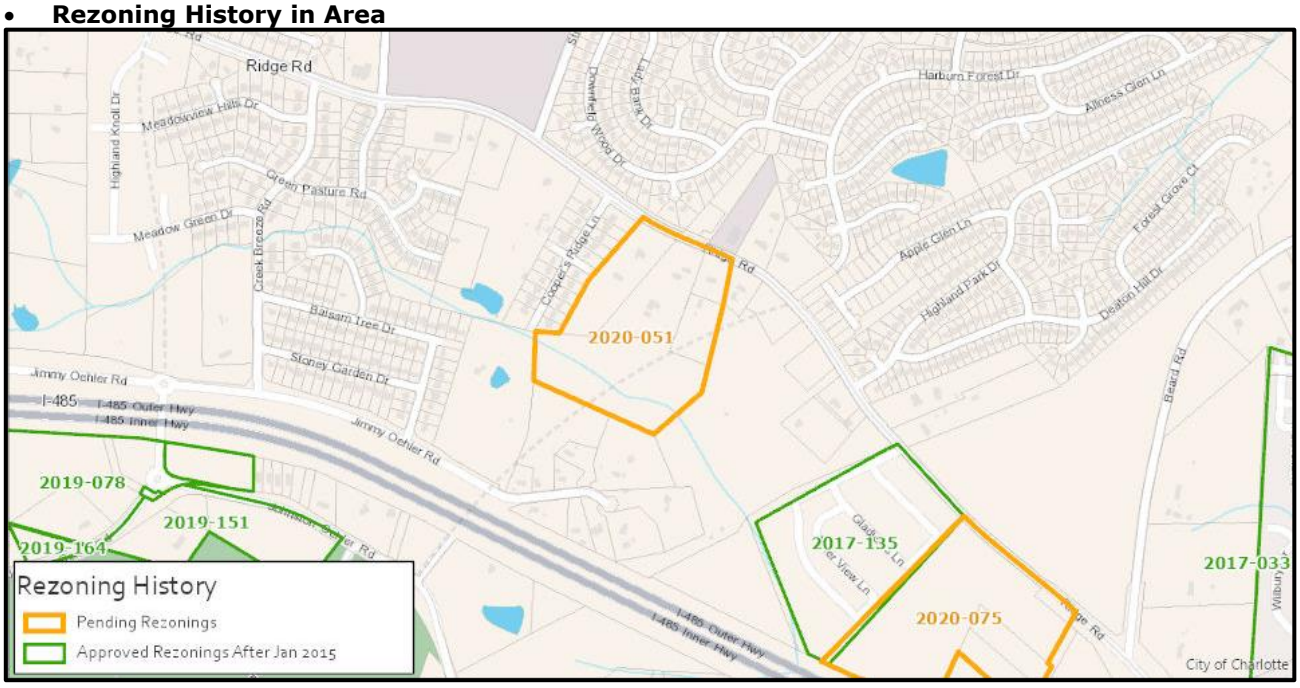


The property to the south along Jimmy Oehler Road is developed with single-family homes.



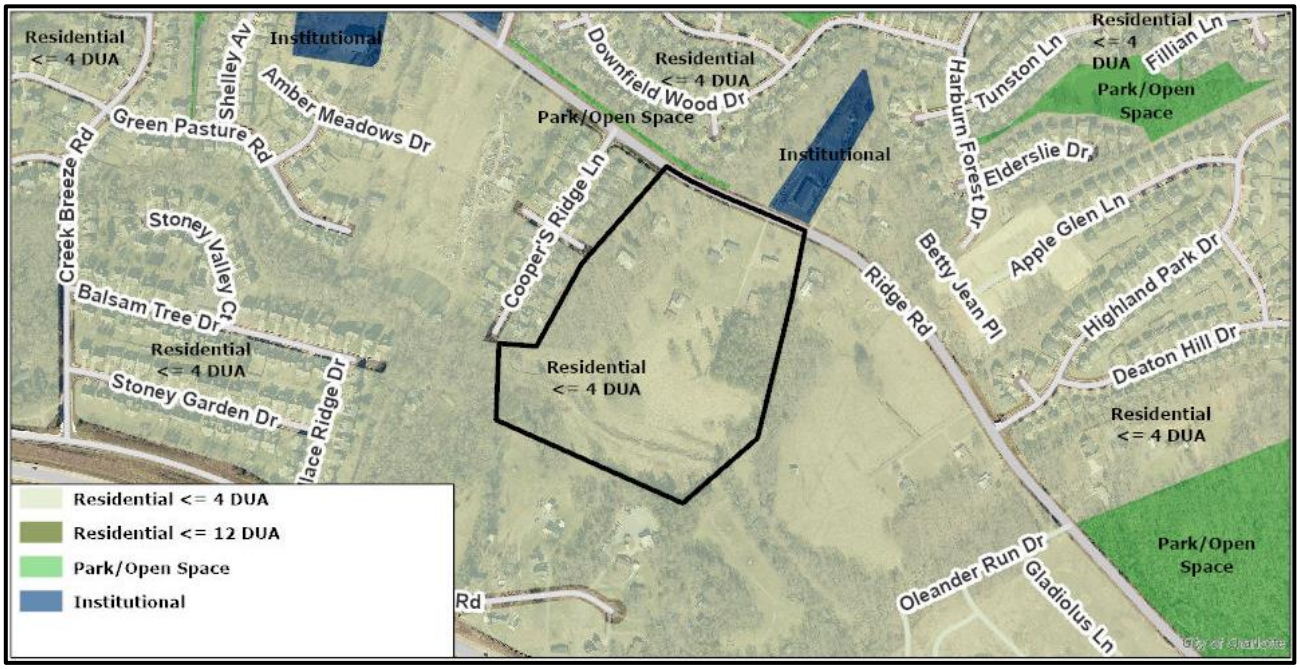
The property to the north along Ridge Road is developed with a religious institution and single-family homes.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-033	Rezoned 29.01 acres to allow up to 322 multi-family units.	Approved
2017-135	Rezoned 20.54 acres to allow up to 102 multi-family units.	Approved
2019-078	Rezoned 41.91 acres to allow up to 440 total multi-family units with a minimum of 120 senior housing units, and a childcare center.	Approved
2019-151	Rezoned 11.63 acres to allow up to 124 townhomes.	Approved
2019-164	Rezoned 1.1 acres to allow up to 8 townhomes.	Approved
2020-075	Proposes to rezone 19.6 acres to allow up to 139 townhomes.	Pending

- **Public Plans and Policies**



- The *Prosperity Hucks Area Plan (2015*) recommends residential uses up to four dwelling units per acre.

- **TRANSPORTATION SUMMARY**
  - The site is located on a major thoroughfare road. The petitioner should revise the site plan to meet the outstanding items listed below.
  - **Active Projects:**
    - Ridge Rd. Widening (future, unfunded)
    - I-485 Northeast Crossing, central leg (future, unfunded)
  - **Transportation Considerations**
    - See Outstanding Issues, Note 3
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 54 trips per day (based on 4 single family homes).
    Entitlement: 700 trips per day (based on 65 single family homes).
    Proposed Zoning: 700 trips per day (based on 98 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 30 students, while the development allowed under the proposed zoning may produce 15 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is zero students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Parkside Elementary from 64% to 65%
    - Ridge Road Middle at 126%
    - Mallard Creek High at 123%
  - **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along Ridge Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Ridge Road. 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:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. ~~The petitioner should revise the site plan and conditional note(s) to commit to alley-fed Townhomes adjacent to but with no direct access to the proposed public street (north-south). The reason for alley fed is that the minor thoroughfare alignment will be proposed North-South Street.~~ Addressed
2. ~~The petitioner should revise the site plan to invert the orientation of the T-intersection on the south side of the site, so that the main north/south street of the site, and the south leg of the future I-485 Northeast Crossing, are the through movements. The petitioner should contact Walta Blackmon at 704.432.1556 to coordinate the future alignment of I-485 crossing minor thoroughfare. The road should be designed based on AASHTO Guidelines for a minor thoroughfare, urban design and 30 mph design speed.~~ Addressed
3. The curb and gutter needs to be located 19-feet from the centerline. The site plan should label and dimension both items from the back of curb and gutter and road centerline. The location of the curb and gutter along Ridge Road should remain at a constant dimension along the entire frontage.

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

Planner: Michael Russell (704) 353-0225

ROBINSON
BRADSHAW

jcarmichael@robinsonbradshaw.com
704.377.8341 : Direct Phone
704.373.3941 : Direct Fax

July, 26 2020

VIA EMAIL

Mr. Michael Russell
Charlotte Planning, Design & Development Department
600 East Fourth Street, 8th Floor
Charlotte, NC 28202

Re: Rezoning Petition No. 2020-051
M/I Homes of Charlotte, LLC, Petitioner

Dear Michael:

I hope this letter finds you well.

Set out below is a description of how Petitioner's revised Rezoning Plan addresses the outstanding issues set out in the Pre-Hearing Staff Analysis relating to Rezoning Petition No. 2020-051.

Outstanding Issues

Transportation

Issues 1 and 2: Both of these issues relate to the alignment of the minor thoroughfare through the site. The alignment of the minor thoroughfare through the site as depicted on the Petitioner's revised Rezoning Plan varies from the approved alignment. The Petitioner is currently working with Lakisha Hull, Walta Blackmon and Andy Grzymski of CDOT on obtaining the approval of this revised alignment by CRTPO, and obtaining the approval of CRTPO appears to be promising at this point. The Petitioner would like to proceed to the Zoning Committee on this Rezoning Petition and to continue with the rezoning process while concurrently pursuing the approval of CRTPO of the revised alignment of the minor thoroughfare through the site. The Petitioner understands that the revised alignment will need to receive the approval of CRTPO in advance of City Council's decision on this Rezoning Petition.

Other Revisions

Michael, Petitioner has also made the following revisions to the Rezoning Plan.

1. Made all of the buffers 50 foot wide Class C buffers except for along a portion of the site's western boundary line.

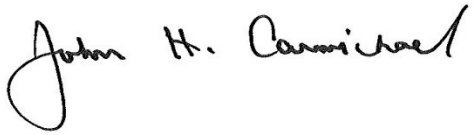
2. At the request of CDOT, added additional pavement on Ridge Road to the east of the entrance into the site to establish the ultimate curb line. The additional pavement is hatched.

Michael, thank you for your assistance as always.

Please let me know if you have any questions or comments.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.



John H. Carmichael

Petition 2020-051 by M/I Homes of Charlotte, LLC

To Approve:

This petition is found to be **inconsistent** with the *Prosperity Hucks Area Plan* (2015) recommendation of 4 dwelling units per acre, but **consistent** with the plan's recommendation of residential uses 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 the information from the staff analysis and the public hearing, and because:

- This 21.9-acre site is located off Ridge Road and proposes up to 98 single family attached units.
- The Prosperity Hucks Area Plan (2015) recommends residential use up to 4 dwelling units per acre (DUA) for this site. At 4.47 DUA, this petition is only slightly above the recommended density.
- This petition commits to furthering connectivity among residential areas in this area by including a street connection to the existing subdivision located on the left of the site, and by including 2 road stubs on the right side of the site to allow for connectivity with future developments.
- The petition commits to enhancing the pedestrian environment by including front porch stoops on all homes and walkways which will connect all residential entrances to sidewalks along public and private streets.

  The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan (2015), from residential uses up to 4 DUA to residential uses up to 5 DUA for the site.

To Deny:

This petition is found to be **inconsistent** with the *Prosperity Hucks Area Plan* (2015) recommendation of 4 dwelling units per acre, but **consistent** with the plan's recommendation of residential uses 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 not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 20.**File #:** 15-13950 **Type:** Zoning Item

Rezoning Petition: 2020-053 by Laurel Oak Farm, LLC

Location: Approximately 1.32 acres located on the south side of Youngblood Road, west of Buckthorne Ridge Lane, and east of McKee Road. (Outside City Limits)

Current Zoning: R-3 (single-family residential) and MUDD-O (mixed use development, optional)
Proposed Zoning: MUDD-O (mixed use development, optional) and MUDD-O SPA (mixed use development, optional, site plan amendment)

Public Hearing Held: July 20, 2020 - Item #47

Staff Resource: Lisa Arnold

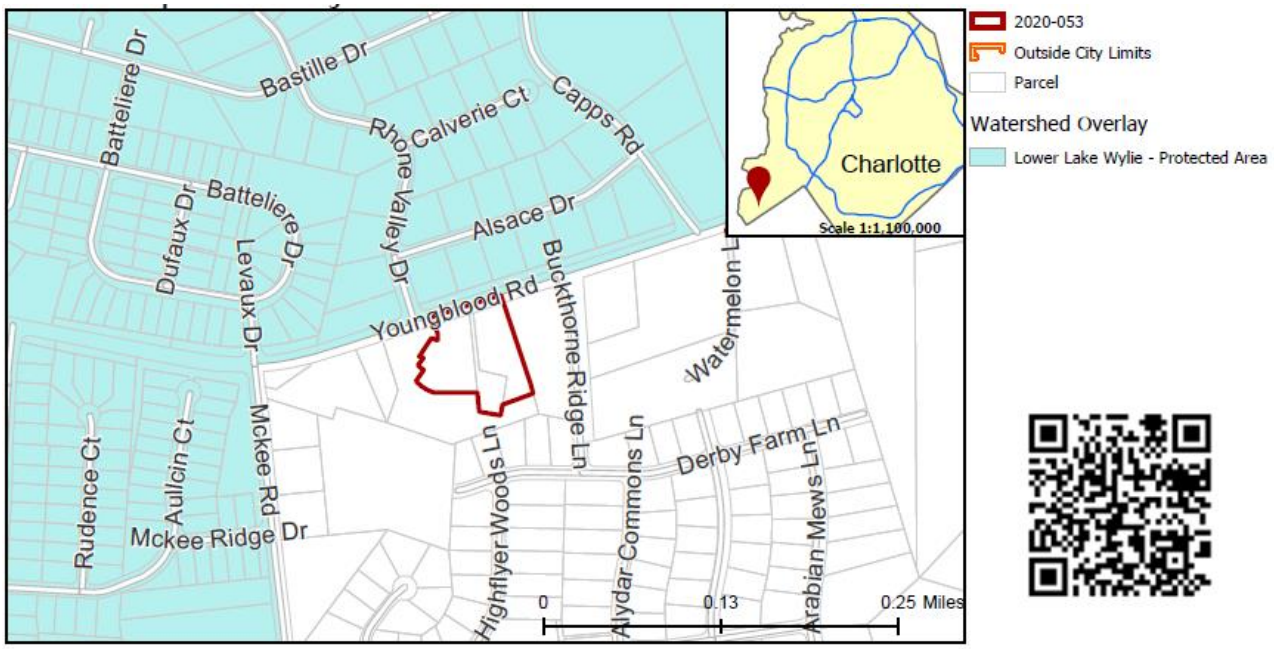
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-053
Post-Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: R-3 (single family residential) and MUDD-O (mixed use development, optional) Proposed Zoning: MUDD-O (mixed use development, optional) and MUDD-O SPA (mixed use development, optional, site plan amendment)
LOCATION	Approximately 1.32 acres located on the south side of Youngblood Road, west of Buckthorne Ridge Lane, and east of McKee Road



SUMMARY OF PETITION	The petition proposes rezone property to MUDD-O and MUDD-O SPA to allow up to 6,000 square feet for an indoor pet center with limited outdoor pet center uses.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	William A. Hodges Bill Hodges Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0

STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **inconsistent** with the *Steele Creek Area Plan* (2012) recommendation for single family residential up to four dwelling units per acre (DUA) for a portion of the site and **consistent** with the land use recommendation for retail for a portion of the site. Rationale for Recommendation • For a portion of the site the petition is inconsistent with the area plan recommendation; however, it will allow the expansion of an existing adjacent commercial indoor pet center.

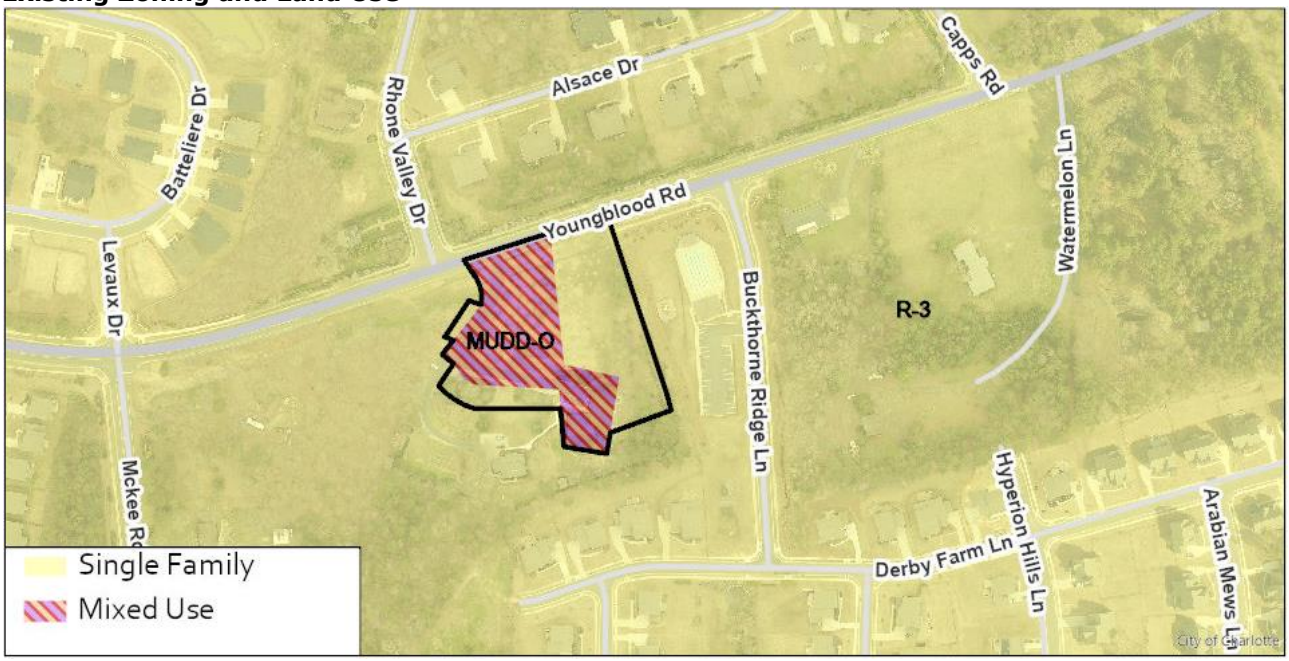
- The proposed expansion of the commercial indoor pet center provides a needed service to the surrounding residential neighborhood.
- Adequate fencing, buffering and sound insulation are included as part of the proposed site plan to protect adjacent properties.
- The parcel to the east, adjacent to the proposed expansion of the indoor pet center, is used as the community pool, playground and parking lot for the adjoining residential subdivision.

The approval of this petition will revise the adopted future land use as specified by the *Steele Creek Area Plan*, from residential up to four DUA land use to retail for a portion of the site.

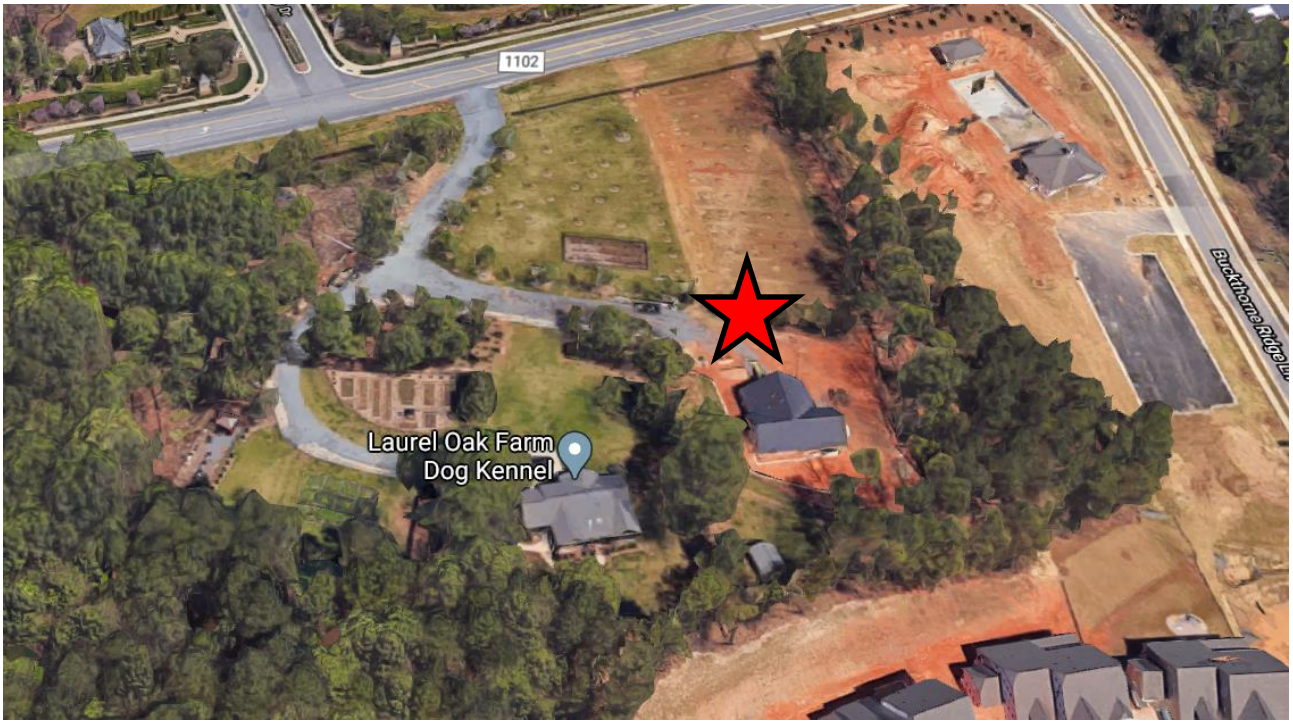
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 6,000 SF for an indoor pet center and limited outdoor pet center uses including fenced outdoor walking and exercising for pets.
  - Applies the following optional provisions:
    - To allow a fenced area outside of the indoor pet center to be used for walking and exercising of pets that does not meet the 300-foot separation from a lot in a residential zoning district or a residential use as generally depicted on the rezoning plan.
    - To allow parking between the proposed building and Youngblood Road as generally depicted on the rezoning plan.
  - Provides an 8' sound wall along the buffer on Youngblood Road to limit noise from pets.
  - Limits building height to 40' and the proposed building would be residential in character.
  - Requires Class C buffers along residential property lines.
  - Restricts site lighting to meet the following conditions: 15' maximum height and full cut-off fixtures for both site lighting and building lighting.

- **Existing Zoning and Land Use**



Part of this site was rezoned in 2014 (petition 2013-093) to allow an indoor pet center. The subject property consists of the existing indoor pet center. The surrounding land uses include single family residential and a community swimming pool.



A portion of the subject property is an existing indoor pet center and the rest is undeveloped land. The site is marked with a red star.



The properties to the north are developed with single family residential houses.



The properties to the south are developed with single family residential houses. The subject property is marked with a red star.

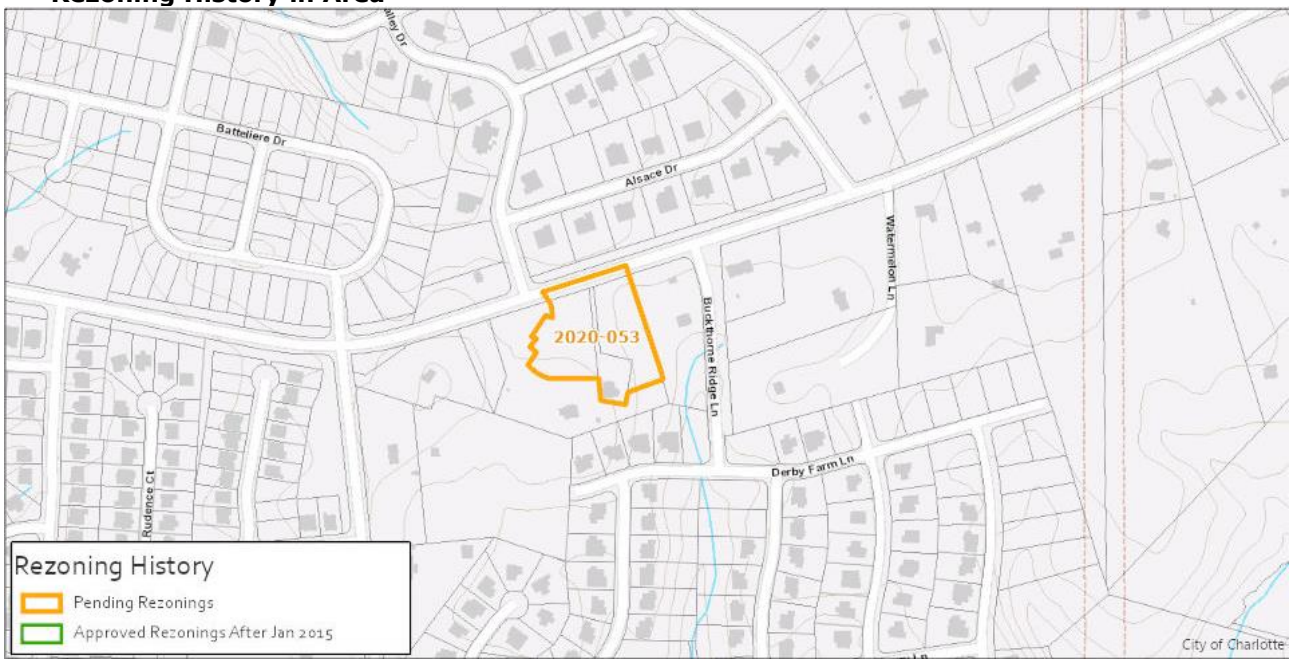


The property to the east is developed with a community swimming pool and recreation area.



The properties the west are developed with single family residential houses.

- **Rezoning History in Area**



There are no recently pending or approved rezoning petitions within the surrounding area.

- **Public Plans and Policies**



  - The *Steele Creek Area Plan* (adopted 2012) recommends residential uses up to four dwelling units per acre (DUA) for a portion of this site. Portions of the site are recommended for retail land use as per rezoning petition 2013-093.

- **TRANSPORTATION SUMMARY**
  - The site is on Youngblood Road (minor thoroughfare, state maintained) and is in a wedge outside Route 4. The site is also located within the extraterritorial jurisdiction (ETJ). The applicable plan is the Steele Creek Area Plan.
- **Active Projects:**
  - There are no active projects within the immediate vicinity.
- **Transportation Considerations**
  - See Outstanding Issues, Note 1
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: No data for trips per day (based on a pet center).

  Entitlement: No data for trips per day (based on a pet center).

  Proposed Zoning: No data for trips per day (based on a pet center).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** No comments submitted.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.

- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

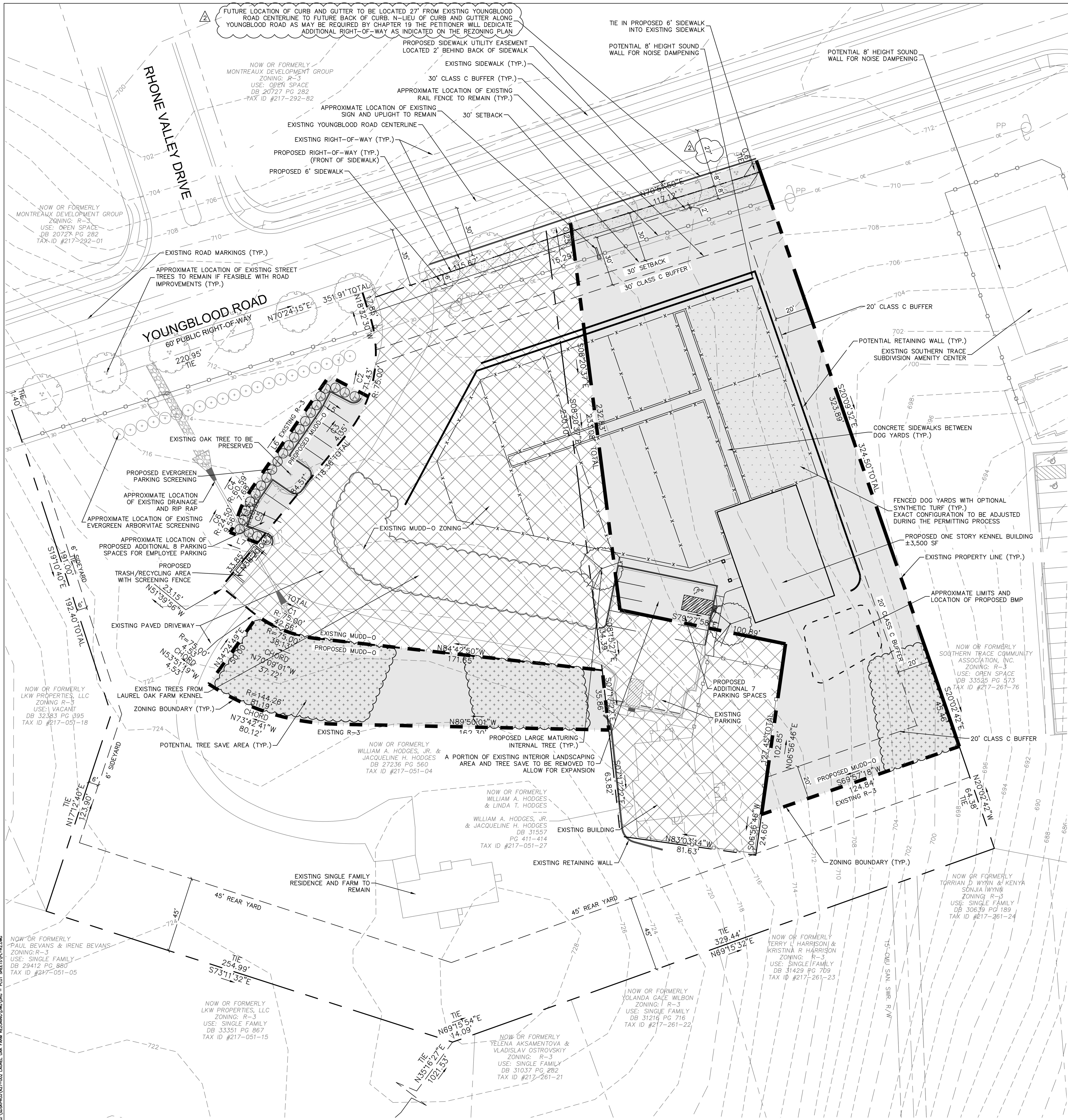
OUTSTANDING ISSUES

Transportation

~~1. CDOT requests the petitioner to dedicate right-of-way along the entire frontage of parcel ID# 21705104, so the future curb and gutter may be constructed by others. The current proposed right-of-way dedication dedicates a portion of parcel ID# 21705104.~~ Addressed

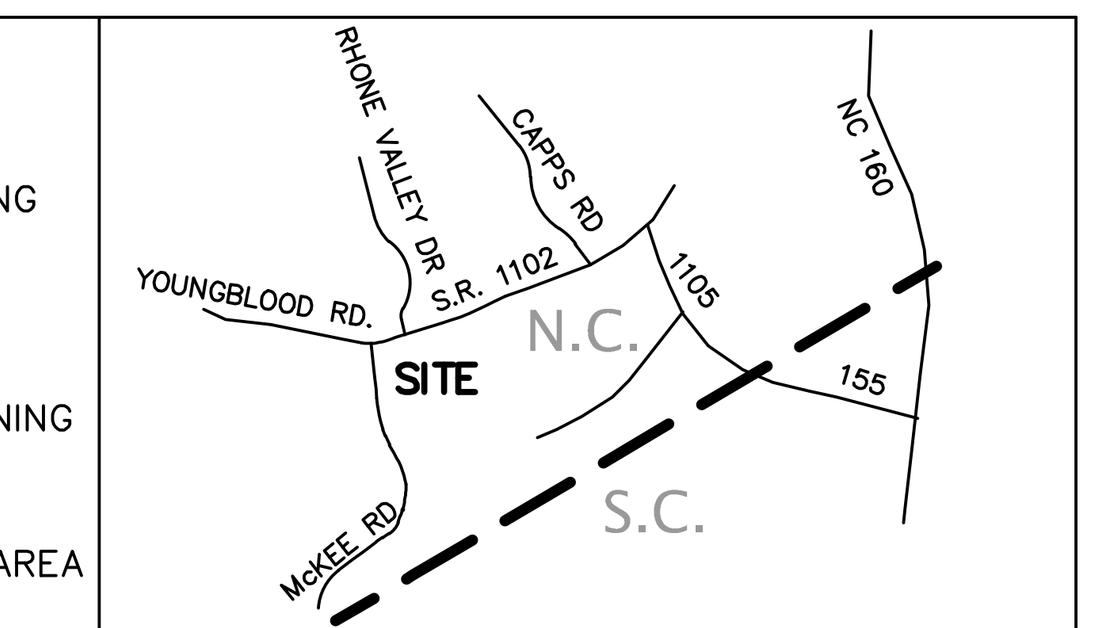
See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Lisa Arnold (704) 336-5967



LEGEND

(crosshatch)	EXISTING MUDD-O ZONING
(grey)	EXISTING R-3 ZONING PROPOSED MUDD-O ZONING
(dotted)	POTENTIAL TREE SAVE AREA



VICINITY MAP N.T.S.

SITE DATA TABLE

PARCEL ID:	217-051-27 AND A PORTION OF 217-051-04
ACREAGE:	±1.39
EXISTING ZONING: PROPOSED REZONING:	R-3 AND MUDD-O MUDD-O AND MUDD-O SPA
EXISTING USES:	COMMERCIAL, AN INDOOR PET CENTER AND ASSOCIATED USES INCLUDING LIMITED OUTDOOR PET CENTER USES, AND VACANT.
PROPOSED USES:	AN INDOOR PET CENTER WITH LIMITED OUTDOOR PET CENTER USES AS MORE SPECIFICALLY DESCRIBED BELOW TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE MUDD ZONING DISTRICT, AND OPTIONAL PROVISIONS BELOW
SITE AREA: PORTION OF PROPERTY TO BE REZONED:	190,100 SF (4.36 AC) ± 60,505 SF (1.39 AC)
PARKING:	AS REQUIRED BY THE MUDD ZONING DISTRICT
TREE SAVE REQUIRED:	15% OF PROPOSED REZONED PORTION = 9,075 SF
POTENTIAL TREE SAVE PROVIDED:	15% MINIMUM
MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:	UP TO 6,000 SQUARE FEET OF GROSS FLOOR AREA FOR AN INDOOR PET CENTER WITH LIMITED OUTDOOR PET CENTER USES
MAXIMUM BUILDING HEIGHT:	NOT TO EXCEED 40 FEET; THE ALLOWED BUILDING HEIGHT TO BE MEASURED AS DEFINED BY THE ORDINANCE

CONDITIONAL DEVELOPMENT NOTES:

1. **GENERAL PROVISIONS:**

A. **SITE LOCATION.** THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY LAUREL OAK FARM, LLC TO ACCOMMODATE DEVELOPMENT OF AN INDOOR PET CENTER ON APPROXIMATELY ± 1.39 ACRE SITE LOCATED ON THE SOUTH SIDE OF YOUNGBLOOD ROAD ACROSS FROM RHONE VALLEY DRIVE (THE "SITE").

B. **ZONING DISTRICT/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 DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS SET FORTH HEREIN.

C. **GRAPHICS AND ALTERATIONS.** THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, AND OTHER SITE ELEMENTS SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT AND SITE ELEMENTS PROPOSED, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK, YARD AND BUFFER REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS, PROVIDED, HOWEVER, ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN. CHANGES TO THE REZONING PLAN NOT PERMITTED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE.

D. **NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY.** THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE SHALL NOT EXCEED TWO (2). ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDING LOCATED ON THE SITE.

E. **PLANNED/UNIFIED DEVELOPMENT.** THE SITE SHALL BE VIEWED AS A PLANNED/UNIFIED DEVELOPMENT PLAN AS TO THE DEVELOPMENT/SITE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN AND AS TO THE SAME LOCATED ON THE REMAINDER OF TAX PARCEL # 217-051-04. AS SUCH, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, FAR REQUIREMENTS, AND OTHER SIMILAR ZONING STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER DEVELOPMENT/SITE ELEMENTS LOCATED WITHIN THE SITE, PROVIDED, HOWEVER, ALL SUCH SEPARATION STANDARDS ALONG THE EXTERIOR BOUNDARY OF THE SITE, NOT IN COMMON WITH THE SITE, AS EXPRESSLY DESCRIBED IN THE REZONING PLAN SHALL BE ADHERED TO.

2. **PERMITTED USES & DEVELOPMENT AREA LIMITATION:**

A. THE SITE MAY BE DEVELOPED WITH AN INDOOR PET CENTER WITH LIMITED OUTDOOR PET CENTER USES AND ACCESSORY USES ALLOWED BY THE MUDD ZONING DISTRICT AND THE OPTIONAL PROVISIONS BELOW.

B. THE ALLOWED PET SERVICES SHALL BE CONDUCTED WITHIN THE ENCLOSED BUILDING(S) LOCATED ON THE SITE EXCEPT WHERE NECESSARY TO ADHERE TO APPLICABLE HEALTH AND SAFETY REGULATIONS, INCLUDING FOR EXAMPLE THE NORTH CAROLINA ANIMAL WELFARE ACT AND SIMILAR REGULATIONS, AND IN CONNECTION WITH THE HUMANE CARE AND TREATMENT OF ANIMALS IN SANITARY AND HEALTHY CONDITIONS; SUCH THAT THE OUTDOOR PET CENTER USE ALLOWED ON THE SITE WILL BE LIMITED TO FENCED OUTDOOR WALKING AND EXERCISE AREAS LOCATED ADJACENT AND SURROUNDING TO THE INDOOR PET CENTER USES. PETS UTILIZING THE OUTDOOR WALKING AND EXERCISE AREA WILL ALWAYS BE ATTENDED. OUTDOOR KENNELS WILL NOT BE ALLOWED.

C. THE TOTAL ALLOWED SQUARE FOOTAGE OF THE INDOOR PET CENTER, INCLUDING THE EXISTING BUILDING ON-SITE, MAY NOT EXCEED 6,000 SQUARE FEET OF GROSS FLOOR AREA.

3. **OPTIONAL PROVISIONS.**

THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE SITE:

A. TO ALLOW A FENCED AREA OUTSIDE OF THE INDOOR PET CENTER TO BE USED FOR WALKING AND EXERCISING OF PETS THAT DOES NOT MEET THE 300-FOOT SEPARATION FROM A LOT IN A RESIDENTIAL ZONING DISTRICT OR A RESIDENTIAL USES AS GENERALLY DEPICTED ON THE REZONING PLAN.

B. TO ALLOW PARKING BETWEEN THE PROPOSED BUILDING AND YOUNGBLOOD ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

4. **ACCESS & TRANSPORTATION:**

A. ACCESS TO THE SITE WILL BE FROM YOUNGBLOOD ROAD VIA AN EXISTING DRIVEWAY AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PETITIONER WILL WORK CDOT TO VERIFY THAT THE ACCESS TO YOUNGBLOOD ROAD MEETS INTERSECTION SIGHT DISTANCE REQUIREMENTS DURING THE LAND DEVELOPMENT APPROVAL PROCESS FOR THE SITE.

B. THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) AND NCDOT IN ACCORDANCE WITH PUBLISHED STANDARDS.

C. THE PETITIONER WILL DEDICATE VIA FEE SIMPLE CONVEYANCE UP TO 35 FEET OF RIGHT-OF-WAY FROM THE CENTER LINE OF YOUNGBLOOD ROAD AS INDICATED ON THE REZONING PLAN, THE 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.

D. 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 POSTED FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME OF THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY. 2

E. THE PETITIONER WILL WORK WITH THE FIRE DEPARTMENT DURING THE LAND DEVELOPMENT APPROVAL PROCESS TO PROVIDE THE APPROPRIATE FIRE DEPARTMENT ACCESS TO THE SITE.

5. **ARCHITECTURAL STANDARD:**

A. THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE SITE WILL BE RESIDENTIAL IN CHARACTER AND WILL COMPLY WITH THE MUDD DESIGN STANDARDS.

B. THE MAXIMUM HEIGHT OF THE PROPOSED BUILDING WILL BE 40 FEET.

6. **STREETSCAPE:**

A. BUFFERS AS GENERALLY DEPICTED ON THE REZONING PLAN WILL BE PROVIDED.

B. AN EIGHT (8) FOOT SOUND WALL WILL PROVIDED ALONG YOUNGBLOOD ROAD, BEHIND THE PROPOSED BUFFER.

C. THE PETITIONER WILL PROVIDE A SIX (6) FOOT SIDEWALK AND AN EIGHT (8) FOOT PLANTING STRIP ALONG THE SITE'S FRONTAGE ON YOUNGBLOOD ROAD IF REQUIRED BY CHAPTER 19.

D. THE PETITIONER WILL PROVIDE A 5 (FIVE) FOOT SIDEWALK FROM THE USE TO YOUNGBLOOD ROAD, IF REQUIRED BY THE ORDINANCE.

E. THE SITE'S REQUIRED TRASH HANDLING AREAS WILL BE LOCATED AS GENERALLY DEPICTED ON THE REZONING PLAN.

7. **ENVIRONMENTAL FEATURES:**

A. THE 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.

B. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.

8. **SIGNAGE:**

A. THE SITE MAY HAVE ONE DETACHED SIGN IDENTIFYING THE INDOOR PET CENTER ALONG YOUNGBLOOD ROAD. THE DETACHED SIGN WILL BE LIMITED TO 12 SQUARE FEET AND A MAXIMUM HEIGHT OF FIVE (5) FEET. WALL SIGNS WILL BE LIMITED TO 10 SQUARE FEET PER BUILDING WALL.

9. **LIGHTING:**

A. ALL NEW DETACHED LIGHTING SHALL BE FULL CUT-OFF TYPE LIGHTING FIXTURES EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, AND PARKING AREAS.

B. DETACHED LIGHTING WILL BE LIMITED TO 15 FEET IN HEIGHT.

C. ATTACHED LIGHTING WILL BE FULLY SHIELDED AND DOWNWARDLY DIRECTED.

10. **PARKING:**

A. PARKING WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE.

11. **OTHER:**

A. THE PETITIONER HAS CREATED A CROSS ACCESS EASEMENT TO ALLOW THE JOINT USE OF THE DRIVEWAY BY THE PARCEL CREATED FOR THE INDOOR PET CENTER AND THE PROPERTY ZONED R-3.

12. **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 PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF CHAPTER 6 OF THE ORDINANCE.

13. **BINDING EFFECT OF THE REZONING APPLICATION:**

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

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G:\SDSKPROJ\427-002 LAUREL OAK FARM REZONING\DWG\DRG - PLOT SHEETS\PL-RZ.DWG

DESIGN RESOURCE GROUP

LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

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

NORTH CAROLINA CORPORATE SEAL C-95 C-2165 NCBELS DESIGN RESOURCE GROUP P.A.

REZONING PETITION
2020-053

REZONING DOCUMENT

LAUREL OAK FARM KENNEL EXPANSION

CHARLOTTE, NORTH CAROLINA

LAUREL OAK FARM, LLC
16223 YOUNGBLOOD ROAD
CHARLOTTE, NORTH CAROLINA 28278

REZONING PLAN

SCALE: 1" = 30'

PROJECT #:	427-002
DRAWN BY:	JN
CHECKED BY:	SK

MARCH 09, 2020

REVISIONS:
1. 05.11.2020 - PER CITY STAFF COMMENTS
2. 06.15.2020 - PER CITY STAFF COMMENTS

RZ1.0

Petition 2020-053 by Bill Hodges

To Approve:

This petition is found to be **inconsistent** with the *Steele Creek Area Plan* for a portion of the site and **consistent** with the *Steele Creek Area Plan* for a portion of the site based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential up to four dwelling units per acre (DUA); and
- The plan recommends retail.

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

- For a portion of the site the petition is inconsistent with the area plan recommendation; however, it will allow the expansion of an existing adjacent commercial indoor pet center.
- The proposed expansion of the commercial indoor pet center provides a needed service to the surrounding residential neighborhood.
- Adequate fencing, buffering and sound insulation are included as part of the proposed site plan to protect adjacent properties.
- The parcel to the east, adjacent to the proposed expansion of the indoor pet center, is used as the community pool, playground and parking lot for the adjoining residential subdivision.
-

The approval of this petition will revise the adopted future land use as specified by the *Steele Creek Area Plan*, from residential up to four DUA land use to retail for a portion of the site.

To Deny:

This petition is found to be **inconsistent** with the *Steele Creek Area Plan* for a portion of the site and **consistent** with the *Steele Creek Area Plan* for a portion of the site based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential up to four dwelling units per acre (DUA); and
- The plan recommends retail.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 21.**File #:** 15-13951 **Type:** Zoning Item

Rezoning Petition: 2020-054 by TriPointe Homes

Location: Approximately 13.27 acres located on the east side of Interstate 77, west of Tryon Street and South of Clanton Road. (Council District 3 - Watlington)

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

Public Hearing Held: July 20, 2020 - Item #48

Staff Resource: Claire Lyte-Graham

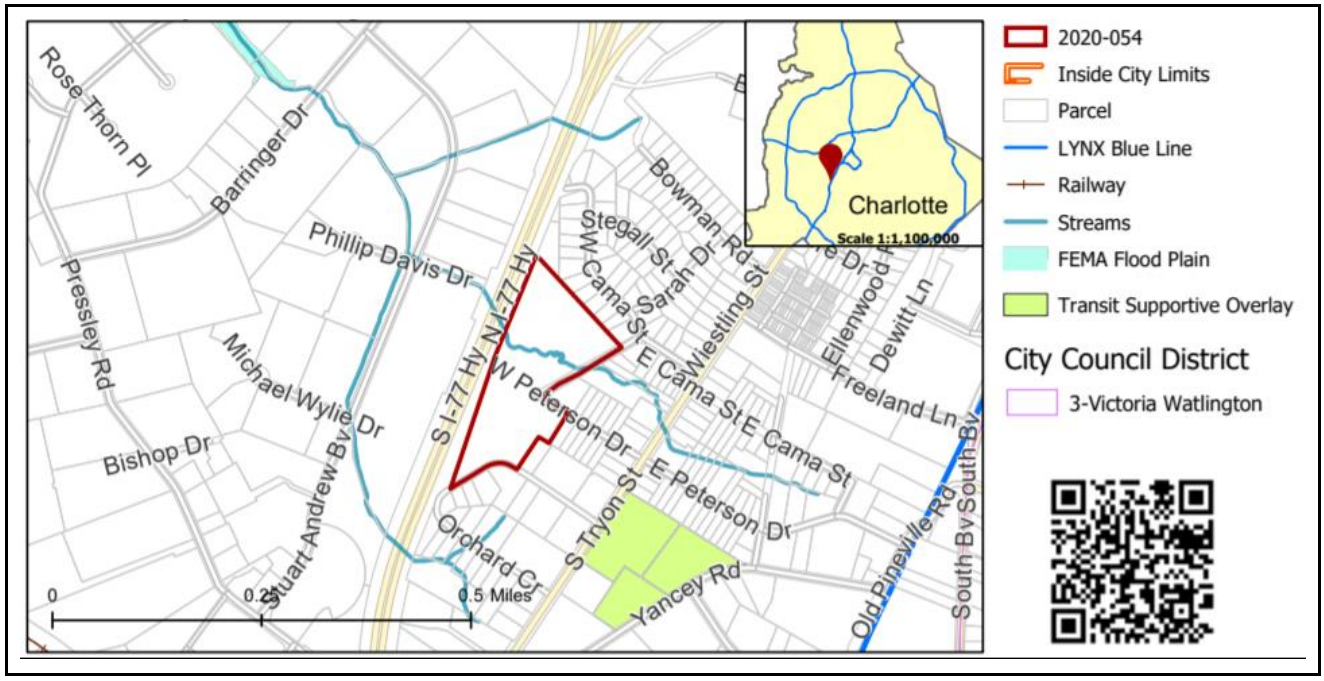
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-054
Post Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: R-8 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 13.27 acres located on the east side of Interstate 77, west of Tryon Street and South of Clanton Road.



SUMMARY OF PETITION	The petition proposes to construct a 94-unit townhouse community on a parcel of land on the east side of Interstate 77 and north of Orchard Circle.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Southend Walk LLC Tripointe Homes Collin Brown and Brittany Lins
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9

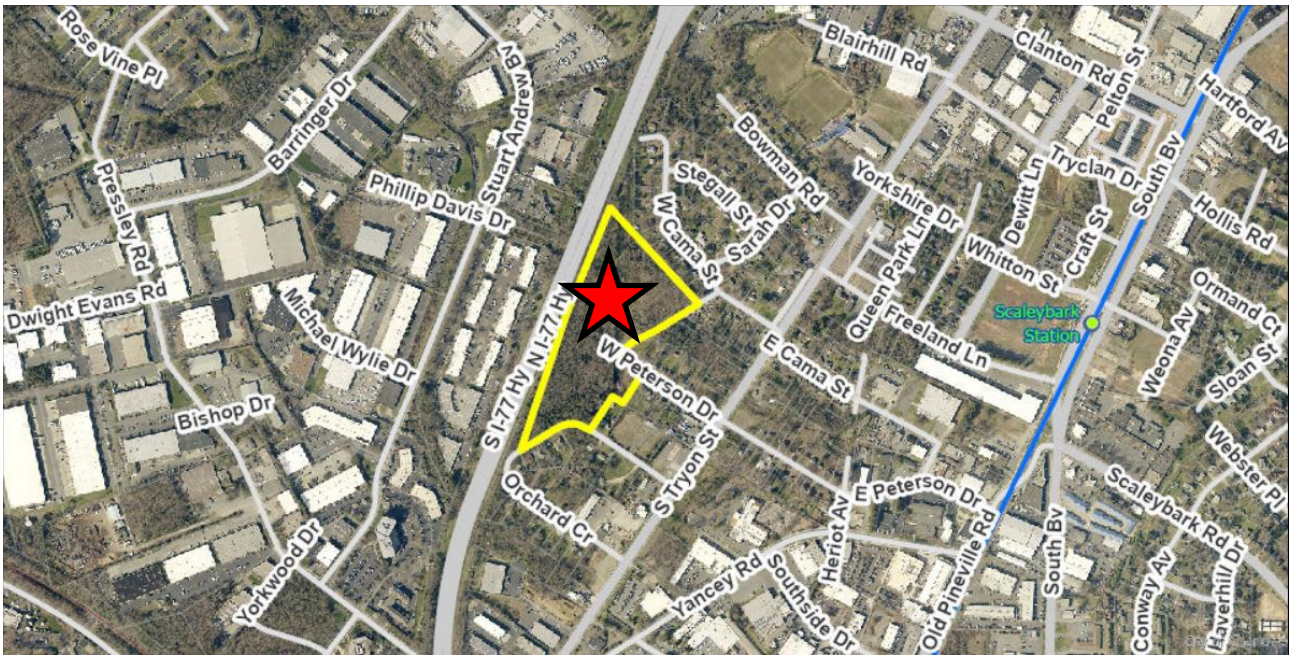
STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **consistent** with the *Scaleybark Transit Station Area Plan* for residential uses up to 8 dwelling units per acre. Rationale for Recommendation • The request is consistent with the adopted plan's recommended density. • The project provides buffers along all property lines abutting single family homes, and along the property line adjacent I-77. • A pedestrian network will be provided internal to the site. • The development provides architectural standards addressing expanses of blank walls, building materials, and corner/end unit articulation.

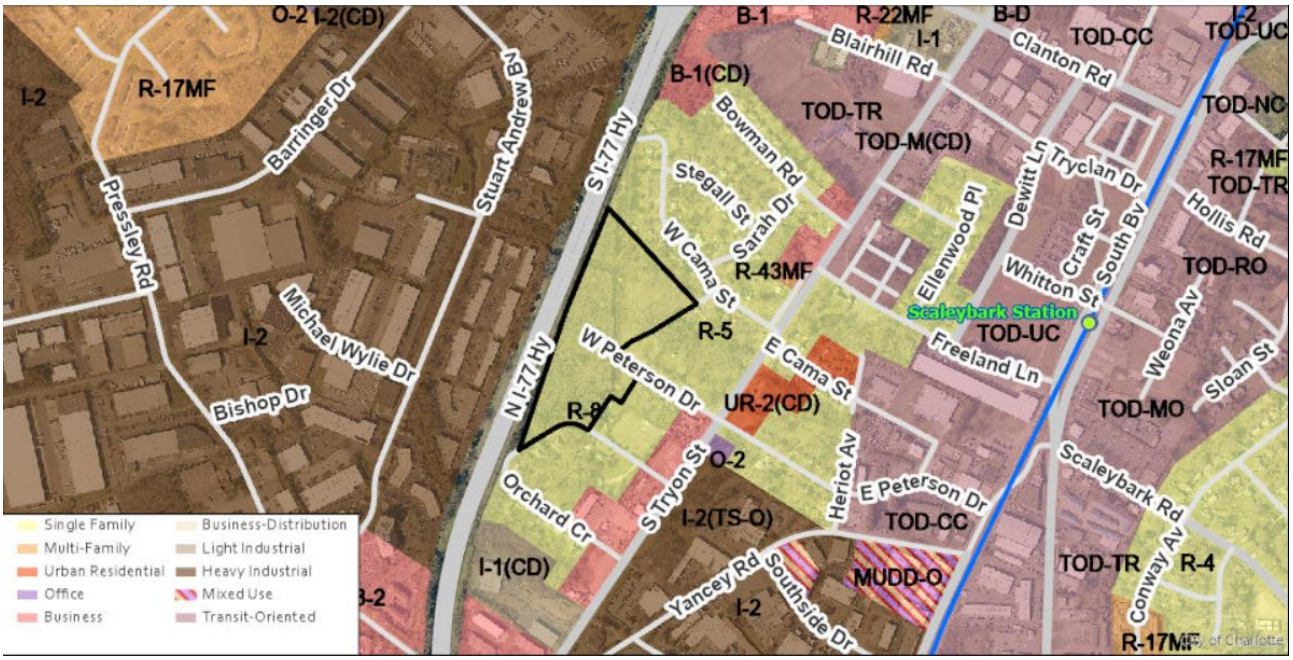
- The project proposes transportation improvements along Orchard Circle.
- The proposed project yields fewer vehicular trips than development allowed under the existing zoning.
- The proposed project provides multiple points of ingress/egress to the site and creates an interconnected network of public streets and private alleyways.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Up to 94 single family attached (townhome) units at a density of 7.08 dwelling units per acre.
  - Maximum building height of 48 feet.
  - Provides a 50-foot Class C buffer along property lines abutting properties zoned R-5 and R-8 (may be reduced by 25% with a fence along portions).
  - Proposes a 10-foot wide buffer along the west property line.
  - Illustrates common open space areas throughout the site.
  - Identifies 35-foot stream buffer crossing the site.
  - Identifies location of an existing 128-foot wide Duke Power transmission line traversing the site.
  - Establishes an area reserved for future dumpster and recycling enclosure, to be screened per ordinance requirements.
  - Proposes to post 25 miles per hour (MPH) speed limit MUTCD signs on new proposed public streets on the site.
  - Commits to the following transportation improvements:
    - Proposes access via Orchard Circle, W. Peterson Drive, and Sarah Drive.
    - Creates an internal network of public streets, private alleyways, and sidewalk system.
    - Improves Orchard Circle to a "Local Residential Medium" public road standard.
    - Dedicates right-of-way 28 feet from centerline along Orchard Circle.
    - Illustrates a proposed left turn lane and a proposed right turn lane on Orchard Circle.
    - Identifies right-of-way to be abandoned within the site.
    - Proposes a 6-foot planting strip and 8-foot sidewalk along Orchard Circle and along Sarah Drive.
  - Commits to the following architectural standards:
    - Uses a combination of the following building materials: brick, brick veneer, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement (hardiplank) and/or other approved materials.
    - Notes vinyl may only be used handrails, windows, soffits, doors, garage doors, railings, or trim. Prohibits concrete masonry units not architecturally finished.
    - Proposes application of architectural details to corner/end units fronting public streets to limit maximum blank wall expanse to 20 feet on each level of the unit.
    - Allows installation of rooftop terraces.

- **Existing Zoning and Land Use**





- The site is currently vacant and surrounded by single family neighborhoods, retail, and office/warehouse/distribution uses.
- The site is part of approximately 24.55 acres rezoned from R-22MF to R-8 via petition 2010-004.



The subject property is vacant.



East are single family homes.

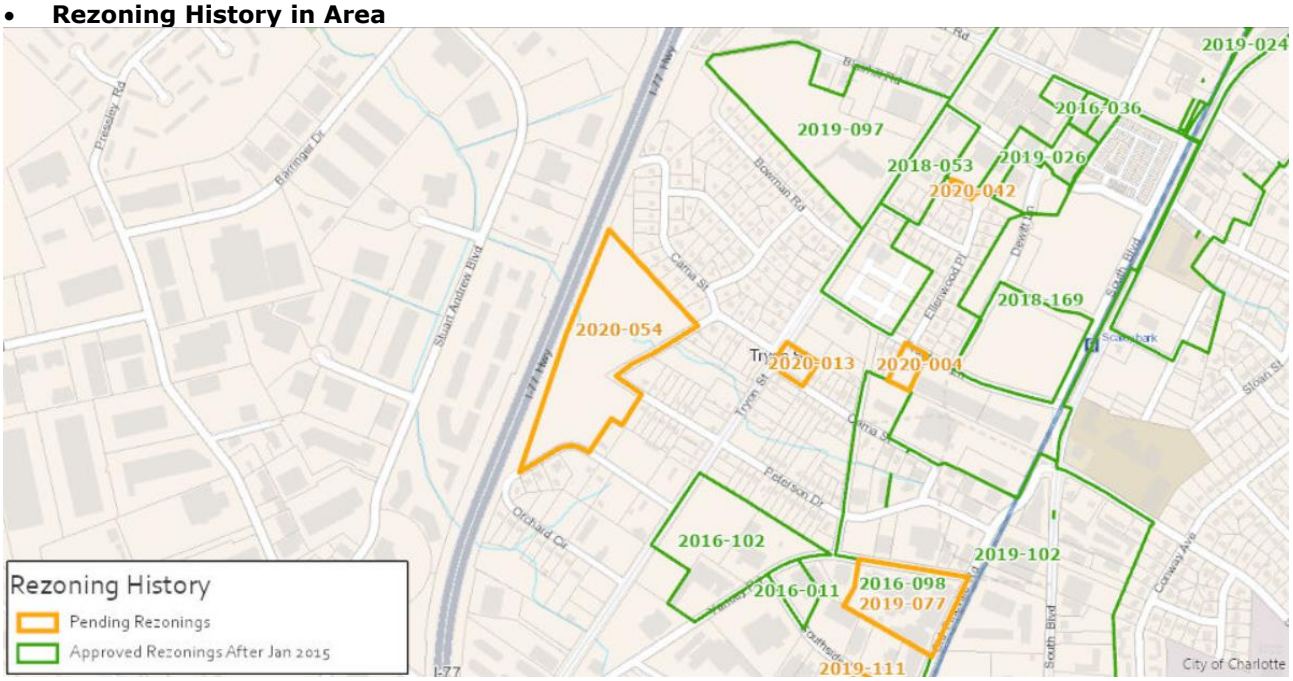


Along Orchard Drive are single family homes.



Along Tryon Street are a mix of residential and non-residential uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-042	Rezone 0.236 acres from R-5 to TOD-TR.	Pending
2020-013	Rezone 0.613 acres from R-8 to UR-2(CD) to allow all uses in the UR-2 district.	Pending
2020-004	Rezone 0.76 acres from R-8 to TOD-TR.	Pending
2019-111	Rezone 2.229 acres from I-2 to TOD-TR.	Pending
2019-097	Rezone 17.02 acres from I-1 and I-1(CD) to TOD-TR.	Approved
2019-026	Rezone 3.0 acres from I-1 and I-2 to TOD-CC and TOD-TR.	Approved
2019-024	Rezone 1.74 acres from I-1 and I-2 to TOD-CC	Approved
2019-084	Rezone 0.18 acres from R-4 to UR-1(CD) to allow 1 duplex or 1 two-unit townhome.	Approved
2018-169	Amendment to the Zoning Ordinance to replace 3 existing transit-oriented development districts with 4 new transit oriented development districts and regulations. These 4 new districts are the first phase of the City's Unified Development Ordinance (UDO).	Approved

2018-053	Rezone 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
2016-011	Rezone 1.73 acres from I-2 to MUDD-O to reuse an existing building for all uses in MUDD.	Approved
2016-102	Rezone 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
2016-036	Rezone 0.45 acres from I-2 to TOD-M to allow all transit supportive uses per conventional TOD-M.	Approved

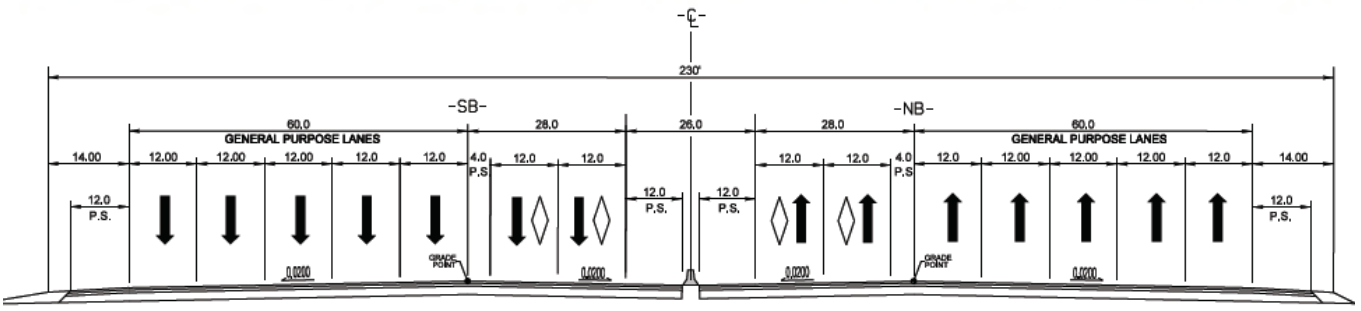
- **Public Plans and Policies**



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

- **TRANSPORTATION CONSIDERATIONS**
  - The site is located on I-77 (state-maintained) and existing local roads (city-maintained). The petitioner should commit to installing 6' sidewalks and an 8' planting strip throughout the property and the property's frontage in accordance with city standards. The petitioner should commit to additional connectivity, both vehicular and pedestrian, at W. Peterson Drive, Sarah Drive, and Orchard Circle.
  - Active Projects Near the Site:
    - I-77 Managed Lanes (TIP# I-5718A)
      - Widen existing freeway to ten lanes by constructing four managed lanes (two in each direction) – and rebuild the I-277 (Belk Frwy) interchange.
      - ROW in 2025 and Construction in 2029 (*Subject to change due to NCDOT funding issues*)
      - 2016 feasibility study (TIP #FS-0810A) shows additional ROW needed:





I-77 TYPICAL SECTION

- ~~See Outstanding Issues, Notes 1-2.~~ Addressed
- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 0 trips per day (based on vacant land).
  Entitlement: 1,000 trips per day (based on 106 single family homes).
  Proposed Zoning: ~~700~~ 670 trips per day (based on ~~96~~ 94 townhomes).

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 24,000 affordable housing units in the City of Charlotte. To increase the supply, developers are encouraged to assist in providing homes at diverse price points to meet increased housing demand.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 57 students, while the development allowed under the proposed zoning will add an additional 7 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Dilworth (Sedgefield) Campus K-2 remains at 66%
    - Dilworth (Latta) Campus 3-5 remains at 64%
    - Sedgefield Middle remains at 73%
    - Myers Park High remains at 132%.
  - See advisory comments at www.rezoning.org.
- **Charlotte Water:** 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 West Peterson Drive.

  The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—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.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues. 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 relating to air quality and ground water services.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

~~1. The site plan abandonment call-out should be revised to "Potential Abandonment". Refer to conditional note (Section III.6).~~ Addressed

~~2. CDOT requests right-of-way or a permanent sidewalk easement should be set at 2' behind back-of-sidewalk where feasible.~~ Addressed

Site and Building Design

~~3. Add a note limiting the number of units in a building to 6.~~ Addressed

Attachments Online at www.rezoning.org

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

SITE DEVELOPMENT DATA

TAX PARCEL ID# 'S	145-255-01
JURISDICTION	CHARLOTTE
ACREAGE	±13.27 ACRES
AREA PLANS	SCALEYBARK TRANSIT STATION AREA PLAN
EXISTING USES	VACANT
PROPOSED USE	2 UP TO 94 FOR-SALE SINGLE-FAMILY ATTACHED (TOWNHOME) DWELLING UNITS
MAXIMUM BUILDING HEIGHT	UP TO FORTY EIGHT (48) FEET, AS MEASURED PER THE ORDINANCE
PROPOSED UNITS	94 TOWNHOMES
PROPOSED DUA	7.08 UNITS PER ACRE

OPEN SPACE

OPEN SPACE REQUIRED	400 SF PER UNIT OR 10% SITE AREA COMMON OPEN SPACE
OPEN SPACE PROVIDED	2 10% SITE AREA 1.3AC (56,628SF)

TREE SAVE

TREE SAVE REQUIRED	15% (± 1.99 AC)
TREE SAVE PROVIDED	15% MIN.

ZONING CODE SUMMARY

EXISTING ZONING	R-8
PROPOSED ZONING	2 UR-2 (CD)

SETBACKS AND BUFFERS

SIDE YARD	5'
REAR YARD	10'

PARKING

PARKING WILL BE PROVIDED PER ORDINANCE

I. GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY TRIPOINTE HOMES (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A SINGLE-FAMILY ATTACHED (TOWNHOME) RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 13.94-ACRE SITE LOCATED AT 150 ORCHARD CIRCLE, MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NUMBER 145-255-01.
2. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE").
3. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE UR-2 ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
4. THE DEVELOPMENT AND STREET LAYOUT DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF SUCH USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK, YARD, LANDSCAPING AND TREE SAVE REQUIREMENTS SET FORTH ON THIS REZONING PLAN 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

2 THE SITE MAY BE DEVOTED ONLY TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF NINETY-FOUR (94) SINGLE-FAMILY ATTACHED DWELLING UNITS AND ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE PERMITTED IN THE UR-2 ZONING DISTRICT.

III. TRANSPORTATION

1 1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. VEHICULAR AND PEDESTRIAN CONNECTIVITY SHALL BE PROVIDED AT WEST PETERSON DRIVE, SARAH DRIVE, AND ORCHARD CIRCLE, AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND AS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT).
2. AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY INTERNAL PUBLIC STREETS AND PRIVATE ALLEYS, AND MINOR ADJUSTMENTS TO THE LOCATION OF THESE STREETS/ALLEYS SHALL BE ALLOWED DURING THE CONSTRUCTION PERMITTING PROCESS IN COORDINATION WITH CDOT.
3. PETITIONER SHALL PROVIDE INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN. INTERNAL SIDEWALKS MAY MEANDER TO SAVE EXISTING TREES.
4. PETITIONER SHALL POST 25 MPH SPEED LIMIT MUTCD SIGNS ON NEW PROPOSED PUBLIC STREETS ON THE SITE.
5. PETITIONER SHALL DEDICATE ALL RIGHTS-OF-WAY WHERE NECESSARY, IN FEE SIMPLE CONVEYANCE TO THE CITY OF CHARLOTTE PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY. RIGHT-OF-WAY DEDICATION OR PERMANENT SIDEWALK EASEMENT WILL BE SET AT TWO (2) FEET BEHIND THE BACK OF THE SIDEWALK, WHERE FEASIBLE.
6. UNLESS STATED OTHERWISE HEREIN, THE PETITIONER SHALL ENSURE THAT ALL TRANSPORTATION IMPROVEMENTS ARE SUBSTANTIALLY COMPLETED PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY.
7. WITH RESPECT TO THE AREA LABELED AS "POTENTIAL ABANDONMENT," PETITIONER WILL COMPLETE AND SUBMIT THE RIGHT-OF-WAY ABANDONMENT PETITION FORM TO CDOT FOR REVIEW. THE DECISION OF THIS REZONING PETITION DOES NOT CORRELATE WITH THE DECISION OF THE POSSIBLE ABANDONMENT, AS THIS DECISION IS ISSUED WITHIN THE SEPARATE RIGHT-OF-WAY ABANDONMENT PROCESS THAT IS CONTROLLED BY NORTH CAROLINA GENERAL STATUTES.

IV. ARCHITECTURAL STANDARDS

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 DIRECTOR.
2. PROHIBITED EXTERIOR BUILDING MATERIALS: (I) VINYL SIDING, EXCLUDING VINYL HANDRAILS, 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 PORCHES AND ATTACHED SHEDS MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED.
4. CORNER/END UNITS FRONTING PUBLIC STREETS SHALL HAVE ENHANCED SIDE ELEVATIONS WITH A FRONT OR REAR STOOP AND/OR PORCH OR OTHERWISE PROVIDE WINDOWS OR OTHER ARCHITECTURAL DETAILS TO LIMIT THE MAXIMUM BLANK WALL EXPANSE TO TWENTY (20) FEET ON EACH LEVEL OF THE UNIT. IF A PORCH IS UTILIZED, IT MAY BE LOCATED ON THE SECOND STORY OF SUCH UNIT.
5. FOR ALL UNITS, PETITIONER SHALL PROVIDE BLANK WALL PROVISIONS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO TWENTY (20) FEET ON ALL BUILDING LEVELS, INCLUDING BUT NOT LIMITED TO DOORS, WINDOWS, AWNINGS, MATERIAL OR COLOR CHANGES, AND/OR ARCHITECTURAL DESIGN ELEMENTS.
6. ROOFTOP TERRACES MAY BE INSTALLED ON ANY/ALL UNITS ON THE SITE, AT THE PETITIONER'S OPTION.
7. ALL TOWNHOME UNITS SHALL BE PROVIDED WITH A GARAGE FOR A MINIMUM OF ONE (1) CAR.
8. 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.
9 BUILDINGS SHALL BE LIMITED TO A MAXIMUM OF SIX (6) UNITS PER BUILDING.

V. ENVIRONMENTAL FEATURES

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

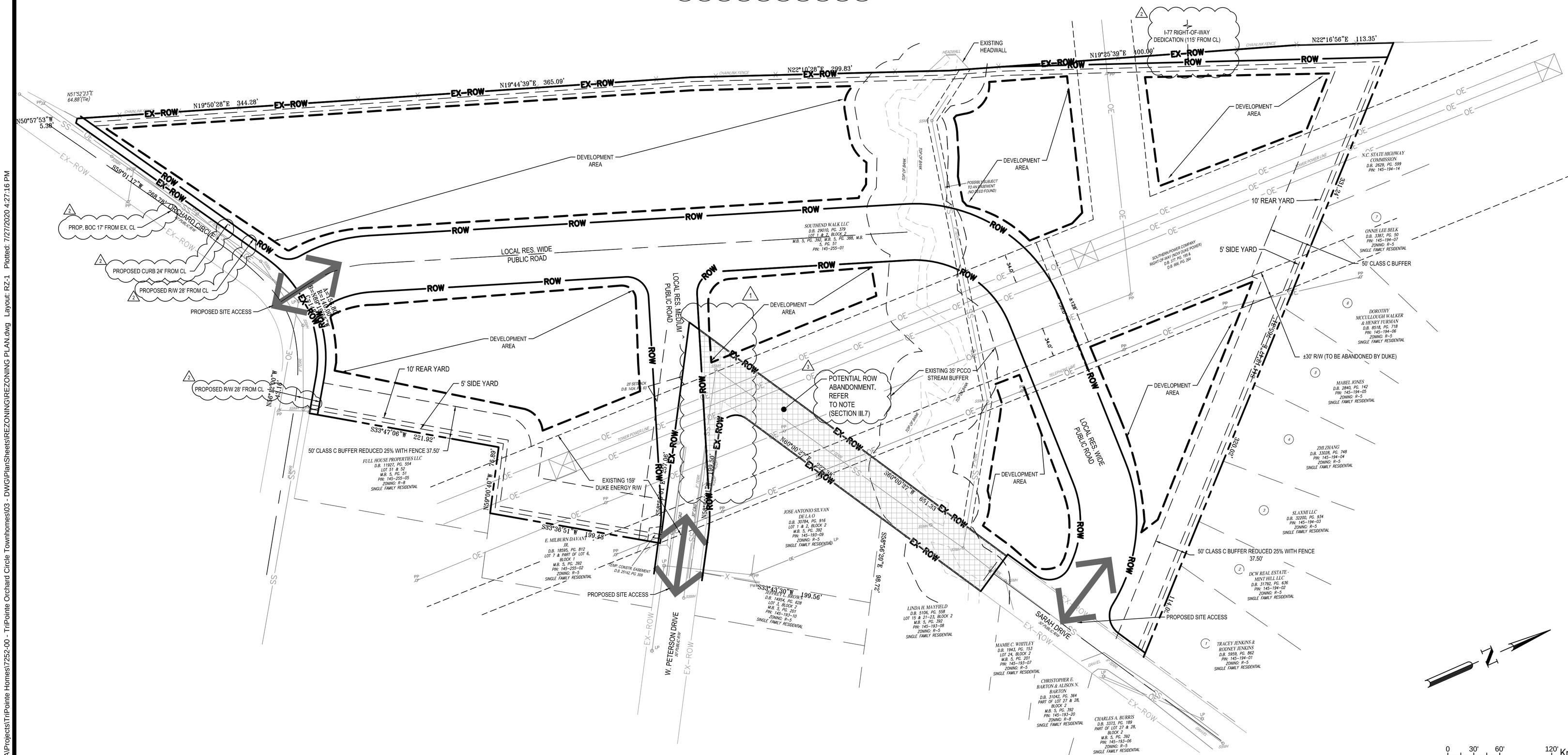
VI.LIGHTING

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.

VII. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

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

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



Know what's below. Call before you dig.

1		07/27/20	4TH REZONING SUBMITTAL
1		06/15/20	3RD REZONING SUBMITTAL
1		06/12/20	2ND REZONING SUBMITTAL
REV		DATE	DESCRIPTION

DESIGNED BY:

DRAWN BY:

REVIEWED BY:

BGE
121 W. TRADE STREET, SUITE 1030
CHARLOTTE, NC 28202
www.bgeinc.com
NC LICENSE #C-4397

©2020

TRI Pointe Homes
3436 TORRINGDON WAY, SUITE 210
CHARLOTTE, NC 28202

SOUTHEND WALK
150 ORCHARD CIRCLE
CHARLOTTE, NORTH CAROLINA 28217

TECHNICAL DATA SHEET

FILE NUMBER: 7252-00

DATE: 06/11/2020

RZ-1

G:\NCA\Projects\TriPointe Homes\7252-00 - TriPointe Orchard Circle Townhomes\03 - DWG\PlanSheets\REZONING\REZONING PLAN.dwg Layout: RZ-1 Plotted: 7/27/2020 4:27:16 PM

SITE PLAN LEGEND

- PROPOSED BUILDING
- PROPOSED CURB AND GUTTER
- PROPOSED STANDARD DUTY CONCRETE PAVMT
- PROPOSED STANDARD DUTY ASPHALT PAVMT
- PROPOSED BARRICADE STRIPING
- PROPOSED COMMON OPEN SPACE
- PROPOSED STRUCTURE
- PROPOSED STRUCTURE INTERIOR

PROPOSED BOUNDARY LEGEND

- BEARING / DISTANCE — PROPOSED BOUNDARY
- PROPOSED EASEMENT
- PROPOSED SETBACK
- PROPOSED BUFFER
- ROW — PROPOSED ROW

EXISTING BOUNDARY LEGEND

- BEARING / DISTANCE — EXISTING BOUNDARY PURCHASED
- EASEMENT TEXT — EXISTING BOUNDARY EASEMENTS
- EXISTING BOUNDARY TEXT — EXISTING BOUNDARY ADJACENT
- EX-ROW — EXISTING RIGHT OF WAY
- EXISTING PROPERTY OWNER TEXT — EXISTING PROPERTY OWNER INFO

EXISTING PAVEMENT LEGEND

- EXISTING CURB
- EXISTING EDGE OF PAVEMENT
- EXISTING GRAVEL ROAD
- EXISTING PAVEMENT MARKINGS
- EXISTING SIGNAGE
- EXISTING SIDEWALK/CONCRETE

INTERSTATE 77
VARIABLE WIDTH PUBLIC R/W - DOT PROJ. 8.1654703

335 L.F. LEFT TURN SIGHT DISTANCE LINE

AREA RESERVED FOR FUTURE DUMPSTER AND RECYCLING ENCLOSURE, TO BE SCREENED PER CITY OF CHARLOTTE REQUIREMENTS. FINAL SIZE, LOCATION, AND MATERIAL TO BE DETERMINED DURING LAND DEVELOPMENT REVIEW.

10' BUFFER — 5' SIDE SETBACK

LOCAL RES. MEDIUM PUBLIC ROAD

PROP. BOC 17' FROM EX. CL

ORCHARD CIRCLE

50' ROW

14' SETBACK FROM BOC

ROW DEDICATION 28' FROM CL

LOCAL RES. WIDE PUBLIC ROAD

65' ROW

14' SETBACK FROM BOC

56' ROW

W. PETERSON DRIVE
80' PUBLIC R/W

290 L.F. RIGHT TURN SIGHT DISTANCE LINE

10' REAR SETBACK
5' SIDE SETBACK
50' CLASS C BUFFER REDUCED 25% WITH FENCE 37.50'

50' CLASS C BUFFER

14' SETBACK FROM BOC

POTENTIAL ROW ABANDONMENT. REFER TO NOTE (SECTION III.7)

FUTURE BOC 13' FROM EX. CL
ROW DEDICATION 28' FROM CL

SARAH DRIVE
(PUBLIC R/W)

±30' R/W (TO BE ABANDONED BY DUKE)

35' STREAM PCCO BUFFER

BMP

UNDERGROUND BMP

POSSIBLY SUBJECT TO AN EASEMENT (NO DEED FOUND)

COMMON OPEN SPACE

PRIVATE ALLEY

30' MIN (TYP.)

BUILDING NUMBER (TYP.)

SOUTHEND WALK LLC
D.B. 29010, PG. 379
LOT 1 & 2, BLOCK 2
M.B. 5, PG. 392, M.B. 5, PG. 388, M.B. 5, PG. 51
PIN: 145-255-01

FULL HOUSE PROPERTIES LLC
D.B. 11927, PG. 554
LOT 51 & 52
M.B. 5, PG. 51
PIN: 145-255-05
ZONING: R-8
SINGLE FAMILY RESIDENTIAL

E. MILBORN DAVANT JR.
D.B. 18595, PG. 812
LOT 7 & PART OF LOT 6, BLOCK 1
M.B. 5, PG. 392
PIN: 145-255-02
ZONING: R-5
SINGLE FAMILY RESIDENTIAL

TEMP. CONSTR. EASEMENT D.B. 25142, PG. 529

JOSE ANTONIO SILVAN DE LA O
D.B. 30784, PG. 916
LOT 1 & 2, BLOCK 2
M.B. 5, PG. 392
PIN: 145-193-09
ZONING: R-5
SINGLE FAMILY RESIDENTIAL

JEFFREY L. BROWN
D.B. 14854, PG. 628
LOT 1, BLOCK 2
M.B. 5, PG. 201
PIN: 145-193-10
ZONING: R-5
SINGLE FAMILY RESIDENTIAL

LINDA H. MAYFIELD
D.B. 5106, PG. 558
LOT 15 & 21-23, BLOCK 2
M.B. 5, PG. 392
PIN: 145-193-08
ZONING: R-5
SINGLE FAMILY RESIDENTIAL

MAMIE C. WHITLEY
D.B. 1943, PG. 153
LOT 24, BLOCK 2
M.B. 5, PG. 201
PIN: 145-193-07
ZONING: R-5
SINGLE FAMILY R

CHRISTOPHER E. BARTON & ALISON N. BARTON
D.B. 31042, PG. 364
PART OF LOT 27 & 28, BLOCK 2
M.B. 5, PG. 392
PIN: 145-193-20
ZONING: R-8
SINGLE FAMILY RESIDEN

CHARLES A. BURRIS
D.B. 3373, PG. 189
PART OF LOT 27 & 28, BLOCK 2
M.B. 5, PG. 392
PIN: 145-193-06
ZONING: R-5
SINGLE FAMILY RESIDENTIAL

N.C. STATE HIGHWAY COMMISSION
D.B. 2629, PG. 599
PIN: 145-194-14

ONNIE LEE BELK
D.B. 3387, PG. 50
PIN: 145-194-07
ZONING: R-5
SINGLE FAMILY RESIDENTIAL

DOROTHY MCCULLOUGH WALKER & HENRY FURMAN
D.B. 8518, PG. 718
PIN: 145-194-06
ZONING: R-5
SINGLE FAMILY RESIDENTIAL

MABEL JONES
D.B. 2840, PG. 142
PIN: 145-194-05
ZONING: R-5
SINGLE FAMILY RESIDENTIAL

ZHI ZHANG
D.B. 33028, PG. 748
PIN: 145-194-04
ZONING: R-5
SINGLE FAMILY RESIDENTIAL

SLAXMI LLC
D.B. 32200, PG. 934
PIN: 145-194-03
ZONING: R-5
SINGLE FAMILY RESIDENTIAL

DCW REAL ESTATE - MINT HILL LLC
D.B. 31792, PG. 636
PIN: 145-194-02
ZONING: R-5
SINGLE FAMILY RESIDENTIAL

TRACEY JENKINS & RODNEY JENKINS
D.B. 5959, PG. 862
PIN: 145-194-01
ZONING: R-5
SINGLE FAMILY RESIDENTIAL

SOUTHERN POWER COMPANY RIGHT-OF-WAY (NOW DUKE POWER) D.B. 917, PG. 186 & D.B. 666, PG. 284

SCALE: 1" = 50'

Know what's below. Call before you dig.

REV	DATE	DESCRIPTION
	07/27/20	4TH REZONING SUBMITTAL
	06/15/20	3RD REZONING SUBMITTAL
	06/12/20	2ND REZONING SUBMITTAL

DESIGNED BY:
DRAWN BY:
REVIEWED BY:

BGE
121 W. TRADE STREET, SUITE 1030
CHARLOTTE, NC 28202
www.bgeinc.com
NC LICENSE #C-4397

©2020

TRI Pointe Homes
3436 TORRINGDON WAY, SUITE 210
CHARLOTTE, NC 28202

SOUTHEND WALK
160 ORCHARD CIRCLE
CHARLOTTE, NORTH CAROLINA 28217

SCHEMATIC SITE PLAN

FILE NUMBER: 7252-00
DATE: 06/11/2020
RZ-2

G:\NCA\Projects\TriPointe Homes\7252-00 - TriPointe Orchard Circle Townhomes\03 - DWG\PlanSheets\REZONING\REZONING PLAN.dwg Layout: RZ-2 Plotted: 7/27/2020 4:04:32 PM

Petition 2020-054 by Tripointe Homes

To Approve:

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

- The plan recommends residential land uses up to 8 units per acre.

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

- The request is consistent with the adopted plan's recommended density.
- The project provides buffers along all property lines abutting single family homes, and along the property line adjacent I-77.
- A pedestrian network will be provided internal to the site.
- The development provides architectural standards addressing expanses of blank walls, building materials, and corner/end unit articulation.
- The project proposes transportation improvements along Orchard Circle.
- The proposed project yields fewer vehicular trips than development allowed under the existing zoning.
- The proposed project provides multiple points of ingress/egress to the site and creates an interconnected network of public streets and private alleyways.

To Deny:

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

- The plan recommends residential land uses up to 8 units per acre.

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

- (To be explained by Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 22.**File #:** 15-13952 **Type:** Zoning Item

Rezoning Petition: 2020-058 by Novant Health, Inc.

Location: Approximately 38.0 acres located at the southeast intersection of Johnston Road and Providence Road West. (Council District 7 - Driggs)

Current Zoning: INST (CD) (institutional conditional)
Proposed Zoning: INST (CD) SPA (institutional, conditional, site plan amendment)

Public Hearing Held: July 20, 2020 - Item #49

Staff Resource: John Kinley

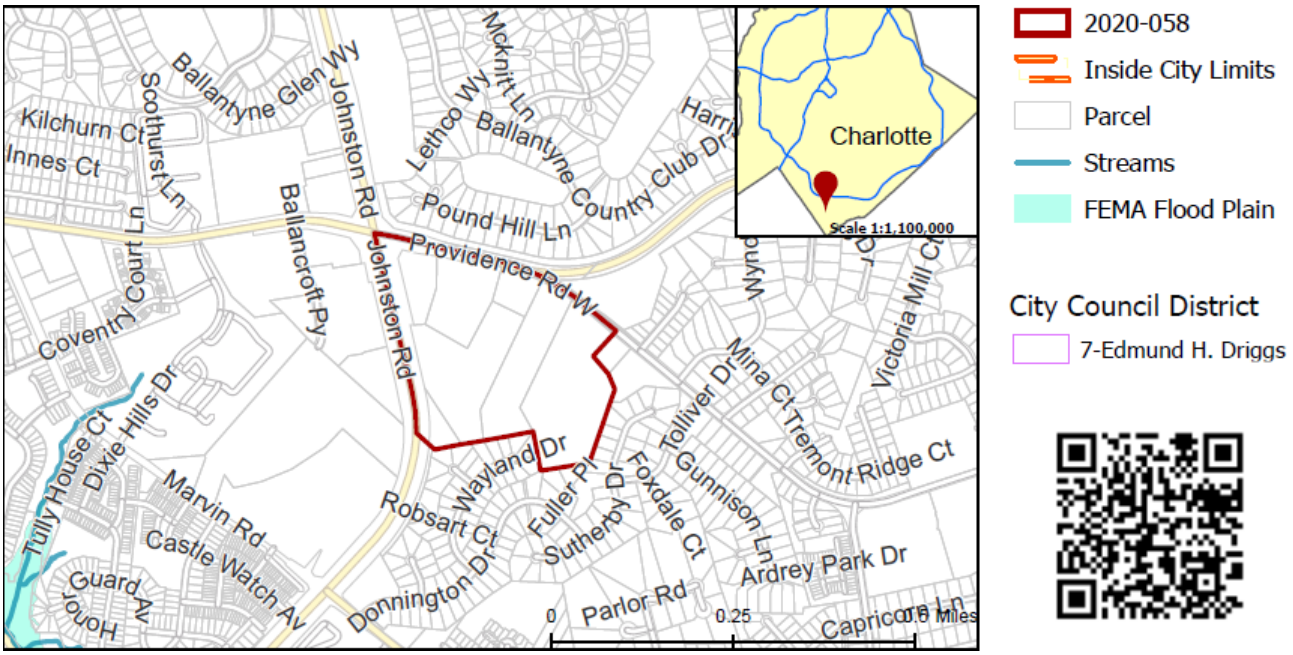
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-058
Post Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: INST (CD) (institutional, conditional) Proposed Zoning: INST (CD) SPA (institutional, conditional, site plan amendment)
LOCATION	Approximately 38.0 acres located at the southeast intersection of Johnston Road and Providence Road West.



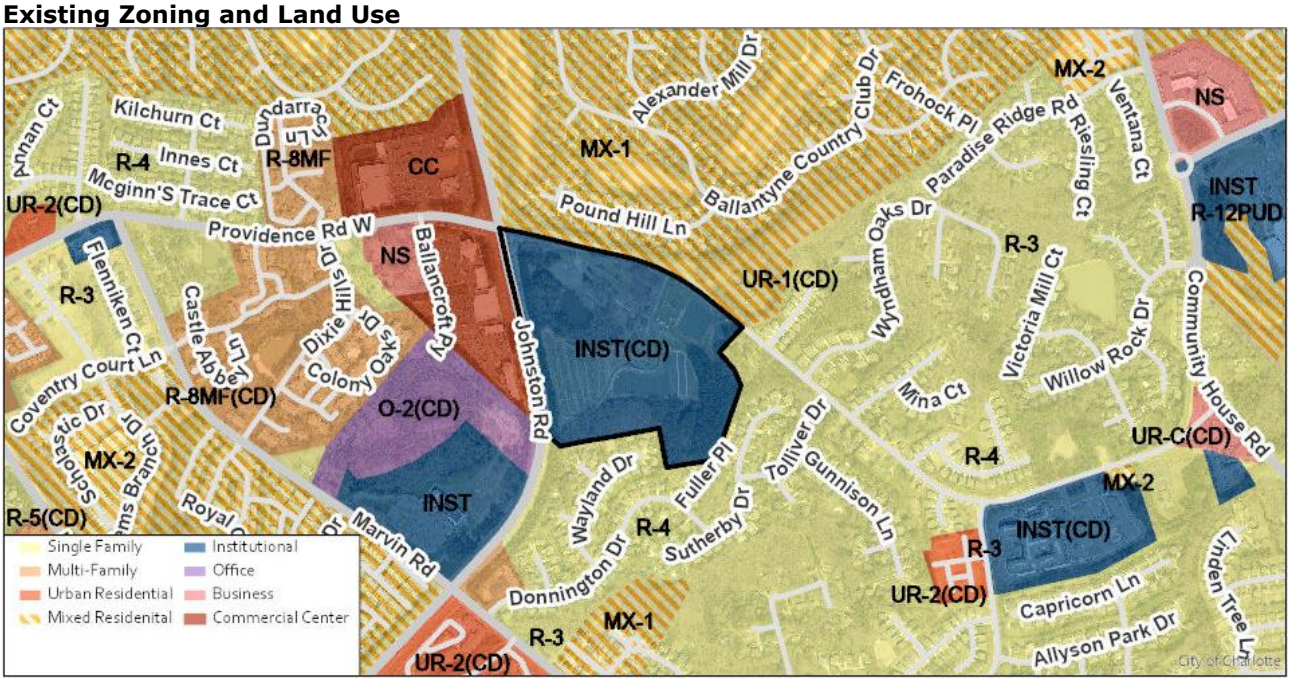
SUMMARY OF PETITION	The petition proposes a minor increase to the allowed square footage from 223,000 to 262,000 and amendments of several associated traffic improvements for the previously approved medical facility.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Novant Health, Inc. Novant Health, Inc. Susan Todd & William Isenhour (Johnston, Allison & Hord)
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 10 via WebEx meeting.

STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **consistent** with the *South District Plan* recommendation for Institutional land uses on this site. Rationale for Recommendation • The plan proposal is for the same use as the recently approved rezoning petition. • The proposal is for a minor increase in the allowed square footage. • The site plan amendment does not make any changes to the previously approved building heights, setbacks, or buffers. • The amendment adjusts the transportation improvements to mitigate the increase in square footage.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan amendment contains the following changes:
  - Increases the allowed square footage from 223,000 square feet to 262,000 square feet, a difference of 39,000 square feet.
  - Added two transportation improvements at the intersection of Johnston Road and Providence Road West and the site's right in/out access driveway. The improvements include an additional southbound left turn lane on Johnston Road and an eastbound receiving land that drops as a turn lane at the site's right in/right out driveway along Providence Road West.
  - Amended the stormwater note at staff's request to provide additional clarity.
  - Amends streetscape note for Providence Road West to say the petitioner may either provide a 5' bike lane, 6' sidewalk and 8' planting strip or a 8' planting strip and 12' multi-use path
  - No other changes were made to the plan.

- **Existing Zoning and Land Use**



The site was rezoned to INST(CD) to allow a hospital and medical uses under petition 2019-035 that was approved in January 2020.

There is a mix of uses in the area. There are single family residential uses to the north, south and east of the site along Providence Road West. West of the site across and along Johnston Road are religious institution, hospitality, retail, and EDEE (eating/drinking/entertainment establishments). Further west along Providence Road West are multi-family and single family attached residential uses.



The site is currently used as a farm.



South and east of the site are single family homes.

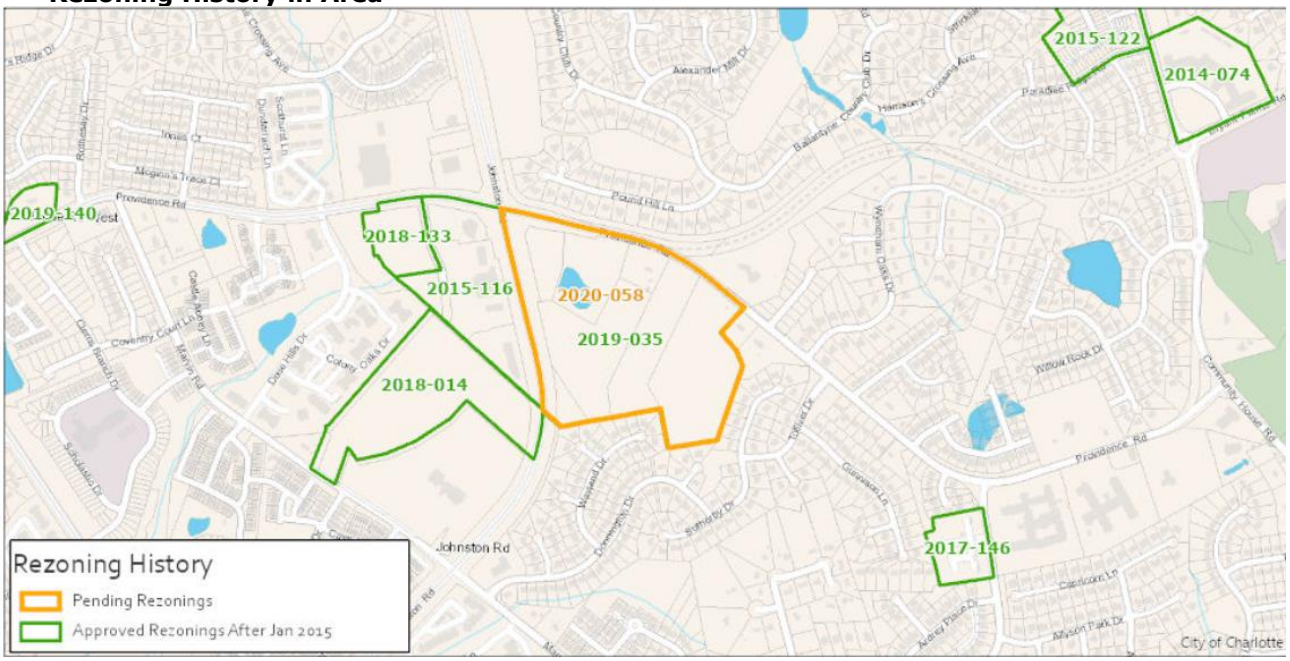


North of the site across Providence Road West are single family homes fronting Pound Hill Lane.



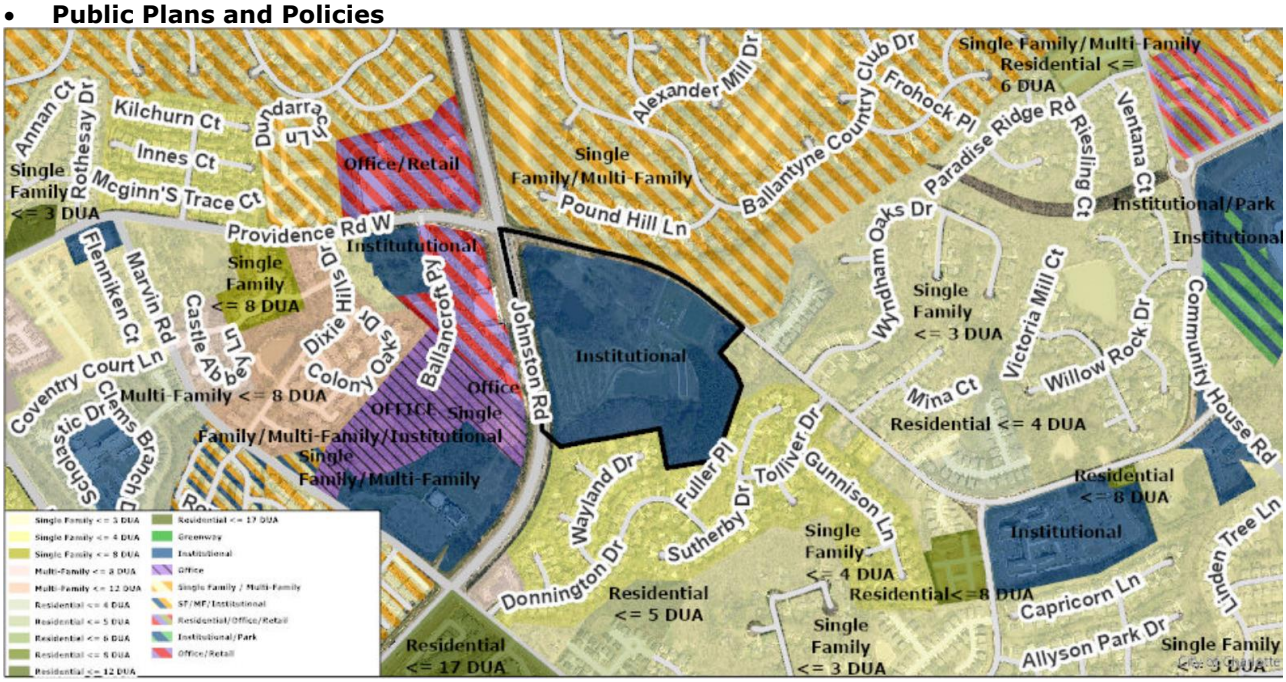
West of the site across Johnston Road are commercial uses and a hotel.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2014-074	10.0 acres northeast of the site, located at the intersection of North Community House Road and Bryant Farms Road to NS to allow a mix of non-residential uses and multi-family dwellings	Approved
2015-116	13.22 acres west of the site to CC to allow a bank, retail, EDEE and office uses and a hotel	Approved
2015-122	15.2 acres northeast of the site on the west side of N. Community House Rd to MX-2 to allow a mix of single family attached and detached dwellings	Approved
2017-146	4.35 acres east of the site on Old Ardrey Kell Road to UR-2(CD) to allow up to 35 townhomes	Approved
2018-014	18.95 acres west of the site on Johnston Road and Ballancroft Parkway to INST(CD) to allow 100,000 square feet of medical offices plus a health institution with up to 50 beds	Approved
2018-133	4.28 acres west of the site along Providence Road West and Ballancroft Parkway to NS to allow a police station	Approved
2019-035	38 acres (the subject site) to INST(CD) for a hospital and medical office use	Approved
2019-140	2.22 acres west of the site on Providence Road West to UR-2(CD) to townhomes.	Approved

- **Public Plans and Policies**



  - The South District Plan recommends Institutional land uses for this site.

- **TRANSPORTATION SUMMARY**
  - The site is at the signalized intersection of Johnston Road (Class 2 major thoroughfare) and Providence Road West (major collector). The site is located in a wedge outside Route 4.
  - **Active Projects:**
    - I-485 NCDOT Project
      - Widening including managed lanes and rapid transit.
    - US-521/Johnston Rd
      - Feasibility study to determine needed improvements.
  - **Transportation Considerations**
    The petitioner has committed to improving the streetscape along with implementing transportation mitigations with off-site improvements. The petitioner has committed to the construction of a 12-foot multi-use path along Johnston Road and a bike lane, planting strip and sidewalk along Providence Road West. CDOT and NCDOT will continue coordination with the petitioner and developer to solidify off-site improvements before construction permitting.
    ~~- See Outstanding Issues, Note 1-2~~
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 10 trips per day (based on 1 dwelling).
    Entitlement: 5,770 trips per day (based on 163,000 square foot hospital and 60,000 square feet of medical office).
    Proposed Zoning: 6,000 trips per day (based on 203,000 square foot hospital and 59,000 square feet of medical office).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along Providence Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Johnston 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:** 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.

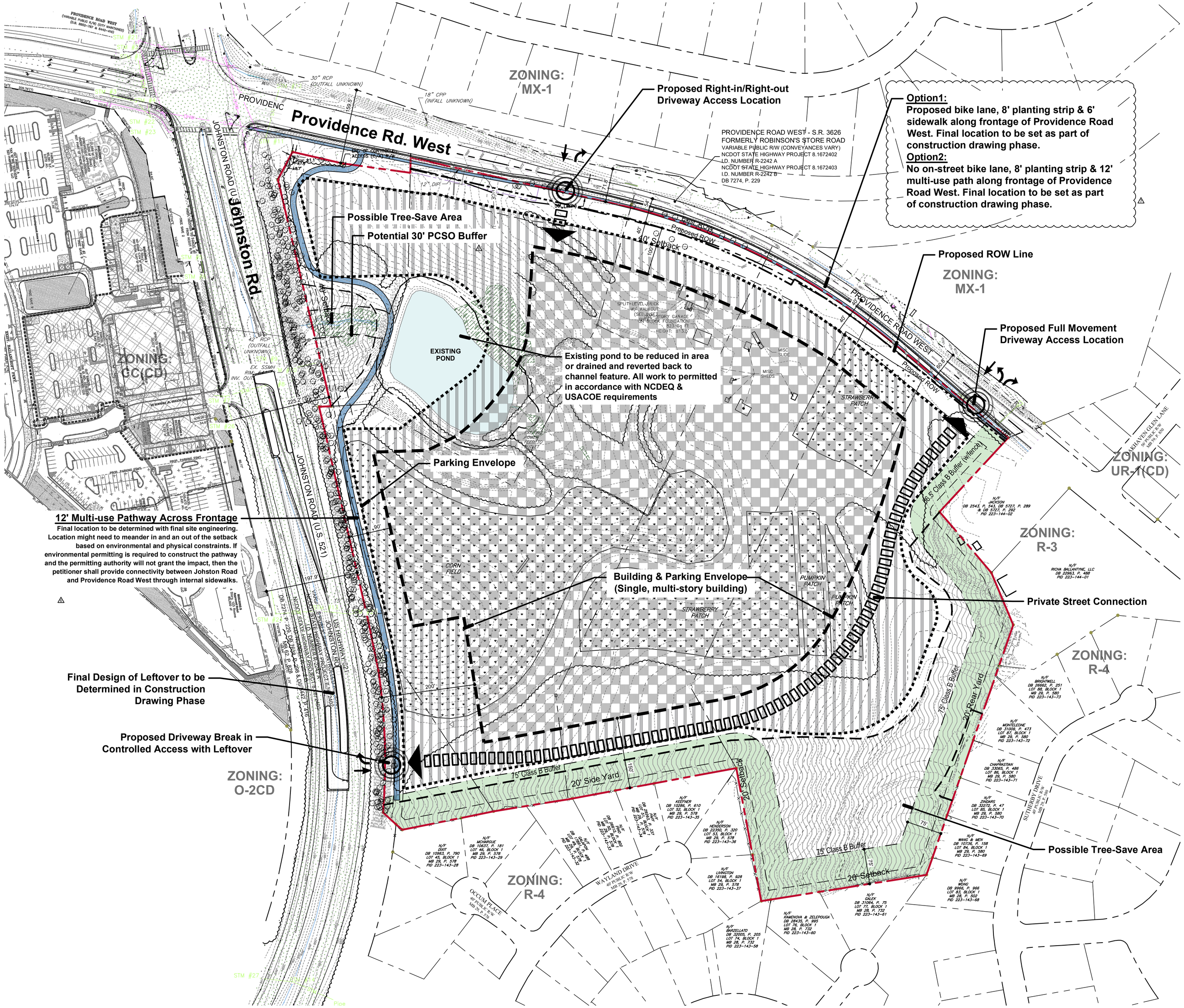
OUTSTANDING ISSUES

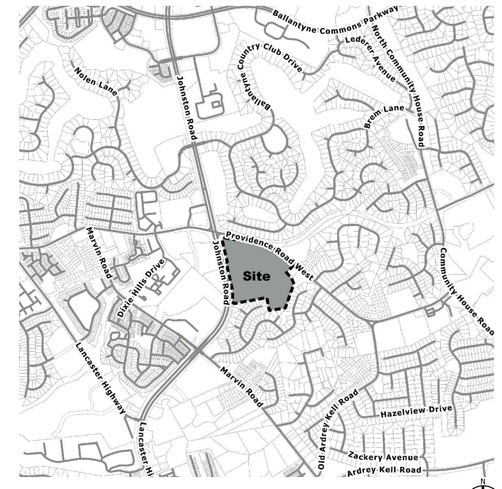
Transportation

1. ~~Per the City of Charlotte's Chapter 20 Subdivision Ordinance, the portion of Providence Road West designated as collector should follow the CLDSM Collector Cross-Section (U-07) by placing the back of curb 17.5' from the road centerline. The curb and gutter location based on U-07 is a minimum, as there are other associated roadway improvements on Providence Road West that may require a wider section based on the approved traffic impact study. Add a note to the site plan stating the petitioner will provide curb and gutter a minimum 17.5 feet from the center line along Providence Road West in addition to the right-of-way dedication.~~ Rescinded
2. ~~Revise the site plan and conditional note(s) to replace the proposed 5' bike lane, 8' planting strip and 6' sidewalk with 8' planting strip and 12' multi-use path on Providence Rd West to meet the City Charlotte BIKE Policy.~~ Addressed, as agreed upon with CDOT, the petitioner added a note that the petitioner may either provide a 5' bike lane, 6' sidewalk and 8' planting strip or a 8' planting strip and 12' multi-use path.

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

Planner: John Kinley (704) 336-8311





Vicinity Map N.T.S.

SITE DATA:

Rezoning Petition:	2020-58
Parcel Numbers:	223-141-52, 223-141-53, 223-141-54, 223-141-55, 223-141-56, 223-141-57 & 223-141-58
Acreage:	40.425 Acres
Jurisdiction:	CITY OF CHARLOTTE
Existing Zoning:	INST (CD)
Proposed Zoning:	INST (CD)(SPA)
Tree Save:	Required: 15% of 40.425 AC = 6.0375 AC. Provided: 6.04 AC, Generally where depicted on plan but may vary.

LEGEND

SYMBOL

- PROPERTY LINE
- PARKING ENVELOPE AREA
- TREE SAVE AREA
- BUILDING & PARKING AREA
- PRIVATE STREET
- PUBLIC USE WALK
- ZONING BUFFER AREA

SCALE: 1" = 100'
0 50' 100' 200'

benesch
Alfred Benesch & Company
2359 Perimeter Pointe Parkway
Suite 350
Charlotte, NC 28208
www.benesch.com
P 704.521.9880

Seals:

Corp. NC license: F-1320

Novant Health South Campus Medical Center

Providence Rd. West
Charlotte, North Carolina

Petition No : 2020-58

Project no: 17000124.07

Date: 02.22.19

Revisions:

1	2019-05-13	STAFF COMMENTS
2	2019-10-04	STAFF COMMENTS
3	2019-11-05	STAFF COMMENTS
4	2019-12-19	
5	2020-03-05	AMENDMENT
6	2020-06-12	STAFF COMMENTS
7	2020-07-24	STAFF COMMENTS

Sheet Title:

Rezoning Site Plan

Sheet No:

RZ-1

7/2720

Novant Health, Inc.

Rezoning Petition #2020-058 △

Development Standards

Site Development Data:

--Acreage: ± 40.425 acres

--Tax Parcel #s: 223-141-52, 223-141-53, 223-141-54, 223-141-55, 223-141-56,
223-141-57 & 223-141-58

--Existing Zoning: INST(CD) △

--Proposed Zoning: INST(CD)(SPA)

--Existing Uses: Agriculture/ Residential/Vacant

--Proposed Uses: Clinics and offices, medical, dental, and optical, and a health institution as permitted by right and under prescribed conditions together with accessory uses, including a helicopter landing pad as allowed in the INST zoning district (as more specifically described and restricted below in Section 2).

△ **--Maximum Gross Square feet of Development:** Up to 262,000 square feet of gross floor area for clinics and offices, medical, dental, and optical, and a health institution with up to 48 licensed patient bedrooms

--Maximum Building Height: Up to five (5) stories and not to exceed 75 feet. Height to be measured as required by the Ordinance.

--Parking: Parking will be provided as required by the Ordinance.

1. General Provisions:

a. Site Location. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Novant Health, Inc. ("Petitioner") to accommodate the development of a medical office and health institution building with a variety of medical uses as allowed in the INST zoning district on approximately 40.425 acre site located at the southeast intersection of Providence Road West and Johnston Road (HWY 521) (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 INST zoning classification shall govern.

c. Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways, 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.

2. Permitted Uses & Development Area Limitation:

△ **a.** The Site may be developed as a single, multi-story medical office and health institution building to include up to 59,000 square feet of gross floor area of clinics and offices, medical, dental and optical, and up to 203,000 square feet of health institution with up to 48 licensed patient bedrooms, together with accessory uses, including a helicopter landing pad, as allowed in the INST zoning district.

For purposes of the development limitations set forth in these Development Standards for this Petition (but not to be construed as a limitation on FAR requirements or definition set by the Ordinance), 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: surface or structured parking facilities, helicopter landing pad, and all loading dock areas (open or enclosed).

b. The setbacks along the frontages of Johnston Road and Providence Road West will be 40 feet as measured from the existing right-of-way lines or proposed right of way, whichever is greater. The side yard(s) and rear yard shall be twenty (20) feet as measured from the property line.

c. The helipad shall be set back a minimum of 75 feet from adjacent single family residential property lines, and a minimum of 80 feet from adjacent proposed or existing right of way line, whichever is greater.

3. Transportation Improvements:

A. Proposed Improvements:

The Petitioner plans to provide, or will cause to be provided, on its own, or in cooperation with other parties who may implement portions of the improvements, the improvements set forth to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions.

The following Transportation Improvements are also illustrated on Figure 9 of the Rezoning Plan, said illustrations to be used in conjunction with the following notes to establish the extent of the proposed improvements (reference to a number or letter when describing an improvement corresponds with the number or letter found on Figure 9 for the proposed improvement.)

The following roadway improvements will be made by the Petitioner as part of the development of the Site as proposed by the Rezoning Plan:

1. Johnston Road (US 521) & Ballantyne Crossing Avenue

- No suggested improvements.

2. Johnston Road (US 521) & Providence Road West

Under Scenario 1 Conditions:

- Construct dual westbound left turn lanes with 350 feet of storage each on Providence Road West
- Extend the westbound right turn lane from 250 feet to 400 feet storage on Providence Road West
- Optimize existing signal splits and offsets to allow for movements with heavier volume to run more efficiently
- Construct an additional southbound left turn lane with 300 feet of storage on Johnston Road (US 521)
- Construct a 2nd eastbound receiving lane on Providence Road W that drops as a right turn lane at proposed RI/RO Access "B" △

Under Scenario 2 Conditions:

- Construct dual westbound left turn lanes with 350 feet of storage each on Providence Road West
- Extend the westbound right turn lane from 250 feet to 400 feet storage on Providence Road West
- Optimize existing signal splits and offsets to allow for movements with heavier volume to run more efficiently
- Construct an additional southbound left turn lane with 300 feet of storage on Johnston Road (US 521)
- Construct a 2nd eastbound receiving lane on Providence Road W that drops as a right turn lane at proposed RI/RO Access "B" △

3. Johnston Road (US 521) & Marvin Road

- Extend the southbound left turn lane from 400 feet to 700 feet on US 521
- Potential pedestrian improvements including ADA push buttons, ramp upgrades etc. to existing crossings

4. Providence Road West & Old Ardrey Kell Road

- Install a traffic signal
- Extend westbound left turn lane from 150 feet to 225 feet on Providence Rd W
- Extend northbound left turn lane from 150 feet to 250 feet on Old Ardrey Kell Rd

5. Providence Road West & Community House Road

- Potential pedestrian improvements including ADA push buttons, ramp upgrades etc.

6. Johnston Road (US 521) & Proposed X-Over Access "A"

Under Scenario 1 Conditions the following intersection configuration is proposed:

- One ingress lane and one egress lane (a westbound right lane on Proposed Access "A")
- A southbound channelized left turn lane with 200' storage on US 521
- A northbound right turn lane with 100 feet of storage
- 200-foot minimum internal protected stem

7. Providence Road West & Proposed RI/RO Access "B"

The following intersection configuration is proposed:

- One ingress lane and one egress lane (a northbound right lane on Proposed Access "B")
- 100-foot minimum internal protected stem
- Construct a 2nd eastbound receiving lane on Providence Road W that drops as a right turn lane at proposed RI/RO Access "B" △

8. Providence Road West & Proposed Full Movement Access "C"

The following intersection configuration is proposed:

- One ingress lane and two egress lane (a northbound left lane with 100 feet of storage and right lane on Proposed Access "C")
- Westbound left turn lane with 100' of storage on Providence Road
- Internal protected stem of 125'

4. Access and Transportation:

a. Access to the Site will be from Johnston Road and Providence Road West in the manner generally depicted on the Rezoning Plan.

b. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by CDOT and/or NCDOT in accordance with applicable published standards.

c. The petitioner will construct a public/private street through its Site between Providence Road West and Johnston Road as generally depicted on the Rezoning Plan to satisfy connectivity requirements should future development on the Site trigger Subdivision Ordinance compliance.

d. Along a portion of the Site's Providence Road West frontage, Petitioner will dedicate and convey in fee simple, fifty four (54) feet of right of way as graphically depicted on the Rezoning Plan. Along the remainder of the Site's Providence Road West frontage, Petitioner will dedicate and convey forty (40) feet of right of way, also as depicted on the Rezoning Plan. All right of way to be dedicated shall be measured from the existing centerline of Providence Road West.

e. The Petitioner will dedicate and convey via a fee simple deed any additional right-of-way indicated on the proposed Rezoning Plan prior to the issuance of the first certificate of occupancy.

f. Any required roadway improvement will be approved and constructed prior to the issuance of the first certificate of occupancy subject to the petitioner ability to post a bond for any improvements not in place at the time of the issuance of the first certificate of occupancy.

g. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT and/or NCDOT in accordance with published standards.

h. The Petitioner will dedicate and convey an easement for the public use and maintenance of the twelve (12) foot multi-use path along the Site's frontage on Johnston Road prior to the issuance of the first certificate of occupancy. Post-construction of the multi-use path(s), Petitioner shall have no obligation to maintain, repair or replace said multi-use path(s).

i. In connection with the construction of the traffic improvements described herein, subject to receiving all necessary approvals, and provided it is not required to secure any additional right of way or permanent easements, Petitioner will construct a left turn lane within the existing right of way of Providence Road West for ingress onto Wyndham Oaks Drive. These improvements shall not be required to be completed in order to receive a certificate of occupancy.

5. Streetscape, Buffers, Yards and Landscaping:

a. Along the Site's frontage on Johnston Road the Petitioner will construct a twelve (12) foot multi-use path as generally depicted on the Rezoning Plan. The multi-use path will be located outside of the right of way in an easement a minimum of sixty six (66) feet from the existing centerline of Johnston Road. Petitioner reserves the right to install the multi-use path within the 40 foot setback and in a manner designed to avoid physical and environmental constraints.

△ **b.** Along the Site's frontage on Providence Road West, the Petitioner shall have the option to construct a five (5) foot bike lane, an eight (8) foot planting strip, and a six (6) foot sidewalk OR an eight (8) foot planting strip and a 12 multi-use path as generally depicted on the Rezoning Plan.

c. Petitioner will provide a 75 foot wide Class B Buffer against adjacent residential development as generally depicted ion the Rezoning Plan. Petitioner reserves the right to use existing vegetation to meet the intent of the Ordinance buffer yard requirements.

d. Petitioner shall have the option to reduce only the portion of the Buffer adjacent to 22314402 which may be reduced in width by 25% through the provision of a wall, fence or berm that meets Ordinance standards.

e. Petitioner reserves the right to postpone installation of any streetscaping, sidewalks and lighting associated with the private street identified on the Rezoning Plan until such time as future development triggers the requirement to construct same.

f. Above-ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

g. Dumpster areas and recycling areas will be enclosed by a solid wall with one side being a decorative gate. The wall used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal building.

6. Architectural Standards:

1. Direct pedestrian connections shall be provided between street facing doors and corner entrance features to sidewalks on adjacent streets.

a. 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' feet and 10' feet on the first floor. Up to 20% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3'-0" foot clear depth between window and rear wall. Windows within this zone shall not be screened with film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4'-0" feet above adjacent street sidewalk.

c. The facades of first/ground floor of the buildings along streets shall incorporate a minimum of 30% masonry material such as brick or stone.

d. Building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions, or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

e. Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall off-sets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.

f. Building should be a minimum height of 22 feet.

g. Multi-story building should have a minimum of 20% transparency on upper stories.

7. Environmental Features:

a. The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance. 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. Intermittent/perennial stream delineation reports are subject to review and approval upon submission of development plans for permitting and are not approved with rezoning decisions. If required by City ordinance, the existing pond on site may require a buffer depending on results of the delineation report. △

b. The Site will comply with the Tree Ordinance.

8. Lighting:

a. All new detached and attached lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

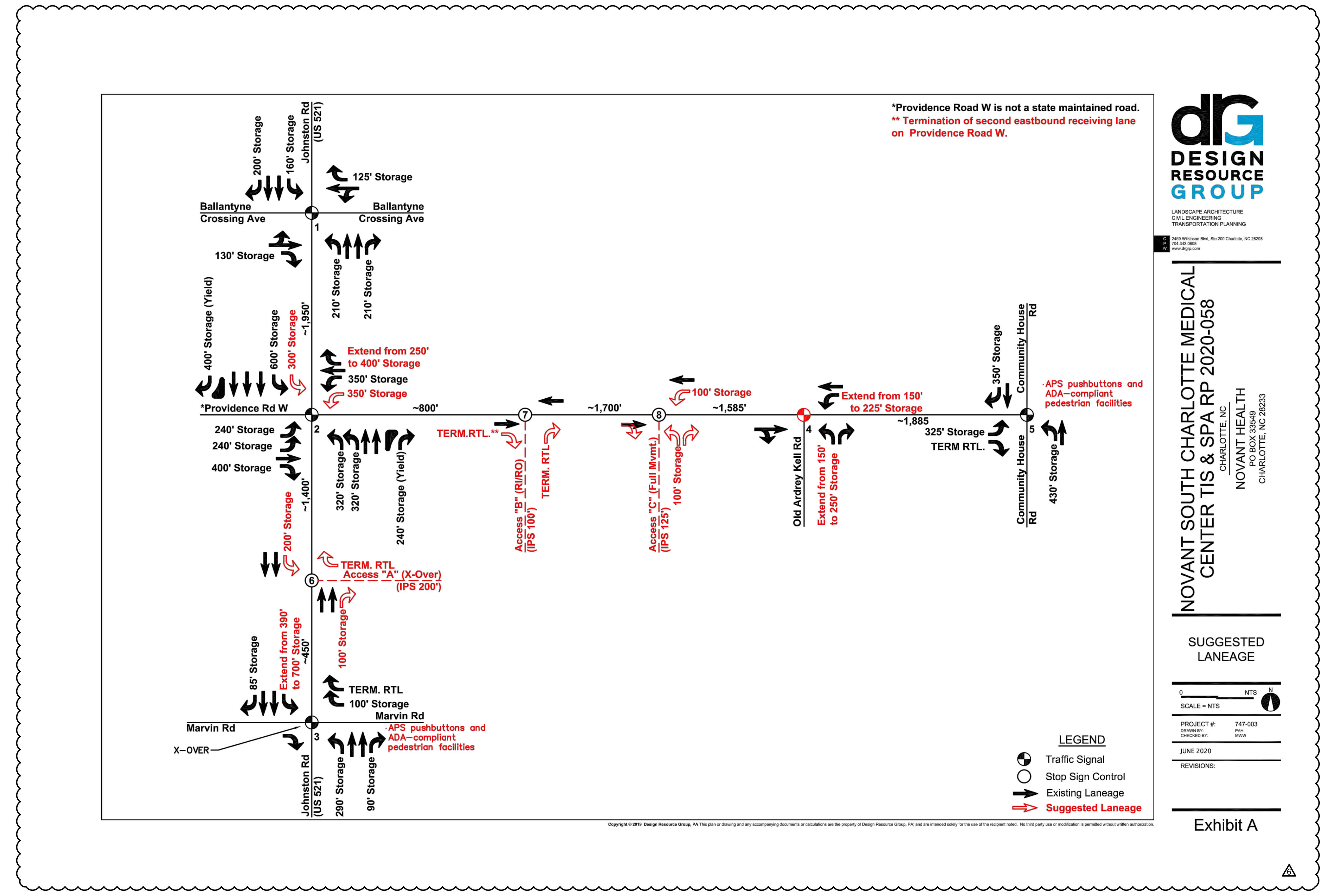
b. Detached lighting on the Site will be limited to 31 feet in height.

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 portion of the Site affected by such amendment in accordance with the provisions 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 under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



benesch
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Seals:

Corp. NC license: F-1320

Novant Health
South Campus Medical Center

Providence Rd. West
Charlotte, North Carolina

Petition No : 2020-58

Project no: 17000124.07

Date: 02.22.19

Revisions:

△	2019-05-13	STAFF COMMENTS
△	2019-10-04	STAFF COMMENTS
△	2019-11-05	STAFF COMMENTS
△	2019-12-19	
△	2020-03-05	AMENDMENT
△	2020-06-12	STAFF COMMENTS
△	2020-07-24	STAFF COMMENTS

Sheet Title:

Rezoning Notes

Sheet No:

RZ-2

Petition 2020-058 by Novant Health, Inc.

To Approve:

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 institutional use for the site.

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

- The plan proposal is for the same use as the recently approved rezoning petition.
- The proposal is for a minor increase in the allowed square footage.
- The site plan amendment does not make any changes to the previously approved building heights, setbacks, or buffers.
- The amendment adjusts the transportation improvements to mitigate the increase in square footage.

To Deny:

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 institutional use for the site.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 23.**File #:** 15-13954 **Type:** Zoning Item

Rezoning Petition: 2020-061 by White Point Partners, LLC

Location: Approximately 2.5 acres located along Brevard Street at its intersection with Belmont Avenue near the Optimist Hall development. (Council District 1 - Egleston)

Current Zoning: TOD-M (O) & I-2 (transit-oriented development, optional and heavy industrial)
Proposed Zoning: TOD-UC (transit-oriented development, urban center)

Public Hearing Held: July 20, 2020 - Item #51

Staff Resource: William Linville

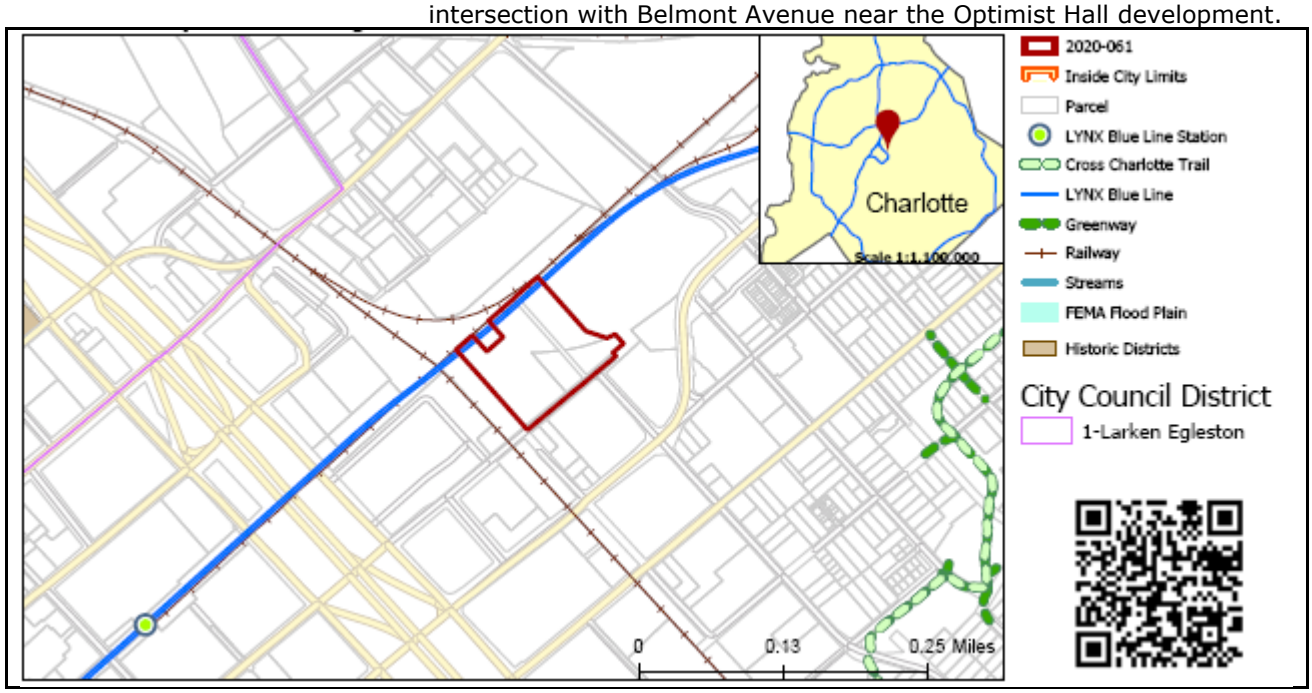
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-061
Post Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: TOD-M(O) (transit oriented developed – mixed, optional) & I-2 (heavy industrial) Proposed Zoning: TOD-UC (transit urban center)
LOCATION	Approximately 5.2 acres located along Brevard Street at its intersection with Belmont Avenue near the Optimist Hall development.



SUMMARY OF PETITION	The petition proposes to rezone a four-parcel assemblage to allow all uses permitted by-right or under prescribed conditions in the TOD-UR district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	White Point Paces Partners, LLC Erik Johnson, White Point Paces Partners, LLC John Carmichael, Robinson Bradshaw
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting:

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **inconsistent** with the Parkwood Transit Station Area Plan's (2013) recommendation for the western portion of the site for office/retail/industrial uses but is **consistent** with the Plan's recommendation for transit oriented - mixed for the eastern portion of the site. <u>Rationale for Recommendation</u> • As a portion of the site is currently zoned a legacy TOD district (TOD-M(O)), this rezoning will allow the whole site to obtain updated TOD zoning which will allow for a unified development with shared design standards.

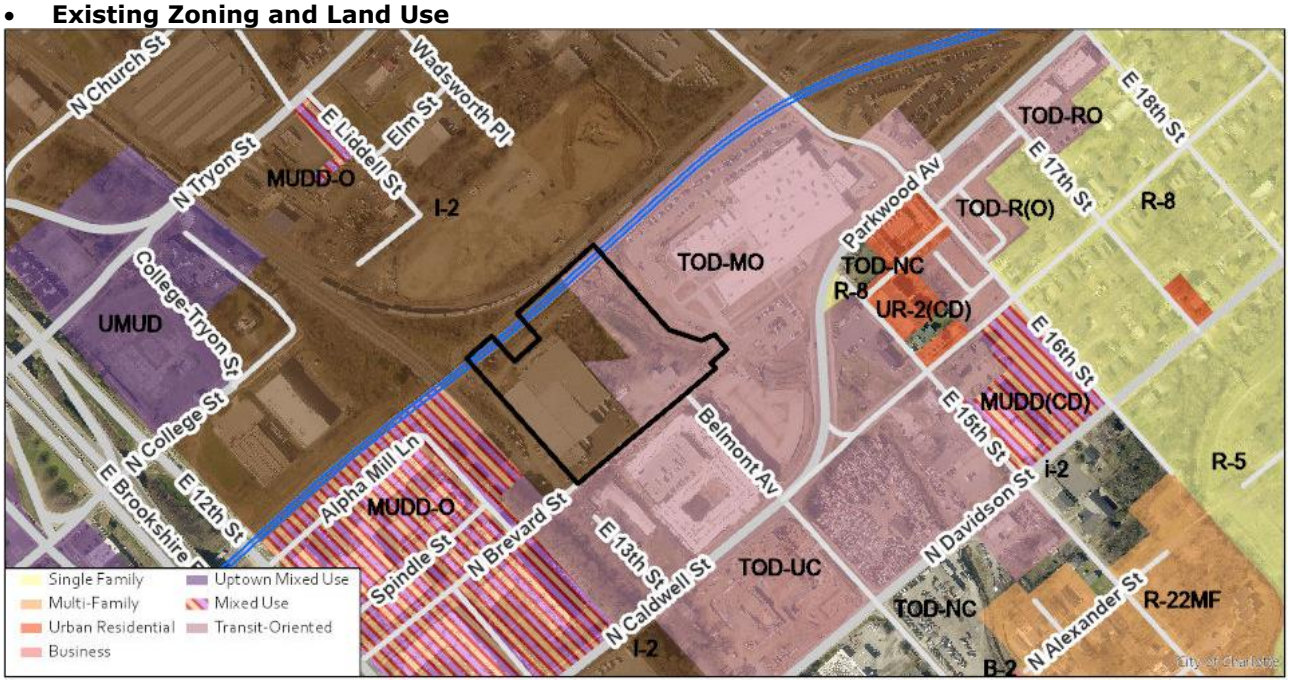
- As written, the TOD-UC district may be applied to parcels within ½ mile of a transit station. The site is within a ½ walk of the Blue Line's 9th Street Transit Station.
- Use of conventional TOD zoning districts applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

The approval of this petition will revise the adopted future land use as specified by the Parkwood Transit Station Area Plan, from office/ retail/industrial to transit oriented - mixed for the western portion of the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.

- **Existing Zoning and Land Use**



There has been one historic rezoning within the subject property. 2016-029 rezoned the northeastern portion of the assemblage from I-2 to TOD-M(O). The subject property is surrounded to the east and south by TOD-zoned parcels which include an adaptive reuse of an old mill (Optimist Hall) and multiple housing types of varying density. North of the subject property (along the N. Tryon Street corridor) is largely industrial land containing various uses, while west of the subject property (going towards uptown) is largely multi-family residential.



General location of site denoted by red star.

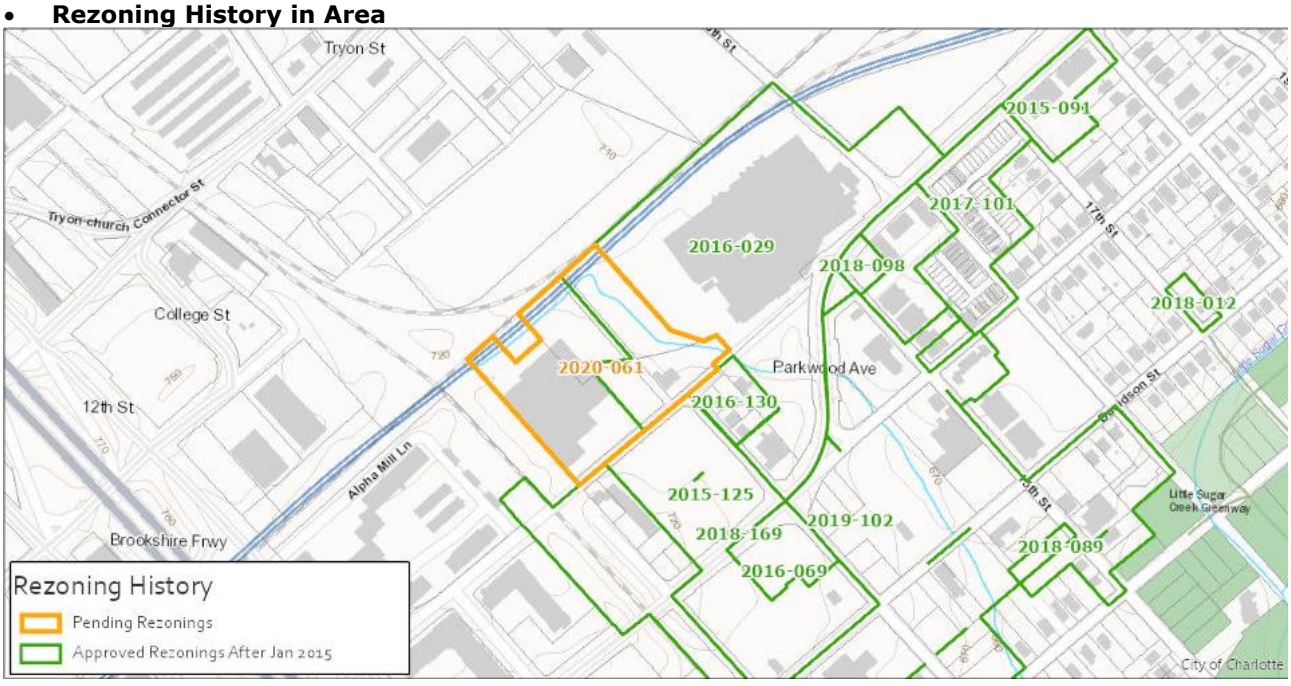


Streetview from N. Brevard Street looking north toward subject property (currently a supply/distribution business).



Streetview from N. Brevard Street looking south toward recent multi-family development. The property to the left of the image currently acts as surface parking for Optimist Hall.

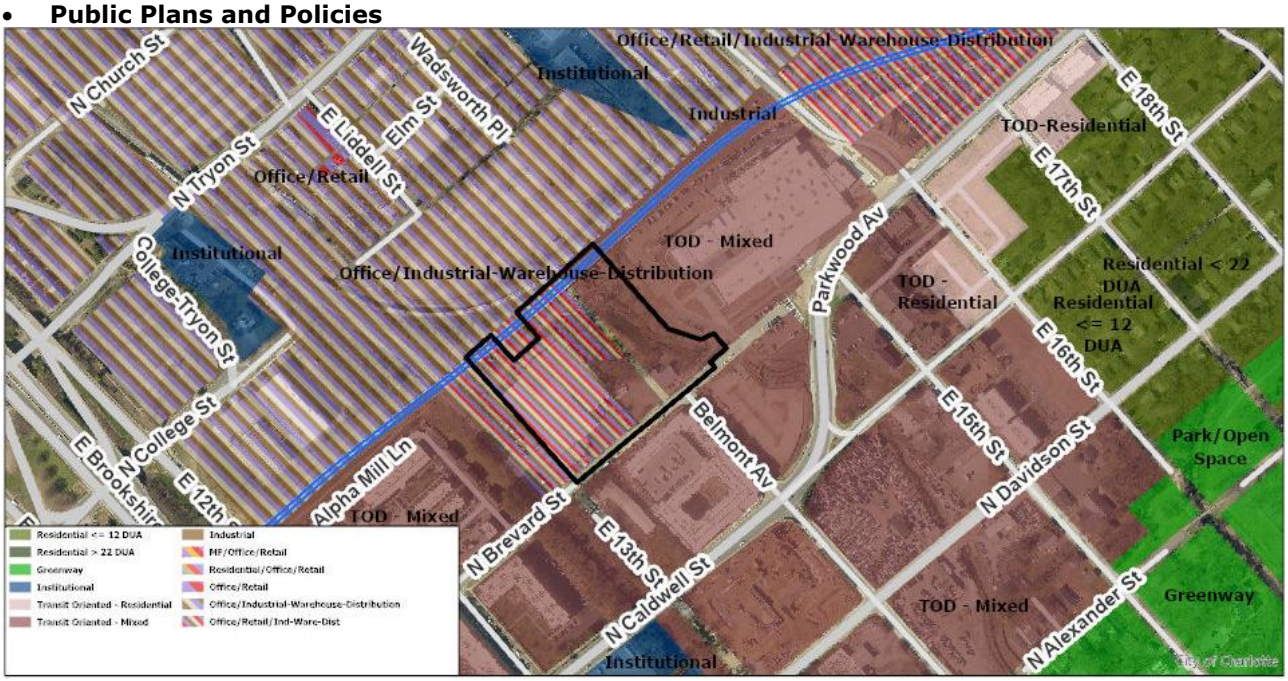
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-126	Petition to permit 16-unit multi-family development	Approved
2019-102	City-sponsored petition to rezone multiple parcels along the City's Blue Line to TOD zoning districts.	Approved
2018-169	City-sponsored text amendment to modify TOD requirements.	Approved
2018-098	Petition to rezone property to conventional TOD district.	Approved

2018-089	Petition to redevelop site to an urban residential district.	Approved
2018-012	Petition to permit 5-unit multi-family development.	Approved
2017-101	Petition to redevelop site in Optimist Park to accommodate 59 for sale single family attached units.	Approved
2016-130	Petition to rezone property to conditional TOD district.	Approved
2016-069	Petition to rezone property to conventional TOD district.	Approved
2016-029	Petition to rezone property to conditional TOD district.	Approved
2015-091	Petition to rezone property to conditional TOD district.	Approved

- **Public Plans and Policies**



  - The Parkwood Transit Station Area Plan (2013) recommends office/ retail/ industrial uses for a portion of the site and transit-oriented development-mixed for the remainder of the site

- **TRANSPORTATION SUMMARY**
  - The site is within 1/2 mile of both the 9th Street Transit Station and the Parkwood Transit Station. There is partial sub-standard existing curb and gutter on N Brevard Street, but no sidewalk. CDOT will work with the petitioner during the permitting to upgrade the streetscape in accordance with city ordinances and to develop a street network to serve the TOD zoning requested.
  - **Active Projects:**
    - Brevard St. Bike Boulevard
      - Scope: add pavement markings and wayfinding signage to Brevard St. and Belmont Ave.
      - Limits: 12th St. to Little Sugar Creek/XCLT
      - Phase: Construction
      - PM: Sila Vlachou
        - avlachou@charlottenc.gov
        - 980-214-8022
    - Parkwood Ave. Streetscape
      - Scope: 4-to-3 road diet of Caldwell St. and Parkwood Ave., with new traffic signals at Belmont Ave. and 16th St., pedestrian lighting, and separated bike lanes and multi-use path along Parkwood Ave.
      - Limits: Caldwell St./CSX Railroad bridge to Parkwood Ave./Davidson St. intersection
      - Phase: Real Estate
      - PM: Sharon Buchanan
        - sdbuchanan@charlottenc.gov
        - 980-714-7229
    - 16th St. Streetscape
      - Scope: Add sidewalks, pedestrian lighting to 16th St. between Tryon St. and Parkwood Ave.
      - Phase: Construction (incorporated into a Charlotte Water sewer project managed by Matthew Bedford at CW)

        - PM: Leslie Bing
            - lbing@charlottenc.gov
            - 704-577-8609
- **Transportation Considerations**
    - No outstanding issues.
    - **Vehicle Trip Generation:**

      Current Zoning:

      Existing Use: 890 trips per day (based on 69,100 SF of warehouse/office uses).

      Entitlement: too many uses to determine (based on 2.51 acres of TOD-M(O) and remainder I-2 uses).

      Proposed Zoning: Too many uses to determine (based on 5.2 acres of TOD-UC).

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 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 conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along N Brevard Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along the center of the parcel. 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.

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

Planner: Will Linville (704) 336-4090

Petition 2020-061 by White Point Paces Partners

To Approve:

This petition is found to be both **inconsistent** and **consistent** 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 both office/retail/industrial and transit-oriented uses for the site.

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

- As a portion of the site is currently zoned a legacy TOD district (TOD-M(O)), this rezoning will allow the whole site to obtain updated TOD zoning which will allow for a unified development with shared design standards.
- As written, the TOD-UC district may be applied to parcels within ½ mile of a transit station. The site is within a ½ walk of the Blue Line's 9th Street Transit Station.
- Use of conventional TOD zoning districts applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

The approval of this petition will revise the adopted future land use as specified by the *Parkwood Transit Station Area Plan*, from office/ retail/industrial to transit oriented - mixed for the western portion of the site.

To Deny:

This petition is found to be both **inconsistent** and **consistent** 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 both office/retail/industrial and transit-oriented uses for the site.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 24.**File #:** 15-13956 **Type:** Zoning Item

Rezoning Petition: 2020-063 by Kappa Foundation of Charlotte

Location: Approximately 3.48 acres located at the west side of Beatties Ford Road, south of Pauline Lane, and north of Sunset Road. (Council District 2 - Graham)

Current Zoning: R-9 MF (CD) (multi-family residential, conditional), R-4 (single-family residential)
Proposed Zoning: INST (institutional)

Public Hearing Held: July 20, 2020 item #53

Staff Resource: Michael Russell

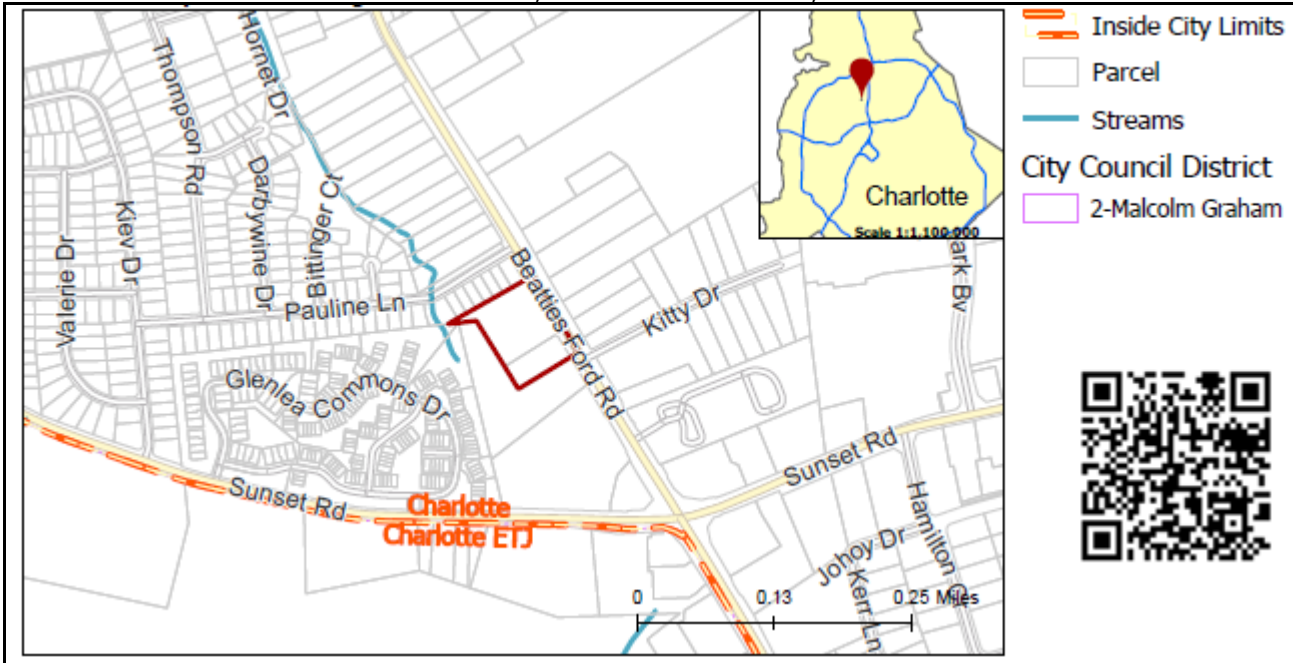
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-063
Post-Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: R-9MF (CD) (multi-family residential, conditional) and R-4 (single-family residential) Proposed Zoning: INST (institutional)
LOCATION	Approximately 3.48 acres located on the west side of Beatties Ford Road, south of Pauline Lane, and north of Sunset Road.



SUMMARY OF PETITION	The petition proposes to allow all uses in the INST zoning district on two parcels fronting Beatties Ford Road. One parcel is currently occupied by a fraternal organization and the other by a single-family residence.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Kappa Foundation of Charlotte, Inc. Kappa Foundation of Charlotte, Inc. None
COMMUNITY MEETING	Meeting is not required.

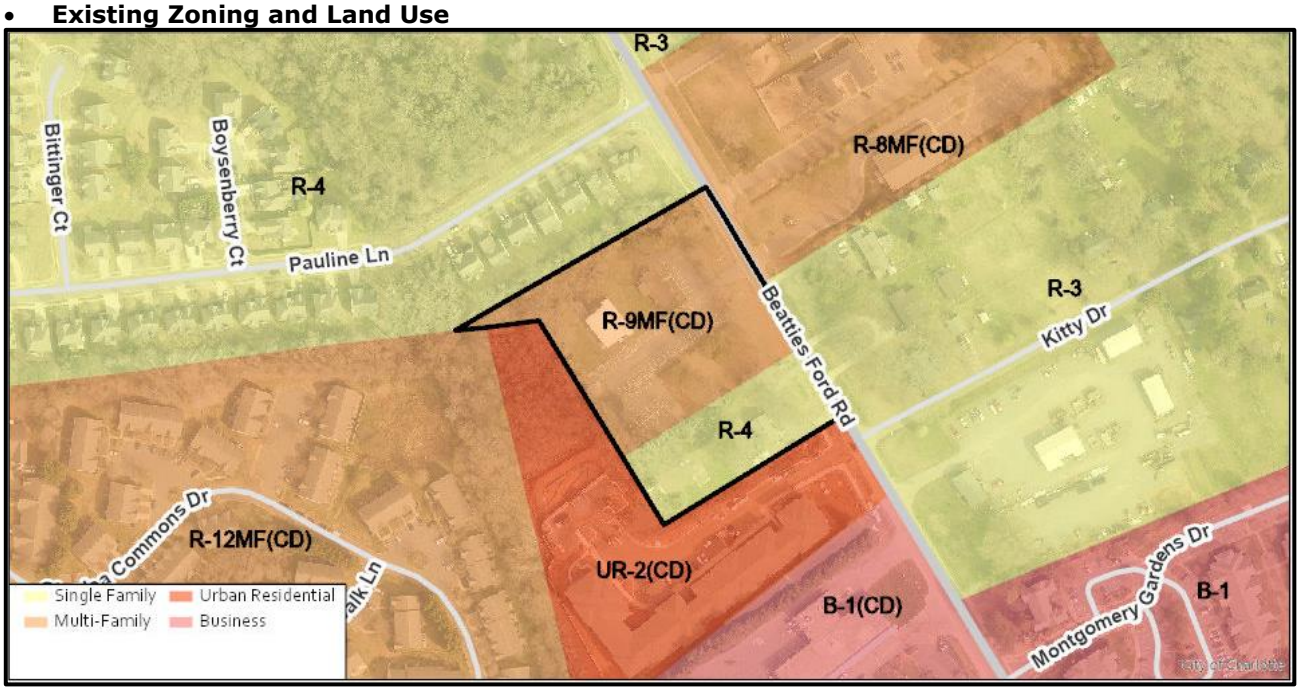
STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **inconsistent** with the *Northwest Area Plan (1990)* recommendation of multi-family uses for the northern portion of the site, and **inconsistent** with the plan's recommendation of single family uses for the southern part of the site. Rationale for Recommendation • The *Northwest Area Plan's (1990)* goals include preserving, protecting, and enhancing the character of existing neighborhoods, as well as establishing a balanced land use pattern.

- This petition's request for an Institutional rezoning will continue to support the current use of this site, which has been occupied by the Kappa Foundation of Charlotte for over 30 years.
- Area plans do not typically recommend locations for future institutional uses.
- Institutional uses are considered compatible with residential uses.

The approval of this petition will revise the adopted future land use as specified by the *Northwest Area Plan (1990)*, from multi-family and single-family to institutional for both parcels.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
- **Existing Zoning and Land Use**



The site is developed with two single family homes and a warehouse that is home to a fraternal organization. Parcel 03711206 was rezoned by petition 1990-028(C) to R-9MF(CD) to allow for the addition of the warehouse. Surrounding land uses include apartments, townhomes, and single-family homes.



The site (marked with a red star) is developed with two single family homes and a warehouse used by a fraternal organization. Surrounding land uses include apartments, townhomes, and single-family homes.



The subject property is developed with two single family homes and a warehouse used by a fraternal organization.



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



The property to the south is developed with apartments.

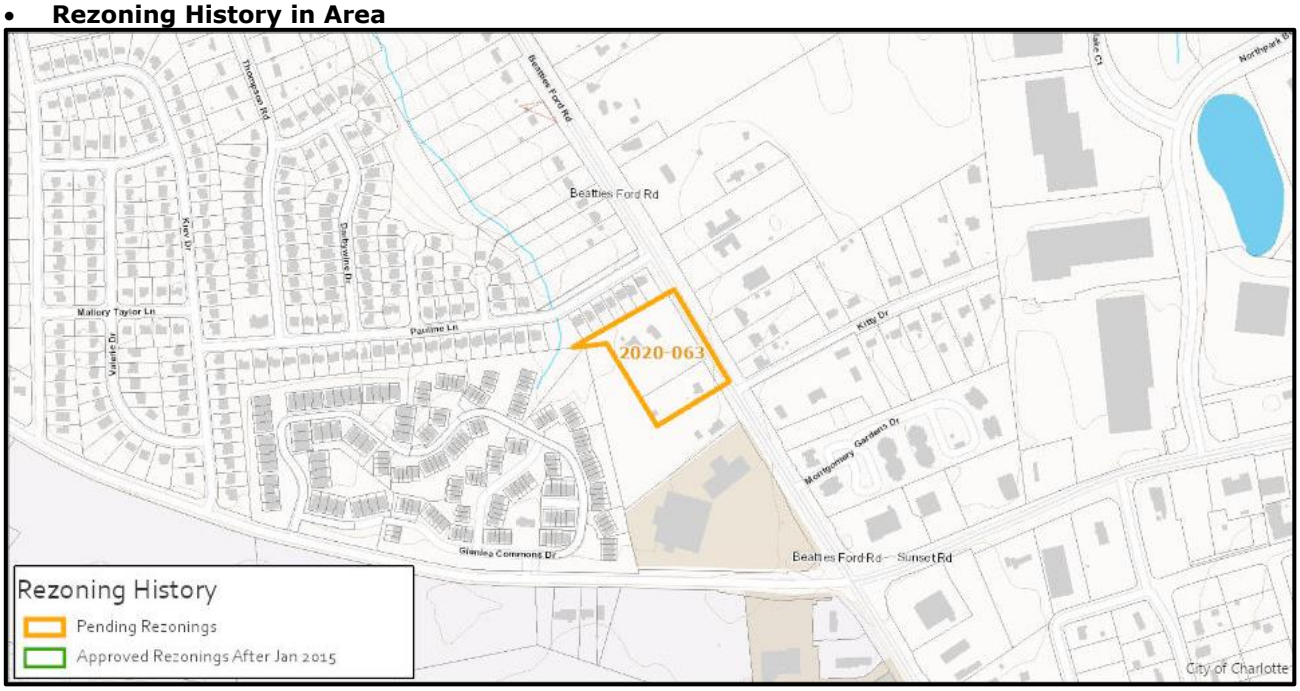


The property to the east is developed with single family homes.



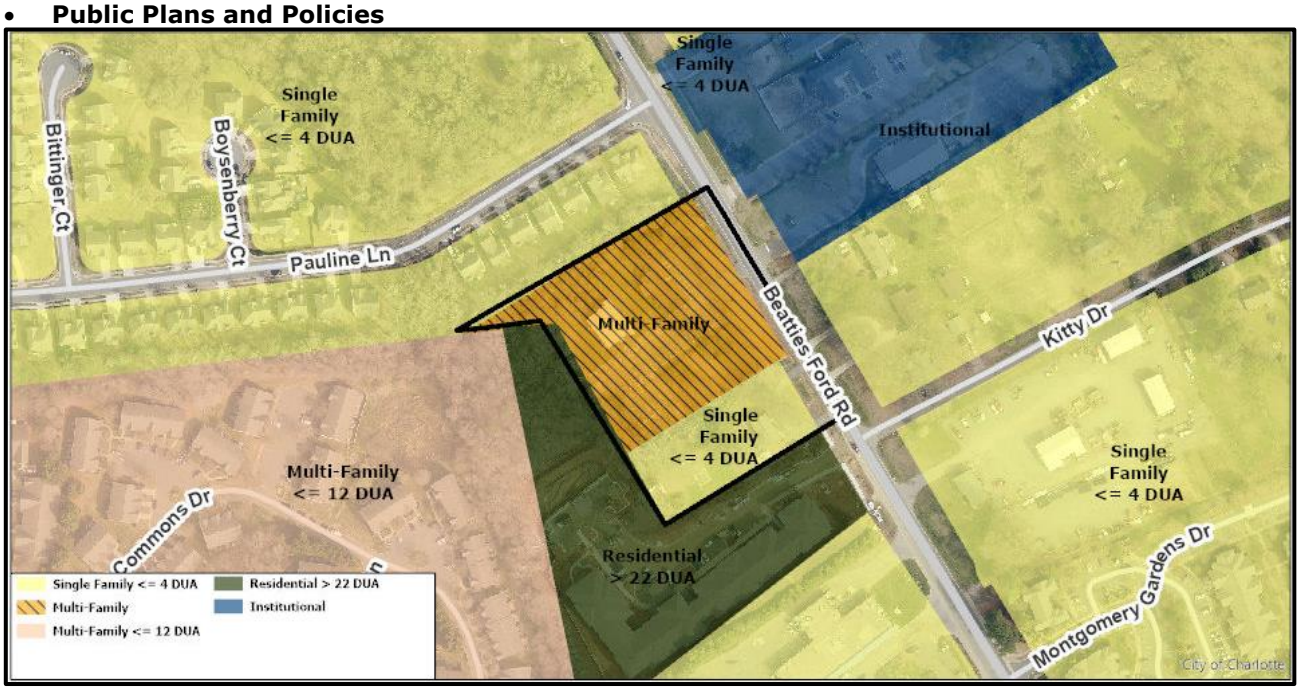
The property to the west is developed with townhomes.

- **Rezoning History in Area**



- There have been no recent rezonings in the area.

- **Public Plans and Policies**



  - The *Northwest Area Plan (1990)* calls for multi-family uses and single family uses for the subject parcels in this rezoning.

- **TRANSPORTATION SUMMARY**
- This site is on Beatties Ford Road (major thoroughfare, city maintained) and is in a Wedge outside Route 4. This site is within the limits of the Westside Strategy Plan Study Area.
- **Active Projects:**
- Beatties Ford Road Widening Project
  - Scope: Widen Beatties Ford Rd. to 4-lane divided from Capps Hill Mine Rd. to north of Pauline Ln.
  - Phase: Construction
- **Transportation Considerations**
  - No outstanding issues.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 160 trips per day (based on 5,200 SF recreational community center and 1 single family dwelling).
    Entitlement: 180 trips per day (based on 5,200 SF recreational community center and 3 single family dwellings).
    Proposed Zoning: 1,920 trips per day (based on 63,390 SF recreational community center).

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 conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing six-inch water distribution main located along Kitty Drive.
- Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing eight-inch gravity sewer main located along Beatties Ford Road.
- 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 comments submitted.

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

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

Planner: Michael Russell (704) 353-0225

Petition 2020-063 by Kappa Foundation of Charlotte, Inc.

To Approve:

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

- The plan recommends multi-family uses for the northern portion of the site and single-family uses for the southern part of the site.

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

- The *Northwest Area Plan's* (1990) goals include preserving, protecting, and enhancing the character of existing neighborhoods, as well as establishing a balanced land use pattern.
- This petition's request for an Institutional rezoning will continue to support the current use of this site, which has been occupied by the Kappa Foundation of Charlotte for over 30 years.
- Area plans do not typically recommend locations for future institutional uses.
- Institutional uses are considered compatible with residential uses.

The approval of this petition will revise the adopted future land use as specified by the *Northwest Area Plan* (1990), from multi-family and single-family to institutional for both parcels.

To Deny:

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

- The plan recommends multi-family uses for the northern portion of the site and single-family uses for the southern part of the site.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 25.**File #:** 15-13957 **Type:** Zoning Item

Rezoning Petition: 2020-065 by Herman E. Ratchford

Location: Approximately 15.84 acres located on the south side of Albemarle Road, west of Regal Oaks Drive, and east of Farm Pond Lane. - (Council District 5 - Newton)

Current Zoning: O-1 (office)
Proposed Zoning: R-17 MF (multi-family residential)

Public Hearing Held: July 20, 2020 - Item #54

Staff Resource: John Kinley

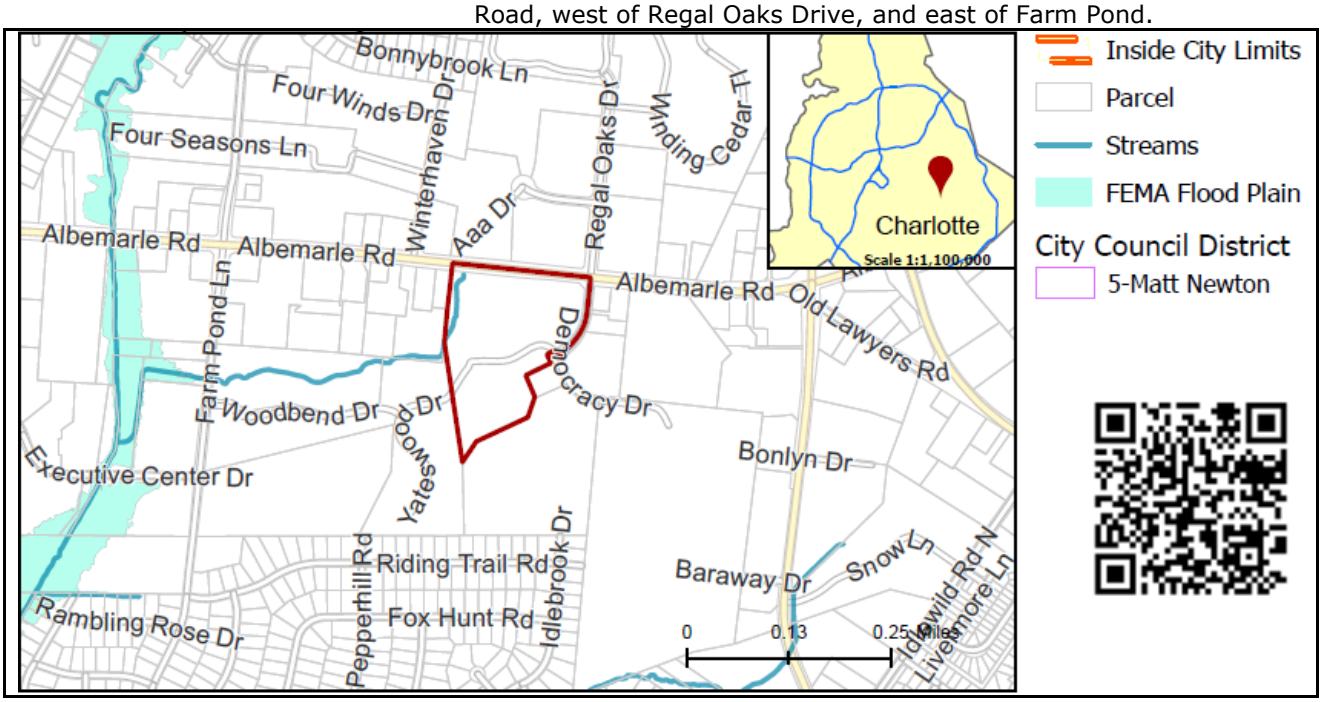
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-065
Post Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: O-1 (office) Proposed Zoning: R-17MF (multi-family residential)
LOCATION	Approximately 15.84 acres located on the south side of Albemarle Road, west of Regal Oaks Drive, and east of Farm Pond.



SUMMARY OF PETITION	The petition proposes to allow all uses in the R-17MF district. It is a conventional petition.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Triangle Woodbridge Inc. Herman E. Ratchford Donald D. Smith, Robinson & Sawyer, Inc.
COMMUNITY MEETING	Meeting is not required.

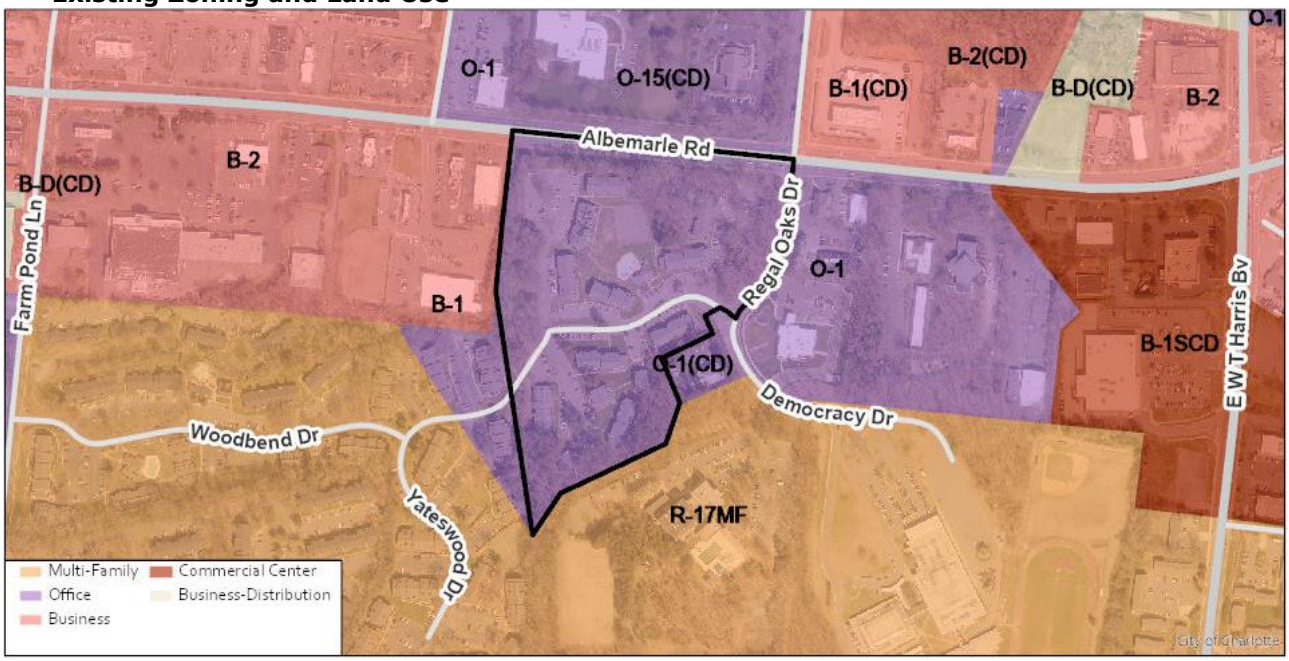
STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **consistent** with the *Eastland Area Plan (2003)* recommendation for Single Family/Multi-Family/Office/Retail for this site. The *General Development Policies* guidelines support up to 17 DUA for the site. <u>Rationale for Recommendation</u> • The site is currently developed with multi-family residential. • The site is adjacent to other multi-family residential use in R-17MF zoning districts. • The density increase from 12 DUA in O-1 to 17 DUA in R-17MF is consistent with other multi-family developments in the broader area zoned R-17MF. In addition multi-family up to 22 dwelling units per acre would be allowed in the surrounding B-2 zoned areas. • The proposed zoning would allow up to 17 units per acre, as supported by the *General Development Policies*.

- The site is located in an area with a mix of uses appropriate for moderate density multi-family use.

PLANNING STAFF REVIEW

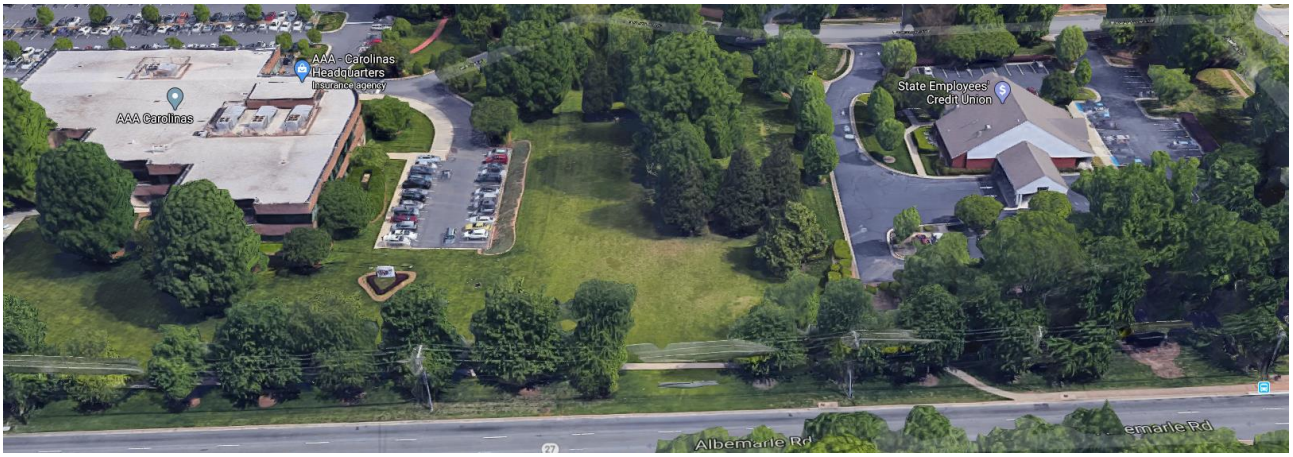
- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
  - Allows all uses permitted in the R-17MF zoning district, which is a multi-family residential zoning district.

- **Existing Zoning and Land Use**



The area is developed with a mix of uses including commercial, office, institutional and multi-family residential. The site, indicated by the red star, is adjacent to other multi-family development in R-17MF zoning to the southwest.





North of the site, across Albemarle Road is an office and financial institutional use.



East of the site, across Royal Oaks Drive are medical office uses.



South of the site is Simmons YMCA.

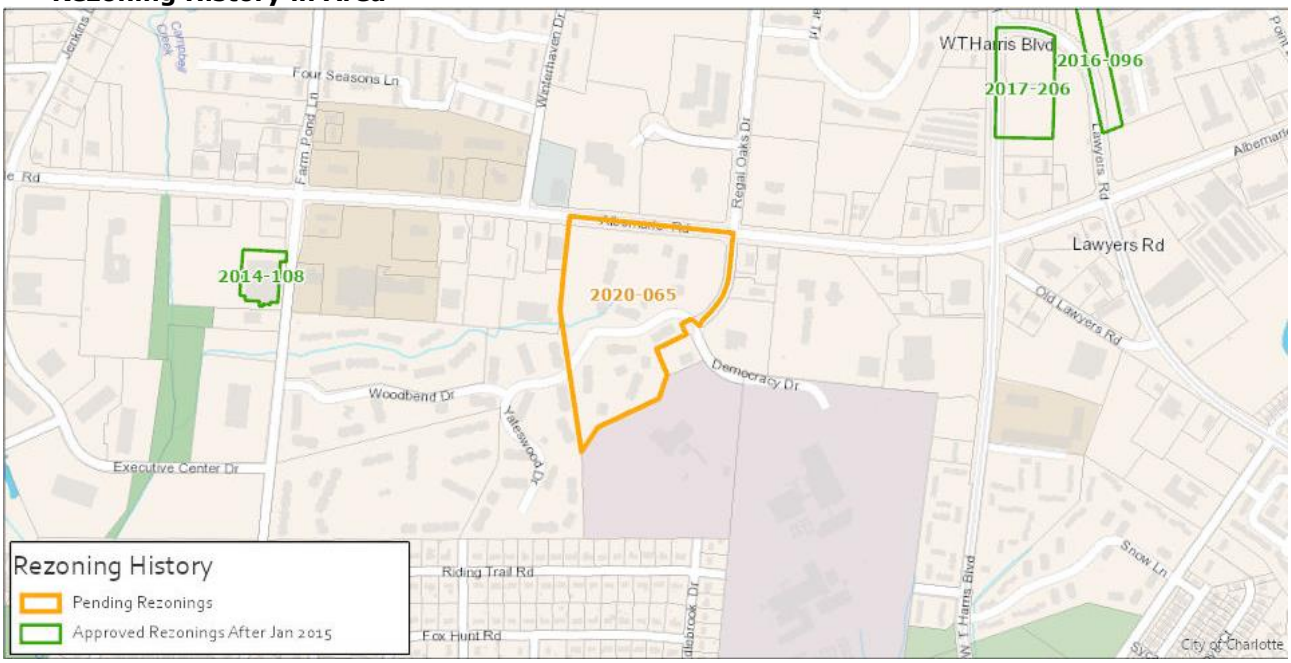


Also south of the site along Yateswood and Bentwood Drives is multi-family use.



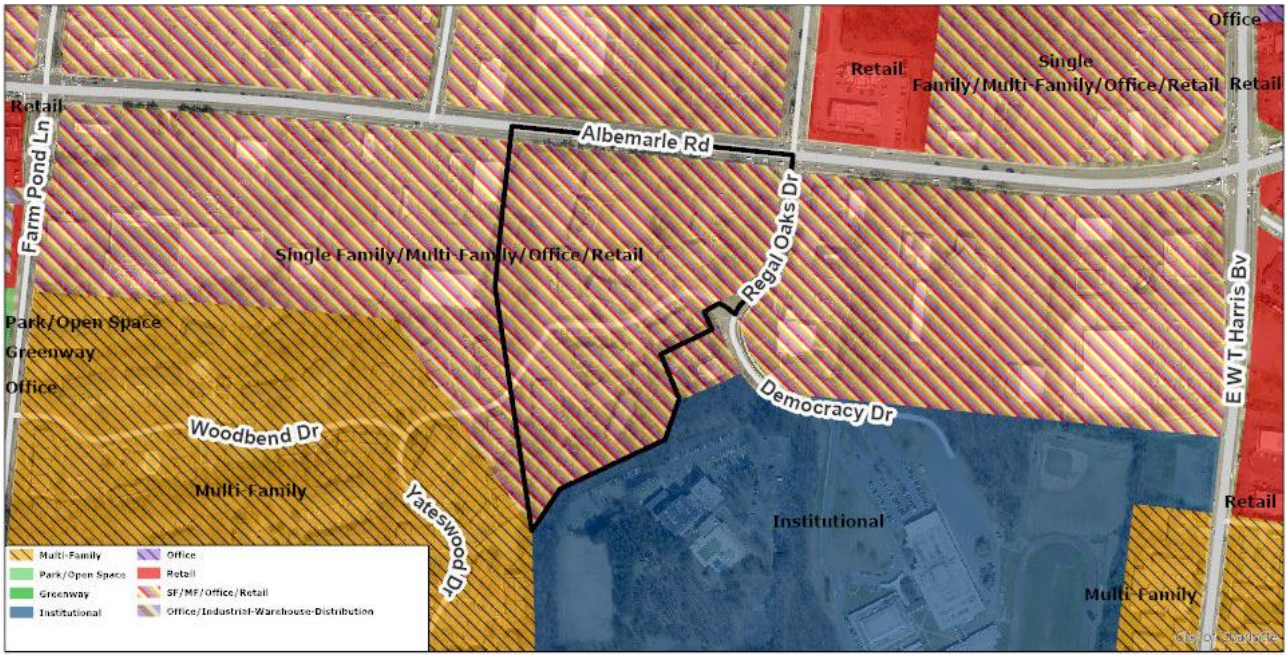
West of the site along Albemarle Road are commercial uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2014-108	1.4 acres west of site on Farm Pond Lane to B-D(CD) to allow self storage use.	Approved
2016-096	1.5 acres northeast of the site on Lawyers Road to O-2.	Approved
2017-206	3.3 acres northeast of the site on Lawyers Road to B-2(CD) to allow commercial uses including a car wash and uses with accessory drive-thru service window.	Approved

- **Public Plans and Policies**



- The *Eastland Area Plan* recommends Single Family/Multi-Family/Office/Retail for this site.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of up to 17 dwellings per acre as illustrated in the table below.

Assessment Criteria	**Density Category – up to 17 dua**
Meeting with Staff	1
Sewer and Water Availability	3
Land Use Accessibility	3
Connectivity Analysis	2
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	**Total Points: 13**

- **TRANSPORTATION SUMMARY**
  - The petition is located on the southwest corner of the intersection of Albemarle Rd. (a commercial thoroughfare) and Regal Oaks Dr. (a collector street). Yateswood Dr. bisects the site. Albemarle Rd. is maintained by NCDOT, Regal Oaks Dr. is maintained by the City of Charlotte, and Yateswood Dr. is currently a private street, but would be a collector street if it were public. The petition is located in a designated Wedge outside Route 4. Regal Oaks Dr. connects to Democracy Dr., which currently dead-ends into Albemarle Road Middle School but is set up to be extended to Harris Boulevard. The site is located on a commercial thoroughfare and two collector streets. Albemarle Road and Regal Oaks has sidewalk at the back of curb. CDOT will work with the petitioner during the permitting to meet the required ordinance for multi-family land use by the Subdivision ordinance.
- **Active Projects:**
  - NA
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 1410 trips per day (based on 192 apartment dwellings).

  Entitlement: 1660 trips per day (based on 158,400 square feet of office).

  Proposed Zoning: 1990 trips per day (based on 269 apartment dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.

- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 48 students, while the development allowed under the proposed zoning may produce 68 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 20 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Albemarle Road Elementary from 120% to 125%
    - Albemarle Road Middle from 125% to 127%
    - Independence High from 121% to 122%.
  - **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Democracy Drive. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Democracy Drive. Insert location information from memo. No outstanding issues.
- **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: John Kinley (704) 336-8311

Petition 2020-065 by Herman E. Ratchford

To Approve:

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

- The plan recommends Single Family/Multi-Family/Office/Retail for this site.
- The *General Development Policies* guidelines support up to 17 DUA for the site.

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

- The site is currently developed with multi-family residential.
- The site is adjacent to other multi-family residential use in R-17MF zoning districts.
- The density increase from 12 DUA in O-1 to 17 DUA in R-17MF is consistent with other multi-family developments in the broader area zoned R-17MF. In addition, multi-family up to 22 dwelling units per acre would be allowed in the surrounding B-2 zoned areas.
- The proposed zoning would allow up to 17 units per acre, as supported by the General Development Policies.
- The site is located in an area with a mix of uses appropriate for moderate density multi-family use.

To Deny:

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

- The plan recommends Single Family/Multi-Family/Office/Retail for this site.
- The *General Development Policies* guidelines support up to 17 DUA for the site.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 26.**File #:** 15-13958 **Type:** Zoning Item

Rezoning Petition: 2020-070 by Elmington Capital Group

Location: Approximately 5.8 acres located on the south side of Bullard Street, the north side of Joy Street, and west of Ashley Road. (Council District 3 - Watlington)

Current Zoning: UR-2 (CD) (urban residential, conditional)
Proposed Zoning: UR-2 (CD) SPA (urban residential, conditional, site plan amendment)

Public Hearing Held: July 20, 2020 - Item #55

Staff Resource: Lisa Arnold

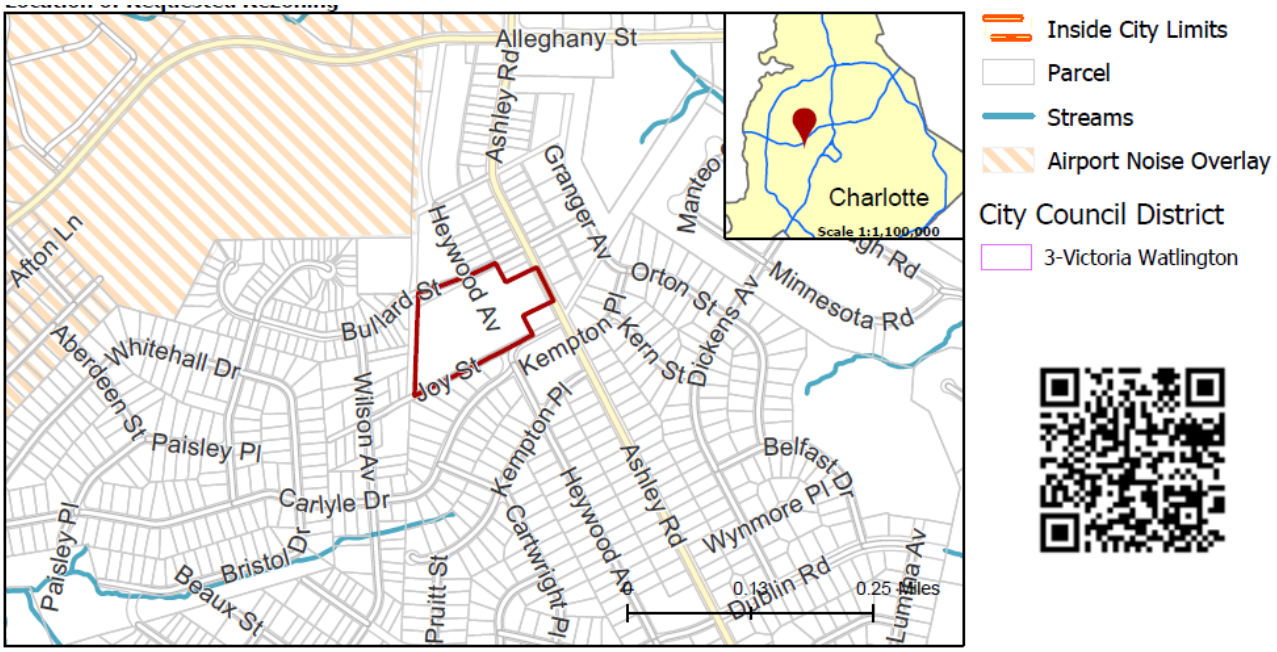
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to site and building design and technical revisions related to environment.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-070
Post-Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment)
LOCATION	Approximately 5.8 acres located on the south side of Bullard Street, the north side of Joy Street, and west of Ashley Road



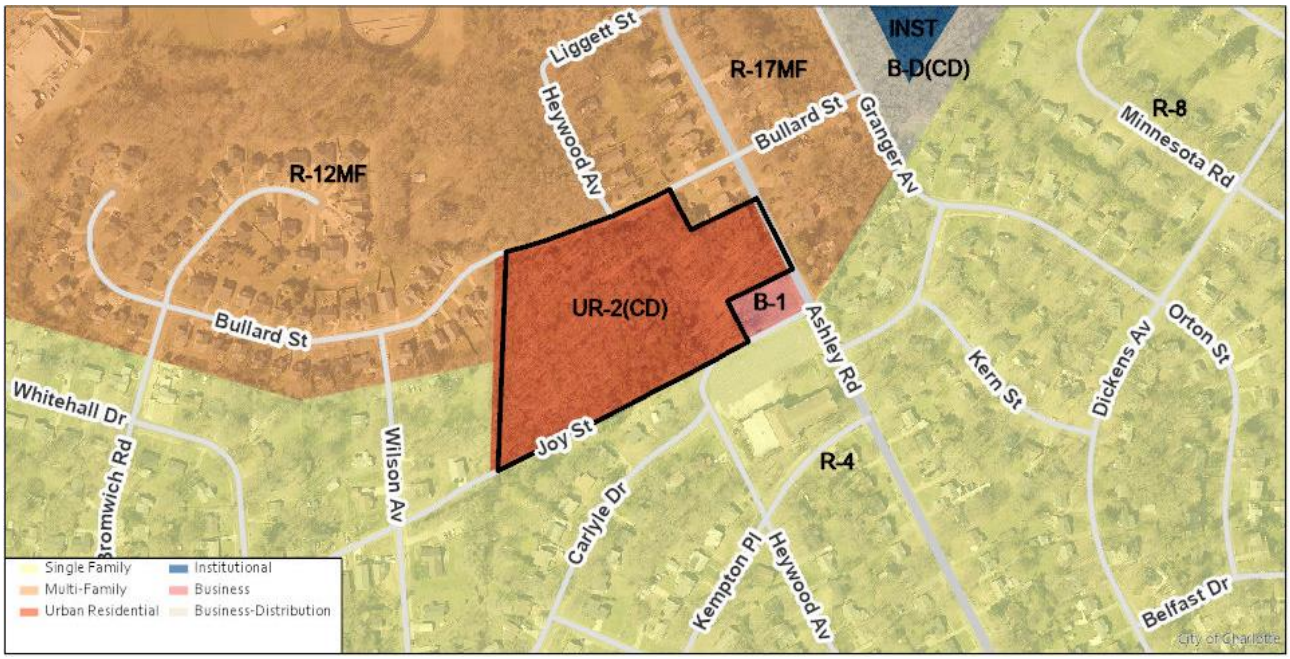
SUMMARY OF PETITION	The petition proposes a site plan amendment for UR-2(CD) SPA to allow the construction of 150 dwelling units with a density of 26 dwelling units per acre.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Ashley Road Holdings, LLC Elmington Capital Group Collin Brown and Brittany Lins, Alexander Ricks
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design and technical revisions related to environment. Plan Consistency The petition is **consistent** with the *Central District Plan's* (1993) recommendation for multi-family residential uses. Rationale for Recommendation • The petition is consistent with the multi-family land use recommendation for the site. • The site is already zoned for multi-family development, as per rezoning petition 2016-134.

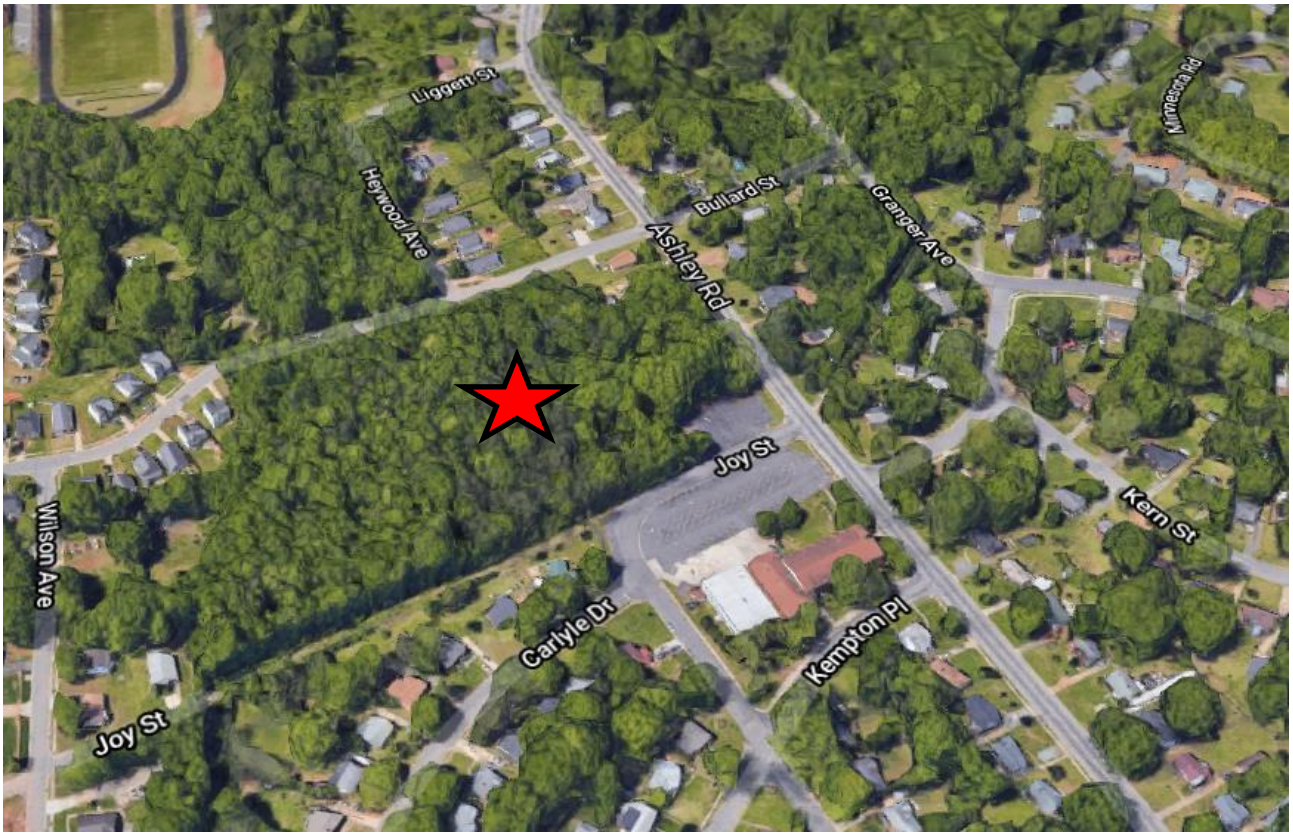
- The proposed plan helps to expand housing options within the neighborhood by providing income restricted multifamily units.
- The plan addresses compatibility with single family residential by providing additional buffers and architectural standards.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan amendment contains the following changes:
  - Increases the total number of units from 108 multi-family dwellings to 150 multi-family dwellings.
  - Changes the type of housing product from a mix of age restricted and non-age restricted to all income restricted units. The units will be restricted to households that earn 30-80% area median income (AMI) for a period of fifteen (15) years.
  - Requests to abandon a portion of Joy Street.
  - Provides an 8' planting strip and 8' sidewalk along public street frontages.
  - Maintains the requirement for architectural standards that include building materials, building massing and height, elevation design, and roof form and articulation.
  - Requires site lighting to be less than 21' in height and full cut off fixtures.
  - Commits to constructing a new public street connecting Bullard and Joy Street.
- **Existing Zoning and Land Use**



The site was rezoned in 2017 under petition 2016-134 from R-12MF to UR-2(CD) to allow 108 multi-family dwelling units. The surrounding land uses include single family residential and institutional uses.



The subject property is undeveloped wooded land. The site is marked with a red star.



The properties to the north are developed with single family houses.



The properties to the south are developed with single family houses and a religious institution. The subject property is marked with a red star.

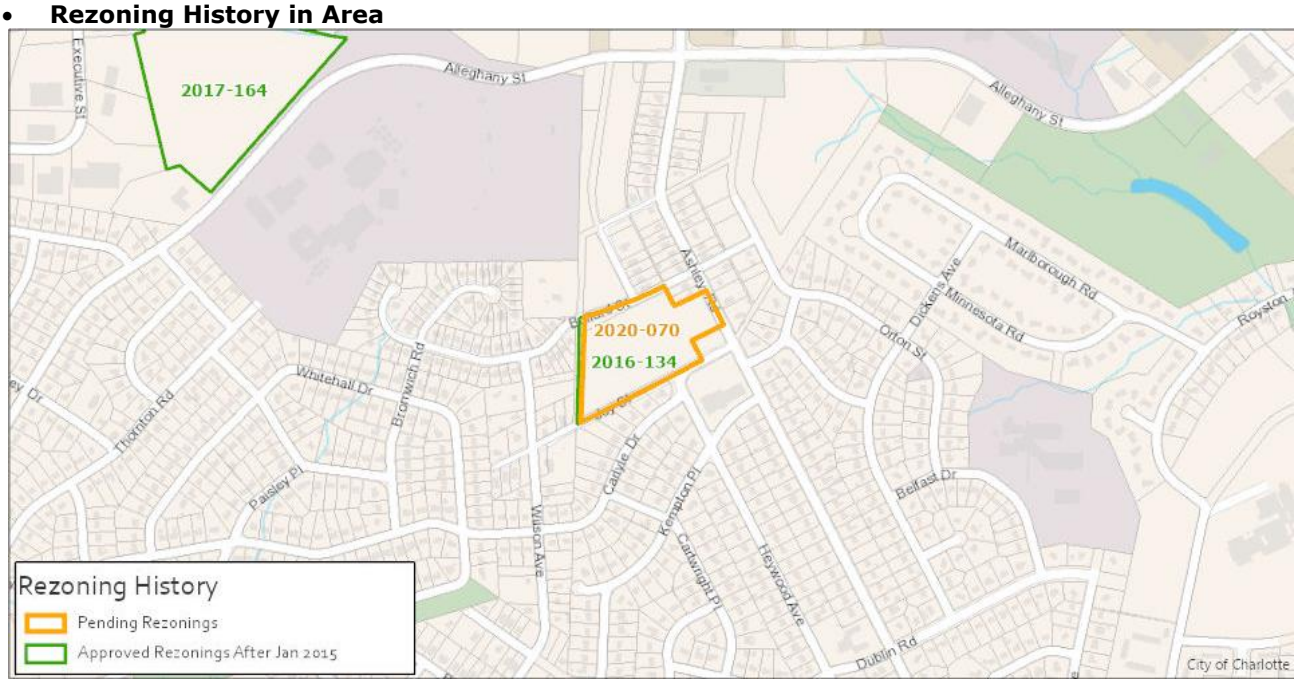


The properties to the east are developed with single family residences.



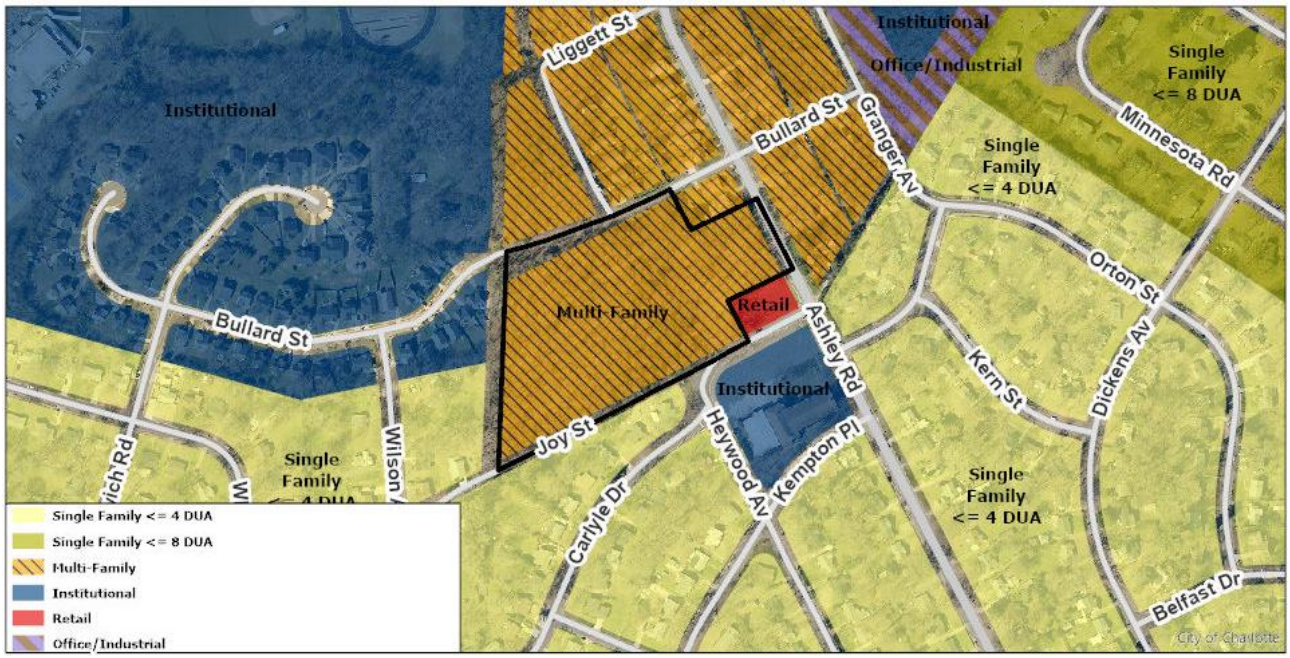
The properties to the west are developed with single family residential houses. The subject property is marked with a red star.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-134	The petition rezoned property to UR-2 (CD) to allow the development of a 108 unit multi-family development.	Approved
2017-164	The petition rezoned property to R-12MF(CD) AIR (multi-family residential, conditional, airport noise overlay) to allow the development of a multi-family housing development.	Approved

- **Public Plans and Policies**



  - The *Central District Plan* recommends multi-family residential development for this site, as a result of rezoning petition 2016-134.

- **TRANSPORTATION SUMMARY**
  - The site is located on Ashley Road (minor thoroughfare, city maintained) and Joy Street (local street, city maintained). The petition is in a Corridor and is inside Route 4. The applicable plan for the area is the Westside Strategy Plan.
- **Active Projects:**
  - Ashley Road Sidewalk
    - Scope: Install sidewalk on east side of Ashley Road between Greenland Avenue and Alleghany Street
    - Phase: Construction
    - PM: Chandler Crofts
      - ccrofts@charlottenc.gov
      - 980-214-7291
- **Transportation Considerations**
  - See Outstanding Issues, Notes 1-6
  - **Vehicle Trip Generation:**

    Current Zoning:

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

    Entitlement: 770 trips per day (based on 72 apartments and 60 senior apartments).

    Proposed Zoning: 1,100 trips per day (based on 150 apartments).

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 14 students, while the development allowed under the proposed zoning may produce 30 students. Therefore, the net increase in the number of students generated from existing zoning to proposed
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:

- Westerly Hills Elementary from 103% to 106%
- Wilson Middle from 90% to 92%
- Harding University High from 132% to 132%.

- **Charlotte Water:** No comments submitted.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** See Requested Technical Revisions, Note 8
  - **Storm Water Services:** See Requested Technical Revisions, Note 8
  - **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

Transportation

~~1. Curbline The proposed zoning district has a setback measured from back of the existing or proposed future curbline.~~

~~a. Ashley Road: The typical future location of curb and gutter is 21.5 feet from road center line to accommodate for one thru lane and a buffered bike lane, in accordance with the Charlotte BIKES council-adopted policy. As discussed from the 06/22/2020 meeting please show the future and existing curb lines for reference and confirm that setback is from existing road centerline.~~ Addressed

~~2. As discussed from the 06/22/2020 meeting please add dimension from road centerline to proposed back-of-curb for a local residential medium section per USDG. The site plan should show the curb and gutter labeled and dimensioned from the centerline for each road.~~ Addressed

~~3. Outstanding with additional clarifying comments: The petitioner should revise the site plan and conditional note(s) to revise all references to right-of-way abandonment to "potential abandonment." A conditional note within Section III should include "The petitioner should complete and submit the Right of way Abandonment Petition form to CDOT for review. The decision of this rezoning petition does not correlate with the decision of the possible abandonment, as this decision is issued within the separate Right of Way Abandonment process that is controlled by North Carolina General Statutes." Please add the aforementioned statement to the conditional notes and highlight specific limits of requested right-of-way abandonment.~~

~~4. Right of way should be set at 2' behind back of sidewalk where feasible.~~ Addressed

5. ~~New Comment from 06/22/2020 meeting: Should be included in conditional notes, Section III, "Additional residential amenities, such as bus passes, that will further encourage use of the Public Transportation System, should be pursued and provided by the Petitioner if and when feasible."~~ Addressed

~~6. To conditional Note III.8, please add language demonstrating that the constructed crosswalk will be a HAWK Signal. This was due to the speeds on Ashley Road.~~ Addressed

Site and Building Design

7. Provide some vegetation as a buffer along property line if Joy Street ROW is abandoned. Please note on plan. Original submittal committed to a buffer in this location (34' Class C), a continuous row of shrubs is not sufficient.

REQUESTED TECHNICAL REVISIONS

Environment

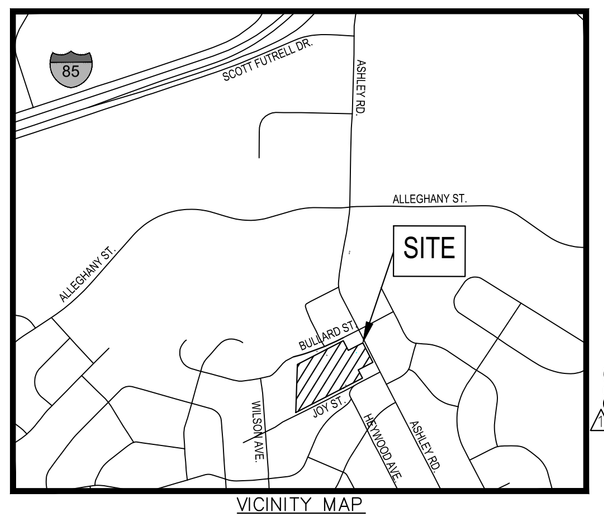
8. Add the following note under the Environmental Features heading: For adjoining parcels receiving storm water discharge the petitioner shall analyze the adequacy of the existing storm water conveyance on the adjoining parcels to the nearest improved public R/W (downstream of Joy Street). If the existing storm water conveyance on the adjoining parcels is found to be inadequate, the Petitioner shall make a good faith effort with the property owner(s) to improve the storm water conveyance or mitigate the storm water discharge onto the adjoining parcels.

Site and Building Design

~~9. Clarify on plan the section of Joy Street for which abandonment will be requested.~~ Addressed

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

Planner: Lisa Arnold (704) 336-5967



VICINITY MAP
NOT TO SCALE

DEVELOPMENT DATA TABLE	
SITE AREA:	± 5.94 ACRES
TAX PARCELS:	061-092-02
EXISTING ZONING:	UR-2(CD)
PROPOSED ZONING:	UR-2(CD) SPA
EXISTING USE:	VACANT
PROPOSED USES:	UP TO 150 RENT/INCOME RESTRICTED MULTI-FAMILY DWELLING UNITS
PARKING:	SHALL MEET OR EXCEED ORDINANCE

GRAPHIC SCALE IN FEET
0 15 30 60

Know what's below. Call before you dig.

No.	REVISIONS	DATE	BY
1	CITY OF CHARLOTTE COMMENTS	6/15/2020	JR
2	CITY OF CHARLOTTE COMMENTS	7/27/2020	JR

Kimley»Horn

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PHONE: 704-333-5131
WWW.KIMLEY-HORN.COM

KHA PROJECT 118129041
DATE 4/9/2020
SCALE AS SHOWN
DESIGNED BY JHR
DRAWN BY JHR
CHECKED BY ARE

REZONING SITE PLAN

ASHLEY FLATS

PREPARED FOR
ELMINGTON CAPITAL GROUP

CHARLOTTE NORTH CAROLINA

SHEET NUMBER
RZ-1

Plotted By:Rosenfeld, Jordon Sheet Set:Ashley Flats Layout:C3-1 SITE PLAN July 27, 2020 12:48:42pm K:\CHL_PRJ\118129 - Elmington Capital Group\041 - Ashley\02 - DWG\PlanSheets\Rezoning Plan.dwg
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I. GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE SITE PLAN AMENDMENT ASSOCIATED WITH THE REZONING PETITION FILED BY ELMINGTON CAPITAL GROUP (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A RENT/INCOME RESTRICTED RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 5.94-ACRE SITE LOCATED ON THE WEST SIDE OF ASHLEY ROAD, NORTH OF JOY STREET, MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF A PORTION OF TAX PARCEL NUMBER 061-092-02.
2. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE").
3. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE UR-2 ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
4. FUTURE AMENDMENTS OR MODIFICATIONS 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 OR MODIFICATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.
5. 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.
6. THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES, STANDARDS, POLICIES, AND APPROPRIATE DESIGN MANUALS WILL EXIST. THOSE CRITERIA (FOR EXAMPLE, ONES THAT REQUIRE BUFFERS, REGULATE STREETS, SIDEWALKS, TREES, STORMWATER, AND SITE DEVELOPMENT, ETC.) WILL APPLY TO THE DEVELOPMENT SITE. CONDITIONS OUTLINED IN THE PETITION ARE SUPPLEMENTAL REQUIREMENTS IMPOSED ON THE DEVELOPMENT IN ADDITION TO THE OTHER STANDARDS. WHERE CONDITIONS ON THIS PLAN DIFFER FROM ORDINANCES, STANDARDS, POLICIES, AND APPROACHES IN EXISTENCE AT THE TIME OF FORMAL ENGINEERING PLAN REVIEW SUBMISSIONS, THE STRICTER CONDITION OR EXISTING REQUIREMENTS SHALL APPLY.
7. 100% OF THE TOTAL NUMBER OF MULTI-FAMILY DWELLING UNITS ACTUALLY CONSTRUCTED ON THE SITE SHALL MAINTAIN MONTHLY RENTS THAT ARE INCOME RESTRICTED FOR HOUSEHOLDS EARNING A RANGE FROM 30% TO 80% OF THE AREA MEDIA INCOME (AMI) FOR A PERIOD OF NOT LESS THAN FIFTEEN (15) YEARS FROM THE DATE OF ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE FIRST BUILDING TO BE CONSTRUCTED ON THE SITE.

II. PERMITTED USES

THE SITE MAY BE DEVOTED ONLY TO A RENT/INCOME RESTRICTED RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF ONE HUNDRED FIFTY (150) MULTI-FAMILY DWELLING UNITS AND ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE PERMITTED IN THE UR-2 ZONING DISTRICT. INCIDENTAL AND ACCESSORY USES MAY INCLUDE, WITHOUT LIMITATION, AMENITIES FOR THE RESIDENTS, SUCH AS BUT NOT LIMITED TO A CLUBHOUSE, PLAYGROUND, TOT-LOT, PICNIC AREA AND/OR FITNESS CENTER.

III. TRANSPORTATION

1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND AS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT).
2. INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN. INTERNAL SIDEWALKS MAY MEANDER TO SAVE EXISTING TREES.
3. BULLARD STREET TO BE BUILT TO "LOCAL RESIDENTIAL WIDE" STANDARD HALF-SECTION ALONG THE SITE FRONTAGE.
4. PETITIONER SHALL CONSTRUCT THE EXTENSION OF HEYWOOD AVENUE THROUGH THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN. THIS LOCAL PUBLIC STREET SHALL BE BUILT TO THE LOCAL RESIDENTIAL WIDE TYPICAL STREET SECTION AS SPECIFIED IN THE CHARLOTTE LAND DEVELOPMENT STANDARDS. MINOR ADJUSTMENTS TO THE LOCATION OF THE INTERNAL STREET SHALL BE ALLOWED DURING THE CONSTRUCTION PERMITTING PROCESS IN COORDINATION WITH CDOT.
5. PETITIONER SHALL PROVIDE MUTCD STOP SIGNS AT ALL PUBLIC STREET INTERSECTIONS WITHIN THE SITE.
6. PETITIONER SHALL PROVIDE MUTCD 25 MPH SPEED LIMITS SIGNS ON THE PROPOSED PUBLIC STREET THROUGH THE SITE.
7. PETITIONER SHALL RECONSTRUCT A NEW ADA COMPLIANT BUS WAITING PAD AND SHELTER PER LAND DEVELOPMENT STANDARD #60.03A ALONG THE SITE'S FRONTAGE OF ASHLEY ROAD. FINAL LOCATION OF THE BUS WAITING PAD SHALL BE COORDINATED WITH CATS DURING THE PERMITTING PROCESS.
8. PETITIONER COMMITS TO WORK WITH CDOT TO EVALUATE THE FEASIBILITY OF A HAWK SIGNAL PEDESTRIAN CROSSING OVER ASHLEY ROAD. IF APPROVED, PETITIONER SHALL CONSTRUCT THE CROSSWALK TO SPECIFICATIONS AS COORDINATED WITH CDOT DURING THE PERMITTING PHASE OF DEVELOPMENT. ⚠2
9. THE PETITIONER SHOULD COMPLETE AND SUBMIT THE RIGHT OF WAY ABANDONMENT PETITION FORM TO CDOT FOR REVIEW. THE DECISION OF THIS REZONING PETITION DOES NOT CORRELATE WITH THE DECISION OF THE POSSIBLE ABANDONMENT, AS THIS DECISION IS ISSUED WITHIN THE SEPARATE RIGHT OF WAY ABANDONMENT PROCESS THAT IS CONTROLLED BY NORTH CAROLINA GENERAL STATUTES.
10. ADDITIONAL RESIDENTIAL AMENITIES, SUCH AS BUS PASSES, THAT WILL FURTHER ENCOURAGE USE OF THE PUBLIC TRANSPORATION SYSTEM, SHOULD BE PURSUED AND PROVIDED BY THE PETITIONER IF AND WHEN FEASIBLE. ⚠2
11. UNLESS STATED OTHERWISE HEREIN, THE PETITIONER SHALL ENSURE THAT ALL TRANSPORTATION IMPROVEMENTS ARE SUBSTANTIALLY COMPLETED AND ALL RIGHTS-OF-WAY DEDICATED IN FEE SIMPLE CONVEYANCE TO THE CITY OF CHARLOTTE PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY.

IV. ARCHITECTURAL STANDARDS

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 DIRECTOR.
2. PROHIBITED EXTERIOR BUILDING MATERIALS: (I) VINYL SIDING, EXCLUDING VINYL HANDRAILS, WINDOWS, SOFFITS, DOORS, GARAGE DOORS, RAILINGS, OR TRIM, AND (II) CONCRETE MASONRY UNITS NOT ARCHITECTURALLY FINISHED.
3. BUILDING PLACEMENT AND SITE DESIGN: BUILDING PLACEMENT AND SITE DESIGN SHALL FOCUS ON AND ENHANCE THE PEDESTRIAN ENVIRONMENT THROUGH THE FOLLOWING STANDARDS:
   a. BUILDING STREET FRONTAGE: WITH THE EXCEPTION OF BUILDING 2, AS GENERALLY LABELED ON THE REZONING PLAN, BUILDINGS SHALL BE ARRANGED AND ORIENTED TO FRONT ALONG ASHLEY ROAD, HEYWOOD AVENUE EXTENSION, AND BULLARD STREET.
   b. DRIVEWAYS FOR PRIVATE RESIDENTIAL GARAGES AND/OR PARKING SHALL BE PROHIBITED ON ALL NETWORK-REQUIRED STREETS.
   c. BUILDING ENTRANCES SHALL BE AT OR SLIGHTLY (1'OR MORE) ABOVE GRADE AND SHALL BE HIGHLY VISIBLE AND ARCHITECTURALLY TREATED AS PROMINENT PEDESTRIAN ENTRANCES THROUGH A COMBINATION OF AT LEAST THREE (3) OF THE FOLLOWING FEATURES: (I) DECORATIVE PEDESTRIAN LIGHTING SCONCES; (II) ARCHITECTURAL DETAILS CARRIED ABOVE THE GROUND FLOOR; (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.
   d. BUILDINGS SHALL HAVE A MINIMUM TEN (10) FOOT SEPARATION FROM EACH OTHER.
4. BUILDING MASSING AND HEIGHT: BUILDING MASSING SHALL BE DESIGNED TO BREAK UP LONG, MONOLITHIC BUILDING FORMS THROUGH THE FOLLOWING STANDARDS:
   a. BUILDING MASSING: BUILDINGS EXCEEDING 120 FEET IN LENGTH SHALL INCLUDE MODULATIONS OF THE BUILDING MASSING/FAÇADE PLANE (RECESS, PROJECTION, ARCHITECTURAL TREATMENT, ETC.). MODULATIONS SHALL BE A MINIMUM OF FIFTY (50) FEET WIDE AND SHALL EXTEND OR RECESS A MINIMUM OF FIVE (5) FEET, EXTENDING THROUGH ALL FLOORS. MODULATIONS SHALL OCCUR EVERY FIFTY (50) FEET, IF PROVIDED.
   b. BUILDING HEIGHT: THE MAXIMUM HEIGHT IN FEET OF EACH BUILDING SHALL BE THREE STORIES OR 3/4-SPLIT, WHERE GENERALLY DEPICTED ON THE REZONING PLAN. AT NO POINT SHALL THE BUILDINGS EXCEED FOUR (4) STORIES.
5. ARCHITECTURAL ELEVATION DESIGN: ARCHITECTURAL ELEVATIONS SHALL BE DESIGNED TO CREATE VISUAL INTEREST THROUGH THE FOLLOWING STANDARDS:
   a. VERTICAL MODULATIONS AND RHYTHM: BUILDING ELEVATIONS SHALL BE DESIGNED WITH RECOGNIZABLE VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FAÇADE FEATURES. THE BAYS AND FEATURES MAY INCLUDE, BUT NO LIMITED TO, A COMBINATION OF EXTERIOR WALL OFFSETS, PROJECTIONS, AND/OR RECESSES, PILASTERS, AND/OR CHANGE IN MATERIALS.
   b. BUILDING BASE: BUILDINGS SHALL BE DESIGNED WITH A RECOGNIZABLE BASE. A MINIMUM OF THREE (3) ELEVATIONS OF EACH BUILDING SHALL BE ARTICULATED WITH A WAINSCOT OF PREFERRED EXTERIOR BUILDING MATERIALS LISTED ABOVE OF A MINIMUM OF THREE (3) FEET IN HEIGHT.
   c. BLANK WALLS: BUILDING ELEVATIONS FACING ASHLEY ROAD, HEYWOOD AVENUE EXTENSION AND BULLARD STREET SHALL NOT HAVE EXPANSES OF BLANK WALLS GREATER THAN TWENTY (20) FEET.
   d. ARCHITECTURAL FEATURES SUCH AS, BUT NOT LIMITED TO, BANDING, MEDALLIONS, BUILDING ARTICULATION, AND/OR CHANGE IN MATERIALS WILL BE PROVIDED TO AVOID UNARTICULATED BLANK WALLS.
6. ROOF FORM AND ARTICULATION: ROOF FORM AND ROOFLINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE THROUGH THE FOLLOWING STANDARDS:
   a. LONG ROOFLINES (PITCHED OR FLAT) SHALL AVOID CONTINUOUS EXPANSES WITHOUT VARIATION BY INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM (E.G., DORMERS, GABLES, ETC.).
   b. FOR PITCHED ROOFS, IF PROVIDED, THE ALLOWED MINIMUM PITCH SHALL BE 5:12 (FIVE FEET IN VERTICAL HEIGHT FOR EVERY TWELVE IN HORIZONTAL LENGTH), EXCLUDING BUILDINGS WITH A FLAT ROOF AND PARAPET WALLS.
   c. ROOF TOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE FROM THE NEAREST STREET AND FROM THE NEAREST SINGLE-FAMILY STRUCTURE.
7. SERVICE AREA SCREENING: SITE SERVICE AREAS (DUMPSTERS, REFUSE AREAS, RECYCLING, STORAGE) SHALL BE SCREENED FROM VIEW THROUGH THE FOLLOWING STANDARDS:
   a. SERVICE AREAS WILL BE SCREENED VIA OPAQUE FENCES, WALLS AND/OR EVERGREEN SHRUBBERY.
   b. UTILITY STRUCTURES NEED TO BE SCREENED ARCHITECTURALLY OR WITH EVERGREEN PLANT MATERIAL.
   c. WALLS SHALL BE DESIGNED TO MATCH AND COMPLEMENT THE BUILDING ARCHITECTURE OF THE RESIDENTIAL BUILDINGS OF THE SITE.
   d. ALL DUMPSTERS WILL BE SCREENED WITH SOLID ENCLOSURES AND GATES. PETITIONER AGREES TO MEET ALL REQUIREMENTS AS STATED IN CHAPTER 9 AND 12 OF THE CHARLOTTE CITY CODE REGARDING SOLID WASTE, COMPACTOR AND RECYCLING AREAS.

V. STREETSCAPE/LANDSCAPING & AMENITIES

1. A MINIMUM EIGHT (8) FOOT WIDE PLANTING STRIP AND EIGHT (8) FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG THE WEST SIDE OF ASHLEY ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.
2. CURB AND GUTTER ALONG WITH A MINIMUM EIGHT (8) FOOT WIDE PLANTING STRIP AND SIX (6) FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG THE SITE'S FRONTAGE OF BULLARD STREET AS GENERALLY DEPICTED ON THE REZONING PLAN. EXACT ALIGNMENT OF THESE IMPROVEMENTS TO BE DETERMINED UPON CONFIRMATION OF CITY RIGHT-OF-WAY CONVEYANCE FROM ADJACENT OWNER(S).
3. INTERNAL SIDEWALK CONNECTIONS ARE GENERALLY DEPICTED ON THE REZONING PLAN. THE LOCATION AND ORIENTATION OF THE SIDEWALK CONNECTIONS MAY BE ADJUSTED DUE TO DESIGN, GRADE, AND FEASIBILITY DURING THE PERMITTING PHASE OF DEVELOPMENT.
4. THE PETITIONER SHALL PROVIDE A MINIMUM OF FOUR (4) OF THE FOLLOWING AMENITIES ON THE SITE:
   a. COMMUNITY ROOM
   b. COMPUTER/BUSINESS CENTER
   c. EXERCISE ROOM
   d. PICNIC AREA
   e. OUTDOOR SEATING AREAS; AND/OR
   f. PLAYGROUND/TOT-LOT
5. THE PETITIONER IS COMMITTED TO EXPLORING THE INCORPORATION OF LOCAL ART ON THE SITE, TO BE COORDINATED DURING THE DESIGN PHASE OF DEVELOPMENT. ⚠1

VI. ENVIRONMENTAL FEATURES

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

VII. LIGHTING

1. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS AND SIDEWALKS AND LANDSCAPING LIGHTING) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT UNREASONABLY EXTEND PAST ANY PROPERTY LINE OF THE SITE.
2. THE MAXIMUM HEIGHT OF ANY PEDESTRIAN-SCALE, FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE, INCLUDING ITS BASE SHALL NOT EXCEED TWENTY-ONE (21) FEET.
3. ANY LIGHTING FIXTURES ATTACHED TO THE BUILDINGS TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

VIII. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

1. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
2. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS, "PETITIONER" AND "OWNER" OR "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER OR THE OWNER OR OWNERS OF ANY PART OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
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.

No.	REVISIONS	DATE	BY
1	CITY OF CHARLOTTE COMMENTS	6/15/2020	JR
2	CITY OF CHARLOTTE COMMENTS	7/27/2020	JR

Kimley»Horn

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WWW.KIMLEY-HORN.COM

KHA PROJECT 118129041
DATE 4/9/2020
SCALE AS SHOWN
DESIGNED BY JHR
DRAWN BY JHR
CHECKED BY ARE

DEVELOPMENT STANDARDS

ASHLEY FLATS

PREPARED FOR
ELMINGTON CAPITAL GROUP

CHARLOTTE NORTH CAROLINA

SHEET NUMBER
RZ-2

Plotted By: Rosenfeld, Jordan Sheet: Set-Ashley Flats Layout: C3-1 SITE PLAN (2) July 27, 2020 12:48:42pm K:\CHL_PRJ\118129 - Elmington Capital Group\041 - Ashley\02 - DWG\PlanSheets\Rezoning Plan.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

Petition 2020-070 by Elmington Capital Group

To Approve:

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 multi-family residential uses.

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

- The petition is consistent with the multi-family land use recommendation for the site.
- The site is already zoned for multi-family development, as per rezoning petition 2016-134.
- The proposed plan helps to expand housing options within the neighborhood by providing income restricted multifamily units.
- The plan addresses compatibility with single family residential by providing additional buffers and architectural standards.

To Deny:

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 multi-family residential uses.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 27.**File #:** 15-13959 **Type:** Zoning Item

Rezoning Petition: 2020-092 by K Sade Ventures, Inc.

Location: Approximately 93.86 acres located on the north side of University City Boulevard at the Mecklenburg County/Cabarrus County line. (Outside City Limits)

Current Zoning: MX-1 (mixed residential)
Proposed Zoning: MX-2 (mixed residential)

Public Hearing Held: July 20, 2020 - Item #56

Staff Resource: William Linville

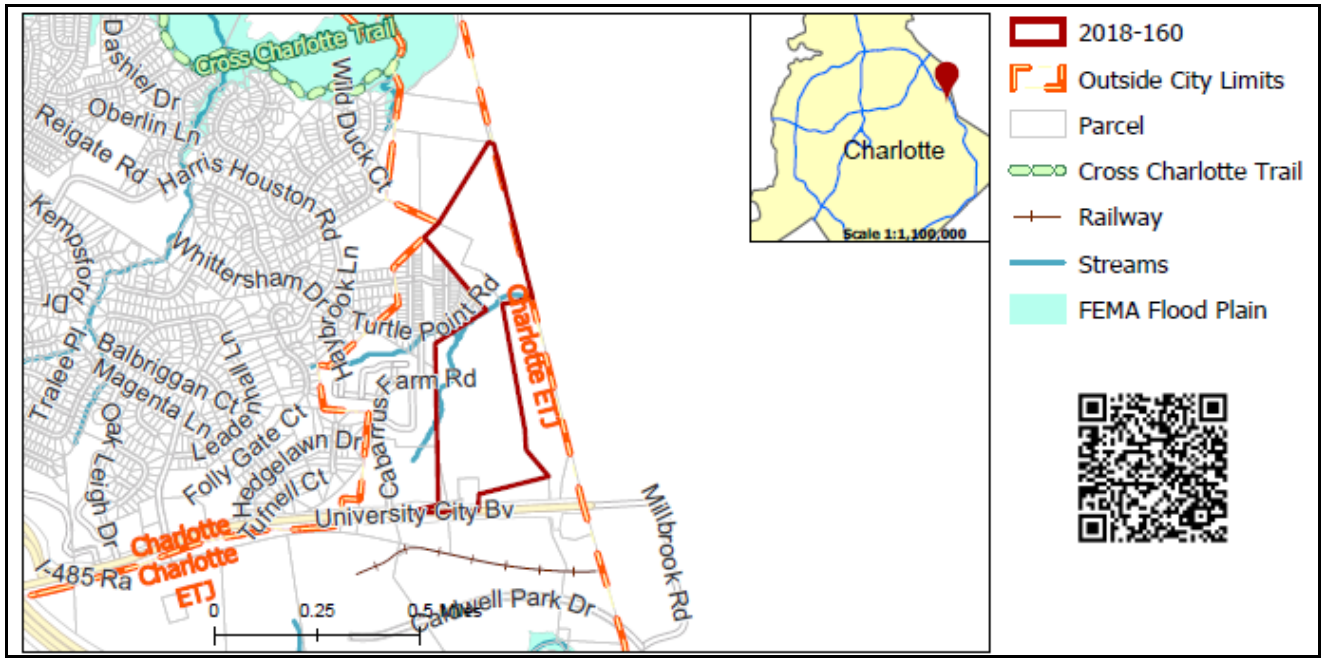
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-092
Post Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: MX-1 (mixed residential) Proposed Zoning: MX-2 (mixed residential)
LOCATION	Approximately 93.86 acres located on the north side of University City Boulevard at the Mecklenburg County/Cabarrus County line.



SUMMARY OF PETITION	The petition is requesting to rezone approximately 93.86 acres in the NE portion of the County to allow for the construction of a residential community in northeast Charlotte consisting of single family detached, and multi-family development at a density of up to 6 dwelling units per acre (DUA).
PROPERTY OWNER	Samuel C. and James C. Johnson, Johnson Farming Limited Partnership
PETITIONER	Keith Saieed, K Sade Ventures
AGENT/REPRESENTATIVE	John Carmichael, Ty Shaffer; Robin Bradshaw
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9

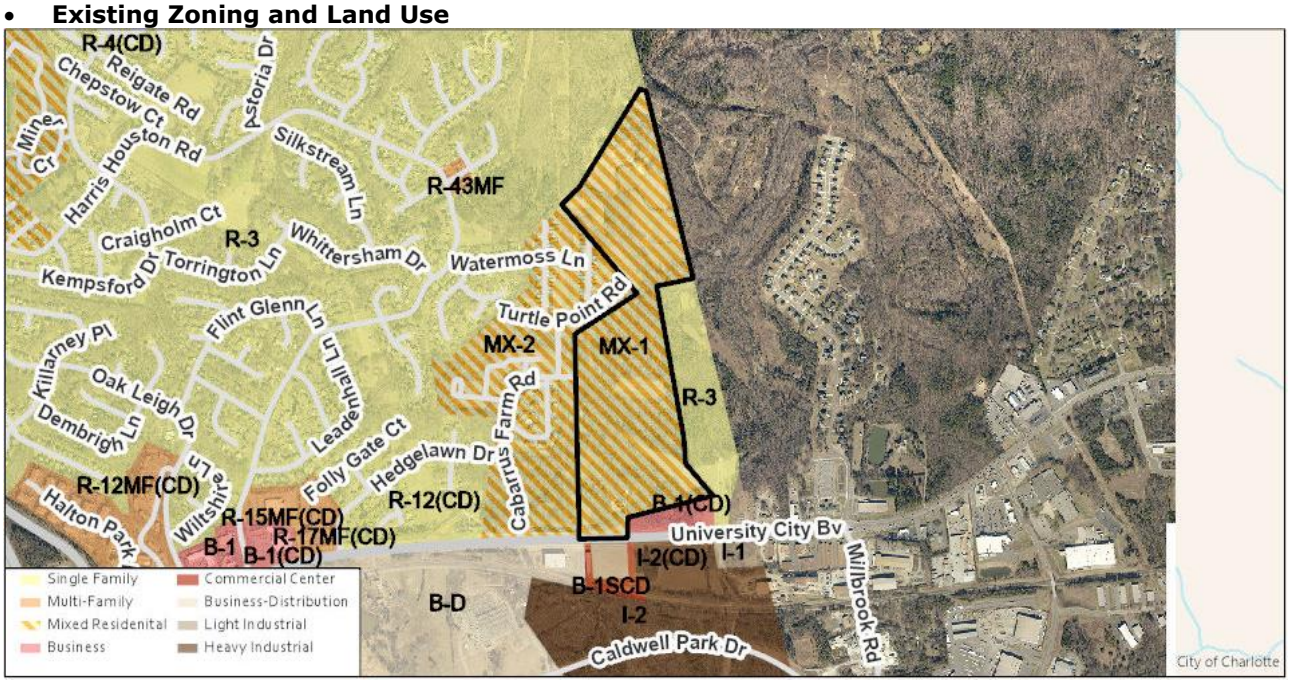
STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **consistent** with the *Northeast District Plan* recommendation (as amended by petition 2018-160) for residential uses up to six DUA. Rationale for Recommendation • The request to modify the zoning district does not change any prior entitlements from the approval of rezoning petition number 2018-160 • The request for the rezoning addresses a note in the approved plan that incorrectly indicates that more than 50 percent of the

	dwelling units within the MX-1 district could be multi-family dwelling units. MX-2 allows the proposed unit mixture (250 single family detached and 288 multi-family dwelling units), while the previously approved MX-1 does not.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - A rezoning of the subject property MX-1 to MX-2 to permit more than 50 percent of dwelling units to be multi-family dwelling units; all entitlements remain unchanged from petition 2018-160.

- **Existing Zoning and Land Use**



  - The site is bounded by a mixed residential development immediately east and by other single family residential developments. The land uses along this portion of University City Boulevard consist of a mixture of commercial and light industrial development. These land uses continue into Cabarrus County. The rest of the site is bounded by the Cabarrus County line and a mixture of forested and farmed land.



- Aerial map of general site boundary delineated by red lines.

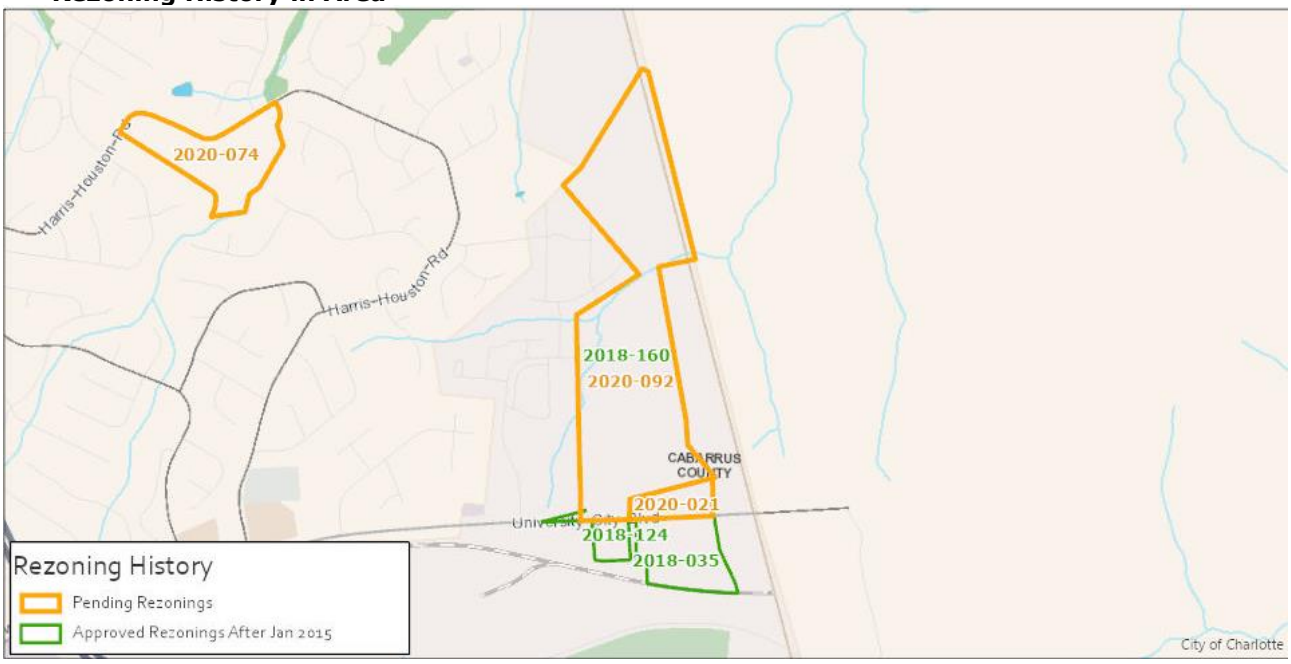


- The subject property is shown above with the red star. The site south of the subject across University City Boulevard has been partially developed with self-storage units.



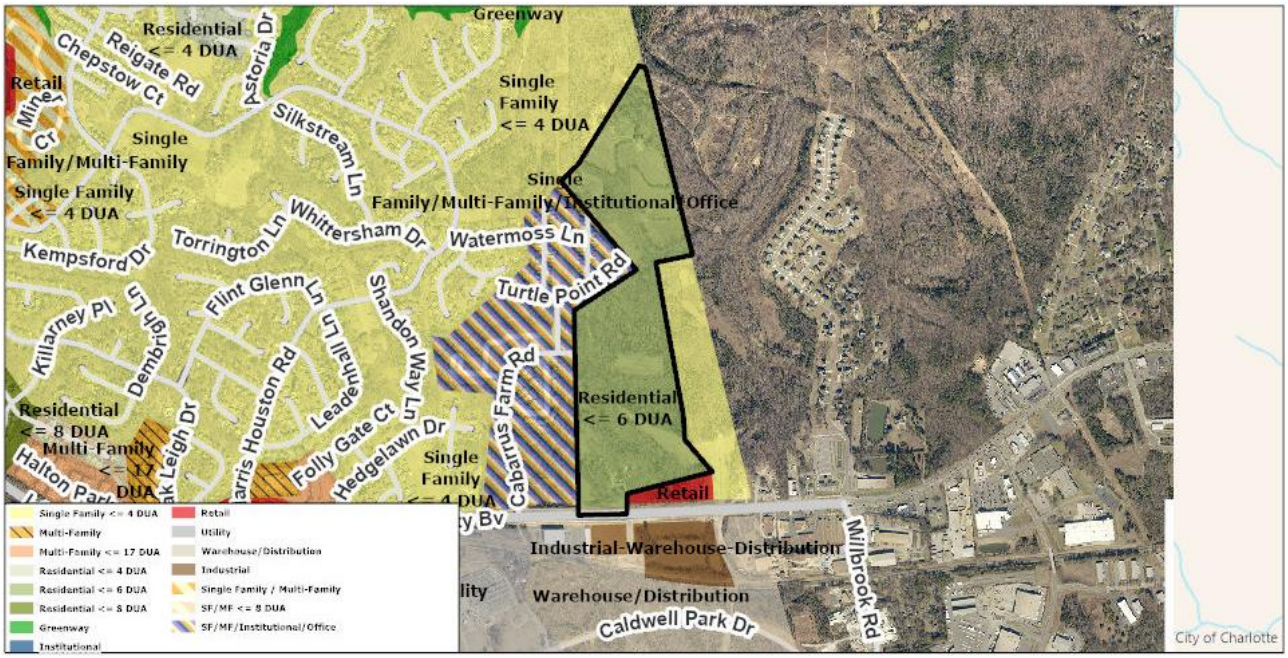
- Looking south across US 49 from subject property. Self-storage site is located to the far right of the image.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-074	Petition to permit the construction of age restricted rental units.	Pending
2018-160	Petition to permit a mixture of up to 538 single and multi-family housing units.	Approved
2018-035	Petition to permit up to 120,000 square feet of uses permitted in the I-1 (light industrial) district that are also allowed in the I-2 (general industrial) district, plus certain additional uses permitted in the I-2 district; and 5,000 square feet of retail, personal service, and EDEE (eating/drinking/entertainment) uses, with or without an accessory drive through window.	Approved
2018-124	Conventional rezoning to allow development of all uses permitted in the I-1 (light industrial) district.	Approved

- **Public Plans and Policies**



  - The site is within the *Northeast District Plan* (1996) and recommended for residential uses up to six DUA.

- **TRANSPORTATION SUMMARY**
  - This site is located along a Major Thoroughfare. This petition changes the rezoning district that will not impact any of the transportation improvements required under the previously approved Rezoning Petition #:2018-160. The petitioner has committed to upgrading streetscape to 8' planting strip and 12' Multi-Use path as prescribed for this area on University City Boulevard. Additionally, under Rezoning Petition #:2018-160, the petitioner submitted a Traffic Impact Study that was approved by both CDOT and NCDOT. The TIS recommendations are included in conditional notes for Rezoning Petition # 2018-160.
- **Active Projects:**
  - N/A
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 2,690 trips per day (based on 281 single family dwellings).

  Proposed Zoning: 4,550 trips per day (based on 250 single family dwellings and 288 multi-family units).

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 www.rezoning.org.
- **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 would generate approximately 171 students, while the development allowed under the proposed zoning will generate approximately 326 students. Therefore, the net increase in the number of students is 155 students.
  - The proposed development is projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Stoney Creek Elementary from 110% to 129%
    - James Martin Middle from 78% to 85%
    - Zebulon Vance High from 119% to 125%

- **Charlotte Water:** Charlotte Water currently does not have water system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to Charlotte Water to serve this parcel. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. Charlotte Water cannot provide concurrence for this rezoning boundary at this time. See remaining comments at www.rezoning.org.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** See advisory comments at www.rezoning.org.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** See Outstanding Issues, Note 3.
- **Mecklenburg County Land Use and Environmental Services Agency:**
- **Mecklenburg County Parks and Recreation Department:** See advisory comments at www.rezoning.com.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Remove optional provisions (items 8, 9, and 10) as this district does not have optional provisions available.~~ ADDRESSED

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

Planner: Will Linville (704) 336-4090

UNIVERSITY CITY BOULEVARD DEVELOPMENT STANDARDS

GENERAL PROVISIONS:

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

b. THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES, SUCH AS THOSE THAT REGULATE STREETS, SIDEWALKS, TREES, BICYCLE PARKING, AND SITE DEVELOPMENT, MAY APPLY TO THE DEVELOPMENT OF THIS SITE. 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.

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

PURPOSE:

THE PURPOSE OF THIS PETITION IS TO PROVIDE FOR THE DEVELOPMENT OF A MIXED RESIDENTIAL COMMUNITY. TO ACHIEVE THIS PURPOSE, THE APPLICATION SEEKS TO REZONE THE SITE TO THE MX-2 CLASSIFICATION..

PERMITTED USES:

THE SITE MAY BE DEVOTED ONLY TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 250 SINGLE FAMILY DETACHED DWELLING UNITS AND A MAXIMUM OF 288 MULTI-FAMILY DWELLING UNITS AND TO ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE MX-2 ZONING DISTRICT.

TRANSPORTATION:

1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
2. THE ACTUAL LOCATION OF THE VEHICULAR ACCESS POINT ON UNIVERSITY CITY BOULEVARD SHALL BE DETERMINED DURING THE PERMITTING PROCESS.
3. THE SITE WILL BE SERVED BY INTERNAL PUBLIC STREETS AND INTERNAL PRIVATE DRIVES AND MINOR ADJUSTMENTS TO THE LOCATIONS OF THE INTERNAL PUBLIC STREETS AND THE INTERNAL PRIVATE DRIVES SHALL BE ALLOWED DURING THE CONSTRUCTION PERMITTING PROCESS.
4. PETITIONER HAS FILED WITH THE PLANNING DEPARTMENT AN APPLICATION FOR AN EXCEPTION OR WAIVER TO ELIMINATE TWO STREET CONNECTIONS TO THE PARCELS OF LAND LOCATED TO THE WEST OF THE SITE. THESE TWO STREET CONNECTIONS ARE DESIGNATED ON THE SITE PLAN. IF THE EXCEPTION OR WAIVER IS GRANTED, PETITIONER SHALL NOT BE REQUIRED TO CONSTRUCT THESE TWO VEHICULAR CONNECTIONS.
5. PETITIONER SHALL INSTALL AN 8 FOOT WIDE PLANTING STRIP AND A 12 FOOT WIDE MULTI-USE PATH ALONG THE SITE'S FRONTAGE ON UNIVERSITY CITY BOULEVARD.
6. PETITIONER SHALL INSTALL 25 MILE PER HOUR SPEED LIMIT SIGNS ON THE PUBLIC STREETS LOCATED WITHIN THE SITE.
7. PETITIONER SHALL DEDICATE AND CONVEY ALL RELEVANT RIGHT OF WAY TO THE CITY OF CHARLOTTE OR TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AS APPLICABLE PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE. THE RIGHT OF WAY SHALL BE SETBACK 2 FEET BEHIND THE BACK OF SIDEWALK WHERE FEASIBLE. IF IT IS NOT FEASIBLE, THE SIDEWALKS, OR PORTIONS THEREOF, MAY BE LOCATED IN A SIDEWALK UTILITY EASEMENT.
8. ANY REFERENCE TO THE TERM "SUBSTANTIALLY COMPLETE" IN THIS SECTION OF THE DEVELOPMENT STANDARDS SHALL MEAN A DETERMINATION BY CDOT AND/OR NCDOT THAT THE APPLICABLE ROADWAY IMPROVEMENTS ARE DEEMED "SUBSTANTIALLY COMPLETE" FOR THE PURPOSE OF THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR BUILDING(S) ON THE SITE. HOWEVER, IN THE EVENT THAT CERTAIN NON-ESSENTIAL ROADWAY IMPROVEMENTS (AS REASONABLY DETERMINED BY CDOT) ARE NOT COMPLETED AT THE TIME THAT 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 PETITIONER MAY BE REQUIRED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH CERTIFICATES OF OCCUPANCY ARE ISSUED TO SECURE THE COMPLETION OF THE RELEVANT IMPROVEMENTS.
9. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL SUBSTANTIALLY COMPLETE THE TRANSPORTATION IMPROVEMENTS AND ITEMS SET OUT BELOW.

(A) NC 49 (UNIVERSITY CITY BOULEVARD) AND HARRIS HOUSTON ROAD/OAK LEIGH DRIVE

1. CONVERT INTERSECTION TO A SIGNALIZED LEFT-OVER.
2. PAY TO CDOT, PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE, THE FULL COST OF A TRAFFIC SIGNAL TO BE INSTALLED BY OTHERS AT THIS INTERSECTION
3. STRIPE SOUTHBOUND HARRIS HOUSTON ROAD WITH A TWO-LANE CROSS-SECTION (ONE INGRESS AND ONE EGRESS). THE EGRESS WILL BE A RIGHT TURN.
4. MODIFY THE INTERSECTION OF NC 49 (UNIVERSITY CITY BOULEVARD) AND OAK LEIGH DRIVE TO ACCOMMODATE THE U-TURN OF TRUCKS.

(A) NC 49 (UNIVERSITY CITY BOULEVARD) AND CABARRUS FARM ROAD

(1) CONVERT THE INTERSECTION TO A LEFT-OVER.

(2) STRIPE SOUTHBOUND CABARRUS FARM ROAD WITH A TWO-LANE CROSS-SECTION (ONE INGRESS AND ONE EGRESS). THE EGRESS WILL BE A RIGHT TURN.

(B) NC 49 (UNIVERSITY CITY BOULEVARD) AND ACCESS A/EXTRA SPACE STORAGE DRIVEWAY

(1) CONVERT INTERSECTION TO A DOUBLE LEFT-OVER.

(2) STRIPE SOUTHBOUND ACCESS A WITH A TWO-LANE CROSS-SECTION (ONE INGRESS AND ONE EGRESS). THE EGRESS WILL BE A RIGHT TURN.

SOLID WASTE:

a. ALL SOLID WASTE AND RECYCLING SERVICES WILL BE PROVIDED IN ACCORDANCE WITH SECTION 12.403 OF THE ORDINANCE

MULTI-FAMILY BUILDINGS

ARCHITECTURAL AND SITE DESIGN STANDARDS

1. PREFERRED EXTERIOR BUILDING MATERIALS: ALL PRINCIPAL AND ACCESSORY BUILDINGS ABUTTING A NETWORK REQUIRED PUBLIC OR PRIVATE STREET SHALL COMPRISE A MINIMUM OF 30% OF THAT BUILDING'S ENTIRE FAÇADE FACING SUCH NETWORK STREET USING BRICK, NATURAL STONE (OR ITS SYNTHETIC EQUIVALENT), STUCCO OR OTHER MATERIAL APPROVED BY THE PLANNING DIRECTOR.
2. PROHIBITED EXTERIOR BUILDING MATERIALS:

a. VINYL SIDING (BUT NOT VINYL HAND RAILS, WINDOWS OR DOOR TRIM)

b. CONCRETE MASONRY UNITS NOT ARCHITECTURALLY FINISHED

3. BUILDING PLACEMENT AND SITE DESIGN SHALL FOCUS ON AND ENHANCE THE PEDESTRIAN ENVIRONMENT THROUGH THE FOLLOWING:

a. BUILDINGS SHALL BE PLACED SO AS TO PRESENT A FRONT OR SIDE FAÇADE TO ALL NETWORK REQUIRED STREETS (PUBLIC OR PRIVATE)

b. 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)

c. PARKING LOTS SHALL NOT BE LOCATED BETWEEN ANY BUILDING AND ANY NETWORK REQUIRED PUBLIC OR PRIVATE STREET

d. DRIVEWAYS INTENDED TO SERVE SINGLE UNITS SHALL BE PROHIBITED ON ALL NETWORK REQUIRED STREETS

4. BUILDING MASSING AND HEIGHT SHALL BE DESIGNED TO BREAK UP LONG MONOLITHIC BUILDING FORMS AS FOLLOWS:

a. BUILDINGS EXCEEDING 120 FEET IN LENGTH SHALL INCLUDE MODULATIONS OF THE BUILDING MASSING/FACADE PLANE (SUCH AS RECESSES, PROJECTIONS, AND ARCHITECTURAL DETAILS). MODULATIONS SHALL BE A MINIMUM OF 10 FEET WIDE AND SHALL PROJECT OR RECESS A MINIMUM OF 6 FEET EXTENDING THROUGH THE BUILDING.

5. ARCHITECTURAL ELEVATION DESIGN - ELEVATIONS SHALL BE DESIGNED TO CREATE VISUAL INTEREST AS FOLLOWS:

a. 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

b. BUILDINGS SHALL BE DESIGNED WITH A RECOGNIZABLE ARCHITECTURAL BASE ON ALL FACADES FACING NETWORK REQUIRED PUBLIC OR PRIVATE STREETS. SUCH BASE MAY BE EXECUTED THROUGH USE OF PREFERRED EXTERIOR BUILDING MATERIALS OR ARTICULATED ARCHITECTURAL FAÇADE FEATURES AND COLOR CHANGES

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

6. ROOF FORM AND ARTICULATION - ROOF FORM AND LINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE AS FOLLOWS:

a. LONG PITCHED OR FLAT ROOF LINES SHALL AVOID CONTINUOUS EXPANSES WITHOUT VARIATION BY INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM, TO INCLUDE BUT NOT BE LIMITED TO GABLES, HIPS, DORMERS OR PARAPETS

b. FOR PITCHED ROOFS THE MINIMUM ALLOWED IS 4:12 EXCLUDING BUILDINGS WITH A FLAT ROOF AND PARAPET WALLS

c. ROOF TOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE FROM THE NEAREST STREET

7. SERVICE AREA SCREENING - SERVICE AREAS SUCH AS DUMPSTERS, REFUSE AREAS, RECYCLING AND STORAGE SHALL BE SCREENED FROM VIEW WITH MATERIALS AND DESIGN TO BE COMPATIBLE WITH PRINCIPAL STRUCTURES. SUCH DESIGN SHALL INCLUDE A MINIMUM 20 PERCENT PREFERRED EXTERIOR BUILDING MATERIALS OR A CLASS B BUFFER NOT LESS THAN 10' IN DEPTH AT ALL ABOVE GRADE PERIMETER NOT PAVED FOR ACCESS.

STREETSCAPE AND LANDSCAPING:

RESERVED

ENVIRONMENTAL FEATURES:

a. THE LOCATION, SIZE, AND TYPE OF STORMWATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

b. THE PETITIONER SHALL COMPLY WITH CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE.

c. DEVELOPMENT WITHIN THE PCSO BUFFER SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATED IF REQUIRED BY CITY ORDINANCE

d. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE

CHARLOTTE AREA TRANSIT SYSTEM

RESERVED

PARKS, GREENWAYS, AND OPEN SPACE:

RESERVED

FIRE PROTECTION:

RESERVED

SIGNAGE:

RESERVED

LIGHTING:

FREESTANDING LIGHTING ON THE SITE WILL UTILIZE FULL CUT-OFF LUMINARIES.

PHASING:

RESERVED

BUFFERS:

RESERVED

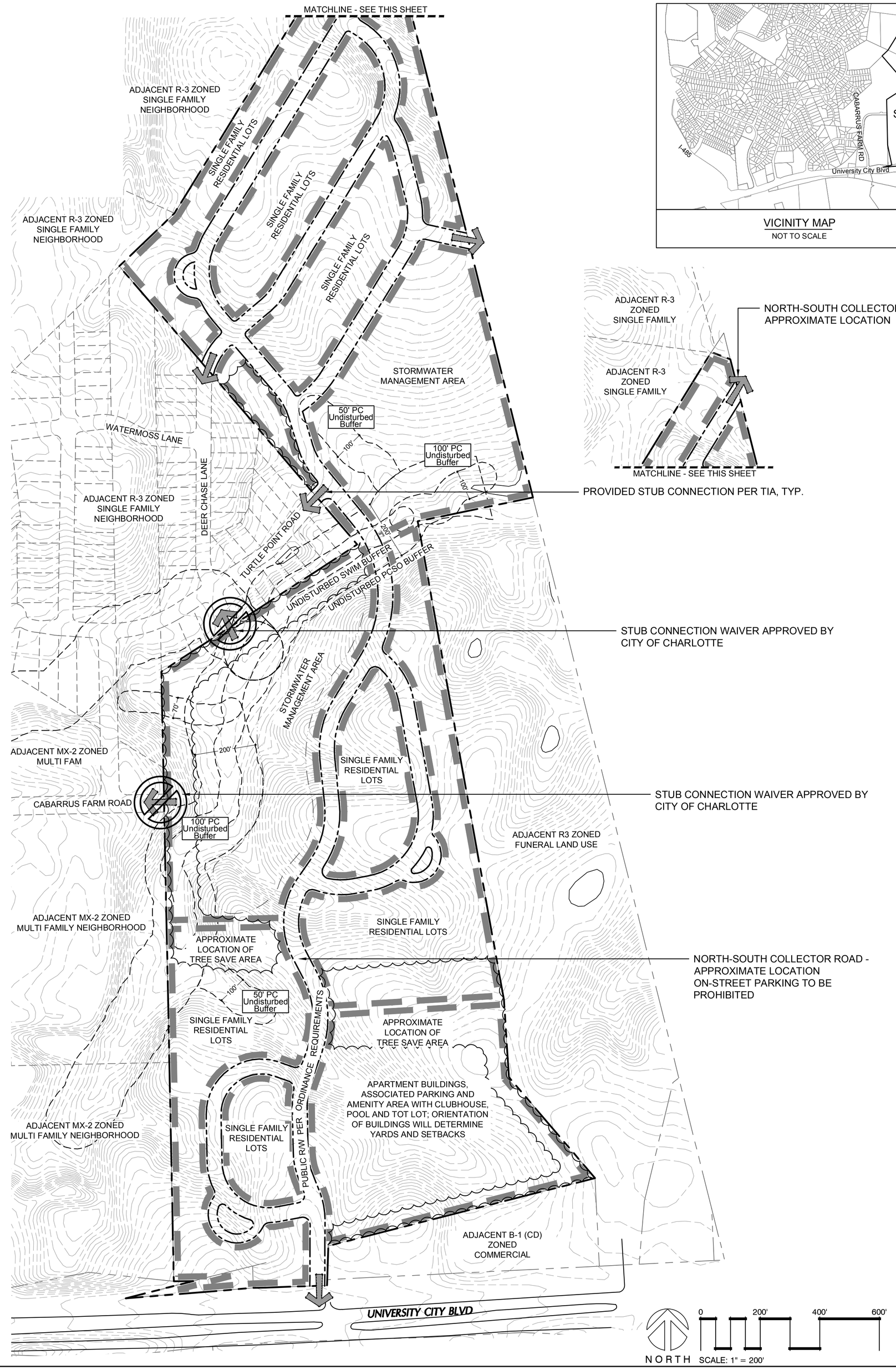
SITE DEVELOPMENT SHALL COMPLY WITH THE TREE ORDINANCE; INCLUDING PROVIDING 10% TREE SAVE AREA BASED ON GROSS ACREAGE. REFER TO PLAN FOR APPROXIMATE LOCATIONS OF TREE SAVE AREAS.

GROSS SITE AREA - ±90.31 AC

TREE SAVE AREA TO BE PROVIDED - ±9.03 AC

DEVELOPMENT DATA TABLE

Site Acreage	± 90.31 AC
Tax Parcels included in Rezoning	05111103 05111104 05122178 05111109 05111114 05111199
a. Existing Zoning:	MX-1 (Rezoning Petition No. 2018-160)
b. Proposed Zoning:	MX-2
c. Number of Residential Units	538
d. Residential Density	5.73 Units/Acre
e. Maximum Building Height	40', 3 stories max.
f. Number and/or Ratio of Parking Spaces	To Meet Ordinance Requirements
g. Amount of Open Space	To Meet Ordinance Requirements



PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

REVISIONS:

CLIENT INFORMATION:

KSADE VENTURES
200 PARK AT NORTH HILLS ST., SUITE 1400
RALEIGH, NC 27609

PARAMOUNTE ENGINEERING, INC.
122 Cinema Drive
Wilmington, North Carolina 28403
(910) 791-6707 (O) (910) 791-6760 (F)
NC License #: C-2846

CONDITIONAL REZONING PLAN
REZONING PETITION NO. 2020-092
CAMERON COMMONS
CHARLOTTE
NORTH CAROLINA

PROJECT STATUS
CONCEPTUAL LAYOUT:
PRELIMINARY LAYOUT:
PLANS SUBMITTED:
RELEASED FOR CONST.

DRAWING INFORMATION
DATE: 07.13.20
SCALE: 1" = 200'
DESIGNED: JRC
DRAWN: AEC
CHECKED: TGC

SEAL

CRZ-1

PEI JOB#: 18389.PE

Petition 2020-092 by K Sade Ventures, LLC

To Approve:

This petition is found to be **consistent** with the *Northeast District 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 six dwelling units per acre (DUA).

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

- The request to modify the zoning district does not change any prior entitlements from the approval of rezoning petition number 2018-160
- The request for the rezoning addresses a note in the approved plan that incorrectly indicates that more than 50 percent of the dwelling units within the MX-1 district could be multi-family dwelling units. MX-2 allows the proposed unit mixture (250 single family detached and 288 multi-family dwelling units), while the previously approved MX-1 does not.

To Deny:

This petition is found to be **consistent** with the *Northeast District 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 six dwelling units per acre (DUA).

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

Agenda #: 28.**File #:** 15-13960 **Type:** Zoning Item

Rezoning Petition: 2020-110 by City of Charlotte: General Services

Location: Approximately 2.5 acres located on the north side of Sweden Road, west of South Boulevard, and east of England Street. (Council District 3 - Watlington)

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

Public Hearing Held: July 20, 2020 - Item #57

Staff Resource: John Kinley

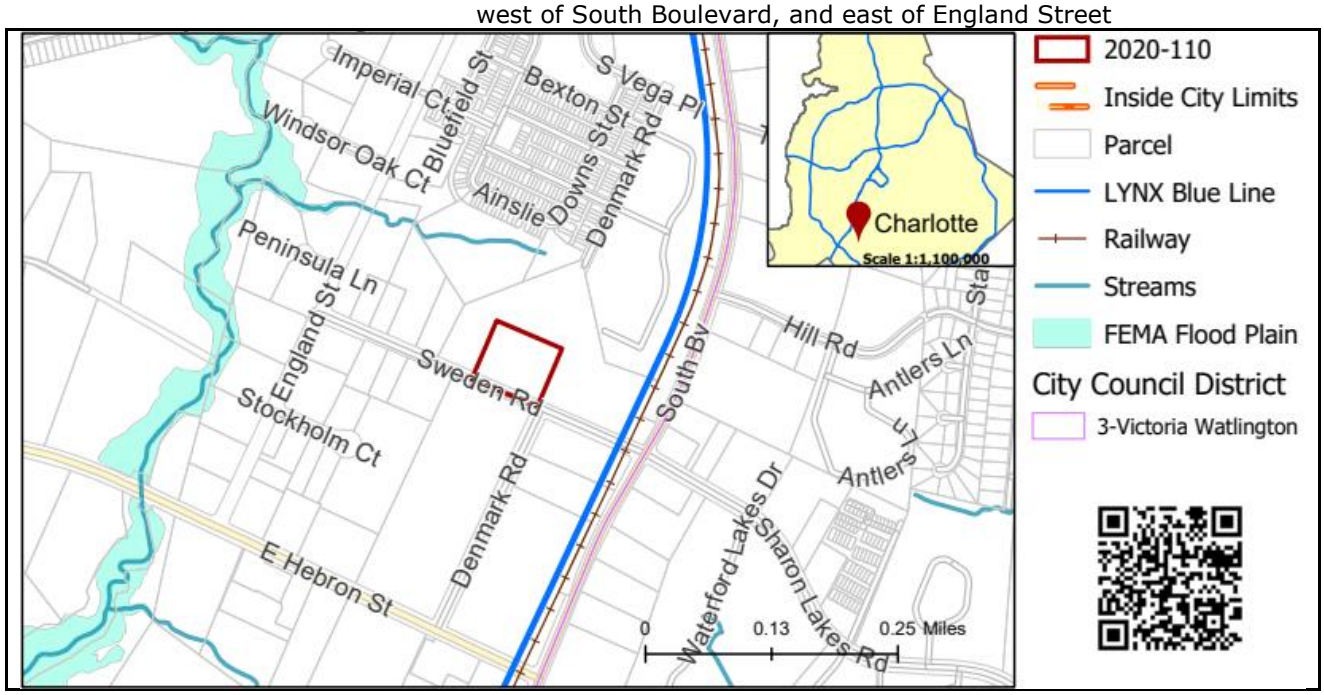
Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-110
Post Hearing Staff Analysis
August 4, 2020

REQUEST	Current Zoning: TOD-CC (transit community center) Proposed Zoning: I-2 (industrial)
LOCATION	Approximately 2.5 acres located on the north side of Sweden Road, west of South Boulevard, and east of England Street



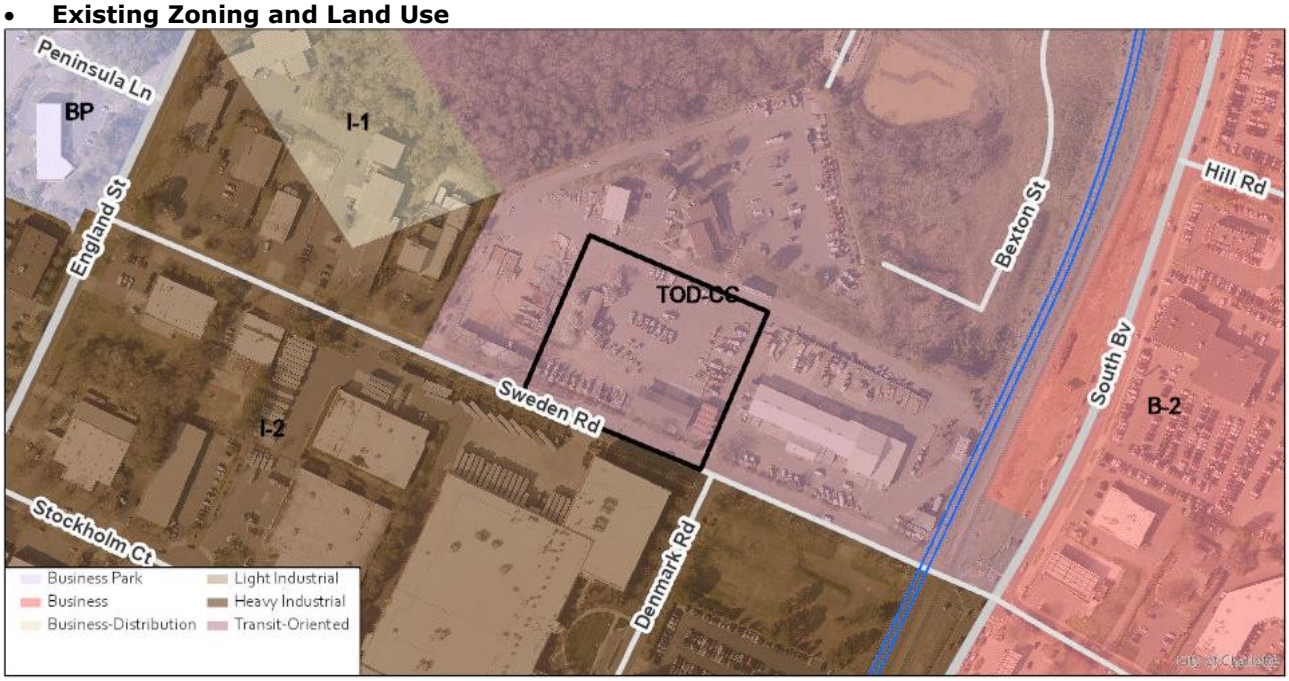
SUMMARY OF PETITION	The petition proposes a conventional zoning to allow all uses in the I-2 industrial zoning district for a 2.5 acre portion of the parcel which is currently developed with the City's street maintenance facility.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	City of Charlotte City of Charlotte: General Services William Ashlin, Alr Architecture
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **consistent** with the with the future land use policy in the *Arrowood Station Area Plan (2009)* for this site. The policy recommends industrial zoning to support as-of right operations of the City's street maintenance facility at this location until such time as it is proposed for redevelopment; then the recommendation is for Transit-Oriented-Development. The future land use map does illustrate TOD-mixed acknowledging the long-term policy for transit oriented development. Rationale for Recommendation • The City owns the site for its street maintenance and equipment facility. • The rezoning will allow industrial uses including the continued use for the existing maintenance facility.

- The proposal is for only a portion of the parcel to be rezoned, the majority of the parcel will remain zoned TOD-CC.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
- **Existing Zoning and Land Use**



The site was recently rezoned to TOD-CC as part of the City's TOD alignment rezoning effort which rezoned parcels to the appropriate TOD zoning.



The site (red star below) is developed with the City of Charlotte's street maintenance facility. The surrounding area is developed with a mixture of uses. The area to the south and west are primarily industrial uses. There are residential uses to the north and commercial uses to the east along South Boulevard.



South of the site, across Sweden Road are industrial/office uses.



West of the site on Sweden Road are industrial/office uses.

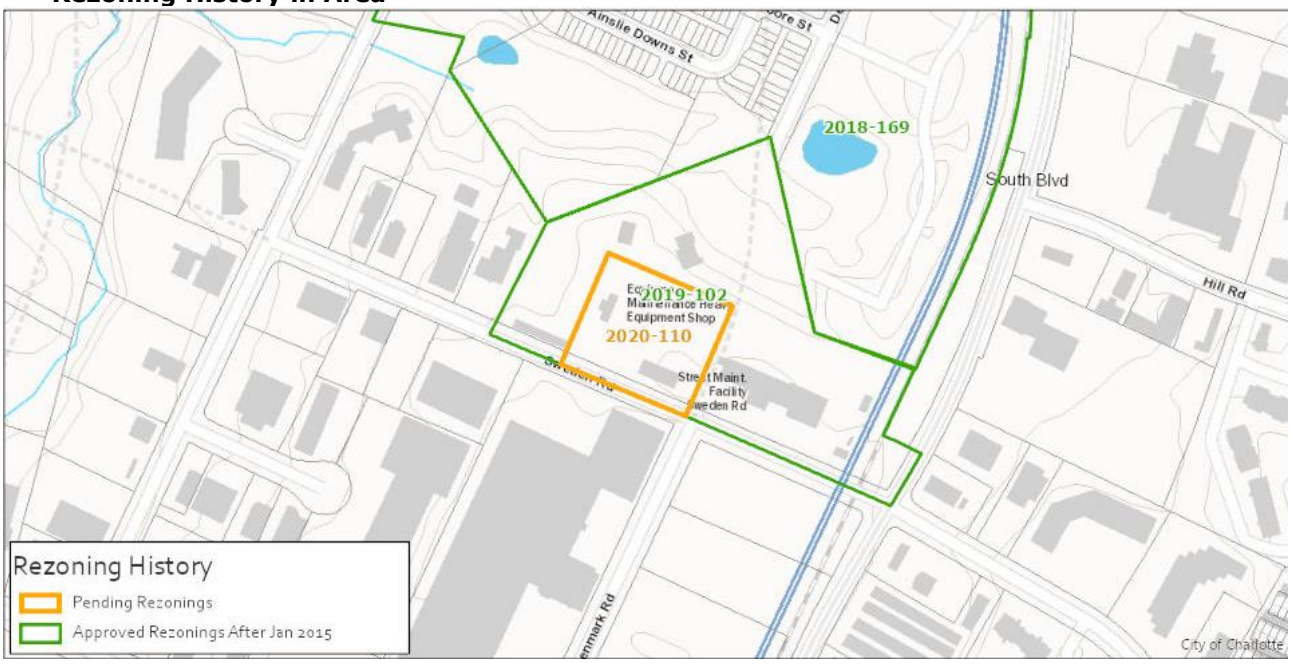


East of the site, across the CATS Lynx Blue Line and the freight rail corridor are commercial uses along South Boulevard.



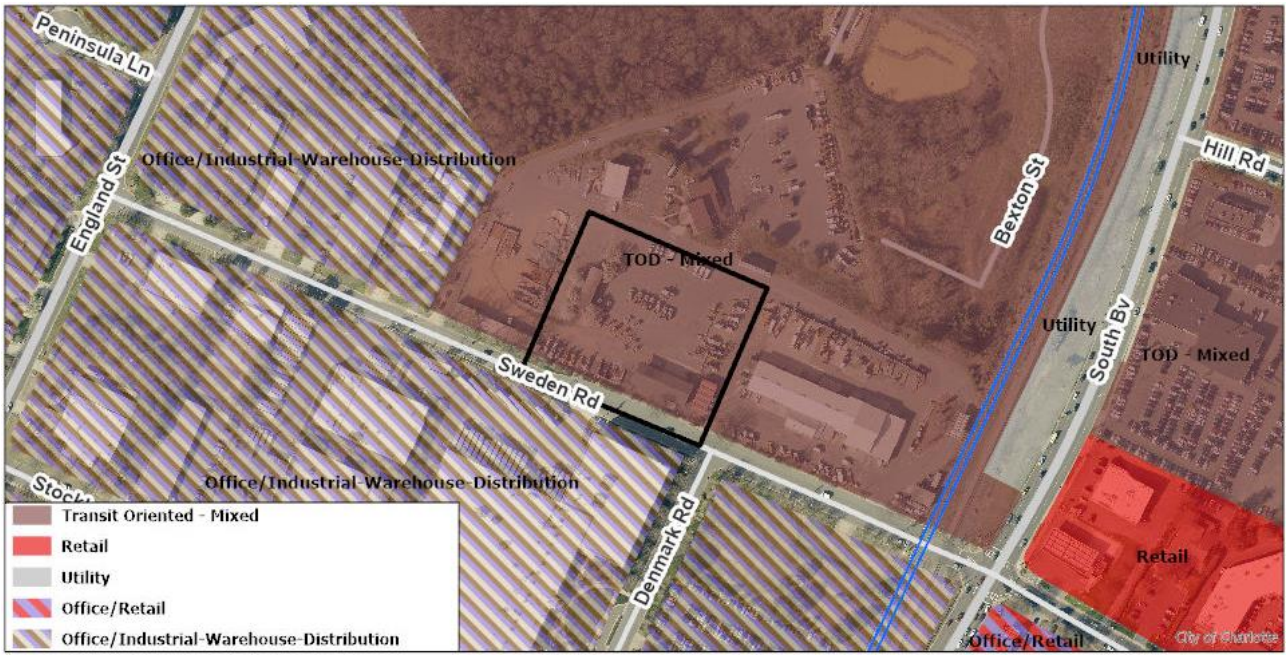
North of the site, near the Arrowood transit station is a residential development known as Hadley.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-169	Text Amendment to the TOD section of the Zoning Ordinance that included converting TOD-M zoned areas to TOD-CC.	Approved
2019-102	TOD alignment zoning for parcels along the Blue Line transit corridor, zoned overall parcel to TOD-CC.	Approved

- **Public Plans and Policies**



- The *Arrowood Station Area Plan* recommends industrial land uses for this site until it is no longer needed for City street maintenance operations, then it recommends TOD land uses for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located along Sweden Road (city maintained, local road) and near Denmark Road (city maintained, local road). The site is in a corridor and is within the Arrowood Transit Plan Study Area. 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 applicable ordinance and area plan's transportation improvements are met.
- **Active Projects:**
  - Potential Roadway Projects Near the Site
    - Denmark Road Extension (Sweden Rd to Arrowood Rd) with a 2-lane divided (median or center turn lane) with bike facilities and sidewalks.
    - Old Pineville Road/England Street (Arrowood Rd to E Hebron St) with a 2-lane divided (median or center turn lane) with bike facilities and sidewalks
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: Too many uses to determine (based on uses allowed in TOD-CC zoning).
  Entitlement: Too many uses to determine (based on uses allowed in TOD-CC zoning).
  Proposed Zoning: 105 trips per day (based on 37,500 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 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:** No locational information provided. 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: John Kinley (704) 336-8311

Petition 2020-110 by City of Charlotte: General Services

To Approve:

This petition is found to be **consistent** with the with the future land use policy in the *Arrowood Station Area Plan* (2009) for this site based on the information from the staff analysis and the public hearing, and because:

- The policy recommends industrial zoning to support as-of right operations of the City's street maintenance facility at this location until such time as it is proposed for redevelopment; then the recommendation is for Transit-Oriented-Development.

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

- The future land use map does illustrate TOD-mixed acknowledging the long-term policy for transit oriented development.
- The City owns the site for its street maintenance and equipment facility.
- The rezoning will allow industrial uses including the continued use for the existing maintenance facility.
- The proposal is for only a portion of the parcel to be rezoned, the majority of the parcel will remain zoned TOD-CC.

To Deny:

This petition is found to be **consistent** with the with the future land use policy in the *Arrowood Station Area Plan* (2009) for this site based on the information from the staff analysis and the public hearing, and because:

- The policy recommends industrial zoning to support as-of right operations of the City's street maintenance facility at this location until such time as it is proposed for redevelopment; then the recommendation is for Transit-Oriented-Development.

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

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused: